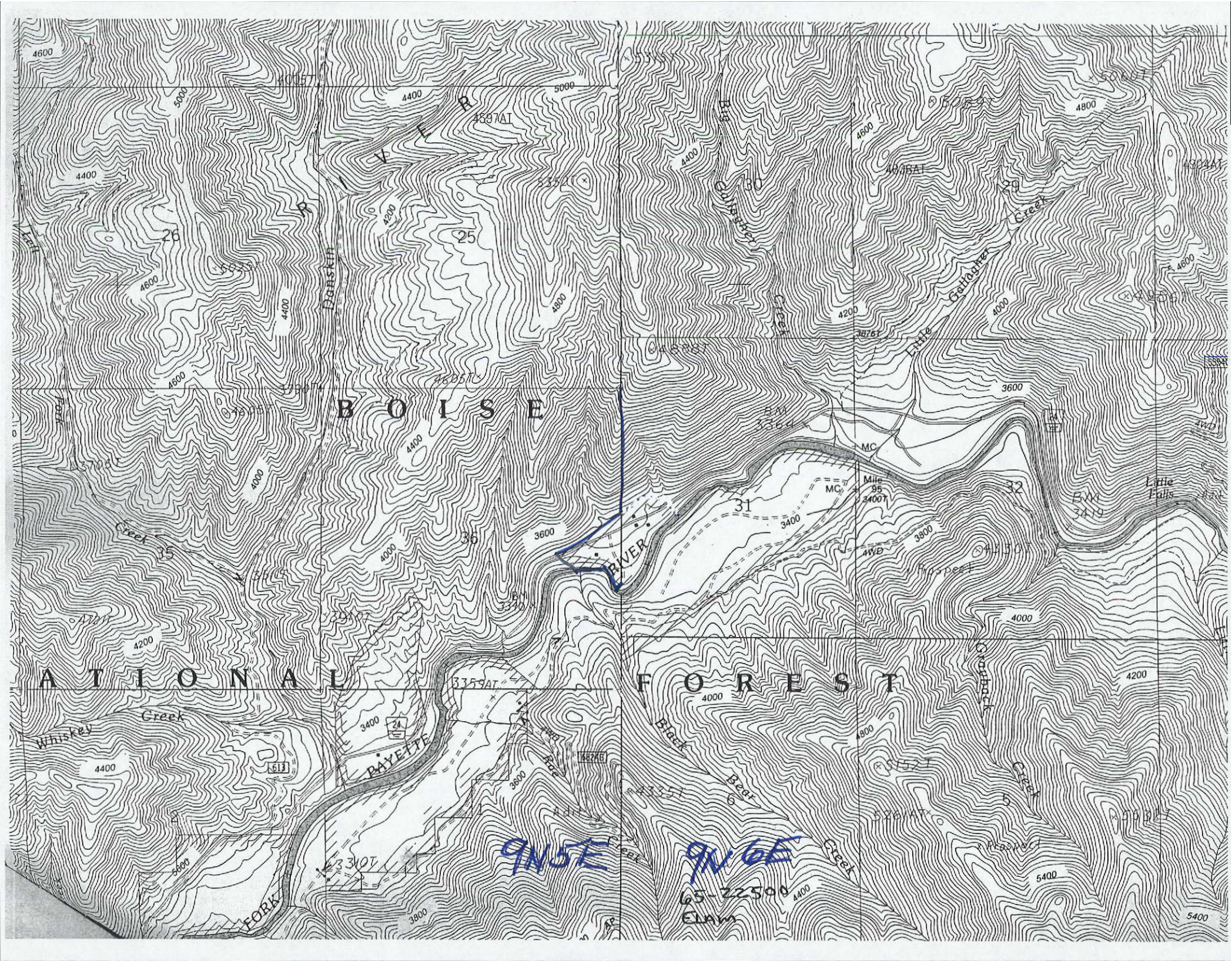
