

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No: 65-13205
Exam Date: 09/10/2019

1. Current Owner:
BILBREY DITCH CO LTD C/O LEANNE STRICKLAND-SECRETARY TREASURER
2430 TOMS CABIN RD EMMETT ID 83617

2. Accompanied by: N/A
Phone No: N/A
Address: N/A
Relationship to permit Holder: N/A

3. **SOURCE:**
PAYETTE RIVER

Tributary
SNAKE RIVER

Method of Determination: Field observation, aerial imagery, and ArcMap GIS Tools.

B. OVERLAP REVIEW

1. Other water rights with the same place of use: YES Overlap

Water Right No.	Source	Purpose of Use	Basis
65-34A	Payette River	Irrigation	Decreed
65-34X	Payette River	Irrigation	Decreed
65-11320	Payette River	Irrigation	Decreed
65-11344	Payette River	Irrigation	Decreed
65-13146	Payette River	Irrigation	License

Comments: All Bilbrey Ditch Co. Rights share a Large POU.

2. Other water rights with the same point-of-diversion: YES Overlap

Water Right No.	Source	Purpose of Use	Basis
65-34A	Payette River	Irrigation	Decreed
65-34X	Payette River	Irrigation	Decreed
65-11320	Payette River	Irrigation	Decreed
65-11344	Payette River	Irrigation	Decreed
65-13146	Payette River	Irrigation	License

Comments: All Bilbrey Ditch Co. Rights are diverted from the same POD into Bilbrey Ditch.

C. DIVERSION AND DELIVERY SYSTEM

1. **LOCATION OF POINT(S) OF DIVERSION:**

PAYETTE RIVER L5 (NW¼ SW¼), Sec. 11, Twp 06N, Rge 02W, B.M. GEM County

Method of Determination: Field observation, aerial imagery, and ArcMap GIS tools.

2. **LOCATION OF PLACE(S) OF USE**

Large POU not Displayed

Right Acre Limit = 763

Total Acres = 763

Method of Determination: Aerial imagery, and ArcMap GIS tools.

3. ☒ Delivery System Diagram Attached (required). Indicate all major components and distances between components.
☒ Indicate weir size/pipe as applicable.
☒ Map Attached Showing Location(s) of point(s) of diversion and place(s) of use (required). Scale must be 1:24,000 or greater.
☒ Aerial Photo Attached (required for irrigation of 10+ acres).
☒ Photo of Diversion and System Attached

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
FlowTracker	Acoustic Doplar Velocimeter	SonTek	Handheld Adv	P4553	N/A	9/10/2019*

2. Measurements: Used the FlowTracker to collect flow measurements during field exam.
 *QC Test ran on day of measurement

E. FLOW CALCULATIONS

☒ Additional Computation Sheets Attached

Measured Method: FlowTracker, Acoustic Doplar Velocimeter
 Measured Rate: 12.17 cfs
 Recommended Rate = 0.02 cfs/acre x 12.5 acres = 0.25 cfs

F. VOLUME CALCULATIONS

1. Volume Calculations for irrigation: Volume is exempt for irrigation diverted from natural flow per B.U. Examination Rules (IDAPA 37.03.02).

G. NARRATIVE/REMARKS/COMMENTS

Field exam was conducted on September 10, 2019 by agent Justin Shearer. He was supposed to be accompanied by Monte Hildebrand, a ditch-rider for Bilbrey Ditch Co., however Monte never showed and the exam was conducted without him. Ownership of the permit is in the name of Bilbrey Ditch Co. Ltd. Current Gem County tax-lot data represents that various property owners own the land pertinent to the Place of Use (POU) and Bilbrey Ditch Co. Ltd. Delivers water to said property owners as users within the ditch company's approved service area. A Large POU represents their service area.

The point of diversion (POD) is located approximately ¾ miles east of the western perimeter of the permit holder's service area on the Payette River in Emmett, ID. Water is diverted off of the Payette River through a headgate structure into a ditch through which the water travels due west where water users are then delivered water by a company appointed ditch-rider for irrigation use. A Parshall Flume is installed within the ditch just downstream of the POD, however at the time of exam it was considerably submerged and not allowing for critical flow to pass through the structure. Thus, an accurate flow measurement could not be obtained from the installed open channel flow metering device. As a result, it was necessary to conduct a flow measurement using a SonTek Flowtracker. At the time of exam, a flow rate of 12.17 cfs was measured using the

Flowtracker. This measured rate indicates that the permit holder was not diverting or using more water than is recognized under existing water rights 65-34A, 65-34X, 65-11320, and 65-11344. Existing rights allow for a total diversion rate of 20.01 cfs for 721 acres. Consequently, I requested that Bilbrey Ditch Co. provide supporting documentation that showed a development of beneficial use of water under the permit by identifying which additional acres were irrigated.

In order to determine the extent of the POU developed, the permit holder provided a map and list of users identifying how many acres, where said acres were located, and corresponding property owners that are paid shareholders. From this documentation, I was able to verify the potential additional irrigated acres using satellite imagery, and ArcMap tools. Due to the forensic nature of this field exam since the B.U. period was 1990-1992 I used aerial imagery from the B.U. period in conjunction with 2004, and 2017 imagery to determine extent of use developed. Subsequently, an additional 12.5 acres out of a permitted 62.0 acres were verified as developed under this permit during the beneficial use period. I am recommending a rate of 0.25 cfs for the 12.5 acres at a rate of 0.02 cfs/acre. Additionally, while compiling this field report I discovered an old exam file indicating that pictures and measurement readings from the flume were taken in 1994. Two measurements were taken in 1994 of 19.14 cfs and 19.13 cfs for an average of 19.27 cfs. As a result, these measurements further confirm that no additional beneficial use rate was developed under permits 65-13146 & 65-13205. Furthermore, the pictures indicate that the headgate and spillway at the POD have since been modified, indicating a possible difference in the diversion system capacity. A combined acre and rate limit will be added to the right to recognize the larger sum of rates and acres for all of Bilbrey Ditch Co.'s water rights.

The system does have lockable controlling works as well as a measuring device installed but needs some maintenance. Condition X35 was added to recognize the combined acre/rate limit with existing Bilbrey Ditch's existing rights. Removed condition 016 as there were no pertinent remarks and is no longer an active condition. No remarks condition on permit. Replaced condition 059 with 103. Condition 01J was replaced by R43 as per department licensing standards. Condition 03A was replaced by R65. Condition 026 was removed as per licensing standards. Condition 005 was replaced by R05.

