

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

DISTRICT COURT-SRBA
TWIN FALLS CO. IDAHO
FILED *DL*

2004 JUN 11 AM 11 18

In Re SRBA)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 65-07848

NAME AND ADDRESS: LOWER PAYETTE DITCH CO
102 N MAIN
PAYETTE, ID 83661

SOURCE: PAYETTE RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 2.14 CFS
481.50 AFY

THIS RIGHT WHEN COMBINED WITH ALL OTHER RIGHTS SHALL PROVIDE
NO MORE THAN .02 CFS PER ACRE WHEN MEASURED AT THE FIELD
HEADGATE.

PRIORITY DATE: 04/15/1977

POINT OF DIVERSION: * T07N R03W S07 LOT 3 (SENW) Within Payette County
R04W S21 LOT 5 (SWNW) (Rediversion)
S26 LOT 10 (SESE) (Injection)

PURPOSE AND
PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
Irrigation 03-15 TO 11-15 2.14 CFS
481.50 AFY

PLACE OF USE:

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 11,870 ACRES WHEN
COMBINED WITH ALL OTHER RIGHTS OF THE LOWER PAYETTE DITCH
COMPANY AND USED WITHIN THE DITCH COMPANY'S BOUNDARIES IN A
SINGLE IRRIGATION SEASON.
The boundary encompassing the place of use for this water right
is described with a digital boundary as defined by I.C. Section
42-202B(2) (2003) and authorized pursuant to I.C. Section 42-1411
(2)(h) (2003). The data comprising the digital boundary are
incorporated herein by reference and are stored on a cd-rom disk
issued in duplicate originals on file with the SRBA District

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

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

No. 65-7848

The township descriptions for the point of diversion for the rediversion and injection are incorrect. The township descriptions mistakenly refer to T07N, instead of T08N. Therefore, the description should read: **“T08N, R04W, S21 SWNW Lot 5 Rediversion within Payette County and T08N, R04W, S26 SESE Lot 10 Injection within Payette County.”**

No. 65-7885

The remark under the quantity which reads, “Use of this right with right nos. 65-7885, 65-11413 & 65-12279 is limited to a total combined diversion rate of 93.02 cfs[,]” needs to be **deleted**.

* An additional remark under the place of use should be added which reads: **“Use of this right with the rights listed below is limited to the irrigation of a combined total of 633 acres in a single irrigation season.”**

Attached please find revised recommendations in underline/strike-out format for your reference. If you have any questions, please do not hesitate to call me at: 327-7975. Thank you for your cooperation in this matter.

Sincerely,

SUSAN HAMLIN NYGARD
Deputy Attorney General

/bh
Enclosures
cc's: Scott Campbell
Dana Hofstetter

Shurte, Jan

From: Harvey, Becky
Sent: Friday, June 18, 2004 4:52 PM
To: Shurte, Jan
Subject: FW: 65-7425, 7884 Lower Payette Ditch compo.

Jan - here is my response to Susan.

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

From: Harvey, Becky
Sent: Friday, June 18, 2004 4:42 PM
To: Hamlin Nygard, Susan
Subject: RE: 65-7425, 7884 Lower Payette Ditch compo.

I spoke with Peggy at the Lower Payette Ditch Company yesterday about this. The SMRR's were issued on June 11th. They haven't been decreed yet. I referred Peggy to page 20 of AO1.

This is the group of rights in which we drafted a letter to the court letting them know about the mistakes which had been made on the DR's. The 633 acre limitation is a remark which is on the license and needs to be on the SRBA rec's/decrees.

Here is the letter...[note: we did not hear from Scott prior to the SMRR's being issued.]



65-7425 letter to
SM re error...

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

From: Hamlin Nygard, Susan
Sent: Friday, June 18, 2004 4:31 PM
To: Shurte, Jan
Cc: Harvey, Becky
Subject: 65-7425, 7884 Lower Payette Ditch compo.

Scott Campbell called with a question regarding the decree for these water right. There was an addition to the partial decrees that he says was not in the director's report that added a limitation to a combined irrigation total of 633 acres to both rights. Can you give me further information to respond to Scott. I told him I would get back to him later next week. Thanks Susan

March 23, 2004

Special Master Cushman
SRBA Court
P.O. Box 2707
Twin Falls, ID 83303-2707

RE: 65-7425, 65-7848 & 65-7885 – Lower Payette Ditch Co subcases

Dear Special Master Cushman:

The objections by the Colwells to the above-referenced subcases have been withdrawn. Therefore, it is not necessary to resolve the subcases by submitting a Standard Form 5 (SF 5). IDWR had intended to correct some errors to the recommendations via the SF 5 process. Therefore IDWR would like to draw to the court's and claimant's attention errors in the recommendations that should be corrected. The errors include a typographical error in the legal description, deleting a remark that limits the quantity, and adding a remark to more accurately describe the permissible place of use.

The corrections are as follows:

No.: 65-7425

The remark under the quantity which reads, "Use of this right with right nos. 65-7885, 65-11413 & 65-12279 is limited to a total combined diversion rate of 93.02 cfs[.]" needs to be **deleted**.

The township descriptions for the point of diversion for the rediversion and injection are incorrect. The township descriptions mistakenly refer to T07N, instead of T08N. Therefore, the description should read: "**T08N, R04W, S21 SWNW Lot 5 Rediversion within Payette County and T08N, R04W, S26 SESE Lot 10 Injection within Payette County.**"

An additional remark under the place of use should be added which reads: "**Use of this right with the rights listed below is limited to the irrigation of a combined total of 633 acres in a single irrigation season.**"

Water Right No. 65-7885 SF5

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

RIGHT NUMBER: 65-7885

NAME AND ADDRESS: LOWER PAYETTE DITCH CO
102 N MAIN ST
PAYETTE ID 83661

SOURCE: GRAVEYARD GULCH WASTEWAY

TRIBUTARY: PAYETTE RIVER

QUANTITY: 12.540 CFS
2,850.000 AFY

~~USE OF THIS RIGHT WITH RIGHT NOS. 65-7882, 65-11413 & 65-12279 IS
LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 93.02 CFS.~~

USE OF THIS RIGHT WITH RIGHT NO. 65-7425 IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 12.54 CFS AND TO A TOTAL COMBINED
ANNUAL DIVERSION VOLUME OF 2850.0 AF AT THE FIELD HEADGATE.

THIS RIGHT WHEN COMBINED WITH ALL OTHER RIGHTS SHALL PROVIDE NO
MORE THAN .02 CFS PER ACRE WHEN MEASURED AT THE FIELD HEADGATE.

PRIORITY DATE: 07/16/1977

POINT OF DIVERSION:

T07N R03W S7 SESENW Lot 3 Rediversion Within PAYETTE County
T07N R03W S7 NESW Lot 7 Injection Within PAYETTE County
T07N R03W S7 SESW Within PAYETTE County
T07N R03W S19 NWSE Within PAYETTE County
T08N R04W S21 SWNW Lot 5 Rediversion Within PAYETTE County
T08N R04W S26 SESE Lot 10 Injection Within PAYETTE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	12.540 CFS 2,850.00 AFY

PLACE OF USE:

USE OF THIS RIGHT WITH RIGHT NO. 65-7425 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 633 ACRES IN A SINGLE
IRRIGATION SEASON.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 11,870 ACRES WHEN
COMBINED WITH ALL OTHER RIGHTS OF THE LOWER PAYETTE DITCH
COMPANY AND USED WITHIN THE DITCH COMPANYS BOUNDARIES IN A
SINGLE IRRIGATION SEASON.

