

RECEIVED

FEB 21 2017

WATER RESOURCES
WESTERN REGION

APPLICATION FOR TRANSFER OF WATER RIGHT – POINT(S) OF DIVERSION

This form may be used to apply to change and/or add points of diversion for existing water rights and to report an ownership change for a water right(s) in connection with the proposed point of diversion change(s). Do not use this form to apply for changes to other elements of a water right. See the [Application for Transfer Instructions](#) for help completing this form and for mailing addresses of Department offices where your application can be submitted.

Check all that apply:

- ☐ Change diversion point(s) ☒ Add diversion point(s) ☐ Ownership change ☐ Ownership split

1. APPLICANT(S) Little Willow Irrigation Phone 208-739-5844

2. MAILING ADDRESS P.O. Box 807 City Payette

State Idaho Zip 83661 Email LDahnke@FmrcBlue.com

- ☐ If the applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign for the applicant.
- ☐ If the applicant is not the current water right(s) owner, attach documentation of authority to file the application.
- ☐ If the application includes a change in ownership of water right(s), attach a copy of the conveyance document, such as a warranty deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property conveyed or description of the water right if no land is conveyed. Additional fee(s) are required for water right ownership changes; see Item 9 for the [fee schedule](#).

If the ownership change resulted in the water right(s) being split, how did the division occur? Mark one:

- ☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
- ☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.

- ☐ If the application is not signed by the applicant, attach a Power of Attorney or other documentation providing authority to sign for the applicant.

3. LIST WATER RIGHT NUMBER(S) 65-64, 65-2067, 65-2149, 65-2973, 65-3130,
65-3131, 65-3132, 65-3133, 65-3134

- ☐ Attach a copy of the water right(s) as recorded, available at www.idwr.idaho.gov, *Water Right Transfers, Step 1*, or by contacting any Department office.

4. TOTAL AMOUNT OF WATER transferred is 4 cfs cubic feet per second and/or _____ acre-feet per annum.
(diversion rate) (storage volume)

5. POINT OF DIVERSION – Describe all the point(s) of diversion to be included on the water right(s) after the proposed change.

- ☐ Attach Eastern Snake Plain Aquifer (ESPA) analysis if this transfer proposes to change a point of diversion affecting the ESPA. ESPA analysis information is available at www.idwr.idaho.gov, *Water Right Transfers, Online Resources*.

New?	Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Source	Local name or tag #
Yes			NE	NW	36	09N	04W	Payette	Little Willow Creek	
									Indian Creek	
									Unnamed Stream	
			All others AS existing							

EXHIBIT

101

Transfer No. 81482

exhibitsticker.com

EXHIBIT

101

Transfer No. 81482

814800

6. GENERAL INFORMATION

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

Ditches And Headgates And Some pumps

- b. Who owns the property at the point(s) of diversion? Daryl + Carol Horst
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

Verbal Agreement

- c. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- ☐ ☒ undergone a period of five or more consecutive years of non-use,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right(s), or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the right(s)?

If yes, describe:

- d. Is any portion of the water right(s) proposed to be changed currently leased to the Water Supply Bank? ☐ Yes ☒ No

- ☐ If yes and there are multiple owners, attach a Lessor Designation form.
☐ If yes, the individual owner or designated lessor must complete, sign and attach an IRS Form W-9.
(Disregard if these items are on file and ownership has not changed.)

7. MAP - ☐ Attach a map of the diversion, measurement, control and distribution system. Include the place of use if a split of the water right occurred. Clearly label the map with township, range, section and $\frac{1}{4}$ $\frac{1}{4}$ of section information. The Map Tool, available at maps.idwr.idaho.gov/Transfer/ApplicationLayouts/ provides a satisfactory template for creating the required map.

8. SIGNATURE - The information in this application is true to the best of my knowledge. I understand any willful misrepresentations in this application may result in rejection of the application or cancellation of an approval.

Larry Dahnke

Signature of applicant or authorized agent

Larry Dahnke President

Print name and title if applicable

2-9-17

Date

Signature of applicant or authorized agent

Print name and title if applicable

Date

9. FEE - ☐ The application filing fee provided in Section 42-221, Idaho Code, must be submitted with the application for transfer. The Application fee is based on the total amount of water proposed for transfer in Item 4: the larger fee for either cubic feet per second (diversion rate) or acre-feet per annum (storage volume). The Fee Schedule is available at www.idwr.idaho.gov, Water Right Transfers, Step 4 and in the Application for Transfer Instructions.

FOR DEPARTMENT USE ONLY

Transfer includes 34 pages of attachments.

Received by CS

Date 2/21/17

Fee paid \$740.00 Date 2/21/17

Received by CS

Receipt # W044967

Preliminary review by _____

Date _____

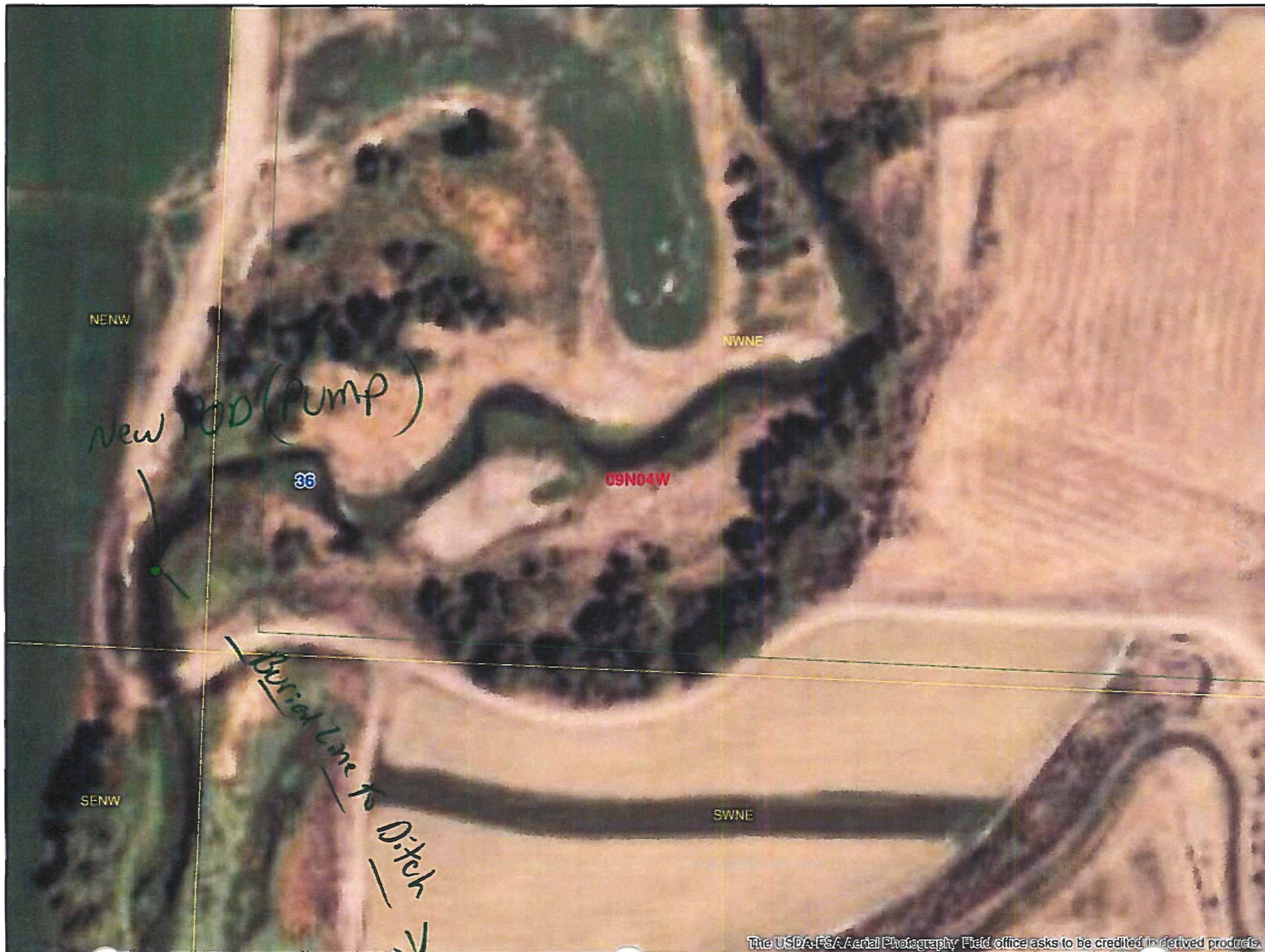
Active in the Water Supply Bank? Yes ☐ No ☐

W-9 received? Yes ☐ No ☐

Name on W-9 _____

W-9 forwarded to fiscal? Yes ☐ No ☐

(Do NOT scan the W-9 - confidential information is held by fiscal only)



NENW

NWNE

New Pond (Pump)

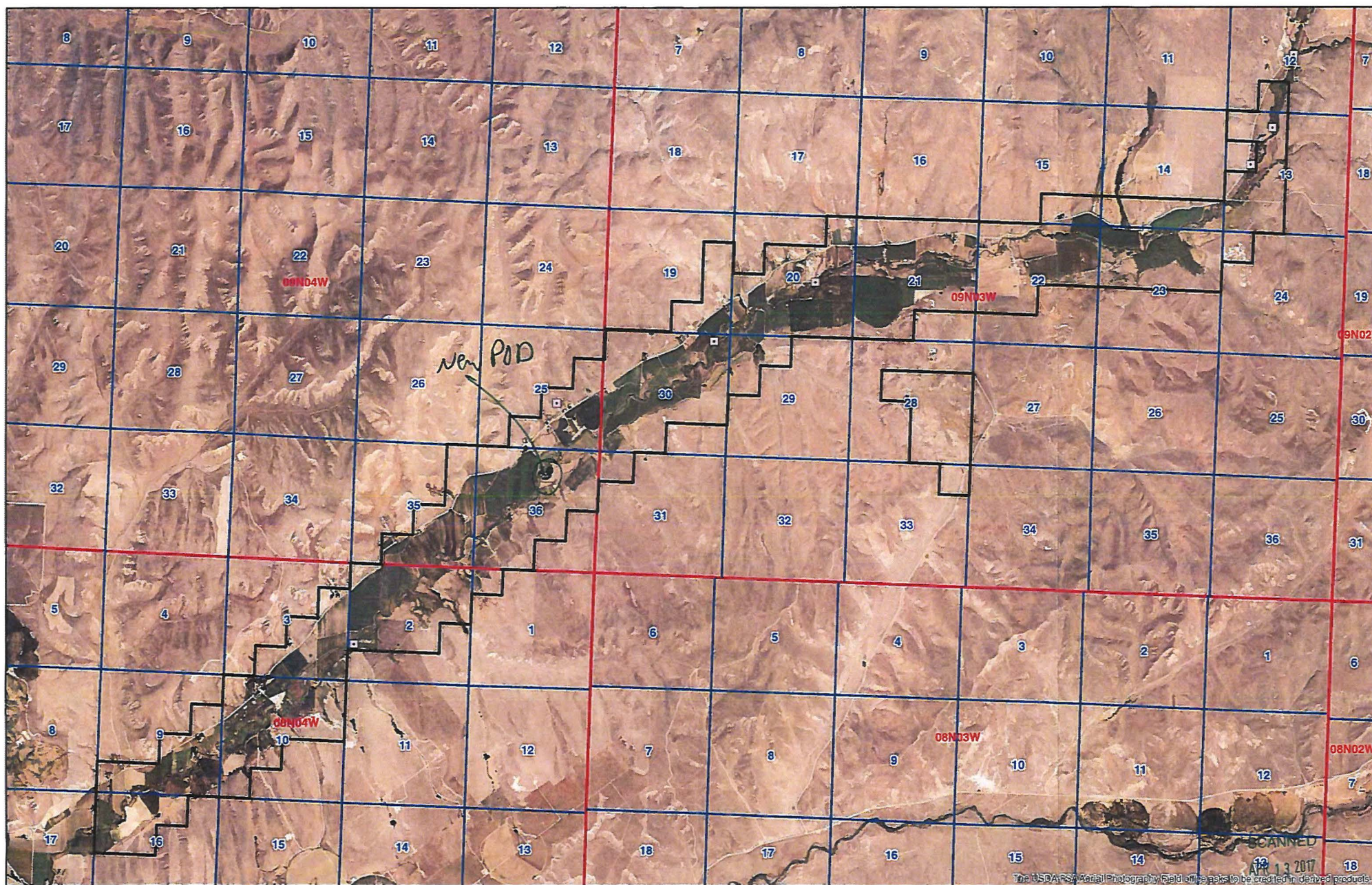
36

09N04W

SENE

SWNE

Burial Line to Ditch



IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

2/9/2017

Water Right 65-64

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	LITTLE WILLOW IRRIGATION DIST 126 S MAIN ST PAYETTE, ID 83661

Priority Date: 8/16/1897

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
LITTLE WILLOW CREEK	BIG WILLOW CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	3/15	11/15	4.000 CFS	
	<u>Total Diversion</u>		4.000 CFS	

Source and Point(s) of Diversion

LITTLE WILLOW CREEK	NWSE	Sec. 20, Twp 09N, Rge 03W, PAYETTE County
LITTLE WILLOW CREEK	SWSE	Sec. 17, Twp 10N, Rge 02W, WASHINGTON County
LITTLE WILLOW CREEK	NWSW	Sec. 2, Twp 08N, Rge 04W, PAYETTE County
LITTLE WILLOW CREEK	NENW	Sec. 13, Twp 09N, Rge 03W, PAYETTE County
LITTLE WILLOW CREEK	SWNW	Sec. 13, Twp 09N, Rge 03W, PAYETTE County
LITTLE WILLOW CREEK	NENE	Sec. 30, Twp 09N, Rge 03W, PAYETTE County
LITTLE WILLOW CREEK	NWSE	Sec. 12, Twp 09N, Rge 03W, PAYETTE County

Place Of Use

IRRIGATION within PAYETTE County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08N	04W	1						X											0.0
								L4											
08N	04W	2	X	X	X	X	X	X	X	X	X	X				X			0.0
			L1	L2			L3	L4											
08N	04W	3				X								X	X	X	X	X	0.0
08N	04W	9				X							X	X	X	X	X	X	0.0
08N	04W	10	X	X	X	X	X	X	X	X	X	X	X						0.0
08N	04W	16		X			X	X	X	X									0.0
09N	03W	12												X					0.0
09N	03W	13					X	X		X	X	X	X	X					0.0
09N	03W	14											X	X			X	X	0.0
09N	03W	15															X	X	0.0
09N	03W	19				X									X		X	X	0.0
09N	03W	20	X		X	X				X	X	X	X	X	X	X	X	X	0.0
09N	03W	21	X	X	X	X	X	X	X	X	X	X	X	X	X	X			0.0

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

2/9/2017

09N	03W	22	X	X	X	X	X	X	X	X	X	X						0.0
09N	03W	23	X	X	X	X	X	X	X	X								0.0
09N	03W	24						X										0.0
09N	03W	28			X	X				X					X	X	X	0.0
09N	03W	29					X	X	X									0.0
09N	03W	30	X	X	X	X	X	X	X	X	X	X	X	X	X	X		0.0
								L1	L2			L3	L4					
09N	03W	31						X										0.0
								L1										
09N	03W	33	X															0.0
09N	04W	25				X								X	X	X	X	0.0
09N	04W	35	X			X								X	X	X	X	0.0
09N	04W	36	X	X	X	X	X	X	X	X	X	X	X	X		X		0.0

Right Acre Limit: 2,826.0

POU Total Acres: 2,826.0

Conditions of Approval:

1. 135 The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.
2. THIS RIGHT WHEN COMBINED WITH RIGHT NOS. 65-02067, 65-02149, 65-02973, 65-03130, 65-03131, 65-03132, 65-03133 & 65-03134, SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE WHEN MEASURED AT THE FIELD HEADGATE.
3. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 2826 ACRES WITHIN THE BOUNDARIES OF THE LITTLE WILLOW IRRIGATION DISTRICT IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 65-02067, 65-02149, 65-02973, 65-03130, 65-03131, 65-03132, 65-03133 & 65-03134.
4. 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.
5. C20 Basin 65 General Provisions No. 3, the Separate Streams General Provision, does not apply to appropriations of water after October 18, 1977.
This water right shall be administered as being from a separate source pursuant to Basin 65 General Provision No. 3. If the holder of this right seeks to change the right pursuant to Idaho Code § 42-222 or successor statute, nothing in this general provision shall preclude any other person or entity from demonstrating that such change in use would cause injury to its water right or from receiving any relief provided by law in the event of injury.

Comments:

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

2/9/2017

1. dbuffing 4/26/2001 Address change
Address change per Notice of Error reply
2. mlarson 11/13/2002 Large POU
Large POU linked
3. dfavreau 8/4/2009 contact
Phone number of Helen Bivins, Secretary 208-642-4682. Will request conformation via change of address form with letter responding to June 23, 2009 correspondance.

Dates and Other Information

Decreed Date: 6/7/2004
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Water District Number: 65C
Mitigation Plan: False

Combined Use Limits

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
		2,826.0
65-2149 ,65-2973 ,65-64 ,65-3130 ,65-3131 ,65-3132 ,65-3133 ,65-3134 ,65-2067		

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed</u> <u>Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Summary	2/12/2001		2/12/2001	rhowerto	Closed

Verification Log

<u>Element</u>	<u>Date</u>	<u>User</u>	<u>Log Text</u>
Summary	2/12/2001	rhowerto	5. (YES) General remark was required. 6. (NO) Explanatory remark was not required. 7. (NO) Additional condition was not required. 8. (YES) Wanted to view the recommended right. 9. (NO) This is not a split right. 10. (NO) This is not a combined right. 11. (NO) Documents were not linked or attached to this file. 12. (YES) Set the verification date.

SubCase:

SubCaseNumber: 65-64
Class: 1
SF5 Filed Date:
Special Master Recom Signed Date: 4/14/2004
Attorney Assigned:
Adjudication Agent: Ron Howerton
Basis of Claim: Decreed
Date Filed: 1/17/2002
Objection Status: Active

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

2/9/2017

Water Supply Bank:
N/A

2/9/2017

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	LITTLE WILLOW IRRIGATION DIST 126 S MAIN ST PAYETTE, ID 83661

Status: Active

Tributary
BIG WILLOW CREEK

LITTLE WILLOW CREEK	NWSE	Sec. 12, Twp 09N, Rge 03W,	PAYETTE County
LITTLE WILLOW CREEK	NENE	Sec. 30, Twp 09N, Rge 03W,	PAYETTE County
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LITTLE WILLOW CREEK	NENW	Sec. 13, Twp 09N, Rge 03W,	PAYETTE County
LITTLE WILLOW CREEK	SWNW	Sec. 13, Twp 09N, Rge 03W,	PAYETTE County
LITTLE WILLOW CREEK	SWSE	Sec. 17, Twp 10N, Rge 02W,	WASHINGTON County
LITTLE WILLOW CREEK	NWSE	Sec. 20, Twp 09N, Rge 03W,	PAYETTE County

IRRIGATION within PAYETTE County

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

2/9/2017

09N	03W	22	X	X	X	X	X	X	X	X	X	X							0.0
09N	03W	23	X	X	X	X	X	X	X	X									0.0
09N	03W	24						X											0.0
09N	03W	28			X	X				X					X	X	X	X	0.0
09N	03W	29					X	X	X										0.0
09N	03W	30	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X		0.0
								L1	L2			L3	L4						
09N	03W	31						X											0.0
								L1											
09N	03W	33	X																0.0
09N	04W	25				X								X	X	X	X	X	0.0
09N	04W	35	X			X								X	X	X	X	X	0.0
09N	04W	36	X	X	X	X	X	X	X	X	X	X	X	X		X			0.0

Right Acre Limit: 2,826.0

POU Total Acres: 2,826.0

Conditions of Approval:

1. THIS RIGHT WHEN COMBINED WITH RIGHT NOS. 65-00064, 65-02149, 65-02973, 65-03130, 65-03131, 65-03132, 65-03133 & 65-03134, SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE WHEN MEASURED AT THE FIELD HEADGATE.
2. C20 Basin 65 General Provisions No. 3, the Separate Streams General Provision, does not apply to appropriations of water after October 18, 1977.
This water right shall be administered as being from a separate source pursuant to Basin 65 General Provision No. 3. If the holder of this right seeks to change the right pursuant to Idaho Code § 42-222 or successor statute, nothing in this general provision shall preclude any other person or entity from demonstrating that such change in use would cause injury to its water right or from receiving any relief provided by law in the event of injury.
3. 135 The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.
4. 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.
5. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 2826 ACRES WITHIN THE BOUNDARIES OF THE LITTLE WILLOW IRRIGATION DISTRICT IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 65-00064, 65-02149, 65-02973, 65-03130, 65-03131, 65-03132, 65-03133 & 65-03134.

Comments:

IDAHO DEPARTMENT OF WATER RESOURCES

2/9/2017

Proof Report

1. dbuffing 4/26/2001 Address change
Address change per Notice of Error reply.

Dates and Other Information

Decreed Date: 6/7/2004
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Water District Number: 65C
Mitigation Plan: False

Combined Use Limits

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
		2,826.0
65-2149 ,65-2973 ,65-64 ,65-3130 ,65-3131 ,65-3132 ,65-3133 ,65-3134 ,65-2067		

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>
Summary	2/12/2001		2/12/2001	rhowerto	Closed

Verification Log

<u>Element</u>	<u>Date</u>	<u>User</u>	<u>Log Text</u>
Summary	2/12/2001	rhowerto	5. (YES) General remark was required. 6. (NO) Explanatory remark was not required. 7. (NO) Additional condition was not required. 8. (YES) Wanted to view the recommended right. 9. (NO) This is not a split right. 10. (NO) This is not a combined right. 11. (NO) Documents were not linked or attached to this file. 12. (YES) Set the verification date.
POU	11/13/2002	mlarson	Edited shape boundary
POU	11/13/2002	mlarson	Edited PLS

SubCase:

SubCaseNumber: 65-2067
Class: 1
SF5 Filed Date:
Special Master Recom Signed Date: 4/14/2004
Attorney Assigned:
Adjudication Agent: Ron Howerton
Basis of Claim: Decreed
Date Filed: 1/17/2002
Objection Status: Active

Water Supply Bank:

N/A

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

2/9/2017

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

2/9/2017

Water Right 65-2149

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	LITTLE WILLOW IRRIGATION DIST 126 S MAIN ST PAYETTE, ID 83661

Priority Date: 12/29/1913

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
LITTLE WILLOW CREEK	BIG WILLOW CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	3/15	11/15	50.000 CFS	
IRRIGATION FROM STORAGE	3/15	11/15	50.000 CFS	36,400.0 AF
	<u>Total Diversion</u>		50.000 CFS	36,400.0 AF

Source and Point(s) of Diversion

LITTLE WILLOW CREEK	NWSE	Sec. 20, Twp 09N, Rge 03W, PAYETTE County(R)
LITTLE WILLOW CREEK	SWNW	Sec. 13, Twp 09N, Rge 03W, PAYETTE County(R)
LITTLE WILLOW CREEK	NWSW	Sec. 2, Twp 08N, Rge 04W, PAYETTE County(R)
LITTLE WILLOW CREEK	NENW	Sec. 13, Twp 09N, Rge 03W, PAYETTE County(R)
LITTLE WILLOW CREEK	NENE	Sec. 30, Twp 09N, Rge 03W, PAYETTE County(R)
LITTLE WILLOW CREEK	SWSE	Sec. 17, Twp 10N, Rge 02W, WASHINGTON County
LITTLE WILLOW CREEK	NWSE	Sec. 12, Twp 09N, Rge 03W, PAYETTE County(R)

Place Of Use

IRRIGATION within PAYETTE County

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08N	04W	1						X L4											0.0
08N	04W	2	X L1	X L2	X	X	X L3	X L4	X	X	X	X				X			0.0
08N	04W	3				X								X	X	X	X	X	0.0
08N	04W	9				X							X	X	X	X	X	X	0.0
08N	04W	10	X	X	X	X	X	X	X	X	X	X	X						0.0
08N	04W	16		X			X	X	X	X									0.0
09N	03W	12												X					0.0
09N	03W	13					X	X		X	X	X	X	X					0.0
09N	03W	14											X	X			X	X	0.0
09N	03W	15															X	X	0.0
09N	03W	19				X									X		X	X	0.0
09N	03W	20	X		X	X				X	X	X	X	X	X	X	X	X	0.0

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

2/9/2017

09N	03W	21	X	X	X	X	X	X	X	X	X	X	X	X	X	X			0.0
09N	03W	22	X	X	X	X	X	X	X	X	X	X							0.0
09N	03W	23	X	X	X	X	X	X	X	X									0.0
09N	03W	24						X											0.0
09N	03W	28			X	X				X						X	X	X	0.0
09N	03W	29					X	X	X										0.0
09N	03W	30	X	X	X	X	X	X	X	X	X	X	X	X	X	X			0.0
							L1	L2				L3	L4						
09N	03W	31					X												0.0
							L1												
09N	03W	33	X																0.0
09N	04W	25				X								X	X	X	X	X	0.0
09N	04W	35	X			X								X	X	X	X	X	0.0
09N	04W	36	X	X	X	X	X	X	X	X	X	X	X	X		X			0.0

Right Acre Limit: 2,826.0

POU Total Acres: 2,826.0

IRRIGATION FROM STORAGE Same as IRRIGATION

Conditions of Approval:

1. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 2826 ACRES WITHIN THE BOUNDARIES OF THE LITTLE WILLOW IRRIGATION DISTRICT IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 65-00064, 65-02067, 65-02973, 65-03130, 65-03131, 65-03132, 65-03133 & 65-03134.
2. STORAGE IN PADDOCK VALLEY RESERVOIR.
3. THIS RIGHT WHEN COMBINED WITH RIGHT NOS. 65-00064, 65-02067, 65-02973, 65-03130, 65-03131, 65-03132, 65-03133 & 65-03134, SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE WHEN MEASURED AT THE FIELD HEADGATE.
4. C20 Basin 65 General Provisions No. 3, the Separate Streams General Provision, does not apply to appropriations of water after October 18, 1977.
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5. 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.
6. 135 The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

2/9/2017

Comments:

1. dbuffing 4/26/2001 Address change
Address change per Notice of Error reply.
2. segbert 1/27/2009 POD
PODID 449649 correlated from SpatialDataID 36867 to SpatialDataID 396321
3. segbert 4/20/2009 POD
PODID 449649 correlated from SpatialDataID 396321 to SpatialDataID 396321

