

CLAIM A65-02376 INIT

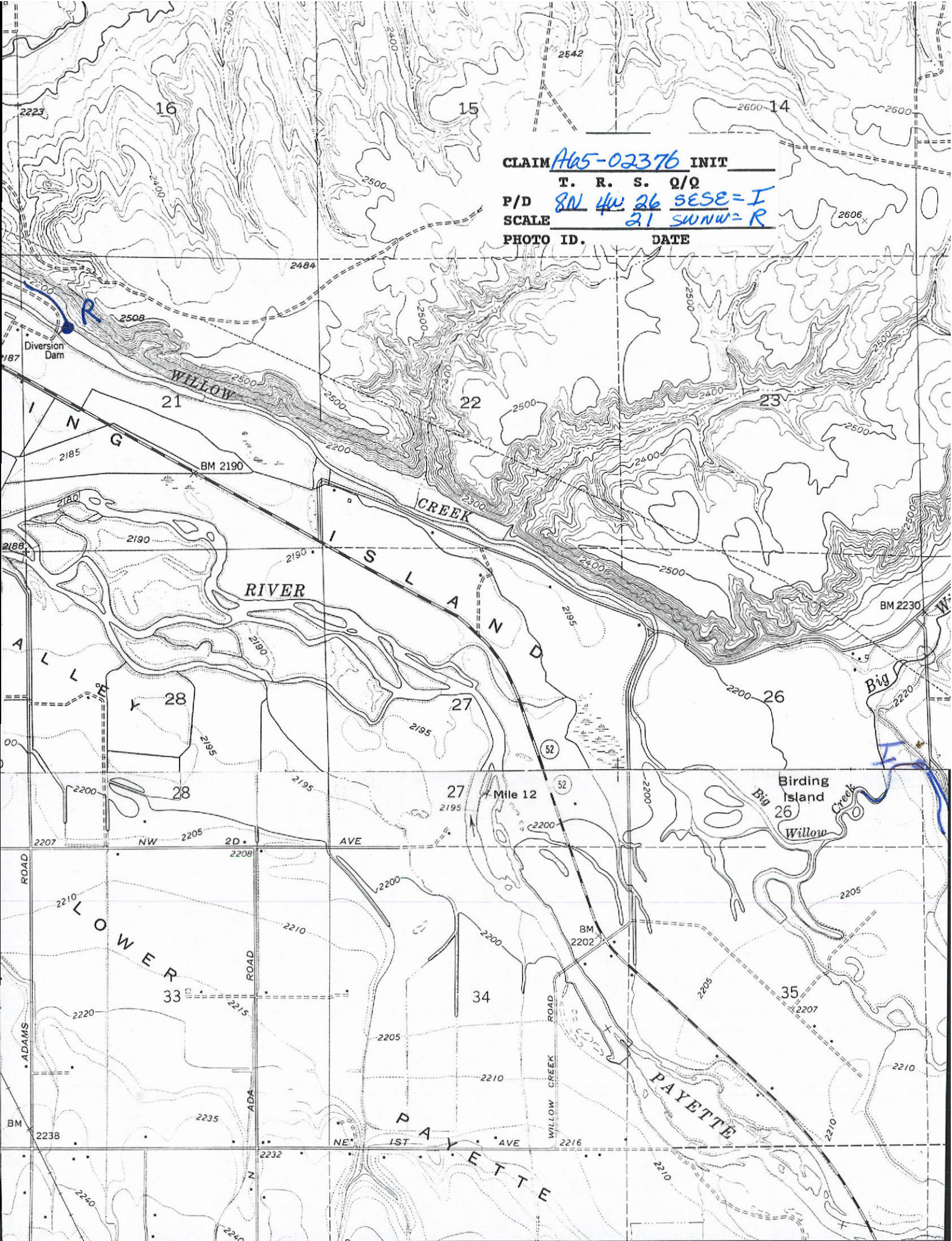
T. R. S. Q/Q

P/D 8N 4W 26 SESE = I

SCALE 21 SWNW = R

PHOTO ID.

DATE



Aug 4/23/77 2KN DRT 1-26-78

7N 3W 57

Date

Evid. of dam

Libertyville, Mo

21

Reformed stream

Georgetown Gulch

Wastewater

River 2
P/D

River 1
P/D

P/D

P/D

Old
P/D

Canyon Drain No. 1

5/07/45

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

REPORT OF ENGINEER

Permit No. 17670

This proof is for **COMP WORKS & BEN USE**

In Water District No.

1. Name of applicant **Lake Reservoir Company**2. Source of water supply **Unnamed stream**3. Location of point of diversion: Is in the **SW $\frac{1}{4}$ SW $\frac{1}{4}$** of Section **7**T **7 N.,** R **3 W. B. M.** County of **Payette**

4. Describe works as they exist, giving dimensions and capacities of same: *Division with in drainage canal 1. 16' long, 14" wide, 5' high with concrete base and wooden superstructure; Thence by 16 ft. canal 1 mile to Payette River Thence down side about 7 miles to the head of the Lower Payette Canal where diversion is made by concrete dam 300 ft long 8 ft high by 10 ft width with a pipe and flashboard superstructure.*

5. Water is used for: **Irrigation and domestic**6. State whether or not water has been turned into works of diversion: **yes**

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 for other than irrigation):

66, 586 acres, particularly described as follows:

Bumett Irrigation District, Enterprise Ditch Co., Letha Irrigation Company, Farmers' Cooperative Irrigation Company, Lower Payette Ditch Company &

