

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

IDENT. NO.

IDENT. NO. 65 29430
- 850 AUG 1972

(Name of Claimant)

Department of Water Administration
claims a right to the diversion

(Mailing Address)

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:

The extent and nature of said claim is as follows: 12/31/1949

(1) Date of priority: (When was the water first applied to a beneficial use, or date that permit was issued) _____

(2) Source of planting: (stream, lake, spring, etc. or subterranean) Jug Creek

(2) Describe source of water: (Name of stream, lake, spring, etc., or subterranean) _____ Louise Creek

(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) 12/2

(3) Describe the purpose for which the water has been used and the time during the year water was used (Both Dates Inclusive)

125 AF storage 12/31

Period of Use From 11/5/44 To 10/31/47

(Mo. Day) (Mo. Day)

Use Irrigation storage Period of Use From 12/15 To 10/15
(Domestic, irrigation, stock, etc.) (Mo., Day) (Mo., Day)
(Both Dates Inclusive)

Use 125 AF from storage Period of Use From 4/15 To 10/15
(Domestic, irrigation, stock, etc.) (Mo., Day) (Mo., Day)
(Both Dates Inclusive)

Use _____ Period of Use From _____ To _____
(Domestic, Irrigation, stock, etc.) (Mo., Day) (Mo., Day)

(4) Quantity of water claimed: _____ Cubic Feet Per Second, or 125 ✓ _____ Acre Feet Per Annum
and/or _____ Gals. Per Minute. Gov't Lot 3 ✓

(5) A) Point of Diversion: Give location of point where water is diverted from its source 100 ft. E. of %
 Sec. 5 Twp. 17N Rge. 4E 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.

(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.

[illegible]

Total No. of acres 270.0

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 The water is combined with night soil & is not used as a fertilizer as such. It is used for watering plants & for irrigation and beneficial use.

(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.:

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

Individual

* William Wilcox
(Signature of Claimant)

Organization

7/12/77 KEYFOUNDED
(Signature of Authorized Agent) *Sp*

State of Idaho

County of Ada

Organization
Goal

County of Ada)
On this 10 day of August, in the year 1971, before me,
a notary public, personally appeared William Willard
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.
corporation, partnership or Sharon P. Willard

Notary Public residing at

My commission expires

OK 11

6/24/77

1014100

State of Idaho

License and Certificate of Water Right

Water License No. R-850

Amount 125 ac-ft.

Water District No.

Priority December 31, 1949

THIS IS TO CERTIFY that ROY SHAW is assignee of 125 ac-ft. of Permit No. R-850, and that JOHN SHAW, of Lake Fork, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated December 31, 1949, that Permit No. R-850 was issued under said application; that Certificate of Completion of works, with a storage capacity of 81.85 acre feet, was issued thereunder on February 12, 1958, showing that said works were completed on the 10th day of February, 1955, and that on the 28th day of May, 1955, JOHN SHAW

of Lake Fork, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to store and use the waters of Jug Creek, Louie Creek, Chance Boulder Creek, tributary of Chance Payette R., for the purpose of Irrigation and domestic

under Use Permit No. R-850 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 10 of Licenses at page 6236, on the 12th day of February, 1958.

The right hereby confirmed dates from December 31, 1949

The Point of Diversion is located Lot 3

In the 1/4 Sec. 5, Twp. N., R. 1 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 125 acre feet per annum.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
14 N.	3 S.	25	NE 1/4	40	30
			SE 1/4	40	35
Total number of acres irrigated					65

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 February, 1958

/s/ Mark R. Kulp
State Reclamation Engineer.

(SEAL)

Idaho Dept of Water Resources

Claim No(s): 65-02943B

Claimant(s) Cussler

T18N, R03E, S 35

Prepared by: Sue Bock

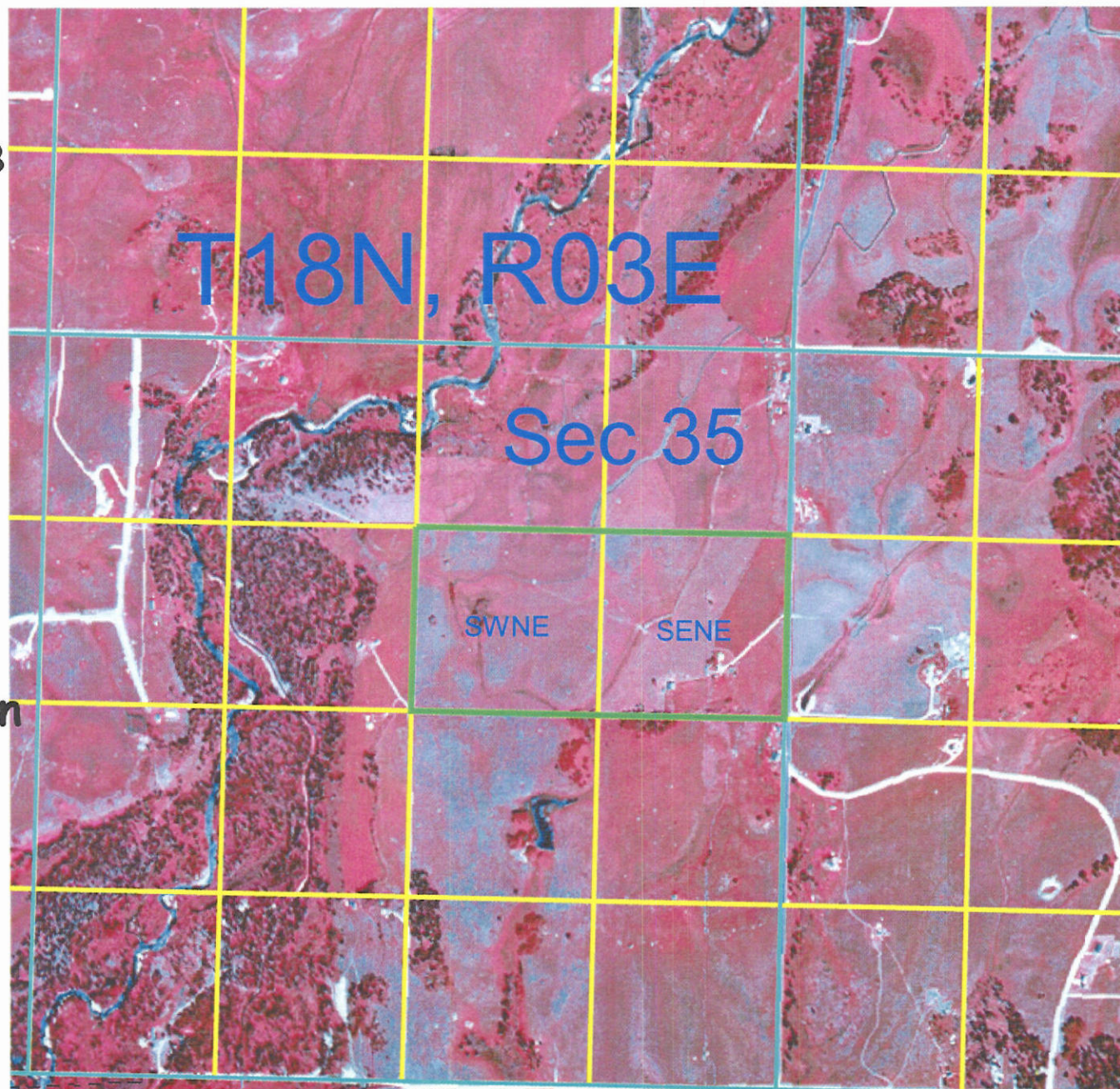
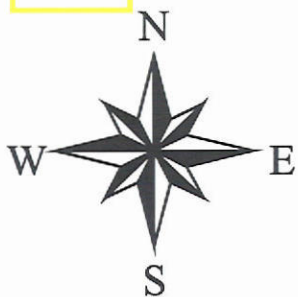
Date: 07/08/1999

