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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 65-11413
(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).

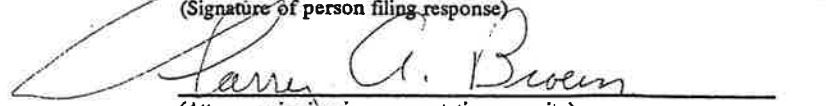
E.

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.


(Signature of person filing response)

(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 _____, 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

TOWNSHIP 8 NORTH RANGE 5 WEST OF THE BOISE MERIDIAN, IDAHO

PAYETTE COUNTY 075

BOISE DISTRICT SEC. 3

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

MT PLAT

INDEX TO SEGREGATED TRACTS			
TRACT NO.	T	R	SEC.
1	1	1	1
2	1	1	2
3	1	1	3
4	1	1	4
5	1	1	5
6	1	1	6
7	1	1	7
8	1	1	8
9	1	1	9
10	1	1	10
11	1	1	11
12	1	1	12
13	1	1	13
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48	1	1	48
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92	1	1	92
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95	1	1	95
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97	1	1	97
98	1	1	98
99	1	1	99
100	1	1	100

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

CURRENT TO	CURRENT TO
DEC 21 1989	
USE PLAT:	

Lat. 43°59' N
Long. 115°52' W

SCALE in Chains

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: A65-11413
Date Received: 9/26/1988
Receipt No: 99999
Received By: DS

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: LOWER PAYETTE DITCH CO.
Address: 114 N. 8TH
PAYETTE, ID 83661
2. Date of Priority: MAY 07, 1945
3. Source: GRAVEYARD GULCH WASTEWAY Trib. to: MAIN DRAIN, DIST. NO. ONE
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07N	03W	7	SE	SW			PAYETTE

5. Description of diverting works:
DIVERSION DAM & CANAL.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(9F)	A.F.A.
IRRIGATION	03/15	11/15	60.000		

7. Total Quantity Appropriated is:
60.000 C.F.S. (and/or)

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Use of water for irrigation purposes:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07N	03W	5	SW	SW		IRR	3.0
Section Acres							3.0
6			SW	NE		IRR	12.0

A65-11413

Page

1

Date: 09/27/88

10. Place of Use: Continued

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
07N	03W	6	SE	NE		IRR	2.0
			NE	SE		IRR	30.0
			NW	SE		IRR	8.0
			SW	SE		IRR	27.0
08N	04W	6 ✓	SE	SE		IRR	36.0
			SE	SW		IRR	40.0
			SW	SE		IRR	40.0

Section Acres 195.0

7 ✓	NE	NE		IRR	40.0
	NW	NE		IRR	40.0
	SW	NE		IRR	40.0
	SW	SW		IRR	16.0
	SE	SW		IRR	1.0

Section Acres 137.0

17 ✓	SW	NW		IRR	16.0
	SE	NW		IRR	13.0
	NE	SW		IRR	39.0
	NW	SW		IRR	38.0
	SW	SW		IRR	28.0
	SE	SW	2	IRR	9.0
	SW	SE	1	IRR	3.0

Section Acres 146.0

18 ✓	NE	NE		IRR	20.0
	NW	NE		IRR	38.0
	SW	NE		IRR	40.0
	SE	NE		IRR	38.0
	NE	NW		IRR	36.0
	NW	NW	1	IRR	37.0
	SW	NW	2	IRR	39.0
	SE	NW		IRR	19.0
	NE	SW		IRR	24.0
	NW	SW	3	IRR	38.0
	SW	SW	4	IRR	34.0
	SE	SW	5	IRR	27.0
	NE	SE		IRR	34.0
	NW	SE		IRR	38.0
	SW	SE	6	IRR	20.0
	SE	SE	7	IRR	36.0

Section Acres 518.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
00N	04W	19 ✓	NE	NE	IRR	8.0
			NE	NW	IRR	6.0
			Section Acres			14.0
		20	NE	NE - 7	IRR	7.0
			Section Acres			7.0
		21	NW	NW ✓ 4	IRR	3.0
			Section Acres			3.0
	05W	2	NE	SW ✓	IRR	6.0
			NW	SW -	IRR	28.0
			SW	SW -	IRR	39.0
			SE	SW -	IRR	36.0
			SW	SE -	IRR	37.0
			SE	SE -	IRR	16.0
			Section Acres			162.0
		3 -	NE	NE 1	IRR	15.0
			NW	NE 2	IRR	25.0
			SW	NE	IRR	38.0
			SE	NE	IRR	11.0
			NE	NW 3	IRR	28.0
			NW	NW 4	IRR	16.0
			SW	NW	IRR	29.0
			SE	NW	IRR	33.0
			NE	SW	IRR	18.0
			NW	SW 5	IRR	13.0
			SW	SW 6	IRR	48.0
			NE	SE	IRR	33.0
			NW	SE	IRR	36.0
			SW	SE	IRR	39.0
			SE	SE	IRR	37.0
			Section Acres			419.0
		4 -	NE	NE ✓ 3	IRR	12.0
			SE	NE ✓ 2	IRR	15.0
			NE	SE ✓ 1	IRR	6.0
			Section Acres			33.0

A65-11413

Page 3

Date: 09/27/88

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
04N	05W	10	NE	NE	IRR	30.0
			NW	NE	IRR	40.0
			SW	NE	IRR	40.0
			SE	NE	IRR	37.0
			NE	NW	5 IRR	43.0
			SW	NW	4 IRR	33.0
			NE	SW	3 IRR	21.0
			NE	SE	IRR	28.0
			NW	SE	IRR	40.0
			SW	SE	2 IRR	10.0
			SE	SE	1 IRR	26.0

Section Acres 364.0

11	NE	NE	IRR	36.0
	NW	NE	IRR	37.0
	SW	NE	IRR	34.0
	SE	NE	IRR	38.0
	NE	NW	IRR	39.0
	NW	NW	IRR	38.0
	SW	NW	IRR	37.0
	SE	NW	IRR	37.0
	NE	SW	IRR	38.0
	NW	SW	IRR	34.0
	SW	SW	IRR	39.0
	SE	SW	IRR	38.0
	NE	SE	IRR	35.0
	NW	SE	IRR	37.0
	SW	SE	IRR	36.0
	SE	SE	IRR	36.0

Section Acres 589.0

12	SW	NE 3Lm	IRR	1.0
	NE	NW BLM/PUT	IRR	1.0
	NW	NW BLM/PUT	IRR	20.0
	SW	NW ~~BLM/PUT~~ PUT	IRR	38.0
	SE	NW BLM/PUT	IRR	29.0
	NE	SW	IRR	38.0
	NW	SW	IRR	38.0
	SW	SW	IRR	38.0
	SE	SW	IRR	37.0
	NE	SE	IRR	2.0
	NW	SE	IRR	28.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
08N	05W	12	SW	SE -		IRR	30.0
			SE	SE -		IRR	30.0
			Section Acres				338.0
		13	NE	NE -		IRR	39.0
			NW	NE -		IRR	30.0
			SW	NE		IRR	39.0
			SE	NE		IRR	40.0
			NE	NW -		IRR	15.0
			NW	NW -		IRR	37.0
			SW	NW -		IRR	40.0
			SE	NW -		IRR	32.0
			NE	SE -		IRR	40.0
			NW	SE -		IRR	39.0
			SW	SE -		IRR	37.0
			SE	SE -		IRR	40.0
			Section Acres				436.0
14 -	NE	NE -		IRR	37.0		
	NW	NE -		IRR	17.0		
	SW	NE -		IRR	18.0		
	SE	NE -		IRR	40.0		
Section Acres				112.0			
24 -	NE	NE -	1	IRR	27.0		
	NW	NE -	2	IRR	16.0		
	NE	NW -	3	IRR	10.0		
	Section Acres				53.0		
09N	04W	6 -	NW	NW -		IRR	2.0
			Section Acres				2.0
	05W	1 -	NE	NE		IRR	31.0
			NW	NE		IRR	34.0
			SW	NE		IRR	26.0
			SE	NE		IRR	1.0
			NE	NW	3	IRR	32.0
			NW	NW	4	IRR	31.0
			SW	NW		IRR	1.0
			SE	NW		IRR	37.0
			Section Acres				2.0
			Section Acres				2.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
09N	05W	1	NE	SW	IRR	39.0
			NW	SW	IRR	26.0
			SW	SW	IRR	28.0
			SE	SW	IRR	37.0
			NW	SE	IRR	24.0
			SW	SE	IRR	26.0

Section Acres 373.0

2	NE	NE	1	IRR	6.0
	SW	SE		IRR	9.0
	SE	SE		IRR	31.0

Section Acres 46.0

11	NE	NE		IRR	34.0
	NW	NE		IRR	28.0
	SW	NE		IRR	36.0
	SE	NE		IRR	37.0
	NE	SW		IRR	27.0
	SE	SW		IRR	27.0
	NE	SE		IRR	36.0
	NW	SE		IRR	38.0
	SW	SE		IRR	36.0

Section Acres 335.0

12	NE	NE		IRR	3.0
	NW	NE		IRR	36.0
	SW	NE		IRR	34.0
	SE	NE		IRR	6.0
	NE	NW		IRR	28.0
	NW	NW		IRR	38.0
	SW	NW		IRR	30.0
	SE	NW		IRR	37.0
	NE	SW		IRR	38.0
	NW	SW		IRR	38.0
	SW	SW		IRR	34.0
	SE	SW		IRR	28.0
	NW	SE		IRR	25.0
	SW	SE		IRR	10.0

Section Acres 385.0

13	NE	NW		IRR	32.0
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A65-11413

Page 6

Date: 09/27/88

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09N	05W	23 ✓	NE	NE		IRR	30.0
			NW	NE		IRR	39.0
			SW	NE		IRR	39.0
			SE	NE		IRR	40.0
			NE	NW		IRR	37.0
			NW	NW		IRR	39.0
			SW	NW		IRR	39.0
			SE	NW		IRR	36.0
			NE	SW		IRR	37.0
			NW	SW		IRR	38.0
			SW	SW		IRR	35.0
			SE	SW		IRR	37.0
			NE	SE		IRR	40.0
			NW	SE		IRR	36.0
			SW	SE		IRR	38.0
			SE	SE		IRR	40.0

Section Acres 600.0

24	NW	NW -	IRR	15.0
	SW	NW -	IRR	30.0
	NW	SW -	IRR	40.0
	SW	SW -	IRR	38.0

Section Acres 123.0

25 ✓	NE	NW	IRR	40.0
	NW	NW	IRR	39.0
	SW	NW	IRR	36.0
	SE	NW	IRR	35.0

Section Acres 150.0

26 ✓	NW	NE	IRR	38.0
	SW	NE	IRR	20.0
	NE	NW	IRR	28.0
	NW	NW	IRR	19.0
	SW	SW	IRR	25.0

Section Acres 130.0

27 ✓	NE	NE	IRR	36.0
	NW	NE	IRR	33.0
	SW	NE	IRR	35.0

A65-11413

Page 8

Date: 09/27/88

25X

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09N	05W	27	SE	NE		IRR	35.0
			NE	NW		IRR	31.0
			NW	NW		IRR	32.0
			SW	NW		IRR	30.0
			SE	NW		IRR	32.0
			NE	SW		IRR	37.0
			NW	SW		IRR	25.0
			SW	SW		IRR	25.0
			SE	SW		IRR	30.0
			NE	SE		IRR	26.0
			NW	SE		IRR	28.0
			SW	SE		IRR	35.0
			SE	SE		IRR	24.0
Section Acres							494.0

28	NW	NE	1	IRR	10.0
	SW	NE	2	IRR	25.0
	SE	NE		IRR	26.0
	NE	SW	3	IRR	27.0
	SW	SW	4	IRR	30.0
	NE	SE		IRR	30.0
	NW	SE		IRR	28.0
	SW	SE		IRR	25.0
	SE	SE		IRR	25.0

Section Acres 226.0

33	NE	NE		IRR	20.0
	NW	NE		IRR	20.0
	SW	NE		IRR	20.0
	SE	NE		IRR	10.0
	NE	NW	5	IRR	19.0
	SE	NW	4	IRR	7.0
	NE	SE		IRR	15.0
	NW	SE	2	IRR	10.0
	SE	SE	1	IRR	10.0

Section Acres 131.0

34	NE	NE		IRR	27.0
	NW	NE		IRR	29.0
	SW	NE		IRR	34.0
	SE	NE		IRR	20.0
	NE	NW		IRR	29.0

A65-11413

Page 9

Date: 09/27/88

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
09N	05W	34 ✓	NW	NW	IRR	25.0
			SW	NW	IRR	25.0
			SE	NW	IRR	20.0
			NE	SW	IRR	25.0
			NW	SW	IRR	25.0
			SW	SW	IRR	25.0
			SE	SW	IRR	30.0
			NE	SE	IRR	30.0
			NW	SE	IRR	25.0
			SW	SE	IRR	33.0
			SE	SE	IRR	27.0

Section Acres 429.0

35	SW	NE 5+	IRR	19.0
	SE	NE 2-	IRR	36.0
	NE	NW 2-	IRR	20.0
	NW	NW -	IRR	20.0
	SE	NW 7+	IRR	38.0
	NE	SW	IRR	39.0
	NW	SW	IRR	10.0
	SW	SW	IRR	10.0
	SE	SW	IRR	39.0
	NW	SE	IRR	35.0

Section Acres 266.0

10N	05W	3	SW	SW	IRR	13.0
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Section Acres 13.0

4	NW	NE	2	IRR	36.0
	SW	NE		IRR	20.0
	NE	NW	3	IRR	34.0
	NW	NW	4	IRR	2.0
	SW	NW		IRR	37.0
	SE	NW		IRR	35.0
	NE	SW		IRR	36.0
	NW	SW		IRR	35.0
	SW	SW		IRR	34.0
	SE	SW		IRR	36.0
	NE	SE		IRR	19.0
	NW	SE		IRR	38.0
	SW	SE		IRR	39.0
	SE	SE		IRR	33.0

Section Acres 438.0

A65-11413

Page 10

Date: 09/27/88

25X

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
10N	05W	9	NE	NE		IRR	38.0
			NW	NE		IRR	38.0
			SW	NE		IRR	36.0
			SE	NE		IRR	37.0
			NE	NW		IRR	24.0
			NW	NW		IRR	37.0
			SE	NW		IRR	15.0
			NE	SE		IRR	36.0
			NW	SE		IRR	5.0
			SE	SE		IRR	12.0

Section Acres 278.0

10	SW	NE <i>54</i>	IRR	6.0
	NE	NW	IRR	24.0
	NW	NW	IRR	40.0
	SW	NW	IRR	10.0
	SE	NW	IRR	38.0
	NE	SW	IRR	37.0
	NW	SW	IRR	35.0
	SW	SW	IRR	18.0
	SE	SW	IRR	38.0
	NW	SE	IRR	30.0
	SW	SE	IRR	38.0
	SE	SE	IRR	17.0

Section Acres 331.0

14	SW	NW	IRR	6.0
	NW	SW	IRR	1.0
	SE	SW	IRR	1.0
	SW	SE	IRR	25.0
	SE	SE	IRR	4.0

Section Acres 37.0

15	NE	NE	IRR	36.0
	NW	NE	IRR	39.0
	SW	NE	IRR	20.0
	SE	NE	IRR	39.0
	NE	NW	IRR	37.0
	NW	NW	IRR	22.0
	SW	NW	IRR	1.0
	SE	NW	IRR	19.0

Section Acres 213.0

A65-11413

Page 11

Date: 09/27/86

25X

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
10N	05W	23 —	NE	NE		IRR	32.0
			NW	NE		IRR	37.0
			SE	NE		IRR	15.0
			SE	NW		IRR	6.0
			NE	SW	3	IRR	1.0
			NE	SE		IRR	35.0
			NW	SE		IRR	34.0
			SW	SE	2	IRR	36.0
			SE	SE	1	IRR	36.0

Section Acres 232.0

24	NW	NW	IRR	5.0
	SW	NW	IRR	23.0
	NW	SW	IRR	36.0
	SW	SW	IRR	39.0
	SE	SW	IRR	30.0

Section Acres 133.0

25 —	NW	NE	IRR	7.0
	SW	NE	IRR	25.0
	NE	NW	IRR	39.0
	NW	NW	IRR	37.0
	SW	NW	IRR	35.0
	SE	NW	IRR	34.0
	NE	SW	IRR	40.0
	NW	SW	IRR	35.0
	SW	SW	IRR	31.0
	SE	SW	IRR	37.0
	NE	SE	IRR	2.0
	NW	SE	IRR	37.0
	SW	SE	IRR	36.0
	SE	SE	IRR	8.0

Section Acres 403.0

26 ✓	NE	NE	3	IRR	84.0
	NE	SE	2	IRR	11.0
	SE	SE	1	IRR	9.0

Section Acres 104.0

35 ✓	SE	SE		IRR	4.0
------	----	----	--	-----	-----

Section Acres 4.0

A65-11413

Page 12

Date: 09/27/88

25X

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
10N	05W	36 <i>St</i>	NE	NE		IRR	6.0
			NW	NE		IRR	37.0
			SW	NE		IRR	37.0
			SE	NE		IRR	25.0
			NE	NW		IRR	38.0
			NW	NW		IRR	27.0
			SW	NW		IRR	30.0
			SE	NW		IRR	34.0
			NE	SW		IRR	36.0
			NW	SW		IRR	33.0
			SW	SW		IRR	39.0
			SE	SW		IRR	36.0
			NE	SE		IRR	24.0
			NW	SE		IRR	37.0
			SW	SE		IRR	38.0
11N	05W	33 <i>/</i>	SE	SW		IRR	24.0
			SW	SE		IRR	21.0
						Section Acres	45.0
						Total Acres	11008.0

11. Place of use in counties: PAYETTE

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:

65-0165X, 65-0165A, 65-0165B, 65-0165C, 65-2376, 65-7382.

14. Remarks:

PAYETTE RIVER: LOT 7 (NESW) S7, T07N, R03W. (PT. OF INJECTION)
 PAYETTE RIVER: LOT 3 (SESW) S7, T07N, R03W. (PT. OF REDIVERSION)
 BIG WILLOW CK: SESE, S26, T08N, R04W. (PT. OF INJECTION)
 BIG WILLOW CK: SWNW, S21, T08N, R04W. (PT. OF REDIVERSION)
 THIS RIGHT WHEN COMBINED WITH RIGHT 65-2376 SHALL NOT EXCEED 60
 CFS.
 THIS RIGHT WHEN COMBINED WITH OTHER RIGHTS SHALL NOT EXCEED .02
 CFS PER ACRE DIVERTED NOR 3.5 AF PER ACRE CONSUMED.

15. Basis of Claim: DECREED

Case Number:

A65-11413

Page 13

Date: 09/27/68

25X ☐

Court :
Decree date:

STATE OF IDAHO
Decree Plaintiff

A & C CORP., ET AL.
Decree 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:

For Organizations:

I do solemnly swear or affirm that I am President of

Lower Payette Ditch Co. that I have signed the foregoing
Organization

document in the space below as President of

Lower Payette Ditch Co. and that the statements contained in the
Organization

foregoing document are true and correct.

Cecil J. Hurd
Signature of Authorized Agent

President, Lower Payette Ditch Co.
Title and Organization

4-9-90
Date

State of Idaho)
County of Boise) SS.

Subscribed and sworn (or affirmed) before me this day

of 19 90

Notary Public

Seal

Residing at

My Commission Expires

RECEIVED

JAN 24 2002

WATER RESOURCES
WESTERN REGION

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) A. Subcase No. 65-11413
)
Case No. 39576)
) STANDARD FORM 1
) OBJECTION
)
_____)

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: George E. and Cheryl F. Colwell
Address: 3990 Highway 52
Payette, Idaho 83661
Daytime Phone: 208-278-3448

Name & Address of Attorney, if any:

Dana L. Hofstetter
Hofstetter Law Office, LLC
608 West Franklin Street
Boise, Idaho 83702
(208) 424-7300

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Lower Payette Ditch Co.
Address: 102 N Main
Payette, Idaho 83661

F. VERIFICATION (Must be Completed)

State of Idaho)
)ss.
County of Ada)

Dana L. Hofstetter, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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

(Signature of person filing objection)

Dana Hofstetter

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: January 18, 2002

[Signature]
Notary Public for the State of Idaho

Residing at: Boise, ID

My Commission Expires: 2-13-03



CONVERSATION MEMORANDUM



SUBJECT LOWER PAYETTE Ditch CO NOC
TO: COLL 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 SPRB
because of late proof... LICENSED
65-12279 - should have been filed in SPRB
NO ADDITIONAL ACRES WERE ADDED

OKg 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
65-12279 - NO ACRES WERE LICENSED ONLY CFS FLAT FEE
Thus FEE IS: \$ 50.00 FLAT FEE

\$ 100 TOTAL FOR BOTH



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

May 4, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Dear Basin 65 water user:

This letter is to inform you that you may be eligible to file a stockwater claim with the Idaho Department of Water Resources (IDWR) in connection with the Snake River Basin Adjudication (SRBA). IDWR is sending this letter to water users in Basin 65 who might have relied upon the non-irrigation season stockwater provision in the Payette Adjudication. This provision states:

“When stockwater is not a specifically mentioned use for a right that includes irrigation, a reasonable flow is implied and included for the watering of livestock during the non-irrigation season.”

In another basin, the Idaho Supreme Court struck down general provisions that contained similar language. The non-irrigation season stockwater language quoted above was not included in the General Provisions for Basin 65 because of the Idaho Supreme Court's ruling.

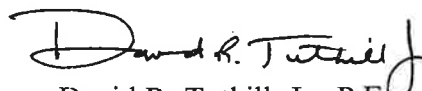
IDWR recognizes that in reliance on the non-irrigation season stockwater language in the Payette Adjudication, water users might not have filed stockwater claims in the SRBA to cover the non-irrigation season period. Individuals who historically watered livestock during the non-irrigation season without a separate stockwater claim might desire to file a new stockwater claim with IDWR.

To be eligible for a new non-irrigation season stockwater claim:

1. You must have actually and historically watered livestock during the non-irrigation season without a separate stockwater right.
2. You must have filed a surface water irrigation claim in both the Payette Adjudication and the SRBA.
3. You must not have filed a stockwater claim with the surface water irrigation claim.

