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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. 65-07428
)
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: The Colwells' points of diversion should be included. _____

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. Points of diversion for the Colwells' shares are omitted.

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



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.

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

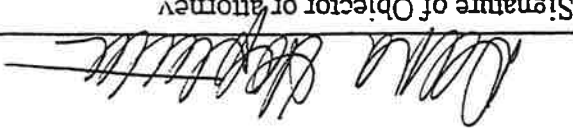
3. Copies to:

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 44449
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



H. REMARKS AND OVERLAP REVIEW ANALYSIS

Capacity 8.65 cfs
 65-4982 (4.18)
 Available 4.47
 Recommend 2.44

R-04
 R-32
 R-36

I. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use From To	Rate of Diversion Q (cfs)	Annual Volume V (afa)
Irrigation	3-15 11-15	2,44	549

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 John K. Meyer Signature [Signature]

Certification Date _____

Field Report Preparation Date _____

CONSULTANT SEAL

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

MICROFILMED
 SEP 26 1990

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:

Capacity = 8.649 cfs

122 x .02 = 2.44

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

1. Measured Method:

AA Flow Meter

2. Alternate Method for Checking Purposes:

$$\frac{150 \text{ HP} \times 8.8 \times .75 \text{ eff.}}{70' \text{ lift} + .43/20} = \frac{990}{116.51} = 8.5 \text{ cfs}$$

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 Ampsx .001732 = _____ (6)

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

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 122 \times 4.5 = 549$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 2.44 \times 245 \times 1.9835 = 1185.7$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 549$$

2. Volume Calculations for Other Uses:

N/A

SEP 26 1990

RECEIVED
FEB 12 1987
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT
Department of Water Resources

A. GENERAL INFORMATION

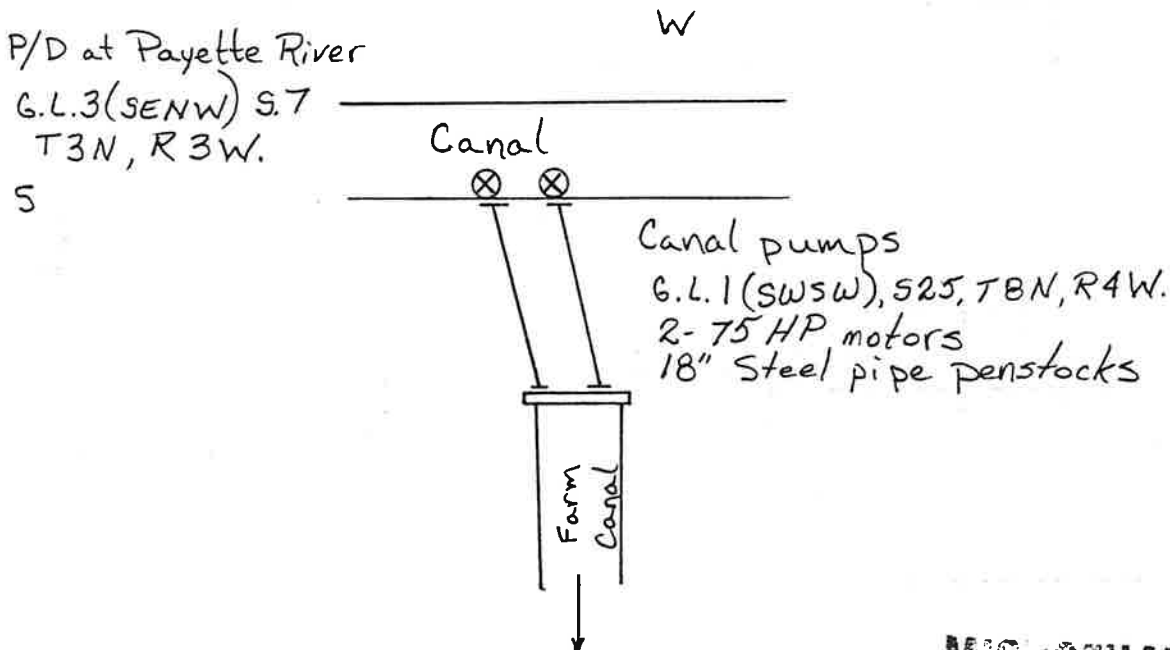
- Permit No. 65-7428
Phone No. 642-3866
1. Owner: Lower Payette Ditch Company
Current Address: 828 Center Ave., Payette, ID 83661
2. Accompanied by: Darrel Barker EXAM. DATE: 10/17/85 & 7/30/86
Address: Star Rt., New Plymouth, ID Phone No. 278-3386
Relationship to Permit Holder: Recipient of water
3. Source: Payette River tributary to Snake River 1-8-87

B. OVERLAP REVIEW

1. Other water rights with same place of use: 65-4983 ☐ Copies Attached
2. Other water rights with same point of diversion: 65-4982, 65-0165A/B/C/X, 65-7425, 65-11212 ☐ 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



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Scale: 1" = No scale.