 Place of Use

 Point of Diversion

 Section lines

 1/4 1/4 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: 39576

Ident. Number: **A65-02943B**
Date Received: 11/ 4/1988
Receipt No: X999999
Received By: _____

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name: RICHARD CUSSLER 208-634-8333
Address: 14005 FARM TO MARKET RD
MC CALL ID 83638

Name: NANCY CUSSLER 208-634-8333
Address: 14005 FARM TO MARKET RD
MC CALL ID 83638

2. Date of Priority: DEC 31, 1949

3. Source: JUG CREEK Trib. to: LOUIE CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
17N	04E	5		3	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 FROM STORAGE	04/15	10/15			125.00

7. Total Quantity Appropriated is:
C.F.S. (and/or) 125.00 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
18N	03E	35	SW NE		IRR FS	16.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
18N	03E	35	SE	NE		IRR FS	33.0
Section Acres							49.0
Total Acres							49.0

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:

WATER EXCHANGED WITH ROSEBERRY IRRIGATION DISTRICT.
ADDRESS CORRECTION SB 10/13/99

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 1/21/1986

STATE OF IDAHO

Decree Plaintiff

A & C CORP., ET AL.

vs Decree Defendant



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

October 8, 1999

NANCY CUSSLER
RICHARD CUSSLER
14005 FARM TO MARKET RD
MC CALL ID 83638

correct

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

RECEIVED

OCT 13 1999

WATER RESOURCES
WESTERN REGION

Re: Snake River Basin Adjudication (SRBA)
Water Right No. 65-02943B
Change of Address

Dear Water Right Holders:

IDWR has been notified the address presently in our records is incorrect. Although we have reached you at the address above we need your written confirmation this is your correct mailing address before we can change our records. Future notices related to your water right can be sent only to the address on your claim or as otherwise changed by you.

Please sign your name at the bottom of this letter and return it to our office. Make corrections to your name and address if necessary before returning this letter. Thank you for your help.

If your mail delivery address changes in any form, please contact us in writing so we can update our records.

If there has been a change in ownership of any of the properties connected with the water right referenced above, please call this office to obtain a form to make this required change to the water right records.

Sincerely,

Denise Buffington

Denise Buffington
Records Clerk
Adjudication Section
Western Region

The address is correct as shown above or as otherwise changed.

Nancy Cussler
Signature of water right claimant

208-634-8333

Telephone number

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: A65-02943B
Date Received: 11/04/1988
Receipt No: X999999
Received By: DE JOL

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: RICHARD CUSSLER
Address: RT. 1 BOX 92
MC CALL, ID

83638

Name: NANCY CUSSLER
Address: RT. 1 BOX 92
MC CALL, ID

83638

2. Date of Priority: DEC 31, 1949

3. Source: JUG CREEK

Trib. to: LOUIE CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
17N	04E	5		3	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 FROM STORAGE	04/15	10/15			125.00

7. Total Quantity Appropriated is:

C.F.S. (and/or) 125.00 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
18N	03E	35	SW	NE		IRR FS	16.0
			SE	NE		IRR FS	33.0
						Section Acres	49.0
						Total Acres	49.0

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:

WATER EXCHANGED WITH ROSEBERRY IRRIGATION DISTRICT.

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

MICROFILMED
OCT 18 1996

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____
My Commission Expires _____

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: 65-02943B
DATE RECEIVED: 11/4/90
RECEIPT NO:
RECEIVED BY: *Joe*

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. NAME: RICHARD CUSSLER
ADDRESS: RT. 1 BOX 92
MC CALL, ID 83638

(or)
NAME: NANCY CUSSLER
ADDRESS: RT. 1 BOX 92
MC CALL, ID 83638

2. DATE OF PRIORITY: DEC 31, 1949

3. SOURCE: JUG CREEK TRIB. TO: LOUIE CREEK

4. POINT OF DIVERSION:

TOWNSHIP	RANGE	SECTION	1/4 OF 1/4 OF 1/4	LOT	COUNTY
17N	04E	5		3	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 FROM STORAGE	04/15	10/15			125.00

7. TOTAL QUANTITY APPROPRIATED IS:
C.F.S. (AND/OR) 125.00 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
13N	03E	35	SW	NE		IRR FS	16.0
			SE	NE		IRR FS	33.0
SECTION ACRES							49.0
TOTAL ACRES							49.0

11. PLACE OF USE IN COUNTIES: VALLEY, VALLEY

12. DO YOU OWN THE PROPERTY LISTED ABOVE AS PLACE OF USE? YES

13. OTHER WATER RIGHTS USED:

14. REMARKS:

WATER EXCHANGED WITH ROSEBERRY IRRIGATION DISTRICT.

