

Idaho Department of Water Resources

T17N, R03E

Claim(s) 65-03184B

Owner(s) Berheim

Prepared by:

Ron Howerton

Date: 24 Mar 99

 Place of use

 POD

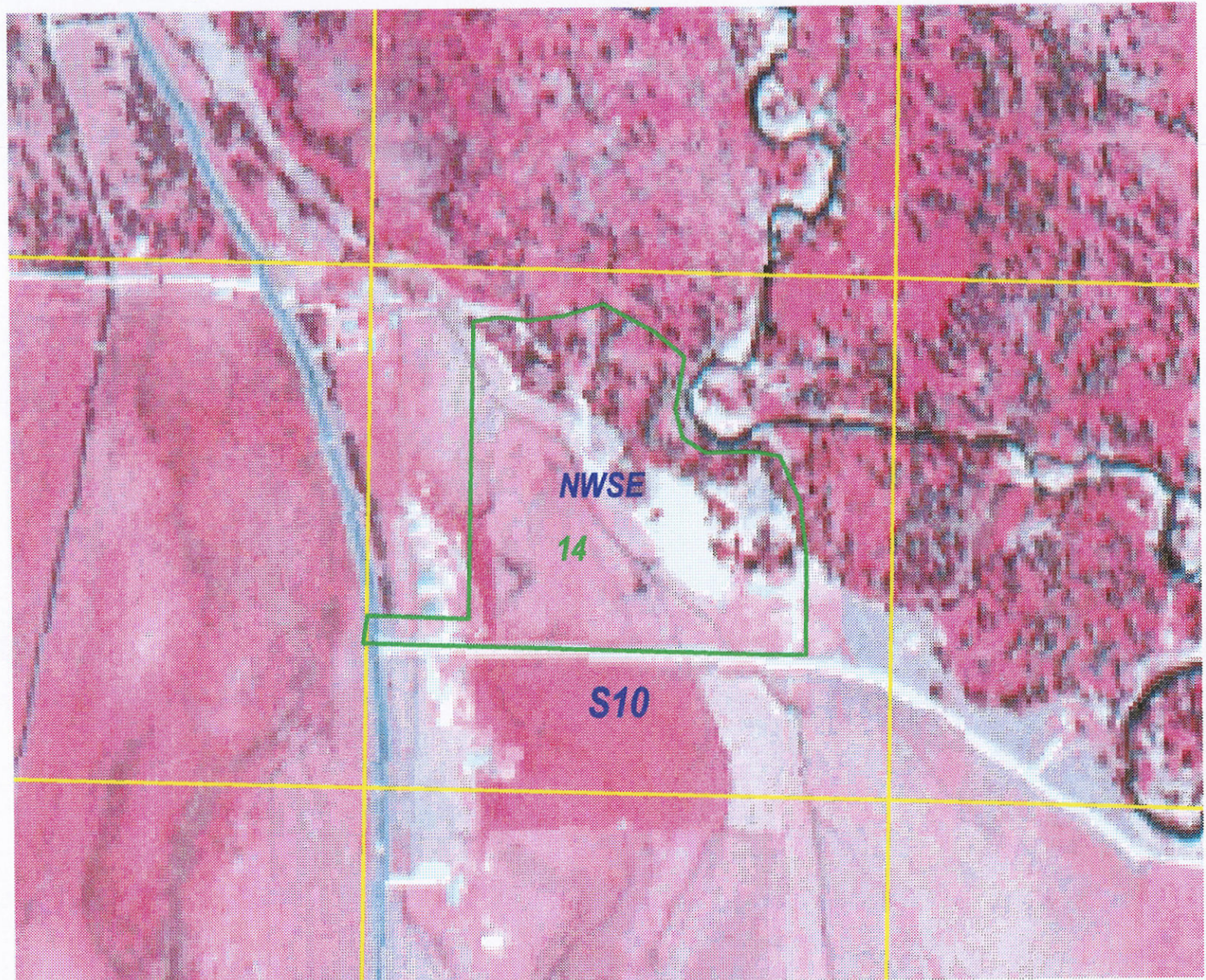
 SECTION LINES

 1/4 1/4 Lines

Acres



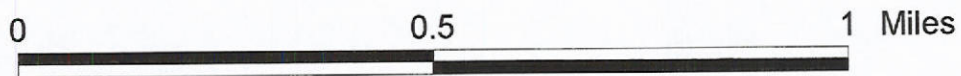
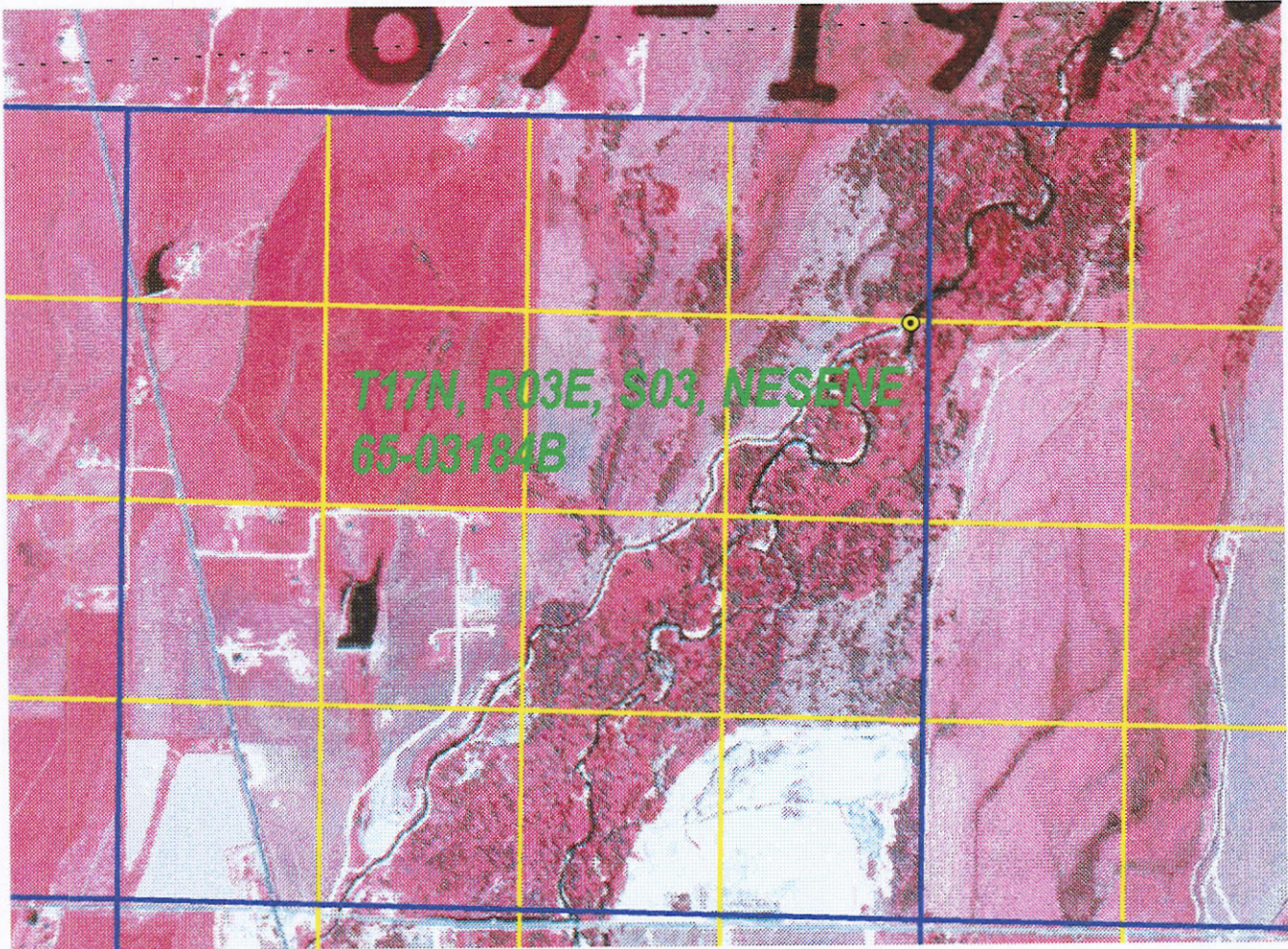
1987 NAPP



