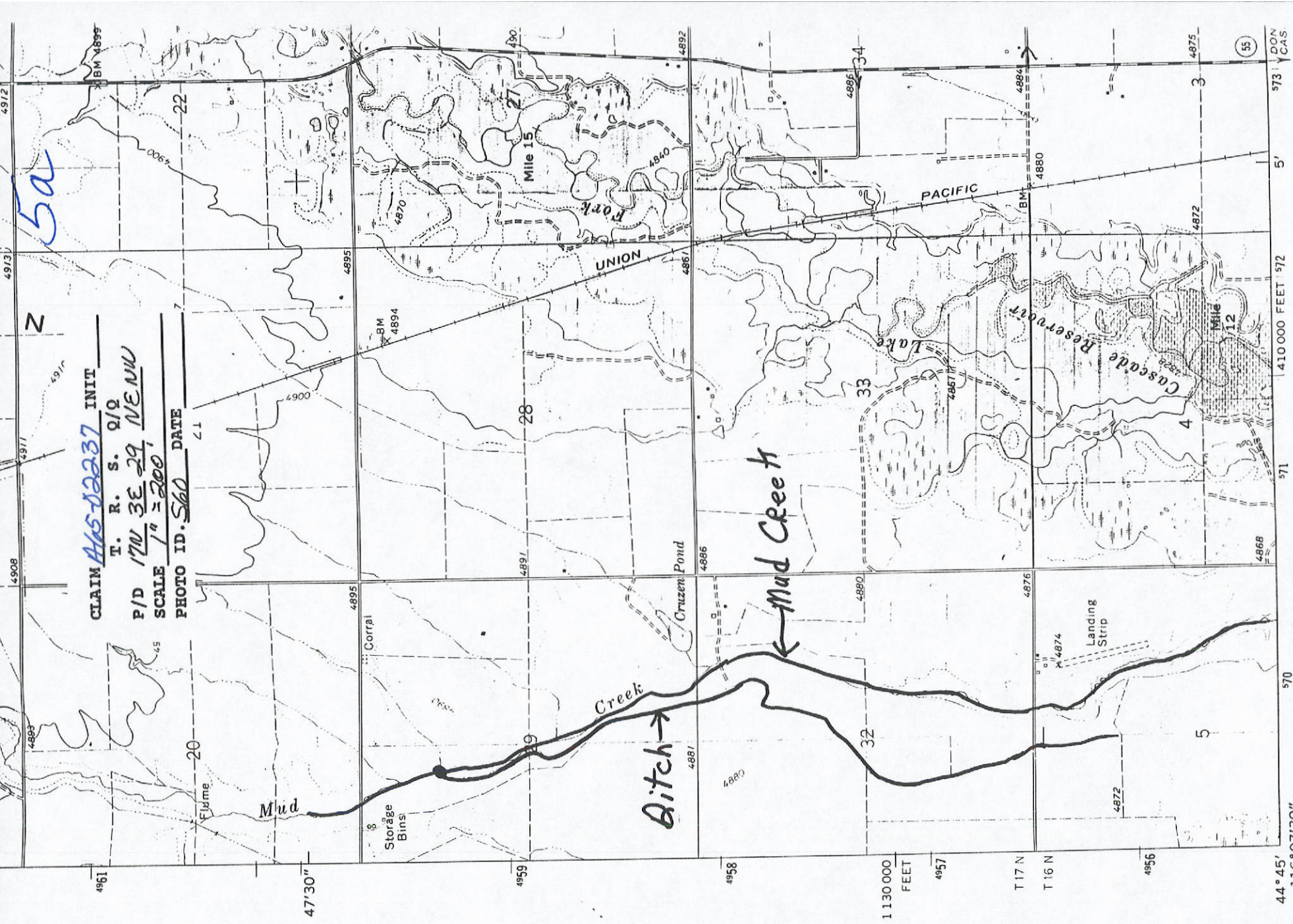
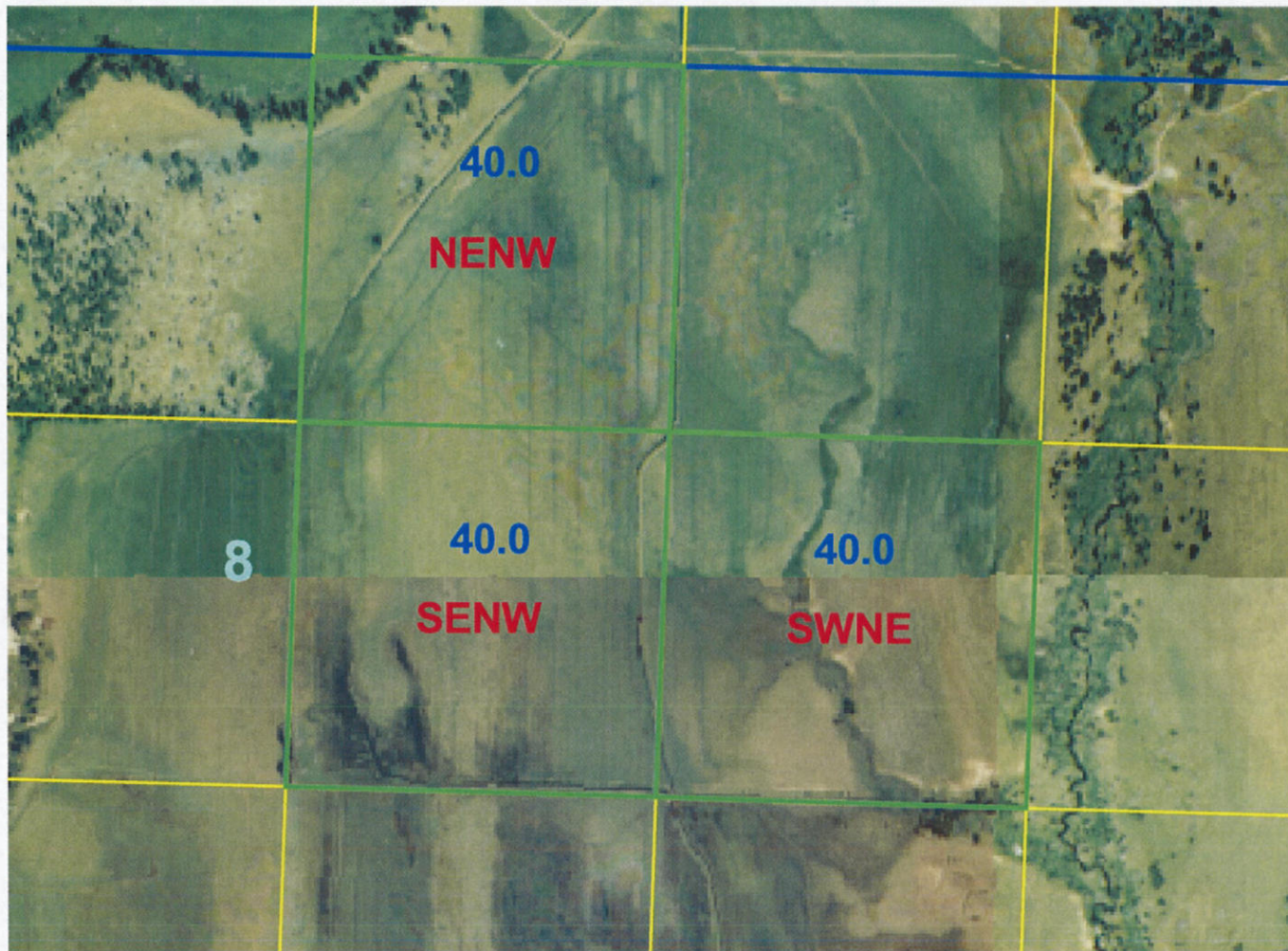




IDAHO DEPARTMENT OF WATER RESOURCES

16N, 03E, S8



1987 NAPP PHOTO

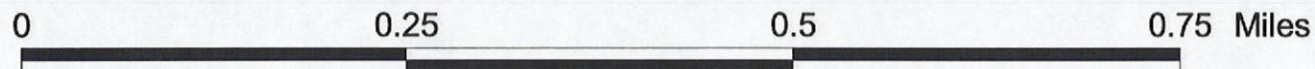
- POINT OF DIVERSION
- PLACE OF USE
- 1/4 1/4 LINES
- SECTION LINES
- 6 ACRES
- 6 SECTION NUMBERS

CLAIM(S): 65-02237

OWNER(S): SHARP

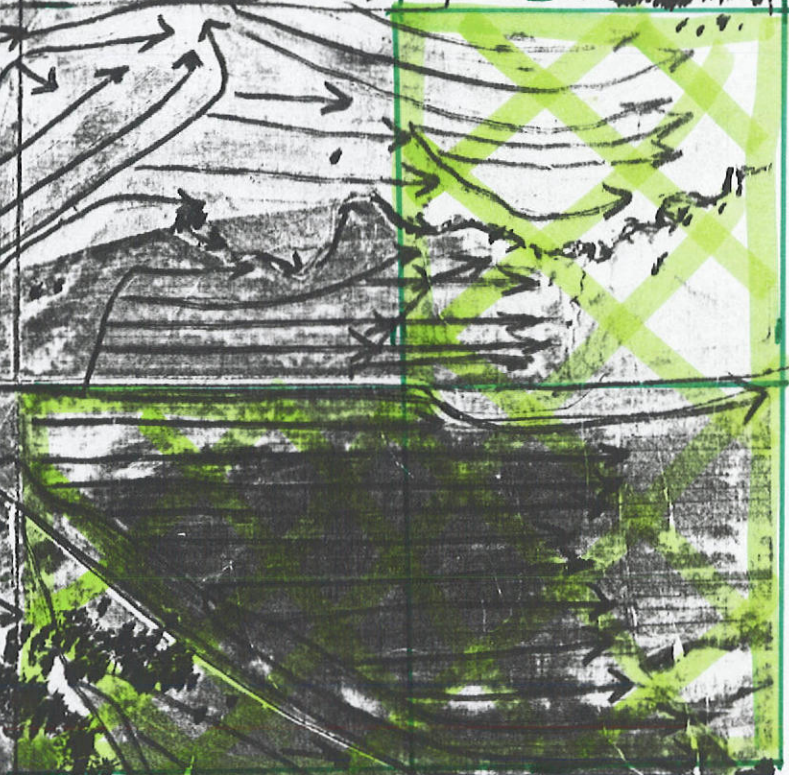
Prepared by Mel Schulte

DATE: MAY 18, 1999



6C

CLAIM A65-00237 EFF 6C
T. R. S. Q/Q
P/D 17N 3E 29 NE NW
SCALE PRBA map
PHOTO ID. ASCS DATE 1961



R3E

Carroll P...



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

RECEIVED

SEP 29 1995

WATER RESOURCES
WESTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

September 28, 1995

MS SHARON SHARP
PO BOX 38
EAGLE ID 83616

RE: Snake River Basin Adjudication (SRBA)
Adjudication Water Master Report A65-02237

Dear Ms. Sharp:

The list of water rights from Mud Creek you requested September 18, 1995, is enclosed. Although the list contains the SRBA adjudication claims that have not been confirmed in the current adjudication, I thought current claimants of the water rights decreed in the Payette Adjudication would be valuable to you; That is, current owners as we have been notified. The list does not contain two water rights. A 1956 water right decreed to George Schultz has not been claimed. A fairly recent small water right near the top end of the creek does not require a claim.

Through this process I stumbled upon a puzzler. I assisted you in filing these SRBA claims, but I am strongly suspicious A65-02484A is filed for half as much water as decreed. I presume you have not sold one-half of the land associated with this water right, unless by deed your daughter has one-half of the property. My question is the right in the Payette Adjudication was decreed for 1.60 cfs while the claim filed in the SRBA is for 0.8 cfs. If my suspicion is correct, the error can be easily corrected with an amendment of this claim. If you wish to do so, please contact me and we can take care of it by mail.

Of course, if you have any questions, please feel free to contact me.

Regards,

Donald V. Shaff
Manager, Adjudication Section

DVS:ss:region

Enclosures:

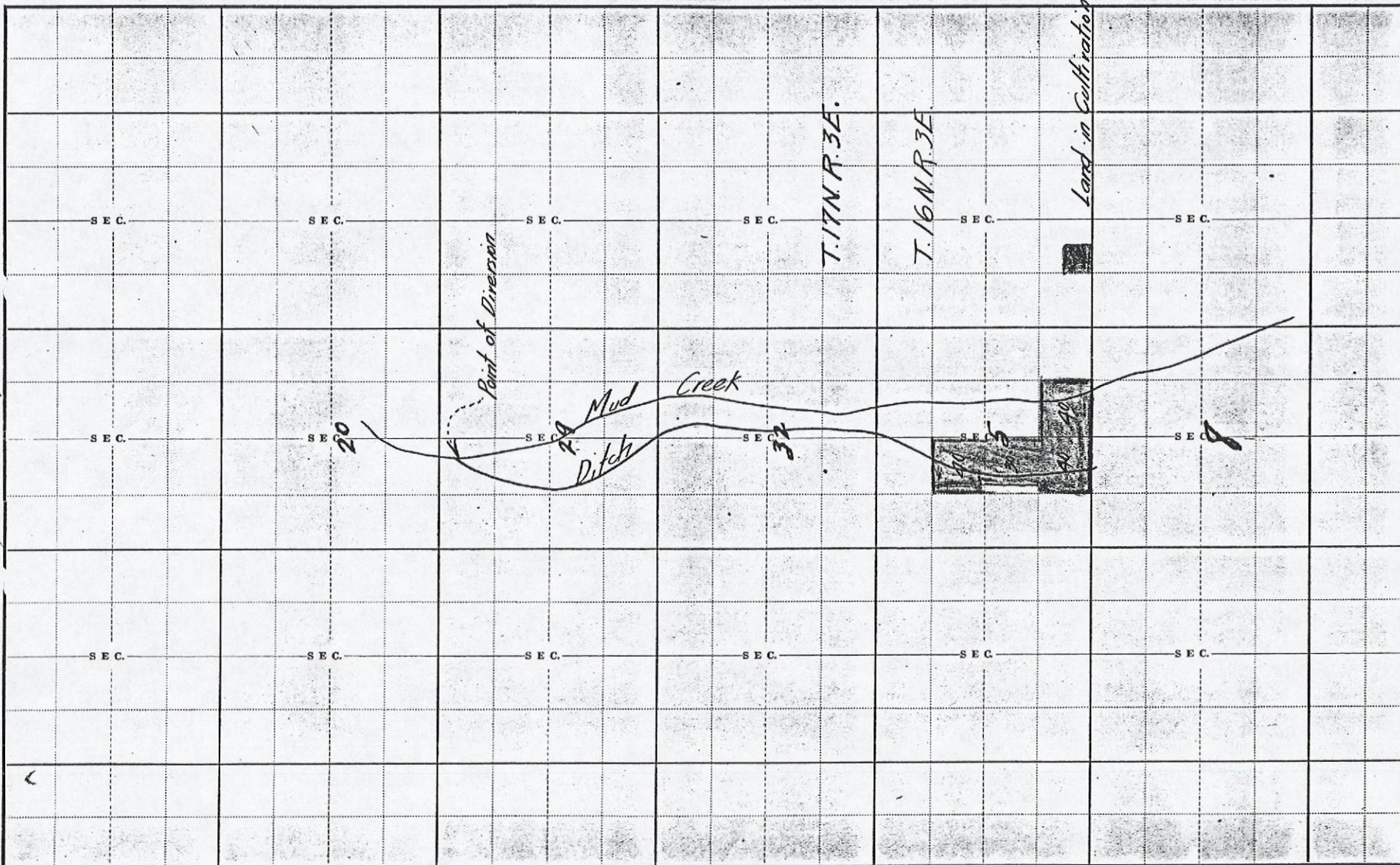
Adjudication Water Master Report

MICROFILMED

OCT 18 1996

NAME OF APPLICANT

James J. Jones



SCALE: 2 INCHES = 1 MILE. DRAW PLAN IN INK.

14409

10/10/21

RECEIVED
SEP 8 1921
DEPARTMENT OF RECLAMATION

59.37
14
73

NAME OF APPLICANT

Elmer E. Sims

The foregoing is a true and certified copy of the document on file at the Department of Water Resources.

Signed this 7th day of Dec 1979

J. H. Santos
Chief, Water Rights Bureau

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

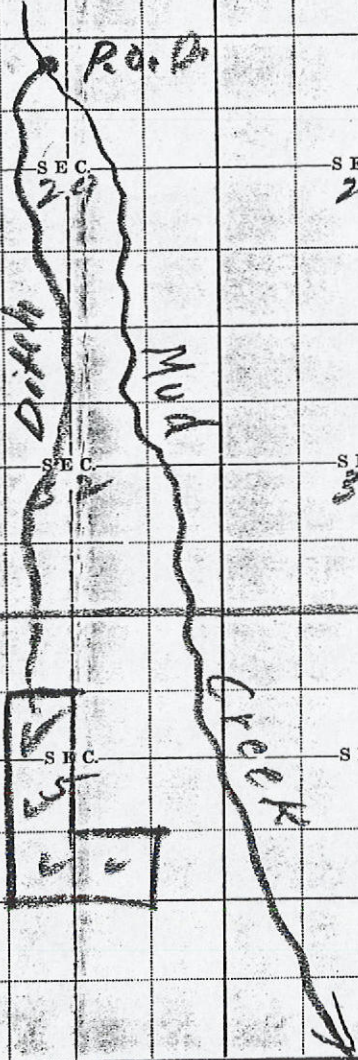
SEC.