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

9. What large stream would the water here appropriated finally reach? *Payette River*

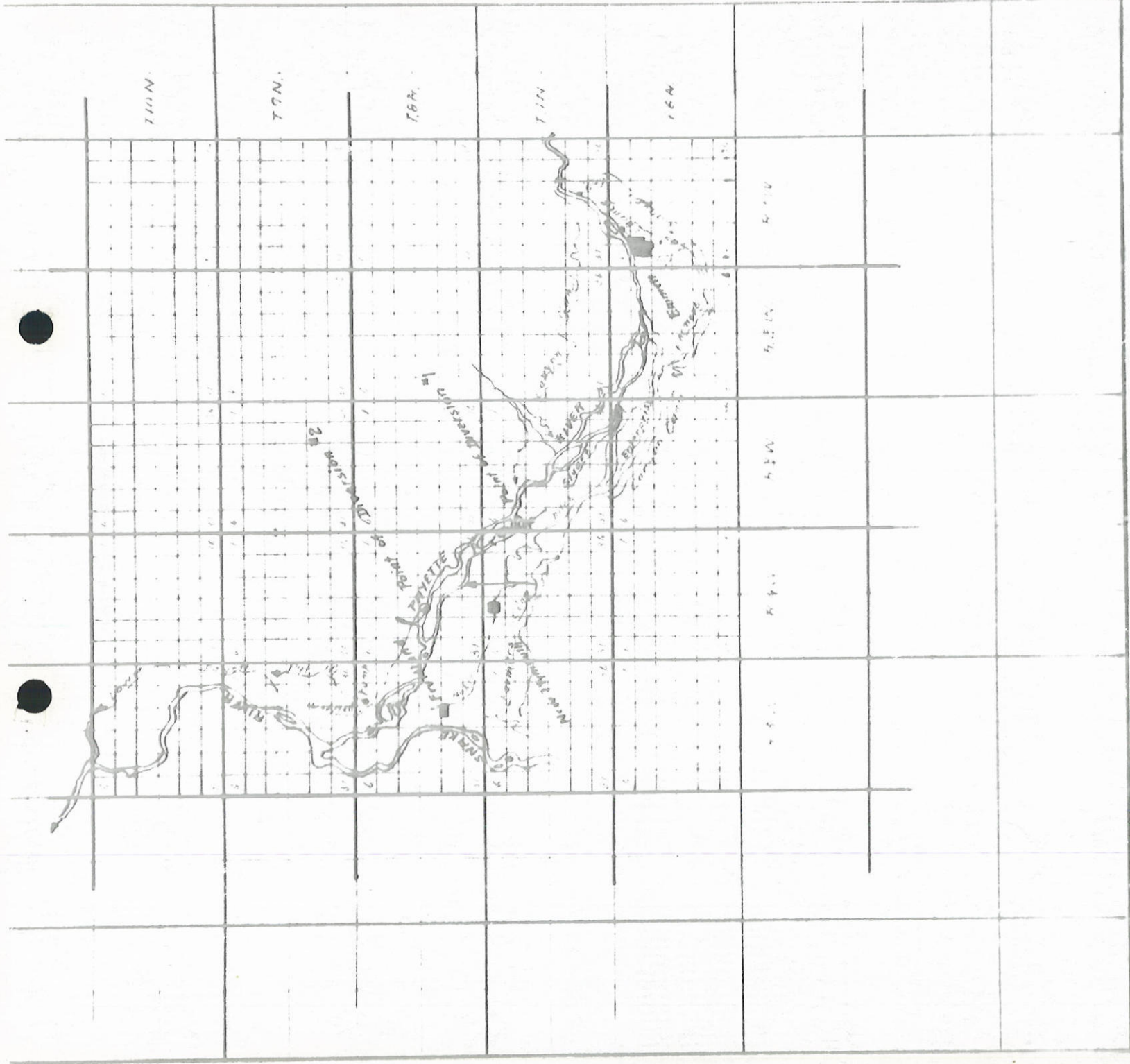
Remarks

This water is used to supplement other water rights of the L.R. Co.

No water was being diverted at time of inspection. Mr. George Knorr stated that 60 submersed feet had been carried over the above mentioned canal leading from the point of diversion to the Payette River.

This examination was made on the **25th**day of **Nov****1932**

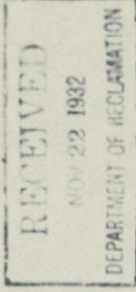
(Signed) *Robert H. Holman*
Examiner.



SCALE 2 INCHES EQUALS 1 MILE DRAW MAP IN INK.

17670

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO



Permit No. 17670

Proof of Application of Water to Beneficial Use

Deposition of Holder

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

Ans. **I C S Brainerd, Secretary, Payette Idaho.**

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. **Lake Reservoir Company, Payette Idaho, I am the Secretary, authorized to appear in the matter, by a resolution of the Board of Directors/**

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

Ans. **17670 June 2nd 1932**

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

Ans. **an unknown stream point of diversion located in the SW 1/4 Sec 7**

Twp 7 N R 3 W B M

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. **Diversion dam concrete with wood superstructure, 16' wide 12' high, Ditch one mile long, 20' feet on the bottom, 24' at water line, water 3' deep, with a grade of 2 1/2' to the mile conveys water to the main channel of the Payette River, just above the main headgate of the Lower Payette Ditch company, whose water is diverted into the main canal of the Lower Payette ditch company's canal.**

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. **Water used for irrigation and domestic purposes on all lands irrigated from the main canal of the Lower Payette Ditch Company Canal, and in exchange for other storage water of the same company which is used by all other canals shown upon the application.**

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

Ans.

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: A65-02376
Date Received: 9/28/1988
Receipt No: X999999
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED
NOV 22 1988

1. Name: LAKE RESERVOIR CO.
Address: 828 CENTER AVE.
PAYETTE, ID 83661

Department of Water Resources

2. Date of Priority: APR 02, 1932

3. Source: MAIN DRAIN, DISTRICT NO. ON Trib. to: PAYETTE RIVER
UNNAMED STREAM PAYETTE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07N	03W	7	SE	SW			PAYETTE
		19	NW	SE			PAYETTE

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	60.000		

7. Total Quantity Appropriated is:
60.000 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
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11. Place of use in counties:

A65-02376

Page 1

Date: 09/28/88

MICROFILMED
SEP 18 1992

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:

65-0165A/0165B/0165C/0165X, 65-11413, AND OTHERS.

14. Remarks:

POINT OF INJECTION INTO PAYETTE RIVER IN LOT 7, S7, T7N, R3W.
POINT OF REDIVERSION IN LOT 3 S7, T7N, R3W.
POINT OF INJECTION INTO BIG WILLOW CREEK IN SESE S26, T8N, R4W.
POINT OF REDIVERSION IN SWNW S21, T8N, R4W.
DELIVERY MADE POSSIBLE THROUGH EXCHANGE WITH LAKE RESERVOIR
COMPANY STORAGE RIGHTS.
PLACE OF USE WITHIN LANDS OF EMMETT IRR. DIST., FARMERS COOP.
IRR. CO. LTD., ENTERPRISE DITCH CO., LETHA IRR. & WATER CO.,
NOBLE DITCH CO. LTD., AND LOWER PAYETTE DITCH CO. OTHER WATER
RIGHTS INCLUDE OTHER WATER RIGHTS OF THESE ENTITIES.
TOTAL CONSUMPTIVE USE OF THIS RIGHT IN COMBINATIO WITH OTHER
RIGHTS HELD BY THESE ENTITIES SHALL NOT EXCEED 3.5 AF PER ACRE.

15. Basis of Claim: DECREED

Water Right Number: 17670

Case Number:

Court :

Decree date:

STATE OF IDAHO

Decree Plaintiff

vs

A & C CORP., ET AL.

Decree Defendant

16. Signature(s)

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

Number of attachments: One

For Organizations:

I do solemnly swear or affirm that I am President of Lake Reservoir Company, that I have signed the foregoing

Title

Organization document in the space below as President of

Title

Lake Reservoir Company and that the statements contained in the foregoing document are true and correct.

Organization

Ed Parsons
Signature of Authorized Agent

President, Lake Reservoir Co.
Title and Organization

November 21, 1988
Date

State of Idaho)

County of PAYETTE)

SS.

Subscribed and sworn (or affirmed) before me this 21st day
of NOVEMBER 1988

Sharon Parsons
Notary Public

Seal

Residing at PAYETTE, IDAHO

My Commission Expires 04/16/91

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 65-2376 V1

WATER RIGHT NUMBER: 65-2376 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	LAKE RESERVOIR CO 102 N MAIN PAYETTE, ID 83661

Priority Date: 04/02/1932

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
MAIN DRAIN DISTRICT NO 1 UNNAMED STREAM	PAYETTE RIVER PAYETTE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	60.000 CFS	
	<u>Total Diversion:</u>	60.000 CFS	

Location of Point(s) of Diversion

UNNAMED STREAM PAYETTE County	SE1/4SW1/4	Sec. 7, Twp 07n, Rge 03w, B.M.
MAIN DRAIN DISTRICT NO 1 PAYETTE County	NW1/4SE1/4	Sec. 19, Twp 07N, Rge 03W, B.M.

Place of Use

Conditions of Approval:

1. W24 USE OF THIS RIGHT IS COMBINED WITH WATER FROM FARMERS COOPERATIVE IRRIGATION CO., LTD.
2. W23 USE OF THIS RIGHT IS COMBINED WITH WATER FROM ENTERPRISE DITCH CO.
3. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
4. W16 USE OF THIS RIGHT IS COMBINED WITH WATER FROM EMMETT IRRIGATION DISTRICT.
5. W32 USE OF THIS RIGHT IS COMBINED WITH WATER FROM NOBLE DITCH CO.
6. W27 USE OF THIS RIGHT IS COMBINED WITH WATER FROM LETHA IRRIGATION & WATER CO., INC.
7. W28 USE OF THIS RIGHT IS COMBINED WITH WATER FROM LOWER PAYETTE DITCH CO.

Remarks:

1. Explanatory DELIVERY MADE POSSIBLE THROUGH EXCHANGE WITH LAKE RESERVOIR COMPANY STORAGE RIGHTS.
2. Place of Use
- Irrigation THE PLACE OF USE IS WITHIN THE BOUNDARIES OF EMMETT IRRIGATION DISTRICT; FARMERS COOP IRRIGATION COMPANY, LTD; ENTERPRISE DITCH COMPANY; LETHA IRRIGATION AND WATER COMPANY; NOBLE DITCH COMPANY ,LTD AND LOWER PAYETTE DITCH COMPANY.

