

MEMO

TO: EMMETT ERR DIST FILES

FROM: DRT 9/20/78

RE: DITCH LOSSES

TWO DITCH LOSS CALCULATIONS WERE MADE ON THE EID SYSTEM, AS SHOWN ON THE ATTACHED SHEETS. THE FLOW DELIVERED WAS BASED ON 1"/ACRE. NOTE THAT LOSSES WERE 40.2% FOR THE SOUTH SIDE AND 14.2% FOR THE NORTH SIDE, WHEN FLOWING AT THIS ¹⁰⁰CAPACITY. THE LOSS FOR 65-0023 (THE OLD RIVERSIDE DITCH) WAS CALCULATED SEPARATELY BASED ON LENGTH MEASUREMENTS FOR THE OLD SYSTEM. THIS LOSS WAS COMPUTED TO BE 18.4%.

BASED ON THESE CALCS., THE FOLLOWING RIGHTS ARE SUMMED FOR EID

<u>RT NO</u>	<u>DATE OF P</u>	<u>(CFS)</u> <u>AMT CLAIMED</u>	<u>CFS REC.</u> <u>AMT BEFORE LOSS</u>	<u>CFS AFTER</u> <u>LOSS ADDED</u>	<u>AFA WITH</u> <u>NO LOSS</u>	<u>AFA WITH</u> <u>LOSS ADDED</u>
65-0022	REC AS 65-2004					
65-0023	11/26/1883	30 CFS	9.58	11.34	2155.1	2552.1
65-0323	REC AS 65-2080					
65-2004	5/26/1903	169.39 CFS	169.39	(LICENSE) 169.39	38112.8 368862.7	38112.8
65-2080	7/29/1908	124 cfs	124	(LICENSE) 124	27900	27900
65-7832	3/25/1977	NEW DEVELOP. 6 cfs	6	6	2700	SAME
65-10491	4/1/1919	172 cfs 441.39 435.39	126.27 cfs 429.24	212.39 517.12	28410.1 96578	47787.8 116352
						OVER

BASED ON DEPT ADVISEMENT @ 1"/acre

(DO NOT COUNT NEW DEVELOP)

G

MAP NO.

DET 2-13-78

RECEIVED

JAN 18 2002

Form No. 42-1409 (2) a 1/88 (Internet)

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

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

CIVIL CASE NUMBER: 39576

Ident. Number 65-10491

Date Received

Receipt Number

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

RECEIVED

AUG 23 2002

WATER RESOURCES
WESTERN REGION

Please type or print clearly

1. Name of Claimant (s) Emmett Irrigation District Phone (208) 365-4582Mailing Address 222 E. Park Street, Emmett, ID Zip 836172. Date of Priority (Only one (1) per claim) 4/1/19193. Source of water supply (a) Payette River
which is tributary to (b) Snake River4. a. Location of existing point of diversion is: Township 07N Range 01E B.M. Section 22,
1/4 of SE 1/4 of NE 1/4, Govt. Lot, 1 B.M., County of GemAdditional points of diversion if any: L6 NE1/4 SE1/4 Sec. 22 Twp. 07N, Rge. 01W, B.M.

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. Black Canyon Dam, pumps to canals and laterals

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 3/15 to 11/15 amount 205.230 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) _____ (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
23,106.28 acres within boundaries of Emmett Irrigation District																			

Total number of acres irrigated _____

11. In which county (ies) are lands listed above as place of use located? Gem

12. Do you own the property listed above as place of use? Yes ☐ No ☒

If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above. _____ or None (☐)

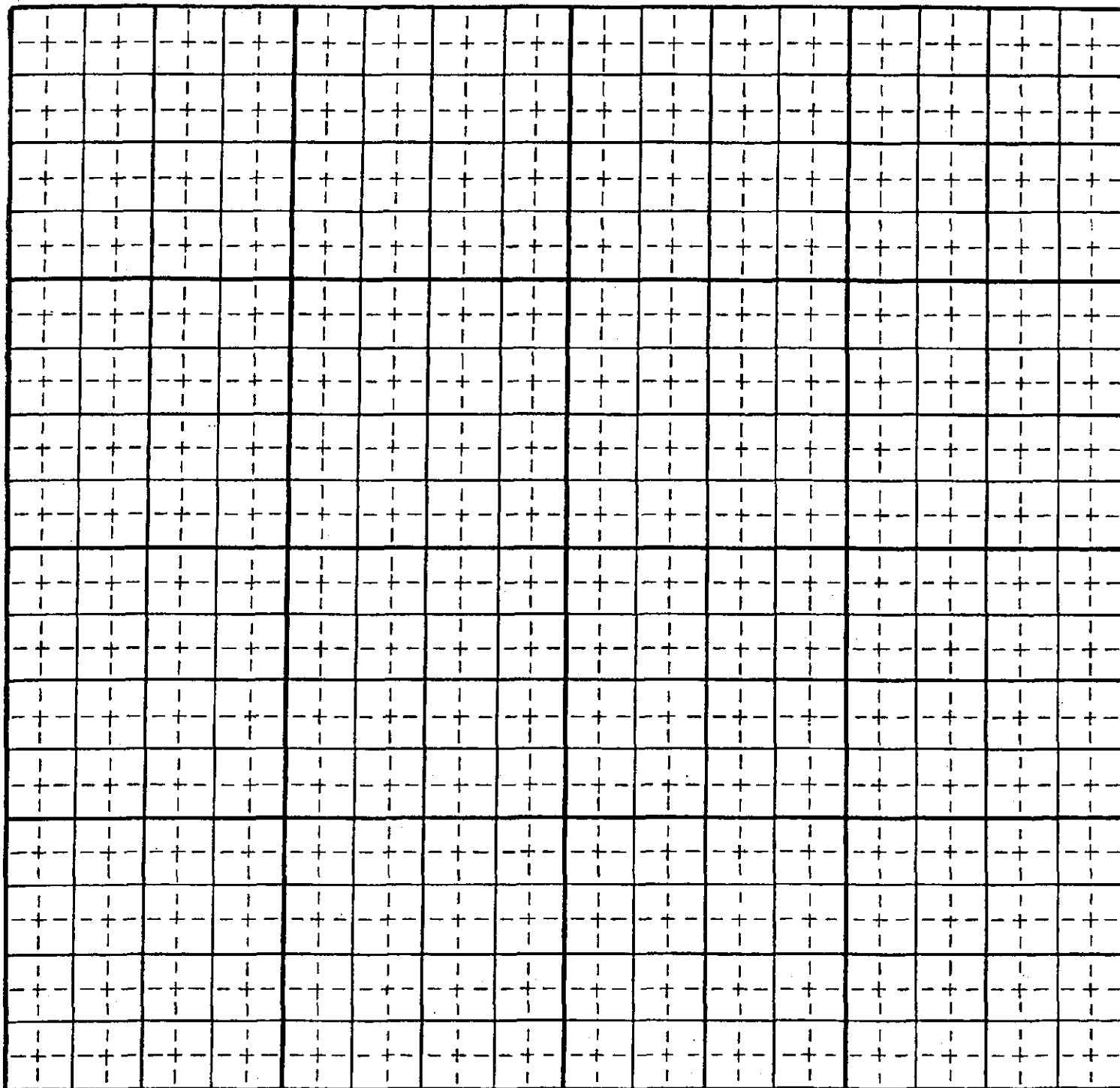
14. Remarks:

Emmett Irrigation District distributes water to the lands within its boundaries, but it does not own the land.

Last Name Emmett Irrigation District Ident No. 65-10491

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile



Last Name Emmett Irrigation District Ident No. 65-10491

15. Basis of Claim (check one) Beneficial Use X Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number 65-10491
Court _____ Case Number _____ Decree Date _____
Plaintiff vs 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 do solemnly swear or affirm that the statements contained in the foregoing document are true
and correct.

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

For Organizations: I do solemnly swear or affirm that I am Counsel for

Title _____

of Emmett Irrigation District, that I have signed the foregoing

Organization

document in the space below as Counsel for

Title

of Emmett Irrigation District

Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent Scott L. Campbell

Title and Organization _____

Date 01/17/02

State of Idaho/or _____)

County of Ada)

SS.

Subscribed and sworn (or affirmed) before me this 17th day of January 2002

Notary Public Deborah Long

Residing at Boise, ID

My Commission Expires 10/10/07

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, Scott L. Campbell will be acting as attorney at law on behalf
of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above
should be mailed to me at the address listed below.

