

LARRY ECHOHAWK
Attorney General

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

RECEIVED
FEB 19 1993
Department of Water Resources

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 SURFACE AND)
GROUNDWATERS OF THE PAYETTE)
RIVER DRAINAGE BASIN)

CIVIL NO. 3667

STIPULATION RESOLVING
OBJECTIONS TO WATER
RIGHT NOS. 65-02017, 65-05091, 65-05092

HAWKINS
5

HAWKINS

A B
HAWKINS / CONRAD

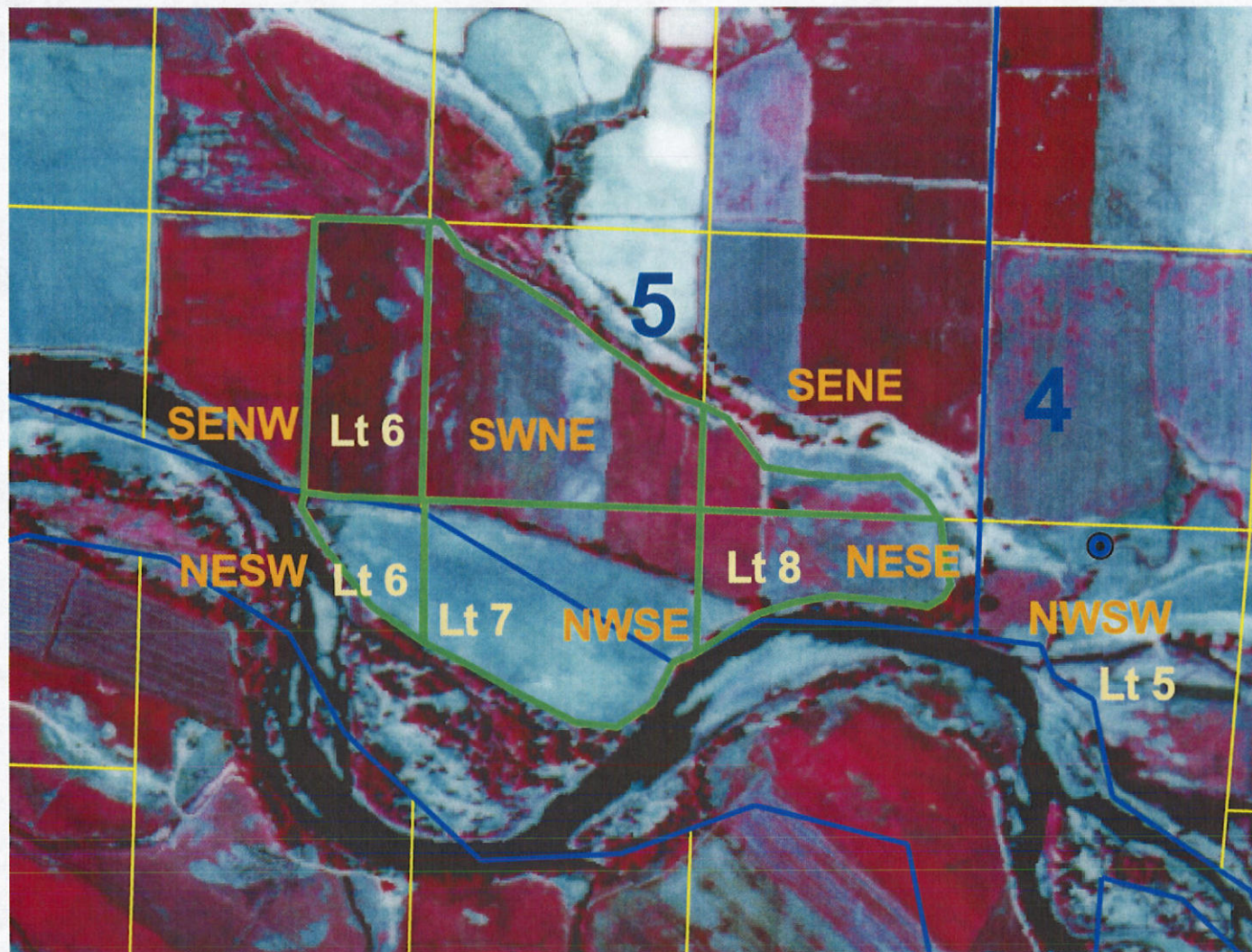
The Director of the Idaho Department of Water Resources, R. Keith Higginson and R. Richard Frasier and Fonda E. Frasier, by and through counsel, stipulate as follows:

1. That water right claim Nos. 65-02017, 65-05091, and 65-05092, 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 R. Richard Frasier and Fonda E. Frasier withdraw 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.

IDAHO DEPARTMENT OF WATER RESOURCES

T06N, R02W, S5



1987 NAPP PHOTO

● POINT OF DIVERSION

PLACE OF USE

1/4 1/4 LINES

SECTION LINES

6 ACRES

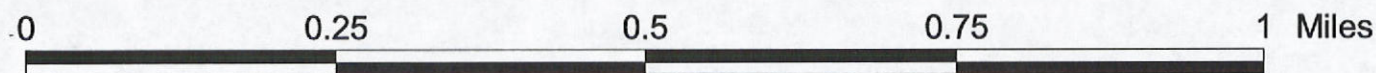
6 SECTION NUMBERS

CLAIM(S): 65-02017A & 65-22302

OWNER(S): HAWKINS, JAY & SHELLY

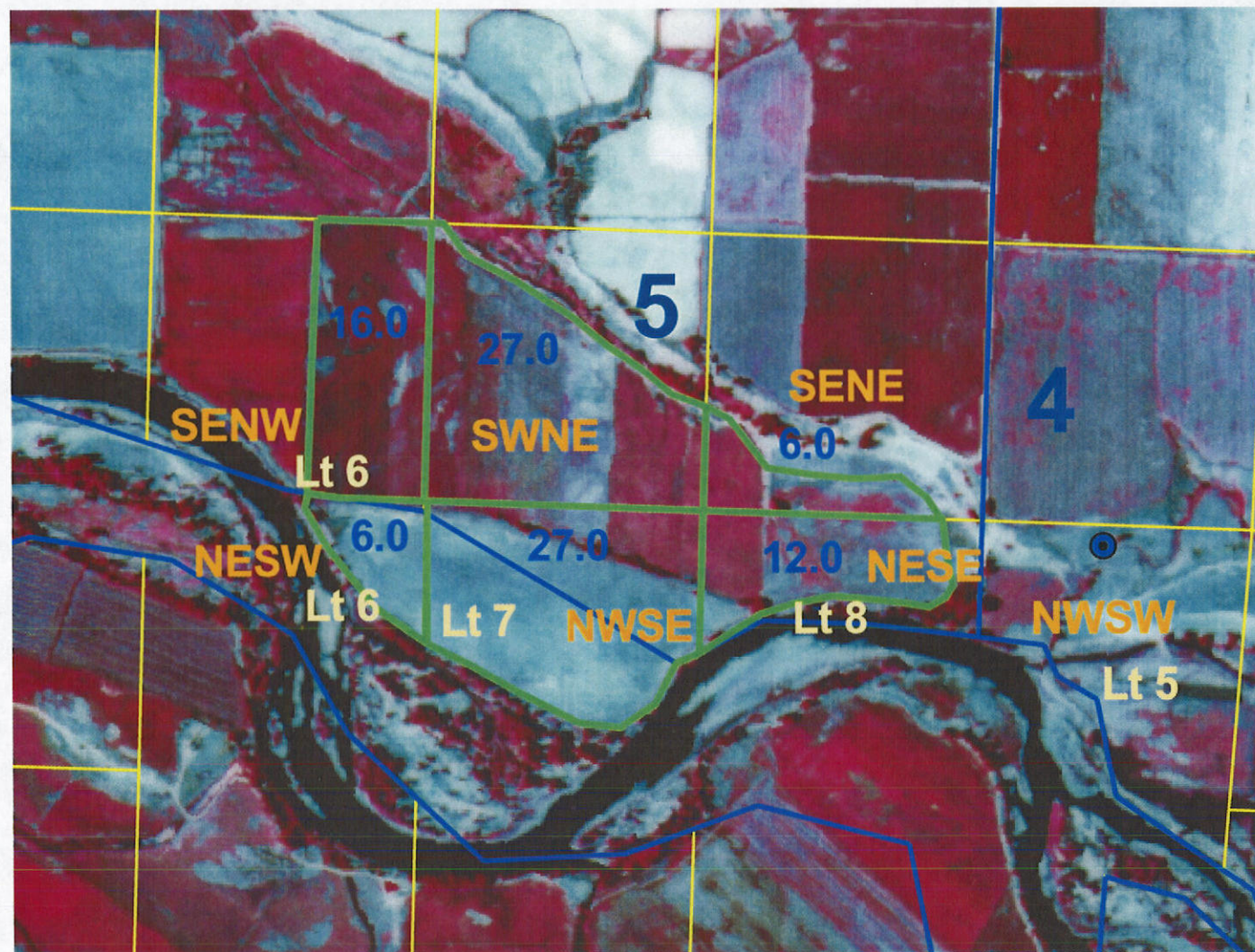
DATE: JANUARY 4, 2001

By: Mel Schulte



IDAHO DEPARTMENT OF WATER RESOURCES

T06N, R02W, S5



1987 NAPP PHOTO

- POINT OF DIVERSION
- PLACE OF USE
- 1/4 1/4 LINES
- SECTION LINES

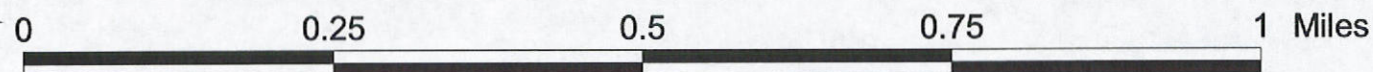
6 ACRES
6 SECTION NUMBERS

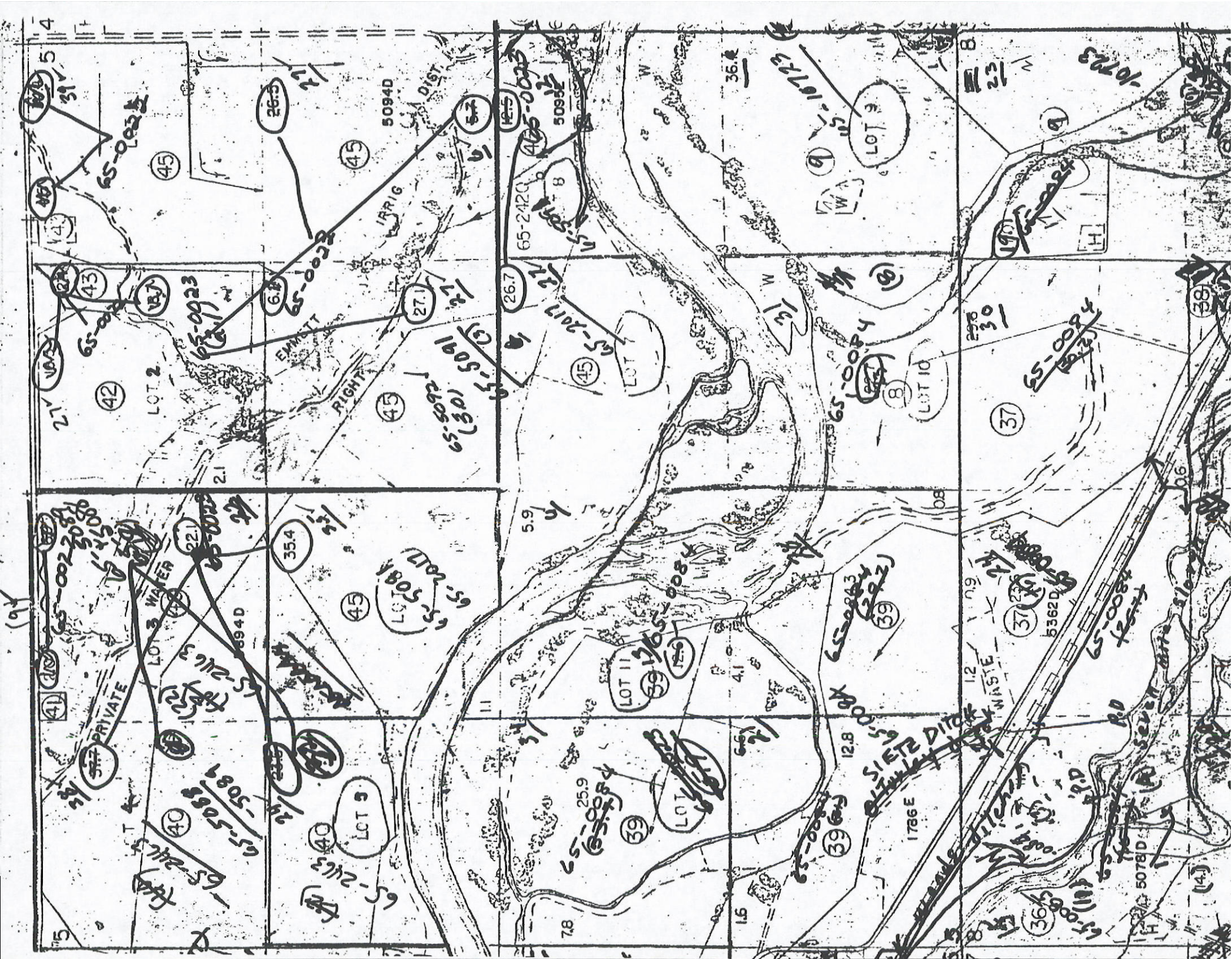
CLAIM(S): 65-02017A & 65-22302

OWNER(S): HAWKINS, JAY & SHELLY

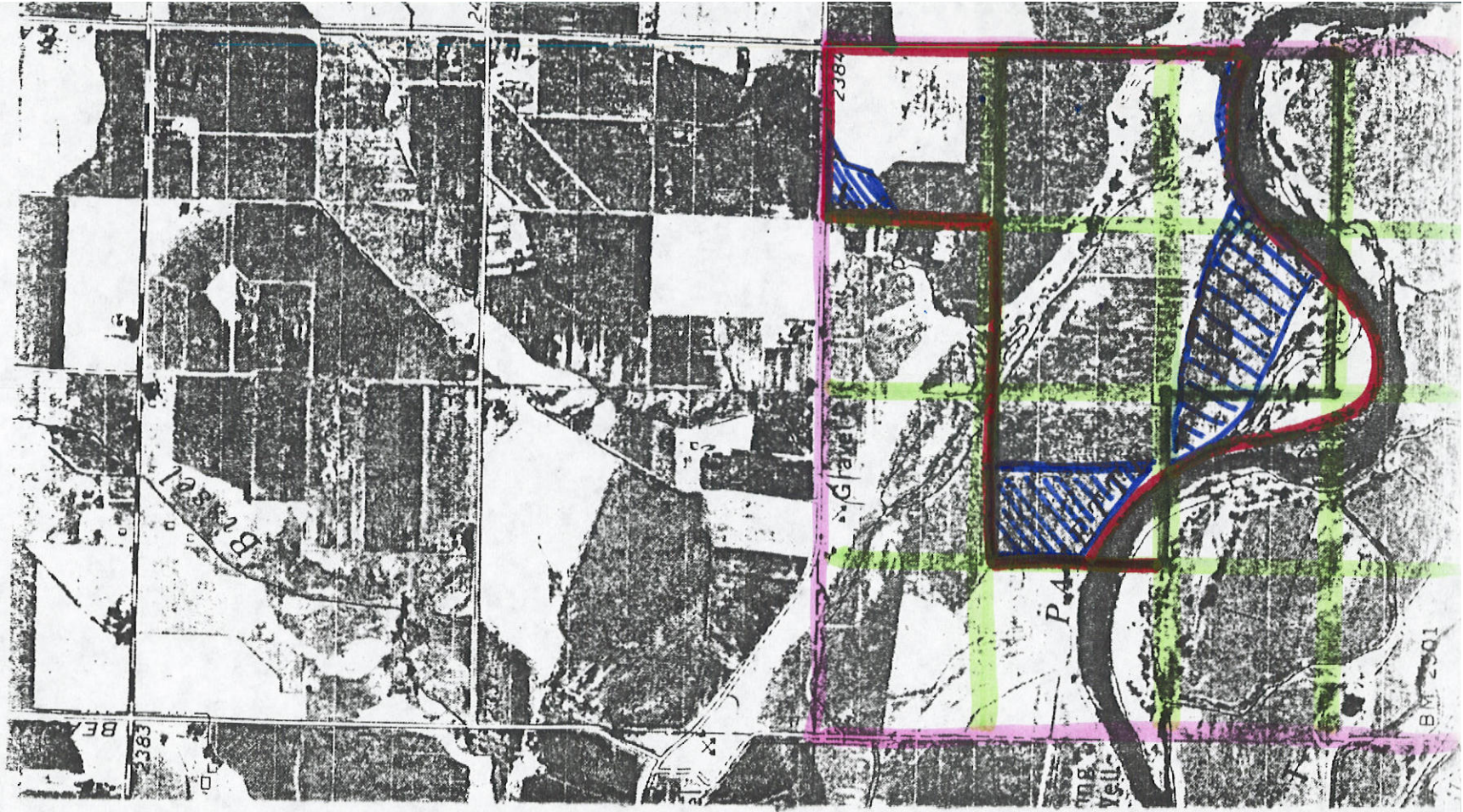
DATE: JANUARY 4, 2001

By: Mel Schulte



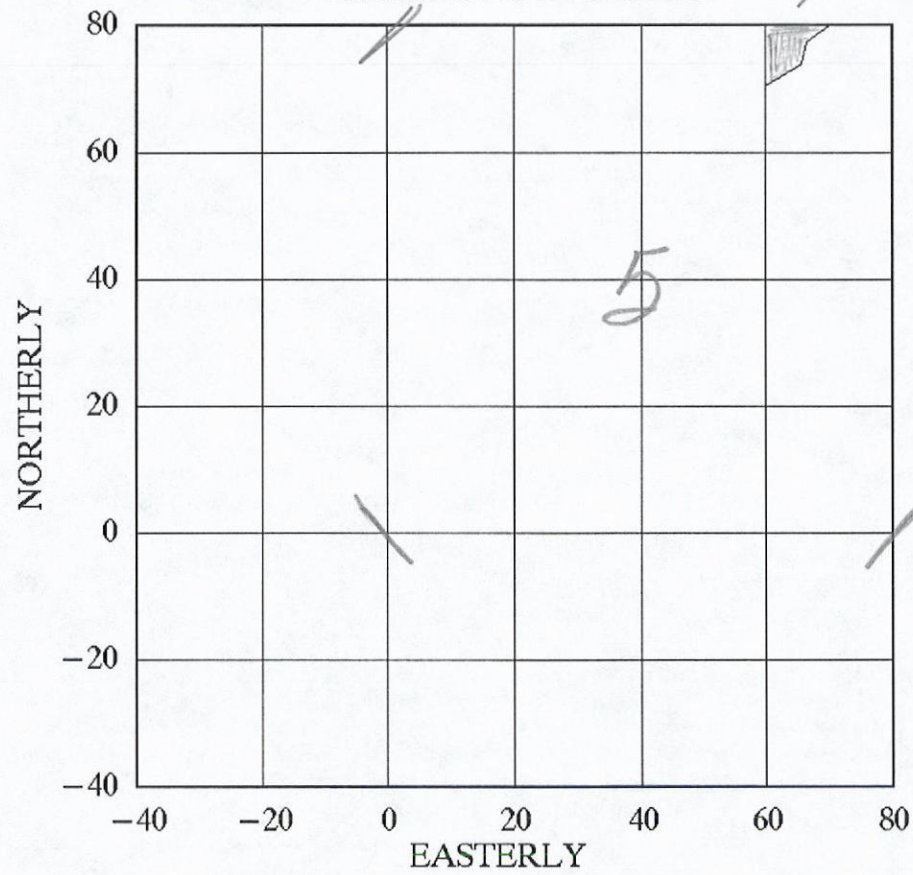


Red = Property
 Hawkings
 Blue = Land in
 Hawkings
 easer to
 Excepted from
 Hawkings