IDAHO DEPARTMENT OF WATER RESOURCES

3. Quantity USE OF THIS RIGHT WITH RIGHT NO. 65-11413 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 80.0 CFS.
4. Source POINT OF INJECTION INTO AND POINT OF REDIVERSION FROM PAYETTE RIVER.
5. Source POINT OF INJECTION INTO BIG WILLOW CREEK IN THE SESE, S26, T08N, R04W AND POINT OF REDIVERSION FROM BIG WILLOW CREEK IN THE SWNW, S21, T08N, R04W.

Comments:

1. dbuffing 7/24/2001 Address change
Comment: Address change

Dates and Other Information:

Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag:
State or Federal: S
Owner Name Connector:
Water District Number: 65
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False



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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

May 4, 2001

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.

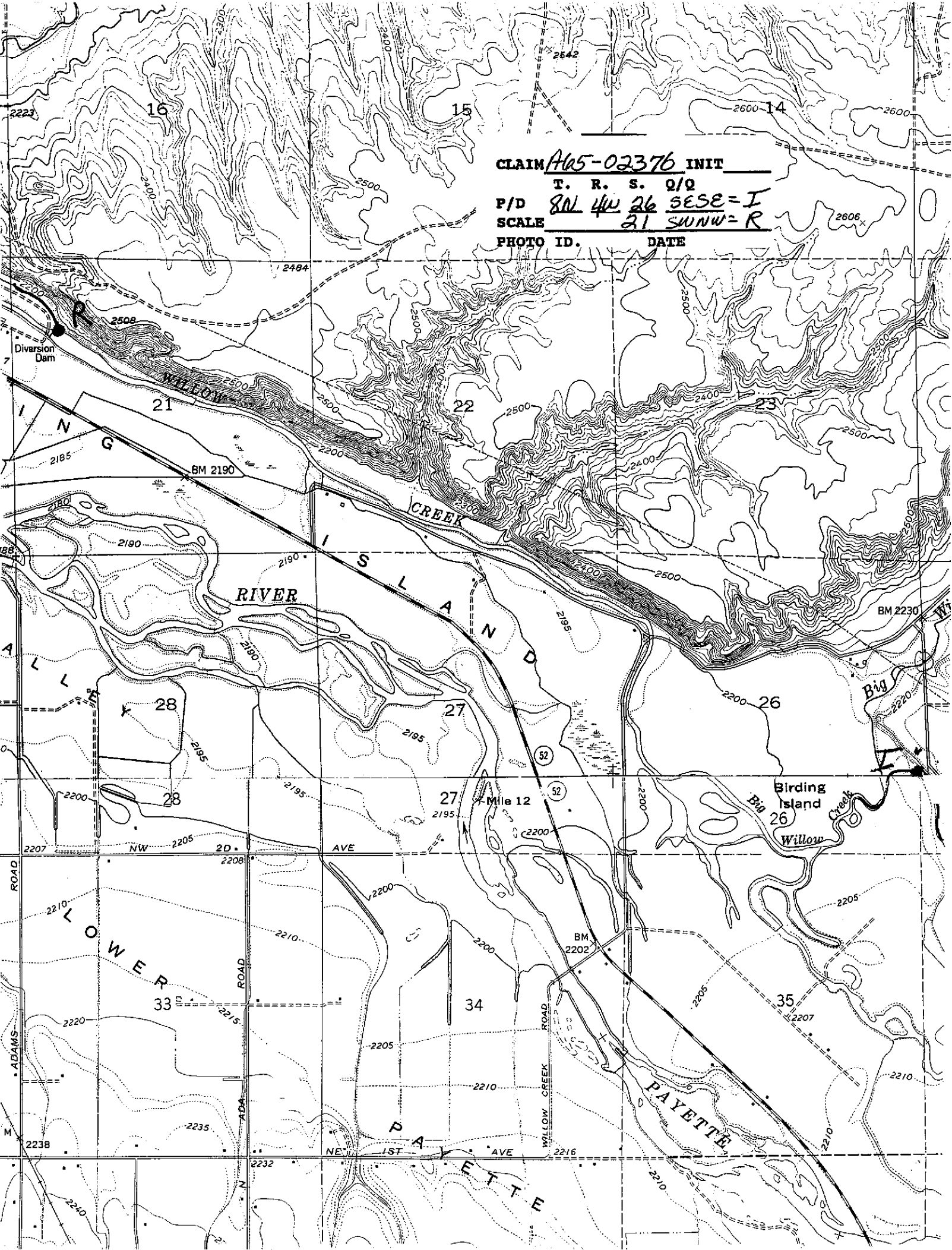
To be eligible for a new non-irrigation season stockwater claim:

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



CLAIM A65-02376 INIT

T. R. S. Q/Q

P/D 801 40 26 SESE = I

SCALE 21 SWNW = R

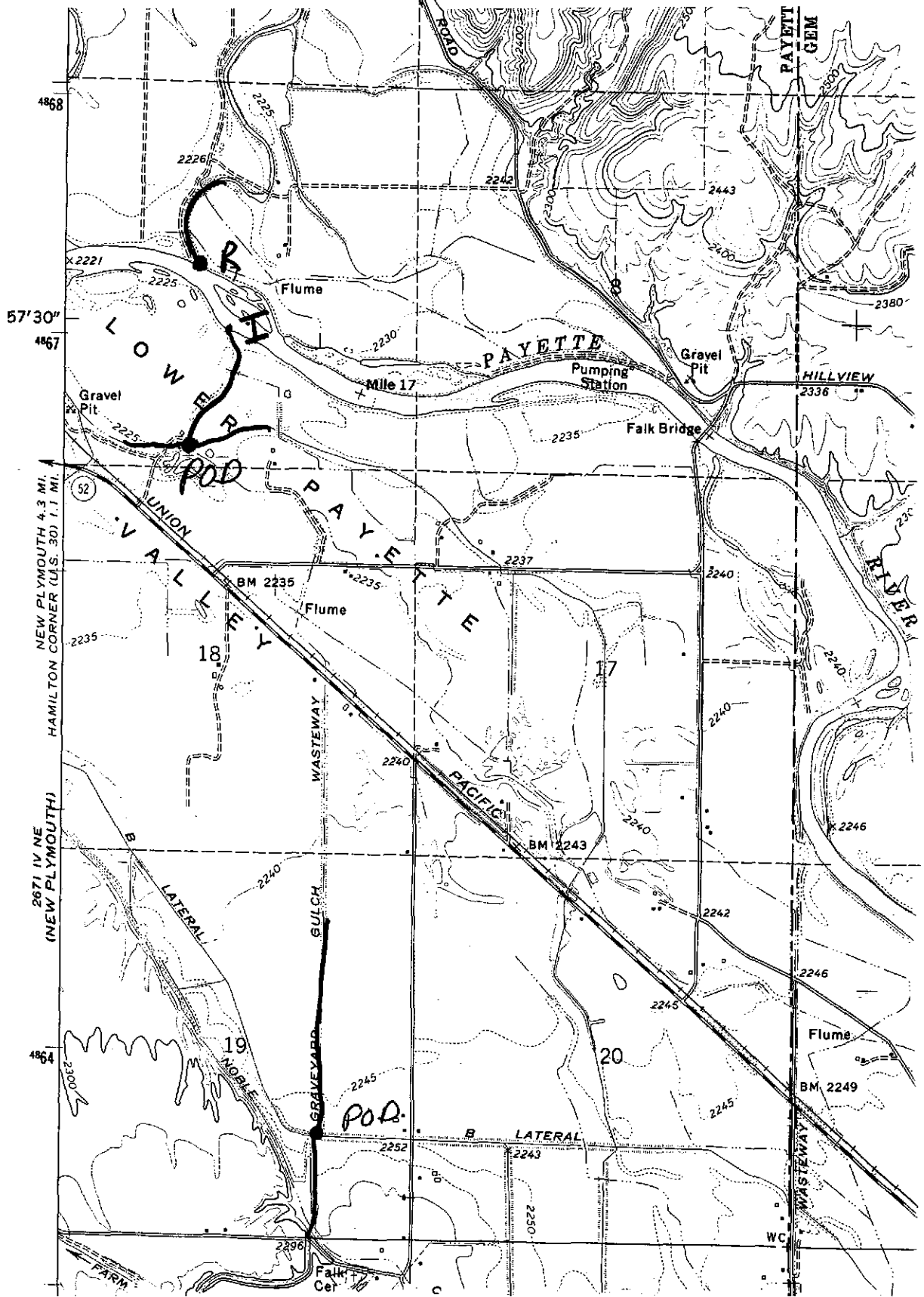
PHOTO ID.