Signature Scott L. Campbell

Address P.O. Box 829, Boise, ID 83701-0829

Date 01/17/02

Last Name Emmett Irrigation District Ident. Number 65-10491

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: **A65-10491**
Date Received: 1/19/1990
Receipt No: X999999
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: EMMETT IRRIGATION DISTRICT
Address: P O BOX 515
EMMETT ID

83617

2. Date of Priority: APR 1, 1919

3. Source: PAYETTE RIVER

Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
07N	01E	22	SE	NE		1	GEM
	01W		NE	SE		6	GEM

5. Description of diverting works:
DIVERSION DAM, PUMPS, CANAL, DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	205.230		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER ASSOCIATED WITH IRRIGATION SYSTEM

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
----------	-------	---------	--------	--------	-----	-----	-------

11. Place of use in counties:

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

13. Other Water Rights Used:
EMMETT IRR. DIST. RIGHTS

14. Remarks:
PLACE OF USE WITHIN LANDS OF EMMETT IRRIGATION DISTRICT.
IRRIGATED ACRES = 21,452.
CLAIM AMENDED PER STIPULATION FROM PAYETTE RIVER BASIN
ADJUDICATION. 03/01/1996 MM.

15. Basis of Claim: BENEFICIAL USE

LARRY ECHOHAWK
Attorney General

DANIEL L. STECKEL
Deputy Attorney General
Department of Water Resources
Statehouse
Boise, Idaho 83720-9000
(208) 327-7900

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

IN THE MATTER OF THE GENERAL)
DETERMINATION OF THE RIGHT)
TO THE USE OF SURFACE AND)
GROUNDWATERS OF THE PAYETTE)
RIVER DRAINAGE BASIN)

CIVIL NO. 3667

STIPULATION RESOLVING
OBJECTIONS OF EMMETT
IRRIGATION DISTRICT

The Director of the Idaho Department of Water Resources, R. Keith Higginson and the Emmett Irrigation Company, by and through counsel, stipulate as follows:

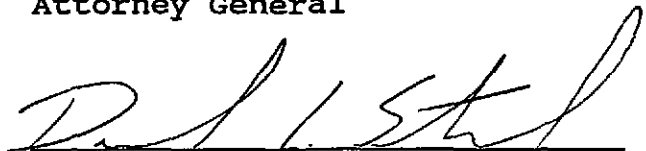
1. That water right claim Nos. 65-00023, 65-02004, 65-02080, 65-10491, and 65-07832 be accepted and included in the Proposed Finding of Water Rights in the Payette River Drainage as set forth in Exhibit A, attached hereto and incorporated herein by this reference.

2. That the Emmett Irrigation District withdraws all pending objections in the above captioned matter.

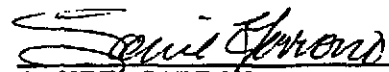
3. That this stipulation is for the purpose of equitably and efficiently resolving disputed factual issues short of trial and that no offers and/or compromises made in the course of this agreement shall be construed as admissions against interest or be used in any legal proceeding.

DATED this 14th day of April, 1993.

LARRY ECHOHAWK
Attorney General


DANIEL L. STECKEL
Deputy Attorney General
Department of Water Resources

DATED THIS 9th day of April, 1993.


LOUIE GORRONO
Attorney for
Emmett Irrigation District

The above stipulation having come before the court, it is hereby approved this _____ day of _____, 1993.

JAMES R. DOOLITTLE
District Judge

POOR ORIGINAL

EXHIBIT A
STIPULATION OF IDWR AND EMMETT IRRIGATION DISTRICT

PAGE: A-1

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
SOURCE: PAYETTE RIVER		TRIBUTARY: SNAKE RIVER				
65-00023	EMMETT IRRIGATION DISTRICT 222 E. PARK ST. EMMETT ID 83617	11/26/1883	IRRIGATION	03-15 11-15	18.50	CFS POSTED NOTICE
TOTAL QUANTITY:					18.50	CFS
POINT OF DIVERSION: T07N R01W S22 LOT 1 (SENE) LOT 6 (NESE)						
PLACE OF USE: IRRIGATION SAME AS OTHER USE						
REMARKS: PLACE OF USE WITHIN LANDS OF EMMETT IRRIGATION DISTRICT. USE OF THIS RIGHT WITH RIGHT NO. 65-02004, 65-02080, 65-10491 AND 65-07832 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 523.12 CFS, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 76,150 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 21,757.1 ACRES IN A SINGLE IRRIGATION SEASON. 88.08 CFS OF RIGHT NO. 65-10491 IS LIMITED TO USE FOR CONVEYANCE LOSSES IN DELIVERY OF RIGHT NOS. 65-00023, 65-02004, 65-02080 AND 65-10491.						
65-02004	EMMETT IRRIGATION DISTRICT P. O. BOX 515 EMMETT ID 83617	05/26/1903	IRRIGATION	03-15 11-15	169.39	CFS LICENSE
TOTAL QUANTITY:					169.39	CFS
POINT OF DIVERSION: T07N R01W S22 LOT 1 (SENE) LOT 6 (NESE)						
PLACE OF USE: IRRIGATION SAME AS OTHER USE						
REMARKS: PLACE OF USE WITHIN LANDS OF EMMETT IRRIGATION DISTRICT. USE OF THIS RIGHT WITH RIGHT NO. 65-00023, 65-02080, 65-10491 AND 65-07832 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 523.12 CFS, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 76,150 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 21,757.1 ACRES IN A SINGLE IRRIGATION SEASON. 88.08 CFS OF RIGHT NO. 65-10491 IS LIMITED TO USE FOR CONVEYANCE LOSSES IN DELIVERY OF RIGHT NOS. 65-00023, 65-02004, 65-02080 AND 65-10491.						

RECEIVED
OCT 21 1991

POOR ORIGINAL

EXHIBIT A
STIPULATION OF IDWR AND EMMETT IRRIGATION DISTRICT

PAGE: A-2

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
SOURCE: PAYETTE RIVER		TRIBUTARY: SNAKE RIVER				
65-02080	EMMETT IRRIGATION DISTRICT P. O. BOX 515 EMMETT ID 83617	07/29/1908	IRRIGATION	03-15 11-15	124.00	CFS LICENSE
	POINT OF DIVERSION: T07N R01W S22 LOT 1 (SENE) LOT 6 (NESE)			TOTAL QUANTITY:	124.00	CFS
	PLACE OF USE: IRRIGATION SAME AS OTHER USE					
	REMARKS: PLACE OF USE WITHIN LANDS OF EMMETT IRRIGATION DISTRICT. USE OF THIS RIGHT WITH RIGHT NO. 65-00023, 65-02004, 65-10491 AND 65-07832 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 523.12 CFS, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 76,150 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 21,757.1 ACRES IN A SINGLE IRRIGATION SEASON. 88.08 CFS OF RIGHT NO. 65-10491 IS LIMITED TO USE FOR CONVEYANCE LOSSES IN DELIVERY OF RIGHT NOS. 65-00023, 65-02004, 65-02080 AND 65-10491.					
65-10491	EMMETT IRRIGATION DISTRICT P. O. BOX 515 EMMETT ID 83617	04/01/1919	IRRIGATION	03-15 11-15	205.23	CFS BENEFICIAL USE
	POINT OF DIVERSION: T07N R01E S22 LOT 1 (SENE) R01W S22 LOT 6 (NESE)			TOTAL QUANTITY:	205.23	CFS
	PLACE OF USE: IRRIGATION SAME AS OTHER USE					
	REMARKS: PLACE OF USE WITHIN LANDS OF EMMETT IRRIGATION DISTRICT. USE OF THIS RIGHT WITH RIGHT NO. 65-00023, 65-02080, 65-02004 AND 65-07832 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 523.12 CFS, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 76,150 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 21,757.1 ACRES IN A SINGLE IRRIGATION SEASON. 88.08 CFS OF THIS RIGHT IS LIMITED TO USE FOR CONVEYANCE LOSSES IN DELIVERY OF RIGHT NOS. 65-00023, 65-02004, 65-02080 AND 65-10491.					

OCT 21 1998

POOR ORIGINAL

EXHIBIT A
STIPULATION OF IDWR AND EMMETT IRRIGATION DISTRICT

PAGE: A-3

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
SOURCE: PAYETTE RIVER		TRIBUTARY: SNAKE RIVER				
65-07832	EMMETT IRRIGATION DISTRICT 222 E. PARK ST. EMMETT ID 83617	04/02/1977	IRRIGATION	03-15 11-15	6.00 1373.0	CFS AFY LICENSE
TOTAL QUANTITY:					6.00 1373.0	CFS AFY

POINT OF DIVERSION:

T07N R01W S22 LOT 1 (SENE)

PLACE OF USE: IRRIGATION

SAME AS OTHER USE

REMARKS:

PLACE OF USE WITHIN LANDS OF EMMETT IRRIGATION DISTRICT.

USE OF THIS RIGHT WITH RIGHT NO. 65-00023, 65-02080, 65-02004
AND 65-10491 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF
523.12 CFS, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF
76,150 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 21,757.1
ACRES IN A SINGLE IRRIGATION SEASON.

