

**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

Subcase No. 65-02927B

Case No. 39576

Standard Form 5

**STIPULATED ELEMENTS
OF A WATER RIGHT**

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine the facts, data, expert opinions and law supporting the issuance of a partial decree for the water right.

The parties agree that the Snake River Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT:

United States on behalf of the
Bureau of Reclamation

David W. Gehlert Date
Attorney, U.S. Department of Justice
Environment and Natural Resources Division

IDWR CONCURRENCE:**IDWR CONCURRENCE:**_____
Date_____
Date

CERTIFICATE OF MAILING

I certify that on _____, 2002 mailed the original and copies of this form, including all attachments, postage prepaid and addressed as follows:

1. Original to: Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

2. Copies to:

Idaho Department of Water Resources
Adjudication Bureau
1301 North Orchard Street
Boise, Idaho 83706

U.S. Department of Justice
Environment and Natural Resources Div.
550 West Fort Street, MSC 033
Boise, Idaho 83724

IDWR Document Depository
P. O. Box 83720
Boise, Idaho 83720-0098

3. Copies to all parties to the subcase (insert names and addresses):

Regional Director, PN Region Code 3100
U.S. Bureau of Reclamation
1150 N. Curtis Road, Suite 100
Boise, ID 83706-1234

David W. Gehlert

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

RIGHT NUMBER: 65-2927B

NAME AND ADDRESS: UNITED STATES OF AMERICA ACTING THROUGH
REGIONAL DIRECTOR PN REGION
BUREAU OF RECLAMATION
1150 N CURTIS RD SUITE 100
BOISE ID 83706-1234

SOURCE: NORTH FORK PAYETTE RIVER

TRIBUTARY: PAYETTE RIVER

QUANTITY: 2,500.0 AFY

TOTAL RESERVOIR CAPACITY IS 700,000 AF WHEN FILLED TO ELEVATION 4828 FEET AND MEASURED AT THE UPSTREAM FACE OF THE DAM. THIS TOTAL CAPACITY IS EQUAL TO THE COMBINED QUANTITIES OF WATER RIGHTS 65-2927A AND 65-2927B.

PRIORITY DATE: 12/24/1937

POINT OF DIVERSION:

T14N R03E S26 NENE Lot 1 Within VALLEY County

T14N R03E S26 NENE Lot 5 Within VALLEY County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
MUNICIPAL STORAGE	1/01 12/31	2,500.00 AFY
MUNICIPAL FROM STORAGE	1/01 12/31	2,500.00 AFY

PLACE OF USE:

PLACE OF USE IS WITHIN PAYETTE & FRUITLAND CITY LIMITS.

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 - Decreed

29-Sep-99

NOTICE OF ERROR
REPLY

RECEIVED

OCT 28 1999

WATER RESOURCES
WESTERN REGION

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

Water right number: 65-02927B

UNITED STATES OF AMERICA, ACTING THROUGH
REGIONAL DIRECTOR, PN REGION
BUREAU OF RECLAMATION
BOISE ID 83706-1234

Daytime Telephone Number: 208-334-1464

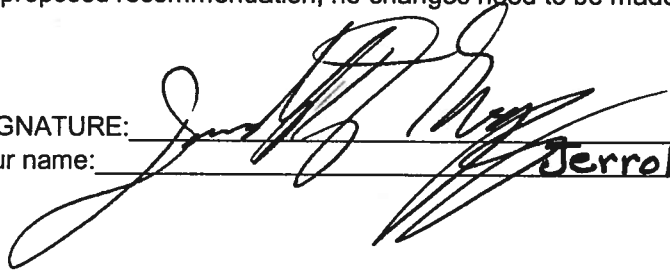
1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

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

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

X

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

DATE: 10/29/99 SIGNATURE: 

Please print your name: Terrold D. Gregg

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD		DIVERSION RATE	DIVERSION VOLUME
				FROM	TO		
C	UNITED STATES OF AMERICA, ACTING THROUGH REGIONAL DIRECTOR, PN REGION BUREAU OF RECLAMATION 1150 N CURTIS RD BOISE ID 837061234 (208) 378-5155	12/24/1937	MUNICIPAL STORAGE MUNICIPAL FROM STORAGE	01-01	12-31		2500.00 AFA 2500.00 AFA 2500.00 AFA
TOTAL DIVERSION:							2500.00 AFA

Water Source: PAYETTE RIVER, NORTH FORK Tributary to: PAYETTE RIVER Stage: DECREED
Point(s) of Diversion: T14N ROSE S26 Lot01(NENE) Lot05(NENE) VALLEY County

POU County:

Other Rights: NONE

Other Water Rights With Same Point(s) of Diversion with Stage (Includes All Sources):
A65-02232 A65-02338A A65-02338X A65-02927A A65-02927B A65-02927C A65-02927D A65-02927E A65-02927F A65-02927G
A65-02927H A65-02927J A65-03580 A65-04031A A65-04031B A65-04031X A65-12096 R65-02232 R65-02338A R65-02338X
R65-03580 R65-04031A R65-04031B R65-04031X

Remarks: POU PLACE OF USE IS WITHIN PAYETTE & FRUITLAND CITY LIMITS.

