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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 65-12279
(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

DEPARTMENT OF WATER RESOURCES
TWIN FALLS 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).

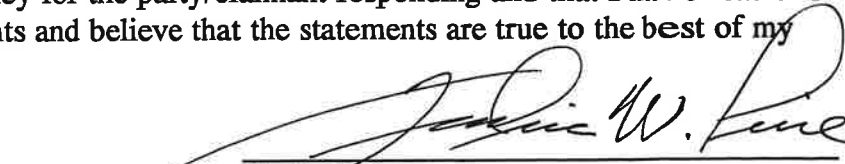
E.

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)

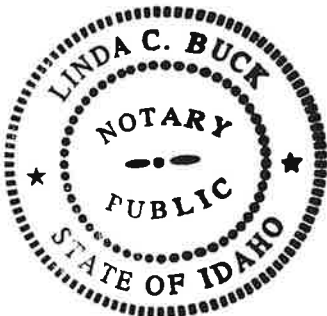
That I am the party/claimant filing this response as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant responding and that I have read this response, know its contents and believe that the statements are true to the best of my knowledge.


(Signature of person filing response)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: March 22, 2002

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



INSTRUCTIONS FOR MAILING

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

F.

CERTIFICATE OF MAILING

I certify that on 3-22, 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:

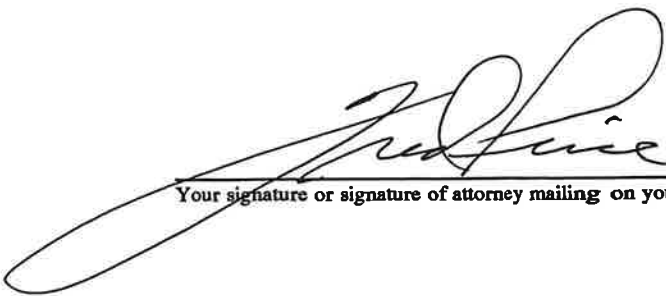
George E. and Cheryl F. Colwell
3990 Highway 52
Payette, Idaho 83661

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

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

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

CIVIL CASE NUMBER: 39576

Ident. Number 65-12279

Date Received

Receipt Number

6127101

W027961

RECEIVED

JUN 27 2001

WATER RESOURCES
WESTERN REGION

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Lower Payette Ditch Company Phone (208) 642-9424

Mailing Address 102 Main Street, Payette, Idaho Zip 83661

2. Date of Priority (Only one (1) per claim) April 7, 1980

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

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

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

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

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

Govt. Lot B.M., County of

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

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

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

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For irrigation purposes from 3/15 to 11/15 amount 3.02 or 2857.5

For purposes from to amount or

For purposes from to amount or

For purposes from to amount or

7. Total quantity claimed (a) 3.02 (cfs) and/or (b) 2857.5 (acre feet)

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

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

10. Description of place of use:

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

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

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
			Lands within the boundaries of the Lower Payette Ditch Company																

Total number of acres irrigated 13,688

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

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

13. Describe any other water rights used at the same place and for the same purposes as described above.
65-00165A/B/C/X, 65-07425, 65-07428, 65-07848, 65-07882, 65-07885, 65-11413 or None (☐)

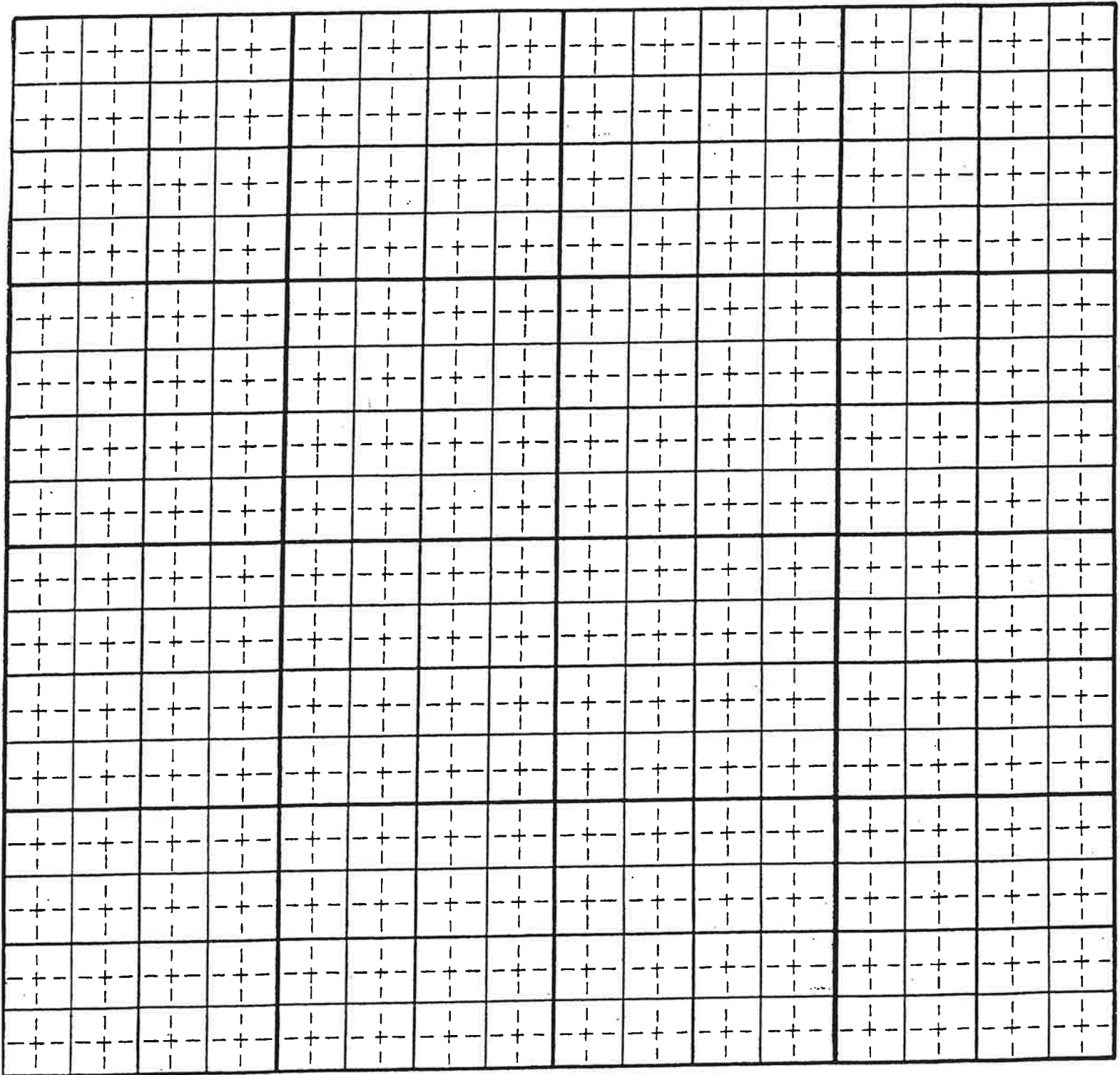
14. Remarks: Lower Payette Ditch Company provides water delivery to the privately owned lands within its service area.

Last Name Lower Payette Ditch Co. Ident No. 65-12279

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

Scale: 2 inches equals 1 mile

Please see Attachment "B"



Last Name Lower Payette Ditch Co.

Ident No. 65-12279

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License ☒ Permit _____
Decree _____
If applicable provide IDWR Water Right Number 65-12279
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

16. Signature (s)

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

Number of attachments 3

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

Signature of Claimant (s) _____ Date _____

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am President

Title

of Lower Payette Ditch Company, that I have signed the foregoing

Organization

document in the space below as President

Title

of Lower Payette Ditch Company

Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent [Signature]

Title and Organization President, Lower Payette Ditch Company

Date 6/27/01

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

Subscribed and sworn (or affirmed) before me this 27th day of June 19 2001

Notary Public Helen L. Bruns

Residing at Payette, Id

My Commission Expires 12/21/06

Please Print Name Helen L. Bruns

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

Signature [Signature]

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

Date 6/27/2001

Last Name Lower Payette Ditch Co. Ident. Number 65-12279

ATTACHMENT "A"

4. Additional points of diversion, if any:

Twonship 7N, Range 3W, Section 7, SE SW

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

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

GEM CO



65-12279

ATTACHMENT "C"

Board of Directors of Lower Payette Ditch Company

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

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

Jim Robertson
PO Box 105
Payette, ID 83661

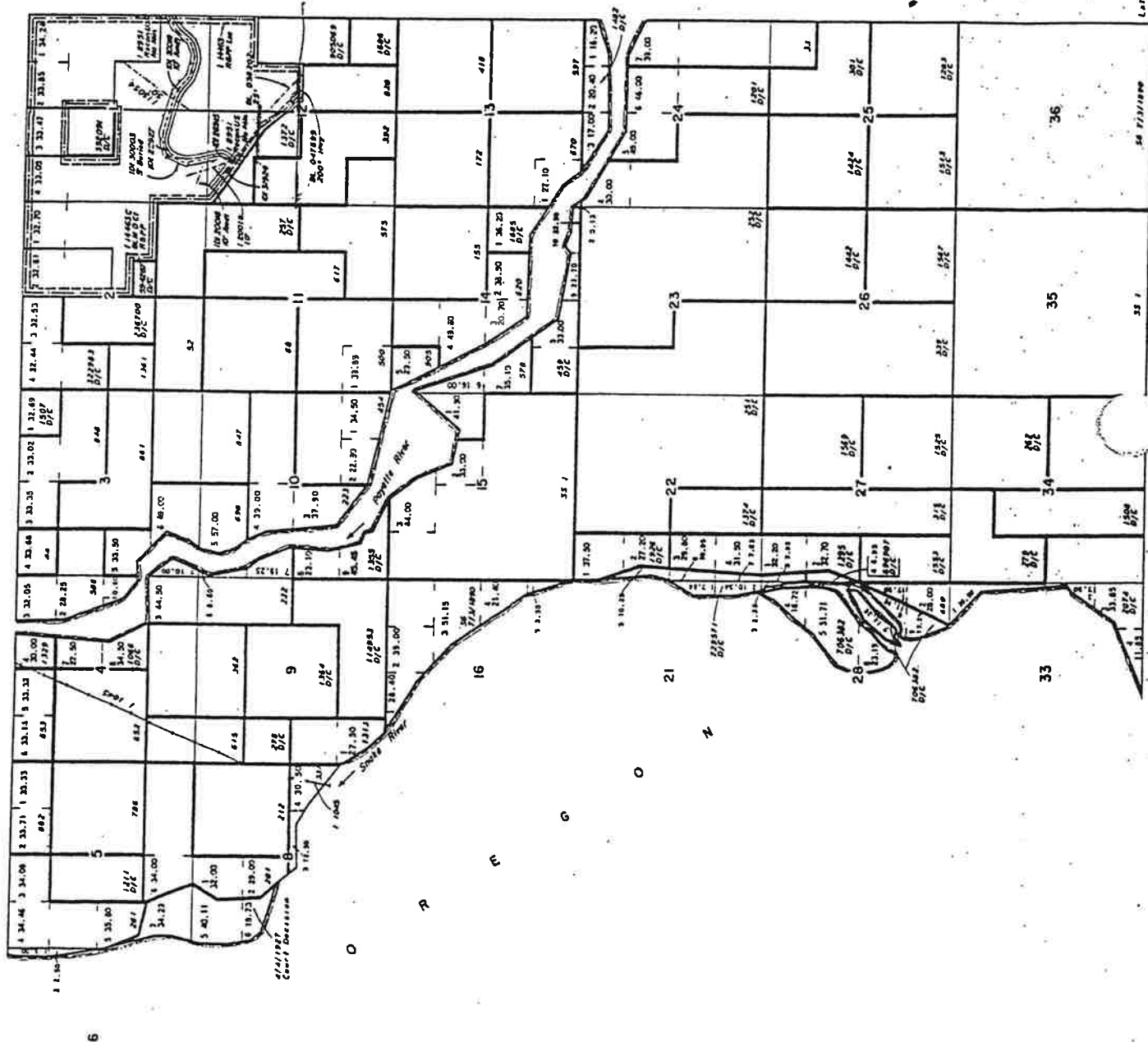
Chuck Pollock
177 Hill Road
Weiser, ID 83672

