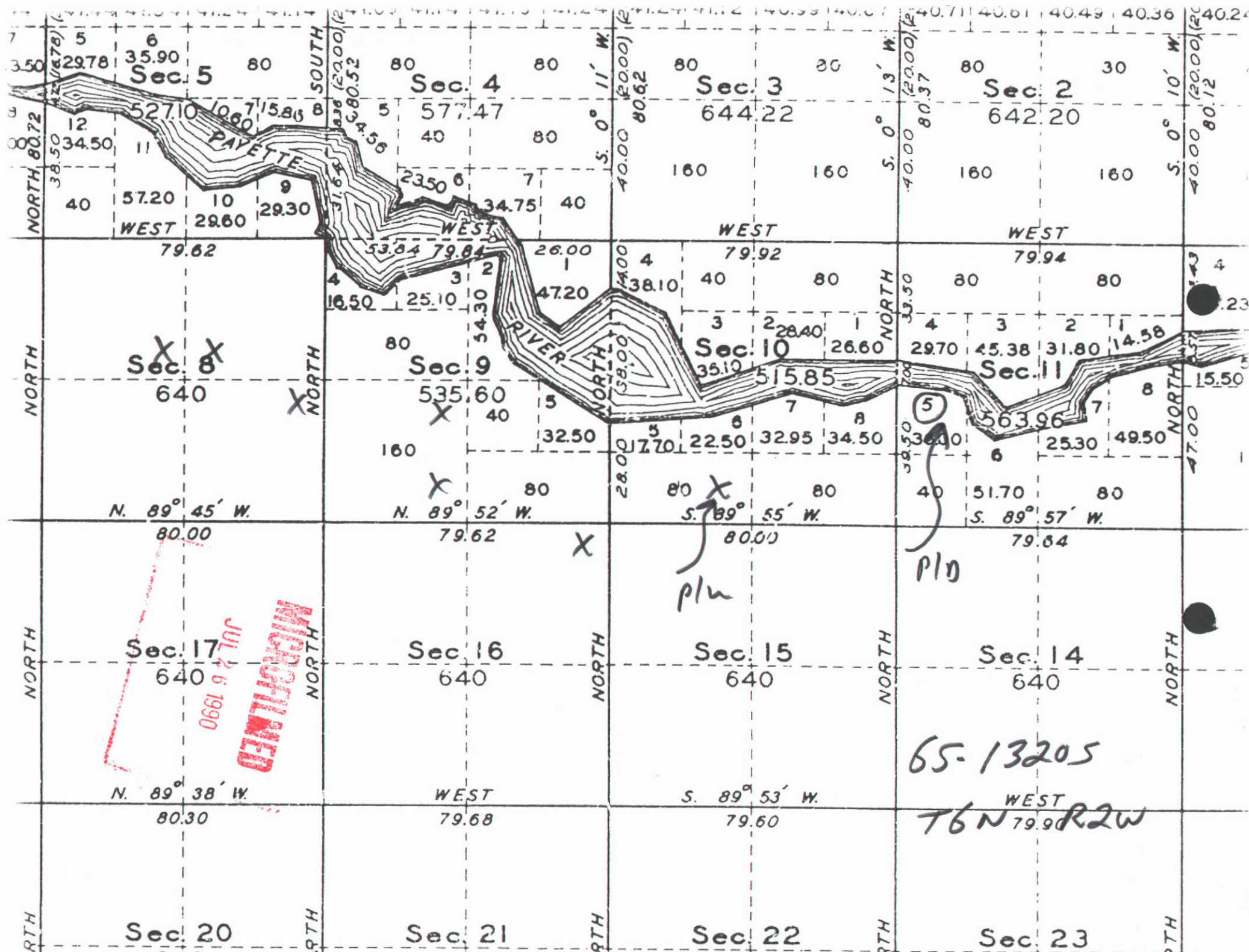




65-13205

T6N R2W

offset in S. 8-11 East section
due to map splines.

06N-02W
#65-13205

52-412690



29C

7AC

Micrograph showing a developing embryo with labels 'e' and 'd'.

W. H. C. Smith

POU (7)

913

510

6 AC

10 Ac.

Table 1

Del M...
P.O.P.

COOPERATIVE

WASTEN
ANAL

Em 234

RECEIVED
MAY 29 1990

Department of Water Resources
Western Regional Office

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,

ss.

COUNTY OF GEM,

Esma Reyes, being first
duly sworn, on ^{her} oath deposes and
says that ^{she} is the ^{clerk} printer of Mes-
senger-Index, a legal weekly news-
paper published at Emmett, in Gem
County, Idaho; that said newspaper
is in general circulation in said
county and has been published unin-
terruptedly and continuously for
more than 78 weeks prior to the
first publication of the annexed
document; and that the document
notice, process, or advertisement
hereunto annexed was published in
the regular edition of Messenger-
Index for TWO

consecutive weekly issues thereof,
beginning with the issue of

MAY 16, 1990,

and ending with the issue of

MAY 23, 1990

Esma Reyes

Subscribed and sworn to before me
this 23RD day of

MAY, 1990

May Ann Hansen

Notary Public,

Residing at Emmett, Idaho.

My Commission Expires 3-21-95

**NOTICE OF APPLICATION
FOR WATER RIGHT**

The Following application(s)
have been filed to appropriate
the public waters of the State
of Idaho:

65-13205

BILBREY DITCH CO. LTD.