DATE

W5
1971

CLAIM A65-02376 INIT
T. R. S. Q/Q
P/D 7N 3W 7 SE SW
SCALE 19 NWSE
PHOTO ID. W5 DATE 1971

CLAIM A65-02376 INIT
T. R. S. Q/Q
P/D 7N 3W 7 NWSE L7=I
SCALE 7 SENW L3=R
PHOTO ID. DATE



A05-02376

MAR 02, 1979

PROPOSED FINDING OF WATER RIGHTS - PAYETTE RIVER DRAINAGE

PAGE 151

INDICATES TOTAL

SOURCE: GRANITE LAKE

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
65-2919	LAKE RESERVOIR COMPANY 114 NORTH 8TH STREET, PAYETTE, IDAHO 83661 REMARKS: POINTS OF RE-DIVERSION AND PLACES OF USE ARE THOSE OF EMMETT IRRIGATION, FARMERS CO-OP, ENTERPRISE, LETHA, NOBLE AND LOWER PAYETTE DITCHES.	8/ 1/1928	IRRIGATION FROM STCR	3/15 11/15	2600.00 AFA --- CFS	SWNW S 3 T20N R 3E		LICENSE
65-10519	LAKE RESERVOIR COMPANY 114 NORTH 8TH, PAYETTE, IDAHO 83661 REMARKS: POINTS OF RE-DIVERSION AND PLACES OF USE ARE THOSE OF EMMETT IRRIGATION, FARMERS CO-OP, ENTERPRISE, LETHA, NOBLE, AND LOWER PAYETTE DITCHES.	4/ 1/1966	IRRIGATION FROM STCR	3/15 11/15	200.00 AFA --- CFS	SWNW S 3 T20N R 3E		BENEFICIAL USE

INDICATES TOTAL

SOURCE: GRAVEYARD GULCH WASTEWAY

TRIBUTARY TO: PAYETTE RIVER

RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	USE	USE PERIOD FROM TO	MAX AMOUNT MAX RATE	DIVERSION POINT	PLACE OF USE AND ACREAGE	BASIS FOR RIGHT
65-2376	LAKE RESERVOIR COMPANY 114 NORTH 8TH, PAYETTE, IDAHO 83661 REMARKS: POINT OF INJECTION INTO PAYETTE RIVER IS LOT 7, S. 7, T7N, R3W. POINT OF RE-DIVERSION IN LOT 3, S. 7, T7N, R3W. PLACE OF USE WITHIN LANDS OF EMMETT IRRIGATION, FARMERS CO-OP, ENTERPRISE, LETHA, NOBLE & LOWER PAYETTE DITCHES. DELIVERY MADE POSSIBLE THROUGH EXCHANGE WITH LAKE RESERVOIR COMPANY STORAGE RIGHTS.	4/ 2/1932	IRRIGATION	3/15 11/15	--- AFA 60.00 CFS	SESW S 7 T 7N R 3W		LICENSE

WR5809NP
No. 65-02376

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 08/28/00
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	LAKE RESERVOIR CO. 828 CENTER AVE. PAYETTE ID 83661	04/02/1932	IRRIGATION	03/15 11/15	9.600 CFS	
TOTAL DIVERSION:					60.000 CFS	

Water Source: MAIN DRAIN,
UNNAMED STREAM

District No. one

Tributary to: PAYETTE RIVER
PAYETTE RIVER

Stage: DECREED

Point(s) of Diversion Capacity: 93.020 CFS

Point(s) of Diversion: T07N R03W S07 SESW
S19 NWSE

PAYETTE County
PAYETTE County

Pou County:

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
65-07882 65-07885 65-11413 65-12279

Remarks: GEN POINT OF INJECTION INTO PAYETTE RIVER IS LOT 7, S. 7, T7N, R3W.
POINT OF RE-DIVERSION IN LOT 3, S. 7, T7N, R3W.
Boundaries PLACE OF USE WITHIN LANDS OF EMMETT IRRIGATION, FARMERS CO-OP,
ENTERPRISE, LETHA, NOBLE & LOWER PAYETTE DITCHES.
DELIVERY MADE POSSIBLE THROUGH EXCHANGE WITH LAKE RESERVOIR
COMPANY STORAGE RIGHTS.

Dates: App. Received: Priority Date: 04/02/1932
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date: 01/12/1934

Misc: Water District Number: 65 Field Exam Fee:

Audit: 09/26/86 04/30/88 CONVERT 07/14/89 CURTIS 03/15/96 SCURTIS
02/08/98 CLEARFLD

AJ5809NP
No. A65-02376

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 08/28/00
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	LAKE RESERVOIR CO 828 CENTER AVE PAYETTE ID 83661	04/02/1932	IRRIGATION	03-15 11-15	60.000 CFS	
TOTAL DIVERSION:					60.000 CFS	

Water Source: MAIN DRAIN, DISTRICT NO. ONE
UNNAMED STREAM

Tributary to: PAYETTE RIVER
PAYETTE RIVER

Stage: DECREED

Point(s) of Diversion:

T07N R03W S07
S19

SESW
NWSE

ok
NWSE, L1 = I
SE NW, L3 = R

PAYETTE County
PAYETTE County
8N, 4W, S21, SW NW = R
26, SESE = I

POU County:

Other Rights: 65-0165A/0165B/0165C/0165X, 65-11413, AND OTHERS.

Remarks: GEN POINT OF INJECTION INTO PAYETTE RIVER IN LOT 7, S7, T7N, R3W.
POINT OF REDIVERSION IN LOT 3 S7, T7N, R3W.
POINT OF INJECTION INTO BIG WILLOW CREEK IN SESE S26, T8N, R4W.
POINT OF REDIVERSION IN SWNW S21, T8N, R4W.
DELIVERY MADE POSSIBLE THROUGH EXCHANGE WITH LAKE RESERVOIR
COMPANY STORAGE RIGHTS. *Boundaries*
PLACE OF USE WITHIN LANDS OF EMMETT IRR. DIST., FARMERS COOP.
IRR. CO. LTD., ENTERPRISE DITCH CO., LETHA IRR. & WATER CO.,
NOBLE DITCH CO. LTD., AND LOWER PAYETTE DITCH CO. OTHER WATER
RIGHTS INCLUDE OTHER WATER RIGHTS OF THESE ENTITIES.
TOTAL CONSUMPTIVE USE OF THIS RIGHT IN COMBINATIO WITH OTHER
RIGHTS HELD BY THESE ENTITIES SHALL NOT EXCEED 3.5 AF PER ACRE.

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number: 65

Field Inspection Flag:

Presumption Flag:

Audit: 09/28/88 KROUGH_H 03/30/95 POST-STD

SRC - GO1 X2.

C18, W16, W24, W23, W27, W32, W28

23

RECEIVED

JUN 29 1987

Department of Water Resources

FILE

CLERK
JUN 15 1987

Thelma R. Kolodziej
hori Rambour DEPUTY

JIM JONES
Attorney General

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

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

IN THE MATTER OF THE GENERAL	)	Civil No. 3667
DETERMINATION OF THE RIGHTS TO	)	
THE USE OF SURFACE AND GROUND	)	STIPULATION RESOLVING
WATER OF THE PAYETTE RIVER	)	OBJECTION OF LOWER PAYETTE
DRAINAGE.	)	DITCH COMPANY

A. Kenneth Dunn, Director of the Idaho Department of Water Resources (Director), the Lower Payette Ditch Company and Lake Reservoir Company stipulate to the inclusion in the Payette Adjudication of a water right (65-11413) not previously listed for the Lower Payette Ditch Company and the uncontested clerical correction of three other rights held by the Lower Payette Ditch Company (65-0165A, 65-0165B, 65-0165C) and one right held by Lake Reservoir Company (65-2376).