Dates and Other Information

Decreed Date: 6/7/2004
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Water District Number: 65C
Mitigation Plan: False

Combined Use Limits

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
		2,826.0
65-2149 ,65-2973 ,65-64 ,65-3130 ,65-3131 ,65-3132 ,65-3133 ,65-3134 ,65-2067		

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>
Summary	2/12/2001		2/12/2001	rhowerio	Closed

Verification Log

<u>Element</u>	<u>Date</u>	<u>User</u>	<u>Log Text</u>
Summary	2/12/2001	rhowerio	5. (YES) General remark was required. 6. (NO) Explanatory remark was not required. 7. (NO) Additional condition was not required. 8. (YES) Wanted to view the recommended right. 9. (NO) This is not a split right. 10. (NO) This is not a combined right. 11. (NO) Documents were not linked or attached to this file. 12. (YES) Set the verification date.
POU	5/2/2003	rhowerio	Edited PLS
POD	4/20/2009	segbert	PODID 449649 correlated from SpatialDataID 396321 to SpatialDataID 396321

SubCase:

SubCaseNumber: 65-2149
Class: 1
SF5 Filed Date:

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

2/9/2017

Special Master Recorn Signed Date: 4/14/2004

Attorney Assigned:

Adjudication Agent: Ron Howerton

Basis of Claim: Decreed

Date Filed: 1/17/2002

Objection Status: Active

Water Supply Bank:

N/A

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

2/9/2017

Water Right 65-2973

Owner Type **Name and Address**
Current Owner LITTLE WILLOW IRRIGATION DIST
126 S MAIN ST
PAYETTE, ID 83661

Priority Date: 3/2/1967

Basis: Decreed

Status: Active

Source	Tributary
INDIAN CREEK	LITTLE WILLOW CREEK
UNNAMED STREAM	INDIAN CREEK

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION FROM STORAGE	3/15	11/15		1,600.0 AF
DIVERSION TO STORAGE	1/01	12/31	110.000 CFS	
	Total Diversion		110.000 CFS	1,600.0 AF

Source and Point(s) of Diversion

INDIAN CREEK	NWSW	Sec. 2, Twp 08N, Rge 04W, PAYETTE County(R)
INDIAN CREEK	NENW	Sec. 13, Twp 09N, Rge 03W, PAYETTE County(R)
INDIAN CREEK	NWSE	Sec. 20, Twp 09N, Rge 03W, PAYETTE County(R)
INDIAN CREEK	SWNE	Sec. 32, Twp 10N, Rge 01W, WASHINGTON County
INDIAN CREEK	SENE	Sec. 32, Twp 10N, Rge 01W, WASHINGTON County
INDIAN CREEK	SWSE	Sec. 17, Twp 10N, Rge 02W, WASHINGTON County(I)
INDIAN CREEK	NWSE	Sec. 12, Twp 09N, Rge 03W, PAYETTE County(R)
INDIAN CREEK	SWNW	Sec. 13, Twp 09N, Rge 03W, PAYETTE County(R)
INDIAN CREEK	NENE	Sec. 30, Twp 09N, Rge 03W, PAYETTE County(R)
UNNAMED STREAM	NWSE	Sec. 30, Twp 10N, Rge 01W, WASHINGTON County

Place Of Use

IRRIGATION FROM STORAGE within PAYETTE County

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08N	04W	1						X											0.0
							L4												
08N	04W	2	X	X	X	X	X	X	X	X	X	X				X			0.0
			L1	L2			L3	L4											
08N	04W	3				X								X	X	X	X	X	0.0
08N	04W	9				X							X	X	X	X	X	X	0.0
08N	04W	10	X	X	X	X	X	X	X	X	X	X	X						0.0
08N	04W	16		X			X	X	X	X									0.0
09N	03W	12												X					0.0
09N	03W	13					X	X		X	X	X	X						0.0
09N	03W	14											X	X			X	X	0.0

IDAHO DEPARTMENT OF WATER RESOURCES
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2/9/2017

09N	03W	15															X	X	0.0
09N	03W	19				X									X		X	X	0.0
09N	03W	20	X		X	X				X	X	X	X	X	X	X	X	X	0.0
09N	03W	21	X	X	X	X	X	X	X	X	X	X	X	X	X	X			0.0
09N	03W	22	X	X	X	X	X	X	X	X	X	X							0.0
09N	03W	23	X	X	X	X	X	X	X	X									0.0
09N	03W	24						X											0.0
09N	03W	28			X	X				X					X	X	X	X	0.0
09N	03W	29					X	X	X										0.0
09N	03W	30	X	X	X	X	X	X	X	X	X	X	X	X	X	X			0.0
								L1	L2			L3	L4						
09N	03W	31						X											0.0
								L1											
09N	03W	33	X																0.0
09N	04W	25				X								X	X	X	X	X	0.0
09N	04W	35	X			X								X	X	X	X	X	0.0
09N	04W	36	X	X	X	X	X	X	X	X	X	X	X	X		X			0.0

Conditions of Approval:

1. C20 Basin 65 General Provisions No. 3, the Separate Streams General Provision, does not apply to appropriations of water after October 18, 1977.
This water right shall be administered as being from a separate source pursuant to Basin 65 General Provision No. 3. If the holder of this right seeks to change the right pursuant to Idaho Code § 42-222 or successor statute, nothing in this general provision shall preclude any other person or entity from demonstrating that such change in use would cause injury to its water right or from receiving any relief provided by law in the event of injury.
2. 135 The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.
3. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 2826 ACRES WITHIN THE BOUNDARIES OF THE LITTLE WILLOW IRRIGATION DISTRICT IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 65-00064, 65-02067, 65-02149, 65-03130, 65-03131, 65-03132, 65-03133 & 65-03134.
4. B01 INDIAN CREEK SOURCE IS ALSO KNOWN AS INDIAN CREEK, NORTH FORK. UNNAMED STREAM SOURCE IS ALSO KNOWN AS INDIAN CREEK, NORTH FORK.
5. THIS RIGHT WHEN COMBINED WITH RIGHT NOS. 65-00064, 65-02067, 65-02149, 65-03130, 65-03131, 65-03132, 65-03133 & 65-03134, SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE WHEN MEASURED AT THE FIELD HEADGATE.
6. STORAGE IN PADDOCK RESERVOIR.
7. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

2/9/2017

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.

Comments:

1. RHOWERTO 5/3/2000 DELIVERY LOSS COMMENT
RIGHT CONTAINS DELIVERY LOSS, PRBA ALLOWED AN ADDITION TO A RATE OF AN
INCH PER ACRE TO COMPENSATE FOR DELIVERY LOSSES.
2. dbuffing 4/26/2001 Address change
Address change per Notice of Error reply
3. segbert 4/20/2009 POD
PODID 462338 correlated from SpatialDataID 396321 to SpatialDataID 396321

Dates and Other Information

Decreed Date: 6/7/2004
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Water District Number: 65
Mitigation Plan: False

Combined Use Limits

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
		2,826.0
65-2149 ,65-2973 ,65-64 ,65-3130 ,65-3131 ,65-3132 ,65-3133 ,65-3134 ,65-2067		

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed</u> <u>Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Summary	2/12/2001		2/12/2001	rhowerto	Closed
Summary	3/2/2001		3/2/2001	rhowerto	Closed

Verification Log

<u>Element</u>	<u>Date</u>	<u>User</u>	<u>Log Text</u>
Summary	2/12/2001	rhowerto	5. (YES) General remark was required. 6. (NO) Explanatory remark was not required. 7. (NO) Additional condition was not required. 8. (YES) Wanted to view the recommended right. 9. (NO) This is not a split right. 10. (NO) This is not a combined right. 11. (NO) Documents were not linked or attached to this file. 12. (YES) Set the verification date.
Summary	3/2/2001	rhowerto	7. (NO) Additional condition was not required. 8. (YES) Wanted to view the recommended right. 9. (NO) This is not a split right.

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

2/9/2017

- 10. (NO) This is not a combined right.
- 11. (NO) Documents were not linked or attached to this file.
- 12. (YES) Set the verification date.

POD

4/20/2009

segbert

PODID 462338 correlated from SpatialDataID 396321 to SpatialDataID 396321

SubCase:

SubCaseNumber: 65-2973

Class: 1

SF5 Filed Date:

Special Master Recom Signed Date: 4/14/2004

Attorney Assigned:

Adjudication Agent: Ron Howerton

Basis of Claim: Decreed

Date Filed: 1/17/2002

Objection Status: Active

Water Supply Bank:

N/A

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

2/9/2017

Water Right 65-3130

Owner Type **Name and Address**
Current Owner LITTLE WILLOW IRRIGATION DIST
126 S MAIN ST
PAYETTE, ID 83661

Priority Date: 4/1/1878

Basis: Decreed

Status: Active

Source
LITTLE WILLOW CREEK

Tributary
BIG WILLOW CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	3/15	11/15	0.220 CFS	
	<u>Total Diversion</u>		0.220 CFS	

Source and Point(s) of Diversion

LITTLE WILLOW CREEK	SWNW	Sec. 13, Twp 09N, Rge 03W, PAYETTE County
LITTLE WILLOW CREEK	NENW	Sec. 13, Twp 09N, Rge 03W, PAYETTE County
LITTLE WILLOW CREEK	NWSE	Sec. 12, Twp 09N, Rge 03W, PAYETTE County
LITTLE WILLOW CREEK	NWSE	Sec. 20, Twp 09N, Rge 03W, PAYETTE County
LITTLE WILLOW CREEK	NENE	Sec. 30, Twp 09N, Rge 03W, PAYETTE County
LITTLE WILLOW CREEK	SWSE	Sec. 17, Twp 10N, Rge 02W, WASHINGTON County
LITTLE WILLOW CREEK	NWSW	Sec. 2, Twp 08N, Rge 04W, PAYETTE County

Place Of Use

IRRIGATION within PAYETTE County

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08N	04W	1						X											0.0
								L4											
08N	04W	2	X	X	X	X	X	X	X	X	X	X				X			0.0
			L1	L2			L3	L4											
08N	04W	3				X								X	X	X	X	X	0.0
08N	04W	9				X							X	X	X	X	X	X	0.0
08N	04W	10	X	X	X	X	X	X	X	X	X	X	X						0.0
08N	04W	16		X			X	X	X	X									0.0
09N	03W	12												X					0.0
09N	03W	13					X	X		X	X	X	X	X					0.0
09N	03W	14											X	X			X	X	0.0
09N	03W	15															X	X	0.0
09N	03W	19				X									X		X	X	0.0
09N	03W	20	X		X	X				X	X	X	X	X	X	X	X	X	0.0
09N	03W	21	X	X	X	X	X	X	X	X	X	X	X	X	X	X			0.0

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

2/9/2017

09N	03W	22	X	X	X	X	X	X	X	X	X							0.0
09N	03W	23	X	X	X	X	X	X	X									0.0
09N	03W	24						X										0.0
09N	03W	28			X	X				X					X	X	X	0.0
09N	03W	29					X	X	X									0.0
09N	03W	30	X	X	X	X	X	X	X	X	X	X	X	X	X	X		0.0
							L1	L2				L3	L4					
09N	03W	31					X											0.0
							L1											
09N	03W	33	X															0.0
09N	04W	25				X								X	X	X	X	0.0
09N	04W	35	X			X								X	X	X	X	0.0
09N	04W	36	X	X	X	X	X	X	X	X	X	X	X	X		X		0.0

Right Acre Limit: 2,826.0

POU Total Acres: 2,826.0

Conditions of Approval:

1. C20 Basin 65 General Provisions No. 3, the Separate Streams General Provision, does not apply to appropriations of water after October 18, 1977.
This water right shall be administered as being from a separate source pursuant to Basin 65 General Provision No. 3. If the holder of this right seeks to change the right pursuant to Idaho Code § 42-222 or successor statute, nothing in this general provision shall preclude any other person or entity from demonstrating that such change in use would cause injury to its water right or from receiving any relief provided by law in the event of injury.
2. THIS RIGHT WHEN COMBINED WITH RIGHT NOS. 65-00064, 65-02067, 65-02149, 65-02973, 65-03131, 65-03132, 65-03133 & 65-03134, SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE WHEN MEASURED AT THE FIELD HEADGATE.
3. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
4. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 2826 ACRES WITHIN THE BOUNDARIES OF THE LITTLE WILLOW IRRIGATION DISTRICT IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 65-00064, 65-02067, 65-02149, 65-02973, 65-03131, 65-03132, 65-03133 & 65-03134.
5. 135 The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

Comments:

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

2/9/2017

1. dbuffing 4/26/2001 Address change
Address changed per Notice of Error reply

Dates and Other Information

Decreed Date: 6/7/2004
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Water District Number: 65C
Mitigation Plan: False

Combined Use Limits

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
		2,826.0
65-2149 ,65-2973 ,65-64 ,65-3130 ,65-3131 ,65-3132 ,65-3133 ,65-3134 ,65-2067		

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>
Summary	2/12/2001		2/12/2001	rhowerto	Closed

Verification Log

<u>Element</u>	<u>Date</u>	<u>User</u>	<u>Log Text</u>
Summary	2/12/2001	rhowerto	5. (YES) General remark was required. 6. (NO) Explanatory remark was not required. 7. (NO) Additional condition was not required. 8. (YES) Wanted to view the recommended right. 9. (NO) This is not a split right. 10. (NO) This is not a combined right. 11. (NO) Documents were not linked or attached to this file. 12. (YES) Set the verification date.

SubCase:

SubCaseNumber: 65-3130
Class: 1
SF5 Filed Date:
Special Master Recom Signed Date: 4/14/2004
Attorney Assigned:
Adjudication Agent: Ron Howerton
Basis of Claim: Decreed
Date Filed: 1/17/2002
Objection Status: Active

Water Supply Bank:

N/A

2/9/2017

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	LITTLE WILLOW IRRIGATION DIST 126 S MAIN ST PAYETTE, ID 83661

Status: Active

Tributary
BIG WILLOW CREEK

<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
3/15	11/15	1.050 CFS
Total Diversion		1.050 CFS

LITTLE WILLOW CREEK	NENE	Sec. 30, Twp 09N, Rge 03W, PAYETTE County
LITTLE WILLOW CREEK	NWSW	Sec. 2, Twp 08N, Rge 04W, PAYETTE County
LITTLE WILLOW CREEK	NWSE	Sec. 12, Twp 09N, Rge 03W, PAYETTE County
LITTLE WILLOW CREEK	NENW	Sec. 13, Twp 09N, Rge 03W, PAYETTE County
LITTLE WILLOW CREEK	SWNW	Sec. 13, Twp 09N, Rge 03W, PAYETTE County
LITTLE WILLOW CREEK	NWSE	Sec. 20, Twp 09N, Rge 03W, PAYETTE County
LITTLE WILLOW CREEK	SWSE	Sec. 17, Twp 10N, Rge 02W, WASHINGTON County

IRRIGATION within PAYETTE County

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

2/9/2017

09N	03W	22	X	X	X	X	X	X	X	X	X	X						0.0
09N	03W	23	X	X	X	X	X	X	X	X								0.0
09N	03W	24						X										0.0
09N	03W	28			X	X				X					X	X	X	0.0
09N	03W	29					X	X	X									0.0
09N	03W	30	X	X	X	X	X	X	X	X	X	X	X	X	X	X		0.0
							L1	L2				L3	L4					
09N	03W	31					X											0.0
							L1											
09N	03W	33	X															0.0
09N	04W	25				X								X	X	X	X	0.0
09N	04W	35	X			X								X	X	X	X	0.0
09N	04W	36	X	X	X	X	X	X	X	X	X	X	X	X		X		0.0

Right Acre Limit: 2,826.0

POU Total Acres: 2,826.0

Conditions of Approval:

1. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 2826 ACRES WITHIN THE BOUNDARIES OF THE LITTLE WILLOW IRRIGATION DISTRICT IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 65-00064, 65-02067, 65-02149, 65-02973, 65-03130, 65-03132, 65-03133 & 65-03134.
2. 135 The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.
3. C20 Basin 65 General Provisions No. 3, the Separate Streams General Provision, does not apply to appropriations of water after October 18, 1977.
This water right shall be administered as being from a separate source pursuant to Basin 65 General Provision No. 3. If the holder of this right seeks to change the right pursuant to Idaho Code § 42-222 or successor statute, nothing in this general provision shall preclude any other person or entity from demonstrating that such change in use would cause injury to its water right or from receiving any relief provided by law in the event of injury.
4. THIS RIGHT WHEN COMBINED WITH RIGHT NOS. 65-00064, 65-02067, 65-02149, 65-02973, 65-03130, 65-03132, 65-03133 & 65-03134, SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE WHEN MEASURED AT THE FIELD HEADGATE.
5. 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.

Comments:

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

2/9/2017

1. dbuffing 4/26/2001 Address change
Address change per Notice of Error reply

Dates and Other Information

Decreed Date: 6/7/2004
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Water District Number: 65C
Mitigation Plan: False

Combined Use Limits

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
		2,826.0
65-2149 ,65-2973 ,65-64 ,65-3130 ,65-3131 ,65-3132 ,65-3133 ,65-3134 ,65-2067		

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>
Summary	2/12/2001		2/12/2001	rhowerto	Closed

Verification Log

<u>Element</u>	<u>Date</u>	<u>User</u>	<u>Log Text</u>
Summary	2/12/2001	rhowerto	5. (YES) General remark was required. 6. (NO) Explanatory remark was not required. 7. (NO) Additional condition was not required. 8. (YES) Wanted to view the recommended right. 9. (NO) This is not a split right. 10. (NO) This is not a combined right. 11. (NO) Documents were not linked or attached to this file. 12. (YES) Set the verification date.

SubCase:

SubCaseNumber: 65-3131
Class: 1
SF5 Filed Date:
Special Master Recom Signed Date: 4/14/2004
Attorney Assigned:
Adjudication Agent: Ron Howerton
Basis of Claim: Decreed
Date Filed: 1/17/2002
Objection Status: Active

Water Supply Bank:

N/A

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

2/9/2017

Water Right 65-3132

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	LITTLE WILLOW IRRIGATION DIST 126 S MAIN ST PAYETTE, ID 83661

Priority Date: 4/1/1878

Basis: Decreed

Status: Active

Source
LITTLE WILLOW CREEK

Tributary
BIG WILLOW CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	3/15	11/15	0.700 CFS	
	<u>Total Diversion</u>		0.700 CFS	

Source and Point(s) of Diversion

LITTLE WILLOW CREEK	SWNW	Sec. 13, Twp 09N, Rge 03W, PAYETTE County
LITTLE WILLOW CREEK	NENW	Sec. 13, Twp 09N, Rge 03W, PAYETTE County
LITTLE WILLOW CREEK	NWSW	Sec. 2, Twp 08N, Rge 04W, PAYETTE County
LITTLE WILLOW CREEK	NWSE	Sec. 12, Twp 09N, Rge 03W, PAYETTE County
LITTLE WILLOW CREEK	NWSE	Sec. 20, Twp 09N, Rge 03W, PAYETTE County
LITTLE WILLOW CREEK	SWSE	Sec. 17, Twp 10N, Rge 02W, WASHINGTON County
LITTLE WILLOW CREEK	NENE	Sec. 30, Twp 09N, Rge 03W, PAYETTE County

Place Of Use

IRRIGATION within PAYETTE County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08N	04W	1						X											0.0
								L4											
08N	04W	2	X	X	X	X	X	X	X	X	X	X				X			0.0
			L1	L2			L3	L4											
08N	04W	3				X								X	X	X	X	X	0.0
08N	04W	9				X							X	X	X	X	X	X	0.0
08N	04W	10	X	X	X	X	X	X	X	X	X	X	X						0.0
08N	04W	16		X			X	X	X	X									0.0
09N	03W	12												X					0.0
09N	03W	13					X	X		X	X	X	X	X					0.0
09N	03W	14											X	X			X	X	0.0
09N	03W	15															X	X	0.0
09N	03W	19				X									X		X	X	0.0
09N	03W	20	X		X	X				X	X	X	X	X	X	X	X	X	0.0
09N	03W	21	X	X	X	X	X	X	X	X	X	X	X	X	X	X			0.0

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

2/9/2017

09N	03W	22	X	X	X	X	X	X	X	X	X	X						0.0
09N	03W	23	X	X	X	X	X	X	X	X								0.0
09N	03W	24						X										0.0
09N	03W	28			X	X				X					X	X	X	0.0
09N	03W	29					X	X	X									0.0
09N	03W	30	X	X	X	X	X	X	X	X	X	X	X	X	X	X		0.0
							L1	L2				L3	L4					
09N	03W	31						X										0.0
							L1											
09N	03W	33	X															0.0
09N	04W	25				X								X	X	X	X	0.0
09N	04W	35	X			X								X	X	X	X	0.0
09N	04W	36	X	X	X	X	X	X	X	X	X	X	X	X		X		0.0

Right Acre Limit: 2,826.0

POU Total Acres: 2,826.0

Conditions of Approval:

1. C20 Basin 65 General Provisions No. 3, the Separate Streams General Provision, does not apply to appropriations of water after October 18, 1977.
This water right shall be administered as being from a separate source pursuant to Basin 65 General Provision No. 3. If the holder of this right seeks to change the right pursuant to Idaho Code § 42-222 or successor statute, nothing in this general provision shall preclude any other person or entity from demonstrating that such change in use would cause injury to its water right or from receiving any relief provided by law in the event of injury.
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3. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
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Comments:

IDAHO DEPARTMENT OF WATER RESOURCES

2/9/2017

Proof Report

1. dbuffing 4/26/2001 Address change
Address change per Notice of Error reply

Dates and Other Information

Decreed Date: 6/7/2004
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Water District Number: 65C
Mitigation Plan: False

Combined Use Limits

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
		2,826.0
65-2149 ,65-2973 ,65-64 ,65-3130 ,65-3131 ,65-3132 ,65-3133 ,65-3134 ,65-2067		

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>
Summary	2/12/2001		2/12/2001	rhowerto	Closed

Verification Log

<u>Element</u>	<u>Date</u>	<u>User</u>
Summary	2/12/2001	rhowerto

5. (YES) General remark was required.
6. (NO) Explanatory remark was not required.
7. (NO) Additional condition was not required.
8. (YES) Wanted to view the recommended right.
9. (NO) This is not a split right.
10. (NO) This is not a combined right.
11. (NO) Documents were not linked or attached to this file.
12. (YES) Set the verification date.

SubCase:

SubCaseNumber: 65-3132
Class: 1
SF5 Filed Date:
Special Master Recom Signed Date: 4/14/2004
Attorney Assigned:
Adjudication Agent: Ron Howerton
Basis of Claim: Decreed
Date Filed: 1/17/2002
Objection Status: Active

Water Supply Bank:

N/A

2/9/2017

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	LITTLE WILLOW IRRIGATION DIST 126 S MAIN ST PAYETTE, ID 83661

Status: Active

Tributary
BIG WILLOW CREEK

<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
3/15	11/15	1.400 CFS
Total Diversion		1.400 CFS

LITTLE WILLOW CREEK	NENW	Sec. 13, Twp 09N, Rge 03W,	PAYETTE County
LITTLE WILLOW CREEK	SWNW	Sec. 13, Twp 09N, Rge 03W,	PAYETTE County
LITTLE WILLOW CREEK	NWSE	Sec. 12, Twp 09N, Rge 03W,	PAYETTE County
LITTLE WILLOW CREEK	NWSE	Sec. 20, Twp 09N, Rge 03W,	PAYETTE County
LITTLE WILLOW CREEK	NENE	Sec. 30, Twp 09N, Rge 03W,	PAYETTE County
LITTLE WILLOW CREEK	SWSE	Sec. 17, Twp 10N, Rge 02W,	WASHINGTON County
LITTLE WILLOW CREEK	NWSW	Sec. 2, Twp 08N, Rge 04W,	PAYETTE County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08N	04W	1						X L4											0.0
08N	04W	2	X L1	X L2	X	X	X L3	X L4	X	X	X	X				X			0.0
08N	04W	3				X								X	X	X	X	X	0.0
08N	04W	9				X							X	X	X	X	X	X	0.0
08N	04W	10	X	X	X	X	X	X	X	X	X	X	X						0.0
08N	04W	16		X			X	X	X	X									0.0
09N	03W	12												X					0.0
09N	03W	13					X	X		X	X	X	X	X					0.0
09N	03W	14											X	X			X	X	0.0
09N	03W	15															X	X	0.0
09N	03W	19				X									X		X	X	0.0
09N	03W	20	X		X	X				X	X	X	X	X	X	X	X	X	0.0
09N	03W	21	X	X	X	X	X	X	X	X	X	X	X	X	X	X			0.0

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

2/9/2017

09N	03W	22	X	X	X	X	X	X	X	X	X	X						0.0
09N	03W	23	X	X	X	X	X	X	X	X								0.0
09N	03W	24						X										0.0
09N	03W	28			X	X				X					X	X	X	0.0
09N	03W	29					X	X	X									0.0
09N	03W	30	X	X	X	X	X	X	X	X	X	X	X	X	X	X		0.0
							L1	L2				L3	L4					
09N	03W	31					X											0.0
							L1											
09N	03W	33	X															0.0
09N	04W	25				X								X	X	X	X	0.0
09N	04W	35	X			X								X	X	X	X	0.0
09N	04W	36	X	X	X	X	X	X	X	X	X	X	X	X		X		0.0

Right Acre Limit: 2,826.0

POU Total Acres: 2,826.0

Conditions of Approval:

1. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 2826 ACRES WITHIN THE BOUNDARIES OF THE LITTLE WILLOW IRRIGATION DISTRICT IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 65-00064, 65-02067, 65-02149, 65-02973, 65-03130, 65-03131, 65-03132 & 65-03134.
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5. 135 The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

Comments:

IDAHO DEPARTMENT OF WATER RESOURCES

2/9/2017

Proof Report

1. dbuffing 4/26/2001 Address change
Address change per notice of error reply

Dates and Other Information

Decreed Date: 6/7/2004
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Water District Number: 65C
Mitigation Plan: False

Combined Use Limits

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
		2,826.0
65-2149 ,65-2973 ,65-64 ,65-3130 ,65-3131 ,65-3132 ,65-3133 ,65-3134 ,65-2067		

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed</u> <u>Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Summary	2/12/2001		2/12/2001	rhowerto	Closed

Verification Log

<u>Element</u>	<u>Date</u>	<u>User</u>
Summary	2/12/2001	rhowerto

- Log Text
- 5. (YES) General remark was required.
 - 6. (NO) Explanatory remark was not required.
 - 7. (NO) Additional condition was not required.
 - 8. (YES) Wanted to view the recommended right.
 - 9. (NO) This is not a split right.
 - 10. (NO) This is not a combined right.
 - 11. (NO) Documents were not linked or attached to this file.
 - 12. (YES) Set the verification date.

