

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT
OF THE ST. OF IDAHO, IN AND FOR THE CO. Y OF SE

IN THE MATTER OF THE GENERAL DETERMINATION OF THE RIGHT TO THE USE OF THE SURFACE AND GROUND WATERS OF THE PAYETTE RIVER DRAINAGE BASIN

NOTICE OF CLAIM
TO A
WATER RIGHT

IDENT. NO.

65-2565

JAN 19 1973
7-5-A

Department of Water Administration

Notice is hereby given that BIGHAM D. EBLEN

(Name of Claimant)

P. O. Box 578, Eufaula, Alabama 36027

claims a right to the diversion and beneficial use of the surface or groundwater, of or tributary to the Payette River;

The extent and nature of said claim is as follows:

- (1) Date of priority: (When was the water first applied to a beneficial use, or date that permit was issued) April 21, 1952
- (2) Describe source of water: (Name of stream, lake, spring, etc., or subterranean) Unnamed stream, trib. to Snake River
- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed: (Both Dates Inclusive)
- Use Irrigation Period of Use From 6 (Mo., Day) To 6 (Mo., Day)
(Domestic, irrigation, stock, etc.) (Both Dates Inclusive)
- Use 6 Period of Use From 6 (Mo., Day) To 6 (Mo., Day)
(Domestic, irrigation, stock, etc.) (Both Dates Inclusive)
- Use 6 Period of Use From 6 (Mo., Day) To 6 (Mo., Day)
(Domestic, irrigation, stock, etc.) (Both Dates Inclusive)
- (4) Quantity of water claimed: 0.6 Cubic Feet Per Second, or 121.5 AF Acre Feet Per Annum, and/or 6 Gals. Per Minute.
- (5) A) Point of Diversion: Give location of point where water is diverted from its source NE 1/4 NW 1/4 Sec. 10, Twp. 7 N., Rge. 5 W., B.M.; 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. Reservoir, pump and sprinkler system

- (6) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
7	N	5																	40
		10																	27

Total No. of acres 27

B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

- (7) Effluent, sewage waste, or return water from this use is discharged into Black Canyon Irrigation District water, 65-7031 or 65-7609
- (8) If you are claiming water as a member of an organization, list name of organization: Black Canyon Irrigation District
- (9) Remarks This is when combined with 65-4433 shall provide no more than 0.2 cfs/A now 4.5 AF/A/yr
- (10) Basis of claim (Check one) ☐ A) Right based on diversion and beneficial use.
☐ B) Right decreed by court, cite title of case.

KEYPUNCHED

☒ C) Right based on application, license, or claim filed with State Registration Engineer, Office No.:

License No. 22735/65-2565

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

(NOTARIAL SEAL)

JANUARY 17, 1973

BIGHAM D. EBLEN (Signature of Claimant)
Genevieve E. Eblen (Signature of Spouse)
GENEVEVE E. EBLEN

State of ALABAMA

County of BARBOUR

On this 17th day of JANUARY, in the year 1973

a notary public, personally appeared BIGHAM D. EBLEN AND GENEVEVE E. EBLEN known to me to be the person(s) whose name(s) are subscribed to the above instrument, and acknowledged to me that (he, she, and, they, corporation, partnership or) executed the same.

INOGENE R. GRIER

Notary Public residing at EUFULA, ALABAMA

My commission expires OCTOBER 10, 1976

and 9/26/77

MICROFILMED

SEP 18 1992



AC 5-2565 T 7N, R 5W, Sec 10, NE 22a

18

18

MICROFILMED

SEP 18 1992

State of Idaho

License and Certificate of Water Right

Water License No. 22735

Amount 0.6 second foot

Water District No.