Those changes appear as follows:

1. 65-11413:

OWNER: Lower Payette Ditch Company
114 N. Eighth
Payette, Idaho 83661

SOURCE: Graveyard Gulch Wasteway tributary to Main Drain,
District Number 1

POINT OF DIVERSION: SESW S7 T7N R3W

PLACE OF USE: Same as 65-0165X (11,088 acres)

PERIOD OF USE: 3/15 to 11/15

DIVERSION RATE: 60 cfs

PRIORITY DATE: 5/7/1945

OTHER RIGHTS: 65-0165X, 65-0165A, 65-0165B, 65-0165C, and
65-2376

BASIS OF RIGHT: Beneficial use

REMARKS: Pt. of injection into Payette River: Lot 7 (NESW),
S7, T7N, R3W

Pt. of redirection from Payette River: Lot 3
(SENW), S7, T7N, R3W

Pt. of injection into Big Willow Creek: SESE, S26,
T8N, R4W

Pt. of redirection from Big Willow Creek: SWNW,
S21, T8N, R4W

This right when combined with Right No. 65-2376
shall not exceed 60 cfs.

2. 65-2376:

Under remarks, the following language is to be added:
"Point of injection into Big Willow Creek: SESE, S26 T8N
R4W. Point of redirection is SWNW, S21 T8N R4W."

An additional point of diversion is listed as the NWSE S19
T7N R3W.

Source is changed from Graveyard Gulch Wasteway tributary
to Payette River to unnamed stream tributary to Payette
River and Main Drain, District Number One, tributary to
Payette River.

3. 65-0165A: The place of use for this right is the same as
65-0165X. However, although 65-0165X shows 11,088 acres for the

place of use, 65-0165A erroneously listed 10,980 acres. That figure should be changed to 11,088 acres.

4. 65-0165B: Same as 65-0165A regarding change in the total irrigated acreage.

5. 65-0165C: Same as 65-0165A and B regarding listing of irrigated acreage as 11,088 rather than 10,980.

Water right numbers 65-0165A, 65-0165B, and 65-0165C were determined by the Partial Decree (decree) signed by this court December 20, 1985. The decree incorporated by reference the description of these water rights as set forth in the Proposed Finding of Water Rights in the Payette River Drainage Basin (report) filed by the Director April 26, 1979.

As explained above, the report incorrectly lists the total of irrigated acreage for water right numbers 65-0165A, 65-0165B, and 65-0165C. The report and the decree should be amended to show the correct total of irrigated acreage.

This stipulation resolves the objection of the Lower Payette Ditch Company which was allowed to be filed in the Payette Adjudication by order of the court in July 1985.

DATED this 21st day of April, 1987.

JIM JONES
Attorney General

Josephine P. Beeman

JOSEPHINE P. BEEMAN
Deputy Attorney General
Idaho Department of
Water Resources

DATED this _____ day of _____, 1987.

LAKE RESERVOIR COMPANY

By: _____
LOUIE GORRANO
Counsel for Lake Reservoir
Company

DATED this _____ day of _____, 1987.

LOWER PAYETTE DITCH COMPANY

By: /s/ BERT L. OSBORN

BERT OSBORN
Counsel for Lower Payette
Ditch Company

The above stipulation having come before the court, it is
hereby approved this _____ day of _____, 1987.

JIM R. DOOLITTLE
District Judge

RECEIVED

JUN 29 1987

FILED

JUN 18 1987

Department of Water Resources

Thelma R. Kolodziel, CLERK
~~Deputy Clerk~~ DEPUTY

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

IN THE MATTER OF THE GENERAL	)	Civil No. 3667
DETERMINATION OF THE RIGHTS TO	)	
THE USE OF SURFACE AND GROUND	)	ORDER CORRECTING
WATER OF THE PAYETTE RIVER	)	CLERICAL ERROR
DRAINAGE.	)	

The Director of the Idaho Department of Water Resources (Director) has filed a MOTION TO CORRECT CLERICAL ERROR (Motion) in the above-entitled case pursuant to Rule 60(a) of the Idaho Rules of Civil Procedure. A stipulation upon which the motion is based has been filed by the Director and the Lower Payette Ditch Company. The motion and stipulation state that the Lower Payette Ditch Company is the owner of water right nos. 65-0165A, 65-0165B, and 65-0165C, and that these water rights were determined by the Partial Decree (Decree) signed by this court December 20, 1985, that the decree incorporated by reference the description of the water rights set forth in the Proposed Finding of Water Rights in the Payette River Drainage Basin (Report) filed by the Director April 26, 1979, that the report incorrectly lists the total of irrigated acreage for these rights at 10,980 rather than 11,088 acres, as is listed for water right 65-0165X which has a common place of use with rights 65-0165A, 65-0165B, and 65-0165C.

IT IS HEREBY ORDERED that the partial decree and the report be amended to show the total irrigated acreage for water right numbers 65-0165A, 65-0165B and 65-0165C as 11,088.

DATED this 17th day of June, 1987.

JIM R. DOOLITTLE

JIM R. DOOLITTLE
District Judge

07/24/2001

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

RIGHT NUMBER: 65-2376

NAME AND ADDRESS: LAKE RESERVOIR CO
102 N MAIN
PAYETTE, ID 83661

SOURCE: MAIN DRAIN DISTRICT NO 1 TRIBUTARY: PAYETTE RIVER
UNNAMED STREAM PAYETTE RIVER

POINT OF INJECTION INTO AND POINT OF REDIVERSION
FROM PAYETTE RIVER.

POINT OF INJECTION INTO BIG WILLOW CREEK IN THE SESE,
S26, T08N, R04W AND POINT OF REDIVERSION FROM BIG
WILLOW CREEK IN THE SWNW, S21, T08N, R04W.

QUANTITY: 60 CFS

USE OF THIS RIGHT WITH RIGHT NO. 65-11413 IS LIMITED TO
A TOTAL COMBINED DIVERSION RATE OF 60.0 CFS.

PRIORITY DATE: 04/02/1932

POINT OF DIVERSION:	T07N R03W S7	LOT 3	SENW	Rediversion	Within PAYETTE County
	T07N R03W S7		SESW		Within PAYETTE County
	T07N R03W S7	LOT 7	NWSE	Injection	Within PAYETTE County
	T07N R03W S19		NWSE		Within PAYETTE County
	T08N R04W S21		SWNW	Rediversion	Within PAYETTE County
	T08N R04W S26		SESE	Injection	Within PAYETTE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
03-15 11-15

QUANTITY
60.00 CFS

PLACE OF USE:

THE PLACE OF USE IS WITHIN THE BOUNDARIES OF EMMETT IRRIGATION DISTRICT; FARMERS COOP IRRIGATION COMPANY, LTD; ENTERPRISE DITCH COMPANY; LETHA IRRIGATION AND WATER COMPANY; NOBLE DITCH COMPANY ,LTD AND LOWER PAYETTE DITCH COMPANY.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

USE OF THIS RIGHT IS COMBINED WITH WATER FROM FARMERS COOPERATIVE IRRIGATION CO., LTD.

USE OF THIS RIGHT IS COMBINED WITH WATER FROM ENTERPRISE DITCH CO.

USE OF THIS RIGHT IS COMBINED WITH WATER FROM EMMETT IRRIGATION DISTRICT.

USE OF THIS RIGHT IS COMBINED WITH WATER FROM NOBLE DITCH CO.

USE OF THIS RIGHT IS COMBINED WITH WATER FROM LETHA IRRIGATION & WATER CO., INC.

USE OF THIS RIGHT IS COMBINED WITH WATER FROM LOWER PAYETTE DITCH CO.

DELIVERY MADE POSSIBLE THROUGH EXCHANGE WITH LAKE RESERVOIR COMPANY STORAGE RIGHTS.

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

RECEIVED

JUL 16 2001

Department of Water Resources

CHANGE IN ADDRESS OF NOTICE OF CLAIM

RECEIVED

JUL 19 2001

WATER RESOURCES
WESTERN REGION

[] Water Right Number(s):

^{P.D. 10-2000}
65-2060, 65-2278,

^{P.D. 10-2000}
65-2376, 65-2918,

^{P.D. 10-2000}
65-2919, 65-10519, 65-10520
^{P.D. 10-2000} ^{P.D. 10-2000}

[X] Claimant Name(s):

Lake Reservoir Company

[] Old Mailing Address:

828 Center Ave.

Payette, Id 83661

[X] New Mailing Address:

102 N. Main

Payette, ID 83661

Phone: 208-642-9424

Fax: 208-642-1042

Telephone Number:

(208) 642 - 9424

[X] Signature of Claimant(s):

Russ Murphy

Date: 7-13-01

RM
7-24-01

commission expires March 8, 1950 James M. Latta

REMARKS FOR 65-2376 :

(Pt of injection into Payette River is Lot 7 S. 7 T 7 N R 3 W.