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

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

EXPLANATORY MATERIAL: License

March 4, 2004

Special Master Cushman
SRBA Court
P.O. Box 2707
Twin Falls, ID 83303-2707

RE: 65-7425, 65-7848 & 65-7885 – Lower Payette Ditch Co

Dear Special Master Cushman:

The objections by the Colwells to the above-referenced subcases have been withdrawn. Therefore, it is not necessary to resolve the subcases by submitting a Standard Form 5 (SF 5). IDWR had intended to correct some errors to the recommendations via the SF 5 process. Therefore IDWR would like to draw to the court's and claimant's attention errors in the recommendations that should be corrected. The errors include a typographical error in the legal description, deleting a remark that limits the quantity, and adding a remark to more accurately describe the permissible place of use.

The corrections are as follows:

No.: 65-7425

The remark under the quantity which reads, "Use of this right with right nos. 65-7885, 65-11413 & 65-12279 is limited to a total combined diversion rate of 93.02 cfs[.]" needs to be **deleted**.

The township descriptions for the point of diversion for the rediversion and injection are incorrect. The township descriptions mistakenly refer to T07N, instead of T08N. Therefore, the description should read: **"T08N, R04W, S21 SWNW Lot 5 Rediversion within Payette County and T08N, R04W, S26 SESE Lot 10 Injection within Payette County."**

An additional remark under the place of use should be added which reads: **"Use of this right with the rights listed below is limited to the irrigation of a combined total of 633 acres in a single irrigation season. Combined right nos. 65-07885 and 65-07425."**

No. 65-7848

The township descriptions for the point of diversion for the rediversion and injection are incorrect. The township descriptions mistakenly refer to T07N, instead of T08N. Therefore, the description should read: **"T08N, R04W, S21 SWNW Lot 5 Rediversion within Payette County and T08N, R04W, S26 SESE Lot 10 Injection within Payette County."**

No. 65-7885

The remark under the quantity which reads, "Use of this right with right nos. 65-7885, 65-11413 & 65-12279 is limited to a total combined diversion rate of 93.02 cfs[.]" needs to be **deleted**.

An additional remark under the place of use should be added which reads: **"Use of this right with the rights listed below is limited to the irrigation of a combined total of 633 acres in a single irrigation season. Combined right nos. 65-07885 and 65-07425."**

Attached please find revised recommendations in underline/strike-out format for your reference. If you have any questions, please do not hesitate to call me at: 327-7975. Thank you for your cooperation in this matter.

Sincerely,

CHRIS BROMLEY
Deputy Attorney General

/bh
Enclosures
cc: Scott Campbell

RECEIVED
MAR 25 2002
Department of Water Resources

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

A. Subcase 65-07885
(Insert water right number From the Objection Form)

**STANDARD FORM 2
RESPONSE TO OBJECTION**

Please print or type the following information:

B.

NAME AND ADDRESS OF PERSON RESPONDING

Name: United States of America, Acting Through
U.S.D.I., Bureau of Land Management
Idaho State Office
Address: 1387 S. Vinnell Way
Boise, Idaho 83709-1657
Daytime Phone: (208) 373-3831

Name & Address of Attorney, if any:

Larry A. Brown, Special Attorney
United States Department of Justice
Environment and Natural Resources Division
General Litigation Section
550 W. Fort St., MSC 033
Boise, Idaho 83724
Ph.: (202) 305-0435
FAX: (202) 305-0274

RECEIVED
MAR 27 2002
WATER RESOURCES
WESTERN REGION

C. NAME AND ADDRESS OF PERSON WHO FILED THE OBJECTION TO WHICH YOU ARE RESPONDING

Name: George E. and Cheryl F. Colwell

Address: 3990 Highway 52
Payette, Idaho 83661

D. I am responding to the objections to the following elements. (Please check the appropriate box(es)).

1. ☐ Name and Address
2. ☐ Source
3. ☐ Quantity
4. ☐ Priority Date
5. ☐ Point(s) of Diversion
6. ☐ Instream Flow Description
7. ☐ Purpose(s) of Use
8. ☐ Period of Year
9. ☒ Place of Use

11. Recommendation

- ☐ This water right should not exist.
- ☐ This water right was not recommended, but should be recommended with the elements described above.

The United States is responding to that portion of the objection which seeks to recognize places of use describing federal public land that were claimed but not recommended by the Idaho Department of Water Resources (IDWR).

E.

VERIFICATION (Must be Completed)

State of Idaho)
)ss.
County of Ada)

Fredric W. Price, duly sworn, upon oath, deposes and says:
(Name of person filing response)

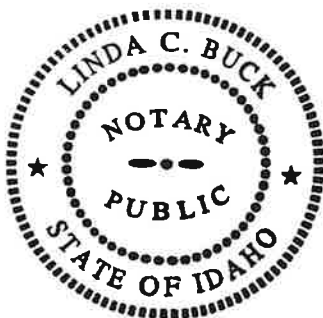
That I am the party/claimant filing this response as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant responding and that I have read this response, know its contents and believe that the statements are true to the best of my knowledge.

Fredric W. Price
(Signature of person filing response)

Larry A. Brown
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: March 21, 2002

Linda C. Buck
Notary Public for State of Idaho
Residing at: Mountain Home, ID
My Commission Expires: 12-21-05



INSTRUCTIONS FOR MAILING

You must mail the response, including all attachments, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

F.

CERTIFICATE OF MAILING

I certify that on 3-21, 2002 mailed the original and copies of this response, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

Lower Payette Ditch Co.
102 N. Main
Payette, Idaho 83661

3. One copy to the party who filed the objection at the following address:

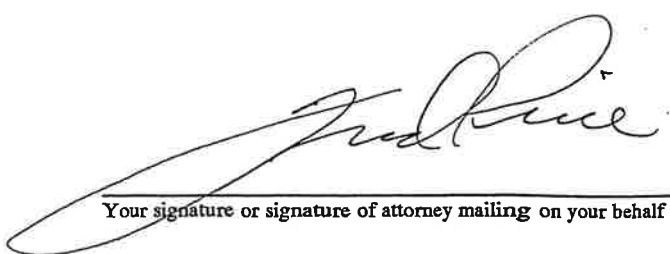
George E. and Cheryl F. Colwell
3990 Highway 52
Payette, Idaho 83661

4. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment & Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724