Bill Peutz
10495 N. Iowa Avenue
Payette, ID 83661

PAYETTE COUNTY 075
BOISE DISTRICT SEC 3

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

MT PLAT

[illegible]

SCALE IN CHINA

Lat. 43°59' N
Long. 115°52' W

INTERPOL'S OFFICE IN

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

CURRENT TO	CURRENT TO
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1997-98

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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. 65-12279
	)	
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) 424-7800

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

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

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ Name and Address Should be:

2. ☐ Source Should be:

3. ☐ Quantity Should be:

4. ☐ Priority Date Should be:

5. ☐ Point(s) of Diversion Should be:

6. ☐ Instream Flow Description Should be:

7. ☐ Purpose(s) of Use Should be:

8. ☐ Period of Year Should be:

9. ☒ Place of Use Should be: Place of use for all the Colwells' shares should be included.

11. I object because:

☐ This water right should not exist.

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

E. REASONS SUPPORTING OBJECTION(S): IDWR's Lower Pavette Ditch Company

service area map dated April 9, 2001 omits portions of the place of use for the Colwells' shares.

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: 2-03-03

INSTRUCTIONS FOR MAILING

You must mail the objection, 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.

G. CERTIFICATE OF MAILING

I certify that on January 18, 2002, I filed the original with the SRBA Court and mailed copies of this Objection, including all attachments, to the following:

1. Original to:

Clerk of the District Court (via Hand Delivery)
Snake River Basin Adjudication
253 Third Avenue North
P.O. 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

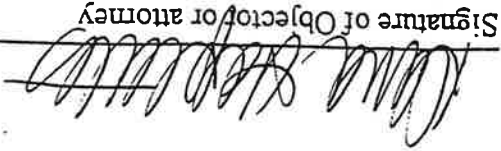
3. Copies to:

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

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P. O. Box 4449
Boise, ID 83711-4449

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

Signature of Objector or attorney
mailing on Objector's behalf



06/29/2001

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

RIGHT NUMBER: 65-12279

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

SOURCE: GRAVEYARD GULCH WASTEWAY TRIBUTARY: PAYETTE RIVER

QUANTITY: 3.02 CFS
2857.5 AFY

USE OF THIS RIGHT WITH RIGHT NOS. 65-7882, 65-11413 & 65-7885 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 93.02 CFS.

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

PRIORITY DATE: 04/07/1980

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	3.02 CFS
		2,857.50 AFY

PLACE OF USE:

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

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Water Right Number - 65-12279

Prefix Translation:

WATER RIGHT

Old (D) Number -

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

1 - 114 N. 8TH ST.

2 - City- PAYETTE
3 - phone -

+ - - Priority Date - -
04/07/1980+ - - Region - - +
14 WESTERN

Stage - - - +
L - LICENSE

```
+ - - - Status - -
```

-- Source -- -- -- -- --
GRAVEYARD GULCH WASTEWAY

- - Tributary
PAYETTE RIVER

[illegible]

SEE
POINTS
OF DIVERSION
map
IN 165X

07N	03W	7	SE SW	(75)	PAYETTE
		19	NW SE <td>(75) <td>PAYETTE</td> </td>	(75) <td>PAYETTE</td>	PAYETTE
		7	SE NW	(75) <td>PAYETTE</td>	PAYETTE
				R	

ADD PER CLARIFICATION
ALSO FURTHER
CLARIFICATIONS
ADDED OF 2ND
SECTION & CLAIMED -

+ + + + + Water Use

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
01 - IRRIGATION		03/15	11/15	3.020	2857.50

912

+ - Total Div. Rate	- +	+ - Total Div. Volume	- +	+ - Total Div. Capacity	- +	+ - Total Consumptive Use	- +	+ - KW Usage
3.020		2857.50		93.020		0.0		

Twn	Rng	Sec	Tract	Lot	Acres	Place of Use	Description	County
+	-	-	-	-	-	-	-	-

(I) TON R4W S26
Lot 10 SESE

+ - - Non-Irrigation Use -

(F) T7N R3W S07
Lot 7 NE1/4

GEN place of use within boundaries of Lower Payette Ditch Co.

(R) T9N R4W S21
Lot 5 SW 1/4

R32 - This right when combined with all other rights - more than .02 cfs per acre nor more than 4.00 cfs of irrigation of the lands above.

an 4.5 afa per acre for

DIVERSIONS -

(CLARIFIED TO WATCH STIPULATION)

PPON SYSTEM

SEE FILE
65-11413 →

Stipulations
IDENTIFIED
POINTS OF DIS
INFECTION

→ PID'S SAME AS 65-11413
SEE MAPS IN THAT FILE
REDIVISIONS

Water right number - 65-07885

Prefix Translation:

WATER RIGHT

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

- - - Diversion Means -

- - - Non-Irrigation Use -

- - - Other Rights for Same Use -

- - - Remarks -

GEN

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

Rights 65-07882, 65-11413, 65-12279 and 65-07885 when combined shall not exceed a total diversion rate of 93.02 cfs.

Rights 65-07882, 65-11413, and 65-12279 are also diverted through the points of diversion described above. Water diverted under this right is injected into the Payette River and is rediverted from Graveyard Gulch Wasteway within Gov. Lot 3 (SESENW), Sec. 07, T07N, R03W.

QNT Rmk E25
QNT Rmk F01

- - - Old Water Right Numbers -
No Old Water Right Numbers found.

- - - Conditions of Approval -

- R04 - Use of water under this water right will be regulated by the watermaster of State Water District No. 65.
- R65 - This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
- R43 - The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a

ADD to claim 7mk5
SINCE 150W RECOR
CLAIM 7885...



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 7, 2001

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

Dear Scott:

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

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

My analysis of these two new claimed rights:

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

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

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

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

NOTE:

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

FILING FEES:

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

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

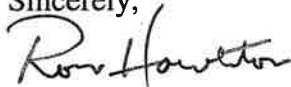
FEE TABLE

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

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

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

Sincerely,



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

CC:

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

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

Agent review by: Ron Howerton

Date of Review: 6/29/01

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

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

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

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

Claim to right 65-7885:

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

Claim to right 65-12279:

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

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

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

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

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

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

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

LOWER PAYETTE DITCH COMPANY RIGHTS

ACRE ANALYSIS BY: RON HOWERTON

DATE: 12/14/00

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

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

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

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

* Amended total acres by stipulation dated 21 April 1987.

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

*** Post PRBA licensed rights

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

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

RECEIVED
AUG 20 2001
WATER RESOURCES
WESTERN REGION

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

August 17, 2001

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

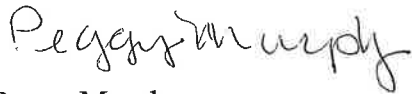
RE: *Lower Payette Ditch Company FILING FEES for claims 65-7885 & 65-12279*

Dear Mr. Howerton,

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

Please contact me if you have any questions.

Respectfully,



Peggy Murphy
Secretary

Cc: Scott Campbell

W028203  8/20/01 \$983 -

Idaho Department of Water Resources Receipt

Receipt ID W028203

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

Payer LOWER PAYETTE DITCH COMPANY

Comment 65-7885 & 65-12279 Additional filing fees

Fee Detail

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



Signature Line (Dept. Representative)

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

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

TELEPHONE
208-343-5454

FACSIMILE
208-384-5844

June 27, 2001

VIA HAND-DELIVERY

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

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

Dear Ron:

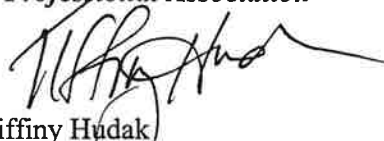
Enclosed for filing please find the original and one copy of a Notice of Claim to a Water Right for 65-12279 and for 65-07885. Also enclosed is an additional copy of each of the Notice of Claim forms. Please receive-stamp the additional copies and return them to this office in the enclosed self-addressed,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

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

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

Very truly yours,

ELAM & BURKE
A Professional Association


Tiffiny Hudak
Paralegal

th:lsn

Encl.

cc: Client (w/o encl.)

