

Photo 1. Johnson-Higby Ditch Headgate.

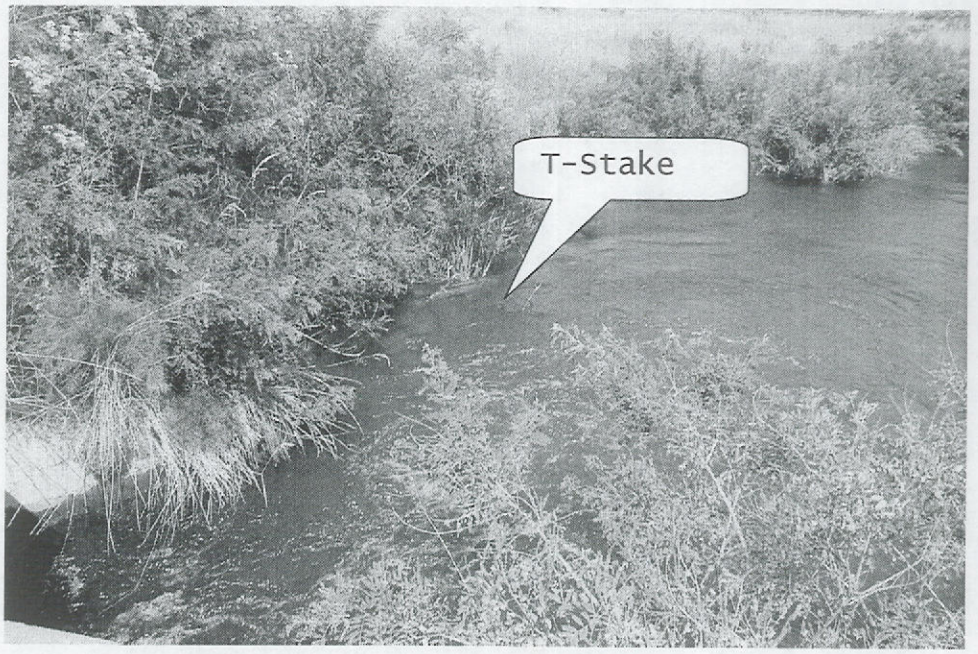


Photo 2. Below headgate.

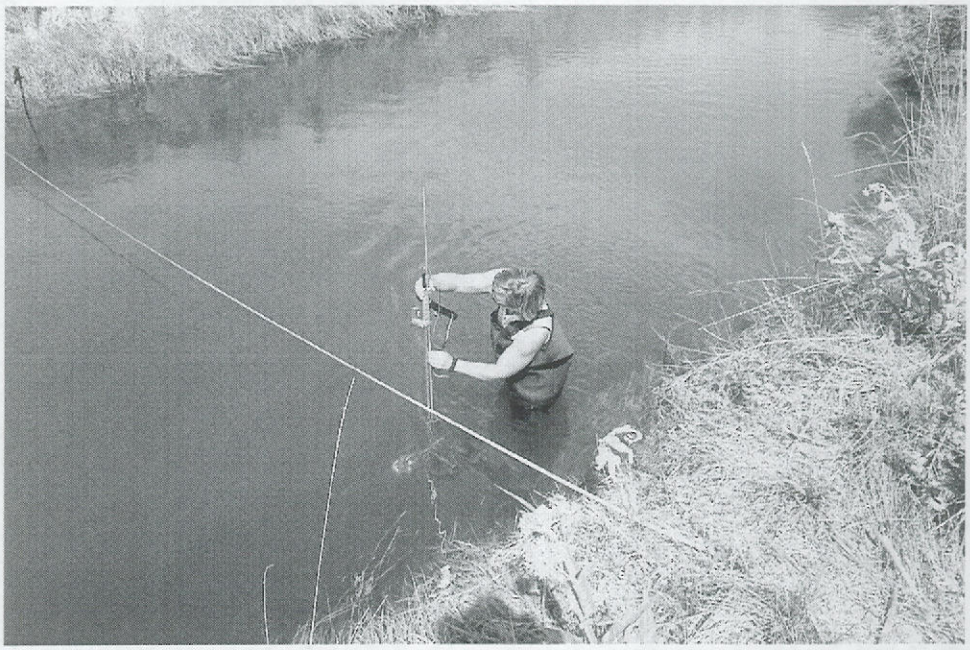


Photo 3. Measuring transect below headgate. Flow was fairly smooth and steady.



Photo 4. Measuring discharge in Johnson-Higby Ditch about 180 feet below headgate.



Photo 5. Small private bridge over Johnson-Higby Ditch about 1.1 miles below headgate. The water surface was nearly touching the bottom of the bridge upon our arrival at this site, and dropped about 4-5 inches over about 1.5 hour period.

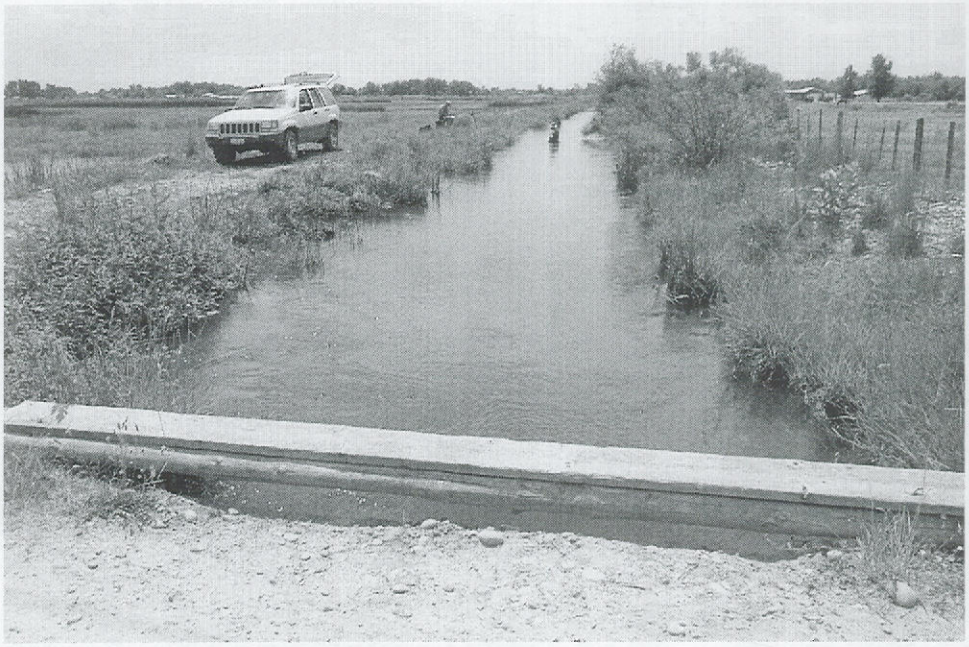


Photo 6. Johnson-Higby Ditch facing upstream toward measurement transect from small private bridge.



Photo 7. Measuring discharge in Johnson-Higby Ditch about 1.1 miles below headgate, above small private bridge.



Photo 8. Unnamed slough diversion system includes 25-hp pump into earthen ditch and/or concrete slip-form ditch.



Photo 9. Discharge from pump into earthen ditch. Flow can also be turned into the concrete slip-form ditch in the background (which was dry today).

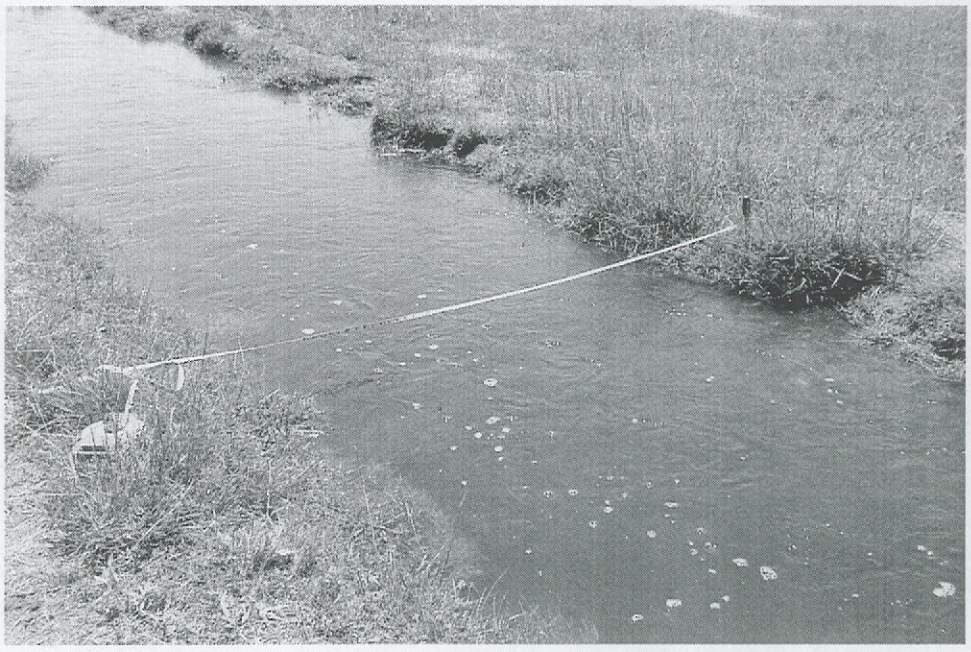
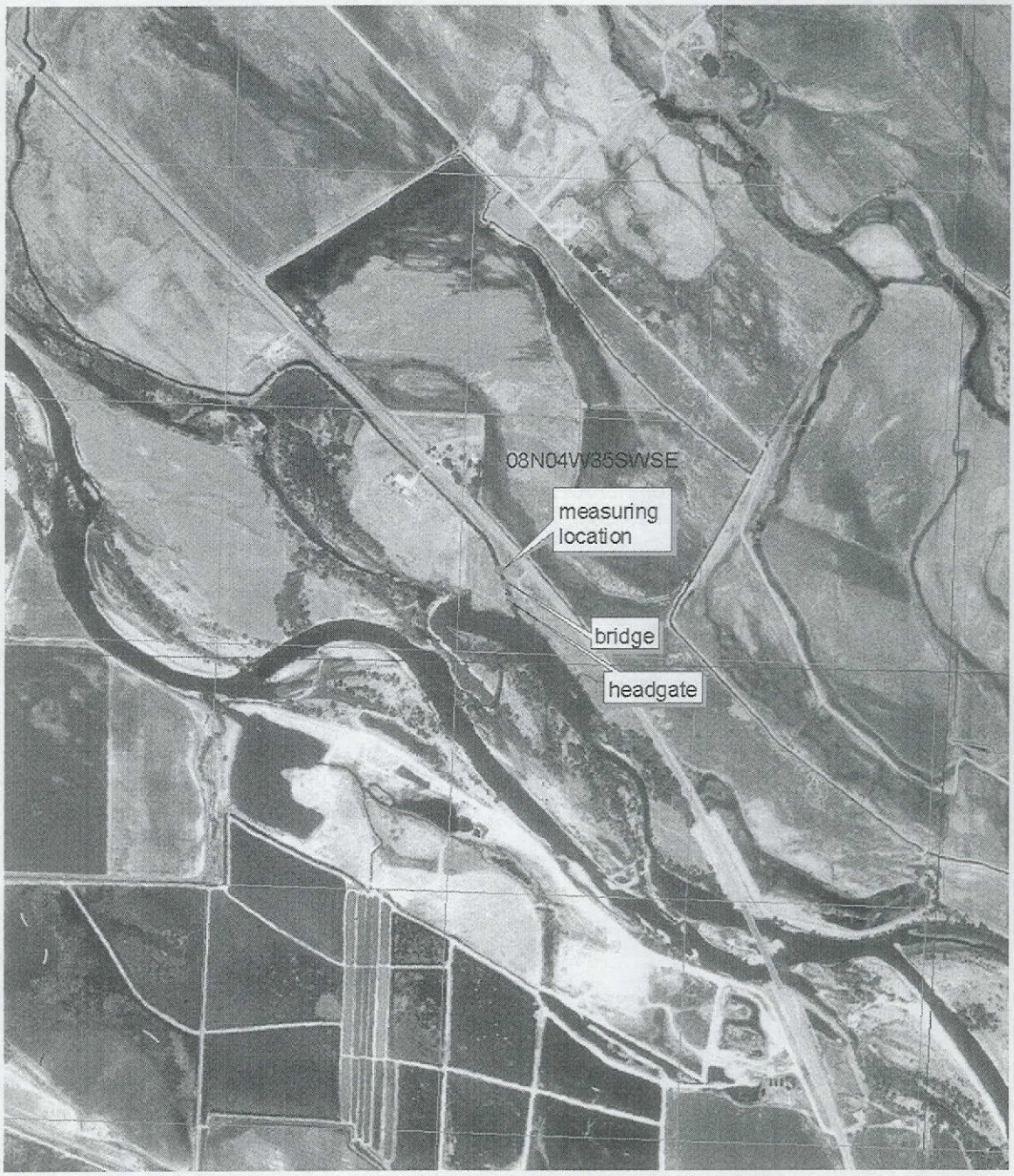


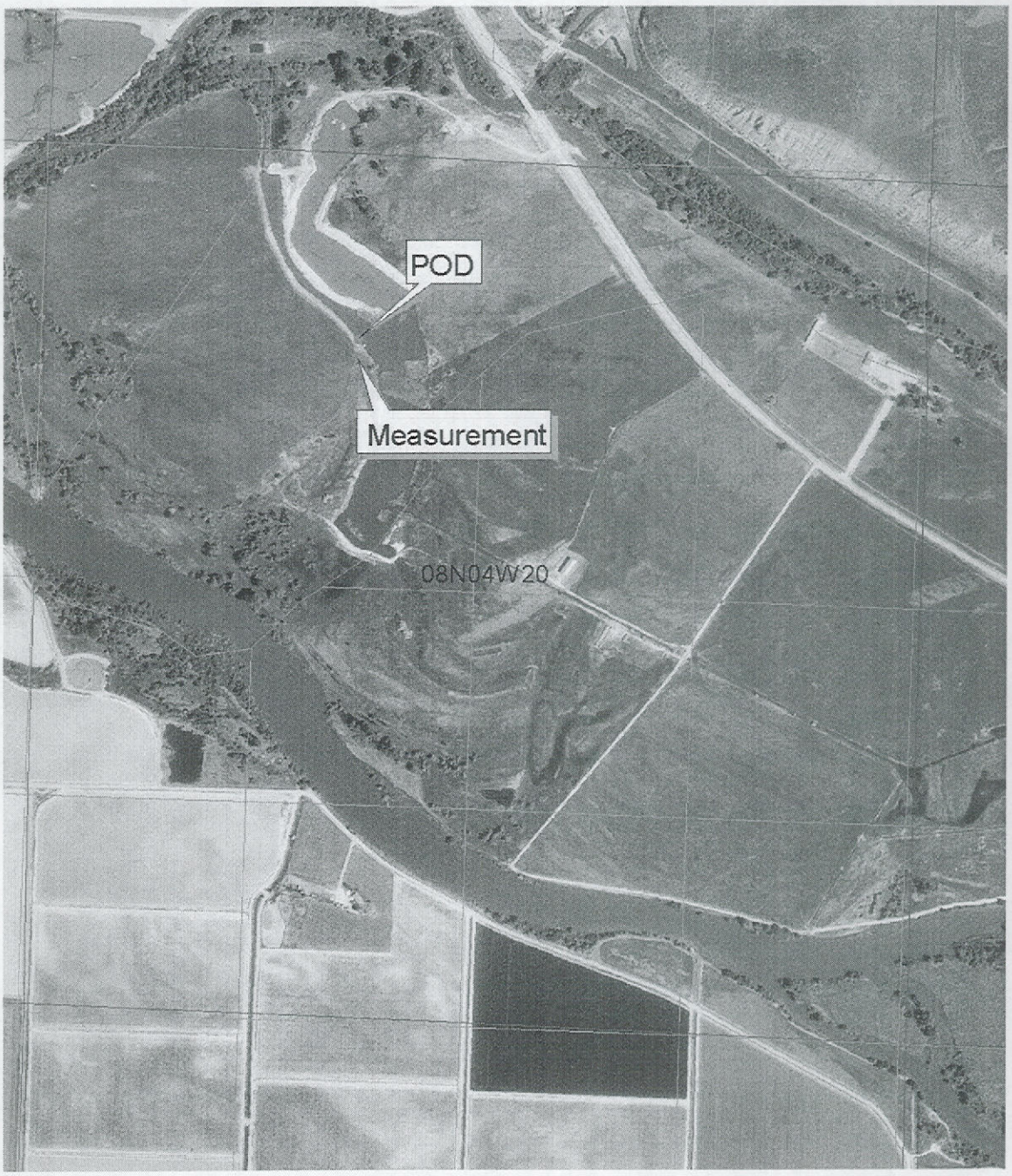
Photo 10. Slough diversion ditch transect, flow direction right to left.



1000 0 1000 2000 Feet

Johnson-Higby Ditch Measurement
6/24/2004
Idaho Department of Water Resources

N



1000 0 1000 2000 Feet

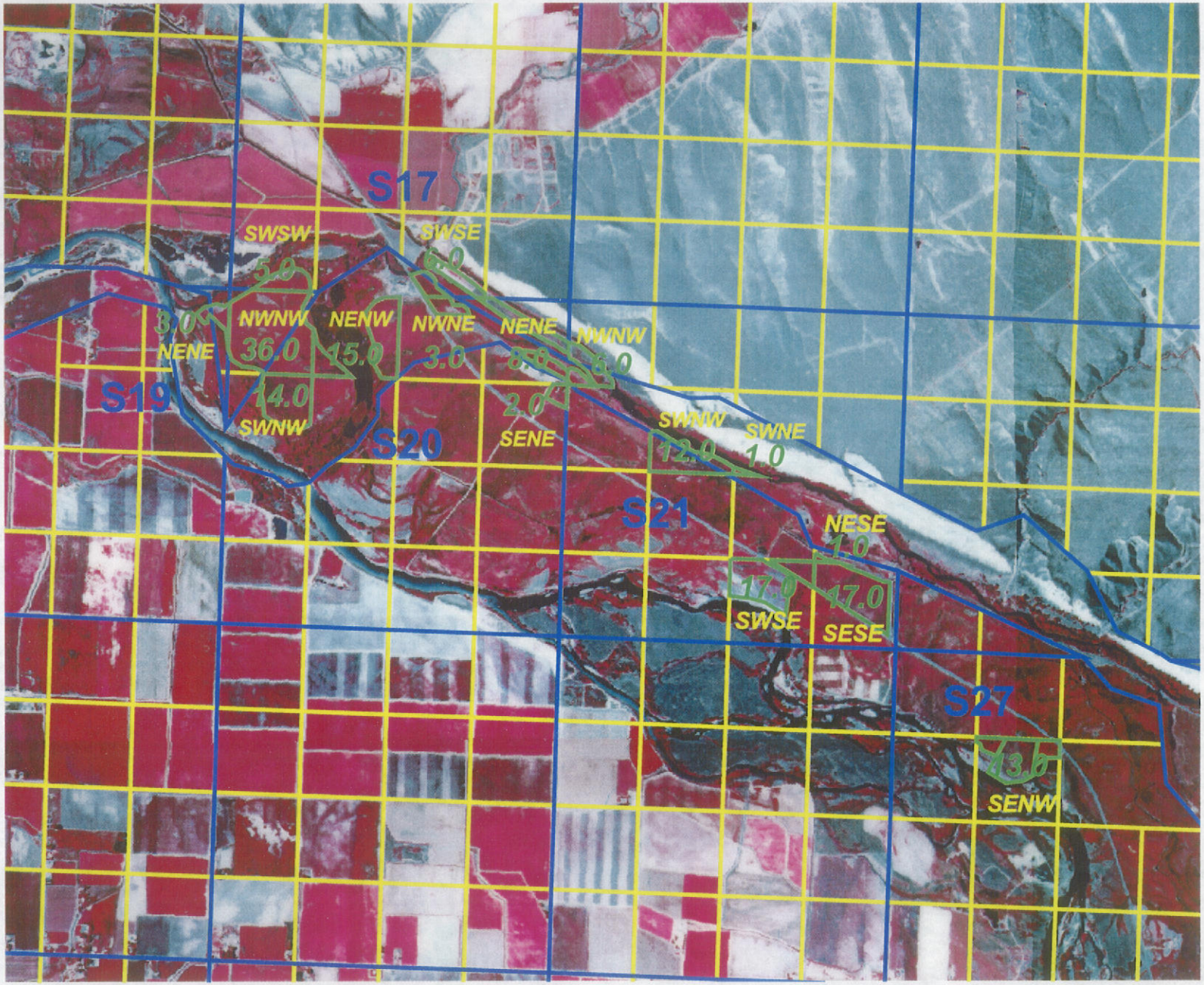
Unnamed Slough Diversion
6/24/2004
Idaho Department of Water Resources

N

Idaho Department of Water Resources

T08N R04W

Claims: 65-07461
Owner : Colwell
Prepared by:
RON HOWERTON
Date: 16 MAY 00



Place of use

POD

SECTION

1/4 1/4

159 *Acres*

N
W
E
S

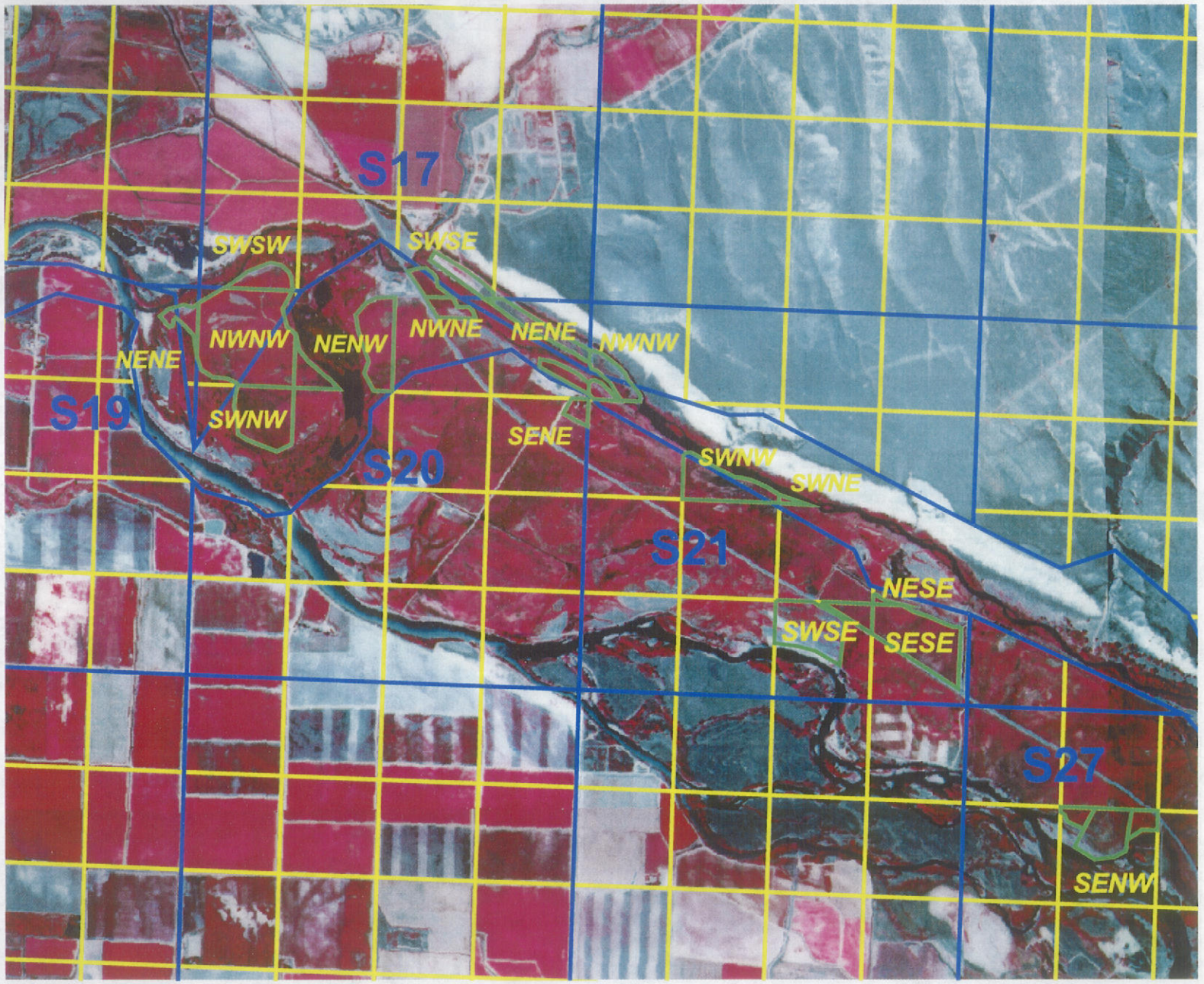
1987 NAPP

0 0.5 1 1.5 2 2.5 3 Miles

Idaho Department of Water Resources

T08N R04W

Claims: 65-07461
Owner : Colwell
Prepared by:
RON HOWERTON
Date: 16 MAY 00



Place of use

POD

SECTION

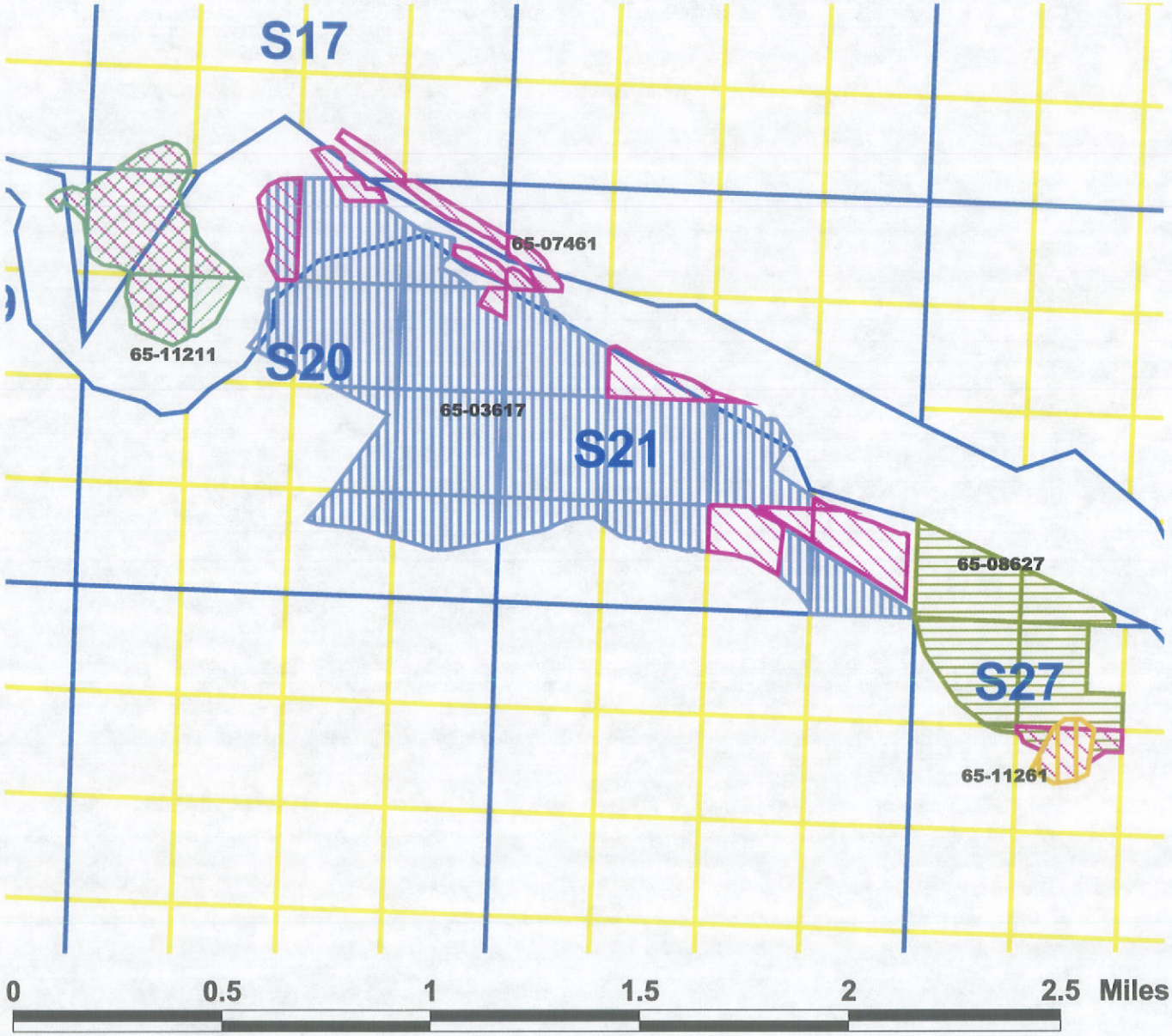
1/4 1/4

N
W
E
S

1987 NAPP

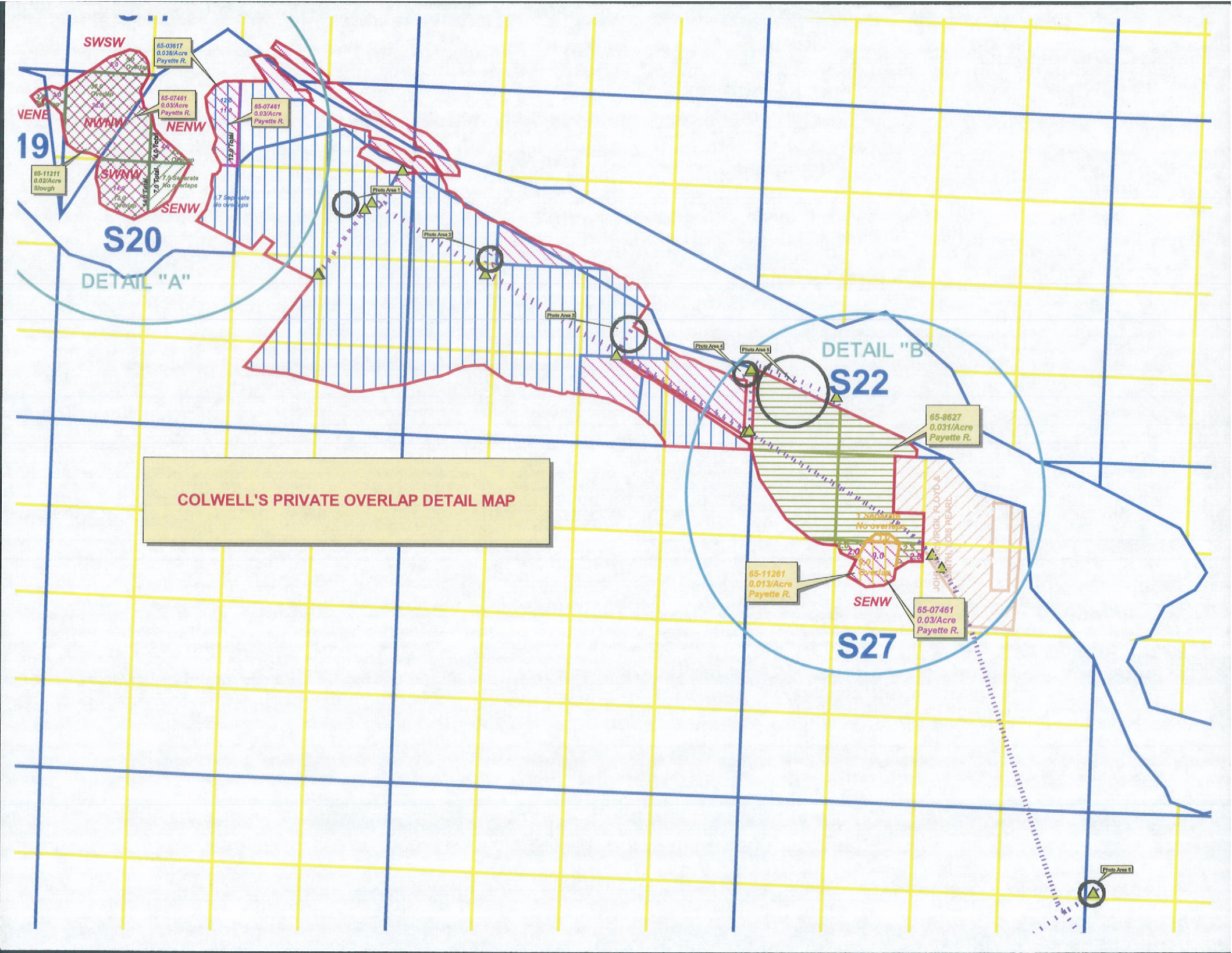
0 0.5 1 1.5 2 2.5 3 Miles

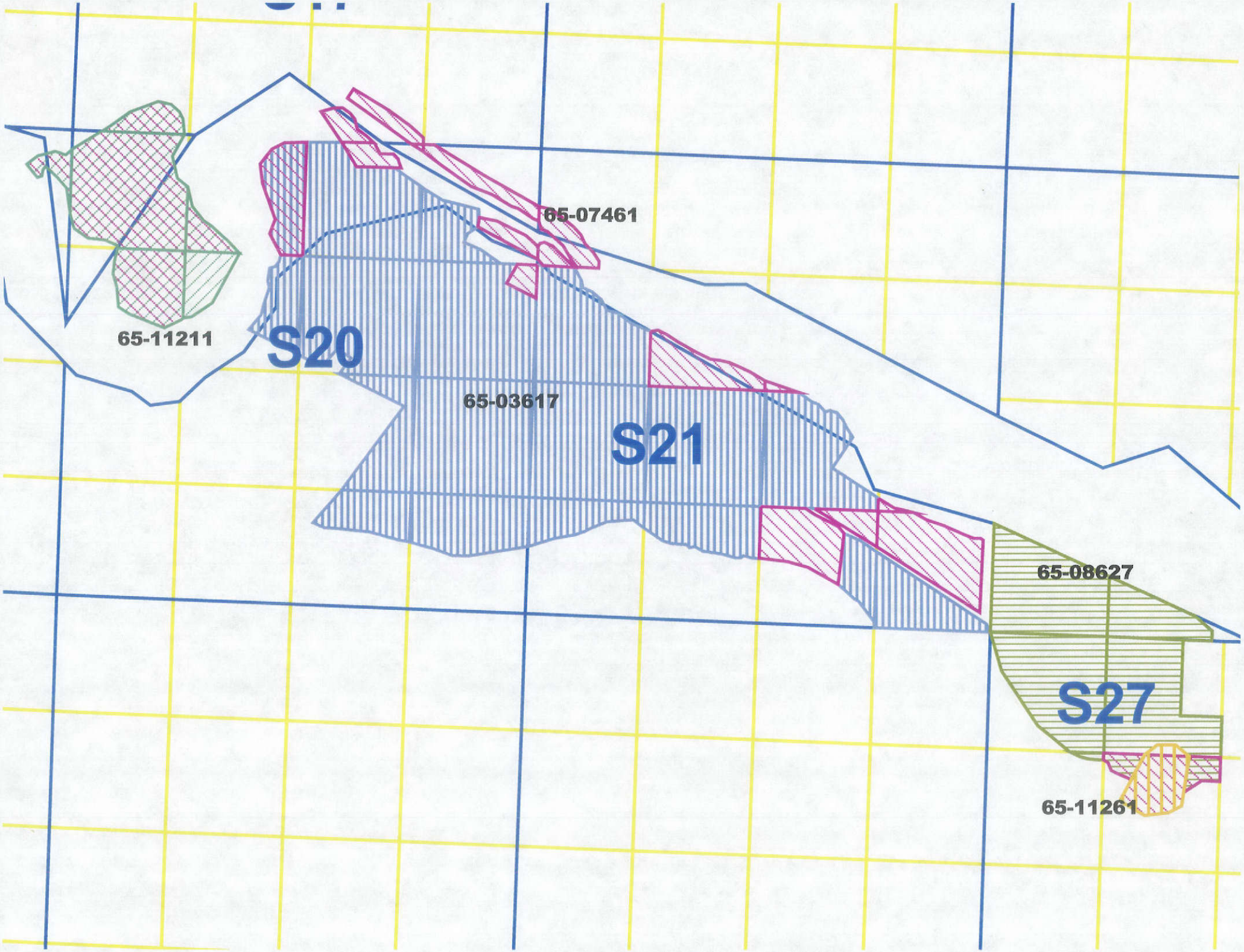
COLWELL OVERLAP MAP

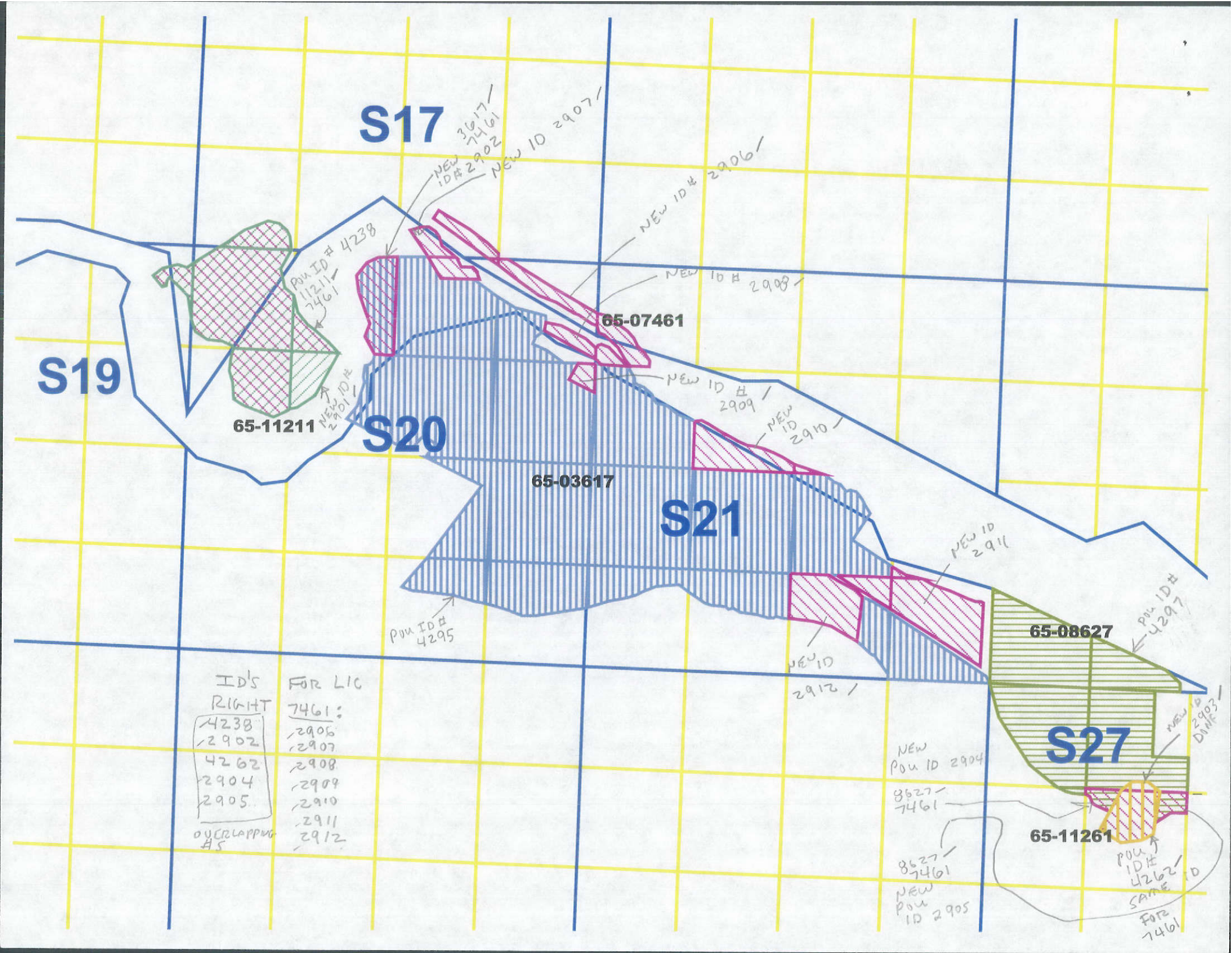


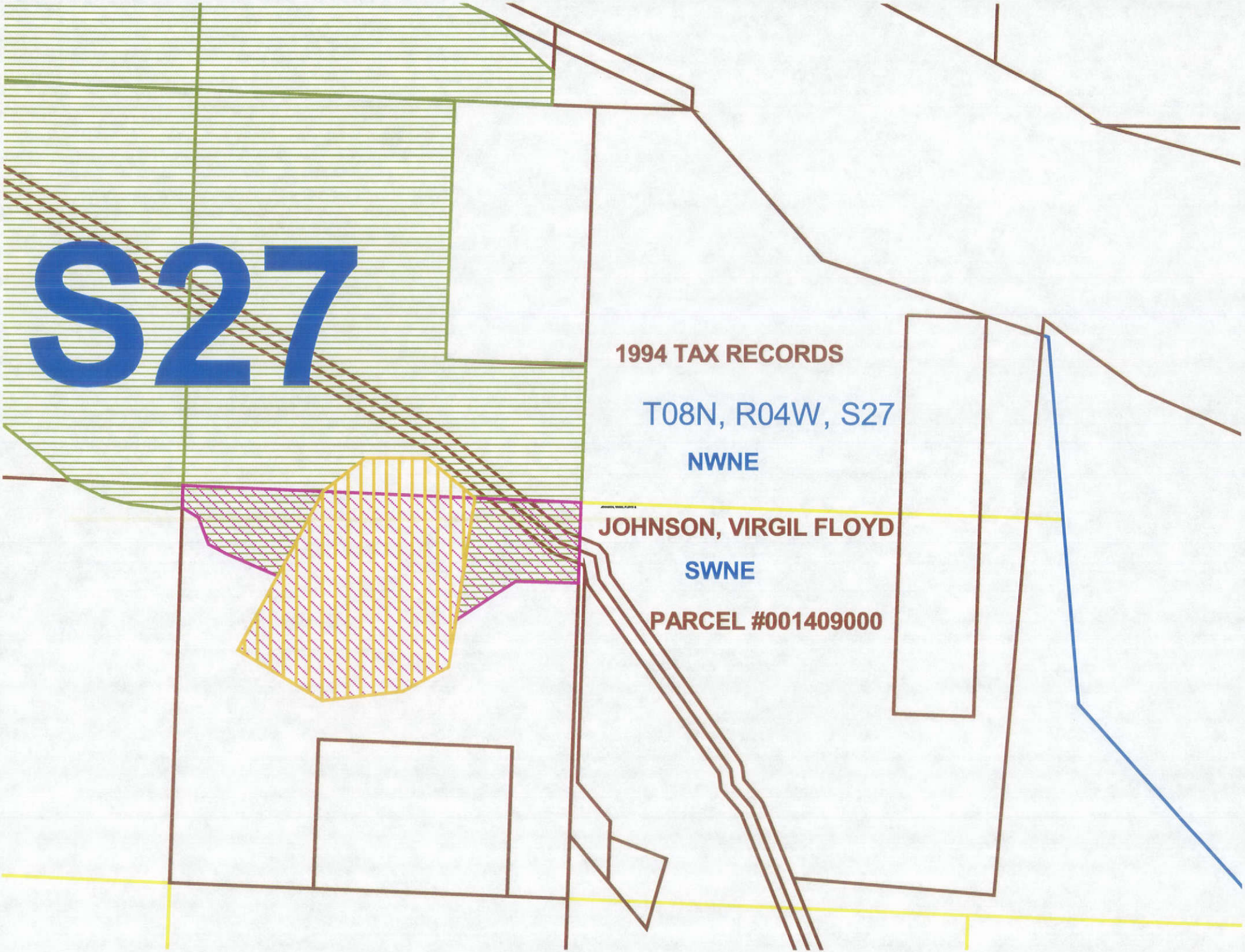
11261.shp
11211.shp
7461.shp
8627.shp
3617.shp
T08nr04w.shp
P08nr04w.shp