Have conditions of permit approval been met? ☒ Yes ☐ No

H. RECOMMENDATIONS

1. Recommended Amounts

<u>Beneficial Use</u>	<u>Period of Use</u>	<u>Rate of Diversion</u>	
IRRIGATION	03/01 to 11/15	0.25 CFS	

Totals: 0.25 CFS

2. Recommended Amendments

☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☒ None

☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☒ None

I. AUTHENTICATION

Justin Shearer - Water Resource Agent, Senior

Field Examiner's Name

Date

4/15/20

Reviewer

Date

4-22-2020

Discharge Measurement Summary

Date Generated: Mon Sep 23 2019

File Information

File Name BILBREY2.WAD
Start Date and Time 2019/09/10 13:23:31

Site Details

Site Name
Operator(s) JS

System Information

Sensor Type FlowTracker
Serial # P4553
CPU Firmware Version 3.7
Software Ver 2.30
Mounting Correction 0.0%

Units (English Units)

Distance ft
Velocity ft/s
Area ft²
Discharge cfs

Discharge Uncertainty

Category	ISO	Stats
Accuracy	1.0%	1.0%
Depth	0.1%	0.6%
Velocity	2.3%	3.4%
Width	0.1%	0.1%
Method	1.8%	-
# Stations	2.6%	-
Overall	4.0%	3.5%

Summary

Averaging Int. 40 # Stations 19
Start Edge LEW Total Width 5.100
Mean SNR 45.2 dB Total Area 8.595
Mean Temp 69.28 °F Mean Depth 1.685
Disch. Equation Mid-Section Mean Velocity 1.4159
Total Discharge 12.1694

Measurement Results

St	Clock	Loc	Method	Depth	%Dep	MeasD	Vel	CorrFact	MeanV	Area	Flow	%Q
0	13:23	1.00	None	1.600	0.0	0.0	0.0000	1.00	2.3852	0.320	0.7632	6.3
1	13:23	1.40	0.6	1.600	0.6	0.640	2.3852	1.00	2.3852	0.480	1.1451	9.4
2	13:27	1.60	0.6	1.700	0.6	0.680	1.6217	1.00	1.6217	0.340	0.5518	4.5
3	13:29	1.80	0.6	1.700	0.6	0.680	1.9826	1.00	1.9826	0.340	0.6746	5.5
4	13:31	2.00	0.6	1.800	0.6	0.720	1.6781	1.00	1.6781	0.360	0.6045	5.0
5	13:33	2.20	0.6	1.800	0.6	0.720	1.5577	1.00	1.5577	0.360	0.5611	4.6
6	13:35	2.40	0.6	1.800	0.6	0.720	2.1647	1.00	2.1647	0.450	0.9734	8.0
7	13:37	2.70	0.6	1.800	0.6	0.720	1.8110	1.00	1.8110	0.539	0.9764	8.0
8	13:39	3.00	0.6	1.750	0.6	0.700	1.7408	1.00	1.7408	0.524	0.9125	7.5
9	13:40	3.30	0.6	1.750	0.6	0.700	1.6414	1.00	1.6414	0.524	0.8604	7.1
10	13:42	3.60	0.6	1.750	0.6	0.700	1.5814	1.00	1.5814	0.524	0.8289	6.8
11	13:44	3.90	0.6	1.600	0.6	0.640	1.5177	1.00	1.5177	0.479	0.7274	6.0
12	13:46	4.20	0.6	1.700	0.6	0.680	1.0466	1.00	1.0466	0.509	0.5330	4.4
13	13:48	4.50	0.6	1.600	0.6	0.640	0.9344	1.00	0.9344	0.402	0.3755	3.1
14	13:50	4.70	0.6	1.600	0.6	0.640	0.5446	1.00	0.5446	0.324	0.1767	1.5
15	13:51	4.90	0.6	1.600	0.6	0.640	0.4695	1.00	0.4695	0.324	0.1523	1.3
16	13:53	5.11	0.6	1.600	0.6	0.640	0.7536	1.00	0.7536	0.324	0.2445	2.0
17	13:54	5.31	0.6	1.600	0.6	0.640	0.7546	1.00	0.7546	0.796	0.6003	4.9
18	13:54	6.10	None	1.700	0.0	0.0	0.0000	1.00	0.7546	0.673	0.5078	4.2

Rows in italics indicate a QC warning. See the Quality Control page of this report for more information.

Discharge Measurement Summary

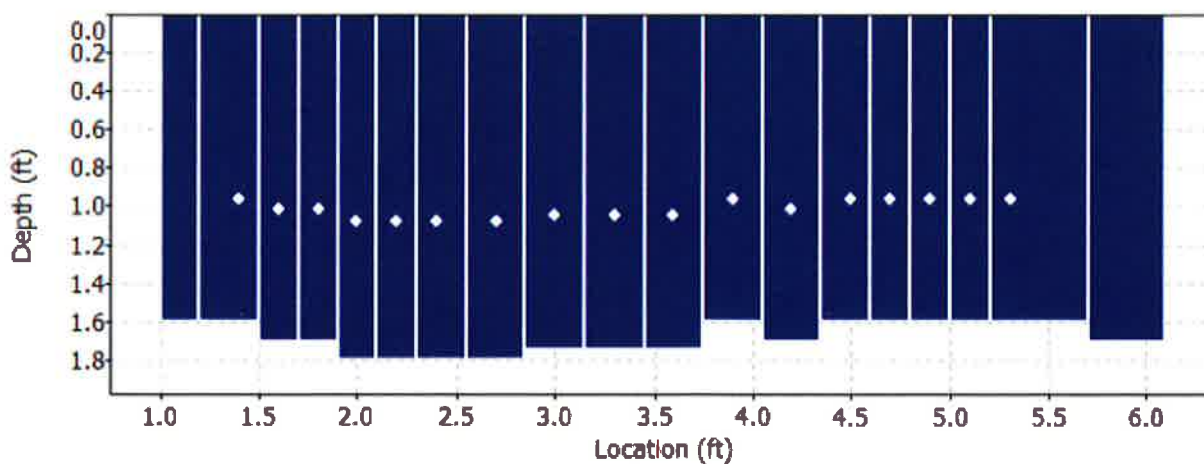
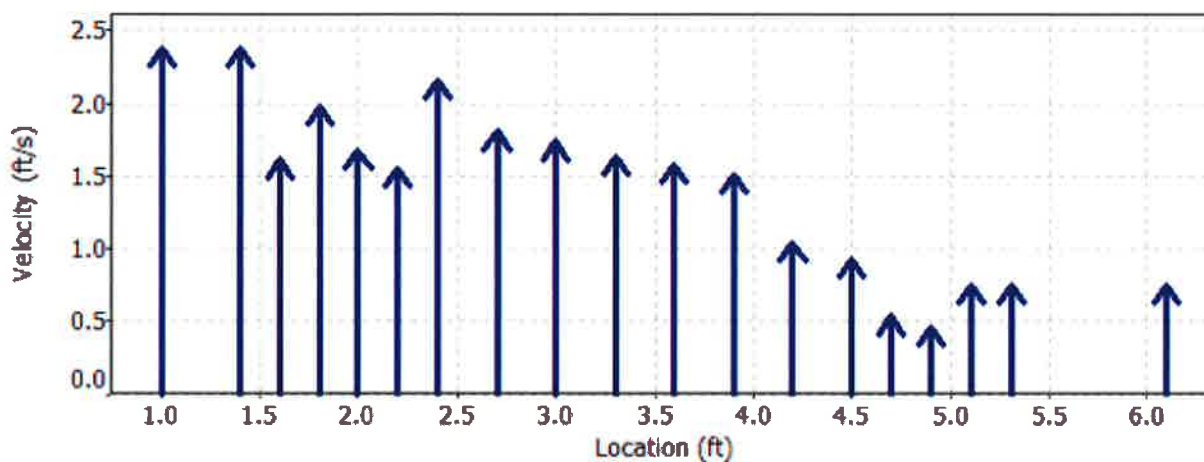
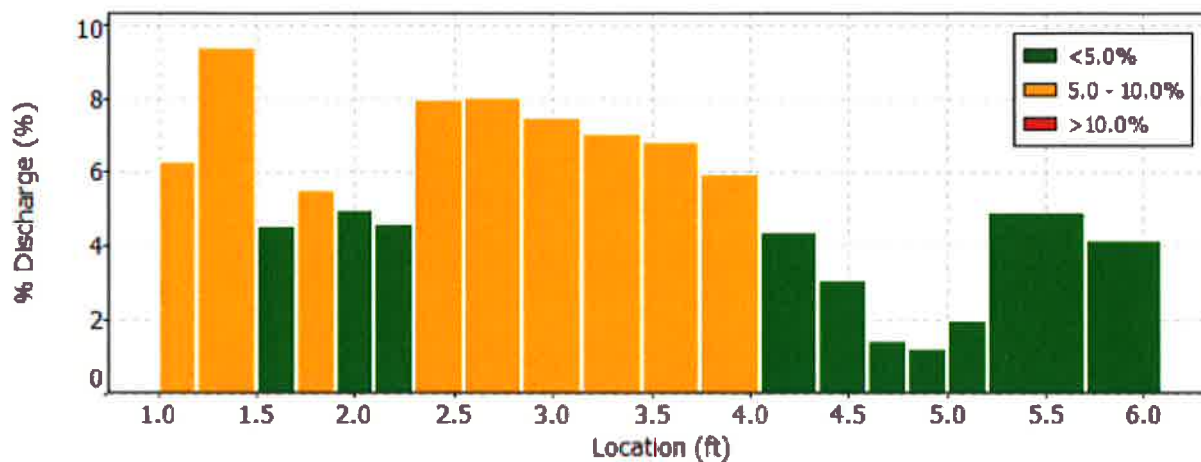
Date Generated: Mon Sep 23 2019