CONVERSATION MEMORANDUM



SUBJECT LOWER PAYETTE Ditch CO NOE
TO: CON with Scott Campbell, Tiffiny
Claim/WR # GARRICK BAXTOR & MYSELF - PER PHONE
Agent: Ren 1:30 PM
Date: 6-20-01

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

REMARKS
65-07425 & 65-07885

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

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

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

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

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

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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

1. Owner: Lower Payette Ditch Company Permit No. 65-12279
Current Address: 828 Center Ave. Payette ID 83661 Phone No. 642-3866
2. Accompanied by: John Hanson EXAM. DATE: 10/10/85
Address: _____ Phone No. VT 9-87
Relationship to Permit Holder: Ditch rider

3. Source: Main Drain District No. One tributary to Payette River
Graveyard Gulch Wasteway trib. to Main Drain, District No. One

B. OVERLAP REVIEW

1. Other water rights with same place of use: 65-0165 A/B/C/X, 65-7428, 65-7882, 65-7848, 65-2376, 65-11314 & 65-12756 ☐ Copies Attached
2. Other water rights with same point of diversion: 65-2376, 65-11314, 65-7885, 65-7882 ☐ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. Diversion System Diagram: Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☒ Alternative diagram attached USGS Quad

Scale: 1" = _____

2. ☒ Copy of U.S.G.S. Quadrangle Attached
Showing location(s) of point(s) of diversion and ☒ Aerial Photo Attached (part)
place(s) of use (required). (required for irrigation of 10 acres or more).
☐ Photo of Diversion and System Attached See Lower Payette Ditch Co. Objection File (Adj.)
(required for all but single household domestic groundwater, and stockwater)

System Description (continued)

3. Narrative: Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)

☐ See Remarks on page 4 for continuation

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	Gravity				

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

5. Point(s) of Diversion:

Ident. No.	Gov't. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
			NE	SE	19	7N	3W	Payette	
			SE	SW	7	7N	3W	Payette	
3			SE	NW	7	7N	3W	Payette	Rediversion
7			NE	SW	7	7N	3W	Payette	Injection - Payette River

6. Place(s) of Use:

Indicate Method of Determination *Adjudication & Aerials*

Twp.	Rge.	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	
e Exam 5-7428	8N	3W	19	10	33	24	6	4	2	5	26	16	23	16					159
			30										12	16					28
e Exam 5-7848 12756	8N	4W	24												21	21	39		81
			25							11			25	36	5	40	31		148
tached	10N	5W	13													40	40		80
			24		40	40										36	17		133
	9N	5W	35			4	2												6

635

Do not use this space

D. FLOW MEASUREMENTS

☒ Additional Data Sheets Attached

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
AA Flow Meter						

2. Measurements:

E. FLOW CALCULATIONS

☒ Additional Computation Sheets Attached

1. Measured Method:

93.02

2. Alternate Method for Checking Purposes:

F. PUMP EFFICIENCY DATA (Optional)

Discharge Pressure: _____ psi x 2.31 = _____ ft (1); Dynamic pumping level: _____ ft (2)

Total Head: (1) + (2) = _____ (3)

: Flow rate: _____ cfs (4)

Water HP: (3) x (4) ÷ 8.8 = _____ (5)

Meter Input KW: 3.6 x _____ KH x _____ CTR or _____ MULT x _____ PTR x _____ N/ _____ T = _____ (6)

Meter Input HP: (6) x 1.34 = _____ (7)

Panel Input KW: _____ Ave PF x _____ Ave Volts x _____ Ave Amps x .001732 = _____ (6)

Panel Input HP: (6) x 1.34 = _____ (7) Efficiency: (5)/(7) x 100 = _____ %

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 635 \times 4.5 = 2857.5$

$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 93.02 \times 245 \times K = 45203.8$

$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = V_{I.R.} = 2857.5$

2. Volume Calculations for Other Uses:

H. REMARKS AND OVERLAP REVIEW ANALYSIS

This right caps the current uses of supplemental rights from these sources. 65-2376 & 65-11413 combined are using 60 cfs. 65-7882 takes advantage of the added diversion capacity for Company lands (11,008 acres). This final right that has had proof submitted utilizes the final 3.02 cfs for 635 acres within the Company that did not formerly have these sources described for them.

I. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Irrigation	3-15	11-15	3.02	~~1467.5~~ 2857.5
Totals:			3.02	~~1467.5~~ 2857.5

2. Recommended Amendments

☐ Change P.D. as reflected above

☐ Add P.D. as reflected above

☒ None

☒ Change P.U. as reflected above

☐ Add P.U. as reflected above

☐ Other

J. AUTHENTICATION

Field Examiner's Name

D. ShaFF

Signature

[Signature]

Certification Date

Field Report Preparation Date

8/04/1986

CONSULTANT SEAL

K. Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR AMENDMENT OF PERMIT

To change the point of diversion and/or the place of use,
and/or source.RECEIVED
MAR 6 1981
Department of Water Resources
Western Regional Office

Comes now Lower Payette Ditch Company
of (address) 114 N. 8th, Payette, ID 83661, and represents to the
Director of the Idaho Department of Water Resources:

That he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho
No. 65-12279, and requests that the permit and permit map be changed as follows:

1. Point of diversion: No change 1/4 1/4 Section , Township , Range , B.M.,
County of . Other points of diversion:

2. Period and nature of use: (irrigation, domestic, stockwatering, industrial, etc.)

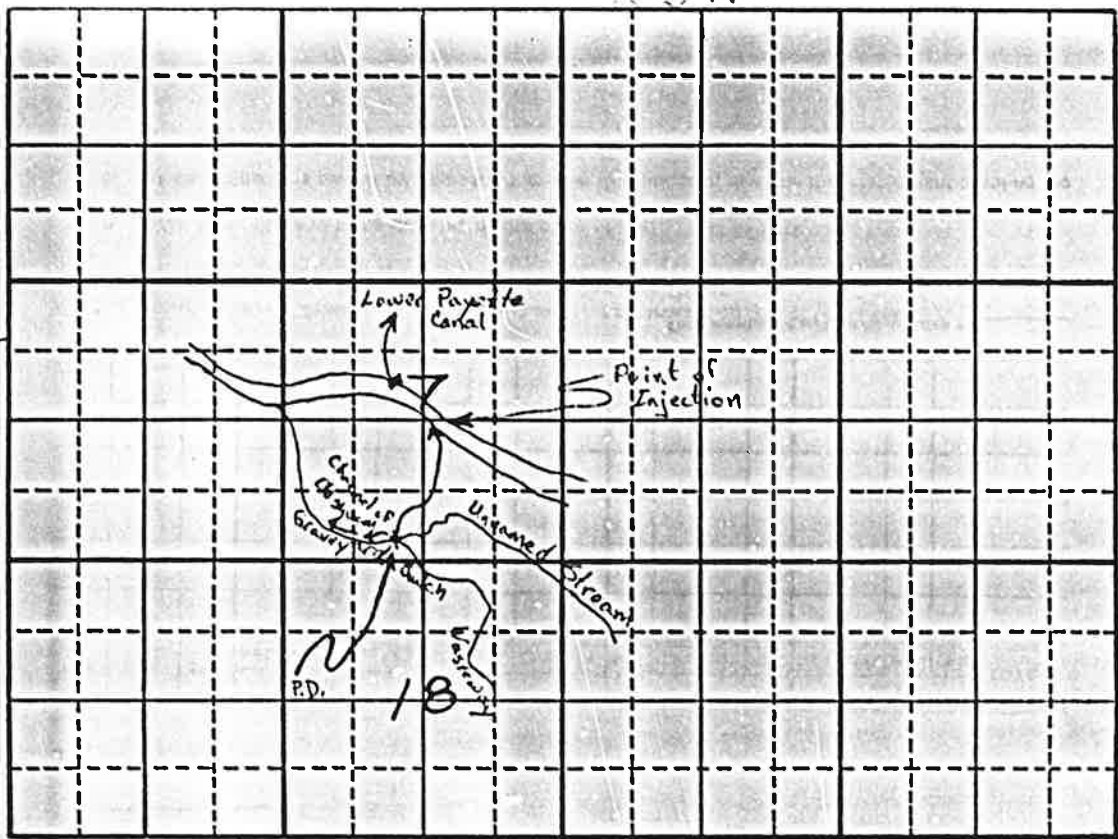
No change
Amount for purposes from to (both dates inclusive)
(cfs or acre feet per annum)
Amount for purposes from to (both dates inclusive)
(cfs or acre feet per annum)
Amount for purposes from to (both dates inclusive)
(cfs or acre feet per annum)
Amount for purposes from to (both dates inclusive)
(cfs or acre feet per annum)

3. Place of use or land to be irrigated: No change

TWP	RGE	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	

4. Source of water: Graveyard Gulch Wasteway, tributary to Payette River
and Unnamed stream, tributary to Payette River
Total number of acres to be irrigated =
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:

T
7
N



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 Bozette, Idaho, this 4th day of MARCH, 19 80.
James Payette Nitish Co
(Signature) by J. H. Dwyer

FOR DEPARTMENT USE ONLY

Preliminary check by 2000 Fee = \$20.00 # 15368 Received by KK Date 3/10/80
Publication prepared by KK Date 3/13/80 Published in Independent-Enterprise
Publication dates 3/20, 3/27/80

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

I, L. GLEN SAXTON, Chief, Operations Bureau, of the Department of Water Resources hereby
APPROVE the above referenced Amendment for Permit No. 65-12279

Witness my hand this 23rd day of May, 19 80.
L. Glen Saxton
Chief, Operations Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

To appropriate the public waters of the State of Idaho

1. Name of applicant LOWER PAYETTE DITCH COMPANY Phone 642-2441

Post office address 114 N. 8th Payette, ID 83661

2. Source of water supply Graveyard Gulch Wasteway which is a tributary of Payette River

3. Location of point of diversion is SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 7 Township 7N

Range 3W B.M. Payette County, additional points of diversion if any: _____

Point of injection into Payette River: Lot 7, S7 T7N R3W.

Point of redirection from Payette River: Lot 3, S7 T7N R3W.

4. Water will be used for the following purposes:

Amount 60 for Irrigation purposes from Mar. 15 to Nov. 15 (both dates inclusive)
(cfs or acre-feet per annum)

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

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

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

5. Total quantity to be appropriated:

a. 60 cubic feet per second and/or _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Diversion dam, pipeline to unnamed stream, injection into Payette River, redirection through Lower Payette Company system.

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

Period of year when water will be diverted to storage _____ to _____ inclusive.
(Month/Day) (Month/Day)

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

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 years (minimum 1 year — maximum 5 years).

8. Description of proposed uses:

a. If water is not for irrigation:

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

(2) Amount of power to be generated: _____ horsepower under _____ feet of head.