SEC.

SEC.

SEC.

SEC.



SCALE: 2 INCHES=1 MILE. DRAW PLAN IN INK.

14409

Pencil Map No. 1446.
As Approved
NOV 26 1914

W. G. SWINDELL
Commissioner of Land and Survey

RECEIVED
SEP 13 1921
DEPARTMENT OF LAND AND SURVEY

DEPARTMENT OF LAND AND SURVEY

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: A65-02237
Date Received: 10/19/1988
Receipt No: X999999
Received By: [Signature]

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: SHARON SHARP
Address: BOX 38
EAGLE, ID 83616
2. Date of Priority: NOV 14, 1918
3. Source: MUD CREEK Trib. to: CASCADE RESERVOIR
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
17N	03E	29	NE	NW			VALLEY
5. Description of diverting works:
6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/15	2.400		
7. Total Quantity Appropriated is:
2.400 C.F.S. (and/or) A.F.A.
8. Total consumptive use is Acre Feet Per Annum.
9. Non-irrigation uses:
10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
16N	03E	8	SW	NE		IRR	40.0
			NE	NW		IRR	40.0
			SE	NW		IRR	40.0
Section Acres							120.0

A65-02237

Page

1

Date: 10/19/88

MICROFILMED

SEP 18 1992

10. Place of Use: Continued

Total Acres 120.0

11. Place of use in counties: VALLEY

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

13. Other Water Rights Used:

14. Remarks:

DECREE GIVEN LICENSE NUMBER.

15. Basis of Claim: DECREED
Water Right Number: 13866
Case Number:
Court :
Decree date: 1/21/1986

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



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

AJ0749NP
No. R65-02237

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

DATE: 08/04/99
PAGE: 1

=====

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	SHARON SHARP PO BOX 38 EAGLE ID 83616	11/14/1918	IRRIGATION	04-15 10-15	2.400 CFS	
					TOTAL DIVERSION:	2.400 CFS

Water Source: MUD CREEK

Tributary to: CASCADE RESERVOIR

Stage: DECREED

Point(s) of Diversion: T17N R03E S29 NENW

VALLEY 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
16N	03E 8	:		40	:	40		40	:					:				120.0
																	TOTAL ACRES	120.0

POU County: VALLEY

Remarks: EXP THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE IN 17N,03E, S29, NENW: 65-03834,
65-02268, 65-08624, 65-02573, 65-11398, 65-02267, 65-02484A.

Dates: Exam Made Date: Verified Date: Objection Filed Date:

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

Audit: 08/04/99 MSCHULTE

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

08:48:17
05/18/99
16

PAGE: 16
PROFILE REPORT

CLAIM NUMBER: A65-02237

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	SHARON SHARP	11/14/1918	IRRIGATION	04-15 10-15	2.40 CFS	
TOTAL DIVERSION:					2.40 CFS	

Water Source: MUD CREEK Tributary to: ~~CASCADE RESERVOIR~~ Stage: DECREED
Point(s) of Diversion: T17N R03E S29 NENW *Pacific River, A.T.* VALLEY 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
16N	03E	8	:					40				40									120.0
TOTAL ACRES																			120.0		

POU County: VALLEY

Remarks: GEN DECREE GIVEN LICENSE NUMBER. *delete*

Dates: Exam Made Date: Verified Date: 04/24/1987 Objection Filed Date:

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

EXP-F06

WR5809NP
No. 65-02237

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 05/18/99
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	SHARON SHARP BOX 38 EAGLE ID 83616	11/14/1918	IRRIGATION	04/15 10/15	2.400 CFS	
TOTAL DIVERSION:					2.400 CFS	

Water Source: MUD CREEK

Tributary to: CASCADE RESERVOIR

Stage: DECREED

Point(s) of Diversion: T17N R03E S29 NENW

VALLEY County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE								
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SESW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM
---	---	---	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	---
16N	03E	8	:			40		:	40		40		:					:					:	120.0
TOTAL ACRES																							120.0	

Pou County: VALLEY

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
65-02267 65-02268 65-02484A 65-02573 65-03610 65-03834 65-08624 65-11398

Remarks: GEN DECREE GIVEN LICENSE NUMBER.

Dates:	App. Received:	Priority Date:	11/14/1918
	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: 04/24/87 04/30/88 CONVERT

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

08:47:45
05/18/99

PAGE: 15
QUICKLOOK INFORMATION

15
CLAIM NUMBER: A65-02237

WR ELEMENT	DATA DISCREPANCY Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	ELEMENT DOCUMENTED WHOM/DATE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE			MS A. office 5-18-99	N		MS 5-18-99	MS 5-18-99	
POINT OF DIV				N				
SOURCE				N				
PLACE OF USE				N				
DIV. AMOUNT CFS/VOLUME				N				
CONSUMPTIVE USE				NA				
PURPOSES OF USE				N				
PERIOD OF USE				N				
BASIS OF CLAIM				N				
REMARKS	Y			Y				

BARCODE UPDATED
WHOM/DATE

MAPS AND AERIAL PHOTOGRAPHS USED TO REVIEW THIS NOTICE OF CLAIM TO A WATER RIGHT

TYPE OF MAP OR PHOTOGRAPH (CHECK IF USED)	IF USED, SUPPLY APPROPRIATE DATE AND OTHER INFORMATION	COPY INCLUDED IN FILE?
() ORTHOPHOTOQUAD	DATE OF PHOTO _____ IDWR ID NO. _____	Y() N()
☒ TOPOGRAPHIC	DATE FIELD CHECKED _____ IDWR ID NO. <u>560</u>	Y(☒) N() <u>5a</u>
☒ ~~MAP~~ <u>GIS map</u>	DATE OF PHOTO <u>5-18-99</u> <u>(1987)</u> IDWR ID NO. _____	Y(☒) N() <u>6b</u>
☒ ASCS AERIAL PHOTO	DATE OF PHOTO <u>1961</u>	Y(☒) N() <u>6c</u>
() ASCS COLOR SLIDE	DATE OF PHOTO _____	Y() N()
() BLM OR USFS AERIAL PHOTO	DATE OF PHOTO _____	Y() N()
() TOWNSHIP SURVEY (GOVERNMENT PLAT)	DATE OF SURVEY _____	Y() N()
() SCS SOIL SURVEY MAP	DATE ISSUED _____	Y() N()
() SUBDIVISION PLAT MAP	DATE OF MAP _____	Y() N()
☒ OTHER <u>GIS Table</u>	DATE <u>5-18-99</u>	Y(☒) N() <u>6a</u>
() OTHER _____	DATE _____	Y() N()
() OTHER _____	DATE _____	Y() N()

LIST OF ATTACHMENTS (CHECK IF ATTACHED)	IF ATTACHED, SUPPLY APPROPRIATE INFORMATION	NO. OF PAGES	NOTES
() LICENSING FIELD EXAM	DATE OF FIELD EXAM _____	_____	_____
() WATER RIGHT LICENSE	DATE LICENSE SIGNED _____	_____	_____
() IDWR APPROVED TRANSFER	DATE TRANSFER APPROVED _____	_____	_____
() SYSTEM DESCRIPTION	DATE DRAWN _____	_____	_____
() PHOTOGRAPHS	DATE(S) PHOTOS TAKEN _____	_____	_____
() SPLIT RIGHT REVIEW	DATE REVIEW COMPLETED _____	_____	_____
() HUBBLE ANALYSIS	DATE ANALYSIS COMPLETED _____	_____	_____
() CONVEYANCE LOSS ANALYSIS	DATE ANALYSIS COMPLETED _____	_____	_____
() FLOW MEASUREMENT CALCULATIONS	DATE SYSTEM MEASURED _____	_____	_____
☒ OTHER <u>POU review report</u>	DATE <u>5-18-99</u>	<u>1</u>	_____
() OTHER _____	DATE _____	_____	_____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

08:47:45
05/18/99

PAGE: 1
GENERAL INFORMATION

1
CLAIM NUMBER: A65-02237

LAST: JACKSON
ADDRESS:
CITY:
PHONE NUMBER:

FIRST: ORVILLE

STATE: ZIP:

OWNER CODE: O

LAST: JACKSON
ADDRESS:
CITY:
PHONE NUMBER:

FIRST: FLOY L

STATE: ZIP:

OWNER CODE: O

LAST: SHARP
ADDRESS: BOX 38
CITY: EAGLE
PHONE NUMBER:

FIRST: SHARON

STATE: ID ZIP: 83616

OWNER CODE: C

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

DATABASE
Y

FIELD
EXAMINER
Y() N()

CLAIM REMARKS: GEN DECREE GIVEN LICENSE NUMBER.

CONTACT PERSON: _____

PHONE NUMBER: (____) ____-____

DATE OF FIELD EXAM: __/__/__

APPOINTMENT MADE: Y(____) N(____)

TIME: ____:____ A(____) P(____)

ACCOMPANIED BY: _____

PHONE NUMBER: (____) ____-____

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / NOTES:

In Office Exam

A. AJ CLAIM: # A65-02237 PRIORITY DATE: 11-14-1918 STAGE: D

B. WR RECORD: # 65-02237 PRIORITY DATE: 11-14-1918 STAGE: D

C. CAN THE PRIORITY DATE CLAIMED BE CONFIRMED BY A DECREE OR LICENSE? Y(☒) N(☐)

D. HAS THERE BEEN A LATER COURT DECREE OF THE WATER RIGHT(S) FROM THIS WATER SOURCE? Y(☐) N(☒)

E. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE?
(IF YES, DESCRIBE BELOW) Y(☐) N(☒)

F. IF THIS CLAIM IS BASED ON A PERMIT, WHERE IS THE PERMIT IN THE LICENSING PROCESS?

PROOF OF BENEFICIAL USE SUBMITTED N/A(☒) Y(☐) N(☐)

FIELD EXAM COMPLETED N/A(☒) Y(☐) N(☐)

FIELD EXAM SENT TO STATE OFFICE N/A(☒) Y(☐) N(☐)

LICENSE ISSUED N/A(☒) Y(☐) N(☐)

* IF THE PERMIT WILL NOT BE LICENSED PRIOR TO THE DIRECTOR'S REPORT,
USE CONDITION CODE A01 AND RECOMMEND AS PERMITTED.

G. IF THIS CLAIM IS BASED ON BENEFICIAL USE, IS ADDITIONAL EVIDENCE
OF THE PRIORITY DATE REQUIRED? N/A(☒) Y(☐) N(☐)

* FOR CLAIMS BASED ON BENEFICIAL USE, DESCRIBE THE EVIDENCE OF PRIORITY SUBMITTED,
INCLUDING THE ANALYSIS OF THE EVIDENCE.

H. IS THE STAGE OF THE CLAIM CODED CORRECTLY? Y(☒) N(☐)

NOTES: Recommended as decreed in the PRBA.

=====

RECOMMENDED PRIORITY DATE:

11-14-1918
REVIEWED BY Meel Schulte

DATE 5-18-98

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP. RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NUMBER
A65-02237	17N 03E	29		NE	NW			VALLEY		

OTHER AJ CLAIMS WITH SAME AJ POD

A PREFIX	R PREFIX
A65-02267	65-03610
A65-02268	R65-02573
A65-02484A	R65-03834
A65-02573	R65-08624
A65-03610	
A65-03834	
A65-08624	
A65-11398	

WR RECORDS IN SAME 40 ACRE TRACT

65-02267
65-02268
65-02484A
65-02573
65-03610
65-03834
65-08624
65-11398

SOURCE: MUD CREEK

TRIB: CASCADE RESERVOIR

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP. RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NUMBER
65-02237	17N 03E	29		NE	NW			VALLEY		

OTHER WR RECORDS WITH SAME WR POD

65-02267
65-02268
65-02484A
65-02573
65-03610
65-03834
65-08624
65-11398

AJ CLAIMS IN SAME 40 ACRE TRACT

A PREFIX	R PREFIX
A65-02267	65-03610
A65-02268	R65-02573
A65-02484A	R65-03834
A65-02573	R65-08624
A65-03610	
A65-03834	
A65-08624	
A65-11398	

SOURCE: MUD CREEK

TRIB: CASCADE RESERVOIR

C. IS THE CLAIMED POD WITHIN THE SAME 40 ACRE TRACT THAT IS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y(☒) N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POD, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

D. CAN THE CLAIMED POD BE VERIFIED USING THE WATER RIGHT FILE OR GPS DATA? N/A() Y(☒) N()

E. SHOULD THE CLAIMED POD BE VERIFIED BY FIELD EXAM? Y() N(☒)

F. IS THE CLAIMED SOURCE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y(☒) N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN SOURCE, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

G. CAN THE CLAIMED SOURCE BE VERIFIED USING THE WATER RIGHT FILE? Y(☒) N()

H. SHOULD THE CLAIMED SOURCE BE VERIFIED BY FIELD EXAM? Y() N(☒)

I. HOW WAS THE POD AND SOURCE VERIFIED?

LICENSING FIELD EXAM (DATE OF FIELD EXAM _____) Y() N(☒)

AJ FIELD EXAM (DATE OF FIELD EXAM _____ NAME OF EXAMINER _____) Y() N(☒)

OTHER (DESCRIBE IN NOTES BELOW)

NOTES: Recommended as decreed in the PRBA and verified
on topo map S60.

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE: CHECK HERE IF RECOMMENDED AS CLAIMED ()

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY VALLEY	DIVERSION NAME	DIVERSION NBR
17N	03E	29		NE	NW					
—	—	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—	—

SOURCE: MUD CREEK

TRIB: ~~CASCADE RESERVOIR~~

Payette River, North Fork

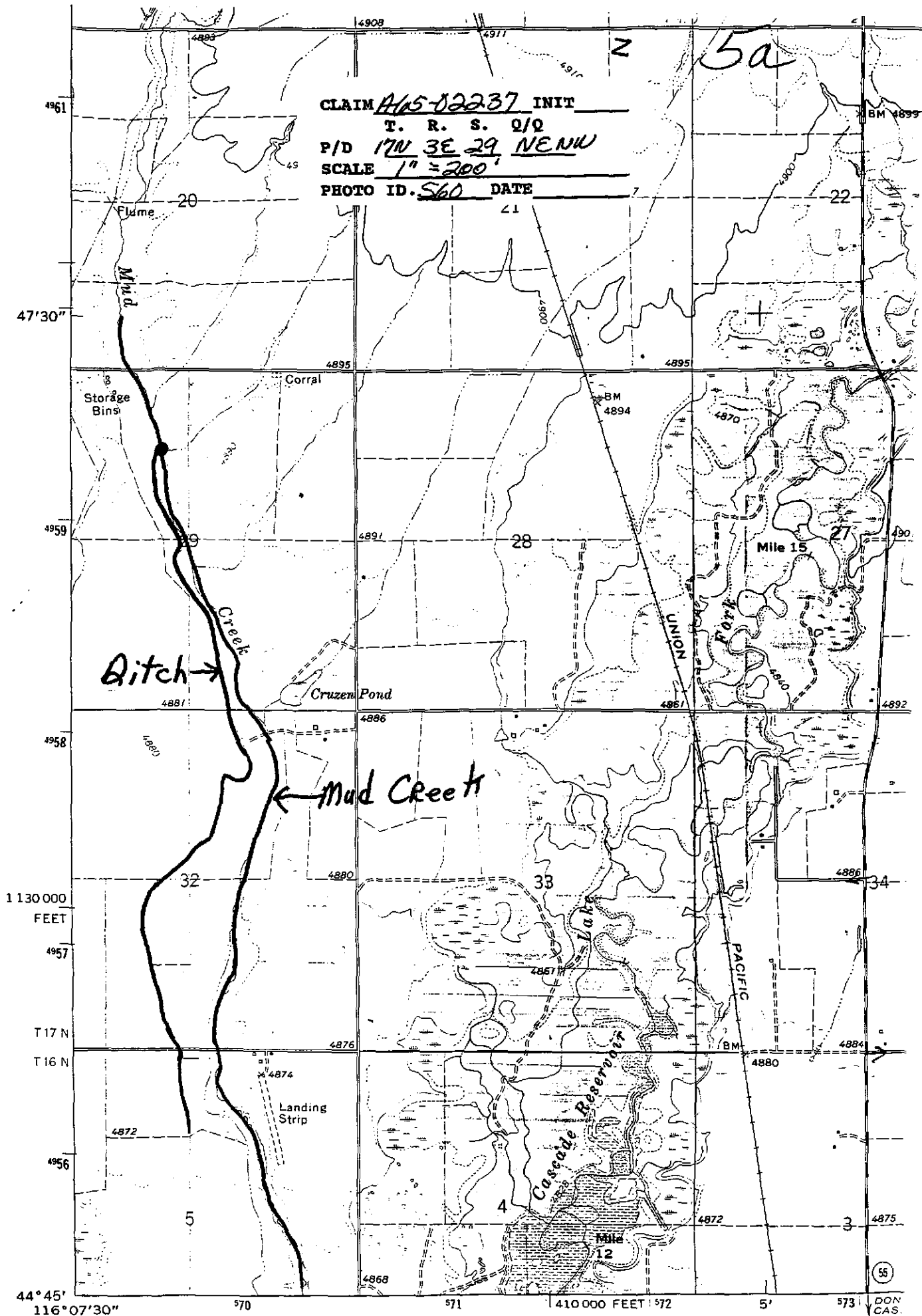
REVIEWED BY:

McSchulte

DATE:

5-18-99

SYSTEM DESCRIPTION: DESCRIBED BELOW (), SEE LICENSE FILE (), OR SEE ATTACHMENT ()



A. ROOT WATER RIGHT NUMBERS: A65-02237

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
16N	03E	8	SW	NE		SHARP, SHARON	A65-02237 / 40.0	65-02237 / 40.0	31.0		40
16N	03E	8	NE	NW		SHARP, SHARON	A65-02237 / 40.0	65-02237 / 40.0	39.0		40
16N	03E	8	SE	NW		SHARP, SHARON	A65-02237 / 40.0	65-02237 / 40.0	40.0		40.0

ADDITIONAL POU FOUND

TOTAL ACRES	A65-02237	120.00	120.00	110.00	120
-------------	-----------	--------	--------	--------	-----

POU COUNTY: VALLEY

C. IS WATER USAGE FOUND IN TRACTS OTHER THAN THOSE CLAIMED?

Y() N(☒)

* IF YES, ARE THESE TRACTS LISTED ABOVE (), OR ARE THEY LISTED ON AN ATTACHED SHEET ()

LIST OF ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE

NO CLAIMS FOUND WITH SAME POU AND IRRIGATION USAGE

NO RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION

D. ARE OTHER WATER RIGHTS USED FOR THE SAME PURPOSE?

Y() N(☒)

* IF YES, COMPLETE OVERLAP REVIEW:

OTHER RIGHTS LISTED IN CLAIM:

E. IS THE CLAIMED POU THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A() Y(☒) N()

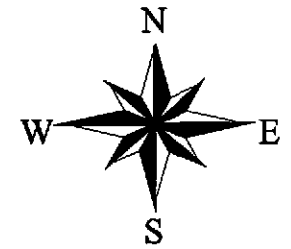
* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POU, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

F. CAN THE CLAIMED POU BE VERIFIED USING THE WATER RIGHT FILE AND AVAILABLE AERIAL PHOTOS?

N/A() Y(☒) N()

IDAHO DEPARTMENT OF WATER RESOURCES

16N, 03E, S8



1987 NAPP PHOTO

● POINT OF DIVERSION

▭ PLACE OF USE

▭ 1/4 1/4 LINES

▭ SECTION LINES

6 ACRES

6 SECTION NUMBERS

CLAIM(S): 65-02237

OWNER(S): SHARP

Prepared by Mel Schulte

DATE: MAY 18, 1999

0 0.25 0.5 0.75 Miles

CLAIM 445-00237 ~~ERR~~ 6C
T. R. S. Q10
P/D 17N 3E 29 NENW
SCALE PRBA map
PHOTO ID. ASCS DATE 1961

R3E

Can. Int. P. 1

G. SHOULD THE CLAIMED POU BE VERIFIED BY FIELD EXAM?

Y() N(☒)

H. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE OF THIS RIGHT, OR ANY PORTION OF THIS RIGHT?

Y() N(☒)

CHECK DOCUMENTS USED TO VERIFY POU: () ORTHOPHOTOQUAD, IDWR NO. _____; () TOPOGRAPHIC QUAD, IDWR NO. _____;

GIS
← NAPP, IDWR NO. _____; ← ASCS PHOTO; () OTHER _____

NOTES:

Recommended as decreed in the PRBA.

RECOMMENDATIONS:

TOTAL ACRES:

120

N/A()

REVIEWED BY:

Mel Schulte

DATE:

5-18-99

A. AJ CLAIMED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
A65-02237 IRRIGATION	FROM 04-15 TO 10-15	2.400 CFS	
TOTAL DIVERSION RATE/VOLUME		2.400 CFS	

B. WR RECORDED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
65-02237 IRRIGATION	FROM 04-15 TO 10-15	2.400 CFS	
TOTAL DIVERSION RATE/VOLUME		2.400 CFS	

C. DOES THE CLAIMED PURPOSE OF USE CORRECTLY DESCRIBE THE WATER USE? Y(☒) N(☐)

D. IS THE CLAIMED PURPOSE OF USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A(☐) Y(☒) N(☐)

* IF NO, AND IF THE ACTUAL WATER USE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN PURPOSE OF USE, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

E. SHOULD THE CLAIMED PURPOSE OF USE BE VERIFIED BY FIELD EXAM? Y(☐) N(☒)

F. DOES THE CLAIMED PERIOD OF USE CONFORM TO IDWR STANDARDS? Y(☒) N(☐)

G. SHOULD THE PERIOD OF USE BE RECOMMENDED TO IDWR STANDARDS? Y(☒) N(☐)

* IF THE RECOMMENDED PERIOD OF USE IS DIFFERENT THAN IDWR STANDARDS, EXPLAIN IN NOTES BELOW.

H. IS THE CLAIMED DIVERSION RATE FOR EACH USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A(☐) Y(☒) N(☐)

* IF NO, DESCRIBE IN NOTES BELOW HOW THE RECOMMENDED DIVERSION RATE FOR EACH USE WAS DETERMINED.

I. SHOULD THE CLAIMED DIVERSION RATE FOR EACH USE BE VERIFIED BY FIELD EXAM? N/A(☐) Y(☐) N(☒)

J. IS THE CLAIMED DIVERSION VOLUME FOR EACH USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A(☒) Y(☐) N(☐)

* IF NO, DESCRIBE IN NOTES BELOW HOW THE RECOMMENDED DIVERSION VOLUME FOR EACH USE WAS DETERMINED.

K. SHOULD THE CLAIMED DIVERSION VOLUME FOR EACH USE BE VERIFIED BY FIELD EXAM? N/A(☐) Y(☐) N(☒)

NOTES:

Recommended as decreed in the PRBA

AJ CLAIM TOTAL DIVERSION RATE: 2.400 CFS

WR ROOT RIGHT TOTAL DIVERSION RATE: 2.400 CFS

A. IS THE CLAIMED TOTAL DIVERSION RATE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y(☒) N()

B. CAN THE CLAIMED TOTAL DIVERSION RATE BE VERIFIED USING THE WATER RIGHT FILE? N/A() Y(☒) N()

* ALL CLAIMS BASED ON BENEFICIAL USE (INCLUDING POSTED NOTICES AND STATUTORY CLAIMS) REQUIRE A FLOW MEASUREMENT.

C. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE OF THIS RIGHT, OR ANY PORTION OF THE DIVERSION RATE? Y() N(☒)

* IF AN AMOUNT SMALLER THAN THE ORIGINAL DIVERSION RATE IS CLAIMED AND A FIELD EXAM IS NOT REQUIRED, EXPLAIN IN NOTES.

D. SHOULD THE CLAIMED DIVERSION RATE BE VERIFIED BY FIELD EXAM? Y() N(☒)

E. FLOW MEASUREMENT

MEASUREMENT METHOD None, SEE ATTACHED CALCULATIONS.

F. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE

ACRES 120 x 0.02 CFS/ACRE = 2.40 CFS
(Taken from pou review)

1b. CALCULATIONS

IS A DIVERSION RATE PER ACRE GREATER THAN 0.02 CFS/ACRE CLAIMED? Y() N(☒)

IF YES, IS AN ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y() N()

2. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = NA AF/A

ACRES _____ x DIVERSION VOL. AF/A FOR AREA _____ =

TOTAL DIVERSION VOLUME _____ AF/A

3. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = NA AF/A

ACRES _____ x CONSUMPTIVE VOL. AF/A FOR AREA _____ =

TOTAL CONSUMPTIVE USE _____ AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION: SEE BELOW () OR SEE ATTACHMENT ()

RECOMMENDATIONS: CHECK HERE IF RECOMMENDED AS CLAIMED (___)

REC. PURPOSE OF USE	REC. PERIOD		REC. DIV		REC. DIV		REC. CONS.	
	FROM	TO	RATE	CFS	VOL.	AF/A	USE	
IRRIGATION	04-15	10-15	DATABASE 2.400	EXAMINER _____	DATABASE	EXAMINER _____	DATABASE 0.0	EXAMINER _____
_____	_____	_____		_____		_____		_____
_____	_____	_____		_____		_____		_____
_____	_____	_____		_____		_____		_____
_____	_____	_____		_____		_____		_____
TOTAL FOR THIS RIGHT			2.400	_____		_____	0.0	_____

NON-IRRIGATION USES CLAIMED:

NON-IRRIGATION USES RECOMMENDED: CHECK HERE IF RECOMMENDED AS CLAIMED (___)

REVIEWED BY: Mc Schulte

DATE: 5-18-99

FLAG: _____

STANDARD CONDITIONS (CODE): _____

STANDARD REMARKS (CODE):

EXP- F06.

EXPLANATORY CONDITIONS (CODE):

EXPLANATORY REMARKS (CODE):

A. CHECK ONLY THE FOLLOWING THAT APPLY:

	ACCEPTED AS CLAIMED	NEEDS REVIEW
OWNERSHIP _____	(<u>✓</u>)	()
FORFEIT/ABANDON _____	()	()
ADDITIONAL DIV. AMOUNT _____	()	()

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 65-02237

TOTAL DIVERSION RATE OF WR SPLITS

DATABASE
2.400

EXAMINER

CFS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A65-02237	2.400	-		65-02237	2.400
TOTAL CFS		2.400				2.400

DIVERSION RATE REVIEW

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)
IF NO, IS THE WRITTEN REVIEW DESCRIBED BELOW () OR SEE ATTACHMENT ()?

DATABASE
Y
FIELD
EXAMINER
Y() N()

NOTES:

AUTHENTICATION:

SIGNATURE: Mel Schulte DATE: 5-18-99.

NAME OF FIELD EXAMINER: _____ TITLE: _____

OPTION: IRRIGATION USES ONLY

ADJUDICATION CLAIM NUMBER: A65-02237

PAGE: 1

A. ROOT WATER RIGHT NUMBERS: A65-02237

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/USE/ACRES	WR #/USE/ACRES	LANDSAT DATA
16N	03E	8	SW	NE		SHARP, SHARON	A65-02237 /01/40.0	65-02237 /01/40.0	31.0
16N	03E	8	NE	NW		SHARP, SHARON	A65-02237 /01/40.0	65-02237 /01/40.0	39.0
16N	03E	8	SE	NW		SHARP, SHARON	A65-02237 /01/40.0	65-02237 /01/40.0	40.0
TOTAL ACRES							A65-02237	120.00	120.00 110.00

POU COUNTY: VALLEY

A. ROOT WATER RIGHT NUMBERS: A65-02268

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/USE/ACRES	WR #/USE/ACRES	LANDSAT DATA
16N	03E	5	SE	NW		SHARP, SHARON L	A65-02268 /01/40.0	65-02268 /01/40.0	38.0
16N	03E	5	NE	SW		SHARP, SHARON L	A65-02268 /01/39.0	65-02268 /01/39.0	34.0
16N	03E	5	SE	SW		SHARP, SHARON L	A65-02268 /01/27.0	65-02268 /01/27.0	37.0
16N	03E	5	SW	SE		SHARP, SHARON L	A65-02268 /01/40.0	65-02268 /01/40.0	34.0
TOTAL ACRES							A65-02268	146.00	146.00 143.00

POU COUNTY: VALLEY

A. ROOT WATER RIGHT NUMBERS: A65-02484A
A65-02484X

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/USE/ACRES	WR #/USE/ACRES	LANDSAT DATA
16N	03E	8	NW	NE		SHARP, SHARON	A65-02484A /01/40.0	65-02484A /01/40.0	38.0
			NW	NE		SHARP, SHARON L	A65-11398 /01/25.0	65-11398 /01/25.0	
16N	03E	8	NW	NW		SHARP, SHARON	A65-02484A /01/31.0	65-02484A /01/31.0	16.0
			NW	NW		SHARP, SHARON L	A65-11398 /01/ 6.0	65-11398 /01/ 6.0	



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

RECEIVED

SEP 29 1995

WATER RESOURCES
WESTERN REGION

September 28, 1995

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

MS SHARON SHARP
PO BOX 38
EAGLE ID 83616

RE: Snake River Basin Adjudication (SRBA)
Adjudication Water Master Report. [REDACTED]

Dear Ms. Sharp:

The list of water rights from Mud Creek you requested September 18, 1995, is enclosed. Although the list contains the SRBA adjudication claims that have not been confirmed in the current adjudication, I thought current claimants of the water rights decreed in the Payette Adjudication would be valuable to you; That is, current owners as we have been notified. The list does not contain two water rights. A 1956 water right decreed to George Schultz has not been claimed. A fairly recent small water right near the top end of the creek does not require a claim.

Through this process I stumbled upon a puzzler. I assisted you in filing these SRBA claims, but I am strongly suspicious A65-02484A is filed for half as much water as decreed. I presume you have not sold one-half of the land associated with this water right, unless by deed your daughter has one-half of the property. My question is the right in the Payette Adjudication was decreed for 1.60 cfs while the claim filed in the SRBA is for 0.8 cfs. If my suspicion is correct, the error can be easily corrected with an amendment of this claim. If you wish to do so, please contact me and we can take care of it by mail.

Of course, if you have any questions, please feel free to contact me.

Regards,

Donald V. Shaff
Manager, Adjudication Section

DVS:ss:region

Enclosures:

Adjudication Water Master Report

MICROFILMED

OCT 18 1996

make 3 copies of each certified document

Exhibits - certified

chart

Ted Greer
345-5048

Rule 43(b)(10) - exclusion of trial witnesses

request exclusion of all witnesses who are to testify from personal knowledge about the existence of a water right ^{occurring} dating from 1918. With matters ⁱⁿ this long ago, the power of suggestion is very great. For this reason we would request that any witness ~~Mr. Weeks~~ intends to call to ~~testify~~ establish a use right ^{from 1918} for Orville Jackson be excluded from the courtroom during the presentation of testimony on this issue. ~~That is, of course,~~ ~~not meant to~~ except for ~~the~~ by any other witness.

Rule 43(b)(4) - cross-examination of adverse party —
party may call an adverse party & interrogate him by leading questions and contradict and impeach him as if he had been called by the adverse party provided adverse party may be cross-examined only as to matters which are peculiarly within the knowledge of the witness and which are not otherwise readily available

Public documents -

self-authenticating (Bell, p. 184)

Rule 44(a) IRCP - an official record or entry therein, when admissible for any purpose, may be evidenced by an official publication thereof or by a copy attested by the officer having the legal custody of the record and accompanied with a certificate that such office has the custody.

exception to hearsay
7-316 - written reports or findings of fact made by officials of Idaho on a matter within the scope of their duty shall insofar as relevant be admitted as evidence of the matters stated therein.

I.C. 9-315 Proof of other official documents
9-315 (6): documents of any other class in this state, ^{other than records or papers of the legislative or judicial branch of the government} by the original, or by a copy, certified by the legal keeper thereof.

9-322

Entries in public and official books - effect as prima facie evidence

9-321 - A public record of a private writing may be proved by the original record, or by a copy thereof, certified by the legal keeper of the record.

Entries in public or other official books or records made in the performance of his duty by a public officer of this state, or by another person in the performance of a duty specially enjoined by law, are prima facie evidence of the facts stated therein.

9-327 - an entry made by an officer, or board of officers, or under the direction and in the presence of either, in the course of official duty, is prima facie ^{evidence of the facts stated in such entry.}

notoriety-

Photographs-

Photographs are generally admissible when the witness who identifies them states that they correctly portray the scene or object. (Bell, p. 180)

Maps - I.C. 9-402 - Historical works, books of science or art, and published maps or charts, when made by persons indifferent between the parties, are prima facie evidence of facts of general notoriety and interest.

materiality - evidence must relate to the issues of the case

relevance - evidence must have some logical, probative weight tending to prove or disprove some fact in the case.

(guess, speculation, and conjecture are not relevant)

competency - must not be barred by some rule of evidence such as the "Dead Man's Act" or privileged communication

hearsay - a statement offered to show knowledge of the statement by the person to whom it was addressed is not hearsay. Any person who heard the statement made can properly testify.

when the statement is not being offered as proof of the facts contained in the statement but merely as proof that the statement was made, the hearsay rule has no application.

admit all three licenses because of illustrative chart

Vol. II: Surface water rights p. 223

65-2237	(1918)	p. 223
65-2268	(1919)	p. 223
65-2484	(1949)	p. 225

claims

✓ Exhibit A, p. 11 - attached to motion ~~to motion~~
to correct clerical oversights which was
filed ^{with} by this court on Sept. 14

claims
licenses

please state your name, spelling it for the record

What is your address

Where are you employed

How long have you been employed by water resources?

what is your title

do your responsibilities ^{at Water Resources} include work on the Payette
Adjudication

How long have you worked on the Payette Adjudication?

In the course of your work on the Pacquette Adjudi-
cation did you review the water right claims of
Orville and Floy Jackson? Was a claim filed by the

Jackson's claiming a 1918 priority date for 80 acres composed of 40.31%.

