

W 1/2 SW

W 1/2 SE

6650
Tox 307

6780

8400
Tax 362

LOT -
5420ac

72 132

7051
Tex 32
4.545cc

Tok 17

8750
TX 148

N 89°-58'-00 E

0650

T: 162
2.98

Well Site
205
487
104
Riverspoint
Prop Owners

7. $\frac{1}{2}$

7. $\frac{1}{2}$

Idaho Dept. of Water Resources

Claim No(s): 65-07608

Claimant(s): Fackrell

T09N, R04E, S 16, 21

Prepared by: Sue Bock

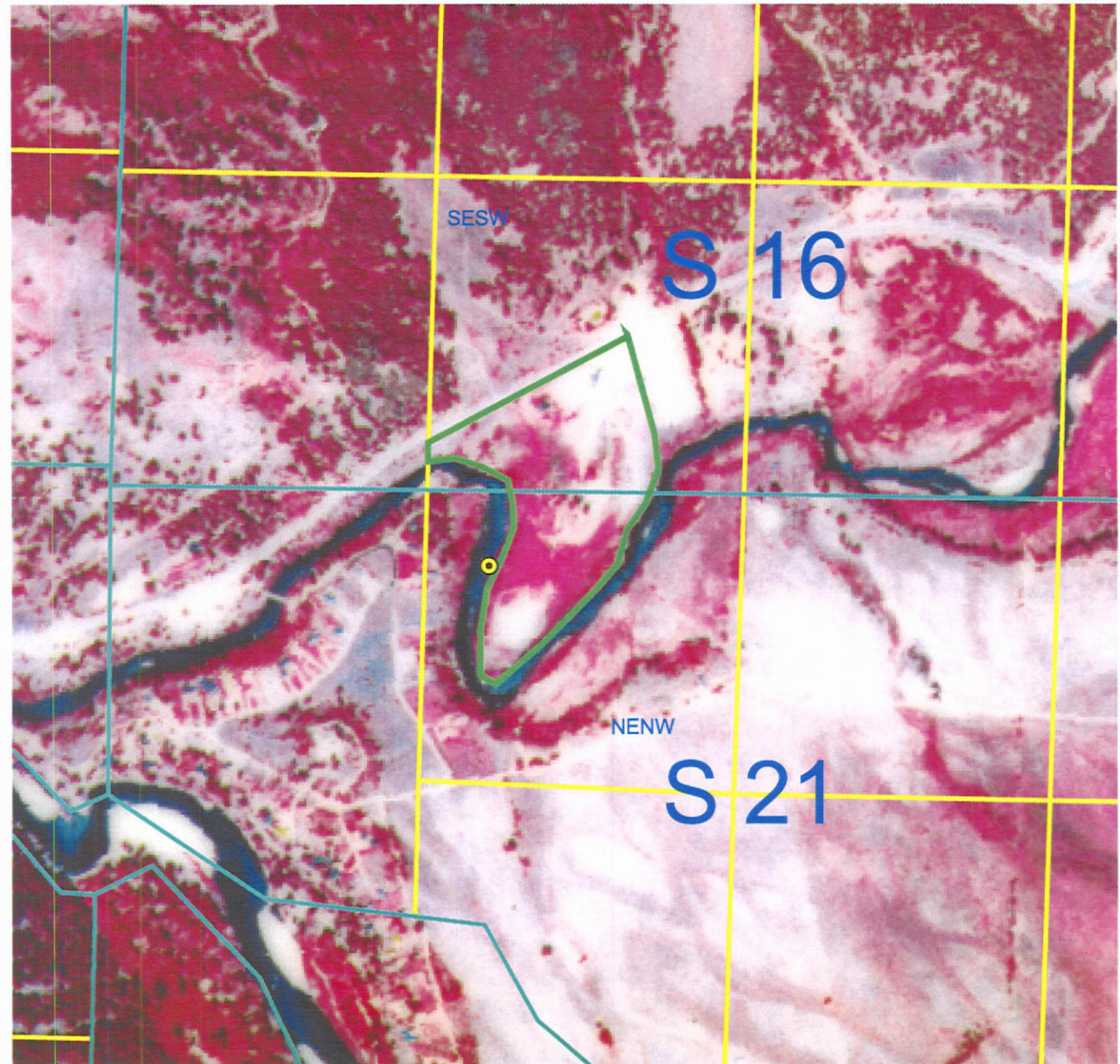
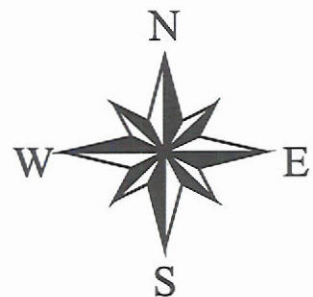
Date: 01/07/2000

 Place of Use

 Point of Diversion

 Section lines

 1/4 1/4 lines



1987 NAPP Photo

0 0.3 0.6 Miles



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: **A65-07608**
Date Received: 3/14/1989
Receipt No: X999999
Received By: _____

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name: ED FACKRELL
Address: 15 TIMBER LN
GARDEN VALLEY ID 83622
AND/OR
Name: BARBARA FACKRELL
Address: 15 TIMBER LN
GARDEN VALLEY ID 83622

2. Date of Priority: MAR 18, 1976

3. Source: PAYETTE RIVER, MIDDLE FORK Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
09N	04E	21	NE	NW			BOISE
			NE	NW			BOISE

5. Description of diverting works:
PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.340		

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

8. Total consumptive use is 42.5 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09N	04E	16	SE	SW		IRR	10.0
						Section Acres	10.0
		21	NE	NW		IRR	7.0
						Section Acres	7.0
						Total Acres	17.0

11. Place of use in counties: BOISE

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

13. Other Water Rights Used:
NONE

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.

|
ADDRESS CHANGE BY CLAIMANT NOTE. SS 04/10/1998

15. Basis of Claim: PERMIT

WESTERN REGION

OWNER (S): Fackell

CLAIM NUMBERS: 65-07408

AGENT: Sue Bock DATE _____

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

P.O.D. TOWNSHIP RANGE SEC. SOURCE

POLYGON CREATED ON 332

POLYGON # () () () () UPDATED BY sue

ATTRIBUTES OF B65-POU.SHP (1152) () () () ()

ATTRIBUTES OF B65-POD.SHP (1145) () () () ()

X B65-DBPOU.DBF UPDATED BY sue

2 B65-DBPOD.DBF UPDATED BY sue

NOTES:

February 3, 2000

**NOTICE OF ERROR
REPLY**

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: March 3, 2000

Water right number: 65-07608

ED FACKRELL
BARBARA FACKRELL
15 TIMBER LN
GARDEN VALLEY ID 83622

Daytime Telephone Number:

Evening Telephone Number:

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

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

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

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

DATE: 2-22-2000 SIGNATURE: _____

Please print your name: _____

Ed Fackrell
ED FACKRELL

Barbara Fackrell
BARBARA FACKRELL

AJ0749NP
No. R65-07608

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

DATE: 01/25/00
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	ED FACKRELL	03/18/1976	IRRIGATION	04-01 11-01	0.280 CFS	49.00 AFA
C	BARBARA FACKRELL 15 TIMBER LN GARDEN VALLEY ID 83622			TOTAL DIVERSION:	0.280 CFS	49.00 AFA

Water Source: PAYETTE RIVER, MIDDLE FORK

Tributary to: PAYETTE RIVER

Stage: LICENSE

Point(s) of Diversion: T09N R04E S21

NENW

BOISE County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
09N	04E	16	:													07				:	7.0
09N	04E	21	:							06										:	6.8
																			TOTAL ACRES	:	13.8

POU County: BOISE

Other Rights: NONE

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

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

Comments: Date: 11/19/1999 User-ID: SBOCK Subject: COPIED FROM 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.

ADDRESS CHANGE BY CLAIMANT NOTE. SS 04/10/1998

Date: 11/19/1999 User-ID: SBOCK Subject: POD
THE POD WAS CLAIMED IN THE CORRECT LOCATION, BUT WAS LICENSED IN
THE WRONG 1/4 1/4, AS VERIFIED BY LICENSE FILE. THIS WAS A
CLERICAL ERROR

Audit: 01/25/00 SBOCK

AJ5809NP
No. R65-07608

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 03/27/99
PAGE: 76

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	ED FACKRELL	03/18/1976	IRRIGATION	04-01 11-01	0.34 CFS	28
C	BARBARA FACKRELL 15 TIMBER LN GARDEN VALLEY ID 83622				0.34 CFS	28
TOTAL DIVERSION:					0.34 CFS	28

Water Source: PAYETTE RIVER, MIDDLE FORK

Tributary to:

Payette R
NEW
NEW
NEW

Stage: *PERMIT* 2

Point(s) of Diversion: T09N R04E S21

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE				
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM
09N	04E	16	:																	10.0
09N	04E	21	:																	7.0
TOTAL ACRES																			17.0	

6.8

POU County: BOISE

Other Rights: *NONE*

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

65-12383 A65-07608 A65-12045 A65-12243 A65-12304 A65-12383 A65-12652 A65-12765 R65-12045 R65-12243
R65-12304 R65-12652 R65-12765

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

A65-07608 A65-12243 A65-12304 A65-12652 R65-12243 R65-12304 R65-12652

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.

ADDRESS CHANGE BY CLAIMANT NOTE. SS 04/10/1998 *Comm.*

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

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

Audit: 03/26/99 JSHURTE

462-3724

WR5809NP
No. 65-07608

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 03/17/99
PAGE: 40

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
P	ED FACKRELL HC 76, BOX 1201 BANKS ID 836020000	03/18/1976	IRRIGATION	04/01 11/01	0.280 CFS	49.00 AFA
TOTAL DIVERSION:					0.280 CFS	49.00 AFA
C	ED FACKRELL					
C	BARBARA FACKRELL 15 TIMBER LANE GARDEN VALLEY ID 836220000					

Water Source: PAYETTE RIVER, MIDDLE FORK

Tributary to: PAYETTE RIVER

Stage: LICENSE

Point(s) of Diversion Capacity: 0.280 CFS

Point(s) of Diversion: T09N R04E S21 NENE

BOISE County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
09N	04E	16	:																	:	7.0
09N	04E	21	:					06												:	6.8
TOTAL ACRES																				13.8	

Pou County: BOISE

Conditions of Approval:

- R30 - This right when combined with all other rights shall provide no
- more than .02 cfs per acre nor more than 3.5 afa per acre for
- irrigation of the lands above.
R04 - Use of water under this water right will be regulated by the
- watermaster of State Water District No. 65.

Dates: App. Received: 03/18/1976 Priority Date: 03/18/1976
Proof Due Date: 04/01/1981 Proof Made Date: 02/19/1981
Exam Made Date: 08/13/1986 Exam Sent to S.O.:
Licensed Date: 02/01/1990

Misc: Water District Number: 65 Field Exam Fee:

Audit: 01/14/87 04/30/88 CONVERT 03/28/89 JOHNSON 10/03/89 CURTIS
12/18/89 CURTIS 01/08/90 CURTIS 01/17/90 CURTIS 08/05/92 NAME-ADD
08/12/97 CZIMMERM 04/10/98 KTOWNSEN

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

00:00:08
10/07/99

PAGE: 1
GENERAL INFORMATION

70
CLAIM NUMBER: A65-07608

LAST: FACKRELL
ADDRESS: 15 TIMBER LN
CITY: GARDEN VALLEY
PHONE NUMBER: 208-000-0000

FIRST: ED
STATE: ID ZIP: 83622

OWNER CODE: C

LAST: FACKRELL
ADDRESS: 15 TIMBER LN
CITY: GARDEN VALLEY
PHONE NUMBER: 208-000-0000

FIRST: BARBARA
STATE: ID ZIP: 83622

OWNER CODE: C

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

DATABASE
Y

FIELD
EXAMINER
Y() N()

CLAIM 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.
|
ADDRESS CHANGE BY CLAIMANT NOTE. SS 04/10/1998

PAGE: 2
FIELD EXAMINATION INFORMATION

71
CLAIM NUMBER: A65-07608

CONTACT PERSON: _____

PHONE NUMBER: (____) ____-____

DATE OF FIELD EXAM: __/__/__

APPOINTMENT MADE: Y(____) N(____)

TIME: ____:____ A(____) P(____)

ACCOMPANIED BY: _____

PHONE NUMBER: (____) ____-____

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / NOTES:

A. AJ CLAIM: # A65-07608 PRIORITY DATE: 03-18-1976 STAGE: P

B. WR RECORD: # 65-07608 PRIORITY DATE: 03-18-1976 STAGE: L

C. CAN THE PRIORITY DATE CLAIMED BE CONFIRMED BY A DECREE OR LICENSE? Y(☒) N(☐)

D. HAS THERE BEEN A LATER COURT DECREE OF THE WATER RIGHT(S) FROM THIS WATER SOURCE? Y(☐) N(☒)

E. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE?
(IF YES, DESCRIBE BELOW) Y(☐) N(☒)

F. IF THIS CLAIM IS BASED ON A PERMIT, WHERE IS THE PERMIT IN THE LICENSING PROCESS?

PROOF OF BENEFICIAL USE SUBMITTED N/A(☐) Y(☐) N(☐)

FIELD EXAM COMPLETED N/A(☐) Y(☐) N(☐)

FIELD EXAM SENT TO STATE OFFICE N/A(☐) Y(☐) N(☐)

LICENSE ISSUED N/A(☐) Y(☐) N(☐)

* IF THE PERMIT WILL NOT BE LICENSED PRIOR TO THE DIRECTOR'S REPORT,
USE CONDITION CODE A01 AND RECOMMEND AS PERMITTED.

