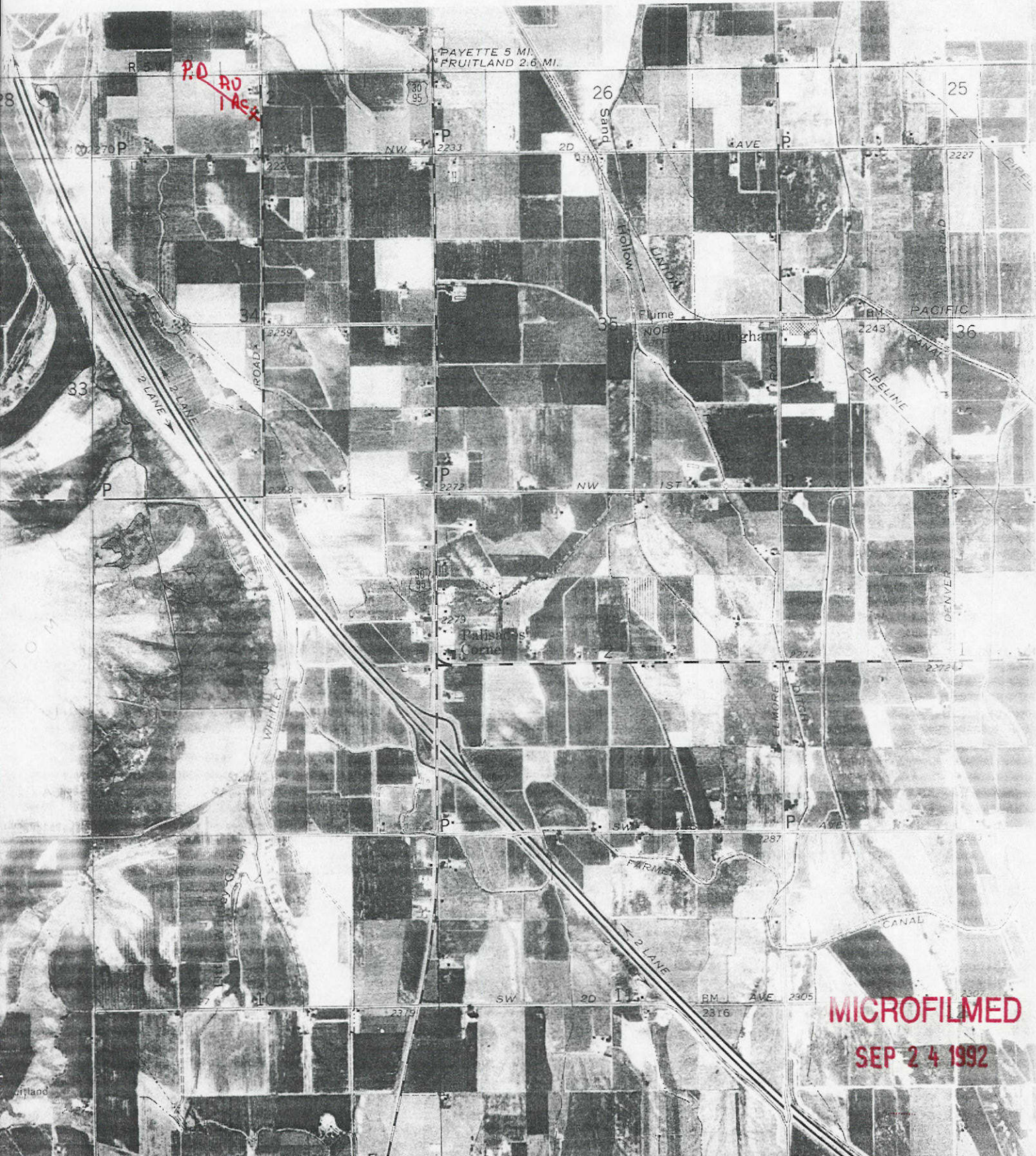


T8N
R05W

NYSSA ORTHOPHOTOM
IDAHO-OREGON

200 000 FEET (IDAHO)



MICROFILMED

SEP 24 1992

Idaho Department of Water Resources

Claim Number: 65-12376

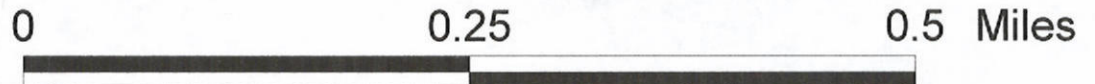
Legal: T08N, R05W, S27

Reviewed By:

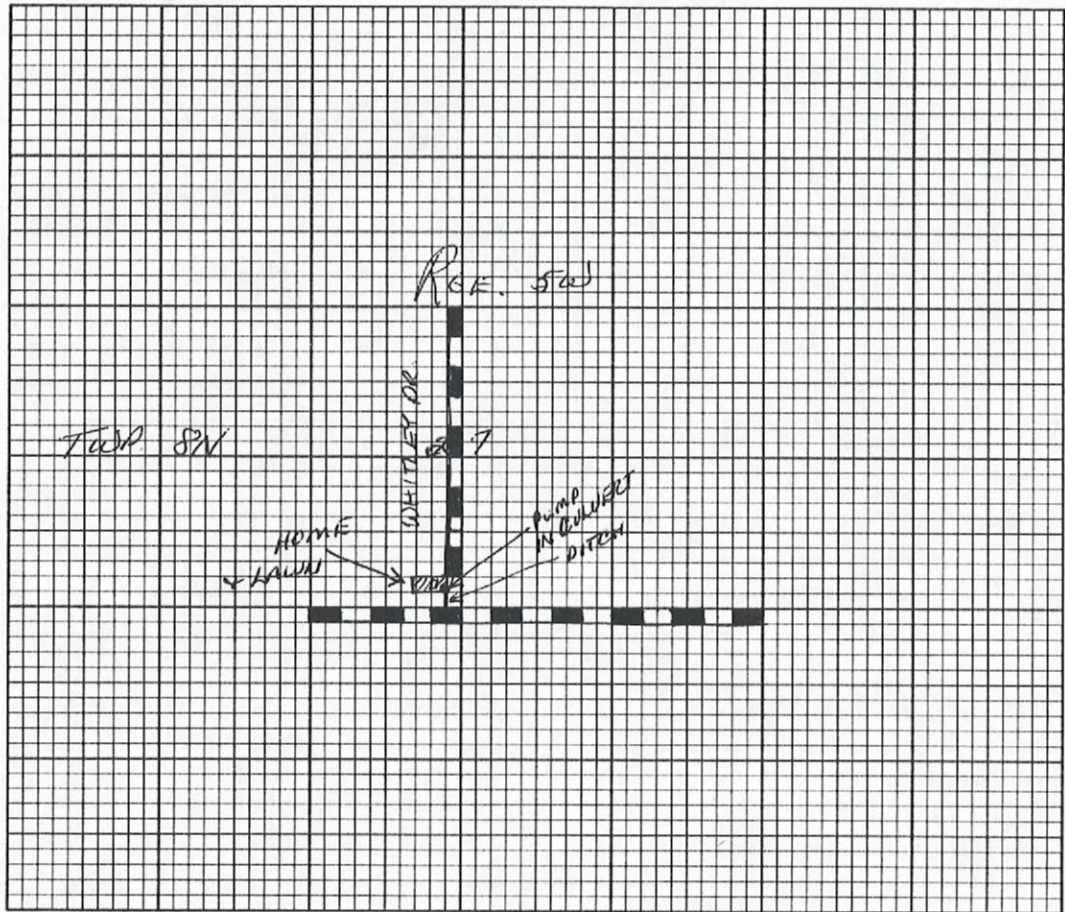
-  Point of Diversion
-  Place of Use
-  Section Lines
-  Quarter Quarter Lines



1987 Napp Photo



10. Other water rights on these lands NONE
11. Other water right diverted from same p.d. NONE
12. **Diversion and Delivery System Diagram:** Indicate all major components and distances between components. Indicate ditch size/pipe i.d. as applicable. Indicate on systems with measurement port the distance between the port and the nearest component/pipe bend/restriction both upstream and downstream, and the inside pipe diameter at the measurement port. On multiple diversion systems indicate how diversion systems are connected.



13. ☐ Photo of Diversion & System Attached

☐ Aerial Photo of Place of Use Attached or Map of Irrigated Acreage Attached

14. Remarks _____

15. Recommended Amendments

- ☐ Change P.D. as reflected above
- ☐ Change P.U. as reflected above

- ☐ Add P.D. as reflected above
- ☐ Add P.U. as reflected above

- ☒ None
- ☐ Other

16. Examiner's/Consultant's Signature Jan Glover Date 6/5/85

Consultant's License Number _____

IDWR Director's Authorization to Conduct

Beneficial Use Examination 6/29/84

Date



CONSULTANT SEAL

BE 106 P.005

[illegible]

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: A65-12376
Date Received: 4/10/1990
Receipt No: M006540
Received By: SO

