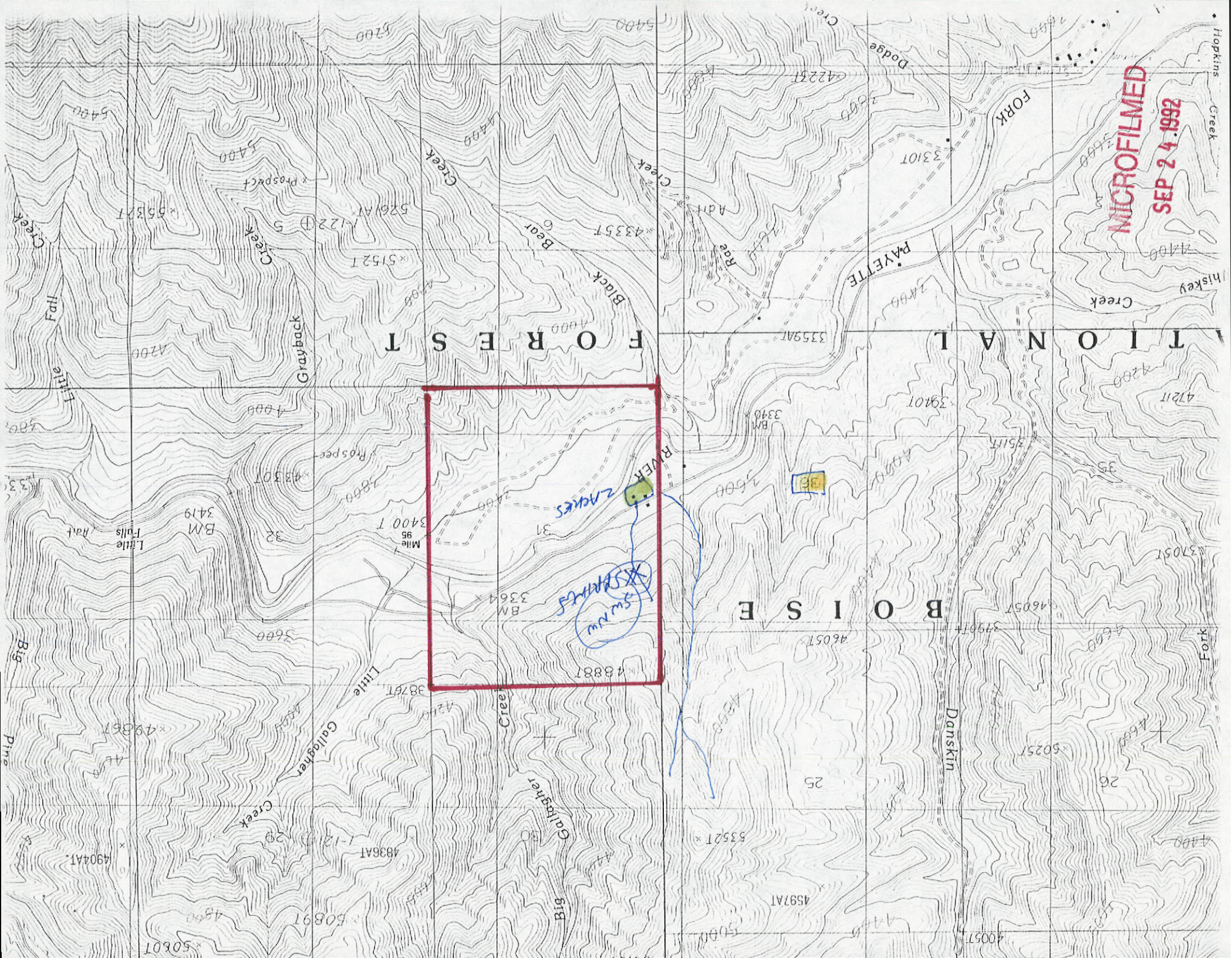




Map to Accompany Special Use
Application of James M. Mills
Water Transmission Line

Intermediate Zone = Intermediate Zone

MICROFILMED

SEP 24 1992

R6E

Sec 25

Sec 30

Sec 29

Sec 28

T
9
N

L1

44.30

L2

41.20

Sec 31

South Fork Payette

HES
407

SP.D
P.O

295.04

H.E.S. 335

47.70

Sec 32

595.55

48.10

Sec 33

814.25

32.49

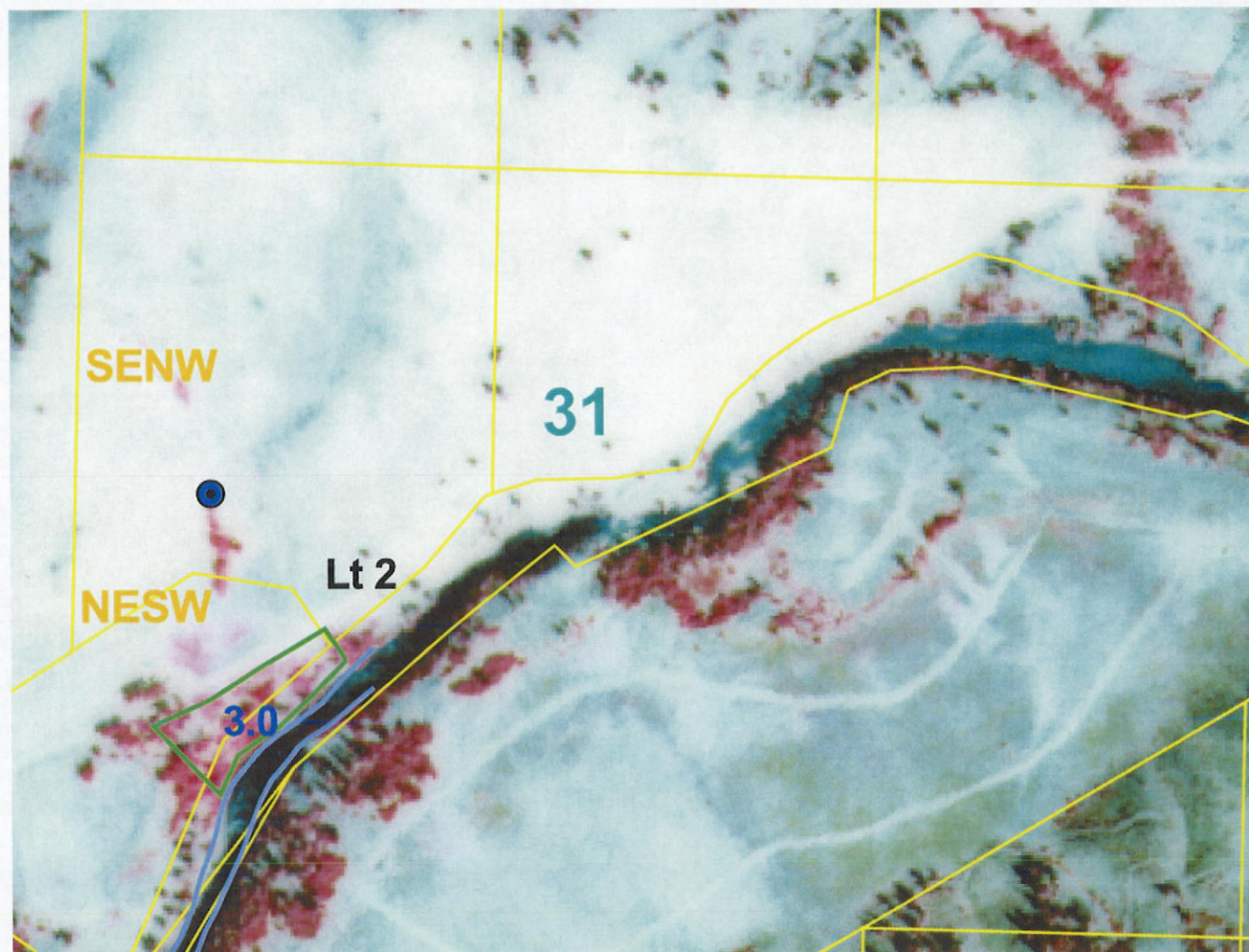
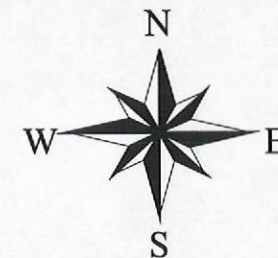
42.06

50.76

5b

IDAHO DEPARTMENT OF WATER RESOURCES

T09N, R06E, S31



1987 NAPP PHOTO

- POINT OF DIVERSION
- PLACE OF USE
- 1/4 1/4 LINES
- SECTION LINES
- 6 ACRES
- 6 SECTION NUMBERS

CLAIM(S): 65-10383

OWNER(S): MILLS

Prepared by Mel Schulte

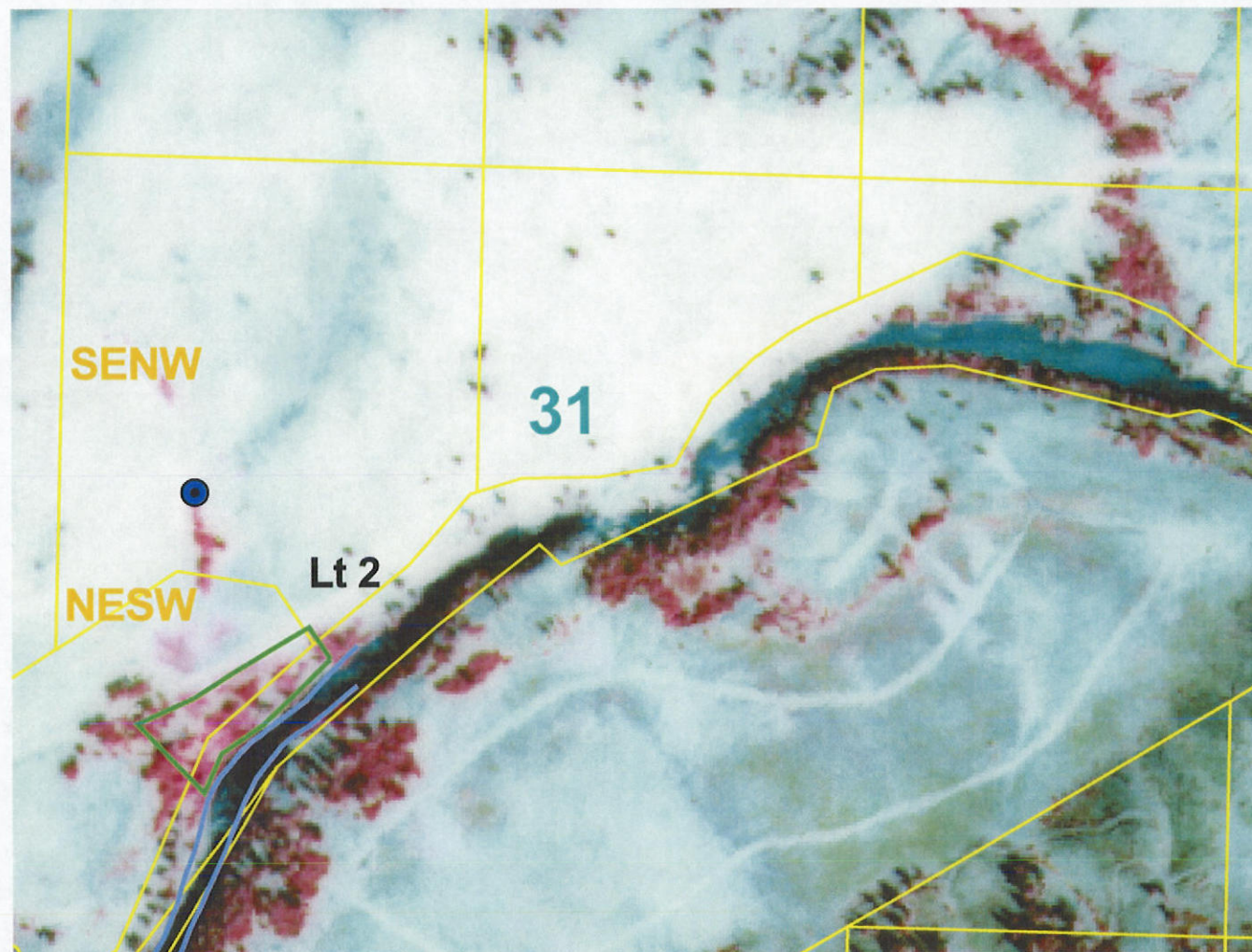
DATE: DECEMBER 13, 1999



5c

IDAHO DEPARTMENT OF WATER RESOURCES

T09N, R06E, S31



1987 NAPP PHOTO

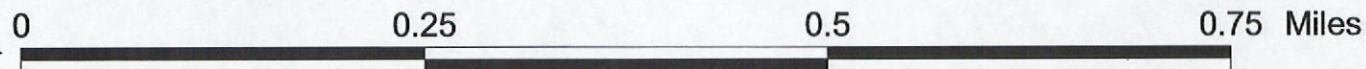
- POINT OF DIVERSION
- PLACE OF USE
- 1/4 1/4 LINES
- SECTION LINES
- 6 ACRES
- 6 SECTION NUMBERS

