

Idaho Dept. of Water Resources

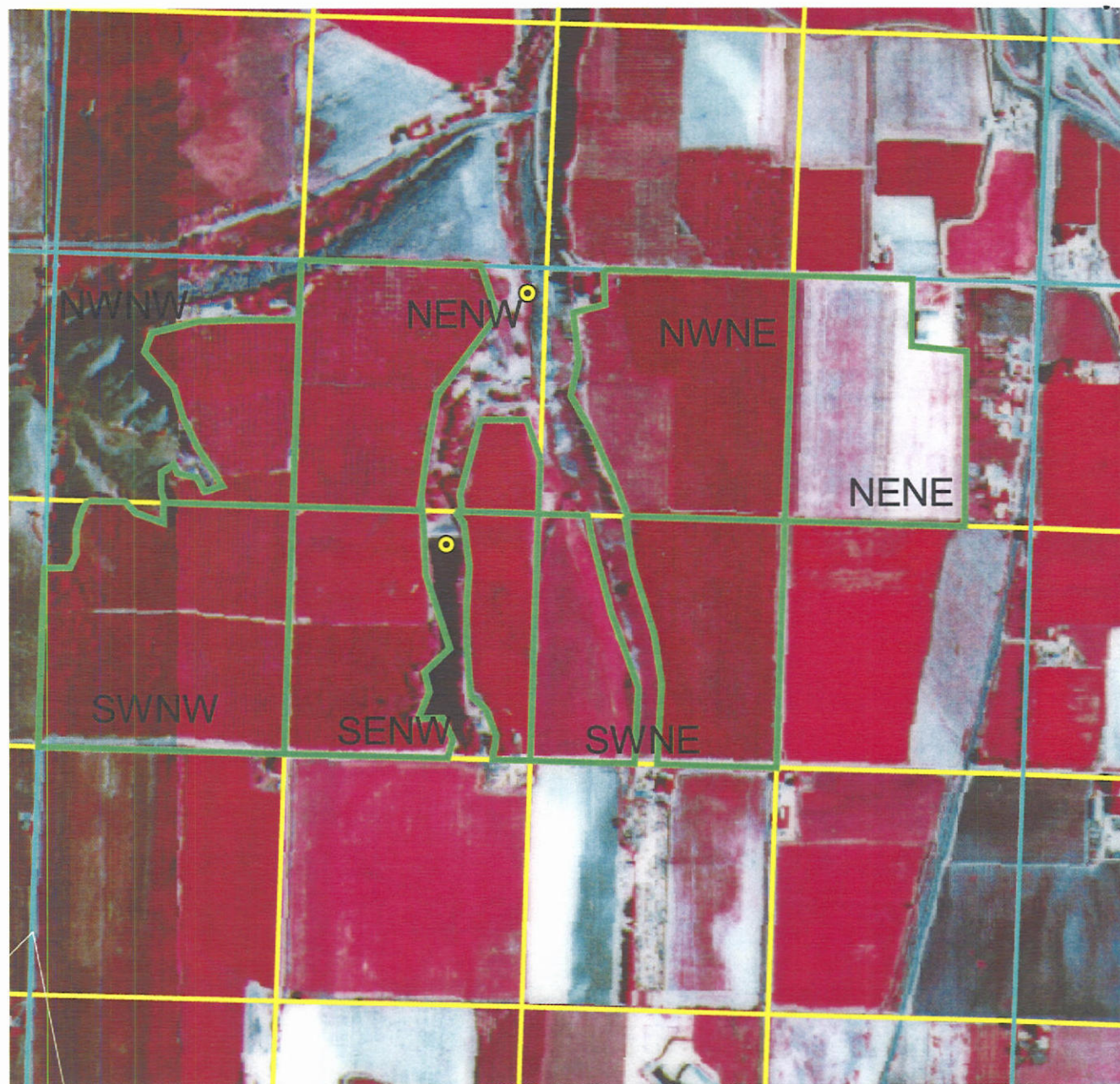
Claim No(s): 65-02565,
65-05893, 65-07031,
65-07609

T07N, R05W, S 9, 10

Prepared by: Sue Bock

Date: 1/16/2001

-  Place of Use
-  Point of Diversion
-  Section lines
-  1/4 1/4 lines



1987 NAPP Photo

0 0.4 0.8 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: A65-07609
Date Received: 4/17/1990
Receipt No: X999999
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DALTON J. SURMEIER 208-452-4294
Address: 1610 SW 2ND AVE.
FRUITLAND, ID 83619

OR

Name: DONNA J. SURMEIER 208-452-4294
Address: 1610 SW 2ND AVE.
FRUITLAND, ID 83619