2551 TOMS CABIN RD.

EMMETT, ID 83617

Source: PAYETTE RIVER

Tributary: SNAKE RIVER

Diversion Pt: LOT 5 (NWSW)

Sec. 11 T. 06N R. 02W

Use: IRRIGATION (1.240 CFS)

Total Diversion: (1.240 CFS)

Date Filed: 4/ 5/ 1990

In: T06N R02W S08 SWNE

SENEW NESE

S09 NE3W SESW

S10 SESW

S16 NENE

62.0 ACRES TOTAL

65-13223

BROWN BROTHERS CON-

STRUCTION CO. INC.

P.O. BOX 125

EMMETT, IDAHO 83617

Source: GROUNDWATER

Diversion Pt: NWSE Sec 17 T

06N R. 01W

Use: COMMERCIAL (.020

CFS)

DOMESTIC (.020 CFS)

Total Diversion: (.040 CFS)

Date Filed: 8/24/1989

In: T06N R01W S17 NWSE

The permit(s) will be subject

to all prior water rights. Pro-

tests must be filled with the

Director, Dept. of Water

Resources, Western Region,

2735 Airport Way, Boise, Idaho

83705 on or before JUNE 4,

1990.

R. KEITH HIGGINSON,

Director

Pub.: 5-16,23-90

Legal Notice No. 795

Pub. in the Messenger Index

MICROFILMED

JUL 26 1990

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 65-13205

Proposed Priority: April 5, 1990 Maximum Diversion Rate: 1.24 CFS
This is to certify, that **BILBREY DITCH CO. LTD.**
2551 TOMS CABIN RD.
EMMETT, ID 83617
has applied for a permit to appropriate water from:

PAYETTE RIVER tributary of **SNAKE RIVER**

and a permit is **APPROVED** for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	04/15 to 11/15	1.24 CFS

LOCATION OF POINT(S) OF DIVERSION: LOT 5(NWSW), Sec. 11, Township 06N, Range 02W
GEM County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
06N	02W	8	SWNE 23	SENW 2	NESE 7	32
		9	NESW 5	SESW 9		14
		10	SESW 6			6
		16	NENE 10			10

Total number of acres irrigated: 62

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **August 1, 1992**.
2. Subject to all prior water rights.
3. A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works prior to diversion of water under this permit.
4. The Director retains jurisdiction of this permit to require purchase or lease of storage water to compensate for diversion of the streamflow authorized by this right.
5. The issuance of this permit in no way grants any right-of-way or easement across the land of another.
6. Permit holder shall commence the excavation or construction of diverting works within one year of the date this permit is issued and shall proceed diligently until the project is complete.
7. Use of water under this permit is subject to control by the watermaster of State Water District No. 65.
8. The rate of diversion of water for irrigation under this permit and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.

MICROFILMED
JUL 26 1990

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 65-13205

CONDITIONS/REMARKS:

9. The maximum rate of diversion for irrigation purposes under this permit shall not exceed 1.24 cfs.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this

13th day of July, 1990.

for R. Keith Higginson, Director

MICROFILMED
JUL 26 1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant BILBREY DITCH CO Ltd. Phone 365-2684

Post office address 2551 Tom's CABIN Rd., Emmett, ID 83617

2 Source of water supply Dayette River which is a tributary of SNAKE River

3. Location of point of diversion is _____ ¼ of NW ¼ of SW ¼, Govt. Lot 5

Sec. 11 Township 06N Range 02W B.M. GEM County; additional

points of diversion if any. _____

4. Water will be used for the following purposes:

Amount ^{1.24} ~~1.28~~ for IRRIGATION purposes from 4/15 to 11/15 (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a) ^{1.24} ~~1.28~~ and/or (b) _____
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Delaney thru Bilbrey Ditch
gravity furrow irrigation

b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet, total
reservoir capacity _____ acre-feet, period of year when water will be diverted to storage:
_____ to _____ inclusive

