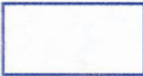


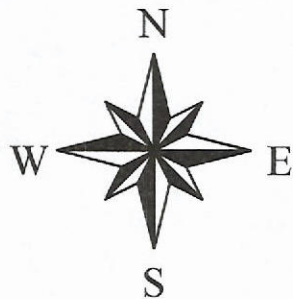
Idaho Department of Water Resources

Claim Number: 65-02635

Legal: T07N, R05W, S3

Reviewed By:

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



1987 Napp Photo

0 0.25 0.5 0.75 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: A65-02635
Date Received: 4/11/1990
Receipt No: X999999
Received By: CA

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: RUSSELL F. HYATT 208-452-3179
Address: 6060 WHITLEY DR.
FRUITLAND, ID 83619

AND/OR

Name: WILMA HYATT 208-452-3179
Address: 6060 WHITLEY DR.
FRUITLAND, ID 83619

2. Date of Priority: MAY 12, 1958

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	3	SE	SE	SW		PAYETTE
			SE		SW		PAYETTE

5. Description of diverting works:
DITCH AND GATED PIPE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.820		

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

A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

A65-02635

Page 1

Date: 04/11/90

MICROFILMED
SEP 21 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07N	05W	3	NE	SW		IRR	11.0
			NW	SW		IRR	1.0
			SW	SW		IRR	3.0
			SE	SW		IRR	15.0
						Section Acres	30.0
						Total Acres	30.0

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:
65-10571

14. Remarks:

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): Russell S. Merrill Date: 4-11-90
Shirley Merrill Date: 4-11-90

State of Idaho)
County of Payette) SS.

Subscribed and sworn (or affirmed) before me this 11th day
of April 19 90 Carter Fritschle
Notary Public

Seal

Residing at Carter Fritschle, Notary Public
Residing at Eagle, Idaho
My Commission Expires March 21, 1994
My Commission Expires _____

01/08/2001

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

RIGHT NUMBER: 65-2635

NAME AND ADDRESS: RUSSELL F HYATT
WILMA HYATT
6060 WHITLEY DR
FRUITLAND, ID 83619

SOURCE: UNNAMED STREAM TRIBUTARY: SNAKE RIVER

QUANTITY: 0.82 CFS

PRIORITY DATE: 05/12/1958

POINT OF DIVERSION: T07N R05W S3 SESW 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	0.82 CFS

PLACE OF USE:

<u>IRRIGATION Within PAYETTE County</u>					
T07N R05W S3	NESW	11	T07N R05W S3	NWSW	1
T07N R05W S3	SWSW	3	T07N R05W S3	SESW	15

30 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

DATE: 08/08/00
PAGE: 3

Dates:	Exam Made Date:	Verified Date:	Objection Filed Date:
Misc:	Water District Number: 65	Field Inspection Flag: Presumption Flag:	

C/O

WR5809NP
No. 65-02635

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 01/04/00
PAGE: 9

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	RUSSELL F. HYATT	05/12/1958	IRRIGATION	03/15 11/15	0.820 CFS	
C	WILMA HYATT ROUTE 1 FRUITLAND ID 83619			TOTAL DIVERSION:	0.820 CFS	

Water Source: UNNAMED STREAM

Tributary to: SNAKE RIVER

Stage: DECREED

Point(s) of Diversion: T07N R05W S03 SESW

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	3	:					:					:					:							:	30.0
																							TOTAL ACRES	:	30.0	

Pou County: PAYETTE

Other Water Rights Listing Overlapping Place(s) of use:
65-10571

Dates:	App. Received:	Priority Date:	05/12/1958
	Proof Due Date:	Proof Made Date:	
	Exam Made Date:	Exam Sent to S.O.:	
	Licensed Date:		

Misc: Water District Number: 65 Field Exam Fee:

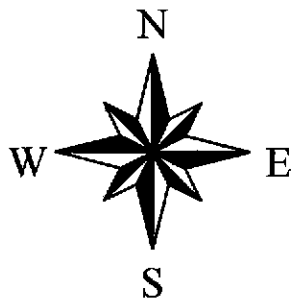
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1987 Napp Photo

0 0.25 0.5 0.75 Miles





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

AL05-02635

May 27, 1997

DONNA HYATT
6050 WHITLEY DRIVE
FRUITLAND ID 83619

SEE COMPLAINTS
FILE (Western)
FOR DETAILS

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

RE: Waste Water Flows in Little Whitley Gulch

Dear Ms. Hyatt:

On April 14, our office received your letter describing recent and past flooding on your family's property in Whitley Bottom. On May 7, I stopped at your property and visited with Russell and Wilma Hyatt, and spoke with you by phone. Russell showed me the recent damage caused to the diversion box on Little Whitley Gulch and described the repairs which were being made. Russell was diverting approximately 40 miner's inches of water to his fields on that day.

Little Whitley Gulch, which flows past the east side of the property, is a natural drainage. The upper portion of the Little Whitley drainage contains two distinct forks which converge above, or to the south, of Whitley Road. The Surmeier dam is on the west or main fork, and the east fork is free flowing. The Surmeier dam is inspected yearly by IDWR. There is a controllable outlet at the dam, and to our knowledge there were no releases from the reservoir this year. Waste water flows in the balance of this drainage are not under the jurisdiction of IDWR. Any damages incurred by high water in natural channels must be mitigated under civil law.

If you feel that excess shares of Black Canyon water are being diverted to the east fork of Whitley Gulch when the Surmeier reservoir is full, you should first contact officials of the Irrigation District, or negotiate directly with Surmeiers to determine a better route for any excess flows. However, any waste flows placed in a natural channel become public water which may be diverted under other water rights. Please be advised that the removal of these flows may adversely affect the availability of water to fill your right.

When completed, the new diversion box which is being constructed appears to be able to pass flows of around 5 cubic feet per second (cfs) without sustaining any damage. Five cfs is at least five times the amount of flow in the channel on the day of my inspection. The addition of the upstream wing walls, which I discussed with Russell, will greatly reduce the chance of future erosion around the sides of the structure.

If you have additional questions or concerns in the future, please contact this office at 208-334-2190.

Sincerely,

Cindy Hodges
Sr. Water Resource Agent

enclosure

~ Celebrating Our Centennial Year of Service to Idaho 1895-1995 ~



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.

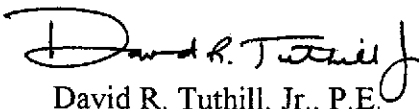
IDWR recognizes that in reliance on the non-irrigation season stockwater language in the Payette Adjudication, water users might not have filed stockwater claims in the SRBA to cover the non-irrigation season period. Individuals who historically watered livestock during the non-irrigation season without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