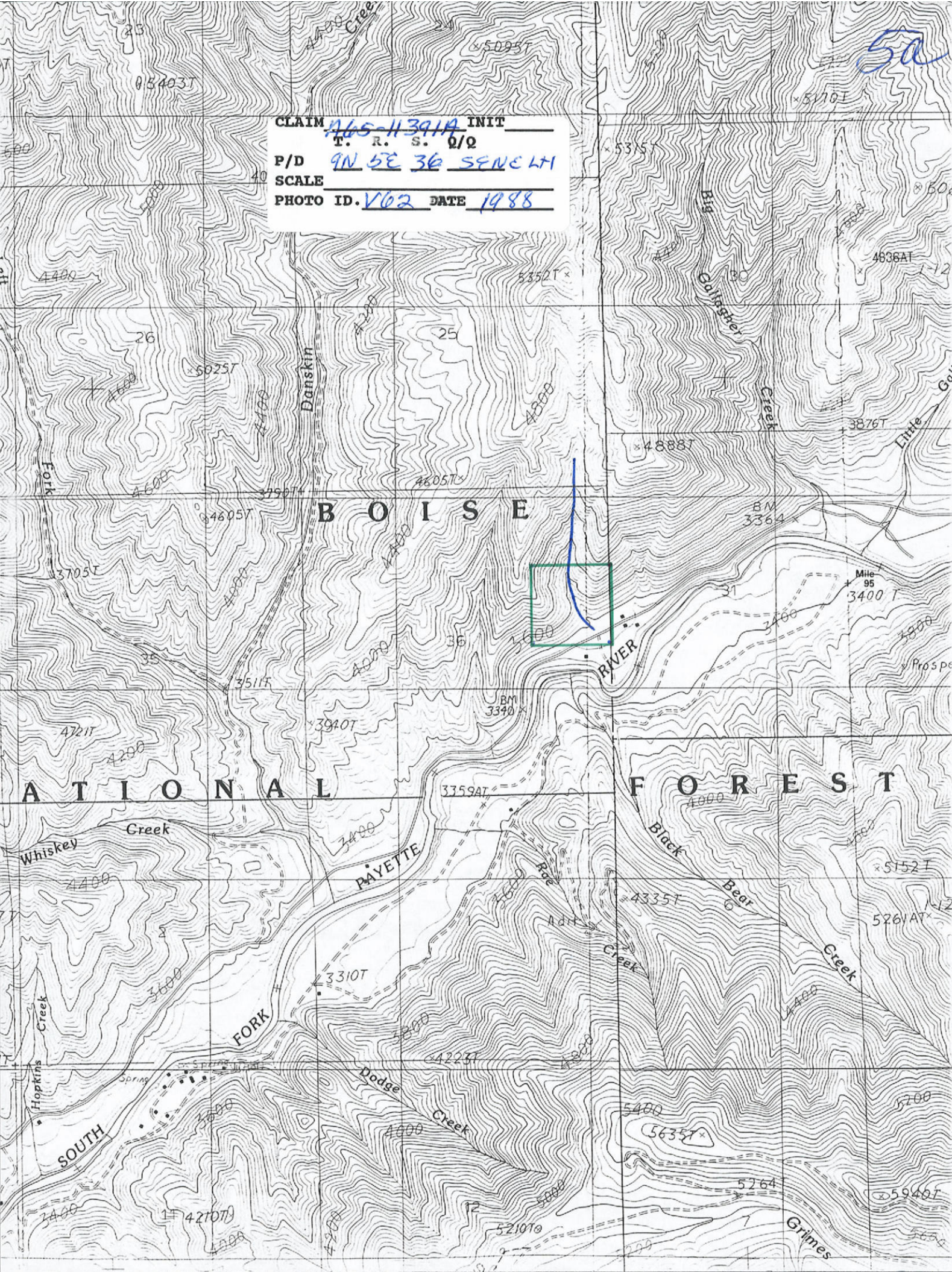


5a

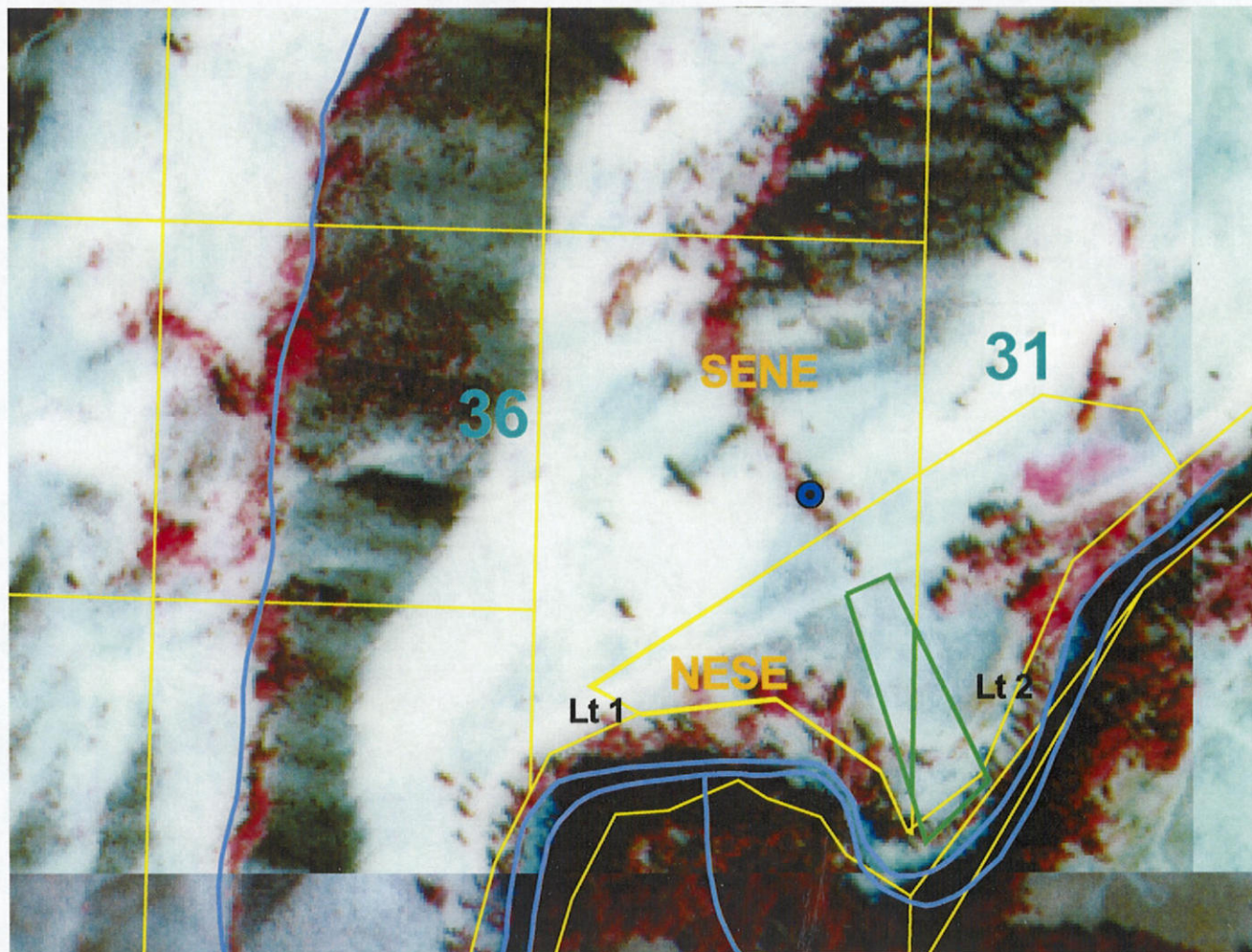


6b

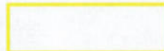
IDAHO DEPARTMENT OF WATER RESOURCES

T09N, R05E, S36

T09N, R06E, S31



1987 NAPP PHOTO

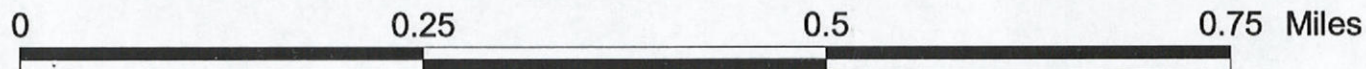
-  POINT OF DIVERSION
-  PLACE OF USE
-  1/4 1/4 LINES
-  SECTION LINES
- 6 ACRES
- 6 SECTION NUMBERS

CLAIM(S): 65-11391A

OWNER(S): ELAM

Prepared by Mel Schulte

DATE: DECEMBER 13, 1999

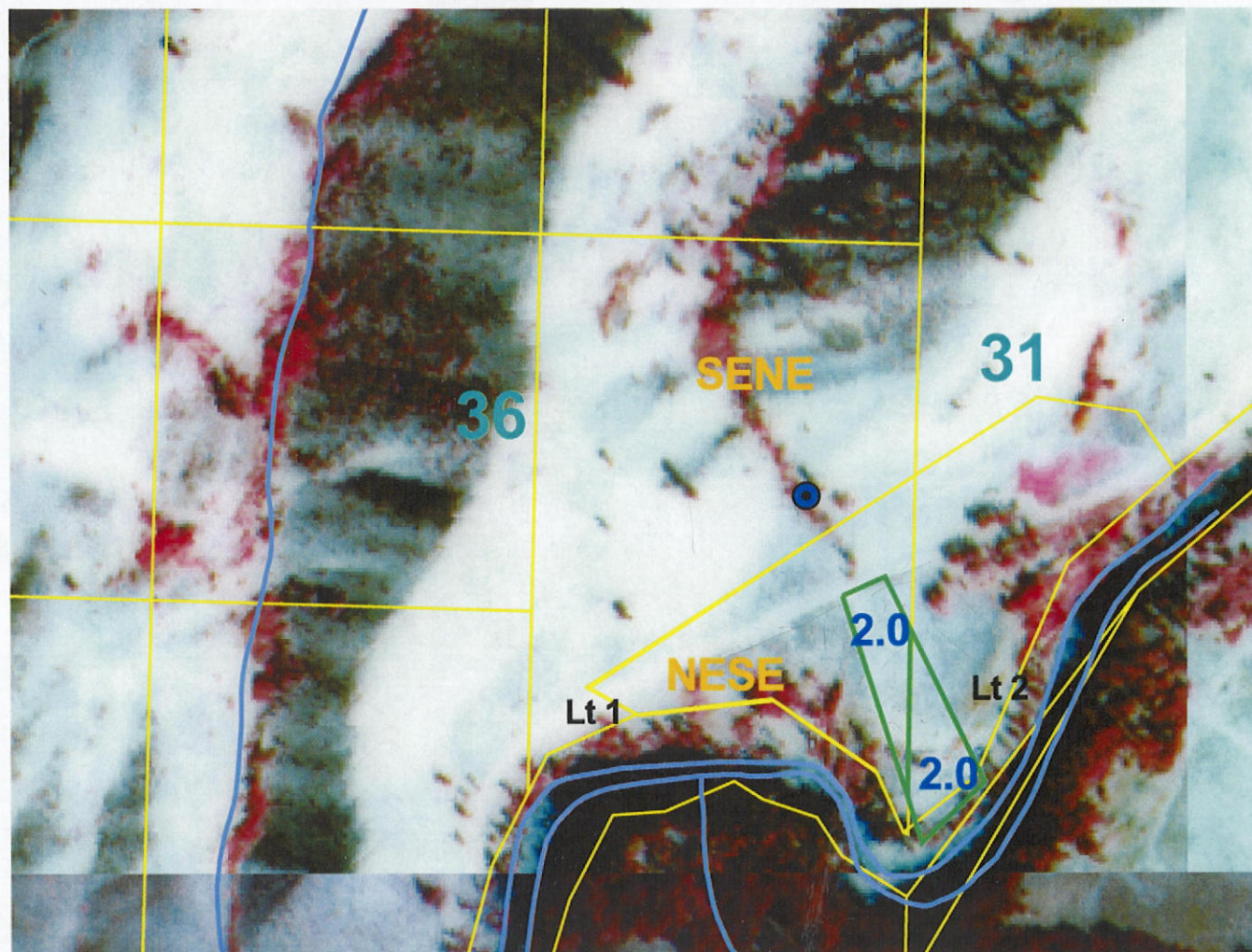
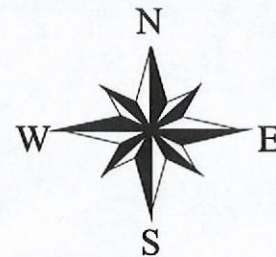