G. IF THIS CLAIM IS BASED ON BENEFICIAL USE, IS ADDITIONAL EVIDENCE
OF THE PRIORITY DATE REQUIRED? N/A(☒) Y(☐) N(☐)

* FOR CLAIMS BASED ON BENEFICIAL USE, DESCRIBE THE EVIDENCE OF PRIORITY SUBMITTED,
INCLUDING THE ANALYSIS OF THE EVIDENCE.

H. IS THE STAGE OF THE CLAIM CODED CORRECTLY? Y(☒) N(☐)

NOTES: ad corrected

=====

RECOMMENDED PRIORITY DATE:

REVIEWED BY JB

DATE 11/9/99

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NUMBER
A65-07608	09N	04E	21		NE	NW			BOISE		
A65-07608	09N	04E	21		NE	NW			BOISE		

OTHER AJ CLAIMS WITH SAME AJ POD

A PREFIX	R PREFIX
A65-12045	65-12383
A65-12243	R65-12045
A65-12304	R65-12243
A65-12383	R65-12304
A65-12652	R65-12652
A65-12765	R65-12765

WR RECORDS IN SAME 40 ACRE TRACT

65-12045
65-12243
65-12304
65-12383
65-12652
65-12765
65-13069
65-13264
65-13624

SOURCE: PAYETTE RIVER, MIDDLE FORK

TRIB:

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NUMBER
65-07608	09N	04E	21		NE	NE			BOISE		

OTHER WR RECORDS WITH SAME WR POD

NONE

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX

NONE NONE

SOURCE: PAYETTE RIVER, MIDDLE FORK

TRIB: PAYETTE RIVER

C. IS THE CLAIMED POD WITHIN THE SAME 40 ACRE TRACT THAT IS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y(☒) N()

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

D. CAN THE CLAIMED POD BE VERIFIED USING THE WATER RIGHT FILE OR GPS DATA? N/A() Y(☒) N()

E. SHOULD THE CLAIMED POD BE VERIFIED BY FIELD EXAM? Y() N(☒)

F. IS THE CLAIMED SOURCE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A() ☒ N()

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

G. CAN THE CLAIMED SOURCE BE VERIFIED USING THE WATER RIGHT FILE? Y(☒) N()

H. SHOULD THE CLAIMED SOURCE BE VERIFIED BY FIELD EXAM? Y() N(☒)

I. HOW WAS THE POD AND SOURCE VERIFIED?

LICENSING FIELD EXAM (DATE OF FIELD EXAM 8/13/86) Y(☒) N(☐)

AJ FIELD EXAM (DATE OF FIELD EXAM _____) NAME OF EXAMINER _____ Y(☐) N(☐)

OTHER (DESCRIBE IN NOTES BELOW)

NOTES: AD ~~Second~~ license and enclosed as to location
of P.O.D. Should have been in the NW 1/4 of 321
SB 11/19/99

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

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NBR
09N	04E	21		NE	NW			BOISE		
09N	04E	21		NE	NW			BOISE		
				~~NE~~	~~NW~~					
				NE	NW					

SOURCE: Payette River, ID. TRIB: Pay R.

REVIEWED BY: SB DATE: 11/19/99

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

A. ROOT WATER RIGHT NUMBERS: A65-07608
R65-07608

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
09N	04E	16	SE	SW		FACKRELL, ED	A65-07608 / 10.0	65-07608 / 7.0	13.0		
			SE	SW		FACKRELL, BARBARA	65-09460 /	65-09460 /			
			SE	SW		FACKRELL, ED	A65-09460 /	- /			
			SE	SW		WILSON, HARRY P	A65-10285 /	65-10285 /			
			SE	SW		BOISE COUNTY	A65-07997 /	65-07997 /			
			SE	SW		VAUGHAN, DUANE	A65-10667 /	65-10667 /			
			SE	SW		VAUGHAN, DUANE	A65-10668 /	65-10668 /			
			SE	SW		FRAZIER, MIKE	A65-19623 /	- /			
			SE	SW		FRAZIER, LORI	A65-21968 /	- /			
			SE	SW		BOISE COUNTY	65-07997 /	- /			
			SE	SW		WILSON, BETTY H	65-10285 /	- /			
			SE	SW		FACKRELL, ED	R65-07608 / 10.0	- /			
			SE	SW		FRAZIER, MIKE	R65-19623 /	- /			
			SE	SW		FRAZIER, LORI	R65-21968 /	- /			
			SE	SW		VAUGHAN, DUANE	65-10667 /	- /			
			SE	SW		VAUGHAN, DUANE	65-10668 /	- /			
			SE	SW		VAUGHAN, KATHLEEN M		65-13533 / 15.0			
			SE	SW		INTERMOUNTAIN DISTRICT ADVISOR		65-13703 / 6.0			
			SE	SW		MOUNTAIN SHADOWS HOMEOWNERS AS		65-13800 /			
09N	04E	21	NE	NW		FACKRELL, ED	A65-07608 / 7.0	65-07608 / 6.8	20.0		
			NE	NW		RIVERS POINT PROPERTY OWNERS	AA65-12045 /	65-12045 /			
			NE	NW		RIVERS POINT PROPERTY OWNERS	AA65-12304 / 1.0	65-12304 / 1.0			
			NE	NW		RIVERS POINT PROPERTY OWNERS	AA65-12765 /	65-12765 /			
			NE	NW		STUDER, JOHN E	A65-12243 / 1.0	65-12243 / 1.0			
			NE	NW		BOWMAN, GERALD E	A65-12383 /	65-12383 /			
			NE	NW		BOWMAN, GERALD E	65-12383 /	- /			
			NE	NW		STUDER, ELEANOR J	A65-12652 / 1.0	65-12652 / 1.0			
			NE	NW		FACKRELL, ED	R65-07608 / 7.0	- /			
			NE	NW		STUDER, JOHN E	R65-12243 / 1.0	- /			
			NE	NW		RIVERS POINT PROPERTY OWNERS	AR65-12304 / 1.0	- /			
			NE	NW		STUDER, ELEANOR J	R65-12652 / 1.0	- /			
			NE	NW		RIVERS POINT PROPERTY OWNERS	AR65-12765 /	- /			
			NE	NW		RIVERS POINT PROPERTY OWNERS	AR65-12045 /	- /			
			NE	NW		FRY, DAN V		65-13069 / 0.5			
			NE	NW		BOWMAN, GERALD E		65-13264 / 0.5			
			NE	NW		RIVERS POINTE PROPERTY OWNERS		65-13624 /			