RECEIVED
APR 10 1990
Department of Water Resources

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

1. Name: WARREN R. CONSTANS 208-452-5023
Address: 7057 WHITLEY DR.
FRUITLAND, ID 83619
OR
Name: ALBERTA J. CONSTANS 208-452-5023
Address: 7057 WHITLEY DR.
FRUITLAND, ID 83619

2. Date of Priority: NOV 19, 1980

3. Source: WASTE WATER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
08N	05W	27	NE	SE	SW		PAYETTE

5. Description of diverting works:
PUMP IN WASTE DITCH W/GRAVITY IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.030		4.50

7. Total Quantity Appropriated is:
0.030 C.F.S. (and/or) 4.50 A.F.A.

8. Total consumptive use is 3.5 Acre Feet Per Annum.

9. Non-irrigation uses:
N/A

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
08N	05W	27	SE	SW		IRR	1.0
Section Acres							1.0
Total Acres							1.0

11. Place of use in counties: PAYETTE

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

13. Other Water Rights Used:
N/A

14. Remarks:

15. Basis of Claim: LICENSE

16. Signature(s)

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

Number of attachments: 1

For Individuals:

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

Signature of Claimant(s): Frank R. Constance Date: 4-10-1990
Alberta J. Constance Date: 4-10-1990

State of Idaho)
County of PAYETTE) SS.