Dates: Exam Made Date: Verified Date: 08/12/1999 Objection Filed Date:

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

Comments: Date: 08/12/1999 User-ID: KWALKER Subject: COPIED FROM REMARKS
THIS MUNICIPAL RIGHT IS FOR THE CITIES OF PAYETTE & FRUITLAND.
SURFACE CAPACITY-- 653,200 ac-ft
INACTIVE CAPACITY-- 50,000 ac-ft
BANK STORAGE-- 42,000 ac-ft
TOTAL RES CAPACITY--745,200 ac-ft
THIS IS A MULTIYEAR STORAGE PROJECT

Date: 08/12/1999 User-ID: KWALKER Subject: RECOMMENDATION
CLAIMANT DID NOT FILE CLAIM FOR INDUSTRIAL PURPOSES AS ORIGINALLY
DECREED.

Audit: 08/12/99 KWALKER

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

07:24:01
08/09/99
38

CLAIM NUMBER: A65-02927B

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	UNITED STATES OF AMERICA, ACTING THROUGH	12/24/1937	MUNICIPAL STORAGE	01-01 12-31		2500.00 AFA
			MUNICIPAL FROM STORAGE	01-01 12-31		2500.00 AFA

TOTAL DIVERSION:
CONSUMPTIVE USE:

2500.00 AFA
2500.00 AFA

Water Source: PAYETTE RIVER, NORTH FORK

Stage: DECREED

Point(s) of Diversion:

T14N R03E S26 Lot05(*NE 1/4* Lot01(NENE)

VALLEY County

POU County:

Non-Irrigation Uses: ~~MUNICIPAL~~

Other Rights: NONE

Remarks: GEN THIS MUNICIPAL RIGHT IS FOR THE CITIES OF PAYETTE & FRUITLAND.

SURFACE CAPACITY-- 653,200 ac-ft
INACTIVE CAPACITY-- 50,000 ac-ft
BANK STORAGE-- 42,000 ac-ft
TOTAL RES CAPACITY-- 745,200 ac-ft
THIS IS A MULTIYEAR STORAGE PROJECT

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number: 65

Field Inspection Flag:
Presumption Flag:

POU
Comments

out

LAST: BOR
ADDRESS: X
CITY: X
PHONE NUMBER: 208-000-0000
STATE: ID ZIP: 0

OWNER CODE: K

LAST: US DEPT OF INTERIOR
ADDRESS: BUREAU OF RECLAMATION
PN REGIONAL OFFICE
1150 N CURTIS RD
CITY: BOISE
PHONE NUMBER: 208-378-5155
STATE: ID ZIP: 837061234

OWNER CODE: K

LAST: AMERICA, ACTING THROUGH
ADDRESS: REGIONAL DIRECTOR, PN REGION
BUREAU OF RECLAMATION
1150 N CURTIS RD
CITY: BOISE
PHONE NUMBER: 208-378-5155
STATE: ID ZIP: 837061234

OWNER CODE: C

LAST: HAUGRUD, JACK OR G GARVER OR D ZANE
ADDRESS: US DEPT OF JUSTICE
ENV & NR DIV GEN LIT SEC
PO BOX 663
CITY: WASHINGTON
PHONE NUMBER: 202-272-4134
STATE: ID ZIP: 200440663

OWNER CODE: A

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

CLAIM REMARKS: GEN THIS MUNICIPAL RIGHT IS FOR THE CITIES OF PAYETTE & FRUITLAND.
SURFACE CAPACITY-- 653,200 ac-ft
INACTIVE CAPACITY-- 50,000 ac-ft
BANK STORAGE-- 42,000 ac-ft
TOTAL RES CAPACITY-- 745,200 ac-ft
THIS IS A MULTIYEAR STORAGE PROJECT

CONTACT PERSON: _____

PHONE NUMBER: (____) ____-____

DATE OF FIELD EXAM: ____/____/____

APPOINTMENT MADE: Y(____) N(____)