SubCase:

SubCaseNumber: 65-3133
Class: 1
SF5 Filed Date:
Special Master Recom Signed Date: 4/14/2004
Attorney Assigned:
Adjudication Agent: Ron Howerton
Basis of Claim: Decreed
Date Filed: 1/17/2002
Objection Status: Active

Water Supply Bank:

N/A

2/9/2017

Water Right 65-3134

Priority Date: 4/1/1916

Basis: Decreed

Status: Active

Tributary
BIG WILLOW CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	3/15	11/15	2.500 CFS	
	Total Diversion		2.500 CFS	

Source and Point(s) of Diversion

LITTLE WILLOW CREEK	NENW	Sec. 13, Twp 09N, Rge 03W,	PAYETTE County
LITTLE WILLOW CREEK	NENE	Sec. 30, Twp 09N, Rge 03W,	PAYETTE County
LITTLE WILLOW CREEK	NWSE	Sec. 12, Twp 09N, Rge 03W,	PAYETTE County
LITTLE WILLOW CREEK	SWNW	Sec. 13, Twp 09N, Rge 03W,	PAYETTE County
LITTLE WILLOW CREEK	NWSE	Sec. 20, Twp 09N, Rge 03W,	PAYETTE County
LITTLE WILLOW CREEK	SWSE	Sec. 17, Twp 10N, Rge 02W,	WASHINGTON County
LITTLE WILLOW CREEK	NWSW	Sec. 2, Twp 08N, Rge 04W,	PAYETTE County

Place Of Use

IRRIGATION within PAYETTE County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08N	04W	1						X L4											0.0
08N	04W	2	X L1	X L2	X	X	X L3	X L4	X	X	X	X				X			0.0
08N	04W	3				X								X	X	X	X	X	0.0
08N	04W	9				X							X	X	X	X	X	X	0.0
08N	04W	10	X	X	X	X	X	X	X	X	X	X	X						0.0
08N	04W	16		X			X	X	X	X									0.0
09N	03W	12												X					0.0
09N	03W	13					X	X		X	X	X	X	X					0.0
09N	03W	14											X	X			X	X	0.0
09N	03W	15															X	X	0.0
09N	03W	19				X									X		X	X	0.0
09N	03W	20	X		X	X				X	X	X	X	X	X	X	X	X	0.0
09N	03W	21	X	X	X	X	X	X	X	X	X	X	X	X	X	X			0.0

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

2/9/2017

09N	03W	22	X	X	X	X	X	X	X	X	X	X						0.0
09N	03W	23	X	X	X	X	X	X	X	X								0.0
09N	03W	24						X										0.0
09N	03W	28			X	X				X					X	X	X	0.0
09N	03W	29					X	X	X									0.0
09N	03W	30	X	X	X	X	X	X	X	X	X	X	X	X	X	X		0.0
							L1	L2				L3	L4					
09N	03W	31					X											0.0
							L1											
09N	03W	33	X															0.0
09N	04W	25				X								X	X	X	X	0.0
09N	04W	35	X			X								X	X	X	X	0.0
09N	04W	36	X	X	X	X	X	X	X	X	X	X	X	X		X		0.0

Right Acre Limit: 2,826.0

POU Total Acres: 2,826.0

Conditions of Approval:

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Comments:

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

2/9/2017

1. dbuffing 4/26/2001 Address change
Address change per notice of error reply

Dates and Other Information

Decreed Date: 6/7/2004
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Water District Number: 65C
Mitigation Plan: False

Combined Use Limits

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
		2,826.0
65-2149 ,65-2973 ,65-64 ,65-3130 ,65-3131 ,65-3132 ,65-3133 ,65-3134 ,65-2067		

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed</u> <u>Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Summary	2/12/2001		2/12/2001	rhowerto	Closed

Verification Log

<u>Element</u>	<u>Date</u>	<u>User</u>
Summary	2/12/2001	rhowerto

Log Text

- 5. (YES) General remark was required.
- 6. (NO) Explanatory remark was not required.
- 7. (NO) Additional condition was not required.
- 8. (YES) Wanted to view the recommended right.
- 9. (NO) This is not a split right.
- 10. (NO) This is not a combined right.
- 11. (NO) Documents were not linked or attached to this file.
- 12. (YES) Set the verification date.

SubCase:

SubCaseNumber: 65-3134
Class: 1
SF5 Filed Date:
Special Master Recom Signed Date: 4/14/2004
Attorney Assigned:
Adjudication Agent: Ron Howerton
Basis of Claim: Decreed
Date Filed: 1/17/2002
Objection Status: Active

Water Supply Bank:

N/A

11/8/2016

Little Willow Irrigation District Board Meeting

Tuesday, Nov 8th, 2016 2:00 pm.

Location: 5700 Little Willow Road, Payette, Idaho 83661.

Attendants: Board members present: Mr. Dahnke, Mr. Roland, Mrs. Stephens
Ditch Rider Present: Jim Tucheck

RECEIVED

FEB 21 2017

**WATER RESOURCES
WESTERN REGION**

Minutes Nov 2016 Meeting:

Minutes were presented. The minutes were approved as presented.

Approve Bills /Financial Statement For Nov 2016:

The bills and financial statements were approved as presented.

Late Assessments For Nov 2016:

The assessments were presented to the board.

Points made by the board:

- There was 1 applicant from each of the districts that were nominated for the election. There was no election due to their only being one nominee from each district. Mrs. Stephens was nominated to the board holding a one year term. Mr. Dahnke was nominated to the board for a 3 year term.
- The board decided to have a measuring device put on each sprinkler pump instead of measuring each sprinkler head. With this the member will need a weir, a bubbler or a flow meter to go into each sprinkler system. The members that this applies to will have until the 2018 water season to install these devices.
- There have been a couple changes in properties recently.

New Business:

- There was no new business presented to the board.

Old Business:

- For the tree on the ditch house property. Mr. Roland talked to someone but he hasn't had a chance at this point. The board decided if he doesn't get a hold of them this week that they will go with the 1st bid.
- The board members received a letter from one of the members and read it.

Members Input:

- There was no new member input presented to the board.

The next board meeting is set for 2:00pm on Dec, 12th, 2016 located at the Ditch House.



President, Board of Directors

Secretary of Treasury



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

April 13, 2017

LITTLE WILLOW IRRIGATION DIST
PO BOX 807
PAYETTE, ID 83661

RE: Transfer No. 81482

Water Right No(s). 65-2067, 65-2149, 65-2973, 65-3130, 65-3131, 65-3132, 65-3133,
65-3134, 65-64

Dear Applicant(s):

The Department of Water Resources has received your water right transfer application. Please refer to the transfer number referenced above in all future correspondence regarding this transfer.

A legal notice of the application has been prepared and is scheduled for publication in the INDEPENDENT ENTERPRISE and the WEISER SIGNAL on 4/19/2017 and 4/26/2017. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the approval document.

Please contact this office if you have any questions regarding the application.

Sincerely,

Rachel Neely
Administrative Assistant

Neely, Rachel

From: Neely, Rachel
Sent: Thursday, April 13, 2017 9:00 AM
To: 'Ind-Ent Legals'
Subject: Payette Legal Ad
Attachments: Payette Cover Letter.docx; Payette Legal Ad.docx

Good Morning Legal Clerk,

Please see the attached ad for publication on 4/19/2017 & 4/26/2017.

Please confirm these are okay to publish as shown.

Thank you,

Rachel Neely

Administrative Assistant I
IDWR-Western Region
2735 Airport Way Boise, ID 83705
Rachel.Neely@idwr.idaho.gov

April 13, 2017

LEGAL NOTICE DEPARTMENT
INDEPENDENT ENTERPRISE
124 S MAIN
PAYETTE, ID 83661

RE: Transfer No. 81482

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 5/8/2017. Your cooperation is appreciated.

Sincerely,

Rachel Neely
Administrative Assistant

Enclosure(s)

The following application has been filed to appropriate the public waters of the State of Idaho:

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 81482**

LITTLE WILLOW IRRIGATION DIST, PO BOX 807, PAYETTE, ID 83661; has filed **Application No. 81482** for changes to the following water rights within **PAYETTE, WASHINGTON** County(s): Right No(s). 65-2067, 65-2149, 65-2973, 65-3130, 65-3131, 65-3132, 65-3133, 65-3134, 65-64. Little Willow Irrigation District proposes to add one point of diversion to their water rights. They propose to add this new point of diversion approximately 13 kilometers east of Payette Idaho south of Little Willow Rd and between Bolton Canal and Nelson Canal. The applicant wants to divert up to 4.0 cfs of natural flow water from Little Willow Creek and Indian Creek water released from Paddock Valley Reservoir.

For additional information concerning the property location, contact Western Region office at (208) 334-2190; or for a full description of the right(s) or proposed transfer(s), please see www.idwr.idaho.gov. Protests may be submitted based on the criteria of Idaho Code § 42-222. Any protest against the proposed change(s) must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705 together with a protest fee of \$25.00 for each application on or before 5/8/2017. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 4/19/2017 and 4/26/2017

Neely, Rachel

From: Neely, Rachel
Sent: Thursday, April 13, 2017 9:00 AM
To: 'Sarah Imada'
Subject: Washington Legal Ad
Attachments: Washington (Weiser) Cover Letter.docx; Washington Legal Ad.docx

Good Morning Legal Clerk,

Please see the attached ad for publication on 4/19/2017 & 4/26/2017.

Please confirm these are okay to publish as shown.

Thank you,

Rachel Neely

Administrative Assistant I
IDWR-Western Region
2735 Airport Way Boise, ID 83705
Rachel.Neely@idwr.idaho.gov

April 13, 2017

LEGAL NOTICE DEPARTMENT
WEISER SIGNAL
PO BOX 709
WEISER, ID 83672

RE: Transfer No. 81482

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 5/8/2017. Your cooperation is appreciated.

Sincerely,

Rachel Neely
Administrative Assistant

Enclosure(s)

The following application has been filed to appropriate the public waters of the State of Idaho:

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 81482**

LITTLE WILLOW IRRIGATION DIST, PO BOX 807, PAYETTE, ID 83661; has filed Application No. 81482 for changes to the following water rights within PAYETTE, WASHINGTON County(s): Right No(s). 65-2067, 65-2149, 65-2973, 65-3130, 65-3131, 65-3132, 65-3133, 65-3134, 65-64. Little Willow Irrigation District proposes to add one point of diversion to their water rights. They propose to add this new point of diversion approximately 13 kilometers east of Payette Idaho south of Little Willow Rd and between Bolton Canal and Nelson Canal. The applicant wants to divert up to 4.0 cfs of natural flow water from Little Willow Creek and Indian Creek water released from Paddock Valley Reservoir.

For additional information concerning the property location, contact Western Region office at (208) 334-2190; or for a full description of the right(s) or proposed transfer(s), please see www.idwr.idaho.gov. Protests may be submitted based on the criteria of Idaho Code § 42-222. Any protest against the proposed change(s) must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705 together with a protest fee of \$25.00 for each application on or before 5/8/2017. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 4/19/2017 and 4/26/2017

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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 65-02240

JUN -7 PM 3:23
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: CYRIL W ROLAND
IRENE J ROLAND
4001 LITTLE WILLOW RD
PAYETTE, ID 83661

SOURCE: LITTLE WILLOW CREEK TRIBUTARY: BIG WILLOW CREEK

QUANTITY: 1.80 CFS

THIS RIGHT SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE WHEN
MEASURED AT THE FIELD HEADGATE.

PRIORITY DATE: 01/14/1920

POINT OF DIVERSION: T08N R04W S17 NWSENE Within Payette County
NESENE
NESENE

2 POINTS OF DIVERSION LOCATED IN T08N, R04W, S17, NESENE.

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	1.80 CFS

PLACE OF USE:	Irrigation	Within Payette County
	T08N R04W S17	NENE 36.0 NWNE 13.0 SENE 35.0
	89.0 Acres Total	

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

Basin 65 General Provisions No. 3, the Separate Streams
General Provision, does not apply to appropriations of water
after October 18, 1977.

This water right shall be administered as being from a
separate source pursuant to Basin 65 General Provision No. 3.
If the holder of this right seeks to change the right pursuant
to Idaho Code Section 42-222 or successor statute, nothing in
this general provision shall preclude any other person or entity
from demonstrating that such change in use would cause injury to
its water right or from receiving any relief provided by law in
the event of injury.

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).

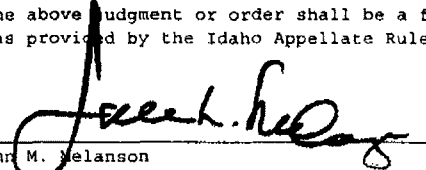
EXHIBIT

112

Transfer No. 81482

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

*Consultants in
Natural
Resources and
the Environment*

Denver • Durango • Hotchkiss • Idaho



ERO Resources Corp.

4001 E. Main St.

Emmett, ID 83617

208.365.7684

www.eroresources.com

**APPLICATION FOR TRANSFER NO. 81482
IN THE NAME OF
LITTLE WILLOW IRRIGATION DISTRICT**

Prepared for—

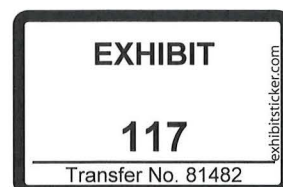
VARIN WARDWELL ATTORNEYS AT LAW
242 N. 8th Street, Suite 220
PO Box 1676
Boise, Idaho 83701

MASINGILL LAW, P.A.
P.O. Box 467
25 West Commercial St.
Weiser, Idaho 83672

Prepared by—

ERO Resources Corporation
4001 Main Street
Emmett, Idaho 83617
(208) 365-7684

January 18, 2018



*ERO
Resources
Corporation*

Application for Transfer No. 81482

In the Name of Little Willow Irrigation District

Opinion

1. The Applicant has not provided, and apparently does not have, any data to document historical diversion amounts under the Applicant's water rights through existing points of diversion.
2. The Applicant cannot show the additional point of diversion will not reduce the water supply available to downstream water rights 65-2440 and 65-5773.
3. Reducing the water supply available to downstream water rights 65-2440 and 65-5773, in this water short basin, will result in injury contrary to § 42-222, Idaho Code.

Introduction

The Applicant, Little Willow Irrigation District (LWID), delivers natural flow from Little Willow Creek and storage water from Paddock Reservoir to irrigation water users from several points of diversion along lower Little Willow Creek. Water rights 65-2440 and 65-5773 (the "Roland Rights") are Little Willow Creek rights diverted approximately 2.5 miles downstream of the furthest downstream LWID point of diversion, known as the Wilson diversion. There are no points of diversion between the Wilson diversion and the Roland Rights points of diversion.

The attached photos show the Wilson diversion as it appeared on October 13, 2017. The diversion consists of a push-up dam shown in Photo 1, attached. Photo 2 is the ponded area upstream of the push-up dam in the Little Willow Creek channel. Photo 3 is the Little Willow Creek channel downstream of the push-up dam. Photo 4 is the control structure on the Wilson Ditch showing water continuing in the Wilson Ditch and water returning to Little Willow Creek. The headgate in the center of the photo controls the flow that continues down the Wilson Ditch and the overflow structure in the left of the photo controls the flow back into Little Willow Creek. There are no apparent measuring devices associated with either structure.

The application for transfer indicates the proposed point of diversion is intended to be an additional point of diversion rather than a replacement for an existing point of diversion. (Ex. A, p. 1.) One of the maps attached to the application shows a buried pipeline from the proposed pump at the new point of diversion that will connect to an unnamed ditch. (Ex. A, p. 3.) In response to item 6.a. in which the application for transfer form asks "... how you will accommodate a measuring device and lockable controlling works ..." the Applicant responds, "Ditches and Headgates and some pumps." (Ex. A, p. 2.)

Protestants' Interrogatory No. 6 asked the Applicant to identify for each point of diversion "... the location of ... any associated measuring devices ..." but all answers to interrogatories have been silent regarding measuring devices owned or operated by the Applicant. (Ex. B, pp. 6-7 (discovery responses of 9/21/17; Ex. C, p. 1 (Lawrence letter of 11/30/17; Ex. D, pp. 3-4 (discovery responses of 12/26/17).) Minutes from the Applicant's Board of Directors meetings on February 14, 2017 and June 14, 2016 indicate the purpose of the new point of diversion is to capture water that "... was wasted (sic) last year" that otherwise "... goes to the Wilson or into the river." (Ex. B, p. 20 (2/14/17 minutes); Ex. B, p. 16 (6/14/16 minutes).)

Protestants' Interrogatory No. 11 to the Applicant asked how the requested diversion rate in the pending transfer Application was calculated. The Applicant responded the 4 cfs is based on the estimated flows available in the creek at the location of the proposed new point of diversion. (Ex. D, pp. 4-5 (discovery responses of 12/26/17).) Any water in excess of the amount needed by Mr. Horst will be pumped into either the Patton or Nelson ditches. (Ibid.)

Analysis

Little analysis is possible given the lack of information provided by the Applicant. The amount of water historically diverted under water rights 65-2240 and 65-5773 can be determined based on power records for the river pumps used to divert those rights. It is not possible to determine the amount of water historically diverted by the Applicant, LWID.

Since this is an application for an additional point of diversion rather than a change in point of diversion, the diversion of additional water is a possibility that could result in the injury of downstream water rights. As previously discussed, excerpts from the LWID minutes of their Board of Directors meetings on February 14, 2017 and June 14, 2016 indicate an intent to divert 4 cfs (200 inches) based on the average water supply available at the new point of diversion to prevent that water from reaching the downstream Wilson diversion or the river. (Ex. B, p. 20 (2/14/17 minutes); Ex. B, p. 16 (6/14/16 minutes).) Basing the diversion rate for the new point of diversion on the average water supply available indicates the intent to divert all water available at the new point of diversion during periods of average or lower flows in Little Willow Creek. Without records of historical diversions by the Applicant it will not be possible to determine if other diversions will be reduced to compensate for the additional diversion of water at the proposed new point of diversion.

As noted in the June 14, 2016 minutes, the intent of the new point of diversion is to divert water from Little Willow Creek that otherwise returns to Little Willow Creek and the Roland's points of diversion. (Ibid.)

Little Willow Creek is a limited water source even with the Paddock Reservoir storage water available to the LWID water users. Discharge records for Little Willow Creek are not known to exist but the Applicant's own proposal to capture more water through a new point of diversion is a good indication of the limited water supply that is available in the drainage. Little Willow Creek is similar to other high desert drainages, many of which are ephemeral, in Southwestern Idaho where the annual precipitation is limited. PRISM¹ data show the 30-year normal precipitation in the Little Willow Creek basin ranges from 23.5 inches per year in upper Little Willow Creek to 10.8 inches per year near the mouth of Little Willow Creek, near the points of diversion for the Roland Rights.

Conclusion

When diversion amounts are increased in a water supply limited basin, downstream water supply is reduced, and downstream water rights are injured. The Applicant has not provided any explanation of how injury to downstream water rights will be avoided or any actions that are proposed to mitigate the injury to downstream water rights.



Photo 1. Push-up dam at the Wilson diversion in Little Willow Creek

¹ 2018, Northwest Alliance for Computational Science & Engineering ([NACSE](#)), based at [Oregon State University](#)



Photo 2. Ponded area upstream from dam shown in Photo 1.



Photo 3. Little Willow Creek downstream of dam in Photo 1.



Photo 4. Gate to control the amount of water entering the Wilson ditch in center and overflow structure to control water returning to Little Willow Creek on left

Exhibit A

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

FEB 21 2017

WATER RESOURCES
WESTERN REGION

APPLICATION FOR TRANSFER OF WATER RIGHT – POINT(S) OF DIVERSION

This form may be used to apply to change and/or add points of diversion for existing water rights and to report an ownership change for a water right(s) in connection with the proposed point of diversion change(s). Do not use this form to apply for changes to other elements of a water right. See the [Application for Transfer Instructions](#) for help completing this form and for mailing addresses of Department offices where your application can be submitted.

Check all that apply:

- ☐ Change diversion point(s) ☒ Add diversion point(s) ☐ Ownership change ☐ Ownership split

1. APPLICANT(S) Little Willow Irrigation Phone 208-739-5844
2. MAILING ADDRESS P.O. Box 807 City Payette
State Idaho Zip 83661 Email LDahnke@FmteBlue.com

- ☐ If the applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign for the applicant.
☐ If the applicant is not the current water right(s) owner, attach documentation of authority to file the application.
☐ If the application includes a change in ownership of water right(s), attach a copy of the conveyance document, such as a warranty deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property conveyed or description of the water right if no land is conveyed. Additional fee(s) are required for water right ownership changes; see Item 9 for the [fee schedule](#).

If the ownership change resulted in the water right(s) being split, how did the division occur? Mark one:

- ☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.
☐ If the application is not signed by the applicant, attach a Power of Attorney or other documentation providing authority to sign for the applicant.

3. LIST WATER RIGHT NUMBER(S) 65-64, 65-2067, 65-2149, 65-2973, 65-3130, 65-3131, 65-3132, 65-3133, 65-3134

- ☐ Attach a copy of the water right(s) as recorded, available at www.idwr.idaho.gov, Water Right Transfers, Step 1, or by contacting any Department office.

4. TOTAL AMOUNT OF WATER transferred is 4cfs cubic feet per second and/or _____ acre-feet per annum.
(diversion rate) (storage volume)

5. POINT OF DIVERSION – Describe all the point(s) of diversion to be included on the water right(s) after the proposed change.

- ☐ Attach Eastern Snake Plain Aquifer (ESPA) analysis if this transfer proposes to change a point of diversion affecting the ESPA. ESPA analysis information is available at www.idwr.idaho.gov, Water Right Transfers, Online Resources.

New?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
Yes			NE	NW	36	09N	04W	Payette	Little Willow Creek	
									Indian Creek	
									Unnamed Stream	
(All others AS existing)										

814811

6. GENERAL INFORMATION

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

Ditches And Headgates And Some pumps

- b. Who owns the property at the point(s) of diversion? Daryl + Carol Horst
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

Verbal Agreement

- c. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- ☐ ☒ undergone a period of five or more consecutive years of non-use,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right(s), or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the right(s)?

If yes, describe:

- d. Is any portion of the water right(s) proposed to be changed currently leased to the Water Supply Bank? ☐ Yes ☒ No

- ☐ If yes and there are multiple owners, attach a Lessor Designation form.
☐ If yes, the individual owner or designated lessor must complete, sign and attach an IRS Form W-9.
(Disregard if these items are on file and ownership has not changed.)

7. MAP - ☐ Attach a map of the diversion, measurement, control and distribution system. Include the place of use if a split of the water right occurred. Clearly label the map with township, range, section and $\frac{1}{4}$ $\frac{1}{4}$ of section information. The Map Tool, available at maps.idwr.idaho.gov/Transfer/ApplicationLayouts, provides a satisfactory template for creating the required map.

8. SIGNATURE - The information in this application is true to the best of my knowledge. I understand any willful misrepresentations in this application may result in rejection of the application or cancellation of an approval.

Larry Dahnke

Signature of applicant or authorized agent

Larry Dahnke President

Print name and title if applicable

2-9-17

Date

Signature of applicant or authorized agent

Print name and title if applicable

Date

9. FEE - ☐ The application filing fee provided in Section 42-221, Idaho Code, must be submitted with the application for transfer. The Application fee is based on the total amount of water proposed for transfer in Item 4: the larger fee for either cubic feet per second (diversion rate) or acre-feet per annum (storage volume). The Fee Schedule is available at www.idwr.idaho.gov, Water Right Transfers, Step 4 and in the Application for Transfer Instructions.

FOR DEPARTMENT USE ONLY

Transfer includes 34 pages of attachments.