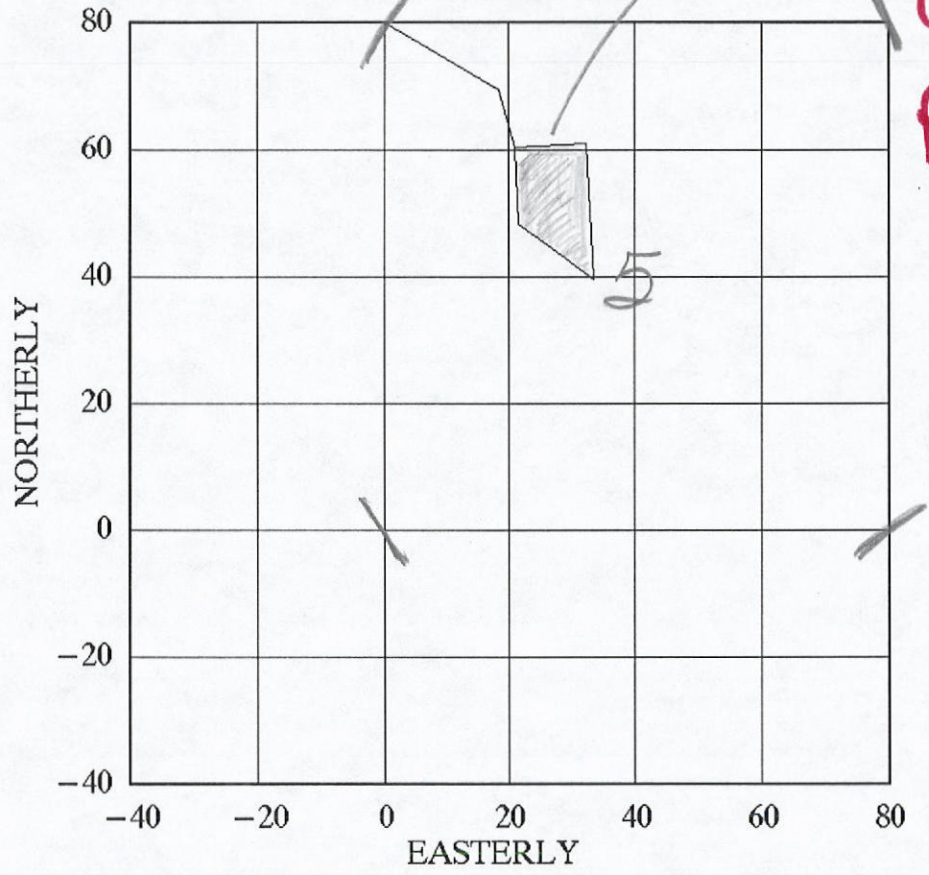
PARCEL PLOT - METES & BOUNDS
DISTANCE IS IN CHAINS

Excepted



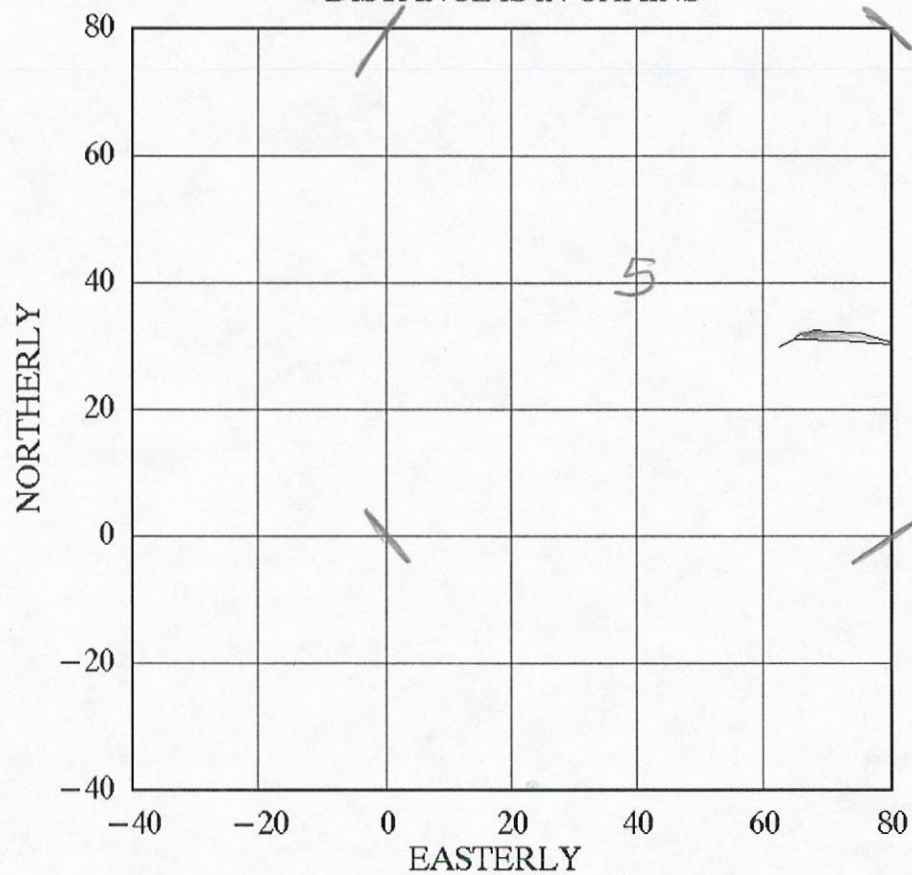
#2

PARCEL PLOT - METES & BOUNDS
DISTANCE IS IN CHAINS



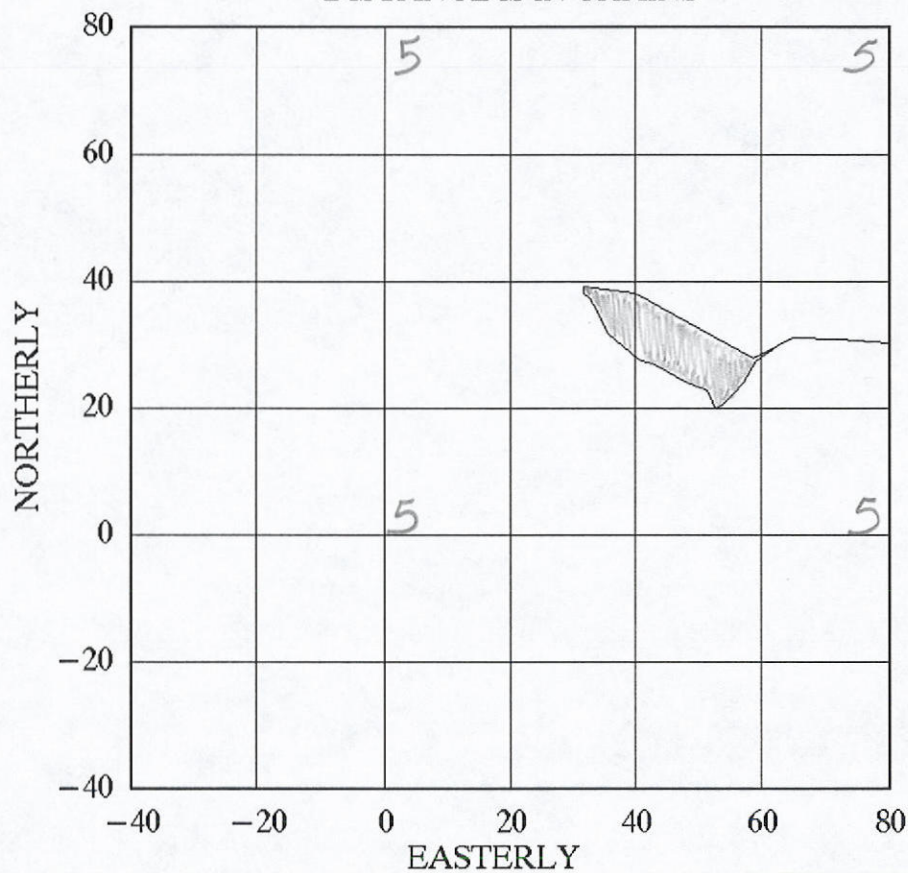
Excepted
Harry
Conrad's
Property

PARCEL PLOT – METES & BOUNDS
DISTANCE IS IN CHAINS



#4
Excepted

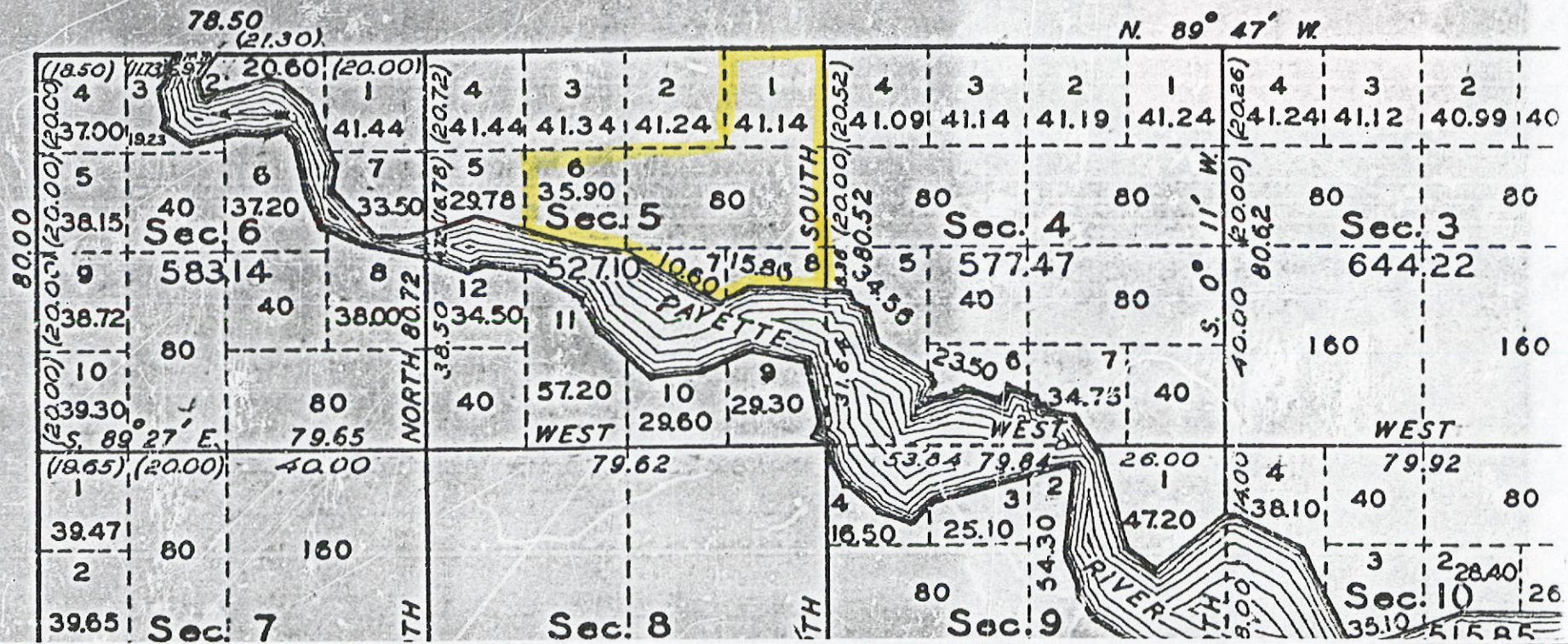
PARCEL PLOT – METES & BOUNDS
DISTANCE IS IN CHAINS



Dated: 10-16-1935

COPY OF

SHIP NO 6 NORTH, RANGE NO 2 WEST OF





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

July 8, 1993

R. Richard Frasier
1111 Big 4 Ave.
Emmett, ID 83617

RE: Payette River Basin Adjudication

Dear Mr. Frasier,

This letter is in response to your telephone request on July 7, 1993. Apparently, some confusion has been created over the objection you filed in the Payette River Basin Adjudication before the Gem County Court. The proposed water rights capsulized below represent the apparently settled result to your objection in that adjudication. Resolving these water rights to the point of a decree awaits a couple of motions before the court the Department will make this year.

<u>Water Right No.</u>	<u>Priority Date</u>	<u>Amount (cfs)</u>
65-02017	11/17/1904	2.00
65-05091	05/28/1925	1.95
65-05092	04/01/1946	0.06

Use of these rights is limited to a total combined diversion rate of 3.95 cfs, a total combined annual consumptive use volume of 395.5 af, and to the irrigation of a combined total of 113 acres in a single irrigation season.

For right nos. 65-02017 and 65-05091 a diversion rate of .034 cfs per acre for 91 acres and .02 cfs per acre for 22 acres at the field headgate is included in the rate of diversion for the place of use described above.

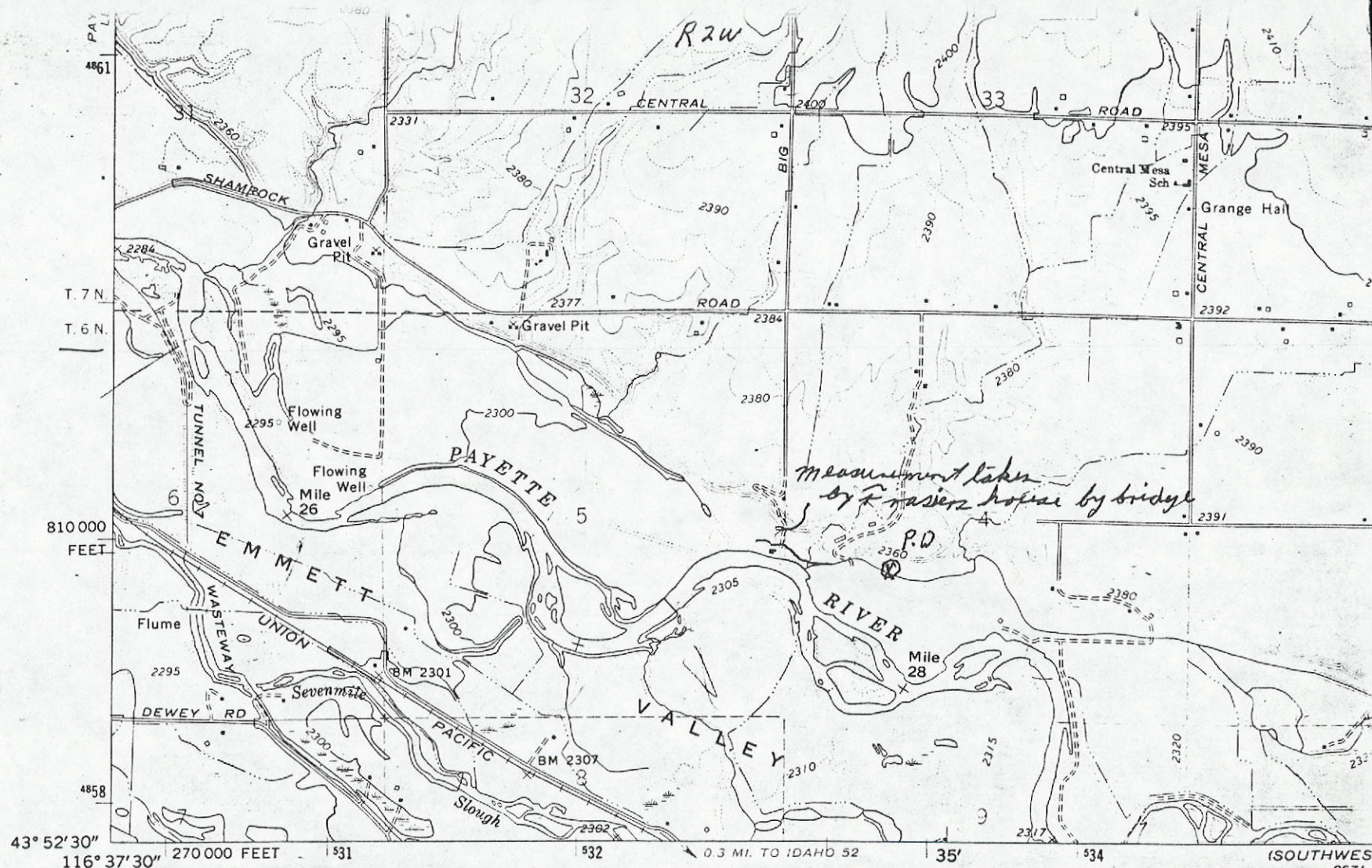
I have limited the response to the contested water rights presuming you or other parties have adequate information about water rights that have already been decreed in the Payette adjudication. I hope you find this information helpful. If you have further questions, please don't hesitate to contact me.