N
W
E
S


SWSW
65-03617
0.038/Acre
Payette R.
65-07461
0.03/Acre
Payette R.
NWNW
NENW
65-11211
0.02/Acre
Slough
SWNW
SENW
S20
DETAIL "A"
65-07461
0.03/Acre
Payette R.
Photo Area 1
Photo Area 2
Photo Area 3
Photo Area 4
Photo Area 5
DETAIL "B"
S22
65-8627
0.031/Acre
Payette R.
COLWELL'S PRIVATE OVERLAP DETAIL MAP
65-11261
0.013/Acre
Payette R.
SENW
65-07461
0.03/Acre
Payette R.
S27
Photo Area 6


65-07461
65-11211
S20
65-03617
S21
65-08627
S27
65-11261


S17
S19
S20
S21
S27
65-07461
65-11211
65-03617
65-08627
65-11261
POU ID # 4238
11211
7461
NEW ID # 2901
NEW ID # 2902
3617
7461
2902
NEW ID # 2907
NEW ID # 2906
NEW ID # 2908
NEW ID # 2909
NEW ID 2910
NEW ID 2911
NEW ID 2912
POU ID # 4295
POU ID # 4297
NEW ID 2903 DWR
NEW POU ID 2904
8627
7461
NEW POU ID 2905
POU ID # 4262
SAME ID FOR 7461
ID'S FOR LIC 7461:
RIGHT
4238
2902
4262
2904
2905
OVERLAPPING #5
2906
2907
2908
2909
2910
2911
2912


S27
1994 TAX RECORDS
T08N, R04W, S27
NWNE
JOHNSON, VIRGIL FLOYD
SWNE
PARCEL #001409000

OVERLAP REVIEW SHEET FOR THE FOLLOWING WR #'s: 65 - 03617 (399 + 159 = 558 ACRES) 65 - 07461 65 - 11211 (159 + 7 = 166 ACRES) 65 - 08627 65 - 11261 (159 + 1 = 160 ACRES)

AGENT Ron H. DATE 5-17-00

① Govt Lt 8

OVERLAP

USE/SOURCE	NUMBER	TNS	RNG	SEC	NE				NW				SW				SE				TOTAL	SYSTEM TOTAL
					NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
PAYETTE R.	3617	8N	4W	20	(1) 10	(2) 34	(2) 38	(1) 38	12			(3) 9.7					40	14	11	19		
	3617	8N	4W	21							(5) 31		(6) 40	40	11	15		(7) 28	6.3	(8) 14		411
PAYETTE R.	7461	8N	4W	17											5				(1) 6			

411 − 12 = 399

USE/SOURCE	NUMBER	TNS	RNG	SEC	NE				NW				SW				SE				TOTAL	SYSTEM TOTAL
					NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
	7461	8N	4W	19	(1) 3																	
	7461	8N	4W	20	(7) 8	(7) 3		(1) 2	15	(6) 36	(6) 14											
	7461	8N	4W	21		(2) 1				(4) 6	(5) 12						(1) 1		17	(8) 17		
	7461	8N	4W	27							13											159

USE/SOURCE	NUMBER	TNS	RNG	SEC	NE				NW				SW				SE				TOTAL	SYSTEM TOTAL
					NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
SLOUGH	11211	8N	4W	17											5							
		8N	4W	19	(7) 3																	
		8N	4W	20					(3) 4	(6) 36	(6) 12	(6) 7										67
PAYETTE R.	11261	8N	4W	27					1			9										10

ADD to 159 = 166

ADD

OVERLAP

159 + 1 = 160

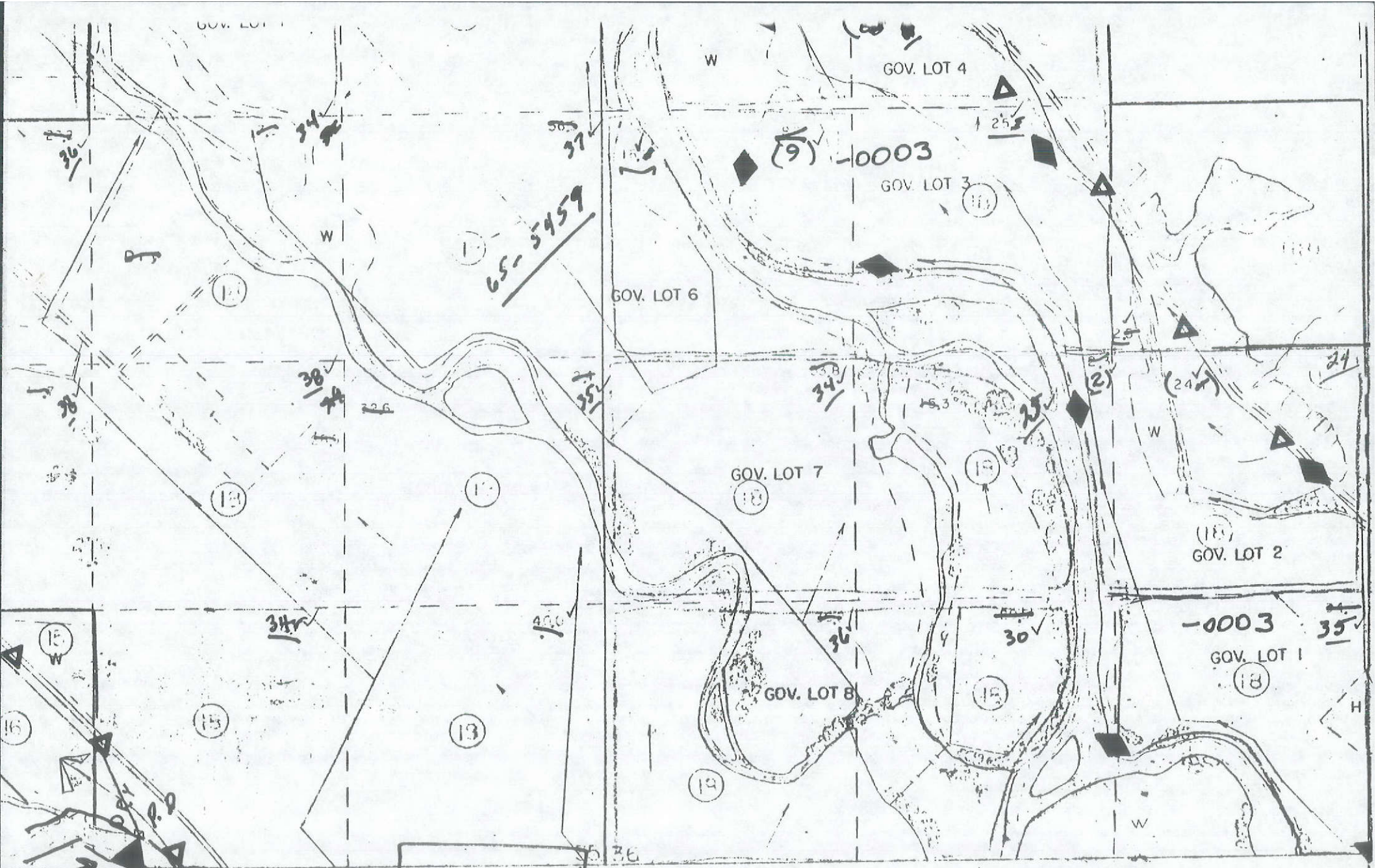
USE/SOURCE	NUMBER	TNS	RNG	SEC	NE				NW				SW				SE				TOTAL	SYSTEM TOTAL
					NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
PAYETTE R	8627	8N	4W	22											(6) 29	(7) 12						
				27					30	29	.5	2.5										105

OVERLAP

105 + 159 = 259.5

100.5 + 159.0 = 259.5 ACRES

PAGE 1 OF 2



P/D SW SW SE S35 T8N R4W

Acid 1-18-18 (NW)

APPEARS TO BE IRRIGATED

MAP "E"

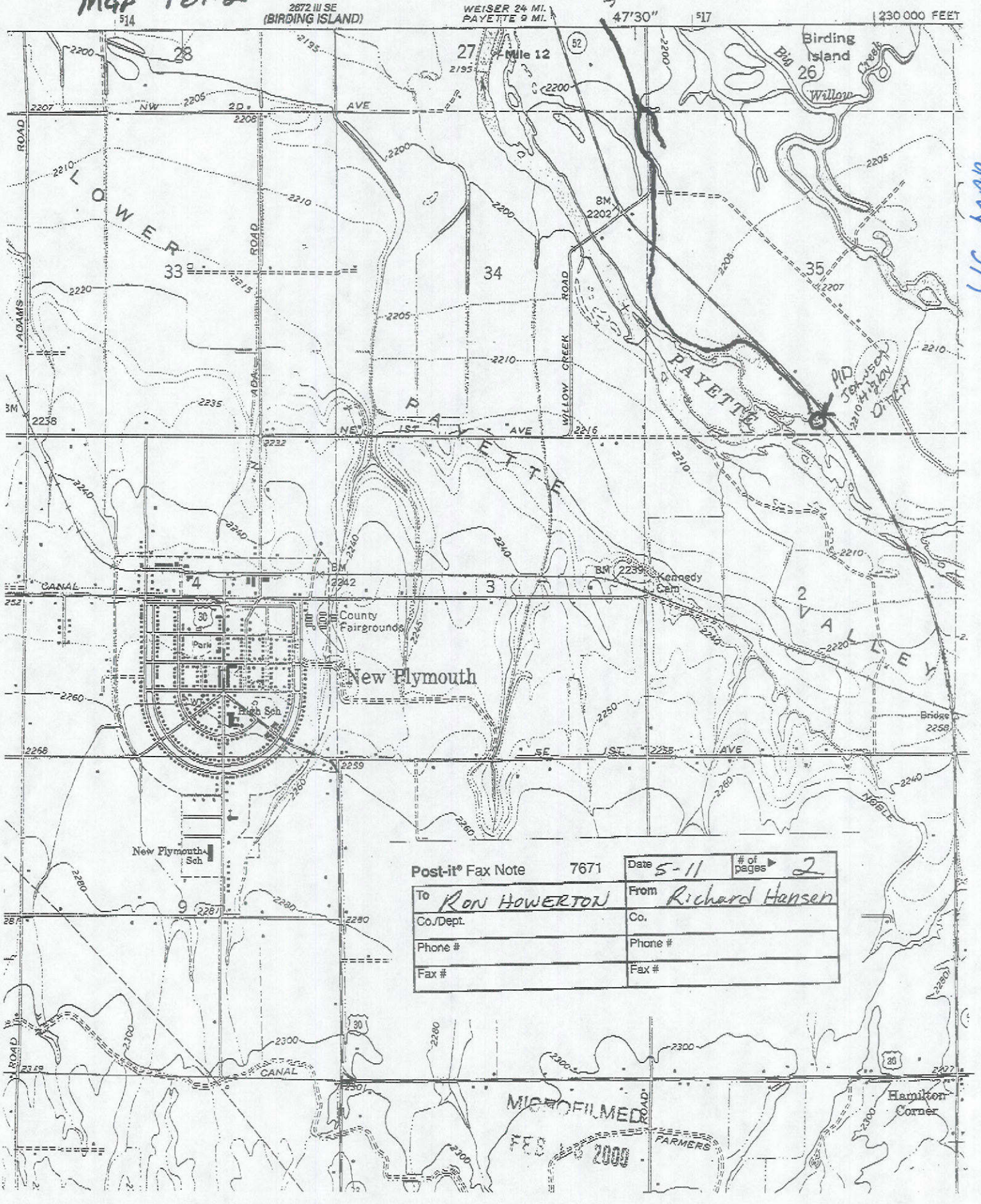
24. Dwaine Samson
25. D.F. Burgess

SAME P/D FOR RIGHTS:

65-3617	-8627
-5921	-11255
-7461	-11261

Map W 4
New Plymouth
DAW 9-15-99
Map 1 OF 2

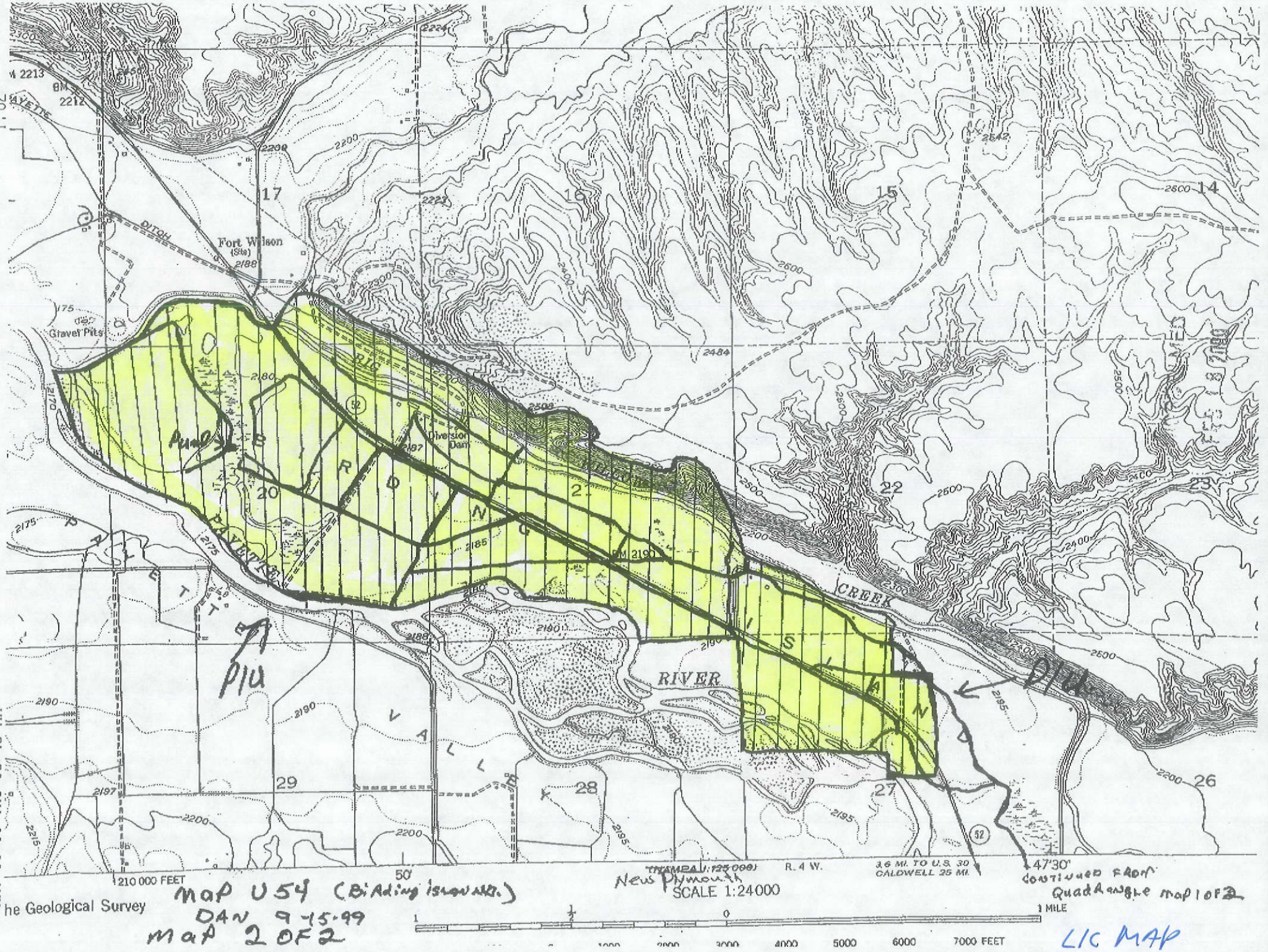
Quadrangle Map 1 of 2

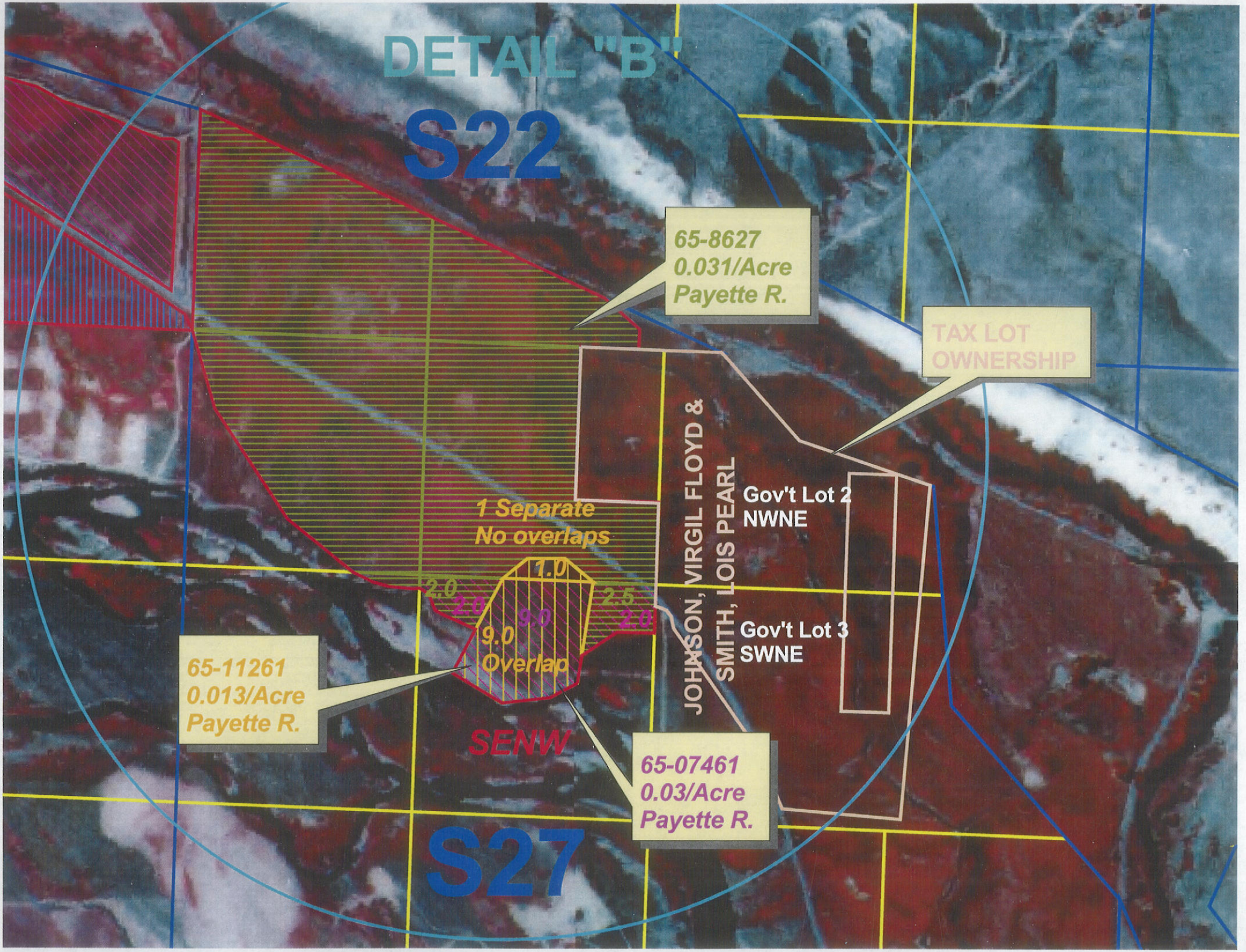


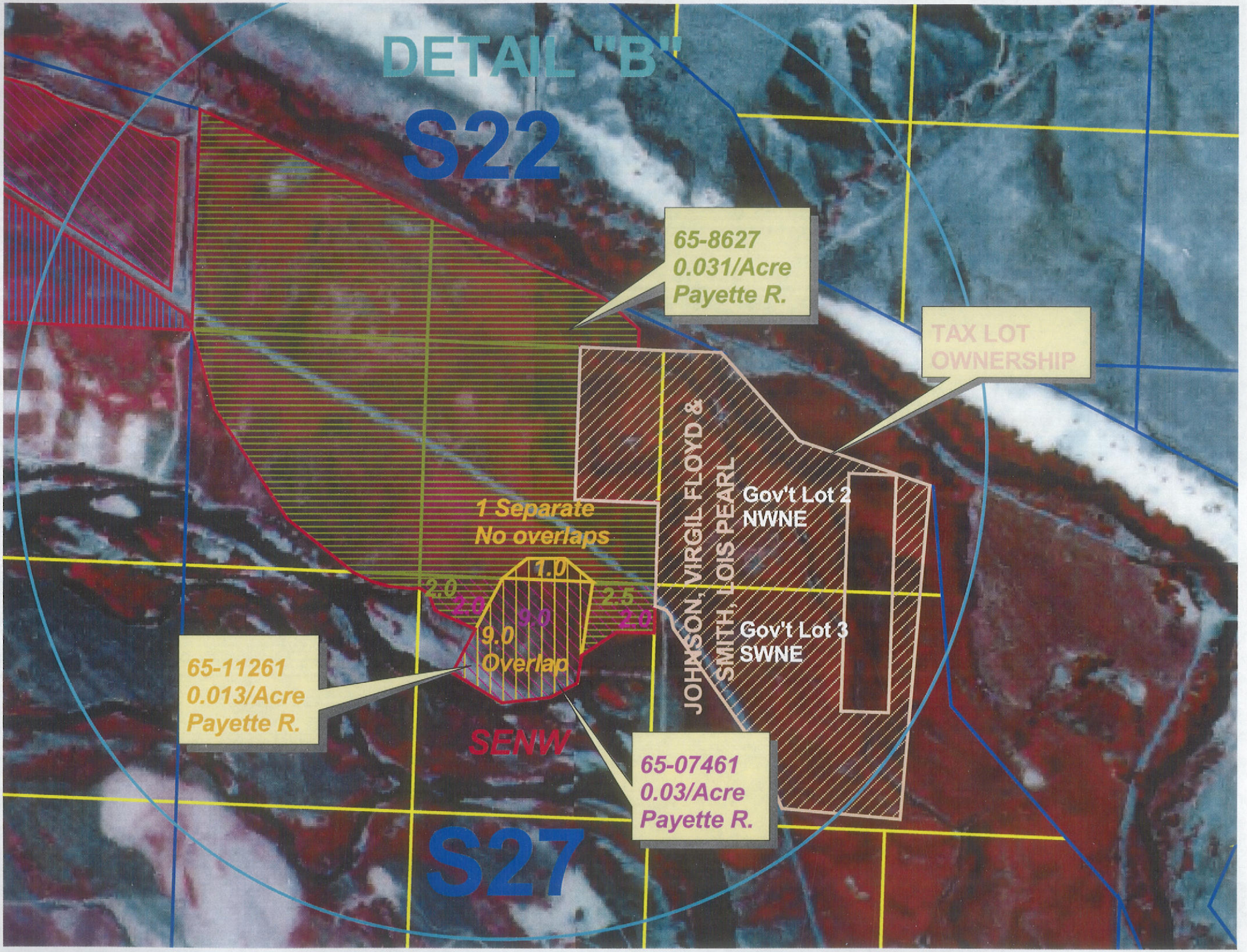
LIC MAP

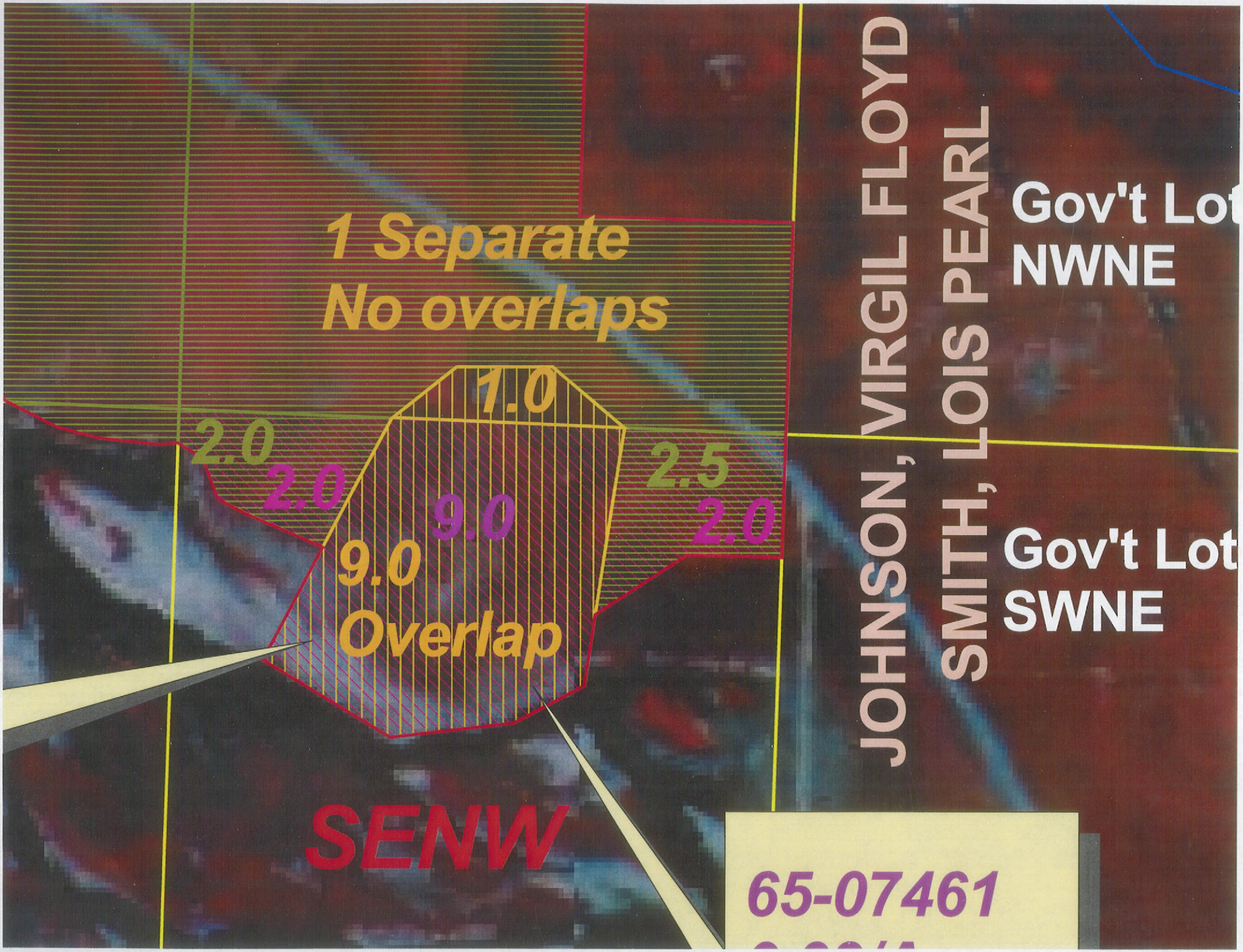
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To Ron Howerton		From Richard Hansen	
Co./Dept.		Co.	
Phone #		Phone #	
Fax #		Fax #	

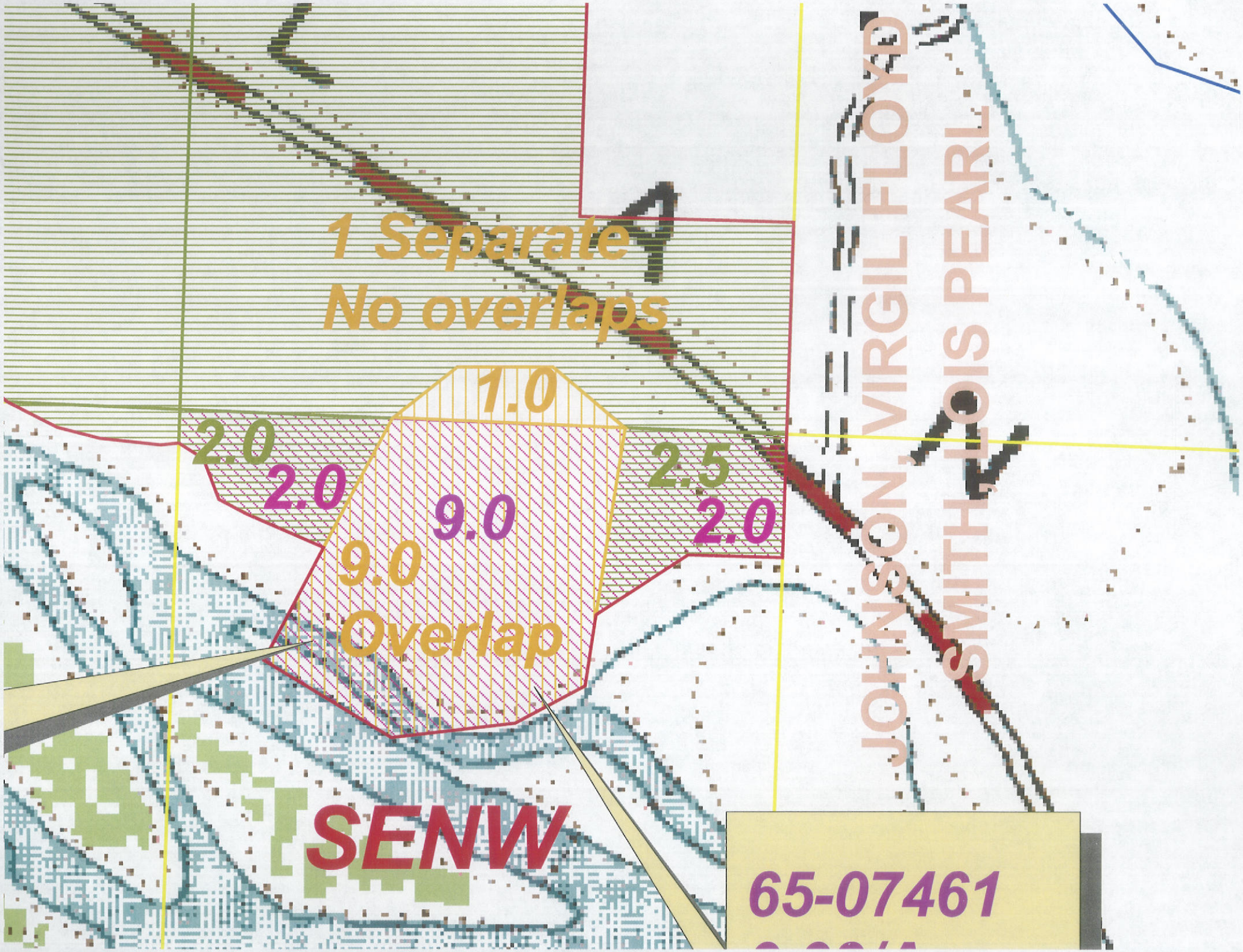
MICROFILMED FEB 15 2000

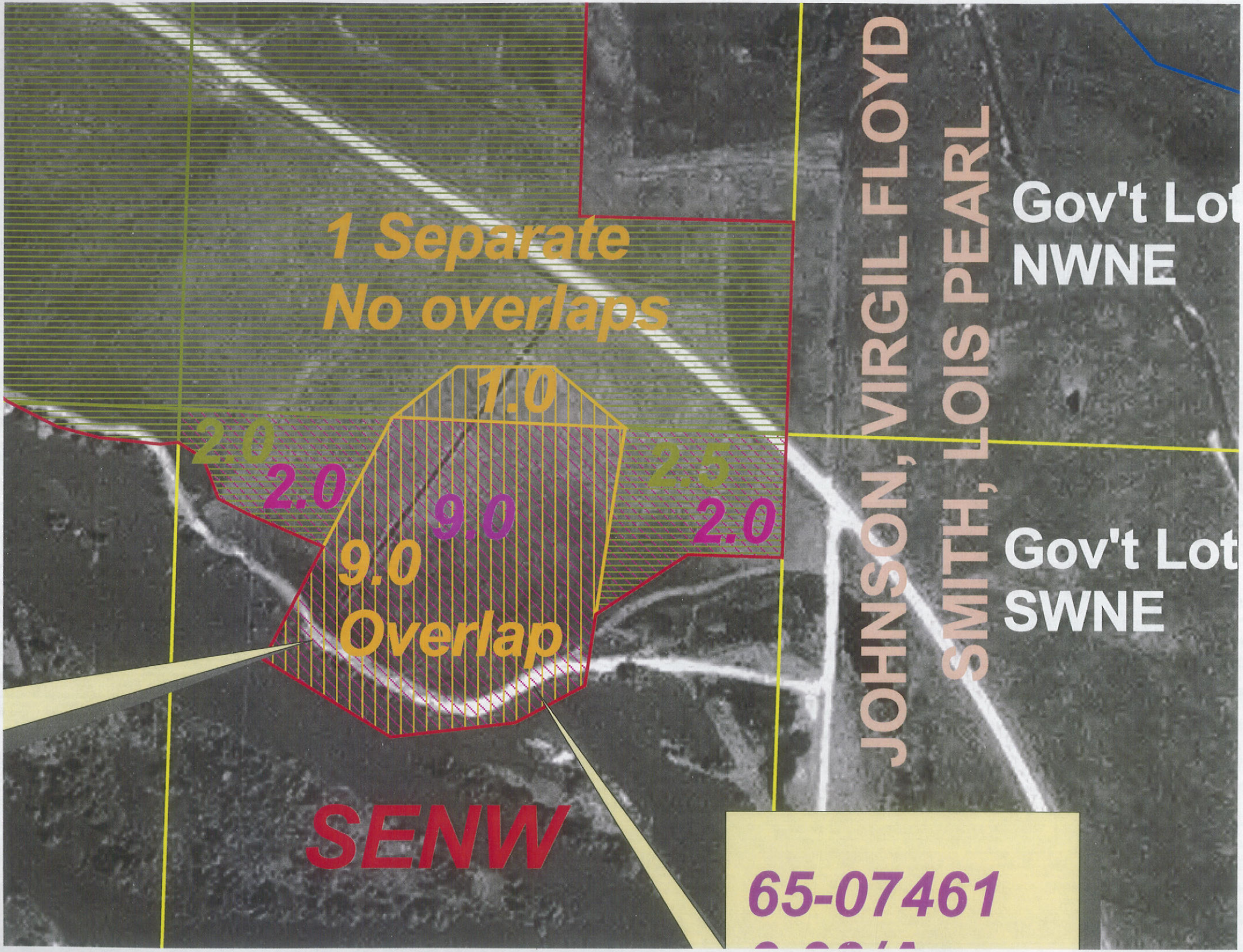

P. 02
MAY-11-00 THU 08:48 AM
Fort Wilson (Site)
Gravel Pits
DITCH
PAYETTE
PAYETTE VALLEY ROAD
Pump
Diversion Dam
PAYETTE RIVER
CREEK
RIVER
17
16
15
14
20
21
22
23
29
28
27
26
32
52
2212
2213
2188
2187
2180
2175
2185
2190
2195
2200
2224
2242
2484
2500
2600
2700
210 000 FEET
50'
R. 4 W.
3.6 MI. TO U.S. 30
CALDWELL 25 MI.
47'30"
continued from
Quadrangle map 1 of 2
SCALE 1:24000
1 MILE
7000 FEET
he Geological Survey
Map U54 (Bidding Island Rd.)
DAN 9-15-99
Map 2 OF 2
New Plymouth
LIC MAP


DETAIL "B"
S22
65-8627
0.031/Acre
Payette R.
TAX LOT
OWNERSHIP
JOHNSON, VIRGIL FLOYD &
SMITH, LOIS PEARL
Gov't Lot 2
NWNE
Gov't Lot 3
SWNE
1 Separate
No overlaps
1.0
2.0
2.0
9.0
9.0
Overlap
2.5
2.0
65-11261
0.013/Acre
Payette R.
SENW
65-07461
0.03/Acre
Payette R.
S27


DETAIL "B"
S22
65-8627
0.031/Acre
Payette R.
TAX LOT
OWNERSHIP
JOHNSON, VIRGIL FLOYD &
SMITH, LOIS PEARL
Gov't Lot 2
NWNE
Gov't Lot 3
SWNE
1 Separate
No overlaps
1.0
2.0
2.0
9.0
9.0
Overlap
2.5
2.0
65-11261
0.013/Acre
Payette R.
SENW
65-07461
0.03/Acre
Payette R.
S27


1 Separate
No overlaps
1.0
2.0
2.0
9.0
9.0
2.5
2.0
Overlap
JOHNSON, VIRGIL FLOYD
SMITH, LOIS PEARL
Gov't Lot
NWNE
Gov't Lot
SWNE
SENW
65-07461


1 Separate
No overlaps
1.0
2.0
2.0
9.0
9.0
Overlap
2.5
2.0
JOHNSON, VIRGIL FLOYD
SMITH, LOIS PEARL
SENW
65-07461


1 Separate
No overlaps
1.0
2.0
2.0
9.0
2.5
2.0
9.0
Overlap
SENW
JOHNSON, VIRGIL FLOYD
SMITH, LOIS PEARL
Gov't Lot
NWNE
Gov't Lot
SWNE
65-07461

T573
NHEL

T8468
NHEL

T8469

STATE

17 | 16
20 | 21

18 | 7
19 | 20

2-18.3
3-21.5
1-15.0
2-10.9
1-4.1
3-8.9
2-28.2
4-6.1
5-24.4
1-13.5
1-26.1
NC
4-52.1
Pump
1-21.8
NC
5.8
17-62
9-28.0
17-24.5
5-13.3
3-60.8
15-23.8
8-40.0
1-3-48
12-50.1
19 Pond
Pond
13-16.5
37.9

map 1 OF 2
Showing Delivery System.