CLAIM(S): 65-10383

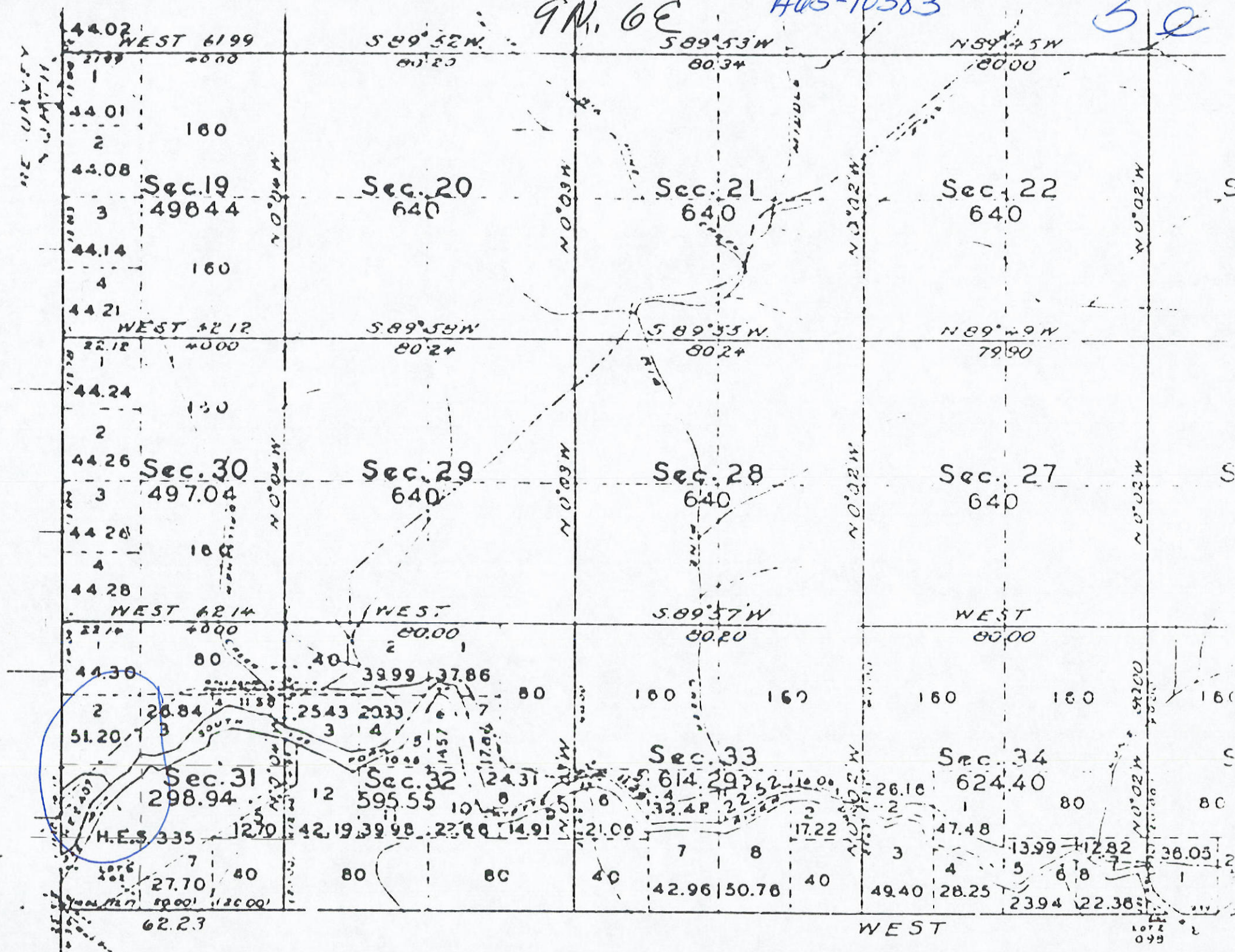
OWNER(S): MILLS

Prepared by Mel Schulte

DATE: DECEMBER 13, 1999



52



CLAIM A65-10383 INIT
T. R. S. Q/Q
P/D 9N 6E 31 SENW L2
SCALE PRBA map
PHOTO ID. ASCS DATE 1962

Lot #1

L1

Lot #2

L2

Lot 3

L3

31

T 9 N

PUHES

57

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: A65-10383
Date Received: 12/08/1989
Receipt No: X999999
Received By: John

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JAMES M. MILLS 208-845-2903
Address: HC 85, BOX 141-A-2
BRUNEAU, ID 83604
2. Date of Priority: APR 01, 1910
3. Source: SPRINGS Trib. to: PAYETTE RIVER, SOUTH FORK
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
09N	06E	31	SE	NW		2	BOISE

5. Description of diverting works:
2 SPRINGS AND PIPELINE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.040		1.20
IRRIGATION	04/15	10/15	0.040		1.20

7. Total Quantity Appropriated is:
0.040 C.F.S. (and/or) 1.20 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC 2 HOMES

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09N	06E	31	NE	SW		DOMEST	
			NE	SW	2	IRR	2.0
						Section Acres	2.0

A65-10383

Page 1

Date: 12/08/89

MICROFILMED
SEP 24 1992

10. Place of Use: Continued

Total Acres 2.0

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:

HOMESTEAD ENTRY SURVEY #407.
LEGAL DESCRIPTION LOOKED LIKE DESCRIPTION WAS OK IN GOV'T LOT 2
BUT 1/4 DIDN'T FIT, 2 HOMES FOR PLACE OF USE SINCE AT LEAST THE
1940'S. CLAIMANT COULD NOT CLAIM FOR SURE WHETHER OLD HOMES
HAD BOTH BEEN ON SINCE THE 1910 PRIORITY. THE ACREAGE CLAIMED
WAS ALSO IN QUESTION AND MAY ACTUALLY BE MORE THAN 2 ACRES.
ALSO CONFUSION EXISTS AS TO WHETHER A65-10382 COULD BE PART
OF THIS SYSTEM OF IRRIGATION. LATER FIELD REVIEW WILL HAVE TO
CLEAR UP THIS CLAIM. CLAIMANT MAY HAVE TO APPLY FOR MORE WATER.

15. Basis of Claim: BENEFICIAL USE

MICROFILMED
SEP 24 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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s):

James M. Miller

Date: 12-8-89

Date: _____

State of Idaho)

County of

ADA

) SS.

Subscribed and sworn (or affirmed) before me this 8th day

of Dec 19 89

Ron Howerton
Notary Public

Seal

Residing at

Ron Howerton

Residing at Boise, Idaho

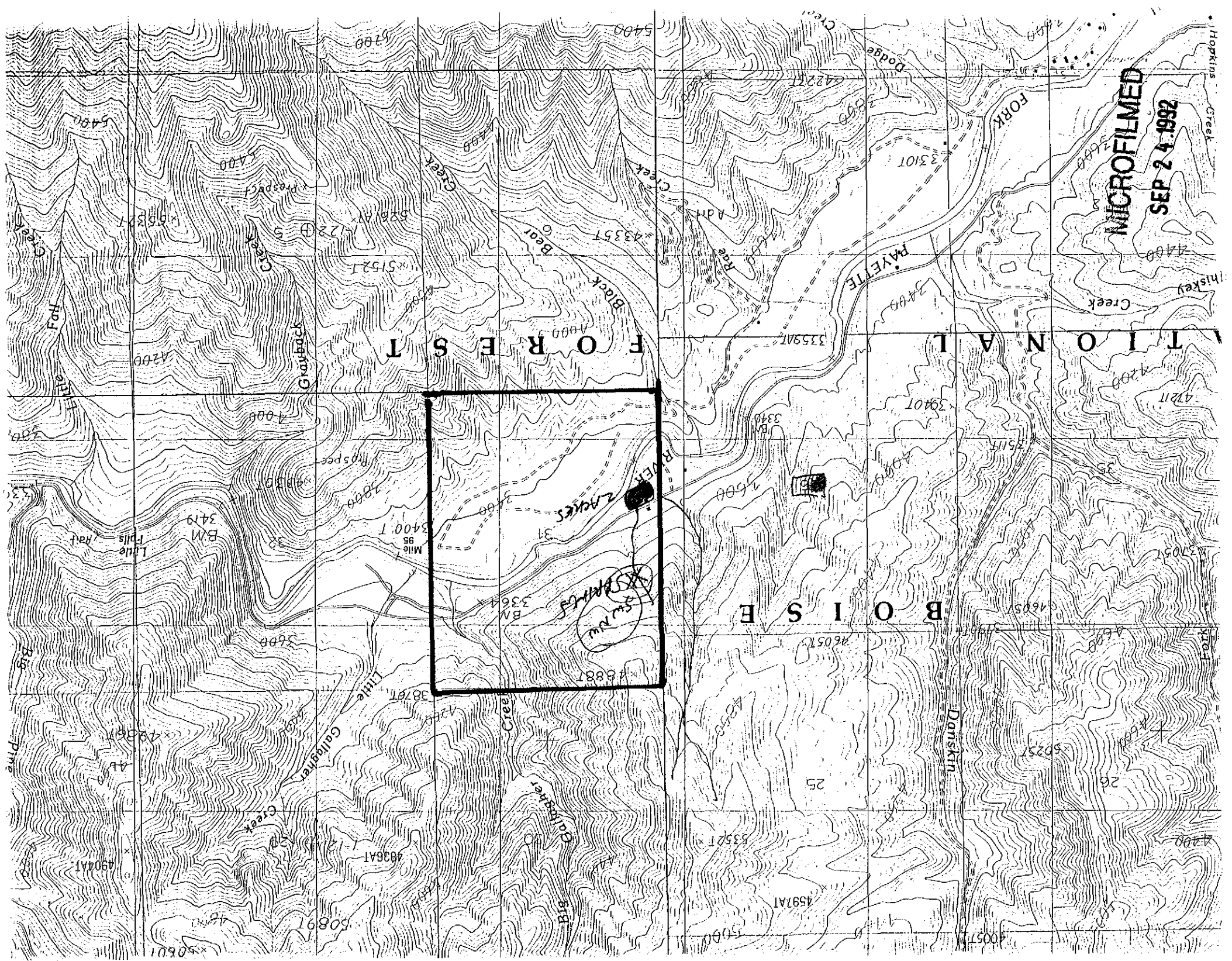
My Commission Expires

My Commission Expires December 8, 1994

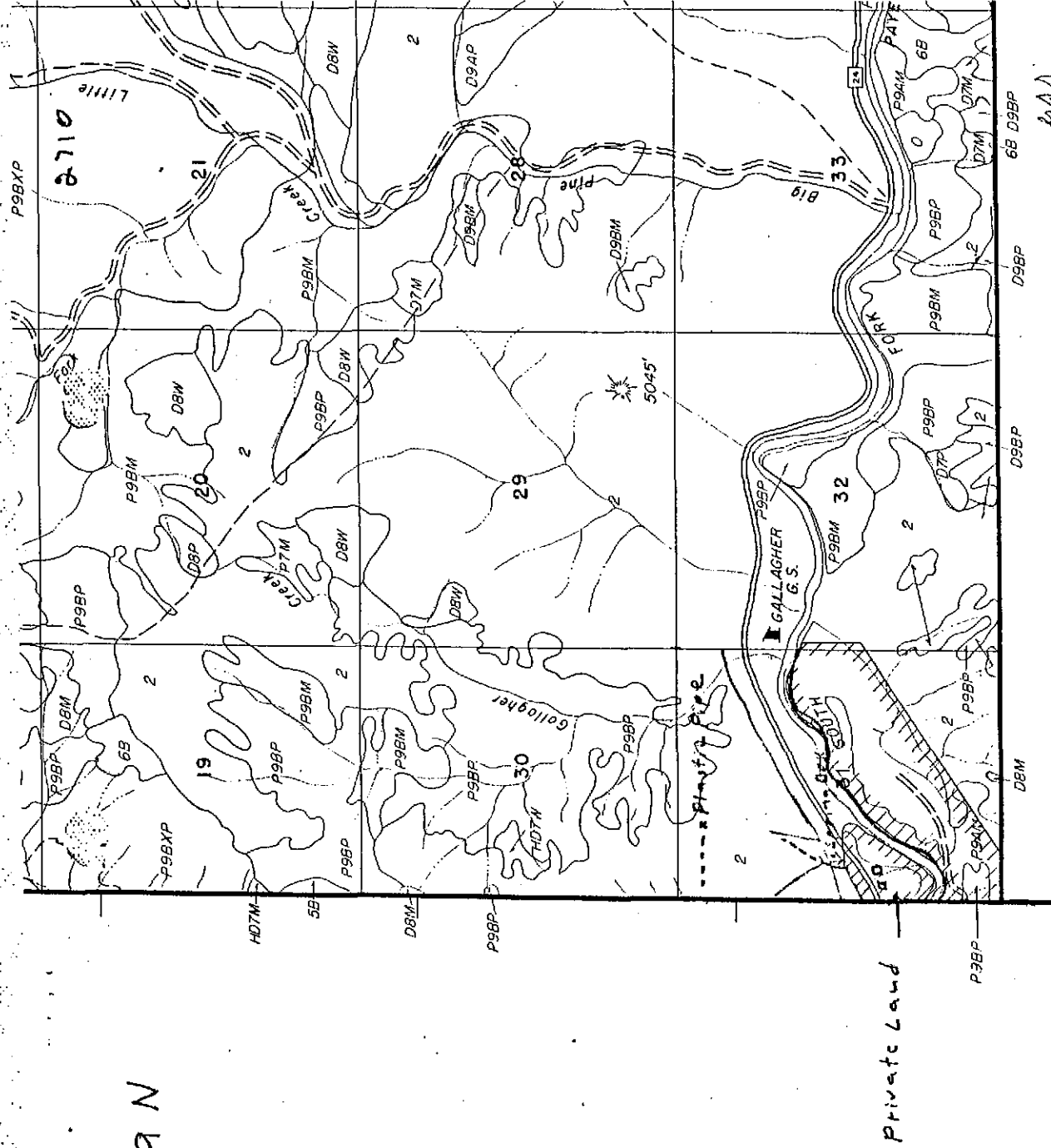
MICROFILMED
SEP 24 1992

MICROFILMED

SEP 24 1992



T9N



R6E

Map to Accompany Special Use
Application of James M. Mills

Water Transmission Line

[] = Intermediate Zone [] = Water Influence Zone

MICROFILMED

SEP 24 1992

NOTICE OF CLAIM TO A WATER RIGHT

MAP NO.

(Name of Claimant)

(Mailing Address)

The extent and nature of said claim is as follows:

April 1, 1919

springs (trib. to South Fork Payette River)

Department of Water Resources

(CFS, GPD, AF.)

(Domestic, irrigation, stock, etc.)

(Mo., Day)

(Mo., Day)

(CFS, GPD, AF.)

(Domestic, irrigation, stock, etc.)

(Mo., Day)

10 _____
(Mo., Day)

(CFS, GPD, AF.)

(Domestic, irrigation, stock, etc.)

(Mo., Day)

(Mo., Day)

(CFS, GPD, AF.)

Sec. 31, Twp. 3N, Rge. 6E, B.M.; additional points:

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.)
Give sizes and capacities; be as specific as possible. 2 springs and pipeline

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

[illegible]

4

One household

NOTE: Include here the type and number of stock watered.

Effluent, sewage waste, or return water from this use is discharged into

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

Remarks

☐ A) Right based on diversion and beneficial use.

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

☐ C) Right based on application, permit, license, or claim filed with the Idaho Department of Water Resources.

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

Individual

(Signature of Claimant)

Organization

(Signature of Spouse)

Seal

On this 10/27 day of Dec, (Signature of Authorized Agent) _____, in the year 2011, before me, a notary public, personally appeared James M. Miller known to me to be the person(s) whose name(s) are subscribed to the above instrument, and acknowledged to me that (he, she, they, corporation, partnership or _____) executed the same.

Notary Public residing at

Sept 19, 1980

State of Idaho
Department of Water Resources
REQUEST FOR EXTENSION OF TIME
TO FILE ADJUDICATION CLAIM(S)

The Idaho Department of Water Resources will consider this form as a request by the claimant for an additional period of time in which to file claim(s) beyond the 90 days allowed by Section 42-1409(10), Idaho Code.

James M. Mills () 8452903
Name of Claimant Phone Number
HC-85 Box 141-A-2 BRONX, Idaho 83604
Mailing Address City State Zip
Boise MAY 19 - 1989
County(s) where place of use is located Date claim originally due
H6512031B, H6511025, H6510383
Identify water right(s) for which extension is requested

State why an extension of time is requested explaining how a diligent effort has been made to meet the deadline:

The CLAIMS above have been worked
ON AT WESTERN during the filing of
The Boise County adj., Jan & Ron have
worked to complete these claims on this
date.