15. BASIS OF CLAIM: DECREE

CASE NUMBER:

COURT :

DECREE DATE: 1/21/1986

STATE OF IDAHO
DECREE PLAINTIFF

A & C CORP., ET AL.
VS 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): Dancy S. Cussler DATE: 11/4/88
[Signature] DATE: 11/4/88

FOR ORGANIZATIONS:

I DO SOLEMNLY SWEAR OR AFFIRM THAT I AM ----- OF
----- TITLE
-----, THAT I HAVE SIGNED THE FOREGOING
ORGANIZATION
DOCUMENT IN THE SPACE BELOW AS ----- OF
----- TITLE
----- AND THAT THE STATEMENTS CONTAINED IN THE
ORGANIZATION
FOREGOING DOCUMENT ARE TRUE AND CORRECT.

SIGNATURE OF AUTHORIZED AGENT

TITLE AND ORGANIZATION

DATE

STATE OF IDAHO)
COUNTY OF Valley) SS.

SUBSCRIBED AND SWORN (OR AFFIRMED) BEFORE ME THIS 4 DAY
OF Nov. 19 88

[Signature]
NOTARY PUBLIC

SEAL

RESIDING AT Boise Id

MY COMMISSION EXPIRES 09/30/96



WESTERN REGION

OWNER (S): Quisler

CLAIM NUMBERS: 65-62943B

AGENT: Sue Bock DATE 7/8/99

				NE				NW				SW				SE			
RIGHT NO	TSP	RNG	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
																			</

POLYGON CREATED ON 332

POLYGON # () () () () UPDATED BY sue

ATTRIBUTES OF B65-POU.SHP (69) () () () ()

ATTRIBUTES OF B65-POD.SHP (68) () () () ()

X B65-DBPOU.DBF UPDATED BY sue

X B65-DBPOD.DBF UPDATED BY sue

NOTES:

September 29, 1999

NOTICE OF ERROR
REPLY

RECEIVED

NOV 01 1999

WATER RESOURCES
WESTERN REGION

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: October 29, 1999

Water right number: 65-02943B

NANCY CUSSLER
RICHARD CUSSLER
RT 1 BOX 92
MC CALL ID 83638

Daytime Telephone Number:
Evening Telephone Number:

634 7646
634 8333

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

None. exc below.

2. Describe the changes you wish to make in the proposed recommendation:

None. exc below.

3. Give a brief explanation as to why you disagree with these portions:

NOTE: I was unable to verify my # by your listings on Attachment "A". Because you do not consider Lower CK & Jug Res part of Boulder CK? Please verify. Should our

I AGREE with this proposed recommendation; no changes need to be made.

NUMBER BE
65-02949B ??

DATE: _____ SIGNATURE: _____

Please print your name: _____

Otherwise I see no problems.
RL Cussler

IDWR Western Regional Office, 2735 Airport Way, Boise, ID 83705-5082, (208) 334-2190

11/8/99 Spoke to Nancy Cussler, cleared up
any confusion.
SB.

AJ0749NP
No. R65-02943B

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

DATE: 10/13/99
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	NANCY CUSSLER	12/31/1949	IRRIGATION STORAGE	01-01 12-31		125.00 AFA
C	RICHARD CUSSLER		IRRIGATION FROM STORAGE	04-15 10-15		125.00 AFA
	14005 FARM TO MARKET RD					
	MC CALL ID 83638					
	(208) 634-8333					
				TOTAL DIVERSION:		125.00 AFA

Water Source: JUG CREEK

Tributary to: LOUIE CREEK

Stage: DECREED

Point(s) of Diversion: T17N R04E S05 Lot03(NENW)

VALLEY County

Place of use Legal Description for: IRRIGATION FROM STORAGE

NE				NW				SW				SE						
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
18N	03E	35	:			16	33	:										
																TOTAL ACRES	49.0	
																	49.0	

POU County: VALLEY

Conditions of Approval:

- 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.

Remarks: GEN WATER EXCHANGED WITH ROSEBERRY IRRIGATION DISTRICT.

EXP THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE: 65-02934C, 65-02943A, 65-02943L,
65-02943J, 65-02943K, 65-02943R, 65-02943P, 65-02943X, 65-02967A,
65-02967B, 65-02967E 65-02943Q.

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

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

Comments: Date: 09/21/1999 User-ID: SBOCK Subject: STORAGE
YEAR ROUND STOR FOR IRR WAS ADDED TO THIS RIGHT SINCE IT IS NO
LONGER A GEN PROVISION IN THE SRBA

Date: 09/24/1999 User-ID: AJU10-JS Subject: AJU10 CONDITION UPDATE

AJ0749NP
No. R65-02943B

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

DATE: 10/13/99
PAGE: 2

=====

Comments: Date: 09/24/1999 User-ID: AJU10-JS Subject: AJU10 CONDITION UPDATE
CONDITION CODE(S) C18 ADDED IF NOT ALREADY PART
OF RECORD THRU AJU10.

