

REVIEW DONE ON
INJECTION & REDIVERSION
TWP CHANGE

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

RIGHT NUMBER: 65-7425

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

SOURCE: PAYETTE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 12.540 CFS

~~USE OF THIS RIGHT WITH RIGHT NOS. 65-7885, 65-11413 & 65-12279 IS
LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 93.02 CFS.~~

USE OF THIS RIGHT WITH RIGHT NO. 65-7885 IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 12.54 CFS AND TO A TOTAL COMBINED
ANNUAL DIVERSION VOLUME OF 2850 AF.

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: 10/11/1973

POINT OF DIVERSION:

T07N R03W S7 SESENW Lot 3 Within PAYETTE County

~~T07N~~ T08N R04W S21 SWNW Lot 5 Rediversion Within PAYETTE County

~~T07N~~ T08N R04W S26 SESE Lot 10 Injection Within PAYETTE County

PURPOSE AND
PERIOD OF USE:

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

PLACE OF USE:

USE OF THIS RIGHT WITH RIGHT NO. 65-7885 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 633 ACRES IN A SINGLE
IRRIGATION SEASON.

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

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

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

EXPLANATORY MATERIAL: License

March 4, 2004

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

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

Dear Special Master Cushman:

The objections by the Colwells to the above-referenced subcases have been withdrawn.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

The corrections are as follows:

No.: 65-7425

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

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

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

No. 65-7848

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

No. 65-7885

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

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

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

Sincerely,

CHRIS BROMLEY
Deputy Attorney General

/bh
Enclosures
cc: Scott Campbell

Howerton, Ron

Garrick,

Here are the **DRAFT** SF5's removing the 0.02 CFS at the field head gate condition per your request, these rights were entered in the Payette Stipulation and are not recent licenses. The Word documents are marked **DRAFT** (which may be removed) 65-165A, 65-165B, 65-165C, 65-165X & 65-11413.

Also, on separate email sent 1/23/2003 I sent 2 **DRAFT** SF5's for 65-7848 & 65-7425 (recent licenses) to correct typos for (two) points of diversion, for a township correction. During Dan's excellent review of the above transfer we discussed another remark that should not be on 65-7425. I agree, so I have amended the DRAFT for 65-7425 to strike USE OF THIS RIGHT WITH RIGHT NOS. 65-7885, 65-11413 & 65-12279 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 93.02 CFS. Why, because it was only intended for GRAVEYARD GULCH WASTEWAY source rights. I checked the three GRAVEYARD GULCH WASTEWAY rights and 65-7425 DID NOT GET ENTERED ON THOSE RIGHTS SO WE NEED NOT DO ANY SF5's for them. I'm thankful for that... RH

So here also the DRAFT SF5 UPDATED attachment for 65-7425 & no update changes were made for the DRAFT SF5 for 65-7848.

Please call if you have questions,

Thank you,

Ron Howerton
Senior Water Right Agent
Idaho Dept. of Water Resources
2735 Airport Way
Boise ID 83705
(208) 334-2190
rhowerto@idwr.state.id.us

DO NOT FILM

7/23/2003

Howerton, Ron

From: Howerton, Ron
Sent: Thursday, January 23, 2003 2:29 PM
To: Baxter, Garrick
Cc: Howerton, Ron
Subject: Lower Payette Ditch Co.

Garrick,

Here are the two word documents for Lower Payette Ditch Cos. rights that had the township typo: 65-7425 & 65-7848. Let me know if the formatting looks ok.

Thank you,

Ron Howerton
Senior Water Right Agent
Idaho Dept. of Water Resources
2735 Airport Way
Boise ID 83705
(208) 334-2190
rhowerto@idwr.state.id.us

Confidentiality Notice: This e-mail may contain confidential and privileged information exempt from disclosure under applicable law. This message is intended only for the use of the individual or individuals identified above. If you have received this message by mistake, please notify the sender immediately by replying to this message. Please delete the message from your system and do not review, disclose, copy, or distribute any information contained or attached to the message. Thank You

DO NOT FILM

06/10/2003

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

RIGHT NUMBER: 65-7425

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

SOURCE: PAYETTE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 12.540 CFS

~~USE OF THIS RIGHT WITH RIGHT NOS. 65-7885, 65-11413 & 65-12279 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 93.02 CFS.~~

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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: 10/11/1973