6c

IDAHO DEPARTMENT OF WATER RESOURCES

T09N, R05E, S36

T09N, R06E, S31



1987 NAPP PHOTO

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

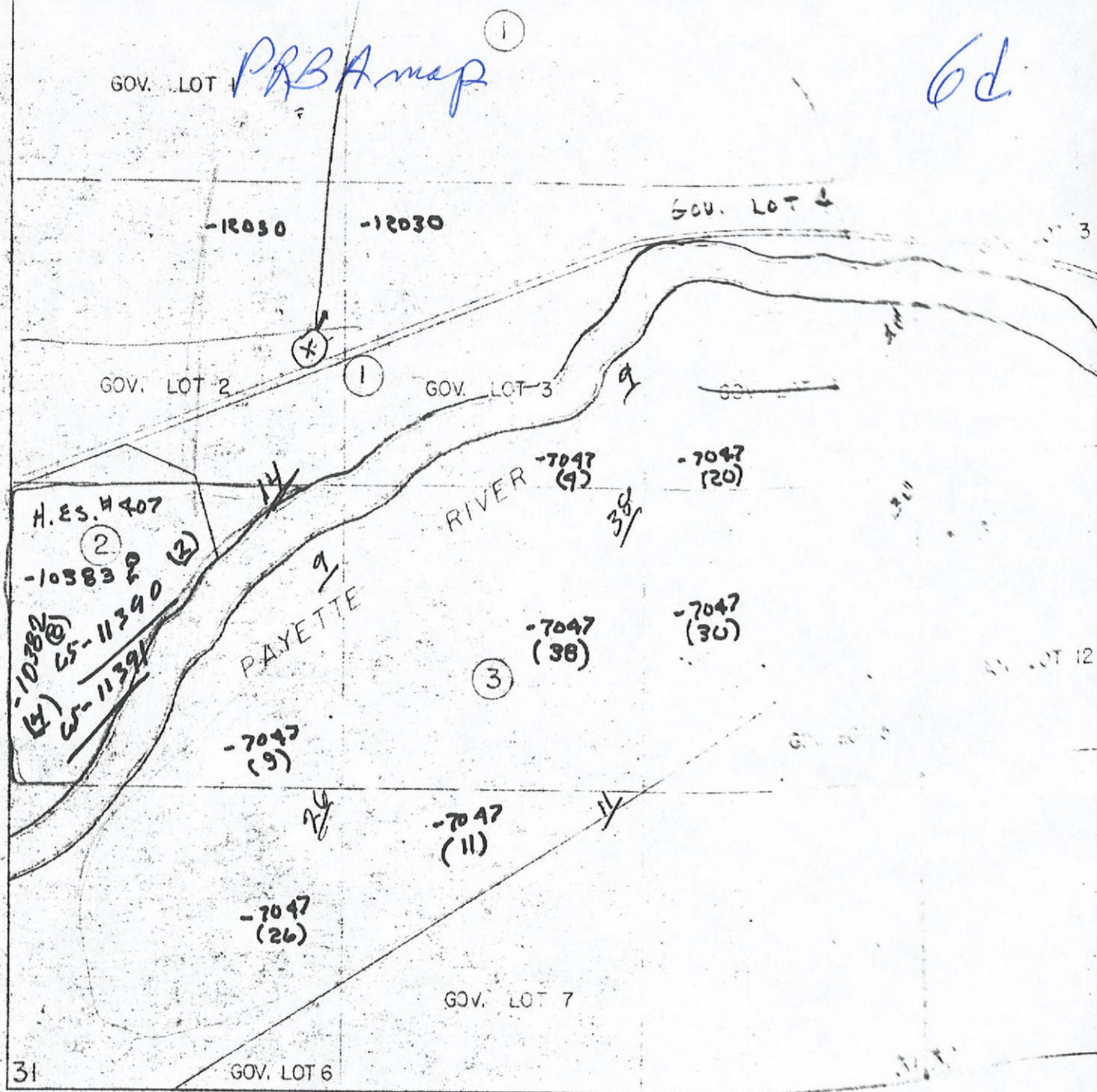
CLAIM(S): 65-11391A

OWNER(S): ELAM

Prepared by Mel Schulte

DATE: DECEMBER 13, 1999

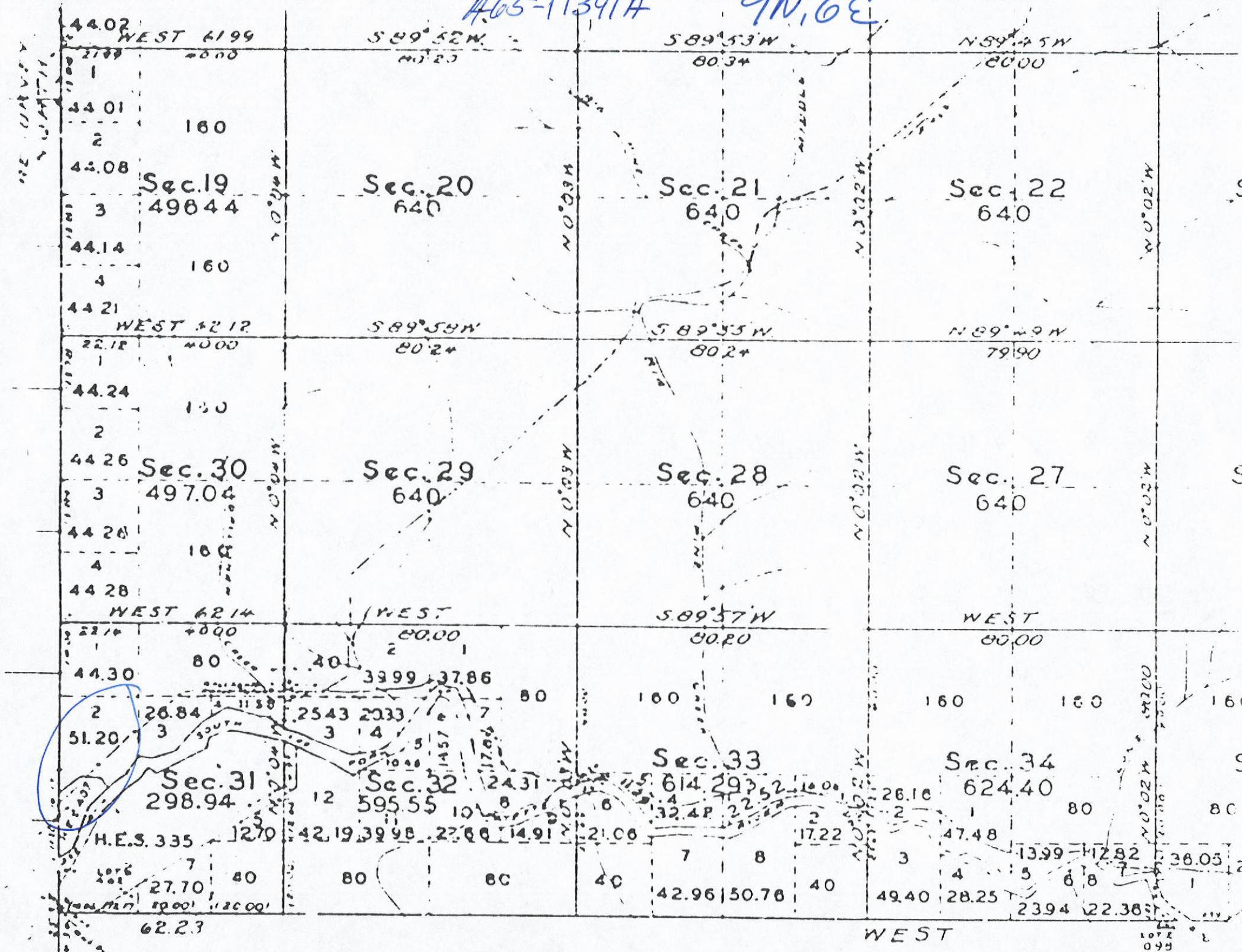




A.W. Josue 5A in 31

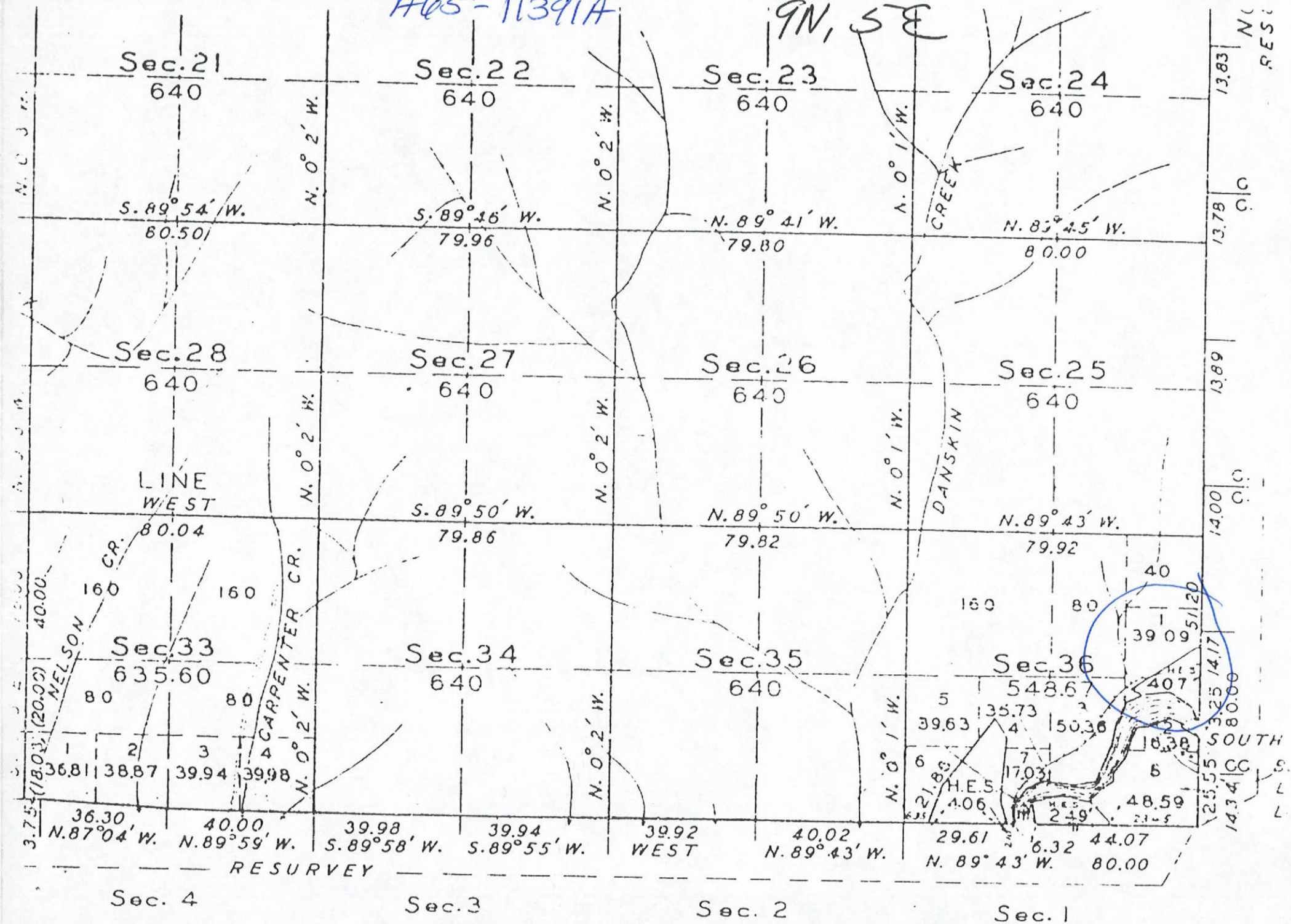
465-11391A

9N, 6E



A65-11391A

9N, 5E



James Mills

Field Examination

RTs 65-10383

7/20/82

65-10382

RSE

RGE

36 31

L1

T
9
N

2 P.D. 2

L1

.9

7.7

2.1
1.7
SOUTH Fork Payette
River

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: A65-11391A
Date Received: 3/01/1989
Receipt No: X999999
Received By: JP

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: BILLY ELAM 208-922-5571
Address: RT. 3
KUNA, ID 83634

AND/OR
Name: JOAN ELAM 208-922-5571
Address: RT. 3
KUNA, ID 83634

2. Date of Priority: MAY 21, 1916

3. Source: UNNAMED STREAM Trib. to: PAYETTE RIVER, SOUTH FORK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
09N	05E	36	SE	NE		1	BOISE

5. Description of diverting works:
CONCRETE DAM, PIPELINE TO PLACE OF USE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.090		
DOMESTIC	01/01	12/31	0.040		

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

8. Total consumptive use is 10.0 Acre Feet Per Annum.

9. Non-irrigation uses:
D/1 HOUSEHOLD

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
09N	05E	36		1	IRR	2.0
					Section Acres	2.0
	06E	31		2	IRR	2.0
					Section Acres	2.0
					Total Acres	4.0

11. Place of use in counties: BOISE

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

13. Other Water Rights Used:

A NEW WELL IS BEING COMPLETED FOR DOMESTIC USE

14. Remarks:

PROPERTY UNDER THIS WATER RIGHT IS A PART OF HOMESTEAD ENTRY
SURVEY #407

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

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: 2

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): *Jeff D. Elam* Date: 3-1-89

Date: _____

State of Idaho)
County of ADA) ss.

Subscribed and sworn (or affirmed) before me this 1ST day
of MARCH 19 89

Jeff Peppersack
Notary Public

Seal

Residing at _____

My Commission Expires _____

Jeff Peppersack, Notary Public
Residing at Boise, Idaho
My Commission Expires Nov. 8, 1994

05/30/2001

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

RIGHT NUMBER: 65-11391A

NAME AND ADDRESS: BILLY ELAM
JOAN ELAM
301 WALNUT AVE
KUNA, ID 83634

SOURCE: UNNAMED STREAM TRIBUTARY: SOUTH FORK PAYETTE RIVER

QUANTITY: 0.09 CFS

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

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

USE OF THIS RIGHT WITH RIGHT NO. 65-22500 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF .09 CFS.

PRIORITY DATE: 05/21/1916

POINT OF DIVERSION: T09N R05E S36 LOT 1 SENE Within BOISE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	4-01 11-01	0.09 CFS
DOMESTIC	1-01 12-31	0.04 CFS

PLACE OF USE:

IRRIGATION Within BOISE County
T09N R05E S36 LOT 1 NESE 2 T09N R06E S31 LOT 2 NESW 2
DOMESTIC Use same as IRRIGATION
4 ACRES TOTAL

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

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

RIGHT NO. 65-11390 IS ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE



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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

May 4, 2001

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

February 3, 2000

**NOTICE OF ERROR
REPLY**

RECEIVED

FEB 25 2000

Department of Water Resources

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: March 3, 2000

RECEIVED

FEB 25 2000

WATER RESOURCES
WESTERN REGION

Water right number: 65-11391A

BILLY ELAM
JOAN ELAM
RT 3
KUNA ID 83634

Daytime Telephone Number:

Evening Telephone Number:

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:

☒ I AGREE with this proposed recommendation; no changes need to be made.

