

7N 2E Sec. 13

MICROFILMED
SEP 27 1992



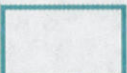
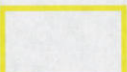
Idaho Dept. of Water Resources

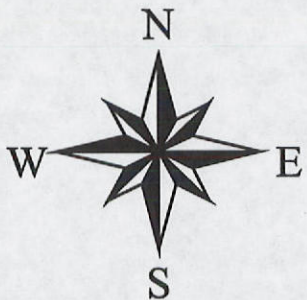
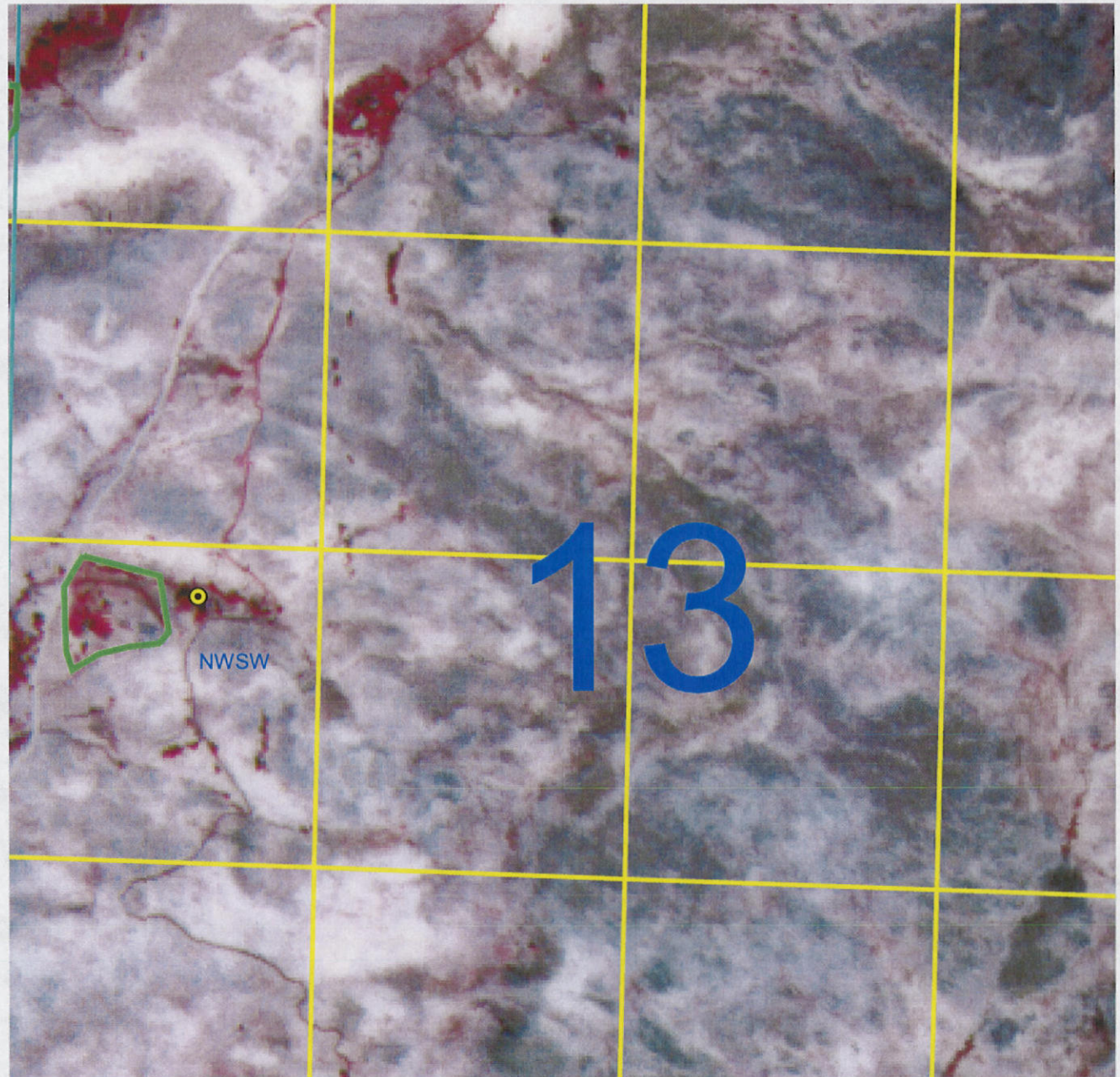
Claim No(s): 65-08935

