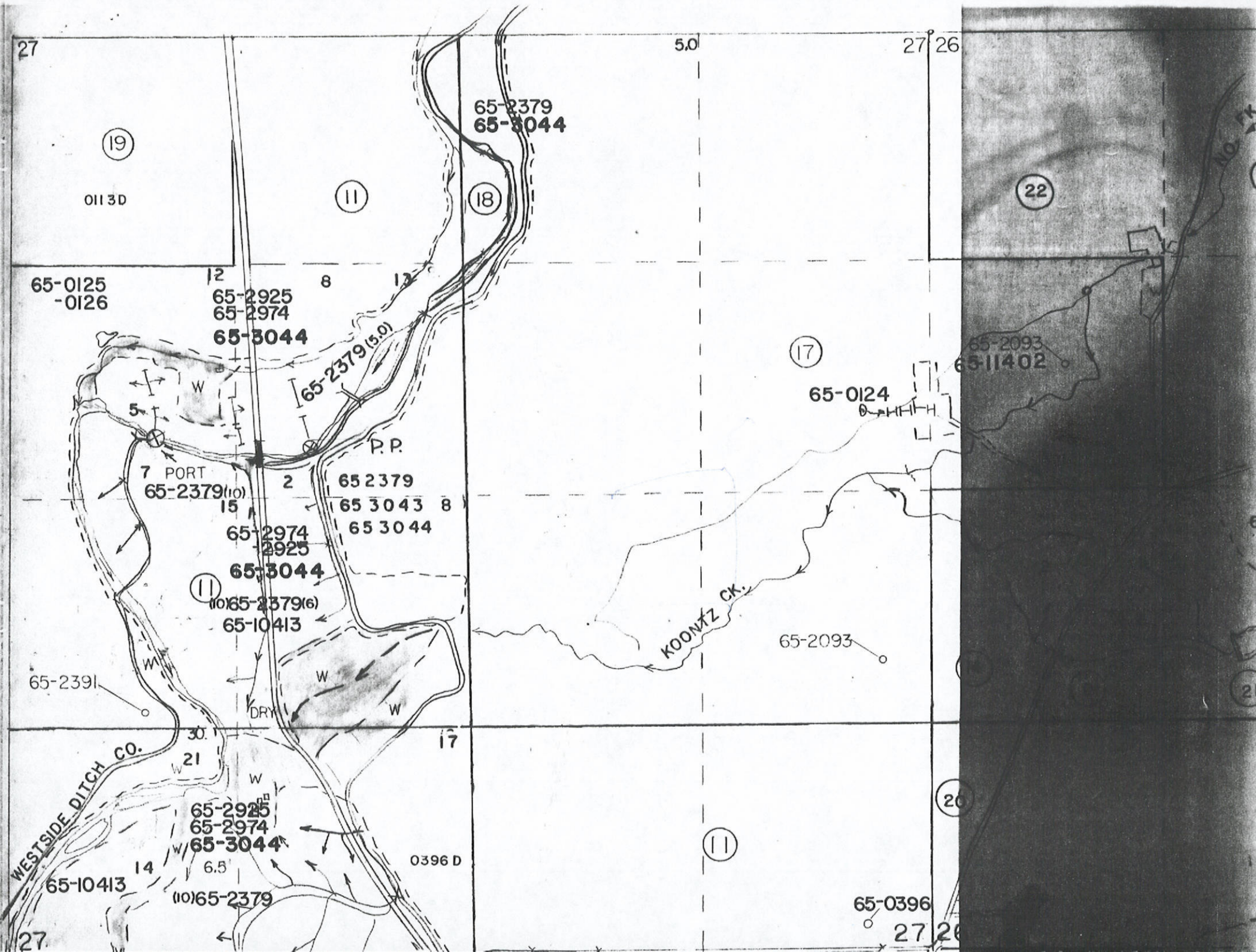
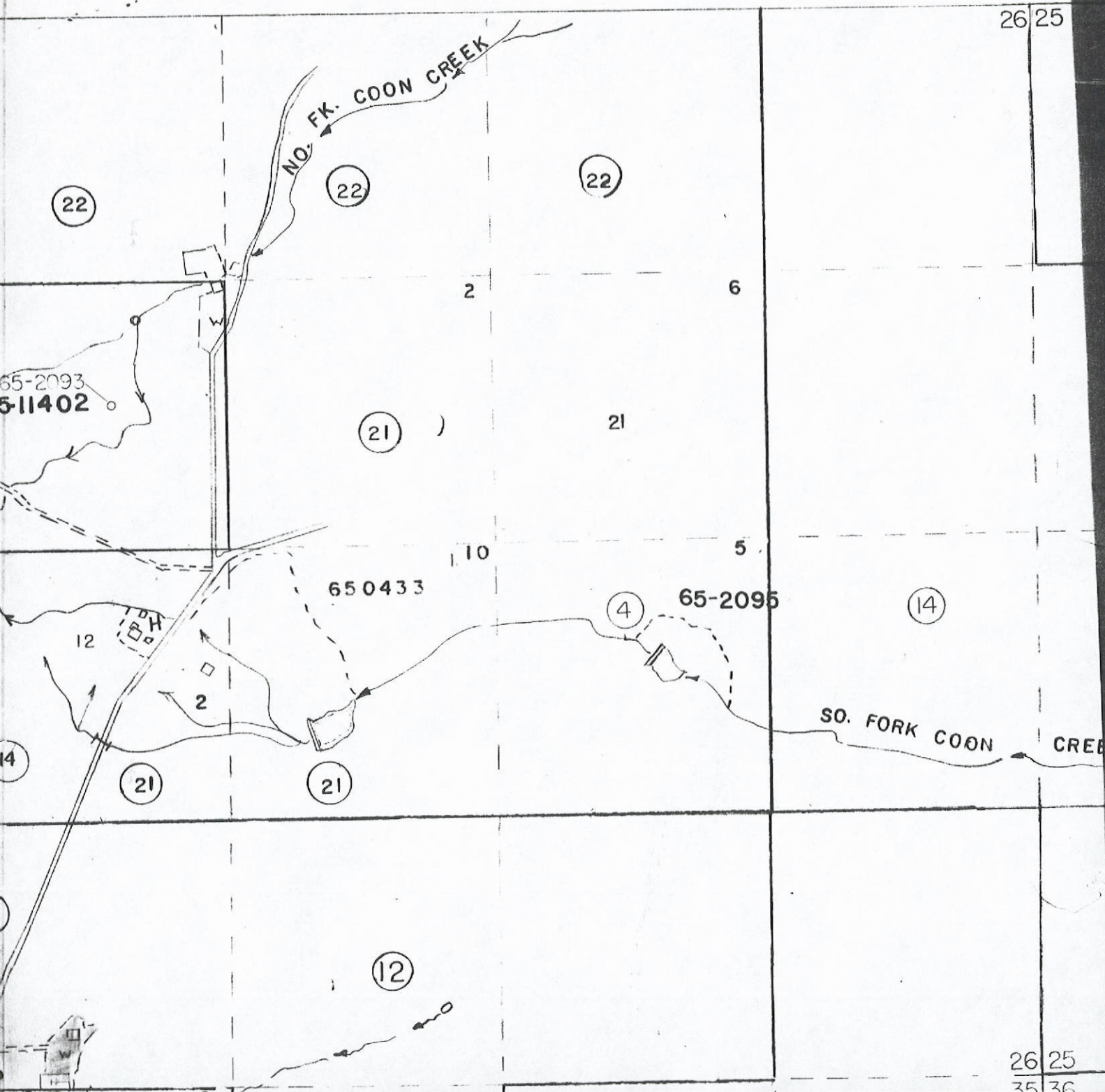






26 25

26 25

35 36

Shurte, Jan

From: Shaff, Don
Sent: Monday, December 20, 1999 9:35 AM
To: Shurte, Jan
Subject: RE: B65 stipulations & misc. procedures

Good morning,
I've inserted replies below.

Don
208/327-7932
dshaff@idwr.state.id.us

Don's
ANSWERS

-----Original Message-----

From: Shurte, Jan
Sent: Friday, December 17, 1999 2:49 PM
To: Shaff, Don
Cc: Shurte, Jan
Subject: B65 stipulations & misc. procedures

Hi Don - I just have a few questions concerning some stipulated rights in B65. I also have a question on the procedure for the aj record where a partial decree has been issued and a transfer has been approved. So, I'll just list the exact questions below:

We have several Moses Cattle Co. claims where stipulations were done. The numbers are 65-11402/11404/11405/11406 & 11407. On the WR side it states the rights are beneficial use rights. One of them appears to be differently data entered than the stipulation - 65-11406, however, the claim is filed like the stipulation. My question is whether or not the wr side is correct if in doubt and most of the time I am, I never have trusted what WR says. Go by what the paper states unless subsequent transfer changed the right. - the stipulation was done 4-07-87 and the wr record entered 4-24-87. The other question is whether these were decreed in the PRBA. We don't have the signed decree on these, only a copy of the stipulation - which has no signature page. The judge on the last page approved the stipulation. On 9/29/88 the Moses/Blk Cnyn rights were the subject of a Motion for PD. These and other rights were in an amended decree (3 pages) 10/04/88. So, I guess I'm wondering if we list them as decreed in our recommendation and if we need to do further research YES since the wr side shows something different than the stipulation and it was data entered afterwards. See going by the paper above.

(As soon as the Document Mgt. Systems (DMS aka PCDocs) is running, this bunch of stips and pds in the Payette are some of the first to go in the system for testing and other purposes. I may even look into putting them in the test/test system to output as pdf files on a cd. I hate pawing through the vault's untabbed and what seems out of chronological order copy of those documents. I trust you have invested some time to have a better working copy.)

The other question came up when I was reviewing a couple of B51's where the transfer has been issued - these were originally beneficial use rights, so the water rights side called them across as SRBA decreed and had them match the transfer. On the AJ side we have the original rights SRBA decreed 4 days before the transfer was approved without the changes showing. If these are called across to replace the ones on the WR side, then the transfer changes will be lost. Is there some way you will be able to catch these types or others where the AJ record does not show the current transfer and it's already been decreed? Yes the plan is to catch these; no, I can't tell you the how of catching these. I can say we are not moving ahead on programmatic swaps of data until we do have a plan. So, they have updated the WR side and then the AJ record replaces that? Just wondering if I need to let you know about these when I see them, or if I let Allocation know or something. The numbers I was working on are 51-10099 & 51-12743. The audit dates should be a clue as we go to swapping data.

Idaho Dept. of Water Resources

Claim No(s): 65-11402

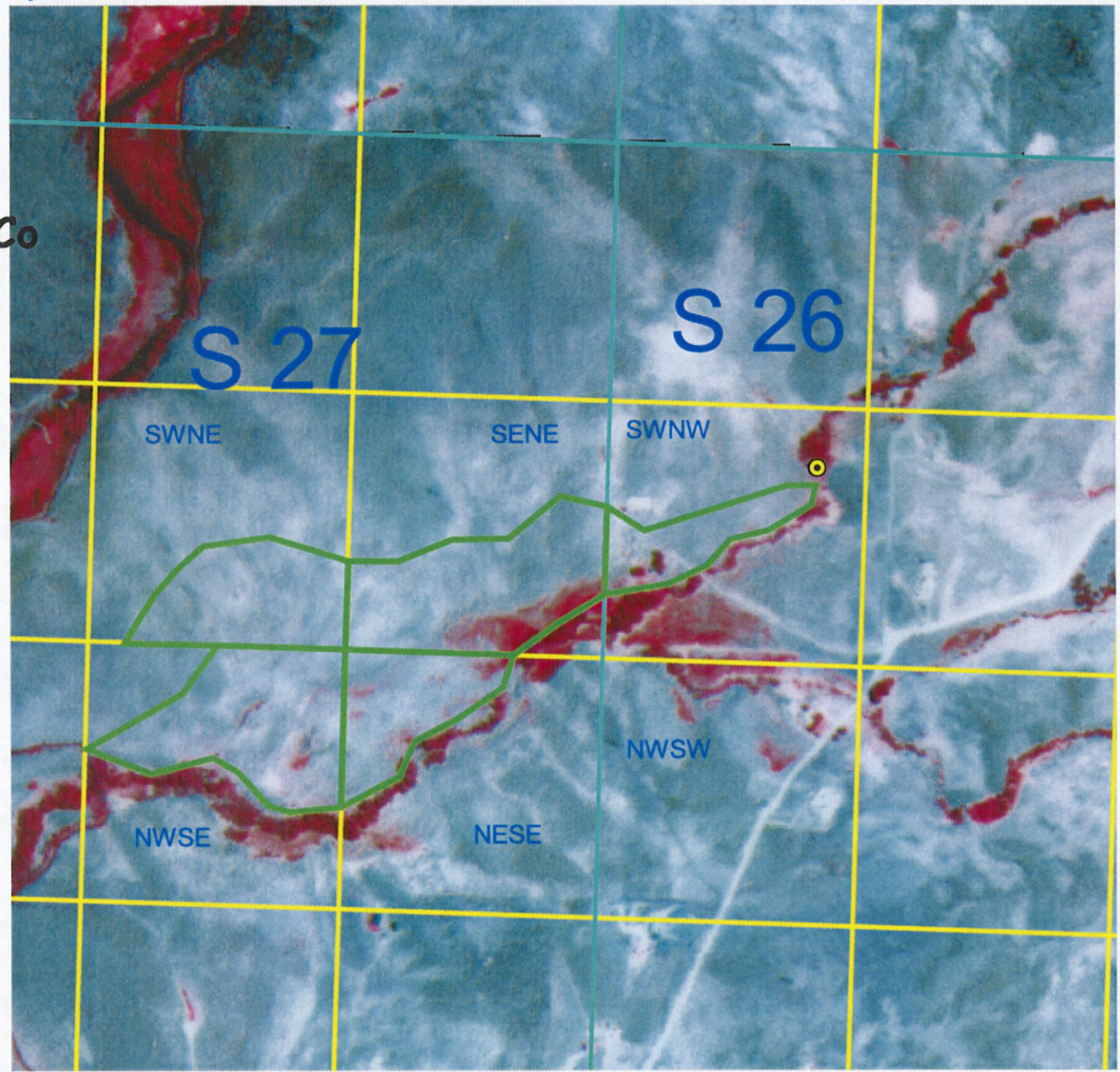
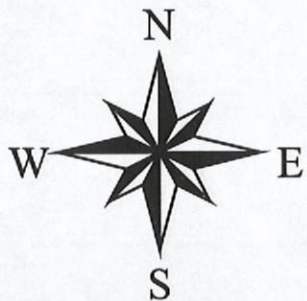
Claimant(s): Moses Cattle Co

