

**T08N R05W
S03**

Idaho Department of Water Resources

**Claim: 65-03952
Prepared by:
RON HOWERTON
Modified 4-23-01**

 **Place of use**

 **POD**

 **SECTION**

 **1/4 1/4**

4.0 Acres



1987 NAPP



0 0.25 0.5 0.75 Miles



**T08N R05W
S03**

Idaho Department of Water Resources

**Claim: 65-03952
Prepared by:
RON HOWERTON
Modified 4-23-01**

 **Place of use**

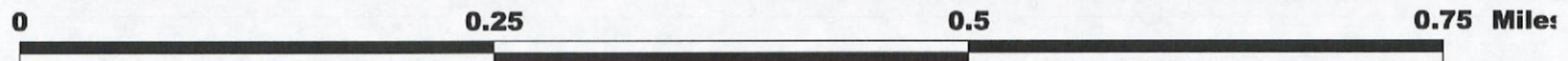
 **POD**

 **SECTION**

 **1/4 1/4**



1987 NAPP



- 0163

NW-0163 SE

1952 (4)

PRBA
-0165
MAP "A"

79-BB-62

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: A65-03952
Date Received: 4/12/1990
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: LEVI JUNIOR ALLISON
Address: 1800 NE 10TH AVE
PAYETTE ID

83661

AND/OR

Name: DARLENE N ALLISON
Address: 1800 NE 10TH AVE
PAYETTE ID

83661

2. Date of Priority: APR 1, 1962

3. Source: FORTY NINE SLOUGH Trib. to: PAYETTE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
08N	05W	3	NE	SE			PAYETTE

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.080		

7. Total Quantity Appropriated is:
0.080 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
08N	05W	3	NE	SE		IRR	4.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	4.0
					Total Acres	4.0

11. Place of use in counties: PAYETTE

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

13. Other Water Rights Used:

14. Remarks:

THIS RIGHT WHEN COMBINED WITH RIGHTS OF LOWER PAYETTE DITCH CO.
SHALL PROVIDE NO MORE THAN .02 CFS/ACRE.

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

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

RECEIVED

APR 12 1990

IDENT. NUMBER: 65-03952

DATE RECEIVED:

RECEIPT NO:

RECEIVED BY: _____

Department of Water Resources
Western Regional Office

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. NAME: ~~FRANK C. ZIEGLER~~ *Levi Junior Allison*
ADDRESS: ~~STAR ROUTE~~ *1800 NE 10th Avenue*
PAYETTE, ID 83661

NAME: ~~OLIVE FERN ZIEGLER~~ *DARLENE N. Allison*
ADDRESS: ~~STAR ROUTE~~ *1800 NE 10th Avenue*
PAYETTE, ID 83661

2. DATE OF PRIORITY: APR 01, 1962

3. SOURCE: FORTY NINE SLOUGH TRIB. TO: PAYETTE RIVER

4. POINT OF DIVERSION:

TOWNSHIP	RANGE	SECTION	1/4 OF	1/4 OF	1/4	LOT	COUNTY
08N	05W	3	NE	SE			PAYETTE

5. DESCRIPTION OF DIVERTING WORKS:

6. WATER IS USED FOR THE FOLLOWING PURPOSES:

PURPOSE	FROM	TO	C.F.S	(OR)	A.F.A.
IRRIGATION	03/15	11/15	0.080		

7. TOTAL QUANTITY APPROPRIATED IS:
0.080 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
08N	05W	3	NE	SE		IRR	4.0
SECTION ACRES							4.0
TOTAL ACRES							4.0

11. PLACE OF USE IN COUNTIES: PAYETTE, PAYETTE

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

13. OTHER WATER RIGHTS USED:

14. REMARKS:

THIS RIGHT WHEN COMBINED WITH RIGHTS OF LOWER PAYETTE DITCH CO.
SHALL PROVIDE NO MORE THAN .02 CFS/ACRE.

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 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): Sam J. Wilson DATE: 4-11-90
Darlene N. Allison DATE: 4-11-90

FOR ORGANIZATIONS:

I DO SOLEMNLY SWEAR OR AFFIRM THAT I AM _____ OF
_____, 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 Payette) SS.

SUBSCRIBED AND SWORN (OR AFFIRMED) BEFORE ME THIS 11th DAY

OF April 19 90

Shannon Falls
NOTARY PUBLIC

SEAL

RESIDING AT Payette, Idaho

MY COMMISSION EXPIRES 01-25-94

65-03952

PAGE 3

DATE: 01/23/90 989

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: 3956
Ident. No.

RECEIVED

APR 12 1990

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

Department of Water Resources
Western Regional Office

Please type or print clearly:

Name of claimant(s) Levi Junior Allison or
DARLENE N. Allison

Mailing Address
(Including zip code) 1800 NE 10th Avenue
Payette ID 83661

Phone Number (208) 642 - 3054

MICROFILMED

SEP 22 1992



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.

