

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 65-07425

Priority: October 11, 1973

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 October 11, 1973; and has submitted Proof of Beneficial Use on October 28, 1988. An examination indicates that the works have a diversion capacity of 12.540 cfs of water from:

PAYETTE RIVER

tributary to SNAKE 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: 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.
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.

MICROFILMED

SEP 12 2000

State of Idaho
Department of Water Resources

Water Right License

WATER RIGHT NO. 65-07425

CONDITIONS OF APPROVAL AND REMARKS

4. Rights 65-07885 and 65-07425 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 65-00165A, 65-00165B, 65-00165C, 65-00165X, 65-07428, 65-07848 and 65-12756 are also diverted through the point of diversion described above.

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

MICROFILMED
SEP 13 2000

State of Idaho
Department of Water Resources

RECEIVED

JUL 13 2000

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 65-07425

Department of Water Resources

Date of Priority: October 11, 1973

Maximum Diversion Rate: 12.54 CFS

Maximum Diversion Volume: 2850.0 AF

Comes now LOWER PAYETTE DITCH CO

~~828 CENTER AVE~~ 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. 65-07425, and requests that the permit be changed as follows:

Source: PAYETTE RIVER

tributary to SNAKE 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: 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	SENW 38	NESW 35	
			Lot 3 (NWSW) 16	NESE 23	NWSE 30	278
		8	NWNW 40	SWNW 40	SENW 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, Idaho, this 11 day of July, 2000.

MICROFILMED

JUL 14 2000

(Signature)

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 65-07425

FOR DEPARTMENT USE ONLY

Preliminary check by jm Fee = 50. Receipted by jm # C0497793 Date 7/13/00

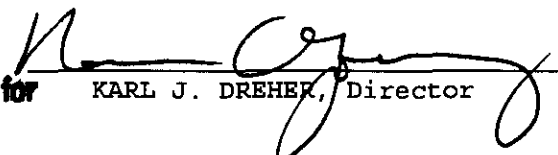
ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, Karl J. Dreher, of the Department of Water Resources hereby approve the
above Application for Amendment for Permit No. 65-07425 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 65-07885 and 65-07425 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 65-00165A, 65-00165B, 65-00165C, 65-00165X, 65-07428, 65-07848 and 65-12756 are also diverted through the point of diversion described above.

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


Acting for KARL J. DREHER, Director

MICROFILMED

SEP 13 2000

Form 217
RECEIVED
OCT 28 1988

For Office Use Only
Fee Received \$525.00
Date 11/7/88
Receipt # 0003215
Receipt by JP
Reviewed by JS
Sent to region

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources will consider this form as a statement that the permit holder(s) has 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. 65-07425

Name(s) of Permit Holder: Lower Payette Ditch Company

Post Office Address: 828 Center Avenue
Payette, Idaho Telephone No. 208-642-3866

Source of Water: Payette River

Extent of Use:

Domestic (number of households) Stockwater (number and type of stock)
Irrigation 900 (acres) Other/Remark

Total rate and/or volume for which proof is submitted 18 cfs acre-feet

Show the date water was first diverted and beneficially used under this permit: 1974

Measuring Device: Required? ☒ Yes ☐ No Fee enclosed \$ 525.00
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:

John Hansen , Canal Manager 642-3945
(Name) (Telephone Number)

Same as office address
(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.

10-26-88
Date

Cecil Shumiloff President
Signature of Permit Holder (and title, if appropriate)

DEC 04 1988

For Office Use Only	
Fee Received	115.00
Date	4/13/83
Receipt #	310058

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

Lower Payette Ditch Co.

of 114 N. 8th Street, Payette

(Name)

(Address)

State of Idaho, 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 65-7425

That under the terms and conditions of said permit, work thereunder was required to be completed on or before November 1, 19 83

That he has heretofore performed the following work described under said permit Installed pumps,
(This must be filled out! If no work has been completed put none)
pipeline to sprinkler system for 900 acres. Water has been beneficially applied
to 900 acres since 1974. Pipeline and pump station capacity is presently
installed to handle another 700-900 acres.

commenced work

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
See attached explanation.

Wherefore, he asks that the Department of Water Resources extend the time for the completion of obligations under said permit to November 1, 19 88
(1 yr minimum, 5 yrs maximum)

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

Lower Payette Ditch Co.
Cecil Shurtliff, President
(Signature)
*IF OTHER THAN HOLDER, Power of Attorney must be supplied

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 November 1, 1988.

Signed this 9th day of August, 19 83

L. Glen Saxton
Chief, Operations Bureau

MICROFILMED

LOWER PAYETTE DITCH CO.

114 NORTH EIGHTH STREET
PAYETTE, IDAHO

That he is unable to complete the remainder of the work within the required time for the following reasons, to-wit:

1. Interference by Idaho Power Co. moritorium on additional power to irrigation pumps. From December 30, 1977 through November 19, 1982, caused enough uncertainty that expansion of irrigated land under this water permit could not be considered.
2. A land exchange involving 160 Acres of land laying in the proposed expansion area was not completed until June, 1982. This exchange placed the 160 Acres in the name of the Lower Payette Ditch Co. shareholder, who is developing the land.
3. Economic conditions within the last year have not been favorable for additional land development.

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR EXTENSION OF TIME

State of Idaho)
County of Ada)

Permit No. 65-7425

Lower Payette Ditch Co. of 114 N. 8th St., Payette
(name) (address)

State of Idaho, being first duly sworn, upon his oath deposes and says:

That he is the holder, or the duly authorized agent of the holder *, of Permit to
Appropriate the Public Waters of the State of Idaho No. 65-7425.

That under the terms and conditions of said permit, work thereunder was required
to be completed on or before November 1, 1978.

That he has heretofore performed the following work described under said permit:

Installed pumps, pipeline to sprinkler system for 900 acres. Water
has been beneficially applied to some of these acres 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 November 1, 1983.

Lower Payette Ditch Co.
by *[Signature]*
(signature) *

Subscribed and sworn before me this 15 day of September, 1978.

s e a l

David R. Tutthill
Notary Public residing at
Boise Id

My commission expires Sept 10, 1980

ACTION OF THE DIRECTOR OF THE 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 proof of beneficial use extended to November
1, 1983.

Witness my hand this 2nd day of November, 1978.

J. Glen Saxton
Chief, Operations Bureau

* IF OTHER THAN HOLDER, Power of Attorney must be supplied. Forms are available
through the Department of Water Resources, Statehouse, Boise, Idaho 8

MICROFILMED

Identification No. _____

Application No. 65-7425

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

APPLICATION FOR PERMIT

APPROVED

To Appropriate the Public Waters of the State of Idaho

(TYPE OR PRINT IN INK)

- 1 Name of applicant LOWER PAYETTE DITCH CO.
 post office address 114 N. 8th St., Payette, Idaho
- 2 Source of water supply Payette River which is a tributary of Snake River
- 3 a Location of point of diversion is Gov. Lot 3 $\frac{1}{4}$ of $\frac{1}{4}$ of Section 7 Township 7 N
Range 3 W 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 39 cfs for Irrigation purpose from April 1 to Oct. 31 (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 39 cubic feet per second and/or
 b _____ acre feet per annum
- 6 Proposed diverting works.
 a Description of ditches, flumes, pumps, headgates, etc. Dam and diversion canal

- 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 \$ 350,000.
- 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 _____

65 7425

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

TWP	RANGE	SEC	NE1/4				NW1/4				SW1/4				SE1/4				TOTALS
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
8N	4W	6	40	40		40	40	40	40				40	40	40		40	40	440
		7	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		8					40	40	40	40	40	40	40	40	40	40	40	40	480
9N	4W	31									40		40	40	40	40	40	40	280
		32									40	40	40	40	40	40	40	40	320
8N	4W	5						40	40			40	40						160