T08N, R01E, S 26, 27

Prepared by: Sue Bock

Date: 1/4/2000

-  Place of Use
-  Point of Diversion
-  Section lines
-  1/4 1/4 lines



0 1000 2000 Feet



1987 NAPP Photo

EXHIBIT A

PAGE 2

AMENDMENT TO PROPOSED FINDING OF WATER RIGHTS - PAYETTE RIVER DRAINAGE

RIGHT NO.	NAME AND ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	MAX AMT. MAX RATE	DIVERSION POINT	PLACE OF USE AND ACREAGE	BASIS FOR RIGHT
65-0470	BLACK CANYON GRAZING ASSN. C/O ALVIN H. MOSES RT. 51 GALDWELLSWEET, ID 8360583670 SOURCE: PETERSON CREEK UNNAMED STREAM REMARKS: THIS RIGHT WHEN COMBINED WITH RIGHTS 64-0464 & 65-0506 SHALL PROVIDE NO MORE THAN .07 CFS NOR 4.1 AFA. DIVERSIONS FOR THIS RIGHT ARE 10 PONDS.	07/15/1965	STOCKWATER	01/01 12/31	4.10 AFA .07 CFS	SESE S25 T89N R2E SENE S25 T89N R2E SESW S30 T89N R3E NWSW S30 T89N R3E NESE S25 T89N R2E	SENE NESE SESE S25 T89N R2E NESW NWSW SESW S30 T89N R3E	BENEFICIAL USE
65-0504	BLACK CANYON GRAZING ASSN. C/O ALVIN H. MOSES RT. 51 GALDWELLSWEET, ID 8360583670 SOURCE: SPRING	09/15/1939	STOCKWATER	01/01 12/31	1.40 AFA .03 CFS	SENE S22 T8N R2E	SENE S22 T8N R2E	BENEFICIAL USE
65-0507	BLACK CANYON GRAZING ASSN. C/O ALVIN H. MOSES RT. 51 GALDWELLSWEET, ID 8360583670 SOURCE: SPRING	09/15/1939	STOCKWATER	01/01 12/31	5.40 AFA .09 CFS	SWNE S15 T8N R2E	SWNE S15 T8N R2E	BENEFICIAL USE
65-11402	MOSES CATTLE CO. RT. 1 SWEET, ID 83670 SOURCE: COONS CREEK, NORTH FORK	05/29/1927	IRRIGATION	04/01 11/01	--- AFA 1.14 CFS	SWNW S26 T8N R1E	SWNW(6) S26 T8N R1E SWNE(12) SENE(14) NESE(9) NWSE(16) S27 T8N R1E *57*	BENEFICIAL USE

indicates total

01 WATER RIGHT NUMBER - 65-11402

02 OLD (D) NUMBER -

03001 - MOSES CATTLE CO.
LAST NAME

04001 - FIRST NAME

05001 - C
ORIG. OWNER

06 ADD LINE 1 - RT. 1

07 ADD LINE 2 -

08 ADD LINE 3 -

09 CITY - SWEET

10 STATE - ID

11 ZIP - 836700000

12 STAGE - J ADJUDICATION CLAIM

13 STATUS -

14001 - COONS CREEK, NORTH FORK
SOURCE15001 - COONS CREEK
TRIBUTARY OF

16 DIVERSION MEANS - DIVERSION DAM & DITCHES.

17 COUNTY - 45 GEM

18 DIVERSION CAPACITY - .000

19 TOTAL DIVERSION RATE - 1.140

20 TOTAL DIVERSION VOLUME - .00

21 WATER DISTRICT - 65

TRACT	SEC	TWN	RNG	LOT	RFLG	STREAM	INDEX	FIELDS
22001 - SWNW	23001 - 26	24001 - 08N	25001 - 01E	26001 - 28001 - 0	27001 - 0.0	0.0	0.0	0.0

29 NON-IRRIGATION USE -

USE CODE / USE	TWN	RNG	SEC	TRACT	ACRES	LOT
30001 - 01 IRRIGATION	31001 - 08N	32001 - 01E	33001 - 26	34001 - SWNW	35001 - 06	36001 -
30002 - 01 IRRIGATION	31002 - 08N	32002 - 01E	33002 - 27	34002 - SWNE	35002 - 12	36002 -
30003 - 01 IRRIGATION	31003 - 08N	32003 - 01E	33003 - 27	34003 - SENE	35003 - 14	36003 -
30004 - 01 IRRIGATION	31004 - 08N	32004 - 01E	33004 - 27	34004 - NESE	35004 - 09	36004 -
30005 - 01 IRRIGATION	31005 - 08N	32005 - 01E	33005 - 27	34005 - NWSE	35005 - 16	36005 -

TOTAL ACRES: 57

PERIOD FROM	PERIOD TO	USE CODE / USE	DIVERSION RATE	DIVERSION VOLUME
37001 - 0401	38001 - 1101	39001 - 01 IRRIGATION	40001 - 1.140	41001 - 0.00

42 DECREE PLAINTIFF NAME -

43 DECREE DEFENDANT NAME -

44001 - REMARKS

APPROVAL CONDITIONS: 45001 -

46 OTHER RIGHTS FOR SAME USE -

DATES	DATES	FLAGS
47 PRIORITY - 29-MAY-1927	55 LICENSE -	63 TRANSFER/AMENDED -
48 PROOF DUE -	56 APPL RECEIVED -	64 DLE/CAREY ACT -
49 PROOF MADE -	57 FIELD EXAM MADE - 82 May 1980	65 FLAG_1 -
50 APPROVE/DENIED -	58 DECREE -	66 FLAG_2 -

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

IN THE MATTER OF THE GENERAL DETERMINATION OF RIGHTS TO THE USE OF

PAYETTE RIVER

DRAINAGE BASIN.

NOTICE OF CLAIM
TO A
WATER RIGHT

65-11402		MAR 18 1980	
I.D. No.		Map No.	
\$	Fee Paid	Department of Water Resources Western Regional Office	

Notice is hereby given that Moses Cattle Company
(Name of Claimant)Rt. # 1, Sweet, ID. 83670
(Mailing Address)

(Zip Code)

Telephone No. 208-584-3311

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) May 29, 1927
- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water) No. Fork Coons Creek
tributary to Coons Creek
- (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 <u>1.77 Cfs.</u>
(CFS, GPD, AF) | Use <u>Irrigation</u>
(Domestic, irrigation, stock, etc.) | Period of Use From <u>3/15</u> To <u>11/15</u>
(Mo., Day) (Both dates inclusive) |
| Quantity _____
(CFS, GPD, AF) | Use _____
(Domestic, irrigation, stock, etc.) | Period of Use From _____ To _____
(Mo., Day) (Both dates inclusive) |
| Quantity _____
(CFS, GPD, AF) | Use _____
(Domestic, irrigation, stock, etc.) | Period of Use From _____ To _____
(Mo., Day) (Both dates inclusive) |
| Quantity _____
(CFS, GPD, AF) | Use _____
(Domestic, irrigation, stock, etc.) | Period of Use From _____ To _____
(Mo., Day) (Both dates inclusive) |
- (4) 1.77 Cfs. TOTAL QUANTITY CLAIMED.
(CFS, GPD, AF)
- (5) A) Point of Diversion: Give location of point where water is diverted from its source SW $\frac{1}{4}$ NW $\frac{1}{4}$
Sec. 16, Twp. 8N, Rge. 1E, 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. Concrete Diversion Dam with Gravity Ditch and Laterals.
- (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.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTAL
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
		26																	9
		27			22										9	18			67

Total no. of acres 76

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: Moses Cattle Company(8) Remarks Copies of Deeds and Affidavits attached.

- (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.

Individual

(Signature of Claimant)

(Date)

(Signature of Spouse)

Organization

State of Idaho

Organization

County of Idaho ss.

Seal

(Signature of Authorized Agent)

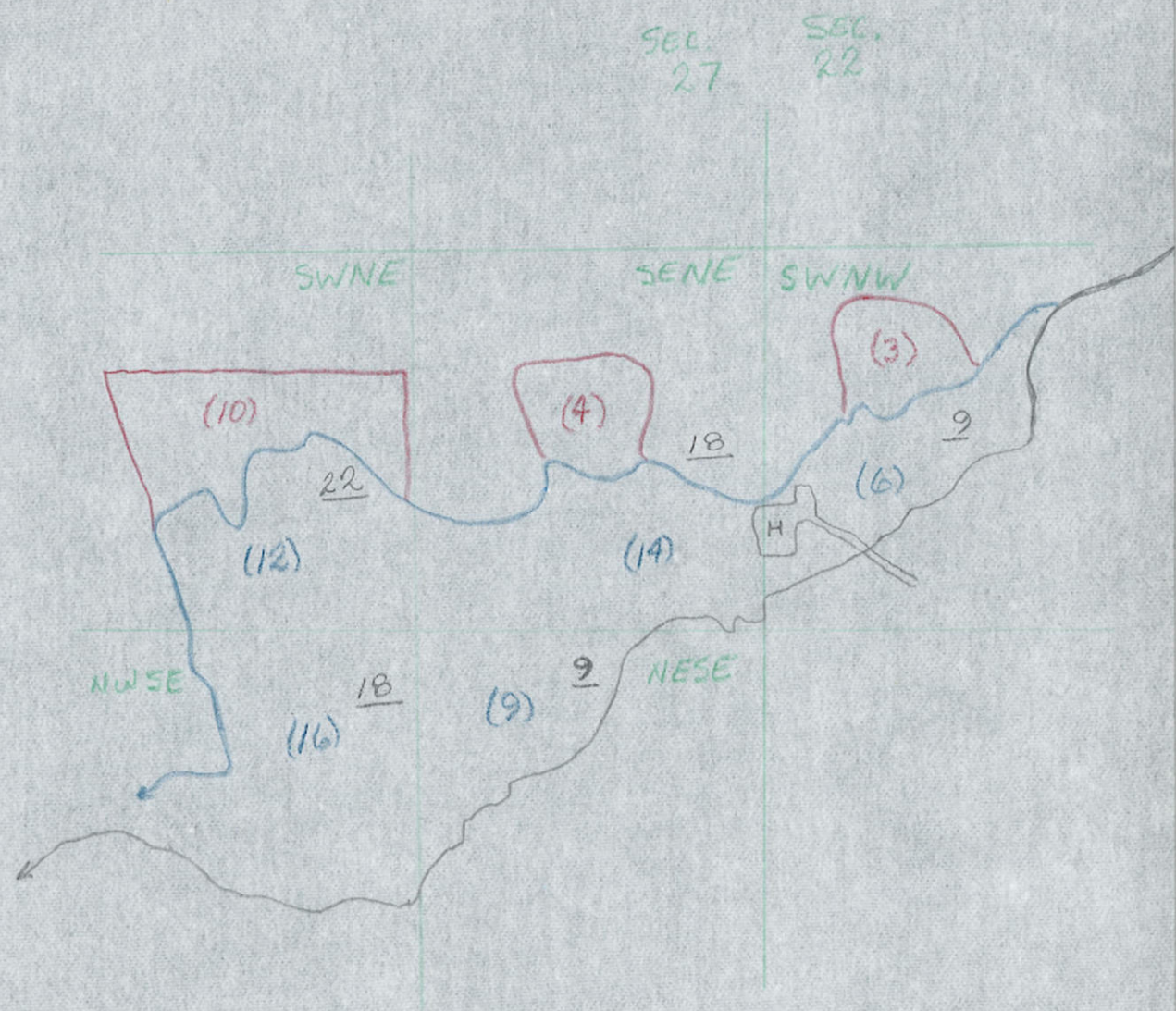
On this 28 day of March, in the year 1980 before me
a notary public, personally appeared Moses Cattle Company
known to me to be the person(s) whose name(s) are subscribed to the above instrument, and acknowledged to me that (he, she, they, corporation,
partnership or _____) executed the same.