Your signature or signature of attorney mailing on your behalf

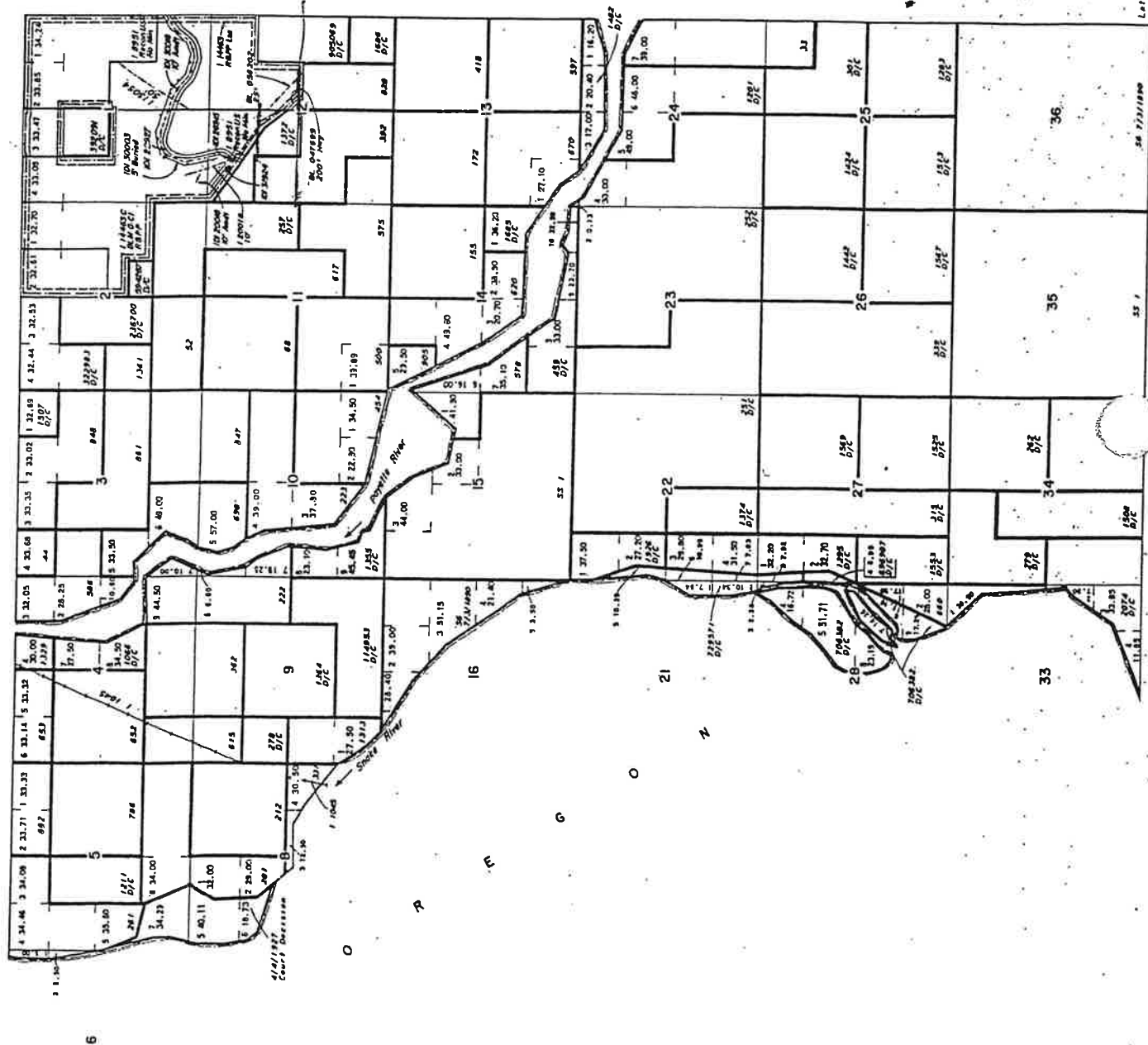
PAYETTE COUNTY 075
BOISE DISTRICT SEC 3

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLESMT PLAT[illegible]

FOR ORDERS EFFECTING DISPOSAL OR USE OF
UNIDENTIFIED LANDS REFER TO INDEX OF
MISCELLANEOUS DOCUMENTS.

CURRENT TO	CURRENT TO
DEC 21 1999	

USE PLATS: _____



SCALE 1a Cooling

Lat. 43° 59' N
Long. 115° 52' W

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

CIVIL CASE NUMBER: 39576

Ident. Number 65-07885

Date Received

Receipt Number

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

RECEIVED

JUN 27 2001

WATER RESOURCES
WESTERN REGIONNOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Lower Payette Ditch Company Phone (208) 642-9424Mailing Address 102 Main Street, Payette, Idaho Zip 836612. Date of Priority (Only one (1) per claim) July 16, 19773. Source of water supply (a) Graveyard Gulch Wasteway
which is tributary to (b) Payette River4. a. Location of existing point of diversion is: Township 7N Range 3W Section 19 ✓
NW 1/4 of SE 1/4 of 1/4, Govt. Lot, B.M., County of PayetteAdditional points of diversion if any: Please see Attachment "A"

b. If instream flow, beginning point of claimed instream flow is:

Township Range Section , 1/4 of 1/4 of 1/4,
Govt. Lot B.M., County of
ending point is: Township Range Section , 1/4 of 1/4 of
 1/4, Govt. Lot B.M., County of 5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. Diversion dam from Main Drain, District No. 1 to Graveyard
Gulch Wasteway; diversion dam from Graveyard Gulch Wasteway to river ditch to point of injection in the Payette River
to point of redirection through the Lower Payette Ditch Company system.

6. Water is claimed for the following purposes:

	(both dates are inclusive)	(cfs)	(acre feet)
For <u>irrigation</u> purposes from <u>3/15</u> to <u>11/15</u> amount <u>12.54</u> or <u>2850.0</u>			
For _____ purposes from _____ to _____ amount _____ or _____			
For _____ purposes from _____ to _____ amount _____ or _____			
For _____ purposes from _____ to _____ amount _____ or _____			

(cfs)

(acre feet)

For irrigation _____ purposes from 3/15 to 11/15 amount 12.54 or 2850.0

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 12.54 (cfs) and/or (b) 2850.0 (acre feet)

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.)

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

b. If water is used for other purposes, place a symbol of use (example: D for Domestic)

If water is used for other purposes, place a symbol or use (example: H_2O) in the corresponding place of use below. See instructions for standard symbols.

[illegible]

11. In which county (ies) are lands listed above as place of use located? Payette

13. Describe any other water rights used at the same place and for the same purposes as described above.
65-00165A/B/C/X, 65-07425, 65-07428, 65-07848, 65-07882, 65-11413, 65-12279 or None (☐)

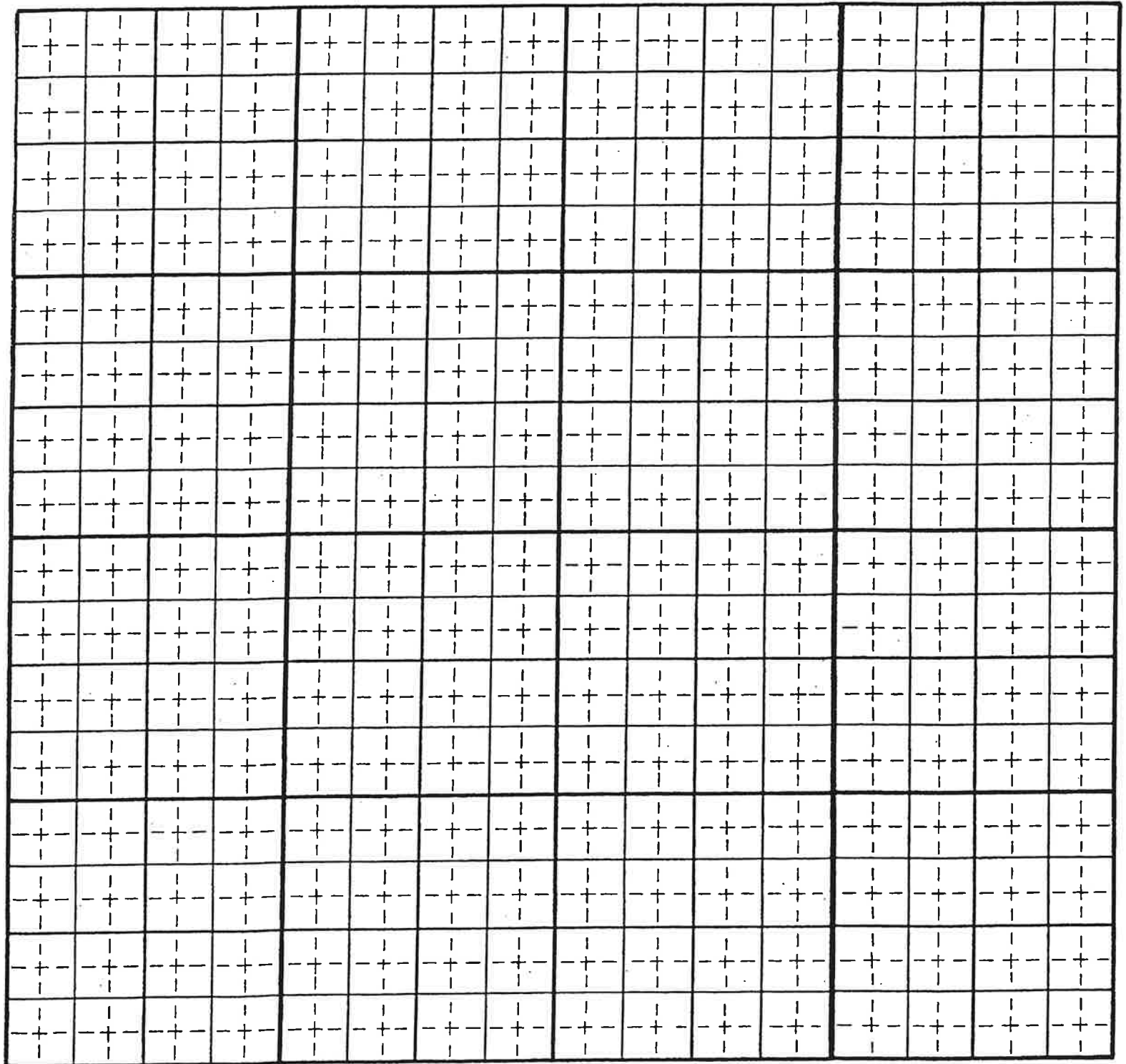
14. Remarks: Lower Payette Ditch Company provides water delivery to the privately owned lands within its service area.