I now hand you claim comprised of 40,131,114 65-2237 which is

already on file in this adjudication and ask you
to tell the court ~~what priority~~ ^{in whose name} ~~was filed~~ this
claim is filed

whose signature is on the claim?

And what is the listed source of water?

list disputed
acres on a
check board

Don-where is the
original for 65-2484 A? Does the court have a copy?
→ how many cubic feet per second are listed for the claim?
and what priority is listed on the claim
and how many ^{irrigated} acres are claimed listed on the claim?
does the claim indicate whether those irrigated acres are by reference to Fig. A.
license it is based upon a mEx

The Jacksons
believe that priority
believe 1918 priority
this should be
date to 40 NW 1/4
applied the 1918
acres in 31 acres Sec. 8
Sec. 8 NW 1/4 of the
the 9 acres in
and Sec. 8
NE 1/4 of the 9
are listed in
acres?
claim?
OR

what is the number of the license
put into evidence

~~OFFER certified copy of license~~

I now hand you license 65-2237
How many acres of land are listed

what is the source listed for
license # 65-2237

what is the priority date listed for license # 65-2237,

how many
what acres are listed as irrigated under this license?
Could you show where those irrigated acres are by reference to Fig. A on Ex 65-2237,
the any acres
are 40 acres in the NWNE, Sec. 8, T16N, R3E.
these any acres
are 31 acres in the NWNW, Sec. 8
NESE, Sec. 8

how many of are listed for license 65-2237?

Earlier, you stated that the Jacksons had not
filed a claim for a 1918 priority date for a water
right for the 80 acres comprised of 40 acres
in the NWNE, 31 acres in the NWNW, and 9
acres in the NESE, all in Sec. 8, T16N, R3E.

However, did the Jacksons file a claim for these acres in which a priority date other than 1918 was claimed?

what ~~claim~~ is the number of that claim?
65-2484

or
I now hand you
claim no.
65-2484

in whose name is ⁶⁵⁻²⁴⁸⁴ ~~this~~ claim filed?

whose signature is on ⁶⁵⁻²⁴⁸⁴ ~~the~~ claim?

What is the listed source of water?

what priority is listed on ⁶⁵⁻²⁴⁸⁴ ~~the~~ claim?

how many irrigated acres are listed on the claim?

could you show where those irrigated acres are by reference to Fig. A on Ex. _____?

do those irrigated acres contain the 80 acres whose priority date is now in dispute?

how many cubic feet per second are listed for the claim

does the claim indicate whether it is based on a license

certified
copies?



What is the number of the license

I hardly want to be a copy of the permit # 20162 which became 65-2484. Since this Exhibit is rather lengthy I ask that you read item 14-A for the court license what is the source listed for 65-2484?

What is the priority date listed for license 65-2484 how many irrigated acres are listed ~~as~~ for license 65-2484

Could you show where those irrigated acres are by reference to Fig. A on Ex. 1

do those irrigated acres contain the 80 acres whose priority date is now in dispute?

Does the license ~~state~~ which permit # was issued prior to the issuance of license 65-2484? Is that how many public feet per second are listed for the license?

You have earlier stated that the Jacksons claimed 120 acres with a 1918 priority date. How many acres were recommended In the Dept's proposed finding of water rights, how many acres of irrigated land were recommended for the Jacksons with a 1918 priority date? 200

Could you show where those irrigated acres are by reference to Fig. B on Ex. 1

How many of those 200 acres are the same as the acres listed on the Jacksons 1918 license? 120
~~Are the additional~~

~~Where are the 80 acres~~

Were the additional 80 acres the same as the irrigated acres for any of the Jacksons' other licenses? Yes

Which license? 65-2484

~~which~~ what is the priority for license 65-2484

Who made the ~~final~~ recommendation of 200 acres with a 1918 priority date for the Jacksons?

~~Did you have~~ On what

~~base the Dept's recommendation that the Jacksons' licenses be which to base that 200 acres in recommended for priority date of 1918~~ did you

When you became aware that the ¹⁹¹⁸ license was for only 120 acres, but that the dept. had recommended 200 acres with that priority date, what did you do?

the issue before the court today concerns the priority date for a water right for 80 acres of land located ~~at~~ west of the city of Donnelly Idaho in T 16 N, R 3 E.

Specifically the 80 acres are ~~all~~ located in ~~Section 25~~ ^{Section 25} T 16 N, R 3 E and ~~located as follows~~

40 acres in NW 1/4 NE

31 acres in NWNW

9 acres in NESE

Since there will be repeated references to these 80 acres, I have written ^{their legal description} ~~the~~ on the chalkboard.

To date, all of the

The 80 acres are part of the land under ~~the~~ water rights ^{out of Mud Creek} which are recommended in the name of Orville Jackson & or Floy L. Jackson. ~~Mud Creek is within~~

~~the right to~~
A water right in Mud Creek.

There are 3 rights listed for the Jacksons - ~~these appear at pp 22~~

Right no. 65-2237 ¹⁹¹⁸ on p. 223

" " 65-2268 ¹⁹¹⁹ on p. 223

" " 65-2484 ¹⁹¹⁹ on p. 225

✓
do Jacksons have any of 3 rights out of Mud Creek.

the 80 acres ~~was~~ whose priority date is disputed are listed with right no. 65-2237 on p. 223, Right No. 65-2237 has a priority date of 1918.

In September Water Resources requested that the court ~~correct a clerical error~~ in a motion to correct various clerical errors in the proposed findings requested, that the court ~~be~~ correct the Jacksons' rights out of Mud Creek by assigning these 80 acres to ^{part of} Right No. 65-2234, ~~Right No. 65-2234~~ has a priority date of 1949.

(These changes are listed at p. 11 of Exhibit A to the ^{Dept of Water Resources} motion to correct clerical oversights which was filed with this court on September 14, 1979, ~~states~~ ^{states} proposed findings for the Payette Adjudication ~~states~~

~~The~~ The ^{proposed} ~~three~~ ^{of the} Mud Creek rights for the Jacksons are based on licenses. The Department of Water Resources has prepared certified copies of those licenses and

RECEIVED

DEC 11 1979

INTER-DEPARTMENT MEMO — 1

FROM D. Shaff

Department of Water Resources

DATE 12/11/79

TO Jo B.

SUBJECT Jackson Rights

The attached sheet illustrates the changes that came out of "pre-trial" meeting in Emmett yesterday. The changes from our motion are shown in red; the additions are in ink. As a suggestion, our notice of hearing could contain ^{a copy of} ~~the~~ page 12 from the exhibit showing our recommended change and a copy of the attached sheet in a typed-form.


SIGNATURE

INDICATES TOTAL

RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	USE	USE PERIOD FROM TO	MAX AMOUNT MAX RATE	DIVERSION POINT	PLACE OF USE AND ACREAGE	BASIS FOR RIGHT
65-2237 VOL. II P. 223	JACKSON, ORVILLE & JACKSON, FLOY L. BOX 38, EAGLE, IDAHO 83616	11/14/1918	SOURCE: MUD CREEK IRRIGATION	4/15 10/15	--- AFA 2.40 CFS	NENW S29 T17N R 3E	NWNE(40) SWNE(40) NENW(40) NWNW(91) SENE(40) NESE(9) S 8 T16N R 3E *200* *120*	LICENSE
5-2484 VOL. II P. 225	JACKSON, ORVILLE & JACKSON, FLOY L. BOX 38, EAGLE, IDAHO 83616	4/19/1949	SOURCE: MUD CREEK IRRIGATION	4/15 10/15	--- AFA 1.32 CFS	NENE S-8 T16N R-3E	NENE(26) SENE(24) NESE(16) S-8-T16N-R-3E *66*	LICENSE
65-2484X	JACKSON, ORVILLE & JACKSON, FLOY L. BOX 38, EAGLE, IDAHO 83616	4/19/1949	SOURCE: MUD CREEK IRRIGATION	4/15 10/15	--- AFA 1.32 CFS	NENE S 8 T16N R 3E	NENE(26) SENE(24) NESE(16) S 8 T16N R 3E *66*	LICENSE
65-2484A	JACKSON, ORVILLE & JACKSON, FLOY L. BOX 38, EAGLE, IDAHO 83616	4/19/1949	SOURCE: MUD CREEK IRRIGATION	4/15 10/15	--- AFA 1.60 CFS .80	NENW S29 T17N R 3E	NWNW ²⁵ (31) NWNW ¹⁵ (40) NESE(9) S 8 T16N R 3E *80* 40*	LICENSE
65-	Jackson, Orville & Jackson, Floy L. Box 38, Eagle, Idaho 83616	4/15/1938	Irrigation	4/15 10/15	--- AFA .80 CFS	NENW S29 T17N R 3E	NWNE(25) NWNW(6) NESE(9) S 8 T16N R 3E *40*	Beneficial Use

UNITED STATES DEPARTMENT OF AGRICULTURE
FOREST SERVICE
Payette National Forest
McCall, Idaho 83638

December 7, 1979



To Whom It May Concern:

The attached aerial photos, numbers DEJ-4-111 through 113, and DEJ-34-92 through 95, and DEJ-34-97 through 98, were prepared for the United States Forest Service in the ordinary course of Forest Service business. These particular aerial photos are in the custody of the Division of Engineering, Photogrammetry Department, Payette National Forest, 104 Park St., U.S. Department of Agriculture, McCall, Idaho.

As Supervisory Civil Engineering Technician, I certify that I am the custodian of these aerial photographs. I further certify that the above listed photographs are the original photographs on file with this office.

Signed this seventh day of December 1979.

George S. Lemberes
George S. Lemberes
Supervisory Civil Engineering Technician

On this seventh day of December, in the year 1979, before me, a notary public, personally appeared George S. Lemberes known to me to be the person whose name is subscribed to the above document, and acknowledged to me that he executed the same.

Thomas E. Ellison
Notary Public
Residing at McCall, Idaho

My commission expires December 14, 1982.

DEJ-34-94 from 8-5-47
Payette Adjudication
11 Dec 1979 - photos from 1947 - didn't show
much difference from 1941 - testimony is going
to be used 6200-11 (1/69)

G. SCOTT LEMBERES

Photogrammetry Dept.



INTERMOUNTAIN REGION
U.S. FOREST SERVICE
PAYETTE NATIONAL FOREST
ENGINEERING BRANCH
MC CALL, IDAHO 83638

OFFICE (208) 834-2255
RES. (208) 834-2608

State of Idaho
License and Certificate of Water Right

The foregoing is a true and certified copy of the document on file at the department of Water Resources.
Signed this 7th day of Dec, 1921.
J. Glen Saylor
Chief, Water Rights Bureau

Water License No. 14409
Water District No. 20-J

Amount 3 sec. ft.
Priority 11-17-19

THIS IS TO CERTIFY that O. K. KNUTSON of Meridian, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated November 17, 1919; that Permit No. 14409 was issued under said application; that Certificate of Completion of works, with a carrying capacity of three second feet, was issued thereunder on August 9, 1921, showing that said works were completed on the 5th day of August, 1921; and that on the 10th day of September, 1921,

ELMER E. SIMS of Meridian, Idaho, State of Idaho, made proof to the satisfaction of the Commissioner of Reclamation of Idaho, of the right to use the waters of Mud Creek, a tributary of Lake Fork River, for the purpose of irrigation & domestic, under Use Permit No. 14409 of the Commissioner of Reclamation and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the Commissioner of Reclamation of Idaho and entered of record in Volume 5 of Licenses, at page 2832, on the 17th day of September, 1921;

The right hereby confirmed dates from November 17, 1919;

The Point of Diversion is located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 29, Tp. 17 N., R. 3 E., B. M.

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed three cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
16 N.	3 E.	5	SE $\frac{1}{4}$ NW $\frac{1}{4}$	40	40
			NE $\frac{1}{4}$ SW $\frac{1}{4}$	40	30
			SE $\frac{1}{4}$ SW $\frac{1}{4}$	40	40
			SW $\frac{1}{4}$ SE $\frac{1}{4}$	40	40

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

WITNESS the seal and signature of the Commissioner of Reclamation, affixed at Boise, Idaho, this 17th day of September, 1921.

W. G. SWENDSEN.
Commissioner of Reclamation.

(SEAL)

15. (a) Is reservoir to be used? No. If so, fill in (b) and (c) below.
 (b) Name of reservoir and number of Storage Permit:
 (c) Date of filing of Application for Storage Permit and Name of Applicant:

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

O. K. Knutson. Applicant.

By

Agent.

Commissioner of Reclamation

Date of first receipt at office of ~~State Engineer~~ 1:15 P. M. Nov. 17, 1919.

Returned to applicant for correction

Corrected application received

APPROVAL OF STATE ENGINEER

The number of this permit is 14409

Recorded in Book 51 Page 14409 Approved November 26, 1919.

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

Bond in the sum of \$ _____ to be filed on or before _____

Work to begin on or before January 25, 1920 and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before May 26, 1921.

The whole of said work to be completed on or before November 26, 1922.

Beneficial use of water appropriated in accordance herewith, to be made on or before **November 26, 1922.**

Witness my hand this 26th day of November, 1919.

W. G. Swendsen.
State Engineer.
Commissioner of Recl

Remarks :

14 Twp	Range	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
16 N.	3 E.	5							40			40				40			160
----- TRANSFER OF WATER PERMIT -----																			
O. K. KNUTSON TO THE PUBLIC. This is to certify, that, I. O. K. Knutson, hereby transfer all my right in and title to use of Public Waters as shown in application No. 20503, permit No. 14409, as said permit is shown of record in Book 51, at page 14409 of Records of the Commissioner of Reclamation, State of Idaho, in accord- ance with terms of a certain warranty deed given to Elmer K. Sims, dated April 8th, A. D. 1920, and shown of record in Book 2 of deeds at page 527, records of Valley County, Idaho. Signed <u>O. K. Knutson.</u> Witness <u>G. W. Daniels</u> at Boise, Idaho, at <u>3:45 P. M. Aug. 3, 1921.</u> Received and filed for record in the Department of Reclamation W. G. SWENDSEN, Commissioner of Reclamation By M. B.																			

APPLICATION FOR PERMIT TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO

65-2268

Application No. 20503
Permit No. 14409
District No. 20-J

The foregoing is a true and certified copy of
the document on file at the department of
Water Resources
Signed this 7th day of Dec, 1979
J. Glen Saylor
Chief, Water Rights Bureau

1. Name of Applicant: O. K. Knutson.

Postoffice address: Meridian County: Ada State: Idaho.

I. If applicant is a corporation, give:

- (a) Date and place of incorporation:
- (b) Amount of capital stock:
- (c) Amount paid in:
- (d) Names and addresses of directors:

II. The financial resources of the applicant are:

- (a) Cash on hand:
- (b) Treasury stock:
- (c) Bonds to be issued:
- (d) Other resources:

2. Quantity of water claimed: 3.0 cubic feet per second.

3. Source of water supply: Mud Creek which is a tributary of Lake Fork River.

4. Location of point of diversion: feet distant from the
corner of Section , T. , R. , B. M., and is in the NE $\frac{1}{4}$ NW $\frac{1}{4}$
of Section 29 , T. 17 N. , R. 3 E. , B. M., County of Valley.

5. Water is to be used for: Irrigation and domestic purposes.

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

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

T. R. B. M. in the of Section T. R. B. M.

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

(c) Water is to be returned to at a point feet
distant from the corner of Section , T. , R. , B. M., in the
of Section , T. , R. , B. M.

7. Estimated cost of works: \$ 100.00

8. Kind of works: Dam and ditch.

9. Height of dam 2 feet; length of dam at top 12 feet; length of dam at bottom 10
feet; material used in dam dirt and earth.

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

11. Ditch: Width at bottom 3 feet; width at water line 3.5 feet; depth of water 1.5
feet; dimensions of flume

Diameter of pipe inches; length of conduit 2 $\frac{1}{2}$ miles.

Average grade per mile 5 feet.

12. The time required for the completion of such work is 7 years.

13. The time required for the complete application of the water to the proposed use is no additional years.

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

Proof of Completion of Works made August 5, 1921.
Certificate issued August 9, 1921.

CERTIFICATE OF COMPLETION OF WORKS

TO ALL WHOM IT MAY CONCERN:

This is to certify that Elmer E. Sims, of Meridian, County of Ada, and State of Idaho, the holder of Permit No. 14409, issued upon Application No. 20503 bearing date of priority of November 17, 1919, authorizing the diversion of 3.0 second feet of the waters of Mud Creek, tributary of Lake Fork River, County of Valley, State of Idaho, for irrigation and domestic purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 3.0 second feet of the waters of Mud Creek; that the point of diversion of said waters is in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 29, T. 17 N., R. 3 E., B. M., and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 5, T. 16 N., R. 3 E., B. M.

Witness my hand this 9th day of August, A. D. 1921.

W. G. SWENDSEN,
Commissioner of Reclamation

By: Geo. B. Archibald,
Deputy.

License issued for 3 second feet

Page 2832

Permit No. 14409STATE OF IDAHO
Department of Reclamation

PROOF OF COMPLETION OF WORKS

AFFIDAVIT OF HOLDER

STATE OF IDAHO,
County of Ada } ss.Elmer E. Lewis, being first duly sworn, upon his oath deposes and says:First: That he is the holder and owner of Permit to appropriate the Public Waters of the State of Idaho, No. 14409, and that his postoffice address is Meridian State of Idaho.Second: That the name of the stream from which said water is to be diverted is Mud Creek.Third: That the point of division of said water is NE 1/4 NW 1/4 of Section 29 T 17 N Range 3 E.Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by Nov. 26, 1922.Fifth: That the use for which said water is intended is irrigation & domestic.