Received by CS

Date 2/21/17

Fee paid \$740⁰⁰ Date 2/21/17

Received by CS

Receipt # W044967

Preliminary review by _____

Date _____

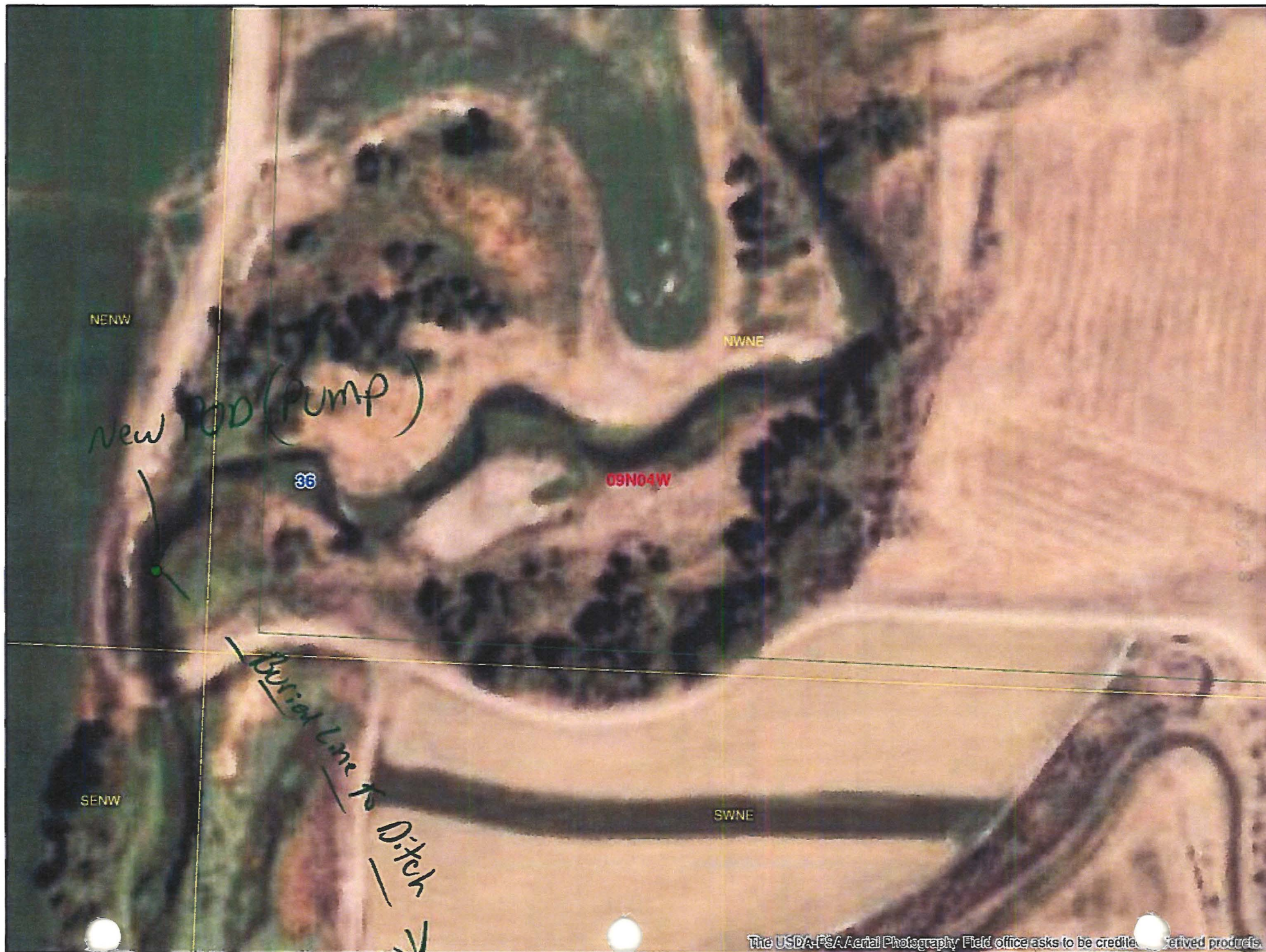
Active in the Water Supply Bank? Yes ☐ No ☐

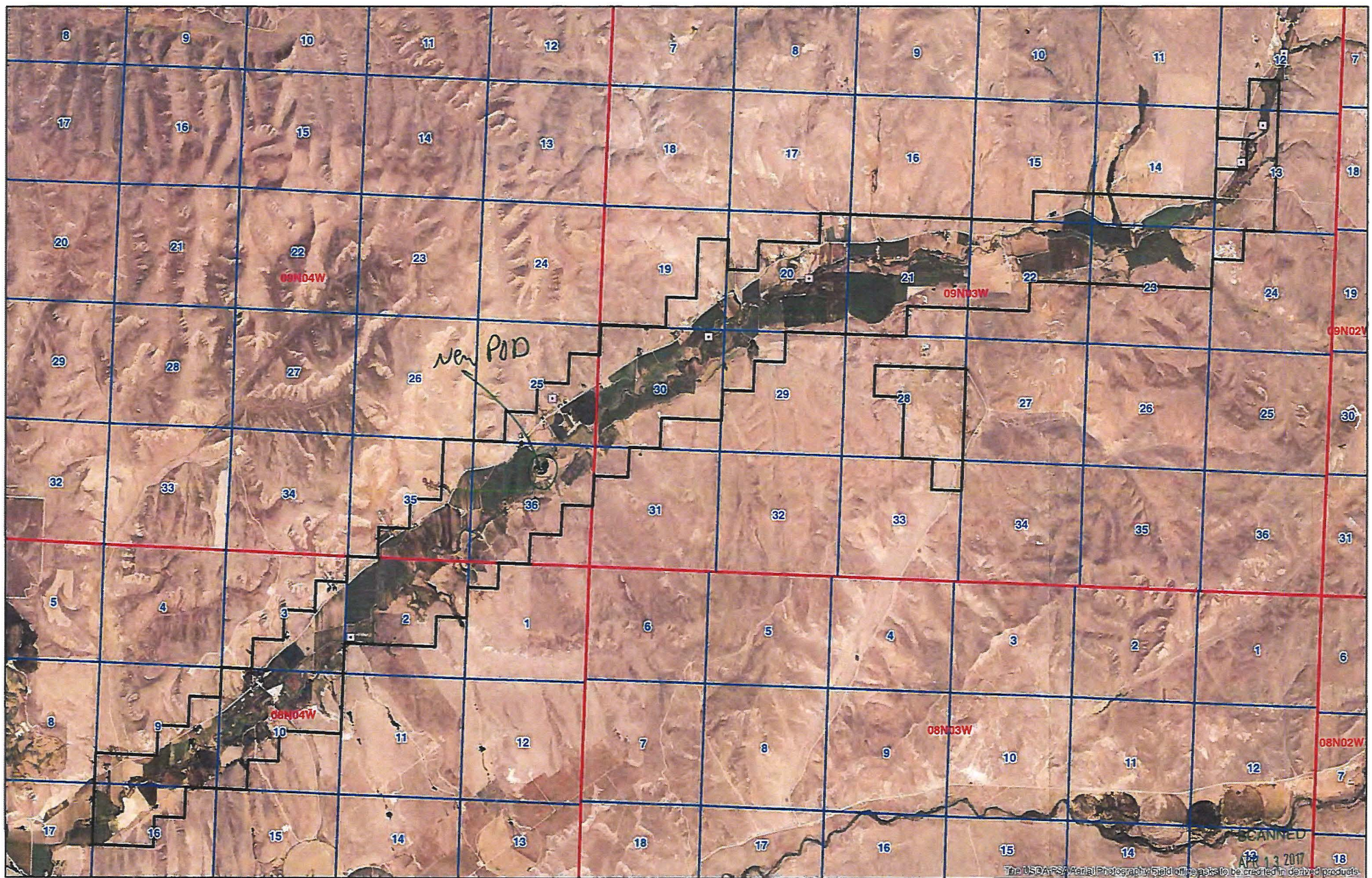
W-9 received? Yes ☐ No ☐

Name on W-9 _____

W-9 forwarded to fiscal? Yes ☐ No ☐

(Do NOT scan the W-9 - confidential information is held by fiscal only)





IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

2/9/2017

Water Right 65-64

Owner Type **Name and Address**
Current Owner LITTLE WILLOW IRRIGATION DIST
126 S MAIN ST
PAYETTE, ID 83661

Priority Date: 8/16/1897

Basis: Decreed

Status: Active

Source
LITTLE WILLOW CREEK

Tributary
BIG WILLOW CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	3/15	11/15	4.000 CFS	
	<u>Total Diversion</u>		4.000 CFS	

Source and Point(s) of Diversion

LITTLE WILLOW CREEK	NWSE	Sec. 20, Twp 09N, Rge 03W, PAYETTE County
LITTLE WILLOW CREEK	SWSE	Sec. 17, Twp 10N, Rge 02W, WASHINGTON County
LITTLE WILLOW CREEK	NWSW	Sec. 2, Twp 08N, Rge 04W, PAYETTE County
LITTLE WILLOW CREEK	NENW	Sec. 13, Twp 09N, Rge 03W, PAYETTE County
LITTLE WILLOW CREEK	SWNW	Sec. 13, Twp 09N, Rge 03W, PAYETTE County
LITTLE WILLOW CREEK	NENE	Sec. 30, Twp 09N, Rge 03W, PAYETTE County
LITTLE WILLOW CREEK	NWSE	Sec. 12, Twp 09N, Rge 03W, PAYETTE County

Place Of Use

IRRIGATION within PAYETTE County

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08N	04W	1						X											0.0
								L4											
08N	04W	2	X	X	X	X	X	X	X	X	X	X				X			0.0
			L1	L2			L3	L4											
08N	04W	3				X								X	X	X	X	X	0.0
08N	04W	9				X							X	X	X	X	X	X	0.0
08N	04W	10	X	X	X	X	X	X	X	X	X	X	X						0.0
08N	04W	16		X			X	X	X	X									0.0
09N	03W	12												X					0.0
09N	03W	13					X	X		X	X	X	X	X					0.0
09N	03W	14											X	X			X	X	0.0
09N	03W	15															X	X	0.0
09N	03W	19				X									X		X	X	0.0
09N	03W	20	X		X	X				X	X	X	X	X	X	X	X	X	0.0
09N	03W	21	X	X	X	X	X	X	X	X	X	X	X	X	X	X			0.0

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

2/9/2017

09N	03W	22	X	X	X	X	X	X	X	X	X	X							0.0
09N	03W	23	X	X	X	X	X	X	X	X									0.0
09N	03W	24						X											0.0
09N	03W	28			X	X				X					X	X	X	X	0.0
09N	03W	29					X	X	X										0.0
09N	03W	30	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X		0.0
							L1	L2			L3	L4							
09N	03W	31					X												0.0
							L1												
09N	03W	33	X																0.0
09N	04W	25				X								X	X	X	X	X	0.0
09N	04W	35	X			X								X	X	X	X	X	0.0
09N	04W	36	X	X	X	X	X	X	X	X	X	X	X	X		X			0.0

Right Acre Limit: 2,826.0

POU Total Acres: 2,826.0

Conditions of Approval:

1. 135 The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.
2. THIS RIGHT WHEN COMBINED WITH RIGHT NOS. 65-02067, 65-02149, 65-02973, 65-03130, 65-03131, 65-03132, 65-03133 & 65-03134, SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE WHEN MEASURED AT THE FIELD HEADGATE.
3. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 2826 ACRES WITHIN THE BOUNDARIES OF THE LITTLE WILLOW IRRIGATION DISTRICT IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 65-02067, 65-02149, 65-02973, 65-03130, 65-03131, 65-03132, 65-03133 & 65-03134.
4. 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.
5. C20 Basin 65 General Provisions No. 3, the Separate Streams General Provision, does not apply to appropriations of water after October 18, 1977.
This water right shall be administered as being from a separate source pursuant to Basin 65 General Provision No. 3. If the holder of this right seeks to change the right pursuant to Idaho Code § 42-222 or successor statute, nothing in this general provision shall preclude any other person or entity from demonstrating that such change in use would cause injury to its water right or from receiving any relief provided by law in the event of injury.

Comments:

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

2/9/2017

1. dbuffing 4/26/2001 Address change
Address change per Notice of Error reply
2. mlarson 11/13/2002 Large POU
Large POU linked
3. dfavreau 8/4/2009 contact
Phone number of Helen Bivins, Secretary 208-642-4682. Will request conformation via change of address form with letter responding to June 23, 2009 correspondence.

Dates and Other Information

Decreed Date: 6/7/2004
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Water District Number: 65C
Mitigation Plan: False

Combined Use Limits

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
		2,826.0
65-2149 ,65-2973 ,65-64 ,65-3130 ,65-3131 ,65-3132 ,65-3133 ,65-3134 ,65-2067		

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>
Summary	2/12/2001		2/12/2001	rhowerto	Closed

Verification Log

<u>Element</u>	<u>Date</u>	<u>User</u>
Summary	2/12/2001	rhowerto

- Log Text
5. (YES) General remark was required.
 6. (NO) Explanatory remark was not required.
 7. (NO) Additional condition was not required.
 8. (YES) Wanted to view the recommended right.
 9. (NO) This is not a split right.
 10. (NO) This is not a combined right.
 11. (NO) Documents were not linked or attached to this file.
 12. (YES) Set the verification date.

SubCase:

SubCaseNumber: 65-64
Class: 1
SF5 Filed Date:
Special Master Recom Signed Date: 4/14/2004
Attorney Assigned:
Adjudication Agent: Ron Howerton
Basis of Claim: Decreed
Date Filed: 1/17/2002
Objection Status: Active

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

2/9/2017

Water Supply Bank:
N/A

IDAHO DEPARTMENT OF WATER RESOURCES

2/9/2017

Proof Report

Water Right 65-2067

Owner Type **Name and Address**
 Current Owner LITTLE WILLOW IRRIGATION DIST
 126 S MAIN ST
 PAYETTE, ID 83661

Priority Date: 1/17/1908**Basis:** Decreed**Status:** Active

Source
 LITTLE WILLOW CREEK

Tributary
 BIG WILLOW CREEK

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	3/15	11/15	4.940 CFS	
	Total Diversion		4.940 CFS	

Source and Point(s) of Diversion

LITTLE WILLOW CREEK	NWSE	Sec. 12, Twp 09N, Rge 03W, PAYETTE County
LITTLE WILLOW CREEK	NENE	Sec. 30, Twp 09N, Rge 03W, PAYETTE County
LITTLE WILLOW CREEK	NWSW	Sec. 2, Twp 08N, Rge 04W, PAYETTE County
LITTLE WILLOW CREEK	NENW	Sec. 13, Twp 09N, Rge 03W, PAYETTE County
LITTLE WILLOW CREEK	SWNW	Sec. 13, Twp 09N, Rge 03W, PAYETTE County
LITTLE WILLOW CREEK	SWSE	Sec. 17, Twp 10N, Rge 02W, WASHINGTON County
LITTLE WILLOW CREEK	NWSE	Sec. 20, Twp 09N, Rge 03W, PAYETTE County

Place Of Use

IRRIGATION within PAYETTE County

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08N	04W	1						X											0.0
								L4											
08N	04W	2	X	X	X	X	X	X	X	X	X	X				X			0.0
			L1	L2			L3	L4											
08N	04W	3				X								X	X	X	X	X	0.0
08N	04W	9				X							X	X	X	X	X	X	0.0
08N	04W	10	X	X	X	X	X	X	X	X	X	X	X						0.0
08N	04W	16		X			X	X	X	X									0.0
09N	03W	12												X					0.0
09N	03W	13					X	X		X	X	X	X	X					0.0
09N	03W	14											X	X			X	X	0.0
09N	03W	15															X	X	0.0
09N	03W	19				X									X		X	X	0.0
09N	03W	20	X		X	X				X	X	X	X	X	X	X	X	X	0.0
09N	03W	21	X	X	X	X	X	X	X	X	X	X	X	X	X	X			0.0

IDAHO DEPARTMENT OF WATER RESOURCES
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09N	03W	22	X	X	X	X	X	X	X	X	X	X						0.0
09N	03W	23	X	X	X	X	X	X	X	X								0.0
09N	03W	24						X										0.0
09N	03W	28			X	X				X					X	X	X	0.0
09N	03W	29					X	X	X									0.0
09N	03W	30	X	X	X	X	X	X	X	X	X	X	X	X	X	X		0.0
							L1	L2				L3	L4					
09N	03W	31						X										0.0
							L1											
09N	03W	33	X															0.0
09N	04W	25				X								X	X	X	X	0.0
09N	04W	35	X			X								X	X	X	X	0.0
09N	04W	36	X	X	X	X	X	X	X	X	X	X	X	X		X		0.0

Right Acre Limit: 2,826.0

POU Total Acres: 2,826.0

Conditions of Approval:

1. THIS RIGHT WHEN COMBINED WITH RIGHT NOS. 65-00064, 65-02149, 65-02973, 65-03130, 65-03131, 65-03132, 65-03133 & 65-03134, SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE WHEN MEASURED AT THE FIELD HEADGATE.
2. C20 Basin 65 General Provisions No. 3, the Separate Streams General Provision, does not apply to appropriations of water after October 18, 1977.
This water right shall be administered as being from a separate source pursuant to Basin 65 General Provision No. 3. If the holder of this right seeks to change the right pursuant to Idaho Code § 42-222 or successor statute, nothing in this general provision shall preclude any other person or entity from demonstrating that such change in use would cause injury to its water right or from receiving any relief provided by law in the event of injury.
3. 135 The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.
4. 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.
5. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 2826 ACRES WITHIN THE BOUNDARIES OF THE LITTLE WILLOW IRRIGATION DISTRICT IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 65-00064, 65-02149, 65-02973, 65-03130, 65-03131, 65-03132, 65-03133 & 65-03134.

Comments:

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

2/9/2017

1. dbuffing 4/26/2001 Address change
Address change per Notice of Error reply.

Dates and Other Information

Decreed Date: 6/7/2004
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Water District Number: 65C
Mitigation Plan: False

Combined Use Limits

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
		2,826.0
65-2149 ,65-2973 ,65-64 ,65-3130 ,65-3131 ,65-3132 ,65-3133 ,65-3134 ,65-2067		

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed</u> <u>Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Summary	2/12/2001		2/12/2001	rhowerto	Closed

Verification Log

<u>Element</u>	<u>Date</u>	<u>User</u>	<u>Log Text</u>
Summary	2/12/2001	rhowerto	5. (YES) General remark was required. 6. (NO) Explanatory remark was not required. 7. (NO) Additional condition was not required. 8. (YES) Wanted to view the recommended right. 9. (NO) This is not a split right. 10. (NO) This is not a combined right. 11. (NO) Documents were not linked or attached to this file. 12. (YES) Set the verification date.
POU	11/13/2002	mlarson	Edited shape boundary
POU	11/13/2002	mlarson	Edited PLS

SubCase:

SubCaseNumber: 65-2067
Class: 1
SF5 Filed Date:
Special Master Recom Signed Date: 4/14/2004
Attorney Assigned:
Adjudication Agent: Ron Howerton
Basis of Claim: Decreed
Date Filed: 1/17/2002
Objection Status: Active

Water Supply Bank:

N/A

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

2/9/2017

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

2/9/2017

Water Right 65-2149

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	LITTLE WILLOW IRRIGATION DIST 126 S MAIN ST PAYETTE, ID 83661

Priority Date: 12/29/1913

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
LITTLE WILLOW CREEK	BIG WILLOW CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	3/15	11/15	50.000 CFS	
IRRIGATION FROM STORAGE	3/15	11/15	50.000 CFS	36,400.0 AF
	<u>Total Diversion</u>		50.000 CFS	36,400.0 AF

Source and Point(s) of Diversion

LITTLE WILLOW CREEK	NWSE	Sec. 20, Twp 09N, Rge 03W, PAYETTE County(R)
LITTLE WILLOW CREEK	SWNW	Sec. 13, Twp 09N, Rge 03W, PAYETTE County(R)
LITTLE WILLOW CREEK	NWSW	Sec. 2, Twp 08N, Rge 04W, PAYETTE County(R)
LITTLE WILLOW CREEK	NENW	Sec. 13, Twp 09N, Rge 03W, PAYETTE County(R)
LITTLE WILLOW CREEK	NENE	Sec. 30, Twp 09N, Rge 03W, PAYETTE County(R)
LITTLE WILLOW CREEK	SWSE	Sec. 17, Twp 10N, Rge 02W, WASHINGTON County
LITTLE WILLOW CREEK	NWSE	Sec. 12, Twp 09N, Rge 03W, PAYETTE County(R)

Place Of Use

IRRIGATION within PAYETTE County

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08N	04W	1						X L4											0.0
08N	04W	2	X L1	X L2	X	X	X L3	X L4	X	X	X	X				X			0.0
08N	04W	3				X								X	X	X	X	X	0.0
08N	04W	9				X							X	X	X	X	X	X	0.0
08N	04W	10	X	X	X	X	X	X	X	X	X	X	X						0.0
08N	04W	16		X			X	X	X	X									0.0
09N	03W	12												X					0.0
09N	03W	13					X	X		X	X	X	X	X					0.0
09N	03W	14											X	X			X	X	0.0
09N	03W	15															X	X	0.0
09N	03W	19				X									X		X	X	0.0
09N	03W	20	X		X	X				X	X	X	X	X	X	X	X	X	0.0

IDAHO DEPARTMENT OF WATER RESOURCES
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09N	03W	21	X	X	X	X	X	X	X	X	X	X	X	X	X			0.0
09N	03W	22	X	X	X	X	X	X	X	X	X							0.0
09N	03W	23	X	X	X	X	X	X	X									0.0
09N	03W	24					X											0.0
09N	03W	28			X	X			X						X	X	X	0.0
09N	03W	29					X	X	X									0.0
09N	03W	30	X	X	X	X	X	X	X	X	X	X	X	X	X	X		0.0
							L1	L2				L3	L4					
09N	03W	31					X											0.0
							L1											
09N	03W	33	X															0.0
09N	04W	25				X								X	X	X	X	0.0
09N	04W	35	X			X								X	X	X	X	0.0
09N	04W	36	X	X	X	X	X	X	X	X	X	X	X		X			0.0

Right Acre Limit: 2,826.0

POU Total Acres: 2,826.0

IRRIGATION FROM STORAGE Same as IRRIGATION

Conditions of Approval:

1. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 2826 ACRES WITHIN THE BOUNDARIES OF THE LITTLE WILLOW IRRIGATION DISTRICT IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 65-00064, 65-02067, 65-02973, 65-03130, 65-03131, 65-03132, 65-03133 & 65-03134.
2. STORAGE IN PADDOCK VALLEY RESERVOIR.
3. THIS RIGHT WHEN COMBINED WITH RIGHT NOS. 65-00064, 65-02067, 65-02973, 65-03130, 65-03131, 65-03132, 65-03133 & 65-03134, SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE WHEN MEASURED AT THE FIELD HEADGATE.
4. C20 Basin 65 General Provisions No. 3, the Separate Streams General Provision, does not apply to appropriations of water after October 18, 1977.
This water right shall be administered as being from a separate source pursuant to Basin 65 General Provision No. 3. If the holder of this right seeks to change the right pursuant to Idaho Code § 42-222 or successor statute, nothing in this general provision shall preclude any other person or entity from demonstrating that such change in use would cause injury to its water right or from receiving any relief provided by law in the event of injury.
5. 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.
6. 135 The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

2/9/2017

Comments:

1. dbuffing 4/26/2001 Address change
Address change per Notice of Error reply.
2. segbert 1/27/2009 POD
PODID 449649 correlated from SpatialDataID 36867 to SpatialDataID 396321
3. segbert 4/20/2009 POD
PODID 449649 correlated from SpatialDataID 396321 to SpatialDataID 396321

Dates and Other Information

Decreed Date: 6/7/2004
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Water District Number: 65C
Mitigation Plan: False

Combined Use Limits

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
		2,826.0
65-2149 ,65-2973 ,65-64 ,65-3130 ,65-3131 ,65-3132 ,65-3133 ,65-3134 ,65-2067		

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>
Summary	2/12/2001		2/12/2001	rhowerto	Closed

Verification Log

<u>Element</u>	<u>Date</u>	<u>User</u>	<u>Log Text</u>
Summary	2/12/2001	rhowerto	5. (YES) General remark was required. 6. (NO) Explanatory remark was not required. 7. (NO) Additional condition was not required. 8. (YES) Wanted to view the recommended right. 9. (NO) This is not a split right. 10. (NO) This is not a combined right. 11. (NO) Documents were not linked or attached to this file. 12. (YES) Set the verification date.
POU	5/2/2003	rhowerto	Edited PLS
POD	4/20/2009	segbert	PODID 449649 correlated from SpatialDataID 396321 to SpatialDataID 396321

SubCase:

SubCaseNumber: 65-2149
Class: 1
SF5 Filed Date:

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

2/9/2017

Special Master Recorn Signed Date: 4/14/2004
Attorney Assigned:
Adjudication Agent: Ron Howerton
Basis of Claim: Decreed
Date Filed: 1/17/2002
Objection Status: Active

Water Supply Bank:

N/A

2/9/2017

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	LITTLE WILLOW IRRIGATION DIST 126 S MAIN ST PAYETTE, ID 83661

Status: Active

Tributary
LITTLE WILLOW CREEK
INDIAN CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION FROM STORAGE	3/15	11/15		1,600.0 AF
DIVERSION TO STORAGE	1/01	12/31	110.000 CFS	
	Total Diversion		110.000 CFS	1,600.0 AF

INDIAN CREEK	NWSW	Sec. 2, Twp 08N, Rge 04W,	PAYETTE County(R)
INDIAN CREEK	^NENW	Sec. 13, Twp 09N, Rge 03W,	PAYETTE County(R)
INDIAN CREEK	^NWSE	Sec. 20, Twp 09N, Rge 03W,	PAYETTE County(R)
INDIAN CREEK	o SWNE	Sec. 32, Twp 10N, Rge 01W,	WASHINGTON County
INDIAN CREEK	o SENE	Sec. 32, Twp 10N, Rge 01W,	WASHINGTON County
INDIAN CREEK	v SWSE	Sec. 17, Twp 10N, Rge 02W,	WASHINGTON County(I)
INDIAN CREEK	v NWSE	Sec. 12, Twp 09N, Rge 03W,	PAYETTE County(R)
INDIAN CREEK	v SWNW	Sec. 13, Twp 09N, Rge 03W,	PAYETTE County(R)
INDIAN CREEK	v NENE	Sec. 30, Twp 09N, Rge 03W,	PAYETTE County(R)
UNNAMED STREAM	o NWSE	Sec. 30, Twp 10N, Rge 01W,	WASHINGTON County

IRRIGATION FROM STORAGE within PAYETTE County

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
08N	04W	1						X L4											0.0
08N	04W	2	X L1	X L2	X	X	X L3	X L4	X	X	X	X				X			0.0
08N	04W	3				X								X	X	X	X	X	0.0
08N	04W	9				X							X	X	X	X	X	X	0.0
08N	04W	10	X	X	X	X	X	X	X	X	X	X	X						0.0
08N	04W	16		X			X	X	X	X									0.0
09N	03W	12												X					0.0
09N	03W	13					X	X		X	X	X	X	X					0.0
09N	03W	14											X	X			X	X	0.0

IDAHO DEPARTMENT OF WATER RESOURCES
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09N	03W	15															X	X	0.0
09N	03W	19				X									X		X	X	0.0
09N	03W	20	X		X	X				X	X	X	X	X	X	X	X	X	0.0
09N	03W	21	X	X	X	X	X	X	X	X	X	X	X	X	X	X			0.0
09N	03W	22	X	X	X	X	X	X	X	X	X	X							0.0
09N	03W	23	X	X	X	X	X	X	X	X									0.0
09N	03W	24						X											0.0
09N	03W	28			X	X				X					X	X	X	X	0.0
09N	03W	29					X	X	X										0.0
09N	03W	30	X	X	X	X	X	X	X	X	X	X	X	X	X	X			0.0
								L1	L2			L3	L4						
09N	03W	31						X											0.0
								L1											
09N	03W	33	X																0.0
09N	04W	25				X								X	X	X	X	X	0.0
09N	04W	35	X			X								X	X	X	X	X	0.0
09N	04W	36	X	X	X	X	X	X	X	X	X	X	X	X		X			0.0

Conditions of Approval:

1. C20 Basin 65 General Provisions No. 3, the Separate Streams General Provision, does not apply to appropriations of water after October 18, 1977.
This water right shall be administered as being from a separate source pursuant to Basin 65 General Provision No. 3. If the holder of this right seeks to change the right pursuant to Idaho Code § 42-222 or successor statute, nothing in this general provision shall preclude any other person or entity from demonstrating that such change in use would cause injury to its water right or from receiving any relief provided by law in the event of injury.
2. 135 The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.
3. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 2826 ACRES WITHIN THE BOUNDARIES OF THE LITTLE WILLOW IRRIGATION DISTRICT IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 65-00064, 65-02067, 65-02149, 65-03130, 65-03131, 65-03132, 65-03133 & 65-03134.
4. B01 INDIAN CREEK SOURCE IS ALSO KNOWN AS INDIAN CREEK, NORTH FORK. UNNAMED STREAM SOURCE IS ALSO KNOWN AS INDIAN CREEK, NORTH FORK.
5. THIS RIGHT WHEN COMBINED WITH RIGHT NOS. 65-00064, 65-02067, 65-02149, 65-03130, 65-03131, 65-03132, 65-03133 & 65-03134, SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE WHEN MEASURED AT THE FIELD HEADGATE.
6. STORAGE IN PADDOCK RESERVOIR.
7. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

2/9/2017

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.