Claimant requests an extension to 1-8, 19 90
James M. Mills 12-8, 19 89
Signature Date of request

Title _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

The above request for extension of time is hereby [] granted [] denied for the following reasons:

and if granted the filing deadline is extended to _____, 19 _____

Signed this _____ day of _____, 19 _____

Director or his designated agent _____

Mail to: Idaho Department of Water Resources
1301 N. Orchard St.
Boise, ID 83706

MICROFILMED
SEP 24 1992

Date Received

RECEIVED

DEC 12 1989

*Gate fees
paid*

denied

State of Idaho
Department of Water Resources
**REQUEST FOR EXTENSION OF TIME
TO FILE ADJUDICATION CLAIM(S)**

Department of Water Resources

The Idaho Department of Water Resources will consider this form as a request by the claimant for an additional period of time in which to file claim(s) beyond the 90 days allowed by Section 42-1409(10), Idaho Code.

James M. Mills () 8452903
Name of Claimant Phone Number
H.C. 85 Box 141-A-2 BRONX Idaho 83604
Mailing Address City State Zip
Boise May 19 - 1989
County(s) where place of use is located Date claim originally due
H6512031B* H6511025 H6510383
Identify water right(s) for which extension is requested

State why an extension of time is requested explaining how a diligent effort has been made to meet the deadline:

The claims above have been worked on at Western during the filing of The Boise County AdJ. Jan & Ron have worked to complete these claims on this date.

Claimant requests an extension to 1-8, 19 90
James M. Mills 12-8, 19 89
Signature Date of request

Title

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

The above request for extension of time is hereby [] granted [☒] denied for the following reasons:

and if granted the filing deadline is extended to _____, 19 _____

Signed this 25 day of December, 19 89

RECEIVED

Director or his designated agent

Mail to: Idaho Department of Water Resources
1301 N. Orchard St.
Boise, ID 83706

DEC 27 1989

Department of Water Resources
Western Regional Office

DAVID B. SHAW

MICROFILMED

SEP 24 1992

Bois
MAP NO.

IDENT. NO.
65-10383

(Name of Claimant)

(Mailing Address)

~~DEC~~ 7 1976

The extent and nature of said claim is as follows:

- Department of Water Resources
Western Regional Office

Quantity .04 cfs

(Domestic, irrigation, stock, etc.)

(Mo., Day) (Mo., Day)

Quantity ~~04~~ cfs

Use irrigation

Period of Use From Apr. 15 To Oct. 15 (Both Dates Inclusive)

(CFS. GPD. AF.)

(Domestic, irrigation, stock, etc.)

(Mo., Day) (Mo., Day)
(Both Dates Inclusive)

Quantity _____
(CES GPD AE)

Use _____
(Domestic irrigation, stock, etc.)

Period of Use From _____ To _____
(Mo. Day) (Mo. Day)

06 ~~DA~~ cfs ✓

- A) Point of Diversion: Give location of point where water is diverted from its source

Sec. 31 ✓, Twp. 9N ✓, Rge. 6E ✓, B.M.; additional points: _____

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.)
Give sizes and capacities; be as specific as possible. 2 springs and pipeline

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

NE 1/4 NW 1/4 SW 1/4
231
(WFE)
(H.E.S. #907)
SE 1/4
125

Total No. of acres 213

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

NOTE: Include here the type and number of stock watered. _____

- (7) Effluent, sewage waste, or return water from this use is discharged into _____

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

- (9) Remarks (H.E. 5 # 407)

- (10) Basis of claim (Check one) ☒ A) Right based on diversion and beneficial use.
☐ B) Right decreed by court, cite title of case. _____
☐ C) Right based on application, permit, license, or claim filed with the Idaho Department of Water Resources.

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

Individual

(Date)

(Signature of Claimant)

Organization

SS.

Seet

(Signature of Authorized Agent)

a notary public, personally appeared James M. Mills
known to me to be the person(s) whose name(s) are subscribed to the above instrument, and acknowledged to me that (he, she, they,
corporation, partnership or _____) executed the same.

My commission expires Sept 19, 1980

Notary Public residing at Bonifed

12/21/77 ~~⑤~~

June 27, 1983

To Whom It May Concern:

Some controversy apparently exists over the use of a spring or springs near the South Fork of the Payette River adjacent to the properties of James M. Mills (Richard Knoblock, lessee) and Richard and Linda Jenkins. The purpose of this letter is to provide information about the water rights to the spring(s) and copies of field reports about those water rights.

Mills holds the first right (65-10383) to the springs for .06 cubic feet per second (cfs) or 27 gallons per minute (gpm) during the irrigation season and .04 cfs (18 gpm) at other times. This water right was investigated under the authority of Title 42, Chapter 14, Idaho Code. The other water rights to the springs are held through the authority of Title 42, Chapter 2, Idaho Code. The Jenkins have the second diversion (65-12406) for .04 cfs (18 gpm) as water is available from April 15 to October 15 for domestic use. Mills holds a permit (65-12581) for more water as the third diversion for .08 cfs (36 gpm) throughout the year as water is available. These water rights and permits are detailed on the attached table.

The location of the diversion structures from these springs were investigated on April 26, 1982. A copy of that field report and system sketch is enclosed. One of the diversion structures may have been relocated since that date.

Regards,

Donald V. Shaff
Adjudication Unit Leader

Enclosures

cc: J. Mills
R. Knoblock
R. Jenkins

S T A T E O F I D A H O

DEPARTMENT OF WATER RESOURCES
LISTING OF RIGHTS

INDICATES TOTAL

RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	USE	USE PERIOD FROM TO	MAX AMOUNT MAX RATE	DIVERSION POINT	PLACE OF USE AND ACREAGE	BASIS FOR RIGHT
SOURCE: SPRINGS			TRIBUTARY TO: PAYETTE RIVER, SOUTH FORK					
65-10383	Mills, James M. Bruneau, Idaho 83604	4/01/1910	Irrigation	4/15 10/15	.02 CFS	Lot 2(SENW) Lot 2(SENW)(03) S 31, T 9N S 31, T 9N, R 6E	Beneficial Use	
	Remarks: HES #407.		Domestic	1/01 12/31	1.2 AFA .04 CFS ----- AFA .06 CFS		Same as other use	
65-12406	Jenkins, Richard L. Jenkins, Linda J. P.O. Box 65 Garden Valley, Idaho 83622	4/06/1981	Domestic	4/15 10/15	1.2 AFA .04 CFS	Lot 1(NENW) Lot 2(SENW) Lot 2(SENW) S 31, T 9N, R 6E S 31, T 9N R 6E	Permit	
65-12581	Mills, James M. Bruneau, Idaho 83604	12/08/1982	Domestic	1/01 12/31	2.4 AFA .08 CFS	Lot 1(NENW) Lot 2(SENW) Lot 2(SENW) S 31, T 9N, R 6E S 31, T 9N R 6E	Permit	
	Remarks: HES #407.							

Note: This listing does not include other water rights of the two parties from sources other than these springs.

MICROFILMED



United States
Department of
Agriculture

Soil
Conservation
Service

1646 North Washington
Emmett, Idaho 83617

September 30, 1982

Mr. Don Shaff
450 West State Street
Boise, Idaho 83702

Re: James Mills' Water Right

I have reviewed the soil types and a preliminary design our office prepared for Mr. Knoblock on the James Mills' property.

The soil is a Danskin gravelly loamy coarse sand with a rapid permeability rate and a water holding capacity of about 1 inch per foot. Normal rooting depth could be 3 to 4 feet depending upon the crop.

Our preliminary sprinkler design done in April of 1980 considered 10 acres in pasture, orchard and vineyard.

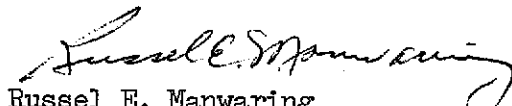
Theoretically a sprinkler system could be designed to adequately irrigate using about 8 gpm, .9 MI per acre. In practical application a system on a smaller acreage like this probably is as efficient as possible when using 10.5 gpm, 1.2 MI per acre as in this preliminary design.

Some confusion exist in the operation of these small acreage sprinkler systems. To efficiently utilize power and labor it is often better to use about twice the amount of water when in actual operation. This reduces the total operation time over a continuous running sprinkler with a lower flow rate.

If this were the case the demand during peak operation may be in excess of 2 MI per acre, however the season long average for water use is still about 1 MI per acre.

This is a management alternative and you will have to decide if the water right is based on demand or on actual seasonal use.

If I may be of further assistance please call.


Russel E. Manwaring
District Conservationist

c.c.: Myrna South
737 North 7th Street
Boise, Idaho 83702



Department of Water Resources
Western Regional Office



The Soil Conservation Service
is an agency of the
Department of Agriculture

SCS-AS-1
10-79

Narrative of Field Inspection

CONVERSATION MEMORANDUM

DATE 7/30/82

FILE 65-10383

65-10382

NAME OF PARTY James M. Miller

EMPLOYEE John K. Moyer

RE: _____

met with Knoslock on the area
irrigated from spring - one sprinkler
head was running at time - $1/8"$ nozzle at
80 PSI $\approx$ 4.05 GPM - 2 hds 8.10 GPM $\approx$.02 CSS for irr.
System layout of spring & etc can be
noted on field report made 4/26/82 by J. K.
Bisco.

attached map of irrigated lands from this
source was arrived at by pacing the
area. Estimate one acre below house -
difficult to obtain area by pacing or
aerial photo. Total acres irrigated 3.1 acres
65-10383

Channimeter average from ASCS aerial
photo 1790 (M 11)

65-18283 = 3.1 acres

65-10382 = 7.9 acres.

MAR 02, 1979

PROPOSED FINDING OF WATER RIGHTS - PAYETTE RIVER DRAINAGE

PAGE 499

INDICATES TOTAL

SOURCE: SPRINGS

TRIBUTARY TO: SOUTH FORK, PAYETTE RIVER

BASIS FOR RIGHT	RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	USE	USE PERIOD FROM TO	MAX AMOUNT MAX RATE	DIVERSION POINT	PLACE OF USE AND ACREAGE	BASIS FOR RIGHT
BENEFICIAL USE	65-5650	MAXWELL, MINNIE E. GARDEN VALLEY, IDAHO 83622	3/ 1/1892	DOMESTIC	1/ 1 12/31	1.20 AFA .04 CFS	SENW S26 T 9N R 4E	SENW S26 T 9N R 4E	BENEFICIAL USE
BENEFICIAL USE	✓ 65-10383	HILLS, JAMES M. P. O. BOX 48, GARDEN VALLEY, IDAHO 83622 REMARKS: HOMESTEAD ENTRY SURVEY #407.	4/ 1/1910	DOMESTIC ✓	1/ 1 12/31 ✓	1.20 AFA .04 CFS	LOT 2 S31 T 9N R 6E	SAME AS OTHER USE	BENEFICIAL USE
				IRRIGATION ✓	4/15 10/15 ✓	--- AFA .04 CFS *---*AFA *.04*CFS	LOT 21 ³ S31 T 9N R 6E 42+3		
BENEFICIAL USE	65-3260	BROWN, GERRALD K. & BROWN, SAUNDRA M. HAVEN LODGE, LOWMAN, IDAHO 83637 REMARKS: THIS RIGHT WHEN COMBINED WITH RIGHT 65-2452 SHALL PROVIDE NO MORE THAN .40 CFS.	4/ 1/1912	RECREATION	1/ 1 12/31	--- AFA .02 CFS	LOT 3 S32 T 9N R 8E	LOT 3 S32 T 9N R 8E	BENEFICIAL USE
BENEFICIAL USE				HEATING	1/ 1 12/31	--- AFA .02 CFS *---*AFA *.02*CFS		SAME AS OTHER USE	
	65-1966	SCENIC PROPERTIES WATERUSERS ASSN. C/O JOHN M. STEVENSON, GENERAL DELIVERY, LEWMAN, IDAHO 83637 REMARKS: H. E. S. #336.	6/ 8/1913	DOMESTIC	1/ 1 12/31	1.20 AFA .04 CFS	NWSE S18 T 9N R 9E	LOT 3 S18 T 9N R 9E LOT 4 S17 T 9N R 9E	BENEFICIAL USE
BASIS FOR RIGHT	65-2426	MAGUIRE, GIVENS, WILLE WATERUSERS ASSOC. 10613 BOSWELL BLVD., SUN CITY, ARIZONA 85351	5/24/1938	DOMESTIC	1/ 1 12/31	3.60 AFA .04 CFS	LOT 2 S27 T 9N R 7E SWNW S27 T 9N R 7E	LOT 2 S27 T 9N R 7E LOT 11 S28 T 9N R 7E	LICENSE
BENEFICIAL USE	65-0495	CORDER, C. R. & CORDER, ALICE M. GARDEN VALLEY, IDAHO 83622	4/ 1/1949	DOMESTIC	1/ 1 12/31	1.20 AFA .04 CFS	LOT 10 S10 T 8N R 5E	LOT 10 S10 T 8N R 5E	BENEFICIAL USE
	65-4577	CORDER, C. R. & CORDER, ALICE M. GARDEN VALLEY, IDAHO 83622	4/ 1/1949	DOMESTIC	1/ 1 12/31	1.20 AFA .02 CFS	LOT 6 S11 T 8N R 5E LOT 10 S10 T 8N R 5E	LOT 10 S10 T 8N R 5E	BENEFICIAL USE
	65-5667	CORDER, C. R. & CORDER, ALICE M. GARDEN VALLEY, IDAHO 83622	4/ 1/1950	DOMESTIC	1/ 1 12/31	1.20 AFA .02 CFS	LOT 10 S10 T 8N R 5E	LOT 10 S10 T 8N R 5E	BENEFICIAL USE

