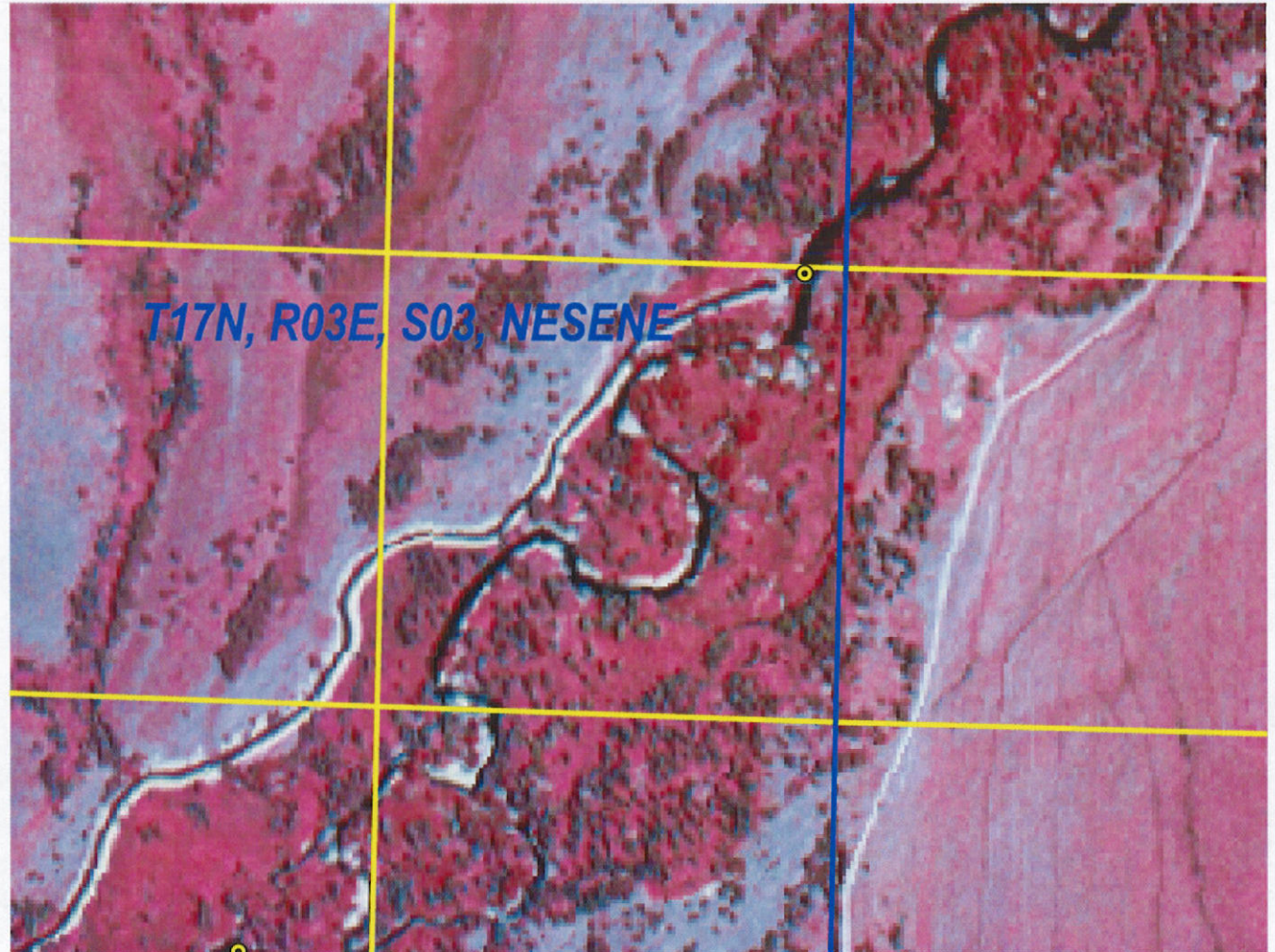
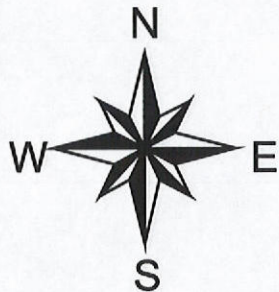


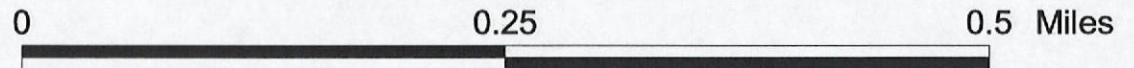
65-03216



Point of Diversion



1987 NAPP



Idaho Department of Water Resources

**T17N, R03E
S16 & S17**

Claim : 65-03216

Owner : Bettis

Prepared by:

Ron Howerton

Date: 17 May 99

 Place of use

 POD

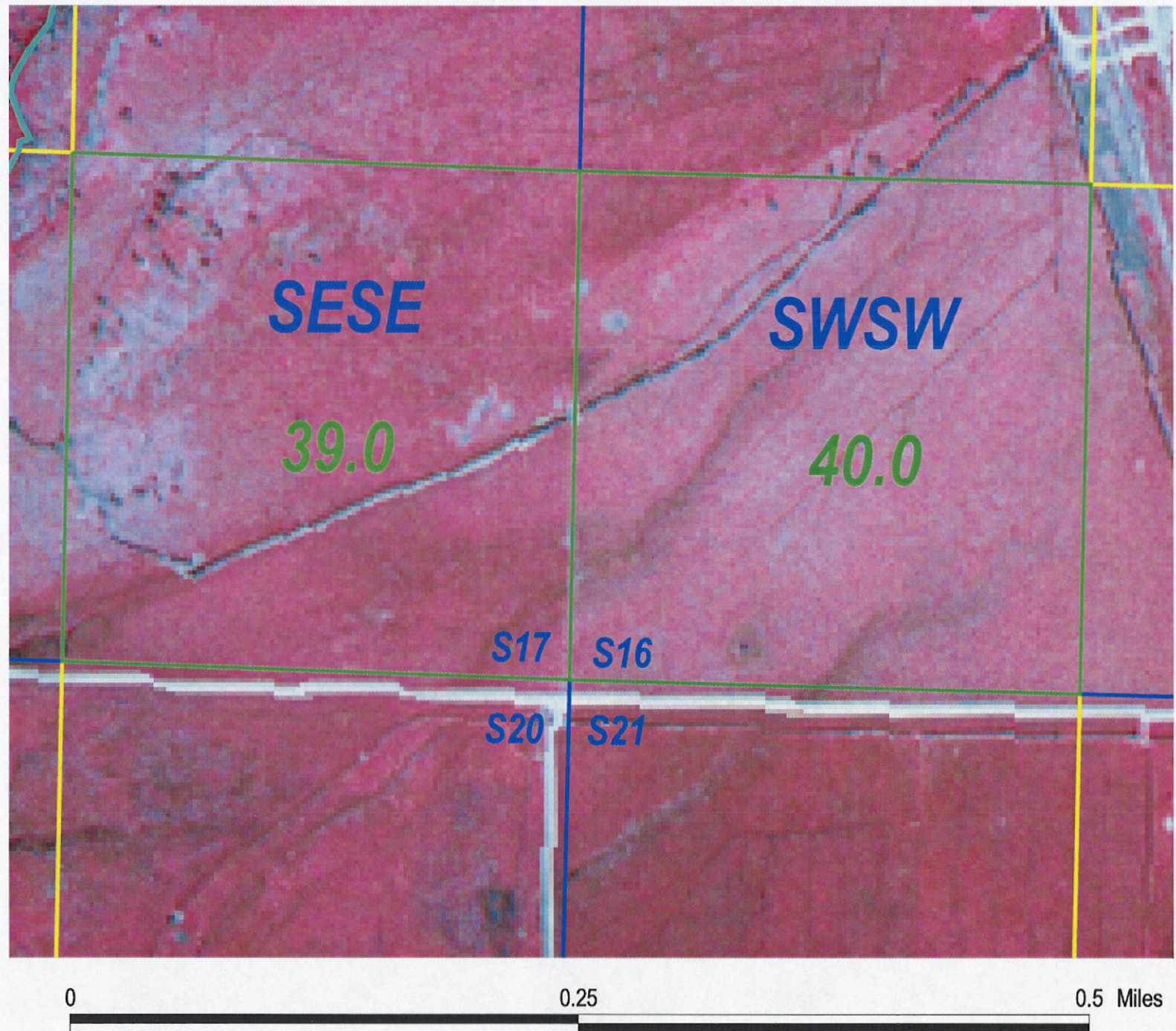
 SECTION LINES

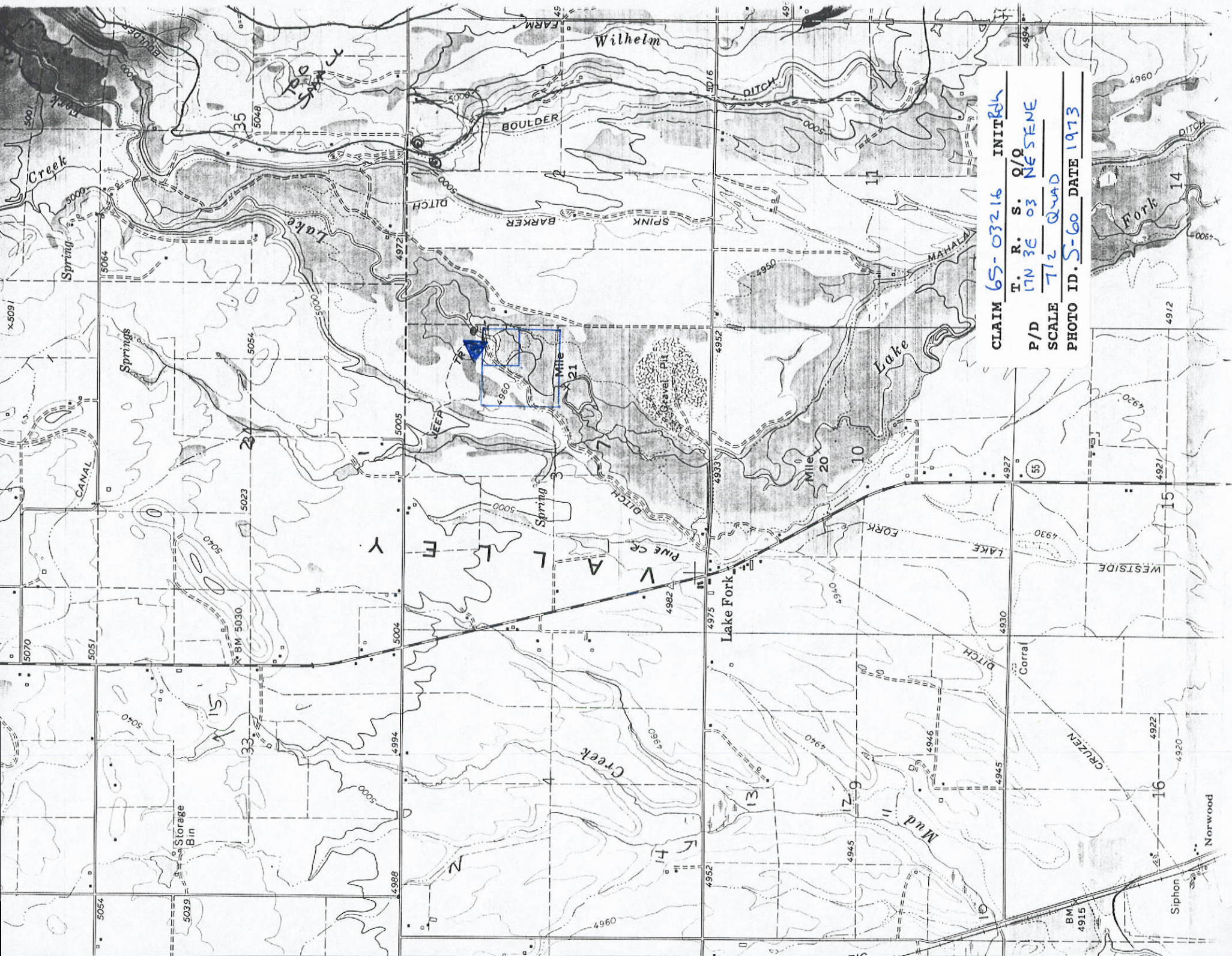
 1/4 1/4 Lines

Acres



1987 NAPP





CLAIM 65-03216 INIT *BDK*

P/D	T.	R.	S.	Q/Q
	17N	3E	03	NENE

P/D
I. K. 3E
S. 03
P/D
NESENE

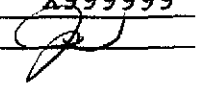
SCALE 7/2 Q_{WAD}

PHOTO ID. S-60 DATE 1973

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: A65-03216
Date Received: 11/22/1988
Receipt No: X999999
Received By: 

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: HARRY L. BETTIS
Address: 10775 SUCKER CREEK RD.
PAYETTE, ID 83661
208-365-2512
2. Date of Priority: OCT 03, 1918
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	1.600		
7. Total Quantity Appropriated is:
1.600 C.F.S. (and/or) A.F.A.
8. Total consumptive use is Acre Feet Per Annum.
9. Non-irrigation uses:
INSTREAM STOCKWATERING.
10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
17N	03E	16	SW	SW		IRR	40.0
Section Acres							40.0

A65-03216

Page 1

Date: 11/22/88

MICROFILMED
SEP 22 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
17N	03E	17	SE	SE		IRR	39.0
Section Acres							39.0
Total Acres							79.0

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:
NONE

14. Remarks:

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date: 4/07/1986

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: 0

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): Darryl L. Better Date: 11/22/88
Date: _____

State of Idaho)
County of ADA) SS.

