

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

03/20/2001

RIGHT NUMBER: 65-3115

NAME AND ADDRESS: ROSEBERRY IRRIGATION DISTRICT
PO BOX 366
DONNELLY, ID 83615

JOE ELD
2554 E ROSEBERRY
MC CALL, ID 83638

SOURCE: BOULDER LAKE TRIBUTARY: BOULDER CREEK

QUANTITY: 1207 AFY

PRIORITY DATE: 05/06/1949

POINT OF DIVERSION: T17N R03E S13 SENWSE Rediversion Within VALLEY County
T18N R04E S27 NESE Within VALLEY County

WHEN AVAILABLE 361 ACRE FEET OF WATER FROM
BOULDER LAKE OR 310 ACRE FEET AT HEADGATE OF WATER
DIVERTED UNDER THIS RIGHT IS EXCHANGED WITH WATER
FROM LOUIE LAKE UNDER RIGHT NO. 65-02916
WATER DIVERTED UNDER THIS RIGHT IS USED WITHIN THE
BOULDER IRRIGATION COMPANY AND THE ROSEBERRY
IRRIGATION DISTRICT BOUNDARIES

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION STORAGE	1-01 12-31	1,207.00 AFY
IRRIGATION FROM STORAGE	4-15 10-15	1,207.00 AFY

PLACE OF USE:

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 2826 ACRES WITHIN THE BOUNDARIES OF THE ROSEBERRY IRRIGATION DISTRICT IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 65-03114, 65-03116, 65-02585

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 2,679 ACRES WITHIN THE BOUNDARIES OF THE ROSEBERRY IRRIGATION DISTRICT 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 - Decreed

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

SUBCASE NO. 65-02585, 65-03114
65-03115 & 65-03116

NOTICE OF COMPLETED
ADMINISTRATIVE PROCEEDING

IDWR has completed the following Administrative proceeding: **CHANGE OF ADDRESS**

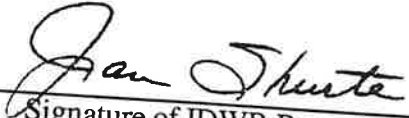
Name and New Address of Claimant:
Roseberry Irrigation District
PO Box 366
Donnelly ID 83615

Joe Eld
2554 E Roseberry
Mc Call ID 83638

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

Dated: March 27, 2001


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on March 27, 2001, I mailed the original and copies of this form to the following persons, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls ID 83303-2707

2. One Copy to:

Claimant or attorney of record:
Roseberry Irrigation District
PO Box 366
Donnelly ID 83615

Joe Eld

2554 E Roseberry
Mc Call ID 83638

3. One Copy to:

Each party in the subcase or attorney of record:

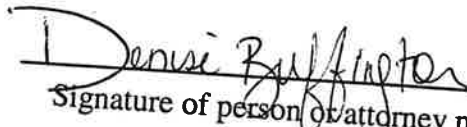
Josephine P Beeman
Dana L Hofstetter
Beeman & Hofstetter, P.C.
608 W Franklin St
PO Box 1427
Boise ID 83701-1424

4. One Copy to:

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

5. One Copy to:

United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724


Signature of person or attorney mailing the form

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

CHANGE IN ADDRESS OF NOTICE OF CLAIM

[] Water Right Number(s):

65-2585

65-3114, 3115, 3116

[] Claimant Name(s):

Roseberry IRR Dist

PO Box 42

[] Old Mailing Address:

Donnelly, ID 83615

☒ New Mailing Address:

Roseberry Irr. Dist.

PO Box 366

Donnelly, ID 83615

Telephone Number:

(208) 325-8876

☒ Signature of Claimant(s):

Joe Eld

Date:

3/19/01

Joe Eld

2554 E Roseberry

McCall, ID. 83638

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: A65-03115
Date Received: 12-27-88
Receipt No: 12-23-88
Received By: C004770 AR#1000011

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ROSEBERRY IRRIGATION DISTRICT
Address: P. O. BOX 42
DONNELLY, ID

208-325-8768

83615

2. Date of Priority: JAN 12, 1917

3. Source: BOULDER LAKE

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
17N	03E	13	SE NW SE		VALLEY
18N	04E	27	NW NE SE		VALLEY

5. Description of diverting works:
STONE WORK AND ROCK RUBBLE STORAGE DAM.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION FROM STORAGE	04/15	10/15			1218.00
IRRIGATION STORAGE	01/01	12/31			1218.00

7. Total Quantity Appropriated is:
C.F.S. (and/or) 1218.00 A.F.A.

8. Total consumptive use is 1218.0 Acre Feet Per Annum.

9. Non-irrigation uses:
S/10,000HD.IN DISTRICT

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
16N	03E	1	NW NE		IRR	35.6

A65-03115

Page 1

Date: 11/18/88

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10. Place of Use: Continued

Township 16N	Range 03E	Section 1	1/4 of 1/4	Lot	Use	Acres
			SW NE		IRR	40.0
			NE SW		IRR	20.0
			SE SW		IRR	40.0
			NW SE		IRR	40.0
			Section Acres			175.6
		2	NW SE		IRR	5.0
			SW SE		IRR	20.0
			Section Acres			25.0
		10	SE SE		IRR	30.0
			Section Acres			30.0
		11	NE NE		IRR	40.0
			NW NE		IRR	25.0
			SW NE		IRR	40.0
			SE NE		IRR	40.0
			NE NW		IRR	5.0
			SE NW		IRR	40.0
			NE SW		IRR	40.0
			NW SW		IRR	20.0
			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			490.0
		12	NW NE		IRR	40.0
			SW NE		IRR	40.0
			NE NW		IRR	20.0
			NW NW		IRR	40.0
			SW NW		IRR	40.0
			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

10. Place of Use: Continued

Township 16N	Range 03E	Section 12	1/4 SE	of 1/4 SE	Lot	Use IRR	Acres 30.0
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Section Acres 490.0

13	NW	NE				IRR	40.0
	SW	NE				IRR	40.0
	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 400.0

14	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
	NE	SW				IRR	40.0
	NW	SW				IRR	40.0
	SW	SW				IRR	29.0
	SE	SW				IRR	28.0
	NE	SE				IRR	40.0
	NW	SE				IRR	40.0
	SW	SE				IRR	40.0
	SE	SE				IRR	40.0

Section Acres 617.0

15	NE	NE				IRR	30.0
	SW	NE				IRR	15.0
	SE	NE				IRR	40.0
	NE	SE				IRR	40.0
	NW	SE				IRR	10.0
	SW	SE				IRR	20.0
	SE	SE				IRR	40.0

Section Acres 195.0

10. Place of Use: Continued

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres			
16N	03E	23	NE	NE		IRR	40.0			
			NW	NE		IRR	40.0			
			SW	NE		IRR	40.0			
			SE	NE		IRR	40.0			
			NE	SE		IRR	20.0			
			NW	SE		IRR	40.0			
Section Acres							220.0			
		24	NE	NW		IRR	40.0			
			NW	NW		IRR	40.0			
			SW	NW		IRR	35.0			
			SE	NW		IRR	35.0			
			Section Acres							150.0
			17N	03E	36	NE	SW		IRR	20.6
NW	SW					IRR	8.3			
NW	SE					IRR	4.0			
SW	SE					IRR	25.9			
Section Acres							58.8			
Total Acres							2851.4			

11. Place of use in counties: VALLEY

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

13. Other Water Rights Used:
65-03114, 6503116, 6502585.

14. Remarks:

PLACE OF USE WITHIN LANDS OF THE ROSEBERRY IRRIGATION DISTRICT. STOCK USE IS INCIDENTAL. CONCLUSIONS OF LAW #7 IS PRESUMED TO APPLY TO THIS RIGHT WHERE A REASONABLE FLOW IS IMPLIED AND INCLUDED FOR THE WATERING OF LIVESTOCK DURING THE NON-IRRIGATION SEASON. THE POINT OF DIVERSION HAS BEEN AT THE LOCATION WHICH THIS CLAIM PRESENTS SINCE 1940. THE ACREAGE HAS BEEN ESTABLISHED AS OF 1980. THE PAYETTE DECREE SHOWED ACREAGE AT 2679. A PRIORITY DATE OF 1917 JAN. 12 HAS BEEN CHOSEN BECAUSE OF THE DATE AND QUANTITY STATED IN THE ROSEBERRY IRR. DIST. VS. CLARENCE SHAW, ET AL, DEFENDENTS. DATED 7-15-26, AND WAS ASSIGNED PRIORITY # 3, AND DECREE # 2.

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date: 1/21/1986

STATE OF IDAHO
Decree Plaintiff

vs

A & C CORP., ET AL.
Decree Defendant

16. Signature(s)

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

Number of attachments: 6

For Organizations:

I do solemnly swear or affirm that I am Chairman of the Board of
Roseberry Irrigation Dist., that I have signed the foregoing
document in the space below as Chairman of the Board of
Roseberry Irrigation Dist and that the statements contained in the
foregoing document are true and correct.

J.R. M. Hayes
Signature of Authorized Agent
C.O.B. Roseberry Irrigation
Title and Organization
12-20-88
Date

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 20th day
of December 19 88

Dena Billups
Notary Public

Seal

Residing at Dena Billups, Notary Public
Residing in Caldwell, Idaho
My Commission Expires March 21, 1994
Date: 11/18/88

A65-03115

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SEP 22 1992

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: 65-03115

DATE RECEIVED:

RECEIPT NO:

RECEIVED BY: _____

Should be PM-3, DM-2

By an Decree 7-25-26

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. NAME: ROSEBERRY IRRIGATION DISTRICT
ADDRESS: P. O. BOX 42
CONNELLY, ID 83615

2. DATE OF PRIORITY:

MAY 06, 1949

Should be 1-12-17?

3. SOURCE: BOULDER LAKE

TRIE. TO:

4. POINT OF DIVERSION:

TOWNSHIP	RANGE	SECTION	1/4 OF 1/4 OF 1/4	LOT	COUNTY
17N	03E	12	SE	NE	VALLEY
17N	04E	27	NE	SE	VALLEY

5. DESCRIPTION OF DIVERTING WORKS: *stone work and rock rubble storage dam*

6. WATER IS USED FOR THE FOLLOWING PURPOSES:

PURPOSE	FROM	TO	C.F.S.	(OR)	A.F.A.
IRRIGATION FROM STORAGE	04/15	10/15			1207.00
<i>Stock water</i>	<i>(they will add here) Irr to storage</i>				

7. TOTAL QUANTITY APPROPRIATED IS:

C.F.S. (AND/OR) 1207.00 A.F.A.

8. TOTAL CONSUMPTIVE USE IS 1207 ACRE FEET PER ANNUM.

9. NON-IRRIGATION USES:

note #14 next page
10. PLACE OF USE:

TOWNSHIP	RANGE	SECTION	1/4 OF 1/4	LOT	USE	ACRES
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11. PLACE OF USE IN COUNTIES: VALLEY, VALLEY

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

65-03115

PAGE

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DATE: 09/30/88

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MICROFILMED

SEP 22 1992

13. OTHER WATER RIGHTS USED:

14. REMARKS:

PLACE OF USE WITHIN LANDS OF THE ROSEBERRY IRRIGATION DISTRICT.

15. BASIS OF CLAIM: DECREE

CASE NUMBER:

COURT :

DECREE DATE: 1/21/1946

STATE OF IDAHO
DECREE PLAINTIFF

A & C CORP., ET AL.
VS
DECREE DEFENDANT

16. SIGNATURE(S)

(A.) BY SIGNING BELOW, I/WE ACKNOWLEDGE THAT I/WE HAVE RECEIVED, READ AND UNDERSTAND THE FORM ENTITLED "HOW YOU WILL RECEIVE NOTICE IN THE SNAKE RIVER BASIN ADJUDICATION." (B.) I/WE DO ____ DO NOT ____ WISH TO RECEIVE AND PAY A SMALL ANNUAL FEE FOR MONTHLY COPIES OF THE DOCKET SHEET.

NUMBER OF ATTACHMENTS: _____

FOR 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 _____ OF
TITLE

_____, THAT I HAVE SIGNED THE FOREGOING

ORGANIZATION
DOCUMENT IN THE SPACE BELOW AS _____ OF

TITLE
_____, AND THAT THE STATEMENTS CONTAINED IN THE

ORGANIZATION
FOREGOING DOCUMENT ARE TRUE AND CORRECT.

SIGNATURE OF AUTHORIZED AGENT

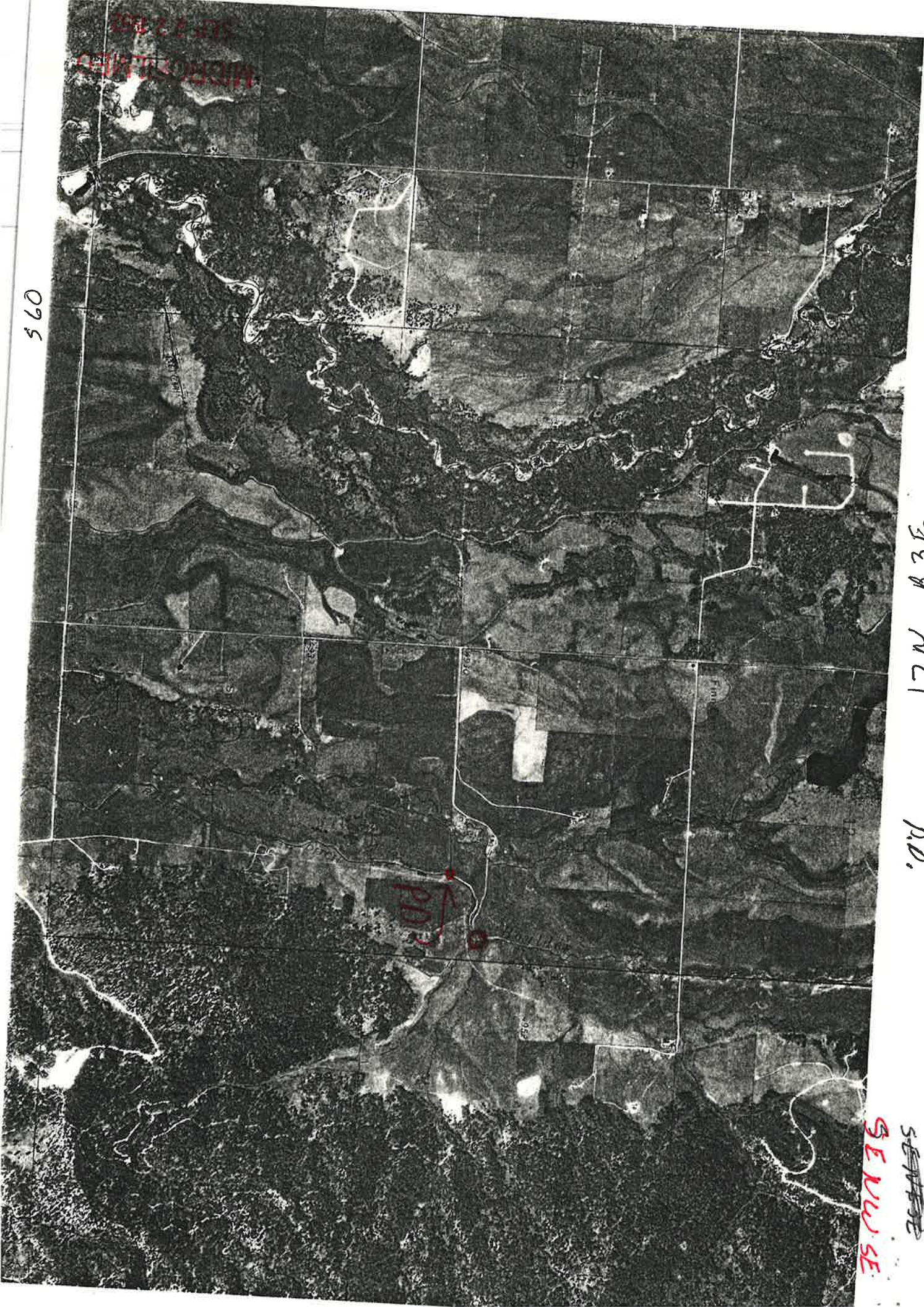
TITLE AND ORGANIZATION

DATE

MICROFILMED

SEP 22 1992

560



~~SE NW SE~~
SE NW SE

17N R3E
Sec 13

65-03114
P.D.

PD

228-35 185

100-100

100-100

116°00' 580000m.E.
45°00'

R 4 E

450 00 000 FEET (CENTRAL)

59

R 5 F

T 19 N

4980000m.N.

1 200

1 200 000 FEET
(CENTRAL)

T 18 N

497

1 150

1 150

T 17 N

496

P	A ³¹ Y	E	T	T	E
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RECEIVED

SEP 22 1992

Roseberry Irrigation District – Response to Dana Hofstetter's Motion to Alter or Amend

65-2585 – Important Note – Dana Hofstetter did not object to 65-2585 originally. See copy of Court summary sheet in legal file.

#1 – Joe Eld was added to the right per a change of address (see attached) submitted in 2001. Garrick and I remembered that the reason they wanted to add Joe Eld is because correspondence was not being looked at quickly enough when it just went to Roseberry. So, they wanted Joe on there since he checked his mail daily. His address was different and we added him with the different address. I guess we could put Roseberry twice, once with their name and po box and then again with their name in c/o Joe Eld. I don't care.

#2 – Ok to change to the North Fork Payette River. Actually I have evidence in the file that this was done on our database previously. Garrick and I did not know if an SF5 was ever sent due to the ongoing litigation. I have no problem with changing the tributary.

#3 – Acreage – It does appear that Special Master Cushman made an error in his Conclusions of Law. The acres for the three rights, 65-3114, 3115 & 3116 were combined not to exceed 3719 when combined together (2679 were decreed in the PRBA and during review Dana found an addition mistake in the PRBA for 40 acres which brought that up to 2719). For some reason 65-2585 listed 2826 acres for Roseberry. Thus, the two conditions on 65-3114, 3115 & 3116 that when they are combined only 2719 acres can be irrigated and another that when they are combined with 65-2585 they cannot exceed 2826 acres. Cushman put in the Conclusions of Law on page 4, part III that when all four of the rights were combined they could not exceed 2719 and it should have been 2826 for all 4. It is 2719 for the 3 as explained above.

65-3114

#1 – Same as above – Joe Eld address problem.

#2 - Same as above – Ok to change tributary.

65-3115

#1 – Same as above – Joe Eld address problem.

#2 - POD remark concerning the exchange of water between Boulder Lake and Louie Lake. This remark was removed on an amended recommendation (not submitted to the court) in 2001. Sue made a comment that the pod remark was removed. Ok to remove since it is a separate agreement. However, for future

understanding of the system, I am putting it in the recommendation as a comment only.

65-3116

#1 – Same as above – Joe Eld address problem.

#2 – Same as above – Ok to change tributary.

65-22587 – Important Note – Dana did not file an objection to the rediversion issue, only to the priority date.

#1 – Priority date should be changed to the 1917 priority date per 65-3115 since this is one of those incidental stockwater rights included in the General Provisions from the PRBA that was deleted from the SRBA. We then allowed right holders to claim stockwater in connection with a decreed right and they were recommended as Decreed with the same priority as the right upon which they were based. So, when 65-3115's priority date was changed, so should have 65-22587's priority date have been changed.

#2 – Rediversion point – I checked the files on this one. I could not find anywhere that shows two rediversion points. The point located in Arcview reflects only one. I have no problem taking off one of the rediversion points on this right in the NWSE, S. 13, T17N, R3E. Only one should be shown in the NWSE, S. 13 for a rediversion point from Boulder Creek and then the actual point of diversion for Boulder Lake in S. 27, T18N, R4E, NESE which reflects the dam for Boulder Lake on Boulder Creek.

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

RIGHT NUMBER: 65-3115
NAME AND ADDRESS: ROSEBERRY IRRIGATION DIST
PO BOX 366
DONNELLY ID 83615

ROSEBERRY IRRIGATION DIST
C/O JOE ELD
2554 E ROSEBERRY
MC CALL ID 83638

SOURCE: BOULDER LAKE
QUANTITY: 1,207.000 AFY
PRIORITY DATE: 01/12/1917

TRIBUTARY: BOULDER CREEK

POINT OF DIVERSION:

T17N R03E S13 NWSE Rediversion Within VALLEY County
T17N R03E S13 NWSE Rediversion Within VALLEY County
T18N R04E S27 NESE Within VALLEY County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION STORAGE	1/01 12/31	1,207.00 AFY
IRRIGATION FROM STORAGE	4/15 10/15	1,207.00 AFY

PLACE OF USE:

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 2826 ACRES WITHIN THE
BOUNDARIES OF THE ROSEBERRY IRRIGATION DISTRICT IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 65-03114, 65-03116,
65-02585.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 2,719 ACRES WITHIN THE
BOUNDARIES OF THE ROSEBERRY IRRIGATION DISTRICT 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.

Basin 65 General Provisions No. 3, the Separate Streams General
Provision, does not apply to appropriations of water after October 18,
1977.

This water right shall be administered as being from a separate source
pursuant to Basin 65 General Provision No. 3. If the holder of this right
seeks to change the right pursuant to Idaho Code § 42-222 or successor
statute, nothing in this general provision shall preclude any other person
or entity from demonstrating that such change in use would cause injury
to its water right or from receiving any relief provided by law in the event
of injury.

HOFSTETTER LAW OFFICE

608 West Franklin Street
Boise, Idaho 83702

Dana@IdahoWaterLaw.com

Dana L. Hofstetter
Attorney at Law

RECEIVED

AUG 19 2002

Department of Water Resources

Telephone: (208) 424-7800
Facsimile: (208) 424-8774

August 16, 2002

RECEIVED

AUG 28 2002

WATER RESOURCES
WESTERN REGION

Garrick Baxter
Deputy Attorney General
Idaho Department of Water Resources
1301 Orchard Street
Boise, Idaho 83706

Re: Roseberry Irrigation District
SRBA Subcase Nos. 65-03114, 65-03115, 65-03116 and 65-02585

Dear Garrick:

I enclose the approval for the boundary map changes with the Roseberry Irrigation District board members' original signatures. Please ensure that this original document is placed in the appropriate Idaho Department of Water Resources file.

Thank you for your assistance with this matter.

Sincerely,

HOFSTETTER LAW OFFICE, LLC



Dana L. Hofstetter

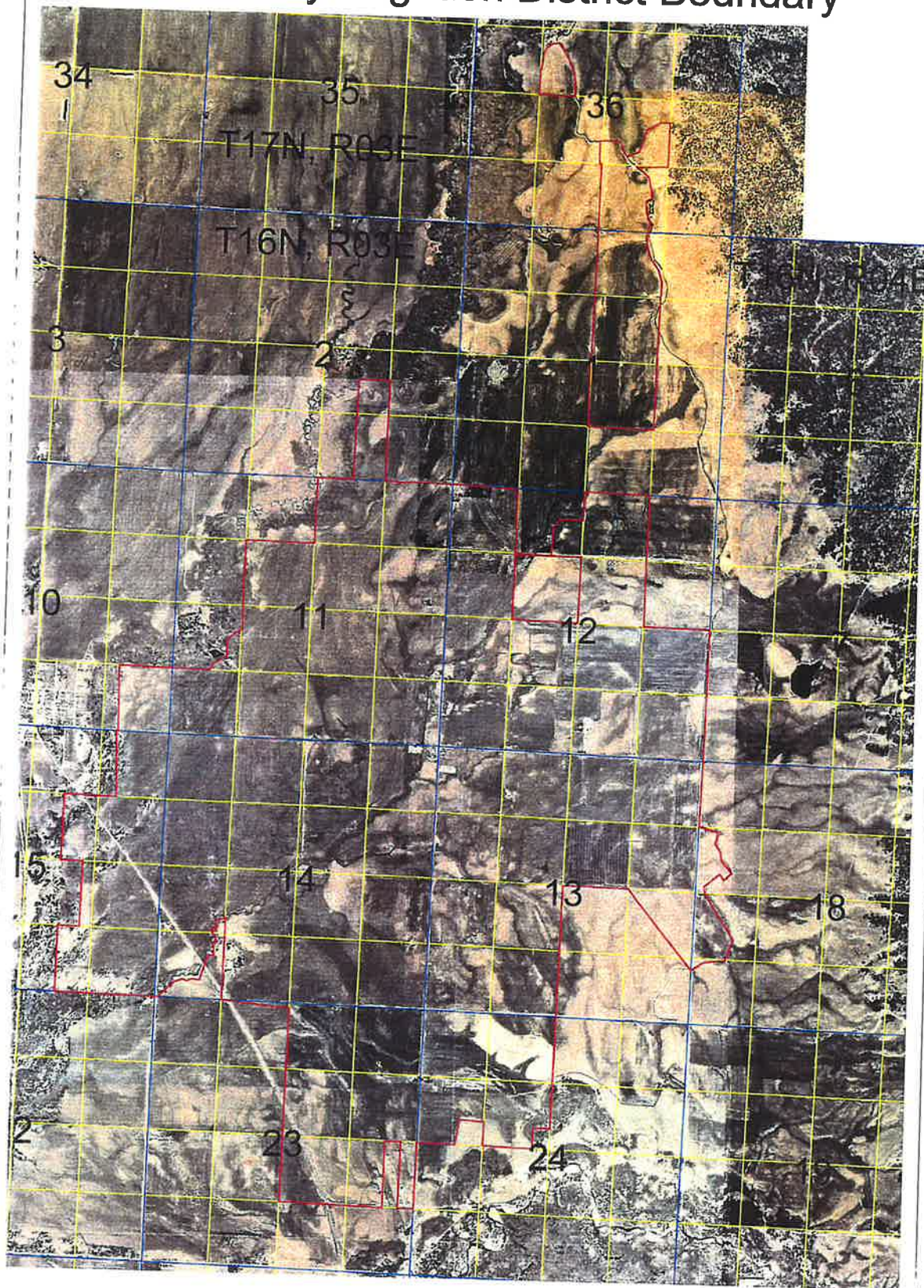
Enclosure

cc: Island Capitol w/ copy encl.

Lyle Points w/ copy encl.

E:/4004.1/5325

Roseberry Irrigation District Boundary



□ Roseberry Boundary
□ Quarter Quarter Lines
□ Section Lines



Created by Sue Bock
 November 9, 1999
 Modified 10/31/2001
 Finalized 8/12/02

0 0 500 1000 1500 2000 2500 Feet

HOFSTETTER LAW OFFICE

608 West Franklin Street
Boise, Idaho 83702

Dana@IdahoWaterLaw.com

Dana L. Hofstetter
Attorney at Law

Telephone: (208) 424-7800
Facsimile: (208) 424-8774

April 26, 2002

Joe Eld
Roseberry Irrigation District
2554 East Roseberry
McCall, ID 83638

Mack Miller
1008 North 6th Street
Boise, ID 83702

Lyle Points
P.O. Box 53
Donnelly, ID 83615

ORIGINAL

Re: Roseberry Irrigation Boundary Map

Dear Gentlemen:

As you know, Eastern Western Corporation and Island Capitol, LLC previously requested certain changes to the Roseberry Irrigation District boundary map dated November 9, 1999. I enclose a copy of my November 1, 2001 letter to Joe Eld, describing the requested changes. Island Capitol and the Idaho Department of Water Resources are nearing final resolution of several of Island Capitol's water rights in the Snake River Basin Adjudication. As part of that process, Island Capitol also would like to finalize the requested changes to the Roseberry Irrigation District boundary map. On behalf of Island Capitol, LLC, I would request that as soon as possible you consider the requested changes and notify Sue Bock of Idaho Department of Water Resources and myself, concerning whether or not you approve. As you will note, the requested changes actually would result in a net decrease in the number of acres identified within Roseberry's boundaries. The Roseberry Irrigation District assessments for the land Island

Re: District Boundary Map
April 26, 2002
Page 2

Capitol purchased from Eastern Western Corporation have been corrected by the Valley County Treasurer's Office and those corrected assessments would be consistent with the requested changes on the map.

You can indicate your assent to the requested changes by signing this letter below and returning the signed letter to me. I will arrange to forward the information to Sue Bock. Thank you for your assistance in this matter.