T07N, R02E, 13

Created by: Sue Bock

Date: 7/18/2000

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



0 1000 2000 3000 Feet

1987 NAPP Photo

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: A65-08935
Date Received: 3/22/1989
Receipt No: X999999
Received By: _____

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

1. Name: DENNIS M POMERLEAU 208-793-2531
Address: RT 1 BOX 59
HORSESHOE BEND ID 83629

2. Date of Priority: MAR 14, 1913

3. Source: SPRING Trib. to: PAYETTE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07N	02E	13	SW	SE	NW		BOISE

5. Description of diverting works:
DUG OUT, GRAVEL LINED AND SEAL, PIPED TO HOUSE 1820'.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.020		1.20
IRRIGATION	03/15	11/15	0.100		22.50

7. Total Quantity Appropriated is:
0.120 C.F.S. (and/or) 23.70 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC, 1 HOME

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07N	02E	13	NW	SW		IRR	5.0
			NW	SW		DOMEST	

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	5.0
					Total Acres	5.0

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:

IRRIGATION IS ONLY WITH THE OVER FLOW FROM SPRING.
CLAIM AMENDED PER TRANSFER NO. 4342 APPROVED 7/7/94.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 1/21/1986

STATE OF IDAHO

Decree Plaintiff

A & C CORP., ET AL.

vs Decree Defendant

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 _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT

✓ Carter
✓ Roxanne
— Western AJ

TRANSFER NO. 4342
WATER RIGHT NO. 65-08935

RECEIVED

AUG 11 1994

This is to certify that: DENNIS M POMERLEAU
RT 1 BOX 59
HORSESHOE BEND ID 83629

WATER RESOURCES
WESTERN REGION

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/15 to 11/15	0.10 CFS	22.5 AF
DOMESTIC	01/01 to 12/31	0.02 CFS	1.2 AF
	Totals	0.12 CFS	23.7 AF

SOURCE

TRIBUTARY OF

SPRING

PAYETTE RIVER

Priority: 03/14/1913

LOCATION OF POINT(S) OF DIVERSION:

SWSENW , Sec. 13, Township 07N, Range 02E
BOISE County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
07N 02E 13	NWSW 5			5
		Total number of acres irrigated:		5

PLACE OF USE: DOMESTIC, same as IRRIGATION use

CONDITIONS/REMARKS:

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 .02 cfs per acre nor more than 4.5 afa per acre for the lands above.
3. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.

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OCT 21 1998

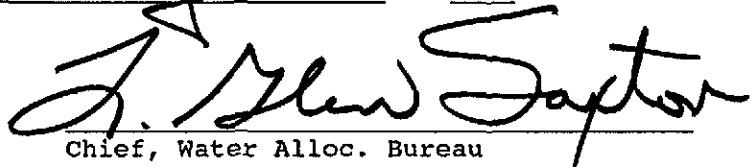
TRANSFER NO. 4342
WATER RIGHT NO. 65-08935

CONDITIONS/REMARKS:

4. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

* 5. Domestic use is for 1 home.

Dated this 7th day of July, 1994.


Chief, Water Alloc. Bureau

MICROFILMED
OCT 21 1996

PART 1

6. General Information:

a. Description of diversion system DUG OUT, GRAVEL LINED & SEAL, PIPED TO HOME & PLACE OF USE 1820'.

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes X No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

NONE.

d. Remarks:

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19____.