Total number of acres to be irrigated 2320

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

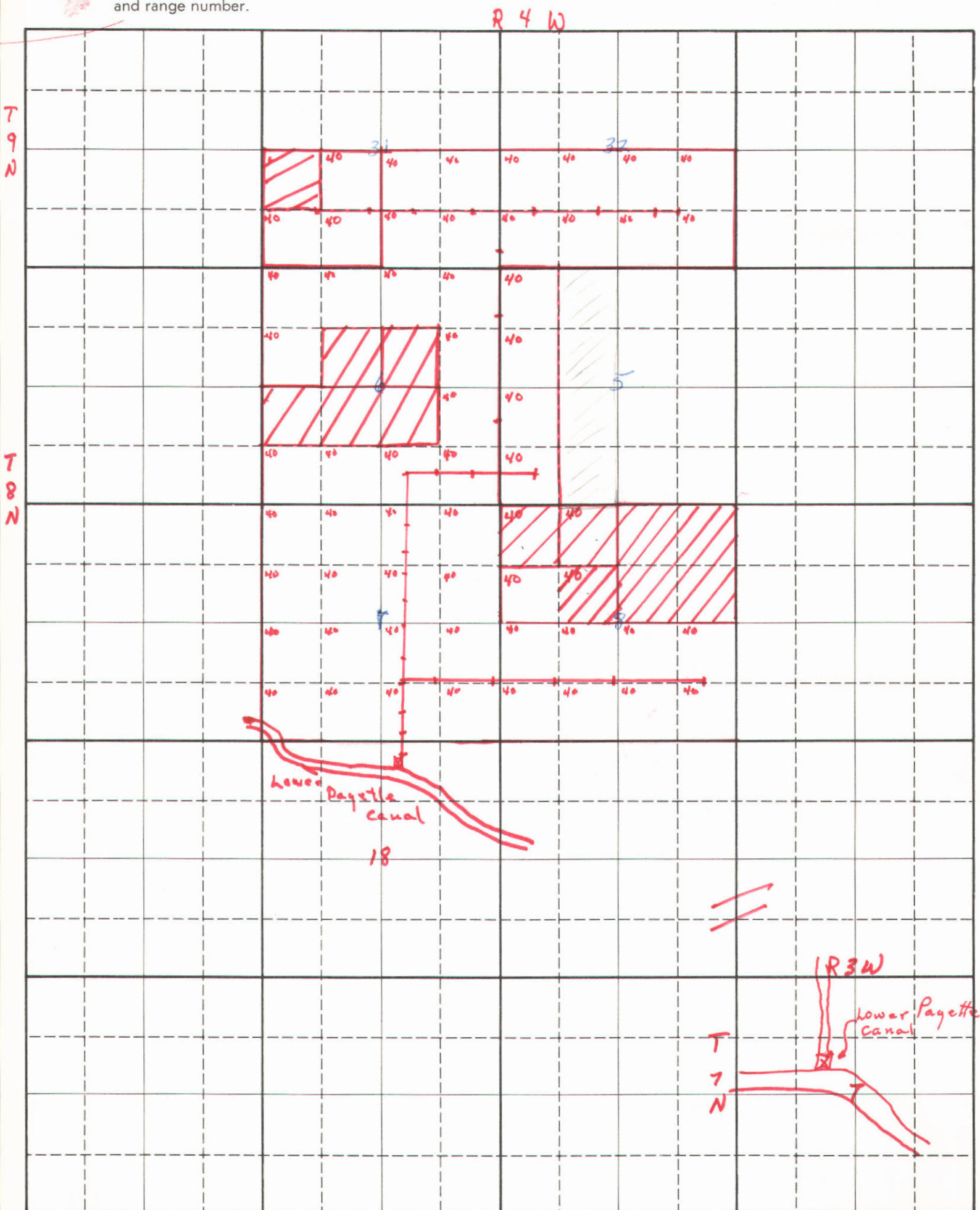
9. a. Who owns the property at the point of diversion Lower Payette Ditch Co.

b. Who owns the land to be irrigated or place of use Biven 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

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile

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

Lower Payette Ditch Co

Edward E. Pearson President
(Applicant)

65 7425

Proposed Priority 10-11-1973 Receipt # 12489 65-7425

Received by ej Date 10-11-73 Time 10:30 A

Preliminary check by COB Fee \$ 310.00

Receipted by ej Date 10-11-73 Receipt # 12489

Publication prepared by SW Date 10-12-73

Published in Independent Enterprise

Publication dates 10-18, 10-25-73

Publication approved SW Date 11-7-73

Priority reduced to _____ Reason _____

Protests filed by _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by KHC

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER ADMINISTRATION

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 65-7425, 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 November 1, 19 78.
- c. Other: A measuring device of a type approved by this department shall be permanently installed and maintained as part of the diverting works.

2. Denial of said application is for the following reasons _____

Witness my hand this 20th day of November 19 73.

R. Karl Hjort
Director

DEPARTMENT OF WATER ADMINISTRATION
- STAFF ANALYSIS -

Item	Initial	Date	
(1)	<u>EB</u>	<u>12 Oct 73</u>	Application No. <u>65-7425</u>
(2)			☒ 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
(3)	<u>EB</u>	<u>11 Oct 73</u>	In form to receipt <u>OK</u> Send Copies to: ☐ Idaho State Health Department ☐ Idaho Fish and Game Department ☐ Bureau of Land Management
(4)		<u>N/A</u>	☐ Request Special Use Permit from U.S. F.S. ☐ Request Easement from B. L. M. ☐ Request Information from Applicant
(5)	<u>EB</u>	<u>11 Oct 73</u>	In form for advertising <u>OK, 2 Oct 73</u>
(6)		<u>N/A</u>	Located within Water District No. <u>Basin 65</u>
(7)		<u>N/A</u>	Critical groundwater area: yes ☐ no ☐
(8)		<u>N/A</u>	Groundwater levels: ☐ Decline (comment) _____ ☐ Stable (comment) _____ ☐ Increasing (comment) _____
(9)			Comments: _____
(10)	<u>SW</u>	<u>11-7</u>	Affidavit of Publication received (date) <u>OK</u>
(11)	<u>JB</u>	<u>11/8</u>	Final date for protests <u>11/5/73</u> Protests received: yes ☐ no ☒
(12)	<u>JB</u>	<u>11/8</u>	Date and Place of hearing <u>N/A</u> Decision reached at hearing _____
(13)	<u>JB</u>	<u>11/8</u>	All requested information received from agencies or applicant yes ☒ no ☐
(14)	<u>JB</u>	<u>11/8</u>	Action recommended: ☒ Approve ☐ Deny Reason for Reduction _____ ☒ Measuring device required <u>dr</u> ☐ See attached sheet for additional conditions of approval ☒ No additional conditions for approval
(15)	District <u>West</u>	By <u>Booker</u>	Date <u>11/11/73</u> 1973 Department of Water Administration

RECEIVED
NOV 9 1973

65 7425

Nº 4452

OK sw
11-7-73

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, }
County of Payette } ss.

I. Janice Murphy, being duly sworn,
deposes and says:

That she is the principle 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 cir-
culation in the county aforesaid, and in the vicinity of Pay-
ette; 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 publica-
tion, 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 consecu-
tive weeks prior to the date of first publication of said
advertisement.

Such notice was published in the issue beginning with
October 18, 19 73, and ending
with the issue of October 25, 19 73

Janice Murphy

Fee \$ 16.20

Subscribed and sworn to before me this 6th day
of November, 19 73

Lawrence L. Robinson

Notary Public, Residing at Payette, Idaho.

My Commission Expires 11-20, 19 77

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that
LOWER PAYETTE DITCH
CO. 114 N. 8th St., Payette,
Idaho has on October 11,
1973, submitted application
No. 65-7425 for a permit to
appropriate 39 cubic feet per
second of water from the
Payette River, tributary to
Snake River by means of
dam and canal within Gov.
Lot 3, Sec. 7, T. 7 N., R. 3 W,
B.M., Payette County to be
used from April 1 to October
31 for the irrigation of 2320
acres within the N¹/₂NE¹/₄,
SE¹/₄NE¹/₄, N¹/₂NW¹/₄, S-
W¹/₄NW¹/₄, S¹/₂SW¹/₄,
NE¹/₄, SE¹/₄, S¹/₂SE¹/₄, Sec. 6,
NE¹/₄, NW¹/₄, SW¹/₄, SE¹/₄,
Sec. 7, NW¹/₄, SW¹/₄, SE¹/₄,
Sec. 8, T. 8 N. R. 4W,
NE¹/₄SW¹/₄, S¹/₂SW¹/₄, SE¹/₄,
Sec. 31, SW¹/₄, SE¹/₄, Sec. 32,
T. 9 N. R. 4 W, W¹/₂NW¹/₄,
W¹/₂SW¹/₄, Sec. 5, T., 8 N, R. 4
W.

If issued, this permit will be
subject to all prior water
rights. Protests against the
granting of the permit must
be filed with the Idaho
Department of Water
Administration, Statehouse,
Boise, Idaho 83707, on or
before November 5, 1973.

R. KEITH HIGGINSON

Director

Published in the
Independent Enterprise, Box
348, Payette, Idaho on
October 18, 1973 and October
25, 1973

No. 4452 10-18 2tc

RECEIVED

65
NOV 7 1973

Department of Water Administration



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. 65-07425

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 that reads 'Shelley Keen'.

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosure

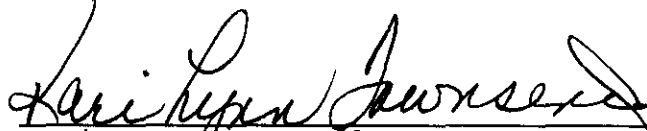
MICROFILMED
SEP 13 2000

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. 65-07425

LOWER PAYETTE DITCH CO
102 N MAIN
PAYETTE ID 83661


Kari Lynn Townsend
Secretary

MICROFILMED
SEP 13 2000

**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

MICROFILMED

SEP 14 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

July 14, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

LOWER PAYETTE DITCH CO
828 CENTER AVE
PAYETTE ID 83661

RE: WATER RIGHT NO. 65-07425

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 been actually developed. I have not yet received the amendment. If I do not receive it within 14 days, I will assume you no longer have any interest in the permit and cancellation proceedings will begin. Enclosed for your convenience is another amendment form. 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,

A handwritten signature in cursive script that reads "Kay Walker".

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
828 CENTER AVE
PAYETTE ID 83661

RE: WATER RIGHT NO. 65-07425

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 your place(s) of use is in a location other than what was described on your permit. Therefore, before a license can be issued, the permit must be amended to depict your water right as it was actually developed.