Date: 10/13/1999 User-ID: SBOCK Subject: ADDRESS CORRECTION
PER CLAIMANT

Audit: 10/13/99 SBOCK

AJ0749NP
No. R65-02943B

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

DATE: 09/21/99
PAGE: 1

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OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	NANCY CUSSLER	12/31/1949	IRRIGATION STORAGE	01-01 12-31		125.00 AFA
C	RICHARD CUSSLER		IRRIGATION FROM STORAGE	04-15 10-15		125.00 AFA
	RT 1 BOX 92					
	MC CALL ID 83638					
				TOTAL DIVERSION:		125.00 AFA

Water Source: JUG CREEK

Tributary to: LOUIE CREEK

Stage: DECREED

Point(s) of Diversion: T17N R04E S05 Lot03(NENW)

VALLEY County

Place of use Legal Description for: IRRIGATION FROM STORAGE

				NE				NW				SW				SE				
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:
18N	03E	35	:			16		33												:
TOTAL ACRES																			49.0	

POU County: VALLEY

Remarks: GEN WATER EXCHANGED WITH ROSEBERRY IRRIGATION DISTRICT.

EXP THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE:65-02934C, 65-02943A, 65-02943L,
65-02943J, 65-02943K, 65-02943R, 65-02943P, 65-02943X, 65-02967A,
65-02967B, 65-02967E 65-02943Q.

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

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

Comments: Date: 09/21/1999 User-ID: SBOCK Subject: STORAGE
YEAR ROUND STOR FOR IRR WAS ADDED TO THIS RIGHT SINCE IT IS NO
LONGER A GEN PROVISION IN THE SRBA

Audit: 09/21/99 SBOCK

AJ5809NP
No. A65-02943B

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 03/05/99
PAGE: 35

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	RICHARD CUSSLER	12/31/1949	IRRIGATION FROM STORAGE	04-15 10-15		125.00 AFA
C	NANCY CUSSLER					
	RT 1 BOX 92					
	MC CALL ID 83638					
				TOTAL DIVERSION:		125.00 AFA

Water Source: JUG CREEK

Tributary to: LOUIE CREEK

Stage: DECREED

Point(s) of Diversion:

T17N R04E S05 Lot03 *NEW*

VALLEY County

Place of use Legal Description for: IRRIGATION FROM STORAGE

				NE				NW				SW				SE				
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:
18N	03E	35	:					16		33	:									:
																			TOTAL ACRES	49.0
																				49.0

POU County: VALLEY

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):

~~A65-02934A~~ ~~A65-02934B~~ A65-02934C A65-02943A A65-02943E ~~A65-02943J~~ ~~A65-02943K~~ A65-02943X A65-02967A A65-02967B
~~A65-02967C~~ ~~A65-02967D~~ A65-02967E

Remarks: GEN WATER EXCHANGED WITH ROSEBERRY IRRIGATION DISTRICT.

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number: 65

Field Inspection Flag:

Presumption Flag:

*EXP
FOS*

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

00:00:09
03/12/99

PAGE: 1
GENERAL INFORMATION

43
CLAIM NUMBER: A65-02943B

LAST: WILLARD FIRST: WILLIAM
ADDRESS:
CITY: MC CALL STATE: ID ZIP: 83638
PHONE NUMBER: 208-000-0000

OWNER CODE: O

LAST: CUSSLER FIRST: RICHARD
ADDRESS: RT 1 BOX 92
CITY: MC CALL STATE: ID ZIP: 83638
PHONE NUMBER: 208-000-0000

OWNER CODE: C

LAST: CUSSLER FIRST: NANCY
ADDRESS: RT 1 BOX 92
CITY: MC CALL STATE: ID ZIP: 83638
PHONE NUMBER:

OWNER CODE: C

FIELD EXAM REQUIRED? FIELD
VERIFICATION REQUIRED DUE TO REMARKS? DATABASE EXAMINER
Y Y() N()
CLAIM REMARKS: GEN WATER EXCHANGED WITH ROSEBERRY IRRIGATION DISTRICT.

PAGE: 2
FIELD EXAMINATION INFORMATION

44
CLAIM NUMBER: A65-029438

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:

A. AJ CLAIM: # A65-029438 PRIORITY DATE: 12-31-1949 STAGE: D

B. WR RECORD: # 65-029438 PRIORITY DATE: 12-31-1949 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 PRIORITY DATE:

12-31-1949

REVIEWED BY JB

DATE 7/8/99

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
A65-02943B	17N 04E	5				3		VALLEY		

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
* NONE

WR RECORDS IN SAME 40 ACRE TRACT

65-02934
65-02943A
65-02943C
65-02943X
65-02967

* 13 A PREFIX CLAIMS WITH THIS POD

SOURCE: JUG CREEK

TRIB: LOUIE CREEK

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
65-02943B	17N 04E	5				3		VALLEY		

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX

65-02934
65-02943A
65-02943C
65-02943X
65-02967

***** NONE

***** 13 A PREFIX CLAIMS IN SAME 40 ACRE TRA

SOURCE: JUG CREEK

TRIB: LOUIE CREEK

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:

Whole is exchanged w/ Roseburg. Rather than change the wording from the Payette Decree, we are basing the source solely even though the water actually comes from Boulder Co.

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	04E	5				3				
—	—	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—	—

SOURCE: JUG CREEK

TRIB: LOUIE CREEK

REVIEWED BY:

SB

DATE:

7/8/99

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

A. ROOT WATER RIGHT NUMBERS:	A65-02943A
	A65-02943E
	A65-02943X
	A65-02943B
	A65-02943J
	A65-02943K
	A65-02943L
	A65-02943M
	A65-02943N
	A65-02943P

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
18N	03E	35	SW	NE		CUSSLER, RICHARD	A65-02943B / 16.0	65-02943B / 16.0	39.0		
			SW	NE		BOULDER IRRIGATION CO	A65-02308 / 16.0	65-02308 / 16.0			
18N	03E	35	SE	NE		CUSSLER, RICHARD	A65-02943B / 33.0	65-02943B / 33.0	41.0		
			SE	NE		CUSSLER, RICHARD	A65-05074 /	65-05074 /			
			SE	NE		BOULDER IRRIGATION CO	A65-02308 / 33.0	65-02308 / 33.0			
			SE	NE		CUSSLER, RICHARD	65-05074 /	- /			

ADDITIONAL POU FOUND

TOTAL ACRES	A65-02943B	49.00	49.00	80.00
-------------	------------	-------	-------	-------

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

CLAIM NO.	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A65-02943B	JUG CREEK	CUSSLER, RICHARD			125.00	2.55
A65-02308	BOULDER CREEK	BOULDER IRRIGATION CO	24.000	0.020		

LIST ALL RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION.