DATE: 2/24/00 SIGNATURE: Billy L. Elam
Please print your name: Billy L Elam

AJ0749NP
No. R65-11391A

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

DATE: 12/13/99
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	BILLY ELAM	05/21/1916	IRRIGATION	04-01 11-01	0.090 CFS	
C	JOAN ELAM		DOMESTIC	01-01 12-31	0.040 CFS	
	RT 3					
	KUNA ID 83634					
	(208) 922-5571			TOTAL DIVERSION:	0.090 CFS	

Water Source: UNNAMED STREAM

Tributary to: PAYETTE RIVER, SOUTH FORK

Stage: DECREED

Point(s) of Diversion: T09N R05E S36 Lot01(SENE)

BOISE 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			
09N	05E	36	:					:					:					:	01-02					:	2.0
09N	06E	31	:					:					:	02-02				:						:	2.0
TOTAL ACRES																							4.0		

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

POU County: BOISE

Non-Irrigation Uses: 1 HOME

Conditions of Approval:

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

Remarks: QNT THIS RIGHT SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE AT THE
FIELD HEADGATE.

EXP RIGHT NO. 65-11390 IS ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE.

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

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

AJ0749NP
No. R65-11391A

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

DATE: 12/13/99
PAGE: 2

=====

Comments: Date: 12/13/1999 User-ID: MSCHULTE Subject: COPIED FROM REMARKS
PROPERTY UNDER THIS WATER RIGHT IS A PART OF HOMESTEAD ENTRY
SURVEY #407

Date: 12/13/1999 User-ID: MSCHULTE Subject: DELIVERY LOSS
THE DIVERSION RATE IN EXCESS OF .02 CFS PER ACRE IS FOR DELIVERY
LOSS AS PROVIDED IN THE PAYETTE RIVER BASIN ADJUDICATION.

Audit: 12/13/99 MSCHULTE

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

13:19:37
12/13/99
32

PAGE: 17
PROFILE REPORT

CLAIM NUMBER: A65-11391A

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	BILLY ELAM	05/21/1916	IRRIGATION	04-01 11-01	0.090 CFS	
C	JOAN ELAM		DOMESTIC	01-01 12-31	0.040 CFS	
TOTAL DIVERSION:					0.130 CFS	
~~CONSUMPTIVE USE:~~						~~40.00 AFA~~

Water Source: UNNAMED STREAM

Tributary to: PAYETTE RIVER, SOUTH FORK

Stage: DECREED

Point(s) of Diversion: T09N R05E S36 Lot01(SENE)

BOISE County

Lots Without 1/4 1/4 Description: IRRIGATION

09N 05E 36	01-02	NESE	2.0
09N 06E 31	02-02	NQSW	2.0

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

POU County: BOISE

Non-Irrigation Uses: D/1 HOUSEHOLD

Other Rights: A NEW WELL IS BEING COMPLETED FOR DOMESTIC USE

Remarks: GEN PROPERTY UNDER THIS WATER RIGHT IS A PART OF HOMESTEAD ENTRY
SURVEY #407

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number: 65

Field Inspection Flag:
Presumption Flag:

N10 E N12

QNT E28

Delwey loss

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

13:19:03
12/13/99

PAGE: 16
QUICKLOOK INFORMATION

31
CLAIM NUMBER: A65-11391A

WR ELEMENT	DATA DISCREPANCY Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	ELEMENT DOCUMENTED WHOM/DATE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE			MS In office 12-13-99	N		MS 12-13-99	MS 12-13-99	
POINT OF DIV				N				
SOURCE				N				
PLACE OF USE	Y			N				
DIV. AMOUNT CFS/VOLUME	Y			N				
CONSUMPTIVE USE	-			Y				
PURPOSES OF USE				N				
PERIOD OF USE				N				
BASIS OF CLAIM	Y			N				
REMARKS	Y			Y				

BARCODE UPDATED
WHOM/DATE

MAPS AND AERIAL PHOTOGRAPHS USED TO REVIEW THIS NOTICE OF CLAIM TO A WATER RIGHT

TYPE OF MAP OR PHOTOGRAPH (CHECK IF USED)	IF USED, SUPPLY APPROPRIATE DATE AND OTHER INFORMATION	COPY INCLUDED IN FILE?
() ORTHOPHOTOQUAD	DATE OF PHOTO _____ IDWR ID NO. _____	Y() N()
() TOPOGRAPHIC	DATE FIELD CHECKED <u>1988 map</u> IDWR ID NO. <u>162</u>	Y() N() <u>5a</u>
() NAPP <u>GIS maps (2)</u>	DATE OF PHOTO <u>1987 12-13-99</u> IDWR ID NO. _____	Y() N() <u>6b 26c</u>
() ASCS AERIAL PHOTO	DATE OF PHOTO _____	Y() N()
() ASCS COLOR SLIDE	DATE OF PHOTO _____	Y() N()
() BLM OR USFS AERIAL PHOTO	DATE OF PHOTO _____	Y() N()
() TOWNSHIP SURVEY (GOVERNMENT PLAT)	DATE OF SURVEY _____	Y() N() <u>6e x 6A</u>
() SCS SOIL SURVEY MAP	DATE ISSUED _____	Y() N()
() SUBDIVISION PLAT MAP	DATE OF MAP _____	Y() N()
() OTHER <u>GIS Table</u>	DATE <u>12-13-99</u>	Y() N() <u>6e</u>
() OTHER <u>PBBA map</u>	DATE _____	Y() N() <u>6d</u>
() OTHER <u>Page from decree</u>	DATE <u>3-2-79</u>	Y() N()

LIST OF ATTACHMENTS (CHECK IF ATTACHED)	IF ATTACHED, SUPPLY APPROPRIATE INFORMATION	NO. OF PAGES	NOTES
() LICENSING FIELD EXAM	DATE OF FIELD EXAM _____	_____	_____
() WATER RIGHT LICENSE	DATE LICENSE SIGNED _____	_____	_____
() IDWR APPROVED TRANSFER	DATE TRANSFER APPROVED _____	_____	_____
() SYSTEM DESCRIPTION	DATE DRAWN _____	_____	_____
() PHOTOGRAPHS	DATE(S) PHOTOS TAKEN _____	_____	_____
() SPLIT RIGHT REVIEW	DATE REVIEW COMPLETED _____	_____	_____
() HUBBLE ANALYSIS	DATE ANALYSIS COMPLETED _____	_____	_____
() CONVEYANCE LOSS ANALYSIS	DATE ANALYSIS COMPLETED _____	_____	_____
() FLOW MEASUREMENT CALCULATIONS	DATE SYSTEM MEASURED _____	_____	_____
() OTHER _____	DATE _____	_____	_____
() OTHER _____	DATE _____	_____	_____

WR5809NP
No. 65-11391

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 12/13/99
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	JAMES M. MILLS BRUNEAU ID 836040000	05/21/1916	IRRIGATION DOMESTIC	04/01 11/01 01/01 12/31	0.180 CFS 0.040 CFS	1.20 AFA
TOTAL DIVERSION:					0.180 CFS	1.20 AFA

Water Source: UNNAMED STREAM

Tributary to: PAYETTE RIVER, SOUTH FORK

Stage: BENEFICIAL USE

Point(s) of Diversion: T09N R05E S36 Lot 01()

BOISE County

Lots Without 1/4 1/4 Description: IRRIGATION

09N 05E 36 02-01

1.0

09N 06E 31 01-07

7.0

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

Pou County:

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
65-10382 65-11390

Dates:	App. Received:	Priority Date:	05/21/1916
	Proof Due Date:	Proof Made Date:	
	Exam Made Date:	Exam Sent to S.O.:	
	Licensed Date:		

Misc: Water District Number: 65 Field Exam Fee:

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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

13:19:03
12/13/99

PAGE: 1
GENERAL INFORMATION

16
CLAIM NUMBER: A65-11391A

LAST: MILLS FIRST: JAMES M
ADDRESS:
CITY: BRUNEAU STATE: ID ZIP: 836040000
PHONE NUMBER: 208-000-0000

OWNER CODE: 0

LAST: ELAM FIRST: BILLY
ADDRESS: RT 3
CITY: KUNA STATE: ID ZIP: 83634
PHONE NUMBER: 208-922-5571

OWNER CODE: C

LAST: ELAM FIRST: JOAN
ADDRESS: RT 3
CITY: KUNA STATE: ID ZIP: 83634
PHONE NUMBER: 208-922-5571

OWNER CODE: C

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

DATABASE
Y

FIELD
EXAMINER
Y() N()

CLAIM REMARKS: GEN PROPERTY UNDER THIS WATER RIGHT IS A PART OF HOMESTEAD ENTRY
SURVEY #407

CONTACT PERSON: _____

PHONE NUMBER: (____) ____-____

DATE OF FIELD EXAM: ____/____/____

APPOINTMENT MADE: Y(____) N(____)

TIME: ____:____ A(____) P(____)

ACCOMPANIED BY: _____

PHONE NUMBER: (____) ____-____

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / NOTES:

*In office exam 12-13-99. This claim is described
as a split from 65-10391 but the base right
has not been claimed and there are no other
splits at this time.*

A. AJ CLAIM: # A65-11391A PRIORITY DATE: 05-21-1916 STAGE: D

B. WR RECORD: # 65-11391 PRIORITY DATE: 05-21-1916 STAGE: J

C. CAN THE PRIORITY DATE CLAIMED BE CONFIRMED BY A DECREE OR LICENSE? Y(☒) N(☐)

D. HAS THERE BEEN A LATER COURT DECREE OF THE WATER RIGHT(S) FROM THIS WATER SOURCE? Y(☐) N(☒)

E. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE?
(IF YES, DESCRIBE BELOW) Y(☐) N(☒)

F. IF THIS CLAIM IS BASED ON A PERMIT, WHERE IS THE PERMIT IN THE LICENSING PROCESS?

PROOF OF BENEFICIAL USE SUBMITTED

N/A(☒) Y(☐) N(☐)

FIELD EXAM COMPLETED

N/A(☒) Y(☐) N(☐)

FIELD EXAM SENT TO STATE OFFICE

N/A(☒) Y(☐) N(☐)

LICENSE ISSUED

N/A(☒) Y(☐) N(☐)

* IF THE PERMIT WILL NOT BE LICENSED PRIOR TO THE DIRECTOR'S REPORT,
USE CONDITION CODE A01 AND RECOMMEND AS PERMITTED.

G. IF THIS CLAIM IS BASED ON BENEFICIAL USE, IS ADDITIONAL EVIDENCE
OF THE PRIORITY DATE REQUIRED? N/A(☒) Y(☐) N(☐)

* FOR CLAIMS BASED ON BENEFICIAL USE, DESCRIBE THE EVIDENCE OF PRIORITY SUBMITTED,
INCLUDING THE ANALYSIS OF THE EVIDENCE.

H. IS THE STAGE OF THE CLAIM CODED CORRECTLY? Y(☒) N(☐)

NOTES:

Recommended as decreed in the PRBA.

=====

RECOMMENDED PRIORITY DATE:

05-21-1916
REVIEWED BY *Meel Schulte*

DATE *12-13-1999*

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NUMBER
A65-11391A	09N	05E	36		SE	NE	1		BOISE		

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
A65-11390 NONE

WR RECORDS IN SAME 40 ACRE TRACT
NONE

SOURCE: UNNAMED STREAM

TRIB: PAYETTE RIVER, SOUTH FORK

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NUMBER
65-11391	09N	05E	36				1		BOISE		

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX

65-10382
65-11390

NONE NONE

SOURCE: UNNAMED STREAM

TRIB: PAYETTE RIVER, SOUTH FORK

C. IS THE CLAIMED POD WITHIN THE SAME 40 ACRE TRACT THAT IS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y(☒) N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POD, DESCRIBE THE INJURY
ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

D. CAN THE CLAIMED POD BE VERIFIED USING THE WATER RIGHT FILE OR GPS DATA? N/A() Y(☒) N()

E. SHOULD THE CLAIMED POD BE VERIFIED BY FIELD EXAM? Y() N(☒)

F. IS THE CLAIMED SOURCE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y(☒) N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN SOURCE, DESCRIBE THE INJURY
ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

G. CAN THE CLAIMED SOURCE BE VERIFIED USING THE WATER RIGHT FILE? Y(☒) N()

H. SHOULD THE CLAIMED SOURCE BE VERIFIED BY FIELD EXAM? Y() N(☒)

I. HOW WAS THE POD AND SOURCE VERIFIED?

LICENSING FIELD EXAM (DATE OF FIELD EXAM _____) Y() N(☒)

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

OTHER (DESCRIBE IN NOTES BELOW)

NOTES: Recommended as claimed in the PRBA. The source
was verified on topo map V62.

=====

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

TWP. 09N	RGE. 05E	SEC. 36	1/4	1/4 SE	1/4 NE	LOT 1	POD FLAG	COUNTY BOISE	DIVERSION NAME	DIVERSION NBR
___	___	___	___	___	___	___	___	___	_____	_____
___	___	___	___	___	___	___	___	___	_____	_____
___	___	___	___	___	___	___	___	___	_____	_____
___	___	___	___	___	___	___	___	___	_____	_____
___	___	___	___	___	___	___	___	___	_____	_____
___	___	___	___	___	___	___	___	___	_____	_____

SOURCE: UNNAMED STREAM

TRIB: PAYETTE RIVER, SOUTH FORK

REVIEWED BY:

Meel Schutte

DATE:

12-13-99

=====

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

CLAIM NO. 113014 INIT

T. R. S. 6/8

P/D 9N 5E 36 SENE LT 1

40
SCALE

PHOTO ID. V62 DATE 1988

BOIS E

ATLIONAL

FOREST

Whiskey Creek

ETTE

Black - Be...

