

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: A63-04544
Date Received: 3/26/1990
Receipt No: 005935
Received By: RWT

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DWAIN A. TESNOHLIDEK 208-452-3243
Address: 2535 NW 1ST AVE.
FRUITLAND, ID 83619

OR

Name: CAROLYN E. TESNOHLIDEK 208-452-3243
Address: 2535 NW 1ST AVE.
FRUITLAND, ID 83619

2. Date of Priority: MAR 15, 1943

3. Source: HURD GULCH Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
07N	05W	22	SW	NW			PAYETTE

5. Description of diverting works:
CONCRETE CHECK STRUCTURE, PIPE, FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
STOCKWATER	01/01	12/31	0.050		2.70
IRRIGATION	03/15	11/15	0.570		

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

8. Total consumptive use is 91.0 Acre Feet Per Annum.

9. Non-irrigation uses:
S/150 RANGE.

SCANNED
APR 11 2008

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
07N	05W	21	NE	NE	IRR	8.0
			NW	NE	IRR	18.0

Section Acres 26.0

Total Acres 26.0

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:
U.S. DEPT. OF INTERIOR.

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

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: 2

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): X [Signature] Date: X 3/26/90
Date: _____

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 26th day
of March 19 90

[Signature]
Notary Public

Seal

Residing at Helen Harrington, Notary Public
Residing at Boise, Idaho
My Commission Expires December 1, 1994

Receipt Details for ID C015935

Status	Adjustment Type	Version
	Adjusted Receipt	1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
3/26/1990 3:27:51 PM	3/26/1990	State	\$41.00	Cash
Payer		TESNOHLIDEK, DWAIN		

Account Information:

Check #	Account #	Credit Card Name	Authorization #
Card Expiration Date	Credit Card Transaction #		

Comment ADJUDICATION FEE (\$35CREDIT-HURD GLCH)

Fee Detail:

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$41.00	ADJUDICATION FEE (\$35CREDIT-HURD GLCH)	410162	9337	0 0		6490

Refund(s):

Amount	Payee	Date	Document Number
--------	-------	------	-----------------

Water Right Information:

Basin Number	Sequence Number	Split Suffix	Amount	Type
63	4544		\$76.00	Claim

Print Report

RECEIVED

JUN 24 2008

DEPARTMENT OF
WATER RESOURCES

2008 JUN 23 PM 04:15
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

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

In Re SRBA

Case No. 39576

) ORDER SETTING STATUS
) CONFERENCE

)
) SUBCASE NOS: 63-04544 63-32483

Please be advised that Special Master THEODORE R. BOOTH
has set a Status Conference in the above subcase(s)
as follows:

TUESDAY, SEPTEMBER 30, 2008 at 02:00 PM (MT)

SRBA
DISTRICT COURT
253 3RD AVENUE NORTH
TWIN FALLS, ID

Parties may participate by telephone by dialing the number
225-383-1099 and when prompted entering the code 675342.

IT IS SO ORDERED.

Dated: JUNE 23, 2008

/S/ THEODORE R. BOOTH

Special Master

Snake River Basin Adjudication

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

Page 1 6/23/08

CERTIFICATE OF MAILING

I Certify that a true and correct copy of the ORDER SETTING STATUS CONFERENCE was mailed on JUNE 23, 2008, with sufficient first-class postage to the following:

WILDER IRRIGATION DISTRICT

Represented by:
ALBERT P BARKER
1010 W JEFFERSON, STE 102
PO BOX 2139
BOISE, ID 83701-2139
Phone: 208-336-0700

BLACK CANYON IRRIGATION DIST

Represented by:
CHARLES F MC DEVITT
420 W BANNOCK ST
PO BOX 2564
BOISE, ID 83701
Phone: 208-343-7500

USDI BUREAU OF RECLAMATION

Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

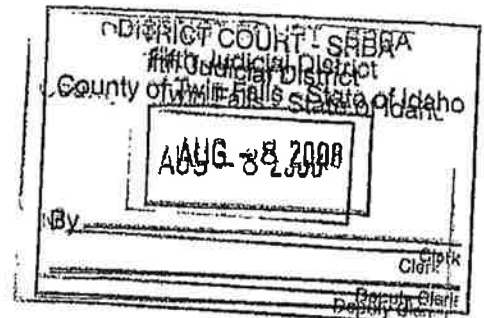
DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

CAROLYN E TESNOHLIDEK
DWAINE A TESNOHLIDEK
2535 NW 1ST AVE
FRUITLAND, ID 83619
Phone: 208-452-3243

RECEIVED

AUG 11 2008

DEPARTMENT OF
WATER RESOURCES



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) SPECIAL MASTER'S REPORT
Case No. 39576)
) FINDINGS OF FACT AND
) CONCLUSIONS OF LAW
)
) FOR WATER RIGHT 63-04544

A notice of claim was filed for the above-captioned water right pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources (IDWR) examined the water system for this reporting area. The *Director's Report* contained a recommendation or abstract for the elements of this water right.

On June 18, 2007, the Wilder Irrigation District, through its attorney Albert P. Barker, filed an objection to the *Director's Report*, asserting that the source of water should be described as wastewater. On July 25, 2008, the Wilder Irrigation District filed a *Notice of Withdrawal of Objection*. Accordingly, there are no unresolved objections in this subcase.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein, IT IS RECOMMENDED that water right 63-04544 be decreed with the elements as set forth in the attached *Recommendation for Partial Decree Pursuant to I.R.C.P. 54(b)*.

Dated Aug. 8, 2008

A handwritten signature in black ink, appearing to read 'Theodore R. Booth'.

Theodore R. Booth
Special Master
Snake River Basin Adjudication

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

In Re SRBA)

Case No. 39576)

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

Water Right 63-04544

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

AUG - 8 2008

By _____

Clerk

Deputy Clerk

NAME AND ADDRESS: CAROLYN E TESNOHLIDEK
DWAINE A TESNOHLIDEK
2535 NW 1ST AVE
FRUITLAND, ID 83619

SOURCE: HURD GULCH CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 0.52 CFS

The quantity of water under this right for stockwater use shall
not exceed 13,000 gallons per day.

PRIORITY DATE: 03/15/1943

POINT OF DIVERSION: T07N R05W S22 SWNW Within Payette County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-01 TO 11-15	0.52 CFS
	Stockwater	01-01 TO 12-31	0.05 CFS

PLACE OF USE: Irrigation Within Payette County
T07N R05W S21 NENE 8.0 NWNE 18.0
26.0 Acres Total

Stockwater Within Payette County
Same as Irrigation

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

The quantity of water decreed for this water right for
stockwater use is not a determination of historical beneficial
use.

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

RULE 54(b) CERTIFICATE

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

John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

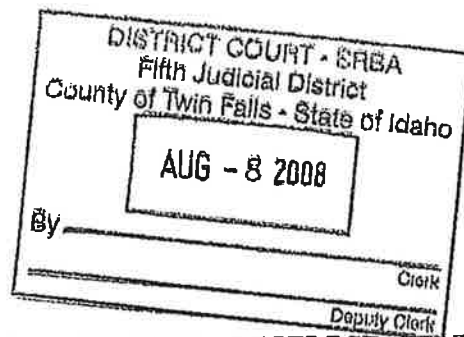
RECOMMENDATION

AUG - 8 2008

John M. Melanson
SPECIAL MASTER

SRBA PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
Water Right 63-04544 File Number: 01931

PAGE 1
Jul-29-2008



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

In Re SRBA)

Case No. 39576)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

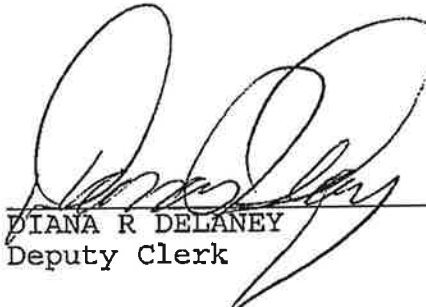
Water Right(s) : 63-04544

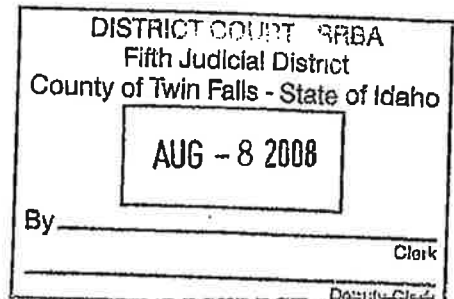
On August 08, 2008, Special Master THEODORE R. BOOTH issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (A01), Section 13a.

Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

Failure of any party in the adjudication to pursue or participate in a Motion to Alter or Amend the SPECIAL MASTER'S RECOMMENDATION shall constitute a waiver of the right to challenge it before the Presiding Judge.

DATED August 08, 2008.


DIANA R DELANEY
Deputy Clerk



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

In Re SRBA)
Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 63-04544

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on August 08, 2008, with sufficient first-class postage prepaid to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

WILDER IRRIGATION DISTRICT
Represented by:
ALBERT P BARKER
1010 W JEFFERSON, STE 102
PO BOX 2139
BOISE, ID 83701-2139
Phone: 208-336-0700

USDI BUREAU OF RECLAMATION
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

CERTIFICATE OF MAILING

PAGE 1
08/07/08

RECEIVED
JUL 28 2008
DEPARTMENT OF
WATER RESOURCES

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

In Re SRBA

Case No. 39576

Subcase: 63-4544

NOTICE VACATING STATUS
CONFERENCE

NOTICE IS GIVEN THAT the Status Conference set for September 30, 2008, at 2 p.m.
in the above subcase is vacated.

DATED July 25, 2008.


Deputy Clerk
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER VACATING STATUS CONFERENCE was mailed on July 25, 2008, with sufficient first-class postage to the following:

WILDER IRRIGATION DISTRICT

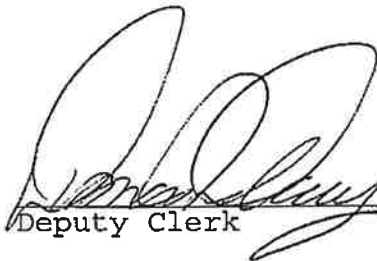
Represented by:
ALBERT P BARKER
1010 W JEFFERSON, STE 102
PO BOX 2139
BOISE, ID 83701-2139
Phone: 208-336-0700

USDI BUREAU OF RECLAMATION

Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

CAROLYN E TESNOHLIDEK
DWAINE A TESNOHLIDEK
2535 NW 1ST AVE
FRUITLAND, ID 83619
Phone: 208-452-3243



RECEIVED

JUL 28 2008

DEPARTMENT OF
WATER RESOURCES

Albert P. Barker, ISB # 2867
Paul L. Arrington, ISB #7198
BARKER ROSHOLT & SIMPSON LLP
1010 W. Jefferson St., Suite 102
P.O. Box 2139
Boise, ID 83701-2139
Telephone: (208) 336-0700
Facsimile: (208) 344-6034

Attorneys for Wilder Irrigation District

**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. 63-4544
	)	
Case No. 39576	)	NOTICE OF WITHDRAWAL
	)	OF OBJECTION
	)	
	)	

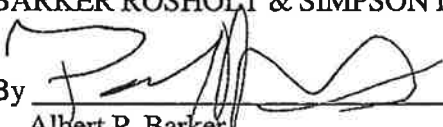
COME NOW, the above-named Objectors, by and through their attorneys of record, Barker Rosholt & Simpson LLP, pursuant to I.R.C.P. Rule 41(a)(1) and move this Court for an Order Granting Withdrawal of their Objections in the above-referenced matter.

The Objector, Wilder Irrigation District, voluntarily withdraws its Objections previously filed in this matter and requests that an order of dismissal of its Objection be entered by the Court.

DATED this 23 day of July, 2008.