Page 1 of 6

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 4342

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of applicant DENNIS M POMERLEAU Phone 793-2531
Post Office address Rt 1 Box 59 HORSESHOE BEND, ID 83629

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes POINT OF DIVERSION HAS NOT CHANGED,
HOWEVER, A SURVEY WAS DONE AND THE SPRING WAS FOUND TO BE IN A
DIFFERENT 1/4 1/4 THAN WAS LISTED ON THE DECEDED WATER RIGHT. THIS
TRANSFER IS BEING FILED TO CORRECT THE RECORDED 1/4 1/4.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

- | 1. Right Number | Priority | Amount
(cfs/ac-ft) | Nature
of Use | Period of Use |
|---|-----------|-----------------------|------------------|---------------|
| 65-08935 | 3-14-1913 | .02 CFS | DOMESTIC | 1-1 to 12-31 |
| | | .10 CFS | IRRIGATION | 4-1 to 11-1 |
| | | | | to |
| | | | | to |
| | | | | to |
| 2. Total amount of water being transferred <u>.12</u> cubic feet per second and/or _____ acre-feet per annum. | | | | |
| 3. Source of water <u>SPRING</u> tributary to <u>PAYETTE RIVER</u> | | | | |
| 4. Point(s) of Diversion: | | | | |

[illegible]

5. Lands irrigated or place of use: NO CHANGE

[illegible]

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Total acres _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

POOR ORIGINAL

A. DESCRIPTION OF RIGHT AS RECORDED**1 Right evidenced by:**

- a. Decree No. 65-08935 Decreed to CALVIN C DRAKE
 in case of _____ vs _____
 dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2 Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:☐ Tax Notice☐ Warranty Deed☐ Other N/A3. Source of water SPRING tributary to PAYETTE RIVER4. Date or priority 3-14-1913**5. Water is used for the following purpose**

amount .02 CFS for DOMESTIC purposes from 1-1 to 12-31
 (cfs/ac-ft)
 amount .10 CFS for IRRIGATION purposes from 4-1 to 11-1
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

6. Total amount of water under right .12 cubic feet per second and/or _____ acre-feet per annum.**7. Point(s) of Diversion:**

Lot	1/4	1/4	1/4	Sec.	Twp	Rge.	County	Local name for diversion
		NE SW		13	7N 2E		BOISE	

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals.
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
7N 2E		13										5							5

9. Describe any other water rights used for the same purpose as described above NONETotal acres 5
MICROFILMED

OCT 21 1995

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

NO If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.) N/A

1. amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use.

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

POOR ORIGINAL

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.

SEE ATTACHED MAPS

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OCT 21 1996

PART 3**B. CHANGES IN NATURE OF USE** N/A

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
				to
				to

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

Dennis W. Lomerton
(Signature of Applicant)

Subscribed and sworn to before me this 8th day of April, 19 94.

Jan Shurt
(Notary Public)

My commission expires 9-14-94**FOR DEPARTMENT USE ONLY**Transfer contains 6 pages and 3 attachmentsReceived by [Signature] Date 4-8-94

Protest filed by _____

Prelim. check by [Signature] Fee \$30Receipted by [Signature] Date 4-8-94Published in Idaho World

Copies of protest forwarded by _____

Pub. dates May 9, 11, 1994

Hearing held by _____ Date _____

Watermaster recommendation requested on _____

Recommended for ☐ approval ☐ denial

_____ rec'd. _____

by _____

Copy of transfer sent to lien holder _____

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: A65-08935
Date Received: 3/22/1989
Receipt No: x999999
Received By: AB

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DENNIS M. POMERLEAU 208-793-2531
Address: RT. 1, BOX 59
HORSESHOEBEND, ID 83629

2. Date of Priority: MAR 14, 1913

3. Source: SPRING Trib. to: PAYETTE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07N	02E	13	NW	NE	SW		BOISE

5. Description of diverting works:
DUG OUT, GRAVEL LINED AND SEAL, PIPED TO HOUSE 1820'.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.020		
IRRIGATION	04/01	11/01	0.100		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
D/ ONE HOUSE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07N	02E	13	NW	SW		IRR	5.0
Section Acres							5.0

10. Place of Use: Continued

Total Acres 5.0

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:
IRRIGATION IS ONLY WITH THE OVER FLOW FROM SPRING.

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date: 1/21/1986

STATE OF IDAHO

Decree Plaintiff

vs

A & C CORP., ET AL.