Creek.

Creek

Topkins

HLAOS

FORK

مجلس

Creek

Grimes

A. ROOT WATER RIGHT NUMBERS: A65-11391A

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
09N	05E	36			1	ELAM, BILLY	A65-11391A /	2.0	-	/	
			SE	NE	1	PARKS, DONALD J	A65-11390 /	2.0	-	/	
			SE	NE	1	PARKS, DONALD J.		65-11390	/	2.0	
			SE	NE	1	JENKINS, RICHARD L		65-12983	/	1.0	2
09N	06E	31			2	ELAM, BILLY	A65-11391A /	2.0	-	/	
			SE	NW	2	JENKINS, RICHARD L	A65-12406 /		-	/	
			SE	NW	2	JENKINS, RICHARD	A65-12562 /	5.0	-	/	
			SE	NW	2	JENKINS, RICHARD L	R65-12406 /		-	/	
			SE	NW	2	JENKINS, LINDA	R65-12562 /	5.0	-	/	
			NE	SW	2	MILLS, JAMES M	A65-10383 /	2.0	-	/	
			SW	NW	2	MILLS, JAMES M.		65-10382	/	8.0	
			SW	NW	2	MILLS, JAMES M.		65-10383	/	2.0	
			SE	NW	2	JENKINS, RICHARD L.		65-12406	/		
			SE	NW	2	JENKINS, RICHARD		65-12562	/	3.5	
			NE	SW	2	JENKINS, RICHARD L		65-12983	/	4.0	2

ADDITIONAL POU FOUND

TOTAL ACRES A65-11391A

4.00

POU COUNTY: BOISE

4

WESTERN REGION

6a

OWNER (S):

Elam

CLAIM NUMBERS:

A65-11391A

AGENT: MEL SCHULTE

DATE 12-13-99

RIGHT NO				NE				NW				SW				SE			
	TNS	RNG	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
	9N	5E	36													4 1/2			
		6E	31																

4

POLYGON CREATED ON 330

POLYGON # () () () () () UPDATED BY MTS 12-27-99

ATTRIBUTES OF B65-POU.SHP (1524) () () () ()

ATTRIBUTES OF B65-POD.SHP (1529) () () () ()

☒ B65-DBPOU.DBF UPDATED BY MTS

☒ B65-DBPOD.DBF UPDATED BY MTS

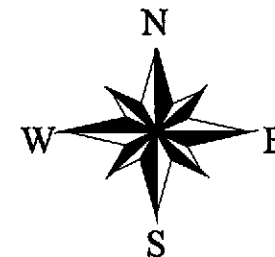
NOTES:

6b

IDAHO DEPARTMENT OF WATER RESOURCES

T09N, R05E, S36

T09N, R06E, S31



1987 NAPP PHOTO

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

CLAIM(S): 65-11391A

OWNER(S): ELAM

Prepared by Mel Schulte

DATE: DECEMBER 13, 1999

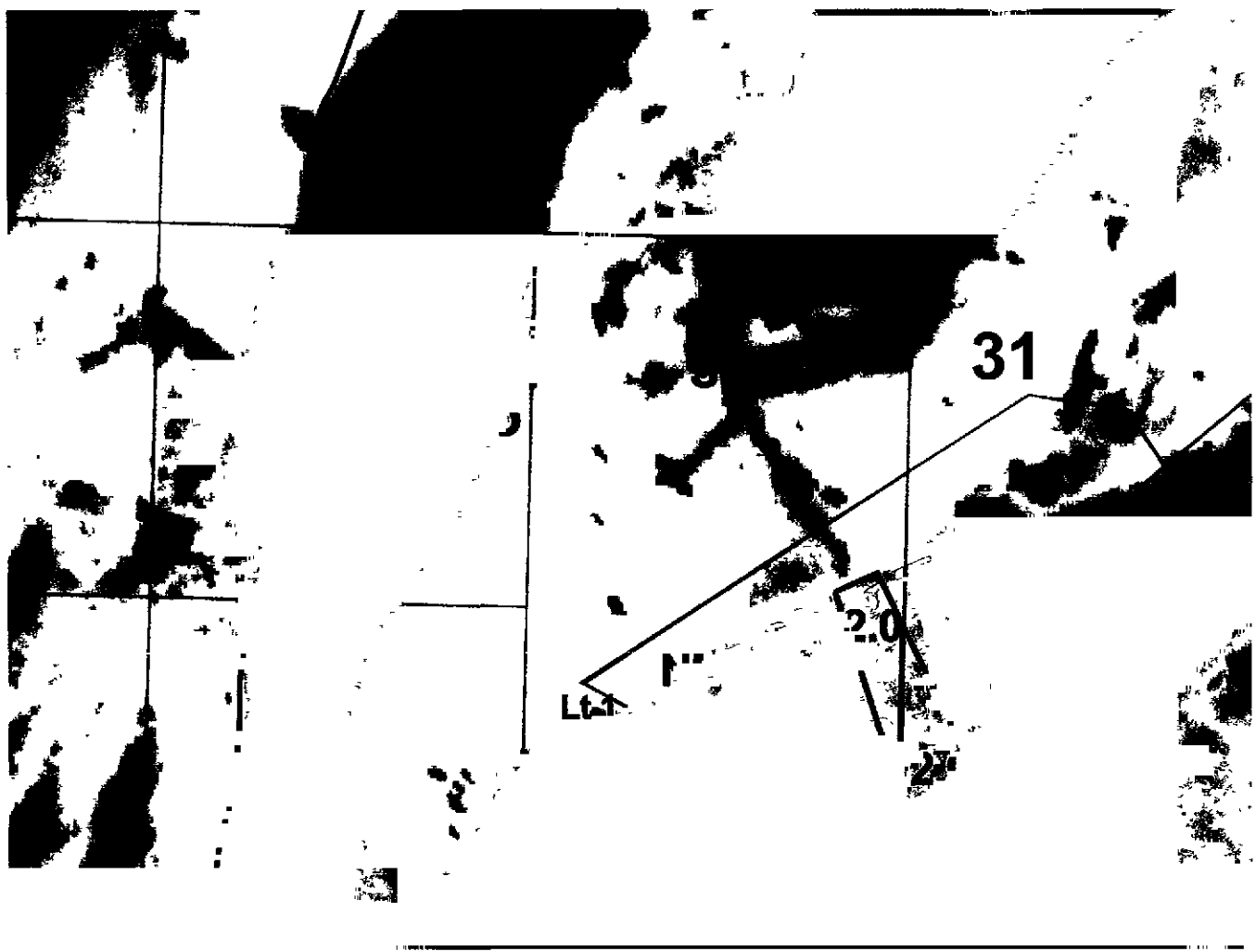
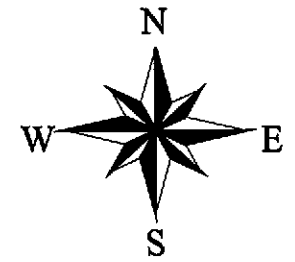