The enclosed Application for Amendment form depicts the place(s) of use and other information as it 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

FAX:
642-1042

7-7
sent copy
of B/U full
050.01.e
re-exam
fee per
request

MICROFILMED
JUN 13 2000

6-29
Ditch Co. needs
additional week
to review amendments
have scheduled Board
meeting on July 5th
& will discuss
amendments
then. kw

LICENSE REVIEW CHECKLIST

Permit No 65-07425 Date 1-26-2000 Reviewer Kay Walker

irrig season
3/1 - 11/15 per
new map

Change/OK

Name/Address ok

Source ok

Point of Diversion ok

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) 65-07882, 65-07885
File reviewed ✓ Profile reports printed ✓

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

$633 \times 0.02 = 12.66$

Rate of Diversion

Permitted rate 39.0 cfs
Fee Limit 18.0 cfs
Measured 12.54 cfs
Theoretical cfs

Recommended Total Diversion Rate allow 12.54 as recommended

Water Uses

ok

Change (P46)

Irrigation 12.54 cfs 2850 af
Stockwater cfs af
Domestic 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 - (W22/047/27A)

65-07885 > 2850. AFA

Volume Determination

$12.54 \text{ cfs} \times 19835 \times 260 \text{ days} = 6467 \text{ af}$ (vs) $633 \text{ acres} \times 4.5 \text{ (FHR)} = 2848.5 \text{ af}$

≈ 2850

Remarks

W35, W36

Additional Conditions YES Watermaster Control

NO GW Measurement/Measuring Device

NO Other

Trust (052/R55 - remove 051)

Non-trust (048/049)

Government Lots? ✓

R04
R65
R43

Advance Priority? yes
no

If yes, explain why below

SRBA Claim?

yes - pending

Adjust memo

Amend Letters

P41 P87, S06

Second Amendment Notice

P49 S06

WR0749NP
No. L65-07425

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 828 CENTER AVE PAYETTE ID 83661 (208) 642-3945	10/11/1973	IRRIGATION	03/01 11/15 ✓	12.540 CFS ✓	2850.00 AFA ✓
TOTAL DIVERSION:					12.540 CFS ✓	2850.00 AFA ✓

Water Source: PAYETTE RIVER

Tributary to: SNAKE RIVER

Stage: LICENSE

Point(s) of Diversion Capacity: 12.540 CFS

Point(s) of Diversion: T07N R03W S07 Lot 03(SESENW)

PAYETTE County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE													
NENE		NWNE		SWNE		SENE		NENW		NWNW		SWNW		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	SUM
08N	04W	5	:						:																40.0
08N	04W	6	:						:																118.0
08N	04W	7	:						:																278.0
08N	04W	8	:						:																187.0
08N	04W	17	:						:																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 65-04982 65-07425 65-07428 65-07848 65-07882 65-11212
65-12279 65-12756

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

65-07425 65-07885 L65-07885

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 65-07885 and 65-07425 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: 10/11/1973 Priority Date: 10/11/1973
Proof Due Date: 11/01/1988 Proof Made Date: 10/28/1988
Exam Made Date: 11/30/1995 Exam Sent to S.O.: 04/23/1996
Licensed Date:

Misc: Water District Number: 65 Field Exam Fee: R (Received)

(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		
		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
L6507425	T08N R04W S 5 PAYETTE RIVER																	
	:													40				40
~~6507425~~	PAYETTE RI :							40	40					40	40			160
A6507425	PAYETTE RI :								40					40	40			120
A6507882	GRAVEYARD :							40	40					40	40			160
6507885	GRAVEYARD :							40	40					40	40			160
L6507885	GRAVEYARD :							40	40					40	40			160
L6507425	T08N R04W S 6 PAYETTE RIVER																	
	:												30 06-01 07-20			29	38 : 118	
A6500165A	PAYETTE RI :													40			40	80
A6500165B	PAYETTE RI :													40			40	80
A6500165C	PAYETTE RI :													40			40	80
6500165X	PAYETTE RI :													40			40	80
A6500165X	PAYETTE RI :													40			40	80
A6502927H	PAYETTE RI :													40			40	80
~~6507425~~	PAYETTE RI :	40	40			40	40	40	40					40	40	40	40	440
A6507425	PAYETTE RI :	40	40			40	40	40	40					40	40			320
A6507882	GRAVEYARD :	40	40			40	40	40	40					40	40	40	40	440
6507885	GRAVEYARD :	40	40			40	40	40	40					40	40	40	40	440
L6507885	GRAVEYARD :	40	40			40	40	40	40					40	40	40	40	440
6511413	GRAVEYARD :													40			40	80
A6511413	GRAVEYARD :													40			40	80
6513585	GROUNDWATE :							03-0										
L6507425	T08N R04W S 7 PAYETTE RIVER																	
	:					20		39 01-43 02-34	38		35 03-16					23	30	278
A6500165A	PAYETTE RI :	40	40	40										16	01			137
A6500165B	PAYETTE RI :	40	40	40										16	01			137
A6500165C	PAYETTE RI :	40	40	40										16	01			137
6500165X	PAYETTE RI :	40	40	40										16	01			137
A6500165X	PAYETTE RI :	40	40	40										16	01			137
A6502927H	PAYETTE RI :	40	40	40										16	01			137
6507425	PAYETTE RI :	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
A6507425	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
L6507885	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
L6507425	T08N R04W S 8 PAYETTE RIVER																	
	:							40	40	11		11	35	10	35		05	187

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									
A6502240	LITTLE WIL :																									03 :	3							
6507425	PAYETTE RI :									40	40	40	40	:	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					
A6507882	GRAVEYARD :									40	40	40	40	:	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	:	40	40	40	40 :	480					
L6507885	GRAVEYARD :									40	40	40	40	:	40	40	40	40	:	40	40	40	40	:	40	40	40	40 :	480					
L6507425	T08N R04W S17 PAYETTE RIVER																																	
	:									10					:					:								:	10					
A6500165A	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					
A6500165C	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					
6502240	LITTLE WIL :	33		16		07		33	:					:				:					:						:	89				
A6502240	LITTLE WIL :	38		17		12		34	:					:				:					:						:	101				
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				
6505773	LITTLE WIL :					23			:					:				:					:						:	23				
A6505773	LITTLE WIL :					28			:					:				:					:						:	28				
6505774	GROUNDWATE :					03			:				06	:				:					:						:	9				
6507461	PAYETTE RI :								:					:				15	:					:					:	15				
A6507461	PAYETTE RI :								:					:				15	:					:					:	15				
L6507461	PAYETTE RI :								:					:			05	:					:			01-06		:	11					
R6507461	PAYETTE RI :								:					:				15	:					:					:	15				
A6507882	GRAVEYARD :								:		16	13	:	39	38	28	02-09	:					:			01-03		:	146					
6511211	SLOUGH :								:					:			04	:					:						:	4				
A6511211	SLOUGH :								:					:			04	:					:						:	4				
6511413	GRAVEYARD :								:		16	13	:	39	38	28	02-09	:					:			01-03		:	146					
A6511413	GRAVEYARD :								:		16	13	:	39	38	28	02-09	:					:			01-03		:	146					
6513225	WASTE WATE :								:			01	:					:					:						:	1				

AJ5809NP
No. A65-07425

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 01/26/00
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	LOWER PAYETTE DITCH CO 828 CENTER AVE PAYETTE ID 83661	10/11/1973	IRRIGATION	03-15 11-15	39.000 CFS	
					TOTAL DIVERSION:	39.000 CFS

Water Source: PAYETTE RIVER

Tributary to:

Stage: PERMIT

Point(s) of Diversion: T07N R03W S07 Lot03() Lot03(SWNE)

PAYETTE County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE										
				NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM		
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	
08N	04W	5	:					:			40		:		40	40		:							:	120.0
08N	04W	6	:	40	40		40	:	40	40	40		:		40	40		:							:	320.0
08N	04W	7	:	40	40	40	40	:	40	40	40	40	:					:							:	320.0
08N	04W	8	:					:	40	40	40	40	:	40	40	40	40	:							:	320.0
09N	04W	31	:					:					:	40		40	40	:	40	40	40	40			:	280.0
09N	04W	32	:					:					:	40	40	40	40	:	40	40	40	40			:	320.0
																							TOTAL ACRES		1680.0	

POU County: PAYETTE

Remarks: GEN THIS PERMIT RIGHT IS NOT DECREED BY THE PRESENT ADJUDICATION
PROCEDURE, AND IS INCLUDED FOR INFORMATION PURPOSES ONLY.
NORMAL STATUTORY PROCEDURES MUST BE COMPLETED FOR LICENSING.

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: 65 Field Inspection Flag:
Presumption Flag:

AJ5809NP
No. A65-07882

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 01/27/00
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	LOWER PAYETTE DITCH CO	05/13/1977	IRRIGATION	03-15 11-15	30.000 CFS	
TOTAL DIVERSION:					30.000 CFS	

Water Source: GRAVEYARD GULCH WASTEWAY

Tributary to: PAYETTE RIVER

Stage: PERMIT

Point(s) of Diversion:

T07N R03W S07

SESW

PAYETTE County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE										
				NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM		
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	
07N	03W	5	:					:						:			03	:							:	3.0
07N	03W	6	:				12	02	:					:				:	30	08	27	36	:		:	115.0
08N	03W	19	:	20	40	40		:				40	:	20		20		:							:	180.0
08N	04W	5	:					:		40	40		:		40	40		:							:	160.0
08N	04W	6	:	40	40		40	:	40	40	40		:			40	40	:	40		40	40	:		:	440.0
08N	04W	7	:	40	40	40	40	:	40	40	40	40	:	40	40	40	40	:	40	40	40	40	:		:	640.0
08N	04W	8	:					:	40	40	40	40	:	40	40	40	40	:	40	40	40	40	:		:	480.0
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	04W	24	:			20	40	:					:					:					:		:	60.0
08N	04W	25	:					:					:					:	40		40	40	:		:	120.0
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	04W	31	:					:					:	40		40	40	:	40	40	40	40	:		:	280.0
09N	04W	32	:					:					:	40	40	40	40	:	40	40	40	40	:		:	320.0
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

AJ5809NP
No. A65-07882

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 01/27/00
PAGE: 2

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE										
				NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM		
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	
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	
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		13471.0	

POU County: PAYETTE

Other Rights: 65-0165A/B/C/X, 65-11413, 65-2376, 65-7425, 65-7428, 65-7848

Remarks: GEN POINT OF INJECTION IN PAYETTE RIVER: NESW, S. 7, T7N, R3E.
POINT OF RE-DIVERSION: LOT 3, S. 7, T7N, R3E.
THIS RIGHT WHEN COMBINED WITH OTHER RIGHTS SHALL NOT EXCEED .02
CFS PER ACRE DIVERTED NOR 3.5 AF PER ACRE CONSUMED.