James Mills

Field Examination

RTs 65-10383
65-10382

7/20/82

RGE

36 31

L1

T
9
N

20 P.D. 42

2.1

1.1

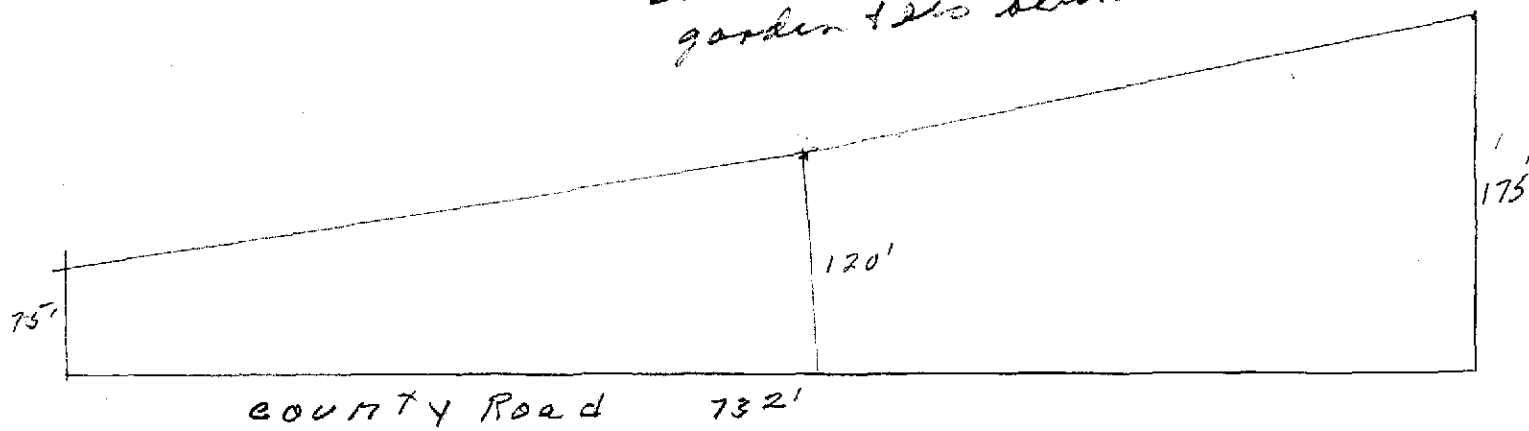
7.0

SOUTH Fork Payette
River

James M. Mills

Right 65-10383

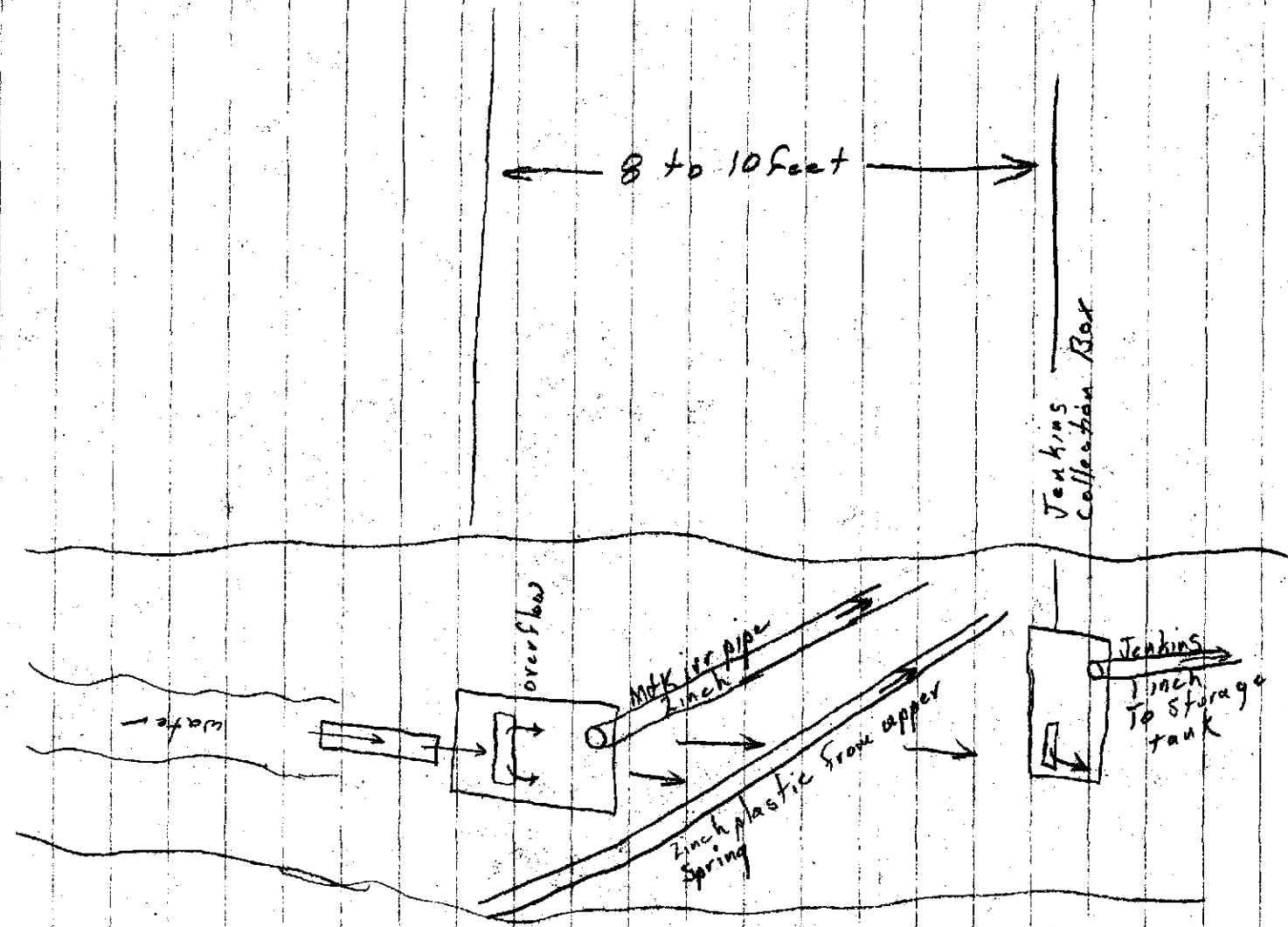
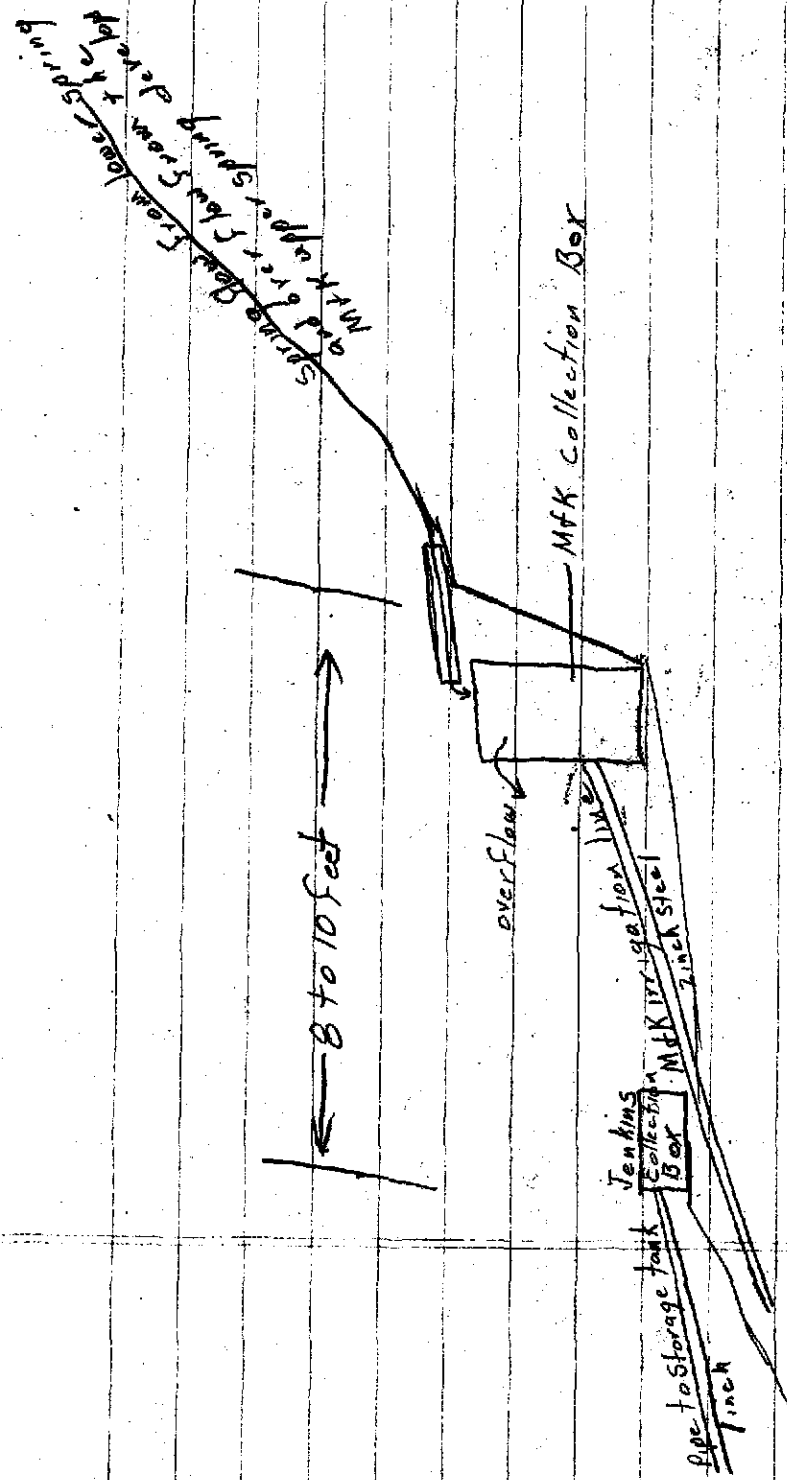
Estimated 1 acre of fruit trees
garden etc below house



$$(125 \text{ ft ave}) \times 732 = 91500 \div 43560 = \rightarrow 2.1 \text{ acres}$$

Total acres

3.1



STATE OF IDAHO
Department of Water Resources

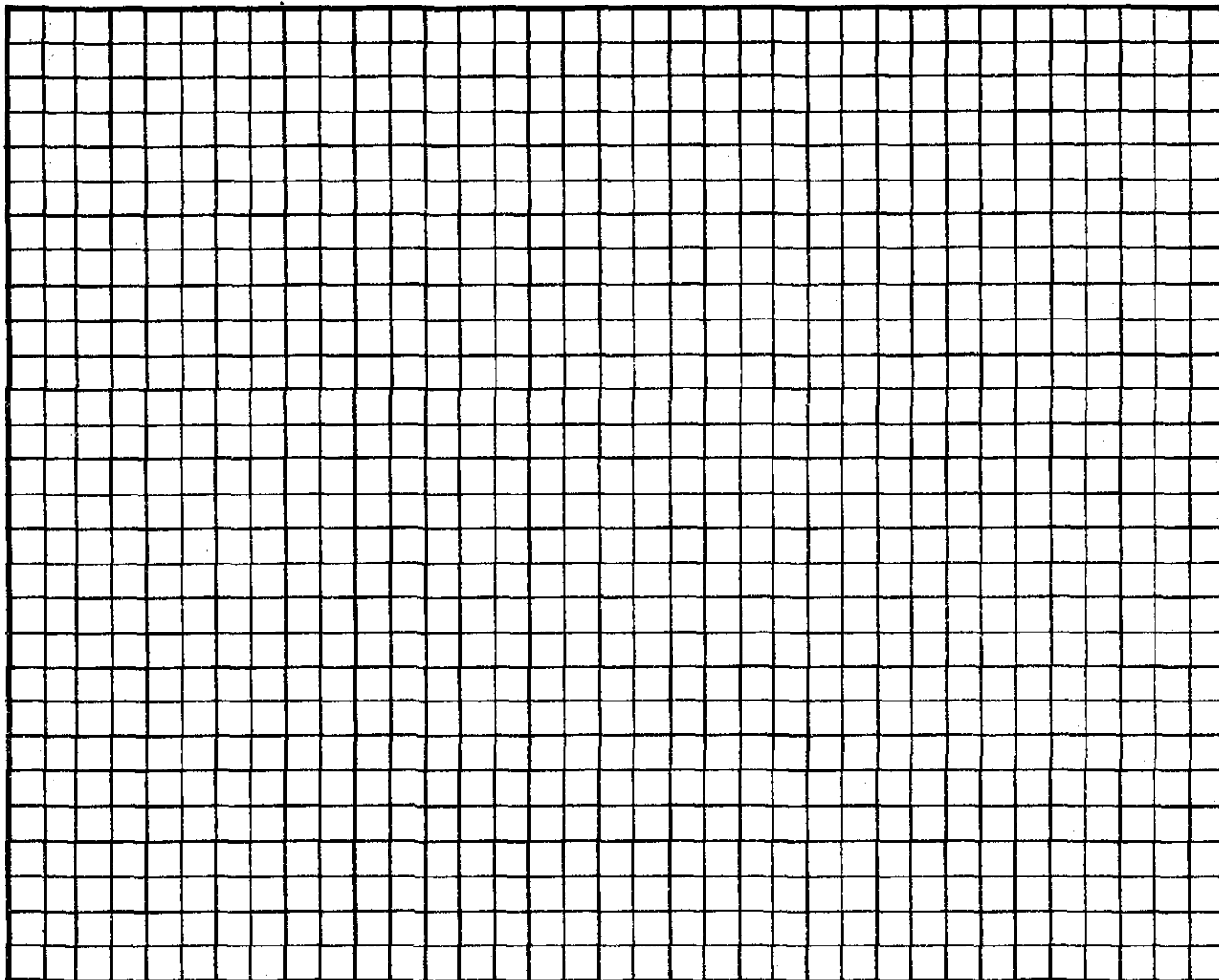
FIELD INSPECTION REPORT

1. Date: 4/26/82 Time: _____ Photos: ☐ Yes ☐ No
2. Inspection involves: ☒ Water Rights ☐ Dam Safety ☐ Well Construction or Driller
☐ Waste Well ☐ Stream Channel Alteration ☐ Water Distribution
☐ Other _____
3. Reason for inspection: ⁶⁵⁻¹⁰³⁸³ Mills - Knoblock fighting with Jenkins ⁶⁵⁻¹²⁴⁰⁶
over spring
4. Stream name: unnamed spring
5. Stream characteristics: steep hillside with small brush
gully with spring located in gully
6. Stream width: .5 Depth: .1 Gradient: _____ Q: _____ est. 3 inches
meas. _____
7. Location: SW 1/4 NW 1/4, Sec. 31, Twp. 9N, Rge. 6E, County Boise
Landmark: _____
8. Person(s) contacted: Knoblock - Jenkins and Don Dittmer USFS
9. Dam name: _____ Spilling: ☐ No ☐ Yes ☐ Q _____
Outlet open: ☐ No ☐ Yes ☐ Q _____ Spillway open: ☐ Yes ☐ Fibrd ☐ Gate open
Freeboard: Spillway _____ Crest _____ Res. stage: ☐ Rising ☐ Falling _____ Rate _____
10. Area characteristics: steep hillside next to SF Payette
River.
11. Weather conditions: clear
12. Describe activity/conditions inspected: Knoblock and Jenkins are
fighting over spring and diverting works.
Appears to be plenty of water to satisfy both
rights but spring boxes are to close together
to allow clearing and maintenance work.
13. Are all requirements being met? ☒ Yes
If not, check type violated: _____ Statutory _____ Rules & Regs _____ Permit _____
14. Describe impact on others: _____
15. Describe alternatives: Don Dittmer convinced both parties
to cooperate and for Jenkins to move
his diversion works downstream to
avoid the over crowding problem.

16. Remarks Not a water right problem yet.
FS use permits need to be modified to
include distances between diverting works

17. Followup Necessary: Yes ☒ No Describe: _____

18. Sketch: Include direction, important dimensions, photo locations, landmark or reference point



19. Action taken at time of inspection: explained parties water
rights and the Dept's position regarding
the problems they are experiencing.