88.08 CFS OF RIGHT NO. 65-10491 IS LIMITED TO USE FOR
CONVEYANCE LOSSES IN DELIVERY OF RIGHT NOS. 65-00023, 65-02004,
65-02080 AND 65-10491.

OCT 21 1996

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: A65-10491
Date Received: 1/19/1990
Receipt No: X999999
Received By: [Signature]

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: EMMETT IRRIGATION DISTRICT
Address: P. O. BOX 515
EMMETT, ID 83617

2. Date of Priority: APR 01, 1919

3. Source: PAYETTE RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
07N	01E	22		1	GEM
	01W			6	GEM

5. Description of diverting works:
DIVERSION DAM, PUMPS, CANAL, DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	212.390		

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

8. Total consumptive use is 75082.0 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER ASSOCIATED WITH IRRIGATION SYSTEM

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
----------	-------	---------	------------	-----	-----	-------

11. Place of use in counties:

A65-10491

Page 1

Date: 01/19/90

MICROFILMED
SEP 24 1992

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

13. Other Water Rights Used:
EMMETT IRR. DIST. RIGHTS

14. Remarks:
PLACE OF USE WITHIN LANDS OF EMMETT IRRIGATION DISTRICT.
IRRIGATED ACRES = 21,452.

15. Basis of Claim: BENEFICIAL USE

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 Organizations:

I do solemnly swear or affirm that I am Chairman of the Board of Emmett Irrigation District that I have signed the foregoing Emmett Irrigation District document in the space below as Chairman of the Board of Emmett Irrigation District and that the statements contained in the foregoing document are true and correct.

Keith Standley
Signature of Authorized Agent
Chairman of the Board for
Emmett Irrigation District
Title and Organization
1/19/90
Date

State of Idaho)

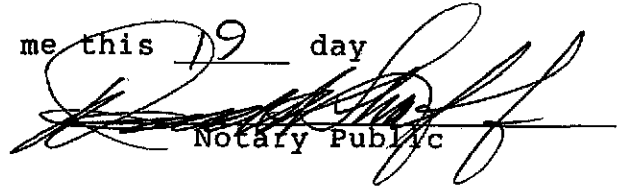
County of Ada)

SS.

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

of January 19 90

Seal

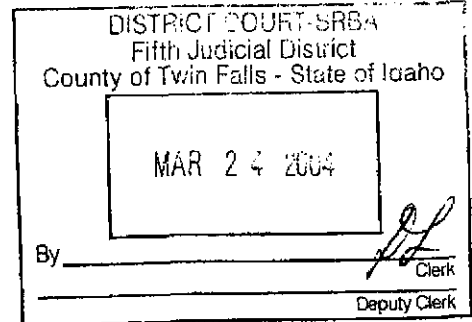

Notary Public

Residing at Boise ID

My Commission Expires June 10, 1994

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

In Re SRBA)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 65-10491



NAME AND ADDRESS: EMMETT IRRIGATION DISTRICT
P O BOX 515
EMMETT, ID 83617

SOURCE: PAYETTE RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 205.23 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 523.12 CFS.
COMBINED RIGHT NOS.: 65-00023, 65-02004, 65-07832, AND 65-02080.

PRIORITY DATE: 04/01/1919

POINT OF DIVERSION: TOWN R01E S22 LOT 1 (SENE) Within Gem County
R01W S22 LOT 6 (NESE)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	205.23 CFS

PLACE OF USE:

PLACE OF USE WITHIN LANDS OF EMMETT IRRIGATION DISTRICT.

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 23,106.28 ACRES WITHIN THE BOUNDARIES OF THE EMMETT IRRIGATION DISTRICT IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 65-00023, 65-02004, 65-02080, 65-07832 and 65-12194.

The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) (2003) and authorized pursuant to I.C. Section 42-1411 (2) (h) (2003). The data comprising the digital boundary are incorporated herein by reference and are stored on a cd-rom disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

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. I.C. SECTION 42-1412(6).

02/13/2004

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

RIGHT NUMBER: 65-10491

NAME AND ADDRESS: EMMETT IRRIGATION DIST
PO BOX 515
EMMETT ID 83617

SOURCE: PAYETTE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 205.230 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 523.12 CFS. COMBINED RIGHT NOS.:
65-00023, 65-02004, 65-07832, AND 65-02080.

PRIORITY DATE: 04/01/1919

POINT OF DIVERSION:

T07N R01E S22 SENE Lot 1 Within GEM County

T07N R01W S22 NESE Lot 6 Within GEM County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	3/15 11/15	205.230 CFS

PLACE OF USE:

PLACE OF USE WITHIN LANDS OF EMMETT IRRIGATION DISTRICT.

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 23,106.28 ACRES WITHIN THE
BOUNDARIES OF THE EMMETT IRRIGATION DISTRICT IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 65-00023, 65-02004,
65-2080, 65-07832, AND 65-12194.

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

This partial decree is subject to such general provisions necessary for
the definition of the rights or for the efficient administration of the water
rights as may be ultimately determined by the Court at a point in time no
later than the entry of a final unified decree. Section 42-1412(6), Idaho
Code.

EXPLANATORY MATERIAL: Beneficial Use

88.08 CFS OF RIGHT NO. 65-10491 IS LIMITED TO USE FOR CONVEYANCE
LOSSES IN DELIVERY OF RIGHT NOS. 65-00023, 65-02004, 65-02080 AND
65-10491.

[Handwritten signature]

Adjudication Recommendation Report 65-10491 V2

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	EMMETT IRRIGATION DIST PO BOX 515 EMMETT, ID 83617

Priority Date: 04/01/1919
Basis: Beneficial Use
Status: Active

<u>Source</u>	<u>Tributary</u>
PAYETTE RIVER	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	205.230 CFS	
	Total Diversion:	205.230 CFS	

PAYETTE RIVER GEM County	L6 (NE1/4SE1/4)	Sec. 22, Twp 07N, Rge 01W, B.M.
PAYETTE RIVER GEM County	L1 (SE1/4NE1/4)	Sec. 22, Twp 07N, Rge 01E, B.M.

Place of Use
IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	01W	2						X L4	X										
06N	01W	3	X L1	X L2	X	X	X L3	X L4	X	X	X	X	X	X	X				
06N	01W	4	X L1	X L2	X	X		X L5	X	X	X	X	X	X	X	X	X		
06N	01W	5					X L8	X L7	X L6										
06N	01W	6	X L1	X L2	X	X	X L3	X L4	X L5	X									
06N	01W	8												X			X		
06N	01W	9	X	X	X	X	X		X	X	X	X	X	X	X	X	X		
06N	01W	10					X	X	X			X							

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 65-10491 V2

06N 01W 16		X		X	X	X		X	X	X	X	X		X	X	X	X	
06N 01W 17		X			X									X				
06N 01W 19											X	X		X		X	X	
										L 4								
06N 01W 20		X			X				X	X	X	X		X	X	X		
06N 01W 21			X			X	X	X										
06N 01W 29						X												
06N 01W 30		X	X			X	X	X	X									
						L 1	L 2											
06N 02W 1		X	X	X	X	X	X	X	X	X					X			
		L 1	L 2			L 3	L 4											
06N 02W 2		X	X	X	X	X	X	X	X	X	X	X		X	X	X	X	
		L 1	L 2			L 3	L 4											
06N 02W 3		X	X	X	X	X	X	X	X	X	X	X		X	X	X	X	
		L 1	L 2			L 3	L 4											
06N 02W 4		X	X	X	X	X	X	X	X					X	X	X	X	
		L 1	L 2			L 3	L 4									L 7		
06N 02W 5		X	X	X	X	X		X										
		L 1	L 2			L 3		L 6										
06N 02W 17						X	X	X	X	X	X	X			X	X	X	
06N 02W 18		X	X	X	X	X		X	X	X	X	X		X	X	X	X	
						L 2			L 3	L 4								
06N 02W 19		X	X			X	X											
						L 1												
06N 02W 20		X	X	X	X	X	X							X				
06N 02W 21							X	X	X	X	X	X			X	X	X	
06N 02W 22										X	X							
06N 02W 25		X	X	X	X		X	X	X	X	X							
06N 02W 26		X	X	X	X		X	X	X	X	X			X	X			
06N 02W 27		X	X	X	X	X	X	X	X					X				

[illegible]

Adjudication Recommendation Report 65-10491 V2

[illegible]

(No) 2a. Is the POU required?