My commission expires _____

Notary Public residing at _____

STILL SWATTIN

- 9 - ACREAGE ON CLAIM
- (6) - ACREAGE FOUND
- (3) - ADDITIONAL LAND NOT UNDER DITCH
- - QUARTER LINES
- 1" = 660'



INTERIOR COTTON

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: **A65-11402**
Date Received: 11/18/1988
Receipt No: X999999
Received By: _____

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name: MOSES CATTLE CO 208-584-3436
Address: C/O ROY MOSES
8777 OLA HWY
SWEET ID 83670

2. Date of Priority: MAY 29, 1927

3. Source: COONS CREEK, NORTH FORK Trib. to: COONS CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
08N	01E	26		SW	NW		GEM

5. Description of diverting works:
DIVERSION DAM & DITCHES.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.140		

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

8. Total consumptive use is 142.5 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
08N	01E	26	SW	NW		IRR	6.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	6.0
		27	SW	NE	IRR	12.0
			SE	NE	IRR	14.0
			NE	SE	IRR	9.0
			NW	SE	IRR	16.0
					Section Acres	51.0
					Total Acres	57.0

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:
NONE

14. Remarks:
ADDRESS CORRECTION 1/12/2000 SB

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

STATE OF IDAHO

Decree Plaintiff

A & C CORP., ET AL.

vs Decree Defendant

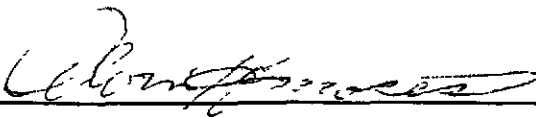
STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

RECEIVED

JAN 12 2000

WATER RESOURCES
WESTERN REGION

CHANGE IN ADDRESS OF NOTICE OF CLAIM

- [] Water Right Number(s): 65-00395
65-03447
65-11402, 04, 05
- [] Claimant Name(s): Moses Cattle Co
C/O Alan Moses
Roy Moses
- [] Old Mailing Address: Rt 1
Sweet, ID 83670
- [] New Mailing Address: 8777
8975 Old Hwy
Sweet, ID 83670
- Telephone Number: () 584-3436
3311
- [] Signature of Claimant(s): 
- Date: Jan 10, 2000

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: A65-11402
Date Received: ~~9/23/1988~~ 11-18-88
Receipt No: X999999
Received By: _____

Department of Water Resources

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MOSES CATTLE CO.
Address: RT. 1
SWEET, ID 83670

2. Date of Priority: MAY 29, 1927

3. Source: COONS CREEK, NORTH FORK Trib. to: COONS CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
08N	01E	26	SW	NW			GEM

5. Description of diverting works:
DIVERSION DAM & DITCHES.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.140		

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

8. Total consumptive use is 142.5 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
08N	01E	26	SW	NW		IRR	6.0

Section Acres 6.0

27	SW	NE	IRR	12.0
----	----	----	-----	------

A65-11402

Page 1

Date: 09/23/88

MICROFILMED

SEP 24 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
08N	01E	27	SE	NE		IRR	14.0
			NE	SE		IRR	9.0
			NW	SE		IRR	16.0
						Section Acres	51.0
						Total Acres	57.0

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:
NONE

14. Remarks:

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date:

STATE OF IDAHO

Decree Plaintiff

vs

A & C CORP., ET AL.

Decree Defendant

(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.

I do solemnly swear or affirm that I am PARTNER of
MOSES CATTLE CO., that I have signed the foregoing
Organization Title
document in the space below as PARTNER of
MOSES CATTLE CO. and that the statements contained in the
Organization Title
foregoing document are true and correct. 

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.

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

Please type or print clearly:

Name of Claimant(s) MOSES CATTLE CO.

Mailing Address RT. I, SWEET, IDAHO 83670
(include Zip Code)

Phone Number (208) 584 - 3311

MICROFILMED
SEP 24 1992

RIGHT NUMBER: 65-11402

NAME AND ADDRESS: MOSES CATTLE CO
C/O ROY MOSES
8777 OLA HWY
SWEET ID 83670

SOURCE: COON CREEK, NORTH FORK

TRIBUTARY: COON CREEK

QUANTITY: 1.14 CFS

PRIORITY DATE: 05/29/1927

POINT OF DIVERSION:

T08N R01E S26 SWNW Within GEM County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	4/01 11/01	1.140 CFS

PLACE OF USE:

IRRIGATION Within GEM County

T08N R01E S26	SWNW	6.0	T08N R01E S27	SWNE	12.0
T08N R01E S27	SENE	14.0	T08N R01E S27	NESE	9.0
T08N R01E S27	NWSE	16.0			

57 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: Decreed

AJ0749NP
No. R65-11402

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

DATE: 01/12/00
PAGE: 1

```
=====
OWNER      PRIORITY  USE PERIOD  DIVERSION  DIVERSION
CODE      NAME & ADDRESS  DATE      WATER USE  FROM    TO    RATE    VOLUME
-----
C  MOSES CATTLE CO      05/29/1927  IRRIGATION  04-01  11-01    1.140 CFS
   C/O ROY MOSES
   8777 OLA HWY
   SWEET ID 83670
   (208) 584-3436
                                     TOTAL DIVERSION:  1.140 CFS
=====
```

Water Source: COONS CREEK, NORTH FORK

Tributary to: COONS CREEK

Stage: DECREED

Point(s) of Diversion:

T08N R01E S26

SWNW

GEM 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	Lt	Ac	: Lt	Ac	Lt	Ac	: SUM																			
08N	01E 26	:								:						:				:				:	6.0																		
08N	01E 27	:				12		14		:						:	09		16	:				:	51.0																		
																						TOTAL ACRES																					57.0

POU County: GEM

Other Rights: NONE

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number: 65

Field Inspection Flag:
Presumption Flag:

Comments: Date: 01/12/2000 User-ID: SBOCK Subject: ADDRESS CORRECTION
PER CLAIMANT

Audit: 01/12/00 SBOCK

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

00:08:29
12/10/99
95

PAGE: 16
PROFILE REPORT

CLAIM NUMBER: A65-11402

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	MOSES CATTLE CO	05/29/1927	IRRIGATION	04-01 11-01	1.140 CFS	
					TOTAL DIVERSION: CONSUMPTIVE USE:	1.140 CFS 142.50 AFA

Water Source: COONS CREEK, NORTH FORK

Tributary to: COONS CREEK

Stage: DECREED

Point(s) of Diversion:

T08N R01E S26

SWNW

GEM 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	Lt	Ac	SUM
08N	01E 26	:								06										6.0
08N	01E 27	:			12		14	:								09	16			51.0
																			TOTAL ACRES	57.0

POU County: GEM

Other Rights: NONE

Dates: Exam Made Date:

Verified Date:

04/10/1986

Objection Filed Date:

Misc: Water District Number: 65

Field Inspection Flag:

Presumption Flag:

WR5809NP
No. 65-11402

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 12/08/99
PAGE: 20

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	MOSES CATTLE CO. RT. 1 SWEET ID 836700000	05/29/1927	IRRIGATION	04/01 11/01	1.140 CFS	
TOTAL DIVERSION:					1.140 CFS	

Water Source: COONS CREEK, NORTH FORK

Tributary to: COONS CREEK

Stage: BENEFICIAL USE

Point(s) of Diversion:

T08N R01E S26

SWNW

GEM County

Place of use Legal Description for: IRRIGATION

			NE				NW				SW				SE				
T	R	S	NENE Lt Ac	NWNE Lt Ac	SWNE Lt Ac	SENE Lt Ac	NENW Lt Ac	NWNW Lt Ac	SWNW Lt Ac	SENW Lt Ac	NESW Lt Ac	NWSW Lt Ac	SWSW Lt Ac	SESW Lt Ac	NESE Lt Ac	NWSE Lt Ac	SWSE Lt Ac	SESE Lt Ac	SUM
08N	01E	26							06							09	16		6.0
08N	01E	27			12	14													51.0
TOTAL ACRES																			57.0

Pou County: GEM

Dates:	App. Received:	Priority Date:	05/29/1927
	Proof Due Date:	Proof Made Date:	
	Exam Made Date:	Exam Sent to S.O.:	
	Licensed Date:		

Misc:	Water District Number: 65	Field Exam Fee:
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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

00:00:06
12/10/99

PAGE: 1
GENERAL INFORMATION

80
CLAIM NUMBER: A65-11402

LAST: MOSES CATTLE CO
ADDRESS: RT 1
CITY: SWEET
PHONE NUMBER: 208-000-0000
STATE: ID ZIP: 83670

FIRST:

OWNER CODE: C

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

NO REMARKS IN CLAIM

DATABASE
N

FIELD
EXAMINER

FIELD EXAMINATION INFORMATION

CONTACT PERSON: _____

PHONE NUMBER: (____) ____-____

DATE OF FIELD EXAM: __/__/__

APPOINTMENT MADE: Y(____) N(____)

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

ACCOMPANIED BY: _____

PHONE NUMBER: (____) ____-____

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / NOTES:

A. AJ CLAIM: # A65-11402 PRIORITY DATE: 05-29-1927 STAGE: D

B. WR RECORD: # 65-11402 PRIORITY DATE: 05-29-1927 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: Right was decided in PRDA through stipulation

=====

RECOMMENDED PRIORITY DATE:

05-29-1927

REVIEWED BY

SB

DATE

1-4-00

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
A65-11402	08N	01E	26		SW	NW			GEM		

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
A65-11126 65-11126

WR RECORDS IN SAME 40 ACRE TRACT
65-11126

SOURCE: COONS CREEK, NORTH FORK

TRIB: COONS CREEK

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
65-11402	08N	01E	26		SW	NW			GEM		

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX

65-11126

A65-11126 65-11126

SOURCE: COONS CREEK, NORTH FORK

TRIB: COONS CREEK

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: as done

=====

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

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY GEM	DIVERSION NAME	DIVERSION NBR
08N	01E	26		SW	NW					

SOURCE: COONS CREEK, NORTH FORK

TRIB: COONS CREEK

REVIEWED BY: SP DATE: 1-4-00

=====

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

A. ROOT WATER RIGHT NUMBERS: A65-11402

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
08N	01E	26	SW	NW		MOSES CATTLE CO	A65-11402 / 6.0	65-11402 / 6.0			
			SW	NW		LINK, CLARENCE D	A65-11126 /	65-11126 /			
			SW	NW		LINK, CLARENCE D	65-11126 /	- /			40
08N	01E	27	SW	NE		MOSES CATTLE CO	A65-11402 / 12.0	65-11402 / 12.0			12
08N	01E	27	SE	NE		MOSES CATTLE CO	A65-11402 / 14.0	65-11402 / 14.0	9.0		
			SE	NE		TROUT, KELLY	A65-00124 /	65-00124 /			14
			SE	NE		TROUT, KELLY	65-00124 /	- /			
08N	01E	27	NE	SE		MOSES CATTLE CO	A65-11402 / 9.0	65-11402 / 9.0	13.0		9
08N	01E	27	NW	SE		MOSES CATTLE CO	A65-11402 / 16.0	65-11402 / 16.0	22.0		16
ADDITIONAL POU FOUND											

TOTAL ACRES	A65-11402	57.00	57.00	44.00
-------------	-----------	-------	-------	-------

POU COUNTY: GEM

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

Y() N(X)

* 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

NO CLAIMS FOUND WITH SAME POU AND IRRIGATION USAGE

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

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A65-11126	STOCKWATER	LINK, CLARENCE D	FROM 01-01 TO 12-31	0.030 CFS	1.40 AF/A
65-11126	STOCKWATER	LINK, CLARENCE D	FROM 01-01 TO 12-31	0.030 CFS	1.40 AF/A
A65-00124	DOMESTIC	TROUT, KELLY	FROM 01-01 TO 12-31	0.020 CFS	

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
65-00124	DOMESTIC	TROUT, KELLY	FROM 01-01 TO 12-31	0.020 CFS	

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

Y() N(☒)

* IF YES, COMPLETE OVERLAP REVIEW:

OTHER RIGHTS LISTED IN CLAIM: NONE

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(☒)

NOTES: all done

TOTAL ACRES: 57 N/A()

REVIEWED BY: SB DATE: 1-4-00

A. AJ CLAIMED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
A65-11402 IRRIGATION	FROM 04-01 TO 11-01	1.140 CFS	
TOTAL DIVERSION RATE/VOLUME		1.140 CFS	

B. WR RECORDED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
65-11402 IRRIGATION	FROM 04-01 TO 11-01	1.140 CFS	
TOTAL DIVERSION RATE/VOLUME		1.140 CFS	

C. DOES THE CLAIMED PURPOSE OF USE CORRECTLY DESCRIBE THE WATER USE?

Y(☒) N(☐)

D. IS THE CLAIMED PURPOSE OF USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A(☐) Y(☒) N(☐)

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

E. SHOULD THE CLAIMED PURPOSE OF USE BE VERIFIED BY FIELD EXAM?

Y(☐) N(☒)

F. DOES THE CLAIMED PERIOD OF USE CONFORM TO IDWR STANDARDS?

Y(☒) N(☐)

G. SHOULD THE PERIOD OF USE BE RECOMMENDED TO IDWR STANDARDS?

Y(☐) N(☐)

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

H. IS THE CLAIMED DIVERSION RATE FOR EACH USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A(☐) Y(☒) N(☐)

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

I. SHOULD THE CLAIMED DIVERSION RATE FOR EACH USE BE VERIFIED BY FIELD EXAM?

N/A(☐) Y(☐) N(☒)

J. IS THE CLAIMED DIVERSION VOLUME FOR EACH USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A(☒) Y(☐) N(☐)

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

K. SHOULD THE CLAIMED DIVERSION VOLUME FOR EACH USE BE VERIFIED BY FIELD EXAM?

N/A(☒) Y(☐) N(☐)

NOTES: as done

AJ CLAIM TOTAL DIVERSION RATE: 1.140 CFS

WR ROOT RIGHT TOTAL DIVERSION RATE: 1.140 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 _____, SEE ATTACHED CALCULATIONS.

F. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE
ACRES 57 x 0.02 CFS/ACRE = 114 CFS
(Taken from pou review)

1b. CALCULATIONS

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

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

2. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = AF/A

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

TOTAL DIVERSION VOLUME _____ AF/A

3. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 142.5 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:

AS doc. 100

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	04-01	11-01	DATABASE 1.140	EXAMINER _____	DATABASE	EXAMINER _____	DATABASE 142.5	EXAMINER _____
_____	_____	_____		_____		_____		_____
_____	_____	_____		_____		_____		_____
_____	_____	_____		_____		_____		_____
_____	_____	_____		_____		_____		_____
TOTAL FOR THIS RIGHT			1.140	_____		_____	142.5	_____

NON-IRRIGATION USES CLAIMED:

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

REVIEWED BY: _____ DATE: _____

FLAG: _____

STANDARD CONDITIONS (CODE):

STANDARD REMARKS (CODE):

EXPLANATORY CONDITIONS (CODE):

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

N/A

ROOT WATER RIGHT NUMBER: 65-11402

TOTAL DIVERSION RATE OF WR SPLITS	DATABASE 1.140	EXAMINER _____	CFS
-----------------------------------	-------------------	-------------------	-----

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A65-11402	1.140	-		65-11402	1.140
TOTAL CFS		1.140				1.140

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	FIELD EXAMINER
Y	Y() N()

NOTES:

AUTHENTICATION:

SIGNATURE: _____ DATE: _____

NAME OF FIELD EXAMINER: _____ TITLE: _____

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

TYPE OF MAP OR PHOTOGRAPH (CHECK IF USED)	IF USED, SUPPLY APPROPRIATE DATE AND OTHER INFORMATION	COPY INCLUDED IN FILE?
() ORTHOPHOTOQUAD	DATE OF PHOTO _____ IDWR ID NO. _____	Y() N()
() TOPOGRAPHIC	DATE FIELD CHECKED _____ IDWR ID NO. _____	Y() N()
() NAPP	DATE OF PHOTO _____ IDWR ID NO. _____	Y() N()
() 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()
() SCS SOIL SURVEY MAP	DATE ISSUED _____	Y() N()
() SUBDIVISION PLAT MAP	DATE OF MAP _____	Y() N()
(X) OTHER <u>Old Map</u>	DATE <u>1-4-00</u>	~~Y~~ () N()
(X) OTHER <u>Debra Feldman</u>	DATE _____	~~Y~~ () N()
() OTHER _____	DATE _____	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 _____	_____	_____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

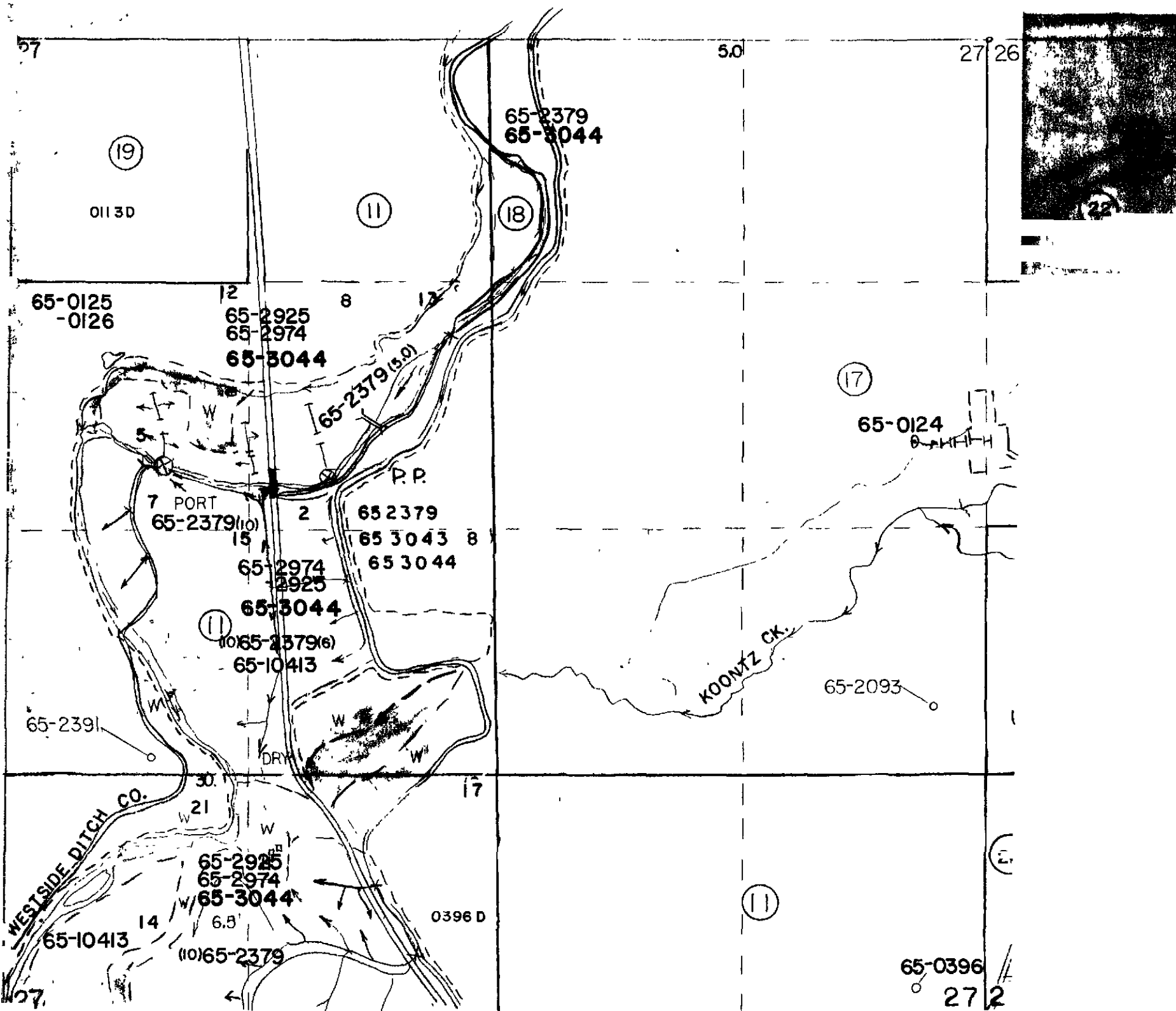
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PAGE: 15
QUICKLOOK INFORMATION

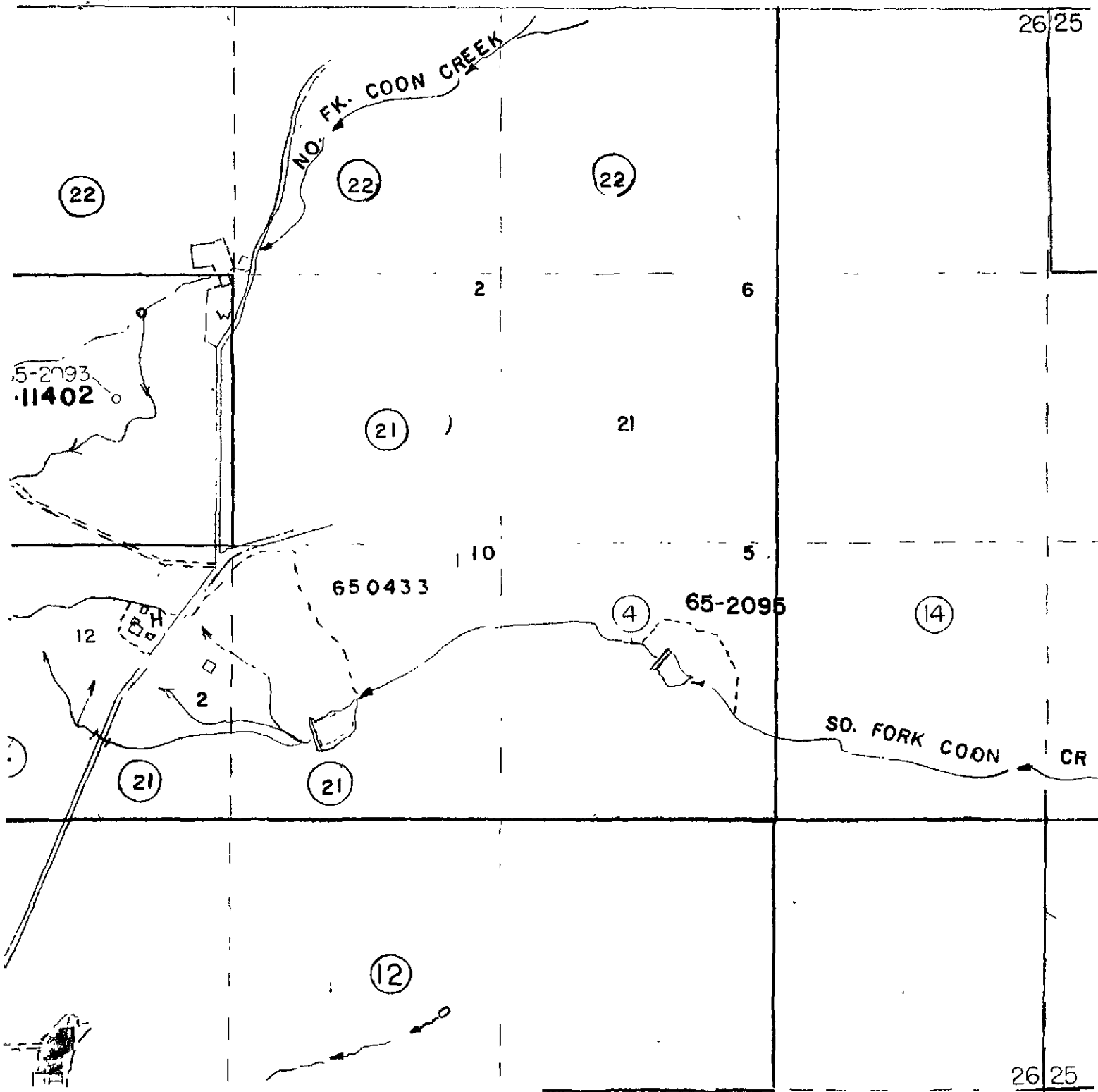
94
CLAIM NUMBER: A65-11402

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					2/10/00	2/10/00		
POINT OF DIV								
SOURCE								
PLACE OF USE	Y							
DIV. AMOUNT CFS/VOLUME								
CONSUMPTIVE USE								
PURPOSES OF USE								
PERIOD OF USE								
BASIS OF CLAIM								
REMARKS								

BARCODE UPDATED
WHOM/DATE



26 25



26 25

Shurte, Jan

From: Shaff, Don
Sent: Monday, December 20, 1999 9:35 AM
To: Shurte, Jan
Subject: RE: B65 stipulations & misc. procedures

Good morning,
I've inserted replies below.

Don
208/327-7932
dshaff@idwr.state.id.us

*Don's
ANSWERS*

-----Original Message-----

From: Shurte, Jan
Sent: Friday, December 17, 1999 2:49 PM
To: Shaff, Don
Cc: Shurte, Jan
Subject: B65 stipulations & misc. procedures

Hi Don - I just have a few questions concerning some stipulated rights in B65. I also have a question on the procedure for the aj record where a partial decree has been issued and a transfer has been approved. So, I'll just list the exact questions below:

We have several Moses Cattle Co. claims where stipulations were done. The numbers are 65-11402/11404/11405/11406 & 11407. On the WR side it states the rights are beneficial use rights. One of them appears to be differently data entered than the stipulation - 65-11406, however, the claim is filed like the stipulation. My question is whether or not the wr side is correct if in doubt and most of the time I am, I never have trusted what WR says. Go by what the paper states unless subsequent transfer changed the right. - the stipulation was done 4-07-87 and the wr record entered 4-24-87. The other question is whether these were decreed in the PRBA. We don't have the signed decree on these, only a copy of the stipulation - which has no signature page. The judge on the last page approved the stipulation. On 9/29/88 the Moses/Blk Cnyn rights were the subject of a Motion for PD. These and other rights were in an amended decree (3 pages) 10/04/88. So, I guess I'm wondering if we list them as decreed in our recommendation and if we need to do further research YES since the wr side shows something different than the stipulation and it was data entered afterwards. See going by the paper above.

(As soon as the Document Mgt. Systems (DMS aka PCDocs) is running, this bunch of stips and pds in the Payette are some of the first to go in the system for testing and other purposes. I may even look into putting them in the test/test system to output as pdf files on a cd. I hate pawing through the vault's untabbed and what seems out of chronological order copy of those documents. I trust you have invested some time to have a better working copy.)

The other question came up when I was reviewing a couple of B51's where the transfer has been issued - these were originally beneficial use rights, so the water rights side called them across as SRBA decreed and had them match the transfer. On the AJ side we have the original rights SRBA decreed 4 days before the transfer was approved without the changes showing. If these are called across to replace the ones on the WR side, then the transfer changes will be lost. Is there some way you will be able to catch these types or others where the AJ record does not show the current transfer and it's already been decreed? Yes the plan is to catch these; no, I can't tell you the how of catching these. I can say we are not moving ahead on programmatic swaps of data until we do have a plan. So, they have updated the WR side and then the AJ record replaces that? Just wondering if I need to let you know about these when I see them, or if I let Allocation know or something. The numbers I was working on are 51-10099 & 51-12743. The audit dates should be a clue as we go to swapping data.