0 0.1 0.2 0.3 Miles

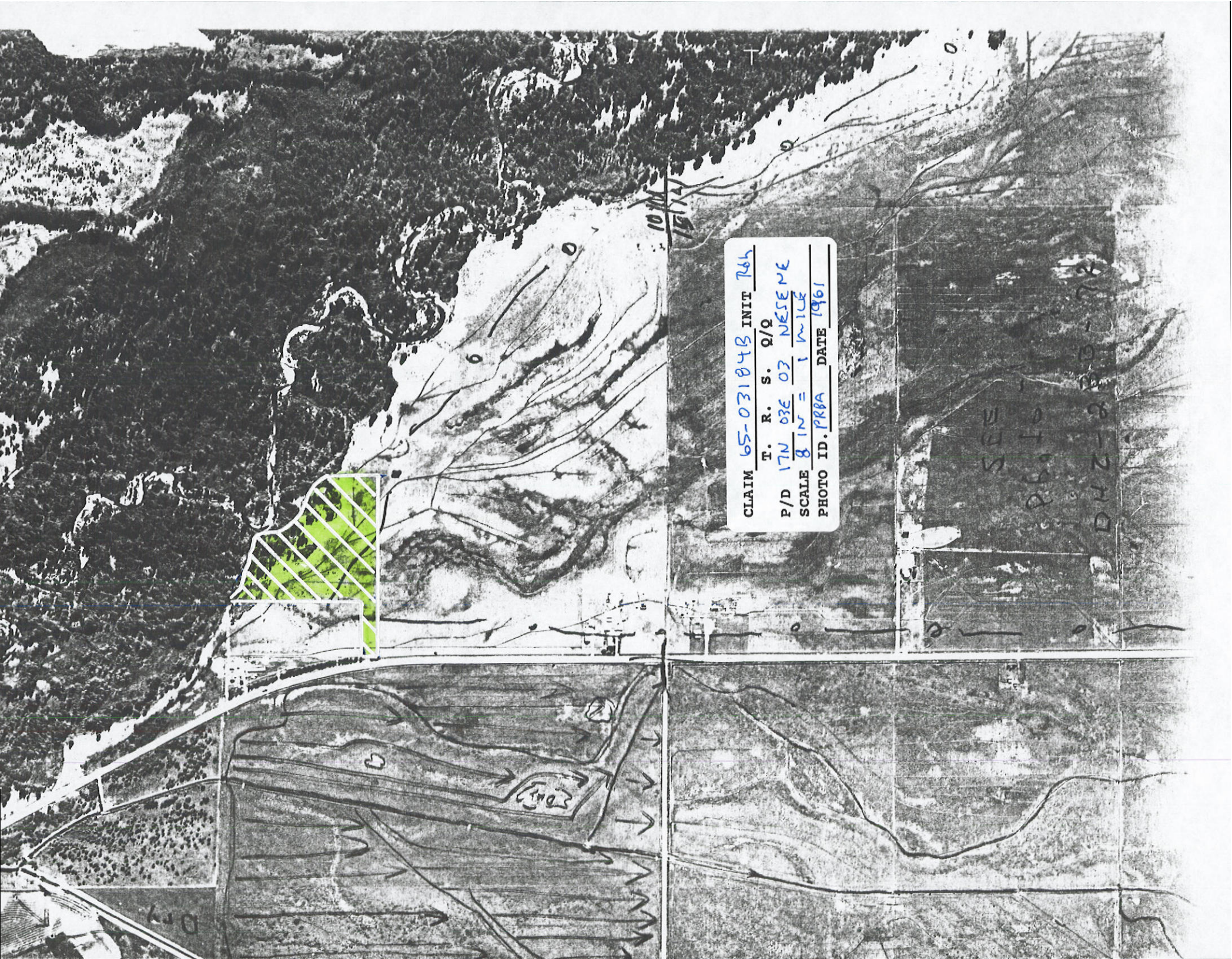


65-03184B



Point of Diversion

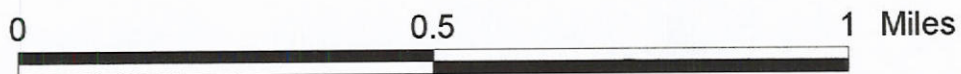
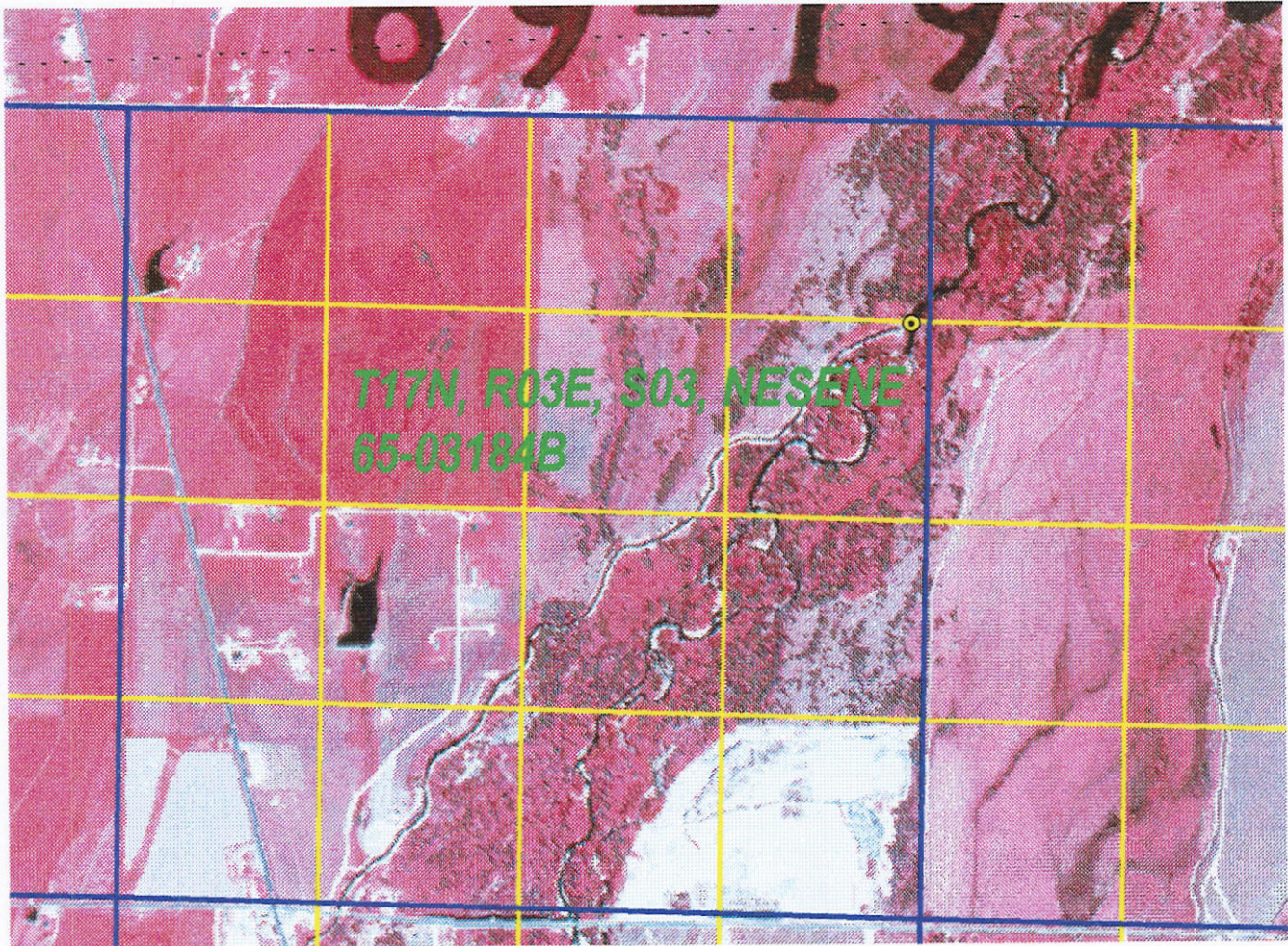




CLAIM 65-03184B INIT RLH
T. R. S. Q/Q
P/D 17N 03E 03 NESEME
SCALE 8 IN = 1 MILE
PHOTO ID. PR8A DATE 1961

SEE
P6010-78
DMZ-2880-78

65-03184B



Point of Diversion



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: A65-03184B
Date Received: 12/12/1989
Receipt No: X999999
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ARVIN C BERHEIM 208-634-2691
Address: PO BOX 632
LAKE FORK ID 83635
2. Date of Priority: DEC 12, 1903
3. Source: LAKE FORK CREEK Trib. to: PAYETTE RIVER, NORTH FORK
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
17N	03E	3		SE	NE		VALLEY

5. Description of diverting works:
WEST SIDE DITCH.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	05/01	09/15	0.150		

7. Total Quantity Appropriated is:
0.150 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
17N	03E	10	NW	SE		IRR	14.0
Section Acres							14.0

10. Place of Use: Continued

Total Acres 14.0

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:

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 4/ 7/1986

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): _____ Date: _____

_____ Date: _____

State of Idaho)
) SS.
County of _____)

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. No.

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

REC
NOV 22 1988

Please type or print clearly:

Department of Water Resources

Name of Claimant(s)

ARVIN C. BERHEIM

Mailing Address
(include Zip Code)

Box 632
LAKE, FORK, IDAHO
ZIP 83635

Phone Number (208) 634-2691

MICROFILMED

SEP 22 1992

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: 65-03184B
DATE RECEIVED:
RECEIPT NO:
RECEIVED BY: _____

RECEIVED
NOV 22 1988

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

Department of Water Resources

1. NAME: ARVIN C. BERHEIM
ADDRESS: P.O. BOX 26
MC CALL, ID

83638

2. DATE OF PRIORITY: DEC 12, 1903

3. SOURCE: LAKE FORK CREEK

TRIB. TO: PAYETTE RIVER, NORTH FORK

4. POINT OF DIVERSION:

TOWNSHIP	RANGE	SECTION	1/4 OF	1/4 OF	1/4	LOT	COUNTY
17N	03E	3	SE	NE			VALLEY