POINT OF DIVERSION:

T07N R03W S7 SESENW Lot 3 Within PAYETTE County

~~T07N R04W S21 SWNW Lot 5 Rediversion Within PAYETTE County~~

T08N

~~T07N R04W S26 SESE Lot 10 Injection Within PAYETTE County~~

T08N

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/15 11/15

12.540 CFS
2,850.00 AFY

PLACE OF USE:

1680 ACRES TOTAL

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

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

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

EXPLANATORY MATERIAL: Basis of claim - License

DRAFT

CONVERSATION MEMORANDUM



SUBJECT LOWER PAYETTE Ditch Co NOE

TO: COW 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

65-7895 - wasn't required to be filed in SRBA because of late proof... LICENSED

65-12279 - should have been filed in SRBA

NO - ADDITIONAL ACRES WERE ADDED

OK ON FEES -

(NO LATE FEES AT THIS TIME SINCE OTHER CLAIMS WERE FILED)

65-7895 same acres as (65-7425 receipt # x999999 because permit was included in PRBA - NO FEES REQUIRED)

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.

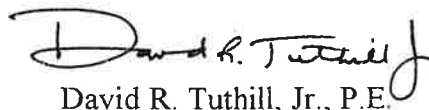
IDWR recognizes that in reliance on the non-irrigation season stockwater language in the Payette Adjudication, water users might not have filed stockwater claims in the SRBA to cover the non-irrigation season period. Individuals who historically watered livestock during the non-irrigation season without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

RECEIVED

JAN 24 2002

WATER RESOURCES
WESTERN REGION

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

In Re SRBA) A. Subcase No. 65-07425
)
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. Points of diversion and injection are in Township 8 North. _____

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. Location of points of diversion and injection appear to be incorrectly described.

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

Notary Public for the State of Idaho

Residing at: Basin, ID

My Commission Expires: 2-13-02



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/attorney
mailing on Objector's 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: 65-07425
DATE RECEIVED: 4/16/90
RECEIPT NO: 1999999
RECEIVED BY: DAS

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. NAME: LOWER PAYETTE DITCH CO.
ADDRESS: 828 CENTER AVE.
PAYETTE, ID 83661

2. DATE OF PRIORITY: OCT 11, 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	39.000		

7. TOTAL QUANTITY APPROPRIATED IS:
39.000 C.F.S. (AND/OR)

A.F.A.

8. TOTAL CONSUMPTIVE USE IS ACRE FEET PER ANNUM.

9. NON-IRRIGATION USES:

10. PLACE OF USE:

TOWNSHIP	RANGE	SECTION	1/4 OF	1/4	LOT	USE	ACRES
08N	04W	5	SW	NW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0

65-07425

PAGE 1

DATE: 02/20/90

31

MICROFILMED
OCT 21 1996

10. PLACE OF USE: CONTINUED

TOWNSHIP	RANGE	SECTION	1/4	OF	1/4	LOT	USE	ACRES
08N	04W	5	SW		SW		IRR	40.0
								<i>duplicate</i>
SECTION ACRES								~~160.0~~ 120.0 Rmf
		6	NE		NE		IRR	40.0
			NW		NE		IRR	40.0
			SE		NE		IRR	40.0
			NE		NW		IRR	40.0
			NW		NW		IRR	40.0
			SW		NW		IRR	40.0
			SW		SW		IRR	40.0
			SE		SW		IRR	40.0
SECTION ACRES								320.0
		7	NE		NE		IRR	40.0
			NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			NE		NW		IRR	40.0
			NW		NW		IRR	40.0
			SW		NW		IRR	40.0
			SE		NW		IRR	40.0
SECTION ACRES								320.0
		8	NE		NW		IRR	40.0
			NW		NW		IRR	40.0
			SW		NW		IRR	40.0
			SE		NW		IRR	40.0
			NE		SW		IRR	40.0
			NW		SW		IRR	40.0
			SW		SW		IRR	40.0
			SE		SW		IRR	40.0
SECTION ACRES								320.0
09N	04W	31	NE		SW		IRR	40.0
			SW		SW		IRR	40.0
			SE		SW		IRR	40.0
			NE		SE		IRR	40.0
			NW		SE		IRR	40.0
			SW		SE		IRR	40.0
			SE		SE		IRR	40.0
SECTION ACRES								280.0