File Information

File Name BILBREY2.WAD
Start Date and Time 2019/09/10 13:23:31

Site Details

Site Name
Operator(s) JS



Discharge Measurement Summary

Date Generated: Mon Sep 23 2019

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File Name BILBREY2.WAD
Start Date and Time 2019/09/10 13:23:31

Site Details

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Quality Control

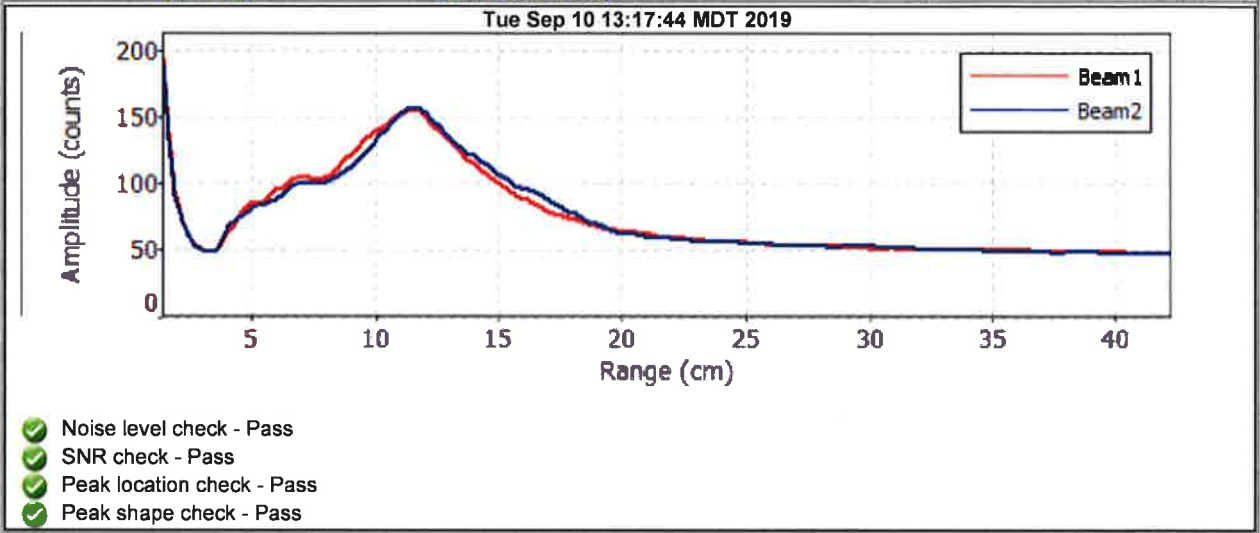
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Discharge Measurement Summary

Date Generated: Mon Sep 23 2019

File Information		Site Details	
File Name	BILBREY2.WAD	Site Name	
Start Date and Time	2019/09/10 13:23:31	Operator(s)	JS

Automatic Quality Control Test (BeamCheck)



Bilbrey Ditch Co. Shareholders

Table 1

Old Rights: 65-34A, 65-34x, 65-11320, 65-11344, New Rights: 65-13146, 65-13205	Property Address	Shares	Balance Owed	Liens	Pendi ng Share s	Old Shares
Scott Abbott	4901 Cascade Rd	1 Old	\$25.00		0	1
Robert L or Della Adams	3470 W Hwy 52	5 (2 old 3 pending)	\$89.42		3 ✓	2 ✓
Marc W and Linda C Anderson	5151 Cascade Rd	10 Old	\$200.00		0	10
Hoss Cupp	Cascade Rd	31 (26 Old 5 Pending)	\$645.00		5 1.5	26 ✓
Jason and Renee Bade	1010 Vanderdasson Rd	0.58 Old	\$437.00		0	0.58
Andrew Robert Baldwin	3443 W Hwy 52	18 (all new) Permit 65-13146 or 65-13205	\$716.00		18 15.2 ✓	0
Margaret Barber	2688 Toms Cabin Rd	2 Old	\$40.00		0	2
Jim Barnhart	1016 Vanderdasson Rd	2 Old shares	\$959.00		0	2
Gary Bigelow	2210 Toms Cabin Rd	9 Old	\$180.00		0	9
Zakary Braunstein (Shannon)	2860 Toms Cabin Rd	2 Old Shares	\$40.00		0	2
Jill Bryson / Attn: Barbara Acker	1112 Vanderdasson Rd	14 Old Shares	\$280.00		0	14
Jill Bryson / Attn: Barbara Acker	1112 Vanderdasson Rd	46 (42 Old 4 Pending)	\$920.00		4 ✓	42 ✓
Sherrie Burkett - DBA Pet Palace	1615 Star Lane	1 Old	\$25.00		0	1
H D Burr	1455 Star Lane	5 Old Shares	\$100.00		0	5
Donald Campfield	5285 W Hwy 52	10 Old Shares	\$200.00		0	10
Jackie Crosby	5706 Hwy 52	3 Old	\$60.00		0	3
Cole Daniel	5704 W Hwy 52	4 old	\$80.00		0	4
Ben J or Lauren R Denny	5575 Cascade Rd, Emmett, Id 83617	15 (old shares)	\$300.00		0	15
Walter & Frances Dittman	1024 Vanderdasson Rd	0.62 Old Shares	\$25.00		0	0.62
Francisco & Evelyn Duran	5405 W Hwy 52	10 (old)	\$420.00		0	10