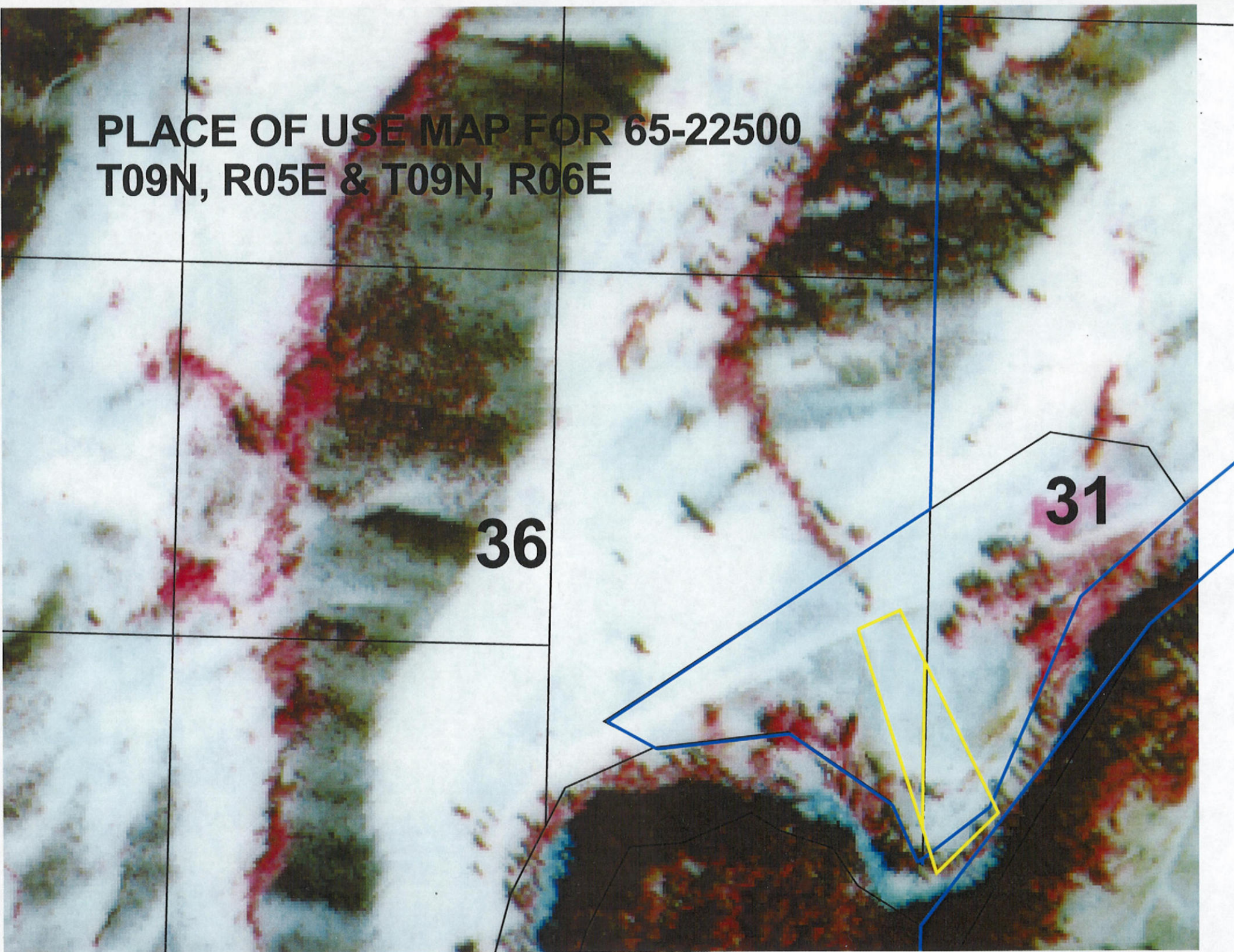


