

Affidavit of Publication

STATE OF IDAHO,
COUNTY OF PAYETTE

SS.

Copy of Notice

(First Copy)

Notice for water permit
TITLE OF PUBLICATION
Biven's Livestock 65-7885
SPONSOR OR PLAINTIFF
Dept of Water Resources
PLAINTIFF OR LEGAL AGENT

I, Sharon L Swanson, being

duly sworn, deposes and says:

That she is the principal clerk of
THE INDEPENDENT-ENTERPRISE, a weekly newspaper published at
Payette, in the County of Payette and State of Idaho; that said paper
has been and is in general circulation in the county aforesaid, and in
the vicinity of Payette; that the advertisement, a copy of which is
attached hereto, was published in said newspaper once a week for
two (2) consecutive weeks in the regular and entire issue of said
paper during the period and time of publication, and was published
in the newspaper proper and not a supplement; that said paper has
been established and regularly published for more than seventy-eight
consecutive weeks prior to the date of first publication of said adver-
tisement.

Such notice was published in the issue beginning with
April 26, 19 77, and ending with the issue
of June 2, 19 77.

Subscribed and sworn to before me this 3 day
of June, 19 77.

Mary Jane Lee
Notary Public, Residing at Payette, Idaho.

My Commission Expires April 28, 19 80.

STATEMENT

Independent-Enterprise

PAYETTE, IDAHO

Number of Lines 48 sin li

Number of Insertions two (2)

48 Lines @ 21 . . . \$ 10.08

48 Lines @ 15 . . . \$ 7.20

TOTAL COST
WILL BE \$ 17.28

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that
BIVENS LIVESTOCK CO.
Star Route, Payette, ID has
on May 13, 1977 submitted
Application No. 65-7885 for
a permit to appropriate 30
cubic feet per second of
water from an unnamed
stream tributary of Payette
River by means of dam,
ditches within the SE $\frac{1}{4}$ SW $\frac{1}{4}$,
Sec 7 T7N-R3W B.M.,
Payette County, Point of
injection into Payette
River—NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec 7,
T7N-R3W; Point of
rediversion from Payette
River—Lot 3, Sec 7, T7N-
R3W. to be used from Mar 15
to Nov 15 for the irrigation of
2320 acres within the
N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$,
N $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$

S $\frac{1}{2}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$,
S $\frac{1}{2}$ SE $\frac{1}{4}$ Sec 6; All of Section
7: NW $\frac{1}{4}$, S $\frac{1}{2}$, Sec 8;
W $\frac{1}{2}$ NW $\frac{1}{4}$ W $\frac{1}{2}$ SW $\frac{1}{4}$, Sec 5;
T8N-R4W B.M. NE $\frac{1}{4}$ SW $\frac{1}{4}$,
S $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec 31; S $\frac{1}{2}$,
Sec 32; T9N-R4W B.M.

If issued, this permit will be
subject to all prior water
rights. Protests against the
granting of the permit must
be filed with the Director of
the Idaho Department of
Water Resources, 92 South
Cole Road, Boise, Idaho
83705 on or before June 13,
1977.

C. STEPHEN ALLRED

Director

Published in the
Independent Enterprise,
Payette, ID on May 26, 1977
and June 2, 1977.
No. 271 5-26-2tc

RECEIVED

Nº 271

Department of Water Resources
Boise, Idaho

MICROFILMED

13250552 LOWER PAYETTE CANAL
DISCHARGE, CUBIC FEET PER SECOND, IRRIGATION YEAR NOVEMBER 1994 TO OCTOBER 1995
MEAN VALUES

DAY	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT
1	---	---	---	---	---	0.0	197	294	350	267	267	264
2	---	---	---	---	---	0.0	197	294	350	267	279	264
3	---	---	---	---	---	0.0	197	294	331	259	290	264
4	---	---	---	---	---	0.0	263	294	331	250	301	264
5	---	---	---	---	---	0.0	263	312	331	250	290	264
6	---	---	---	---	---	0.0	285	294	331	250	290	264
7	---	---	---	---	---	0.0	285	294	324	285	290	264
8	---	---	---	---	---	0.0	259	294	324	285	290	264
9	---	---	---	---	---	0.0	259	299	324	285	290	264
10	---	---	---	---	---	0.0	190	299	324	272	290	264
11	---	---	---	---	---	0.0	190	299	324	267	290	264
12	---	---	---	---	---	0.0	190	299	324	267	290	264
13	---	---	---	---	---	0.0	190	299	296	267	290	264
14	---	---	---	---	---	0.0	190	299	296	267	267	264
15	---	---	---	---	---	0.0	190	299	296	283	267	264
16	---	---	---	---	---	0.0	190	299	164	267	267	264
17	---	---	---	---	---	0.0	190	299	250	267	267	264
18	---	---	---	---	---	0.0	263	299	250	267	267	264
19	---	---	---	---	---	0.0	263	299	267	267	267	264
20	---	---	---	---	---	0.0	263	299	217	267	267	264
21	---	---	---	---	---	0.0	263	281	217	267	281	132
22	---	---	---	---	---	160	263	281	217	267	281	0.0
23	---	---	---	---	---	132	290	281	276	267	281	0.0
24	---	---	---	---	---	132	290	305	276	290	281	0.0
25	---	---	---	---	---	132	290	305	186	290	281	0.0
26	---	---	---	---	---	197	290	341	252	290	267	0.0
27	---	---	---	---	---	197	294	341	252	290	267	0.0
28	---	---	---	---	---	197	294	350	252	290	267	0.0
29	---	---	---	---	---	197	294	350	252	290	267	0.0
30	---	---	---	---	---	197	294	350	252	281	267	0.0
31	---	---	---	---	---	---	294	---	281	281	---	0.0
TOTAL						1543	7664	9139	8720	8460	8354	5412
MEAN						51	247	305	281	273	278	175
MAX						197	294	350	350	290	301	264
MIN						0.0	190	281	164	250	267	0.0
AC-FT						3060	15202	18126	17296	16781	16569	10735

IRRIGATION YEAR 1995 TOTAL 49291 MEAN 135 AC-FT 97768

max = 350.

COPIES FILED
SEP 13 2000

D77

13250552 LOWER PAYETTE CANAL
DISCHARGE, CUBIC FEET PER SECOND, IRRIGATION YEAR NOVEMBER 1995 TO OCTOBER 1996
MEAN VALUES

DAY	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT
1	---	---	---	---	---	0.0	225	317	190	190	290	205
2	---	---	---	---	---	0.0	225	317	190	190	290	205
3	---	---	---	---	---	0.0	225	317	190	190	290	205
4	---	---	---	---	---	0.0	225	317	190	190	290	205
5	---	---	---	---	---	0.0	225	317	190	190	290	205
6	---	---	---	---	---	0.0	225	317	190	190	290	205
7	---	---	---	---	---	0.0	225	317	190	246	290	205
8	---	---	---	---	---	0.0	317	317	190	246	290	205
9	---	---	---	---	---	0.0	317	317	190	246	290	205
10	---	---	---	---	---	0.0	317	317	190	246	290	205
11	---	---	---	---	---	0.0	317	317	190	246	149	205
12	---	---	---	---	---	0.0	317	317	190	246	149	205
13	---	---	---	---	---	0.0	317	317	190	205	149	205
14	---	---	---	---	---	0.0	317	317	190	205	149	205
15	---	---	---	---	---	0.0	317	317	190	290	149	205
16	---	---	---	---	---	0.0	317	317	190	290	149	205
17	---	---	---	---	---	0.0	317	317	190	290	149	213
18	---	---	---	---	---	0.0	317	317	190	290	246	213
19	---	---	---	---	---	0.0	317	317	190	290	246	213
20	---	---	---	---	---	0.0	317	317	190	290	205	213
21	---	---	---	---	---	132	317	317	190	290	205	213
22	---	---	---	---	---	132	317	317	190	290	205	213
23	---	---	---	---	---	132	317	317	190	290	205	0.0
24	---	---	---	---	---	132	317	317	190	290	205	0.0
25	---	---	---	---	---	132	317	317	190	290	205	0.0
26	---	---	---	---	---	132	317	317	190	290	205	0.0
27	---	---	---	---	---	132	317	317	190	290	205	0.0
28	---	---	---	---	---	132	317	190	190	290	205	0.0
29	---	---	---	---	---	225	317	190	190	290	205	0.0
30	---	---	---	---	---	225	317	190	190	290	205	0.0
31	---	---	---	---	---	---	317	---	190	290	---	0.0
TOTAL						1509	9184	9128	5875	7944	6687	4558
MEAN						50	296	304	190	256	223	147
MAX						225	317	317	190	290	290	213
MIN						0.0	225	190	190	190	149	0.0
AC-FT						2992	18216	18104	11652	15757	13263	9041

IRRIGATION YEAR 1996

TOTAL

44883

MEAN

123

AC-FT

89025

MICROFILMED
SEP 13 2000

MAX = 317.

D78

13250552 LOWER PAYETTE CANAL
DISCHARGE, CUBIC FEET PER SECOND, IRRIGATION YEAR NOVEMBER 1996 TO OCTOBER 1997
MEAN VALUES

DAY	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT
1	0.0	0.0	0.0	0.0	0.0	---	267	225	225	267	246	230
2	0.0	0.0	0.0	0.0	0.0	0.0	267	225	225	267	246	230
3	0.0	0.0	0.0	0.0	0.0	0.0	267	225	225	267	225	228
4	0.0	0.0	0.0	0.0	0.0	0.0	267	225	225	267	163	232
5	0.0	0.0	0.0	0.0	0.0	0.0	267	225	205	267	205	230
6	0.0	0.0	0.0	0.0	0.0	0.0	267	225	205	246	212	229
7	0.0	0.0	0.0	0.0	0.0	167	267	225	205	246	176	230
8	0.0	0.0	0.0	0.0	0.0	167	267	225	205	225	169	234
9	0.0	0.0	0.0	0.0	0.0	267	267	225	205	225	177	240
10	0.0	0.0	0.0	0.0	0.0	267	267	225	205	225	171	263
11	0.0	0.0	0.0	0.0	0.0	267	267	225	205	225	198	268
12	0.0	0.0	0.0	0.0	0.0	267	267	225	205	225	233	255
13	0.0	0.0	0.0	0.0	0.0	267	267	225	205	225	234	263
14	0.0	0.0	0.0	0.0	0.0	267	267	267	205	225	235	268
15	0.0	0.0	0.0	0.0	0.0	267	267	267	205	225	234	264
16	0.0	0.0	0.0	0.0	0.0	267	267	267	186	225	235	254
17	0.0	0.0	0.0	0.0	0.0	267	205	267	225	186	235	271
18	0.0	0.0	0.0	0.0	0.0	267	205	267	225	225	234	263
19	0.0	0.0	0.0	0.0	0.0	267	205	267	205	225	230	147
20	0.0	0.0	0.0	0.0	0.0	267	205	267	205	205	216	0.0
21	0.0	0.0	0.0	0.0	0.0	267	205	267	205	205	199	0.0
22	0.0	0.0	0.0	0.0	0.0	267	205	267	205	205	199	0.0
23	0.0	0.0	0.0	0.0	0.0	267	205	267	205	205	199	0.0
24	0.0	0.0	0.0	0.0	0.0	267	205	267	205	205	199	0.0
25	0.0	0.0	0.0	0.0	0.0	267	205	267	205	225	216	0.0
26	0.0	0.0	0.0	0.0	0.0	267	205	267	205	225	216	0.0
27	0.0	0.0	0.0	0.0	0.0	267	205	267	267	246	216	0.0
28	0.0	0.0	0.0	0.0	0.0	267	205	225	267	246	216	0.0
29	0.0	0.0	0.0	---	0.0	267	205	225	267	246	216	0.0
30	0.0	0.0	0.0	---	0.0	267	205	225	267	246	216	0.0
31	---	0.0	0.0	---	0.0	---	225	---	267	246	230	0.0
TOTAL	0	0	0	0	0	6217	7373	7344	6831	7236	6397	4596
MEAN	0.0	0.0	0.0	0.0	0.0	214	238	245	220	233	213	148
MAX	0.0	0.0	0.0	0.0	0.0	267	267	267	267	267	246	271
MIN	0.0	0.0	0.0	0.0	0.0	0.0	205	225	186	186	163	0.0
AC-FT	0	0	0	0	0	12331	14625	14567	13549	14353	12689	9116

IRRIGATION YEAR 1997 TOTAL 45994 MEAN 126 AC-FT 91230

MICROFILMED
SEP 13 2000

MAX = 271

13250552 LOWER PAYETTE CANAL
DISCHARGE, CUBIC FEET PER SECOND, IRRIGATION YEAR NOVEMBER 1997 TO OCTOBER 1998
MEAN VALUES

DAY	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT
1	0.0	---	---	---	---	185	257	39	306	231	204	168
2	---	---	---	---	---	188	265	39	298	230	182	177
3	---	---	---	---	---	188	271	163	298	219	198	219
4	---	---	---	---	---	189	277	234	288	208	206	243
5	---	---	---	---	---	188	276	234	282	218	178	211
6	---	---	---	---	---	182	273	234	261	239	167	210
7	---	---	---	---	---	183	273	234	239	236	169	190
8	---	---	---	---	---	189	275	234	242	233	195	184
9	---	---	---	---	---	191	286	234	251	229	249	174
10	---	---	---	---	---	192	292	234	243	227	278	89
11	---	---	---	---	---	196	293	234	245	226	275	0.0
12	---	---	---	---	---	197	288	234	236	221	262	0.0
13	---	---	---	---	---	192	284	234	225	210	240	0.0
14	---	---	---	---	---	188	273	234	235	212	240	0.0
15	---	---	---	---	---	185	273	234	245	229	228	0.0
16	---	---	---	---	---	185	268	234	236	230	188	0.0
17	---	---	---	---	---	183	271	233	227	234	157	0.0
18	---	---	---	---	---	182	270	228	228	230	138	0.0
19	---	---	---	---	---	180	265	225	246	233	131	0.0
20	---	---	---	---	---	212	267	221	244	231	157	0.0
21	---	---	---	---	---	242	272	215	233	229	179	0.0
22	---	---	---	---	---	254	149	247	225	227	204	0.0
23	---	---	---	---	---	276	44	302	211	229	208	0.0
24	---	---	---	---	---	319	44	304	225	229	177	0.0
25	---	---	---	---	---	298	44	311	230	228	172	0.0
26	---	---	---	---	---	248	45	351	223	228	221	0.0
27	---	---	---	---	---	234	45	360	223	226	242	0.0
28	---	---	---	---	---	229	42	352	220	227	210	0.0
29	---	---	---	---	---	234	41	339	220	227	215	0.0
30	---	---	---	---	---	245	41	326	216	252	191	0.0
31	---	---	---	---	124	---	40	---	223	255	---	0.0
TOTAL	0				124	6352	6301	7301	7521	7080	6056	1864
MEAN	0.0				124	212	203	243	243	228	202	60
MAX	0.0				124	319	293	360	306	255	278	243
MIN	0.0				124	180	40	39	211	208	131	0.0
AC-FT	0				246	12599	12497	14481	14917	14044	12012	3697

IRRIGATION YEAR 1998 TOTAL 42598 MEAN 117 AC-FT 84493

max = 360

D114

SEP 13 2000

27-JAN-00

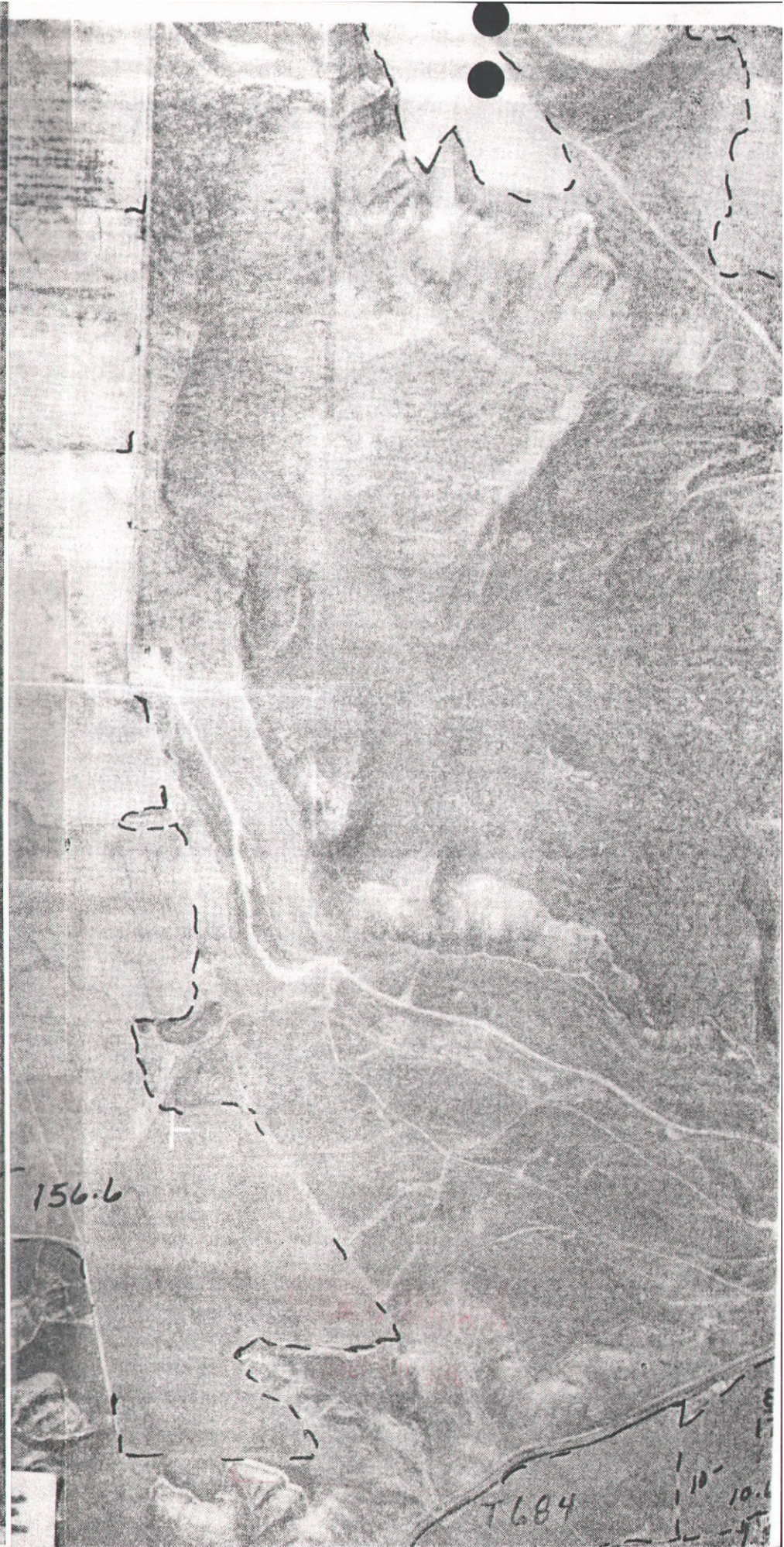
13250552 LOWER PAYETTE
DISCHARGE, CUBIC FEET PER SECOND, IRRIGATION YEAR NOVEMBER 1998 TO OCTOBER 1999
MEAN VALUES