Idaho Dept. of Water Resources

Claim No(s): 65-11402

Claimant(s): Moses Cattle C

T08N, R01E, S 26, 27

Prepared by: Sue Bock

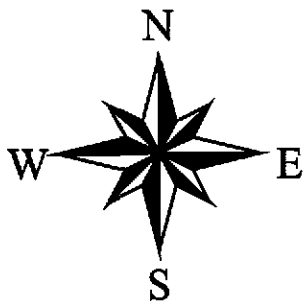
Date: 1/4/2000

 Place of Use

 Point of Diversion

 Section lines

 1/4 1/4 lines



0 1000 2000 Feet



1987 NAPP Photo



22

RECEIVED

APR 10 1987

Department of Water Resources

APR 10 1987

haci Rambois GEM

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	)	LATE OBJECTIONS OF
DRAINAGE.	)	MOSES CATTLE CO.
	)	

COMES NOW A. Kenneth Dunn, Director of the Idaho Department of Water Resources (director herein), and Alvin H. Moses (doing business as Moses Cattle Co. and Black Canyon Grazing Association), and stipulate as follows:

1. That late-filed claims designated water right nos. 65-11402, 65-11404, 65-11405, 65-11406, 65-11407, and 65-11408 be accepted and included in the Proposed Finding of Water Rights in the Payette River Drainage (report herein) as set forth in Exhibit A, attached hereto and incorporated herein by this reference.

2. That water right no. 65-0395 as set forth in the report be amended as follows:

- a. To show Moses Cattle Co. as the current owner of the right,
- b. To show Cottonwood Creek as the name of the water source (replacing Dougler Draw as the name of the water source), and to show that the source is known locally as Dougler Draw, and
- c. To show that use of the water right in combination with other rights is limited to a total use of .02 cubic feet per second (cfs) per acre.

3. That water right no. 65-0464 as set forth in the report be amended as follows:

- a. To show the current address of the owner,
- b. To change the section number of the place of use from eleven (11) to ten (10), and
- c. To show the North Fork Brownlee Creek as the stream to which the water source (unnamed springs) is tributary.

4. That water right nos. 65-0469 and 65-0470 as set forth in the report be amended as follows:

- a. To show the current address of the owner, and
- b. To change the township number of the point of diversion and place of use from eight (8) to nine (9).

5. That water right no. 65-0504 as set forth in the report be amended as follows:

- a. To show the current address of the owner, and

b. To show Boulder Creek as the stream to which the water source (unnamed spring) is tributary.

6. That water right no. 65-0507 as set forth in the report be amended as follows:

a. To show the current address of the owner, and

b. To show the North Fork Brownlee Creek as the stream to which the water source (unnamed spring) is tributary.

7. That the document dated April 17, 1980, filed by Alvin Moses for permission to file late objections for the purpose of submitting late claims be hereby withdrawn.

The amendments to the report described in items 2 through 6 above are also set forth in Exhibit A, attached hereto and incorporated herein by this reference.

DATED this 31st day of March, 1987.

JIM JONES
Attorney General

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

DATED this 6th day of March, 1987.

Louie Gorrone
LOUIE GORRONO
Attorney for Alvin Moses

The above stipulation having come before the court, it is hereby approved this 2nd day of April, 1987.

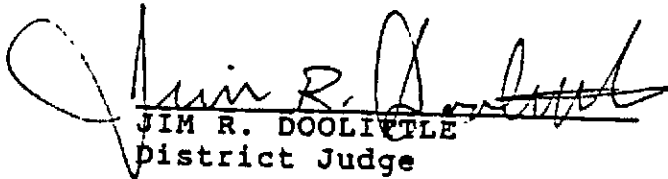

JIM R. DOOLITTLE
District Judge

EXHIBIT A
AMENDMENT TO PROPOSED FINDING OF WATER RIGHTS - PAYETTE RIVER DRAINAGE

PAGE 2

RIGHT NO.	NAME AND ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	MAX AMT. MAX RATE	DIVERSION POINT	PLACE OF USE AND ACREAGE	BASIS FOR RIGHT
65-0470	BLACK CANYON GRAZING ASSN. C/O ALVIN H. MOSES RT. 51 GALDWELLSWEET, ID 8360583670 SOURCE: PETERSON CREEK UNNAMED STREAM REMARKS: THIS RIGHT WHEN COMBINED WITH RIGHTS 64-0464 & 65-0506 SHALL PROVIDE NO MORE THAN .07 CFS NOR 4.1 AFA. DIVERSIONS FOR THIS RIGHT ARE 10 PONDS.	07/15/1965	STOCKWATER	01/01 12/31	4.10 AFA .07 CFS	SESE S25 T89N R2E SENE S25 T89N R2E SESW S30 T89N R3E NWSW S30 T89N R3E NESE S30 T89N R3E NESE S25 T89N R2E	SENE NESE SESE S25 T89N R2E NWSW S30 SESW S30 T89N R3E	BENEFICIAL USE
65-0504	BLACK CANYON GRAZING ASSN. C/O ALVIN H. MOSES RT. 51 GALDWELLSWEET, ID 8360583670 SOURCE: SPRING	09/15/1939	STOCKWATER	01/01 12/31	1.40 AFA .03 CFS	SENE S22 T8N R2E	SENE S22 T8N R2E	BENEFICIAL USE
65-0507	BLACK CANYON GRAZING ASSN. C/O ALVIN H. MOSES RT. 51 GALDWELLSWEET, ID 8360583670 SOURCE: SPRING	09/15/1939	STOCKWATER	01/01 12/31	5.40 AFA .09 CFS	SWNE S15 T8N R2E	SWNE S15 T8N R2E	BENEFICIAL USE
65-11402	MOSES CATTLE CO. RT. 1 SWEET, ID 83670 SOURCE: COONS CREEK, NORTH FORK	05/29/1927	IRRIGATION	04/01 11/01	--- AFA 1.14 CFS	SWNW S26 T8N R1E	SWNW(6) S26 T8N R1E SWNE(12) SENE(14) NESE(9) NWSE(16) S27 T8N R1E *57*	BENEFICIAL USE

indicates total

WATER
11-11402

DEPARTMENT OF WATER RESOURCES
WATER RIGHTS - ADJUDICATION REPORT

FILE NO. 1
1-JAN-1980 13:23:47

01 WATER RIGHT NUMBER - 11-11402 02 CASE NO. NUMBER -

03001 - MILES CATTLE

04001 - FIRST NAME

05001 - LAST NAME

06 ADD LINE 1 - 11-1

07 ADD LINE 2 -

08 ADD LINE 3 -

09 CITY - SW: T

10 STATE - 11

11 ZIP - 11-11402

12 STATUS - ADJUDICATION CLAIM

13 STATUS -

14001 - SOURCE
14001 - MILES CATTLE, NORTH FLUX

15001 - T-1 UTILITY OF
15001 - MILES CATTLE

16 DIVERSION NAME - DIVERSION, MILES CATTLE

17 COUNTY - 11-11402

18 DIVERSION CAPACITY - 1.140

19 TOTAL DIVERSION RATE - 1.140

20 TOTAL DIVERSION VOLUME - 1.140

21 WATER DISTRICT - 11-1

TRACT		SEC		TWN		RNG		DIVERSION POINTS		PERCENT		STATE		FEDERAL		PRIVATE	
11-1	11-1	11-1	11-1	11-1	11-1	11-1	11-1	11-1	11-1	11-1	11-1	11-1	11-1	11-1	11-1	11-1	11-1
11-1	11-1	11-1	11-1	11-1	11-1	11-1	11-1	11-1	11-1	11-1	11-1	11-1	11-1	11-1	11-1	11-1	11-1

22 NON-IRRIGATION USE -

TRACT		SEC		TWN		RNG		PLANT		PERCENT		STATE		FEDERAL		PRIVATE	
11-1	11-1	11-1	11-1	11-1	11-1	11-1	11-1	11-1	11-1	11-1	11-1	11-1	11-1	11-1	11-1	11-1	11-1
11-1	11-1	11-1	11-1	11-1	11-1	11-1	11-1	11-1	11-1	11-1	11-1	11-1	11-1	11-1	11-1	11-1	11-1

TOTAL ACRES: 11-1

TRACT		SEC		TWN		RNG		PLANT		PERCENT		STATE		FEDERAL		PRIVATE	
11-1	11-1	11-1	11-1	11-1	11-1	11-1	11-1	11-1	11-1	11-1	11-1	11-1	11-1	11-1	11-1	11-1	11-1
11-1	11-1	11-1	11-1	11-1	11-1	11-1	11-1	11-1	11-1	11-1	11-1	11-1	11-1	11-1	11-1	11-1	11-1

42 WATER RIGHT NAME -

43 WATER RIGHT NAME -

44001 -

45001 -

46 OTHER RIGHTS - 11-1

TRACT		SEC		TWN		RNG		PLANT		PERCENT		STATE		FEDERAL		PRIVATE	
11-1	11-1	11-1	11-1	11-1	11-1	11-1	11-1	11-1	11-1	11-1	11-1	11-1	11-1	11-1	11-1	11-1	11-1
11-1	11-1	11-1	11-1	11-1	11-1	11-1	11-1	11-1	11-1	11-1	11-1	11-1	11-1	11-1	11-1	11-1	11-1

82 May 1980

WRR100
65-11402

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHTS PROOF READING REPORT

PAGE 2
1-JAN-1986 19:25:33

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

51 PROTESTED -
52 HEARING -
53 VERIFIED -
54 LAST UPDATE - 31-DEC-1985

59 START WORK -
60 ORDER SHOW CAUSE -
61 DATE_1 -
62 DATE_2 -

67 FLAG_3 -

*Verified
01/30/86*

Record

6. Diversion Means: Diversion dam & ditches

8A. Non-Irrigation Use Remarks: _____

8B. Place of Use:

Use Code: Ø1

			NE				NW				SW				SE			
TWP	RANGE	SEC.	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$
8N	1E	26							6									
8N	1E	27			12	14									9	16		

8C. Other Rights: _____

10. Remarks: _____

11. Decree Plaintiff _____

12. Decree Defendant _____

Decree Date ____/____/____

13. Protested Date ____/____/____ Hearing Date ____/____/____

Old Number _____

14. Stage _____ Status _____ Water District _____

Proof due date ____/____/____

Permit or Denied Date ____/____/____

Proof made date ____/____/____

Start work date ____/____/____

Order to Show Cause ____/____/____

Licensed date ____/____/____

15. Conditions of Approval

16. Diversion Capacity: _____

Application Received ____/____/____

Field Exam Date ____/____/____

Verified Code _____

WATER RIGHT CODING FORM
VAX SYSTEM

Coder's Name SHAFF

WATER RIGHT NO. 65-11402

See Coder's Handbook for instructions on filling out this form.

Record

	<u>Last Name or Company (40)</u>	<u>First Name (20)</u>	<u>Owner Indicator</u>
1. Owner	<u>Moses Cattle Co.</u>		<u>C</u>

1A. Address

Rt. 1

1B. _____

City Sweet

State ID Zip 83670

2. Source(s) Coons Creek, North Fork

Tributary Coons Creek

3. Point(s) of Diversion Description

<u>Tract</u>	<u>Sec.</u>	<u>Twp</u>	<u>Rng</u>	<u>Lot</u>	<u>Rediv.</u>
<u>SWNW</u>	<u>26</u>	<u>8N</u>	<u>1E</u>		

4. Period of Use, Use, Diversion Rate/Volume

	<u>FROM</u>	<u>TO</u>	<u>USE CODE</u>	<u>CFS</u>	<u>ACRE FEET</u>
4-1	<u>3-15</u>	<u>11-1</u> <u>4-15</u>	<u>01</u>	<u>1.14</u>	

5. A. Stage J B. Status _____

C. Priority Date 5/29/1927 D. County Code 45

E. Total Cfs 1.14 F. Total Acre Feet _____

G. Transfer/Amendment Flag _____ H. Water District 65

I. DLE/Carey Act _____

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 RIGHTS TO THE USE OF

PAYETTE RIVER

DRAINAGE BASIN.

NOTICE OF CLAIM TO A WATER RIGHT

MAR 18 1980	
65-11402 I.D. No.	Map No.
Department of Water Resources	
\$ Fee Paid	Western Regional Office Receipt No.

Notice is hereby given that Moses Cattle Company
(Name of Claimant)

Rt. # 1, Sweet, ID. 83670
(Mailing Address)

Telephone No. 208-584-3311
(Zip Code)

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) May 29, 1927

- (2) Describe the source of water (Name of stream, lake, spring, etc., or ground water) No. Fork Coons Creek
tributary to Coons Creek

- (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 1.52 Cfs. Use Irrigation Period of Use From 3/15 4-1 To 11/15 11-1
(CFS, GPD, AF) (Domestic, irrigation, stock, etc.) (Mo., Day) (Mo., Day)
(Both dates inclusive)

Quantity 1.14 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)

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

- (4) 1.52 Cfs. 1.14 TOTAL QUANTITY CLAIMED.
(CFS, GPD, AF)

- (5) A) Point of Diversion Give location of point where water is diverted from its source SW $\frac{1}{4}$ NW $\frac{1}{4}$
Sec. 26, Twp. 8N, Rge. 1E, 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.