If you meet these three requirements, you may file a Notice of Claim form for stockwater with IDWR. **To have a timely filing you must file this claim with IDWR by May 25, 2001.** IDWR will waive filing fees for these stockwater claims if filed before this deadline. Failure to file your claim in a timely manner may prevent you from claiming it in the future. Notice of Claim forms are available on IDWR's website at www.idwr.state.id.us/info/water/srba/forms.htm or from any IDWR office. Claimants can call IDWR, Western Region at (208) 334-2190 to make an appointment if they need assistance filling out a Notice of Claim form.

Sincerely,


David R. Tuthill, Jr., P.E.
Adjudication Bureau Chief

RECEIVED
APR 13 2001
WATER RESOURCES
WESTERN REGION

Scott L. Campbell - ISB #2251
Angela D. Schaer - ISB #5436
ELAM & BURKE, P.A.
Key Financial Center, 10th Floor
702 West Idaho Street
P.O. Box 1539
Boise, Idaho 83701
Telephone: (208) 343-5454
Facsimile: (208) 384-5844

Attorneys for Lower Payette Ditch Company

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF WATER RIGHT)	NOTICE OF APPEARANCE
NOS. 65-00165A, 65-00165B, 65-00165C,)	
65-00165X, 65-07425, 65-07428,)	
65-07848, 65-07882, and 65-11413.)	
)	
IN THE NAME OF LOWER PAYETTE)	
DITCH COMPANY.)	
_____)	

PLEASE TAKE NOTICE that Scott L. Campbell, a shareholder of the firm of Elam & Burke, P.A., 702 West Idaho, Post Office Box 1539, Boise, Idaho, 83701, hereby enters an appearance as Attorney of Record for Lower Payette Ditch Comapny, in the above-referenced water rights matters.

Respectfully submitted this 13th day of April, 2001.

ELAM & BURKE, P.A.


Scott L. Campbell

CERTIFICATE OF MAILING

I HEREBY CERTIFY that a true and correct copy of the foregoing NOTICE OF APPEARANCE was mailed on this 13th day of April, 2001, with sufficient first-class postage to the following:

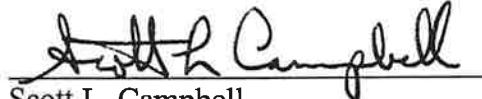
Lower Payette Ditch Company
102 N. Main Street
Payette, ID 83661

☒ U.S. Mail (postage prepaid)
☐ Hand Delivery
☐ Federal Express

and the original and one copy to:

IDWR Western Region
2735 Airport Way
Boise, ID 83705-502

☐ U.S. Mail (postage prepaid)
☒ Hand Delivery
☐ Federal Express



Scott L. Campbell

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

April 13, 2001

VIA HAND-DELIVERY

Ms. Lori Harris
Idaho Department of Water Resources
Western Region Office
2735 Airport Way
Boise, ID 83705

RECEIVED
APR 13 2001
WATER RESOURCES
WESTERN REGION

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

Dear Lori:

Enclosed for filing please find the original and one copy of our Notice of Appearance as counsel of record for Lower Payette Ditch Company for water right nos. 65-00165A, 65-00165B, 65-00165C, 65-00165X, 65-07425, 65-07428, 65-07848, 65-07882, and 65-11413. Also enclosed is an additional copy of the Notice of Appearance. Please receive-stamp the copy and return it to this office in the enclosed self-addressed, stamped envelope.

Also enclosed for filing please find the original and one copy of the Notice of Error forms concerning water right nos. 65-00165A, 65-00165B, 65-00165C, 65-00165X, 65-07425, 65-07428, 65-07848, 65-07882, and 65-11413. We have also enclosed an additional copy of each of the Notice of Error forms. Please receive-stamp the additional copies and return them to this office in the enclosed self-addressed, stamped envelope.

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:drj
Encl.
cc: Client (w/encl.)

03/08/2001

**Notice of Error
Reply**

RECEIVED

APR 13 2001

WATER RESOURCES
WESTERN REGION

Please type or print clearly, fill out this completely and mail.

Return this reply to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: April 13, 2001

Water right number: 65-11413

LOWER PAYETTE DITCH CO
102 N MAIN
PAYETTE, ID 83661
Telephone Number: (208) 642-9424

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

Place of use, point of diversion, quantity, basis of claim

2. Describe the changes you wish to make in the proposed recommendation:

Changes must be provided in personal conference in order to fully explain

3. Give a brief explanation as to why you disagree with these portions:

Because the preliminary recommendations are incorrect

 I AGREE with this proposed recommendation; no changes need to be made.

DATE: April 12, 2001

SIGNATURE: Scott L. Campbell

Please print your name: Scott L. Campbell

Attorneys for: Lower Payette Ditch Company

IDWR Western Regional Office, 2735 Airport Way, Boise, ID 83705, (208) 334-2190

07/02/2001

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

RIGHT NUMBER: 65-11413

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

SOURCE: GRAVEYARD GULCH WASTEWAY TRIBUTARY: PAYETTE RIVER

QUANTITY: 60 CFS

THIS RIGHT WHEN COMBINED WITH RIGHT NO. 65-2376 SHALL NOT EXCEED 60 CFS.

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 NOS. 65-7882, 65-7885 & 12279 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 93.02 CFS.

PRIORITY DATE: 05/07/1945

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	60.00 CFS

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 - Beneficial Use

OWNER CODE: C LOWER PAYETTE DITCH CO
114 N 8TH
PAYETTE ID 83661

NAME & ADDRESS: 107N R03W S07
S19 NWSE

PRIORITY DATE: 05/07/1945 IRRIGATION

WATER USE: IRRIGATION

USE PERIOD FROM TO: 03-15 11-15

DIVERSION RATE: 60.000 CFS

DIVERSION VOLUME: 60.000 CFS

TOTAL DIVERSION: 60.000 CFS

Water Source: GRAVEYARD GULCH WASTEWAY

Tributary to: MAIN DRAIN, DIST. NO. ONE

Stage: DECREASED B/W

Point(s) of Diversion: PAYETTE RIVER

Place of use Legal Description for: IRRIGATION

T R S		NENE		NUNE		SENE		NENW		MNW		SNW		SENW		NESW		MWSW		SWSW		SESW		NESE		NWSE		SWSE		SESE		SUM	
Lt Ac		Lt Ac		Lt Ac		Lt Ac		Lt Ac		Lt Ac		Lt Ac		Lt Ac		Lt Ac		Lt Ac		Lt Ac		Lt Ac		Lt Ac		Lt Ac		Lt Ac		Lt Ac		Lt Ac	
07N 03W 5																																3.0	
07N 03W 6				12	02																											115.0	
08N 04W 7				40	40																											80.0	
08N 04W 17				40	40																											137.0	
08N 04W 18				20	38																											146.0	
08N 04W 19				08	38																											518.0	
08N 04W 20				07-07																												14.0	
08N 04W 21																																7.0	
08N 05W 2																																3.0	
08N 05W 3				01-15	02-25	38	11																									162.0	
08N 05W 4				03-12			02-15																									419.0	
08N 05W 10				38	40		37																									33.0	
08N 05W 11				36	37		38																									364.0	
08N 05W 12					01																												589.0
08N 05W 13				39	38		40																									338.0	
08N 05W 14				37	17		18																									436.0	
08N 05W 24				01-27	02-16																											112.0	
09N 04W 6																																53.0	
09N 05W 1				31	34		26																									2.0	
09N 05W 2				01-06																												373.0	
09N 05W 11				34	28		36																									46.0	
09N 05W 12				03	36		34																									335.0	
09N 05W 13							06																										385.0
09N 05W 14				36	33		39																									203.0	
09N 05W 15							02-11																									544.0	
09N 05W 22				01-25			02-06																									62.0	
09N 05W 23				30	39		39																									272.0	
09N 05W 24																																600.0	
09N 05W 25																																123.0	
09N 05W 26				38	20																											150.0	
09N 05W 27				36	33		35																									130.0	
09N 05W 28				01-10	02-25		26																									494.0	
09N 05W 33				20	20		20																									226.0	
09N 05W 34				27	29		34																									131.0	
																																429.0	

(R) T8N R4W S21
Lot 5 SW NW
(I) T8N R4W S26
Lot 10 SE SE
(R) T7N R3W S07
Lot 3 SE NW
(I) T7N R3W S07
Lot 7 NE SW
PPOU System
S19 POB
WAS ADDED
FOR CLARIFICATION
OF System that
IS SAME AS
LIC 7802 POB

Place of use Legal Description for: IRRIGATION

[illegible]

POU County: PAYETTE

Other Rights: 65-0165X, 65-0165A, 65-0165B, 65-0165C, 65-2376, 65-7882.

Remarks: GEN

PAYETTE RIVER: LOT 7 (NEW), S7, T07N, R03W. (PT. OF INJECTION)
 PAYETTE RIVER: LOT 3 (SENN), S7, T07N, R03W. (PT. OF REDIVERSION)
 BIG WILLOW CK: SESE, S26, T08N, R04W. (PT. OF INJECTION)
 BIG WILLOW CK: SWNW, S21, T08N, R04W. (PT. OF REDIVERSION)
 THIS RIGHT WHEN COMBINED WITH RIGHT 65-2376 SHALL NOT EXCEED 60
 CFS

DELETED POD FIELD

Q2T E203

FN
MSA SUREN
AT FIELD
H-FAD GATE

Dates: _____ **Exam Made Date:** _____

Verified Date:

Objection Filed Date:

Misc: Water District Number: 65

Field Inspection Flag:

Presumption Flag:

22. 2004-2006

OWNER CODE NAME & ADDRESS PRIORITY DATE WATER USE USE PERIOD FROM TO DIVERSION RATE DIVERSION VOLUME
 C LOWER PAYETTE DITCH CO. 05/07/1945 IRRIGATION 03/15 11/15 60.000 CFS
 114 N. 8TH
 PAYETTE ID 836610000 TOTAL DIVERSION: 60.000 CFS

Water Source: GRAVEYARD GULCH WASTEWAY Tributary to: MAIN DRAIN, DIST. NO. ONE
 Stage: BENEFICIAL USE
 Payette River

Point(s) of Diversion Capacity: 92.000 CFS									
Point(s) of Diversion: T07N R03W S07									
Place of use Legal Description for: IRRIGATION									
NE									
SESW									
SW									
SESE									
PAYETTE County									
SUM									
3.0									
115.0									
80.0									
137.0									
146.0									
518.0									
14.0									
7.0									
3.0									
162.0									
419.0									
33.0									
364.0									
589.0									
338.0									
436.0									
112.0									
53.0									
2.0									
373.0									
46.0									
335.0									
385.0									
203.0									
544.0									
62.0									
272.0									
600.0									
123.0									
150.0									
130.0									

WR5809NP
No. 65-11413

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 09/17/99
PAGE: 80

Place of use		Legal Description for: IRRIGATION														TOTAL ACRES	
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	10	30	30	25	33	27	429.0
09N 05W 35		19	36		20	20	38		39	10	10	39	30	25	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	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					35	34	02-36	01-36	213.0
10N 05W 23	32	37		15				06	03-01								232.0
10N 05W 24						05	23			36	39	30					133.0
10N 05W 25						39	37	34	40	35	31	37	02	37	36	08	403.0
10N 05W 26	03-84	07	25										02-11		01-09	04	104.0
10N 05W 35																	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
																	11008.0

Pou County: PAYETTE

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

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

Misc: Water District Number: 65 Field Exam Fee:

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	Grave-yard 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 FILED 6/27/01		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.

**T08N R04W
S21 & S26**

**Claims: 65-07882
& 65-11413**

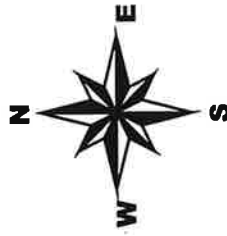
**Owner : Lower Payette
Ditch Co.**

**Prepared by:
RON HOWERTON
Date: 12 DEC 00**

○ **POD**

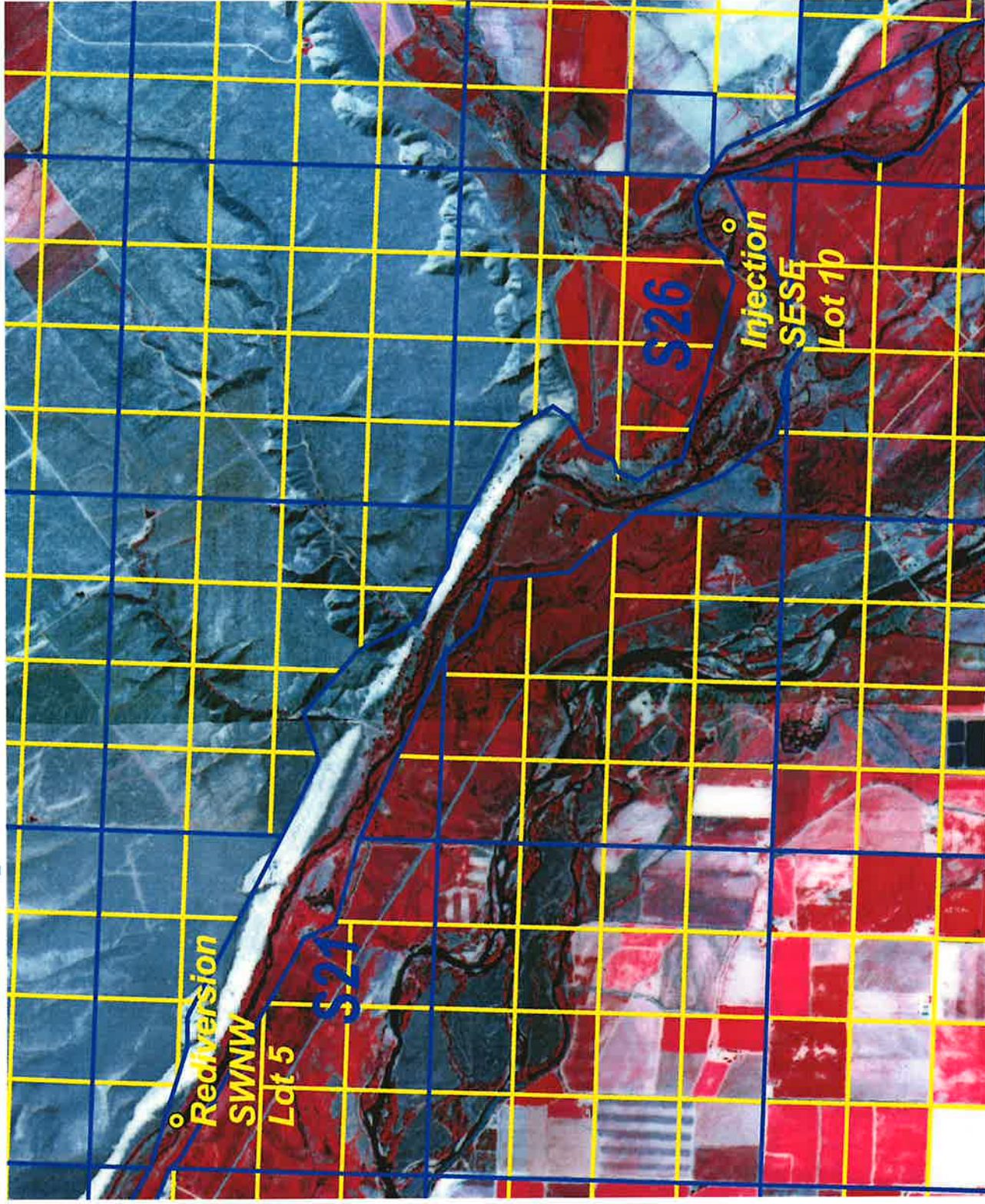
 **SECTION**

 **1/4 1/4**



1987 NAPP

Idaho Department of Water Resources



**T07N R03W
S07 & S19**

Claims: 65-07882

& 65-11413

**Owner : Lower Payette
Ditch Co.**

Prepared by:

RON HOWERTON

Date: 12 DEC 00

● **POD**

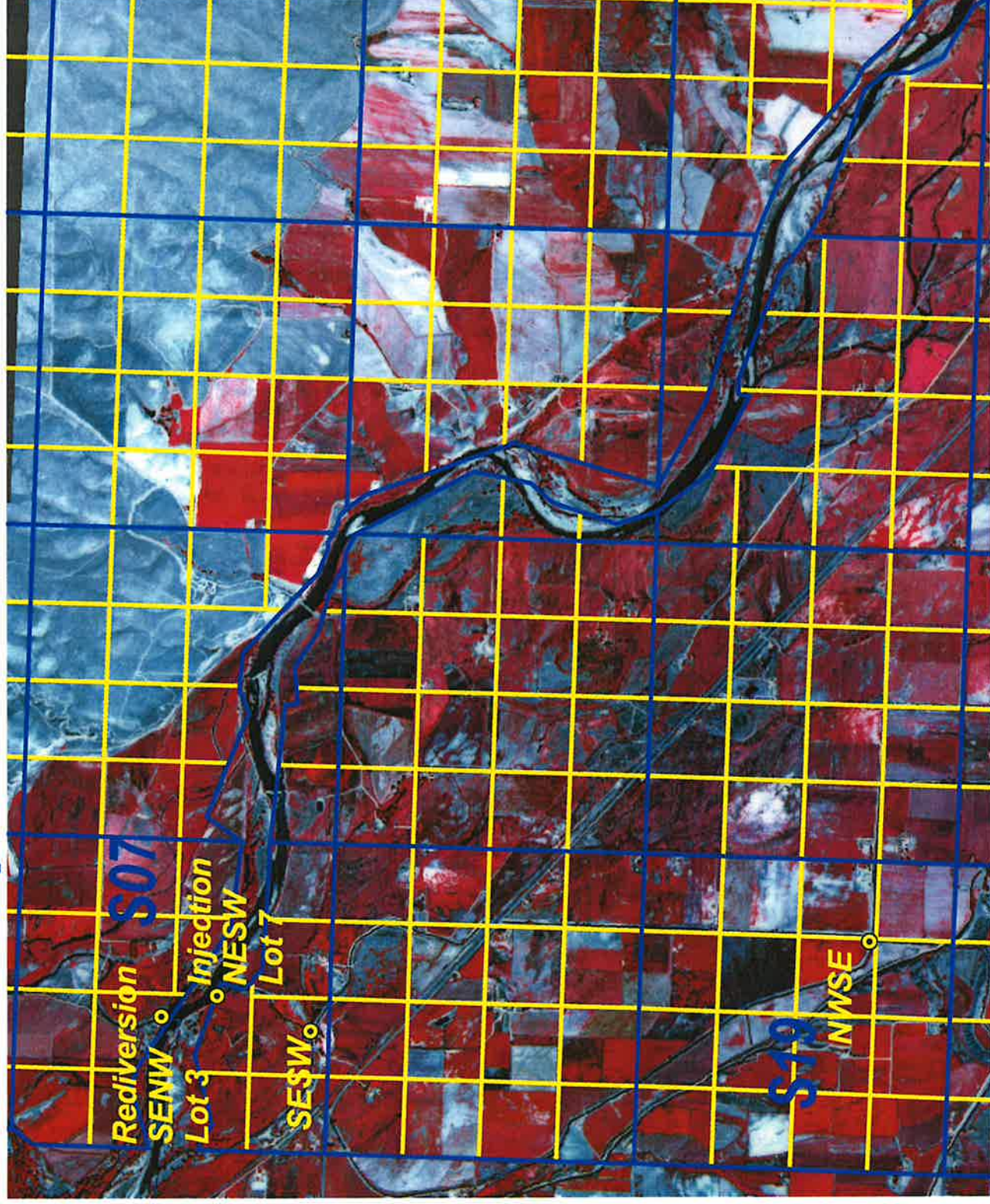
 **SECTION**

 **1/4 1/4**



1987 NAPP

Idaho Department of Water Resources



RECEIVED

JUN 29 1987

Department of Water Resources

FILED

O'CLOCK
JUN 15 1987

Thelma R. Kolodziej CLERK
Lori Rambour DEPUTY

JIM JONES
Attorney General

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

RECEIVED

MAR 28 1990

Department of Water Resources
Western Regional Office

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

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

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

Those changes appear as follows:

1. 65-11413:

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

RECEIVED

SEP 15 1992

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

POINT OF DIVERSION: SESW S7 T7N R3W

PLACE OF USE: Same as 65-0165X (~~11,088~~ ^{11,008 actually} acres)

PERIOD OF USE: 3/15 to 11/15

DIVERSION RATE: 60 cfs

PRIORITY DATE: 5/7/1945

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

BASIS OF RIGHT: Beneficial use

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

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

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

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

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

2. 65-2376:

Under remarks, the following language is to be added:

"Point of injection into Big Willow Creek: SESE, S26 T8N
R4W. Point of redirection is SWNW, S21 T8N R4W."

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

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

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

^{11,008}

place of use, 65-0165A erroneously listed 10,980 acres. That figure should be changed to ^{11,008}~~11,088~~ acres.

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

5. 65-0165C: Same as 65-0165A and B regarding listing of irrigated acreage as ^{11,008}~~11,088~~ rather than 10,980.

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

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

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

DATED this 21st day of April, 1987.

JIM JONES
Attorney General

Josephine P. Beeman

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

DATED this _____ day of _____, 1987.

LAKE RESERVOIR COMPANY

By: _____
LOUIE GORRONG
Counsel for Lake Reservoir
Company

DATED this _____ day of _____, 1987.

LOWER PAYETTE DITCH COMPANY

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

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

JIM R. DOOLITTLE
District Judge

GRAVEYARD GULCH INFO ?? FROM NOTUS

NOT A GREAT DEAL AVAILABLE. (MGR ROY —) (FORGOT TO MARK HIS NAME DOWN) WAS NOT ABLE TO LOCATE SOME OF THE MAPS THAT HE THOUGHT SHOULD BE AVAILABLE) HE GAVE US ONE OF THE BOR SCHEDULE, SPECS. & DRAWINGS FOR EARTHWORK & STRUCTURES ON GRAVEYARD GULCH WASTEWAY & LANGLEY GULCH WASTEWAY. MAY BE YOU WILL FIND SOMETHING THERE OF HELP.

~~BRIEF~~ SYNOPSIS OF ABOVE: BIOS WERE OPEN UNTIL 7/24/1940.