Subscribed and sworn (or affirmed) before me this 22nd day
of November 19 88

Jan Thunte
Notary Public

Seal

Residing at Meridian ID
My Commission Expires 9-14-94

WESTERN REGION

OWNER (S):

BETTIS

CLAIM NUMBERS:

3216

AGENT: RON HOWERTON

DATE 8/27/99

RIGHT NO				NE				NW				SW				SE			
	TNS	RNG	SEC	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 (005) () () () ()

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

 B65-DBPOU.DBF UPDATED BY rdh

 B65-DBPOD.DBF UPDATED BY rdh

NOTES:

RECEIVED

JUN 26 2002

Department of Water Resources

Josephine P. Beeman #1806
BEEMAN & ASSOCIATES, P.C.
409 West Jefferson Street
Boise, Idaho 83702
(208) 331-0950
(208) 331-0954 (fax)

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

In Re: SRBA	)	Subcase Nos.		
Case No. 39576	)	65-02340B	65-03160	65-03215
	)	65-03154	65-03161	65-03216
	)	65-03155	65-03162	65-03238
	)	65-03156	65-03163	65-03238A
	)	65-01357-3157	65-03168	65-03762
	)	65-01358A-3158A	65-03169	65-04002A
	)	65-01358B-3158B	65-03170	65-07473
	)	65-01359-3159	65-03171	65-07540
	)	65-01359B-3159B	65-03209	65-09045B

Notice is hereby given, in the above-captioned subcases, that the following counsel will appear for Usto and Diana Schulz (water rights 65-03238A and 65-07540); Castle Mountain Creek Owners Association (water rights 65-03238 and 65-04002A); and Harry Bettis (water rights 65-02340B, 65-03154, 65-03155, 65-03156, 65-03157, 65-03158A, 65-03158B, 65-03159A, 65-03159B, 65-03160, 65-03161, 65-03162, 65-03163, 65-03168, 65-03169, 65-03170, 65-03171, 65-03209, 65-03215, 65-03216, 65-03762, 65-07473, and 65-09045B):

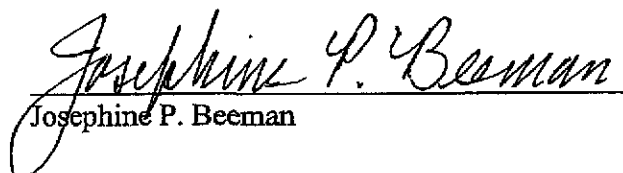
Josephine P. Beeman (ISB #1806)
BEEMAN & ASSOCIATES, P.C.
409 West Jefferson Street
Boise, Idaho 83702
(208) 331-0950 (Telephone)
(208) 331-0954 (Facsimile)

SCANNED

JUN 26 2002

RESPECTFULLY SUBMITTED this 25th day of June 2002.

BEEMAN & ASSOCIATES, P.C.


Josephine P. Beeman

CERTIFICATE OF SERVICE

I hereby certify that, on the ____ day of June 2002, I caused to be served copies of the foregoing **NOTICE OF APPEARANCE** by the method indicated:

Idaho Dept. of Water Resources
Document Depository
P. O. Box 83720
Boise, Idaho 83720-0098

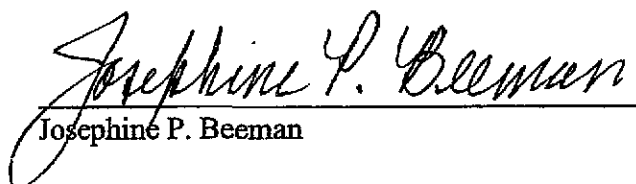
- ☒ U.S. Mail, First Class, Postage Prepaid
- ☐ Facsimile: _____
- ☐ Hand Delivery
- ☐ Federal Express: _____
- ☐ Other: _____

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P. O. Box 44449
Boise, ID 83711-4449

- ☒ U.S. Mail, First Class, Postage Prepaid
- ☐ Facsimile: _____
- ☐ Hand Delivery
- ☐ Federal Express: _____
- ☐ Other: _____

U.S. Department of Justice
Environment & Natural Resources Div.
550 West Fort Street, MSC 033
Boise, ID 83724

- ☒ U.S. Mail, First Class, Postage Prepaid
- ☐ Facsimile: _____
- ☐ Hand Delivery
- ☐ Federal Express: _____
- ☐ Other: _____


Josephine P. Beeman

AJ0749NP
No. R65-03216

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	HARRY L BETTIS 10775 SUCKER CREEK RD PAYETTE ID 83661 (208) 365-2512	10/03/1918	IRRIGATION	05-01 09-15	1.60 CFS	
TOTAL DIVERSION:					1.60 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	16	:												40					:	40.0
17N	03E	17	:																39	:	39.0
TOTAL ACRES																				79.0	

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	R65-03184B	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	R65-07523					

Remarks: QNT THIS RIGHT SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE
MEASURED AT THE FIELD HEADGATE.

EXP WATER IS DELIVERED THROUGH WEST SIDE DITCH.

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

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

Comments: Date: 05/17/1999 User-ID: RHOWERTO Subject: WEST SIDE DITCH P/D
SEE ATTACHMENTS IN FILE FOR P/D OVERLAPS.