ADDITIONAL POU FOUND

TOTAL ACRES A65-07608 17.00 13.80 33.00

13.8

POU COUNTY: BOISE

C. IS WATER USAGE FOUND IN TRACTS OTHER THAN THOSE CLAIMED?

Y() NO (X)

* IF YES, ARE THESE TRACTS LISTED ABOVE (), OR ARE THEY LISTED ON AN ATTACHED SHEET ()

LIST OF ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE

CLAIM NO.	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A65-07608	PAYETTE RIVER, MIDDLE FORK	FACKRELL, ED	0.340	0.020		
R65-07608	PAYETTE RIVER, MIDDLE FORK	FACKRELL, ED	0.340	0.020		
R65-12243	PAYETTE RIVER, MIDDLE FORK	STUDER, JOHN E	0.070	0.070		
A65-12243	PAYETTE RIVER, MIDDLE FORK	STUDER, JOHN E	0.070	0.070		
A65-12304	PAYETTE RIVER, MIDDLE FORK	RIVERS POINT PROPERTY OWNERS A	0.060	0.030		
R65-12304	PAYETTE RIVER, MIDDLE FORK	RIVERS POINT PROPERTY OWNERS A	0.060	0.030		
R65-12652	PAYETTE RIVER, MIDDLE FORK	STUDER, ELEANOR J	0.030	0.030		
A65-12652	PAYETTE RIVER, MIDDLE FORK	STUDER, ELEANOR J	0.030	0.030		

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

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
65-09460	DOMESTIC	FACKRELL, BARBARA	FROM 01-01 TO 12-31	0.040 CFS	1.20 AF/A
A65-09460	DOMESTIC	FACKRELL, ED	FROM 01-01 TO 12-31	0.040 CFS	1.20 AF/A
A65-10285	DOMESTIC	WILSON, HARRY P	FROM 01-01 TO 12-31	0.040 CFS	1.20 AF/A
A65-07997	DOMESTIC	BOISE COUNTY	FROM 01-01 TO 12-31	0.040 CFS	1.20 AF/A
A65-10667	DOMESTIC	VAUGHAN, DUANE	FROM 01-01 TO 12-31	0.040 CFS	1.20 AF/A
A65-10668	DOMESTIC	VAUGHAN, DUANE	FROM 01-01 TO 12-31	0.020 CFS	1.20 AF/A
A65-19623	STOCKWATER	FRAZIER, MIKE	FROM 01-01 TO 12-31	0.020 CFS	
A65-21968	DOMESTIC	FRAZIER, LORI	FROM 01-01 TO 12-31	0.100 CFS	
A65-21968	STOCKWATER	FRAZIER, LORI	FROM 01-01 TO 12-31	0.050 CFS	
65-07997	DOMESTIC	BOISE COUNTY	FROM 01-01 TO 12-31	0.040 CFS	1.20 AF/A
65-10285	DOMESTIC	WILSON, BETTY H	FROM 01-01 TO 12-31	0.040 CFS	1.20 AF/A
R65-19623	STOCKWATER	FRAZIER, MIKE	FROM 01-01 TO 12-31	0.020 CFS	
R65-21968	DOMESTIC	FRAZIER, LORI	FROM 01-01 TO 12-31	0.100 CFS	
R65-21968	STOCKWATER	FRAZIER, LORI	FROM 01-01 TO 12-31	0.050 CFS	
65-10667	DOMESTIC	VAUGHAN, DUANE	FROM 01-01 TO 12-31	0.040 CFS	1.20 AF/A
65-10668	DOMESTIC	VAUGHAN, DUANE	FROM 01-01 TO 12-31	0.020 CFS	1.20 AF/A
A65-12045	DOMESTIC	RIVERS POINT PROPERTY OWNERS A	FROM 01-01 TO 12-31	0.050 CFS	
A65-12765	DOMESTIC	RIVERS POINT PROPERTY OWNERS A	FROM 01-01 TO 12-31	0.300 CFS	
A65-12243	DOMESTIC	STUDER, JOHN E	FROM 01-01 TO 12-31	0.040 CFS	
A65-12383	DOMESTIC	BOWMAN, GERALD E	FROM 01-01 TO 12-31	0.040 CFS	
65-12383	DOMESTIC	BOWMAN, GERALD E	FROM 01-01 TO 12-31	0.040 CFS	0.60 AF/A

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
R65-12243	DOMESTIC	STUDER, JOHN E	FROM 01-01 TO 12-31	0.040 CFS	
R65-12765	DOMESTIC	RIVERS POINT PROPERTY OWNERS A	FROM 01-01 TO 12-31	0.300 CFS	
R65-12045	DOMESTIC	RIVERS POINT PROPERTY OWNERS A	FROM 01-01 TO 12-31	0.050 CFS	

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

Y() N(☒)

* IF YES, COMPLETE OVERLAP REVIEW:

OTHER RIGHTS LISTED IN CLAIM: NONE

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

N/A() Y(☒) N()

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

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

N/A() Y(☒) N()

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

Y() N(☒)

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

Y() N(☒)

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

NOTES:

*ad licensed. No good map on file showing
location*

RECOMMENDATIONS:

TOTAL ACRES:

13.8

N/A()

REVIEWED BY:

SB

DATE:

11/12/99

A. AJ CLAIMED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
A65-07608 IRRIGATION	FROM 04-01 TO 11-01	0.340 CFS	
TOTAL DIVERSION RATE/VOLUME		0.340 CFS	

B. WR RECORDED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
65-07608 IRRIGATION	FROM 04-01 TO 11-01	0.280 CFS	49.00 AF/A
TOTAL DIVERSION RATE/VOLUME		0.280 CFS	49.00 AF/A

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

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

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

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

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

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

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

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

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

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

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

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

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

PAGE: 11

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

80

CLAIM NUMBER: A65-07608

NOTES: _____

AJ CLAIM TOTAL DIVERSION RATE: 0.340 CFS

WR ROOT RIGHT TOTAL DIVERSION RATE: 0.280 CFS

A. IS THE CLAIMED TOTAL DIVERSION RATE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A() Y() N()

B. CAN THE CLAIMED TOTAL DIVERSION RATE BE VERIFIED USING THE WATER RIGHT FILE?

N/A() Y() N()

* ALL CLAIMS BASED ON BENEFICIAL USE (INCLUDING POSTED NOTICES AND STATUTORY CLAIMS) REQUIRE A FLOW MEASUREMENT.