DAN ~~9-15-99~~ 9-15-99
Photo copy of map ESC
Payette County FSA Office

Disregard Section corners
Incorrectly placed on
map.


9-6.9
8-24.9
7-20.5
6-20.7
11-14.4
10-16.2
T690
NHEL
2-4.9
NHEL
IDAHO
FISH
GAME
NA STATE
map 2 of 2
Showing Delivery
System
DAN 9-15-98
Photo copy of map D57
Payette County FSA Office
Disregard section
corners (Placed on map
Incorrectly
10-16.3
13-19
12-50
14-17.7
9-28.0
5-25.5
16-24.1
17-17.1
18-47.9
19-60.5
1687

T573
NHEL

1-22.3
2-18.5
1-15.0
3-21.5
2-10.9
1-4.1
3-8.9
2-28.2
4-6.7
5-24.4
1-26.1
7-21.1
10-7.6
12-37.9
2-21.8
7-6.2
9-28.0
3-60.8
10-43.0
3-48.
15-23.8
11-27.2
12-50.
1-21.5

5Ac
6Ac
36Ac
15Ac
3Ac
8Ac.
6Ac.
2Ac.
14A
NC
Pond
Pond

STATE

T588
NHEL

Map 1 of 2 .
Showing IRRigated
ACres
DAN 9-16-99

~~Map~~ Photo copy of map
E 5C 1992 Flight
~~SRP O~~ FSA office Payette.
Scale 8" to 1 mile.

For this permit we
can allow 159 acres
in the 632 acres of
irrigation.

Actual irrigated
acres.

Acres not covered by
Johnson/Higby ditch water
marked on map.

UC MAP

12 AC

1 AC

1 AC

17 AC

17 AC

IDAHO

Map 2 of 2 showing
irrigated Acres.

DAN 9-15-99

Photo copy of Map DSC
Payette County FSA Office

FOR This Permit we
CAN allow 159 acres
IN The 630 acres OF
IRRigation

Actual Acres
IRRigated.

ACRes NOT Covered BY
Johnson/Higby DITCH water
marked on Map.

NA STATE

NHEL

2 AC

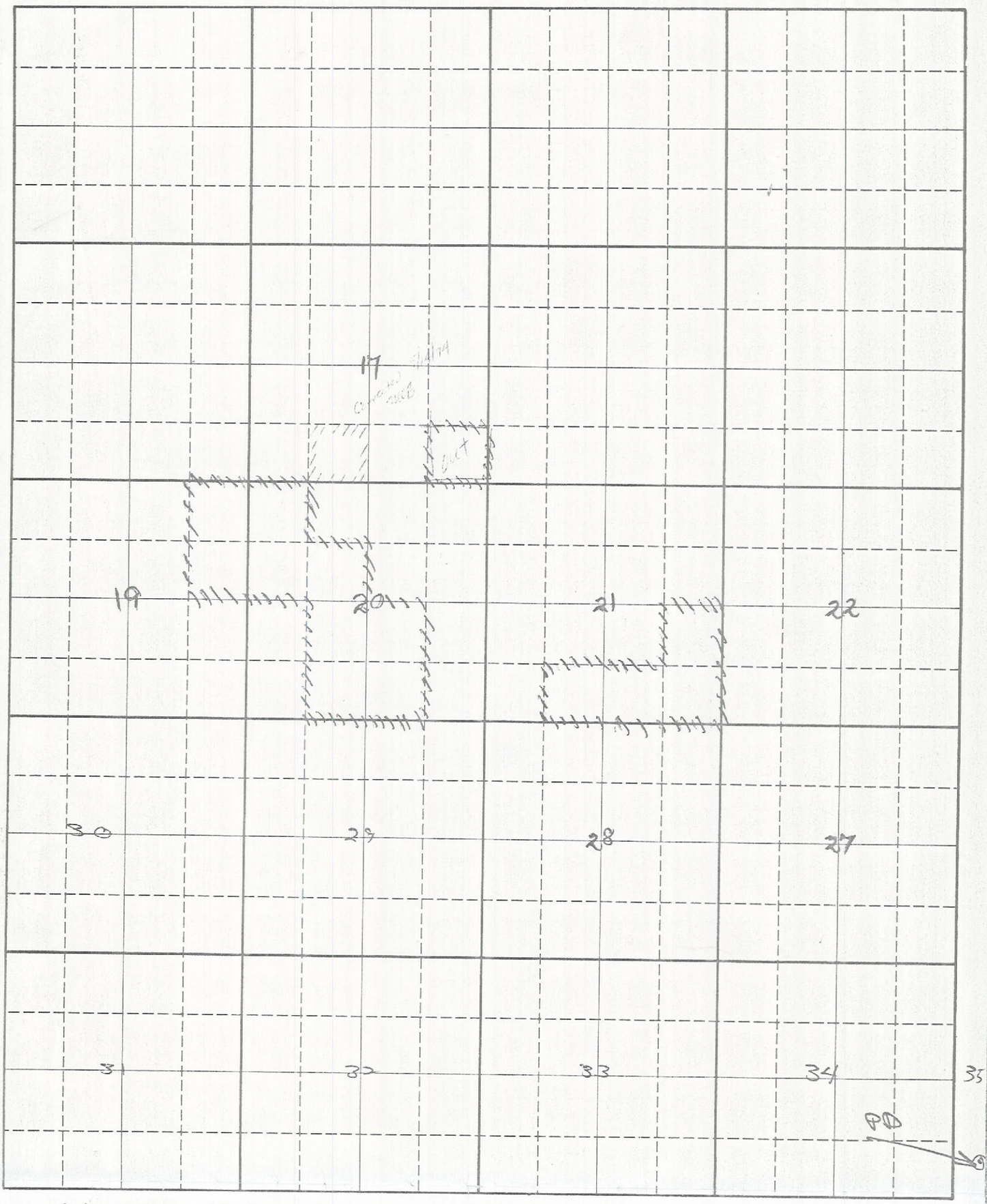
8 AC

3 AC

C/L Main Canal

Johnson Higby Ditch

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Lee C Wright Jr
(Applicant)

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: **A65-07461**
Date Received: 4/11/1990
Receipt No: X999999
Received By: _____

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

1. Name: GEORGE E COLWELL 208-376-6922
   Address: 10800 SMOKE RANCH ROAD
   BOISE ID 83709
   AND
   Name: CHERYL F COLWELL 208-376-6922
   Address: 10800 SMOKE RANCH ROAD
   BOISE ID 83709

2. Date of Priority: APR 8, 1975

3. Source: PAYETTE RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
08N	04W	35	SW SE		PAYETTE

5. Description of diverting works:
   HEADGATE & DITCHES.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S (or)	A.F.A.
IRRIGATION	03/15	11/15	6.170	925.00

7. Total Quantity Appropriated is:
   6.170 C.F.S. (and/or) 925.00 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
08N	04W	17	SW SW		IRR	5.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
08N	04W	17	SW	SE	1	IRR	6.0
					Section Acres		11.0
		19	NE	NE	1	IRR	3.0
					Section Acres		3.0
		20	NE	NE	7	IRR	8.0
			NW	NE	7	IRR	3.0
			SE	NE	1	IRR	2.0
			NE	NW		IRR	15.0
			NW	NW	6	IRR	36.0
			SW	NW	6	IRR	14.0
					Section Acres		78.0
		21	SW	NE	2	IRR	1.0
			NW	NW	4	IRR	6.0
			SE	NW	5	IRR	12.0
			NE	SE	1	IRR	1.0
			SW	SE		IRR	17.0
			SE	SE	8	IRR	17.0
					Section Acres		54.0
		27	NW	NE	2	IRR	2.0
			SW	NE	3	IRR	3.0
			SE	NW		IRR	8.0
					Section Acres		13.0
					Total Acres		159.0

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:

14. Remarks:
RIGHTS 65-03617, 65-05921, 65-08627, 65-11255 & 65-11261 ARE ALSO DIVERTED THROUGH THE POINT OF DIVERSION DESCRIBED ABOVE.
THE PORTION OF RIGHT 65-07461 USED FOR CONVEYANCE LOSSES IS 1.4 CFS.
RIGHTS 65-11211 & 65-07461 WHEN COMBINED SHALL NOT EXCEED A

14. Remarks: Continued
TOTAL DIVERSION RATE OF 6.17 CFS, A TOTAL ANNUAL MAXIMUM DIVERSION VOLUME OF 925.0 AF AT THE FIELD HEADGATE, AND THE IRRIGATION OF 159 ACRES.
CLAIMED AMENDED BY APPROVED LICENSE DATED FEB. 3, 2000.

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 ____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): _____ Date: _____

_____ Date: _____

State of Idaho)
) SS.
County of _____)

Subscribed and sworn (or affirmed) before me this _____ day

of _____ 20 _____ _____
Notary Public

Seal

Residing at _____

My Commission Expires _____

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: **A65-07461**
Date Received: 4/11/1990
Receipt No: X999999
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

1. Name: CHARLES HIGBY 208-278-3354
   Address: 8108 FORT WILSON
   PAYETTE ID 83661

   Name: PAT HIGBY 208-278-3354
   Address: 8108 FORT WILSON
   PAYETTE ID 83661

2. Date of Priority: FEB 18, 1974

3. Source: PAYETTE RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
08N	04W	35	SW SE		PAYETTE

5. Description of diverting works:
   HEADGATE & DITCHES.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	7.590		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
08N	04W	17	SE SW		IRR	15.0

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SEP 2 3 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
						Section Acres	15.0
		19	NE	NE		IRR	10.0
			SE	NE		IRR	10.0
						Section Acres	20.0
		20	NW	NW		IRR	3.0
			SW	NW		IRR	28.0
			SE	NW		IRR	25.0
			NE	SW		IRR	30.0
			SE	SW		IRR	3.0
			NW	SE		IRR	27.0
			SW	SE		IRR	15.0
						Section Acres	131.0
		21	SE	SW		IRR	10.0
			NE	SE		IRR	23.0
			SW	SE		IRR	25.0
			SE	SE		IRR	29.0
						Section Acres	87.0
						Total Acres	253.0

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:

14. Remarks:
REINSTATED 1-17-1980.

15. Basis of Claim: PERMIT

16. Signature(s)

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

Number of attachments: _____

MICROFILMED
SEP 23 1992

For Individuals:

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

Signature of Claimant(s): _____ Date: _____

_____ Date: _____

State of Idaho)
) SS.
County of _____)

Subscribed and sworn (or affirmed) before me this _____ day

of _____ 19 _____

_____
Notary Public

Seal

Residing at _____

My Commission Expires _____

MICROFILMED
SEP 2 3 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. A65-07461

RECEIVED
APR 11 1990
Department of Water Resources

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

Please type or print clearly:

Name of Claimant(s) Charles Higby or
Pat Higby

Mailing Address (include Zip Code) 8108 Fort Wilson
Payette, ID 83661

Phone Number (208) 278-3354

MICROFILMED
SEP 23 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

RECEIVED
APR 11 1990
Department of Water Resources

IDENT. NUMBER: 65-07461
DATE RECEIVED: 4-11-90
RECEIPT NO: X999999
RECEIVED BY: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. NAME: CHARLES HIGBY
ADDRESS: STAR RT.
PAYETTE, ID 83661

NAME: PAT HIGBY
ADDRESS: STAR RT.
PAYETTE, ID 83661

2. DATE OF PRIORITY: FEB 18, 1974

3. SOURCE: PAYETTE RIVER TRIB. TO: SNAKE RIVER

4. POINT OF DIVERSION:

TOWNSHIP	RANGE	SECTION	1/4 OF 1/4 OF 1/4	LOT	COUNTY
08N	04W	35	SW SE		PAYETTE

5. DESCRIPTION OF DIVERTING WORKS:
HEADGATE & DITCHES.

6. WATER IS USED FOR THE FOLLOWING PURPOSES:

PURPOSE	FROM	TO	C.F.S (OR)	A.F.A.
IRRIGATION	03/15	11/15	7.590	

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

8. TOTAL CONSUMPTIVE USE IS ACRE FEET PER ANNUM.

9. NON-IRRIGATION USES:

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SEP 23 1992

10. PLACE OF USE:

TOWNSHIP	RANGE	SECTION	1/4 OF 1/4		LOT	USE	ACRES
08N	04W	17	SE	SW		IRR	15.0
					SECTION ACRES		15.0
		19	NE	NE		IRR	10.0
			SE	NE		IRR	10.0
					SECTION ACRES		20.0
		20	NW	NW		IRR	3.0
			SW	NW		IRR	28.0
			SE	NW		IRR	25.0
			NE	SW		IRR	30.0
			SE	SW		IRR	3.0
			NW	SE		IRR	27.0
			SW	SE		IRR	15.0
					SECTION ACRES		131.0
		21	SE	SW		IRR	10.0
			NE	SE		IRR	23.0
			SW	SE		IRR	25.0
			SE	SE		IRR	29.0
					SECTION ACRES		87.0
					TOTAL ACRES		253.0

11. PLACE OF USE IN COUNTIES: PAYETTE, PAYETTE

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

13. OTHER WATER RIGHTS USED:

14. REMARKS:
REINSTATED 1-17-1980.

15. BASIS OF CLAIM: PERMIT

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SEP 2 3 1992

16. SIGNATURE(S)

(A.) BY SIGNING BELOW, I/WE ACKNOWLEDGE THAT I/WE HAVE RECEIVED, READ AND UNDERSTAND THE FORM ENTITLED "HOW YOU WILL RECEIVE NOTICE IN THE SNAKE RIVER BASIN ADJUDICATION." (B.) I/WE DO ____ DO NOT ____ WISH TO RECEIVE AND PAY A SMALL ANNUAL FEE FOR MONTHLY COPIES OF THE DOCKET SHEET.

NUMBER OF ATTACHMENTS: _____

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): Charles Hughey DATE: 4-6-90

Pat Hughey DATE: 4-6-90

FOR ORGANIZATIONS:

I DO SOLEMNLY SWEAR OR AFFIRM THAT I AM _____ OF
TITLE
_____, THAT I HAVE SIGNED THE FOREGOING
ORGANIZATION
DOCUMENT IN THE SPACE BELOW AS _____ OF
TITLE
_____ AND THAT THE STATEMENTS CONTAINED IN THE
ORGANIZATION
FOREGOING DOCUMENT ARE TRUE AND CORRECT.

_____
SIGNATURE OF AUTHORIZED AGENT

_____
TITLE AND ORGANIZATION

_____
DATE

STATE OF IDAHO)
) SS.
COUNTY OF Payette)

SUBSCRIBED AND SWORN (OR AFFIRMED) BEFORE ME THIS 6 DAY OF April 19 90

Cori Ley Smith
NOTARY PUBLIC

SEAL

RESIDING AT Fruitland

MY COMMISSION EXPIRES 6-6-92

MICROFILMED
SEP 2 3 1992

RECEIVED
FEB 0 4 2000
WATER RESOURCES
WESTERN REGION

State of Idaho
Department of Water Resources

Water Right License

WATER RIGHT NO. 65-07461

Priority: April 8, 1975

Maximum Diversion Rate: 6.17 CFS
Maximum Diversion Volume: 925.0 AF

This is to certify, that GEORGE COLWELL
CHERYL COLWELL
3990 HWY 52
PAYETTE ID 83661 has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated January 24, 1974; and has submitted Proof of Beneficial Use on June 26, 1979. An examination indicates that the works have a diversion capacity of 89.000 cfs of water from:

PAYETTE RIVER tributary to **SNAKE RIVER**

source, and a water right has been established as follows:

BENEFICIAL USE	PERIOD OF USE	RATE OF DIVERSION	ANNUAL VOLUME
IRRIGATION	03/01 to 11/15	6.17 CFS	925.0 AF

LOCATION OF POINT(S) OF DIVERSION: SWSE , Sec. 35, Township 08N, Range 04W
PAYETTE County

PLACE OF USE: IRRIGATION

TWN	RGE	SEC		ACRES		ACRES		ACRES	TOTAL
08N	04W	17	SWSW	5	Lot 1(SWSE)	6			11
		19	Lot 1(NENE)	3					3
		20	Lot 7(NENE)	8	Lot 7(NWNE)	3	Lot 1(SENE)	2	
			NENW	15	Lot 6(NWNW)	36	Lot 6(SWNW)	14	78
		21	Lot 2(SWNE)	1	Lot 4(NWNW)	6	Lot 5(SENW)	12	
			Lot 1(NESE)	1	SWSE	17	Lot 8(SESE)	17	54
		27	Lot 2(NWNE)	2	Lot 3(SWNE)	3	SENW	8	13

Total number of acres irrigated: 159

CONDITIONS OF APPROVAL AND REMARKS

1. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
2. Upon specific notification by the Department, the right holder shall install a lockable device of a type acceptable to the Department in a manner that will provide the watermaster suitable control of the diversion.
3. Rights 65-03617, 65-05921, 65-08627, 65-11255 & 65-11261 are also diverted through the point of diversion described above.
4. The portion of Right 65-07461 used for conveyance losses is 1.4 cfs.

State of Idaho
Department of Water Resources

Water Right License

WATER RIGHT NO. 65-07461

CONDITIONS OF APPROVAL AND REMARKS

5. Rights 65-11211 & 65-07461 when combined shall not exceed a total diversion rate of 6.17 cfs, a total annual maximum diversion volume of 925.0 af at the field headgate, and the irrigation of 159 acres.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Signed and sealed this 3rd day of FEBRUARY, 2000.

Acting for KARL J. DREHER, Director

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: **A65-07461**
Date Received: 4/11/1990
Receipt No: X999999
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

1. Name: GEORGE E COLWELL 208-376-6922
   Address: 10800 SMOKE RANCH ROAD
   BOISE ID 83709
   AND
   Name: CHERYL F COLWELL 208-376-6922
   Address: 10800 SMOKE RANCH ROAD
   BOISE ID 83709

2. Date of Priority: FEB 18, 1974

3. Source: PAYETTE RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
08N	04W	35	SW SE		PAYETTE

5. Description of diverting works:
   HEADGATE & DITCHES.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	7.590		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
08N	04W	17	SE SW		IRR	15.0

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10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
				Section Acres		15.0
		19	NE	NE	IRR	10.0
			SE	NE	IRR	10.0
				Section Acres		20.0
		20	NW	NW	IRR	3.0
			SW	NW	IRR	28.0
			SE	NW	IRR	25.0
			NE	SW	IRR	30.0
			SE	SW	IRR	3.0
			NW	SE	IRR	27.0
			SW	SE	IRR	15.0
				Section Acres		131.0
		21	SE	SW	IRR	10.0
			NE	SE	IRR	23.0
			SW	SE	IRR	25.0
			SE	SE	IRR	29.0
				Section Acres		87.0
				Total Acres		253.0

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:

14. Remarks:
REINSTATED 1-17-1980.
OWNERSHIP CHANGED BY LH 11/21/94.

15. Basis of Claim: PERMIT

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16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): _____ Date: _____

_____ Date: _____

State of Idaho)
) SS.
County of _____)

Subscribed and sworn (or affirmed) before me this _____ day

of _____ 19 _____ _____
Notary Public

Seal

Residing at _____

My Commission Expires _____

MICROFILMED
OCT 21 1996

Form 42-1409(7)

NEW PROPERTY OWNER
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

RECEIVED
NOV 10 1994
Department of Water Resources

DATE OF CLOSING: September 15, 1994

LEGAL DESCRIPTION OF PROPERTY: Township 8 North Range 4 West
Section 17-22, 27 1/4 of ____ 1/4 of ____ 1/4, Govt. Lot ____, BM.
Lot ____, Block, ____, Subdivision/Townsite ____.
If you have additional legal descriptions, please attach separate sheet.

SEE ATTACHED LEGAL DESCRIPTION ON "EXHIBIT A" TO ATTACHED WARRANTY DEED

[ ] Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

[ ] Water Right Number(s) Assigned by IDWR: A65-03617, A65-03618, ~~A65-07461~~, A65-07462, A65-08627 A65-09393, A65-09394, A65-11211 and A65-11261

[ ] Name and Address of Former Owner/Claimant(s)(Seller): Charles S. Higby, Emma J. Higby (Higby N/N Ranch)
Higby N/N Ranch
HC 80 Box 97, Payette, Idaho 83661

RECEIVED
NOV 15 1994
WATER RESOURCES
WESTERN REGION

[ ] New Owner/Claimant (Purchaser): George E. Colwell and Cheryl F. Colwell

[ ] New Mailing Address: 10800 Smoke Ranch Road
Boise, Idaho 83709

[ ] New Telephone Number: (208) 376-6922

[ ] Does the change in ownership result in a splitting of the water right owned/claimed? ___ yes X no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

[ ] Attach proof of ownership, describe proof attached: Copy of recorded Warranty Deed

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

[ ] Signature of New Owner/Claimant(s): George E. Colwell Date 9/15/94
Cheryl F. Colwell Date 9/15/94

[ ] Signature of Former Owner/Claimant(s): Charles S. Higby Date 9/15/94
for Higby N/N Ranch Date

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:
Initial Review and Data-Entry
Date: 11-18-94 **By:** ZH
Further Action Needed:

Further Action Taken
Date: **By:**
Final Review and Data-Entry
Date: **By:**
Claim Numbers of Split, if any:

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

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OCT 21 1996

P-22260
P-131930 J

State of Idaho, County of Payette 251995
I certify that this instrument was filed for record at the request of
Sept 20, 1994 9:54 AM, in Book 48 Deeds pg. 251995
Laura L. Stigile, Ex-Officio Recorder by ____ ; Deputy

Land Title Insurance Company
P-22260, 1600/113; 100 & 300/11
100/116; 200 & 300/117; 800/118
500/120

WARRANTY DEED fee #27.00

THIS WARRANTY DEED, made this 15th day of September, 1994, between HIGBY N/N RANCH, an Idaho General Partnership ("GRANTOR"), and GEORGE E. COLWELL and CHERYL F. COLWELL, husband and wife ("GRANTEES"), whose address is 10800 Smoke Ranch Dr., Boise, Idaho 83709-1258;

W I T N E S S E T H:

The GRANTOR, for and in consideration of the sum of Ten and No/100ths Dollars, lawful money of the United States of America, and other good and valuable consideration, to it in hand paid by the GRANTEES, the receipt whereof is hereby acknowledged, has granted, bargained and sold, and by these presents does grant, bargain, sell, convey and confirm unto the GRANTEES, and to their heirs, personal representatives, successors and assigns forever, all of the following described real property situate in the County of Payette, State of Idaho, to-wit:

REAL PROPERTY DESCRIBED ON "EXHIBIT A" ATTACHED HERETO AND MADE A PART HEREOF

SUBJECT TO:

1. General Taxes for the year 1994.

2. Rights outstanding under Easement for telephone lines and equipment, dated May 3, 1904, recorded May 11, 1904, in Book A, Page 89, Miscellaneous Records, Payette County, Idaho.

3. Easement in favor of State of Idaho as set forth in Deed dated April 16, 1936, recorded May 6, 1936, Fee #37837, in Book 13, Page 557, Deed Records of Payette County, Idaho.

4. Conditions and restrictions set forth in Decree of District Court, Payette County Case No. 2876, entered August 28, 1951, recorded August 29, 1951, Fee #80311, in book 5, Page 528, Judgment Records of Payette County, Idaho.

5. Easement in favor of J. R. McKinney and Dorothy McKinney, husband and wife, dated October 22, 1956, recorded November 16, 1956, Fee #96015, Miscellaneous Records of Payette County, Idaho.

6. Easement in favor of Idaho Power Company, dated January 30, 1973, recorded June 8, 1973, Fee #150958, Miscellaneous Records of Payette County, Idaho.

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OCT 21 1996

7. Right of Way (25 feet in width) for a road as shown in Deed dated June 23, 1904, recorded April 10, 1905, in Book D, Page 304, Deed Records of Payette County, Idaho.

8. Easement in favor of Idaho Power Company, as set forth in Decree of the District Court, recorded May 2, 1948, Fee #70032, in Book 5, Page 162, Judgment Records of Payette County, Idaho.

9. Rights of the Lower Payette Ditch Company, Inc., together with any rights of the public, to use road, as set forth in Deed dated and recorded May 10, 1971, Fee #142253, Deed Records of Payette County, Idaho.

10. Easement in favor of Idaho Power Company, dated November 2, 1973, recorded May 14, 1974, Fee #154650, Miscellaneous Records of Payette County, Idaho.

11. Easement for private roadway as disclosed by Deed dated September 15, 1919, recorded September 15, 1919, in Book N, Page 640, Deed Records of Payette County, Idaho.

12. Easement for relocation of drainage ditches and structures set forth in Deeds recorded May 1, 1936, in Book 13, Pages 548, 549 and 550, Fee Nos. 37789, #37790 and #37791, Deed Records of Payette County, Idaho.

13. Easement in favor of Idaho Power Company, dated February 7, 1941, recorded November 25, 1941, Fee #50873, in Book 3, Page 107, Miscellaneous Records of Payette County, Idaho.

14. Easement in favor of County of Payette, dated February 9, 1965, recorded February 11, 1965, Fee #122819, Miscellaneous Records of Payette County, Idaho.

15. Reservation of an undivided one-half (½) of all mineral rights in and to the land described as "Parcel C" for a period of twenty-five (25) years from November 13, 1972, as disclosed in Warranty Deed dated November 3, 1972, recorded August 27, 1975, Fee #159819, Deed Records of Payette County, Idaho.

16. Easement in favor of State of Idaho as set forth in Deed dated February 17, 1936, recorded May 1, 1936, Fee #37788, in Book 13, Page 547, Deed Records of Payette County, Idaho.

17. Affect of Mineral Deeds dated September 25, 1975, recorded September 25, 1975, Fee #160186 and Fee #160187, Deed Records of Payette County, Idaho.

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OCT 21 1996

18. Rights-of-way for Little Willow Creek and for the canal of the Lower Payette Ditch Company.

19. Rights of the public in and to existing County Road rights of way.

20. Easement in favor of State of Idaho, Idaho Transportation Department, dated October 1, 1992, recorded December 1, 1992, Fee #241532, in Miscellaneous Records of Payette County, Idaho.

TOGETHER WITH all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, including any and all water rights, mineral rights, easements, rights-of-way, and all improvements located thereon; the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and all estate, right, title and interest in and to the said real property, as well in law as in equity, of the said GRANTOR.

TO HAVE AND TO HOLD all and singular the above-described real property, together with the appurtenances unto the said GRANTEES, and to their heirs, personal representatives, successors and assigns forever, and the GRANTOR, does hereby covenant to and with the said GRANTEES and their heirs, personal representatives, successors and assigns, that the GRANTOR is the owner in fee simple of said real property; that said real property is free from all encumbrances except as may be otherwise expressly specified herein; and that the GRANTOR will warrant and defend said real property from all lawful claims whatsoever.

IN WITNESS WHEREOF, the GRANTOR has hereunto executed this instrument the day and year first above written.

HIGBY N/N RANCH, an Idaho General Partnership

By Charles S. Higley
General Partner

MICROFILMED
OCT 21 1996

STATE OF IDAHO)
) ss:
County of Ada)

On this 15th day of September, 1994, before me, the undersigned, a Notary Public in and for said State, personally appeared Charles S. Higby, known to me to be a General Partner of HIGBY N/N RANCH, an Idaho General Partnership, the Partnership that executed the foregoing instrument or the person who executed the foregoing instrument on behalf of said Partnership, and acknowledged to me that such Partnership 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.

Janet L. Bloch
Notary Public for Idaho
Residing at Boise, Idaho
My Commission Expires: 3-17-99

(SEAL)

MICROFILMED
OCT 21 1996

251995

EXHIBIT A
(Description of Real Property)

ATTACHED
(Four (4) Pages)

MICROFILMED
OCT 21 1996

CONTINUATION

File No. P-22260, 1600/113, et al Policy No.

PARCEL "A":

Land in Twp. 8 N. R. 4 W., B.M., Payette County, Idaho:

A tract of land situated in Sec. 21, being more particularly described as follows:

Commencing at the Northwest corner of said Sec. 21;
thence South 71.3 feet following the West side line of said Sec. 21 to the TRUE POINT OF BEGINNING;
thence meandering Southeasterly along a certain fence line S. 63°28' E. 1028.4 feet;
thence S. 54°38' E. 425.8 feet;
thence S. 48°41' E. 624.2 feet;
thence N. 80°52' E. 713.2 feet;
thence S. 50°18' E. 185.5 feet;
thence S. 48°29' E. 479.7 feet;
thence S. 38°26' W. 311.3 feet;
thence S. 69°39' E. 534.2 feet;
thence S. 89°01' E. 546.4 feet;
thence S. 59°33' E. 383 feet;
thence N. 38°11' E. 214.3 feet;
thence S. 72°50' E. 276.9 feet;
thence S. 51°36' E. 373.2 feet;
thence S. 27°54' E. 232.7 feet;
thence S. 57°41' E. 225.4 feet;
thence S. 63°30' E. 80 feet;
thence S. 64°41' E. 101 feet to the East side line of said Sec. 21, at a point which bears S. 0°20' E. 173 feet from the East quarter corner of said Sec. 21;
thence S. 0°20' E. 1115 feet following the East side line of said Sec. 21, to the Northeast corner of the SE¼SE¼ of said Sec. 21;
thence S. 89°56' W. 160.3 feet following the North side line of said SE¼SE¼;
thence S. 0°20' E. 1136.6 feet to a point in the centerline of State Highway No. 52;
thence S. 60°56' E. 184 feet following said highway centerline to a point on the East side line of said Sec. 21;
thence S. 0°20' E. 61.8 feet to the Southeast corner of said Sec. 21;
thence S. 89°36' W. 5292 feet following the South side line of said Sec. 21 to the Southwest corner of said Sec. 21;
thence North following the West side line of said Sec. 21 a distance of 5063.9 feet to the TRUE POINT OF BEGINNING.

COPY

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CONTINUATION

File No. P-22260, 1600/113, et al Policy No.

Land in Twp. 8 N. R. 4 W., B.M., Payette County, Idaho:
A tract of land situated in a portion of the S½ of Sec. 17; a portion of the SE¼SE¼ of Sec. 18; a portion of the NE¼ of Sec. 19; the N½; N½SE¼; SE¼SE¼; and a portion of the N½SW¼ of Sec. 20, being more particularly described as follows:
Beginning at the Northeast corner of said Sec. 20;
thence N. 89°19' W. 843 feet following the North side line of said Sec. 20;
thence N. 58°44' W. 695.2 feet;
thence N. 60°46' W. 460.5 feet;
thence N. 16°56' W. 523.8 feet;
thence N. 57°28' W. 130 feet to a point on the Westerly bank of Little Willow Creek;
thence meandering in a Southwesterly direction along the fence line of said Westerly bank of Little Willow Creek S. 55°21' W. 186.8 feet;
thence S. 33°42' W. 650 feet to a point in the Easterly right of way line of State Highway No. 52;
thence N. 78°39' W. 61.7 feet to the North-South centerline of said Sec. 17, at a point which bears N. 0°4' W. 500 feet from the South quarter corner of said Sec. 17, which point coincides with the point of intersection of the centerline of said State Highway No. 52 with the North-South center line;
thence N. 35°22' W. 430 feet following the centerline of State Highway No. 52;
thence leaving said centerline run N. 77°11' W. 289.3 feet;
thence N. 83°32' W. 788.1 feet;
thence S. 84°03' W. 403.4 feet;
thence S. 44°09' W. 1059.6 feet;
thence S. 67°59' W. 239 feet to a witness corner monument on the West side line of said Sec. 17 at a point that bears N. 0°07' W. 80 feet from the Southwest corner of said Sec. 17;
thence S. 62° W. 1030 feet to a point on the Northerly bank of the Payette River;
thence meandering in a Southeasterly direction along the said Northerly bank of said Payette River S. 23° E. 680 feet;
thence S. 18°10' E. 1000 feet;
thence S. 67° E. 365.5 feet to a point on the West side line of said Sec. 20;
thence S. 0°07' E. 1740 feet following said West side line to the Southwest corner of the NW¼SW¼ of said Sec. 20;
thence S. 89°48' E. 4007.1 feet following the South side line of the N½ of the S½ of said Sec. 20 to the Northwest corner of the SE¼SE¼ of said Sec. 20;
thence S. 0°2' E. 1318.2 feet following the West side line of said SE¼SE¼ to the Southwest corner of said SE¼SE¼;
thence S. 89°46' E. 1335 feet following the South side line of said Sec. 20 to the Southeast corner of said Sec. 20;
thence N. 0° E. 5135.2 feet following the East side line of said Sec. 20 to the point of beginning.

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File No. P-22260, 1600/113, et al Policy No.

EXCEPTING therefrom that portion of the N½SW¼ of Sec. 20 lying South of the North bank of the present Payette River Channel.
ALSO, EXCEPTING from the lands in Secs. 17, 20 and 21 that portion conveyed to the State of Idaho for highway purposes by Deed recorded May 8, 1936, Fee #37837, in Book 13, Page 557, Deed Records of Payette County, Idaho.
FURTHER EXCEPTING THEREFROM that portion conveyed to the State of Idaho by grant recorded December 1, 1992, Fee Nos. 241530 and 241531, Deed Records of Payette County, Idaho.

PARCEL "B":
Land in Twp. 8 N. R. 4 W., B.M., Payette County, Idaho:
In Sec. 17: N½SE¼; and a portion of the SE¼SE¼ and of Government Lots 1 and 2 described as follows:
Beginning at the Southeast corner of the SE¼SE¼ of said Sec. 17;
thence N. 89°19' W. 843 feet following the South line of said SE¼SE¼;
thence N. 58°44' W. 695.2 feet;
thence N. 60°46' W. 460.5 feet;
thence N. 16°56' W. 523.8 feet;
thence N. 57°28' W. 130 feet to a point on the Westerly bank of Little Willow Creek;
thence meandering in a Southwesterly direction along the fence line of said Westerly bank of Little Willow Creek S. 55°21' W. 186.8 feet;
thence S. 33°42' W. to a point in the Northerly right of way line of the Lower Payette Ditch;
thence in a Northwesterly direction following said Northerly right of way line to the point where the same intersects the North side line of said Government Lot 2;
thence East following the North side line of said Lot 2 to the Northeast corner thereof;
thence continue East following the North side line of said Government Lot 1 and of the SE¼SE¼ to the Northeast corner of said SE¼SE¼;
thence South following the East side line of said SE¼SE¼ to the point of beginning.
SAVE AND EXCEPTING the following portion of Government Lot 1:
Beginning at the South quarter corner of said Sec. 17;
thence N. 0°4' W. 500 feet;
thence S. 78°39' E. 61.7 feet;
thence N. 33°42' E. 650 feet;
thence meandering in a Northeasterly direction along the fence line of the Westerly bank of Little Willow Creek N. 55°21' E. 186.8 feet;
thence S. 57°28' E. 130 feet to the TRUE POINT OF BEGINNING;

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OCT 2 1 1996

thence N. 57°28' W. 130 feet to a point on the Westerly bank of Little Willow Creek;
thence in a Northeasterly direction along the Westerly bank of Little Willow Creek to a point on the North line of said Government Lot 1;
thence East following said North side line to a point which is 489 feet West of the Northeast corner of said Lot 1;
thence in a Southwesterly direction an unknown distance to the point of beginning.

PARCEL "C":
Land in Twp. 8 N. R. 4 W., B.M., Payette County, Idaho:
In Sec. 21: The East 100 feet of Government Lot 8 lying North of the right of way of State Highway #52.
In Sec. 22: Government Lot 6, SAVE AND EXCEPTING that portion conveyed to the State of Idaho for Highway purposes by Deed recorded May 1, 1936, in Book 13, Page 548, Deed Records of Payette County, Idaho;
AND the following portion of Government Lot 7:
Beginning at the Southwest corner of said Government Lot 7;
thence East following the South side line of said Government Lot 7 to a point that measures 28 rods West from the Southeast corner of said Government Lot 7 according to the Government Plat thereof;
thence North and parallel to the West side line of said Government Lot 7 to the Northeasterly side line of said Government Lot 7;
thence in a Northwesterly direction following said Northeasterly side line to the Northwest corner of said Government Lot 7;
thence South following the West side line of said Government Lot 7 to the point of beginning.