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

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

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

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

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	
																			* 13,688
			See Attached List A Plus																
9N	5W	35			10	4													14
10N	5W	13														40	40		80
		24		40	40											40	25		145
		25		5															5

* Adjustment to show total - Total number of acres to be irrigated * 13,932
acres irrigated under this permit 12-21-79 J.J.

c. Describe any other water rights used for the same purposes as described above. 65-0165X, A, B, C,

65-7425, 65-7428, 65-7848, 65-7885, 65-7882

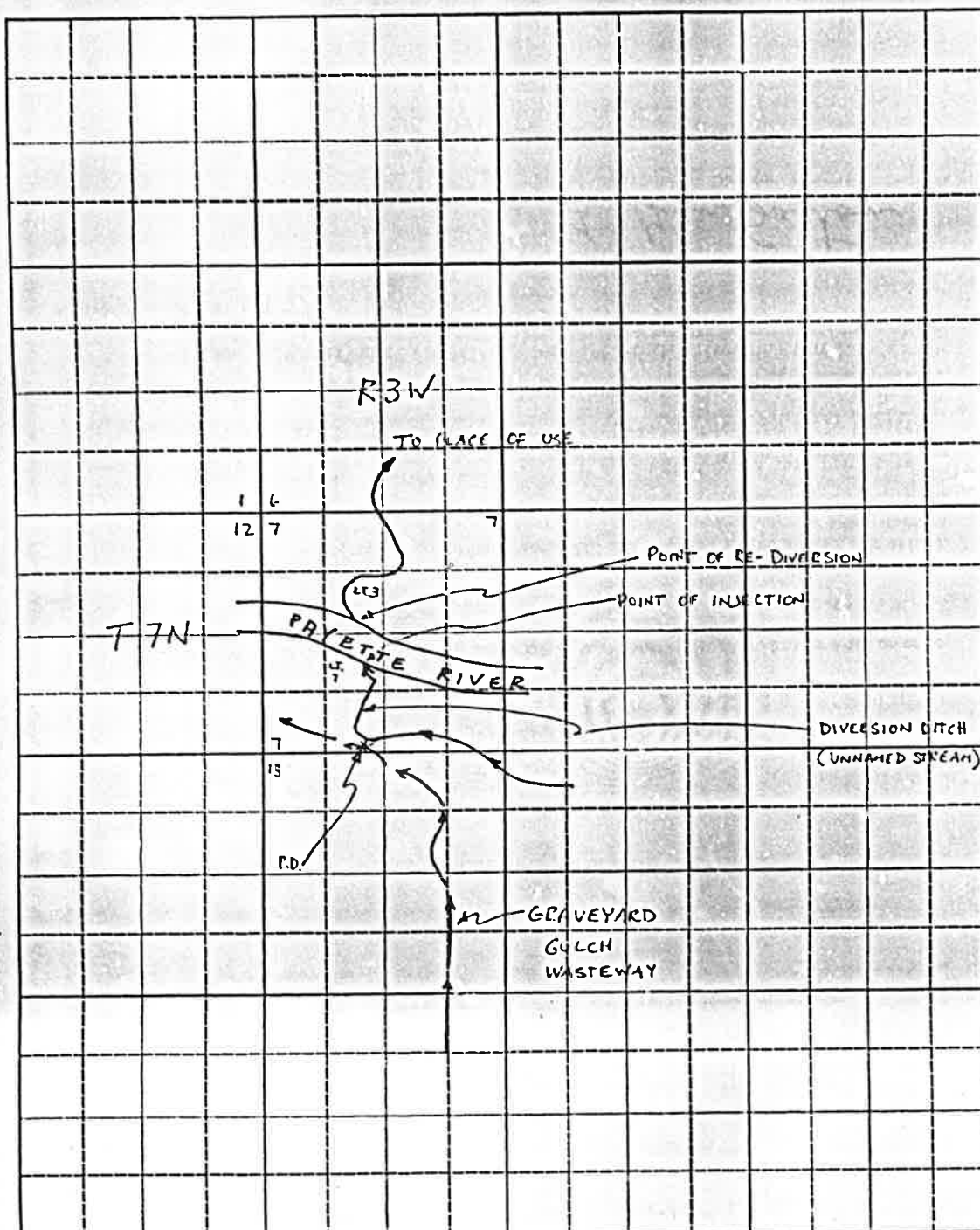
9. a. Who owns the property at the point of diversion Reed Henderson

b. Who owns the land to be irrigated or 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

10. Remarks This water is supplemental to previous rights.

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



Scale: 2 inches equal 1 mile.

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

Lewis Payette Ditch Co. by J. H. Irvine
(Applicant) *J. H. Irvine*

Proposed Priority 10/11/79 ^{3/6/80} (see amendment dated this date)
Received by ELW Date 10/11/79 Time 10:40
Preliminary check by _____ Fee \$ 425.00 # 14570
Received by KK Date 11/15/79
Publication prepared by kk Date 10/18/79
Published in Independent Enterprise
Publication dates 10/26 & 11/1/79 11/22 + 11/29
Publication approved KK Date 12/10/79
Protests filed by: _____

Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial by DGS Jim

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

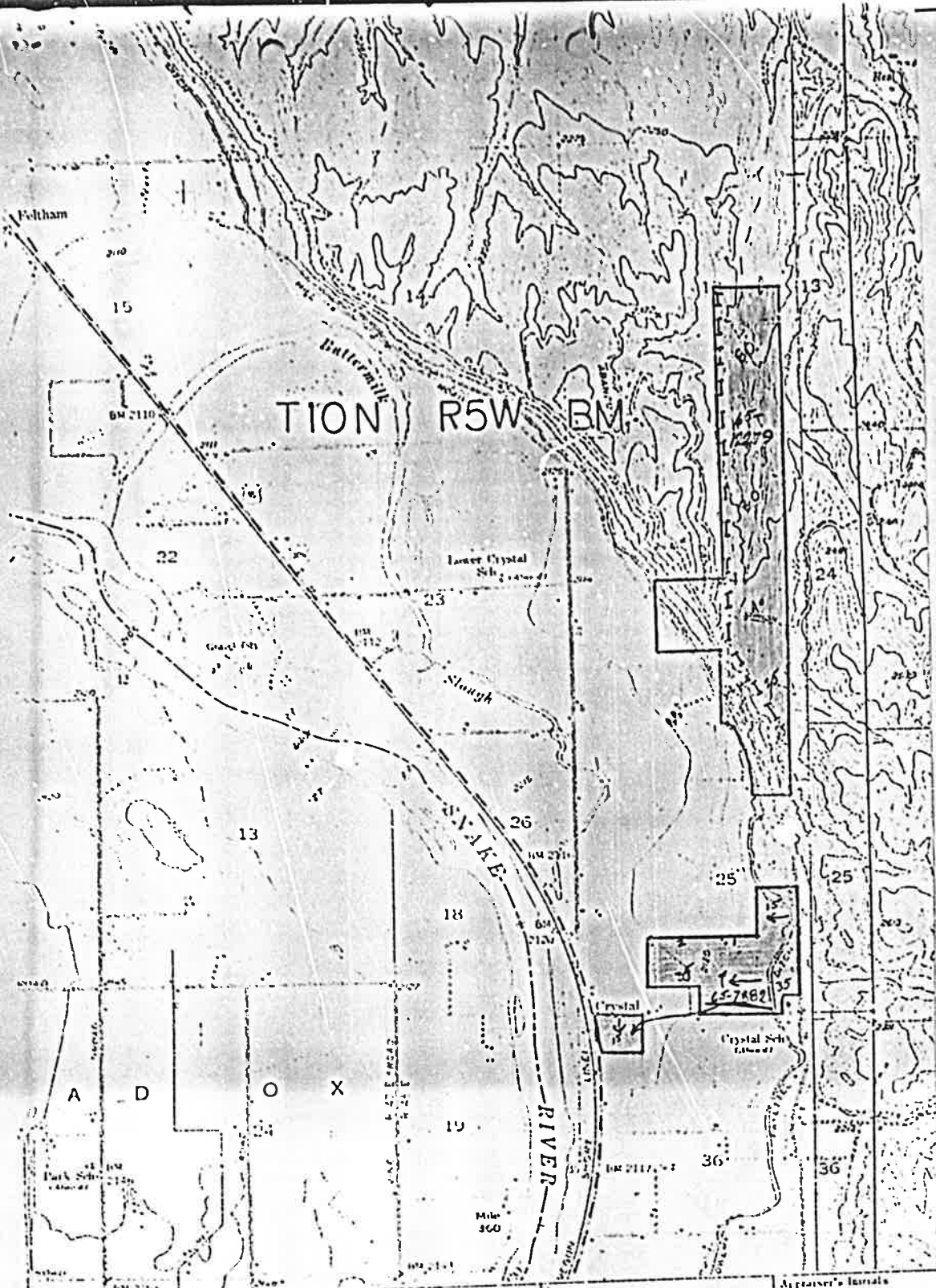
This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 65-12279, and said application is hereby approved.

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

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before December 1, 19 84.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. Other: (1) The issuance of this permit in no way grants any right-of-way or easement across the land of another. (2) Use of water under this permit is subject to control by the watermaster of State Water District # 65, Payette River. (3) A measuring device of a type approved by the Department shall be permanently installed and maintained as part of the diverting works.

Witness my hand this 21st day of December, 19 79.

L. Glen Saxton
Chief, Operations Bureau



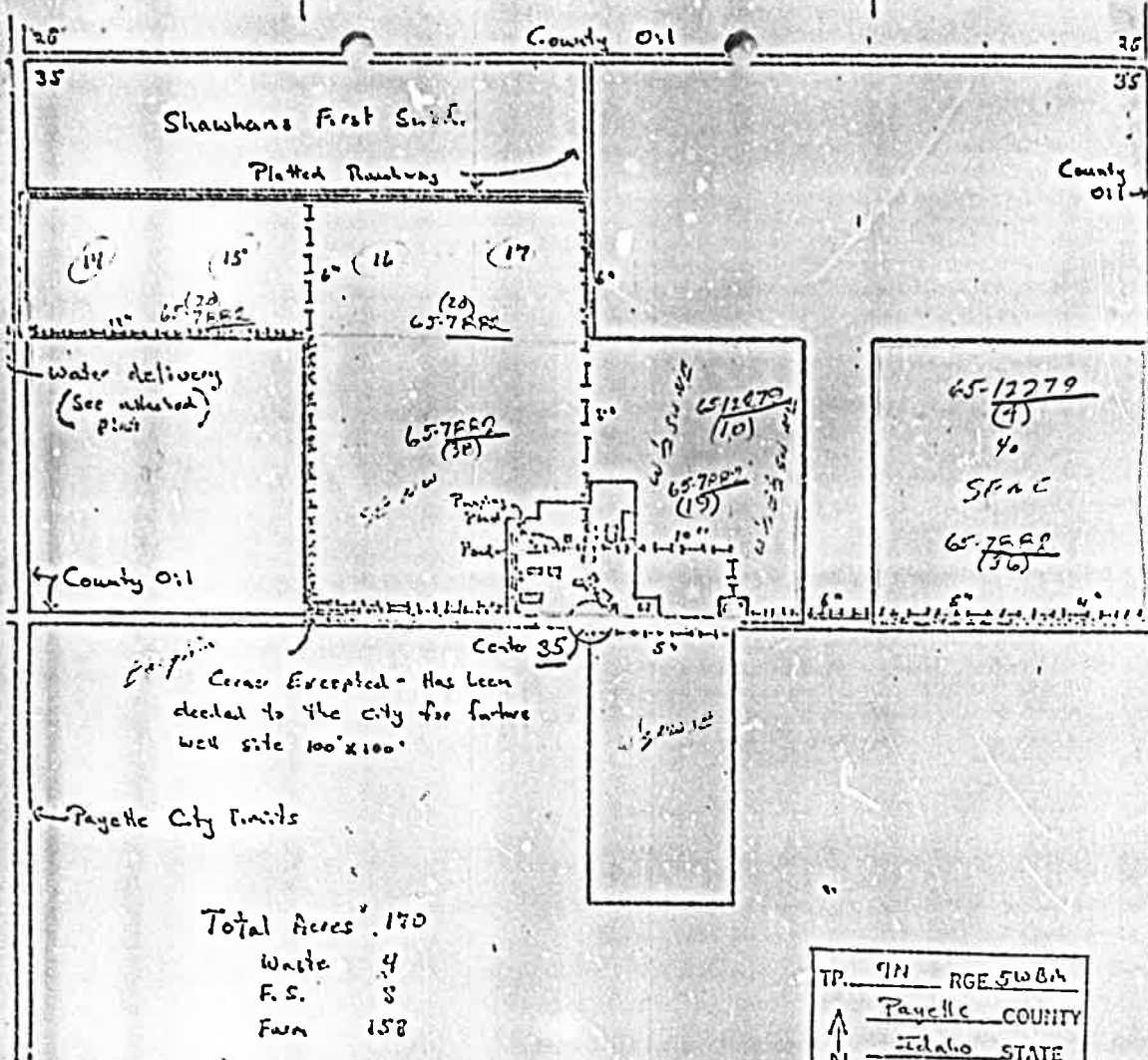
Applicant	James R. Cahill, Jr.	Acres	400	Appraiser's Initials	LL
State	Idaho	County	Washington	Date	6 December 1978
				Scale	