Sincerely,

HOFSTETTER LAW OFFICE, LLC

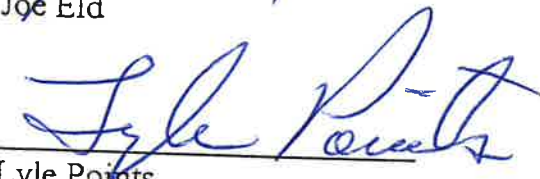


Dana L. Hofstetter

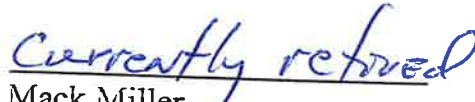
Approved by:


Joe Eld

Approved by:


Lyle Points

Approved by:


Mack Miller

Enclosures

cc: Garrick Baxter

Sue Bock

Island Capitol, LLC

E:/4004.1/5236

RECEIVED

OCT - 2 2002

Department of Water Resources

2002 OCT - 1 PM 3:27

FILED
TWIN FALLS, IDAHO
FILED

**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

) **Subcases: 65-03114, 65-03115 & 65-03116**
) **(Roseberry Irrigation Dist.)**
)
) **ORDER DENYING MOTION TO**
) **CORRECT CLERICAL ERRORS**
) **PURSUANT TO I.R.C.P. 60(a) BUT**
) **ALLOWING PRIOR DECREE TO BE**
) **SUPPLEMENTED WITH EVIDENCE ON**
FINDINGS OF AMBIGUITY; and
ORDER SETTING TELEPHONE
STATUS CONFERENCE

I.

PROCEDURAL BACKGROUND

This matter came before this Special Master pursuant to a *Motion to Correct Clerical Mistakes in Judgment Pursuant to I.R.C.P. 60(a)*, filed on behalf of Roseberry Irrigation District (Roseberry), claimant of the above-captioned water rights. Water right 65-03115 was previously decreed in a private adjudication, subsequently in the Payette River Adjudication (Payette Adjudication), and is now being claimed in the SRBA. Roseberry asserts that water right 65-03115 was claimed and ultimately decreed in the Payette Adjudication with the incorrect priority date. Roseberry also contends that the incorrect amount of irrigated acreage for the place of use was decreed in the Payette Adjudication for combined water rights 65-03114, 65-03115 and 65-03116. Roseberry seeks to have these alleged errors treated as clerical errors and the Payette Decree corrected pursuant to I.R.C.P. 60(a). Objectors Black Canyon Irrigation District and the United States each filed a memorandum in opposition.

II. FACTUAL BACKGROUND

1. Roseberry filed claims in the SRBA for water rights 65-03114, 65-03115 and 65-03116. Water right 65-03115 is a storage right for irrigation from Boulder Lake Reservoir. Boulder Lake Reservoir is fed by Boulder Creek. Water rights 65-03114 and 65-03116 are irrigation rights. On January 12, 1917, Roseberry filed a permit application with the state engineer for approval of the construction of Boulder Lake Reservoir and for an accompanying storage right. The application was approved January 20, 1917, and was made contingent on the completion of the project by January 20, 1920, and the beneficial use of the water made by January 20, 1922. The permit also indicated that the total amount of land to be irrigated was 2915.27 acres.

2. In 1925, Roseberry filed an action in state district court to have water rights on the Boulder Creek source adjudicated in order to have Roseberry's water rights confirmed. A decree was issued in 1926 in *Roseberry Irr. Dist. v. Shaw et al. (Shaw Decree)*, which decreed to Roseberry a water right for storage in Boulder Lake Reservoir for purposes of irrigation with a January 12, 1917, priority date. This right was later designated as 65-03115. The *Shaw Decree* also decreed the irrigation rights later designated as 65-03114 and 65-03116. Water right 65-03114 was decreed with a June 25, 1902, priority date and 65-03116 was decreed with a January 12, 1917, priority date. The priority dates for these two rights are not at issue. The place of use decreed for all three rights was 2990 acres of irrigable lands located within the boundaries of the district.

3. The Payette Adjudication, which was an adjudication of all surface and groundwater of the Payette River drainage, was commenced on November 12, 1969. On May 19, 1971, Roseberry filed claims in the Payette Adjudication for water rights 65-03114, 65-03115 and 65-03116. The *Notice of Claim* filed for 65-03115 claims a September 6, 1949, priority date in the line item for priority date. However, in the same *Notice of Claim*, the line item describing the basis for the claim refers to the *Roseberry v. Shaw*, decree.

4. The *Notices of Claim* for 65-03114, 65-03115 and 65-03116 contain a line item containing a table or grid indicating the number of acreage claimed within each $\frac{1}{4}$ section of the irrigation district for purposes of describing the place of use. The figures contained in the table in each of the three *Notices of Claim* are identical so as to describe a combined place of use and total number of acres for the three rights. In each of the three tables the total number of acres originally indicated in type is 2787. However, the 2787 is crossed out and replaced with a handwritten interlineation of 2679 and a notation to "see attachment" for the acreage. The attachment is a similar table but containing different acreage values in some of the columns. The total number of acres indicated in the table is the 2679 acres. See Exhibit E5 to *Affidavit of Dana L. Hofstetter*. In that same table, the total acreage for the place of use within Township 16N, Range 3E, section 11, indicates a total of 443 acres. However, in adding the figures contained in the row for section 11, the correct addition total should be 483 acres. Hence, the total combined acres should have read 2719 total acres not 2679 total acres.

5. On March 2, 1979, the Idaho Department of Water Resources issued a *Proposed Finding of Water Right* (essentially a director's report) for water rights 65-03114, 65-03115 and 65-03116. The *Proposed Finding* for water right 65-03115 recommended a May 6, 1949, priority date. The *Proposed Finding* also indicated that the basis for the right was a prior decree. The *Proposed Findings* for the combined total acreage for the place of use for all three rights recommended the 2679 total acres. Roseberry did not contest any of these *Proposed Findings*. On January 21, 1986, a partial decree was entered in the Payette Adjudication adopting the uncontested portions of IDWR's *Proposed Findings* and decreeing the three water rights as proposed. Roseberry also did not contest the partial decree.

6. In 1988, Robert M. Keyes, the former water master from 1954 to 1980 responsible for administering Roseberry's water rights, and former secretary for water districts 20-K and 65-D from 1954 to 1988, which included Roseberry's water rights, executed an affidavit stating that during Mr. Keyes' tenure the storage right from Boulder Lake had always been administered according to the January 12, 1917, priority date as contained in the July 7, 1926, *Shaw* decree. See Exhibit F to *Affidavit of Dana L.*

Hofstetter. The record does not indicate whether or not the affidavit was ever actually filed with the Payette or SRBA Courts or IDWR.

7. Prior to the completion of the Payette Adjudication, on November 19, 1987, the SRBA was commenced. Consistent with the commencement, all parties to the Payette Adjudication were required to re-file new claims in the SRBA. Although the commencement of the SRBA in fact subsumed the Payette Adjudication, a formal order consolidating the Payette Adjudication with the SRBA was not issued until February 8, 2001.

8. On December 27, 1988, Roseberry filed respective claims in the SRBA for water rights 65-03114, 65-03115 and 65-03116. For water right 65-03115 Roseberry claimed the January 12, 1917, priority date. IDWR issued a director's report for 65-03115 initially recommending the January 12, 1917, priority date. However, IDWR later corrected its recommendation to reflect the May 6, 1949, priority date based on the partial decree issued in the Payette Adjudication. With respect to the combined acreage for the three water rights IDWR recommended the 2679 acres as the place of use for the three water rights.

III. APPLICABLE LAW, DISCUSSION AND FINDINGS

Roseberry now seeks to have these alleged errors treated as clerical errors and the partial decrees issued in the Payette Adjudication corrected pursuant to I.R.C.P. 60(a). Both objectors, Black Canyon Irrigation District and the United States, withdrew their opposition to amending the Payette Adjudication Partial Decree relative to the acreage calculation but not to amending the priority date. I.R.C.P. 60(a) allows a court to correct clerical mistakes in judgments arising from oversight or omission upon the court's motion or upon motion of any party at any time. Pursuant to the order consolidating the Payette Adjudication with the SRBA, the SRBA would be the proper forum for correcting the Payette Decree. However, it is the opinion of this Special Master that correcting the Payette Decree is not the appropriate remedy. Rather, the issue is whether Roseberry is permitted to collaterally attack the prior decree in conjunction with proving the elements of the subject water rights in the SRBA proceedings.

In the SRBA, a prior decree entered in a private adjudication provides proof of the nature and extent of the water right. However, it does not provide conclusive proof. I.C. § 42-1401A(9); *State v. Hagerman Water Right Owners*, 130 Idaho 736, 742, 947 P.2d 409, 414. ¹ First, a prior decree is binding only upon those parties, or their successors-in-interest, to the prior decree. *Hagerman Water Right Owners*, at 742, 947 P.2d at 414. Thus, parties or their successors to the prior private adjudication are bound by principles of *res judicata* and are precluded from collaterally attacking the prior decree. However, parties to the SRBA who were not previously parties or privies to the prior action are not bound by the prior decree. *Id.* Second, previously, decreed rights are not insulated from loss or reduction based on forfeiture or other related concepts. *Id.* at 741, 947 P.2d at 413 (string citations omitted). Lastly, prior decrees introduced as proof of a water right in the SRBA are frequently vague or ambiguous.

Examples of vagueness can include the situation where the intended meaning of the use of a term cannot be ascertained from the face of the document or the situation where the older decree did not include all the elements of a water right that are now required by statute. Examples of ambiguous decrees occur where the use of a term has more than one meaning or where internal inconsistencies exist in the decree. In the situation where a prior decree is determined to be vague or ambiguous, the practice in the SRBA has been to allow parties to introduce evidence to supplement the decree, explain the ambiguity or assist the court with interpreting the prior decree in conjunction with proving up the water right claim in the SRBA as opposed to going back and amending the prior decree either through I.R.C.P. 60(a) or 60(b). In *SRBA Case No. 39576*, subcase nos. 36-00003A *et al.* (Nov. 23, 1999), the SRBA District Court addressed the issue of the meaning of the "other purposes" language contained in the *New International Decree*. The issue was whether the phrase "other purposes" included a purpose of use for fish propagation. The SRBA District Court ruled that the *Decree* was vague and internally inconsistent with respect to the purpose of use and allowed the claimant to put on evidence to supplement the decree and show the purpose of use at the time the decree was entered. This practice is consistent with the Supreme Court's analysis that a decree in a

¹ Although the Payette Adjudication was commenced as, and had the attributes of a general adjudication as opposed to a private adjudication, because the Payette Adjudication was never completed it meets the statutory definition of a private adjudication. I.C. § 42-1401A.

prior adjudication is not conclusive proof of the nature and extent of a water right. *Hagerman Water Right Owners*, at 741, 947 P.2d at 413. This practice is also consistent with the exception to the general rule permitting a collateral attack on a prior judgment where the judgment is determined to be ambiguous. See 46 AM JUR 2d JUDGMENTS § 93 (general rule does not prohibit collateral attack on judgment where incomplete or ambiguous on face). Finally, this practice is consistent with the procedure set for the by the Idaho legislature with respect to supplementing vague decrees under the amnesty statute I.C. § 42-1427 which allows water rights based on existing decrees containing undefined elements to be reported by IDWR based on the use at the time of the commencement of the SRBA. In this regard, evidence is required to supplement the prior decree.

Although I.R.C.P. 60(a) permits a decree to be amended at any time, there are a couple of problems with amending a prior decree that serves as the basis for a claim in the SRBA. A prior decree in a private adjudication is proof of the existence of the water right but it is not conclusive proof. This is because the decree is only binding on the parties or their privies to the prior action but not on all parties to the SRBA. Therefore the significance of the prior decree in the SRBA is essentially that of evidence of the existence of the water right. Thus it makes little sense to expend the effort to hold collateral or separate proceedings for purposes of going back and amending a prior decree the purpose of which is to provide evidence of a water right in the SRBA proceedings. Additionally, it is not always obvious from the face of a decree or related pleadings that an alleged discrepancy or error was necessarily the result of a clerical error. As a result, wide latitude may be required from the SRBA Court to allow an error to be treated as a clerical error under I.R.C.P.60(a). For example, in the instant case water right 65-03115 was claimed in the Payette Adjudication with a 1949 priority date, reported by IDWR with a 1949 priority date and decreed with a 1949 priority date, that is now asserted in the SRBA to be incorrect. While the alleged error may in fact have been the result of a clerical error there may be other equally plausible explanations. Because its not obvious from the face of the decree or related pleadings that the error was the result of a clerical error, extraneous evidence is required in order to demonstrate why the claimed priority date was not the priority date intended to be claimed. In contrast, the

alleged clerical error with respect to the total acreage in this case is at least apparent from the face of the claim. Where the alleged clerical error is not readily apparent and leads to an ambiguity in the decree, rather than stretch the application of I.R.C.P. 60(a) and amend the prior decree, the appropriate solution is to allow the prior decree to be collaterally attacked for purposes of explaining the ambiguity in conjunction with proving the claimed water right in the SRBA.

The difference with this approach is the allocation of the benefit of the presumption created by the director's report. IDWR based its recommendation on the prior decree. If the Court corrects the prior decree IDWR will have to amend its recommendation in accordance therewith. The claimant then gets the benefit of the presumption. If on the other hand the claimant is instead allowed to collaterally attack the prior decree for purposes of demonstrating an error the claimant must overcome the presumption in proving the water right. However, given the fact that the water right went through a full prior adjudication process it makes more sense require the claimant to overcome the presumption by collaterally attacking the decree and proving up the water right, as opposed to the court merely accepting the representations of counsel that the alleged discrepancy was the result of a clerical error. In this regard the Court can make appropriate findings regarding any errors.

To summarize, unless it is unequivocal from the face of the prior decree or related pleadings that an alleged error contained in a prior decree is a clerical error this Special Master declines to proceed under I.R.C.P. 60(a). However, when a clerical error is apparent the practice is not to go back and amend the prior decree but rather recommend the water right based on the prior decree and the finding of a clerical error. Where the alleged error is not unequivocally the result of a clerical error and upon the finding of an ambiguity or inconsistency, this Special Master will allow the prior decree to be supplemented with additional evidence for purposes of explaining the alleged error and recommending the right taking the correction into account based on a satisfactory showing. This procedure not only provides for the consistent application of I.R.C.P. 60(a) but also allows the claimant the opportunity to put on evidence and explain an error in a prior decree so as not to be bound in the SRBA by what may ultimately be determined to be an error.

In the instant case, this Special Master finds that the partial decree entered in the Payette Adjudication for water right 65-03115 is ambiguous with respect to the priority date. The partial decree decrees a September 6, 1949 priority date but indicates a prior (*Shaw*) decree as the basis for the decree. The *Shaw Decree* decreed a 1917 priority date. IDWR's *Proposed Findings* recommend a 1949 priority date but also references the prior decree as the basis for the recommendation. The *Notice of Claim* filed for 65-03115 claims a September 6, 1949, priority date but also describes the *Shaw Decree* as the basis for the claim. This Special Master finds that the partial decrees entered for water rights 65-03114, 65-03115 and 65-03116 contain an error or inconsistency with respect to the total irrigated acreage, which is obvious from the face of the claims. In addition, the objections to treating this as a clerical error were withdrawn.

VI. ORDER

Based on the foregoing, this Special Master declines to recommend that the alleged clerical errors in the partial decree issued in the Payette Adjudication be corrected. However, based on the finding of ambiguity, this Special Master will permit Roseberry to supplement the record with evidence with respect to the priority date in water right claim 65-03115, for purposes of demonstrating the priority date alleged to be correct. Based on the finding of clerical error, this Special Master will also recommend that the 2719 total acres as opposed to the 2679 total acres be reflected in the respective partial decrees. *

IT IS ORDERED that a Telephone Status Conference is set for October 10, 2002, at 3:00 pm. Parties may participate by telephone by calling 1-225-383-1099 and entering a participation code of 675342.

DATED October 1, 2002.



Thomas R. Cushman
Special Master for the Snake
River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER DENYING MOTION TO CORRECT CLERICAL ERRORS PURSUANT TO I.R.C.P. 60(a) BUT ALLOWING PRIOR DECRE TO BE SUPPLEMENTED WITH EVIDENCE ON FINDINGS OF AMBIGUITY; and ORDER SETTING TELEPHONE STATUS CONFERENCE was mailed on October 1, 2002, with sufficient first-class postage prepaid to the following:

Director of IDWR
PO Box 83720
Boise, ID 83720-0099

United States Department of Justice
550 West Fort Street, MSC 033
Boise, Idaho 83724

Charles F Mc Devitt
P O Box 2564
Boise, Idaho 83701

Dana L Hofstetter
608 West Franklin Rd
Boise, Idaho 83702

Office of the Attorney General
P O Box 44449
Boise, Idaho 83711-4449

Joe Eld
2554 E Roseberry
Mc Call, Idaho 83638


Deputy Clerk

HOFSTETTER LAW OFFICE**608 West Franklin Street****Boise, Idaho 83702****Phone: (208) 424-7800****Fax: (208) 424-8774****E-Mail: Dana@IdahoWaterLaw.com****FAX COVER SHEET****DATE:** August 5, 2002

TO:	Garrick Baxter	Fax:	327-5400
CC:	Sue Bock		334-2348
	Graye Wolfe		288-0216

FROM: Dana Hofstetter**RE:** Approval of Roseberry Map Revisions

MESSAGE: Here is the signed approval for the requested Roseberry Irrigation District boundary map revisions. Please let me know if you'd like me to mail the original approval to you. Thank you for your help.

The information contained in this facsimile may be confidential information or attorney work product or both and is for the exclusive use of the intended recipient listed above. Any reading, disclosure, use or reproduction of this communication other than by the intended recipient is prohibited. If you have received this communication in error, please notify us by collect telephone call immediately and return the communication to us by U. S. Mail.

NUMBER OF PAGES BEING TRANSMITTED (INCLUDING THIS PAGE) = 3**IF ALL PAGES ARE NOT RECEIVED, PLEASE CALL (208) 424-7800.****ORIGINAL BY MAIL: YES _____ NO X**

HOFSTETTER LAW OFFICE

608 West Franklin Street
Boise, Idaho 83702

Dana@IdahoWaterLaw.com

Dana L. Hofstetter
Attorney at Law

Telephone: (208) 424-7800
Facsimile: (208) 424-8774

April 26, 2002

Joe Eld
Roseberry Irrigation District
2554 East Roseberry
McCall, ID 83638

Mack Miller
1008 North 6th Street
Boise, ID 83702

Lyle Points
P.O. Box 53
Donnelly, ID 83615

Re: Roseberry Irrigation Boundary Map

Dear Gentlemen:

As you know, Eastern Western Corporation and Island Capitol, LLC previously requested certain changes to the Roseberry Irrigation District boundary map dated November 9, 1999. I enclose a copy of my November 1, 2001 letter to Joe Eld, describing the requested changes. Island Capitol and the Idaho Department of Water Resources are nearing final resolution of several of Island Capitol's water rights in the Snake River Basin Adjudication. As part of that process, Island Capitol also would like to finalize the requested changes to the Roseberry Irrigation District boundary map. On behalf of Island Capitol, LLC, I would request that as soon as possible you consider the requested changes and notify Sue Bock of Idaho Department of Water Resources and myself, concerning whether or not you approve. As you will note, the requested changes actually would result in a net decrease in the number of acres identified within Roseberry's boundaries. The Roseberry Irrigation District assessments for the land Island

Re: District Boundary Map
April 26, 2002
Page 2

Capitol purchased from Eastern Western Corporation have been corrected by the Valley County Treasurer's Office and those corrected assessments would be consistent with the requested changes on the map.

You can indicate your assent to the requested changes by signing this letter below and returning the signed letter to me. I will arrange to forward the information to Sue Bock. Thank you for your assistance in this matter.

Sincerely,

HOFSTETTER LAW OFFICE, LLC

/s/

Dana L. Hofstetter

Approved by:

Joe Eld
Joe Eld

Approved by:

Lyle Points
Lyle Points

Approved by:

currently retired
Mack Miller

Enclosures

cc: Garrick Baxter

Sue Bock

Island Capitol, LLC

EJ4004.1/5236

HOFSTETTER LAW OFFICE

608 West Franklin Street
Boise, Idaho 83702
Dana@IdahoWaterLaw.com

Dana L. Hofstetter
Attorney at Law

Telephone: (208) 424-7800
Facsimile: (208) 424-8774

November 1, 2001

Via facsimile

Joe Eld
Roseberry Irrigation District
2554 East Roseberry
McCall, Idaho 83638

Re: Roseberry Irrigation District Boundary Map

Dear Joe:

On behalf of Eastern Western Corporation and Island Capitol, LLC, I requested that the Idaho Department of Water Resources ("IDWR") make certain changes to its Roseberry Irrigation District boundary map dated November 9, 1999. I believe you have a copy of that map. The requested changes only concern the property that recently was sold by Eastern Western to Island Capitol. IDWR has indicated that it will make the requested changes after obtaining the approval of the Roseberry Irrigation District ("Roseberry" or "District"). Therefore, on behalf of Eastern Western Corporation and Island Capitol, I request Roseberry's approval of these changes. The changes only pertain to the IDWR boundary map, and will not alter the total number of acres that are authorized to be irrigated within those boundaries under Roseberry's water rights. As you know, this latter issue is the subject of ongoing Snake River Basin Adjudication ("SRBA") proceedings. The two requested changes to the Roseberry boundary map, if approved, will result in a net decrease of approximately 5-10 acres within District boundaries.

Based on the February 23, 1995 Judgment excluding lands from the Roseberry Irrigation District (copy enclosed), it appears that there should be no District lands in the NE1/4SW1/4 Section 1, Township 16 North, Range 3 East. However, the November 9, 1999 IDWR map includes about 20 acres in that quarter-quarter section within District boundaries. Therefore, Eastern Western and Island Capitol requested that IDWR amend the map to remove those 20 acres from Roseberry's boundaries.

Re: Roseberry Irrigation District
November 1, 2001
Page 2

The second requested change concerns the NW1/4NW1/4 Section 12, Township 16 North, Range 3 East. Based on the Roseberry SRBA claim, it appears that all of that quarter-quarter section should be within District boundaries. However, the November 9, 1999 IDWR map omits about 10-15 acres from that quarter-quarter section. Accordingly, Eastern Western and Island Capitol requested that the IDWR map be revised to include this entire quarter-quarter section in District boundaries.

Roseberry probably should also confirm that other portions of the IDWR map accurately reflect Roseberry boundaries. My limited review of this matter concerned only the lands involved in the Eastern Western/Island Capitol transaction. As part of this effort, Roseberry also may wish to confirm that County assessment information is up to date and consistent with the IDWR map. Please do not hesitate to contact me if you have any questions about this matter. In any event, we would request that you contact Sue Bock at IDWR (208-334-2190) as soon as possible to discuss the two changes requested by Eastern Western and Island Capitol. She is expected to go on maternity leave by November 10, 2001. Thank you for your assistance.

Sincerely,

HOFSTETTER LAW OFFICE

A handwritten signature in black ink, appearing to read 'D L Hofstetter', written over the printed name.

Dana L. Hofstetter

Enclosure

cc: Sue Bock

Mack Miller

Lyle Points

Linda Jones

Michael McGinley

E:/1838.3/5071

Dana L. Hofstetter
HOLLAND & HART
Suite 1400, West One Plaza
Post Office Box 2527
Boise, Idaho 83701
Telephone: (208) 342-5000

Attorneys for Plaintiff,
Board of Directors of the
Roseberry Irrigation District

LELAND G. HEINRICH, CLERK
By DeLoe Deputy

FEB 23 1995

Case No. _____ Inst. No. _____
Filed _____ A.M. _____ P.M.

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF VALLEY

BOARD OF DIRECTORS OF THE
ROSEBERRY IRRIGATION DISTRICT,)

Plaintiff,)

vs.)

DOES I-XX, Defendants, Whose)
True Names are Unknown, and)
All Other Persons Unknown,)
Having Interest in or Claim)
Against the Roseberry)
Irrigation District,)

Defendants.)

Case No. CV-94-197

JUDGMENT AND DECREE OF
CONFIRMATION

The Defendants having been duly served by published summons
in this action, and having failed to answer or object in the
allotted time, and the default of said Defendants having been
entered, and it appearing that there are no outstanding bonds,
warrants or other indebtedness of the Roseberry Irrigation
District, and it appearing the proceedings concerning the Special
Election Modifying the Roseberry Irrigation District by the

JUDGMENT AND DECREE OF CONFIRMATION - 1

Exclusion of Land followed the proper statutory procedures pursuant to Idaho Code Title 43, Chapter 13.

IT IS ORDERED, ADJUDGED AND DECREED AND THIS DOES ORDER, JUDGE AND DECREE that the Plaintiff have judgment by default against the Defendants and that the proceedings concerning the Special Election Modifying the Roseberry Irrigation District by the Exclusion of Lands are hereby confirmed and the following lands are excluded from the boundaries of the Roseberry Irrigation District:

SE $\frac{1}{4}$ SW $\frac{1}{4}$ (40 acres), E $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ (20 acres),
W $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ (2 acres) and S $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ (15 acres),
Section 1, Township 16 North, Range 3 East,
Boise Meridian, Valley County, Idaho;

NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ (10 acres), Section 12, Township 16
North, Range 3 East, Boise Meridian, Valley
County, Idaho; and

NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ (10 acres), Section 13, Township 16
North, Range 3 East, Boise Meridian, Valley
County, Idaho.

Dated this 23 day of February, 1995.


Judge G.D. Carey

49715/36304.3001

JUDGMENT AND DECREE OF CONFIRMATION - 2

In Re SRBA

NOTICE OF COMPLETED ADMINISTRATIVE PROCEEDING

IDWR has completed the following Administrative proceeding: **CHANGE OF ADDRESS**

Name and New Address of Claimant:

Roseberry Irrigation District
PO Box 366
Donnelly ID 83615

Joe Eld
2554 E Roseberry
Mc Call ID 83638

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

Dated: March 27, 2001

Jan Shute
Signature of IDWR Representative

CERTIFICATE OF MAILING

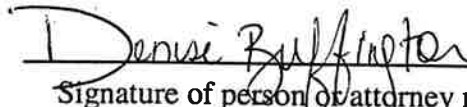
I certify that on March 27, 2001, I mailed the original and copies of this form to the following persons, postage prepaid and addressed as follows:

1. Original to:
Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls ID 83303-2707
2. One Copy to:
Claimant or attorney of record:
Roseberry Irrigation District
PO Box 366
Donnelly ID 83615

Joe Eld
2554 E Roseberry
Mc Call ID 83638
3. One Copy to:
Each party in the subcase or attorney of record:
Josephine P Beeman
Dana L Hofstetter
Beeman & Hofstetter, P.C.
608 W Franklin St
PO Box 1427
Boise ID 83701-1424
4. One Copy to:
Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449

5. One Copy to:

United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724


Signature of person or attorney mailing the form

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

CHANGE IN ADDRESS OF NOTICE OF CLAIM

[] Water Right Number(s):

65-2585

65-3114, 3115, 3116

[] Claimant Name(s):

Roseberry Irr. Dist

PO Box 42

[] Old Mailing Address:

Donnelly, ID 83615

☒ New Mailing Address:

Roseberry Irr. Dist.

PO Box 366

Donnelly, ID 83615

Telephone Number:

(208) 325-8876

☒ Signature of Claimant(s):

Joe Eld

Date:

3/19/01

Joe Eld

2554 E Roseberry

McCall, ID. 83638

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

05/15/2001

WATER RIGHT NO. 65-3115

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ROSEBERRY IRRIGATION DISTRICT PO BOX 366 DONNELLY, ID 83615 (208)325-8768
Current Owner	JOE ELD 2554 E ROSEBERRY MC CALL, ID 83638 (208)325-8876

Priority Date: 05/06/1949
Basis: Decreed
Status:

<u>Source</u>	<u>Tributary to</u>
BOULDER LAKE	BOULDER CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION STORAGE	1/01	12/31		1207 AFA	
IRRIGATION FROM STORAGE	4/15	10/15		1207 AFA	
Total Diversion				1207 AFA	

Location of Point(s) of Diversion:

BOULDER LAKE Rediversion	NWSE	Sec. 13	Township 17N	Range 03E	VALLEY County
BOULDER LAKE Rediversion	NWSE	Sec. 13	Township 17N	Range 03E	VALLEY County
BOULDER LAKE	NESE	Sec. 27	Township 18N	Range 04E	VALLEY County

IRRIGATION STORAGE Use:
Acre Limit: 2679

IRRIGATION FROM STORAGE Use:
Acre Limit: 2679

Place(s) of use: No POU's found for this right

Conditions of Approval:

- C18 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.

Remarks:

- Place of Use - Irrigation USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 2826 ACRES WITHIN THE BOUNDARIES OF THE ROSEBERRY IRRIGATION DISTRICT IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 65-03114, 65-03116, 65-02585.
- Place of Use - Irrigation THIS RIGHT IS LIMITED TO THE IRRIGATION OF 2,679 ACRES WITHIN THE BOUNDARIES OF THE

Water Right 65-3115

ROSEBERRY IRRIGATION DISTRICT IN A SINGLE IRRIGATION SEASON.

