

T07N R02W
S31

Idaho Department of Water Resources

Claim: 65-05195
Prepared by:
RON HOWERTON
Modified 4-26-01

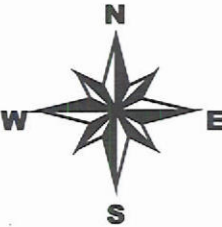
 Place of use

 POD

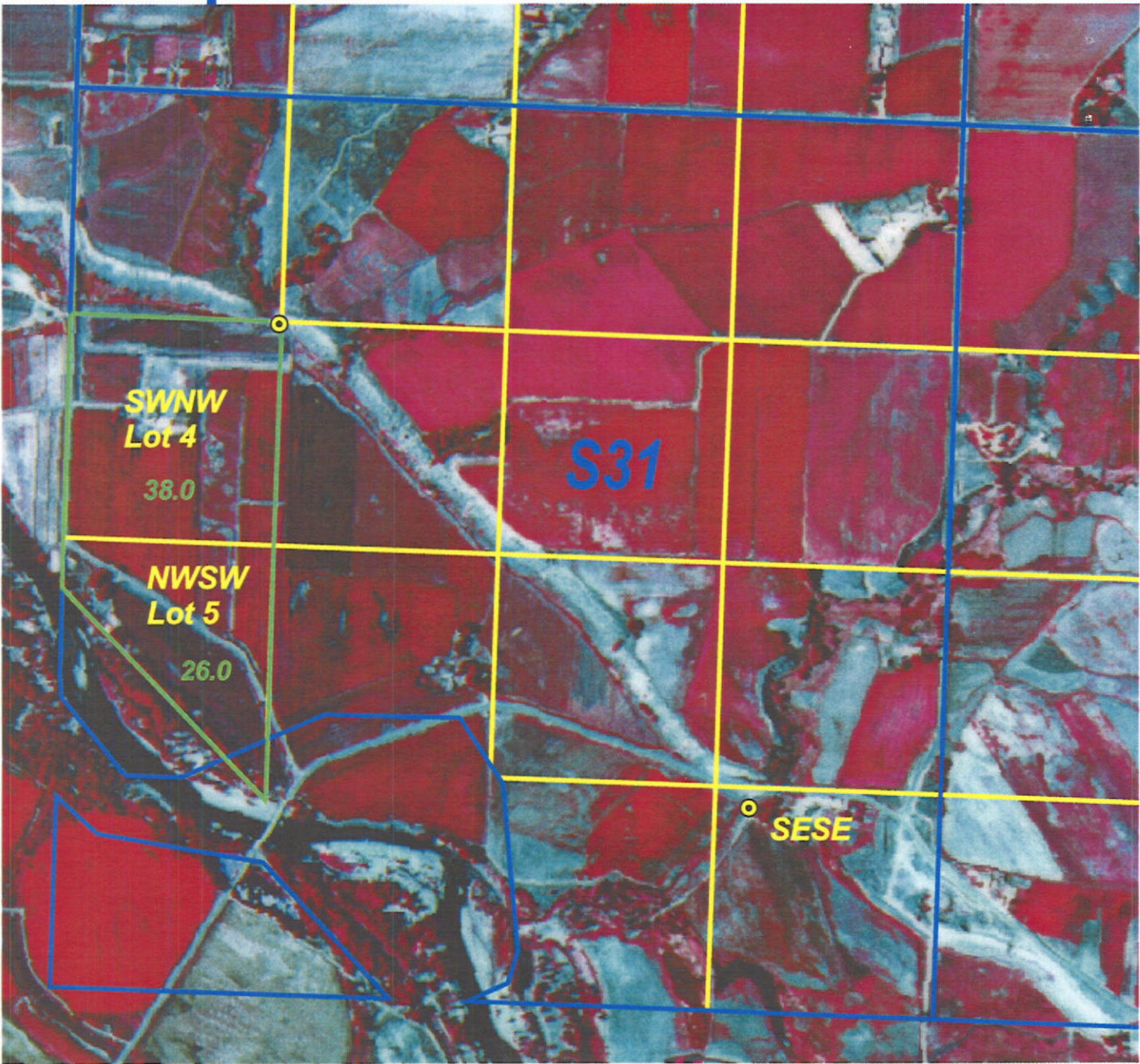
 SECTION

 1/4 1/4

64.0 Acres



1987 NAPP



T07N R02W
S31

Idaho Department of Water Resources

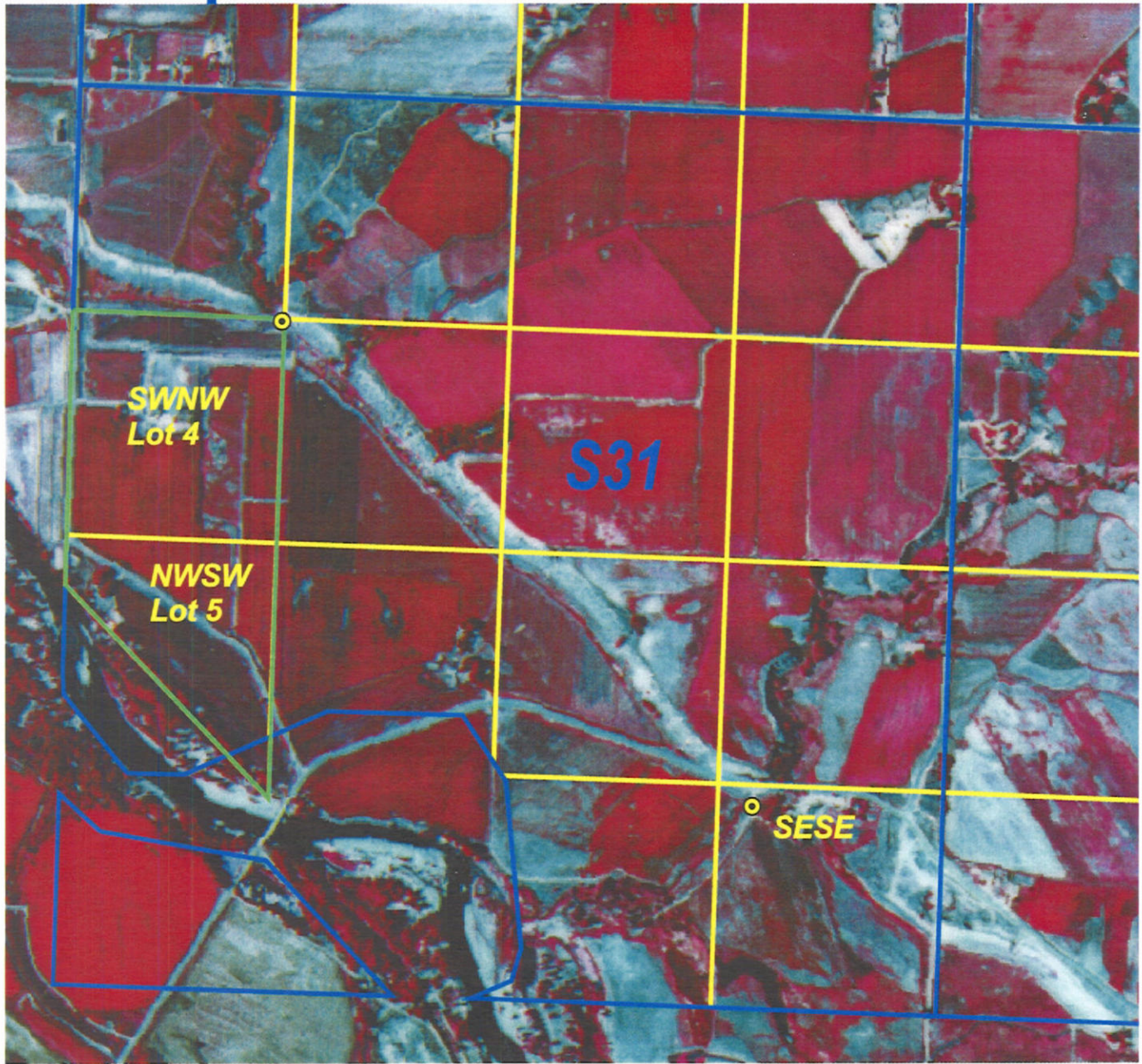
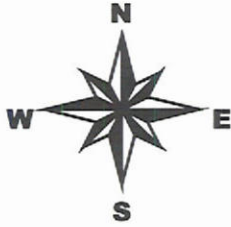
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Prepared by:
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 Place of use