Concrete Diversion Dam with Gravity Ditch and Laterals.

- (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.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTAL
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
<u>8N</u>	<u>1E</u>	<u>26</u>							<u>62</u>										<u>62</u>
<u>8N</u>	<u>1E</u>	<u>27</u>			<u>22</u>	<u>18</u>									<u>9</u>	<u>16</u>			<u>25</u>
					<u>12</u>	<u>14</u>										<u>16</u>			<u>31</u>

Total no. of acres 1657

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: Moses Cattle Company

- (8) Remarks Copies of Deeds and Affidavits attached.

- (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.

Individual

(Signature of Claimant)

(Date)

(Signature of Spouse)

State of Idaho

Organization

Organization

County of Ada

ss.

Seal

Moses Cattle Co.
Glenn H. Moore Not.
(Signature of Authorized Agent)

On this 18th day of March, in the year 1980 before me
a notary public, personally appeared Alvin H. Moore

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 Life

Notary Public residing at Boise

EXHIBIT A

IN THE DISTRICT COURT OF THE THIRD

JUDICIAL DISTRICT

OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF GEM

RECEIVED

IN THE MATTER OF THE GENERAL DETERMINATION OF RIGHTS TO THE USE OF

PAYETTE RIVER

DRAINAGE BASIN.

NOTICE OF CLAIM
TO A
WATER RIGHT

65-11402 I.D. No.	MAR 18 1980 Map No.
\$ Fee Paid	Department of Water Resources Western Regional Office

Notice is hereby given that Moses Cattle Company

(Name of Claimant)

Rt. # 1, Sweet, ID., 83670

(Mailing Address)

Telephone No. 208-584-3311

(Zip Code)

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) May 29, 1927(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water) No. Fork Coons Creek
tributary to Coons Creek

(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 1.0 CFS Use Irrigation Period of Use From 3/15 To 11/15
(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)Quantity _____ Use _____ Period of Use From _____ To _____
(CFS, GPD, AF) (Domestic, irrigation, stock, etc.) (Mo., Day) (Mo., Day)
(Both dates inclusive)(4) 1.0 CFS TOTAL QUANTITY CLAIMED.
(CFS, GPD, AF)(5) A) Point of Diversion: Give location of point where water is diverted from its source S.J $\frac{1}{4}$ NE $\frac{1}{4}$
Sec. 26, Twp. 3N, Rge. 1E, B.M., Co. 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. _____

Concrete Diversion Dam with Gravity Ditch and Laterals.

(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	
1	1	26							9						9	18			9
2	1	27																	67

Total no. of acres 76

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: Moses Cattle Company(8) Remarks Copies of Deeds and Affidavits attached.

- (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.

Individual

(Signature of Claimant)

(Date)

State of Idaho

Organization

Organization MOSES CATTLE CO.

(Signature of Spouse)

County of Gem

ss.

Seal

(Signature of Authorized Agent)

On this 12 day of March, in the year 1980, before mea notary public, personally appeared Alvin H. Mowbray
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 _____

IN THE MATTER OF:

Yergenson
Water

AFFIDAVIT

State of Idaho

County of CEM

MELVIN BIGGERS

being first duly sworn,

deposes and says: I was born in 1907 within 14 miles
of the Yergenson place. Mother and I caught
fish in some creek and I helped Hay and
put up grain on this place and I know that
they were irrigated and watering the place
from some creek, this would be in the
late 20 (twenties) or in 1925

Melvin Biggers
(Signature)

Subscribed and sworn to before me this 17 day of March, 1980

W. R. B. Jones
(Notary Public)

Residing at Cabell, N. E. Co.
My Commission Expires 3.11.3, 1984

IN THE MATTER OF:

Yergenson
Water

AFFIDAVIT

State of Idaho
County of Gem

Stanley Kirkpatrick being first duly sworn,

deposes and says: E. B. Sweet, Idaho Dec 28, 1934
within 3 miles of the Yergenson place, I was
there when the Diversen Dam was put in
concrete form - this was a rebuilding of
the old Diversen Dam - this occurred in 1955
Dad work for Percy Yergenson in the 1928 and
he told me that they irrigated the place then also
as far as I know Bert Wilfong was still using
water in 1969, he was my brother-in-law, and
saw water running in the ditch in 1970

Stanley Kirkpatrick
(Signature)

Subscribed and sworn to before me this 17 day of March, 1958.

Joe J. Simpson
(Notary Public)

Residing at Caldwell, Idaho
My Commission Expires Feb. 5, 1959

State of Idaho,
County of Boise } ss.

On this 24 day of October in the year 1911, before me,
J. F. Pope Notary Public
in and for said County, personally appeared Ephraim Yergenson and
Flora Yergenson (his wife)
known to me to be the persons whose names are subscribed to the within instrument, and acknowledged
to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in
this certificate first above written.

J. F. Pope
Notary Public

RECEIVED

TO

Dated October 24 1911

STATE OF IDAHO,

County of Boise } ss.

I hereby certify that this instrument
was filed for record at the request of
Bank of Idaho
at 7 minutes past 9
o'clock A. M., this 24
day of October 1911
in my office, and duly recorded in Book
36 of Deeds at page 12
Henry G. Gifford
Ex-officio Recorder.

By J. F. Pope Deputy.

Fees, \$ 1.00

PRINTED AND FOR SALE BY
ARCH CUNNINGHAM & CO.,
STATIONERS, PRINTERS AND BOOK BINDERS
BOISE, IDAHO 8-10-120

RECORDED TO AND FILED BY
J. H. HAMILTON
ASS. CLERK

This Indenture, Made this 14th day of June
in the year of our Lord one thousand nine hundred and Eleven between
Ephraim Yergenson and Flora Yergenson
of Swet County of Boise State of Idaho
the parties of the first part, and Parley E. Yergenson
of Swet County of Boise State of Idaho
the part of the second part,

Witnesseth, That the said parties of the first part, for and in consideration of the sum of
Eighteen Hundred and no 100 Dollars,
lawful money of the United States of America, to them in hand paid by the said part of the second
part, the receipt whereof is hereby acknowledged, have granted, bargained and sold, and by these presents do
grant, bargain, sell, convey and confirm unto the said part of the second part, and to his heirs, and
assigns forever, all the following described real estate, situated in Boise County,
State of Idaho, to-wit:

All of the North 1/2 of the South East
1/4 of Section 27 T. 8 N. R. 1 E. B. M.
Together with all ditch and Water
rights. Containing 80 acres.
And except that certain mortgage
of 700- with interest, in favor of J. B. C.
which one-half of which The said
Parley Yergenson assumes and agrees
to pay.

Together With all and singular the tenements, hereditaments and appurtenances thereunto belonging or
in any wise appertaining and the reversion and reversions, remainder and remainders, rents, issues and profits
thereof, and all estate, right, title and interest in and to the said property, as well in law as in equity, of the said
parties of the first part:

To Have and to Hold, All and singular, the above mentioned and described premises, together with the
appurtenances, unto the part of the second part, and to his heirs and assigns forever. And the
said parties of the first part, and their heirs, the said premises in the quiet and peaceful possession
of the said part of the second part, his heirs and assigns, against the said parties of the first
part, and their heirs and against all and every person and persons whomsoever, lawfully claiming or to
claim the same shall and will WARRANT and by these presents forever DEFEND.

In Witness Whereof, The said parties of the first part have hereunto set their hands and seals
the day and year first above written.

Signed, Sealed and Delivered in the Presence of

J. T. P. P.

Ephraim Yergenson
Flora Yergenson

SEAL

SEAL

SEAL

SEAL

State of Idaho,
County of Boise } ss.

On this 24 day of October in the year 1912, before me,
H. F. Pope a Notary Public
in and for said County, personally appeared Ephraim Yergensen and
Flora Yergensen this 24th
known to me to be the person s whose names are subscribed to the within instrument, and acknowledged
to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in
this certificate first above written.

H. F. Pope.
Notary Public

RECEIVED

TO

Dated 24 1912

STATE OF IDAHO,

County of Boise } ss.

I hereby certify that this instrument
was filed for record at the request of
Boise P. Street

at 8 minutes past 4
o'clock A.M., this 24th
day of November 1912.

in my office and duly recorded in Book
36 of Records at page 176.

Henry C. Barker
Ex-Officio Recorder.

By H. F. Pope
Notary Public
Fees, \$ 1.22 Deputy.

PRINTED AND FOR SALE BY
ARCH CUNNINGHAM & CO.
STATIONERS, PRINTERS AND BOOK BINDERS
BOISE, IDAHO 810-1000

RECEIVED TO AND PLATED BY
H. H. HAMILTON
ASSISTANT

This Indenture, Made this 14th day of June
in the year of our Lord one thousand nine hundred and Eleven between
Ephraim Yergenson and Flora Yergenson
of Sweet County of Boise State of Idaho
the parties of the first part, and William K. Yergenson
of Sweet County of Boise State of Idaho
the party of the second part,

Witnesseth, That the said parties of the first part, for and in consideration of the sum of
Forteen Hundred and 00/100 Dollars,
lawful money of the United States of America, to them in hand paid by the said party of the second
part, the receipt whereof is hereby acknowledged, have granted, bargained and sold, and by these presents do
grant, bargain, sell, convey and confirm unto the said party of the second part, and to his heirs, and
assigns forever, all the following described real estate, situated in Boise County,
State of Idaho, to-wit:

All of The South West 1/4 of The North West
1/4 Section 26 and The South East
1/4 of The North East 1/4 of Section 27
Twp 8 N. 1 E Boise Meridian Containing
Eighty acres, together with all ditch
and water rights.

save and except that Certain Mortgage
of \$700.00 in favor of J. M. Hill with interest
one-half of which said William
Yergenson assumes and agrees to pay.

Together With all and singular the tenements, hereditaments and appurtenances thereunto belonging or
in any wise appertaining and the reversion and reversions, remainder and remainders, rents, issues and profits
thereof, and all estate, right, title and interest in and to the said property, as well in law as in equity, of the said
parties of the first part:

To Have and to Hold, All and singular, the above mentioned and described premises, together with the
appurtenances, unto the party of the second part, and to his heirs and assigns forever. And the
said parties of the first part, and their heirs, the said premises in the quiet and peaceful possession
of the said party of the second part, his heirs and assigns, against the said parties of the first
part, and their heirs and against all and every person and persons whomsoever, lawfully claiming or to
claim the same shall and will WARRANT and by these presents forever DEFEND.

In Witness Whereof, The said parties of the first part have hereunto set their hand and seals
the day and year first above written.

Signed, Sealed and Delivered in the Presence of

J. J. Pope

Ephraim Yergenson
Flora Yergenson



State of Idaho,

County of Boise

ss.

On this 21st day of April in the year 1913

before me A. D. Stanton, a Notary Public

in and for said County, personally appeared Parley E. Yerrhenson, a single man

known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

A. D. Stanton
Notary Public

RETURNED

Parley E. Yerrhenson

PRESENTED TO AND PLAYED BY ME
J. M. D. D. D.

Chapman
Yerrhenson

Dated April 21 1913

STATE OF IDAHO,
County of Boise ss.

I hereby certify that this instrument was filed for record at the request of Parley E. Yerrhenson at 18 minutes past 9 o'clock A. M., this 14th day of April 1913 in my office, and duly recorded in Book 27 of 1st 1st at page 305.
Ernest Anderson
Ex-officio Recorder.

Fees, \$ 20 By Deputy.

PRINTED AND FOR SALE BY
ARCH CUNNINGHAM & CO.,
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BOISE, IDAHO. 11-12-100

This Indenture, Made this 21st day of April

in the year of our Lord one thousand nine hundred and Thirteen between

Parley E. Yergenson, a single man.
of Sweet County of Boise State of Idaho

the part Y of the first part, and Ephraim Yergenson,

of Sweet County of Boise State of Idaho
the part Y of the second part,

Witnesseth, That the said part Y of the first part, for and in consideration of the sum of Twenty Five Hundred and No/100 Dollars, lawful money of the United States of America, to him in hand paid by the said part Y of the second part, the receipt whereof is hereby acknowledged, he has granted, bargained and sold, and by these presents do sell grant, bargain, sell, convey and confirm unto the said part Y of the second part, and to his heirs, and assigns forever, all the following described real estate, situated in Boise County, State of Idaho, to-wit:

All of the North Half (N 1/2) of the South East Quarter (S.E. 1/4) of Sec. Twenty Seven (27) Township Eight (8) North, Range One (1) East B.M.
Containing Eighty (80) Acres, Together with all ditch and water rights.

Together With all and singular the tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all estate, right, title and interest in and to the said property, as well in law as in equity, of the said part Y of the first part:

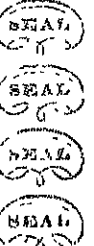
To Have and to Hold. All and singular, the above mentioned and described premises, together with the appurtenances, unto the part Y of the second part, and to his heirs and assigns forever. And the said part Y of the first part, and his heirs, the said premises in the quiet and peaceful possession of the said part Y of the second part, his heirs and assigns, against the said part Y of the first part, and his heirs and against all and every person and persons whomsoever, lawfully claiming or to claim the same shall and will WARRANT and by these presents forever DEFEND.

In Witness Whereof, The said part Y of the first part has herunto set his hand and seal... the day and year first above written.