20. Signed: B. L. Sisco

21. Follow up action: Date: _____ Additional Memo Prepared: Yes No

Describe: _____

22. Signed: _____

R6E

Sec 25

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Sec 28
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Sec 30

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Sec 31
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Sec 32
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Sec 33

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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

AJ0749NP
No. R65-10383

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	JAMES M MILLS HC 85 BOX 141-A-2 BRUNEAU ID 83604 (208) 845-2903	04/01/1910	IRRIGATION DOMESTIC	04-15 10-15 01-01 12-31	0.020 CFS 0.040 CFS	1.20 AFA 1.20 AFA
TOTAL DIVERSION:					0.060 CFS	1.20 AFA

Water Source: SPRINGS

Tributary to: PAYETTE RIVER, SOUTH FORK

Stage: DECREED

Point(s) of Diversion:

T09N R06E S31 Lot02(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
09N	06E	31	:																	:	3.0
TOTAL ACRES																				3.0	

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	Lt	Ac	Lt	Ac	:	
09N	06E	31	:																	:	
TOTAL ACRES																					

POU County: BOISE

Non-Irrigation Uses: 2 HOMES

Conditions of Approval:

- N10 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
DOMESTIC USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
- N12 - THE QUANTITY OF WATER UNDER THIS RIGHT FOR DOMESTIC USE SHALL
NOT EXCEED 13,000 GALLONS PER DAY.

Remarks: EXP RIGHT NO. 65-12406 IS ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE.

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number: 65

Field Inspection Flag:
Presumption Flag:

AJ0749NP
No. R65-10383

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

DATE: 01/25/00
PAGE: 2

=====

Comments: Date: 12/14/1999 User-ID: MSCHULTE Subject: COPIED FROM REMARKS
HOMESTEAD ENTRY SURVEY #407.
LEGAL DESCRIPTION LOOKED LIKE DESCRIPTION WAS OK IN GOV'T LOT 2
BUT 1/4 DIDN'T FIT, 2 HOMES FOR PLACE OF USE SINCE AT LEAST THE
1940'S. CLAIMANT COULD NOT CLAIM FOR SURE WHETHER OLD HOMES
HAD BOTH BEEN ON SINCE THE 1910 PRIORITY. THE ACREAGE CLAIMED
WAS ALSO IN QUESTION AND MAY ACTUALLY BE MORE THAN 2 ACRES.
ALSO CONFUSION EXISTS AS TO WHETHER A65-10382 COULD BE PART
OF THIS SYSTEM OF IRRIGATION. LATER FIELD REVIEW WILL HAVE TO
CLEAR UP THIS CLAIM. CLAIMANT MAY HAVE TO APPLY FOR MORE WATER.

Audit: 01/25/00 MSCHULTE

at 4:51 by
NOV. 09 1988

59

Tim R. Daulton
District Judge

PHILLIP J. RASSIER
JOSEPHINE P. BEEMAN
Deputy Attorneys General
Department of Water Resources
Statehouse
Boise, Idaho 83720
Telephone: (208) 334-4448

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

IN THE MATTER OF THE GENERAL	)	Civil Case No. 3667
DETERMINATION OF THE RIGHTS TO	)	
THE USE OF SURFACE AND GROUND	)	STIPULATION RESOLVING
WATER OF THE PAYETTE RIVER	)	OBJECTION OF
DRAINAGE.	)	JAMES M. MILLS
	)	

COME NOW R. Keith Higginson, Director of the Idaho Department of Water Resources ("Director"), and James M. Mills ("Mills"), through their undersigned counsel, and stipulate to the following changes to the Proposed Finding of Water Rights in the Payette River Drainage as set forth below:

1. 65-10383: The number of irrigated acres should be shown as three (3), rather than two (2). These three acres are located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, S31, T9N, R6E, B.M. The rate of diversion for the irrigation of these three acres is .02 cfs, which is the maximum flow for the sprinkler system which irrigates these three acres. Therefore, the total flow for right 65-10383 should be

the total of a domestic flow of .04 cfs (already recommended) and .02 cfs for irrigation, resulting in a total of .06 cfs.

2. 65-10382: This claim should be disallowed. It duplicates claim 65-11391. Both claims are listed in the proposed findings and describe the same right. Claim 65-10382 was initially filed by Mills in the Payette Adjudication. Subsequently, on March 8, 1979 in the case of Mills v. Josue, the same right was decreed to Mills and then became the basis for claim 65-11391. Thus, 65-11391 is recommended to replace 65-10382. *GM*

The Director and Mills agree that these changes to the proposed findings resolve the objections which Mills lodged with the court in July 1982 and which were filed with the court by order of Judge Norris on October 5, 1982. Those objections are hereby withdrawn.

DATED this 21st day of November, 1988.

JIM JONES
Attorney General

Josephine P. Beeman
JOSEPHINE P. BEEMAN
Deputy Attorney General
Idaho Department of Water
Resources

DATED this 18th day of November, 1988.

Gale Merrick
GALE MERRICK
Marcus, Merrick & Montgomery
Attorney for James M. Mills

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

15:19:52
12/13/99
16

PAGE: 16
PROFILE REPORT

CLAIM NUMBER: A65-10383

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	JAMES M MILLS	04/01/1910	IRRIGATION DOMESTIC	04-15 10-15 01-01 12-31	0.040 CFS 0.040 CFS	1.20 AFA 1.20 AFA
TOTAL DIVERSION:					0.040 CFS	1.20 AFA

Water Source: SPRINGS

Tributary to: PAYETTE RIVER, SOUTH FORK

Stage: BENEFICIAL USE

Point(s) of Diversion:

T09N R06E S31 Lot02^{SW} SENW

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	06E	31	:																	:	2.0
																				TOTAL ACRES	2.0

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	Lt	Ac	Lt	Ac	:	
09N	06E	31	:																	:	D

POU County: BOISE

Non-Irrigation Uses: DOMESTIC 2 HOMES

Other Rights: NONE

Remarks: GEN HOMESTEAD ENTRY SURVEY #407.
LEGAL DESCRIPTION LOOKED LIKE DESCRIPTION WAS OK IN GOV'T LOT 2
BUT 1/4 DIDN'T FIT, 2 HOMES FOR PLACE OF USE SINCE AT LEAST THE
1940'S. CLAIMANT COULD NOT CLAIM FOR SURE WHETHER OLD HOMES
HAD BOTH BEEN ON SINCE THE 1910 PRIORITY. THE ACREAGE CLAIMED
WAS ALSO IN QUESTION AND MAY ACTUALLY BE MORE THAN 2 ACRES.
ALSO CONFUSION EXISTS AS TO WHETHER A65-10382 COULD BE PART
OF THIS SYSTEM OF IRRIGATION. LATER FIELD REVIEW WILL HAVE TO
CLEAR UP THIS CLAIM. CLAIMANT MAY HAVE TO APPLY FOR MORE WATER.

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number: 65

Field Inspection Flag:
Presumption Flag:

EXP- FOS

N10 & N12.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

15:19:34
12/13/99

PAGE: 15
QUICKLOOK INFORMATION

15
CLAIM NUMBER: A65-10383

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		MS In office 12-14-99	N		MS 12-14-99	MS 12-14-99	
POINT OF DIV				N				
SOURCE				N				
PLACE OF USE	Y			Y				
DIV. AMOUNT CFS/VOLUME				Y				
CONSUMPTIVE USE	-			NA				
PURPOSES OF USE				N				
PERIOD OF USE				N				
BASIS OF CLAIM				N				
REMARKS	Y			Y				

BARCODE UPDATED
WHOM/DATE

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 GIS (2)	DATE OF PHOTO 1987 12-13-99 IDWR ID NO. _____	Y() N() 5b25c
↪ ASCS AERIAL PHOTO	DATE OF PHOTO 1962 - PRBA map	Y() N() 5F
() 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() 5e
() SCS SOIL SURVEY MAP	DATE ISSUED _____	Y() N()
() SUBDIVISION PLAT MAP	DATE OF MAP _____	Y() N()
↪ OTHER GIS table	DATE 12-13-99	Y() N() 5a
↪ OTHER PRBA map	DATE _____	Y() N() 5d
↪ OTHER stipulation	DATE 11-21-88	Y() N() 5g

LIST OF ATTACHMENTS (CHECK IF ATTACHED)	IF ATTACHED, SUPPLY APPROPRIATE INFORMATION	NO. OF PAGES	NOTES
() LICENSING FIELD EXAM	DATE OF FIELD EXAM _____	_____	_____
() WATER RIGHT LICENSE	DATE LICENSE SIGNED _____	_____	_____
() 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 Page from decree	DATE 3-2-79	1	_____
() OTHER _____	DATE _____	_____	_____

WR5809NP
No. 65-10383

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 12/13/99
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	JAMES M. MILLS P. O. BOX 48 GARDEN VALLEY ID 83622	04/01/1910	IRRIGATION DOMESTIC	04/15 10/15 01/01 12/31	0.040 CFS 0.040 CFS	1.20 AFA 1.20 AFA
TOTAL DIVERSION:					0.040 CFS	1.20 AFA

Water Source: SPRINGS

Tributary to: PAYETTE RIVER, SOUTH FORK

Stage: BENEFICIAL USE

Point(s) of Diversion: T09N R06E S31 Lot 02()

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	06E	31	:							02-02										:	2.0
																				TOTAL ACRES	2.0

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

Pou County: BOISE

Other Water Rights Listing Overlapping Place(s) of use:
65-10382

Remarks: GEN HOMESTEAD ENTRY SURVEY #407.

Dates:	App. Received:	Priority Date:	04/01/1910
	Proof Due Date:	Proof Made Date:	
	Exam Made Date:	Exam Sent to S.O.:	
	Licensed Date:		

Misc: Water District Number: 65 Field Exam Fee:

Audit: 04/02/86 04/30/88 CONVERT 11/01/88 CURTIS

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

15:19:34
12/13/99

PAGE: 1
GENERAL INFORMATION

1
CLAIM NUMBER: A65-10383

LAST: MILLS
ADDRESS: HC 85 BOX 141-A-2
CITY: BRUNEAU
PHONE NUMBER: 208-845-2903
OWNER CODE: C
FIRST: JAMES M
STATE: ID ZIP: 83604

FIELD EXAM REQUIRED?
VERIFICATION REQUIRED DUE TO REMARKS?
DATABASE Y
FIELD EXAMINER Y() N()

CLAIM REMARKS: GEN HOMESTEAD ENTRY SURVEY #407.
LEGAL DESCRIPTION LOOKED LIKE DESCRIPTION WAS OK IN GOV'T LOT 2
BUT 1/4 DIDN'T FIT, 2 HOMES FOR PLACE OF USE SINCE AT LEAST THE
1940'S. CLAIMANT COULD NOT CLAIM FOR SURE WHETHER OLD HOMES
HAD BOTH BEEN ON SINCE THE 1910 PRIORITY. THE ACREAGE CLAIMED
WAS ALSO IN QUESTION AND MAY ACTUALLY BE MORE THAN 2 ACRES.
ALSO CONFUSION EXISTS AS TO WHETHER A65-10382 COULD BE PART
OF THIS SYSTEM OF IRRIGATION. LATER FIELD REVIEW WILL HAVE TO
CLEAR UP THIS CLAIM. CLAIMANT MAY HAVE TO APPLY FOR MORE WATER.

FIELD EXAMINATION INFORMATION

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:

In office exam 12-14-99

A. AJ CLAIM: # A65-10383 PRIORITY DATE: 04-01-1910 STAGE: J

B. WR RECORD: # 65-10383 PRIORITY DATE: 04-01-1910 STAGE: J

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:

The priority date is based on the PRBA filing that was processed without objection as to the priority date but was not decreed. We have no evidence to refute the 4-1-1910 date in the SRBA.

=====

RECOMMENDED PRIORITY DATE:

4-1-1910
REVIEWED BY Mel Schulte

DATE 12-14-99

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
A65-10383	09N 06E	31		SE	NW	2		BOISE		

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
A65-12406 R65-12406
A65-12562 R65-12562

WR RECORDS IN SAME 40 ACRE TRACT
65-12406
65-12562

SOURCE: SPRINGS

TRIB: PAYETTE RIVER, SOUTH FORK

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
65-10383	09N 06E	31				2		BOISE		

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX

65-11305

NONE NONE

SOURCE: SPRINGS

TRIB: PAYETTE RIVER, SOUTH FORK

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() Y(☒) 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 _____) Y() N(☒)

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

OTHER (DESCRIBE IN NOTES BELOW)

NOTES: Recommended as claimed in the PRBA and SRBA.

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

TWP. 09N	RGE. 06E	SEC. 31	1/4 SW	1/4 SE	1/4 NW	LOT 2	POD FLAG	COUNTY BOISE	DIVERSION NAME	DIVERSION NBR
___	___	___	___	___	___	___	___	___	___	___
___	___	___	___	___	___	___	___	___	___	___
___	___	___	___	___	___	___	___	___	___	___
___	___	___	___	___	___	___	___	___	___	___
___	___	___	___	___	___	___	___	___	___	___
___	___	___	___	___	___	___	___	___	___	___

SOURCE: SPRINGS

TRIB: PAYETTE RIVER, SOUTH FORK

REVIEWED BY: Meel Schutte

DATE: 12-14-99

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

A. ROOT WATER RIGHT NUMBERS: A65-10383

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
09N	06E	31	NE	SW		MILLS, JAMES M	A65-10383 /	- /			
			NE	SW		HALLSTROM, ROBERT JOSEPH	A65-07047 /	9.0 /	65-07047 /	9.0	
			NE	SW	2	JENKINS, RICHARD L			65-12983 /	4.0	
09N	06E	31	NE	SW	2	MILLS, JAMES M	A65-10383 /	2.0 /	- /		
			NE	SW		HALLSTROM, ROBERT JOSEPH	A65-07047 /	9.0 /	65-07047 /	9.0	
			NE	SW	2	JENKINS, RICHARD L			65-12983 /	4.0	

ADDITIONAL POU FOUND

TOTAL ACRES A65-10383

2.00

POU COUNTY: BOISE

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

Y() N(☒)

* 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
A65-10383	SPRINGS	MILLS, JAMES M	0.040	0.020	1.20	0.60
A65-07047	BLACK BEAR CREEK	HALLSTROM, ROBERT JOSEPH	0.480	0.003		

NO RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION

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

Y() N(☒)

* IF YES, COMPLETE OVERLAP REVIEW:

OTHER RIGHTS LISTED IN CLAIM: NONE

WESTERN REGION

OWNER (S):

Mull

CLAIM NUMBERS:

A65-10383

AGENT: MEL SCHULTE

DATE 12-13-93

[illegible]

POLYGON CREATED ON 330

POLYGON # () () () () UPDATED BY MTS 12-30-99

ATTRIBUTES OF B65-POU.SHP (1565) () () () ()

ATTRIBUTES OF B65-POD.SHP (1557) () () () ()