10. PLACE OF USE: CONTINUED

TOWNSHIP	RANGE	SECTION	1/4 OF	1/4	LOT	USE	ACRES
09N	04W	32	NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0
			SE	SW		IRR	40.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0

SECTION ACRES 320.0

TOTAL ACRES ~~1720.0~~ 1680.0 RME

11. PLACE OF USE IN COUNTIES: PAYETTE, PAYETTE

12. DO YOU OWN THE PROPERTY LISTED ABOVE AS PLACE OF USE? YES

13. OTHER WATER RIGHTS USED:

14. REMARKS:

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

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 INDIVIDUALS:

I/WE 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 OF
TITLE

Lewis-Payette Ditch Co. THAT I HAVE SIGNED THE FOREGOING
ORGANIZATION

DOCUMENT IN THE SPACE BELOW AS President OF
TITLE

Lewis-Payette Ditch Co. AND THAT THE STATEMENTS CONTAINED IN THE
ORGANIZATION

FOREGOING DOCUMENT ARE TRUE AND CORRECT.

Cecil Shurtliff
SIGNATURE OF AUTHORIZED AGENT

President, Lewis-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. Davis
NOTARY PUBLIC

SEAL

RESIDING AT Payette

MY COMMISSION EXPIRES 12/30/94
DATE: 02/20/90 34

PLEASE NOTE!

During one of the database conversions in the past, a truncation of the land lists occurred on some of the WR database records. This problem was identified when the SRBA claims in the Payette basin were generated. A few of the claims may have been constructed using these incorrect land lists. This may be one of those claims:

A65-02247

A65-02308

A65-02454

A65-02573

A65-05033

A65-05411

A65-07425

A65-07777

A65-09539

A65-10388

A65-10473

Please check the land list on this claim against the Payette decree "Blue Book". An amended claim may be required if the claimant wishes to claim additional acres.

MICROFILMED

OCT 21 1996

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

RECEIVED
APR 13 2001
WATER RESOURCES
WESTERN REGION

Attorneys for Lower Payette Ditch Company

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

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

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

Respectfully submitted this 13th day of April, 2001. ELAM & BURKE, P.A.



Scott L. Campbell

CERTIFICATE OF MAILING

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

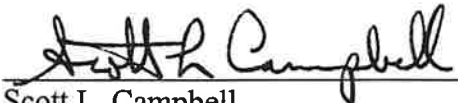
Lower Payette Ditch Company
102 N. Main Street
Payette, ID 83661

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

and the original and one copy to:

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

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



Scott L. Campbell

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

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

TELEPHONE
208-343-5454
FACSIMILE
208-384-5844

April 13, 2001

VIA HAND-DELIVERY

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

RECEIVED
APR 13 2001
WATER RES. DIV.
WESTERN REGION

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

Dear Lori:

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

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

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

Very truly yours,

ELAM & BURKE
A Professional Association


Tiffany Hudak
Paralegal

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

03/08/2001

RECEIVED

APR 13 2001

WATER RESOURCES
WESTERN REGION

**Notice of Error
Reply**

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: 65-07425

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

06/29/2001

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

RIGHT NUMBER: 65-7425

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

SOURCE: PAYETTE RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 12.54 CFS

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

USE OF THIS RIGHT WITH RIGHT NO. 65-7885 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 12.54 CFS AND TO A TOTAL
COMBINED ANNUAL DIVERSION VOLUME OF 2850 AF.

USE OF THIS RIGHT WITH RIGHT NOS. 65-7885, 65-11413 & 65-
12279 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 93.02
CFS.

PRIORITY DATE: 10/11/1973

POINT OF DIVERSION:	T07N R03W S7	LOT 3	SESENW		Within PAYETTE County
	T07N R04W S21	LOT 5	SWNW	Rediversion	Within PAYETTE County
	T07N R04W S26	LOT 10	SESE	Injection	Within PAYETTE County

PURPOSE AND
PERIOD OF USE:

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

PLACE OF USE:

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

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

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 <i>FILED 6-27-01</i>		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