Audit: 06/28/99 RHOWERTO

WR5809NP
No. 65-03216

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 05/17/99
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	HARRY L. BETTIS STAR ROUTE PAYETTE ID 83661	10/03/1918	IRRIGATION	05/01 09/15	1.600 CFS	
TOTAL DIVERSION:					1.600 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	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	
17N	03E 16	:		:		:		:		:		:	40	:		:		40.0
17N	03E 17	:		:		:		:		:		:		:		:	39	39.0
TOTAL ACRES																	79.0	

Pou County: VALLEY

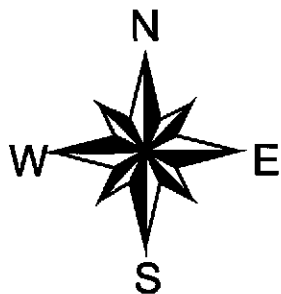
Dates:	App. Received:	Priority Date:	10/03/1918
	Proof Due Date:	Proof Made Date:	
	Exam Made Date:	Exam Sent to S.O.:	
	Licensed Date:		

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

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

65-03216

- Point of Diversion



1987 NAPP



0 0.25 0.5 Miles

A horizontal scale bar with three segments. The first segment is labeled '0', the second '0.25', and the third '0.5 Miles'.

Idaho Department of Water Resources

**T17N, R03E
S16 & S17**

Claim : 65-03216

Owner : Bettis

Prepared by:

Ron Howerton

Date: 17 May 99

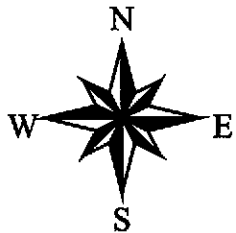
 Place of use

● POD

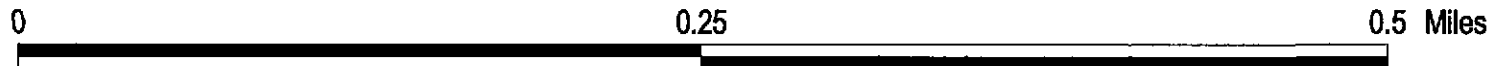
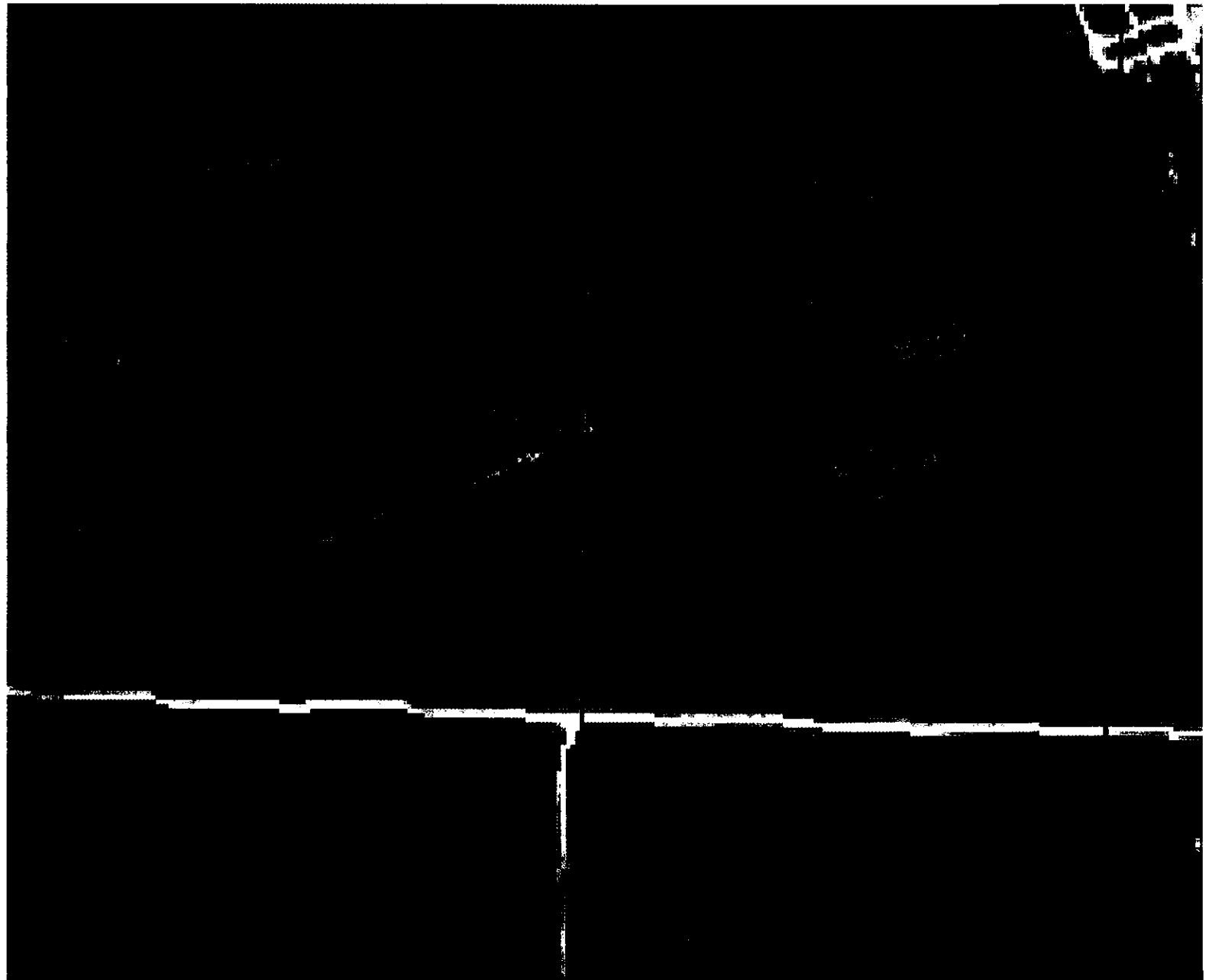
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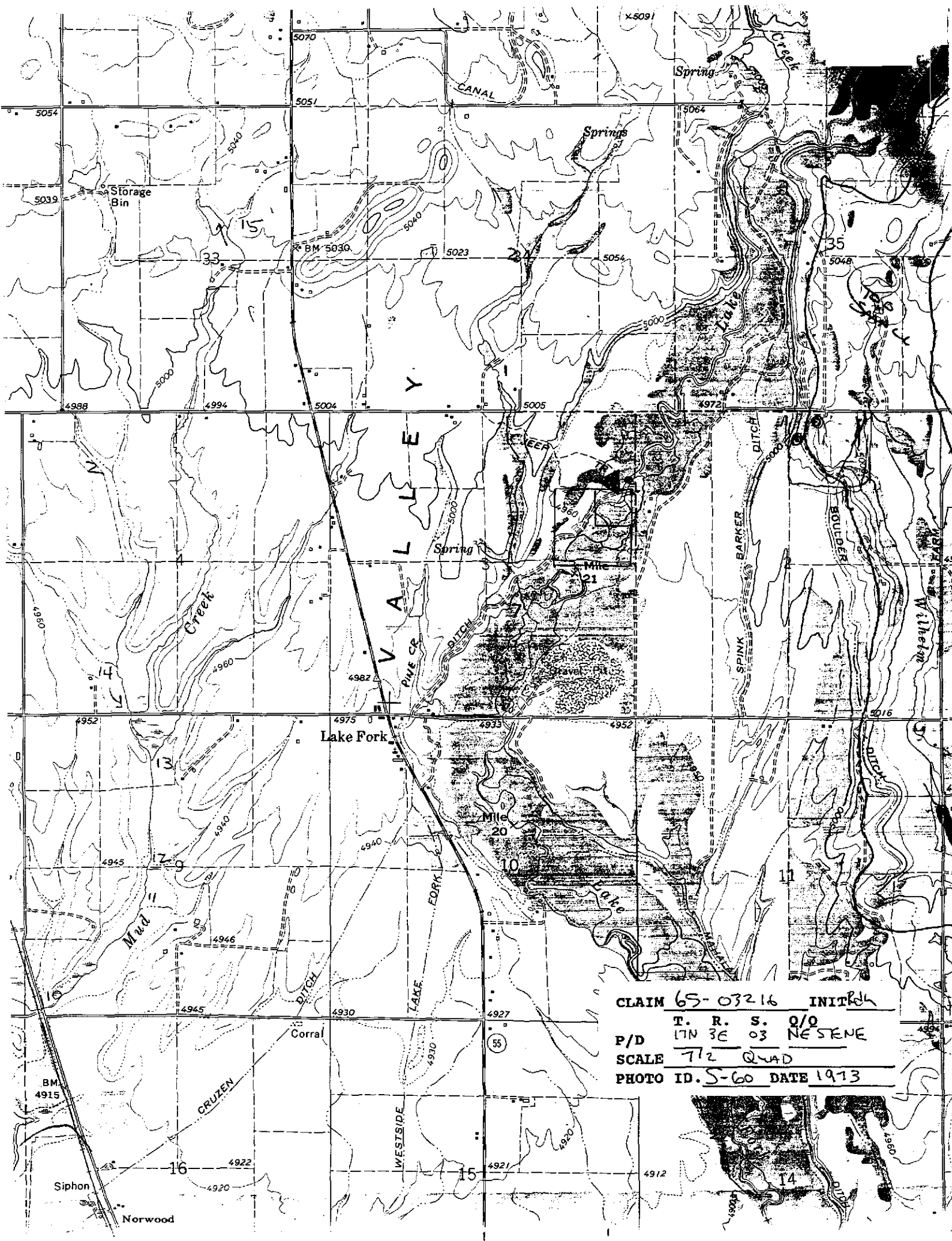
 1/4 1/4 Lines