Last Name Lower Payette Ditch Co. Ident No. 65-07885

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

Scale: 2 inches equals 1 mile

Please see Attachment "B"



Last Name Lower Payette Ditch Co. Ident No. 65-07885

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License ☒ Permit _____
Decree _____
If applicable provide IDWR Water Right Number 65-07885
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

16. Signature (s)
(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled
"How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do ☐ do not ☒
wish to receive and pay a small annual fee for monthly copies of the docket sheet.
Number of attachments 3

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true
and correct.

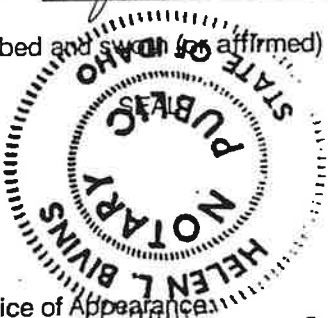
Signature of Claimant (s) _____ Date _____
_____ Date _____

For Organizations: I do solemnly swear or affirm that I am President
Title
of Lower Payette Ditch Company, that I have signed the foregoing
document in the space below as President of Lower Payette Ditch Company
Title Organization
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____
Title and Organization President, Lower Payette Ditch Company Date 6/27/01

State of Idaho/or _____)
County of Payette) SS.

Subscribed and sworn to (or affirmed) before me this 27th day of June, 2001



Notary Public Helen L. Bivins

Residing at Payette, Id

My Commission Expires 12/31/06

Please Print Name Helen L. Bivins

17. Notice of Appearance
Notice is hereby given that I, Scott L. Campbell will be acting as attorney at law on behalf
of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above
should be mailed to me at the address listed below.

Signature Scott L. Campbell

Address Elam & Burke, P.A., PO Box 1539, Boise, ID 83701

Date 6/27/2001

Last Name Lower Payette Ditch Co. Ident. Number 65-07885

ATTACHMENT "A"

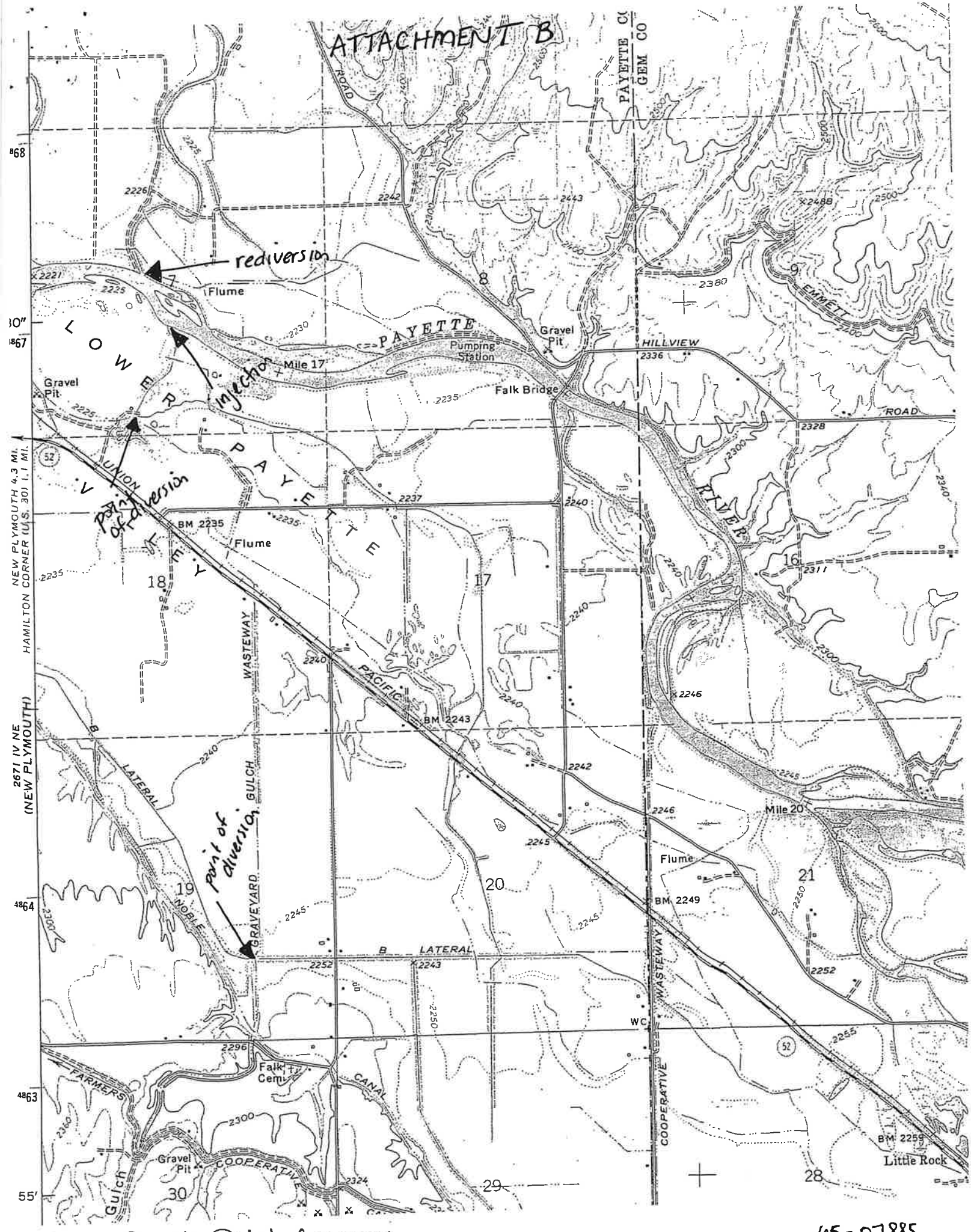
4. Additional points of diversion, if any:

Township 7N, Range 3W, Section 19, NW SE

Township 7N, Range 3W, Section 7, Lot 7, NE SW (Injection)