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

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

Headgate at diversion dam with canal from Jayette River
2 75-HP motors with pumps lift ~~for~~ water from company
canal near place of use. 8-18" steel pipeline penstock carries
water to farm canal. A 50-HP motor with pump
lifts water from farm canal in SW 50, S 19, T 8N, R 3W.
Measurement with AA flow meter was made near
discharge of 18" pipes into farm canal.

☐ See Remarks on page 4 for continuation

Well or Diversion Identification No. *	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
Canal pump	G.E.	75	5K68.58XH1A	Layne Bowles	7307031A
Canal pump	G.E.	75	5K68.58XH1A	Layne Bowles	—
Booster pump	U.S. Electric	50	1301364	Jewing Mueller	T 7677

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

5. Point(s) of Diversion:

[illegible]

6. Place(s) of Use:

Indicate Method of Determination

[illegible]

Do not use this space

SEP 26 1990

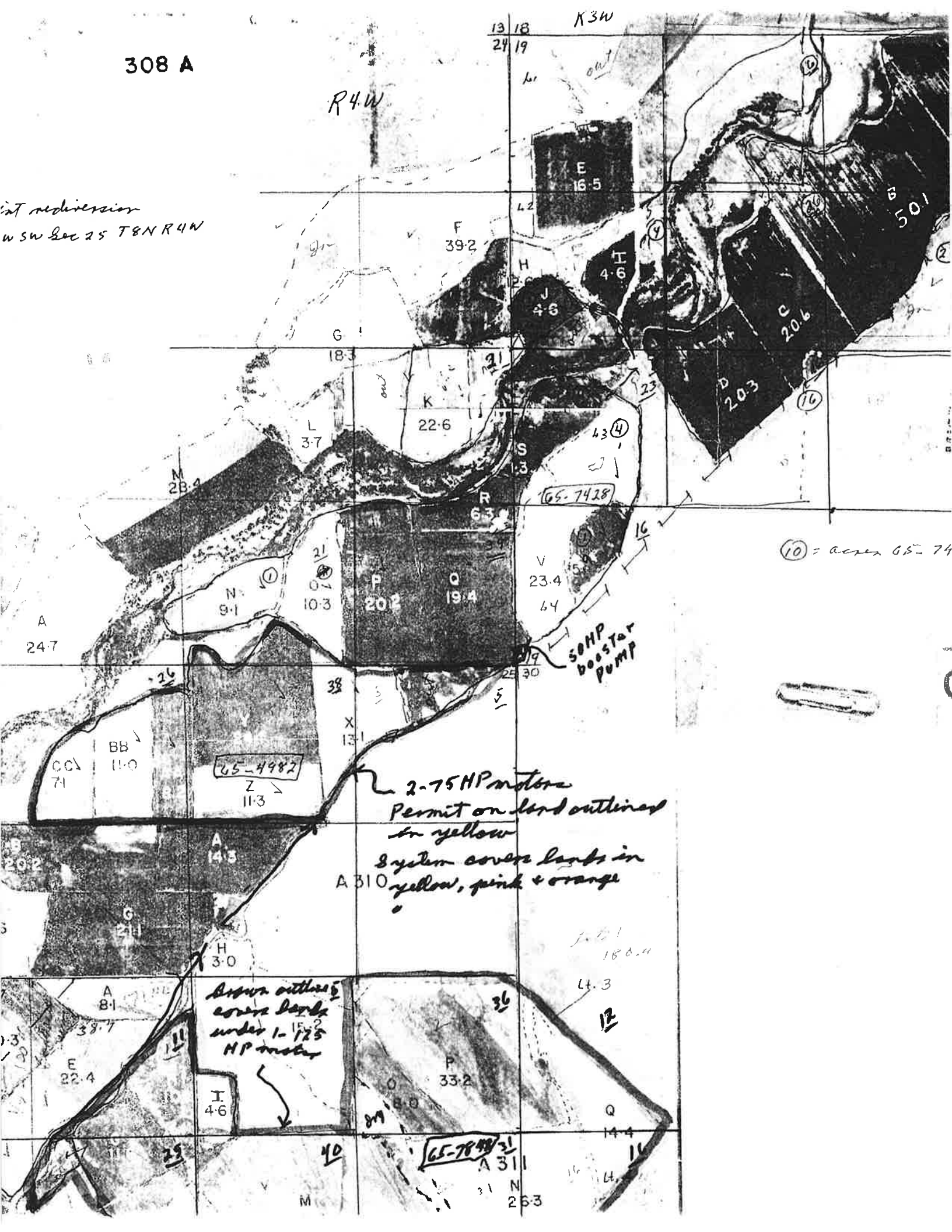
03

308 A

R4W

K3W

int rediversion
W SW Sec 25 T8N R4W



(10) = acres 65-74

2-75 HP motors
Permit on land outlined
in yellow
System covers lands in
yellow, pink & orange