5. DESCRIPTION OF DIVERTING WORKS:
WEST SIDE DITCH.

6. WATER IS USED FOR THE FOLLOWING PURPOSES:

PURPOSE	FROM	TO	C.F.S.	(OR)	A.F.A.
IRRIGATION	05/01	09/15	0.150		

7. TOTAL QUANTITY APPROPRIATED IS:
0.150 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
17N	03E	10	NW	SE		IRR	14.0

SECTION ACRES 14.0

TOTAL ACRES 14.0

65-03184B

PAGE

1

DATE: 09/30/88

95

MICROFILMED
SEP 22 1992

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:

15. BASIS OF CLAIM: DECREE

CASE NUMBER:

COURT :

DECREE DATE: 4/07/1986

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 X 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): *Ann C. Beckers* DATE: 11/18/88

DATE: _____

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 Blaine) SS.

SUBSCRIBED AND SWORN (OR AFFIRMED) BEFORE ME THIS 18th DAY

OF Nov 19 88

Patricia L. Benedict
NOTARY PUBLIC

SEAL

65-03184B



RESIDING AT McCall Idaho

MY COMMISSION EXPIRES 11-30-88

DATE: 09/30/88

3

95

MICROFILMED

SEP 22 1992

WESTERN REGION

OWNER (S):

BERHEIM

CLAIM NUMBERS:

31845

AGENT: RON HOWERTON

DATE

8/30/99

RIGHT NO	TNS	RNG	SEC	NE				NW				SW				SE			
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE

POLYGON CREATED ON 803

POLYGON # () () () () UPDATED BY rdh

ATTRIBUTES OF B65-POU.SHP (866) () () () ()

ATTRIBUTES OF B65-POD.SHP (611) () () () ()

 B65-DBPOU.DBF UPDATED BY rdh

 B65-DBPOD.DBF UPDATED BY rdh

NOTES:

September 29, 1999

NOTICE OF ERROR
REPLY

RECEIVED

OCT 14 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: 65-03184B

ARVIN C BERHEIM
PO BOX 632
LAKE FORK ID 83635

Daytime Telephone Number:

Evening Telephone Number:

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

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

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

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

DATE: 10/8/99 SIGNATURE: Arvin C Berheim
Please print your name: ARVIN C BERHEIM

AJ0749NP
No. R65-03184B

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

DATE: 06/28/99
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	ARVIN C BERHEIM PO BOX 632 LAKE FORK ID 83635 (208) 634-2691	12/12/1903	IRRIGATION	05-01 09-15	0.15 CFS	
TOTAL DIVERSION:					0.15 CFS	