LEGEND

Yellow - Cult. Land & For. Pasture
 Green - Woods and Timber (1/2 in.)
 Blue - Native Hay
 Brown - Permanent Pasture
 Orange - Groves, Orchards & Vineyards
 Buildings
 Dashed line - River, Stream, etc. (1/2 in.)
 Dotted line - Road (1/2 in.)
 Solid line - Barbed Fence
 Wavy line - Well and windmill
 Wavy line with circle - Drainage Pump
 Wavy line with cross - Drainage Ditch
 80 - Irrigation Wells
 1/2 in. - 1/2 in. - Concrete Irrigation Canals
 1/2 in. - 1/2 in. - Ditch Irrigation Ditches
 1/2 in. - 1/2 in. - Underground Irrigation Pipe
 1/2 in. - 1/2 in. - Railroad
 1/2 in. - 1/2 in. - Levee

Other - Designate other features, i.e. ages of trees & vines by blocks, soil bank land, machine leveled land, water tank, wind machines, power lines, telephone lines, etc.

FARM PLOT - CONNECT OF GENERAL L.H. INSURANCE COMPANY



L. L. Lark Farm, Corp.
Rt. 1 Payette

NOTICE OF CORRECTION

Notice is hereby given that notice of Application for Permit No. 65-12279 in the name of Lower Payette Ditch Company was published in error on October 25 and November 1, 1979.

The point of redirection was advertised as being within Lot 3, Sec. 07, T03N, Payette County. WHEREAS, the actual point of redirection is within Lot 3, Sec. 07, T07N, R03W, Payette County.

Any protest against approval of this application must be filed with the Director of the Idaho Department of Water Resources, 92 South Cole Road, Boise, Idaho 83709 on or before December 10, 1979.

C. STEPHEN ALLRED
Director

Published in the Independent-Enterprise on 11/22 and 11/29/79.

65-12279

LOWER PAYETTE DITCH COMPANY

114 N. 8TH, PAYETTE, ID 83661

Source: GRAVEYARD GULCH WASTEWAY tributary to PAYETTE RIVER

Date Filed: 10/11/1979

Amount: 60.00 CFS

Diversion Point: SESW Sec 07 T 07N R 03W LOT 03
Sec 07 T 07N R 03W (REDIVERSI, PAYETTE Co.

Use: IRRIGATION (60.00 CFS) from 03/15 to 11/15

Place of Use: SWNE SENE Sec 35 T 09N R 05W NWSE SWSE Sec 13 T 10N R 05W NWNE
SWNE NWSE SWSE Sec 24 T 10N R 05W NWNE Sec 25 T 10N R 05W

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 65-12279 IN THE
NAME OF LOWER PAYETTE DITCH COMPANY

)
) ORDER OF REINSTATEMENT
)

WHEREAS, the Department has issued the above-captioned permit with the condition that proof of construction of works and application of water to beneficial use be submitted on or before December 1, 1984; and,

WHEREAS, the Department has notified the permit holder by certified mail that proof was due and instructed the permit holder as to the steps to be taken to make said proof; and

WHEREAS the Department has notified the permit holder that the permit has lapsed for failure of the permit holder to submit proof of beneficial use; and,

WHEREAS, Section 42-218a of the Idaho Code provides that a permit may be reinstated upon a showing of reasonable cause within sixty days of the date of the notice of lapsing; and,

WHEREAS, the permit holder has provided a reasonable showing as to why said permit should be reinstated by

To be finalized on IDWR letterhead

Draft for Discussion: March 15, 1996
(Final to be prepared after meeting on March 18, 1996)

Note: This draft is being circulated to members of the Water District No. 65 Advisory Board for review prior to the meeting, with the request that input for proposed corrections be provided at the meeting.

Mr. Mark Limbaugh, Watermaster
Water District No. 65
102 N. Main Street
Payette, ID 83661

RE: Exchange Agreement Between Lower Payette Ditch Company and Lake Reservoir Company

Dear Mark:

During the August 28, 1995, meeting of the Water District No. 65 Advisory Board, I agreed to review the issue of the water exchange between Lake Reservoir Company and Lower Payette Ditch Company relative to the diversion of the Graveyard Gulch Wasteway. I subsequently reviewed the issue and provided an oral report at the September 25, 1995, meeting. The minutes for this eventful meeting were discussed at the meeting held on November 13, 1995. The minutes were well prepared, but due to the complexity of this particular issue, it appeared that augmentation of the minutes via a letter would be appropriate. The purpose of this letter is to provide documentation to augment the minutes of the meeting.

Minutes of September 25, 1995 Meeting of the Advisory Board

The minutes of the meeting state in pertinent part as follows:

A question regarding Lower Payette Ditch Company and Lake Reservoir. Under what circumstances does Lake Reservoir Company have the opportunity to exercise an agreement where Drainage District #1 serves Lower Payette in exchange for Lake Reservoir water? From the Lake Reservoir minutes of July 14, 1980, and a Memorandum Agreement of September 10, 1980; It is agreed that the board does reaffirm an agreement between Lake Reservoir and Lower Payette that when the river flow is not adequate and Lower Payette has to draw on their storage, Lower Payette may in lieu there of, divert water from Canyon County Drain #1. It also states that Lower Payette does not relinquish any rights to its share of storage rights in the Lakes. Lower

Payette can implement this any time the natural flow is not adequate. Dave [Tuthill] stated that Lower Payette should be able to market its water in Lake Reservoir Company in any year as an alternative method of using that water. Lake Reservoir is clearly not required to take water from D.D. #1 based on this decree. Lake Reservoir filed on the first 60 sec. feet of D.D. #1. To the extent that water is used, the first 60 sec feet goes to Lower Payette. Maintenance is reimbursed to Lower Payette by Lake Reservoir. The point was reemphasized that it is not when the drain is diverted, but when the natural flow for Lower Payette is not available. Lower Payette receives whatever is in the lower reach and whatever water right might be on upstream and in that case, natural flow could be sent past Letha.

Cecil [Shurtleff] commented that when this was written, no one could have envisioned that if the water flow in the river was not enough for Lower Payette, it wasn't due to drought. Now, the way the river is regulated, it is an artificial drought each year. Dave commented that could be determined by looking at the cutoff dates. Lower Payette has rights prior to 1900. Lower Payette has always been willing to share their Lake water with other companies in a short year -- but when there is ample water, he [Cecil Shurtleff] feels it is unfair for Lower Payette to give up their water. The way the contract is written, that is unnecessary.

Memorandum Agreement

Enclosed please find a copy of the Memorandum Agreement dated September 10, 1980, to which the minutes refer. The principle provisions of the agreement are as follows:

1. Lake Reservoir Company, Inc. (Lake Reservoir) is the sole owner of the irrigation diversion ditch and structures directly connected with the diversion of said waters to Lower Payette Ditch Company (Lower Payette).
2. Lower Payette supervises, operates, maintains, repairs, and reconstructs structures associated with diversions from Drainage Ditch No. 1. Costs are paid by Lower Payette and are reimbursed by Lake Reservoir.
3. Lower Payette shall notify Lake Reservoir prior to implementing diversion of water under this agreement.

4. **When the river flow is not adequate, and Lower Payette needs to draw on the storage water in the lakes**, Lower Payette may in lieu thereof, divert water from Canyon County Drainage Diversion No. 1, and in exchange, will allow their storage water in the lakes to be divided among the other stockholders, in an amount equivalent to that amount of water diverted from Canyon D.D. No. 1, up to a maximum of 60 second feet, as allowed by water license No. 17670. (emphasis added)

Water Rights

Water rights in the files of the department, with point of diversion related to this issue, are described below. Computer report representations (profile reports) of these rights are enclosed. All of these water rights have been claimed in the Snake River Basin Adjudication for the same rate of flow as that shown on the associated water right.

Water Right in the Name of Lake Reservoir Company:

Decreed Water Right No. 65-02376

This water right was initially numbered 17670 and is referenced in the agreement above. At the time of the agreement it was a licensed water right, but it has since been decreed in the Payette River basin decree. Note that the decreed sources are Main Drain tributary to the Payette River, and Unnamed Stream, tributary to the Payette River. The described points of diversion are SESW S. 7, and NWSE S. 19, T 7N, R 3W. As shown on the enclosed maps, these are the points where the Main Drain divert into Graveyard Gulch, and the point where Graveyard Gulch (called Unnamed stream because it combines Graveyard Gulch and the unnamed drain) diverts toward the river. This water right is the senior right for this diversion, dated 04/02/1932. This is the only water right at this location in the name of Lake Reservoir Company. Rate of flow: 60.0 cfs.