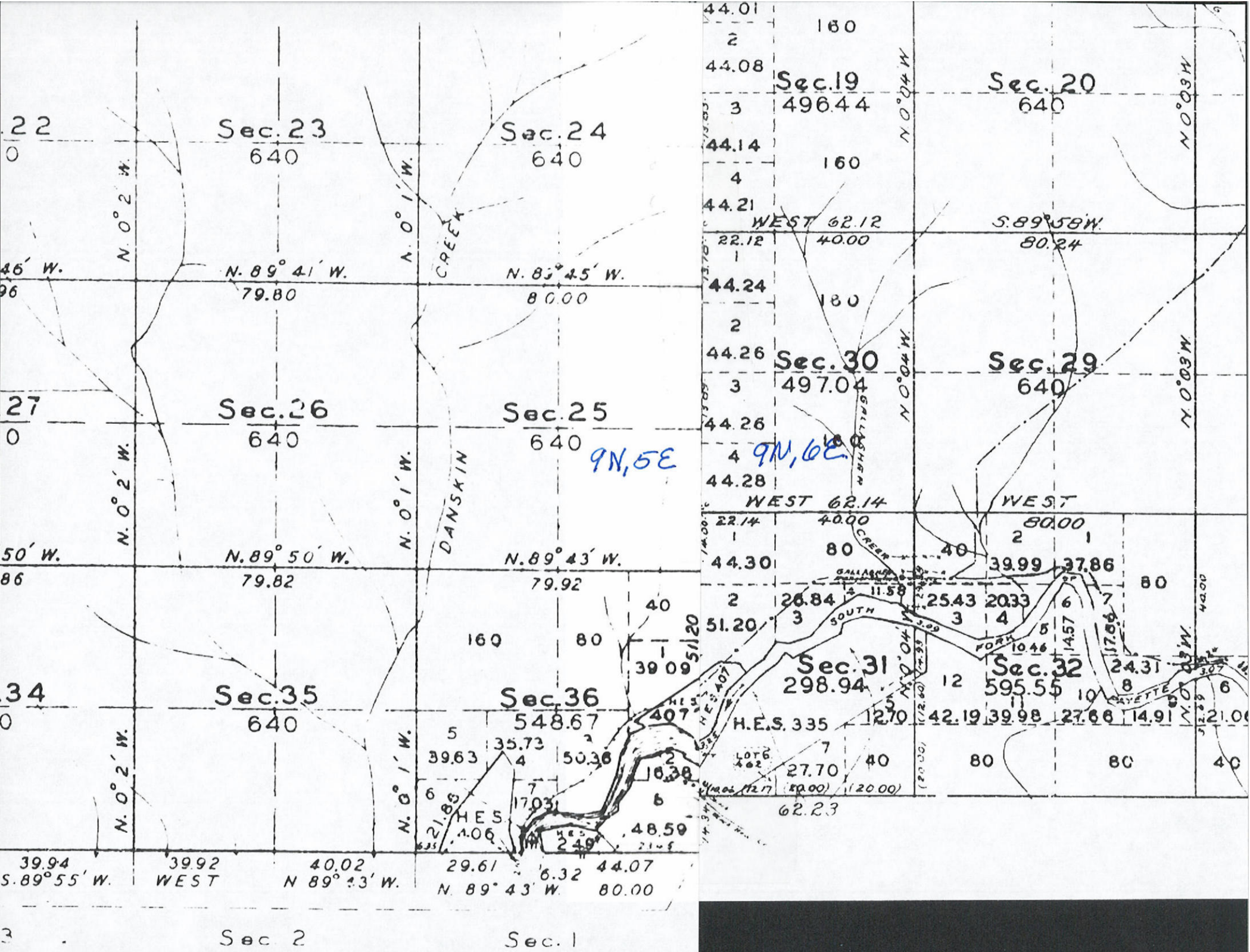


PLACE OF USE MAP FOR 65-22500
T09N, R05E & T09N, R06E

36

31





IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 65-22500
Date Received: 5/25/01
Receipt No: X999999
Received By:

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

1. Name of Claimant(s)

BILLY ELAM Phone: (208)922-5571

301 WALNUT AVE
KUNA ID USA 83634

JOAN ELAM Phone: (208)922-5571

301 WALNUT AVE
KUNA ID USA 83634

2. Date of Priority: 05/21/1916

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

4. Point of Diversion:

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

5. Description of diverting works:

Weir box diversion point to sprinkler irrigation system.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
STOCKWATER	01/01	12/31	0.02	

7. Total Quantity Appropriated is:
0.02 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
09N	05E	31	NE	SW	STOCKWATER	
09N	05E	36	NE	SE	STOCKWATER	

11. Place of use in counties: BOISE

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

13. Other Water Rights Used:

14. Remarks:

This claim is based on right no. 65-11391A.

15. Basis of Claim: Decreed

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

Identification No. AL05-22500

Date Received 5-25-01

Receipt Number _____

**NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW
For Domestic and/or Stockwater Purposes
Where Daily Use is less than 13,000 gallons per day.**

RECEIVED

MAY 25 2001

WATER RESOURCES
WESTERN REGION

Filing Fee \$25

Please type or print clearly

1. Name of Claimant (s) Billy ELAM Phone (208) 922-5571

Mailing Address 301 Walnut Kuna ID Zip 83634

2. Date of Priority (Only one per claim) 5-21-1916 Month/Day/Year

3. Source of water supply (Check one) () Groundwater or Other ☒ (a) UNNAMED STREAM
Name or kind of source

which is tributary to (b) South Fork Payette River

4. Location of point of diversion is: Township 9 North Range 5 EAST

Section 36, _____ 1/4 of SE 1/4 of NE 1/4, Govt. Lot 1, BM.,

County of BOISE County

Additional points of diversion if any: _____

5. Description of existing diversion works (Ditches, Wells, Pumps, Pipelines, Headgate Etc.), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well. WEIR BOX DIVERSION point to Sprinkler Irrigation System

6. Water is claimed for the following: (limited to Domestic and/or Stockwater only. See Instructions.)

For Stock Water purposes from 1-1-00 to 12-31 amount 0.02 (cfs)
(Both dates are inclusive)

For _____ purposes from _____ to _____ amount _____

7. Total quantity claimed 0.02 (cfs)

8. Total consumptive use claimed is de minimus

9. Non-irrigation uses. Describe fully. (Domestic: give number of households served if single ownership; Stockwater: Type and Number of livestock) _____

HOW YOU WILL RECEIVE NOTICES IN THE SNAKE RIVER BASIN ADJUDICATION

All documents filed in the Snake River Basin Adjudication other than notices of claims are filed with the court. Notices of claims to water rights filed in the Snake River Basin Adjudication are filed with the Idaho Department of Water Resources. Copies of all documents filed in the Snake River Basin Adjudication will not be mailed to all parties (claimants) in the adjudication.

By order of the court, any document filed with the court will be mailed only to those parties who may be directly affected by it. A monthly docket sheet will be prepared by the department which contains a summary of all documents filed with the court in the previous month and the dates and locations of hearings scheduled for the following three months. The docket sheet will be filed with the district court clerk in each county within the Snake River Basin in Idaho. Copies of the docket sheet may be obtained from any of the offices of the department either in person or by mail; a small fee will be charged to cover the cost of mailing and/or copying. If you wish to receive a copy of the docket sheet each month, you should mark the appropriate place on your notice of claim form. You will be charged a small annual subscription fee to cover the cost of copying and mailing. Copies of any document listed on the docket sheet may be obtained from any of the offices of the department either in person or by mail; a small fee will be charged to cover the cost of mailing and/or copying.

