

**T06N R02W
S10**

Idaho Department of Water Resources

**Claims: 65-11262
Prepared by:
RON HOWERTON
Date: 27 SEP 00**

 **Place of use**

 **POD**

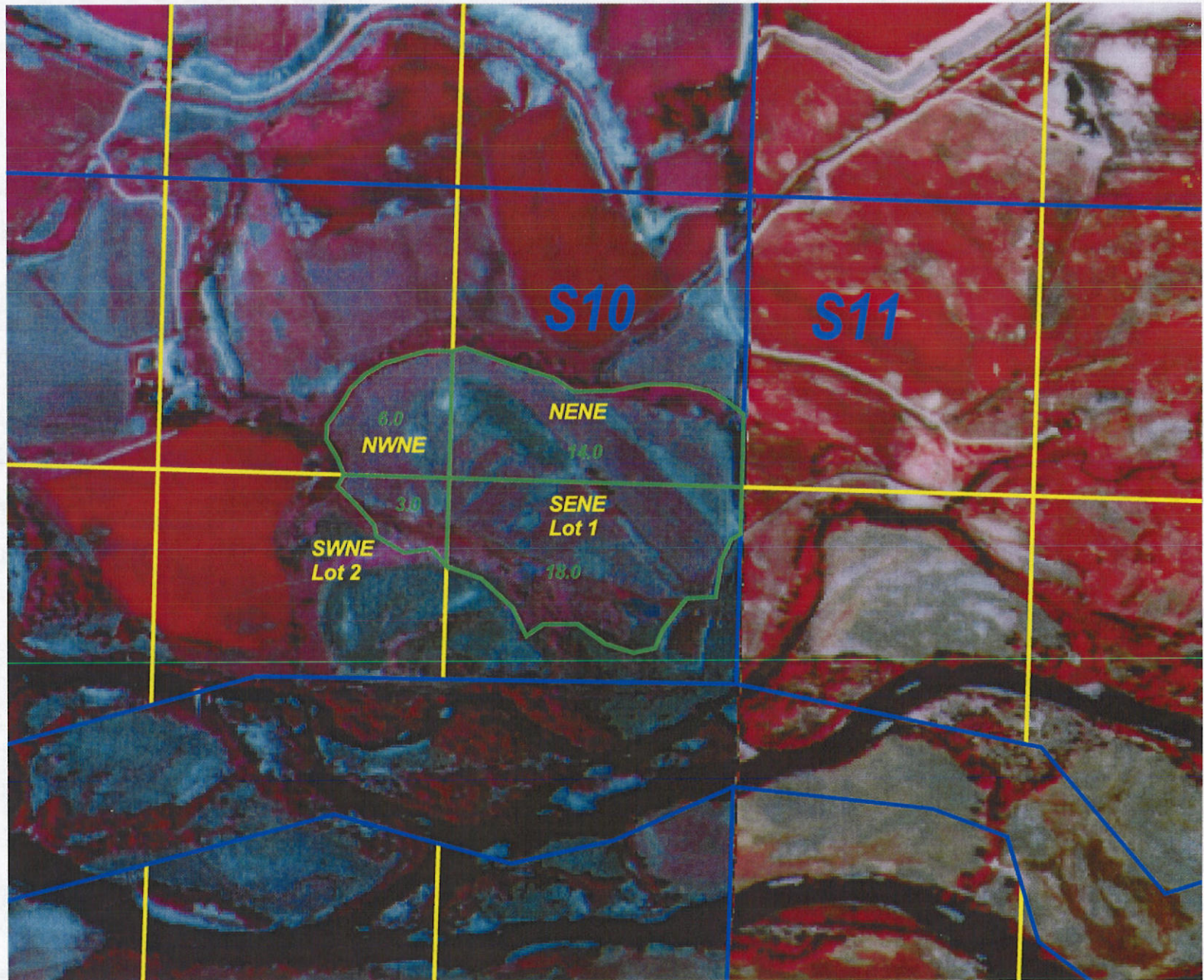
 **SECTION**

 **1/4 1/4**

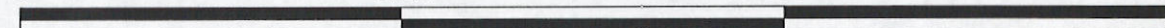
41 Acres



1987 NAPP



0 0.25 0.5 0.75 Miles



**T06N R02W
S10**

Idaho Department of Water Resources

Claims: 65-11262

Prepared by:

RON HOWERTON

Date: 27 SEP 00

 **Place of use**

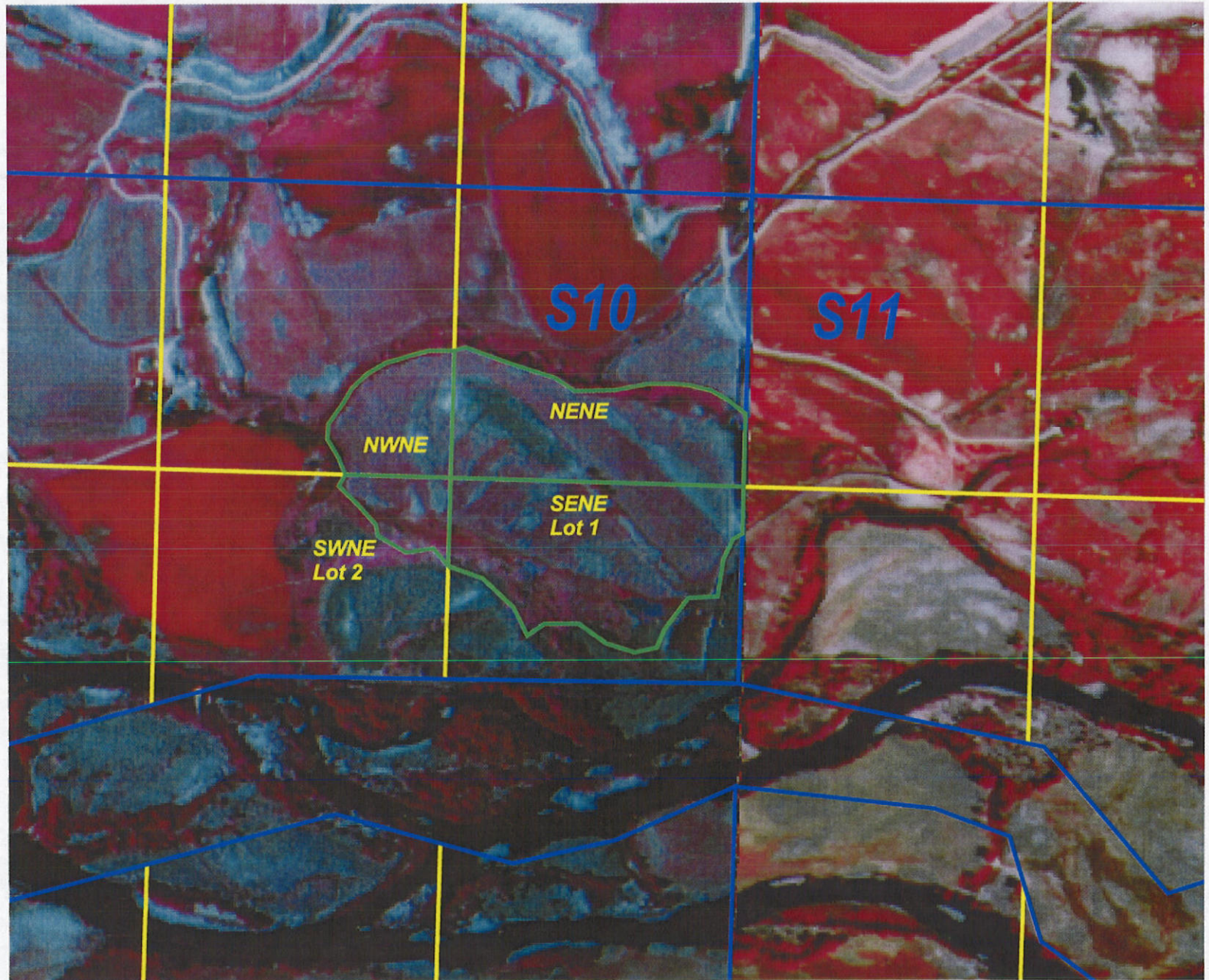
 **POD**

 **SECTION**

 **1/4 1/4**



1987 NAPP



0 0.25 0.5 0.75 Miles





nt Owner

34. MITCHELL, J.E. Est. 5310D
35. 5070D
36. GEM COUNTY
37. BONNER, Ralph
38. STANDEFER, W. A.

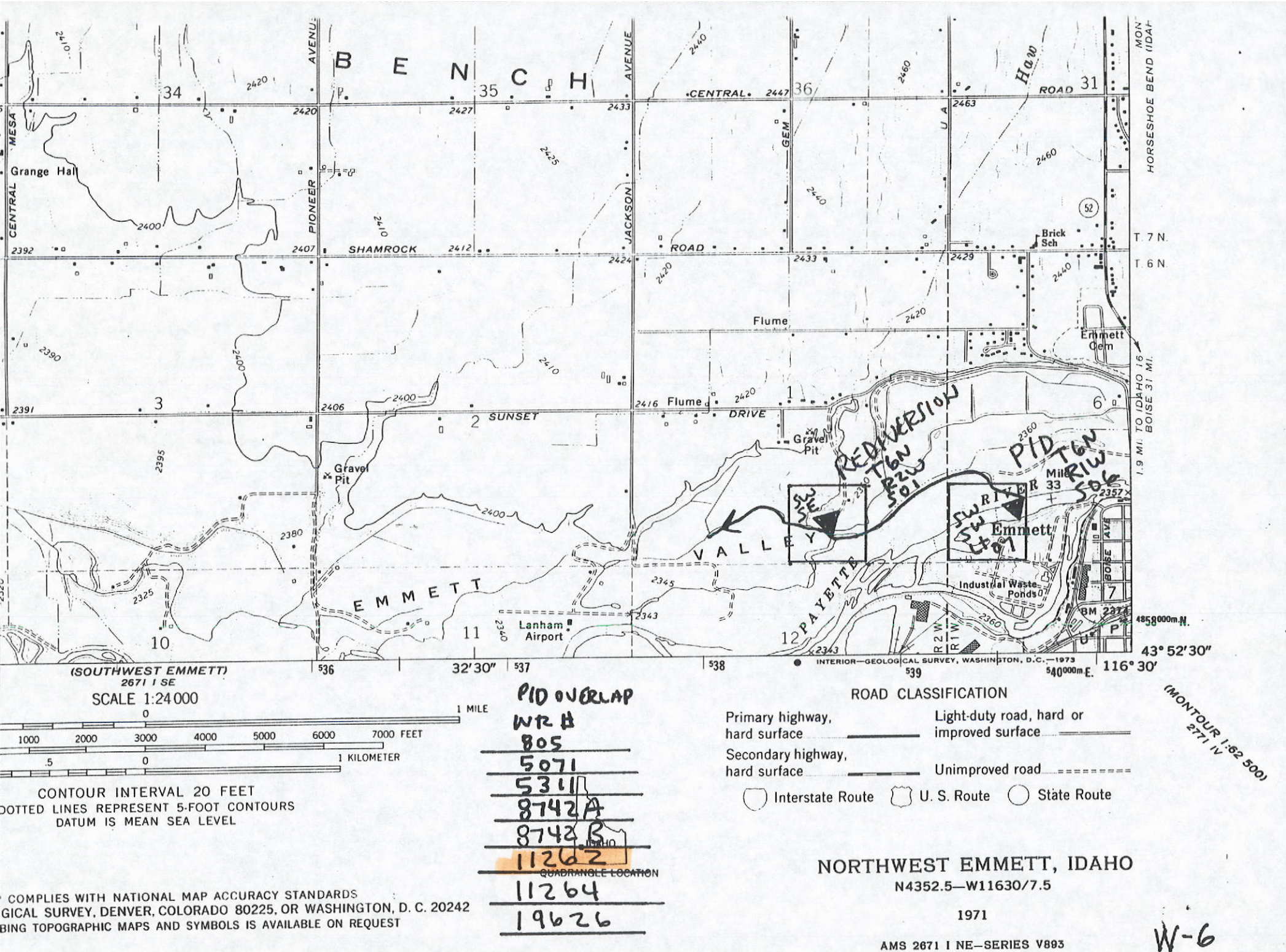
(35) REDTFELDT, R.

PRBA BLUELINE MAP A T6W R2W S10 NE1/4



CYM-1B3-137 PRGA ASCS MAP 7-21-61 T6N R2W S10 NE4

W
24
3



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: **A65-11262**
Date Received: 2/13/1990
Receipt No: X999999
Received By: _____

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

1. Name: HAROLD E BARRETT 208-365-3143
Address: 1466 W 12TH ST
EMMETT ID 83617
OR
Name: SHIRLEY BARRETT 208-365-3143
Address: 1466 W 12TH ST
EMMETT ID 83617

2. Date of Priority: NOV 10, 1883

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
06N	01W	6	SW	SW	SW	7	GEM

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.200		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

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OCT 21 1996

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
06N	02W	10	NE	NE		IRR	9.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06N	02W	10	NW	NE		IRR	3.0
			SW	NE		IRR	10.0
			SE	NE	1	IRR	19.0
						Section Acres	41.0
						Total Acres	41.0