In Sec. 27: NW¼NW¼; NE¼NW¼ SAVE AND EXCEPTING the North 858 feet of the East 462 feet thereof;
and the SE¼NW¼ SAVE AND EXCEPTING the West 643.5 feet of the East 841.5 feet of the South 495 feet thereof;
AND FURTHER EXCEPTING from said tracts of land all that portion conveyed to the State of Idaho for highway purposes by Deeds recorded May 1, 1936, in Book 13, Page 549 and 550, Deed Records of Payette County, Idaho.

PARCEL "D":
Land in Twp. 8 N. R. 4 W., B.M., Payette County, Idaho:
In Sec. 20: That portion of the SW¼SE¼ and of the SE¼SW¼ lying North of the present Payette River channel.

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7/94

POOR ORIGINAL

For Office Use Only
$25 Filing Fee
Receipt # C031397
Date 10-4-94

RECEIVED
OCT 0 4 1994
Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ASSIGNMENT OF PERMIT

RECEIVED
SEP 2 2 1994
Department of Water Resources

I, Charles + Pat Higby, hereby assign to George and/or Cheryl Colwell
of, 3990 Hiway 52 Payette ID 83661 (Full Address) 278 3548 (Phone)

All my right, title, and interest in and to Permit No. 65-07461 to appropriate the public waters of the State of Idaho.

Or (for partial assignments)

The following described portion of my right, title, and interest in and to Permit No. 65-07461 to appropriate the public waters of the State of Idaho. (Describe portion of the permit assigned listing the number of acres in each 40 acre subdivision, point of diversion location, and the amount of water in cubic feet per second.)

Made this 20th day of Sept, 1994.

Charles S Higby
Permit Holder

State of Idaho)
) ss
County of Payette)

On this 20th day of Sept, 1994, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Cathy M Myers
Notary Public residing at
Sub Plymouth

seal

My commission expires: 4-16-97

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OCT 2 1 1996

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

AMENDED

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED
2005 SEP 27 AM 8 53

In Re SRBA)
)
Case No. 39576)
)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 65-07461

NAME AND ADDRESS: GEORGE E COLWELL
3990 HWY 52
PAYETTE, ID 83661

CHERYL F COLWELL
3990 HWY 52
PAYETTE, ID 83661-0251

SOURCE: PAYETTE RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 5.90 CFS
2330.00 AFY

PRIORITY DATE: 04/08/1975

POINT OF DIVERSION: T08N R04W S21 LOT 4 (NWNW) (Rediversion) Within Payette County
S22 LOT 6 (SWSW) (Injection)
S35 SWSE

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation	03-01 TO 11-15	5.90 CFS
		2330.00 AFY

PLACE OF USE: Irrigation Within Payette County

T08N R04W S17	SWSW 5.0	LOT 1	(SWSE) 6.0		
S19 LOT 1	(NENE) 3.0				
S20 LOT 7	(NENE) 8.0	LOT 7	(NWNE) 3.0		
LOT 1	(SENE) 2.0		NENW 4.0		
LOT 6	(NWNW) 36.0	LOT 6	(SWNW) 14.0		
	SENW 7.0				
S21 LOT 2	(SWNE) 1.0	LOT 4	(NWNW) 6.0		
LOT 5	(SENW) 12.0	LOT 1	(NESE) 1.0		
	SWSE 17.0	LOT 8	(SESE) 17.0		
S27	NENW 1.0		SENW 9.0		

152.0 Acres Total

Rights 65-11211, 65-11261, and 65-07461 when combined shall not exceed the irrigation of 152 acres.

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. I.C. SECTION 42-1412(6).

ARCVIEW SHAPE DONE BY KW FOR LICENSING

IDAHO DEPARTMENT OF WATER RESOURCES RECOMMENDED
WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 65-7461

NAME AND ADDRESS:

CHERYL F COLWELL
3990 HWY 52
PAYETTE ID 83661

GEORGE E COLWELL
3990 HWY 52
PAYETTE ID 83661

SOURCE:

Source:	Tributary:
PAYETTE RIVER	SNAKE RIVER

QUANTITY: 5.900 CFS

2,330.000 AFY ~~925.000 AFY~~

~~USE OF THIS RIGHT WITH RIGHT NO. 65-11211 IS LIMITED TOTAL TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 925 AF.~~

PRIORITY DATE: 04/08/1975

POINT OF DIVERSION:

T08N R04W S21 NWNW Lot 4 Rediversion
Within PAYETTE County

T08N R04W S22 SWSW Lot 6 Injection
Within PAYETTE County

T08N R04W S35 SWSE
Within PAYETTE County

PURPOSE AND PERIOD OF USE:

Purpose of use	Period of use:	Quantity:
IRRIGATION	03/01 11/15	5.900 CFS 2,330.00 AFY
		~~5.900 CFS 925.00 AFY~~

PLACE OF USE: IRRIGATION within PAYETTE County

T08N R04W S17 SWSW 5.0
T08N R04W S17 SWSE Lot 1 6.0
T08N R04W S19 NENE Lot 1 3.0
T08N R04W S20 NENE Lot 7 8.0
T08N R04W S20 NWNE Lot 7 3.0
T08N R04W S20 SENE Lot 1 2.0
T08N R04W S20 NENW 4.0
T08N R04W S20 NWNW Lot 6 36.0
T08N R04W S20 SWNW Lot 6 14.0
T08N R04W S20 SENW 7.0
T08N R04W S21 SWNE Lot 2 1.0
T08N R04W S21 NWNW Lot 4 6.0
T08N R04W S21 SENW Lot 5 12.0
T08N R04W S21 NESE Lot 1 1.0
T08N R04W S21 SWSE 17.0
T08N R04W S21 SESE Lot 8 17.0
T08N R04W S27 NENW 1.0
T08N R04W S27 SENW 9.0

152 ACRES TOTAL

Rights 65-11211, 65-11261, and 65-07461 when combined shall not exceed the irrigation of 152 acres.

~~USE OF THIS RIGHT WITH RIGHT NO. 65-11211 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 152.0 ACRES IN A SINGLE IRRIGATION SEASON.~~

~~USE OF THIS RIGHT WITH RIGHT NO. 65-11261 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 152.0 ACRES IN A SINGLE IRRIGATION SEASON.~~

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

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Upon specific notification by the Department, the right holder shall install a lockable device of a type acceptable to the Department in a manner that will provide the watermaster suitable control of the diversion.

The portion of Right 65-07461 used for conveyance losses is 1.34 cfs.

Rights 65-03617, 65-05921, 65-08627, 65-11255 & 65-11261 are also diverted through the point of diversion described above.

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 65.

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	)	**Water Rights:** 65-7461
	)	
Case No. 39576	)	**NOTICE OF COMPLETED ADMINISTRATIVE PROCEEDING**
	)	
	)	

IDWR has completed the following administrative proceeding:

☐ Address change

☐ Substitution of Party

☐ IC § 42-222 transfer

- ☐ Point of diversion
- ☐ Place of use
- ☐ Period of use
- ☐ Nature of use
- ☐ Split of water right
- ☐ Change in ownership
- ☐ Other

XX IC § 42-219 license

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

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

DATED: 5-2-05

Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on May 2, 2005, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

1. Original to:

Clerk of the District Court	___ overnight mail
Snake River Basin Adjudication	XX regular mail
P.O. Box 2707	___ hand-delivered
Twin Falls, ID 83303-2707	___ facsimile

2. Copies to:

Clive Strong	___ overnight mail
Off ice of the Attorney General	XX regular mail
P.O. Box 44449	___ hand-delivered
Boise, ID 83711-4449	___ facsimile
United States Dept of Justice	___ overnight mail
Environment & Natural Resource Div	XX regular mail
550 West Fort Street MSC 033	___ hand-delivered
Boise ID 83724	___ facsimile

3. Copies to all parties to the subcase:

George E. Colwell	___ overnight mail
Cheryl F. Colwell	XX regular mail
3990 Hwy 52	___ hand-delivered
Payette, ID 83661	___ facsimile
Dana L. Hofstetter	___ overnight mail
608 W. Franklin	XX regular mail
Boise, ID 83702	___ hand-delivered
	___ facsimile

D. Harris

Signature of person mailing this document

State of Idaho
Department of Water Resources

Amended

Water Right License

Amended

WATER RIGHT NO. 65-07461

Priority: April 8, 1975

Maximum Diversion Rate: 5.90 CFS
Maximum Diversion Volume: 2,330.0 AF

It is hereby certified that GEORGE E COLWELL And/Or
CHERYL F COLWELL
3990 HWY 52
PAYETTE ID 83661 have complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated January 24, 1974; and have submitted Proof of Beneficial Use on June 26, 1979. An examination indicates that the works have a diversion capacity of 89 cfs of water from:

SOURCE
PAYETTE RIVER **Tributary:** SNAKE RIVER

and a water right has been established as follows:

BENEFICIAL USE	PERIOD OF USE	DIVERSION RATE	ANNUAL DIVERSION VOLUME
IRRIGATION	03/01 to 11/15	5.90 CFS	2,330.0 AF

LOCATION OF POINT(S) OF DIVERSION:

PAYETTE RIVER SW¼SE¼ Sec. 35, Twp 08N, Rge 04W, B.M. PAYETTE County

PAYETTE RIVER L6 (SW¼SW¼) Sec. 22, Twp 08N, Rge 04W, B.M. PAYETTE County
(Injection into Big Willow Creek)

PAYETTE RIVER L4 (NW¼NW¼) Sec. 21, Twp 08N, Rge 04W, B.M. PAYETTE County
(Rediversion from Big Willow Creek)

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08N 04W 17											5.0				6.0		11.0
															L 1		
08N 04W 19	3.0																3.0
	L 1																
08N 04W 20	8.0	3.0		2.0	4.0	36.0	14.0	7.0									74.0
	L 7	L 7		L 1		L 6	L 6	L 6									
08N 04W 21			1.0			6.0		12.0					1.0		17.0	17.0	54.0
			L 2			L 4		L 5					L 1			L 8	
08N 04W 27					1.0			9.0									10.0

Total Acres: 152

State of Idaho
Department of Water Resources

Water Right License

WATER RIGHT NO. 65-07461

CONDITIONS OF APPROVAL

1. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 65.

2. Upon specific notification by the Department, the right holder shall install a lockable device of a type acceptable to the Department in a manner that will provide the watermaster suitable control of the diversion.

3. Rights 65-03617, 65-05921, 65-08627, 65-11255 & 65-11261 are also diverted through the point of diversion described above.

4. The portion of Right 65-07461 used for conveyance losses is 1.34 cfs.

5. Rights 65-11211, 65-11261, and 65-07461 when combined shall not exceed the irrigation of 152 acres.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this 23rd day of July, 2004.

for KARL J. DREHER
Director

MEMORANDUM

To: Lori Graves, Jan Shurte, Shelley Keen
Copy: Cynthia Clark
From: Scott King
Date: June 28, 2004

Subject: Measurements for Colwell Applications & Adjudication Claims

On June 24, 2004, Cynthia Clark and I met with George Colwell, wateruser, and Harley Noe, consultant from Associated Earth Science, to measure discharge in the Johnson-Higby Ditch, a diversion from the Payette River located north of New Plymouth at 8N 4W 20 SWNENW. Measurements of the ditch were taken shortly below the headgate and also about 1.1 miles downstream. In addition, pumped discharge from the unnamed slough identified as a source in another application was also measured.

The intent of the visit was to determine conveyance capacity and assess conveyance losses of the Johnson-Higby Ditch. Although the diversion was not operating at capacity, the measurement should suffice for the supporting the total quantity of water appropriated and that identified for further appropriation. It was apparent that additional water could be turned into the canal as the headgates were only partially open and the upstream head was sufficient to cause significant additional inflow. In addition, Johnson (65-5921 & 65-22390) was not diverting any water at this time, and Colwell was unaware how Pence (65-11255) could get any water from this ditch.

The two ditch measurements were intended to assist in assessing conveyance losses in the ditch. However, discharge has been fluctuating due to changes in river stage and headgate adjustments by Mr. Colwell. The stage at the lower measurement dropped about 4 inches during 1.5 hours at the site. Mr. Colwell advised that he turned down the flow earlier in the morning as the river stage had risen. Upon our arrival, about 1-2 inches of a T-stake driven into the ditch bed about 15 feet below the headgate near the left bank was exposed. We discussed that the measurement should be made when the system was operating at high flow, near capacity. As a result, Mr. Colwell opened one of the closed gates a little until the water surface covered the T-stake by approximately 2 inches. As discharge in the system was not steady, the two ditch measurements cannot be used for assessing losses. If conveyance losses are a critical element of the appropriations, the system should be re-measured later in the year (perhaps August) when the river and ditch operate with much less fluctuation.

Measurements:
Johnson-Higby ditch 180 feet below headgate: 57.1 cfs
Johnson-Higby ditch 1.1 miles below headgate: 51.4 cfs
Unnamed Slough diversion ditch, 60 feet below discharge: 13.0 cfs



Photo 1. Johnson-Higby Ditch Headgate.

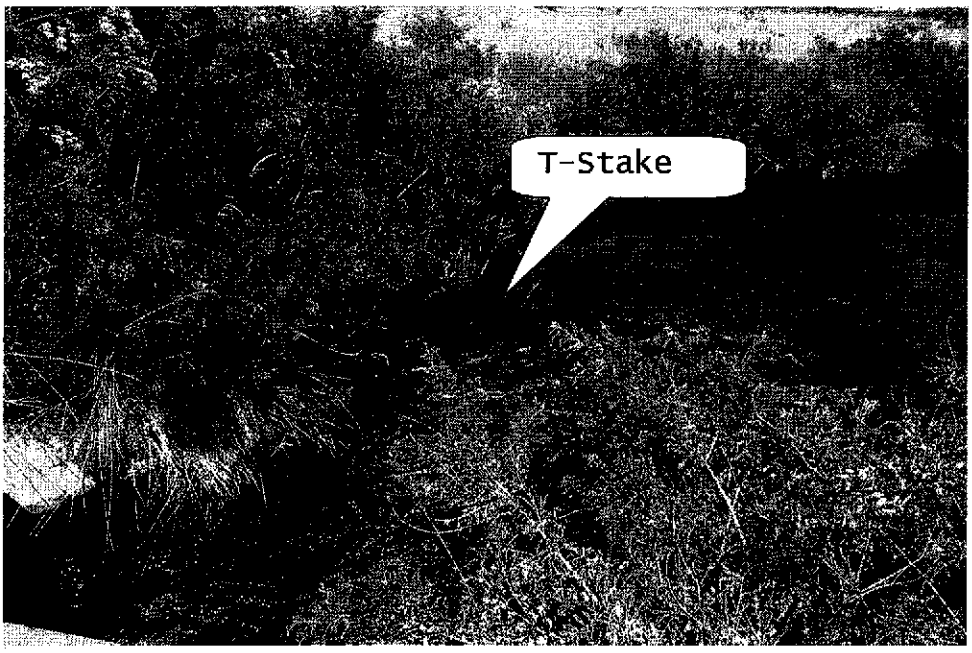


Photo 2. Below headgate.

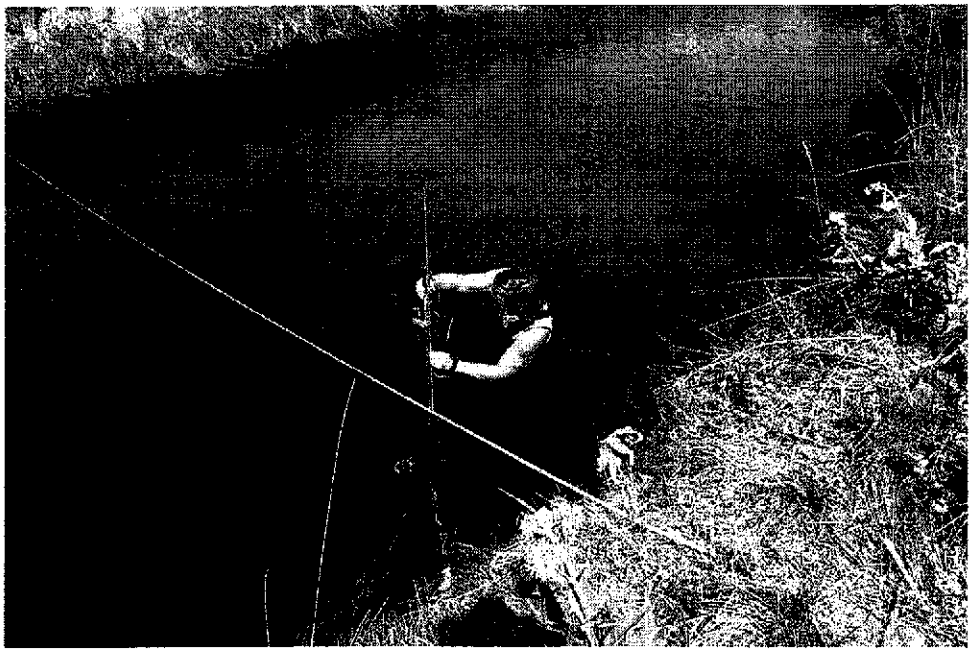


Photo 3. Measuring transect below headgate. Flow was fairly smooth and steady.



Photo 4. Measuring discharge in Johnson-Higby Ditch about 180 feet below headgate.



Photo 5. Small private bridge over Johnson-Higby Ditch about 1.1 miles below headgate. The water surface was nearly touching the bottom of the bridge upon our arrival at this site, and dropped about 4-5 inches over about 1.5 hour period.

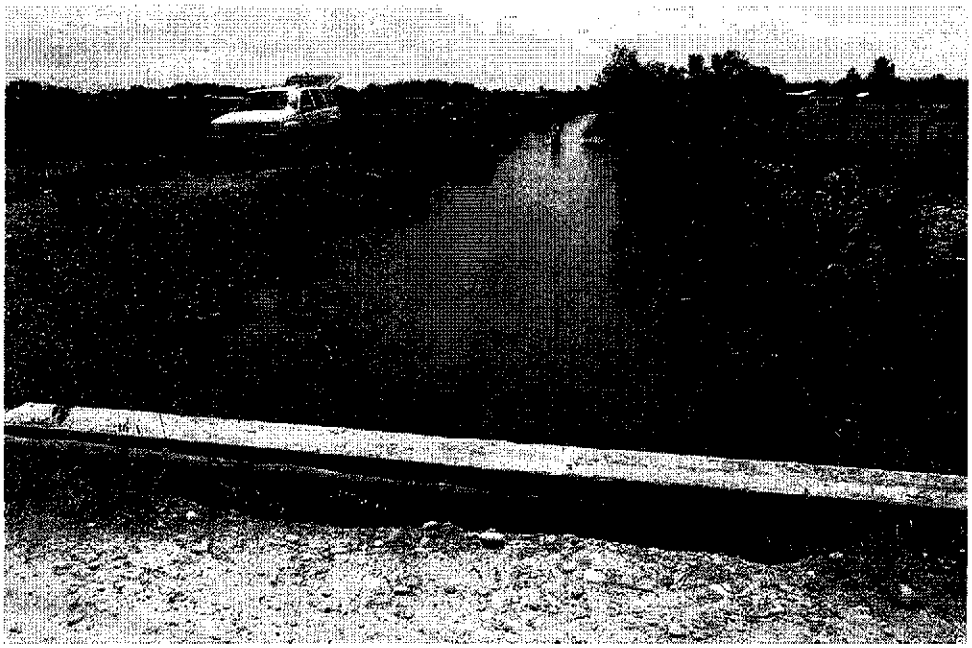


Photo 6. Johnson-Higby Ditch facing upstream toward measurement transect from small private bridge.



Photo 7. Measuring discharge in Johnson-Higby Ditch about 1.1 miles below headgate, above small private bridge.

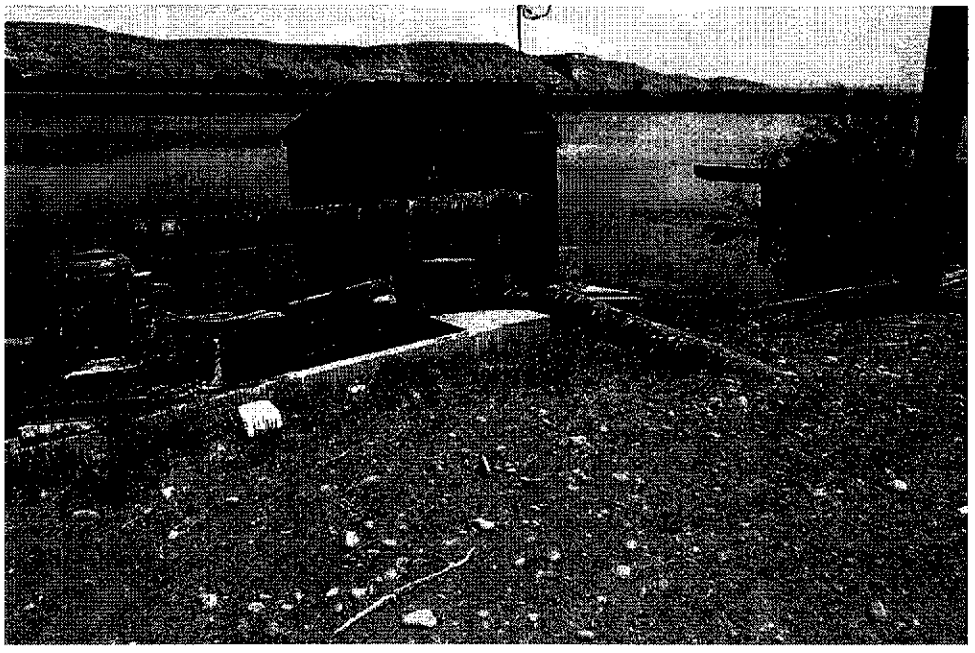


Photo 8. Unnamed slough diversion system includes 25-hp pump into earthen ditch and/or concrete slip-form ditch.



Photo 9. Discharge from pump into earthen ditch. Flow can also be turned into the concrete slip-form ditch in the background (which was dry today).

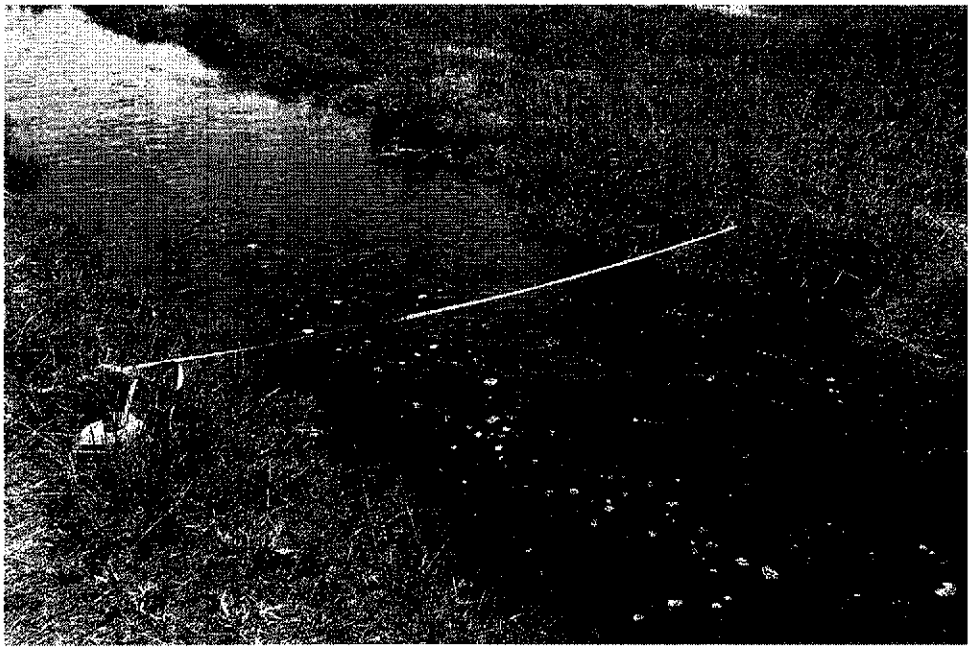
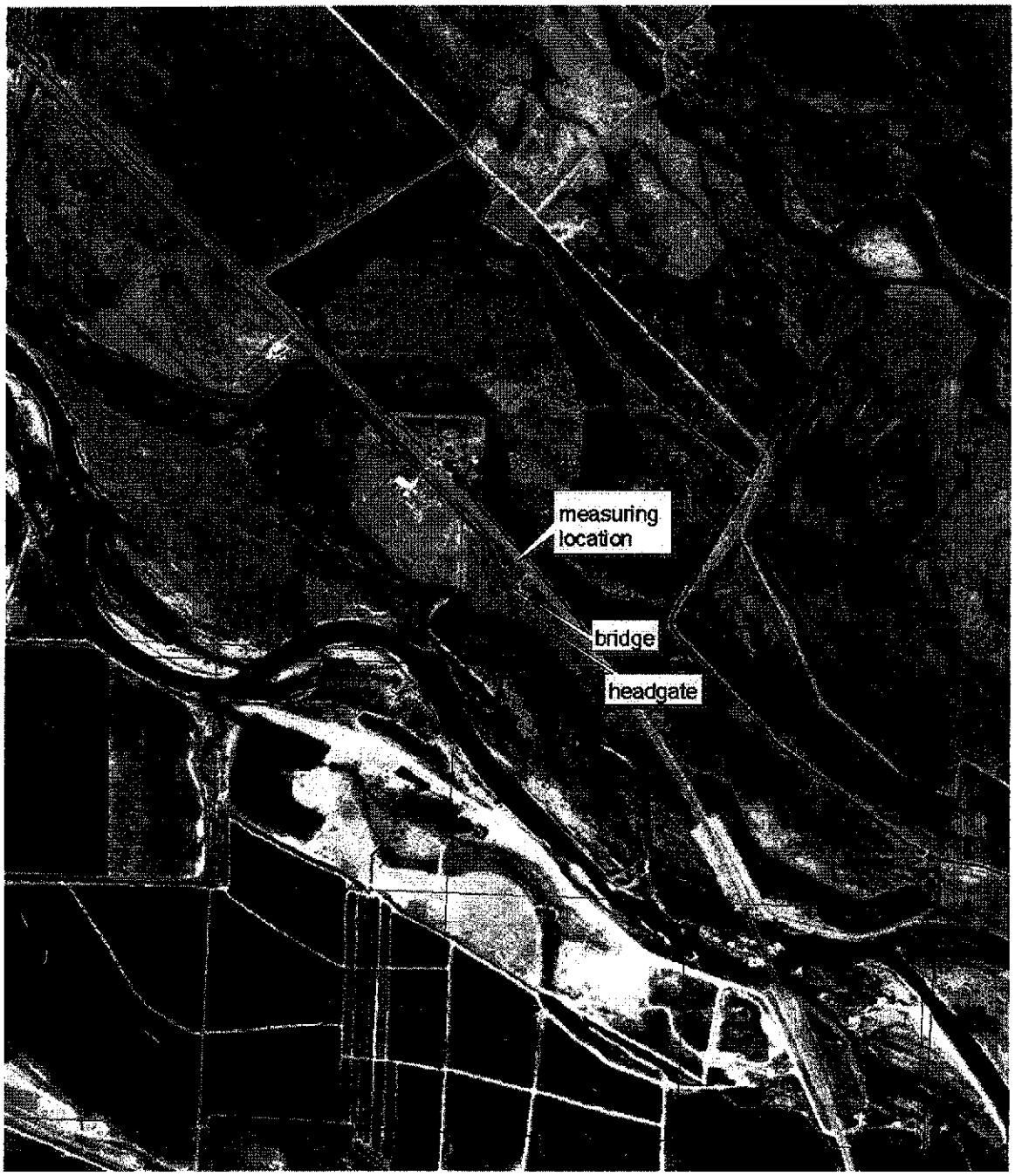


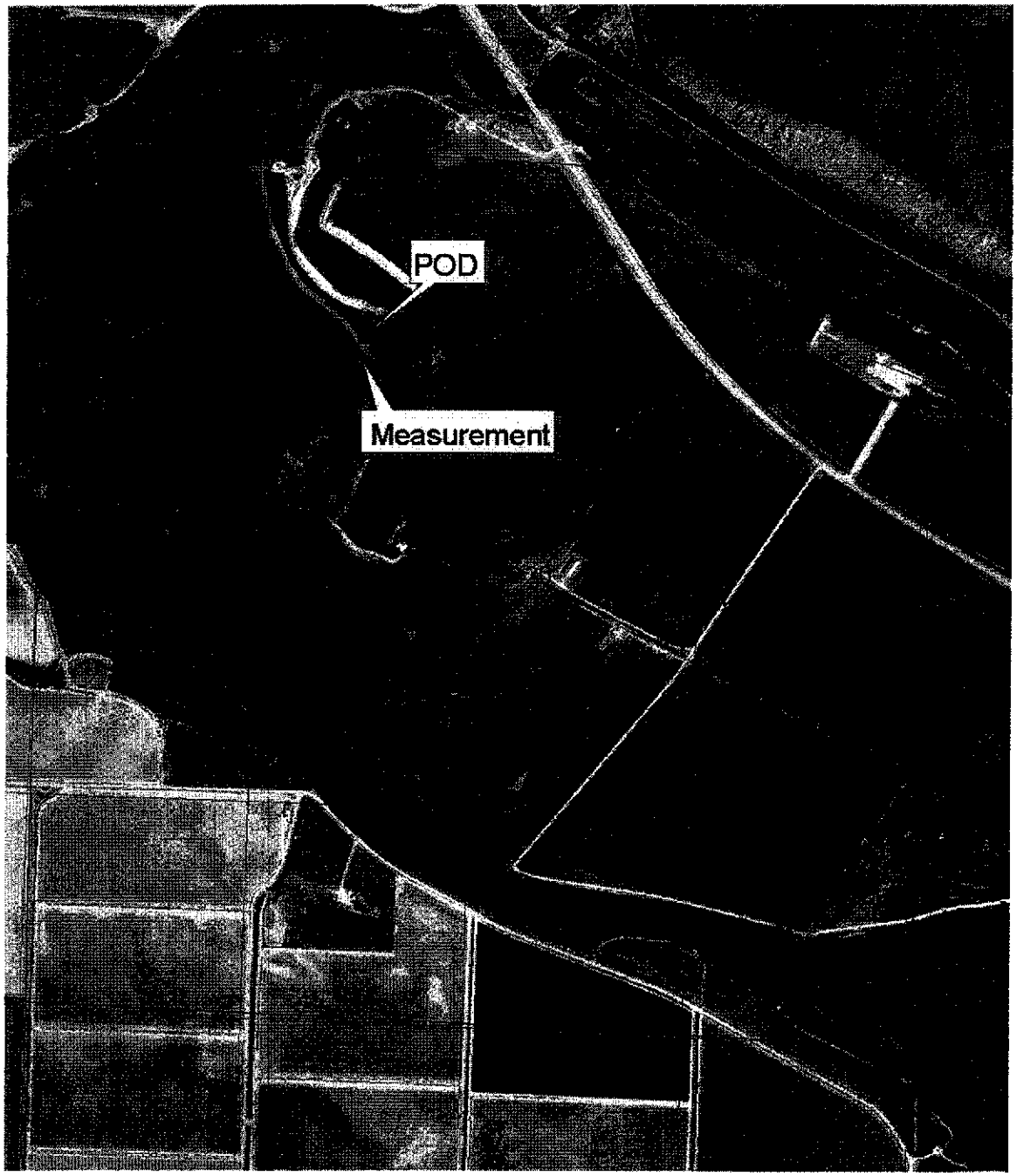
Photo 10. Slough diversion ditch transect, flow direction right to left.



1000 0 1000 2000 Feet

Johnson-Higby Ditch Measurement
6/24/2004
Idaho Department of Water Resources

N



1000 0 1000 2000 Feet

Unnamed Slough Diversion
6/24/2004
Idaho Department of Water Resources

N

IDAHO DEPARTMENT OF WATER RESOURCES

RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 65-7461

NAME AND ADDRESS: GEORGE E COLWELL
PO BOX 251
NORTH POWDER OR 97867-0251

CHERYL F COLWELL
3990 HWY 52
PAYETTE ID 83661

SOURCE: PAYETTE RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: ~~6.178~~ 5.9 CFS
925.000 AFY ← subject to further settlement discussion

~~THIS RIGHT WHEN COMBINED WITH RIGHT NO. 65-11211 SHALL PROVIDE NO MORE THAN .03 CFS PER ACRE.~~

USE OF THIS RIGHT WITH RIGHT NO. 65-11211 IS LIMITED ~~TO A TOTAL COMBINED DIVERSION RATE OF 6.178 CFS AND~~ TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 925 AF. → subject to further settlement discussion

PRIORITY DATE: ~~04/18/1975~~ 9/8/1975

POINT OF DIVERSION:

T08N R04W S35 SWSE Within PAYETTE County — evaluate point of injection & rediversion

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	~~3/15~~ 11/15 3/1	~~6.178~~ 5.9 CFS 925.00 AFY ← subject to further settlement discussion

PLACE OF USE: IRRIGATION Within PAYETTE County

T08N R04W S17		SWSW	5.0	T08N R04W S17 Lot	1	SWSE	6.0
T08N R04W S19 Lot	1	NENE	3.0	T08N R04W S20 Lot	7	NENE	8.0
T08N R04W S20 Lot	7	NWNE	3.0	T08N R04W S20 Lot	1	SENE	2.0
T08N R04W S20		NENW	~~4.0~~ 1.0	T08N R04W S20 Lot	6	NWNW	36.0
T08N R04W S20 Lot	6	SWNW	14.0	T08N R04W S21 Lot	2	SWNE	1.0
T08N R04W S21 Lot	4	NWNW	6.0	T08N R04W S21 Lot	5	SENW	12.0
T08N R04W S21 Lot	1	NESE	1.0	T08N R04W S21		SWSE	17.0
T08N R04W S21 Lot	8	SESE	17.0	T08N R04W S27		SENW	~~7.0~~ 9.6
T8N R4W S27		NENW	1.0	T8N R4W 20		SENW	7.0

~~150~~ 152 ACRES TOTAL

~~USE OF THIS RIGHT WITH RIGHT NO. 65-03617 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 550.0 ACRES IN A SINGLE IRRIGATION SEASON.~~

~~USE OF THIS RIGHT WITH RIGHT NO. 65-08627 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 259.5 ACRES IN A SINGLE IRRIGATION SEASON.~~

USE OF THIS RIGHT WITH RIGHT NO. 65-11211 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF ~~106.0~~ 152.0 ACRES IN A SINGLE IRRIGATION SEASON.

USE OF THIS RIGHT WITH RIGHT NO. 65-11261 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF ~~160.0~~ 152.0 ACRES IN A SINGLE IRRIGATION SEASON.

Settlement ideas for Colwell Rights – 5-11-04

← LICENSE STIPULATED TO

65-7461 – Leave cfs alone and remove the .03 cfs at the field headgate remark. With place of use change this would ~~only~~ overlap with 65-11211. & 65-11261. OK 5.9 cfs

65-11211 – Remove condition that when combined with 65-7461 cannot exceed .03 cfs per acre. REMOVE AF/CFS CONDITION 61 ACRES OK - 1.83 CFS

65-11261 – Correct clerical error with quantity. The quantity recommended in the Payette was based on the Moritz ditch loss formula of .13 cfs. It was to be recommended also for .20 cfs for 10 acres. The .20 cfs amount was inadvertently left off. We would add that back in to total .33 cfs for this right. This right has been decreed and the changes made would only be as a clerical error which is shown by documents in the file. - .33 cfs NOTE: 65-7461 WILL OVERLAP - 10 ACRES

65-8627 – Originally recommended for 2.72 cfs and 105 acres using Dave Tuthill's 29.3% ditch loss calculation. Acres recommended at 1" per acre per ok by Mr. Higby. Not decreed in PRBA due to delays. If we use Scott King's revisions of Harley Noe's Hubble analysis dated 3-26-03 then we would use .031 cfs per acre X 105 Ac = 3.26 cfs plus the 29.3% Tuthill ditch loss calculation equalling a total of 4.2 cfs for 105 acres or approx. 2" per acre for 105 acres. OK

If we use the most recent Hubble analysis completed by Harley Noe and not reviewed by Scott King dated 7-6-2003, then we would use .043 cfs X 105 acres = 4.5 cfs plus the 29.3% Tuthilll ditch loss calculation equalling a total of 5.82 cfs or approx. 2.7" per acre for 105 acres. → NOT ROUNDED 5.9 CFS

OK We would also remove the .02 at the field headgate remark. If 65-7461 is licensed as now proposed there would be no overlap with this right on the place of use.

65-3617 – Originally recommended for 10.63 cfs and 411 acres using Tuthill's 29.3% ditch loss calculation. Acres recommended at 1" per acre per ok by Mr. Higby. Not decreed in PRBA due to delays. If we use Scott King's revisions of Harley Noe's Hubble analysis dated 3-26-03 then we would use .038 cfs per acres X 411 acres = 15.6 cfs plus the 29.3% Tuthill ditch loss calculation equalling a total of 20.17 cfs for 411 acres or 2.45" per acre.

If we use Harley Noe's most recent revised Hubble analysis completed on 7-6-2003 which was reviewed by Scott King, then we would use .05 cfs X 411 acres = 20.55 cfs plus the 29.3 % Tuthill ditch loss calculation equalling a total of 26.6 cfs or 3.2" per acre. 26.6 cfs → NOT ROUNDED

OK We would also remove the .02 cfs at the field headgate remark. If 6507461 is licensed as now proposed there would be no overlap with this right on the place of use.

Total meas. of ditch 89 cfs
Total rights from ditch is 45.13 cfs } OK

HOFSTETTER LAW OFFICE

608 West Franklin Street
Boise, Idaho 83702

Dana@IdahoWaterLaw.com

Dana L. Hofstetter
Attorney at Law

Telephone: (208) 424-7800
Facsimile: (208) 424-8774

May 6, 2004

RECEIVED
MAY 0 6 2004
WATER RESOURCES
WESTERN REGION

NOTE: DUE TO STIPULATION THIS RIGHT'S AMENDED CLAIM WILL REMAIN - EXCEPT WITH THE ADDITION OF 11261 AS AN ALTERNATIVE POINT OF DIVERSION.

Via Facsimile and U.S. Mail

Shelley Keen
Idaho Department of Water Resources
P.O. Box 83720
Boise, Idaho 83720-0098

Re: Amendment to License No. 65-07

Dear Mr. Keen:

Enclosed is the signed Application for Amendment for Water Right No. 65-07461. As you will note, the Application is based on the draft that you previously provided with only revisions to the quantity figures. The revised quantities are based on Associated Earth Sciences, Inc.'s (Harley Noe) Hubble analysis report dated October 1, 2003 which was undertaken with the guidance of the Idaho Department of Water Resources ("IDWR"). Harley Noe, Scott King and Ron Howerton conducted a field examination and, based on this field examination, determined the appropriate variables for the Hubble analysis that is reflected in the October 1, 2003 report. Accordingly, the enclosed Application for Amendment is based on IDWR standards and the particular factual circumstances involved in this case. A copy of the October 1, 2003 report should be in the water right file. Please let me know if you need an additional copy of this report.