Comments:

<u>Author</u>	<u>Date</u>	<u>Subject</u>	<u>Comment</u>
dbuffing	3/20/2001	Address change	Address changed per claimant request. DB 3/20/2001.
	1		
sbock	5/13/2001	changes	the SE has been dropped of the pod for sec 13 SENWNE making it a 40 acre rather than 10 acre tract, and the pod remark has been removed. This is following claimant contact in an effort to reach agreement to their objections.
	1		

Dates:

Licensed Date:
Claim Received Date: 12/19/1989
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Decreed Date: 01/21/1986
Date Filed with Court:
Objection Filed Date:
SF5 Filed:
Special Master Recom Signed Date:

Other Information:

Receipt Number(s): C013571
State or Federal: S
Owner Name Connector:
Water District Number: 65
Generic Max Rate per Acre:
Generic Max Volume per Acre:
Civil Case Number:
Old Case Number:
Decree Plaintiff:
Decree Defendant:
PresumptionFlag:
Notice of Error Flag:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False

RECEIVED

NOV 28 2000

Department of Water Resources

RECEIVED

DEC 12 2000

WATER RESOURCES
WESTERN REGION

RECEIVED

NOV 28 2000

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 65-03115
(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: JOE Eld
Address: 2554 East Roseberry
McCall, Id 83638
Daytime Phone: 208 325-8876

Name & Address of Attorney, if any:

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

Name: Craig R. Zaiss
Address: P.O. Box 628
Parma, Id 83660

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 priority date of Roseberry Irrigation District is 1/12/1917. The priority date of 2/6/1949 was mistakenly placed by Payette River Adjudication.

E.

VERIFICATION (Must be Completed)

State of Idaho
County of Valley) ss.

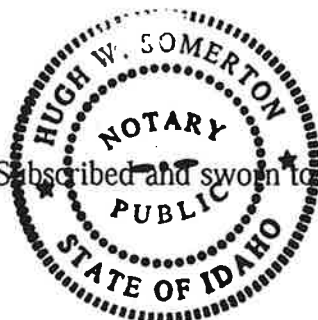
Joe Eld, duly sworn, upon oath, deposes and says:
(Name of person filing response)

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.

Joe Eld
(Signature of person filing response)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on:



November 24, 2000
[Signature]
Notary Public for Idaho
Residing at Donnelly
My Commission Expires: 11/18/2006

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 November 25, 2000, I 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:

Name: Roseberry Irrigation District
Address: P.O. Box 178 Donnelly, Id. 83615

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

Name: Craig R. Zaiss
Address: P.O. Box 628 Parma, Id 83660

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

Joe Eld
Your signature or signature of attorney
mailing on your behalf

MAR 12 2001

WATER RESOURCES
WESTERN REGIONIN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Subcase No.: 65-03115

Case 39576

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
Regional Director, PN Region
Bureau of Reclamation
Address: 1150 No. Orchard Street
Boise, Idaho 83706-1234
Daytime Phone: 334-1464 or 866-2571

Briefly describe your interest in this water right:

The Bureau of Reclamation is interested in maintaining the priority date as decreed in the Payette River Adjudication.

Name & Address of Attorney, if any:

David W. Gehlert
U.S. Dept. of Justice
550 West Fort Street, MSC 033
Boise, ID 83724 303-312-7352

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

Name: Eastern Western Corp.
Address: PO Box 3228
Portland, OR 97208-3228

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

1. ☐ Name and Address: I object to the name and/or address of the owner of the water right.
2. ☐ Source: I respond to the objection concerning the source of water.
3. ☐ Quantity: I respond to the objection concerning:

- ☐ a. The total quantity of water used in cubic feet per second; or
- ☐ b. The total quantity of water stored in acre feet per year; or
- ☐ c. The total quantity of water reserved for each and every purpose, including all present and future uses.

4. ☒ Priority Date: I respond to the objection concerning the priority date.

5. ☐ Point(s) of Diversion: I respond to the objection concerning the legal description of the point(s) of diversion.

6. ☐ Instream Flow Description: I respond to the objection concerning the legal description of the beginning and ending points of the instream flow.

7. ☐ Purpose(s) of Use: I respond to the objection concerning the purpose(s) of use.

8. ☐ Period of Year: I respond to the objection concerning the period of year when water is used or is necessary for the purpose stated.

9. ☐ Place of Use: I respond to the objection concerning:

- ☐ a. The legal description of the place of use; or
- ☐ b. The number of irrigated acres with each 40-acre subdivision.

10. ☐ Consumptive Use: I respond to the objection concerning the annual volume of consumptive use.

11. ☐ Water Right Recommendation: I respond to the objection concerning:

- ☐ a. This water rights should not exit.
- ☐ b. This water right was not recommended, but should be recommended with the elements described above.

12. ☐ Description of Reservation: I respond to the objection concerning the legal description of the reservation.

13. ☐ Other: I respond to : _____

REASONS SUPPORTING EACH BOX CHECKED

You must state the reason(s), by number, for each box checked. You may use additional pages if necessary.

Box #4. This is a protective response on the part of the Bureau of Reclamation to Eastern Western's objection. The Bureau of Reclamation concurs with the recommendation made by the director in the amended Director's Report of December 20, 2000 in this subcase.

CHANGES TO THE DIRECTOR'S REPORT

Specifically describe how you want the Director's Report to be changed. You may use additional pages if necessary.

Note: You should attach copies of documents which support your objection. Note on each document the box number it supports.

☐ Check here if you are submitting documents. Please list each document by the title and number of pages. You may use additional pages if necessary.

VERIFICATION (Must be Completed)

E.

State of Idaho)
)
County of Ada)

Richard F. Wells (Name of person filing response), duly sworn, upon oath, deposes and says:

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.

Richard F. Wells
(Signature of person filing response)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: 2-02-01

Helene Tomaszewski
Notary Public for: Idaho

Residing at: Meridian
My Commission Expires on: 01-16-2002



Seal

F.

CERTIFICATE OF MAILING

I certify that on February 2, 2001, I mailed the original and copies of this objection, 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:

Name: Eastern Western Corp.
Address: PO Box 3228
Portland OR 97208-3228

3. One copy to the party who filed the objection, or if represented by an attorney, to their attorney at the following address:

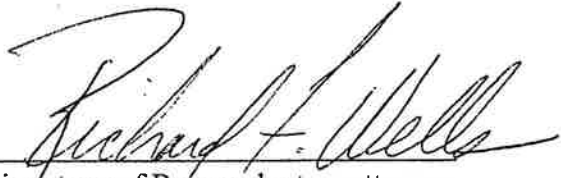
Name: Ms Dana Hofstetter
Address: PO Box 1427
Boise, ID 83701-1427

4. Copies to:

IDWR Documents 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 and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724


Signature of Respondent or attorney
mailing on Respondent's behalf

RECEIVED

JAN 29 2001

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 No. 65-03115
)
)
)
)
)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Eastern Western Corporation
Michael E. McGinley, President
Address: P. O. Box 3228
Portland, Oregon 97208-3228
Daytime Phone: (503) 236-1978

Name & Address of Attorney, if any:

Josephine P. Beeman
Dana L. Hofstetter
Beeman & Hofstetter, P.C.
608 West Franklin Street
P. O. Box 1427
Boise, Idaho 83701-1427
(208) 388-8900

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

Name: Roseberry Irrigation District
Address: P. O. Box 42
Donnelly, Idaho 83615

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: At least 2,826 acres and up to 2,990 acres

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):** 1926 decree identified 2,990 acres.

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(i) 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 26, 2001



Joyce E. Angell
Notary Public for the State of Idaho
Residing at: Boise, Idaho
My Commission Expires: July 24, 2002

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 26, 2001, I filed the original with the SRBA Court and mailed copies of this Objection, including all attachments, to the following:

Black Canyon Irrigation District
c/o Craig Zaiss
P. O. Box 628
Parma, ID 83660-0628

Roseberry Irrigation District
P. O. Box 366
Donnelly, ID 83615

IDWR Document Depository
P.O. 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

CORRECTED DIRECTOR'S REPORT

Subcase No. 65-03115

In Re SRBA

Twin Falls County Civil Case No. 39576

Report to the SRBA District Court

Prepared by the Idaho Department of Water Resources
Karl J. Dreher, Director
David R. Tuthill, Jr., Adjudication Bureau Chief

December 20, 2000

CORRECTED DIRECTOR'S REPORT

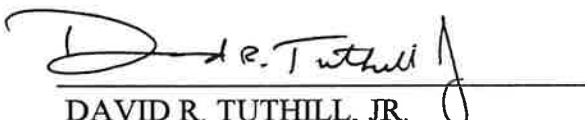
DESCRIPTIVE SUMMARY

This is a Corrected Director's Report submitted by the Director of the Idaho Department of Water Resources.

DISCUSSION

Pursuant to the *Order Setting Telephone Status Conference, Deadline and Hearing on Motion to File Late Objections* issued by Special Master Cushman on December 12, 2000, the Director submits for filing with the Court, a Corrected Director's Report for the aforementioned subcase (see attached print-out).

Respectfully submitted this ⁵20 day of December, 2000.



DAVID R. TUTHILL, JR.
Adjudication Bureau Chief

CERTIFICATE OF SERVICE

I certify that on 12-20, 2000, I served the original and/or copies of this form, including all attachments, to the following persons by delivering the original and/or copies, as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707

☐ Overnight Mail
☐ Regular Mail
☐ Hand-Delivered
☒ Facsimile

2. Copies to:

Dana L. Hofstetter
P.O. Box 1427
Boise, ID 83701-1427

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

U.S.D.I. Bureau of Reclamation
U.S. Dept. of Justice
550 West Fort Street, MSC 033
Boise, ID 83724

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

Chief, Natural Resource Division
Office of the Attorney General
P.O. Box 44449
Boise, ID 83711-4449

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

Chas McDevitt
P.O. Box 2564
Boise, ID 83701

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

Roseberry Irrigation District
P.O. Box 42
Donnelly, ID 83615

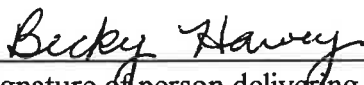
☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

Joe Eld
2554 East Roseberry
McCall, ID 83638

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

Valley County Courthouse
219 Main
Cascade, ID 83611

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile



Signature of person delivering form

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

RIGHT NUMBER: 65-3115

NAME AND ADDRESS: ROSEBERRY IRRIGATION DISTRICT
PO BOX 42
DONNELLY, ID 83615

SOURCE: BOULDER LAKE TRIBUTARY: BOULDER CREEK

1207 AFY

PRIORITY DATE: 05/06/1949

POINT OF DIVERSION: T17N R03E S13 SENWSE Rediversion Within VALLEY County
T18N R04E S27 NESE Within VALLEY County

WHEN AVAILABLE 361 ACRE FEET OF WATER FROM BOULDER LAKE OR
310 ACRE FEET AT HEADGATE OF WATER DIVERTED UNDER THIS RIGHT IS
EXCHANGED WITH WATER FROM LOUIE LAKE UNDER RIGHT NO. 65-02916
WATER DIVERTED UNDER THIS RIGHT IS USED WITHIN THE BOULDER
IRRIGATION COMPANY AND THE ROSEBERRY IRRIGATION DISTRICT
BOUNDARIES

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION STORAGE	1-01 12-31	1,207.00 AFY
IRRIGATION FROM STORAGE	4-15 10-15	1,207.00 AFY

PLACE OF USE:

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 2826 ACRES WITHIN THE
BOUNDARIES OF THE ROSEBERRY IRRIGATION DISTRICT IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 65-03114, 65-03116, 65-02585

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 2,679 ACRES WITHIN THE
BOUNDARIES OF THE ROSEBERRY IRRIGATION DISTRICT 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 - Decreed

RECEIVED

JAN 29 2001

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 No. 65-03115
)
)
)
)
)
)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Roseberry Irrigation District
Address: P. O. Box 366
Donnelly, Idaho 83615

Daytime Phone: 208-325-8768

Name & Address of Attorney, if any:

Josephine P. Beeman
Dana L. Hofstetter
Beeman & Hofstetter, P.C.
608 West Franklin Street
P. O. Box 1427
Boise, Idaho 83701-1427
(208) 388-8900

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

Name: Roseberry Irrigation District
Address: P. O. Box 42
Donnelly, Idaho 83615

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: P. O. Box 366, Donnelly, Idaho 83615
2. ☒ ^{OK} **Source**
Should be: Boulder Creek, tributary to North Fork, Payette River
3. ☒ **Quantity**
Should be: 12,180 acre-feet
4. ☒ **Priority Date**
Should be: January 12, 1917
5. ☒ **Point(s) of Diversion** *Drop the SE*
Should be: Provision referencing water exchange should be deleted
Accuracy of points of diversion need to be confirmed
6. ☐ **Instream Flow Description**
Should be: _____
7. ☒ **Purpose(s) of Use**
Should be: 12,180 acre-feet; Incidental stockwater also should be designated
8. ☐ **Period of Year**
Should be: _____
9. ☒ **Place of Use**
Should be: 2,990 acres

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):** Boulder Creek is tributary to the North Fork of the Payette River; 1926 decree confirmed storage capacity of 12,180 acre-feet and January 12, 1917 priority date; water exchange established under separate agreement; stock have access to the Roseberry Irrigation District conveyance system; 1926 decree identified an irrigation place of use of 2,990 acres for this water right.

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(i) 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 L. Hofstetter
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: January 26, 2001



Joyce E. Angell
Notary Public for the State of Idaho
Residing at: Boise, Idaho
My Commission Expires: July 24, 2002

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 26, 2001, I filed the original with the SRBA Court and mailed copies of this Objection, including all attachments, to the following:

Black Canyon Irrigation District
c/o Craig Zaiss
P. O. Box 628
Parma, ID 83660-0628

Eastern Western Corporation
c/o Dana L. Hofstetter
P. O. Box 1427
Boise, ID 83701-1427

Roseberry Irrigation District
P. O. Box 366
Donnelly, ID 83615

IDWR Document Depository
P.O. 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

RECEIVED

AUG 29 2000

WATER RESOURCES
WESTERN REGION

RECEIVED

AUG 21 2000

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 65-03115

(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: Eastern Western Corporation
Michael E. McGinley, President
Address: P. O. Box 3228
Portland, Oregon 97208-3228
Daytime Phone: (503) 236-1978

Name & Address of Attorney, if any:

Dana L. Hofstetter
Beeman & Hofstetter, P.C.
P. O. Box 1427
Boise, ID 83701-1427
(208) 388-8900

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

Name: Black Canyon Irrigation District
Address: P. O. Box 226
Notus, ID 83656
Daytime Phone: (208) 459-4141

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.

VERIFICATION (Must be Completed)

E.

State of Idaho)
County of Ada) ss:)

duly sworn, upon oath, deposes and says:

Dana L. Hofstetter
(Name of person filing response)

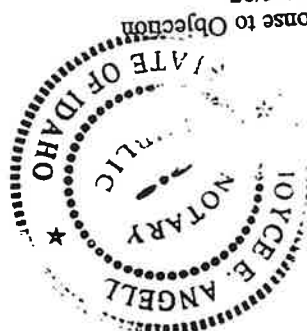
That I am the party/claimant filing this response as defined by I.C. § 42-1401A(1) and (6), or that I am the attorney for the party/claimant responding and that I have read this response, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing response)

(Attorney signing in representative capacity)

August 18, 2000

Subscribed and sworn to before me on:



Notary Public for the State of Idaho
Residing at: Boise, Idaho
My Commission Expires: 07-24-2002

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 **August 18, 2000**, I 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
P. O. Box 2707
Twin Falls, ID 83303-2707
2. One copy to the claimant of the water right at the following address:

Name: Roseberry Irrigation District
Address: P. O. Box 42
Donnelly, ID 83615
3. One copy to the party who filed the objection. at the following address:

Name: Craig R. Zaiss
Attorney for Black Canyon Irrigation District
Address: P. O. Box 628
Parma, ID 83660
(208) 722-5225
4. Copies to:

IDWR Document Depository P. O. Box 83720 Boise, ID 83720-0098	United States Department of Justice Environment & Natural Resource Division 550 West Fort Street, MSC 033 Boise, ID 83724
Chief, Natural Resources Division Office of the Attorney General. State of Idaho P. O. Box 44449 Boise, ID 83711-4449	



Your signature or signature of attorney
mailing on your behalf

RECEIVED

APR 14 2000

Department of Water Resources

RECEIVED

APR 25 2000

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: 65-03115
(insert water right number)

Case No. 39576)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: United States of America acting thru the Department of Interior
Bureau of Reclamation

Address: 1150 N. Curtis Rd
Boise, ID 83706-1234

Daytime Phone: (208) 334-1464 (Irene Collins)

Name & Address of Attorney, if any:
Paul F. Holleman
United States Department of Justice
Environment and Natural Resource Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, ID 83724

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

Name: Roseberry Irrigation District

Address: P.O. Box 42
Donnelly, ID 83615

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: 05-06-1949
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:

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):**

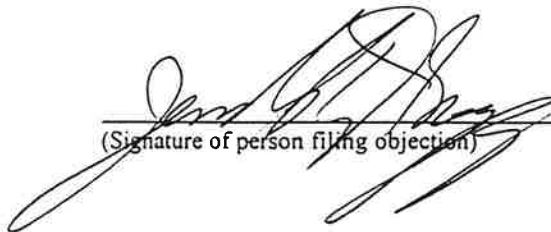
Priority date of record is 05-06-1949

F. VERIFICATION (Must be Completed)

State of Idaho)
)ss.
County of Ada)

TERROLD D. GREGG, 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)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: April 13, 2000



Notary Public for Idaho
Residing at: Meridian
My Commission Expires: 01-16-2002
Helene Tomaszewski

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 April 13, 2000, I mailed the original and copies of this objection, 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:

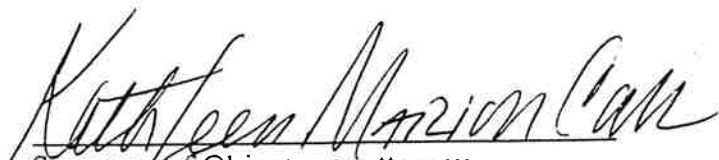
Name: Roseberry Irrigation District
Address: PO Box 42
Donnelly ID, 83615

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
PO 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

RECEIVED

APR 12 2000

Department of Water Resources

RECEIVED

APR 25 2000

WATER RESOURCES
WESTERN REGION

COPY

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 39576

Subcase 65-03115

(Insert water right number)

STANDARD FORM 1

OBJECTION

INSTRUCTIONS

This form must be used to file an objection to any water right recommended in a Director's Report. Forms may be obtained from the SRBA Court, the Idaho Department of Water Resources (IDWR) or you may copy or reproduce this blank form. If you copy or reproduce this form, please copy on both sides with the even-number pages upside down.

The water right number you are objecting to must be indicated above in the blank space following "Subcase." To object to multiple water right recommendations, you must use a separate form for each objection and there must be only one objector for each form.

You must file your objection by the deadline shown in the notice that IDWR mailed to you. The objection must be received by the court on or before the deadline specified. Instructions for mailing this objection are found at Page 6, and must be strictly followed.

This form has been adopted by the court in *SRBA Administrative Order 1, Rules of Procedure* (amended Sept. 30, 1996), Section 4, which may be consulted for further information.

Any party physically filing 25 or more objections must contact the Clerk of the SRBA Court no later than 14 days before the filing deadline and arrange an appointment to file multiple objections.

By filing an objection form, you are certifying that the objection is well-grounded in fact; that it is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and that it is not filed for any improper purpose, such as to harass, cause unnecessary delay or needlessly increase in the cost of litigation.

I. GENERAL INFORMATION

Please fill in the following information:

1. *Party/Claimant objecting:*

Name: Black Irrigation District
Address: P.O. Box 226
Notus, Idaho 83656
Phone: Work: (208)459-4141 Home:
Briefly describe your interest in this water right:
Priority date of Claimant Roseberry Irrigation District
as reported as 1/12/1917 could be senior to Black Canyon
through the Bureau of Reclamation priority date on Cascade
Reservoir.

2. *If this objection is filed by an attorney:*

Attorney Name: Craig R. Zaiss
Attorney Address: P.O. Box 628
Parma, Idaho 83660
Attorney Phone No.: (208)722-5225

If filed by an attorney, notice of pending court proceedings will be sent to the attorney only.

II. STATEMENT OF THE OBJECTION

Please check each box which states your objection to the recommendation in the Director's Report.

1. ☐ Name and Address: I object to the name and/or address of the owner of the water right.
2. ☐ Source: I object to the source of water.
3. Quantity: I object to:
 - ☐ a. the total quantity of water used in cubic feet per second; or
 - ☐ b. the total quantity of water stored in acre feet per year; or
 - ☐ c. the total quantity of water reserved for each and every purpose, including all present and future uses.
4. ☒ Priority Date: I object to the priority date.
5. ☐ Point(s) of Diversion: I object to the legal description of the point(s) of diversion.
6. ☐ Instream Flow: I object to the legal description of the beginning and ending points of the instream flow.
7. ☐ Purpose(s) of Use: I object to the purpose(s) of use.
8. ☐ Period of Year: I object to the period of year when water is used or is necessary for the purpose stated.
9. Place of Use: I object to:
 - ☐ a. the legal description of the place of use; or
 - ☒ b. the number of irrigated acres within each 40-acre subdivision.
10. ☐ Consumptive Use: I object to the annual volume of consumptive use.
11. Water Right Recommendation: I object to:
 - ☐ a. this water right being recommended at all; or
 - ☐ b. this water right not being recommended.
12. ☐ Description of Reservation: I object to the legal description of the reservation.

☐ Check here if you are submitting documents. Please list each document by the title and number of pages. You may use additional pages if necessary.

Note: You should attach copies of documents which support your objection. Note on each document the box number it supports.

Specifically describe how you want the Director's Report to be changed. You may use additional pages if necessary.
The priority date in the Directors' Report should be changed to May 6, 1949. The acreage of use should be changed to acreage in the Payette Adjudication of Two Thousand Six Hundred Seventy-nine (2,679)

CHANGES TO THE DIRECTOR'S REPORT

You must state the reason(s), by number, for each box checked. You may use additional pages if necessary.
Objection to #4 is based upon the decreed priority date in the Payette Adjudication of May 6, 1949.
Objection to #9b is based upon the enlargement of the number of acres above acreage decreed in the Payette Adjudication.

REASONS SUPPORTING EACH BOX CHECKED

13. ☐ Other: I object to: _____

13. ☐ Other: I object to: _____

REASONS SUPPORTING EACH BOX CHECKED

You must state the reason(s), by number, for each box checked. You may use additional pages if necessary.

Objection to #4 is based upon the decreed priority date in the Payette Adjudication of May 6, 1949.

Objection to #9b is based upon the enlargement of the number of acres above acreage decreed in the Payette Adjudication.

CHANGES TO THE DIRECTOR'S REPORT

Specifically describe how you want the Director's Report to be changed. You may use additional pages if necessary.

The priority date in the Directors's Report should be changed to May 6, 1949. The acreage of use should be changed to acreage in the Payette Adjudication of Two Thousand Six Hundred Seventy-nine (2,679)

Note: You should attach copies of documents which support your objection. Note on each document the box number it supports.

☐ Check here if you are submitting documents. Please list each document by the title and number of pages. You may use additional pages if necessary.

VERIFICATION (Must be Completed)

State of Idaho

County of Canyon

Craig R. Zaiss, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection (as listed on Page 2, Section 1, "Party/Claimant objecting") as defined by I.C. §§ 42-1401A(1) and (7) 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

Craig R. Zaiss
Attorney signing in representative capacity

Subscribed and sworn to before me on: April 11, 2000



Teresa L. Phelps
Notary Public for Idaho
Residing at: Parma
My Commission expires: 12-2003

INSTRUCTIONS FOR MAILING

You must mail the objection, 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.

CERTIFICATE OF MAILING

I certify that on April 11, 2000, I mailed the original and copies of this objection, including all attachments, to the following persons, by mailing the original and/or copies, postage prepaid and addressed as follows:

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:

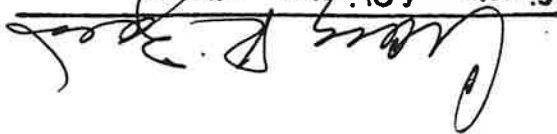
Name: Roseberry Irrigation District
Address: P.O. Box 42
Donnelly, Idaho 83615

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
PO 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

COPY

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 39576

) Subcase 65-03115

) (Insert water right number)

) STANDARD FORM 1

) OBJECTION

INSTRUCTIONS

This form must be used to file an objection to any water right recommended in a Director's Report. Forms may be obtained from the SRBA Court, the Idaho Department of Water Resources (IDWR) or you may copy or reproduce this blank form. If you copy or reproduce this form, please copy on both sides with the even-number pages upside down.

The water right number you are objecting to must be indicated above in the blank space following "Subcase." To object to multiple water right recommendations, you must use a separate form for each objection and there must be only one objector for each form.

You must file your objection by the deadline shown in the notice that IDWR mailed to you. The objection must be received by the court on or before the deadline specified. Instructions for mailing this objection are found at Page 6, and must be strictly followed.

This form has been adopted by the court in *SRBA Administrative Order 1, Rules of Procedure* (amended Sept. 30, 1996), Section 4, which may be consulted for further information.

Any party physically filing 25 or more objections must contact the Clerk of the SRBA Court no later than 14 days before the filing deadline and arrange an appointment to file multiple objections.

By filing an objection form, you are certifying that the objection is well-grounded in fact; that it is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and that it is not filed for any improper purpose, such as to harass, cause unnecessary delay or needlessly increase in the cost of litigation.

Craig R. Zaiss, P.A.
Attorney at Law

P.O. Box 628 • Parma, Idaho 83660

208 / 722-5225

April 11, 2000

Ms. Ami Alberdi
Deputy Clerk
Snake River Basin Adjudication
P.O. Box 2707
Twin Falls, ID 83303

COPIES

re: Basin 65 Part 1 Objections
CRZ#1240-2

Dear Ami:

Attached for filing please find the following documents:

1. Objection to 65-02927A;
2. Objection to 65-02927J.

Also enclosed is a copy of each document, to be conformed and returned to this office in the enclosed envelope.

Thank you for your assistance in this matter.

Sincerely,

CRAIG R. ZAISS

CRZ:ps
Enclosures - 3.

CERTIFIED, RETURN RECEIPT REQUESTED

CRZ#1240-2

13. ☐ Other: I object to: _____

REASONS SUPPORTING EACH BOX CHECKED

You must state the reason(s), by number, for each box checked. You may use additional pages if necessary.

Objection to #4 is based upon the decreed priority date in the Payette Adjudication of May 6, 1949.

Objection to #9b is based upon the enlargement of the number of acres above acreage decreed in the Payette Adjudication.

CHANGES TO THE DIRECTOR'S REPORT

Specifically describe how you want the Director's Report to be changed. You may use additional pages if necessary.

The priority date in the Directors's Report should be changed to May 6, 1949. The acreage of use should be changed to acreage in the Payette Adjudication of Two Thousand Six Hundred Seventy-nine (2,679)

Note: You should attach copies of documents which support your objection. Note on each document the box number it supports.

- ☐ Check here if you are submitting documents. Please list each document by the title and number of pages. You may use additional pages if necessary.

9610516 10/10/96

II. STATEMENT OF THE OBJECTION

Please check each box which states your objection to the recommendation in the Director's Report.

1. ☐ Name and Address: I object to the name and/or address of the owner of the water right.
2. ☐ Source: I object to the source of water.
3. Quantity: I object to:
 - ☐ a. the total quantity of water used in cubic feet per second; or
 - ☐ b. the total quantity of water stored in acre feet per year; or
 - ☐ c. the total quantity of water reserved for each and every purpose, including all present and future uses.
4. ☒ Priority Date: I object to the priority date.
5. ☐ Point(s) of Diversion: I object to the legal description of the point(s) of diversion.
6. ☐ Instream Flow: I object to the legal description of the beginning and ending points of the instream flow.
7. ☐ Purpose(s) of Use: I object to the purpose(s) of use.
8. ☐ Period of Year: I object to the period of year when water is used or is necessary for the purpose stated.
9. Place of Use: I object to:
 - ☐ a. the legal description of the place of use; or
 - ☒ b. the number of irrigated acres within each 40-acre subdivision.
10. ☐ Consumptive Use: I object to the annual volume of consumptive use.
11. Water Right Recommendation: I object to:
 - ☐ a. this water right being recommended at all; or
 - ☐ b. this water right not being recommended.
12. ☐ Description of Reservation: I object to the legal description of the reservation.

I. GENERAL INFORMATION

Please fill in the following information:

1. **Party/Claimant objecting:**

Name: Black Irrigation District

Address: P.O. Box 226

Notus, Idaho 83656

Phone: Work: (208)459-4141 Home: _____

Briefly describe your interest in this water right:

Priority date of Claimant Roseberry Irrigation District
as reported as 1/12/1917 could be senior to Black Canyon
through the Bureau of Reclamation priority date on Cascade
Reservoir.