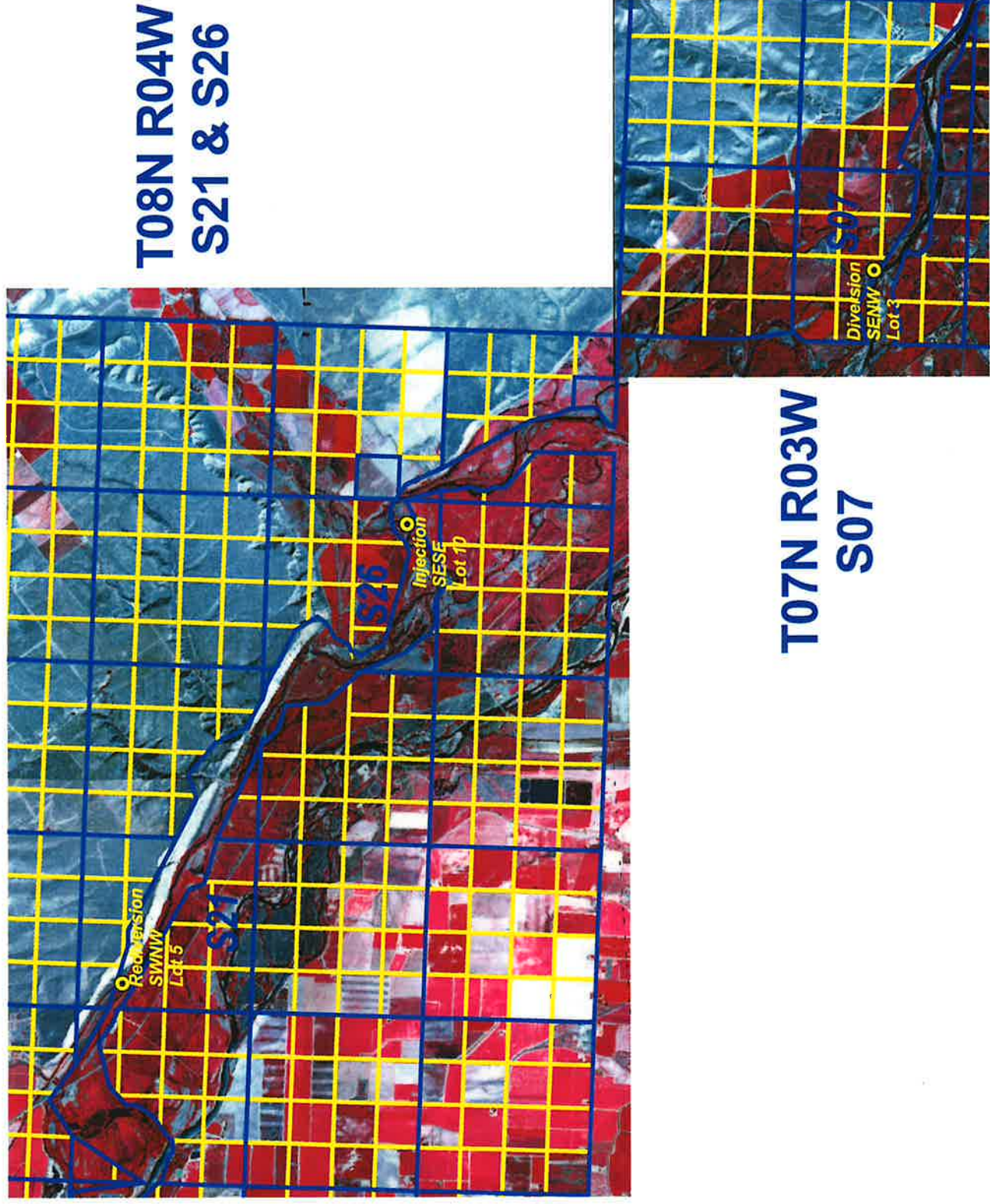
○ POD

SECTION

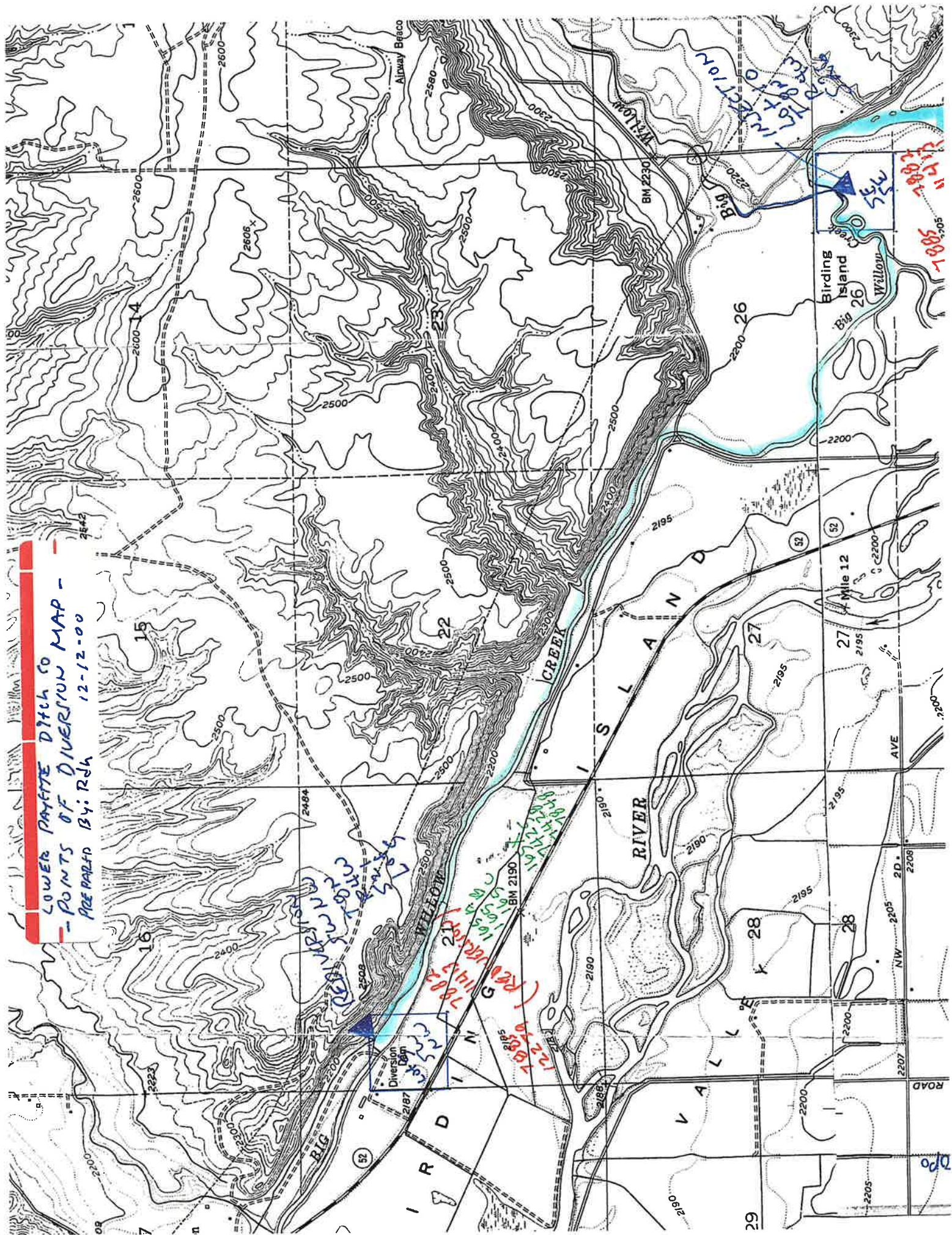
1/4 1/4



1987 NAPP



LOWER PAYETTE DITCH CO
- POINTS OF DIVERSION MAP -
AGE PARTD BY: Rdk 12-12-00



AJ5809NP
No. A65-07425

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 12/13/00
PAGE: 1

OWNER CODE: C
NAME & ADDRESS: LOWER PAYETTE DITCH CO
828 CENTER AVE
PAYETTE ID 83661
PRIORITY DATE: 10/11/1973
WATER USE: IRRIGATION
USE PERIOD FROM TO: 03-15 11-15
DIVERSION RATE: 39.000 CFS
DIVERSION VOLUME: 12.54 CFS
TOTAL DIVERSION: 39.000 CFS
STAGE: PERMIT L/C
2850 AFA

Water Source: PAYETTE RIVER
Tributary to: SNAKE RIVER
Point(s) of Diversion: T07N R03W S07 Lot03 (SE SE NW) Lot03 (SE NW)
Place of use Legal Description for: IRRIGATION
Payette County
T07N R04W S26 Lot10 SE SE