Total 23.7

Old Rights: 65-34A, 65-34x,65-11320,65-11344, New Rights: 65-13146, 65-13205	Property Address	Shares	Balance Owed	Liens	Pending Shares	Old Shares
Aimee Escobar (moved left no forwarding address)	1008 Vanderdasson Rd	0.58 Older Shares	\$695.00		0	0.58
Ivan or Donna Fackler	1345 Star Lane	8 Old Shares	\$0.00		0	8
Lonnie and Ronda Farnsworth	4605 W Hwy 52	10.67 Old Shares	\$1382.85		0	10.67
Stephen V Fischer III (Moon Pond Ranch)	1114 Vanderdasson Rd	28 (23 old 5 pending)	\$560.00		5 ✓	23 ✓
Allen or Leslie Gilmore	1014 Vanderdasson Rd	3 Old Shares	\$60.00		0	3
Leroy & Marion Hanson	5730 W Hwy 52	6.98 (old)	\$139.60		0	6.98
Matthew P and Summer D Housley	5150 Cutting Lane, Emmett, Idaho 83617	5 (old)	\$100.00		0	5
Joseph D. and Kerry M. Hawks	2550 Toms Cabin Rd	10.67 Old Shares	\$213.40		0	10.67
Sarah R Hilderbrand	2513 Toms Cabin Rd	10 Old	\$200.00		0	10
Everett D and Bonnie J Hill (1)	2119 Toms Cabin Rd	6 (old)	\$120.00		0	6
Everett D and Bonnie J Hill (2)	2119 Toms Cabin Rd	31 Old	\$620.00		0	31
Donald R Hunter	3755 W Hwy 52	4.5 (4 old 1/2 pending)	\$90.00		0.5 ✓	4 ✓
Tim D & Bobbie Jo Husted	2260 Toms Cabin Rd	9.5 (9 Old 1/2 Pending)	\$190.00		0.5 ✓	9 ✓
Travis & Rosie Hyde	1006 Vanderdasson Rd	0.77 Old Shares	\$25.00		0	0.77
Charles Jermann	5280 W Hwy 52	2 (Old)	\$40.00		0	2
Don Robert or Sheri L Jones	1985 Star Lane	1.5 old shares	\$155.50		0	1.5
Gordon Landers (1)	2783 Toms Cabin Rd	9 (old shares)	\$180.00		0	9
Gordon Landers (2)	2783 Toms Cabin Rd	5 (old shares)	\$100.00		0	5

total 6

Old Rights: 65-34A, 65-34x, 65-11320, 65-11344, New Rights: 65-13146, 65-13205	Property Address	Shares	Balance Owed	Liens	Pending Shares	Old Shares
Darrell and Lola Lankford	3911 W Hwy 52	5 Old Shares	\$775.00		0	5
Thomas E & Bonnie L Lee #2	5410 W Hwy 52	20 (old shares)	\$400.00		0	20
Thomas E & Bonnie L Lee #1	5420 W Hwy 52	5 (old shares)	\$100.00		0	5
Kevin Martin - Custom Wood & Design	5279 W Hwy 52	10 Old	\$200.00		0	10
Colvin and Lacie Mathews	2250 Toms Cabin Rd	10.67 Old Permits	\$213.40		0	10.67
Christopher & Misty Anne Lundquist	5595 Cascade Rd	32 (old shares)	\$640.00		0	32
David A McClintock	1012 Vanderdasson Rd	2.33 Old Shares	\$46.60		0	2.33
Dennis C LeGaux	1345 Star Lane	4 (old shares)	\$80.00		0	4
Cheryl Miller	4881 Cascade Rd	4 (.5 old and 3.5 new)	\$80.00		3.5 ✓	0.5 ✓ 4.0
Samuel Mullikin	4200 W Hwy 52	3 Old Shares	\$1333.00		0	3
Lillie Payne (Proctor)	2021 Toms Cabin Rd	1 Old Right	\$109.00		0	1
Michael & Sonja Pruitt	3723 Hwy 52	5 Old Shares	\$100.00		0	5
Aaron and Candice Eells	3723 Hwy 52	6 Old Shares	\$120.00		0	6
Gwen N Purcell	3480 W Hwy 52	5 (2 old 3 pending)	\$235.00		3 2.405 ✓	2 ✓ 4.405 = 4.5
Diane Rausch	5420 W Hwy 52	5 (2.5 old & 2.5 pending)	\$100.00		2.5 1.0 ✓	2.5 ✓ 3.5
Jesse K and Angelia M Raynor	1989 Star Lane	1.5 Old	\$30.00		0	1.5
William J and Shelby C Robinson 1	1118 Vanderdasson Rd	2 Old Shares	\$40.00		0	2
William J and Shelby C Robinson 2	1118 Vanderdasson Rd	8 Old Shares	\$160.00		0	8