Priority April 21, 1952

THIS IS TO CERTIFY that PHILIP B. BORUP of Fruitland, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated April 21, 1952; that Permit No. 22735 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 0.8 second foot, was issued thereunder on January 25, 1954, showing that said works were completed on the 20th day of January, 1954; and that on the 1st day of March, 1954,

PHILIP B. BORUP of Fruitland, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of an un-named stream, a tributary of Snake River, for the purpose of Irrigation, under Use Permit No. 22735 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 9 of Licenses at page 5244, on the 12th day of April, 1954;

The right hereby confirmed dates from April 21, 1952;

The Point of Diversion is located

in the NE 1/4 NW 1/4, Sec. 10, Tp. 7 N., R. 5 W., B. M. County Payette

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 0.6 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
7 N.	5 E.	10	NE 1/4 NW 1/4	40	40
					65-2565

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 12th day of April, 1954.

MARK R. KULP

State Reclamation Engineer.

(SEAL)

65 256

MICROFILMED

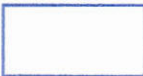
SEP 18 1992

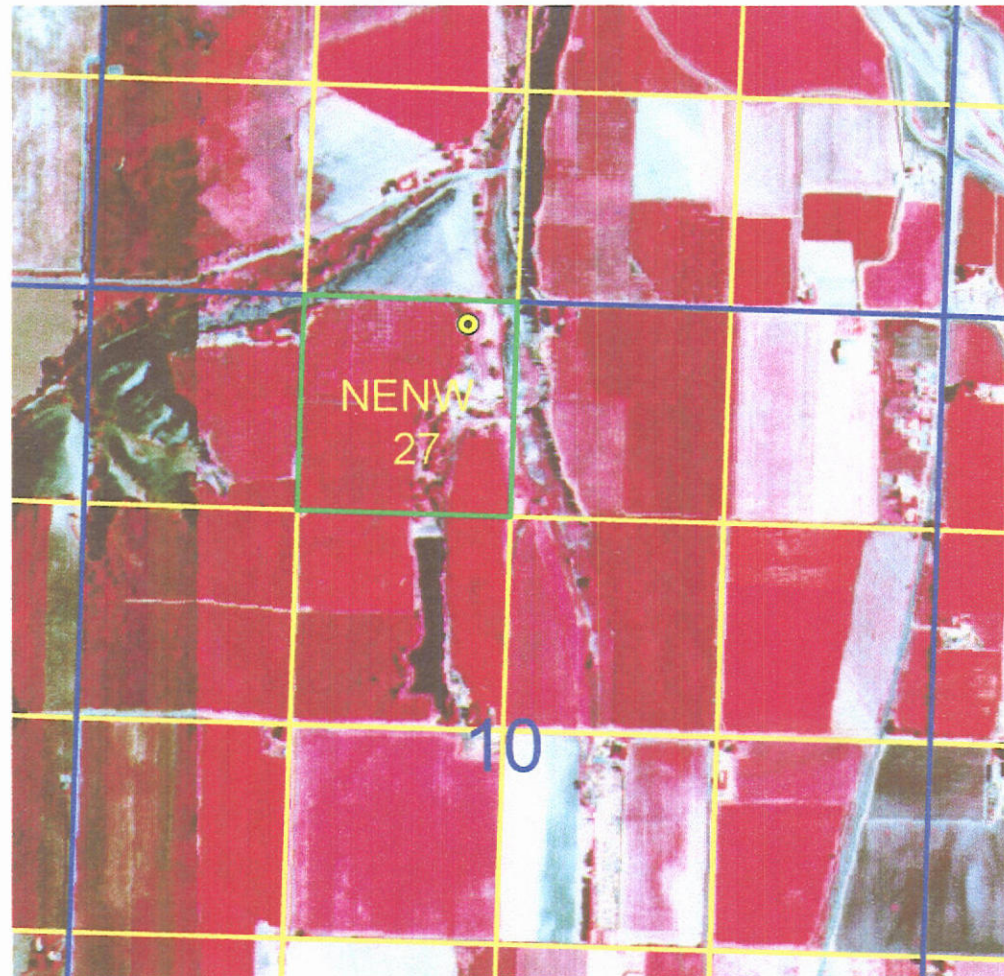
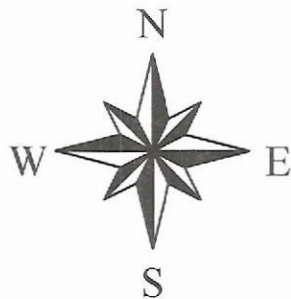
Idaho Department of Water Resources