DAY	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT
1	0.0	---	---	---	---	0.0	250	284	306	254	232	231
2	---	---	---	---	---	0.0	267	287	298	255	212	236
3	---	---	---	---	---	0.0	278	300	298	255	235	235
4	---	---	---	---	---	0.0	270	298	288	244	247	232
5	---	---	---	---	---	0.0	254	302	282	264	244	235
6	---	---	---	---	---	0.0	242	300	261	260	237	239
7	---	---	---	---	---	0.0	255	293	239	254	229	240
8	---	---	---	---	---	13	278	285	242	250	240	243
9	---	---	---	---	---	54	276	280	251	250	229	241
10	---	---	---	---	---	107	269	276	243	242	237	227
11	---	---	---	---	---	121	257	273	245	239	211	222
12	---	---	---	---	---	145	247	272	236	242	214	224
13	---	---	---	---	---	202	261	276	225	248	215	225
14	---	---	---	---	---	250	268	280	235	247	217	231
15	---	---	---	---	---	249	260	299	245	265	199	269
16	---	---	---	---	---	252	254	300	236	260	181	278
17	---	---	---	---	---	257	249	300	227	257	195	270
18	---	---	---	---	---	263	259	328	326	251	204	273
19	---	---	---	---	---	263	297	225	226	245	203	235
20	---	---	---	---	---	241	317	221	243	245	176	105
21	---	---	---	---	---	247	337	215	238	237	193	0.0
22	---	---	---	---	---	236	359	247	234	237	203	0.0
23	---	---	---	---	---	227	359	302	224	238	208	0.0
24	---	---	---	---	---	224	298	304	221	239	198	0.0
25	---	---	---	---	---	228	306	311	230	241	197	0.0
26	---	---	---	---	---	234	311	351	226	240	190	0.0
27	---	---	---	---	---	239	310	360	220	235	190	0.0
28	---	---	---	---	---	242	303	352	225	235	223	0.0
29	---	---	---	---	---	238	304	339	243	241	232	0.0
30	---	---	---	---	---	235	315	326	241	248	231	0.0
31	---	---	---	---	124	---	301	---	240	245	---	0.0
TOTAL	0				124	4764	8808	8686	7693	7662	6421	4690
MEAN	0.0				124	159	284	290	248	247	214	151
MAX	0.0				124	263	359	360	326	265	247	278
MIN	0.0				124	0.0	242	215	220	235	176	0.0
AC-FT	0				246	9450	17471	17229	15258	15197	12735	9302

IRRIGATION YEAR 1999 TOTAL 48847 MEAN 134 AC-FT 96887

MICROFILMED
SEP 13 2000

max = 360.



State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 65-07885

Priority: July 16, 1977

Maximum Diversion Rate: 12.54 CFS
Maximum Diversion Volume: 2850.0 AF

This is to certify, that LOWER PAYETTE DITCH CO

102 N MAIN

PAYETTE ID 83661

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated May 13, 1977; and has submitted Proof of Beneficial Use on January 26, 1988. An examination indicates that the works have a diversion capacity of 12.540 cfs of water from:

GRAVEYARD GULCH WASTEWAY

tributary to PAYETTE RIVER

source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/01 to 11/15	12.54 CFS	2850.0 AF

LOCATION OF POINT(S) OF DIVERSION:

	SESW , Sec. 7, Township 07N, Range 03W
	NWSE , Sec. 19, Township 07N, Range 03W
Injection	Lot 7 (NESW), Sec. 7, Township 07N, Range 03W
Rediversion	Lot 3 (SESENW), Sec. 7, Township 07N, Range 03W
	PAYETTE 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>
08N	04W	5	SWSW 40			40
		6	NESW 30	Lot 6 (NWSW) 1	Lot 7 (SWSW) 20	
			NWSE 29	SESE 38		118
		7	SENE 20	NENW 39	Lot 1 (NWNW) 43	
			Lot 2 (SWNW) 34	SENE 38	NESW 35	
			Lot 3 (NWSW) 16	NESE 23	NWSE 30	278
		8	NWNW 40	SWNW 40	SENE 11	
			NESW 11	NWSW 35	SWSW 10	
			SESW 35	SWSE 5		187
		17	NENW 10			10

Total number of acres irrigated: 633

CONDITIONS OF APPROVAL AND REMARKS

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 65.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.

State of Idaho
Department of Water Resources

Water Right License

WATER RIGHT NO. 65-07885

CONDITIONS OF APPROVAL AND REMARKS

3. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
4. Rights 65-07425 and 65-07885 when combined shall not exceed a total diversion rate of 12.54 cfs, a total annual maximum diversion volume of 2850.0 af at the field headgate, and the irrigation of 633 acres.
5. Rights 65-07882, 65-11413, 65-12279 and 65-07885 when combined shall not exceed a total diversion rate of 93.02 cfs.
6. Rights 65-07882, 65-11413, and 65-12279 are also diverted through the points of diversion described above.
7. Water diverted under this right is injected into the Payette River and is rediverted from Graveyard Gulch Wasteway within Gov. Lot 3 (SESENW), Sec. 07, T07N, R03W.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Signed and sealed this 24th day of AUGUST, 2000.


Acting for KARL J. DREHER, Director

APPROVED

DR

RECEIVED

AUG 17 2000

State of Idaho
Department of Water Resources

Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 65-07885

Date of Priority: July 16, 1977 Maximum Diversion Rate: 12.54 CFS
Maximum Diversion Volume: 2850.0 AF

Comes now LOWER PAYETTE DITCH CO
102 N MAIN
PAYETTE ID 83661 and represents to the Director of the

Idaho Department of Water Resources:

That he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 65-07885, and requests that the permit be changed as follows:

Source: GRAVEYARD GULCH WASTEWAY tributary to PAYETTE RIVER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/01 to 11/15	12.54 CFS	2850.0 AF

LOCATION OF POINT(S) OF DIVERSION: SESW , Sec. 7, Township 07N, Range 03W
NWSE , Sec. 19, Township 07N, Range 03W
Injection Lot 7 (NESW), Sec. 7, Township 07N, Range 03W
Rediversion Lot 3 (SESENW), Sec. 7, Township 07N, Range 03W
PAYETTE 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>
08N	04W	5	SWSW 40			40
		6	NESW 30	Lot 6 (NWSW) 1	Lot 7 (SWSW) 20	
			NWSE 29	SESE 38		118
		7	SENE 20	NENW 39	Lot 1 (NWNW) 43	
			Lot 2 (SWNW) 34	SENE 38	NESW 35	
			Lot 3 (NWSW) 16	NESE 23	NWSE 30	278
		8	NWNW 40	SWNW 40	SENE 11	
			NESW 11	NWSW 35	SWSW 10	
			SESW 35	SWSE 5		187
		17	NENW 10			10

Total number of acres irrigated: 633

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk.

Signed at Payette, this 15 day of August, 2000.

[Signature]
(Signature)

MOFC-111

111

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 65-07885

FOR DEPARTMENT USE ONLY

Preliminary check by JM Fee = 500. Received by JM # 0041713 Date 7/13/00

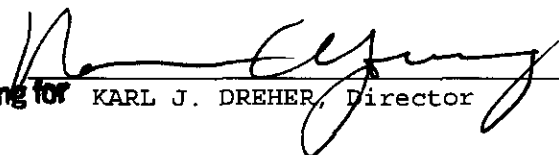
ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, Karl J. Dreher, of the Department of Water Resources hereby approve the
above Application for Amendment for Permit No. 65-07885 with the following;

CONDITIONS OF APPROVAL AND REMARKS

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 65.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
3. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
4. Rights 65-07425 and 65-07885 when combined shall not exceed a total diversion rate of 12.54 cfs, a total annual maximum diversion volume of 2850.0 af at the field headgate, and the irrigation of 633 acres.
5. Rights 65-07882, 65-11413, 65-12279 and 65-07885 when combined shall not exceed a total diversion rate of 93.02 cfs.
6. Rights 65-07882, 65-11413, and 65-12279 are also diverted through the points of diversion described above.
7. Water diverted under this right is injected into the Payette River and is rediverted from Graveyard Gulch Wasteway within Gov. Lot 3 (SESENW), Sec. 07, T07N, R03W.

Witness my hand this 24TH day of AUGUST, 2000.


Acting for KARL J. DREHER, Director

RECEIVED

RECEIVED

APR 7 - 2000

Department of Water Resources

State of Idaho
DEPARTMENT OF WATER RESOURCES

ASSIGNMENT OF PERMIT

To change the ownership of a permit

I, Connecticut General Life Insurance Company, hereby assign to Lower Payette Ditch Company
(Permit Holder)
 of 102 N. Main, Payette, ID 83661 (208) 642-9424
(Full Address and Phone Number)

All my right, title, and interest in and to Permit No. 65-07885
 to appropriate the public waters of the State of Idaho.

OR (for partial assignments)

The following described portion of my right, title, and interest in and to
 Permit No. _____ to appropriate the public waters of the State of Idaho.

Describe portion of the permit assigned listing the number of acres in each 40 acre subdivision,
 point of diversion location, and the amount of water in cubic feet per second.

Point of injection into Payette River is NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 7, T7N, R3WBM

30 CFS for irrigation purposes.

Made this 23rd day of March, 2000.

CONNECTICUT GENERAL LIFE INSURANCE COMPANY

BY: Alpha O. Nicholson, III Permit Holder(s)

State of ~~Idaho~~ Connecticut
 ss

County of Hartford

ALPHA O. NICHOLSON, III
 Vice President

On this 23rd day of March, 2000, personally appeared before me
 the signer of the above instrument, duly acknowledged to me that he/she/they executed the same.

SEAL

MARY E. HANLEY
 NOTARY PUBLIC
 MY COMMISSION EXPIRES DEC. 31, 1999

Notary Public

Signature

My commission expires _____

MARY E. HANLEY
 NOTARY PUBLIC
 MY COMMISSION EXPIRES DEC. 31, 1999 2004

NOTARY PUBLIC

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 65-7885 IN THE)	
NAME OF CONNECTICUT GENERAL LIFE INSURANCE CO.)	ORDER OF REINSTATEMENT

WHEREAS, the Department issued the above-captioned permit to Bivens Livestock Co. with the condition that complete proof of construction of works and application of water to beneficial use (proof of beneficial use) be submitted on or before December 1, 1982; and,

WHEREAS, on November 13, 1978, the permit holder assigned all right, title and interest in and to Permit No. 65-7885 to Connecticut General Life Insurance Co.; and,

WHEREAS, the Department granted a request for extension of time until December 1, 1987; and,

WHEREAS, the Department notified the permit holder by certified mail that proof was due and instructed the permit holder of the steps to be taken to submit the proof of beneficial use; and,

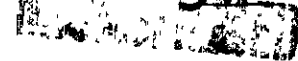
WHEREAS, the permit lapsed for failure of the permit holder to submit an acceptable proof of beneficial use; and,

WHEREAS, Section 42-218a of the Idaho Code provides that a permit may be reinstated upon a showing of reasonable cause; and,

WHEREAS, the permit holder has provided a reasonable showing why the permit should be reinstated by submitting proof of beneficial use on December 1, 1987;

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 65-7885 be REINSTATED and the priority advanced to July 16, 1977.

Dated this 31st day of March, 1988.



JUL 10 1988


L. GLEN SAXTON, Chief, Operations Bureau

FEB - 1988

For Office Use Only
Fee Received 453.00
Date 2-5-88
Receipt # 4531
Receipt by [Signature]
Reviewed by [Signature]
Sent to region [Signature]

STATE OF IDAHO

Department of Water Resources

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 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. 65-7885

Name(s) of Permit Holder: Connecticut General Life Insurance Company

Post Office Address: C/O Cigna Corporation, South Building S-305; 900 Cottage Grove Road

Bloomfield, CT 06002 Telephone No. (203) 726-3874

Source of water: Lower Payette Ditch Company

Extent of Use:

Domestic None (number of households) Stockwater None (number and type of stock)
Irrigation 891.90 (acres) Other/Remark _____

Total rate and/or volume for which proof is submitted 17.83 cfs 3,567.60 acre-feet

Show the date water was first diverted and beneficially used under this permit: 1978

Measuring Device: Required? ☒ Yes ☐ No Fee enclosed \$ 300.00
Installed? ☒ Yes ☐ No (See License Examination Fee Schedule)

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

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

Robert M. Tippet, Assistant Vice President, Cigna Investments (208) 377-0510
(Name) (Telephone Number)

8100 Emerald Street, Suite 130; Boise, ID 83704
(Address)

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.

Connecticut General Life Insurance Company
By Cigna Investment Inc.

January 22, 1988

Date

By

Signature of Permit Holder (and title, if appropriate)

Robert M. Tippet

Assistant Vice President

For Office Use Only	
Fee Received	_____
Date	_____
Receipt #	_____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

REQUEST FOR EXTENSION OF TIME
To provide additional time in which to submit
proof of beneficial use on a water right permit

61 1982

DEPARTMENT OF WATER RESOURCES

CONNECTICUT GENERAL LIFE INSURANCE CO. of 910 TOWER NORTH, 2710 STEMMONS FREEWAY
(Name) DALLAS, TEXAS (Address) 75207-2246

State of TEXAS, deposes and says:

That he is the holder, or the duly authorized agent of the holder*, of Permit to appropriate the Public Water of the State of Idaho No 65-7885

That under the terms and conditions of said permit, work thereunder was required to be completed on or before

DECEMBER 1, 19 82.

That he has heretofore performed the following work described under said permit. The water under
(This must be filled out! If no work has been completed put none)

Permit 65-7885 is supplemental to Permit 65-7425. Irrigation pumps and the pipeline have been installed to the sprinkler system for 900 acres. Water has been beneficially applied to some of these acres under Permit 65-7425 since 1974.

See CONV Memo. dtd 11/27/1982

Costing \$ 500,000.00

That he is unable to complete the remainder of the work within the required time for the following reasons, to-wit:
Economic considerations require the incremental completion of development.

Wherefore, he asks that the Department of Water Resources extend the time for the completion of obligations under said permit to DECEMBER 1, 19 87
(1 yr. minimum, 5 yrs. maximum)

NOTE
AS OF JULY 1, 1980
THERE IS A \$15.00
CHARGE FOR REQUESTS
FOR EXTENSION OF
TIME

CONNECTICUT GENERAL LIFE INSURANCE COMPANY

BY William Williams
(Signature)*

*IF OTHER THAN HOLDER, Power of Attorney must be supplied
William Williams, Investment Officer

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above application for extension of time be APPROVED and the time within which to submit the statement of beneficial use is extended to December 1, 1987.

Signed this 20th day of December, 19 82

L. Glen Saxton
Chief, Operations Bureau

Departing 11:10 AM 10/10/1956

CHECK ONE

☐ The following described portion of my right, title, and interest in and to Permit No. _____ to appropriate the public waters of the State of Idaho.

This Assignment is given as collateral security for the Mortgage from

assignor to assignee covering the lands described in the above mentioned
permit and other lands.