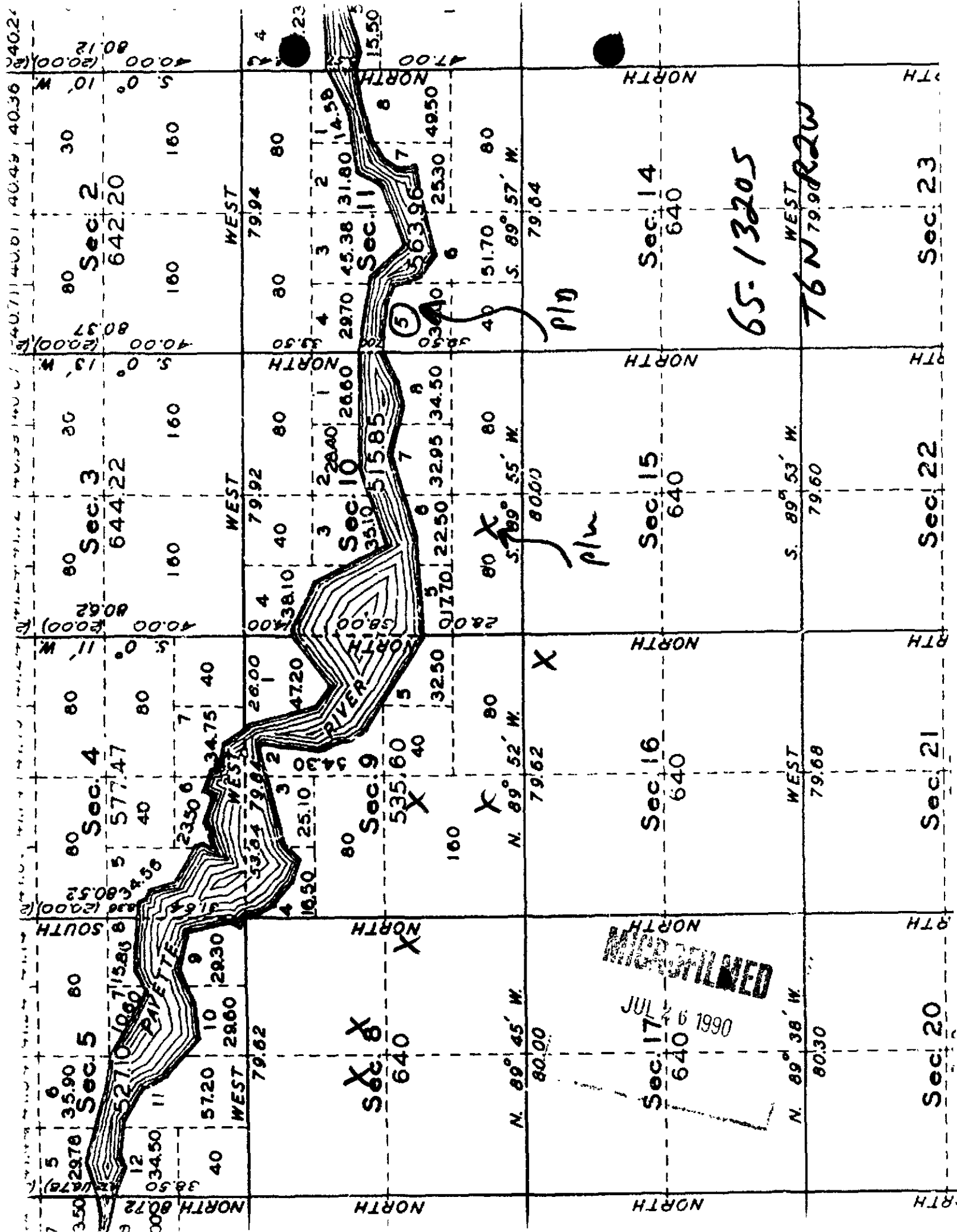
c. Proposed well diameter is _____ inches, proposed depth of well is _____ feet

d. Is ground water with a temperature of greater than 90°F being sought? No

7. Time required for the completion of the works and application of the water to the proposed beneficial use is

2 years (minimum 1 year).

* Flow reduced per reduction of acres from 64 to 62 per
taken with gail Springs, San/Texas 4/27/90, 82.



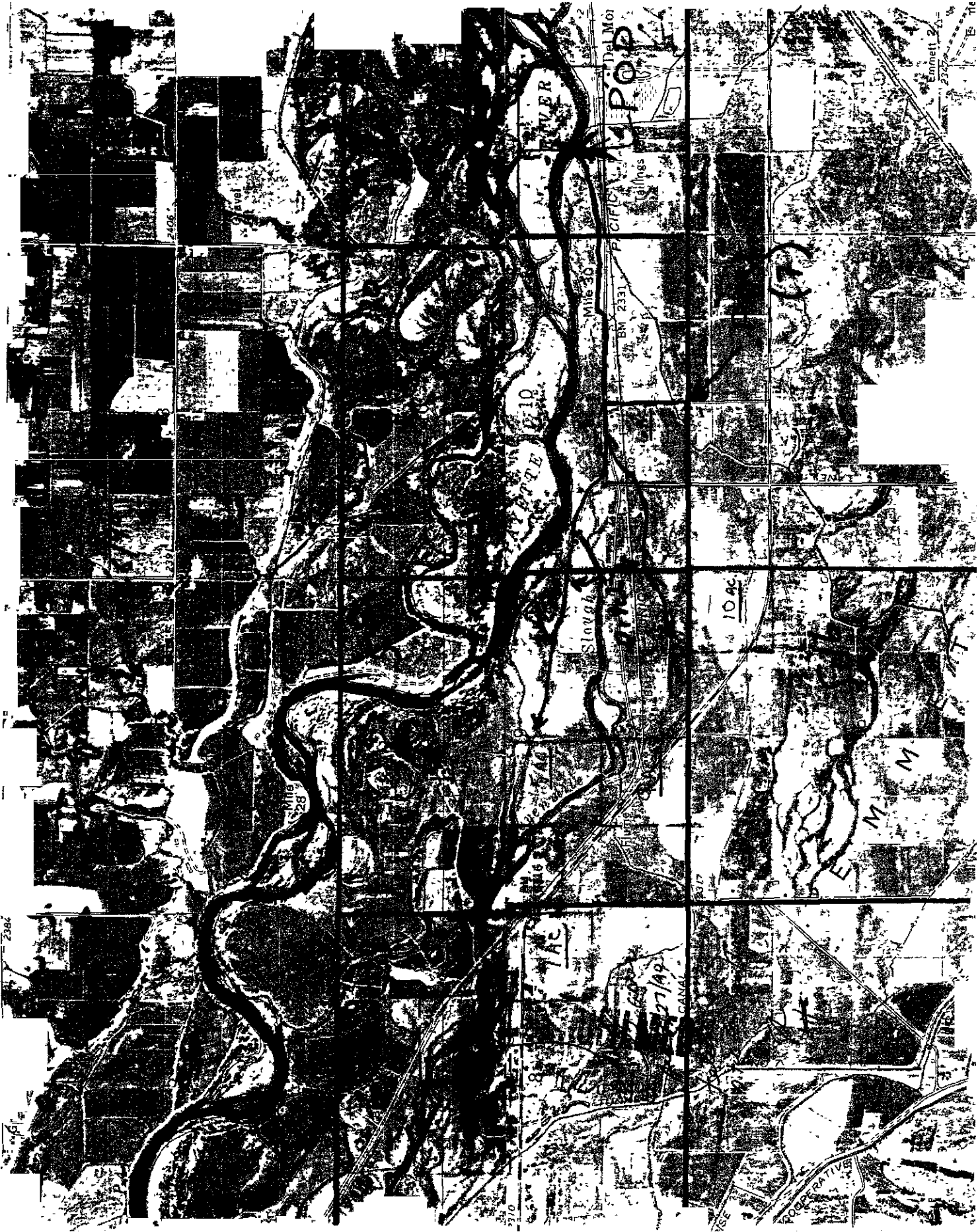
APPLICATION FOR PERMIT

BILBREY DITCH CO. LTD.

