

T8N, R2W

6

5

4

4.

SWNE

SENE

1.6

24.0

NWSW

NESW

NWSE

23.0

22.0

23.0

7.1

NESE

SWSW

SESW

SWSE

SESE

18.0

21.0

27.0

36.0

SWSW

SESW

SWSE

SESE

38.0

38.0

21.0

15.0

NWNE

NENE

19.0

19.0

31.0

11.0

9.7

3.6

1.3

3.7

3.0

NWNW

NENW

NWNE

NENE

NWNW

NENW

NWNE

NENE

4.6

SWNE

8

9

3

S

4

NV

25

19

SV

NWNW

SENE

SWNW

SENW

SWNE

12.0

3.8

10.0

17.0

10.0

NESE

2.0

14.0

2.9

5.3 NESW

37.0

NWSE

33.0

NWSW

26.0

NESW

NWSE

32.0

SWSW

12.0

SESW

16.0

SWSE

0.5

SESE

4.6

NWNW

1.4

NENW

7.3

25.0

24.0

24.0

NWNE

19.0

SWNW

24.0

SENW

2.3

SWNE

10

2

3

Total acres
857
PPU

34

T9N, R2W

12.0

14.0

9.5

T8N, R2W

4.4

NWNW

SWNE

SENE

1.6

24.0

NWSW

NESW

NWSE

4

23.0

22.0

23.0

7.1

NESE

3

10.0

37.0

SENE

SWNW

SENW

SWN

12.0

3.8

10.0

17.0

NESE

2.0

NWSW

14.0

2.0

SE

SWSW

SESW

SWSE

SESE

NESW

NWSE

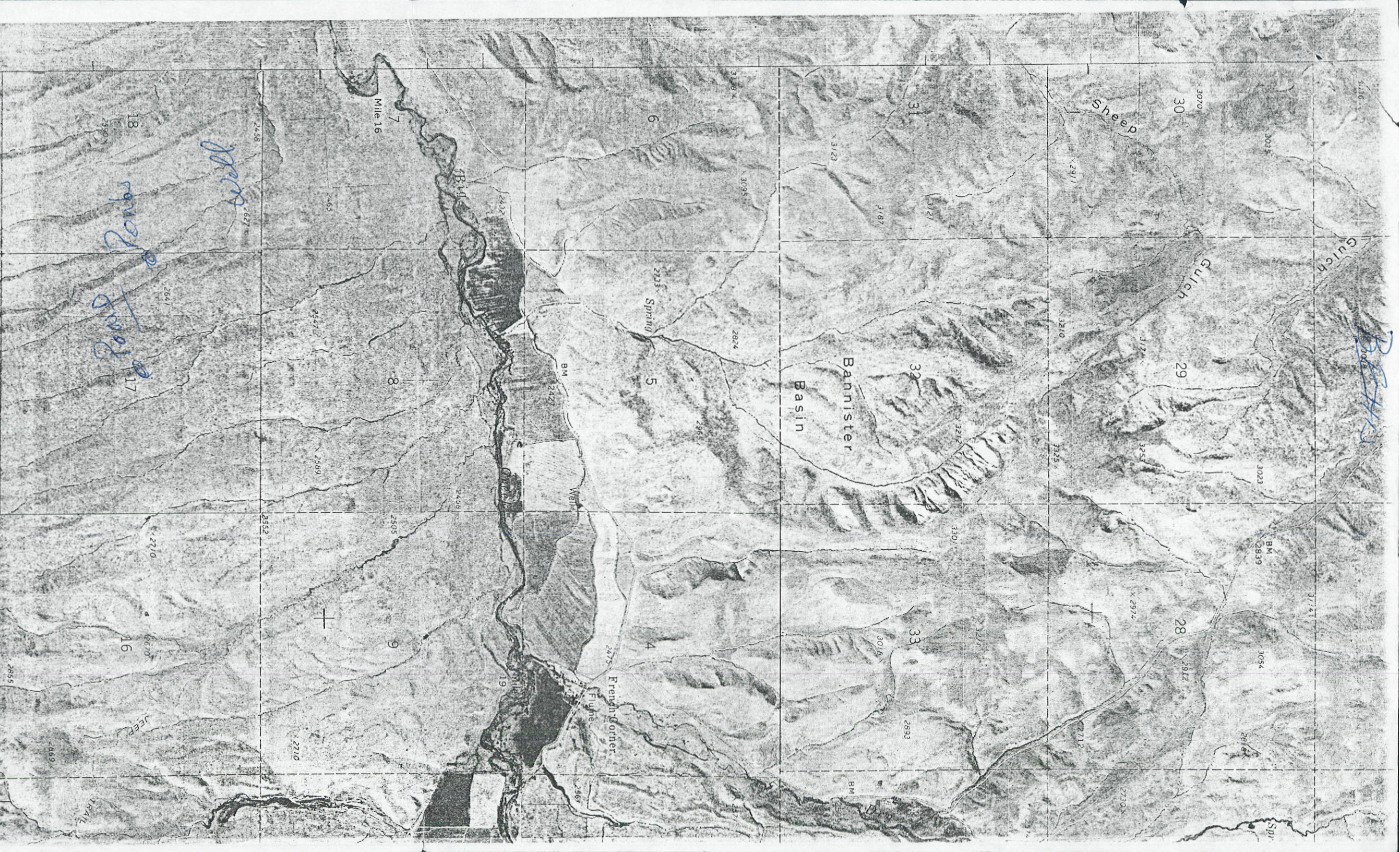
33.0

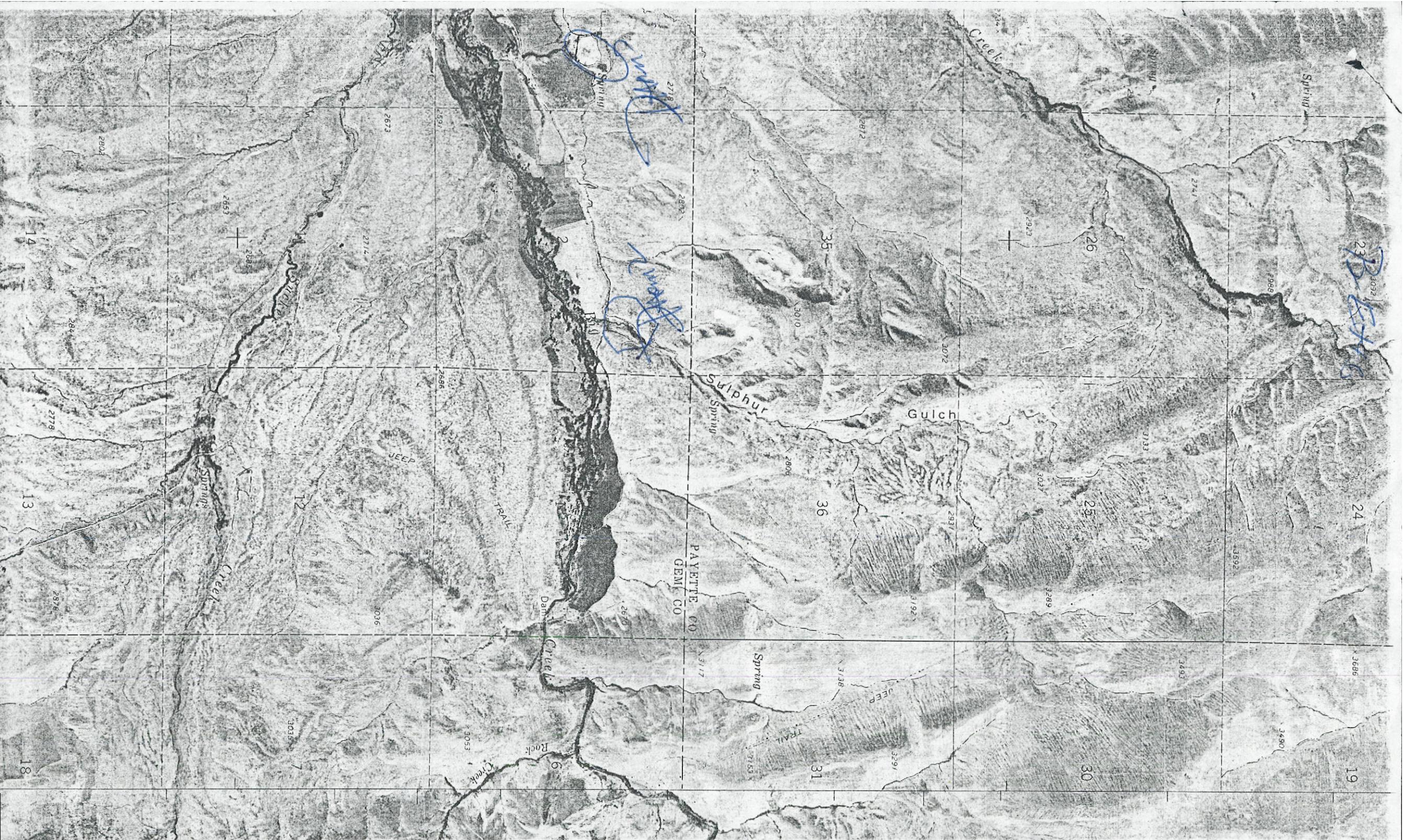
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NESW