 POD

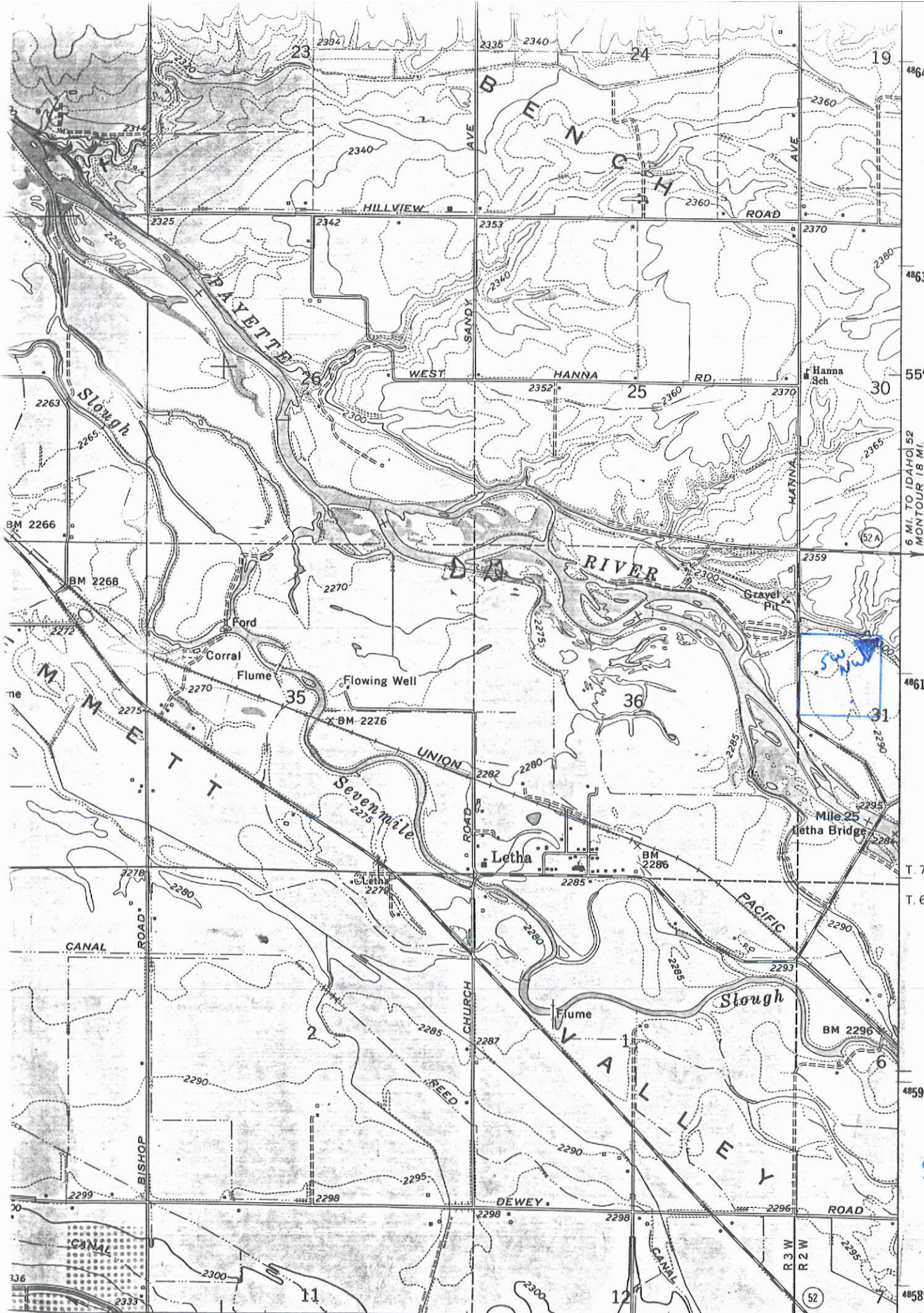
 SECTION

 1/4 1/4



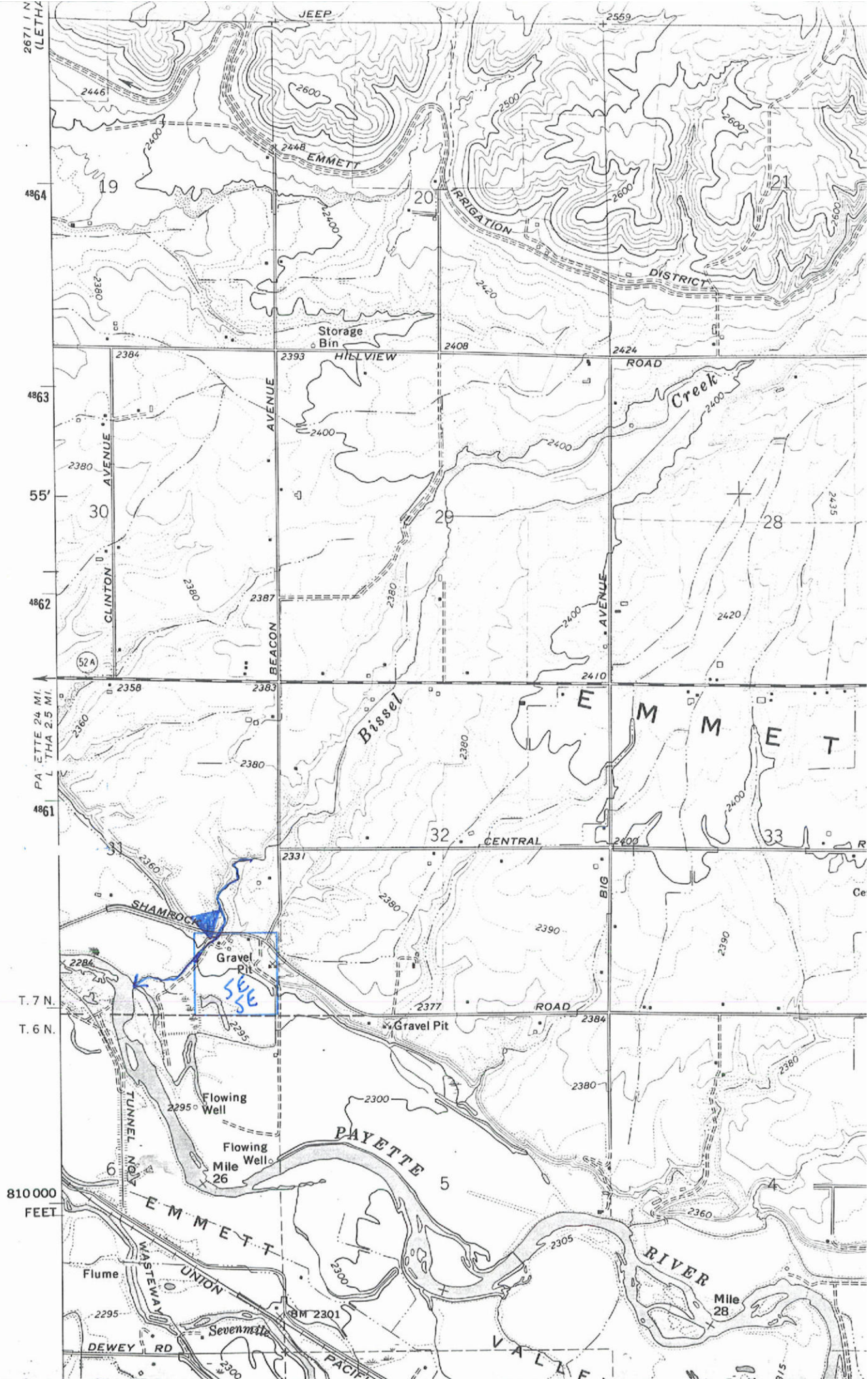
1987 NAPP

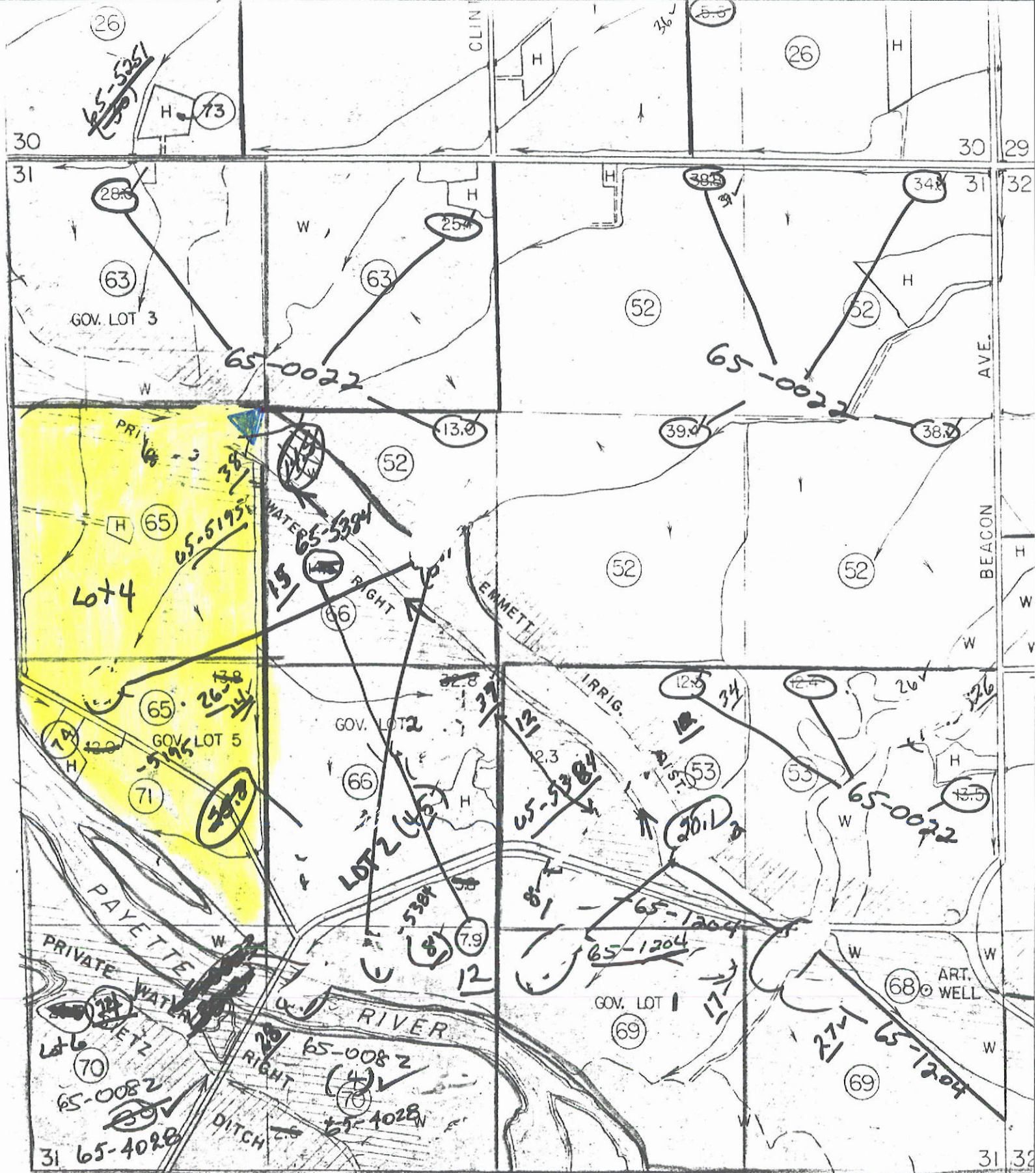




1971 TOPD WS
WASTE WATER PID
T7N, R2W, S31, SWNW (NO OVERLAPS)

1971 TOPO WB
T7N R2W S31 SESE BISSEL CR
PID OVERLAPS: 65-1204, 65-5195 & 65-5304A





PRBA BLUELINE MAP "F"
T7N R2W S31

Current Owner

1. Johannessen, Erling
2. Radgers, Irwin T.
3. Little, Myrn H.
4. Rainey, Wayne
5. Russell, William F.

Not To Scale



IRRIGATION - Dr. Tch.

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: **A65-05195**
Date Received: 1/ 9/1990
Receipt No: X999999
Received By: _____

AMENDED

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

AMENDED

1. Name: STANLEY L BROWN 208-365-3301
Address: 2798 HANNA AVE
EMMETT ID 83617

OR

Name: ELSIE L BROWN 208-365-3301
Address: 2798 HANNA AVE
EMMETT ID 83617

2. Date of Priority: NOV 8, 1927

3. Source: WASTE WATER Trib. to: PAYETTE RIVER
BISSEL CREEK PAYETTE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
07N	02W	31	SW	NW	SE	4	GEM
			SE	SE			GEM

5. Description of diverting works:
CONCRETE HEADGATE & CONCRETE DAM AND DIVERSDION HEADGATE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	2.020		

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

8. Total consumptive use is 224.0 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER INCIDENTAL TO IRRIGATION

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07N	02W	31	SW	NW	4	IRR	38.0
			NW	SW	5	IRR	26.0
						Section Acres	64.0
						Total Acres	64.0

11. Place of use in counties: GEM

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

13. Other Water Rights Used:
N/A

14. Remarks:
SOURCES FOR THIS RIGHT ARE BISSELL CREEK & WASTE WATER.
CLAIM AMENDED PER STIPULATION FROM PAYETTE RIVER BASIN
ADJUDICATION. 03/01/1996 MM.

15. Basis of Claim: BENEFICIAL USE

LARRY ECHOHAWK
Attorney General

DANIEL L. STECKEL
Deputy Attorney General
Department of Water Resources
Statehouse
Boise, Idaho 83720-9000
(208) 327-7900

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF GEM

IN THE MATTER OF THE GENERAL	)	
DETERMINATION OF THE RIGHT	)	CIVIL NO. 3667
TO THE USE OF SURFACE AND	)	
GROUNDWATERS OF THE PAYETTE	)	STIPULATION RESOLVING
RIVER DRAINAGE BASIN	)	OBJECTIONS TO WATER
	)	RIGHT NO. 65-05195
	)	

The Director of the Idaho Department of Water Resources, R. Keith Higginson and Stanley L. Brown and Elsie L. Brown, by and through counsel, stipulate as follows:

1. That water right claim No. 65-05195, be accepted and included in the Proposed Finding of Water Rights in the Payette River Drainage as set forth in Exhibit A, attached hereto and incorporated herein by this reference.

2. That Stanley L. Brown and Elsie L. Brown withdraw all pending objections, including those based on the objection filed by Richard Frasier, William Conrad, Don Craig, Jay Sisler and Stan Brown in July 1982, in the above captioned matter.

DATED this _____ day of _____, 1993.

LARRY ECHOHAWK
Attorney General

DANIEL L STECKEL
Deputy Attorney General
Department of Water Resources

DATED THIS 18 day of February, 1993.

LOUIE GORRANO
Attorney for Stanley L. Brown
and Elsie L. Brown

The above stipulation having come before the court, it is
hereby approved this _____ day of _____, 1993.

JAMES R. DOOLITTLE
District Judge

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
