

RECEIVED

MAY 08 2017

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

NOTICE OF PROTEST

(1) Matter being protested: PROPOSED CHANGE OF WATER RIGHT TRANSFER NO. 81482

(See attached Exhibit A, attached hereto and incorporated herein by reference)

(2) Name of protestant: Thomas G. Roland, Irene J. Roland, and Clark C. Roland.

(3) Protestant's Representative for service: Masingill Law, P.A.

(4) Service Mailing Address:

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

(5) Service Telephone Number: (208) 414-0665

(6) Service Email Address: legal.assistant@masingilllaw.com

(7) Basis of Protest (including statement of facts and law upon which the protest is based:
(See Exhibit B, attached hereto and incorporated herein by reference)

(8) What would resolve your protest? The Idaho Department of Water Resources denial of Mr. Dahnke's Application for Transfer of Water Right—Point(s) of Diversion, Water Right Transfer No. 81482. (See Exhibit A.)

I hereby, acknowledge that I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 8th day of May, 2017.


Protestant: Thomas G. Roland


Protestants' Representative: Eben Masingill
Of the firm, Masingill Law, P.A.

Received by RN
W045259

CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT on the 8th day of May, 2017, a true and correct copy of the foregoing Notice of Protest was mailed by regular United States mail, postage prepaid thereon to the following:

Little Willow Irrigation
c/o Larry Dahnke
P.O. Box 807
Payette, Idaho 83661

☐ Hand Delivery
☒ U.S. Mail
☐ Facsimile
☐ Email

Idaho Department of Water Resources
2735 Airport Way
Boise, Idaho 83705

☒ Hand Delivery
☐ U.S. Mail
☐ Facsimile
☐ Email


EBEN MASINGILL

RECEIVED

FEB 21 2017

WATER RESOURCES
WESTERN REGION

42-222 POD - 09/14

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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	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)



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 1/4 1/4 of section information. The Map Tool available at maps.idwr.idaho.gov/TransferApplicationLayouts 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

R. 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/WaterRightTransfers, 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 Date 2/21/17