Subscribed and sworn (or affirmed) before me this 10th day
of Apr 1990

Glenn E. Smith
Notary Public

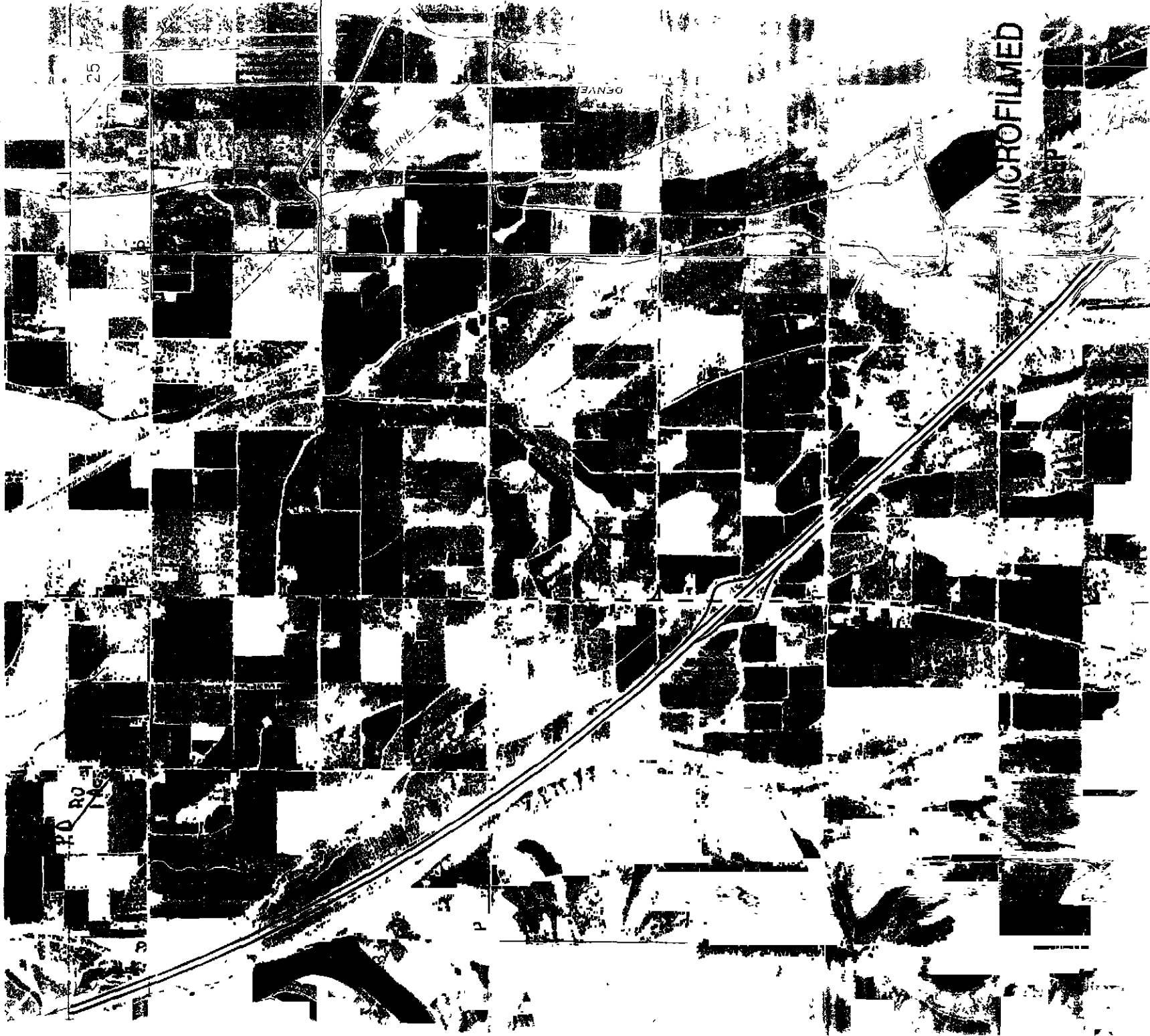
Seal

Residing at Boise, ID
My Commission Expires 11/08/1994

T8N
R85W

V.

173 000 000





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

May 4, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Dear Basin 65 water user

This letter is to inform you that you may be eligible to file a stockwater claim with the Idaho Department of Water Resources (IDWR) in connection with the Snake River Basin Adjudication (SRBA). IDWR is sending this letter to water users in Basin 65 who might have relied upon the non-irrigation season stockwater provision in the Payette Adjudication. This provision states:

"When stockwater is not a specifically mentioned use for a right that includes irrigation, a reasonable flow is implied and included for the watering of livestock during the non-irrigation season."

In another basin, the Idaho Supreme Court struck down general provisions that contained similar language. The non-irrigation season stockwater language quoted above was not included in the General Provisions for Basin 65 because of the Idaho Supreme Court's ruling.

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

To be eligible for a new non-irrigation season stockwater claim.

- 1 You must have actually and historically watered livestock during the non-irrigation season without a separate stockwater right
- 2 You must have filed a surface water irrigation claim in both the Payette Adjudication and the SRBA.
- 3 You must not have filed a stockwater claim with the surface water irrigation claim.

If you meet these three requirements, you may file a Notice of Claim form for stockwater with IDWR. **To have a timely filing you must file this claim with IDWR by May 25, 2001.** IDWR will waive filing fees for these stockwater claims if filed before this deadline. Failure to file your claim in a timely manner may prevent you from claiming it in the future. Notice of Claim forms are available on IDWR's website at www.idwr.state.id.us/info/water/srba/forms.htm or from any IDWR office. Claimants can call IDWR, Western Region at (208) 334-2190 to make an appointment if they need assistance filling out a Notice of Claim form.

Sincerely,

David R. Tuthill, Jr., P.E.
Adjudication Bureau Chief

**NOTICE OF ERROR
REPLY**

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

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

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

Water right number: 65-12376

ALBERTA J CONSTANS
7057 WHITLEY DR
FRUITLAND ID 83619
Telephone Number: (208)452-5023

WARREN R CONSTANS
7057 WHITLEY DR
FRUITLAND ID 83619
Telephone Number: (208)452-5023

**RECEIVED
MAR 28 2001
WATER RESOURCES
WESTERN REGION**

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

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

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

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

DATE: 3-27-2001 SIGNATURE: Alberta J. Constans
Please print your name: Alberta J. Constans

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

11/03/2000

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

RIGHT NUMBER: 65-12376

NAME AND ADDRESS: ALBERTA J CONSTANS 208-452-5023
WARREN R CONSTANS
7057 WHITLEY DR
FRUITLAND, ID 83619

SOURCE: WASTEWATER TRIBUTARY: SNAKE RIVER

QUANTITY: 0.03 CFS
4.5 AFY

PRIORITY DATE: 11/19/1980

POINT OF DIVERSION: T08N R05W S27 NESESW Within PAYETTE County

**PURPOSE AND
PERIOD OF USE:**

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	4-01 11-01	0.03 CFS 4.5 AFY

PLACE OF USE:

IRRIGATION Within PAYETTE County
T08N R05W S27 SESW 1
1 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

WR5809NP
No. 65-12376

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 07/26/00
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	WARREN R. CONSTANS 7057 WHITLEY DR FRUITLAND ID 83619	11/19/1980	IRRIGATION	04/01 11/01	0.030 CFS	4.50 AFA <i>OK</i>
TOTAL DIVERSION:					0.030 CFS	4.50 AFA <i>OK</i>

Water Source: WASTE WATER

Tributary to: SNAKE RIVER

Stage: LICENSE /

Point(s) of Diversion Capacity: 0.140 CFS

Point(s) of Diversion: T08N R05W S27

NESESW

PAYETTE 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
08N	05W	27	:																	1.0
TOTAL ACRES																			1.0	