Water Rights in the Name of Lower Payette Ditch Company:

Beneficial Use Water Right No. 65-11413

This water right is junior to the Lake Reservoir Company water right, but is for the same 60.0 cfs, to be diverted at the same location and to be used on the same property. A proposed condition of approval states that this water right, when combined with water right no. 63-02376 shall not exceed 60.0 cfs, meaning that when diversions are being conducted for Lake Reservoir Company, this water right shall not be used. This water right is still a beneficial use claim because it was not included in the partial decree of Payette River water rights entered in 1986.

Licensed Water Right No. 65-07882

This water right adds 30.0 cfs to the diversion capacity of this system, with a priority date of 05/13/1977.

Licensed Water Right No. 65-12279

This water right adds 3.02 cfs to the diversion capacity of this system, with a priority date of 04/07/1980, making a combined total of 93.02 cfs which is the measured rate of flow through the system.

Discussion

The key factor in this analysis is the agreement between Lake Reservoir and Lower Payette. As stated in the agreement, the exchange is invoked when "the river flow is not adequate, and Lower Payette needs to draw on the storage water in the lakes." During most portions of most years the Lower Payette water rights are senior enough to not require delivery of storage water from the lakes. It appears that during these periods the Lake Reservoir exchange does not need to be implemented, even though diversion of water from the Graveyard Gulch Wasteway (or unnamed stream or Main Drain) is being implemented.

The determination of when the exchange is to be invoked can be made by the Watermaster, via a comparison of (1) priority date cuts on the river, and (2) a determination of use of the water diverted under these water rights. As an example, consider a situation when water rights on this reach of the river are cut back. The senior Lower Payette water rights are as follows:

65-00165X	122.12 cfs	06/01/1882
65-00165A	63.32 cfs	03/22/1884
65-00165B	37.63 cfs	06/20/1896
65-00165C	59.23 cfs	06/01/1912

If the priority date cutoff for this reach is 1883, and diversion from the wasteway provides water that otherwise would not have been available for diversion by Lower Payette, then the exchange agreement is invoked. During a normal water year this will be a relatively rare occurrence and Lower Payette will have the flexibility to market their share of Lake Reservoir water to other users.

This letter has been prepared to present available information to clarify this issue for smooth and proper operation of Water District 65. It is possible that others will have information that could result in modification of this analysis. This letter is respectfully submitted as augmentation to

the minutes of the September 25, 1995, Advisory Board, with the caveat that it could need to be updated if additional information or more compelling interpretations surface.

Sincerely,

David R. Tuthill, Jr., P. E.
Manager, Western Region Office

Enclosures:

Memorandum Agreement dated September 10, 1980
Profile Reports of Water Rights
Maps

* * * * *

THIS AGREEMENT, made and entered into this 10 day of September 1980 by and between LAKE RESERVOIR COMPANY INC., an Idaho corporation, hereinafter referred to as Lake Reservoir, and LOWER PAYETTE DITCH COMPANY INC., an Idaho corporation, hereinafter referred to as Lower Payette, WITNESSETH:

WHEREAS, a minute agreement was previously agreed upon by said parties relative to the use of waters from Canyon County Drainage Diversion No. 1, as reflected by the minutes of Lake Reservoir, marked Exhibit A, attached hereto and incorporated herein by reference;

WHEREAS, said parties have continued their negotiations to clarify said minute agreement;

NOW, THEREFORE, in consideration of said minute agreement, and in consideration of the covenants herein contained, it is hereby agreed between said parties as follows:

It is agreed the said minute entry is ratified, confirmed, and made a part of this agreement and incorporated herein by reference.

It is further agreed and understood Lake Reservoir is the sole owner of the irrigation diversion ditch and structures directly connected with the diversion of said drainage waters to the ditch of Lower Payette Ditch Co., which includes the structures necessary to protect the drainage system from flood waters of the Payette river.

It is further agreed the Lower Payette Ditch Company shall be responsible for hiring a person, or persons, to supervise, operate, inspect, maintain, repair, and "reconstruct", if necessary, the diversion drain ditch, and it's related structures, associated with said Drainage Diversion No. 1, on an annual basis. The person, or persons, so employed will perform such services as required during each entire calendar year. The cost of such employment, repairs, maintenance, and "reconstruction" may be paid by Lower Payette Ditch Company, and a bill for reimbursement shall be submitted to the Lake Reservoir Company, provided however, both parties hereto shall mutually agree on any anticipated repairs, maintenance, and "reconstruction" prior to starting said repairs, maintenance and "reconstruction". The reimbursement herein mentioned shall be in full, but shall not exceed the agreed on amount, unless subsequently agreed to, and properly documented by the governing bodies of both parties hereto.

It is further agreed Lower Payette shall notify Lake Reservoir, in writing, prior to implementing the diversion of waters pursuant to the agreement set out in said minute agreement, attached hereto and incorporated herein by reference. This

Notification shall be made in order to permit Lake Reservoir to have such notice and in order to permit Lake Reservoir to properly document their water and office records.

Time is of the essence, and the covenants hereof are binding upon said parties, their successors, representatives, and assigns.

IN WITNESS WHEREOF, the said parties have hereunto set their hands and seals, the day and year in this agreement first above written.

LAKE RESERVOIR COMPANY, INC.

ATTEST:

By:

Robert Henggeler
President

Marie Swisher
Secretary

LOWER PAYETTE DITCH COMPANY

ATTEST:

By:

James D. Bivens
President

Marie Swisher
Secretary

STATE OF IDAHO:)

(ss.

County of Payette)

On this 10 day of September, 1980 before me, the undersigned, a Notary Public in and for said State, personally appeared Robert Henggeler and Marie Swisher, known to me to be the President and Secretary of LAKE RESERVOIR COMPANY, INC. that executed this instrument or the persons who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

On this 10 day of September, 1980 before me, the undersigned, a Notary Public in and for said State, personally appeared James D. Bivens and Marie Swisher, known to me to be the President and Secretary of the LOWER PAYETTE DITCH COMPANY, INC. that executed this instrument or the persons who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

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

Carleen Shureliff
Notary Public for State of Idaho;
Residing at Payette, Idaho

EXHIBIT A

Agreement copied from Lake Reservoir minutes dated July 14, 1980.

There was a discussion by the board concerning the diversion by Lower Payette Ditch Co., of the water at the Lake Reservoir Co. Canyon County Drainage Diversion No. 1 (or an unnamed stream as termed in water license No. 17670, issued by the State of Idaho).

It was agreed the board does reaffirm an agreement between the Lower Payette Ditch Co., and the Lake Reservoir Co.; that when > the river flow is not adequate, and the Lower Payette Ditch Co. needs to draw on their storage water in the lakes, the Lower Payette Ditch Co. may in lieu thereof, divert water from Canyon County Drainage Diversion No. 1, and in exchange, will allow their storage water in the lakes to be divided among the other stockholders, in an amount equivalent to that amount of water diverted from Canyon D.D. No. 1, up to a maximum rate of 60 second feet, as allowed by water license No. 17670. Lake Reservoir Co. will pay for the operation and maintenance necessary to the diversion of these waters from Canyon County Drainage Diversion No. 1, and be responsible for its operation.

Lower Payette Ditch Co. and Lake Reservoir Co. have agreed to implement this exchange agreement, by means of beneficial use exchange, with each exchange being recorded by means of corresponding entries in the minutes of both companies. It is further understood that when the exchange occurs the exchange water from Lower Payette Ditch Co. will be the last water drawn from the lake.

It was further agreed by both companies that Lower Payette Ditch Co., by entering into this exchange agreement, or the implementing of same, has not now, or any time in the future, relinquished any rights to it's share of the storage water in the lakes. If for any reason the exchange should become unfavorable and not in the best interests of either company, the Lower Payette Ditch Co. may choose not to divert from Canyon D.D. No. 1, as allowed by license No. 17670, and on order, the Lower Payette Ditch Co. shall receive it's allotted share of the Lake Reservoir Co. storage water.

It was agreed by the board members of the Lake Reservoir Co. that after Lower Payette Ditch Co. starts diverting water from Canyon County D.D. No. 1, in accordance with the terms as outlined in the above exchange agreement, and allowed by water license No. 17670, the Lower Payette Ditch Co. will also be allowed to divert up to 120 c.f.s. of water, as provided by Permit No. 65-7882, Permit No. 65-12279, and Permit No. 65-7885, through the Lake Reservoir facilities, in return for paying 2/3 of the operating and maintenance costs. The Lower Payette Ditch Co. shall not be charged without their written permission first had, for any costs connected with said drainage diversion beyond or above the 2/3 of the operation and maintenance costs mentioned above. The cost of major capital improvements will be agreed upon by parties concerned prior to making such improvements.

Note - when the Gates Reservoir measured there was not 120 cfs. At another meeting Lower Payette's share of the cost was amended from 2/3 to 1/3rd.

WR0749NP
No. 65-02376

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 03/15/96
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	LAKE RESERVOIR CO.	04/02/1932	IRRIGATION	03/15 11/15	~~60.000~~ CFS	
TOTAL DIVERSION:					60.000 CFS	

Water Source: MAIN DRAIN
UNNAMED STREAM

Tributary to: PAYETTE RIVER
PAYETTE RIVER

Stage: DECREED

Point(s) of Diversion Capacity: 93.020 CFS

Point(s) of Diversion: T07N R03W S07 SESW
S19 NWSE

PAYETTE County
PAYETTE County

Pou County:

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

Remarks: POINT OF INJECTION INTO PAYETTE RIVER IS LOT 7, S. 7, T7N, R3W.
POINT OF RE-DIVERSION IN LOT 3, S. 7, T7N, R3W.
PLACE OF USE WITHIN LANDS OF EMMETT IRRIGATION, FARMERS CO-OP,
ENTERPRISE, LETHA, NOBLE & LOWER PAYETTE DITCHES.
DELIVERY MADE POSSIBLE THROUGH EXCHANGE WITH LAKE RESERVOIR
COMPANY STORAGE RIGHTS.