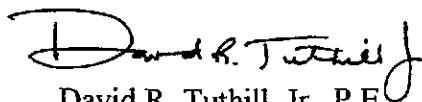
IDWR recognizes that in reliance on the non-irrigation season stockwater language in the Payette Adjudication, water users might not have filed stockwater claims in the SRBA to cover the non-irrigation season period. Individuals who historically watered livestock during the non-irrigation season without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

04/24/2001

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

RIGHT NUMBER: 65-3952

NAME AND ADDRESS: DARLENE N ALLISON
LEVI JUNIOR ALLISON
1800 NE 10TH AVE
PAYETTE, ID 83661

SOURCE: FORTY-NINE SLOUGH TRIBUTARY: PAYETTE RIVER

QUANTITY: 0.08 CFS

THIS RIGHT WHEN COMBINED WITH RIGHTS OF LOWER PAYETTE DITCH
CO. SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE.

PRIORITY DATE: 04/01/1962

POINT OF DIVERSION: T08N R05W S3 NWSE Within PAYETTE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	3-15 11-15	0.08 CFS

PLACE OF USE:

IRRIGATION Within PAYETTE County
T08N R05W S3 NWSE 4

4 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

USE OF THIS RIGHT IS COMBINED WITH WATER FROM LOWER PAYETTE
DITCH CO.
RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
PURSUANT TO SECTION 42-1425, IDAHO CODE.
RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT
TO SECTION 42-1425, IDAHO CODE.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

4/24/01

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

LEVI JUNIOR ALLISON
DARLENE N ALLISON
1800 NE 10TH AVE
PAYETTE ID 83661

RE: Notice of error reply to right No.: 65-3952

Dear Levi and Darlene,

I am responding to your Notice of Error, received at our New Plymouth public meeting 04/05/01.

Our original Preliminary recommendation for your right listed the same 1/4 1/4 tracts as what was decreed in the Payette Basin Adjudication and the same tracts were claimed in the Snake River Basin Adjudication.

However, I need to draw your attention to the fact that I found an error in the decree. This error was that the place of use and point of diversion description tract was incorrectly described in the NESE tract.

Due to my re-review with the notice of error, I discovered this problem. A map that was used in the Payette Basin Adjudication to locate the place of use for irrigation clearly shows that the land that was intended to be decreed is located in the NWSE, the correct tract. (See black & white copy)

I have enclosed a new copy of your Preliminary Recommendation for your water right, which reflects the corrected legal descriptions.

I also enclosed your new layout, showing the approximate location of the four (4) decreed irrigated acres. I compared your map from the public meeting and the original Payette Basin Adjudication map. The point of diversion was relocated also per your request.

If you feel I am in error with the change to the legal descriptions, or have any questions regarding this letter and/or any other part of the recommendation please don't hesitate to call me.

Sincerely,

A handwritten signature in cursive script that reads 'Ron Howerton'.

Ron Howerton
Senior Water Right Agent
Western Region 334-2190
Adjudication Bureau