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

ACCOMPANIED BY: _____

PHONE NUMBER: (____) ____-____

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / NOTES:

in office lobby -

A. AJ CLAIM: # A65-029278 PRIORITY DATE: 12-24-1937 STAGE: D

B. WR RECORD: # 65-029278 PRIORITY DATE: 12-24-1937 STAGE: D

C. CAN THE PRIORITY DATE CLAIMED BE CONFIRMED BY A DECREE OR LICENSE?

Y() N()

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

Y() N()

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

Y() N()

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

PROOF OF BENEFICIAL USE SUBMITTED

N/A() Y() N()

FIELD EXAM COMPLETED

N/A() Y() N()

FIELD EXAM SENT TO STATE OFFICE

N/A() Y() N()

LICENSE ISSUED

N/A() Y() N()

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

G. IF THIS CLAIM IS BASED ON BENEFICIAL USE, IS ADDITIONAL EVIDENCE OF THE PRIORITY DATE REQUIRED?

N/A() Y() N()

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

H. IS THE STAGE OF THE CLAIM CODED CORRECTLY?

Y() N()

NOTES:

RECOMMENDED PRIORITY DATE:

12-24-1937

REVIEWED BY

ku

DATE

8/12/99

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP. RGE.	SEC.	1/4	1/4	1/4	LOT	FLAG	COUNTY	DIVERSION NAME	DIVERSION NUMBER
A65-02927B	14N	03E				5		VALLEY		
A65-02927B	14N	03E		NE	NE	1		VALLEY		

OTHER AJ CLAIMS WITH SAME AJ POD

A PREFIX

R PREFIX

WR RECORDS IN SAME 40 ACRE TRACT

*

R65-02338A

R65-02338X

R65-03580

R65-04031A

R65-04031B

R65-04031X

* 16 A PREFIX CLAIMS WITH THIS POD

*** 13 WR RECORDS IN SAME 40 ACRE TRACT

SOURCE: PAYETTE RIVER, NORTH FORK

TRIB: PAYETTE RIVER

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP. RGE.	SEC.	1/4	1/4	1/4	LOT	FLAG	COUNTY	DIVERSION NAME	DIVERSION NUMBER
65-02927B	14N	03E		NE	NE	5		VALLEY		
65-02927B	14N	03E		NE	NE	1		VALLEY		

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT

A PREFIX

R PREFIX

65-02232

65-02338A

65-02927A

65-03580

65-04031A

65-04031B

65-04031X

65-13619

T65-02927A

T65-02927B

T65-02927C

T65-02927D

***** 16 A PREFIX CLAIMS IN SAME 40 ACRE TRA

SOURCE: PAYETTE RIVER, NORTH FORK

TRIB: PAYETTE 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(✓)

I. HOW WAS THE POD AND SOURCE VERIFIED?

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

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

OTHER (DESCRIBE IN NOTES BELOW)

NOTES: poison detection

POD

TMP.	RGE.	SEC.	LOT	FLAG	COUNTY	DIVERSION NAME	DIVERSION NBR
14N	03E	26	5		VALLEY		
14N	03E	26	1		VALLEY		

SOURCE: PAYETTE RIVER, NORTH FORK **TRIB: PAYETTE RIVER**

REVIEWED BY:

DATE:

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

A. ROOT WATER RIGHT NUMBERS:

A65-02927A
A65-02927B

A65-02927C

A65-02927D

A65-02927E

A65-02927F

A65-02927G

A65-02927H

A65-02927J

to be removed and added to the recommended 65-02927A. a record of 65-02927J

B. POU LISTING

TWP RING SEC 1/4 1/4 LOT NAME

AJ
#/ACRES

MR
#/ACRES

LANDSAT
DATA

FIELD
EXAM. ACRES

ADDITIONAL POU FOUND

TOTAL ACRES A65-02927B

POU COUNTY:

Place of use is within Fayette & Fruitland city limits.