Brown outlines
covers lands
under 1-175
HP motor

18.4

4.3
12

65-7848

A 311
N 26.3

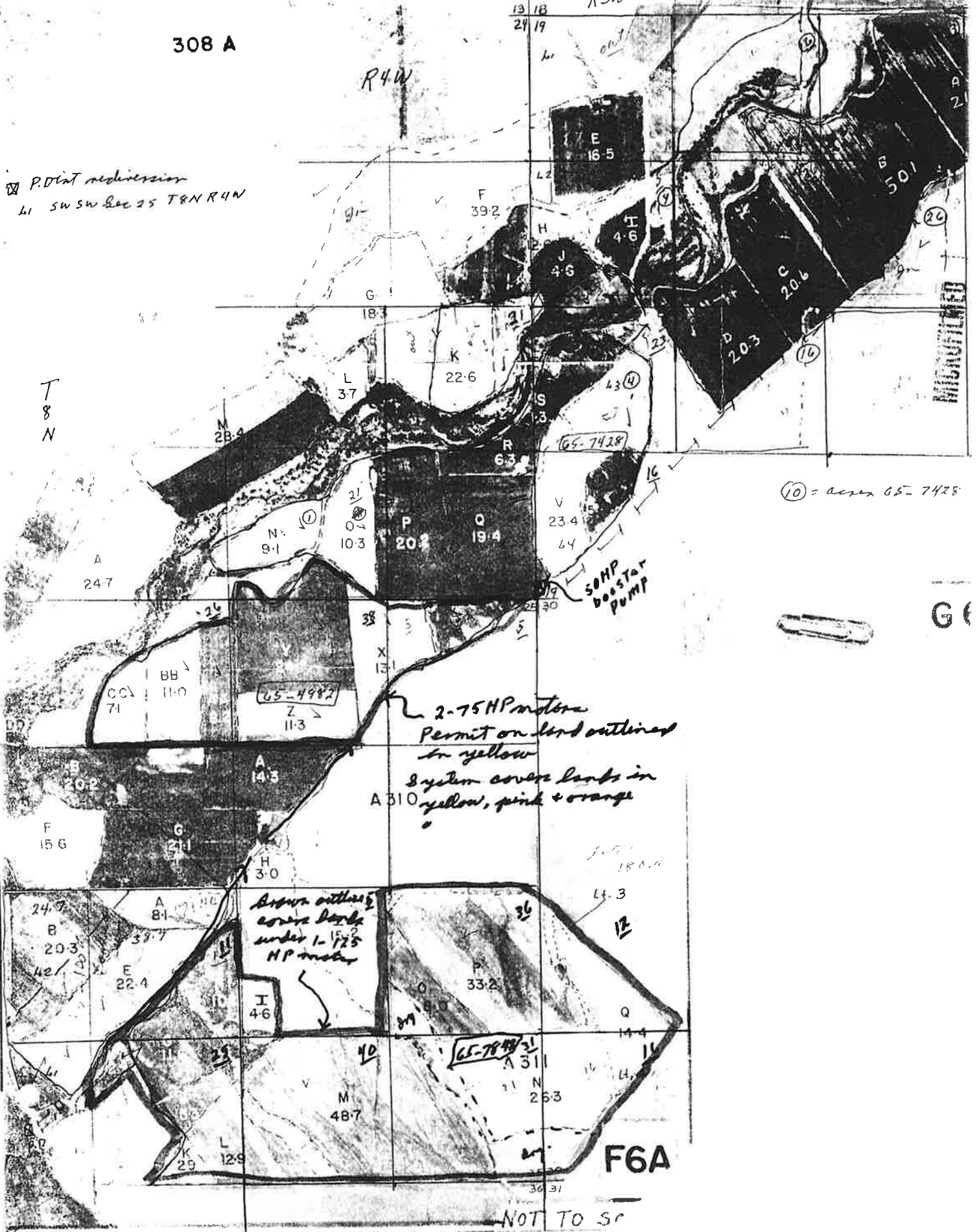
308 A

P.D. int. redimension
L1 SW SW Sec 25 T8N R4W

R4W

T
8
N

(10) = acres 65-7428



G

F6A

NOT TO SC

Extra

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

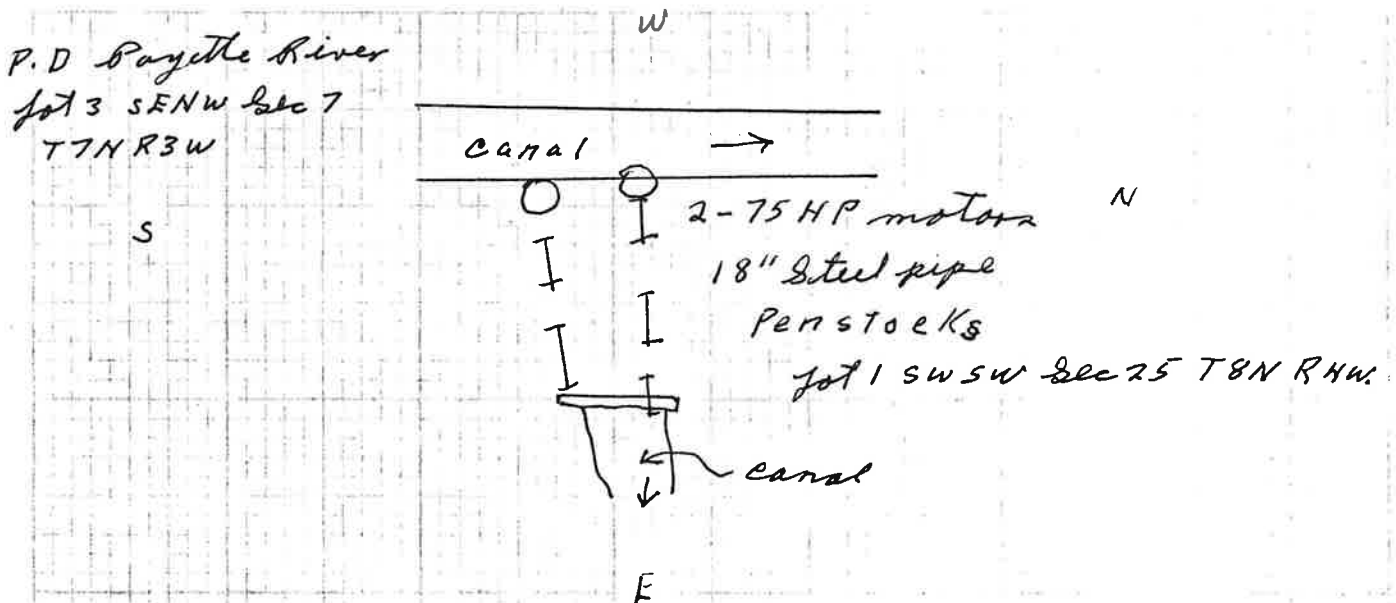
Permit No. 65-7428
1. Owner: Lower Payette Ditch Co. Phone No. 642-3866
Current Address: 828 Center ave. Payette, Idaho 83661
2. Accompanied by: Darrel Barker EXAM. DATE: 7/30/86
Address: Star Rt. New Plymouth, Idaho Phone No. 278-3386
Relationship to Permit Holder: Recipient of water
3. Source: Payette River tributary to Snake River

B. OVERLAP REVIEW

1. Other water rights with same place of use: 65-4982 ☐ Copies Attached
2. Other water rights with same point of diversion: 65-4982, 65-0165, 9/18/C/X, 65-7425, 65-11212 ☐ 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



Scale: 1" = no scale

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

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

2-75 HP motors at canal 2-18" steel pipeline penstocks
 1-50 HP relief pump at SWSW Sec 19 T8N R3W.
 Measurement made with AA flow meter.
 Water diverted out of Payette River into canal
 system and rediverted out of canal by 2-75 HP
 pumps.