11. Place of use in counties: GEM

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

13. Other Water Rights Used:

14. Remarks:

POINT OF RE-DIVERSION FROM GILL SLOUGH IN SWSE, S. 1, T6N, R2W.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 1/21/1986

STATE OF IDAHO

Decree Plaintiff

A & C CORP., ET AL.

vs Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do ____ do not ____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

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

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

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

Department of Water Resources

CIVIL CASE NUMBER: 39576
Ident. No. A65-05313
A65-11262
A65-05312

MICROFILMED
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: A65-11262

Date Received:

Receipt No: _____

Received By: _____

RECEIVED

FEB 13 1990

Department of Water Resources
Western Regional Office

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

1. Name: QUINNETH N. MITCHELL
Address: 875 PIONEER AVE.
EMMETT, ID

83617

Name: MARIE L. MITCHELL
Address: 875 PIONEER AVE.
EMMETT, ID

83617

2. Date of Priority: NOV 10, 1883

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
06N	01W	6	SW	SW	SW	7	GEM

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.200		

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

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

A65-11262

Page 1

Date: 01/26/90

MICROFILMED

OCT 21 1996

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06N	02W	10	NE	NE		IRR	9.0
			NW	NE		IRR	3.0
			SW	NE		IRR	10.0
			SE	NE	1	IRR	19.0
						Section Acres	41.0
						Total Acres	41.0

11. Place of use in counties: GEM

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

13. Other Water Rights Used:

14. Remarks:

POINT OF RE-DIVERSION FROM GILL SLOUGH IN SWSE, S. 1, T6N, R2W.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 1/21/1986

STATE OF IDAHO

Decree Plaintiff

vs

A & C CORP., ET AL.

Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): Harold E Barrett Date: 2-9-90
Shirley Barrett Date: 2-9-90

State of Idaho)
County of Gem) SS.

Subscribed and sworn (or affirmed) before me this 9 day
of February 19 90
Shirley Barrett
Notary Public

Seal

Residing at Emmett, Idaho
My Commission Expires 6-30-94



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

**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: 65-11262

HAROLD E BARRETT
1466 W 12TH ST
EMMETT ID 83617
Telephone Number: (208)365-3143

SHIRLEY BARRETT
1466 W 12TH ST
EMMETT ID 83617
Telephone Number: (208)365-3143

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: 3-28-01 SIGNATURE: Harold Barrett Shirley Barrett

Please print your name: HAROLD BARRETT Shirley Barrett

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

RECEIVED

APR 03 2001

WATER RESOURCES
WESTERN REGION

12/19/2000

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

RIGHT NUMBER: 65-11262

NAME AND ADDRESS: HAROLD E BARRETT
SHIRLEY BARRETT
1466 W 12TH ST
EMMETT, ID 83617

SOURCE: PAYETTE RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 1.2 CFS

THIS RIGHT SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE WHEN
MEASURED AT THE FIELD HEADGATE.

PRIORITY DATE: 11/10/1883

POINT OF DIVERSION:	T06N R01W S6	LOT 7	SWSW		Within GEM County
	T06N R02W S1		SWSE	Rediversion	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	1.20 CFS

PLACE OF USE:

<u>IRRIGATION Within GEM County</u>					
T06N R02W S10		NENE	14	T06N R02W S10	NWNE 6
T06N R02W S10	LOT 2	SWNE	3	T06N R02W S10	LOT 1 SENE 18

41 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

WR5809NP
No. 65-11262

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 08/24/00
PAGE: 16

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	QUINNETH N. MITCHELL	11/10/1883	IRRIGATION	03/15 11/15	1.200 CFS	
C	MARIE L. MITCHELL 875 PIONEER AVE. EMMETT ID 83617					
TOTAL DIVERSION:					1.200 CFS	

Water Source: PAYETTE RIVER

Tributary to: SNAKE RIVER

Stage: DECREED

Point(s) of Diversion: T06N R01W S06 Lot 07(SWSW)

GEM County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE										
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM		
				Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	
06N	02W	10	:	09		03		10	01-19	:				:					:						:	41.0
TOTAL ACRES																							41.0			

Pou County: GEM

Remarks: GEN POINT OF RE-DIVERSION FROM GILL SLOUGH IN SWSE, S. 1, T6N, R2W.