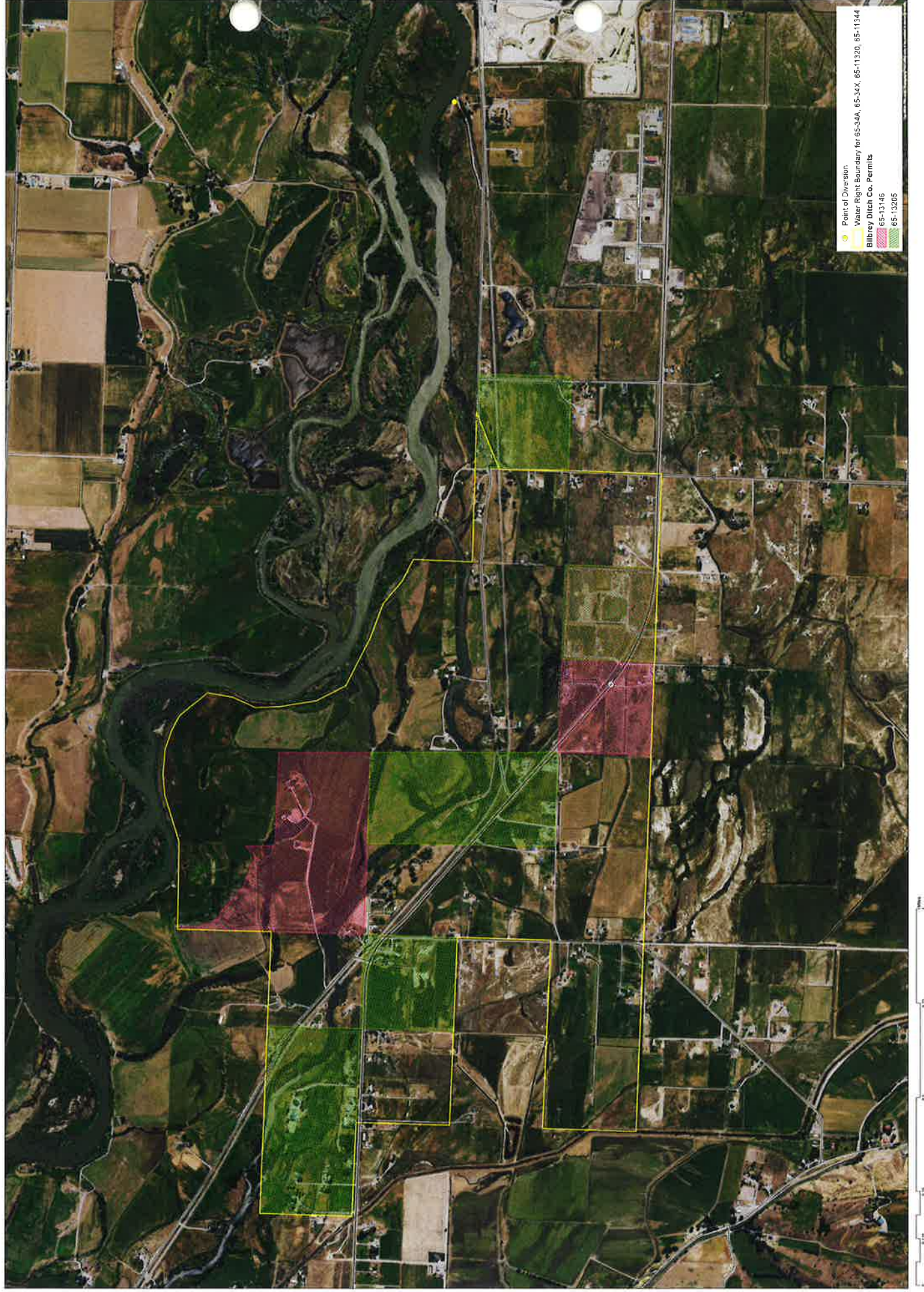
Total | 3.45

Old Rights: 65-34A, 65-34x, 65-11320, 65-11344, New Rights: 65-13146, 65-13205	Property Address	Shares	Balance Owed	Liens	Pendi ng Share s	Old Shares
Sarah Rockhill	5645 Cascade Rd	63 Old Shares	\$1260.00		0	63
Carla Ruiz and Karen Garcia	3500 W Hwy 52	11 (5 old 6 pending)	\$220.00		6 5.3	5 ✓ 10.3
Beth or Daryl Sermersheim	5211 W Hwy 52	7 Old Shares	\$216.00		0	7
Mel D and Lorrie L Shields	5641 Cascade Rd	4.5 Old Shares	\$90.00		0	4.5
Rita P Sill, Marital Trust	1355 Star Lane	5 Old Shares	\$100.00		0	5
WK Smith Ranch (1)	1580 Vanderdasson Rd	30 Old Shares	\$600.00		0	30
WK Smith Ranch (2)	1580 Vanderdasson Rd	3 (old)	\$60.00		0	3
Winfield and Vivian J Smith (3)	1580 Vanderdasson Rd	9 old shares	\$180.00		0	9
Maurice and Mary Snyder	4974 Cascade Rd	2.5 (1 old 1.5 pending)	\$50.00		1.5 X	1 ✓ 0.7
Lori Kauffman	5925 Cascade Rd	9.5 (7 old 2.5 Pending)	\$190.00		2.5 X	7 backs
Nancy J Spencer	5925 Cascade Rd	4 old	-\$80.50		0	4
Gabriel and Kim Young	2656 Toms Cabin Rd	1.5 (old)	\$30.00		0	1.5
Dazi Auto, LLC	3800 Star Lane	4 Pending Permit 65-13146 or 65-13205	\$0.00		0	0
Elizabeth Stephens (Little Valley Farms)	1020 Vanderdasson Rd, Emmett, Id 83617	4.5 Old Shares	\$90.00		0	4.5
John & Leanne Strickland	2430 Toms Cabin Rd	4 Old Rights	\$80.00		0	4
Bob J and Murial L Sullivan	5612 W Hwy 52	1.5 (old shares)	\$207.50		0	1.5
Christopher and Cheri Taron	5702 W Hwy 52	4.5 Old Shares	\$90.00		0	4.5
Randy Thrift (Betsy)	5424 W Hwy 52	1 (old)	\$25.00		0	1