DRAWING #1 GRAVEYARD & LANGLEY GULCH WASTEWAY LOCATION MAP, OK'D AT EMMETT 7/21/1939, SHOWS GRVYO. WASTEW. CROSSING FARMERS CO-OP IN SE NW 30, 7N 3W. CROSSES NOBLE SW SE 19, 7N-3W NEAR SOUTH LINE OF SECT. & CROSSING DRAIN AT APPROXIMATELY THE MIDDLE OF SE 4, 19, 7N-3W. DUMPED INTO OLD DRAIN AT SOUTH LINE IN SE SW, 17, 7N-3W.

CO-OP CROSSING AT STATION 141+75 DWG 3-D-1399 APPROV. DENVER 2/23/40

NOBLE CROSSING " " 171+4.81 " 3-D-1402 " " 5/15/40

DRAIN CROSSING & INLET STATION 190+00 " (13) 3-D-1403 " " 4/11/40

Q GIVEN FOR W-W 606 F/SEC from pt. - center of top view

FOR DRN 80 F/SEC
Q FOR DRAIN FROM OUTLET MAX=100; MIN=20 from top center of top view

ALSO HAD A FEW DESC. OF BOR R/WAY PURCHASES 10/21/1940

STRIP OF 8.94 ACRES, A PORTION OF E₂ NE₄ & PORTION N₂ SE₄ SEC 19, T7N, R3W, WITH PARALLEL LINES 50' EACH SIDE OF CENTERLINE, BOUNDED BY NORTH BOUNDARY N₂ NE SEC 19 AND SO BOUNDARY N₂ SE₄ SA 10 SEC EXCEPT LAND CANYON CO. DRAINAGE DIST #1 MAY HAVE IN CANYON CO. DRAINAGE DISTRICT #1 MAIN DRAIN R/WAY LYING WITHIN THE PARALLEL LINES. ALSO 5.46 AC IN E₂ SE, SECT 18 T7N R3W. THE WEST 100' E₂ SE₄ SECT 18, T7N-R3W.

U.S.B.O.R. Annual Project History Boise Project - ~~also~~
Calendar Year - 1941

~~P. 24 Contract was completed~~

P. 24 Spec. No. 922 - ~~Sharyard Gulch~~ Sharyard Gulch etc
Contract was completed & accepted on April
25, 1941

p. 25 photo Sharyard Gulch wasteway from
chute at A-line canal. ~~Canyon Canal division~~
~~clearly seen in view to north.~~

-U-200
1-63

STATE OF IDAHO *11/2*
DEPARTMENT OF RECLAMATION

Date 9/28, 1984 DISCHARGE MEASUREMENT NOTES

11NN. STREAM ⁴ River at GRAVEYARD CULCH

Angle coefficient	Dist. from initial point	Width	Depth	Observation depth	Revolutions	Time in seconds	VELOCITY		Adjusted for hor. angle or -----	Area	Discharge
							At point	Mean in vertical			
E.W.	.3'										
	1' .8'									3.36	8.20
	1' 1.2'	2.8'			60	55	2.44			3.09	7.51
	2' 1.0'	2.75'			90	40	5.01			2.75	13.78
	3' 1.0'	2.8'			80	55	3.24			2.80	9.07
	4' 1.0'	2.8'			60	47	2.85			2.80	7.98
	5' 1.3'	2.85'			80	50	3.57			3.71	13.24
E.W.	5.8'										51.58
O.E.W.	25'										52.249
	1' 1.25	2.75'			40	45	1.99			3.44	6.85
	2' 1.0'	2.8'			60	53	2.53			2.8	7.08
	3' 1.0'	2.85'			50	49	2.28			2.85	10.50
	4' 1.0'	2.85'			60	49	2.74			2.85	7.81
	5' 1.5'	2.65'			100	43	3.12			3.97	12.39
E.W.	6'										
											40.63
										+ 22.249	52.249
											52.249
										TOTAL	92.21
											92.90
										Per Pintout	93.02

ZIP - 83661

D S

0 0.0

0 0.0

0 0.0

ACRES: 0

LUME

0.00
4579

No. _____ of _____ Sheets. Comp. by _____

Chk by *[Signature]*

DECREE DEFENDANT NAME -

11,008

A measuring device requirement is waived

65-788

65-7882

MEASUREMENT FOR RIVER DITCH

PAGE 1

MEASUREMENT LOCATION

MEASURED BY J. (GROWER) SHURTE

ON 9/28/84

LEGAL DESCRIPTION

V = 2.218N + .022 FOR N <= 1
V = 2.224N + .016 FOR N > 1

DISTANCE FROM INITIAL POINT	DEPTH	AREA	REVOLUTIONS	TIME	VELOCITY	DISCHARGE
FEET	FEET	SQ. FT.		SEC.	FT/SEC	CFS
1.000	2.800	3.360	0	55.000	2.442	8.205
2.000	2.750	2.750	90	40.000	5.020	13.805
3.000	2.800	2.800	80	55.000	2.251	9.103
4.000	2.800	2.800	60	47.000	2.955	7.994
5.000	2.850	3.705	80	50.000	2.574	13.242
5.800	1.000	.000	0	.000	.000	.000
TOTALS		15.415				52.349

MEASUREMENT FOR RIVER DITCH

PAGE 1

MEASUREMENT LOCATION
MEASURED BY J. (GROVER) SHURTE

ON 9/28/84

LEGAL DESCRIPTION

W = 2.218N + .022 FOR N <= 1
 W = 2.224N + .016 FOR N > 1

DISTANCE FROM INITIAL POINT FEET	DEPTH FEET	AREA SQ FT	REVOLUTIONS	TIME SEC	VELOCITY FT/SEC	DISCHARGE CFS
1.000	2.750	3.438	40	45.000	1.994	6.855
2.000	2.800	2.800	60	53.000	2.534	7.095
3.000	2.850	2.850	50	49.000	2.285	6.512
4.000	2.850	2.850	60	49.000	2.739	7.906
5.000	2.650	3.975	60	43.000	3.119	12.398
6.000	.000	.000	0	.000	.000	.000
TOTALS		15.913				40.666





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

October 8, 1985

Cecil Shurtleff
Lower Payette Ditch Co.
114 North 8th
Payette, Idaho 83661

Dear Cecil,

Researching of the Bureau of Reclamation's files to document the development of drains in the Graveyard Gulch area has come to a dead-end. My analysis of the information follows. A photocopy of a 1945 aerial photograph with appropriate notations is enclosed.

The record is unclear as to whether the water flowing in the Graveyard Gulch prior to construction of the present wasteway was intercepted by the River Ditch. I am convinced that the sources of water appropriated by Lake Reservoir Company in their 1932 filing (65-2367) was actually Canyon Drain and the Unnamed Stream. The Unnamed Stream flows into the River Ditch uncontrolled. In the Proposed Finding Canyon Drain as we have commonly referred to it was tabbed Main Drain, District No. One. For the sake of consistency I would like to refer to this source by the name appearing in the Proposed Finding.

The Bureau's part in constructing the Graveyard Gulch Wasteway as it now exists was accepted as completed on April 25, 1941. However the plans and specifications for the project did not include constructing the flashboard dam where the River Ditch now begins. Unfortunately, no records have been found indicating that the River Ditch was carrying water from Graveyard Gulch Wasteway at that time. From an aerial photograph taken on May 7, 1945, an observer can see that the flash board dam was actually in place. This is the first instance that a safe assumption can be made that water was diverted from Graveyard Gulch into the River Ditch.

This diversion and use of water would require the filing of a new claim to account for the addition of the third source. This activity resulted in moving the point of diversion in the Main Drain, District No. One from the SWSW Section 7 to the present point in the NWSE Section 19. I think it is possible, but probably immaterial at this point, that both points may have been used for an unknown number of years. Since nothing had been done to increase the appropriation of the Unnamed Stream or Main Drain, District No. One at that

time, the source for this 1945 right would be Graveyard Gulch Wasteway. The total appropriation from any of these sources under either 65-2367 or the 1945 right would be no more than 60 cfs.

More recently, Lower Payette has developed additional diversion capacity through this system to irrigate additional lands from Graveyard Gulch and Main Drain, District No. One. This was accomplished at least under the name of Lower Payette first with Permit 65-7882. This permit for 30 cfs is now described as diverting water from an Unnamed Stream. The fact of the matter is the diversion is from Graveyard Gulch and Main Drain, District No. One. No added water is diverted from the Unnamed Stream. To amend this permit as to the source may result in an advance of the priority date.

To gain water for additional land, Permit 65-12279 was obtained with the sources of water described as Graveyard Gulch Wasteway and Unnamed Stream. This permit for 60 cfs also is actually diverting water from the same sources as 65-7882. The same risk of amending the source also may face Lower Payette here.

The table below illustrates in summary the manner in which I think these water rights are arranged.

<u>W.R. No.</u> <u>Year</u>	<u>Amount</u> <u>(cfs)</u>	<u>Sources</u> <u>Recorded</u>	<u>Sources</u> <u>Existing</u>
65-2376 1932	60	Unnamed Stream (Licensed) Graveyard Gulch W. (Prop. Finding)	Unnamed Stream Main Drain, District No. One
65- 1945	60	None	Graveyard Gulch Wasteway
65-7882 1977	30 cfs	Unnamed Stream (Permit) Graveyard Gulch W. (Prop. Finding)	Main Drain, District No. One Graveyard Gulch Wasteway
65-12279 1982	60 cfs	Unnamed Stream Graveyard Gulch W.	Main Drain, District No. One Graveyard Gulch Wasteway

The enclosed documents should start us on the way to resolving the issues surrounding the diversions of Lower Payette on the south side of the river. If these forms are acceptable the board may direct you or the secretary to go ahead and file them by mail or in person. I would be glad to discuss them with you, the secretary and/or the board. Please call me at 334-4664 to arrange a date and time if such is the case. If you file the 1945 right I will ask our attorney to prepare a stipulation that should take care of the court matters for now. In that stipulation the number of acres for water rights 65-0165A, 65-0165B and 65-0165C can be corrected to agree with 65-0165X at 11,008 acres.

Other water rights are enclosed that were recommended in the Proposed Finding that may affect the diversions of the Company on the south side of the river. Some of these have priority dates after 1945, but are included for informational purposes. I could not find any other water rights that may be tributary to Graveyard Gulch or Main Drain, District No. One with priority dates earlier than 1945.

Thanks for your generous assistance.

Regards,

Donald V. Shaff
Water Rights Supervisor

Enclosures

cc: B. Osborn

To: 65-11413

12/30/85

From: D. Shaff

An affected water right that might not be apparent from the listing of water rights is 65-5993, which had the source incorrectly decreed. The source for 65-5993 is Graveyard Gulch Wasteway.

W. A. (Guss) Ziegler

Bill Ziegler

Rt. 2

New Plymouth ID 83655

November 20, 1985

Cecil Shurtleff, President
Lower Payette Ditch Company
114 North Eighth Street
Payette, ID 83661

RE: 65-11413

Dear Cecil:

This letter acknowledges receipt of the company's adjudication claim, a copy of which is enclosed. The department's Western Region is processing the applications for amendment of permit.

A couple of hearings are scheduled for this month and next. In January or February, the attorney for department adjudications may draft the stipulation to resolve the adjudication matters. Mr. Osborn will be kept abreast of the events leading to resolution.

Regards,

DON SHAFF
Water Rights Supervisor

DS:alw
Encls.

LOWER PAYETTE DITCH CO.

114 NORTH EIGHTH STREET
PAYETTE, IDAHO

RECEIVED

NOV 13 1985

Department of Water Resources

November 11, 1985

Donald V. Shaff
Water Rights Supervisor
Dept. of Water Resources
State Office
450 W. State Street
Boise, ID 83720

Dear Don:

The Board is in agreement that we should proceed with filing the applications for amendments to the two permits and also filing the claim for Graveyard Gulch.

I am enclosing these forms which I have signed. If there is a filing fee due, please advise our office and we will mail a check.

You mentioned in your letter that your attorney would be willing to prepare a stipulation for the Court. If this can be prepared and mailed to our attorney, Bert Osborn, 26 South 9th Street, Post Office Box 307, Payette, ID, 83661, he will file it with the Court.

I want to thank you for the great amount of time and effort you have put into resolving this matter. We certainly appreciate it.

Sincerely,



Cecil Shurtleff, President

xc: Bert Osborn

fo -

I think there may be a problem with the Payette Ditch Company stipulation. It says that the PLU of 65-11413, 65-0165A, 65-0165 B, & 65-0165 C shall have the same PLU as 65-0165X, which is described in the report. The stipulation says that the ~~to~~ 65-0165X has a PLU of ~~to~~ 11088 acres, but actually it is 11008. I don't know how much of a problem this is, but figured you'd want to know about it.

Lynne

Rec'd October 6, 1988
Idaho Dept. of Water Resources

IN THE DISTRICT COURT OF
THE THIRD JUDICIAL DISTRICT

NO. _____

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

DATE: 10-4-88

THELMA R. KOLODZIEJ, CLERK

BY: W. R. Rambow, DEPUTY

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

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

IN THE MATTER OF THE GENERAL)
DETERMINATION OF THE RIGHT TO)
THE USE OF SURFACE AND)
GROUNDWATER OF THE PAYETTE)
RIVER DRAINAGE BASIN)

Civil No. 3667

PARTIAL DECREE PURSUANT
TO RULE 54(b) I.R.C.P.

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

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

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

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

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

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

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

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

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

STIPULATION RESOLVING OBJECTION OF SULLIVANS- March 12, 1987

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

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

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

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

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

STIPULATION REGARDING MOTION TO CORRECT CLERICAL ERROR
(ZIEGLER)

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

STIPULATION AND ORDER: PANCHERIS AND LESLIE

STIPULATION RESOLVING OBJECTIONS OF FARMERS COOPERATIVE
IRRIGATION CO.

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

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

STIPULATION RESOLVING OBJECTION OF SULLIVANS

STIPULATION RESOLVING LATE OBJECTIONS OF MOSES CATTLE CO.

STIPULATION RESOLVING OBJECTION OF LOWER PAYETTE DITCH CO.

WITHDRAWAL OF OBJECTION OF THE CITY OF CASCADE, IDAHO

DATED this 30 day of September, 1988.

JIM R. DOOLITTLE

JIM R. DOOLITTLE

Administrative Judge

RULE 54(b) CERTIFICATE

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

DATED this 30 day of September, 1988.

JIM R. DOOLITTLE

JIM R. DOOLITTLE

Administrative Judge

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

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

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

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

This motion is based upon the following:

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

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

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

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

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

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

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

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

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

STIPULATION RESOLVING OBJECTION OF SULLIVANS- March 12, 1987

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

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

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

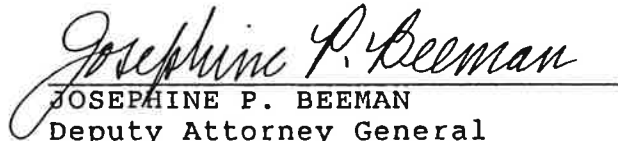
5. Rule 54(b) of the Idaho Rules of Civil Procedure which permits a judgment upon less than all claims or parties in actions involving multiple claims or parties where there is no just reason for delaying entry of the judgment as to less than all claims or parties.

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

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

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

DATED this 29th day of September, 1988.


JOSEPHINE P. BEEMAN
Deputy Attorney General
Department of Water Resources



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
BOISE 83720

JIM JONES
ATTORNEY GENERAL

DEPARTMENT OF WATER RESOURCES
STATEHOUSE, BOISE, IDAHO 83720
TELEPHONE: (208) 334-4448

September 16, 1988

Bert Osborn
P.O. Box 158
Payette, Idaho 83661

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

Dear Bert:

Attached to this letter are a notice of hearing, motion and proposed partial decree for incorporating the above stipulation or stipulations into the Payette Adjudication.

This is not a contested matter; nonetheless, you will notice that I have asked to present oral argument on the motion. This is primarily to advise Judge Doolittle of the status of the Payette Adjudication and its relationship to the Snake River Basin Adjudication. Water rights decreed in the Payette Adjudication must still be claimed in the Snake River Adjudication.

Once Judge Doolittle enters the requested partial decree, the water rights which are affected by these stipulations will be exempt from filing fees in the Snake River Basin Adjudication because of their decreed status. However, the decree will have been so recently entered, that the affected water rights will not automatically become part of the data base for the Payette Adjudication. Your clients can contact Water Resources for help in filling out Snake Adjudication claim forms for the affected water rights.

Please call me if you have any questions about this hearing and motion. I would anticipate that I might be the only one present for the hearing.

Very truly yours,


JOSEPHINE P. BEEMAN
Deputy Attorney General
Department of Water Resources

JJC:dc



STATE OF IDAHO

OFFICE OF THE ATTORNEY GENERAL
BOISE 83720

DEPARTMENT OF WATER RESOURCES
STATEHOUSE, BOISE, IDAHO 83720
TELEPHONE: (208) 334-4448

JIM JONES
ATTORNEY GENERAL

September 16, 1988

Louie Gorrano
105 N. Hays
Emmett, Idaho 83617

Re: PAYETTE ADJUDICATION: STIPULATION AND ORDER:
PANCHERI/LITTLE/A. L. CATTLE, Inc. (December 30, 1986),
STIPULATION RESOLVING LATE OBJECTIONS OF MOSES CATTLE
COMPANY (April 7, 1987), STIPULATION RESOLVING OBJECTION OF
LOWER PAYETTE DITCH COMPANY (June 15, 1987), STIPULATION
RESOLVING OBJECTIONS OF FARMERS COOPERATIVE IRRIGATION
COMPANY (February 4, 1987)

Dear Louie:

Attached to this letter are a notice of hearing, motion and proposed partial decree for incorporating the above stipulation or stipulations into the Payette Adjudication.

This is not a contested matter; nonetheless, you will notice that I have asked to present oral argument on the motion. This is primarily to advise Judge Doolittle of the status of the Payette Adjudication and its relationship to the Snake River Basin Adjudication. Water rights decreed in the Payette Adjudication must still be claimed in the Snake River Adjudication.

Once Judge Doolittle enters the requested partial decree, the water rights which are affected by these stipulations will be exempt from filing fees in the Snake River Basin Adjudication because of their decreed status. However, the decree will have been so recently entered, that the affected water rights will not automatically become part of the data base for the Payette Adjudication. Your clients can contact Water Resources for help in filling out Snake Adjudication claim forms for the affected water rights.

Louie Gorrone
Page 2
September 16, 1988

Please call me if you have any questions about this hearing and motion. I would anticipate that I might be the only one present for the hearing.

Very truly yours,


JOSEPHINE P. BEEMAN
Deputy Attorney General
Department of Water Resources

JPB:dc

RECEIVED

JUN 29 1987

FILED

O'CLOCK

JUN 15 1987

Department of Water Resources

Thelma R. Kolodziej CLERK
Lori Rambow DEPUTY

JIM JONES
Attorney General

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

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

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

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

Those changes appear as follows:

1. 65-11413:

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

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

POINT OF DIVERSION: SESW S7 T7N R3W

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

PERIOD OF USE: 3/15 to 11/15

DIVERSION RATE: 60 cfs

PRIORITY DATE: 5/7/1945

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

BASIS OF RIGHT: Beneficial use

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

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

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

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

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

2. 65-2376:

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

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

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

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

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

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

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

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

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

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

DATED this 21st day of April, 1987.

JIM JONES
Attorney General

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

DATED this _____ day of _____, 1987.

LAKE RESERVOIR COMPANY

By: _____
LOUIE GORRONO
Counsel for Lake Reservoir
Company

DATED this _____ day of _____, 1987.

LOWER PAYETTE DITCH COMPANY

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

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

JIM R. DOOLITTLE
District Judge

RECEIVED

JUN 29 1987

FILED

07:00 PM

JUN 18 1987

Department of Water Resources

Thelma R. Kolodziej - CLERK
~~Lois Ransom~~ DEPUTY

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT

OF THE STATE OF IDAHO, IN AND FOR GEM COUNTY

IN THE MATTER OF THE GENERAL
DETERMINATION OF THE RIGHTS TO
THE USE OF SURFACE AND GROUND
WATER OF THE PAYETTE RIVER
DRAINAGE.

Civil No. 3667

ORDER CORRECTING
CLERICAL ERROR

The Director of the Idaho Department of Water Resources (Director) has filed a MOTION TO CORRECT CLERICAL ERROR (Motion) in the above-entitled case pursuant to Rule 60(a) of the Idaho Rules of Civil Procedure. A stipulation upon which the motion is based has been filed by the Director and the Lower Payette Ditch Company. The motion and stipulation state that the Lower Payette Ditch Company is the owner of water right nos. 65-0165A, 65-0165B, and 65-0165C, and that these water rights were determined by the Partial Decree (Decree) signed by this court December 20, 1985, that the decree incorporated by reference the description of the water rights set forth in the Proposed Finding of Water Rights in the Payette River Drainage Basin (Report) filed by the Director April 26, 1979, that the report incorrectly lists the total of irrigated acreage for these rights at 10,980 rather than 11,088 acres, as is listed for water right 65-0165X which has a common place of use with rights 65-0165A, 65-0165B, and 65-0165C.

IT IS HEREBY ORDERED that the partial decree and the report be amended to show the total irrigated acreage for water right numbers 65-0165A, 65-0165B and 65-0165C as 11,088.

DATED this 17th day of June, 1987.

JIM R. DOOLITTLE

JIM R. DOOLITTLE
District Judge

FILED

O'CLOCK

JUN 15 1987

Thelma R. Kolodziej CLERK

hoki Rambow

JIM JONES
Attorney General

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

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

IN THE MATTER OF THE GENERAL	)	Civil No. 3667
DETERMINATION OF THE RIGHTS TO	)	
THE USE OF SURFACE AND GROUND	)	MOTION TO CORRECT
WATER OF THE PAYETTE RIVER	)	CLERICAL ERROR
DRAINAGE.	)	
	)	

COMES NOW A. Kenneth Dunn, Director of the Idaho Department of Water Resources (Director), through the undersigned deputy attorney general, and moves this court for an order correcting clerical error pursuant to Rule 60(a) of the Idaho Rules of Civil Procedure.