2. **If this objection is filed by an attorney:**

Attorney Name: Craig R. Zaiss

Attorney Address: P.O. Box 628

Parma, Idaho 83660

Attorney Phone No.: (208)722-5225

If filed by an attorney, notice of pending court proceedings will be sent to the attorney only.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

12/19/2000

WATER RIGHT NO. 65-3115

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ROSEBERRY IRRIGATION DISTRICT PO BOX 42 DONNELLY, ID 83615 (208)325-8768

Priority Date: 05/06/1949
Basis: Decreed
Status:

<u>Source</u>	<u>Tributary to</u>
BOULDER LAKE	BOULDER CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	1/01	12/31		1207 AFA	
STORAGE					
IRRIGATION FROM STORAGE	4/15	10/15		1207 AFA	
Total Diversion				1207 AFA	

Location of Point(s) of Diversion:

BOULDER LAKE Rediversion	SENWSE Lt 0	Sec. 13	Township 17N	Range 03E	VALLEY County
BOULDER LAKE	NESE Lt 0	Sec. 27	Township 18N	Range 04E	VALLEY County

IRRIGATION STORAGE Use:
Acre Limit: 2679

IRRIGATION FROM STORAGE Use:
Acre Limit: 2679

Place(s) of use: No POUs found for this right

Conditions of Approval:

1. C18 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.

Remarks:

1. Point of Diversion WHEN AVAILABLE 361 ACRE FEET OF WATER FROM BOULDER LAKE OR 310 ACRE FEET AT HEADGATE OF WATER DIVERTED UNDER THIS RIGHT IS EXCHANGED WITH WATER FROM LOUIE LAKE UNDER RIGHT NO. 65-02916.^^^ WATER DIVERTED UNDER THIS RIGHT IS USED WITHIN THE BOULDER IRRIGATION COMPANY AND THE ROSEBERRY IRRIGATION DISTRICT BOUNDARIES.^^^
2. Place of Use - Irrigation USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 2826 ACRES WITHIN THE BOUNDARIES OF THE ROSEBERRY IRRIGATION DISTRICT IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 65-03114, 65-03116, 65-02585.^^^
3. Place of Use - Irrigation THIS RIGHT IS LIMITED TO THE IRRIGATION OF 2,679 ACRES WITHIN THE BOUNDARIES OF THE ROSEBERRY IRRIGATION DISTRICT IN A SINGLE IRRIGATION SEASON.

Dates:

Licensed Date:
Claim Received Date: 12/19/1989
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Decreed Date: 01/21/1986
Date Filed with Court:
Objection Filed Date:
SF5 Filed:
Special Master Recom Signed Date:

Element Reviewed/Verified Dates: No dates found

Other Information:

Receipt Number(s):
State or Federal: S
Owner Name Connector:
Water District Number: 65
Overall Max Diversion Rate: 0
Overall Max Diversion Volume: 1207
Generic Max Rate per Acre:
Generic Max Volume per Acre:
Civil Case Number:
Old Case Number:
Decree Plaintiff:
Decree Defendant:
PresumptionFlag:
Notice of Error Flag:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False

Verification Log: No log entries



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.

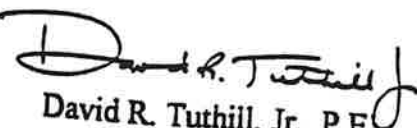
IDWR recognizes that in reliance on the non-irrigation season stockwater language in the Payette Adjudication, water users might not have filed stockwater claims in the SRBA to cover the non-irrigation season period. Individuals who historically watered livestock during the non-irrigation season without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



State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

March 27, 2001

DIRK KEMPTHORNE
Governor
KARL J. DREHER
Director

ROSEBERRY IRRIGATION DISTRICT
PO BOX 366
DONNELLY ID 83615

RE: Water Right No. 65-02585, 65-03114, 65-03115 & 65-03116

Dear Property Owner(s):

Enclosed are copies of the above referenced water rights, which reflect the change in address. Also enclosed is a copy of the Notice of Completed Administrative Proceedings which has been sent to the Snake River Basin Court as notification of the change.

Thank you for your patience and cooperation. If you have any questions concerning the enclosed water rights, please feel free to contact this office.

Sincerely,


Denise Buffington
Office Specialist I
Adjudication Section
Western Region

DB:db

Enclosures

cc: Joe Eld
Beeman & Hofstetter, P.C.

Acres

Boundary Map 2963.3 acres

3115 - claim 2,782

Field exam @ camp w/ 2,679

there was a 35 acre error in sec 11

which would have brought total to 2714

final review made w/ board on 5/23/78

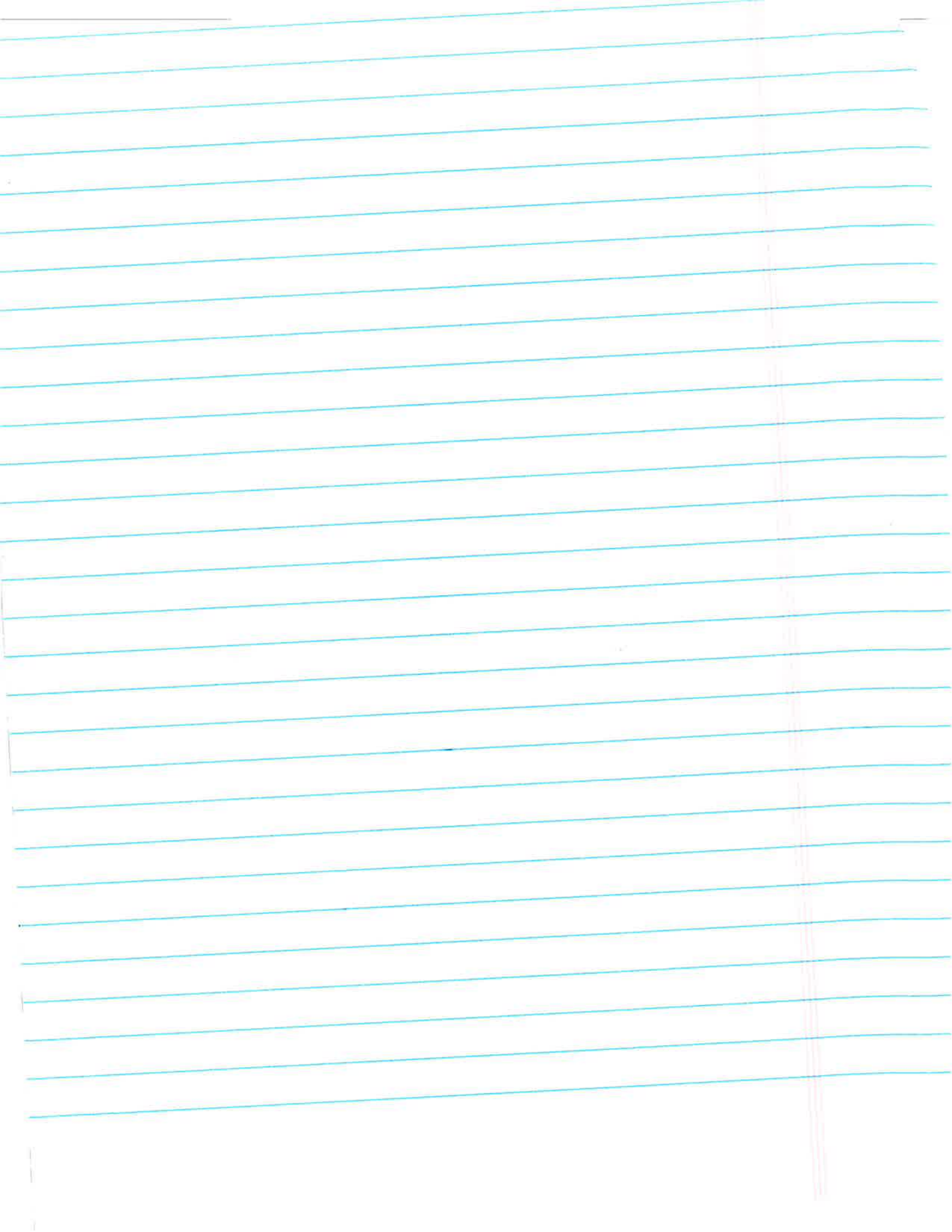


2585 - claim error for 2,679 acres

$$\begin{array}{r} 2963 \\ 2679 \\ \hline 284 \end{array}$$

$$\begin{array}{r} 2963 \\ 2826 \\ \hline 137 \end{array}$$

$$\begin{array}{r} 2826 \\ 2679 \\ \hline 147 \end{array} \text{ difference}$$



RECEIVED

JUL 20 2001

Department of Water Resources

RECEIVED

AUG 01 2001

WATER RESOURCES
WESTERN REGION

2001 JUL 19 AM 09:55
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

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

) ORDER SETTING STATUS
) CONFERENCE

) SUBCASE NOS: 65-03114 65-03115
65-03116

Please be advised that Special Master THOMAS R CUSHMAN
has set a Status Conference in the above subcase(s)
as follows:

WEDNESDAY, AUGUST 01, 2001 at 11:00 AM

SRBA
DISTRICT COURT
253 3RD AVENUE NORTH
TWIN FALLS, ID

Option: Parties may participate by phone if they contact the
clerk at (208) 736-3011 prior to JULY 31, 2001.

IT IS SO ORDERED.

Dated: JULY 19, 2001

/S/ THOMAS R CUSHMAN
Special Master
Snake River Basin Adjudication

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

Page 1 7/19/01

CERTIFICATE OF MAILING

I Certify that a true and correct copy of the ORDER SETTING STATUS CONFERENCE was mailed on JULY 19, 2001, with sufficient first-class postage to the following:

BLACK CANYON IRRIGATION DISTRI

Represented by:
CHARLES F MC DEVITT
537 W BANNOCK STE 215
PO BOX 2564
BOISE, ID 83701
Phone: 208-343-7500

JOE ELD
2554 E ROSEBERRY
MC CALL, ID 83638

JOE ELD
2554 E ROSEBERRY
MCCALL, ID 83638
Phone: 208-325-8876

EASTERN WESTERN CORPORATION

Represented by:
DANA L. HOFSTETTER
PO BOX 1427
BOISE, ID 83701-1427
Phone: 208-388-8900

EASTERN WESTERN CORPORATION
ROSEBERRY IRRIGATION DISTRICT

Represented by:
JOSEPHINE P. BEEMAN
PO BOX 1427
BOISE, ID 83701-1427
Phone: 208-388-8900

STATE OF IDAHO

Represented by:
PETER J. AMPE
PO BOX 83720
BOISE, ID 83720-0010
Phone: 208-334-2400

UNITED STATES OF AMERICA
USDI BUREAU OF RECLAMATION

Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724
Phone: 208-387-0835

ROSEBERRY IRRIGATION DISTRICT

PO BOX 366
DONNELLY, ID 83615
Phone: 208-325-8768

DIRECTOR OF IDWR

PO BOX 83720
BOISE, ID 83720-0098

LITTLE WILLOW IRRIGATION DISTRICT

T	R	S		T	R	S		T	R	S	
8N	4W	1	NWNW	9N	3W	(cont'd)	15	9N	3W	(cont'd)	30
2	N	N SW, NWSE	19	15	S SE	19	SENE, S NE, SENW, S	31	NE	NWNW	31
3	SENE, SESW, SE	20	NENE, SW, N SE	20	SENE, S NE, SENW, S	21	N, N SW	33	NENE		33
9	SENE, S SW, SE	21	N, N SW	21	N, N SW	22	N, N SW				
10	N, N SW, SWSW	22	N, N SW	22	N, N SW	23	N				
16	NWNE, NW	23	N	23	N	24	NWNW				
		24	NWNW	24	NWNW	28	S NE, SENW, SE				
9N	3W	12	SESW	28	S NE, SENW, SE	29	W NW, NENW				
		13	N NW, SENW, SW	29	W NW, NENW						
		14	S SW, S SE								

Total Acres 2,826

ROSEBERRY IRRIGATION DISTRICT

T	R	S		T	R	S	
17N	3E	36	N SW, WSE	16N	3E	(cont'd)	13
		1	WNE, SENE, ESW, NWSE			13	WNE, W
		2	WSE			14	
16N	3E	1	WNE, SENE, ESW, NWSE			15	ENE, SWNE, SW
		10	SESE			23	NE, N SE
		11	NE, SENW, S			24	NW
		12	WNE, N NW, SWNW, S				

Total Acres 2,679

* INDICATES TOTAL *

SOURCE: DOULDER CREEK

RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	USE	USE PERIOD FRG/ TC	MAX AMOUNT MAX RATE	DIVERSION POINT	PLACE OF USE ANC ACREAGE	BASIS FOR RIGHT
65-3117	POTTER, C. RAY G. POTTER, INA C. ROUTE 1, BOX 89, MC CALL, IDAHO 83638	5/ 7/1891	IRRIGATION	4/15 10/15	--- AFA 1.20 CFS	SESE S25 T18N R 3E	SWSE(134) SESE(22) S36 T18N R 3E LCT 1(31) S 1 T17N R 3E +87+	DECREE
65-3114	ROSEBERRY IRRIGATION DISTRICT P. O. BOX 42, DUNNELLY, IDAHO 83615 REMARKS: PLACE OF USE WITHIN LANDS OF THE ROSEBERRY IRRIGATION DISTRICT.	6/25/1902	IRRIGATION	4/15 10/15	--- AFA 50.00 CFS	SENE S13 T17N R 3E	+2679+	DECREE
65-3116	ROSEBERRY IRRIGATION DISTRICT P. O. BOX 42, DUNNELLY, IDAHO 83615 REMARKS: PLACE OF USE WITHIN LANDS OF THE ROSEBERRY IRRIGATION DISTRICT.	1/12/1917	IRRIGATION	4/15 10/15	--- AFA 48.72 CFS	SENE S13 T17N R 3E	+2679+	DECREE
65-3119	MORELL, JAY H. G. MORELL, HERNEICE ROUTE 1, BOX 96, MC CALL, IDAHO 83638 REMARKS: THIS RIGHT WHEN COMBINED WITH RIGHT 65-5073 SHALL PROVIDE NO MORE THAN .02 CFS/ACRE.	7/18/1918	IRRIGATION	4/15 10/15	--- AFA 1.00 CFS	NENE S25 T18N R 3E	SENE(22) NESE(31) SWSE(13) SESE(14) S25 T18N R 3E +80+	DECREE
65-3121A	FILFENBURG, EDWARD G. ROUTE 1, BOX 91, MC CALL, IDAHO 83638 REMARKS: THIS RIGHT WHEN COMBINED WITH RIGHTS 65-8776 & 65-7138 SHALL PROVIDE NO MORE THAN .02 CFS/ACRE.	7/ 9/1919	IRRIGATION	4/15 10/15	--- AFA .20 CFS	SENE S25 T18N R 3E	SWNW(10) S36 T18N R 3E +10+	DECREE
65-3121X	HEIKKILA, VERNON ROUTE 1, MC CALL, IDAHO 83638	7/ 9/1919	IRRIGATION	4/15 10/15	--- AFA .60 CFS	SENE S25 T18N R 3E	SENW(30) S36 T18N R 3E +30+	DECREE
65-3001	THOMAS, FRANK R. 10309 STANDUST DRIVE, BOISE, IDAHO 83705	5/ 2/1921	IRRIGATION	4/15 10/15	--- AFA 2.00 CFS	SESE S25 T18N R 3E	NESH(34) SWSW(22) SESW(24) S36 T18N R 3E +80+	DECREE
65-3118	HULLENBEAK, L. K. BOX 676, LAKE FURK, IDAHO 83635	9/22/1921	IRRIGATION	4/15 10/15	--- AFA 1.60 CFS	SESE S25 T18N R 3E	NWNE(32) SWNE(4) NESH(38) S 1 T17N R 3E +14+	DECREE

MAR 02, 1979

PROPOSED FINDING OF WATER RIGHTS - PAYETTE RIVER DRAINAGE

PAGE 80

* INDICATES TOTAL *

SOURCE: BOULDER CREEK

RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	IRRIGATION FROM STOR	USE	USE PERIOD FROM TO	MAX AMOUNT MAX RATE	DIVERSION POINT	PLACE OF USE AND ACREAGE	BASIS FOR RIGHT
65-12007	BOULDER HEADQUARTERS IRRIGATION, INC. 676, LAKE FURK, IDAHO 83635	9/30/1977	FROM STOR		4/15 10/15	150.00 AFA --- CFS	SWNE S28 T18N R 4E	SWNE(40) SENE(40) SWNE(33) SENE(19) NESH(39) NESE(40) NWSE(32) SESE(31) LOT 1(40) LOT 2(40) LOT 3(20) LOT 4(13) S 1 T17N R 3E NWSE(40) SWSE(40) S36 T18N R 3E *467*	PERMIT

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

* INDICATES TOTAL *

SOURCE: BOULDER LAKE

RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	IRRIGATION FROM STOR	USE	USE PERIOD FROM TO	MAX AMOUNT MAX RATE	DIVERSION POINT	PLACE OF USE AND ACREAGE	BASIS FOR RIGHT
65-3115	ROSEBERRY IRRIGATION DISTRICT P. O. BOX 42, MCNNELLY, IDAHO 83615	5/ 6/1949	FROM STOR		4/15 10/15	1207.00 AFA --- CFS	NESE S27 T18N R 4E SENE S13 T17N R 3E	*2679*	DECREE

REMARKS: PLACE OF USE WITHIN LANDS OF THE ROSEBERRY IRRIGATION DISTRICT.

* INDICATES TOTAL *

SOURCE: BOX LAKE

RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	IRRIGATION FROM STOR	USE	USE PERIOD FROM TO	MAX AMOUNT MAX RATE	DIVERSION POINT	PLACE OF USE AND ACREAGE	BASIS FOR RIGHT
65-10520	LAKE RESERVOIR COMPANY 114 NORTH 3TH, PAYETTE, IDAHO 83661	7/ 9/1929	FROM STOR		3/15 11/15	1300.00 AFA --- CFS	NWSE S33 T20N R 4E	*68500*	BENEFICIAL USE

REMARKS: POINTS OF RE-DIVERSION AND PLACES OF USE ARE THOSE OF EMMETT IRRIGATION, FARMERS CO-OP, ENTERPRISE, LEFRA, NOBLE, & LOWER PAYETTE DITCHES.

Payette Adjudication

PAGE 676

-MAR 02, 1979

PROPOSED FINDING OF WATER RIGHTS - PAYETTE RIVER DRAINAGE

* INDICATES TOTAL *

SOURCE: WILLOW CREEK

TRIBUTARY TO: BOULDER CREEK

RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	USE	USE PERIOD FROM TO	MAX AMOUNT MAX RATE	DIVERSION POINT	PLACE OF USE AND ACREAGE	BASIS FOR RIGHT
			STOCKWATER	1/ 1 12/31	2.70 AFA .05 CFS +----+AFA *1.60+CFS		SAME AS OTHER USE	
65-2505	ROSEBERRY IRRIGATION DISTRICT DONNELLY, LEAH O3615 RE-MARKS: PLACE OF USE WITHIN LANDS OF ROSEBERRY IRRIGATION DISTRICT.	5/30/1954	IRRIGATION	4/15 10/15	--- AFA 5.00 CFS	SESE S11 116N R 3E	*2026+	LICENSE
65-7605	WELSH, THOMAS L. & WELSH, JEAN DUNBAR ROUTE 1, BOX 112, MC CALL, IDAHO 83630 RE-MARKS: THIS PERMIT RIGHT IS NOT DECIDED BY THE PRESENT ADJUDICATION PROCEDURE, AND IS INCLUDED FOR INFORMATION PURPOSES ONLY. NORMAL STATUTORY PROCEDURES MUST BE COMPLETED FOR LICENSING.	2/23/1976	IRRIGATION	4/15 10/15	--- AFA 2.96 CFS	NWNE S12 116N R 3E	NESE(25) SWSE(40) SESE(30) S 1 116N R 3E NENE(40) NWNE(13) S12 116N R 3E *148+	PERMIT

Y. 25

SOURCE _____ 20-K _____ COUNTY _____
WATER DIST. _____ District _____ JUDGE _____
MUNICIPAL DIST. _____ Court _____ RECORDED _____
DATE OF DEGREE 7-15-26 IN BOOK _____

COUNTY Valley
JUDGE Ed L.
RECORDED 6 AT 6
IN BOOK NO. ---

Bryon

FILE NO. 629

[illegible]

NOT	CUMULATIVE	TOTAL
1	1	1
2	3	3
3	6	6
4	10	10
5	15	15
6	21	21
7	28	28
8	36	36
9	45	45
10	55	55
11	66	66
12	78	78
13	91	91
14	105	105
15	120	120
16	136	136
17	153	153
18	171	171
19	190	190
20	210	210
21	231	231
22	253	253
23	276	276
24	300	300
25	325	325
26	351	351
27	378	378
28	406	406
29	435	435
30	465	465
31	496	496
32	528	528
33	561	561
34	595	595
35	630	630
36	666	666
37	703	703
38	741	741
39	780	780
40	820	820
41	861	861
42	903	903
43	946	946
44	990	990
45	1035	1035
46	1081	1081
47	1128	1128
48	1176	1176
49	1225	1225
50	1275	1275
51	1326	1326
52	1378	1378
53	1431	1431
54	1485	1485
55	1540	1540
56	1596	1596
57	1653	1653
58	1711	1711
59	1770	1770
60	1830	1830
61	1891	1891
62	1953	1953
63	2016	2016
64	2080	2080
65	2145	2145
66	2211	2211
67	2278	2278
68	2346	2346
69	2415	2415
70	2485	2485
71	2556	2556
72	2628	2628
73	2701	2701
74	2775	2775
75	2850	2850
76	2926	2926
77	3003	3003
78	3081	3081
79	3160	3160
80	3240	3240
81	3321	3321
82	3403	3403
83	3486	3486
84	3570	3570
85	3655	3655
86	3741	3741
87	3828	3828
88	3916	3916
89	4005	4005
90	4095	4095
91	4186	4186
92	4278	4278
93	4371	4371
94	4465	4465
95	4560	4560
96	4656	4656
97	4753	4753
98	4851	4851
99	4950	4950
100	5050	5050

COM. A. DEGREE HUNDEN

P.N. : PRIORITY NUMBER

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100 101 102 103 104 105 106 107 108 109 110 111 112 113 114 115 116 117 118 119 120 121 122 123 124 125 126 127 128 129 130 131 132 133 134 135 136 137 138 139 140 141 142 143 144 145 146 147 148 149 150 151 152 153 154 155 156 157 158 159 160 161 162 163 164 165 166 167 168 169 170 171 172 173 174 175 176 177 178 179 180 181 182 183 184 185 186 187 188 189 190 191 192 193 194 195 196 197 198 199 200 201 202 203 204 205 206 207 208 209 210 211 212 213 214 215 216 217 218 219 220 221 222 223 224 225 226 227 228 229 230 231 232 233 234 235 236 237 238 239 240 241 242 243 244 245 246 247 248 249 250 251 252 253 254 255 256 257 258 259 260 261 262 263 264 265 266 267 268 269 270 271 272 273 274 275 276 277 278 279 280 281 282 283 284 285 286 287 288 289 290 291 292 293 294 295 296 297 298 299 300 301 302 303 304 305 306 307 308 309 310 311 312 313 314 315 316 317 318 319 320 321 322 323 324 325 326 327 328 329 330 331 332 333 334 335 336 337 338 339 340 341 342 343 344 345 346 347 348 349 350 351 352 353 354 355 356 357 358 359 360 361 362 363 364 365 366 367 368 369 370 371 372 373 374 375 376 377 378 379 380 381 382 383 384 385 386 387 388 389 390 391 392 393 394 395 396 397 398 399 400 401 402 403 404 405 406 407 408 409 410 411 412 413 414 415 416 417 418 419 420 421 422 423 424 425 426 427 428 429 430 431 432 433 434 435 436 437 438 439 440 441 442 443 444 445 446 447 448 449 450 451 452 453 454 455 456 457 458 459 460 461 462 463 464 465 466 467 468 469 470 471 472 473 474 475 476 477 478 479 480 481 482 483 484 485 486 487 488 489 490 491 492 493 494 495 496 497 498 499 500 501 502 503 504 505 506 507 508 509 510 511 512 513 514 515 516 517 518 519 520 521 522 523 524 525 526 527 528 529 530 531 532 533 534 535 536 537 538 539 540 541 542 543 544 545 546 547 548 549 550 551 552 553 554 555 556 557 558 559 560 561 562 563 564 565 566 567 568 569 570 571 572 573 574 575 576 577 578 579 580 581 582 583 584 585 586 587 588 589 590 591 592 593 594 595 596 597 598 599 600 601 602 603 604 605 606 607 608 609 610 611 612 613 614 615 616 617 618 619 620 621 622 623 624 625 626 627 628 629 630 631 632 633 634 635 636 637 638 639 640 641 642 643 644 645 646 647 648 649 650 651 652 653 654 655 656 657 658 659 660 661 662 663 664 665 666 667 668 669 670 671 672 673 674 675 676 677 678 679 680 681 682 683 684 685 686 687 688 689 690 691 692 693 694 695 696 697 698 699 700 701 702 703 704 705 706 707 708 709 710 711 712 713 714 715 716 717 718 719 720 721 722 723 724 725 726 727 728 729 730 731 732 733 734 735 736 737 738 739 740 741 742 743 744 745 746 747 748 749 750 751 752 753 754 755 756 757 758 759 760 761 762 763 764 765 766 767 768 769 770 771 772 773 774 775 776 777 778 779 780 781 782 783 784 785 786 787 788 789 790 791 792 793 794 795 796 797 798 799 800 801 802 803 804 805 806 807 808 809 810 811 812 813 814 815 816 817 818 819 820 821 822 823 824 825 826 827 828 829 830 831 832 833 834 835 836 837 838 839 840 841 842 843 844 845 846 847 848 849 850 851 852 853 854 855 856 857 858 859 860 861 862 863 864 865 866 867 868 869 870 871 872 873 874 875 876 877 878 879 880 881 882 883 884 885 886 887 888 889 890 891 892 893 894 895 896 897 898 899 900 901 902 903 904 905 906 907 908 909 910 911 912 913 914 915 916 917 918 919 920 921 922 923 924 925 926 927 928 929 930 931 932 933 934 935 936 937 938 939 940 941 942 943 944 945 946 947 948 949 950 951 952 953 954 955 956 957 958 959 960 961 962 963 964 965 966 967 968 969 970 971 972 973 974 975 976 977 978 979 980 981 982 983 984 985 986 987 988 989 990 991 992 993 994 995 996 997 998 999 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011 1012 1013 1014 1015 1016 1017 1018 1019 1020 1021 1022 1023 1024 1025 1026 1027 1028 1029 1030 1031 1032 1033 1034 1035 1036 1037 1038 1039 1040 1

MICROFILM

SEP 22 199

1) $\text{hs_tract_Exhibit \#1}$

DEPARTMENT OF THE INTERIOR

GENERAL LAND OFFICE

WASHINGTON

July 20, 1923.

IN REPLY PLEASE REFER TO

Boise 086551 "F" MNT.
 Roseberry Irrigation District.
 Boulder Lake Reservoir.
 (Amended application showing
 reservoir as constructed.)

: Recommending approval.

The Secretary,

of the Interior.

Sir:

The application of the Roseberry Irrigation District for a reservoir easement under the provisions of the act of March 3, 1891 (26 Stat. 1095) and Section 2 of the act of May 11, 1898 (30 Stat. 404) affecting land in Lots 1, 2, 3, and 4, Sec. 26 and Lots 1 and 2, Sec. 27, T. 18 N., R. 4 E., S. E., Idaho, serialized as Boise 014083 was approved on April 1, 1914. The reservoir as constructed differed from the grant obtained by this approval. The grantee has submitted an amended map showing the location of the reservoir as constructed, also a relinquishment of so much of the original grant as is not embraced within the amended location. The map and relinquishment are herewith transmitted.

JUL 27 1923

①

Boise 926561-7 RMT.

An examination of the amended application shows that it substantially conforms to the regulations and the map with the township plat.

Prima facie evidence of water right was submitted with the original application and is on file with Boise 014035.

The records of this office do not show that the lands affected lie within any existing withdrawal or government reservation except the Liabo National Forest.

Under date of April 3, 1923 the Acting Secretary of Agriculture, advised

"The applicant has executed the stipulations necessary for the protection of National Forest interests and I have no objection to the approval of the map filed by it.

Duplicate copies of the stipulations are enclosed for your information."

One copy of the stipulations is herewith enclosed.

The Director of the U. S. Geological Survey under date of January 4, 1923, reported -

"Information available in the Geological Survey indicates that the construction and use of the proposed reservoir will not adversely affect any valuable power possibilities."