Sincerely,


Donald V. Shaff
Manager, Adjudication Section

DVS:sf:state

[illegible]



(SAND HOLLOW)
2671 / SW

Mapped, edited, and published by the Geological Survey

Control by USGS and USC&GS

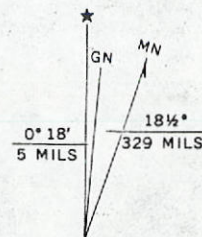
Topography by photogrammetric methods from aerial photographs taken 1969. Field checked 1971

Projection and 10,000-foot grid ticks: Idaho coordinate system, west zone (transverse Mercator)

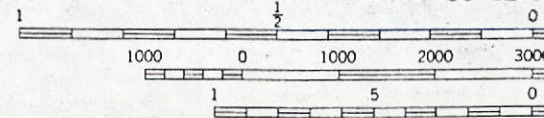
1000-meter Universal Transverse Mercator grid ticks, zone 11, shown in blue. 1927 North American datum

Red tint indicates areas in which only landmark buildings are shown

Fine red dashed lines indicate selected fence lines



UTM GRID AND 1971 MAGNETIC NORTH DECLINATION AT CENTER OF SHEET



CONTOUR INTERVAL
DOTTED LINES REPRESENT
DATUM IS MEAN

THIS MAP COMPLIES WITH NATIONAL
FOR SALE BY U.S. GEOLOGICAL SURVEY, DENVER.
A FOLDER DESCRIBING TOPOGRAPHIC MAPS

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: **A65-02017A**
Date Received: 2/14/1990
Receipt No: X999999
Received By: _____

AMENDED

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

AMENDED

1. Name: JAY L HAWKINS 208-385-0630
Address: 4076 SUNTREE
BOISE ID 83706

AND

Name: SHELLY R HAWKINS 208-385-0630
Address: 4076 SUNTREE
BOISE ID 83706

2. Date of Priority: NOV 17, 1904

3. Source: BAINE GULCH Trib. to: PAYETTE RIVER

4. Point of Diversion:

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

5. Description of diverting works:
DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.660		

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

8. Total consumptive use is 329.0 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	5	SW	NE		IRR	27.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06N	02W	5	SE	NE		IRR	6.0
			SE	NW	6	IRR	16.0
			NE	SE	8	IRR	12.0
			NW	SE	7	IRR	33.0

Section Acres 94.0

Total Acres 94.0

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:

USE OF THIS RIGHT WITH RT. NOS. 65-05091, 65-05092 & 65-02017B IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 3.95 CFS, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 395.5 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 113 ACRES IN A SINGLE IRRIGATION SEASON.

FOR RT. NOS. 65-02017A, 65-02017B AND 65-05091 A DIVERSION RATE OF 0.034 CFS PER ACRE FOR 91 ACRES AND 0.02 CFS PER ACRE FOR 22 ACRES AT THE FIELD HEADGATE IS INCLUDED IN THE RATE OF DIVERSION FOR THE PLACE OF USE DESCRIBED ABOVE.

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 65-02437, 65-02463, 65-05091, 65-11249.

CLAIM AMENDED PER STIPULATION FROM PAYETTE RIVER BASIN ADJUDICATION. KW 7/12/1996

15. Basis of Claim: LICENSE

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 _____

LARRY ECHOHAWK
Attorney General

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

RECEIVED
FEB 19 1993
Department of Water Resources

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. 65-02017 ,
	)	65-05091, 65-05092

The Director of the Idaho Department of Water Resources, R. Keith Higginson and R. Richard Frasier and Fonda E. Frasier, by and through counsel, stipulate as follows:

1. That water right claim Nos. 65-02017, 65-05091, and 65-05092, 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 R. Richard Frasier and Fonda E. Frasier withdraw 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 18th day of February, 1993.

Louie Gorrano
LOUIE GORRANO
Attorney for R. Richard Frasier
and Fonda E. Frasier

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

JAMES R. DOOLITTLE
District Judge

581.24



A6502017A

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
SOURCE: BAINE GULCH		TRIBUTARY: PAYETTE RIVER				
65-02017	R. RICHARD FRASIER FONDA E. FRASIER 1111 BIG 4 AVE. EMMETT ID 83617	11/17/1904	IRRIGATION	03-15 11-15	2.00 CFS	LICENSE
	POINT OF DIVERSION: T06N R02W S04 LOT 5 (NWSW)					
	PLACE OF USE: IRRIGATION					
	T06N R02W S05 SWNE 27.0		SENE 6.0	Lot 6 (SENW)35.0	Lot 8 (NESE)12.0	
	Lot 7 (NWSE)33.0					
	113.0 ACRES TOTAL					
REMARKS:	USE OF THIS RIGHT WITH RIGHT NO. 65-05091 & 65-05092 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 3.95 CFS, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 395.5 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 113 ACRES IN A SINGLE IRRIGATION SEASON.					
	FOR RIGHT NOS. 65-02017 AND 65-05091 A DIVERSION RATE OF .034 CFS PER ACRE FOR 91 ACRES AND .02 CFS PER ACRE FOR 22 ACRES AT THE FIELD HEADGATE IS INCLUDED IN THE RATE OF DIVERSION FOR THE PLACE OF USE DESCRIBED ABOVE.					
	THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 65-02437, 65-02463, 65-05091, AND 65-11249.					
			TOTAL QUANTITY:		2.00 CFS	
65-05091	FONDA E. FRASIER R. RICHARD FRASIER 1111 BIG 4 AVE. EMMETT ID 83617	05/28/1925	IRRIGATION	03-15 11-15	1.95 CFS	BENEFICIAL USE
	POINT OF DIVERSION: T06N R02W S04 LOT 5 (NWSW)					
	PLACE OF USE: IRRIGATION					
	T06N R02W S05 SWNE 27.0		SENE 6.0	Lot 6 (SENW)35.0	Lot 8 (NESE)12.0	
	Lot 7 (NWSE)33.0					
	113.0 ACRES TOTAL					
REMARKS:	USE OF THIS RIGHT WITH RIGHT NO. 65-02017 & 65-05092 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 3.95 CFS, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 395.5 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 113 ACRES IN A SINGLE IRRIGATION SEASON.					
	FOR RIGHT NOS. 65-02017 AND 65-05091 A DIVERSION RATE OF .034 CFS PER ACRE FOR 91 ACRES AND .02 CFS PER ACRE FOR 22 ACRES AT THE FIELD HEADGATE IS INCLUDED IN THE RATE OF DIVERSION FOR THE PLACE OF USE DESCRIBED ABOVE.					
	THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 65-02017, 65-02437, 65-02463 AND 65-11249.					
			TOTAL QUANTITY:		1.95 CFS	

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
SOURCE: UNNAMED STREAM		TRIBUTARY: PAYETTE RIVER				
65-05092	FONDA E. FRASIER R. RICHARD FRASIER 1111 BIG 4 AVE. EMMETT ID 83617	04/01/1946	IRRIGATION	03-15 11-15	.06 CFS	BENEFICIAL USE
TOTAL QUANTITY:					.06 CFS	
POINT OF DIVERSION: T06N R02W S05 LOT 2 (NWNE)						
PLACE OF USE: IRRIGATION T06N R02W S05 SWNE 3.0 3.0 ACRES TOTAL						
REMARKS: USE OF THIS RIGHT WITH RIGHT NO. 65-02017 & 65-05091 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 3.95 CFS, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 395.5 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 113 ACRES IN A SINGLE IRRIGATION SEASON.						

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: **A65-02017A**
Date Received: 2/14/1990
Receipt No: X999999
Received By: _____

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

1. Name: JAY L HAWKINS 208-385-0630
Address: 4076 SUNTREE
BOISE ID 83706

AND

Name: SHELLY R HAWKINS 208-385-0630
Address: 4076 SUNTREE
BOISE ID 83706

2. Date of Priority: NOV 17, 1904

3. Source: BAINE GULCH Trib. to: PAYETTE RIVER

4. Point of Diversion:

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

5. Description of diverting works:
DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	4.520		

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

8. Total consumptive use is 395.5 Acre Feet Per Annum.

9. Non-irrigation uses:

MICROFILMED

10. Place of Use:

AUG 03 1994

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
06N	02W	5	SW NE		IRR	27.0

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
06N	02W	5	SE		NE		IRR	6.0
			SE		NW	6	IRR	35.0
			NE		SE	8	IRR	12.0
			NW		SE	7	IRR	33.0
							Section Acres	113.0
							Total Acres	113.0

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:

THIS RIGHT WHEN COMBINED WITH RIGHT 65-5091 SHALL PROVIDE NO MORE THAN .04 CFS/ACRE.

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: _____

MICROFILMED

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 _____

MICROFILMED



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

RECEIVED

OCT 06 1993

DATE OF CLOSING: 9-16-93Department of Water Resources
Adjudication Bureau

LEGAL DESCRIPTION OF PROPERTY: Township 6N Range 2W
Section 5, 1/4 of 1/4 of 1/4, Govt. Lot , BM.
Lot , Block , Subdivision/Townsite .

If you have additional legal descriptions, please attach separate sheet.

[] Attached Adjudication Claim Profile Report and a copy of Warranty Deed from Frazier Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

[] Water Right Number(s) Assigned by IDWR: A65-05091; A65-05092; 65-05092; A-65-05093; A65-05094; A65-05095; and A65-02017A

[] Name and Address of Former Owner/Claimant(s)(Seller): R. Richard Frasier and Fonda E. Frasier
1111 Big 4 Avenue, Emmett, Idaho 83617

[] New Owner/Claimant (Purchaser): JAY L. HAWKINS and SHELLY R. HAWKINS,
4076 Suntree

[] New Mailing Address: Boise, Idaho

[] New Telephone Number: (208) 385-0630

[] Does the change in ownership result in a splitting of the water right owned/claimed? yes X no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

[] Attach proof of ownership, describe proof attached: Copy of Warranty Deed attached.

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

[] Signature of New Owner/Claimant(s) [Signature] Date 9-16-93

[] Signature of Former Owner/Claimant(s) [Signature] Date 9-16-93

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: 10-13-93 By: [Signature]

Further Action Needed:

Further Action Taken

Date: By:

Final Review and Data-Entry

Date: 10-13-93 By: [Signature]

Claim Numbers of Split, if any:

MICROFILMED

AUG 03 1994

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

WARRANTY DEED

POOR ORIGINAL

For Value Received

R. RICHARD FRASIER and FONDA E. FRASIER, husband and wife,

The grantors, do hereby grant, bargain, sell and convey unto

JAY L. HAWKINS and SHELLY R. HAWKINS, husband and wife,

the grantees, whose current address is 9097 S. Suntime, Boise, Idaho

the following described premises, in

GEM

County Idaho, to-wit:

Legal Description Attached.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee s, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantee s, that they are the owners in fee simple of said premises; that they are free from all incumbrances except: current year taxes, conditions, covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record.

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: September 16, 1993

R. Richard Frasier
R. Richard Frasier

Fonda E. Frasier
Fonda E. Frasier

STATE OF IDAHO, COUNTY OF GEM

On this 16th day of September, 1993,
before me, a notary public in and for the said State, personally
appeared

R. Richard Frasier and Fonda E. Frasier

known or identified to me to be the person s whose name s
subscribed to the within instrument, and acknowledged to me
that they executed the same.

Glenda M. Quinn
Notary Public
Residing at Emmett, Idaho
Comm. Expires 6-30-94

STATE OF IDAHO, COUNTY OF

I hereby certify that this instrument was filed for record at the
request of

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

Ex-Officio Recorder

MICROFILMED

By _____ AUG 03 1994
Deputy.

Fees \$

Mail to

Mr. & Mrs. Jay L. Hawkins
9097 S. Suntime

Boise, Idaho

INSTRUMENT NO.

File No.: 3-17526

POOR ORIGINAL

Legal Description (continued)

TRACT I

TOWNSHIP 6 North, Range 2 West, B.M., Gem County, Idaho

Section 5: Government Lot 1

EXCEPT the following described portion thereof:

BEGINNING at the Northwest corner of Lot 1 of Section 5, T. 6 N., R. 2 W., B.M., run thence

South on quarter quarter line 619 feet to the center line of the Waste Ditch; thence

Northeasterly along the center line of said Waste Ditch on the following courses:

North 59°00' East 435 feet; thence

North 15°30' East 230 feet; thence

North 53°30' East 302 feet, to the North line of said Section; thence

West on section line 671 feet, to said REAL POINT OF BEGINNING.

TRACT II

TOWNSHIP 6 North, Range 2 West, B.M., Gem County, Idaho

Section 5: S 1/2 NE 1/4; Government Lot 6

EXCEPT the following described portion thereof:

A tract of land in Government Lot 6, Section 5, T. 6 N., R. 2 W., B.M., Gem County, Idaho, described as follows:

BEGINNING at the Northwest corner of Section 5, T. 6 N., R. 2 W., B.M.; run thence

South 60°15' East 1400 feet; thence

South 15°47' East 626 feet to a point (which is also the Northwest corner of Government Lot 6) the REAL POINT OF BEGINNING; thence

North 86°51' East 754 feet to an existing fence; thence following said existing fence line,

South 3°03' East 1411.1 feet to the rock levy on the North bank of the Payette River; thence

North 53°11' West 604.1 feet; thence

North 55°00' West 372 feet; thence

North 2°42' West 784 feet to the REAL POINT OF BEGINNING.

GOVERNMENT Lots 7 and 8

EXCEPT the following described tract:

A parcel of land consisting of the eroded ground of the right bank of the

(continued)

MICROFILMED

AUG 03 1994

File No.: 3-17526

POOR ORIGINAL

Legal Description (continued)

Payette River between the Meander Line surveyed in August, 1868 and the location of the approximate mean high water line as determined by Donald R. Stockton, State Department of lands, State of Idaho and Roger E. Bennie, P.L.S. Fischer Land Surveying, Inc. in July, 1993, said parcel of land being adjacent to Government Lots 6, 7 and 8, Section 5, Township 6 North, Range 2 West, B.M., Gem County, Idaho, more particularly described as follows:

COMMENCING at the Northeast corner of Section 5, Township 6 North, Range 2 West, B.M., Gem County, Idaho; thence
 South 00°02'52" East, 3286.72 feet to the Meander line of the right bank of the Payette River as surveyed in August 1868 and the REAL POINT OF BEGINNING;
 thence along said Meander line
 North 84°19'49" West, 518.77 feet; thence
 North 89°24'09" West, 487.70 feet; thence
 South 62°07'26" West, 165.32 feet to the high water line of the right bank of the Payette River as determined in July 1993; thence along said high water line the following courses and distances:
 North 56°26'00" East, 71.77 feet;
 North 65°22'00" East, 74.00 feet;
 North 48°46'00" East, 67.00 feet;
 North 71°54'00" East, 183.00 feet;
 South 85°42'20" East, 165.99 feet;
 South 88°15'00" East, 317.00 feet;
 South 67°08'29" East, 122.94 feet;
 South 74°45'00" East, 200.00 feet;
 North 88°26'00" East, 10.00 feet to the East line of said Section 5; thence
 leaving said high water line and along the East line of said Section 5,
 South 00°02'52" East, 28.38 feet to the REAL POINT OF BEGINNING.

TRACT III

A parcel of land consisting of the accretion ground of the right bank of the Payette River between the Meander Line surveyed in August 1868 and the location of the approximate mean high water line as determined by Donald R. Stockton, State Department of lands, State of Idaho and Roger E. Bennie, P.L.S. Fischer Land Surveying, Inc. in July, 1993, said parcel of land being adjacent to Government Lots 6, 7 and 8, Section 5, Township 6 North, Range 2 West, B.M., Gem County, Idaho, more particularly described as follows:

COMMENCING at the Northeast corner of Section 5, Township 6 North, Range 2 West, B.M., Gem County, Idaho; thence
 South 00°02'52" East, 3286.72 feet to the Meander line of the right bank of the Payette River as surveyed in August 1868; thence along said Meander line
 North 84°19'49" West, 518.77 feet; thence
 North 89°24'09" West, 487.70 feet; thence
 South 62°07'26" West, 165.32 feet to the high water line of the right bank of the Payette River as determined in July, 1993 and the REAL POINT OF BEGINNING.