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 65-10491 V2

Conditions of Approval:

1. C18 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.

Remarks:

1. Explanatory 88.08 CFS OF RIGHT NO. 65-10491 IS LIMITED TO USE FOR CONVEYANCE LOSSES IN DELIVERY OF RIGHT NOS. 65-00023, 65-02004, 65-02080 AND 65-10491.
2. Place of Use PLACE OF USE WITHIN LANDS OF EMMETT IRRIGATION DISTRICT. USE OF
- Irrigation THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 21,757.1 ACRES WITHIN THE BOUNDARIES OF THE EMMETT IRRIGATION DISTRICT IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 65-00023, 65-02004, 65-07832, AND 65-02080.
3. Quantity USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 523.12 CFS. COMBINED RIGHT NOS.: 65-00023, 65-02004, 65-07832, AND 65-02080.

Comments:

1. jshurte 12/18/2002 Comb Cons AF Amnt Removed
Comment: The consumptive acre foot amount was removed from the combined quantity condition. This total combined annual consumptive use was 76,150 AF in original recommendation. Due to objection and agreement from Dave Tuthill this was removed for the Amended Directors Report. No change made to total acres recommended.

Dates and Other Information:

Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag:
State or Federal: S
Owner Name Connector:
Water District Number: 65
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
POU	12/18/2002 2:08:12 PM	jshurte			Active
Summary			12/18/2002	jshurte	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POU	12/18/2002 2:08:13 PM	jshurte	(Yes) 1. Is the basis of this claim a Decree or License?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 65-10491 V2

Summary 12/18/2002 2:08:17 PM jshurte

(Yes) 1. Is the basis of this claim a Decree,
License, Permit, Application or Posted Notice?
(No) 2. Does any evidence indicate a five year
period of continuous nonuse occurred that could
result in recommending forfeiture or partial
forfeiture?

AMENDED DIRECTOR'S REPORT

Subcase No. 65-10491

In Re SRBA

Twin Falls County Civil Case No. 39576

Report to the SRBA District Court

Prepared by the Idaho Department of Water Resources

Karl J. Dreher, Director

David R. Tuthill, Jr., Adjudication Bureau Chief

November 15, 2002

DESCRIPTIVE SUMMARY

This is an Amended Director's Report submitted by the Director of the Idaho Department of Water Resources.

DISCUSSION

Pursuant to the *Motion to File Amended Notice of Claim* filed on January 18, 2002, and the *Order Granting Motion to File Amended Notice of Claim; Requesting Amended Director's Report; and Setting Objection and Response Deadlines* issued by Special Master Cushman on August 20, 2002, the Director submits for filing with the Court, an Amended Director's Report for the aforementioned subcase (see attached print-out).

Respectfully submitted this 15th day of November, 2002.


DAVID R. TUTHILL, JR.
Adjudication Bureau Chief

CERTIFICATE OF SERVICE

I certify that on Nov. 15, 2002, I served the original and/or copies of this form, including all attachments, to the following persons by delivering the original and/or copies, as follows:

1. Original to:

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

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

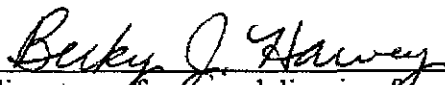
2. Copies to:

U.S. Dept. of Justice
Environment & Natural Resources Division
550 West Fort Street, MSC 033
Boise, ID 83724

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

Scott L. Campbell
101 S. Capitol Boulevard, 10th Floor
P.O. Box 829
Boise, ID 83701-0829

Gem County Courthouse
415 E. Main
Emmett, ID 83617


Signature of person delivering form

Amended Director's Report Right No. 65-10491

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

RIGHT NUMBER: 65-10491

NAME AND ADDRESS: EMMETT IRRIGATION DIST
PO BOX 515
EMMETT ID 83617

SOURCE: PAYETTE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 205.230 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 523.12 CFS. COMBINED RIGHT NOS.: 65-23,
65-2004, 65-2080, AND 65-7832.

PRIORITY DATE: 04/01/1919

POINT OF DIVERSION:

T07N R01E S22 SENE Lot 1 Within GEM County

T07N R01W S22 NESE Lot 6 Within GEM County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE.
3/15 11/15

QUANTITY
205.230 CFS

PLACE OF USE:

PLACE OF USE WITHIN LANDS OF EMMETT IRRIGATION DISTRICT.
USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 21,757.1 ACRES WITHIN THE
BOUNDARIES OF THE EMMETT IRRIGATION DISTRICT IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 65-23, 65-2004,
65-2080, AND 65-7832.

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

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

EXPLANATORY MATERIAL: Beneficial Use

88.08 CFS OF RIGHT NO. 65-10491 IS LIMITED TO USE FOR CONVEYANCE
LOSSES IN DELIVERY OF RIGHT NOS. 65-23, 65-2004, 65-2080 AND
65-10491.

Amended Director's Report Right No. 65-10491

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

RIGHT NUMBER: 65-10491

NAME AND ADDRESS: EMMETT IRRIGATION DIST
PO BOX 515
EMMETT ID 83617

SOURCE: PAYETTE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 205.230 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 523.12 CFS AND A TOTAL COMBINED ANNUAL
CONSUMPTIVE USE VOLUME OF 76,150 AF. COMBINED RIGHT NOS.: 65-23,
65-2004, 65-2080, AND 65-7832.

PRIORITY DATE: 04/01/1919

POINT OF DIVERSION:

T07N R01E S22 SENE Lot 1 Within GEM County

T07N R01W S22 NESE Lot 6 Within GEM County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

3/15 11/15

205.230 CFS

PLACE OF USE:

PLACE OF USE WITHIN LANDS OF EMMETT IRRIGATION DISTRICT.
USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 21,757.1 ACRES WITHIN THE
BOUNDARIES OF THE EMMETT IRRIGATION DISTRICT IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 65-23, 65-2004,
65-2080, AND 65-7832.

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

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

EXPLANATORY MATERIAL: Beneficial Use

88.08 CFS OF RIGHT NO. 65-10491 IS LIMITED TO USE FOR CONVEYANCE
LOSSES IN DELIVERY OF RIGHT NOS. 65-23, 65-2004, 65-2080 AND
65-10491.

03/04/2002

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

RIGHT NUMBER: 65-10491

NAME AND ADDRESS: EMMETT IRRIGATION DISTRICT
P O BOX 515
EMMETT ID 83617

SOURCE: PAYETTE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 205.23 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 523.12 CFS AND A TOTAL COMBINED ANNUAL
CONSUMPTIVE USE VOLUME OF 76,150 AF. COMBINED RIGHT NOS.: 65-00023,
65-02004, 65-07832, AND 65-02080.

PRIORITY DATE: 04/01/1919

POINT OF DIVERSION:

T07N R01E S22 SENE Lot 1 Within GEM County
T07N R01W S22 NESE Lot 6 Within GEM County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

3/15 11/15

205.230 CFS

PLACE OF USE:

PLACE OF USE WITHIN LANDS OF EMMETT IRRIGATION DISTRICT. USE OF
THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 21,757.1 ACRES WITHIN THE BOUNDARIES OF THE EMMETT
IRRIGATION DISTRICT IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.:
65-00023, 65-02004, 65-07832, AND 65-02080.

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

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

EXPLANATORY MATERIAL: Beneficial Use

88.08 CFS OF RIGHT NO. 65-10491 IS LIMITED TO USE FOR CONVEYANCE
LOSSES IN DELIVERY OF RIGHT NOS. 65-00023, 65-02004, 65-02080 AND
65-10491.

RECEIVED

JAN 18 2002

Department of Water Resources

RECEIVED

JAN 24 2002

WATER RESOURCES
WESTERN REGION

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

In Re SRBA) A. Subcase 65-10491
) (Insert water right number)
Case No. 39576)
)
) STANDARD FORM 1
) OBJECTION
_____)

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Emmett Irrigation District
Address: 222 E. Park Street
Emmett, ID 83617
Daytime Phone: (208) 365-4582

Name & Address of Attorney, if any:

Scott L. Campbell
Moffatt Thomas Barrett Rock & Fields, Chtd.
P.O. Box 829
Boise, ID 83701-0829

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

Name: Emmett Irrigation District
Address: 222 W. Park Street
Emmett, ID 83617

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

1. ☐ **Name and Address**
Should be: _____
2. ☐ **Source**
Should be: _____
3. ☒ **Quantity**
Should be: Quantity element should omit any reference to annual volume for consumptive use. That is not an element of a water right under I.C. § 42-1411(2)(c).
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Point(s) of Diversion**
Should be: _____
6. ☐ **Instream Flow Description**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☒ **Place of Use**
Should be: 23,106.28 acres within boundaries of Emmett Irrigation District

11. **I object because:**

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

E. **REASONS SUPPORTING OBJECTION(S):** The Director's Report does not reflect the actual number of irrigated acres within the boundaries of Emmett Irrigation District.

F.