6c

IDAHO DEPARTMENT OF WATER RESOURCES

T09N, R05E, S36

T09N, R06E, S31



1987 NAPP PHOTO

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

CLAIM(S): 65-11391A

OWNER(S): ELAM

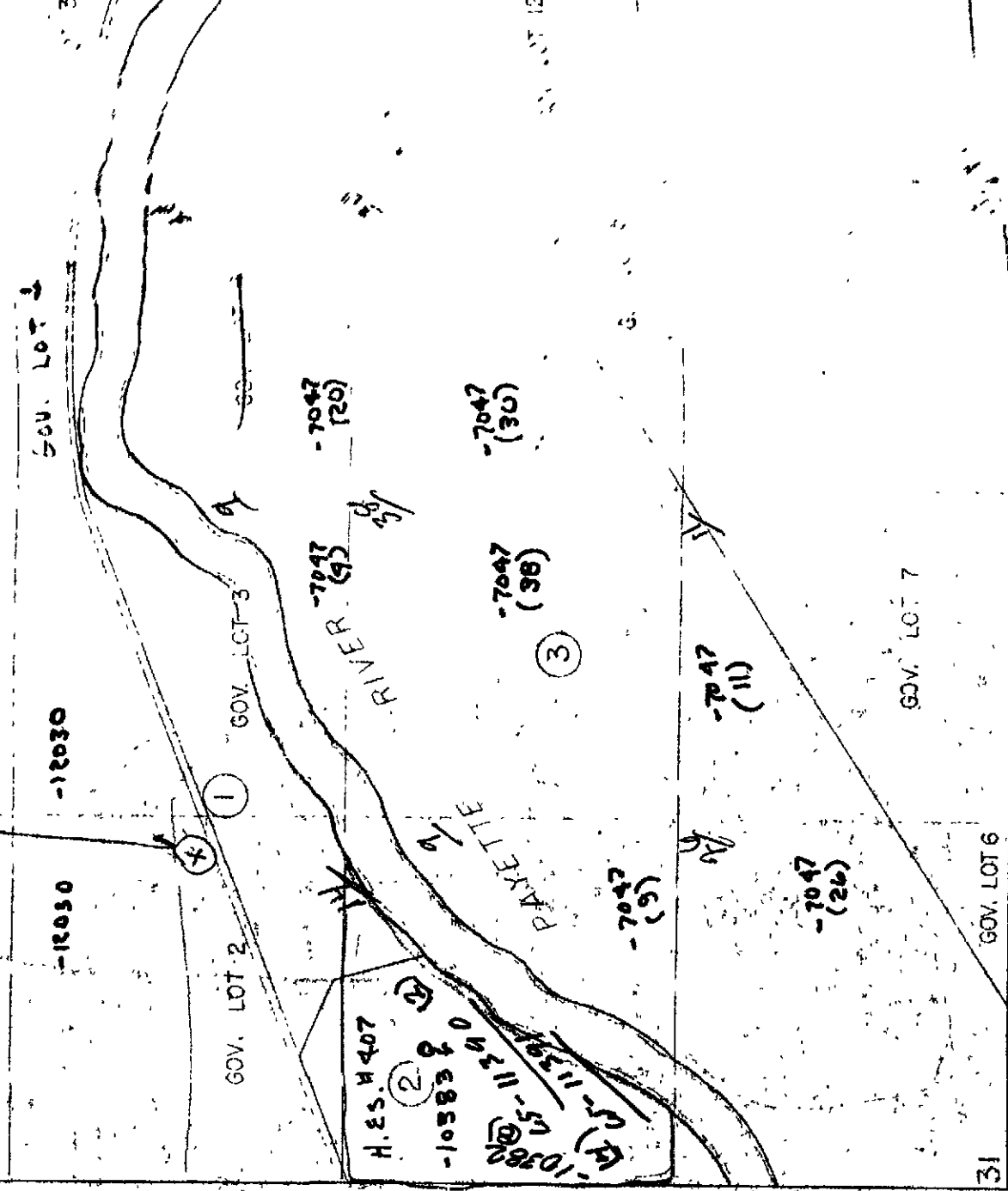
Prepared by Mel Schulte

DATE: DECEMBER 13, 1999



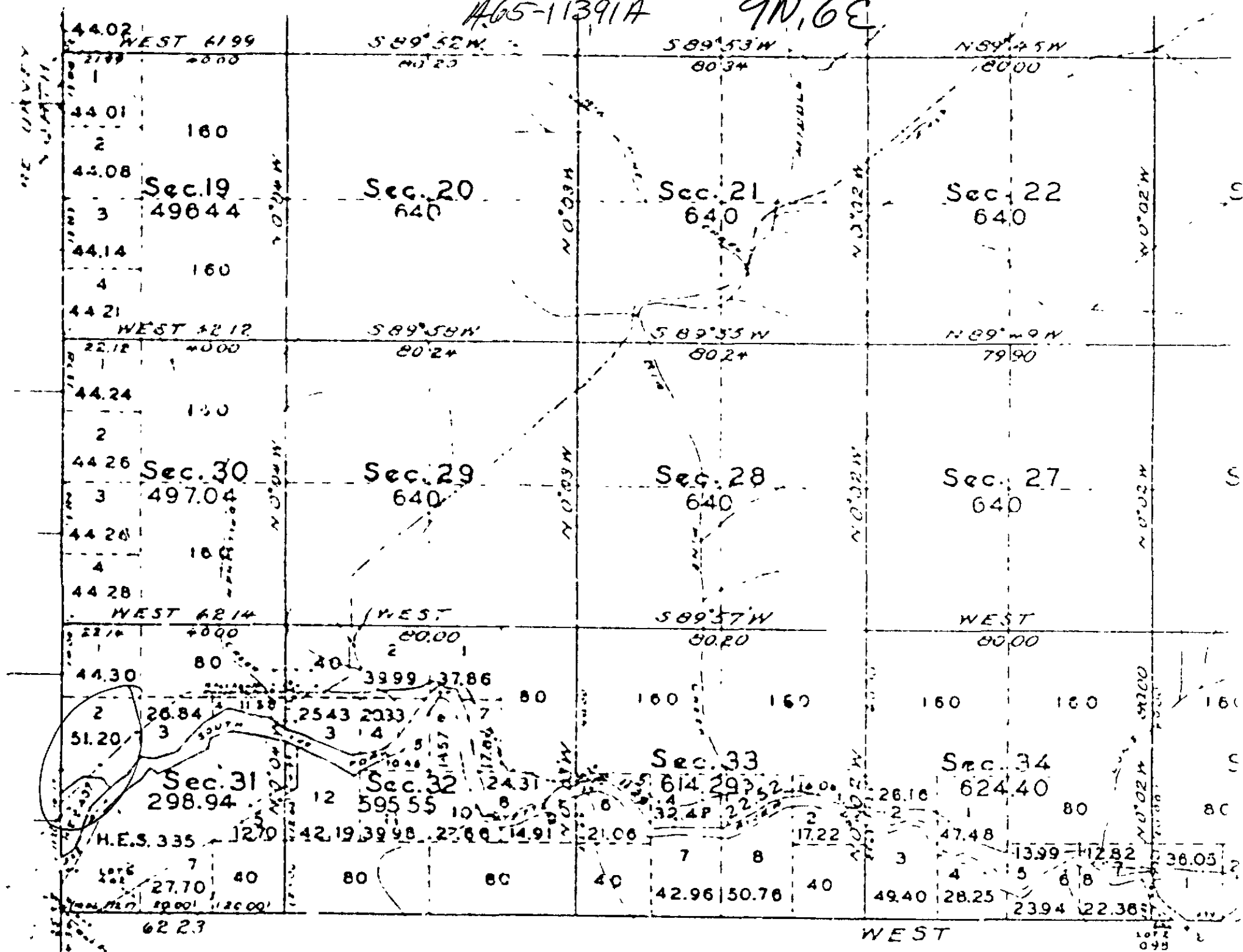
GOV. LOT 1
PRB map

6d



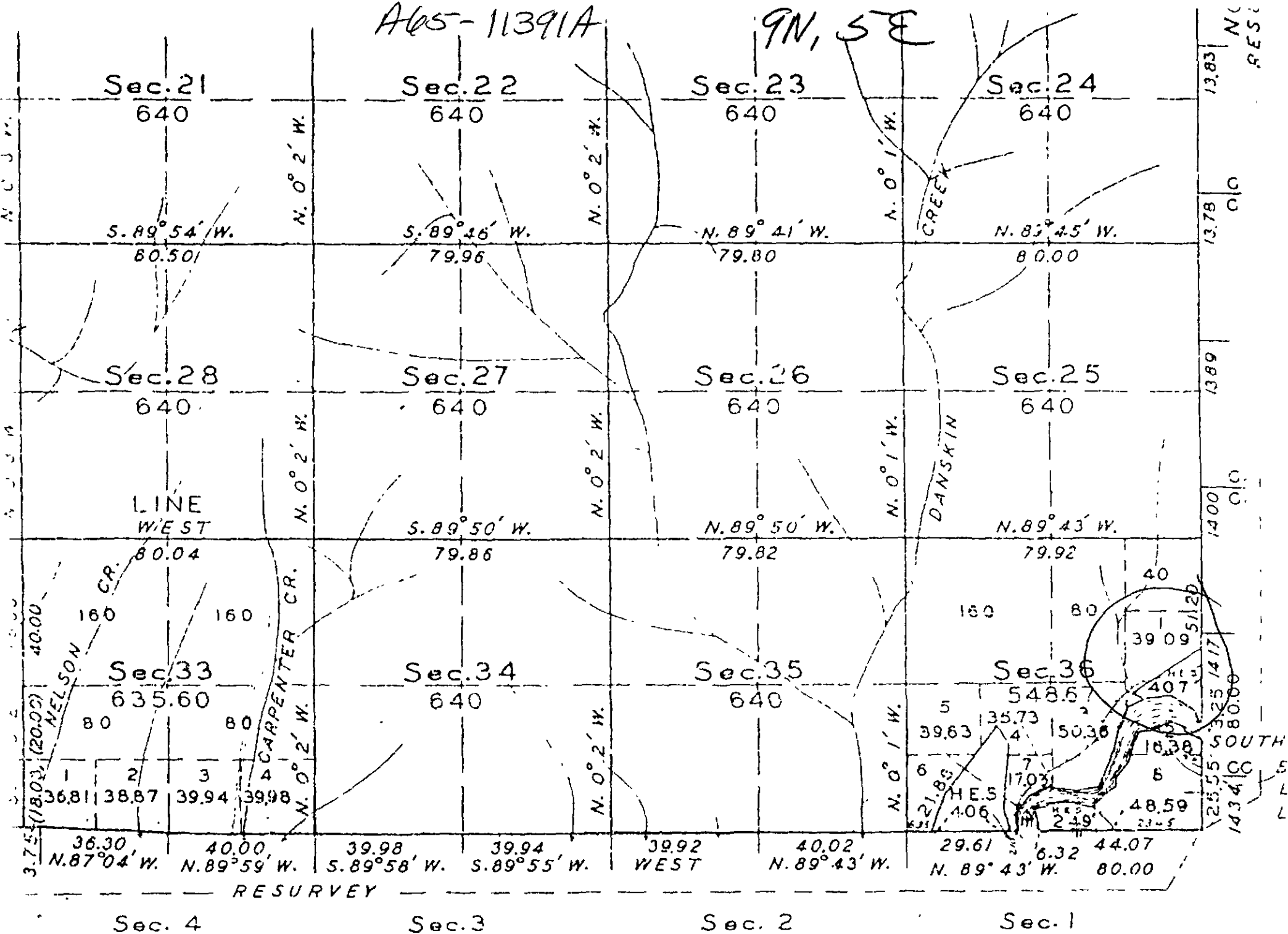
A.W. Josine 5A in 31

9N, 6E



A65-11391A

9N, 5E



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

Y() N(☒)

* IF YES, ARE THESE TRACTS LISTED ABOVE (), OR ARE THEY LISTED ON AN ATTACHED SHEET ()

LIST OF ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE

CLAIM NO.	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A65-11391A	UNNAMED STREAM	ELAM, BILLY	0.130	0.032		
A65-10383	SPRINGS	MILLS, JAMES M	0.040	0.020	1.20	0.60
A65-11390	UNNAMED STREAM	PARKS, DONALD J	0.020	0.010	1.20	0.60
R65-12562	GROUNDWATER	JENKINS, LINDA	0.230	0.046		
A65-12562	GROUNDWATER	JENKINS, RICHARD	0.230	0.046		

LIST ALL RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION.

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A65-11391A	DOMESTIC	ELAM, BILLY	FROM 01-01 TO 12-31	0.040 CFS	
A65-12406	DOMESTIC	JENKINS, RICHARD L	FROM 01-01 TO 12-31	0.040 CFS	1.20 AF/A
A65-12562	DOMESTIC	JENKINS, RICHARD	FROM 01-01 TO 12-31	0.080 CFS	
R65-12406	DOMESTIC	JENKINS, RICHARD L	FROM 04-15 TO 10-15	0.040 CFS	1.20 AF/A
R65-12562	DOMESTIC	JENKINS, LINDA	FROM 01-01 TO 12-31	0.080 CFS	

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

Y() N(☒)

* IF YES, COMPLETE OVERLAP REVIEW:

OTHER RIGHTS LISTED IN CLAIM: A NEW WELL IS BEING COMPLETED FOR DOMESTIC USE

E. IS THE CLAIMED POU THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A() Y(☒) N(☒)

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POU, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

F. CAN THE CLAIMED POU BE VERIFIED USING THE WATER RIGHT FILE AND AVAILABLE AERIAL PHOTOS?

N/A() Y(☒) N()

G. SHOULD THE CLAIMED POU BE VERIFIED BY FIELD EXAM?

Y() N(☒)

H. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE OF THIS RIGHT, OR ANY PORTION OF THIS RIGHT?

Y() N(☒)

CHECK DOCUMENTS USED TO VERIFY POU: () ORTHOPHOTOQUAD, IDWR NO. _____; () TOPOGRAPHIC QUAD, IDWR NO. _____;

(X) NAPP, IDWR NO. _____; (X) ASCS PHOTO; (X) OTHER PRBA map

NOTES:

It appears the way this claim describes the POU corrects errors in the PRBA decree for right 05-11391. The POU described in this recommendation is based on the survey map attached to the claim.

RECOMMENDATIONS:

TOTAL ACRES:

4

N/A ()

REVIEWED BY:

Mel Schutte

DATE:

12-13-99

A. AJ CLAIMED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
A65-11391A IRRIGATION	FROM 04-01 TO 11-01	0.090 CFS	
A65-11391A DOMESTIC	FROM 01-01 TO 12-31	0.040 CFS	
TOTAL DIVERSION RATE/VOLUME		0.130 CFS	

B. WR RECORDED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
65-11391 IRRIGATION	FROM 04-01 TO 11-01	0.180 CFS	
65-11391 DOMESTIC	FROM 01-01 TO 12-31	0.040 CFS	1.20 AF/A
TOTAL DIVERSION RATE/VOLUME		0.180 CFS	1.20 AF/A

C. DOES THE CLAIMED PURPOSE OF USE CORRECTLY DESCRIBE THE WATER USE? Y(☒) N(☐)

D. IS THE CLAIMED PURPOSE OF USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A(☐) Y(☒) N(☐)

* IF NO, AND IF THE ACTUAL WATER USE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN PURPOSE OF USE, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

E. SHOULD THE CLAIMED PURPOSE OF USE BE VERIFIED BY FIELD EXAM? Y(☐) N(☒)

F. DOES THE CLAIMED PERIOD OF USE CONFORM TO IDWR STANDARDS? Y(☐) N(☒)

G. SHOULD THE PERIOD OF USE BE RECOMMENDED TO IDWR STANDARDS? Y(☐) N(☒)

* IF THE RECOMMENDED PERIOD OF USE IS DIFFERENT THAN IDWR STANDARDS, EXPLAIN IN NOTES BELOW.

H. IS THE CLAIMED DIVERSION RATE FOR EACH USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A(☐) Y(☒) N(☒) *part*

* IF NO, DESCRIBE IN NOTES BELOW HOW THE RECOMMENDED DIVERSION RATE FOR EACH USE WAS DETERMINED.

I. SHOULD THE CLAIMED DIVERSION RATE FOR EACH USE BE VERIFIED BY FIELD EXAM? N/A(☐) Y(☐) N(☒)

J. IS THE CLAIMED DIVERSION VOLUME FOR EACH USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A(☒) Y(☐) N(☐)

* IF NO, DESCRIBE IN NOTES BELOW HOW THE RECOMMENDED DIVERSION VOLUME FOR EACH USE WAS DETERMINED.

K. SHOULD THE CLAIMED DIVERSION VOLUME FOR EACH USE BE VERIFIED BY FIELD EXAM? N/A(☐) Y(☐) N(☒)

NOTES:

Recommended as decreed in the PRBA but based on the split of 05-11391. This claim is for 1/2 of 05-11391

AJ CLAIM TOTAL DIVERSION RATE: 0.130 CFS

WR ROOT RIGHT TOTAL DIVERSION RATE: 0.180 CFS

A. IS THE CLAIMED TOTAL DIVERSION RATE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y(☒) N(☒)

B. CAN THE CLAIMED TOTAL DIVERSION RATE BE VERIFIED USING THE WATER RIGHT FILE? N/A() Y(☒) N(☒)

* ALL CLAIMS BASED ON BENEFICIAL USE (INCLUDING POSTED NOTICES AND STATUTORY CLAIMS) REQUIRE A FLOW MEASUREMENT.

C. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE OF THIS RIGHT, OR ANY PORTION OF THE DIVERSION RATE? Y() N(☒)

* IF AN AMOUNT SMALLER THAN THE ORIGINAL DIVERSION RATE IS CLAIMED AND A FIELD EXAM IS NOT REQUIRED, EXPLAIN IN NOTES.

D. SHOULD THE CLAIMED DIVERSION RATE BE VERIFIED BY FIELD EXAM? Y() N(☒)

E. FLOW MEASUREMENT

MEASUREMENT METHOD None, SEE ATTACHED CALCULATIONS.

F. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE
ACRES 4 x 0.02 CFS/ACRE = 0.08 CFS
(Taken from pou review)

1b. CALCULATIONS

IS A DIVERSION RATE PER ACRE GREATER THAN 0.02 CFS/ACRE CLAIMED? Y(☒) N() - delivery loss

IF YES, IS AN ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y() N()

2. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = NA AF/A

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

TOTAL DIVERSION VOLUME _____ AF/A

3. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = NA 10.0 AF/A

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

TOTAL CONSUMPTIVE USE _____ AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION: SEE BELOW () OR SEE ATTACHMENT ()

NOTES: _____

WR RECORD CONDITIONS/REMARKS:

RECOMMENDATIONS: CHECK HERE IF RECOMMENDED AS CLAIMED ()

REC. PURPOSE OF USE	REC. PERIOD		REC. DIV		REC. DIV		REC. CONS.	
	FROM	TO	RATE CFS		VOL. AF/A		USE	
IRRIGATION DOMESTIC	04-01	11-01	DATABASE 0.090	EXAMINER	DATABASE	EXAMINER	DATABASE 10.0	EXAMINER
	01-01	12-31	0.040				10.0	NA
TOTAL FOR THIS RIGHT			0.130	.09			10.0	NA

NON-IRRIGATION USES CLAIMED: D/1 HOUSEHOLD

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

REVIEWED BY: Mel Schulte

DATE: 12-13-99

FLAG: _____

STANDARD CONDITIONS (CODE):

STANDARD REMARKS (CODE):

QNT - E.28

EXPLANATORY CONDITIONS (CODE):

N10 & N12

EXPLANATORY REMARKS (CODE):

A. CHECK ONLY THE FOLLOWING THAT APPLY:

	ACCEPTED AS CLAIMED	NEEDS REVIEW
OWNERSHIP _____	(✓)	()
FORFEIT/ABANDON _____	()	()
ADDITIONAL DIV. AMOUNT _____	()	()

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 65-11391

TOTAL DIVERSION RATE OF WR SPLITS DATABASE 0.180 EXAMINER _____ CFS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A65-11391A	0.130	-		65-11391	0.180
TOTAL CFS		0.130				0.180

DIVERSION RATE REVIEW

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)
IF NO, IS THE WRITTEN REVIEW DESCRIBED BELOW () OR SEE ATTACHMENT ()?

DATABASE N FIELD EXAMINER Y() N()

NOTES:

The base right 65-11391 was not claimed nor are there presently any other splits but this one.