Copies of all notices of claims filed with the department will be available for inspection from all offices of the department. Copies of the notices of claims may be obtained in person or by mail, but you will be charged for the cost of copying and mailing. (A claimant will not be charged for a copy of his or her own notice of claim, and a person who acquires property with water rights for which a notice of claim was filed will not be charged for a copy of the notice of claim filed by the previous owner.)

After the notices of claims have been reviewed, the director will prepare and file a report with the court. Part 1 of the report will contain the director's recommendations as to each water right claimed under state law. Part 2 of the report will list each federal reserved water right claimed. A number of reports will be prepared, one or more for each sub-basin in the Snake River Basin. When the report for your sub-basin is filed with the court, you will be mailed a notice informing you that the report for your sub-basin has been filed. The notice will be sent to the most recent address shown by the department's files. Attached to the notice will be a copy of those portions of the report describing the water rights you have claimed. If you do not agree with the way your water right is described, you may file an objection to the report with the court. You can also file an objection if you disagree with the way other claimant's water rights are described, and the notice will tell you where a copy of the full report is available for inspection. The notice will tell you when and where to file your objection. The notice of filing for each sub-basin report will also be published state-wide in local newspapers.

10. Place of use is: Township: 9 North Range 5 East

Section 36, NE 1/4 of SE 1/4, Govt. Lot _____, B.M.,

+ Section 31 NE SW
County of Boise

for (Circle One) Domestic Stock Domestic and Stock

Additional places of use, if any _____

11. In which county (ies) are lands listed above as place of use located? Boise County

12. Do you own the property listed above as place of use? Yes ☒ No _____

If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.

65-11391A

14. Remarks: _____

15. Basis of Claim (Circle One) Beneficial Use Posted Notice License Permit Decree

Court _____ Decree Date _____ Plaintiff vs Defendant _____

If applicable provide IDWR Water Right Number 65-11391A

16. Signature (s)

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

Number of Attachments _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) Billy R. Elam Date 5-25-01

Joan A. Elam Date 5-25-01

For Organizations: I do solemnly swear or affirm that I am _____

of _____ Title _____ that I have signed the foregoing

document in the space below as _____ of _____

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____ Date _____

Title and Organization _____

State of Idaho/or _____ } SS.

County of Ada }

Subscribed and sworn (or affirmed) before me this 25th day of May 2001.

SEAL

Notary Public Melvin J. Schultz

Residing at Boise, Idaho

My Commission Expires 7-24-2001

Last Name _____ Ident No. _____

Copies: White-State, Yellow-Claimant

It is very important that you inform the department in writing of any change in your address. This is to make sure that you receive the notices affecting your water rights that are to be mailed by the department.

If you are acquiring property with water rights in the Snake River Basin water system in Idaho (either by purchase, gift, inheritance, or other means), it is very important that you inquire of the department whether a notice of claim has been filed. If not, you must file a notice of claim or the water right may be declared by the court to no longer exist. If a notice of claim has been filed, it is very important that you file a written notice of change in ownership with the department. The notice of change in ownership must be accompanied by some evidence of the change in ownership, such as a copy of the deed or a property tax statement showing the name of the new owner. Again, this is to make sure that you receive the notices affecting your water rights that are to be mailed by the department.

The cost of the subscription to the docket sheet is \$7.50 for calendar year 1988. The cost of the subscription may increase a small amount for calendar year 1989 if the cost of copying and/or mailing should increase.

If you are planning to file a motion or other pleading (not a notice of claim) with the court (not IDWR), the court has issued an order setting a special procedure that is different from the usual civil rules. A copy of the order may be obtained from any office of IDWR; you may be charged for the cost of mailing and/or copying.

RECEIVED
MAY 24 2001
WATER RESOURCES
WESTERN REGION

MEL - STEVE
SPENCER
NOTED THE
RGE FOR 5.31
& 5.36 SHOULD
BE DIFFERENT.
COULD YOU CON-
TACT GARRICK
TO SEE IF WE
CAN CHANGE IT
IN COURT BE-
CAUSE IT IS A
CLERICAL
ERROR?

Bill Clem
376-2311-W
922-5571-H

THANKS,
JAN

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
Case No. 39576)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 65-22500

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

MAR 25 2003

By _____ Clerk
Deputy Clerk

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

SOURCE: UNNAMED STREAM TRIBUTARY: SOUTH FORK PAYETTE

QUANTITY: 0.02 CFS

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

THE APPROPRIATOR IS ENTITLED TO THE QUANTITY OF WATER
DESCRIBED FOR STOCK WATER PURPOSES AT A POINT OF MEASUREMENT
WHERE THE DELIVERY DITCH ENTERS THE PLACE OF USE DESCRIBED.

USE OF THIS RIGHT WITH RIGHT NO. 65-11391A IS LIMITED TO
A TOTAL COMBINED DIVERSION RATE OF .09 CFS.