Acres



1987 NAPP





CLAIM 65-03216 INITIALED
T. R. S. Q/O
P/D 17N 3E 03 NESENE
SCALE 712 QUAD
PHOTO ID. S-60 DATE 1913

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

13:24:32
03/10/99

PAGE: 14
QUICKLOOK INFORMATION

254
CLAIM NUMBER: A65-03216

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								
DIV. AMOUNT CFS/VOLUME								
CONSUMPTIVE USE								
PURPOSES OF USE								
PERIOD OF USE								
BASIS OF CLAIM								
REMARKS								

BARCODE UPDATED
WHOM/DATE

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

13:24:32
03/10/99

PAGE: 1
GENERAL INFORMATION

241
CLAIM NUMBER: A65-03216

LAST: BETTIS FIRST: HARRY L
ADDRESS: 10775 SUCKER CREEK RD
CITY: PAYETTE STATE: ID ZIP: 83661
PHONE NUMBER: 208-365-2512

OWNER CODE: C

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

DATABASE
N

FIELD
EXAMINER

NO REMARKS IN CLAIM

FIELD EXAMINATION INFORMATION

CONTACT PERSON: IN-OFFICE

PHONE NUMBER: () -

DATE OF FIELD EXAM: 5/17/99

APPOINTMENT MADE: Y() N(X)

TIME: : A() P()

ACCOMPANIED BY: _____

PHONE NUMBER: () -

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / NOTES:

SEE MAPS IN FILE

A. AJ CLAIM: # A65-03216 PRIORITY DATE: 10-03-1918 STAGE: D

B. WR RECORD: # 65-03216 PRIORITY DATE: 10-03-1918 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:

10-03-1918

REVIEWED BY Ren

DATE 5/17/99

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
A65-03216	17N	03E	3	NE	SE	NE			VALLEY		

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

WR RECORDS IN SAME 40 ACRE TRACT

* 41 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
65-03216	17N	03E	3	SE	NE				VALLEY		

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX

NONE

**** 42 WR RECORDS WITH SAME WR POD

***** 41 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) X

NOTES: GIS, NAAPP PHOTO'S & TOPO.
SEE ATTACHED PID OVERLAP LIST (8 PAGES)

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	DIVERSION NAME	DIVERSION NBR
17N	03E	3	NE	SE	NE			VALLEY	WEST SIDE Ditch	
—	—	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—	—

SOURCE: LAKE FORK CREEK

TRIB: PAYETTE RIVER, NORTH FORK

REVIEWED BY: Rch DATE: 5/17/99

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

WEST SIDE DITCH

SD-0605-2		Township: 17N		Range: 03E		Section: 3		Tract: SENE		Lot:	
S	L	R	STATE		O	S	Max # Records		105		
E	O	D	Water	Name	W	T	Priority	Total			
L	Tract	T	V	Right No.	Last, First	N	G	Date	Source	Diversion	
—	SENE			A65-03211A	COLENBAUGH, C	O	D	12/12/1903	LAKE FORK C	0.10	
—					COLENBAUGH, DO	C					
—	SENE			A65-03209	WRIGHT JR, LEE	O	D	10/21/1918	LAKE FORK C	3.20	
—					BETTIS, HARRY	C					
—	SENE			A65-03205	MAYBACH, DOROT	C	D	06/30/1903	LAKE FORK C	1.16	
—	SENE			A65-03206	TRABERT LAND &	C	D	11/14/1904	LAKE FORK C	0.56	
—	SENE			A65-03207	MAYBACH, DOROT	C	D	06/30/1903	LAKE FORK C	1.16	
—	SENE			A65-17131	TRABERT LAND &	C	D	11/14/1904	LAKE FORK C	0.56	
—	SENE			A65-03215	WRIGHT JR, LEE	O	D	06/17/1919	LAKE FORK C	2.00	
—					BETTIS, HARRY	C					
—	SENE			A65-03184E	BARNETT, ROY M	C	D	12/12/1903	LAKE FORK C	0.05	
—	SENE			A65-03184D	MOON, JERRY D	C	D	12/12/1903	LAKE FORK C	0.13	
—					MOON, SHARON R	C					
—	SENE	R		A65-03219A	LAKE IRRIGATIO	C	D	08/18/1919	LITTLE PAYE	7000.0	
—	SENE	R		A65-03219X	LAKE IRRIGATIO	C	D	07/18/1919	LITTLE PAYE	13000.0	
—	SENE			A65-03184C	STEWART, JOE E	C	D	12/12/1903	LAKE FORK C	0.12	