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: 65 Field Inspection Flag:
Presumption Flag:

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

APR 24 1996

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 65-07425

1. Owner: Lower Payette Ditch Co Phone No. 208-642-3945

Current Address: 828 Center Ave Payette ID
CONTACT

2. Accompanied by: Jim Buene EXAM DATE: 10/24/95

Address: 55 Emma St Payette Phone No. 208-642-9827

Relationship to Permit Holder: previous owner

3. Source: Payette R tributary to Snake R

B. OVERLAP REVIEW

1. Other water rights with the same place of use: 65-07885, 65-00165X, 65-11413
ABC
2. Other water rights with the same point of diversion: 65-00165X, -07428, -07848, -07882
-11212, -12279, -12756 -07885

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
	3	SE	SE	NW	7	7N	3W	Payette	USGS Quad

2. Place(s) of Use:

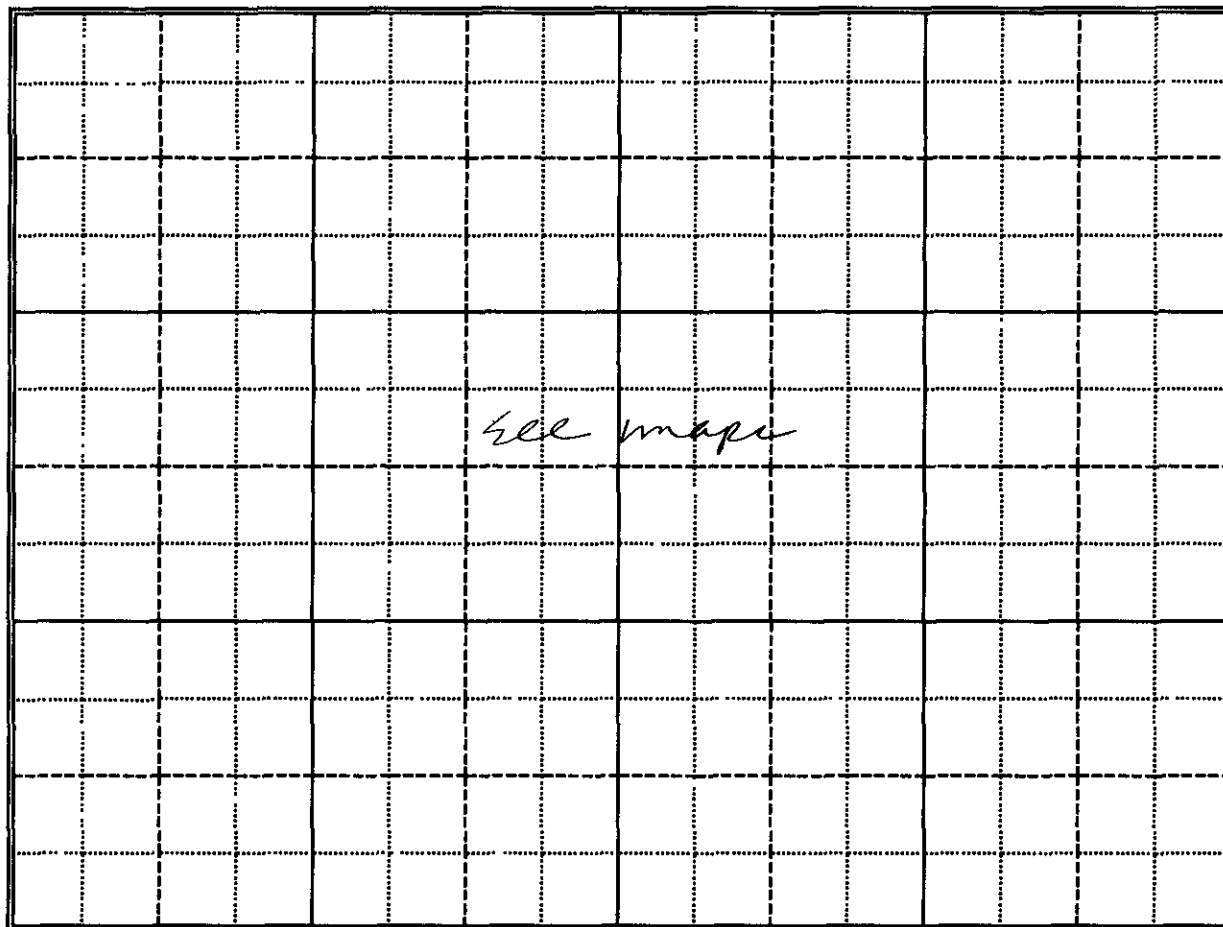
Indicate Method of Determination

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	20		29		38	118
		7				20	39	41	42	38	35	43	16		23	30			278
		8						40	40	11	11	35	10	35			5		187
		17					10												10

MICROFILMED

SEP 17 2000

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe I.D. as applicable.



Scale: 1" = _____

☐ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required)

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

☐ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
1	GE	300		Layne	
2	"	"		"	
3	"	"		"	

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. Measurements: Used installation plan supplied by Layne Pump Co.

MICROFILMED

SEP 13 2000

This image shows a single page of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or other markings on the paper.

MICROFILMED
SEP 13 2000

Installation Plan

F. FLOW CALCULATIONS

1 Additional Computation Sheets Attached

Measured Method:

$$\text{pump capacity per installation plan} \cdot 1875 \text{ GPM} = 4.18 \text{ cfs} \times 3 \text{ pumps} = 12.54 \text{ cfs}$$

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

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

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

$$V = \text{Smaller of } V_{IR} \text{ and } V_{D.R.} = 2848.5$$

2. Volume Calculations for Other Uses:

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
<u>Irrigation</u>	<u>3/15</u>	<u>11/15</u>	<u>12.54</u>	<u>2848.5</u>
Totals:			<u>12.54</u>	<u>2848.5</u>

2. Recommended Amendments

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

I. AUTHENTICATION

Field Examiner's Name Joe Granger Date 4/19/96

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 2006

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
APR 3 2005



LAYNE & BOWLER, INC. MEMPHIS, TENNESSEE

LAYNE & BOWLEN DIVISION
MEMPHIS, TENNESSEE U.S.A.



SEP 13 2000

B. H. P.:

* INCLUDES 3" HIGH MOTOR ADAPTOR W/ USED

15-07425

Payette R Diversion Description

DATA COLLECTION FORM

DATE: Dec. 11, 1992

DATA COLLECTED BY: Steve Lester

STREAM: Payette River

DIVERSION NAME: Lower Payette Ditch Co. Canal

POINT OF DIVERSION: Lot 3 (SESENW) S7 T7N R3W

ACCESS: Falk Bridge, Bluff Road, Acord Ranch Road in center of NW 1/4 S8

USGS MAP: Letha
(name)

W5
(number)

NAPP I.D. NUMBER: W-5-NW

WATERMASTER CONTROL: ☒ Yes ☐ No

DIVERSION DESCRIPTION: Cement checkdam across river & adjustable headgate boards on part of checkdam on north side of river divert water through 5 metal headgates (lockable) to large canal. Approx. 250' downstream from headgates on canal is footbridge - this is measuring point for Watermaster via AA meter.

meas
device

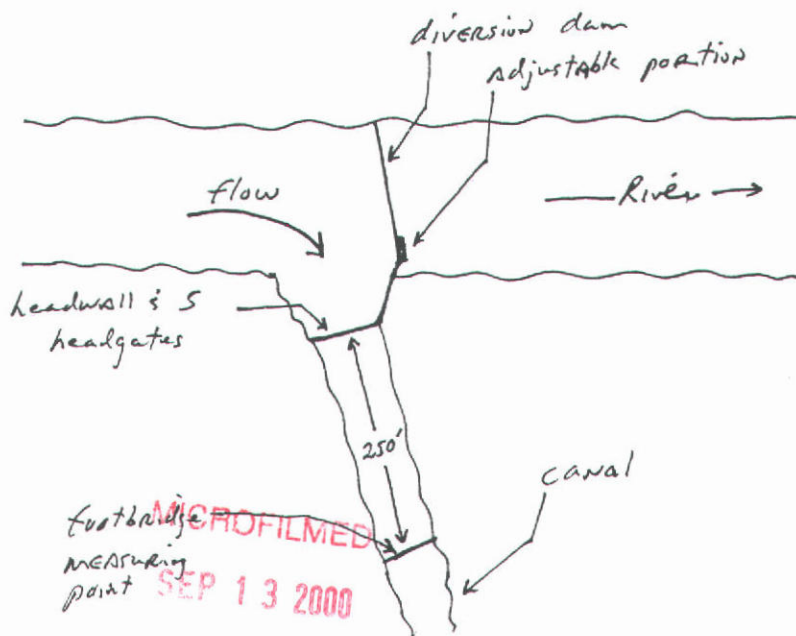
MEASUREMENT: Permanent meas. point station as described above. Also, a second meas. point station is located in Lot 2 (NESESW) S17 T8N R4W. Second station is similar - footbridge where Watermaster uses AA meter to measure.