SOURCE: BISSEL CREEK			TRIBUTARY: PAYETTE RIVER			
65-05195	STANLEY L. BROWN ELSIE L. BROWN 2798 HANNA AVE. EMMETT ID 83617	11/08/1927	IRRIGATION	03-15 11-15	2.02 CFS	BENEFICIAL USE
					TOTAL QUANTITY:	2.02 CFS
					CONSUMPTIVE USE:	224.0 AFY
POINT OF DIVERSION:						
T07N R02W S31 LOT 4 (SWNW) SESE						
PLACE OF USE: IRRIGATION						
T07N R02W S31 Lot 4 (SWNW)38.0 Lot 5 (NWSW)26.0 64.0 ACRES TOTAL						
REMARKS: SOURCES FOR THIS RIGHT ARE BISSELL CREEK & WASTE WATER BOTH TRIBUTARY TO PAYETTE RIVER.						
A DIVERSION RATE OF .034 CFS PER ACRE FOR 50 ACRES, .029 CFS PER ACRE FOR 4 ACRES AND .02 CFS PER ACRE FOR 10 ACRES AT THE FIELD HEADGATE IS INCLUDED IN THE RATE OF DIVERSION FOR THE PLACE OF USE DESCRIBED ABOVE.						

MICROFILMED.
OCT 21 1996

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: A65-05195
Date Received: 1/09/1990
Receipt No: X999999
Received By:

Department of Water Resources **NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name: ELSIE L. BROWN 208-365-3301
Address: 2798 HANNA AVE.
EMMETT, ID 83617

OR

Name: STANLEY L. BROWN 208-365-3301
Address: 2798 HANNA AVE.
EMMETT, ID 83617

2. Date of Priority: NOV 08, 1927

3. Source: WASTE WATER Trib. to: PAYETTE RIVER
BISSEL CREEK PAYETTE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07N	02W	31	SW	NW			GEM
			SE	SE			GEM

5. Description of diverting works:
CONCRETE HEADGATE & CONCRETE DAM AND DIVERSION HEADGATE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	2.000		

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

8. Total consumptive use is 224.0 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER INCIDENTAL TO IRRIGATION

A65-05195

Page 1

Date: 01/09/90

MICROFILMED
SEP 22 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07N	02W	31	SW	NW	4	IRR	38.0
			NW	SW	5	IRR	26.0
Section Acres							64.0
Total Acres							64.0

11. Place of use in counties: GEM

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

13. Other Water Rights Used:
N/A

14. Remarks:
SOURCES FOR THIS RIGHT ARE BISSELL CREEK & WASTE WATER.

15. Basis of Claim: BENEFICIAL USE

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): Stanley J Brown Date: 3-9-90

Date: _____

State of Idaho)
County of COEM) SS.

Subscribed and sworn (or affirmed) before me this 9th day
of JANUARY 19 90 Donest C. Suth
Notary Public

Seal

Residing at BOISE, ID
My Commission Expires 11/08/1994



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.

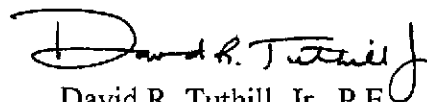
IDWR recognizes that in reliance on the non-irrigation season stockwater language in the Payette Adjudication, water users might not have filed stockwater claims in the SRBA to cover the non-irrigation season period. Individuals who historically watered livestock during the non-irrigation season without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

12/20/2000

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

RIGHT NUMBER: 65-5195

NAME AND ADDRESS: ELSIE L BROWN
STANLEY L BROWN
2798 HANNA AVE
EMMETT, ID 83617

SOURCE: BISSEL CREEK
WASTEWATER

TRIBUTARY: PAYETTE RIVER
PAYETTE RIVER

QUANTITY: 2.02 CFS

A DIVERSION RATE OF .034 CFS PER ACRE FOR 50 ACRES, .029 CFS PER ACRE FOR 4 ACRES AND .02 CFS PER ACRE FOR 10 ACRES AT THE FIELD HEADGATE IS INCLUDED IN THE RATE OF DIVERSION FOR THE PLACE OF USE DESCRIBED ABOVE.