(Enter=Continue)

(GOLD7=This Query)

(Menu _____)

SD-0605-2 Township: 17N Range: 03E Section: 3 Tract: SENE Lot: 105

S	L	R	STATE	O	S	Max #	Records	105	
E	O	D	Water	Name	W	T	Priority	Total	
L	Tract	T	V	Right No.	Last, First	N	G	Date	
								Source	
								Diversion	
-	SENE		A65-03184F	VALDEZ, GORDON	C	D	12/12/1903	LAKE FORK C	0.05
-				VALDEZ, DONNA	C				
-	SENE		A65-03199	IKOLA, GERRY	C	D	06/30/1903	LAKE FORK C	0.10
-	SENE		A65-03200	IKOLA, GERRY	C	D	11/14/1904	LAKE FORK C	0.62
-	SENE		A65-03183	PLATT, WENDELL	C	D	11/29/1918	LAKE FORK C	2.00
-				PLATT, MARY F	C				
-	SENE		A65-03216	BETTIS, HARRY	C	D	10/03/1918	LAKE FORK C	1.60
-	SENE		A65-03211B	COLENBAUGH, C	O	D	12/12/1903	LAKE FORK C	0.55
-				EDWARDS, BEVER	C				
-	SENE		A65-03211C	SPENCE, CHARLE	C	J	12/12/1903	LAKE FORK C	0.40
-				SPENCE, BARBAR	C				
-	SENE		A65-03204	NISULA, ANNA	O	D	11/29/1918	LAKE FORK C	2.00
-				NISULA BROS,	C				
-	SENE		A65-03212	NISULA, FRANK	O	D	11/29/1918	LAKE FORK C	2.00
-				NISULA, ELMER	C				
-	SENE		A65-03120	FRASIER, JOHN	C	D	06/30/1903	LAKE FORK C	2.16

(Enter=Continue)

(GOLD7=This Query)

(Menu _____)

SD-0605-2 Township: 17N Range: 03E Section: 3 Tract: SENE Lot: 105

S	L	R	STATE	O	S	Max # Records	105				
E	O	D	Water	Name	W	T	Priority				
L	Tract	T	V	Right No.	Last, First	N	G	Date	Source	Total	Diversion
-	SENE		A65-03120	FRASIER, CLEON	C	D	06/30/1903			2.16	
-	SENE		A65-03197	FRASIER, JOHN	C	D	06/30/1903	LAKE FORK	C	1.70	
-				FRASIER, CLEON	C						
-	SENE		A65-03198	FRASIER, JOHN	C	D	11/14/1904	LAKE FORK	C	0.46	
-				FRASIER, CLEON	C						
-	SENE		A65-03210	UHRIG, GLENN	C	D	12/09/1904	LAKE FORK	C	1.62	
-				UHRIG, KENNETH	C						
-	SENE		A65-03214	FLEMING, THOMA	C	D	09/30/1918	LAKE FORK	C	0.80	
-				FLEMING, ELLEN	C						
-				NISULA, STEVE	C						
-	SENE		A65-03202A	MAKI, GUST	O	D	06/30/1903	LAKE FORK	C	0.20	
-				MAKI, JACOB A	C						
-				MAKI, EARLENE	C						
-	SENE		A65-03211	COLENBAUGH, C.	O		12/12/1903	LAKE FORK	C	0.40	
-				SPLIT RIGHT,	C			SPLIT RIGHT			
-	SENE		A65-02708	CRUZEN RANCH,	C	D	01/05/1962	LAKE FORK	C	2.00	

(Enter=Continue)

(GOLD7=This Query)

(Menu _____)

5
of
8

SD-0605-2 Township: 17N Range: 03E Section: 3 Tract: SENE Lot: 105

S	L	R	STATE	O	S	Max # Records	105				
E	O	D	Water	Name	W	T	Priority				
L	Tract	T	V	Right No.	Last, First	N	G	Date	Source	Total	Diversion
-	SENE			R65-03183	PLATT, MARY F	C	D	11/29/1918		2.00	
-	SENE			A65-03194	WRIGHT JR., LE	O		12/12/1903	LAKE FORK C	2.34	
-					SPLIT RIGHT,	C			SPLIT RIGHT		
-	SENE			A65-03201	WRIGHT, JR., L	O		12/12/1903	LAKE FORK C	2.88	
-					SPLIT RIGHT,	C			SPLIT RIGHT		
-	SENE			A65-03213	PHELPS, IVAN D	C	D	09/30/1918	LAKE FORK C	0.80	
-					PHELPS, WILMIN	C					
-	SENE			A65-03184A	NISULA, JAMES	O		12/12/1903	LAKE FORK C	0.70	
-					NISULA, JOYCE	O			SPLIT CLAIM		
-					SPLIT CLAIM,	C					
-	SENE			A65-03184H	NISULA, JAMES	C	D	12/12/1903	LAKE FORK C	0.65	
-					NISULA, JOYCE	C					
-	SENE			A65-03184J	NISULA, JAMES	O	D	12/12/1903	LAKE FORK C	0.05	
-					NISULA, JOYCE	O					
-					HOGEN, DAVID	C					
-					JENSEN, VICKIE	C					

(Enter=Continue)

(GOLD7=This Query)

(Menu _____)