PERMIT # 65-13205

RE: PLACE OF USE PARCEL OWNERSHIP

TWP.	RANGE	SEC.	1/4 OF 1/4		ACRES	OWNER
06N	02W	16	NE	NE	10	MABE & SMITH
06N	02W	10	SE	SW	06	MCCRAY & DRAPER
06N	02W	09	NE	SW	05	TIM ARBUCKLE
06N	02W	09	SE	SW	09	LEONARD ARBUCKLE
						ALICIA, FINE,
						RUSHIN
06N	02W	08	SW	NE	25	BOREN
06N	02W	08	SE	NW	02	FRAZER
06N	02W	08	NE	SE	07	HILL & PROCTOR



MICROFILMED
JUL 27 1990

MICROFILMED
JUL 27 1990

Bilby, Rex Co. Ltd.
Ernest P. Spangli (Sec. Treas)
(Applicant)
Leonard Whipple (President)

Received by JFW Date Apr. 5, 1990 Time 10:30 AM Preliminary check by PL
Fee \$ 65.00 Receipted by JFW # W011825 Date Apr. 5, 1990
Publication prepared by GG Date 5-9-90 Published in Messenger-Index
5/17 & 5/24/90
Publication approved ST Date 6-4-90

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. _____, and said application is hereby _____.

1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19 ____.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.
- e. Other

RECEIVED
MAY 12 1990

RECEIVED
MAY 29 1990

Department of Water Resources
Western Regional Office

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,

ss.

COUNTY OF GEM,

Esma Reyes, being first
duly sworn, on his oath deposes and
says that she is the printer of Mes-
senger-Index, a legal weekly news-
paper published at Emmett, in Gem
County, Idaho; that said newspaper
is in general circulation in said
county and has been published unin-
terruptedly and continuously for
more than 78 weeks prior to the
first publication of the annexed
document; and that the document
notice, process, or advertisement
hereunto annexed was published in
the regular edition of Messenger-
Index for Two

consecutive weekly issues thereof,
beginning with the issue of

MAY 16, 1990,

and ending with the issue of

MAY 23, 1990

Esma Reyes

Subscribed and sworn to before me
this 23RD day of

MAY, 1990

Mary Ann Hansen

Notary Public,

Residing at Emmett, Idaho.

NOTICE OF APPLICATION
FOR WATER RIGHT

The following applications
have been filed to appropriate
the public waters of the State
of Idaho:

Applicant: BULLY DITCH CO. LTD.
2551 EMS CABIN RD.
EMMETT, ID 83617
Source: PAYETTE RIVER
Thence: SHANE RIVER
Division: Pt. 10S (NW/4)
Sec. 11 T. 06N R. 02W
Use: IRRIGATION (0.040 CFS)
Total Diversion: 0.040 CFS
Date Filed: 8/24/1989
In: T06N R02W S00 E01E
Section: SE1/4 NE1/4
S00 NE3/4 SE1/4
S10 SE3/4
S16 NE1/4
62.0 ACRES TOTAL

BROWN BROTHERS CON-
STRUCTION CO. INC.

P.O. BOX 125
EMMETT, IDAHO 83617
Source: GROUNDWATER
Division: Pt. NW/4 Sec 17 T
06N R. 01W
Use: COMMERCIAL (0.020
CFS)
DOMESTIC (0.020 CFS)
Total Diversion: (0.040 CFS)
Date Filed: 8/24/1989
In: T06N R01W S17 E01E

The permit(s) will be subject
to all prior water rights. Pro-
tests must be filed with the
Director, Dept. of Water
Resources, Western Region,
2735 Airport Way, Boise, Idaho
83705 on or before JUNE 4,
1990.

By: KEITH HIGGINSON,
Director

Pub. 5-18-23-90
Legal Notice No. 795
Pub. in the Messenger-Index

My Commission Expires 3-21-95

MAY 29 1990

May 19, 1992

BILBREY DITCH CO. LTD.
2551 TOMS CABIN RD.
EMMETT ID 83617

RE: Water Right No. 65-13205

Dear Water Right Holder(s):

Department water right records show that you divert water from the Snake River or its tributaries under a water right that has a priority date later than December 29, 1976. This is the priority of the established minimum stream flow of the Snake River at the Weiser Gage (Weiser) in the amount of 4,750 cubic feet per second.

Because of the continuing drought conditions in the Snake River Basin, department hydrologists project that during 1992, there could be periods when the required minimum flow will not be satisfied due to low flows of the Snake River. The department urges you to not divert at a higher rate than authorized by your water right and to not use your right in any manner different than authorized. In addition, when the minimum flow will not be satisfied or is not being satisfied, you are required to cease diverting water under your water right, because your right is of later priority than the minimum stream flow at Weiser.

If the department determines the minimum flow will not be satisfied, the department will advise you and will provide as much lead time as possible in requiring that you temporarily cease your diversion of water. The greatest likelihood for this to occur is during a period from mid-June to late June.