AUTHENTICATION:

SIGNATURE: Mel Schulte DATE: 12-13-99

NAME OF FIELD EXAMINER: _____ TITLE: _____

SD-0607-2 Prefix: A Basin: 65 Starting Water Right: 11391

STATE

Water Right No.	Name Last, First	O W N	Priority Date	Stg/ Sts	Source	Use Code Desc
A65-11391A	ELAM, BILLY	C	05/21/1916	D/	UNNAMED STREAM	01 IRR
	ELAM, JOAN	C				43 DOMEST
A65-11392	BRANCH, WILLIAM I	C	06/01/1912	D/	SHAFAER CREEK	01 IRR
A65-11393			06/01/1912	/Z	SHAFAER CREEK	01 IRR
					SPLIT CLAIM	
A65-11393A	DOUBLE DIAMOND RANCHES	C	06/01/1912	D/	SHAFAER CREEK	01 IRR
A65-11393B	HORSHOE BEND HYDROELEC	C	06/01/1912	D/	SHAFAER CREEK	01 IRR
A65-11394	YOUREN, JAMES E	C	07/01/1874	D/	ANDERSON CREEK	01 IRR
A65-11397	BETTIS, HARRY L	C	06/01/1912	D/	NO BUSINESS CREEK	01 IRR
A65-11398	SHARP, SHARON L	C	04/15/1938	D/	MUD CREEK	01 IRR
	SHARP, MELISSA JOY	C				
A65-11399	HERR, MARCIA	C	07/01/1897	D/	SPRINGS	04 STOCK
	HERR, RODNEY H	C				
A65-11400	HERR, RODNEY H	C	07/01/1954	D/	GROUNDWATER	43 DOMEST
	HERR, MARCIA	C				
A65-11401	CRUZEN RANCH,	C	05/01/1938	D/	WASTE WATER	01 IRR

(Enter=Continue)

(GOLD7=This Query)

(Menu _____)

SD-0607-2 Basin: 65 Starting Water Right: 11391

STATE

S E L	Water Right No.	Name Last, First	O W N	Priority Date	STG/ STS	Source	Use Code Desc
-	65-11391	MILLS, JAMES M.	C	05/21/1916	J/	UNNAMED STREAM	01 IRR 43 DOMEST
-	65-11392	HUNT, RODNEY B. HUNT, PATRICIA	C C	06/01/1912	D/	SHAFAER CREEK	01 IRR
-	65-11393	DOUBLE DIAMOND INC.,	C	06/01/1912	D/	SHAFAER CREEK	01 IRR
-	65-11394	YOUREN, JAMES E. YOUREN, CAROLE G.	C C	07/01/1874	D/	ANDERSON CREEK	01 IRR
-	65-11395	FLACK, JANE D.	C	06/01/1910	D/	GROUNDWATER	43 DOMEST 04 STOCK 13 MINING
-	65-11397	STRINGER, C. JOHN	C	06/01/1912	D/	NO BUSINESS CREEK	01 IRR
-	65-11398	SHARP, SHARON L. SHARP, MELISSA JOY	C C	04/15/1938	D/	MUD CREEK	01 IRR
-	65-11399	ECKROAT, EST. OF W. ECKROAT, JESSE C.	C C	07/01/1897	D/	SPRINGS	04 STOCK
-	65-11400	ECKROAT, EST. OF W.	C	07/01/1954	D/	GROUNDWATER	43 DOMEST

(Enter=Continue)

(GOLD 7=This Query)

(Menu _____)

INDICATES TOTAL

SOURCE: UNNAMED STREAM

TRIBUTARY TO: SOUTH FORK, PAYETTE RIVER

RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	USE	USE PERIOD FROM TO	MAX AMOUNT MAX RATE	DIVERSION POINT	PLACE OF USE AND ACREAGE	BASIS FOR RIGHT
65-5640	RAHL, A. D. & RAHL, BEATRICE GARDEN VALLEY, IDAHO 83622 REMARKS: H. E. S. #494. THIS RIGHT WHEN COMBINED WITH RIGHTS 65-5639 & 65-5638 SHALL PROVIDE NO MORE THAN .02 CFS/ACRE.	4/ 1/1910	IRRIGATION	4/ 1 11/ 1	--- AFA .02 CFS	LOT 1 S 9 T 8N R 5E	LOT 11 (1) S 9 T 8N R 5E *1*	BENEFICIAL USE
			DOMESTIC	1/ 1 12/31	1.20 AFA .04 CFS *---*AFA *.04*CFS		SAME AS OTHER USE	
65-10456	THEIS, RAYMOND J. & THEIS, ZELIGA A. 1301 NORTH 23RD, BOISE, IDAHO 83702	6/ 1/1915	DOMESTIC	1/ 1 12/31	1.20 AFA .02 CFS	SWSW S27 T 9N R 8E	SAME AS OTHER USE	BENEFICIAL USE
			IRRIGATION	4/15 10/15	--- AFA .06 CFS *---*AFA *.08*CFS		SWSW (3) S27 T 9N R 8E *3*	
65-11391	MILLS, JAMES M. P.O. BOX 48, GARDEN VALLEY, IDAHO 83662	5/21/1916	IRRIGATION	4/ 1 11/ 1	--- AFA .18 CFS	LOT 1 S36 T 9N R 5E	LOT 21 (4) S31 T 9N R 6E LOT 11 (4) S36 T 9N R 5E *8*	DECREE
			DOMESTIC	1/ 1 12/31	1.20 AFA .04 CFS *---*AFA *.18*CFS		SAME AS OTHER USE	
65-11390	PARKS, DONALD J. 1518 MARTHA CIRCLE, BOISE, IDAHO 83706	5/21/1916	DOMESTIC	1/ 1 12/31	1.20 AFA .02 CFS	LOT 1 S36 T 9N R 5E	SAME AS OTHER USE	DECREE
			IRRIGATION	4/ 1 11/ 1	--- AFA .02 CFS *---*AFA *.02*CFS		LOT 11 (2) S36 T 9N R 5E *2*	
65-10382	MILLS, JAMES M. P. O. BOX 48, GARDEN VALLEY, IDAHO 83622	5/22/1916	IRRIGATION	4/15 10/15	--- AFA .16 CFS	LOT 1 S36 T 9N R 5E	LOT 21 (4) S31 T 9N R 6E *8*	BENEFICIAL USE
65-11062	ALCOM, BARRY G ALCOM, PAT F. 1907 SUNCREST DRIVE, BOISE, IDAHO 83705	6/ 1/1935	DOMESTIC	1/ 1 12/31	1.20 AFA .04 CFS	NWNE S31 T 9N R 8E	NWNE S31 T 9N R 8E	BENEFICIAL USE
65-2476	FARVER, LESLIE & FARVER, MURIEL LUNNAN, IDAHO 83637	10/24/1946	IRRIGATION	4/15 10/15	--- AFA .06 CFS	NWNE S31 T 9N R 8E NENE S31 T 9N R 8E	NWNE (1) NENE (1) LOT 4 (3) LOT 3 (2) S31 T 9N R 8E *7*	LICENSE
			DOMESTIC	1/ 1 12/31	1.20 AFA .04 CFS		SAME AS OTHER USE	
			POWER	1/ 1 12/31	--- AFA .06 CFS *---*AFA *.06*CFS		SAME AS OTHER USE	

at 5:51 PM
NOV. 09 1988

Tim R. Danti
District Judge

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

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

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

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

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

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

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

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

DATED this 21st day of November, 1988.

JIM JONES
Attorney General

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

DATED this 18th day of November, 1988.

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

RECEIVED

MAY 24 2000

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	)	NOTICE OF COMPLETED
	)	ADMINISTRATIVE PROCEEDINGS
Case No. 39576	)	
	)	Water Right 65-11391A
_____	)	

IDWR has completed the following Administrative Proceeding:

☒	Change of Address
☐	Substitution of Party
☐	I.C. 42-222 Transfer

CHANGE OF ADDRESS

Name of Claimant: BILLY ELAM
New Address: 301 WALNUT AVE
KUNA ID 83634
Phone: (208) 922-5571

Claimant's Water Rights: 65-11391A

The Claimant has filed Objections or Responses to the following water rights:

NOTICE OF COMPLETED
ADMINISTRATIVE PROCEEDING
5/5/2000

65-11391A

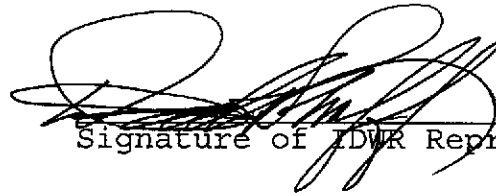
PAGE 1

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

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

DATED:

5/05/00

A handwritten signature in black ink, consisting of several loops and strokes, positioned above a horizontal line.

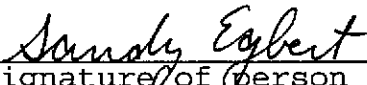
Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 5-8-00 I mailed the original
and copies of this form to the following persons, postage prepaid
and addressed as follows:

1. Original to:
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707
2. One Copy to:
Each party in the subcase, or attorney of record:

BILLY ELAM
JOAN ELAM
301 WALNUT AVE
KUNA ID 83634
3. One Copy to:
Chief, Natural Resources Division
Office of the Attorney General
P.O. Box 44449
Boise, Idaho 83711-4449
4. One Copy to:
United States Dept. of Justice
Environment & Natural Resource Div.
550 West Fort Street, MSC 033
Boise, ID 83724



Signature of person or attorney mailing the form

RIGHTS FROM: SOURCE: UNNAMED STREAM TRIBUTARY: PAYETTE RIVER, SOUTH FORK

RIGHT NUMBER: 65-11391A

NAME & ADDRESS: BILLY ELAM
JOAN ELAM
301 WALNUT AVE
KUNA ID 83634

SOURCE: UNNAMED STREAM

TRIBUTARY: PAYETTE RIVER, SOUTH FORK

QUANTITY: 0.09 CFS

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

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

PRIORITY DATE: 05/21/1916

POINT OF DIVERSION: T09N R05E S36 LOT 1 (SENE)

Within BOISE County

PURPOSE AND
PERIOD OF USE:PURPOSE OF USE
IRRIGATION
DOMESTIC 1 HOMEPERIOD OF USE
04-01 11-01
01-01 12-31QUANTITY
0.09 CFS
0.04 CFS

PLACE OF USE:

IRRIGATION Within BOISE County
T09N R05E S36 Lot 1 (NESE) 2
R06E S31 Lot 2 (NESW) 2
4 ACRES TOTAL

Place of use for DOMESTIC is same as IRRIGATION

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

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - DECREE

RIGHT NO. 65-11390 IS ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE.

AJ0749NP
No. 65-11391A

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

DATE: 05/02/00
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	BILLY ELAM	05/21/1916	IRRIGATION	04-01 11-01	0.090 CFS	
C	JOAN ELAM		DOMESTIC	01-01 12-31	0.040 CFS	
	301 WALNUT AVE					
	KUNA ID 83634					
	(208) 922-5571			TOTAL DIVERSION:	0.090 CFS	

Water Source: UNNAMED STREAM

Tributary to: PAYETTE RIVER, SOUTH FORK

Stage: DECREED

Point(s) of Diversion: T09N R05E S36 Lot01(SENE)

BOISE County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE						
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM	
09N	05E	36	:																	:	2.0	
09N	06E	31	:																	:	2.0	
																				:	4.0	
																				:	TOTAL ACRES	4.0

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

POU County: BOISE

Non-Irrigation Uses: 1 HOME

Conditions of Approval:

- N10 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
- DOMESTIC USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
- N12 - THE QUANTITY OF WATER UNDER THIS RIGHT FOR DOMESTIC USE SHALL
- NOT EXCEED 13,000 GALLONS PER DAY.
- 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: QNT THIS RIGHT SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE AT THE
FIELD HEADGATE.

EXP RIGHT NO. 65-11390 IS ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE.

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

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

AJ0749NP
No. 65-11391A

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

DATE: 05/02/00
PAGE: 2

=====

Comments: Date: 12/13/1999 User-ID: MSCHULTE Subject: COPIED FROM REMARKS
PROPERTY UNDER THIS WATER RIGHT IS A PART OF HOMESTEAD ENTRY
SURVEY #407

Date: 12/13/1999 User-ID: MSCHULTE Subject: DELIVERY LOSS
THE DIVERSION RATE IN EXCESS OF .02 CFS PER ACRE IS FOR DELIVERY
LOSS AS PROVIDED IN THE PAYETTE RIVER BASIN ADJUDICATION.

Date: 01/31/2000 User-ID: AJU10-JS Subject: AJU10 CONDITION UPDATE
CONDITION CODE(S) C18 ADDED IF NOT ALREADY PART
OF RECORD THRU AJU10.

Date: 05/02/2000 User-ID: SSHERMAN Subject: ADDRESS CHANGE
ADDRESS CHANGE BY CLAIMANT LETTER.

Audit: 05/02/00 SSHERMAN



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

April 28, 2000

DIRK KEMPTHORNE
GOVERNOR

RECEIVED

KARL J. DREHER
DIRECTOR

MAY 2 - 2000

Billy ✓
William and Joan Elam
301 Walnut Ave.
Kuna, ID 83634

RE: Snake River Basin Adjudication (SRBA)
Water Right #~~68~~-11391A

Department of Water Resources

*reword changed, NCAP prepared.
as 5-2-00.*

Dear Water Right Holders:

Thank you for calling me back, Mr. Elam. Enclosed is the mail recently sent to you and returned to us by the Postal Service.

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

Please sign your name at the bottom of this letter and return it to this office. Make corrections to your name and address if necessary before returning this letter, **list any other water rights you have**, and return this letter by May 10, 2000. Thank you for your help.