PRIORITY DATE: 11/08/1927

POINT OF DIVERSION: T07N R02W S31 LOT 4 SWNW Within GEM County
T07N R02W S31 SESE Within GEM County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03-15 11-15	2.02 CFS

PLACE OF USE:

<u>IRRIGATION Within GEM County</u>			
T07N R02W S31	LOT 4	SWNW	38
T07N R02W S31	LOT 5	NWSW	26

64 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 - Beneficial Use

AJ5809NP
No. A65-05195

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 03/14/00
PAGE: 13

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	ELSIE L BROWN	11/08/1927	IRRIGATION	03-15 11-15	2.020 CFS	
C	STANLEY L BROWN 2798 HANNA AVE EMMETT ID 83617 (208) 365-3301					
TOTAL DIVERSION:					2.020 CFS	
CONSUMPTIVE USE:						224.00 AFA

Water Source: WASTE WATER
BISSEL CREEK

Tributary to: PAYETTE RIVER
PAYETTE RIVER

Stage: BENEFICIAL USE

Point(s) of Diversion: T07N R02W S31 Lot04(SWNW) SESE GEM 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	
07N	02W	31	:							04-38				05-26						64.0
TOTAL ACRES																			64.0	

POU County: GEM

Non-Irrigation Uses: STOCKWATER INCIDENTAL TO IRRIGATION

ADD INCIDENTAL STK COMMENT

Other Rights: N/A

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

65-05196 65-05385 A65-01204 A65-02985A A65-05196 A65-05384A A65-05384B R65-05195

Other Water Rights Listing Overlapping Place(s) of Use:
R65-05195

S31 SESE BISSEL CR only

Remarks: GEN SOURCES FOR THIS RIGHT ARE BISSELL CREEK & WASTE WATER.
CLAIM AMENDED PER STIPULATION FROM PAYETTE RIVER BASIN
ADJUDICATION. 03/01/1996 MM.

DELETE

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

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

Audit: 01/09/90 MOBILE2 03/30/95 POST-STD 03/01/96 MMINICUC

EXP Rmk: F06

SAME PID AS: 1204, 5384A
S31 SESE (BISSEL CR)

ADD
STIP. COMMENT /
ADD
DELIVERY LOSS
COMMENT /

C18

ADD
QNT Rmk
E28
when
meas AT
FIELD HEADGATE
PER STIP.

**T07N R02W
S31**

Idaho Department of Water Resources

**Claim: 65-05195
Prepared by:
RON HOWERTON
Modified 4-26-01**

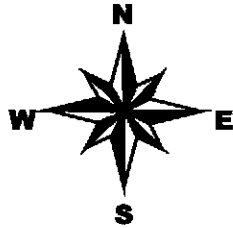
 **Place of use**

 **POD**

 **SECTION**

1/4 1/4

64.0 Acres



1987 NAPP



**T07N R02W
S31**

Idaho Department of Water Resources

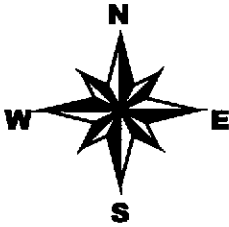
Claim: 65-05195
Prepared by:
RON HOWERTON
Modified 4-26-01