BARKER ROSHOLT & SIMPSON LLP

By


Albert P. Barker

Paul L. Arrington

Attorneys for Wilder Irrigation District

CERTIFICATE OF MAILING

I hereby certify that on the 23 day of July, 2008, I mailed the original and copies of this notice to the following persons, by mailing the original and/or copies, 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. One copy to the owner of the water right at the following address:

Name: Dwaine and Carolyn Tesnohldek
Address: 2535 NW 1st Ave.
Fruitland, ID 83619

3. Copies to:

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

Chief, Natural Resource Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environmental/Natural Resource Div
550 West Fort Street, MSC 033
Boise, ID 83724



Jessica Forbis

RECEIVED

MAY 26 2008

DEPARTMENT OF
WATER RESOURCES

2008 MAY 23 PM 12:58
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

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	)	ORDER SETTING SUBCASE(S)	
	)	FOR INITIAL HEARING	
Case No. 39576	)		
_____	)	SUBCASE NOS: 63-04544	63-32483

The Initial Hearing for this subcase will be held before
Special Master THEODORE R. BOOTH

THURSDAY, JUNE 19, 2008 at 03:45 PM (MT)
IDAHO SUPREME COURT BUILDING
451 WEST STATE STREET
BOISE, ID

ATTENDANCE IS MANDATORY. All parties are required to
attend and must have full settlement authority.

At the Initial Hearing you will have an opportunity
to meet with a representative of the Idaho Department of
Water Resources (IDWR) and/or the objector in an attempt
to reconcile any difference between the claim and the
Director's Report. Bring any and all information you
believe is relevant to your claim and/or objection. If
the claim cannot be reconciled at the Initial Hearing,
the court will set the subcase(s) for trial within 45
days of the Initial Hearing. IF YOU INTEND TO AMEND YOUR
CLAIM, YOU MUST DO SO AT OR BEFORE THE INITIAL HEARING.

Settlement documents must be filed with the court by
JUNE 16, 2008 or hearing will not be vacated.

IT IS SO ORDERED.

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

Page 1 5/22/08

(continued)

Dated: MAY 23, 2008:

/S/ THEODORE R. BOOTH

Special Master

Snake River Basin Adjudication

CERTIFICATE OF MAILING

I Certify that a true and correct copy of the ORDER SETTING SUBCASE(S) FOR INITIAL HEARING was mailed on MAY 23, 2008, with sufficient first-class postage to the following:

WILDER IRRIGATION DISTRICT

Represented by:
ALBERT P BARKER
1010 W JEFFERSON, STE 102
PO BOX 2139
BOISE, ID 83701-2139
Phone: 208-336-0700

BLACK CANYON IRRIGATION DIST

Represented by:
CHARLES F MC DEVITT
420 W BANNOCK ST
PO BOX 2564
BOISE, ID 83701
Phone: 208-343-7500

USDI BUREAU OF RECLAMATION

Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

DIRECTOR OF IDWR

PO BOX 83720
BOISE, ID 83720-0098

CAROLYN E TESNOHLIDEK

DWAINE A TESNOHLIDEK
2535 NW 1ST AVE
FRUITLAND, ID 83619
Phone: 208-452-3243

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 63-4544

(Insert water right number)

)
Case No. 39576

)
STANDARD FORM 1
)
OBJECTION

RECEIVED

Please fill in the following information:

JUN 19 2007

DEPARTMENT OF
WATER RESOURCES

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Wilder Irrigation District

Address: 709 Cleveland Blvd

Caldwell, ID 83605

Daytime Phone: 208-459-3421

Name & Address of Attorney, if any:

Albert P. Barker

Barker Rosholt & Simpson, LLP

1010 W. Jefferson, Ste. 102, Boise ID 83702

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

Name: Dwaine and Carolyn Tesnohldek

Address: 2535 NW 1st Ave.

Fruitland, ID 83619

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

1. ☐ **Name and Address**

Should be: _____

2. ☒ **Source**

Should be: The source should be described as waste waters, and waste waters belong to the Wilder Irrigation District.

3. ☐ **Quantity**

Should be: _____

4. ☐ **Priority Date**

Should be: _____

5. ☐ **Point of Diversion**

Should be: _____

6. ☐ **Instream Flow Beginning and Ending Point**

Should be: _____

7. ☐ **Purpose(s) of Use**

Should be: _____

8. ☐ **Period of Year**

Should be: _____

9. ☐ **Place of Use**

Should be: _____

10 ☐ **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 OBJECTIONS(S): There has been no lawful appropriation of this right. The description of the source should have been waste water. The waste waters belong to the Wilder Irrigation District and are not available for private development and appropriation. Further, any attempted development of this right constitutes a trespass against the drains of the Wilder Irrigation District.

F. VERIFICATION (must be completed)

State of Idaho)
) ss.

County of Ada)

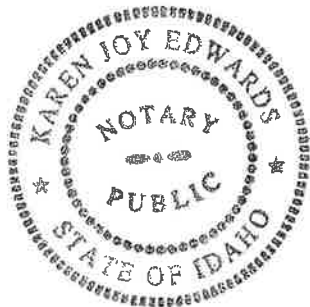
Albert P. Barker, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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)

[Signature]
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: 6/18/07



Notary Public for Idaho
Residing at: Boise, Idaho
My Commission Expires: 8/2/2012

Karen Joy Edwards

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 JUN 18 2007, 2007, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

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

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

Name: Dwaine and Carolyn Tesnohldek
Address: 2535 NW 1st Ave.
Fruitland, ID 83619

3. Copies to:

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

United States Department of Justice
Environment & Nat'l Resources Div
550 W Fort Street, MSC 033
Boise, ID 83724

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



Signature of objector or attorney
mailing on Objector's behalf

09/29/2006

NOTICE OF ERROR
REPLY

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

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

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: October 31, 2006

RECEIVED

OCT 26 2006

WATER RESOURCES
WESTERN REGION

Water right number: 63-4544

CAROLYN E TESNOHLIDEK
2535 NW 1ST AVE
FRUITLAND ID 83619
Telephone Number: (208)452-3243

DWAINE A TESNOHLIDEK
2535 NW 1ST AVE
FRUITLAND ID 83619
Telephone Number: (208)452-3243

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

→ period of use
→ The 117.00 AFY should be removed for this is
→ a surface water right -- the same as #63-32483

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:

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

DATE: 10-19-06

SIGNATURE:

Dwaine Tesnohlidek

Please print your name:

Dwaine Tesnohlidek

IDWR Regional Office, 2735 Airport Wy, Boise, ID 83705, 2083342190

10/19/2006

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

RIGHT NUMBER: 63-4544

NAME AND ADDRESS: CAROLYN E TESNOHLIDEK
2535 NW 1ST AVE
FRUITLAND ID 83619

DWAINE A TESNOHLIDEK
2535 NW 1ST AVE
FRUITLAND ID 83619

SOURCE: HURD GULCH CREEK

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.520 CFS

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

PRIORITY DATE: 03/15/1943

POINT OF DIVERSION:

T07N R05W S22 SWNW Within PAYETTE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	0.520 CFS
STOCKWATER	01/01 12/31	0.050 CFS

PLACE OF USE: IRRIGATION Within PAYETTE County

T07N R05W S21 NENE 8.00 T07N R05W S21 NWNE 18.00

STOCKWATER same as IRRIGATION

26 ACRES TOTAL

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

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

The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

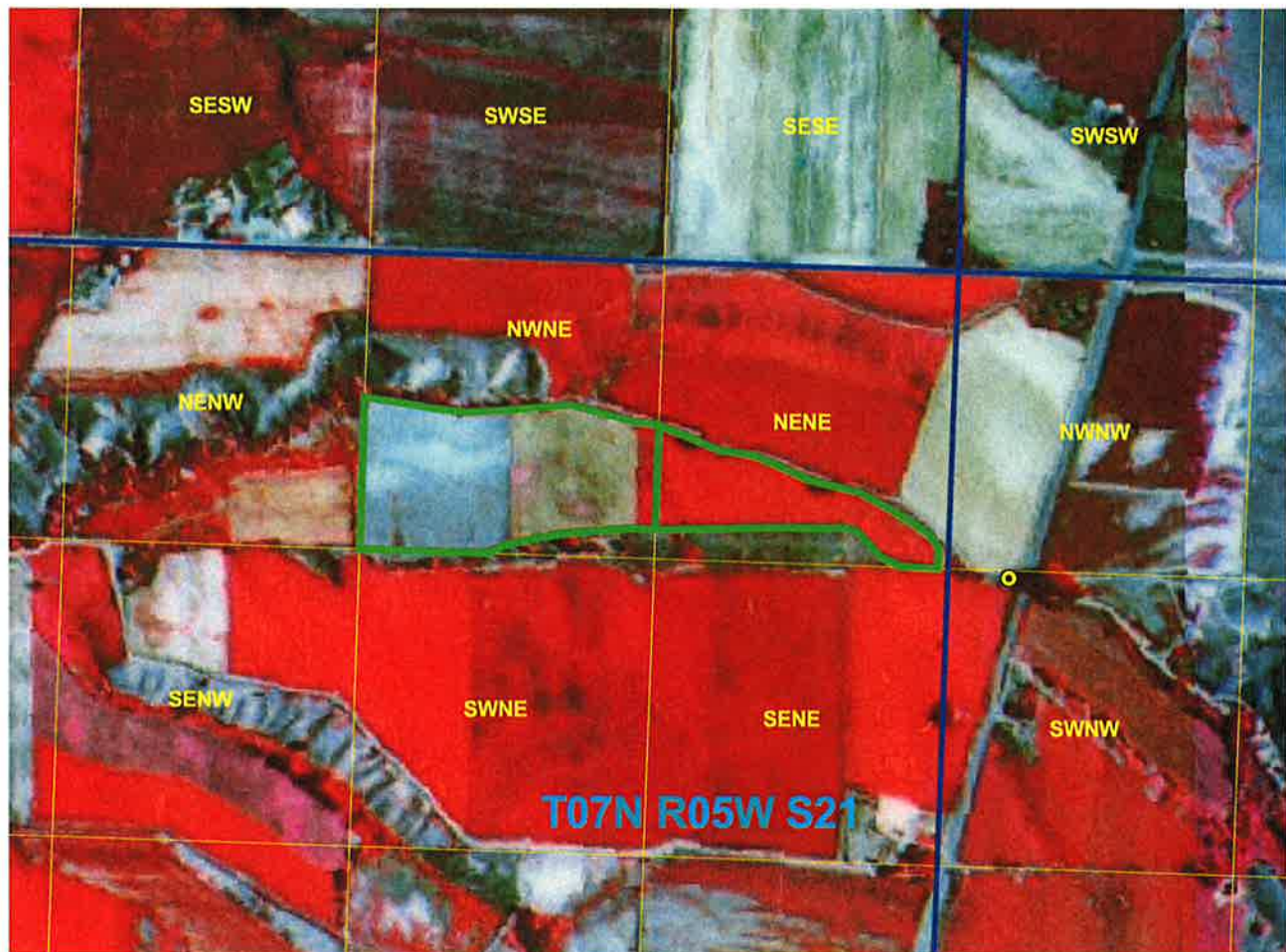
Right No. 63-32483 is also diverted through point of diversion described above.

Stockwater use is for 200 range cattle.



State of Idaho
Idaho Department of Water Resources
Western Region

T7N R5W SECTION(S) 21
WATER RIGHT(S) : 63-4544



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

Total Irrigated Acres = 26 acre(s)

GIS Place of Use Illustration
1987 NAPP Photography
Prepared by: Dan Nelson
Date: May 2006



MEMORANDUM

TO: ADJUDICATION CLAIM FILE 63-4544

FROM: DANIEL A. NELSON

DATE: 5/25/06

SUBJECT: CLAIM REVIEW

This claim is based on a statutory claim. The statutory claim was for 30 acres and 0.70 cfs. The current owner only claimed 26 acres and 0.57 cfs on the adjudication claim. When creating the map for this claim with the 1987 aerial photo, I agree with the adjudication claim that 26 acres were irrigated under this water right. The file contains letters from a Louise McEwea Young and Charles E. Dean that suggest that the farm was irrigated at the beginning of the irrigation season in 1943. The statutory claim and the adjudication claim both list a March 15, 1943 date, which seems reasonable. Therefore, the priority date will be recommended as claimed. The season of use will be recommended per department standards.