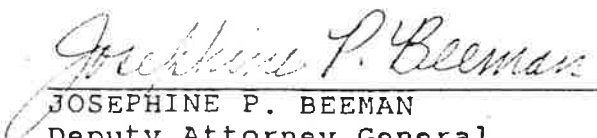
Water right numbers 65-0165A, 65-0165B, and 65-0165C were determined by this court by the Partial Decree (Decree) signed December 20, 1985. The Decree incorporated by reference the description of the rights set forth in the Proposed Finding of Water Rights in the Payette River Drainage Basin (Report) which was filed by the Director April 26, 1979. The Report describes the place of use for these rights to be the same as 65-0165X.

However, although 65-0165X shows 11,088 acres for the place of use, 65-0165A, 65-0165B, and 65-0165C erroneously listed 10,980 acres. Those figures should be changed to 11,088 acres.

Therefore, the Director respectfully requests that this court enter an order amending the Report and the partial decree to show the correct number of irrigated acres for water right numbers 65-0165A, 65-0165B, and 65-0165C. The motion is supported by the enclosed stipulation of the Department of Water Resources and the Lower Payette Ditch Company which holds water right numbers 65-0165A, 65-0165B, and 65-0165C.

DATED this 21st day of April, 1987.

JIM JONES
Attorney General


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

$$Q_A = 80^{36} 922$$

added new source

Lower Payette Diversion Chronology

65-2376

1932 60 cfs Canyon Drain ~~SWSW 7~~ & Unnamed Stream ~~SESW 7~~ & Graveyard Gulch

65-1941 5/10/1945

1941 60 cfs Graveyard Gulch Wasteway ~~SESW 7~~ Canyon Drain ~~NWSE 19~~ Unnamed Stream ~~SESW 7~~

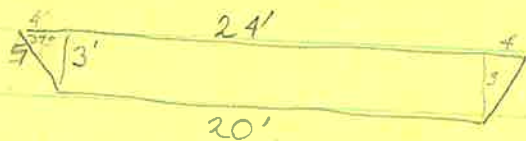
65-7682 201

1977 LP 30 Graveyard Gulch Wasteway Canyon Drain Unnamed Stream

65-12679 204 ~ 60

60 Graveyard Gulch Wasteway Canyon Drain Unnamed Stream

✓ Glen - Amending Source ? Advance Priority *Maybe Site Code & Memo*
 ✓ Jan - Q



$$c^2 = (a-b)^2$$

$$c^2 = a^2 - 2ab + b^2$$

$$60 + 2(6) = 72 \text{ ft}^2$$

$$v = \frac{Q}{a}$$

$$v = 0.83$$

CONVERSATION MEMORANDUM

DATE 10/03/85

FILE Lower Payette Obj.

NAME OF PARTY Cecil Shurtleff

EMPLOYEE D. Shaff

RE: Priority Date - Graveyard Gulch

Called Shurtleff about using 5/1945 date for claim from Graveyard Gulch under original diversion. He said that would be alright barring any other possible earlier in time rights. I said I would check before mailing him a letter setting out my proposed solution to their objection. He will take the matter up with the rest of the directors of the board at their November meeting.

65-2376 Lake Reservoir ¹⁹³⁵ Canyon Drain #1 60 cfs
Orig SWSW S.7
Now NWSE S19
into Graveyard Gulch to SEBW S7
into River ditch to Payette R.
Rediverted (SEBW) Lot 3 S.7

BC/D
Roy - Mgr.
C. H. Johnston
459 4141

Proof
65-7882 Lower Payette
May 92²

Canyon
Unnamed Stream # Graveyard 30 cfs

65- Lower Payette 1935 Unnamed Stream 30 cfs

65- Lower Payette #1945 Graveyard Gulch 30 cfs
May div. 92² cfs when this & prior rts combined.

Proof
5-12279 Lower Payette
May 92²

Graveyard # Canyon 60 cfs

Dec 11/1/88
5-7425
Proof
7428
7848

Payette R
Payette R
Payette R

Graveyard Gulch

Lake Res. Co.

65-2376

60 cfs

4/02/1932

(Dyvens)

Conn. Gen. Life
Ext. Time

65-7885

30 cfs

5/13/1977

Lower Pay.

65-7882

30 cfs

5/13/1977

Lower Pay

60 cfs

/19—

Lower Pay

65-12279

Should be Graveyard & Canyon

John Hansen

642-4951

Cecil Shurtleff

642-2068

Hamilton Corner

7/25/85

1:30 pm.

Photos
8-13

Canyon diversion

Graveyard
Gulch

Canyon can add to Graveyard
if steep gates
Canyon drain

Another claim for 60 cfs from
Canyon & Graveyard combined.

Take Reservoir alone - unnamed stream.
Canyon & Graveyard combined for 65-7882

18505

MAR 02, 1979

PROPOSED FINDING OF WATER RIGHTS - PAYETTE RIVER DRAINAGE

PAGE 624

INDICATES TOTAL

SOURCE: WASTE WATER

TRIBUTARY TO: GOLD FORK CREEK

RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	USE	USE PERIOD FROM TO	MAX AMOUNT MAX RATE	DIVERSION POINT	PLACE OF USE AND ACREAGE	BASIS FOR RIGHT
65-7468	BAKER & SONS, INC. STAR ROUTE, PAYETTE, IDAHO 83661	1/29/1974	IRRIGATION	4/15 10/15	2.00 CFS	SWNW S18 T14N R 5E	NESE(40) NWSE(40) SESE(40) S13 T14N R 4E *160*	PERMIT

REMARKS: 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.

INDICATES TOTAL

SOURCE: WASTE WATER

TRIBUTARY TO: GRAVEYARD GULCH WASTE WAY

RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	USE	USE PERIOD FROM TO	MAX AMOUNT MAX RATE	DIVERSION POINT	PLACE OF USE AND ACREAGE	BASIS FOR RIGHT
65-5849	CORN, T. H. & CORN, THELDA 341 SOUTH 9TH STREET, ELKO, NEVADA 89801	4/ 1/1949	IRRIGATION	3/15 11/15	.34 CFS	NWSW S17 T 7N R 3W	NWSW(15) SWNW(2) S17 T 7N R 3W *17*	BENEFICIAL USE

REMARKS: THIS RIGHT WHEN COMBINED WITH RIGHTS OF LETHA IRRIGATION & WATER CO. SHALL PROVIDE NO MORE THAN .02 CFS/ACRE.

INDICATES TOTAL

SOURCE: WASTE WATER

TRIBUTARY TO: HATTIES CREEK

RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	USE	USE PERIOD FROM TO	MAX AMOUNT MAX RATE	DIVERSION POINT	PLACE OF USE AND ACREAGE	BASIS FOR RIGHT
65-4986	SHAW, LEO S. & SHAW, JERITHA E. ROUTE 1, BOX 105, MC CALL, IDAHO 83638	8/ 1/1900	IRRIGATION	4/15 10/15	.04 CFS	NWN S25 T18N R 3E	NWN(2) S25 T18N R 3E *2*	BENEFICIAL USE

STOCKWATER 1/ 1 12/31

2.70 AFA
.04 CFS
*---*AFA
*.04*CFS

SAFE AS OTHER USE

MAR 02, 1979

PROPOSED FINDING OF WATER RIGHTS - PAYETTE RIVER DRAINAGE

* INDICATES TOTAL *

PAGE 627

SOURCE: WASTE WATER

TRIBUTARY TO: LAKE FORK CREEK

RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	USE	USE PERIOD FROM TO	MAX AMOUNT MAX RATE	DIVERSION POINT	PLACE OF USE AND ACREAGE	BASIS FOR RIGHT
65-7745	KUTLEDGE, RICHARD D. ROUTE 7, CALDWELL, IDAHO 83605	11/15/1976	IRRIGATION	4/15 10/15	---	AFA SESW S10 1.00 CFS T16N R 3E	SWSW(34) SESW(16) S10 T16N R 3E #50*	PERMIT
REMARKS: THIS PERMIT RIGHT IS NOT DECEDED BY THE PRESENT ADJUDICATION PROCEDURE, AND IS INCLUDED FOR INFORMATION PURPOSES ONLY. NORMAL STATUTORY PROCEDURES MUST BE COMPLETED FOR LICENSING.								

* INDICATES TOTAL *

SOURCE: WASTE WATER

RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	USE	USE PERIOD FROM TO	MAX AMOUNT MAX RATE	DIVERSION POINT	PLACE OF USE AND ACREAGE	BASIS FOR RIGHT
65-11268	BATEMAN, CALVIN S. 2001 LITTLE ROCK ROAD, EMMETT, IDAHO 83617	4/ 1/1901	IRRIGATION	3/15 11/15	---	AFA SWNW S34 4.76 CFS T 7N R 3W	SESW(33) NESW(40) SESW(38) NESE(17) USE NWSE(33) SWSE(39) SESE(38) S28 T 7N R 3W #238*	BENEFICIAL
REMARKS: THIS RIGHT WHEN COMBINED WITH RIGHTS OF REED DITCH CO., LETHA IRRIGATION & WATER CO., & ENTERPRISE DITCH CO. SHALL PROVIDE NO MORE THAN .02 CFS/ACRE.								

STOCKWATER 1/ 1 12/31

2.70 AFA
-10 CFS
#---*AFA
+4.76*CFS

SAME AS OTHER USE

65-2248	ELSON, A. W. & ELSON, PEARL ROUTE 2, NEW PLYMOUTH, IDAHO 83655	6/30/1919	IRRIGATION	3/15 11/15	---	AFA LUT 1 S19 1.10 CFS T 7N R 3W	SESE(2) S13 T 7N R 4W LUT 4(35) S18 T 7N R 3W LUT 1(15) S19 T 7N R 3W #52*	LICENSE
REMARKS: THIS RIGHT WHEN COMBINED WITH RIGHTS OF FARMERS COOPERATIVE IRRIGATION CO., & NOBLE CLICH CO., LTD. SHALL PROVIDE NO MORE THAN .02 CFS/ACRE.								

STOCKWATER 1/ 1 12/31

1.40 AFA
-03 CFS
#---*AFA
+1.10*CFS

SAME AS OTHER USE

65-5993	ZIEGLER, W. A. ROUTE #2, NEW PLYMOUTH, IDAHO 83655	4/ 1/1951	IRRIGATION	3/15 11/15	---	AFA NWNE S19 1.60 CFS T 7N R 3W	SWSE(40) S18 T 7N R 3W NWNE(40) S19 T 7N R 3W #8C*	BENEFICIAL LSI
---------	---	-----------	------------	------------	-----	------------------------------------	--	-------------------

MAR 02, 1979

PROPOSED FINDING OF WATER RIGHTS - PAYETTE RIVER DRAINAGE

INDICATES TOTAL

PAGE 184

SOURCE: LATERAL B DRAIN. DIST. NO. ONE TRIBUTARY TO: MAIN DRAIN, DISTRICT NO. ONE

RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	USE	USE PERIOD FROM TC	MAX AMOUNT MAX RATE	DIVERSION POINT	PLACE OF USE AND ACREAGE	BASIS FOR RIGHT
65-2324	NAEGLE, DANNIE L. & NAEGLE, JESSIE L. NAEGLE, LEONARD ROUTE 2, NEW PLYMOUTH, IDAHO 83655	7/16/1924	IRRIGATION	3/15 11/15	---	AFA SESE S29 3.80 CFS T 7N R 3h	NENE(25) NWNE(20) LICENSE SWNE(40) SENE(38) NENE(25) SENE(25) S29 T 7N R 3h SESE(15) S20 T 7N R 3h #188*	
65-5452	NAEGLE, JESSIE L. NAEGLE, LEONARD & NAEGLE, DANNIE L. ROUTE 2, NEW PLYMOUTH, IDAHO 83655	4/ 4/1931	IRRIGATION	3/15 11/15	---	AFA SESE S29 1.94 CFS T 7N R 3h	NENE(11) NWNE(20) BENEFICIAL NENE(10) SENE(1) USE S29 T 7N R 3h SWSE(40) SESE(15) S20 T 7N R 3h #97*	

INDICATES TOTAL

SOURCE: LICK CREEK

TRIBUTARY TO: SOUTH FORK, PAYETTE RIVER

RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	USE	USE PERIOD FROM TC	MAX AMOUNT MAX RATE	DIVERSION POINT	PLACE OF USE AND ACREAGE	BASIS FOR RIGHT
65-11302	U. S. DEPT. OF AGRI. FOREST SERVICE, FEDERAL BLDG., 324-25TH STREET, OGDEN, UTAH 84401 REMARKS: LICK CREEK RANGER STATION (OLD SITE).	5/29/1905	IRRIGATION	4/15 10/15	---	AFA NENE S35 .40 CFS T 9N R 7E	SWNE(10) SENE(10) RESERVED S35 T 9N R 7E #20*	
65-9889	U. S. DEPT. OF AGRI. FOREST SERVICE, FEDERAL BLDG., 324 25TH STREET, OGDEN, UTAH 84401 REMARKS: LGMAN ADMINISTRATION SITE.	5/29/1905	DOMESTIC	1/ 1 12/31	3.00 AFA .02 CFS	NENE S35 T 9N R 7E	NENE NWNE SENE SWNE S35 T 9N R 7E	RESERVED
65-7109	WHITNEY, GERALD M. LCMAN, IDAHO 83637	12/12/1969	MINING	1/ 1 12/31	9.10 AFA .03 CFS	SWNW S20 T 9N R 8E	SWNW S20 T 9N R 8E	LICENSE

1600-50-100-000

River
P/D

River P/d

Unnamed stream

Gravel P/D

P/D

Catch

Wasteway

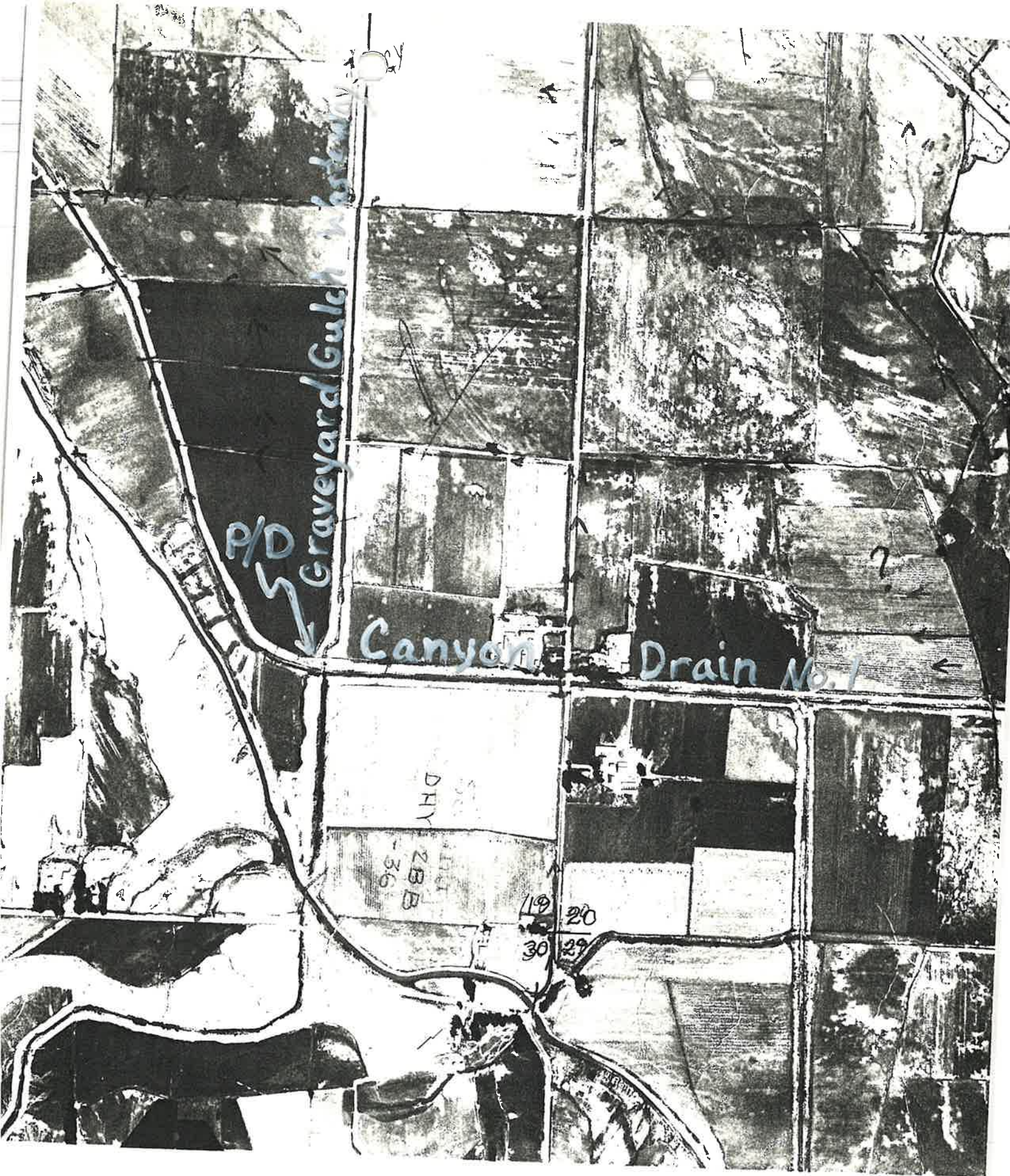
Orig.
P/D

Canyon Drain No. 1

5/07/45

U.S. ASCS Photo
DHY-2BB-38
7/22/1961
Photocopy





U.S. ASCS Photo
DHY-2BB-38
7/22/1961
Photocopy



U.S. Army Engineer Dist.
PY-O-79-2/3
4/20/1979
Photo copy

T.18 S.

T.19 S.

T.20 S.

T.6 N.
50'

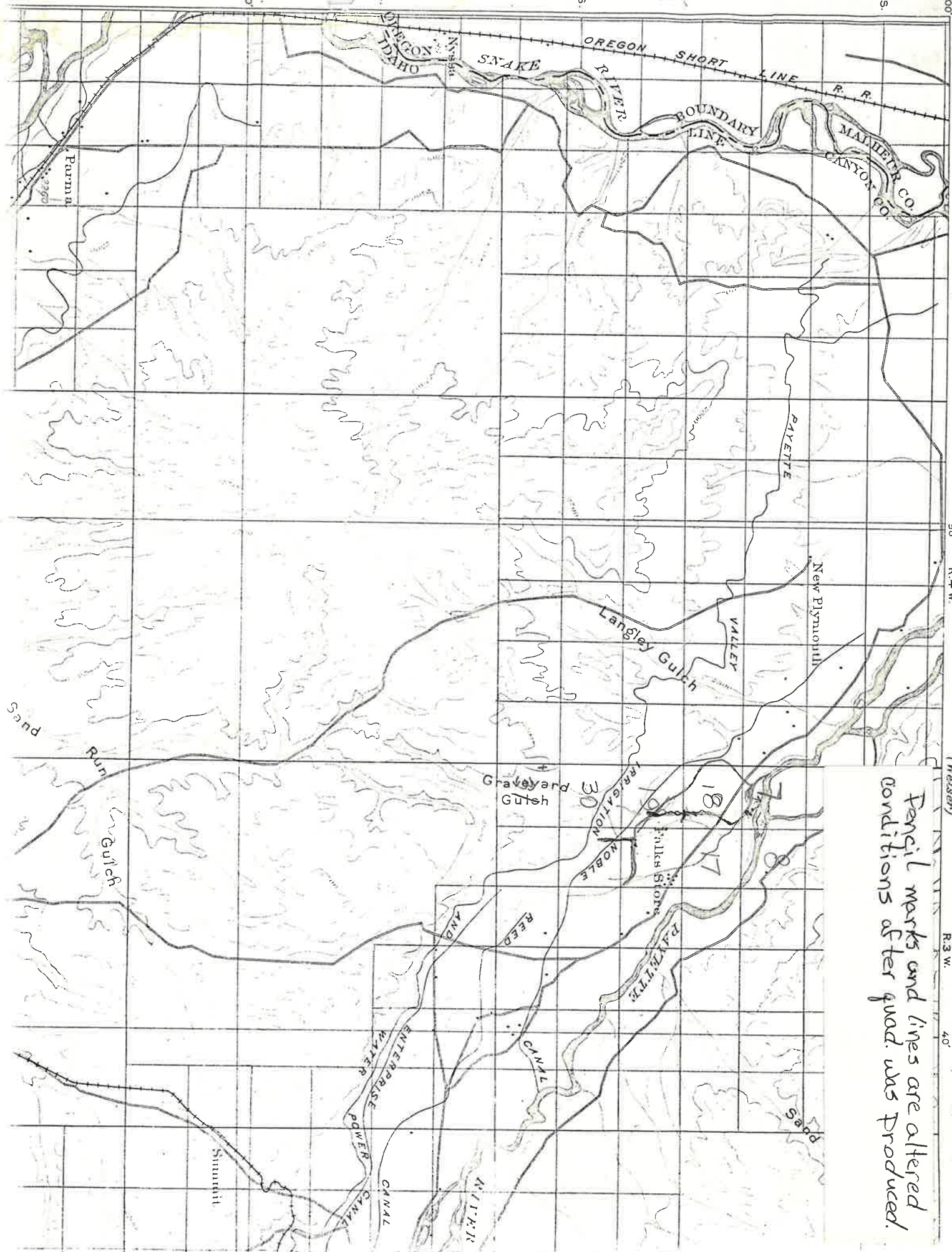


Photo 007 Kampa Quadran,
Ed, 1898, reprinted 1948.
Fencil marks and lines are altered
conditions after quad. was produced.

To: Lower Payette Objection

12/30/85

From: D. Shaff

W.A. (Guss) Ziegler

Bill Ziegler

65-5993

Rt. 2

New Plymouth ID 83655

should be notified of any proceedings relative to this objection. They made an appearance about the objection in a meeting today in my office.

MEMORANDUM

TO: Jo Beeman

FROM: Don Shaff 

DATE: July 29, 1986

RE: Lower Payette Ditch Company Objection

At long last I have waded through the ends and outs of this objection and the Company's water rights. Rolling aimlessly along in December 1985 leading up to January 21, 1986 will require some corrections to the partial decree of the Company's water rights.