☐ 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
canal pump	Is. E	75	5K 6258XH1A	Jayne Bowler	7307031A
canal pump	Is. E	75	5K6258XH1A	"	-
Booster pump	U.S. Electric	50	1301364	Deming Mueller	T 7677

*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
3		SE	NW		7	7N	3W	Payette	aerial photo
1		SW	SW		25	8N	4W	"	P.D. rediversion

6. Place(s) of Use:

Indicate Method of Determination

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	
									42			43	44						
8N	3W	19	10	33	24		6	25	26	16	23	41							+59 121
8N	4W	24														21	39		1
																			122

Do not use this space

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:

See attached print out of capacity - 8.649 cfs
~~240 x .02 = 4.8 cfs~~ Recommended capacity
122 x .02 = 2.44

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

1. Measured Method:

AA Flow meter

2. Alternate Method for Checking Purposes:

$$\frac{150 \text{ HP} \times 8.8 \times .75 \text{ eff}}{70' \text{ lift} + .43 \text{ f} / 20 (46.51)} = \frac{990}{116.51} = 8.5 \text{ cfs}$$

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:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = \frac{122}{240} \times 4.5 = 1080 \text{ } 549$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 4.8 \times 245 \times 1.9835 = 2332.6$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 1080 \text{ } 549$$

2. Volume Calculations for Other Uses:

none

H. REMARKS AND OVERVIEW REVIEW ANALYSIS

R-17 65-4982 ~~8.65 cfs~~
 4.18 8.65 capacity of system
 R-32 Recommend 2.44
 R-36

I. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
irrigation	~~4/4~~	10/31	~~4.8~~	~~1080~~
	3/15	11/15	2.44	549
Totals:			~~4.8~~ 2.44	~~1080~~ 549

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 John K. Noyes

Signature John K. Noyes D.F.S.

Certification Date _____

Field Report Preparation Date _____

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 ADMINISTRATION

Cecil D. Andrus
Governor

R. Keith Higginson
Director

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



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

October 26, 1973

Independent Enterprise
Box 348
Payette, Idaho 83661

Re: Application for Permit No. 63-7885 - J. U. &/or Pearl E. McGuire
63-7886 - J. U. &/or Pearl E. McGuire
63-7887 - J. U. &/or Pearl E. McGuire
65-7428 - Lower Payette Ditch Co.

Gentlemen:

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

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. In order to receive payment, the following certification must appear on the bill:

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

(signature of claimant)

Sincerely,

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that LOWER PAYETTE DITCH CO.
114 N. 8th St., Payette, Idaho
has on Oct. 25, 1973 submitted Application No. 65-7428
for a permit to appropriate 4.8 cubic feet per second ~~acre feet~~
~~per annum~~ of water from Payette River, tributary to Snake River
by means of pump and pipeline
within the ~~xxx~~ Gov. Lot. 3, Sec. 7, T. 7 N, R. 3 W, B.M., Payette County

to be used from April 1 to Oct. 31
for the irrigation of 240 acres

within the N. 1/4, S. 1/4, S. 1/4, W. 1/4, Sec. 19, S. 1/4, Sec. 24,
T. 8 N, R. 4 W, B.M.

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

Nov. 19, 1973.

R. KEITH HIGGINSON

Director

Published in the Independent Enterprise, Box 348, Payette, Idaho
on Nov. 1, 1973 and Nov. 8, 1973.

Puyette River Diversions were mapped for the Water District in winter 1992-1993.* For pld locations, photos, map copies, and data pages, see the water district pld notebook assembled by Tim Luke at S.O.

I mapped the following rights. Information about these is available on master maps (SL) or in notebook (Tim Luke):

65-02847

- 05755 through 05759

- 00003

- 04982

- 04615

- 11269

- 11212

- 02019

- 00165 A

- " B

- " C

- " X

- 07425

- 07428

- 07848

- 12756

- 05459

- 11258

- 05921

- 08627

- 11261

- 11255

65-03617

- 07461

- 02809

- 00486

- 10505

- 06037

- 04298

- 05817

- 06591

- 12623

- 00072

- 11061

- Steve Lester

1/21/93

MICROFILMED
AUG 03 1994

* From about Gardiner to
Frontland stretch of river.



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 334-7900

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

October 15, 1988

Lower Payette Ditch Company
114 North Eighth Street
Payette, Idaho 83661

Re: Snake River Adjudication - Filing of Claims from the
Payette River Adjudication

Gentlemen:

Your water rights which were decreed in the Payette Adjudication can be filed in the Snake River Adjudication without payment of fees. Further, since the Idaho Department of Water Resources has very current records of your decreed rights in the Payette Adjudication, those claim forms will be prepared and mailed to you for verification and signature. A more detailed description of this process is contained in the "Special Payette/Lemhi/Basin Creek Instructions" which are enclosed.