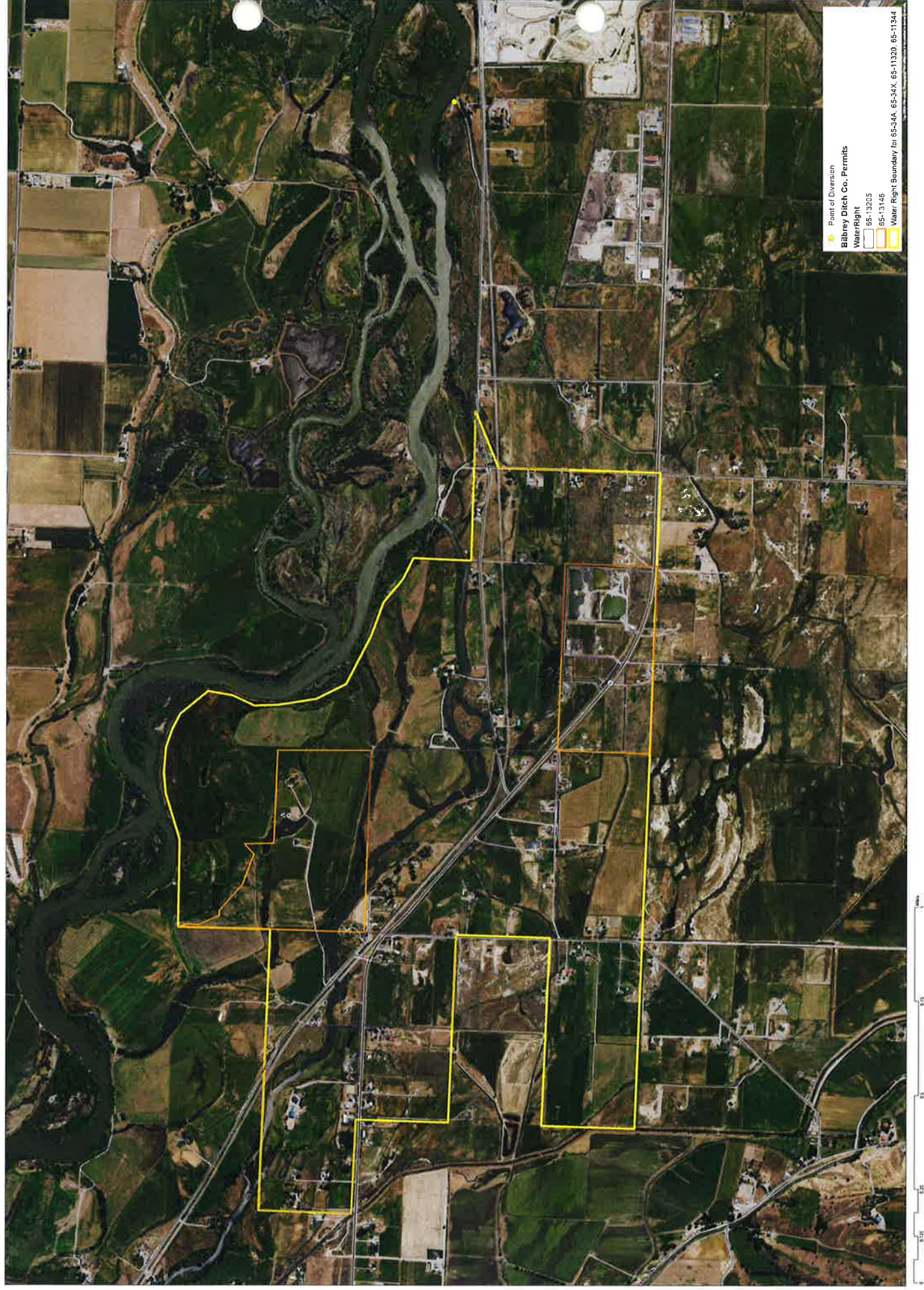
Total 5.3

Old Rights: 65-34A, 65-34x, 65-11320, 65-11344, New Rights: 65-13146, 65-13205	Property Address	Shares	Balance Owed	Liens	Pending Shares	Old Shares
Steven R or Margie Wade	3202 W Hwy 52	7.97 (old)	\$159.40		0	7.97
Joseph Subdivision #1	2701 Toms Cabin Rd, Emmett, Id 83617	40 Old Shares	\$820.00		0	20
Joseph Subdivision #2	2701 Toms Cabin Rd, Emmett, Id 83617				0	10
Joseph Subdivision #3	2701 Toms Cabin Rd, Emmett, Id 83617				0	5
Joseph Subdivision #4	2701 Toms Cabin Rd, Emmett, Id 83617				0	5
Clint Walker and Sarah Walker	2555 Toms Cabin Rd	8 (old)	\$160.00		0	8
Kevin & Brandy Wingard (Cascade Acres LLC)	5757 Cascade Rd	0.5 (old share)	\$25.00		0	0.5
Hank Weatherby	2420 Toms Cabin Rd	64.5 Old Shares	\$1290.00		0	64.5
Kitson H Yates Jr or Patsy Marie Yates (1)	5297 Cascade Rd	5 Old Shares	\$100.00		0	5
Kitson H Yates Jr (2)	5296 Cascade Rd	6 Old Shares	\$120.00		0	6
				Total Shares		
		0	\$21457.17	768.34	55	713.34
				Maxwell Total	38.45	
					41.45	
					42.0	

Bilbrey Ditch Company

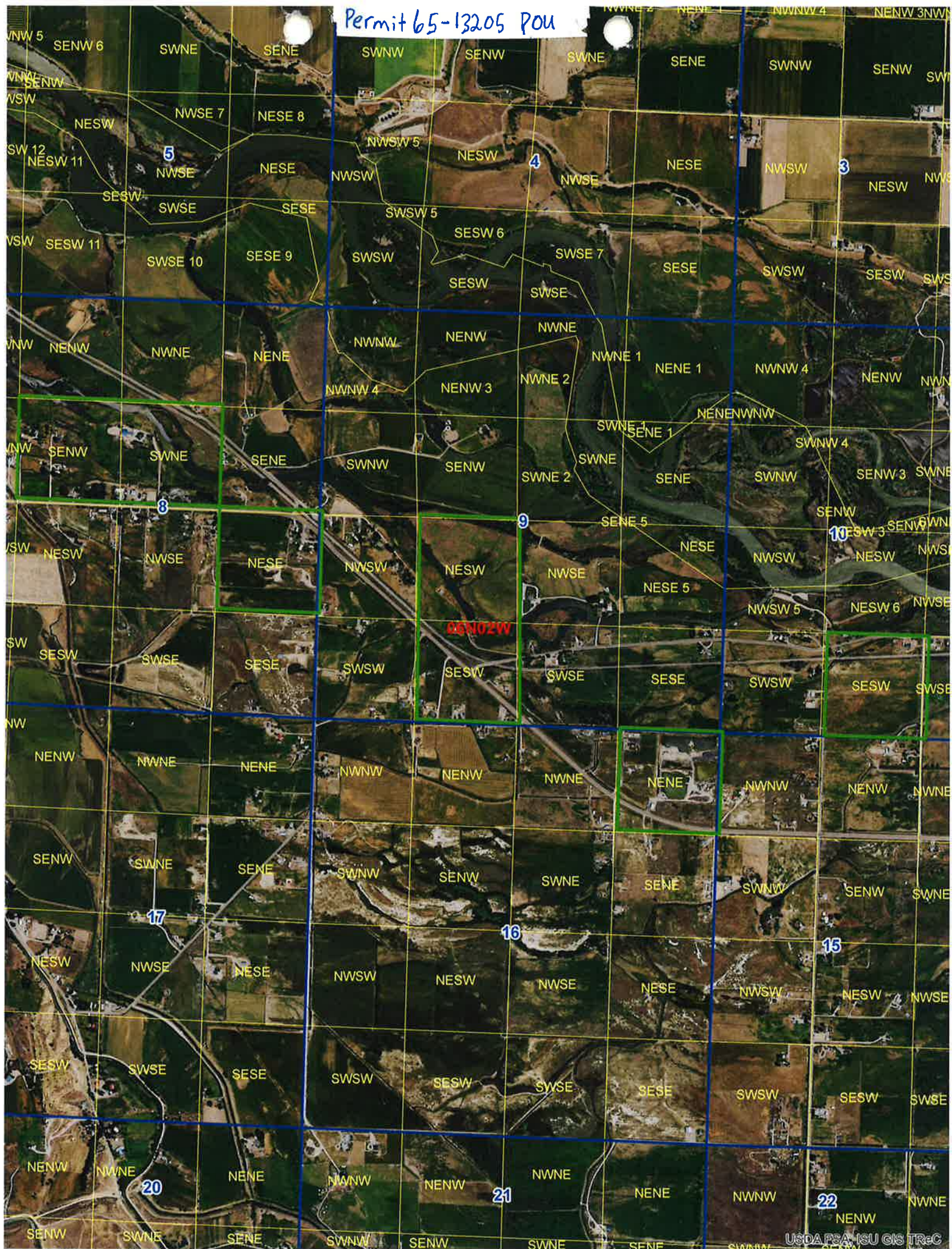


Bilbrey Ditch Company



The USDA-FSA Aerial Photography Field

Permit 65-13205 Pou



BILBRY RIGHTS;

65-00034A \rightarrow .51 cfs CLAIM
 65-00034X \rightarrow 16.06 cfs CLAIM
 65-11320 \rightarrow .16 cfs DECREE
 65-11344 \rightarrow .120 cfs DECREE
 65-13146 \rightarrow 1.00 cfs PERMIT
 65-13205 \rightarrow 1.24 cfs PERMIT

TOTAL WRTs = 19.17 cfs

#1 System Capacity @ 19.4 cfs ^{PARSHALL} 4' Flume STAFF 1.13
 8-16-94

#2 System Capacity @ 19.13 ^{PARSHALL} 4' Flume STAFF 1.12
 9-20-94

REFERENCE. WATER MEASUREMENT BY PORRELL C. LARSON pg 11
 TABLE 11 (pg 34)

SYSTEM CAPACITY; Avg #1 & #2

19.4
<u>19.13</u>
38.53 \times .2
= <u><u>19.27 cfs</u></u>



WATER PASSING THROUGH THE
FLUME.

PHOTO ONE-

>

PHOTO TWO-



VIEW OF HEADGATE. PAYETTE
RIVER IS IN THE BACKGROUND.

PHOTO THREE-

>



VIEW OF SPILLWAY

PHOTO FOUR-



Pic of the POD headgate at culvert that diverts water off of the Payette River into Bilbrey Ditch.