As to the Company's specific objection to gain an additional water right, this water right No. 65-11413 can be displayed in an exhibit to the pleadings. This water right, as best as can be determined, was developed in 1945 from Graveyard Gulch wasteway following the development of a prior water right by Lake Reservoir Company. The Lake Reservoir Company water right (65-2376) utilizes returning irrigation water from upstream reservoir company shareholders. Lower Payette Ditch Company diverts this water from the main drain, District No. 1 (AKA, or also known as Canyon Drain) and intersects an unnamed stream as it delivers the water to the Payette River for injection and re-diversion. Previously, 65-2376 was licensed as unnamed stream but recommended in the proposed finding as Graveyard Gulch wasteway. The later source was the name decreed on January 21, 1986 as 65-2376 was not in the list of contested claims.

The story of the development of these "wastewater" sources is as follows. Lake Reservoir, in exchange for the first use of stored water upstream, placed the diversion in the Main Drain, District No. One, (Canyon Drain) in the SW1/4SW1/4 of Section 7. The ditch from this drain intersected an unnamed stream or drain as it carried water to the Payette River. Prior to 1945 the Bureau of Reclamation (BoR) began developing the Black Canyon Irrigation District project. A part

of this project was the construction of the Graveyard Gulch Wasteway. The wasteway project was completed on April 25, 1941, but the bids specification and plans of the BoR did not include a concrete apron and diversion dam at the current diversion of the company in the SE1/4SW1/4, Section 7. The first record of this diversion is shown on an aerial photograph taken in 1945. The Graveyard Gulch Wasteway project did include a flapper gate diversion, which the Company uses now, in the NW1/4SE1/4 of Section 19 to divert water from the main drain into Graveyard Gulch Wasteway. The result is the company has moved its point of diversion for the main drain to the NW1/4SE1/4 Section 19 and diverts and re-diverts water from Graveyard Gulch in the SE1/4SW1/4 Section 7 where it is sent to the river.

Other necessary changes to company water rights included in the partial decree are the acreage totals for water rights 65-0165A, B and C. These water rights should show 11,008 acres. Another change would be to water right 65-5993 held by W. A. (Gus) Ziegler. This water right, which was in the partial decree on January 21, incorrectly listed the source. While investigating the Lower Payette water rights, this water right was revealed. In discussions with the right holder, the point of diversion was found correct, but the source is actually Graveyard Gulch Wasteway instead of wastewater tributary to Lateral B, Drainage District No. One.

Writing a stipulation for this objection involves a lot of hurdles and hoops as you can see. I will be happy to share the background notes and photos with you at a time of your choosing. If getting from point A to point B presents some pleading difficulties, I have thought of some administrative alternatives that I could share with you.

October 8, 1985

Bert L. Osborn
Welch and Osborn
P.O. Box 307
Payette, Idaho 83661

Re: Lower Payette Ditch Co. Objection

Dear Mr. Osborn,

The enclosed letter was sent to Mr. Cecil Shurtleff, president of your client Lower Payette Ditch Company. If the matters set forth in the letter meet with the approval of the board of directors, a stipulation to resolve the objection may soon follow. The enclosures described in the letter have not been enclosed with your copy. If you would like to see copies of these items, please let me know and I will forward copies promptly.

Regards,

Donald V. Shaff
Water Rights Supervisor



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

October 8, 1985

Cecil Shurtleff
Lower Payette Ditch Co.
114 North 8th
Payette, Idaho 83661

Dear Cecil,

Researching of the Bureau of Reclamation's files to document the development of drains in the Graveyard Gulch area has come to a dead-end. My analysis of the information follows. A photocopy of a 1945 aerial photograph with appropriate notations is enclosed.

The record is unclear as to whether the water flowing in the Graveyard Gulch prior to construction of the present wasteway was intercepted by the River Ditch. I am convinced that the sources of water appropriated by Lake Reservoir Company in their 1932 filing (65-2367) was actually Canyon Drain and the Unnamed Stream. The Unnamed Stream flows into the River Ditch uncontrolled. In the Proposed Finding Canyon Drain as we have commonly referred to it was tabbed Main Drain, District No. One. For the sake of consistency I would like to refer to this source by the name appearing in the Proposed Finding.

The Bureau's part in constructing the Graveyard Gulch Wasteway as it now exists was accepted as completed on April 25, 1941. However the plans and specifications for the project did not include constructing the flashboard dam where the River Ditch now begins. Unfortunately, no records have been found indicating that the River Ditch was carrying water from Graveyard Gulch Wasteway at that time. From an aerial photograph taken on May 7, 1945, an observer can see that the flash board dam was actually in place. This is the first instance that a safe assumption can be made that water was diverted from Graveyard Gulch into the River Ditch.

This diversion and use of water would require the filing of a new claim to account for the addition of the third source. This activity resulted in moving the point of diversion in the Main Drain, District No. One from the SWSW Section 7 to the present point in the NWSE Section 19. I think it is possible, but probably immaterial at this point, that both points may have been used for an unknown number of years. Since nothing had been done to increase the appropriation of the Unnamed Stream or Main Drain, District No. One at that

time, the source for this 1945 right would be Graveyard Gulch Wasteway. The total appropriation from any of these sources under either 65-2367 or the 1945 right would be no more than 60 cfs.

More recently, Lower Payette has developed additional diversion capacity through this system to irrigate additional lands from Graveyard Gulch and Main Drain, District No. One. This was accomplished at least under the name of Lower Payette first with Permit 65-7882. This permit for 30 cfs is now described as diverting water from an Unnamed Stream. The fact of the matter is the diversion is from Graveyard Gulch and Main Drain, District No. One. No added water is diverted from the Unnamed Stream. To amend this permit as to the source may result in an advance of the priority date.

To gain water for additional land, Permit 65-12279 was obtained with the sources of water described as Graveyard Gulch Wasteway and Unnamed Stream. This permit for 60 cfs also is actually diverting water from the same sources as 65-7882. The same risk of amending the source also may face Lower Payette here.

The table below illustrates in summary the manner in which I think these water rights are arranged.

<u>W.R. No.</u> <u>Year</u>	<u>Amount</u> <u>(cfs)</u>	<u>Sources</u> <u>Recorded</u>	<u>Sources</u> <u>Existing</u>
65-2376 1932	60	Unnamed Stream (Licensed) Graveyard Gulch W. (Prop. Finding)	Unnamed Stream Main Drain, District No. One
65- 1945	60	None	Graveyard Gulch Wasteway
65-7882 1977	30 cfs	Unnamed Stream (Permit) Graveyard Gulch W. (Prop. Finding)	Main Drain, District No. One Graveyard Gulch Wasteway
65-12279 1982	60 cfs	Unnamed Stream Graveyard Gulch W.	Main Drain, District No. One Graveyard Gulch Wasteway

The enclosed documents should start us on the way to resolving the issues surrounding the diversions of Lower Payette on the south side of the river. If these forms are acceptable the board may direct you or the secretary to go ahead and file them by mail or in person. I would be glad to discuss them with you, the secretary and/or the board. Please call me at 334-4664 to arrange a date and time if such is the case. If you file the 1945 right I will ask our attorney to prepare a stipulation that should take care of the court matters for now. In that stipulation the number of acres for water rights 65-0165A, 65-0165B and 65-0165C can be corrected to agree with 65-0165X at 11,008 acres.

Other water rights are enclosed that were recommended in the Proposed Finding that may affect the diversions of the Company on the south side of the river. Some of these have priority dates after 1945, but are included for informational purposes. I could not find any other water rights that may be tributary to Graveyard Gulch or Main Drain, District No. One with priority dates earlier than 1945.

Thanks for your generous assistance.

Regards,

Donald V. Shaff
Water Rights Supervisor

Enclosures

cc: B. Osborn

RECEIVED
JUN 13 1985

Department of Natural Resources
Boise, Idaho 83725

1 WELCH & OSBORN
2 Attorneys at Law
3 P.O. Box 307
4 Payette, Idaho 83661
5 Telephone: (208) 642-4458

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

9 In the Matter of the General) Case No. 3667
10 Determination of the Right to the)
11 Use of Surface and Ground Water of) NOTICE OF HEARING
the Payette River Drainage Basin.)

12 YOU ARE HEREBY NOTIFIED That the LOWER PAYETTE DITCH
13 COMPANY, by and through its attorney of record, Bert L. Osborn,
14 will call its Motion to Allow Joinder before this Court on the 8th
15 day of July, 1985, at 9:30 a.m., or as soon thereafter as counsel
16 may be heard.

17 DATED This 17th day of June, 1985.

18 WELCH & OSBORN

19 

20 BERT L. OSBORN
21 Attorney for Lower Payette Ditch
22 Company

CERTIFICATE OF MAILING

I hereby certify that a true, full, complete and correct copy of the foregoing NOTICE OF HEARING was, on the 17th day of June, 1985, mailed to:

Michael H. Williams
Attorney at Law
P.O. Box 2794
Boise, Idaho 83701

W. F. Ringert
Attorney at Law
P.O. Box 2773
Boise, Idaho 83701

Myrna South
Attorney at Law
737 North 7th Street
Boise, Idaho 83702

Robert H. Remaklus
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John T. Hawley
Attorney at Law
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Boise, Idaho 83701

Josephine Beeman
Deputy Attorney General
Department of Water Resources
Statehouse
Boise, Idaho 83720

Terry T. Uhling
Attorney at Law
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Morgan W. Richards, Jr.
Attorney at Law
P.O. Box 829
Boise, Idaho 83701

Don Olowinski
Deputy Attorney General
Chief, Natural Resources Division
Statehouse
Boise, Idaho 83720

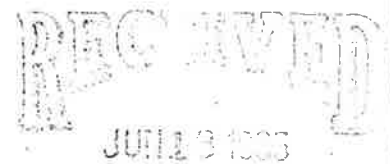
1 Lloyd J. Walker
2 Attorney at Law
3 P.O. Box 1923
4 Twin Falls, Idaho 83301

5 David LeRoy
6 Attorney General
7 State of Idaho
8 Statehouse
9 Boise, Idaho 83720

10 by regular U. S. mail, with postage prepaid thereon.
11

12 
13
14 BERT L. OSBORN

15 WELCH & OSBORN
16 ATTORNEYS AT LAW
17 26 SOUTH 9TH STREET • PAYETTE, IDAHO 83661
18 TELEPHONE 642-4458
19
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21
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26



Department of Water Resources
Western Regional Office

WELCH & OSBORN
Attorneys at Law
P.O. Box 307
Payette, Idaho 83661
Telephone: (208) 642-4458

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

In the Matter of the General) Case No. 3667
Determination of the Right to the)
Use of Surface and Ground Water of) MOTION TO ALLOW JOINDER
the Payette River Drainage Basin.)

COMES NOW the LOWER PAYETTE DITCH COMPANY, an Idaho
corporation, and hereby moves the Court for an Order allowing it to
file the enclosed verified Petition for consideration by the Court
in the adjudication of the Payette River.

This Motion is based upon the verified Petition, a copy
of which is filed herewith.

DATED This 17th day of June, 1985.

WELCH & OSBORN

BERT L. OSBORN
Attorney for Lower Payette Ditch
Company

WELCH & OSBORN
ATTORNEYS AT LAW
26 SOUTH 9TH STREET • PAYETTE, IDAHO 83661
TELEPHONE 642-4458

1 CERTIFICATE OF MAILING

2 I hereby certify that a true, full, complete and correct
3 copy of the foregoing MOTION TO ALLOW JOINDER was, on the 17th day
4 of June, 1985, mailed to:

5 Michael H. Williams
6 Attorney at Law
7 P.O. Box 2794
8 Boise, Idaho 83701

9 W. F. Ringert
10 Attorney at Law
11 P.O. Box 2773
12 Boise, Idaho 83701

13 Myrna South
14 Attorney at Law
15 737 North 7th Street
16 Boise, Idaho 83702

17 Robert H. Remaklus
18 Attorney at Law
19 P.O. Box 759
20 Cascade, Idaho 83611

21 John T. Hawley
22 Attorney at Law
23 P.O. Box 1617
24 Boise, Idaho 83701

25 Josephine Beeman
26 Deputy Attorney General
Department of Water Resources
Statehouse
Boise, Idaho 83720

Terry T. Uhling
Attorney at Law
P.O. Box 1559
Boise, Idaho 83701

Morgan W. Richards, Jr.
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Deputy Attorney General
Chief, Natural Resources Division
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2 Attorney at Law
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5 David LeRoy
6 Attorney General
7 State of Idaho
8 Statehouse
9 Boise, Idaho 83720

10 by regular U. S. mail, with postage prepaid thereon.
11

12 
13 BERT L. OSBORN

14 WELCH & OSBORN
15 ATTORNEYS AT LAW
16 26 SOUTH 9TH STREET • PAYETTE, IDAHO 83661
17 TELEPHONE 642-4458
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RECEIVED
JUL 1 1953

Department of Water Resources
Washington Regional Office

WELCH & OSBORN
Attorneys at Law
P.O. Box 307
Payette, Idaho 83661
Telephone: (208) 642-4458

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

In the Matter of the General) Case No. 3667
Determination of the Right to the)
Use of Surface and Ground Water of) PETITION
the Payette River Drainage Basin.)

COMES NOW the LOWER PAYETTE DITCH COMPANY, an Idaho
corporation, and hereby petitions the Court as follows:

1. The Petitioner is an Idaho corporation doing business
in Payette County, Idaho.

2. The corporation delivers water to irrigators in
Payette County.

3. The Petitioner has been diverting water from a drain
ditch known as Canyon Drain No. 1 to the best of the Petitioner's
knowledge since 1924. A copy of the minutes of the July 18, 1924,
meeting are attached hereto. The point of diversion is the SE $\frac{1}{4}$ NW $\frac{1}{4}$
SE $\frac{1}{4}$, Section 19, Township 7 North, Range 3 West, Boise Meridian.
The Petitioner has constructed a cement diversion and diverts sixty
cubic feet per second from April 1st to November 1st.

4. The water is diverted from Canyon Drain No. 1 into
Graveyard Gulch. In Graveyard Gulch the waters are diverted into

WELCH & OSBORN
ATTORNEYS AT LAW
26 SOUTH 9TH STREET • PAYETTE, IDAHO 83661
TELEPHONE 642-4458

1 one unnamed stream and then diverted into the Payette River. From
2 the Payette River, the water is diverted into the Lower Payette Ditch.

3 5. The point of diversion from Graveyard Gulch to the
4 unnamed stream is the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 7, Township 7 North, Range 3
5 West, Boise Meridian. The point of diversion from the unnamed
6 stream to the Payette River is Lot 7, Section 7, Township 7 North,
7 Range 3 West, Boise Meridian. The point of diversion from the
8 Payette River to the Lower Payette Ditch is in Lot 3, Section 7,
9 Township 7 North, Range 3 West, Boise Meridian.

10 6. The motion to join the adjudication should be allowed,
11 because the adjudication is still open, and the Petitioner was
12 under the mistaken impression that this water right was included in
13 an earlier claim. The water has been diverted and beneficially
14 used by the Lower Payette Ditch Company since 1969.

15 DATED This 17th day of June, 1985.

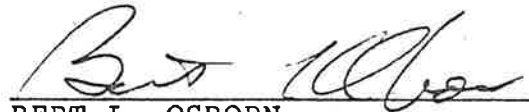
16 WELCH & OSBORN

17
18 
19 BERT L. OSBORN
20 Attorney for Lower Payette Ditch
21 Company
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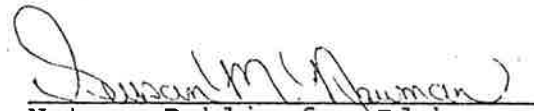
WELCH & OSBORN
ATTORNEYS AT LAW
26 SOUTH 9TH STREET • PAYETTE, IDAHO 83661
TELEPHONE 642-4458

1 STATE OF IDAHO)
2 : ss.
3 County of Payette)

4 BERT L. OSBORN, being first duly sworn on oath, deposes
5 and says: That he is the attorney for the LOWER PAYETTE DITCH
6 COMPANY, an Idaho corporation, Petitioner in the above-entitled
7 action; that he has read the above, knows the contents thereof and
8 verily believes the facts therein stated to be true.

9 
10 BERT L. OSBORN

11 SUBSCRIBED AND SWORN to before me this 17th day of
12 June, 1985

13 
14 Notary Public for Idaho
15 Residing at Payette, Idaho
16
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26

WELCH & OSBORN
ATTORNEYS AT LAW
26 SOUTH 9TH STREET • PAYETTE, IDAHO 83661
TELEPHONE 642-4458

CERTIFICATE OF MAILING

I hereby certify that a true, full, complete and correct copy of the foregoing PETITION was, on the 17th day of June, 1985, mailed to:

Michael H. Williams
Attorney at Law
P.O. Box 2794
Boise, Idaho 83701

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Attorney at Law
P.O. Box 2773
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BERT L. OSBORN

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26 SOUTH 9TH STREET • PAYETTE, IDAHO 83661
TELEPHONE 642-4458

from the minutes of the July 18th 1924

The question of a cost of Cut over of waste water from Drainage Dist #1 Canyon County was discussed after which it was Duly moved and Carried that the Lake Reservoir Co Assume and pay the Expense of the cost of Diverting water from Drainage District #1 Canyon County into the Channel of the Payette River and from the Channel of the South Fork of the Payette River to the North Fork of the Payette River above the Headgate of the Lower Payette Ditch making an artificial Channel where necessary at a cost not to exceed \$350.00 and that the Engr in charge of the River Distribute such water Salvaged as a part of the storage water of the Lake Reservoir Company.

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: A65-11413
Date Received: 9/26/1988
Receipt No: +999999
Received By: DS

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: LOWER PAYETTE DITCH CO.
Address: 114 N. 8TH
PAYETTE, ID 83661
2. Date of Priority: MAY 07, 1945
3. Source: GRAVEYARD GULCH WASTEWAY Trib. to: MAIN DRAIN, DIST. NO. ONE
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07N	03W	7		SE	SW		PAYETTE

5. Description of diverting works:
DIVERSION DAM & CANAL.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	60.000		

7. Total Quantity Appropriated is:
60.000 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07N	03W	5	SW	SW		IRR	3.0

Section Acres 3.0

6	SW	NE	IRR	12.0
---	----	----	-----	------

A65-11413

Page 1

Date: 09/27/88

MICROFILMED
SEP 24 1992

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
07N	03W	6	SE		NE		IRR	2.0
			NE		SE		IRR	30.0
			NW		SE		IRR	8.0
			SW		SE		IRR	27.0
08N	04W	6	SE		SE		IRR	36.0
			SE		SW		IRR	40.0
			SW		SE		IRR	40.0
			Section Acres				195.0	
7			NE		NE		IRR	40.0
			NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			SW		SW		IRR	16.0
			SE		SW		IRR	1.0
			Section Acres				137.0	
17			SW		NW		IRR	16.0
			SE		NW		IRR	13.0
			NE		SW		IRR	39.0
			NW		SW		IRR	38.0
			SW		SW		IRR	28.0
			SE		SW	2	IRR	9.0
			SW		SE	1	IRR	3.0
			Section Acres				146.0	
18			NE		NE		IRR	20.0
			NW		NE		IRR	38.0
			SW		NE		IRR	40.0
			SE		NE		IRR	38.0
			NE		NW		IRR	36.0
			NW		NW	1	IRR	37.0
			SW		NW	2	IRR	39.0
			SE		NW		IRR	19.0
			NE		SW		IRR	24.0
			NW		SW	3	IRR	38.0
			SW		SW	4	IRR	34.0
			SE		SW	5	IRR	27.0
			NE		SE		IRR	34.0
			NW		SE		IRR	38.0
			SW		SE	6	IRR	20.0
			SE		SE	7	IRR	36.0
			Section Acres				518.0	

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres	
08N	04W	19	NE	NE		IRR	8.0	
			NE	NW	8	IRR	6.0	
					Section Acres		14.0	
		20	NE	NE	7	IRR	7.0	
			Section Acres		7.0			
		21	NW	NW	4	IRR	3.0	
			Section Acres		3.0			
		05W	2	NE	SW		IRR	6.0
				NW	SW		IRR	28.0
				SW	SW		IRR	39.0
SE	SW				IRR	36.0		
SW	SE				IRR	37.0		
SE	SE				IRR	16.0		
Section Acres				162.0				
3	NE			NE	1	IRR	15.0	
	NW			NE	2	IRR	25.0	
	SW			NE		IRR	38.0	
	SE			NE		IRR	11.0	
	NE			NW	3	IRR	28.0	
	NW			NW	4	IRR	16.0	
	SW			NW		IRR	29.0	
	SE			NW		IRR	33.0	
	NE			SW		IRR	18.0	
	NW			SW	5	IRR	13.0	
	SW			SW	6	IRR	48.0	
	NE			SE		IRR	33.0	
	NW			SE		IRR	36.0	
	SW	SE		IRR	39.0			
	SE	SE		IRR	37.0			
	Section Acres		419.0					
	4	NE	NE	3	IRR	12.0		
		SE	NE	2	IRR	15.0		
NE		SE	1	IRR	6.0			
Section Acres		33.0						

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
08N	05W	10	NE		NE		IRR	38.0
			NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			SE		NE		IRR	37.0
			NE		NW	5	IRR	43.0
			SW		NW	4	IRR	33.0
			NE		SW	3	IRR	21.0
			NE		SE		IRR	28.0
			NW		SE		IRR	40.0
			SW		SE	2	IRR	18.0
			SE		SE	1	IRR	26.0

Section Acres 364.0

11	NE	NE	IRR	36.0
	NW	NE	IRR	37.0
	SW	NE	IRR	34.0
	SE	NE	IRR	38.0
	NE	NW	IRR	39.0
	NW	NW	IRR	38.0
	SW	NW	IRR	37.0
	SE	NW	IRR	37.0
	NE	SW	IRR	38.0
	NW	SW	IRR	34.0
	SW	SW	IRR	39.0
	SE	SW	IRR	38.0
	NE	SE	IRR	35.0
	NW	SE	IRR	37.0
	SW	SE	IRR	36.0
	SE	SE	IRR	36.0

Section Acres 589.0

12	SW	NE	IRR	1.0
	NE	NW	IRR	1.0
	NW	NW	IRR	20.0
	SW	NW	IRR	38.0
	SE	NW	IRR	29.0
	NE	SW	IRR	38.0
	NW	SW	IRR	38.0
	SW	SW	IRR	38.0
	SE	SW	IRR	37.0
	NE	SE	IRR	2.0
	NW	SE	IRR	28.0

