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Documents

In File

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: A65-11344
Date Received: 12/13/1989
Receipt No: X999999
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: BILBREY DITCH CO. LTD. 208-365-2684
Address: C/O GAIL SPRINGER
2551 TOMS CABIN RD.
EMMETT, ID 83617

2. Date of Priority: JUN 01, 1967

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	02W	11		5	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	0.120		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
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11. Place of use in counties:

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

A65-11344

Page 1

Date: 12/14/89

SCANNED

AUG 25 2003

MICROFILMED

SEP 24 1992

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. No.

65 - 11344
65 - 11320

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

Please type or print clearly:

Name of Claimant(s) Bilbrey Ditch Co. Ltd.
% Gail Springer
2551 Toms Cabin Rd.
Emmett, Idaho 83417

Mailing Address
(include Zip Code) _____

Phone Number (208) 365 - 2684

SCANNED

AUG 25 2003

MICROFILMED

SEP 24 1992

12/16/2000

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

RIGHT NUMBER: 65-11344

NAME AND ADDRESS: BILBREY DITCH CO LTD
C/O GAIL SPRINGER
2551 TOMS CABIN RD
EMMETT, ID 83617

SOURCE: PAYETTE RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 0.12 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 20.01 CFS. COMBINED RIGHT
NOS.: 65-00034A, 65-00034X & 65-11320.

PRIORITY DATE: 06/01/1967

POINT OF DIVERSION: T06N R02W S11 LOT 5 NWSW Within GEM County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03-15 11-15	0.12 CFS

PLACE OF USE:

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 721 ACRES WHEN
COMBINED WITH ALL OTHER RIGHTS OF THE BILBREY DITCH COMPANY
LTD AND USED WITHIN THE PLACE OF USE DITCH COMPANY'S
BOUNDARIES IN A SINGLE IRRIGATION SEASON.

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

SCANNED

AJ5809NP
No. A65-11344

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 10/18/00
PAGE: 2

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	BILBREY DITCH CO LTD C/O GAIL SPRINGER 2551 TOMS CABIN RD EMMETT ID 83617 (208) 365-2684	06/01/1967	IRRIGATION	03-15 11-15	0.120 CFS	
TOTAL DIVERSION:					0.120 CFS	

Water Source: PAYETTE RIVER

Tributary to: SNAKE RIVER

Stage: DECREED

Point(s) of Diversion:

T06N R02W S11 Lot05(

NW SW

GEM County

POU County:

Remarks: GEN PLACE OF USE WITHIN LANDS OF BILBREY DITCH COMPANY.
SEE 65-0034X.

*Paul irr Co Rmk
KO 6*

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number: 65

Field Inspection Flag:
Presumption Flag:

*C18
SEE MAPS IN 34A*

*ADD: QNT E04 Rmk - TOTAL combined
rate of
diversion
20.01 cfs*

*Comb
rts
34A, 34X &
11320*

SCANNED

AUG 25 2003

WR5809NP
No. 65-11344

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 10/18/00
PAGE: 4

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
P	BILBREY DITCH CO. LTD. C/O GAIL SPRINGER 2551 TOMS CABIN RD. EMMETT ID 83617 (208) 365-2684	06/01/1967	IRRIGATION	03/15 11/15	0.120 CFS	
				TOTAL DIVERSION:	0.120 CFS	
C	BILBREY DITCH CO. LTD. C/O MARILYN MAGNUSON 5211 HWY. 52 EMMETT ID 83617					

Water Source: PAYETTE RIVER

Tributary to: SNAKE RIVER

Stage: DECREED

Point(s) of Diversion: T06N R02W S11 Lot 05()

GEM County

Pou County:

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):

65-00034A 65-00034X 65-00070A 65-00070X 65-02561 65-07179 65-07259 65-07845 65-07846 65-11320

Remarks: GEN PLACE OF USE WITHIN LANDS OF BILBREY DITCH COMPANY.
SEE 65-0034X.

Dates: App. Received: Priority Date: 06/01/1967
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: 65 Field Exam Fee:

Audit: 09/16/86 04/30/88 CONVERT 08/05/92 NAME-ADD

SCANNED

AUG 25 2003

NOTICE OF CLAIM

**TO A
TER RIGHT**

65-11344
I.D. No. _____ Map No. _____
3 _____ Fee Paid _____ Receipt No. _____

Bilbrey Ditch Company, Ltd
(Name of Claimant)

Telephone No. 365-4708

(1) Date of priority: (When was the water first applied to a beneficial use, or priority date of decreed, licensed or permit right) _____

6-1-1967

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water) Pavette River tributary to _____

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Quantity 10.12 Use I.rr. Period of Use From 3-15 To 11-15
(Cfb, GFD, A) (Domestic, irrigation, stock, etc.) (Mo., Day) (Mo., Day)
(Both dates inclusive)

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

(Both dates inclusive)

Quantity	Use	Period of Use From	To
(CFS, GPD, AF)	(Domestic, Irrigation, Stock, etc.)	(Mo., Day)	(Mo., Day)

Quantity _____ Use _____ Period of Use From _____ To _____

316 Quantity _____ Use _____ P
 (CPS, GPD, AF) (Domestic, Irrigation, stock, etc.)
~~270~~ AFA (4) 12 CPS .12 TOTAL QUANTITY CLAIMED.
 (CPS, GPD, AF)

(5) A) Point of Diversion: Give location of point where water is diverted from its source Lot 5 % _____ %
Sec. 11 Twp. 6N Rge. 3W B.M. gem County _____

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. Describe any changes in the system and give the date of the change.