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

Y() N()

* IF AN AMOUNT SMALLER THAN THE ORIGINAL DIVERSION RATE IS CLAIMED AND A FIELD EXAM IS NOT REQUIRED, EXPLAIN IN NOTES.

D. SHOULD THE CLAIMED DIVERSION RATE BE VERIFIED BY FIELD EXAM?

Y() N()

E. FLOW MEASUREMENT

MEASUREMENT METHOD _____, SEE ATTACHED CALCULATIONS.

F. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE
ACRES 13.8 x 0.02 CFS/ACRE = 0.28 CFS
(Taken from pou review)

1b. CALCULATIONS

IS A DIVERSION RATE PER ACRE GREATER THAN 0.02 CFS/ACRE CLAIMED? Y() N()

IF YES, IS AN ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y() N()

2. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = _____ AF/A

ACRES _____ x DIVERSION VOL. AF/A FOR AREA _____ =

TOTAL DIVERSION VOLUME _____ AF/A

3. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = _____ 42.5 AF/A

ACRES _____ x CONSUMPTIVE VOL. AF/A FOR AREA _____ =

TOTAL CONSUMPTIVE USE _____ AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION: SEE BELOW () OR SEE ATTACHMENT ()

NOTES:

as Decennial

WR RECORD CONDITIONS/REMARKS:

- R30 - This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for irrigation of the lands above.
- R04 - Use of water under this water right will be regulated by the watermaster of State Water District No. 65.

RECOMMENDATIONS: CHECK HERE IF RECOMMENDED AS CLAIMED (___)

REC. PURPOSE OF USE	REC. PERIOD		REC. DIV		REC. DIV		REC. CONS.	
	FROM	TO	RATE	CFS	VOL.	AF/A	USE	
IRRIGATION	04-01	11-01	DATABASE 0.340	EXAMINER _____	DATABASE	EXAMINER _____	DATABASE 42.5	EXAMINER _____
_____	_____	_____		_____		_____		_____
_____	_____	_____		_____		_____		_____
_____	_____	_____		_____		_____		_____
_____	_____	_____		_____		_____		_____
TOTAL FOR THIS RIGHT			0.340	_____		_____	42.5	_____

NON-IRRIGATION USES CLAIMED:

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

REVIEWED BY: _____ DATE: _____

FLAG: _____

STANDARD CONDITIONS (CODE):

STANDARD REMARKS (CODE):

EXPLANATORY CONDITIONS (CODE):

EXPLANATORY REMARKS (CODE):

A. CHECK ONLY THE FOLLOWING THAT APPLY:

	ACCEPTED AS CLAIMED	NEEDS REVIEW
OWNERSHIP _____	()	()
FORFEIT/ABANDON _____	()	()
ADDITIONAL DIV. AMOUNT _____	()	()

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 65-07608

TOTAL DIVERSION RATE OF WR SPLITS DATABASE 0.280 EXAMINER _____ CFS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A65-07608	0.340	R65-07608	0.340	65-07608	0.280
TOTAL CFS		0.340		0.340		0.280

DIVERSION RATE REVIEW

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)
IF NO, IS THE WRITTEN REVIEW DESCRIBED BELOW () OR SEE ATTACHMENT ()?

DATABASE N FIELD EXAMINER Y() N()

NOTES:

AUTHENTICATION:

SIGNATURE: _____ DATE: _____

NAME OF FIELD EXAMINER: _____ TITLE: _____

MAPS AND AERIAL PHOTOGRAPHS USED TO REVIEW THIS NOTICE OF CLAIM TO A WATER RIGHT

TYPE OF MAP OR PHOTOGRAPH (CHECK IF USED)	IF USED, SUPPLY APPROPRIATE DATE AND OTHER INFORMATION	COPY INCLUDED IN FILE?
() ORTHOPHOTOQUAD	DATE OF PHOTO _____ IDWR ID NO. _____	Y() N()
() TOPOGRAPHIC	DATE FIELD CHECKED _____ IDWR ID NO. _____	Y() N()
() NAPP	DATE OF PHOTO _____ IDWR ID NO. _____	Y() N()
() ASCS AERIAL PHOTO	DATE OF PHOTO _____	Y() N()
() ASCS COLOR SLIDE	DATE OF PHOTO _____	Y() N()
() BLM OR USFS AERIAL PHOTO	DATE OF PHOTO _____	Y() N()
() TOWNSHIP SURVEY (GOVERNMENT PLAT)	DATE OF SURVEY _____	Y() N()
() SCS SOIL SURVEY MAP	DATE ISSUED _____	Y() N()
() SUBDIVISION PLAT MAP	DATE OF MAP _____	Y() N()
(X) OTHER <u>GIS map</u>	DATE <u>11/19/99</u>	Y(X) N()
() OTHER _____	DATE _____	Y() N()
() OTHER _____	DATE _____	Y() N()

LIST OF ATTACHMENTS (CHECK IF ATTACHED)	IF ATTACHED, SUPPLY APPROPRIATE INFORMATION	NO. OF PAGES	NOTES
() LICENSING FIELD EXAM	DATE OF FIELD EXAM _____	_____	_____
(X) WATER RIGHT LICENSE	DATE LICENSE SIGNED <u>2/1/90</u>	<u>2</u>	_____
() IDWR APPROVED TRANSFER	DATE TRANSFER APPROVED _____	_____	_____
() SYSTEM DESCRIPTION	DATE DRAWN _____	_____	_____
() PHOTOGRAPHS	DATE(S) PHOTOS TAKEN _____	_____	_____
() SPLIT RIGHT REVIEW	DATE REVIEW COMPLETED _____	_____	_____
() HUBBLE ANALYSIS	DATE ANALYSIS COMPLETED _____	_____	_____
() CONVEYANCE LOSS ANALYSIS	DATE ANALYSIS COMPLETED _____	_____	_____
() FLOW MEASUREMENT CALCULATIONS	DATE SYSTEM MEASURED _____	_____	_____
() OTHER _____	DATE _____	_____	_____
() OTHER _____	DATE _____	_____	_____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

00:00:08
10/07/99

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QUICKLOOK INFORMATION

86
CLAIM NUMBER: A65-07608

WR ELEMENT	DATA DISCREPANCY Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	ELEMENT DOCUMENTED WHOM/DATE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE	Y			2	<i>Dec 1998</i>	<i>DB</i> 11-19-99		
POINT OF DIV	Y			2				
SOURCE	Y			2				
PLACE OF USE	Y			2				
DIV. AMOUNT CFS/VOLUME	Y			2				
CONSUMPTIVE USE	-			2				
PURPOSES OF USE				2				
PERIOD OF USE				2				
BASIS OF CLAIM	Y			2				
REMARKS	Y			2				