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres	
08N	05W	12	SW		SE		IRR	38.0	
			SE		SE		IRR	30.0	
								Section Acres	338.0
		13	NE		NE		IRR	39.0	
			NW		NE		IRR	38.0	
			SW		NE		IRR	39.0	
			SE		NE		IRR	40.0	
			NE		NW		IRR	15.0	
			NW		NW		IRR	37.0	
			SW		NW		IRR	40.0	
			SE		NW		IRR	32.0	
			NE		SE		IRR	40.0	
NW			SE		IRR	39.0			
SW			SE		IRR	37.0			
SE			SE		IRR	40.0			
						Section Acres	436.0		
14	NE		NE		IRR	37.0			
	NW		NE		IRR	17.0			
	SW		NE		IRR	18.0			
	SE		NE		IRR	40.0			
						Section Acres	112.0		
24	NE		NE	1	IRR	27.0			
	NW		NE	2	IRR	16.0			
	NE		NW	3	IRR	10.0			
						Section Acres	53.0		
09N	04W	6	NW		NW		IRR	2.0	
							Section Acres	2.0	
	05W	1	NE		NE		IRR	31.0	
NW				NE		IRR	34.0		
SW				NE		IRR	26.0		
SE				NE		IRR	1.0		
NE				NW	3	IRR	32.0		
NW				NW	4	IRR	31.0		
SW				NW		IRR	1.0		
SE				NW		IRR	37.0		

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
09N	05W	1	NE		SW		IRR	39.0
			NW		SW		IRR	26.0
			SW		SW		IRR	28.0
			SE		SW		IRR	37.0
			NW		SE		IRR	24.0
			SW		SE		IRR	26.0

Section Acres 373.0

2	NE	NE	1	IRR	6.0
	SW	SE		IRR	9.0
	SE	SE		IRR	31.0

Section Acres 46.0

11	NE	NE		IRR	34.0
	NW	NE		IRR	28.0
	SW	NE		IRR	36.0
	SE	NE		IRR	37.0
	NE	SW		IRR	27.0
	SE	SW		IRR	27.0
	NE	SE		IRR	36.0
	NW	SE		IRR	38.0
	SW	SE		IRR	36.0
	SE	SE		IRR	36.0

Section Acres 335.0

12	NE	NE		IRR	3.0
	NW	NE		IRR	36.0
	SW	NE		IRR	34.0
	SE	NE		IRR	6.0
	NE	NW		IRR	28.0
	NW	NW		IRR	38.0
	SW	NW		IRR	30.0
	SE	NW		IRR	37.0
	NE	SW		IRR	38.0
	NW	SW		IRR	38.0
	SW	SW		IRR	34.0
	SE	SW		IRR	28.0
	NW	SE		IRR	25.0
	SW	SE		IRR	10.0

Section Acres 385.0

13	NE	NW		IRR	32.0
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10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
09N	05W	13	NW		NW		IRR	31.0
			SW		NW		IRR	40.0
			SE		NW		IRR	18.0
			NE		SW		IRR	4.0
			NW		SW		IRR	39.0
			SW		SW		IRR	39.0

Section Acres 203.0

14	NE	NE		IRR	36.0
	NW	NE		IRR	33.0
	SW	NE		IRR	39.0
	SE	NE		IRR	32.0
	NE	NW		IRR	31.0
	NW	NW		IRR	9.0
	SW	NW		IRR	24.0
	SE	NW		IRR	39.0
	NE	SW		IRR	40.0
	NW	SW		IRR	35.0
	SW	SW		IRR	38.0
	SE	SW		IRR	36.0
	NE	SE		IRR	37.0
	NW	SE		IRR	40.0
	SW	SE		IRR	37.0
	SE	SE		IRR	38.0

Section Acres 544.0

15	SE	NE	2	IRR	11.0
	NE	SE	3	IRR	34.0
	SE	SE	4	IRR	17.0

Section Acres 62.0

22	NE	NE	1	IRR	25.0
	SW	NE	2	IRR	6.0
	SE	NE		IRR	30.0
	NE	SW	3	IRR	27.0
	SW	SW	4	IRR	26.0
	SE	SW		IRR	32.0
	NE	SE		IRR	36.0
	NW	SE		IRR	19.0
	SW	SE		IRR	35.0
	SE	SE		IRR	36.0

Section Acres 272.0

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
09N	05W	23	NE		NE		IRR	30.0
			NW		NE		IRR	39.0
			SW		NE		IRR	39.0
			SE		NE		IRR	40.0
			NE		NW		IRR	37.0
			NW		NW		IRR	39.0
			SW		NW		IRR	39.0
			SE		NW		IRR	36.0
			NE		SW		IRR	37.0
			NW		SW		IRR	38.0
			SW		SW		IRR	35.0
			SE		SW		IRR	37.0
			NE		SE		IRR	40.0
			NW		SE		IRR	36.0
			SW		SE		IRR	38.0
			SE		SE		IRR	40.0
							Section Acres	600.0
		24	NW		NW		IRR	15.0
			SW		NW		IRR	30.0
			NW		SW		IRR	40.0
			SW		SW		IRR	38.0
							Section Acres	123.0
		25	NE		NW		IRR	40.0
			NW		NW		IRR	39.0
			SW		NW		IRR	36.0
			SE		NW		IRR	35.0
							Section Acres	150.0
		26	NW		NE		IRR	38.0
			SW		NE		IRR	20.0
			NE		NW		IRR	28.0
			NW		NW		IRR	19.0
			SW		SW		IRR	25.0
							Section Acres	130.0
		27	NE		NE		IRR	36.0
			NW		NE		IRR	33.0
			SW		NE		IRR	35.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09N	05W	27	SE	NE		IRR	35.0
			NE	NW		IRR	31.0
			NW	NW		IRR	32.0
			SW	NW		IRR	30.0
			SE	NW		IRR	32.0
			NE	SW		IRR	37.0
			NW	SW		IRR	25.0
			SW	SW		IRR	25.0
			SE	SW		IRR	30.0
			NE	SE		IRR	26.0
			NW	SE		IRR	28.0
			SW	SE		IRR	35.0
			SE	SE		IRR	24.0
			Section Acres				494.0
		28	NW	NE	1	IRR	10.0
			SW	NE	2	IRR	25.0
			SE	NE		IRR	26.0
			NE	SW	3	IRR	27.0
			SW	SW	4	IRR	30.0
			NE	SE		IRR	30.0
			NW	SE		IRR	28.0
			SW	SE		IRR	25.0
			SE	SE		IRR	25.0
			Section Acres				226.0
		33	NE	NE		IRR	20.0
			NW	NE		IRR	20.0
			SW	NE		IRR	20.0
			SE	NE		IRR	10.0
			NE	NW	5	IRR	19.0
			SE	NW	4	IRR	7.0
			NE	SE		IRR	15.0
			NW	SE	2	IRR	10.0
			SE	SE	1	IRR	10.0
			Section Acres				131.0
		34	NE	NE		IRR	27.0
			NW	NE		IRR	29.0
			SW	NE		IRR	34.0
			SE	NE		IRR	20.0
			NE	NW		IRR	29.0

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
09N	05W	34	NW		NW		IRR	25.0
			SW		NW		IRR	25.0
			SE		NW		IRR	20.0
			NE		SW		IRR	25.0
			NW		SW		IRR	25.0
			SW		SW		IRR	25.0
			SE		SW		IRR	30.0
			NE		SE		IRR	30.0
			NW		SE		IRR	25.0
			SW		SE		IRR	33.0
			SE		SE		IRR	27.0

Section Acres 429.0

35	SW	NE		IRR	19.0
	SE	NE		IRR	36.0
	NE	NW		IRR	20.0
	NW	NW		IRR	20.0
	SE	NW		IRR	38.0
	NE	SW		IRR	39.0
	NW	SW		IRR	10.0
	SW	SW		IRR	10.0
	SE	SW		IRR	39.0
	NW	SE		IRR	35.0

Section Acres 266.0

10N	05W	3	SW	SW		IRR	13.0
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Section Acres 13.0

4	NW	NE	2	IRR	36.0
	SW	NE		IRR	20.0
	NE	NW	3	IRR	34.0
	NW	NW	4	IRR	2.0
	SW	NW		IRR	37.0
	SE	NW		IRR	35.0
	NE	SW		IRR	36.0
	NW	SW		IRR	35.0
	SW	SW		IRR	34.0
	SE	SW		IRR	36.0
	NE	SE		IRR	19.0
	NW	SE		IRR	38.0
	SW	SE		IRR	38.0
	SE	SE		IRR	38.0

Section Acres 438.0

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
10N	05W	9	NE		NE		IRR	38.0
			NW		NE		IRR	38.0
			SW		NE		IRR	36.0
			SE		NE		IRR	37.0
			NE		NW		IRR	24.0
			NW		NW		IRR	37.0
			SE		NW		IRR	15.0
			NE		SE		IRR	36.0
			NW		SE		IRR	5.0
			SE		SE		IRR	12.0
							Section Acres	278.0
		10	SW		NE		IRR	6.0
			NE		NW		IRR	24.0
			NW		NW		IRR	40.0
			SW		NW		IRR	10.0
			SE		NW		IRR	38.0
			NE		SW		IRR	37.0
			NW		SW		IRR	35.0
			SW		SW		IRR	18.0
			SE		SW		IRR	38.0
			NW		SE		IRR	30.0
			SW		SE		IRR	38.0
			SE		SE		IRR	17.0
							Section Acres	331.0
		14	SW		NW		IRR	6.0
			NW		SW		IRR	1.0
			SE		SW		IRR	1.0
			SW		SE		IRR	25.0
			SE		SE		IRR	4.0
							Section Acres	37.0
		15	NE		NE		IRR	36.0
			NW		NE		IRR	39.0
			SW		NE		IRR	20.0
			SE		NE		IRR	39.0
			NE		NW		IRR	37.0
			NW		NW		IRR	22.0
			SW		NW		IRR	1.0
			SE		NW		IRR	19.0
							Section Acres	213.0

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
10N	05W	23	NE		NE		IRR	32.0
			NW		NE		IRR	37.0
			SE		NE		IRR	15.0
			SE		NW		IRR	6.0
			NE		SW	3	IRR	1.0
			NE		SE		IRR	35.0
			NW		SE		IRR	34.0
			SW		SE	2	IRR	36.0
			SE		SE	1	IRR	36.0
							Section Acres	232.0
		24	NW		NW		IRR	5.0
			SW		NW		IRR	23.0
			NW		SW		IRR	36.0
			SW		SW		IRR	39.0
			SE		SW		IRR	30.0
							Section Acres	133.0
		25	NW		NE		IRR	7.0
			SW		NE		IRR	25.0
			NE		NW		IRR	39.0
			NW		NW		IRR	37.0
			SW		NW		IRR	35.0
			SE		NW		IRR	34.0
			NE		SW		IRR	40.0
			NW		SW		IRR	35.0
			SW		SW		IRR	31.0
			SE		SW		IRR	37.0
			NE		SE		IRR	2.0
			NW		SE		IRR	37.0
			SW		SE		IRR	36.0
			SE		SE		IRR	8.0
							Section Acres	403.0
		26	NE		NE	3	IRR	84.0
			NE		SE	2	IRR	11.0
			SE		SE	1	IRR	9.0
							Section Acres	104.0
		35	SE		SE		IRR	4.0
							Section Acres	4.0

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
10N	05W	36	NE		NE		IRR	6.0
			NW		NE		IRR	37.0
			SW		NE		IRR	37.0
			SE		NE		IRR	25.0
			NE		NW		IRR	38.0
			NW		NW		IRR	27.0
			SW		NW		IRR	30.0
			SE		NW		IRR	34.0
			NE		SW		IRR	36.0
			NW		SW		IRR	33.0
			SW		SW		IRR	39.0
			SE		SW		IRR	36.0
			NE		SE		IRR	24.0
			NW		SE		IRR	37.0
			SW		SE		IRR	38.0
11N	05W	33	SE		SW		IRR	24.0
			SW		SE		IRR	21.0
							Section Acres	45.0
							Total Acres	11008.0

11. Place of use in counties: PAYETTE

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:

65-0165X, 65-0165A, 65-0165B, 65-0165C, 65-2376, 65-7882.

14. Remarks:

PAYETTE RIVER: LOT 7 (NESW) S7, T07N, R03W. (PT. OF INJECTION)
 PAYETTE RIVER: LOT 3 (SENE) S7, T07N, R03W. (PT. OF REDIVERSION)
 BIG WILLOW CK: SESE, S26, T08N, R04W. (PT. OF INJECTION)
 BIG WILLOW CK: SENE, S21, T08N, R04W. (PT. OF REDIVERSION)
 THIS RIGHT WHEN COMBINED WITH RIGHT 65-2376 SHALL NOT EXCEED 60 CFS.
 THIS RIGHT WHEN COMBINED WITH OTHER RIGHTS SHALL NOT EXCEED .02 CFS PER ACRE DIVERTED NOR 3.5 AF PER ACRE CONSUMED.

15. Basis of Claim: DECREED
 Case Number:

Court :
Decree date:

STATE OF IDAHO
Decree Plaintiff

A & C CORP., ET AL.
Decree 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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Organizations:

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

Cecil Shurtliff
Signature of Authorized Agent

President, Lower-Payette Ditch Co
Title and Organization

4-9-90
Date

State of Idaho)
County of Layette) SS.

Subscribed and sworn (or affirmed) before me this 9th day
of April 19 90

Allen L. Levine
Notary Public

Seal

Residing at Layette

My Commission Expires 12/20/94

Lower Payette

7/25/85

Photos by D. Shaff

① In center, diversion in Canyon Drain No. 1 flowing toward bottom. Graveyard Gulch Wasteway flows right to left. Squaw Butte, north of Emmett, is in background. Location is SEWSE, S 19, T 7N, R 3W.

② From diversion, Graveyard Gulch Wasteway flowing north, toward upper left.

(John Hanson, ditch rider, left; Cecil Shurtleff, right).

③ Below steel beam is where water from Canyon Drain No. 1, flowing from upper right, enters Graveyard Gulch Wasteway.

④ Graveyard Gulch Wasteway at P/D from Canyon Drain No. 1 entering from underside of structure.



Lower Payette

7/25/85

Photos by D. Shaff

⑤ Canyon Drain
No. 1 as it
flows from
under Graveyard
Gulch Wasteway.



⑥ Downstream
on Graveyard Gulch
Wasteway from
P/D, steel plates
(gates) under falling
water can be lifted
by means of hooks
and ropes to allow
more water from
Canyon Drain No. 1
to enter Graveyard
Gulch Wasteway.

⑦ P/D & redirection
in Graveyard Gulch
Wasteway in SESW,
S 7, T 7N, R 3W.
Water enters pipe
to unnamed stream
at left where
trash is floating.

⑧ Corrugated pipe
at center-bottom
was installed in
1977 to carry more
water out of Graveyard
Gulch Wasteway.



Lower Payette

7/25/85

Photos by D. Shaff



⑨ Outlet into unnamed stream of concrete diversion & corrugated pipe from Graveyard Gulch Wasteway.

⑩ Outlet of concrete diversion from Graveyard Wasteway and solid embankment (on right) across unnamed stream.



⑪ Large corrugated pipe outlet.



⑫ Smaller corrugated pipe also installed in Graveyard Gulch in 1977 upstream from larger pipe.



Lower Payette

7/25/85

Photos by D. Shaff



(13) River ditch (canal) flowing under bridge from unnamed stream in SE SW, S 7, T 7N, R 3W, toward Payette River. River ditch carries water from Canyon Drain No. 1, Graveyard Wasteway, and unnamed stream flowing from right. Embankment (dam) across unnamed stream is at left.



(14) Embankment between Graveyard Gulch Wasteway to left and what remains of unnamed stream below, ^(west of) beginning of river ditch.



(15) From bridge ^{SE SW, S 7} across Graveyard Gulch Wasteway looking west. Wasteway to left flows back to Canyon Drain No. 1 before entering river. Unnamed stream channel was same location or just to right of wasteway.

Lower Payette

7/25/85

Photos by D. Shaff



(16) From same bridge, looking upstream on Graveyard Gulch Wasteway toward P/D.



(17) Graveyard Gulch Wasteway heading toward river in upper right.

CHEN

I. D. No.	Map No.
\$	
Fee Paid	Receipt No.

(Name of Claimant)

(Mailing Address)

(Zip Code)

(1) Date of priority: (When was the water first applied to a beneficial use, or priority date of decreed, licensed or permit right) MAY 7, 1945

tributary to Main Drain, District No. One

(CFS, GPD, AF)

(CFS, GPD, AF)

(CFS, GPD, AF)

(CFS, GPD, AF)

(CFS, GPD, AF)

_____ , Twp.

sizes and capacities; be as specific as possible. Describe any changes in the system and give the date of the change

to place of use.

irrigation, place an "X" in appropriate box to show location.

[illegible]

Total no. of acres 11,008

• •

redirection: Lot 3 (SENN) S 7 T 7N R 3W.

☒ A) Right based on diversion and beneficial use.

☐ B) Right decreed by court, cite title of case.

Department of Water Resources, Give No.

Individual

(Signature of Claimant)

{Date}

(Signature of Spouse)

Organization

Seal

) executed the same.

Notary Public residing at

Notary Public residing at

APPLICATION FOR AMENDMENT OF A PERMIT

Comes now Lower Payette Ditch Company Phone 642-2441

Director of the Idaho Department of Water Resources:

1. Point of diversion: SE 1/4 SW 1/4, Section 7, Township 7N, Range 3W, B.M.,
County of Payette. Other points of diversion: NWSE S19 T 7N R 3W, Main Drain,

No change

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

[illegible]

4. Source of water: Main Drain, District No. One Tributary to Payette River
Total number of acres to be irrigated = _____

Graveyard Gulch Wasteway Tributary to Main Drain, District No. One

A. 5.a. Who owns the property at the point of diversion? Reed Henderson

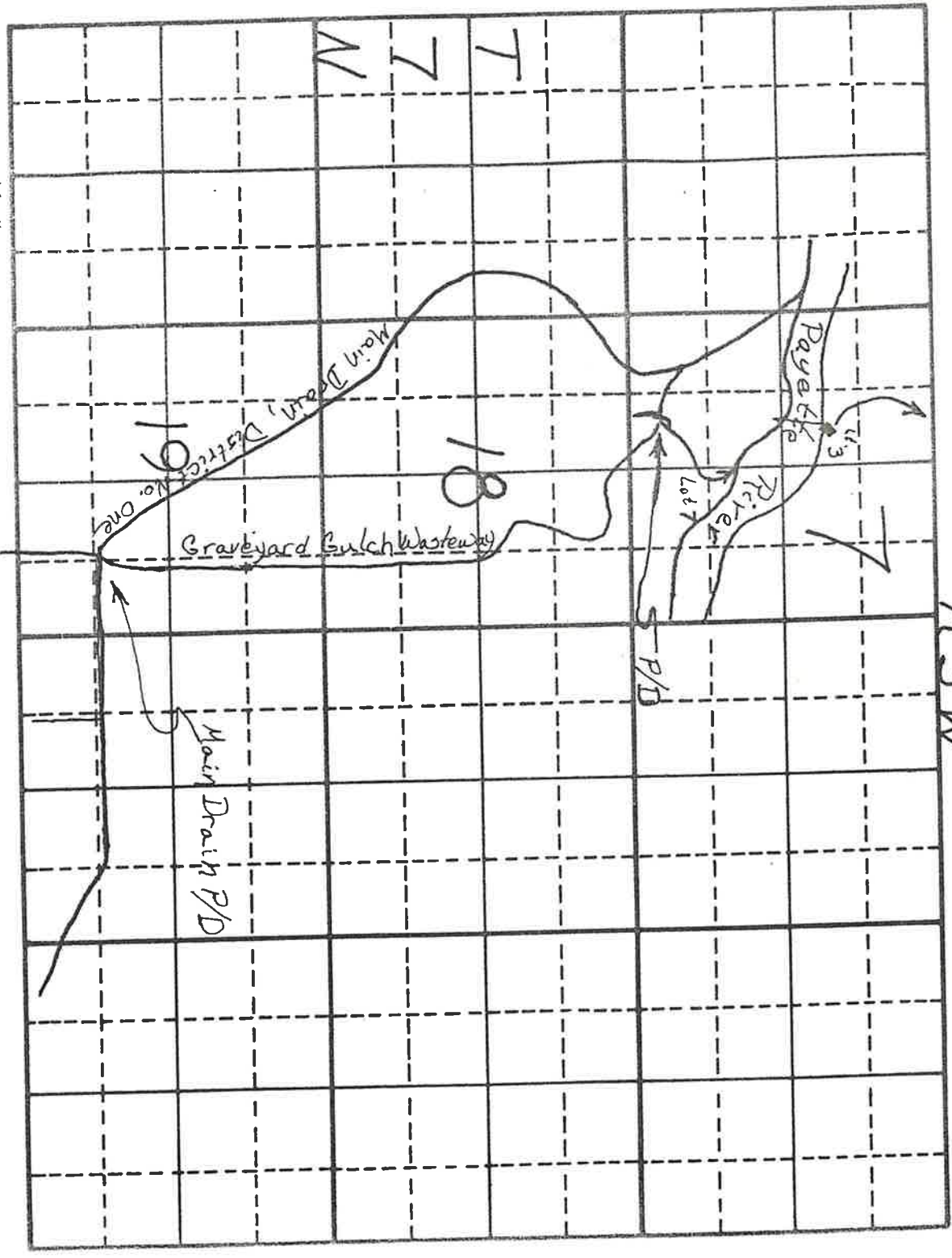
b. Who owns the land to be irrigated or the place of use? Applicant _____

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____

Complete the following map by showing land and point of diversion as proposed by this amendment.

Show 40-acre subdivisions, townships, ranges and ditches.

R3W



Scale: 2 inches equal 1 mile.

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

Signed at _____, this _____ day of _____, 19____.