Comments:

1. RHOWERTO 5/3/2000 DELIVERY LOSS COMMENT
RIGHT CONTAINS DELIVERY LOSS, PRBA ALLOWED AN ADDITION TO A RATE OF AN
INCH PER ACRE TO COMPENSATE FOR DELIVERY LOSSES.
2. dbuffing 4/26/2001 Address change
Address change per Notice of Error reply
3. segbert 4/20/2009 POD
PODID 462338 correlated from SpatialDataID 396321 to SpatialDataID 396321

Dates and Other Information

Decreed Date: 6/7/2004
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Water District Number: 65
Mitigation Plan: False

Combined Use Limits

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
		2,826.0
65-2149 ,65-2973 ,65-64 ,65-3130 ,65-3131 ,65-3132 ,65-3133 ,65-3134 ,65-2067		

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>
Summary	2/12/2001		2/12/2001	rhowerto	Closed
Summary	3/2/2001		3/2/2001	rhowerto	Closed

Verification Log

<u>Element</u>	<u>Date</u>	<u>User</u>	<u>Log Text</u>
Summary	2/12/2001	rhowerto	5. (YES) General remark was required. 6. (NO) Explanatory remark was not required. 7. (NO) Additional condition was not required. 8. (YES) Wanted to view the recommended right. 9. (NO) This is not a split right. 10. (NO) This is not a combined right. 11. (NO) Documents were not linked or attached to this file. 12. (YES) Set the verification date.
Summary	3/2/2001	rhowerto	7. (NO) Additional condition was not required. 8. (YES) Wanted to view the recommended right. 9. (NO) This is not a split right.

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2/9/2017

10. (NO) This is not a combined right.
11. (NO) Documents were not linked or attached to this file.
12. (YES) Set the verification date.

POD

4/20/2009

segbert

PODID 462338 correlated from SpatialDataID 396321 to SpatialDataID 396321

SubCase:

SubCaseNumber: 65-2973

Class: 1

SF5 Filed Date:

Special Master Recom Signed Date: 4/14/2004

Attorney Assigned:

Adjudication Agent: Ron Howerton

Basis of Claim: Decreed

Date Filed: 1/17/2002

Objection Status: Active

Water Supply Bank:

N/A

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

2/9/2017

Water Right 65-3130

Owner Type **Name and Address**
Current Owner LITTLE WILLOW IRRIGATION DIST
126 S MAIN ST
PAYETTE, ID 83661

Priority Date: 4/1/1878

Basis: Decreed

Status: Active

Source
LITTLE WILLOW CREEK

Tributary
BIG WILLOW CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	3/15	11/15	0.220 CFS	
	<u>Total Diversion</u>		0.220 CFS	

Source and Point(s) of Diversion

LITTLE WILLOW CREEK	SWNW	Sec. 13, Twp 09N, Rge 03W, PAYETTE County
LITTLE WILLOW CREEK	NENW	Sec. 13, Twp 09N, Rge 03W, PAYETTE County
LITTLE WILLOW CREEK	NWSE	Sec. 12, Twp 09N, Rge 03W, PAYETTE County
LITTLE WILLOW CREEK	NWSE	Sec. 20, Twp 09N, Rge 03W, PAYETTE County
LITTLE WILLOW CREEK	NENE	Sec. 30, Twp 09N, Rge 03W, PAYETTE County
LITTLE WILLOW CREEK	SWSE	Sec. 17, Twp 10N, Rge 02W, WASHINGTON County
LITTLE WILLOW CREEK	NWSW	Sec. 2, Twp 08N, Rge 04W, PAYETTE County

Place Of Use

IRRIGATION within PAYETTE County

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08N	04W	1						X											0.0
								L4											
08N	04W	2	X	X	X	X	X	X	X	X	X	X				X			0.0
			L1	L2			L3	L4											
08N	04W	3				X								X	X	X	X	X	0.0
08N	04W	9				X							X	X	X	X	X	X	0.0
08N	04W	10	X	X	X	X	X	X	X	X	X	X	X						0.0
08N	04W	16		X			X	X	X	X									0.0
09N	03W	12												X					0.0
09N	03W	13					X	X		X	X	X	X						0.0
09N	03W	14											X	X			X	X	0.0
09N	03W	15															X	X	0.0
09N	03W	19				X									X		X	X	0.0
09N	03W	20	X		X	X				X	X	X	X	X	X	X	X	X	0.0
09N	03W	21	X	X	X	X	X	X	X	X	X	X	X	X	X	X			0.0

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

2/9/2017

09N	03W	22	X	X	X	X	X	X	X	X	X							0.0
09N	03W	23	X	X	X	X	X	X	X									0.0
09N	03W	24						X										0.0
09N	03W	28			X	X				X					X	X	X	0.0
09N	03W	29					X	X	X									0.0
09N	03W	30	X	X	X	X	X	X	X	X	X	X	X	X	X	X		0.0
							L1	L2				L3	L4					
09N	03W	31					X											0.0
							L1											
09N	03W	33	X															0.0
09N	04W	25				X								X	X	X	X	0.0
09N	04W	35	X			X								X	X	X	X	0.0
09N	04W	36	X	X	X	X	X	X	X	X	X	X	X		X			0.0

Right Acre Limit: 2,826 0

POU Total Acres: 2,826 0

Conditions of Approval:

1. C20 Basin 65 General Provisions No. 3, the Separate Streams General Provision, does not apply to appropriations of water after October 18, 1977.
This water right shall be administered as being from a separate source pursuant to Basin 65 General Provision No. 3. If the holder of this right seeks to change the right pursuant to Idaho Code § 42-222 or successor statute, nothing in this general provision shall preclude any other person or entity from demonstrating that such change in use would cause injury to its water right or from receiving any relief provided by law in the event of injury.
2. THIS RIGHT WHEN COMBINED WITH RIGHT NOS. 65-00064, 65-02067, 65-02149, 65-02973, 65-03131, 65-03132, 65-03133 & 65-03134, SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE WHEN MEASURED AT THE FIELD HEADGATE.
3. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
4. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 2826 ACRES WITHIN THE BOUNDARIES OF THE LITTLE WILLOW IRRIGATION DISTRICT IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 65-00064, 65-02067, 65-02149, 65-02973, 65-03131, 65-03132, 65-03133 & 65-03134.
5. 135 The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

Comments:

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

2/9/2017

1. dbuffing 4/26/2001 Address change
Address changed per Notice of Error reply

Dates and Other Information

Decreed Date: 6/7/2004
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Water District Number: 65C
Mitigation Plan: False

Combined Use Limits

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
		2,826.0
65-2149 ,65-2973 ,65-64 ,65-3130 ,65-3131 ,65-3132 ,65-3133 ,65-3134 ,65-2067		

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>
Summary	2/12/2001		2/12/2001	rhowerto	Closed

Verification Log

<u>Element</u>	<u>Date</u>	<u>User</u>
Summary	2/12/2001	rhowerto

5. (YES) General remark was required.
6. (NO) Explanatory remark was not required.
7. (NO) Additional condition was not required.
8. (YES) Wanted to view the recommended right.
9. (NO) This is not a split right.
10. (NO) This is not a combined right.
11. (NO) Documents were not linked or attached to this file.
12. (YES) Set the verification date.

SubCase:

SubCaseNumber: 65-3130
Class: 1
SF5 Filed Date:
Special Master Recom Signed Date: 4/14/2004
Attorney Assigned:
Adjudication Agent: Ron Howerton
Basis of Claim: Decreed
Date Filed: 1/17/2002
Objection Status: Active

Water Supply Bank:

N/A

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

2/9/2017

Water Right 65-3131

Owner Type **Name and Address**
Current Owner LITTLE WILLOW IRRIGATION DIST
126 S MAIN ST
PAYETTE, ID 83661

Priority Date: 4/1/1892

Basis: Decreed

Status: Active

Source **Tributary**
LITTLE WILLOW CREEK BIG WILLOW CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	3/15	11/15	1.050 CFS	
	<u>Total Diversion</u>		1.050 CFS	

Source and Point(s) of Diversion

LITTLE WILLOW CREEK	NENE	Sec. 30, Twp 09N, Rge 03W, PAYETTE County
LITTLE WILLOW CREEK	NWSW	Sec. 2, Twp 08N, Rge 04W, PAYETTE County
LITTLE WILLOW CREEK	NWSE	Sec. 12, Twp 09N, Rge 03W, PAYETTE County
LITTLE WILLOW CREEK	NENW	Sec. 13, Twp 09N, Rge 03W, PAYETTE County
LITTLE WILLOW CREEK	SWNW	Sec. 13, Twp 09N, Rge 03W, PAYETTE County
LITTLE WILLOW CREEK	NWSE	Sec. 20, Twp 09N, Rge 03W, PAYETTE County
LITTLE WILLOW CREEK	SWSE	Sec. 17, Twp 10N, Rge 02W, WASHINGTON County

Place Of Use

IRRIGATION within PAYETTE County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08N	04W	1						X L4											0.0
08N	04W	2	X L1	X L2	X	X	X L3	X L4	X	X	X	X				X			0.0
08N	04W	3				X								X	X	X	X	X	0.0
08N	04W	9				X							X	X	X	X	X	X	0.0
08N	04W	10	X	X	X	X	X	X	X	X	X	X	X						0.0
08N	04W	16		X			X	X	X	X									0.0
09N	03W	12												X					0.0
09N	03W	13					X	X		X	X	X	X						0.0
09N	03W	14											X	X			X	X	0.0
09N	03W	15															X	X	0.0
09N	03W	19				X									X		X	X	0.0
09N	03W	20	X		X	X				X	X	X	X	X	X	X	X	X	0.0
09N	03W	21	X	X	X	X	X	X	X	X	X	X	X	X	X	X			0.0

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

2/9/2017

09N	03W	22	X	X	X	X	X	X	X	X	X	X						0.0
09N	03W	23	X	X	X	X	X	X	X	X								0.0
09N	03W	24						X										0.0
09N	03W	28			X	X				X					X	X	X	0.0
09N	03W	29					X	X	X									0.0
09N	03W	30	X	X	X	X	X	X	X	X	X	X	X	X	X	X		0.0
							L1	L2				L3	L4					
09N	03W	31					X											0.0
							L1											
09N	03W	33	X															0.0
09N	04W	25				X								X	X	X	X	0.0
09N	04W	35	X			X								X	X	X	X	0.0
09N	04W	36	X	X	X	X	X	X	X	X	X	X	X	X		X		0.0

Right Acre Limit: 2,826.0

POU Total Acres: 2,826.0

Conditions of Approval:

1. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 2826 ACRES WITHIN THE BOUNDARIES OF THE LITTLE WILLOW IRRIGATION DISTRICT IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 65-00064, 65-02067, 65-02149, 65-02973, 65-03130, 65-03132, 65-03133 & 65-03134.
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Comments:

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

2/9/2017

1. dbuffing 4/26/2001 Address change
Address change per Notice of Error reply

Dates and Other Information

Decreed Date: 6/7/2004
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Water District Number: 65C
Mitigation Plan: False

Combined Use Limits

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
		2,826.0
65-2149 ,65-2973 ,65-64 ,65-3130 ,65-3131 ,65-3132 ,65-3133 ,65-3134 ,65-2067		

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>
Summary	2/12/2001		2/12/2001	rhowerto	Closed

Verification Log

<u>Element</u>	<u>Date</u>	<u>User</u>
Summary	2/12/2001	rhowerto

5. (YES) General remark was required.
6. (NO) Explanatory remark was not required.
7. (NO) Additional condition was not required.
8. (YES) Wanted to view the recommended right.
9. (NO) This is not a split right.
10. (NO) This is not a combined right.
11. (NO) Documents were not linked or attached to this file.
12. (YES) Set the verification date.

SubCase:

SubCaseNumber: 65-3131
Class: 1
SF5 Filed Date:
Special Master Recom Signed Date: 4/14/2004
Attorney Assigned:
Adjudication Agent: Ron Howerton
Basis of Claim: Decreed
Date Filed: 1/17/2002
Objection Status: Active

Water Supply Bank:

N/A

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

2/9/2017

Water Right 65-3132

Owner Type **Name and Address**
Current Owner LITTLE WILLOW IRRIGATION DIST
126 S MAIN ST
PAYETTE, ID 83661

Priority Date: 4/1/1878

Basis: Decreed

Status: Active

Source
LITTLE WILLOW CREEK

Tributary
BIG WILLOW CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	3/15	11/15	0.700 CFS	
	Total Diversion		0.700 CFS	

Source and Point(s) of Diversion

LITTLE WILLOW CREEK	SWNW	Sec. 13, Twp 09N, Rge 03W, PAYETTE County
LITTLE WILLOW CREEK	NENW	Sec. 13, Twp 09N, Rge 03W, PAYETTE County
LITTLE WILLOW CREEK	NWSW	Sec. 2, Twp 08N, Rge 04W, PAYETTE County
LITTLE WILLOW CREEK	NWSE	Sec. 12, Twp 09N, Rge 03W, PAYETTE County
LITTLE WILLOW CREEK	NWSE	Sec. 20, Twp 09N, Rge 03W, PAYETTE County
LITTLE WILLOW CREEK	SWSE	Sec. 17, Twp 10N, Rge 02W, WASHINGTON County
LITTLE WILLOW CREEK	NENE	Sec. 30, Twp 09N, Rge 03W, PAYETTE County

Place Of Use

IRRIGATION within PAYETTE County

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08N	04W	1						X											0.0
								L4											
08N	04W	2	X	X	X	X	X	X	X	X	X	X				X			0.0
			L1	L2			L3	L4											
08N	04W	3				X								X	X	X	X	X	0.0
08N	04W	9				X							X	X	X	X	X	X	0.0
08N	04W	10	X	X	X	X	X	X	X	X	X	X	X						0.0
08N	04W	16		X			X	X	X	X									0.0
09N	03W	12												X					0.0
09N	03W	13					X	X		X	X	X	X	X					0.0
09N	03W	14											X	X			X	X	0.0
09N	03W	15															X	X	0.0
09N	03W	19				X									X		X	X	0.0
09N	03W	20	X		X	X				X	X	X	X	X	X	X	X	X	0.0
09N	03W	21	X	X	X	X	X	X	X	X	X	X	X	X	X	X			0.0

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

2/9/2017

09N	03W	22	X	X	X	X	X	X	X	X	X	X						0.0
09N	03W	23	X	X	X	X	X	X	X	X								0.0
09N	03W	24						X										0.0
09N	03W	28			X	X				X					X	X	X	0.0
09N	03W	29					X	X	X									0.0
09N	03W	30	X	X	X	X	X	X	X	X	X	X	X	X	X	X		0.0
							L1	L2				L3	L4					
09N	03W	31					X											0.0
							L1											
09N	03W	33	X															0.0
09N	04W	25				X								X	X	X	X	0.0
09N	04W	35	X			X								X	X	X	X	0.0
09N	04W	36	X	X	X	X	X	X	X	X	X	X	X	X		X		0.0

Right Acre Limit: 2,826.0

POU Total Acres: 2,826.0

Conditions of Approval:

1. C20 Basin 65 General Provisions No. 3, the Separate Streams General Provision, does not apply to appropriations of water after October 18, 1977.
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Comments:

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

2/9/2017

1. dbuffing 4/26/2001 Address change
Address change per Notice of Error reply

Dates and Other Information

Decreed Date: 6/7/2004
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Water District Number: 65C
Mitigation Plan: False

Combined Use Limits

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
		2,826.0
65-2149 ,65-2973 ,65-64 ,65-3130 ,65-3131 ,65-3132 ,65-3133 ,65-3134 ,65-2067		

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed</u> <u>Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Summary	2/12/2001		2/12/2001	rhowerto	Closed

Verification Log

<u>Element</u>	<u>Date</u>	<u>User</u>
Summary	2/12/2001	rhowerto

5. (YES) General remark was required.
6. (NO) Explanatory remark was not required.
7. (NO) Additional condition was not required.
8. (YES) Wanted to view the recommended right.
9. (NO) This is not a split right.
10. (NO) This is not a combined right.
11. (NO) Documents were not linked or attached to this file.
12. (YES) Set the verification date.

SubCase:

SubCaseNumber: 65-3132
Class: 1
SF5 Filed Date:
Special Master Recom Signed Date: 4/14/2004
Attorney Assigned:
Adjudication Agent: Ron Howerton
Basis of Claim: Decreed
Date Filed: 1/17/2002
Objection Status: Active

Water Supply Bank:

N/A

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

2/9/2017

Water Right 65-3133

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	LITTLE WILLOW IRRIGATION DIST 126 S MAIN ST PAYETTE, ID 83661

Priority Date: 4/1/1892

Basis: Decreed

Status: Active

Source
LITTLE WILLOW CREEK

Tributary
BIG WILLOW CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	3/15	11/15	1.400 CFS	
	<u>Total Diversion</u>		1.400 CFS	

Source and Point(s) of Diversion

LITTLE WILLOW CREEK	NENW	Sec. 13, Twp 09N, Rge 03W, PAYETTE County
LITTLE WILLOW CREEK	SWNW	Sec. 13, Twp 09N, Rge 03W, PAYETTE County
LITTLE WILLOW CREEK	NWSE	Sec. 12, Twp 09N, Rge 03W, PAYETTE County
LITTLE WILLOW CREEK	NWSE	Sec. 20, Twp 09N, Rge 03W, PAYETTE County
LITTLE WILLOW CREEK	NENE	Sec. 30, Twp 09N, Rge 03W, PAYETTE County
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LITTLE WILLOW CREEK	NWSW	Sec. 2, Twp 08N, Rge 04W, PAYETTE County

Place Of Use

IRRIGATION within PAYETTE County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08N	04W	1						X											0.0
								L4											
08N	04W	2	X	X	X	X	X	X	X	X	X	X				X			0.0
			L1	L2			L3	L4											
08N	04W	3				X								X	X	X	X	X	0.0
08N	04W	9				X							X	X	X	X	X	X	0.0
08N	04W	10	X	X	X	X	X	X	X	X	X	X	X						0.0
08N	04W	16		X			X	X	X	X									0.0
09N	03W	12												X					0.0
09N	03W	13					X	X		X	X	X	X	X					0.0
09N	03W	14											X	X			X	X	0.0
09N	03W	15															X	X	0.0
09N	03W	19				X									X		X	X	0.0
09N	03W	20	X		X	X				X	X	X	X	X	X	X	X	X	0.0
09N	03W	21	X	X	X	X	X	X	X	X	X	X	X	X	X	X			0.0

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

2/9/2017

09N	03W	22	X	X	X	X	X	X	X	X	X	X						0.0
09N	03W	23	X	X	X	X	X	X	X	X								0.0
09N	03W	24						X										0.0
09N	03W	28			X	X				X					X	X	X	0.0
09N	03W	29					X	X	X									0.0
09N	03W	30	X	X	X	X	X	X	X	X	X	X	X	X	X	X		0.0
							L1	L2				L3	L4					
09N	03W	31					X											0.0
							L1											
09N	03W	33	X															0.0
09N	04W	25				X								X	X	X	X	0.0
09N	04W	35	X			X								X	X	X	X	0.0
09N	04W	36	X	X	X	X	X	X	X	X	X	X	X	X		X		0.0

Right Acre Limit: 2,826.0

POU Total Acres: 2,826.0

Conditions of Approval:

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This water right shall be administered as being from a separate source pursuant to Basin 65 General Provision No. 3. If the holder of this right seeks to change the right pursuant to Idaho Code § 42-222 or successor statute, nothing in this general provision shall preclude any other person or entity from demonstrating that such change in use would cause injury to its water right or from receiving any relief provided by law in the event of injury.
4. THIS RIGHT WHEN COMBINED WITH RIGHT NOS. 65-00064, 65-02067, 65-02149, 65-02973, 65-03130, 65-03131, 65-03132 & 65-03134, SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE WHEN MEASURED AT THE FIELD HEADGATE.
5. 135 The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

Comments:

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

2/9/2017

1. dbuffing 4/26/2001 Address change
Address change per notice of error reply

Dates and Other Information

Decreed Date: 6/7/2004
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Water District Number: 65C
Mitigation Plan: False

Combined Use Limits

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
		2,826.0
65-2149 ,65-2973 ,65-64 ,65-3130 ,65-3131 ,65-3132 ,65-3133 ,65-3134 ,65-2067		

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed</u> <u>Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Summary	2/12/2001		2/12/2001	rhowerto	Closed

Verification Log

<u>Element</u>	<u>Date</u>	<u>User</u>
Summary	2/12/2001	rhowerto

5. (YES) General remark was required.
6. (NO) Explanatory remark was not required.
7. (NO) Additional condition was not required.
8. (YES) Wanted to view the recommended right.
9. (NO) This is not a split right.
10. (NO) This is not a combined right.
11. (NO) Documents were not linked or attached to this file.
12. (YES) Set the verification date.

SubCase:

SubCaseNumber: 65-3133
Class: 1
SF5 Filed Date:
Special Master Recom Signed Date: 4/14/2004
Attorney Assigned:
Adjudication Agent: Ron Howerton
Basis of Claim: Decreed
Date Filed: 1/17/2002
Objection Status: Active

Water Supply Bank:

N/A

2/9/2017

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	LITTLE WILLOW IRRIGATION DIST 126 S MAIN ST PAYETTE, ID 83661

Status: Active

Tributary
BIG WILLOW CREEK

LITTLE WILLOW CREEK	NENW	Sec. 13, Twp 09N, Rge 03W,	PAYETTE County
LITTLE WILLOW CREEK	NENE	Sec. 30, Twp 09N, Rge 03W,	PAYETTE County
LITTLE WILLOW CREEK	NWSE	Sec. 12, Twp 09N, Rge 03W,	PAYETTE County
LITTLE WILLOW CREEK	SWNW	Sec. 13, Twp 09N, Rge 03W,	PAYETTE County
LITTLE WILLOW CREEK	NWSE	Sec. 20, Twp 09N, Rge 03W,	PAYETTE County
LITTLE WILLOW CREEK	SWSE	Sec. 17, Twp 10N, Rge 02W,	WASHINGTON County
LITTLE WILLOW CREEK	NWSW	Sec. 2, Twp 08N, Rge 04W,	PAYETTE County

IRRIGATION within PAYETTE County

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

2/9/2017

09N	03W	22	X	X	X	X	X	X	X	X	X	X						0.0
09N	03W	23	X	X	X	X	X	X	X	X								0.0
09N	03W	24						X										0.0
09N	03W	28			X	X				X					X	X	X	0.0
09N	03W	29					X	X	X									0.0
09N	03W	30	X	X	X	X	X	X	X	X	X	X	X	X	X	X		0.0
							L1	L2				L3	L4					
09N	03W	31					X											0.0
							L1											
09N	03W	33	X															0.0
09N	04W	25				X								X	X	X	X	0.0
09N	04W	35	X			X								X	X	X	X	0.0
09N	04W	36	X	X	X	X	X	X	X	X	X	X	X	X		X		0.0

Right Acre Limit: 2,826.0

POU Total Acres: 2,826.0

Conditions of Approval:

1. 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.
2. C20 Basin 65 General Provisions No. 3, the Separate Streams General Provision, does not apply to appropriations of water after October 18, 1977.
This water right shall be administered as being from a separate source pursuant to Basin 65 General Provision No. 3. If the holder of this right seeks to change the right pursuant to Idaho Code § 42-222 or successor statute, nothing in this general provision shall preclude any other person or entity from demonstrating that such change in use would cause injury to its water right or from receiving any relief provided by law in the event of injury.
3. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 2826 ACRES WITHIN THE BOUNDARIES OF THE LITTLE WILLOW IRRIGATION DISTRICT IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 65-00064, 65-02067, 65-02149, 65-02973, 65-03130, 65-03131, 65-03132 & 65-03133.
4. THIS RIGHT WHEN COMBINED WITH RIGHT NOS. 65-00064, 65-02067, 65-02149, 65-02973, 65-03130, 65-03131, 65-03132 & 65-03133, SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE WHEN MEASURED AT THE FIELD HEADGATE.
5. 135 The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

Comments:

IDAHO DEPARTMENT OF WATER RESOURCES

2/9/2017

Proof Report

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Address change per notice of error reply

Dates and Other Information

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Combined Use Limits

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
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65-2149 ,65-2973 ,65-64 ,65-3130 ,65-3131 ,65-3132 ,65-3133 ,65-3134 ,65-2067		

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed</u> <u>Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Summary	2/12/2001		2/12/2001	rhowerto	Closed

Verification Log

<u>Element</u>	<u>Date</u>	<u>User</u>
Summary	2/12/2001	rhowerto

Log Text

5. (YES) General remark was required.
6. (NO) Explanatory remark was not required.
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SubCase:

SubCaseNumber: 65-3134
Class: 1
SF5 Filed Date:
Special Master Recom Signed Date: 4/14/2004
Attorney Assigned:
Adjudication Agent: Ron Howerton
Basis of Claim: Decreed
Date Filed: 1/17/2002
Objection Status: Active

Water Supply Bank:

N/A

11/8/2016

Little Willow Irrigation District Board Meeting

Tuesday, Nov 8th, 2016 2:00 pm.

Location: 5700 Little Willow Road, Payette, Idaho 83661.

Attendants: Board members present: Mr. Dahnke, Mr. Roland, Mrs. Stephens
Ditch Rider Present: Jim Tucheck

RECEIVED

FEB 21 2017

WATER RESOURCES
WESTERN REGION

Minutes Nov 2016 Meeting:

Minutes were presented. The minutes were approved as presented.