There is an issue with the irrigation diversion rate claimed on this water right. The irrigation diversion rate claimed is 0.57 cfs instead of 0.52 cfs, which is the standard of 0.02 cfs or one minor inch per acre multiplied by 26 acres. The claim also requests 0.05 cfs for stockwater. The total diversion rate is 0.57 cfs. It appears as though a mistake was made on the irrigation diversion rate portion of this claim when it was being prepared. I am recommending that the diversion rate be 0.52 cfs for irrigation and 0.05 cfs for stockwater for a total of 0.57 cfs.

A field examiner measured the rate of diversion. The field examiner claimed a rate of diversion of 1.378 cfs using $2\frac{1}{4}$ deep measurement on a 5-foot wide weir. The field examiner showed the rate of diversion as 1.378 cfs on table chart. I could not find a chart that had a 1.378 cfs diversion rate. In reviewing the pictures, I am assuming that the $2\frac{1}{4}$ meant .225 ft of head on a 5 ft broad crested weir. Using this assumption to calculate the rate of flow on a broad crested weir, the flow rate would be between 1.49 cfs and 1.84 cfs. Regardless of the measurement, the flow being diverted was well over the 0.57 cfs that can be recommended for this claim, so capacity of the system does not seem to be an issue.

Page 2
Tesnohldek

The field examiner also GPSed the point of diversion and marked out the lands irrigated on a 1987 aerial photo. On the aerial photo, the claimant wanted additional lands in the NENW to be included. Those lands cannot be included unless the claimant files an amendment to the claim with acceptable proof that they were irrigated in 1943, or by filing a new claim with a priority date of when they were first irrigated. The field examiner found 200 head of cattle, which seems reasonable. The claimant did not pay any additional funds for the stockwater portion, so the use will need to be limited to 13,000 gallons per day.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-4544 V1

WATER RIGHT NUMBER: 63-4544 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CAROLYN E TESNOHLIDEK 2535 NW 1ST AVE FRUITLAND, ID 83619 (208)452-3243
Original Owner	NORMA J LISLE RT 1 FRUITLAND, ID 83619
Original Owner	KENNETH L LISLE 6580 ELMORE RD FRUITLAND, ID 83619 (208)452-3204
Current Owner	DWAINE A TESNOHLIDEK 2535 NW 1ST AVE FRUITLAND, ID 83619 (208)452-3243

Priority Date: 03/15/1943

Basis: Beneficial Use

Status: Active

Source

HURD GULCH CREEK

Tributary

SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/01 to 11/15	0.520 CFS	
STOCKWATER	01/01 to 12/31	0.050 CFS	
	<u>Total Diversion:</u>	0.520 CFS	

Location of Point(s) of Diversion

HURD GULCH CREEK

SW1/4NW1/4

Sec. 22, Twp 07N, Rge 05W, 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	
07N	05W	21	8.0	18.0															26.0

Total Acres: 26

STOCKWATER same as IRRIGATIONConditions of Approval:

1. F05 Right No. 63-32483 is also diverted through point of diversion described above.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-4544 V1

2. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
3. X02 Stockwater use is for 200 range cattle.
4. N08 The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
5. N05 The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

Remarks:Comments:

1. dnelson 5/25/2006 Claim Review

Comment: This claim is based on a statutory claim. The statutory claim was for 30 acres and 0.70 cfs. The current owner only claimed 26 acres and 0.57 cfs on the adjudication claim. When creating the map for this claim with the 1987 aerial photo, I agree with the adjudication claim that 26 acres were irrigated under this water right. The file contains letters from a Louise McEwea Young and Charles E. Dean that suggest that the farm was irrigated at the beginning of the irrigation season in 1943. The statutory claim and the adjudication claim both list a March 15, 1943 date, which seems reasonable. Therefore, the priority date will be recommended as claimed. The season of use will be recommended per department standards.

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Page 2

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2. dnelson 10/19/2006 Claim Correction

Comment: On 10/19/2006 I recieved a call from the claimant. I had mistakenly placed a volume on a surface water right. I removed the volume per department standards.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-4544 V1

Dates and Other Information:

Decreed Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Defendant:
 Plaintiff:
 Civil Case Number:
 Judicial District:
 Notice of Error Flag:
 State or Federal: S
 Owner Name Connector: OR
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Contacts	5/25/2006 11:08:08 AM	dnelson			Active
Priority Date	5/25/2006 11:09:58 AM	dnelson			Active
POD	5/25/2006 11:13:21 AM	dnelson			Active
Source	5/25/2006 11:14:26 AM	dnelson			Active
POU	5/25/2006 11:15:51 AM	dnelson			Active
Use	5/25/2006 11:16:36 AM	dnelson			Active
Season	5/25/2006 11:18:07 AM	dnelson			Active
Quantity	5/25/2006 11:19:24 AM	dnelson			Active
Summary			05/25/2006	dnelson	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POD	5/25/2006 11:13:22 AM	dnelson	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the POD? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?
POD	5/25/2006 11:10:39 AM	dnelson	Updated shape

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-4544 V1

Season	5/25/2006 11:18:07 AM	dnelson	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (Yes) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 14. Is irrigation claimed as a Purpose of Use? (No) 16. Is the Period of Use on the decree, license or transfer shorter on either the start date or end date than allowable under current IDWR standards? (No) 18. Is a Period of Use remark and/or condition required?
Quantity	5/25/2006 11:19:25 AM	dnelson	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is the basis of claim a posted notice? (Yes) 7. Is a flow measurement required? (Yes) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (Yes) 10. Is a irrigation a purpose of use? (Yes) 12. Is a Quantity remark or condition required? Description for Question 7 - Field exam by Merlaine Bishop Description for Question 10 - 4.5 afa per acre X 26 acres = 117 afa
Source	5/25/2006 11:14:26 AM	dnelson	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim an Application or Permit? (No) 6. Is the basis of claim a Posted Notice? (No) 7. Is there evidence that there has been a change in the source? (Yes) 10. Does the file contain all the necessary information to verify the source? (No) 11. Is a Source remark and/or condition required? Description for Question 10 - Field exam by Merlaine Bishop
POU	5/25/2006 11:15:42 AM	dnelson	Updated shape for Active POU
POU	5/25/2006 11:15:52 AM	dnelson	(No) 1. Is the basis of this claim a Decree or License? (Yes) 2b. Is the POU required? (No) 3. Is the basis of claim a Application or Permit? (No) 7. Is there evidence that there has been a change in the POU? (Yes) 13. Does the file contain all the necessary information to verify the POU? (No) 14. Is a POU remark and/or condition required? Description for Question 13 - Field exam by Merlaine Bishop

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-4544 V1

Use	5/25/2006 11:16:36 AM	dnelson	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Purpose of Use? (Yes) 11. Does the file contain all the necessary information to verify the Water Use? (No) 13. Is a Purpose of Use remark and/or condition required? Description for Question 10,11,12 - Field exam by Merlaine Bishop
Summary	5/25/2006 11:21:28 AM	dnelson	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (No) 5. Does this right have any combined use limits with other rights? (Yes) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (No) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?
Contacts	5/25/2006 11:08:08 AM	dnelson	(Yes) 1. Do you want to schedule an appointment? (No) 2. Do you want to update the field exam contact information? Contact Person: Dwaine Tesnohlick Contact Phone Number: 208-452-3243 Date of Field Exam: 9-23-05 Directions to Property: Hwy 95 - Glenway Rd south of intersection 1/8 miles east side of road.
General	5/25/2006 11:09:59 AM	dnelson	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (No) 4. Is the basis of claim decree or license? (No) 7. Is the basis of claim a Application or Permit? (No) 8. Is the basis of claim a posted notice? (No) 9. Is the Priority Date of this water use after the date a permit is required for the source and the water use? (Yes) 12. Does the claim file contain sufficient evidence of Priority Date? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required? Description for Question 12/13 - Two affidavits in file from Mr. Dean and Ms. Young.

Water Supply Bank:

05/25/2006

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

RIGHT NUMBER: 63-4544

NAME AND ADDRESS: CAROLYN E TESNOHLIDEK
2535 NW 1ST AVE
FRUITLAND ID 83619

DWAINE A TESNOHLIDEK
2535 NW 1ST AVE
FRUITLAND ID 83619

SOURCE: HURD GULCH CREEK

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.520 CFS
117.000 AFY

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

PRIORITY DATE: 03/15/1943

POINT OF DIVERSION:

T07N R05W S22 SWNW Within PAYETTE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	0.520 CFS ~~117.00 AFY~~
STOCKWATER	01/01 12/31	0.050 CFS

PLACE OF USE: IRRIGATION Within PAYETTE County

T07N R05W S21	NENE	8.00	T07N R05W S21	NWNE	18.00
<u>STOCKWATER same as IRRIGATION</u>					

26 ACRES TOTAL

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

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

The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use
Stockwater use is for 200 range cattle.

*SURFACE
Water
Right
Remove AFY
Per
CONFEDERATION
with
claimant
10-19-06
DAN*

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-4544

WATER RIGHT NUMBER: 63-4544

Owner Type Name and Address

Current Owner CAROLYN E TESNOHLIDEK
2535 NW 1ST AVE
FRUITLAND, ID 83619
(208)452-3243

Original Owner NORMA J LISLE
RT 1
FRUITLAND, ID 83619

Original Owner KENNETH L LISLE
6580 ELMORE RD
FRUITLAND, ID 83619
(208)452-3204

Current Owner DWAIN A TESNOHLIDEK
2535 NW 1ST AVE
FRUITLAND, ID 83619
(208)452-3243

Priority Date: 03/15/1943

Basis: Statutory Claim

Status: Active

Source

HURD GULCH CREEK

Tributary

SNAKE RIVER

Beneficial Use

IRRIGATION

STOCKWATER

From To

3/15 to 11/15

1/01 to 12/31

Diversion Rate

0.570 CFS

0.050 CFS

Total Diversion:

0.570 CFS

Annual Volume

117.5

2.70 AF

Location of Point(s) of Diversion

HURD GULCH CREEK

PAYETTE County

SW1/4NW1/4

Sec. 22, Twp 07N, Rge 05W, B.M.

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
07N	05W	21	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	26.0
			8.0	18.0															

Total Acres: 26

STOCKWATER same as IRRIGATIONConditions of Approval:

3/15 to 11/15 per affidavits in file.

OK per department standard.

Limit to 0.52 CFS in center acre

26 x 4.5 = 117 AF

NO Hogamo paid for limited to dom use.

OK additive.

OK per GPS & aerial photo

Stock water 200nd.

N08 - Gen

N05 - Quant.

X02 - Ex

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 63-4544

Remarks:

Comments:

Dates and Other Information:

Claim Received Date: 3/26/1990
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector: OR
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:

Water Supply Bank:

ESTIMATED FLOW RATES FOR BROADCRESTED DAM USING CALCULATION $[(h) ^ 1.5]$ (DAM WIDTH) 3.33 (please note used 2.64 under 0.2 feet.)