Received by CS

Receipt # W044967

Preliminary review by _____

Date _____

Active in the Water Supply Bank? Yes ☐ No ☐

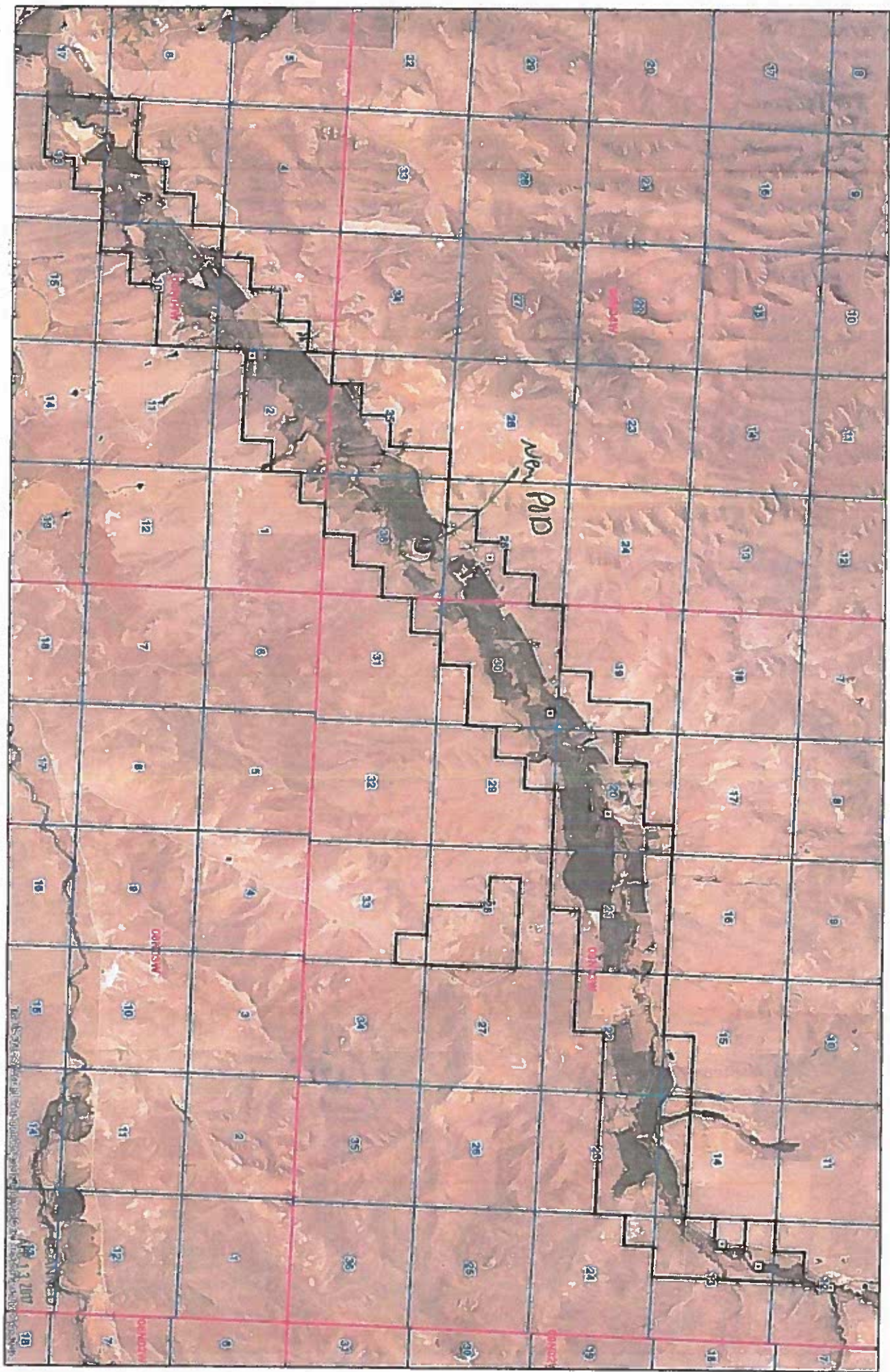
W-9 received? Yes ☐ No ☐

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	18		X			X	X	X	X									0.0
08N	03W	12												X					0.0
08N	03W	13					X	X		X	X	X	X	X					0.0
08N	03W	14											X	X			X	X	0.0
08N	03W	15															X	X	0.0
08N	03W	19				X									X		X	X	0.0
08N	03W	20	X		X	X				X	X	X	X	X	X	X	X	X	0.0
08N	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	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 Acres 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 208-842-4682. 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>
65-2149 ,65-2973 ,65-64 ,65-3130 ,65-3131 ,65-3132 ,65-3133 ,65-3134 ,65-2067		2,826.0

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: 65-64
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
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 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 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

2/9/2017

Water Right 65-2149

Priority Date: 12/29/1913

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	50.000 CFS	
IRRIGATION FROM STORAGE	3/15	11/15	50.000 CFS	36,400.0 AF
Total Diversion			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

[illegible]

**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			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									0.0
09N	03W	24						X										0.0
09N	03W	26			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					0.0
09N	03W	31					X											0.0
							L1											0.0
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

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	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 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 65-2973

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

<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

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	18		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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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	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	38	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.

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	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.
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>
65-2149 ,65-2973 ,65-64 ,65-3130 ,65-3131 ,65-3132 ,65-3133 ,65-3134 ,65-2067		2,826.0

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.

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
LITTLE WILLOW CREEK

Tributary
BIG WILLOW CREEK

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

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	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	38	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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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	rhowerio	Closed

Verification Log

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

- 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: 65-3131
Class: 1
SF5 Filed Date:
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 65-3132

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 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
08N	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	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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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 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>
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.

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

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
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
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	18				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	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	X	X	0.0

Right Acres 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
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: 65-3133
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

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

2/9/2017

Water Right 65-3134

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

Priority Date: 4/1/1916

Basis: Decreed

Status: Active

Source
LITTLE WILLOW CREEK

Tributary
BIG WILLOW CREEK

Beneficial Use	From	To	Diversion Rate	Volume
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

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	38	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.
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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	rhowerio	Closed

Verification Log

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

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



MASINGILL LAW, P.A.