26
 10

SD-0605-2 Township: 17N Range: 03E Section: 3 Tract: SENE Lot: 105

S	L	R	STATE	O	S	Max # Records	105				
E	O	D	Water	Name	W	T	Priority				
L	Tract	T	V	Right No.	Last, First	N	G	Date	Source	Total	Diversion
---	---	---	---	---	---	---	---	---	---	---	---
---	SENE		R65-02700	FLEMING, THOMA	C	D	08/18/1961	LAKE FORK	C	1.35	
---				FLEMING, ELLEN	C						
---				NISULA, STEVE	C						
---	SENE		R65-02707	BALLANTYNE, BA	O	D	12/21/1961	LAKE FORK	C	2.00	
---				PONDEROSA PROP	C						
---	SENE		R65-03214	FLEMING, THOMA	C	D	09/30/1918	LAKE FORK	C	0.80	
---				FLEMING, ELLEN	C						
---				NISULA, STEVE	C						
---	SENE		A65-03194A	WRIGHT JR., LE	O	D	12/12/1903	LAKE FORK	C	1.54	
---				PAULSON, RICH	C						
---	SENE		A65-03201B	WRIGHT, JR., L	O	D	12/12/1903	LAKE FORK	C	0.60	
---				PAULSON, RICH	C						
---	SENE		A65-03188	CRUZEN, EDWARD	O	D	12/31/1917	LAKE FORK	C	1.60	
---				CRUZEN RANCH,	C						
---	SENE		A65-03193	CRUZEN, EDWARD	O	D	07/18/1919	LITTLE PAYE		2000.0	
---				CRUZEN RANCH,	C						

(Enter=Continue)

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(Menu _____)

SD-0605-2		Township: 17N Range: 03E		Section: 3		Tract: SENE		Lot:	
S	L R	STATE		O S	Max # Records		105		
E	O D	Water		Name	W T	Priority	Total		
L	Tract	T V	Right No.	Last, First	N G	Date	Source	Diversion	
—	SENE		A65-03201A	WRIGHT, JR., L	O D	12/12/1903	LAKE FORK C	1.15	
—				LEWIS, STEPHEN	C				
—				LEWIS, DIXIE	C				
—	SENE		R65-03202A	MAKI, GUST	O D	06/30/1903	LAKE FORK C	0.20	
—				MAKI, JACOB A	C				
—				MAKI, EARLENE	C				
—	SENE		R65-07523	MAKI, JACOB A	C D	01/03/1975	LAKE FORK C	1.20	
—				MAKI, EARLENE	C				
—	SENE		A65-03184B	BERHEIM, ARVIN	C D	12/12/1903	LAKE FORK C	0.15	
—	SENE		R65-03212	NISULA, ELMER	C D	11/29/1918	LAKE FORK C	2.00	
—				NISULA, FRANK	O				
—	SENE		R65-03204	NISULA, ANNA	O D	11/29/1918	LAKE FORK C	2.00	
—				NISULA BROS,	C				
—	NESENE		R65-03184B	BERHEIM, ARVIN	C D	12/12/1903	LAKE FORK C	0.15	
—	NESENE		R65-03184C	STEWART, JOE E	C D	12/12/1903	LAKE FORK C	0.12	
—	NESENE		R65-03184D	MOON, JERRY D	C D	12/12/1903	LAKE FORK C	0.13	

(Enter=Continue)

(GOLD7=This Query)

(Menu _____)

SD-0605-2		Township: 17N Range: 03E		Section: 3		Tract: SENE		Lot:	
S	L R	STATE		O S		Max # Records		105	
E	O D	Water		Name		W T		Priority	
L	Tract	T V	Right No.	Last, First	N G	Date	Source	Total	Diversion
-	NESENE		R65-03184D	MOON, SHARON R	C D	12/12/1903			0.13
-	NESENE		R65-03184E	BARNETT, ROY M	C D	12/12/1903	LAKE FORK C		0.05
-	NESENE		R65-03184F	VALDEZ, GORDON	C D	12/12/1903	LAKE FORK C		0.05
-				VALDEZ, DONNA	C				
-	NESENE		R65-03184H	NISULA, JAMES	C D	12/12/1903	LAKE FORK C		0.65
-				NISULA, JOYCE	C				
-	NESENE		R65-03184J	HOGEN, DAVID	C D	12/12/1903	LAKE FORK C		0.05
-				JENSEN, VICKIE	C				
-				NISULA, JOYCE	O				
-				NISULA, JAMES	O				

(Enter=Continue)

(GOLD7=This Query)

(Menu _____)

A. ROOT WATER RIGHT NUMBERS: A65-03216

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
17N	03E	16	SW	SW		BETTIS, HARRY L	A65-03216 / 40.0	65-03216 / 40.0	41.0		40
17N	03E	17	SE	SE		BETTIS, HARRY L	A65-03216 / 39.0	65-03216 / 39.0	40.0		39

ADDITIONAL POU FOUND

TOTAL ACRES A65-03216 79.00 79.00 81.00

79

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

NO CLAIMS FOUND WITH SAME POU AND IRRIGATION USAGE

NO RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION

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

Y() N(☒)

* IF YES, COMPLETE OVERLAP REVIEW:

OTHER RIGHTS LISTED IN CLAIM: NONE

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()

Y() N(☒)

Y() N()

NOTES:

DATE: 5/17/99

A. AJ CLAIMED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
A65-03216 IRRIGATION	FROM 05-01 TO 09-15	1.600 CFS	
TOTAL DIVERSION RATE/VOLUME		1.600 CFS	

B. WR RECORDED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
65-03216 IRRIGATION	FROM 05-01 TO 09-15	1.600 CFS	
TOTAL DIVERSION RATE/VOLUME		1.600 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(☐)

PAGE: 8

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

248

CLAIM NUMBER: A65-03216

NOTES:

AJ CLAIM TOTAL DIVERSION RATE: 1.600 CFS

WR ROOT RIGHT TOTAL DIVERSION RATE: 1.600 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 79 x 0.02 CFS/ACRE = 1.58 CFS
(Taken from pou review)

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 ()

1b. CALCULATIONS

DECREED AS 1.6 CFS
FINDING OF FACT
ALLOWED delivery losses
SEE P170 FROM
PRBA ATTACHED
QNT REMARK
E28 MEASURED AT
FIELD HEADGATE

FINDINGS OF FACT

4) There exist numerous separate decrees on the tributaries of the Payette River which adjudicate the various priorities to the use of the water on those tributaries. Diversion and beneficial use of water on these decreed tributary streams has in the past been without regard for uses or rights claimed on the Payette River proper, and users on the Payette River proper have made no demand on these tributary streams for water to fill prior rights on the main stem.

5) The present use of water under previously decreed rights in the Payette River Drainage Basin was found, in many cases, to be different from the use as described in the original decrees. Changes in place of use or point of diversion, apparent errors in the original decrees, abandonment or forfeiture of use, and the updating and improvement of irrigation systems through the years are some of the reasons for recommendations of decreed rights different from the original decrees.