Pou County: PAYETTE

Conditions of Approval:

R04 - Use of water under this water right will be regulated by the
- watermaster of State Water District No. 65. *-DELETE*

Dates: App. Received: 11/19/1980 Priority Date: 11/19/1980
Proof Due Date: 12/01/1985 Proof Made Date: 07/06/1982
Exam Made Date: 06/29/1984 Exam Sent to S.O.:
Licensed Date: 10/20/1988

Misc: Water District Number: 65 Field Exam Fee:

Audit: 10/17/88 CURTIS 10/31/88 CURTIS 03/20/95 SCURTIS

C 18

*VERIFIED BY:
POU SHOWN ON LIC, PREP BLUELINE*

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

10:28:13
05/26/00
1242

PAGE: 17
PROFILE REPORT

CLAIM NUMBER: A65-12376

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	WARREN R CONSTANS	11/19/1980	IRRIGATION	04-01 11-01	0.030 CFS	4.50 AFA
C	ALBERTA J CONSTANS					
TOTAL DIVERSION:					0.030 CFS	4.50 AFA
CONSUMPTIVE USE:						3.50 AFA

Water Source: WASTE WATER

Tributary to: SNAKE RIVER

Stage: LICENSE

Point(s) of Diversion:

T08N R05W S27

NESESW

PAYETTE 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
08N	05W	27	:																	:	1.0
																				TOTAL ACRES	1.0

POU County: PAYETTE

Non-Irrigation Uses: N/A

Other Rights: N/A

Conditions of Approval:

- R04 - Use of water under this water right will be regulated by the
- watermaster of State Water District No. 65.

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number: 65

Field Inspection Flag:
Presumption Flag:

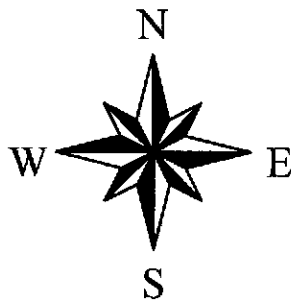
Idaho Department of Water Resources

Claim Number: 65-12376

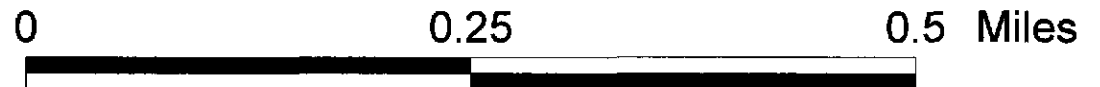
Legal: T08N, R05W, S27

Reviewed By:

- ④ Point of Diversion
- ▭ Place of Use
- ▭ Section Lines
- ▭ Quarter Quarter Lines