Pt of re-diversion is Lot 3 S. 7 T 7 N R 3 W. Place of Use within lands of Emmett Irrigation, Farmers Co-op, Enterprise, Letha, Noble and Lower Payette Ditches. Delivery made possible through exchange with Lake Reservoir Company storage rights.)

My commission expires 12/31/2011

MAR 02, 1979

PROPOSED FINDING OF WATER RIGHTS - PAYETTE RIVER DRAINAGE

PAGE 151

INDICATES TOTAL

SOURCE: GRANITE LAKE

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
65-2919	LAKE RESERVOIR COMPANY 114 NORTH 8TH STREET, PAYETTE, IDAHO 83661 REMARKS: POINTS OF RE-DIVERSION AND PLACES OF USE ARE THOSE OF EMMETT IRRIGATION, FARMERS CO-OP, ENTERPRISE, LETHA, NOBLE AND LOWER PAYETTE DITCHES.	8/ 1/1928	IRRIGATION FROM STCR	3/15 11/15	2600.00 AFA --- CFS	SWNW S 3 T20N R 3E		LICENSE
65-10519	LAKE RESERVOIR COMPANY 114 NORTH 8TH, PAYETTE, IDAHO 83661 REMARKS: POINTS OF RE-DIVERSION AND PLACES OF USE ARE THOSE OF EMMETT IRRIGATION, FARMERS CO-OP, ENTERPRISE, LETHA, NOBLE, AND LOWER PAYETTE DITCHES.	4/ 1/1966	IRRIGATION FROM STCR	3/15 11/15	200.00 AFA --- CFS	SWNW S 3 T20N R 3E		BENEFICIAL USE

INDICATES TOTAL

SOURCE: ~~GRAVEYARD GULCH WASTEWAY~~TRIBUTARY TO: ~~PAYETTE RIVER~~

Unnamed Stream

Payette River

Main Drain, District No. One

Payette River

RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	USE	USE PERIOD FROM TO	MAX AMOUNT MAX RATE	DIVERSION POINT	PLACE OF USE AND ACREAGE	BASIS FOR RIGHT
65-2376	LAKE RESERVOIR COMPANY 114 NORTH 8TH, PAYETTE, IDAHO 83661 REMARKS: POINT OF INJECTION INTO PAYETTE RIVER IS LOT 7, S. 7, T7N, R3W. POINT OF RE-DIVERSION IN LOT 3, S. 7, T7N, R3W. PLACE OF USE WITHIN LANDS OF EMMETT IRRIGATION, FARMERS CO-OP, ENTERPRISE, LETHA, NOBLE & LOWER PAYETTE DITCHES. DELIVERY MADE POSSIBLE THROUGH EXCHANGE WITH LAKE RESERVOIR COMPANY STORAGE RIGHTS. Point of injection into Big Willow Creek is SESE S6 T7N R3W. Point of rediversion is SWNW, S21 T8N R4W.	4/ 2/1932	IRRIGATION	3/15 11/15	--- AFA 60.00 CFS	SESW S 7 ✓ T 7N R 3W NWSE S19 ✓ T7N R3W ✓		LICENSE



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 334-7900

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

October 15, 1988

Lake Reservoir Company
828 Center Avenue
Payette, Idaho 83661

Re: Snake River Adjudication - Filing of Claims from the
Payette River Adjudication

Gentlemen:

Your water rights which were decreed in the Payette Adjudication can be filed in the Snake River Adjudication without payment of fees. Further, since the Idaho Department of Water Resources has very current records of your decreed rights in the Payette Adjudication, those claim forms will be prepared and mailed to you for verification and signature. A more detailed description of this process is contained in the "Special Payette/Lemhi/Basin Creek Instructions" which are enclosed.

The records for the Payette Adjudication show the following list of water rights for the Lake Reservoir Company. This list does not include rights which are outside the Payette River drainage basin or which were developed subsequent to the Payette Adjudication. Water rights developed after October 18, 1977 are not included in the Payette Adjudication. Of your individual rights, those which are listed as "decreed" will be sent to you under separate mailing from the Department of Water Resources. Those Payette rights which were involved in a stipulation or have changed from permit to license status are included in this mailing.

65-2376	Subject to stipulation - enclosed with this letter
65-10519 (Granite Lake)	Decreed - Will be received under separate mailing
65-10520 (Box Lake)	Decreed - Will be received under separate mailing

Lake Reservoir Co.
Page 2
October 15, 1988

65-2060 (North Fork Payette River)	Decreed - Will be received under separate mailing
65-2278 (Big Payette Lake)	Decreed - Will be received under separate mailing
65-2918 (Upper Payette Lake)	Decreed - Will be received under separate mailing
65-2919 (Granite Lake)	Decreed - Will be received under separate mailing

One additional document accompanies this letter. It is entitled "How You Will Receive Notice in the Snake River Basin Adjudication." The purpose of this notice is to allow you to decide whether you want to receive information about other filings, the preparation of reports on other drainage basins, pending actions before the district court, etc. Item 16 on the claim form allows you to indicate if you do or do not wish to receive notice for these additional matters.

I believe that most of your questions about filling out the enclosed claim or claims will be answered by the special Payette/Lemhi/Basin Creek instructions. Your other claim forms will come under separate mailing from Water Resources as the affected counties in which they are located are served notice of the Snake River Basin Adjudication. Presently, Valley County is the only county which has been served within the Payette drainage. Its deadline for filing claims is November 23, 1988. Please feel free to call me if you have additional questions.

Very truly yours,



JOSEPHINE P. BEEMAN
Deputy Attorney General
Department of Water Resources

JPB:dc
Encs.

cc: Louie Gorrano

01 WATER RIGHT NUMBER - 65-2376

02 OLD (D) NUMBER - 17670

03001 - LAKE RESERVOIR CO. LAST NAME

04001 - FIRST NAME

ORIG. OWNER
05001 - C

06 ADD LINE 1 - 828 CENTER AVE.

07 ADD LINE 2 -

08 ADD LINE 3 -

09 CITY - PAYETTE

10 STATE - ID

11 ZIP - 83661

12 STAGE - D DECREE

13 STATUS -

SOURCE
14001 - MAIN DRAIN, DISTRICT NO. ONE
14002 - UNNAMED STREAM

TRIBUTARY OF
15001 - PAYETTE RIVER
15002 - PAYETTE RIVER

16 DIVERSION MEANS -

17 COUNTY - 75 PAYETTE

18 DIVERSION CAPACITY - 93.020

19 TOTAL DIVERSION RATE - 60.000

20 TOTAL DIVERSION VOLUME - .00

21 WATER DISTRICT - 65

DIVERSION POINTS																	
TRACT	SEC	TWN	RNG	LOT	RFLG	S T R E A M I N D E X F I E L D S											
22001 -	SESW	23001 - 07	24001 - 07N	25001 - 03W	26001 -	27001 -											
				28001 -	0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0	0	0	0.0
22002 -	NWSE	23002 - 19	24002 - 07N	25002 - 03W	26002 -	27002 -											
				28002 -	0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0	0	0	0.0

29 NON-IRRIGATION USE -

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

PERIOD FROM	PERIOD TO	USE CODE / USE	WATER USE	DIVERSION RATE	DIVERSION VOLUME
37001 - 0315	38001 - 1115	39001 - 01 IRRIGATION	40001 -	9.600	41001 - 0.00

42 DECREE PLAINTIFF NAME - STATE OF IDAHO

43 DECREE DEFENDANT NAME - A & C CORP., ET AL.

REMARKS	
44001	- POINT OF INJECTION INTO PAYETTE RIVER IS LOT 7, S. 7, T7N, R3W.
44002	- POINT OF RE-DIVERSION IN LOT 3, S. 7, T7N, R3W.
44003	- PLACE OF USE WITHIN LANDS OF EMMETT IRRIGATION, FARMERS CO-OP,
44004	- ENTERPRISE, LETHA, NOBLE & LOWER PAYETTE DITCHES.
44005	- DELIVERY MADE POSSIBLE THROUGH EXCHANGE WITH LAKE RESERVOIR
44006	- COMPANY STORAGE RIGHTS.
44007	- POINT OF INJECTION INTO BIG WILLOW CREEK IN SESE S26 T8N R4W
44008	- POINT OF REDIVERSION IN SWNW S21 T8N R4W.