2 B65-DBFOU.DBF UPDATED BY MTS

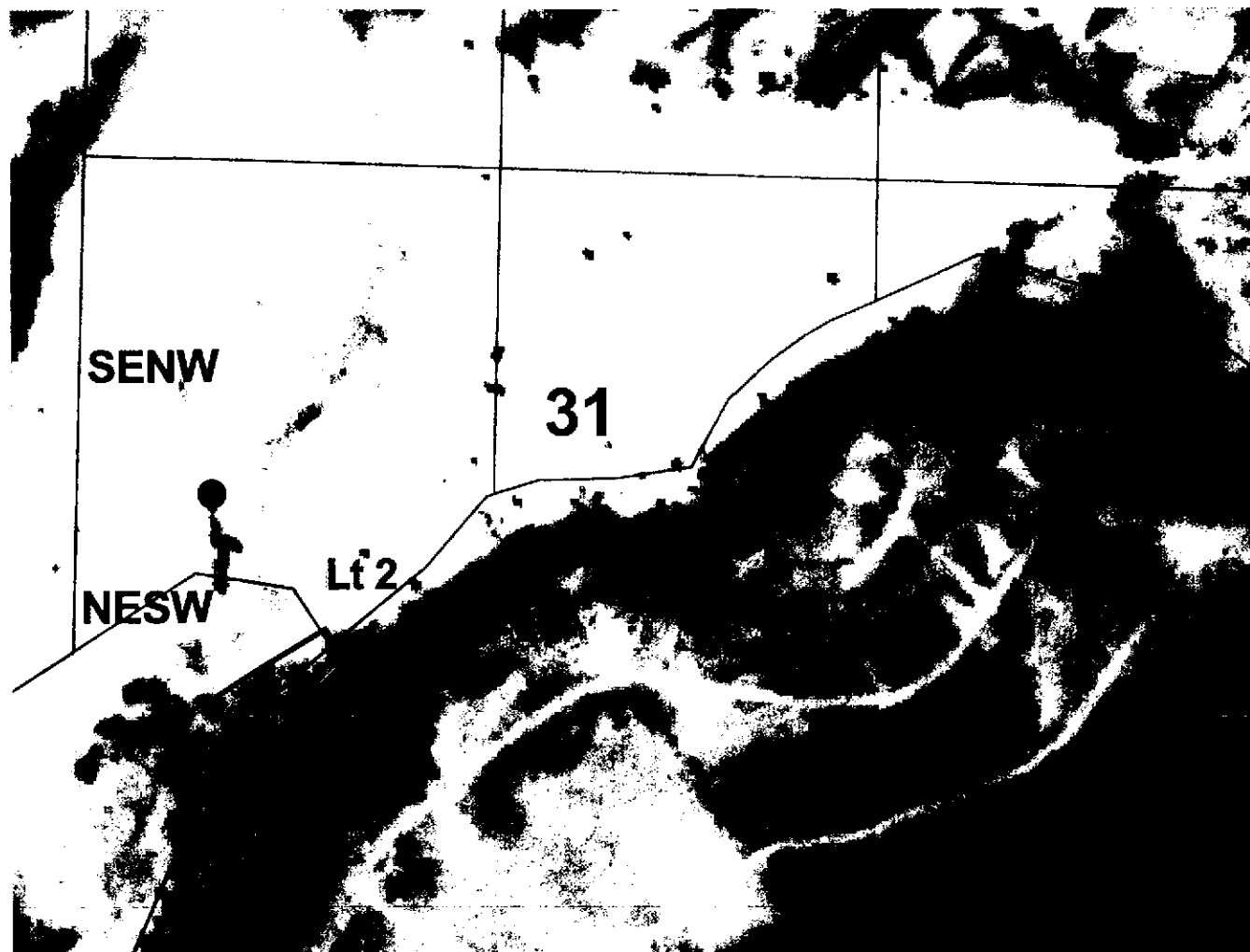
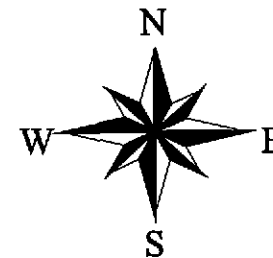
B65-DBPOD.DBF UPDATED BY MTS

NOTES:

56

IDAHO DEPARTMENT OF WATER RESOURCES

T09N, R06E, S31



1987 NAPP PHOTO

- POINT OF DIVERSION
- PLACE OF USE
- 1/4 1/4 LINES
- SECTION LINES
- 6 ACRES
- 6 SECTION NUMBERS

CLAIM(S): 65-10383

OWNER(S): MILLS

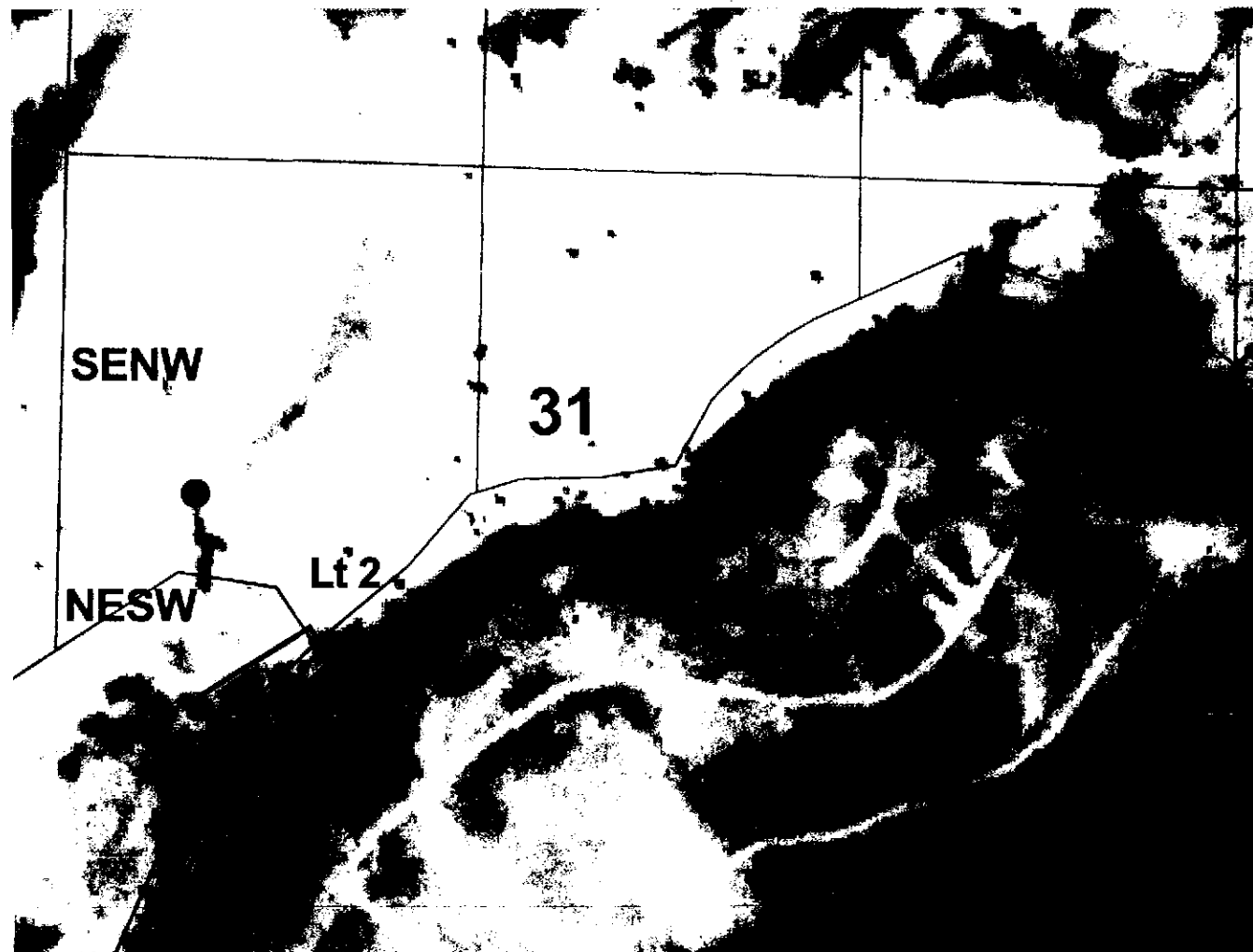
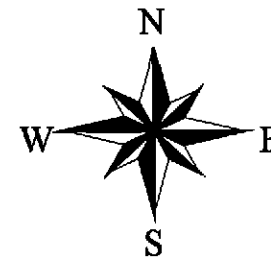
Prepared by Mel Schulte

DATE: DECEMBER 13, 1999



5c

IDAHO DEPARTMENT OF WATER RESOURCES
T09N, R06E, S31



1987 NAPP PHOTO

● POINT OF DIVERSION

PLACE OF USE

1/4 1/4 LINES

SECTION LINES

6 ACRES

6 SECTION NUMBERS

CLAIM(S): 65-10383

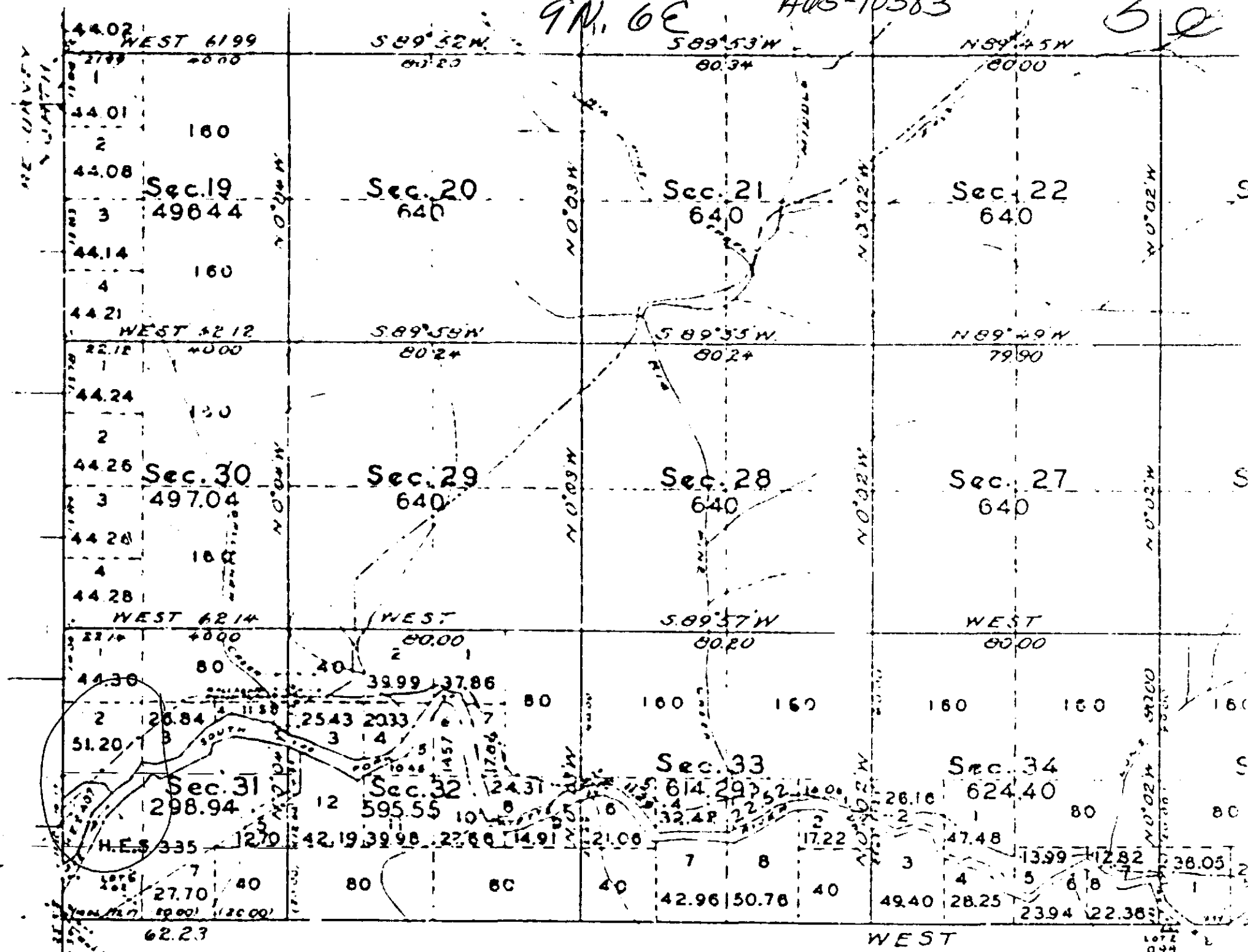
OWNER(S): MILLS

Prepared by Mel Schulte

DATE: DECEMBER 13, 1999

0 0.25 0.5 0.75 Miles

52



5F

CLAIM # 465-10383 INIT
T. R. S. Q/Q
P/D 9N 6E 31 SENW L2
SCALE 1/8" = 1 mile
PHOTO ID. 465 DATE 1962

Lot #1

L1

GRN Lot #3

L2

LOT 3

b3

T 9 N

POHES

HO

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 PRBA maps

NOTES:

The number of acres and POU are described in the Stipulation Resolving Objection dated 11-21-88. However, the QP legal is incorrect. According to U.S. Govt plat survey maps there is no NW 8th, S31, T9N, R6E. S31 is only 3 QP's wide. The correct legal is NE 8th, (L+2) S31.

RECOMMENDATIONS:

TOTAL ACRES: 3 N/A ()

REVIEWED BY:

Meel Schulte

DATE:

12-14-99

A. AJ CLAIMED USES:

	PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
A65-10383	DOMESTIC	FROM 01-01 TO 12-31	0.040 CFS	1.20 AF/A
A65-10383	IRRIGATION	FROM 04-15 TO 10-15	0.040 CFS	1.20 AF/A
	TOTAL DIVERSION RATE/VOLUME		0.040 CFS	1.20 AF/A

B. WR RECORDED USES:

	PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
65-10383	DOMESTIC	FROM 01-01 TO 12-31	0.040 CFS	1.20 AF/A
65-10383	IRRIGATION	FROM 04-15 TO 10-15	0.040 CFS	1.20 AF/A
	TOTAL DIVERSION RATE/VOLUME		0.040 CFS	1.20 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(☐)

* 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(☒)

NOTES:

The diversion rate recommended is based on the
stipulation dated 11-21-88.

AJ CLAIM TOTAL DIVERSION RATE: 0.040 CFS

WR ROOT RIGHT TOTAL DIVERSION RATE: 0.040 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 None, SEE ATTACHED CALCULATIONS.

F. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE
ACRES 3 x 0.02 CFS/ACRE = 0.06 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 = 1.20 AF/A OK

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

TOTAL DIVERSION VOLUME _____ AF/A

3. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = NA 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:

See Stipulation dated 11-21-88

WR RECORD CONDITIONS/REMARKS:

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	
DOMESTIC IRRIGATION	01-01	12-31	DATABASE 0.040	EXAMINER	DATABASE 1.20	EXAMINER	DATABASE 0.0	EXAMINER
	04-15	10-15	~~0.040~~ 0.02		1.20		0.0	
TOTAL FOR THIS RIGHT			~~0.040~~ 0.06		1.20		0.0	

NON-IRRIGATION USES CLAIMED: DOMESTIC 2 HOMES

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

REVIEWED BY: Mel Schulte DATE: 12-14-99

FLAG: _____
STANDARD CONDITIONS (CODE): _____

STANDARD REMARKS (CODE):

EXP- FOS w 05-12406.