Claim Number: 65-02565

Legal: T07N, R05W, S10

Reviewed By:

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



1987 Napp Photo

0 0.25 0.5 0.75 1 Miles

Idaho Dept. of Water Resources

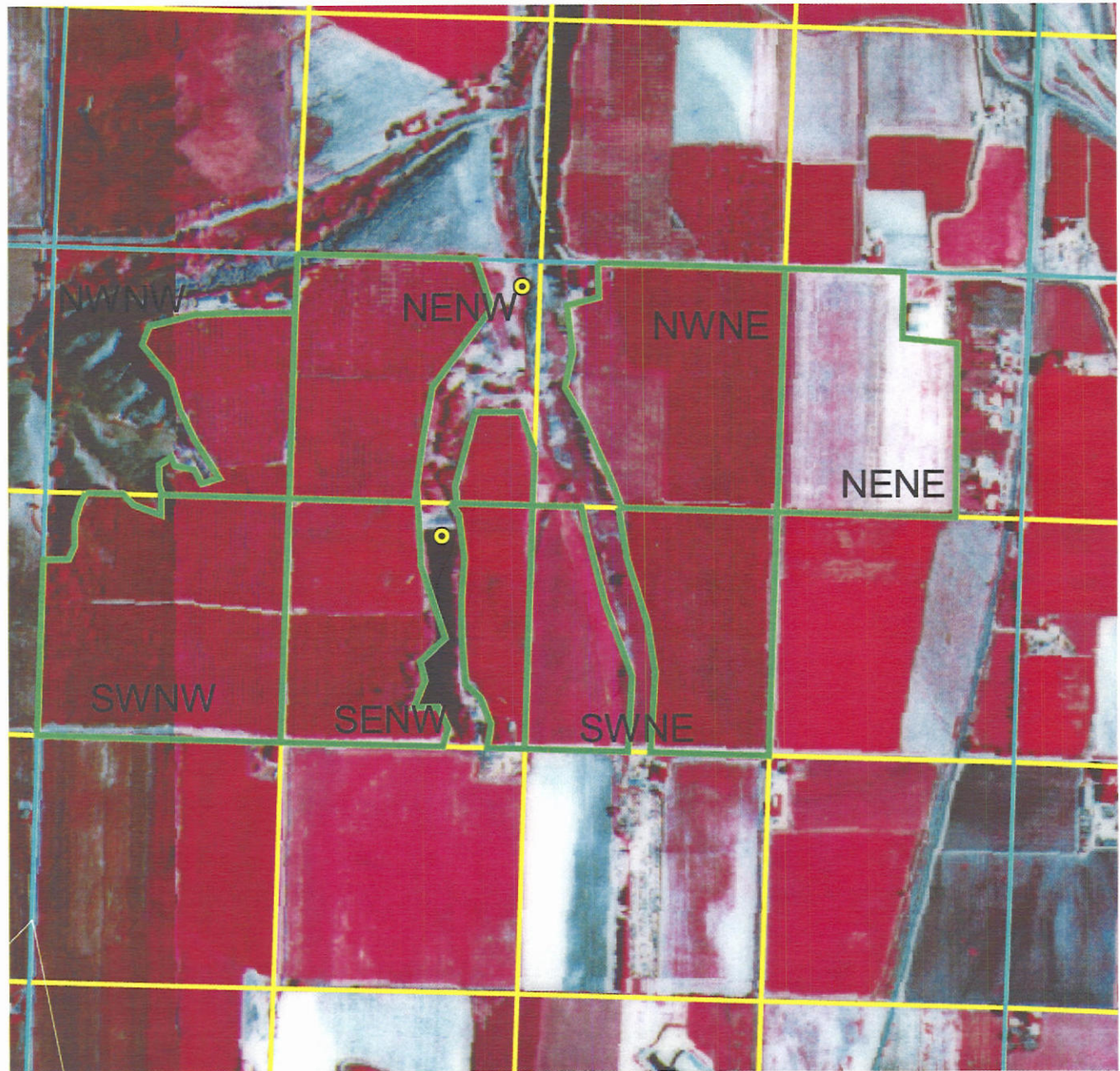
Claim No(s): 65-02565,
65-05893, 65-07031,
65-07609