~~BIVENS LIVESTOCK CO~~

STATE OF IDAHO)
) ss.
County of)

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

Mary Davis
Notary Public for Idaho
Residing at Trinidad

Assigned to:
Connecticut General Life Ins.
910 Stemmons Tower North
Dallas, TX 75207
11/15/78

Identification No _____

Application No 65-7885

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT **APPROVED**

To Appropriate the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

1 Name of applicant BIVENS LIVESTOCK CO. Phone 642-9036
post office address Star Route, Payette, ID 83661

2 Source of water supply unnamed stream which is a tributary of Payette River

3 a Location of point of diversion is SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 7 Township 7N
Range 3W B M Payette County; additional points of diversion if any _____

b If water is not consumed, it will be discharged into _____ at a point in _____ $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B M _____

4 Water will be used for the following purposes:

Amount 30 for irrigation purpose from 3-15 to 11-15 (both dates inclusive)
(cfs or acre feet per annum)

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

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

5. Total quantity to be appropriated

a 30 cubic feet per second and/or

b _____ acre feet per annum

6 Proposed diverting works

a Description of ditches, flumes, pumps, headgates, etc _____
dam, ditches

b Height of storage dam _____ feet, active reservoir capacity _____ acre feet, total reservoir
capacity _____ acre feet, materials used in storage dam _____

Period of year during which storage will occur _____ to _____ inclusive
(Mo Day) (Mo Day)

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

7 a Time required for the completion of the works and application of the water to the proposed beneficial use
is 5 years

b Estimated construction cost is \$ 3,000

8 Description of proposed uses

a If water is **not** for irrigation

(1) Give the place of use of water _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____
Range _____ B M _____

(2) Amount of power to be generated _____ hp under _____ feet of head

(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be
supplied with domestic water _____

(5) If water is to be used for other purposes describe _____

MICROFILMED

b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below

TWP	RANGE	SEC	NE 1/4				NW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
8N	4W	6	40	40		40	40	40	40		40		40		440
		7	40	40	40	40	40	40	40	40	40	40	40	40	640
		8					40	40	40	40	40	40	40	40	480
9N	4W	31							40	40	40	40	40	40	280
		32							40	40	40	40	40	40	320
8N	4W	5					40	40		40					160

Total number of acres to be irrigated 2320

65-7425

c. Describe any other water rights used for the same purposes as described above

Reed Henderson

b. Who owns the land to be irrigated or place of use Bivens Livestock Co.

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the

applicant to make this filing

10 Remarks This water is supplemental to 65-7425.

Point of injection into Payette River is NE 1/4 SW 1/4 Sec 7 T 7N-R3W B.M.
Point of re-diversion in Government Lot 3 Sec 7 T 7N-R3W

[illegible]

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public water of the State of Idaho as herein set forth.

BWENS LIVESTOCK CO.
(Applicant) by J. M. Bwens, Sec.

Proposed Priority 5/13/77

Received by WMM Date 5-13-77 Time 11:10 am

Preliminary check by WMM Fee \$ 265

Received by WMM Date 5-13-77 Rec # 7744

Publication prepared by WMM Date May 19, 1977

Published in Independent Worker

Publication dates May 26, 1977 + June 2, 1977

Publication approved WMM Date 6-20-77

Priority reduced to Reason

Protests filed by _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval/denial by WMM

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. 65-7885, and said application is hereby APPROVED.

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 December 1, 19 82.

c Other Measuring devices of a type approved by this Department shall be

permanently installed and maintained at the point of diversion and at

the point of redirection.

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.

Witness my hand this 27 day of December 19 77.

[Signature]
Deputy Director

Affidavit of Publication

STATE OF IDAHO,
COUNTY OF PAYETTE

SS

Copy of Notice

(First Copy)

Water Use Permit
TITLE OF PUBLICATION
Bivens Livestock Co. 6-5-7855
SPONSOR OR PLAINTIFF
Chief of State Resources
PLAINTIFF OR LEGAL AGENT

O. Sharon L. Swanson, being
duly sworn, deposes and says
That she is the principal clerk of
THE INDEPENDENT-ENTERPRISE, a weekly newspaper published at
Payette, in the County of Payette and State of Idaho; that said paper
has been and is in general circulation in the county aforesaid, and in
the vicinity of Payette; that the advertisement, a copy of which is
attached hereto, was published in said newspaper once a week for
two (2) consecutive weeks in the regular and entire issue of said
paper during the period and time of publication, and was published
in the newspaper proper and not a supplement; that said paper has
been established and regularly published for more than seventy-eight
consecutive weeks prior to the date of first publication of said adver-
tisement

Such notice was published in the issue beginning with
April 26, 1977, and ending with the issue
of June 2, 1977

Subscribed and sworn to before me this 15 day
of June, 1977

Notary Public, Residing at Payette, Idaho

My Commission Expires June 28, 1978

STATEMENT

Independent-Enterprise

PAYETTE, IDAHO

Number of Lines 78 single
Number of Insertions two (2)
48 Lines @ 21 .. \$ 10.08
48 Lines @ 15 .. \$ 7.20
TOTAL COST
WILL BE \$ 17.28

BIVENS LIVESTOCK CO.
Star Route, Payette, ID has
on May 13, 1977 submitted
Application No. 65-7855 for
a permit to appropriate 30
cubic feet per second of
water from an unnamed
stream tributary of Payette
River by means of divert-
ditch within the T1N-R3W
Sec 7 T1N-R3W S1/4, S2/4,
Payette County, Idaho and
injection into Payette
River--NE 1/4, SW 1/4, Sec 7,
T1N-R3W. Point of
redirection from Payette
River--Lot 3, Sec 7, T1N-
R3W, to be used from Mar 15
to Nov 15 for the term stated

7: NW 1/4, Sec 8;
W1/2NW 1/4, Sec 5;
T1N-R3W S1/4, S2/4, S3/4,
S1/4NW 1/4, S2/4, Sec 31, S1/4,
Sec 32; T1N-R3W S1/4.

If issued, this permit will be
subject to all prior water
rights. Protests against the
granting of the permit must
be filed with the Director of
the Idaho Department of
Water Resources, 83 South
Cole Road, Boise, Idaho
83705 on or before June 13,
1977.

C. STEPHEN ALLRED

Director

Published in the
Independent Enterprise,
Payette, ID on May 26, 1977
and June 2, 1977.
No. 2

No 271



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

August 25, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

LOWER PAYETTE DITCH CO
102 N MAIN
PAYETTE ID 83661

RE: WATER RIGHT NO. 65-07885

Dear Water Right Holder(s):

The Department of Water Resources (the Department) has issued the enclosed license confirming that a water right has been established in accordance with the permit referenced above. The license is a preliminary order issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department unless a party petitions for reconsideration or files an exception and/or brief as described in the enclosed information sheet.

For your records I have also enclosed a copy of your Application for Amendment of Permit, which was approved.

Also, please note that water right owners are required to report any change of water right ownership and/or change of mailing address to the department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the department or visit the department's homepage on the Internet to obtain the proper reporting form.

If you have any questions, please call me at 208-327-7946.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Shelley Keen'.

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosure

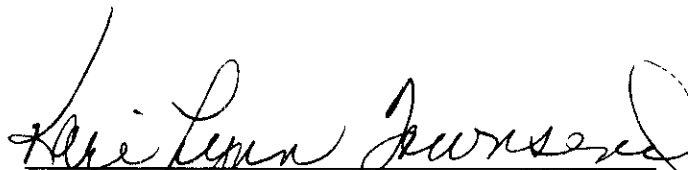
MICROFILMED

CERTIFICATE OF MAILING

I hereby certify that on the **25th** day of **August, 2000**, I mailed
a true and correct copy, postage prepaid, of the foregoing
PRELIMINARY ORDER (Approved License) to the person(s) listed below:

Water Right No. 65-07885

LOWER PAYETTE DITCH CO
102 N MAIN
PAYETTE ID 83661


Kari Lynn Townsend
Secretary

MICROFILMED

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when.

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

DIRK KEMPTHORNE
GOVERNOR

August 8, 2000

KARL J. DREHER
DIRECTOR

LOWER PAYETTE DITCH COMPANY
102 N MAIN
PAYETTE ID 83661

RE: License Amendment for Permit No. 65-07885

Gentlemen:

In another review of this water right, I was advised that I should have included the point of injection into the Payette River from Graveyard Gulch Wasteway on this amendment so that we can list that point on the license. I have, therefore, added it to the recommendations but need to have the enclosed licensing amendment signed. I have also added a remark to the license in regard to other rights diverted at the same point and a combined use condition limiting all the Graveyard Gulch water rights to the amount you historically divert from that source. Please review the corrected amendment form, sign and return it to this office at your earliest convenience if you agree with the changes.

If you have any questions in regard to this matter, please do not hesitate to contact me at (208)327-7944.

Sincerely,

A handwritten signature in black ink that reads 'Kay Walker'.

KAY WALKER
Sr. Water Resource Agent

MICROFILMED

AUG 13 2000

Walker, Kay

From: Howerton, Ron
Sent: Thursday, August 03, 2000 1 09 PM
To: Walker, Kay
Cc: Howerton, Ron
Subject: RE Lower Payette Ditch Company

Kay,

-----Original Message-----

From: Walker, Kay
Sent: Wednesday, July 26, 2000 9 03 AM
To: Howerton, Ron
Cc: Walker, Kay
Subject: Lower Payette Ditch Company

Good Morning Ron!! I am having trouble with the Lower Payette Ditch Company rights I am working on Rt 65-07885 for Graveyard Gulch and am wondering if you are going to include a point of injection for the rights you are recommending from this source Shelley wants me to add a point of injection to the one I'm trying to get done but I noticed that their other rights from this source only have the point of injection listed in the remarks - not with the point of injection flag. I want to be consistent with what you do in the SRBA so could you let me know how you are going to proceed?

I will add the point of injection Thanks for checking...

The numbers that you have that would be in the same situation are. 65-07882 and 65-11413 (which has been decreed according to Don Shaff so I changed the water right to show the stage as decree)

65-07882 is not decreed just licensed 12/20/90.

65-11413 had a stipulation on it and was left in a B/U stage, probably could be considered decreed, however, the latest version here seems to be that these type with stipulations on them should be just left in the B/U stage when we recommend them in the SRBA The stage here seems to be debatable issue and probably won't change the outcome anyway

Let me know when you have time Thanks!

Thanks Kay,

Ron

RECEIVED

State of Idaho
Department of Water Resources

JUL 13 2000

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 65-07885

Department of Water Resources

Date of Priority: July 16, 1977 Maximum Diversion Rate: 12.54 CFS
Maximum Diversion Volume: 2850.0 AF

Comes now LOWER PAYETTE DITCH CO
102 N MAIN
PAYETTE ID 83661

and represents to the Director of the

Idaho Department of Water Resources:

That he is the owner and holder of Permit to Appropriate the Public Waters of the
State of Idaho No. 65-07885, and requests that the permit be changed as follows:

Source: GRAVEYARD GULCH WASTEWAY tributary to PAYETTE RIVER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/01 to 11/15	12.54 CFS	2850.0 AF

LOCATION OF POINT(S) OF DIVERSION: SESW , Sec. 7, Township 07N, Range 03W
NWSE , Sec. 19, Township 07N, Range 03W
Rediversion Lot 3 (SESENW), Sec. 7, Township 07N, Range 03W
PAYETTE 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>
08N	04W	5	SWSW 40			40
		6	NESW 30	Lot 6 (NWSW) 1	Lot 7 (SWSW) 20	
			NWSE 29	SESE 38		118
		7	SENE 20	NENW 39	Lot 1 (NWNW) 43	
			Lot 2 (SWNW) 34	SENE 38	NESW 35	
			Lot 3 (NWSW) 16	NESE 23	NWSE 30	278
		8	NWNW 40	SWNW 40	SENE 11	
			NESW 11	NWSW 35	SWSW 10	
			SESW 35	SWSE 5		187
		17	NENW 10			10

Total number of acres irrigated: 633

*WID -
See Amendment
submitted 8/17/2000
LW*

MICROFILMED

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT

(For Licensing Purposes)

WATER RIGHT NO. 65-07885

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk.

Signed at Boise, Idaho, this 11 day of July, 2020.

[Signature]
(Signature)

MICROFILMED

SEP 11 2011

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 65-07885

FOR DEPARTMENT USE ONLY
Preliminary check by JM Fee = 50⁰⁰ Received by JM # 049793 Date 7/13/00
ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, Karl J. Dreher, of the Department of Water Resources hereby approve the
above Application for Amendment for Permit No. 65-07885 with the following;

CONDITIONS OF APPROVAL AND REMARKS

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 65.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
3. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
4. Rights 65-07425 and 65-07885 when combined shall not exceed a total diversion rate of 12.54 cfs, a total annual maximum diversion volume of 2850.0 af at the field headgate, and the irrigation of 633 acres.

Witness my hand this _____ day of _____, 20____.

KARL J. DREHER, Director

VOID

MICROFILMED

(WATER RIGHT NUMBERS THAT BEGIN WITH AN '*' ARE ADJUDICATION CLAIMS)
(QUARTER-QUARTERS WITH A '?' HAVE DIFFERENT ACREAGE AMOUNTS--CHECK THE DATA BASE RECORDS)

[illegible]

(WATER RIGHT NUMBERS THAT BEGIN WITH AN '*' ARE ADJUDICATION CLAIMS)
(QUARTER-QUARTERS WITH A 'Q' HAVE DIFFERENT ACREAGE AMOUNTS--CHECK THE DATA BASE RECORDS)

WR-NUMBER	SOURCE	NE				NW				SW				SE				SUM
		NE		NW		SW		SE		NE		NW		SW		SE		
		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
A6507425	PAYETTE RI :	40	40	40	40 :	40	40	40	40 :									320
L6507425	PAYETTE RI :				20 :	39	01-43	02-34	38 :	35	03-16				23	30		278
R6507425	PAYETTE RI :	40	40	40	40 :	40	40	40	40 :									320
A6507882	GRAVEYARD :	40	40	40	40 :	40	40	40	40 :	40	40	40	40 :	40	40	40	40 :	640
6507885	GRAVEYARD :	40	40	40	40 :	40	40	40	40 :	40	40	40	40 :	40	40	40	40 :	640
6511413	GRAVEYARD :	40	40	40	:				:			16	01 :					137
A6511413	GRAVEYARD :	40	40	40	:				:			16	01 :					137
L6507885	T08N R04W S 8 GRAVEYARD GULCH WASTEWAY				:	40	40	11 :	11	35	10	35 :			05			187
A6502240	LITTLE WIL :				:				:								03 :	3
6507425	PAYETTE RI :				:	40	40	40	40 :	40	40	40	40 :	40	40	40	40 :	480
A6507425	PAYETTE RI :				:	40	40	40	40 :	40	40	40	40 :					320
L6507425	PAYETTE RI :				:	40	40	11 :	11	35	10	35 :			05			187
R6507425	PAYETTE RI :				:	40	40	40	40 :	40	40	40	40 :					320
A6507882	GRAVEYARD :				:	40	40	40	40 :	40	40	40	40 :	40	40	40	40 :	480
6507885	GRAVEYARD :				:	40	40	40	40 :	40	40	40	40 :	40	40	40	40 :	480
L6507885	T08N R04W S17 GRAVEYARD GULCH WASTEWAY				:	10			:				:					10
A6500165A	PAYETTE RI :				:			16	13 :	39	38	28	02-09 :			01-03		146
R6500165A	PAYETTE RI :				:			16	13 :	39	38	28	02-09 :			01-03		146
A6500165B	PAYETTE RI :				:			16	13 :	39	38	28	02-09 :			01-03		146
R6500165B	PAYETTE RI :				:			16	13 :	39	38	28	02-09 :			01-03		146
A6500165C	PAYETTE RI :				:			16	13 :	39	38	28	02-09 :			01-03		146
R6500165C	PAYETTE RI :				:			16	13 :	39	38	28	02-09 :			01-03		146
6500165X	PAYETTE RI :				:			16	13 :	39	38	28	02-09 :			01-03		146
A6500165X	PAYETTE RI :				:			16	13 :	39	38	28	02-09 :			01-03		146
R6500165X	PAYETTE RI :				:			16	13 :	39	38	28	02-09 :			01-03		146
6502240	LITTLE WIL :	33	16	07	33 :				:				:					89
A6502240	LITTLE WIL :	38	17	12	34 :				:				:					101
R6502240	LITTLE WIL :	36	13	05	35 :				:				:					89
A6502927H	PAYETTE RI :				:			16	13 :	39	38	28	02-09 :			01-03		146
6503618	LITTLE WIL :				:				:				:			25	01-07	32
A6503618	LITTLE WIL :				:				:				:			25	01-07	32
R6503618	LITTLE WIL :				:				:				:			25	01-07	32
6505773	LITTLE WIL :			23	:				:				:					23
A6505773	LITTLE WIL :			28	:				:				:					28
R6505773	LITTLE WIL :			23	:				:				:					23
6505774	GROUNDWATE :			03	:				:	06			:					9
L6507425	PAYETTE RI :				:	10			:				:					10
6507461	PAYETTE RI :				:				:			05	:			01-06		11
A6507461	PAYETTE RI :				:				:			05	:			01-06		11
R6507461	PAYETTE RI :				:				:			05	:			01-06		11
A6507882	GRAVEYARD :				:			16	13 :	39	38	28	02-09 :			01-03		146

(WATER RIGHT NUMBERS THAT BEGIN WITH AN '*' ARE ADJUDICATION CLAIMS)
(QUARTER-QUARTERS WITH A '?' HAVE DIFFERENT ACREAGE AMOUNTS--CHECK THE DATA BASE RECORDS)

WR-NUMBER	SOURCE	NE								NW								SW								SE								SUM
		NE		NW		SW		SE		NE		NW		SW		SE		NE		NW		SW		SE										
		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac									
6511211	SLOUGH	:																								4								
A6511211	SLOUGH	:																								4								
R6511211	SLOUGH	:																								5								
6511413	GRAVEYARD	:																								146								
A6511413	GRAVEYARD	:																								146								
6513225	WASTE WATE	:																								1								