Reice 026451 "P" HNT.

On December 6, 1922 the Assistant Director
of the U. S. Reclamation Service reported -

"~~XXXX~~that after an examination of the
application it appears that the approval
thereof will not interfere with any present
or contemplated project under the Reclamation
Act."

No reasons not hereinbefore specified appearing
from the records of this office why the application should
not be approved I have the honor to recommend that the map
herewith submitted be approved, subject to all valid exist-
ing rights and the stipulations executed by the applicant
for the protection of National Forest lands, reserving,
however, rights of way for canals or ditches constructed
by authority of the United States.

Very respectfully,

Geo. R. Wickham
Acting Commissioner.

JUL 26 1923

Map approved by:

(Sgd) E. C. FINNEY.

First Assistant Secretary
and returned to G. L. O.

Copy to U. S. Geological Survey.
Copy to Forester.

enclosure No 7484

1x R&R

DEPARTMENT OF THE INTERIOR

GENERAL LAND OFFICE

WASHINGTON

August 2, 1923.

IN REPLY PLEASE REFER TO

Boise 026651-"F" R&R

Roseberry Irrigation District.
Boulder Lake Reservoir (amended
application showing reservoir
as constructed).

: Transmitting a copy
: of the approved map
: and field notes and
: accepting proof of
: construction.

Register and Receiver,

Boise, Idaho.

Gentlemen:

On July 26, 1923, the First Assistant Secretary of the Interior approved the map filed by the Roseberry Irrigation District in connection with its application for a reservoir easement under the provisions of the Act of March 3, 1891 (26 Stat., 1095), and Sec. 2 of the Act of May 11, 1898 (30 Stat., 404), affecting land in Lots 1, 2, 3 and 4, Sec. 26 and Lots 1 and 2, Sec. 27, T. 18 N., R. 4 E., B. M., Idaho.

The affidavit and certificate evidencing the construction of the reservoir, as amended, and shown on this map, are recorded on the map itself and are deemed satisfactory by this office. Proof of construction is

(2)

Baise 026651-4P RMT

hereby accepted. You will make appropriate notations on the records of your office and notify the applicant hereof, transmitting therewith the inclosed copy of this letter.

A copy of the approved map and field notes as constructed is also transmitted.

Very respectfully.

Acting Commissioner.

Roseberry Irrigation District,

Plaintiff.

vs.

Decree

FILED

This 19th day of July 1926

Forest E. Robb
Clerk

By Owen E. Moleod
Deputy

Clarence Shew and Fannie Shew,
his wife; John Gusti Latti,
sometimes called Gust Lake, and
Hilda Latti his wife, sometimes
called Hilda Lake; John Kumpula
and Alma Kumpula, his wife; Tom
Luoma; Jack H. Montala, sometimes
called Jacob Montala; Aline Tokala
Lomburg, sometimes called Aline
Tokala; and Lizzie Koski Leki,
sometimes called Elizabeth Koski.

Defendants.

This cause having been regularly called and tried by the court and findings of fact and conclusions of law having been made, which are now on file herein, in which judgment was awarded, decreeing the water rights of the respective parties and fixing the amount of water to which each is entitled and adjudging the dates of priority of each of them,

NOW BY VERDICT, IT IS ORDERED, ADJUDGED AND DECREED, and this does order, adjudge and decree;

65 3114

~~652034~~

I.

That the plaintiff, Roseberry Irrigation District, is the sole and exclusive owner of a right to 50 cubic feet per second of time of the natural flow of the waters of Boulder Creek, in Valley County, Idaho, and that it is entitled to the sole and exclusive use thereof for the purpose of irrigation of the irrigable lands within said district, being 2,990 acres of land situated in Township 17 North of Range 3 East of the Boise Meridian, Township 16 North of Range 3 East of the Boise Meridian, and Township 16 North of Range 4 East of the Boise Meridian, in Valley County, Idaho, with date of priority of June 25, 1902, said water to be measured at the point of measurement.

3

clusive owner of a right to impound, continuously, 13,130 acre feet of the waters of Boulder Creek, in Boulder Lake, situated on said creek, in Valley County, Idaho, and to dam and obstruct the said creek and thereby create additional reservoir capacity in said lake for the purpose of impounding water therein to be used in the irrigation of the irrigable lands within said district, above mentioned, and of the sole and exclusive right to divert water, amounting to 48.72 cubic feet per second of time from Boulder Creek, including the water so impounded, for the purpose of irrigating said lands, with date of priority of January 12, 1917, said water to be measured at the point of diversion thereof from the stream;

~~65-20116~~ 65 3116

65 3117

III.

~~65-20117~~ It is further ordered, adjudged and decreed, and this does order, adjudge and decree, that the defendant and cross-complainant, Lizzie Koski Maki, is the sole and exclusive owner of a right to 40 miner's inches, continuous flow, of the waters of Boulder Creek, in Valley County, Idaho, and that she is entitled to the sole and exclusive use thereof for the purpose of the irrigation of 70 acres, being all the irrigable lands within Lot 1 and the Southeast Quarter of the Northeast Quarter, the Northeast Quarter of the Southwest Quarter, and the Southeast Quarter of the Southeast Quarter of Section 1 in Township 17 North of Range 3 East of the Boise Meridian, in Valley County, Idaho, with date of priority of May 7, 1891, said water to be measured at the point of diversion thereof from the stream;

65 3118

IV.

~~65-20118~~ It is further ordered, adjudged and decreed, and this does order, adjudge and decree, that the defendant and cross-complainant, Aline Takala Homburg, is the sole and exclusive owner of a right to 80 miner's inches, continuous flow, of the waters of Boulder Creek, in Valley County, Idaho, and that she is entitled to the sole and exclusive use thereof for the purpose of the irrigation of 60 acres, being all of the irrigable lands

version thereof from the stream;

~~65-0119~~
~~65-0119~~

65 3119

V.

It is further ordered, adjudged and decreed, and this does order, adjudge and decree, that the defendants and cross-complainants, John Gusti Lahti and Hilda Lahti, husband and wife, are the owners, as their community property, of a right to 50 miner's inches, continuous flow, of the waters of Boulder Creek, in Valley County, Idaho, and that they are entitled to the sole and exclusive use thereof for the purpose of irrigation of 105 acres, being all the irrigable lands within the Southeast Quarter of the Northwest Quarter, and the Northeast Quarter of the Southeast Quarter, and the Southwest Quarter of the Southeast Quarter, and the Southeast Quarter of the Southeast Quarter of Section 25, Township 13 North of Range 3 East of the Boise Meridian in Valley County, Idaho, with date of priority of July 8, 1912, said water to be measured at the point of diversion thereof from the stream;

~~65-0119~~
~~65-0119~~

65 3001

VI.

It is further ordered, adjudged and decreed, and this does order, adjudge and decree, that the defendant and cross-complainant, Jack H. Kohtala, is the sole and exclusive owner of a right to 100 miner's inches, continuous flow, of the waters of Boulder Creek, in Valley County, Idaho, and that he is entitled to the sole and exclusive use thereof for the purpose of the irrigation of 100 acres, being all the irrigable lands within the Northeast Quarter of the Southwest Quarter and the Southwest Quarter of the Southwest Quarter and the Southeast Quarter of the Southwest Quarter of Section 30, Township 13 North of Range 3 East of the Boise Meridian, in Valley County, Idaho, with date of priority of May 2, 1911, said water to be measured at the point of diversion thereof from the stream;

65 3121

Tom #1588

VII.

~~65-0119~~ It is further ordered, adjudged and decreed, and this does order, adjudge and decree, that the defendant and cross-complainant, Tom Luoma, is the sole and

Boise Meridian, in Valley County, Idaho, with date of priority of July 9, 1919, said water to be measured at the point of diversion thereof from the stream:

6520122
VIII.

It is further ordered, adjudged and decreed, and this does order, adjudge and decree, that the defendants and cross-complainants, John Kumpala and Alma Kumpala, husband and wife, are the owners, as their community property, of a right to 35 miner's inches, continuous flow, of the waters of Boulder Creek, in Valley County, Idaho, and that they are entitled to the sole and exclusive use thereof for the purpose of the irrigation of 55 acres, being all the irrigable lands within the Southwest Quarter of the Northwest Quarter, and the Northeast Quarter of the Northwest Quarter of Section 12 Township 17 North, of Range 3 East of the Boise Meridian, in Valley County, Idaho, with date of priority of August 17, 1921, said water to be measured at the point of diversion thereof from the stream;

IX.

It is further ordered, adjudged and decreed, and this does order, adjudge and decree, that the defendants and cross-complainants, and each of them, their agents, servants, employees, successors and all persons acting in their behalf, or in behalf of either of them, are perpetually enjoined from interfering, in any manner with plaintiff's rights as herein adjudicated; that plaintiff and all other parties to this suit, their agents, servants, employees, successors and all persons acting in their behalf, or in behalf of either of them, are perpetually enjoined from interfering, in any manner, with the rights of any or either of the defendants and cross-complainants as herein adjudicated;

X.

It is further ordered, adjudged and decreed, and this does order, adjudge and decree, that plaintiff have, and it hereby is awarded judgment against the defendants and cross-complainants, John Gusti Lehti, John Kumpala, Tom Luoma, Jack N. Kottala and Alma Kumpala, husband and wife, jointly and severally, for the costs of this

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

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

NOTICE OF CLAIM
TO A
WATER RIGHT

IDENT. NO.

65 3115

MAP NO. 197

Department of Water Admin

Notice is hereby given that

ROSEBERRY IRRIGATION DISTRICT

(Name of Claimant)

P. O. Box 42, Donnelly, Idaho 83615

(Mailing Address)

claims a right to the diver

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) 9/6/1949
- (2) Describe source of water: (Name of stream, lake, spring, etc., or subterranean) Boulder Creek
- (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 <u>Irrigation</u> (Domestic, irrigation, stock, etc.)	Period of Use From <u>April 1</u> To <u>Oct. 31</u> (Mo., Day) (Both Dates Inclusive)
Use <u>Stock water</u> (Domestic, irrigation, stock, etc.)	Period of Use From <u>April 1</u> To <u>Oct. 31</u> (Mo., Day) (Both Dates Inclusive)
Use _____ (Domestic, irrigation, stock, etc.)	Period of Use From _____ To _____ (Mo., Day) (Both Dates Inclusive)
- (4) Quantity of water claimed: _____ Cubic Feet Per Second, or _____ Gals. Per Minute. _____ Acre Feet Per An
- (5) A) Point of Diversion: Give location of point where water is diverted from its source SE 1/4 NE 1/4
Sec. 13, Twp. 17 N, Rge. 3 E, B.M.; additional points: _____
B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, Give sizes and capacities; be as specific as possible. dam, gravity ditch
- (6) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not 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				TOTAL
17N	3E	36	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	
16N	3E	1																	58
		2																	158
		11	40	40	40	40													25
		12		40	40														500
		13		40	40		40	40			40	40	40	40	40	40	40	40	458
		14	40	40	40	40	40	40	40	40	40	40	40	40					400
		15	30		15	40									40	40	40	40	640
		23	40	40	40	40									40	10	20	40	195
		24													40			30	230
							28	20	35	35									118

B) If water is used for other than irrigation, fully describe that use, being as specific as possible: Stock water for 6,000 head Total No. of acres 2,782

- (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 storage period Oct. 31 through April 1
- (10) Basis of claim (Check one) ☐ A) Right based on diversion and beneficial use.
☒ B) Right decreed by court, cite title of case Boulder Creek - Roseberry vs. Clarence Shaw 65-3115
☐ C) Right based on application, license, or claim filed with State Reclamation Engineer, Office

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

May 19, 1971

(Date)

Individual

Paul R. Kleint
(Signature of Claimant)

Organization

(Signature of Spouse)

Roseberry Irr Dist

(Signature of Authorized Agent)

State of Idaho

County of Ada

On this 19th day of May

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 corporation, partnership or _____) executed the same.

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ROSEBERRY IRRIGATION DISTRICT
P.O.Box 42,
Donnelly, Idaho 83615

May 27, 1971

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
Statehouse - Annex 2
Boise, Idaho 83707

Attn: Mr. Kenneth H. Foit or Mr. Gary Page

Dear Sir:

On this sheet are the locations for our Boulder Lake dam and the diversion, as requested to complete our refilling for water that was accomplished with your assistance May 19, 1971.

Boulder Lake, Valley County, Idaho. Permit R-49 - Certificate of Completion of Works, 1200 acre feet, storage. Priority January 12, 1917, to be diverted on Permit No. 12762.

East $\frac{1}{4}$ of Section 27
West $\frac{1}{4}$ of Section 26
Range 4 East, Township 18 North

Headgate Diversion:

Northeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 13
Range 3 East, Township 17 North

Yours very truly,

Gretel M. Kleint

Gretel M. Kleint, Secretary
BOARD OF DIRECTORS

(5)

claims
65 3116 +
65 3115 +
65 3116 -
45-2585 +
45-7820 4
45-0001

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

Valley

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

NOTICE OF CLAIM

IDENT. NO.

MA# NO.

TO A

WATER RIGHT

65 3114

OK

Notice is hereby given that

ROSEBERRY

IRRIGATION DISTRICT

(Name of Claimant)

P. O. Box 42, Donnelly, Idaho 83615

(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) June 25, 1902

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

(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 50 Irrigation 8013 AF Period of Use From April 15 To Oct 31

Use Stock water Period of Use From April 1 To Oct 31

Use Period of Use From To

(4) Quantity of water claimed: 50.0 Cubic Feet Per Second, or 8013 Acre Feet Per Annum

(5) A) Point of Diversion: Give location of point where water is diverted from its source SE 1/4 NE 1/4 Sec. 13 E., Twp. 17 N., Rge. 3 E. A.B.M.; additional points:

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

(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				TOTAL
17N	3E	36	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	
16N	3E	1	1	86	40	5					21								58
		2									22								158
		11	40	40	40	40					5	14	40						25
		12		40	40					30	40	30	40	40	40	40	40	40	500
		13		40	40		40	40	40	40	40	40	40	40	32	40	40	26	458
		14	40	40	40	40	40	40	40	40	40	40	40	40					400
		15	30		15	40									40	40	40	40	640
		23	40	40	40	40									40	10	20	40	195
		24													40			30	230
							28	20	75	35									118

B) If water is used for other than irrigation, fully describe that use, being as specific as possible: Stock water for 6,000 head Total No. of acres 2,787

(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 (Roseberry Irr. District) See acreage

(10) Basis of claim (Check one) ☐ A) Right based on diversion and beneficial use. ☒ B) Right decreed by court, cite title of case Roseberry vs. Clarence Shaw ☐ C) Right based on application, license, or claim filed with State Reclamation Engineer, Office No.

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

May 19, 1971 (Date) DP 8/29/78 Individual Paul R. Kleint Director

State of Idaho, US. County of Ada, ID. Organization Roseberry Irr. Dist

On this 19th day of May, 1971, in the year 1971, before me,

a notary public, personally appeared PAUL R. KLEINT, known to me to be the person(s) whose name(s) are subscribed to the above instrument, and acknowledged to me that he is the person(s) who executed the same.

Notary Public residing at Boise, Idaho

My commission expires May 26, 1974 2KN 11/2/77

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

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

NOTICE OF CLAIM
TO A
WATER RIGHT

IDENT. NO.

65 3115

MAP NO.

Notice is hereby given that

ROSEBERRY IRRIGATION DISTRICT
(Name of Claimant)

P. O. Box 42, Donnelly, Idaho 83615
(Mailing Address)

and beneficial use of the surface or groundwater, of or tributary to the Payette River; claims a right to the diversion

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) 9/6/1949

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

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed: Irrigation 12100 AF 2414 AF 10/31 To Oct 31

Use (Domestic, irrigation, stock, etc.) Period of Use From April 1 To Oct 31

Use Stock water 1207 AF (Mo. Day) (Both Dates Inclusive) (Mo. Day)

Use (Domestic, irrigation, stock, etc.) Period of Use From April 1 To Oct 31

(Domestic, irrigation, stock, etc.) (Mo. Day) (Both Dates Inclusive) (Mo. Day)

(4) Quantity of water claimed: Gals. Per Minute. Cubic Feet Per Second, or 12,180 Acre Feet Per Annum

(5) A) Point of Diversion: Give location of point where water is diverted from its source NE SE 3E
Sec. 27 Twp. 18N Rge. 3E 4E. B.M.; additional points: SE NE 3E 12

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.) dam, gravity ditch

(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
17N	3E	36	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	58
16N	3E	1	1	36	40	5					22		14	40	158
		2											5	20	25
		11	40	40	40	40			30	40	30	40	40	40	500
		12		40	40			40	40	40	40	40	40	40	458
		13		40	40			40	40	40	40	40	40	40	400
		14	40	40	40	40	40	40	40	40	40	40	40	40	660
		15	30		15	40									195
		23	40	40	40	40									230
		24													118
							28	20	35	35					

B) If water is used for other than irrigation, fully describe that use, being as specific as possible: Stock water for 6,000 head Total No. of acres 2,792

(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 storage period Oct. 31 through April 1 (Leave as is)

(10) Basis of claim (Check one) ☒ A) Right based on diversion and beneficial use. ☐ B) Right decreed by court, cite title of case Boulder Creek - Roseberry vs. Clarence Shaw 65-3115 ☐ C) Right based on application, license, or claim filed with State Reclamation Engineer, Office No.

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

May 19, 1971
(Date)

KEY POUNCED

Individual
Paul Kleint Director
(Signature of Claimant)

Organization
Roseberry Irr. Dist.
(Signature of Authorized Agent)

State of Idaho
Idaho
19th day of May

Notary Public residing at Boise, Idaho

May 26, 1974

24N 11/2/77

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⑧

MAR 02, 1979

INDICATES TOTAL

PROPOSED FINDING OF WATER RIGHTS - PAYETTE RIVER DRAINAGE

PAGE 75

SOURCE: BOULDER CREEK

RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	USE	USE PERIOD FROM TO	MAX AMOUNT MAX RATE	DIVERSION POINT	PLACE OF USE ANC ACREAGE	UASTS FOR RIGHT
65-3117	POTTER, C. KAY & POTTER, INA C. ROUTE 1, BOX 89, MC CALL, IDAHO 83638	5/ 7/1891	IRRIGATION	4/15 10/15	--- AFA 1.20 CFS	SESE S25 T18N R 3E	SESE(34) SESE(22) S36 T18N R 3E LC1 L1311 S 1 T17N R 3E *87*	DECREE
65-3114	ROSEBERRY IRRIGATION DISTRICT P. O. BOX 42, DUNNELLY, IDAHO 83615 REMARKS: PLACE OF USE WITHIN LANDS OF THE ROSEBERRY IRRIGATION DISTRICT.	6/25/1902	IRRIGATION	4/15 10/15	--- AFA 50.00 CFS	SESE S13 T17N R 3E	*2679*	DECREE
65-3116	ROSEBERRY IRRIGATION DISTRICT P. O. BOX 42, DUNNELLY, IDAHO 83615 REMARKS: PLACE OF USE WITHIN LANDS OF THE ROSEBERRY IRRIGATION DISTRICT.	1/12/1917	IRRIGATION	4/15 10/15	--- AFA 48.72 CFS	SESE S13 T17N R 3E	*2679*	DECREE
65-3119	MORELL, JAY H. & MORELL, HERNEICE ROUTE 1, BOX 96, MC CALL, IDAHO 83638 REMARKS: THIS RIGHT WHEN COMBINED WITH RIGHT 65-5073 SHALL PROVIDE NO MORE THAN .02 CFS/ACRE.	7/18/1918	IRRIGATION	4/15 10/15	--- AFA 1.00 CFS	NENE S25 T18N R 3E	SESE(22) NESE(31) SESE(13) SESE(14) S25 T18N R 3E *80*	DECREE
65-3121A	FREEDBURG, EDWARD G. ROUTE 1, BOX 91, MC CALL, IDAHO 83638 REMARKS: THIS RIGHT WHEN COMBINED WITH RIGHTS 65-8776 & 65-7138 SHALL PROVIDE NO MORE THAN .02 CFS/ACRE.	7/ 9/1919	IRRIGATION	4/15 10/15	--- AFA -20 CFS	SESE S25 T18N R 3E	SESE(10) S36 T18N R 3E *10*	DECREE
65-3121X	HEIKKILA, VERNON ROUTE 1, MC CALL, IDAHO 83638	7/ 9/1919	IRRIGATION	4/15 10/15	--- AFA -60 CFS	SESE S25 T18N R 3E	SESE(30) S36 T18N R 3E *30*	DECREE
65-3001	THOMAS, FRANK R. 10309 STARDUST DRIVE, BOISE, IDAHO 83705	5/ 2/1921	IRRIGATION	4/15 10/15	--- AFA 2.00 CFS	SESE S25 T18N R 3E	SESE(34) SESE(22) SESE(24) S36 T18N R 3E *80*	DECREE
65-3114	HOLLENBEAK, L. K. BOX 676, LAKE FURK, IDAHO 83635	9/22/1921	IRRIGATION	4/15 10/15	--- AFA 1.60 CFS	SESE S25 T18N R 3E	SESE(32) SESE(4) SESE(38) S 1 T17N R 3E *74*	DECREE

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MAR 02, 1979

PROPOSED FINDING OF WATER RIGHTS - PAYETTE RIVER DRAINAGE

PAGE 80

INDICATES TOTAL

SOURCE: BOULDER CREEK

RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	USE	USE PERIOD FROM TO	MAX AMOUNT MAX RATE	DIVERSION POINT	PLACE OF USE AND ACREAGE	BASIS FOR RIGHT
65-12007	BOULDER MEADOWS IRRIGATION, INC. BOX 676, LAKE FURK, IDAHO 83635	9/30/1977	IRRIGATION FROM STOR	4/15 10/15	150.00 AFA --- CFS	SWNE S28 T18N R 4E	SWNE(40) SESE(40) PERMIT SWNE(31) SENR(19) NESH(39) NESE(40) NWSE(32) SESE(31) LOT 1(40) LOT 2(40) LOT 3(20) LOT 4(13) S 1 T17N R 3E NWSE(40) SWSE(40) S36 T18N R 3E *467*	
REMARKS: THIS PERMIT RIGHT IS NOT DECREED BY THE PRESENT ADJUDICATION PROCEDURE, AND IS INCLUDED FOR INFORMATION PURPOSES ONLY. NORMAL STATUTORY PROCEDURES MUST BE COMPLETED FOR LICENSING.								

INDICATES TOTAL

SOURCE: BOULDER LAKE

RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	USE	USE PERIOD FROM TO	MAX AMOUNT MAX RATE	DIVERSION POINT	PLACE OF USE AND ACREAGE	BASIS FOR RIGHT
65-3115	ROSEBERRY IRRIGATION DISTRICT P. O. BOX 42, DENNELLY, IDAHO 83615	5/ 6/1949	IRRIGATION FROM STOR	4/15 10/15	1207.00 AFA --- CFS	NESE S27 T18N R 4E SENE S13 T17N R 3E	*2679*	DECREE
REMARKS: PLACE OF USE WITHIN LANDS OF THE ROSEBERRY IRRIGATION DISTRICT.								

INDICATES TOTAL

SOURCE: BOX LAKE

RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	USE	USE PERIOD FROM TO	MAX AMOUNT MAX RATE	DIVERSION POINT	PLACE OF USE AND ACREAGE	BASIS FOR RIGHT
65-10520	LAKE RESERVOIR COMPANY 114 NORTH 8TH, PAYETTE, IDAHO 83661	7/ 9/1929	IRRIGATION FROM STOR	3/15 11/15	1300.00 AFA --- CFS	N4SW S33 T20N R 4E	*68500*	BENEFICIAL USE
REMARKS: POINTS OF RE-DIVERSION AND PLACES OF USE ARE THOSE OF EMMETT IRRIGATION, FARMERS CO-OP, ENTERPRISE, LEITH, NOBLE, & LOWER PAYETTE DITCHES.								

(10)

MAR 02, 1979

PROPOSED FINDING OF WATER RIGHTS - PAYETTE RIVER DRAINAGE

INDICATES TOTAL

PAGE 626

SOURCE: WILLOW CREEK

TRIBUTARY TO: BOULDER CREEK

RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	USE	USE PERIOD FROM TO	MAX AMOUNT MAX RATE	DIVERSION POINT	PLACE OF USE AND ACREAGE	BASIS FOR RIGHT
			STOCKWATER	1/ 1 12/31	2.70 AFA .05 CFS *1.60*CF5		SAME AS OTHER USE	
65-2585	ROSEBERRY IRRIGATION DISTRICT DUNNELLY, IDAHO 83615 REMARKS: PLACE OF USE WITHIN LANDS OF ROSEBERRY IRRIGATION DISTRICT.	5/30/1954	IRRIGATION	4/15 10/15	--- AFA 5.00 CFS	SESE S11 T16N R 3E	*2026*	LICENSE
65-7605	WELSH, THOMAS L. & WELSH, JEAN DUMARK ROUTE 1, BOX 112, MC CALL, IDAHO 83610 REMARKS: THIS PERMIT RIGHT IS NOT DECLARED BY THE PRESENT ADJUDICATION PROCEDURE, AND IS INCLUDED FOR INFORMATION PURPOSES ONLY. NORMAL STATUTORY PROCEDURES MUST BE COMPLETED FOR LICENSING.	2/23/1976	IRRIGATION	4/15 10/15	--- AFA 2.96 CFS	NWNE S12 T16N R 3E	NESE(25) SWSE(40) PERMIT SESE(30) S 1 T16N R 3E NENE(40) NWNE(13) S12 T16N R 3E +148*	

LITTLE WILLOW IRRIGATION DISTRICT

T	R	S		T	R	S		T	R	S	
8N	4W	1	NWNW	9N	3W	(cont'd)		9N	3W	(cont'd)	
2			N , N SW, NWSE	15		S SE		30		NE , W , N SE	
3			SENE, SESW, SE	19		SENE, S SE		31		NWNW	
9			SENE, S SW, SE	20		NENE, S NE, SENW, S		33		NENE	
10			N , N SW, SWSW	21		N , SW , N SE					
16			NWNE, NW	22		N , N SW		4W	25	SESW, SE , SENE	
				23		N		35		E NE, SESW, SE	
9N	3W	12	SESW	24		NWNW		36		N , SW , NWSE	
13			N NW, SENW, SW	28		S NE, SENW, SE					
14			S SW, S SE	29		W NW, NENW					

Total Acres 2,826

ROSEBERRY IRRIGATION DISTRICT

T	R	S		T	R	S	
17N	3E	36	N SW, MSE	16N	3E	(cont'd)	
				13		WNE, W	
16N	3E	1	WNE, SENE, ESW, NWSE	14			
2			WSE	15		ENE, SWNE, SW	
10			SESE	23		NE , N SE	
11			NE , SENW, S	24		NW	
12			WNE, N NW, SWNW, S				

Acres 2,679

12

CLAIMS # 65-3116

Roseberry Irrigation District

Source		NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
R	S	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
1	N	36								8				75	28			59
2	N	36	1		33	37	3			20			40		40			173
		2												9	16			25
		10															34	34
		11	38	39	40	39			35	33	16	40	40	39	40	40	39	443
		12		27	40		20	38	35	40	39	37	39	40	40	37	40	472
		13		39	40		38	38	38	40	40	39	38	39				389
		14	31	29	39	38	39	39	40	40	40	9	39	39	40	39	38	573
		15	22		10	38				37	6	8	34					582
		23	38	39	39	39								20	38			155
		24					39	38	31	26								213
																		134
																		267
																		2679

Final review made with the board of directors 5/23/78 gxy.