 **Place of use**

 **POD**

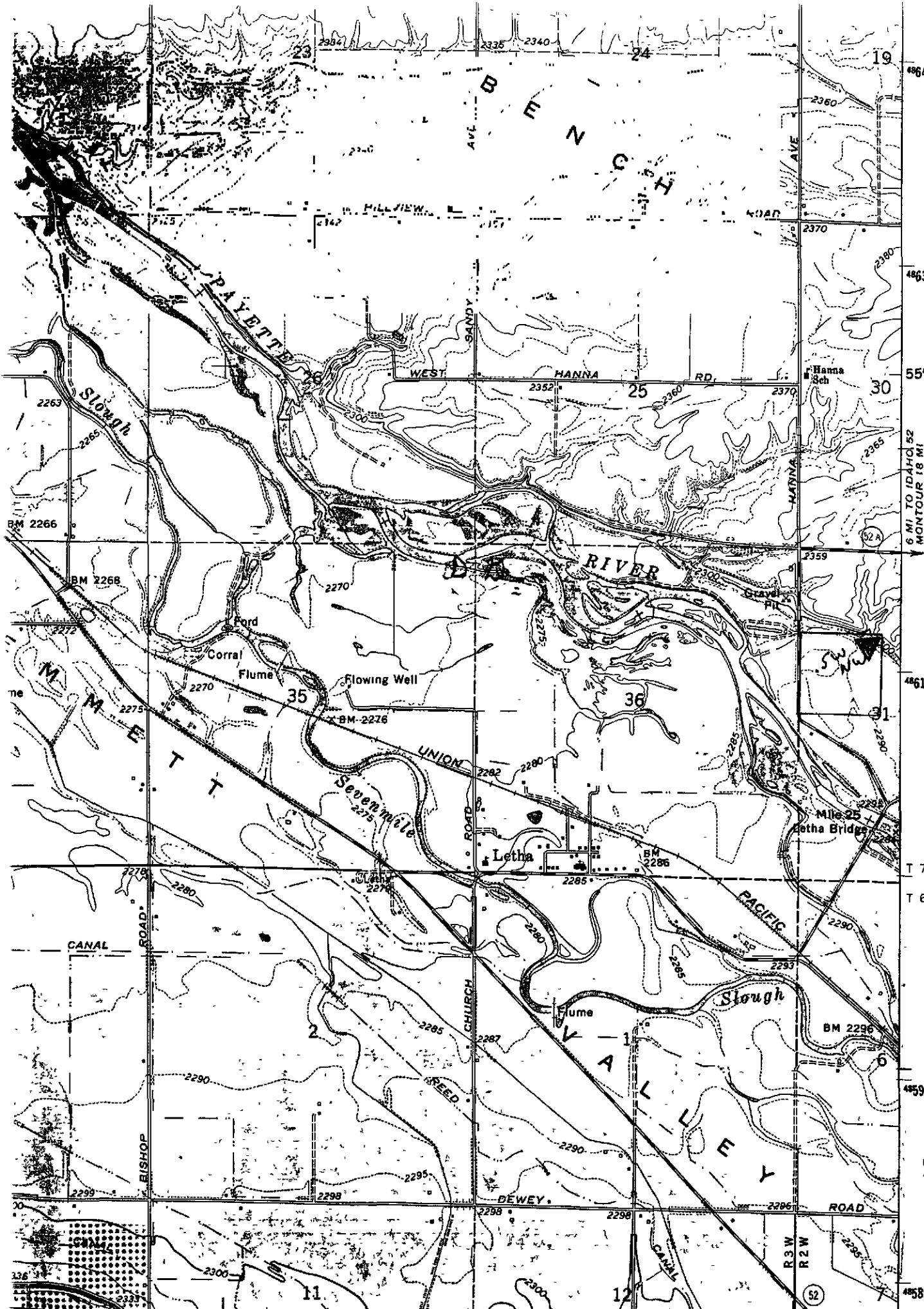
 **SECTION**

1/4 1/4



1987 NAPP

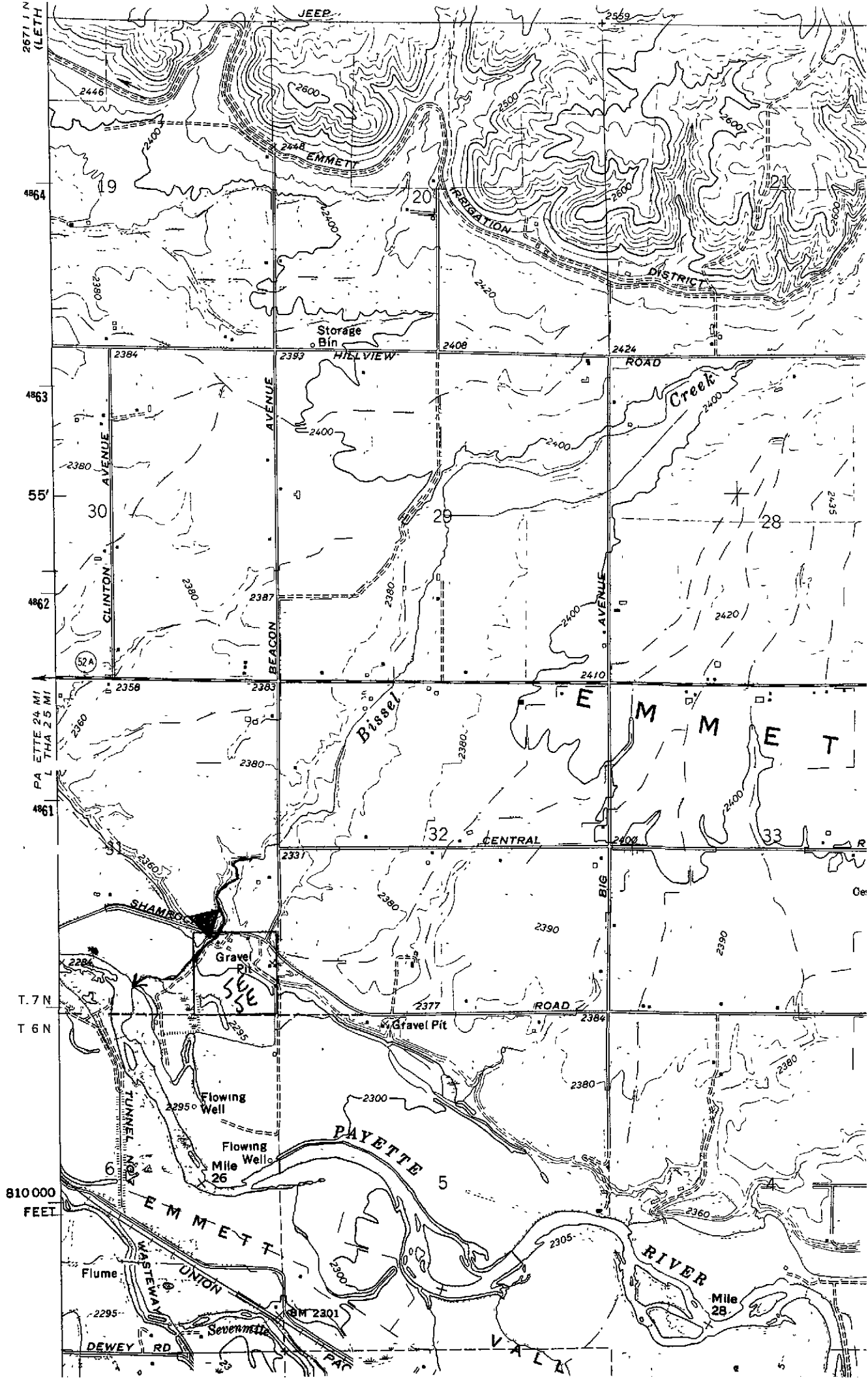


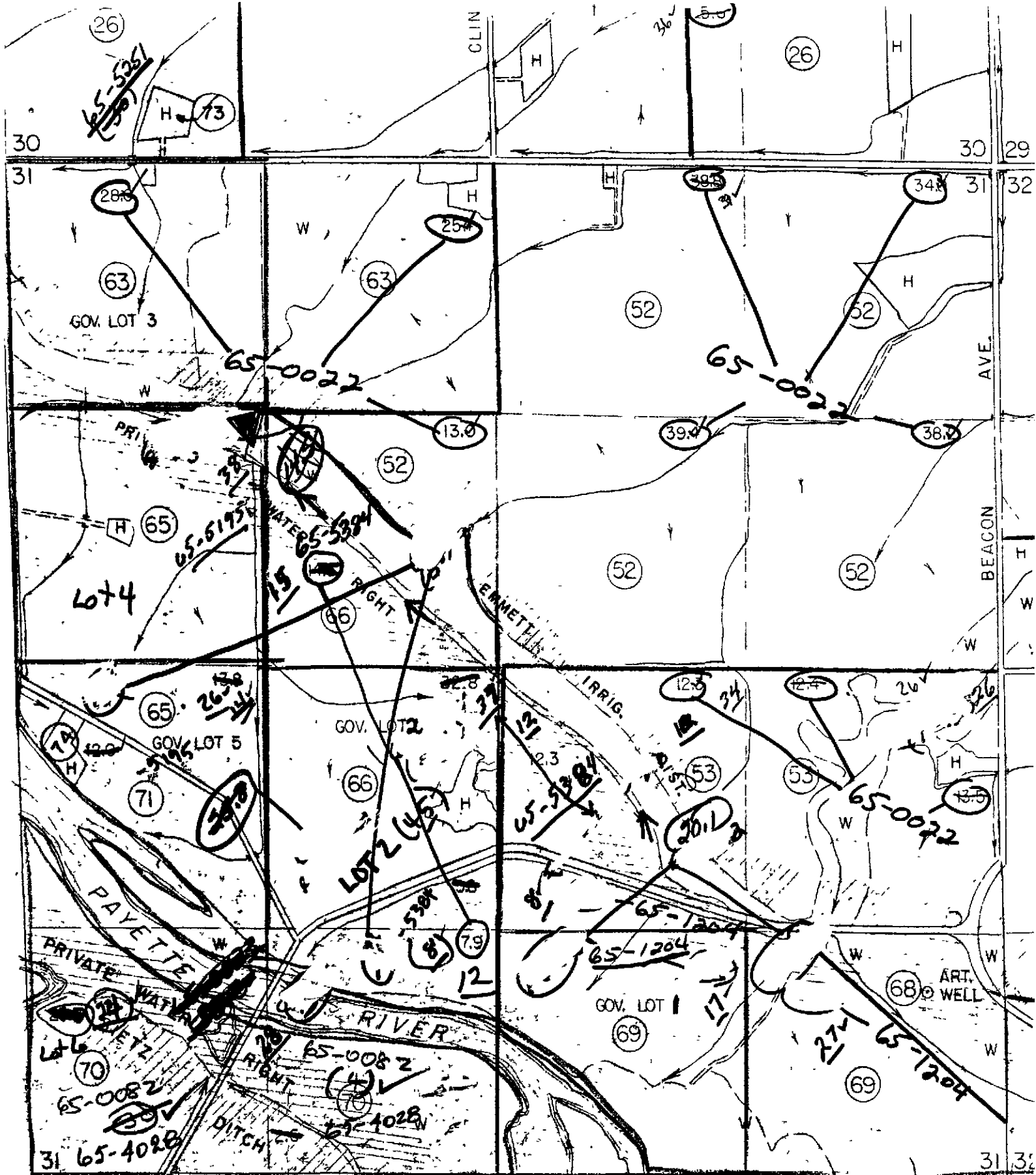


1971 TOPO W6

T7N R2W S31 SESE BISSEL CR

PID OVERLAPS: 65-1204, 65-5195 & 65-5304A





PRBA BLUELINE MAP "F"
T7N R2W S31

Current Owner

1. Johannessen, Erling
2. Radgers, Irwin T.
3. Little, Myrn H.
4. Rainey, Wayne

LARRY ECHOHAWK
Attorney General

DANIEL L. STECKEL
Deputy Attorney General
Department of Water Resources
Statehouse
Boise, Idaho 83720-9000
(208) 327-7900

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF GEM

IN THE MATTER OF THE GENERAL	)	
DETERMINATION OF THE RIGHT	)	CIVIL NO. 3667
TO THE USE OF SURFACE AND	)	
GROUNDWATERS OF THE PAYETTE	)	STIPULATION RESOLVING
RIVER DRAINAGE BASIN	)	OBJECTIONS TO WATER
	)	RIGHT NO. 65-05195
	)	

The Director of the Idaho Department of Water Resources, R. Keith Higginson and Stanley L. Brown and Elsie L. Brown, by and through counsel, stipulate as follows:

1. That water right claim No. 65-05195, be accepted and included in the Proposed Finding of Water Rights in the Payette River Drainage as set forth in Exhibit A, attached hereto and incorporated herein by this reference.

2. That Stanley L. Brown and Elsie L. Brown withdraw all pending objections, including those based on the objection filed by Richard Frasier, William Conrad, Don Craig, Jay Sisler and Stan Brown in July 1982, in the above captioned matter.

DATED this _____ day of _____, 1993.

LARRY ECHOHAWK
Attorney General

DANIEL L STECKEL
Deputy Attorney General
Department of Water Resources

DATED THIS 18 day of February, 1993.

Louie Gorrone
LOUIE GORRONO
Attorney for Stanley L. Brown
and Elsie L. Brown

The above stipulation having come before the court, it is
hereby approved this _____ day of _____, 1993.

JAMES R. DOOLITTLE
District Judge

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
SOURCE: BISSEL CREEK		TRIBUTARY: PAYETTE RIVER				
65-05195	STANLEY L. BROWN ELSIE L. BROWN 2798 HANNA AVE. EMMETT ID 83617	11/08/1927	IRRIGATION	03-15 11-15	2.02 CFS	BENEFICIAL USE
					TOTAL QUANTITY:	2.02 CFS
					CONSUMPTIVE USE:	224.0 AFY
POINT OF DIVERSION:						
T07N R02W S31 LOT 4 (SWNW) SESE						
PLACE OF USE: IRRIGATION						
T07N R02W S31 Lot 4 (SWNW)38.0 Lot 5 (NWSW)26.0 64.0 ACRES TOTAL						
REMARKS: SOURCES FOR THIS RIGHT ARE BISSELL CREEK & WASTE WATER BOTH TRIBUTARY TO PAYETTE RIVER.						
A DIVERSION RATE OF .034 CFS PER ACRE FOR 50 ACRES, .029 CFS PER ACRE FOR 4 ACRES AND .02 CFS PER ACRE FOR 10 ACRES AT THE FIELD HEADGATE IS INCLUDED IN THE RATE OF DIVERSION FOR THE PLACE OF USE DESCRIBED ABOVE.						

DATE: 04/01/96
PAGE: 1

MICROFILMED
OCT 21 1996

MEMORANDUM

April 6, 1995

TO: Any PRBA Claim with a Stipulation
FROM: RON HOWERTON

RE: RECOMMENDATIONS/STIPULATION

I. CONVERSATION WITH DON SHAFF:

1. Met with Don 4/5/95 at S.O. on how to proceed with "R" file recommendations.
2. Don re-confirmed that the stipulation amends the "A" claim, thus for the split ownership of this right both the "A" and "R" files can be completed.
3. He said that because of the stipulation no field exam is needed, nor do I need to print a CVR. In place of the CVR I'm to print out a profile report with comments pertaining to the stipulation.
4. I asked him if the copy of the stipulation he gave me had enough signatures on it to make the recommendation? He said yes.