HEAD IN FEET	FLOW RATE IN CFS	FLOW RATE IN INCHES
0.01	0.01	0.66
0.02	0.04	1.87
0.03	0.07	3.43
0.04	0.11	5.28
0.05	0.15	7.38
0.10	0.42	20.87
0.11	0.48	24.08
0.12	0.55	27.44
0.13	0.62	30.94
0.14	0.69	34.57
0.15	0.77	38.34
0.16	0.84	42.24
0.17	0.93	46.26
0.18	1.01	50.40
0.19	1.09	54.66
0.20	1.49	74.46
0.21	1.60	80.11
0.22	1.72	85.90
0.23	1.84	91.83
0.24	1.96	97.88
0.25	2.08	104.06
0.26	2.21	110.37
0.27	2.34	116.80
0.28	2.47	123.34
0.29	2.60	130.01
0.30	2.74	136.79
0.31	2.87	143.69
0.32	3.01	150.70
0.33	3.16	157.82
0.34	3.30	165.05
0.35	3.45	172.38
0.36	3.60	179.82
0.37	3.75	187.36
0.38	3.90	195.01
0.39	4.06	202.76
0.40	4.21	210.61
0.41	4.37	218.55
0.42	4.53	226.60
0.43	4.69	234.74
0.44	4.86	242.98
0.45	5.03	251.31
0.46	5.19	259.73
0.47	5.36	268.24
0.48	5.54	276.85
0.49	5.71	285.55
0.50	5.89	294.33
0.51	6.06	303.21
0.52	6.24	312.17
0.53	6.42	321.22
0.54	6.61	330.35
0.55	6.79	339.57
0.56	6.98	348.87
0.57	7.17	358.26
0.58	7.35	367.73
0.59	7.55	377.28
0.60	7.74	386.91
0.61	7.93	396.62
0.62	8.13	406.42
0.63	8.33	416.29
0.64	8.52	426.24

HEAD IN FEET	FLOW RATE IN CFS	FLOW RATE IN INCHES
0.65	8.73	436.27
0.66	8.93	446.38
0.67	9.13	456.56
0.68	9.34	466.82
0.69	9.54	477.15
0.70	9.75	487.56
0.71	9.96	498.05
0.72	10.17	508.61
0.73	10.38	519.24
0.74	10.60	529.95
0.75	10.81	540.72
0.76	11.03	551.58
0.77	11.25	562.50
0.78	11.47	573.49
0.79	11.69	584.55
0.80	11.91	595.69
0.81	12.14	606.89
0.82	12.36	618.17
0.83	12.59	629.51
0.84	12.82	640.92
0.85	13.05	652.40
0.86	13.28	663.94
0.87	13.51	675.56
0.88	13.74	687.24
0.89	13.98	698.99
0.90	14.22	710.80
0.91	14.45	722.68
0.92	14.69	734.63
0.93	14.93	746.64
0.94	15.17	758.71
0.95	15.42	770.85
0.96	15.66	783.05
0.97	15.91	795.32
0.98	16.15	807.65
0.99	16.40	820.04
1.00	16.65	832.50
1.01	16.90	845.02
1.02	17.15	857.60
1.03	17.40	870.24
1.04	17.66	882.95
1.05	17.91	895.71
1.06	18.17	908.54
1.07	18.43	921.42
1.08	18.69	934.37
1.09	18.95	947.38
1.10	19.21	960.45
1.11	19.47	973.57
1.12	19.74	986.76
1.13	20.00	1000.00
1.14	20.27	1013.31
1.15	20.53	1026.67
1.16	20.80	1040.09
1.17	21.07	1053.57
1.18	21.34	1067.11
1.19	21.61	1080.70
1.20	21.89	1094.35
1.21	22.16	1108.06
1.22	22.44	1121.82
1.23	22.71	1135.64
1.24	22.99	1149.52

HEAD IN FEET	FLOW RATE IN CFS	FLOW RATE IN INCHES
1.25	23.27	1163.45
1.26	23.55	1177.44
1.27	23.83	1191.49
1.28	24.11	1205.59
1.29	24.39	1219.74
1.30	24.68	1233.95
1.31	24.96	1248.22
1.32	25.25	1262.54
1.34	25.83	1291.34
1.35	26.12	1305.82
1.36	26.41	1320.36
1.37	26.70	1334.95
1.38	26.99	1349.59
1.39	27.29	1364.29
1.4	27.58	1379.04
1.41	27.88	1393.84
1.42	28.17	1408.69
1.43	28.47	1423.60
1.44	28.77	1438.56
1.45	29.07	1453.57
1.46	29.37	1468.63
1.47	29.67	1483.75
1.48	29.98	1498.91
1.49	30.28	1514.13
1.50	30.59	1529.40
1.51	30.89	1544.72
1.52	31.20	1560.09
1.53	31.51	1575.51
1.54	31.82	1590.98
1.55	32.13	1606.50
1.56	32.44	1622.08
1.57	32.75	1637.70
1.58	33.07	1653.37
1.59	33.38	1669.09
1.60	33.70	1684.86
1.61	34.01	1700.68
1.62	34.33	1716.55
1.63	34.65	1732.47
1.64	34.97	1748.44
1.65	35.29	1764.45
1.66	35.61	1780.52
1.67	35.93	1796.63
1.68	36.26	1812.79
1.69	36.58	1829.00
1.70	36.91	1845.26
1.71	37.23	1861.57
1.72	37.56	1877.92
1.73	37.89	1894.32
1.74	38.22	1910.77
1.75	38.55	1927.26
1.76	38.88	1943.81
1.77	39.21	1960.40
1.78	39.54	1977.03
1.79	39.87	1993.72
1.80	40.21	2010.45
1.81	40.54	2027.23
1.82	40.88	2044.05
1.83	41.22	2060.92
1.84	41.56	2077.83
1.85	41.90	2094.80

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-4544

WATER RIGHT NUMBER: 63-4544

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	KENNETH L LISLE 6580 ELMORE RD FRUITLAND, ID 83619 (208)452-3204

Priority Date: 03/15/1943

Basis: Statutory Claim

Status: Active

<u>Source</u>	<u>Tributary</u>
HURD GULCH CREEK	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	1/01 to 12/31	0.020 CFS	
IRRIGATION	3/15 to 11/15	0.700 CFS	
	<u>Total Diversion:</u>	0.720 CFS	

Location of Point(s) of Diversion

HURD GULCH CREEK	NW1/4NW1/4	Sec. 22, Twp 07N, Rge 05W, 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	
07N	05W	21	12.0	18.0															30.0

Total Acres: 30

STOCKWATER same as IRRIGATIONConditions of Approval:

1. DIV. RATE SHOWS .1 CFS FOR LOSS & EVAPORATION.

Remarks:Comments:Dates and Other Information:

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Section 42-225a, Idaho Code

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. **The filing of this claim does not confirm the water right but will serve for information purposes only.** It may, however, become the basis for future adjudication of the water right by the Court.

Notice is hereby given that KENNETH L. LISLE

(name of claimant)

of Route 1 Fruitland, ID 83619, claims a right to the diversion and beneficial use of
(mailing address)

the public water of the State of Idaho

The extent and nature of said claim is as follows:

- (1) Describe source of water: (name of stream, lake, spring, etc., or ground water) Hurd Gulch, tributary to, Snake River
- (2) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Amount	<u>0.7 cfs</u>	Use	<u>irrigation</u>	Period of Use:	From	<u>3-15</u>	To	<u>11-15</u>
Amount	<u>0.02 cfs</u>	Use	<u>stock</u>	Period of Use:	From	<u>1-1</u>	To	<u>12-31</u>
Amount	_____	Use	_____	Period of Use:	From	_____	To	_____
	(cfs, gpm or a/f)		(dom., irri., stock, etc.)					(both dates inclusive)

- (3) Total quantity of water claimed: 0.72 cubic feet per second, or _____ acre feet per annum, and/or _____ gallons per minute.

- (4) Priority claimed: (the date water was first applied to beneficial use) March 15, 1943
- A claim is not acceptable on a ground-water source with a priority later than March 25, 1963 or on a surface-water source with a priority later than May 20, 1971. An exception to this rule is that a claim may be filed on domestic use from a ground-water source.

- (5) A) Point of diversion: (give location of point where water is diverted from its source)
NW ¼ NW ¼, Sec. 22 Twp. 7N Rge. 5W B. M. County of Payette
 Additional points of diversion: _____

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. diversion dam and ditches

- (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.

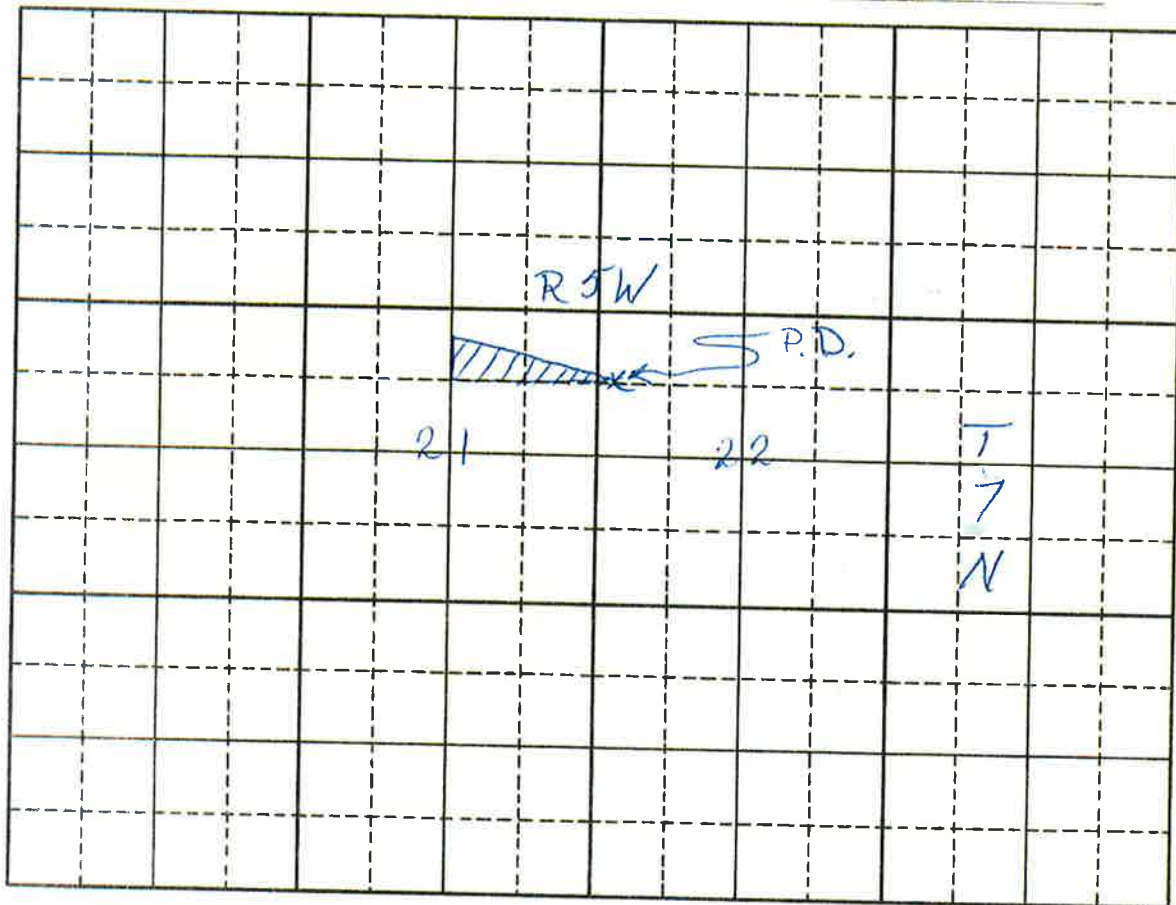
[illegible]

Total No. of acres 30

- B) If the water is used for other than irrigation, fully describe that use, being as specific as possible: 30 head of livestock

- (7) If you are claiming water as a member of an organization, list name of organization: _____

(8) Remarks Diversion rate shows 0.1 cfs for loss and evaporation.



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
) ss.
County of Ada)

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiants knowledge.

Sworn to before me this 3rd day of August

Kenneth L. Lisle
(Claimant)

Rita Bendale
Notary Public

Residing at Boise, ID

My commission expires March 8, 1980

For Department Use Only

Received by \$ Date 8/03/77 Exception filed by: _____
Prelim. check by PLH Date 8-04-77 Forwarded to _____
\$10.00 fee received by \$ Date 8/03/77 claimant by: _____
Approved for publication by _____
Published in Independent Enterprise _____
Dates August 11 & 15 _____

file
63-4544

IN THE MATTER OF:

AFFIDAVIT

RECEIVED

JUN 14 1978

Department of Water Resources
Western Regional Office

State of Idaho
County of Payette

J. Mike Deirie being first duly sworn,

deposes and says:

I lived and was
a neighbor and owned a farm
across the Road north of Lt
McPuen Farm as to when
McPuen put a Division in the
land and wasteway and created
land on the south side of the
Waste Way was about 1945
and has been so every since
to the best of my knowledge

J. Mike Deirie
(Signature)

Subscribed and sworn to before me this 14th day of June, 1978

Donald D. Allen
(Notary Public)

Residing at Fruitland
My Commission Expires Life

IN THE MATTER OF:

AFFIDAVIT

RECEIVED
JUN 14 1978
Department of Water Resources
Western Regional Office

State of Idaho
County of Payette

I Kenneth L. Lyne being first duly sworn,
deposes and says: I have farmed near the
McEwen place and I hereby state
he used water out of the Ford
Gulch as early as 1944 and
it has been used continuously
since that date.