R. Brad Masingill- r.brad@masingilllaw.com
Brandon Masingill- brandon@masingilllaw.com
Eben Masingill- eben@masingilllaw.com
Rachael Collins- rachael@masingilllaw.com
Kallee Johnson- legal.assistant@masingilllaw.com

ATTORNEYS AT LAW
25 W. COMMERCIAL - P.O. BOX 467
WEISER, IDAHO 83672
TELEPHONE (208) 414-0665
FAX (208) 414-0490
www.masingilllaw.com

Exhibit B

Statement of Facts and Legal Analysis:

Dear Mr. Spackman or other IDWR Representative:

Masingill Law, P.A. has been retained by Mr. Thomas G. Roland, Mrs. Irene J. Roland, and Mr. Clark C. Roland, (hereinafter collectively referred to "Protestants") with respect to the proposed change of water right, Application No. 81482, filed by Little Willow Irrigation District (hereinafter referred to as "Applicant") on February 21, 2017. (Please See Exhibit A, to the Notice of Protest filed concurrently herewith).

Also, attached hereto are limited powers of attorney executed by Clark and Irene evidencing their desire to be represented in this protest. (Please see Exhibits B1-B2.).

Thomas G. Roland is the owner of Water Right No. 65-6277, which has a decreed priority date of 01/01/1920. (Please see Exhibit C). Irene J. Roland is the owner of Water Right No. 65-2240, which has a decreed priority date of 01/14/1920, and is also the owner of Water Right No. 65-6278, which has a priority date of 04/01/1920. (Please see Exhibits C1 and C2). Irene and Clark C. Roland are owners of Water Right No. 65-5773, which has a priority date 04/01/1948. (Please see Exhibit C3). All of the said water rights lie within the Little Willow Irrigation District and surely would be negatively affected if Application No. 81482 is granted as more fully explained below.

This protest is submitted pursuant to IDAPA 37.01.01.250, Idaho Code 42-222, and Idaho Code 42-203A. Enclosed herewith is check for the statutory filing fee of \$25.00 under Idaho Code 42-221(L).

Under Idaho Code 42-108, an irrigation district must file an application that complies with the procedures of Idaho Code 42-222, including providing notice of the application consistent with the dictates of Idaho Code 42-203A.

Idaho Code 42-203A requires the department of water resources to prepare a notice specifying: (1) the application number, (2) the application's filing date, (3) the applicant's name and post-office address, (4) the source of the water supply, (5) the amount of water to be appropriated, (6) the general nature of the proposed use, (7) the approximate location of the point of diversion, and (8) the point of use.

However, the notice so supplied by the Department fails to comply with the mandates of Idaho Code 42-203A, in that: (1) the date of filing the application is not present in the notice, (2) the general nature of the proposed use is not present in the notice, and (3) the point of use is not present in the notice. (Please see Exhibit D).

Accordingly, the Protestants have not been placed on notice regarding the nature of the proposed use of the new point of diversion, nor where such water will be used, or if it would even be put to a new beneficial use. Without specifying what the water will be used for nor where it will be used, the Protestants are placed at a severe disadvantage in protesting the application because the exact injury is not readily identifiable without such information. Accordingly, Protestants request that they be provided notice in a form that complies with the statutory requirements, so they can fully evaluate and be provided a fair opportunity to protest the application.

Under Idaho Code 42-108, an irrigation district desiring to change a point of diversion, place of use, period of use, or nature of use, must ensure that the "water rights of others are not injured by such change." Without all the facts regarding the nature of the proposed use and point of proposed use, it is impossible to fully evaluate the injury.

However, the Applicant is proposing to divert 4 c.f.s. from Little Willow Creek. Mr. Tom Roland has priority dating from 1920 to divert from Little Willow Creek a total diversion of 0.06 c.f.s. Notably, Tom Roland is the furthest landowner downstream on Little Willow Creek.

For the following reasons the Protestants will be injured by the diversion of 4 c.f.s. from the creek that they rely on for intensive cattle operations:

- (1) Granting a new water right will damage Protestants existing downstream water rights, by diverting flow from the stream into a canal system which will decrease the amount of water flowing through Little Willow Creek, and decrease available water for Protestants cattle operations;
- (2) In the past, there has been insufficient levels of water in Little Willow Creek to allow Protestant, Tom Roland, to run all three of the pumps he has in Little Willow Creek which are necessary to his receipt of the full benefits of his water rights. Many times, the water level is so low that Tom can only run one pump to divert water, which does not fulfill his allocation of water rights;
- (3) The availability of stock water, including in-stream watering of livestock, will be decreased if the application is granted;
- (4) The amount of water in Little Willow Creek fluctuates greatly, but in recent years the water levels have been decreasing;
- (5) Even if a new diversion is granted with the provision that ample water be allowed to flow downstream to effectuate the Protestants' water rights, policing and monitoring the flow would be difficult, time consuming, and increase costs; and
- (6) As a member of the Little Willow Irrigation District Board, Mr. Tom Roland, is aware that the installation of a new point of diversion will simply cost the Little Willow Irrigation District members unnecessary money, and will damage water right holders downstream of the diversion.