Approve Bills /Financial Statement For Nov 2016:

The bills and financial statements were approved as presented.

Late Assessments For Nov 2016:

The assessments were presented to the board.

Points made by the board:

- There was 1 applicant from each of the districts that were nominated for the election. There was no election due to their only being one nominee from each district. Mrs. Stephens was nominated to the board holding a one year term. Mr. Dahnke was nominated to the board for a 3 year term.
- The board decided to have a measuring device put on each sprinkler pump instead of measuring each sprinkler head. With this the member will need a weir, a bubbler or a flow meter to go into each sprinkler system. The members that this applies to will have until the 2018 water season to install these devices.
- There have been a couple changes in properties recently.

New Business:

- There was no new business presented to the board.

Old Business:

- For the tree on the ditch house property. Mr. Roland talked to someone but he hasn't had a chance at this point. The board decided if he doesn't get a hold of them this week that they will go with the 1st bid.
- The board members received a letter from one of the members and read it.

Members Input:

- There was no new member input presented to the board.

The next board meeting is set for 2:00pm on Dec, 12th, 2016 located at the Ditch House.



President, Board of Directors

Secretary of Treasury



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

April 13, 2017

LITTLE WILLOW IRRIGATION DIST
PO BOX 807
PAYETTE, ID 83661

RE: Transfer No. 81482
Water Right No(s). 65-2067, 65-2149, 65-2973, 65-3130, 65-3131, 65-3132, 65-3133,
65-3134, 65-64

Dear Applicant(s):

The Department of Water Resources has received your water right transfer application. Please refer to the transfer number referenced above in all future correspondence regarding this transfer.

A legal notice of the application has been prepared and is scheduled for publication in the INDEPENDENT ENTERPRISE and the WEISER SIGNAL on 4/19/2017 and 4/26/2017. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the approval document.

Please contact this office if you have any questions regarding the application.

Sincerely,

Rachel Neely
Administrative Assistant

Neely, Rachel

From: Neely, Rachel
Sent: Thursday, April 13, 2017 9:00 AM
To: 'Ind-Ent Legals'
Subject: Payette Legal Ad
Attachments: Payette Cover Letter.docx; Payette Legal Ad.docx

Good Morning Legal Clerk,

Please see the attached ad for publication on 4/19/2017 & 4/26/2017.

Please confirm these are okay to publish as shown.

Thank you,

Rachel Neely

Administrative Assistant I
IDWR-Western Region
2735 Airport Way Boise, ID 83705
Rachel.Neely@idwr.idaho.gov

April 13, 2017

LEGAL NOTICE DEPARTMENT
INDEPENDENT ENTERPRISE
124 S MAIN
PAYETTE, ID 83661

RE: Transfer No. 81482

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 5/8/2017. Your cooperation is appreciated.

Sincerely,

Rachel Neely
Administrative Assistant

Enclosure(s)

The following application has been filed to appropriate the public waters of the State of Idaho:

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 81482**

LITTLE WILLOW IRRIGATION DIST, PO BOX 807, PAYETTE, ID 83661; has filed Application No. 81482 for changes to the following water rights within PAYETTE, WASHINGTON County(s): Right No(s). 65-2067, 65-2149, 65-2973, 65-3130, 65-3131, 65-3132, 65-3133, 65-3134, 65-64. Little Willow Irrigation District proposes to add one point of diversion to their water rights. They propose to add this new point of diversion approximately 13 kilometers east of Payette Idaho south of Little Willow Rd and between Bolton Canal and Nelson Canal. The applicant wants to divert up to 4.0 cfs of natural flow water from Little Willow Creek and Indian Creek water released from Paddock Valley Reservoir

For additional information concerning the property location, contact Western Region office at (208) 334-2190; or for a full description of the right(s) or proposed transfer(s), please see www.idwr.idaho.gov. Protests may be submitted based on the criteria of Idaho Code § 42-222. Any protest against the proposed change(s) must be filed with the Director, Dept of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705 together with a protest fee of \$25.00 for each application on or before 5/8/2017. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 4/19/2017 and 4/26/2017

Neely, Rachel

From: Neely, Rachel
Sent: Thursday, April 13, 2017 9:00 AM
To: 'Sarah Imada'
Subject: Washington Legal Ad
Attachments: Washington (Weiser) Cover Letter.docx; Washington Legal Ad.docx

Good Morning Legal Clerk,

Please see the attached ad for publication on 4/19/2017 & 4/26/2017.

Please confirm these are okay to publish as shown.

Thank you,

Rachel Neely

Administrative Assistant I
IDWR-Western Region
2735 Airport Way Boise, ID 83705
Rachel.Neely@idwr.idaho.gov

April 13, 2017

LEGAL NOTICE DEPARTMENT
WEISER SIGNAL
PO BOX 709
WEISER, ID 83672

RE: Transfer No. 81482

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 5/8/2017. Your cooperation is appreciated.

Sincerely,

Rachel Neely
Administrative Assistant

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GARY SPACKMAN, Director

Published on 4/19/2017 and 4/26/2017

Exhibit B

Albert P. Barker, ISB #2867
BARKER ROSHOLT & SIMPSON LLP
1010 W. Jefferson, Suite 102
P.O. Box 2139
Boise, ID 83701-2139
Telephone: (208) 336-0700
Facsimile: (208) 344-6034
apb@idahowaters.com

Attorneys for Little Willow Irrigation District

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF:	)	LITTLE WILLOW IRRIGATION
	)	DISTRICT'S RESPONSES TO
APPLICATION FOR TRANSFER NO.	)	PROTESTANTS' FIRST SET OF
81482 IN THE NAME OF LITTLE	)	INTERROGATORIES AND REQUESTS
WILLOW IRRIGATION DISTRICT	)	FOR PRODUCTION
	)	
	)	

COMES NOW, the Applicant, Little Willow Irrigation District ("Little Willow"), by and through its attorneys of record, Barker Rosholt & Simpson LLP, pursuant to the Idaho Rules of Civil Procedure, and hereby responds to *Protestants' First Set of Interrogatories and Requests for Production* as follows:

GENERAL OBJECTIONS

1. Little Willow objects to the Discovery Requests and to the definitions and instructions to the extent they purport to require discovery responses beyond that required under the Idaho Rules of Civil Procedure. These responses are provided in accordance with the Idaho

**LITTLE WILLOW IRRIGATION DISTRICT'S RESPONSES TO PROTESTANTS'
FIRST SET OF INTERROGATORIES AND REQUESTS FOR
PRODUCTION**

Rules of Civil Procedure irrespective of any definitions and instructions that may accompany the discovery requests.

2. These responses are made subject to all objections as to competence, relevance, materiality and admissibility. These responses are subject to all objections that would require the exclusion of any statement, material or information herein provided if such requests were asked of, or any statement, material or information provided were made by witness present and testifying at hearing. All such objections are reserved and may be interposed at the time of hearing.

3. Little Willow specifically objects to the Requests for Production to the extent they seek information protected by the attorney-client privilege, the accountant-client privilege, the work product doctrine and the rules governing the discovery relating to experts as set forth in Rule 26(b)(4). The objection is intended to apply to all the discovery requests that seek such information and will not be repeated specifically for each request to which it applies. Little Willow, to the extent possible, construed each request as requesting only information and/or documents not subject to any applicable protection.

4. No incidental or implied admissions are intended. The fact that Little Willow has responded to any discovery request, or part thereof, should not be taken as an admission that they accept that the discovery request or the response or objection thereto constitutes admissible evidence. Similarly, the fact that Little Willow has responded to all or part of a request is not intended to and shall not be construed to be a waiver by Little Willow of all or part of any objection to other requests. Little Willow's answers to any discovery requests herein do not constitute a waiver of their right to object to any future additional, or supplemental discovery requests regarding the same or similar matters.

5. Each of these objections is incorporated into the response to each of the Discovery Requests as though set forth verbatim therein.

6. Discovery is ongoing and these responses may be incomplete. Little Willow reserves the right to supplement these responses in the future accordingly and pursuant to the Idaho Rules of Civil Procedure.

INTERROGATORIES

INTERROGATORY NO. 1: Please identify all persons known to you or your attorney who purports to have any knowledge that relates to the Application, or any fact pertinent to the subject of this case.

ANSWER TO INTERROGATORY NO. 1: Little Willow objects to this interrogatory on the grounds that it is unduly broad and burdensome, in that Little Willow is uncertain of the extent to which facts may be pertinent to the protests raised by Protestants in this case; because at this time the nature of the protests are themselves broad and ambiguous. Without waiving this objection, Little Willow states that every water user on Little Willow Creek may have information relevant to the subject of this case. Specifically, Little Willow believes that the following people have knowledge of the application, the protest and to Little Willow's operations:

Larry Dahnke – Authorized Agent for Applicant and President of Little Willow Irrigation District

Contact through counsel for Little Willow.

Susan Dahnke – Wife of Larry Dahnke

Contact through counsel for Little Willow.

Thomas G. Roland – Protestant

Contact through Protestant's counsel.

Irene J. Roland – Protestant (deceased)

Contact through Protestant's counsel.

Clark C. Roland – Protestant

Contact through Protestant's counsel.

Marcia Roland

Contact through Protestant's counsel.

Elizabeth Stephens – Little Willow Irrigation District Board Member

Contact through counsel for Little Willow.

Jim Tucheck – Ditch Rider

Contact through counsel for Little Willow.

Daryl, Carol Josh and Bruce Horst – Water Users

5605 Little Willow Road

Payette, ID 83661

Phone (Daryl): (208) 739-0153

(Carol): (208) 642-1925

(Bruce): (208) 739-2322

Josh Horst

6095 Little Willow Road

Payette, ID 83661

Phone: (208) 739-2261

Dick Towner – Water User

5655 Little Willow

Payette, ID 83661

rtowner48@gmail.com

Rudy Endricat – Water User

5675 Little Willow Road

Payette, ID 83661

Phone: (208) 740-4741

Cliff Morgan – Water User

7405 Little Willow Road

Payette, ID 83661

morganfiat@aol.com

Pat Kelly and Sonja Craig – Water Users

Phone (Pat): (208) 739-5267

(Sonja): (208) 739-5104

Aaron and Melissa Rawlins – Water Users

6150 Little Willow

Payette, ID 83661
aaronr@usapresort.com
amlbhj@gmail.com

Rick Painter – Water User, Renter
Phone: (208) 740-0223

Cameron Malher – Water User, Ranch Foreman
Phone: (208) 642-4460

Jack Burlile – Former Board Member, Water User, Ranch Manager

Idaho Department of Water Resources, Western Region
2735 Airport Way
Boise, Idaho 83705-5082
Phone: (208) 334-2190

INTERROGATORY NO. 2: Please identify each person answering and assisting in answering these Interrogatories and Requests for Production on behalf of the Applicant.

ANSWER TO INTERROGATORY NO. 2: Larry Dahnke, President of Little Willow Irrigation District, and counsel.

INTERROGATORY NO. 3: Please identify all witnesses you intend to call at the hearing of this cause, the subject matter, and general nature of the facts to which they will testify.

ANSWER TO INTERROGATORY NO. 3: Objection, vague and overly burdensome. Without waiving the objection, every person as identified in Interrogatory No. 1 above may be called as a witness in this proceeding. Specifically, Protestants and the Little Willow Board members may be called. Little Willow reserves the right to supplement this response.

INTERROGATORY NO. 4: Please identify any expert(s) you expect to call as an expert witness in connection with this matter, and please state: (a) the experts name, address, and set forth a complete curriculum vitae, or in the alternative, attach a copy of the expert's curriculum vitae hereto; (b) state the substance of the expert's conclusions and opinions, the physical evidence

(if any) analyzed, and the present custodian of any such physical evidence; and (c) any report prepared by such expert(s).

ANSWER TO INTERROGATORY NO. 4: At this time, Little Willow has not retained an expert to testify or as a consultant, however, it reserves the right to supplement this response in the future, subject to the requirements of I.R.C.P. 26(b).

INTERROGATORY NO. 5: Please describe in detail the purpose and goals of the Application and the particular issues, deficiencies, and/or problems it seeks to address.

ANSWER TO INTERROGATORY NO. 5: The Application is intended to increase the efficiencies of the District by adding a point of diversion so that water can be supplied to fields more directly than by way of upstream diversions. The additional point of diversion is not intended to increase the total diversions of natural flow. With respect to storage water, the intent is to re-divert storage from lower in the system and closer to a particular place of use.

INTERROGATORY NO. 6: For each of the District's existing points of diversion, please identify the location of the point of diversion, the diversion works and capacity, any associated measuring devices, the canal or other delivery facility associated with the point of diversion, the lands irrigated from the point of diversion, and the associated landowners.

ANSWER TO INTERROGATORY NO. 6: The District's existing points of diversion are as follows:

1. McIntyre diversion: concrete structure with outlet from Creek to McIntyre ditch.
2. Bolton diversion: concrete structure with boards to divert water from Creek to Bolton Ditch
3. Pump system on Humphrey's property: pumps water from Creek to sprinkler system on Humphrey's land.

4. Patton diversion: concrete structure diverts water from Creek into Patton ditch. Water travels down Patton approximately one (1) mile, and splits into Nelson ditch, and also travels on down Patton ditch. One pump is also at this location to water Pat Kelly's property.
5. Wilson diversion: dirt dam into concrete structure that diverts into Wilson ditch from Creek.

Aerial photographs of the District's place of use and points of diversion are included with the Application.

INTERROGATORY NO. 7: For the new point diversion proposed in the Application, please identify the proposed location of the point of diversion, the proposed diversion works and capacity, any associated measuring devices, the canal or other delivery facility that would be associated with the new point of diversion, the lands that would be irrigated from the new point of diversion, and the associated landowners.

ANSWER TO INTERROGATORY NO. 7: At the present time, it has been discussed to authorize Daryl Horst to install a pump at the new point of diversion identified in the Application and pump his Little Willow water allotment from the Creek instead of the canal system. The pump system will use an electric motor with a flow meter.

INTERROGATORY NO. 8: Please describe in detail any discussion of the Application at any District meetings or by District board members among each other or with other parties, and identify the date, time and place of the meeting or discussion, the participants, any other persons present, and the nature of the discussion regarding the Application.

ANSWER TO INTERROGATORY NO. 8: The Application was first discussed at the Board meeting that occurred on June 14, 2016, at 2:00 PM at 5700 Little Willow Road, Payette, Idaho 83661. Board members present included Mr. Dahnke, Mr. Roland, and Mr. Burlile. Also present were Jim Tucheck (ditch rider), Dick Peterson, Dan Butler, Elizabeth Stephens, Cameron

Mahler and Rick Painter. The Board discussed looking into the process of filing with the State to get a diversion. Please see enclosed Board meeting minutes.

The Application was next discussed at the December 13, 2016, Board meeting at 2:00 PM at 5700 Little Willow Road, Payette, Idaho 83661. Board members present at this meeting were Mr. Dahnke and Mrs. Stephens. Also present were Jim Tucheck and Daryl Horst. At this meeting, Mr. Horst asked about the diversion and a discussion was had in regards to the details of a diversion system as well as programs that may help pay for a portion of the system. Please see enclosed Board meeting minutes.

The next Board meeting when the Application was discussed occurred on February 14, 2017, at 2:00 PM at 5700 Little Willow Road, Payette, Idaho 83661. Board members present were Mr. Dahnke, Mrs. Stephens and Mr. Roland. Also present were Jim Tucheck, Pat Kelly and Sonja Craig. At this meeting, Mr. Dahnke presented that he is working on paperwork for the new point of diversion that comes out of the Creek by Mr. Horst's property. There was a discussion regarding the fees for this new point of diversion and the approval process. Mr. Roland argued that the diversion will cause damage downstream and that he will not second the motion to continue the application process. Mrs. Stephens made a motion to send payment to the State for the paperwork on the new diversion. Please see enclosed Board meeting minutes.

The most recent Board meeting where the Application was discussed occurred on June 13, 2017, at 2:00 PM at 5700 Little Willow Road, Payette, Idaho 83661. Board members present included Mr. Dahnke, Mrs. Stephens and Mr. Roland. Also present were Jim Tucheck, Josh Horst and Melissa Rawlins. Mr. Roland's protest to the Application was discussed. Please see enclosed Board meeting minutes.

INTERROGATORY NO. 9: Please describe in detail the procedures used by the District to obtain approval from the District water users to submit the Application on behalf of the District.

ANSWER TO INTERROGATORY NO. 9: The District obtained approval by the Board to submit the Application for Transfer at the Board meeting on February 14, 2017. The Application was discussed over the course of several Board meetings. At the February 14, 2017, Board meeting, the Application process and fees were discussed and Mrs. Stephens made a motion to send payment for the Application and get the paperwork started. Please see enclosed Board meeting minutes.

INTERROGATORY NO. 10: Please identify the location of any return flows into Little Willow Creek from within the District, the capacity of such return flow conveyance facilities and any associated historical measurements, the points of diversion and delivery facilities associated with such return flows, and the lands from which such return flows are derived.

ANSWER TO INTERROGATORY NO. 10: All District lands that are irrigated return some waste water either back into a canal or into the Creek at many different locations along the Creek. Little Willow does not control these return flows and does not record the amounts of return flows.

REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1: Please produce all documents and items of tangible evidence you expect to introduce at the hearing of this matter.

RESPONSE TO REQUEST FOR PRODUCTION NO. 1: Little Willow has not decided what documents it intends to introduce at trial.

REQUEST FOR PRODUCTION NO. 2: Please produce all documents and tangible evidence reviewed by any expert witness who you expect will testify at hearing.

**LITTLE WILLOW IRRIGATION DISTRICT'S RESPONSES TO PROTESTANTS'
FIRST SET OF INTERROGATORIES AND REQUESTS FOR
PRODUCTION**

RESPONSE TO REQUEST FOR PRODUCTION NO. 2: Little Willow objects to this request on the grounds that it exceeds the scope of I.C.R.P. 26(b)(4) and violates the attorney-client and work product privileges. Without waiving this objection, Little Willow states, Applicant has not retained an expert to date, however, reserves the right to supplement this response in the future.

REQUEST FOR PRODUCTION NO. 3: Please produce all documents, including but not limited to, treatises, journal articles, texts, or other literature that you or your expert witness will rely upon in this matter.

RESPONSE TO REQUEST FOR PRODUCTION NO. 3: Little Willow objects to this request on the grounds that it exceeds the scope of I.C.R.P. 26(b)(4) and violates the attorney-client and work product privileges. Without waiving this objection, Little Willow states, Applicant has not retained an expert to date, however, reserves the right to supplement this response in the future.

REQUEST FOR PRODUCTION NO. 4: Please produce a list of the names and addresses of witnesses with knowledge of the facts of this case, and any documents, recordings, or statements of such witnesses.

RESPONSE TO REQUEST FOR PRODUCTION NO. 4: Please see Answer to Interrogatory No. 3 and enclosed Board meeting minutes. Applicant is not aware of any recordings or witness statements.

REQUEST FOR PRODUCTION NO. 5: Please produce any records of any meetings, discussions, resolutions, or correspondence related to the Application, including but not limited to, any correspondence with Daryl and/or Carol Horst.

RESPONSE TO REQUEST FOR PRODUCTION NO. 5: Please see enclosed Board meeting minutes.

REQUEST FOR PRODUCTION NO. 6: Please produce any and all records, measurements, or other documents describing or depicting historical water diversions and water deliveries by the District.

RESPONSE TO REQUEST FOR PRODUCTION NO. 6: These documents are provided at the Board meetings, and therefore should be in Mr. Roland's possession. These documents are entitled "Water Used" with a year. These annual reports begin in 2011 through 2017 and are maintained by the District showing water used by individual water users from the Little Willow delivery system.

REQUEST FOR PRODUCTION NO. 7: Please produce any records or measurements of historical flows within Little Willow Creek.

RESPONSE TO REQUEST FOR PRODUCTION NO. 7: Applicant is currently not aware of the existence of any such records.

REQUEST FOR PRODUCTION NO. 8: Pursuant to Idaho Rule of Civil Procedure 34(a)(2), please identify three proposed dates when the Rolands, and/or their agents, can visit and inspect the District's diversion and conveyance facilities.

RESPONSE TO REQUEST FOR PRODUCTION NO. 8: Little Willow has no objection to inspection of the District's diversion and conveyance facilities. The District will provide access upon reasonable notice from Protestants.

REQUEST FOR PRODUCTION NO. 9: Please produce any agreement, including all terms of such agreement, that the District has entered into with Daryl and Carol Horst.

RESPONSE TO REQUEST FOR PRODUCTION NO. 9: The District has no written agreement other than as recorded in the minutes of the Little Willow Board meetings. The agreement would authorize Horsts to divert their share of District water from a pump in the Creek to deliver to the lands nearby.

REQUEST FOR PRODUCTION NO. 10: Please produce any and all documents and tangible evidence relating to your Answers to Interrogatory No. 5.

RESPONSE TO REQUEST FOR PRODUCTION NO. 10: See the Application and Board minutes describing the Application. In addition, the records of Little Willow's water rights on file with the Department may relate to water delivery issues. Those records are publically available from IDWR. Accordingly, Little Willow is not producing a copy of the Application or water right records for Little Willow, as those documents are equally available to Protestants.

REQUEST FOR PRODUCTION NO. 11: Please produce any and all documents and tangible evidence relating to your Answers to Interrogatory No. 6.

RESPONSE TO REQUEST FOR PRODUCTION NO. 11: Please see Application and IDWR records of water rights and Response to Request for Production No. 10.

REQUEST FOR PRODUCTION NO. 12: Please produce any and all documents and tangible evidence relating to your Answers to Interrogatory No. 7.

RESPONSE TO REQUEST FOR PRODUCTION NO. 12: Please see Application and Board meeting minutes.

REQUEST FOR PRODUCTION NO. 13: Please produce any and all documents and tangible evidence relating to your Answers to Interrogatory No. 8.

RESPONSE TO REQUEST FOR PRODUCTION NO. 14: Please see the enclosed Board meeting minutes.

**LITTLE WILLOW IRRIGATION DISTRICT'S RESPONSES TO PROTESTANTS'
FIRST SET OF INTERROGATORIES AND REQUESTS FOR
PRODUCTION**

REQUEST FOR PRODUCTION NO. 14: Please produce any and all documents and tangible evidence relating to your Answers to Interrogatory No. 9.

RESPONSE TO REQUEST FOR PRODUCTION NO. 14: Please see enclosed Board meeting minutes.

REQUEST FOR PRODUCTION NO. 15: Please produce any and all documents and tangible evidence relating to your Answers to Interrogatory No. 10.

RESPONSE TO REQUEST FOR PRODUCTION NO. 15: Little Willow is unaware of documentation of the return flows, unless it appears in IDWR records.

REQUEST FOR PRODUCTION NO. 16: Please produce all documents, including but not limited to minutes, from District board meeting relating to the subject of this case.

RESPONSE TO REQUEST FOR PRODUCTION NO. 16: Please see enclosed Board meeting minutes.

DATED this 21st day of September, 2017.

BARKER ROSHOLT & SIMPSON LLP



Albert P. Barker
Attorneys for Little Willow Irrigation District

VERIFICATION

I, **LARRY DAHNKE**, declare, under penalty of perjury pursuant to the laws of the State of Idaho, that I have read *Little Willow Irrigation District's Responses to Protestants' First Set of Interrogatories and Requests for Production* and such responses above are true, accurate and complete to the best of my knowledge and belief.

DATED this 21 day of September, 2017.



Larry Dahnke, President
Little Willow Irrigation District

CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that on this 21st day of September, 2017, I caused to be served a true and correct copy of the foregoing **LITTLE WILLOW IRRIGATION DISTRICT'S RESPONSES TO PROTESTANTS' FIRST SET OF INTERROGATORIES AND REQUESTS FOR PRODUCTION** by the method indicated below, and addressed to each of the following:

Eben T. Masingill
Masingill Law, P.A.
P.O. Box 467
25 West Commercial St.
Weiser, ID 83672

☒ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile
☒ Electronic Mail

Dylan B. Lawrence
Varin Wardwell LLC
242 N. 8th Street, Suite 220
P.O. Box 1676
Boise, ID 83701-1676

☒ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile
☒ Electronic Mail



Albert P. Barker

Little Willow Irrigation District Board Meeting

Tuesday, June 14th, 2016 2:00 pm.

Location: 5700 Little Willow Road, Payette, Idaho 83661.

Attendants: Board members present: Mr. Dahnke, Mr. Roland, Mr. Burlile

Ditch Rider Present: Jim Tucheck

Guests Present: Dick Peterson, Dan Butler, Elizabeth Stephens, Cameron Mahler, Rick Painter

Minutes June 2016 Meeting:

Minutes were presented. The minutes were approved as presented.

Approve Bills /Financial Statement For June 2016:

The bills and financial statements were approved as presented. The transaction for the 4-Wheeler will be on July's statement, due to letting the secretary know.

Late Assessments For June 2016:

The assessments were presented to the board. There are 2 delinquent members at this time.

Points made by the board:

- The board brought up putting a chemical into the ditch to help with the issue of moss.
- The board said they can look into the process of filing with the state to get a diversion possibly this fall or winter.
- There was discussion with the members about the run off of the water with the system and how it works.
- A member of the board said that the members need to check and keep track of their water. That this is the member's responsibility to make it do what it needs to do.
- The board figures that there is about a 20% water loss in the ditches.
- The board discussed that they can't change the numbers of the water usage. That if there is a problem that the members need to communicate that when it is happening with the ditch rider.
- The board told the ditch rider to direct the members to the board if there are problems.
- The board mentioned that they can look into adjusting the allotment later on.

New Business:

- There was no new business presented to the board.

Old Business:

- There was no old business presented to the board

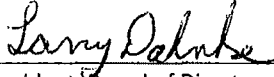
Members Input:

- Mr. Peterson brought up that he is getting moss that is clogging up the gate at night.
- Mrs. Stephens asked how many inches of water goes past them and where does it all go? Mr. Dahnke replied that it goes to the Wilson or into the river.
- Mrs. Stephens asked if there is a way to get it into other ditches rather than letting it go. Mr. Dahnke said they have to file with the state to get a diversion. He mentioned that no one has ever looked into this before. Also that no one has ever wanted to come up with the money or the time to go through the process.
- It was brought up that someone present at the meeting would like to personally look into it.
- A member asked where they were at for water usage. He had a discrepancies saying that he doesn't think that the measurements are correct. He said several times that he only got half and he never brought it up. Mr. Burlile said that he needs to communicate if he doesn't have the water that he ordered. This was discussed between the member and the board members.
- A member brought up that the water was fluctuating yesterday, that it measured correct in the evening and in the morning there was none.