While the department expects good cooperation from junior water right holders, water users should be aware that Section 42-352, Idaho Code, provides for penalties of up to \$100 per day for unauthorized diversions of water.

The department has contacted both the Idaho Power Company and the U.S. Bureau of Reclamation with respect to the timing of storage releases from upstream reservoirs for flow enhancement purposes. This type of coordination could minimize the impact on

existing water users and reduce the need to curtail diversions.

The department has scheduled public information meetings relative to this potential regulation as follows:

Mountain Home - June 4, 1992 - 10:00 a.m. - gymnasium at
North Elementary School, 290 E. 12th N.

Caldwell - June 4, 1992 - 7:00 p.m. - Ballroom in the
Student Union Building, Albertson College of Idaho,
2112 Cleveland

If you have questions concerning this letter or wish to provide the name of a different contact person or address to receive department correspondence, please contact the department.

Sincerely,

L. GLEN SAXTON
Chief, Water Allocation Bureau

LGS:klg

May 11, 1992

BILBREY DITCH CO. LTD.
2551 TOMS CABIN RD.
EMMETT ID 83617

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 65-13205

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

If you have questions concerning this matter, please feel free to contact the WESTERN Regional Office in Boise at (208)334-2190.

Sincerely,

Karen L. Gustafson
Secretary/Records Manager

c: IDWR - Region

MAILED
MAY 21 1992

Form 217
RECEIVED
MAY 04 1992

For Office Use Only
Amt. of Fee \$ 125.00
Date 5-4-92
Receipt No. 0024017
Received by W.B.

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources will consider this form as a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

Permit No. 65-13205

Telephone No. President: 365-5740
Secretary: 365-2684

Name(s) of Permit Holder(s). Bilkey Ditch Co. Ltd.

Post Office Address: 2551 Tom Coker Rd., Emmett, Idaho, 83601

Source of Water: Payette River

If ground water, well driller's name: _____ Date drilled: _____

Extent of Use:

Domestic _____ (No. of households)

Irrigation 62 (No. of acres)

Stockwater _____ (No. and type of stock)

Other _____

Total rate and/or volume for which proof is submitted 1.24 cfs _____ acre/feet

Show date water was first diverted and beneficially used under this permit: _____

One of the following may be a condition of approval of your permit:

Measuring device: (Lockable) Required? ☒ Yes ☐ No Installed? ☒ Yes ☐ No

OR

Flow Measurement Port: Required? ☐ Yes ☒ No Installed? ☐ Yes ☐ No

Fee Enclosed: \$ 125.00 (See License Examination Fee Schedule)

Person to contact to accompany the Department representative during the field examination:

Ditch Boss:

Craig Olson 365-6721
7202 Hwy 52
Emmett, Idaho 83601

President
OR Almond Delucke 365-5740
5925 Cascade Rd.
Emmett, Idaho 83601

The above information is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the state of Idaho

4-30-92
Date

Phil P. Springer (Per. Secs.)
Signature (and title if on behalf of a company or organization)

RECORDED
MAY 21 1992

ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE

Permit No. 65-13205

Reviewed by Klg

Date 5/4/92

GENERAL CONSIDERATIONS

TYPES OF USE

yes Name same as permit?
yes Address same as permit?
yes Proof timely received?
If not, complete calculation below.

irrigates - 62
yes Correct Uses?

SOURCE OF WATER

✓ Surface water source
Ground water source

NA Drilling permit required?

✓ Copy in the file? Drilling Permit No. _____

✓ Amount paid for permit _____ Correct?

✓ Well log in the file?

LICENSE EXAMINATION FEE

yes Required?
\$125 Amount Submitted
yes Correct?

MEASURING DEVICE

yes Required?
yes Installed?
NA Waiver requested?

PRIORITY CALCULATION

Date proof received NA
Date proof due -
No. of days late =
Priority Date +
New Priority Date ✓

DEFICIENCIES OR ACTION ITEMS

proof acceptable

DATA ENTRY

New Address _____

Proof Made 5/4/92
5/11/92 Klg

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
COMMENCEMENT OF WORKS

Permit No. 65-13205
Name(s) of Permit Holder(s): Billrey Ditch Co. Ltd.
Post Office Address 2551 Toms Cabin Rd. Emmet Idaho
83617 Tel. No. 365-2684

☒ I hereby certify that construction of diversion work on the above referenced permit began on September (date) 1992. I understand that I must continue to develop the water system with due diligence to maintain a valid permit.

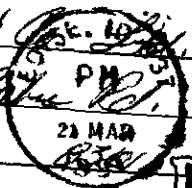
☐ I hereby certify that construction of diverting works on the above referenced project has not yet begun due to the following reason beyond my control*:

*Note: A financing difficulty is not an acceptable reason.

3-20-91
Date

Paul C. Spenger
Signature of Permit Holder

Billy Dick
2551 Toms Ave
Emmett, Idaho



RECEIVED

MAR 22 1991

Department of Water Resources



MAY 21 1992

IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

S T A T E O F I D A H O

DEPARTMENT OF WATER RESOURCES

Statehouse
Boise, Idaho 83720
(208) 327-7900
July 13, 1990

BILBREY DITCH CO. LTD.
2551 TOMS CABIN RD.
EMMETT, ID 83617

PERMIT APPROVAL NOTICE

RE: PERMIT NO. P65-13205

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. We direct your attention to the conditions of approval on the final page.

Natural flow of the Payette River is fully appropriated except during periods of flood flow. Your permit is conditioned to require you to obtain storage water to compensate for your diversion of natural flow from the river. The amount of storage which you will be required to obtain is approximately 3 acre-feet per acre of irrigated ground. You will be notified in the future of the necessity to obtain storage water.