Sixth: That on the date above mentioned, the works constructed under said permit were (or were not) fully completed and consisted of the following:

I. Kind of works: Dam
(Reservoir, dam, ditch, flume, pipe or otherwise.)

II. Dimensions of work:

(a) Height of dam 4 feet, length of dam at top 35 feet, length of dam at bottom 8 feet. Material used in construction Wood and Earth
(State whether wood, earth, stone or concrete.)(b) Capacity of reservoir 000 acre feet.(c) Size of headgate: Width 000 feet, height 600 feet.(d) Conduit Ditch width at bottom 3 feet, width at water line 5 feet, depth of water 1 feet; diameter of pipe Two inches, average grade per mile is 3 1/2 feet. Length of conduit is Two miles.Seventh: That said works are capable of conducting to the place of intended use 3.0 second feet of water.Eighth: That water appropriated under said permit is available for 150 acres of land described as follows: SE 1/4 of NW 1/4 E 1/4 of NW 1/4 of SE 1/4 Section 5 Twp 16 N R 13 E

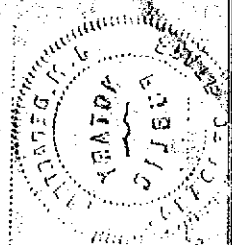
Ninth: Remarks: That

Elmer E. Lewis
(Sign here)Subscribed and sworn to before me this 5 day of Aug, 1921.

Notary Public.

My commission expires July 23, 1924.Meridian, Idaho14409The foregoing is a true and correct copy of the document on file at the department of Water Resources.
Signed this 7th day of Dec, 1921.
Chief, Water Rights Bureau

RECEIVED
JUL 6 - 1921
DEPARTMENT OF PROSECUTION



REPORT OF ENGINEER

The foregoing is a true and certified copy of the document on file at the department of Water Resources.

Signed this 7th day of Dec 1979
 J. Glen Sartor
 Chief, Water Rights Bureau

This proof is for Beneficial Use

In Water District No. 20 R.

1. State name of applicant and number of permit: C. E. Simms 14409

2. State source of water supply: Mud Creek

3. Location of point of diversion: NE. NW. Sec. 29. T. 17 N. R. 32 E. M.

4. Describe works as they exist, giving dimensions and capacities of same: Division dam is timber structure 6 feet high & 20 feet long with takeout on right wing 6' wide and 8 feet high. Ditch is 10 foot bottom + 1 1/2 ft slopes carrying 1 foot of water vel. about 1 foot per second.

5. State whether or not water has been turned into works of diversion: Yes

6. Give exact location of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if for other than irrigation): SE NW. E. SW & SW SE. Sec. 5 Twp. 16 N. R. 32 E. M.

SE NW. 40a. NE SW 30a. SE SW 40a. SW SE 40a.
Total Acres Beneficial use 150 acres

7. Submit map on enclosed plat, showing location and details of above description.

8. How many parties conduct water in this system? 7

9. Give names and amount of each right: Rudy Campbell 2 cfs. Leo Perry 2 cfs. Vickers Simms Hdw. Co. 24 cfs. L. B. White 2 cfs. C. E. Simms 3 cfs. D. W. Boydston 2 cfs. Collins 1 cfs.

10. What large stream would the water here appropriated finally reach? Snake River

11. Describe the various tributaries en route, from point of diversion to the principal drainage stream: Mud Creek to N. fork Payette to Payette to Snake River.

Remarks:

This examination was made on the 23 day of July 19 79

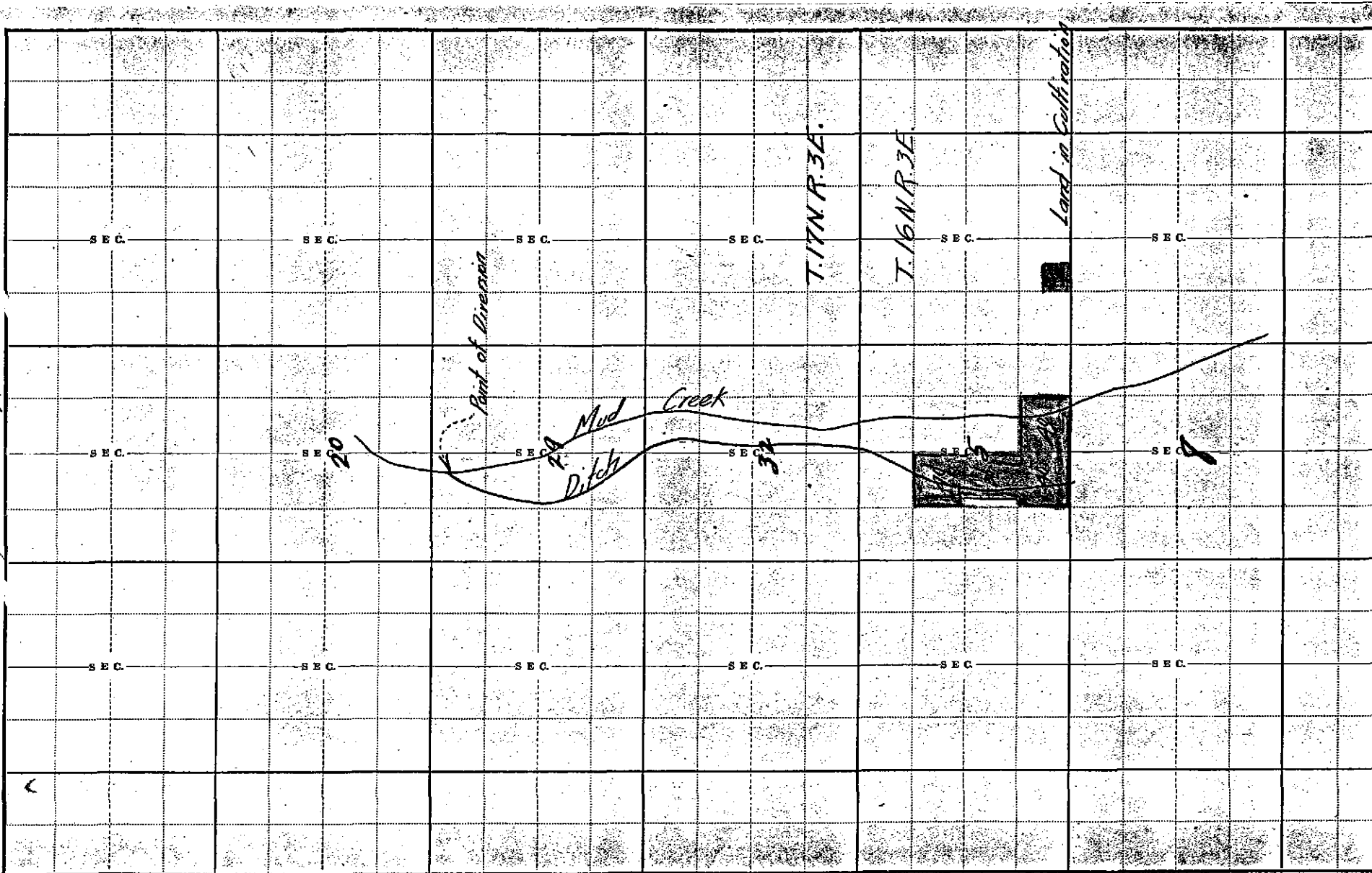
(Signed)

Geo. M. Carter
 Examiner.

14409

NAME OF APPLICANT

James J. Jones



SCALE: 2 INCHES = 1 MILE. DRAW PLAN IN INK.

14409

(This report must be sworn to when not made by an attache of the office.)

STATE OF IDAHO,

County of.....

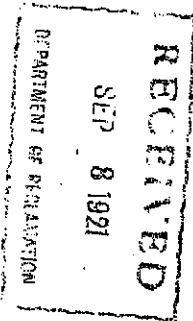
} ss.

....., being first duly sworn, deposes and says that the statements contained in the within report are correct to the best of his knowledge and belief.

Subscribed and sworn to before me this.....day of.....19.....

My commission expires.....

Notary Public.



Instructions to Examiners

1. Examiners will not be permitted to examine any of the records in the office pertaining to this permit. They are to furnish a report of the facts and conditions as they exist, from their own observations and inquiries.
2. Always carefully note the location of the point of diversion, and accurately plat same.
3. Find out how many parties own right in the ditch or canal and give their names and amount of right.
4. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
5. Make a map showing the correct location of streets and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
6. If any unusual conditions are discovered, make a plain statement of them under remarks.
7. Always see the holder, if possible, and go over the whole ground with him, and make your report only upon actual existing facts and conditions.

RECEIVED
SEP 8 1921
DEPARTMENT OF PROCLAMATION

39.77
14
73

The foregoing is a true and certified copy of
the document on file at the department of
Water Resources

Signed this 7 day of Dec 1979
J. Glen Saylor
Chief, Water Rights Bureau

PERMIT NO. 14409

Proof of Application of Water to Beneficial Use

Deposition of Holder

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. Elmar E. Sims, Meridian Idaho. Age Fortyseven (47)

Ques. 2. If acting in behalf of corporation, state its name, principal place of business (if a foreign corporation, give name of postoffice of statutory agent), your position with reference to same, and your authority for appearing in its behalf.

Ans.

Ques. 3. State number and date of permit, and date of priority you propose to establish under the permit.

Ans. #14409 Approved Nov. 26 1919.

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. Mud Creek, Tributary to Lakefork river. Diversion Section
29 Twp. 17 N R. 3 East Boise Meridian. Valley County Idaho.

Ques. 5. Describe your works of diversion, and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use.

Ans. Wood and earth dam, no headgate, water has natural flow
into ditch, 720 inches. Mud Creek Lateral.

Ques. 6. State for what purport water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have actually been irrigated with said water.) State whether cultivate or natural meadow land and the nature of all improvement which have been made as a direct result of said use.

Ans. Irrigation and domestic purposes. SE $\frac{1}{4}$ of NW $\frac{1}{4}$, 40 acres
NE $\frac{1}{4}$ of SW $\frac{1}{4}$, 40 acres., SE $\frac{1}{4}$ of SW $\frac{1}{4}$ 30 acres, SW $\frac{1}{4}$ of SE $\frac{1}{4}$, 40 acres.
Cultivated land. Production of land has been increased 100 percent
since use of water.

Ques. 7. If for other than for irrigation purposes, state how applied, amount of horse power generated, etc.

Ans.

Ques. 8. What is the minimum amount of water required for the specified above?

Ans. 150 inches

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans.

14409

Ques. 10. State when, how, in what amount and to what extent the water diverted under above mentioned permit has been used.

Ans. Water used in seasons of 1920 and 1921 for irrigation purposes 150 inches of water was used.

Ques. 11. State when, how, in what amount and to what extent waters other than those diverted under the above mentioned permit have been diverted and applied to beneficial use upon the lands herein described. Give full particulars regarding such other appropriations and right claimed thereunder.

Ans. No other water except water mentioned in this permit has been used.

(Sign) Elmer E. Dunn

I hereby certify that the foregoing testimony was read to the above subscribed before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my

office in Donnelly County of Valley State of Idaho

Idaho, on this 10th day of Sept. A. D. 1921

W. E. Cunningham
Notary Public

14409

RECEIVED

SEP 18 1921

DEPARTMENT OF REGISTRATION

NAME OF APPLICANT *Chas E Sims*

The foregoing is a true and correct copy of
the document on file at the Department of
Water Resources
Signed this 7th day of Dec 1969
J. H. Sims
Chief, Water Rights Bureau



T. 17 N. R. 3 E.
T. 16 N. R. 3 E.

SCALE: 2 INCHES=1 MILE. DRAW PLAN IN INK

14409

Pencil Map 1446

As Apr 1914

NOV 26 1914

W. G. STURGEON
Commissioner of Land Office

RECEIVED

SEP 13 1921

DEPARTMENT OF THE INTERIOR

State of Idaho
License and Certificate of Water Right

The foregoing is a true and certified copy of
the document on file at the department of
Water Resources

Signed this 7th day of Dec, 1979
J. Allen Saxton
Chief, Water Rights Bureau

Water License No. 20162

Amount 4.2 c.f.s.

Water District No.

Priority April 12, 1949

THIS IS TO CERTIFY that FLOY L. JACKSON and EVERETT E. SIMS
of Eagle, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated April 19, 1949; that Permit No. 20162
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
4.20 second feet, was issued thereunder on March 4, 1954, showing that said works
were completed on the 3rd day of March, 1954; and that on the 29th
day of May, 1958, FLOY L. JACKSON

of Eagle, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of Mud Creek
a tributary of Lake Fork Creek, for the purpose of Irrigation and domestic
use under Use Permit No. 20162 of the Department of Reclamation
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,
and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume
11 of Licenses at page 6540, on the 19th day of November, 1958;

The right hereby confirmed dates from April 19, 1949;

The Point of Diversion is located in the NE 1/4 NW 1/4 Section 29 Twp. 17 N., and
in the NE 1/4 NE 1/4 Sec. 8, Tp. 16 N., R. 3 E., B. M. County Valley

That the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall
not exceed 4.2 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
16 N.	3 E.	5	NE 1/4 SW 1/4	40	40
		8	NE 1/4 NE 1/4	40	40
			NW 1/4 NE 1/4	40	40
			SE 1/4 NE 1/4	40	40
			NW 1/4 NW 1/4	40	35
			NE 1/4 SE 1/4	40	40
Total number of acres irrigated				- - -	235

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

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this

19th day of November, 1958.

/s/ Geo. N. Carter

State Reclamation Engineer.

(SEAL)

65 2484

Nº 20162
65-2484

APPLICATION FOR PERMIT
To Appropriate the Public Waters of the State of Idaho

Application No. 28694
Permit No. 20762
District No.

Mrs. Orville Jackson
Eagle, Idaho

1. Name of Applicant: FLOY L. JACKSON and EVERETT E. SIMS

Postoffice address: Eagle

County: Ada

State: Idaho

The foregoing is a true and certified copy of
the document on file at the department of
Water Resources

Signed this 7th day of Dec 1979
J. Glen Saylor
Chief, Water Rights Bureau

I. If applicant is a corporation, give:

- (a) Date and place of incorporation:
(b) Amount of capital stock:
(c) Amount paid in:
(d) Names and addresses of directors:

II. The financial resources of the applicant are:

- (b) Treasury stock:
(d) Other resources:

- (a) Cash on hand:
(c) Bonds to be issued:

2. Quantity of water claimed: 4.20

cubic feet per second.

3. Source of water supply: Mud Creek

which is a tributary of Lake Fork Creek

4. Location of point of diversion:

feet distant from the

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

of Section 29 , T. 17 N. , R. 3 E. , B.M., County of Valley

5. Water is to be used for Irrigation and domestic purposes

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

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

T. , R. , B.M., in the of Section , T. , R. , B.M.

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

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

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

of Section , T. , R. , B.M.

7. Estimated cost of works: \$1,000.00

8. Kind of works: Dam and ditches

9. Height of dam 6 feet; length of dam at top 20 feet; length of dam at bottom 20

feet; material used in dam: Earth

10. Size of headgate: Width None feet; height feet;

11. Ditch: Width at bottom 7 feet; width at water line 12 feet; depth of water 3 feet;

dimensions of flume:

Diameter of pipe inches; length of conduit 4 miles.

Average grade per mile feet.

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

13. The time required for the complete application of the water to the proposed use is Six (6) additional years.

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

14-A. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: None

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

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

FLOY L. JACKSON
EVERETT E. SIMS *Applicant.*

By Mrs. Orville Jackson Agent.

of first receipt at Department of Reclamation 4:30 P. M. April 19, 1949

turned to applicant for correction:

rected application received:

Approval of State Reclamation Engineer

number of this permit is 20162
 20162 recorded in Book 72 Page 20162 Approved April 21, 1949
 I am hereby to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho,
 and hereby approve the same, subject to the following limitations and conditions:
 The work is to be completed in the sum of \$ 2000.00 to be filed on or before June 21, 1949
 The work is to begin on or before June 21, 1949 and to continue diligently and uninterruptedly to completion,
 unless temporarily interrupted by circumstances over which permit holder has no control.
 One-fifth of the work above specified to be completed on or before October 21, 1951
 One-half of said work to be completed on or before April 21, 1954
 The official use of water appropriated in accordance herewith, to be made on or before April 21, 1960.

ness my hand this 21st day of April, 1949

MARK R. KULP
State Reclamation Engineer.