HOFSTETTER LAW OFFICE

608 West Franklin Street
Boise, Idaho 83702

Dana@IdahoWaterLaw.com

Dana L. Hofstetter
Attorney at Law

Telephone: (208) 424-7800
Facsimile: (208) 424-8774

May 6, 2004

RECEIVED
MAY 0 6 2004
WATER RESOURCES
WESTERN REGION

Via Facsimile and U.S. Mail

Shelley Keen
Idaho Department of Water Resources
P.O. Box 83720
Boise, Idaho 83720-0098

Re: Amendment to License No. 65-07461

Dear Mr. Keen:

Enclosed is the signed Application for Amendment for Water Right No. 65-07461. As you will note, the Application is based on the draft that you previously provided with only revisions to the quantity figures. The revised quantities are based on Associated Earth Sciences, Inc.'s (Harley Noe) Hubble analysis report dated October 1, 2003 which was undertaken with the guidance of the Idaho Department of Water Resources ("IDWR"). Harley Noe, Scott King and Ron Howerton conducted a field examination and, based on this field examination, determined the appropriate variables for the Hubble analysis that is reflected in the October 1, 2003 report. Accordingly, the enclosed Application for Amendment is based on IDWR standards and the particular factual circumstances involved in this case. A copy of the October 1, 2003 report should be in the water right file. Please let me know if you need an additional copy of this report.

The Hubble report identified the total quantity of 8.57 cubic feet per second ("cfs") for 152 acres under Water Right No. 65-07461. This figure was composed of a 6.63 cfs field headgate requirement and 1.94 cfs for conveyance losses. Due to a clerical error in the *Payette Adjudication*, Water Right No. 65-11261 was decreed in that adjudication for only 0.13 cfs for ten acres. However, the October 1, 2003 Hubble report identifies a total quantity of 0.80 cfs as being necessary for those ten acres. Since those ten acres also are covered under the Application for Amendment that you prepared, the difference between 0.8 and the 0.13 cfs decreed (or 0.67 cfs) has been added to the 8.57 cfs identified in the Hubble report for the other 142 acres under 65-07461. Thus, the revised quantity of 9.24 cfs on the Application for Amendment is based on 8.57 cfs plus 0.67 cfs. The revised total diversion volume was determined by a proportional increase to the standard 4.5 acre feet per acre. Since the total quantity of 9.24 cfs represents approximately 3 miner's inches per acre, the 4.5 acre feet quantity times three was used to derive the total diversion volume of 2079 acre feet for 152 acres. Please let Harley, Terry Scanlan or me know if you have any questions about these calculations or the Hubble analysis.

A question has arisen as to the authority for amending the License in this instance. IDWR's *Magic West* decision which also involved a license amendment, was very similar to the current situation. As documented by the Hubble report, the quantity required for surface irrigation of the acreage under 65-07461 is in excess of the amount licensed. In fact, it appears that the quantity actually necessary is even greater than the amount in the Hubble report because IDWR allowed no more than 12 hour set times for the Hubble analysis, although some of the fields are actually set up for 24 hour sets. At the time the License was issued in 2000, IDWR had adopted the revised Hubble analysis for surface irrigated lands and regularly was applying this standard in the *Snake River Basin Adjudication* ("SRBA"). However, the Hubble standard was not applied in the licensing process although the duty of water issue had not been resolved in the *Payette Adjudication* and remained pending in the SRBA for the bulk of the Birding Island Ranch property. Further, the Hubble quantity of 9.24 cfs is less than the quantity that was in the original Application for Permit and in the published Notice of the Application for Permit and, therefore, could have been licensed without the need for further publication.

Additionally, there appears to have been an error in the diversion volume authorized under the License, as this figure appears to account only for a 1 miner's inch

per acre duty of water on the field, plus the additional quantity necessary for conveyance loss. Thus, the licensed volume does not appear to take into account the 1-1/2 miner's inch per acre field headgate quantity authorized under the License. Although the licensed diversion rate authorizes a 1-1/2 miner's inch per acre on the field, the License's diversion volume limitation would proscribe this. This consideration also provides a sufficient and justifiable basis for License amendment consistent with IDWR policies.

Thank you for your attention to this matter. If you have any questions or need additional information, please contact me, Terry Scanlan or Harley Noe.

Sincerely,

HOFSTETTER LAW OFFICE, LLC

Dana L. Hofstetter

Enclosure
cc: Susan Hamlin with enclosure
Scott King with enclosure
Jan Shurte with enclosure
Harley Noe with enclosure
George Colwell with enclosure
D:4001.1/5837

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT

(For Licensing Purposes)

WATER RIGHT NO. 65-07461

Date of Priority: April 08, 1975

Maximum Diversion Rate: ~~5.90~~ 9.24 CFS
Maximum Diversion Volume: ~~884.0~~ 2079 AF

Comes now GEORGE E COLWELL
PO BOX 251
NORTH POWDER OR 97867-0251

And

CHERYL F COLWELL
3990 HWY 52
PAYETTE ID 83661 and represents to the Director of the Idaho Department of Water Resources that he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 65-07461, and requests that the permit be changed as follows:

Source: PAYETTE RIVER **Tributary:** SNAKE RIVER

BENEFICIAL USE	PERIOD OF USE	RATE OF DIVERSION	ANNUAL VOLUME
IRRIGATION	03/01 to 11/15	~~5.90~~ 9.24 CFS	~~884.0~~ 2079 AF

LOCATION OF POINT OF DIVERSION:

PAYETTE RIVER SW¼SE¼ Sec. 35, Twp 08N, Rge 04W, B.M., PAYETTE County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08N 04W 17											5.0				6.0 L1		11.0
08N 04W 19	3.0 L1																3.0
08N 04W 20	8.0 L7	3.0 L7		2.0 L1	4.0	36.0 L5	14.0 L5	7.0 L5									74.0
08N 04W 21			1.0 L2			6.0 L4		12.0 L5					1.0 L1		17.0	17.0 L8	54.0
08N 04W 27					1.0			9.0									10.0

Total Acres: 152

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk. Signed this 3rd day of May, 2004

George E. Colwell
(Signature)

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT

(For Licensing Purposes)
WATER RIGHT NO. 65-07461

FOR DEPARTMENT USE ONLY

Preliminary check by _____ Fee = _____ Receipted by _____ # _____ Date _____

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, Karl J. Dreher, of the Department of Water Resources hereby approve the above Application for Amendment for Permit No. 65-07461 with the following:

CONDITIONS OF APPROVAL

1. Upon specific notification by the Department, the right holder shall install a lockable device of a type acceptable to the Department in a manner that will provide the watermaster suitable control of the diversion.
2. Rights 65-03617, 65-05921, 65-08627, 65-11255 & 65-11261 are also diverted through the point of diversion described above.
3. The portion of Right 65-07461 used for conveyance losses is ~~1.34~~ 1.99 cfs. 9.24
4. Rights 65-11211 & 65-07461 when combined shall not exceed a total diversion rate of ~~5.90~~ cfs, a total annual maximum diversion volume of ~~884.0~~ 2079 af at the field headgate, and the irrigation of 152 acres.

Witness my hand this _____ day of _____, 2004.

_____
KARL J. DREHER
Director

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WATER RESOURCES
WESTERN REGION

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE

STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA	)	A. Subcase No. 65-07461
	)	
Case No. 39576	)	
	)	STANDARD FORM 1
	)	OBJECTION
	)	

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: George E. and Cheryl F. Colwell
Address: 3990 Highway 52
Payette, Idaho 83661
Daytime Phone: 208-278-3448

Name & Address of Attorney, if any:

Dana L. Hofstetter
Hofstetter Law Office, LLC
608 West Franklin Street
Boise, Idaho 83702
(208) 424-7800

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

Name: George E. and Cheryl F. Colwell
Address: 10800 Smoke Ranch Road
Payette, Idaho 83661

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: Address should be 3990 Highway 52, Payette, Idaho 83661

2. ☐ **Source**
   Should be: _____

3. ☐ **Quantity**
   Should be: _____

4. ☐ **Priority Date**
   Should be: _____

5. ✖ **Point(s) of Diversion**
   Should be: Points of injection and reinjection should be added.

6. ☐ **Instream Flow Description**
   Should be: _____

7. ☐ **Purpose(s) of Use**
   Should be: _____

8. ☐ **Period of Year**
   Should be: _____

9. ✖ **Place of Use**
   Should be: No combined acreage limitations with 65-03617, 65-08627, and 65-11261.

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):** License for 65-07461 does not include certain combined acreage limitations.

F. **VERIFICATION** (Must be Completed)

State of Idaho)
)ss.
County of Ada)

Dana L. Hofstetter, 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.

(Signature of person filing objection)

Dana Hofstetter
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: January 18, 2002

Notary Public for the State of Idaho
Residing at: Boise, ID
My Commission Expires: 2-13-03

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 January 18, 2002, I filed the original with the SRBA Court and mailed copies of this Objection, including all attachments, to the following:

1. Original to:

Clerk of the District Court (*via Hand Delivery)*
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

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

Not Applicable.

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
P. O. 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

10/30/2001

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 65-7461

NAME AND ADDRESS: GEORGE E COLWELL
PO BOX 251
NORTH POWDER OR 978670251

CHERYL F COLWELL
3990 HWY 52
PAYETTE ID 83661

CORRECT DOP

SOURCE: PAYETTE RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 6.170 CFS
925.00 AFY

THIS RIGHT WH [illegible] WITH RIGHT NO. 65-11211 SHALL PROVIDE NO MORE THAN .03 CFS
USE OF THI 65-11211 IS LIMITED TO A TOTAL COMBINED DIVERSION RA TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 92!

Should be: 4/18/1975

PRIORITY DATE: 04/18/1975

POINT OF DIVERSION:
T08N R04W S County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	3/15 11/15	6.170 CFS 925.00 AFY

PLACE OF USE: IRRIGATION Within PAYETTE County

T08N R04W S17	SWSW	5.0	T08N R04W S17 Lot 1	SWSE	6.0
T08N R04W S19 Lot 1	NENE	3.0	T08N R04W S20 Lot 7	NENE	8.0
T08N R04W S20 Lot 7	NWNE	3.0	T08N R04W S20 Lot 1	SENE	2.0
T08N R04W S20	NENW	15.0	T08N R04W S20 Lot 6	NWNW	36.0
T08N R04W S20 Lot 6	SWNW	14.0	T08N R04W S21 Lot 2	SWNE	1.0
T08N R04W S21 Lot 4	NWNW	6.0	T08N R04W S21 Lot 5	SENW	12.0
T08N R04W S21 Lot 1	NESE	1.0	T08N R04W S21	SWSE	17.0
T08N R04W S21 Lot 8	SESE	17.0	T08N R04W S27	SENW	13.0

159 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 65-03617 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 558.0 ACRES IN A SINGLE IRRIGATION SEASON.

USE OF THIS RIGHT WITH RIGHT NO. 65-08627 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 259.5 ACRES IN A SINGLE IRRIGATION SEASON.^^^ USE OF THIS RIGHT WITH RIGHT NO. 65-11211 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 166.0 ACRES IN A SINGLE IRRIGATION SEASON.

USE OF THIS RIGHT WITH RIGHT NO. 65-11261 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 160.0 ACRES IN A SINGLE IRRIGATION SEASON.

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

10/30/2001

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 65-7461

NAME AND ADDRESS: GEORGE E COLWELL
PO BOX 251
NORTH POWDER OR 978670251

CHERYL F COLWELL
3990 HWY 52
PAYETTE ID 83661

SOURCE: PAYETTE RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 6.170 CFS
925.00 AFY

THIS RIGHT WHEN COMBINED WITH RIGHT NO. 65-11211 SHALL PROVIDE NO MORE THAN .03 CFS PER ACRE.
USE OF THIS RIGHT WITH RIGHT NO. 65-11211 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 6.17 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 925 AF.

PRIORITY DATE: 04/18/1975

POINT OF DIVERSION:

T08N R04W S35 SWSE Within PAYETTE County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	3/15 11/15	6.170 CFS 925.00 AFY

PLACE OF USE: IRRIGATION Within PAYETTE County

T08N R04W S17	SWSW	5.0	T08N R04W S17 Lot	1	SWSE	6.0
T08N R04W S19 Lot	1 NENE	3.0	T08N R04W S20 Lot	7	NENE	8.0
T08N R04W S20 Lot	7 NWNE	3.0	T08N R04W S20 Lot	1	SENE	2.0
T08N R04W S20	NENW	15.0	T08N R04W S20 Lot	6	NWNW	36.0
T08N R04W S20 Lot	6 SWNW	14.0	T08N R04W S21 Lot	2	SWNE	1.0
T08N R04W S21 Lot	4 NWNW	6.0	T08N R04W S21 Lot	5	SENW	12.0
T08N R04W S21 Lot	1 NESE	1.0	T08N R04W S21		SWSE	17.0
T08N R04W S21 Lot	8 SESE	17.0	T08N R04W S27		SENW	13.0

159 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 65-03617 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 558.0 ACRES IN A SINGLE IRRIGATION SEASON.
USE OF THIS RIGHT WITH RIGHT NO. 65-08627 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 259.5 ACRES IN A SINGLE IRRIGATION SEASON.^^^ USE OF THIS RIGHT WITH RIGHT NO. 65-11211 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 166.0 ACRES IN A SINGLE IRRIGATION SEASON.
USE OF THIS RIGHT WITH RIGHT NO. 65-11261 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 160.0 ACRES IN A SINGLE IRRIGATION SEASON.

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

10/30/2001

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

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

Ror

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NOV 0 2 2001
WATER RESOURCES
WESTERN REGION

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

In Re SRBA	)	**Water Rights:** 65-3617, 65-3618, 65-7461, 65-7462, 65-8627, 65-11211 and 65-11261
Case No. 39576	)	**NOTICE OF COMPLETED ADMINISTRATIVE PROCEEDING**

IDWR has completed the following administrative proceeding:

☑ Address change

☐ Substitution of Party

☐ IC § 42-222 transfer

- ☐ Point of diversion
- ☐ Place of use
- ☐ Period of use
- ☐ Nature of use
- ☐ Split of water right
- ☐ Change in ownership
- ☐ Other

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

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

DATED: 10-30-01

Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on October 31, ____, 2001, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
P.O. Box 2707
Twin Falls, ID 83303-2707

___ overnight mail
X regular mail
___ hand-delivered
___ facsimile

2. Copies to:

Clive Strong
Off ice of the Attorney General
P.O. Box 44449
Boise, ID 83711-4449

___ overnight mail
___ regular mail
X hand-delivered
___ facsimile

United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724

___ overnight mail
X regular mail
___ hand-delivered
___ facsimile

3. Copies to all parties to the subcase:

George E. Colwell
P.O. Box 251
North Powder, OR 97867-0251

___ overnight mail
X regular mail
___ hand-delivered
___ facsimile

Cheryl F. Colwell
3990 Hwy. 52
Payette, ID 83661

___ overnight mail
X regular mail
___ hand-delivered
___ facsimile

Cathy Howard
Signature of person mailing this document

RECEIVED
OCT 29 2001
Department of Water Resources

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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

RECEIVED
NOV 0 2 2001
WATER RESOURCES
WESTERN REGION

September 27, 2001

CHERYL F COLWELL
GEORGE E COLWELL
PO BOX 251
NORTH POWDER OR 97867-0251

Cheryl F. Colwell
3990 Hwy 52
Payette, Idaho 83661
(208) 278-3448
Correct.

cc: W.A.

RE: Snake River Basin Adjudication (SRBA)
Water Rights #65-3616, 65-3617, 65-3618, 65-3619, 65-7461, 65-7462, 65-8627, 65-11211, 65-11261 and 65-21373

Records modified 10/30/01.
R=NCAP done.

Dear Water Right Holders:

Mail we sent you was returned to us by the Postal Service. The Postal Service advised us your address has changed to the above address. We have enclosed the returned mail.

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

Please sign your name at the bottom of this letter and return it to this office. Make corrections to your name and address if necessary before returning this letter, **list any other water rights you have,** and return this letter by October 12, 2001. Thank you for your help.

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

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

Ms. Sherman,
As we move from ranch to ranch with different seasons, this may be the best way to show Cheryl at one address and me at the other. Thank you for your help.

Sincerely,

Sally Sherman
Technical Records Specialist
Adjudication Bureau

SS:region
Enclosure:
Returned Mail

RCVD. 10/10/01 1460.

######

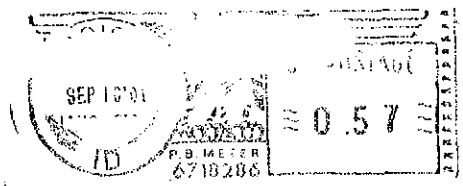
The address is correct as shown above or as otherwise changed

Cheryl F. Colwell (64) 898-2863
(208) 278-3448

Water Right Holder's Signature

Telephone No.

ADDRESS SERVICE
REQUESTED



RECEIVED

SEP 24 2001

Department of Water Resources

IDAHO DEPARTMENT OF WATER RESOURCES
1301 North Orchard St
PO Box 83720
Boise, ID 83720-0098
(208) 327-7900

TO

COLW800 837092226 1500 04 09/21/01
FORWARD TIME EXP RTN TO SEND
COLWELL
PO BOX 251
NORTH POWDER OR 97867-0251

RETURN TO SENDER

65-11261 new
65-3617
65-3618
65-7461
65-7462
65-8627
65-11211
~~65-11261~~ dupe

65-3616 WR
65-3619
65-21373

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

May 4, 2001

Dear Basin 65 water user:

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

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

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

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

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

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

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

Sincerely,

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

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

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM	USE PERIOD TO	DIVERSION RATE	DIVERSION VOLUME
C	GEORGE E COLWELL	04/18/1975	IRRIGATION	03-15	11-15	6.170 CFS	925.00 AFA
C	CHERYL F COLWELL						
	10800 SMOKE RANCH ROAD				TOTAL DIVERSION:	6.170 CFS	925.00 AFA
	BOISE ID 83709						
	(208) 376-6922						

Water Source: PAYETTE RIVER Tributary to: SNAKE RIVER Stage: LICENSE

Point(s) of Diversion: T08N R04W S35 SWSE PAYETTE County

Place of use Legal Description for: IRRIGATION

			NE				NW				SW				SE				
			NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	
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	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	SUM
08N	04W	17											05				01-06		11.0
08N	04W	19	01-03																3.0
08N	04W	20	07-08	07-03		01-02	15	06-36	06-14										78.0
08N	04W	21			02-01			04-06		05-12					01-01		17	08-17	54.0
08N	04W	27								13									13.0
																TOTAL ACRES			159.0

POU County: PAYETTE

Remarks: QNT THIS RIGHT WHEN COMBINED WITH RIGHT NO. 65-11211 SHALL PROVIDE NO MORE THAN .03 CFS PER ACRE.
USE OF THIS RIGHT WITH RIGHT NO. 65-11211 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 6.17 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 925 AF.

POU1 USE OF THIS RIGHT WITH RIGHT NO. 65-03617 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 558.0 ACRES IN A SINGLE IRRIGATION SEASON.
USE OF THIS RIGHT WITH RIGHT NO. 65-08627 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 259.5 ACRES IN A SINGLE IRRIGATION SEASON.
USE OF THIS RIGHT WITH RIGHT NO. 65-11211 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 166.0 ACRES IN A SINGLE IRRIGATION SEASON.
USE OF THIS RIGHT WITH RIGHT NO. 65-11261 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 160.0 ACRES IN A SINGLE IRRIGATION SEASON.

EXP THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 65-03617, 65-05921, 65-08627, 65-11255 & 65-11261.

C18

Dates: Exam Made Date: Verified Date: 05/22/2000 Objection Filed Date:

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

Comments: Date: 07/12/1994 User-ID: SHAFF Subject: INTERIM DECREE
THIS RECORD WAS PREPARED FOR USE WITH A STIPULATION TO FINISH THE DECREE OF WATER RIGHTS IN THE PAYETTE RIVER BASIN ADJ. REVIEW IN THE SRBA MAY JUSTIFY ALTERING THIS RECORD.

Date: 05/22/2000 User-ID: RHOWERTO Subject: EXCESSIVE FLOW
PERMIT WAS APPROVED FOR EXCESSIVE FLOW AT 1.5" PER ACRE.
SEE ATTACHED MEMO IN FILE FROM KAY WALKER.

Date: 05/22/2000 User-ID: RHOWERTO Subject: CONVEYANCE LOSS
THE PORTION OF RIGHT 65-07461 USED FOR CONVEYANCE LOSSES IS 1.4 CFS.

Date: 05/22/2000 User-ID: RHOWERTO Subject: CORRECTION
CORRECTED LICENSE ERROR IN MAPPING TRACTS NWNE & SWNE, T8N, R4W, SECTION 27, THESE TRACTS DO NOT BELONG TO COLWELL. THESE 5 ACRES ARE NOW RECOMMENDED & ADDED TO THE LICENSED TRACT SENW, T8N, R4W, SECTION 27. SEE TAX INFO MAP IN FILE.

Audit: 05/22/00 RHOWERTO

WR5809NP
No. 65-07461

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 05/17/00
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM	USE PERIOD TO	DIVERSION RATE	DIVERSION VOLUME
C	GEORGE COLWELL	04/08/1975	IRRIGATION	03/01	11/15	6.170 CFS	925.00 AFA
C	CHERYL COLWELL 3990 HWY 52 PAYETTE ID 83661 (208) 278-3448				TOTAL DIVERSION:	6.170 CFS	925.00 AFA

Water Source: PAYETTE RIVER Tributary to: SNAKE RIVER Stage: LICENSE

Point(s) of Diversion Capacity: 89.000 CFS

Point(s) of Diversion: T08N R04W S35 SWSE PAYETTE 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 04W 17											05				01-06		11.0
08N 04W 19	01-03																3.0
08N 04W 20	07-08	07-03		01-02	15	06	36	06-14									78.0
08N 04W 21			02-04			04-06		05-12					01-01		17 08-17		54.0
08N 04W 27		02-02	03-03					08									13.0
															TOTAL ACRES		159.0

ERROR IN LIC — NOT COLWELL PER TAX INFO — (MOVE) PUT ON — 13 — SEE TAX MAP 1994 RECORDS

Pou County: PAYETTE

Conditions of Approval:

R69 - This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.

01P - Upon specific notification by the Department, the right holder shall install a lockable device of a type acceptable to the Department in a manner that will provide the watermaster suitable control of the diversion.

QNT REMARK E 28

Remarks: GEN Rights 65-03617, 65-05921, 65-08627, 65-11255 & 65-11261 are also diverted through the point of diversion described above.

EXP FOR COMMENT

The portion of Right 65-07461 used for conveyance losses is 1.4 cfs.

QNT RMK E25

Rights 65-11211 & 65-07461 when combined shall not exceed a total diversion rate of 6.17 cfs, a total annual maximum diversion volume of 925.0 af at the field headgate, and the irrigation of 159 acres.

CORRECTED TO 166 ACRES SEE-OVERLAP MAP 5

(ACRE) POU REMARK X4 with Rights 3617 8627 11211 & 11261

Dates:

App. Received:	01/24/1974	Priority Date:	04/08/1975	(Priority Date Advanced.)
Proof Due Date:	06/01/1979	Proof Made Date:	06/26/1979	(Proof Received Late.)
Exam Made Date:	09/20/1994	Exam Sent to S.O.:	01/04/2000	
Licensed Date:	02/03/2000			

Misc: Water District Number: Field Exam Fee: R (Received)