Kenneth L. Lyne

Kenneth L. Lyne
(Signature)

Subscribed and sworn to before me this 14th day of June, 1978

Daniel D. Davis
(Notary Public)

Residing at Fruitland
My Commission Expires 1982

File # 63-4544

IN THE MATTER OF:

AFFIDAVIT

RECORDED
JUN 10 1927

State of Idaho
County of Capitola

Department of Agriculture
Water Conservation Division

Charles C. Dean being first duly sworn,
deposes and says: At one time I owned

Forty acres of land described as
NW NW Sec. 22-7-5. I sold that
portion lying west of Highway 43.95.

It was joined with another farm
and later purchased by E. L. McEwen.
I farmed the irrigable land ^{on the East portion} from
1940 to 1969. I still own this part.

By 1945 or sooner, I can't recall
exactly what year, E. L. McEwen had
placed a structure in flood wasteway
to divert water onto his irrigable land
lying south of flood wasteway.

This has been used continuously
since that time to irrigate this land

Charles C. Dean
(Signature)

Subscribed and sworn to before me this 8th day of Aug., 1927

Kent Gist
(Notary Public)

Residing at Grout Road, Idaho.
My Commission Expires 8-6-28

August 30, 1977

Re: Claim to a Water Right No. 63-4544
(Kenneth L. Lisle)

Robert M. Henggeler
Whitley Drive
Fruitland, Idaho 83619

Dear Mr. Henggeler:

Pursuant to your letter of August 19, 1977, please be advised that your reference to water right 65-2416A must be incorrect since that does not pertain to Hurd Gulch. Water right license 20516/65-2496 was, however, issued to Clyde Hurd. The license was for the diversion of 1.74 cfs from Hurd Gulch and bears a priority of June 28, 1948. The license is appurtenant to 87 acres in Sec. 20, Twp. 7N, Rge. 5W.

With regard to claim to a water right #63-4544 in the name of Kenneth L. Lisle, please be advised that no permit is ever issued pursuant to a claim. There is no mechanism in the statutes to determine the validity of a claim. A claim which is submitted together with any protests and evidence filed against the claim are received and filed in the Department's records. No hearings are held by the Department on protested claims as would be the case on a protested application.

Your letter and the enclosures you sent will be filed in claim file 63-4544.

A petition to the Director of the Department of Water Resources for the adjudication of water rights on a stream system must be signed by five or more or a majority of the waterusers on a stream system. So your letter will not be considered as a request to adjudicate the waters of Hurd Gulch.

If this office may be of further assistance, please contact us.

Sincerely,

L. GLEN SAXTON, P.E.
Western Regional Supervisor

LGS:rf

August 19, 1977

C. Stephen Allred, Director
Idaho Department of Water Resources
92 South Cole Road
Boise, Idaho 83705

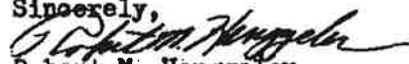
Re. Notice of Claim to Water Right # 63 4544

Dear Mr. Allred;

Before any permit is issued with a priority date of 1943, I would appreciate it if you would confirm that Water Right # 65-2416 A has the prior right in Hurd Gulch. The two enclosures will help substantiate this. If necessary, I will send two more depositions from eye witnesses of the development of Hurd Gulch.

In conversation with Mr. Lyle, we would like to petition the Director to adjudicate the rights of Hurd Gulch.

Sincerely,


Robert M. Henggeler

Enclosures 2

20516/65-2496

RECEIVED
AUG 23 1977

Department of Water Resources
Western Regional Office



UNITED STATES
DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION
Central Snake River District
Payette Division O & M Office
Notus, Idaho
June 11, 1948

Mr Clyde Hurd
RFD # 1
Payette, Idaho

Dear Mr. Hurd:

In answer to your request for statement of the conditions of your irrigation system at the time of the construction of the wasteway through your farm by Government forces, and provisions made so that you would not be deprived of water due to that construction, I submit the following:

1. In 1939 Government forces straightened and excavated where necessary, a channel which had been caused by flash storms and spring run-off, to provide an emergency outlet to Snake River for water from the "A" Canal of the Payette Division. This wasteway headed at a check and turnout structure in mile 18 of the above canal approximately 4 miles east of where it enters Snake River at your farm.
2. In approaching your farm it was necessary to excavate to a depth of from 5 to 6 feet to go under your outlet road, and to more closely reach the average level of Snake River so that costly drop structures would not be necessary. In doing so your irrigation system which headed at some springs rising on and directly above your farm was destroyed. To offset this, and to provide for the continued irrigation of your farm, bolts were set in the inlet transition to the road crossing for check stops, and walls were constructed with adequate length to provide sufficient overflow area to accommodate any waste which may be necessary from the canal, after you had checked the inlet to sufficient height to raise the water so it would again flow in your ditch system. Further recognition and consideration was given to your irrigation system in the construction of two or three flumes across the wasteway channel between the road crossing and the river.
3. Since this construction took place most of the lands between your farm and the "A" Canal have been brought under irrigation, and the channel carries considerable return flow during the irrigation season. It is very doubtful that the Bureau of Reclamation or any land owner whose farm this channel crosses would ever divert and put to beneficial use enough of this water to diminish the supply so that you would not have sufficient

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is
water-irrigate your farm. Because of the possibility of its
use as an emergency wasteway, operating forces would not permit
diversion dikes or structures farther upstream in the channel,
and the amount of water which could be taken out without such
structures would be very small.

Hoping this covers the information you desired, and assuring you
we shall be glad to give you any further information we may have in
relating you to clarify your water right, I am

Very truly yours,

Theodore Nelson
Theodore Nelson, Irrigation Eng.

MICROFILMED

RECEIVED

AUG 23 1977

Department of Water Resources
Western Regional Office

DECLARATION

Serial No. _____

STATE OF IDAHO)

COUNTY OF)

CANYON

SS:

ED MERCNEYresiding at 1723 1/2 MARSHALL AVCALDWELL IDAHO

Being first duly sworn upon his oath

deposes and says:

I Ed Meroney, age 78, worked for Payette County road Department from 1940 to 1944. I was appointed road overseer Jan 27, 1941. During the four years I worked for the county road Department we built the county roads in Black Canyon area between the city of Fruitland and Parma.

Through the building of the roads is how I first worked in Hurd Gulch. Two of the county roads built crossed Hurd Gulch.

Curley Manser (District road Manager) and I cleaned Hurd Gulch every year from 1940 to 1944. We cleaned from the main Black Canyon ditch to Clyde Hurds' diversion to prevent the road culverts from plugging up with silt, weeds and other trash. The process used to clean the gulch was pulling a patrol with a caterpillar. At that time there were not any ponds, check boxes or dams except for Clyde Hurds' water diversion.

When asked the question how much water was running in the gulch and where the water was coming from I remember that we had to put in a 10 in. tin whistle to carry the spring water. The spring would just about fill the 10 in. pipe to full capacity. The springs were running between highway 95 and Hurds' diversion dam. The first two years I worked for Payette County the only water in the draw was spring water because Black Canyon irrigation didn't start irrigating until 1941. The water started in 1940 but it was too late to irrigate.

Grant Hurd was the first ditch rider for Black Canyon ditch in this area.

Ed Meroney
Signature

SUBSCRIBED AND SWORN TO BEFORE ME THIS 12 day of APRIL, 1974

[Signature]
NOTARY PUBLIC FOR THE STATE OF IDAHO

Residing at CALDWELL, IDAHOMy commission expires 25 APRIL 1977

RECEIVED

AUG 23 1977

Department of Water Resources
Western Regional Office

MICROFILMED

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION FIELD REPORT**

Prior to Field Exam

- ☐ Copy of Claim, claim has been signed, sealed, and dated by notary?
- ☐ Check fees paid
- ☐ Well logs (if needed)
- ☐ Copy of topo or NAPP
- ☐ Check of Govt. Lots, if needed, Govt. Plat/Tax lot information
- ☐ Check POD & POU overlap, see below – include overlapping right for exam
- ☐ Evidence of Priority – if none, talk with claimant

CLAIMANT INFORMATION – verify contact information is completeClaim No(s) A63-04544Owner: Dwaine A Tesnohl DEK Phone No. 208-452-3243Current Address: 2535 NW 1st Ave Fruitland ID 83119

- ☒ No change NAME IS THE SAME
- ☐ NEW OWNER
- ☐ No change Address
- ☐ NEW ADDRESS
- ☐ How long owned property? _____

Accompanied by: _____

PRIORITY DATE

- ☐ No change – Complete evidence submitted or not necessary
- ☐ Incomplete – Claimant should be asked when water was first used and submit proof of date.
- ☐ Priority date is acceptable/within mandatory filing dates?

Priority date, per claimant, is: MARCH 15 - 1943

(If priority date, based on your exam, seems questionable, explain below.)

Source: Hard Gulch Tributary to Snake river Black Canyon

- ☒ No Change – SAME SOURCE
- ☐ Source found is different than claimed: Black Canyon Irrigation run off

POINT OF DIVERSION

- ☒ No change
- ☐ POD found is different than claimed: _____
- ☐ If different, when did POD change? _____

Handwritten notes:
 Hwy 95 -
 Glenway Rd
 Hwy 95 -
 5 of Intersection
 1/8 mile -
 East side
 Road.
 Farm -
 below.

DIVERSION AND DELIVERY SYSTEM

Points of Diversion:

ID #	Govt Lot #	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks GPS ID
		NE	NE		21	07	05W	PAYETTE	N 43° 56.073 W / 116° 55.987
		NW	NW		22	7			

Description of diverting works

6' Culvert under Hwy 95 Down to rectangle floor

OVERLAP REVIEWOther water rights with the same point of diversion: None

Does overlap add acres or uses to existing system, increase rate of flow or volume, or other? Explain:

WATER USES

- ☐ No change
- ☐ Different Uses

Use Stock From JAN To Dec Amount 1.378 CFS .570 AFA

Use irrigation From 3-15 To 7-31 Amount 11:15 CFS AFA

Use _____ From _____ To _____ Amount _____ CFS AFA

TOTAL VOLUME – Groundwater only

- ☐ Incomplete on claim, the total is, Amount _____ CFS _____ AFA
- ☐ Changes found, the new total is, Amount _____ CFS _____ AFA
- ☐ More than 1" per Acre? Yes _____ (claimant must complete excess flow sheet)

NON-IRRIGATION USES:

- ☐ No change
- ☐ Changes Exam found: Domestic # of homes _____ Stock # 200 head
- Types CATTLE Additional comments: _____

PLACE OF USE:

- ☒ No Change
- ☐ Changes shown below:

Place of Use			NE				NW				SW				SE				Totals
TWP	RGE	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
7N	5W	2A																	3.30

Overlap with other water rights: None

Does overlap increase rate of flow, volume, additional acres, different source for same acres? Explain:

Delivery System Narrative:

See Attachment

Well or Diversion Identification No GPS ID	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge size
N/A					