NWSE

2

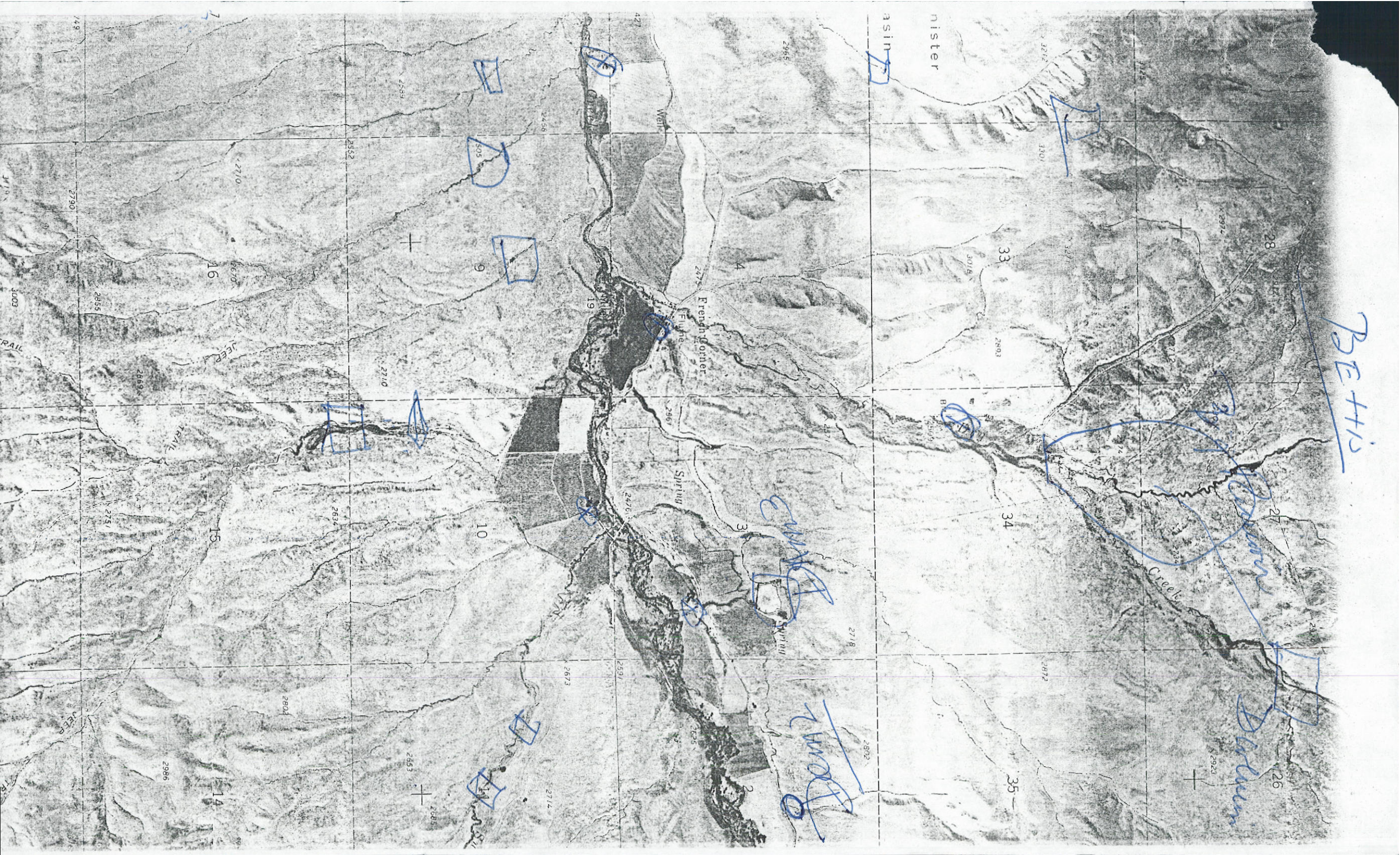


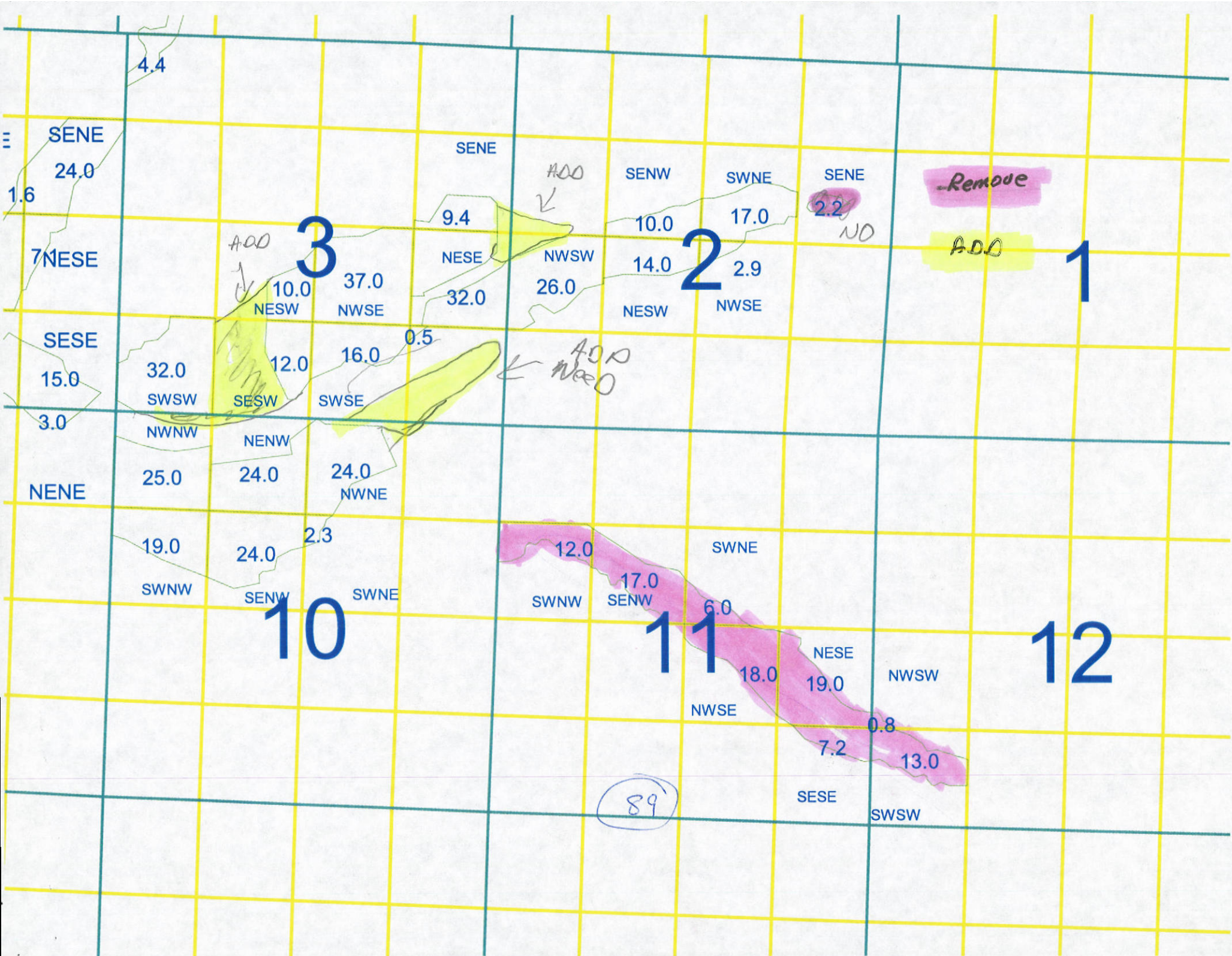


BEHIS

Big Horn

Barren



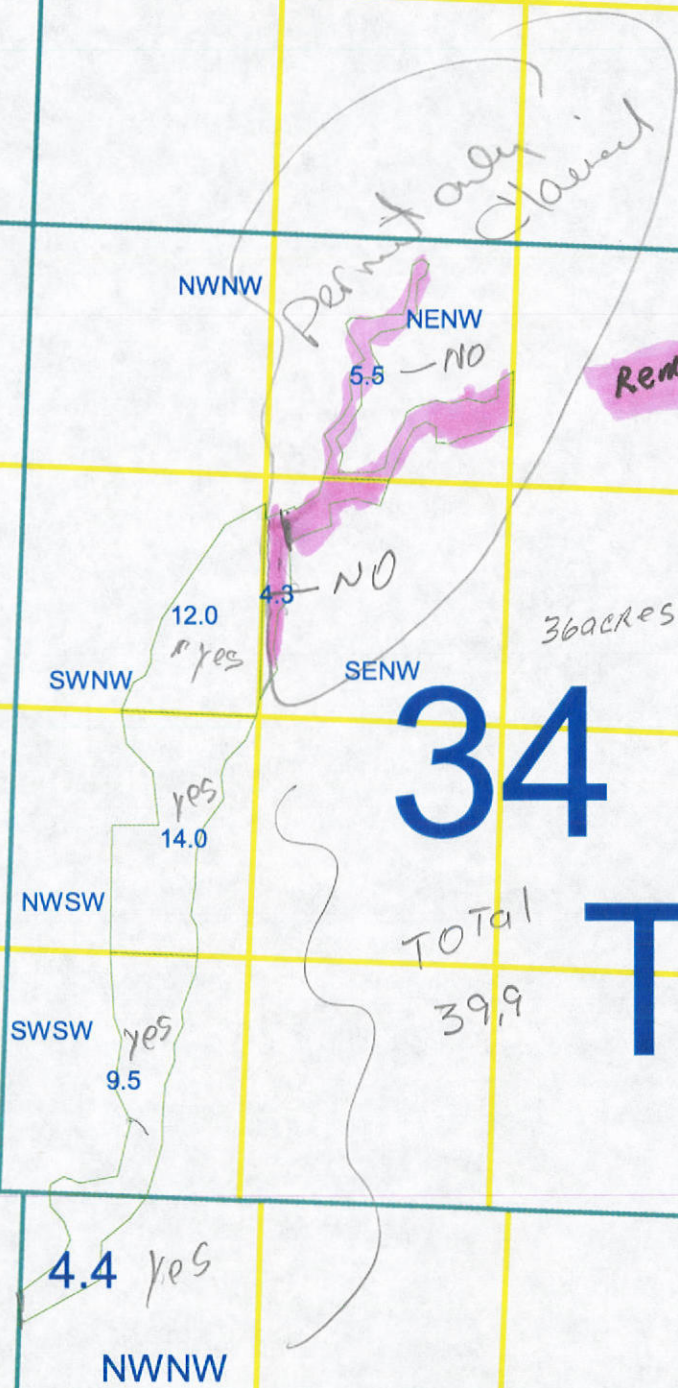


33

2W

SWNE

SENE



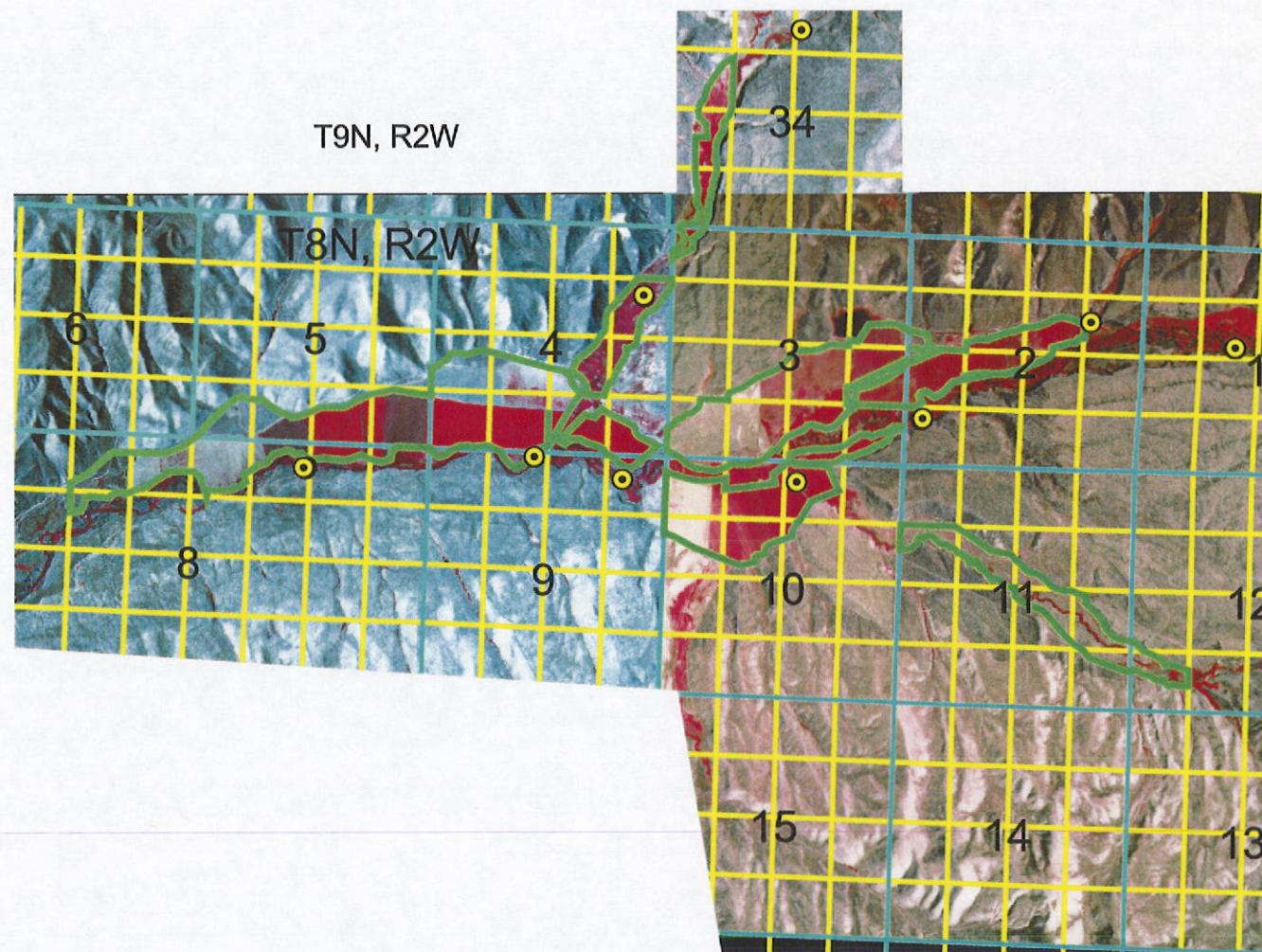
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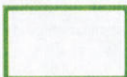
T9N, R0

SENE

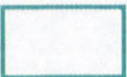
Idaho Dept. of Water Resources

Claim No(s): 65-02204,
65-02500, 65-02501, 65-02601,
65-03125, 65-03126, 65-03127,
65-03128, 65-03247, 65-03248,
65-07136, 65-07603, 65-07789,
65-09076, 65-10533, 65-10534,
65-10535, 65-10536
T08N, R02W, S 2, -12
T09N, R02W, S 34
Prepared by: Sue Bock
Date: 1/12/2001



 Place of Use

 Point of Diversion

 Section lines

 1/4 1/4 lines



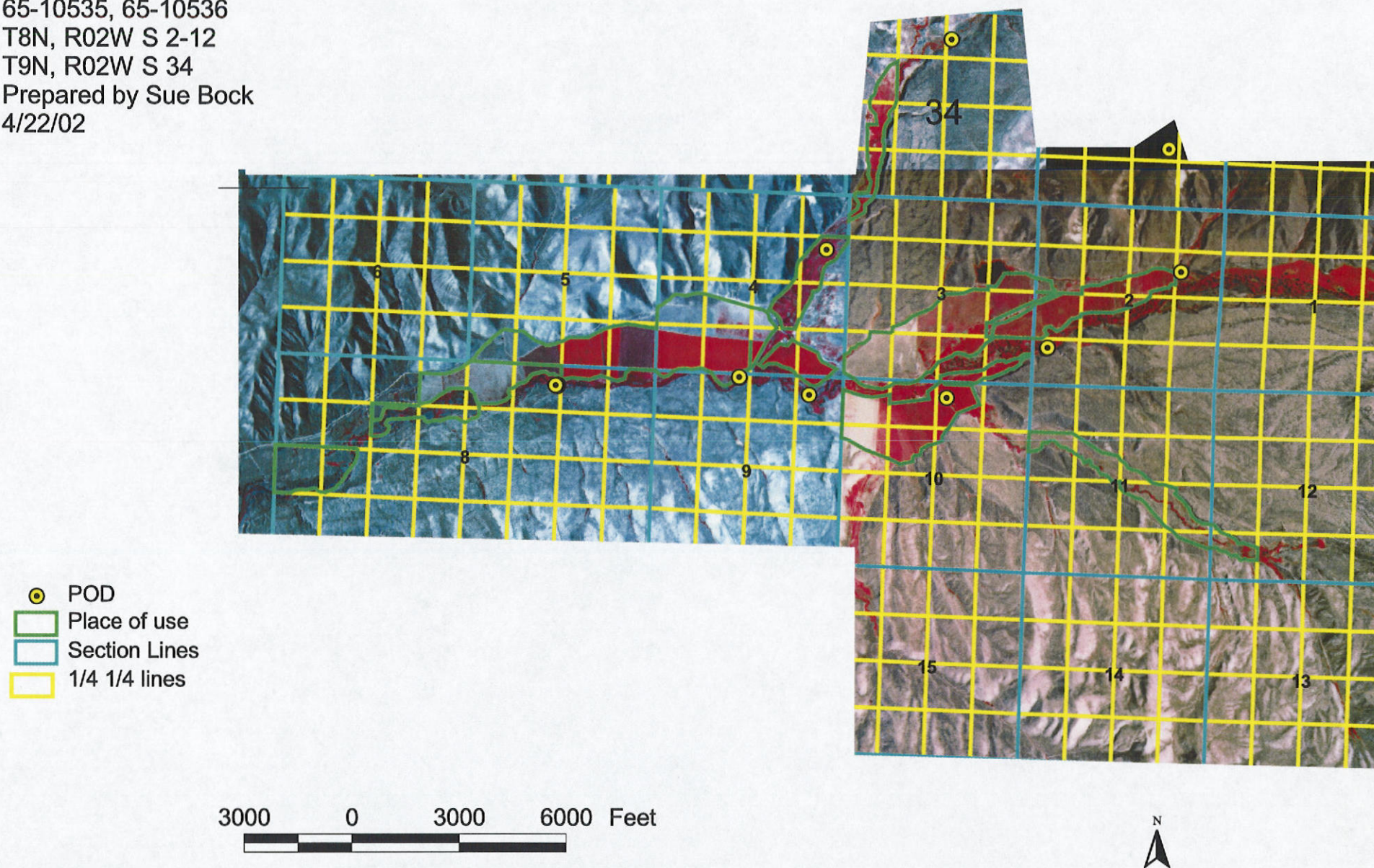
0 0.4 0.8 Miles



1987 NAPP Photo

Idaho Department of Water Resources

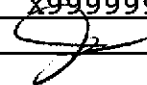
Claim No(s): 65-2204,
65-2500, 65-2501, 65-2601
65-3125, 65-3126, 65-3127,
65-3128, 65-3247, 65-3248,
65-7136, 65-7603, 65-7789,
65-9076, 65-10533, 65-10534,
65-10535, 65-10536
T8N, R02W S 2-12
T9N, R02W S 34
Prepared by Sue Bock
4/22/02



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: A65-07136
Date Received: 4/ 3/1990
Receipt No: X999999
Received By: 

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: HARRY L BETTIS 208-365-2512
Address: 10775 SUCKER CREEK RD
PAYETTE ID 83661

2. Date of Priority: MAY 12, 1970

3. Source: DRY CREEK Trib. to: BIG WILLOW CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
09N	02W	27		SE	SE		PAYETTE

5. Description of diverting works:
DIVERSION DAM - GRAVITY DITCH TO STORAGE RESERVOIR.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	5.600		
IRRIGATION FROM STORAGE	03/15	11/15	5.600		400.00
IRRIGATION STORAGE	11/01	03/15			400.00
IRRIGATION FROM STORAGE	04/01	10/31	5.600		

7. Total Quantity Appropriated is:
5.600 C.F.S. (and/or) 400.00 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

MICROFILMED

10. Place of Use:

AUG 03 1994

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09N	02W	34	NE	NW		IRR FS	40.0
			SW	NW		IRR FS	40.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09N	02W	34	SE	NW		IRR FS	40.0
			NE	SW		IRR FS	40.0
			NW	SW		IRR FS	40.0
			SW	SW		IRR FS	40.0
			SE	SW		IRR FS	40.0

Section Acres 280.0

Total Acres 280.0

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 PERMIT RIGHT IS NOT DECREED BY THE PRESENT ADJUDICATION
PROCEDURE, AND IS INCLUDED FOR INFORMATION PURPOSES ONLY.
NORMAL STATUTORY PROCEDURES MUST BE COMPLETED FOR LICENSING.
MAXIMUM RATE OF DIVERSION SHALL NOT EXCEED 5.6 CFS OR 400 AF

15. Basis of Claim: PERMIT

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

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

MICROFILMED

AUG 03 1994

State of Idaho)
) SS.
County of _____)

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

MICROFILMED

AUG 03 1994

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

IDENT. NUMBER: 65-07136

DATE RECEIVED: 4-5-90

RECEIPT NO: X999999

RECEIVED BY: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. NAME: HARRY L. BETTIS
ADDRESS: STAR ROUTE
PAYETTE, ID

83661

2. DATE OF PRIORITY: MAY 12, 1970

3. SOURCE: DRY CREEK TRIB. TO: BIG WILLOW CREEK

4. POINT OF DIVERSION:

TOWNSHIP	RANGE	SECTION	1/4 OF	1/4 OF	1/4	LOT	COUNTY
09N	02W	27	SE	SE			PAYETTE

5. DESCRIPTION OF DIVERTING WORKS:
DIVERSION DAM - GRAVITY DITCH TO STORAGE RESERVOIR.

6. WATER IS USED FOR THE FOLLOWING PURPOSES:

PURPOSE	FROM	TO	C.F.S.	(OR)	A.F.A.
IRRIGATION	03/15	11/15	5.600		
IRRIGATION FROM STORAGE	03/15	11/15	5.600		400.00
IRRIGATION STORAGE	11/01	03/15			400.00
IRRIGATION FROM STORAGE	04/01	10/31	5.600		

7. TOTAL QUANTITY APPROPRIATED IS:
5.600 C.F.S. (AND/OR) 400.00 A.F.A.

8. TOTAL CONSUMPTIVE USE IS ACRE FEET PER ANNUM.

9. NON-IRRIGATION USES:

10. PLACE OF USE:

TOWNSHIP	RANGE	SECTION	1/4 OF	1/4	LOT	USE	ACRES
09N	02W	34	NE	NW		IRR FS	40.0

65-07136

PAGE 1

DATE: 02/20/90

4

MICROFILMED

AUG 03 1994

10. PLACE OF USE: CONTINUED

TOWNSHIP	RANGE	SECTION	1/4 OF	1/4	LOT	USE	ACRES
09N	02W	34	SW	NW		IRR FS	40.0
			SE	NW		IRR FS	40.0
			NE	SW		IRR FS	40.0
			NW	SW		IRR FS	40.0
			SW	SW		IRR FS	40.0
			SE	SW		IRR FS	40.0

SECTION ACRES 280.0

TOTAL ACRES 280.0

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 PERMIT RIGHT IS NOT DECREED BY THE PRESENT ADJUDICATION
PROCEDURE, AND IS INCLUDED FOR INFORMATION PURPOSES ONLY.
NORMAL STATUTORY PROCEDURES MUST BE COMPLETED FOR LICENSING.
MAXIMUM RATE OF DIVERSION SHALL NOT EXCEED 5.6 CFS OR 400 AF

15. BASIS OF CLAIM: PERMIT

16. SIGNATURE(S)

(A.) BY SIGNING BELOW, I/WE ACKNOWLEDGE THAT I/WE HAVE RECEIVED, READ AND UNDERSTAND THE FORM ENTITLED "HOW YOU WILL RECEIVE NOTICE IN THE SNAKE RIVER BASIN ADJUDICATION." (B.) I/WE DO ____ DO NOT ____ WISH TO RECEIVE AND PAY A SMALL ANNUAL FEE FOR MONTHLY COPIES OF THE DOCKET SHEET.

NUMBER OF ATTACHMENTS: _____

FOR INDIVIDUALS:

I/WE DO SOLEMNLY SWEAR OR AFFIRM THAT THE STATEMENTS CONTAINED IN THE FOREGOING DOCUMENT ARE TRUE AND CORRECT.

SIGNATURE OF CLAIMANT(S): *Hay Butter* DATE: 4-3-90

DATE: _____

FOR ORGANIZATIONS:

I DO SOLEMNLY SWEAR OR AFFIRM THAT I AM _____ OF

TITLE
_____, THAT I HAVE SIGNED THE FOREGOING
ORGANIZATION
DOCUMENT IN THE SPACE BELOW AS _____ OF

TITLE
_____ AND THAT THE STATEMENTS CONTAINED IN THE
ORGANIZATION
FOREGOING DOCUMENT ARE TRUE AND CORRECT.

SIGNATURE OF AUTHORIZED AGENT

TITLE AND ORGANIZATION

DATE

STATE OF IDAHO)
COUNTY OF ADA) SS.

SUBSCRIBED AND SWORN (OR AFFIRMED) BEFORE ME THIS 3rd DAY
OF April 19 90

Jan Shurte
NOTARY PUBLIC

SEAL

RESIDING AT JAN SHURTE
RESIDING AT MERIDIAN, IDAHO
MY COMMISSION EXPIRES SEPT. 14, 1994
DATE: 02/20/90

MICROFILMED

AUG 03 1994

05/22/2002

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

RIGHT NUMBER: 65-7136

NAME AND ADDRESS: KRISTIN SCHWARZ
6000 BIG WILLOW RD
PAYETTE ID 83661

J G SCHWARZ
6000 BIG WILLOW RD
PAYETTE ID 83661

SOURCE: DRY CREEK

TRIBUTARY: BIG WILLOW CREEK

QUANTITY: 5.60 CFS
980.0 AFY

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 0.02 CFS AND TO A TOTAL COMBINED ANNUAL
DIVERSION VOLUME OF 3.5 AF PER ACRE AT THE FIELD HEADGATE. COMBINED
RIGHT NOS.: 65-02204, 65-03247, 65-03248, 65-02500, 65-02501, 65-03125,
65-03126, 65-03127, 65-03128, 65-07789, 65-09076, 65-10533, 65-10534,
65-10535, 65-10536, 65-02601, 65-07603.