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

NO CLAIMS FOUND WITH SAME POU AND IRRIGATION USAGE

NO RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION

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

Y() N(☒)

* IF YES, COMPLETE OVERLAP REVIEW:

OTHER RIGHTS LISTED IN CLAIM: NONE

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

N/A() Y(☒) N()

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

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

N/A() Y(☒) N()

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

Y() N(☒)

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

Y() N(☒)

A. AJ CLAIMED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
A65-02927B MUNICIPAL STORAGE	FROM 01-01 TO 12-31		2500.00 AF/A
A65-02927B MUNICIPAL FROM STORAGE	FROM 01-01 TO 12-31		2500.00 AF/A
TOTAL DIVERSION RATE/VOLUME			2500.00 AF/A

B. WR RECORDED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
65-02927B MUNICIPAL STORAGE	FROM 01-01 TO 12-31		2500.00 AF/A
65-02927B MUNICIPAL FROM STORAGE	FROM 01-01 TO 12-31		2500.00 AF/A
65-02927B INDUSTRIAL STORAGE	FROM 01-01 TO 12-31		2500.00 AF/A
65-02927B INDUSTRIAL FROM STORAGE	FROM 01-01 TO 12-31		2500.00 AF/A
TOTAL DIVERSION RATE/VOLUME			2500.00 AF/A

NOT CLAIMED

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

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

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

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

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

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

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

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

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

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

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

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

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

NOTES: _____

AJ CLAIM TOTAL DIVERSION RATE:

CFS

WR ROOT RIGHT TOTAL DIVERSION RATE:

CFS

A. IS THE CLAIMED TOTAL DIVERSION RATE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A () Y () N ()

B. CAN THE CLAIMED TOTAL DIVERSION RATE BE VERIFIED USING THE WATER RIGHT FILE?

N/A () Y () N ()

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

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

Y () N ()

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

D. SHOULD THE CLAIMED DIVERSION RATE BE VERIFIED BY FIELD EXAM?

Y () N ()

E.

FLOW MEASUREMENT

MEASUREMENT METHOD _____, SEE ATTACHED CALCULATIONS.

F.

RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE

ACRES _____ x 0.02 CFS/ACRE = _____ CFS
(Taken from pou review)

1b. CALCULATIONS

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

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

2. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = 2500.00 AF/A

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

TOTAL DIVERSION VOLUME _____ AF/A

3. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE =

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 ()

portion of right as originally decreed -

2500.0 AF/A
N/A

NOTES:

MR RECORD CONDITIONS/REMARKS:

RECOMMENDATIONS: CHECK HERE IF RECOMMENDED AS CLAIMED (☒)

REC. PURPOSE OF USE	REC. PERIOD		REC. DIV RATE CFS	REC. DIV VOL. AF/A	REC. CONS. USE
	FROM	TO			
MUNICIPAL STORAGE	01-01	12-31	DATABASE EXAMINER	DATABASE EXAMINER	DATABASE EXAMINER
MUNICIPAL FROM STORAGE	01-01	12-31	2500.00	2500.00	2500.00
TOTAL FOR THIS RIGHT					N/A

NON-IRRIGATION USES CLAIMED: MUNICIPAL

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

REVIEWED BY: ELU

DATE: 8/12/99

FLAG: _____

STANDARD CONDITIONS (CODE): _____

STANDARD REMARKS (CODE): _____

EXPLANATORY CONDITIONS (CODE): _____

EXPLANATORY REMARKS (CODE): _____

A. CHECK ONLY THE FOLLOWING THAT APPLY:

OWNERSHIP _____
FORFEIT/ABANDON _____
ADDITIONAL DIV. AMOUNT _____

ACCEPTED AS CLAIMED ☒ NEEDS REVIEW ☐
() ()
() ()
() ()

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 65-02927

DATABASE _____ EXAMINER _____ CFS _____

TOTAL DIVERSION RATE OF WR SPLITS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-------------------	-----------------------	----------------	------------------------	---------------	------------------	----------------

-	A65-02927A		-		65-02927	
-	A65-02927B		-		65-02927A	
-	A65-02927C		-		65-02927B	
-	A65-02927D		-			
-	A65-02927E		-			
-	A65-02927F		-			
-	A65-02927G		-			
-	A65-02927H		-			
-	A65-02927J		-			

Disallow

TOTAL CFS

DIVERSION RATE REVIEW

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

DATABASE Y FIELD EXAMINER () N ()

NOTES:

700000. AF
697500. AF
2500. AF
are previously decided

AUTHENTICATION:

SIGNATURE:

Paul H. Harker

DATE:

8/12/09

NAME OF FIELD EXAMINER:

Paul H. Harker

TITLE:

Sr. 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	IDMR ID NO.	Y() N()
() TOPOGRAPHIC	DATE FIELD CHECKED	IDMR ID NO.	Y() N()
() MAPP	DATE OF PHOTO	IDMR ID NO.	Y() N()
() ASCS AERIAL PHOTO	DATE OF PHOTO		Y() N()
() ASCS COLOR SLIDE	DATE OF PHOTO		Y() N()
() BLM OR USFS AERIAL PHOTO	DATE OF PHOTO		Y() N()
() TOWNSHIP SURVEY (GOVERNMENT PLAT)	DATE OF SURVEY		Y() N()
() SCS SOIL SURVEY MAP	DATE ISSUED		Y() N()
() SUBDIVISION PLAT MAP	DATE OF MAP		Y() N()
() OTHER	DATE		Y() N()
() OTHER	DATE		Y() N()
() OTHER	DATE		Y() N()