Water Source: LAKE FORK CREEK

Tributary to: PAYETTE RIVER, NORTH FORK

Stage: DECREED

Point(s) of Diversion: T17N R03E S03 NESENE

VALLEY County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE				
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM
17N	03E	10	:																	
TOTAL ACRES																			14.0	

POU County: VALLEY

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

A65-02708	A65-03120	A65-03183	A65-03184B	A65-03184C	A65-03184D	A65-03184E	A65-03184F	A65-03184H	A65-03184J
A65-03186	A65-03187	A65-03188	A65-03189	A65-03190	A65-03191	A65-03192	A65-03193	A65-03194A	A65-03197
A65-03198	A65-03199	A65-03200	A65-03201A	A65-03201B	A65-03202A	A65-03204	A65-03205	A65-03206	A65-03207
A65-03209	A65-03210	A65-03211A	A65-03211B	A65-03211C	A65-03212	A65-03213	A65-03214	A65-03215	A65-03216
A65-03219A	A65-03219X	A65-17131	R65-02700	R65-02707	R65-03183	R65-03184C	R65-03184D	R65-03184E	R65-03184F
R65-03184H	R65-03184J	R65-03201A	R65-03201B	R65-03202A	R65-03204	R65-03209	R65-03211A	R65-03211B	R65-03211C
R65-03212	R65-03214	R65-03215	R65-03216	R65-07523					

Remarks: EXP WATER IS DELIVERED THROUGH WEST SIDE DITCH IN SECTION 03.

Dates: Exam Made Date: Verified Date: 06/28/1999 Objection Filed Date:

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

Audit: 06/28/99 RHOWERTO

Idaho Department of Water Resources

T17N, R03E

Claim(s) 65-03184B

Owner(s) Berheim

Prepared by:

Ron Howerton

Date: 24 Mar 99

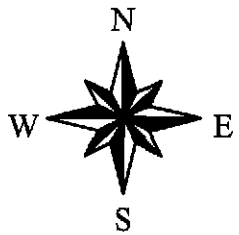
 Place of use

 POD

 SECTION LINES

 1/4 1/4 Lines

Acres

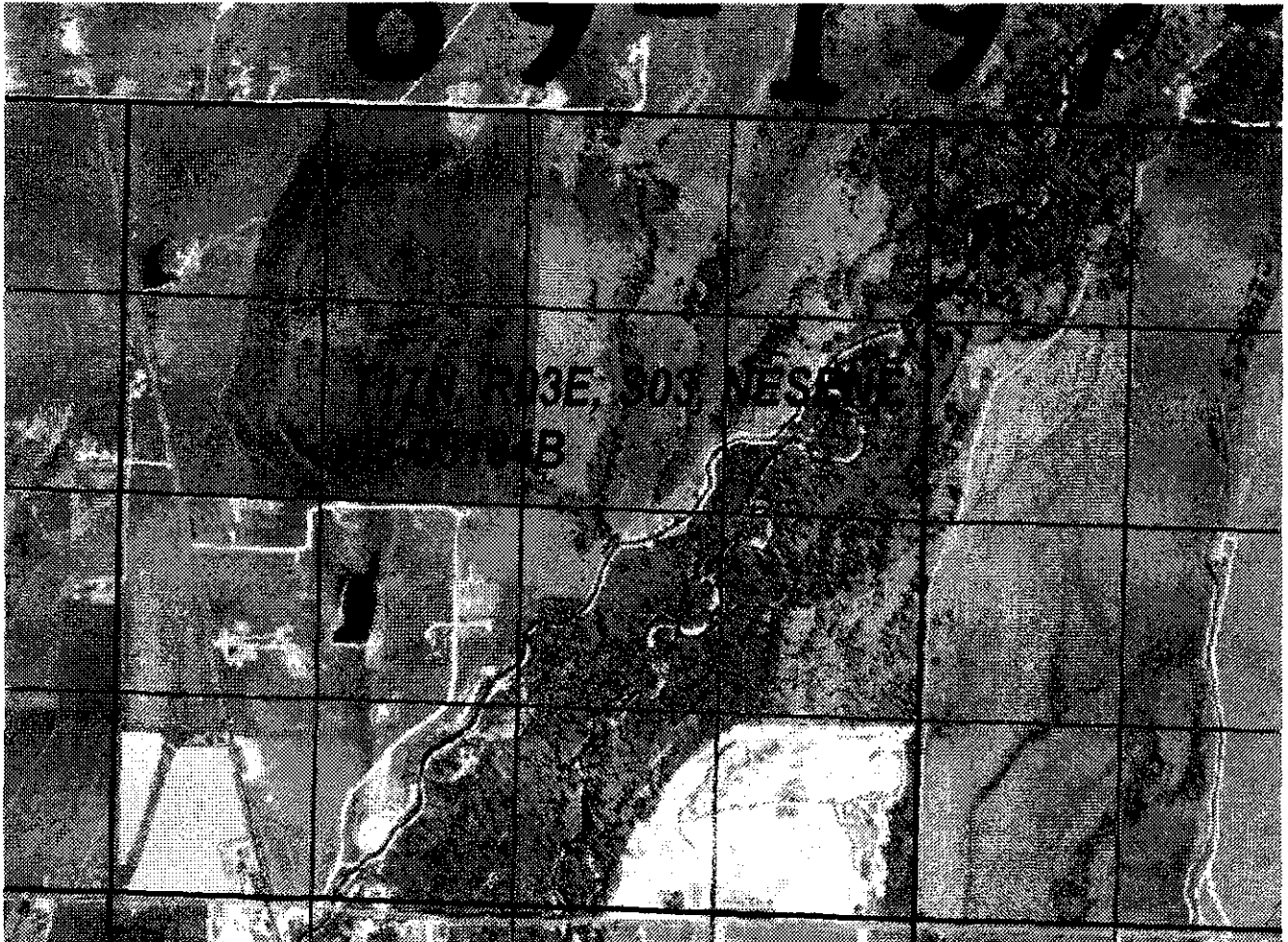


1987 NAPP



0 0.1 0.2 0.3 Miles

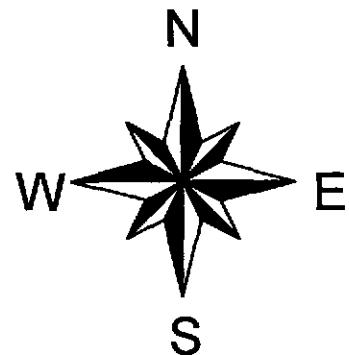
65-03184B

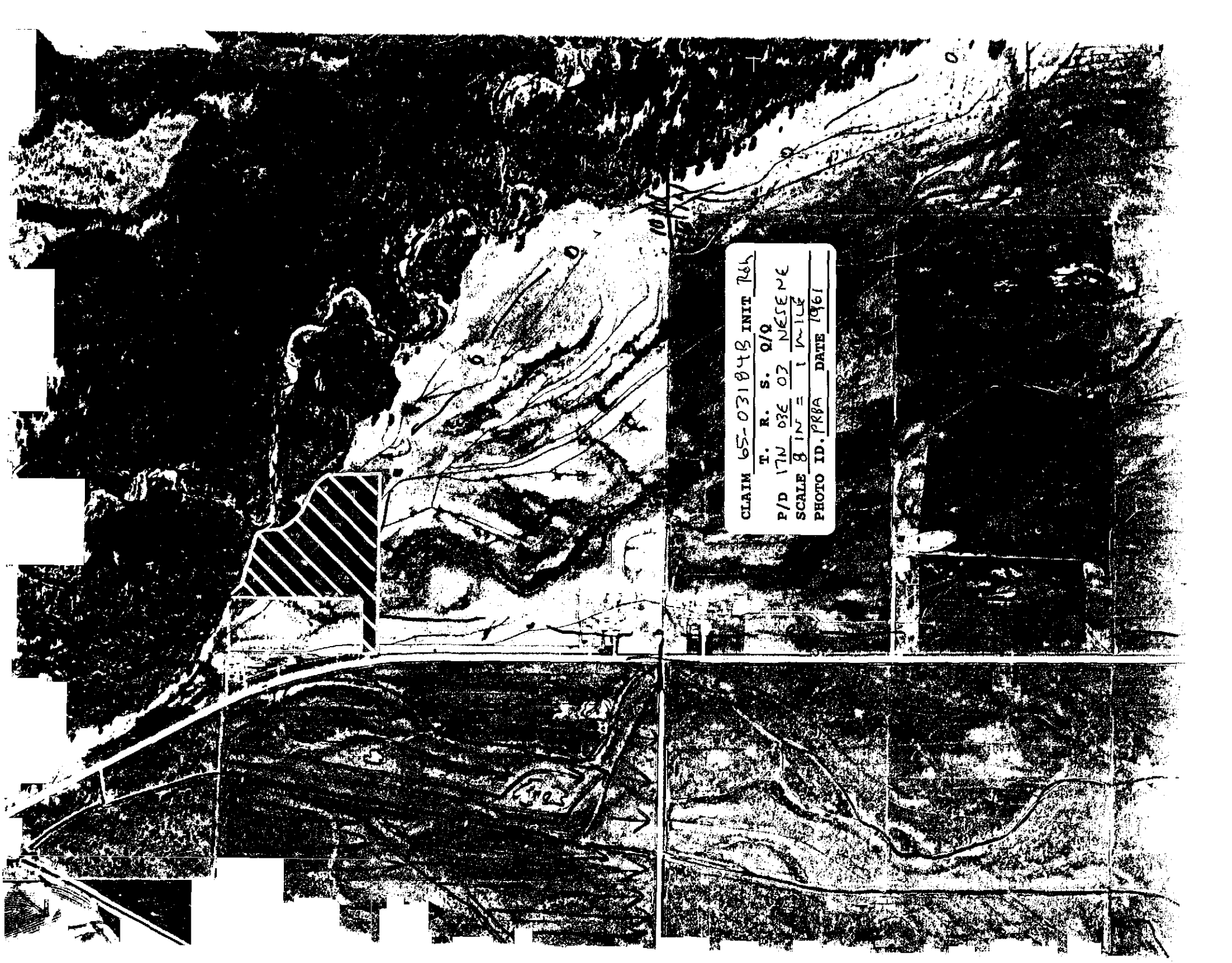


0 0.5 1 Miles



Point of Diversion





CLAIM 65-031848 INIT R61
T. R. S. Q/Q
P/D 17N 03E 03 NESEME
SCALE 8 IN = 1 MILE
PHOTO ID. PR8A DATE 1961

CONVERSATION MEMORANDUM



CUSTOMER: PAYETTE COUNTY ASSESSORS OFFICE

PHONE: 208 642-4402

Claim/WR # 65-03184 (ETC)

Agent: RON HOWERTON

Date: 22 MAR 79

- 1) CONTACTED THE ASSESSOR OFFICE, ASKED IF THEY COULD COPY A MAP SHOWING CURRENT OWNERSHIP OF THE OWNERS OF THE ABOVE RIGHTS? SAID TO ME THAT THE MAP WOULD BE VERY HARD TO COPY AND MAY NOT BE UP-TO-DATE.
- 2) GAVE PARCEL #'S WE HAD IN OUR TAX LOT GIS DATA BASE TO SEE IF THEY COULD CONFIRM? SAID THAT THEY COULDN'T CONFIRM
- 3) I FEEL THAT THE ASSESSOR'S OFFICE IS NOT BEING HELPFUL AT ALL BY THEIR CHOICE...
- 4) ALL OUR TAX-LOT INFO IS BEING USED IN COMBINATION WITH THE OTHER CLAIMS IN THIS RIGHT TO DETERMINE THE POW SINCE THE PAYETTE COUNTY ASSESSORS OFFICE CAN-NOT HELP.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

07:51:16
03/25/99

PAGE: 16
QUICKLOOK INFORMATION

16
CLAIM NUMBER: A65-031848

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			Rdh 24/mar/99					Rdh 24 mar 99
POINT OF DIV								
SOURCE								
PLACE OF USE	YN							
DIV. AMOUNT CFS/VOLUME								
CONSUMPTIVE USE								
PURPOSES OF USE								
PERIOD OF USE								
BASIS OF CLAIM	YN							
REMARKS								

BARCODE UPDATED
WHOM/DATE

WR5809NP
No. 65-03184B

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 03/24/99
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	ARVIN C. BERHEIM P.O. BOX 26 MC CALL ID 83638	12/12/1903	IRRIGATION	05/01 09/15	0.150 CFS	
TOTAL DIVERSION:					0.150 CFS	

Water Source: LAKE FORK CREEK

Tributary to: PAYETTE RIVER, NORTH FORK

Stage: DECREED

Point(s) of Diversion:

T17N R03E S03

SENE

VALLEY County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
---	---	---	:	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	:	---
17N	03E	10	:																	:	14.0
																			TOTAL ACRES	:	14.0

Pou County: VALLEY

Dates:	App. Received:	Priority Date:	12/12/1903
	Proof Due Date:	Proof Made Date:	
	Exam Made Date:	Exam Sent to S.O.:	
	Licensed Date:		

Misc: Water District Number: 65K Field Exam Fee:

Audit: 04/24/87 04/30/88 CONVERT

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

07:51:16
03/25/99

PAGE: 1
GENERAL INFORMATION

1
CLAIM NUMBER: A65-031848

LAST: BERHEIM FIRST: ARVIN C
ADDRESS: PO BOX 632
CITY: LAKE FORK STATE: ID ZIP: 83635
PHONE NUMBER: 208-634-2691

OWNER CODE: C

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

NO REMARKS IN CLAIM

DATABASE
N

FIELD
EXAMINER

FIELD EXAMINATION INFORMATION

CONTACT PERSON: IN-OFFICE PHONE NUMBER: () -
DATE OF FIELD EXAM: 3/24/99 APPOINTMENT MADE: Y() N() TIME: : A() P()
ACCOMPANIED BY: PHONE NUMBER: () -
RELATIONSHIP TO CLAIMANT:

DIRECTIONS TO PROPERTY / NOTES:

SEE NAPP PHOTO'S AND PRIOR PRBA MAP IN FILE

A. AJ CLAIM: # A65-031848 PRIORITY DATE: 12-12-1903 STAGE: D

B. WR RECORD: # 65-031848 PRIORITY DATE: 12-12-1903 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:

12-12-1903

REVIEWED BY Rch

DATE 24 MAR 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
A65-03184B	17N 03E	3		SE	NE			VALLEY		

OTHER AJ CLAIMS WITH SAME AJ POD

WR RECORDS IN SAME 40 ACRE TRACT

A PREFIX

R PREFIX

R65-03184C

R65-03184E

R65-03184F

R65-03184J

R65-03202A

R65-07523

* 42 A PREFIX CLAIMS WITH THIS POD

*** 42 WR RECORDS IN SAME 40 ACRE TRACT

SOURCE: LAKE FORK CREEK

TRIB: PAYETTE RIVER, NORTH FORK

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
65-03184B	17N 03E	3		SE	NE			VALLEY		

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT

A PREFIX

R PREFIX

R65-03184C

R65-03184E

R65-03184F

R65-03184J

R65-03202A

R65-07523

**** 42 WR RECORDS WITH SAME WR POD

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

SOURCE: LAKE FORK CREEK

TRIB: PAYETTE RIVER, NORTH FORK

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: PRDA RECOMMENDATIONS AND NAPP PHOTO'S, 1987.

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

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY VALLEY	DIVERSION NAME	DIVERSION NBR
17N	03E	3	NE	SE	NE					

SOURCE: LAKE FORK CREEK

TRIB: PAYETTE RIVER, NORTH FORK

REVIEWED BY: RCh DATE: 24 MAR 99

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

WEST SIDE DITCH

A. ROOT WATER RIGHT NUMBERS:	A65-03184E
	A65-03184D
	A65-03184C
	A65-03184F
	A65-03184G
	A65-03184B
	R65-03184F
	R65-03184G
	R65-03184J
	R65-03184C
	R65-03184E
	A65-03184H
	A65-03184J

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
17N	03E	10	NW	SE		BERHEIM, ARVIN C	A65-03184B / 14.0	65-03184B / 14.0	27.0		14
			NW	SE		BARNETT, ROY M	65-10938 /	65-10938 /			
			NW	SE		BARNETT, ROY M	A65-03184E / 5.0	65-03184E / 5.0			
			NW	SE		BARNETT, ROY M	A65-10937 /	65-10937 /			
			NW	SE		BARNETT, ROY M	A65-10938 /	- /			
			NW	SE		STEWART, JOE E	A65-08278 /	65-08278 /			
			NW	SE		BERHEIM, ARVIN C	A65-08535 /	65-08535 /			
			NW	SE		BARNETT, ROY M	R65-10937 /	- /			
			NW	SE		STEWART, JOE E	65-08278 /	- /			
			NW	SE		BARNETT, ROY M	R65-03184E / 5.0	- /			
			NW	SE		NISULA, JAMES P	A65-03184H / 4.0	- /			
			NW	SE		BERHEIM, ARVIN C	65-08535 /	- /			
			NW	SE		NISULA, JAMES P.		65-03184A / 4.0			

ADDITIONAL POU FOUND

TOTAL ACRES	A65-03184B	14.00	14.00	27.00
-------------	------------	-------	-------	-------

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
A65-03184B	LAKE FORK CREEK	BERHEIM, ARVIN C	0.150	0.010		
R65-03184E	LAKE FORK CREEK	BARNETT, ROY M	0.050	0.010		
A65-03184E	LAKE FORK CREEK	BARNETT, ROY M	0.050	0.010		
A65-03184H	LAKE FORK CREEK	NISULA, JAMES P	0.650	0.015		

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

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
65-10938	DOMESTIC	BARNETT, ROY M	FROM 01-01 TO 12-31	0.040 CFS	1.20 AF/A
A65-10937	DOMESTIC	BARNETT, ROY M	FROM 01-01 TO 12-31	0.040 CFS	
A65-10938	DOMESTIC	BARNETT, ROY M	FROM 01-01 TO 12-31	0.040 CFS	
A65-08278	DOMESTIC	STEWART, JOE E	FROM 01-01 TO 12-31	0.040 CFS	1.20 AF/A
A65-08278	STOCKWATER	STEWART, JOE E	FROM 01-01 TO 12-31	0.020 CFS	0.70 AF/A
A65-08535	DOMESTIC	BERHEIM, ARVIN C	FROM 01-01 TO 12-31	0.040 CFS	1.20 AF/A
A65-08535	STOCKWATER	BERHEIM, ARVIN C	FROM 01-01 TO 12-31	0.020 CFS	0.40 AF/A
R65-10937	DOMESTIC	BARNETT, ROY M	FROM 01-01 TO 12-31	0.040 CFS	1.20 AF/A
65-08278	DOMESTIC	STEWART, JOE E	FROM 01-01 TO 12-31	0.040 CFS	1.20 AF/A
65-08278	STOCKWATER	STEWART, JOE E	FROM 01-01 TO 12-31	0.020 CFS	0.70 AF/A
65-08535	DOMESTIC	BERHEIM, ARVIN C	FROM 01-01 TO 12-31	0.040 CFS	1.20 AF/A
65-08535	STOCKWATER	BERHEIM, ARVIN C	FROM 01-01 TO 12-31	0.020 CFS	0.40 AF/A

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

Y() N(☒)

* IF YES, COMPLETE OVERLAP REVIEW:

NO-OTHER OVERLAPS

OTHER RIGHTS LISTED IN CLAIM:

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

N/A() Y(☒) N()

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

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

N/A() Y(☒) N()

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.

MAP NO.

TO A

WATER RIGHT

Notice is hereby given that.

ARVIN C. BERHEIM
LAKE FORK, ID 83635 (Name of Claimant)

Box 632

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):
12/12/1903
- 2) Describe source of water: (Name of stream, lake, spring, etc., or subterranean)
LAKE FORK 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)
Use 12-15 IRRIGATION 20-15 15-15 11-15
(Domestic, Irrigation, stock, etc.) Period of Use From (Mo., Day) To (Mo., Day)
(Both Dates Inclusive)
Use _____ Period of Use From _____ To _____
(Domestic, Irrigation, stock, etc.) (Mo., Day) (Both Dates Inclusive) (Mo., Day)
Use _____ Period of Use From _____ To _____
(Domestic, Irrigation, stock, etc.) (Mo., Day) (Both Dates Inclusive) (Mo., Day)
- 4) Quantity of water claimed: 15 Cubic Feet Per Second, or 15 Acre Feet Per Month
and/or _____ Gals. Per Minute.
- 5) A) Point of Diversion: Give location of point where water is diverted from its source.
Sec. 3, Twp. 17N, Rge. 3E, B.M.; additional points: VALLEY
- 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 1410

- 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 _____
- (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

(Date)

(Signature of Claimant)

Organization

(Signature of Applicant)

State of

Organization
Seal

County of

On this _____ day of _____

in the year

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, it, or it) executed the same.