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A65-05074	DOMESTIC	CUSSLER, RICHARD	FROM 01-01 TO 12-31	0.040 CFS	1.20 AF/A
65-05074	DOMESTIC	CUSSLER, RICHARD	FROM 01-01 TO 12-31	0.040 CFS	1.20 AF/A

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

Y(☒) N()

* IF YES, COMPLETE OVERLAP REVIEW:

OTHER RIGHTS LISTED IN CLAIM:

Rosberry

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()

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(☒)

A. AJ CLAIMED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
A65-029438 IRRIGATION FROM STORAGE	FROM 04-15 TO 10-15		125.00 AF/A
TOTAL DIVERSION RATE/VOLUME			125.00 AF/A

B. WR RECORDED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
65-029438 IRRIGATION FROM STORAGE	FROM 04-15 TO 10-15		125.00 AF/A
TOTAL DIVERSION RATE/VOLUME			125.00 AF/A

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(☒)

PAGE: 10

PURPOSE OF USE, PERIOD OF USE, DIVERSION RATE AND DIVERSION VOLUME REVIEW SHEET CONTINUED

52

CLAIM NUMBER: A65-02943B

NOTES:

AJ CLAIM TOTAL DIVERSION RATE:

CFS

WR ROOT RIGHT TOTAL DIVERSION RATE:

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 _____, SEE ATTACHED CALCULATIONS.

F.

RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE

ACRES _____ x 0.02 CFS/ACRE = _____ 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 = 125.00 AF/A

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

TOTAL DIVERSION VOLUME _____ AF/A

3. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = _____ 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 ()

NOTES:

WR RECORD CONDITIONS/REMARKS:

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 FROM STORAGE	04-15	10-15	DATABASE	EXAMINER	DATABASE	EXAMINER	DATABASE	EXAMINER
					125.00		0.0	
TOTAL FOR THIS RIGHT					125.00		0.0	

NON-IRRIGATION USES CLAIMED:

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

REVIEWED BY: _____ DATE: _____

FLAG: _____

STANDARD CONDITIONS (CODE):

EXP F05

STANDARD REMARKS (CODE):

EXPLANATORY CONDITIONS (CODE):

EXPLANATORY REMARKS (CODE):

A. CHECK ONLY THE FOLLOWING THAT APPLY:

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

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 65-02943

TOTAL DIVERSION RATE OF WR SPLITS	DATABASE	EXAMINER	CFS
-----------------------------------	----------	----------	-----

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
A65-02943D	A65-02943A		-		65-02943A	
A65-02943M	A65-02943B		-		65-02943B	
-	A65-02943E		-		65-02943C	
-	A65-02943J		-		65-02943X	
-	A65-02943K		-		-	
-	A65-02943L		-		-	
-	A65-02943N		-		-	
-	A65-02943P		-		-	
-	A65-02943X		-		-	

TOTAL CFS

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	FIELD EXAMINER
Y	Y() N()

NOTES:

AD

=====

AUTHENTICATION:

SIGNATURE: *[Signature]*

DATE: 7/8/99

NAME OF FIELD EXAMINER: _____

TITLE: _____

=====

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. _____	Y() N()
() NAPP	DATE OF PHOTO _____ IDWR ID NO. _____	Y() N()
() ASCS AERIAL PHOTO	DATE OF PHOTO _____	Y() N()
() 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 _____	DATE _____	Y() N()
() 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 <u>2/12/58</u>	<u>1</u>	_____
() 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>GIS map</u>	DATE <u>7/8/99</u>	<u>1</u>	_____
() OTHER _____	DATE _____	_____	_____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

00:00:09
03/12/99

PAGE: 17
QUICKLOOK INFORMATION

59
CLAIM NUMBER: A65-029438

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								
POINT OF DIV								
SOURCE								
PLACE OF USE	Y							
DIV. AMOUNT CFS/VOLUME								
CONSUMPTIVE USE	-							
PURPOSES OF USE								
PERIOD OF USE								
BASIS OF CLAIM								
REMARKS	Y							

BARCODE UPDATED
WHOM/DATE

INTEROFFICE MEMORANDUM

TO: FILE
FROM: SUE BOCK
SUBJECT: SUMMARY OF 65-02943C SPLIT
DATE: 07/19/99

On July 2, 1999, Dave Tuthill, Don Shaff, Susan Hamlin, Jan Shurte, and myself had a meeting to discuss this split and associated rights. For reference, we referred to a summary conclusion prepared by Eldon Roush 2/23/1989.

Sept 9, 1976, Osborn Ranch Inc. sells property listed in R850 and 300 af of the total 406.85 af storage water to Frank and Diane Thomas. During the meeting we determined the 300 af sold was entirely from this right, even though other rights covered this same property. This is storage water and it can be moved around much easier than direct flow.

Osborn retains 106.5 af of storage.

Sept 10, 1976, Frank and Diane Thomas complete development of the Alta Vista Subdivision in the NE1/4SW1/4, NW1/4SW1/4, and SE1/4SW1/4 of Sec 36, T18N, R03E, and maintain ownership of lots until sold.

The Thomas' purchased a total of 240 acres, 184 of which were decreed with irrigation. Of the 300 af of water they purchased from Osborn 184 acres of irrigation were covered - $300\text{af} / 184\text{ acres} = 1.63\text{af/acre}$.

May 10, 1977, Frank and Diane Thomas convey the E1/2SE1/4 of Sec 35, T18N, R03E to Phyllis Huffman. Huffman receives about 72 acres, 70 of which were decreed for irrigation. There is no language in the warranty deed retaining the water rights. $70\text{ acres} \times 1.63\text{ af/acre} = 114.1\text{ af}$ belonging to Huffman. Huffman has filed on other claims, but there is no validity to her filings as this was the only right the Thomas' could convey.

Leaving the Thomas' with 185.9 af.