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

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

Sincerely,

Sally Sherman
Technical Records Specialist
Adjudication Bureau

SS:region
Enclosure:
Returned Mail

#####

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

Billy & Joan Elam
Water Right Holder's Signature

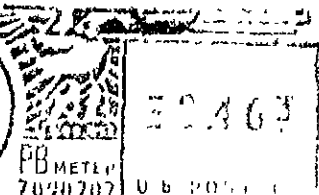
721-5571
Telephone No.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, P.O. Box 83720
Boise, Idaho 83720-0098

~~ADDRESS SERVICE REQUESTED~~

ADDRESS SERVICE
REQUESTED

RESORTED
FIRST CLASS



IMPORTANT WATER RIGHT INFORMATION

only W/R
65-11391A
BILLY ELAM
JOAN ELAM
RT 3
KUNA ID 83634

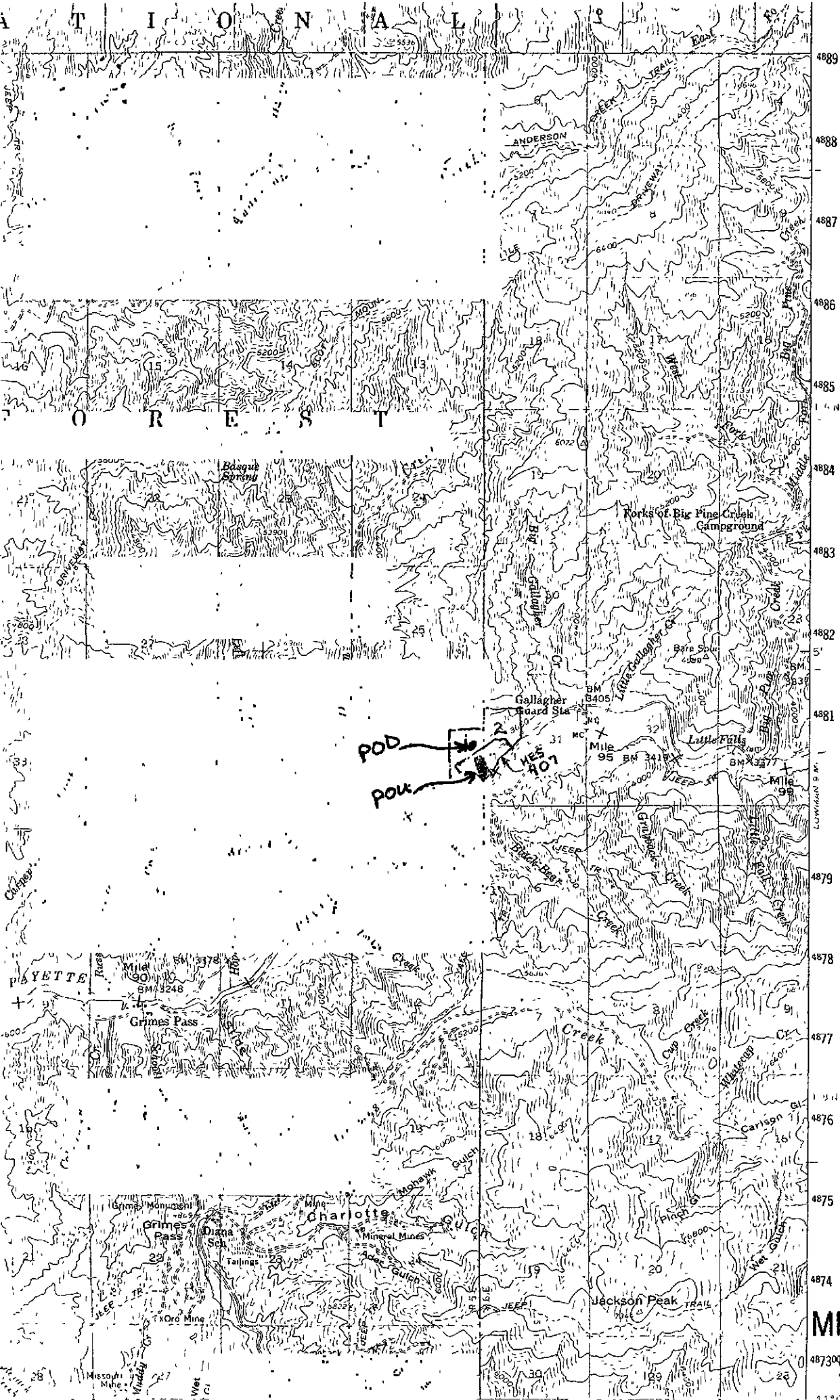
RECEIVED

APR 27 2000

Department of Water Resources

83 003483634





MICROFILMED

SEP 24 1992

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

IN THE MATTER OF THE GENERAL DETER-
MINATION OF RIGHTS TO THE USE OF _____

_____ DRAINAGE BASIN.

NOTICE OF CLAIM TO A WATER RIGHT

65-11391	
I.D. No.	Map No.
\$	Receipt No.
Fee Paid	Receipt No.

Notice is hereby given that James M. Mills

(Name of Claimant)

P. O. Box 48, Garden Valley, ID 83622

(Mailing Address)

(Zip Code)

Telephone No. _____

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use, or priority date of decreed, licensed or permit right) 5/21/1916

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water) unnamed stream tributary to South Fork, Payette River

(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 .18 Use irrigation Period of Use From 4/1 To 11/1
(CFS, GPD, AF) (Domestic, irrigation, stock, etc.) (Mo., Day) (Mo., Day)
(Both dates inclusive)

Quantity .04 Use domestic 1.2 Period of Use From 1/1 To 12/31
(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)
(Both dates inclusive)

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

(4) .18 TOTAL QUANTITY CLAIMED. (Lot 1)

(5) A) Point of Diversion: Give location of point where water is diverted from its source SE 1/4 NE 1/4
Sec. 36, Twp. 9N, Rge. 5E, B.M., Boise 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.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
9N	6E	31																	4.7
9N	5E	36																	4.1

OTHER USES: D/I HOUSEHOLD

Total no. of acres 8

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 No signature necessary 9KN 2/6/79
(H.E.S. 407)

(9) Basis of claim (Check one) ☐ A) Right based on diversion and beneficial use.
☒ B) Right decreed by court, cite title of case. Mills vs. Joene 3/8/79

☐ 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.

Individual

(Signature of Claimant)

(Date)

Organization

(Signature of Spouse)

State of _____

Organization

County of _____

Seal

KEYPUNCHED

(Signature of Authorized Agent)

On this _____ day of _____, in the year _____, before me a notary public, personally appeared _____

known to me to be the person(s) whose name(s) are subscribed to the above instrument, and acknowledged to me that (he, she, they, corporation, partnership or _____) executed the same.

My commission expires _____

Notary Public residing at _____

9KN 2/6/79

.. Mules

Spring of the side
of road,

65-10383 Above

10382 Dis

11025 Store in town

11391 Unnamed stream in 36

WRR100
65-11391

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHTS PROOF READING REPORT

PAGE 1
14-APR-1986 19:49:42

01 WATER RIGHT NUMBER - 65-11391

02 OLD (J) NUMBER -

LAST NAME

03001 - MILLS

FIRST NAME

04001 - JAMES M.

ORIG. OWNER

05001 - C

06 ADD LINE 1 -

07 ADD LINE 2 -

08 ADD LINE 3 -

09 CITY - BRUNEAU

10 STATE - ID

11 ZIP - 836040000

12 STAGE - D DECREE

13 STATUS -

SOURCE

14001 - UNNAMED STREAM

TRIBUTARY OF

15001 - PAYETTE RIVER, SOUTH FORK

16 DIVERSION MEANS -

17 COUNTY - 15 BOISE

18 DIVERSION CAPACITY - .000

19 TOTAL DIVERSION RATE - .180

20 TOTAL DIVERSION VOLUME - 1.20

21 WATER DISTRICT - 65

DIVERSION POINTS

TRACT	SEC	TWN	RNG	LOT	RFLG	STREAM	INDEX	FIELDS
22001 -	23001 - 36	24001 - 09N	25001 - 05E	26001 - 01	27001 -			
			28001 - 0	0.0	0.0	0.0	0.0	0.0

29 NON-IRRIGATION USE -

PLACE OF USE

USE CODE / USE	TWN	RNG	SEC	TRACT	ACRES	LOT
30001 - 01 IRRIGATION	31001 - 09N	32001 - 05E	33001 - 36	34001 -	35001 - 01	36001 - 02
30002 - 01 IRRIGATION	31002 - 09N	32002 - 06E	33002 - 31	34002 -	35002 - 07	36002 - 01
TOTAL ACRES: 8						

WATER USE

PERIOD FROM	PERIOD TO	USE CODE / USE	DIVERSION RATE	DIVERSION VOLUME
37001 - 0401	38001 - 1101	39001 - 01 IRRIGATION	40001 - 0.180	41001 - 0.00
37002 - 0101	38002 - 1231	39002 - 43 DOMESTIC	40002 - 0.040	41002 - 1.20

42 DECREE PLAINTIFF NAME - STATE OF IDAHO

43 DECREE DEFENDANT NAME - A & C CORP., ET AL.

REMARKS

44001 -

APPROVAL CONDITIONS: 45001 -

46 OTHER RIGHTS FOR SAME USE -

D A T E S

D A T E S

F L A G S

47 PRIORITY	- 21-MAY-1916	55 LICENSE	-	63 TRANSFER/AMENDED	-
48 PROOF DUE	-	56 APPL RECEIVED	-	64 OLE/CAREY ACT	-
49 PROOF MADE	-	57 FIELD EXAM MADE	-	65 FLAG_1	-
50 APPROVE/DENIED	-	58 DECREE	- 21-JAN-1986	66 FLAG_2	-
51 PROTESTED	-	59 START WORK	-	67 FLAG_3	-
52 HEARING	-	60 ORDER SHOW CAUSE	-		

WRR100
65-11391

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHTS PRCCF READING REPORT

PAGE 2
15-APR-1986 19:49:42

----- D A T E S ----- D A T E S ----- F L A G S -----

53 VERIFIED -
54 LAST UPDATE - 2-APR-1986

61 DATE_1 -
62 DATE_2 -

VERIFIED JKN
4/17/86

MAR 02, 1979

PROPOSED FINDING OF WATER RIGHTS - PAYETTE RIVER DRAINAGE

PAGE 596

INDICATES TOTAL

SOURCE: UNNAMED STREAM

TRIBUTARY TO: SOUTH FORK, PAYETTE RIVER

MAR 02, 1979

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
65-5640	RANI, A. D. & RANI, BEATRICE GARDEN VALLEY, IDAHO 83622 REMARKS: H. E. S. #494. THIS RIGHT WHEN COMBINED WITH RIGHTS 65-5639 & 65-5638 SHALL PROVIDE NO MORE THAN .02 CFS/ACRE.	4/ 1/1910	IRRIGATION	4/ 1 11/ 1	--- AFA .02 CFS	LOT 1 S 9 T 8N R 5E	LOT 11 11 S 9 T 8N R 5E *1*	BENEFICIAL USE
			DOMESTIC	1/ 1 12/31	1.20 AFA .04 CFS *---*AFA *.04*CFS		SAME AS OTHER USE	
65-10456	THEIS, RAYMOND J. & THEIS, ZELIGA A. 1301 NORTH 23RD, BOISE, IDAHO 83702	6/ 1/1915	DOMESTIC	1/ 1 12/31	1.20 AFA .02 CFS	SWSW S27 T 9N R 8E	SAME AS OTHER USE	BENEFICIAL USE
			IRRIGATION	4/15 10/15	--- AFA .06 CFS *---*AFA *.08*CFS		SWSW 31 S27 T 9N R 8E *3*	
✓ 65-11391	MILLS, JAMES M. P.O. BOX 48, GARDEN VALLEY, IDAHO 83662	✓ 5/21/1916	✓ IRRIGATION	✓ 4/ 1 11/ 1	✓ --- AFA ✓ .18 CFS	✓ LOT 1 S36 ✓ T 9N R 5E	✓ LOT 21 11 ✓ S31 T 9N R 6E ✓ LOT 11 11 ✓ S36 T 9N R 5E *8*	✓ DECREE ✓ SAME AS OTHER USE
			DOMESTIC	1/ 1 12/31	1.20 AFA .04 CFS *---*AFA *.18*CFS			
65-11390	PARKS, DONALD J. 1510 MARTHA CIRCLE, BOISE, IDAHO 83706	5/21/1916	DOMESTIC	1/ 1 12/31	1.20 AFA .02 CFS	LOT 1 S36 T 9N R 5E	SAME AS OTHER USE	DECREE
			IRRIGATION	4/ 1 11/ 1	--- AFA .02 CFS *---*AFA *.02*CFS		LOT 11 21 S36 T 9N R 5E *2*	
✓ 65-10382	MILLS, JAMES M. P.O. BOX 48, GARDEN VALLEY, IDAHO 83662	5/22/1916	IRRIGATION	4/15 10/15	--- AFA .16 CFS	LOT 1 S36 T 9N R 5E	LOT 21 11 S31 T 9N R 6E *8*	BENEFICIAL USE
65-11362	ALDRIN, BARRY & ALDRIN, PAI F. 1907 SUNCREST DRIVE, BOISE, IDAHO 83705	6/ 1/1935	DOMESTIC	1/ 1 12/31	1.20 AFA .04 CFS	NWNE S31 T 9N R 8E	NWNE S31 T 9N R 8E	BENEFICIAL USE
65-2476	FARBER, LESLIE & FARBER, MURIEL LOWMAN, IDAHO 83637	10/24/1946	IRRIGATION	4/15 10/15	--- AFA .06 CFS	NWNE S31 T 9N R 8E NENE S31 T 9N R 8E	NWNE 11 NENE 11 LOT 41 31 LOT 31 21 S31 T 9N R 8E *7*	LICENSE SAME AS OTHER USE
			DOMESTIC	1/ 1 12/31	1.20 AFA .04 CFS		SAME AS OTHER USE	
			POWER	1/ 1 12/31	--- AFA .06 CFS		SAME AS OTHER USE	

65-2588 FARBER, LES
FARBER, MUR
LOWMAN, IDA
REMARKS: US
WITH RIGHTS
SOURCES FOR
SPRINGS & ON

65-2634 FARBER, LES
FARBER, MUR
LOWMAN, IDA
REMARKS: USE
WITH RIGHTS
SOURCES FOR
SPRINGS & ON

65-2782 LINVILLE JR.
LINVILLE, MA
2512 EL RAN
IDAHO 83704
REMARKS: LOT
SUMMER HOUSE

65-10831 TERRAGU
1441 LARDALE
FALLS, IDAHO

65-7264 TERRAGU
1015 LARASPO
93642
REMARKS: 387
COMBINED W/
SHALL PROVIDE
CFS/ACRE.