Decree Defendant

MICROFILMED
SEP 23 1992

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: 1

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): Dennis M. Lowrey Date: 3-22-1989

Date: _____

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 22nd day

of March 19 89

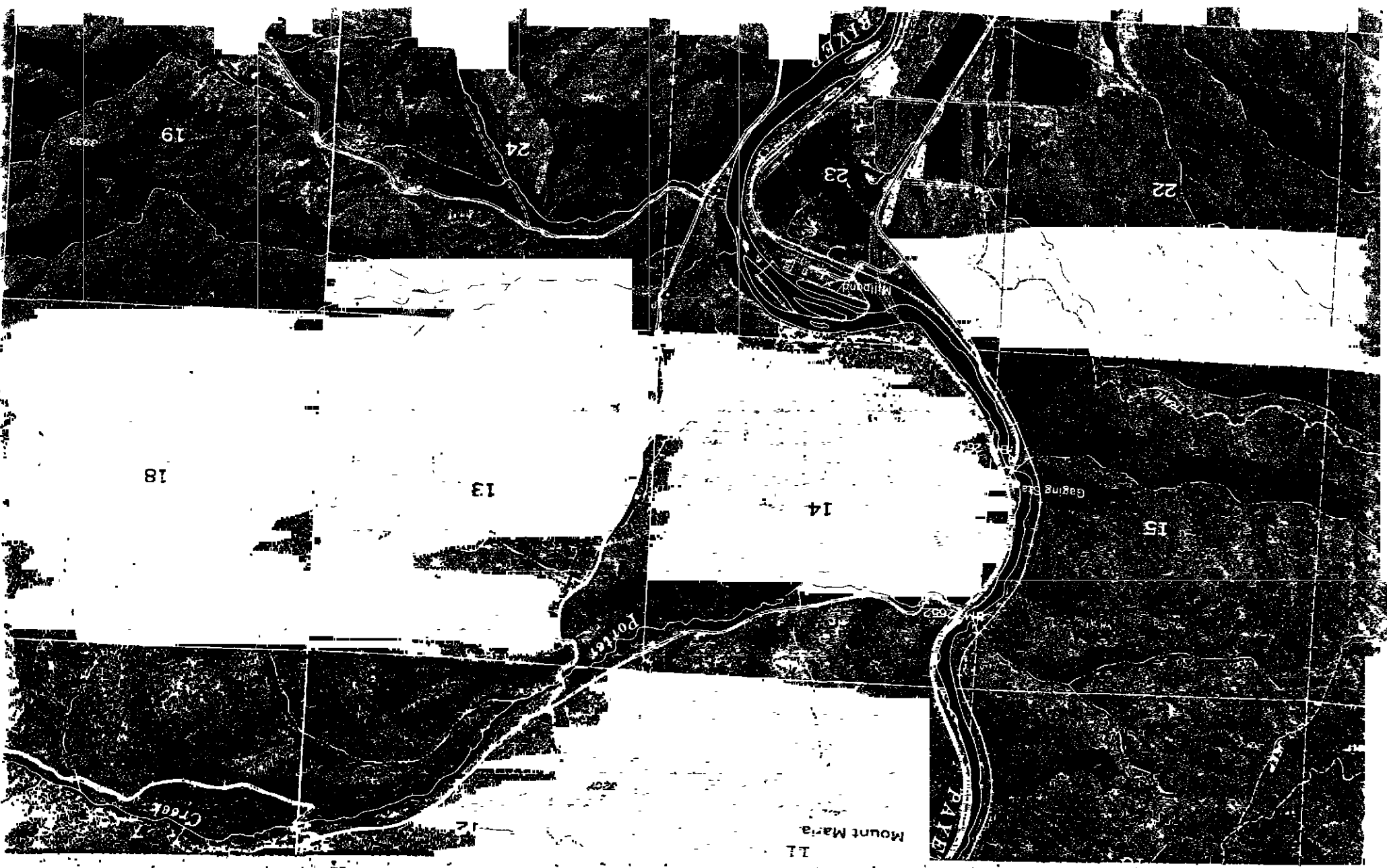
Anna Baerhoff
Notary Public

Seal

Residing at Boise Idaho

My Commission Expires 12-7-1994

7N 2E Sec. 13



10/15/2001

EXPLANATORY MATERIAL: Decreed

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	)	SUBCASE NO. 65-8935, 65-19624
	)	and 65-19625
Case No. 39576	)	
	)	NOTICE OF COMPLETED
_____	)	ADMINISTRATIVE PROCEEDING