EXPLANATORY CONDITIONS (CODE):

N10 & N12

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

NA

ROOT WATER RIGHT NUMBER: 65-10383

TOTAL DIVERSION RATE OF WR SPLITS DATABASE 0.040 EXAMINER _____ CFS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A65-10383	0.040	-		65-10383	0.040
TOTAL CFS		0.040				0.040

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 Y FIELD EXAMINER Y() N()

NOTES:

AUTHENTICATION:

SIGNATURE: Meel Schulte DATE: 12-14-99

NAME OF FIELD EXAMINER: _____ TITLE: _____

A65-10383

PAGE 490

MAR 02, 1979

PROPOSED FINDING OF WATER RIGHTS - PAYETTE RIVER DRAINAGE

INDICATES TOTAL

SOURCE: SPRINGS

TRIBUTARY TO: SOUTH FORK, PAYETTE RIVER

RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	USE	USE PERIOD FROM TO	MAX AMOUNT MAX RATE	DIVERSION POINT	PLACE OF USE AND ACREAGE	BASIS FOR RIGHT
65-5650	MAXWELL, MINNIE E. GARDEN VALLEY, IDAHO 83622	3/ 1/1892	DOMESTIC	1/ 1 12/31	1.20 AFA .04 CFS	SENW S26 T 9N R 4E	SENW S26 T 9N R 4E	BENEFICIAL USE
65-10383	MILLS, JAMES M. P. O. BOX 48, GARDEN VALLEY, IDAHO 83622 REMARKS: HOMESTEAD ENTRY SURVEY #407.	4/ 1/1910	DOMESTIC	1/ 1 12/31	1.20 AFA .04 CFS	LOT 2 S31 T 9N R 6E	SAME AS OTHER USE	BENEFICIAL USE
			IRRIGATION	4/15 10/15	--- AFA .04 CFS *---*AFA *.04*CFS		LOT 2 (2) S31 T 9N R 6E *2*	
65-3260	BROWN, GERRALD K. & BROWN, SAUNDRA M. HAVEN LODGE, LOWMAN, IDAHO 83637 REMARKS: THIS RIGHT WHEN COMBINED WITH RIGHT 65-2452 SHALL PROVIDE NO MORE THAN .40 CFS.	4/ 1/1912	RECREATION	1/ 1 12/31	--- AFA .02 CFS	LOT 3 S32 T 9N R 8E	LCT3 S32 T 9N R 8E	BENEFICIAL USE
			HEATING	1/ 1 12/31	--- AFA .02 CFS *---*AFA *.02*CFS		SAME AS OTHER USE	
65-1966	SCENIC PROPERTIES WATERUSERS ASSN. C/O JOHN M. STEVENSON, GENERAL DELIVERY, LOWMAN, IDAHO 83637 REMARKS: H. E. S. #336.	6/ 8/1913	DOMESTIC	1/ 1 12/31	1.20 AFA .04 CFS	NWSE S18 T 9N R 9E	LCT3 S18 T 9N R 9E LCT4 S17 T 9N R 9E	BENEFICIAL USE
65-2426	MAGUIRE, GIVENS, WILLE WATERUSERS ASSOC. 10613 BOSWELL BLVD., SUN CITY, ARIZONA 85351	5/24/1938	DOMESTIC	1/ 1 12/31	3.60 AFA .04 CFS	LOT 2 S27 T 9N R 7E SWNW S27 T 9N R 7E	LCT2 S27 T 9N R 7E LCT1 S28 T 9N R 7E	LICENSE
65-0495	CORDER, C. R. & CORDER, ALICE M. GARDEN VALLEY, IDAHO 83622	4/ 1/1949	DOMESTIC	1/ 1 12/31	1.20 AFA .04 CFS	LOT10 S10 T 8N R 5E	LCT10 S10 T 8N R 5E	BENEFICIAL USE
65-4577	CORDER, C. R. & CORDER, ALICE M. GARDEN VALLEY, IDAHO 83622	4/ 1/1949	DOMESTIC	1/ 1 12/31	1.20 AFA .02 CFS	LOT 6 S11 T 8N R 5E LOT10 S10 T 8N R 5E	LOT10 S10 T 8N R 5E	BENEFICIAL USE
65-5667	CORDER, C. R. & CORDER, ALICE M. GARDEN VALLEY, IDAHO 83622	4/ 1/1950	DOMESTIC	1/ 1 12/31	1.20 AFA .02 CFS	LOT10 S10 T 8N R 5E	LCT10 S10 T 8N R 5E	BENEFICIAL USE

CLEMONS, COSHO & HUMPHREY, P. A.

LOUIS H. COSHO
HOWARD HUMPHREY
RICHARD H. GREENER
R. MICHAEL SOUTHCOMBE
STANLEY W. WELSH
MAX A. EIDEN, JR.
RANDALL C. FREDRICKS
FREDRIC V. SHOEMAKER
CHRISTOPHER BURKE
MICHAEL T. SPINK
RORY R. JONES
STEVEN L. ADDINGTON

COUNSELORS AND ATTORNEYS AT LAW
ELEVENTH FLOOR, FIRST INTERSTATE BUILDING
700 WEST IDAHO
BOISE, IDAHO 83702

May 7, 1984

DALE CLEMONS (1911-1983)

TELEPHONE
AREA CODE 208
344-7811

Donald Shaff
Department of Water Resources
450 West State Street
Boise, Idaho 83720

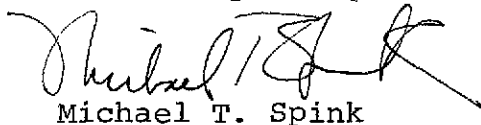
Re: Jenkins/Knoblock/Mills

Dear Mr. Shaff:

Enclosed please find a copy of the subpoena which you requested for your file. I am sorry that I forgot to give it to you on Friday, May 4. I appreciate your patience and cooperation in assisting us with this matter. I am hopeful that we will be able to resolve the remaining issues without further participation from any employees of the Department of Water Resources.

Thanks again for your help.

Very truly yours,


Michael T. Spink

MTS:nlm
Enc.

RECEIVED
MAY 8 1984

Department of Water Resources
Western Regional Office

IN THE DISTRICT COURT

OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF BOISE

RICHARD JENKINS
Plaintiff,

vs

RICHARD KNOBLOCK
Defendant

Civil No. 1219

Subpoena.

THE STATE OF IDAHO

To DONALD SHAFF

YOU ARE COMMANDED To appear before the District Court

of the Fourth Judicial District, in and for the County of Boise, at the court
room in the Court House, in IDAHO CITY in said County, on the 4th
day of May, 19 84, at 10:00 o'clock A. M., as a witness in a
by the State of Idaho, against Defendant, Richard Knoblock

Given under my hand this 4th day of May, 19 84.

ARLENE C. KOLAR

Clerk.

By

Ann Morgan

Deputy.

STATE OF IDAHO,

County of

ss.

I HEREBY CERTIFY That I served the within Subpoena on the

day of , 19 , on

being the witness named in said Subpoena, at the County of , by showing the
original to said witness personally,
and informing of the contents thereof.

Dated , 19 .

Fees\$

Service\$

Mileage\$

No.

DISTRICT COURT

.....District

STATE OF IDAHO, }
County of.....} ss.

Subpoena-

vs.

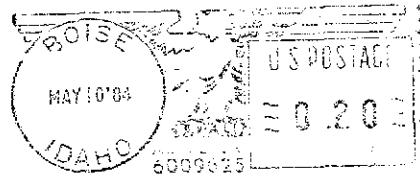
Filed....., 19.....

Clerk.

By.....
Deputy.

CLEMONS, COSHO & HUMPHREY, P.A.

COUNSELORS AND ATTORNEYS AT LAW
ELEVENTH FLOOR, FIRST INTERSTATE BUILDING
700 WEST IDAHO
BOISE, IDAHO 83702



Donald Shaff
Department of Water Resources
450 West State Street
Boise, Idaho 83720



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
BOISE 83720

JIM JONES
ATTORNEY GENERAL

DEPARTMENT OF WATER RESOURCES
STATEHOUSE, BOISE, IDAHO 83720
TELEPHONE: (208) 334-4448

July 7, 1987

Ms. Thelma Kolodziej
Clerk of the District Court
Gem County Courthouse
Emmett, Idaho 83617

Re: Payette Adjudication, Gem Co. Civil No. 3667
James M. Mills Objection

Dear Thelma,

Enclosed for filing with the court is STIPULATION RESOLVING OBJECTION OF JAMES M. MILLS. This document has been signed and forwarded to you by Judge Jim R. Doolittle. Please file the stipulation in the above-entitled matter.

Also enclosed are two copies of the stipulation. Please conform the copies, stamp them with the judge's signature and return one to Gale Merrick and one to me. I have enclosed stamped, addressed envelopes for mailing.

Thank you for your assistance.

Sincerely,


(KDC)
JOSEPHINE P. BEEMAN
Deputy Attorney General
Department of Water Resources

JPB:dc



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
BOISE 83720

JIM JONES
ATTORNEY GENERAL

DEPARTMENT OF WATER RESOURCES
STATEHOUSE, BOISE, IDAHO 83720
TELEPHONE: (208) 334-4448

July 6, 1987

Honorable Jim R. Doolittle
District Judge
1115 Albany
Caldwell, Idaho 83605

Re: Payette River Drainage Adjudication (Gem Co.,
Civil No. 3667) W. A. Guss Ziegler Correction

Dear Judge Doolittle:

Enclosed for your review are a MOTION TO CORRECT CLERICAL ERROR and STIPULATION RE MOTION TO CORRECT CLERICAL in the above referenced case. Also enclosed is an ORDER CORRECTING CLERICAL ERROR for your signature. The stipulation has been signed by W. A. Guss Ziegler and counsel for the Idaho Department of Water Resources.

After signing the order, please forward the documents to the court clerk for filing. I have enclosed a letter and postage-paid envelope for this purpose.

Thank you for your assistance.

Sincerely,

J. P. Beeman
JOSEPHINE P. BEEMAN
Deputy Attorney General
Department of Water Resources

JPB:dc



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
BOISE 83720

JIM JONES
ATTORNEY GENERAL

DEPARTMENT OF WATER RESOURCES
STATEHOUSE, BOISE, IDAHO 83720
TELEPHONE: (208) 334-4448

July 7, 1987

Gale M. Merrick, Esq.
MARCUS, MERRICK & MONTGOMERY
737 N. Seventh Street
Boise, Idaho 83702

Re: Payette Adjudication, (Gem Co. Civil No. 3667)
Objection of James M. Mills

Dear Gale:

On Friday, June 26, 1987, James Mills called me regarding his objections which were filed in the Payette Adjudication. We discussed the department's recommendation for resolution of the objections, and Mr. Mills indicated that he was in agreement with the changes. I am including a copy of my memo to the file which I dictated the day I last spoke to you regarding Mr. Mills' objections. I assume you will want to verify with him that he agrees with the contents of this stipulation.

I am also enclosing a stipulation which conforms with the information in my memo. Please review the stipulation and if you approve, sign it and forward it to Judge Doolittle for his signature and filing with the court. I have provided letters to the judge and the court clerk and postage-paid, addressed envelopes. I have also requested that you receive a signed, conformed copy of the stipulation once it has been filed.

Thank you for your assistance in resolving this matter. If you have any questions, please do not hesitate to call.

Sincerely,

A handwritten signature in dark ink, appearing to be "JPB", is written over the typed name of Josephine P. Beeman.

JOSEPHINE P. BEEMAN
Deputy Attorney General
Department of Water Resources

JPB:dc

Enclosures

JIM JONES
Attorney General

PHILLIP J. RASSIER
JOSEPHINE P. BEEMAN
Deputy Attorneys General
Department of Water Resources
Statehouse
Boise, Idaho 83720
Telephone: (208) 334-4448

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

IN THE MATTER OF THE GENERAL	)	Civil No. 3667
DETERMINATION OF THE RIGHTS TO	)	
THE USE OF SURFACE AND GROUND	)	STIPULATION RESOLVING
WATER OF THE PAYETTE RIVER	)	OBJECTION OF
DRAINAGE.	)	JAMES M. MILLS
	)	

A. Kenneth Dunn, Director of the Idaho Department of Water Resources (director), and James M. Mills, through their undersigned counsel, agree to the following changes to the Proposed Finding of Water Rights in the Payette River Drainage Basin:

1. 65-10383: The number of irrigated acres should be shown as 3, rather than 2. These three acres are located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, S31, T9N, R6E, B.M. The rate of diversion for the irrigation of these three acres is .02 cfs, which is the maximum flow for the sprinkler system which irrigates these three acres. Therefore, the total flow for right 65-10383 should be the total of a domestic flow of .04 cfs (already recommended) and .02 cfs for irrigation, resulting in a total of .06 cfs.

2. 65-10382: This claim should be disallowed. It duplicates claim 65-11391. Both claims are listed in the proposed findings and describe the same right. Claim 65-10382 was initially filed by Mills in the Payette Adjudication. Subsequently, on March 8, 1979 in the case of Mills vs. Josue, the same right was decreed to Mills and then became the basis for claim 65-11391. Thus, 65-11391 is recommended to replace 65-10382.

The Director and Mills agree that these changes to the proposed findings resolve the objections which Mills lodged with the court in July 1982 and which were filed with the court by order of Judge Norris on October 5, 1982. Those objections are hereby withdrawn.

DATED this 7 day of July, 1987.

JIM JONES
Attorney General

LSI
JOSEPHINE P. BEEMAN
Deputy Attorney General
Idaho Department of
Water Resources

DATED this _____ day of _____, 1987.

GALE MERRICK
Marcus, Merrick & Montgomery
Attorney for James M. Mills

This stipulation having been submitted to the court, it is hereby approved this _____ day of _____, 1987.

JIM R. DOOLITTLE
District Judge

JIM JONES
Attorney General
State of Idaho
Statehouse, Room 210
Boise, Idaho 83720
Telephone: (208) 334-2400

DARCY ALAN FROWNFELTER
Deputy Attorney General
Department of Water Resources
Statehouse
Boise, Idaho 83720
Telephone: (208) 334-4448

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

Civil No. 3667

IN THE MATTER OF THE GENERAL	)	
DETERMINATION OF THE RIGHT TO THE	)	FIRST AMENDED RESPONSE OF
USE OF SURFACE AND GROUNDWATERS	)	IDAHO DEPARTMENT OF WATER
OF THE PAYETTE RIVER DRAINAGE	)	RESOURCES TO OBJECTIONS OF
BASIN.	)	JAMES M. MILLS
_____		)

COMES NOW, A. Kenneth Dunn, Director of the Idaho Department of Water Resources (Water Resources herein) and files this FIRST AMENDED RESPONSE TO THE OBJECTIONS OF JAMES M. MILLS which was allowed to be filed pursuant to court order of September 29, 1983.

I.