Signed, Sealed and Delivered in the Presence of

A. D. Stanton

Parley E. Yergenson



MAR 02, 1979

PROPOSED FINDING OF WATER RIGHTS - PAYETTE RIVER DRAINAGE

Vol. II
PAGE 362

INDICATES TOTAL

SOURCE: SPRING

Boulder
TRIBUTARY TO: ~~JOHN~~ CREEK
BOLL

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
65-0504	BLACK CANYON GRAZING ASSN. C/O ALVIN H. MOSES, ROUTE 5, CALDWELL, IDAHO 83605	9/15/1939	STOCKWATER	1/ 1 12/31	1.40 AFA .03 CFS	SENE S22 T 8N R 2E	SENE S22 T 8N R 2E	BENEFICIAL USE

INDICATES TOTAL

SOURCE: SPRING

TRIBUTARY TO: CAMP CREEK

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
65-3712	HERRICK BROTHERS CASCADE, IDAHO 83611	1/ 1/1921	DOMESTIC	1/ 1 12/31	1.80 AFA .06 CFS	NWSE S 8 T12N R 4E	NWSE S 8 T12N R 4E	BENEFICIAL USE
			STOCKWATER	1/ 1 12/31	4.10 AFA .07 CFS *5.90*AFA *.13*CFS		SAME AS OTHER USE	
65-7641	HARP, J. BUO & HARP, MARIE BOX 531, CASCADE, IDAHO 83611 REMARKS: THIS PERMIT RIGHT IS NOT DECREED BY THE PRESENT ADJUDICATION PROCEDURE, AND IS INCLUDED FOR INFORMATION PURPOSES ONLY. NORMAL STATUTORY PROCEDURES MUST BE COMPLETED FOR LICENSING.	8/20/1976	IRRIGATION	4/15 10/15	--- AFA .04 CFS	NWSE S21 T12N R 4E	NWSE (8) S21 T12N R 4E *8*	PERMIT
			DOMESTIC	1/ 1 12/31	1.20 AFA .02 CFS *---*AFA *.06*CFS		SAME AS OTHER USE	

Vol. II

MAR 02, 1979

PROPOSED FINDING OF WATER RIGHTS - PAYETTE RIVER DRAINAGE

PAGE 363

INDICATES TOTAL

SOURCE: SPRING

TRIBUTARY TO: BRIDGE CREEK

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
65-11307	U. S. DEPT. OF AGRI. FOREST SERVICE, FEDERAL BLDG., 324 25TH STREET, OGDEN, UTAH 84401 REMARKS: SILVER CREEK LOOKCLT.	5/29/1905	DOMESTIC	1/ 1 12/31	.10 AFA .01 CFS	SWSW S 7 T12N R 6E	NESW S 7 T12N R 6E	RESERVED

INDICATES TOTAL

SOURCE: SPRING

TRIBUTARY TO: BRISTOL CREEK

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
65-9475	LITTLE, DAVID LAMEIT, IDAHO 83617	4/ 1/1968	STOCKWATER	1/ 1 12/31	14.00 AFA .23 CFS	SENW S34 T 8N R 1W	SENW S34 T 8N R 1W	BENEFICIAL USE

INDICATES TOTAL

SOURCE: SPRING

TRIBUTARY TO: BROWNLEE CREEK, NORTH FORK

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
65-10906	BIGGERS, CLINTON D. & BIGGERS, ATHA SWEET, IDAHO 83670	6/ 1/1918	DOMESTIC	1/ 1 12/31	1.20 AFA .04 CFS	SWSE S 5 T 7N R 2E	LC11 S 5 T 7N R 2E	BENEFICIAL USE
65-8058	BIGGERS, WILLIAM D. & BIGGERS, PHYLLIS A. SWEET, IDAHO 83670	6/ 1/1918	DOMESTIC	1/ 1 12/31	2.40 AFA .04 CFS	SWSE S 8 T 8N R 2E	SWSE S 8 T 8N R 2E	BENEFICIAL USE
			STOCKWATER	1/ 1 12/31	.70 AFA .02 CFS *3.10 AFA *0.06 CFS		SAME AS OTHER USE	
(2) 65-0507	BLACK CANYON GRAZING ASSN. C/O ALVIN H. MOSES, ROUTE 5, CALDWELL, IDAHO 83605 REMARKS: THIS RIGHT WHEN COMBINED WITH RIGHT 65-C467 SHALL PROVIDE NO MORE THAN .09 CFS NOR 5.4 AFA.	9/15/1939	STOCKWATER	1/ 1 12/31	5.40 AFA .09 CFS	SWNE S15 T 8N R 2E	SWNE S15 T 8N R 2E	BENEFICIAL USE
65-3378	LINK, JOHN B. SWEET, IDAHO 83670	4/ 1/1950	STOCKWATER	1/ 1 12/31	.70 AFA .02 CFS	NESW S32 T 8N R 2E	NESW S32 T 8N R 2E	BENEFICIAL USE
65-0465	BLACK CANYON GRAZING ASSN. C/O ALVIN H. MOSES, ROUTE 5, CALDWELL, IDAHO 83605	10/15/1967	STOCKWATER	1/ 1 12/31	1.40 AFA .03 CFS	NESE S21 T 8N R 2E	SESE S21 T 8N R 2E	BENEFICIAL USE

MAR 02, 1979

PROPOSED FINDING OF WATER RIGHTS - PAYETTE RIVER DRAINAGE

INDICATES TOTAL

SOURCE: UNNAMED STREAM

TRIBUTARY TO: DEER CREEK

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
65-5744	BELNAP, ALICE S. & HURLINGAME, DE WITT C. & HURLINGAME, VIRGINIA 5225 EUGENE STREET, BOISE, IDAHO 83703 REMARKS: LOTS 5 & 12, BLOCK 5, GOD'S ACRE SUBDIVISION #1.	8/14/1969	DOMESTIC	1/ 1 12/31	1.20 AFA .02 CFS	LGT 3 S 7 T14N R 3E	LC73 S 7 T14N R 3E	BENEFICIAL USE
65-7095	ADAMS, J. MARVIN & LITTY, LEO BOX 42, EAGLE, IDAHO 83616	8/20/1969	DOMESTIC	1/ 1 12/31	1.80 AFA .06 CFS	NENE S12 T14N R 2E	NWNW S12 T14N R 2E	LICENSE
65-7646	RUDOLPH, DEAN & RUDOLPH, DELLA V. #2 MONTANA WAY, HENDERSON, NEVADA 89105 REMARKS: LOTS 13 & 14, BLOCK 2, GOD'S ACRES SUBDIVISION #3. THIS PERMIT RIGHT IS NOT DECREED BY THE PRESENT ADJUDICATION PROCEDURE, AND IS INCLUDED FOR INFORMATION PURPOSES ONLY. NORMAL STATUTORY PROCEDURES MUST BE COMPLETED FOR LICENSING.	8/ 9/1976	DOMESTIC	1/ 1 12/31	2.40 AFA .08 CFS	NWSW S 7 T14N R 3E	NWSW S 7 T14N R 3E	PERMIT

INDICATES TOTAL

SOURCE: UNNAMED STREAM

TRIBUTARY TO: DRY BUCK CREEK

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
65-10007	U. S. DEPT. OF AGRI. FOREST SERVICE, FEDERAL BLDG., 324 25TH STREET, OGDEN, UTAH 84401 REMARKS: BUCK POND WATER DEVELOPMENT.	6/ 1/1960	STOCKWATER	1/ 1 12/31	.50 AFA .02 CFS	NWSW S31 T 9N R 3E	NWSW S31 T 9N R 3E	BENEFICIAL USE
65-0469	BLACK CANYON GRAZING ASSN. C/O ALVIN H. MOSES, ROUTE 5, CALDWELL, IDAHO 83605	7/15/1965	STOCKWATER	1/ 1 12/31	1.40 AFA .03 CFS	SWSW S25 T 9N R 2E	SWSW S25 T 9N R 2E	BENEFICIAL USE

29

MAR 02, 1979

PROPOSED FINDING OF WATER RIGHTS - PAYETTE RIVER DRAINAGE

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INDICATES TOTAL

SOURCE: PETERSON CREEK

TRIBUTARY TO: DRY BUCK CREEK

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
65-0470	BLACK CANYON GRAZING ASSN. C/O ALVIN H. MOSES, ROUTE 5, CALDWELL, IDAHO 83605 REMARKS: THIS RIGHT WHEN COMBINED WITH RIGHTS 65-0464 & 65-0506 SHALL PROVIDE NO MORE THAN .07 CFS NOR 4.1 AFA. DIVERSIONS FOR THIS RIGHT ARE 10 POUNDS. SOURCES FOR THIS RIGHT ARE PETERSON CREEK & UNNAMED STREAM.	7/15/1965	STOCKWATER	1/ 1 12/31	4.10 AFA .07 CFS	SESE S25 T9N R 2E SENE S25 T9N R 2E SESW S30 T9N R 3E NWSW S30 T9N R 3E NWSW S30 T9N R 3E NESE S25 T9N R 2E	SENE NESE SESE S25 T9N R 2E NWSW NWSW SESW S30 T9N R 3E	BENEFICIAL USE

WATCH.
RWB CHANGES

INDICATES TOTAL

SOURCE: PETERSON GULCH

TRIBUTARY TO: 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
65-2138	DOUBLE DIAMOND INC. C/O DON HUMSEY, HORSESHOE BEND, IDAHO 83629 REMARKS: THIS RIGHT WHEN COMBINED WITH RIGHT 65-1317 & 65-11393 SHALL PROVIDE NO MORE THAN .02 CFS/ACRE.	5/22/1912	IRRIGATION	4/ 1 11/ 1	--- AFA .40 CFS	SESE S35 T 7N R 2E	SWNW (8) SENW(14) S 2 T 6N R 2E #20*	LICENSE

INDICATES TOTAL

SOURCE: PETERSON SPRING

TRIBUTARY TO: SINKS

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
65-10008	U. S. DEPT. OF AGRI. FOREST SERVICE, FEDERAL BLDG., 324 25TH STREET, OGDEN, UTAH 84401	6/ 1/1942	STOCKWATER	1/ 1 12/31	.50 AFA .02 CFS	SW S32 T 9N R 3E	SW S32 T 9N R 3E	BENEFICIAL USE

MAR 02, 1979

PROPOSED FINDING OF WATER RIGHTS - PAYETTE RIVER DRAINAGE

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INDICATES TOTAL

SOURCE: UNNAMED STREAM

TRIBUTARY TO: PETERSON CREEK

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
65-0470	BLACK CANYON GRAZING ASSN. C/O ALVIN H. NOSES, ROUTE 5, CALDWELL, IDAHO 83605 REMARKS: THIS RIGHT WHEN COMBINED WITH RIGHTS 65-0464 & 65-0506 SHALL PROVIDE NO MORE THAN .07 CFS NOR 4.1 AFA. DIVERSIONS FOR THIS RIGHT ARE TO PWDOS. SOURCES FOR THIS RIGHT ARE PETERSON CREEK & UNNAMED STREAM.	7/15/1965	STOCKWATER	1/ 1 12/31	4.10 AFA .07 CFS	SESE S25 198N R 2E SESE S25 198N R 2E SESE S30 198N R 3E NWSW S30 198N R 3E NWSW S30 198N R 3E NESE S25 198N R 2E	SENE NESE SESE S25 198N R 2E NWSW NWSW SESE S30 198N R 3E	BENEFICIAL USE

INDICATES TOTAL

SOURCE: UNNAMED STREAM

TRIBUTARY TO: PORTER CREEK

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
65-7918	STUBBLEFIELD, GARY L. & STUBBLEFIELD, VICKI C. 5132 BONNEY ROAD, VIRGINIA BEACH, VIRGINIA 23462 REMARKS: THIS PERMIT RIGHT IS NOT DECREED BY THE PRESENT ADJUDICATION PROCEDURE, AND IS INCLUDED FOR INFORMATION PURPOSES ONLY. NORMAL STATUTORY PROCEDURES MUST BE COMPLETED FOR LICENSING.	7/28/1977	DOMESTIC	1/ 1 12/31	1.20 AFA .04 CFS	NWSE S22 T 7N R 3E	NWSE S22 T 7N R 3E	PERMIT

MAR 02, 1979

PROPOSED FINDING OF WATER RIGHTS - PAYETTE RIVER DRAINAGE

Vol. II

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INDICATES TOTAL

SOURCE: SPRINGS

TRIBUTARY TO: BROWNLEE CREEK, NORTH FORK

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
65-8059	BIGGERS, WILLIAM O. & BIGGERS, PHYLLIS A. SWEET, IDAHO 8367C	6/ 1/1936	STOCKWATER	1/ 1 12/31	.70 AFA .02 CFS	NENE S17 T 8N R 2E NESE S17 T 8N R 2E SENE S17 T 8N R 2E SESE S17 T 8N R 2E SWNE S17 T 8N R 2E	SENE NESE S17 T 8N R 2E	BENEFICIAL USE
65-8057	BIGGERS, WILLIAM O. & BIGGERS, PHYLLIS A. SWEET, IDAHO 8367C	1/ 1/1940	STOCKWATER	1/ 1 12/31	2.70 AFA .05 CFS	NENE S33 T 8N R 2E NWNW S 3 T 7N R 2E SESE S33 T 8N R 2E	NENE SESE S33 T 8N R 2E NWNW S 3 T 7N R 2E	BENEFICIAL USE
65-9018	LINK, LAWRENCE E. & LINK, PATRICIA ROUTE 3, BOX 574, ONTARIO, OREGON 97914	6/ 1/1946	STOCKWATER	1/ 1 12/31	1.40 AFA .03 CFS	NESE S29 T 8N R 2E SESE S29 T 8N R 2E	NESE SESE S29 T 8N R 2E	BENEFICIAL USE
65-0464	BLACK CANYON GRAZING ASSN. C/O ALVIN H. MOSES, ROUTE 5, CALDWELL, IDAHO 83605 REMARKS: THIS RIGHT WHEN COMBINED WITH RIGHTS 65-0506 & 65-0470 SHALL PROVIDE NO MORE THAN .07 CFS NOR 4.1 AFA.	5/15/1967	STOCKWATER	1/ 1 12/31	4.10 AFA .07 CFS	SESE S44 T 8N R 2E	S44 S44 T 8N R 2E ~~SESE~~	BENEFICIAL USE
65-7876	BIGGERS, L. W. SWEET, IDAHO 8367C REMARKS: THIS PERMIT RIGHT IS NOT DECREED BY THE PRESENT ADJUDICATION PROCEDURE, AND IS INCLUDED FOR INFORMATION PURPOSES ONLY. NORMAL STATUTORY PROCEDURES MUST BE COMPLETED FOR LICENSING.	5/ 3/1977	STOCKWATER	1/ 1 12/31	4.10 AFA .07 CFS	SENE S33 T 8N R 2E SWSE S28 T 8N R 2E	SENE S33 T 8N R 2E SWSE S28 T 8N R 2E	PERMIT

RECEIVED

APR 10 1987

APR 7 1987

Department of Water Resources

Boise River Basin
Lorei Rambow DES

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	)	LATE OBJECTIONS OF
DRAINAGE.	)	MOSES CATTLE CO.