T	R	S	NENE			MNE			SENE			SENE			SENE			SENE			SUM
			Lt	Ac	Ac	Lt	Ac	Ac	Lt	Ac	Ac	Lt	Ac	Ac	Lt	Ac	Ac	Lt	Ac	Ac	
08N	04W	5	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	120.0
08N	04W	6	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	320.0
08N	04W	7	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	320.0
08N	04W	8	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	320.0
09N	04W	31	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	280.0
09N	04W	32	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	320.0
TOTAL ACRES																					1680.0

POU County: PAYETTE

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

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

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

QNT E28
when measured
at FIELD
HEADGATE

218
pond
Kob

Water right number - 65-07885

Prefix Translation: WATER RIGHT

Tw	Rng	Sec	Tract	Lot	Acres	Place of Use Code	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		35.0	01	IRRIGATION	(75) PAYETTE
08N	04W	8	NW 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 -

this Rmk
Shouldn't be
on 7425
pertaining to the
93.02 cfs.
Rdn.

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 (SEENH), Sec. 07, T07N, R03W.

QNT Rmk E25

QNT Rmk E01

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

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

QNT Rmk E25
QNT Rmk E01
Since 7985 now claimed
has been
6-27-01

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	LOWER PAYETTE DITCH CO 102 N MAIN PAYETTE ID 83661 (208) 642-3945	10/11/1973	IRRIGATION	03/01 11/15	12.540 CFS	2850.00 AFA
TOTAL DIVERSION:					12.540 CFS	2850.00 AFA

Water Source: PAYETTE RIVER

Tributary to: SNAKE RIVER

Stage: LICENSE

Point(s) of Diversion Capacity: 12.540 CFS

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

Place of Use Legal Description for: IRRIGATION										PAYETTE County	
			NE		NW		SW		SE		
T	R	S	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SESW	SUM
08N	04W	5	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt
08N	04W	6	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt
08N	04W	7	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt
08N	04W	8	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt
08N	04W	17	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt
TOTAL ACRES											633.0

Pou County: PAYETTE

Other Water Rights with Same Point(s) of Diversion with Stage (Includes ALL Sources):
65-00165A 65-00165B 65-00165C 65-00165X 65-04982 65-07428 65-07848 65-07882 65-07885 65-11212
65-12279 65-12756

Other Water Rights Listing Overlapping Place(s) of use:
65-07885

- Conditions of Approval:

R04 - Use of water under this water right will be regulated by the watermaster of State Water District No. 65.

R65 - This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.

R43 - The right holder shall maintain a measuring device and lockable - controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the - diversion.
- Remarks: GEN

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

Rights 65-00165A, 65-00165B, 65-00165C, 65-00165X, 65-07428,

with this Current preliminary Boundary 3/6/00

ADD to Boundary

LOWER PAYETTE DITCH COMPANY
114 N. 8th
Payette, Idaho

November 1, 1978

Mr. Dave Tuthill
Dept. of Water Resources
S. W. Idaho Office
92 South Cole Road
Boise, Idaho 83705

Dear Dave:

This letter is to confirm our telephone conversation concerning the loss of an "Application for Extension of Time" pertaining to Permit No. 65-7425. You indicated that you were unable to locate the document dated September 15, 1978, notarized by you, and have asked me to re-apply with a separate application properly executed. You will also find enclosed a copy of the September 15, 1978, application.

It is my understanding that due to the fact the Department of Water Resources lost the original renewal application, that the newly executed application will carry total validity and will not be considered a late filing.

If there are any further questions, please let me know. Your immediate attention to completing the application will be appreciated.

Sincerely,



Jim Bivens
President
Lower Payette Ditch Co.

Enclosure

cc: Tom Miller

JB:ba

NOTE : WE FOUND THE ORIGINAL & SUBMITTED IT FOR APPROVAL

DRT
11/2/78

IN THE MATTER OF THE GENERAL DETERMINATION OF THE RIGHT TO THE USE OF THE SURFACE AND GROUND WATERS OF THE PAYETTE RIVER DRAINAGE BASIN

Department of Water Resources

NOTICE OF CLAIM

IDENT. NO.

MAP NO.