VERIFICATION (Must be Completed)

State of IDAHO)
)ss.
County of ADA)

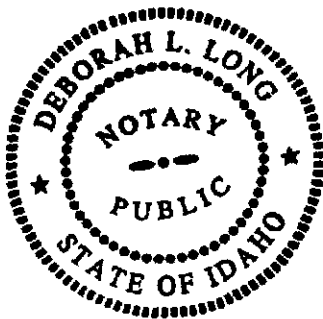
_____, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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

(Signature of person filing objection)

Scott L Campbell
(Attorney signing in representative capacity)

Subscribed and sworn to before me on:



1/17/08
Deborah Long
Notary Public for Idaho
Residing at: Boise, ID
My Commission Expires: 10/10/07

INSTRUCTIONS FOR MAILING

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

G. CERTIFICATE OF MAILING

I certify that on 01/17, 2002, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

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

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

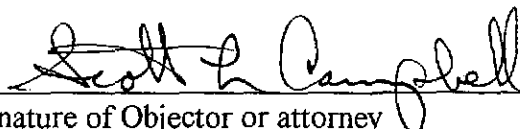
Emmett Irrigation District
222 E. Park Street
Emmett, ID 83617

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

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

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



Signature of Objector or attorney
mailing on Objector's behalf

RECEIVED

JAN 24 2002

WATER RESOURCES
WESTERN REGION

RECEIVED

JAN 18 2002

Department of Water Resources

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

In Re SRBA

Case No. 39576

A. Subcase 65-10491

(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

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

Name & Address of Attorney, if any:
David W. Gehlert (303) 312-7352
Trial Attorney, General Litigation Section
Environment and Natural Resource Division
U.S. Department of Justice
999 18th Street, Suite N945
Denver CO, 80202

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

Name: Emmett Irrigation District
Address: 222 E Park St.
Emmett ID 83617

D. I object to the following elements as recommended in the Director's Report. (Please

check the appropriate box(es)).

1. ☐ **Name and Address**
Should be:

2. ☐ **Source**
Should be:

3. ☐ **Quantity**
Should be:

4. ☐ **Priority Date**
Should be:

5. ☒ **Point(s) of Diversion**
Should: A clarifying remark stating T07N R01W S22 NESE Lot 6 diversion is rate limited not to exceed 120 cfs as defined in the 1955 contract number 14-06-100-827 between Emmett Irrigation District and the Bureau of Reclamation.

6. ☐ **Instream Flow Description**
Should be:

7. ☐ **Purpose(s) of Use**
Should be:

8. ☐ **Period of Year**
Should be:

9. ☐ **Place of Use**
Should be:

11. **I object because:**

☐ This water right should not exist.

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

E. REASONS SUPPORTING EACH OBJECTION(S):

Emmett Irrigation District diversion rate at T07N R01W S22 Lot 6 is rated limited not to exceed 120 cfs as defined in the 1955 contract number 14-06-100-827 between Emmett Irrigation District and the Bureau of Reclamation.

INSTRUCTIONS FOR MAILING

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

G. CERTIFICATE OF MAILING

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

1. Original to:

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

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

Name: Emmett Irrigation District
Address: 222 E Park St.
Emmett ID 83617

Scott L. Campbell
Moffatt Thomas Barrett Rock & Fields, Chtd.
P.O. Box 829
Boise, ID 83701-0829

3. Copies to:

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

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

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



Signature of Objector or attorney mailing on Objector's behalf

03/07/2001

RECEIVED

APR 11 2001

WATER RESOURCES
WESTERN REGION

NOTICE OF ERROR
REPLY

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

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

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: April 13, 2001

Water right number: 65-10491

EMMETT IRRIGATION DISTRICT
P O BOX 515
EMMETT ID 83617

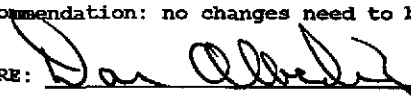
1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

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

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

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

DATE: 05 Apr 2001

SIGNATURE: 

Please print your name: Dar Olberding, Chairman

IDWR Regional Office, 2735 Airport Way, Boise, ID 83705, (208) 334-2190

AJ0749NP
No. R65-10491

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

DATE: 06/19/00
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	EMMETT IRRIGATION DISTRICT P O BOX 515 EMMETT ID 83617	04/01/1919	IRRIGATION	03-15 11-15	205.230 CFS	
TOTAL DIVERSION:					205.230 CFS	

Water Source: PAYETTE RIVER

Tributary to: SNAKE RIVER

Stage: BENEFICIAL USE

Point(s) of Diversion: T07N R01E S22 Lot01(SENE)
R01W S22 Lot06(NESE)

GEM County
GEM County

POU County:

Other Rights: EMMETT IRR. DIST. RIGHTS

Remarks: QNT USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 523.12 CFS AND A TOTAL COMBINED
ANNUAL CONSUMPTIVE USE VOLUME OF 76,150 AF. COMBINED RIGHT NOS.:
65-00023, 65-02004, 65-07832, AND 65-02080.

POU1 PLACE OF USE WITHIN LANDS OF EMMETT IRRIGATION DISTRICT
USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 21,757.1 ACRES WITHIN THE
BOUNDARIES OF THE EMMETT IRRIGATION DISTRICT IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 65-00023, 65-02004,
65-07832, AND 65-02080.

EXP 88.08 CFS OF RIGHT NO. 65-10491 IS LIMITED TO USE FOR
CONVEYANCE LOSSES IN DELIVERY OF RIGHT NOS. 65-00023, 65-02004,
65-02080 AND 65-10491.

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

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

Comments: Date: 04/01/1996 User-ID: MMINICUC Subject: STIPULATION
THIS RECORD REFLECTS THE PAYETTE RIVER BASIN ADJUDICATION
STIPULATION. NO ADDITIONAL FIELD EXAM OR CVR REQUIRED.

Audit: 06/19/00 SBOCK

POOR ORIGINAL

AJ0749NP
No. R65-10491

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

DATE: 04/01/96
PAGE: 1

=====

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	EMMETT IRRIGATION DISTRICT P O BOX 515 EMMETT ID 83617	04/01/1919	IRRIGATION	03-15 11-15	✓ 206.56 CFS	205.23
TOTAL DIVERSION:					206.56 CFS	205.23
Water Source: PAYETTE RIVER			✓ Tributary to: SNAKE RIVER		Stage: BENEFICIAL USE ✓	
Point(s) of Diversion:		T07N R01E S22 Lot01(SENE) R01W S22 Lot06(NESE) ✓			GEM County GEM County	
POU County:						
Other Rights: EMMETT IRR. DIST. RIGHTS						

Remarks: GEN PLACE OF USE WITHIN LANDS OF EMMETT IRRIGATION DISTRICT. - POU
USE OF THIS RIGHT WITH RIGHT NO. 65-00023, 65-02080, 65-02004 - QNT
AND 65-07832 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF
523.12 CFS, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF
76,150 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 21,757.1 - POU
ACRES IN A SINGLE IRRIGATION SEASON.
88.08 CFS OF THIS RIGHT IS LIMITED TO USE FOR CONVEYANCE
LOSSES IN DELIVERY OF RIGHT NOS. 65-00023, 65-02004, 65-02080
AND 65-10491.

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

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

Comments: Date: 04/01/1996 User-ID: MMINICUC Subject: STIPULATION
THIS RECORD REFLECTS THE PAYETTE RIVER BASIN ADJUDICATION
STIPULATION. NO ADDITIONAL FIELD EXAM OR CVR REQUIRED.

Audit: 04/01/96 MMINICUC

RECORDED
OCT 21 1996

MEMORANDUM

April 6, 1995

TO: Any PRBA Claim with a Stipulation
FROM: RON HOWERTON

RE: RECOMMENDATIONS/STIPULATION

I. CONVERSATION WITH DON SHAFF:

1. Met with Don 4/5/95 at S.O. on how to proceed with "R" file recommendations.
2. Don re-confirmed that the stipulation amends the "A" claim, thus for the split ownership of this right both the "A" and "R" files can be completed.
3. He said that because of the stipulation no field exam is needed, nor do I need to print a CVR. In place of the CVR I'm to print out a profile report with comments pertaining to the stipulation.
4. I asked him if the copy of the stipulation he gave me had enough signatures on it to make the recommendation? He said yes.

II. CONVERSATION WITH JEFF PEPPERSACK

1. Met with Jeff 4/5/95 at S.O. asked if he had any paperwork pertaining to how much water was recommended for this right. He said that he thought Dan Steckel had all of it.

III. CONVERSATION WITH DAN STECKEL

1. Called Dan at S.O. 4/6/95 asked if he had the paperwork that showed how much water was to be recommended for this right. He said Don had it in his Boyd Jackson's file.

IV. CONVERSATION WITH DON SHAFF

1. Called Don at S.O. 4/6/95 asked him if he had the paperwork for the amount of water recommended? He said yes he did. He said that eventually that file would come over to Western. I asked if I needed to put the paperwork showing how much water was to be recommended in that file? He said yes, but it may be several months before he would send that file to us. So I asked was it necessary for me to have it to make the "R" file recommendation? He said no, proceed with the recommendations.