(Continued)

MICROFILMED

AUG 03 1994

File No.: 3-17526

POOR ORIGINAL

Legal Description (continued)

BEGINNING; thence along said high water line the following courses and distances;

South 56°26'00" West, 280.23 feet;
South 29°56'00" West, 267.00 feet;
South 38°49'00" West, 134.00 feet;
South 44°40'00" West, 174.00 feet;
South 65°48'00" West, 87.00 feet;
North 18°19'00" West, 115.00 feet;
North 27°46'00" West, 84.00 feet;
North 71°31'00" West, 236.00 feet;
North 59°16'00" West, 375.50 feet;
North 71°25'00" West, 191.00 feet;
North 49°47'00" West, 409.00 feet;
North 25°53'00" West, 270.00 feet;
North 33°25'00" West, 152.00 feet;
North 49°45'00" West, 86.00 feet to an existing fence line of which is the
Westerly property line of this property; thence
North 00°48'25" West, 69.73 feet along said fence line to the Meander line of
the right bank of the Payette River as surveyed in August, 1868; thence
along said Meander Line
South 82°18'11" East, 553.95 feet; thence
South 61°04'29" East, 1407.49 feet; thence
North 62°07'26" East, 288.42 feet to the REAL POINT OF BEGINNING.

MICROFILMED

AUG 03 1994

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: A65-02017A
Date Received: 2/14/1990
Receipt No: X999999
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: R. RICHARD FRASIER 208-365-3868
Address: 1111 BIG 4 AVE.
EMMETT ID 83617

AND/OR

Name: FONDA E. FRASIER 208-365-3868
Address: 1111 BIG 4 AVE.
EMMETT ID 83617

2. Date of Priority: NOV 17, 1904

3. Source: BAINE GULCH Trib. to: PAYETTE RIVER

4. Point of Diversion:

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

5. Description of diverting works:
DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	4.520		

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

8. Total consumptive use is 395.5 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	5	SW NE		IRR	27.0

A65-02017A

Page 1

Date: 10/16/91

MICROFILMED

AUG 03 1994

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06N	02W	5	SE	NE		IRR	6.0
			SE	NW	6	IRR	35.0
			NE	SE	8	IRR	12.0
			NW	SE	7	IRR	33.0
Section Acres							113.0
Total Acres							113.0

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:

THIS RIGHT WHEN COMBINED WITH RIGHT 65-5091 SHALL PROVIDE NO MORE THAN .04 CFS/ACRE.

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)
) SS.
County of _____)

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: A65-02017A
Date Received: 1/10/1990
Receipt No: X999999
Received By: B-DE

FEB 15 1990
Filed 2/14/90 DWR
Department of Water Resources

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: R. RICHARD FRASIER 208-365-3868
Address: 1111 BIG 4 AVE.
EMMETT, ID 83617

AND/OR

Name: FONDA E. FRASIER 208-365-3868
Address: 1111 BIG 4 AVE.
EMMETT, ID 83617

2. Date of Priority: NOV 17, 1904

3. Source: ~~Baine Gulch~~ *Baine Gulch R.F.* Trib. to: PAYETTE RIVER

4. Point of Diversion:

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

5. Description of diverting works:
DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	4.520		

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

8. Total consumptive use is 395.5 Acre Feet Per Annum.

9. Non-irrigation uses:

A65-02017

Page 1

Date: 01/10/90

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JUN 13 1990

Department of Water Resources

See remark
MICROFILMED
AUG 03 1994

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
06N	02W	5	SW NE		IRR	27.0
			SE NE		IRR	6.0
			SE NW	6	IRR	35.0
			NE SE	8	IRR	12.0
			NW SE	7	IRR	33.0
					Section Acres	113.0
					Total Acres	113.0

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:

R.D.
THIS RIGHT WHEN COMBINED WITH RIGHT 65-5091 SHALL PROVIDE NO
MORE THAN ~~.02~~ *.04* CFS/ACRE.

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: 0

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): Richard Frazier Date: 2-14-90
Fonda Frazier Date: 2-14-1990

State of Idaho)
County of Gem) SS.

Subscribed and sworn (or affirmed) before me this 14th day

of February 19 90

Seal

J. F. Frazier
Notary Public

Residing at Emmett Idaho

My Commission Expires September 20, 1995

4/5/1989

SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME

FRASIER

CLAIM IDENT. NO.

AL5-02017

DATE RECEIVED

2/14/90

CK #

AMOUNT

Exempt

YES

NO

Required Info?

1. Is the name and address complete with zip code? ☐ YES ☐ NO ☐ *
2. Is a priority date entered? ☐ YES ☐ NO ☐ *
- Is the priority date acceptable in view of mandatory filing dates? ☐ YES ☐ NO ☐ *
- See Adjudication Memos #1 and #4 to determine if a Permit is required. ☐ YES ☐ NO ☐ *
3. (a) Is a source entered? ☐ YES ☐ NO ☐ *
- (b) Is a tributary to entered? (if required) ☐ YES ☐ NO ☐ N/A ☐ *
4. Is the legal description of the p.d. sufficient? ☐ YES ☐ NO ☐ *
5. Is there a description of the diverting works? ☐ YES ☐ NO ☐ *
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 ☐ *
- Is the period of use included? ☐ YES ☐ NO ☐ *
- Is a quantity claimed for each use? ☐ YES ☐ NO ☐ *
7. Is a total quantity claimed entered? ☐ YES ☐ NO ☐ *
8. If required is a consumptive use entered? ☐ YES ☐ NO ☐ N/A ☐ *
- Is the consumptive use correct? ☐ YES ☐ NO ☐ N/A ☐ *
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 ☐ N/A ☐ *
10. Is (are) the place(s) of use and purpose(s) indicated? ☐ YES ☐ NO ☐ *
11. Is (are) the county(ies) entered? ☐ YES ☐ NO ☐ *
12. Is the ownership of p.u. checked? ☐ YES ☐ NO ☐ *
13. Are other water rights listed or "none" indicated? ☐ YES ☐ NO ☐ *
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 ☐ N/A ☐ *
15. Is the basis of the claim indicated? ☐ YES ☐ NO ☐ *
16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) ☐ YES ☐ NO ☐ N/A ☐ *
17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block. ☐ YES ☐ NO ☐ *
18. Has the claim been signed, sealed, and dated by a notary? ☐ YES ☐ NO ☐ *
19. Was this claim filed on time, or was an extension granted? ☐ YES ☐ NO ☐ *
20. Is the fee enclosed correct? ☐ YES ☐ NO ☐ Exempt ☐ *
21. If this claim is based on an existing water right, has the identification number been entered? ☐ YES ☐ NO ☐ N/A ☐ *
22. Should this claim be data entered? ☐ YES ☐ NO ☐ *

Claim checked by:

AB

Date:

7/9/90

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:

Date:

Date:

Date:

Checked by:

Date:

Comments:

exempt even w/ changes

MICROFILMED Resolved

object from pay# adj.

AUG 03 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

01/08/2001

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

RIGHT NUMBER: 65-2017A

NAME AND ADDRESS: JAY L HAWKINS
SHELLY R HAWKINS
4076 SUNTREE
BOISE, ID 83706

SOURCE: BAINE GULCH CREEK TRIBUTARY PAYETTE RIVER
:

QUANTITY: 1.66 CFS

FOR THIS RIGHT AND 65-22302 A DIVERSION RATE OF
.034 CFS PER ACRE FOR 72 ACRES AND .02 CFS PER ACRE FOR
22 ACRES AT THE FIELD HEADGATES IS INCLUDED IN THE
DIVERSION RATE FOR THE PLACE OF USE DESCRIBED.

USE OF THIS RIGHT WITH RT. NOS. 65-05092 & 65-22302
IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF
3.34 CFS AND TO THE IRRIGATION OF A COMBINED TOTAL OF
94 ACRES IN A SINGLE IRRIGATION SEASON.

PRIORITY DATE: 11/17/1904

POINT OF T06N R02W S4 LOT 5 NWSW Within GEM County
DIVERSION:

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03-15 11-15	1.66 CFS

PLACE OF USE:

<u>IRRIGATION Within GEM County</u>					
T06N R02W S5		SWNE	27	T06N R02W S5	SENE 6
T06N R02W S5	LOT 6	SENE	16	T06N R02W S5	LOT 6 NESW 6
T06N R02W S5	LOT 8	NESE	12	T06N R02W S5	LOT 7 NWSE 27

94 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 - License

AJ5809NP
No. A65-02017A

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 08/18/00
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	JAY L HAWKINS	11/17/1904	IRRIGATION	03-15 11-15	1.660 CFS	
C	SHELLY R HAWKINS					
	4076 SUNTREE					
	BOISE ID 83706					
	(208) 385-0630					
				TOTAL DIVERSION:	1.660 CFS	
				CONSUMPTIVE USE:		329.00 AFA

Water Source: BAINE GULCH

Creek

Tributary to: PAYETTE RIVER

Stage: LICENSE

Point(s) of Diversion: T06N R02W S04 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	5	:			27	06	:			06-16	:				08-12	07-33	:	94.0	
TOTAL ACRES																			94.0	

POU County: GEM

Remarks: GEN

USE OF THIS RIGHT WITH RT. NOS. ~~65-05091, 65-05092, 65-02017A~~ ^{22302 3.34}
IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF ~~3.95~~ CFS, A
TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF ~~395.5~~ AF, AND TO
THE IRRIGATION OF A COMBINED TOTAL OF ~~113~~ ⁹⁴ ACRES IN A SINGLE
IRRIGATION SEASON.

this FOR RT. NOS. ~~65-02017A, 65-02017B AND 65-05091~~ A DIVERSION
RATE OF 0.034 CFS PER ACRE FOR ~~22~~ ACRES AND 0.02 CFS PER ACRE FOR
22 ACRES AT THE FIELD HEADGATE IS INCLUDED IN THE RATE OF
DIVERSION FOR THE PLACE OF USE DESCRIBED ABOVE.

~~THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE: 65-02437, 65-02463, 65-05091,
65-11249~~

CLAIM AMENDED PER STIPULATION FROM PAYETTE RIVER BASIN
ADJUDICATION. KW 7/12/1996

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number: 65

Field Inspection Flag:

Presumption Flag:

Audit: 10/16/91 BAUMHOFF 10/13/93 HARRIS 03/30/95 POST-STD 07/12/96 KWALKER

C18

LARRY ECHOHAWK
Attorney General

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

RECEIVED
FEB 19 1993

Department of Water Resources

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 SURFACE AND)
GROUNDWATERS OF THE PAYETTE)
RIVER DRAINAGE BASIN)

CIVIL NO. 3667

STIPULATION RESOLVING
OBJECTIONS TO WATER
RIGHT NOS. [REDACTED], ^A ^B *HAWKINS / WRA*
65-05091, 65-05092

HAWKINS

HAWKINS

5

The Director of the Idaho Department of Water Resources, R. Keith Higginson and R. Richard Frasier and Fonda E. Frasier, by and through counsel, stipulate as follows:

1. That water right claim Nos. 65-02017, 65-05091, and 65-05092, 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 R. Richard Frasier and Fonda E. Frasier withdraw 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 18th day of February, 1993.

Louie Gorrano
LOUIE GORRANO
Attorney for R. Richard Frasier
and Fonda E. Frasier

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: BAINE GULCH		TRIBUTARY: PAYETTE RIVER				
65-02017	R. RICHARD FRASIER FONDA E. FRASIER 1111 BIG 4 AVE. EMMETT ID 83617	11/17/1904	IRRIGATION	03-15 11-15	2.00 CFS	LICENSE
TOTAL QUANTITY:					2.00 CFS	
POINT OF DIVERSION: T06N R02W S04 LOT 5 (NWSW)						
PLACE OF USE: IRRIGATION T06N R02W S05 SWNE 27.0 SENE 6.0 Lot 6 (SENW)35.0 Lot 8 (NESE)12.0 Lot 7 (NWSE)33.0 113.0 ACRES TOTAL						
REMARKS: USE OF THIS RIGHT WITH RIGHT NO. 65-05091 & 65-05092 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 3.95 CFS, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 395.5 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 113 ACRES IN A SINGLE IRRIGATION SEASON. FOR RIGHT NOS. 65-02017 AND 65-05091 A DIVERSION RATE OF .034 CFS PER ACRE FOR 91 ACRES AND .02 CFS PER ACRE FOR 22 ACRES AT THE FIELD HEADGATE IS INCLUDED IN THE RATE OF DIVERSION FOR THE PLACE OF USE DESCRIBED ABOVE. THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 65-02437, 65-02463, 65-05091, AND 65-11249.						
65-05091	FONDA E. FRASIER R. RICHARD FRASIER 1111 BIG 4 AVE. EMMETT ID 83617	05/28/1925	IRRIGATION	03-15 11-15	1.95 CFS	BENEFICIAL USE
TOTAL QUANTITY:					1.95 CFS	
POINT OF DIVERSION: T06N R02W S04 LOT 5 (NWSW)						
PLACE OF USE: IRRIGATION T06N R02W S05 SWNE 27.0 SENE 6.0 Lot 6 (SENW)35.0 Lot 8 (NESE)12.0 Lot 7 (NWSE)33.0 113.0 ACRES TOTAL						
REMARKS: USE OF THIS RIGHT WITH RIGHT NO. 65-02017 & 65-05092 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 3.95 CFS, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 395.5 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 113 ACRES IN A SINGLE IRRIGATION SEASON. FOR RIGHT NOS. 65-02017 AND 65-05091 A DIVERSION RATE OF .034 CFS PER ACRE FOR 91 ACRES AND .02 CFS PER ACRE FOR 22 ACRES AT THE FIELD HEADGATE IS INCLUDED IN THE RATE OF DIVERSION FOR THE PLACE OF USE DESCRIBED ABOVE. THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 65-02017, 65-02437, 65-02463 AND 65-11249.						

65-5091
65-2017

Ac. 10/Ac
5 10

SENE

1 2¹.034 cfs/Ac

48(N ESE)

10 10

2 2¹.034 cfs/Ac

LT 7

3 10

30 2¹.034 cfs/Ac

SWNE

4 10

23 2¹.034 cfs/Ac

LT 6 (SEWN)

35 2¹.034 cfs

22 10

21 2¹.034 cfs/Ac

~~21~~ 2.13 MI
#1

NEW MARKS 7/17/96


DIVERSION RATE CALCULATIONS

Water Right No. 65-05091 + 65-02017

Date 4/20/92

Initials gf

Soils	Acres		Rate (cfs/ac)		Rate (cfs)
Moulton	<u>91</u>	x	0.034	=	<u>3.09</u>
Letha	<u>-</u>	x	0.029	=	<u>-</u>
Other	<u>22</u>	x	0.02	=	<u>.44</u>
Total	<u>113</u>				<u>3.53</u>

Conveyance Loss (see attached) = 0.42

TOTAL DIVERSION RATE = < see below

Comments: 65-02017 LICENSE 2.0 CFS
 65-05091 (3.53 + .42) - 2.0 = 1.95 CFS

65-02462, 65-11249, 65-2437, 65-02017, 65-05091

4/20/92

4

CONVEYANCE LOSS - MORITZ

REACH	LENGTH (FT)	AVE VELOCITY (FT/SEC)	SEEPAGE (FT/DAY)	MORITZ LOSS (CFS)	DELIVERY (CFS)	DELIVERY LEFT (CFS)	LOSS FACTOR	DELIVERY LOSS (CFS)	FLOW (CFS)
1	5280	1.75	1.50	0.59	4.25	6.37	0.0931	0.40	7.13
2	2640	1.75	1.50	0.17	2.12	2.12	0.0794	0.37	2.29
3	0	0.00	0.00	0.00	0.00	0.00	0.0000	0.00	-0.00
4	0	0.00	0.00	0.00	0.00	0.00	0.0000	0.00	-0.00
5	0	0.00	0.00	0.00	0.00	0.00	0.0000	0.00	-0.00
6	0	0.00	0.00	0.00	0.00	0.00	0.0000	0.00	-0.00
7	0	0.00	0.00	0.00	0.00	0.00	0.0000	0.00	-0.00
8	0	0.00	0.00	0.00	0.00	0.00	0.0000	0.00	-0.00
9	0	0.00	0.00	0.00	0.00	0.00	0.0000	0.00	-0.00
10	0	0.00	0.00	0.00	0.00	0.00	0.0000	0.00	-0.00
11	0	0.00	0.00	0.00	0.00	0.00	0.0000	0.00	-0.00
12	0	0.00	0.00	0.00	0.00	0.00	0.0000	0.00	-0.00
13	0	0.00	0.00	0.00	0.00	0.00	0.0000	0.00	-0.00
14	0	0.00	0.00	0.00	0.00	0.00	0.0000	0.00	-0.00
15	0	0.00	0.00	0.00	0.00	0.00	0.0000	0.00	-0.00
16	0	0.00	0.00	0.00	0.00	0.00	0.0000	0.00	-0.00
17	0	0.00	0.00	0.00	0.00	0.00	0.0000	0.00	-0.00
18	0	0.00	0.00	0.00	0.00	0.00	0.0000	0.00	-0.00
19	0	0.00	0.00	0.00	0.00	0.00	0.0000	0.00	-0.00
20	0	0.00	0.00	0.00	0.00	0.00	0.0000	0.00	-0.00

TOTALS 7920 0.76 6.37 0.76

REACH = SECTION OF CHANNEL

LENGTH = LENGTH OF REACH, THE CHANNEL CAN DIVIDED INTO EQUAL LENGTH REACHES
OR ACTUAL LENGTHS BETWEEN DELIVERY POINTS

AVE VELOCITY = AVERAGE VELOCITY IN REACH, USE 1.75 FT/SEC FOR EARTH CHANNELS IF
IF ACTUAL VELOCITY IS UNKNOWN

SEEPAGE = SOIL SEEPAGE RATE OF REACH

MORITZ LOSS = CONVEYANCE LOSS IN REACH BASED ON MORITZ METHOD

DELIVERY = TOTAL DELIVERIES IN REACH

DELIVERY LEFT = SUM(DELIVERIES OF CURRENT AND REMAINING REACHES)

LOSS FACTOR = MORITZ LOSS/DELIVERY LEFT

DELIVERY LOSS = SUM(LOSS FACTORS OF CURRENT AND PREVIOUS REACHES) X DELIVERY,
REPRESENTS THE LOSSES ASSIGNED TO THE DELIVERIES IN THE REACH

FLOW = TOTAL FLOW AT BEGINNING OF EACH REACH

@ FIELD

LOSS
RATE

65-2463	1.8	LICENSE
65-11249	.06	DECKED
65-2437	.98	DECKED
65-2017	3.53	LICENSE
65-5091		0.92
6.37		

SD-1151-2

Idaho Department of Water Resources
Selection File Maintenance, Screen II

Date 08/09/96
Time 07:43:16

Go to Page _____

all 'o' owner

Page: 1

A65-02017A

A65-02017B

A65-05091

A65-05092

A65-05093

A65-05094

A65-05095

R65-02017

R65-02017B

R65-05091

R65-05092

IMPORTANT NOTICE REGARDING YOUR WATER RIGHT

**THIS CONTAINS YOUR LEGAL NOTICE OF THE DIRECTOR'S REPORTS OF U.S. AND
TRIBAL NON-CONSUMPTIVE CLAIMS IN THE SNAKE RIVER BASIN ADJUDICATION
THESE CLAIMS COULD AFFECT YOUR WATER RIGHT**

45369
Idaho Department of water Resources
Statehouse Mail
Boise, Idaho 83720

pls file

RECEIVED

AUG 12 1996

WATER RESOURCES
WESTERN REGION

Presorted
First Class Mail
U.S. Postage Paid
Boise, Idaho
Permit No. 1

RECEIVED

APR 20 1993

Department of Water Resources

FRASIER 836172022 1493 04/19/95
FORWARDING TIME EXPIRED
FRASIER 400 W LAKE ST
ID 83617-3601
WE CALL RETURN TO SENDER

FONDA E FRASIER
R RICHARD FRASIER
1111 BIG 4 AVE
EMMETT ID 83617

NOTICE OF FILING DIRECTOR'S REPORT

DIRECTOR'S REPORT

This Director's Report Part II is a report by the Director of the Idaho Department of Water Resources (IDWR). It contains abstracts of claims by the United States and Indian Tribes to "non-consumptive" water rights (such as instream flows) throughout the Snake River Basin. The abstracts summarize the claims without substantively changing the water right as claimed. The Supplemental Director's Report Part II includes abstracts of claims not included in the Director's Report Part II. The supplemental report also includes abstracts of amended claims, which contain changes to claims previously abstracted in the Director's Report Part II.