2. Date of Priority: MAR 24, 1976

3. Source: LITTLE WHITLEY GULCH Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07N	05W	10	NE	NW			PAYETTE

5. Description of diverting works:
CATCH BASIN, PUMP, SPRINKLERS

6. Water is used for the following purposes:

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

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

8. Total consumptive use is 945.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07N	05W	10	NE	NE		IRR	30.0
			NW	NE		IRR	40.0
			SW	NE		IRR	40.0
			NE	NW		IRR	40.0
			NW	NW		IRR	40.0
			SW	NW		IRR	40.0
			SE	NW		IRR	40.0

Section Acres 270.0

Total Acres 270.0

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:

A65-07031, A65-02565, A65-05893, BLACK CANYON IRR.

14. Remarks:

THIS RIGHT WHEN COMBINED WITH RIGHTS OF BLACK CANYON IRRIGATION DISTRICT, 65-2565, 65-7031 & 65-5893 SHALL PROVIDE NO MORE THAN .02 CFS/ACRE.

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.

DELETED ONE DIVERSION POINT IN THE SAME QUARTER, QUARTER. THIS WAS THE ORIGINAL LOCATION OF THE DAM UNTIL APPROX. 1970 WHEN IT WENT OUT. SINCE THEN IT WAS MOVED TO THE SE1/4,NW1/4, SECTION 10.

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): Donna J. Summer Date: 4-17-90

Date: _____

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 17 day
of April 19 90

Linda Werner
Notary Public

Seal

LINDA WERNER
Residing at RESIDING AT EAGLE, IDAHO
MY COMMISSION EXPIRES DEC. 8, 1994
My Commission Expires _____



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

01/16/2001

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

RIGHT NUMBER: 65-7609

NAME AND ADDRESS: DALTON J SURMEIER
DONNA J SURMEIER
1610 SW 2ND AVE
FRUITLAND, ID 83619

SOURCE: LITTLE WHITLEY GULCH CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 0.25 CFS
54.2 AFY

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 1.9 CFS AND TO A TOTAL
COMBINED ANNUAL DIVERSION VOLUME OF 886.5 AF AT FIELD
HEADGATE. COMBINED RIGHT NOS.: 65-02565, 65-07031.

PRIORITY DATE: 03/12/1978

POINT OF DIVERSION: T07N R05W S10 NENW Within PAYETTE County
T07N R05W S10 SENW 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	0.20 CFS
		45.00 AFY
COMMERCIAL	01-01 12-31	0.25 CFS
		9.20 AFY

PLACE OF USE:

<u>IRRIGATION Within PAYETTE County</u>			
T07N R05W S10	NENE	24	T07N R05W S10 NWNE 31
T07N R05W S10	SWNE	32	T07N R05W S10 NENW 27
T07N R05W S10	NWNW	14	T07N R05W S10 SWNW 37
T07N R05W S10	SENW	32	

COMMERCIAL Use same as IRRIGATION

197 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 10 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 197 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 65-02565, 65-05893,
65-07031.

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

USE OF THIS RIGHT IS COMBINED WITH WATER FROM BLACK CANYON
IRRIGATION DISTRICT.

Western

State of Idaho
Department of Water Resources
Water Right License

RECEIVED

NOV 22 2000

WATER RIGHT NO. 65-07609

WATER RESOURCES
WESTERN REGION

Priority: February 12, 1978

Maximum Diversion Rate:

0.25 CFS

Maximum Diversion Volume:

54.2 AF

This is to certify, that DALTON J SURMEIER
DONNA J SURMEIER

1610 SW 2ND AVE

FRUITLAND ID 83619

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated March 24, 1976; and has submitted Proof of Beneficial Use on April 7, 1981. An examination indicates that the works have a diversion capacity of 1.900 cfs of water from:

LITTLE WHITLEY GULCH

tributary to SNAKE 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	03/01 to 11/15	0.20 CFS	45.0 AF
COMMERCIAL	01/01 to 12/31	0.25 CFS	9.2 AF
	Totals	0.25 CFS	54.2 AF

LOCATION OF POINT(S) OF DIVERSION:

NENW , Sec. 10, Township 07N, Range 05W
SENW , Sec. 10, Township 07N, Range 05W
PAYETTE 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>
07N	05W	10	NENE 24	NWNE 31	SWNE 32	
			NENW 27	NWNW 14	SWNW 37	
			SENW 32			197

Total number of acres irrigated: 197

PLACE OF USE:

COMMERCIAL, same as IRRIGATION use

CONDITIONS OF APPROVAL AND REMARKS

1. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
2. Rights 65-02565, 65-05893, 65-07031 and 65-07609 when combined shall not exceed the irrigation of 197 acres.
3. This right is limited to the irrigation of 10 acres within the place of use described above in a single irrigation season.