CURRENT WATER RIGHTS: 65-00165A-B-C-X & 65-07425 -07428 -07848 -12756

IF APPLICABLE:

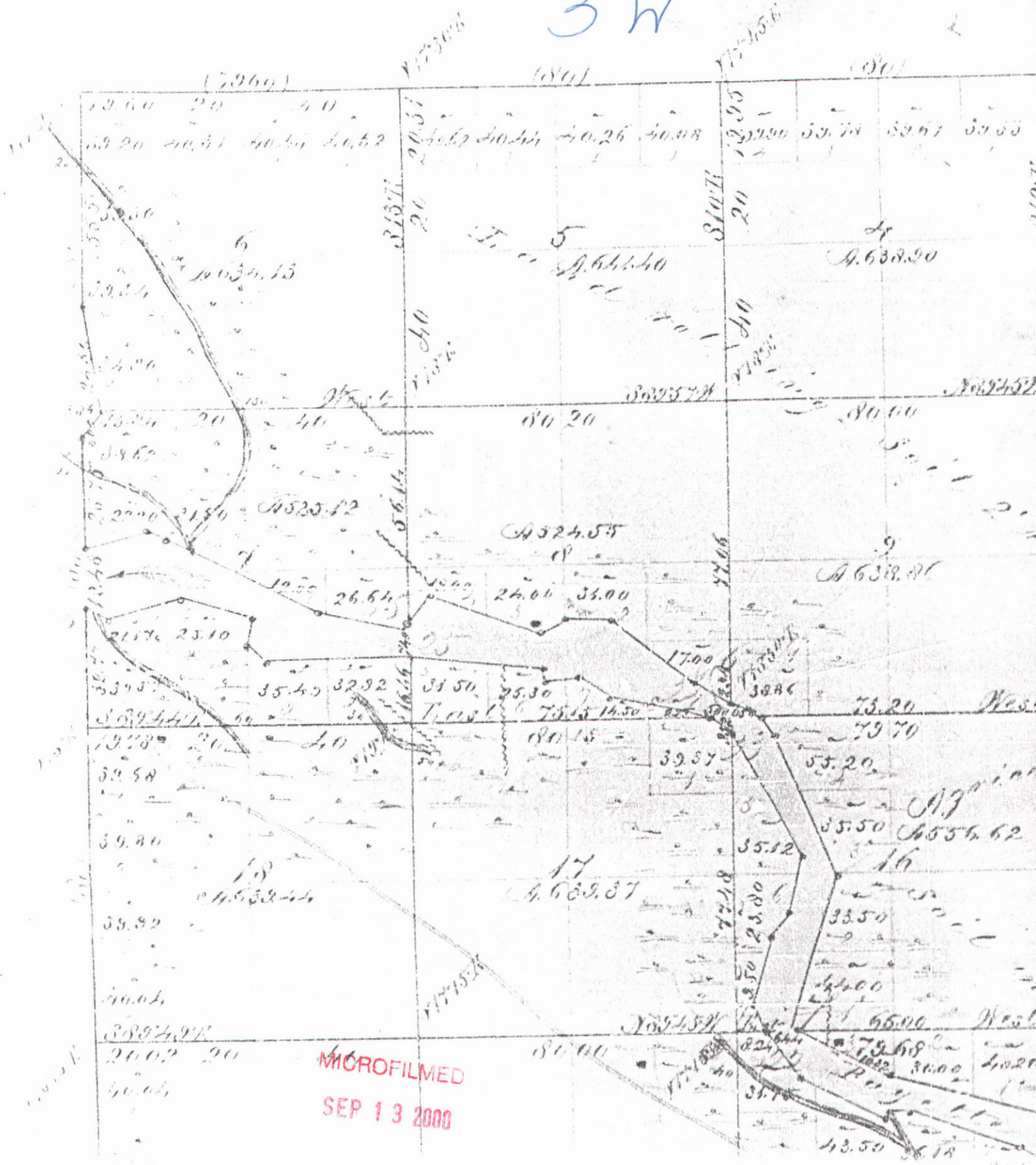
IDAHO POWER METER NUMBER:

DIAGRAM:



C: Permit 65-07425
for licensing exam

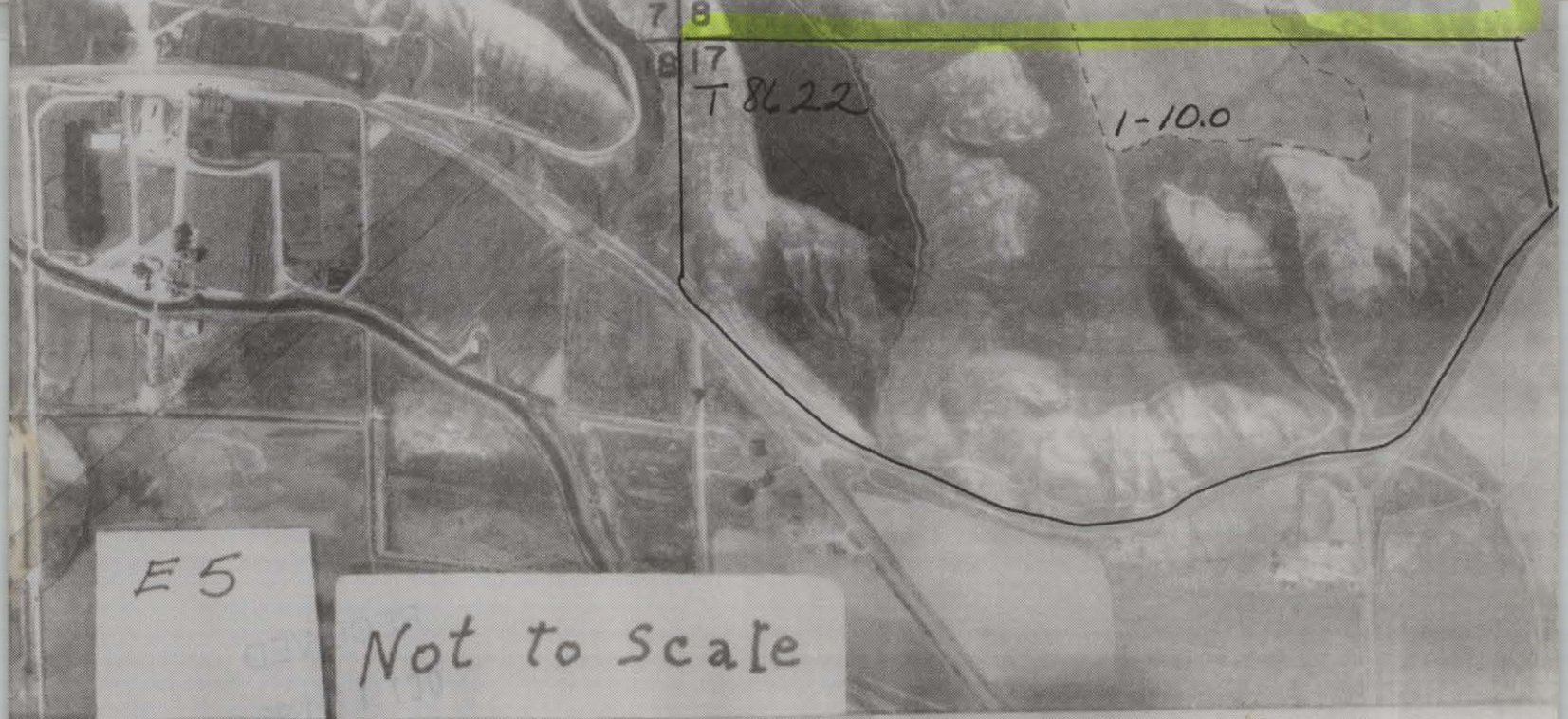
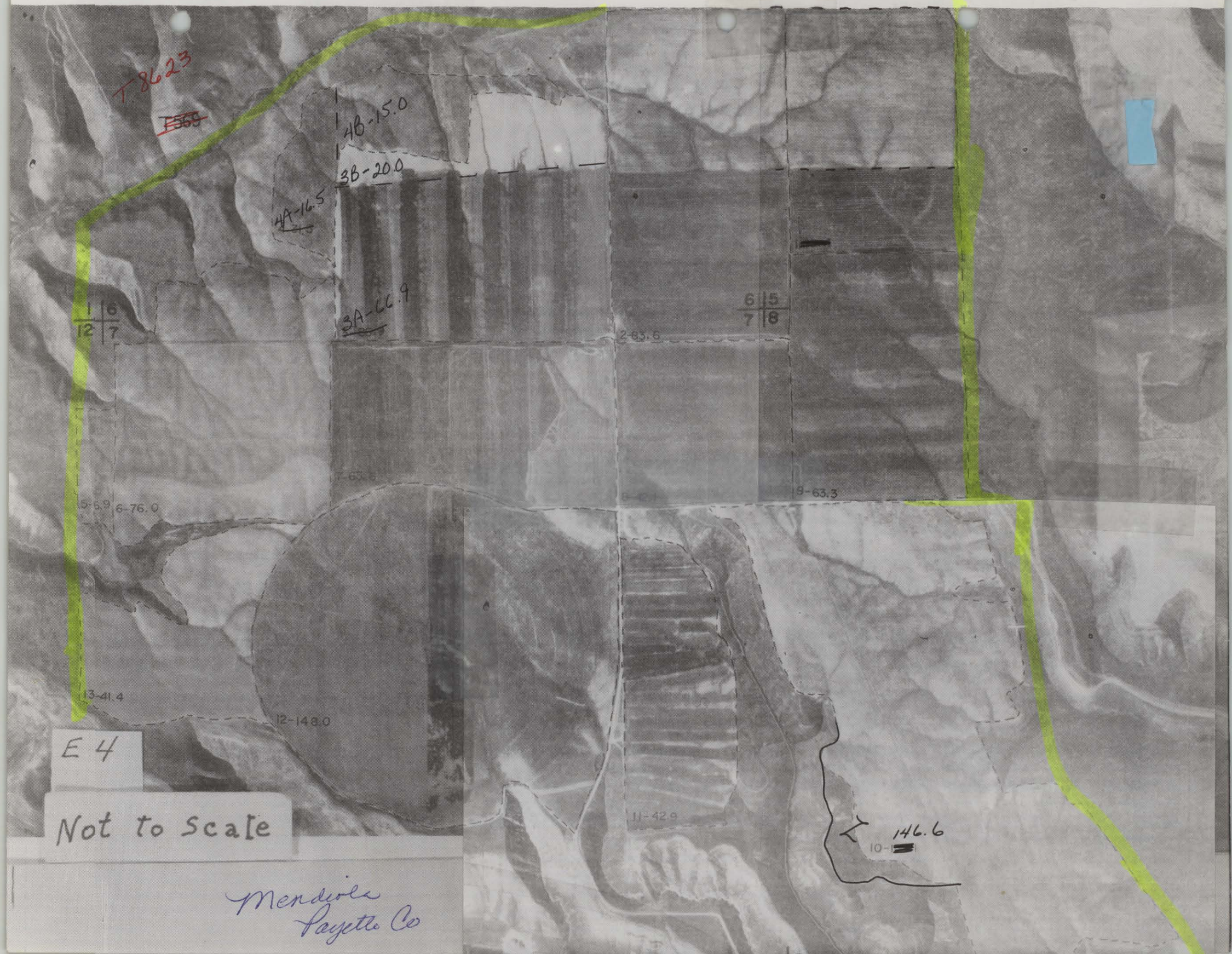
Township 40th North Range
3rd West