Township 7N, Range 3W, Section 7, Lot 3, SE SE NW (Rediversion)

ATTACHMENT B



ATTACHMENT "C"

Board of Directors of Lower Payette Ditch Company

Robert Mink, President
1206 7th Avenue North
Payette, ID 83661

Phil Ulmer, Vice-President
2275 Valley View Drive
Weiser, ID 83672

Jim Robertson
PO Box 105
Payette, ID 83661

Chuck Pollock
177 Hill Road
Weiser, ID 83672

Bill Peutz
10495 N. Iowa Avenue
Payette, ID 83661

07/02/2001

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 65-7885

NAME AND ADDRESS: LOWER PAYETTE DITCH COMPANY
102 N MAIN
PAYETTE, ID 83661

SOURCE: GRAVEYARD GULCH WASTEWAY TRIBUTARY: PAYETTE RIVER

QUANTITY: 12.54 CFS
2850 AFY

THIS RIGHT WHEN COMBINED WITH ALL OTHER RIGHTS SHALL
PROVIDE NO MORE THAN .02 CFS PER ACRE WHEN MEASURED AT THE
FIELD HEADGATE.

USE OF THIS RIGHT WITH RIGHT NO. 65-7425 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 12.54 CFS AND TO A TOTAL
COMBINED ANNUAL DIVERSION VOLUME OF 2850.0 AF AT THE FIELD
HEADGATE.

USE OF THIS RIGHT WITH RIGHT NOS. 65-7882, 65-11413 & 65-
12279 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 93.02
CFS.

PRIORITY DATE: 07/16/1977

POINT OF DIVERSION:	T07N R03W S7	LOT 3	SESENW	Rediversion	Within PAYETTE County
	T07N R03W S7	LOT 7	NESW	Injection	Within PAYETTE County
	T07N R03W S7		SESW		Within PAYETTE County
	T07N R03W S19		NWSE		Within PAYETTE County
	T08N R04W S21	LOT 5	SWNW	Rediversion	Within PAYETTE County
	T08N R04W S26	LOT 10	SESE	Injection	Within PAYETTE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03-15 11-15	12.54 CFS 2,850.00 AFY

PLACE OF USE:

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 11,870 ACRES
WHEN COMBINED WITH ALL OTHER RIGHTS OF THE LOWER PAYETTE DITCH
COMPANY AND USED WITHIN THE DITCH COMPANY'S BOUNDARIES IN A
SINGLE IRRIGATION SEASON.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

Scott Campbell
Elam & Burke
Key Financial Center
702 West Idaho
Post Office Box 1539
Boise Idaho 83701

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 7, 2001

Ref: Lower Payette Ditch Company FILING FEES for claims 65-7885 & 65-12279

Dear Scott:

I have reviewed the newly claimed rights received 6/27/01 versus Lower Payette Ditch Company's prior claimed rights. I have reviewed all their water rights again as part of my recommendation review and have found no indication of any additional acres to be added to our recent preliminary recommendation of 11,870 irrigated acres within the Lower Payette Ditch Company's Boundary.

We do recognize that the apparent intent of these two new claims is to fulfill the Snake River Basin Adjudication requirements and your claim to add 1818 acres. IDWR currently recognizes a permissible place of use to be 11, 870 acres from rights that either were stipulated after the Payette River Adjudication and/or more recent licensing.

My analysis of these two new claimed rights:

1. **Claim to right 65-7885;**

- This is a Graveyard Gulch Wasteway licensed right. It mirrors 633 irrigated acres of another overlapping Payette River licensed right 65-7425. The irrigated acres from that right were accounted for and included in our preliminary recommendation totaling 11, 870 acres.

2. **Claim to right 65-12279;**

- Another Graveyard Gulch Wasteway licensed right that only added CFS. The field exam was conducted 8/4/1986 and concluded that no additional acres were added to the company's 11,008 acres.

NOTE:

More acres were added later to the original 11,008 acres by newer licensed rights 65-7425, 65-7428, 65-7848 & 65-7885.

FILING FEES:

The Snake River Basin Adjudication filing fees are: \$50 flat fees for each claim plus a variable fee of a \$1 per irrigated acre.

- Variable fee is calculated by subtracting 11, 870 acres recognized by IDWR from the new claimed total of 13,688 acres – 11, 870 = 1818 = \$1818 = variable fee.

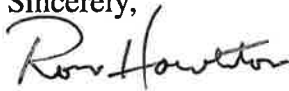
FEE TABLE

NEW CLAIMS FILED	FEES RECEIVED	FLAT FEE	VARIABLE FEES 1818 Additional Acres at \$1/acre
65-7885	\$708	\$50	\$658 Credit
65-12279	\$227	\$50	\$177 Credit
		FLAT FEES ARE OK	\$835 Total Credit ***
Variable fee required = \$1818 - \$835 credit *** = \$983 due.			

In my assessment, if you want to make the case for claiming the full 1818 additional acres, correct fees would first need to be accounted for.

An additional \$983 for the variable fee is due, as shown in the above table, to properly substantiate the receipt of these new claims.

Sincerely,



Ron Howerton
Senior Water Right Agent
Western Region 334-2190
Adjudication Bureau

CC:

Garrick L. Baxter
Deputy Attorney General
IDWR State Office 327-7975

Memo to file(s): 65-7885 & 65-12279

Agent review by: Ron Howerton

Date of Review: 6/29/01

Western Region has received (6/27/01) two additional claims from Scott Campbell's office for the Lower Payette Ditch Company.

The claims reflected their intent for claiming 13,688 irrigated acres within their Lower Payette Ditch Company's Boundary. (11,870 our recommendation)

No proof has been submitted of how they have arrived at that total to date.

I have reviewed the newly claimed rights prior to their recent claims received 6/27/01 and have reviewed the water rights again as part of my recommendation review and have found no indication of any additional acres to be added to our recent NOE recommendation of 11,870 irrigated acres within the Lower Payette Ditch Company's Boundary.

Claim to right 65-7885:

This is also a Graveyard Gulch Waste way licensed right; it mirrors 633 irrigated acres that another overlapping Payette River licensed right 65-7425. The irrigated acres from that right were accounted for and included in our NOE recommendation totaling 11, 870 acres.

Claim to right 65-12279:

A Graveyard Gulch Waste way licensed right, only added CFS, no additional acres were added, the field exam was conducted 8/4/1986 and concluded that no additional acres were added to the company's 11,008 acres. This right was not needed or included in the PRBA. It however, was required to be filed in the SRBA.

NOTE: More acres were added later to the original 11,008 acres by newer licensed rights 65-7425, 65-7428, 65-7848 & 65-7885.

Scott submitted checks for \$227 and \$708 for a grand total of \$935. The claims only needed a \$50 + \$50 flat fee totaling \$100. I advised Tiffany, their Paralegal of that amount unless they changed something. Then it might be more.

The \$ amounts Scott submitted doesn't make sense, however, I think we can accept it as is I believe, since we cannot recommend more acres anyway...

Scott submitted \$708 for 65-7885, if seems like he was paying a flat fee of \$50 and an additional \$658 for 658 new acres = \$708.

Scott submitted \$227 for 65-12279, it seems like he was paying a flat fee of \$50 and an additional \$177 for 177 new acres = \$227.