DATE: 07/21/00
PAGE: 1

NE												NW								SW								SE												
				NENE		NWNE		SWNE		SENE		:	NENW		NWNW		SWNW		SENW		:	NESW		NWSW		SWSW		SESW		:	NESE		NWSE		SWSE		SESE		:	
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM		
---	---	---	:	---	---	---	---	---	---	---	---	:	---	---	---	---	---	---	---	---	:	---	---	---	---	---	---	---	---	:	---	---	---	---	---	---	---	:	-----	
07N	03W	5	:									:									:								:								:	3.0		
07N	03W	6	:					12		02		:									:		30		08		27		36								:	115.0		
08N	04W	6	:									:									:						40				40						:	80.0		
08N	04W	7	:		40		40		40			:									:						16		01								:	137.0		
08N	04W	17	:									:				16		13			:	39		38		28		02-09				01-03				:	146.0			
08N	04W	18	:		20		38		40		38	:		36	01-37	02-39		19			:	24	03-38	04-34	05-27			34		38	06-20	07-36				:	518.0			
08N	04W	19	:		08							:		08-06							:																:	14.0		
08N	04W	20	:		07-07							:									:																:	7.0		
08N	04W	21	:									:			04-03						:																:	3.0		
08N	05W	2	:									:									:		06		28		39		36				37		16		:	162.0		
08N	05W	3	:		01-15		02-25		38		11	:		03-28	04-16		29		33	:		18	05-13	06-48				33		36		39		37			:	419.0		
08N	05W	4	:		03-12					02-15		:									:								01-06								:	33.0		
08N	05W	10	:		38		40		40		37	:		05-43		04-33				:		03-21						28		40	02-18	01-26				:	364.0			
08N	05W	11	:		36		37		34		38	:		39		38		37		37	:		38		34		39		38		35		37		36		36	:	589.0	
08N	05W	12	:						01			:		01		20		38		29	:		38		38		38		37		02		28		38		30	:	338.0	
08N	05W	13	:		39		38		39		40	:		15		37		40		32	:								40		39		37		40			:	436.0	
08N	05W	14	:		37		17		18		40	:									:																:	112.0		
08N	05W	24	:		01-27		02-16					:		03-10							:																:	53.0		
09N	04W	6	:									:				02					:																:	2.0		
09N	05W	1	:		31		34		26		01	:		03-32	04-31		01		37	:		39		26		28		37				24		26			:	373.0		
09N	05W	2	:		01-06							:									:												09		31		:	46.0		
09N	05W	11	:		34		28		36		37	:									:		27				27		36		38		36		36		:	335.0		
09N	05W	12	:		03		36		34		06	:		28		38		30		37	:		38		38		34		28			25		10			:	385.0		
09N	05W	13	:									:		32		31		40		18	:		04		39		39										:	203.0		
09N	05W	14	:		36		33		39		32	:		31		09		24		39	:		40		35		38		36		37		40		37		38	:	544.0	
09N	05W	15	:						02-11			:									:								03-34				04-17			:	62.0			
09N	05W	22	:		01-25			02-06		30		:									:		03-27			04-26		32		36		19		35		36	:	272.0		
09N	05W	23	:		30		39		39		40	:		37		39		39		36	:		37		38		35		37		40		36		38		40	:	600.0	
09N	05W	24	:									:			15		30			:				40		38											:	123.0		
09N	05W	25	:									:		40		39		36		35	:																:	150.0		
09N	05W	26	:			38		20				:		28		19					:					25											:	130.0		

WR0749NP
No. 65-11413

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 07/21/00
PAGE: 2

Place of use Legal Description for: IRRIGATION

09N 05W 27 :	36	33	35	35 :	31	32	30	32 :	37	25	25	30 :	26	28	35	24 :	494.0
09N 05W 28 :		01-10	02-25	26 :					03-27		04-30		30	28	25	25 :	226.0
09N 05W 33 :	20	20	20	10 :	05-19			04-07					15	02-10		01-10 :	131.0
09N 05W 34 :	27	29	34	20 :	29	25	25	20 :	25	25	25	30 :	30	25	33	27 :	429.0
09N 05W 35 :			19	36 :	20	20		38 :	39	10	10	39 :		35			266.0
10N 05W 3 :											13						13.0
10N 05W 4 :		02-36	20		03-34	04-02	37	35 :	36	35	34	36 :	19	38	38	38 :	438.0
10N 05W 9 :	38	38	36	37 :	24	37		15 :					36	05		12 :	278.0
10N 05W 10 :			06		24	40	10	38 :	37	35	18	38 :		30	38	17 :	331.0
10N 05W 14 :						06				01		01 :			25	04 :	37.0
10N 05W 15 :	36	39	20	39 :	37	22	01	19 :									213.0
10N 05W 23 :	32	37		15 :				06 :	03-01				35	34	02-36	01-36 :	232.0
10N 05W 24 :						05	23			36	39	30 :					133.0
10N 05W 25 :		07	25		39	37	35	34 :	40	35	31	37 :	02	37	36	08 :	403.0
10N 05W 26 :	03-84												02-11			01-09 :	104.0
10N 05W 35 :																04 :	4.0
10N 05W 36 :	06	37	37	25 :	38	27	30	34 :	36	33	39	36 :	24	37	38		477.0
11N 05W 33 :												24 :			21		45.0
TOTAL ACRES																	11008.0

Pou County: PAYETTE

Remarks: GEN PAYETTE RIVER: LOT 7 (NESW) S7, T07N, R03W.
PAYETTE RIVER: LOT 3 (SENE) S7, T07N, R03W.
BIG WILLOW CK: SESE, S26, T08N, R04W.
BIG WILLOW CK: SWNW, S21, T08N, R04W.
THIS RT. WHEN COMBINED WITH RT. 65-2367 SHALL NOT EXCEED
60 CFS.

Dates: App. Received: Priority Date: 05/07/1945
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: 65 Field Exam Fee:

14

10-1 October 1988
Idaho Dept of Water Resources

IN THE DISTRICT COURT OF
THE THIRD JUDICIAL DISTRICT

NO _____

FILED AT A.M.: _____ P.M.: _____

DATE 10-4-88

THELMA R. KOLODZIEJ, CLERK

BY hori Rambow, DEPUTY

PHILLIP J. RASSIER
JOSEPHINE P. BEEMAN
Deputy Attorneys General
Department of Water Resources
Statehouse
Boise, Idaho 83720
Telephone: (208) 334-7920

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

IN THE MATTER OF THE GENERAL	)	Civil No. 3667
DETERMINATION OF THE RIGHT TO	)	
THE USE OF SURFACE AND	)	PARTIAL DECREE PURSUANT
GROUNDWATER OF THE PAYETTE	)	TO RULE 54(b) I.R.C.P.
RIVER DRAINAGE BASIN	)	
_____	)	

The report of the director of the Idaho Department of Water Resources ("Director" herein) entitled PROPOSED FINDING OF WATER RIGHTS IN THE PAYETTE RIVER DRAINAGE BASIN ("PROPOSED FINDING") was filed with this court on April 26, 1979. On January 21, 1986 a partial decree was filed for all uncontested matters in the PROPOSED FINDING. The partial decree of January 1986 did not include any of the PROPOSED FINDING which was still involved in unresolved objections.

As a result of the resolution of objections pending in January 1986, certain amendments, additions and deletions have occurred to the undecreed portions of the PROPOSED FINDING.

Those changes are set forth in the following stipulations on file with the court:

STIPULATION REGARDING MOTION TO CORRECT CLERICAL ERROR
(ZIEGLER) - July 14, 1987

STIPULATION AND ORDER: PANCHERIS/LITTLES/A.L. CATTLE, INC. -
December 30, 1986

STIPULATION AND ORDER: PANCHERIS AND LESLIE - December 30,
1986

STIPULATION RESOLVING OBJECTIONS OF FARMERS COOPERATIVE
IRRIGATION CO. - February 4, 1987

STIPULATION RESOLVING OBJECTION AND LATE CLAIM OF CHARLES A.
AND LAVONA CULLIP - March 12, 1987

STIPULATION REGARDING AMENDED CLAIM 65-8451 OF WILLIAM
ROBERT DAVIS AND BONNIE MAE DAVIS - March 12, 1987

STIPULATION RESOLVING OBJECTION OF SULLIVANS- March 12, 1987

STIPULATION RESOLVING LATE OBJECTIONS OF MOSES CATTLE CO. -
April 7, 1987

STIPULATION RESOLVING OBJECTION OF LOWER PAYETTE DITCH CO. -
June 15, 1987

WITHDRAWAL OF OBJECTION OF THE CITY OF CASCADE, IDAHO -
September 30, 1988

This partial decree does not include any of the PROPOSED FINDING which is still involved in unresolved objections. A list of the undecreed portions of the PROPOSED FINDING is attached as Exhibit A.

IT IS HEREBY ORDERED, ADJUDGED and DECREED, that the water rights in the following list of stipulations are decreed as described in those stipulations:

STIPULATION REGARDING MOTION TO CORRECT CLERICAL ERROR
(ZIEGLER)

STIPULATION AND ORDER: PANCHERIS/LITTLES/A.L. CATTLE, INC.

STIPULATION AND ORDER: PANCHERIS AND LESLIE

STIPULATION RESOLVING OBJECTIONS OF FARMERS COOPERATIVE
IRRIGATION CO.

STIPULATION RESOLVING OBJECTION AND LATE CLAIM OF CHARLES A.
AND LAVONA CULLIP

STIPULATION REGARDING AMENDED CLAIM 65-8451 OF WILLIAM
ROBERT DAVIS AND BONNIE MAE DAVIS

STIPULATION RESOLVING OBJECTION OF SULLIVANS

STIPULATION RESOLVING LATE OBJECTIONS OF MOSES CATTLE CO.

STIPULATION RESOLVING OBJECTION OF LOWER PAYETTE DITCH CO.

WITHDRAWAL OF OBJECTION OF THE CITY OF CASCADE, IDAHO

DATED this 30 day of September, 1988.

JIM R. DOOLITTLE

JIM R. DOOLITTLE

Administrative Judge

RULE 54(b) CERTIFICATE

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

DATED this 30 day of September, 1988.

JIM R. DOOLITTLE

JIM R. DOOLITTLE

Administrative Judge

JUL 24 1996

PHILLIP J. RASSIER
JOSEPHINE P. BEEMAN
Deputy Attorneys General
Department of Water Resources
Statehouse
Boise, Idaho 83720
Telephone: (208) 334-7920

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

IN THE MATTER OF THE GENERAL	)	Civil No. 3667
DETERMINATION OF THE RIGHT TO	)	
THE USE OF SURFACE AND	)	AMENDED MOTION FOR ENTRY
GROUNDWATER OF THE PAYETTE	)	OF PARTIAL DECREE
RIVER DRAINAGE BASIN	)	PURSUANT TO RULE 54(b)
	)	

R. KEITH HIGGINSON, Director of the Idaho Department of Water Resources ("Director" herein), moves this court for entry of a final decree for contested portions of the Proposed Findings of Water Rights in the Payette River drainage basin ("Proposed Finding" herein) which have been resolved by stipulation.

This motion is based upon the following:

1. The Proposed Finding of the Director, filed with this court April 26, 1979;
2. The partial decree for the Payette River drainage basin filed January 21, 1986;

RECEIVED
JUL 24 1986

3. The order and partial decree (for Lake Fork Creek) filed April 7, 1986;

4. The following stipulations filed with this court since the entry of the January 1986 partial decree for uncontested matters:

STIPULATION REGARDING MOTION TO CORRECT CLERICAL ERROR (ZIEGLER) - July 14, 1987

STIPULATION AND ORDER: PANCHERIS/LITTLES/A.L. CATTLE, INC. - December 30, 1986

STIPULATION AND ORDER: PANCHERIS AND LESLIE - December 30, 1986

STIPULATION RESOLVING OBJECTIONS OF FARMERS COOPERATIVE IRRIGATION CO. - February 4, 1987

STIPULATION RESOLVING OBJECTION AND LATE CLAIM OF CHARLES A. AND LAVONA CULLIP - March 12, 1987

STIPULATION REGARDING AMENDED CLAIM 65-8451 OF WILLIAM ROBERT DAVIS AND BONNIE MAE DAVIS - March 12, 1987

STIPULATION RESOLVING OBJECTION OF SULLIVANS- March 12, 1987

STIPULATION RESOLVING LATE OBJECTIONS OF MOSES CATTLE CO. - April 7, 1987

STIPULATION RESOLVING OBJECTION OF LOWER PAYETTE DITCH CO. - June 15, 1987

WITHDRAWAL OF OBJECTION OF THE CITY OF CASCADE, IDAHO - September 30, 1988

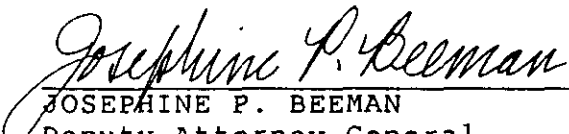
5. Rule 54(b) of the Idaho Rules of Civil Procedure which permits a judgment upon less than all claims or parties in actions involving multiple claims or parties where there is no just reason for delaying entry of the judgment as to less than all claims or parties.

A partial decree is sought because there is no just reason for delaying the entry of a final partial judgment as to the

stipulations resolving contested matters in the Proposed Finding. The entry of a decree for the water rights in those stipulations will affect the nature of the filing which these claimants or their successors will make in the Snake River Basin Adjudication. The Snake River Basin Adjudication was commenced by order of the district court in Twin Falls County on November 19, 1987. The Payette River drainage is included with that adjudication, and the entry of a decree for these stipulated matters will affect the nature of the claim filed for the affected water rights and the fee associated with those claims.

The Idaho Department of Water Resources desires to present oral argument on this motion.

DATED this 29th day of September, 1988.



JOSEPHINE P. BEEMAN
Deputy Attorney General
Department of Water Resources

23

RECEIVED

JUN 29 1987

Department of Water Resources

FILE

JUN 15 1987

Thelma R. Kolodziej L.
heri Rambour EF747

JIM JONES
Attorney General

PHILLIP J. RASSIER
JOSEPHINE P. BEEMAN
Deputy Attorneys General
Department of Water Resources
Statehouse
Boise, Idaho 83720
Telephone: (208) 334-4448

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

IN THE MATTER OF THE GENERAL	)	Civil No. 3667
DETERMINATION OF THE RIGHTS TO	)	
THE USE OF SURFACE AND GROUND	)	STIPULATION RESOLVING
WATER OF THE PAYETTE RIVER	)	OBJECTION OF LOWER PAYETTE
DRAINAGE.	)	DITCH COMPANY
	)	

A. Kenneth Dunn, Director of the Idaho Department of Water Resources (Director), the Lower Payette Ditch Company and Lake Reservoir Company stipulate to the inclusion in the Payette Adjudication of a water right (65-11413) not previously listed for the Lower Payette Ditch Company and the uncontested clerical correction of three other rights held by the Lower Payette Ditch Company (65-0165A, 65-0165B, 65-0165C) and one right held by Lake Reservoir Company (65-2376).

Those changes appear as follows:

1. 65-11413:

OWNER: Lower Payette Ditch Company
114 N. Eighth
Payette, Idaho 83661

JUL 24 1986

SOURCE: Graveyard Gulch Wasteway tributary to Main Drain,
District Number 1

POINT OF DIVERSION: SESW S7 T7N R3W

PLACE OF USE: Same as 65-0165X (11,088 acres)

PERIOD OF USE: 3/15 to 11/15

DIVERSION RATE: 60 cfs

PRIORITY DATE: 5/7/1945

OTHER RIGHTS: 65-0165X, 65-0165A, 65-0165B, 65-0165C, and
65-2376

BASIS OF RIGHT: Beneficial use

REMARKS: Pt. of injection into Payette River: Lot 7 (NESW),
S7, T7N, R3W

Pt. of redirection from Payette River: Lot 3
(SENW), S7, T7N, R3W

Pt. of injection into Big Willow Creek: SESE, S26,
T8N, R4W

Pt. of redirection from Big Willow Creek: SWNW,
S21, T8N, R4W

This right when combined with Right No. 65-2376
shall not exceed 60 cfs.

2. 65-2376:

Under remarks, the following language is to be added:
"Point of injection into Big Willow Creek: SESE, S26 T8N
R4W. Point of redirection is SWNW, S21 T8N R4W."

An additional point of diversion is listed as the NWSE S19
T7N R3W.

Source is changed from Graveyard Gulch Wasteway tributary
to Payette River to unnamed stream tributary to Payette
River and Main Drain, District Number One, tributary to
Payette River.

3. 65-0165A: The place of use for this right is the same as
65-0165X. However, although 65-0165X shows 11,088 acres for the

JUL 24 1945

place of use, 65-0165A erroneously listed 10,980 acres. That figure should be changed to 11,088 acres.

4. 65-0165B: Same as 65-0165A regarding change in the total irrigated acreage.

5. 65-0165C: Same as 65-0165A and B regarding listing of irrigated acreage as 11,088 rather than 10,980.

Water right numbers 65-0165A, 65-0165B, and 65-0165C were determined by the Partial Decree (decree) signed by this court December 20, 1985. The decree incorporated by reference the description of these water rights as set forth in the Proposed Finding of Water Rights in the Payette River Drainage Basin (report) filed by the Director April 26, 1979.

As explained above, the report incorrectly lists the total of irrigated acreage for water right numbers 65-0165A, 65-0165B, and 65-0165C. The report and the decree should be amended to show the correct total of irrigated acreage.