PRIORITY DATE: 05/21/1916

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

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	01-01 TO 12-31	0.02 CFS

PLACE OF USE: Stockwater Within Boise County
T09N R05E S36 LOT 1 (NESE)
R06E S31 LOT 2 (NESW)

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

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

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

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance
with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a
final judgment and that the court has and does hereby direct that the above judgment or order shall be a final
judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

RECOMMENDATION

MAR 25 2003

SPECIAL MASTER

SRBA PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
Water Right 65-22500 File Number: 00811

PAGE 1
- Feb-13-2003

RECEIVED

MAR 14 2002

Department of Water Resources

March 13, 2002

RECEIVED

MAR 19 2002

WATER RESOURCES
WESTERN REGION

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303

Re: Late objection filing for 65-22500

It was brought to our attention there is an error in the Place of Use legal description for our water right 65-22500. The error started in our original claim filed with Idaho Department of Water Resources in May 2001 and was not corrected in their preliminary recommendation nor in their director's report now on file with the court.

The legal description error that should be corrected before the court issues its decree is as follows: T09N, R05E, S31, NESW should read T09N, R06E, S31, Lt 2, NESW.

We were advised by the Department of Water Resources that they cannot correct the legal description error. It has to be corrected in an objection process. Therefore, we are asking the court to allow us to file a late objection for the purpose of correcting the legal description error described above. Enclosed is a completed Standard Form 1 Objection form.

Sincerely,



Billy Elam

Encl.

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

A: Subcase 65-22500

(Insert water right number)

Case No. 39576

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B: NAME AND ADDRESS OF PERSON OBJECTING

Name: Joan & Billy L. Elam

Address: 301 Walnut

Kuna Id 83634

Daytime Phone: 208-922-5571

Name & Address of Attorney, if any:

C: CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Joan & Billy L. Elam

Address: 301 Walnut

Kuna Id 83634

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ Name and Address
Should be: _____
2. ☐ Source
Should be: _____
3. ☐ Quantity
Should be: _____
4. ☐ Priority Date
Should be: _____
5. ☐ Point(s) of Diversion
Should be: _____
6. ☐ Instream Flow Description
Should be: _____
7. ☐ Purpose(s) of Use
Should be: _____
8. ☐ Period of Year
Should be: _____
9. ☒ Place of Use To 9N, R054, S36, LT1 NESE and
Should be: TO 9N, R06E, S31, LT 2 NESW

11. I object because:

☐ This water right should not exist.

☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S): The error in the

place of use, legal description need to be
corrected to read as described in # 9 above.
Before the SRBA Court issues a partial decree.
For our water right 65-22500

F.

VERIFICATION (Must be Completed)

State of Idaho)
)ss.
County of Ada)

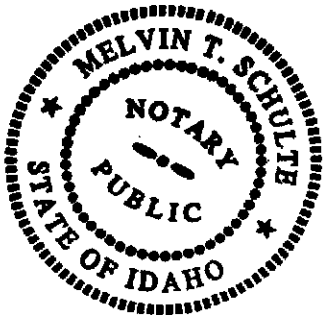
Billy Elam, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Billy L. Elam
(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: March 13, 2003



Melvin T. Schulte
Notary Public for Idaho
Residing at: Bowle, Idaho
My Commission Expires: 7-24-2007

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. FAX filings will not be accepted. You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on March 13, 2002, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: _____

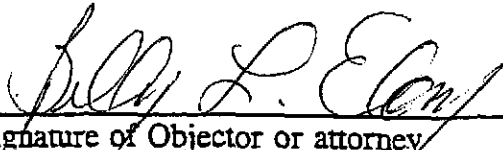
Address: _____

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724



Signature of Objector or attorney
mailing on Objector's behalf

March 13, 2002

*Mailed by
the Elams*

3-13-2002

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303

Re: Late objection filing for 65-22500

It was brought to our attention there is an error in the Place of Use legal description for our water right 65-22500. The error started in our original claim filed with Idaho Department of Water Resources in May 2001 and was not corrected in their preliminary recommendation nor in their director's report now on file with the court.

The legal description error that should be corrected before the court issues its decree is as follows: T09N, R05E, S31, NESW should read T09N, R06E, S31, 1/2, NESW.

We were advised by the Department of Water Resources that they cannot correct the legal description error. It has to be corrected in an objection process. Therefore, we are asking the court to allow us to file a late objection for the purpose of correcting the legal description error described above. Enclosed is a completed Standard Form 1 Objection form.

Sincerely,


Billy Elam

Encl.

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

A. Subcase 65-22500

(Insert water right number)

Case No. 39576

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name:

Joan & Billy L. Elam

Address:

301 Walnut

Kuna Id 83634

Daytime Phone:

208-922-5571

Name & Address of Attorney, if any:

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name:

Joan & Billy L. Elam

Address:

301 Walnut

Kuna Id 83634

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ Name and Address
Should be: _____
2. ☐ Source
Should be: _____
3. ☐ Quantity
Should be: _____
4. ☐ Priority Date
Should be: _____
5. ☐ Point(s) of Diversion
Should be: _____
6. ☐ Instream Flow Description
Should be: _____
7. ☐ Purpose(s) of Use
Should be: _____
8. ☐ Period of Year
Should be: _____
9. ☒ Place of Use TO9N, RD54, S36, LT1 NESE and
Should be: TO9N, RD6E, S31, LT2 NESW

11. I object because:

- ☐ This water right should not exist.
- ☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S): The error in the
place of use legal description need to be
corrected to read as described in # 9 above.
Before the SRBA court issues a partial decree.
for our water right 65-22500

F:

VERIFICATION (Must be Completed)

State of Idaho)
County of Ada)ss.