APPROVAL CONDITIONS: 45001 -

46 OTHER RIGHTS FOR SAME USE - 65-0165A/B/C & 65-0165X.

----- D A T E S -----		----- D A T E S -----		----- F L A G S -----	
47	PRIORITY - 2-APR-1932	55	LICENSE - 12-JAN-1934	63	TRANSFER/AMENDED -
48	PROOF DUE -	56	APPL RECEIVED -	64	DLE/CAREY ACT -
49	PROOF MADE -	57	FIELD EXAM MADE -	65	FLAG_1 -
50	APPROVE/DENIED -	58	DECREE - 21-JAN-1986	66	FLAG_2 -
51	PROTESTED -	59	START WORK -	67	FLAG_3 -
52	HEARING -	60	ORDER SHOW CAUSE -		
53	VERIFIED -	61	DATE_1 -		
54	LAST UPDATE - 26-SEP-1986	62	DATE_2 -		



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS

Governor

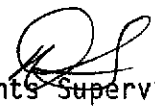
A. KENNETH DUNN

Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

MEMORANDUM

TO: 65-2376

FROM: Don Shaff 
Water Rights Supervisor

DATE: July 24, 1986

RE: Objection Review

In August 1985, neither the employees in the Snake River Project, Bureau of Reclamation office nor the employees in the Black Canyon Irrigation District office could find any records to substantiate Bob Brown's understanding of the development of the water rights in the area concerned with this claim. The "request for bids" by the Bureau of Reclamation for the Graveyard Gulch wasteway makes no mention of the diversion represented by this water right in the SW1/4SW1/4, Section 7 nor a diversion near the end of this wasteway in the SE1/4SW1/4, Section 7 or any other water right. The drain crossing and inlet located in the NW1/4SE1/4, Section 19 and at project station 190+00 is shown in the drawings of the "request for bids". An aerial photograph dated May 7, 1945 was used to formulate the conclusions and findings set out in the October 8, 1985 letter that is a part of this file. That letter, incorporated herein by reference, is the basis for amending the recommendation for this water right.

7N 3W 57

Date

End of day



5/07/45

Canyon Drain No. 1

Canyon Drain No. 1

Crg
P/D

P/D

P/D

N



te of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

October 8, 1985

Cecil Shurtleff
Lower Payette Ditch Co.
114 North 8th
Payette, Idaho 83661

Dear Cecil,

Researching of the Bureau of Reclamation's files to document the development of drains in the Graveyard Gulch area has come to a dead-end. My analysis of the information follows. A photocopy of a 1945 aerial photograph with appropriate notations is enclosed.

The record is unclear as to whether the water flowing in the Graveyard Gulch prior to construction of the present wasteway was intercepted by the River Ditch. I am convinced that the sources of water appropriated by Lake Reservoir Company in their 1932 filing (65-2367) was actually Canyon Drain and the Unnamed Stream. The Unnamed Stream flows into the River Ditch uncontrolled. In the Proposed Finding Canyon Drain as we have commonly referred to it was tabbed Main Drain, District No. One. For the sake of consistency I would like to refer to this source by the name appearing in the Proposed Finding.

The Bureau's part in constructing the Graveyard Gulch Wasteway as it now exists was accepted as completed on April 25, 1941. However the plans and specifications for the project did not include constructing the flashboard dam where the River Ditch now begins. Unfortunately, no records have been found indicating that the River Ditch was carrying water from Graveyard Gulch Wasteway at that time. From an aerial photograph taken on May 7, 1945, an observer can see that the flash board dam was actually in place. This is the first instance that a safe assumption can be made that water was diverted from Graveyard Gulch into the River Ditch.

This diversion and use of water would require the filing of a new claim to account for the addition of the third source. This activity resulted in moving the point of diversion in the Main Drain, District No. One from the SWSW Section 7 to the present point in the NWSE Section 19. I think it is possible, but probably immaterial at this point, that both points may have been used for an unknown number of years. Since nothing had been done to increase the appropriation of the Unnamed Stream or Main Drain, District No. One at that

time, the source for this 1945 right would be Graveyard Gulch Wasteway. The total appropriation from any of these sources under either 65-2367 or the 1945 right would be no more than 60 cfs.

More recently, Lower Payette has developed additional diversion capacity through this system to irrigate additional lands from Graveyard Gulch and Main Drain, District No. One. This was accomplished at least under the name of Lower Payette first with Permit 65-7882. This permit for 30 cfs is now described as diverting water from an Unnamed Stream. The fact of the matter is the diversion is from Graveyard Gulch and Main Drain, District No. One. No added water is diverted from the Unnamed Stream. To amend this permit as to the source may result in an advance of the priority date.

To gain water for additional land, Permit 65-12279 was obtained with the sources of water described as Graveyard Gulch Wasteway and Unnamed Stream. This permit for 60 cfs also is actually diverting water from the same sources as 65-7882. The same risk of amending the source also may face Lower Payette here.

The table below illustrates in summary the manner in which I think these water rights are arranged.

<u>W.R. No.</u> <u>Year</u>	<u>Amount</u> <u>(cfs)</u>	<u>Sources</u> <u>Recorded</u>	<u>Sources</u> <u>Existing</u>
65-2376 1932	60	Unnamed Stream (Licensed) Graveyard Gulch W. (Prop. Finding)	Unnamed Stream Main Drain, District No. One
65- 1945	60	None	Graveyard Gulch Wasteway
65-7882 1977	30 cfs	Unnamed Stream (Permit) Graveyard Gulch W. (Prop. Finding)	Main Drain, District No. One Graveyard Gulch Wasteway
65-12279 1982	60 cfs	Unnamed Stream Graveyard Gulch W.	Main Drain, District No. One Graveyard Gulch Wasteway

The enclosed documents should start us on the way to resolving the issues surrounding the diversions of Lower Payette on the south side of the river. If these forms are acceptable the board may direct you or the secretary to go ahead and file them by mail or in person. I would be glad to discuss them with you, the secretary and/or the board. Please call me at 334-4664 to arrange a date and time if such is the case. If you file the 1945 right I will ask our attorney to prepare a stipulation that should take care of the court matters for now. In that stipulation the number of acres for water rights 65-0165A, 65-0165B and 65-0165C can be corrected to agree with 65-0165X at 11,008 acres.

Other water rights are enclosed that were recommended in the Proposed Finding that may affect the diversions of the Company on the south side of the river. Some of these have priority dates after 1945, but are included for informational purposes. I could not find any other water rights that may be tributary to Graveyard Gulch or Main Drain, District No. One with priority dates earlier than 1945.

Thanks for your generous assistance.

Regards,

Donald V. Shaff
Water Rights Supervisor

Enclosures

cc: B. Osborn

MEMO:

TO: 65-2376

FROM: DRT 1-27-78

A RECENT CONVERSATION WITH BOB BROWN, BUREAU OF RECLAMATION, PROVIDED SOME HISTORY ON THE DEVELOPMENT OF THIS DIVERSION.

GRAVEYARD GULCH WASTEWAY EXISTED AS A DRAIN IN 1932, WHEN LAKE RESERVOIR COMPANY FILED ON THIS RIGHT. THE DIVERSION WORKS WERE EVIDENTLY INSTALLED BY LAKE RESERVOIR CO.

IN THE LATE 1930'S OR EARLY 1940'S THE BUREAU OF RECLAMATION EXPANDED THE EXISTING DRAIN INTO THE PRESENT WASTEWAY, TO ACCOMMODATE WASTE FLOWS FROM THE BLACK CANYON PROJECT. THEY REBUILT SEVERAL STRUCTURES, INCLUDING (ACCORDING TO BOB BROWN) THE DIVERSION FACILITY FOR THIS RT.