(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.

T	R	SEC	NEX				NWK				SWX				SEX				TOTAL
			NEX	NWK	SWX	SEX	NEX	NWK	SWX	SEX	NEX	NWK	SWX	SEX	NEX	NWK	SWX	SEX	
					X														6
				C															
Appears in 65-00348 Sub A.P.																			

Total no. of acres 45 6

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

(8) Remarks (Place of Use are Lands Irrigated by Wilbrey Ditch Co.
See 65-0034)

(9) 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 previous statutory claim filed with the Idaho Department of Water Resources. Give No.

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.

(Date)

(Signature of Claimant)

State of _____ Organization _____
Country of _____ SS. _____
_____ Seal _____

(Signature of Spouse)

Organization CLM

William J. Lee
(Signature of Authorized Agent)

On this 13th day of March, in the year 1978 before me
a notary public, personally appeared James E. Lee 1316 W. 2nd St. St. Louis
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,
partner or co-partner in the above instrument, executed the same.

My commission expires _____

Notary Public residing at:

SCANNED

AUG 25 2003

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: 65-11344
DATE RECEIVED: 12-13-89
RECEIPT NO: X999999
RECEIVED BY: CA-----

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. NAME: BILSKEY DITCH CO. LTD.
ADDRESS: C/O MARILYN MAGNUSON
5211 HWY. 52
EMMETT, ID 83617

2. DATE OF PRIORITY: JUN 01, 1967

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	02W	11		5	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	0.120		

7. TOTAL QUANTITY APPROPRIATED IS:
0.120 C.F.S. (AND/OR)

A.F.A.

8. TOTAL CONSUMPTIVE USE IS ACRE FEET PER ANNUM.

9. NON-IRRIGATION USES:

10. PLACE OF USE:

TOWNSHIP	RANGE	SECTION	1/4 OF 1/4	LOT	USE	ACRES
----------	-------	---------	------------	-----	-----	-------

11. PLACE OF USE IN COUNTIES: GEM, GEM

12. DO YOU OWN THE PROPERTY LISTED ABOVE AS PLACE OF USE? YES

65-11344

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DATE: 10/28/89

8079

SCANNED

AUG 25 2003

MICROFILMED

SEP 24 1992

13. OTHER WATER RIGHTS USED:

14. REMARKS:

PLACE OF USE WITHIN LANDS OF BILBREY DITCH COMPANY.
SEE 65-0034X.

15. BASIS OF CLAIM: DECREE
CASE NUMBER:
COURT :
DECREE DATE: 1/21/1986

STATE OF IDAHO
DECREE PLAINTIFF

A & C CORP., ET AL.
VS DECREE DEFENDANT

MICROFILMED

SCANNED

SEP 24 1992

AUG 25 2003

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." (5.) 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: -1-

FOR INDIVIDUALS:

I/WE DO SOLEMNLY SWEAR OR AFFIRM THAT THE STATEMENTS CONTAINED IN THE FOREGOING DOCUMENT ARE TRUE AND CORRECT.

SIGNATURE OF CLAIMANT(S): _____ DATE: _____
_____ DATE: _____

FOR ORGANIZATIONS:

I DO SOLEMNLY SWEAR OR AFFIRM THAT I AM Secretary / Treas. OF
_____ TITLE
Billy Pichel Co. Ltd., THAT I HAVE SIGNED THE FOREGOING
ORGANIZATION
DOCUMENT IN THE SPACE BELOW AS Sec / Treas OF
_____ TITLE
Billy Pichel Co. Ltd. AND THAT THE STATEMENTS CONTAINED IN THE
ORGANIZATION
FOREGOING DOCUMENT ARE TRUE AND CORRECT.

Neil P. Spomer
SIGNATURE OF AUTHORIZED AGENT
Sec / Treas Billy Pichel Co. Ltd.
TITLE AND ORGANIZATION
12-13-89
DATE

STATE OF IDAHO)
COUNTY OF Ada) SS.
)

SUBSCRIBED AND SWORN (OR AFFIRMED) BEFORE ME THIS 13th DAY
OF December 19 89

Carter Fritschle
NOTARY PUBLIC

SEAL

RESIDING AT _____ MICROFILMED

MY COMMISSION EXPIRES _____ SEP 24 1992
DATE: 10/28/89 8081

65-11344

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Carter Fritschle, Notary Public
Residing at Eagle, Idaho
My Commission Expires March 21, 1994
AUG 25 2003



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.

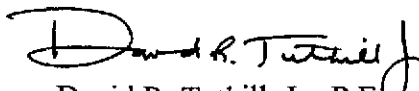
IDWR recognizes that in reliance on the non-irrigation season stockwater language in the Payette Adjudication, water users might not have filed stockwater claims in the SRBA to cover the non-irrigation season period. Individuals who historically watered livestock during the non-irrigation season without 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