Idaho Department of Water Resources

T08N R04W

Claims: 65-07461
Owner : Colwell
Prepared by:
RON HOWERTON
Date: 16 MAY 00

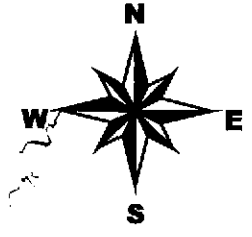
Place of use

POD

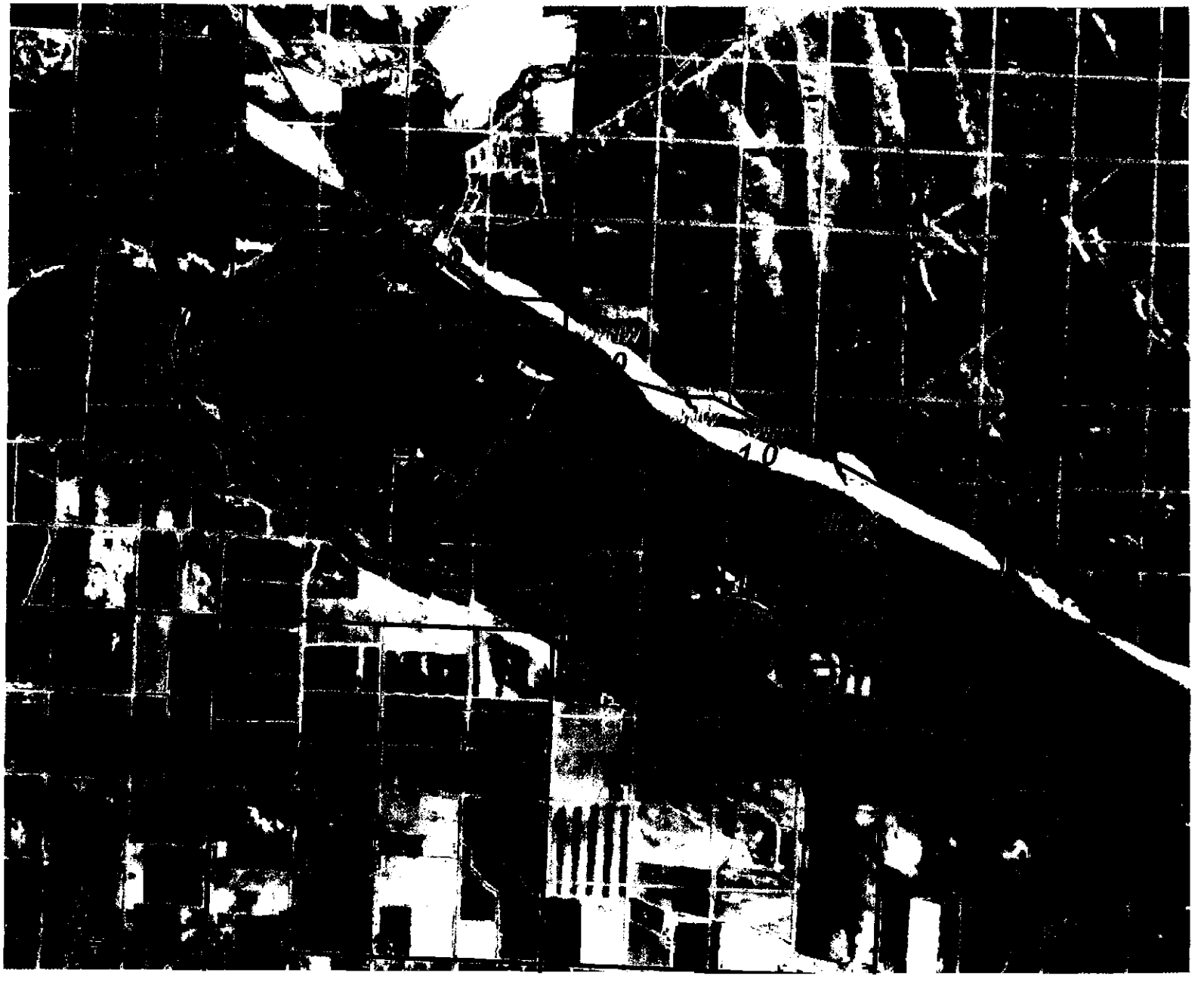
SECTION

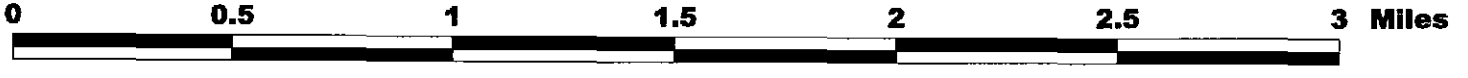
1/4 1/4

159 *Acres*



1987 NAPP

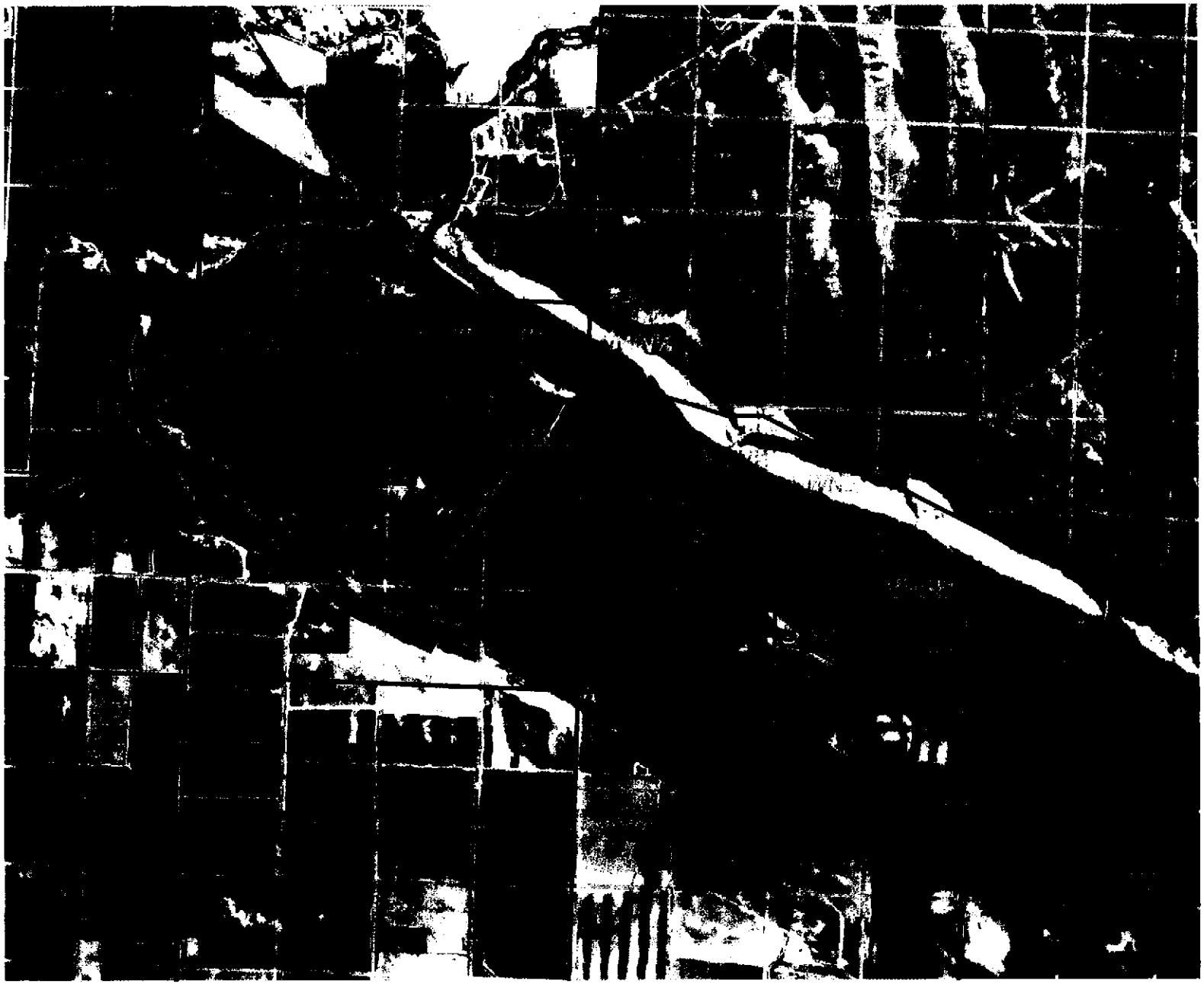




Idaho Department of Water Resources

T08N R04W

Claims: 65-07461
Owner : Colwell
Prepared by:
RON HOWERTON
Date: 16 MAY 00



Place of use

POD

SECTION

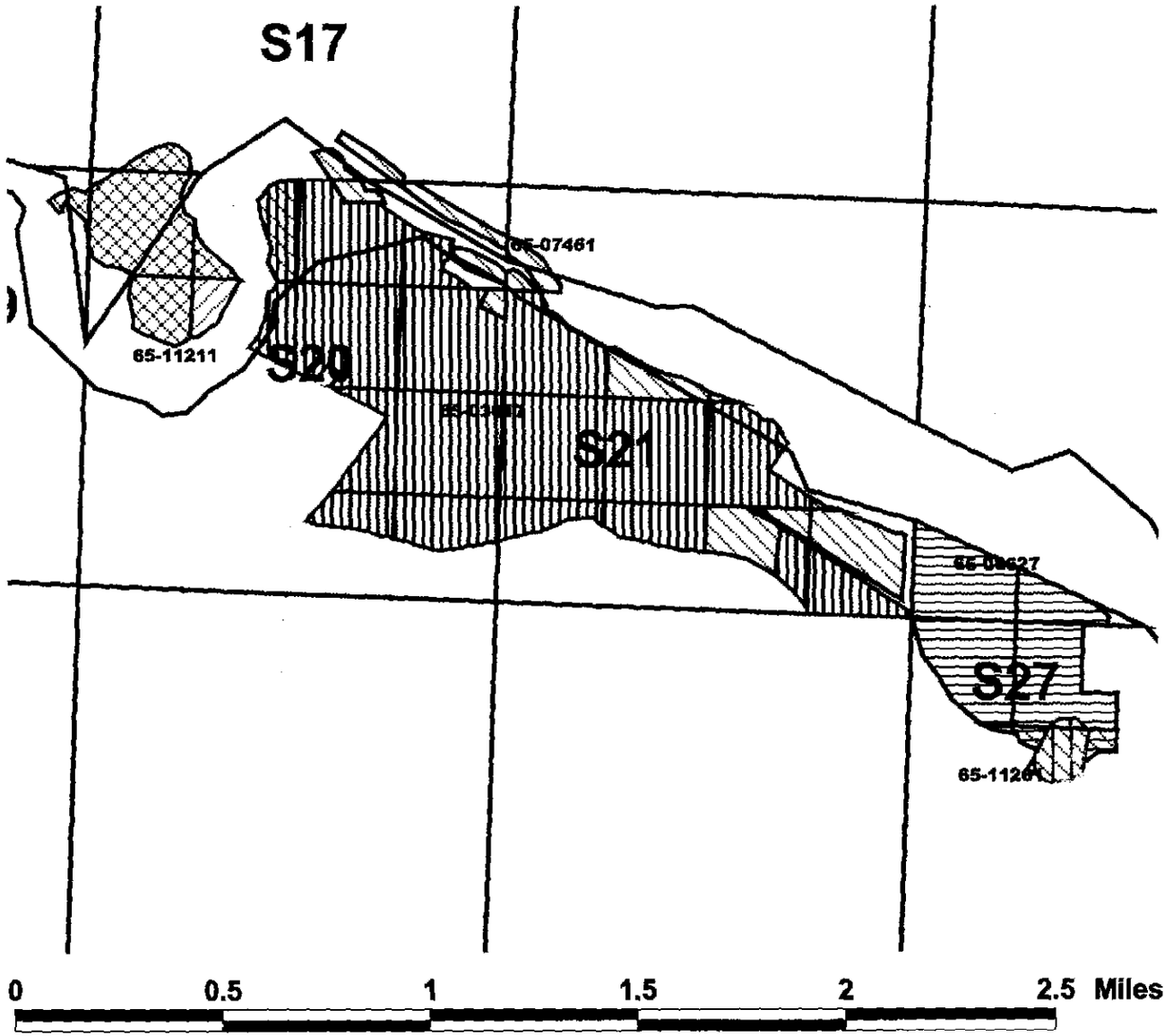
1/4 1/4

N
W E
S

1987 NAPP

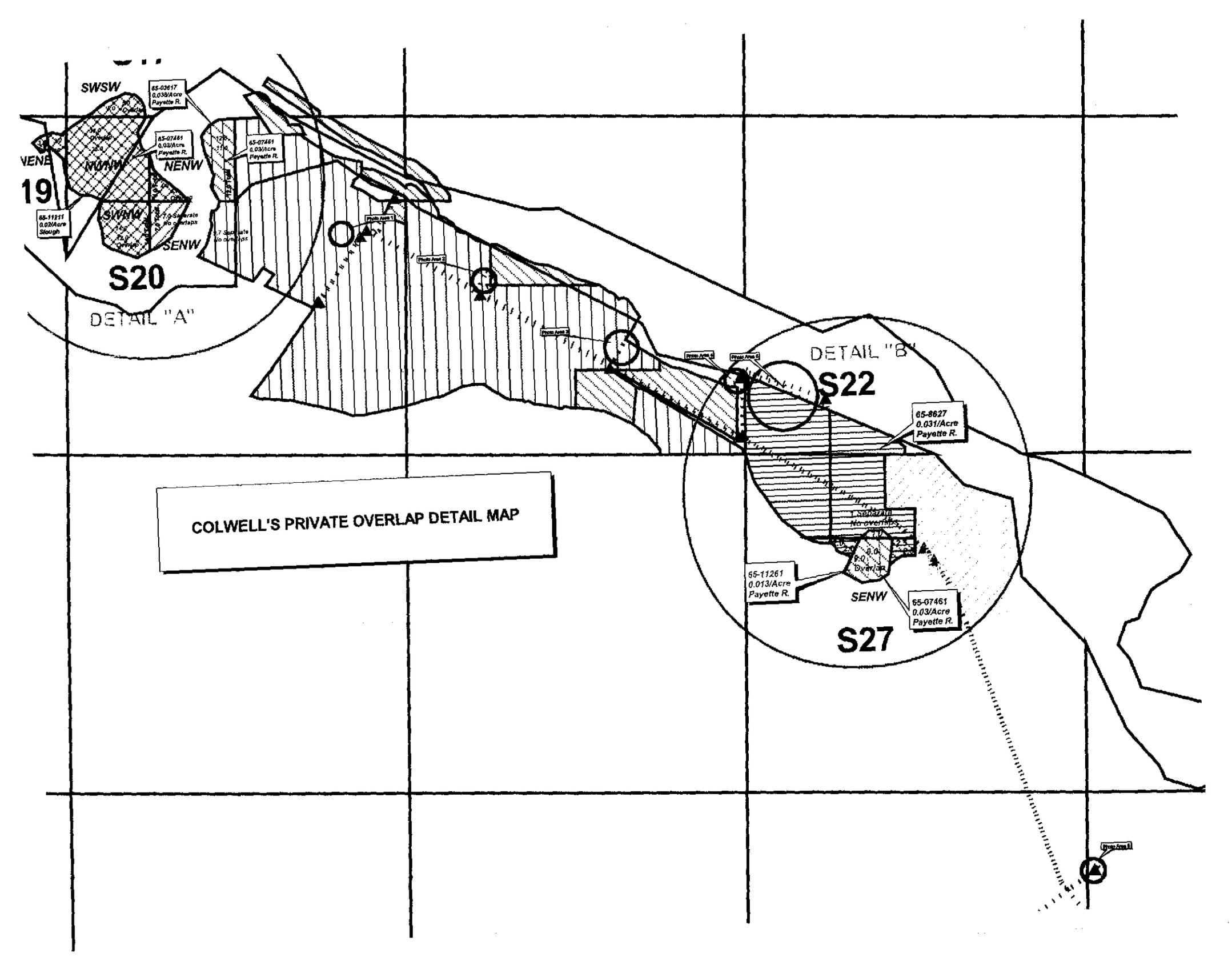
0 0.5 1 1.5 2 2.5 3 Miles

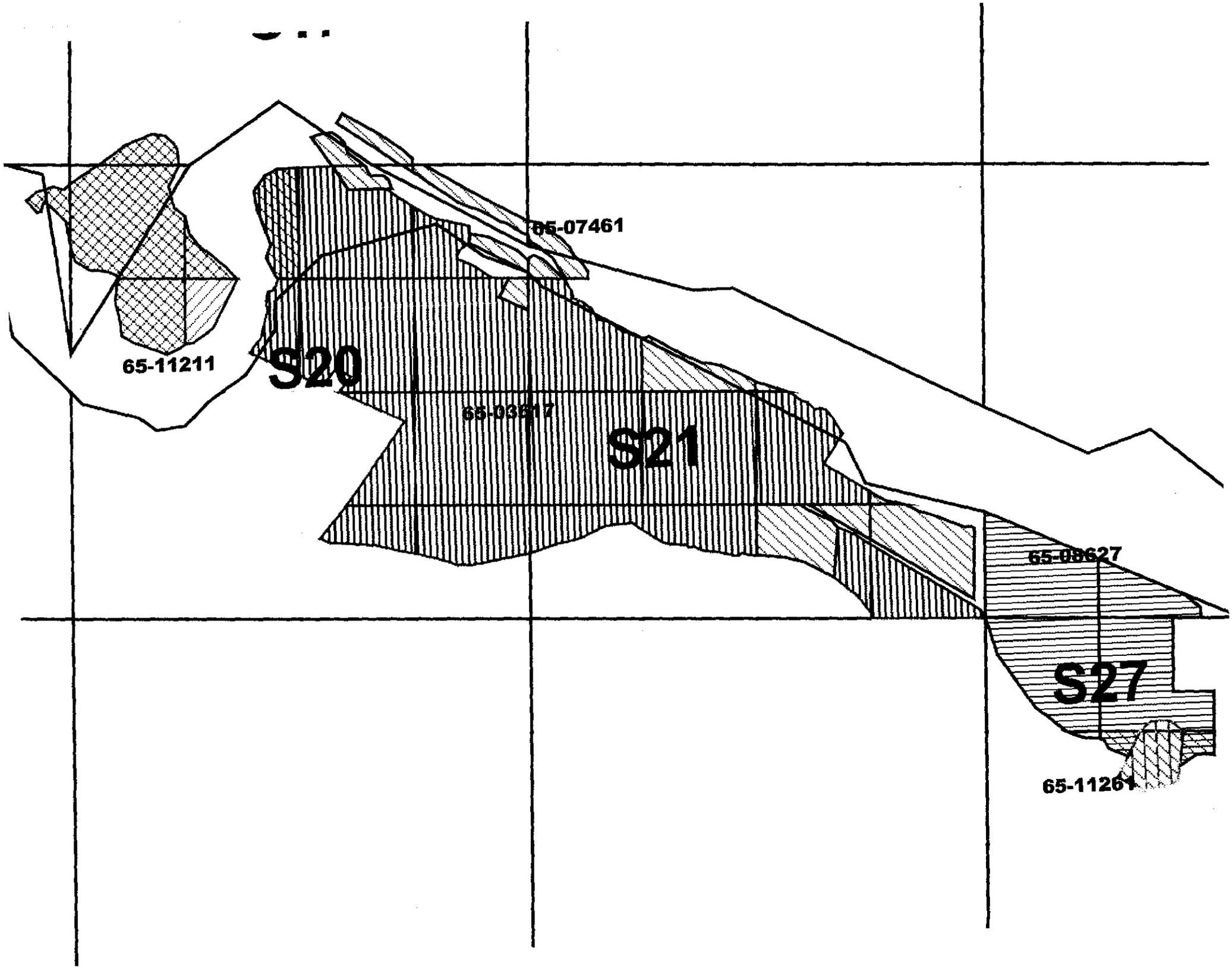
COLWELL OVERLAP MAP

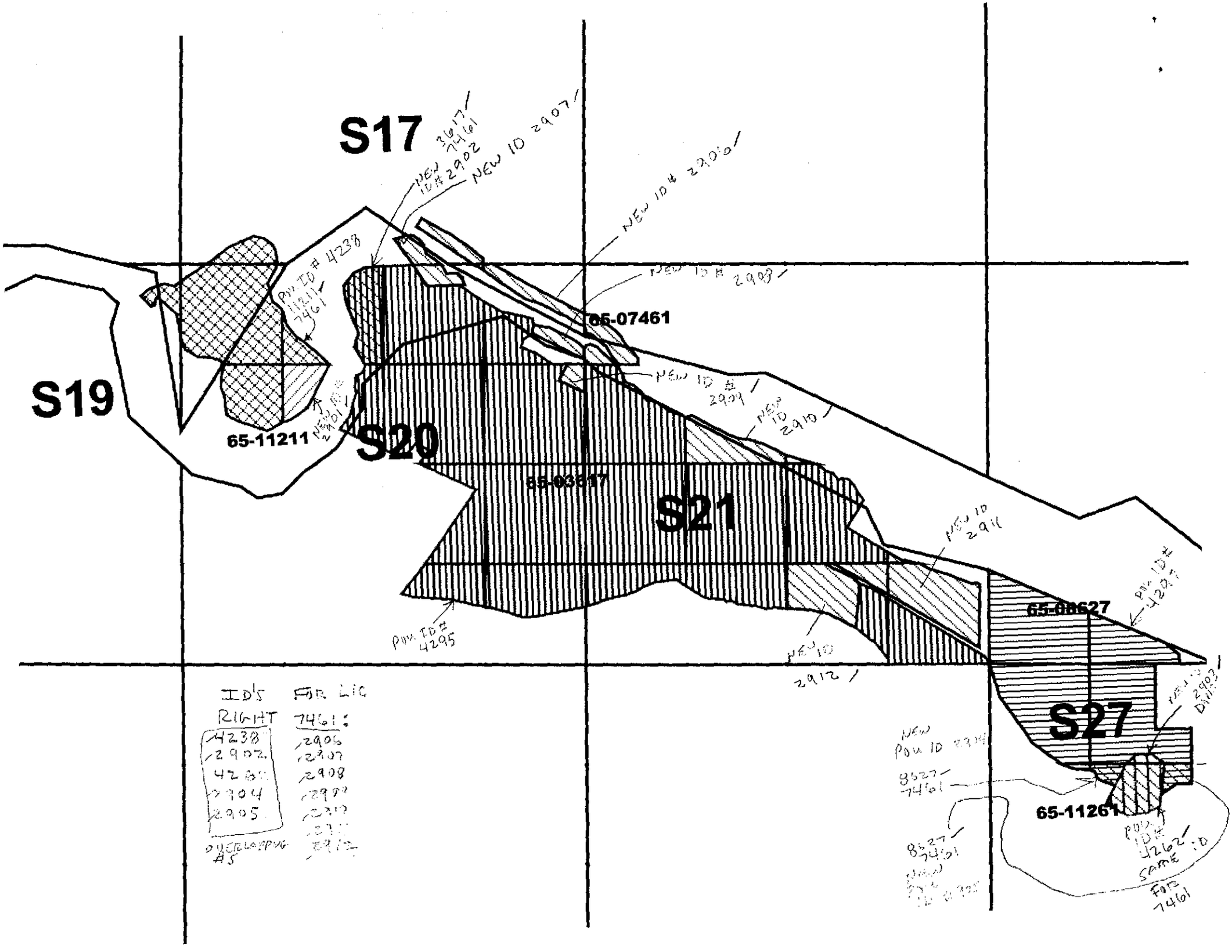


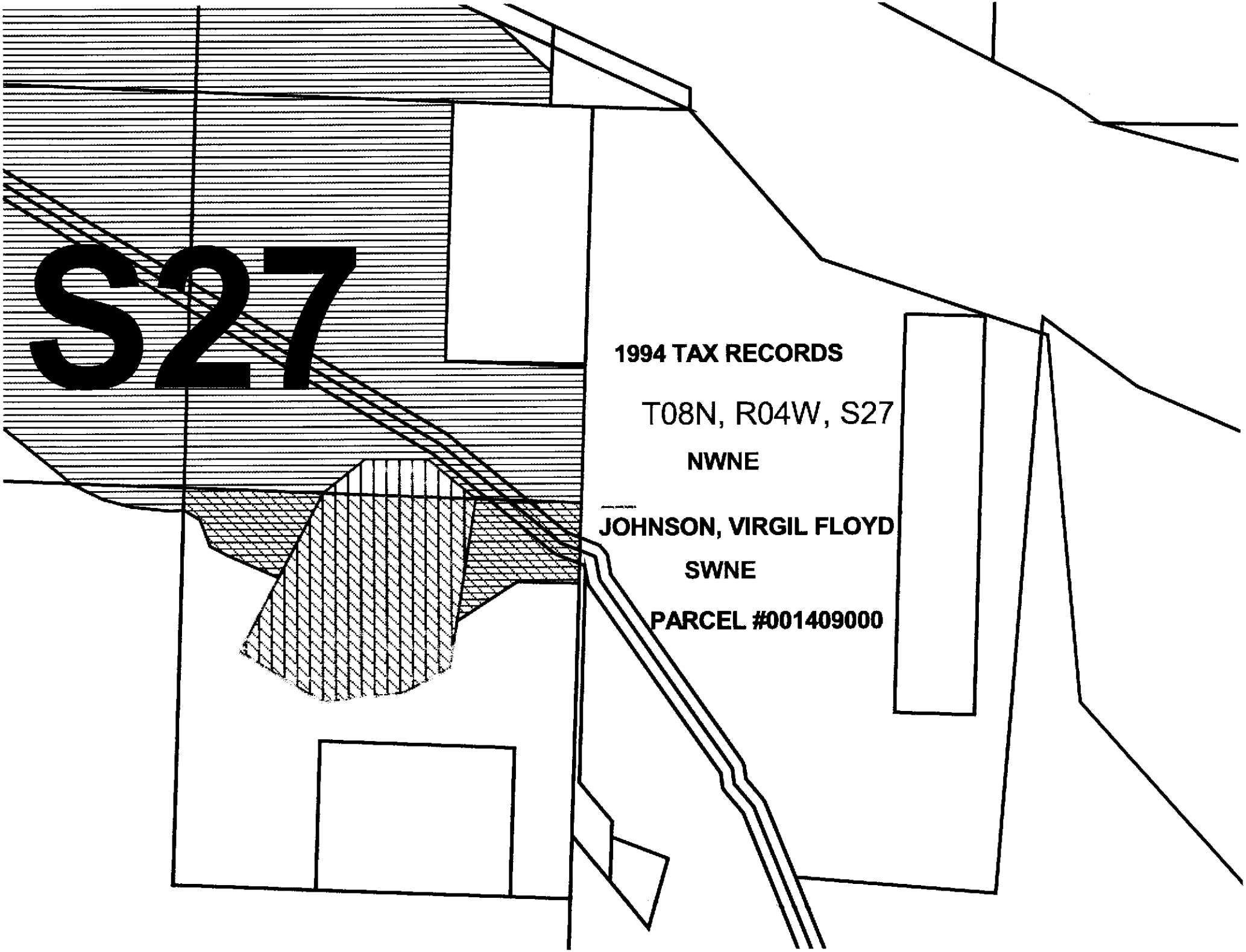
11261.shp
11211.shp
7461.shp
8627.shp
3617.shp
T08nr04w.shp
P08nr04w.shp

N
W
E
S


SWSW
65-03617
0.038/Acre
Payette R.
65-07461
0.03/Acre
Payette R.
NENW
SWNW
SENW
S20
DETAIL "A"
DETAIL "B"
S22
65-8627
0.031/Acre
Payette R.
65-11261
0.013/Acre
Payette R.
SENW
65-07461
0.03/Acre
Payette R.
S27
COLWELL'S PRIVATE OVERLAP DETAIL MAP


65-07461
65-11211
S20
65-03517
S21
65-08627
S27
65-11261


S17
S19
S20
S21
S27
65-07461
65-11211
65-03617
65-08627
65-11261
NEW ID# 2907
NEW ID# 2906
NEW ID# 2908
NEW ID# 2909
NEW ID 2910
NEW ID 2911
NEW ID 2912
POW ID# 4238
POW ID# 4295
POW ID# 4262
ID'S FOR LIC 7461:
RIGHT
4238
2902
2904
2905
2906
2907
2908
2909
2910
2911
2912
OVERLAPPING AS


S27
1994 TAX RECORDS
T08N, R04W, S27
NWNE
JOHNSON, VIRGIL FLOYD
SWNE
PARCEL #001409000

OVERLAP REVIEW SHEET FOR THE FOLLOWING WR #'s: 65-03617 (399+159=558 ACRES) 65-07461 65-[illegible] 65-08627 65-11261 (159+1=160 ACRES)

AGENT Ron H. DATE 5-17-00

① Govt Lot 8

OVERLAP

159+7=166 ACRES

100.5 + 159.0 = 259.5 ACRES

USE/SOURCE	NUMBER	TNS	RNG	SEC	NE				NW				SW				SE				TOTAL	SYSTEM TOTAL
					NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
PAYETTE R.	3617	8N	4W	20	① 10	② 34	② 38	① 38	④ 12			③ 9.7					40	14	11	19		
	3617	8N	4W	21							⑤ 31		⑥ 40	40	11	15		⑦ 28	6.3	⑧ 14		411
PAYETTE R.	7461	8N	4W	17											5				① 6			411 − 12 = 399

USE/SOURCE	NUMBER	TNS	RNG	SEC	NE				NW				SW				SE				TOTAL	SYSTEM TOTAL
					NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
	7461	8N	4W	19	① 5																	
	7461	8N	4W	20	⑦ 8	⑦ 3		① 2	15	⑥ 36	⑥ 14											
	7461	8N	4W	21			② 1			④ 6		⑤ 12					① 1		17	⑧ 17		
	7461	8N	4W	27								13										159

USE/SOURCE	NUMBER	TNS	RNG	SEC	NE				NW				SW				SE				TOTAL	SYSTEM TOTAL
					NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
SLOUGH	11211	8N	4W	17											5							= 166
		8N	4W	19	② 3																	
		8N	4W	20					③ 4	⑥ 36	⑥ 12											67
PAYETTE R.	11261	8N	4W	27					①			④										159 + 1 = 160

ADD to 159

OVERLAP

ADD

USE/SOURCE	NUMBER	TNS	RNG	SEC	NE				NW				SW				SE				TOTAL	SYSTEM TOTAL
					NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
PAYETTE R	8627	8N	4W	22											⑥ 29	⑦ 12						105 − 4.5 = 100.5
				27					30	29	.5	2.5										105 + 159 = 259.5

OVERLAP

PAGE 1 OF 2

OVERLAP TOTALS

65-03617, 65-07461, 65-08627, 65-11211 & 65-11261

NUMBER	TNS	RNG	SEC	NE				NW				SW				SE				TOTAL	SYSTEM TOTAL
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		

NUMBER	TNS	RNG	SEC	NE				NW				SW				SE				TOTAL	SYSTEM TOTAL
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
			17											5				6		11	
			19	3																3	
			20	18	37	38	40	16	36	14	16.7					40	14	11	19	299.7	
			21			1			6	31	12	40	40	11	15	1	28	23.3	31	239.3	
			22											29	12					39	
			27					31	29	.5	13.5									74	668

WESTERN REGION

OWNER (S): COLWELL

CLAIM NUMBERS: 7461 _____ _____

_____ _____ _____

AGENT: RON HOWERTON **DATE** 5/22/00

				NE				NW				SW				SE			
RIGHT NO	TNS	RNG	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE

POLYGON CREATED ON 803

POLYGON # ( )( )( )( ) UPDATED BY rdh

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

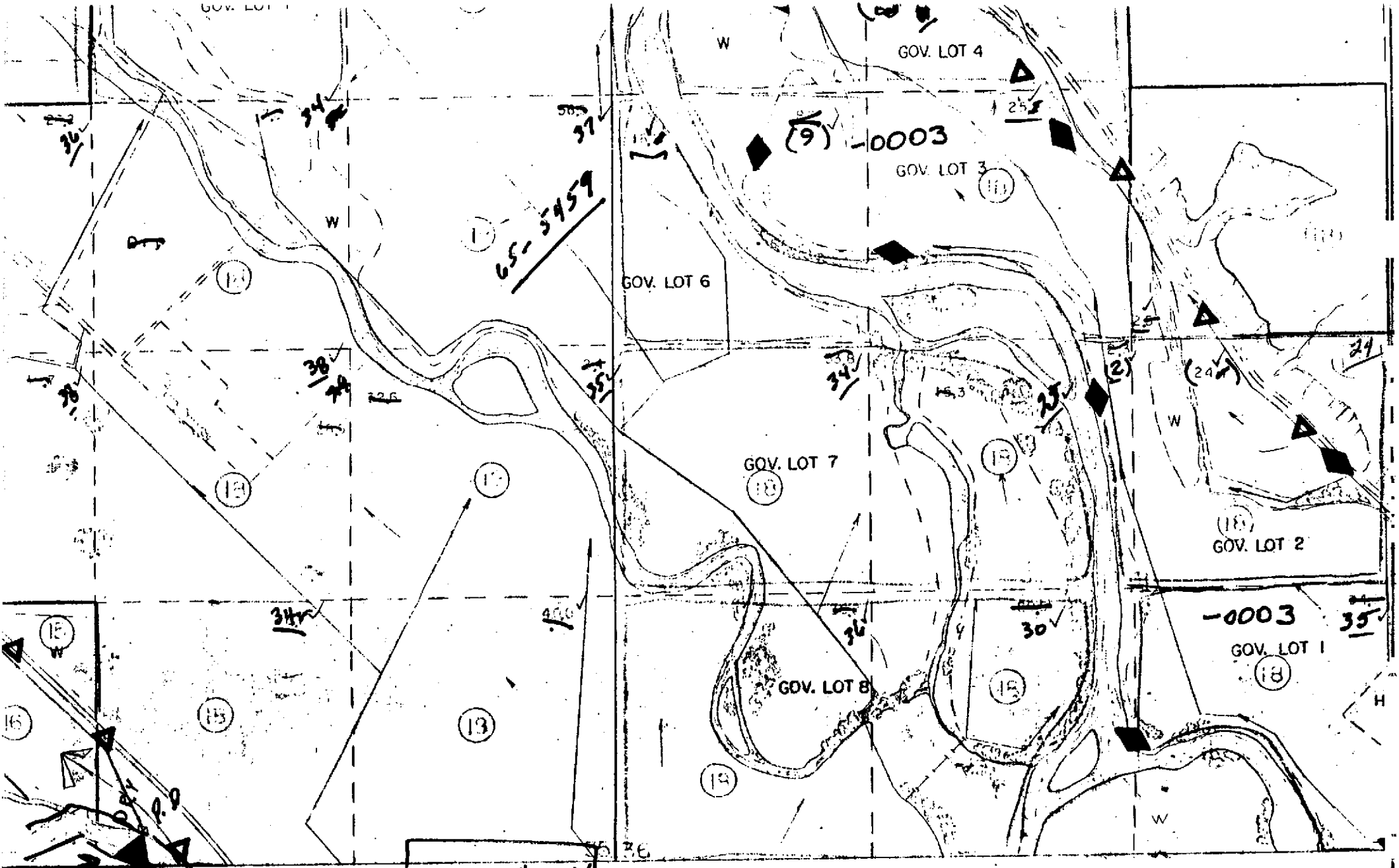
ATTRIBUTES OF B65-POD.SHP (19)( )( )( )( ) ← ID PER CONTRACTOR

_____ **B65-DBPOU.DBF UPDATED BY rdh**

_____ **B65-DBPOD.DBF UPDATED BY rdh**

NOTES:

* SEE ATTACHED POU ID#S



P/D
SW NW SE
35
T8N R4W

Acid 1-18-

APPEARS TO BE IRRIGATED

MAP "E"

24. Dwaine Samson
25. D.F. Burgess

SAME P/D FOR RIGHTS:

65-3617	-8627
-5921	-11255
-7461	-11261

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

13:51:07
05/10/00

PAGE: 18
QUICKLOOK INFORMATION

53
CLAIM NUMBER: A65-07461

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	Y		RCH 5-22-00					RCH 5-22-00
POINT OF DIV								
SOURCE			IR OFFICE					
PLACE OF USE	Y							
DIV. AMOUNT CFS/VOLUME	Y							VERIFIED RUN
CONSUMPTIVE USE	-							
PURPOSES OF USE								
PERIOD OF USE	Y							
BASIS OF CLAIM	Y							
REMARKS	Y							

BARCODE UPDATED
WHOM/DATE

GENERAL INFORMATION

36
CLAIM NUMBER: A65-07461

LAST: WRIGHT JR FIRST: LEE C
ADDRESS:
CITY: XXXXX STATE: ID ZIP: 00000
PHONE NUMBER: 208-000-0000

OWNER CODE: O

LAST: HIGBY FIRST: CHARLES
ADDRESS: 8108 FORT WILSON
CITY: PAYETTE STATE: ID ZIP: 83661
PHONE NUMBER: 208-278-3354

OWNER CODE: O

LAST: HIGBY FIRST: PAT
ADDRESS: 8108 FORT WILSON
CITY: PAYETTE STATE: ID ZIP: 83661
PHONE NUMBER: 208-278-3354

OWNER CODE: O

LAST: COLWELL FIRST: GEORGE E
ADDRESS: 10800 SMOKE RANCH ROAD
CITY: BOISE STATE: ID ZIP: 83709
PHONE NUMBER: 208-376-6922

OWNER CODE: C

LAST: COLWELL FIRST: CHERYL F
ADDRESS: 10800 SMOKE RANCH ROAD
CITY: BOISE STATE: ID ZIP: 83709
PHONE NUMBER: 208-376-6922

OWNER CODE: C

	DATABASE	FIELD EXAMINER
FIELD EXAM REQUIRED?		
VERIFICATION REQUIRED DUE TO REMARKS?	Y	Y(___) N(/)

CLAIM REMARKS: GEN REINSTATED 1-17-1980.
OWNERSHIP CHANGED BY LH 11/21/94.

CONTACT PERSON: NA PHONE NUMBER: (___) ___-____

DATE OF FIELD EXAM: __/__/__ APPOINTMENT MADE: Y(___) N(✓) TIME: ___:___ A(___) P(___)

ACCOMPANIED BY:_____ PHONE NUMBER: (___) ___-____

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / NOTES:

SEE MAPS IN FILE

PRIORITY DATE REVIEW PAGE CLAIM NUMBER: A65-07461

A. AJ CLAIM: # A65-07461 PRIORITY DATE: 02-18-1974 STAGE: P

B. WR RECORD: # 65-07461 PRIORITY DATE: 04-08-1975 STAGE: L

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: AMENDED BY LICENSE

RECOMMENDED PRIORITY DATE:

4 . 8 . 1975

REVIEWED BY RCL DATE 5/22/00

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
A65-07461	08N	04W	35		SW	SE			PAYETTE		

OTHER AJ CLAIMS WITH SAME AJ POD

A PREFIX	R PREFIX
A65-03617	R65-03617
A65-05921	R65-05921
A65-08627	R65-11255
A65-11255	
A65-11261	

WR RECORDS IN SAME 40 ACRE TRACT

65-03617
65-05921
65-08627
65-11255
65-11261

SOURCE: PAYETTE RIVER TRIB: SNAKE RIVER

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
65-07461	08N	04W	35		SW	SE			PAYETTE		

OTHER WR RECORDS WITH SAME WR POD

65-03617
65-05921
65-08627
65-11255
65-11261

AJ CLAIMS IN SAME 40 ACRE TRACT

A PREFIX	R PREFIX
A65-03617	R65-03617
A65-05921	R65-05921
A65-08627	R65-11255
A65-11255	
A65-11261	

SOURCE: PAYETTE RIVER TRIB: SNAKE RIVER

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(✓)

POINT OF DIVERSION REVIEW SHEET CONTINUED CLAIM NUMBER: A65-07461

I. HOW WAS THE POD AND SOURCE VERIFIED?

LICENSING FIELD EXAM (DATE OF FIELD EXAM 9/20/94) Y(✓) N(__)

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

OTHER (DESCRIBE IN NOTES BELOW)

NOTES: SEE ATTACHED FIELD EXAM

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	DIVERSION NAME	DIVERSION NBR
08N	04W	35		SW	SE			PAYETTE		

SOURCE: PAYETTE RIVER TRIB: SNAKE RIVER

REVIEWED BY: RCh DATE: 5-22-00

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

A. ROOT WATER RIGHT NUMBERS: A65-07461
R65-07461

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
08N	04W	17	SE	SW		COLWELL, GEORGE E	A65-07461 / 15.0	- /			
			SE	SW		HIGBY, CHARLES	R65-07461 / 15.0	- /			6
			SE	SW	2	LOWER PAYETTE DITCH CO	A65-07882 / 9.0	- /			
			SE	SW	2	LOWER PAYETTE DITCH CO	A65-00165A / 9.0	- /			
			SE	SW	2	LOWER PAYETTE DITCH CO	A65-00165B / 9.0	- /			
			SE	SW	2	LOWER PAYETTE DITCH CO	A65-00165C / 9.0	- /			
			SE	SW	2	LOWER PAYETTE DITCH CO	A65-00165X / 9.0	65-00165X / 9.0			
			SE	SW	2	LOWER PAYETTE DITCH CO	A65-11413 / 9.0	65-11413 / 9.0			
			SE	SW	2	LOWER PAYETTE DITCH CO	R65-00165A / 9.0	- /			
			SE	SW	2	LOWER PAYETTE DITCH CO	R65-00165B / 9.0	- /			
			SE	SW	2	LOWER PAYETTE DITCH CO	R65-00165C / 9.0	- /			
			SE	SW	2	LOWER PAYETTE DITCH CO	R65-00165X / 9.0	- /			
			SE	SW	2	LOWER PAYETTE DITCH COMPANY	A65-02927H / 9.0	- /			
08N	04W	19	NE	NE		COLWELL, GEORGE E	A65-07461 / 10.0	- /			
			NE	NE		LOWER PAYETTE DITCH CO	A65-07882 / 8.0	- /			3
			NE	NE		LOWER PAYETTE DITCH CO	A65-00165A / 8.0	- /			
			NE	NE		LOWER PAYETTE DITCH CO	A65-00165B / 8.0	- /			
			NE	NE		LOWER PAYETTE DITCH CO	A65-00165C / 8.0	- /			
			NE	NE		LOWER PAYETTE DITCH CO	A65-00165X / 8.0	65-00165X / 8.0			
			NE	NE		LOWER PAYETTE DITCH CO	A65-11413 / 8.0	65-11413 / 8.0			
			NE	NE		HIGBY, CHARLES	R65-07461 / 10.0	65-07461 / 3.0			
			NE	NE		LOWER PAYETTE DITCH CO	R65-00165A / 8.0	- /			
			NE	NE		LOWER PAYETTE DITCH CO	R65-00165B / 8.0	- /			
			NE	NE		LOWER PAYETTE DITCH CO	R65-00165C / 8.0	- /			
			NE	NE		LOWER PAYETTE DITCH CO	R65-00165X / 8.0	- /			
			NE	NE		LOWER PAYETTE DITCH COMPANY	A65-02927H / 8.0	- /			
			NE	NE	1	RALPHS, CLIFTON	A65-06661 / 12.0	65-06661 / 12.0			
			NE	NE	1	RALPHS, CLIFTON	R65-06661 / 12.0	- /			
			NE	NE	7	COLWELL, CHERYL F	R65-11211 / 2.0	65-11211 / 2.0			
			NE	NE	7	COLWELL, CHERYL F	A65-11211 / 2.0	- /			
			NE	NE		MC KINNEY, JOHN ROBERT		65-09128 /			
08N	04W	19	SE	NE		COLWELL, GEORGE E	A65-07461 / 10.0	- /			
			SE	NE		HIGBY, CHARLES	R65-07461 / 10.0	- /			
			SE	NE	1	RALPHS, CLIFTON	A65-06353 / 25.0	65-06353 / 25.0			
			SE	NE	1	NOBLE DITCH CO LTD	A65-00403X / 37.0	65-00403X / 37.0			
			SE	NE	1	RALPHS, CLIFTON	R65-06353 / 25.0	- /			
			SE	NE	1	SCOTT L CAMPBELL, ELAM & BURKE	A65-02927G / 37.0	- /			
			SE	NE	1	NOBLE DITCH CO LTD		65-13373 / 37.0			
08N	04W	20	NW	NW		COLWELL, GEORGE E	A65-07461 / 3.0	- /			

SEE ATTACHED OVERLAP REVIEW, MAP & WR PROFILE REPORT.

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
			NW	NW		HIGBY, CHARLES	R65-07461 / 3.0	65-07461 / 36.0			
			NW	NW	6	COLWELL, CHERYL F	R65-11211 / 37.0	65-11211 / 37.0			36
			NW	NW	6	COLWELL, CHERYL F	A65-11211 / 37.0	- /			
08N	04W	20	SW	NW		COLWELL, GEORGE E	A65-07461 / 28.0	- /			
			SW	NW		HIGBY, CHARLES	R65-07461 / 28.0	65-07461 / 14.0			
			SW	NW	6	COLWELL, CHERYL F	R65-11211 / 12.0	65-11211 / 12.0			14
			SW	NW	6	COLWELL, CHERYL F	A65-11211 / 12.0	- /			
08N	04W	20	SE	NW		COLWELL, GEORGE E	A65-07461 / 25.0	- /			
			SE	NW		HIGBY, CHARLES	R65-07461 / 25.0	- /			
			SE	NW	3	COLWELL, GEORGE E	A65-03617 / 20.0	65-03617 / 20.0			
			SE	NW	3	COLWELL, GEORGE E	R65-03617 / 20.0	- /			
			SE	NW	6	COLWELL, CHERYL F	R65-11211 / 7.0	65-11211 / 7.0			
			SE	NW	6	COLWELL, CHERYL F	A65-11211 / 7.0	- /			
08N	04W	20	NE	SW		COLWELL, GEORGE E	A65-07461 / 30.0	- /			
			NE	SW		HIGBY, CHARLES	R65-07461 / 30.0	- /			
08N	04W	20	SE	SW		COLWELL, GEORGE E	A65-07461 / 3.0	- /	31.0		
			SE	SW		SEAWEARD, GARRY	A65-21582 /	- /			
			SE	SW		SEAWEARD, GARRY C	A65-11381 / 11.0	65-11381 / 11.0			
			SE	SW		KNIEFEL, ROBERT E	A65-09404 / 26.0	65-09404 / 26.0			
			SE	SW		NOBLE DITCH CO LTD	A65-00403X / 26.0	65-00403X / 26.0			
			SE	SW		HIGBY, CHARLES	R65-07461 / 3.0	- /			
			SE	SW		SEAWEARD, GARRY	R65-21582 /	- /			
			SE	SW		KNIEFEL, ROBERT E	R65-09404 / 26.0	- /			
			SE	SW		SEAWEARD, GARRY C	R65-11381 / 11.0	- /			
			SE	SW		SCOTT L CAMPBELL, ELAM & BURKE	A65-02927G / 26.0	- /			
			SE	SW		NOBLE DITCH CO LTD		65-13373 / 26.0			
08N	04W	20	NW	SE		COLWELL, GEORGE E	A65-07461 / 27.0	- /	39.0		
			NW	SE		HIGBY, CHARLES	R65-07461 / 27.0	- /			
			NW	SE		COLWELL, GEORGE E	A65-03617 / 14.0	65-03617 / 14.0			
			NW	SE		COLWELL, GEORGE E	R65-03617 / 14.0	- /			
08N	04W	20	SW	SE		COLWELL, GEORGE E	A65-07461 / 15.0	- /	28.0		
			SW	SE		NOBLE DITCH CO LTD	A65-00403X / 11.0	65-00403X / 11.0			
			SW	SE		HIGBY, CHARLES	R65-07461 / 15.0	- /			
			SW	SE		VAN LEUVEN, DUANE C	A65-09407 / 11.0	65-09407 / 11.0			
			SW	SE		COLWELL, GEORGE E	A65-03617 / 11.0	65-03617 / 11.0			
			SW	SE		SCOTT L CAMPBELL, ELAM & BURKE	A65-02927G / 11.0	- /			
			SW	SE		COLWELL, GEORGE E	R65-03617 / 11.0	- /			
			SW	SE		VAN LEUVEN, DUANE C	R65-09407 / 11.0	- /			
			SW	SE		NOBLE DITCH CO LTD		65-13373 / 11.0			
08N	04W	21	SE	SW		COLWELL, GEORGE E	A65-07461 / 10.0	- /	27.0		
			SE	SW		HIGBY, CHARLES	R65-07461 / 10.0	- /			

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
			SE	SW		COLWELL, GEORGE E	A65-03617 / 14.0	65-03617 / 14.0			✓
			SE	SW		COLWELL, GEORGE E	R65-03617 / 14.0	- /			
08N	04W	21	NE	SE		COLWELL, GEORGE E	A65-07461 / 23.0	- /			
			NE	SE		HIGBY, CHARLES	R65-07461 / 23.0	65-07461 / 1.0			1
08N	04W	21	SW	SE		COLWELL, GEORGE E	A65-07461 / 25.0	65-07461 / 17.0	36.0		
			SW	SE		HIGBY, CHARLES	R65-07461 / 25.0	- /			17
			SW	SE		COLWELL, GEORGE E	A65-03617 / 6.0	65-03617 / 6.0			
			SW	SE		COLWELL, GEORGE E	R65-03617 / 6.0	- /			
08N	04W	21	SE	SE		COLWELL, GEORGE E	A65-07461 / 29.0	- /			
			SE	SE		HIGBY, CHARLES	R65-07461 / 29.0	65-07461 / 17.0			
			SE	SE	8	COLWELL, GEORGE E	A65-03617 / 12.0	65-03617 / 12.0			17
			SE	SE	8	COLWELL, GEORGE E	R65-03617 / 12.0	- /			

ADDITIONAL POU FOUND

TOTAL ACRES	A65-07461	253.00	17.00	161.00

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
A65-07461	PAYETTE RIVER	COLWELL, GEORGE E	7.590	0.030		
R65-00165A	PAYETTE RIVER	LOWER PAYETTE DITCH CO	63.320	0.005		
A65-00165A	PAYETTE RIVER	LOWER PAYETTE DITCH CO	63.320	0.005		
R65-00165B	PAYETTE RIVER	LOWER PAYETTE DITCH CO	37.630	0.003		
A65-00165B	PAYETTE RIVER	LOWER PAYETTE DITCH CO	37.630	0.003		
A65-00165C	PAYETTE RIVER	LOWER PAYETTE DITCH CO	59.230	0.005		
R65-00165C	PAYETTE RIVER	LOWER PAYETTE DITCH CO	59.230	0.005		

Howerton, Ron

From: Howerton, Ron
Sent: Thursday, May 18, 2000 1:15 PM
To: Walker, Kay
Subject: RE: RIGHT 65-07461

KAY,

-----Original Message-----
From: Walker, Kay
Sent: Thursday, May 18, 2000 12:29 PM
To: Howerton, Ron
Cc: Nelson, Dan
Subject: RIGHT 65-07461

Hello there. I pulled the above file and now can see why I did what I did when preparing license recommendations. This permit was approved for excessive flow from the get-go. The permit was for 7.59 cfs on 253 acres which is 1 1/2 inches of water to the acre. Since the permit was issued for excessive flow, **if water was available** the license could be issued for excessive flows so we allowed the 1 1/2 inches to the acre plus conveyance loss since the water was found to be available. You should not have to do further excessive flow analysis since this is a recently issued license and should be decreed as licensed. I will be sending you copies of the information as promised but I don't think you should have to go any further. You will find all the rights on Johnson Higby Ditch were decreed at 1" per acre and 29.3% conveyance loss way back when the Payette was done. Are you going to be checking all of those for excessive flow or recommending as previously decreed? NO
None of the other rights on Johnson Higby Ditch (as far as I can tell) requested excessive flow over and above their conveyance loss. Let me know what you think about this after you read it. I am not trying to "start" anything - just want to know the scoop. Kay

SINCE THIS RIGHT WAS NOT DECREED IN THE PRBA, IT NEEDS THE DOCUMENTATION FOR THE ADDITIONAL AMOUNTS SHOWN IN OUR SRBA RECOMMENDATIONS.

THANKS,

RON

RECEIVED
MAY 19 2000
WATER RESOURCES
WESTERN REGION

Memorandum

To: File 65-07461

From: Kay Walker

Date: 02/02/00

Re: License Recommendations

The following rights are also diverted at the same point of diversion as shown under this permit which is the Johnson Higby Ditch. Those rights were previously decreed at 1" per acre plus a 29.3% ditch loss from the source to the field headgate. These rights are as follows:

65-03617	10.63 cfs/372 acres	=0.0285 cfs per acre
65-05921	5.04 cfs/195 acres	= 0.0258 cfs per acre
65-08627	2.72 cfs/105 acres	= 0.0259 cfs per acre
65-11255	0.18 cfs/7 acres	= 0.0257 cfs per acre
65-11261	0.13 cfs/10 acres	= 0.013 cfs per acre

This permit was approved for excessive flow at 1.5" per acre pursuant to justification provided. The 1.5" per acre did not include ditch loss. We have recommended licensing at 1.5" per acre plus 1.4 cfs for ditch loss. The ditch loss was calculated using 29.3% as done with other rights on this ditch. The SRBA has not made recommendations on this portion of the Payette River yet. I am uncertain as to why 65-11261 was not allowed ditch loss.

Right 65-11211 is a decreed right from a slough for a portion of the lands recommended under this proposed license. The slough was decreed at 1" per acre for 67 acres. Dan Nelson has determined that the slough water would be considered the primary right for the 67 acres and this license would be supplemental to that right. I propose we add a condition to this right limiting the two when combined to 159 acres, 6.17 cfs and 925 afa which will ensure the right holder knows these rights overlap.

MICROFILMED
FEB 18 2003

Memorandum

To: File 65-07461

From: Kay Walker

Date: 01/19/00

Re: License Recommendations

In review of this permit, along with the field examiner recommendations, I find that we can allow more water than recommended by the examiner. This permit was approved @ 0.03 cfs per acre for excessive flow due to soil conditions. Therefore, I recommend that we allow the excessive flow as permitted, along with the ditch loss as recommended by examiner.

159 acres x 0.03 cfs = 4.77 cfs
4.77 x 1.293 (ditch loss) = **6.17 cfs allowable for this permit**

159 ac x 4.5 fhr = 715.5 afa
vs.
6.17 cfs x 1.9835 x 260 days = 3182. Afa
715.5 x 1.293 (ditch loss) = **925. afa as recommended by examiner**

MICROFILMED
FEB 18 2000

UNITED STATES DEPARTMENT OF AGRICULTURE
AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE
Payette County Committee
P.O. Box 178
Payette, Idaho 83661

RECEIVED
FEB 15
Department of Water Administration

February 14, 1974

James E. Bucker
State of Idaho
Department of Water Administration
Annex II, State House
Boise, Idaho 83707

RE 65 7461
Lee C. Wright, Jr.