Nov 9, 1977, Frank and Diane Thomas convey the SW1/4 SW1/4 of Sec 36, T18N, R03E to David and Colleen LeClair. Of the 40 acres, 22 were decreed with irrigation and there is no language in the warranty deed retaining the water rights. $22 \text{ acres} \times 1.63 \text{ af} = 35.86 \text{ af}$.

Leaving Thomas with $185.9 - 35.86 = 150.04$.

Prior to Feb 25, 1981, Thomas has sold all but 10 of the 34 lots in the Alta Vista Subdivision.

At this point all water other than the 10 lots in Thomas' possession should have stayed with the lands. From the 120 acres in the Alta Vista Subdivision, 92 acres were decreed with irrigation, or 76.6% of the land was irrigated.

The 10 remaining lots are as follows:

Lot 3, 2.45 acres; Lot 7, 1.89 acres; Lot 16, 2.86 acres, Lot 24, 4.9 acres; Lot 25 4.71 acres; Lot 26, 5.04 acres; Lot 27, 5.03 acres; Lot 28, 3.6 acres; Lot 29, 6.8 acres; Lot 34, 2.45 acres. **Total 10 lots 39.75 acres ~40 acres.** $40 \text{ acres} \times 76.6\% = 30.6$ irrigated acres still retained by Thomas. $30.6 \text{ acres} \times 1.63 \text{ af} = 49.9 \text{ af}$ of water left in Thomas' name.

Water retained by Alta Vista 92 irrigated acres - 30.6 (Thomas) = 61.4 acres
 $61.4 \text{ acres} \times 1.63 \text{ af} = 100.1$

Feb 25, 1981, Diane Thomas Richards, AKA Diane Thomas and the Estate of Frank R. Thomas, Deceased, quitclaim deeds 220 af storage water of license #R850 to Loren K and Diana Hollenbeak. Diane Thomas Richards retains 80 af of license #R850.

Sept 21, 1984, Hollenbeak in turn quit claimed 44 acre feet each to Kantola, Frisbie, Duncan, Willey, and Kitchens, (Kantola later assumed Frisbie's 44 af).

Kantola has filed on 88 af on this claim.

Frisbie is out of the picture.

Duncan did not file on this claim, which Dave T. indicated would call for second-round notice.

Willey did not file on this claim, which Dave T. indicated would call for second-round notice.

Kitchens did file on this claim (65-02943H) and later withdrew claim.

Subsequently Duncan, Willey, and Kitchens filed an application for permit, 65-13058, to cover their lands.

49.9 af should be divided as follows:

Kantola 20 af

Duncan should receive second round notice for 10 af

Willey should receive second round notice for 10 af.

Kitchens withdrew their claim.

Biechner was the only party to file claims in the Alta Vista Subdivision. His claims included 65-02934A, 65-02943E, 65-02967C, and 65-03001. The Thomas' did not own any portion of rights 65-02934A or 65-02967C; therefore, Biechner should not have filed on these claims. 65-02943E and 65-03001, were appurtenant to the land, but according the Ivan Phelps the water master for Basin 65, the water has not been used on the land since Alta Vista was developed. The ditches are in ill repair and can not deliver water. A local realtor also confirmed lack of surface water rights.

Kantola/McGovern's 65-02943L had 20 af which was split in half when they sold to Tollemache (65-02943M).

Tollemache then split to Brittingham leaving Tollemache (65-02943N) with 7.5 af., and Brittingham with 2.5 af.