Enclosures

**T08N R05W
S03**

Idaho Department of Water Resources

**Claim: 65-03952
Prepared by:
RON HOWERTON
Modified 4-23-01**

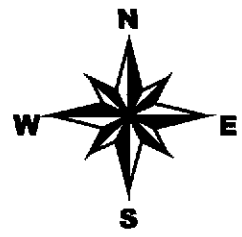
 **Place of use**

● **POD**

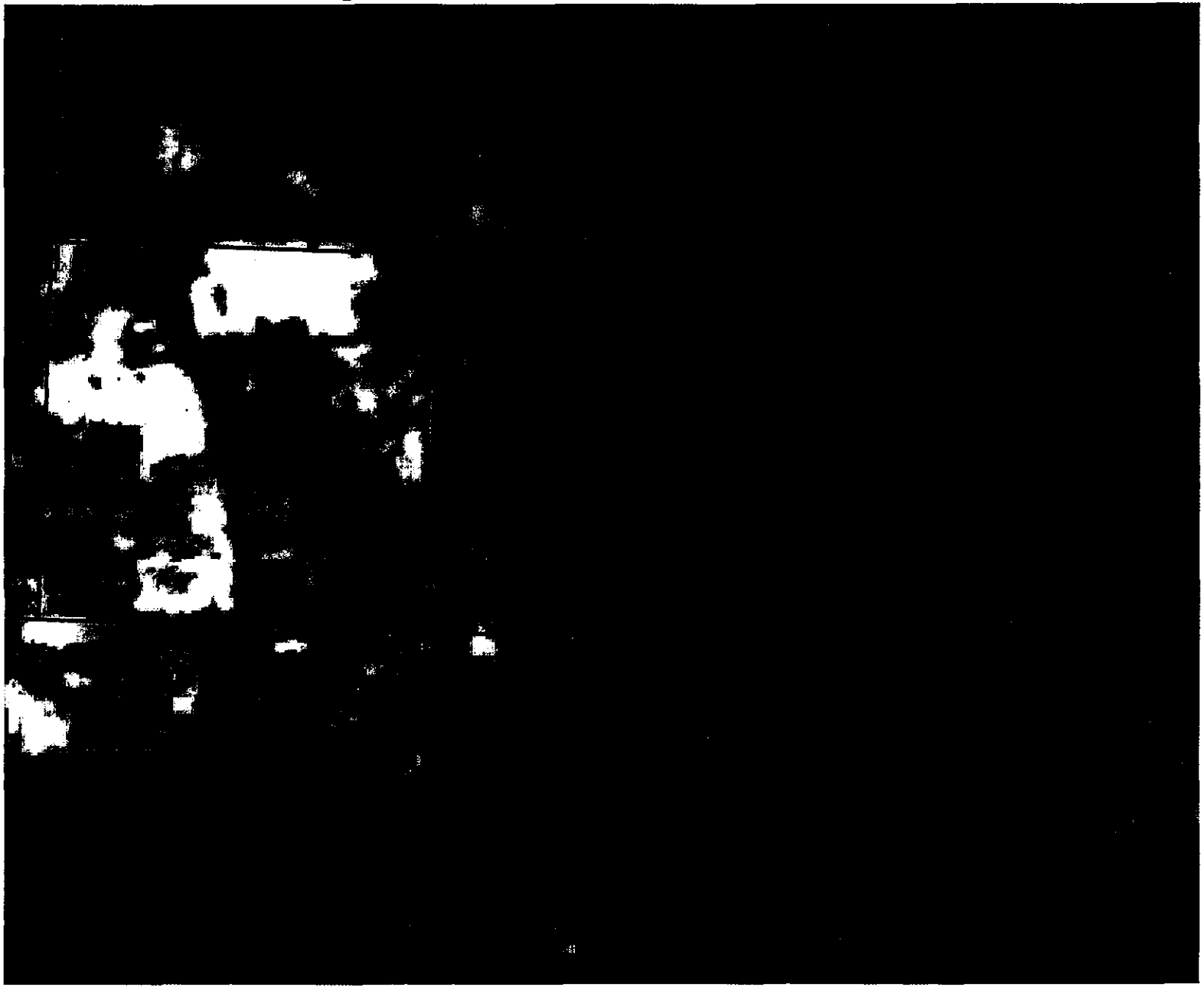
 **SECTION**

 **1/4 1/4**

4.0 Acres



1987 NAPP



**T08N R05W
S03**

Idaho Department of Water Resources

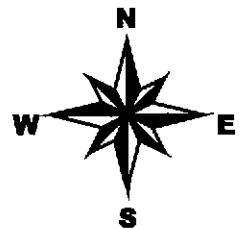
**Claim: 65-03952
Prepared by:
RON HOWERTON
Modified 4-23-01**

 **Place of use**

 **POD**

 **SECTION**

 **1/4 1/4**



1987 NAPP



**NOTICE OF ERROR
REPLY**

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: April 13, 2001

Water right number: 65-3952

LEVI JUNIOR ALLISON
1800 NE 10TH AVE
PAYETTE ID 83661

DARLENE N ALLISON
1800 NE 10TH AVE
PAYETTE ID 83661

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

*Pump Location (Point of Diversion) in wrong place
PROPERTY IRRIGATED IS WRONG - (PLACE OF USE)*

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

*Pump directly Behind house
IRRIGATE TRIANGLE & HORSE ARENA*

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

PROPERTY SHOWN AS PLACE OF USE IS IRRIGATED FROM LOWER PAYETTE DITCH

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

DATE: 4/5/2001

SIGNATURE: _____

Please print your name: _____

Levi Allison

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

WR5809NP
No. 65-03952

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 01/04/00
PAGE: 6

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	FRANK G. ZIEGLER	04/01/1962	IRRIGATION	03/15 11/15	0.080 CFS	
C	OLIVE FERN ZIEGLER STAR ROUTE PAYETTE ID 83661					
TOTAL DIVERSION:					0.080 CFS	

Water Source: FORTY NINE SLOUGH

Tributary to: PAYETTE RIVER

Stage: DECREED

Point(s) of Diversion: T08N R05W S03

NESE

NWSE

C03

PAYETTE County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE														
T	R	S		NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM		
				Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	
08N	05W	3	:					:						:					:						:	
																							4		4.0	
																							TOTAL ACRES		4.0	

Pou County: PAYETTE

C05

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

65-00165X 65-11413

Remarks: GEN THIS RIGHT WHEN COMBINED WITH RIGHTS OF LOWER PAYETTE DITCH CO. SHALL PROVIDE NO MORE THAN .02 CFS/ACRE.

Dates:	App. Received:	Priority Date:	04/01/1962
	Proof Due Date:	Proof Made Date:	
	Exam Made Date:	Exam Sent to S.O.:	
	Licensed Date:		

Misc: Water District Number: 65 Field Exam Fee:

CONDITIONS
C03
C05

ERROR IN PRBA
PRBA MAP SHOWS
LAND IN THF
NWSE
TALOTS ALSO
CONFIRM OWNERSHIP
FOR ALLISON

DHY-35B-62

PREBA
-0165
MAP "A"

-0165

NEGATIVE

-0165
T8N R5W S31 NW/4E