May 23, 1995

SPRING MEETING WITH DAVE SHAW & HIS ATTORNEYS:
Ref: OWNERSHIP CHANGES

1. Dan Steckel said that after an ownership change has been made, he needs a copy of the Ownership Change when completed. He doesn't need a copy of the claim.
2. During our conversation with Dave Shaw and Don Shaff, the Attorney's were in agreement that the stipulation's we have copies of now can be used to amend the "A" claim the same way as a Transfer would.
3. A recently licensed permit can also be used to amend the claim with an ownership change with an added requirement. A letter must accompany the ownership changed claim, stating that the claimed permit was licensed since this claim was filed, the claim has been revised to correspond to the licensing. If they have any difficulty with this clarification, they need to contact our office within 30 days of the letter. (The "A" claim is given a "T" status for the 30 day period.

MICROFILMED

OCT 21 1996

LARRY ECHOHAWK
Attorney General

DANIEL L. STECKEL
Deputy Attorney General
Department of Water Resources
Statehouse
Boise, Idaho 83720-9000
(208) 327-7900

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

IN THE MATTER OF THE GENERAL	)	
DETERMINATION OF THE RIGHT	)	CIVIL NO. 3667
TO THE USE OF SURFACE AND	)	
GROUNDWATERS OF THE PAYETTE	)	STIPULATION RESOLVING
RIVER DRAINAGE BASIN	)	OBJECTIONS OF EMMETT
	)	IRRIGATION DISTRICT
	)	

The Director of the Idaho Department of Water Resources, R. Keith Higginson and the Emmett Irrigation Company, by and through counsel, stipulate as follows:

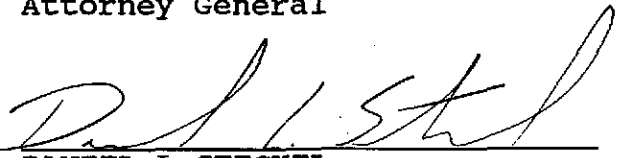
1. That water right claim Nos. 65-00023, 65-02004, 65-02080, 65-10491, and 65-07832 be accepted and included in the Proposed Finding of Water Rights in the Payette River Drainage as set forth in Exhibit A, attached hereto and incorporated herein by this reference.

2. That the Emmett Irrigation District withdraws all pending objections in the above captioned matter.

3. That this stipulation is for the purpose of equitably and efficiently resolving disputed factual issues short of trial and that no offers and/or compromises made in the course of this agreement shall be construed as admissions against interest or be used in any legal proceeding.

DATED this 14th day of April, 1993.

LARRY ECHOHAWK
Attorney General


DANIEL L. STECKEL
Deputy Attorney General
Department of Water Resources

DATED THIS 9th day of April, 1993.


LOUIE GORRANO
Attorney for
Emmett Irrigation District

The above stipulation having come before the court, it is hereby approved this _____ day of _____, 1993.

JAMES R. DOOLITTLE
District Judge

EXHIBIT A
STIPULATION OF IDWR AND EMMETT IRRIGATION DISTRICT

PAGE: A-2

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
SOURCE: PAYETTE RIVER		TRIBUTARY: SNAKE RIVER				
65-02080	EMMETT IRRIGATION DISTRICT P. O. BOX 515 EMMETT ID 83617	07/29/1908	IRRIGATION	03-15 11-15	124.00 CFS	LICENSE
	POINT OF DIVERSION: T07N R01W S22 LOT 1 (SENE) LOT 6 (NESE)			TOTAL QUANTITY:	124.00 CFS	
	PLACE OF USE: IRRIGATION SAME AS OTHER USE					
	REMARKS: PLACE OF USE WITHIN LANDS OF EMMETT IRRIGATION DISTRICT. USE OF THIS RIGHT WITH RIGHT NO. 65-00023, 65-02004, 65-10491 AND 65-07832 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 523.12 CFS, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 76,150 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 21,757.1 ACRES IN A SINGLE IRRIGATION SEASON. 88.08 CFS OF RIGHT NO. 65-10491 IS LIMITED TO USE FOR CONVEYANCE LOSSES IN DELIVERY OF RIGHT NOS. 65-00023, 65-02004, 65-02080 AND 65-10491.					
65-10491	EMMETT IRRIGATION DISTRICT P. O. BOX 515 EMMETT ID 83617	04/01/1919	IRRIGATION	03-15 11-15	205.23 CFS	BENEFICIAL USE
	POINT OF DIVERSION: T07N R01E S22 LOT 1 (SENE) R01W S22 LOT 6 (NESE)			TOTAL QUANTITY:	205.23 CFS	
	PLACE OF USE: IRRIGATION SAME AS OTHER USE					
	REMARKS: PLACE OF USE WITHIN LANDS OF EMMETT IRRIGATION DISTRICT. USE OF THIS RIGHT WITH RIGHT NO. 65-00023, 65-02080, 65-02004 AND 65-07832 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 523.12 CFS, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 76,150 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 21,757.1 ACRES IN A SINGLE IRRIGATION SEASON. 88.08 CFS OF THIS RIGHT IS LIMITED TO USE FOR CONVEYANCE LOSSES IN DELIVERY OF RIGHT NOS. 65-00023, 65-02004, 65-02080 AND 65-10491.					

TO: 65-10491

FROM: D. Shaff

DATE: 12-17-92

RE: RECOMMENDATION CHANGES

A review of the method to calculate additional water requirements for water right 65-00023 was made using the techniques adopted by IDWR after the SRBA commencement. The calculated amount showed the water right developed on the presumed lands covered by the Riverside Irrigating Co. was 17.17 cfs. Those calculations made 5-22-92 are in file 65-00023.

As to the total diversion for the first five water rights of EID, my conclusions are basically no different than Tuthill's shown in the 9/20/78 memo in this file other than the sum of the amounts of water where 21,452 acres X .02 cfs/acre = 429.04 cfs rather than 429.24 cfs. This water right covers the land (21,452 - 17,326 = 4,126 acres) not previously described in water rights licenses 65-02004 (8,469 acres) and 65-02080 (8,857 acres) at .02 cfs/acre (82.52 cfs). In addition this water right is described to cover the full miners inch (.02 cfs/acre) not provided by those licenses for a total amount of water before conveyance loss of 126.07 cfs.

WATER RIGHT	CFS BEFORE LOSS	CFS WITH LOSS
65-00023	9.58	17.17
65-02004	169.39	(LICENSE) 169.39
65-02080	124.00	(LICENSE) 124.00
65-10491	126.07	206.56
	429.04	517.12

Adding 5.83 to the amount shown in the Proposed Finding for 65-00023 correspondingly required subtracting the same amount from this water right as shown in Tuthill's calculations. The revised recommended amount is then 206.56 cfs. This amount for all four water rights above thus allows 88.08 cfs for conveyance loss.

Other than the Remarks to describe the combined nature of the EID water rights and the amount of water above, the recommendation is essentially unchanged from the Proposed Finding report in 1979.

See
Memo in file
65-00023
2/9/93
For para

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

=====

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
---------------	----------------	------------------	-----------	-----------------------	-------------------	---------------------

C EMMETT IRRIGATION DISTRICT
P. O. BOX 515
EMMETT ID 83617

04/01/1919 IRRIGATION

03-15 11-15

206.56 CFS

TOTAL DIVERSION: 206.56 CFS

Water Source: PAYETTE RIVER Tributary to: SNAKE RIVER Stage: BENEFICIAL USE

Point(s) of Diversion: T07N R01E S22 Lot01(SENE) GEM County
R01W S22 Lot06(NESE) GEM County

POU County:

Other Rights: EMMETT IRR. DIST. RIGHTS

Remarks: PLACE OF USE WITHIN LANDS OF EMMETT IRRIGATION DISTRICT.
USE OF THIS RIGHT WITH RIGHT NO. 65-00023, 65-02080, 65-02004
AND 65-07832 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF
523.12 CFS, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF
76,150 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 21,757.1
ACRES IN A SINGLE IRRIGATION SEASON.
88.08 CFS OF THIS RIGHT IS LIMITED TO USE FOR CONVEYANCE
LOSSES IN DELIVERY OF RIGHT NOS. 65-00023, 65-02004, 65-02080
AND 65-10491.