TO A

WATER RIGHT

65-7425

Notice is hereby given that

Lower Payette Ditch Co

(Name of Claimant)

114 N. 8th St., Payette, ID 83661

(Mailing Address)

claims a right to the diversion

and beneficial use of the surface or groundwater, of or tributary to the Payette River;

The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use, or date that permit was issued) 10-11-1973

(2) Describe source of water: (Name of stream, lake, spring, etc., or subterranean) Payette River

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed: (Both Dates Inclusive)

Use Irrigation (Domestic, irrigation, stock, etc.) Period of Use From April 1 To Oct. 31 (Mo., Day) (Both Dates Inclusive) (Mo., Day)

Use (Domestic, irrigation, stock, etc.) Period of Use From To (Mo., Day) (Both Dates Inclusive) (Mo., Day)

Use (Domestic, irrigation, stock, etc.) Period of Use From To (Mo., Day) (Both Dates Inclusive) (Mo., Day)

(4) Quantity of water claimed: 39.0 Cubic Feet Per Second, or 440.0 Acre Feet Per Annum, and/or Gals. Per Minute.

(5) A) Point of Diversion: Give location of point where water is diverted from its source GOV. Lot 3 Sec. 7 Twp. 7N Rge. 3W B.M.; additional points: (SE NW)

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.) Give sizes and capacities; be as specific as possible. dam and diversion canal

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

T	R	SEC.	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	TOTAL
8N	4W	6	40	40	40	40	40	40	40	40	40	40	40	40	440
		7	40	40	40	40	40	40	40	40	40	40	40	40	640
9N	4W	8													480
		31													280
8N	4W	32													320
		5													160

Total No. of acres 2320

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

(7) Effluent, sewage waste, or return water from this use is discharged into

(8) If you are claiming water as a member of an organization, list name of organization.

(9) Remarks

(10) Basis of claim (Check one) ☐ A) Right based on diversion and beneficial use.

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

☒ C) Right based on application, license, or claim filed with State Reclamation Engineer, Office No. Permit # 65-7425

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

Individual

(Date)

(Signature of Claimant)

(Signature of Spouse)

Organization LOWER PAYETTE DITCH CO.

by J. R. Dineen (Signature of Authorized Agent)

State of Idaho ss. County of Payette

Organization Seal

On this 4 day of January, in the year 1976, before me,

a notary public, personally appeared known to me to be the person(s) whose name(s) are subscribed to the above instrument, and acknowledged to me that (he, she, they, corporation, partnership or) executed the same.

Notary Public residing at 114 N. 8th St. Payette, Idaho 83661

My commission expires October 1977 and 11/30/76

KEYPUNCHED 12-8-76 GWS

June 6, 1983

Jim Bivens
55 Emma St.
Payette, ID 83661

Dear Jim,

This letter is to confirm our telephone discussion on May 26, 1983, and send along the information from the 1977 watermaster's report on the Payette River. I hope you find the information helpful.

Proof of Beneficial Use is due on Permit 65-7425 on November 1, 1983. An extension has been granted once for this permit. A second extension could be considered only if the development of the project has been impeded by the processing procedure of a government agency or litigation. Because this project is less than 5,000 acres in size, this permit does not have the benefit of a longer development period allowed by the statutes for large projects.

The watermaster's report contains information that is pertinent to the development of this project. Pages from that report applicable to this project are enclosed. The Payette River for delivery-of-water purposes is divided into three sections below Black Canyon Dam. The diversion point under Permit 65-7425 is within Section 3 which is shown on the map in the report. The supply of water for the river in Section 3 was provided in 1977 from return flows upstream after the river was virtually dewatered by the diversion dam for the Letha ditches at the head of Seven Mile Slough. In 1977 all of the water rights in Section 3 were satisfied and were not regulated. During that dry year every day water in excess of the diversion rate for this permit passed into the Snake River.

Permits for consumptive use totaling about 41 cfs have been filed on the Payette River proper since Lower Payette's application 65-7425 was filed, including later permits filed by the ditch company for 7.2 cfs. With the figures shown in Chart No. 7 of the watermaster's report, there is little likelihood any of these water rights or more would be without water in any year in this section of the river. This conclusion is based on the assumption the major uses of the

cont.

page 2
Jim Bivens

Payette River in the Valley below Black Canyon Dam would not be changed from current irrigation practices.

If you have additional questions or need help after reviewing these materials, please let me know.