Township & 108 North Range

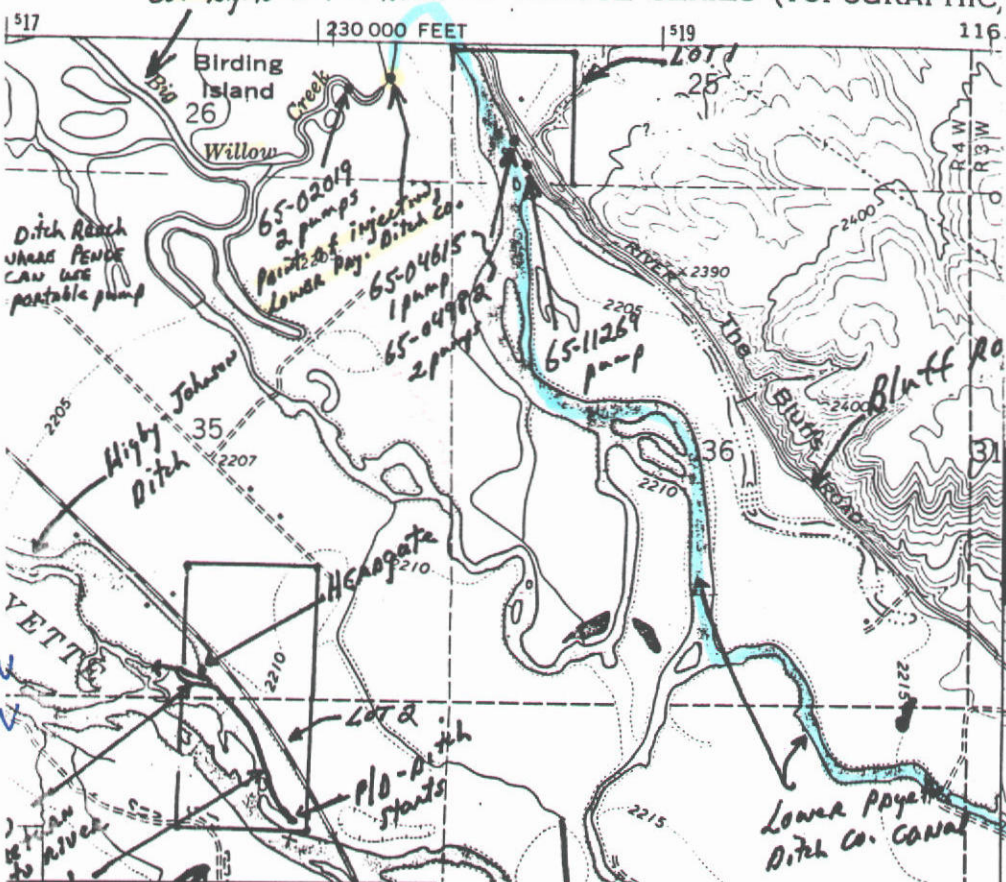


MICROFILMED
JUN 13 2000



Creek is conveyance
for Lower Payette Ditch
Co. Rights in this Reel 7.5 MINUTE SERIES (TOPOGRAPHIC)

NEW PLYMOUTH QUADRANGLE IDAHO-PAYETTE CO.