This stipulation resolves the objection of the Lower Payette Ditch Company which was allowed to be filed in the Payette Adjudication by order of the court in July 1985.

DATED this 21st day of April, 1987.

JUL 24 1996

JIM JONES
Attorney General

Josephine P. Beeman
JOSEPHINE P. BEEMAN
Deputy Attorney General
Idaho Department of
Water Resources

DATED this _____ day of _____, 1987.

LAKE RESERVOIR COMPANY

By: _____
LOUIE GORRONO
Counsel for Lake Reservoir
Company

DATED this _____ day of _____, 1987.

LOWER PAYETTE DITCH COMPANY

By: /s/ BERT L. OSBORN
BERT OSBORN
Counsel for Lower Payette
Ditch Company

The above stipulation having come before the court, it is
hereby approved this _____ day of _____, 1987.

JIM R. DOOLITTLE
District Judge

JUL 24 1987

SD-0605-2 Township: 07N Range: 03W Section: 7 Tract: SESW Lot: 28

S	L	R	STATE	O	S	Max #	Records	28		
E	O	D	Water	Name	W	T	Priority	Total		
L	Tract	T	V	Right No.	Last, First	N	G	Date	Source	Diversion
-	SESW		65-07882	LOWER PAYETTE	C	L	05/13/1977	GRAVEYARD G	30.00	
-	SESW		65-07885	LOWER PAYETTE	C	P	07/16/1977	GRAVEYARD G	30.00	
-				CONNECTICUT GE	O					
-	SESW		65-11413	LOWER PAYETTE	C	J	05/07/1945	GRAVEYARD G	60.00	
-	SESW		65-12279	LOWER PAYETTE	C	L	04/07/1980	GRAVEYARD G	3.02	
-	SESW		65-02376	LAKE RESERVOIR	C	D	04/02/1932	MAIN DRAIN	60.00	
-								UNNAMED STR		
-	SESW		L65-07885	LOWER PAYETTE	C	L	07/16/1977	GRAVEYARD G	12.54	
-				MENDIOLA, PAUL	O					
-				CONNECTICUT GE	O					

(Enter=Continue)

(GOLD 7=This Query)

(Menu _____)

65 11413
 65-07882
 65-12279
 Graveyard Duck. Pld = SESW, Sec 7, 7N, 3W
 Print of injection: NESW, S7, 7N, 3W
 (GL 7)
 (Lower Payette)

SD-0605-2	Township: 07N	Range: 03W	Section: 19	Tract: NWSE	Lot:	
S	L R	STATE	O S	Max # Records	13	
E	O D Water	Name	W T	Priority	Total	
L Tract	T V Right No.	Last, First	N G	Date	Source	
					Diversion	
NWSE	65-02376	LAKE RESERVOIR	C D	04/02/1932	MAIN DRAIN UNNAMED STR	60.00
NWSE	65-07882	LOWER PAYETTE	C L	05/13/1977	GRAVEYARD G	30.00
NWSE	65-12279	LOWER PAYETTE	C L	04/07/1980	GRAVEYARD G	3.02
NWSE	L65-07885	LOWER PAYETTE	C L	07/16/1977	GRAVEYARD G	12.54
		MENDIOLA, PAUL	O			
		CONNECTICUT GE	O			

(Enter=Continue)

(GOLD 7=This Query)

(Menu ____)

75

SD-0605-2 Township: 07N Range: 03W Section: 7 Tract: SESW Lot: Max # Records 42
S L R STATE O S
E O D Water Name W T Priority
L Tract T V Right No. Last, First N G Date Source Division

SESW A65-02376 LAKE RESERVOIR C D 04/02/1932 MAIN DRAIN, UNNAMED STR 60.00
SESW A65-07882 LOWER PAYETTE C P 05/13/1977 GRAVEYARD G 30.00
SESW A65-11413 LOWER PAYETTE C D 05/07/1945 GRAVEYARD G 60.00

(Enter=Continue)

(GOLD7=This Query)

(Menu)

SD-0605-2 Township: 07N Range: 03W Section: 19

act: NMSF

Lot: 15

Max # Records

Total

Diversion

S

L R

STATE

O S

W T

Priority

Source

Diversion

E

O D

Water

Name

Last, First

N G

Date

Source

Diversion

L Tract

T V

Right No.

LAKE RESERVOIR C D

04/02/1932

MAIN DRAIN,

UNNAMED STR

NMSF

A65-02376

60.00

(Enter=Continue)

(GOLD7=This Query)

(Menu)



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

July 14, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

LOWER PAYETTE DITCH CO
102 N MAIN
PAYETTE ID 83661

RE: WATER RIGHT NO. 65-07885

Dear Permit Holder(s):

I previously forwarded to you an Application for Amendment so that you could amend your permit to depict your water right as it has actually been developed.

As of this date, I have not received this amendment. If I do not receive the amendment within 14 days, a Water Right License will be issued for less than could have been allowed. In case the amendment form I sent you has been misplaced, a new one is enclosed. Please note that the filing fee for this amendment is \$50.00.

If you have any questions, please call me at (208) 327-7944.

Sincerely,

KAY WALKER
Sr. Water Resource Agent

KW:klt

Enclosure

MICROFILMED
SEP 13 2000



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

June 9, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

LOWER PAYETTE DITCH CO
102 N MAIN
PAYETTE ID 83661

RE: WATER RIGHT NO. 65-07885

Dear Permit Holder(s):

The Department of Water Resources is reviewing the permit referenced above prior to issuing a water right license. By issuing a license, the Department confirms that a water right has been established in compliance with the terms of the permit. The examiner who verified your water use reported that the point(s) of diversion and place(s) of use developed are in locations other than what was described on your permit. Therefore, before a license can be issued, your permit must be amended to depict your water right as it was actually developed.

The enclosed Application for Amendment form depicts the point(s) of diversion and place(s) of use and other information as they will appear on the license when it is issued. Please review the amendment form carefully. If you concur with the information presented, please sign the form and return it with the \$50.00 filing fee within 14 days.

Also, please note that some of the proposed conditions of approval and remarks may be modified upon further administrative review.

If you do not concur, or if you have any questions about this information, please contact me as soon as possible. My telephone number is (208) 327-7944.

Sincerely,

KAY WALKER
Sr. Water Resource Agent

KW:klt

Enclosure

MICROFILMED
SEP 13 2000

LICENSE REVIEW CHECKLIST

Permit No 65-07885

Date 6-7-2000

Reviewer Kay Walker

Change/OK

Name/Address

see assignment rec'd 4/7/2000

Source

Point of Diversion

ok
add

Does change clarify original intended source? If no, void permit

Change (P39/P49) Add (P45/P44) Feds (P43)

W32 (multiple in 1/4/1/4)

W36 (overlap)

W59 (subdivision description)

Place of Use

change

Change (P41/P49) Add (P41/P44) Feds (P43)

W60 (subdivision description)

W27 (ppu acre limit)

Overlaps: Right(s) 65-07885 - also in license
File reviewed ✓ Profile reports printed process

P/D & P/U amend (P37) Feds (P48)

Rate of Diversion

Permitted rate 30. cfs

Fee Limit 18.0 cfs

Measured 12.54 cfs

Theoretical 12.54 cfs

Recommended Total Diversion Rate 12.54

Water Uses

ok

Change (P46)

Irrigation 12.54 cfs 2850 af

Stockwater cfs af

Domestic cfs af

 cfs af

 cfs af

Total 12.54 cfs 2850 af

Irrigation - overlap (R58-R61, R62-R65, R66-R69)

supp. Gw (WB7/065/079)

overlap spec combined rts (W35)

>1 acre (W31)

Domestic (W01/wb5/070/071/075)

Power (W42 or W43/025/027/R22 or R23)

Fish (042)

Fire (077)

Water Quality (081/R07)

Payette - (W200/07/200)

new irrig
↓ season
3/1 - 1/15

Volume Determination

12.54 cfs x 1 9835 x 260 days = 6467.0 af (vs) 633 acres x 4.5 (FHR) = 2848.5 af ~ 2850.

Remarks

R65, R04, W35

Additional Conditions

YES Watermaster Control 65

no GW Measurement/Measuring Device

Other

Trust (052/R55 - remove 051)

Non-trust (048/049)

Water msmt. dist
ogw dist

Government Lots? YES - per examiner

Advance Priority? yes

no

If yes, explain why below

SRBA Claim?

NO - not req'd

Adjust memo

Amend Letters

P37 P87, S06

Second Amendment Notice

P44 S06

WR0749NP
No. L65-07885

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 06/07/00
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	LOWER PAYETTE DITCH CO 102 N MAIN PAYETTE ID 83661 (208) 642-9424	07/16/1977	IRRIGATION	03/01 11/15	12.540 CFS	2850.00 AFA
TOTAL DIVERSION:					12.540 CFS	2850.00 AFA

Water Source: GRAVEYARD GULCH WASTEWAY

Tributary to: PAYETTE RIVER

Stage: LICENSE

Point(s) of Diversion Capacity: 12.540 CFS

Point(s) of Diversion: T07N R03W S07 SESW
S19 NWSE
Point(s) of Re-diversion: T07N R03W S07 Lot 03(SESENW)

PAYETTE County
PAYETTE County
PAYETTE County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE									
T	R	S		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM	
08N	04W	5	:											40						40.0	
08N	04W	6	:							30	06-01	07-20				29		38		118.0	
08N	04W	7	:			20		39	01-43	02-34		38		35	03-16		23	30		278.0	
08N	04W	8	:						40	40		11		11	35	10	35		05		187.0
08N	04W	17	:					10												10.0	
																			TOTAL ACRES	633.0	

Pou County: PAYETTE

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):

65-00165A 65-00165B 65-00165C 65-00165X 65-02376 65-04982 65-07425 65-07428 65-07848 65-07882
65-07885 65-11212 65-11413 65-12279 65-12756 L65-07425

Other Water Rights Listing Overlapping Place(s) of use:

65-07425 65-07885 L65-07425

Conditions of Approval:

- R04 - Use of water under this water right will be regulated by the
- watermaster of State Water District No. 65. ✓
R65 - This right when combined with all other rights shall provide no
- more than 0.02 cfs per acre nor more than 4.5 afa per acre at the ✓
- field headgate for irrigation of the lands above.

Remarks: GEN Rights 65-07425 and 65-07885 when combined shall not exceed a
total diversion rate of 12.54 cfs, a total annual maximum
diversion volume of 2850.0 af at the field headgate, and
the irrigation of 633 acres.

Dates: App. Received: 05/13/1977 Priority Date: 07/16/1977 (Priority Date Advanced.)
Proof Due Date: 12/01/1987 Proof Made Date: 01/26/1988 (Proof Received Late.)
Exam Made Date: 11/30/1995 Exam Sent to S.O.: 04/23/1996
Licensed Date:

WR Number	CFS	SOURCE
65-00165A	63.32	Payette River
65-00165B	37.63	Payette River
65-00165C	59.23	Payette River
65-00165X	122.12	Payette River
65-07428	2.44	Payette River
65-07848	2.14	Payette River
65-12756	1.38	Payette River
L65-07425	12.54	Payette River

90
300 CFS

65-12279	3.02	Graveyard Gulch Wasteway
65-07882	30	Graveyard Gulch Wasteway
L65-07885	12.54	Graveyard Gulch Wasteway

45.56
CFS

> 93.02 cfs
measured in
1984

A 65-11413

Total 346.36

→ 105.56 - limit to 93.02

DITCH CAPACITY PER B65 DELIVERY RECORDS = 360 CFS

(1995 → 1999)

13250552 LOWER PAYETTE CANAL
DISCHARGE, CUBIC FEET PER SECOND, IRRIGATION YEAR NOVEMBER 1994 TO OCTOBER 1995
MEAN VALUES

DAY	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT
1	---	---	---	---	---	0.0	197	294	~~299~~	267	267	264
2	---	---	---	---	---	0.0	197	294	~~350~~	267	279	264
3	---	---	---	---	---	0.0	197	294	331	259	290	264
4	---	---	---	---	---	0.0	263	294	331	250	301	264
5	---	---	---	---	---	0.0	263	312	331	250	290	264
6	---	---	---	---	---	0.0	285	294	331	250	290	264
7	---	---	---	---	---	0.0	285	294	324	285	290	264
8	---	---	---	---	---	0.0	259	294	324	285	290	264
9	---	---	---	---	---	0.0	259	299	324	285	290	264
10	---	---	---	---	---	0.0	190	299	324	272	290	264
11	---	---	---	---	---	0.0	190	299	324	267	290	264
12	---	---	---	---	---	0.0	190	299	324	267	290	264
13	---	---	---	---	---	0.0	190	299	296	267	267	264
14	---	---	---	---	---	0.0	190	299	296	267	267	264
15	---	---	---	---	---	0.0	190	299	296	283	267	264
16	---	---	---	---	---	0.0	190	299	164	267	267	264
17	---	---	---	---	---	0.0	190	299	250	267	267	264
18	---	---	---	---	---	0.0	263	299	267	267	267	264
19	---	---	---	---	---	0.0	263	299	267	267	267	264
20	---	---	---	---	---	0.0	263	299	217	267	267	264
21	---	---	---	---	---	0.0	263	281	217	267	281	132
22	---	---	---	---	---	160	263	281	217	267	281	0.0
23	---	---	---	---	---	132	290	281	276	267	281	0.0
24	---	---	---	---	---	132	290	305	276	290	281	0.0
25	---	---	---	---	---	132	290	305	186	290	281	0.0
26	---	---	---	---	---	197	290	341	252	290	267	0.0
27	---	---	---	---	---	197	294	341	252	290	267	0.0
28	---	---	---	---	---	197	294	350	252	290	267	0.0
29	---	---	---	---	---	197	294	350	252	290	267	0.0
30	---	---	---	---	---	197	294	350	252	281	267	0.0
31	---	---	---	---	---	---	294	---	281	281	---	0.0
TOTAL						1543	7664	9139	8720	8460	8354	5412
MEAN						51	247	305	281	273	278	175
MAX						197	294	300	300	290	301	264
MIN						0.0	190	281	164	250	267	0.0
AC-FT						3060	15202	18126	17296	16781	16569	10735
IRRIGATION YEAR 1995												
TOTAL							49291					
MEAN							135					
AC-FT							97768					

max = 300

D77

OFFICEL

13250552 LOWER PAYETTE CANAL
DISCHARGE, CUBIC FEET PER SECOND, IRRIGATION YEAR 1995 TO OCTOBER 1996 -
MEAN VALUES

DAY	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT
1	---	---	---	---	---	0.0	225	347	190	190	290	205
2	---	---	---	---	---	0.0	225	317	190	190	290	205
3	---	---	---	---	---	0.0	225	347	190	190	290	205
4	---	---	---	---	---	0.0	225	347	190	190	290	205
5	---	---	---	---	---	0.0	225	347	190	190	290	205
6	---	---	---	---	---	0.0	225	347	190	190	290	205
7	---	---	---	---	---	0.0	225	347	190	246	290	205
8	---	---	---	---	---	0.0	347	347	190	246	290	205
9	---	---	---	---	---	0.0	347	347	190	246	290	205
10	---	---	---	---	---	0.0	347	317	190	246	290	205
11	---	---	---	---	---	0.0	347	347	190	246	149	205
12	---	---	---	---	---	0.0	347	347	190	246	149	205
13	---	---	---	---	---	0.0	347	347	190	205	149	205
14	---	---	---	---	---	0.0	347	347	190	205	149	205
15	---	---	---	---	---	0.0	347	347	190	290	149	205
16	---	---	---	---	---	0.0	347	347	190	290	149	205
17	---	---	---	---	---	0.0	347	347	190	290	149	213
18	---	---	---	---	---	0.0	347	347	190	290	246	213
19	---	---	---	---	---	0.0	347	317	190	290	246	213
20	---	---	---	---	---	0.0	347	347	190	290	205	213
21	---	---	---	---	---	132	317	317	190	290	205	213
22	---	---	---	---	---	132	317	317	190	290	205	213
23	---	---	---	---	---	132	317	317	190	290	205	0.0
24	---	---	---	---	---	132	317	317	190	290	205	0.0
25	---	---	---	---	---	132	317	317	190	290	205	0.0
26	---	---	---	---	---	132	317	347	190	290	205	0.0
27	---	---	---	---	---	132	317	347	190	290	205	0.0
28	---	---	---	---	---	132	317	190	190	290	205	0.0
29	---	---	---	---	---	225	317	190	190	290	205	0.0
30	---	---	---	---	---	225	317	190	190	290	205	0.0
31	---	---	---	---	---	---	317	---	190	290	---	0.0
TOTAL						1509	9184	9128	5875	7944	6687	4558
MEAN						50	296	304	190	256	223	147
MAX						225	347	347	347	290	290	213
MIN						0.0	225	190	190	190	149	0.0
AC-FT						2992	18216	18104	11652	15757	13263	9041
IRRIGATION YEAR 1996												
TOTAL				44883								
MEAN						123						
AC-FT							89025					