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

RECEIVED

MAY 15 1995

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**

CASCADE RES

Transfer No. 4625

Name of applicant United States of America, Acting through the Regional Director
Pacific Northwest Region, Bureau of Reclamation

Phone 208-378-5322

Post Office address 1150 North Curtis Road, Boise, Idaho 83706-1234

DESCRIPTION OF RIGHT(S) AFTER THE REQUESTED CHANGE

Right Number	Priority	Amount (cfs/ac-ft)	Nature of use	Period of Use
<u>65-02927B</u>	<u>12-24-1937</u>	<u>2,500 ac-ft</u>	<u>INDUSTRIAL STORAGE</u>	<u>01/01 to 12/31</u>
<u>65-02927B</u>	<u>12-24-1937</u>	<u>2,500 ac-ft</u>	<u>INDUSTRIAL FROM STORAGE</u>	<u>01/01 to 12/31</u>
<u>65-02927B</u>	<u>12-24-1937</u>	<u>2,500 ac-ft</u>	<u>MUNICIPAL STORAGE</u>	<u>01/01 to 12/31</u>
<u>65-02927B</u>	<u>12-24-1937</u>	<u>2,500 ac-ft</u>	<u>MUNICIPAL FROM STORAGE</u>	<u>01/01 to 12/31</u>
<u>65-02927B</u>	<u>12-24-1937</u>	<u>2,500 ac-ft</u>	<u>SEE ATTACHMENT A</u>	<u>01/01 to 12/31</u>

Total amount of water being transferred _____ cubic feet/second and/or * 2,500 ac-ft * acre-feet per annum.
* See Note #1 *

Source of water North Fork Payette River tributary to Payette River

Point(s) of Diversion: N/A (If additional space is needed, use back of Part 2)

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Pod Flag	Local name for diversion

Lands irrigated or Place(s) of Use: N/A (If additional space is needed, use back of Part 2)

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
Utilizing reservoirs and downstream channels to the stateline at Lewiston																			

Total acres _____

**Application for Transfer of Water Right
Attachment A**

Nature of Use, Part 1, page one

As an additional use added to those already of record for each right referenced in Attachments A and C, the following:

CONSERVATION STORAGE for Idaho fish and wildlife, including anadromous Idaho reared salmonids and mollusks.

CONSERVATION FROM STORAGE for Idaho fish and wildlife, including anadromous Idaho reared salmonids and mollusks.

AVOIDANCE OF JEOPARDY STORAGE for threatened or endangered anadromous Idaho reared salmonids.

AVOIDANCE OF JEOPARDY FROM STORAGE for threatened or endangered anadromous Idaho reared salmonids through augmentation of Snake River instream flows.

PROTECTION OF CRITICAL HABITAT STORAGE for threatened or endangered anadromous Idaho reared salmonids and mollusks.

PROTECTION OF CRITICAL HABITAT FROM STORAGE for threatened or endangered anadromous Idaho reared salmonids through augmentation of Snake River instream flows.

CONTRIBUTION TO T & E RECOVERY STORAGE for threatened or endangered anadromous Idaho reared salmonids.

CONTRIBUTION TO T & E RECOVERY FROM STORAGE for threatened or endangered anadromous Idaho reared salmonids through augmentation of Snake River instream flows.

All uses described supra inure substantially to the benefit of Idaho residents and occur substantially within the State of Idaho. For threatened or endangered salmonids, benefits will accrue in Idaho and other places, with water use occurring in the Snake and Columbia Rivers.

Application for Transfer of Water Right

Note #1

A total of no more than 427,000 acre feet of water would be released during any water year from the aggregate of all rights delineated in the Applications for Transfer of Water Rights and the Applications for Amendment of Permit filed contemporaneously herewith. The source of 427,000 acre feet of water each water year would be a mixture of uncontracted water and contracted water made available from willing contracting entities utilizing appropriate state procedures such as local rental pools. Although the attached applications amount, in the aggregate, to approximately 5.2 million acre feet of storage space, in the event the United States desired to draw more than 427,000 acre feet in a given water year for the purposes described herein, the United States recognizes that such additional water would not be available by virtue of any change in use granted in response to these applications.