MAR 02, 1979

PROPOSED FINDING OF WATER RIGHTS - PAYETTE RIVER DRAINAGE

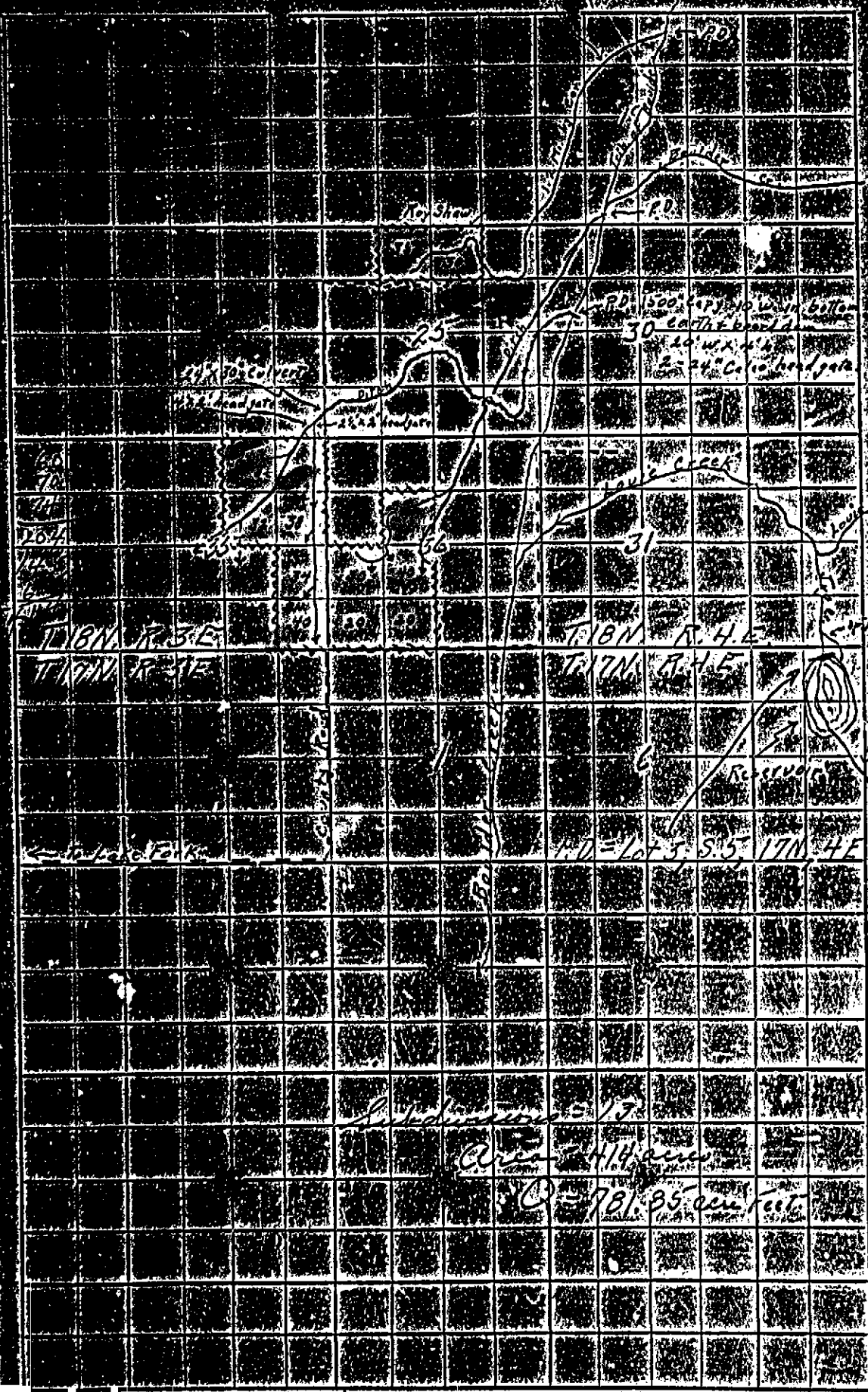
PAGE 166

* INDICATES TOTAL *

SOURCE: JUG CREEK

TRIBUTARY TO: LOUIE CREEK

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
65-2934	OSBORN RANCH INC. BOX 209, NEW MEADOWS, IDAHO 83654 REMARKS: THIS RIGHT WHEN COMBINED WITH RIGHTS 65-2943, 65-2967 & 65-2308 SHALL PROVIDE NO MORE THAN .02 CFS/ACRE.	12/19/1945	IRRIGATION FROM STCR	4/15 10/15	350.00 AFA --- CFS	LOT 3 S 5 T17N R 4E	NESE(38) SESE(40) S35 T18N R 3E NESH(34) NWSH(34) SWSH(22) SESW(24) S36 T18N R 3E *192*	LICENSE
65-2937	HEIKKILA, VERNON & STOKES, WILLIAM S. & STOKES, ELIZABETH C. BOX 961, MC CALL, IDAHO 83638	9/17/1946	IRRIGATION FROM STCR	4/15 10/15	66.79 AFA --- CFS	NESH S32 T18N R 4E	NENE(34) NWNE(25) S35 T18N R 3E SENE(35) NESE(12) SESE(22) S36 T18N R 3E *128*	LICENSE
65-2943X	HEIKKILA, VERN ROUTE #1, BOX 94, MC CALL, IDAHO 83638 REMARKS: WATER EXCHANGED WITH ROSEBERRY IRRIGATION DISTRICT.	12/31/1949	IRRIGATION FROM STCR	4/15 10/15	125.00 AFA --- CFS	LOT 3 S 5 T17N R 4E	NENE(34) NWNE(25) S35 T18N R 3E SENE(35) S36 T18N R 3E *94*	LICENSE
65-2943C	OSBORN RANCH, INC. BOX 209, NEW MEADOWS, IDAHO 83654 REMARKS: WATER EXCHANGED WITH ROSEBERRY IRRIGATION DISTRICT.	12/31/1949	IRRIGATION FROM STCR	4/15 10/15	406.90 AFA --- CFS	LOT 3 S 5 T17N R 4E	NESH(34) NWSH(34) SWSH(22) SESW(24) S36 T18N R 3E NESE(32) SESE(38) S35 T18N R 3E *184*	LICENSE
65-2943A	SHAW, JOHN ROUTE 1, BOX 102, MC CALL, IDAHO 83638 REMARKS: THIS RIGHT WHEN COMBINED WITH RIGHTS 65-2316 & 65-2967 SHALL PROVIDE NO MORE THAN 5.0 AFA/ACRE. WATER EXCHANGED WITH ROSEBERRY IRRIGATION DISTRICT.	12/31/1949	IRRIGATION FROM STCR	4/15 10/15	125.00 AFA --- CFS	LOT 3 S 5 T17N R 4E SESW S19 T18N R 4E	NWNE(26) NENW(33) S25 T18N R 3E *59*	LICENSE
65-2943B	HILLARD, WILLIAM ROUTE #1, MC CALL, IDAHO 83638 REMARKS: WATER EXCHANGED WITH ROSEBERRY IRRIGATION DISTRICT.	12/31/1949	IRRIGATION FROM STCR	4/15 10/15	125.00 AFA --- CFS	LOT 3 S 5 T17N R 4E	SWNE(16) SENE(33) S35 T18N R 3E *49*	LICENSE



A
X
C
B

Area = 41.4 acres
C = 781.35 acres

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 THE SURFACE AND GROUND WATER OF THE RIVER OR DRAINAGE BASIN

NOTICE TO CLAIM
TO A
WATER RIGHT

IDENT. NO. RIE
ST. 2943
R. 250

Case No. 1978-11-28

Applicant's Name Key Punched

Address 11-28-78

Date of Application 11/28/78

Description of Water (Name of stream, lake, spring, etc., for subterranean)

(1) Describe the purpose of the water right and the time during the year when it has been used the right claimed

Period of Use From 11/28/78 To 11/28/78

Period of Use From 11/28/78 To 11/28/78

Period of Use From 11/28/78 To 11/28/78

Quantity of Water (Gallons per second, etc.)

Point of Diversion (City, section, point where water is diverted from its source)

Describe means of diversion (Pump and pipeline, wall, diversion dam, reservoir, length of ditch and field, etc.)

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 in box 24 in appropriate box for location

Town	Range	Section	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	TOTAL
18N	32E	1																	
18N	32E	2																	
18N	32E	3																	
18N	32E	4																	
18N	32E	5																	
18N	32E	6																	
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18N	32E	99																	
18N	32E	100																	

Total No. of Acres 49

Water used for agricultural purposes only describe that use, being as specific as possible

7) Element of water right (Pump, pipeline, etc.) this use is discharged into

8) If you are claiming this right as a member of an organization, list name of organization

9) Remarks (Water right for agricultural use)

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. 65-2943

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)

William H. Hall

(Signature of Claimant)

Organization KEYPUNCHED

County of Blaine

On this 11-28-78 day of November, 1978, before me,

a notary public, personally appeared William H. Hall, 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, etc.) executed the same.