DAM SUMMARY SHEET

November 22, 1996

BOULDER LAKE

65 - 3115

INVENTORY _____ AF
BASIN _____ 65
DAM NUMBER _____ 3115
FED ID NUMBER _____ ID00242
DAM NAME _____ BOULDER LAKE
COUNTY _____ VALLEY
STREAM _____ BOULDER CREEK
REGION _____ W
PURPOSE _____ I
RISK CATEGORY _____ 2
SIZE CATEGORY _____ 2
Q-Q SECTION _____ NESE
SECTION _____ 27
TOWNSHIP _____ 18N
RANGE _____ 04E
LATITUDE DEC _____ 44.8677
LONGITUDE DEC _____ 115.9455
DAM TYPE _____ RKMAS
STORAGE CAPACITY _____ 1,310.00 ACFT
HEIGHT _____ 15.00 FT
DRAINAGE AREA _____ 1.80 SQMI
RESERVOIR AREA _____ 114.00 AC
YEAR COMPLETED _____ 1902
CREST ELEVATION _____ 6,975.00 MSL
CREST LENGTH _____ 450.00 FT
SPILLWAY TYPE _____ OVFL
SPILLWAY DEPTH _____ 0.00 FT
SPILLWAY CAPACITY _____ 160.00 CFS
OUTLET TYPE _____ CMP
OUTLET SIZE _____ 15 IN
OUTLET CAPACITY _____ 24.00 CFS
IDF _____ Q500
IDF MAGNITUDE _____ 160.00 CFS
RELEASE CAPACITY _____ 184.00 CFS

CONDITION _____ GD
MAINTENANCE _____ ROUTINE
INSPECTION DATE _____ 0896 MO/YR
CERTIFICATE EXP DATE - 1198 MO/YR
LAST RISK EVALUATION - 0792 MO/YR
SURVEY DATE _____ MO/DD/YR
CALL UP DATE _____ MO/DD/YR
CERT ISSUE DATE _____ 11/ 7/96 MO/DD/YR
INSPECTION INTERVAL - 2YR
PHASE 1 INSP DATE _____
OPERATION PLAN _____ N
SEISMIC ANALYSIS _____ N
RESTRICTED _____
JOINT INSPECTION _____ USFS
QUAD NUMBER _____ S61
QUAD NAME _____ PADDY FLAT

DAM OWNER _____ ROSEBERRY IRRIGATION DIST
ADDRESS - 1 _____ MAC MILLER, PRESIDENT
ADDRESS - 2 _____ P O BOX 297
CITY _____ DONNELLY
STATE _____ ID
ZIP CODE _____ 83615
ZIP SUFFIX _____
PHONE _____ 3258379
AREA CODE _____ 208

GENERAL REMARKS : NO CHANGED FROM 65-2906. DAM RAISED IN 1911 & REPAIRED IN 1983.
OUTLET CONTROLS REPLACED IN LATE 1988 & 15" CMP INSTALLED
INSIDE ROCK TUNNEL.

TECHNICAL REMARKS : Q500 CAN BE PASSED WITH APPROX 0.25' OVERTOP OF DAM.

RESTRICTIONS :

ALTERNATE CONTACTS : BOARD OF DIRECTORS: PAUL KLEINT, PH = 325-8768; GUY IRELAND, PH
= 325-8986; WATERMASTER, DITCH RIDER, IVAN PHELPS, ROUTE 1,
MCCALL, PH = 325-8886.

AJ0749NP
No. R65-03115

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 09/22/99
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	ROSEBERRY IRRIGATION DISTRICT PO BOX 42 DONNELLY ID 83615 (208) 325-8768	01/12/1917	IRRIGATION STORAGE IRRIGATION FROM STORAGE	01-01 12-31 04-15 10-15		1207.00 AFA 1207.00 AFA
TOTAL DIVERSION:						1207.00 AFA
Water Source: BOULDER LAKE			Tributary to: BOULDER CREEK		Stage: DECREED	
Point(s) of Diversion:			T18N R04E S27 NESE		VALLEY County	
Point(s) of Re-diversion:			T17N R03E S13 SENWSE		VALLEY County	

POU County:

Other Rights: 65-03114, 6503116, 6502585.

Remarks: POD WHEN AVAILABLE 361 ACRE FEET OF WATER FROM BOULDER LAKE OR 310
ACRE FEET AT HEADGATE OF WATER DIVERTED UNDER THIS RIGHT IS
EXCHANGED WITH WATER FROM LOUIE LAKE UNDER RIGHT NO. 65-02916.
WATER DIVERTED UNDER THIS RIGHT IS USED WITHIN THE BOULDER
IRRIGATION COMPANY AND THE ROSEBERRY IRRIGATION DISTRICT
BOUNDARIES.

POU1 USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 2826 ACRES WITHIN THE
BOUNDARIES OF THE ROSEBERRY IRRIGATION DISTRICT IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 65-03114, 65-03116,
65-02585.

Dates:	Exam Made Date:	Verified Date:	Objection Filed Date:
Misc:	Water District Number: 65	Field Inspection Flag: D	Presumption Flag: D



AJ0749NP
No. R65-03115

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 09/22/99
PAGE: 2

Comments:

Date: 06/29/1999 User-ID: SBOCK Subject: COPIED FROM REMARKS
PLACE OF USE WITHIN LANDS OF THE ROSEBERRY IRRIGATION DISTRICT.
STOCK USE IS INCIDENTAL. CONCLUSIONS OF LAW #7 IS PRESUMED TO
APPLY TO THIS RIGHT WHERE A REASONABLE FLOW IS IMPLIED AND
INCLUDED FOR THE WATERING OF LIVESTOCK DURING THE NON-IRRIGATION
SEASON.
THE POINT OF DIVERSION HAS BEEN AT THE LOCATION WHICH THIS CLAIM
PRESENTS SINCE 1940.
THE ACREAGE HAS BEEN ESTABLISHED AS OF 1980. THE PAYETTE DECREE
SHOWED ACREAGE AT 2679.
A PRIORITY DATE OF 1917 JAN. 12 HAS BEEN CHOSEN BECAUSE OF THE
DATE AND QUANTITY STATED IN THE ROSEBERRY IRR. DIST. VS. CLARENCE
SHAW, ET AL, DEFENDENTS. DATED 7-15-26, AND WAS ASSIGNED
PRIORITY # 3, AND DECREE # 2.

Audit:

09/22/99 SBOCK

AJ0749NP
No. R65-03115

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 06/29/99
PAGE: 1

OWNER
CODE C ROSEBERRY IRRIGATION DISTRICT
PO BOX 42
DONNELLY ID 83615
(208) 325-8768

NAME & ADDRESS

PRIORITY
DATE

WATER USE

USE PERIOD
FROM TO

DIVERSION
RATE

DIVERSION
VOLUME

01/12/1917 IRRIGATION STORAGE
IRRIGATION FROM STORAGE
01-01 12-31
04-15 10-15
1207.00 AFA
1207.00 AFA
1207.00 AFA

TOTAL DIVERSION:

Water Source: BOULDER LAKE
Tributary to: BOULDER CREEK
Point(s) of Diversion: T18N R04E S27 NESE
Point(s) of Re-diversion: T17N R03E S13 SENHSE
POU County: VALLEY County
VALLEY County

Stage: DECREED

POU County:

Other Rights: 65-03114,6503116,6502585.

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

POU1 USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 2679 ACRES WITHIN THE
BOUNDARIES OF THE ROSEBERRY IRRIGATION DISTRICT IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 65-03114, 65-03116.

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

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

Comments: Date: 06/29/1999 User-ID: S80CK Subject: COPIED FROM REMARKS
PLACE OF USE WITHIN LANDS OF THE ROSEBERRY IRRIGATION DISTRICT.
STOCK USE IS INCIDENTAL. CONCLUSIONS OF LAW #7 IS PRESUMED TO
APPLY TO THIS RIGHT WHERE A REASONABLE FLOW IS IMPLIED AND

AJ0749NP
No. R65-03115

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 06/29/99
PAGE: 2

Comments: Date: 06/29/1999 User-ID: SBOCK Subject: COPIED FROM REMARKS
INCLUDED FOR THE WATERING OF LIVESTOCK DURING THE NON-IRRIGATION
SEASON.
THE POINT OF DIVERSION HAS BEEN AT THE LOCATION WHICH THIS CLAIM
PRESENTS SINCE 1940.
THE ACREAGE HAS BEEN ESTABLISHED AS OF 1980. THE PAYETTE DECREE
SHOWED ACREAGE AT 2679.
A PRIORITY DATE OF 1917 JAN. 12 HAS BEEN CHOSEN BECAUSE OF THE
DATE AND QUANTITY STATED IN THE ROSEBERRY IRR. DIST. VS. CLARENCE
SHAW, ET AL, DEFENDENTS. DATED 7-15-26, AND WAS ASSIGNED
PRIORITY # 3, AND DECREE # 2.

Audit: 06/29/99 SBOCK

AJ5809NP

No. A65-03115

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORTDATE: 03/05/99
PAGE: 56

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	ROSEBERRY IRRIGATION DISTRICT P O BOX 42 DONNELLY ID 83615 (208) 325-8768	01/12/1917	IRRIGATION STORAGE IRRIGATION FROM STORAGE	01-01 12-31 04-15 10-15		1218.00 AFA 1218.00 AFA 1218.00 AFA 1218.00 AFA

Water Source: BOULDER LAKE

Tributary to:

Point(s) of Diversion:

T17N R03E S13
T18N R04E S27SENWSE R
NESE

POU County:

Non-Irrigation Uses: S/10,000HD.IN DISTRICT

Other Rights: 65-03114,6503116,6502585.

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
65-08337 65-08339 A65-03114 A65-03116 A65-08337 A65-08339

Remarks: GEN

PLACE OF USE WITHIN LANDS OF THE ROSEBERRY IRRIGATION DISTRICT.
STOCK USE IS INCIDENTAL. CONCLUSIONS OF LAW #7 IS PRESUMED TO
APPLY TO THIS RIGHT WHERE A REASONABLE FLOW IS IMPLIED AND
INCLUDED FOR THE WATERING OF LIVESTOCK DURING THE NON-IRRIGATION
SEASON.

THE POINT OF DIVERSION HAS BEEN AT THE LOCATION WHICH THIS CLAIM
PRESENTS SINCE 1940.

THE ACREAGE HAS BEEN ESTABLISHED AS OF 1980. THE PAYETTE DECREE
SHOWED ACREAGE AT 2679.

A PRIORITY DATE OF 1917 JAN. 12 HAS BEEN CHOSEN BECAUSE OF THE
DATE AND QUANTITY STATED IN THE ROSEBERRY IRR. DIST. VS. CLARENCE
SHAW, ET AL, DEFENDENTS. DATED 7-15-26, AND WAS ASSIGNED
PRIORITY # 3, AND DECREE # 2.

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc:

Water District Number: 65

Field Inspection Flag:

Presumption Flag: D

Stage: DECREED

VALLEY County
VALLEY CountyTOTAL DIVERSION:
CONSUMPTIVE USE:

1267

21679

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

00:10:47
04/07/99
72

PAGE: 28
PROFILE REPORT

CLAIM NUMBER: A65-03115

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	ROSEBERRY IRRIGATION DISTRICT	01/12/1917	IRRIGATION STORAGE IRRIGATION FROM STORAGE	01-01 12-31 04-15 10-15		1218.00 AFA 1218.00 AFA
				TOTAL DIVERSION: CONSUMPTIVE USE:		1218.00 AFA 1218.00 AFA

Water Source: BOULDER LAKE Tributary to:

Point(s) of Diversion: T17N R03E S13 SENWSE
T18N R04E S27 NESE

POJ County:

Non-Irrigation Uses: S/10,000HD.IN DISTRICT

Other Rights: 65-03114,6503116,6502585.

Stage: DECREED
VALLEY County
VALLEY County

Remarks: GEN PLACE OF USE WITHIN LANDS OF THE ROSEBERRY IRRIGATION DISTRICT. STOCK USE IS INCIDENTAL. CONCLUSIONS OF LAW #7 IS PRESUMED TO APPLY TO THIS RIGHT WHERE A REASONABLE FLOW IS IMPLIED AND INCLUDED FOR THE WATERING OF LIVESTOCK DURING THE NON-IRRIGATION SEASON.
THE POINT OF DIVERSION HAS BEEN AT THE LOCATION WHICH THIS CLAIM PRESENTS SINCE 1940.
THE ACREAGE HAS BEEN ESTABLISHED AS OF 1980. THE PAYETTE DECREE SHOWED ACREAGE AT 2679.
A PRIORITY DATE OF 1917 JAN. 12 HAS BEEN CHOSEN BECAUSE OF THE DATE AND QUANTITY STATED IN THE ROSEBERRY IRR. DIST. VS. CLARENCE SHAW, ET AL, DEFENDENTS. DATED 7-15-26, AND WAS ASSIGNED PRIORITY # 3, AND DECREE # 2.

Dates: Exam Made Date: Verified Date: Objection Filed Date:
Misc: Water District Number: 65 Field Inspection Flag: D
Presumption Flag:

00:03:37
04/07/99

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

PAGE: 1
GENERAL INFORMATION

LAST: ROSEBERRY IRRIGATION DISTRICT
ADDRESS: P O BOX 42
CITY: DONNELLY
PHONE NUMBER: 208-325-8768
OWNER CODE: C

STATE: ID ZIP: 83615
FIRST:
FIELD EXAM REQUIRED?
VERIFICATION REQUIRED DUE TO REMARKS?

CLAIM REMARKS: GEN
PLACE OF USE WITHIN LANDS OF THE ROSEBERRY IRRIGATION DISTRICT.
STOCK USE IS INCIDENTAL. CONCLUSIONS OF LAW #7 IS PRESUMED TO
APPLY TO THIS RIGHT WHERE A REASONABLE FLOW IS IMPLIED AND
INCLUDED FOR THE WATERING OF LIVESTOCK DURING THE NON-IRRIGATION
SEASON.
THE POINT OF DIVERSION HAS BEEN AT THE LOCATION WHICH THIS CLAIM
PRESENTS SINCE 1940.
THE ACREAGE HAS BEEN ESTABLISHED AS OF 1980. THE PAYETTE DECREE
SHOWED ACREAGE AT 2679.
A PRIORITY DATE OF 1917 JAN. 12 HAS BEEN CHOSEN BECAUSE OF THE
DATE AND QUANTITY STATED IN THE ROSEBERRY IRR. DIST. VS. CLARENCE
SHAW, ET AL, DEFENDENTS. DATED 7-15-26, AND WAS ASSIGNED
PRIORITY # 3, AND DECREE # 2.

DATABASE Y
FIELD EXAMINER Y() N()

CLAIM NUMBER: A65-03115

CONTACT PERSON: _____

PHONE NUMBER: (____) ____-____

DATE OF FIELD EXAM: ____/____/____

APPOINTMENT MADE: Y(____) N(____)

TIME: ____:____ A(____) P(____)

ACCOMPANIED BY: _____

PHONE NUMBER: (____) ____-____

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / NOTES:

A. AJ CLAIM: # A65-03115 PRIORITY DATE: 01-12-1917 STAGE: D

B. WR RECORD: # 65-03115 PRIORITY DATE: 05-06-1949 STAGE: D

C. CAN THE PRIORITY DATE CLAIMED BE CONFIRMED BY A DECREE OR LICENSE?

D. HAS THERE BEEN A LATER COURT DECREE OF THE WATER RIGHT(S) FROM THIS WATER SOURCE?

E. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE? (IF YES, DESCRIBE BELOW)

F. IF THIS CLAIM IS BASED ON A PERMIT, WHERE IS THE PERMIT IN THE LICENSING PROCESS?

PROOF OF BENEFICIAL USE SUBMITTED

FIELD EXAM COMPLETED

FIELD EXAM SENT TO STATE OFFICE

LICENSE ISSUED

* IF THE PERMIT WILL NOT BE LICENSED PRIOR TO THE DIRECTOR'S REPORT, USE CONDITION CODE A01 AND RECOMMEND AS PERMITTED.

G. IF THIS CLAIM IS BASED ON BENEFICIAL USE, IS ADDITIONAL EVIDENCE OF THE PRIORITY DATE REQUIRED?

* FOR CLAIMS BASED ON BENEFICIAL USE, DESCRIBE THE EVIDENCE OF PRIORITY SUBMITTED, INCLUDING THE ANALYSIS OF THE EVIDENCE.

H. IS THE STAGE OF THE CLAIM CODED CORRECTLY?

NOTES:

RECOMMENDED PRIORITY DATE:

1-12-1917
REVIEWED BY
DATE 6/29/99

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP. RGE.	SEC.	1/4	1/4	1/4	1/4	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NUMBER
A65-03115	17N 03E	13	SE	NW	SE			VALLEY		
A65-03115	18N 04E	27	SE	NE	SE			VALLEY		

OTHER AJ CLAIMS WITH SAME AJ POD

A PREFIX

R PREFIX

A65-03114

65-08337

A65-03116

65-08339

65-08337

65-08339

SOURCE: BOULDER LAKE

TRIB:

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP. RGE.	SEC.	1/4	1/4	1/4	1/4	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NUMBER
65-03115	18N 04E	27	NE	SE				VALLEY		
65-03115	17N 03E	13	SE	NE				VALLEY		

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT

A PREFIX

65-03114

65-03116

NONE

NONE

SOURCE: BOULDER LAKE

TRIB:

C. IS THE CLAIMED POD WITHIN THE SAME 40 ACRE TRACT THAT IS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y() N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POD, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

D. CAN THE CLAIMED POD BE VERIFIED USING THE WATER RIGHT FILE OR GPS DATA? N/A() Y() N()

E. SHOULD THE CLAIMED POD BE VERIFIED BY FIELD EXAM? Y() N()

F. IS THE CLAIMED SOURCE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y() N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN SOURCE, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

G. CAN THE CLAIMED SOURCE BE VERIFIED USING THE WATER RIGHT FILE? Y() N()

H. SHOULD THE CLAIMED SOURCE BE VERIFIED BY FIELD EXAM? Y() N()

A. ROOT WATER RIGHT NUMBERS: A65-03115

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
16N	03E	1	NW	NE		ROSEBERRY IRRIGATION DISTRICT A65-03115	35.6	-	/		
			NW	NE		ROSEBERRY IRRIGATION DISTRICT A65-03114	35.6	-	/		
			NW	NE		ROSEBERRY IRRIGATION DISTRICT A65-03116	35.6	-	/		
16N	03E	1	SW	NE		ROSEBERRY IRRIGATION DISTRICT A65-03115	40.0	-	/	30.0	
			SW	NE		ROSEBERRY IRRIGATION DISTRICT A65-03114	40.0	-	/		
			SW	NE		ROSEBERRY IRRIGATION DISTRICT A65-03116	40.0	-	/		
16N	03E	1	NE	SW		ROSEBERRY IRRIGATION DISTRICT A65-03115	20.0	-	/	36.0	
			NE	SW		ROSEBERRY IRRIGATION DISTRICT A65-03114	20.0	-	/		
			NE	SW		ROSEBERRY IRRIGATION DISTRICT A65-03116	20.0	-	/		
			NE	SW		EASTERN WESTERN CORP	65-02515	40.0	/		
16N	03E	1	SE	SW		ROSEBERRY IRRIGATION DISTRICT A65-03115	40.0	-	/	38.0	
			SE	SW		ROSEBERRY IRRIGATION DISTRICT A65-03114	40.0	-	/		
			SE	SW		ROSEBERRY IRRIGATION DISTRICT A65-03116	40.0	-	/		
			SE	SW		EASTERN WESTERN CORP	65-07361	40.0	/		
16N	03E	1	NW	SE		ROSEBERRY IRRIGATION DISTRICT A65-03115	40.0	-	/	33.0	
			NW	SE		ROSEBERRY IRRIGATION DISTRICT A65-03114	40.0	-	/		
			NW	SE		ROSEBERRY IRRIGATION DISTRICT A65-03116	40.0	-	/		
16N	03E	2	NW	SE		ROSEBERRY IRRIGATION DISTRICT A65-03115	5.0	-	/	36.0	
			NW	SE		ROSEBERRY IRRIGATION DISTRICT A65-03114	5.0	-	/		
			NW	SE		ROSEBERRY IRRIGATION DISTRICT A65-03116	5.0	-	/		
16N	03E	2	SW	SE		ROSEBERRY IRRIGATION DISTRICT A65-03115	20.0	-	/	40.0	
			SW	SE		ROSEBERRY IRRIGATION DISTRICT A65-03114	20.0	-	/		
			SW	SE		ROSEBERRY IRRIGATION DISTRICT A65-03116	20.0	-	/		
16N	03E	10	SE	SE		ROSEBERRY IRRIGATION DISTRICT A65-03115	30.0	-	/	37.0	
			SE	SE		CAIN, THOMAS A	65-06940	/			
			SE	SE		CAIN, DALE P	65-06941	/			
			SE	SE		CAIN, THOMAS A	65-06942	/			
			SE	SE		ROSEBERRY IRRIGATION DISTRICT A65-03114	30.0	-	/		
			SE	SE		ROSEBERRY IRRIGATION DISTRICT A65-03116	30.0	-	/		
			SE	SE		CAIN, THOMAS A	65-06940	/			
			SE	SE		CAIN, THOMAS A	65-06942	/			
			SE	SE		CAIN, DALE P	65-06941	/			
16N	03E	11	NE	NE		ROSEBERRY IRRIGATION DISTRICT A65-03115	40.0	-	/	42.0	
			NE	NE		ROSEBERRY IRRIGATION DISTRICT A65-03114	40.0	-	/		
			NE	NE		ROSEBERRY IRRIGATION DISTRICT A65-03116	40.0	-	/		

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
16N	03E	11	NW	NE		ROSEBERRY IRRIGATION DISTRICT A65-03115	/ 25.0	-	/		
			NW	NE		ROSEBERRY IRRIGATION DISTRICT A65-03114	/ 25.0	-	/		
			NW	NE		ROSEBERRY IRRIGATION DISTRICT A65-03116	/ 25.0	-	/		
16N	03E	11	SW	NE		ROSEBERRY IRRIGATION DISTRICT A65-03115	/ 40.0	-	/		
			SW	NE		ROSEBERRY IRRIGATION DISTRICT A65-03114	/ 40.0	-	/		
			SW	NE		ROSEBERRY IRRIGATION DISTRICT A65-03116	/ 40.0	-	/		
16N	03E	11	SE	NE		ROSEBERRY IRRIGATION DISTRICT A65-03115	/ 40.0	-	/		
			SE	NE		JAMES FAMILY LTD PARTNERSHIP A65-18204	/	-	/		
			SE	NE		ROSEBERRY IRRIGATION DISTRICT A65-03114	/ 40.0	-	/		
			SE	NE		ROSEBERRY IRRIGATION DISTRICT A65-03116	/ 40.0	-	/		
			SE	NE		JAMES FAMILY LTD PARTNERSHIP 65-18204	/	-	/		
16N	03E	11	NE	NW		ROSEBERRY IRRIGATION DISTRICT A65-03115	/ 5.0	-	/		
			NE	NW		ROSEBERRY IRRIGATION DISTRICT A65-03114	/ 5.0	-	/		
			NE	NW		ROSEBERRY IRRIGATION DISTRICT A65-03116	/ 5.0	-	/		
16N	03E	11	SE	NW		ROSEBERRY IRRIGATION DISTRICT A65-03115	/ 40.0	-	/		
			SE	NW		ROSEBERRY IRRIGATION DISTRICT A65-03114	/ 40.0	-	/		
			SE	NW		ROSEBERRY IRRIGATION DISTRICT A65-03116	/ 40.0	-	/		
16N	03E	11	NE	SW		ROSEBERRY IRRIGATION DISTRICT A65-03115	/ 40.0	-	/		
			NE	SW		ROSEBERRY IRRIGATION DISTRICT A65-03114	/ 40.0	-	/		
			NE	SW		ROSEBERRY IRRIGATION DISTRICT A65-03116	/ 40.0	-	/		
			NE	SW		JAMES, JIMMIE N.	65-10324	/			
16N	03E	11	NW	SW		ROSEBERRY IRRIGATION DISTRICT A65-03115	/ 20.0	-	/		
			NW	SW		ROSEBERRY IRRIGATION DISTRICT A65-03114	/ 20.0	-	/		
			NW	SW		ROSEBERRY IRRIGATION DISTRICT A65-03116	/ 20.0	-	/		
			NW	SW		EASTERN WESTERN CORP	65-09796	/			
			NW	SW		HOLLAND & HART	65-17573	/			
			NW	SW		EASTERN WESTERN CORP	65-09796	/			
			NW	SW		EASTERN WESTERN CORP	65-17573	/			
			NW	SW		HOLLAND & HART	65-09796	/			
			NW	SW		HOLLAND & HART	65-17573	/			
			NW	SW		EASTERN WESTERN CORP	65-12938	/			
16N	03E	11	SW	SW		ROSEBERRY IRRIGATION DISTRICT A65-03115	/ 40.0	-	/		
			SW	SW		ROSEBERRY IRRIGATION DISTRICT A65-03114	/ 40.0	-	/		
			SW	SW		ROSEBERRY IRRIGATION DISTRICT A65-03116	/ 40.0	-	/		
16N	03E	11	SE	SW		ROSEBERRY IRRIGATION DISTRICT A65-03115	/ 40.0	-	/		
			SE	SW		ROSEBERRY IRRIGATION DISTRICT A65-03114	/ 40.0	-	/		
			SE	SW		ROSEBERRY IRRIGATION DISTRICT A65-03116	/ 40.0	-	/		
16N	03E	11	NE	SE		ROSEBERRY IRRIGATION DISTRICT A65-03115	/ 40.0	-	/		
			NE	SE		JAMES FAMILY LTD PARTNERSHIP 65-10324	/	-	/		

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
16N	03E	11	NE	SE		JAMES FAMILY LTD PARTNERSHIP	A65-18203	/			
			NE	SE		ROSEBERRY IRRIGATION DISTRICT	A65-03114	/ 40.0			
			NE	SE		ROSEBERRY IRRIGATION DISTRICT	A65-03116	/ 40.0			
			NE	SE		JAMES FAMILY LTD PARTNERSHIP	65-18203	/			
			NE	SE		JAMES FAMILY LTD PARTNERSHIP	65-10324	/			
16N	03E	11	NW	SE		ROSEBERRY IRRIGATION DISTRICT	A65-03115	/ 40.0			40.0
			NW	SE		ROSEBERRY IRRIGATION DISTRICT	A65-03114	/ 40.0			
			NW	SE		ROSEBERRY IRRIGATION DISTRICT	A65-03116	/ 40.0			
16N	03E	11	SW	SE		ROSEBERRY IRRIGATION DISTRICT	A65-03115	/ 40.0			38.0
			SW	SE		ROSEBERRY IRRIGATION DISTRICT	A65-03114	/ 40.0			
			SW	SE		ROSEBERRY IRRIGATION DISTRICT	A65-03116	/ 40.0			
			SE	SE		ROSEBERRY IRRIGATION DISTRICT	A65-03115	/ 40.0			42.0
			SE	SE		TAYLOR, WAVETA I	A65-09616	/			
16N	03E	12	NE	NE		JAMES FAMILY LTD PARTNERSHIP	A65-10323	/			
			SE	SE		ROSEBERRY IRRIGATION DISTRICT	A65-03114	/ 40.0			
			SE	SE		ROSEBERRY IRRIGATION DISTRICT	A65-03116	/ 40.0			
			SE	SE		ROSEBERRY IRRIGATION DISTRICT	A65-03115	/ 40.0			
			SE	SE		TAYLOR, WAVETA I	65-09616	/			
16N	03E	12	NE	NE		JAMES FAMILY LTD PARTNERSHIP	65-10323	/			
			NE	NE		ROSEBERRY IRRIGATION DISTRICT	A65-03115	/ 40.0			40.0
			NE	NE		ROSEBERRY IRRIGATION DISTRICT	A65-03114	/ 40.0			
			NE	NE		ROSEBERRY IRRIGATION DISTRICT	A65-03116	/ 40.0			
			NE	NE		ROSEBERRY IRRIGATION DISTRICT	A65-03115	/ 40.0			36.0
16N	03E	12	NE	NW		ROSEBERRY IRRIGATION DISTRICT	A65-03115	/ 20.0			31.0
			NE	NW		ROSEBERRY IRRIGATION DISTRICT	A65-03114	/ 20.0			
			NE	NW		ROSEBERRY IRRIGATION DISTRICT	A65-03116	/ 20.0			
			NE	NW		EASTERN WESTERN CORP	65-07361	/ 40.0			
			NE	NW		ROSEBERRY IRRIGATION DISTRICT	A65-03115	/ 20.0			
16N	03E	12	NW	NW		ROSEBERRY IRRIGATION DISTRICT	A65-03115	/ 40.0			34.0
			NW	NW		ROSEBERRY IRRIGATION DISTRICT	A65-03114	/ 40.0			
			NW	NW		ROSEBERRY IRRIGATION DISTRICT	A65-03116	/ 40.0			
			NW	NW		ROSEBERRY IRRIGATION DISTRICT	A65-03115	/ 40.0			40.0
16N	03E	12	SW	NW		ROSEBERRY IRRIGATION DISTRICT	A65-03114	/ 40.0			
			SW	NW		ROSEBERRY IRRIGATION DISTRICT	A65-03116	/ 40.0			
			SW	NW		ROSEBERRY IRRIGATION DISTRICT	A65-03115	/ 40.0			
			SW	NW		HOLLAND & HART	A65-04033	/ 35.0			35.0
16N	03E	12	NE	SW		ROSEBERRY IRRIGATION DISTRICT	A65-03115	/ 40.0			33.0
			NE	SW		ROSEBERRY IRRIGATION DISTRICT	A65-03114	/ 40.0			
			NE	SW		ROSEBERRY IRRIGATION DISTRICT	A65-03116	/ 40.0			
			NE	SW		ROSEBERRY IRRIGATION DISTRICT	A65-03115	/ 40.0			