PART 2

TRANS NO.

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 65-02927B

STAGE: DECREED

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
INDUSTRIAL STORAGE	01/01 to 12/31		2500.0 AF
INDUSTRIAL FROM ST	01/01 to 12/31		2500.0 AF
MUNICIPAL STORAGE	01/01 to 12/31		2500.0 AF
MUNICIPAL FROM STO	01/01 to 12/31		2500.0 AF
	Totals		2500.0 AF

SOURCE

PAYETTE RIVER, NORTH FORK

TRIBUTARY OF

PAYETTE RIVER

Priority: 12/24/1937

LOCATION OF POINT(S) OF DIVERSION: Lot 5(), Sec. 26, Township 14N, Range 03E
Lot 1(NENE), Sec. 26, Township 14N, Range 03E
VALLEY County

PLACE OF USE: See RemarksCONDITIONS/REMARKS:

1. THIS RT. IS FOR STORAGE WATER IN CASCADE RESERVOIR.
2. MUNICIPAL & INDUSTRIAL USES ARE FOR CITIES OF PAYETTE & FRUITLAND.

Proposed conditions of water use:

See Attachment B

General Information:

Purpose of Transfer

☐ Change point(s) of diversion	☐ Add diversion point(s)	☐ Add & Change point(s) of diversion
☐ Change place of use	☐ Change nature of use	☐ Add point diversion & Change place of use
☐ Change period of use	☒ Other <u>Add Places & Natures of Use</u>	☐ Change point diversion & place use

Describe the reason for the proposed changes:

See Attachment B

If the place of use of the water right(s) is changed, complete the following:

1. Provide evidence of water right ownership:

2. Is the land from which you propose to transfer the water right subject to any liens, deeds of trust mortgages, or contracts? N/A If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

3. Identify all other water rights used on the lands affected by this transfer application (original and new lands).

No affected lands are identifiable; this transfer relates primarily to reservoir storage.

Application for Transfer of a Water Right
Attachment B

Reasons for Transfer of Water Right
Top of Page 2.

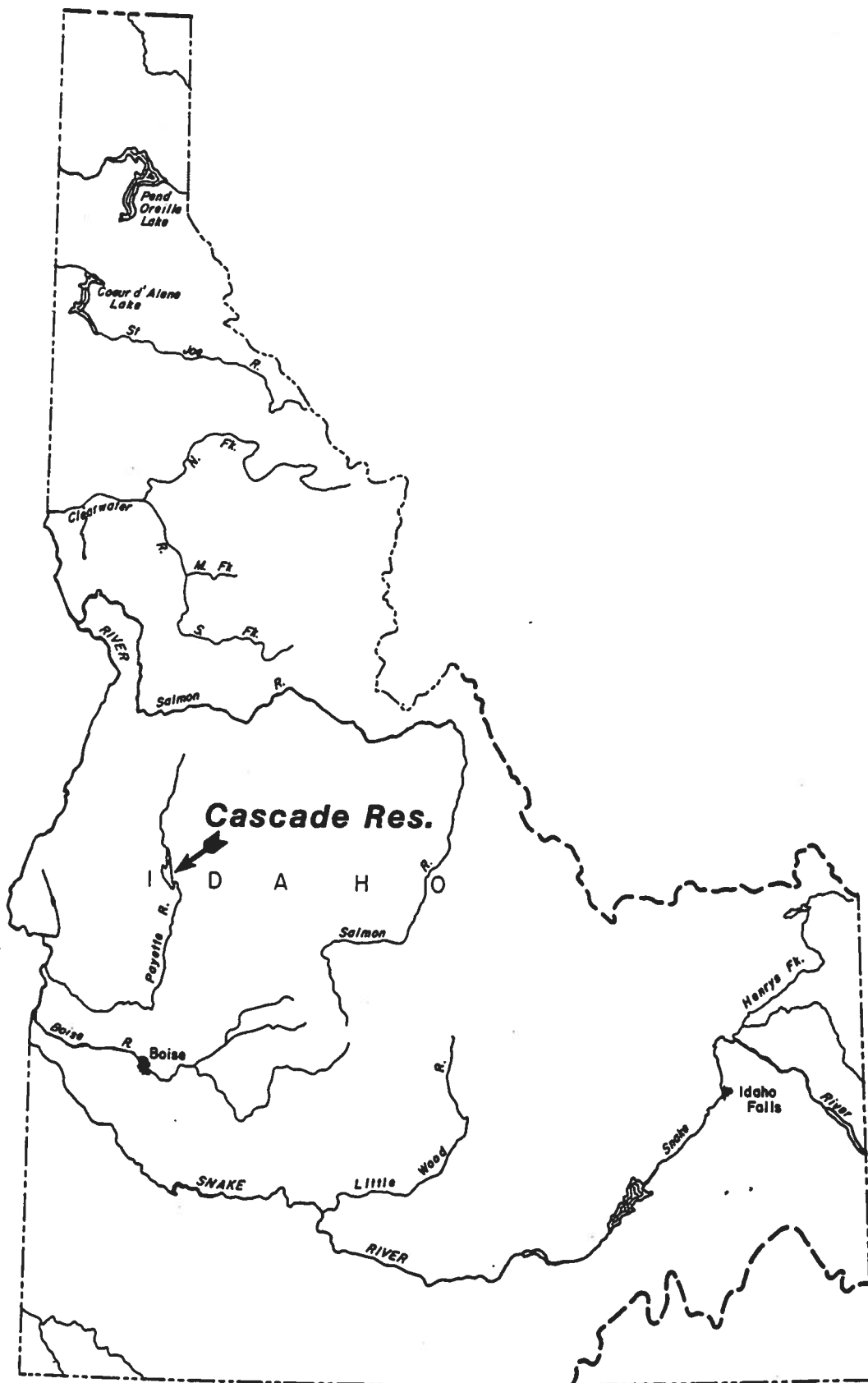
Proposed conditions of water use:

Changes in release levels will be announced and controlled by the applicant in conjunction with appropriate state officials to provide for reasonable public safety to fishers, rafters and other recreational and irrigation users of the Snake River and its tributaries. Releases for anadromous salmonids will be timed to directly or indirectly realize benefits in the lower Snake River at various times of each calendar year. Accounting for releases will be made based on data from an existing gauging station, or as otherwise lawfully arranged.

Middle of Page 2.

Describe the reason for the proposed changes:

This application for transfer of water rights is submitted to avoid jeopardizing the continued existence of anadromous salmon species listed under the Endangered Species Act, namely; the Snake River Sockeye, the Spring/Summer Chinook, and the Fall Chinook Salmon. Pursuant to Endangered Species Act Section 7 consultation with the National Marine Fisheries Service (NMFS), a Biological Opinion was issued by NMFS on March 2, 1995. Among the requirements suggested as necessary to avoid jeopardy to the listed salmon stocks was that Reclamation "provide 427,000 acre-feet (KAF) of flow augmentation from the Upper Snake River. . ." (March 2, 1995 Biological Opinion at p. 99.) In addition, however, and at least partially in response to comments generated by Reclamation itself, the March 2 Biological Opinion also provides that Reclamation "shall secure water for flow augmentation in a manner consistent with applicable state law and from willing sellers." (March 2, 1995 Biological Opinion at p. 99.) Thus, in a March 10, 1995, Record of Decision, Reclamation affirmed the federal commitment to implement the components of the March 2 Biological Opinion, including provision of 427 KAF annual flow augmentation from the Upper Snake. To this end, Reclamation hereby submits this application to add appropriate places and natures of use to Idaho reservoir and related water rights.



I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

John W. Key, II
(Signature of applicant)

Subscribed and sworn to before me this 15th day of May, 199 5.

Diana L. Jacobs
(Notary Public)

My commission expires 5-23-2000

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No.(s)

Witness my hand this _____ day of _____, 199 ____.

Director

----- FOR DEPARTMENT USE ONLY -----

Fee 100⁰⁰ Receipt Date 5-15-95 Receipt No C032651 Received By RT
Published in _____

Pub. dates _____

Watermaster recommendation requested on _____ date received _____

Field exam conducted (required for statutory claims) _____

Protest filed by: _____

Hearing held by: _____

Recommended for Approval _____ Denial _____

by _____

WR5809NP
No. 65-02927B

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 08/06/99
PAGE: 2

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	US DEPT OF INTERIOR	12/24/1937	INDUSTRIAL STORAGE	01/01 12/31		2500.00 AFA
			INDUSTRIAL FROM STORAGE	01/01 12/31		2500.00 AFA
			MUNICIPAL STORAGE	01/01 12/31		2500.00 AFA
			MUNICIPAL FROM STORAGE	01/01 12/31		2500.00 AFA
TOTAL DIVERSION:						2500.00 AFA

NOT CLAIMED

Water Source: PAYETTE RIVER, NORTH FORK Tributary to: PAYETTE RIVER Stage: DECREED

Point(s) of Diversion: T14N R03E S26 Lot 01(NENE) Lot 05(NENE) VALLEY County

Pou County:

Remarks: GEN This right is for storage water in Cascade Reservoir. Municipal and industrial storage uses are for cities of Payette and Fruitland.