The Director's Report Part III contains the claims filed for these water rights, and includes both the claim documents and maps. The Supplemental Director's Report Part III includes claims not included in the Director's Report Part III, as well as amended claims which contain changes to claims included in the Director's Report Part III.

Complete copies of Part II of the reports are available for inspections at all offices of IDWR and at the other locations printed on this notice. Complete copies of Part III of the reports are available for inspection at the State Office of IDWR and the SRBA District Court. Copies of all or a portion of the reports are available from the IDWR State Office subject to payments of costs of mailing and/or copying.

OBJECTIONS TO DIRECTOR'S REPORT

You may file an objection to any portion of the Director's Reports with the SRBA District Court. You must use a court approved objection form that is available from IDWR, which contains instructions for filing the objection. All objections must be received by the court on or before October 16, 1995. You must mail a copy of your objection to IDWR and the United States as shown on the objection form. If you are objecting to an abstract of a claim filed by an Indian tribe, you must also mail a copy of the objection to the tribe at the address shown in the report.

RESPONSES TO OBJECTIONS

The United States and the Indian Tribes may but are not required to file a response to an objection to abstracts of their claims with the SRBA District Court.

PARTIAL DECREE OF UNCONTESTED PORTIONS OF DIRECTOR'S REPORT

Those portions of the Director's Report to which no objections are filed will be decreed by the district court after a hearing to be held at 1:30 p.m., May 21, 1996 at the SRBA Courthouse in Twin Falls.

NOTICE OF FURTHER PROCEEDINGS

You will be mailed a notice of further proceedings on an objection to **your water right, your objection, or your response**. You will not be mailed notice of other objections or proceedings on other objections.

Notice of other objections and responses to other objections will be included on a monthly docket sheet distributed by the SRBA District Court. A subscription to the docket sheet may be obtained from the court for a small annual fee (\$7.50 for the calendar year 1995).

IDWR has filed or will file Director's Reports for all other claims within the Snake River Basin, one for each of the reporting areas in the Snake River Basin. Notice of the filing of these reports, and of further proceedings on these reports, will also be included in the docket sheet.

You may be affected by orders and decrees entered by the court in proceedings on other objections and proceeding on other reports. **It is very important that you subscribe to the docket sheet** if you wish to stay informed of these other proceedings. For further information as to documents filed with the court and hearings scheduled before the court in the SRBA, you must inquire at the SRBA District Court.

FURTHER INFORMATION

The court has adopted procedures for the post-report phase of the SRBA, which are set forth in the order of the court entitled "SRBA Administrative Order No. 1." A copy of this order can be obtained from the State Office of IDWR or the SRBA District Court.

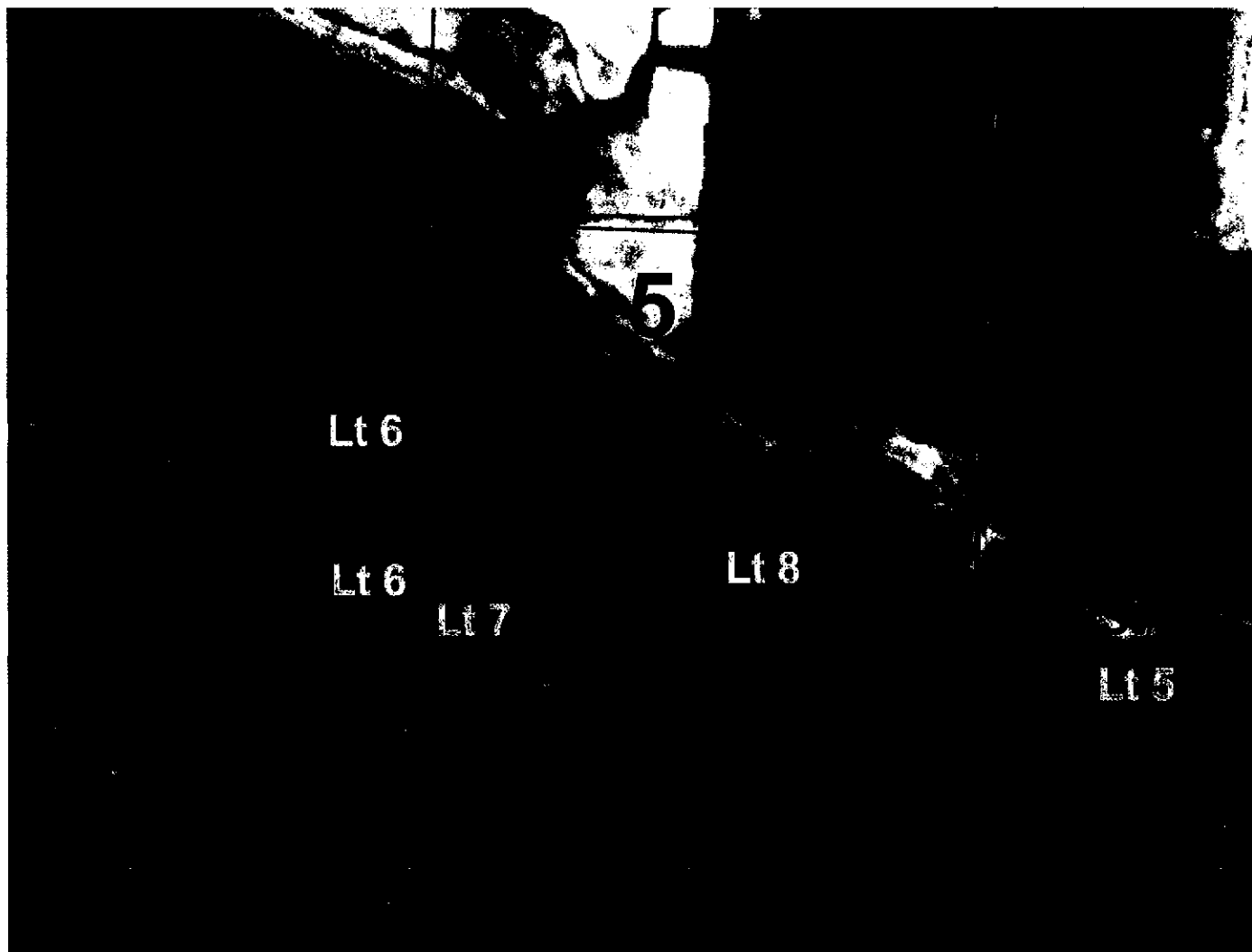
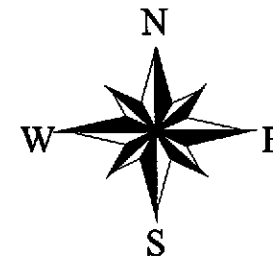
If you have questions about the SRBA, please call any office of IDWR listed in this notice. If you have questions concerning your rights and responsibilities as a claimant in the SRBA, please consult your attorney.

R. KEITH HIGGINSON

Director, Idaho Department of Water Resource

IDAHO DEPARTMENT OF WATER RESOURCES

T06N, R02W, S5



1987 NAPP PHOTO

● POINT OF DIVERSION

▭ PLACE OF USE

▭ 1/4 1/4 LINES

▭ SECTION LINES

6 ACRES

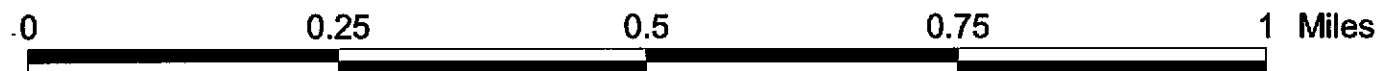
6 SECTION NUMBERS

CLAIM(S): 65-02017A & 65-22302

OWNER(S): HAWKINS, JAY & SHELLY

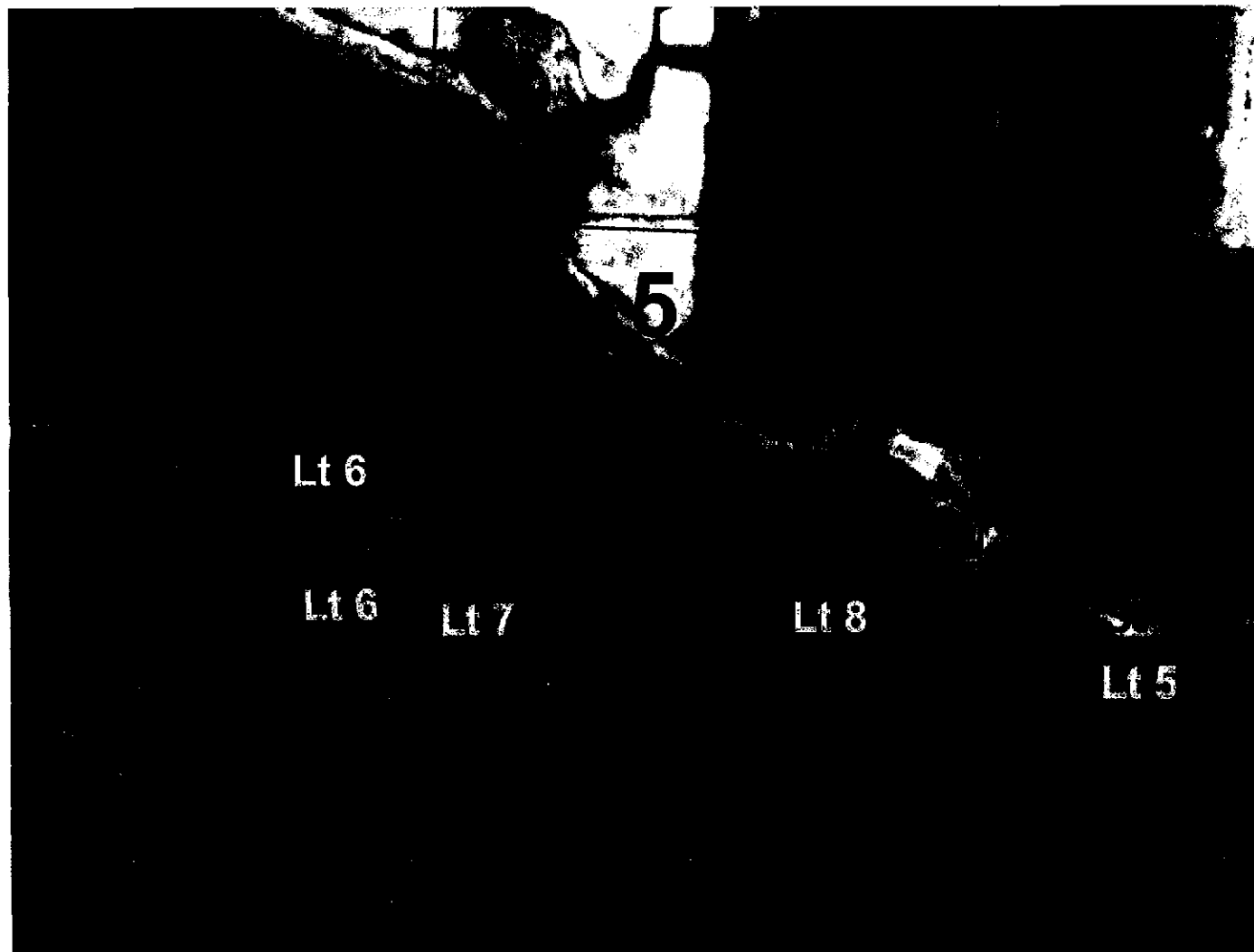
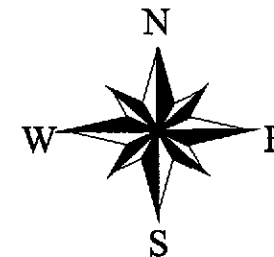
DATE: JANUARY 4, 2001