IN TESTIMONY WHEREOF, We, C. A. ROBINS, Governor of the State of Idaho,

J. D. "CY" PRICE, Secretary of State of the State of Idaho, have caused this instrument to

executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 21st

of April, 1949

STATE OF IDAHO

—Countersigned:

By J. D. "CY" PRICE Secretary of State.

rks:

No.	Range	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
1.	3 E.	5 8										10					40	10 200	
											Total Number of Acres to be Irrigated - -				210				
APPLICATION FOR AMENDMENT TO PERMIT TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO, NO. 20162																			
Comes now Floy L. Jackson & Everett E. Sims, and represents to the State Reclamation Engineer of the State of Idaho:																			
That he is the owner and holder of Permit to appropriate the public waters of the State of Idaho, No. 20162.																			
That the point of diversion is described in said permit as being located NE¼ NW¼ Section 29, TP 17 N., R 3E.																			
That he now requests that the point of diversion be changed to a point NE¼ NW¼ Sec 29, TP 17N, R 3E. and NE¼ NE¼ Sec 8, TP 16 S 3 E.																			
That his reasons for desiring to make such change are as follows: Unable to get ditch right-of-way on East side of Mud Creek, and requires a long flume or syphon to cross Mud Creek from the West, therefore applicants have decided to pump directly on Mud Creek for lands on the East Side of Mud Creek.																			
That no one will be injured by such change, and that such change will be made at Permit Holder's own risk.																			
Signed at Boise, Idaho this 1st day of September 1953.																			
Date of receipt at Department of Reclamation 9-1-1953												EVERETT E. SIMS FLOY L. JACKSON BY: Mrs. Orville Jackson							
APPROVAL OF STATE RECLAMATION ENGINEER																			
I, Mark R. Kulp, State Reclamation Engineer of the State of Idaho, hereby approve the above and foregoing application for amendment to Permit to appropriate the Public Waters of the State of Idaho, No. 20162. This approval constitutes a new permit and is issued as an amendment to the original permit, to which it refers, and of which it becomes a part, and said application is approved only insofar as the rights of others will not be adversely affected thereby.																			
MARK R. KULP State Reclamation Engineer																			

Permit No. 20162

CERTIFICATE OF COMPLETION OF WORKS

TO ALL WHOM IT MAY CONCERN:

This is to certify that FLOY L. JACKSON and EVERETT E. SIMS of Eagle, County of Ada, and State of Idaho, the holders of Permit No. 20162, issued upon Application No. 28694 bearing date of priority of April 19, 1949, authorizing the diversion of 4.20 second feet of the waters of Mud Creek, a tributary of Lake Fork Creek, County of Valley, State of Idaho, for irrigation and domestic purposes, have fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use. 4.20 second feet of the waters of Mud Creek; that the point of diversion of said waters is in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 29, Township 17 North, Range 3 East, B. M. and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 5; N $\frac{1}{2}$ NE $\frac{1}{4}$; SE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 8; Township 16 North, Range 3 East, B. M.

Witness my hand this 4th day of March, A. D. 1954.

MARK R. KULP
State Reclamation Engineer

Proof of Completion of Works made March 3, 1954.
Certificate of Completion of Works issued March 4, 1954.

LICENSE ISSUED FOR 4.2 SEC. FT.
Page 6540

Permit No. 20162

STATE OF IDAHO

Department of Reclamation

The foregoing is a true and certified copy of
the document on file at the department of
Water ResourcesSigned this 7th day of Dec 1979
J. Glen Saylor
Chief, Water Rights Bureau

Proof of Completion of Works

AFFIDAVIT OF HOLDER

STATE OF IDAHO

County of Ada } ss.

Floy L. Jackson, being first duly sworn, upon his oath deposes and says:

First: That he is the holder and owner of Permit to appropriate the Public Waters
of the State of Idaho, No. 20162, and that his postoffice address is Eagle.

State of Idaho, Part owner with Everett E. Sims,

Second: That the name of the stream from which said water is to be diverted is

Mud Creek.

Third: That the point of diversion of said water is NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 29, Twp.
17.N. R. 3.E. B.M.Fourth: That under the terms and conditions of said permit, construction thereunder
was required to be completed by April 21, 1954.

Fifth: That the use for which said water is intended is Irrigation and domestic.

Sixth: That on the date above mentioned, the works constructed under said permit
were (or were not) fully completed and consisted of the following:I. Kind of works: Dam and ditches.
(Reservoir, dam, ditch, flume, pipe or otherwise)

II. Dimensions of work:

(a) Height of dam 6 feet, length of dam at top 20 feet, length of dam at
bottom 20 feet. Material used in construction Concrete.

(State whether wood, earth, stone or concrete)

(b) Capacity of reservoir acre feet.

(c) Size of headgate: Width None feet, height feet.

(d) Conduit Ditch width at bottom 7 feet, width at water line 12
(State whether ditch, flume or pipe)feet, depth of water 3 feet; diameter of pipe inches, average grade
per mile is feet. Length of conduit is 3 $\frac{1}{2}$ miles.Seventh: That said works are capable of conducting to the place of intended use
4.20 second feet of water.Eighth: That water appropriated under said permit is available for 210
acres of land described as follows: NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 5, and N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$
NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 8, Twp. 16.N. R. 3.E.

Ninth: Remarks: That

Floy L. Jackson
(Sign Here)

Subscribed and sworn to before me this 3 day of March, 1954

My commission expires 3-25-1957

Will Edison
Notary Public.

20162

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED
JUN 2 1958

Department of Reclamation

The foregoing is a true and certified copy of
the document on file at the department of
Water Resources

Signed this 7 day of Dec 1979

J. Glen Saylor
Chief, Water Rights Bureau

Permit No. 20162

Proof of Application of Water to Beneficial Use

Deposition of Holder

Ques. 1. State your name, residence, occupation and postoffice address.

Ans.

Orrville Jackson and Shirley L. Jackson, Eagle, Idaho
P.O. Box 37 Eagle, Idaho Wm 9912

Ques. 2. If acting in behalf of corporation, state its name, principal place of business (if a foreign corporation, give name of postoffice of statutory agent), your position with reference to same, and your authority for appearing in its behalf.

Ans.

Owner

Ques. 3. State number and date of permit, and date of priority you propose to establish under the permit.

Ans.

Permit # 20162 4-21-49 - Date of priority 4-19-49

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans.

Mud Creek 2

Ques. 5. Describe your works of diversion, and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use. If a well, state depth of well, depth and size of casing and depth to water. If pump is used, state discharge of pump and tell how it was measured or determined. If sprinkler irrigation, give number and size of nozzles and operating pressure.

Ans.

30' Head gate & private lateral - Cement dam

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have actually been irrigated with said water.) State whether cultivated or natural meadow, land and the nature of all improvements which have been made as a direct result of said use.

Ans.

Irrigation - Cultivated farm land & pasture
NE 1/4 SW 1/4 Sec. 5, N 1/2 NE 1/4, SE 1/4 NE 1/4, NW 1/4
NW 1/4 and NE 1/4 SE 1/4 Sec. 8, Twp 16, Rge 3 E.

20162

RMB

Ques. 7. If for other than irrigation purposes; state how applied, amount of horse power generated, etc.

Ans. None

Ques. 8. What is the minimum amount of water required for the purpose specified above?

Ans. None

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans. Private Ownership through purchase.

Ques. 10. State when, how, in what amount and to what extent the water diverted under above mentioned permit has been used.

Ans. It has been used for irrigation purposes for the past three years for crop.

Ques. 11. State when, how, in what amount and to what extent waters other than those diverted under the above mentioned permit have been diverted and applied to beneficial use upon the lands herein described. Give full particulars regarding such other appropriations and rights claimed thereunder.

Ans. None

(Sign)

Ernie Jackson
Floyd B. Jackson

I hereby certify that the foregoing testimony was read to the above subscribed before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Coeur, Idaho, County of Adair

State of Idaho, on this 29th day of May, A. D. 1958.

Van R. Henderson

My commission expires

9-5-58

20162

This foregoing is a true and certified copy of
the document on file at the department of
Water Resources.

Signed this 7th day of Dec, 1979
L. Glen Saxton
Chief, Water Rights Bureau

Point of Diversion

T.17N. R.3E.

T.16N. R.3E.

MUD

Ditch

CREEK

Permit Map No. 20162

As Approved

APR 21 1980

MARK R. KULP
State Reclamation Engineer

Sketch map showing additional point of diversion from Mud Creek,
by pumping, filed as an amendment to permit 20162
Filed September 1, 1953.

The foregoing is a true and certified copy of
the document on file at the department of
Water Resources
Signed

7th Dec 1959
Glen Sayton
Chief, W.R.

Point of Diversion

T. 17 N. R. 3 E
T. 16 N. R. 3 E

Amended point of diversion
By Pumping

The foregoing is a true and certified copy of
the document on file at the department of
Water Resources
Signed this 7th day of Dec, 1979
J. Glen Saylor
Chief, Water Rights Bureau

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. 20162

REPORT ON PROOF OF BENEFICIAL USE

Floy L. Jackson and Everett Sims
Eagle, Idaho

Appl. 4.20 c.f.s.
C/W.. 4.20 c.f.s.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF ENGINEER

Permit No. 20162This proof is for Beneficial Use In Water District No. _____1. Name of applicant Floy L. Jackson and Everett E. Sims Eagle, Idaho2. Source of water supply: Mud Creek3. Location of point of diversion: Is in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 29T. 17 N. R. 3 E. County of _____ Valley _____

4. Describe works as they exist, giving dimensions and capacities of same: Concrete headgate
in Mud Creek 12' x 18' b. Steel post in middle carrying flush box,
6' h. Concrete apron. Bridge on dam 10' w.
5' culvert in ditch. Ditch 12' w. x 5 deep.

5. Water is used for: Irrigation and domestic purposes

6. State whether or not water has been turned into works of diversion: _____

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

Township 16 North, Range 3 EastSection 5: NE $\frac{1}{4}$ SW $\frac{1}{4}$ (10a)Section 8: NE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, (all 40's)Total number acres 210

filed
4/26/58
Bo "

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach? _____

Remarks: _____

This examination was made on the 21 day of August, 1958(Signed) E. N. Humphrey
Examiner.

20162

INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion and accurately plat same.
2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
4. If any unusual conditions are discovered, make plain statement of them under remarks.
5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.
6. Give general characteristics of soils, topography, and crops raised.

RECEIVED
OCT 3 11958
Department of Irrigation

Floy L. Jackson and Everett E. Sims
Eagle, Idaho

Permit No. 20162

Examination for Beneficial Use

County Valley

29-17N-3E

Q-42

5 - Mud Creek, Trib. Lake Flcr.

R.D. NE 1/4 - 29-17N-3E

for & Dom.

Filed 4-19-49

Due 4-21-60

Permit No. 13866This is a true and certified copy of
the document on file at the department of
Water Resources
Signed this 7 day of Dec, 1919

OFFICE OF STATE ENGINEER

PROOF OF COMPLETION OF WORKS

AFFIDAVIT OF HOLDER

STATE OF IDAHO,

County of ada } ss.William Sims Ketchum By Eldon Mays, being first duly sworn, upon his oath deposes and says:First: That he is the holder and owner of Permit to Appropriate the Public Waters of the State of Idaho, No. 13866, and that his postoffice address is Meridian
State of Idaho

Second: That the name of the stream from which said water is to be diverted is

Mud Creek. NE 1/4 NW 1/4 sec 29

Third: That the point of diversion of said water is

NE 1/4 NW 1/4 sec 29
T. 17 N. R. 6 E.Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by Jan 18, 1920Fifth: That the use for which said water is intended is Irrigation and Domestic Purposes

Sixth: That on the date above mentioned, the works constructed under said permit were (or were not) fully completed and consisted of the following:

I. Kind of works: Dam

(Reservoir, dam, ditch, flume, pipe or otherwise)

II. Dimensions of work:

(a) Height of dam 4 feet, length of dam at top 35 feet, length of dam at bottom 8 feet. Material used in construction Earth and GravelWood and Earth
(State whether wood, earth, stone or concrete)(b) Capacity of reservoir 000 acre feet.(c) Size of headgate: Width 000 feet, height 000 feet.(d) Conduit Ditch width at bottom 3 feet, width at water line 5 feet, depth of water 1 feet; diameter of pipe 00 inches;average grade per mile is 34 feet. Length of conduit is 24 miles.

Seventh: That said works are capable of conducting to the place of intended use

2.4 second feet of water.Eighth: That water appropriated under said permit is available for 120 acres of land described as follows: SW 1/4 of NE 1/4 NE 1/4 SE 1/4 of NW 1/4Section 8 Twp 16 N R 3 E.

Ninth: Remarks: That

Subscribed and sworn to before me this

26

day of

(Sign here)

Dec, 1919

My commission expires

Nov 30-1921

Notary Public.

NOTARY PUBLIC FOR IDAHO
Residing at Meridian, Idaho.

13866

RECEIVED

DEC 2 1919

2 5 P.M.

DEPARTMENT OF RECLAMATION



State of Idaho
License and Certificate of Water Right

The foregoing is a true and certified copy of
this document on file at the department of
Water Resources

Signed this 7th day of Dec, 1979

L. Glen Sayton

Amount 20 cfs, Water Rights Bureau

Priority 11-14-18

Water License No. 13866

Water District No. 20-K

THIS IS TO CERTIFY that VICKERS-SIMS HARDWARE COMPANY
of Meridian, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated November 14, 1918; that Permit No. 13866
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
2.4 second feet, was issued thereunder on December 31, 1919, showing that said works
were completed on the 20th day of December, 1919; and that on the 11th
day of September, 1920,

VICKERS-SIMS HARDWARE COMPANY

of Meridian, State of Idaho, made proof to the satisfaction of the
Commissioner of Reclamation of Idaho, of the right to use the waters of Mud Creek
, a tributary of Payette River, for the purpose of irrigation
& domestic use under Use Permit No. 13866 of the State Engineer,
and that said right to the use of said waters has been perfected in accordance with the laws of
Idaho, and is hereby confirmed by the Commissioner of Reclamation of Idaho and entered of record in
Volume 5 of Licenses, at page 2822, on the 13th day of September, 1921;

The right hereby confirmed dates from November 14, 1918;

The Point of Diversion is located

in the NE 1/4 NW 1/4, Sec. 29, Tp. 17 N., R. 3 E., B. M. County of Valley

That the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not
exceed 2.4 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
16 N.	3 E.	8	SW 1/4 NE 1/4	40	40
			NE 1/4 NW 1/4	40	40
			SE 1/4 NW 1/4	40	40
					120

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

WITNESS the seal and signature of the Commissioner of Reclamation, affixed at Boise, Idaho,
this 13th day of September, 1921.

W. G. SWENDSEN
Commissioner of Reclamation.

(SEAL)

65 2237

APPLICATION FOR PERMIT TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO

Application No. 19614
Permit No. 13866
District No. 20-K

The foregoing is a true and certified copy of
the document on file at the department of
Water Resources
Signed this 7 day of Dec, 1979
J. Glen Saylor
Chief, Water Rights Bureau

1. Name of Applicant: Vicker. - Sims Hardware Co.

Postoffice address: Meridian

County: Ada

State: Idaho.

I. If applicant is a corporation, give:

- (a) Date and place of incorporation:
(b) Amount of capital stock:
(c) Amount paid in:
(d) Names and addresses of directors:

II. The financial resources of the applicant are:

- (a) Cash on hand:
(b) Treasury stock:
(c) Bonds to be issued:
(d) Other resources:

2. Quantity of water claimed: 2.4 cubic feet per second.

3. Source of water supply: Mud Creek which is a tributary of Payette River

4. Location of point of diversion: feet distant from the

corner of Section , T. , R. , B. M., and is in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ - See plat

of Section 32 , T. 17 N. , R. 3 E. , B. M., County of Valley

5. Water is to be used for: Irrigation and domestic purposes.

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

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

of Section , T. , R. , B. M. in the

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

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

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

of Section , T. , R. , B. M.

7. Estimated cost of works: \$200.00

8. Kind of works: Ditch and dam.

9. Height of dam 3 feet; length of dam at top 8 feet; length of dam at bottom 4

feet; material used in dam lumber and earth.

10. Size of headgate: Width 3 feet; height 2 feet.

11. Ditch: Width at bottom 2 feet; width at water line 3 $\frac{1}{2}$ feet; depth of water 1

feet; dimensions of flume

Diameter of pipe inches; length of conduit 2 miles.

Average grade per mile 8 feet.

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

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

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

Proof Completion of Works made: December 26, 1919.
Certificate issued: December 31, 1919.

Permit No. 13866

CERTIFICATE OF COMPLETION OF WORKS.

TO ALL WHOM IT MAY CONCERN:

This is to certify that Vicker-Sims Hardware Co, of Meridian, County of Ada, and State of Idaho, the holder of Permit No. 13866, issued upon Application No. 19614, bearing date of priority of November 14, 1918, authorizing the diversion of 2.4 second feet of the waters of Mud Creek, which is a tributary Payette River, County of Valley, State of Idaho, for irrigation and domestic purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 2.4 second feet of the waters of Mud Creek; that the point of diversion of said waters is in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 29, T. 17 N., R. 3 E., B. M., and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: SW $\frac{1}{4}$ NE $\frac{1}{4}$; NE $\frac{1}{4}$ NW $\frac{1}{4}$, and SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 8, T. 16 N., R. 3 E., B. M.

Witness my hand this 31st day of December, A. D. 1919.

W. G. Swendsen
Commissioner of Reclamation.
By: S. T. Baer.
Deputy.

License issued for 2.4 second feet

Page 2

The foregoing is a true and certified copy of the document on file at the department of Water Resources.