6) Beneficial use rights from surface water sources are those rights which were commenced by diversion and application of the water to a beneficial use prior to May 20, 1971. Beneficial use rights from groundwater sources are those which were commenced by diversion and application of the water to a beneficial use prior to March 25, 1963. All other rights to the use of water must have been initiated by an application filed with the Department, or a prior decree. The only exceptions are groundwater uses for domestic purposes, and federal reserved rights necessary to preserve timber or to secure favorable water flows. Permits and licenses herein are updated as of December 1, 1978.

7) Some water rights recommended herein were initiated by application and permit from the Department. These permit rights are not decreed herein, but are subject to the requirement that proof of beneficial use of the water must be submitted to the Department and each right will be limited to and confirmed by such license as may subsequently be issued by the Department.

8) The consumptive use of water for irrigation purposes was found to be dependent upon location within the basin, and varies from 2.0 AFA to 3.0 AFA per acre as shown in Figure 2. [Reference: Sutter, R.J. and G.L. Corey, 1970, *Consumptive Irrigation Requirements for Crops in Idaho*, University of Idaho Agricultural Experiment Station Bull. 516.]

* 9) The existing water rights in the Payette River Drainage Basin were found to be in most cases based on .02 CFS (one miner's inch) per acre in addition to a rate to compensate for delivery losses.

10) The irrigation season is found to be dependent upon location within the basin. As shown in Figure 2, the three seasons consist of: 184 days (April 15 through October 15), 215 days (April 1 through November 1), and 246 days (March 15 through November 15). [Reference: Stevlingson, David J., and Dale O. Everson, *Spring and Fall Freezing Temperatures in Idaho*, University of Idaho Agricultural Experiment Station Bull. 494.]

11) The amount of water required for stock watering purposes is found to be 12 gallons of water per day per head for range cattle and horses, 35 gallons per day for dairy cattle, and 2 gallons per day per head for sheep. For domestic or household use, the average requirement is 1,000 gallons of water per day per household. [Reference: U.S. Environmental Protection Agency, 1974, *Manual of Individual Water Supply Systems*.]

NOTES:

WR RECORD CONDITIONS/REMARKS:

NONE

RECOMMENDATIONS: CHECK HERE IF RECOMMENDED AS CLAIMED ()

REC. PURPOSE OF USE	REC. PERIOD FROM TO		REC. DIV RATE CFS		REC. DIV VOL. AF/A		REC. CONS. USE	
			DATABASE	EXAMINER	DATABASE	EXAMINER	DATABASE	EXAMINER
IRRIGATION	05-01	09-15	1.600				~~0.0~~	
TOTAL FOR THIS RIGHT			1.600				~~0.0~~	

NON-IRRIGATION USES CLAIMED: ~~INSTREAM STOCKWATERING~~ out

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

REVIEWED BY: Reh

DATE: 5/17/99

FLAG: _____

STANDARD CONDITIONS (CODE): _____

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: 65-03216

TOTAL DIVERSION RATE OF WR SPLITS	DATABASE	EXAMINER	CFS
	1.600		

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A65-03216	1.600	-		65-03216	1.600
TOTAL CFS		1.600				1.600

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:

AUTHENTICATION:

SIGNATURE:

Ron Howerton

DATE:

5/17/99

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 <u>1973</u> IDWR ID NO. <u>560</u>	Y(☒) N()
☒ NAPP	DATE OF PHOTO <u>1987</u> IDWR ID NO. <u>PID & POU</u>	Y(☒) N() <u>2 maps</u>
() 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 <u>PID OVERLAP LIST</u>	DATE <u>5/17/99</u> <u>8 - PAGES</u>	Y(☒) N()
☒ OTHER <u>PROFILE RPT</u>	DATE <u>5/17/99</u> <u>1 - PAGE SHOWS AS DECREED</u>	Y(☒) N()
☒ OTHER <u>FINDING OF FACT</u>	DATE <u>PRBA</u> <u>IN PRBA</u>	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

13:28:17
03/10/99
255

PAGE: 15
PROFILE REPORT

CLAIM NUMBER: A65-03216

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	HARRY L BETTIS	10/03/1918	IRRIGATION	05-01 09-15	1.600 CFS	
TOTAL DIVERSION:					1.600 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	16	:																	:	40.0
17N	03E	17	:																	:	39.0
																				TOTAL ACRES	79.0

POU County: VALLEY

Non-Irrigation Uses: INSTREAM STOCKWATERING.

Other Rights: NONE

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								
65-3214	FLEMING, THOMAS E. ROUTE 1 MC CALL ID 83638	09-30-1918	IRRIGATION	05-01 09-15	.80 CFS	SENE S03 T17N R03E	NENE(19) SENE(18) S32 T17N R03E	DECREE
	REMARKS: THIS RIGHT WHEN COMBINED WITH RIGHTS 65-2319 & 65-2573 SHALL PROVIDE NO MORE THAN .02 CFS/ACRE.						* 37 ACRES*	
65-3190	CRUZEN, EDWARD A. DONNELLY ID 83615	10-03-1918	IRRIGATION	05-01 09-15	3.20 CFS	SENE S03 T17N R03E	NENW(34) MNW(36) SWNW(27) SENW(37) NESE(15) NWSE(35) SWSE(20) SESE(15) -S21 T17N R03E	DECREE
	REMARKS: THIS RIGHT WHEN COMBINED WITH RIGHT 65-2356 SHALL PROVIDE NO MORE THAN .02 CFS/ACRE.						* 219 ACRES*	
65-3216	BETTIS, HARRY L. STAR ROUTE PAYETTE ID 83661	10-03-1918	IRRIGATION	05-01 09-15	1.60 CFS	SENE S03 T17N R03E	SWSW(40) S16 T17N R03E SESE(39) S17 T17N R03E	DECREE
							* 79 ACRES*	
65-3209	WRIGHT JR., LEE C. STAR ROUTE PAYETTE ID 83661	10-21-1918	IRRIGATION	05-01 09-15	3.20 CFS	SENE S03 T17N R03E	NENW(37) MNW(38) SWNW(39) SENW(27) S29 T17N R03E	DECREE
							* 141 ACRES*	

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)

Helmer 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

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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

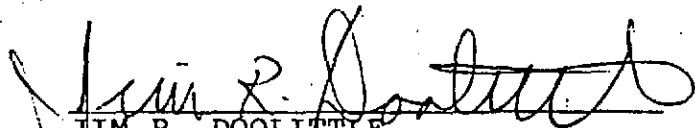
54(b) Certificate

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.


JIM R. DOOLITTLE
District Judge

DATED 3-5-87
Thelma R. Kolodziej, Clerk

By: Loc. 1 James R. Doolittle PARTIAL DECREE, Page 3