Dates: App. Received: Priority Date: 04/02/1932
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date: 01/12/1934

Misc: Water District Number: 65 Field Exam Fee:

Audit: 09/26/86 04/30/88 CONVERT 07/14/89 CURTIS 03/15/96 SCURTIS

WR0749NP

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 03/15/96
PAGE: 1

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

Water Source: GRAVEYARD GULCH WASTEWAY

Tributary to: MAIN DRAIN, DIST. NO. ONE

Stage: BENEFICIAL USE

Point(s) of Diversion Capacity: 92.000 CFS

Point(s) of Diversion: T07N R03W S07 SESW PAYETTE County

Place of use Legal Description for: IRRIGATION

[illegible]

WR0749NP
No. 65-11413

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 03/15/96
PAGE: 2

Place of use Legal Description for: IRRIGATION

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

Pou County: PAYETTE

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

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

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

Misc: Water District Number: 65 Field Exam Fee:

WR0749NP
No. 65-07882

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 03/15/96
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	LOWER PAYETTE DITCH CO.	05/13/1977	IRRIGATION	03/15 11/15	30.000 CFS	14578.70 AFA
TOTAL DIVERSION:					30.000 CFS	14578.70 AFA

Water Source: GRAVEYARD GULCH WASTEWAY

Tributary to: PAYETTE RIVER

Stage: LICENSE

Point(s) of Diversion Capacity: 93.000 CFS

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

PAYETTE County
PAYETTE County
PAYETTE County

Pou County:

Conditions of Approval:

- R04 - Use of water under this water right will be regulated by the watermaster of State Water District No. 65.
- R32 - This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for the lands above.

Remarks: Place of use within the boundaries of Lower Payette Ditch Co.

Dates: App. Received: 05/13/1977 Priority Date: 05/13/1977
Proof Due Date: 01/01/1984 Proof Made Date: 12/13/1983
Exam Made Date: 09/28/1984 Exam Sent to S.O.:
Licensed Date: 12/20/1990

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

Audit: 01/03/89 JOHNSON 01/20/89 CURTIS 07/14/89 CURTIS 01/19/89 CURTIS
04/09/90 CURTIS 04/11/90 CURTIS 01/02/91 CURTIS

WR0749NP
No. 65-12279

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 03/15/96
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	LOWER PAYETTE DITCH CO.	04/07/1980	IRRIGATION	03/15 11/15	3.020 CFS	2857.50 AFA
TOTAL DIVERSION:					3.020 CFS	2857.50 AFA

Water Source: GRAVEYARD GULCH WASTEWAY

Tributary to: PAYETTE RIVER

Stage: LICENSE

Point(s) of Diversion Capacity: 93.020 CFS

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

PAYETTE County
PAYETTE County
PAYETTE County

Pou County:

Other Water Rights with Same Point(s) of Diversion and Source:
65-07882 65-07885 65-11413

Conditions of Approval:

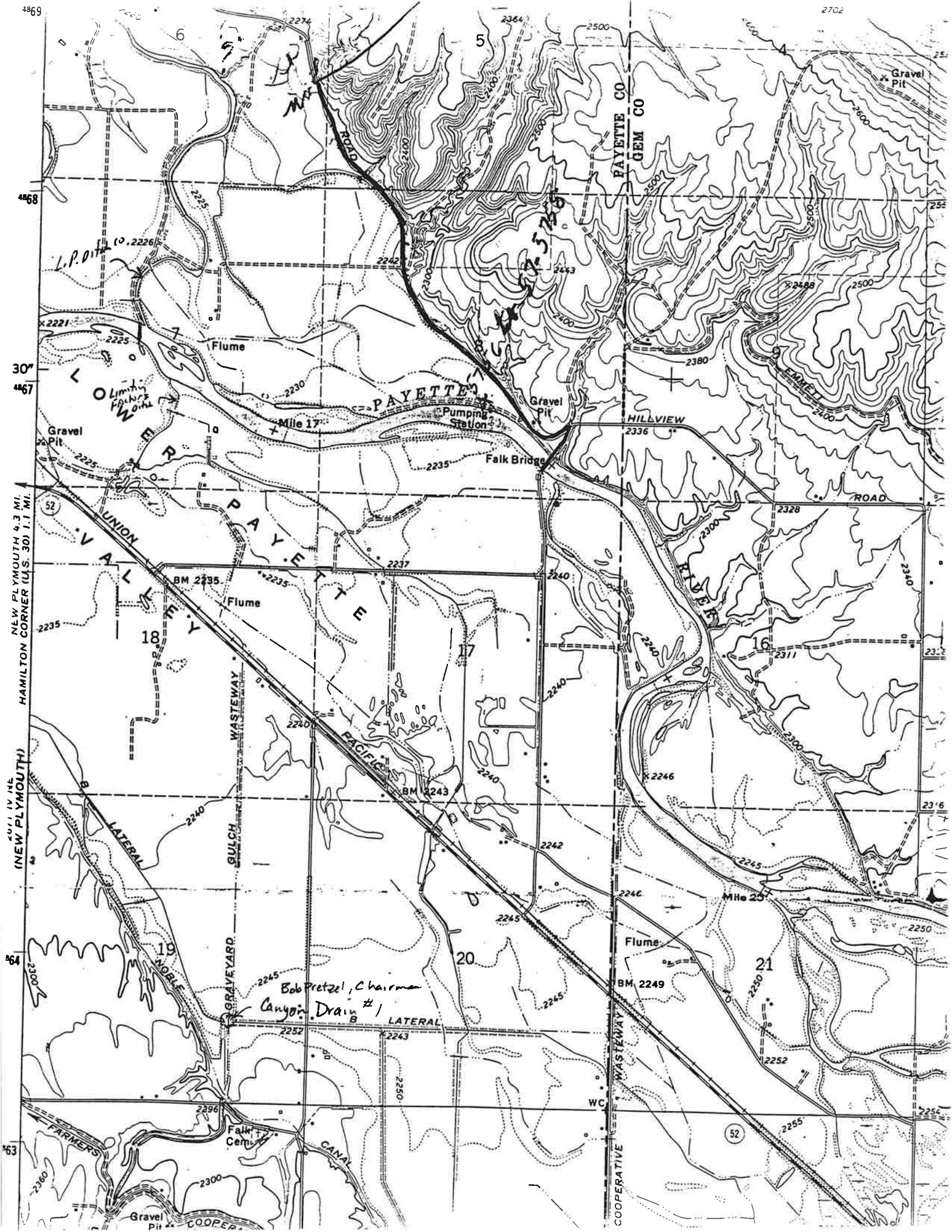
- R32 - This right when combined with all other rights shall provide no
- more than .02 cfs per acre nor more than 4.5 afa per acre for the
- lands above.

Remarks: Place of use within boundaries of Lower Payette Ditch Co.

Dates: App. Received: 04/07/1980 Priority Date: 04/07/1980 (Priority Date Advanced.)
Proof Due Date: 12/01/1984 Proof Made Date: 01/02/1985 (Proof Received Late.)
Exam Made Date: 10/10/1985 Exam Sent to S.O.:
Licensed Date: 12/20/1990

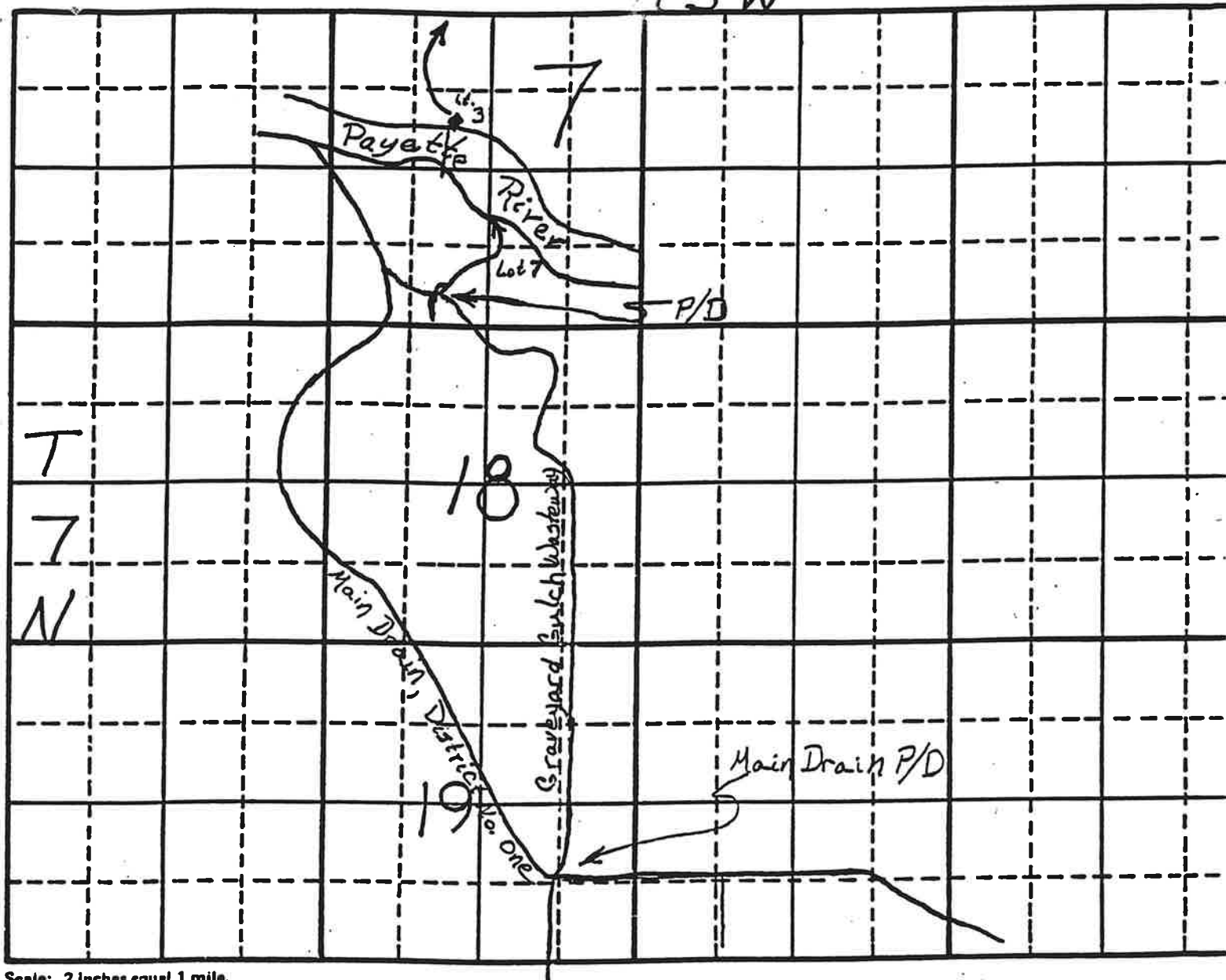
Misc: Water District Number: Field Exam Fee: R (Received)

Audit: 01/03/89 JOHNSON 01/20/89 CURTIS 01/19/89 CURTIS 04/09/90 CURTIS
01/02/91 CURTIS



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

R3W



Scale: 2 inches equal 1 mile.