Dates:	App. Received:	Priority Date:	11/10/1883
	Proof Due Date:	Proof Made Date:	
	Exam Made Date: 09/21/1979	Exam Sent to S.O.:	
	Licensed Date:		

Misc: Water District Number: 65 Field Exam Fee:

DATE: 07/28/00
PAGE: 139

Stage: DECREED

GEM County

 $\sqrt{R}$

TOTAL ACRES	41.0
-------------	------

Lt 2

Comm.

QNT Rmk
E23

C/8

PID OVERLAP
SEE ATTACHED TOPO
WG

ADD
Stipulation
comment

ADD DELIVERY
LOSS
COMMENT

**T06N R02W
S10**

Idaho Department of Water Resources

Claims: 65-11262

Prepared by:

RON HOWERTON

Date: 27 SEP 00

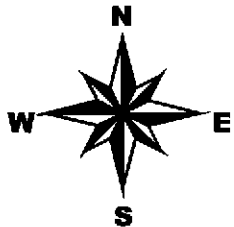
 **Place of use**

● **POD**

 **SECTION**

 **1/4 1/4**

41 Acres



1987 NAPP



**T06N R02W
S10**

Idaho Department of Water Resources

Claims: 65-11262

Prepared by:

RON HOWERTON

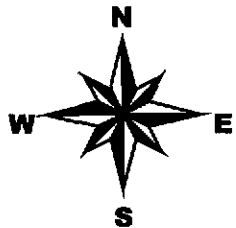
Date: 27 SEP 00

 **Place of use**

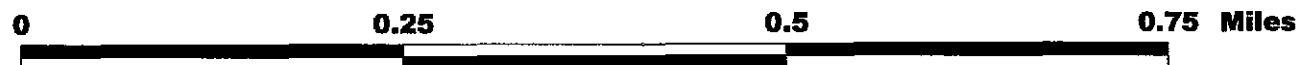
 **POD**

 **SECTION**

 **1/4 1/4**



1987 NAPP



CYM-1BR-137

PRGA ASCS MAP 7-21-61

T6N R2W S10 NE4

245



RECEIVED

MAY 15 1980

FILED

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

Department of Water Resources

MAY 15 1980

DEPT. OF WATER RESOURCES

Thelma R. Kolodziej, CLERK

DEBBIE BACOW, DEPUTY

JOSEPHINE P. BEEMAN
MICHAEL H. HYER
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 THE COUNTY OF GEM

IN THE MATTER OF THE GENERAL)	
DETERMINATION OF THE RIGHT TO THE)	Civil No. 3667
USE OF SURFACE AND GROUNDWATERS)	
OF THE PAYETTE RIVER DRAINAGE)	STIPULATION RESOLVING
BASIN.)	MITCHELL OBJECTION

COME NOW The Director of the Idaho Department of Water Resources and Quinneth N. and Marie L. Mitchell, husband and wife, through their undersigned attorneys, and do stipulate as follows:

1. That the Proposed Finding of Water Rights in the above-entitled action be amended to conform with Exhibit A, attached hereto and incorporated herein by this reference.

2. That this amendment resolves entirely the objections filed by Quinneth N. and Marie L. Mitchell, husband and wife.

DATED this 22 day of April, 1980

Phillip J. Rossier
MICHAEL H. HYER
Deputy Attorney General
Attorney for the Idaho
Department of Water Resources

1 DATED this 29 day of April, 1980

2 /s/ Louie Gorrano

3 LOUIE GORRANO

4 Attorney for Quinneth N. & Marie L. Mitchell

5 APPROVED this 10th day of ^{MAY} April, 1980.

7 GILBERT C. NORRIS

8 GILBERT C. NORRIS

9 District Judge

PROPOSED FINDING OF WATER RIGHTS - PAYETTE RIVER DRAINAGE

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: PAYETTE RIVER								
65-11262 VOL II Pg. 256	MITCHELL, QUINNETH N. & MITCHELL, MARIE L. ROUTE-2, 875 PIONEER AVE. EMMETT, IDAHO 83617 REMARKS: POINT OF RE-DIVERSION FROM GILL SLOUGH IN SWSE, S. 1, T 6N, R 2W.	11/10/1883	IRRIGATION	3/15 11/15	--- AFA -73 CFS <u>1.20</u>	LOT 7 S 6 T 6N R01W	NENE(9) SWNE(-3)(10) BENEFICIAL SENE(LOT 1)(13)(19) USE NWNE(3) S10 T 6N R02W *25* <u>41</u>	



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

2-22-95

PHILIP E. BATT
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

[Harold E. Barrett
1466 W. 12th St.
Emmett ID 83617]

Dear Claimant(s):

This office is presently processing the Notice of Claim(s) to a Water Right you submitted during the Snake River Basin Adjudication claims filing in your area. However, due to the items checked below, we cannot continue to process this claim(s). We are returning this claim(s) to you to complete items required that were incomplete on your claim form. **ONLY THE ITEMS CHECKMARKED IN THIS LETTER NEED COMPLETION. IF AN ITEM IS NOT CHECKMARKED, IT IS NOT PERTINENT TO THIS CLAIM(S).** Also enclosed is the receipt for the filing fee previously submitted with this claim(s).