Dear Mr. Bucker,

The following statement is given in support of an application to justify claiming of water for irrigation purposes.

From personnal knowledge and in consultation with the Soil Conservation Service Conservationist, the soil on the Lee C. Wright, Jr. farm is basically a light sandy soil underlain by coarse sand or gravel. This farm is adjacent to the Payette River and may be considered typical river bottom land. Such land can be expected to have varying soil depths, even with outcroppings of sand and of gravel. Much of the farm has been and is being leveled. The land leveler, where practical, has dug out sand and gravel pockets and refilled the pockets with soil capable of growing a crop.

I think it's reasonable to state that the water intake of this soil is above that level we normally associate with top quality soil. The cropland on this farm is basically devoted to permanent pasture.

If I can be of further assistance to you, just ask.

Sincerely yours,

Claude B. Solterbeck
County Executive Director

cc: Wright

7461

65 7461

Harris, Lori

From: Shurte, Jan
Sent: Saturday, April 30, 2005 12:16 PM
To: Bromley, Chris
Cc: Harris, Lori
Subject: RE: 65-7461 NCAP

Hi Chris,

In looking through the file, I see where we went through all the settlements and if I remember correctly we came to a settlement on the license with Shelly Keen in the conference room and then I do not see an NCAP in the file. Checked the SRBA home page and it said stip resolved in the upper part. Sounds like we need to do an NCAP on the license still. The license has been issued and I will have Lori do an NCAP on Monday and fax it over to the Court. If your preference is different, please let me know. Unfortunately, I was out sick all last week and could not get back to you. Let me know if you want us to send the NCAP to the court asap.

Jan

-----Original Message-----
From: Bromley, Chris
Sent: Wednesday, April 27, 2005 9:39 AM
To: Shurte, Jan
Subject: 65-7461 NCAP

Hey Jan, do you know if the amendment to this license is done?

If so, has an NCAP been filed?

The deadline to have the NCAP filed with the court is May 3.

I'm getting the SF5s (65-22759, -22761, -22762, and -22763) routed to Dana today for her review and signature (cross your fingers).

Thanks!

Chris

Form 219
6/92

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No. 65-07461

1. Owner: Colwell, George and/or Cheryl Phone No. (208) 278-3448

Current Address: 3990 Highway 52, Payette, Idaho 83661

2. Accompanied by: John Burt EXAM DATE: 9/20/1994

Address: NOT KNOWN Phone No. NOT KNOWN

Relationship to Permit Holder: IRRIGATOR/HIRED HAND

3. Source: PAYETTE RIVER tributary to SNAKE RIVER

B. OVERLAP REVIEW

1. Other water rights with the same place of use: 65-11211, 65-03618, 65-03617, 65-08627, 65-11261, A PORTION OF THIS LAND IS WITHIN THE BORDERS OF LOWER PAYETTE DITCH COMPANY
2. Other water rights with the same point of diversion: 65-05921, 65-11255, 65-03617, 65-08627, 65-111261

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Govt. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
JOHNSON/ HIGBY DITCH			SW	SE	35	08N	04W	PAYETTE	USGS QUADRANGLE MAP

2. Place(s) of Use: Indicate Method of Determination

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08N	4W	17											5				6		11
08N	04W	19	3																3
08N	04W	20	8	3		2	15	36	14										78
08N	04W	21			1			6		12					1		17	17	54
08N	04W	27		2	3					8									13
																			TOTAL
																			159 ACRES

PLEASE NOTE: The Colwell farm has a total of 632 irrigated acres of which the 159 acres described above are not described by other water rights diverted through the Johnson/Higby ditch from the same point of diversion and the same source. 59 of the 159 acres described above are covered under water right 65-11211 and are irrigated from a different source (a slough). Therefore, 100 acres listed above should be licensed as a primary right and 59 acres should be licensed as a supplemental right to 65-11211. Please see overlap review tables for which acres qualify for supplemental and which acres qualify for primary licensing.

3. **Delivery System Diagram**: Indicate all major components and distances between components. Indicate weir size/c size/pipe i.d. as applicable.

SEE ATTACHED SHEET.

YES Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

YES Aerial Photo Attached (required for irrigation of 10+ acres).

YES Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	**Motor Make**	**Hp**	**Motor Serial No.**	**Pump Make**	**Pump Serial No. or Discharge Size**
N/A					

Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
PRICE AA						

2. Measurements: The Basin 65 Watermaster Mark Limbaugh performed Measurements. Mr. Limbaugh stated that he measures the Johnson/Higby Ditch diversion once a month at a point 300 yards downstream of the point of diversion under a private bridge crossing the ditch

E. NARRATIVE/REMARKS/COMMENTS

This field report has been compiled from the notes of Kelly Christensen, who performed a field exam in 1990 and Pam Skaggs who performed a field exam in 1994. I (Daniel A. Nelson) researched the permit and completed the report.

The point of diversion is located in the SWSE ¼ ¼ of Section 35, Township 08N, Range 04W. The water travels from the point of diversion in the Johnson/Higby ditch. This ditch was developed to deliver water to Mr. Johnson and Mr. Higby and later Mr. Pence. Mr. Colwell purchased the Higby property and filed an assignment of this permit (filed on 9/20/1994) and has filed a change of ownership form on the remainder of Mr. Higby's water rights.

Mr. Pence is the first water user on the Johnson/Higby ditch. Mr. Pence draws .18 cfs of water from the ditch to irrigate 7 acres of ground. Mr. Johnson is the second water user on the Johnson/Higby ditch. Mr. Johnson diverts 5.04 cfs to irrigate 195 acres of ground under water right number 65-05921. The remainder of the water in the ditch is for use on Mr. Colwell's (formerly Higby) property. Mr. Colwell has 3 water rights (65-03617, 65-08627, and 65-11255) that divert out of this ditch for a total of 13.48 cfs to irrigate 526 acres of ground. This permit is to cover the 159 acres of ground that is not covered by one of these three decrees. Please see overlapping water right tables for water right comparisons.

All of the water rights on the Johnson/Higby ditch are for more than the standard inch per acre or .02 cfs per acre. This additional flow rate was given to account for ditch losses in the Johnson/Higby ditch. The Payette River Basin Adjudication allowed 29.3 % of the flow rate of the ditch for ditch loss. With the proximity of this ditch to Payette River and Big Willow Creek it is very likely that this ditch actually gains water as it flows through these farms. However, in order to maintain consistency I recommend that 29.3 % of the flow rate be allowed for ditch loss on this permit as well.

The department does not generally allow more than an inch per acre for irrigation. I find no reason to allow more than an inch per acre for this permit. All of the water rights diverted through the Johnson/Higby ditch are for more than an inch per acre. Since this permit is from the same source as the other water rights diverted through the Johnson/Higby ditch, the maximum allowable acres that can be irrigated by this permit is 159 acres. There are 59 acres of the 159 acres that is covered under water right 65-11211. The source of water for 65-11211 is a slough located in the NENW ¼ ¼ of Section 20, Township 08N, Range 04W. Since water right number 65-11211 has a priority date of 06/01/1932, it is the primary right for the 59 acres. Therefore, this permit can only supply supplemental water for these acres. Please see the overlapping water right tables for the lands that are supplemental and the lands that are primary.

Recommendations:

I recommend that this permit be licensed for 4.10 cfs diversion rate and 925 af annual volume for the 159 acres described above. When combined with all other water rights this permit should not allow more than .02 cfs per acre or 4.5 afa per acre to be delivered to water user's head gate.

Have conditions of permit approval been met? ___ Yes _X_ No*

* No measurement device has been installed per conversation with water master and the many examiners and IDWR personnel who have visited the site.

F. FLOW CALCULATIONS YES Additional Computation Sheets Attached

Measured Method:

4.10 CFS (SEE DIVERSION RATE CALCULATION SHEET)

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{I.R}$ = (Acres Irrigated) x (Irrigation Requirement) = (159 AC) x (4.5) = 715.5 AFA

$V_{D.R.}$= [Diversion Rate (cfs)] x (Days in Irrigation Season) x 1.9835 = (3.18) x (246) x (1.9835) = 1551.7 AFA

V = Smaller of $V_{I.R.}$ and $V_{D.R.}$= 715.5 AFA

B

2. Volume Calculations for Other Uses:

Accounting for ditch loss:

29.3 % should be allowed for ditch loss. Therefore 1.293 should multiply the annual volume.

(715.5 afa) X (1.293 ditch loss) = 925 afa

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use From	To	Rate of Diversion Q (cfs)	Annual Volume V (afa)
IRRIGATION	03/15	11/15	4.10 CFS	925.0 AFA
		Totals:	4.10 CFS	925.0 AFA

2. 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

I. AUTHENTICATION

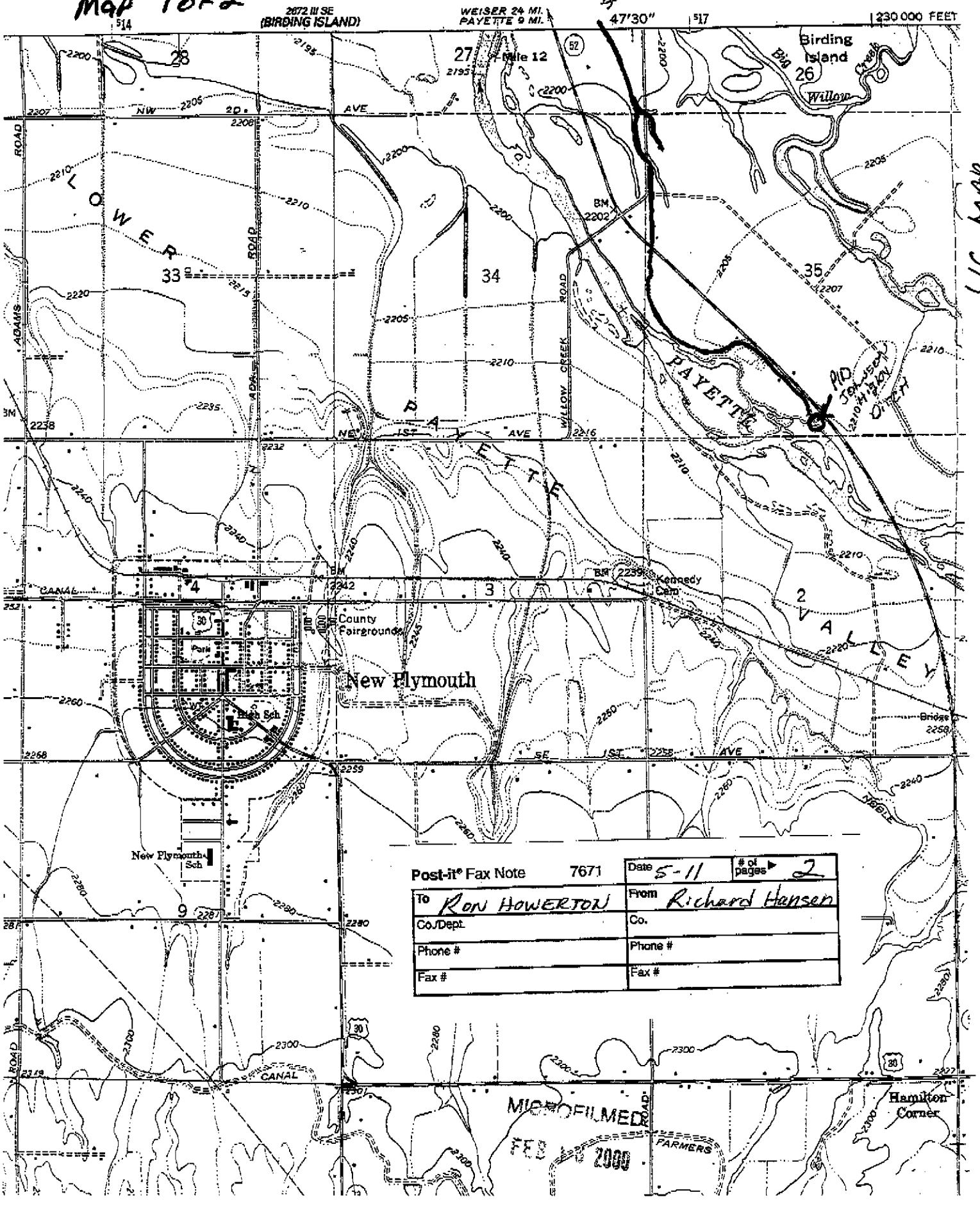
Daniel A. Nelson - Sr. Water Right Agent

Field Examiner's Name _____ Date _____

Reviewer _____ Date _____ SEAL

Map W 4
New Plymouth
DAN 9-15-99
Map 1 OF 2

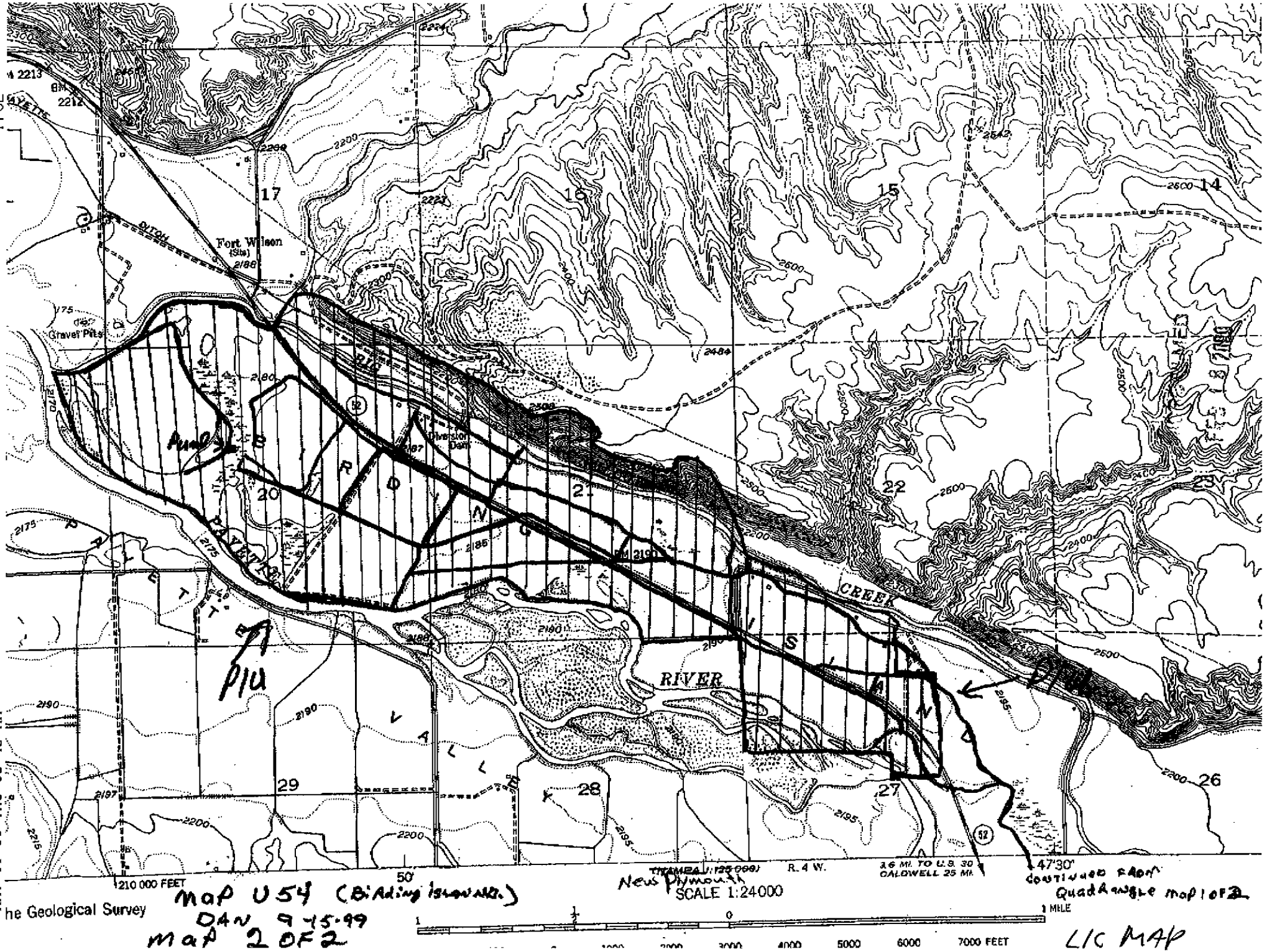
Quadrangle Map 1 of 2



Post-it® Fax Note 7671 | Date 5-11 | # of pages ▶ 2

To Ron Howerton	From Richard Hansen
Co./Dept.	Co.
Phone #	Phone #
Fax #	Fax #

MICROFILMED
FEB 18 2000



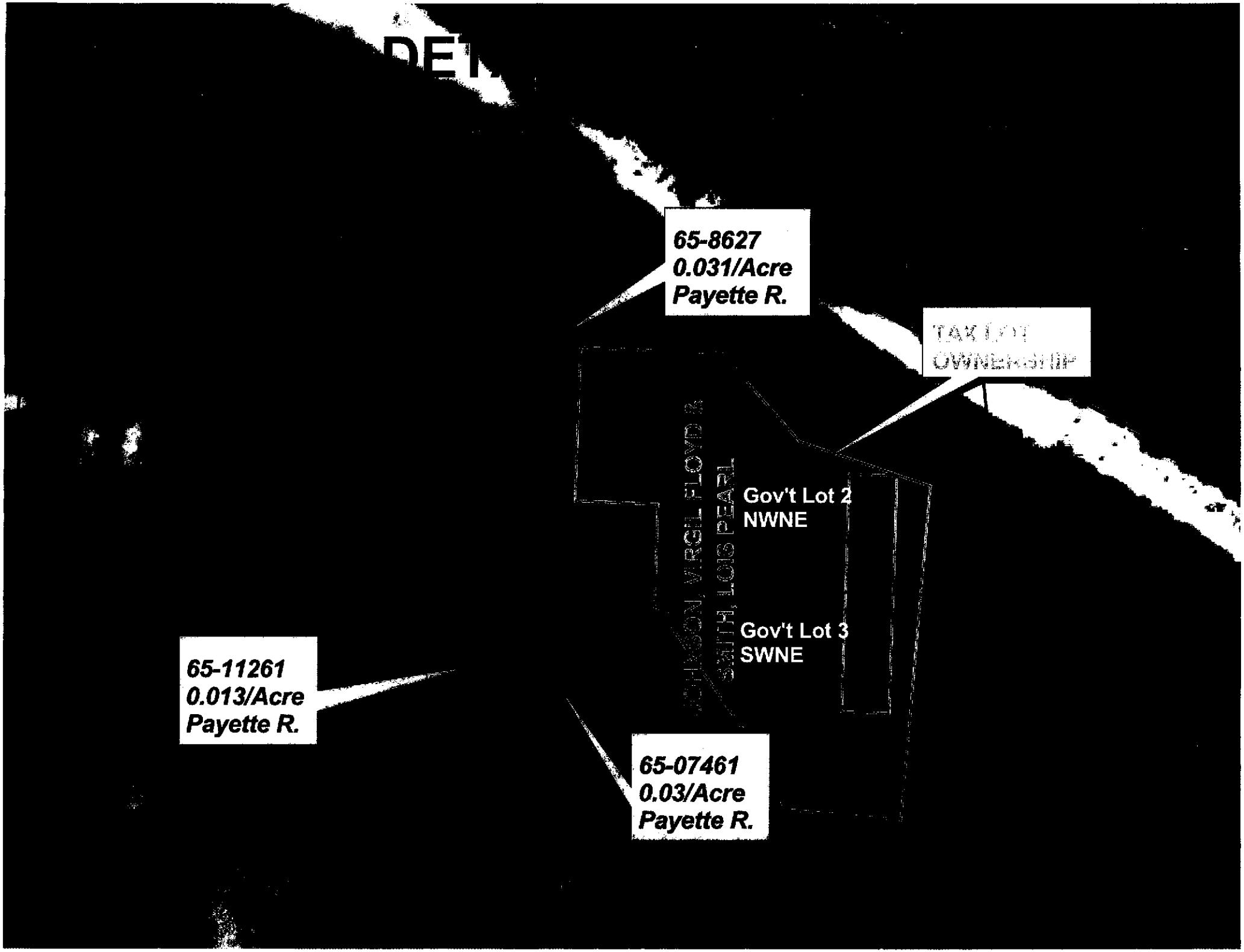
P. 02

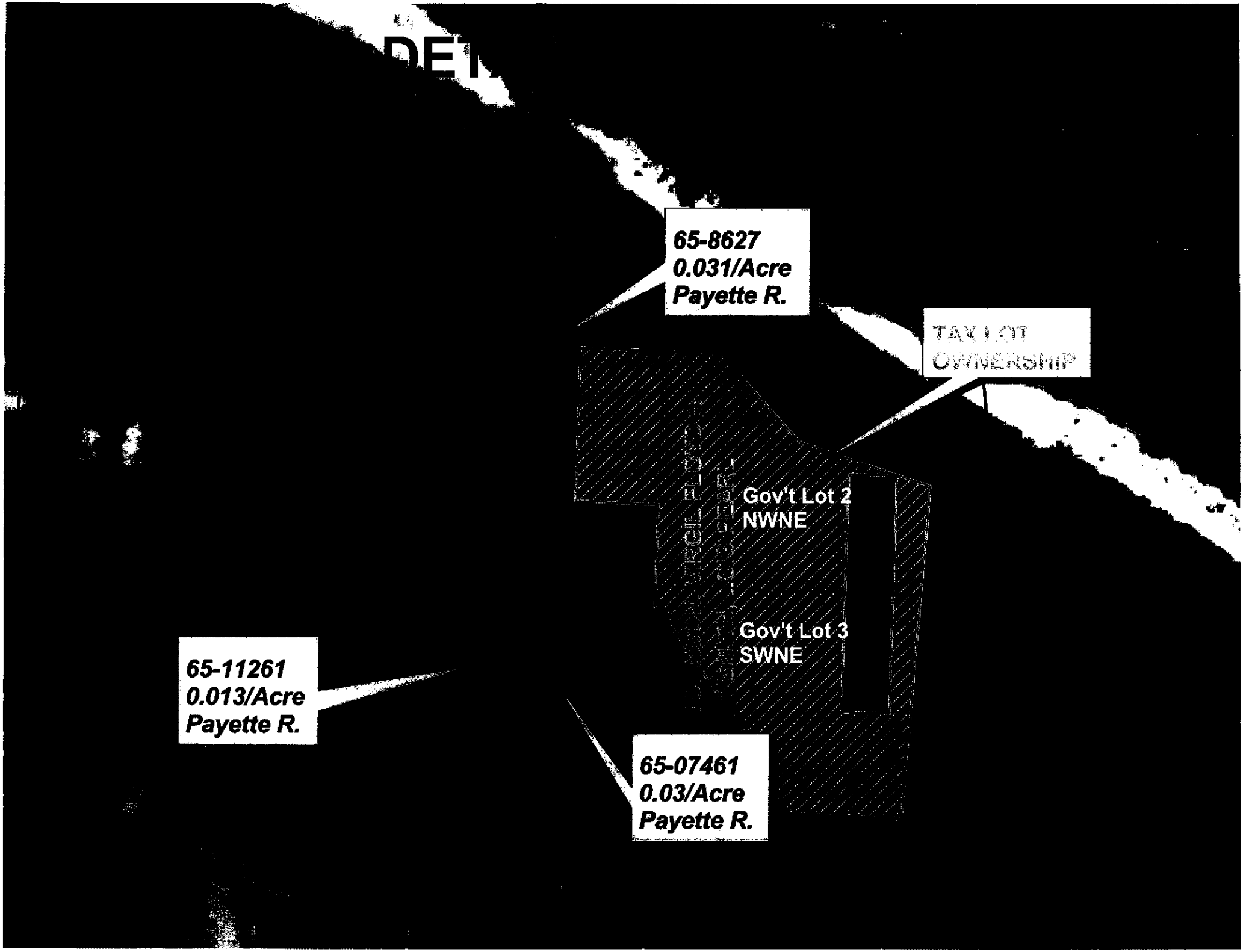
MAY-11-00 THU 08:48 AM

he Geological Survey

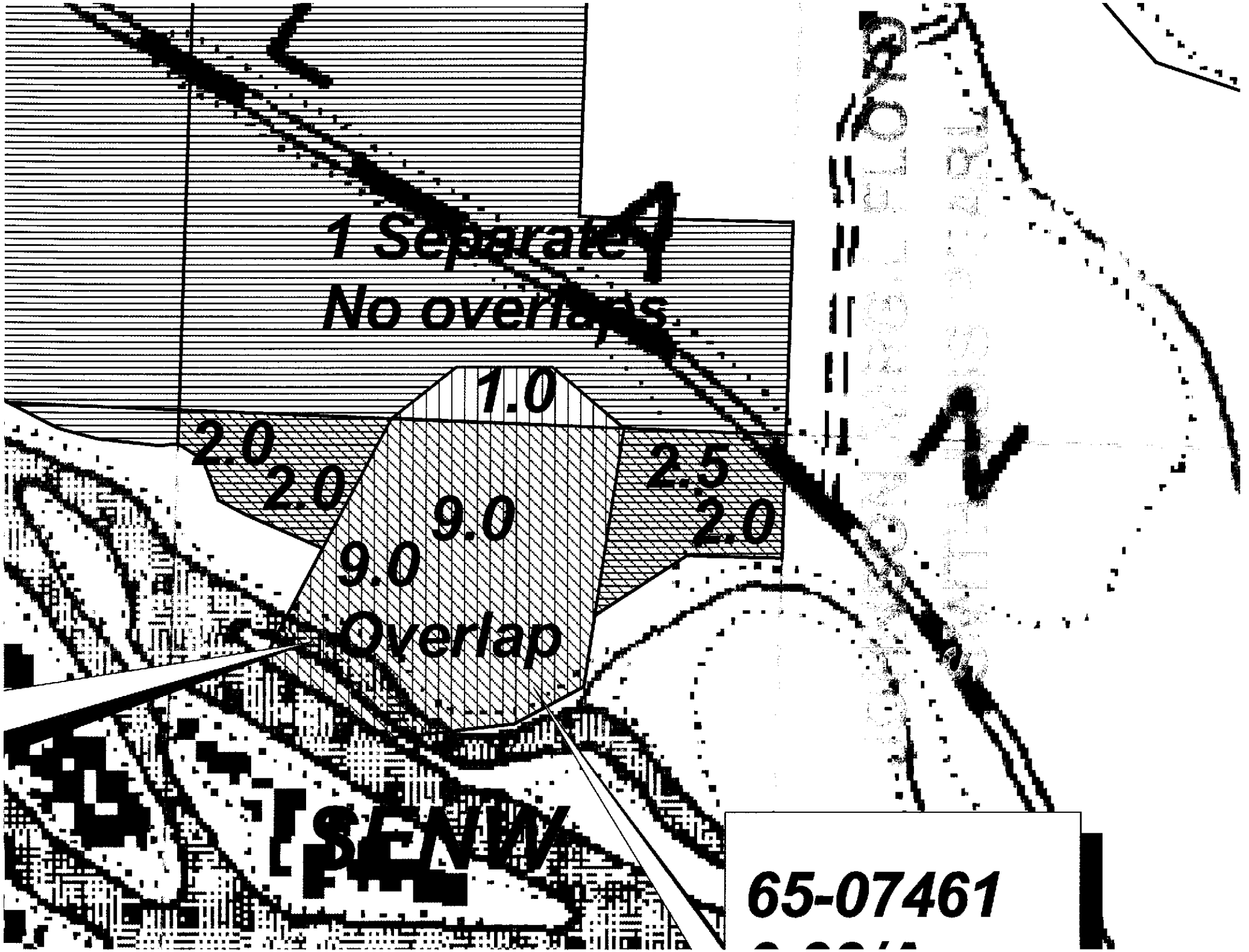
Map U54 (Bidding Island Rd.)
DAN 9-15-99
Map 2 OF 2

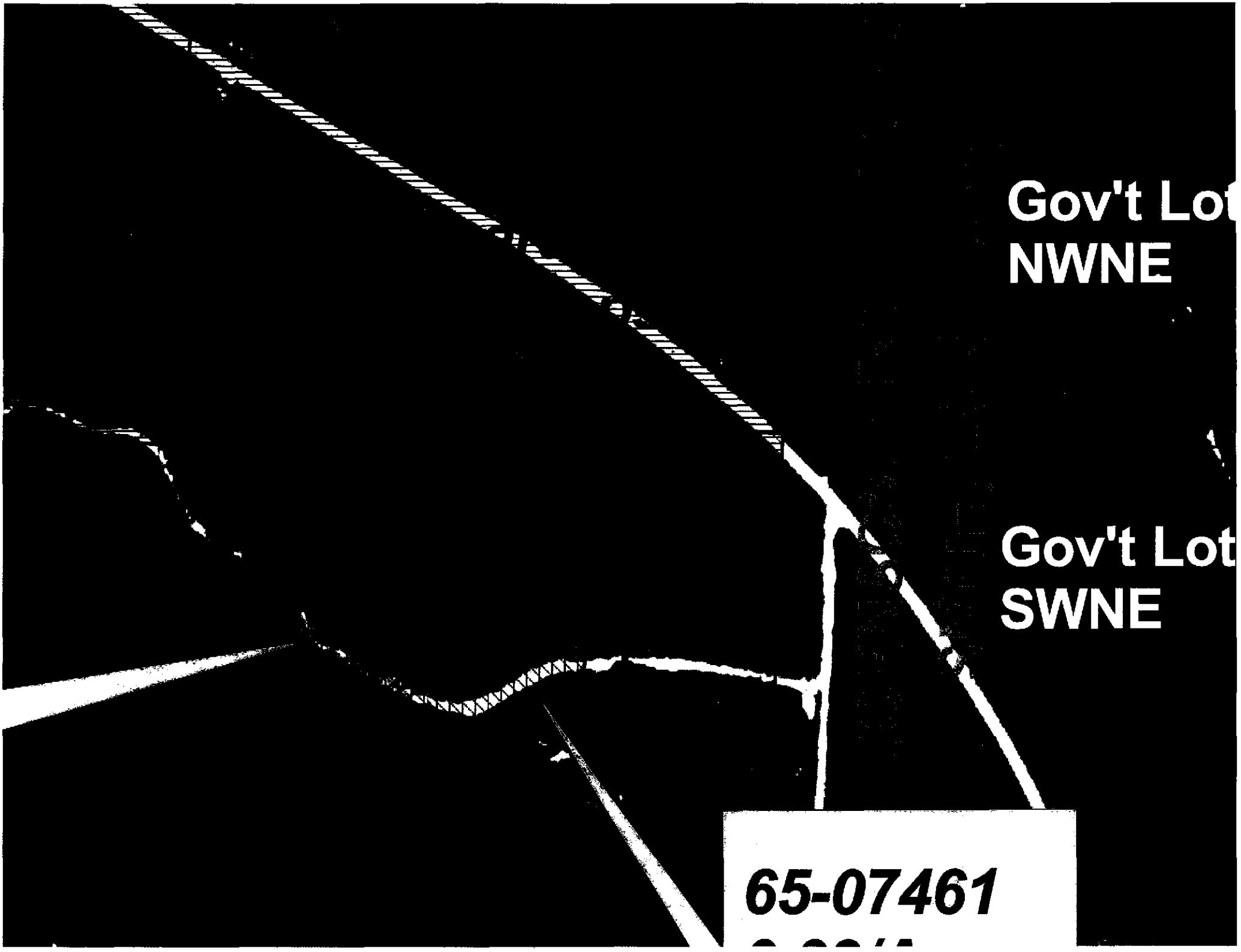
LIC MAP


65-8627
0.031/Acre
Payette R.
TAX LOT
OWNERSHIP
Gov't Lot 2
NWNE
Gov't Lot 3
SWNE
65-11261
0.013/Acre
Payette R.
65-07461
0.03/Acre
Payette R.


65-8627
0.031/Acre
Payette R.
TAX LOT
OWNERSHIP
Gov't Lot 2
NWNE
Gov't Lot 3
SWNE
65-11261
0.013/Acre
Payette R.
65-07461
0.03/Acre
Payette R.


JOHNSON VIRGIL FLOYD
3 MILE LOG PAR
Gov't Lot
NWNE
Gov't Lot
SWNE
65-07461


1 Separate
No overlaps
1.0
2.0
2.0
9.0
9.0
2.5
2.0
Overlap
SENW
65-07461


Gov't Lot
NWNE
Gov't Lot
SWNE
65-07461

DELIVERY System

T8468
NHEL

T S
NHE

3-21.5

2-10.9

1-4.1

3-8.9

STATE

2-28.2

4-6.5

5-24.4

T8469

19

1-13.5

17 | 16
20 | 21

NC

4-52.1

Pump

21.8

5.8

9-62

9-28.0

5-13.3

3-60.8

All 1/4's should have been included

17-24.5

map 1 OF 2
Showing DELIVERY System.

DAN ~~9-15-99~~ 9-15-99
Photo copy of map ESC Payette County FSA Office

Disregard Section corners Incorrectly placed on map.

19 Pond

Pond

13-16.5

37.9

12-50

15

48

T573
NHEL

T8468
NHEL

T8469

STATE

2-18.5

1-15.0

3-21.5

2-10.9

1-4.1

3-8.9

2-28.2

4-6.0

5-24.4

1-13.5

17 | 16
20 | 21

19

NC

4-52.1

Map

21.8

NC

5.8

9-62.

9-28.0

17-24.5

5-13.3

3-60.8

map 1 OF 2
Showing Delivery System.

DAN 9-15-99
Photo copy of map ESC
Payette County FSA Office
Disregard Section corners
Incorrectly placed on
map.

14
Pond

Pond

13-16.5

37.1

12-50

15

48

Map 2 of 2
Showing Delivery
System DAN 9-15-98
Photo copy of map D57
Payette County FSA Office
Disregard section
corners (Placed on map
incorrectly

IDAHO
FISH &
GA

9-6.9

8-11.9

7-20.5

6-20.7

11-14.4

T690
NHEL

NHEL
2-4.9

1141.7

12-5.6

16-24.1

15-66.1

16-7.9

T573
NHEL

1-22.3
2-18.5
3-21.5
1-15.0
2-10.9
1-4.1
3-8.9
2-28.2
4-6.7
5-24.4
STATE
UC MAP
5Ac
6Ac
18
17
19
20
16
20
21
15Ac
8Ac.
6Ac.
3Ac
KC
1-26.1
MAP 1 OF 2 •
SHOWING IRRIGATED
ACRES
OAN 9-16-99
7-21.1
~~MAP~~ PHOTO COPY OF MAP
E SC 1992 FLIGHT
~~SCAN~~ FSA OFFICE PAYETTE.
SCALE 8" TO 1 MILE.
FOR THIS PERMIT WE
CAN ALLOW 159 ACRES
IN THE 632 ACRES OF
IRRIGATION.
12-37.9
ACTUAL IRRIGATED
ACRES.
ACRES NOT COVERED BY
JOHNSON/AIGBY DITCH WATER
MARKED ON MAP.
-16.5
T587
NHEL
1-21.5
Pond
Pond
60.8
4
48.8
12
50

OVERLAP
Not needed
NOR
Incorrect 2 & 3
Acre tracts

12 AC

1 AC

1 AC

IDAHO

Map 2002 Showing
IRRigated Acres.

OAN 9-15-99

Photo copy of Map DSC
Payette County FSA Office

FOR This Permit we
can allow 159 acres
in the 630 acres of
IRRigation

Actual Acres ~~IRRig~~
IRRigated.

Acres Not Covered By
Johnson / Higby Ditch water
marked on Map.

SECTION 27
Pond Not
Needed - Covered
by 11261 &
8627

NA STATE

NHEL

T080
NHEL

C/C Map

Johnson Ditch

12 AC

1 AC

IDAHO

Map 2002 Showing
IRRigated ACRes.

OAN 9-15-99

Photo COPY OF MaP DSC
PAYETTE COUNTY FSA OFFICE

FOR THIS PERMIT WE
CAN allow 159 ACRES
IN THE 630 ACRES OF
IRRigation

ACTUAL ACRES ~~IRRIG~~
IRRigated.

ACRES NOT COVERED BY
JOHNSON/HIGBY DITCH WATER
MARKED ON MAP.

NA STATE

NHEL

2-4.9

T090
NHFI

11-14.4

10-16.8

C/C MATH

SYMS/JOHNSON

CLAIM NO.	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
R65-00165X	PAYETTE RIVER	LOWER PAYETTE DITCH CO	122.120	0.011		
A65-00165X	PAYETTE RIVER	LOWER PAYETTE DITCH CO	122.120	0.011		
A65-00403X	PAYETTE RIVER	NOBLE DITCH CO LTD	49.050	0.005		
A65-02927G	PAYETTE RIVER, NORTH FORK	SCOTT L CAMPBELL, ELAM & BURKE			10000.00	1.19
A65-02927H	PAYETTE RIVER, NORTH FORK	LOWER PAYETTE DITCH COMPANY			10000.00	0.90
R65-03617	PAYETTE RIVER	COLWELL, GEORGE E	10.630	0.025		
A65-03617	PAYETTE RIVER	COLWELL, GEORGE E	10.630	0.025		
R65-06353	DRAIN E	RALPHS, CLIFTON	1.500	0.020		
A65-06353	DRAIN E	RALPHS, CLIFTON	1.500	0.020		
A65-06661	DRAIN E	RALPHS, CLIFTON	2.730	0.020		
R65-06661	DRAIN E	RALPHS, CLIFTON	2.730	0.020		
R65-07461	PAYETTE RIVER	HIGBY, CHARLES	7.590	0.030		
A65-07882	GRAVEYARD GULCH WASTEWAY	LOWER PAYETTE DITCH CO	30.000	0.002		
R65-09404	DRAIN D	KNIEFEL, ROBERT E	0.520	0.020		
A65-09404	DRAIN D	KNIEFEL, ROBERT E	0.520	0.020		
A65-09407	DRAIN C	VAN LEUVEN, DUANE C	2.920	0.021	12.00	0.08
R65-09407	DRAIN C	VAN LEUVEN, DUANE C	2.920	0.021	12.00	0.08
A65-11211	SLOUGH	COLWELL, CHERYL F	1.340	0.020		
R65-11211	SLOUGH	COLWELL, CHERYL F	1.340	0.020		
A65-11381	DRAIN D	SEAWEARD, GARRY C	0.220	0.020		
R65-11381	DRAIN D	SEAWEARD, GARRY C	0.220	0.020		
A65-11413	GRAVEYARD GULCH WASTEWAY	LOWER PAYETTE DITCH CO	60.000	0.005		

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

CLAIM NO.	PURPOSES	NAME	MONTH/DAY		RATE	VOLUME
R65-06661	DOMESTIC	RALPHS, CLIFTON	FROM 01-01	TO 12-31	0.040 CFS	1.20 AF/A
R65-06661	STOCKWATER	RALPHS, CLIFTON	FROM 01-01	TO 12-31	0.050 CFS	2.70 AF/A
A65-21582	DOMESTIC	SEAWEARD, GARRY	FROM 01-01	TO 12-31	0.040 CFS	
A65-21582	STOCKWATER	SEAWEARD, GARRY	FROM 01-01	TO 12-31	0.020 CFS	
R65-21582	DOMESTIC	SEAWEARD, GARRY	FROM 01-01	TO 12-31	0.040 CFS	
R65-21582	STOCKWATER	SEAWEARD, GARRY	FROM 01-01	TO 12-31	0.020 CFS	
R65-09407	STOCKWATER	VAN LEUVEN, DUANE C	FROM 01-01	TO 12-31	0.200 CFS	12.00 AF/A

D. ARE OTHER WATER RIGHTS USED FOR THE SAME PURPOSE? Y(✓) N(___)

* IF YES, COMPLETE OVERLAP REVIEW:

OTHER RIGHTS LISTED IN CLAIM: SEE OVERLAP MAP & REVIEW

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(___)

MEMORANDUM

-----Original Message-----
From: Carlsen, Ernie
Sent: Tuesday, December 12, 2000 8:21 AM
To: Tuthill, Dave; McHugh, Candice; Saxton, Glen
Cc: Jones, Doug; Shurte, Jan; Fritschle, Carter
Subject: **Benign Changes?**

During last weeks discussion on transfers there was a reference to "benign changes" being applied to post '87 approved transfers. Is there such an action and if there is what qualifies? Is a difference in acreage within the individual 1/41/4s of a POU, based on GIS mapping, but with no increase in total acreage an example of a benign change? This situation is especially common with center pivots. Though the frequency of this situation will drop dramatically now that allocations is on line with GIS, in Eastern we have dozens of approved transfers with land lists developed using the accepted methods prior to GIS or with tenths of an acre for acreages over ten acres in a 1/41/4. In my judgement this is not a situation where an amended transfer is appropriate. So in the adjudication recommendation can acres be adjusted within the approved 1/41/4s without requiring a new transfer?