Be sure to note the special condition requiring you to install a measuring device and lockable controlling works that will enable the watermaster to control the rate of diversion.

Please note the requirement that as a permit holder you must commence the excavation or construction of diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The enclosed blue card must be completed and returned to this office as soon as you commence construction, no later than one year from the date the permit was approved.

We have enclosed a form entitled "Instructions for Proof of

RECORDED & INDEXED

JUL 26 1990

Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit into a license.

Sincerely,

GARY SPACKMAN, Supervisor
Water Right Permits Section

GS: SC
Enclosures

MICROFILMED

JUL 26 1990

P/L - 6N 2W S. 11 NWSW C. 5
 " " S. 8 - SWNE SENW NENE
 " " S. 9 - NESW SESW
 " " S. 10 - SESW
 " " S. 16 - NENE

Form No. 202a.
 3/89

STATE OF IDAHO
 DEPARTMENT OF WATER RESOURCES
 APPROPRIATION APPLICATION ANALYSIS SHEET

INITIAL REVIEW BY: FL DATE: 4/26/90 APPLICATION: 65-13205

REQUIRED INFORMATION

☒ Name: (If applicant is a corporation or partnership, names and addresses for the director, officers, and other partners must be included.)
☒ Address:
☒ Source: (See USGS Quad for names of water sources)
☒ Point of Diversion: (10 acres for spring, lot & block descriptions for Subdivisions, local name)
☒ County:
☒ Quantity: (flow and/or volume)
☒ Period of use:
☒ Nature of proposed use: (Include description of use)
☒ Description of diverting works:
☒ Time required for beneficial use of water:
☒ Place of use or acres irrigated:
☒ Map:
☒ Signature: (If applicant is corp., partnership, or municipality, title of signatory is required)
☒ Fee:
☒ Yes ☐ No* In form to receipt:

Gov't. Lots:
Y P/D
N P/U

ADDITIONAL INFORMATION

YES	NO	
☒	☐	Overlapping place of use: (Describe source & relationship to present application on the back.)
☒	☐	Overlapping point of diversion:
☐	☐	Field check required: Field check by: _____
☐	☐	Field report attached:
☐	☐	Critical groundwater area:
☐	☐	Groundwater management area:
☐	☐	Diversion within interim protected river area
☐	☐	Send dam safety information:
☐	☐	Send power requirement letter:
☐	☐	Send fish farm requirement letter:
☐	☐	Power residency affidavit:
☐	☐	Power efficiency form:
☐	☐	Within trust water boundary: (If yes, attach Trust Water Supplementary Analysis Sheet.)
☐	☐	Diversion greater than 5 cfs or 500 af: (If yes, attach Large Diversion supplementary analysis sheet.)
☐	☐	*REQUEST ADDITIONAL INFORMATION FROM THE APPLICANT

DATE REQUESTED: _____

Additional information on reverse side: _____

RECEIVED
 JUN 26 1990

Department of Water Resources

PROCESSING

APPLICATION NO. 65-13205

YES NO

☒ ☒
☒ ☒

In form for advertising:

Statewide advertising:

Fee amount, receipt number and date recorded on application:

SEND COPIES TO

YES NO

☐ ☒
☐ ☒
☐ ☒
☐ ☒

I.D. Health and Welfare

I.D. Fish and Game

I.D. Lands

Adjudication Bureau

YES NO

☐ ☒
☐ ☒
☐ ☒
☐ ☒

U.S. BLM

U.S. Forest Svc.

Water Dist. # _____

Other _____

FINAL REGIONAL PROCESSING REVIEW

YES NO

☒ ☒
☒ ☒

Affidavit of publication received:

Application published correctly: If not, record action taken.

☒ ☒

Publication dates and paper recorded on application:

Protests received. Final date for protest June 4, 1990

Protest dates, resolution of protest recorded on application:

Recommendations attached: Approve, Dnr

Measuring device required:

Measuring port required:

Water delivered by water master? District # 65, Payette R.

Special conditions of approval or cover letter:

DID, 05 (65, Payette River)

See below for additional information

Recommended Date or Priority 4/5/1990Recommended by: DnrDate 6/15/1990

STATE OFFICE REVIEW

P71, P08, P17 04 015 59
2605(65) 38(irrig., 1.24 cfs)

See below for additional information. By EWDate 6-29-90

ADDITIONAL INFORMATION

Overlap

P10 - Use same ditch: 65-00034A & X, 65-11320, 65-11344, 65-13146 (Recent
Applicant). All are Billings Ditch Co. rights
- 65-10991 well.

P12 - Payette River, other uses:Billings Ditch Co. 65-00034X65-13146 (pending application)other delivery organizations 65-00084 Letha Irrig & H2O Co65-00054X Last Chance Ditch Co

Groundwater: 11 Rights, all other uses except 65-12217 to irrigate 28 acres
in SESW S. 20.

OK to allow 2 yrs. to develop.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Western Region
2735 AIRPORT WAY

Boise, Idaho 83705
(208) 334-2190

MAY 9, 1990

Messenger-Index
P.O. Box 577
Emmett, ID 83617

Dear Legal Dept.:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. 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. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before JUNE 4, 1990.

Yours truly,

GAIL GARRETT
Secretary

Encl.