65-7781 WITZEL, LORRI
WITZEL, SYLVIA
P.O. BOX 28
83701
REMARKS: LOT
BLOCK 4, JOE
SUBDIVISION.

Thompson Mills
65-1038
65-1039

Field #1: in section
11/11/11

R5E

R6E

T9N

Handwritten notes and symbols in the bottom right corner, including "T9N", "R6E", and "R5E".

Narrative of Field Inspection
CONVERSATION MEMORANDUM

DATE 7/20/82

FILE 65-10383

65-10382

NAME OF PARTY James H. Miller

EMPLOYEE John K. Noyes

RE:

met with Knoxlock on the area
irrigated from spring - one sprinkler
head was running at time - $1/2$ " nozzle at
80 PSI = 4.05 GPM - 2 hrs 8.10 GPM = 0.253 per hr.
System - layout of spring & etc can be
noted on field report made 4/26/82 by JH
Sisco.

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

65-10383

Planimeter coverage from ASES aerial
photo 1790 (M 11)

65-10383 = 3.1 acres

65-10382 = 7.9 acres.

GALE M. MERRICK
MARCUS & MARCUS
Attorneys at Law
Marcus Building
737 North 7th Street
Boise, Idaho 83702

DISTRICT COURT BOISE COUNTY, IDAHO
Recorded in Book _____ Page _____

Filed MAR 6 1978 944
No.

ROBERT J. TUFFIELD
CLERK

By Ann Morgan
DEPUTY

COPY

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

JAMES MILLS,)
)
Plaintiff,)
vs.)
)
)
A. W. JOSUE,)
)
Defendant.)
_____)

Civil No. 944

JUDGMENT AND DECREE

The above matter having come before the Court upon the Stipulation of the parties hereto and good cause appearing therefor,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

1. That there is a certain unnamed creek flowing from the Northwest to the Southeast in the Northeast Quarter of Section 36, Township 9 North, Range 5 East, Boise Meridian, Boise County, Idaho, which is tributary to the South Fork of the Payette River during the spring runoff season but does not ordinarily flow into the river after the spring runoff season.
2. That Plaintiff and his predecessor-in-interest, William A. Carter and Elizabeth E. Carter, have, since May 1, 1945, diverted up to .2 cfs (cubic feet per second) of the water of said unnamed creek by a 1½ inch pipe for domestic and irrigation purposes for use on the following described property:

COPY

All the following described real estate situated in the County of Boise, State of Idaho, to-wit: A certain lot, tract or parcel of land, situated in and embracing a portion of Sections 36 in Township 9 North of Range 5 East, B.M., and Section 31 in Township 9 North of Range 6 East, B.M., particularly described as follows:

Beginning at corner No. 1 from which the West Quarter Corner to said Section 31 bears North fourteen minutes West Nine and Fifteen-hundredths (9.15) chains distant; thence North Twenty-five degrees Fifty-six minutes ($25^{\circ}56'$) West Three and Fifty-four hundredths (3.54) chains to Corner No. 2; thence North Fifty-seven degrees, twenty-four minutes ($57^{\circ}24'$) West, Six and Sixty-eight hundredths (6.68) chains to Corner No. 3; thence South Eighty-two degrees two minutes ($82^{\circ}2'$) West Seven and twenty-three hundredths (7.23) chains to Corner No. 4; thence North sixty-three degrees thirteen minutes ($63^{\circ}13'$) West Three and four-hundredths (3.4) chains to Corner No. 5; thence North fifty-six degrees one minute ($56^{\circ}1'$) East twenty and forty-three hundredths (20.43) chains to Corner No. 6; thence North fifty-six degrees one minute ($56^{\circ}1'$) East Seven and sixty-eight hundredths (7.68) chains to Corner No. 7; thence South eighty-three degrees twenty minutes ($83^{\circ}20'$) East five and thirty-five hundredths (5.35) chains to Corner No. 8; thence South thirty-five degrees forty-one minutes ($35^{\circ}41'$) East three and sixty-three hundredths (3.63) chains to Corner No. 9; thence South forty-seven degrees thirty-seven minutes ($47^{\circ}37'$) West seven and forty-two hundredths (7.42) chains to Corner No. 10; thence South twenty-two degrees two minutes ($22^{\circ}2'$) West twelve and seven hundredths (12.7) chains to Corner No. 11; thence South fifty-one degrees twenty-six minutes ($51^{\circ}26'$) West Four and seventy-nine hundredths (4.79) chains to Corner No. 1, the place of beginning, containing twenty-eight and forty hundredths (28.40) acres, according to the official plat of said survey of the said lands, as returned to the General Land Office by the Surveyor General, EXCEPTING THEREFROM the following described lot, tract or parcel of land: A portion of H. E. Survey No. 407 embracing a portion of approximately Section 36, Township 9 North, Range 5 East of the Boise Meridian, and Section 31, Township 9 North, Range 6 East of the Boise Meridian, as described in U.S. Patent Recorded in Book 7 of Patents, at page 118, records of Boise County, State of Idaho; the portion excepted hereby being particularly described as follows, to-wit:

Beginning at Corner No. 1, of said Homestead Entry, from which the West Quarter corner to said Section 31 bears North $14'$ West 9.15 chains distant; thence North $25^{\circ}56'$ West 5.54 chains; thence North $57^{\circ}24'$ West 4.08 chains; thence South $82^{\circ}2'$ West 7.23 chains; thence North $63^{\circ}13'$ West 3.04 chains; thence North $56^{\circ}01'$ East 15.43 chains to a point; thence Southerly to the real place of beginning.

3. Defendants have, since July 1, 1949, diverted 0.02 cfs (cubic feet per second) of the water of said unnamed creek for domestic and irrigation purposes for use on the following described property located in Boise County, Idaho:

A portion of H.E. Survey No. 407 embracing a portion of approximately Section 36, Township 9 North, Range 5 East of the Boise Meridian, and Section 31, Township 9 North, Range 6 East of the Boise Meridian, as described in U.S. Patent recorded in Book 7 of Patents, at page 118, records of Boise County, State of Idaho; which portion is more particularly described as follows, to-wit:

Beginning at Corner No. 1 of said Homestead Entry, from which the West Quarter corner to said Section 31 bears North 14' West 9.15 chains distant; thence North 25°56' West 5.54 chains; thence ^N57°24' West 4.08 chains; thence S. 82°2' West 7.23' chains; thence North 63°13' ^W 8.04 chains; thence North 56°01' E. 15.43 chains to a point; thence Southerly to the real place of beginning.

The Defendant subsequently obtained a water license from the State of Idaho, No. 26328, priority - April 20, 1956, 0.02 cubic feet per second to March 1, 1978.

4. The two parcels of property described above comprise all of the Homestead Entry Survey No. 407. The homestead when surveyed by the United States on May 21, 1916, contained approximately ten irrigated acres under cultivation. Both parcels were irrigated with approximately two acres irrigated on the lands of Defendant and eight acres on the lands of Plaintiff. The method of diversion was apparently a ditch leading from the creek. Remnants of the ditch exist today. The use of water appears to have been continuous since that time.

5. The parties' predecessor-in-interest was William A. Carter and Elizabeth E. Carter. The Carters established a new point of diversion as set forth in Paragraph (2) which was a 1½ inch pipe located at the same point as the Defendants have been diverting the water. The Carters in es-

establishing the new point of diversion did not abandon or forfeit the prior right. Nor did the Defendant in diverting water from the creek in 1949 abandon or forfeit the prior right.

6. The water right established by the original entryman for the homestead and the continued use by the Carters and Defendant confirms the existence of a water right with a priority as early as May 21, 1916, to 10 miner's inches or 0.20 cubic feet per second for irrigation and domestic purposes which is appurtenant to the entire homestead, both parcels.

7. The original water right as set forth above should be allocated between the parcels as follows:

a. To Plaintiff 0.18 cubic feet per second or 9 miner's inches for domestic and irrigation purposes with a priority of May 21, 1916, for use upon the property described in Paragraph 2.

b. To Defendant 0.02 cubic feet per second or 1 miner's inches for domestic and irrigation purposes with a priority of May 21, 1916, for use upon the property described in Paragraph 3.

The use of water by the Carters and the Defendant, together with the water license of Defendant, merely confirm the older prior right established by the entryman and are not separate or additional rights.

8. The Plaintiff in 1975 changed the point of diversion established by the Carters moving it upstream approximately 200 feet. The original and all subsequent diversions were, however, located with the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section-36, Township 9 North, Range 5 East, B.M., Boise County, Idaho. The change by Plaintiff results in a savings of water as it is located at a point on the granite bedrock. In order to properly administer the water rights of both parties it is necessary that Defendant change his point of diversion upstream to that of Plaintiff's. The Defendant shall, at his own expense, change his point of diversion by moving the same approximately 200 feet upstream to the same point of diversion as the Plaintiff. The change

shall be completed by March 1, 1979, and shall be done in such a way as not to disrupt the use of water by the Plaintiff. The point of diversion is on land of the United States, U. S. Department of Agriculture, Forest Service. Plaintiff's pipe leading from the diversion is buried. Defendant shall take reasonable precautions in installing or placing his pipeline so as not to do any damage to the pipeline of Plaintiff. Defendant shall lengthen his present 3/4 inch inside diameter pipeline up to the new point of diversion and shall place that pipe so that the lowest portion of the pipe is at the same elevation as the lowest point of Plaintiff's 1 1/2 inch inside diameter pipe. Defendant shall not injure, obstruct or damage in any way the Plaintiff's diversion dam or works in accomplishing this. Defendant may place in his water line a settling and storage tank and during the winter months may disconnect the pipeline between the new point of diversion and the old in order to avoid his pipeline from freezing.

9. Regardless of the quantities established above in Paragraph 7, in times of scarcity of water or drought each party shall be entitled to that amount of water flowing into their respective intake pipes as described in Paragraph (8) above with neither party having an exclusive right to the water available. Neither party shall interfere with the other's diversion or intake pipe.

10. The Plaintiff shall have the right to divert any of the water passing beyond the water of the diversion mentioned in Paragraph (8) above for irrigation purposes at the lower point of diversion, which is located at the lower end of the intersection of the creek and the Garden Valley - Lowman Road, that formerly used by the entryman. Each party shall bear his own attorney's fees, expenses and costs connected herewith.

State of Idaho)
County of Boise)

SS.

1978.

I hereby certify that the foregoing instrument is a full true and correct copy of the original on file in this office.

Dated March 8, 1978

ROBERT J. TUFFIELD

By: Anne Morgan Clerk
Deputy

JUDGMENT AND DECREE - P. 5.

WILLIAM D. COLLINS

COLLINS & MANLY
ATTORNEYS AT LAW
708 NORTH 8TH STREET
P. O. BOX 2794
BOISE, IDAHO 83701
TELEPHONE (208) 345-2811

Attorney for Defendant

DISTRICT COURT BOISE COUNTY, IDAHO
Recorded in Book _____ Page _____

Filed MAR 6 1978 944
ROBERT J. TUFFIELD
CLERK
By Ann Morgan
DEPUTY

COPY

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

JAMES MILLS,
Plaintiff,

vs.

A. W. JOSUE,
Defendant.

Case No. 944

STIPULATION FOR ENTRY
OF JUDGMENT AND DECREE

COMES NOW, James Mills, Plaintiff, by and through his
attorney of record, Gale M. Merrick of the firm of Marcus & Marcus,
and Defendant, A. W. Josue, by and through his attorney of record,
William D. Collins of the firm of Collins, Manly & Williams, and
hereby stipulate to the entry of the attached Judgment and Decree
by the Court as a final adjudication of the water rights in this
action. This Stipulation for entry of Judgment is approved
by Donald J. Parks and Cora Parks, husband and wife, who on
the 29 day of August, 1977, entered into a contract
of purchase with Defendant of the land and water rights described
in the attached Judgment and Decree.

MARCUS & MARCUS

Dated:

February 5, 1978

Gale M. Merrick
Attorney for Plaintiff

STIPULATION FOR ENTRY
OF JUDGMENT AND DECREE

COPY

RECORDED
MAR 09 1978
COLLINS
ATTORNEY

1
2 DATED:

February 21, 1978

James M. Mills
James Mills

3
4 COLLINS, MANLY & WILLIAMS

5
6 DATED:

December 29, 1977

William D. Collins
William D. Collins
Attorney for Defendant

7
8 DATED:

January 16, 1978

A. W. Josue
A. W. Josue

10
11 CONSENT

12 CONSENT to the entry of the above Stipulation by the parties
13 to this action and to the entry of the attached Judgment and
14 Decree by the Court is hereby given.

15 DATED:

Dec. 30, 1977

Ronald J. Parks
Donald J. Parks

16
17 DATED:

Dec. 30, 1977

Cora B. Parks
Cora Parks

18
19
20
21
22
23
24
25
26
27
28 STIPULATION FOR ENTRY
OF JUDGMENT AND DECREE