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
16N	03E	13	NE	NW		LONG VALLEY MOTEL	A65-038438	2.0			
						BARKER & SON INC	A65-05038	/			
						CLIFFORD BARKER & SON INC	A65-08548	/			
						ROSEBERRY IRRIGATION DISTRICT	A65-03114	/ 40.0			
						BARKER & SON INC	65-05038	/			
						ROSEBERRY IRRIGATION DISTRICT	A65-03116	/ 40.0			
						CLIFFORD BARKER & SON INC	65-08548	/			
						ROSEBERRY IRRIGATION DISTRICT	A65-03115	/ 40.0			
						ELD, FRANK W	A65-08875	/			
						ROSEBERRY IRRIGATION DISTRICT	A65-03114	/ 40.0			
16N	03E	13	NE	NW		ROSEBERRY IRRIGATION DISTRICT	A65-03115	/ 40.0			37.0
						ROSEBERRY IRRIGATION DISTRICT	A65-03114	/ 40.0			
						ROSEBERRY IRRIGATION DISTRICT	A65-03116	/ 40.0			
						SMITH ESTATES, ARTHUR J & NORMA	65-22216	/			
						ELD, FRANK W	65-08875	/			
						ELD, FRANK W.	65-08874	/			
						ROSEBERRY IRRIGATION DISTRICT	A65-03115	/ 40.0			
						ROSEBERRY IRRIGATION DISTRICT	A65-03114	/ 40.0			
						ROSEBERRY IRRIGATION DISTRICT	A65-03116	/ 40.0			
						TRENT, LIZA M.	65-08231	/			
16N	03E	13	SE	NW		ROSEBERRY IRRIGATION DISTRICT	A65-03115	/ 40.0			39.0
						ROSEBERRY IRRIGATION DISTRICT	A65-03114	/ 40.0			
						ROSEBERRY IRRIGATION DISTRICT	A65-03116	/ 40.0			
						ROSEBERRY IRRIGATION DISTRICT	A65-03115	/ 40.0			
						ROSEBERRY IRRIGATION DISTRICT	A65-03114	/ 40.0			
						ROSEBERRY IRRIGATION DISTRICT	A65-03116	/ 40.0			
						ROSEBERRY IRRIGATION DISTRICT	A65-03115	/ 40.0			
						ROSEBERRY IRRIGATION DISTRICT	A65-03114	/ 40.0			
						ROSEBERRY IRRIGATION DISTRICT	A65-03116	/ 40.0			
						ROSEBERRY IRRIGATION DISTRICT	A65-03115	/ 40.0			
16N	03E	13	NE	SW		ROSEBERRY IRRIGATION DISTRICT	A65-03115	/ 40.0			40.0
						ROSEBERRY IRRIGATION DISTRICT	A65-03114	/ 40.0			
						ROSEBERRY IRRIGATION DISTRICT	A65-03116	/ 40.0			
						ROSEBERRY IRRIGATION DISTRICT	A65-03115	/ 40.0			
						ROSEBERRY IRRIGATION DISTRICT	A65-03114	/ 40.0			
						ROSEBERRY IRRIGATION DISTRICT	A65-03116	/ 40.0			
						ROSEBERRY IRRIGATION DISTRICT	A65-03115	/ 40.0			
						ROSEBERRY IRRIGATION DISTRICT	A65-03114	/ 40.0			
						ROSEBERRY IRRIGATION DISTRICT	A65-03116	/ 40.0			
						ROSEBERRY IRRIGATION DISTRICT	A65-03115	/ 40.0			
16N	03E	13	NW	SW		ROSEBERRY IRRIGATION DISTRICT	A65-03115	/ 40.0			37.0
						ROSEBERRY IRRIGATION DISTRICT	A65-03114	/ 40.0			
						ROSEBERRY IRRIGATION DISTRICT	A65-03116	/ 40.0			
						ROSEBERRY IRRIGATION DISTRICT	A65-03115	/ 40.0			
						ROSEBERRY IRRIGATION DISTRICT	A65-03114	/ 40.0			
						ROSEBERRY IRRIGATION DISTRICT	A65-03116	/ 40.0			
						ROSEBERRY IRRIGATION DISTRICT	A65-03115	/ 40.0			
						ROSEBERRY IRRIGATION DISTRICT	A65-03114	/ 40.0			
						ROSEBERRY IRRIGATION DISTRICT	A65-03116	/ 40.0			
						ROSEBERRY IRRIGATION DISTRICT	A65-03115	/ 40.0			
16N	03E	13	SW	SW		ROSEBERRY IRRIGATION DISTRICT	A65-03115	/ 40.0			36.0
						ROSEBERRY IRRIGATION DISTRICT	A65-03114	/ 40.0			
						ROSEBERRY IRRIGATION DISTRICT	A65-03116	/ 40.0			
						ROSEBERRY IRRIGATION DISTRICT	A65-03115	/ 40.0			
						ROSEBERRY IRRIGATION DISTRICT	A65-03114	/ 40.0			
						ROSEBERRY IRRIGATION DISTRICT	A65-03116	/ 40.0			
						ROSEBERRY IRRIGATION DISTRICT	A65-03115	/ 40.0			
						ROSEBERRY IRRIGATION DISTRICT	A65-03114	/ 40.0			
						ROSEBERRY IRRIGATION DISTRICT	A65-03116	/ 40.0			
						ROSEBERRY IRRIGATION DISTRICT	A65-03115	/ 40.0			
16N	03E	13	SE	SW		ROSEBERRY IRRIGATION DISTRICT	A65-03115	/ 40.0			36.0
						ROSEBERRY IRRIGATION DISTRICT	A65-03114	/ 40.0			
						ROSEBERRY IRRIGATION DISTRICT	A65-03116	/ 40.0			
						ROSEBERRY IRRIGATION DISTRICT	A65-03115	/ 40.0			
						ROSEBERRY IRRIGATION DISTRICT	A65-03114	/ 40.0			
						ROSEBERRY IRRIGATION DISTRICT	A65-03116	/ 40.0			
						ROSEBERRY IRRIGATION DISTRICT	A65-03115	/ 40.0			
						ROSEBERRY IRRIGATION DISTRICT	A65-03114	/ 40.0			
						ROSEBERRY IRRIGATION DISTRICT	A65-03116	/ 40.0			
						ROSEBERRY IRRIGATION DISTRICT	A65-03115	/ 40.0			
16N	03E	14	NE	NE		ROSEBERRY IRRIGATION DISTRICT	A65-03115	/ 40.0			39.0
						BURKLAND, GARY A	A65-08754	/			
						ROSEBERRY IRRIGATION DISTRICT	A65-02585	/ 18.0			
						BAKER, ROBERT W	A65-05053	/			
						TAYLOR, JACK	A65-09615	/			
						TAYLOR, JACK	65-09615	/			
						LAYTON, RICHARD A	A65-08753	/			
						ROSEBERRY IRRIGATION DISTRICT	A65-03115	/ 40.0			
						ROSEBERRY IRRIGATION DISTRICT	A65-08754	/			
						ROSEBERRY IRRIGATION DISTRICT	A65-02585	/ 18.0			

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
			NE	NE		BAKER, ROBERT W	65-05053 /	- /			
			NE	NE		ROSEBERRY IRRIGATION DISTRICT	A65-03114 / 40.0	- /			
			NE	NE		ROSEBERRY IRRIGATION DISTRICT	A65-03116 / 40.0	- /			
			NE	NE		BURKLAND, GARY A	65-08754 /	- /			
			NE	NE		LAYTON, RICHARD	65-13783 / 2.0	- /			
16N	03E	14	NW	NE		ROSEBERRY IRRIGATION DISTRICT	A65-03115 / 40.0	- /	40.0		
			NW	NE		ROSEBERRY IRRIGATION DISTRICT	A65-03114 / 40.0	- /			
			NW	NE		ROSEBERRY IRRIGATION DISTRICT	A65-03116 / 40.0	- /			
16N	03E	14	SW	NE		ROSEBERRY IRRIGATION DISTRICT	A65-03115 / 40.0	- /	40.0		
			SW	NE		ROSEBERRY IRRIGATION DISTRICT	A65-02585 / 10.0	- /			
			SW	NE		ROSEBERRY IRRIGATION DISTRICT	A65-03114 / 40.0	- /			
			SW	NE		ROSEBERRY IRRIGATION DISTRICT	A65-03116 / 40.0	- /			
			SW	NE		ROSEBERRY IRRIGATION DISTRICT	A65-03116 / 40.0	- /			
16N	03E	14	SE	NE		ROSEBERRY IRRIGATION DISTRICT	A65-03115 / 40.0	- /	39.0		
			SE	NE		ROSEBERRY IRRIGATION DISTRICT	A65-02585 / 1.0	- /			
			SE	NE		ROSEBERRY IRRIGATION DISTRICT	A65-03114 / 40.0	- /			
			SE	NE		ROSEBERRY IRRIGATION DISTRICT	A65-03116 / 40.0	- /			
			SE	NE		TRENT, ELIZA MAE	65-09593 /	- /			
16N	03E	14	NE	NW		ROSEBERRY IRRIGATION DISTRICT	A65-03115 / 40.0	- /	40.0		
			NE	NW		ROSEBERRY IRRIGATION DISTRICT	A65-03114 / 40.0	- /			
			NE	NW		ROSEBERRY IRRIGATION DISTRICT	A65-03116 / 40.0	- /			
16N	03E	14	NW	NW		ROSEBERRY IRRIGATION DISTRICT	A65-03115 / 40.0	- /	42.0		
			NW	NW		ROSEBERRY IRRIGATION DISTRICT	A65-03114 / 40.0	- /			
			NW	NW		ROSEBERRY IRRIGATION DISTRICT	A65-03116 / 40.0	- /			
16N	03E	14	SW	NW		ROSEBERRY IRRIGATION DISTRICT	A65-03115 / 40.0	- /	41.0		
			SW	NW		ROSEBERRY IRRIGATION DISTRICT	A65-03114 / 40.0	- /			
			SW	NW		ROSEBERRY IRRIGATION DISTRICT	A65-03116 / 40.0	- /			
16N	03E	14	SE	NW		ROSEBERRY IRRIGATION DISTRICT	A65-03115 / 40.0	- /	41.0		
			SE	NW		ROSEBERRY IRRIGATION DISTRICT	A65-03114 / 40.0	- /			
			SE	NW		ROSEBERRY IRRIGATION DISTRICT	A65-03116 / 40.0	- /			
16N	03E	14	NE	SW		ROSEBERRY IRRIGATION DISTRICT	A65-03115 / 40.0	- /	40.0		
			NE	SW		ROSEBERRY IRRIGATION DISTRICT	A65-02585 / 18.0	- /			
			NE	SW		ROSEBERRY IRRIGATION DISTRICT	A65-03114 / 40.0	- /			
			NE	SW		ROSEBERRY IRRIGATION DISTRICT	A65-03116 / 40.0	- /			
			NE	SW		ROSEBERRY IRRIGATION DISTRICT	A65-03116 / 40.0	- /			
16N	03E	14	NW	SW		ROSEBERRY IRRIGATION DISTRICT	A65-03115 / 29.0	- /	41.0		
			NW	SW		KLEINT, PAUL R	A65-03869 / 2.0	65-03869 / 2.0			
			NW	SW		ROSEBERRY IRRIGATION DISTRICT	A65-02585 / 35.0	- /			
			NW	SW		ROSEBERRY IRRIGATION DISTRICT	A65-03114 / 29.0	- /			
			NW	SW		ROSEBERRY IRRIGATION DISTRICT	A65-03116 / 29.0	- /			

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
16N	03E	14	SW	SW		ROSEBERRY IRRIGATION DISTRICT A65-03115 / 28.0	-	/	39.0		
			SW	SW		KLEINT, PAUL R A65-03869 / 20.0	65-03869	/ 20.0			
			SW	SW		ROSEBERRY IRRIGATION DISTRICT A65-03114 / 28.0	-	/			
			SW	SW		ROSEBERRY IRRIGATION DISTRICT A65-03116 / 28.0	-	/			
16N	03E	14	SE	SW		ROSEBERRY IRRIGATION DISTRICT A65-03115 / 40.0	-	/	40.0		
			SE	SW		KLEINT, PAUL R A65-03870 /	65-03870	/			
			SE	SW		KLEINT, PAUL R A65-17483 /	-	/			
			SE	SW		ROSEBERRY IRRIGATION DISTRICT A65-03114 / 40.0	-	/			
			SE	SW		ROSEBERRY IRRIGATION DISTRICT A65-03116 / 40.0	-	/			
			SE	SW		ROSEBERRY IRRIGATION DISTRICT A65-03116 / 40.0	-	/			
			SE	SW		KLEINT, PAUL R A65-03871 /	65-03871	/			
			SE	SW		KLEINT, PAUL R A65-03870 /	-	/			
			SE	SW		KLEINT, PAUL R A65-03871 /	-	/			
16N	03E	14	NE	SE		ROSEBERRY IRRIGATION DISTRICT A65-03115 / 40.0	-	/	40.0		
			NE	SE		ROSEBERRY IRRIGATION DISTRICT A65-03114 / 40.0	-	/			
			NE	SE		ROSEBERRY IRRIGATION DISTRICT A65-03116 / 40.0	-	/			
			NE	SE		KEYES, ROBERT M. A65-08820 /	65-08820	/			
16N	03E	14	NW	SE		ROSEBERRY IRRIGATION DISTRICT A65-03115 / 40.0	-	/	38.0		
			NW	SE		ROSEBERRY IRRIGATION DISTRICT A65-03114 / 40.0	-	/			
			NW	SE		ROSEBERRY IRRIGATION DISTRICT A65-03116 / 40.0	-	/			
16N	03E	14	SW	SE		ROSEBERRY IRRIGATION DISTRICT A65-03115 / 40.0	-	/	40.0		
			SW	SE		ROSEBERRY IRRIGATION DISTRICT A65-03114 / 40.0	-	/			
			SW	SE		ROSEBERRY IRRIGATION DISTRICT A65-03116 / 40.0	-	/			
16N	03E	14	SE	SE		ROSEBERRY IRRIGATION DISTRICT A65-03115 / 40.0	-	/	38.0		
			SE	SE		KEYES, ROBERT M A65-08820 /	-	/			
			SE	SE		ROSEBERRY IRRIGATION DISTRICT A65-03114 / 40.0	-	/			
			SE	SE		ROSEBERRY IRRIGATION DISTRICT A65-03116 / 40.0	-	/			
			SE	SE		KEYES, ROBERT M A65-08820 /	-	/			
16N	03E	15	NE	NE		ROSEBERRY IRRIGATION DISTRICT A65-03115 / 30.0	-	/	34.0		
			NE	NE		ROSEBERRY IRRIGATION DISTRICT A65-03114 / 30.0	-	/			
			NE	NE		ROSEBERRY IRRIGATION DISTRICT A65-03116 / 30.0	-	/			
			NE	NE		TENCICK, CYNTHIA A65-17660 /	-	/			
			NE	NE		TENCICK, CYNTHIA A65-17660 /	-	/			
			NE	NE		DE JONG, MARC A65-08387 /	65-08387	/			
16N	03E	15	SW	NE		ROSEBERRY IRRIGATION DISTRICT A65-03115 / 15.0	-	/	38.0		
			SW	NE		CITY OF DONNELLY A65-03847 /	65-03847	/			
			SW	NE		KRAUSE, HERBERT H A65-02723 / 6.0	65-02723	/ 6.0			
			SW	NE		ROSEBERRY IRRIGATION DISTRICT A65-03114 / 15.0	-	/			
			SW	NE		ROSEBERRY IRRIGATION DISTRICT A65-03116 / 15.0	-	/			
			SW	NE		NUMBER CHANGE A65-03736A /	-	/			
			SW	NE		WALL, JOAN A65-03736 /	65-03736	/			

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
			SW	NE		WALL, JOHN D	65-03736	-	/		
			SW	NE		MILLER, BILL J.		65-06988	/	1.0	
			SW	NE		FULTON, HUGH L.		65-08018	/		
			SW	NE		BURGESS, THEODORE F.		65-08869	/		
16N	03E	15	SE	NE		ROSEBERRY IRRIGATION DISTRICT	A65-03115	/ 40.0	/		40.0
			SE	NE		PANCHERI, DUANE	A65-08771	/			
			SE	NE		MC KENZIE, INEZ E	A65-08878	/			
			SE	NE		GOODE, VIOLA M	65-17704	/			
			SE	NE		ROSEBERRY IRRIGATION DISTRICT	A65-03114	/ 40.0	/		
			SE	NE		ROSEBERRY IRRIGATION DISTRICT	A65-03116	/ 40.0	/		
			SE	NE		GOODE, VIOLA M	A65-17704	/			
			SE	NE		PANCHERI, LAURA	65-08771	/			
			SE	NE		MC KENZIE, INEZ E	65-08878	/			
16N	03E	15	NE	SE		ROSEBERRY IRRIGATION DISTRICT	A65-03115	/ 40.0	/		39.0
			NE	SE		ROSEBERRY IRRIGATION DISTRICT	A65-03114	/ 40.0	/		
			NE	SE		ROSEBERRY IRRIGATION DISTRICT	A65-03116	/ 40.0	/		
16N	03E	15	NW	SE		ROSEBERRY IRRIGATION DISTRICT	A65-03115	/ 10.0	/		33.0
			NW	SE		SMITH, WALTER E	A65-08770	/			
			NW	SE		HIX, IRL	A65-17569	/			
			NW	SE		ROSEBERRY IRRIGATION DISTRICT	A65-03114	/ 10.0	/		
			NW	SE		ROSEBERRY IRRIGATION DISTRICT	A65-03116	/ 10.0	/		
			NW	SE		HIX, IRL	65-17569	/			
			NW	SE		SMITH, MILDRED SELBY	65-08770	/			
16N	03E	15	SW	SE		ROSEBERRY IRRIGATION DISTRICT	A65-03115	/ 20.0	/		28.0
			SW	SE		ROSEBERRY IRRIGATION DISTRICT	A65-02585	/ 15.0	/		
			SW	SE		ROSEBERRY IRRIGATION DISTRICT	A65-03114	/ 20.0	/		
			SW	SE		ROSEBERRY IRRIGATION DISTRICT	A65-03116	/ 20.0	/		
16N	03E	15	SE	SE		ROSEBERRY IRRIGATION DISTRICT	A65-03115	/ 40.0	/		41.0
			SE	SE		ROSEBERRY IRRIGATION DISTRICT	A65-02585	/ 40.0	/		
			SE	SE		ROSEBERRY IRRIGATION DISTRICT	A65-03114	/ 40.0	/		
			SE	SE		ROSEBERRY IRRIGATION DISTRICT	A65-03116	/ 40.0	/		
16N	03E	23	NE	NE		ROSEBERRY IRRIGATION DISTRICT	A65-03115	/ 40.0	/		40.0
			NE	NE		ROSEBERRY IRRIGATION DISTRICT	A65-03114	/ 40.0	/		
			NE	NE		ROSEBERRY IRRIGATION DISTRICT	A65-03116	/ 40.0	/		
16N	03E	23	NW	NE		ROSEBERRY IRRIGATION DISTRICT	A65-03115	/ 40.0	/		34.0
			NW	NE		ROSEBERRY IRRIGATION DISTRICT	A65-03114	/ 40.0	/		
			NW	NE		ROSEBERRY IRRIGATION DISTRICT	A65-03116	/ 40.0	/		
16N	03E	23	SW	NE		ROSEBERRY IRRIGATION DISTRICT	A65-03115	/ 40.0	/		25.0
			SW	NE		ROSEBERRY IRRIGATION DISTRICT	A65-03114	/ 40.0	/		
			SW	NE		ROSEBERRY IRRIGATION DISTRICT	A65-03116	/ 40.0	/		

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	VR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
16N	03E	23	SE	NE		ROSEBERRY IRRIGATION DISTRICT A65-03115	/ 40.0	-	/		13.0
			SE	NE		POINTS, VERNON A65-09751	/	65-09751	/		
			SE	NE		POINTS, VERNON 65-09751	/	-	/		
			SE	NE		ROSEBERRY IRRIGATION DISTRICT A65-03114	/ 40.0	-	/		
			SE	NE		ROSEBERRY IRRIGATION DISTRICT A65-03116	/ 40.0	-	/		
16N	03E	23	NE	SE		ROSEBERRY IRRIGATION DISTRICT A65-03115	/ 20.0	-	/		32.0
			NE	SE		KLEINT, PAUL R A65-02642	/ 20.0	65-02642	/		20.0
			NE	SE		KLEINT, DONALD B A65-17506	/	-	/		
			NE	SE		ROSEBERRY IRRIGATION DISTRICT A65-03114	/ 20.0	-	/		
			NE	SE		ROSEBERRY IRRIGATION DISTRICT A65-03116	/ 20.0	-	/		
			NE	SE		KLEINT, DONALD B 65-17506	/	-	/		
16N	03E	23	NW	SE		ROSEBERRY IRRIGATION DISTRICT A65-03115	/ 40.0	-	/		39.0
			NW	SE		ROSEBERRY IRRIGATION DISTRICT A65-03114	/ 40.0	-	/		
			NW	SE		ROSEBERRY IRRIGATION DISTRICT A65-03116	/ 40.0	-	/		
16N	03E	24	NE	NW		ROSEBERRY IRRIGATION DISTRICT A65-03115	/ 40.0	-	/		19.0
			NE	NW		ROSEBERRY IRRIGATION DISTRICT A65-03114	/ 40.0	-	/		
			NE	NW		ROSEBERRY IRRIGATION DISTRICT A65-03116	/ 40.0	-	/		
16N	03E	24	NW	NW		ROSEBERRY IRRIGATION DISTRICT A65-03115	/ 40.0	-	/		27.0
			NW	NW		ROSEBERRY IRRIGATION DISTRICT A65-03114	/ 40.0	-	/		
			NW	NW		ROSEBERRY IRRIGATION DISTRICT A65-03116	/ 40.0	-	/		
16N	03E	24	SW	NW		ROSEBERRY IRRIGATION DISTRICT A65-03115	/ 35.0	-	/		40.0
			SW	NW		KEYES, ROBERT M A65-08883	/	65-08883	/		
			SW	NW		KEYES, ROBERT M A65-08884	/	65-08884	/		
			SW	NW		ROSEBERRY IRRIGATION DISTRICT A65-03114	/ 35.0	-	/		
			SW	NW		ROSEBERRY IRRIGATION DISTRICT A65-03116	/ 35.0	-	/		
			SW	NW		KEYES, ROBERT M A65-08883	/	-	/		
			SW	NW		KEYES, EFFIE G 65-08884	/	-	/		
16N	03E	24	SE	NW		ROSEBERRY IRRIGATION DISTRICT A65-03115	/ 35.0	-	/		37.0
			SE	NW		KEYES, ROBERT M A65-08882	/	65-08882	/		
			SE	NW		ROSEBERRY IRRIGATION DISTRICT A65-03114	/ 35.0	-	/		
			SE	NW		ROSEBERRY IRRIGATION DISTRICT A65-03116	/ 35.0	-	/		
			SE	NW		KEYES, ROBERT M A65-08882	/	-	/		
			SE	NW		KEYES, ROBERT M. 65-04237	/	65-04237	/		
			SE	NW		KEYES, ROBERT M. 65-09457	/	65-09457	/		
17N	03E	36	NE	SW		ROSEBERRY IRRIGATION DISTRICT A65-03115	/ 20.6	-	/		39.0
			NE	SW		ROSEBERRY IRRIGATION DISTRICT A65-03114	/ 20.6	-	/		
			NE	SW		ROSEBERRY IRRIGATION DISTRICT A65-03116	/ 20.6	-	/		
17N	03E	36	NW	SW		ROSEBERRY IRRIGATION DISTRICT A65-03115	/ 8.3	-	/		39.0
			NW	SW		CRUICKSHANK, JOHN A65-03762	/ 18.0	65-03762	/		18.0
			NW	SW		CRUICKSHANK, JOHN A65-07473	/ 29.0	65-07473	/		29.0

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
			NW	SW		ROSEBERRY IRRIGATION DISTRICT A65-03114	8.3	-	/		
			NW	SW		ROSEBERRY IRRIGATION DISTRICT A65-03116	8.3	-	/		
			NW	SW		CRUICKSHANK, JOHN R65-03762	40.0	-	/		
			NW	SW		CRUICKSHANK, JOHN R65-07473	40.0	-	/		
17N	03E	36	NW	SE		ROSEBERRY IRRIGATION DISTRICT A65-03115	4.0	-	/		37.0
			NW	SE		ROSEBERRY IRRIGATION DISTRICT A65-03114	4.0	-	/		
			NW	SE		ROSEBERRY IRRIGATION DISTRICT A65-03116	4.0	-	/		
17N	03E	36	SW	SE		ROSEBERRY IRRIGATION DISTRICT A65-03115	25.9	-	/		38.0
			SW	SE		ROSEBERRY IRRIGATION DISTRICT A65-03114	25.9	-	/		
			SW	SE		ROSEBERRY IRRIGATION DISTRICT A65-03116	25.9	-	/		

ADDITIONAL POU FOUND

TOTAL ACRES	A65-03115	2851.40	2981.00
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POU COUNTY: VALLEY

C. IS WATER USAGE FOUND IN TRACTS OTHER THAN THOSE CLAIMED?

* IF YES, ARE THESE TRACTS LISTED ABOVE (), OR ARE THEY LISTED ON AN ATTACHED SHEET ()

Y() N(X)

LIST OF ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE

CLAIM NO.	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A65-03115	BOULDER LAKE	ROSEBERRY IRRIGATION DISTRICT	5.000	0.029	1218.00	0.42
A65-02585	WILLOW CREEK	ROSEBERRY IRRIGATION DISTRICT	0.540	0.009		
A65-02642	GOLD FORK CREEK	KLEINT, PAUL R	0.120	0.020		
A65-02723	BOULDER CREEK	KRAUSE, HERBERT H	50.000	0.017		
A65-03114	BOULDER CREEK	ROSEBERRY IRRIGATION DISTRICT	48.720	0.017		
A65-03116	BOULDER CREEK	ROSEBERRY IRRIGATION DISTRICT	0.360	0.020		
A65-03762	WASTE WATER	CRUICKSHANK, JOHN	0.360	0.009		
R65-03762	WASTE WATER	CRUICKSHANK, JOHN	0.140	0.020		
A65-03843	GROUNDWATER	GESTRIN, DOROTHY	0.040	0.020		
A65-03843B	GROUNDWATER	LONG VALLEY MOTEL				

CLAIM NO.	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A65-03869	WILLOW CREEK	KLEINT, PAUL R	0.440	0.020		
A65-04033	BOULDER CREEK	HOLLAND & HART	0.950	0.021		
A65-07473	UNNAMED DRAIN	CRUICKSHANK, JOHN	0.580	0.020	101.50	3.50
R65-07473	UNNAMED DRAIN	CRUICKSHANK, JOHN	0.580	0.014	101.50	2.53
LIST ALL RIGHTS WITH SAME POB BUT NOT USED FOR IRRIGATION.						
CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME	
A65-06940	DOMESTIC	CAIN, THOMAS A	FROM 01-01 TO 12-31	0.040 CFS	1.20 AF/A	
A65-06941	DOMESTIC	CAIN, DALE P	FROM 01-01 TO 12-31	0.020 CFS	1.20 AF/A	
A65-06942	DOMESTIC	CAIN, THOMAS A	FROM 01-01 TO 12-31	0.040 CFS	1.20 AF/A	
65-06940	DOMESTIC	CAIN, THOMAS A	FROM 01-01 TO 12-31	0.040 CFS	1.20 AF/A	
65-06942	DOMESTIC	CAIN, THOMAS A	FROM 01-01 TO 12-31	0.040 CFS	1.20 AF/A	
65-06941	DOMESTIC	CAIN, DALE P	FROM 01-01 TO 12-31	0.020 CFS	1.20 AF/A	
A65-18204	DOMESTIC	JAMES FAMILY LTD PARTNERSHIP	FROM 01-01 TO 12-31	0.040 CFS		
65-18204	DOMESTIC	JAMES FAMILY LTD PARTNERSHIP	FROM 01-01 TO 12-31	0.040 CFS		
R65-09796	DOMESTIC	EASTERN WESTERN CORP	FROM 01-01 TO 12-31	0.040 CFS	1.20 AF/A	
R65-17573	DOMESTIC	HOLLAND & HART	FROM 01-01 TO 12-31	0.040 CFS	3.00 AF/A	
A65-09796	DOMESTIC	EASTERN WESTERN CORP	FROM 01-01 TO 12-31	0.040 CFS	1.20 AF/A	
A65-17573	DOMESTIC	EASTERN WESTERN CORP	FROM 01-01 TO 12-31	0.040 CFS	3.00 AF/A	
65-09796	DOMESTIC	HOLLAND & HART	FROM 01-01 TO 12-31	0.040 CFS	1.20 AF/A	
65-17573	DOMESTIC	HOLLAND & HART	FROM 01-01 TO 12-31	0.040 CFS	3.00 AF/A	
A65-10324	DOMESTIC	JAMES FAMILY LTD PARTNERSHIP	FROM 01-01 TO 12-31	0.040 CFS	1.20 AF/A	
A65-18203	DOMESTIC	JAMES FAMILY LTD PARTNERSHIP	FROM 01-01 TO 12-31	0.030 CFS		
A65-18203	STOCKWATER	JAMES FAMILY LTD PARTNERSHIP	FROM 01-01 TO 12-31	0.040 CFS		
65-18203	DOMESTIC	JAMES FAMILY LTD PARTNERSHIP	FROM 01-01 TO 12-31	0.040 CFS		
65-18203	STOCKWATER	JAMES FAMILY LTD PARTNERSHIP	FROM 01-01 TO 12-31	0.030 CFS		
65-10324	DOMESTIC	JAMES FAMILY LTD PARTNERSHIP	FROM 01-01 TO 12-31	0.040 CFS	1.20 AF/A	
A65-09616	DOMESTIC	TAYLOR, WAVETA I	FROM 01-01 TO 12-31	0.040 CFS	1.20 AF/A	
A65-10323	DOMESTIC	JAMES FAMILY LTD PARTNERSHIP	FROM 01-01 TO 12-31	0.040 CFS	1.20 AF/A	
65-09616	DOMESTIC	TAYLOR, WAVETA I	FROM 01-01 TO 12-31	0.040 CFS	1.20 AF/A	
65-10323	DOMESTIC	JAMES FAMILY LTD PARTNERSHIP	FROM 01-01 TO 12-31	0.040 CFS	1.20 AF/A	
A65-04033	STOCKWATER	HOLLAND & HART	FROM 01-01 TO 12-31	0.050 CFS	2.70 AF/A	
A65-08874	DOMESTIC	ELD, FRANK W	FROM 01-01 TO 12-31	0.040 CFS	1.20 AF/A	
A65-08677	DOMESTIC	BEARS, LOUISE K	FROM 01-01 TO 12-31	0.040 CFS	1.20 AF/A	
65-08677	DOMESTIC	BEARS, LOUISE K	FROM 01-01 TO 12-31	0.040 CFS	1.20 AF/A	
65-08874	DOMESTIC	ELD, FRANK W	FROM 01-01 TO 12-31	0.040 CFS	1.20 AF/A	
67-11942	STOCKWATER	US DEPT OF AGRICULTURE	FROM 06-01 TO 10-31	0.020 CFS		
A67-11942	STOCKWATER	GHELETA, M OR D ZANE OR E GOUL	FROM 06-01 TO 10-31	0.020 CFS	1.20 AF/A	
A65-03821	DOMESTIC	ELD RANCHES	FROM 01-01 TO 12-31	0.040 CFS	5.40 AF/A	
A65-03821	STOCKWATER	ELD RANCHES	FROM 01-01 TO 12-31	0.040 CFS	1.20 AF/A	
65-03821	DOMESTIC	ELD RANCHES	FROM 01-01 TO 12-31	0.040 CFS	5.40 AF/A	
65-03821	STOCKWATER	ELD RANCHES	FROM 01-01 TO 12-31	0.040 CFS	1.20 AF/A	
A65-05038	DOMESTIC	BARKER & SON INC	FROM 01-01 TO 12-31	0.040 CFS		

LIST ALL RIGHTS WITH SAME POB BUT NOT USED FOR IRRIGATION.