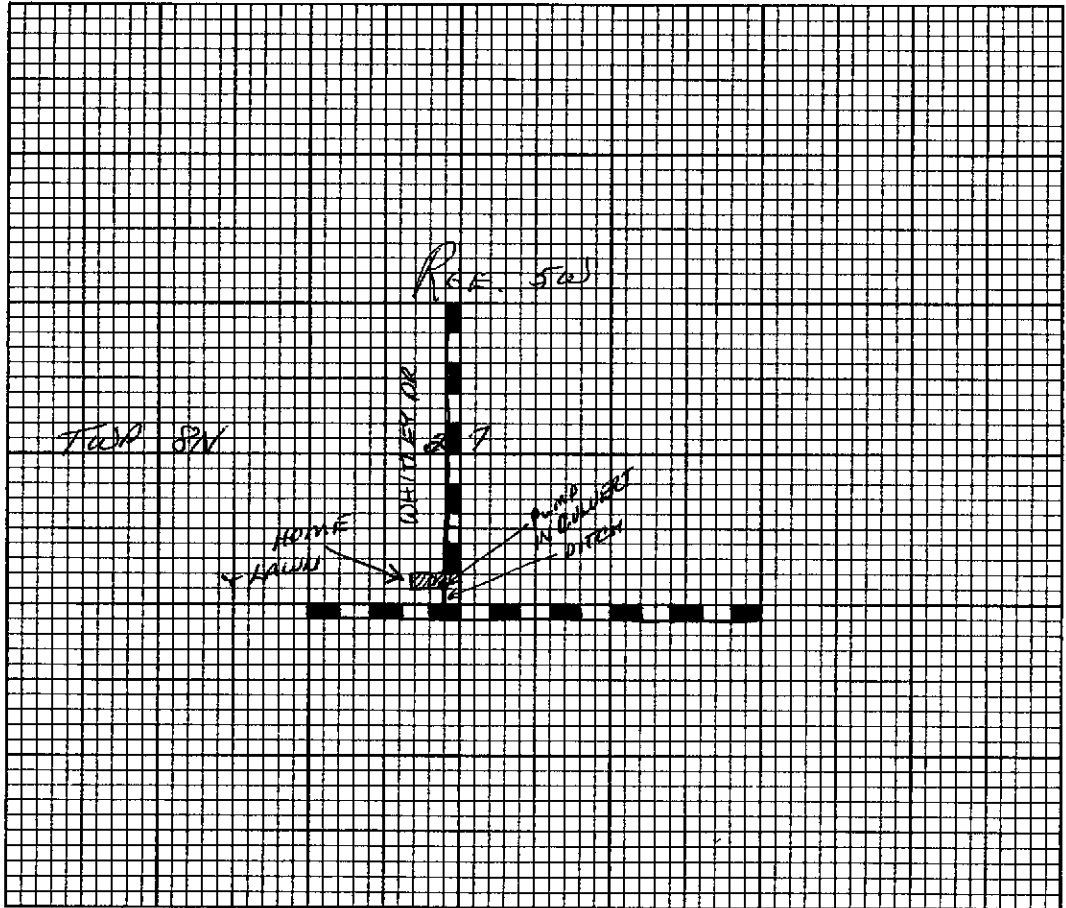


1987 Napp Photo



Total Acres _____

10. Other water rights on these lands NONE
11. Other water right diverted from same p.d. NONE
12. **Diversion and Delivery System Diagram:** Indicate all major components and distances between components. Indicate ditch size/pipe i.d. as applicable. Indicate on systems with measurement port the distance between the port and the nearest component/pipe bend/restriction both upstream and downstream, and the inside pipe diameter at the measurement port. On multiple diversion systems indicate how diversion systems are connected.



13. ☐ Photo of Diversion & System Attached

☐ Aerial Photo of Place of Use Attached or Map of Irrigated Acreage Attached

14. Remarks _____

15. Recommended Amendments

☐ Change P.D. as reflected above

☐ Add P.D. as reflected above

☒ None

☐ Change P.U. as reflected above

☐ Add P.U. as reflected above

☐ Other

16. Examiner's/Consultant's Signature Jan Giver

Date 6/5/85

Consultant's License Number _____

IDWR Director's Authorization to Conduct

Beneficial Use Examination 6/29/84

Date

CONSULTANT SEAL

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 65-12376

Priority: November 19, 1980 Amount: 0.03 CFS 4.5 AFA

This is to certify, that WARREN R. CONSTANS

RT. 1 BOX 73

FRUITLAND, ID 83619

has complied with the terms and conditions of the permit issued pursuant to Application for Permit dated November 19, 1980, and has submitted proof to the Department of Water Resources on July 6, 1982, that water has been applied to a beneficial use; an examination by the Department indicates that the works have a diversion capacity of .140 cfs of water from:

WASTE WATER tributary to SNAKE RIVER

source and that a water right has been established as follow:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>VOLUME</u>
IRRIGATION	04/01 to 11/01	0.03 CFS	4.5 AFA

LOCATION OF POINT OF DIVERSION(S):

SESW , Sec. 27, Township 08N, Range 05W
PAYETTE County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
08N 05W 27	SESW 1			1

Total number of acres irrigated: 1

CONDITIONS/REMARKS:

1. The right to the use of water hereby confirmed is limited to the amount which can actually be beneficially used and is restricted and appurtenant to the lands or place of use and to the purpose herein described, as provided by the laws of Idaho.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
4. Use of water under this water right is subject to control by the watermaster of State Water District No. 65

DEC 06 1988

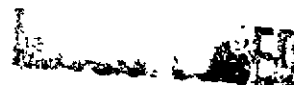
State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 65-12376