By: Mel Schulte



IDAHO DEPARTMENT OF WATER RESOURCES

T06N, R02W, S5



1987 NAPP PHOTO

● POINT OF DIVERSION

▭ PLACE OF USE

▭ 1/4 1/4 LINES

▭ SECTION LINES

6 ACRES

6 SECTION NUMBERS

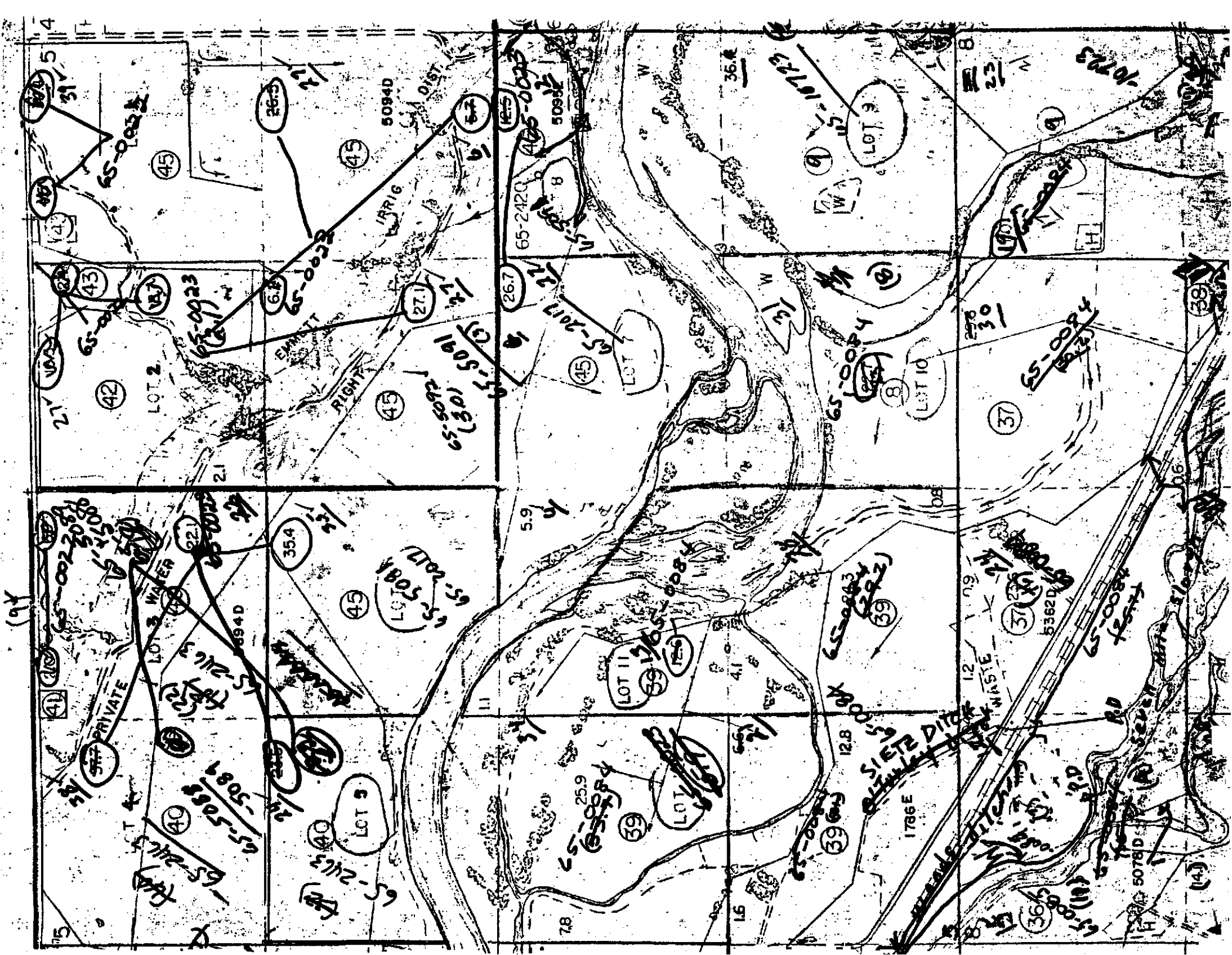
CLAIM(S): 65-02017A & 65-22302

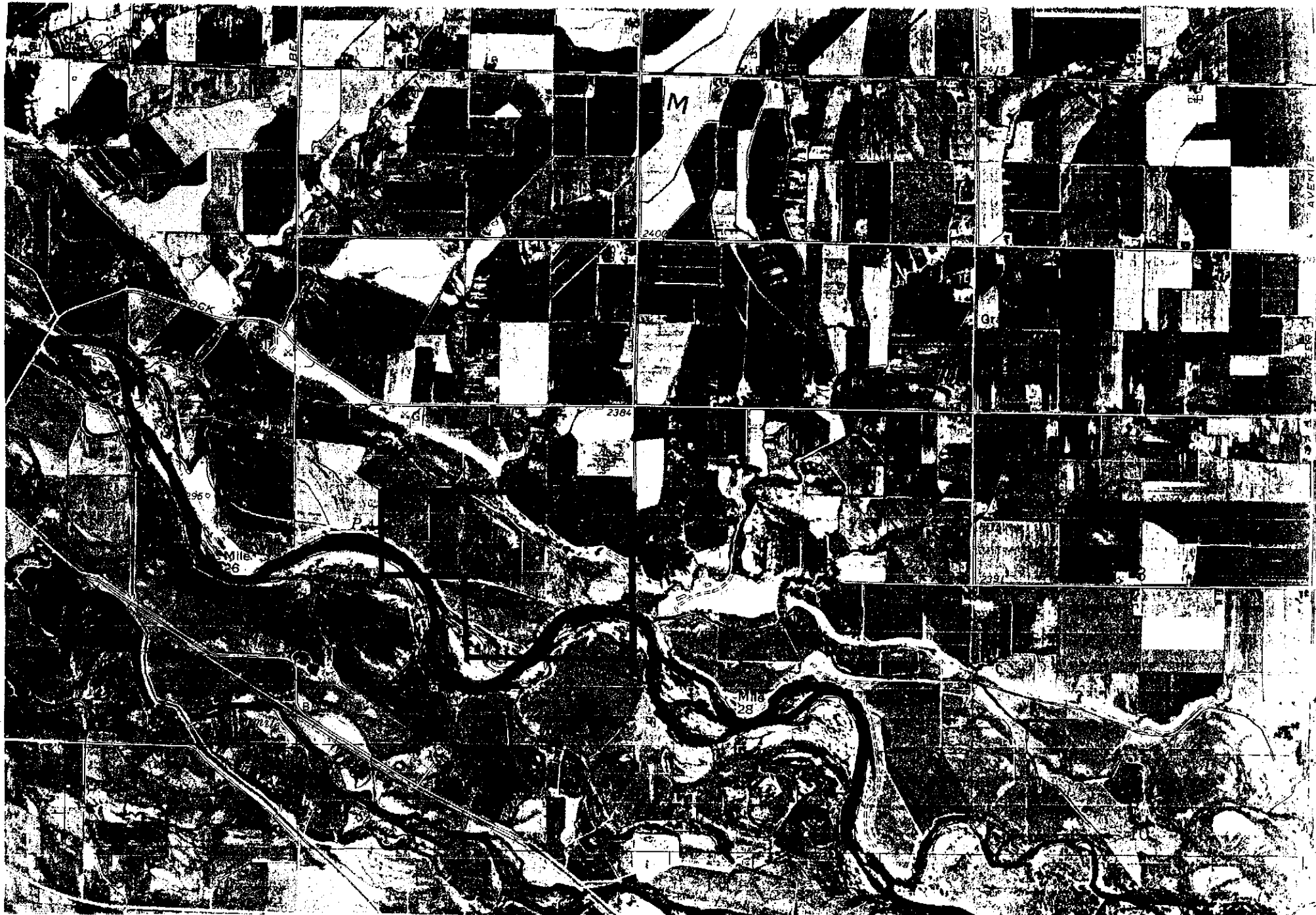
OWNER(S): HAWKINS, JAY & SHELLY

DATE: JANUARY 4, 2001

By: Mel Schulte

0 0.25 0.5 0.75 1 Miles





116°37'30"

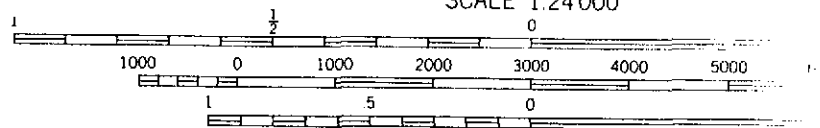
280 000 FEET

Produced by the Geological Survey (1974)
 Aerial photograph prepared from 1:76,000-scale
 aerial photographs taken August 4, 1974

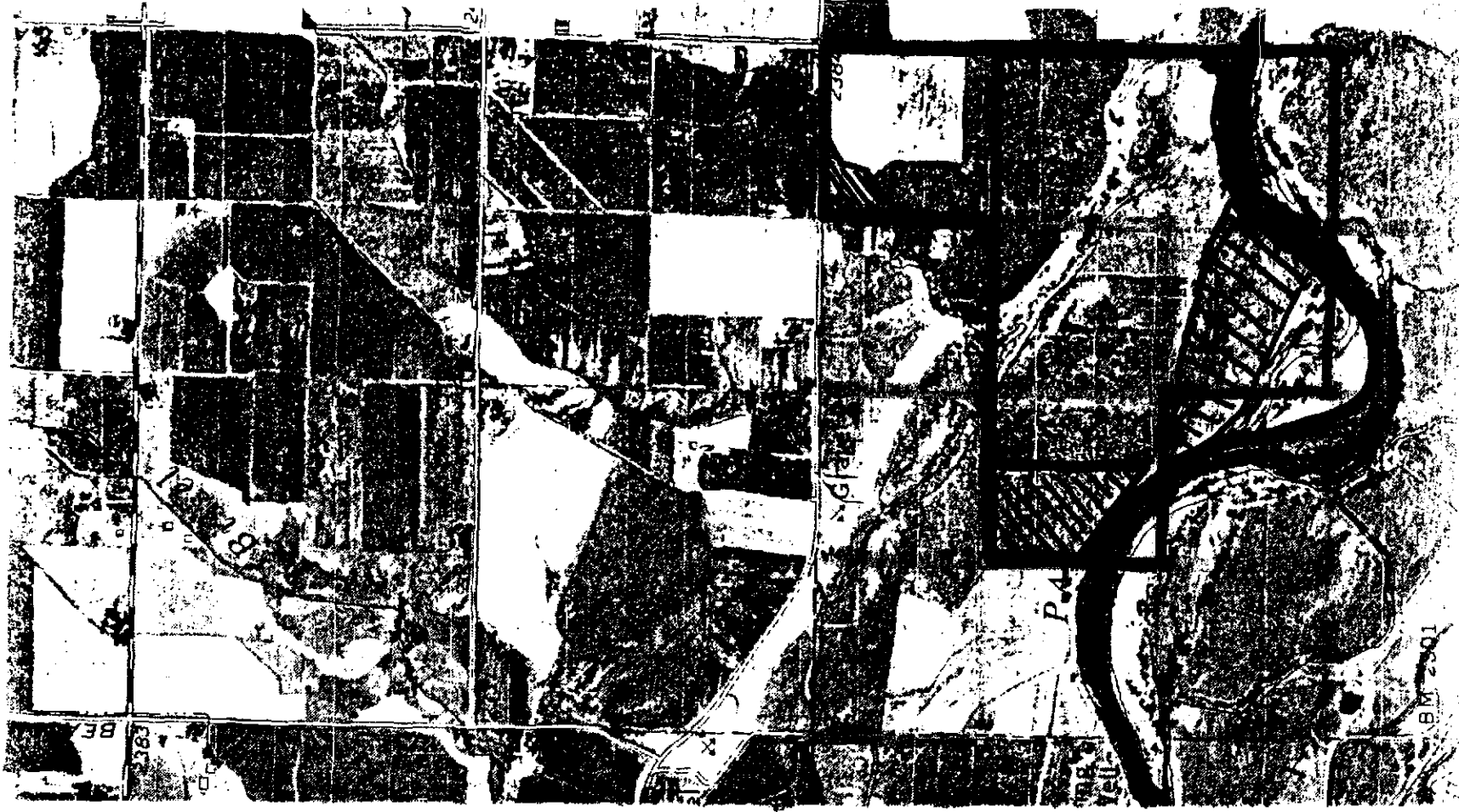
Projection and 10,000-foot grid ticks: Idaho coordinate
 system

Red is
 land under
 65-02017

SCALE 1:24 000



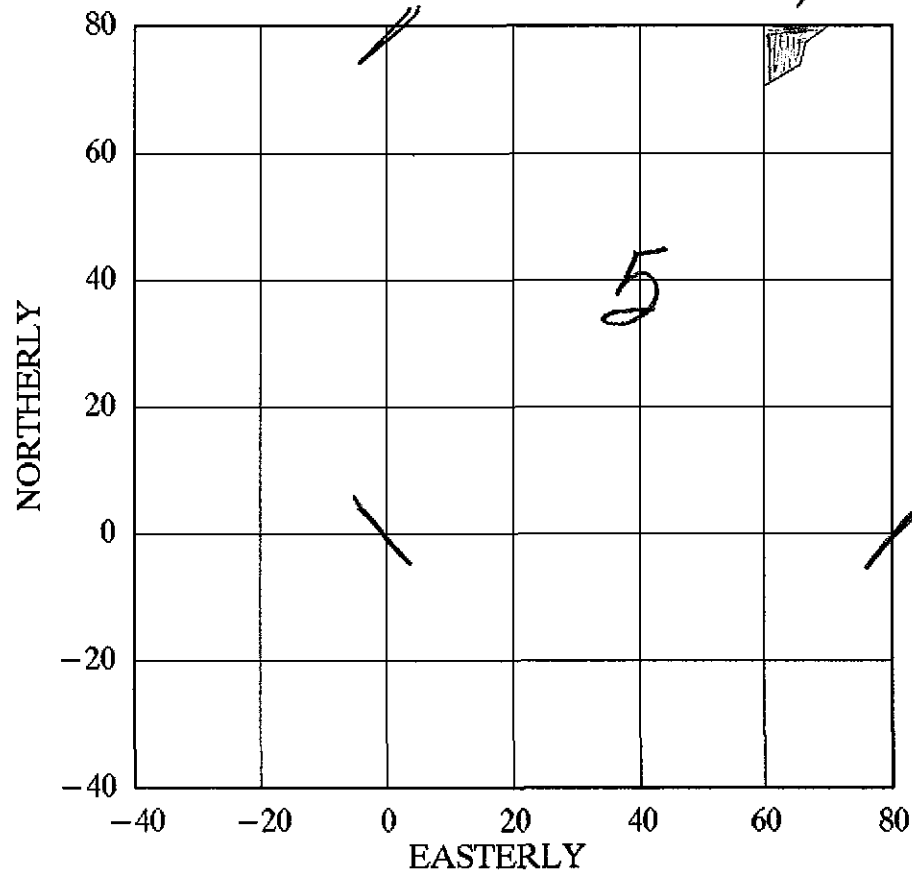
Sinking
 Red = Property
 Blue = Lands
 Excepted from
 Federal
 Reservations
 Hawaiian



#1

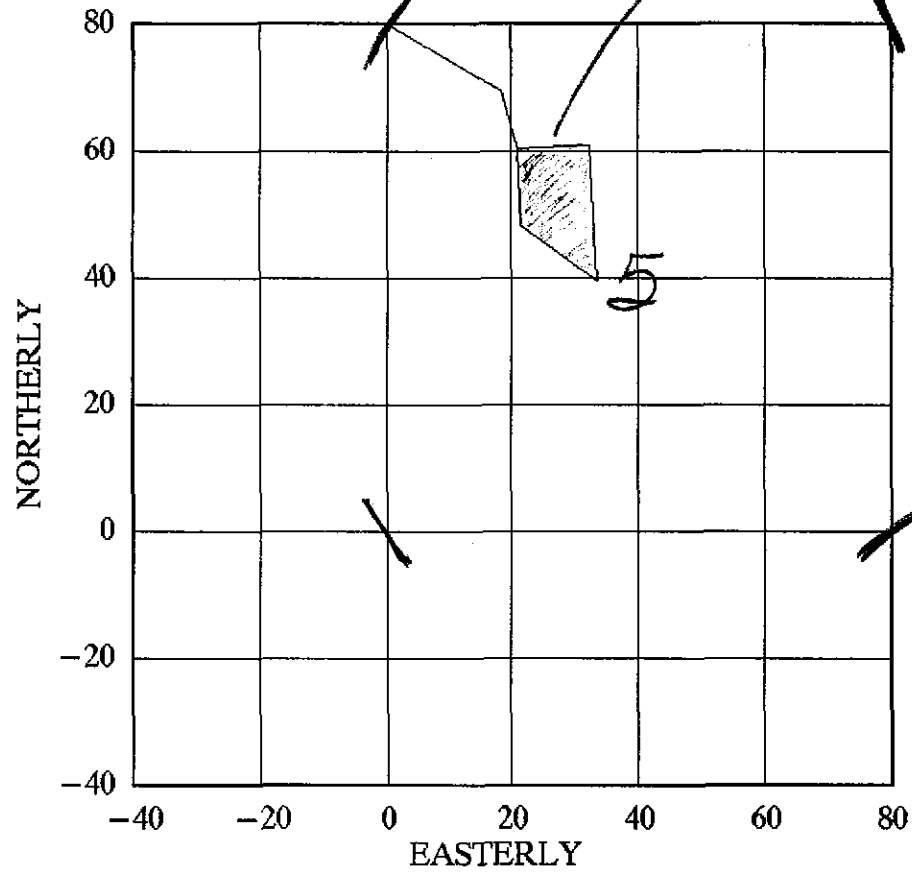
PARCEL PLOT - METES & BOUNDS
DISTANCE IS IN CHAINS