DRT.

15752

State of Idaho

License and Certificate of Water Right

Water License No. 17670

Amount 60 Sec. Ft.

Water District No.

Priority 4-2-32

THIS IS TO CERTIFY that LAKE RESERVOIR CO.
of Payette, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated April 2, 1932; that Permit No. 17670
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
60 second feet, was issued thereunder on January 9, 1934, showing that said works
were completed on the 19th day of November, 1932; and that on the 19th
day of November, 1932,

LAKE RESERVOIR CO.
of Payette, State of Idaho, made proof to the satisfaction of the
Commissioner of Reclamation of Idaho, of the right to use the waters of an unnamed stream
, a tributary of Payette River, for the purpose of irrigation and domestic
use, under Use Permit No. 17670 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 7
of Licenses, at page 3752, on the 12th day of January, 1934;

The right hereby confirmed dates from April 2, 1932;

The Point of Diversion is located

(No. 1 SW 1/4 SW 1/4, Sec. 7, Tp. 7 N., R. 3 W., B. M. Payette County.
(No. 2 NE 1/4 NW 1/4

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 60
cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
			All lands lying under and being irrigated by Emmett Irrigation District, Letha Irrigation Co., Enterprise Ditch Co., Farmers Cooperative Irrigation Co., Lower Payette Ditch Co., and Payette Heights Irrigation District, embracing approx- imately 68,500 acres.		

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 12th day of January, 1934.

(SEAL)

R. W. FARIS
Commissioner of Reclamation

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

Permit No. 17670

This permit is for COMP WORKS & BEN USE

In Water District No.

1. Name of applicant Lake Reservoir Company

2. Source of water supply Unnamed stream

3. Location of point of diversion: Is in the SW₁SW₄

of Section 7

T. 7 N., R. 3 W. B. E. County of Payette

4. Describe works as they exist, giving dimensions and capacities of same: *Diversion works in drainage canal 1. 16' long, 14' wide, 5' high with concrete base and wooden superstructure; Thence by 16 ft. canal 1 mile to Payette River; Thence down river about 7 miles to the head of the Lower Payette Canal where diversion is made by concrete dam 300 ft long, 8 ft. high & 10 ft top width with "A" frame and flashboard superstructure.*

5. Water is used for: Irrigation and domestic

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

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 for other than irrigation):

68, 586 acres, particularly described as follows:

Emmett Irrigation District, Enterprise Ditch Co., Letha

Irrigation Company, Farmers' Cooperative Irrigation Company,

Lower Payette Ditch Company &c

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

8. What large stream would the water here appropriated finally reach? *Payette River*

Remarks *This water is used to supplement other water rights of the L.R.Co. No water was being diverted at time of inspection. Mr. George Anderson stated that he owned & had been carrying out the above mentioned canal leading from the point of diversion to the Payette River.*

This information was made on the

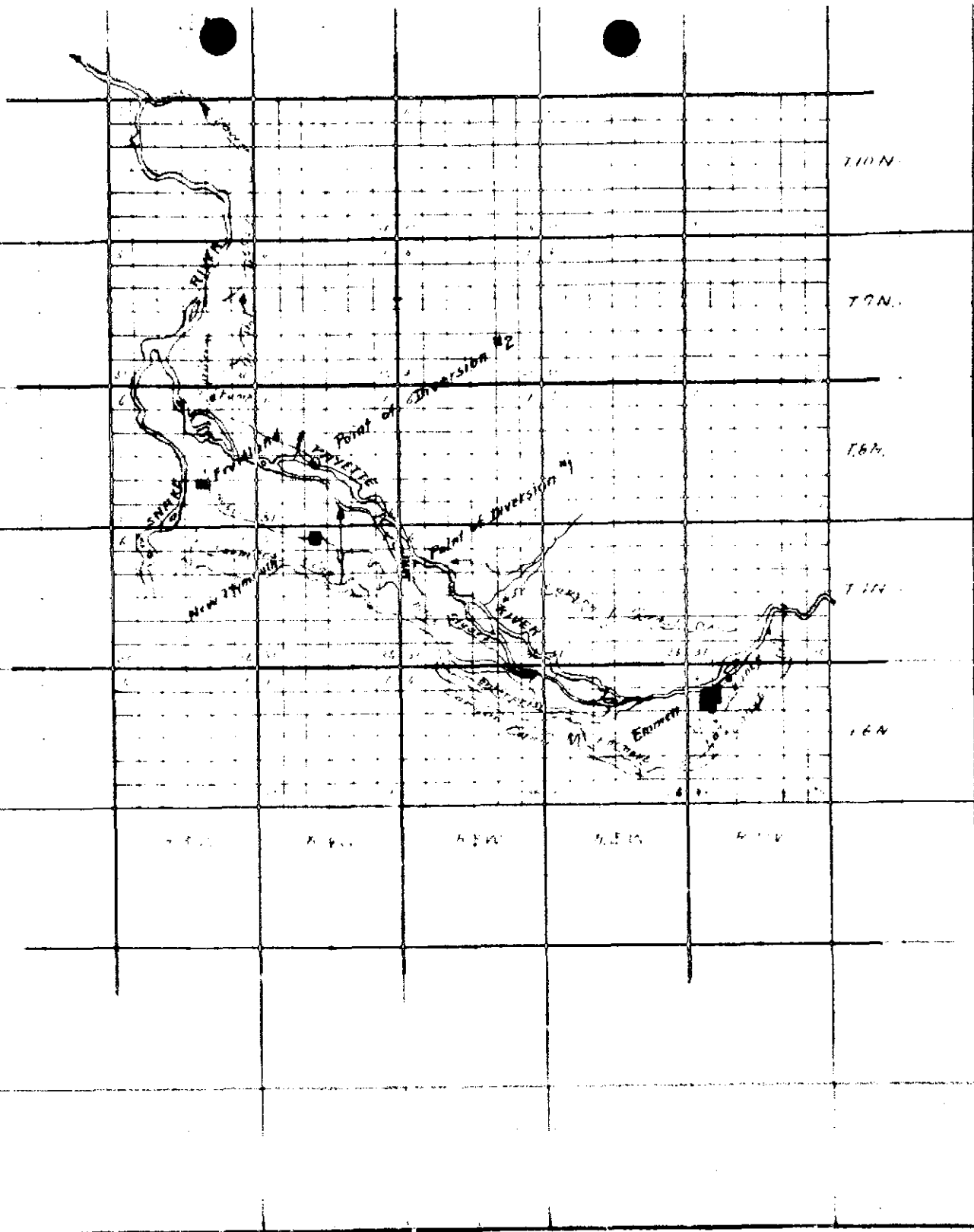
25th

day of

Nov.

1932

(Signed) *Frederic H. Johnson*
Engineer



SCALE 2 INCHES EQUALS 1 MILE. DRAW MAP IN INK.

17670

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED
JUN 22 1932
DEPARTMENT OF RECLAMATION

Permit No. 17670

Proof of Application of Water to Beneficial Use

Deposition of Holder

Ques. 1. State your name, residence, occupation and postoffice address.
Ans. **H G S Bainsard, Secretary, Payette Idaho.**

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. **Idaho Reclamation Company, Payette Idaho, I am the Secretary, authorized to appear in the matter by a resolution of the Board of Directors.**

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

Ans. **19370 June 2nd 1932**

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

Ans. **an unknown stream point of diversion located in the SW 2 SW 2 Sec 7 Twp 7 N R 3 E B 1 E**

Ques. 5. Describe your works in 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. **Diversion dam concrete with wood superstructure, 16' wide 12' high, ditch one mile long, 30' feet on the bottom, 24' at water line, water 3' deep, with a grade of 2 1/2' to the mile carries water to the main channel of the Payette River, just above the main headgate of the Lower Payette Ditch company, where water is diverted into the main canal of the Lower Payette Ditch company's canal.**

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, state 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. **Water used for irrigation and domestic purposes on all lands irrigated from the main canal of the Lower Payette Ditch Company Canal, and in exchange for other storage water of the same company which is used by all other canals shown upon the application.**

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

Ans.