Dates: Exam Made Date: Verified Date:

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

1 DAVID H. LEROY
2 Attorney General
3 State of Idaho
4 Statehouse, Room 210
5 Boise, Idaho 83720
6 Telephone: (208) 384-2400

RECEIVED

JUL 23 1979

Department of Water Resources
Western Regional Office

7 W. HUGH O'RIORDAN
8 Deputy Attorney General
9 Chief, Natural Resources Division

10 JOSEPHINE P. BEEMAN
11 Deputy Attorney General
12 Department of Water Resources
13 373 W. Franklin
14 Boise, Idaho 83720
15 Telephone: (208) 384-2215

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

19 IN THE MATTER OF THE GENERAL) CIVIL NO. 3667
20 DETERMINATION OF THE RIGHT)
21 TO THE USE OF SURFACE AND) RESPONSE TO OBJECTION OF
22 GROUNDWATERS OF THE PAYETTE) EMMETT IRRIGATION DISTRICT
23 RIVER DRAINAGE BASIN)

24 COMES NOW the Director of the Department of Water Re-
25 sources, C. Stephen Allred, and by way of response to the objec-
26 tion to the Proposed Finding of Water Rights filed by Emmett
27 Irrigation District states and responds as follows:

28 I.

29 In response to claimant's objection that Claim No.
30 65-0023 should be recommended with a rate of diversion of 200
31 cubic feet per second (c.f.s.) with a priority date of November 26,
32 1883, the Department states that the ultimate criteria by which
a right is judged is beneficial use. The diversion rate cited
in a Posted Notice or other notices and agreements does not
control or dictate the amount of water actually needed and
beneficially applied. The Department's proposed finding on page
No. 256 sets forth the amount that was reasonably diverted and
beneficially used under Claim No. 65-0023.

P. 1 - RESPONSE TO EMMETT IRRIGATION DISTRICT

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

II.

As to Claim No. 65-10491, the claimant objects that the priority date of April 1, 1919 and a diversion rate of 172.0 c.f.s. for that priority are incorrect. With respect to the proposed priority date, the records of the Department for Water License Nos. 65-2004 and 65-2080 show the amount of acreage irrigated by the claimant in 1918. The acreage under Claim No. 65-10491 is in excess of the acreage which was known to be irrigated by the claimant in 1918. Therefore it was determined that a 1919 priority date was the earliest which could be assigned to this claim.

However, the Department states that the rate of diversion for Claim No. 65-10491 on page 268 should be corrected to 212.39 c.f.s. and should appear as the claim does on the attached Exhibit A. The correction is underscored.

IV.

Claimant further objects that the methodology for calculating the conveyance or water loss through its canals results in an insufficient amount of water to irrigate the land within its district. However, the Department used specific data and reports to determine the conveyance loss, and this supports the findings and conclusions for the claimant's water rights, with the correction of the error as set forth in Paragraph III.

WHEREFORE, the Department, having responded, requests that objections be overruled, except for the correction noted in the attached Exhibit A, and that the same is included in the final decree of water rights of the Payette River Drainage Basin.

DATED this 16th day of July, 1979.

DAVID H. LEROY

Attorney General of Idaho

Josephine P. Beeman
JOSEPHINE P. BEEMAN
Deputy Attorney General
Natural Resources Division

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 16th day of July, 1979, a true and correct copy of the foregoing RESPONSE TO OBJECTION OF EMMETT IRRIGATION DISTRICT was mailed, postage prepaid to: Emmett Irrigation District, P.O. Box 515, Emmett, Idaho 83617, and to L. Gorrano, Attorney at Law, P.O. Box 637, Emmett, Idaho 83617.

Dorothy L. Cargill
DOROTHY L. CARGILL

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

PROPOSED FINDING OF WATER RIGHTS - PAYETTE RIVER DRAINAGE

*INDICATES TOTAL

SOURCE: 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
65-10491	EMMETT IRRIGATION DISTRICT, P. O. BOX 515, EMMETT, IDAHO 83617 REMARKS: PLACE OF USE WITHIN LANDS OF EMMETT IRRIGATION DISTRICT.	4/1 /1919	IRRIGATION	3/15 11/15	----- AFA 212.39 CFS	LOT 1 S22 T 7N R 1E LOT 6 S22 T 7N R 1W	*21452*	BENEFICIAL USE

EXHIBIT A

L. Gorman
Attorney at Law
P.O. Box 637
Emmett, Idaho 83617
Telephone: 365-2421

RECEIVED
JUN 26 1979

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 THE MATTER OF THE GENERAL
DETERMINATION OF THE RIGHT TO THE USE
OF SURFACE AND GROUNDWATERS OF THE
PAYETTE RIVER DRAINAGE BASIN.

CIVIL NO. 3667

OBJECTIONS TO FINDINGS,
PROPOSED AND OTHERWISE,
IN SAID MATTER

COMES NOW, Emmett Irrigation District of Emmett, Idaho, and files its protest and objection to "Proposed Findings of Water Rights" and Findings of Facts and Conclusions of Law' in regard the above-entitled matter.

I

Emmett Irrigation District objects to the priority dates given Emmett Irrigation District and the amount of water allocated to the priority dates. Objection is made to the proposed finding of 11.34 CFS, with priority of 11/26/1883. Emmett Irrigation District has filings and recorded documents which show it is entitled to 200 CFS with priority of 11/26/83. This figure has been reduced by State of Idaho Water Resources to 11.34 CFS and Emmett Irrigation District objects to the amount of said reduction.

II

Emmett Irrigation District also objects to the allocation of 172 CFS to a priority date of 4/1/1919. The priority date should be earlier than 1919 and at the latest, 1911. Furthermore, the allocation should be at least 188.66 CFS.

III

State of Idaho water resources, by its proposed findings allocate a

total of 362.73 CFS to the Emmett Irrigation District, excluding "South Side." There are about 17,000 irrigated acres to be irrigated with 362.73 CFS, which is insufficient. The Black Canyon Dam was constructed to divert irrigation water from the Payette River, and it has been used for that purpose, but 362.73 CFS diversion of natural flow, does not provide adequate water to irrigate about 17,000 acres of land, considering evaporation, loss, soils and the like. The Payette River allocations based on water losses are inequitable.

IV

Emmett Irrigation District reserves the right and privilege to support these objections with oral, written and real evidence of facts and circumstances connected therewith.

DATED this 25th day of June, 1979.

Respectfully Submitted,

L. Gorrone, Attorney for
Emmett Irrigation District

I hereby certify that a true and correct copy of the foregoing Objections to Findings, Proposed and Otherwise, in said matter, was mailed to the Director of the Department of Water Resources, Department of Water Resources, Western Region, 92 South Cole Road, Boise, Idaho 83705, on this 25th day of June, 1979.

Louie Gorrone

MEMO

TO: EMMETT IRR DISTRICT FILES

FROM: DRT 2-13-78

RE: DISTRIBUTION OF RIGHTS

THE DISTRICTS RIGHTS HAVE BEEN
SYNTHESIZED AS FOLLOWS:

ALL HAVE P.D. & PLACE OF USE IN COMMON

#1	DATE OF PRIORITY	CFS AMT	BASIS	REMARKS
65-1123	11-26-1883	11.5	B/U (POSTED NOTICE)	TRANSFERRED FROM RIVERSIDE IRR CO. IN 1925 BY CONTRACT
65-2004	5-26-1903	169.39	LICENSE	8469 acres ORIGINALLY 479 ACRES ORIGINALLY
65-2080	7-29-1908	124	LICENSE	8857 acres (Based on ORIGINALLY 3-11-1918 Field Exam)
65-10491			B/U	
65-1832	3-25-1977	6.0	PERMIT	306 ACRES

NOTE THAT THE DATE OF PRIORITY ON 65-10491 CANNOT BE BEFORE
1918, WHEN THE FIELD EXAM FOR 65-2080 WAS PERFORMED. AT THAT TIME
ONLY 8857 ACRES WERE BEING IRRIGATED BEYOND (IN ADDITION TO)
THE 8469 ACRES UNDER RT 65-2004. THEREFORE, ASSUME 4-1-1919
AS THE DATE OF PRIORITY FOR 65-10491 FOR A REASONABLE APPROXIMATION.



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES WESTERN REGION

Cecil D. Andrus
Governor

R. Keith Higginson
Director

92 South Cole Road
Boise, Idaho 83705
(208) 384-2190

March 8, 1977

Eldon Durk
Emmett Irrigation District
Route 3, Box 304
Emmett, Idaho 83617

Re: Water Right Determination

Dear Mr. Durk:

With regard to our meeting on March 4, 1977, and your telephone call to this office on March 7, 1977, this letter will attempt to convey the department's present understanding of Emmett Irrigation District's water rights for the Payette Adjudication.

At present, the District has filed three claims to water rights; two are based on current licenses with priorities of May 26, 1903 and July 29, 1908 for a total rate of diversion of 293.4 cfs, and the third claim is based on a posted notice with a claimed priority of November 26, 1883 for 200 cfs. Per our conversation of March 7, the irrigation district, however, has elected to change its filing based on the posted notice, to claim only 30 cfs for 1500 acres which the Riverside Irrigation Company was irrigating until August 4, 1925. At that time the water right was purchased by Emmett Irrigation District to be used within the district boundaries.