T07N, R05W, S 9, 10

Prepared by: Sue Bock

Date: 1/16/2001

-  Place of Use
-  Point of Diversion
-  Section lines
-  1/4 1/4 lines



1987 NAPP Photo

0 0.4 0.8 Miles

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 65-2565
Date Received: 4/17/1990
Receipt No: X999999
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

DALTON J SURMEIER Phone: (208)452-4294
1610 SW 2ND AVE
FRUITLAND ID USA 83619

DONNA J SURMEIER Phone: (208)452-4294
1610 SW 2ND AVE
FRUITLAND ID USA 83619

2. Date of Priority: 04/21/1952

3. Source: LITTLE WHITLEY GULCH CREEK Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
07N	05W	10	NE NW	PAYETTE	

5. Description of diverting works:

CATCH BASIN, PUMP, SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	0.6	
STOCKWATER	01/01	12/31	0.02	

7. Total Quantity Appropriated is:
0.6 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
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07N	05W	10	NE	NE	IRRIGATION	24
			NW	NE	IRRIGATION	31
			SW	NE	IRRIGATION	32
			NE	NW	IRRIGATION	27
			NW	NW	IRRIGATION	14
			SW	NW	IRRIGATION	37
			SE	NW	IRRIGATION	32
Section Acres						197
Total Acres						197

11. Place of use in counties: PAYETTE

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

13. Other Water Rights Used:

14. Remarks:

THIS RIGHT WHEN COMBINED WITH RIGHTS 65-7031, 65-7609 & BLACK CANYON
IRRIGATION DISTRICT SHALL PROVIDE NO MORE THAN .02 CFS/ACRE
THE SECOND DIVERSION POINT ORIGINALLY SHOWN WAS THE DAM WHICH WENT OUT IN APPROX.
1970 AND IS NOW LOCATED IN THE SENW OF SEC. 10

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 27 ACRES WITHIN THE PLACE OF USE DESCRIBED
ABOVE IN A SINGLE IRRIGATION SEASON.

15. Basis of Claim: Decreed

16. Signature(s)

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

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct

X Signature of Claimant(s): Dalton J. Sumner Jr. Date: 5-17-2001

_____ Date:

State of Idaho)
County of Ada) SS.

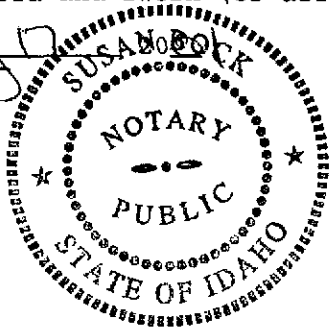
Subscribed and sworn (or affirmed) before me this
of May 17

Susan Bort

Notary Public

Residing at Melissa

My commission Expires 10/23/2004



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: A65-02565
Date Received: 4/17/1990
Receipt No: X999999
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DALTON J. SURMEIER 208-452-4294
Address: 1610 SW 2ND AVE.
FRUITLAND, ID 83619

OR

Name: DONNA J. SURMEIER 208-452-4294
Address: 1610 SW 2ND AVE.
FRUITLAND, ID 83619

2. Date of Priority: APR 21, 1952

3. Source: UNNAMED STREAM Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07N	05W	10	NE	NW			PAYETTE

5. Description of diverting works:
CATCH BASIN, PUMP, SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.600		

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

8. Total consumptive use is 94.5 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07N	05W	10	NE	NW		IRR	27.0
Section Acres							27.0
Total Acres							27.0

11. Place of use in counties: PAYETTE

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

13. Other Water Rights Used:

A65-07609, A65-07031, BLACK CANYON IRR.