BARCODE UPDATED
WHOM/DATE

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

00:05:13
10/07/99
87

PAGE: 18
PROFILE REPORT

CLAIM NUMBER: A65-07608

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	ED FACKRELL	03/18/1976	IRRIGATION	04-01 11-01	0.340 CFS	
C	BARBARA FACKRELL					
					TOTAL DIVERSION:	0.340 CFS
					CONSUMPTIVE USE:	42.50 AFA

Water Source: PAYETTE RIVER, MIDDLE FORK Tributary to: Stage: PERMIT
Point(s) of Diversion: T09N R04E S21 NENW NENW BOISE County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
09N	04E	16	:													10				:	10.0
09N	04E	21	:							07										:	7.0
																			TOTAL ACRES	17.0	

POU County: BOISE

Other Rights: NONE

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.
ADDRESS CHANGE BY CLAIMANT NOTE. SS 04/10/1998

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

RECEIVED
JAN 18 2000
WATER RESOURCES
WESTERN REGION

State of Idaho
Department of Water Resources

Water Right License

AMENDED

AMENDED

WATER RIGHT NO. 65-07608

Priority: March 18, 1976 Maximum Diversion Rate: 0.28 CFS
Maximum Diversion Volume: 49.0 AF

This is to certify, that ED FACKRELL
BARBARA FACKRELL

15 TIMBER LANE

GARDEN VALLEY ID 83622

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated March 18, 1976; and has submitted Proof of Beneficial Use on February 19, 1981. An examination indicates that the works have a diversion capacity of 0.280 cfs of water from:

PAYETTE RIVER, MIDDLE FORK tributary to PAYETTE RIVER

source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 11/01	0.28 CFS	49.0 AF

LOCATION OF POINT(S) OF DIVERSION: NENW , Sec. 21, Township 09N, Range 04E
BOISE County

PLACE OF USE: IRRIGATION

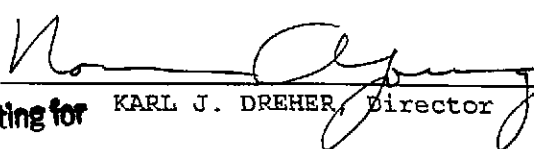
<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
09N	04E	16	SESW	7		7
		21	NENW	6.8		6.8

Total number of acres irrigated: 13.8

CONDITIONS OF APPROVAL AND REMARKS

1. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for irrigation of the lands above.
2. Use of water under this water right will be regulated by the watermaster of State Water District No. 65.

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 administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Signed and sealed this 13TH day of JANUARY, 2000.


Acting for KARL J. DREHER, Director

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF LICENSE)
NO. 65-07608 IN THE NAME OF)
ED AND/OR BARBARA FACKRELL)
_____)

**PRELIMINARY ORDER
AMENDING LICENSE**

This matter having come before the Department of Water Resources (Department) as a petition to reconsider the issuance of an amended water right license, the Department makes the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

1. On April 27, 1976, the Department issued Permit 65-07608 (permit) authorizing Ed and/or Barbara Fackrell (right holders) to develop a right to divert 0.34 cfs from the Middle Fork of the Payette River in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 21, Township 9 North, Range 4 East, B.M., Boise County, to irrigate 17 acres.
2. On February 19, 1981, the Department received a proof of beneficial use statement for the permit.
3. On July 28, 1986, a Department field examiner (examiner) conducted an inspection to verify the beneficial use of water developed in accordance with the permit. The examiner reported that the permit holder had diverted water from the permitted source and irrigated 13.8 acres in accordance with the permit.
4. The examiner also reported that the right holders established their point of diversion in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 21, Township 9 North, Range 4 East, B.M.
5. The examiner's map submitted with his field report depicts the point of diversion in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 21, Township 9 North, Range 4 East, B.M.
6. On March 14, 1989, the right holders claimed the permit in the Snake River Basin Adjudication on notice of claim A65-07608 (claim). The claim describes the point of diversion as the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 21, Township 9 North, Range 4 East, B.M.
7. At the Department's request, on December 14, 1989, the permit holders applied to amend the permit to change the point of diversion description to the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 21, Township 9 North, Range 4 East, B.M.

8. On February 1, 1990, the Department approved the proposed amendment and issued Water Right License 65-07608 (license) confirming the right to divert 0.28 cfs from the Middle Fork of the Payette River in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 21, Township 9 North, Range 4 East, B.M., to irrigate 13.8 acres in Boise County.
9. On January 7, 2000, the Department received a request from the right holders for an amended license to confirm that the point of diversion is physically located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 21, Township 9 North, Range 4 East, B.M.
10. According to 7.5 minute quadrangle map *Garden Valley, Idaho* published by the U. S. Geological Survey (USGS) in 1988, the Middle Fork of the Payette River does not flow through the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 21, Township 9 North, Range 4 East, B.M. It does flow through the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 21, Township 9 North, Range 4 East, B.M.

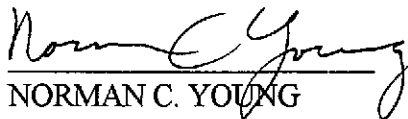
CONCLUSIONS OF LAW

1. The license should describe the point of diversion description for the right as it was established during the authorized development period.
2. Because the field examiner's map shows the point of diversion in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 21, Township 9 North, Range 4 East, B.M., and because the USGS map shows that the point of diversion could not be in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 21, Township 9 North, Range 4 East, B.M., the field examiner's recommendation to place the point of diversion in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 21, Township 9 North, Range 4 East, B.M., must be an error.
3. The Department should amend the license to correct the error in the point of diversion description.

ORDER

IT IS HEREBY ORDERED that the request to amend Water Right License 65-07608 is **GRANTED** and that the license issued by the Department on February 1, 1990, is **AMENDED** as set forth in the Amended Water Right License issued by the Department on January 13, 2000.

Dated this 13th day of January, 2000.



NORMAN C. YOUNG
Administrator, Water Management Division

January 7, 2000

RECEIVED
JAN 07 2000
WATER RESOURCES
WESTERN REGION

I would appreciate having my licensed right 65-07608 amended to reflect the actual point of diversion, pod.

When I filed my permit, I located the pod in T09N, R04E, Sec 21 the NENW, I also filed my claim this way. It is my understanding the field exam shows the pod in the NENW also. However, when this right was licensed it was incorrectly licensed in the NENE.

The pod has always been in the NENW, in fact the Middle Fork of the Payette River does not even go through the NENE of Sec 21.