PRIORITY DATE: 05/12/1970

POINT OF DIVERSION:

T09N R02W S27 NESE Within PAYETTE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION STORAGE	01/01 12/31	400.00 AFY
IRRIGATION FROM STORAGE	03/01 11/15	400.00 AFY
IRRIGATION	03/01 11/15	5.600 CFS
		980.00 AFY
DIVERSION TO STORAGE	11/15 03/01	5.600 CFS

PLACE OF USE:

IRRIGATION Within PAYETTE County

T08N R02W S02	SWNE	17.0	T08N R02W S02	SWNW	4.0
T08N R02W S02	SENE	10.0	T08N R02W S02	NESW	14.0
T08N R02W S02	NWSW	28.0	T08N R02W S02	NWSE	3.0
T08N R02W S03	SENE	12.0	T08N R02W S03 Lot 4	NWNW	4.0
T08N R02W S03	NESW	15.0	T08N R02W S03	SWSW	32.0
T08N R02W S03	SESW	36.0	T08N R02W S03	NESE	33.0
T08N R02W S03	NWSE	37.0	T08N R02W S03	SWSE	24.0
T08N R02W S03	SESE	8.0	T08N R02W S04	SWNE	2.0
T08N R02W S04	SENE	24.0	T08N R02W S04	NESW	22.0
T08N R02W S04	NWSW	23.0	T08N R02W S04	SWSW	38.0
T08N R02W S04	SESW	38.0	T08N R02W S04	NESE	7.0
T08N R02W S04	NWSE	23.0	T08N R02W S04	SWSE	21.0
T08N R02W S04	SESE	15.0	T08N R02W S05	SWSW	18.0
T08N R02W S05	SESW	21.0	T08N R02W S05	SWSE	27.0
T08N R02W S05	SESE	36.0	T08N R02W S07	NENE	19.0
T08N R02W S07	SWNE	5.0	T08N R02W S08	NENE	4.0
T08N R02W S08	NWNE	10.0	T08N R02W S08	NENW	11.0
T08N R02W S08	NWNW	31.0	T08N R02W S09	NENE	3.0
T08N R02W S09	NENW	4.0	T08N R02W S09	NWNW	1.0
T08N R02W S10	NWNE	24.0	T08N R02W S10	SWNE	2.0
T08N R02W S10	NENW	25.0	T08N R02W S10	NWNW	30.0
T08N R02W S10	SWNW	19.0	T08N R02W S10	SENE	24.0
T08N R02W S34	SWNW	12.0	T08N R02W S34	NWSW	14.0

05/22/2002

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

T08N R02W S34	SWNW	12.0	T08N R02W S34	NWSW	14.0
T08N R02W S34	SWSW	10.0			

IRRIGATION STORAGE same as IRRIGATION
IRRIGATION FROM STORAGE same as IRRIGATION
DIVERSION TO STORAGE same as IRRIGATION

840 ACRES TOTAL

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 929 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 65-02204, 65-03247, 65-03248, 65-02500, 65-02501, 65-03125, 65-03126, 65-03127, 65-03128, 65-07789, 65-09076, 65-10533, 65-10534, 65-10535, 65-10536, 65-02601, 65-07603.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 280 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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: License

Memo to file: 65-2204, 65-3247, 65-3248, 65-2500, 65-2501, 65-3125, 65-3126, 65-3127, 65-3128, 65-7789, 65-9076, 65-10533, 65-10534, 65-10535, 65-10536, 65-2601, 65-7603, 65-7136

May 22, 2002

Sue Bock

Follow up to memo in files dated 1/11/01

The B.O.R. objected to all of these rights because of the 19 acres in T08N R02W S07 NWNE being on federal public land. After meeting with the claimants, I have removed the 19 acre track from all claims and reduced the permissible place of use to 840 acres. When all rights are combined, they are limited to 929, see earlier memo.

08/28/2001

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

RIGHT NUMBER: 65-7136

NAME AND ADDRESS: JG SCHWARZ
KRISTIN SCHWARZ
6000 BIG WILLOW RD
PAYETTE, ID 83661

SOURCE: DRY CREEK TRIBUTARY: BIG WILLOW CREEK

QUANTITY: 5.6 CFS
980 AFY

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 0.02 CFS AND TO A TOTAL
COMBINED ANNUAL DIVERSION VOLUME OF 3.5 AF PER ACRE AT THE
FIELD HEADGATE. COMBINED RIGHT NOS.: 65-02204, 65-03247, 65-
03248, 65-02500, 65-02501, 65-03125, 65-03126, 65-03127, 65-03128, 65-07789,
65-09076, 65-10533, 65-10534, 65-10535, 65-10536, 65-02601, 65-07603.

PRIORITY DATE: 05/12/1970

POINT OF DIVERSION: T09N R02W S27 NESE Within PAYETTE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03-01 11-15	5.60 CFS
		980.00 AFY
IRRIGATION STORAGE	01-01 12-31	400.00 AFY
IRRIGATION FROM STORAGE	03-01 11-15	400.00 AFY
DIVERSION TO STORAGE	11-15 03-01	5.60 CFS

PLACE OF USE:

IRRIGATION Use same as
IRRIGATION FROM STORAGE

IRRIGATION FROM STORAGE
Within PAYETTE County
T08N R02W S10 NWNE 24 T08N R02W S10 SWNE 2

T08N R02W S10	NENW	25	T08N R02W S10	NWNW	30
T08N R02W S10	SWNW	19	T08N R02W S10	SENW	24
T08N R02W S2	SWNE	17	T08N R02W S2	SWNW	4
T08N R02W S2	SENW	10	T08N R02W S2	NESW	14
T08N R02W S2	NWSW	28	T08N R02W S2	NWSE	3
T08N R02W S3	SENE	12	T08N R02W S3	LOT 4 NWNW	4
T08N R02W S3	NESW	15	T08N R02W S3	SWSW	32
T08N R02W S3	SESW	36	T08N R02W S3	NESE	33
T08N R02W S3	NWSE	37	T08N R02W S3	SWSE	24
T08N R02W S3	SESE	8	T08N R02W S4	SWNE	2
T08N R02W S4	SENE	24	T08N R02W S4	NESW	22
T08N R02W S4	NWSW	23	T08N R02W S4	SWSW	38
T08N R02W S4	SESW	38	T08N R02W S4	NESE	7
T08N R02W S4	NWSE	23	T08N R02W S4	SWSE	21
T08N R02W S4	SESE	15	T08N R02W S5	SWSW	18
T08N R02W S5	SESW	21	T08N R02W S5	SWSE	27
T08N R02W S5	SESE	36	T08N R02W S7	NENE	19
T08N R02W S7	NWNE	19	T08N R02W S7	SWNE	5
T08N R02W S8	NENE	4	T08N R02W S8	NWNE	10
T08N R02W S8	NENW	11	T08N R02W S8	NWNW	31
T08N R02W S9	NENE	3	T08N R02W S9	NENW	4
T08N R02W S9	NWNW	1	T09N R02W S34	SWNW	12
T09N R02W S34	NWSW	14	T09N R02W S34	SWSW	10

859 ACRES TOTAL

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 948 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 65-02204, 65-03247, 65-03248, 65-02500, 65-02501, 65-03125, 65-03126, 65-03127, 65-03128, 65-07789, 65-09076, 65-10533, 65-10534, 65-10535, 65-10536, 65-02601, 65-07603.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 280 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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 - License

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

RECEIVED**AUG 23 2001****WATER RESOURCES
WESTERN REGION**

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided, if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
<u>See attached list</u>					
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) are for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) Bett's Family Partnership
10775 Sucker Creek Rd., Payette, ID
4. New Owner/Claimant(s) J.G. & Kristin Schwarz
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address 6000 Big Willow Rd.
- City, State and ZIP Code Payette, ID 83661
- New Telephone Number 208-278-3898
5. Date you acquired the property 10-2000

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) _____
(include title if applicable)

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by _____	Date _____	Fee _____
Received by _____	Date _____	Receipt No. _____
Processed by _____ AJ	Date _____	WR _____ Date _____

ATTACHMENT TO NOTICE OF CHANGE OF WATER RIGHT
OWNERSHIP-----BETTIS TO J.G. & KRISTIN SCHWARZ

RECEIVED

AUG 23 2001

WATER RESOURCES
WESTERN REGION

IRRIGATION RIGHTS

A65-2204	A65-3128	A65-10533
-2500	-3247	-10534
-2501	-3248	-10535
-2601	-4486B	-10536
-3124A	-4487	-9076
-3125	-4982	-7789
-3126	-4983	-7603
-3127	-7136	

DOMESTIC & STOCK RIGHTS

A65-1217	A65-3457	A65-3458
-3459	-3491	-3492
-6708	-6709	-6710
-6711	-6712	-4489
-4490	-6459	

293806

RECORDING INFORMATION:

Until a change is requested, all tax
statements shall be sent to:

JKJ, LLC
6075 Big Willow Road
Payette ID 83661

After recording return to:
Alliance Title & Escrow Corp.
34 South Main
Payette ID 83661

Prepared by: Yurri Rose LLP, PO Box S, Ontario OR 97914

STATE OF IDAHO } ss
County of Payette }

I hereby certify that this instrument
was filed for record at the request of

ALLIANCE TITLE & ESCROW CORP.

Time 4:50 PM

Date May 22, 2001

Instrument # 293806-Deeds

LAURA L. STIGILE

Ex officio Recorder

By Kathryn Sturges

Deputy

Fee \$12.00

WARRANTY DEED

GRANTORS, SHIRLEY SCOTT BARKER, a married woman dealing with her sole and separate property, joined in by her husband, DARRELL BARKER, as to any community property interest therein, 6000 Big Willow Road, Payette, Idaho 83661, for good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey unto JKJ, LLC, an Idaho Limited Liability Company, 6075 Big Willow Road, Payette, Idaho 83661, as GRANTEE, and to Grantee's heirs and assigns forever, all of the following described real property located in the County of Payette, Idaho:

See Exhibit A attached hereto and
by this reference incorporated herein

TOGETHER with all improvements, easements, hereditaments and appurtenances thereto, and subject to such rights, easements, covenants, restrictions and zoning regulations as appear of record or based upon the premises.

Subject to:

See Exhibit B attached hereto and by this reference incorporated herein.

Grantors, for themselves, their heirs and assigns do hereby covenant, warrant and shall defend the quiet and peaceable possession of said Premises by the Grantee, its heirs and assigns forever against the lawful claims of all persons.

In construing this Deed, and where the context so requires, the singular includes the plural and the masculine, the feminine and the neuter.

293806

IN WITNESS WHEREOF, Grantors have hereunto subscribed their name to this instrument this
22nd day of May, 2001.

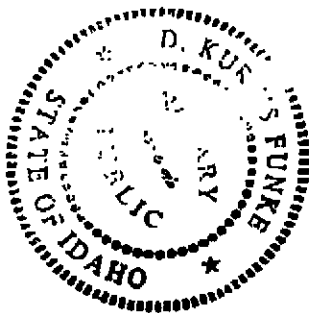
Shirley Scott Barker
Shirley Scott Barker

Darrell Barker
Darrell Barker

State of Idaho)
) ss
County of Payette)

On this 22nd day of May, 2001, before me the undersigned, a Notary Public for Idaho, personally appeared SHIRLEY SCOTT BARKER and DARRELL BARKER, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.



D. K. Funkhouser
Notary Public for Idaho
Residing at: PAYETTE
My commission expires: 01/21/05

Exhibit A
(Legal Description)

No water rights

PARCEL I:

A portion of the NW1/4NW1/4 of Sec. 24, Twp. 8 N., R. 4 W., B.M., Payette County, Idaho, described as follows:

Commencing at the Northeast corner of the NW1/4NW1/4 of said Sec.;

thence South along the West boundary of the E1/2NW1/4, 2200 feet to the True Point of Beginning;

thence East parallel to the South boundary of the NW1/4 of said Sec., 800 feet;

thence South parallel to the West boundary of the SE1/4NW1/4 and NE1/4SW1/4, 600 feet;

thence West parallel to the North boundary of the NE1/4SW1/4, 800 feet;

thence North along the West boundary of the NE1/4SW1/4 and SE1/4NW1/4, 600 feet to the True Point of Beginning.

293806

**Exhibit B
(Exceptions)**

1. Any rights reserved in federal patents, state or railroad deeds, building or use restrictions, building and zoning regulations and ordinances of any governmental unit, rights of way and easements established or of record.
2. Encroachments, overlaps, boundary line disputes, and any other matters which would be disclosed by an accurate survey or inspection of the premises including, but not limited to, insufficient or impaired access or matters contradictory to any survey plat shown by the public records.
3. Unpatented mining claims; reservations or exceptions in patents or in Acts authorizing the issuance thereof.
4. Taxes or special assessments which are not shown as existing liens by the public records of any taxing authority that levies taxes or assessments on real property or by the public records. Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
5. An easement for the purpose shown below and rights incidental thereto as set forth in a document.
Purpose: Telephone lines and equipment.
Recorded: May 11, 1904.
Book: A, Page: 89 of Official Records.
Affects: Sec. 24, Twp. 8 N., R. 4 W., B.M.
6. An easement for the purpose shown below and rights incidental thereto as set forth in a document.
Granted to: American Telephone and Telegraph Company of Wyoming.
Purpose: Construct, operate and maintain a communication system.
Recorded: September 12, 1941 & May 26, 1941.
Instrument / File No. 50343, 50642, & 50645 of Official Records.
Affects: Secs. 13 & 24, Twp. 8 N., R. 4 W., B.M.
7. Reservations and exceptions in the United States Patent, and in the act authorizing the issuance thereof.
Recorded: March 2, 1943.
Official Records: 53979.
8. Easements, reservations, notes and/or dedications as shown on the official plat.
9. An easement for the purpose shown below and rights incidental thereto as set forth in a document.
Granted to: Idaho Power Company, a corporation.
Purpose: Utilities.
Recorded: November 24, 1928.
Instrument / File No. 23052.
Book: 1, Page: 373 of Official Records.
10. An easement for the purpose shown below and rights incidental thereto as set forth in a document.
Granted to: Idaho Power Company, a corporation.
Purpose: Utilities.
Recorded: June 21, 1974.
Instrument / File No. 155060 of Official Records.

293805

RECORDING INFORMATION:

Until a change is requested, all tax statements shall be sent to:

JKJ, LLC
6075 Big Willow Road
Payette ID 83661

After recording return to:
Alliance Title & Escrow Corp.
34 South Main
Payette ID 83661

Prepared by: Yturri Rose LLP, PO Box S, Ontario OR 97914

STATE OF IDAHO } ss
County of Payette

I hereby certify that this instrument was filed for record at the request of

~~ALLIANCE TITLE & ESCROW CORP.~~

Time 4:49 PM

Date May 22, 2001

Instrument # 293805-Deeds

LAURA L. STIGILE

County Recorder

By Kathryn J. Yturri

Deputy

Fee 12.00

WARRANTY DEED

GRANTORS, DARRELL BARKER and SHIRLEY SCOTT BARKER, Trustees of The Barker Family Living Trust, 6000 Big Willow Road, Payette, Idaho 83661, for good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey unto JKJ, LLC, an Idaho Limited Liability Company, 6075 Big Willow Road, Payette, Idaho, 83661, as GRANTEE, and to Grantee's heirs and assigns forever, all of the following described real property located in the County of Payette, Idaho:

See Exhibit A attached hereto and
by this reference incorporated herein

TOGETHER with all improvements, easements, hereditaments and appurtenances thereto, and subject to such rights, easements, covenants, restrictions and zoning regulations as appear of record or based upon the premises.

Subject to:

See Exhibit B attached hereto and by this reference incorporated herein.

Grantors, for themselves, their heirs and assigns do hereby covenant, warrant and shall defend the quiet and peaceable possession of said Premises by the Grantee, its heirs and assigns forever against the lawful claims of all persons.

In construing this Deed, and where the context so requires, the singular includes the plural and the masculine, the feminine and the neuter.

293805

IN WITNESS WHEREOF, Grantors have hereunto subscribed their name to this instrument this
22nd day of May, 2001.

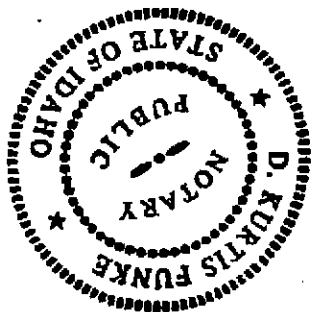
Darrell Barker
Darrell Barker, Trustee of the Barker Family
Living Trust

Shirley Scott Barker
Shirley Scott Barker, Trustee of the Barker Family
Trust

State of Idaho)
) ss
County of Payette)

On this 22 day of May, 2001, before me the undersigned, a Notary Public for Idaho, personally appeared DARRELL BARKER and SHIRLEY SCOTT BARKER, as Trustees of The Barker Family Living Trust, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.



D. Kurtis Funke
Notary Public for Idaho
Residing at: Payette
My commission expires: 01/21/05

293805

**Exhibit A
(Legal Description)**

Land in Twp. 8 N., R. 4 W., B.M., Payette County, Idaho:

In Sec. 24: NW1/4NE1/4; NE1/4NW1/4; SW1/4NE1/4 West of the County Road;

NW1/4SE1/4 West of the County Road;

SE1/4NW1/4; NE1/4SW1/4 West of the County Road;

EXCEPTING THEREFROM the following described parcel of land:

Commencing at the Northeast corner of the NW1/4NW1/4 of said Sec.;

thence South along the West boundary of the E1/2NW1/4, 2200 feet to the True Point of Beginning;

thence East parallel to the South boundary of the NW1/4 of said Sec., 800 feet;

thence South parallel to the West boundary of the SE1/4NW1/4 and NE1/4SW1/4, 600 feet;

thence West parallel to the North boundary of the NE1/4SW1/4, 800 feet;

thence North along the West boundary of the NE1/4SW1/4 and SE1/4NW1/4, 600 feet to the True Point of Beginning.