Pursuant to Idaho 42-222(1) the director shall examine the evidence and approve an application only: "provided no other water rights are injured thereby, the change does not constitute an enlargement in use of the original right, the change is consistent with the conservation of water resources within the state of Idaho and is in the local public interest as defined in section 42-202B, Idaho Code, the change will not adversely affect the local economy of the watershed or local area within which the source of water for the proposed use originates."

As explained above, the Protestants water rights will be injured by the diversion of 4 c.f.s. from Little Willow Creek. During times of low flow such a diversion may

prevent Protestants from adequately supplying water for use in their cattle operations. Additionally, diverting the flow would constitute an enlargement of the use of the original right, as an additional 4 c.f.s. will be diverted from Little Willow Creek into the canal system. Further, Idaho Supreme Court places the burden of proof on the applicant for a water transfer to prove non-injury and non-enlargement. *Barron v. IDWR*, 135 Idaho 414, 418, 18 P.3d 219, 223 (2001).

Protestants respectfully request that the Idaho Department of Water Resources deny Application No. 81482.

All Protestants concur with the allegations as set forth above.

Please feel free to contact Masingill Law, P.A. if you have any questions or concerns.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'Eben Masingill', with a long horizontal flourish extending to the right.

Eben Masingill
Attorney for Protestants

LIMITED POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS:

That I, Irene J. Roland, of the City of Payette, State of Idaho, have made, constituted and appointed, and by theses presents does make, constitute and appoint Masingill Law, P.A. of Weiser, Idaho, my true and lawful attorney in fact, for the limited purpose of protesting the Proposed Change of Water Right Transfer Application Number: 81842.

Giving and granting unto Masingill Law, P.A., my said attorney in fact, full power and authority to do and perform all and every act and thing requisite and necessary to be done with regard to the above-referenced matter as full to all intends and purposes as I might or could do if personally present. I hereby ratify and confirm that Masingill Law, P.A. said attorney in fact, shall lawfully do or cause to be done by virtue of these presents.

This Limited Power of Attorney shall not be affected by the disability of the principal.

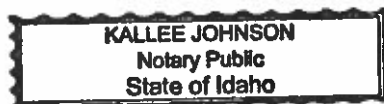
IN WITNESS WHEREOF, I have executed this Limited Power of Attorney this 5 day of May, 2017.

Irene J. Roland
Irene J. Roland

STATE OF IDAHO)
 : ss.
County of Washington)

On the May 5, 2017, before me, a Notary Public in and for said state, personally appeared Irene J. Roland, known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same.

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



Kallee Johnson
Notary Public, State of Idaho
Residing at: Weiser
My Commission Expires: 8-26-2021



LIMITED POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS:

That I, Clark C. Roland, of the City of Payette, State of Idaho, have made, constituted and appointed, and by theses presents does make, constitute and appoint Masingill Law, P.A. of Weiser, Idaho, my true and lawful attorney in fact, for the limited purpose of protesting the Proposed Change of Water Right Transfer Application Number: 81842.

Giving and granting unto Masingill Law, P.A., my said attorney in fact, full power and authority to do and perform all and every act and thing requisite and necessary to be done with regard to the above-referenced matter as full to all intends and purposes as I might or could do if personally present. I hereby ratify and confirm that Masingill Law, P.A. said attorney in fact, shall lawfully do or cause to be done by virtue of these presents.

This Limited Power of Attorney shall not be affected by the disability of the principal.

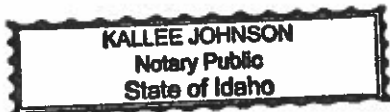
IN WITNESS WHEREOF, I have executed this Limited Power of Attorney this 5 day of May, 2017.