Notary Public residing at

NY commission ext

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

Y() N(☒)

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

Y() N(☒)

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

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

NOTES: USED GIS 1994 TAX LOT SHAPES AND THE ABOVE MAPS
TO DETERMINE THE POU.
ALSO SEE ATTACHED ORIGINAL PRBA CLAIM.

RECOMMENDATIONS:

TOTAL ACRES: 14 N/A()

REVIEWED BY: RCH

DATE: 24 MAR '99

A. AJ CLAIMED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
A65-031848 IRRIGATION	FROM 05-01 TO 09-15	0.150 CFS	
TOTAL DIVERSION RATE/VOLUME		0.150 CFS	

B. WR RECORDED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
65-031848 IRRIGATION	FROM 05-01 TO 09-15	0.150 CFS	
TOTAL DIVERSION RATE/VOLUME		0.150 CFS	

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

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

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

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

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

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

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

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

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

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

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

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

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

NOTES:

AJ CLAIM TOTAL DIVERSION RATE: 0.150 CFS

WR ROOT RIGHT TOTAL DIVERSION RATE: 0.150 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 NA, SEE ATTACHED CALCULATIONS.

F. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE
ACRES 14 x 0.02 CFS/ACRE = .28 CFS
(Taken from pou review)

1b. CALCULATIONS

DECREED Amount = .15 cfs

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 = 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:

NONE

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	05-01	09-15	DATABASE 0.150	EXAMINER _____	DATABASE	EXAMINER _____	DATABASE 0.0	EXAMINER _____
_____	_____	_____		_____		_____		_____
_____	_____	_____		_____		_____		_____
_____	_____	_____		_____		_____		_____
_____	_____	_____		_____		_____		_____
TOTAL FOR THIS RIGHT			0.150	_____		_____	0.0	_____

NON-IRRIGATION USES CLAIMED:

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

REVIEWED BY: rdh DATE: 24 MAR 99

FLAG: _____

STANDARD CONDITIONS (CODE):

STANDARD REMARKS (CODE):

EXPLANATORY CONDITIONS (CODE):

WATER IS DELIVERED THROUGH WEST SIDE Ditch

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: 65-03184

	DATABASE	EXAMINER	CFS
TOTAL DIVERSION RATE OF WR SPLITS	1.640		

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
65-03184A	<u>A65-03184B</u>	0.150	R65-03184C	0.120	65-03184A	0.700
65-03202A	A65-03184C	0.120	R65-03184E	0.050	<u>65-03184B</u>	0.150
A65-03184A	A65-03184D	0.130	R65-03184F	0.050	65-03184C	0.120
A65-03184B	A65-03184E	0.050	R65-03184G	0.180	65-03184D	0.130
-	A65-03184F	0.050	R65-03184J	0.050	65-03184E	0.050
-	A65-03184G	0.180	-	-	65-03184F	0.050
-	A65-03184H	0.650	-	-	65-03184G	0.180
-	A65-03184J	0.050	-	-	65-03184X	0.060
-	-	-	-	-	65-03202A	0.200
TOTAL CFS		1.380		0.450		1.640

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
N	Y() N()

NOTES:

THE OVERALL DECREED CFS IS MORE THAN TOTAL CLAIMED.

=====

AUTHENTICATION:

SIGNATURE: Ron Howerton DATE: 24 MAR 99
NAME OF FIELD EXAMINER: RON HOWERTON TITLE: SR WR AGENT
=====

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 <u>1987</u> IDWR ID NO. <u>(2)</u>	Y(☒) N()
☒ ASCS AERIAL PHOTO	DATE OF PHOTO <u>1961 (from PRBA)</u>	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 <u>PROFILE</u>	DATE <u>3/24/99</u> <u>OF WR FILE</u>	Y(☒) N()
☒ OTHER _____	DATE <u>ORIGINAL PRBA CLAIM</u>	Y(☒) N()
() OTHER _____	DATE _____	Y() N()

LIST OF ATTACHMENTS (CHECK IF ATTACHED)	IF ATTACHED, SUPPLY APPROPRIATE INFORMATION	NO. OF PAGES	NOTES
() LICENSING FIELD EXAM	DATE OF FIELD EXAM _____	_____	_____
() WATER RIGHT LICENSE	DATE LICENSE SIGNED _____	_____	_____
() IDWR APPROVED TRANSFER	DATE TRANSFER APPROVED _____	_____	_____
() SYSTEM DESCRIPTION	DATE DRAWN _____	_____	_____
() PHOTOGRAPHS	DATE(S) PHOTOS TAKEN _____	_____	_____
() SPLIT RIGHT REVIEW	DATE REVIEW COMPLETED _____	_____	_____
() HUBBLE ANALYSIS	DATE ANALYSIS COMPLETED _____	_____	_____
() CONVEYANCE LOSS ANALYSIS	DATE ANALYSIS COMPLETED _____	_____	_____
() FLOW MEASUREMENT CALCULATIONS	DATE SYSTEM MEASURED _____	_____	_____
() OTHER _____	DATE _____	_____	_____
() OTHER _____	DATE _____	_____	_____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

08:07:11
03/25/99
17

PAGE: 17
PROFILE REPORT

CLAIM NUMBER: A65-03184B

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	ARVIN C BERHEIM	12/12/1903	IRRIGATION	05-01 09-15	0.15 CFS	
					TOTAL DIVERSION:	0.15 CFS

Water Source: LAKE FORK CREEK Tributary to: PAYETTE RIVER, NORTH FORK Stage: DECREED
Point(s) of Diversion: T17N R03E S03 SENE VALLEY County

Place of use Legal Description for: IRRIGATION

		NE				NW				SW				SE											
T	R S	: Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	: Lt	Ac	Lt	Ac	Lt	Ac	: Lt	Ac	Lt	Ac	: Lt	Ac	Lt	Ac	: SUM	
17N	03E 10	:								:						:				:				:	14.0
		:																	:	14	:			:	14.0
		:																	:	TOTAL ACRES	:			:	14.0

POU County: VALLEY

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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WATER RIGHTS ABSTRACT