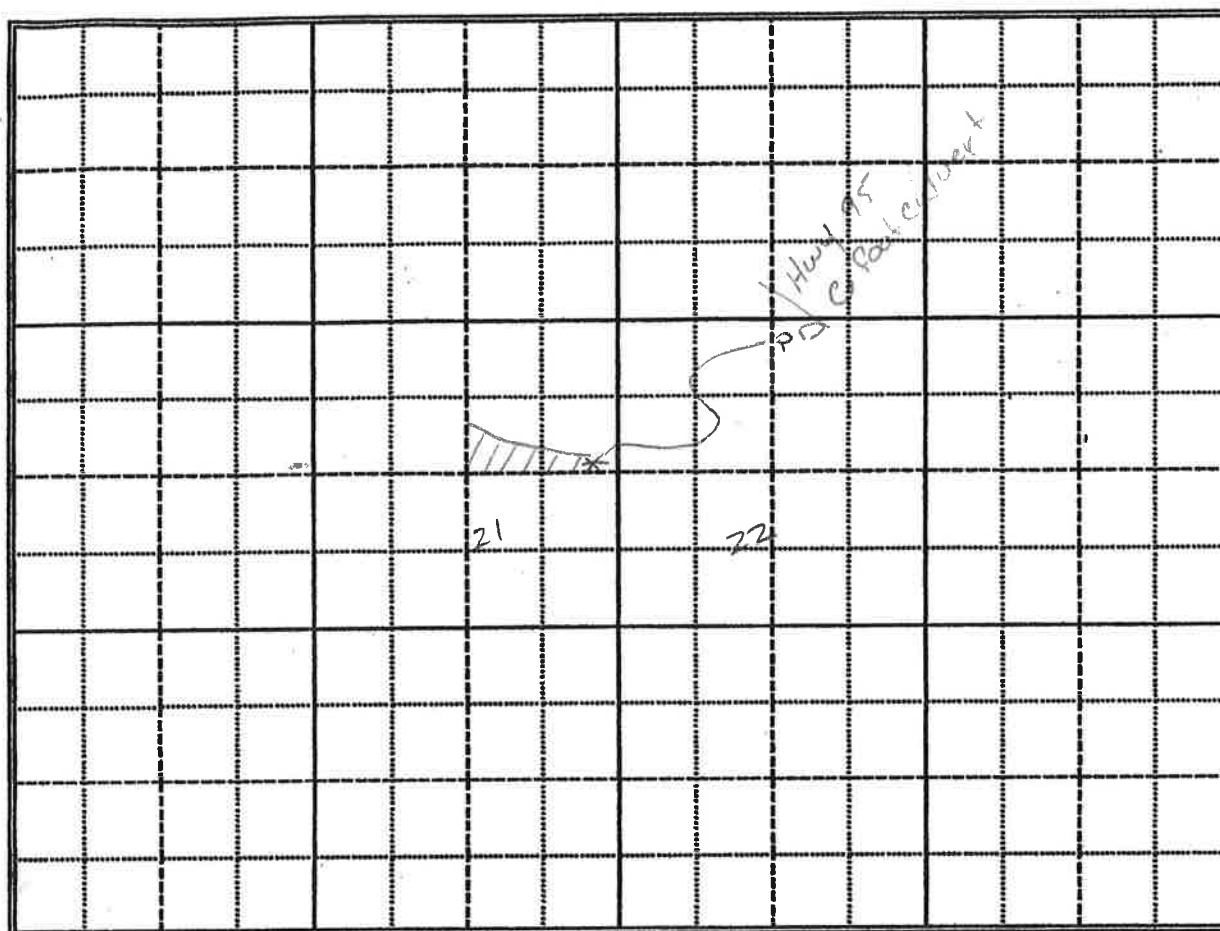
FLOW MEASUREMENTS:

Attach appropriate documents

NARRATIVE/REMARKS/COMMENTS

See Attachment

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



Scale: 1" = _____

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

____ Aerial Photo Attached (required for Irrigation of 10+ acres)

____ 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

*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

2. Measurements: _____

F. FLOW CALCULATIONS

Measured Method:

Table

~~X~~ Additional Computation Sheets Attached

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = \underline{\hspace{4cm}}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = \underline{\hspace{4cm}}$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = \underline{\hspace{4cm}}$$

2. Volume Calculations for Other Uses:

2 1/4 deep (ms)

3 feet wide

= 1.378 cfs

Table Chart

Dwaine A Tesnohlidek
2535 Nw 1st ave
Fruitland Id 83619

Priority date claims to be march 15. 1943 irrigation district was established at that date and ran off started irrigation land. Filing is on spring water from hurd gulch and run off from black canyon irrigation district. Mr. Tesnohilidek's property is at the end of hurd gulch. This land is not served with Black Canyon irrigation. Mr. tesnohilidek bought property in 1973 with partner and then bought out partner in 1997 total 36 acres. No claim filed per data base for additional acres ne nw section 21. Mr. Tesnohilidek wants to file on that property. Mr. Tesnohilidek is going to amend claim to increase. Other property falls in Payette county.

9-23-05 water was spilling over flow from black canyon ditch. When black canyon irrigation district has too much water they diverted to spill way onto Mr. Tesnohilidek's property. That day water was 2 ¼ deep (MI) 5 feet wide 4 deep culvert under highway is 6 feet opening. A total of 1.378 cfs water was spilling on 9-23-05. Gps point of desertion is n 43.56.073 w 116.55.987.

Mr. Tesnohlidek .waters around 200 head of cattle.

FIELD EXAM
TELEPHONE CONVERSATION MEMORANDUM

DATE OF CONVERSATION: 9-20-05

DATE SET FOR EXAM: 9-23-05

NAME OF CONTACT: Carolyn - Dawane Tesnowldek

ADDRESS CHANGE: 2535 NW 1st Ave
Frewilland ID 83619

PHONE NUMBER: () 452-323/3

LOCATION/DIRECTIONS: Glenway Rd Hwy 95

TYPE OF SYSTEM: Spring from Hard Gulch
W/ water

OTHER NOTES: question if property was
filed on other 10 Acres?

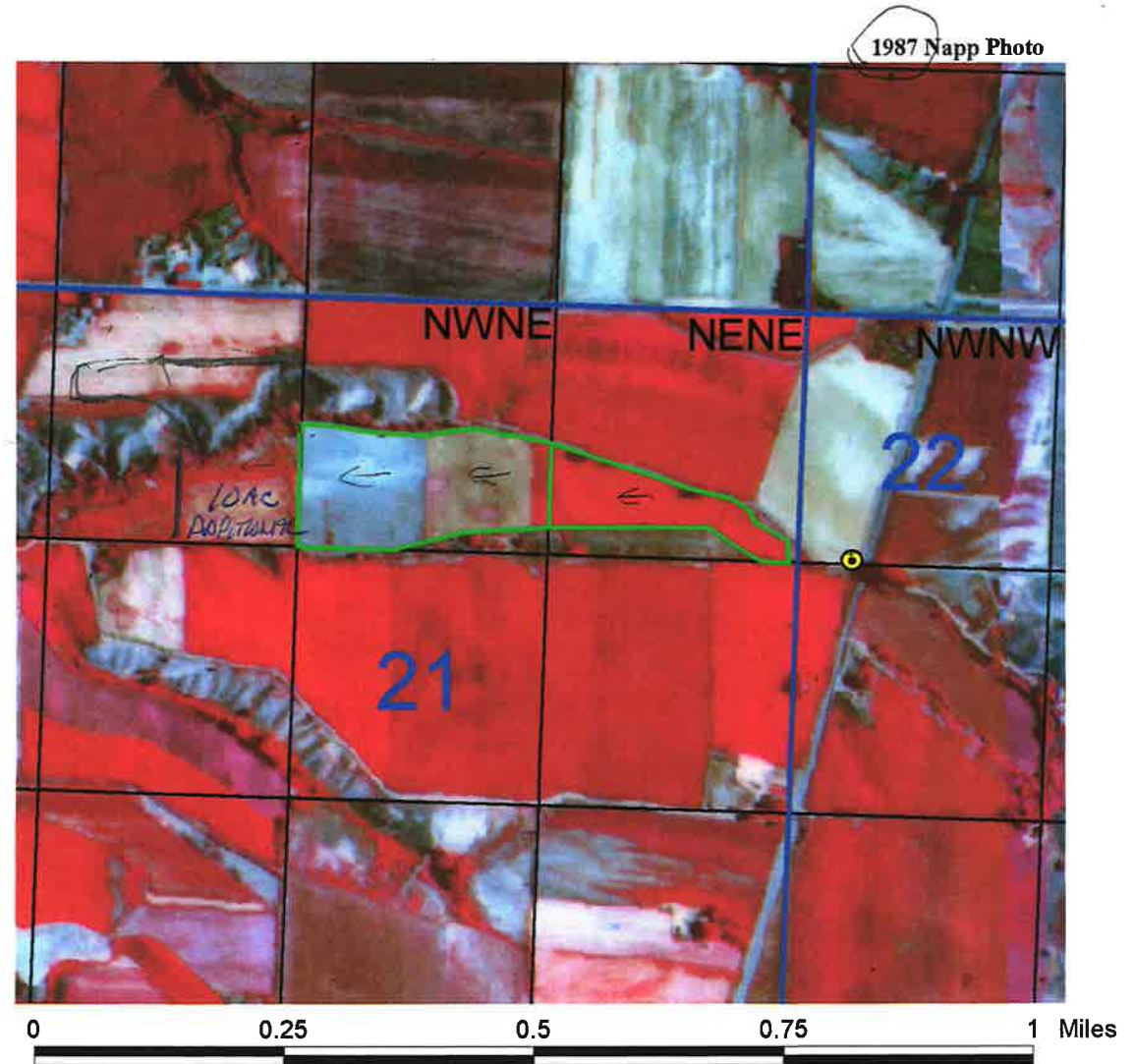
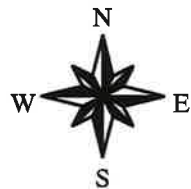
Idaho Department of Water Resources

Claim Number: 63-04544

Legal: T07N, R05W, S21

Reviewed By:

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



Note change on map



5 feet wide

IN THE MATTER OF:

AFFIDAVIT

State of Idaho

County of Payette

Charles C. Dean being first duly sworn,
deposes and says:

At one time I owned
forty acres of land described as
NW 1/4 Sec. 22-7-35. I sold that
portion lying west of Highway 45.95.
It was joined with another farm
and later purchased by E. L. McQuinn.
I farmed the irrigable land on the east portion
from 1940 to 1969. I still own that part.

By 1945 or so, I can't recall
exactly what year, E. L. McQuinn had
placed a structure in that wasteway
to direct water into the irrigable land
lying south of that wasteway.
This has been used continuously
since that time to irrigate this land.

Charles C. Dean
(Signature)

Subscribed and sworn to before me this 8th day of Aug., 1977

Kurt G. List
(Notary Public)

Residing at Irwin Road, Idaho
My Commission Expires 8-6-28

IN THE MATTER OF:)

AFFIDAVIT

State of Idaho

County of Fremont

James H. Lyne being first duly sworn,
deposes and says: I have farmed near the

McEwen place and I hereby state
he used water out of the Fred
Gulch as early as 1944 and
it has been used continuously
since that date.

James H. Lyne

James H. Lyne
(Signature)

Subscribed and sworn to before me this 14th day of June, 1948.