Billy Elom, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Billy F. Elom
(Signature of person filing objection)

(Attorney signing in representative capacity)

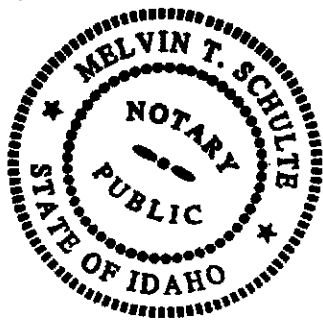
Subscribed and sworn to before me on:

March 13, 2002

Melvin T. Schulte
Notary Public for Idaho

Residing at: Boise, Idaho

My Commission Expires: 7-24-2007



INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. FAX filings will not be accepted. You must also send a copy to all the parties listed below in the Certificate of Mailing.

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I certify that on March 13, 2002, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: _____

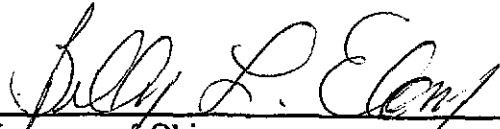
Address: _____

3. Copies to:

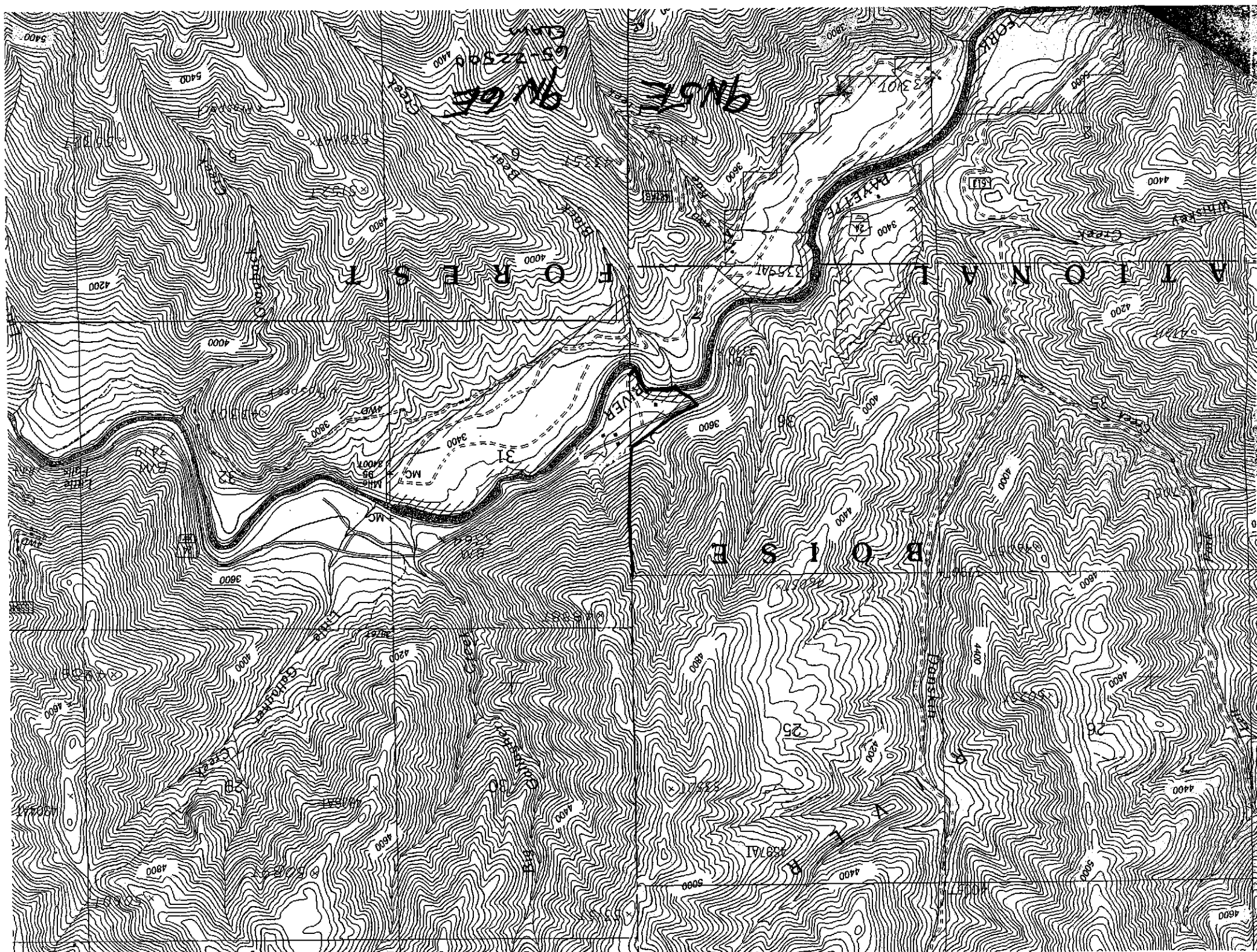
IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724



Signature of Objector or attorney
mailing on Objector's behalf



PLACE OF US
T09N, R05E
05-22500

86

Schulte, Mel

From: Baxter, Garrick
Sent: Tuesday, February 05, 2002 10:57 AM
To: Schulte, Mel
Subject: RE: Two things

Hi Mel-

I think the best way to handle this one is to have the Claimant write the court and request to file a late objection. We generally don't file new directors reports to correct errors because there are due process concerns about whether the claimants agrees (of course we know they agree but the court doesn't). Thus, if they start the process, the court knows that the claimants understand and agree that there is an error.