So in my estimation if Scott was adding \$835 for 835 additional acres and the rest was the normal flat fees, then in my estimation, if he really wants to cover the difference of 1818 additional acres, he needs to send us an additional \$983 for the unaccounted for 983 acres.
(13,688 Scott) - (11,870 IDWR) = 1818 acres

LOWER PAYETTE DITCH COMPANY RIGHTS

ACRE ANALYSIS BY: RON HOWERTON

DATE: 12/14/00

The total SRBA recommendations for acres within the Lower Payette Ditch Company Rights boundary are:
 $11,008 + 633 + 122 + 107 = \underline{11,870}$

New licensed right 65-07885 was not filed or included in the SRBA because of late proof and date of priority was advanced. The acres are accounted for and are the same acres as 65-07425. (Per remarks found in 65-07425) FILED 6/27/01

Licensed right 65-12279 was not filed in the SRBA. Should be filed. No additional acres were added.

Licensed right 65-12756 was withdrawn per the request of secretary per decision of the board of directors 17 April 1990.

* Amended total acres by stipulation dated 21 April 1987.

** Acres within the boundaries of the Lower Payette Ditch Company

*** Post PRBA licensed rights

Total acres & CFS of the Lower Payette Ditch Company Rights is as follows:

WATER RIGHT	SOURCE	ACRES	COMMENTS	Payette River CFS	Graveyard CFS
65-00165A *	Payette River	11,008	Per stipulation	63.32	
65-00165B *	Payette River	11,008	Per stipulation	37.63	
65-00165C *	Payette River	11,008	Per stipulation	59.23	
65-00165X *	Payette River	11,008	Per stipulation	122.12	
65-07425 ***	Payette River	633 additional	Licensed 24 Aug 2000	12.54	
65-07428 ***	Payette River	122 additional	Licensed 20 Sep 1990	2.44	
65-07848 ***	Payette River	107 additional	Licensed 24 Mar 1990	2.14	
65-07882 **	Graveyard Gulch Wasteway	Not specified	Licensed 20 Dec 1990		30.0
65-11413 *	Graveyard Gulch Wasteway	11,008	Inclusion Per stipulation		60.0
65-12279 ***	Graveyard Gulch Wasteway	Not specified	Not Claimed		3.02
TOTAL CFS				299.42	93.02

RIGHTS CONTAIN DELIVERY LOSS, PAYETTE RIVER BASIN ADJUDICATION ALLOWED AN ADDITION TO A RATE OF AN INCH PER ACRE TO COMPENSATE FOR DELIVERY LOSSES.

COMMENTS & REMARKS

WR5808NP
(00-26)

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROOF READING REPORT

06/29/01 08:28:56
Page 1

Water Right Number - 65-07885

Prefix Translation: WATER RIGHT

Old (D) Number -

*** C - CURRENT OWNER ***
LOWER PAYETTE DITCH CO

- C18
- QNT E28
- POUT K06

*** O - ORIGINAL OWNER ***
MENDIOLA

State- ID Zip- 83661

State- ID Zip- 83661

CONNECTICUT GENERAL LIFE INSURANCE CO.

State- CT Zip- 060020000

Priority Date - 07/16/1977
Region - 14 WESTERN
Stage - L - LICENSE
Status -

Source - GRAVEYARD GULCH WASTEWAY
Tributary - PAYETTE RIVER

Point of Diversion -

SEE
POINTS
OF
DIVERSION
MAP
IN 165X

ADDITIONAL
REDIVERSION
POINT
CLARIFICATION
T8N R4W S21
LOT 5 SW/4

Code - 01 - IRRIGATION
Period From - 03/01
Period To - 11/15
Water Use - 12.540
Diversion Rate - 2850.00
Diversion Volume - 2850.00

PPow System

Total Div. Rate - 12.540
Total Div. Volume - 2850.00
Total Div. Capacity - 12.540
Total Consumptive Use - 0.0
KW Usage -

ADDITIONAL

INJECTION
POINT
CLARIFICATION

T8N R4W S26
LOT 10 SE/4

Tw	Rng	Sec	Tract	Lot	Acres	Code	Description	County
08N	04W	5	SW SW		40.0	01	IRRIGATION	(75) PAYETTE
08N	04W	6	NE SW		30.0	01	IRRIGATION	(75) PAYETTE
08N	04W	6	NW SW	6	1.0	01	IRRIGATION	(75) PAYETTE
08N	04W	6	SW SW	7	20.0	01	IRRIGATION	(75) PAYETTE
08N	04W	6	NW SE		29.0	01	IRRIGATION	(75) PAYETTE
08N	04W	6	SE SE		38.0	01	IRRIGATION	(75) PAYETTE
08N	04W	7	SE NE		20.0	01	IRRIGATION	(75) PAYETTE

Water right number - 65-07885

Prefix Translation: WATER RIGHT

Tw	Rng	Sec	Tract	Lot	Acres	Place of Use	Description	County
08N	04W	7	NE NW		39.0	01	IRRIGATION	(75) PAYETTE
08N	04W	7	NW NW	1	43.0	01	IRRIGATION	(75) PAYETTE
08N	04W	7	SW NW	2	34.0	01	IRRIGATION	(75) PAYETTE
08N	04W	7	SE NW		38.0	01	IRRIGATION	(75) PAYETTE
08N	04W	7	NE SW		35.0	01	IRRIGATION	(75) PAYETTE
08N	04W	7	NW SW	3	16.0	01	IRRIGATION	(75) PAYETTE
08N	04W	7	NE SE		23.0	01	IRRIGATION	(75) PAYETTE
08N	04W	7	NW SE		30.0	01	IRRIGATION	(75) PAYETTE
08N	04W	8	NW NW		40.0	01	IRRIGATION	(75) PAYETTE
08N	04W	8	SW NW		40.0	01	IRRIGATION	(75) PAYETTE
08N	04W	8	SE NW		11.0	01	IRRIGATION	(75) PAYETTE
08N	04W	8	NW SW		35.0	01	IRRIGATION	(75) PAYETTE
08N	04W	8	SW SW		10.0	01	IRRIGATION	(75) PAYETTE
08N	04W	8	SE SW		35.0	01	IRRIGATION	(75) PAYETTE
08N	04W	8	SW SE		5.0	01	IRRIGATION	(75) PAYETTE
08N	04W	17	NE NW		10.0	01	IRRIGATION	(75) PAYETTE
					Total Acres:	633.0		

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - 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.
Rights 65-07882, 65-11413, 65-12279 and 65-07885 when combined shall not exceed a total diversion rate of 93.02 cfs.
Rights 65-07882, 65-11413, and 65-12279 are also diverted through the points of diversion described above.
Water diverted under this right is injected into the Payette River and is diverted from graveyard Gulch Wasteway within Gov. Lot 3 (SESENW), Sec. 07, 107N, R03W.

QNT Rmk E25
QNT Rmk E01

- - - Old Water Right Numbers found.

- 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.
- R43 - The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a

Idaho Department of Water Resources Receipt

Receipt ID W028203

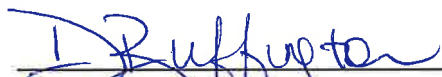
Payment Amount	\$983.00	Date Received	8/20/2001 11:24:57 AM	Region	Western	Status
Payment Type	Check	Check Number	8476			

Payer LOWER PAYETTE DITCH COMPANY

Comment 65-7885 & 65-12279 Additional filing fees

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$983.00	ADJUDICATION FILING FEE	0337		42503	1155



Signature Line (Dept. Representative)

RECEIVED
AUG 20 2001
WATER RESOURCES
WESTERN REGION

Lower Payette Ditch Company
102 N. Main
Payette, ID 83661
(208) 642-9424

August 17, 2001

Idaho Department of Water Resources
Ron Howerton
Western Region
2735 Airport Way
Boise, ID 83705-5082

RE: *Lower Payette Ditch Company FILING FEES for claims 65-7885 & 65-12279*

Dear Mr. Howerton,

In response to your correspondence to Mr. Scott Campbell, a check in the amount of \$983.00 is enclosed for the additional filing fees to proceed with the new claims.