14. Remarks:

THIS RIGHT WHEN COMBINED WITH RIGHTS 65-7031, 65-7609 & BLACK CANYON IRRIGATION DISTRICT SHALL PROVIDE NO MORE THAN .02 CFS/ACRE.

THE SECOND DIVERSION POINT ORIGINALLY SHOWN WAS THE DAM WHICH WENT OUT IN APPROX. 1970 AND IS NOW LOCATED IN THE SENW OF SEC. 10.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 1/21/1986

STATE OF IDAHO

Decree Plaintiff

vs

A & C CORP., ET AL.

Decree Defendant

16. Signature(s)

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

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): *Donna J. Surmeier* Date: 4-17-90

Date: _____

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 17 day
of April 19 90

Linda Werner
Notary Public

Seal

LINDA WERNER
Residing at RESIDING AT EAGLE, IDAHO
MY COMMISSION EXPIRES DEC. 8, 1994
My Commission Expires _____

1710, R 550, Sec 10, NE 100
H05-2505



MICROFILMED

SEP 12 1992

RECEIVED

**NOTICE OF CLAIM
TO A
WATER RIGHT**

1. (Name of Claimant)

claims a right to the diversion

54 The extent and nature of said claim is as follows:

2) Describe source of water: (Name of stream, lake, spring, etc. or subterranean) Unnamed stream, trib. to Snake River

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

Use	Irrigation	Period of Use From	To

Use _____ Period of Use From _____ To _____

U.S. _____ Period of Use From _____ To _____

(4) Quantity of water claimed: 0.5 Cubic Feet Per Second, or Acre Feet Per Annum
and/or Gals. Per Minute.

(5) A) Point of Diversion: Give location of point where water is diverted from its source. NE 1/4, NW 1/4, SW 1/4, SE 1/4, Sec. 10, Twp. 7 N, Rge. 5 W, B.M.: additional points: _____

B) Describe means of diversion of water: (Pump and pipeline, wall, diversion dam, reservoir, length of ditch and field, etc.)
Give sizes and capacities; be as specific as possible. Reservoir, pump and sprinkler system

(6) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for farm irrigation, place an "X" in appropriate box to show location.

[illegible]

Total No. of agents **22**

B) If water is used for other than irrigation, fully describe that use, being as specific as possible.

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

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

(9) Remarks *This, when combined w/ 65-479 shall provide us more*

(10) Basis of claim (Check one) ☐ A) Right based on diversion and beneficial use

☐ B) Right decreed by court, cite title of case.

☒ C) Right based on application, license, or claim filed with State Reclamation Engineer, Office No. _____

Do 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.

(NOTARIAL SEAL)

JAN 12 1968

Individuo

RESEARCH

(Signature of Claimant),

1997

ADVERTISING

(Signature of Spouse)

22

State of California

County of PARSON

Organization

(Signature of Authorized Agent)

On this 12 day of JANUARY in the year 1978 before me

a notary public, personally appeared BONNIE D. ELLISON AND CHERRY L. ELLISON, 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 executed the same for the purposes and consideration therein expressed. This instrument was acknowledged by them as the act of the corporation, partnership, or other entity stated above.

IMOGENE R. GRIER

Notary Public residing at 1000 N. 10th St. - Oklahoma City

My commission expires OCTOBER 10, 1976

1/15/77 2/26/77

State of Idaho License and Certificate of Water Right

Water License No. 22735

Amount 0.6 second foot

Water District No. _____

Priority April 21, 1952

THIS IS TO CERTIFY that PHILIP B. BORUP

Fruitland, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated April 21, 1952, that Permit No. 22735 was issued under said application; that Certificate of Completion of work, with a carrying capacity of 0.6 second foot, was issued thereunder on January 25, 1954, showing that said work were completed on the 20th day of January, 1954, and that on the 15th day of March, 1954,

PHILIP B. BORUP

Fruitland, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of an unnamed stream, a tributary of Snake River, for the purpose of Irrigation

under Use Permit No. 22735 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 9 of Licenses at page 524, on the 12th day of April, 1954.