II. CONVERSATION WITH JEFF PEPPERSACK

1. Met with Jeff 4/5/95 at S.O. asked if he had any paperwork pertaining to how much water was recommended for this right. He said that he thought Dan Steckel had all of it.

III. CONVERSATION WITH DAN STECKEL

1. Called Dan at S.O. 4/6/95 asked if he had the paperwork that showed how much water was to be recommended for this right. He said Don had it in his Boyd Jackson's file.

IV. CONVERSATION WITH DON SHAFF

1. Called Don at S.O. 4/6/95 asked him if he had the paperwork for the amount of water recommended? He said yes he did. He said that eventually that file would come over to Western. I asked if I needed to put the paperwork showing how much water was to be recommended in that file? He said yes, but it may be several months before he would send that file to us. So I asked was it necessary for me to have it to make the "R" file recommendation? He said no, proceed with the recommendations.

May 23, 1995

SPRING MEETING WITH DAVE SHAW & HIS ATTORNEYS:
Ref: OWNERSHIP CHANGES

1. Dan Steckel said that after an ownership change has been made, he needs a copy of the Ownership Change when completed. He doesn't need a copy of the claim.
2. During our conversation with Dave Shaw and Don Shaff, the Attorney's were in agreement that the stipulation's we have copies of now can be used to amend the "A" claim the same way as a Transfer would.
3. A recently licensed permit can also be used to amend the claim with an ownership change with an added requirement. A letter must accompany the ownership changed claim, stating that the claimed permit was licensed since this claim was filed, the claim has been revised to correspond to the licensing. If they have any difficulty with this clarification, they need to contact our office within 30 days of the letter. (The "A" claim is given a "T" status for the 30 day period.

MICROFILMED

OCT 21 1996

IDWR - WESTERN REGION

CONTRACTOR: Karan Waters

CLAIM #: 65-05195 Date: 4-26-90

Overlapping POU Claim #'s: _____

				NE				NW				SW				SE				Sum
	TNS	RNG	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
Claim	7N	2W	31							04-38				05-26						64
GIS										04-38				05-26						64
Claim																				
GIS																				
Claim																				
GIS																				
Claim																				
GIS																				

POU_ID #(s): 438

POD_ID #(s): 337, 338

Total Claimed Acres: 64

Total GIS Acres: 64

COMMENTS:

DATE: 12/25/92
PAGE: 23

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

CONVERSATION MEMORANDUM

DATE 2-18-93FILE 65-05195NAME OF PARTY Stan Brown 365-2604EMPLOYEE D. ShaffRE: Stipulations

Mr. Brown called with questions about additional acreage. The question had less to do with this right but more to do with rights from Bissel Creek formerly held by Wheatley and Simmons.

The discussion turned on whether Wheatley and Simmons were included in the "others" identified in the objection filed by Brown et al (Frasier Obj.). I conveyed the approach the Department took on interpreting the objection; the Wheatley and Simmons rights were decreed in 1986.

I suggested Mr. Brown examine the question now with Mr. Gorrone, his attorney, rather than bringing the issue forward in the SRBA after the Payette rights are decreed. He said he would talk with Mr. Conrad who succeeded to the Hereth property also in the "others" category. He or Mr. Gorrone will contact DWR.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

April 29, 1992

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

Stanley L. Brown
2798 Hanna Avenue
Emmett, Idaho 83617

Re: Civil Case No. 3667 - Frasier, et al Objection 65-05195

Dear Payette River Water User,

In July 1982, Richard Frasier, William Conrad, Don Craig, Jay Sisler and Stan Brown on behalf of themselves and others in the same class filed an Objection to the Findings with the Third Judicial District Court in the Payette River Basin Adjudication. The parties maintained the diversion rate recommended for their water rights and others from the Payette River were not correct for the "bottom lands" irrigated by those water rights.

This group of water rights are among the last water rights remaining for decree in the Payette River Basin Adjudication. Most of the water rights were decreed on January 21, 1986 and in subsequent partial decrees.

Your water right referenced above was listed in the Proposed Finding with a diversion rate of 1.28 cubic feet per second (cfs). Having reviewed the data submitted by the parties and data and evidence obtained by the Department, the Department recommends a diversion rate of 2.02 cfs. If the amount of water is not proposed to change, data and/or evidence indicated a change was not justified.

The Department has made an effort to determine a fair and accurate diversion rate for each of the parties. If you disagree with the proposal above, please contact us by May 15, 1992. We hope to resolve any disputes that may exist before going to the court asking for a decree of your water right through a Motion for Summary Judgment.

A summary judgment allows the judge to make a decision without the time or expense of a trial when the facts are not disputed. Notice of this motion and the accompanying hearing will be provided to you 28 days before the hearing.

Regards,


Donald V. Shaff
Manager, Adjudication Section

DIVERSION RATE CALCULATIONS

Water Right No. 65 - 05195

Date 4/16/95

Initials J

Soils	Acres		Rate (cfs/ac)		Rate (cfs)
Moulton	<u>50</u>	x	0.034	=	<u>1.70</u>
Letha	<u>4</u>	x	0.029	=	<u>.12</u>
Other	<u>10</u>	x	0.02	=	<u>.20</u>
Total	<u>64</u>				<u>2.02</u>

Conveyance Loss (see attached) =

TOTAL DIVERSION RATE = 2.02

Comments:

MAR 02, 1977

PROPOSED FINDING OF WATER RIGHTS - PAYETTE RIVER DRAINAGE

PAGE 6-12

INDICATES TOTAL

SOURCE: WASTE WATER

TRIBUTARY TO: PAYETTE RIVER

RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	USE	USE PERIOD FROM TO	MAX AMOUNT MAX RATE	DIVERSION POINT	PLACE OF USE AND ACREAGE	BASIS FOR RIGHT
65-0489	STATE OF IDAHO DEPARTMENT OF FISH & GAME, BOX 25, BOISE, IDAHO 83707 REMARKS: THIS RIGHT WHEN COMBINED WITH RIGHTS 65-0490 & 65-0488 SHALL PROVIDE NO MORE THAN .02 CFS/ACRE.	4/ 1/1924	IRRIGATION	3/15 11/15	--- AFA 1.00 CFS	SENW S34 T 8N R 4W SESW S27 T 8N R 4W	NENW(12) SENW(13) S34 T 8N R 4W NWSW(17) S27 T 8N R 4W SENE(3) NESE(9) S28 T 8N R 4W *54*	BENEFICIAL USE
65-10574	SCHADT, R. E. & SCHADT, ELLEN M. ROUTE 2, BOX 89, EMMETT, IDAHO 83617	6/ 1/1925	IRRIGATION	3/15 11/15	--- AFA .40 CFS	NWSE S33 T 7N R 2W	NWSE(18) SWSE(10) S33 T 7N R 2W *48*	BENEFICIAL USE
65-5195	BROWN, STANLEY L. & BROWN, ELSIE L. ROUTE 2, EMMETT, IDAHO 83617 REMARKS: SOURCES FOR THIS RIGHT ARE BISSEL CREEK & WASTE WATER.	11/ 8/1927	IRRIGATION	3/15 11/15	--- AFA 1.20 CFS	SWNW S31 T 7N R 2W SLSE S31 T 7N R 2W	LOT 4(30) LOT 5(26) S31 T 7N R 2W *64*	BENEFICIAL USE
65-2360	REKOW, CHARLES L. & REKOW, DELMA C. ROUTE 2, BOX 266-6, EMMETT, IDAHO 83617 REMARKS: THIS RIGHT WHEN COMBINED WITH RIGHTS 65-2895 & 65-1390 SHALL PROVIDE NO MORE THAN .02 CFS/ACRE.	11/10/1929	IRRIGATION	3/15 11/15	--- AFA 1.70 CFS	NESE S 1 T 6N R 2W SWNE S 6 T 6N R 2W SENE S 6 T 6N R 2W	SENE(12) NESE(132) SWSE(7) SESE(24) S 1 T 6N R 2W LOT 5(6) LOT 6(7) LOT 7(6) S 6 T 6N R 1W *94*	LICENSE
65-1854	COOPER, CLAYNE ROUTE 2, EMMETT, IDAHO 83617 REMARKS: THIS RIGHT WHEN COMBINED WITH RIGHTS 65-2847 & 65-1858 SHALL PROVIDE NO MORE THAN .02 CFS/ACRE.	3/27/1930	IRRIGATION	3/15 11/15	--- AFA 1.58 CFS	SESE S16 T 7N R 3W	SWSE(23) LOT 2(2) LOT 1(54) S16 T 7N R 3W *79*	BENEFICIAL USE
65-1858	COOPER, CLAYNE ROUTE 2, EMMETT, IDAHO 83617 REMARKS: THIS RIGHT WHEN COMBINED WITH RIGHTS 65-2847, 65-2200 & 65-1854 SHALL PROVIDE NO MORE THAN .02 CFS/ACRE.	3/27/1930	IRRIGATION	3/15 11/15	--- AFA 1.00 CFS	NENE S21 T 7N R 3W	LOT 2(5) LOT 1(38) S16 T 7N R 3W LOT 1(10) LOT 2(23) LOT 3(22) S21 T 7N R 3W *98*	BENEFICIAL USE
65-6470	COULTER, ALBERT A. & COULTER, ERMA L. ROUTE 1 BOX 270-A, EMMETT, IDAHO 83617	4/ 1/1930	IRRIGATION	3/15 11/15	--- AFA .04 CFS	SWNW S27 T 7N R 1W	SWNW(2) S27 T 7N R 1W *2*	BENEFICIAL USE