(Signature)

FOR DEPARTMENT USE ONLY

Preliminary check by _____ Fee = \$20.00 Received by _____ Date _____

Publication prepared by _____ Date _____ Published in _____

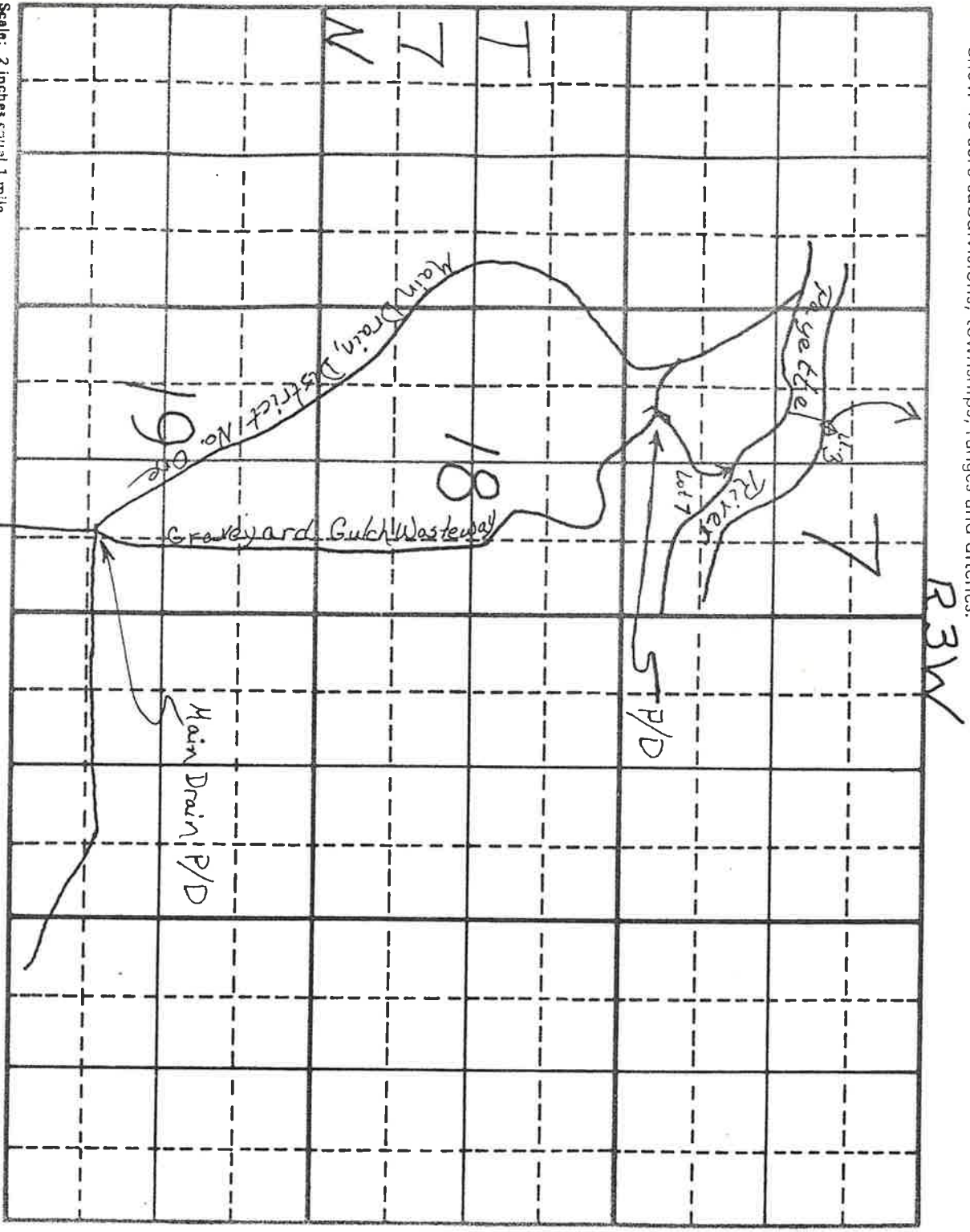
Publication dates _____

ACTION OF THE DEPARTMENT OF WATER RESOURCES

_____, of the Department of Water Resources hereby

Witness my hand this _____ day of _____, 19____.

Complete the following map by showing land and point of diversion as proposed by this amendment.
Show 40-acre subdivisions, townships, ranges and ditches.



Scale: 2 inches equal 1 mile.

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

Signed at _____, this _____ day of _____, 19 _____.

(Signature)

FOR DEPARTMENT USE ONLY

Preliminary check by _____ Fee = \$20.00 Received by _____ Date _____

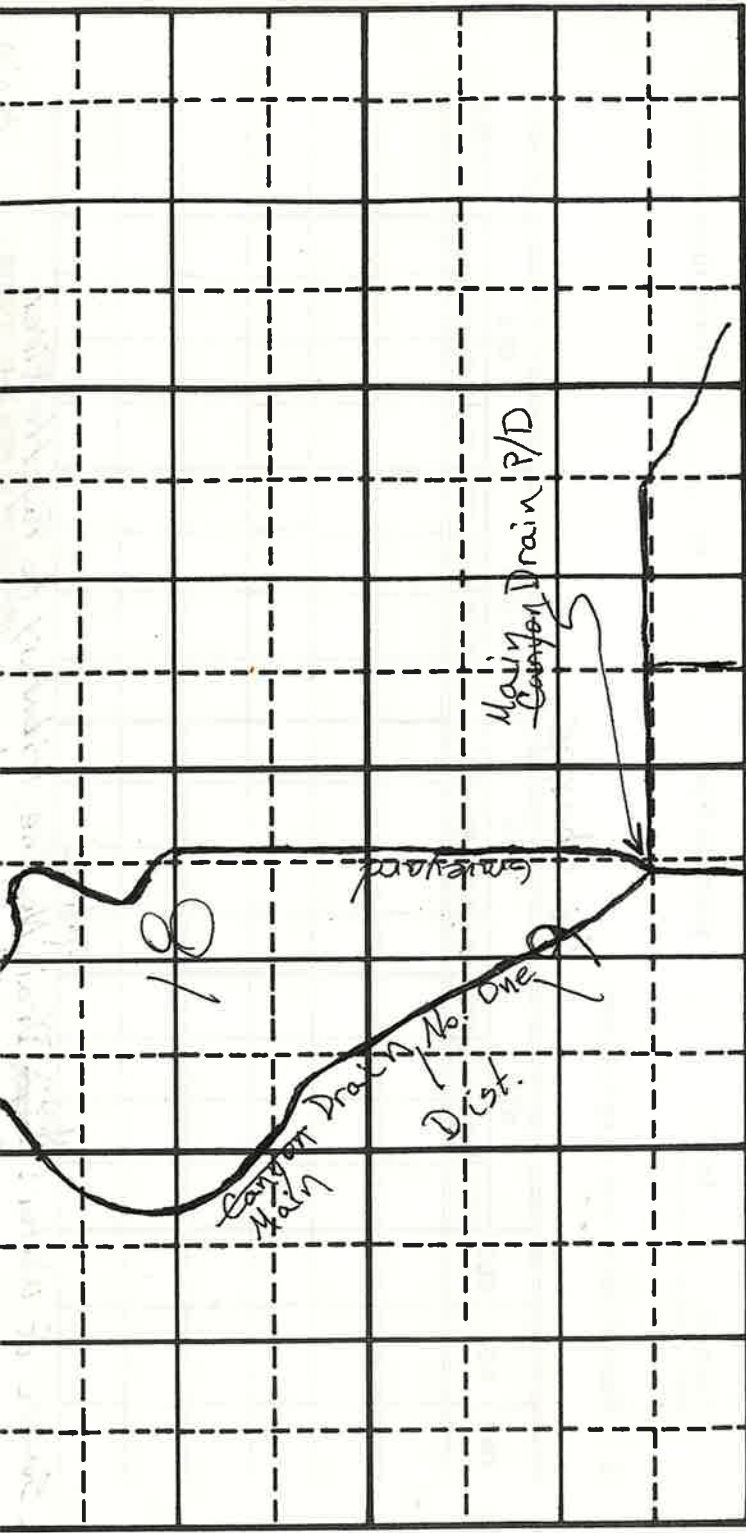
Publication prepared by _____ Date _____ Published in _____

Publication dates _____

ACTION OF THE DEPARTMENT OF WATER RESOURCES

_____, of the Department of Water Resources hereby

Witness my hand this _____ day of _____, 19 _____.



Scale: 2 inches equal 1 mile.

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

Signed at _____ this _____ day of _____, 19____.

Main Drain, District No. One

(Signature)

FOR DEPARTMENT USE ONLY

Preliminary check by _____ Fee = \$20.00

Received by _____ Date _____

Publication prepared by _____ Date _____

Published in _____

Publication dates _____

ACTION OF THE DEPARTMENT OF WATER RESOURCES

Department of Water Resources hereby

Witness my hand this _____ day of _____, 19____.

65-2473¹⁰ Wasterwater PR Mater
NEW 1248 Wasterwater Elson #1
1-2248 Wasterwater Elson #1
Lot 119 Wasterwater Elson #1
1-5993 WNE 136 1/4 B.

65-5849 WNW 17 W W Coburn 1949
65-2220 WNW 13 W W Otten
65-565 WNE 13 W W Cooper
65-565 WNE 13 W W Cooper

LAND LIST ATTACHMENT

Description and location of place of use:

TWP.	RANGE	SEC.	NE 1/4			NW 1/4			SW 1/4			SE 1/4			TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
9N	4W	6		38	20		28	15							2 105
9N	5W	26													6
9N	5W	26								25			9	31	65 178
9N	4W	6					2								2
9N	5W	26											9	31	46
9N	5W	26		38	20		28	19		25					130 178
Convert to Acres for 65-0165A/B/C/D 11008 from 10990															

65-0165A

Description and location of place of use: **FIRST EXTENSION**

FIRST EXTENSION

Total number of acres irrigated 2462

$$\begin{array}{r} 2462 \\ \hline 2472 \end{array}$$

ACREAGE TABULATION FOR LOWER PAYETTE DITCH 6-9-78

Description and location of place of use: SECOND EXTENSION

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
✓ 10N	5W	3		1E2			1E3	1E4			13							13 ✓	
✓		4		16	15		34	2	37	35	36	35	34	36	8	38	38	36	400 ✓
✓		9	38	38	36	37	24	37		15					36	5		12	278 ✓
✓		10				3	8	40	10	36	37	35	18	38		25	38	12	300 ✓
✓		14						5				1		1		25		4	37 ✓
✓		15	26	39	20	38	37	22	1	19									202 ✓
✓ 11N	5W	33												24		21			45 ✓
✓ 10N	5W	23	32	37		15				6									90 ✓
✓		24					5	23				34	8	28					98 ✓
CONSIDER THESE LANDS AS HAVING 3-22-1884																			
DATE OF PRIORITY (SEE 1-25-79 MEMO DET)																			
(976 ACRES)																			

Total number of acres irrigated 1463 ✓

9/19/78

65-0165C

10

10

Total number of acres irrigated 2303

(A.A.)

65-8165X

LAND LIST ATTACHMENT

ACREAGE TABULATION FOR LOWER PAYETTE DITCH

Description and location of place of use: MAIN CANAL

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
7N	3W	5																	3
		6			12	2									30	8	27	36	115
8N	4W	17																	146
		18	20	38	40	38	36	37	39	19	24	38	34	27	34	38	20	36	518
		19	8				1t8	6											14
		20	1t7	7															74
		21					1t4	3											3
8N	5W	2																	162
		3	1t1	1t2			1t3	1t4				6	28	39	36			37	16
		4	1t3	1t2															419
		10	38	40	40	37	43								28	40	18	26	364
		11	36	37	34	38	39	38	37	37	38	34	39	38	35	37	36	36	589
		12			1		1	20	38	29	38	38	38	37	2	28	38	30	338
		13	39	38	39	40	15	37	40	32					40	39	37	40	436
		14	37	17	18	40													112
		24	1t1	1t2			1t3												53
		22	1t1	1t2															272
		23					28	39	39	10	3	36	19						174
		26						1											1
		27	26	33	35	3	31	32	30	32	37	25	25	30	1	28	29		397
		28	1t1	1t2											30	28	25	25	226
		33	20	20	20	10	19			7					15	10	10		131
		34		9	11		29	25	25	20	25	25	25	30		8	8		240
8N	4W	7													16	1			17

Total number of acres irrigated 4770

9/19/78

五

**NOTICE OF CLAIM
TO A**

DRAINAGE BASIN.

Notice is hereby given that

100

(Mailing Address)

(Zip Code)

Telephone No.

ent and nature of said claim is as follows:

State of deeded, licensed or permit right)

Describe the source of water: (Name of stream, lake, spring, etc., or ground water,

tributary to

in District No. One

Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Quantity	Use	Period of Use From	To
60 cfs	Irrigation	7-15	11-15

(CFS, GPD, AF)	(Domestic, irrigation, stock, etc.)	(Mo., Day)	(Mo., Day)
			(Both dates inclusive)

Quantity	Use	Period of Use From	To

Quantity	Use	Period of Use From	To

Quantity	Use	Period of Use From	To

60.075 TOTAL QUANTITY CLAIMED.

(CFS, GPD, AF)

A) Point of Diversion: Give location of point where water is diverted from its source SW 1/4 Sec. 7 Twp. 7N Rge. 3W Divulced B.M. County

Additional Points:

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. _____

Flash board dam, culvert & ditch to Pavette River: thence diversion dam & canal to place of use.

A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

Total no. of acres 14,000

Other rights: 65-0165X/0165A/0165D/0165C & 65-2376

33) If water is used for other than irrigation, fully describe that use, being as specific as possible: _____

NOTE: Include here the type and number of stock watered: _____

If you are claiming water as a member of an organization, list name of organization: _____

Point of injection in Pavette River; lot 7 (upstream) S 7 T 7N R 3W. point of

☐ A) Right based on diversion and beneficial use.

☐ B) Right decreed by court, cite title of case.

☐ C) Right based on application, permit, license, or previous statutory claim filed with the Idaho Department of Water Resources. Give No.

Department of Water Resources. Give No

Be it known that the undersigned, after being duly sworn on oath, depose(s) and say(s) that all statements included herein are true and accurate to the best of (his, her, their) knowledge.

Individual

Individual

Department of Water Resources
(Signature of Claimant)

(Date)

Organization	ss.

_____ of _____ Sea

Seal

(Signature of Authorized Agent)

On this _____ day of _____, in the year _____ before me
 _____, a Notary Public, personally appeared _____
 _____ to me to be the person(s) whose name(s) are subscribed to the above instrument, and acknowledged to me that (he, she, they, corporation,
 partnership or _____) executed the same.

Notary Public residing at _____

Commission expires _____

Notary Public residing at _____

**WATER RIGHT CODING FORM
VAX SYSTEM**

Coder's Name SHAFF

WATER RIGHT NO. 65-11413

See Coder's Handbook for instructions on filling out this form.

Record

	<u>Last Name or Company (40)</u>	<u>First Name (20)</u>	<u>Owner Indicator</u>
1. Owner	<u>Lower Payette Ditch Co.</u>		<u>C</u>

1A. Address

114 N 8th

1B.

City Payette
State ID Zip 83661

2. Source(s) Graveyard Gulch Wasteway
Tributary Main Drain, District No. One

3. Point(s) of Diversion Description

<u>Tract</u>	<u>Sec.</u>	<u>Twp</u>	<u>Rng</u>	<u>Lot</u>	<u>Rediv.</u>
<u>SESW</u>	<u>7</u>	<u>7N</u>	<u>3W</u>		
<u>SESW</u>	<u>7</u>	<u>7N</u>	<u>3W</u>	<u>3</u>	<u>R</u>

4. Period of Use, Use, Diversion Rate/Volume

<u>FROM</u>	<u>TO</u>	<u>USE CODE</u>	<u>CFS</u>	<u>ACRE FEET</u>
<u>3-15</u>	<u>11-15</u>	<u>01</u>	<u>60</u>	

5. A. Stage J

B. Status

C. Priority Date 5/7/1945

D. County Code 75

E. Total Cfs 60

F. Total Acre Feet

G. Transfer/Amendment Flag

H. Water District 65

I. DLE/Carey Act

Record

6. Diversion Means: Diversion dam & canal

8A. Non-Irrigation Use Remarks: _____

8B. Place of Use:

Use Code: 01

			NE				NW				SW				SE			
TWP	RANGE	SEC.	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$

8C. Other Rights: 65-0165X/0165A/0165B/0165C & 65-2376

10. Remarks: (30) Payette River: Lot 7 (NE SW) S 7 T 7 N R 3 W
(31) Payette River: Lot 3 (SE NW) S 7 T 7 N R 3 W
(30) Big Willow Creek: SE SE S 26 T 8 N R 4 W
(31) Big Willow Creek: SW NW S 21 T 8 N R 4 W
This right when combined with Right No. 65-2367 shall not exceed 60 cfs.

11. Decree Plaintiff _____

12. Decree Defendant _____

Decree Date / /

13. Protested Date / / Hearing Date / /

Old Number

14. Stage J Status Water District 65

Proof due date / / Permit or Denied Date / /

Proof made date / / Start work date / /

Order to Show Cause / / Licensed date / /

15. Conditions of Approval

16. Diversion Capacity: 92

Application Received / / Field Exam Date / /

Verified Code

65-0165X

LAND LIST ATTACHMENT

ACREAGE TABULATION FOR LOWER PAYETTE DITCH

Description and location of place of use:

MAIN CANAL

TWP.	RANGE	SEC.	NE 1/4			NW 1/4			SW 1/4			SE 1/4			TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
7N	3W	5													3
		6			12	2								30	8 27 36 115
8N	4W	17													146
		18	20	38	40	38	36	37	39	19	24	38	34	27	34 38 20 36 518
		19	8				1f8	6							14
		20	7												7
		21					1t4	3							3
8N	5W	2													162
		3	15	25	38	11	28	16	29	33	18	13	48		419
		4	12			1t2								6	6 4133
		10	38	40	40	37	43		33		21				364
		11	36	37	34	38	39	38	37	37	38	34	39	38	584
		12			1		1	20	38	29	38	38	38	37	2 28 38 30 338
		13	39	38	39	40	15	37	40	32				40	436
		14	37	17	18	40									112
		24	1t1	1t2			1t3								53
9N	5W	22	1t1		6	30					27				272
		23					28	39	39	10	3	36	19		174
		26					1								1
		27	26	33	35	3	31	32	30	32	37	25	25	30	1 28 29 397
		28	1t1	1t2		26					27			30	30 28 25 25 226
		33	20	20	20	10	19			7				15	15 10 10 131
		34	9	11		29	25	25	20	25	25	25	30		8 8 240
8N	4W	7												16	1 17

Total number of acres irrigated 4770

9/19/78

NOTE: Jim Bivens of Bivens Livestock stated that some 200 acres of his lands receive lower payette water. These lands were selected at random from that ranch.

LAND LIST ATTACHMENT

Description and location of place of use: Payette Heights Extension

TWP.	RANGE	SEC.	NE 1/4			NW 1/4			SW 1/4			SE 1/4			TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
8N	4W	6											40		80
8N	4W	7	40	40	40										120
9N	5W	1	31	34	17	1	4.3	154	1	37	39	26	28	31	100
9N	5W	2	11	36	34	6	20	38	30	37	38	38	34	28	64
9N	5W	3	12	14	10		32	31	20	40	18	4	39	39	191
9N	5W	13					34	20	40	18	4	39	39		191
9N	5W	14	36	33	39	32	31	9	24	39	40	35	38	36	107
9N	5W	15	22	30	39	40	37	28	39	26	37	38	35	37	426
9N	5W	23	30	39	39	40	37	28	39	26	37	38	35	37	426
9N	5W	24					15	20	30			40	38		123
9N	5W	25					40	39	36	35					150
9N	5W	26	38	20		28	19	18							129
9N	5W	27	36	33	35	35	31	32	30	32	37	25	25	30	97
9N	5W	28	34	27	20	23	20	29	25	20	25	25	25	30	189
9N	5W	35			19	36	20	20		38	39	10	10	39	266
9N	4W	6					2								2
10N	5W	3	36												
10N	5W	4	28	30		43	27								38
10N	5W	9				6	24	40	10	38	37	35	18	38	31
10N	5W	10				24	40	10	38	37	35	18	38	16	31
10N	5W	14	36	39	30	31	22	1	19						11
10N	5W	15	36	39	30	31	22	1	19						11
10N	5W	25	7	25		39	37	35	34	40	35	31	37	2	38
10N	5W	26	37	37		38	27	30	34	36	33	39	38	24	141
10N	5W	36	5	14	25	38	27	30	34	36	33	39	38	24	141

NOTE: The only land currently irrigated from the Payette Heights point of diversion is 78 acres in E₃SW₄ S35 T 9N R5W, owned by Harry Sloan. However, the 1917 date of priority attributed to this right applies to all of the lands in this land list.

9/19/18

65-0165B

LAND LIST ATTACHMENT
ACREAGE TABULATION FOR LOWER PAYETTE DITCH 6-9-78
Description and location of place of use: SECOND EXTENSION

TWP.	RANGE	SEC.	NE 1/4			NW 1/4			SW 1/4			SE 1/4			TOTALS
			NE 1/4	NW 1/4	SW 1/4	NE 1/4	NW 1/4	SW 1/4	NE 1/4	NW 1/4	SW 1/4	NE 1/4	NW 1/4	SW 1/4	
✓ 10N	✓ 5W	✓ 3									13				13 ✓
✓		4	16	15		34	2	37	35	36	35	34	36	8	400 ✓
✓		9	38	36	37	24	37		15				36	5	278 ✓
✓		10		3		34	40	10	30	37	35	18	08	25	300 ✓
✓		14					5				1		1		37 ✓
✓		15	26	39	20	38	37	22	1	19					202 ✓
✓ 11N	✓ 5W	✓ 33												24	45 ✓
✓ 10N	✓ 5W	✓ 23	32	37		15			6						90 ✓
✓		24					5	23			34	8	28		98 ✓

→ CONSIDER THESE LANDS AS HAVING 3-22-1887
DATE OF PRIORITY (SEE 1-25-79 MEMO DET)
(976 ACRES)

Total number of acres irrigated 1463 ✓

9/19/78

65-0155A

LAND LIST ATTACHMENT
ACREAGE TABULATION FOR LOWER PAYETTE DITCH CONT.
Description and location of place of use: FIRST EXTENSION

TWP.	RANGE	SEC.	NE 1/4			NW 1/4			SW 1/4			SE 1/4			TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
9N	5W	1	1t1 6				1t3 1t4	31	31	1	37	39	26	28	273
															46
															335
															321
															12
															437
															62
10N	5W	23	32	37		15					1t3				142
															35
															365
															104
															4
															336
CONSIDER THESE LANDS AS HAYING 6-20-896															
PRIDEITY (SEE MEMO 1-25-79 DCH) (976 ACRES)															

Total number of acres irrigated 2462

9/19/78

2472

State of Idaho
Department of Water Resources

ADJUDICATION CLAIM ANALYSIS SHEET

Review by D. Shaff

Date 7/24/86

Right No. 65-11413

Claimant Lower Payette

Recommendation differs from claim:
(Document any differences)

☐ Yes

☒ No

☐ Disallow

Claim Details Verified Against:

Check (X or V) those searched. Circle records used for recommendation.
Include copies or memos where applicable to explain findings.