The objection concerns the number of acres irrigated under claim number 65-10383. The Proposed Findings list 2 irri-

FIRST AMENDED RESPONSE OF IDWR, Page 1

gated acres for claim 65-10383, and thus .04 cfs (derived from a standard of .02 cfs, or one miner's inch, to the acre) was recommended for the irrigation right. Mr. Mills' objection is that there should be 16 irrigated acres under claim number 65-10383. This would increase the irrigation claim to .32 cfs.

II.

Water Resources has made two field inspections of the land associated with claim 65-10383, as well as the land associated with two other claims filed by Mr. Mills (claims 65-10382 and 65-11391). The source of water for claim 65-10383 is a spring from which a sprinkler system irrigates three acres of land. The sprinkler system does not and has not irrigated more than these three acres. The system also measured capable of a maximum flow of .02 cfs. Eight additional acres in the same area are irrigated from an unnamed stream listed as the source for Mr. Mills' other two claims. Thus, the total irrigated acreage under Mr. Mills' three claims is eleven acres. The Soil Conservation Service has also reviewed this property and suggested some design considerations, all of which are not determinative of the existing water right.

III.

Accordingly, because the measurement of the existing system for right 65-10383 shows that it cannot deliver more than .02 cfs, Water Resources requests that the irrigation right be listed as .02 cfs, although the irrigated acreage may be increased to three acres. Water Resources also requests that claim

65-10382 be disallowed.

IV.

The Objector makes no objection to the proposed findings with regards to the proposed finding for domestic use in the amount of .04 cfs. Therefore, Water Resources requests that the domestic right be listed at .04 cfs. Moreover, Water Resources requests that the irrigation and domestic use be cumulated for a combined total amount of .06 cfs.

DATED this 25th day of February, 1983.

RESPECTFULLY SUBMITTED

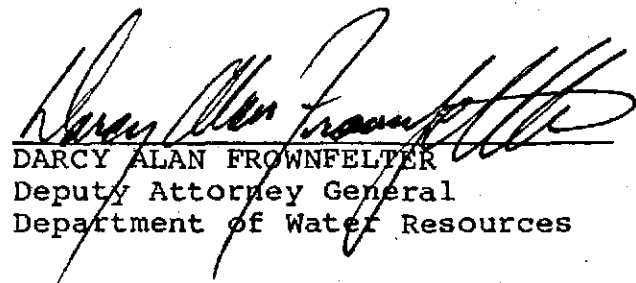

DARCY ALAN FROWNELTER
Deputy Attorney General
Department of Water Resources

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 25th day of February, 1983, a true and correct copy of the foregoing FIRST AMENDED RESPONSE OF IDAHO DEPARTMENT OF WATER RESOURCES TO OBJECTION OF JAMES M. MILLS' was mailed, postage prepaid, addressed to:

Myrna South
MARCUS, MERRICK & MONTGOMERY
737 North 7th Street
Boise, Idaho 83702

Richard Jenkins
P.O. Box 65
Garden Valley, ID 83622


DARCY ALAN FROWNFEILER
Deputy Attorney General
Department of Water Resources

This would increase the irrigation claim to .32 cfs.

II.

Water Resources has made two field inspections of the land associated with claim 65-10383, as well as the land associated with two other claims filed by Mr. Mills (claims 65-10382 and 65-11391). The source of water for claim 65-10383 is a spring from which a sprinkler system irrigates three acres of land. The sprinkler system does not and has not irrigated more than these three acres. The system also measured capable of a maximum flow of .02 cfs. Eight additional acres in the same area are irrigated from an unnamed stream listed as the source for Mr. Mills' other two claims. Thus, the total irrigated acreage under Mr. Mills' three claims is eleven acres. The Soil Conservation Service has also reviewed this property and suggested some design considerations, all of which are not determinative of the existing water right.

III.

Accordingly, because the measurement of the existing system for right 65-10383 shows that it cannot deliver more than .02 cfs, Water Resources requests that the irrigation right be listed as .02 cfs, although the irrigated acreage may be increased to three acres. Water Resources also requests that claim 65-10382 be disallowed.

RESPECTFULLY SUBMITTED this 25th day of January, 1983.

Josephine P. Beeman for:
JOSEPHINE P. BEEMAN
Deputy Attorney General
Department of Water Resources

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 25th day of January, 1983, a true and correct copy of the foregoing RESPONSE OF IDAHO DEPARTMENT OF WATER RESOURCES TO OBJECTION OF JAMES M. MILLS was mailed, postage prepaid, addressed to:

Myrna South
MARCUS, MERRICK & MONTGOMERY
737 North 7th Street
Boise, Idaho 83702

Richard Jenkins
P.O. Box 65
Garden Valley, ID 83622

Josephine P. Beeman for:
JOSEPHINE P. BEEMAN
Deputy Attorney General
Department of Water Resources

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RESPONSE OF IDWR, Page 1

II.

Water Resources has two competing interests in an adjudication: the entry of a factually and legally accurate decree and an orderly and timely completion of the adjudication process. The Court's decision on a particular motion to file a late objection ought to involve, at least in part, a balancing of these two interests.

III.

In a situation where there appears to be a genuine possibility that Water Resources' proposed findings may be in error, that the error may significantly affect a water user or users, that the movant is acting in good faith and not for dilatory purposes and that the adjudication proceedings would not be unduly disrupted or delayed, Water Resources believes that the interest in securing an accurate decree would suggest that the Court be fairly liberal in granting motions to submit late objections. On the other hand, in situations where the movant may not be acting in good faith or where the possibility of error and the effect of any error is insignificant when compared to the interest of the other users in securing a timely completion of the adjudication and entry of decree, Water Resources believes the public interest in an orderly adjudication procedure would suggest that the Court be extremely cautious in granting motions to submit late objections.

IV.

With respect to this particular motion Water Resources notes that a granting of the petition would probably not unduly disrupt or prolong the adjudication in that several major objections have yet to be resolved and the rights involved in this motion do not directly affect a number of other water users. The only other water user affected is a Richard Jenkins who has a

1 1981 permit to appropriate water from the same springs as claim
2 65-10383; he is being sent notice by Water Resources. Further,
3 Water Resources has received nothing that would indicate that Mr.
4 Mills is acting in bad faith in pursuing this motion.

5 V.

6 The objection concerns the number of acres irrigated
7 under claim number 65-10383. The Proposed Findings list 2 irri-
8 gated acres for claim 65-10383, and thus .04 cfs (derived from a
9 standard of .02 cfs, or one miner's inch, to the acre) was recom-
10 mended for the irrigation right. Mr. Mills' objection is that
11 there should be 16 irrigated acres under claim number 65-10383.
12 This would increase the irrigation claim to .32 cfs.

13 VI.

14 Water Resources has made two field inspections of the
15 land associated with claim 65-10383, as well as the land assoc-
16 iated with two other claims filed by Mr. Mills (claims 65-10382
17 and 65-11391). The source of water for claim 65-10383 is a
18 spring from which a sprinkler system irrigates three acres of
19 land. The sprinkler system does not and has not irrigated more
20 than these three acres. Eight additional acres in the same area
21 are irrigated from an unnamed stream listed as the source for Mr.
22 Mills' other two claims. Thus, the total irrigated acreage under
23 Mr. Miles' three claims is eleven acres.

24 With respect to the two claims out of the unnamed
25 stream, claim 65-11391 is based on a decree dated 1978 and claim
26 65-10382 is based on an adjudication claim filed by Mr. Mills in
27 1976. Both rights are for the same acreage, list the same point
28 of diversion, and each provides for an inch of water to the acre.
29 It now appears, as a result of the review of Mr. Mills' claims,
30 that claim 65-10382 is a duplication and should be disallowed.
31 Claim 65-10832 was probably filed during the pendency of the pro-
32

ceedings which led to the 1978 decree. Water Resources itself added claim 65-11391 after receiving notice of the decree.

VII.

Accordingly, if the Court grants Mr. Mills' petition to file a late objection, Water Resources would ask the Court to increase the irrigated acreage to three acres for claim 65-10383, and thus the irrigation right would be increased to .06 cfs. Water Resources would also ask that claim 65-10382 be disallowed.

Respectfully submitted this 17th day of September, 1982.

Josephine P. Beeman
JOSEPHINE P. BEEMAN
Deputy Attorney General
Department of Water Resources

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 17th day of September, 1982, a true and correct copy of the foregoing RESPONSE OF IDAHO DEPARTMENT OF WATER RESOURCES TO JAMES M. MILLS' PETITION FOR SUBMITTING LATE OBJECTION AND FOR SUBMITTING AMENDED CLAIM was mailed, postage prepaid, addressed to:

Myrna South
MARCUS, MERRICK & MONTGOMERY
737 North 7th Street
Boise, Idaho 83702

Richard Jenkins
P.O. Box 65
Garden Valley, ID 83622

Josephine P. Beeman
JOSEPHINE P. BEEMAN
Deputy Attorney General
Department of Water Resources

Attorney General
State of Idaho
Statehouse, Room 210
Boise, Idaho 83720
Telephone: (208) 384-2400

RECEIVED

JUL 15 1982

Department of Water Resources

MYRNA SOUTH
MARCUS, MERRICK & MONTGOMERY
Attorneys at Law
737 North 7th Street
Boise, Idaho 83702
Telephone: 342-3563

RECEIVED

JUL 16 1982

Department of Water Resources
Western Regional Office

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

In Re:

THE PAYETTE RIVER DRAINAGE BASIN

) Case No. 3667

) OBJECTION TO PROPOSED
) FINDING OF WATER RIGHTS

COMES JAMES M. MILLS and objects to the Proposed Finding of Water Rights in the Payette River Drainage Basin, Volume II: Surface Water Rights, submitted April 26, 1979, with regard to Springs, Tributary To South Fork, Payette River, page 499.

The Proposed Finding recites a water right for James M. Mills in the amount of .04 c.f.s. for domestic use and .04 c.f.s. for irrigation for a total of .04 c.f.s. The water for irrigation should be .32 c.f.s. The total should be .32 c.f.s.

The place of use is listed as Lot 2(2), Section 31, Township 9 N., Range 6 E., of the Boise Meridian for a total of two acres. The acreage should be 16 acres. All of the water from the springs has been used throughout the years to cultivate the acreage as stated more fully in affidavits filed herein.

Dated this 13th day of July, 1982.

MARCUS, MERRICK & MONTGOMERY

By Myrna South
Myrna South
Attorney for James M. Mills

James M. Mills

I HEREBY CERTIFY That a true and correct copy of the foregoing Objection to Proposed Finding of Water Rights was mailed, postage prepaid, on July ____, 1982, to:

State of Idaho
Department of Water Resources
450 West State Street
Boise, ID 83702

Myna South
Myna South

Objection to Proposed Finding
of Water Rights - p. 2

RECEIVED

JUL 15 1982

Department of Water Resources

MYRNA SOUTH
MARCUS, MERRICK & MONTGOMERY
Attorneys at Law
737 North 7th Street
Boise, Idaho 83702
Telephone: 342-3563

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

In Re:	)	Case No. 3667
THE PAYETTE RIVER DRAINAGE BASIN	)	PETITION FOR SUBMITTING
	)	LATE OBJECTION AND FOR
	)	SUBMITTING AMENDED CLAIM

JAMES M. MILLS petitions the Court for leave to file a late objection to the Proposed Finding of Water Rights in the Payette River Drainage Basin, Volume II: Surface Water Rights, submitted April 26, 1979, with regard to Springs, Tributary To South Fork, Payette River, page 499.

Petitioner's claim filed December 1976 was for .04 c.f.s. for domestic use and .04 c.f.s. for irrigation for a total of .04 c.f.s. The proposed findings likewise recite .04 for each and a total of .04. The petitioner seeks to amend the claim for .32 c.f.s. This petition is supported by affidavits stating that the total quantity of water from the springs has been diverted and beneficially used on the land owned by petitioner for irrigation of alfalfa and for watering trees, berries, gardens, livestock and pasture, as well as for domestic use.

Petitioner's claim and the proposed findings list the place of use as Lot 2(2), Section 31, Township 9 N., Range 6 E., of the Boise Meridian on two acres. Petitioner seeks to amend

his claim for use on the entire acreage.

Dated this 13th day of July, 1982.

MARCUS, MERRICK & MONTGOMERY

By Myrna South
Myrna South
Attorneys for Petitioner

APR 8 1982

MYRNA SOUTH
MARCUS, MERRICK & MONTGOMERY
Attorneys at Law
737 North 7th Street
Boise, Idaho 83702
Telephone: 342-3563

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

IN RE:

THE PAYETTE RIVER DRAINAGE BASIN

)
) Case No. 3667

)
) AFFIDAVIT
)
)
)

STATE OF IDAHO)

County of Ada) ss

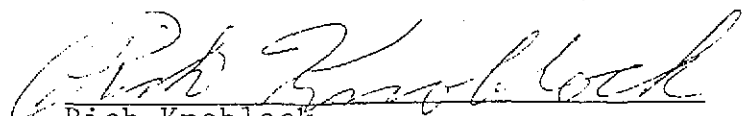
RICH KNOBLOCK, Being first duly sworn, deposes and says:
I rent property belonging to Jim Mills, located on Homestead Entry Survey No. 407 and have lived on the property since 1974 or 1975. During all the years I have lived there I have raised fruit trees, berry bushes, a garden and small livestock. I have obtained water from an unnamed spring located on federal ground just north of Homestead Entry Survey No. 407 for domestic and agricultural uses. The water from the springs had been used on the property before I moved on to it. While I have lived on the property I have developed the springs and increased the amount of water which could be put to beneficial use. I have used the water for cultivation on four or five acres and to supply domestic water to subtenants in three trailer houses. Most of the time I have used every drop of water I could get from the springs and was prevented from cultivating

more of the acreage because there was not more water. The ground is very sandy and requires a very large amount of water.

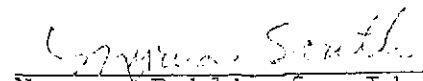
Occasionally during the season or when as this year there has been an unusually large amount of water, there has been some excess. During a season when there was more water than I needed, I told Richard Jenkins that he could use the excess water. I had no intent to abandon any part of the water. I told Mr. Jenkins that he could only have the water temporarily. Since that time, Mr. Jenkins has filed an application for a permit to water from the springs. He has diverted the water in such a way as to cause substantial damage to the property. His diversion has made it extremely difficult for me to regulate the water entering my pipes and to keep the pressure even enough to keep from getting air pockets which stop the water from flowing through the pipes.

I was with Jim Mills when Mr. Mills filed the claim to water right. The people in the Water Resource Department helped him fill out the claim. They asked how much water he was claiming and he answered, all of the water from the springs. We didn't know how much water came from the springs. Someone made an estimate of .04 c.f.s. and filled it in on the claim. We always assumed we had the right on all the water from the springs and did not file an additional claim after developing the springs to where there was more water available.

Dated this 13th day of July, 1982.


Rich Knoblock

Subscribed and sworn to before me this 17th day of July, 1982.


Notary Public for Idaho
Residing at Boise, Idaho

(SEAL)