IDWR has completed the following Administrative proceeding: **CHANGE OF ADDRESS**

Name and New Address of Claimant:

Dennis M Pomerleau
Susan K Pomerleau
365 Pioneer Rd
Horseshoe Bend ID 83629

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

Dated: October 16, 2001

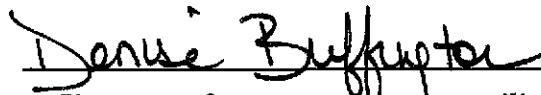


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on October 16, 2001, I mailed the original and copies of this form to the following persons, postage prepaid and addressed as follows:

1. Original to:
Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls ID 83303-2707
2. One Copy to:
Claimant or attorney of record:
Dennis M Pomerleau
Susan K Pomerleau
365 Pioneer Rd
Horseshoe Bend ID 83629
3. One Copy to:
Each party in the subcase or attorney of record:
N / A
4. One Copy to:
Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449
5. One Copy to:
United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724



Signature of person or attorney mailing the form



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

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

RECEIVED

OCT 11 2001

Water Resources

September 27, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

RECEIVED

OCT 12 2001

WATER RESOURCES
WESTERN REGION

DENNIS M POMERLEAU
SUSAN K POMERLEAU
365 PIONEER RD
HORSESHOE BEND ID 83629

correct

RE: Snake River Basin Adjudication (SRBA)
Water Rights #65-8935, 65-19624 and 65-19625

*Records Modified 10-11-01,
ss*

Dear Water Right Holders:

Mail we sent you was returned to us by the Postal Service. The Postal Service advised us your address has changed to the above address. We have enclosed the returned mail.

Although we have reached you at the address above, we need your written confirmation this is your correct mailing address before we can change our records.

Please sign your name at the bottom of this letter and return it to this office. Make corrections to your name and address if necessary before returning this letter, list **any other water rights you have**, and return this letter by October 12, 2001. Thank you for your help.

If your mail delivery address changes in any form, please contact us in writing so we can update our records. Be sure to list your water right numbers.

If there has been a change in ownership of the property connected with the water rights referenced above, please call this office toll-free at 1/800-451-4129 to obtain a form to make this required change to the water right records.

Sincerely,

Sally
Sally Sherman
Technical Records Specialist
Adjudication Bureau

SS:region
Enclosure:
Returned Mail

#####

The address is correct as shown above or as otherwise changed.

Susan K Pomerleau
Water Right Holder's Signature

208-793-2531
Telephone No.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

October 16, 2001

DENNIS M POMERLEAU
SUSAN K POMERLEAU
365 PIONEER RD
HORSESHOE BEND ID 83629

RE: Water Right No. 65-8935, 65-19624 & 65-19625

Dear Property Owners:

Enclosed is a copy of the above referenced water right, which reflects your change in address. Also enclosed is a copy of the Notice of Completed Administrative Proceedings which has been sent to the Snake River Basin Court as notification of the change.

Thank you for your patience and cooperation, as we have had several water right changes to process. If you have any questions concerning the enclosed water rights, please feel free to contact this office.

Sincerely,

Denise Buffington
Office Specialist 1
Adjudication Section
Western Region

DB: db

Enclosures



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

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

DIRK KEMPTHORNE
GOVERNOR

October 11, 2001

KARL J. DREHER
DIRECTOR

DENNIS M POMERLEAU
SUSAN K POMERLEAU
365 PIONEER RD
HORSESHOE BEND ID 83629

RE: Snake River Basin Adjudication (SRBA)
Water Right Claim #65-8935

Dear Mr. and Mrs. Pomerleau:

Thank you for returning the address change letter so promptly. Our records have been modified to reflect your current address.

Susan requested that we add her name to water right claim #65-8935. We cannot modify our records without the enclosed Notice of Change in Water Right Ownership form being completed. I have enclosed that form for your possible use. Please see Item #8 in the instructions. Since this right is still pending before the SRBA Court, there is no fee required. We expect partial decrees to be issued in the near future.