Notary Public, residing at Blaine, Idaho

My commission expires 11-28-78

RICHARD CUSSLER, M.D.
DAVID BURICA, M.D.

LONG VALLEY CLINIC

Internal Medicine
Box AZ
McCall, Idaho 83638

(208) 634-7646

22 March 96

Mr John Westra
Ida Dept of Water Resources
2735 Diaper Way
Boise, Ida 83705

RECEIVED

APR 01 1996

WATER RESOURCES
WESTERN REGION

Dear John.

My wife Nancy & I own and
operate 80 acres T 18N R3E Sec 35
S 1/2 NE 1/4, Valley Co., Address 14005
Farm To Market Rd. McCall. We
plan to convert from flood to
overhead irrigation with a point
source from Boulder Ditch, probably
The east spur in the fall of '96.
Yours.

Richard Cussler

RECEIVED
OCT 18 1996



Mr John Westra
Ida Dept of Water Resources
2735 Rimpert Rd.
Boise, Ida

MICROFILMED
83705 OCT 18 1996

RCussel
14005 F/M Road McCall
83638

Idaho Dept of Water Resources

Claim No(s): 65-02943B

Claimant(s) Cussler

T18N, R03E, S 35

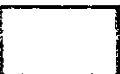
Prepared by: Sue Bock

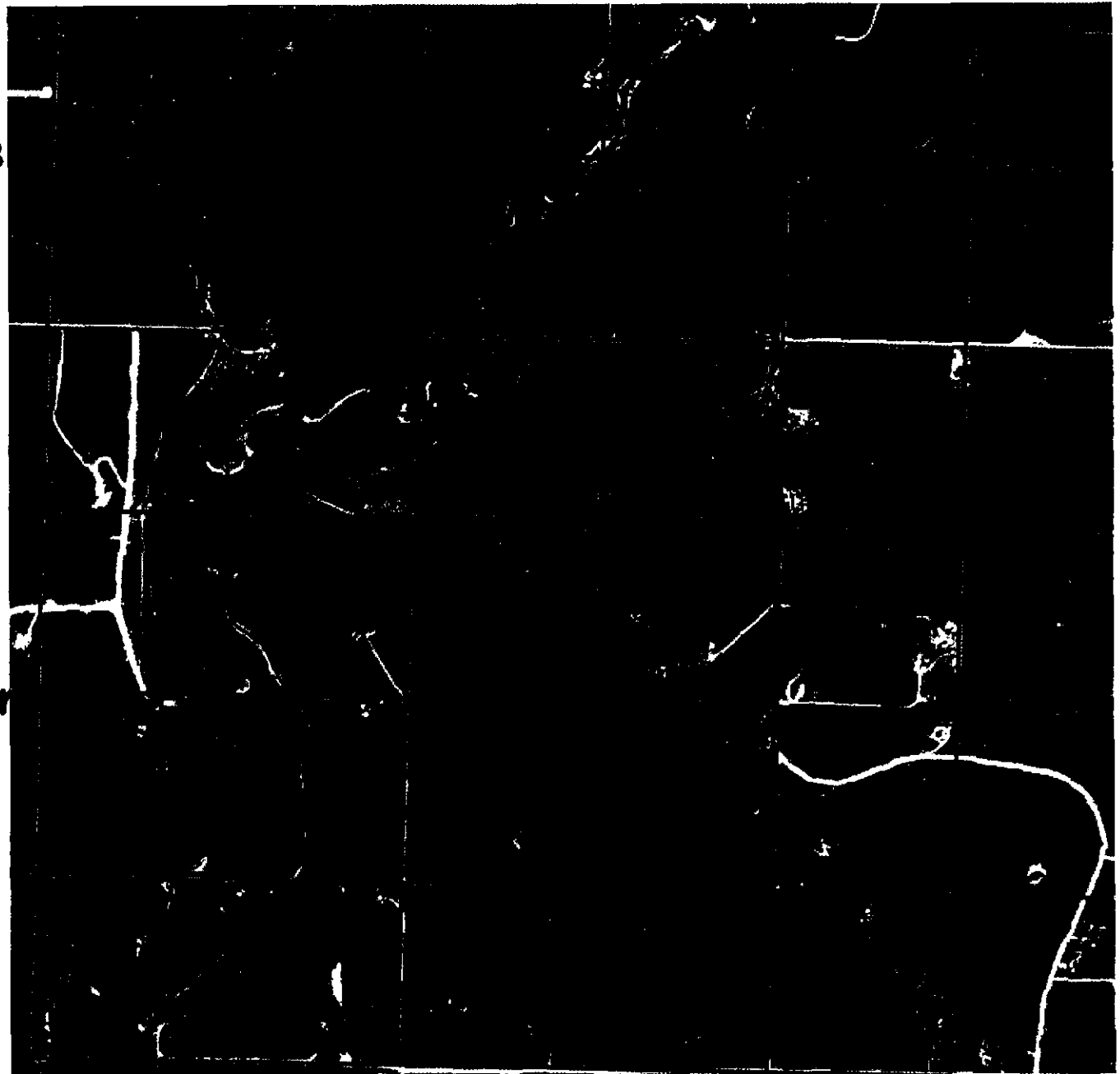
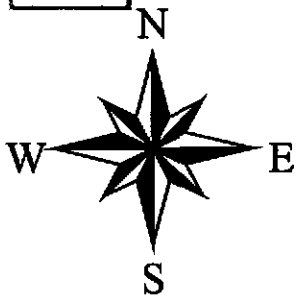
Date: 07/08/1999

 Place of Use

 Point of Diversion

 Section lines

 1/4 1/4 lines



1987 NAPP Photo

0 0.25 0.5 0.75 Miles





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