Clark C. Roland
Clark C. Roland

STATE OF IDAHO)
 : ss.
County of Washington)

On the May 5, 2017, before me, a Notary Public in and for said state, personally appeared Clark C. Roland, known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

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



Kallee Johnson
Notary Public, State of Idaho
Residing at: Weiser
My Commission Expires: 8-26-2021

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

5/2/2017

WATER RIGHT NO. 65-6277

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MARCIA R ROLAND
Current Owner	THOMAS G ROLAND
	4331 LITTLE WILLOW RD
	PAYETTE, ID 83661
	(208)642-3841
Original Owner	CYRIL W ROLAND
Original Owner	IRENE J ROLAND
	4001 LITTLE WILLOW RD
	PAYETTE, ID 83661
	(208)642-2078

Priority Date: 01/01/1920

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
STOCKWATER	1/01	12/31	0.02 CFS	0.6 AFA
DOMESTIC	1/01	12/31	0.04 CFS	1.2 AFA
Total Diversion			0.06 CFS	

Location of Point(s) of Diversion:

GROUND WATER|SWNESE|Sec. 09|Township 08N|Range 04W|PAYETTE County

Place(s) of use:

Place of Use Legal Description: STOCKWATER PAYETTE County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
08N	04W	9		NESE										

Place of Use Legal Description: DOMESTIC PAYETTE County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
08N	04W	9		NESE										

Conditions of Approval:

1. N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.
2. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
3. STOCKWATER, 50 RANGE CATTLE PARCEL NO. 1337 11

Dates:

Licensed Date:

Decreed Date: 09/25/1998

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector: AND

Water District Number: 65

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Close

08/31/2001

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

RIGHT NUMBER: 65-2240

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

IRENE J ROLAND
4001 LITTLE WILLOW RD
PAYETTE ID 83661

SOURCE: LITTLE WILLOW CREEK TRIBUTARY: BIG WILLOW CREEK

QUANTITY: 1.800 CFS
THIS RIGHT SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE WHEN MEASURED
AT THE FIELD HEADGATE.

PRIORITY DATE: 01/14/1920⁹

POINT OF
DIVERSION:

T08N R04W S17 NESENE Within PAYETTE County
T08N R04W S17 NESENE Within PAYETTE County
T08N R04W S17 NWESENE Within PAYETTE County
2 POINTS OF DIVERSION LOCATED IN T08N, R04W, S17, NESENE.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	3/15 11/15	1.800 CFS

PLACE OF USE: IRRIGATION Within PAYETTE County

T08N R04W S17	NENE	36.0	T08N R04W S17	NWNE	13.0
T08N R04W S17	SWNE	5.0	T08N R04W S17	SENE	35.0

89 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

305



IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

5/2/2017

WATER RIGHT NO. 65-6278

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CYRIL W ROLAND
Current Owner	IRENE J ROLAND
	4001 LITTLE WILLOW RD
	PAYETTE, ID 83661
	(208)642-2078

Priority Date: 04/01/1920

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
STOCKWATER	1/01	12/31	0.02 CFS	0.4 AFA
DOMESTIC	1/01	12/31	0.04 CFS	1.2 AFA
Total Diversion			0.04 CFS	

Location of Point(s) of Diversion:

GROUND WATER|SENENE|Sec. 17|Township 08N|Range 04W|PAYETTE County

Place(s) of use:

Place of Use Legal Description: STOCKWATER PAYETTE County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
08N	04W	17		NENE										

Bumby No. 5208

EXHIBIT

C-2

Place of Use Legal Description: DOMESTIC PAYETTE County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
08N	04W	17		NENE										

Conditions of Approval:

1. N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.
2. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
3. STOCKWATER, 30 RANGE CATTLE PARCEL NO. 1358 11

Dates:

Licensed Date:

Decreed Date: 09/25/1998

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector: AND

Water District Number: 65

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

08/31/2001

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

RIGHT NUMBER: 65-5773

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

CLARK C ROLAND
4001 LITTLE WILLOW RD
PAYETTE ID 83661

CYRIL W ROLAND
4001 LITTLE WILLOW RD
PAYETTE ID 83661

SOURCE: LITTLE WILLOW CREEK TRIBUTARY: BIG WILLOW CREEK

QUANTITY: 0.460 CFS

PRIORITY DATE: 04/01/1948

POINT OF
DIVERSION: T08N R04W S17 NENWSE Within PAYETTE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	3/15 11/15	0.460 CFS

PLACE OF USE: IRRIGATION Within PAYETTE County
T08N R04W S17 SWNE 23.0

23 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

845



PUBLIC NOTICE

No.

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

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