Donner D. Osborn
(Notary Public)

Residing at Fruitland:
My Commission Expires July:

AFFIDAVIT

County of

Payotto

deposes and says:

deposes and says: I lived and was a neighbor and owned a farm across the Road north of C. F. McCuen Farm as to when McCuen put a Division in the Hurd wasteway and created land on the south side of the Waste Way was about 1945 and has been used every since to the best of my knowledge

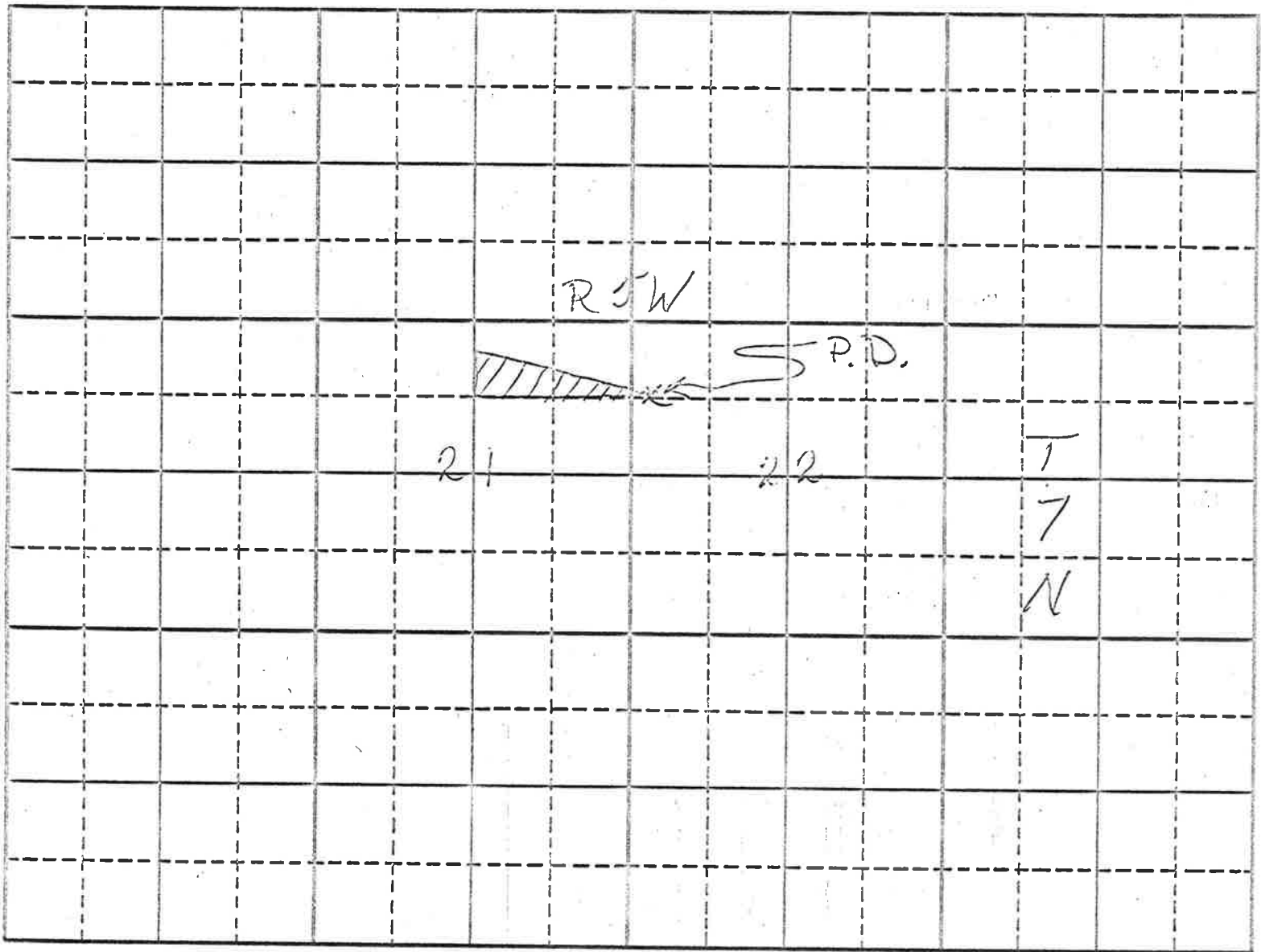
F Mike Deser
(Signature)

Subscribed and sworn to before me this 14th day of June, 1978

Donald W. Chan
(Notary Public)

Residing at Frontland
My Commission Expires 11/6

(8) Remarks Diversion rate shows 0.1 cfs for loss and evaporation.



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Ada) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiants knowledge.

Sworn to before me this 3rd day of August, 19 77.

Kenneth L. Lusk
(Claimant)

John Bendale
Notary Public
Residing at Boise, ID

My commission expires March 8, 1980

For Department Use Only

Received by \$ Date 8/03/77 Exception filed by: _____ Date _____
Prelim. check by PV Date 8-64-77 Forwarded to claimant by: _____
\$10.00 fee received by \$ Date 8/03/77
Approved for publication by _____
Published in Independent Enterprise
Dates August 11 & 15

STATE OF IDAHO

County of

Payette

) ss

On this 24th day of March, 1990, before me, the undersigned, Notary Public in and for said state, personally appeared Charles Dean known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same.

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

Jo Ann Nye
Notary Public for Idaho

Residing at:

Fruitland, 2d

RECEIVED

PHOTOFILMED
OCT 07 1996

OCT 06 1995

WATER RESOURCES
WESTERN REGION

Fruitland Idaho
March 24 1990

To whom it may concern,

I took my farm on Black Canyon project out of sagebrush in 1940 and started irrigating that year. The waste water from a small portion of it went into the drain which went through the farm now owned by Duane Tesnobek.

There weren't many farms that year but in the next two or three years, as I remember, most of the land which drained into that waste ditch was being farmed.

Mr. E. L. McEwen came about this time and it must have been about 1943 when he started diverting water from this drain to irrigate the field south of the ditch. The water ~~was~~ diverted this way as long as I owned my farm and had knowledge of it. I sold my farm in 1969 so can say the water was used ~~continually~~ each year until then.

CP. Prior to 1940 and until waste water from irrigation entered ~~the~~ the drain it was absolutely dry, except for melted snow water if any.

Charles Dean
2210 Hwy 30 W,
Fruitland Idaho 83619

RECEIVED

OCT 06 1995

WATER RESOURCES
WESTERN REGION

MICROFILMED
OCT 07 1996

Fruitland Idaho
March 27, 1990

To whom it may Concern,

When Mr. E. L. McEwen came to the farm referred to in 1943 he put an old car body in the waste ditch in order to get water onto his south field. He continued to make use of this for a year or two, I cant recall how long. Then he put in a concrete check to better serve the purpose. This was in continuous use until 1969 when I sold my place and no longer had any knowledge of the matter.

Charles E. Dean

RECEIVED

OCT 06 1995

WATER RESOURCES
WESTERN REGION

MICROFILMED
OCT 07 1996

March 24, 1998.

To Whom It May Concern.

In the fall of 1942, we purchased our farm south of Fruitland (Sec. 21+22 Township 7 N and Range 5 W.) from a Mr. Caldwell. In 1943 my husband Erly (Ernie) McEwen, put in a head gate structure in Hard Gulch and started irrigating our ground on the south side of the gulch. This ground has been irrigated out of Hard Gulch each year since the structure was put in. ^{It started and} water has been running year round in the gulch from 1942 all these years.

Louise McEwen Young.

RECEIVED

OCT 06 1995

WATER RESOURCES
WESTERN REGION

MICROFILMED
OCT 07 1995

Trutland Idaho
March 24 1990

To whom it may concern,

I took my farm on Black Canyon project out of sagebrush in 1940 and started irrigating that year. The waste water from a small portion of it went into the drain which went through the farm now owned by Duane Tesnobledak.

There weren't many farms that year but in the next two or three years, as I remember, most of the land which drained into that waste ditch was being farmed.

Mr. E. L. McEwen came about this time and it must have been about 1943 when he started diverting water from this drain to irrigate the field south of the ditch. The water was diverted this way as long as I owned my farm and had knowledge of it. I sold my farm in 1969 so can say the water was used continuously each year until then.

CP. Prior to 1940 and until waste water from irrigation entered ~~the~~ the drain it was absolutely dry, except for melted snow water if any.

Charles Dean
2210 Hwy 30 W,
Trutland Idaho 83619

STATE OF IDAHO

County of

Payette

) ss

On this 24th day of March, 1990, before me, the undersigned, Notary Public in and for said state, personally appeared Charles Dean known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same.

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

Jo Ann Nye
Notary Public for Idaho

STATE OF IDAHO

County of Payette

)
) ss
)

On this 24th day of March, 1990, before me, the undersigned, Notary Public in and for said state, personally appeared Louise McEwen Young known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same.

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

JoAnn Nye
Notary Public for Idaho
Residing at: Fruitland, Id.

RECEIVED
OCT 06 1995
MICROFILMED
OCT 07 1996
WATER RESOURCES
WESTERN REGION

March 24, 1998.

To Whom It May Concern.

In the fall of 1942, we purchased our farm south of Fruitland (Sec 21+22 Township 7 N and Range 5 W.) from a Mr. Caldwell. In 1943 my husband Curly (Emil) McEwen, put in a head gate structure in Hard Gulch and started irrigating our ground on the south side of the gulch. This ground has been irrigated out of Hard Gulch each year since the structure was put in. Water ^{has} started and been running year round in the gulch from 1942 all these years.

Louise McEwen Young.

STATE OF IDAHO

County of

Payette

) ss

On this 24th day of March, 1990, before me, the undersigned, Notary Public in and for said state, personally appeared Louise McEwen Young known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same.

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

JoAnn Nye
Notary Public for Idaho

Residing at: Fruitland, Id.

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

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

HURD GULCH DRAINAGE BASIN.

NOTICE OF CLAIM
TO A
WATER RIGHT

63-4544	
I.D. No.	Map No.
\$ <u>35</u>	<u>15344</u>
Fee Paid	Receipt No.

Notice is hereby given that Kenneth L. &/or Norma J. Lisle
(Name of Claimant)
Route 1, Fruitland, ID 83619 Telephone No. 452-3204
(Mailing Address) (Zip Code)

- claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:
- (1) Date of priority: (When was the water first applied to a beneficial use, or priority date of decreed, licensed or permit right) March 15, 1943
- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water) Hurd Gulch tributary to Snake 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:
- | | | |
|---|--|---|
| Quantity <u>.52 cfs</u>
(CFS, GPD, AF) | Use <u>Irrigation</u>
(Domestic, irrigation, stock, etc.) | Period of Use From <u>3/15</u> To <u>11/15</u>
(Mo., Day) (Mo., Day)
(Both dates inclusive) |
| Quantity <u>.05 cfs</u>
(CFS, GPD, AF) | Use <u>Stockwater</u>
(Domestic, irrigation, stock, etc.) | Period of Use From <u>1/1</u> To <u>12/31</u>
(Mo., Day) (Mo., Day)
(Both dates inclusive) |
| Quantity _____
(CFS, GPD, AF) | Use _____
(Domestic, irrigation, stock, etc.) | Period of Use From _____ To _____
(Mo., Day) (Mo., Day)
(Both dates inclusive) |
| Quantity _____
(CFS, GPD, AF) | Use _____
(Domestic, irrigation, stock, etc.) | Period of Use From _____ To _____
(Mo., Day) (Mo., Day)
(Both dates inclusive) |
- (4) .57 cfs TOTAL QUANTITY CLAIMED.
(CFS, GPD, AF)
- (5) A) Point of Diversion: Give location of point where water is diverted from its source SW $\frac{1}{4}$ NW $\frac{1}{4}$
Sec. 22, Twp. 7N, Rge. 5W, B.M., Payette County
Additional Points: _____
B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Concrete diversion dam.
- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTAL
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
7N	5W	21	7	19															26

Total no. of acres 26

- B) If water is used for other than irrigation, fully describe that use, being as specific as possible: _____
- NOTE: Include here the type and number of stock watered: S/150 Range
- (7) If you are claiming water as a member of an organization, list name of organization: _____
- (8) Remarks _____
- (9) Basis of claim (Check one) ☒ A) Right based on diversion and beneficial use.
☐ B) Right decreed by court, cite title of case. _____
☐ C) Right based on application, permit, license, or previous statutory claim filed with the Idaho Department of Water Resources. Give No. _____

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

2/13/80
(Date)

State of Idaho Organization _____
County of Ada ss. _____
Seal

On this 13th day of February, in the year 1980 before me
a notary public, personally appeared Kenneth L. Lisle
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 he) executed the same.

My commission expires Life Notary Public residing at Nancy M. Northway
Boise

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

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

NOTICE OF CLAIM
TO A
WATER RIGHT

63-4544	
I.D. No.	Map No.
\$	
Fee Paid	Receipt No.

HURD GULCH DRAINAGE BASIN.