State of Idaho

DEPARTMENT OF WATER RESOURCES

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Phone: (208) 327-7900 FAX: (208) 327-7866

May 15, 1991

Stanley L. Brown
2798 Hanna Avenue
Emmett, ID 83617

Re: Civil Case No. 3667
Frasier, et al Objection 65-05195

RECEIVED

JUN 7 1991

Department of Water Resources

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

Dear Payette River Water User,

In July 1982, Richard Frasier, William Conrad, Don Craig, Jay Sisler and Stan Brown on behalf of themselves and others in the same class filed an Objection to the Proposed Findings with the Third Judicial District Court in the Payette River Basin Adjudication. The parties maintained the diversion rate recommended for their water rights and others from the Payette River were not correct for the "bottom lands" irrigated by those water rights.

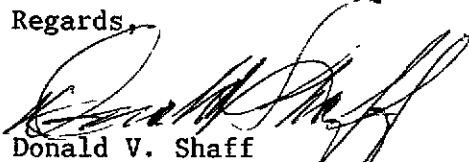
This group of water rights are among the last water rights remaining for decree in the Payette River Basin Adjudication, most of which were decreed on January 21, 1986. The water rights decreed in the Payette adjudication will be incorporated into the eventual decree in the larger Snake River Basin Adjudication (SRBA) now proceeding in the Fifth Judicial District, provided new claims have been filed in the SRBA. Otherwise the achievement of a decree in the Payette adjudication could be voided.

Your water right referenced above was listed in the Proposed Finding with a diversion rate of 1.28 cubic feet per second (cfs). You will find enclosed a two-page form that when completed by you will describe your water delivery system and irrigation methods. The information you supply is essential in order for the staff of the Department to evaluate your irrigation water requirements. Much of the information required is technical, and you may wish to contact the Soil Conservation Service or other professionals for assistance with the form.

To expedite the process to resolve the Frasier objection, please return the enclosed form within 45 days. Without the completed form, the Department will assume you agree with the water right described in the Proposed Finding with the diversion rate shown above.

Please contact me if you have questions about the matters set out above. Thank you for your patience in this process.

Regards,


Donald V. Shaff
Manager, Adjudication Section

IRRIGATION FLOW RATE QUESTIONNAIRE

THIS INFORMATION IS REQUIRED FOR ANY ADJUDICATION CLAIM(S) FOR WHICH THE IRRIGATION FLOW RATE CLAIMED IS MORE THAN 0.02 CFS PER ACRE (ONE EXCEPTION IS THAT 0.03 CFS PER ACRE MAY BE ALLOWED FOR IRRIGATION OF UP TO 5 ACRES).

CLAIM NO (S). # 3667 CIVIL CASE
 NAME STANLEY L BROWN
 ADDRESS 2798 HANNA AV. Emmett Idaho
 PHONE _____

1. TOTAL IRRIGATED ACRES SHOWN ON CLAIM(S) REFERENCED ABOVE 150 ACRES.

2. TYPICAL CROPS GROWN

CROP	PERCENT OF TOTAL ACRES	CROP	PERCENT OF TOTAL ACRES
✓ Alfalfa	25	✓ Pasture	
Alfalfa Seed		Peas/Lentils	
Beans		Melons	
✓ Field Corn	75	Potatoes	
Silage		Sugar Beets	
Sweet Corn		Tomatoes	
Spring Grain		Lettuce/Radishes	
Winter Wheat		Cabbage/Broccoli	
Hops		Carrots/Turnips	
Orchard		Other ()	

3. IRRIGATION SYSTEM TYPE

TYPE	PERCENT OF TOTAL ACRES	
Graded Border		PLEASE COMPLETE ITEM 4.
Level Border		PLEASE COMPLETE ITEM 4.
Furrow		PLEASE COMPLETE ITEM 5.
✓ Corrugation	100	PLEASE COMPLETE ITEM 6.
Sprinkler		PLEASE COMPLETE ITEM 7.
Contour Ditch		PLEASE COMPLETE ITEM 8.
Trickle or Drip		
Sub-Irrigation		

4. BORDER (COMPLETE BELOW BASED ON PEAK USE)

inflow (cfs) _____ width (feet) _____ average length (feet) _____
 slope (%) _____ set time (hours) _____ number of borders per set _____
 frequency (days) _____

5. FURROW (COMPLETE BELOW BASED ON PEAK USE)

inflow (gallons per minute) _____ spacing (inches) _____ average length (feet) _____
 slope (%) _____ set time (hours) _____ number of furrows per set _____
 frequency (days) _____

AV. CR X L =
 A/c To T/a!
 1.06 x 100 =

CONTOUR (COMPLETE BELOW BASED ON PEAK USE)

<u>15</u> inflow (gallons per minute)	<u>30</u> spacing (inches)	<u>700</u> average length (feet)
<u>$1/2 \times 10 = .005$</u> slope (%)	<u>12</u> set time (hours)	<u>$50 = 115$</u> number of corrugations per set
<u>7</u> frequency (days)		

7. **SPRINKLER (COMPLETE BELOW BASED ON PEAK USE)**

TYPE center pivot ____ solid set ____
lateral move ____ gun/boom ____

average nozzle flow (gallons per minute)	nozzle spacing (feet)
average lateral length (feet)	lateral spacing (feet)
Number of laterals	circle length (feet)
Number of Impact heads	number of spray heads
set time (hours)	frequency (days)

8. **CONTOUR DITCH (COMPLETE BELOW BASED ON PEAK USE)**

inflow (cfs)	field slope (%)
ditch length (feet)	distance between ditches (feet)
application depth (inches)	set time (hours)
frequency (days)	

9. **CONVEYANCE FROM SOURCE TO FARM**

UNLINED DITCH

length (feet) 800' average depth (inches) 24 average width (inches) 15

LINE DITCH

length (feet)	average depth (inches)	average width (inches)
---------------	------------------------	------------------------

PIPELINE

length (feet) _____ diameter (inches) _____

10. ON-FARM DISTRIBUTION

UNLINED DITCH

length (feet) 5900' average depth (inches) 24" average width (inches) 18"

LINED DITCH

length (feet) average depth (inches) average width (inches)

PIPELINE

length (feet) diameter (inches)

11. HAVE YOU CHANGED YOUR IRRIGATION SYSTEM FROM THE ONE HISTORICALLY USED? (FOR EXAMPLE, LAND LEVELING, CHANGING LENGTH OF RUNS, CHANGE FROM FURROW TO SPRINKLER, ETC.)

IF YES, PLEASE DESCRIBE A - land leveling B - Dutch Straightening
C. Field Consolidation diversion for water improvement
POINTS A, B, C, D WITH POINT D BEING PRIMARY WITH A-B-C BEING
INTERMEDIATE FLOWS

12. HAVE YOU HAD ANY IRRIGATION SYSTEM DESIGN/EVALUATIONS OR FARM SOIL SURVEYS COMPLETED BY THE SOIL CONSERVATION SERVICE, PRIVATE CONSULTANTS, OR IRRIGATION EQUIPMENT DEALERS?

IF YES, PLEASE DESCRIBE OR ATTACH COPIES

Yes - scs.