The total rate of diversion to 1908 is, therefore, 323.4 cfs to irrigate 16,150 acres. However it is our understanding that Emmett Irrigation District has established a total water right for the irrigation of 22,863 acres. There remains then, 6713 acres that should have a claim(s) to water filed. Since the two licensed rights are relative only to the Northside and Southside Canals, it would appear that there could have been land irrigated below the bluff that is located just north of Emmett at some time prior to 1908, the completion date of the canal. This would seem to be an obvious claim filing possibility. Another possibility would be to file a right for the remaining acreage with a priority date after the issuance of license #4112/65-2080, priority date of July 29, 1908.

Keep in mind that acreage claimed as irrigated for a given priority date must have been within the district boundaries.

Eldon Durk
Page 2
March 8, 1977

Please advise this office of any corrections and/or changes you wish to submit relative to the three adjudication claims that have already been filed.

If this office can be of further assistance, please feel free to contact us.

Sincerely,

ROBERT HOWARD
Water Resource Agent

RH:lp

MEMO

TO: EMMETT ERR DIST FILES

FROM: DRT 9/20/78

RE: DITCH LOSSES

TWO DITCH LOSS CALCULATIONS WERE MADE ON THE EID SYSTEM, AS SHOWN ON THE ATTACHED SHEETS. THE FLOW DELIVERED WAS BASED ON 1"/ACRE. NOTE THAT LOSSES WERE 40.2% FOR THE SOUTH SIDE AND 14.2% FOR THE NORTH SIDE, WHEN FLOWING AT THIS ^{7,100} CAPACITY. THE LOSS FOR 65-0023 (THE OLD RIVERSIDE DITCH) WAS CALCULATED SEPARATELY BASED ON LENGTH MEASUREMENTS FOR THE OLD SYSTEM. THIS LOSS WAS COMPUTED TO BE 18.4%.

BASED ON THESE CALCS., THE FOLLOWING RIGHTS ARE SUMMED FOR EID

<u>RT NO</u>	<u>DATE OF P</u>	<u>(CFS)</u> <u>AMT CLAIMED</u>	<u>CFS REC.</u> <u>AMT BEFORE LOSS</u>	<u>CFS AFTER</u> <u>LOSS ADDED</u>	<u>AFA WITH</u> <u>NO LOSS</u>	<u>AFA WITH</u> <u>LOSS ADDED</u>
65-0022	REC AS 65-2004					
65-0023	11/26/1883	30 CFS	9.58	11.34	2155.1	2552.1
65-0323	REC AS 65-2080					
65-2004	5/26/1903	169.39 CFS	169.39	(LICENSE) 169.39	38112.8 368862.7	38112.8
65-2080	7/29/1908	124 cfs NEW DEVELOP.	124	(LICENSE) 124	27900	27900
65-7832	3/25/1977	6 cfs	6	6	2700	SAME
65-10491	4/1/1919	172 cfs 441.39 435.39	126.27 cfs 429.24	212.39 517.12	28410.1 96578	47787.8 116352
						OVER

BASED ON DEPT ADVISEMENT @ 1"/acre

(DO NOT COUNT NEW DEVELOP)

SINCE THESE RIGHTS CAN BE USED ON EITHER SIDE
OF THE RIVER (AS AN IRRIGATION DISTRICT), USE ALL
RIGHTS TO TOTAL AFA & CFS FOR ALL LANDS

$$Q \text{ DELIVERED @ } .02 \text{ cfs/acre} = \overset{N}{325.60} + \overset{S}{103.64}$$

$$= 429.24 \text{ cfs}$$

$$W/\text{LOSSES } Q \text{ DIVERTED} = \overset{N}{145.27} + \overset{S}{371.85}$$

$$= 517.12 \text{ cfs}$$

⇒ MAKE 10491 FOR ~~21415~~ 212.39

$$\text{FINAL AFA} = 517.12 (50)(4.5) = 116352.$$

$$\text{LOSS RATIO FOR AFA CALCS} = \frac{505.78 \text{ cfs for}}{113800 \text{ AFA}} \left(\begin{array}{l} \text{ADD LOSS AFA TO} \\ \text{LICENSES AS WELL AS} \\ \text{B/U} \end{array} \right)$$

⇒ NO ADDITION SINCE
RT 10491 TAKES ALL LOSS

09\19\78 D.R.T

* MACALLISTER'S MODIFICATION OF MORITZ *
* LOSS CALCULATION FOR *
* THE EMMETT NORTH SIDE *
* WATER RIGHT NO. SEVERAL *

Q DIVERTED: 371.85
Q DELIVERED: 325.60
PERCENTAGE LOSS: 14.2

TYPE OF SOIL: SANDY LOAM
SOIL CONSTANT= 1.50 (FEET/DAY)
LENGTH OF HEAD OF DITCH: .00
LENGTH OF DELIVERY SECTION: 20.80

LOSS TABLE FOR DELIVERY

MILE	Q (CFS)	LOSS (CFS)	Q DELIVERED (CFS)
1.00	353.54	2.65	15.65
2.00	335.26	2.63	15.65
3.00	316.99	2.61	15.65
4.00	298.75	2.59	15.65
5.00	280.52	2.57	15.65
6.00	262.32	2.54	15.65
7.00	244.15	2.52	15.65
8.00	226.01	2.49	15.65
9.00	207.90	2.45	15.65
10.00	189.83	2.42	15.65
11.00	171.80	2.37	15.65
12.00	153.82	2.33	15.65
13.00	135.89	2.27	15.65
14.00	118.03	2.21	15.65
15.00	100.25	2.13	15.65
16.00	82.56	2.04	15.65
17.00	64.97	1.93	15.65
18.00	47.53	1.79	15.65
19.00	30.28	1.60	15.65
20.00	13.27	1.35	15.65
20.80	-.01	.76	12.52

09\19\78 D.R.T.

* MACALLISTER'S MODIFICATION OF MORITZ *
* LOSS CALCULATION FOR *
* THE EMMETT SOUTH SIDE *
* WATER RIGHT NO. SEVERAL *

Q DIVERTED: 145.27
Q DELIVERED: 103.64
PERCENTAGE LOSS: 40.2

TYPE OF SOIL: SANDY LOAM
SOIL CONSTANT= 1.50 (FEET/DAY)
LENGTH OF HEAD OF DITCH: 1.00
LENGTH OF DELIVERY SECTION: 23.10

LOSS TABLE FOR HEAD OF DITCH

MILE	Q	LOSS
	(CFS)	(CFS)
1.00	143.03	2.24

LOSS TABLE FOR DELIVERY

MILE	Q	LOSS	Q DELIVERED
	(CFS)	(CFS)	(CFS)
1.00	136.31	2.23	4.49
2.00	129.62	2.21	4.49
3.00	122.95	2.18	4.49
4.00	116.31	2.15	4.49
5.00	109.70	2.12	4.49
6.00	103.13	2.09	4.49
7.00	96.59	2.05	4.49
8.00	90.08	2.02	4.49
9.00	83.62	1.98	4.49
10.00	77.20	1.93	4.49
11.00	70.82	1.89	4.49
12.00	64.50	1.84	4.49
13.00	58.23	1.78	4.49
14.00	52.02	1.72	4.49
15.00	45.88	1.66	4.49
16.00	39.81	1.58	4.49
17.00	33.83	1.50	4.49
18.00	27.93	1.41	4.49
19.00	22.14	1.30	4.49
20.00	16.47	1.18	4.49
21.00	10.94	1.04	4.49
22.00	5.59	.87	4.49
23.00	.47	.63	4.49
23.10	.01	.02	.45

G

MAP NO.

(Name of Claimant)

(Mailing Address)

The extent and nature of said claim is as follows:

~~April 1, 1911~~ 4-1-1919

Payette River

Western Regional Office

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

A) Point of Diversion: Give location of point where water is diverted from its source SE $\frac{1}{4}$ NE $\frac{1}{4}$
 Sec. 22, Twp. 7N, Rge. 1E, 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. **pumps and diversion canal**

(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.

[illegible]

Total No. of acres 21452

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

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.

→ (Place of use within lands of Emmett in District) (See 65-2004)

(9) Remarks THIS RIGHT INCLUDES WATER LOST THROUGH SEEDAGE

~~THIS REPORT WILL BE COMPLETED WITH RIGHTS 69-2004, 1050, 99-13, 544-
AND NO MORE THAN 0.02 CFS NOR 4.5 GPH.~~

(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

3-25-77
(Date)

(Signature of Claimant)

State of Ohio

Organization

Ernst Frigotson District
(Signature of Spouse)

County of Colo

SS.

Seal

Organization North Star City (Hanson)

On this 25th day of March, in the year 1977, before me,

a notary public, personally appeared Keith Starnes
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

My commission expires August 1980

DET 2-13-78



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