☒ License 65-2367

☐ Previous Statutory Claim.

☐ Permits, valid or lapsed. Number(s) if different than above _____

☐ Decree. Name & date _____

☐ Conveyance Loss Calculations. See printout included.

☐ Title abstract. ☐ In file. Or, Name & location _____

☐ County records. ☐ In file. Or, Name & location _____

☐ Affidavits. ☐ In file.

☐ Posted Notices, Water Locations Notices. ☐ In file.

☐ Deed Records. ☐ In file. Or, Name & location _____

☐ Patent Records. ☐ In file. Or, Name & location _____

☐ Metzker Maps. Identify _____

☒ A.S.C.S. Records. Year & Photograph No. 1961 DH-2BB-38

☒ Irrigation Company/District Records. ☐ In file. Or Name & location Lower Payette office

☒ Historical Books. Name(s) & location US BOR Spec. No 922,

Eastfork Structures Graveyard Gulch Wasteway and
Langley Gulch Wasteway 1/4 file
☐ Interview(s). Attach conversation memorandum.

☒ Other Aerial photos 5/07/45 4/20/1979

Field Exam Made: ☒ Yes ☐ No Date 7/25/85

☒ Adj. Report in file ☐ Beneficial-Use Report in License (S.O.) File

Measurement 92 cfs. Amount recommended 60 cfs.

Type of measuring device: _____ Meter No. _____

Condition _____ Date _____ Time _____

Adjudication Photo(s) Used: Name or No. _____

Field Photographs Taken ☒ Yes ☐ No See Objection File.

Memorandum in file ☒ Yes ☐ No See 10/08/85 letter

Remarks _____

Permit No. 65-11413

Permit No.

REMARKS

7/25/85 1:30pm *JS*
Ceil Shurtleff 642-2068
Meet Hamilton Corners

See 02-7882

[illegible]

FROM TO
3-15 11-2

60 EF

Remarks

[illegible]

(Include distance from pump to measuring device, if applicable.)

[illegible]

Examiner's Signature *Seamus J. May*
Checked by _____
Approved by _____
Date 7/25/85
Date _____
Date _____

FROM Don

DATE 8-07-85

TO Forrest

SUBJECT Lower Payette (65)

would you check with Roy —, mgr Black Canyon I.D. (459-4141), about project records related to the construction of Graveyard Gulch Wasteway? He was to have done some digging. In particular I want to know the timing and extent of development for a diversion structure in the NWSE S 19 T 7N R 3W on the Canyon Drain No. 1 (or similar name) and another structure in the SESE, S 7, T 7N R 3W on the Graveyard Gulch Wasteway. Would you run over to Lotus to their office and read thru the reports if Roy found anything? The adj. files are in the top slot by my table.

Thank you
Don

SIGNATURE

NW Sec 19 7N 3W CANY DRN #1

SE SW 7 7N 3W GUYO GULCH WASTEW.

USDI BOF REC SCHED, SPEC. S, & DWGS FOR EARTHWORK
& STRUCT GUYO GULCH WASTEWAY & LANGLEY GULCH WASTEW.

PAYETTE DIV. BOISE Pjt 10. Bids OPEN UNTIL 7/24/1940

DWG #1 GUYO & LANGLEY GULCH WASTEW LOCATION MAP OK'D EMETT 7/21/39

SHOWS ~~GUYO~~ WASTEW CROSSING ~~FARMERS~~ CORD IN SE NW 30
7N 3W, CROSS NOBLE SW SE 19 7N 3W NEAR S. LINE SEC 9 & CROSSING
DRAIN APPROX MIDDLE SE 4 19, 7N 3W, DUMPED INTO OLO
DRAIN AT S. LINE W SE SW S17, 7N 3W

CO-OP CROSS AT STA 141+75

DWG 3-D-1399 APP DEN 2/23/40

NOBLE CROSS " " 171+14.81

3-D-1402 APP DEN 5/15/40

DRN CASSE & INLET STA 190+00

3-D-1403 APP DEN 4/11/40

Q GIVEN WW 606 F/SEC

" DRN 80 F/SEC

DEPT INT LAND PURCH CONT 10/21/1940
LAND

STRIP 8.94 AC. PORTION E2 NE4 & N2 SE4 SEC 19, 7N 3W
PARALLEL LNS 50' EACH SD CL BOUNDED BY NORTH BOUNDARY NE NE SEC 9 & S. BNDRY N2 SE2 SW SE EXC LAND CYN CO DRN DIST #1 MAY HOLD IN
CYN CO DRN DIST #1 MIN DRN R/W LYING WITHIN PARALLEL LINES

REG SO 1/16 LINE SEC 19 EAST 16.0' FROM SE 1/16 COR SEC 19
ETC BTW SECS 18-19

Also 5.46 AC E2 SE S18 7N 3W W 100' E2 SE4 S18 7N 3W

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BOISE, IDAHO 344-8383 / 343-8075 / 377-3666

Customer's Order No. _____ Date 7.31.19

Name Id. Dept Water Resource

Address _____

SOLD BY	CASH	CHARGE	ION ACCT	MDSE. RETD.	PAID OUT	ACCT NO.
RB						
QUAN.	DESCRIPTION				PRICE	AMOUNT
	processing					7.72

ALL claims and returned goods MUST be accompanied by this b

A 7821

Rec'd by [Signature]
ASSOCIATED BUSINESS FORMS OF BOISE



01 WATER RIGHT NUMBER - 65-11413

02 OLD (D) NUMBER -

LAST NAME
03001 - LOWER PAYETTE DITCH CO.

FIRST NAME
04001 -

ORIG. OWNER
05001 - C

06 ADD LINE 1 - 114 N. 5TH

07 ADD LINE 2 -

08 ADD LINE 3 -

09 CITY - PAYETTE

10 STATE - ID

11 ZIP - 836610000

12 STAGE - J ADJUDICATION CLAIM

13 STATUS -

SOURCE
14001 - GRAVEYARD GULCH WASTEWAY

TRIBUTARY OF
15001 - MAIN DRAIN, DIST. NO. ONE

16 DIVERSION MEANS - DIVERSION DAM & CANAL.

17 COUNTY - 75 PAYETTE

18 DIVERSION CAPACITY - 92.000

19 TOTAL DIVERSION RATE - 60.000

20 TOTAL DIVERSION VOLUME - .00

21 WATER DISTRICT - 65

DIVERSION POINTS					STREAM INDEX FIELDS										
TRACT	SEC	TWN	RNG	LOT	RFLG										
22001 -	SESW	23001 - 07	24001 - 07N	25001 - 03W	26001 -	27001 -									
				28001 -	0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0	0	0.0

29 NON-IRRIGATION USE -

USE CODE / USE		TWN	RNG	SEC	TRACT	ACRES	LOT
30001 - 01	IRRIGATION	31001 - 07N	32001 - 03W	33001 - 05	34001 - SWSW	35001 - 03	36001 -
30002 - 01	IRRIGATION	31002 - 07N	32002 - 03W	33002 - 06	34002 - SWNE	35002 - 12	36002 -
30003 - 01	IRRIGATION	31003 - 07N	32003 - 03W	33003 - 06	34003 - SENE	35003 - 02	36003 -
30004 - 01	IRRIGATION	31004 - 07N	32004 - 03W	33004 - 06	34004 - NESE	35004 - 30	36004 -
30005 - 01	IRRIGATION	31005 - 07N	32005 - 03W	33005 - 06	34005 - NWSE	35005 - 08	36005 -
30006 - 01	IRRIGATION	31006 - 07N	32006 - 03W	33006 - 06	34006 - SWSE	35006 - 27	36006 -
30007 - 01	IRRIGATION	31007 - 07N	32007 - 03W	33007 - 06	34007 - SESE	35007 - 36	36007 -
30008 - 01	IRRIGATION	31008 - 08N	32008 - 04W	33008 - 06	34008 - SESW	35008 - 40	36008 -
30009 - 01	IRRIGATION	31009 - 08N	32009 - 04W	33009 - 06	34009 - SWSE	35009 - 40	36009 -
30010 - 01	IRRIGATION	31010 - 08N	32010 - 04W	33010 - 07	34010 - NENE	35010 - 40	36010 -
30011 - 01	IRRIGATION	31011 - 08N	32011 - 04W	33011 - 07	34011 - NWNE	35011 - 40	36011 -
30012 - 01	IRRIGATION	31012 - 08N	32012 - 04W	33012 - 07	34012 - SWNE	35012 - 40	36012 -
30013 - 01	IRRIGATION	31013 - 08N	32013 - 04W	33013 - 07	34013 - SWSW	35013 - 16	36013 -
30014 - 01	IRRIGATION	31014 - 08N	32014 - 04W	33014 - 07	34014 - SESW	35014 - 01	36014 -
30015 - 01	IRRIGATION	31015 - 08N	32015 - 04W	33015 - 17	34015 - SWNW	35015 - 16	36015 -
30016 - 01	IRRIGATION	31016 - 08N	32016 - 04W	33016 - 17	34016 - SENW	35016 - 13	36016 -
30017 - 01	IRRIGATION	31017 - 08N	32017 - 04W	33017 - 17	34017 - NESW	35017 - 39	36017 -
30018 - 01	IRRIGATION	31018 - 08N	32018 - 04W	33018 - 17	34018 - NWSW	35018 - 38	36018 -
30019 - 01	IRRIGATION	31019 - 08N	32019 - 04W	33019 - 17	34019 - SWSW	35019 - 28	36019 -
30020 - 01	IRRIGATION	31020 - 08N	32020 - 04W	33020 - 17	34020 - SESW	35020 - 09	36020 - 02
30021 - 01	IRRIGATION	31021 - 08N	32021 - 04W	33021 - 17	34021 - SWSE	35021 - 03	36021 - 01
30022 - 01	IRRIGATION	31022 - 08N	32022 - 04W	33022 - 18	34022 - NENE	35022 - 20	36022 -
30023 - 01	IRRIGATION	31023 - 08N	32023 - 04W	33023 - 18	34023 - NWNE	35023 - 38	36023 -
30024 - 01	IRRIGATION	31024 - 08N	32024 - 04W	33024 - 18	34024 - SWNE	35024 - 40	36024 -

WRR100
65-11413

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHTS PROOF READING REPORT

PAGE 2
24-NOV-1986 19:15:19

USE CODE / USE		TWN	RNG	SEC	TRACT	ACRES	LOT
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30028 - 01	IRRIGATION	31028 - 08N	32028 - 04W	33028 - 18	34028 - SENW	35028 - 19	36028 -
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30030 - 01	IRRIGATION	31030 - 08N	32030 - 04W	33030 - 18	34030 - NWSW	35030 - 38	36030 - 03
30031 - 01	IRRIGATION	31031 - 08N	32031 - 04W	33031 - 18	34031 - SWSW	35031 - 34	36031 - 04
30032 - 01	IRRIGATION	31032 - 08N	32032 - 04W	33032 - 18	34032 - SESW	35032 - 27	36032 - 05
30033 - 01	IRRIGATION	31033 - 08N	32033 - 04W	33033 - 18	34033 - NESE	35033 - 34	36033 -
30034 - 01	IRRIGATION	31034 - 08N	32034 - 04W	33034 - 18	34034 - NWSE	35034 - 38	36034 -
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30036 - 01	IRRIGATION	31036 - 08N	32036 - 04W	33036 - 18	34036 - SESE	35036 - 36	36036 - 07
30037 - 01	IRRIGATION	31037 - 08N	32037 - 04W	33037 - 19	34037 - NENE	35037 - 08	36037 -
30038 - 01	IRRIGATION	31038 - 08N	32038 - 04W	33038 - 19	34038 - NENW	35038 - 06	36038 - 08
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WRR100
65-11413

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHTS PROOF READING REPORT

PAGE 3
24-NOV-1986 19:16:19

USE CODE / USE			TWN	RNG	SEC	TRACT	ACRES	LOT
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30081 - 01	IRRIGATION		31081 - 09N	32081 - 05W	33081 - 01	34081 - NWNW	35081 - 31	36081 - 04
30082 - 01	IRRIGATION		31082 - 09N	32082 - 05W	33082 - 01	34082 - SWNW	35082 - 01	36082 -
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30098 - 01	IRRIGATION		31098 - 09N	32098 - 05W	33098 - 12	34098 - NWNW	35098 - 38	36098 -
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30103 - 01	IRRIGATION		31103 - 09N	32103 - 05W	33103 - 12	34103 - SWSW	35103 - 34	36103 -
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30105 - 01	IRRIGATION		31105 - 09N	32105 - 05W	33105 - 12	34105 - NWSE	35105 - 25	36105 -
30106 - 01	IRRIGATION		31106 - 09N	32106 - 05W	33106 - 12	34106 - SWSE	35106 - 10	36106 -
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30108 - 01	IRRIGATION		31108 - 09N	32108 - 05W	33108 - 13	34108 - NWNW	35108 - 31	36108 -
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30110 - 01	IRRIGATION		31110 - 09N	32110 - 05W	33110 - 13	34110 - SENW	35110 - 18	36110 -
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30116 - 01	IRRIGATION		31116 - 09N	32116 - 05W	33116 - 14	34116 - SWNE	35116 - 39	36116 -
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30122 - 01	IRRIGATION		31122 - 09N	32122 - 05W	33122 - 14	34122 - NESW	35122 - 40	36122 -
30123 - 01	IRRIGATION		31123 - 09N	32123 - 05W	33123 - 14	34123 - NWSW	35123 - 35	36123 -
30124 - 01	IRRIGATION		31124 - 09N	32124 - 05W	33124 - 14	34124 - SWSW	35124 - 38	36124 -
30125 - 01	IRRIGATION		31125 - 09N	32125 - 05W	33125 - 14	34125 - SESW	35125 - 36	36125 -
30126 - 01	IRRIGATION		31126 - 09N	32126 - 05W	33126 - 14	34126 - NESE	35126 - 37	36126 -
30127 - 01	IRRIGATION		31127 - 09N	32127 - 05W	33127 - 14	34127 - NWSE	35127 - 40	36127 -
30128 - 01	IRRIGATION		31128 - 09N	32128 - 05W	33128 - 14	34128 - SWSE	35128 - 37	36128 -

USE CODE / USE	TWN	RNG	SEC	TRACT	ACRES	LOT
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30131 - 01 IRRIGATION	31131 - 09N	32131 - 05W	33131 - 15	34131 - NESE	35131 - 34	36131 - 03
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30140 - 01 IRRIGATION	31140 - 09N	32140 - 05W	33140 - 11	34140 - NWSE	35140 - 38	36140 -
30141 - 01 IRRIGATION	31141 - 09N	32141 - 05W	33141 - 11	34141 - SWSE	35141 - 36	36141 -
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30145 - 01 IRRIGATION	31145 - 09N	32145 - 05W	33145 - 22	34145 - SENE	35145 - 30	36145 -
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30166 - 01 IRRIGATION	31166 - 09N	32166 - 05W	33166 - 23	34166 - SWSE	35166 - 38	36166 -
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WRR100
65-11413

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHTS PROOF READING REPORT

PAGE 5
24-NOV-1986 19:16:19

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WRR100
65-11413

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHTS PROOF READING REPORT

PAGE 7
24-NOV-1986 19:16:19

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- 05W	33363	- 12 34363 - NESE	35363 - 02	36363 -
- 05W	33364	- 12 34364 - NWSE	35364 - 28	36364 -
- 05W	33365	- 12 34365 - SWSE	35365 - 38	36365 -
- 05W	33366	- 12 34366 - SESE	35366 - 30	36366 -
- 05W	33367	- 13 34367 - NENE	35367 - 39	36367 -
- 05W	33368	- 13 34368 - NWNE	35368 - 38	36368 -
- 05W	33369	- 13 34369 - SWNE	35369 - 39	36369 -
- 05W	33370	- 13 34370 - SENE	35370 - 40	36370 -
- 05W	33371	- 13 34371 - NWNW	35371 - 37	36371 -
- 05W	33372	- 13 34372 - SWNW	35372 - 40	36372 -
- 05W	33373	- 13 34373 - SENW	35373 - 32	36373 -
- 05W	33374	- 13 34374 - NESE	35374 - 40	36374 -
- 05W	33375	- 13 34375 - NWSE	35375 - 39	36375 -
- 05W	33376	- 13 34376 - SWSE	35376 - 37	36376 -
- 05W	33377	- 13 34377 - SESE	35377 - 40	36377 -
- 05W	33378	- 14 34378 - NENE	35378 - 37	36378 -
- 05W	33379	- 14 34379 - NWNE	35379 - 17	36379 -
- 05W	33380	- 14 34380 - SWNE	35380 - 18	36380 -
- 05W	33381	- 14 34381 - SENE	35381 - 40	36381 -
- 05W	33382	- 24 34382 - NENE	35382 - 27	36382 - 01
- 05W	33383	- 24 34383 - NWNE	35383 - 16	36383 - 02
- 05W	33384	- 24 34384 - NENW	35384 - 10	36384 - 03
- 04W	33385	- 06 34385 - NWNW	35385 - 02	36385 -
- 04W	33386	- 18 34386 - SENE	35386 - 38	36386 -
- 05W	33387	- 23 34387 - NWNW	35387 - 39	36387 -
- 05W	33388	- 04 34388 - SWSW	35388 - 34	36388 -

USE CODE / USE	TWN	RNG	SEC	TRACT	ACRES	LOT
30389 - 01 IRRIGATION	31389 - 10N	32389 - 05W	33389 - 36	34389 - NWSE	35389 - 37	36389 -
30390 - 01 IRRIGATION	31390 - 08N	32390 - 05W	33390 - 13	34390 - NENW	35390 - 15	36390 -
						TOTAL ACRES: 11008

PERIOD FROM	PERIOD TO	USE CODE / USE	WATER USE	DIVERSION RATE	DIVERSION VOLUME
37001 - 0315	38001 - 1115	39001 - 01 IRRIGATION	40001 -	60.000	41001 - 0.00
42 DECREE PLAINTIFF NAME -			43 DECREE DEFENDANT NAME -		

REMARKS
44001 - PAYETTE RIVER: LOT 7 (NESW) S7, T07N, R03W.
44002 - PAYETTE RIVER: LOT 3 (SENE) S7, T07N, R03W.
44003 - BIG WILLOW CK: SESE, S26, T08N, R04W.
44004 - BIG WILLOW CK: SWNW, S21, T08N, R04W.
44005 - THIS RT. WHEN COMBINED WITH RT. 65-2367 SHALL NOT EXCEED
44006 - 60 CFS.

APPROVAL CONDITIONS: 45001 -

46 OTHER RIGHTS FOR SAME USE - 65-0165X/0165A/0165B/0165C & 65-2376.

D A T E S		D A T E S		F L A G S	
47 PRIORITY	- 7-MAY-1945	55 LICENSE	-	63 TRANSFER/AMENDED	-
48 PROOF DUE	-	56 APPL RECEIVED	-	64 DLE/CAREY ACT	-
49 PROOF MADE	-	57 FIELD EXAM MADE	-	65 FLAG_1	-
50 APPROVE/DENIED	-	58 DECREE	-	66 FLAG_2	-
51 PROTESTED	-	59 START WORK	-	67 FLAG_3	-
52 HEARING	-	60 ORDER SHOW CAUSE	-		
53 VERIFIED	-	61 DATE_1	-		
54 LAST UPDATE	- 24-NOV-1986	62 DATE_2	-		

Verified
DL 12/09/86

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION

SCHEDULE, SPECIFICATIONS, AND DRAWINGS

EARTHWORK AND STRUCTURES
GRAVEYARD GULCH WASTEWAY
AND
LANGLEY GULCH WASTEWAY

PAYETTE DIVISION
BOISE PROJECT, IDAHO

Bids will be received at the office of the Bureau of Reclamation, Boise, Idaho, until
10 a. m., July 24, 1940.

CONTENTS

Schedule
Guaranty

SPECIFICATIONS

General conditions:

1. Bonds
2. Mongolian labor prohibited
3. Climatic conditions
4. Rights-of-way
5. Quantities and unit prices
6. Staking out work
7. Bench marks and survey stakes
8. Data to be furnished by contractor
9. Sanitation
10. Extras
11. Cleaning up
12. Failure of Congress to appropriate funds
13. Patents and/or copyrights
14. Protests
15. Accident prevention
16. Payments

Special conditions:

17. The requirement
18. Wage rates
19. Forty-hour week
20. Drawings
21. Commencement, prosecution, and completion of work
22. Liquidated damages
23. Materials furnished by the Government
24. Materials to be furnished by the contractor
25. Camp sites
26. Roads
27. Fences
28. Transmission, telegraph, and telephone lines
29. Construction under railroad tracks
30. Construction at existing canal, farm-ditch, pipe-line, and natural-drainage crossings
31. Removing existing structures

Earthwork:

32. Clearing
33. Grubbing

34. Classification
35. Blasting
36. Wasteway sections
37. Preparation of surfaces under embankments
38. Construction of embankments
39. Compacting embankments
40. Disposal of materials
41. Borrow pits
42. Overhaul
43. Excavation of temporary roadways at bridges and other road crossings
44. Earthwork at structure sites

Structures:

45. Construction of structures
46. Excavation for structures
47. Backfill
48. Compacting backfill
49. Dry-rock paving
50. Driving timber piles
51. Erecting timber in structures
52. Laying corrugated metal pipe
53. Erecting metal flumes
54. Installing miscellaneous metalwork
55. Weights of metal parts

Concrete:

56. Composition
57. Cement
58. Admixtures
59. Sand and broken rock or gravel
60. Water
61. Mixing
62. Temperature of concrete
63. Forms
64. Placing
65. Finishing
66. Curing and protection
67. Damaged or defective concrete
68. Reinforcement bars
69. Measurement of concrete
70. Payment