Please contact me at 208/327-7862 if you have any questions.

Sincerely,

Sally Sherman
Technical Records Specialist
Adjudication Technical Section

ss:region

Enclosure:

Form 42-248/42-1409(6)

08/31/2001

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

RIGHT NUMBER: 65-8935

NAME AND ADDRESS: DENNIS M POMERLEAU
RT 1 BOX 59
HORSESHOE BEND ID 83629

*Please add my name to
our address (correction)
Susan K Pomerleau*

SOURCE: SPRING

TRIBUTARY: PAYETTE RIVER

QUANTITY: 0.120 CFS
23.70 AFY

THE QUANTITY OF WATER UNDER THIS RIGHT FOR DOMESTIC USE SHALL NOT
EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 03/14/1913

POINT OF
DIVERSION:

T07N R02E S13 SWSEW Within BOISE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	3/15 11/15	0.100 CFS 22.50 AFY
DOMESTIC	1/01 12/31	0.020 CFS 1.20 AFY

PLACE OF USE:

IRRIGATION Within BOISE County
T07N R02E S13 NWSW 5 0
DOMESTIC Within BOISE County
T07N R02E S13 NWSW

5 ACRES TOTAL

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY
FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF
THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A
POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION
42-1412(6), IDAHO CODE.
THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR DOMESTIC USE
IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL BASIS OF CLAIM - Decreed



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.

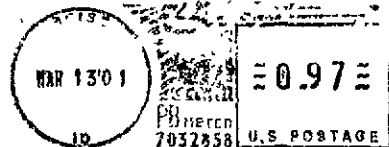
If you meet these three requirements, you may file a Notice of Claim form for stockwater with IDWR. **To have a timely filing you must file this claim with IDWR by May 25, 2001.** IDWR will waive filing fees for these stockwater claims if filed before this deadline. Failure to file your claim in a timely 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

SECTION 40
DEPARTMENT OF WATER RESOURCES
WESTERN REGIONAL OFFICE
2835 AIRPORT WAY
BOISE, IDAHO 83705

ADDRESS SERVICE
REQUESTED



RECEIVED

MAR 15 2001

WATER RESOURCES
WESTERN REGION

65-08935, -19624, -19625

Sent again

3-16-01.

DENNIS M POMERLEAU

SUSAN K POMERLEAU

STREET AND/OR NUMBER HAS BEEN
CHANGED BY LOCAL AUTHORITIES
ONE YEAR TIME LIMIT HAS EXPIRED
RETURN TO SENDER

Boise County Assessor →

365 Pioneer Rd



Horseshoe Bend, 83629

793-2531

11/01/2000

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

RIGHT NUMBER: 65-8935
NAME AND ADDRESS: DENNIS M POMERLEAU
RT 1 BOX 59
HORSESHOE BEND, ID 83629
SOURCE: SPRING TRIBUTARY: PAYETTE RIVER

QUANTITY: 0.12 CFS
23.7 AFY

THE QUANTITY OF WATER UNDER THIS RIGHT FOR DOMESTIC USE
SHALL NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 03/14/1913

POINT OF DIVERSION: T07N R02E S13 SWSNW Within BOISE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	1-01 12-31	0.02 CFS 1.2 AFY
IRRIGATION	3-15 11-15	0.10 CFS 22.5 AFY

PLACE OF USE:

DOMESTIC Within BOISE County
T07N R02E S13 NWSW
IRRIGATION Within BOISE County
T07N R02E S13 5
NWSW 5 ACRES TOTAL

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
DOMESTIC USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL
USE.