Please contact me if you have any questions.

Respectfully,



Peggy Murphy
Secretary

Cc: Scott Campbell

W028203  8/20/01 \$983 -



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

FAX TRANSMITTAL COVER SHEET

FAX NUMBER (208) 334-2348

DATE: 8-17-01

TO: TIFFANY Hudak
FAX 384-5844
PH 343-5454

FROM: Ron Howerton

DOCUMENT DESCRIPTION/NOTES: _____

a COPIES OF CLAIMS IN FILE
& RECOMMENDATIONS
for Rights GS-7885 & GS-12279

TOTAL PAGES SENT: 6 + COVER SHEET

CONTACT: Ron

ELAM & BURKE
A Professional Association
ATTORNEYS AND COUNSELORS AT LAW
Established in 1928

KEY FINANCIAL CENTER
702 WEST IDAHO
POST OFFICE BOX 1539
BOISE, IDAHO 83701

TELEPHONE
208-343-5454

FACSIMILE
208-384-5844

June 27, 2001

VIA HAND-DELIVERY

Ron Howerton
Idaho Department of Water Resources
Western Region Office
2735 Airport Way
Boise, ID 83705

Re: Lower Payette Ditch Company
E&B No.: 6687-9004

Dear Ron:

Enclosed for filing please find the original and one copy of a Notice of Claim to a Water Right for 65-12279 and for 65-07885. Also enclosed is an additional copy of each of the Notice of Claim forms. Please receive-stamp the additional copies and return them to this office in the enclosed self-addressed, stamped envelope.

Also enclosed is a check made payable to the Department in the amount of \$227.00 for water right no. 65-12279, and a check made payable to the Department in the amount of \$708.00 for water right no. 65-07885. These checks represent the filing fees associated with the filing of these two adjudication claims.

Thank you for your assistance in this matter. If you have any questions, please do not hesitate to contact me or Scott Campbell.

Very truly yours,

ELAM & BURKE
A Professional Association


Tiffany Hudak
Paralegal

th:lsn
Encl.
cc: Client (w/o encl.)

CONVERSATION MEMORANDUM



SUBJECT Lower Payette Ditch Co NOC

TO: COW with Scott Campbell, Tiffiny

Claim/WR # GARRICK BAXTOR & MYSELF - PER PHONE

Agent: Ron

1:30 PM

Date: 6-20-01

- Scott says they agree on most issues now however, still have problem with the total number of acres in the boundaries, they are still determining whether they have more acres than we recommended.
 - ON 65-7428 they agree on CFS
 - ON 65-7848 they agree on CFS
 - They are filing 2 new claims
 - 65-7885 - wasn't required to be filed in SRBA because of late proof... LICENSED
 - 65-12279 - should have been filed in SRBA
- NO--ADDITIONAL ACRES WERE ADDED
- OK ON FEES -
- (NO LATE FEES AT THIS TIME SINCE OTHER CLAIMS WERE FILED)
- 65-7885 same acres as (65-7425 receipt # x999999 \$50 because permit was included in PRBA - NO FEES REQUIRED) EXCEPT FLAT FEE
- 65-12279 - NO ACRES WERE LICENSED ONLY CFS
- Thus Fee is: \$50.00 FLAT FEE
- \$100 TOTAL for Both

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

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 Connecticut 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.

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:

Injection SESW, Sec. 7, Township 07N, Range 03W
Rediversion Lot 7 (NESW), Sec. 7, Township 07N, Range 03W
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 (SNNW) 34	SENE 38	NESW 35	
			Lot 3 (NWSW) 16	NESE 23	NWSE 30	278
		8	NWNW 40	SNNW 40	SENE 11	
			NESW 11	NWSW 35	SWSW 10	
			SESE 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)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Staff Analysis Sheet
Beneficial Use Field Report

A. Prior to Conducting the Exam, the File Contains:

- ☒ Blank Field Report Form
- ☒ Copy of Permit
- ☒ Copy of Proof of Beneficial Use
- ☒ Copies of any Amendments/Orders with Conditions of Approval
- ☒ Well Inspection Form (If Needed)
- ☒ Aerial Photo Required? ☐ yes ☐ no If yes: ☐ copy attached
- ☒ SRBA Claim Required (required if proof filed by 11-19-1987)
- ☐ Yes ☒ No If yes: ☐ claim filed?
- (check AJ5, AJQ1, AJQ4, non-data claims)
- ☒ Copy of U.S.G.S. Quad
- ☒ Check for Government Lots. If so, make a copy of government plat
- ☒ Check of P/D index lg 4/1/96 (initial & date)
- Overlap ☒ yes ☐ no If yes: ☐ copy of exam(s) attached?*
- Type of Overlap: ☒ Same source
- ☐ Other source
- ☒ Check of P/U index lg 4/1/96 (initial & date)
- Overlap? ☒ yes ☐ no If yes: ☐ copy of water right(s) attached?*
- Type of Overlap: ☒ Same land, same source
- ☒ Same land, other source
- ☐ Other land &/or other uses

*copies attached only if needed for analysis

- ☒ Scheduling Letter Sent? _____ (initial & date)
- ☒ Appointment Made and Telephone Conversation Memo Attached

B. After Conducting the Exam, the File Contains:

- ☒ Fully Completed and Signed Field Report Form
- ☒ Photographs of Point of Diversion and Place of Use

C. Review and Processing:

Exam Completed lg (signature of examiner & date)

Exam Reviewed by Senior Water Resource Agent _____ (initial & date)

Exam Reviewed by Manager of Regional Office _____ (initial & date)

Exam Sent to State Office 11/23/91 MP (initial & date)

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 65-7885
Date Received: 6/27/01
Receipt No:
Received By:

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

LOWER PAYETTE DITCH COMPANY Phone: (208)642-9424

102 MAIN ST
PAYETTE ID USA 83661

2. Date of Priority: 07/16/1977

3. Source: GRAVEYARD GULCH WASTEWAY Trib. to: PAYETTE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
07N	03W	7	NE SW 7	PAYETTE	I
07N	03W	7	SE SE NW 3	PAYETTE	R
07N	03W	19	NW SE	PAYETTE	

5. Description of diverting works:

Diversion dam from Main Drain, District No. 1 to Graveyard Gulch Wasteway;
diversion dam from Graveyard Gulch Wasteway to river ditch to point of injection in
the Payette River to point of redirection through Lower Payette Ditch Company system.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	12.54	2850

7. Total Quantity Appropriated is:
12.54 C.F.S. and/or 2850 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township Range Section 1/4 of 1/4 Lot Use Acres

11. Place of use in counties:

12. Do you own the property listed above as place of use? Yes

NO
RDH
8-17-01

13. Other Water Rights Used:

14. Remarks:

Place of use is lands within the boundaries of the Lower Payette Ditch Company.
Lower Payette Ditch Company provides water delivery to the privately owned lands within its service area.