Excepted



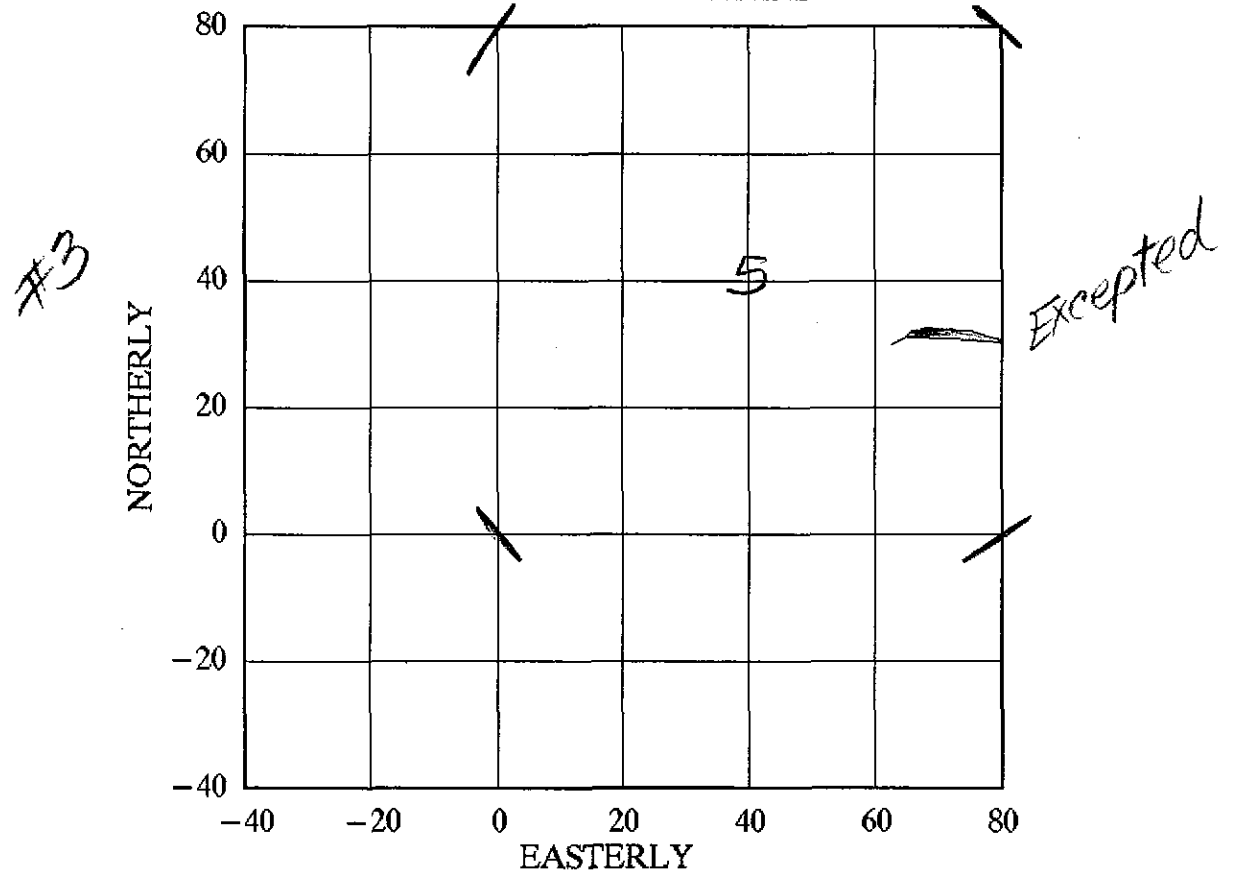
#2

PARCEL PLOT - METES & BOUNDS
DISTANCE IS IN CHAINS



Excepted
Harry
Conrad's
Property

PARCEL PLOT - METES & BOUNDS
DISTANCE IS IN CHAINS

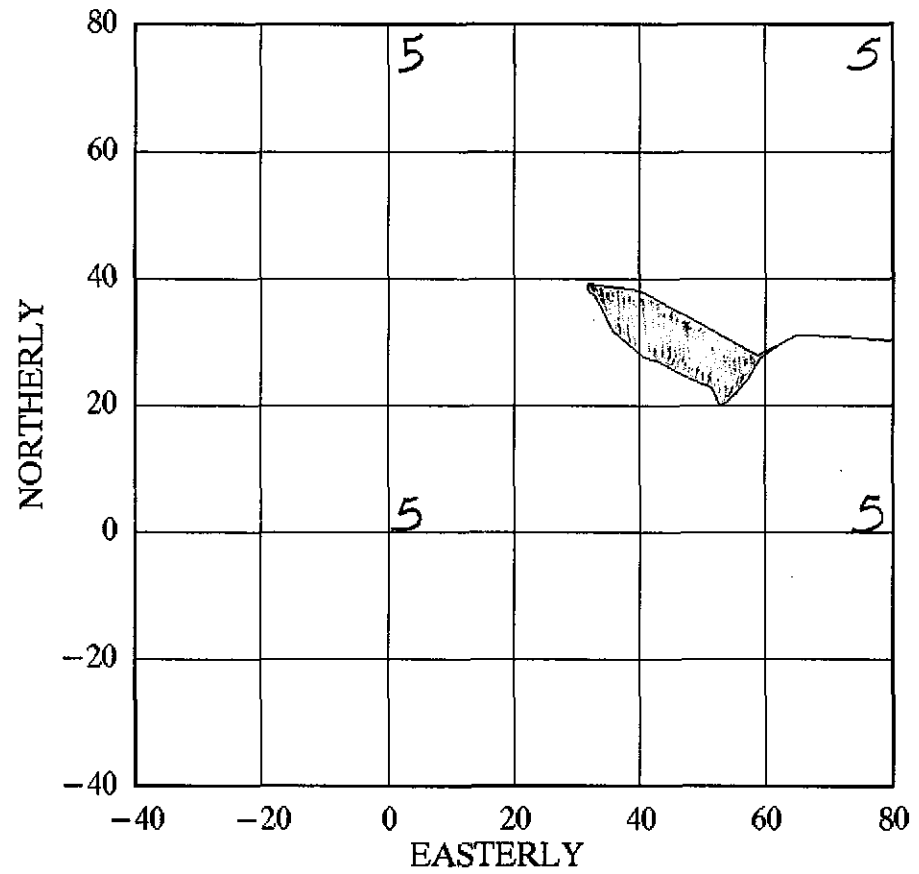


#3

X-COR	Y-COR	ANGLE			BEARING	DIST (FT)
		DEGREES	MINUTES	SECONDS		
80.00	80.00					
80.04	30.20	0.00	2.00	52.00	SE	3286.72
72.22	30.98	84.00	19.00	49.00	NW	518.77
64.83	31.05	89.00	24.00	9.00	NW	487.70
62.62	29.88	62.00	7.00	26.00	SW	165.32
63.52	30.48	56.00	26.00	0.00	NE	71.77
64.54	30.95	65.00	22.00	0.00	NE	74.00
65.31	31.62	48.00	46.00	0.00	NE	67.00
67.94	32.48	71.00	54.00	0.00	NE	183.00
70.45	32.29	85.00	42.00	20.00	SE	165.99
75.25	32.15	88.00	15.00	0.00	SE	317.00
76.97	31.42	67.00	8.00	29.00	SE	122.94
79.89	30.63	74.00	45.00	0.00	SE	200.00
80.04	30.63	88.00	26.00	0.00	NE	10.00
80.04	30.20	0.00	2.00	52.00	SE	28.38

#4
Excepted

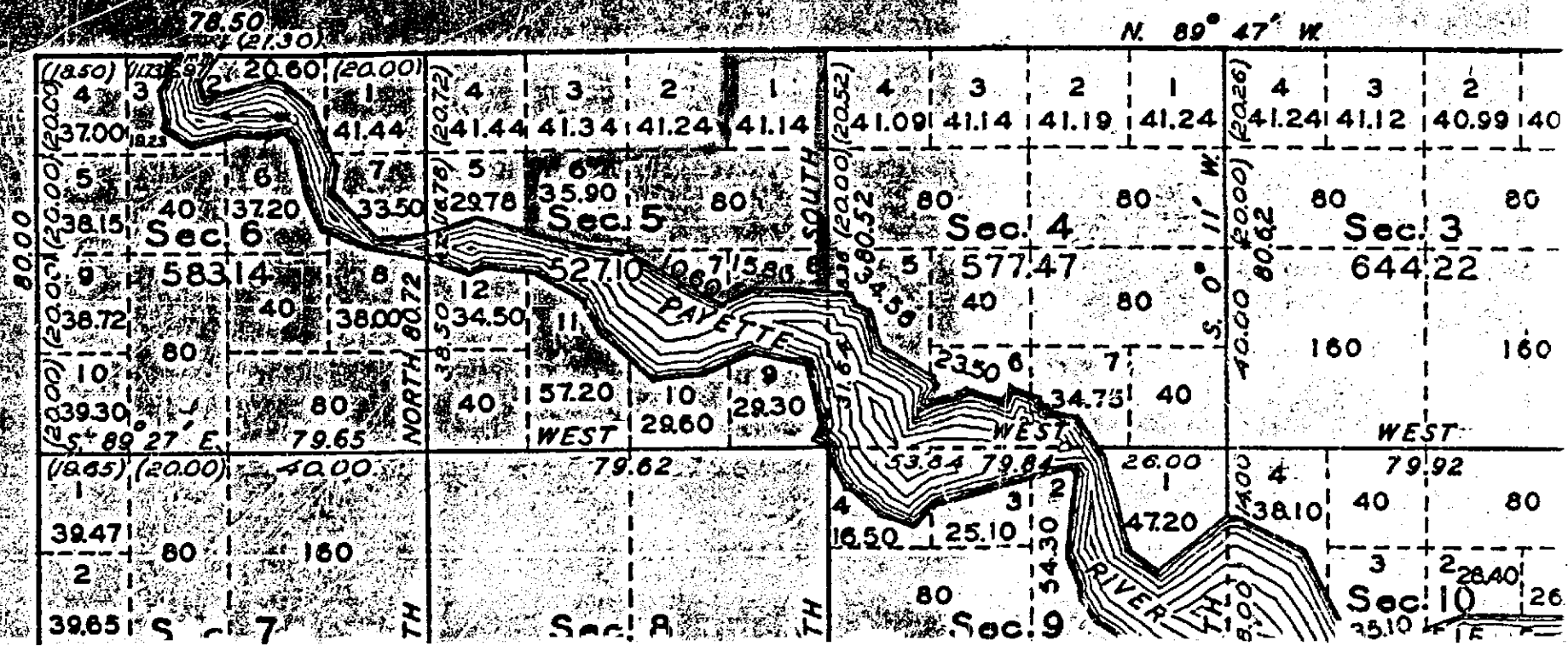
PARCEL PLOT – METES & BOUNDS
DISTANCE IS IN CHAINS



#4

X-COR	Y-COR	ANGLE			BEARING	DIST (FT)
		DEGREES	MINUTES	SECONDS		
80.00	80.00					
80.04	30.20	0.00	2.00	52.00	SE	3286.72
72.22	30.98	84.00	19.00	49.00	NW	518.77
64.83	31.05	89.00	24.00	9.00	NW	487.70
62.62	29.88	62.00	7.00	26.00	SW	165.32
59.08	27.54	56.00	26.00	0.00	SW	280.23
57.06	24.03	29.00	56.00	0.00	SW	267.00
55.79	22.45	38.00	49.00	0.00	SW	134.00
53.93	20.57	44.00	40.00	0.00	SW	174.00
52.73	20.03	65.00	48.00	0.00	SW	87.00
52.18	21.69	18.00	19.00	0.00	NW	115.00
51.59	22.81	27.00	46.00	0.00	NW	84.00
48.20	23.95	71.00	31.00	0.00	NW	236.00
43.31	26.85	59.00	16.00	0.00	NW	375.50
40.57	27.78	71.00	25.00	0.00	NW	191.00
35.83	31.78	49.00	47.00	0.00	NW	409.00
34.05	35.46	25.00	53.00	0.00	NW	270.00
32.78	37.38	33.00	25.00	0.00	NW	152.00
31.79	38.22	49.00	45.00	0.00	NW	86.00
31.77	39.28	0.00	48.00	25.00	NW	69.73
40.09	38.15	82.00	18.00	11.00	SE	553.95
58.75	27.84	61.00	4.00	29.00	SE	1407.49
62.62	29.88	62.00	7.00	26.00	NE	288.42

Dated *June 16 1935*
 COPY OF
 SHIP N° 6 NORTH, RANGE N° 2 WEST OF



No
Change of
Ownership
filed.



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

October 13, 1993

Re: Notices of Claim to a Water Right Nos. A65-02017A, A65-05091,
A65-05092, A65-05093, A65-05094, A65-05095

Jay L. Hawkins
Shelly R. Hawkins
4076 Suntree
Boise, ID 83706

Mr. & Mrs. Hawkins:

Enclosed are copies of the above referenced claims which reflect the change in ownership of the land and appurtenant water rights covered under the original filings.

The Department will contact you in the future concerning any requirements that may be needed in order to process these claims for final court decree.

If you have any questions concerning the enclosed claims, please feel free to contact this office.

Sincerely,

Adjudication Staff
Department of Water Resources
Western Region Office
(208) 334-2190

LH:1
Enclosure

MICROFILMED

AUG 03 1994

October 16, 1991

MEMO TO FILES: A65-02017A and A65-02017B

FROM: Anna Baumhoff

This Water Right was not determined in the Payette Adjudication, the objection filed by Frasier remains un-resolved at this time. Don Shaff indicated that the claims should be accepted as filed with the changes entered and no fees required. (same for right Nos. A65-05091 and A65-05092)

It appears for the claim filed by Larry William Conrad, that a portion of the lands covered by the original Payette right has been sold, therefore the two claims have been data entered under split designations;

"A" Frasier claimed the entire right and,
"B" Conrad claimed part of the right.

I entered Conrad's claim exactly as the claim form was filed, this includes some conflicting information...

The map indicates that the 19 acres being claimed are located in the SE¹NW⁴ Sec. 4 T6N, R4W; the claim indicates that the place of use is in the NW⁴SE⁴ Sec. 4 T6N, R4W. This will need to be resolved. Also the claim was changed under item #7 to claim a total of 0.3363 cfs, but the claimed use, item #6, was entered under the acre feet blank as 0.630 I entered both as rates with the amounts indicated...

This right will be resolved under the Objection filed in the Payette Adjudication prior to the recommendation period for the SRBA; therefore, I did not attempt to resolve these discrepancies at this time..

RECEIVED
NOV 10 1992

Department of Water Resources
Western Regional Office

MICROFILMED

AUG 03 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

May 18, 1990

RECEIVED
JUN 13 1990

Department of Water Resources

Mr. and Mrs. R. Richard Frasier
1111 Big 4 Ave.
Emmett, ID 83617

RE: Notice of Claim to a Water Right A65-02017, A65-05091,
A65-05092, Gem County

Dear Mr. and Mrs. Frasier:

We are returned the enclosed claims which you filed for your property in Gem County because we are unable to process them without the required fees.

Water rights which were determined by the court in the Payette Drainage Adjudication are exempt from fees only if the water right is claimed as it was decreed. The change in the source (Item 2) and conditions of the water right (Item 14) reflect a change in the water right.

Therefore, the applicable filing fees are as follows:

A65-02017	\$163.00
A65-05091	50.00
A65-05092	50.00

These fees must accompany these claims before we can process them in the Snake River Basin Adjudication. If the claims are returned with the correct filing fee by June 18, 1990, late fees will not be assessed. Please do not hesitate to contact this office if you have any questions or need assistance.

Sincerely,

for *Donald V. Shaff*
Donald V. Shaff
Manager, Adjudication Section

Notices of Claim
Instructions for Decreed Rights

6/11/90

Dear Don,

Per your instructions, I am returning these with the correction for your personal handling. Thank you to

09\19\78 D.R.T.

* MACALMISTER'S MODIFICATION OF MORITZ *
* LOSS CALCULATION FOR *
* THE BAINE GULCH DITCH 2463, 11244, 2437, 2017, *
* WATER RIGHT NO. MANY 5091 *

Q DIVERTED: 5.93
Q DELIVERED: 5.10
PERCENTAGE LOSS: 16.3

TYPE OF SOIL: SANDY LOAM
SOIL CONSTANT= 1.50 (FEET/DAY)
LENGTH OF HEAD OF DITCH: .00
LENGTH OF DELIVERY SECTION: 1.50

LOSS TABLE FOR DELIVERY

MILE	Q (CFS)	Q (CFS)	LOSS (CFS)	Q DELIVERED (CFS)
1.00	1.88	.65	3.40	
1.50	.00	.19	1.70	

NO MORE CFS ON THIS LK. THE DITCH LOSS IS ^{TO} THESE CANALS IS
ACCOUNTED FOR IN RT-5091

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

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**

65-2017

I.D. No.

Map No.

\$

Fee Paid

Receipt No.

Notice is hereby given that R. Richard and/or FONDA E. FRASIER
Richard Frasier (Name of Claimant)

Route 2, Emmett, ID 83617

(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) November 17, 1904

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water) Baine Gulch tributary 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:

Quantity 2.0 Use irrigation Period of Use From Mar. 15 To Nov. 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) 2.0 TOTAL QUANTITY CLAIMED.
(CFS, GPD, AF)

(5) A) Point of Diversion: Give location of point where water is diverted from its source Lot 5
Sec. 4, Twp. 6N, Rge. 2W, B.M., Gem 4E SW 1/4 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.
diversion dam & headgate

(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 1/4	NW 1/4	SW 1/4	SE 1/4	TOTAL
SW	2W	5	Original License	(Lot 4)	(Lot 8)	(Lot 7)	
		5	(25) 3	35 35	(12)	(15) 11	90
			(27) 6		(12)	(15) 11	19
			(Implied Transfer)	(Lot 4)	(Lot 8)	(Lot 7)	
GR	2W	5	27 6	(12)	(15) 11	(15) 11	100 107

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 claimed as a portion of 65-5091. No signature necessary. DRT 9-25-77 SEE 65-5019 FOR LOSS PORTION

(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. 65-2017

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)

(Date)

(Signature of Spouse)

State of

Organization

County of

Seal

(Signature of Authorized Agent)

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

9XN

1/31/78 DRT 3-1-78

65-2017

Town- ship	Ran- ge	Sec	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
→ 6N	2W	5	-		27	6			20 ¹⁶	LT6				20 ⁸	12	27	7		143
									35	35						33			

LARRY ECHOHAWK
Attorney General

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

RECEIVED
FEB 19 1993
Department of Water Resources

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. 65-02017,
	)	65-05091, 65-05092

The Director of the Idaho Department of Water Resources, R. Keith Higginson and R. Richard Frasier and Fonda E. Frasier, by and through counsel, stipulate as follows:

1. That water right claim Nos. 65-02017, 65-05091, and 65-05092, 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 R. Richard Frasier and Fonda E. Frasier withdraw 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 18th day of February, 1993.

Louie Gorrano
LOUIE GORRANO
Attorney for R. Richard Frasier
and Fonda E. Frasier

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: BAINE GULCH		TRIBUTARY: PAYETTE RIVER				
65-02017	R. RICHARD FRASIER FONDA E. FRASIER 1111 BIG 4 AVE. EMMETT ID 83617	11/17/1904	IRRIGATION	03-15 11-15	2.00 CFS	LICENSE
TOTAL QUANTITY:					2.00 CFS	
POINT OF DIVERSION: T06N R02W S04 LOT 5 (NWSW)						
PLACE OF USE: IRRIGATION						
T06N R02W S05 SWNE 27.0 SENE 6.0 Lot 6 (SENW)35.0 Lot 8 (NESE)12.0 Lot 7 (NWSE)33.0						
113.0 ACRES TOTAL						
REMARKS:	USE OF THIS RIGHT WITH RIGHT NO. 65-05091 & 65-05092 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 3.95 CFS, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 395.5 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 113 ACRES IN A SINGLE IRRIGATION SEASON.					
FOR RIGHT NOS. 65-02017 AND 65-05091 A DIVERSION RATE OF .034 CFS PER ACRE FOR 91 ACRES AND .02 CFS PER ACRE FOR 22 ACRES AT THE FIELD HEADGATE IS INCLUDED IN THE RATE OF DIVERSION FOR THE PLACE OF USE DESCRIBED ABOVE.						
THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 65-02437, 65-02463, 65-05091, AND 65-11249.						
65-05091	FONDA E. FRASIER R. RICHARD FRASIER 1111 BIG 4 AVE. EMMETT ID 83617	05/28/1925	IRRIGATION	03-15 11-15	1.95 CFS	BENEFICIAL USE
TOTAL QUANTITY:					1.95 CFS	
POINT OF DIVERSION: T06N R02W S04 LOT 5 (NWSW)						
PLACE OF USE: IRRIGATION						
T06N R02W S05 SWNE 27.0 SENE 6.0 Lot 6 (SENW)35.0 Lot 8 (NESE)12.0 Lot 7 (NWSE)33.0						
113.0 ACRES TOTAL						
REMARKS:	USE OF THIS RIGHT WITH RIGHT NO. 65-02017 & 65-05092 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 3.95 CFS, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 395.5 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 113 ACRES IN A SINGLE IRRIGATION SEASON.					
FOR RIGHT NOS. 65-02017 AND 65-05091 A DIVERSION RATE OF .034 CFS PER ACRE FOR 91 ACRES AND .02 CFS PER ACRE FOR 22 ACRES AT THE FIELD HEADGATE IS INCLUDED IN THE RATE OF DIVERSION FOR THE PLACE OF USE DESCRIBED ABOVE.						
THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 65-02017, 65-02437, 65-02463 AND 65-11249.						