Lower Payette
Ditch Co.
Canal

Flume across
canal

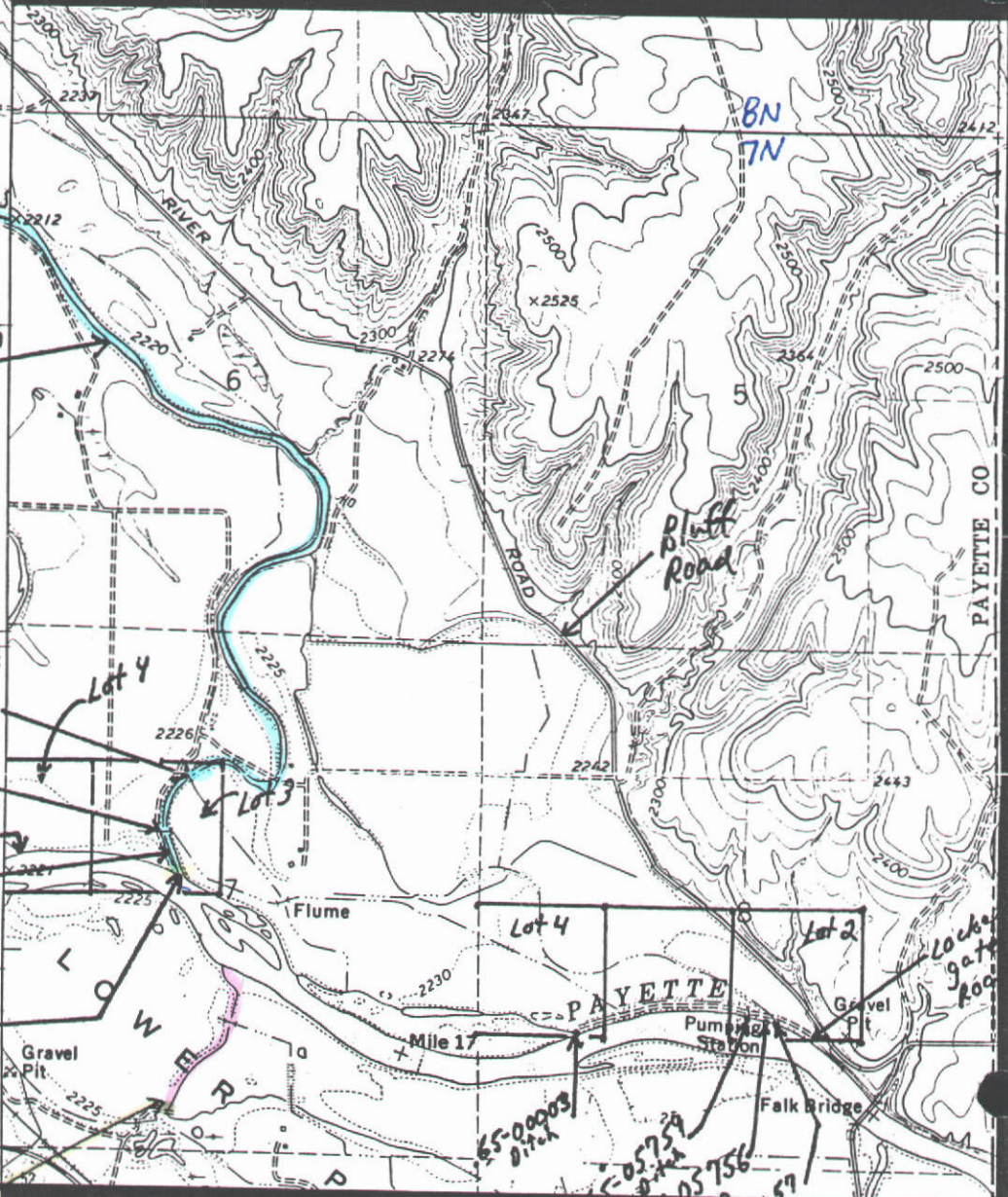
Pipeline across
canal

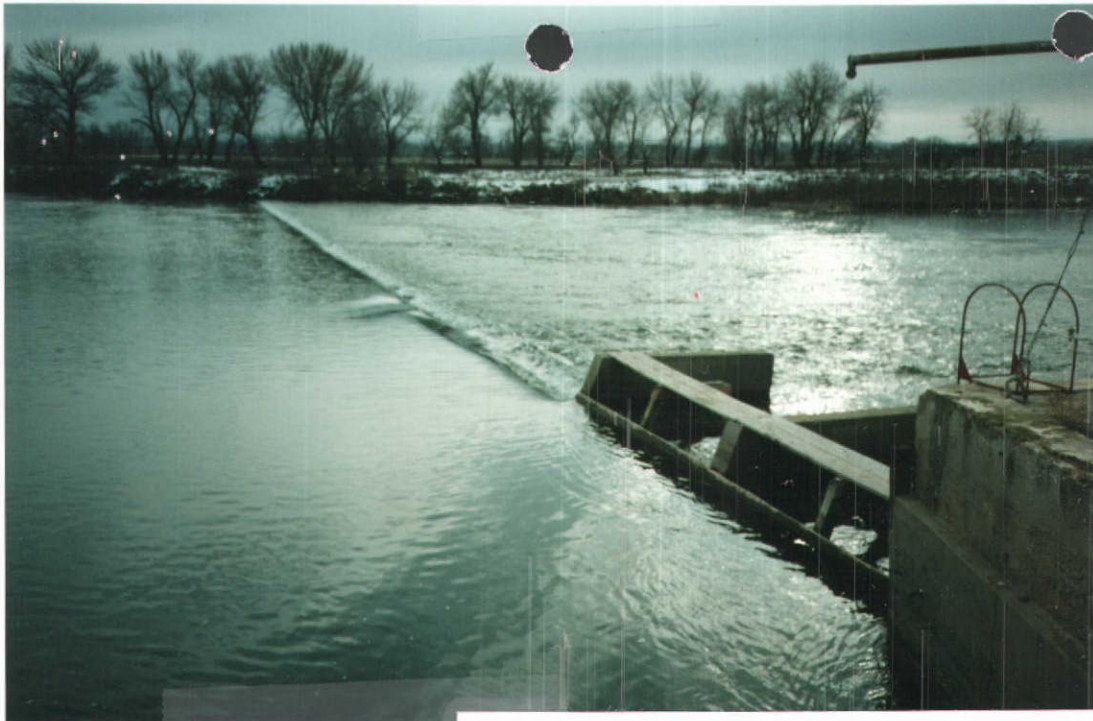
measuring point

Lower Payette
Ditch Co.
canal
P/O

Grainyard Gulch
Diversion

P/O: Lot 3 SESEW S.7 T.7N R.3W
Pt. of injection into Big Willow Cr.
SESE S.26 T.8N R.4W.





P/D off of Payette
 R into lower
 Payette Ditch
 Co Canal
 T7N R3W sec 7
 SESENW 1/4 3



MICROFILMED
 SEP 13 2000

65-07425



Pump Station
three 300 HP
Rayne Pumps

Inlet off of
Lower Payette
Ditch and
Settling Pond



MICROFILMED
SEP 13 2000

65-07425

1/00

PROOF OF BENEFICIAL USE

ANALYSIS SHEET

Permit No. 65-7425

Date: 11-16-88

General Considerations:

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

Source of Water:

☒ 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:

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

Measuring Device:

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

Remarks:

Proof acceptable

N/A Priority Calculation:
Date proof received _____

Date proof due _____

No. of days late _____

Priority date _____

NEW PRIORITY DATE _____

SEND FILES TO DATA ENTRY AND THEN TO MICROFILM

CONVERSATION MEMORANDUM

DATE Nov. 1, 1988FILE 65-7425

NAME OF PARTY _____

EMPLOYEE Rita Fleck

RE: _____

Note the letter from Cecil Shurtliff. He explains that he would like to get an extension for the balance of 21CS and submit proof for 18CS.

I contacted the Lower Payette Ditch Co. to determine what action they wish to take on this filing.

The secretary for the Lower Payette Ditch Co. advised Kay Walker that the Company wants to submit proof for the 18CS only. They do not wish to pursue the request for extension of time.

MICROFILMED

DEC 6 1988

LOWER PAYETTE DITCH CO.

828 Center Avenue
PAYETTE, IDAHO 83661
Phone (208) 642-3866

October 26, 1988

Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, ID 83720

Re: Permit No. 65-07425

Dear Sir:

We are submitting proof of beneficial use for 900 acres.

We do not believe that any further development will occur on the land this permit was requested for.

However, some landowners adjacent to the Buttermilk Slough, are very interested in obtaining water from Lower Payette Ditch Company. The total acreage could approach 1000 acres.

Therefore, we are requesting an extension of time for one year on the balance of 21 cfs under the above mentioned permit.

Since the water that we are showing beneficial use for is all pumped, we are requesting a waiver of a measuring device and will install a port in the pipeline.

Please find enclosed a check in the amount of \$525.00 for the license examination fee. This is the amount quoted on the schedule for 18 cfs.

Sincerely,


Cecil Shurtleff, President

RECORDED

DEC 04 1988

PAYEE DETACH THIS STATEMENT BEFORE DEPOSITING CHECK

LOWER PAYETTE DITCH COMPANY - Payette, Idaho 83661

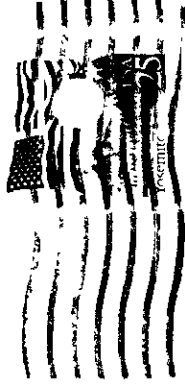
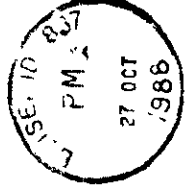
DATE	ACCOUNT OR INVOICE NO.	DESCRIPTION	AMOUNT	DISCOUNT OR DEDUCTION	NET AMOUNT
		Proof of Beneficial Use Permit # 65-07425	525.00		

EMPLOYEE'S NAME

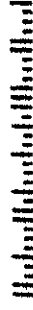
PAY PERIOD ENDING	HOURS	RATE	GROSS EARNINGS	DEDUCTIONS					NET EARNINGS PAID
				FICA	FED WITH TAX	STATE WITH TAX			
	REG T OT								

EMPLOYEE THIS IS A STATEMENT OF YOUR EARNINGS AND DEDUCTIONS FOR PERIOD INDICATED KEEP THIS FOR YOUR PERMANENT RECORD

Lower Payette Ditch Co.
828 Center Avenue
PAYETTE, IDAHO 83661



Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, ID 83720



138342
August 31, 1988

LOWER PAYETTE DITCH COMPANY
114 N. 8TH ST.
PAYETTE, ID 83661

PROOF DUE NOTICE

RE: PERMIT NO. 65-07425

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 November 1, 1988. (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 complete 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. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

SINCERELY,

Rita Fleck
Secretary/Records Manager

Enclosures

RECORDED

DEC 04 1988

August 23, 1983

Lower Payette Ditch Co.
114 N. 8th St.
Payette, ID 83661

Gentlemen:

Re: Permit No. 65-7425

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 November 1, 1988.

The approval of the extension of time is based upon the past moratorium by Idaho Power Company against new power hookups.

Sincerely,

RITA I. FLECK
Secretary/Records Manager

Enclosure: Ext. of Time

RECEIVED
AUG 24 1983

FROM: JIM

DATE: 8-5-83

TO FILE NO. 65-7425

Subject: Extension of Time Request dated June 13, 1983

Time allowed for delay in permit development caused by Idaho Power Litigation
is determined as follows:

Start of Idaho Power Litigation	12/29/1977
Proof to Beneficial Use Due	<u>11-1-83</u> - After 1 st Ext.
Period of Delay	<u>5 yrs.</u>
New Proof to Beneficial Use Date	<u>11-1-88</u>

MICROFILMED

Sherl L. Chapman

RECEIVED

CONSULTANT

410 S ORCHARD / SUITE 144 / BOISE, IDAHO 83705 / PHONE 344-6690 AUG 10 1983

Department of Water Resources

August 2, 1983

Mr. Jim Johnson
Department of Water Resources
Statehouse
Boise, Idaho 83720

Dear Jim:

Lower Payette Ditch Company has asked me to contact you with regard to the request for extension of time for water right permit 65-7425. As you may remember, the permit is for use of water on lands serviced from the Lower Payette canal on benchlands above the canal. The anticipated development required the addition of new electrical powered pumps being installed in the embayment to discharge water into an existing penstock. The concrete base for the pump station includes openings for the additional pumps and it is anticipated that development would occur within the permit period as extended. However, on December 30, 1977, Idaho Power issued a letter placing a moratorium stating that "...The Company has filed a law suit in the district court of the Fourth Judicial District of the State of Idaho for Ada County asking the court to determine whether or not the Company has a protectable right in the waters of the Snake River and its surface and subterranean tributaries between Milner Dam and Hells Canyon, and the extent which the Company must attempt to prevent present and future water withdrawals. The Company also requested the court, pending a decision, to temporarily prohibit any water applicant permit holder from requiring the Company to hook up electricity to an installation which would allow the pumping of water which may further deplete the flows in this reach of the Snake River and its tributaries.

If your contemplated electrical installation for water pumping has not been previously hooked up for electrical service be advised that until these matters have been ruled on by the court and electrical hook ups for your water pumping purposes, other than for domestic purposes, will not be made, unless ordered by the court...."

SPECIALIST IN

GROUND-WATER HYDROLOGY / WATER RIGHTS / WATER WELL DESIGN / GEOTHERMAL RESOURCES

Aug 10 1983

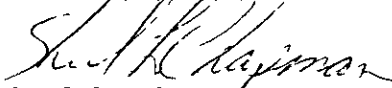
Mr. Jim Johnson
August 2, 1983
Page 2

Even though Idaho Power Company has at times indicated that in some cases a waiver could be granted to allow electrical hook ups for reaches of rivers non-tributary to the Snake River above Swan Falls, it was clear from the letter that a great possibility existed that if such hook ups were made they could be required to be disconnected and those water users would lose a large investment both in equipment and irrigated cropland. Because of the litigation that had been initiated and which continued until November 19, 1982, the applicant under 65-7425 could only conclude that it was inappropriate and even foolhardy to add an existing pump or pumps for diversion of water under this water right knowing full well, because of the published moratorium, that upon an adverse decision by the court they could be required to remove all equipment and cease irrigation of lands described under this permit. Therefore, the Company has been effectively prohibited from proceeding with development of permit 65-7425 by the complaint filed in the summer of 1977 with the Idaho Public Utilities Commission and the subsequent litigation that was filed in the Fourth Judicial District of the State of Idaho. While the applicant did not specifically request electrical hook up, it failed to do so because of formal notification by Idaho Power Company through James Bruce, President, of the moratorium as well as the common knowledge of the litigation that was filed.