MICROFILMED

JUL 26 1990

65-13205

BILBREY DITCH CO. LTD.
2551 TOMS CABIN RD.
EMMETT, ID 83617

Source: PAYETTE RIVER

Tributary: SNAKE RIVER

Diversion Pt: LOT 5 (NWSW) Sec 11 T 06N R 02W

Use: IRRIGATION (1.240 CFS)
Total Diversion: (1.240 CFS)

Date Filed: 4/ 5/ 1990

In: T06N R02W S08	SWNE	SENW	NESE
S09	NESW	SESW	
S10	SESW		
S16	NENE		

62.0 ACRES TOTAL

RECORDED

JUL 2 1990

CONVERSATION MEMORANDUM

DATE 4/27/90
FILE 65-13205NAME OF PARTY Gail Springs Sec/TreasEMPLOYEE Steve LesterRE: Overlapping acres

in T6N R2W S.8 SWNE, rights and area using
Payette River for irrigation:

65-00034X	15	acres	@	.021	cfs/ac	B. Hwy Ditch Co.
65-00084	2	"	"	.023	"	Letha Irving & H2O Co.
Appl. 65-13205	25	"	"	.02	"	B. Hwy Ditch Co.

Assume that 17 acres in decreed rights are unguaranteed
acres since are receiving > .02 cfs/ac & are listed
under separate companies.

If so, Appl. of for 25 more acres at .02 cfs/ac
results in 42 acres, 2 acres over the 40 in
tract.

Reduce appl. by 2 acres in SWNE & reduce flow
rate by .04 cfs.
She concurs.

MICROFILMED

JUL 20 1990

NOTE: SRBA claims for SWNE S.8 include

65-00034X	15	ac.	@	.022	cfs/ac	B. Hwy Ditch Co.
65-00034A	"	"	"	.023	"	"
65-00084	2	"	"	"	"	Letha Irving.

may be total of 15 acres. Original decree for 65-00034A
was 22 acres for use within lands of ditch company.
This may need to be resolved in SRBA review.

MAR 02, 1979

PROPOSED FINDING OF WATER RIGHTS - PAYETTE RIVER DRAINAGE

PAGE 263

INDICATES TOTAL

SOURCE: PAYETTE RIVER

RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	USE	USL PERIOD FROM TO	MAX AMOUNT MAX RATE	DIVERSION POINT	PLACE OF USE AND ACREAGE	BASIS FOR RIGHT
65-0403A	NOBLE DITCH COMPANY, LTD. C/O KENT GIST, FRUITLAND, IDAHO 83619 REMARKS: PLACE OF USE WITHIN LANDS OF NOBLE DITCH CO. SEE RIGHT 65-0403X.	6/ 1/1893	IRRIGATION	3/15 11/15	--- AFA 156.44 CFS	SWNW S 1 T 6N R 3E	*6380*	BENEFICIAL USE
65-0034X	BILDREY DITCH COMPANY, LTD. C/O MARILYN MAGKUSON, 5211 HIGHWAY 52, EMMETT, IDAHO 83617	2/ 5/1894	IRRIGATION	3/15 11/15	--- AFA 15.45 CFS	LOT 5 S11 T 6N R 2E	SFSW(6) SWSW(1) S 4 T 6N R 2W SWNE(15) SENE(3) SESW(33) NESE(32) NWSE(37) S 8 T 6N R 2W SWNW(21) SENW(28) NCSW(30) NWSE(30) SWSW(39) SWSW(2) NWSE(25) SWSW(2) SESE(35) LOT 2(33) LOT 3(39) LOT 5(23) S 9 T 6N R 2E SWSW(32) SESE(1) S10 T6N R 2E	BENEFICIAL USE
						NWNW(38) S15 T 6N R 2W NENE(8) NWNE(14) NENW(38) NWNW(38) S16 T 6N R2W NENE(38) NWNE(40) S17 T 6N R2W *721*		
65-0054B	LAST CHANCE DITCH COMPANY C/O W. L. CHARTERS, 1525 JORDAN LANE, EMMETT, IDAHO 83617 REMARKS: LANDS IRRIGATED BY LAST CHANCE DITCH COMPANY. SEE RIGHT 65-0054X.	4/ 1/1894	IRRIGATION	3/15 11/15	--- AFA 41.50 CFS	LOT 7 S22 T 7N R 1E	*1759*	BENEFICIAL USE
65-4009	BROWN, JOHN C. ROUTE 3, BOX 126, EMMETT, IDAHO 83617 REMARKS: THIS RIGHT WHEN COMBINED WITH RIGHT 65-1404 SHALL PROVIDE NO MORE THAN .02 CFS/ACRE.	4/ 1/1895	IRRIGATION	3/15 11/15	--- AFA 2.14 CFS	LOT 6 S33 T 7N R 1E	SLNW(25) LOT 6(4) LOT 7(40) LOT 8(36) S33 T 7N R 1E NESE(2) S32 T 7N R 1E *107*	BENEFICIAL USE