MICROFILMED

D78

13250552 LOWER PAYETTE CANAL
DISCHARGE, CUBIC FEET PER SECOND, IRRIGATION YEAR 1996 TO OCTOBER 1997
MEAN VALUES

DAY	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT
1	0.0	0.0	0.0	0.0	0.0	---	267	225	225	267	246	230
2	0.0	0.0	0.0	0.0	0.0	0.0	267	225	225	267	246	230
3	0.0	0.0	0.0	0.0	0.0	0.0	267	225	225	267	246	230
4	0.0	0.0	0.0	0.0	0.0	0.0	267	225	225	267	246	230
5	0.0	0.0	0.0	0.0	0.0	0.0	267	225	205	267	205	230
6	0.0	0.0	0.0	0.0	0.0	0.0	267	225	205	246	212	229
7	0.0	0.0	0.0	0.0	0.0	167	267	225	205	246	176	230
8	0.0	0.0	0.0	0.0	0.0	167	267	225	205	225	169	234
9	0.0	0.0	0.0	0.0	0.0	267	267	225	205	225	177	240
10	0.0	0.0	0.0	0.0	0.0	267	267	225	205	225	171	263
11	0.0	0.0	0.0	0.0	0.0	267	267	225	205	225	198	268
12	0.0	0.0	0.0	0.0	0.0	267	267	225	205	225	233	255
13	0.0	0.0	0.0	0.0	0.0	267	267	225	205	225	234	263
14	0.0	0.0	0.0	0.0	0.0	267	267	225	205	225	235	268
15	0.0	0.0	0.0	0.0	0.0	267	267	225	205	225	234	264
16	0.0	0.0	0.0	0.0	0.0	267	267	225	186	225	235	254
17	0.0	0.0	0.0	0.0	0.0	267	267	225	225	186	235	254
18	0.0	0.0	0.0	0.0	0.0	267	267	225	225	225	234	263
19	0.0	0.0	0.0	0.0	0.0	267	267	225	205	225	230	147
20	0.0	0.0	0.0	0.0	0.0	267	267	225	205	205	216	0.0
21	0.0	0.0	0.0	0.0	0.0	267	267	225	205	205	199	0.0
22	0.0	0.0	0.0	0.0	0.0	267	267	225	205	205	199	0.0
23	0.0	0.0	0.0	0.0	0.0	267	267	225	205	205	199	0.0
24	0.0	0.0	0.0	0.0	0.0	267	267	225	205	225	216	0.0
25	0.0	0.0	0.0	0.0	0.0	267	267	225	205	225	216	0.0
26	0.0	0.0	0.0	0.0	0.0	267	267	225	205	246	216	0.0
27	0.0	0.0	0.0	0.0	0.0	267	267	225	205	246	216	0.0
28	0.0	0.0	0.0	0.0	0.0	267	267	225	205	246	216	0.0
29	0.0	0.0	0.0	0.0	0.0	267	267	225	205	246	216	0.0
30	0.0	0.0	0.0	0.0	0.0	267	267	225	205	246	230	0.0
31	0.0	0.0	0.0	0.0	0.0	---	225	---	267	246	---	0.0
TOTAL	0	0	0	0	0	6217	7373	7344	6831	7236	6397	4596
MEAN	0.0	0.0	0.0	0.0	0.0	214	238	245	220	233	213	148
MAX	0.0	0.0	0.0	0.0	0.0	267	267	267	267	267	266	271
MIN	0.0	0.0	0.0	0.0	0.0	0.0	205	225	186	186	163	0.0
AC-FT	0	0	0	0	0	12331	14625	14567	13549	14353	12689	9116
IRRIGATION YEAR 1997 -	TOTAL	45094	MEAN	126	AC-FT	91230						

MICROFILMED

D114

11/14/97

13250552 LOWER PAYETTE CANAL
DISCHARGE, CUBIC FEET PER SECOND, IRRIGATION YEAR 1997 TO OCTOBER 1998
MEAN VALUES

DAY	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT
1	0.0	---	---	---	---	185	257	39	306	231	204	168
2	---	---	---	---	---	188	265	39	298	230	182	177
3	---	---	---	---	---	188	271	163	298	219	198	219
4	---	---	---	---	---	189	277	234	288	208	206	243
5	---	---	---	---	---	188	276	234	282	218	178	211
6	---	---	---	---	---	182	273	234	261	239	167	210
7	---	---	---	---	---	183	273	234	239	236	169	190
8	---	---	---	---	---	189	275	234	242	233	195	184
9	---	---	---	---	---	191	286	234	251	229	249	174
10	---	---	---	---	---	192	292	234	243	227	278	89
11	---	---	---	---	---	196	293	234	245	226	275	0.0
12	---	---	---	---	---	197	288	234	236	221	262	0.0
13	---	---	---	---	---	192	284	234	225	210	240	0.0
14	---	---	---	---	---	188	273	234	235	212	240	0.0
15	---	---	---	---	---	185	273	234	245	229	228	0.0
16	---	---	---	---	---	185	268	234	236	230	188	0.0
17	---	---	---	---	---	183	271	233	227	234	157	0.0
18	---	---	---	---	---	182	270	228	228	230	138	0.0
19	---	---	---	---	---	180	265	225	246	233	131	0.0
20	---	---	---	---	---	212	267	221	244	231	157	0.0
21	---	---	---	---	---	242	272	215	233	229	179	0.0
22	---	---	---	---	---	254	149	247	225	227	204	0.0
23	---	---	---	---	---	276	44	302	211	229	208	0.0
24	---	---	---	---	---	349	44	304	225	229	177	0.0
25	---	---	---	---	---	298	44	311	230	228	172	0.0
26	---	---	---	---	---	248	45	351	223	228	221	0.0
27	---	---	---	---	---	234	45	360	223	226	242	0.0
28	---	---	---	---	---	229	42	352	220	227	210	0.0
29	---	---	---	---	---	234	41	339	220	227	215	0.0
30	---	---	---	---	---	245	41	326	216	252	191	0.0
31	---	---	---	---	---	---	40	---	223	255	---	0.0
TOTAL	0	---	---	---	---	6352	6301	7301	7521	7080	6056	1864
MEAN	0.0	---	---	---	---	212	203	243	243	228	202	60
MAX	0.0	---	---	---	---	319	293	306	306	255	278	243
MIN	0.0	---	---	---	---	180	40	39	211	208	131	0.0
AC-FT	0	---	---	---	---	12599	12497	14481	14917	14044	12012	3697
IRRIGATION YEAR 1998	TOTAL	42598	MEAN	117	AC-FT	84493						

D114

13250552 LOWER PAYETTE
DISCHARGE, CUBIC FEET PER SECOND, IRRIGATION YEAR ~~NOVEMBER~~ 1998 TO OCTOBER 1999 -
MEAN VALUES

DAY	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT
1	0.0	---	---	---	---	0.0	250	284	306	254	232	231
2	---	---	---	---	---	0.0	267	287	298	255	212	236
3	---	---	---	---	---	0.0	278	300	298	255	235	235
4	---	---	---	---	---	0.0	270	298	288	244	247	232
5	---	---	---	---	---	0.0	254	302	282	264	244	235
6	---	---	---	---	---	0.0	242	300	261	260	237	239
7	---	---	---	---	---	0.0	255	293	239	254	229	240
8	---	---	---	---	---	13	278	285	242	250	240	243
9	---	---	---	---	---	54	276	280	251	250	229	241
10	---	---	---	---	---	107	269	276	243	242	237	227
11	---	---	---	---	---	121	257	273	245	239	211	222
12	---	---	---	---	---	145	247	272	236	242	214	224
13	---	---	---	---	---	202	261	276	225	248	215	225
14	---	---	---	---	---	250	268	280	235	247	217	231
15	---	---	---	---	---	249	260	299	245	265	199	269
16	---	---	---	---	---	252	254	300	236	260	181	278
17	---	---	---	---	---	257	249	300	227	257	195	270
18	---	---	---	---	---	263	259	228	326	251	204	273
19	---	---	---	---	---	263	297	225	226	245	203	235
20	---	---	---	---	---	241	317	221	243	245	176	105
21	---	---	---	---	---	247	337	215	238	237	193	0.0
22	---	---	---	---	---	236	359	247	234	237	203	0.0
23	---	---	---	---	---	227	359	302	224	238	208	0.0
24	---	---	---	---	---	224	298	304	221	239	198	0.0
25	---	---	---	---	---	228	306	311	230	241	197	0.0
26	---	---	---	---	---	234	311	351	226	240	190	0.0
27	---	---	---	---	---	239	310	~~300~~ 352	220	235	190	0.0
28	---	---	---	---	---	242	303	352	225	235	223	0.0
29	---	---	---	---	---	238	304	339	243	241	232	0.0
30	---	---	---	---	---	235	315	326	241	248	231	0.0
31	---	---	---	---	124	---	301	---	240	245	---	0.0
TOTAL	0	---	---	---	124	4764	8808	8686	7693	7662	6421	4690
MEAN	0.0	---	---	---	124	159	284	290	248	247	214	151
MAX	0.0	---	---	---	124	263	359	~~300~~ 352	326	265	247	278
MIN	0.0	---	---	---	124	0.0	242	215	220	235	176	0.0
AC-FT	0	---	---	---	246	9450	17471	17229	15258	15197	12735	9302
IRRIGATION YEAR 1999	TOTAL	48847	MEAN	134	AC-FT	96887						

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

APR 24 1996

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 65-07885

1. Owner: Connecticut General Life Ins Co Phone No. 203-726-3874

Current Address: c/o Garland H. Crum, PO Box 3027, Pasco WA 99302-3027

2. Accompanied by: Wm Tippet Land + Mortgage EXAM DATE: 10/24/96

Address: _____ Phone No. _____

Relationship to Permit Holder: _____

3. Source: Graveyard Gulch tributary to _____
Warteway

B. OVERLAP REVIEW

1. Other water rights with the same place of use: 65-07425, 65-00165^{A B C}X, 65-11413

2. Other water rights with the same point of diversion: 65-07882, 65-11413, 65-12279

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
			SE	SW	7	7N	3W	Payette	
			NW	SE	19	7N	3W	"	
R	3	SE	SE	NW	7	7N	3W	"	pt of re-diversion

2. Place(s) of Use:

Indicate Method of Determination

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
8N	4W	5											40						40
		6									30	46	47			29	38		118
		7				20	39	43	34	38	35	16			23	30			278
		8						40	40	11	11	35	10	35			5		187
		17					10												10

MICROFILMED

SEP 13 2000

size/ditch size/pipe i.d. as applicable.

2. Measurements:

Calib. Date

MICROFILMED

1

**Pump Serial No. or
Discharge Size**

Aerial Photo Attached
(required for irrigation of 10+ acres)

Source:

see info
65-07425

E. NARRATIVE/REMARKS/COMMENTS

Pts of div + re-div determined
with previous licences + decrees on
Graveyard Gulch waterway

see file 65-07425 for maps, photos,
etc.

Have conditions of permit approval been met? ☒ yes ☐ no

MICROFILMED
SEP 13 2000

F. FLOW CALCULATIONS

Additional Computation Sheets Attached

Measured Method:

- IDPR measured water capacity @ 93.02 cfs in 1984
- Pumping station capacity = 12.54 cfs

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{IR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 633 \times 4.5 = 2848.5$$

$$V_{DR} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 12.54 \times 246 \times 1.9835 = 6118.8$$

$$V = \text{Smaller of } V_{IR} \text{ and } V_{DR} = 2848.5$$

2. Volume Calculations for Other Uses:

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use

Investigation

From 3/15

To 11/15

Period of Use

Rate of Diversion Q (cfs) 12.54

Annual Volume V (afa) 2848.5

2. Recommended Amendments

☒ Change P.D. as reflected above

☐ Add P.D. as reflected above

☐ Other

I. AUTHENTICATION

Field Examiner's Name

Lee Brown Date 4/9/96

Reviewer

Date

SEAL

MICROFILMED

SEP 13 2000

REMARKS
65-07425 & 65-07885

The Payette River P/D for 65-07425 is located in Lt 3, SESENW, Sec 7, T7N R3W. The Graveyard Gulch Wasteway P/D is located in the SESW, Sec 7, T7N R3W. ~~Water from the wasteway is injected into the Payette River in the NESW, Sec 7, and ~ 1300' downstream, re-diverted from the same Payette River diversion as 65-07425.~~ The wasteway water is used as a supplemental source at the same P/U as 65-07425. The water for both rts is mixed and routed through a Lower Payette Ditch Co. (LPDC) canal, then injected into Big Willow Creek in SESE, Sec 26, T8N R4W, which then is diverted into Little Payette Ditch in NWNW, Sec 21, T8N R4W. For these two rts, the water is finally diverted from Lower Payette Ditch with a pump station located in the NENE, Sec 18, T8N R4W.

2320 acres were originally applied for, 824 acres of that were actually developed. 191 acres within the 824 acres have been included and are fully appropriated from both sources on rts 65-00165A,B,C,X and 65-11413. The later is a beneficial use claim filed by LPDC, which IDWR has acknowledged as valid and does not foresee this right being contested in the future (per Don Shaff). Although these 191 acres were not developed until 1974, they have been included on the earlier LPDC rts because the original applicant for 65-07885, Jim Bivens, of Bivens Livestock, purchased additional shares from LPDC, which had the earlier priority dates from rts 65-00165A,B,C,X and 65-11413. 217 acres within the undeveloped 2320 acres were selected at random and included in the LPDC service area for later use to cover the shares purchased. Of this 217 acres randomly selected, 191 were actually developed (SRBA files have been noted). These 191 acres have not been included on 65-07425 and 65-07885, since they have been accounted for in the Payette River decree. The other 633 acres, not decreed, have been recommended on these two later rights.

Currently the 824 acres are enrolled in CRP. When farmed, the system utilized three 300 hp pumps, a 26" mainline, 6"-12" pvc and steel lateral lines, one center pivot, 20 wheel lines, and various handlines. Pressure at the pump station was 200 psi and 60 psi on top of the mesa. The total lift, with friction and pressure accounted for, was 520'-540', and 380' otherwise. On top of the mesa, booster pumps were used throughout the system (Info supplied by Jim Bivens and Layne Pump Co.).

65-07885 was filed on Graveyard Gulch Wasteway water. In 1984, the system capacity for the wasteway was measured by IDWR at 93 cfs. Lake Reservoir Co. (Big Payette Lake) has 60 cfs (65-02376) decreed water from the wasteway and LPDC has 60 cfs (same 60 cfs as Lake Reservoir Co, which they can use when Lake Reservoir Co. elects not to) plus 30 cfs (65-07882) plus 3.02 cfs (65-12279) licensed water from the wasteway. All this adds up to a fully appropriated Graveyard Gulch Wasteway. The reason that 65-07885 can still be recommended is because Graveyard Gulch Wasteway water and Payette River water are mixed in the LPDC canal system. Since 65-07425 has

MICROFILMED
SEP 13 2000

a late 1977 priority date for Payette River water, it can possibly be shut off during the irrigation season. The mesa acres could then be supplemented with 65-07885, Graveyard Gulch Wasteway water, if Lake Reservoir Co. or LPDC were not exercising their rights from the wasteway.

65-07885 was originally filed by Bivens Cattle Co. and is currently owned by Conneticut General Life Insurance Co. The SRBA claim is not required since proof was received late 01/26/1988, which advanced the priority date to 07/16/1977. An SRBA claim was not required for 65-07425 either, but A65-07425 was filed anyway.

MICROFILMED
SEP 13 2000

PAGE 1
1986 12:25:00

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Date 7/28, 1984 **DISCHARGE MEASUREMENT NOTES**

INN. STREET + GRAVEYARD GUARD

Angle coef- ficient	Dist. from initial point	Width	Depth	Observa- tion depth	Revo- lutions	Time in sec- onds	VELOCITY		Adjust- ed for hor. angle or -----	Area	Discharge
							At point	Mean in ver- tical			
EW	.3'										
	1'	1.2'	2.8'		60	55	2.44		3.36	8.20	
	2'	1.0'	2.75'		90	40	5.01		3.07	7.57	
	3'	1.0'	2.8'		80	55	3.24		2.75	13.78	
	4'	1.0'	2.8'		60	47	2.85		2.80	9.07	
	5'	1.3'	2.85'		80	50	3.57		2.80	7.98	
									3.71	13.24	
EW	5.8'									51.58	
								Per Printout		52.249	
EW	25'										
	1'	1.25	2.75'		40	45	1.99		3.44	6.85	
	2'	1.0'	2.8'		60	53	2.53		2.8	7.08	
	3'	1.0'	2.85'		50	49	2.28		2.85	10.50	
	4'	1.0'	2.85'		60	49	2.74		2.85	7.81	
	5'	1.5'	2.65'		60	43	3.12		3.97	12.39	
EW	6'										
										40.163	
										+ 33.889	
										51.58	
								TOTAL	92.27		
									92.90		
								Per Printout	93.02		

ZIP - 83661

D S

0 0.0

0 0.0

0 0.0

ACRES: 0

LUMÉ

0.00

DECREE DEFENDANT NAME -

511,008.