The records for the Payette Adjudication show the following list of water rights for the Lower Payette Ditch Company. This list does not include rights which are outside the Payette River drainage basin or were developed subsequent to the Payette Adjudication. Water rights developed after October 18, 1977 are not included in the Payette Adjudication. Of your individual rights, those which are listed as "decreed" will be sent to you under separate mailing from the Department of Water Resources. Those Payette rights which were involved in a stipulation or have changed from permit to license status are included in this mailing.

65-7848	Permit - Claim form enclosed
65-0165A/B/C/X	Stipulation - Enclosed with this letter
65-7425	Permit - Proof not due nor submitted before November 19, 1987 - No need to file claim at this time

Lower Payette Ditch Co.
Page 2
October 15, 1988

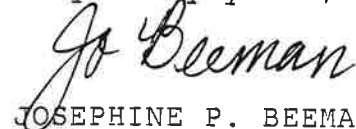
65-7428 Permit - Claim form enclosed
65-7882 Permit - Claim form enclosed
65-11413 (New in Stipulation) Claim enclosed

The enclosed claim forms show a total of 13,471 acres for the place of use. Although the original report for the Payette Adjudication shows 13,670 acres, the records at Water Resources did not identify more than 13,471 acres. If you can identify the additional acres, Water Resources can change the claim form for you. Otherwise, you may file the claim as it is presently printed with 13,471 acres.

One additional document accompanies this letter. It is entitled "How You Will Receive Notice in the Snake River Basin Adjudication." The purpose of this notice is to allow you to decide whether you want to receive information about other filings, the preparation of reports on other drainage basins, pending actions before the district court, etc. Item 16 on the claim form allows you to indicate if you do or do not wish to receive notice for these additional matters.

I believe that most of your questions about filling out the enclosed claim or claims will be answered by the special Payette/Lemhi/Basin Creek instructions. Your other claim forms will come under separate mailing from Water Resources as the affected counties in which they are located are served notice of the Snake River Basin Adjudication. Presently, Valley County is the only county which has been served within the Payette drainage. Its deadline for filing claims is November 23, 1988. Please feel free to call me if you have additional questions.

Very truly yours,



JOSEPHINE P. BEEMAN
Deputy Attorney General
Department of Water Resources

JPB:dc
Encs.

cc: Bert Osborn

CONVERSATION MEMORANDUM



SUBJECT LOWER PAYETTE DITCH CO NOC

TO: COW with Scott Campbell, Tiffiny

Claim/WR # GARRICK BAXTOR & MYSELF - PER PHONE

Agent: Per

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
- OKg ON FEES -
- (NO LATE FEES AT THIS TIME SINCE OTHER CLAIMS WERE FILED)
- 65-7885 same acres as (65-7425 receipt # x999999 because permit was included in PRBA - NO FEES REQUIRED) EXCEPT \$50 FLAT FEE
- 65-12279 - NO ACRES WERE LICENSED ONLY CFS
- 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

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.)

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

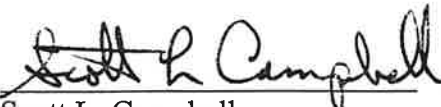
BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

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 Company, 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

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: 65-07428

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, source

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: 

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

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

12/14/2000

RIGHT NUMBER: 65-7428

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

SOURCE: PAYETTE RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 2.44 CFS
549 AFY

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

PRIORITY DATE: 10/25/1973

POINT OF DIVERSION:	T07N R03W S7	LOT 3	SENW		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	2.44 CFS 549.00 AFY

PLACE OF USE:

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

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

LOWER PAYETTE DITCH COMPANY RIGHTS

ACRE ANALYSIS BY: RON HOWERTON

DATE: 12/14/00

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

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

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

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

* Amended total acres by stipulation dated 21 April 1987.

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

*** Post PRBA licensed rights

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

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

Idaho Department of Water Resources

Claims:

65-00165A
65-00165B
65-00165C
65-00165X
65-07425
65-07428
65-07848

Owner : Lower Payette

Ditch Co.