PERMIT No. 13866

Signed this 7th day of Dec 1979
 H. Glen Saylor
 Chief, Water Rights Bureau

Proof of Application of Water to Beneficial Use

DEPOSITION OF HOLDER

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. E. E. Sims, Age 45, Residence Meridian, Idaho, Farmer and Merchant

Ques. 2. If acting in behalf of a corporation, state its name, principal place of business (if a foreign corporation, give name and postoffice of statutory agent), your position with reference to same, and your authority for appearing in its behalf.

Ans. Vickers-Sims Hardware Co., A Corporation, Meridian, Idaho

E. E. Sims, Manager

Ques. 3. State number and date of permit, and date of priority you propose to establish under the permit.

Ans. Permit No. 13866, Date of priority Nov. 14th 1918

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. Mud Creek, Point of Diversion is in NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Sec 29 in Twp 17 N R 3 E BM

Ques. 5. Describe your works of diversion, and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use.

Ans. Earth and wooden dam for diversion. Dam about four feet high, Dam 30 feet wide on top and 16 feet wide on the bottom. Water conveyed thru a farmers mutual ditch known as the Mud Creek Lateral ditch which will carry 600 inches of water.

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have actually been irrigated with said water.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Irrigation on SW $\frac{1}{4}$ of NE $\frac{1}{4}$, NE $\frac{1}{4}$ and SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 8 in Twp 16 N R 3 E BM, all of which have been irrigated with said water. All is in cultivation. Use of water has increased the crop about two or three times.

Ques. 7. If for other than irrigation purposes, state how applied, amount of horse power generated, etc.

Ans. _____

Ques. 8. What is the minimum amount of water required for the use specified above?

Ans. 2.4 cubic feet per second

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans. _____

Ques. 10. State when, how, in what amount and to what extent the water diverted under above mentioned permit has been used.

Ans. Water first used June 1st 1920, for irrigation of 120 acres

Ques. 11. State when, how, in what amount and to what extent waters other than those diverted under the above mentioned permit have been diverted and applied to beneficial use upon the lands herein described. Give full particulars regarding such other appropriations and rights claimed thereunder.

Ans. No other waters used on this land.

(Sign) William Henry Tolson

by Edward Myers

I hereby certify that the foregoing testimony was read to the above subscribed before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Donnelly County of

Valley State of Idaho, on this 11th day of Sept

A. D. 1920.

W. H. Tolson

My Commission Expires
Jan 27th 1924

13866

REPORT OF ENGINEER

The foregoing is a true and certified copy of
the document on file at the department of
Water Resources.

Signed this 7 day of Dec 1979
J. H. Saylor
Chief, Water Rights Bureau

This proof is for Beneficial use

In Water District No. 20-K

1. State name of applicant and number of permit: Vickers-Sims- Permit 13866
2. State source of water supply: Mud Creek
3. Location of point of diversion: NE 1/4 Sec. 29, T. 17 N., R. 3 E.

4. Describe works as they exist, giving dimensions and capacities of same: Division
Ham is timber structure 6 feet high and 20 feet long
with take out on right wing 6 feet wide and 4 feet high
Ditch is 10 foot bottom 1/2-1 slopes carrying 1 foot of water
rel about 1/2 per sec.

5. State whether or not water has been turned into works of diversion: yes
6. Give exact location of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if for other than irrigation): SW 1/4, NE 1/4 & SE 1/4 Sec. 8, 16N-3E.

Sand is all in cultivation
Beneficial use on 120 acres.

7. Submit map on enclosed plat, showing location and details of above description.
8. How many parties conduct water in this system? 7
9. Give names and amount of each right: Judy Campbell 2 cfs
Nick Sims 1/4 cfs
L. B. White 2 cfs
B. E. Sims 3 cfs
D. W. Boydston 2 cfs
Gollins 1 cfs
10. What large stream would the water here appropriated finally reach? Snake River
11. Describe the various tributaries en route from point of diversion to the principal drainage stream: Mud Creek to Snake River to Payette to Snake

Remarks:

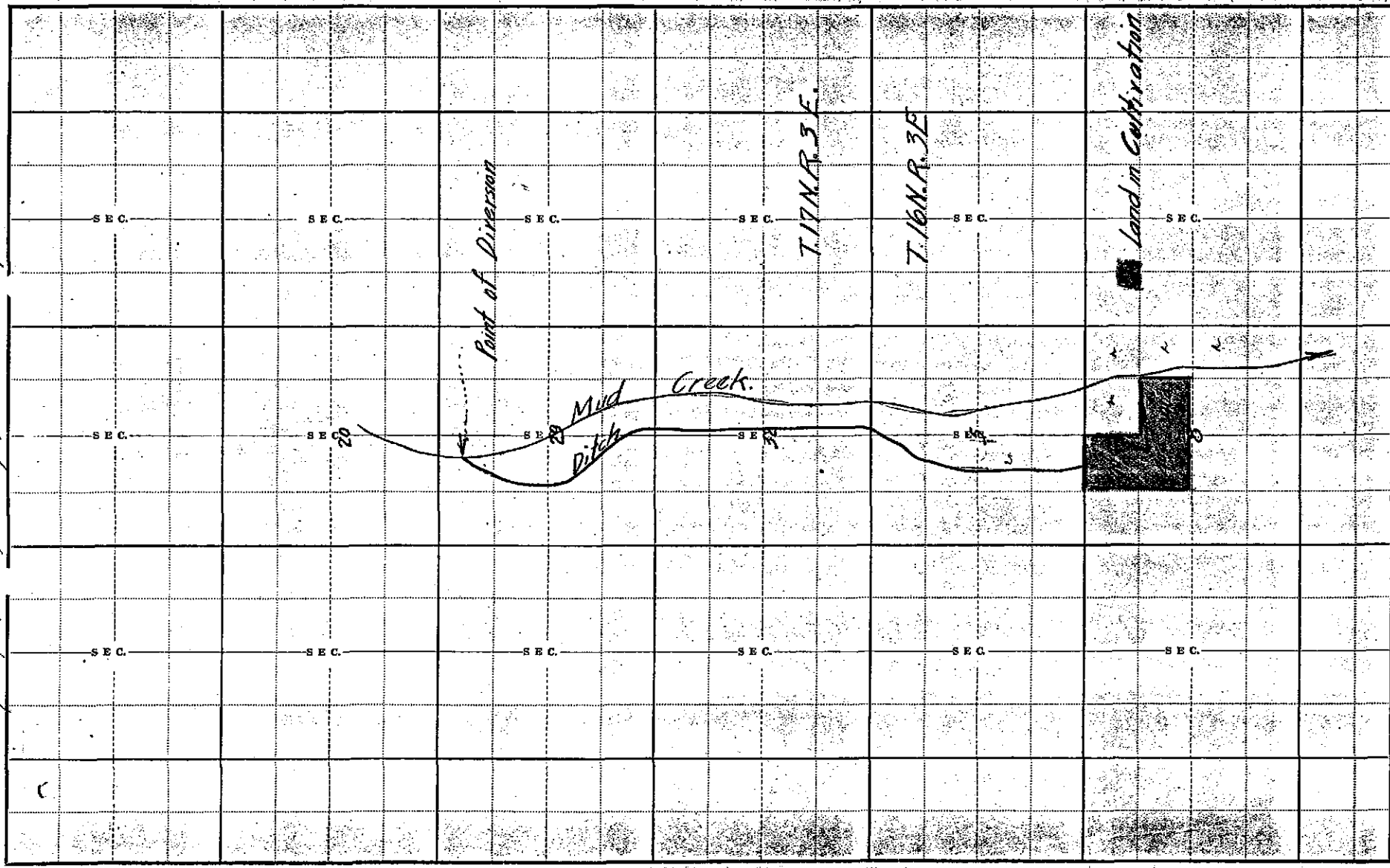
This examination was made on the 22 day of July 1971

13866

(Signed)

J. H. Saylor
Examiner.

NAME OF APPLICANT *Vicki Dims Hardware Co. 13866*



SCALE. 2 INCHES = 1 MILE. DRAW PLAN IN INK.

13866

(This report must be sworn to when not made by an attaché of the office.)

STATE OF IDAHO,

County of _____

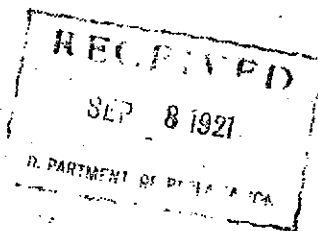
ss.

_____, being first duly sworn, deposes and says that the statements contained in the within report are correct to the best of his knowledge and belief.

Subscribed and sworn to before me this _____ day of _____, 19____.

My commission expires _____.

Notary Public.



Dist. 20-X

Vickers & Sims Hdw. Co.

Meridian 38.2

Permit 13866-

177 3 E

Instructions to Examiners

1. Examiners will not be permitted to examine any of the receipts in the office pertaining to this permit. They are to furnish a report of the facts and conditions as they exist, from their own observations and inquiries.
2. Always carefully note the location of the point of diversion, and accurately plat same.
3. Find out how many parties own right in the ditch or canal and give their names and amount of right.
4. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
5. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
6. If any unusual conditions are discovered, make a plain statement of them under remarks.
7. Always see the holder, if possible, and go over the whole ground with him, and make your report only upon actual existing facts and conditions.

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

IN THE MATTER OF THE GENERAL DETERMINATION OF RIGHTS TO THE USE OF

PAYETTE DRAINAGE BASIN.

NOTICE OF CLAIM TO A WATER RIGHT

65-11398

I.D. No.

Map No.

\$

Fee Paid

Receipt No.

Notice is hereby given that Sharon L. or Melissa Joy Sharp

(Name of Claimant)

P.O. Box 38

Eagle, Idaho

83616

Telephone No. 939-0419

(Mailing Address)

(Zip Code)

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

- (1) Date of priority: (When was the water first applied to a beneficial use, or priority date of decreed, licensed or permit right) 4/15/1938
- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water) Mud Creek tributary to _____
- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:
- | | | |
|--|--|---|
| Quantity <u>.8 cfs</u>
(CFS, GPD, AF) | Use <u>Irrigation</u>
(Domestic, irrigation, stock, etc.) | Period of Use From <u>4/15</u> To <u>10/15</u>
(Mo., Day) (Mo., Day)
(Both dates inclusive) |
| Quantity _____
(CFS, GPD, AF) | Use _____
(Domestic, irrigation, stock, etc.) | Period of Use From _____ To _____
(Mo., Day) (Mo., Day)
(Both dates inclusive) |
| Quantity _____
(CFS, GPD, AF) | Use _____
(Domestic, irrigation, stock, etc.) | Period of Use From _____ To _____
(Mo., Day) (Mo., Day)
(Both dates inclusive) |
| Quantity _____
(CFS, GPD, AF) | Use _____
(Domestic, irrigation, stock, etc.) | Period of Use From _____ To _____
(Mo., Day) (Mo., Day)
(Both dates inclusive) |
- (4) .8 cfs TOTAL QUANTITY CLAIMED.
(CFS, GPD, AF)
- (5) A) Point of Diversion: Give location of point where water is diverted from its source NE 1/4 NW 1/4
Sec. 29, Twp. 17N, Rge. 3E, B.M., Valley 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.
Headgate and ditches
- (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
			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	
16N	3E	8		25				6							9				40

Total no. of acres 40

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

(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. _____

Department of Water Resources
Western Regional Office

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.

February 18, 1982

(Date)

State of Idaho

Organization

County of Ada

ss.

Seal

Organization

(Signature of Authorized Agent)

On this 18th day of February, in the year 1982 before me a notary public, personally appeared Sharon L. Sharp or Melissa Joy Sharp (Minor) 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 (they) Sharon L. Sharp or Melissa Joy Sharp executed the same.

My commission expires February 13, 1984

Notary Public residing at Eagle, Idaho

February 17, 1982

Honorable Gilbert C. Morris
District Judge
Box 667
Weiser, Idaho 83672

RE: Payette Adjudication, Gem County Case No. 3667,
Orville Jackson Objection

Dear Judge Morris,

As I explained in my phone conversation with Francis Wender on Wednesday, February 10, Water Resources' records indicate that an order was prepared for your signature in March 1980, confirming the settlement of Orville Jackson's objection. Since neither you nor the clerk in Emmett have any record of receiving that order, I now believe that it may never have been sent. Our office had routed it to Dick Weeks for transmission to you.

I enclose a new original of the order. Although the date of your signature will be much later than the hearing date, it will not affect the settlement of Orville Jackson's objection.

Thank you, again, for your efforts and Francis's to locate the prior order.

Very truly yours,

Josephine P. Beeman
Deputy Attorney General
Department of Water Resources

JPB:jh
Encl
cc: Thelma Kolodziej

**THIRD JUDICIAL DISTRICT
OF IDAHO**

GILBERT C. NORRIS, JUDGE
FRANCIS H. WANDER, REPORTER

RESIDENT CHAMBERS
WEISER, IDAHO 83672

February 25, 1982

RECEIVED

FEB 26 1982

Department of Water Resources

Mrs. Thelma Kolodziej
Clerk of District Court
Courthouse
Emmett, Idaho 83617

Re: Payette Adjudication, Gem Co. No. 3667
Orville Jackson Objection

Dear Mrs. Kolodziej:

Enclosed for filing is an order I have signed this day concerning the Orville Jackson objection and which order was sent to me by Mrs. Josephine P. Beeman with her letter to me of February 17, 1982, a copy of which letter I note, was sent to you.

For your convenience I am enclosing herewith a copy of that letter of February 17, 1982 and which copy I request you keep in the court file for future reference if need be.

Yours very truly,

Gilbert C. Norris
District Judge

cc: Josephine P. Beeman

RECEIVED

FILED

MAR 8 1982

Department of Water Resources

FEB 26 1982

Thelma R. Kibding CLERK
Debbie Bacon DEPUTY

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

O R D E R

This matter having come before the Court for hearing on March 24, 1980 upon Motion To Correct Clerical Oversights, filed by the Department of Water Resources which motion was granted in all other respects by Order dated September 20, 1979, and upon Motion For Order Approving Proposed Findings of Water Rights and Objection to Proposed Amendment thereto by the State of Idaho Department of Water Resources, filed by Orville Jackson, and the Court being fully advised in the premises,

IT IS HEREBY ORDERED that the proposed finding of water rights be amended in conformance with Exhibit A which is attached hereto and incorporated herein by this reference.

DATED this 25th day of February, 1982.

Gilbert C. Norris
GILBERT C. NORRIS
District Judge

IN THE MATTER OF THE GENERAL DETERMINATION OF RIGHTS TO THE USE OF

**NOTICE OF CLAIM
TO A
WATER RIGHT**

PAYETTE

DRAINAGE BASIN.

65-11398

File No.

Map No.

\$

Fee Paid

Receipt No.

Notice is hereby given that

(Name of Claimant)

Telephone No.

(Mailing Address)

(Zip Code)

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

- (1) Date of priority: (When was the water first applied to a beneficial use, or priority date of decreed, licensed or permit right) 4/15/1938
- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water) Mud Creek tributary to
- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:
- | | | |
|--|--|---|
| Quantity <u>.8 cfs</u>
(CFS, GPD, AF) | Use <u>Irrigation</u>
(Domestic, irrigation, stock, etc.) | Period of Use From <u>4/15</u> To <u>10/15</u>
(Mo., Day) (Mo., Day)
(Both dates inclusive) |
| Quantity _____
(CFS, GPD, AF) | Use _____
(Domestic, irrigation, stock, etc.) | Period of Use From _____ To _____
(Mo., Day) (Mo., Day)
(Both dates inclusive) |
| Quantity _____
(CFS, GPD, AF) | Use _____
(Domestic, irrigation, stock, etc.) | Period of Use From _____ To _____
(Mo., Day) (Mo., Day)
(Both dates inclusive) |
| Quantity _____
(CFS, GPD, AF) | Use _____
(Domestic, irrigation, stock, etc.) | Period of Use From _____ To _____
(Mo., Day) (Mo., Day)
(Both dates inclusive) |

- (4) .8 cfs TOTAL QUANTITY CLAIMED.
(CFS, GPD, AF)

- (5) A) Point of Diversion: Give location of point where water is diverted from its source NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 29 Twp. 17N Rge. 3E B.M. Valley 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.
Headgate and ditches

- (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 $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTAL
			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 $\frac{1}{4}$	
16N	3E	8		25				6							9				40

Total no. of acres 40

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

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

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

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

Individual

(Signature of Claimant)

(Date)

Organization

(Signature of Spouse)

State of _____

Organization

County of _____

ss.

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 _____

March 31, 1988

Honorable Gilbert C. Norris
District Judge
Washington County Courthouse
Box 667
Weiser, ID 83672

RE: Payette Adjudication, Gen County Civil No. 3667, Orville
Jackson Objection

Dear Judge Norris:

Enclosed for your review and signature, if satisfactory, is
an Order in the above-referenced matter.

For your convenience I am enclosing a stamped envelope ad-
dressed to the Gen County Clerk for transmittal of the signed
Order.

Very truly yours,

MICHAEL H. WYER
Deputy Attorney General
Department of Water Resources

MHW:jn

Enclosures

cc: Leon R. Weeks
L. Corrao

April 2, 1980

Leon R. Weeks
P.O. Box 586
Nampa, ID 83651

RE: Payette Adjudication, Gem County Case No. 3667,
Orville Jackson Objection.

Dear Dick:

At the hearing on the 24th there was no objection to the compromise proposed in the department's response, although Louie Corrano did appear on behalf of the Parks. Enclosed is the order I have drafted for the Court.