Land in Twp. 8 N., R. 4 W., B.M., Payette County, Idaho:

In Sec. 13: SE1/4SW1/4; SW1/4SE1/4; NE1/4SE1/4; NW1/4SE1/4;

EXCEPTING THEREFROM the following portion of the NW1/4SE1/4 of said Sec. 13:

Beginning at the East quarter corner of Sec. 13, Twp. 8 N., R. 4 W., B.M.;

thence N. 89°34' W. along the midsection line of said Sec., 1,764 feet, more or less, to a fence, and the True Point of Beginning;

thence S. 50°7.5' W. along said fence 1,107.5 feet to a point on the West boundary of the NW1/4SE1/4;

thence North along the West boundary of the NW1/4SE1/4, 710 feet, more or less, to the North boundary of the NW1/4SE1/4;

thence S. 89°34' E. along the North boundary of the NW1/4SE1/4, 850 feet to the True Point of Beginning;

293805

**Exhibit B
(Exceptions)**

1. Any rights reserved in federal patents, state or railroad deeds, building or use restrictions, building and zoning regulations and ordinances of any governmental unit, rights of way and easements established or of record.
2. Encroachments, overlaps, boundary line disputes, and any other matters which would be disclosed by an accurate survey or inspection of the premises including, but not limited to, insufficient or impaired access or matters contradictory to any survey plat shown by the public records.
3. Unpatented mining claims; reservations or exceptions in patents or in Acts authorizing the issuance thereof.
4. Taxes or special assessments which are not shown as existing liens by the public records of any taxing authority that levies taxes or assessments on real property or by the public records. Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
5. An easement for the purpose shown below and rights incidental thereto as set forth in a document.
Purpose: Telephone lines and equipment.
Recorded: May 11, 1904.
Book: A, Page: 89 of Official Records.
Affects: Sec. 24, Twp. 8 N., R. 4 W., B.M.
6. An easement for the purpose shown below and rights incidental thereto as set forth in a document.
Granted to: American Telephone and Telegraph Company of Wyoming.
Purpose: Construct, operate and maintain a communication system.
Recorded: September 12, 1941 & May 26, 1941.
Instrument / File No. 50343, 50642, & 50645 of Official Records.
Affects: Secs. 13 & 24, Twp. 8 N., R. 4 W., B.M.
7. Reservations and exceptions in the United States Patent, and in the act authorizing the issuance thereof.
Recorded: March 2, 1943.
Official Records: 53979.
8. Easements, reservations, notes and/or dedications as shown on the official plat.
9. An easement for the purpose shown below and rights incidental thereto as set forth in a document.
Granted to: Idaho Power Company, a corporation.
Purpose: Utilities.
Recorded: November 24, 1928.
Instrument / File No. 23052.
Book: 1, Page: 373 of Official Records.
10. An easement for the purpose shown below and rights incidental thereto as set forth in a document.
Granted to: Idaho Power Company, a corporation.
Purpose: Utilities.
Recorded: June 21, 1974.
Instrument / File No. 155060 of Official Records.

290023

Filed for Record at the Request of:

Space for Recorder's Use

J. G. and Kristin Schwarz
6075 Big Willow Road
Peyette, Idaho 83661

State of Idaho, County of Payette

ALLIANCE TITLE & ESCROW CORP

I certify that this instrument was filed for record at the request of

Time 10:36 a.m. Date Oct 5, 2000 Instrument 290023

Laura L. Stigile, Ex-Officio Recorder by Deputy Fee \$9.00

Payette

AFTER RECORDING MAIL TO:

Melanie G. Rubocki
Holland & Hart LLP
Suite 1400, 101 S. Capitol Blvd.
Boise, Idaho 83702

QUITCLAIM DEED

For good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, The Bettis Family Limited Partnership, an Idaho limited partnership ("Grantor"), hereby conveys, releases, remises and forever quitclaims unto J. G. and Kristin Schwarz, a married couple who resides at 6075 Big Willow Road, Payette, Idaho 83661, all of Grantor's right, title and interest in and to that certain parcel of real property located in Payette County, Idaho, and more particularly described in Exhibit A attached hereto, together with its appurtenances.

IN WITNESS WHEREOF, Grantor has executed this instrument the 4th day of October, 2000.

THE BETTIS FAMILY LIMITED
PARTNERSHIP,
an Idaho limited partnership

Harry L. Bettis
Harry L. Bettis, General Partner

(Notary acknowledgement follows)

*No water rights***QUITCLAIM DEED**

Payette.doc

401 0000 25

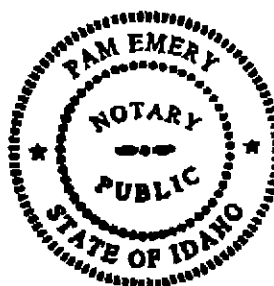
290023

STATE OF IDAHO)
)ss.
COUNTY OF Payette)

On this 14th day of October, 2000 before me, a notary public in and for said state, personally appeared HARRY L. BETTIS, as general partner of The Bettis Family Limited Partnership, known or identified to me to be the person who executed the instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Pam Emery
Notary Public
Residing at: Payette, Id.
My Commission Expires: 11-16-2005



290023

Exhibit A

Legal Description

**North one half of the Northwest Quarter of Section 33,
Township 8 North, Range 3 West, Boise Meridian,
Payette County, Idaho**

2715413_1.DOC

241365
DEC 31 1992

BARGAIN AND SALE DEED

THIS INDENTURE, made the 30th day of December, 1992, between HARRY L. BETTIS, a single man, "Grantor," and THE BETTIS FAMILY LIMITED PARTNERSHIP, an Idaho limited partnership, whose current address is Star Route, Payette, Idaho 83661, "Grantee."

W I T N E S S E T H:

That Grantor, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged by Grantee, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell and convey unto the said Grantee, and to its heirs and assigns, forever, all of those certain pieces or parcels of land situate, lying and being located in the County of Payette, State of Idaho, particularly described as follows, to-wit:

See Exhibit A attached hereto and made a part hereof by this reference.

together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and also all the estate, right, title, interest in the property, possession, claim and demand whatsoever, as well in law as in equity, of the Grantor, of, in or to the said premises, and every part and parcel thereof, with the appurtenances.

TO HAVE AND TO HOLD all and singular the said premises, together with the appurtenances, unto the said Grantee and to its heirs and assigns forever.

IN WITNESS WHEREOF, the said Grantor has hereunto set his hand and seal the day and year first above written.

Harry L. Bettis
HARRY L. BETTIS

*Barker
parcels.*

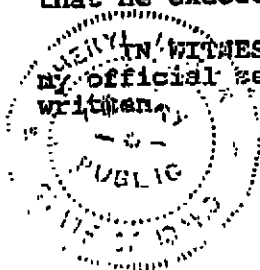
241305

DEC 31 1992

STATE OF Idaho)
County of Payette) ss.

On this 30th day of December, 1992, before me,
Sheri Miller, a notary public for said State,
personally appeared HARRY L. BETTIS, known or identified to me to
be the person who executed the instrument, and acknowledged to me
that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed
my official seal the day and year in this certificate first above
written.



Sheri Miller
Notary Public
Residing at: Payette
My Commission Expires: 7-1-94

25647

241965

DEF 10 1002
11 10 1000EXHIBIT ABarker and Sons, Inc. Ranch

Land in Twp. 8 N., R. 2 W., B.M., Payette County, Idaho:

In Sec. 30: Government Lots 3 and 4 and SE $\frac{1}{4}$ SW $\frac{1}{4}$;
In Sec. 31: Government Lot 1;

Land in Twp. 8 N., R. 3 W., B.M., Payette County, Idaho:

In Sec. 1: S $\frac{1}{2}$ S $\frac{1}{2}$;
In Sec. 2: S $\frac{1}{2}$ SE $\frac{1}{4}$ and SW $\frac{1}{4}$ SW $\frac{1}{4}$;
In Sec. 3: S $\frac{1}{2}$ SE $\frac{1}{4}$;
In Sec. 10: NE $\frac{1}{4}$; E $\frac{1}{2}$ NW $\frac{1}{4}$ and N $\frac{1}{2}$ SE $\frac{1}{4}$; S $\frac{1}{2}$ SE $\frac{1}{4}$;
In Sec. 11: All of Section;
In Sec. 12: W $\frac{1}{2}$ W $\frac{1}{4}$; NE $\frac{1}{4}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ NE $\frac{1}{4}$;
In Sec. 13: NW $\frac{1}{4}$ NW $\frac{1}{4}$ and W $\frac{1}{2}$ SW $\frac{1}{4}$;
In Sec. 14: All of Section;
In Sec. 15: NE $\frac{1}{4}$;
In Sec. 20: W $\frac{1}{2}$; SE $\frac{1}{4}$ and S $\frac{1}{2}$ NE $\frac{1}{4}$;
In Sec. 21: S $\frac{1}{2}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$;
In Sec. 22: SE $\frac{1}{4}$ NE $\frac{1}{4}$;
In Sec. 23: E $\frac{1}{2}$ SW $\frac{1}{4}$; SE $\frac{1}{4}$; NW $\frac{1}{4}$ and NE $\frac{1}{4}$ NE $\frac{1}{4}$;
In Sec. 24: NW $\frac{1}{4}$ NW $\frac{1}{4}$ and S $\frac{1}{2}$ SW $\frac{1}{4}$;
In Sec. 25: N $\frac{1}{2}$ NW $\frac{1}{4}$; SE $\frac{1}{4}$ NW $\frac{1}{4}$; W $\frac{1}{2}$ SW $\frac{1}{4}$; SE $\frac{1}{4}$ SW $\frac{1}{4}$; SE $\frac{1}{4}$ and S $\frac{1}{2}$ NE $\frac{1}{4}$;
In Sec. 26: E $\frac{1}{2}$; E $\frac{1}{2}$ NW $\frac{1}{4}$ and NE $\frac{1}{4}$ SW $\frac{1}{4}$;
In Sec. 27: S $\frac{1}{2}$ NW $\frac{1}{4}$; SW $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$;
In Sec. 28: W $\frac{1}{2}$; SE $\frac{1}{4}$; S $\frac{1}{2}$ NE $\frac{1}{4}$ and NW $\frac{1}{4}$ NE $\frac{1}{4}$;
In Sec. 29: N $\frac{1}{2}$ and SE $\frac{1}{4}$;
In Sec. 30: NE $\frac{1}{4}$; NE $\frac{1}{4}$ NW $\frac{1}{4}$ and Government Lot 1;
In Sec. 31: E $\frac{1}{2}$ NE $\frac{1}{4}$;
In Sec. 32: N $\frac{1}{2}$;
In Sec. 19: E $\frac{1}{2}$; E $\frac{1}{2}$ W $\frac{1}{4}$; Government Lots 2, 3 and 4; and Government Lot 1 lying South of the County Road right of way EXCEPTING THEREFROM that portion that lies within Lots 1 and 2:
Commencing at the Southeast corner of said Lot 1;
thence S. 89°44'10" E., along the South boundary of said Lot 1 a distance of 56.10 feet to the TRUE POINT OF BEGINNING;
thence S. 0°15'11" E., 242.77 feet;
thence N. 89°44'10" W., parallel with the South boundary of Lot 1 a distance of 864.98 feet;
thence N. 0°06'57" W., 662.46 feet, more or less, to a point on the Southerly right of way line of the County Road as it now exists;
thence along said Southerly right of way the following four courses:
N. 68°15'30" E. 79.60 feet;

241965

DEC 31 1992

thence on a curve to the right a distance of 221.86 feet, whose radius is 555.25 feet, with a central angle of 22°53'37" and a long chord that bears N. 79°42'19" E., 220.39 feet;
 thence S. 88°50'53" E., 322.21 feet;
 thence on a curve to the left 273.46 feet, which radius is 359.23 feet, with a central angle of 43°36'58" and a long chord that bears N. 69°20'38" E., 266.90 feet;
 thence leaving said right of way S. 0°15'11" E., 580.73 feet, more or less, to the TRUE POINT OF BEGINNING.

Land in Twp. 8 N., R. 4 W., B.M., Payette County, Idaho:

In Sec. 24: The SE $\frac{1}{4}$ NE $\frac{1}{4}$; the NW $\frac{1}{4}$ NE $\frac{1}{4}$ lying Southeasterly of the County Road right of way; the SW $\frac{1}{4}$ NE $\frac{1}{4}$ lying Southeasterly of the County Road right of way; the S $\frac{1}{4}$ SE $\frac{1}{4}$; the NE $\frac{1}{4}$ SE $\frac{1}{4}$; the NE $\frac{1}{4}$ SW $\frac{1}{4}$ lying Southeasterly of the County Road right of way; and the NW $\frac{1}{4}$ SE $\frac{1}{4}$ lying Southeasterly of the County Road right of way;
 EXCEPTING THEREFROM the following described parcel of land lying in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ and in the SW $\frac{1}{4}$ NE $\frac{1}{4}$;
 Commencing at the Northwest corner of the NW $\frac{1}{4}$ SE $\frac{1}{4}$;
 thence S. 89°38'09" E., along the North boundary of said NW $\frac{1}{4}$ SE $\frac{1}{4}$, 565.60 feet, more or less to the East side of the County Road right of way, as it now exists, said point being the TRUE POINT OF BEGINNING;
 thence N. 20°15'44" E., along said East side of said County Road right of way 78.52 feet;
 thence S. 21°10'34" E., 259.25 feet;
 thence S. 31°41'29" E., 204.65 feet;
 thence S. 54°31'33" W., 52.76 feet;
 thence S. 67°03'22" W. 242.42 feet;
 thence N. 31°01'20" W. 175.30 feet to a point on the East side of said County Road right of way;
 thence N. 25°17'32" E., along said right of way, 119.12 feet;
 thence N. 20°15'44" E., along said right of way, 223.22 feet to the True Point of Beginning.

In Sec. 25: N $\frac{1}{4}$ NE $\frac{1}{4}$; and the following portion of the N $\frac{1}{4}$ NW $\frac{1}{4}$;
 Beginning at the Northeast corner of said N $\frac{1}{4}$ NW $\frac{1}{4}$;
 thence South following the East side line of said N $\frac{1}{4}$ NW $\frac{1}{4}$ to the Southeast corner thereof;

241965

DEC 31 1992

thence West following the South side line of said N $\frac{1}{2}$ NW $\frac{1}{4}$ to the point where the same is intersected by the center line of Big Willow Creek;
 thence in a Northerly and Easterly direction following said center line to the point where the same intersects the North side line of said N $\frac{1}{2}$ NW $\frac{1}{4}$;
 thence East following said North side line to the Point of Beginning.

Land in Twp. 9 N., R. 3 W., B.M., Payette County:

In Sec. 25: SE $\frac{1}{4}$ SE $\frac{1}{4}$.

TOGETHER with all improvements, water, water rights, ditches, ditch rights, easements, hereditaments and appurtenances thereto.

Navlor Ranch

That property located in Twp. 8 N., R. 2 W.B.M., Payette County, Idaho, described as follows:

Lot 1, 2, S $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ S $\frac{1}{2}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$,
 Section 2;
 S $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$, Section 3;
 Lots 1, 2, 3, 4, S $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$, Section 4;
 Lots 1, 2, 3, S $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$, Section 5;
 Lots 3, 4, NE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$, Section 7;
 NE $\frac{1}{4}$, W $\frac{1}{2}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 8;
 N $\frac{1}{2}$ N $\frac{1}{2}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 9;
 NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 10;
 NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 11;
 Lots 1, 2, 3, SE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$, Section 17

Including all water and ditch rights appurtenant thereto or used in connection therewith, if any. Subject to easements, rights-of-way, exceptions and reservations, if any.

Jack Miller Ranch

In Twp. 8 N., R. 2 W., B.M., Payette County, Idaho:

In Sec. 2: SW $\frac{1}{4}$ NW $\frac{1}{4}$ and Govt. Lot 4;

In Sec. 3: Lots 1, 2, 3, 4 and NW $\frac{1}{4}$ SW $\frac{1}{4}$ and S $\frac{1}{2}$ NW $\frac{1}{4}$.

In Twp. 9 N., R. 2 W., B.M., Payette County, Idaho:

INSTRU. NO 213390
PAGES 1 OF 9

290024

290099

ALL 0001 SN 20 Gem. Jany.
Sec 12 SWSW
Sec 13 all
Sec 24 N2

Payette County Property

Filed for Record at the Request of:

Space for Recorder's Use

J. G. and Kristin Schwarz
6075 Big Willow Road State of Idaho, County of Payette

Emmett, Idaho 83661

Payette

I certify that this instrument was filed for record at the request of

Time 10:38 AM Date Oct 5 2000 Instrument # 290024

Laura L. Stigile, Ex-Officio Recorder by Judy B. Dammale Deputy Fee \$27.00

ALLIANCE TITLE & ESCROW CORP.

AFTER RECORDING MAIL TO:

Melanie G. Rubocki

Holland & Hart LLP

Suite 1400, 101 S. Capitol Blvd.

Boise, Idaho 83702

405 000 798

State of Idaho, County of Payette

I certify that this instrument was filed for record at the request of

Time 4:58 PM Date Oct 10 2000 Instrument # 290099

Laura L. Stigile, Ex-Officio Recorder by Judy B. Dammale Deputy Fee \$57.00

ALLIANCE TITLE & ESCROW CORP.

WARRANTY DEED

FOR VALUE RECEIVED, The Bettis Family Limited Partnership, an Idaho limited partnership (the "Grantor"), does hereby grant, bargain, sell and convey unto J. G. and Kristin Schwarz, husband and wife, whose address is 6075 Big Willow Road, Emmett, Idaho 83661 (the "Grantees"), those parcels of real property located in Gem and Payette Counties and more particularly described on Exhibit A attached hereto.

TO HAVE AND TO HOLD the premises with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantees that the owner in fee simple of said premises, that said premises are free from all encumbrances except those described on Exhibit B attached hereto and that it will warrant and defend the same from all lawful claims whatsoever.

IN WITNESS WHEREOF, Grantor has executed this instrument the 4th day of October, 2000.

Bettis
to
Schwarz

THE BETTIS FAMILY LIMITED
PARTNERSHIP,
an Idaho limited partnership

Harry L. Bettis

Harry L. Bettis, General Partner

(Notary acknowledgement follows)

Instrument # 213390

EMMETT, GEM, IDAHO

2000-10-05 12:50:00 No. of Pages: 9

Recorded for: ALLIANCE TITLE & ESCROW

SUSAN K. HOWARD

Fee: 27.00

Ex-Officio Recorder Deputy Judy B. Dammale

Index to: DEED

290099

290024

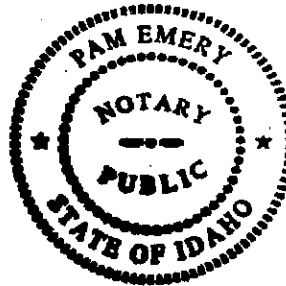
INSTRU. NO.	213390
PAGES	2 OF 9

STATE OF IDAHO)
)ss.
COUNTY OF Payette)

On this 4th day of October, 2000 before me, a notary public in and for said state, personally appeared HARRY L. BETTIS, as general partner of The Bettis Family Limited Partnership, known or identified to me to be the person who executed the instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Pam Emery
Notary Public
Residing at: Payette, Id.
My Commission Expires: 11-16-05



290099

290024

EXHIBIT A

Legal Description

INSTRU. NO.	213390
PAGES	3 OF 9

290099

290024

INSTRU. NO.	213390
PAGES	4 OF 9

EXHIBIT B

(See attached Schedule B - Section 2 from Title Commitment of Alliance Title

Order Nos. 4060000385 and 405000798)

BOISE:2715621_1.DOC

Nothing that impacts water rights!