Prepared by:

RON HOWERTON

Date: 12 DEC 00

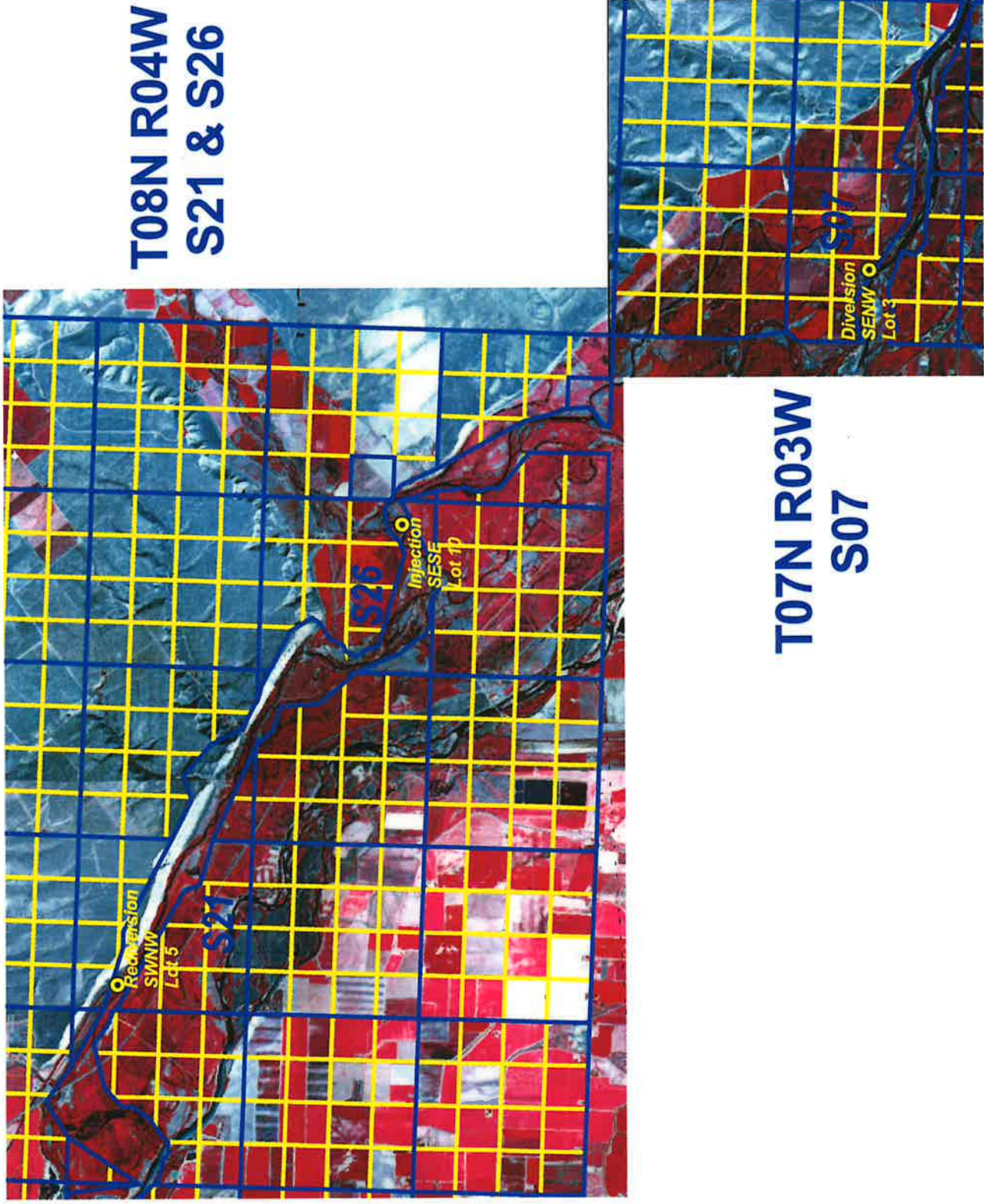
○ POD

SECTION

1/4 1/4



1987 NAPP



6 Miles



WR5809NP
No. 65-07428

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 09/17/99
PAGE: 52

OWNER CODE NAME & ADDRESS PRIORITY DATE WATER USE USE PERIOD FROM TO DIVERSION RATE DIVERSION VOLUME
P LOWER PAYETTE DITCH COMPANY 10/25/1973 IRRIGATION 03/15 11/15 2.440 CFS 549.00 AFA
114 N. 8TH ST.
PAYETTE ID 83661
TOTAL DIVERSION: 2.440 CFS 549.00 AFA