Pic looking at the downstream side of the culvert aka the beginning of the Bilbrey Ditch.



Pic looking down on start of Bilbrey ditch. Also where measurement was taken.



Pic of Bilbrey's installed Parshall Flume that was too submerged to get an accurate measurement off of.



Pic of me
conducting a flow
measurement with
the FlowTracker.



Pic looking
upstream at the
culvert and where I
took my
measurement while
standing just
downstream in the
ditch.

06/02/10

BasinSeq	Draft	Owner	Source	PODPOU	Use	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	TotalAcres
65-13205	N	BILBREY DITCH CO LTD	PAYETTE R	POU	IRRIGATION													6				6
65-11320	N	BILBREY DITCH CO LTD	PAYETTE R	POU	IRRIGATION									X	X	X	X					
65-11344	N	BILBREY DITCH CO LTD	PAYETTE R	POU	IRRIGATION									X	X	X	X					
65-34A	N	BILBREY DITCH CO LTD	PAYETTE R	POU	IRRIGATION									X	X	X	X					
65-34X	N	BILBREY DITCH CO LTD	PAYETTE R	POU	IRRIGATION									X	X	X	X					

Basin/Seq	Draft	Owner	Source	POD/POU	Use	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SESW	NESE	NWSE	SWSE	Total/Acres
65-13-146	N	BILBREY DITCH CO LTD	PAYETTE RIVER	POU	IRRIGATION	17	26										43
65-13-205	N	BILBREY DITCH CO LTD	PAYETTE RIVER	POU	IRRIGATION	10											10
65-13-20	N	BILBREY DITCH CO LTD	PAYETTE RIVER	POU	IRRIGATION	X				X							
65-13-20	N	BILBREY DITCH CO LTD	PAYETTE RIVER	POU	IRRIGATION	X				X							
65-13-44	N	BILBREY DITCH CO LTD	PAYETTE RIVER	POU	IRRIGATION	X				X							
65-3-4A	N	BILBREY DITCH CO LTD	PAYETTE RIVER	POU	IRRIGATION	X				X							
65-3-4X	N	BILBREY DITCH CO LTD	PAYETTE RIVER	POU	IRRIGATION	X				X							

06N02W8

TRIS	Process	Basin/Sequ	Draft	Owner	Source	POD/POU	Use	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SESW	NESE	NWSE	SWSE	SESE	Total Acres
06N02W8	Water Permit	65-13205	N	BILBREY DITCH CO LTD	PAYETTE RIVER	POU	IRRIGATION									2				7			32
06N02W8	Water Right	65-1320	N	BILBREY DITCH CO LTD	PAYETTE RIVER	POU	IRRIGATION	X	X	X	X	X	X	X	X				X	X			
06N02W8	Water Right	65-11344	N	BILBREY DITCH CO LTD	PAYETTE RIVER	POU	IRRIGATION	X	X	X	X	X	X	X	X				X	X			
06N02W8	Water Right	65-34A	N	BILBREY DITCH CO LTD	PAYETTE RIVER	POU	IRRIGATION	X	X	X	X	X	X	X	X				X	X			
06N02W8	Water Right	65-34X	N	BILBREY DITCH CO LTD	PAYETTE RIVER	POU	IRRIGATION	X	X	X	X	X	X	X	X				X	X			

TDS	Process	Basins/No Draft	Owner	PDDPOLU	Use	NENE	MWNE	SWNE	SENE	RENW	MWAW	SWNW	SENW	NESW	MWSW	NSW	SESE	TotalAcres
06N020193	Water Permit	65-13146	N	SOURCE	PAYETTE RIVER	IRRIGATION												11
06N020193	Water Permit	65-13326	N	PAYETTE RIVER	IRRIGATION						2		6	3				14
06N020193	Water Right	65-11330	N	PAYETTE RIVER	IRRIGATION		X			X		X				5		
06N020193	Water Right	65-11244	N	PAYETTE RIVER	IRRIGATION		X			X		X		X	X		X	
06N020193	Water Right	65-34A	N	PAYETTE RIVER	IRRIGATION		X			X		X		X	X		X	
06N020193	Water Right	65-34X	N	PAYETTE RIVER	IRRIGATION		X			X		X		X	X		X	

TIRS	Process	Basins/Draft	Owner	PDDPOLU	Use	NWNE	S/NWE	SENE	RENW	NW/NW	SWNW	SENW	NSW	NWSW	SESW	NESE	NWSE	SWSE	TotalAcres
06S020293	Water Permit	65-13146 N	BILBERRY DITCH CO LTD	PAVETTE RIVER	IRRIGATION														11
06S020293	Water Permit	65-13326 N	BILBERRY DITCH CO LTD	PAVETTE RIVER	IRRIGATION					2		6	3						14
06S020293	Water Right	65-11330 N	BILBERRY DITCH CO LTD	PAVETTE RIVER	IRRIGATION			X	X		X			5		9			
06S020293	Water Right	65-11344 N	BILBERRY DITCH CO LTD	PAVETTE RIVER	IRRIGATION			X	X	X	X		X	X	X	X	X	X	
06S020293	Water Right	65-34A	BILBERRY DITCH CO LTD	PAVETTE RIVER	IRRIGATION			X	X	X	X		X	X	X	X	X	X	
06S020293	Water Right	65-34X	BILBERRY DITCH CO LTD	PAVETTE RIVER	IRRIGATION			X	X	X	X		X	X	X	X	X	X	

MEMORANDUM

March 12, 2020

Water Right: 65-13205

Author: JShearer

Subject: Licensing Amendment and Large POU

An amendment of permit at licensing requiring the permit holder to describe legal descriptions of the POU that were developed and not described on the permit will not be required as per Idaho Code 42-219 (5), which states that for ditch companies such as Bilbrey, "it shall not be necessary to give a description of the land by legal subdivisions but a general description of the entire area (in this case a Large POU) under the canal system shall be sufficient."

Shearer, Justin

From: Jones, Chad
Sent: Monday, December 23, 2019 3:00 PM
To: Shearer, Justin
Subject: FW: To Justin Shearer

Follow Up Flag: Follow up
Flag Status: Flagged

Forwarding from Western Info.

From: Bilbrey Ditch Co Ltd [mailto:bilbreyditchco@gmail.com]
Sent: Monday, December 23, 2019 1:45 PM
To: Western Info <westerninfo@idwr.idaho.gov>
Subject: To Justin Shearer

Hi Justin,

This is just a note to let you know that I have been working hard to figure out our Water Right dilemma with water Right Permit No.'s 65-13146 & 65-13205. Of course we missed our deadline and need more time. I have given our shareholders until the 10th of January to send in their proof of use forms to the Bilbrey. Then we will get down to the shares that we will actually have to check out and get serious about. I suspect there won't be too many. Thank you for giving us this time to figure this all out. I had to back track each piece of property through many splits and deed changes, not fun. After January 10th, I will be calling to make an appointment with you to sit down and analyze what is left and what we need to do to prove our need for the additional shares.