290099

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INSTR. NO. 213390
PAGES 5 OF 9

Land in Township 8 North, Range 2 West, Boise Meridian, Payette County, Idaho, more particularly described as follows:

Section 2: Lots 1, 2, & 4, S1/2N1/2, N1/2S1/2, SW1/4SW1/4, SE1/4SE1/4.

Section 3: All.

Section 4: All.

Section 5: Lots 1, 2, & 3, S1/2N1/2, S1/2.

Section 7: Lots 3 & 4, NE1/4NE1/4; S1/2N1/2; E1/2SW1/4, SE1/4.

Section 8: All.

Section 9: All.

Section 10: W1/2, NE1/4, N1/2SE1/4. 3458

Section 11: NE1/4NE1/4, N1/2SW1/4, SE1/4SW1/4, S1/2SE1/4, all that part of the S1/2NW1/4, N1/2SE1/4 and SW1/4NE1/4 which lies South and West of the 3457 following described line:

Beginning at a point on the West section line on the West side of the SW1/4NW1/4 of Section 11, which is 1241 feet North of the West quarter corner of said Section 11; thence North 71°38' East 216 feet; thence North 68°52' East 50 feet to the North side line of said SW1/4NW1/4 of said Section 11; thence East following said North side line 978 feet; thence South 71°22' East 150 feet to the quarter-quarter section line in the East side of said SW1/4NW1/4 of said Section 11; thence South 57°37' East 785 feet; thence South 69°21' East 289 feet; thence South 81°59' East to the quarter section line at a point 710 feet North of the center of said Section 11; thence South 44°43' East 492 feet; thence South 58°23' East 697 feet to the North side line of the NW1/4SE1/4 of said Section 11; thence South 79°10' East 998 feet to a point in the NE1/4SE1/4 of said Section 11; thence South 58°15' East 490 feet; thence South 65°00' East 330 feet to a point on the East section line of said Section 11 which is 740 feet North of the Southeast corner of the NE1/4SE1/4 of said Section 11.

Section 14: E1/2E1/2.

Section 15: E1/2NW1/4, NW1/4NW1/4.

Section 17: Lots 1 - 4, S1/2NW1/4, SE1/4NE1/4, S1/2.

Section 18: Lots 1, 3, 4, & 7, S1/2NE1/4, SE1/4. ✓ 1217

Section 19: Lots 1 - 4, S1/2SE1/4, SE1/4SW1/4.

Section 20: E1/2, SW1/4.

Section 21: W1/2W1/2.

Section 30: N1/2NE1/4, NE1/4NW1/4, Lots 1, 3 & 4, SE1/4SW1/4.) ✓

Section 31: Lot 1. ✓

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290024

INSTRU. NO. 21330
PAGES 6 OF 9

Land in Township 8 North, Range 3 West, Boise Meridian, Payette County, Idaho, more particularly described as follows:

- Section 1: S1/2S1/2.
 Section 2: SW1/4SW1/4, S1/2SE1/4.
 Section 3: S1/2SE1/4.
 Section 4: In Government Lot 3 and that portion of Government Lot 2, of the SW1/4NE1/4 of the SE1/4NW1/4 and of the SW1/4 lying West of the center line of the county road, said center line being described as follows:
 Beginning at a point 211 feet East of the North quarter corner of said Section 4; thence South 28°30' West 240 feet; thence South 8°40' West 831 feet, more or less, to its intersection with the West side line of said SW1/4NE1/4, at a point which is 200 feet South of the Northeast corner of the SE1/4NW1/4; thence South 28°30' West 2644 feet; thence South 14°30' West 886 feet; thence South 29° West 570 feet to a point on the South side line of said SW1/4SW1/4, which is 800 feet East of the Southwest corner of said Section 4.
 Section 5: Lots 2, 3, & 4, S1/2NW1/4, S1/2.
 Section 6: Lots 1 - 6, SE1/4NW1/4; S1/2NE1/4, SE1/4, E1/2SW1/4.
 Section 7: E1/2.
 Section 8: W1/2, W1/2E1/2, E1/2NE1/4, NE1/4SE1/4.
 Section 9: S1/2SE1/4, SE1/4SW1/4 and that portion of the NW1/4NW1/4 lying West of the center line of the county road, said center line being described as follows:
 Beginning at a point on the North side line of said NW1/4NW1/4 which is 800 feet East of the Northwest corner of said Section 9; thence South 29° West 236 feet; thence South 21°45' West 886 feet; thence South 32°15' West 343 feet, more or less, to the South side line of said NW1/4NW1/4.
 X Section 10: E1/2NW1/4, S1/2SW1/4, E1/2. 6459
 Section 11: ALL
 Section 12: W1/2W1/2, NE1/4NW1/4, E1/2SW1/4, NW1/4NE1/4, SE1/4.
 Section 13: NE1/4NW1/4, S1/2NW1/4, NE1/4SW1/4, N1/2NE1/4, SE1/4NE1/4, SE1/4.
 Section 14: ALL.
 Section 15: ALL.
 Section 16: ALL.
 Section 17: ALL.
 Section 18: E1/2, E1/2SW1/4, Lot 4.
 Section 19: ALL. 4487, 4482, 4483, 4490
 Section 20: ALL.
 Section 21: ALL.
 Section 22: ALL.
 Section 23: W1/2, SE1/4, NE1/4NE1/4.
 Section 24: NW1/4NW1/4, S1/2SW1/4, E1/2.
 Section 25: N1/2NW1/4, SE1/4NW1/4, W1/2SW1/4, SE1/4SW1/4, E1/2.
 Section 26: ALL.
 Section 27: ALL.
 Section 28: W1/2, W1/2E1/2, SE1/4NE1/4, E1/2SE1/4. 4489, 4
 Section 29: N1/2, SE1/4.
 Section 30: NE1/4, NE1/4NW1/4, Lot 1.
 Section 31: E1/2NE1/4.
 Section 32: N1/2.
 Section 33: ~~N1/2NW1/4~~ *ac*

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INSTRU. NO. 213391
PAGES 7 OF 9

Land in Township 8 North, Range 4 West, Boise Meridian, Payette County, Idaho, more particularly described as follows:

Section 1: Lots 1 & 2, S1/2NE1/4, N1/2SE1/4.

Section 13: SE1/4SE1/4.

Section 24: E1/2NE1/4, S1/2SE1/4, NE1/4SE1/4; the NW1/4NE1/4, NE1/4SW1/4 and NW1/4SE1/4 lying Southeasterly of the county road right of way; EXCEPTING THEREFROM the following described parcel of land lying in the NW1/4SE1/4 and in the SW1/4NE1/4;

Commencing at the Northwest corner of the NW1/4SE1/4; thence South 89°38'09" East, along the North boundary of said NW1/4SE1/4, 565.60 feet, more or less, to the East side of the county road right of way, as it now exists, said point being the True Point of Beginning; thence North 20°15'44" East, along said East side of said county road right of way 78.52 feet; thence South 21°10'34" East, 259.25 feet; thence South 31°41'29" East, 204.65 feet; thence South 54°31'33" West, 52.76 feet; thence South 67°03'22" West, 242.42 feet; thence North 31°01'20" West, 175.30 feet to a point on the East side of said county road right of way; thence North 25°17'32" East, along said right of way, 119.12 feet; thence North 20°15'44" East, along said right of way, 223.22 feet to the True Point of Beginning.

Section 25: N1/2NE1/4, and the following portion of the N1/2NW1/4;

Beginning at the Northeast corner of said N1/2NW1/4; thence South following the East side line of said N1/2NW1/4 to the Southeast corner thereof; thence West following the South side line of said N1/2NW1/4 to the point where the same is intersected by the center line of Big Willow Creek; thence in a Northerly and Easterly direction following said center line to the point where the same intersects the North side line of said N1/2NW1/4; thence East following said North side line to the Point of Beginning.

Land in Township 9 North, Range 2 West, Boise Meridian, Payette County, Idaho, more particularly described as follows:

Section 33: S1/2, S1/2N1/2.

Section 34: SE1/4SE1/4, E1/2NW1/4, SW1/4, NW1/4SE1/4.

Section 35: SW1/4.

CONTINUED

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INSTRU. NO.	213390
PAGES	8 OF 9

Land in Township 9 North, Range 3 West, Boise Meridian, Payette County, Idaho, more particularly described as follows:

Section 21: S1/2SE1/4.

Section 25: SE1/4SE1/4.

Section 28: S1/2NW1/4, SW1/4, E1/2.

Section 29: E1/2, E1/2W1/2, S1/2SW1/4SW1/4, NW1/4SW1/4SW1/4.

Section 32: W1/2, NE1/4NE1/4, S1/2NE1/4, N1/2SE1/4, SW1/4SE1/4.

Section 33: W1/2, W1/2NE1/4 and that portion of the E1/2NE1/4 lying West of the center line of the county road, said center line being described as follows:
Beginning at a point 57.5 feet West of the Northeast corner of said Section 33; thence South 22°15' West 615 feet; thence South 14°45' West 1608 feet; thence South 38°30' West 640 feet, more or less, to a point on the South side line of said E1/2NE1/4, which is 1120 feet West of the East quarter corner of said Section 33;

ALSO, all that portion of the W1/2SE1/4 lying West of the center line of the county road, said center line being described as follows:

Beginning at a point 200 feet South of the Northeast corner of said W1/2SE1/4; thence South 28°30' West 2770 feet, more or less, to the South quarter corner of said Section 33.

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That property located in Township 8 North, Range 2 West, B.M., Gem County, Idaho, described as follows:

Section 13: The NW $\frac{1}{4}$; the W $\frac{1}{2}$ of the NE $\frac{1}{4}$; the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$, and the S $\frac{1}{2}$

Section 24: The N $\frac{1}{2}$ of the NW $\frac{1}{4}$; the N $\frac{1}{2}$ of the NE $\frac{1}{4}$; the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$

That part of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ and of the S $\frac{1}{2}$ of the SW $\frac{1}{4}$ of Section 12, Township 8 North, Range 2 West, B.M., which lies South and West of the following described line:

BEGINNING at a point on the West line of said Section 12, which is 740 feet North of the Southwest corner of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of said Section 12; thence

South 51°44' East 35 feet; thence

South 63°06' East 1450 feet, to a point in the Southwest part of the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 12; thence

South 32°22' East 492 feet; thence

South 4°54' East 337 feet; thence

South 65°17' East 388 feet; thence

South 36°17' East 417 feet to the South line of said Section 12, which is 2413 feet East of the Southwest corner of said Section 12.

INSTRU. NO. 213590
AGES 9 OF 9



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

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

01/11/2001

RIGHT NUMBER: 65-7136

NAME AND ADDRESS: HARRY L BETTIS
10775 SUCKER CREEK RD
PAYETTE, ID 83661

SOURCE: DRY CREEK TRIBUTARY: BIG WILLOW CREEK

QUANTITY: 5.6 CFS
980 AFY

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 0.02 CFS AND TO A TOTAL
COMBINED ANNUAL DIVERSION VOLUME OF 3.5 AF PER ACRE AT THE
FIELD HEADGATE. COMBINED RIGHT NOS.: 65-02204, 65-03247, 65-
03248, 65-02500, 65-02501, 65-03125, 65-03126, 65-03127, 65-
03128, 65-07789, 65-09076, 65-10533, 65-10534, 65-10535, 65-
10536, 65-02601, 65-07603.

PRIORITY DATE: 05/12/1970

POINT OF DIVERSION: T09N R02W S27 NESE Within PAYETTE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03-01 11-15	5.60 CFS
		980.00 AFY
IRRIGATION STORAGE	01-01 12-31	400.00 AFY
IRRIGATION FROM STORAGE	03-01 11-15	400.00 AFY
DIVERSION TO STORAGE	11-15 03-01	5.60 CFS

PLACE OF USE:

IRRIGATION Use same as IRRIGATION
FROM STORAGE

IRRIGATION FROM STORAGE Within
PAYETTE County

Section	Quarter	Acres	Section	Quarter	Acres
T08N R02W S10	NWNE	24	T08N R02W S10	SWNE	2
T08N R02W S10	NENW	25	T08N R02W S10	NWNW	30
T08N R02W S10	SWNW	19	T08N R02W S10	SENW	24
T08N R02W S2	SWNE	17	T08N R02W S2	SWNW	4
T08N R02W S2	SENW	10	T08N R02W S2	NESW	14
T08N R02W S2	NWSW	28	T08N R02W S2	NWSE	3
T08N R02W S3	SENE	12	T08N R02W S3	NWNW	4
T08N R02W S3	NESW	15	T08N R02W S3	SWSW	32
T08N R02W S3	SESW	36	T08N R02W S3	NESE	33
T08N R02W S3	NWSE	37	T08N R02W S3	SWSE	24
T08N R02W S3	SESE	8	T08N R02W S4	SWNE	2
T08N R02W S4	SENE	24	T08N R02W S4	NESW	22
T08N R02W S4	NWSW	23	T08N R02W S4	SWSW	38
T08N R02W S4	SESW	38	T08N R02W S4	NESE	7
T08N R02W S4	NWSE	23	T08N R02W S4	SWSE	21
T08N R02W S4	SESE	15	T08N R02W S5	SWSW	18
T08N R02W S5	SESW	21	T08N R02W S5	SWSE	27
T08N R02W S5	SESE	36	T08N R02W S7	NENE	19
T08N R02W S7	NWNE	19	T08N R02W S7	SWNE	5

T08N R02W S8	NENE	4	T08N R02W S8	NWNE	10
T08N R02W S8	NENW	11	T08N R02W S8	NWNW	31
T08N R02W S9	NENE	3	T08N R02W S9	NENW	4
T08N R02W S9	NWNW	1	T09N R02W S34	SWNW	12
T09N R02W S34	NWSW	14	T09N R02W S34	SWSW	10

859 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 280 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 948 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 65-02204, 65-03247, 65-03248, 65-02500, 65-02501, 65-03125, 65-03126, 65-03127, 65-03128, 65-07789, 65-09076, 65-10533, 65-10534, 65-10535, 65-10536, 65-02601, 65-07603.

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 - License

Memo to file: 65-02204, 65-03247 -65-03248, 65-02500, 65-02501, 65-03125, 65-03126, 65-03127, 65-03128, 65-07789, 65-09076, 65-10533, 65-10534, 65-10535, 65-10536, 65-02601, 65-07603, 65-07136:

January 11, 2001

Sue Bock

Rights 65-07136 and 65-07603 were licensed on January 5, 2001. All of the above mentioned rights were combined into a permissible place of use (ppu) agreed upon by the claimant and allocations staff. The ppu is a total of 859 acres. The ppu was included in both licenses with the condition limiting the rights to 22.61 cfs and 3006.5 afa at field headgate, when all rights were combined.

Right 65-02601 was included in the ppu; however, only the acres in Sec 10 are within the ppu. Acres occurring in Sec 11 & 12 can not be irrigated with the combined water. Total acres for Sec 11 & 12 are 89. Therefore I have included language in all of the above mentioned rights limiting them to a total of 948 acres when combined and .02 cfs and 3.5 afa per acre at field headgate.

See maps and memos in 65-07136.