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

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

CIVIL CASE NUMBER: 39576

Ident. Number 65-12279
Date Received: 6/27/01
Receipt No:
Received By:

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

1. Name of Claimant(s)

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

102 MAIN ST
PAYETTE ID USA 83661

2. Date of Priority: 04/07/1980

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

4. Point of Diversion:

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

5. Description of diverting works:

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

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	3.02	2857.5

7. Total Quantity Appropriated is:
3.02 C.F.S. and/or 2857.5 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

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

11. Place of use in counties:

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

13. Other Water Rights Used:

14. Remarks:

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

15. Basis of Claim: License

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

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

CIVIL CASE NUMBER: 39576

Ident. Number 65-12279

Date Received

Receipt Number

6/27/01
W027961

RECEIVED

JUN 27 2001

WATER RESOURCES
WESTERN REGION

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

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

2. Date of Priority (Only one (1) per claim) April 7, 1980

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

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

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

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

Township Range Section , 1/4 of 1/4 of 1/4,
Govt. Lot B.M., County of
ending point is: Township Range Section , 1/4 of 1/4 of
 1/4, Govt. Lot B.M., County of

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

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For irrigation purposes from 3/15 to 11/15 amount 3.02 or 2857.5

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 3.02 (cfs) and/or (b) 2857.5 (acre feet)

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

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

10. Description of place of use:

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

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

[illegible]

Total number of acres irrigated 13,688

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

12. Do you own the property listed above as place of use? Yes ☐ No ☒

If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
65-00165A/B/C/X, 65-07425, 65-07428, 65-07848, 65-07882, 65-07885, 65-11413

or None (☐)

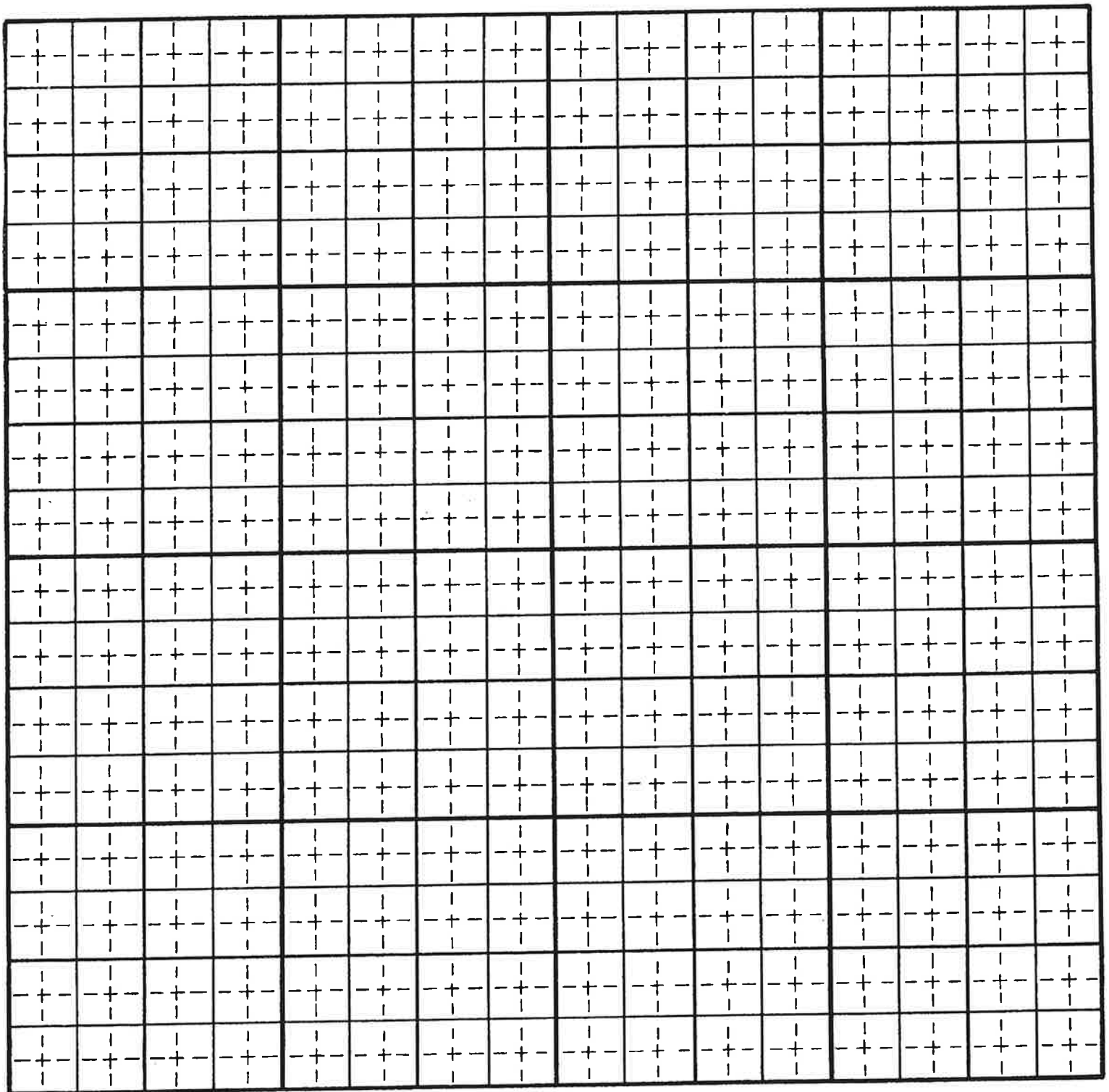
14. **Remarks:** Lower Payette Ditch Company provides water delivery to the privately owned lands within its service area.

Last Name Lower Payette Ditch Co. **Ident No.** 65-12279

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

Scale: 2 inches equals 1 mile

Please see Attachment "B"



Last Name Lower Payette Ditch Co. Ident No. 65-12279

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License ☒ Permit _____
Decree _____
If applicable provide IDWR Water Right Number 65-12279
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

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

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

Signature of Claimant (s) _____ Date _____

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am President _____ Title _____

of Lower Payette Ditch Company _____, that I have signed the foregoing

document in the space below as President _____ of Lower Payette Ditch Company _____

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization President, Lower Payette Ditch Company _____ Date 6/27/01

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

Subscribed and sworn (or affirmed) before me this 27th day of June 19 2001



Notary Public Helen L. Buivins

Residing at Payette, Id

My Commission Expires 12/21/06

Please Print Name Helen L. Buivins

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

Signature Scott L. Campbell

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

Date 6/27/2001

Last Name Lower Payette Ditch Co. Ident. Number 65-12279

ATTACHMENT "A"

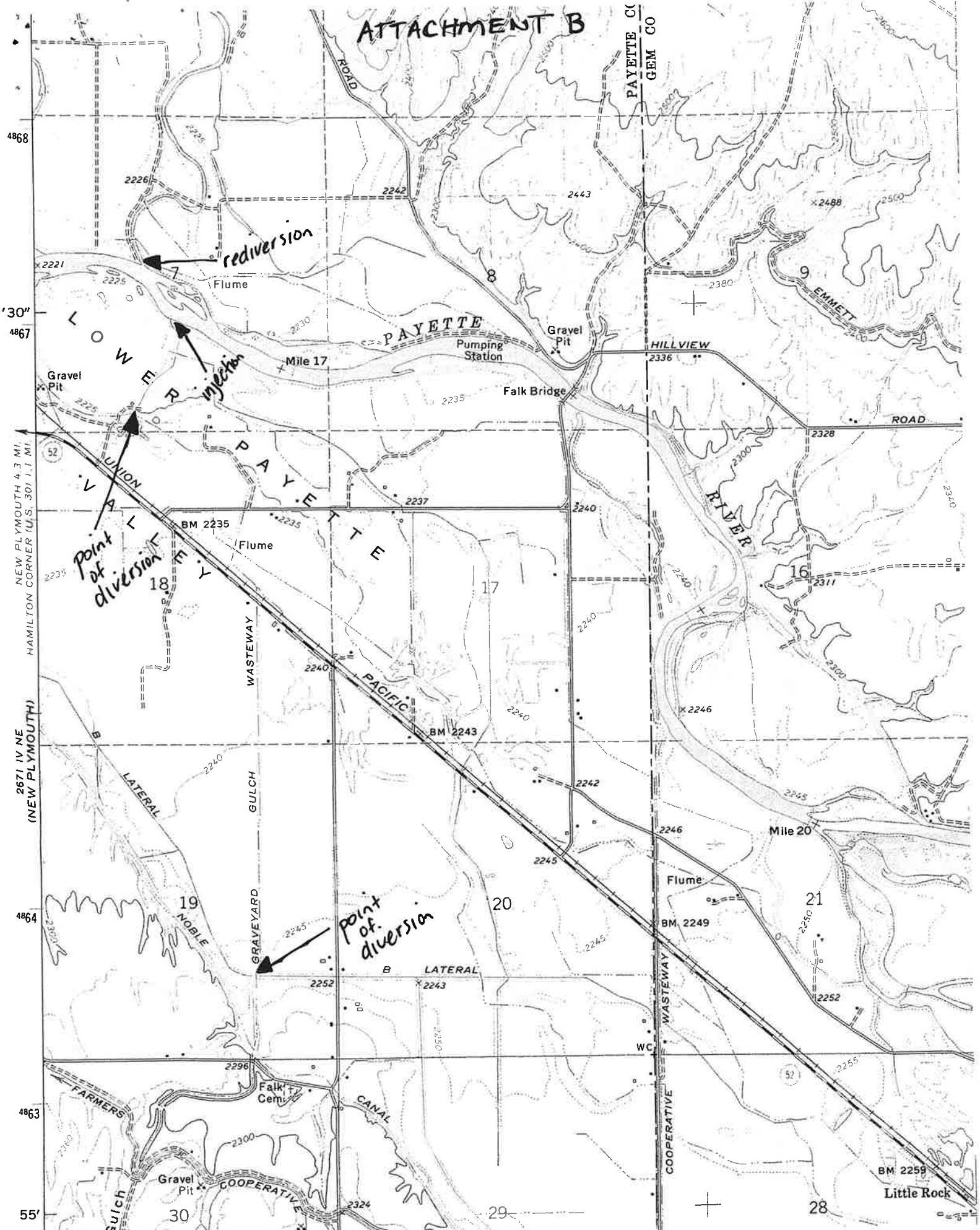
4. Additional points of diversion, if any:

Twonship 7N, Range 3W, Section 7, SE SW

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

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

ATTACHMENT B



Lower Payette Ditch Company

05-12279

ATTACHMENT "C"

Board of Directors of Lower Payette Ditch Company

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

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

Jim Robertson
PO Box 105
Payette, ID 83661

Chuck Pollock
177 Hill Road
Weiser, ID 83672

Bill Peutz
10495 N. Iowa Avenue
Payette, ID 83661