Thank you, Gail

Bilbrey Ditch Co Ltd
PO Box 819
Emmett, Id 83617
bilbreyditchco@gmail.com
Gail Springer-Secretary
208-610-6779

Bilbrey Ditch Co Ltd.
C/O Gail Springer-Secretary
PO Box 819
Emmett, Idaho 83617

October 15, 2019

Justin Shearer
Water Resource Agent Sr.
State of Idaho, Dept. of Water Resources
Western Region, 2735 W. Airport Way, Boise, Id 83705-5082

Re: Water Right Permit No.'s 65-13146 & 65-13205

Dear Mr. Shearer,

After meeting with the Directors of the Bilbrey Ditch Co. Ltd. and Ron Shurtleff, Payette River Water Master, it was decided to map out our irrigation boundaries and show several properties that were developed within the time frame specified after applying for the rights in question.

Because of the scope of this endeavor, we are asking for additional time to provide the proof you are asking for. Please feel free to call either Sarah Hilderbrand (Bilbrey President) at 208-447-9540, or Gail Springer (Secretary) at 208-610-6779 for any matter pertaining to this request.

Thank you for your patience in this matter,

Gail Springer, Secretary



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 W Airport Way • Boise ID 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348

Website: idwr.idaho.gov • Email: westerninfo@idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

September 24, 2019

BILBREY DITCH CO LTD
C/O GAIL PREINGER-SECRETARY
PO BOX 819
EMMETT, ID 83617

COPY

RE: Water Right Permit No.'s 65-13146 & 65-13205

Request of Information

Dear Permit Holders:

On September 10, 2019, the Department of Water Resources (IDWR) personnel conducted an examination to verify your water use for water appropriation permit no.'s 65-13146, and 65-13205. The examiner reported that you were not diverting or using more water than was recognized under existing water rights 65-34A, 65-34X, 65-11320, and 65-11344. An overall diversion rate of 12.17 cfs was measured during the exam. Existing rights allow for a total diversion rate of 20.01 cfs.

The final step in the water appropriation process is the issuance of a Water Right License. By issuing a license, IDWR recognizes that you have met the requirements for establishing a water right. A license can be issued only for development that occurred prior to the date that the Proof of Beneficial Use statement was filed and only for development that is not covered by an existing water right. No water right has been established, and no license can be issued, if you did not divert and use more water than authorized under rights 65-34A, 65-34X, 65-11320, and 65-11344 within the time period authorized by your permit. After a Proof of Beneficial Use statement has been submitted a permit cannot be retained to cover future development of the resource.

If you believe you developed a beneficial use of water under Permits 65-13146 and 65-13205 in addition to the use authorized under rights 65-34A, 65-34X, 65-11320, and 65-11344, please send me supporting documentation within thirty days. It is possible to still license these permits for additional acreage not covered under pre-existing rights, however no additional rate is likely to be received. In order to potentially license these permits, acreage irrigated needs to be identified. Your existing rights allow for the irrigation 721.0 acres. Please identify which acres are irrigated within existing rights and which additional acres are irrigated under the two permits in question in order to determine if additional beneficial use has been made.

If I do not hear from you within thirty (30) days, action to void your permits may be taken. If you are no longer interested in your permit, you can shorten the voiding process by signing and returning the enclosed relinquishment form. If you have any questions, please contact me at 208-334-2190.

Respectfully,

Justin Shearer

Water Resource Agent, Sr.

Enclosure: Relinquishment of Permit Form, Water Permit Proof Reports



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 W Airport Way • Boise ID 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348

Website: idwr.idaho.gov • Email: westerninfo@idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

April 25, 2019

BILBREY DITCH CO LTD
C/O GAIL SPRINGER-SECRETARY
PO BOX 819
EMMETT, ID 83617

COPY

RE: Scheduling Field Exam for Water Right Permit No. 65-13205

Dear Permit Holder:

We are planning to conduct water right examinations in the vicinity of your property during the **season**. An examination is needed to verify the water use in order to

The above-referenced permit authorizes **1.240 CFS** from **PAYETTE RIVER** for **IRRIGATION** use. If you have developed a beneficial property, please contact me at your earliest convenience to schedule

If you did not develop a beneficial use of water under the permit, the license cannot be issued and the permit should be relinquished. If you are using the water and you currently carry no interest in it, please relinquish the permit using the enclosed Relinquishment of Permit form (no fee required).

If you did develop a beneficial use of water under the permit, but your property identified in the permit, please submit the enclosed Assignment of Permit form and applicable \$25 processing fee.

Please contact me within the next thirty (30) days at (208) 334-2190 to either schedule an examination or submit a relinquishment or assignment form. If you no longer own the place of use property and/or do not respond to this letter, the department will work with the current property owner to issue a license or void the permit.

Sincerely,

Justin Shearer
Water Resource Agent, Sr.

Enclosures: Relinquishment of Permit form
Assignment of Permit form
Water Permit Report and Map

Monte Hildebrand

208-447-9540

Call Ron 9/11/19

to verify POU



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

June 29, 2017

COPY

BILBREY DITCH CO LTD
C/O LEANNE STRICKLAND-SECRETARY TREASURER
2430 TOMS CABIN RD
EMMETT, ID 83617

RE: Scheduling Field Exam for Water Right Permit No. 65-13205

Dear Permit Holder:

We are planning to conduct water right examinations in the vicinity of the above-referenced permit **this season**. An examination is needed to verify the water use in order to issue a water right license.

The above-referenced permit authorizes **1.240 CFS** from **PAYETTE RIVER** tributary to **SNAKE RIVER** for **IRRIGATION** use. **If you have developed a beneficial use and still own the place of use property, please contact me at your earliest convenience to schedule an examination.**

If you did not develop a beneficial use of water under the permit during the beneficial use period, a license cannot be issued and the permit should be relinquished. If that use was developed, but have ceased using the water and you currently carry no interest in it, please relinquish the permit by submitting the enclosed Relinquishment of Permit form (no fee required).

If you did develop a beneficial use of water under the permit, but you no longer own the place of use property identified in the permit, please submit the enclosed Assignment of Permit form with the applicable \$25 processing fee.

Please contact me within the next thirty (30) days at (208) 334-2190 to either schedule an examination or submit a relinquishment or assignment form. If you no longer own the place of use property and/or do not respond to this letter, the department will work with the current property owner to issue a license or void the permit.

Sincerely,

Justin Shearer

Water Resource Agent

Enclosures: Relinquishment of Permit form
Assignment of Permit form
Water Permit Report and Map

IDAHO DEPARTMENT OF WATER RESOURCES
WESTERN REGION
2735 Airport Way
Boise, Idaho 83705-5082

RETURN SERVICE REQUESTED

Letter Date: 6/26/17
RE: Field Exam Request
Resent letter to New Address 9/21/17

RECEIVED

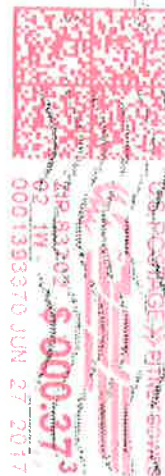
JUL 18 2017

WATER RESOURCES
WESTERN REGION

Resent letter to New Address 9/21/17

837055082

PRESORTED
FIRST CLASS



*Please forward
to Box 83617
Boise, ID 83705*

NIXIE

841

SE 1300

0007/14/17

RETURN TO SENDER
ATTEMPTED - NOT KNOWN
UNABLE TO FORWARD

EC:

837055082

1-203-251-20-33