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
SOURCE: LAKE FORK CREEK								
65-3202A	MAKI, GUST LAKE FORK ID 83635	06-30-1903	IRRIGATION	05-01 09-15	.20 CFS	SENE S03 T17N R03E	SWSW(10) S09 T17N R03E * 10 ACRES*	DECREE
65-3202X	MAKI, WILLIAM W. BOX 697 LAKE FORK ID 83635	06-30-1903	IRRIGATION	05-01 09-15	.88 CFS	SENE S03 T17N R03E	NWNE(32) SWNE(40) S16 T17N R03E * 72 ACRES*	DECREE
65-3205	MAYBACH, DOROTHY TRABERT 203 VISTA BELLA DRIVE SANTA CRUZ CA 95060	06-30-1903	IRRIGATION	05-01 09-15	1.16 CFS	SENE S03 T17N R03E	NWSW(38) SWSW(39) S10 T17N R03E * 77 ACRES*	DECREE
65-3207	MAYBACH, DOROTHY TRABERT 203 VISTA BELLA DRIVE SANTA CRUZ CA 95060	06-30-1903	IRRIGATION	05-01 09-15	1.16 CFS	SENE S03 T17N R03E	NESW(37) SESW(39) S10 T17N R03E * 76 ACRES*	DECREE
65-10538	NISULA, JAMES P. BOX 924 MC CALL ID	12-12-1903	IRRIGATION	05-01 09-15	1.44 CFS	NENE S03 T17N R03E	NENE(40) NWNE(40) S15 T17N R03E * 80 ACRES*	DECREE
65-3184A	NISULA, JAMES P. NISULA, JOYCE E. BOX 924 MC CALL ID 83638	12-12-1903	IRRIGATION	05-01 09-15	.70 CFS	SENE S03 T17N R03E	NESE(04) NWSE(04) SWSE(17) SESE(20) S10 T17N R03E * 45 ACRES*	DECREE
65-3184B	BERHEIM, ARVIN C. BOX 632 LAKE FORK ID 83635	12-12-1903	IRRIGATION	05-01 09-15	.15 CFS	SENE S03 T17N R03E	NWSE(14) S10 T17N R03E * 14 ACRES*	DECREE

INDICATES TOTAL

RECEIVED

FILE

FEB 12 1987

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE STATE OF IDAHO

APR 07 1986

STATE OF IDAHO, IN AND FOR THE COUNTY OF GEM

Department of Water Resources

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

Civil No. 3667

ORDER AND PARTIAL DECREE
PURSUANT TO I.R.C.P. 54(b)

Helmuth R. Kolzig

The foregoing Stipulation, of Lake Irrigation District, Edward A. Cruzen and the Department of Water Resources, having come duly and regularly before the Court and good cause appearing therefore,

IT IS ORDERED AND DECREED that the water rights, priority dates, uses, periods of use, quantification of rights, diversion points, places of use and basis of claim identified in Exhibit A attached hereto and incorporated herein by reference are adopted by this Court, and the Proposed Finding of Water Rights in the Payette River Drainage Basin (hereinafter "Proposed Finding") shall be amended accordingly. Some of the rights listed in Exhibit A were previously decreed by the court in its judgment of January 21, 1986. They are included here to provide a complete listing of all rights on Lake Fork Creek. Claim No. 65-10095, a reserved right claimed by the Forest Service, is not included because the State of Idaho and the United States are currently planning to become engaged in negotiations concerning federal reserved water right claims.

IT IS FURTHER ORDERED that all protests and objections

ORDER AND PARTIAL DECREE Page 1

RECEIVED

FEB 24 1987

Department of Water Resources

COMPARED _____
INDEXED - DIRECT _____
INDEXED - INDIRECT _____

filed by Lake Irrigation District and Edward A. Cruzen against the water rights adopted by this Court in the preceeding paragraph are dismissed with prejudice.

IT IS FURTHER ORDERED AND DECREED that the Proposed Finding of Fact No. 10 and Conclusion of Law No. 6 as set out in the foregoing Stipulation and Finding of Fact No. 4 and Conclusion of Law No. 3 as set out in Exhibit B of the foregoing Stipulation are amended by said Stipulation.

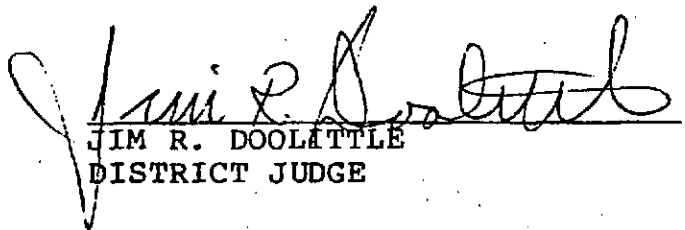
IT IS FURTHER ORDERED AND DECREED that for purposes of operating Water District 65K the gauging station located in the SW1/4SE1/4NW1/4 section 8 township 18N range 4E B.M., above Jumbo Creek and above Tyee Creek shall have 10 per cent added to said gauge readings to account for the added flows of Jumbo and Tyee Creeks and other less distinctive sources between the old site of the gauging station and the present site, unless modified by order of this Court due to changes in the measured flows.

IT IS FURTHER ORDERED AND DECREED that for purposes of operating Water District 65K, reference may be made to the decree of Paul Michelson et al v. M. H. Williams et al (7th Judicial District, Valley County, 1928) for a period of five years following the date of this order, to answer questions arising as to the distribution of water rights listed in Exhibit A. The director of the Department of Water Resources, pursuant to his authority under Chapter 6, Title 42, Idaho Code, will initially

determine any distribution questions. The elements of the Michelson decree that are used in any orders or instructions to the watermaster during this five year term shall be made a permanent part of the water district file for Lake Fork Creek and shall be considered by the director in any future orders or instructions to the watermaster.

IT IS FURTHER ORDERED AND DECREED that jurisdiction is reserved by the Court, upon 10 days notice to the parties hereunto, to make corrections of clerical errors, inadvertences or omissions in the listing of water rights of Exhibit A to the foregoing Stipulation, and the reservation of jurisdiction for this purpose will date one year from the date of this Order.

DATED this 28th day of March, 1986.


JIM R. DOOLITTLE
DISTRICT JUDGE

54(b) Certificate

With respect to the issues determined by the above judgment, it is hereby CERTIFIED, in accordance with the Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final decree and that the court has and does direct that the above partial decree shall be a final judgment upon which execution may issue and appeal may be taken as provided by the Idaho Appellate Rules.

STATE OF IDAHO)
County of Gem) ss.

DATED this 28th day of March, 1986.

I certify that the foregoing
is a true and correct copy
of the original on file in
this office.

DATED 3-28-86
Thelma R. Kolodziej, Clerk


JIM R. DOOLITTLE
District Judge

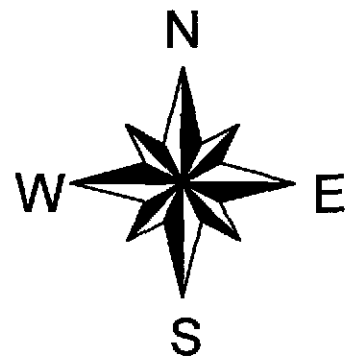
65-03184B



0 0.5 1 Miles



Point of Diversion





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.

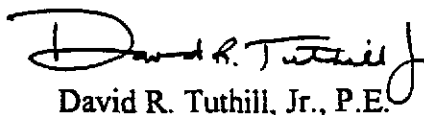
IDWR recognizes that in reliance on the non-irrigation season stockwater language in the Payette Adjudication, water users might not have filed stockwater claims in the SRBA to cover the non-irrigation season period. Individuals who historically watered livestock during the non-irrigation season without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