The right hereby confirmed dates from April 21, 1952.

The Point of Diversion is located

in the NE 1/4 NW 1/4 Sec. 10, Tp. 7N, R. 5E, B.M. County Payette

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 0.6 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
<u>7N</u>	<u>5E</u>	<u>10</u>	<u>NE 1/4 NW 1/4</u>	<u>40</u>	<u>40</u>
					<u>65-2565</u>

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 12th day of April, 1954.

MARK R. KULP

State Reclamation Engineer

(SEAL)

65-2565



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

RIGHT NUMBER: 65-2565
NAME AND ADDRESS: DALTON J SURMEIER
1610 SW 2ND AVE
FRUITLAND ID 83619

DONNA J SURMEIER
1610 SW 2ND AVE
FRUITLAND ID 83619

SOURCE: LITTLE WHITLEY GULCH CREEK TRIBUTARY: SNAKE RIVER
QUANTITY: 0.60 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 1.9 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 886.5 AF AT FIELD HEADGATE COMBINED RIGHT NOS.: 65-07031, 65-07609.

THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.

THE APPROPRIATOR IS ENTITLED TO THE QUANTITY OF WATER DESCRIBED FOR STOCK WATER PURPOSES AT A POINT OF MEASUREMENT WHERE THE DELIVERY DITCH ENTERS THE PLACE OF USE DESCRIBED.

PRIORITY DATE: 04/21/1952

POINT OF DIVERSION:
T07N R05W S10 NENW Within PAYETTE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.020 CFS
IRRIGATION	03/15 11/15	0.600 CFS

PLACE OF USE:

IRRIGATION Within PAYETTE County

T07N R05W S10	NENE	24.0	T07N R05W S10	NWNE	31.0
T07N R05W S10	SWNE	32.0	T07N R05W S10	NENW	27.0
T07N R05W S10	NWNW	14.0	T07N R05W S10	SWNW	37.0
T07N R05W S10	SENE	32.0			

STOCKWATER same as IRRIGATION

197 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 27 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 197 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 65-05893, 65-07031, 65-07609.

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. THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: Decreed

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

01/16/2001

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

RIGHT NUMBER: 65-2565

NAME AND ADDRESS: DALTON J SURMEIER
DONNA J SURMEIER
1610 SW 2ND AVE
FRUITLAND, ID 83619

SOURCE: LITTLE WHITLEY GULCH CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 0.6 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 1.9 CFS AND TO A TOTAL
COMBINED ANNUAL DIVERSION VOLUME OF 886.5 AF AT FIELD HEADGATE
COMBINED RIGHT NOS.: 65-07031, 65-07609.

PRIORITY DATE: 04/21/1952

POINT OF DIVERSION: T07N R05W S10 NENW Within PAYETTE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	3-15 11-15	0.60 CFS

PLACE OF USE:

<u>IRRIGATION Within PAYETTE County</u>					
T07N R05W S10	NENE	24	T07N R05W S10	NWNE	31
T07N R05W S10	SWNE	32	T07N R05W S10	NENW	27
T07N R05W S10	NWNW	14	T07N R05W S10	SWNW	37
T07N R05W S10	SENE	32			

197 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 27 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION
SEASON.

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED
TO THE IRRIGATION OF A COMBINED TOTAL OF 197 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 65-05893, 65-07031,
65-07609.