By the way, what is this I hear about you retiring? I still need you for trials and to help settle stuff in Basin 65! :) I bet you'll really miss things like depositions with Tammy Zokan/Bruce Smith/Scott Campbell.
Garrick

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

From: Schulte, Mel
Sent: Monday, January 28, 2002 9:47 AM
To: Baxter, Garrick
Subject: Two things

First....when I made my recommendation for A65-22500 (a Part II, B65 claim) I made a clerical error in the legal description. A partial decree has not yet been issued. Can we correct the error in the court filing of the directors report?

Second.....I understand you tried to steal my brother and sister-in-laws Christmas tree. I was shocked! Funny story...we had some good laughs.....thanks! Mel

05/30/2001

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report

WATER RIGHT NO. 65-22500

Owner Type Name and Address
Current Owner BILLY ELAM
Current Owner JOAN ELAM
 301 WALNUT AVE
 KUNA, ID 83634
 (208)922-5571

Priority Date: 05/21/1916
Basis: Decreed
Status: Active

Source Tributary to
UNNAMED STREAM SOUTH FORK PAYETTE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
STOCKWATER	01/01	12/31	0.02 CFS		

Total Diversion 0.02 CFS

Location of Point(s) of Diversion:

UNNAMED STREAM SENE Lt 1 Sec. 36 Township 09N Range 05E BOISE County

Place(s) of use:

Place of Use Legal Description: STOCKWATER BOISE County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
09N	05E	31		NESW										
		36		NESE										

Remarks:

1. This claim is based on right no. 65-11391A.

Dates:

Licensed Date:
Claim Received Date:
Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:

N11 + N13 + N15 + C18 + E01 w 11391A @ .09

Other Information:

Receipt Number(s):
State or Federal:
Owner Name Connector: OR
Water District Number:
Generic Max Rate per Acre:
Generic Max Volume per Acre:
Civil Case Number:
Old Case Number:
Decree Plaintiff:
Decree Defendant:

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

05/30/2001

RIGHT NUMBER: 65-22500

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

SOURCE: UNNAMED STREAM TRIBUTARY: SOUTH FORK PAYETTE RIVER

QUANTITY: 0.02 CFS

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

THE APPROPRIATOR IS ENTITLED TO THE QUANTITY OF WATER
DESCRIBED FOR STOCK WATER PURPOSES AT A POINT OF MEASUREMENT
WHERE THE DELIVERY DITCH ENTERS THE PLACE OF USE DESCRIBED.

USE OF THIS RIGHT WITH RIGHT NO. 65-11391A IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF .09 CFS.

PRIORITY DATE: 05/21/1916

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

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01-01 12-31	0.02 CFS

PLACE OF USE:

STOCKWATER Within BOISE County
T09N R05E S31 NESW T09N R05E S36 NESE

6E

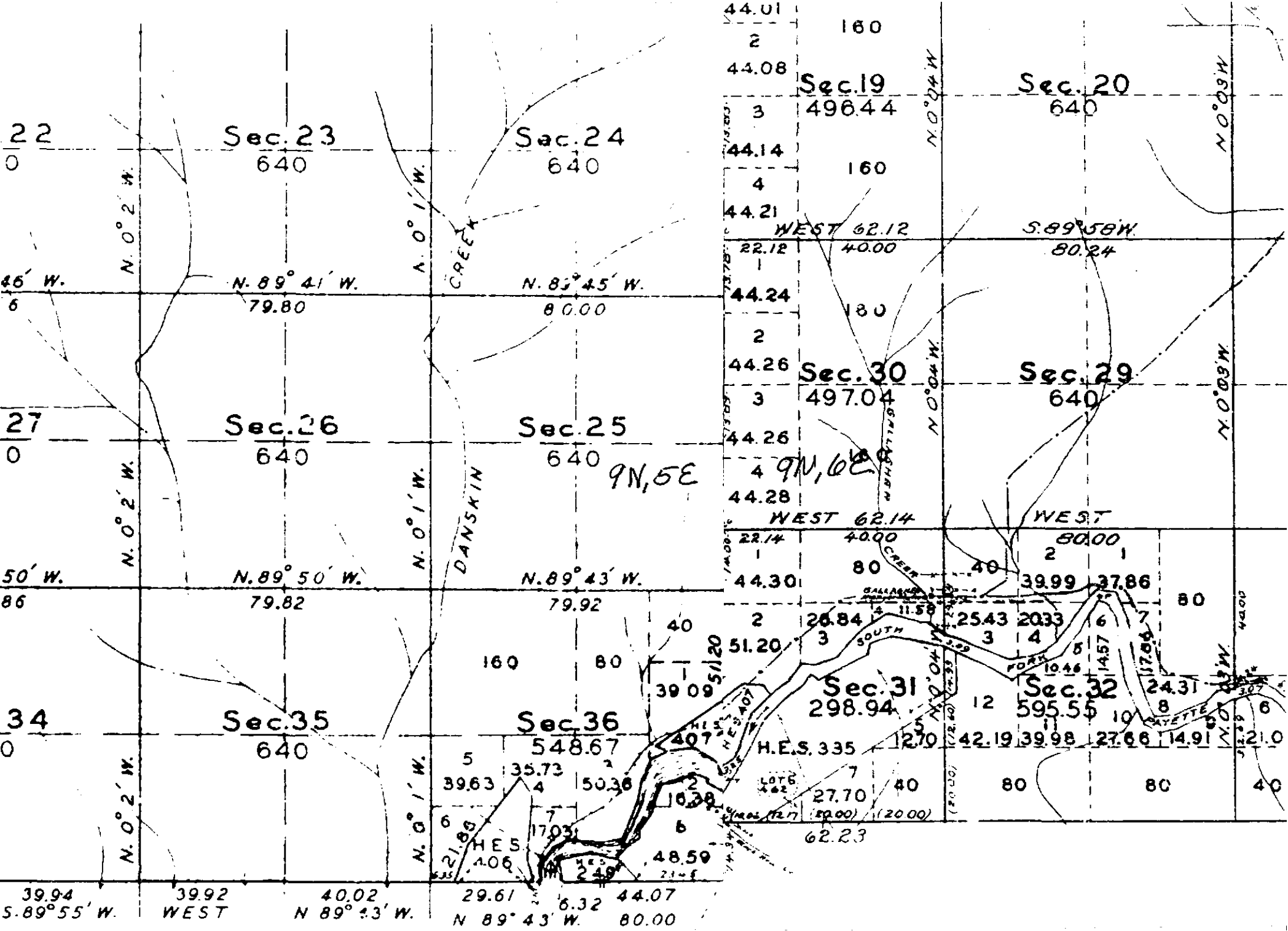
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

ASSOCIATED WITH 65-11391A



05/30/2001

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

WATER RIGHT NO. 65-11391A

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BILLY ELAM
Current Owner	JOAN ELAM
	301 WALNUT AVE
	KUNA, ID 83634
	(208)922-5571
Original Owner	JAMES M MILLS
	BRUNEAU, ID 83604

Priority Date: 05/21/1916
Basis: Decreed
Status: Active

<u>Source</u>	<u>Tributary to</u>
UNNAMED STREAM	SOUTH FORK PAYETTE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	4/01	11/01	0.09 CFS		
DOMESTIC	1/01	12/31	0.04 CFS		
Total Diversion			0.09 CFS		

Location of Point(s) of Diversion:

UNNAMED STREAM	SENE Lt 1	Sec. 36	Township 09N	Range 05E	BOISE County
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IRRIGATION Use:
Acre Limit: 4

Place(s) of use:

Place of Use Legal Description: IRRIGATION	BOISE County
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<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
09N	05E	36	1	NESE	2									
	06E	31	2	NESW	2									

Place of Use Legal Description: DOMESTIC same as IRRIGATION

Total Acres: 4

Conditions of Approval:

1. N12 THE QUANTITY OF WATER UNDER THIS RIGHT FOR DOMESTIC USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.
2. N10 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR DOMESTIC USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
3. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

Remarks:

1. Quantity THIS RIGHT SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE AT THE FIELD HEADGATE.
2. Explanatory RIGHT NO. 65-11390 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.

Comments:

Author	Date	Subject	Comment
MSCHULTE	12/13/99	COPIED FROM REMARKS	PROPERTY UNDER THIS WATER RIGHT IS A PART OF HOMESTEAD ENTRY SURVEY #407 DELIVERY LOSS THE DIVERSION RATE IN EXCESS OF .02 CFS PER ACRE IS FOR DELIVERY LOSS AS PROVIDED IN THE PAYETTE RIVER BASIN ADJUDICATION.
AJU10-JS	1/31/00	AJU10 CONDITION UPDATE	CONDITION CODE(S) C18 ADDED IF NOT ALREADY PART OF RECORD THRU AJU10.
SSHerman	5/2/00	ADDRESS CHANGE	ADDRESS CHANGE BY CLAIMANT LETTER.

Dates:

Licensed Date:
 Claim Received Date: 03/01/1989
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Decreed Date:
 Date Filed with Court:
 Objection Filed Date:
 SF5 Filed:
 Special Master Recom Signed Date:
 Element Reviewed/Verified Dates: No dates found

Other Information:

Receipt Number(s): X999999
 State or Federal: S
 Owner Name Connector: AND
 Water District Number: 65
 Generic Max Rate per Acre:
 Generic Max Volume per Acre:
 Civil Case Number:
 Old Case Number:
 Decree Plaintiff:
 Decree Defendant:
 PresumptionFlag:
 Notice of Error Flag:NONE RECEIVED
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Cary Act Number:
 Mitigation Plan: False