C LOWER PAYETTE DITCH CO.
828 CENTER AVE.
PAYETTE ID 83661

Water Source: PAYETTE RIVER Tributary to: SNAKE RIVER Stage: LICENSE

Point(s) of Diversion Capacity: 8.650 CFS

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

Place of use Legal Description for: IRRIGATION

		NE				NW				SW				SE					
		NENE		NWNE		SWNE		SENE		NENW		NWNW		SWNW		SENE			
T	R	S	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM
08N 03W 19	:	10	33	24	:	:	06	02-01	26	:	:	16	03-04	04-01	:	:	:	:	121.0
08N 03W 24	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	1.0
																	TOTAL ACRES	122.0	

Pou County: PAYETTE

Conditions of Approval:

- R01 - A measuring device of a type approved by this Department shall
- be maintained as a part of the diverting works.
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
- irrigation of the lands above.

Remarks: GEN System capacity under this right represents capacity of
re-diversion from Lower Payette Ditch Co. Canal.

Dates: App. Received: 10/25/1973 Priority Date: 10/25/1973 (Priority Date Advanced.)
Proof Due Date: Proof Made Date: 11/29/1978 (Proof Received Late.)
Exam Made Date: 07/30/1986 Exam Sent to S.O.:
Licensed Date: 09/19/1990

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

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: A65-07428

Date Received: 9/29/1988

Receipt No: 4999999

Received By: BAS

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: LOWER PAYETTE DITCH COMPANY
Address: 114 N. 8TH ST.
PAYETTE, ID 83661

2. Date of Priority: OCT 25, 1973

3. Source: PAYETTE RIVER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07N	03W	7				3	PAYETTE
			SW	NE		3	PAYETTE

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	4.800		

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

8. Total consumptive use is 770.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
08N	03W	19	NE	NE		IRR	20.0
			NW	NE		IRR	40.0
			SW	NE		IRR	40.0

A65-07428

Page 1

Date: 09/29/88

MICROFILMED
SEP 23 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
08N	03W	19	SE	NW		IRR	40.0
			NE	SW		IRR	20.0
						Section Acres	160.0
	04W	24	SW	NE		IRR	20.0
			SE	NE		IRR	40.0
						Section Acres	60.0
						Total Acres	220.0

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:
65-4486, 65-4983.

14. Remarks:
THIS RIGHT WHEN COMBINED WITH RIGHTS 65-4486 & 65-4983 SHALL
PROVIDE NO MORE THAN .02 CFS PER ACRE DIVERTED NOR 3.5 AF PER
ACRE CONSUMED.

15. Basis of Claim: PERMIT

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 Lower Payette Ditch Co., that I have signed the foregoing document in the space below as President of Lower Payette Ditch Co. and that the statements contained in the 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 Payette) SS.

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

Allen L. Levine
Notary Public

Seal

Residing at Payette
My Commission Expires 12/20/94

The water for this purpose right is
actually taken from Big Willow Creek
for the Sec. 24 lands and the Fayette River
for the Sec 19 lands. An exchange is
thus made for water taken in the
Ditch Co's canal.

D 11/30/76

Disregard above note.

D 3/23/77

Dutch

8-4-D

Dutch

(Name of Claimant)

(Mailing Address)

RECEIVED
MAR 23 1977
licensed or permit right)

The extent and nature of said claim is as follows:

Date of priority: When was the water first applied

October 25, 1973

James

Department of Water Resources
have used the right claimed
Western Regional Office

4.80
(CFS.)

Period of Use From	To
Mar 15 (Mo., Day)	Nov 15 (Mo., Day)

(CFS. GPD. AF.)

Period of Use From	To
(Mo., Day)	(Mo., Day)

(CFS. GPD. AFF.)

Period of Use From		To
<u>(Mo., Day)</u>		<u>(Mo., Day)</u>

30 C.F.S.
5. GPD. AF.)

Government of S

Sec. 7

_____, Twp. 7N, Rge. 3W, B.M.; additional points: _____

Pump & Pipeline

a) Describe location or use of using number or lettered irrigation, place an "X" in appropriate box to show location:

Total No. of acres 240

Total No. of acres 240
 ible: _____

Remarks	24 in. at urban center line of 65-4986, 65-4982 and 65-4983
---------	---

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

1000 JOURNAL OF POST KEYNESIAN ECONOMICS

Resmit

Individual

3-23-77
(Date)

(Signature of Spouse)

Seal

(Signature of Spouse)

On this

day of March, in the year 1977, before me,

—) executed the same.

March 8, 1860

18 at

Wed 5/20/77
Apr 7.5-18