Comments

Dates: App. Received: Priority Date: 12/24/1937
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:
Misc: Water District Number: 65 Field Exam Fee:
Audit: 03/31/88 04/30/88 CONVERT 01/26/92 POST-STD 08/05/92 NAME-ADD
02/10/93 ZIMMERNA 10/06/94 SCURTIS

Pou - Place of use is within Payette & Fruitland city limits.

ADJUDICATION MEMORANDUM

CLAIM NO.: A65-02927B

SUBJECT: Map/Claims

EMPLOYEE: D

DATE: 11-16-93

Map for claims listed below is filed
in claim A65-02927A.

A65-02927B, A65-03105A, A65-03106,
A65-03108A, A65-03111F, A65-03142,
A65-03143, A65-07794, A65-07795,
A65-07796, A65-11350, A65-11351, A65-11353,
A65-11354, A65-11361

MICROFILMED
AUG 03 1994

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: **A65-02927B**
Date Received: 7/ 7/1989
Receipt No: X999999
Received By: _____

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

1. Name: UNITED STATES OF AMERICA, ACTING THROUGH 208-378-5155
Address: REGIONAL DIRECTOR, PN REGION
BUREAU OF RECLAMATION
1150 N CURTIS RD
BOISE ID 83706-1234

2. Date of Priority: DEC 24, 1937

3. Source: PAYETTE RIVER, NORTH FORK Trib. to: PAYETTE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
14N	03E	26				5	VALLEY
			NE	NE		1	VALLEY

5. Description of diverting works:
CASCADE DAM OUTLET WORKS & SPILLWAY

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
MUNICIPAL STORAGE	01/01	12/31			2500.00
MUNICIPAL FROM STORAGE	01/01	12/31			2500.00

7. Total Quantity Appropriated is:
C.F.S. (and/or) 2500.00 A.F.A.

8. Total consumptive use is 2500.0 Acre Feet Per Annum.

9. Non-irrigation uses:
MUNICIPAL

MICROFILMED
AUG 03 1994

10. Place of Use:

Township Range Section 1/4 of 1/4 Lot Use Acres

11. Place of use in counties:

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:
NONE

14. Remarks:

THIS MUNICIPAL RIGHT IS FOR THE CITIES OF PAYETTE & FRUITLAND.
SURFACE CAPACITY-- 653,200 ac-ft
INACTIVE CAPACITY-- 50,000 ac-ft
BANK STORAGE-- 42,000 ac-ft
TOTAL RES CAPACITY--745,200 ac-ft
THIS IS A MULTIYEAR STORAGE PROJECT

15. Basis of Claim: DECREED

Water Right Number: R-646

Case Number:

Court :

Decree date: / /

STATE OF IDAHO

Decree Plaintiff

A & C CORP., ET AL.

vs Decree Defendant

16. Signature(s)

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

Number of attachments: _____

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: **MICROFILMED**

AUG 03 1994

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

AUG 03 1994

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: A65-02927B
Date Received: 9/30/1988
Receipt No: _____
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: UNITED STATES OF AMERICA, ACTING THROUGH 208-334-1165
Address: REGIONAL DIRECTOR, P.N. REGION
BUREAU OF RECLAMATION
BOX 043-550 WEST FORT STREET
BOISE, ID 83724

2. Date of Priority: DEC 24, 1937

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
14N	03E	26				5	VALLEY
			NE	NE		1	VALLEY

5. Description of diverting works:
CASCADE DAM OUTLET WORKS & SPILLWAY

6. Water is used for the following purposes:

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MUNICIPAL STORAGE	01/01	12/31			2500.00
MUNICIPAL FROM STORAGE	01/01	12/31			2500.00

7. Total Quantity Appropriated is:
C.F.S. (and/or) 2500.00 A.F.A.

8. Total consumptive use is 2500.0 Acre Feet Per Annum.

9. Non-irrigation uses:
MUNICIPAL

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
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11. Place of use in counties:

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:

NONE

14. Remarks:

THIS MUNICIPAL RIGHT IS FOR THE CITIES OF PAYETTE & FRUITLAND.
SURFACE CAPACITY-- 653,200 ac-ft
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15. Basis of Claim: DECREED

Water Right Number: R-646

Case Number:

Court :

Decree date:

STATE OF IDAHO

Decree Plaintiff

vs

A & C CORP., ET AL.

Decree Defendant