State of Idaho
Department of Water Resources

Water Right License

WATER RIGHT NO. 65-07609

CONDITIONS OF APPROVAL AND REMARKS

4. Rights 65-02565, 65-07031 and 65-07609 when combined shall not exceed a total diversion rate of 1.90 cfs, a total annual maximum diversion volume of 886.5 af at the field headgate, and the irrigation of 197 acres.
5. Rights 65-02565 and 65-07031 are also diverted through the points of diversion described above.

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 21st day of NOVEMBER, 2000.

Acting for

KARL J. DREHER, Director

Idaho Dept. of Water Resources

Claim No(s): 65-02565,
65-05893, 65-07031,
65-07609

T07N, R05W, S 9, 10

Prepared by: Sue Bock

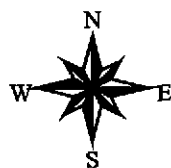
Date: 1/16/2001

 Place of Use

 Point of Diversion

 Section lines

1/4 1/4 lines



1987 NAPP Photo

0 0.4 0.8 Miles



AJ5809NP
No. A65-07609

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 08/08/00
PAGE: 11

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	DALTON J SURMEIER	03/24/1976	IRRIGATION	03-11-15	2,000 CFS	2 45.0
C	DONNA J SURMEIER 1610 SW 2ND AVE FRUITLAND ID 83619 (208) 452-4294	3/12/78	COMMERCIAL	01 TOTAL DIVERSION: CONSUMPTIVE USE: 1/1 12/31	2,000 CFS 2.25 2.25	945.00 APM 9.2 54.2
Water Source: LITTLE WHITLEY GULCH		Tributary to: SNAKE RIVER		Stage: PERMIT		
Point(s) of Diversion:		T07N R05W S10		NENW		PAYETTE County
Place of use Legal Description for: IRRIGATION		NE		NW		SE
T R S : Lt Ac Lt Ac Lt Ac Lt Ac		NENE NWNE SWNE SENE : Lt Ac Lt Ac Lt Ac Lt Ac		NENW NWNW SWNW SENW : Lt Ac Lt Ac Lt Ac Lt Ac		NESW NWSW SWSW SESW : Lt Ac Lt Ac Lt Ac Lt Ac
07N 05W 10 : 30 40 40		24 31 32		27 14 37 32		TOTAL ACRES 270.0 197
POU County: PAYETTE		Other Rights: A65-07031, A65-02565, A65-05893, BLACK CANYON IRR.				

Remarks: GEN THIS RIGHT WHEN COMBINED WITH RIGHTS OF BLACK CANYON IRRIGATION DISTRICT, 65-2565, 65-7031 & 65-5893 SHALL PROVIDE NO MORE THAN .02 CFS/ACRE. 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. DELETED ONE DIVERSION POINT IN THE SAME QUARTER, QUARTER. THIS WAS THE ORIGINAL LOCATION OF THE DAM UNTIL APPROX. 1970 WHEN IT WENT OUT. SINCE THEN IT WAS MOVED TO THE SE1/4, NW1/4, SECTION 10.

QNT K06 (10)
814
POU1

Dates: Exam Made Date: Verified Date: Objection Filed Date: 2/2/03
Misc: Water District Number: 65 Field Inspection Flag: Presumption Flag: C

WR5809NP
No. 65-07609

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 01/04/00
PAGE: 18

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	DALTON J. SURMEIER	03/24/1976	IRRIGATION	03/15 11/15	2.000 CFS	
C	DONNA J. SURMEIER ROUTE 1, BOX 215 FRUITLAND ID 83619			TOTAL DIVERSION:	2.000 CFS	

Water Source: LITTLE WHITLEY GULCH

Tributary to: SNAKE RIVER

Stage: PERMIT

Point(s) of Diversion:

T07N R05W S10

NENW

PAYETTE County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE									
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM	
---	---	---	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	---	
07N	05W	10	:	30		40	40	:	40		40	40	:					:					:	270.0	
																							TOTAL ACRES	:	270.0