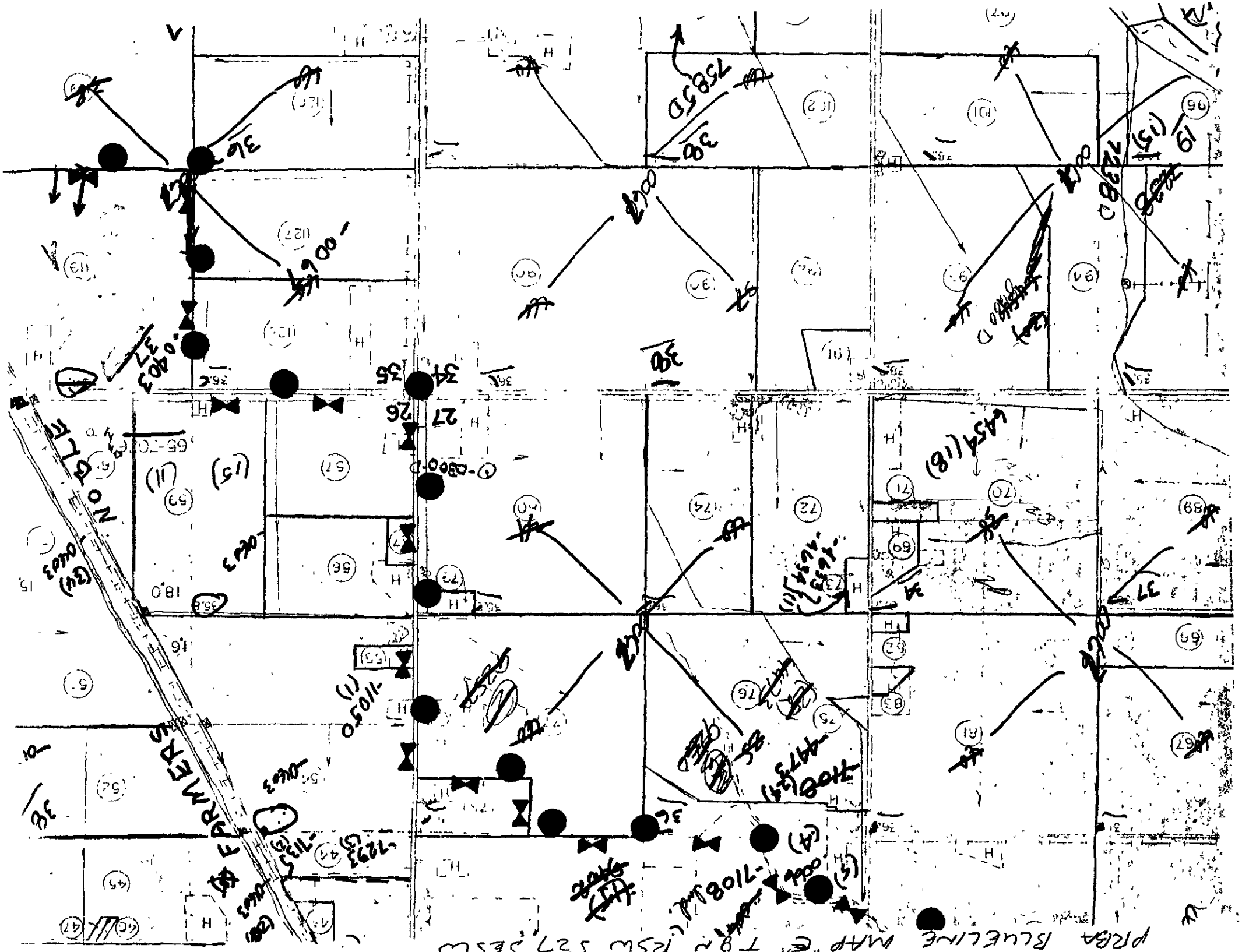
This license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this 20th
day of OCTOBER, 1988.


Director



DEC 06 1988

PRBA BLUELINE MAP "C" T 9 N R 5 W 527, 525 W



A. ROOT WATER RIGHT NUMBERS: A65-12376

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
08N	05W	27	SE	SW		CONSTANS, WARREN R	A65-12376 / 1.0	65-12376 / 1.0	46.0		
			SE	SW		HENDRICKS, SHERRY P	65-04671 /	65-04671 /			
			SE	SW		FARMERS COOPERATIVE IRRIGATION	A65-00066 / 34.0	65-00066 / 34.0			
			SE	SW		FARMERS COOPERATIVE IRRIGATION	A65-00067 / 34.0	- /			
			SE	SW		CONSTANS, ALBERTA J	A65-03781 /	65-03781 /			
			SE	SW		HENDRICKS, SHERRY P	A65-04671 /	- /			
			SE	SW		PATTERSON, CHERIE	A65-21502 /	- /			
			SE	SW		FARMERS COOPERATIVE IRRIGATION	A65-02927F / 34.0	- /			
			SE	SW		CONSTANS, ALBERTA J	65-03781 /	- /			
			SE	SW		ENGLEHORN, LOUIS		65-04631 /			
			SE	SW		ENGLEHORN, LOUIS		65-04632 /			
			SE	SW		DERIE, J. MIKE		65-06453 /			
			SE	SW		DERIE, MIKE J.		65-06454 / 18.0			