_____ Fee - No fee received or inadequate fee received, fee due is _____.
(Filing fees, based on use(s) of water, were due on all claims filed)

_____ Late Notice of Claim - This claim was received on _____ which is after the deadline for filing claims in _____ County. The deadline for this County was _____, and the late fee now due is _____. The enclosed Late Fee Notice explains the late fee and how it is computed.

_____ Item No. 2 - Date of priority - month/day/year that water was first put to use, regardless of ownership. If month or day is unknown, the Dept. will recommend 12/31 of the year designated.

_____ Item No. 3 - Source of Water

_____ Item No. 4 - Point of Diversion - must be shown by quarter-quarter (40 acre tract), section, township and range. Lot and block for subdivision are not acceptable as the legal description for the point of diversion, however, please include this information in the remarks section of your claim. See page two of this letter for additional information.

_____ Item No. 6 - Uses of Water

_____ Item No. 9 - Non-Irrigation Uses

_____ Item No. 10 - Place of Use - must be listed by quarter-quarter (40 acre tract), section, township, and range. Lot and block for subdivision are not acceptable as the legal description for the place of use, however, please include this information in the remarks section of your claim. See page two of this letter for additional information.

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OCT 21 1996

Item No. 12 - Ownership of place of use - It appears that the places of use filed on this claim are owned by separate individuals. This claim form can only be used when the places of use are under single ownership, even when all the uses are from one source. Enclosed are claim forms to be used to file on each separately owned place of use. The claim being returned will need to be modified to show one owner, with the changes initialed and dated. The \$25 fee for this claim has been submitted, however, the additional claims returned need to submit a \$25 fee each.

Item No. 15 - Basis of Claim - Please designate if your water right is based on beneficial use of the water - Beneficial Use, or if it is based upon a previously filed water right - Posted Notice, License, Permit or Decree.

Item No. 16 - Signature - this claim form does require your signature be affixed and notarized by a notary public. Note, the notary public signs below the signature blocks listed in this item.

MAP ENCLOSED: Please mark the location of the well(s) and the location of the place(s) of use on this map. Then return the map with your claim and the additional information requested, if any. We can then determine the quarter-quarter(1/41/4) legal description based on the locations marked on this map.

✓ other: Please complete the enclosed form to show the change of ownership on the 3 notices of claim. The change of address form you completed does not clearly list the names of claimants.

Please complete the above item(s) on your claim form(s), initial and date any changes or additions, and return the claim(s), with the requested fee(if one was requested), to our office within 30 days from the date of this letter. If the claim(s), or fee requested, is not received within this 30-day period, the claim(s) will be rejected and your fee, if one was paid previously, will be refunded. Please contact our office listed in the address below, within the 30 day time period, either in writing or by phone, to let us know if there is a problem returning the claim(s), or fee, in order to keep this claim(s) valid. If the claim(s) is rejected and fee refunded, due to no response within the 30-days, the claim(s) can be resubmitted up until claims in this area are prepared for court decree. However, at that time the corrected claim(s) along with the regular filing fee that was refunded, and an additional late fee will be required. Please return your claim(s), any other claims, information or fees requested, if any, to the Department of Water Resources, Western Region Office, 2735 Airport Way, Boise, ID 83705.

Feel free to contact this office if you have any questions concerning this letter.

Sincerely,



Adjudication Staff
Department of Water Resources
Western Region Office
(208) 334-2190

MICROFILMED

OCT 21 1996

HHT:h

Enclosures

SPECIAL NOTE: IF YOU NO LONGER OWN THE PROPERTY UPON WHICH THIS CLAIM WAS FILED, PLEASE CONTACT THIS OFFICE IMMEDIATELY. IDAHO STATE LAW REQUIRES THAT THE DEPARTMENT BE NOTIFIED OF A CHANGE OF OWNER OR ADDRESS ON A WATER RIGHT.