Regards,

DONALD V. SHAFF
Adjudication Unit Leader

DVS:jp

Encls:

RECEIVED

AUG 23 1983

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Department of Water Resources

Western Regional Office

REQUEST FOR EXTENSION OF TIME
To provide additional time in which to submit
proof of beneficial use on a water right permit

For Office Use Only
Fee Received <u>\$15.00</u>
Date <u>4/13/85</u>
Receipt # <u>37005</u>

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

State of Idaho, deposes and says:

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

That under the terms and conditions of said permit, work thereunder was required to be completed on or before November 1, 1983.

That he has heretofore performed the following work described under said permit: Installed pumps, pipeline to sprinkler system for 900 acres. Water has been beneficially applied to 900 acres since 1974. Pipeline and pump station capacity is presently installed to handle another 700-900 acres.

Costing \$ 500,000.00

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

Wherefore, he asks that the Department of Water Resources extend the time for the completion of obligations under said permit to November 1, 1988.
(1 yr. minimum, 5 yrs. maximum)

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

Lower Payette Ditch Co.
Charles Huntley President
(Signature)
*If OTHER THAN HOLDER, Power of Attorney must be supplied

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above application for extension of time be APPROVED and the time within which to submit the statement of beneficial use is extended to November 1, 1988.

Signed this 9th day of August, 1983.

J. Glen Saylor
Chief, Operations Bureau

These lands are all dry as of the 1961 photos
and have no sources of water. An exchange
of water is unlikely since the only available
surface water is probably spring run-off.
Use is on Living Firestock Co.
J 11/30/76

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR EXTENSION OF TIME

State of Idaho)
County of Ada)

Permit No. 65-7425

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

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

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

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

That he has heretofore performed the following work described under said permit:
Installed pumps, pipeline to sprinkler system for 900 acres. Water
has been beneficially applied to some of these acres since 1974.

Costing \$ 500,000.00
That he is unable to complete the remainder of the work within the required time for
the following reasons, to-wit: Economic considerations require the incremental
completion of development.

Wherefore, he asks that the Department of Water Resources extend the time for the
completion of obligations under said permit to November 1, 1983.

Lower Payette Ditch Co.
by J. D. Payne, Pres.
(signature) *

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

seal

David R. Tuttle
Notary Public residing at
Boise Id

My commission expires Sept 10, 1980

ACTION OF THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above application for extension of time be APPROVED
and the time within which to submit proof of beneficial use extended to November
1, 1983.

Witness my hand this 2nd day of November, 1978

A. Glen Saylor
Chief, Operations Bureau

* IF OTHER THAN HOLDER, Power of Attorney must be supplied. Forms are available
through the Department of Water Resources, Statehouse, Boise, Idaho 83720.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR EXTENSION OF TIME

State of Idaho)
County of Ada)

Permit No. 65-7425

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

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

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

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

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

Installed pumps, pipeline to sprinkler system for 900 acres. Water
has been beneficially applied to some of these acres since 1974.

Costing \$ 500,000.00

That he is unable to complete the remainder of the work within the required time for
the following reasons, to-wit: Economic considerations require the incremental
completion of development.

Wherefore, he asks that the Department of Water Resources extend the time for the
completion of obligations under said permit to November 1, 1983.

Lower Payette Ditch Co.
by J. D. Quinn, Pres.
(signature) *

Subscribed and sworn before me this 1st day of November, 1978.

Betty S. Allen
Notary Public residing at

seal

Payette Idaho.

My commission expires November 1, 1980

ACTION OF THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES

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

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

* IF OTHER THAN HOLDER, Power of Attorney must be supplied. Forms are available
through the Department of Water Resources, Statehouse, Boise, Idaho 83720.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR EXTENSION OF TIME

State of Idaho)
County of Ada) Permit No. 65-7425

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

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

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

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

That he has heretofore performed the following work described under said permit:
Installed pumps, pipeline to sprinkler system for 900 acres. Water
has been beneficially applied to some of these acres since 1974.

Costing \$ 500,000.00

That he is unable to complete the remainder of the work within the required time for
the following reasons, to-wit: Economic considerations require the incremental
completion of development.

Wherefore, he asks that the Department of Water Resources extend the time for the
completion of obligations under said permit to November 1, 1983.

James Payette, Notch Co.
by [Signature]
(signature) *

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

seal

David R. Tully
Notary Public residing at
Boise Id

My commission expires Sept 10, 1980

ACTION OF THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES
IT IS HEREBY ORDERED that the above application for extension of time be

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