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 BLACK CANYON
IRRIGATION DISTRICT

AJ5809NP
No. A65-02565

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 08/08/00
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	DALTON J SURMEIER	04/21/1952	IRRIGATION	03-15 11-15	0.600 CFS	0.600 CFS
C	DONNA J SURMEIER 1610 SW 2ND AVE FRUITLAND ID 83619 (208) 452-4294					
Water Source: <u>UNNAMED STREAM</u>				TOTAL DIVERSION: CONSUMPTIVE USE:	0.600 CFS	94.50 AFA
Point(s) of Diversion: T07N R05W S10				NE NW	Stage: DECREED	PAYETTE County
Place of use Legal Description for: IRRIGATION						
NE NE NE NW NE SENE : NENE NWNW SWNW SENW : NESW NWSW SWSW SESW : NESE NWSE SWSE SESE : SUM						
T R S : Lt Ac Lt Ac Lt Ac Lt Ac : Lt Ac Lt Ac Lt Ac Lt Ac : Lt Ac Lt Ac Lt Ac Lt Ac : Lt Ac Lt Ac Lt Ac Lt Ac : SUM						
07N 05W 10 : : 27 : : : : : : : : : : 27.0						
TOTAL ACRES 27.0						

POU County: PAYETTE

Other Rights: A65-07609, A65-07031, BLACK CANYON IRR.

Remarks: GEN THIS RIGHT WHEN COMBINED WITH RIGHTS 65-7031, 65-7609 & BLACK CANYON IRRIGATION DISTRICT SHALL PROVIDE NO MORE THAN .02 CFS/ACRE.

THE SECOND DIVERSION POINT ORIGINALLY SHOWN WAS THE DAM WHICH WENT OUT IN APPROX. 1970 AND IS NOW LOCATED IN THE SENW OF SEC. 10.

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

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

QNT (0.22)
E27
E27
W14

POU 1 KOLE
E14
QNT E27

WR5809NP
No. 65-02565

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 01/04/00
PAGE: 2

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	BINGHAM D. EBLEN P.O. BOX 578 EUFAULA AL 36027	04/21/1952	IRRIGATION	03/15 11/15	0.600 CFS	
TOTAL DIVERSION:					0.600 CFS	

Water Source: UNNAMED STREAM

Tributary to: SNAKE RIVER

Stage: DECREED

Point(s) of Diversion:

T07N R05W S10

NENW

PAYETTE County

Place of use Legal Description for: IRRIGATION

NE								NW				SW				SE										
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	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	Lt	Ac	Lt	Ac	:	---
07N	05W	10	:					:	27				:					:						:	27.0	
TOTAL ACRES																							27.0			

Pou County: PAYETTE

Other Water Rights Listing Overlapping Place(s) of use:

65-07031 65-07609

Remarks: GEN THIS RIGHT WHEN COMBINED WITH RIGHTS 65-7031, 65-7609 & BLACK
CANYON IRRIGATION DISTRICT SHALL PROVIDE NO MORE THAN .02
CFS/ACRE.

Dates:	App. Received:	Priority Date:	04/21/1952
	Proof Due Date:	Proof Made Date:	
	Exam Made Date:	Exam Sent to S.O.:	
	Licensed Date:		

Misc: Water District Number: 65 Field Exam Fee:

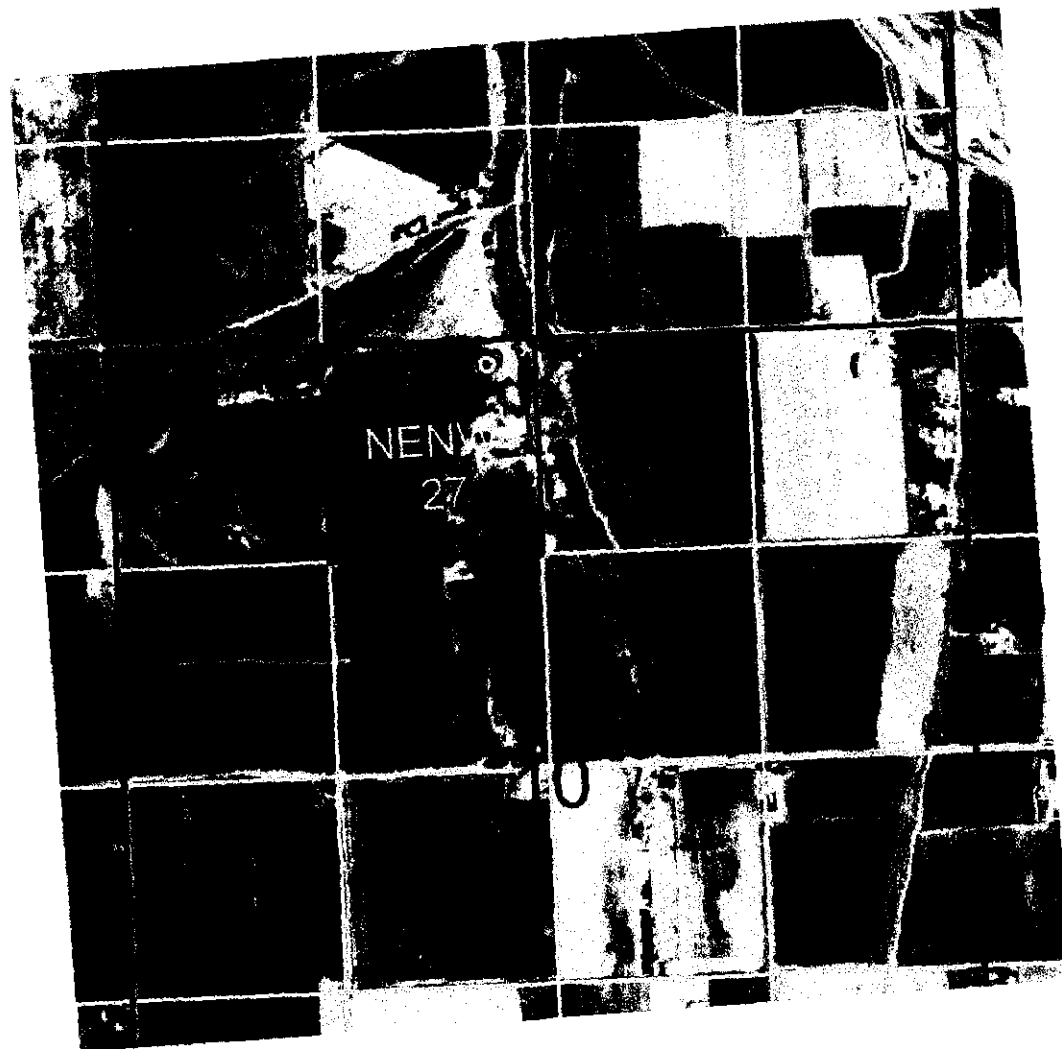
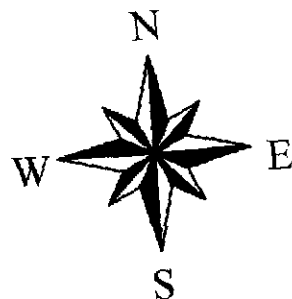
Idaho Department of Water Resources

Claim Number: 65-02565

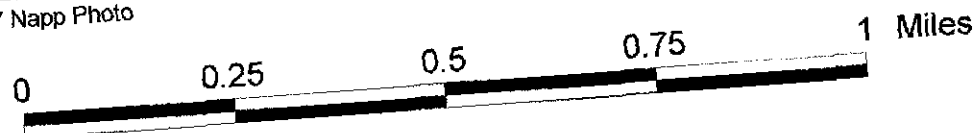
Legal: T07N, R05W, S10

Reviewed By:

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



1987 Napp Photo



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: 3956
Ident. No.

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

Please type or print clearly:

Name of claimant(s) DALTON J. SURMEIER
AND/OR DONNA J.

Mailing Address
(including zip code) 1610 SW 2ND AVE.
FRUITLAND ID 83619

Phone Number (208) 452-4294

MICROFILMED
SEP 18 1992

Idaho Dept. of Water Resources

Claim No(s): 65-02565,
65-05893, 65-07031,
65-07609

T07N, R05W, S 9, 10

Prepared by: Sue Bock

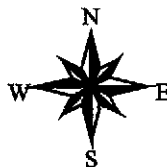
Date: 1/16/2001

 Place of Use

 Point of Diversion

 Section lines

1/4 1/4 lines



1987 NAPP Photo

0

0.4

0.8 Miles