This compromise results in the creation of a new water right, No. 65-11398, and for certain administrative reasons the department staff likes to have a claim form for each water right in the decree. For this reason we would like you to have the enclosed claim form completed and returned to us. It will help ensure that the right is properly documented in our administrative files.

Very truly yours,

Michael M. Hyer
Deputy Attorney General

NRH:jh

Enclosure

89-0419
89-6352

JOSEPHINE P. BEEMAN
MICHAEL H. HYER
Deputy Attorneys General
Department of Water Resources
Statehouse
Boise, Idaho 83720
Telephone: (208) 334-4448

IN THE MATTER OF THE GENERAL)
DETERMINATION OF THE RIGHT TO THE) Civil No. 3667
USE OF SURFACE AND GROUNDWATERS)
OF THE PAYETTE RIVER DRAINAGE) RESPONSE TO MOTION AND
BASIN.) OBJECTION OF
ORVILLE JACKSON)

I.

II.

In its original proposed findings of water rights the Department proposed three water rights to Mud Creek in the name of Orville Jackson and Floy L. Jackson, all of which were based on

1 licenses. The original licenses for these rights provided:

2	<u>Number</u>	<u>Acres</u>	<u>Amt. (cfs)</u>	<u>Priority</u>
3	65-2237	120	2.4	11-14-1918
4	65-2268	150	3.0	11-17-1919
5	65-2484	235	4.2	4-19-1949
6	TOTAL	505	9.6	

7 In reviewing the rights, Department staff determined that
8 only 146 acres were being irrigated under No. 65-2268 and only
9 146 acres under No. 65-2484, for a total under all three rights
10 of 412 acres rather than 505 acres.

11 However, in the proposed findings 80 acres were mistakenly
12 omitted from Right No. 65-2484 and included in Right No. 65-2237.
13 Accordingly, the rights were recommended, with this error, in the
14 proposed findings as follows:

14	<u>Number</u>	<u>Acres</u>	<u>Amt. (cfs)</u>	<u>Priority</u>
15	65-2237	200	2.40	11-14-1918
16	65-2268	146	2.92	11-17-1919
17	65-2484	66	1.32	4-19-1949
18	TOTAL	412	6.64	

19 (Proposed Findings of Water Rights, Vol. II, Pages 223-25)

20 While the Department mistakenly increased the number of acres
21 under No. 65-2237 from 120 to 200, it did not increase the amount
22 of water under No. 65-2237 and recommended water for No. 65-2484
23 based on one inch per acre for only 66 acres, or 132 cfs. This
24 error resulted in Jackson receiving only a total of 6.64 cfs, or
25 1.60 cfs less than the 8.24 cfs necessary to irrigate the total
26 412 acres at one inch per acre, and resulted in Jackson only
27 receiving 2.4 cfs for the irrigation of 200 acres under No. 65-
28 2237.

29 III.

30 In order to correct this error, the Department moved to amend
31 the proposed finding as follows:

31	<u>Number</u>	<u>Acres</u>	<u>Amt. (cfs)</u>	<u>Priority</u>
32	65-2237	120	2.4	11-14-1918

65-2268	146	2.92	11-17-1919
65-2484 X	66	1.32	4-19-1949
65-2484 A	80	1.60	4-19-1949
TOTAL	412	8.24	

The right thus recommended as No. 65-2484X is the same as No. 65-2484 in the proposed finding, and No. 65-2484A is the irrigation right for the 80 acres erroneously included in No. 65-2237 in the original proposed findings.

Orville Jackson objected to this change, desiring instead to retain 200 acres under No. 65-2237 (with its 1918 priority date) but to be allowed 4 cfs (one inch per acre for the 200 acres) under that right.

IV.

In the Department's view the water rights acquired under the 1918 license (No. 65-2237) did not include the 80 acres in dispute. Rather, any rights under any license for the irrigation of these 80 acres were acquired under the 1949 license, No. 65-2484.

However, after further review and discussion with individuals familiar with the past irrigation in this area, the Department is satisfied that approximately 40 acres of the disputed 80 acres were irrigated beginning in 1938 and that Orville Jackson is therefore entitled to a beneficial use right of .08 cfs (40 inches) for these acres.

Accordingly, the Department withdraws the amendments to Orville Jackson rights proposed in the Motion for Clerical corrections, dated September 13, 1979, and in place thereof requests that the proposed findings of water rights be amended in conformance with Exhibit A, attached hereto. The changes proposed in Exhibit A are summarized here as follows:

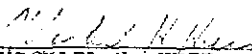
Number	Acres	Amt. (cfs)	Priority	Basis
65-2237	120	2.40	11-14-1918	License
65-2268	146	2.92	11-17-1919	License
65-11398	40	.80	4-15-1938	Beneficial Use
65-2484 A	40	.80	4-19-1949	License

65-2484 X 66 1.32 4-19-1949
TOTAL 412 8.24

V.

A copy of this Response will be mailed to those parties with rights on Mud Creek with priority dates after 11-14-1918 and prior to 4-19-1949, specifically: Neal Boydston, Anna Nisula, C.W. Parks, Franklin B. Edwards, Barton P. Ballantyne, Carl D. & Mary F. Platt, Larry Eld, W.E. and Lucille Cameron, Edward A. Cruzen, Frank S. Nisula, and Lee C. Wright, Jr.

DATED this day of , 1980.


MICHAEL H. HYER
Attorney for
Department of Water Resources

1 **DAVID H. LEROY**
2 Attorney General
3 State of Idaho
4 Statehouse, Room 210
5 Boise, Idaho 83720
6 Telephone: (208) 384-2400

7 **JOSEPHINE P. BEEMAN**
8 **MICHAEL H. HYER**
9 Deputy Attorneys General
10 Department of Water Resources
11 Statehouse
12 Boise, Idaho 83720
13 Telephone: (208) 334-4448

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

16 IN THE MATTER OF THE GENERAL)
17 DETERMINATION OF THE RIGHT TO THE)
18 USE OF SURFACE AND GROUNDWATERS)
19 OF THE PAYETTE RIVER DRAINAGE)
20 BASIN.)
21 Civil No. 3667
22 NOTICE OF HEARING

23 TO: Neal Boydston, Anna Nisula, C.W. Parks, Franklin B.
24 Edwards, Barton P. Ballantyne, Carl and Mary F. Platt,
25 Larry Eld, W.E. and Lucille Cameron, Edward Cruzen,
26 Frank Nisula, Lee C. Wright, Jr., and Leon R. Weeks,
27 attorney for Claimant-Objector Orville Jackson.

28 PLEASE TAKE NOTICE that the undersigned will bring Claimant-
29 Objector Orville Jackson's Motion for Order Approving Proposed
30 Findings of Water Rights and Objection to Proposed Amendment
31 thereto by the State of Idaho, Department of Water Resources on
32 for hearing before this Court at the Gem County Courthouse in
33 Emmett, Idaho on the 24th day of March, 1980 at the hour of 9:30
34 a.m. or as soon thereafter as counsel may be heard.

35 DATED this 11 day of March, 1980.

36 Michael H. Hyer
37 MICHAEL H. HYER
38 Deputy Attorney General
39 Department of Water Resources

CERTIFICATE OF MAILING

I HEREBY CERTIFY That on the 11 day of March, 1980, true and correct copies of the foregoing NOTICE OF HEARING AND RESPONSE TO MOTION OF ORVILLE JACKSON were mailed, postage pre-paid to:

Leon R. Weeks
P.O. Box 586
Nampa, ID 83651

Neal Boydston
Box 742
McCall, ID 83638

Anna Nisula
P.O. Box 604
Donnelly, ID 83615

C.W. Parks
Route 2
Emunett, ID 83617

Franklin B. Edwards
Box 22
Donnelly, ID 83615

Barton P. Ballantyne
c/o McKee & Harwood
1076 North Cole Road
Boise, ID 83704

Carl D. & Mary F. Platt
Box 73
Donnelly, ID 83615

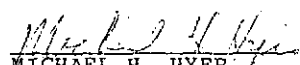
Larry Eld
3016 Covina Circle
Boise, ID 83704

W.E. & Lucille M. Cameron
Route 1, Brookside Lane
Boise, ID 83702

Edward A. Cruzen
Donnelly, ID 83615

Frank S. Nisula
P.O. Box 642
Donnelly, ID 83615

Lee C. Wright, Jr.
Star Route
Payette, ID 83661


MICHAEL H. UYER
Deputy Attorney General
Department of Water Resources

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

INDICATES TOTAL

RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	USE	USE PERIOD. FROM TO	MAX AMOUNT MAX RATE	DIVERSION POINT	PLACE OF USE AND ACREAGE	BASIS FOR RIGHT
65-2237 VOL. II P. 223	JACKSON, ORVILLE & JACKSON, FLOY L. BOX 38, EAGLE, IDAHO 83616	11/14/1918	SOURCE: MUD CREEK IRRIGATION	4/15 10/15	--- AFA 2.40 CFS	NENW S29 T17N R 3E	NWNW(40) SWNE(40) NENW(40) NWNW(31) SENW(40) NESE(9) S 9 T16N R 3E *200* *120*	LICENSE
65-2484 VOL. II P. 225	JACKSON, ORVILLE & JACKSON, FLOY L. BOX 38, EAGLE, IDAHO 83616	4/19/1949	SOURCE: MUD CREEK IRRIGATION	4/15 10/15	--- AFA 1.32 CFS	NENE S-8 T16N R 3E	NENE(26) SENE(24) NESE(16) S 8 T16N R 3E *66*	LICENSE
65-2484X	JACKSON, ORVILLE & JACKSON, FLOY L. BOX 38, EAGLE, IDAHO 83616	4/19/1949	SOURCE: MUD CREEK IRRIGATION	4/15 10/15	--- AFA 1.32 CFS	NENE S 8 T16N R 3E	NENE(26) SENE(24) NESE(16) S 8 T16N R 3E *66*	LICENSE
65-2484A	JACKSON, ORVILLE & JACKSON, FLOY L. BOX 38, EAGLE, IDAHO 83616	4/19/1949	SOURCE: MUD CREEK IRRIGATION	4/15 10/15	--- AFA .80 CFS	NENW S29 T17N R 3E	NWNW(25) NWNE(15) S 8 T16N R 3E *40*	LICENSE
65-11398	JACKSON, ORVILLE & JACKSON, FLOY L. BOX 38, EAGLE, IDAHO 83616	4/15/1938	IRRIGATION	4/15 10/15	--- AFA .80 CFS	NENW S29 T17N R 3E	NWNE(25) NENW(6) NESE(9) S 8 T16N R 3E *40*	BENEFICIAL USE

EXHIBIT A

LEON R. WEEKS
P. O. Box 586
Nampa, Idaho 83651
Telephone: 466-3537
Attorney for Claimant-Objector Jackson

RECEIVED
OCT 10 1979
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
NOTICE OF HEARING

TO: W. HUGH O'RIORDAN, Deputy Attorney General, and JOSEPHINE
P. BEEMAN, Deputy Attorney General:

PLEASE TAKE NOTICE that on the 10th day of December,
1979 at the hour of 10:00 o'clock A. M. of said day, or as
soon thereafter as counsel can be heard, in the Courtroom
of the above entitled Court, the undersigned, Attorney for
Claimant-Objector Jackson, will call up for hearing his
Motion for Order Approving Proposed Findings of Water Rights
and Objection to Proposed Amendment Thereto by the State of
Idaho Department of Water Resources.

Dated this 5th day of October, 1979.

Leon R. Weeks
Attorney for Claimant-Objector
Jackson

I hereby certify that a true and correct copy of
the foregoing Notice of Hearing was mailed to W. Hugh
O'Riordan, Deputy Attorney General, Chief, Natural
Resources Division, Statehouse Mail, Boise, Idaho
83720, and to Josephine P. Beeman, Deputy Attorney

LEON R. WEEKS
P. O. Box 586
Nampa, Idaho 83651
Telephone: 466-3537
Attorney for Claimant-Objector Jackson

RECEIVED

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

NOTICE OF HEARING

TO: W. HUGH O'RIORDAN, Deputy Attorney General, and JOSEPHINE
P. BEEMAN, Deputy Attorney General:

PLEASE TAKE NOTICE that on the 10th day of December,
1979 at the hour of 10:00 o'clock A. M. of said day, or as
soon thereafter as counsel can be heard, in the Courtroom
of the above entitled Court, the undersigned, Attorney for
Claimant-Objector Jackson, will call up for hearing his
Motion for Order Approving Proposed Findings of Water Rights
and Objection to Proposed Amendment Thereto by the State of
Idaho Department of Water Resources.

Dated this 5th day of October, 1979.

Leon R. Weeks
Attorney for Claimant-Objector
Jackson

I hereby certify that a true and correct copy of
the foregoing Notice of Hearing was mailed to W. Hugh
O'Riordan, Deputy Attorney General, Chief, Natural
Resources Division, Statehouse Mail, Boise, Idaho
83720, and to Josephine P. Beeman, Deputy Attorney

General, Idaho Department of Water Resources,
Statehouse Mail, Boise, Idaho 83720, on this
5th day of October, 1979.

Leon R. Weeks

RECEIVED

OCT 15 1979

Department of Water Resources

LEON R. WEEKS

P. O. Box 586

Nampa, Idaho 83651

Telephone: 466-3537

Attorney for Claimant-Objector Jackson

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

NOTICE OF HEARING

TO: W. HUGH O'RIORDAN, Deputy Attorney General, and JOSEPHINE

P. BEEMAN, Deputy Attorney General:

PLEASE TAKE NOTICE that on the 10th day of December, 1979 at the hour of 10:00 o'clock A. M. of said day, or as soon thereafter as counsel can be heard, in the Courtroom of the above entitled Court, the undersigned, Attorney for Claimant-Objector Jackson, will call up for hearing his Motion for Order Approving Proposed Findings of Water Rights and Objection to Proposed Amendment Thereto by the State of Idaho Department of Water Resources.

Dated this 5th day of October, 1979.

Leon R. Weeks
Attorney for Claimant-Objector
Jackson

I hereby certify that a true and correct copy of the foregoing Notice of Hearing was mailed to W. Hugh O'Riordan, Deputy Attorney General, Chief, Natural Resources Division, Statehouse Mail, Boise, Idaho 83720, and to Josephine P. Beeman, Deputy Attorney

General, Idaho Department of Water Resources,
Statehouse Mail, Boise, Idaho 83720, on this
5th day of October, 1979.

Leon R. Weeks

RECEIVED

SEP 26 1979

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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 PROPOSED FINDING	)	
	)	
OF WATER RIGHTS	)	Case No. 3667
	)	
IN THE	)	
	)	MOTION FOR ORDER APPROVING
	)	PROPOSED FINDINGS OF WATER
	)	RIGHTS AND OBJECTION TO
PAYETTE RIVER DRAINAGE	)	PROPOSED AMENDMENT THERETO
	)	BY THE STATE OF IDAHO
BASIN	)	DEPARTMENT OF WATER RESOURCES
	)	

COMES NOW, ORVILLE JACKSON, dealing with his sole
and separate property, individually and as successor in
interest of his deceased wife, FLOY L. JACKSON, and hereby
moves this Court as follows:

I.

That this Court accept the Proposed Findings of
Water Rights in the Payette River Drainage Basin as outlined
in Volume II thereof in the above referenced case, and more
specifically, moves this Court to accept Right Number 65-2237
in the names of ORVILLE JACKSON and FLOY L. JACKSON, Box 38,
Eagle, Idaho 83616, with a priority date of 11/14/1918 for
irrigation use, with a period from 4/15 to 10/15 of each year,
Maximum Amount (AFA) and Maximum Rate 2.40 CFS, Diversion
Point NENW S29 T17 R 3E, Place of Use and Acreage: NWNE (40)

SWNE (40) NEMW (40) NWNW (31) SENW (40) NESE (9) S 8 T16N
R3E *200*, Basis for Right --License, as stated on Page 223
in Volume II of the Proposed Findings of Water Rights in the
Payette River Drainage Basin, which are dated March 2, 1979.
The source of the water is Mud Creek for surface irrigation
purposes.

II.

Movant hereby objects to any motion by the State
of Idaho Department of Water Resources to amend the afore-
said Proposed Findings of Water Rights by in any manner
reducing the number of inches allowed from 200 inches, with
a priority date of 11/14/1918, to a lesser number of inches
or by transferring a portion of said 200 inches with a
priority date of 11/14/1918, to a later priority date.

DATED this 14th day of September, 1979.

Leon R. Weeks
Attorney for Claimant-Objector
Orville Jackson

1 **DAVID H. LEROY**
2 Attorney General
3 State of Idaho
4 Statehouse, Room 210
5 Boise, Idaho 83720
6 Telephone: (208) 384-2400

7 **W. HUGH O'RIORDAN**
8 Deputy Attorney General
9 Chief, Natural Resources Division

10 **JOSEPHINE P. BEEMAN**
11 Deputy Attorney General
12 Natural Resources Division
13 Telephone: (208) 384-2215

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

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

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

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

ORDER CORRECTING CLERICAL OVERSIGHTS - 1

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

1 held by Orville Jackson and Floy L. Jackson.

2 DATED This _____ day of _____, 1979.

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5 Gilbert C. Norris
6 District Judge
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