Notice is hereby given that Kenneth L. &/or Norma J. Little
(Name of Claimant)
Route 1, Fruitland, ID 83619 Telephone No. 452-3204
(Mailing Address) (Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use, or priority date of decreed, licensed or permit right) March 15, 1943 3/15/1943

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water) Hurd Gulch tributary to Snake 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:

Quantity .57 cfs Use Irrigation Period of Use From 3/15 To 11/15
(CFS, GPD, AF) (Domestic, irrigation, stock, etc.) (Mo., Day) (Mo., Day)
(Both dates inclusive)

Quantity .05 cfs Use Stockwater Period of Use From 1/1 To 12/31
(CFS, GPD, AF) (Domestic, irrigation, stock, etc.) (Mo., Day) (Mo., Day)
(Both dates inclusive)

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

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

(4) .57 cfs 52 TOTAL QUANTITY CLAIMED.
(CFS, GPD, AF)

(5) A) Point of Diversion: Give location of point where water is diverted from its source SW 1/4 NW 1/4
Sec. 22, Twp. 7N, Rge. 5W, B.M., Payette County
Additional Points: _____

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change.
Concrete diversion dam.

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
<u>7N</u>	<u>5W</u>	<u>21</u>	<u>7</u>	<u>25</u>															<u>20</u>
			<u>8</u>	<u>18</u>															

Total no. of acres 26

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

NOTE: Include here the type and number of stock watered: 2/150 Range

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

(8) Remarks (This rt. when combined with rts. of U.S. Dept. of Interior shall provide no more than .02 cfs/ac.)

(9) Basis of claim (Check one) ☐ A) Right based on diversion and beneficial use.
☐ B) Right decreed by court, cite title of case. _____

☐ C) Right based on application, permit, license, or previous statutory claim filed with the Idaho Department of Water Resources. Give No. _____

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

2/13/80
(Date)

State of Idaho
County of Ada

Individual Kenneth L. Little
(Signature of Claimant)

Organization _____
(Signature of Spouse)

Seal _____
(Signature of Authorized Agent)

On this 13th day of February, in the year 1980 before me
a notary public, personally appeared _____

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.

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

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

NOTICE OF CLAIM
TO A
WATER RIGHT

HURD GULCH DRAINAGE BASIN.

63-4544	I.D. No.	Map No.
\$ 35	Fee Paid	15344
		Receipt No.

Notice is hereby given that Kenneth L. &/or Norma J. Lisle
(Name of Claimant)
Route 1, Fruitland, ID 83619 Telephone No. 452-3204
(Mailing Address) (Zip Code)

- claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:
- (1) Date of priority: (When was the water first applied to a beneficial use, or priority date of decreed, licensed or permit right) March 15, 1943
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|---|--|---|
| Quantity <u>.52 cfs</u>
(CFS, GPD, AF) | Use <u>Irrigation</u>
(Domestic, irrigation, stock, etc.) | Period of Use From <u>3/15</u> To <u>11/15</u>
(Mo., Day) (Mo., Day)
(Both dates inclusive) |
| Quantity <u>.05 cfs</u>
(CFS, GPD, AF) | Use <u>Stockwater</u>
(Domestic, irrigation, stock, etc.) | Period of Use From <u>1/1</u> To <u>12/31</u>
(Mo., Day) (Mo., Day)
(Both dates inclusive) |
| Quantity _____
(CFS, GPD, AF) | Use _____
(Domestic, irrigation, stock, etc.) | Period of Use From _____ To _____
(Mo., Day) (Mo., Day)
(Both dates inclusive) |
| Quantity _____
(CFS, GPD, AF) | Use _____
(Domestic, irrigation, stock, etc.) | Period of Use From _____ To _____
(Mo., Day) (Mo., Day)
(Both dates inclusive) |
- (4) .57 cfs TOTAL QUANTITY CLAIMED.
(CFS, GPD, AF)
- (5) A) Point of Diversion: Give location of point where water is diverted from its source SW $\frac{1}{4}$ NW $\frac{1}{4}$
Sec. 22, Twp. 7N, Rge. 5W, B.M., Payette County
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- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTAL
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
<u>7N</u>	<u>5W</u>	<u>21</u>	<u>7</u>	<u>19</u>															<u>26</u>

Total no. of acres 26

- B) If water is used for other than irrigation, fully describe that use, being as specific as possible: _____
- NOTE: Include here the type and number of stock watered: 0/150 Range
- (7) If you are claiming water as a member of an organization, list name of organization: _____
- (8) Remarks _____
- (9) Basis of claim (Check one) ☒ A) Right based on diversion and beneficial use.
☐ B) Right decreed by court, cite title of case. _____
☐ C) Right based on application, permit, license, or previous statutory claim filed with the Idaho Department of Water Resources. Give No. _____

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

2/13/80 (Date)
State of Idaho Organization _____
County of Ada Seal _____
On this 13th day of February, in the year 1980 before me
a notary public, personally appeared Kenneth L. Lisle
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 he) executed the same.
My commission expires Life Notary Public residing at Nancy M. Northway Boise

Individual Kenneth L. Lisle (Signature of Claimant)
Organization _____ (Signature of Spouse)

(Signature of Authorized Agent)

04/18/80 DVS

* MACALLISTER'S MODIFICATION OF MORITZ *
* LOSS CALCULATION FOR *
* THE MC EWEN DITCH *
* WATER RIGHT NO. 63-4544 *

Q DIVERTED: .61
Q DELIVERED: .52
PERCENTAGE LOSS: 16.7

TYPE OF SOIL: OTHER
SOIL CONSTANT= 1.50 (FEET/DAY)
LENGTH OF HEAD OF DITCH: .00
LENGTH OF DELIVERY SECTION: .45

LOSS TABLE FOR DELIVERY

MILE	Q	LOSS	Q DELIVERED
	(CFS)	(CFS)	(CFS)
.45	-.01	.10	.52

141213 LTL-2
Moore Business Forms, Inc. sv

01 Water Right Number - A63-4544

02 Old (D) Number -

LAST NAME
03001 - LISLE
03002 - LISLEFIRST NAME
04001 - KENNETH L.
04002 - NORMA J.ORIG. OWNER
05001 - C
05002 - C

06 Add Line 1 - RT. 1

07 Add Line 2 -

08 Add Line 3 -

09 City - FRUITLAND

10 State - ID

11 ZIP - 83619

12 Stage - B NOT A VALID STAGE

13 Status -

SOURCE
14001 - HURD GULCHTRIBUTARY OF
15001 - SNAKE RIVER

16 Diversion Means -

17 County - 75 PAYETTE

18 Diversion Capacity - .000

19 Total Diversion Rate - .570

20 Total Diversion Volume - .00

21 Water District -

----- DIVERSION POINTS -----																
Tract	Sec	Tw	Rng	Lot	Rfls	S T R E A M I N D E X F I E L D S										
22001 -	SWNW	23001 - 22	24001 - 07N	25001 - 05W	26001 -	27001 -										
					28001 - 0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0	0	0.0

29 Non-Irrigation Use - S/150 RANGE.

----- PLACE OF USE -----							
Use Code / Use	Tw	Rng	Sec	Tract	Acres	Lot	
30001 - 01 IRRIGATION	31001 - 07N	32001 - 05W	33001 - 21	34001 - NENE	35001 - 08	36001 -	
30002 - 01 IRRIGATION	31002 - 07N	32002 - 05W	33002 - 21	34002 - NWNE	35002 - 18	36002 -	
							Total Acres: 26

----- WATER USE -----							
Period From	Period To	Use Code / Use	Diversion Rate	Diversion Volume			
37001 - 0101	38001 - 1231	39001 - 04 STOCKWATER	40001 -	0.050	41001 -	2.70	
37002 - 0315	38002 - 1115	39002 - 01 IRRIGATION	40002 -	0.570	41002 -	0.00	

42 Decree Plaintiff Name -

43 Decree Defendant Name -

REMARKS
44001 -

Approval Conditions: 45001 -

46 Other Rights for Same Use - U.S. DEPT. OF INTERIOR.

----- D A T E S -----				----- D A T E S -----				----- F L A G S -----			
47 Priority	-	15-Mar-1943		55 License	-			63 Transfer/Amended	-		
48 Proof Due	-			56 Appl Received	-			64 DLE/Carew Act	-		
49 Proof Made	-			57 Field Exam Made	-			65 Flag_1	-		
50 Approve/Denied-	-			58 Decree	-			66 Flag_2	-		
51 Protested	-			59 Start Work	-			67 Flag_3	-		

WRR100
A63-4544

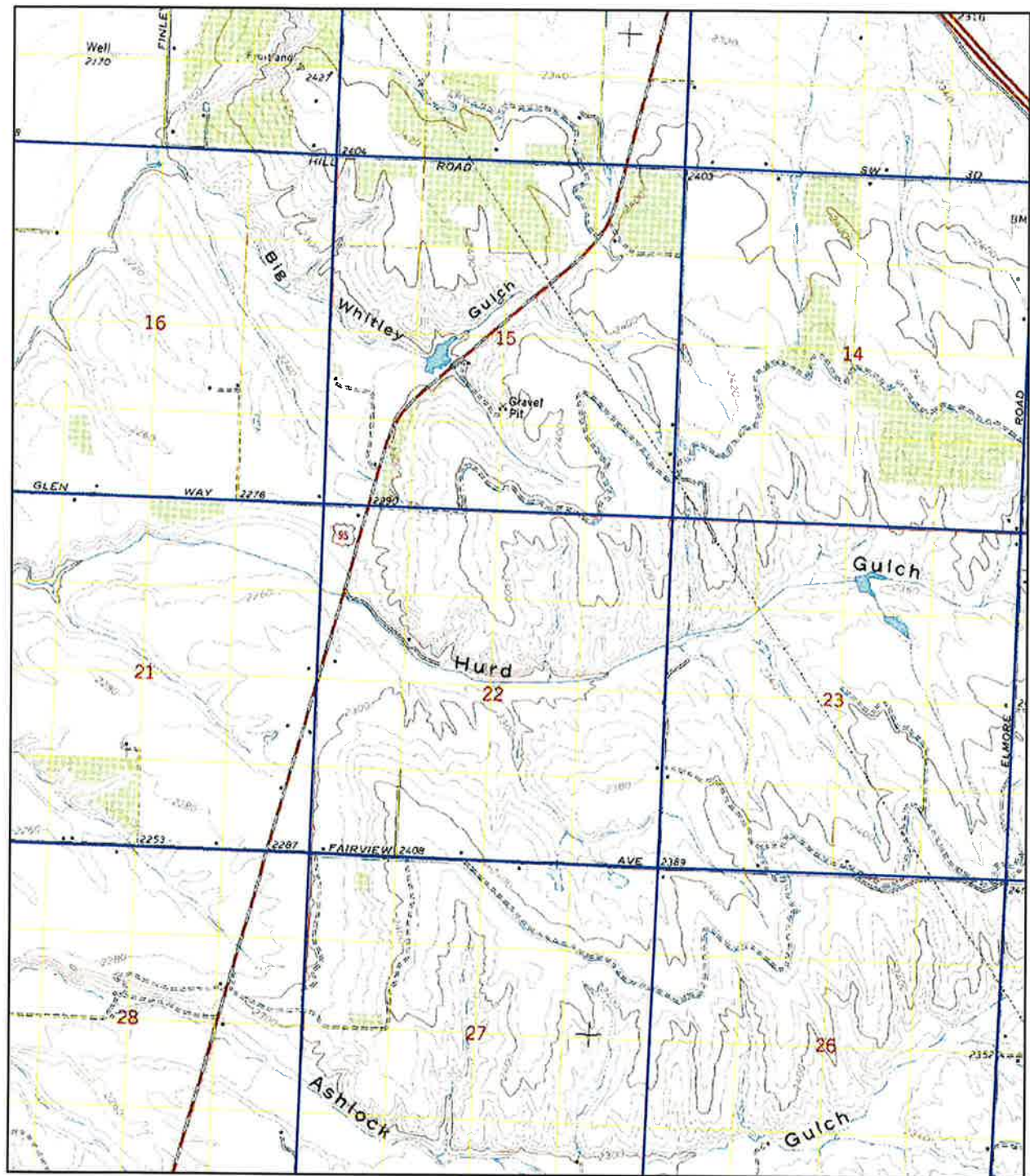
IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHTS PROOF READING REPORT

PAGE 2
4-Sep-1985 13:27:58

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

52 Hearins -
53 Verified -
54 Last Update - 22-May-1980

60 Order Show Cause -
61 Date_1 -
62 Date_2 -



hurd gulch creek