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

00:35:57
06/10/00
1053

PAGE: 16
PROFILE REPORT

CLAIM NUMBER: A65-08935

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME																																																																							
C	DENNIS M POMERLEAU	03/14/1913	IRRIGATION DOMESTIC	03-15 11-15 01-01 12-31	0.100 CFS 0.020 CFS	22.50 AFA 1.20 AFA																																																																							
					TOTAL DIVERSION:	0.120 CFS 23.70 AFA																																																																							
Water Source: SPRING		Tributary to: PAYETTE RIVER		Stage: DECREED																																																																									
Point(s) of Diversion:		T07N R02E S13 SWSNW		BOISE County																																																																									
Place of use Legal Description for: IRRIGATION																																																																													
<table border="0"> <thead> <tr> <th colspan="4">NE</th> <th colspan="4">NW</th> <th colspan="4">SW</th> <th colspan="4">SE</th> <th></th> </tr> <tr> <th>T</th><th>R</th><th>S</th><th>:</th> <th>Lt</th><th>Ac</th><th>Lt</th><th>Ac</th> <th>Lt</th><th>Ac</th><th>Lt</th><th>Ac</th> <th>Lt</th><th>Ac</th><th>Lt</th><th>Ac</th> <th>:</th> <th>SUM</th> </tr> </thead> <tbody> <tr> <td>07N</td><td>02E</td><td>13</td><td>:</td> <td></td><td></td><td></td><td></td> <td></td><td></td><td></td><td></td> <td>05</td><td></td><td></td><td></td> <td>:</td> <td>5.0</td> </tr> <tr> <td colspan="16"></td> <td>TOTAL ACRES</td> <td>5.0</td> </tr> </tbody> </table>							NE				NW				SW				SE					T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM	07N	02E	13	:									05				:	5.0																	TOTAL ACRES	5.0
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07N	02E	13	:									05				:	5.0																																																												
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Place of use Legal Description for: DOMESTIC

NE				NW				SW				SE				
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:
07N	02E	13	:									D				:

POU County: BOISE

Non-Irrigation Uses: ~~DOMESTIC~~, 1 HOME

Other Rights: NONE

Conditions of Approval:

- R04 - Use of water under this water right will be regulated by the watermaster of State Water District No. 65.
- R32 - This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for irrigation of the lands above.
- T08 - Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
- T09 - Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

N10
N12

Remarks: GEN IRRIGATION IS ONLY WITH THE OVER FLOW FROM SPRING.
CLAIM AMENDED PER TRANSFER NO. 4342 APPROVED 7/7/94.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

00:35:57
06/10/00
1054

PAGE: 17
PROFILE REPORT CONTINUED

CLAIM NUMBER: A65-08935

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

WR5809NP
No. 65-08935

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 06/10/00
PAGE: 63

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	DENNIS M POMERLEAU RT 1 BOX 59 HORSESHOE BEND ID 83629 (208) 793-2531	03/14/1913	IRRIGATION DOMESTIC	03/15 11/15 01/01 12/31	0.100 CFS 0.020 CFS	22.50 AFA 1.20 AFA
TOTAL DIVERSION:					0.120 CFS	23.70 AFA

Water Source: SPRING

Tributary to: PAYETTE RIVER

Stage: DECREED

Point(s) of Diversion:

T07N R02E S13

SWSNW

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
07N	02E	13	:												05					:	5.0
TOTAL ACRES																				5.0	

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

Pou County: BOISE

Conditions of Approval:

- R04 - Use of water under this water right will be regulated by the watermaster of State Water District No. 65.
- R32 - This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for irrigation of the lands above.
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Remarks: GEN Domestic use is for 1 home.

Dates:	App. Received:	Priority Date:	03/14/1913
	Proof Due Date:	Proof Made Date:	
	Exam Made Date:	Exam Sent to S.O.:	
	Licensed Date:		

Misc: Water District Number: 65 Field Exam Fee:

Idaho Dept. of Water Resources

Claim No(s): 65-08935

T07N, R02E, 13

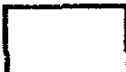
Created by: Sue Bock

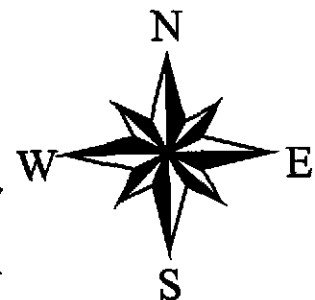
Date: 7/18/2000

 Place of Use

 Point of Diversion

 Section lines

 1/4 1/4 lines



0 1000 2000 3000 Feet



1987 NAPP Photo