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 65-07136

Priority: May 12, 1970

Maximum Diversion Rate: 5.60 CFS
Maximum Diversion Volume: 980.0 AF

It is hereby certified that HARRY BETTIS
10775 SUCKER CREEK RD
PAYETTE ID 83661 has complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated May 12, 1970; and has
submitted Proof of Beneficial Use on May 31, 1977. An examination indicates that the works have a
diversion capacity of 58.5 cfs of water from:

SOURCE

DRY CREEK

tributary to BIG WILLOW CREEK

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
IRRIGATION	03/01 to 11/15	5.60 CFS	980.0 AF
IRRIGATION FROM STORAGE	03/01 to 11/15		400.0 AF
IRRIGATION STORAGE	01/01 to 12/31		400.0 AF
DIVERSION TO STORAGE	11/15 to 03/01	5.60 CFS	

LOCATION OF POINT(S) OF DIVERSION:

DRY CREEK NE 1/4 SE 1/4 Sec. 27, Twp 09N, Rge 02W, B.M., PAYETTE County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08N 02W 10		24.0	2.0		25.0	30.0	19.0	24.0									124.0
08N 02W 2			17.0			4.0	10.0	14.0	28.0					3.0			76.0
08N 02W 3				12.0		4.0		15.0		32.0	36.0	33.0	37.0	24.0	8.0		201.0
08N 02W 4			2.0	24.0				22.0	23.0	38.0	38.0	7.0	23.0	21.0	15.0		213.0
08N 02W 5										13.0	21.0			27.0	36.0		102.0
08N 02W 7	19.0	19.0	5.0														43.0
08N 02W 8	4.0	10.0			11.0	31.0											56.0
08N 02W 9	3.0				4.0	1.0											8.0
09N 02W 34						12.0		14.0	10.0								36.0

Total Acres: 859

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 65-07136

CONDITIONS OF APPROVAL

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 65.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
3. The storage of water under this right is contingent upon continued certification by the Department of Water Resources under the dam safety provisions of the Idaho Code, authorizing storage.
4. Upon specific notification by the Department, the right holder shall install a lockable device of a type acceptable to the Department in a manner that will provide the watermaster suitable control of the diversion.
5. This right is limited to the irrigation of 280 acres within the place of use described above in a single irrigation season.
6. Right 65-07603 is also diverted through the point of diversion described above.
7. Rights 65-02204, 65-03247, 65-03248, 65-02500, 65-02501, 65-03125, 65-03126, 65-03127, 65-03128, 65-07789, 65-09076, 65-10533, 65-10534, 65-10535, 65-10536, 65-02601, 65-07603 and 65-07136 when combined shall not exceed a total diversion rate of 22.61 cfs, a total annual maximum diversion volume of 3006.5 af at the field headgate, and the irrigation of 859 acres.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this 5TH day of JANUARY, 2001

Acting for

KARL J. DREHER, Director

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

09:43:36
06/01/00
32

PAGE: 16
PROFILE REPORT

CLAIM NUMBER: A65-07136

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	HARRY L BETTIS	05/12/1970	IRRIGATION	03-15 11-15	5.600 CFS	
			IRRIGATION STORAGE	11-01 03-15		400.00 AFA
			IRRIGATION FROM STORAGE	03-15 11-15	5.600 CFS	400.00 AFA
			IRRIGATION FROM STORAGE	04-01 10-31	5.600 CFS	
TOTAL DIVERSION:					5.600 CFS	400.00 AFA

Water Source: DRY CREEK

Tributary to: BIG WILLOW CREEK

Stage: PERMIT

Point(s) of Diversion:

T09N R02W S27

SESE

PAYETTE County

Place of use Legal Description for: IRRIGATION FROM STORAGE

NE				NW				SW				SE			
NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE
T	R	S	: Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	: Lt Ac	Lt Ac	Lt Ac	Lt Ac	: Lt Ac	Lt Ac	Lt Ac	Lt Ac
09N	02W	34	:					:	40	40	40	:			
														TOTAL ACRES	
														280.0	

Place of use location for IRRIGATION is the same location as described for: IRRIGATION FROM STORAGE

Place of use Legal Description for: IRRIGATION FROM STORAGE

NE				NW				SW				SE			
NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE
T	R	S	: Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	: Lt Ac	Lt Ac	Lt Ac	Lt Ac	: Lt Ac	Lt Ac	Lt Ac	Lt Ac
09N	02W	34	:					:	40	40	40	:			
														TOTAL ACRES	
														280.0	

POU County: PAYETTE

Remarks: GEN THIS PERMIT RIGHT IS NOT DECREED BY THE PRESENT ADJUDICATION
PROCEDURE, AND IS INCLUDED FOR INFORMATION PURPOSES ONLY.
NORMAL STATUTORY PROCEDURES MUST BE COMPLETED FOR LICENSING.
MAXIMUM RATE OF DIVERSION SHALL NOT EXCEED 5.6 CFS OR 400 AF

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

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

DATE: 06/01/00
PAGE: 2

Misc: Water District Number: 65 Field Exam Fee: R (Received)



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

SUE

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

8/31/2000

COPY

HARRY L. BETTIS
10775 SUCKER CREEK RD
PAYETTE ID 83661

RE: BENEFICIAL USE EXAMS FOR 65-07136, 65-07603, AND 65-07602

Dear Mr. Bettis:

I began trying to contact you concerning water rights 65-07136, 65-07603, and 65-07602 in September of 1999 without success. I have telephoned you once or twice a month since September of 1999 and have asked Jan Shurte to try and contact you about these outstanding permits for water rights. Since I have not been able to speak with you about these permits, I was forced to recommend the permits based on the field exam made by Richard Gemperle in 1986 and the current adjudication information available.

Our office has been instructed to license these water rights so the Snake River Basin Adjudication (SRBA) can issue decrees for them. **In order to have these permits licensed before the SRBA claims are decreed I must send these recommendations to our State Office by September 15, 2000.** I will hold these recommendations until that date to allow you to come speak with me about any discrepancies that may occur. Below are my recommendations for these water rights:

65-07136 RECOMMENDATIONS:

I recommended that this permit be licensed for 280 acres within a permissible place of use of 663 acres. The total amount of lands that could have been irrigated from the reservoir is 857.1 acres. However, some of these lands are already being irrigated with water from Dry Creek, and this permit has a natural flow irrigation component from Dry Creek. Therefore, I could not include those lands in the permissible place of use for this permit. This should not be a problem since; permit 65-07603 does not have a natural flow component, so it can cover the acres not included in this permit with storage water. Please see below for the recommended acres and the recommended rates of flow and storage.

page 2

Bettis

2. Place(s) of Use:

Indicate Method of Determination SAME

AS POINT OF DIVERSION AND GIS USING NAPP AERIAL PHOTOGRAPHY
(PREPARED BY SUE BOCK)

TWP	RGE	SEC	N E				N W				S W				S E				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
8N	2W	2			17				3.8	10	14	28				2.9			75.7
8N	2W	3				12	4.4				15.3		32	36	33	37	23.3	8	201
							LT 3												
8N	2W	4			1.6	10					22	23	38		1.1	7	2	15	119.7
8N	2W	5											18	21			3	3	45
8N	2W	7	19	19	4.6														42.6
8N	2W	8		.7															.7
8N	2W	9	3				3.7	1.3											8
8N	2W	10		24	2.3		25.4	29.6	19	24									124.3
9N	2W	34																	

TOTAL ACRES = 663

PLEASE NOTE: This permit is for 280 acres within the above-described permissible place of use of 663 acres.

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
<u>IRRIGATION</u>	<u>03/15</u>	<u>11/15</u>	<u>5.60 CFS</u>	<u>980 AFA</u>
<u>DIVERSION TO STORAGE</u>	<u>11/01</u>	<u>03/15</u>	<u>5.60 CFS</u>	
<u>IRRIGATION STORAGE</u>	<u>11/01</u>	<u>03/15</u>		<u>400 AFA</u>
<u>IRRIGATION FROM STORAGE</u>	<u>03/15</u>	<u>11/15</u>		<u>400 AFA</u>
Totals:			<u>5.60 CFS</u>	<u>980 AFA</u>

65-07603 RECOMMENDATIONS:

I recommended that this permit be licensed for 577.1 acres within a permissible place of use of 857.1 acres. This permit will cover all of the lands that can be irrigated from the reservoir that are not covered by the 280 acres from permit 65-07136. This permit is storage right and does not have a natural flow component. Therefore, it can cover the lands irrigated by Dry Creek that were not covered by 65-07136. Please see below for the recommended acres and the recommended rates of flow and storage.

2. Place(s) of Use:

Indicate Method of Determination SAME AS POINT OF DIVERSION AND GIS USING
NAPP AERIAL PHOTOGRAPHY (PREPARED BY SUE BOCK)

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
8N	2W	2			17				3.8	10	14	28				2.9			75.7
8N	2W	3				12	4.4				15.3		32	36	33	37	23.3	8	201
8N	2W	4			1.6	24					22	23	38	38	7.1	23	21	15	201
8N	2W	5											18	21			27	36	102
8N	2W	7	19	19	4.6														42.6
8N	2W	8	3.6	9.7			11	31											55.3
8N	2W	9	3				3.7	1.3											8
8N	2W	10		24	2.3		25.4	29.6	19	24									124.3
9N	2W	34							12			14	9.5						35.5

TOTAL ACRES = 857.1

PLEASE NOTE: This permit is for 577.1 acres within the above-described permissible place of use of 857.1 acres.

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
<u>DIVERSION TO STORAGE</u>	<u>11/01</u>	<u>03/15</u>	<u>10.0 CFS</u>	
<u>IRRIGATION STORAGE</u>	<u>11/01</u>	<u>03/15</u>		<u>660 AFA</u>
<u>IRRIGATION FROM STORAGE</u>	<u>03/15</u>	<u>11/15</u>		<u>660 AFA</u>
Totals:			<u>10.0 CFS</u>	<u>660 AFA</u>

65-076023 RECOMMENDATIONS:

I recommended that this permit be canceled, because no wastewater was developed. In order to develop a waste water right the wastewater must be captured and diverted before it enters an established waterway. Once wastewater enters an established waterway, the wastewater becomes a part of the waterway and is no longer considered wastewater. Since the diversion point for this permit is on Big Willow Creek, the source of water for this diversion is Big Willow Creek water and not wastewater. Our office does not have the authority to change the source of water on a water right through an amendment or any other process. Therefore, in order to use this point of diversion you will need to file a new application that lists Big Willow Creek as the source. You should not use this point of diversion until a valid water right has been filed on the point of diversion.

CONCLUSION:

The first two rights should be licensed for the acres irrigated. All of the lands that were irrigated in the 1987 NAPP aerial photo and were described in the field exam from 1986 are covered by storage water under water rights 65-07136 and 65-07603. Th main concern is the Big Willow Creek diversion that was filed as wastewater. A new permit should be filed for this point of diversion before anymore water is diverted from Big Willow Creek.

I will hold these files until September 15, 2000 to allow you the opportunity to come in and speak with me about them. If you do not come in I will send the files to our State Office for licensing. If you have any questions or concerns please contact me as soon as possible so we can make any changes if needed.

Respectfully,

A handwritten signature in black ink, appearing to read "Daniel A. Nelson". The signature is fluid and cursive, with a long horizontal stroke at the end.

Daniel A. Nelson
Sr. Water Right Agent

T8N, R2W

6

5

4

8

9

SWNE 1.6
SENE 24.0

NWSW 23.0
NESW 22.0
NWSE 23.0
7.1
NESE

SWSW 18.0
SESW 21.0
SWSE 27.0
SESE 36.0
SWSW 38.0
SESW 38.0
SWSE 21.0
SESE 15.0

NWNE 19.0
NENE 19.0
31.0
11.0
9.7
3.6
1.3
3.7
3.0
NWNW
NENW
NWNE
NENE
NENE

SWNE

4.

3.

2.

1.

SV

NWNW

SENE

SWNW

SENW

SWNE

12.0

3.8

10.0

17.0

10.0

NESE

2.0

14.0

2.9

5.3

NESW

37.0

NWSE

33.0

NWSW

26.0

NESW

NWSE

32.0

SWSW

12.0

24.0

SESW

16.0

SWSE

0.5

SESE

4.6

NWNW

1.4

NENW

7.3

25.0

24.0

24.0

NWNE

19.0

SWNW

24.0

SENW

2.3

SWNE

10

2

3

T9N, R2W

12.0

14.0

9.5

34

Total acres

857

PPU

T8N, R2W

4.4

NWNW

SWNE

SENE

1.6

24.0

NWSW

NESW

NWSE

4

23.0

22.0

23.0

7.1

NESE

SE

SWSW

SESW

SWSE

SESE

SENE

SWNW

SESW

SWN

12.0

3.8

10.0

17.

NESE

2.0

14.0

2.

NWSW

26.0

NESW

NWSE

3

10.0

37.0

33.0

NESW

NWSE

5.3

2



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

January 11, 1990

Mr. Harry Bettis
10775 Sucker Creek Rd.
Payette, ID 83661

Dear Mr. Bettis:

When you were in my office last time, you were concerned that only two claims were received for Gem County filing. I have checked all of the rights in your name, not yet filed, and came up with the following claims:

Valley County - claims have been filed on the following rights:

A65-02052	A65-02127	A65-02488	A65-02525
A65-03209	A65-03215	A65-03216	A65-03230
A65-03489	A65-03610	A65-08094	A65-11397

Gem County - claims sent to you, but not filed yet on the following rights:

A65-01769 ✓ A65-07789

ACTUALLY IN PAYETTE COUNTY (SEE BELOW)

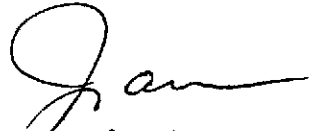
Payette County - claims taking not yet began on the following rights:

~~65-01217~~			~~65-07789~~
~~65-02204~~	~~65-02500~~	~~65-02501~~ ✓	~~65-02601~~
~~65-03124A~~	~~65-03125~~	~~65-03126~~ ✓	~~65-03127~~
~~65-03128~~	~~65-03247~~	~~65-03248~~ ✓	~~65-03457~~
~~65-03458~~	~~65-03459~~	~~65-03491~~ ✓	~~65-03492~~
~~65-06708~~	~~65-06709~~	~~65-06710~~ ✓	~~65-06711~~
~~65-06712~~	~~65-07136~~	~~65-09076~~ ✓	~~65-10533~~
~~65-10534~~	~~65-10535~~	~~65-10536~~ ✓	~~65-07603~~
			~~65-07602~~

At this point it may be easier to file the two Gem County claims with no fees as long as there are no changes. Then, when Payette County is joined, the above rights will be computer generated onto claim forms and also sent to you. If there are no changes on these claims, you can sign each before a notary and file them with our office. Changes to names and addresses are not considered to be the type of changes that require fees.

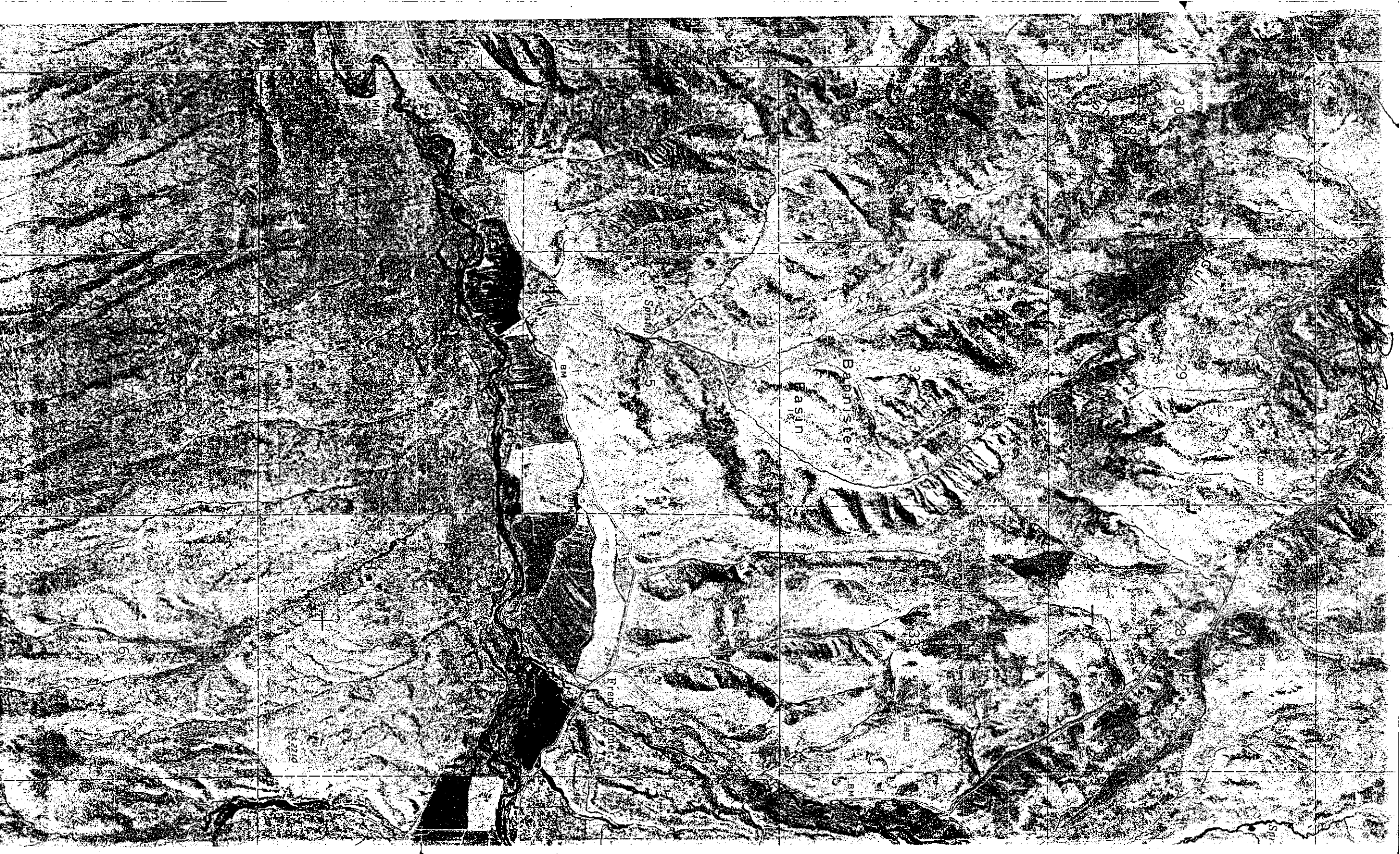
If you have any further questions concerning your claims,
please feel free to contact me.

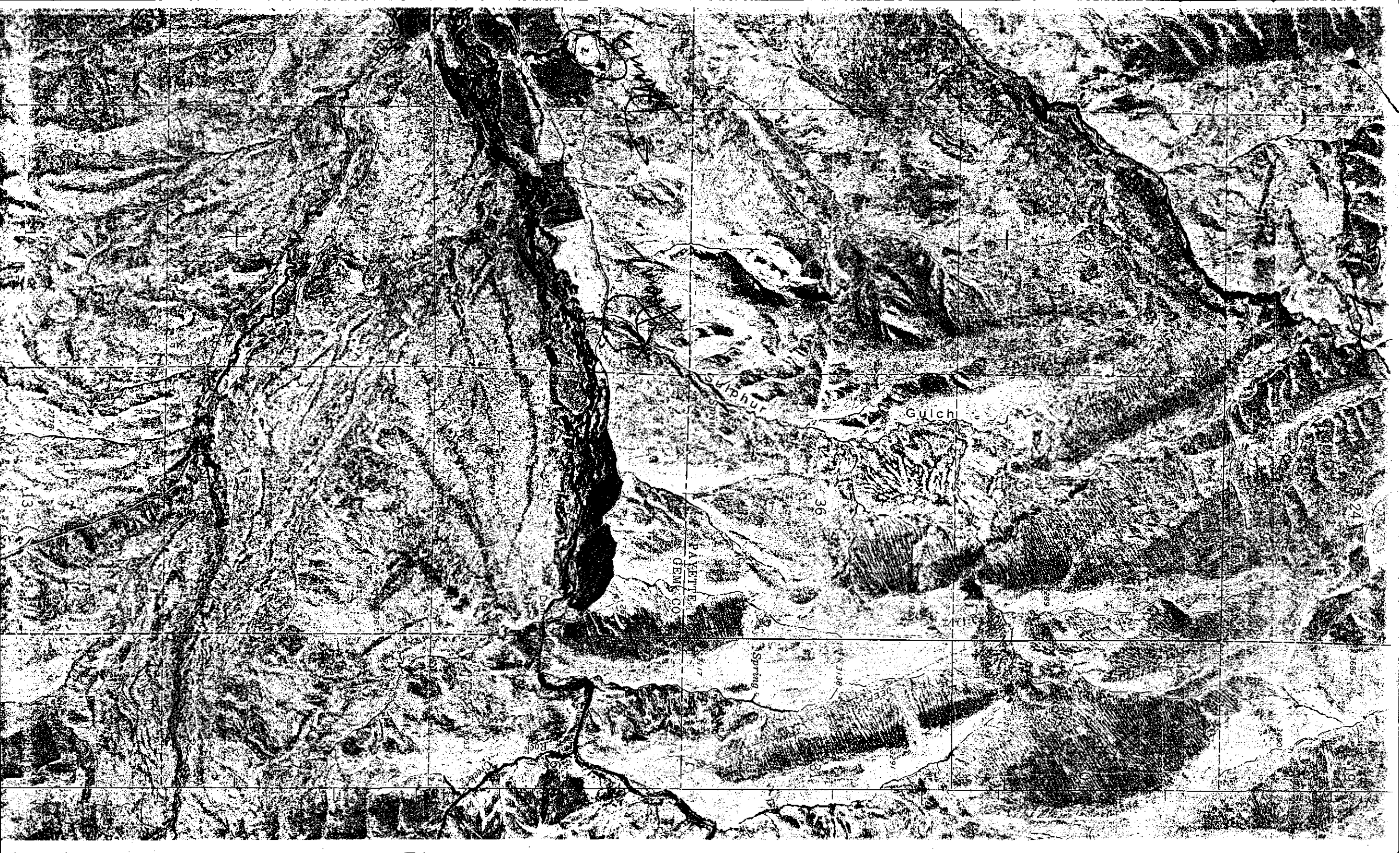
Sincerely,

A handwritten signature in cursive script, appearing to read "Jan Shurte".