From my point of view, I would like the adjudication people to be able to make these kinds of changes in their recommendations of rights. It does not make sense to me to require a transfer for the type of change you have described.
Lgs **From:** Saxton, Glen

It seems that if the transfer already has acres w/in the 1/4 1/4 that increasing the acres w/in that 1/4 1/4 is probably OK when the total acres do not change. The problem w/ notice occurs when we want to move into a 1/4 1/4 that wasn't included with the original notice. However, the concern I have is whether consumptive use could be increased (decreased run-off etc) by adding more acres within a certain 1/4 1/4 and removing acres from another one. Although this is probably very rare and would depend greatly on the lay of the land, I think we have a duty to consider that in order to do a thorough injury analysis. Maybe this is such a rare possibility however that we are willing to risk forgoing the greater analysis and address concerns if and when they arise.
Candice

I understand Candice's concern, and it is true that this is a possibility. However, we are finding that almost always, neighboring landowners are parties in the SRBA. As such, they receive notice of our modifications via the SRBA -- available in tabular format at the Courthouse and now in spatial format via the Internet. Thus, I agree with Glen that this is the type of benign change that we were discussing last week -- for which no transfer should be required. I am copying this to Norm to see if he concurs.
Dave

All: I agree that moving acres within already listed quarter/quarters is a benign change and does not require a 42-211 amendment or a 42-222 transfer. Need to be careful, though, that the ownership of the land is not an issue as we do so.
Norm

G. SHOULD THE CLAIMED POU BE VERIFIED BY FIELD EXAM? Y(___) N(✓)

H. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE OF THIS RIGHT, OR ANY PORTION OF THIS RIGHT? Y(___) N(✓)

CHECK DOCUMENTS USED TO VERIFY POU: ( ) ORTHOPHOTOQUAD, IDWR NO. _____; ( ) TOPOGRAPHIC QUAD, IDWR NO. _____;
(✓) NAPP, IDWR NO. 1987; (✓) ASCS PHOTO; ( ) OTHER _____

NOTES: SEE ASCS MAPS FROM LICENSE FILE IN THIS REPORT. FOUND ERROR ON LICENSE FOR TRACTS RECOMMENDED AS: T8N, R4W, S27, NWNE & SWNE. THESE TRACTS DO NO BELONG TO COLWELL. TAX INFO SHOWS JOHNSON OWNS LAND. SEE PROBLEM SHOWN ON ALIGNMENT OF GCDB LINES ON ASCS MAP FROM LICENSING FIELD EXAM. FOUND PROBLEM WHEN CHECKING GCDB WITH OWNERSHIP ON ARC VIEW. RECOMMENDED THE ACRES WITHIN LICENSED TRACT SENW, FROM 8 ACRES TO 13 ACRES. THIS IS NOT AN ENLARGEMENT NOR TRANSFER, THIS IS A CORRECTION DUE TO BETTER INFO OF OUR GCDB NAPP PHOTOS AND TAX INFORMATION. THESE ARE ALSO BENIGN CHANGES — MOVING ACRES WITHIN ALREADY LISTED 1/4 1/4'S DOES NOT REQUIRE A 42-211 AMENDMENT OR A 42-222 TRANSFER. SEE ATTACHED MEMO

RECOMMENDATIONS:

TOTAL ACRES: 159 N/A(___)

REVIEWED BY: RDH DATE: 5-22-00

PURPOSE OF USE, PERIOD OF USE, DIVERSION RATE AND DIVERSION VOLUME REVIEW SHEET CLAIM NUMBER: A65-07461

A. AJ CLAIMED USES:

	PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
A65-07461	IRRIGATION	FROM 03-15 TO 11-15	7.590 CFS	
		TOTAL DIVERSION RATE/VOLUME	7.590 CFS	

B. WR RECORDED USES:

	PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
65-07461	IRRIGATION	FROM 03-01 TO 11-15	6.170 CFS	925.00 AF/A
		TOTAL DIVERSION RATE/VOLUME	6.170 CFS	925.00 AF/A

C. DOES THE CLAIMED PURPOSE OF USE CORRECTLY DESCRIBE THE WATER USE? Y(__) N(✓) AMENDED BY LLC (WA)

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:

AJ CLAIM TOTAL DIVERSION RATE: 7.590 CFS

WR ROOT RIGHT TOTAL DIVERSION RATE: 6.170 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 NA, SEE ATTACHED CALCULATIONS.

F. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE
ACRES 159 x 0.02 CFS/ACRE = 3.18 CFS (Taken from pou review)

1b. CALCULATIONS
LIC APPROVED CFS AS 6.17

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(___) SEE MEMO FROM KAY WALKER DATED 2/2/00 – 1/19/00 & ATTAH. (PROOF)

LIC, APPROVED VOL = 925 AFA DATED 2/14/74.

2. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = AF/A

ACRES 159 x DIVERSION VOL. AF/A FOR AREA _____ =

TOTAL DIVERSION VOLUME 925 AF/A

3. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 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 (___)

COMMENTS: EXCESSIVE FLOW:
PERMIT WAS APPROVED FOR EXCESSIVE FLOW AT 1.5" PER ACRE

CONVEYANCE LOSS:
THE PORTION OF RIGHT 7461 USED FOR CONVEYANCE LOSSES IS 1.4 CFS

NOTES: SEE FIELD EXAM NOTES BY DAN NELSON. DANS RECOMMENDATION FOR DIVERSION AMOUNTS WERE CHANGED BY STATE OFFICE. SEE PAGE 3 OF R/U REPORT. DAN SAID "I FIND NO REASON TO ALLOW MORE THAN AN INCH PER ACRE FOR THIS PERMIT".

STATE OFFICE CHANGED HIS RECOMMENDATION SEE MEMOS DATED 2/2/00 & 1/19/00 with ATTACHMENT FROM KAY WALKER.

I AM COMPELLED TO RECOMMEND THIS AS LICENSED PER STATE OFFICE.

RCh

WR RECORD CONDITIONS/REMARKS:

R69 - This right when combined with all other rights shall provide no
- more than 0.03 cfs per acre nor more than 4.5 afa per acre at the
- field headgate for irrigation of the lands above.

01P - Upon specific notification by the Department, the right holder
- shall install a lockable device of a type acceptable to the
- Department in a manner that will provide the watermaster suitable
- control of the diversion.

"SRBA CONVERTED"

SEE COPY OF LIC IN FILE FOR (MARKED) REMARKS (WR RECORD - PROFILE)

RECOMMENDATIONS REVIEW SHEET CLAIM NUMBER: A65-07461

RECOMMENDATIONS: CHECK HERE IF RECOMMENDED AS CLAIMED (___)

REC. PURPOSE OF USE	REC. PERIOD FROM	REC. PERIOD TO	REC. DIV RATE CFS DATABASE	REC. DIV RATE CFS EXAMINER	REC. DIV VOL. AF/A DATABASE	REC. DIV VOL. AF/A EXAMINER	REC. CONS. USE DATABASE	REC. CONS. USE EXAMINER
IRRIGATION	03-15	11-15	~~7.590~~				0.0	
TOTAL FOR THIS RIGHT			~~7.590~~				0.0	

NON-IRRIGATION USES CLAIMED:

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

REVIEWED BY: RCH DATE: 5/22/00

FLAG:

STANDARD CONDITIONS (CODE):

STANDARD REMARKS (CODE): QNT -E25
E28

EXPLANATORY CONDITIONS (CODE):

EXPLANATORY REMARKS (CODE): EXP F06

A. CHECK ONLY THE FOLLOWING THAT APPLY:

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

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 65-07461

TOTAL DIVERSION RATE OF WR SPLITS — DATABASE 6.170 — EXAMINER _____ CFS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A65-07461	7.590	R65-07461	7.590	65-07461	6.170
	TOTAL CFS	7.590		7.590		6.170

DIVERSION RATE REVIEW

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

NOTES:

AUTHENTICATION:

SIGNATURE: Ron Howerton DATE: 5-22-00

NAME OF FIELD EXAMINER: Ron Howerton TITLE: Sr Water Agent

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( )	
(X) TOPOGRAPHIC	DATE FIELD CHECKED	IDWR ID NO.	Y(X) N( )	SEE LIC EXAM COPIES
(X) NAPP	DATE OF PHOTO 1987	IDWR ID NO.	Y( ) N( )	
(X) ASCS AERIAL PHOTO	DATE OF PHOTO 1992 MODIFIED TO SHOW LIC. AREAS		Y(X) N( )	SEE LIC EXAM COPIES
( ) 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 OVERLAP REVIEW	DATE 5/17/00	OVERLAP MAP & 2 SHEETS	Y(X) N( )	
(X) OTHER PROFILE	DATE	WR RECORD	Y(X) N( )	
(X) OTHER MAP "E"	DATE	PRBA MAP WITH PID OVERLAPS	Y(X) N( )	

LIST OF ATTACHMENTS (CHECK IF ATTACHED)	IF ATTACHED, SUPPLY APPROPRIATE INFORMATION		NO. OF PAGES	NOTES
(X) LICENSING FIELD EXAM	DATE OF FIELD EXAM	9/20/94	8	INCLUDING 4 MAPS
(X) WATER RIGHT LICENSE	DATE LICENSE SIGNED	FEB 3, 2000	2	SEE CLAIM FILE 51DG
( ) 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			
(X) OTHER MEMOS/ATTACHMENTS	DATE 2/14/74, 1/19/00, 2/2/00		3	- Supporting Excessive Flows From S.O.
( ) OTHER	DATE			

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM	USE PERIOD TO	DIVERSION RATE	DIVERSION VOLUME
C	GEORGE E COLWELL	02/18/1974	IRRIGATION	03-15	11-15	7.590 CFS	
C	CHERYL F COLWELL						
					TOTAL DIVERSION:	7.590 CFS	

Water Source: PAYETTE RIVER Tributary to: SNAKE RIVER Stage: PERMIT

Point(s) of Diversion: T08N R04W S35 SWSE PAYETTE County

Place of use Legal Description for: IRRIGATION

			NE				NW				SW				SE				
			NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	
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	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	SUM
08N	04W	17												15					15.0
08N	04W	19	10			10													20.0
08N	04W	20					03 28		25		30			03		27 15			131.0
08N	04W	21												10	23		25	29	87.0
																	TOTAL ACRES		253.0

POU County: PAYETTE

Conditions of Approval:
001 - A measuring device of a type approved by the Department shall
- be permanently installed and maintained as part of the diverting
- works.

Remarks: GEN REINSTATED 1-17-1980.
OWNERSHIP CHANGED BY LH 11/21/94.

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

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

State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

November 21, 1994

Re: Notices of Claim to a Water Right Nos. A65-03616, A65-03617, A65-03618, A65-03619, A65-07461, A65-07462, A65-08627, A65-09393, A65-09394, A65-11211, A65-11261

George E. Colwell
Cheryl F. Colwell
10800 Smoke Ranch Road
Boise, ID 83709

Mr. & Mrs. Colwell:

Enclosed are copies of the above referenced claims which reflect the change in ownership of the land and appurtenant water rights covered under the original filings.

The Department will contact you in the future concerning any requirements that may be needed in order to process these claims for final court decree.

If you have any questions concerning the enclosed claims please feel free to contact this office.

Sincerely,

Adjudication Staff
Department of Water Resources
Western Region Office
(208) 334-2190

LH:l

MICROFILMED
OCT 2 1 1996

ROBERT J. ENNIS
ATTORNEY AT LAW
4477 EMERALD STREET
SUITE C250
BOISE, IDAHO 83706-2044

POST OFFICE BOX 9442
BOISE, IDAHO 83707-3442

AREA CODE 208
TELEPHONE 343-9966
FACSIMILE 336-9222

RECEIVED
NOV 15 1994
WATER RESOURCES
WESTERN REGION

November 9, 1994

RECEIVED
NOV 10 1994
Department of Water Resources

CERTIFIED/RETURN RECEIPT

Idaho Department of
Water Resources
Statehouse Mail
Boise, Idaho 83720-9000

Attention: Adjudication Bureau

RE: Higby/Colwell - Change of Water Right Ownership

Gentlemen:

Delivered herewith are two (2) New Property Owner Notices of Change of Water Right Ownership, both dated September 15, 1994, and both of which have been signed by the new and former owners.

Attached to each of the enclosed original Notices is a copy of the Warranty Deed evidencing the conveyance of the real property relating to the water rights covered by the enclosed Notices. As noted, the legal description of the real property is attached as "Exhibit A" to the Warranty Deed.

Please contact me if you need anything further to effect the change of ownership of the described water rights and/or your records with respect thereto.

Sincerely yours,

ROBERT J. ENNIS

RJE:hs
Enclosures
cc: George E. Colwell

MICROFILMED
OCT 21 1996

POOR ORIGINAL

Payette River diversions were mapped for the Water District 12 winter 1992-1993.* For pld locations, photos, map copies, and data pages, see the water district pld notebook assembled by Tim Luke at S.O.

I mapped the following rights. Information about these is available on master maps (SL) or in notebook (Tim Luke):

65-02847
- 05755 thru 05759
- 00003
- 04982
- 04615
- 11269
- 11212
- 02019
- 00165 A
- " B
- " C
- " X
- 07425
- 07428
- 07848
- 12756
- 05459
- 11258
- 05921
- 08627
- 11261
- 11255

65-03617
- 07461
- 02809
- 00486
- 10505
- 06037
- 04298
- 05817
- 06591
- 12623
- 00072
- 11061

— Steve Lester
1/21/93

MICROFILMED
AUG 03 1994

* From Saint Gardens to Emmetland stretch of river.

INDICATES TOTAL SOURCE: PAYETTE RIVER

RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	USE	USE PERIOD FROM	USE PERIOD TO	MAX AMOUNT MAX RATE	DIVERSION POINT	PLACE OF USE AND ACREAGE	BASIS FOR RIGHT
65-7446	SHOBEL, WILLIAM E. & SHOBEL, MERILYN R. ROUTE 1, HORSESHOE BEND, IDAHO 83629 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.	12/13/1973	IRRIGATION	4/ 1	11/ 1	--- AFA .60 CFS	LOT 2 S24 T 7N R 1E	LOT 2(34) S24 T 7N R 1E *34*	PERMIT
65-7461	HIGBY, PAT & HIGBY, CHARLES STAR ROUTE, PAYETTE, IDAHO 83661 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.	1/24/1974	IRRIGATION	3/15	11/15	--- AFA 7.59 CFS	SWSE S35 T 8N R 4W	SESW(15) S17 T 8N R 4W NWNW(3) SWNW(28) SENW(25) NESW(30) SESW(3) NWSE(27) SWSE(15). S20 T 8N R 4W NENE(10) SENE(10) S19 T 8N R 4W SESW(10) NESE(23) SWSE(25) SESE(29) S21 T 8N R 4W *253*	PERMIT
65-7490	STEVENS, JAY F. BOX 2, GARDENA, IDAHO 83621 REMARKS: MORE THAN 1 IN./ACRE IS NEEDED DUE TO SMALL AMT. OF LAND IRRIGATED, .5 ACRE IN LOT 10, SEC 2 7N 2E AND .5 ACRE IN LOT 9, SEC 2 7N 2E.	6/17/1974	IRRIGATION	4/ 1	11/ 1	--- AFA .04 CFS	LOT10 S 2 T 7N R 2E	LOT10(1) LOT 9(1) S 2 T 7N R 2E *2*	LICENSE
65-7507	FREEMAN, IVAL E. & FREEMAN, DELPHA I. BOX 14, GARDENA, IDAHO 83621	9/ 9/1974	IRRIGATION	4/ 1	11/ 1	--- AFA .04 CFS	LOT10 S 2 T 7N R 2E	LOT10(1) S 2 T 7N R 2E *1*	LICENSE

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

Amended

IDENT. NO. 65-7461

MAP NO.

RECEIVED
JUN 6 1977
Department of Water Resources
Western Regional Office

Notice is hereby given that Pat &/or Charles Higby (Name of Claimant)

Star Route Payette, ID 83661 (Mailing Address), claims a right to the diversion and beneficial use of the surface or groundwater, of or tributary to Snake River

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 date that permit was issued) January 24, 1974 2-18-74 Reinstated 1-17-80

(2) Describe the source of water: (Name of stream, lake, spring, etc., or groundwater) Payette River

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

1138 AFA

Quantity 7.59 cfs (CFS. GPD. AF.) Use irrigation (Domestic, irrigation, stock, etc.) Period of Use From Mar 15 (Mo., Day) To Nov 15 (Mo., Day) (Both Dates Inclusive)

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

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

(4) 7.59 (CFS. GPD. AF.) TOTAL QUANTITY CLAIMED.

(5) A) Point of Diversion: Give location of point where water is diverted from its source SW ¼ SE ¼, Sec. 35, Twp. 8N, Rge. 4W, B.M.; 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. headgate with dam in the river, earth ditches to place of use

(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	
8N	4W	17												15					15
		20						3	28	25	30			3		27	15		131
		19	10			10			46		64								20
		21				47								10	23		25	29	87
															48				

Total No. of acres 253

B) If water is used for other than irrigation, fully describe that use, being as specific as possible: _____

(7) Effluent, sewage waste, or return water from this use is discharged into _____

(8) If you are claiming water as a member of an organization, list name of organization. _____

(9) Remarks (This right combined with 36-7461 shall provide for a total of .025 cfs/acre with 45 AFA/acre.) NEW LANDS

(10) Basis of claim (Check one)

☐ A) Right based on diversion and beneficial use.

☐ B) Right decreed by court, cite title of case. 7-31-72 CSA

☒ C) Right based on application, permit, license, or claim filed with the Idaho Department of Water Administration. _____

Be it known that the undersigned, after being duly sworn on oath, ~~depose(s) and~~ say(s) that all statements included herein are true and accurate to the best of (his, her, their) knowledge.

_____ (Date)

Individual

Pat Higby (Signature of Claimant)

_____ (Signature of Spouse)

Organization

_____

_____ (Signature of Authorized Agent)

State of Idaho, ss. Organization Seal

County of Payette

On this 3rd day of June, in the year 77, before me, a notary public, personally appeared Pat Higby 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.

_____

Notary Public residing at New Plymouth, Idaho

My commission expires July 30, 1980

6-17-92

Dist 44-78

RECEIVED

JAN 29 19[illegible]

Department of Water Resources

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

Payette

IN THE MATTER OF THE GENERAL DETERMINATION OF THE RIGHT TO THE USE OF THE SURFACE AND GROUND WATERS OF THE PAYETTE RIVER DRAINAGE BASIN

NOTICE OF CLAIM TO A WATER RIGHT

IDENT. NO. 65-7461

MAP NO.

Notice is hereby given that ~~[illegible]~~ Charles S. Higby (Name of Claimant), Star Route Payette, Idaho (Mailing Address), claims a right to the diversion and beneficial use of the surface or groundwater, of or tributary to the Payette River;

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 date that permit was issued) 1-24-1974

(2) Describe source of water: (Name of stream, lake, spring, etc., or subterranean) Payette River

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

Use 7.59 Irrigation 1138 AF (Domestic, irrigation, stock, etc.) Period of Use From 3-15 (Mo., Day) To 11-15 (Mo., Day) (Both Dates Inclusive)

Use _____ (Domestic, irrigation, stock, etc.) Period of Use From _____ (Mo., Day) To _____ (Mo., Day) (Both Dates Inclusive)

Use _____ (Domestic, irrigation, stock, etc.) Period of Use From _____ (Mo., Day) To _____ (Mo., Day)

(4) Quantity of water claimed: 7.59 Cubic Feet Per Second, or _____ Acre Feet Per Annum, and/or _____ Gals. Per Minute.

(5) A) Point of Diversion: Give location of point where water is diverted from its source SW ¼ SE ¼, Sec. 35, Twp. 8N, Rge. 4W, B.M.; 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. _____

(6) 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	
8N	4W	17								~~15~~				15					15
		19	10			10													20
		20						3	28	25	30			3		27	15		131
		21												10	23		25	29	87

Total No. of acres 253

B) If water is used for other than irrigation, fully describe that use, being as specific as possible: _____

(7) Effluent, sewage waste, or return water from this use is discharged into _____

(8) If you are claiming water as a member of an organization, list name of organization. _____

(9) Remarks See Claim No. 65-3617 (This rt when combined w/ 65-3617 shall provide no more than .02 cfs/A nor 4.5 AF/A/yr.)

(10) 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, license, or claim filed with State Reclamation Engineer, Office No.: 65-7461 Permit

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

(Date)

CHARLES S. HIGBY, By
(Signature of Claimant)

Charles Patrick Higby
(Signature of Spouse)

Organization

(Signature of Authorized Agent)

KEYPUNCHED

State of IDAHO }
County of Payette } ss.

Organization Seal

On this 26th day of January, in the year 1976, before me, a notary public, personally appeared Charles P. Higby 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.

Notary Public residing at Payette, Idaho

My commission expires 8-15-78

Rec 3/15/77 JSN 3/9/77

DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources will consider this card as a statement that the permit holder(s) has completed development to the extent shown below of Permit No. 65-7461.

Name(s) of Permit Holder: Chas Higley

Post Office Address: Star RT
Payette ID 83661

Source of Water: Payette River

Extent of Use:
- ☐ Domestic _____ (number of households) 6AZ-2505
- ☐ Stockwater _____ (number and type of stock)
- ☒ Irrigation 25.3 (acres)
- ☐ Other _____

Department of Water Resources
Western Regional Office

Measuring Device: Required? ☐ Yes ☒ No Installed? ☐ Yes ☐ No
Access Port: Required? ☐ Yes ☒ No Installed? ☐ Yes ☐ No

The above information is a true statement of the extent to which the above numbered permit has been developed.

6-25-74
Date

Chas Higley
Signature of Permit Holder

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 65-7461
IN THE NAME OF PAT &/OR CHARLES HIGBY

ORDER OF REINSTATEMENT

WHEREAS, on January 24, 1974, Lee C. Wright, Jr. applied to the Department of Water Resources for a permit to appropriate 7.59 cubic feet per second of water from the Payette River to be diverted within the SW¼SE¼, Sec. 35, Twp. 8N, Rge. 4W, B.M., Payette County, to be used for irrigation purposes; and,

WHEREAS, on June 4, 1974, the Department approved siad application and issued Permit No. 65-7461 with the condition that proof of construction of works and application of water to beneficial use be submitted to the Department on or before June 1, 1979; and,

WHEREAS, on April 28, 1977, the permit holder assigned all right, title, and interest in and to Permit No. 65-7461 to Pat and/or Charles Higby; and,

WHEREAS, on March 30, 1979, the Department notified the permit holders by certified mail that proof of beneficial use was due and instructed the permit holders as to the steps to be taken to made said proof; and,

WHEREAS, on June 15, 1979, the Department notified the permit holders that Permit No. 65-7461 had lapsed for failure to submit proof of beneficial use of water; and,

WHEREAS, Section 42-218a of the Idaho Code provides that a permit may be reinstated upon a showing of reasonable cause within sixty date from the date of notice of lapsing; and,

WHEREAS, the permit holders have provided a reasonable showing as to why said permit should be reinstated by submitting proof of beneficial use on June 26, 1979;

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 65-7461 be REINSTATED and the priority advanced to February 18, 1974.

Dated this 17th day of January, 1980.

L. Glen Saxton

L. GLEN SAXTON

Chief, Operations Bureau

BEFORE THE DEPARTMENT OF WATER RESOURCES

IN THE

STATE OF IDAHO

RECEIVED
MAY 3 1979
Department of Water Resources
Western Regional Office

IN THE MATTER OF REMOVAL OF THE MEASURING DEVICE REQUIREMENT FOR PERMIT NO. 65-7461 IN THE NAME OF PAT &/OR CHARLES HIGBY

ORDER

WHEREAS, on January 24, 1974, Lee C. Wright, Jr. applied to the Department of Water Resources for a permit to appropriate 7.59 cubic feet per second of water from the Payette River to be diverted within the SW¼SE¼, Sec. 35, Twp. 8N, Rge. 4W B.M., Payette County, to be used for irrigation purposes; and,

WHEREAS, on June 4, 1974, the Department approved said application and issued Permit No. 65-7461 with the condition that proof of construction of works and application of water to beneficial use be submitted to the Department on or before June 1, 1979; and that a measuring device of a type approved by the Department be permanently installed and maintained as part of the diverting works; and,

WHEREAS, on April 28, 1977, the permit holder assigned all right, title, and interest in and to Permit No. 65-7461 to Pat and/or Charles Higby; and,

WHEREAS, on April 9, 1979, the Department received a request from the permit holders for the removal of the measuring device requirement; and,

WHEREAS, it has been determined by the Department that a measuring device is not required at this time for a determination of the quantity of water appropriated under said permit;

IT IS, THEREFORE, HEREBY ORDERED that the condition of approval that a measuring device of a type approved by the Department be permanently installed and maintained as part of the diverting works, be and is, REMOVED from Permit No. 65-7461.

Dated this 17th day of April, 1979.

L. Glen Saxton

L. GLEN SAXTON

Chief, Operations Bureau

MEMORANDUM

TO: File 65-7461

FROM: Dave Tuthill DRT

DATE: December 7, 1977

RE: Approval of Permit at 1.5 in/acre

Note that the current policy of determining rates of flow for rights in the Payette River Drainage Basin is to allow 1 in/acre at the field headgate plus a reasonable ditch loss from the source to the field headgate. This methodology was used with all adjudicated rights and should be applied to the licensing of this permit.

It appears that since the point of diversion is only about 3 miles ~~to~~ from the place of use, the licensed flow rate will be substancially less than the permit amount of 1.5 in/acre.

Identification No. _____

Application No. 65-7461

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

APPLICATION FOR PERMIT

APPROVED

To Appropriate the Public Waters of the State of Idaho

(TYPE OR PRINT IN INK)

1. Name of applicant Lee C. Wright, Jr.

   post office address Star Route, Payette, Idaho

2. Source of water supply Payette River which is a tributary of Snake River

3. a. Location of point of diversion is SW ¼ of SE ¼ of Section 35 Township 8 N Range 4 W. B.M. Payette County; additional points of diversion if any: _____

   b. If water is not consumed, it will be discharged into _____ at a point in _____ ¼ of _____ ¼ of Section _____ Township _____ Range _____ B.M. _____

4. Water will be used for the following purposes:

   Amount ~~10.12~~ (cfs or acre-feet per annum) for Irrigation purpose from March 15 to Nov. 15 (both dates inclusive)

   Amount _____ (cfs or acre-feet per annum) for _____ purpose from _____ to _____ (both dates inclusive)

   Amount _____ (cfs or acre-feet per annum) for _____ purpose from _____ to _____ (both dates inclusive)

5. Total quantity to be appropriated: ALLOW 7.59 cfs

   a. ~~10.12~~ cubic feet per second and/or

   b. _____ acre feet per annum.

6. Proposed diverting works:

   a. Description of ditches, flumes, pumps, headgates, etc. Headgate with dam in the river, earth ditches to place of use

   b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir capacity _____ acre feet, materials used in storage dam: _____

   Period of year during which storage will occur _____ (Mo. Day) to _____ (Mo. Day) inclusive.

   c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.

7. a. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 years.

   b. Estimated construction cost is $ 15,000.00 .

8. Description of proposed uses:

   a. If water is **not** for irrigation:

   (1) Give the place of use of water: _____ ¼ of _____ ¼ of Section _____ Township _____ Range _____ B.M.

   (2) Amount of power to be generated: _____ hp under _____ feet of head.

   (3) List number of each kind of livestock to be watered _____

   (4) Name of municipality to be served _____, or number of families to be supplied with domestic water _____.

   (5) If water is to be used for other purposes describe: _____

b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
8N	4W	17												15					15
		20						3	28	25	30			3		27	15		131
		19	10			10													20
		21												10	23		25	29	87

Total number of acres to be irrigated 253

c. Describe any other water rights used for the same purposes as described above.

These lands are now acreages added onto Adjudication Claim No. 65-3617

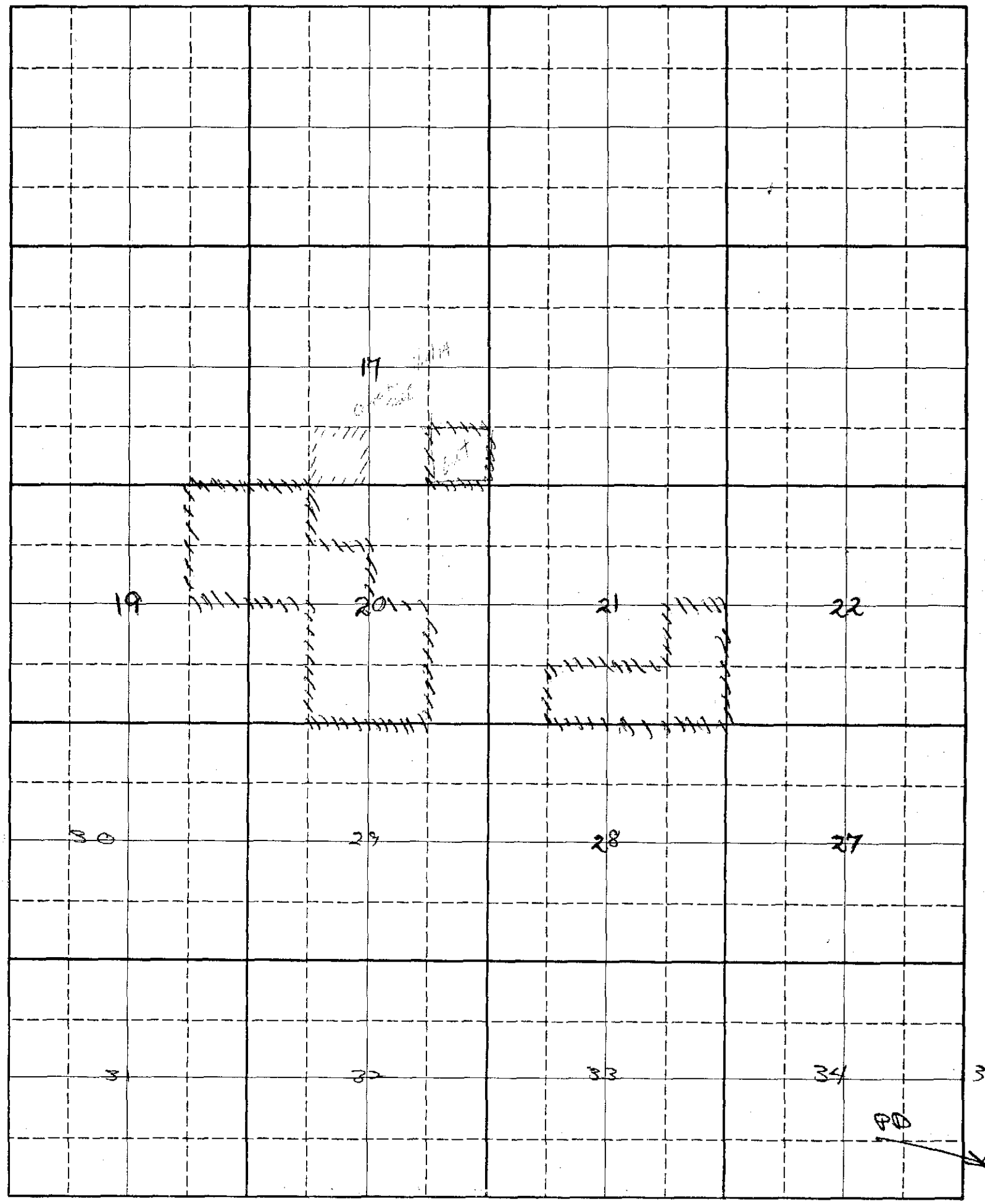
9. a. Who owns the property at the point of diversion Applicant

b. Who owns the land to be irrigated or place of use Applicant

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing

10. Remarks This application is filed for 2 miners inch per acre because of transportation losses and gravely soil conditions at place of use. Applicant will submit qualification letter from Soil Conservation Service.

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Lee C. Wright
(Applicant)

Provisional priority 1-24-1974

Received by LEB Date 24 JAN 74 Time 2:00 pm

Preliminary check by LEB Fee $ [redacted] 125 00

Receipted by [illegible] Date 1-24-74 # 136084

Publication prepared by [illegible] Date 1-24-74

Published in Independent Enterprise

Publication dates 1-31, & 2-7-74

Publication approved [illegible] Date 2-11-74

Priority reduced to _____ Reason _____

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for (approval) denial by [illegible]

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER ADMINISTRATION

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 65-7461, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

   a. SUBJECT TO ALL PRIOR WATER RIGHTS.

   b. Proof of construction of works and application of water to beneficial use shall be submitted on or before June 1, 1979.

   c. Other: A measuring device of a type approved by this Department shall be permanently installed and maintained as part of the diverting works.

2. Denial of said application is for the following reasons: _____

Witness my hand this 4 day of June 1974.

[signature]
Director

April 8, 1974

Mr. Lee C. Wright, Jr.
Star Route
Payette, ID 83661

Re: Application for Permit No. 65-7461

Dear Mr. Wright:

In reviewing your application for permit, we note that the land to be irrigated includes the SE¼SW¼ of Section 17, Twp. 8 N., Rge. 4 W., B.M. However, the map shows the land in Section 17 to be the SE¼SE¼. Can you advise us which parcel of land should be shown as the land to receive water under this permit?

We have not received a reply to our letter dated March 21, 1974, signed by Mr. Kenneth Foit.

Sincerely,

ROBERT W. HAMILTON
Supervisor of Water Distribution

RWH:def

March 21, 1974

Lee C. Wright, Jr.
Star Route
Payette, ID 83661

Dear Mr. Wright:

I am writing in reference to an Application for a Water Permit No.65-7461 that you submitted to this office on January 24, 1974.

In this application, you applied for 10.12 c.f.s. of water from the Payette River to irrigate 253 acres. This 10.12 c.f.s. figure, which is equivalent to two inches per acre, cannot be justified from the information that you have supplied thus far.

Our studies of this area indicate that no more than 1.5 inches per acre are necessary to sufficiently irrigate the area covered by your permit application. If you do not agree with this figure, please submit more conclusive evidence to support the 2.0 inch per acre figure on or before April 4, 1974. If you do agree with the 1.5 inch per acre figure, the permit can be issued for that amount.

If we can be of further assistance, please feel free to contact this office.

Sincerely,

KENNETH H. FOIT, P. E.
Western District Engineer

KHF:def

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Statehouse - Annex 2
Boise, Idaho 83707
(208) 384-2215
Western District Office

Water Rights Administration
Water Resource Investigation
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection

January 24, 1974

Independent Enterprise
Box 348
Payette, ID 83661

Re: **Application for Permit No. 65-7461 - Lee C. Wright, Jr.**
65-7462 - Lee C. Wright, Jr.

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. In order to receive payment, the following certification must appear on the bill:

> "I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid."

(signature of claimant)

Sincerely,

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that **LEE C. WRIGHT, JR., Star Route, Payette, ID**

has on **Jan. 24, 1974** submitted Application No. **65-7461**

for a permit to appropriate **10.12** cubic feet per second of water from **Payette River, trib. to Snake River**

by means of **dam, headgate & ditches**

within the **SW¼SE¼, S. 35, T. 8 N., R. 4 W., B.M., Payette County**

to be used from **March 15 to Nov. 15**

for **irrigation of 253 acres**

within the **SE¼SW¼, S. 17, W½NW¼, SE¼NW¼, E½SW¼, W½SE¼, S. 20, E½NE¼, Sec. 19, SE¼SW¼, NE¼SE¼, S½SE¼, S. 21, T. 8 N., R. 4 W., B.M.**

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Administration, Statehouse, Boise, Idaho, 83707, on or before **Feb. 18, 1974**.

R. KEITH HIGGINSON

Director

Published in the **Independent Enterprise, Payette, Idaho**

on **Jan. 31, 1974** and **Feb. 7, 1974**.

April 12, 1977

Pat Higby
Star Route
Payette, Idaho 83661

Dear Mr. Higby:

Enclosed is a form letter I am sending to Payette River water users who still have not completed filing claims to water rights for their water uses. Mr. Lee Wright has been contacted several times in the past concerning his water right filings, and he has failed to file a claim to a water right for licensed water right #65-7461.

Mr. Wright has filed several claims to water rights, but, as evidenced above, has missed filing for some. If you would like to determine what water uses are filed for, you may use our records for reference. If you require further assistance or need help to file a claim(s), please feel free to contact this office.

Sincerely,

ROBERT HOWARD
Water Resource Agent

RH:lp

Enclosure

State of Idaho

Department of Water Resources

ASSIGNMENT OF PERMIT

I, Lee C. Wright Jr, hereby assign to Pat &/or Charles Higby

of Star Rt. Payette, Ad.
Address

CHECK ONE

☒ All my right, title, and interest in and to Permit No. 65-7461 to appropriate the public waters of the State of Idaho.

☐ The following described portion of my right, title, and interest in and to Permit No. _____ to appropriate the public waters of the State of Idaho.

(Describe that portion of the permit being assigned by listing the acreage within each 40 acre subdivision, the point of diversion and the amount of water in cubic feet per second for direct diversion, or acre feet for storage)

Made this 27th day of April, 1977.

Lee C Wright Jr
Permit Holder
By Lee C Wright III

Spouse of Permit Holder

State of Idaho)
ss.
County of Payette)

On this 27th day of April, 1977, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he ~~(she)(they)~~ executed the same.

Joan Weymouth
Notary Public residing at New Plymouth, Idaho

seal

My commission expires:
7-15-80