Accompanying map with 1st arm outlined in ink

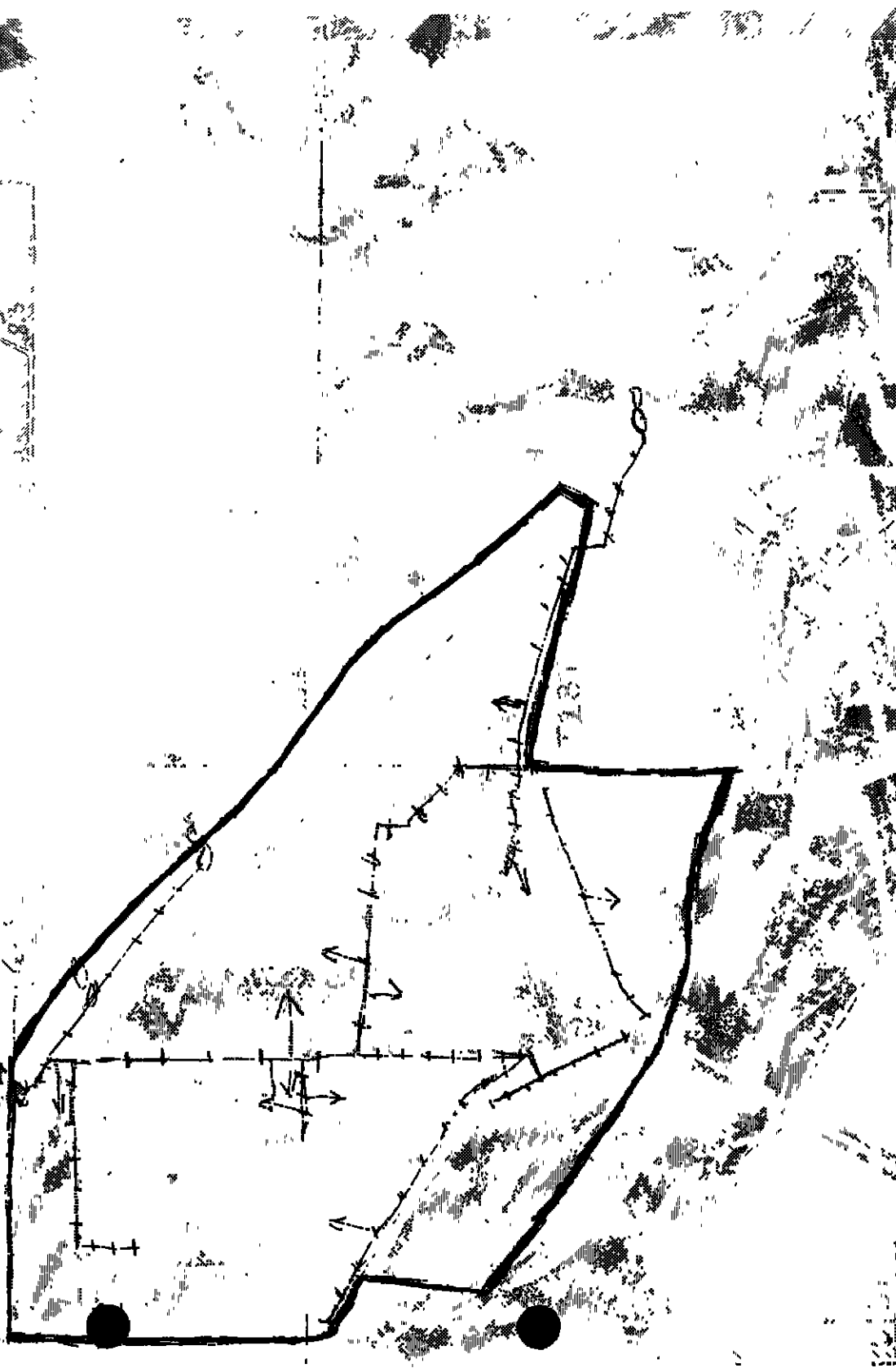
STANLEY BROWN KATHRYN SIMMONS

ALAN BROWN

37/37

C-22.

NOT TO SCALE





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

May 15, 1991

Stanley L. Brown
2798 Hanna Avenue
Emmett, ID 83617

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

Re: Civil Case No. 3667
Frasier, et al Objection 65-05195

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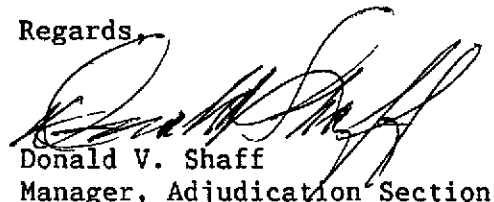
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Please contact me if you have questions about the matters set out above. Thank you for your patience in this process.

Regards,



Donald V. Shaff
Manager, Adjudication Section



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

April 24, 1986

RE: Water District 57-R

Dear Reynolds Creek Basin Water User:

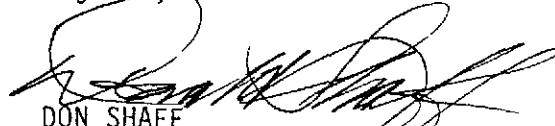
The director of the Department of Water Resources has set a budget and selected a watermaster for Water District 57-R for the 1986 irrigation season. You should have received the director's order dated April 9th that established Water District 57-R to replace water districts 57-A and 57-J.

Kenneth Downing of Homedale has been selected to serve as watermaster with a budget of \$5,525 to operate for about 65 days. The budget compensates Mr. Downing at \$40 per day plus 20.5 cents per mile. Included in the budget is pay and mileage expenses to hire Connie Brandau as an assistant watermaster if such a position would be advantageous to the water district.

The budget has been sent to the Owyhee County auditor's office for collection through the county offices. If you have questions about the budget or the water district in general, please feel free to call me.

Before the director can instruct the watermaster to begin delivering water, he must receive a letter signed by at least three water users who believe the watermaster's services are required. As that time quickly approaches, I solicit your cooperation and patience in this first year of Water District 57-R.

Regards,



DON SHAFF
Water Rights Supervisor

DS:alw

Lot 4
 5/8 2 6 2 1
 1/4 10 1 2
 1/8 2 1 5

Lot 5
 2A 2 1
 2 1 5

121"

50 2 1
 4 1 3
 1 1

CONVERSATION MEMORANDUM

DATE 8/21/86

FILE _____

NAME OF PARTY Stanley Brown

EMPLOYEE John K. Noyes

RE: Waste water right - measurement made in
Lot 4 SW 1/4 Sec 31 T 7 N R 2 W.

Bissell Creek right measurement made in
Lot 2 NE 1/4 Sec 31 T 7 N R 2 W

Wastewater/Payette River 2.854

Bissell Creek 2.944

MEASUREMENT FOR WASTEWATER-S. BROWN

MEASUREMENT LOCATION TR. PAYETTE-FROM BENCH
 MEASURED BY JKN ON 07/23/86

LEGAL DESCRIPTION
 Y = 2.213N + .022 FOR N < 1
 Y = 2.224N + .016 FOR N > 1

DISTANCE FROM INITIAL POINT FEET	DEPTH FEET	AREA SQ. FT.	REVOLUTIONS	TIME SEC	VELOCITY FT./SEC	DISCHARGE CFS
.000	.000	.000	0	.000	.000	.000
1.000	.600	.600	40	62.000	1.453	.872
2.000	.700	.700	40	63.000	1.430	1.001
3.000	.800	.600	40	55.000	1.635	.981
3.500	.000	.000	0	.000	.000	.000
TOTALS						2.854

Measured in lot 4 SW NW Sec 3, T7N R2W

Stanley Brown
STATE OF

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

DATE 7/23, 1986 DISCHARGE MEASUREMENT NOTES

River at

π JK

Dist. from initial point	Width	Depth	Observation depth	Revolutions	Time in seconds	VELOCITY		Adjusted for bar. angle or	Area	Discharge
						At point	Mean in vertical			
<i>Wastewater Creek Payette R</i>										
0+00	EW									
1+00		.6		40	62					
2+00		.7		40	63					
3+00		.6		40	55					
3+5	EW									
<i>Bessell Creek trib Payette R</i>										
0+00	EW									
1+00		.9		20	46					
2+00		1.0		45	54					
3+00	EW									
<i>Measurement sites</i>										
<i>Wastewater at = lot 4 SW NW Sec 31</i>										
<i>T7N 2W</i>										
<i>Bessell Creek at = lot 2 NE SW Sec 31</i>										
<i>T7N R2W</i>										
<i>A.H. meter</i>										

in _____ of _____, _____, _____

MEASUREMENT FOR WASTE-BISSELL CK

MEASUREMENT LOCATION STANLEY BROWN PLACE
 MEASURED BY JKN
 ON 07/23/86

LEGAL DESCRIPTION
 W = 2.218N + .022 FOR N < 1
 W = 2.224N + .016 FOR N > 1

DISTANCE FROM INITIAL POINT	DEPTH	AREA	REVOLUTIONS	TIME	VELOCITY	DISCHARGE
FEET	FEET	SQ. FT.		SEC.	FT./SEC.	CS.
.000	.000	.000	0	.000	.000	.000
1.000	.900	.900	20	46.000	.986	.987
2.000	1.000	1.100	45	54.000	1.870	2.057
3.200	.000	.000	0	.000	.000	.000
TOTALS		2.000				2.944

measured in lot 2 NE SW Sec 31 T7N R2W

MEMORANDUM

TO: 65-1204, 5195, AND 5384

365-3301

FROM: DRT 2-1-'78

RE: DATE OF PRIORITY

THE RIVERSIDE EXCHANGE AGREEMENT HAS BEEN MENTIONED AS THE BASIS FOR AN 1883 DATE OF PRIORITY FOR TWO OF THESE RIGHTS. THE AGREEMENT CLEARLY ASSIGNS ALL RIGHT AND TITLE TO THE 1883 DATE OF PRIORITY TO EMMETT IRR DIST. THEREFORE, THIS EARLY RIGHT HAS BEEN EFFECTIVELY TRANSFERRED FROM THESE LANDS.

THE RT FROM BISSEL CREEK WAS DEVELOPED PRESUMABLY AFTER THE PAYETTE RT WAS TRANSFERRED. THE DATE OF THE AGREEMENT WAS 8-4-1925. R CLAIM 65-1204 INDICATES A DATE OF PRIORITY OF 11-8-1927. THIS DATE WOULD THEN SEEM REASONABLE FOR ALL THREE RIGHTS.

DET.

called 7/11/86

no more call

2798 Hanna
9th
and house in road
Bent!