15. Basis of Claim: License

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 65-07885

Date Received

Receipt Number

6127101

W027962

RECEIVED

JUN 27 2001

WATER RESOURCES
WESTERN REGIONNOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Lower Payette Ditch Company Phone (208) 642-9424
Mailing Address 102 Main Street, Payette, Idaho Zip 83661

2. Date of Priority (Only one (1) per claim) July 16, 1977

3. Source of water supply (a) Graveyard Gulch Wasteway
which is tributary to (b) Payette River

4. a. Location of existing point of diversion is: Township 7N Range 3W Section 19,
NW 1/4 of SE 1/4 of 1/4, Govt. Lot, B.M., County of Payette

Additional points of diversion if any: Please see Attachment "A"

b. If instream flow, beginning point of claimed instream flow is:

Township Range Section , 1/4 of 1/4 of 1/4,

Govt. Lot B.M., County of

ending point is: Township Range Section , 1/4 of 1/4 of

 1/4, Govt. Lot B.M., County of

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. Diversion dam from Main Drain, District No. 1 to Graveyard
Gulch Wasteway; diversion dam from Graveyard Gulch Wasteway to river ditch to point of injection in the Payette River
to point of rediversion through the Lower Payette Ditch Company system.

6. Water is claimed for the following purposes:

(both dates are inclusive) (cfs) (acre feet)

For irrigation purposes from 3/15 to 11/15 amount 12.54 or 2850.0

For purposes from to amount or

For purposes from to amount or

For purposes from to amount or

7. Total quantity claimed (a) 12.54 (cfs) and/or (b) 2850.0 (acre feet)

8. Total consumptive use claimed is acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.)

10. Description of place of use:

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

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				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	

Total number of acres irrigated 13,688

11. In which county (ies) are lands listed above as place of use located? Payette

12. Do you own the property listed above as place of use? Yes ☐ No ☒
 If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
 65-00165A/B/C/X, 65-07425, 65-07428, 65-07848, 65-07882, 65-11413, 65-12279 or None (☐)

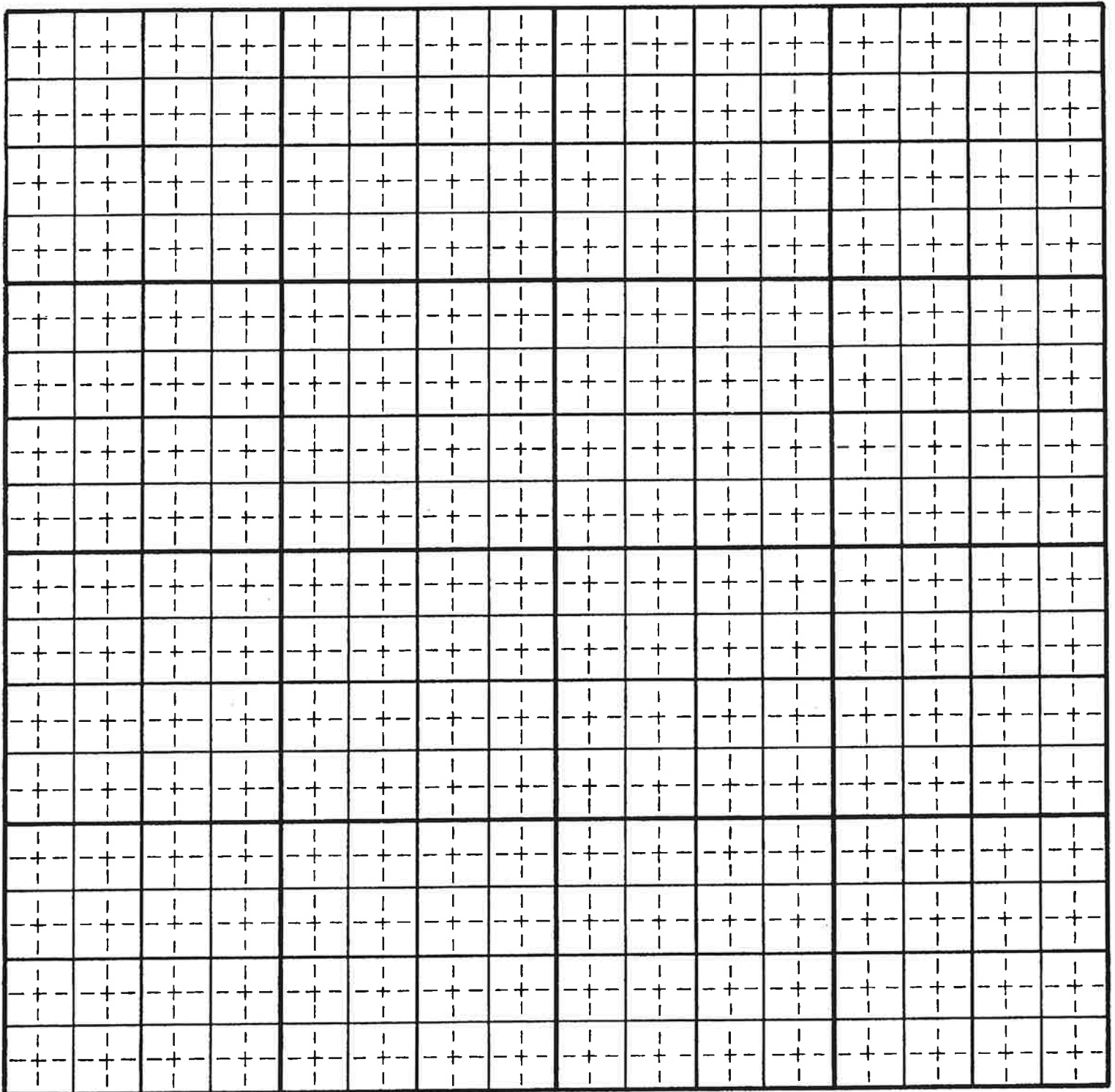
14. Remarks: Lower Payette Ditch Company provides water delivery to the privately owned lands within its service area.

Last Name Lower Payette Ditch Co. Ident No. 65-07885

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

Scale: 2 inches equals 1 mile

Please see Attachment "B"



15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License ☒ Permit _____
Decree _____
If applicable provide IDWR Water Right Number 65-07885
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

16. Signature (s)
(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled
"How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do ☐ do not ☒
wish to receive and pay a small annual fee for monthly copies of the docket sheet.
Number of attachments 3

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true
and correct.

Signature of Claimant (s) _____ Date _____
_____ Date _____

For Organizations: I do solemnly swear or affirm that I am President Title _____
of Lower Payette Ditch Company Organization _____, that I have signed the foregoing
document in the space below as President of Lower Payette Ditch Company
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent [Signature]
Title and Organization President, Lower Payette Ditch Company Date 6/27/01

State of Idaho/or _____)
County of Payette) SS.

Subscribed and sworn to (or affirmed) before me this 27th day of June, 2001



Notary Public Helen L. Bivins

Residing at Payette, Id

My Commission Expires 12/21/06

Please Print Name Helen L. Bivins

17. Notice of Appearance
Notice is hereby given that I, Scott L. Campbell will be acting as attorney at law on behalf
of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above
should be mailed to me at the address listed below.

Signature Scott L. Campbell

Address Elam & Burke, P.A., PO Box 1539, Boise, ID 83701

Date 6/27/2001

Last Name Lower Payette Ditch Co. Ident. Number 65-07885

ATTACHMENT "A"

4. Additional points of diversion, if any:

Township 7N, Range 3W, Section 19, NW SE

Township 7N, Range 3W, Section 7, Lot 7, NE SW (Injection)

Township 7N, Range 3W, Section 7, Lot 3, SE SE NW (Rediversion)

65-07885

ATTACHMENT "C"

Board of Directors of Lower Payette Ditch Company

Robert Mink, President
1206 7th Avenue North
Payette, ID 83661

Phil Ulmer, Vice-President
2275 Valley View Drive
Weiser, ID 83672

Jim Robertson
PO Box 105
Payette, ID 83661

Chuck Pollock
177 Hill Road
Weiser, ID 83672

Bill Peutz
10495 N. Iowa Avenue
Payette, ID 83661