Pou County: PAYETTE

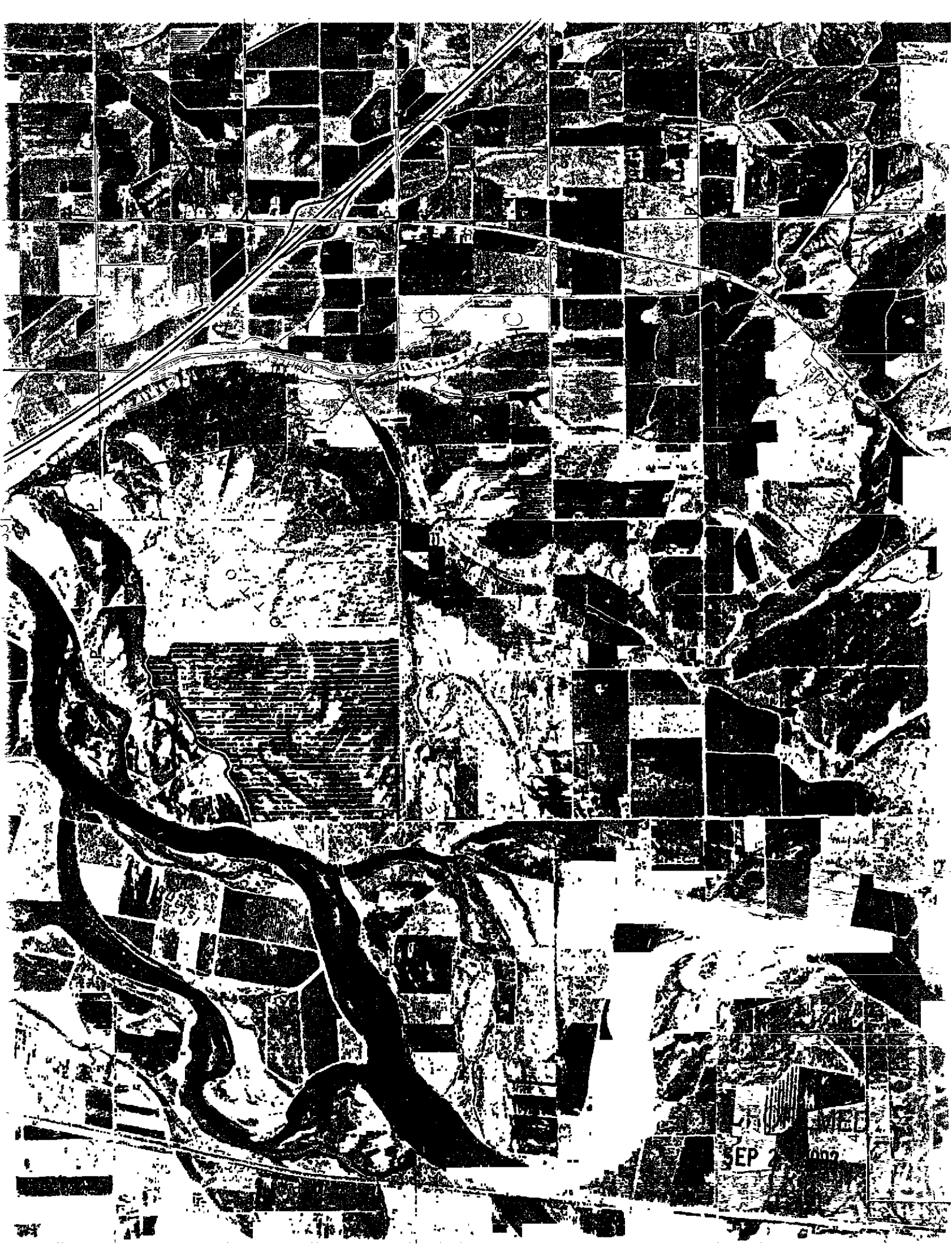
Other Water Rights Listing Overlapping Place(s) of use:

65-02565 65-05893 65-06061 65-07031

Remarks: GEN THIS RIGHT WHEN COMBINED WITH RIGHTS OF BLACK CANYON IRRIGATION DISTRICT, 65-2565, 65-7031 & 65-5893 SHALL PROVIDE NO MORE THAN .02 CFS/ACRE.
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.

Dates: App. Received: Priority Date: 03/24/1976
Proof Due Date: 06/01/1981 Proof Made Date: 01/01/1900
Exam Made Date: 05/07/1997 Exam Sent to S.O.:
Licensed Date:

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



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

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

CIVIL CASE NUMBER: 3956
Ident. No.

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

Please type or print clearly:

Name of claimant(s) DALTON J. SURMEIER
AND/OR DONNA J.

Mailing Address
(including zip code) 1610 SW 2ND AVE.
FRUITLAND ID 83619

Phone Number (208) 452 - 4294

MICROFILMED

SEP 23 1992