Please amend my license, so that it can be recommended correctly in the SRBA.

If you have any questions, feel free to call me.

Sincerely,

Ed Frackrell

A handwritten signature in cursive script that reads "Ed Frackrell".



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

December 30, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

Ed or Barbara Fackrell
15 Timber Ln
Garden Valley, ID 83622

Re: Amending point of diversion on licensed right 65-07608.

Mr. and Mrs. Fackrell.

In reviewing your water right for inclusion in the Snake River Basin Adjudication, I came across an error.

When you filed a permit for this water right you located the point of diversion, (pod) in the NENW of Section 21, T09N, R04E, from the Middle Fork of the Payette River. When the field exam was conducted the examiner located the pod in the NENW of Section 21 also, but on the write-up it was incorrectly located in the NENE of Section 21.

To fix this error an amendment to the license must be issued. If you could write a short letter to the department asking the pod be amended to reflect the correct pod NENW of Section 21, and mention that this was the original pod and still is, we should be able to amend the license

If you have any questions, give me a call Please get the letter to me by January 14, 2000.

Thank you for your help, and I apologize for this error.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Sue Bock'.

Sue Bock
Sr. Water Resource Agent

Enclosure: profile report and map

Bock, Susan

From: Keen, Shelley
Sent: Monday, December 27, 1999 4:39 PM
To: Bock, Susan
Subject: RE: Amending license

Sue,

Amending the license may be complicated by the fact that the right holder signed an amendment changing the point of diversion to the NENE. The error looks like it was ours initially, though, so I will see what I can do. Did you verify the point of diversion in the field? If so, it would be helpful to have a copy of your map and a short report describing what you found

Shelley

-----Original Message-----

From: Bock, Susan
Sent: Wednesday, December 22, 1999 7:40 AM
To: Keen, Shelley
Cc: Shurte, Jan
Subject: Amending license

Hi, Shelly.

I was informed that I should contact you regarding the amending of a p.o.d. on a license.

I have claim A65-07608, Fackrell, they filed their permit and claim with the pod in the NENW of S21, T09N, R04E, this is the correct pod of diversion

When this right was licensed, we incorrectly located the pod in the NENE of S21. Rather than solicit a transfer from the claimant, I am hoping you can amend the license?

Please let me know by mid-January.

Thanks, Sue Bock

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 65-07608

Priority: March 18, 1976

Maximum Diversion Rate:

0.28 CFS

Maximum Diversion Volume:

49.0 AF

This is to certify, that ED FACKRELL
BARBARA FACKRELL

HC 76 BOX 1201

BANKS, ID 836020000

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated March 18, 1976; and has submitted Proof of Beneficial Use on February 19, 1981. An examination indicates that the works have a diversion capacity of .280 cfs of water from:

PAYETTE RIVER, MIDDLE FORK

tributary to PAYETTE RIVER

source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 11/01	0.28 CFS	49.0 AF

LOCATION OF POINT(S) OF DIVERSION:

NENE, Sec. 21, Township 09N, Range 04E
BOISE County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
09N	04E	16	SESW 7			7
		21	NENW 6.8			6.8

Total number of acres irrigated:

13.8

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for the lands above.

PAGE 2

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE
WATER RIGHT NO. 65-07608

CONDITIONS/REMARKS:

6. Use of water under this water right is subject to control by the watermaster of State Water District No. 65

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 15th day of February, 1990.

Acting for Norm Young
R. Keith Higginson, Director

W1/2 SW

W1/2 SE

6650
Tax 307

.6780

8400
Tax 362

LOT -
5420 ac

Tx 192

Tx 162
2983

6772 ac
Tax 17

8750
Tx 142

0650

Riverspoint
Prop Owners

Idaho Dept. of Water Resources

Claim No(s): 65-07608

Claimant(s): Fackrell

T09N, R04E, S 16, 21

Prepared by: Sue Bock

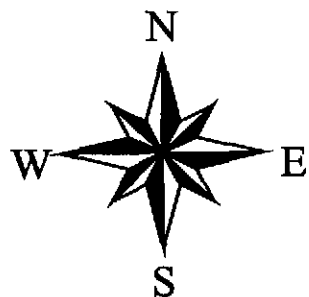
Date: 01/07/2000

 Place of Use

 Point of Diversion

 Section lines

1/4 1/4 lines



0 0.3 0.6 Miles

A horizontal scale bar with markings at 0, 0.3, and 0.6 miles.

1987 NAPP Photo

ED & BARBARA FACKRELL
15 TIMBER LANE
GARDEN Valley ID 83622



Idaho Department of State Treasurer
1301 North Orchard
Ltr 83720
Ltr, Id. 83720-0098



State Treasurer Board,
the same as your address,
live at same location.

^{you}
Ed and Barbara Fackrell
15 Timber Lane
Garden Valley, Id.
83622.

Permit
65-07608

65-0760

checked ✓

cc: W.A. & W.M.

Records Modified 4-10-1998.
WAF prepared
no

hst

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: A65-07608
Date Received: 3/14/1989
Receipt No: X999999
Received By: _____

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

1. Name: ED FACKRELL
Address: HC 76, BOX 1201
BANKS, ID 83602-0000
AND/OR
Name: BARBARA FACKRELL
Address: HC 76, BOX 1201
BANKS, ID 83602-0000

2. Date of Priority: MAR 18, 1976

3. Source: PAYETTE RIVER, MIDDLE FORK Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
09N	04E	21	NE	NW			BOISE
			NE	NW			BOISE

5. Description of diverting works:
PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.340		

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

8. Total consumptive use is 42.5 Acre Feet Per Annum.

9. Non-irrigation uses:

A65-07608

Page 1

Date: 03/14/89

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10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09N	04E	16	SE	SW		IRR	10.0
						Section Acres	10.0
		21	NE	NW		IRR	7.0
						Section Acres	7.0
						Total Acres	17.0

11. Place of use in counties: BOISE

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

13. Other Water Rights Used:
NONE

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.

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: _____

State of Idaho)
County of _____) ss.

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

Notary Public

Seal

Residing at _____
My Commission Expires _____

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

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

CIVIL CASE NUMBER: 39576

IDENT. NUMBER: 65-07608
DATE RECEIVED: 3-14-89
RECEIPT NO: X99999
RECEIVED BY: *Lat*

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. NAME: ED FACKRELL
ADDRESS: *H.C. 76 Box 1201*
and/or BANKS, ID 83602-0000

NAME: BARBARA FACKRELL
ADDRESS: *H.C. 76 Box 1201*
BANKS, ID 83602-0000

2. DATE OF PRIORITY: MAR 18, 1976

3. SOURCE: PAYETTE RIVER, MIDDLE FORK TRIB. TO:

4. POINT OF DIVERSION:

TOWNSHIP	RANGE	SECTION	1/4 OF	1/4 OF	1/4	LOT	COUNTY
09N	04E	21	NE	NW			BOISE
			NE	NW			BOISE

5. DESCRIPTION OF DIVERTING WORKS:

Pump

6. WATER IS USED FOR THE FOLLOWING PURPOSES:

PURPOSE	FROM	TO	C.F.S.	(OR)	A.F.A.
IRRIGATION	04/01	11/01	0.340		

7. TOTAL QUANTITY APPROPRIATED IS:
0.340 C.F.S. (AND/OR)

A.F.A.