Jan Shurte
Water Rights Supervisor
Adjudication Section

JS:lh
Enclosures





Sulphur Gulch

Gulch

Pavette Gem Co.

Spring

Rock

Rock

24

3566

3560

35

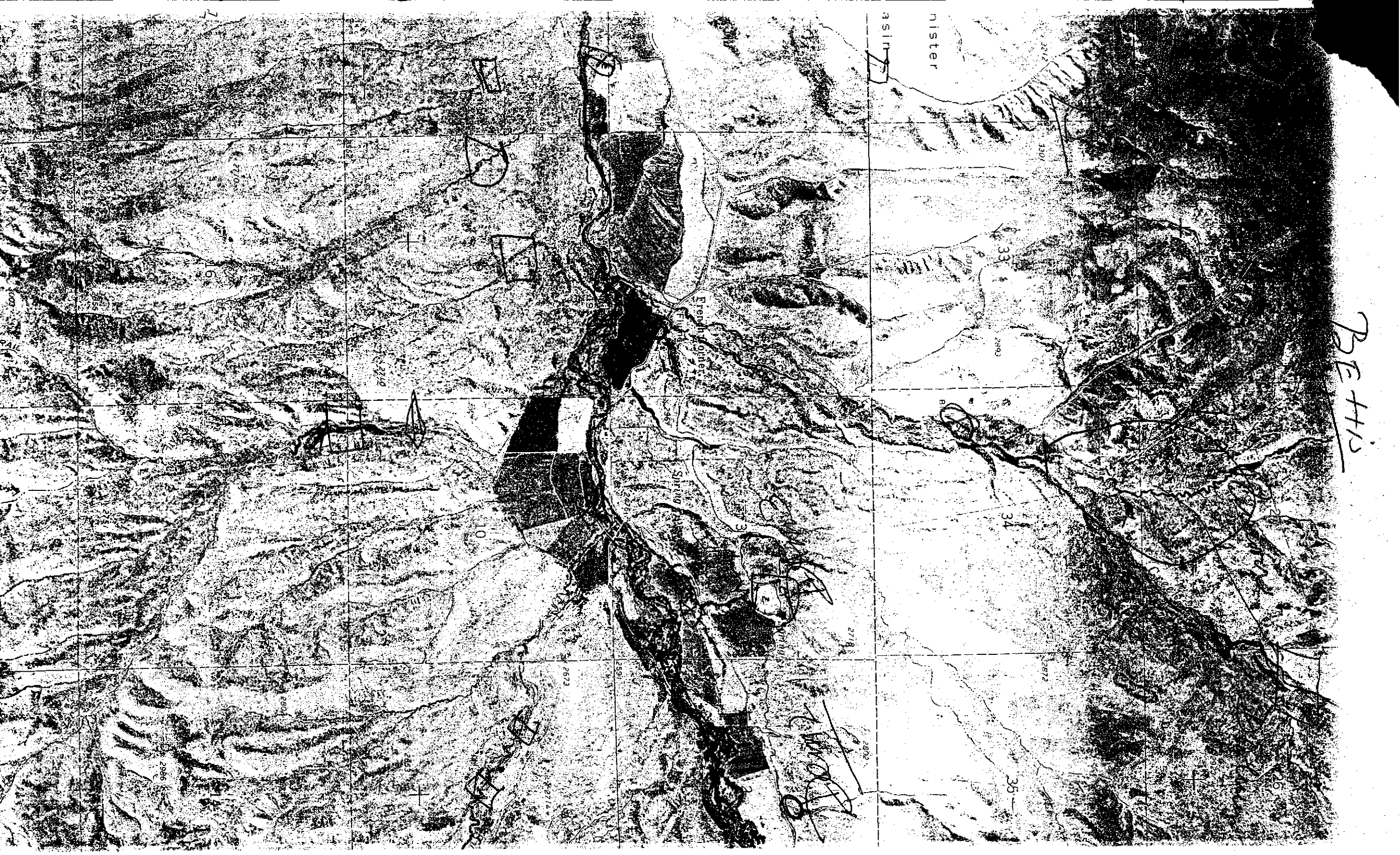
351

359

3560

3

Page 415



BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF REMOVAL OF THE MEASURING)
DEVICE REQUIREMENT FOR PERMIT NO. 65-7136) ORDER
IN THE NAME OF HARRY BETTIS)

WHEREAS, on May 12, 1970, Harry Bettis filed with the Department of Water Resources (formerly the Department of Water Administration) an application for permit to appropriate 5.60 cubic feet per second for irrigation purposes and 400 acre feet per annum for storage purposes, to be diverted within the SE $\frac{1}{4}$ Sec. 27, Twp. 9N, Rge. 2W, B.M., Payette County; and,

WHEREAS, on June 24, 1970, the Department approved said application and issued Permit No. 65-7136 with the conditions of approval that proof of construction of works and application of water to beneficial use be submitted to the Department on or before June 1, 1975, and that a measuring device of a type approved by the Department be permanently installed and maintained as part of the diverting works; and,

WHEREAS, on April 23, 1975, the Department extended the time within which to submit proof of beneficial use of water to June 1, 1977; and,

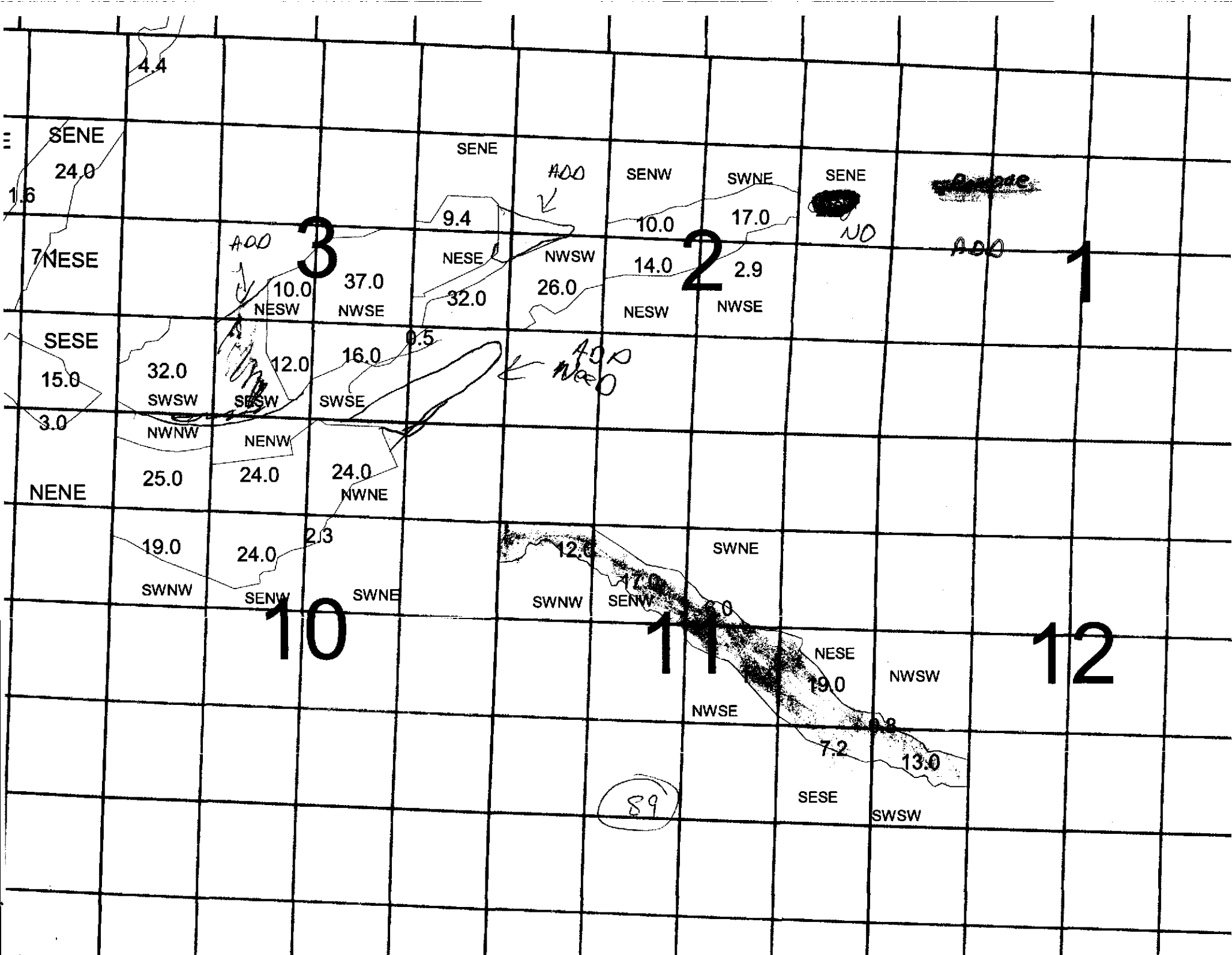
WHEREAS, on May 31, 1977, the Department received the required proof of beneficial use of water along with a request that the measuring device requirement be removed from said permit; and,

WHEREAS, it has been determined by the Department that a measuring device is not required at this time for a determination of the quantity of water appropriated under said permit;

IT IS, THEREFORE, HEREBY ORDERED that the condition of approval that a measuring device of a type approved by the Department be permanently installed and maintained as part of the diverting works, be and is, REMOVED from Permit No. 65-7136.

Dated this 21 day of June, 1977.


BOBBY D. FLEENOR
Chief, Operations Bureau





APR 1968

5

4

[illegible]

9

33

2W

SWNE

SENE

NWNW

4.4 yes

SWSW yes
9.5

NWSW

yes
14.0

SWNW

12.0
yes

SENW

NO

5.8

NENW

NO

NWNW

Permit only
Chained

Remove

36 acres

Total
39.9

34

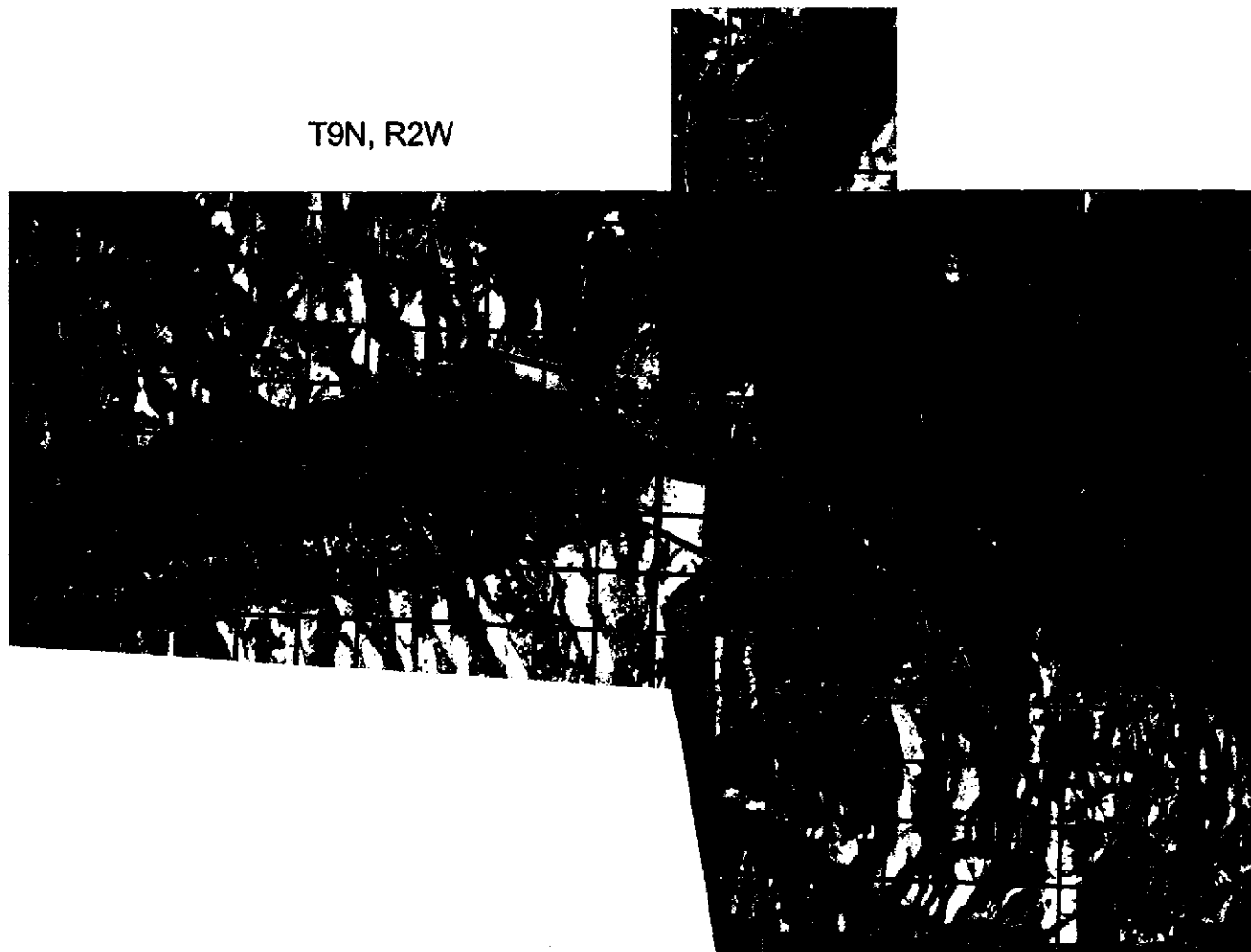
T9N, R0

SENE

Idaho Dept. of Water Resources

Claim No(s): 65-02204,
65-02500, 65-02501, 65-02601,
65-03125, 65-03126, 65-03127,
65-03128, 65-03247, 65-03248,
65-07136, 65-07603, 65-07789,
65-09076, 65-10533, 65-10534,
65-10535, 65-10536
T08N, R02W, S 2, -12
T09N, R02W, S 34
Prepared by: Sue Bock
Date: 1/12/2001

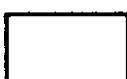
T9N, R2W



 Place of Use

 Point of Diversion

 Section lines

 1/4 1/4 lines



0 0.4 0.8 Miles


1987 NAPP Photo

Idaho Department of Water Resources

Claim No(s): 65-2204,
65-2500, 65-2501, 65-2601
65-3125, 65-3126, 65-3127,
65-3128, 65-3247, 65-3248,
65-7136, 65-7603, 65-7789,
65-9076, 65-10533, 65-10534,
65-10535, 65-10536
T8N, R02W S 2-12
T9N, R02W S 34
Prepared by Sue Bock
4/22/02



- POD
- Place of use
- Section Lines
- 1/4 1/4 lines

3000 0 3000 6000 Feet



RECEIVED

JAN 24 2002

WATER RESOURCES
WESTERN REGION

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

In Re SRBA)

Case No. 39576)

A. Subcase 65-7136
(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: United States of America acting through the Department of Interior,
Bureau of Reclamation, Regional Director PN Code-3100
Address: 1150 N. Curtis Rd. Suite 100
Boise, Idaho 83706-1234
Daytime Phone: (208) 678-0461 (Dala Walton)

Name & Address of Attorney, if any:
David W. Gehlert (303 312-7352)
Trial Attorney, General Litigation Section
Environment and Natural Resource Division
U.S. Department of Justice
999 18th Street, Suite N 945
Denver, CO 80202

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Kristin Schwarz & JG Schwarz
Address: 6000 Big Willow Rd.
Payette, ID 83661

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

- ☒ **General Provision Basin 65 Irrigation & Other Part III (3) Separate Streams**
1. ☐ **Name and Address**
Should be:
 2. ☐ **Source**
Should be:
 3. ☐ **Quantity**
Should be:
 4. ☐ **Priority Date**
Should be:
 5. ☐ **Point(s) of Diversion**
Should be:
 6. ☐ **Instream Flow Description**
Should be:
 7. ☐ **Purpose(s) of Use**
Should be:
 8. ☐ **Period of Year**
Should be:
 9. ☐ **Place of Use**
Should be:
11. **I object because:**
- ☐ This water right should not exist.
 - ☐ This water right was not recommended, but should be recommended with the elements described.