Both the IPUC complaint and the litigation were filed prior to expiration of the first approved request for extension of time and proof of beneficial use date of November 1, 1978. It is our belief, therefore, that the Lower Payette Ditch Company has specifically been prohibited from completing development of the permit by litigation as described in Section 42-204, Idaho Code, and would therefore request that a second extension of time be granted to November 1, 1988.

If you have any questions or need additional information, please feel free to call.

Sincerely yours,

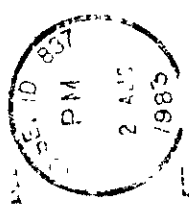
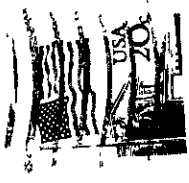

Sherl L. Chapman
Consultant

SLC:kje
cc:Mr. Jim Bivins
Mr. Cecil Shurtleff

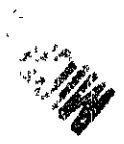
RECEIVED
AUG 10 1983

Gherl L. Chapman

CONSULTANT
410 S ORCHARD / SUITE 144 / BOISE ID 83705



Mr. Jim Johnson
Department of Water Resources
Statehouse
Boise, ID 83720





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

June 24, 1983

RE: Permit No. 65-7425

Lower Payette Ditch Co.
114N. 8th Street
Payette, Id 83661

Dear Sir

The Department is in receipt of a request for extension of time in which to submit proof to beneficial use of water under permit No. 65-7425. This request was received on June 13, 1983.

Enclosed is a another request form which needs to be signed and returned on or before November 1, 1983.

Your original request form had been notarized in the space reserved for action by the Director of the Department of Water Resources therefore, making the form unuseable.

In addition to signing the form, more specific information on how the Idaho Power Company moratorium has prevented development of the lands covered under this permit is required before the extension request can be approved.

Please provide any evidence, such as denial from Idaho Power to hook up electrical power, ect. that shows that the moratorium has prevented development.

You may be aware that this extension request is the second such request made on this permit. The Director is limited under the provisions of section 42-204 to allow only one request unless the permit holder can show that they have been prevented from developing the permit because of litigation, therefore it is very important that you show the relationship between the Idaho Power litigation and delay caused to your development. Economic conditions cannot be considered as a reason for granting this extension.

If you have any questions, please let us know.

Sincerely



JIM JOHNSON

Water Distribution Section

JJ:jvv
Enclosure

RECEIVED

LOWER PAYETTE DITCH CO. COMPANY, PAYETTE, IDAHO

EMPLOYEE STATEMENT OF EARNINGS AND DEDUCTIONS

DATE	AMOUNT OR INVOICE NO.	DESCRIPTION	AMOUNT	DISCOUNT OR DEDUCTION	NET AMOUNT
6/83		Request for Extension of Time # 65-7425	15.00		

EMPLOYEE'S
NAME

PAY PERIOD ENDING	HOURS	RATE	GROSS EARNINGS	FICA	FED. WITH TAX	STATE WITH TAX	NET EARNINGS PAID
REG. T O.T.							

DEDUCTIONS

EMPLOYEE THIS IS A STATEMENT OF YOUR EARNINGS AND DEDUCTIONS FOR PERIOD INDICATED KEEP THIS FOR YOUR PERMANENT RECORD

STATE OF IDAHO
Department of Water Resources

No. 31005

Boise, Idaho, 6/14, 1983

RECEIVED
FROM

Lower Payette Ditch Co. of Payette
fifteen dollars & 00/100

\$ 15.00

DOLLARS

FOR

Ext. of time	\$ 15.00
65-7425	\$
	\$
	\$
TOTAL	\$ 15.00

POOR QUALITY ORIGINAL

MICHAEL

James L. ...

For Office Use Only
Fee Received <u>15.00</u>
Date <u>6/14/83</u>
Receipt # <u>31005</u>

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

REQUEST FOR EXTENSION OF TIME

Department of Water Resources
Western Regional Office

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

Lower Payette Ditch Co. of 114 N. 8th Street, Payette
(Name) (Address)

State of Idaho, 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 65-7425

That under the terms and conditions of said permit, work thereunder was required to be completed on or before
November 1, 19 83

That he has heretofore performed the following work described under said permit. Installed pumps,
(This must be filled out! If no work has been completed put none)
pipeline to sprinkler system for 900 acres. Water has been beneficially
applied to 900 acres since 1974. Pipeline and pump station capacity is
presently installed to handle another 700-900 acres.

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:
See attached explanation -

Wherefore, he asks that the Department of Water Resources extend the time for the completion of obligations
under said permit to November 1, 19 88
(1 yr minimum, 5 yrs maximum)

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

Lower Payette Ditch Co.
Cecil Shultz, President
(Signature)

*IF OTHER THAN HOLDER, Power of Attorney must be supplied

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

Signed this 8 day of June, 19 83

Ramona L. Coet
Residing at Fruitland, Ida.

MICROFILMED

LOWER PAYETTE DITCH CO.

114 NORTH EIGHTH STREET
PAYETTE, IDAHO

That he is unable to complete the remainder of the work within the required time for the following reasons, to-wit:

1. Interference by Idaho Power Co. moritorium on additional power to irrigation pumps. From December 30, 1977 through November 19, 1982, caused enough uncertainty that expansion of irrigated land under this water permit could not be considered.
2. A land exchange involving 160 Acres of land laying in the proposed expansion area was not completed until June, 1982. This exchange placed the 160 Acres in the name of the Lower Payette Ditch Co. shareholder, who is developing the land.
3. Economic conditions within the last year have not been favorable for additional land development.

UNRECORDED

November 3, 1978

Lower Payette Ditch Co.
114 N. 8th Street
Payette, ID 83661

Gentlemen:

Re: Permit No. 65-7425

Enclosed is a copy of the request for extension of time in connection with the above referenced permit.

The time within which to submit proof of beneficial use of water is extended to November 1, 1983.

Sincerely,

JAN GROVER
Water Rights Supervisor

jg:rf

Enc: 1



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 373 W. Franklin Street, Boise, Idaho

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 384-2215

CERTIFIED MAIL

100150

August 31, 1978

Re: Permit No. 65-7425

Lower Payette Ditch Co.
114 N. 8th St.
Payette, ID 83661

Gentlemen:

One of the conditions of approval of your water Permit No. 65-7425 (see last page of your approved permit) was that evidence of the extent of development be submitted as proof of application of water to beneficial use to this office on or before November 1, 1978. Enclosed is an affidavit form which must 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 affidavit 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.


RITA FLECK
Water Rights

Encl: Proof affidavit

RECEIVED
F. S. & J. W. 85-10-11-11

November 26, 1973

Re: Permit No. 65-7425

Lower Payette Ditch Co.
114 N. 8th St.
Payette, Idaho 83661

Gentlemen:

Enclosed is a copy of your approved Application for Permit No. 65-7425. 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
Assistant Director

BDF:cd

Enclosures

65 7425

November 6, 1973

Independent Enterprise
Box 348
Payette, Idaho 83661

Re: Application for Permit No. 65-7425 - Lower Payette Ditch Co.

Gentlemen:

Would you please submit an affidavit of publication and certified bill in connection with the above referenced item. The legal notice was to have been published in your paper on October 18 and October 25, 1973.

Your cooperation in this matter is greatly appreciated.

Sincerely,

SUSAN WHALEY
Clerk-Typist

SW:s

65-7425

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION



Cecil D. Andrus
Governor

R. Keith Higginson
Director

Statehouse — Annex 2
Boise, Idaho 83707
(208) 384-2215
Western District Office

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection

October 12, 1973

Independent Enterprise
Box 348
Payette, Idaho 83661

Re: Application for Permit No. 65-7425 - Lower Payette Ditch Co.

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. 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)

Sincerely,

65 7425

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that LOWER PAYETTE DITCH CO.

114 N. 8th St., Payette, Idaho

has on October 11, 1973 submitted Application No. 65-7425
for a permit to appropriate 39 cubic feet per second ~~more or less~~
~~per annum~~ of water from the Payette River, tributary to Snake River
by means of dam and canal
within ~~the~~ Gov. Lot 3, Sec. 7, T. 7 N, R. 3 W, B.M., Payette County

to be used from April 1 to October 31
for the irrigation of 2320 acres

within the N₁NE₄, SE₄NE₄, N₁NW₄, SW₄NW₄, S₁SW₄, NE₄SE₄, S₁SE₄, Sec. 6,
N₁NE₄, NW₄, SW₄, SE₄, Sec. 7, NW₄, SW₄, SE₄, Sec. 8, T. 8 N, R. 4 W,
NE₄SW₄, S₁SW₄, SE₄, Sec. 31, SW₄, SE₄, Sec. 32, T. 9 N, R. 4 W,
W₁NW₄, W₁SW₄, Sec. 3, T. 8 N, R. 4 W, 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 Idaho Department of Water Administration, Statehouse, Boise, Idaho, 83707, on or before November 5, 1973.

R. KEITH HIGGINSON

Director

Published in the Independent Enterprise, Box 348, Payette, Idaho

on October 18, 1973 and October 25, 1973

65 7425

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
WESTERN DISTRICT OFFICE



Cecil D. Andrus
Governor
R. Keith Higginson
Director

614 State Street
Statehouse - Annex 2
Boise, Idaho 83707
(208) 384-2190

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection
Geothermal Resources

October 11, 1973

Bower Payette Ditch Co.
114 North 9th Street
Payette, Idaho 83661

Dear Sir:

Enclosed is your Receipt No. 12489 in the amount of \$ 310.00 for
Application for Permit No. 65-7425 which was received in this office
on October 11, 1973.

Sincerely,

DEANNA E. FELDT
Secretary

DEF:d

Enclosure

65 7425