Ditch Rider:

- Mr. Tucheck mentioned that it takes a lot of water to get water to Mr. Tom Roland's.
- Mr. Tucheck presented the member water usage charts.
- Mr. Tucheck brought up that a few people don't understand what the measurements equate to and how it adds up fast. Also that some don't have an idea what an acre foot is.
- Mr. Tucheck brought up that Mr. Tom Roland will run out of water the first part of July. The ditch rider explained this and talked it over. Mr. Tom Roland would like to talk this over a bit because of not having an even flow.
- The reservoir was measured at 9,129 acre feet.

The next board meeting is set for 2:00pm on July, 12th, 2016 located at the Ditch House.



President, Board of Directors



Secretary of Treasury

Little Willow Irrigation District Board Meeting

Tuesday, Dec 13th, 2016 2:00 pm.

Location: 5700 Little Willow Road, Payette, Idaho 83661.

Attendants: Board members present: Mr. Dahnke, Mrs. Stephens
Ditch Rider Present: Jim Tucheck
Members Present: Deryl Horst

Minutes Dec 2016 Meeting:

Minutes were presented. The minutes were approved as presented.

Approve Bills /Financial Statement For Dec 2016:

The bills and financial statements were approved as presented.

Late Assessments For Dec 2016:

The assessments were presented to the board.

Points made by the board:

- The pipe line is done and put in.
- There have been a few property changes
- Delinquent members were discussed

New Business:

- There was no new business presented to the board.

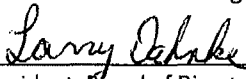
Old Business:

- There was no old business brought up.

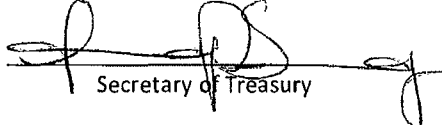
Members Input:

- Mr. Horst asked about the diversion that has been brought up. He brought up that it may be good to put a bridge in there. They discussed the pumps and how this would be beneficial to the ditch to slow down the water. They discussed ways that it would work and some of the details. That there are programs to apply for it to get a portion of it paid for.

The next board meeting is set for 2:00pm on Jan, 10th, 2016 located at the Ditch House.



President, Board of Directors



Secretary of Treasury

Little Willow Irrigation District Board Meeting

Tuesday, Feb 14th, 2017 2:00 pm.

Location: 5700 Little Willow Road, Payette, Idaho 83661.

Attendants: Board members present: Mr. Dahnke, Mrs. Stephens, Mr. Roland

Ditch Rider Present: Jim Tucheck

Members Present: Pat Kelly and Sonja Craig

Minutes Feb 2017 Meeting:

Minutes were presented. The minutes had some errors. Sent back to secretary for changes.

Approve Bills /Financial Statement For Feb 2017:

The bills and financial statements were approved as presented.

Late Assessments For Feb 2017:

The assessments were presented to the board.

Points made by the board:

- The ditch rider will look into the hole in the ditch to find it
- With the measuring devices, pretty much everyone has complied
- Next month the water assessments will be sent out along with another reminder about the members measuring devices.
- Mr. Dahnke presented a letter to the board members of an example to send next month to the patrons.
- It was mentioned that the reservoir will be way ahead then last year as ½ of the water that the reservoir got last year was after 2/8/16
- The board asked Mr. Tucheck how much ditch cleaning is left to do in the Spring.
 - Mr. Tucheck responded that he has to do the Wilson, from Mr. Dahnke's back to Mr. Roland's and the 2 Wilson's properties.
- The board asked Mr. Tucheck if there is work on the head gates to be done.
 - Mrs. Stephens has 2 head gates that need back on
 - They will have the members go out and check the head gates.
- Next month the board will set the allotment for the summer
- The board approved for Mr. Tucheck to get his spraying license.

Public Input:

Pat Kelly

- Met Jim
- Discussed measuring the water
- He is going to put a flow meter in
- Brought up that there is a hole in the ditch
- This is all new to him so they are learning

New Business:

- There was no new business presented to the board.

Old Business:

- There was no old business brought up.

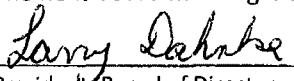
New Point of Diversion:

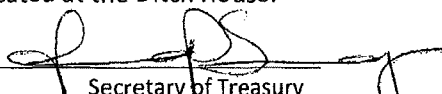
- Mr. Dahnke is working on paperwork for the new point of diversion that comes out of the creek down by Mr. Horst.
- They want to combine the pumps so that the excess water goes into the canals on one side or the other with whatever excess there is.
- For the new point of diversion, they have to go to the state office and file the paperwork. It has not been filed yet because there is a bill attached to it. The fee will depend on how much water the ditch wants to pump out. They can pump up to 200 inches. It is going to cost about \$740.00 which is a one-time fee. They don't think they will need to pump out more than 200 inches at the most. That is about an average figured throughout the summer. If you go over the fee keeps increasing. It was figured that there were about 800 acre feet that was wasted last year.
- After filing the paperwork there is a process just to have it approved.
- The diversion will create a more even flow.
- A motion will need to be made to continue the process
- If the application goes through it should just be a couple of months for it to happen.
- After it is approved they will have to design something to make it work. They could use a small pump.
- As soon as the payment is made they will start working on the project.
- Mr. Roland thinks it will damage downstream too much.
- Mr. Roland has 3 pumps down there and the diversion could potentially make it worse.
- Mr. Roland stated that he won't second the motion.
- Mrs. Stephens stated that the 3 pumps that he has are not in Little Willow Irrigation Districts control that it is not their responsibility.
- It was brought up that if you apply for a new diversion then that diversion has to be secondary to the old system.
- Mrs. Stephens made a motion to send the state the payment and to get the paperwork started.

Ditch Rider Input:

Mr. Tucheck measured the reservoir and it measured at 4,144 acre feet on 2/8/17. On the same day, last year, it was measured at 7,543 acre feet. Mr. Tucheck brought up that part of the emergency plan to give to the state is to get everyone's home number and addresses. Also, that the state wants the head gates cleared as well as the sage brush gone. He mentioned that the spraying license class is March 13th, 14th, 15th, 16th and 17th. He said that he has to go to the pro-application class due to that he is spraying near streams and on properties next to houses. This will cost \$200 for the class and \$150 for the Lice class.

The next board meeting is set for 2:00pm on April, 11th, 2017 located at the Ditch House.


 President, Board of Directors


 Secretary of Treasury

Little Willow Irrigation District Board Meeting

Tuesday, June 13th, 2017 2:00 pm.

Location: 5700 Little Willow Road, Payette, Idaho 83661.

Attendants: Board members present: Mr. Dahnke, Mrs. Stephens, Mr. Roland

Ditch Rider Present: Jim Tucheck

Members present: Josh Hurst and Melissa Rawlins

Minutes June 2017 Meeting:

Minutes were presented and approved by the board.

Approve Bills /Financial Statement for June 2017:

The bills and financial statements were approved as presented.

Late Assessments for May 2017:

The assessments were presented to the board.

Points made by the board:

- Mr. Dahnke said they need to do some more measuring on the drop of the Wilson to see if getting the pipe will help the situation.
- It was suggested to run a pipe halfway and that it would need to be some structure built to get the water to go into the pipe on the Wilson.
- The board commented that everyone is pretty much on board with the measuring devices. Mr. Roland is still putting measuring devices in and there is one on Roe's land that he is having some troubles with due to the flat of the land and getting it to be measured. The board is aware of this situation.

Public Input:

- Mrs. Roland asked if the emails can be sent as landscape rather than portrait to help with the formatting.

New Business:

- There is a meeting scheduled for August 23rd for the protest letter. It was agreed upon to give it to the lawyer so he can handle it.

Old Business:

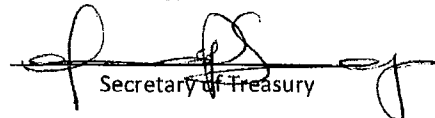
- There was no old business presented to the board.

Ditch Rider Input:

Mr. Tucheck said that the Wilson is getting old and has a leak. He has a price quote to put in a 18" pipe it would be about \$6,492 for an arched pipe and it would be about \$2900 to put a 100 ft pipe in the front of it. Mr. Tucheck is going to clean the Nelson ditch soon.

The next board meeting is set for 2:00pm on June 11th, 2017 located at the Ditch House.


President, Board of Directors


Secretary of Treasury

Allocation are

2.75

Water Used 2011

Share Holder	Acres	Total Water	April	May	June	July	August	September	October	Total Used	Remaining
Butler, Larry	52	143.00	0	0	48	73.79	49.19	14.28	0	185.26	-42.26
Dahnke, Larry	520.9	1432.48	0	270.15	85.69	439.34	498.84	136.86	0	1430.88	1.60
Denig, Ray	5.44	14.96	0	0	0	0	0	0	0	0.00	14.96
Endrikat, Rudy	18	49.50	0	0	0	3.17	22.61	0	0	25.79	23.71
Evey, Dick	2.7	7.43	0	0	0	0	0	0	0	0.00	7.43
Harrison Fund	173.3	476.58	0	70.21	108.3	55.93	43.64	5.95	0	284.03	192.54
Horst, Daryl	148.8	409.20	0	67.44	48.79	113.06	136.86	7.93	0	374.08	35.12
Huddleston, Don	23.1	63.53	0	0	0	0	0	0	0	0.00	63.53
Humphreys, Fred	645.2	1774.30	0	410.58	323.7	429.42	488.33	26.78	0	1678.81	95.49
Hyatt, Phil	14.27	39.24	0	0	0	0	9.92	11.9	0	21.82	17.42
Jefferies, John	2.3	6.33	0	0	0	0	0	0	0	0.00	6.33
Kauffman, Randy	14.4	39.60	0	0	0	0	0	0	0	0.00	39.60
Korn, Lois	28	77.00	0	0	0	0	0	0	0	0.00	77.00
Lapin, Mike	4	11.00	0	0	0	0	0	0	0	0.00	11.00
McClesky, Walt	1.7	4.68	0	0	0	0	0	0	0	0.00	4.68
Morgan, Cliff	52.43	144.18	0	9.52	47.21	40.86	34.91	0	0	132.50	11.69
Payette Farms	173.6	477.40	0	0	0	15.47	36.89	15.47	0	67.83	409.57
Peterson, Dick	26.2	72.05	0	30.55	3.17	15.07	17.45	5.16	0	71.40	0.65
Rasmussen, Mack	2.9	7.98	0	0	0	0	0	0	0	0.00	7.98
Roe, Mike	69.9	192.23	0	18.64	51.57	74.38	61.49	25.79	0	231.87	-39.64
Roland, Cyril	250.3	688.33	0	85.29	119.01	122.98	240	128.93	0	696.20	-7.87
Roland, Tom	42	115.50	0	23.8	46.02	42.45	13.49	4.76	0	130.51	-15.01
Schwarz, J.G.	88.9	244.48	0	0	0	0	97.59	51.57	0	149.16	95.32
Semon, Gregory	3.13	8.61	0	0	0	0	0	0	0	0.00	8.61
Sherer, Bill	0.5	1.38	0	0	0	0	0	0	0	0.00	1.38
Smith, Richard	4	11.00	0	0	0	0	0	0	0	0.00	11.00
Stephens, George	155	426.25	0	49.19	36.5	113.45	109.49	30.55	0	339.17	87.08
Towner, Richard	19	52.25	0	0	0	30.55	9.92	3.97	0	44.43	7.82
Wilson, John	5	13.75	0	0	0	0	0	0	0	0.00	13.75
Wolfe Ranches	338.57	931.07	0	137.65	257.45	288.79	240.79	49.59	0	974.28	-43.21
Total	2885.54	7935.24	0	1173.02	1175.4	1858.71	2111.4	519.47	0	6838.02	1097.22

Allocation/share

2.75

Water Used 2012

Share Holder	Acres	Total Water	April	May	June	July	August	September	October	Total Used	Remaining
Butler, Larry	52	143.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	143.00
Dahnke, Larry	520.9	1432.48	0.00	29.75	466.71	331.24	370.12	41.65	0.00	1239.47	193.00
Denig, Ray	5.44	14.96	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	14.96
Endrikat, Rudy	18	49.50	0.00	0.00	2.78	3.97	1.59	0.00	0.00	8.33	41.17
Evey, Dick	2.7	7.43	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	7.43
Harrison Fund	173.3	476.58	0.00	47.60	102.74	52.36	47.60	35.70	13.88	299.90	176.67
Horst, Daryl	148.8	409.20	0.00	69.02	100.36	80.53	80.53	33.72	0.00	364.17	45.03
Huddleston, Don	23.1	63.53	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	63.53
Humphreys, Fred	645.2	1774.30	0.00	129.92	585.32	503.80	295.54	124.96	13.88	1653.42	120.88
Hyatt, Phil	14.27	39.24	0.00	0.00	3.97	7.93	5.95	0.00	0.00	17.85	21.39
Jefferies, John	2.3	6.33	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	6.33
Kauffman, Randy	14.4	39.60	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	39.60
Korn, Lois	28	77.00	0.00	0.00	0.00	19.83	0.00	0.00	0.00	19.83	57.17
Lapin, Mike	4	11.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	11.00
McClesky, Walt	1.7	4.68	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	4.68
Morgan, Cliff	52.43	144.18	0.00	29.36	30.94	25.79	0.00	23.01	0.00	109.09	35.09
Payette Farms	173.6	477.40	0.00	99.97	95.60	113.06	131.70	25.79	9.92	476.03	1.37
Peterson, Dick	26.2	72.05	0.00	14.28	23.80	14.28	0.00	3.97	0.00	56.33	15.72
Rasmussen, Mack	2.9	7.98	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	7.98
Roe, Mike	69.9	192.23	0.00	0.00	55.54	36.10	0.00	0.00	0.00	91.64	100.59
Roland, Cyril	250.3	688.33	0.00	107.11	190.41	218.98	221.36	150.74	27.77	916.36	-228.04
Roland, Tom	42	115.50	0.00	21.42	32.13	23.80	24.60	0.00	0.00	101.95	13.55
Schwarz, J.G.	88.9	244.48	0.00	0.00	0.00	7.93	61.49	29.75	13.88	113.06	131.42
Semon, Gregory	3.13	8.61	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	8.61
Sherer, Bill	0.5	1.38	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1.38
Smith, Richard	4	11.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	11.00
Stephens, George	155	426.25	0.00	29.75	115.04	107.11	130.91	31.74	0.00	414.55	11.70
Towner, Richard	19	52.25	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	52.25
Wilson, John	5	13.75	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	13.75
Wolfe Ranches	338.57	931.07	0.00	127.34	132.50	251.90	269.75	122.98	0.00	904.46	26.60
Total	2885.54	7935.24	0.00	705.52	1937.85	1798.61	1641.12	624.00	79.34	6786.45	1148.79

Allocation/share

1.5

Water Used 2013

Share Holder	Acres	Total Water	April	May	June	July	August	September	October	Total Used	Remaining
Butler, Larry	52	78.00	15.47	52.76	9.92	0	0	0	0	78.15	-0.15
Dahnke, Larry	520.9	781.35	26.58	371.31	337.98	15.87	0	0	0	751.74	29.61
Denig, Ray	5.44	8.16	0	0	0	0	0	0	0	0.00	8.16
Endrikat, Rudy	18	27.00	0	2.38	6.35	0	0	0	0	8.73	18.27
Evey, Dick	2.7	4.05	0	0	0	0	0	0	0	0.00	4.05
Harrison Fund	173.3	259.95	31.74	105.52	99.17	23.8	0	0	0	260.23	-0.28
Horst, Daryl	148.8	223.20	41.65	80.93	99.17	1.98	0	0	0	223.74	-0.54
Huddleston, Don	23.1	34.65	0	0	0	0	0	0	0	0.00	34.65
Humphreys, Fred	645.2	967.80	263.8	435.37	269.95	0	0	0	0	969.12	-1.32
Peterson, Bruce	14.27	21.41	0	0	0	0	0	0	0	0.00	21.41
Jefferies, John	2.3	3.45	0	0	0	0	0	0	0	0.00	3.45
Kauffman, Randy	14.4	21.60	0	3.97	3.97	0	0	0	0	7.93	13.67
Korn, Lois	28	42.00	0	0	0	0	0	0	0	0.00	42.00
Lapin, Mike	4	6.00	0	0	0	0	0	0	0	0.00	6.00
McClesky, Walt	1.7	2.55	0	0	0	0	0	0	0	0.00	2.55
Morgan, Cliff	52.43	78.65	7.14	44.43	27.77	0	0	0	0	79.34	-0.69
Payette Farms	173.6	260.40	108.1	116.23	35.7	0	0	0	0	260.03	0.37
Peterson, Dick	26.2	39.30	4.76	20.23	14.28	0	0	0	0	39.27	0.03
Rassmussen, Mack	2.9	4.35	0	0	0	0	0	0	0	0.00	4.35
Roe, Mike	69.9	104.85	27.37	42.45	35.7	0	0	0	0	105.52	-0.67
Roland, Cyril	250.3	375.45	65.45	368.93	357.02	101.16	0	0	0	892.56	-517.11
Roland, Tom	42	63.00	8.33	20.23	27.37	7.14	0	0	0	63.07	-0.07
Schwarz, J.G.	88.9	133.35	0	0	27.77	1.98	0	0	0	29.75	103.60
Semon, Gregory	3.13	4.70	0	0	0	0	0	0	0	0.00	4.70
Sherer, Bill	0.5	0.75	0	0	0	0	0	0	0	0.00	0.75
Smith, Richard	4	6.00	0	0	0	0	0	0	0	0.00	6.00
Stephens, George	155	232.50	17.85	83.31	106.71	23.8	0	0	0	231.67	0.83
Towner, Richard	19	28.50	0	3.97	3.97	5.55	0	0	0	13.49	15.01
Weber, John	5	7.50	0	0	0	0	0	0	0	0.00	7.50
Wolfe Ranches	338.57	507.86	108.69	215.01	185.26	0	0	0	0	508.96	-1.10
Burlile, Jack	4										
Total	2889.54	4328.31	726.94	1967.01	1648.07	181.29	0	0	0	4523.31	-195.00

Allocation/share

3

WATER USED 2016

Share Holder	Acres	Total Water	April	May	June	July	August	September	Total Used	Remaining
Butler, Larry	52	156.00	0	98.38	53.55	0	0	0	151.93	4.07
Dahnke, Larry	520.9	1562.70	0	346.51	388.01	405.02	296.13	96.2	1531.87	30.83
Denig, Ray	5.44	16.32	0	0	0	0	0	0	0.00	16.32
Endrikat, Rudy	18	54.00	0	0	1.98	0.79	2.78	0.4	5.95	48.05
Evey, Dick	2.7	8.10	0	0	0	0	0	0	0.00	8.10
Harrison Fund	173.3	519.90	0	384.52	16.66	34.91	89.26	0	525.34	-5.44
Horst, Daryl	150.8	452.40	0	136.86	236.23	3.97	75.37	0	452.43	-0.03
Huddleston, Don	23.1	69.30	0	0	0	0	0	0	0.00	69.30
Humphreys, Fred	641.2	1923.60	0	351.95	241.98	251.9	403.64	484.56	1734.03	189.57
Hyatt, Phil	14.27	42.81	0	0	0	0	0	0	0.00	42.81
Jefferies, John	2.3	6.90	0	0	0	0	0	0	0.00	6.90
Kauffman, Randy	12.4	37.20	0	0	21.42	9.52	7.93	0	38.88	-1.68
Korn, Lois	28	84.00	0	0	0	0	0	0	0.00	84.00
Lapin, Mike	4	12.00	0	0	0	0	0	0	0.00	12.00
McClesky, Walt	1	3.00	0	0	0	0	0	0	0.00	3.00
Morgan, Cliff	52.43	157.29	0	38.08	47.21	49.98	24.99	0	160.26	-2.97
Payette Farms	173.6	520.80	0	146.78	144.4	85.69	140.03	0	516.89	3.91
Peterson, Dick	26.2	78.60	0	16.66	23.8	15.47	35.7	0	91.64	-13.04
Rasmussen, Mack	0.9	2.70	0	1.19	0	0	0	0	1.19	1.51

Roe, Mike	69.9	209.70	0	63.47	31.74	59.5	75.37	0	230.08	-20.38
Roland, Tom	292.3	876.90	0	341.36	419.31	451.04	445.49	23.8	1680.99	-804.09
Schwarz, J.G.	88.9	266.70	0	73.79	35.7	0	0	0	109.49	157.21
Semon, Gregory	3.13	9.39	0	0	0	0	0	0	0.00	9.39
Sherer, Bill	0.5	1.50	0	0	0	0	0	0	0.00	1.50
Smith, Richard	4	12.00	0	0	0	0	0	0	0.00	12.00
Stephens, George	155	465.00	0	61.88	138.45	99.17	172.56	0	472.07	-7.07
Towner, Richard	19	57.00	0	0	27.17	14.28	0	0	41.45	15.55
Weber, John	5	15.00	0	0	3.17	2.78	4.36	0	10.31	4.69
Von Morganroth	338.57	1015.71	0	220.8	0	383.6	217.39	192	1013.79	1.92
Burlike Jack	4	12.00	0							12.00
Mayes, Chris	1	3.00	0							3.00
White/Collins	0.7	2.10	0							2.10
Wilson	1	3.00	0							3.00
Total	2885.54	8656.62	0	2282.22	1830.78	1867.64	1991.01	796.96	8768.61	-111.99

Allocation/share	3	WATER USED 2017							
Share Holder	Acres	Total Water	May	June	July	August	September	Total Used	Remaining
Butler, Larry	52	156.00	0	144.79	23.8	0	0	168.60	-12.60
Dahnke, Larry	520.9	1562.70	0	206.28	489.92	502.81	19.83	1218.84	343.86
Denig, Ray	5.44	16.32	0	0	0	0	0	0.00	16.32
Endrikat, Rudy	18	54.00	0	1.19	1.98	11.9	0	15.07	38.93
Evey, Dick	2.7	8.10	0	0	0	0	0	0.00	8.10
kelly, pat	173.3	519.90	0	53.55	71.8	113.65	10.71	249.72	270.18
Horst, Daryl	150.8	452.40	0	376.46	9.92	0	0	386.38	66.02
Huddleston, Don	23.1	69.30	0	0	0	0	0	0.00	69.30
Humphreys, Fred	641.2	1923.60	0	588.5	908.71	15.87	0	1513.07	410.53
vick, rick	14.27	42.81	0	18.25	9.92	25.79	0	53.95	-11.14
Jefferies, John	2.3	6.90	0	0	0	0	0	0.00	6.90
Kauffman, Randy	12.4	37.20	0	0	0	0	0	0.00	37.20
Korn, Lois	28	84.00	0	0	0	0	0	0.00	84.00
Lapin, Mike	4	12.00	0	0	0	0	0	0.00	12.00
McClesky, Walt	1	3.00	0	0	0	0	0	0.00	3.00

Morgan, Cliff	52.43	157.29	0	35.7	68.19	86.88	0	190.77	-33.48
Payette Farms	173.6	520.80	0	134.88	208.34	161.65	3.97	508.84	11.96
Peterson, Dick	26.2	78.60	0	17.85	33.72	0	0	51.57	27.03
Rassmussen, Mack	0.9	2.70	0	0	0	0	0	0.00	2.70
Roe, Mike	69.9	209.70	0	0	194.38	0	0	194.38	15.32
Roland, Tom	292.3	876.90	0	137.65	274.99	274.71	7.93	695.29	181.61
Schwarz, J.G.	88.9	266.70	0	0	0	0	0	0.00	266.70
Semon, Gregory	3.13	9.39	0	0	0	0	0	0.00	9.39
Sherer, Bill	0.5	1.50	0	0	0	0	0	0.00	1.50
Smith, Richard	4	12.00	0	0	0	0	0	0.00	12.00
Stephens, George	155	465.00	0	93.22	142.41	134.88	0	370.51	94.49
Towner, Richard	19	57.00	0	12.69	14.28	0	0	26.98	30.02
Weber, John	5	15.00	0	5.95	5.95	2.98	0	14.88	0.12
Von Morganroth	338.57	1015.71	0	0	384	452.63	17.85	854.48	161.23
Burlile Jack	4	12.00							12.00
Mayes, Chris	1	3.00							3.00
White/Collins	0.7	2.10							2.10

Wilson	1	3.00							3.00
Total	2885.54	8656.62	0	1826.98	2842.31	1783.74	60.3	6513.32	2143.30

Exhibit C



ATTORNEYS AT LAW

DYLAN B. LAWRENCE
DYLANLAWRENCE@VARINWARDWELL.COM

242 N. 8TH STREET, SUITE 220
P.O. BOX 1676
BOISE, IDAHO 83701
P: 208.907.1529
F: 1.866.717.1758
VARINWARDWELL.COM

November 30, 2017

VIA E-MAIL AND REGULAR MAIL

Albert P. Barker
Barker, Rosholt & Simpson, LLP
P.O. Box 2139
Boise, Idaho 83701
apb@idahowaters.com

Re: Application for Transfer No. 81428 (Little Willow Irr. Dist.)

Dear Al:

I have enclosed with this letter Protestants' second set of written discovery requests to the District and the associated notice of service. In addition, the Protestants request that the District provide additional information in response to their Interrogatory No. 6. Among other things, that interrogatory requests information regarding the capacity of the diversions, the associated measuring devices, and the lands irrigated thereby. However, no information regarding capacity or measuring devices was provided in the District's September 21 responses, and very little information was provided regarding the lands irrigated. Therefore, please coordinate with the District to provide this responsive information. Please consider this a good faith attempt to meet and confer pursuant to Idaho Rule of Civil Procedure 37(a)(1).

Thank you for your attention to this matter.