A measuring device requirement is waived

MICROFILMED

SEP 13 2000

65-07885

331-09

65-7882

MEASUREMENT FOR RIVER DITCH

PAGE 1

MEASUREMENT LOCATION
 BRIDGES ON C. GROVER'S SHUTE ON 9/28/84

LEGAL DESCRIPTION
 W = 2.218N + .022 FOR N
 W = 2.224N + .015 FOR N

STANCE FROM INITIAL POINT	DEPTH	AREA	REVOLUTIONS	TIME	VELOCITY	DISCHARGE
FEET	FEET	SQ. FT.		SEC.	FT. SEC.	CFS
1.000	.000	.000	0	.000	.000	.000
2.000	2.800	3.360	60	55.000	2.442	3.285
3.000	2.750	2.750	90	40.000	5.000	15.905
4.000	2.800	2.800	80	55.000	3.252	9.203
5.000	2.800	2.800	60	47.000	2.955	7.994
6.000	2.850	3.705	80	50.000	3.574	12.242
7.000	.000	.000	0	.000	.000	.000
TOTAL		15.415				52.34

MICROFILMED
 SEP 13 2000

65-7882

MEASUREMENT FOR RIVER DITCH

PAGE 1

MEASUREMENT LOCATION

MEASURED BY J. (GROWER) SHURTE ON 9/28/84

LEGAL DESCRIPTION

SEC TWP RMB
 W = 2.2424 + .022 FOR N & 1
 W = 2.2244 + .016 FOR N > 1

DISTANCE FROM INITIAL POINT	DEPTH	AREA	REVOLUTIONS	TIME	VELOCITY	DISCHARGE
FEET	FEET	SQ. FT.		SEC.	FT./SEC.	CFS
250	.000	.000	0	.000	.000	.000
1.000	2.750	3.438	40	45.000	1.994	6.855
2.000	2.800	2.800	50	52.000	2.574	7.095
3.000	2.850	2.850	50	49.000	2.285	6.512
4.000	2.950	2.850	60	49.000	2.739	7.806
5.000	2.650	3.975	60	43.000	2.119	12.398
6.000	.000	.000	0	.000	.000	.000
TOTALS		15.913				40.666

MICROFILMED
 SEP 13 2000



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

April 7, 2000

DIRK KEMPTHORNE
GOVERNOR

LOWER PAYETTE DITCH COMPANY
102 N MAIN
PAYETTE ID 83661

KARL J. DREHER
DIRECTOR

RE: Assignment of Permit 65-07885

Dear Permit Holder(s):

The department acknowledges receipt of correspondence changing ownership of the above referenced permit to you. The department has modified its records to reflect the change in ownership and has enclosed a computer-generated report for your records.

Please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right to the department. Notice of the change must be provided to the department within 120 days of the change. Change reporting forms are available from any office of the department.

Please feel free to contact the department if you have questions.

Sincerely,

for Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosure

MICROFILMED
SEP 13 2000



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

January 28, 2000

Cecil Shurtleff
LOWER PAYETTE DITCH COMPANY
12492 Hill Rd.
Payette, ID 83661

RE: Permit No. 65-07885

Dear Mr. Shurtleff:

We are in the process of reviewing the above referenced permit so we can issue a water right license for the use developed. This permit was originally in the name of Bivens Livestock Company who assigned it to Connecticut General Life Insurance Company in 1978. Our records show this permit is still in the name of Connecticut General. Enclosed, for your information, is a copy of this permit.

The reason I am writing to you about this permit is that the latest correspondence in our file is a letter to you from Connecticut General Life Insurance Company which states they relinquished any claim to this water right. I have also enclosed a copy of that letter for your information. I am a little confused as to who owns this permit. It appears to me that this right should be licensed to the Lower Payette Ditch Company but we don't have anything in the file that actually states that. The letter also mentions that Paul Mendiola may be the present owner of the property, that this permit is appurtenant to, but he too relinquished his claim to this water right.

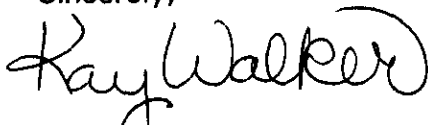
If the Lower Payette Ditch Company is now the owner of this water right, we need to have an "Assignment of Permit" form submitted so we can change the ownership in our file. I have enclosed an assignment form for your convenience. If the ditch company is not the current owner of this permit, could you please advise me who the current owner is so I can contact them? Any assistance you could provide would be very helpful.

MICROFILMED

SEP 13 2000

If you have any questions in regard to this, please do not hesitate to contact me at
(208)327-7944.

Sincerely,



KAY WALKER
Sr. Water Resource Agent

Enclosures

Cc: Connecticut General Life Insurance Company
C/o Garland H. Crum
P.O. Box 3027
Pasco, WA 99302-3027

Paul Mendiola
Rt. 1, Box 93B
Payette, ID 83661

MICROFILMED

SEP 13 2000

2-23-2000
Reggie (Lower Payette
Ditch Co. - 642-9424)
called - the company
will contact Connecticut
General to request
assignment & then will
submit fee - kw

Alpha O. Nicholson, III
Vice President



**CIGNA Investment
Management**
Real Estate

RECEIVED

JUL 15 1996

Department of Water Resources

S-319

900 Cottage Grove Road
Hartford, CT 06152-2319
Telephone (203)726-3863
Facsimile (203)726-6110

July 3, 1996

Cecil Shurtleff, President
LOWER PAYETTE DITCH COMPANY
102 North Main
Payette, ID 83661

RE: CONNECTICUT GENERAL LIFE INSURANCE COMPANY
Water Right #65-07885
Paul Mendiola Loan No. 8801280

Dear Mr. Shurtleff:

Pursuant to your communication, dated May 20, 1996, to Garland Crum of Tippet Land and Mortgage Company; and upon his recommendation to us, we hereby agree to your request to relinquish any claim in Water Right #65-07885.

Said Water Right was originally in the name of the Bivens Cattle Company; then transferred to Connecticut General and subsequently to Paul Mendiola. We understand that Mr. Mendiola has agreed to relinquish his claim to this water right. We have also been informed that this procedure will avoid cancellation of the water right and enable it to be transferred to other beneficial use.

Thank you for your consideration.

Very truly yours,

A. O. Nicholson, III

c: Garland Crum
Paul Mendiola

MICROFILMED

SEP 13 2000

65-07-885

September 10, 1992

MEMO TO FILE:

From: Carolyn Andregg

During the spring and summer of 1992, drought conditions caused record low flows in the Snake River. Twice, the flow of the Snake River fell below 4,750 cfs, the minimum stream flow at the Weiser gauge. Notices were mailed to the water user listed under this right because the priority is later than July 1, 1976, in order to protect the Snake River minimum stream flow. The following is a chronological history of the mailings.

May 19, 1992: Letter sent to water right holder informing holder of possible temporary cessation of diversion rights and notice of public meetings.

June 8, 1992: Letter sent informing water right holder directing immediate cessation of diversion of water until further notice.

June 12, 1992: Letter sent to water right holder authorizing resumption of diversion of water.

June 26, 1992: Letter sent to water right holder directing immediate cessation of diversion of water until further notice.

June 29, 1992: Letter sent to water right holder authorizing resumption of diversion of water.

MICROFILMED

SEP 13 2000

June 12, 1992

CONNECTICUT GENERAL LIFE INSURANCE CO.
C/O CIGNA CORP.
SOUTH BUILDING S-305
BLOOMFIELD CT 06002-0000

RE: Water Right No. 65-07885

Dear Water Right Holder(s):

On June 8, 1992, the department sent you a letter which directed you to immediately cease diverting water under the above referenced water right, since the minimum stream flow of the Snake River in the amount of 4,750 cubic feet per second (cfs) measured near Weiser was not being satisfied.

The flow of the Snake River at Weiser is now above 4,750 cfs. You are, therefore, authorized to again divert water under your water right. If the minimum stream flow is not met later this year, however, the department will again notify you to temporarily cease diversion.

Thank you for your cooperation in this matter. Please feel free to contact L. Glen Saxton (phone: 208-327-7955) or Gary Spackman (phone: 208-327-7946) of my staff if you have questions.

Sincerely,

R. KEITH HIGGINSON
Director

MICROFILMED

SEP 13 2000



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

May 19, 1992

CONNECTICUT GENERAL LIFE INSURANCE CO.
C/O CIGNA CORP.
SOUTH BUILDING S-305
BLOOMFIELD CT 06002-0000

RE: Water Right No. 65-07885

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

MICROFILMED

SEP 13 2000

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

MICROFILMED
SEP 13 2000

May 19, 1992

CONNECTICUT GENERAL LIFE INSURANCE CO.
C/O CIGNA CORP.
SOUTH BUILDING S-305
BLOOMFIELD CT 06002-0000

RE: Water Right No. 65-07885

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

MICROFILMED

SEP 13 2000

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

MICROFILMED

SEP 13 2000



State of Idaho

DEPARTMENT OF WATER RESOURCES

WESTERN REGION, 2735 Airport Way, Boise, Idaho 83705 • (208) 334-2190

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

April 15, 1988

Robert M. Tippet, Asst. Vice-Pres.
Cigna Investments
8100 Emerald St.
Suite 130
Boise, ID 83704

65-7885

Dear Applicants(s):

We acknowledge receipt of your statement submitted as proof as beneficial use for the above-referenced permit.

Before a license can be issued, a field examination must be made by a representative of this Department. A field examiner will contact you to arrange to examine your system.

If you have any questions regarding the field examination, please contact this office.

Sincerely,

Judy Pense
Secretary

/jdp

MICROFILMED

JUL 07 1988

1/88

PROOF OF BENEFICIAL USE

ANALYSIS SHEET

Permit No. 65-17885

Date: 3-8-1988

General Considerations:

y Name same as permit
y Signature the same as permit holder
y Address change _____ If yes, prepare a data entry
John Proof received timely
_____ Reinstated

Source of Water:

y Surface water
_____ Groundwater
_____ 1. well log in file
_____ 2. drilling permit
_____ A. amount of drilling fee paid for proposed uses

Extent of Use and Rate of Diversion:

y Rate of diversion appropriate for uses
y Is rate or volume and fee appropriate?
y Has permit holder indicated when water was first put to a beneficial use?

Measuring Device:

y Is a measuring device or access port required?
y Has one been installed?
NA Waiver or modification of measuring device requested

Remarks: - Reinstate
Acceptable proof

<u>y</u> Priority Calculation:		365
Date proof received	<u>Feb. 3</u>	<u>34</u> <u>399</u>
Date proof due	<u>Dec 1</u>	+ <u>335</u>
No. of days late		= <u>64</u>
Priority date	<u>July 13 '77</u>	+ <u>133</u>
NEW PRIORITY DATE	<u>July 16, 1977</u>	= <u>197</u>

SEND FILES TO DATA ENTRY AND THEN TO MICROFILM

CIGNA Investments, Inc.

Emerald Business Center
8100 Emerald St Suite 130
Boise, ID 83704
(208) 377-0510

RECEIVED
JAN 26 1988

Robert M. Tippet
Assistant Vice President

January 22, 1988

Department of Water Resources

CIGNA

RECEIVED
FEB - 3 1988

Mr. L. Glen Saxton
Chief of Operations Bureau
State of Idaho
Department of Water Resources
450 West State Street
Boise, ID 83702

Department of Water Resources

Re: Connecticut General Life Insurance Company Property #F-01783 and Permit #65-7885

Dear Glen:

In connection with the above, please find enclosed the following:

1. Completed "Proof of Beneficial Use" form dated January 26, 1988
2. Check in the amount of \$300 from Cigna Investments, Inc.-Bivens Farm account payable to The Department of Water Resources.
3. ASCS map and Irrigation Equipment List.

Connecticut General failed to make proof of beneficial use on time since it was uncertain if subject property would continue to be irrigated in the future do to the uneconomically high cost of pumping the irrigation water from the source (The Lower Payette Ditch Company) to subject property. Connecticut General has determine that in spite of the high cost of pumping irrigation water to subject property and in spite of the uncertain times facing agriculture, it would be in its best interest to file Proof of Beneficial Use in the hope that agriculture will significantly recover with in the next ten year to justify irrigating subject property once again.

Connecticut General or its tenant will either bid subject property into the conservation reserve program, or operate subject property in the ASCS-0/92 program in 1988. Consequently, the irrigation system will be shut down during 1988 and most likely every year thereafter which means that the irrigation system will not be available to your department to test its capacity. This should not be a problem since the mainline (comprise of 26-inch pipe) was

FILED

JUL 07 1988

Mr. L. Glen Saxton
Property F-01783
January 22, 1988
Page 2

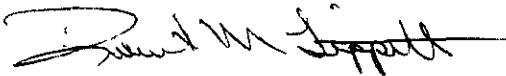
designed to irrigate nearly twice as much property as that being filed under beneficial use. Also, there are three-300 horsepower motors with attached pumps installed at the main pumping station which provide substantially more water than that needed to irrigate the acreage being filed under beneficial use.

I have enclosed a copy of an ASCS map which provides evidence that the land being filed under beneficial use has been irrigated. Please fill free to contact the Payette County ASCS office to confirm this.

Please let me know when your field people would like to inspect the premises and either our property manager or I will meet him at the property.

Thank you for your consideration in this matter.

Sincerely,



Robert M. Tippet

sb

Enclosure

cc: Lonnie Leavell, Property Manager

RECORDED

JUL 07 1988

569

2-129.1

3-129.6

5-

6-145.5

1-166.7

6.5

7-145.5

13

1217

NOT TO SCALE



IRRIGATION EQUIPMENT

<u>QUANTITY</u>	<u>DESCRIPTION</u>	<u>SERIAL NO.</u>
One	300 h.p. U.S. vertical electric motor	J519717 (54-01087-3
One	Layne vertical centrifugal turbine pump	77705
One	300 h.p. U.S. vertical electric motor	J521192 (54-01218-3
One	Layne vertical centrifugal turbine pump	75845
One	300 h.p. U.S. vertical electric motor	J521192 (54-01217-3
One	Layne vertical centrifugal turbine pump	75844
One	50 h.p. Westinghouse Life-Line electric motor	6404
One	Booster pump	none
6,560 ft.	26-inch buried heavy wall ½-steel pipe	
1,344 ft.	26-inch buried wrapped 12 gauge steel pipe	
4,416 ft.	12-inch buried wrapped 12 gauge steel pipe	
1,320 ft.	8-inch buried wrapped 12 gauge steel pipe	
2,400 ft.	10-inch aluminum mainline	
2,600 ft.	8-inch aluminum mainline	
3,300 ft.	6-inch aluminum mainline	
31,680 ft.	64-inch wheel moved sprinkler line (24 ¼-mile side rolls)	
18,480 ft.	3-inch aluminum sprinkler pipe (14 ¼-mile handlines)	
620 ft.	3-inch aluminum sprinkler pipe (solid connection lines for handlines)	
One	Pringle Terrain 10-tower circular pivot automatic sprinkler (130 A.)	
1,300 ft.	10-inch aluminum mainline	
650 ft.	8-inch aluminum mainline	
300 ft.	6-inch aluminum mainline	
700 ft.	4-inch aluminum mainline	
800 ft.	3-inch aluminum mainline	
1,160 ft.	4-inch PVC pipe (125 P.S.I.)	
10,240 ft.	3-inch aluminum sprinkler pipe (8 ¼-mile handlines)	

MICROFILMED

JUL 07 1988



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 1301 North Orchard Street Boise, Idaho 83706-2237 • (208) 334-4440

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

January 26, 1988

CIGNA Investments, Inc. - Bivens Farm
c/o AG Finance & Management Co.
P. O. Box 4003
Boise, ID 83711

Gentlemen:

Re: Permit No. 65-7885

Returned is the Proof of Beneficial Use Form along with your check No. 0769 in the amount of \$300 (92-9/1241).

Please be advised that the filing fee for 17.83 cfs is \$525. To have the permit reinstated and in good standing, return the proof form and proper filing fee promptly.

If you have any questions concerning this matter, please feel free to contact this office.

Sincerely,

RITA I. FLECK
Secretary/Records Manager

Enclosures

c: Accounting Section

MICROFILMED

JUL 07 1988

WARNING

CANCELLED OR LAPSED

This permit has been officially CANCELLED or LAPSED.

Ninety days following the date of official action this file will be DESTROYED.

December 1, 1987

CONNECTICUT GENERAL LIFE INSURANCE
C/O CIGNA CORPORATION
SOUTH BUILDING S-305
900 COTTAGE GROVE ROAD
BLOOMFIELD, CT 06002

LAPSE NOTICE

RE: Permit No. 65-7885

Dear Permit Holder:

You are hereby notified that under the provisions of Section 42-218a, Idaho Code, the above referenced water permit has lapsed. This office did not receive either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time. You were provided the proper forms in our proof due notice to you dated September 30, 1987.

Your permit cannot be reinstated unless you submit proof of beneficial use or submit an extension of time request showing reasonable cause for delay. Either the completed proof of beneficial use submittal (including the examination fee or a completed field examination report) or the extension request form together with the \$15 fee must be received by this Department within sixty days of the date of mailing of this lapse notice.

A proof of beneficial use form and a request for extension of time form are again enclosed for your use. Please note that only one extension of time can be granted unless the project has not been completed because of lack of a necessary approval by a governmental agency or by litigation which might bring title to the water in question.

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

Enclosures

RECEIVED

JUL 07 1988

CERTIFICATION OF MAILING

12-17-1987

11:00 AM

was

mail,

to the

[Signature]

138973
CERTIFIED MAIL
September 30, 1987

CONNECTICUT GENERAL LIFE INSURANCE
C/O CIGNA CORPORATION
SOUTH BUILDING S-305
900 COTTAGE GROVE ROAD
BLOOMFIELD, CT 06002

PROOF DUE NOTICE

RE: Permit No. 65-7885

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before December 1, 1987. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a completed field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this Department on or before the above described proof due date, or the permit will no longer be of any force nor effect.