.021 cfs/acre

JUL 26 1990

MAR 02, 1979

PROPOSED FINDING OF WATER RIGHTS - PAYETTE RIVER DRAINAGE

PAGE 272

INDICATES TOTAL

SOURCE: PAYETTE RIVER

RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	USE	USE PERIOD FROM TO	MAX AMOUNT MAX RATE	DIVERSION POINT	PLACE OF USE AND ACREAGE	BASIS FOR RIGHT
65-2544	PIONEER CEMETERY ASSOCIATION C/O VIRGINIA HANSON, HORSESHOE BEND, IDAHO 83629	6/28/1950	IRRIGATION	4/ 1 11/ 1	--- AFA .05 CFS	LOT 2 S35 T 7N R 2E	LOT 21 31 S35 T 7N R 2E *3*	LICENSE
65-2532	DOUBLE DIAMOND RANCH C/O DON RUMSEY, HORSESHOE BEND, IDAHO 83629 REMARKS: THIS RIGHT WHEN COMBINED WITH RIGHTS 65-1317 & 65-11393 SHALL PROVIDE NO MORE THAN .02 CFS/ACRE.	9/14/1950	IRRIGATION	4/ 1 11/ 1	--- AFA 1.80 CFS	LOT 2 S26 T 7N R 2E	NWSE(19) SWSE(15) LOT 31(10) LOT 4(25) S26 T 7N R 2E LOT 1(14) S35 T 7N R 2E *83*	LICENSE
65-2541	MAC GREGOR LAND & LIVESTOCK COMPANY BOX 4124, BOISE, IDAHO 83705	10/24/1950	IRRIGATION	4/ 1 11/ 1	--- AFA 1.40 CFS	LOT 5 S19 T 7N R 1E	SWSE(2) LOT 5(8) LOT 4(17) S19 T 7N R 1E NWNE(5) NESE(1) LOT 1(5) S30 T 7N R 1E *72*	LICENSE
65-2546	MACGREGOR LAND & LIVESTOCK CO. 200 SUNRISE RIM, BOISE, IDAHO 83706	1/ 8/1951	IRRIGATION	3/15 11/15	--- AFA 1.30 CFS	SWNE S25 T 7N R 1W	SWNE(13) SESE(13) NESE(25) NWSE(19) S25 T 7N R 1W *67*	LICENSE
65-0034A	BILBREY DITCH COMPANY, LTD. C/O MARILYN MAGNUSON 5211 HIGHWAY 52 EMMETT, IDAHO 83617 REMARKS: PLACE OF USE WITHIN LANDS OF BILBREY DITCH COMPANY. SEE 65-0034X.	4/ 1/1951	IRRIGATION	3/15 11/15	--- AFA .51 CFS	LOT 5 S11 T 6N R 2W	*22*	LICENSE
65-2540	DOUBLE DIAMOND INC. C/O DON RUMSEY, HORSESHOE BEND, IDAHO 83629 REMARKS: THIS RIGHT WHEN COMBINED WITH RIGHTS 65-10746, 65-10747 & 65-3103 SHALL PROVIDE NO MORE THAN .02 CFS/ACRE.	4/26/1951	IRRIGATION	4/ 1 11/ 1	--- AFA 3.20 CFS	LOT 4 S23 T 7N R 2E	SESE(1) LOT 4(2) LOT 5(39) S23 T 7N R 2E NENE(13) NWNE(4C) SWNE(39) SESE(3) NWSE(14) LOT 1(23) LOT 2(22) LOT 3(9) S24 T 7N R 2E *205*	LICENSE
65-10543	ADAMS, FRED L. & ADAMS, EDITH ROUTE 1, HORSESHOE BEND, IDAHO 83629	6/ 1/1951	DOMESTIC	1/ 1 12/31	1.20 AFA .02 CFS	LOT 10 S 2 T 7N R 2E	LOT 10 S 2 T 7N R 2E	BENEFICIAL USE

MICROFILMED

JUL 26 1990

.023 cfs/ac

MAR 02, 1979

PROPOSED FINDING OF WATER RIGHTS - PAYETTE RIVER DRAINAGE

PAGE 259

INDICATES TOTAL

SOURCE: PAYETTE RIVER

RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	USE	USE PERIOD FROM TO	MAX AMOUNT MAX RATE	DIVERSION PCINT	PLACE OF USE AND ACREAGE	BASIS FOR RIGHT
65-0085	LETHA IRRIGATION & WATER COMPANY, INC. C/O NELDA PLATZ, ROUTE 2, NEW PLYMOUTH, IDAHO 83655 REMARKS: IRRIGATED BY O TURLEY (MAXFIELD) DITCH.	10/27/1884	IRRIGATION	3/15 11/15	--- AFA 9.80 CFS	SWNE S 8 T 6N R 2W	SESW(30) SWSE(13) SESE(12) LOT 9(8) LOT 10(28) S 6 T 6N R 2W NENE(32) NWNE(34) SWNE(39) SENW(34) SENE(22) NENW(38) LOT 1(39) LOT 2(19) S 7 T 6N R 2W NWNW(15) SWNW(17) S 8 T 6N R 2W SWNE(8) NESE(14) S 1 T 6N R 3W *402*	BENEFICIAL USE
65-0084	LETHA IRRIGATION & WATER COMPANY, INC. C/O NELDA PLATZ, ROUTE 2, NEW PLYMOUTH, IDAHO 83655 REMARKS: IRRIGATED BY KATY KESGARD DITCH.	8/21/1886	IRRIGATION	3/15 11/15	--- AFA 7.16 CFS	SWNW S 9 T 6N R 2W	SWSW(21) LOT 12(34) LOT 11(41) LOT 10(23) S 5 T 6N R 2W NWSE(34) SWSE(14) SESE(10) LOT 8(32) S 6 T 6N R 2W NENE(19) NWNE(30) SENE(20) NENW(24) NWNW(3) SWNE(2) S 8 T 6N R 2W *307*	BENEFICIAL USE
65-0054A	LAST CHANCE DITCH COMPANY C/O W. L. CHARTERS, 1525 JORDAN LANE, EMMETT, IDAHO 83617 REMARKS: PLACE OF USE WITHIN LANDS OF LAST CHANCE DITCH COMPANY. SEE RIGHT 65-0054X.	2/28/1888	IRRIGATION	3/15 11/15	--- AFA 50.56 CFS	LOT 7 522 T 7N R 1W	*2145*	BENEFICIAL USE

RECEIVED
JUL 20 1990

.023 cfs/acre