Albert P. Barker
November 30, 2017
Page 2

Sincerely,
VARIN WARDWELL, LLC



Dylan B. Lawrence

Enclosures (2)

cc: Eben Masingill

Exhibit D

ORIGINAL

Albert P. Barker, ISB #2867
BARKER ROSHOLT & SIMPSON LLP
1010 W. Jefferson, Suite 102
P.O. Box 2139
Boise, ID 83701-2139
Telephone: (208) 336-0700
Facsimile: (208) 344-6034
apb@idahowaters.com

Attorneys for Little Willow Irrigation District

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF:	)	LITTLE WILLOW IRRIGATION
	)	DISTRICT'S SUPPLEMENTAL
APPLICATION FOR TRANSFER NO.	)	RESPONSES TO PROTESTANTS' FIRST
81482 IN THE NAME OF LITTLE	)	SET OF INTERROGATORIES AND
WILLOW IRRIGATION DISTRICT	)	REQUESTS FOR PRODUCTION;
	)	AND RESPONSES TO PROTESTANTS'
	)	SECOND SET OF INTERROGATORIES
	)	AND REQUESTS FOR PRODUCTION
	)	

COMES NOW, the Applicant, Little Willow Irrigation District ("Little Willow"), by and through its attorneys of record, Barker Rosholt & Simpson LLP, pursuant to the Idaho Rules of Civil Procedure, and hereby responds to *Protestants' First Set of Interrogatories and Requests for Production and Protestants' Second Set of Interrogatories and Requests for Production* as follows:

GENERAL OBJECTIONS

1. Little Willow objects to the Discovery Requests and to the definitions and instructions to the extent they purport to require discovery responses beyond that required under

LITTLE WILLOW IRRIGATION DISTRICT'S SUPPLEMENTAL RESPONSES TO PROTESTANTS' FIRST SET OF INTERROGATORIES AND REQUESTS FOR PRODUCTION; AND RESPONSES TO PROTESTANTS' SECOND SET OF INTERROGATORIES AND REQUESTS FOR PRODUCTION

the Idaho Rules of Civil Procedure. These responses are provided in accordance with the Idaho Rules of Civil Procedure irrespective of any definitions and instructions that may accompany the discovery requests.

2. These responses are made subject to all objections as to competence, relevance, materiality and admissibility. These responses are subject to all objections that would require the exclusion of any statement, material or information herein provided if such requests were asked of, or any statement, material or information provided were made by witness present and testifying at hearing. All such objections are reserved and may be interposed at the time of hearing.

3. Little Willow specifically objects to the Requests for Production to the extent they seek information protected by the attorney-client privilege, the accountant-client privilege, the work product doctrine and the rules governing the discovery relating to experts as set forth in Rule 26(b)(4). The objection is intended to apply to all the discovery requests that seek such information and will not be repeated specifically for each request to which it applies. Little Willow, to the extent possible, construed each request as requesting only information and/or documents not subject to any applicable protection.

4. No incidental or implied admissions are intended. The fact that Little Willow has responded to any discovery request, or part thereof, should not be taken as an admission that they accept that the discovery request or the response or objection thereto constitutes admissible evidence. Similarly, the fact that Little Willow has responded to all or part of a request is not intended to and shall not be construed to be a waiver by Little Willow of all or part of any objection to other requests. Little Willow's answers to any discovery requests herein do not

constitute a waiver of their right to object to any future additional, or supplemental discovery requests regarding the same or similar matters.

5. Each of these objections is incorporated into the response to each of the Discovery Requests as though set forth verbatim therein.

6. Discovery is ongoing and these responses may be incomplete. Little Willow reserves the right to supplement these responses in the future accordingly and pursuant to the Idaho Rules of Civil Procedure.

INTERROGATORIES

INTERROGATORY NO. 6: For each of the District's existing points of diversion, please identify the location of the point of diversion, the diversion works and capacity, any associated measuring devices, the canal or other delivery facility associated with the point of diversion, the lands irrigated from the point of diversion, and the associated landowners.

ANSWER TO INTERROGATORY NO. 6: The District's existing points of diversion are as follows:

1. **McIntyre diversion:** concrete structure with outlet from Creek to McIntyre ditch.
2. **Bolton diversion:** concrete structure with boards to divert water from Creek to Bolton Ditch
3. **Pump system on Humphrey's property:** pumps water from Creek to sprinkler system on Humphrey's land.
4. **Patton diversion:** concrete structure diverts water from Creek into Patton ditch. Water travels down Patton approximately one (1) mile, and splits into Nelson ditch, and also travels on down Patton ditch. One pump is also at this location to water Pat Kelly's property.
5. **Wilson diversion:** dirt dam into concrete structure that diverts into Wilson ditch from Creek.

Aerial photographs of the District's place of use and points of diversion are included with the Application.

SUPPLEMENTAL ANSWER TO INTERROGATORY NO. 6: The District hereby supplements its previous Answer to Interrogatory No. 6 by identifying the estimated capacity of the diversions as follows:

1. The McIntyre diversion has a capacity of approximately 850”;
2. The Bolton diversion has a capacity of approximately 600” ;
3. The Patton diversion has a capacity of approximately 1,000”;
4. The Wilson diversion has a capacity of approximately 500”;
5. The Nelson ditch takes water from the Patton ditch below the Patton diversion. It can carry about 500” of water previously diverted into the Patton ditch.

The number of acres irrigated and the current landowners who own the land irrigated from the diversions, is set forth in the chart attached hereto as Exhibit A. The rights, however, of each of the landowners are associated with all of the District's water rights. In other words, the lands are not necessarily required to be irrigated from the individual diversion listed in Exhibit A. Because the lands are situated within the boundaries of the irrigation district, the lands can be irrigated by any feasible means of irrigation from the irrigation district's facilities.

INTERROGATORY NO. 11: Please explain how you calculated the requested diversion rate in the pending transfer Application.

ANSWER TO INTERROGATORY NO. 11: The amount of water requested in the transfer is 4.0 cfs or approximately 200”. The amount was estimated based on the flows available in the creek at that location. This point of diversion is located above the Wilson diversion, which

diverts the entire flow of the creek. Diversion of water from this new point of diversion will be under the control of the Irrigation District's ditch rider. The Irrigation District will manage and control this water in the same fashion that it controls water for all of the other users on the system. When the water user has reached the allotment of water set by the Irrigation District Board, no further diversions will be allowed. The land irrigated from this point of diversion is land owned by Daryl Horst. His 150 acres of land will be irrigated through the pump that will be installed if the Application is approved by the Department. Any water diverted from the creek at this location in excess of the Horst rights would be pumped either to the Patton ditch or the Nelson ditch, depending on where it could be of greatest use to the District's landowners.

REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 17: Please produce any and all documents recording, describing, or reflecting water storage levels in Paddock Reservoir going back to 2001, including any meeting minutes of the District or its Board of Directors.

RESPONSE TO REQUEST FOR PRODUCTION NO. 17: Attached hereto are Minutes of the Irrigation District between 2006 and present (bates coded as LWID 1-96). Earlier Minutes have not been located in the District's files. The storage levels in Paddock Reservoir were reported periodically by the ditch rider to the Board and recorded in these Minutes. At this time, the Irrigation District has not located any other documentary evidence recording the water storage levels in Paddock Reservoir.

REQUEST FOR PRODUCTION NO. 18: Please produce any photographs of the District's points of diversion and associated measuring devices.

RESPONSE TO REQUEST FOR PRODUCTION NO. 18: The District has no photographs of its points of diversion or measuring devices.

DATED this 22 day of December, 2017.

BARKER ROSHOLT & SIMPSON LLP



Albert P. Barker
Attorneys for Little Willow Irrigation District

VERIFICATION

I, **LARRY DAHNKE**, declare, under penalty of perjury pursuant to the laws of the State of Idaho, that I have read *Little Willow Irrigation District's Supplemental Responses to Protestants' First Set of Interrogatories and Requests for Production; and Responses to Protestants' Second Set of Interrogatories and Requests for Production* and such responses above are true, accurate and complete to the best of my knowledge and belief.

DATED this 22 day of December, 2017.



Larry Dahnke, President
Little Willow Irrigation District

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 22 day of December, 2017, I caused to be served a true and correct copy of the foregoing **LITTLE WILLOW IRRIGATION DISTRICT'S SUPPLEMENTAL RESPONSES TO PROTESTANTS' FIRST SET OF INTERROGATORIES AND REQUESTS FOR PRODUCTION; AND RESPONSES TO PROTESTANTS' SECOND SET OF INTERROGATORIES AND REQUESTS FOR PRODUCTION** by the method indicated below, and addressed to each of the following:

Eben T. Masingill
Masingill Law, P.A.
P.O. Box 467
25 West Commercial St.
Weiser, ID 83672

☒ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile
☒ Electronic Mail

Dylan B. Lawrence
Varin Wardwell LLC
242 N. 8th Street, Suite 220
P.O. Box 1676
Boise, ID 83701-1676

☒ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile
☒ Electronic Mail



Albert P. Barker

EXHIBIT A

	acres	acres McIntyre	under Creek	the Bolton	ditches Patton	Nelson	Wilson
Lankford	2.3			2.3			
Huddelston	23.1	23.1					
Humpherys	645.2	360.5	154.9	129.8			
Sherer	0.5			0.5			
Morgan	52.43			52.43			
Schwarz	88.9	88.9					
Korn	28			28			
Weber	5			8			
Kelley	173.3		130.5	42.8			
Morganroth	338.57	70.3		48.9	63.1	156.27	
Lappin	4			4			
Endricat	13			5	8		
Roe	68.9			48.9	20		
Butler	52			27	25		
Smith R.	4			4			
Petterson	26.2					26.2	
Denig	5.44				5.44		
Towner	19			3.2	15.8		
Vick	14.27			2.3	11.97		
McClesky	1			1			
Horst D.	150.8	50.8		2	74.4	23.6	
Rasmussen	0.9			0.9			
Dahnke	520.9	83.9		35.7	219.7	181.6	
Stephens	155			7.2	106.4	41.4	
Semon	3.13				3.13		
Simplot	173.6				41.7	40.7	91.2
Smith T.	2.7						2.7
Kuaffman	12.4				12.4		
Roland T.	159				50.3	24	84.7
Roland	133.3				5		128.3
Mayes	2				2		
white/Collins	0.7			0.7			
Rawlins	1			1			
Horst J.	5				5		
	2885.54						

PADDOCK RESERVOIR LEVELS

<u>Date</u>	<u>Source Document</u>	<u>Amount in Reservoir</u>	
3/24/2006	Minutes, April 11, 2006		25,386 ac ft
4/11/2006	Minutes, April 11, 2006		30,000 ac ft
	Minutes, October 11, 2006		15,135 ac ft
	Minutes, January 9, 2007		17,000 ac ft
	Minutes, April 10, 2007		19,900 ac ft
	Minutes, July 10, 2007		11,772 ac ft
9/29/2007	Minutes, October 9, 2007		4,600 ac ft
1/14/2008	Minutes, January 15, 2008		5,400 ac ft
	Minutes, February 12, 2008	81 ft.	
	Minutes, March 11, 2008		8,800 ac ft
	Minutes, April 8, 2008		12,303 ac ft
	Minutes, May 13, 2008		12,000 ac ft
	Minutes, June 10, 2008	6,740	10,400 ac ft
7/1/2008	Minutes, July 8, 2008		8,400 ac ft
8/5/2008	Minutes, August 14, 2008	8,310	4,700 ac ft
8/11/2008	Minutes, August 14, 2008	8,608	3,900 ac ft
8/14/2008	Minutes, August 14, 2008		3,644 ac ft
3/10/2009	Minutes, March 10, 2009	84	4,647 ac ft
4/5/2009	Minutes, April 14, 2009	78	6,674 ac ft
5/2/2009	Minutes, May 12, 2009	8,200 in.	
5/4/2009	Minutes, May 12, 2009	8,105 in.	
5/8/2009	Minutes, May 12, 2009	8,106 in.	
5/11/2009	Minutes, May 12, 2009	8,104 in.	
	Minutes, June 17, 2009	8,800	3,529 ac ft
7/8/2009	Minutes, July 14, 2009	94 ft.	2,240 ac ft
7/11/2009	Minutes, July 14, 2009		2,131 ac ft
1/8/2010	Minutes, January 12, 2010		1,100 ac ft
3/5/2010	Minutes, March 9, 2010	73 ft.	8,425 ac ft
	Minutes, April 13, 2010	68.5 ft	10,009 ac ft
Start of 2010 Irrigation Season	Minutes, June 8, 2010		10,500 ac ft
	Minutes, June 8, 2010		9,657 ac ft
	Minutes, July 13, 2010	80 ft.	5,970 ac ft
End of July 2010	Minutes, August 10, 2010	86 ft.	4,144 ac ft
	Minutes, August 10, 2010	91 ft.	2,922 ac ft
2/1/2011	Minutes, February 8, 2011	73 ft.	8,425 ac ft

8/9/2011	Minutes, August 9, 2011		13,011 ac ft
1/31/2012	Minutes, February 14, 2012		10,889 ac ft
	Minutes, March 13, 2012		11,772 ac ft
	Minutes, May 8, 2012		15,135 ac ft
5/6/2011	Minutes, May 14, 2011		20,704 ac ft
6/12/2100 [typo]	Minutes, May 14, 2011	46 ft.	18,476 ac ft
6/12/2012	Minutes, June 12, 2012		13,011 ac ft
	Minutes, July 10, 2012		10,185 ac ft
Close of 2012 Season	Minutes, November 16, 2012		3,529 ac ft
Start of 2011 Season	Minutes, November 16, 2012		19,365 ac ft
Close of 2011 Season	Minutes, November 16, 2012		9,305 ac ft
5/13/2013	Minutes, May 13, 2013		5,257 ac ft
5/10/2014	Minutes, May 10, 2014		5,785 ac ft
2/10/2015	Minutes, February 10, 2015		8,000 ac ft
2/10/2015	Minutes, March 10, 2015 (correcting prior minutes)		8,400 ac ft
5/11/2015	Minutes, May 12, 2015		7,903 ac ft
5/11/2015	Minutes, July 14, 2015 (correcting prior minutes)		6,100 ac ft
	Minutes, October 11, 2016		1,300 ac ft
2/8/2017	Minutes, February 14, 2017		4,144 ac ft
2/8/2016	Minutes, February 14, 2016		7,543 ac ft
	Minutes, April 11, 2017		21,599 ac ft
	Minutes, May 9, 2017		24,000 ac ft
	Minutes, July 17, 2017		21,000 ac ft
	Minutes, August 8, 2017		16,081 ac ft
	Minutes, October 10, 2017		13,108 ac ft

Little Willow Irrigation District Board Meeting

Tuesday, June 14th, 2016 2:00 pm.

Location: 5700 Little Willow Road, Payette, Idaho 83661.

Attendants: Board members present: Mr. Dahnke, Mr. Roland, Mr. Burlile
Ditch Rider Present: Jim Tucheck
Guests Present: Dick Peterson, Dan Butler, Elizabeth Stephens, Cameron Mahler, Rick Painter

Minutes June 2016 Meeting:

Minutes were presented. The minutes were approved as presented.

Approve Bills /Financial Statement For June 2016:

The bills and financial statements were approved as presented. The transaction for the 4-Wheeler will be on July's statement, due to letting the secretary know.

Late Assessments For June 2016:

The assessments were presented to the board. There are 2 delinquent members at this time.

Points made by the board:

- The board brought up putting a chemical into the ditch to help with the issue of moss.
- The board said they can look into the process of filing with the state to get a diversion possibly this fall or winter.
- There was discussion with the members about the run off of the water with the system and how it works.
- A member of the board said that the members need to check and keep track of their water. That this is the member's responsibility to make it do what it needs to do.
- The board figures that there is about a 20% water loss in the ditches.
- The board discussed that they can't change the numbers of the water usage. That if there is a problem that the members need to communicate that when it is happening with the ditch rider.
- The board told the ditch rider to direct the members to the board if there are problems.
- The board mentioned that they can look into adjusting the allotment later on.

New Business:

- There was no new business presented to the board.

Old Business:

- There was no old business presented to the board

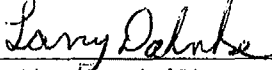
Members Input:

- Mr. Peterson brought up that he is getting moss that is clogging up the gate at night.
- Mrs. Stephens asked how many inches of water goes past them and where does it all go? Mr. Dahnke replied that it goes to the Wilson or into the river.
- Mrs. Stephens asked if there is a way to get it into other ditches rather than letting it go. Mr. Dahnke said they have to file with the state to get a diversion. He mentioned that no one has ever looked into this before. Also that no one has ever wanted to come up with the money or the time to go through the process.
- It was brought up that someone present at the meeting would like to personally look into it.
- A member asked where they were at for water usage. He had a discrepancies saying that he doesn't think that the measurements are correct. He said several times that he only got half and he never brought it up. Mr. Burlile said that he needs to communicate if he doesn't have the water that he ordered. This was discussed between the member and the board members.
- A member brought up that the water was fluctuating yesterday, that it measured correct in the evening and in the morning there was none.

Ditch Rider:

- Mr. Tucheck mentioned that it takes a lot of water to get water to Mr. Tom Roland's.
- Mr. Tucheck presented the member water usage charts.
- Mr. Tucheck brought up that a few people don't understand what the measurements equate to and how it adds up fast. Also that some don't have an idea what an acre foot is.
- Mr. Tucheck brought up that Mr. Tom Roland will run out of water the first part of July. The ditch rider explained this and talked it over. Mr. Tom Roland would like to talk this over a bit because of not having an even flow.
- The reservoir was measured at 9,129 acre feet.

The next board meeting is set for 2:00pm on July, 12th, 2016 located at the Ditch House.



President, Board of Directors



Secretary of Treasury

Little Willow Irrigation District Board Meeting

Tuesday, Feb 14th, 2017 2:00 pm.

Location: 5700 Little Willow Road, Payette, Idaho 83661.

Attendants: Board members present: Mr. Dahnke, Mrs. Stephens, Mr. Roland
Ditch Rider Present: Jim Tucheck
Members Present: Pat Kelly and Sonja Craig

Minutes Feb 2017 Meeting:

Minutes were presented. The minutes had some errors. Sent back to secretary for changes.

Approve Bills /Financial Statement For Feb 2017:

The bills and financial statements were approved as presented.

Late Assessments For Feb 2017:

The assessments were presented to the board.

Points made by the board:

- The ditch rider will look into the hole in the ditch to find it
- With the measuring devices, pretty much everyone has complied
- Next month the water assessments will be sent out along with another reminder about the members measuring devices.
- Mr. Dahnke presented a letter to the board members of an example to send next month to the patrons.
- It was mentioned that the reservoir will be way ahead then last year as $\frac{1}{2}$ of the water that the reservoir got last year was after 2/8/16
- The board asked Mr. Tucheck how much ditch cleaning is left to do in the Spring.
 - Mr. Tucheck responded that he has to do the Wilson, from Mr. Dahnke's back to Mr. Roland's and the 2 Wilson's properties.
- The board asked Mr. Tucheck if there is work on the head gates to be done.
 - Mrs. Stephens has 2 head gates that need back on
 - They will have the members go out and check the head gates.
- Next month the board will set the allotment for the summer
- The board approved for Mr. Tucheck to get his spraying license.

Public Input:

Pat Kelly

- Met Jim
- Discussed measuring the water
- He is going to put a flow meter in
- Brought up that there is a hole in the ditch
- This is all new to him so they are learning

New Business:

- There was no new business presented to the board.

Old Business:

- There was no old business brought up.

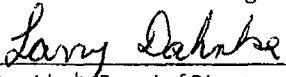
New Point of Diversion:

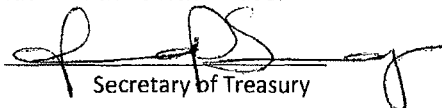
- Mr. Dahnke is working on paperwork for the new point of diversion that comes out of the creek down by Mr. Horst.
- They want to combine the pumps so that the excess water goes into the canals on one side or the other with whatever excess there is.
- For the new point of diversion, they have to go to the state office and file the paperwork. It has not been filed yet because there is a bill attached to it. The fee will depend on how much water the ditch wants to pump out. They can pump up to 200 inches. It is going to cost about \$740.00 which is a one-time fee. They don't think they will need to pump out more than 200 inches at the most. That is about an average figured throughout the summer. If you go over the fee keeps increasing. It was figured that there were about 800 acre feet that was wasted last year.
- After filing the paperwork there is a process just to have it approved.
- The diversion will create a more even flow.
- A motion will need to be made to continue the process
- If the application goes through it should just be a couple of months for it to happen.
- After it is approved they will have to design something to make it work. They could use a small pump.
- As soon as the payment is made they will start working on the project.
- Mr. Roland thinks it will damage downstream too much.
- Mr. Roland has 3 pumps down there and the diversion could potentially make it worse.
- Mr. Roland stated that he won't second the motion.
- Mrs. Stephens stated that the 3 pumps that he has are not in Little Willow Irrigation Districts control that it is not their responsibility.
- It was brought up that if you apply for a new diversion then that diversion has to be secondary to the old system.
- Mrs. Stephens made a motion to send the state the payment and to get the paperwork started.

Ditch Rider Input:

Mr. Tucheck measured the reservoir and it measured at 4,144 acre feet on 2/8/17. On the same day, last year, it was measured at 7,543 acre feet. Mr. Tucheck brought up that part of the emergency plan to give to the state is to get everyone's home number and addresses. Also, that the state wants the head gates cleared as well as the sage brush gone. He mentioned that the spraying license class is March 13th, 14th, 15th, 16th and 17th. He said that he has to go to the pro-application class due to that he is spraying near streams and on properties next to houses. This will cost \$200 for the class and \$150 for the Lice class.

The next board meeting is set for 2:00pm on April, 11th, 2017 located at the Ditch House.


President, Board of Directors


Secretary of Treasury

KOSHOLT, ROBERTSON & TUCKER

**Chartered
ATTORNEYS AT LAW**

JOHN A. KOSHOLT
J. EVAN ROBERTSON
JAMES C. TUCKER
GARY D. SLETTE
JERRY V. JENSEN
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D. BERNARD ZALEHA
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TELEPHONE (208) 734-4700
FAX (208) 734-6041

July 22, 1992

Little Willow Irrigation District
114 8th Street
Payette, ID 83661

Gentlemen:

This office has been contacted by Mr. Cyril Roland in regards to his interests in the flow in Little Willow Creek. Mr. Roland has brought to our attention that there may be unauthorized diversions out of Little Willow Creek which he feels are adverse to his water right immediately below the Irrigation district.

Our review of the existing water rights on Little Willow Creek, as adjudicated in the 1986 Payette River Adjudication, indicates that the District has four(4) diversions on Little Willow Creek through the use of weirs. Mr. Roland indicates that there is at least one(1) pump diverting water out of the creek at a point other than the four diversions referred to above.

Idaho Code Section 42-222 sets forth the required procedure for the change in the point of diversion. A critical section of this procedure allows for all affected parties to protest such a change in the point of diversion following application to the Idaho Department of Water Resources and notice as set forth in the Statutes. It appears that such a procedure was not followed nor was Mr. Roland given an opportunity to participate in the process.

Mr. Roland's flow is directly affected by any such unauthorized diversion. The water being removed would otherwise represent water used to fulfill Mr. Roland's water right. It is therefore demanded that any such unauthorized diversions within the bounds of the Little Willow Creek Irrigation District be removed immediately. If such action is not taken within ten(10) days, Mr. Roland will pursue the appropriate administrative and judicial remedies in order to protect his water right.

Your immediate attention to this action is appreciated.

Sincerely,


John K. Simpson

jks/roland-1

EXHIBIT

122

Transfer No. 81482

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State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

August 5, 1992

Marlene Dahnke Reel
5415 Little Willow Road
Payette, ID 83661

RE: Pumped Diversion from Little Willow Creek

Dear Ms. Reel:

On July 30, 1992, this office received a written complaint from Cyril W. and Irene J. Roland, protesting the use of an unauthorized point of diversion from Little Willow Creek. A copy of the complaint is enclosed.

Based on this complaint I investigated the computerized records of the Department, and found that the only authorized point of diversion for Little Willow Irrigation District within Section 2, Twp. 8 N, Rge. 4 W, B.M., is the dam at the head of Wilson Ditch.

Accordingly, I telephoned your home on July 31, 1992 and left a message for you to return my call. When you returned my message, I was unavailable, so you left word for me to speak with your daughter-in-law, Ms. Laurie Dahnke in your absence. I spoke with her late in the afternoon of July 31, 1992, and stated that the pump in the creek would have to be shut off because there is no apparent historical use of the point of diversion from which the pump was being operated. She replied that the pump would be turned off. The purpose of this letter is to document for the record the position of the Department in this matter.

This week I have responded to telephone calls about this matter from a variety of interested parties including your son Larry Dahnke, Little Willow Irrigation District board member Dennis Steele, and Mr. and Mrs. Roland. These parties are being sent copies of this letter.

The position described in this letter is identical to that expressed by Mr. Steve Lester of this office at the water right conference held regarding your application for permit no. 65-13374, which was protested and withdrawn. If additional points of diversion are desired by Little Willow Irrigation District, the proper way to request such points is for the District to file an Application for Transfer with this office. The creek does not serve as a canal of the District where additional points of diversion can be added at the discretion of the District.

EXHIBIT

123

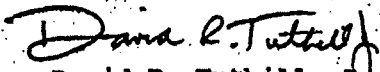
Transfer No. 81482

exhibitstick.com

Page 2
Marlene Dahnke Reel

This office is very willing to further discuss this matter if you have any questions based on this information provided in this letter.

Sincerely,



David R. Tuthill, Jr., P.E.
Manager, Western Regional Office

cf: Cyril W. and Irene J. Roland
Dennis Steele

encl: Copy of Complaint

ROL000044

APR 22 1992
Cyril W. Roland
Western Regional Office

April 22, 1992

Dear Sirs:

I am writing in regards to the application for a water right by Marlene Dahnke Reel.

We have a water right on Little Willow Creek. The original water right was approved in 1920. Others were approved in 1956, 1966, and 1967. We pump the water on 134 acres. This acreage is not served by the Little Willow Irrigation District. The water that can be pumped from the creek is the sole source of irrigation water for this land.

In a normal year the creek barely flows enough water to properly irrigate the 134 acres. During dry years, such as we have recently experienced, the flow is very inadequate. We have three pumps on the creek and are able to only run one at a time.

We also have land in the Little Willow Irrigation District. The majority of the water for this farmland is diverted from Little Willow Creek at a diversion point below the Dahnke farm. Once again, the water that we receive is barely adequate to serve our needs.

If Dahnke's were allowed a water right on the creek, it would seriously injure our ability to irrigate our fields.

Dahnke's already have an irrigation system under Little Willow Irrigation District.

We protest their request for additional water through a legal water right.

Sincerely,

Cyril W Roland

Cyril W Roland

*4001 Little Willow Rd
Payette ID
642-2078*

EXHIBIT

125

Transfer No. 81482

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