8. TOTAL CONSUMPTIVE USE IS

ACRE FEET PER ANNUM.

9. NON-IRRIGATION USES:

10. PLACE OF USE:

TOWNSHIP	RANGE	SECTION	1/4 OF	1/4	LOT	USE	ACRES
09N	04E	16	SE	SW		IRR	10.0
						SECTION ACRES	10.0
		21	NE	NW		IRR	7.0
						SECTION ACRES	7.0
						TOTAL ACRES	17.0

11. PLACE OF USE IN COUNTIES: BOISE, BOISE

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

13. OTHER WATER RIGHTS USED: *None*

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.

15. BASIS OF CLAIM: PERMIT

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15. 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): Ed Jackson DATE: X

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

ORGANIZATION AND THAT THE STATEMENTS CONTAINED IN THE
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 14th DAY
OF March 19 89

Helen Harrington
NOTARY PUBLIC

SEAL

Helen Harrington, Notary Public
RESIDING AT Residing at Boise, Idaho
My Commission Expires December 1, 1994
MY COMMISSION EXPIRES _____

12/22/1988

SRBA CLAIMS RECEIVING CHECKLIST

CLAIMANT'S NAME FackrellCLAIM IDENT. NO. AGS-07608DATE RECEIVED 3-14-99CK # exempt

AMOUNT \$ _____

- | | YES | NO | Required Info? |
|--|-------------------------------------|--------------------------|----------------|
| 1. Is the name and address complete with zip code? | ☒ | ☐ | * |
| 2. Is a priority date entered? | ☒ | ☐ | * |
| Is the priority date acceptable in view of mandatory filing dates? | ☒ | ☐ | * |
| 3. (a) Is a source entered? | ☒ | ☐ | * |
| (b) Is a tributary to entered? (if required) | ☒ | ☐ | |
| 4. Is the legal description of the p.d. sufficient? | ☒ | ☐ | * |
| 5. Is there a description of the diverting works? | ☒ | ☐ | |
| 6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. | ☒ | ☐ | * |
| Is the period of use included? | ☒ | ☐ | |
| Is a quantity claimed for each use? | ☒ | ☐ | * |
| 7. Is a total quantity claimed entered? | ☒ | ☐ | |
| 8. If required is a consumptive use entered? | ☒ | ☐ | |
| Is the consumptive use correct? | ☒ | ☐ | |
| 9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. | ☒ | ☐ | * |
| 10. Is (are) the place(s) of use and purpose(s) indicated? | ☒ | ☐ | * |
| 11. Is (are) the county(ies) entered? | ☒ | ☐ | |
| 12. Is the ownership of p.u. checked? | ☒ | ☐ | |
| 13. Are other water rights listed or "none" indicated? | ☒ | ☐ | |
| 14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) | ☒ | ☐ | |
| 15. Is the basis of the claim indicated? | ☒ | ☐ | |
| 16. Has the claimant requested a monthly docket sheet? (If yes, describe payment status in "Comments" below.) | ☒ | ☐ | |
| 17. Is the claim signed by the claimant, and is the signature appropriate? | ☒ | ☐ | * |
| 18. Has the claim been signed, sealed, and dated by a notary? | ☒ | ☐ | * |
| 19. Was this claim filed on time, or was an extension granted? | ☒ | ☐ | * |
| 20. Is the fee enclosed correct? | ☒ | ☐ | * |
| 21. If this claim is based on an existing water right, has the identification number been entered? | ☒ | ☐ | |
| 22. Should this claim be receipted and data entered? | ☒ | ☐ | |

Claim checked by: RAO Date: 3-14-89Claim must be returned to claimant: ☐ (Yes) ☐ (No)Claimant must be sent a copy of amended claim for approval: ☐ (Yes) ☐ (No)

Receipt Prepared by: _____

Date: _____

Claim data entered by: _____

Date: _____

Checked by: _____ Date: _____

Sent to claimant by: _____

Date: _____

Comments: copy given

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SEP 23 1992



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

May 4, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Dear Basin 65 water user

This letter is to inform you that you may be eligible to file a stockwater claim with the Idaho Department of Water Resources (IDWR) in connection with the Snake River Basin Adjudication (SRBA). IDWR is sending this letter to water users in Basin 65 who might have relied upon the non-irrigation season stockwater provision in the Payette Adjudication. This provision states:

"When stockwater is not a specifically mentioned use for a right that includes irrigation, a reasonable flow is implied and included for the watering of livestock during the non-irrigation season."

In another basin, the Idaho Supreme Court struck down general provisions that contained similar language. The non-irrigation season stockwater language quoted above was not included in the General Provisions for Basin 65 because of the Idaho Supreme Court's ruling.

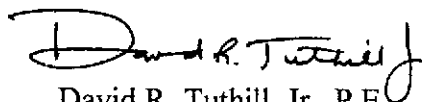
IDWR recognizes that in reliance on the non-irrigation season stockwater language in the Payette Adjudication, water users might not have filed stockwater claims in the SRBA to cover the non-irrigation season period. Individuals who historically watered livestock during the non-irrigation season without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

To be eligible for a new non-irrigation season stockwater claim

- 1 You must have actually and historically watered livestock during the non-irrigation season without a separate stockwater right.
- 2 You must have filed a surface water irrigation claim in both the Payette Adjudication and the SRBA.
- 3 You must not have filed a stockwater claim with the surface water irrigation claim

If you meet these three requirements, you may file a Notice of Claim form for stockwater with IDWR. **To have a timely filing you must file this claim with IDWR by May 25, 2001.** IDWR will waive filing fees for these stockwater claims if filed before this deadline. Failure to file your claim in a timely manner may prevent you from claiming it in the future. Notice of Claim forms are available on IDWR's website at www.idwr.state.id.us/info/water/srba/forms.htm or from any IDWR office. Claimants can call IDWR, Western Region at (208) 334-2190 to make an appointment if they need assistance filling out a Notice of Claim form.

Sincerely,


David R. Tuthill, Jr., P.E.
Adjudication Bureau Chief