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
SOURCE: UNNAMED STREAM		TRIBUTARY: PAYETTE RIVER				
65-05092	FONDA E. FRASIER R. RICHARD FRASIER 1111 BIG 4 AVE. EMMETT ID 83617	04/01/1946	IRRIGATION	03-15 11-15	.06	CFS BENEFICIAL USE
TOTAL QUANTITY:					.06	CFS
POINT OF DIVERSION: T06N R02W S05 LOT 2 (NWNE)						
PLACE OF USE: IRRIGATION T06N R02W S05 SWNE 3.0 3.0 ACRES TOTAL						
REMARKS: USE OF THIS RIGHT WITH RIGHT NO. 65-02017 & 65-05091 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 3.95 CFS, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 395.5 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 113 ACRES IN A SINGLE IRRIGATION SEASON.						



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

July 8, 1993

R. Richard Frasier
1111 Big 4 Ave.
Emmett, ID 83617

RE: Payette River Basin Adjudication

Dear Mr. Frasier,

This letter is in response to your telephone request on July 7, 1993. Apparently, some confusion has been created over the objection you filed in the Payette River Basin Adjudication before the Gem County Court. The proposed water rights capsulized below represent the apparently settled result to your objection in that adjudication. Resolving these water rights to the point of a decree awaits a couple of motions before the court the Department will make this year.

<u>Water Right No.</u>	<u>Priority Date</u>	<u>Amount (cfs)</u>
65-02017	11/17/1904	2.00
65-05091	05/28/1925	1.95
65-05092	04/01/1946	0.06

Use of these rights is limited to a total combined diversion rate of 3.95 cfs, a total combined annual consumptive use volume of 395.5 af, and to the irrigation of a combined total of 113 acres in a single irrigation season.

For right nos. 65-02017 and 65-05091 a diversion rate of .034 cfs per acre for 91 acres and .02 cfs per acre for 22 acres at the field headgate is included in the rate of diversion for the place of use described above.

I have limited the response to the contested water rights presuming you or other parties have adequate information about water rights that have already been decreed in the Payette adjudication. I hope you find this information helpful. If you have further questions, please don't hesitate to contact me.

Sincerely,

Donald V. Shaff
Manager, Adjudication Section

DVS:sf:state

AJ0749NP
No. R65-02017

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

DATE: 02/01/93
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	R. RICHARD FRASIER	11/17/1904	IRRIGATION	03-15 11-15	2.00 CFS	
C	FONDA E. FRASIER 1111 BIG 4 AVE. EMMETT ID 83617 (208) 365-3868					
TOTAL DIVERSION:					2.00 CFS	

Water Source: BAINE GULCH

Tributary to: PAYETTE RIVER

Stage: LICENSE

Point(s) of Diversion:

T06N R02W S04 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	5	:					27		06	:					06-35	:	08-12	07-33	:	113.0
																			TOTAL ACRES		113.0

POU County: GEM

Remarks: USE OF THIS RIGHT WITH RIGHT NO. 65-05091 & 65-05092 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 3.95 CFS, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 395.5 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 113 ACRES IN A SINGLE IRRIGATION SEASON.

FOR RIGHT NOS. 65-02017 AND 65-05091 A DIVERSION RATE OF .034 CFS PER ACRE FOR 91 ACRES AND .02 CFS PER ACRE FOR 22 ACRES AT THE FIELD HEADGATE IS INCLUDED IN THE RATE OF DIVERSION FOR THE PLACE OF USE DESCRIBED ABOVE.

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 65-02437, 65-02463, 65-05091, 65-11249.

Dates: Exam Made Date:

Verified Date:

Misc: Water District Number: 65

Field Inspection Flag:
Presumption Flag:

WR-NUMBER	SOURCE	NE				NW				SW				SE				SUM	
		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac				
R6505091	T06N R02W S 5	BAINE GULCH																	
	:	27				06				06-35				08-12 07-33				113	
A6500084	PAYETTE RI													12-34 21 11-41				10-23	119
R6500084	PAYETTE RI													12-34 21 11-41				10-23	119
R6502017	BAINE GULC	27 06				06-35				08-12 07-33				10-23				113	
A6502017A	BAINE GULC	27 06				06-35				08-12 07-33				10-23				113	
A6502017B	BAINE GULC													19				19	
A6502463	BAINE GULC					03-22 04-38 05-24												84	
R6502463	BAINE GULC					03-22 04-38 05-24												84	
A6505088	WASTE WATE					03-22 04-38 05-24												84	
R6505088	WASTE WATE					03-22 04-38 05-24												84	
A6505089	WASTE WATE					03-22 04-38 05-24												84	
R6505089	WASTE WATE					03-22 04-38 05-24												84	
A6505091	BAINE GULC	27 06				06-35				08-12 07-33								113	
A6505092	UNNAMED ST	03																3	
R6505092	UNNAMED ST	03																3	
A6510723	PAYETTE RI													10-08 09-36				44	
A6510724	PAYETTE RI													09-01				1	



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

R. Richard Frasier
1111 Big 4 Avenue
Emmett, Idaho 83617

Re: Civil Case No. 3667 - Frasier, et al Objection 65-02017

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.

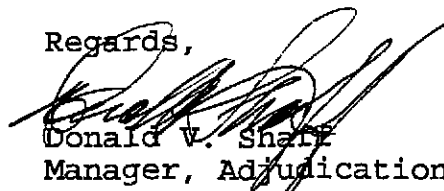
This group of water rights are among the last water rights remaining for decree in the Payette River Basin Adjudication. Most of the water rights were decreed on January 21, 1986 and in subsequent partial decrees.

Your water right referenced above was listed in the Proposed Finding with a diversion rate of 2.00 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 2.00 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. Sharp
Manager, Adjudication Section

DIVERSION RATE CALCULATIONS

Water Right No. 65-02017

Date 4/16/92

Initials JF

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 = 2.00

Comments:

DIVERSION RATE LIMITED TO LICENSED
AMOUNT - SEE 65-05091



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

May 15, 1991

R. Richard Frasier
1111 Big 4 Avenue
Emmett, ID 83617

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

Re: Civil Case No. 3667
Frasier, et al Objection 65-02017

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.

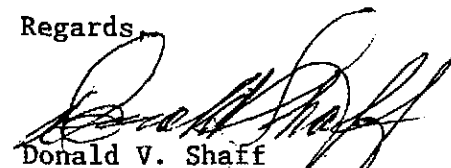
This group of water rights are among the last water rights remaining for decree in the Payette River Basin Adjudication, most of which were decreed on January 21, 1986. The water rights decreed in the Payette adjudication will be incorporated into the eventual decree in the larger Snake River Basin Adjudication (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 2.00 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

CONVERSATION MEMORANDUM

DATE 8/29/86FILE 65-2017-65-5091NAME OF PARTY DICK FRASEREMPLOYEE John H. Noyes

RE: ^{with} Talked Dick Fraser and he claims all his water is from Baine Sluck - The measurement taken was taken near his house, which is the entire amount of water for his place & approx 16 acres of H^m Canada. Fraser claims this year there was ample water, but in years past he has been short of water.

DEPARTMENT OF RECLAMATION
STATE OF IDAHO

5-2017
45-5091

1-200
-63

711
DISCHARGE MEASUREMENT NOTES
River at *Boyer's*
Boyer's

Discharge	Area	Adjust- ed for drag angle of	VELOCITY	At Point	Time in secs	Refo- lutions	Obser- vation height	Depth	Width	Dist. from Point
-----------	------	---------------------------------------	----------	-------------	--------------------	------------------	----------------------------	-------	-------	------------------------

								0.00 EW		
					55	30	1.3			
					56	30	1.4			
					46	30	1.4			
										248

Note: See *Boyer's* for total cfs.
The *Boyer's* use this *Boyer's*
also for *Boyer's* next to the

Mean velocity $\times$ width = total discharge
Rising flow note

MEASUREMENT FOR WASTEWATER TR. PAYET.

PAGE 1

MEASUREMENT LOCATION DICK FRASER (CHECK)
 MEASURED BY JKN ON 07/01/86

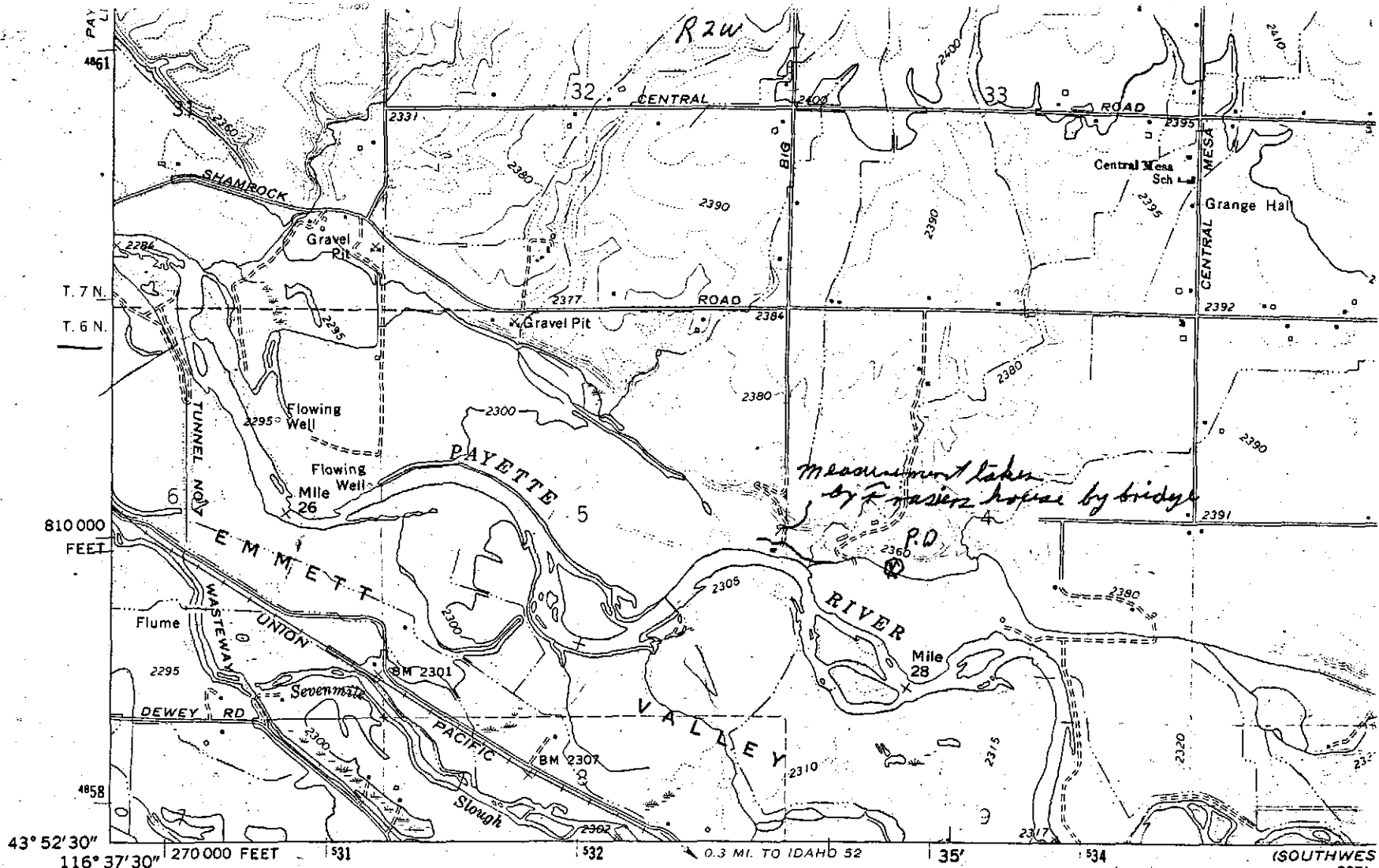
LEGAL DESCRIPTION
 V = .956N + .046

DISTANCE FROM INITIAL POINT FEET	DEPTH FEET	AREA SQ. FT.	REVOLUTIONS	TIME SEC	VELOCITY FT/SEC	DISCHARGE CFS
.000	.000	.000	0	.000	.000	.000
.700	1.300	1.365	55	30.000	1.799	2.456
1.400	1.400	.980	56	30.000	1.831	1.794
2.100	1.400	1.470	46	30.000	1.512	2.223
2.800	.000	.000	0	.000	.000	.000
TOTALS		<u>3.815</u>				<u>6.473</u>

Measurement made by bridge near Fraser house - maximum flow
 for ditch. P.D. Lot 5 NE 3/4 Sec 4 T4N R2W.

Note: William Conrad also uses this water for his fields next to the river.

Fraser water rights 65-2017 & 65-5092.



Mapped, edited, and published by the Geological Survey

Control by USGS and USC&GS

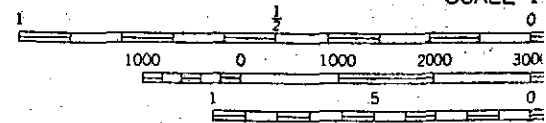
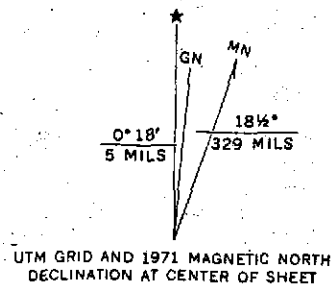
Topography by photogrammetric methods from aerial photographs taken 1969. Field checked 1971

Projection and 10,000-foot grid ticks: Idaho coordinate system, west zone (transverse Mercator)

1000-meter Universal Transverse Mercator grid ticks, zone 11, shown in blue. 1927 North American datum

Red tint indicates areas in which only landmark buildings are shown

Fine red dashed lines indicate selected fence lines.



CONTOUR INTERVAL
DOTTED LINES REPRESENT
DATUM IS MEAN

THIS MAP COMPLIES WITH NATIONAL
FOR SALE BY U. S. GEOLOGICAL SURVEY, DENVER.
A FOLDER DESCRIBING TOPOGRAPHIC MAPS

C
O
P
Y

March 14, 1977

Mr. Richard Frasier
Route #2
Emmett, Idaho 83617

Dear Mr. Frasier:

Please find enclosed a form to claim your water right based upon the License #65-2017. It is necessary to complete this adjudication claim to file your right with the Third District Court. Otherwise, the Court has ordered all rights not claimed will be lost or forfeited.

Also enclosed is an instruction sheet for your use in filing this claim. In addition, you may wish to inspect the Court Order #3667 at the Gem County Courthouse.

If you have any questions concerning this matter, please feel free to contact this office.

Sincerely,

DONALD V. SHAFF
Water Resource Agent

DVS:lp

Enclosure

 Canyon County *
 Unnamed slough *
 2. second feet *
 Irrigation and domestic use *
 Priority 11/7-1904 *

S T A T E O F I D A H O .

Water License No. 947.

---0---

WHEREAS, On the 17th day of November A.D.1904, FLORA M. SIMMONS, of Emmett, County of Canyon, and State of Idaho, duly made application (No.1316) to me for a permit to use 2 cubic feet per second of the waters of an unnamed stream, a tributary of Payette River, County of Canyon, State of Idaho, for irrigation and domestic purposes; and,

WHEREAS, On the 28th day of November A.D.1904, Permit No. 947, was issued to said applicant for the diversion of said water, and providing for the completion of the works of diversion therein described on or before the 28th day of November A.D.1905, and for the application to beneficial use of said water on or before the 28th day of November A.D.1908, and

WHEREAS, On the 18th day of November A.D.1905, the holder of said permit duly made proof of the completion of adequate works for the diversion of 2 cubic feet per second of said waters, as evidenced by my Certificate No. 947, dated December 1, 1905, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 2 cubic feet per second of water, with date of priority of November 17, 1904, and

WHEREAS, On the 7th day of November A.D.1908, proof was duly made of the application to beneficial use of 2 cubic feet per second of said water;

NOW, THEREFORE, By virtue of the authority vested in me by the laws of the State of Idaho, I hereby grant and confirm to FLORA M. SIMMONS, of Emmett, Idaho, the holder and owner of said Permit No. 947, a perpetual right, dating from November 17, 1904, to the use of 2 cubic feet per second of the waters of an unnamed slough, tributary of Payette River, County of Canyon, and State of Idaho, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at a point in the northeast quarter of southwest quarter of section 4, township 6 north, range 2 west of B.M., and conducted to and upon 18.72 acres in Lot 5; Sec. 4. 14.94 acres in Lot 8; 10.60 acres in Lot 7; 35.90 acres in Lot 6, section 5; 3.18 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$; 25.3 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 5; all in township 6 north, range 2 west of the Boise meridian, for the purpose of irrigation and domestic use, subject, however, to the laws of the State of Idaho applicable to a license for the use of the waters of the State, and subject, also, to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral from which such water, may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and the seal of my office at Boise, Idaho, this 14th day of November,
 A.D. Nineteen Hundred and eight.

Jas. Stephenson, Jr.

State Engineer.

(SEA)

Recorded November 14, 1908.