Sincerely,

RITA FLECK
Secretary/Records Manager

Enclosures

MICROFILMED

JUL 07 1988

A DUAL OFFICE MOVE HAS CHANGED OUR MAILING ADDRESS

PLEASE CHANGE ADDRESS FOR ANYTHING YOU HAVE FOR
CONNECTICUT GENERAL LIFE INSURANCE COMPANY

TO:

% CIGNA CORPORATION
SOUTH BUILDING ----- S-305
900 COTTAGE GROVE ROAD
BLOOMFIELD, CONNECTICUT 06002

MICROFILMED

65-7885

e/

December 21, 1982

Connecticut General Life Insurance Co.
910 Tower North
2710 Stemmons Freeway
Dallas, TX 75207

Gentlemen:

Re: Permit No. 65-7885

Enclosed is a copy of the approved request for extension of time. The time within which to submit the statement of beneficial use postcard is extended to December 1, 1987.
Sincerely,

RITA L. FLECK
Sr. Secretary

Enc: Extension of Time

11/27/82

CONVERSATION MEMORANDUM

DATE Nov 22, 1982FILE 65-7885NAME OF PARTY Jim Bivens (503)(889-6471)EMPLOYEE Dave TuttleRE: Request For Extension of Time

Mr Bivens called to discuss a letter that he had received from Jim Johnson. Jim was not in the office at the time, so I took the call, having had previous experience with this water right.

Jim^{Johnson's} letter requested more information in conjunction with the extension request, to demonstrate that some work had been conducted relative to development of 65-7885, since the extension request seems to imply that the work was done in connection with Permit No 65-7425, only.

Per a field exam that I conducted in the summer of 1977, I can verify that at that time the Unnamed stream identified in 65-7885 was diverted and made tributary to the Payette River upstream of the point of redirection as identified on the permit. Therefore, the irrigation systems developed after May 13, 1977, on the 2320 acres of land identified on the permit have as a supplemental source^{the} Unnamed stream trib to the Payette.

Mr. Bivens indicated that in 1978, 175 acres were irrigated for the first time under this project. The cost of this development was about \$55,000, he estimates.

DRT



TIPPETT LAND & MORTGAGE COMPANY

3400 W. CLEARWATER, SUITE 4
KENNEWICK, WASHINGTON 98336
(509) 783-4126

RECEIVED

NOV 24 1982

Department of Water Resources

November 22, 1982

Mr. Dave Tuthill
State of Idaho Department
of Water Resources
Statehouse
Boise, ID 83720

RE: Connecticut General Life Insurance Company Loan No. 7817400 -
Bivens Livestock Company

Dear Mr. Tuthill:

In accordance with your recent telephone conversation with Mr. Jim Bivens of Bivens Livestock Inc., I am returning to you the original executed request for extension of time in connection with State of Idaho water permit #65-7885.

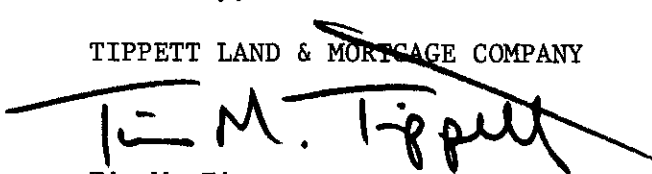
Mr. Bivens requested that this document be returned to you for your direct attention, as you are quite familiar with the Bivens water systems, and that you would give further consideration to this request.

If you grant the request for extension of time in connection with said permit, the \$15.00 extension fee has already been paid to your agency as per a copy of Ms. Garrett's letter dated November 3, 1982.

Thank you for your attention to this matter and I will look forward to your reply.

Sincerely,

TIPPETT LAND & MORTGAGE COMPANY


Tim M. Tippet

TMT/bv

Enclosures

cc: Bivens Livestock Inc.

Tippett Land & Mortgage/Boise

Connecticut General

RECEIVED



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

November 4, 1982

RE: Permit No. 65-7885

Tippett Land & Mortgage Company
Attn: Beth Valdez
3400 W. Clearwater, Suite 4
Kennewick, WA 99336

Dear Ms. Valdez:

We are in receipt of the request for extension of time in which to submit proof to beneficial use of water under Permit No. 65-7885. On the request it is mentioned that water under this permit is supplemental to Permit No. 65-7425. Our records show that the source of water under Permit 65-7425 is listed as Payette River and the source listed under this permit is listed as an unnamed stream tributary to Payette River.

Under the provisions of Section 42-204, Idaho Code, the Director can only grant a request for extension of time if the permit holder can show that he has made reasonable diligence toward development under each permit. Therefore even though there are common lands under both of the said permits, if the irrigation has only been made by diversion from the Payette River under Permit 65-7425, it cannot be used to show due diligence toward development of water from the unnamed stream under Permit 65-7885.

Before the Department can grant this request for extension of time we must have more information concerning the development of water from the unnamed stream. Recognizing that action on this request will take longer than normal to respond to because of the number of parties involved, we won't request that the information be received until on or before January 1, 1983. If you have any questions please let me know. My phone number is (208)334-4162.

Sincerely,


JOHN V. JOHNSON

Water Distribution Supervisor

kw

Enclosure

Connecticut General

Tippett Land & Mortgage/Boise

For Office Use Only	
Fee Received	_____
Date	_____
Receipt #	_____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

REQUEST FOR EXTENSION OF TIME

To provide additional time in which to submit
proof of beneficial use on a water right permit

DEC 1 1982

DEPARTMENT OF WATER RESOURCES

CONNECTICUT GENERAL LIFE INSURANCE CO. of 910 TOWER NORTH, 2710 STEMMONS FREEWAY
(Name) DALLAS, TEXAS (Address) 75207-2246

State of TEXAS, deposes and says:

That he is the holder, or the duly authorized agent of the holder*, of Permit to Appropriate the Public Water of
the State of Idaho No 65-7885

That under the terms and conditions of said permit, work thereunder was required to be completed on or before
DECEMBER 1, 19 82

That he has heretofore performed the following work described under said permit: The water under
(This must be filled out! If no work has been completed put none)

Permit 65-7885 is supplemental to Permit 65-7425. Irrigation pumps and the pipeline
have been installed to the sprinkler system for 900 acres. Water has been beneficially
applied to some of these acres under Permit 65-7425 since 1974.

Costing \$ 500,000.00

That he is unable to complete the remainder of the work within the required time for the following reasons, to-wit:
Economic considerations require the incremental completion of development.

Wherefore, he asks that the Department of Water Resources extend the time for the completion of obligations
under said permit to DECEMBER 1, 19 87
(1 yr minimum, 5 yrs maximum)

NOTE
AS OF JULY 1, 1980,
THERE IS A \$15.00
CHARGE FOR REQUESTS
FOR EXTENSION OF
TIME

CONNECTICUT GENERAL LIFE INSURANCE COMPANY

BY William Williams
(Signature)*

*IF OTHER THAN HOLDER, Power of Attorney must be supplied
William Williams, Investment Officer

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above application for extension of time be _____

ed this _____ day of _____, 19 _____

RECEIVED
DEC 1 1982



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

Mailing address:

Statehouse

Boise, Idaho 83720

(208) 334-4440

EXTENSION OF TIME

November 3, 1982

Tippett Land & Mortgage Company
3400 W. Clearwater Suite 4
Kennewick, WA 99336

PERMIT NO. 65-7885, Connecticut General Life Insurance Co.
Loan #817400 - Bivens Livestock Company

We are in receipt of the 415 extension fee for Extension(s) of Time to provide additional time in which to submit proof of beneficial use on a water right permit.

Your request for extension(s) of time is being reviewed by staff. You will be informed of our decision when review has been completed.

Enclosed is our receipt No. **25239.**

Roberta Garrett
Records Supervisor

Enclosure

RECEIVED
NOV 10 1982
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES



TIPPETT LAND & MORTGAGE COMPANY

3400 W. CLEARWATER, SUITE 4
KENNEWICK, WASHINGTON 98336
(509) 783-4126

RECEIVED

OCT 29 1982

Department of Water Resources

October 27, 1982

Rita Fleck, Sr. Secretary
State of Idaho
Department of Water Resources
Statehouse
Boise, ID 83720

RE: Connecticut General Life Insurance Company
Loan #7817400 - Bivens Livestock Company

Dear Ms. Fleck:

Please find enclosed herewith a Request for Extension of time form which has been completed and executed by Connecticut General which is in referenced to the above loan. Also, enclosed is Connecticut General's check #7623 in the amount of \$15.00 to cover your extension fee.

This Request for Extension of Time form is in connection with Permit No. 65-7885.

Sincerely,

TIPPETT LAND & MORTGAGE COMPANY

Beth Valdez

bv
Enclosures
cc: Connecticut General
Tippett Land & Mortgage/Boise

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440
CERTIFIED MAIL

138734

CONNECTICUT GENERAL LIFE INSURANCE
910 STEMMONS TOWER NORTH
DALLAS, TE 75207

SEPTEMBER 30, 1982

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF YOUR WATER PERMIT NO. 65-7885 WAS THAT EVIDENCE OF THE EXTENT OF DEVELOPMENT MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE DECEMBER 01, 1982. (SEE LAST PAGE OF YOUR APPROVED PERMIT). ENCLOSED IS A POST CARD WHICH MAY BE USED TO SUBMIT THE REQUIRED PROOF OF BENEFICIAL USE.

IF YOU HAVE NOT FULLY COMPLETED YOUR PROJECT, AND YOU HAVE NOT PREVIOUSLY RECEIVED AN EXTENSION OF TIME, YOU MAY REQUEST AN EXTENSION OF TIME PROVIDED THE DELAY IS FOR REASONABLE CAUSE AS INDICATED IN SECTION 42-204, IDAHO CODE, AMENDED. IF YOU HAVE BEEN PREVENTED FROM PROCEEDING BY A GOVERNMENTAL AGENCY OR BY LITIGATION, MORE THAN ONE EXTENSION OF TIME CAN BE GRANTED.

EITHER THE BENEFICIAL USE POST CARD OR A REQUEST FOR AN EXTENSION OF TIME MUST BE RECEIVED BY THIS DEPARTMENT ON OR BEFORE THE ABOVE MENTIONED DATE, OTHERWISE, THE PERMIT WILL LAPSE AND BE OF NO FURTHER FORCE OR EFFECT WITHIN 60 DAYS.

SINCERELY,

RITA FLECK
SR. SECRETARY

ENC:

P.S. Previous permit holder was Bivens Livestock Co.

January 24, 1980

Cecil Shurtleff
Rt. 1, Box 286
Payette, Idaho 83661

Dear Cecil:

Enclosed please find the completed assignment form you requested for Permit No. 65-7885. Note that the permit is now in the name of Connecticut Mutual Life Insurance Company.

I have explained to Don Shaff at our Western Regional office your concern about listing as a source the unnamed stream that transports the Graveyard Gulch Wasteway water. His staff will be researching that question for you.

Sincerely,

DAVID R. TUTHILL JR., P.E.
Supervisor, Water Allocation Section

DRT:jg

Enclosures

November 20, 1978

Connecticut General Life Insurance
910 Stemmons Tower North
Dallas, TX 75207

Gentlemen:

Re: Permit No. 65-7885

This office acknowledges receipt of the assignment conveying the above referenced permit to you. The assignment has been entered into the Department's records.

Sincerely,

RITA FLECK
Secretary

HAWLEY TROXELL ENNIS & HAWLEY

ATTORNEYS AND COUNSELORS

ONE CAPITAL CENTER

POST OFFICE BOX 1617

BOISE, IDAHO 83701

AREA CODE 208
TELEPHONE 344-7683

ROBERT I. TROXELL
JESS B. HAWLEY, JR.
PAUL B. ENNIS
JOHN T. HAWLEY
THOMAS A. MILLER
M. NEAL NEWHOUSE
ROBERT J. ENNIS
CRAIG L. MEADOWS
ROBERT L. BILOW
JOSEPH D. MCCOLLUM, JR.
WAYNE B. SLAUGHTER, JR.
JESS B. HAWLEY III
GARY D. BABBITT
P. CRAIG STORTI
RICHARD F. GOODSON
CARL W. HARDER
T. STEVE JOYCE
EDWIN V. APEL, JR.

November 14, 1978

RECEIVED

NOV 15 1978

Department of Water Resources

Department of Water Resources
Statehouse
Boise, ID 83270

RE: Water Permit No. 65-7885 - Bivens Livestock Co. -
Collateral Assignment to Connecticut General Life
Insurance Company

Gentlemen:

Enclosed herewith in connection with the above referenced matter are duplicate copies of Assignment of Permit No. 65-7885 from Bivens Livestock Co. to Connecticut General Life Insurance Company.

Would you please stamp both copies with your filing stamp and file one copy in the permit file and return the other to us in the enclosed self-addressed stamped envelope for your convenience.

Thank you very much for your usual consideration.

Yours truly,



THOMAS A. MILLER

TAM:pe
encls.

already sent

RECEIVED

January 3, 1978

Re: Permit No. 65-7885

Bivens Livestock Co.
Star Route
Payette, ID 83661

Gentlemen:

Enclosed is a copy of your approved Application for Permit No 65-7885 . We direct your attention to the conditions of approval as listed on the fourth page.

Be sure to note that a special condition requiring you to install and maintain a measuring device at your point of diversion has been placed upon your permit. We are enclosing a letter describing different types of measuring devices accepted by this office.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

Enclosure: Copy of permit

14-00000-1

July 18, 1977

Re: App. for Permit No. 65-7885

Bivens Livestock Co.
Star Route
Payette, Idaho 83661

Gentlemen:

The required publication of your application for water right permit no. 65-7885 has been made and the final date for receiving protests against the issuance of your permit is past with none received.

We have determined, however, that due to drought conditions there is temporarily no water available for this proposed permit. Therefore, we will delay further action on this application until the termination of the drought conditions.

We hope this delay does not cause you any inconvenience. If you have any questions, please do not hesitate to contact us.

Sincerely,

BOBBY D. FEEENOR
Chief, Operations Bureau

BDF:jfr

MICROFILMED

INTER-DEPARTMENT MEMO — 1

FROM L. Glen Saxton

DATE 6-22-77

TO Bob Fleenor

SUBJECT attached app (65-7885)

I recommend the attached app be held without approval until the water supply situation returns to normal.

There is no water available in a year like 1977 to fill such a filing

LLS

SIGNATURE

UNCLASSIFIED

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item Initial Date

Application No. _____

☒ Source
☒ Point of Diversion
☒ County
☒ Quantity of Water and Period of Use
☒ Description of Diverting Works
☒ Time required for B/U of water
☒ Place of Use or Acres Irrigated
☒ Map
☒ Signature
☒ Fee

____ Pre-permit exam
____ Adjudication Claim
____ Dam Construction
____ Papers Sent

(1) WHM 5/16/77

In form to receipt

(2) _____

Send Copies to:

____ Idaho State Health Department
____ Idaho Fish and Game Department
____ Bureau of Land Management

(3) _____

____ Request Special Use Permit from U.S.F.S.
____ Request Easement from B.L.M.
____ Request Information from Applicant
____ Request Dam Safety Information

(4) WHM 5/16/77

In form for advertising

(5) _____

Platted on Map No. _____

(6) _____

Located within Water District No. _____

(7) _____

Critical groundwater area: yes _____ no _____

(8) _____

Groundwater levels: N/A

____ Declining, _____ Stable, _____ Increasing

(comment) _____

(9) _____

Other rights on the same place of use

(10) _____

Comments: _____

(11) g OK

Affidavit of Publication received (date) 6-20-77

(12) _____

Final date for protests 6-13-77

Protests received: yes _____ no ☒

(13) _____

All requested information received from agencies or applicant: yes _____ no _____

(14) _____

Action recommended:

☒ Approve _____ Deny

5-13-77 Proposed Priority

____ Reason for Reduction _____

☒ Measuring device required @ pt of inject.
+ pt of re-div.

____ See attached sheet for other conditions of approval

____ No special conditions for approval

(15) District W

By

THA

Date

6-22-77

ENCLOSURE

Supplemental



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WESTERN REGION

Carl D. Anderson
Governor

R. Keith Higginson
Director

92 South Cole Road
Boise, Idaho 83705
(208) 384-2190

May 20, 1977

RE: Notice of Application for Water Permit No. 65-7885 - Bivens Livestock Co.
65-7882 - Lower Payette Ditch Co.

Independent Enterprise
Box 520
Payette, ID 83661

Gentlemen:

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. In order to receive payment, the following certification must appear on the bill:

"I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due after allowing all just credits and that no part of the same has been paid."

(Signature of Claimant)

Please send the affidavit of publication and publication billing to this office before June 13, 1977.

Sincerely,

Bill submitted
6-20-77
rf

MICROFILMED

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that BIVENS LIVESTOCK CO.
Star Route, Payette, ID
has on May 13, 1977 submitted Application No. 65-7885
for a permit to appropriate 30 cubic feet per second ~~acres/foot~~
~~per second~~ of water from an unnamed stream tributary of Payette River
by means of dam, ditches
within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 7 T7N-R3W B.M., Payette County, Point of injection
into Payette River - NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec 7, T7N-R3W; Point of re-diversion from
Payette River - Lot 3, Sec 7, T7N-R3W B.M.
to be used from Mar 15 to Nov 15
for the irrigation of 2320 acres

within the N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 6;
All of Section 7; NW $\frac{1}{4}$, S $\frac{1}{2}$, Sec 8; W $\frac{1}{2}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, Sec 5; T8N-R4W B.M.
NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec 31; S $\frac{1}{2}$, Sec 32; T9N-R4W B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Director of the Idaho Department of Water Resources, 92 South Cole Road, Boise, Idaho 83705 on or before June 13, 1977.

C. STEPHEN ALLRED

Director

Published in the Independent Enterprise, Payette, ID
on May 26, 1977 and ~~XXXX~~ June 2, 1977.

MICROFILMED