COMES NOW A. Kenneth Dunn, Director of the Idaho Department of Water Resources (director herein), and Alvin H. Moses (doing business as Moses Cattle Co. and Black Canyon Grazing Association), and stipulate as follows:

1. That late-filed claims designated water right nos. 65-11402, 65-11404, 65-11405, 65-11406, 65-11407, and 65-11408 be accepted and included in the Proposed Finding of Water Rights in the Payette River Drainage (report herein) as set forth in Exhibit A, attached hereto and incorporated herein by this reference.

2. That water right no. 65-0395 as set forth in the report be amended as follows:

EXHIBIT A
AMENDMENT TO PROPOSED FINDING OF WATER RIGHTS - PAYETTE RIVER DRAINAGE

PAGE 2

RIGHT NO.	NAME AND ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	MAX AMT. MAX RATE	DIVERSION POINT	PLACE OF USE AND ACREAGE	BASIS FOR RIGHT
65-0470	BLACK CANYON GRAZING ASSN. C/O ALVIN H. MOSES RT. 51 CALDWELLSWEET, ID 8360583670 SOURCE: PETERSON CREEK UNNAMED STREAM REMARKS: THIS RIGHT WHEN COMBINED WITH RIGHTS 64-0464 & 65-0506 SHALL PROVIDE NO MORE THAN .07 CFS NOR 4.1 AFA. DIVERSIONS FOR THIS RIGHT ARE 10 PONDS.	07/15/1965	STOCKWATER	01/01 12/31	4.10 AFA .07 CFS	SESE S25 T89N R2E SENE S25 T89N R2E SESW S30 T89N R3E NWSW S30 T89N R3E NESE S25 T89N R2E	SENE NESE SESE S25 T89N R2E NESE NWSW SESW S30 T89N R3E	BENEFICIAL USE
65-0504	BLACK CANYON GRAZING ASSN. C/O ALVIN H. MOSES RT. 51 CALDWELLSWEET, ID 8360583670 SOURCE: SPRING	09/15/1939	STOCKWATER	01/01 12/31	1.40 AFA .03 CFS	SENE S22 T8N R2E	SENE S22 T8N R2E	BENEFICIAL USE
65-0507	BLACK CANYON GRAZING ASSN. C/O ALVIN H. MOSES RT. 51 CALDWELLSWEET, ID 8360583670 SOURCE: SPRING	09/15/1939	STOCKWATER	01/01 12/31	5.40 AFA .09 CFS	SWNE S15 T8N R2E	SWNE S15 T8N R2E	BENEFICIAL USE
65-11402	MOSES CATTLE CO. RT. 1 SWEET, ID 83670 SOURCE: COONS CREEK, NORTH FORK	05/29/1927	IRRIGATION	04/01 11/01	--- AFA 1.14 CFS	SWNW S26 T8N R1E	SWNW(6) S26 T8N R1E SWNE(12) SENE(14) NESE(9) NWSE(16) S27 T8N R1E *57*	BENEFICIAL USE

indicates total

May 30, 1980

Alvin Moses
Route 1
Sweet, Idaho 83670

Re: 65-11402

Dear Alvin,

Following our discussion on May 29th, we reviewed your claim and found the number of acres irrigated from the North Fork of Coons Creek is less than the number you claimed. I have enclosed a map showing the basis of our figure of 57 acres and what I believe was the basis for the 76 acres we assisted you to claim. As to a diversion rate, we would correspondingly recommend 1.14 cfs (.02 cfs or 1 miners inch/acre) instead of 1.52 as appears on your claim.

If our finding is confusing to you or you disagree with it, please get in touch with me. I'll be glad to come to Sweet and/or inspect the system with your assistance. Your efforts for us thus far are appreciated.

Sincerely,

DONALD V. SHAFF
Adjudication Section Supervisor

DVS:aje

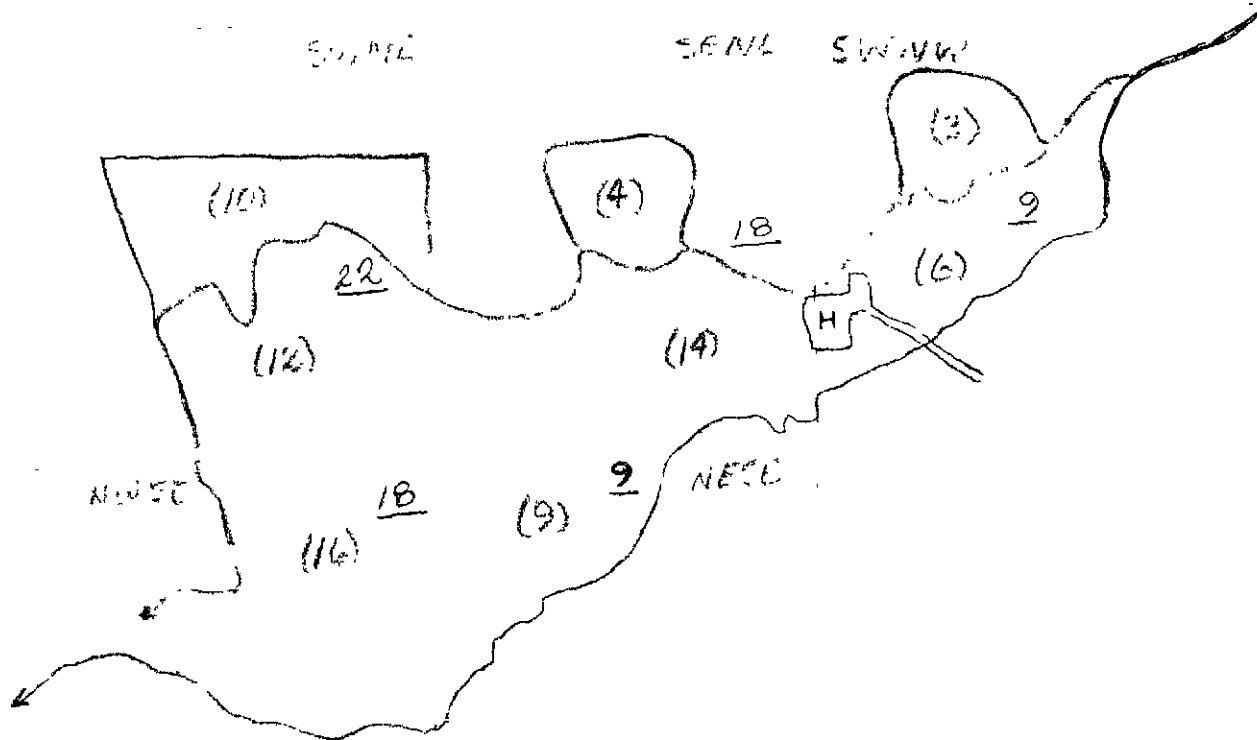
Enclosure

9 - ACREAGE ON CLAIM

(6) - ACREAGE FOUND

(3)- ADDITIONAL LAND
NOT UNDER DITCH

— - QUARTER. LINES

$$1'' = 660'$$


M E M O R A N D U M

To: 65-11402

From: D. Shaff

Date: 5/29/80

Mr. Moses was in the office today at my request to discuss the above claim. He said our examiner found little evidence of ditches or use because the last lessee had not farmed the ground for two years. As a result, tall annual plants obscure the location of the ditch. He said the ditch follows the contour that begins at the diversion works.

Repairs have been made this year on the diversion works, Moses said, which Jan Grover, our examiner, acknowledged she had seen on her field inspection. The ditch has not been maintained this year from the headgate to the house because a good stand of hay had grown this spring without the need of irrigation, he said.

I informed Mr. Moses we would recommend a right for the land without the necessity of another field exam. He said if an exam is necessary, he would be willing to show an examiner the system.

INTER-DEPARTMENT MEMO — 1

FROM Jan Grover

DATE 5/23/80

TO Don Shaff

SUBJECT Field Examination For Claim No. 65-11402

On 5/22/80 I walked around the acreages described in the above claim. At that time there were no ditches around the upper portion of the field in the S $\frac{1}{2}$ NE $\frac{1}{4}$, and N $\frac{1}{2}$ SE $\frac{1}{4}$ of Sec. 27. Nor were there ditches along the sides and down by the creek. In the land in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 26, there was a small ditch running along the upper bank of the creek, however, none along the tops of the fields. There is a cement diversion dam in the creek at the designated point, but as the creek was not flowing at that point, no diversion means were being used. A small spring flows freely onto a small portion of the field in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 27.


SIGNATURE



State of Idaho

DEPARTMENT OF WATER RESOURCES

WESTERN REGION, 92 South Cole Road, Boise, Idaho 83709

JOHN V. EVANS
Governor

(Office at the corner of
Franklin and Cole Roads)

C. STEPHEN ALLRED
Director

(208) 384-2190

M E M O R A N D U M

DATE: May 21, 1980
TO: Howard Carsman
FROM: Don Shaff
SUBJECT: Moses Objection

Notice should be given to the following individuals:

Clarence D. Link
Lorna R. Link
Sweet, ID 83670

Grover Cummings
P. O. Box 4
Sweet, ID 83670

Emmett L. Newell
Clecta M. Newell
Star Rt., Montour
Emmett, ID 83617

Sweet-Montour Cemetery Dist.
c/o Duane Hill
Sweet, ID 83670

Chester C. Kerstein
Joann F. Kerstein
Sweet, ID 83670

J. C. Glimp
Lila H. Glimp
Box 43
Sweet, ID 83670

Arthur Eldridge
Sweet, ID 83670

L. GORRONO

ATTORNEY AT LAW
105 NORTH HAYES
P.O. Box 637
EMMETT, IDAHO 83617
(208) 365-2421

May 16, 1980

Department of Water Resources
Western Region
92 South Cole Road
Boise, Idaho 83705

Re: Claim of Water Right by Alvin Moses of
Moses Cattle Company

Gentlemen:

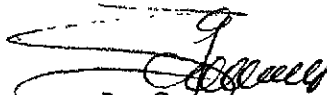
It is my understanding your department is familiar with the claim to a water right by Moses Cattle Company. The formal claim was filed with your department on or about March 18, 1980.

I have filed a Permission to Permit a Late Filing of Objections to the Report of the Director in connection with the Payette River Adjudication.

Assuming there are no objections to the claim of Alvin Moses of Moses Cattle Company, I am wondering why a stipulation couldn't be entered, allowing the objection to be filed and recognizing the claim of Moses Cattle Company, pursuant to the filing.

I shall appreciate hearing from you.

Very truly yours,


L. Gorrono

LG:klb

cc: Alvin Moses

April 1, 1980

Louie Gorrone
Attorney at Law
P. O. Box 637
Emmett, ID 83617

Dear Louie,

At your client's request, I have enclosed the original of Alvin Moses claim to a water right. We have kept the duplicate for our purposes. Copies of deeds and affidavits are attached to the original and duplicate copies.

For your use in other Payette matters, I have enclosed an abbreviated abstract of the river rights below the Gem-Boise county line. The abstract shows the water user, priority date, diversion rate and flow necessary in the river to satisfy that right. The notation in the last column (Section 3) indicates the diversion is below the Seven Mile Slough, and the right has continuously and historically apparently been supplied by return flow from the upper diversions. This abstract is not final and is subject to change pending the outcome of the adjudication.

If we can assist your efforts further, let me know. Your service to the water users is appreciated.

Sincerely,

DONALD V. SHAFY
Adjudication Section Supervisor

DVS:aje

Enclosure

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: COONS CREEK, NORTH FORK						TRIBUTARY TO: COONS CREEK		
65-11402	MOSES CATTLE CO. RT. 1 SWEET, IDAHO 83670	5/29/1927	IRRIGATION	3/15 11/15	1.14 CFS	SWNW S26 T8N R1E	SWNW(6) S26 T8N R1E SWNE(12) SENE(14) NESE(9) NWSE(16) S27 T8N R1E *57 ACRES*	BENEFICIAL USE



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