E. REASONS SUPPORTING EACH OBJECTION(S):

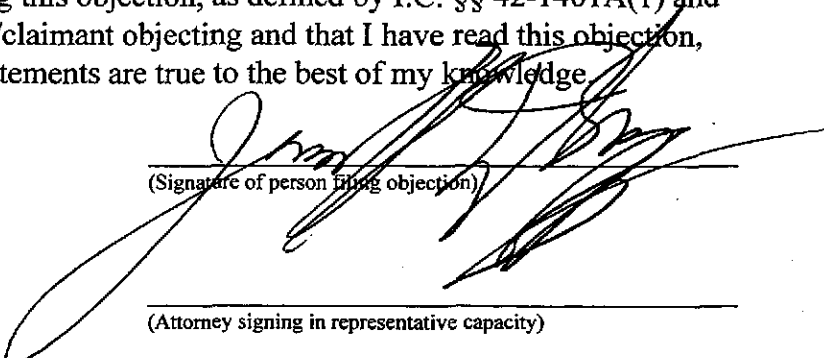
The Bureau of Reclamation objects to the separate stream provision of the Director's Report for Basin 65, Part III. These streams should be administered as part of the Payette River System in order to adequately protect water rights in the Payette River subbasin.

F. VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

Jerrold D. Gregg, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

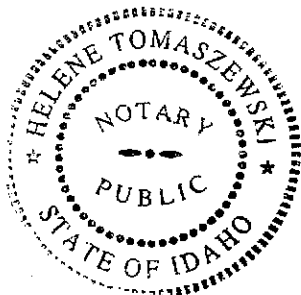
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge

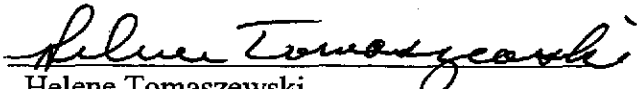

(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

January 9, 2002




Helene Tomaszewski
Notary Public for: Idaho
Residing at: Meridian
My Commission Expires: 01-16-2002

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on January 17, 2002, I mailed the original and copies of this objection, including all attachments, to the following persons, by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID. 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: Kristin Schwarz & JG Schwarz

Address: 6000 Big Willow Rd.
Payette, ID 83661

3. Copies to:

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

IDWR Document Depository
P.O. Box 83720
Boise, Idaho 83720-0098

United States Department of Justice
Environment and Natural Resource Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724



Signature of Objector or attorney mailing on Objector's behalf

F.

VERIFICATION (Must be Completed)

State of Idaho)

) ss.

County of Ada)

Fredric W. Price, Water Rights Specialist, duly sworn, upon oath, deposes and says:

(Name of person filing objection)

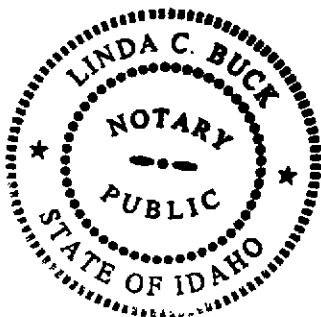
That I am the party/claimant filing this objection, as defined by I.C. § 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Fredric W. Price
(Signature of person filing objection)

Larry C. Brown
(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

01-16-2002



Linda C. Buck

Notary Public for Idaho

Residing at: Mountain Home

My Commission Expires: 12-21-2005

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**

Should be: _____

2. ☐ **Source**

Should be: _____

3. ☐ **Quantity**

Should be: _____

4. ☐ **Priority Date**

Should be: _____

5. ☐ **Point(s) of Diversion**

Should be: _____

6. ☐ **Instream Flow Description**

Should be: _____

7. ☐ **Purpose(s) of Use**

Should be: _____

8. ☐ **Period of Year**

Should be: _____

9. ☒ **Place of Use**

Should be: See attached

11. **I object because:**

☐ This water right should not exist.

☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S):

The United States of America, through the Bureau of Land Management, is the owner of the land upon which use is claimed. The claimant's use of Federal land is unauthorized. See attached POU. Claimant's water right should not include this POU.

RECEIVED

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WATER RESOURCES
WESTERN REGION

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

In Re SRBA

Case No. 39576

A. Subcase 65-07136

(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: United States of America acting through the Department of Interior, Bureau of
Land Management, Idaho State Office

Address: 1387 South Vinnell Way
Boise, Idaho 83709-1657

Daytime Phone: see below

Name & Address of Attorney, if any:

Larry A. Brown (202) 305-0435 phone, (202) 305-0274 fax

United States Department of Justice; Environment and Natural Resource Division; General Litigation Section
550 West Fort Street, MSC 033; Boise, Idaho 83724

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Kristin Schwarz

Address: 6000 Big Willow Rd; Payette, ID. 83661

Name: J. G. Schwarz

Address: 6000 Big Willow Rd; Payette ID 83661

Name:

Address;

Name:

Address;

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on January 18, 2002, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: Kristin Schwarz
Address: 6000 Big Willow Rd; Payette, ID. 83661

Name: J. G. Schwarz
Address: 6000 Big Willow Rd; Payette ID 83661

Name:
Address:;

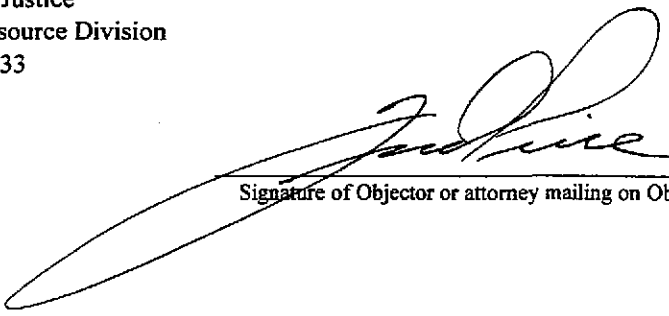
Name:
Address:;

3. Copies to:

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

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



Signature of Objector or attorney mailing on Objector's behalf

08/31/2001

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 65-7136

NAME AND ADDRESS: KRISTIN SCHWARZ
6000 BIG WILLOW RD
PAYETTE ID 83661

JG SCHWARZ
6000 BIG WILLOW RD
PAYETTE ID 83661

SOURCE: DRY CREEK

TRIBUTARY: BIG WILLOW CREEK

QUANTITY: 5.600 CFS
980.00 AFY

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 0.02 CFS AND TO A TOTAL COMBINED ANNUAL
DIVERSION VOLUME OF 3.5 AF PER ACRE AT THE FIELD HEADGATE. COMBINED
RIGHT NOS.: 65-02204, 65-03247, 65-03248, 65-02500, 65-02501, 65-03125,
65-03126, 65-03127, 65-03128, 65-07789, 65-09076, 65-10533, 65-10534,
65-10535, 65-10536, 65-02601, 65-07603.

PRIORITY DATE: 05/12/1970

POINT OF
DIVERSION:

T09N R02W S27 NESE Within PAYETTE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION STORAGE	01/01 12/31	400.00 AFY
IRRIGATION FROM STORAGE	03/01 11/15	400.00 AFY
IRRIGATION	03/01 11/15	5.600 CFS
		980.00 AFY
DIVERSION TO STORAGE	11/15 03/01	5.600 CFS

PLACE OF USE:

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

IRRIGATION FROM STORAGE Within PAYETTE County

T08N R02W S10	NWNE	24.0	T08N R02W S10	SWNE	2.0
T08N R02W S10	NENW	25.0	T08N R02W S10	NWNW	30.0
T08N R02W S10	SWNW	19.0	T08N R02W S10	SENW	24.0
T08N R02W S02	SWNE	17.0	T08N R02W S02	SWNW	4.0
T08N R02W S02	SENW	10.0	T08N R02W S02	NESW	14.0
T08N R02W S02	NWSW	28.0	T08N R02W S02	NWSE	3.0
T08N R02W S03	SENE	12.0	T08N R02W S03 Lot 4	NWNW	4.0
T08N R02W S03	NESW	15.0	T08N R02W S03	SWSW	32.0
T08N R02W S03	SESW	36.0	T08N R02W S03	NESE	33.0
T08N R02W S03	NWSE	37.0	T08N R02W S03	SWSE	24.0
T08N R02W S03	SESE	8.0	T08N R02W S04	SWNE	2.0
T08N R02W S04	SENE	24.0	T08N R02W S04	NESW	22.0
T08N R02W S04	NWSW	23.0	T08N R02W S04	SWSW	38.0
T08N R02W S04	NWSE	23.0	T08N R02W S04	SESW	38.0
T08N R02W S04	NESE	7.0	T08N R02W S04	SWSE	21.0
T08N R02W S04	SESE	15.0	T08N R02W S05	SWSW	18.0
T08N R02W S05	SESE	36.0	T08N R02W S05	SESW	21.0
T08N R02W S05	SWSE	27.0	T08N R02W S07	NENE	19.0
T08N R02W S07	NWNE 6m	19.0	T08N R02W S07	SWNE	5.0
T08N R02W S08	NENW	11.0	T08N R02W S08	NENE	4.0
T08N R02W S08	NWNE	10.0	T08N R02W S08	NWNW	31.0
T08N R02W S09	NENE	3.0	T08N R02W S09	NENW	4.0
T08N R02W S09	NWNW	1.0	T09N R02W S34	SWNW	12.0
T09N R02W S34	NWSW	14.0	T09N R02W S34	SWSW	10.0

IRRIGATION STORAGE same as IRRIGATION FROM STORAGE

IRRIGATION same as IRRIGATION FROM STORAGE

DIVERSION TO STORAGE same as IRRIGATION FROM STORAGE

859 ACRES TOTAL

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 948 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 65-02204, 65-03247, 65-03248, 65-02500, 65-02501, 65-03125, 65-03126, 65-03127, 65-03128, 65-07789, 65-09066, 65-10533, 65-10534, 65-10535, 65-10536, 65-02601, 65-07603.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 280 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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 - License

TRICT
DE GEM
RECEIVED
NO. MAP NO.

**NOTICE OF CLAIM
TO A
WATER RIGHT**

IDENT. NO. 65 7136 MAY 17 1971

MAP NO. 11

Notice is hereby given that HARRY L. BETTIS (Name of Claimant)

Star Route, Payette, Idaho 83661 _____, claims a right to the diversion
(Mailing Address)
and beneficial use of the surface or groundwater, or of tributary to the Payette River;

The extent and nature of said claim is as follows:

The extent and nature of said claim is as follows: May 12, 1970

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

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

(2) Describe source of water: (Name of stream, lake, spring, etc., or subterranean) _____ Dry Creek fork to Big Willow Creek

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed: (Both Dates Inclusive)

Use Irrigation (5.6 c.f.a.) ^{1260 AF} 1260 AF Period of Use From April 1 To Oct. 31
(Domestic, irrigation, stock, etc.) TRP FROM STORAGE 400 AFA (Mo., Day) (Mo., Day)
(Both Dates Inclusive)

Use ~~Domestic Irrigation, stock, etc.)~~ **IRR FROM STORAGE 400 AF** (Mo., Day) (Both Dates Inclusive)
 Use ~~Domestic Irrigation, stock, etc.)~~ **Period of Use From Nov. 1 To Mar. 15** (Mo., Day) (Both Dates Inclusive)

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

(4) Quantity of water claimed: 5.6 Cubic Feet Per Second, or 400 ~~1000~~ Acre Feet Per Annum,
and/or Gals. Per Minute.

(5) A) Point of Diversion: Give location of point where water is diverted from its source SE $\frac{1}{4}$ SE $\frac{1}{4}$,
Sec. 27, Twp. 9 N, Rge. 2 W, B.M.; additional points: _____

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.)
Give sizes and capacities; be as specific as possible. dam, gravity ditch

(6) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

[illegible]

Total No. of acres 280

B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

(7) Effluent, sewage waste, or return water from this use is discharged into Big Willow Creek

(8) If you are claiming water as a member of an organization, list name of organization.

(9) Remarks

(10) Basis of claim (Check one) ☐ A) Right based on diversion and beneficial use.

☐ B) Right decreed by court, cite title of case.

C) Right based on application, license or claim filed with State Reclamation Engineer, Office No.:

permit #65-7136

Be it known that the undersigned, after being duly sworn on oath, depose(s) and say(s) that all statements included herein are true and accurate to the best of (his, her, their) knowledge.

Individual

Harry T. Butler
(Signature of Claimant)

(Signature of Spouse)

Organization

(Signature of Authorized Agent)

State of Idaho

County of Ada

County of _____, State of _____
On this 17th day of May, in the year 1971, before me,
a notary public, personally appeared Harry L. Rettia
known to me to be the person(s) whose name(s) are subscribed to the above instrument, and acknowledged to me that (he) she, they,
corporation, partnership or _____ executed the same. William E. Lawrence

Notary Public residing at 2201

My commission expires Oct. 8, 1974

01 WATER RIGHT NUMBER - 65-7136

02 OLD (D) NUMBER -

03001 - BETTIS
LAST NAME04001 - HARRY L.
FIRST NAME05001 - C
ORIG. OWNER

06 ADD LINE 1 - STAR ROUTE

07 ADD LINE 2 -

08 ADD LINE 3 -

09 CITY - PAYETTE

10 STATE - ID

11 ZIP - 83661

12 STAGE - P PERMIT

13 STATUS -

14001 - DRY CREEK
SOURCE15001 - BIG WILLOW CREEK
TRIBUTARY OF

16 DIVERSION MEANS - DIVERSION DAM - GRAVITY DITCH TO STORAGE RESERVOIR.

17 COUNTY - 75 PAYETTE

18 DIVERSION CAPACITY - .000

19 TOTAL DIVERSION RATE - 5.600

20 TOTAL DIVERSION VOLUME - 400.00

21 WATER DISTRICT - 65

TRACT	SEC	TWN	RNG	LOT	RFLG	STREAM	INDEX	FIELDS
22001 - SESE	23001 - 27	24001 - 09N	25001 - 02W	26001 - 27001 -				
			28001 - 0	272.0	296.0	5.0	4.0	0.0 0.0 0.0 0 0 0 2.7

29 NON-IRRIGATION USE -

USE CODE / USE	TWN	RNG	SEC	TRACT	ACRES	LOT
30001 - 03 IRRIGATION FROM STORAGE	31001 - 09N	32001 - 02W	33001 - 34	34001 - NENW	35001 - 40	36001 -
30002 - 03 IRRIGATION FROM STORAGE	31002 - 09N	32002 - 02W	33002 - 34	34002 - SWNW	35002 - 40	36002 -
30003 - 03 IRRIGATION FROM STORAGE	31003 - 09N	32003 - 02W	33003 - 34	34003 - SENW	35003 - 40	36003 -
30004 - 03 IRRIGATION FROM STORAGE	31004 - 09N	32004 - 02W	33004 - 34	34004 - NESW	35004 - 40	36004 -
30005 - 03 IRRIGATION FROM STORAGE	31005 - 09N	32005 - 02W	33005 - 34	34005 - NWSW	35005 - 40	36005 -
30006 - 03 IRRIGATION FROM STORAGE	31006 - 09N	32006 - 02W	33006 - 34	34006 - SWSW	35006 - 40	36006 -
30007 - 03 IRRIGATION FROM STORAGE	31007 - 09N	32007 - 02W	33007 - 34	34007 - SESW	35007 - 40	36007 -

TOTAL ACRES: 280

PERIOD FROM	PERIOD TO	USE CODE / USE	DIVERSION RATE	DIVERSION VOLUME
37001 - 0315	38001 - 1115	39001 - 01 IRRIGATION	40001 - 5.600	41001 - 0.00
37002 - 0315	38002 - 1115	39002 - 03 IRRIGATION FROM STORAGE	40002 - 5.600	41002 - 400.00
37003 - 1101	38003 - 0315	39003 - 02 IRRIGATION STORAGE	40003 - 0.000	41003 - 400.00
37004 - 0401	38004 - 1031	39004 - 03 IRRIGATION FROM STORAGE	40004 - 5.600	41004 - 0.00

42 DECREE PLAINTIFF NAME -

43 DECREE DEFENDANT NAME -

REMARKS

44001 - THIS PERMIT RIGHT IS NOT DECREED BY THE PRESENT ADJUDICATION
44002 - PROCEDURE, AND IS INCLUDED FOR INFORMATION PURPOSES ONLY.
44003 - NORMAL STATUTORY PROCEDURES MUST BE COMPLETED FOR LICENSING.
44004 - MAXIMUM RATE OF DIVERSION SHALL NOT EXCEED 5.6 CFS OR 400 AF

REMARKS

APPROVAL CONDITIONS: 45001 -

46 OTHER RIGHTS FOR SAME USE -

12/2/81
VERIFIED JKN

D A T E S		D A T E S		F L A G S	
47	PRIORITY - 12-MAY-1970	55	LICENSE -	63	TRANSFER/AMENDED -
48	PROOF DUE - 1-JUN-1970	56	APPL RECEIVED -	64	DLE/CAREY ACT -
49	PROOF MADE - 15-JUN-1970	57	FIELD EXAM MADE -	65	FLAG_1 - R
50	APPROVE/DENIED -	58	DECREE -	66	FLAG_2 -
51	PROTESTED -	59	START WORK -	67	FLAG_3 -
52	HEARING -	60	ORDER SHOW CAUSE -		
53	VERIFIED -	61	DATE_1 -		
54	LAST UPDATE - 25-NOV-1986	62	DATE_2 -		



State of Idaho

DEPARTMENT OF WATER RESOURCES

WESTERN REGION, 92 South Cole Road, Boise, Idaho 83709

JOHN V. EVANS

Governor

(Office at the corner of
Franklin and Cole Roads)

C. STEPHEN ALLRED

Director

(208) 334-2190

January 29, 1981

Harry Bettis
Star Route
Payette, ID 83661

Re: Permit 65-7136

Dear Mr. Bettis:

In reviewing Permit 65-7136, it was observed that the acreage found, place of use, and diversion point are different than indicated on the permit.

At your convenience, will you please call me for an appointment, and we can review the finding.

If there are any other questions concerning this permit, feel free to call me.

Sincerely,

John K. Noyes.

JOHN K. NOYES

Senior Water Resource Agent

JKN:aje

65-7136

Judy -

Plz enter as "R"

Flag-1 for each of

these. Thanks, Dave

(They need re-exams at our
request)

M E M O R A N D U M

TO: File and Field Report
FROM: Dave Tuthill
DATE: 1/9/79
SUBJECT: Field Exam

On May 25, 1978 I performed a preliminary field exam on this permit, while examining another permit on the Bettis Ranch. I found that the reservoir is constructed and is storing water, but that the lands irrigated by the newly stored waters are changing. I would suggest that this permit be field examined (with a current aerial photo) at the same time as permit 65-7603 (Proof due 2-1-81). In this way the system will be more accurately defined since the amendments to land lists can be constructed to cover all lands irrigated with the storage water without overlapping.