ADDITIONAL POU FOUND

TOTAL ACRES	A65-12376	1.00	1.00	46.00
-------------	-----------	------	------	-------

POU COUNTY: PAYETTE

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
A65-12376	WASTE WATER	CONSTANS, WARREN R	0.030	0.030	4.50	4.50
A65-00066	PAYETTE RIVER	FARMERS COOPERATIVE IRRIGATION	12.220			
A65-00067	PAYETTE RIVER	FARMERS COOPERATIVE IRRIGATION	384.900	0.028		
A65-02927F	PAYETTE RIVER, NORTH FORK	FARMERS COOPERATIVE IRRIGATION			38700.00	2.91

IDWR - WESTERN REGION

CONTRACTOR: Karan Waters

CLAIM #: 65-12376 Date: 2-23-00

Overlapping POU Claim #'s: _____

				NE				NW				SW				SE				Sum
	INS	RNG	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
Claim	8N	5W	27												/					/
GIS															/					/
Claim																				
GIS																				
Claim																				
GIS																				
Claim																				
GIS																				
Claim																				
GIS																				

POU_ID #(s): 275

POD_ID #(s): 222

Total Claimed Acres: 1

Total GIS Acres: 1

COMMENTS:

per map in Sum and tax plats



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

PHILIP E. BATT
GOVERNOR

March 20, 1995

R. KEITH HIGGINSON
DIRECTOR

WARREN AND ALBERTA CONSTANS
7057 WHITLEY DR
FRUITLAND ID 83619

RE: Snake River Basin Adjudication (SRBA)
Notice of Claim #A65-12376

Dear Claimants:

Your post card inquiring about your water right reached my desk today. Our records have been modified to reflect your current address.

Thank you for keeping us informed.

RECEIVED

MAR 21 1995

WATER RESOURCES
WESTERN REGION

Sincerely,

S. Sherman

Sally Sherman
Secretary, Adjudication Bureau
Department of Water Resources

SS:region

The North Shore Animal Ltr
saves abandoned dogs and
and finds them new homes.

Dear Sir: Do I need to do
any updating on owner's
water right No. 65-12376?
Alberta J. Constans
WR details
address changed
3/20/95
TO: Dept of Water Resources
1301 N. Orchard St.
Statehouse Mall
Boise, Idaho 83720
WR ✓ Adj. was current
AJ ✓ already

BOISE ID POST CARD
BOISE RIVER FESTIVAL
5 YEAR ANNIVERSARY
JUNE 22-25, 1995
USA
Old Glory
Postcard Rate

C WARREN R. CONSTANS
ALBERTA J. CONSTANS
7057 WHITLEY DRIVE,
FRUITLAND, ID 83619

RECEIVED
MAR 14 1995

GCPC-43 Department of Water Resources
PHOTO BY MARY BLOOM

NORTH SHORE
BOISE, IDAHO

MICROFILMED

CLAIMANT'S NAME: Alberta ConstansDATE: 4-17-90EMPLOYEE: Wela H-T.RE: I called Mrs. Constans and spoke with her regarding the attached letter.This claim has a 1980 priority and was not determined in the Payette Adj.The Constans's also filed a claim for a domestic well which was exempt from fees. Therefore, ~~it~~ I discussed with her the differences ~~to~~ between the claims

4-17-90

1:05 pm

MICROFILMED

SEP 24 1992

April 16, 1990

State of Idaho
Dept. of Water Resources
450 W. State St.
Boise, Idaho

Gentlemen: In re: Civil Case No. 39576
Ident. No. A65-12376

We met with a Mr. Luthy (I'm not sure of the name as I can't read his signature), at the Payette American Legion Hall for the Adjudication of Rights to the Use of Water from the Snake River Basin Water System. We were required to pay \$51.00.

My neighbor, who has the exact same situation in regard to water usage as far as I can tell was not required to pay any fee. We both have a well for household use, use waste water from the ditch by pumping it out, and both have previously filed claims.

We were we charged a fee and my neighbor was not? We are retired people living on Social Security and have to watch where every cent is spent.

I would appreciate any explanation you can give us and really hope some mistake was made and our \$51.00 will be refunded.

Sincerely,

Alberta Constans

Warren and
Alberta Constans

Warren Constans

RECEIVED
APR 17 1990

MICROFILMED

SEP 24 1992

Department of Water Resources