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A65-08548	DOMESTIC	CLIFFORD BARKER & SON INC	FROM 01-01 TO 12-31	0.040 CFS	1.20 AF/A
A65-08548	STOCKWATER	CLIFFORD BARKER & SON INC	FROM 01-01 TO 12-31	0.120 CFS	6.70 AF/A
65-05038	DOMESTIC	BARKER & SON INC	FROM 01-01 TO 12-31	0.040 CFS	1.20 AF/A
65-08548	DOMESTIC	CLIFFORD BARKER & SON INC	FROM 01-01 TO 12-31	0.040 CFS	1.20 AF/A
65-08548	STOCKWATER	CLIFFORD BARKER & SON INC	FROM 01-01 TO 12-31	0.120 CFS	6.70 AF/A
A65-08875	DOMESTIC	ELD, FRANK W	FROM 01-01 TO 12-31	0.040 CFS	1.20 AF/A
A65-22216	DOMESTIC	SMITH ESTATES, ARTHUR J & NORM	FROM 01-01 TO 12-31	0.040 CFS	1.20 AF/A
65-08875	DOMESTIC	ELD, FRANK W	FROM 01-01 TO 12-31	0.040 CFS	1.20 AF/A
A65-08754	DOMESTIC	BURKLAND, GARY A	FROM 01-01 TO 12-31	0.020 CFS	1.20 AF/A
A65-08754	STOCKWATER	BURKLAND, GARY A	FROM 01-01 TO 12-31	0.040 CFS	0.40 AF/A
A65-05053	DOMESTIC	BAKER, ROBERT W	FROM 01-01 TO 12-31	0.020 CFS	1.20 AF/A
A65-05053	STOCKWATER	BAKER, ROBERT W	FROM 01-01 TO 12-31	0.040 CFS	1.20 AF/A
A65-09615	DOMESTIC	TAYLOR, JACK	FROM 01-01 TO 12-31	0.040 CFS	1.20 AF/A
65-09615	DOMESTIC	TAYLOR, JACK	FROM 01-01 TO 12-31	0.040 CFS	1.20 AF/A
A65-08753	DOMESTIC	LAYTON, RICHARD A	FROM 01-01 TO 12-31	0.020 CFS	0.20 AF/A
A65-08753	STOCKWATER	LAYTON, RICHARD A	FROM 01-01 TO 12-31	0.040 CFS	1.20 AF/A
65-05053	DOMESTIC	BAKER, ROBERT W	FROM 01-01 TO 12-31	0.020 CFS	0.40 AF/A
65-05053	STOCKWATER	BAKER, ROBERT W	FROM 01-01 TO 12-31	0.040 CFS	1.20 AF/A
65-08754	DOMESTIC	BURKLAND, GARY A	FROM 01-01 TO 12-31	0.020 CFS	1.20 AF/A
65-08754	STOCKWATER	BURKLAND, GARY A	FROM 01-01 TO 12-31	0.040 CFS	0.20 AF/A
A65-03870	DOMESTIC	KLEINT, PAUL R	FROM 01-01 TO 12-31	0.040 CFS	1.20 AF/A
A65-17483	DOMESTIC	KLEINT, PAUL R	FROM 01-01 TO 12-31	0.050 CFS	0.20 AF/A
A65-17483	STOCKWATER	KLEINT, PAUL R	FROM 01-01 TO 12-31	0.040 CFS	1.20 AF/A
65-17483	DOMESTIC	KLEINT, PAUL R	FROM 01-01 TO 12-31	0.040 CFS	0.20 AF/A
A65-03871	DOMESTIC	KLEINT, PAUL R	FROM 01-01 TO 12-31	0.040 CFS	0.20 AF/A
65-03870	DOMESTIC	KLEINT, PAUL R	FROM 01-01 TO 12-31	0.040 CFS	0.20 AF/A
65-03871	DOMESTIC	KEYES, ROBERT M	FROM 01-01 TO 12-31	0.020 CFS	1.20 AF/A
A65-08820	STOCKWATER	KEYES, ROBERT M	FROM 01-01 TO 12-31	0.020 CFS	1.20 AF/A
A65-08820	DOMESTIC	KEYES, ROBERT M	FROM 01-01 TO 12-31	0.020 CFS	0.20 AF/A
65-08820	STOCKWATER	TENCICK, CYNTHIA	FROM 01-01 TO 12-31	0.040 CFS	0.20 AF/A
A65-17660	DOMESTIC	TENCICK, CYNTHIA	FROM 01-01 TO 12-31	1.000 CFS	1.20 AF/A
65-17660	DOMESTIC	CITY OF DONNELLY	FROM 01-01 TO 12-31	0.040 CFS	1.20 AF/A
A65-03847	MUNICIPAL	NUMBER CHANGE	FROM 01-01 TO 12-31	0.040 CFS	1.20 AF/A
A65-03736	DOMESTIC	WALL, JOAN	FROM 01-01 TO 12-31	0.040 CFS	1.20 AF/A
A65-03736	DOMESTIC	WALL, JOHN D	FROM 01-01 TO 12-31	0.040 CFS	1.20 AF/A
65-03736	DOMESTIC	PANCHERI, DUANE	FROM 01-01 TO 12-31	0.070 CFS	1.20 AF/A
A65-08771	DOMESTIC	PANCHERI, DUANE	FROM 01-01 TO 12-31	0.040 CFS	1.20 AF/A
A65-08771	STOCKWATER	MC KENZIE, INEZ E	FROM 01-01 TO 12-31	0.040 CFS	2.40 AF/A
A65-08878	DOMESTIC	GOODE, VIOLA M	FROM 01-01 TO 12-31	0.040 CFS	5.40 AF/A
65-17704	DOMESTIC	GOODE, VIOLA M	FROM 01-01 TO 12-31	0.040 CFS	1.20 AF/A
A65-08771	DOMESTIC	PANCHERI, LAURA	FROM 01-01 TO 12-31	0.070 CFS	1.20 AF/A
65-08771	STOCKWATER	PANCHERI, LAURA	FROM 01-01 TO 12-31	0.040 CFS	1.20 AF/A
65-08771	DOMESTIC	MC KENZIE, INEZ E	FROM 01-01 TO 12-31	0.020 CFS	1.20 AF/A
65-08878	DOMESTIC	SMITH, WALTER E	FROM 01-01 TO 12-31	0.020 CFS	1.20 AF/A
A65-08770	DOMESTIC				

CLAIM NUMBER: A65-03115

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PLACE OF USE REVIEW SHEET CONTINUED

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A65-08770	STOCKWATER	SMITH, WALTER E	FROM 01-01 TO 12-31	0.020 CFS	
A65-17569	DOMESTIC	HIX, IRL	FROM 01-01 TO 12-31	0.040 CFS	
65-17569	DOMESTIC	SMITH, MILDRED SELBY	FROM 01-01 TO 12-31	0.040 CFS	1.20 AF/A
65-08770	DOMESTIC	SMITH, MILDRED SELBY	FROM 01-01 TO 12-31	0.020 CFS	0.70 AF/A
65-08770	STOCKWATER	SMITH, MILDRED SELBY	FROM 01-01 TO 12-31	0.020 CFS	1.20 AF/A
A65-09751	DOMESTIC	POINTS, VERNON	FROM 01-01 TO 12-31	0.040 CFS	
65-09751	DOMESTIC	POINTS, VERNON	FROM 01-01 TO 12-31	0.040 CFS	
A65-17506	DOMESTIC	KLEINT, DONALD B	FROM 01-01 TO 12-31	0.020 CFS	
A65-17506	STOCKWATER	KLEINT, DONALD B	FROM 01-01 TO 12-31	0.040 CFS	
65-17506	DOMESTIC	KLEINT, DONALD B	FROM 01-01 TO 12-31	0.040 CFS	1.20 AF/A
A65-08883	DOMESTIC	KEYES, ROBERT M	FROM 01-01 TO 12-31	0.030 CFS	1.40 AF/A
A65-08884	STOCKWATER	KEYES, ROBERT M	FROM 01-01 TO 12-31	0.040 CFS	1.20 AF/A
65-08883	DOMESTIC	KEYES, ROBERT M	FROM 01-01 TO 12-31	0.030 CFS	1.40 AF/A
65-08884	STOCKWATER	KEYES, EFFIE G	FROM 01-01 TO 12-31	0.020 CFS	0.70 AF/A
A65-08882	STOCKWATER	KEYES, ROBERT M	FROM 01-01 TO 12-31	0.020 CFS	
65-08882	STOCKWATER	KEYES, ROBERT M	FROM 01-01 TO 12-31	0.020 CFS	0.70 AF/A

Y() N()

D. ARE OTHER WATER RIGHTS USED FOR THE SAME PURPOSE?

* IF YES, COMPLETE OVERLAP REVIEW:

OTHER RIGHTS LISTED IN CLAIM: 65-03114, 6503116, 6502585.

limited to 1 per acre

N/A() Y() N()

E. IS THE CLAIMED POU THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POU, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

N/A() Y() N()

F. CAN THE CLAIMED POU BE VERIFIED USING THE WATER RIGHT FILE AND AVAILABLE AERIAL PHOTOS?

Y() N()

G. SHOULD THE CLAIMED POU BE VERIFIED BY FIELD EXAM?

Y() N()

H. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE OF THIS RIGHT, OR ANY PORTION OF THIS RIGHT?

Y() N()

PURPOSE OF USE, PERIOD OF USE, DIVERSION RATE AND DIVERSION VOLUME REVIEW SHEET

A. AJ CLAIMED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
A65-03115 IRRIGATION FROM STORAGE	FROM 04-15 TO 10-15		1218.00 AF/A
A65-03115 IRRIGATION STORAGE	FROM 01-01 TO 12-31		1218.00 AF/A
TOTAL DIVERSION RATE/VOLUME			1218.00 AF/A

B. WR RECORDED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
65-03115 IRRIGATION FROM STORAGE	FROM 04-15 TO 10-15		1207.00 AF/A
TOTAL DIVERSION RATE/VOLUME			1207.00 AF/A

C. DOES THE CLAIMED PURPOSE OF USE CORRECTLY DESCRIBE THE WATER USE?

Y() N()

D. IS THE CLAIMED PURPOSE OF USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

Y() N()

* IF NO, AND IF THE ACTUAL WATER USE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN PURPOSE OF USE, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

E. SHOULD THE CLAIMED PURPOSE OF USE BE VERIFIED BY FIELD EXAM?

Y() N()

F. DOES THE CLAIMED PERIOD OF USE CONFORM TO IDWR STANDARDS?

Y() N()

G. SHOULD THE PERIOD OF USE BE RECOMMENDED TO IDWR STANDARDS?

Y() N()

* IF THE RECOMMENDED PERIOD OF USE IS DIFFERENT THAN IDWR STANDARDS, EXPLAIN IN NOTES BELOW.

H. IS THE CLAIMED DIVERSION RATE FOR EACH USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

Y() N()

* IF NO, DESCRIBE IN NOTES BELOW HOW THE RECOMMENDED DIVERSION RATE FOR EACH USE WAS DETERMINED.

I. SHOULD THE CLAIMED DIVERSION RATE FOR EACH USE BE VERIFIED BY FIELD EXAM?

Y() N()

J. IS THE CLAIMED DIVERSION VOLUME FOR EACH USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

Y() N()

* IF NO, DESCRIBE IN NOTES BELOW HOW THE RECOMMENDED DIVERSION VOLUME FOR EACH USE WAS DETERMINED.

K. SHOULD THE CLAIMED DIVERSION VOLUME FOR EACH USE BE VERIFIED BY FIELD EXAM?

Y() N()

Done
12/27
01/25

NOTES:

AJ CLAIM TOTAL DIVERSION RATE:

CFS

WR ROOT RIGHT TOTAL DIVERSION RATE:

CFS

A. IS THE CLAIMED TOTAL DIVERSION RATE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A () Y (☒) N ()

B. CAN THE CLAIMED TOTAL DIVERSION RATE BE VERIFIED USING THE WATER RIGHT FILE?

N/A () Y (☒) N ()

* ALL CLAIMS BASED ON BENEFICIAL USE (INCLUDING POSTED NOTICES AND STATUTORY CLAIMS) REQUIRE A FLOW MEASUREMENT.

C. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE OF THIS RIGHT, OR ANY PORTION OF THE DIVERSION RATE?

Y () N (☒)

* IF AN AMOUNT SMALLER THAN THE ORIGINAL DIVERSION RATE IS CLAIMED AND A FIELD EXAM IS NOT REQUIRED, EXPLAIN IN NOTES.

D. SHOULD THE CLAIMED DIVERSION RATE BE VERIFIED BY FIELD EXAM?

Y () N (☒)

FLOW MEASUREMENT

MEASUREMENT METHOD _____, SEE ATTACHED CALCULATIONS.

F.

RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE

ACRES _____ x 0.02 CFS/ACRE = _____ CFS
(Taken from pou review)

1b. CALCULATIONS

IS A DIVERSION RATE PER ACRE GREATER THAN 0.02 CFS/ACRE CLAIMED? Y () N ()

IF YES, IS AN ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y () N ()

2. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = 1218.00 AF/A

ACRES 279 x DIVERSION VOL. AF/A FOR AREA 3.0 =

TOTAL DIVERSION VOLUME 8037 AF/A

3. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 1218.0 AF/A

ACRES _____ x CONSUMPTIVE VOL. AF/A FOR AREA _____ =

TOTAL CONSUMPTIVE USE _____ AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION: SEE BELOW () OR SEE ATTACHMENT ()

NOTES:

HR RECORD CONDITIONS/REMARKS:

RECOMMENDATIONS: CHECK HERE IF RECOMMENDED AS CLAIMED ()

REC. PURPOSE OF USE	REC. PERIOD FROM TO	REC. DIV RATE CFS	REC. DIV VOL. AF/A	REC. CONS. USE
IRRIGATION FROM STORAGE	04-15 10-15	DATABASE EXAMINER	DATABASE EXAMINER	DATABASE EXAMINER
IRRIGATION STORAGE	01-01 12-31	1218.00	1218.00	1218.0
		1207		1218.0
TOTAL FOR THIS RIGHT				

NON-IRRIGATION USES CLAIMED: S/10,000HD.IN DISTRICT

NON-IRRIGATION USES RECOMMENDED: CHECK HERE IF RECOMMENDED AS CLAIMED ()

REVIEWED BY: _____ DATE: _____

FLAG: D _____

STANDARD CONDITIONS (CODE):

Q15K 823
7001

STANDARD REMARKS (CODE):

EXPLANATORY CONDITIONS (CODE):

EXPLANATORY REMARKS (CODE):

A. CHECK ONLY THE FOLLOWING THAT APPLY:

OWNERSHIP _____
FORFEIT/ABANDON _____
ADDITIONAL DIV. AMOUNT _____

ACCEPTED AS CLAIMED ()
NEEDS REVIEW ()

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 65-03115

TOTAL DIVERSION RATE OF WR SPLITS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A65-03115	-	-	-	65-03115	-

TOTAL CFS

DIVERSION RATE REVIEW

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)
IF NO, IS THE WRITTEN REVIEW DESCRIBED BELOW () OR SEE ATTACHMENT ()?

DATABASE Y
FIELD EXAMINER Y() N()

NOTES:

AUTHENTICATION:

SIGNATURE: David Berch

DATE: 6/22/99

NAME OF FIELD EXAMINER: _____

TITLE: _____

MAPS AND AERIAL PHOTOGRAPHS USED TO REVIEW THIS NOTICE OF CLAIM TO A WATER RIGHT

TYPE OF MAP OR PHOTOGRAPH (CHECK IF USED)	IF USED, SUPPLY APPROPRIATE DATE AND OTHER INFORMATION	COPY INCLUDED IN FILE?
() ORTHOPHOTOQUAD	DATE OF PHOTO _____ IDWR ID NO. _____	Y() N()
() TOPOGRAPHIC	DATE FIELD CHECKED _____ IDWR ID NO. _____	Y() N()
() NAPP	DATE OF PHOTO _____ IDWR ID NO. _____	Y() N()
() ASCS AERIAL PHOTO	DATE OF PHOTO _____	Y() N()
() ASCS COLOR SLIDE	DATE OF PHOTO _____	Y() N()
() BLM OR USFS AERIAL PHOTO	DATE OF PHOTO _____	Y() N()
() TOWNSHIP SURVEY (GOVERNMENT PLAT)	DATE OF SURVEY _____	Y() N()
() SCS SOIL SURVEY MAP	DATE ISSUED _____	Y() N()
() SUBDIVISION PLAT MAP	DATE OF MAP _____	Y() N()
() OTHER _____	DATE _____	Y() N()
() OTHER _____	DATE _____	Y() N()
() OTHER _____	DATE _____	Y() N()

LIST OF ATTACHMENTS (CHECK IF ATTACHED) IF ATTACHED, SUPPLY APPROPRIATE INFORMATION PAGES

	NO. OF PAGES	NOTES
() LICENSING FIELD EXAM	_____	DATE OF FIELD EXAM _____
() WATER RIGHT LICENSE	_____	DATE LICENSE SIGNED _____
() IDWR APPROVED TRANSFER	_____	DATE TRANSFER APPROVED _____
() SYSTEM DESCRIPTION	_____	DATE DRAWN _____
() PHOTOGRAPHS	_____	DATE(S) PHOTOS TAKEN _____
() SPLIT RIGHT REVIEW	_____	DATE REVIEW COMPLETED _____
() HUBBLE ANALYSIS	_____	DATE ANALYSIS COMPLETED _____
() CONVEYANCE LOSS ANALYSIS	_____	DATE ANALYSIS COMPLETED _____
() FLOW MEASUREMENT CALCULATIONS	_____	DATE SYSTEM MEASURED _____
() OTHER _____	_____	DATE _____
() OTHER _____	_____	DATE _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

00:03:37
04/07/99

PAGE: 27
QUICKLOOK INFORMATION

71
CLAIM NUMBER: A65-03115

WR ELEMENT	DATA DISCREPANCY Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	ELEMENT DOCUMENTED WHOM/DATE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE	Y			21	04/07/99	04/07/99		
POINT OF DIV								
SOURCE								
PLACE OF USE	Y							
DIV. AMOUNT CFS/VOLUME	Y							
CONSUMPTIVE USE	-							
PURPOSES OF USE	Y							
PERIOD OF USE	Y							
BASIS OF CLAIM								
REMARKS	Y							

BARCODE UPDATED
WHOM/DATE



RECEIVED

NOV 29 1988

Department of Water Resources

Donnelly, Id.
Nov. 28, 1988

Dear Friend John:

On Friday, Nov. 25,
I left the Roseberg
applications A-65-03114-16,
together with exhibits
substantiating our claims.

At the time, I thought
I would have to be in

Boise this coming week. I now find I
will not have to make another trip to Boise
until Dec. 20, unless it is absolutely imperative,
to finish the applications before the extension
deadline. Please advise

Thank you for all your
Consideration

Bob Keyes

GOOD NEWS!

JE

S

"For God
gave His
believes
life. Bec
!!

this whole week

ch that He
yone who
ave eternal

ID !

"All men have sinned, None is righteous-
but Christ died for all of our sins, because
Jesus is a FRIEND of Sinners!"

! I AM COMING BACK FOR YOU !

"I am GOD: LIFE, TRUTH AND LIGHT! I am
going to prepare a place for YOU. I will come
back for YOU!"

! I OFFER YOU A NEW LIFE NOW !

"COME TO ME! LET ME HELP YOU turn away
from your sins. In sincere prayer give ME your
whole life! A NEW LIFE will begin for YOU,
TODAY! Tell this GOOD NEWS to EVERYONE
you meet!"



Dear Friend: These Bible verses
came true for me! Can I help you
meet Jesus personally — tell
someone about Him today?!

Bob Keyes, Ph. 325-8881
Donnelly, Idaho 83615

Remember, JESUS has the

best plan for YOU today tomorrow & forever.
??HELL ---OR--- HEAVEN!!

Luke 16:19-31

-YOU Choose- Revelation 21 & 22

God's FREE GIFT is Eternal LIFE." Rom. 6:23

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P.M. DN.	DECEED OWNER	NAME	PRESENT OWNER	INCHES AMT. SEC. FID.	PRIORITY	SUBDIV. SEC. TWR	DIVISION	REMARKS, LAND TO BE IRRIGATED, ETC.	C.T.
21207	William Kila			3.2	8-26-49	SE NE 2	16N 3E	Ed SE, Sec 2, E 1/2 NE, Sec 13 TP 16N, R 3E. Proof of compl. due 9-2-54	
B-943	~~They were cancelled when?~~ ~~Roseberry Irrigation District~~			1800 A.P.	9-6-49	Boulder Creek		W 1/2 NE, NE SE, Sec 36, TP 17N, R 3E, NE, NE SW, NE SW, NW SE, Sec 1: SE, Sec 2: NW, SW, E 1/2 SE, NW SE, Sec 12; NE, SE NW, SW, SE, Sec 11; SE SE, Sec 10; SW NE, NW, SW, Sec 13: all Sec 14: E 1/2 NE, SW NE, SE, Sec 15; NE, NE SE, NW SE, Sec 23; NW, Sec 24; TP 16N, R 3E, E 1/2 SW, Sec 7, TP 16N, R 4E (2915.27 acres) Proof of completion due 9-13-54	SW, NE
835	Jussila-Boss P.			118 AF				SE, Sec 13, TP 16N, R 3E Proof of completion due 11-19-54	
21298	G. O. Parker			3.2	11-12-49	SE NE 2	16N 3E	SW, Sec 2: SE, Sec 3 TP 16N, R 3E Proof of completion due 12-18-56	
22514	W. G. Lodge			3.2	12-11-51	NW SE 2	16N 3E		
B-377	Boulder Irrigation Company			400 A.P.	9-1-25	SE NE 33	16N 4E	Under Creek Same as license # 15690 (see this abstract) (Cert. of Compl. issued, B.U. proof not made)	
B-741	John Shaw	Total	Net	350 A.P.	12-19-45	NE NE 5	17N 4E	Louie Creek NE SE, SE SE, Sec 35: SW, Sec 36: TP 16N, R 3E	
B-770	John Poro & Vernon Heikila	66 AF	56 AF	100 A.P.	9-17-46	NE SE 32	16N 4E	NE NE, NW NE, Sec 35: SE NW, NE SE, SE SE, Sec 36, TP 16N R 3E. (cert. of compl. issued, B.U. proof not made.)	
B-844	Lawrence & W. L. Baum			400 A.P.	11-2-49	SE NE 9	17N 4E	NW Sec 1: NE, Sec 2: TP 17N, R 3E (Proof of completion due 11-19-54)	
B-850	John Shaw			781.85 A.P. 194.1 580.55	12-31-49	NE NE 5	17N 4E	W 1/2 NE, Sec 25: NE, E 1/2 SE, Sec 35: SE NW, SW, Sec 36: TP 16N R 3E. (Proof of completion due 2-11-55)	
	Jug Creek Reserve			113.15				Less 15% = 69.5375	360 AF Less 15% = 306 AF
	John Shaw (Warren Osborne)			756.35				Less 15% = 643.6875	
	Vern Hoikkila			125-				100 + 28 = 128	
	Roy Shaw (John Shaw)			125-				100 + 28 = 128	
	Tom Shaw (William)			125-				100 + 28 = 128	
	Roy Shaw (Twins Lakes)			200-				170 + 30 = 200	

LEGEND P.M. PRIORITY NUMBER D.M. DEGREE NUMBER C.T. CUMULATIVE TOTAL

Exhibit #2

In the District Court of the Seventh Judicial District of the
State of Idaho, in and for the County of Valley.

Roseberry Irrigation District,
Plaintiff,

vs.

Clarence Shaw and Fannie Shaw,
his wife; John Gusti Lahti,
sometimes called Gust Lake, and
Hilda Lahti, his wife, sometimes
called Hilda Lake; John Kumpula
and Alma Kumpula, his wife; Tom
Luoma; Jack H. Kohtala, sometimes
called Jacob Kohtala; Alina
Takala Hamburg, sometimes called
Alina Takala; and Lizzie Koski
Maki, sometimes called Elizabeth
Koski,

Defendants.

Findings of Fact.

F I L E D
This 19th day of July 1926
Forest E. Robb, Clerk

By Owen E. McLeod Deputy

This cause came on regularly for trial on the 10 day of July, 1925, the plaintiff appearing by and through its attorneys, F. M. Kerby, Esq., and Morgan & Smith, and the defendants, other than Clarence Shaw and Fannie Shaw, his wife, appearing in person and by and through their attorneys, D. M. Cox, Esq., and S. L. Tipton, Esq., and the defendants Clarence Shaw and Fannie Shaw, his wife, appearing not, either in person or by attorney, and each of said last named defendants having been duly and regularly served with summons and complaint in this action within the County of Valley, State of Idaho, and the time for their appearance and answer to said complaint, provided by law, having expired and no answer or other appearance having been filed by or on behalf of said defendants, Clarence Shaw and Fannie Shaw, or either of them, and their default, and the default of each of them, for having failed to appear and answer having been regularly entered, and evidence, oral and documentary having been introduced on behalf of plaintiff in support of its complaint, and on behalf of the answering defendants and cross-complainants in support of their answers and cross-complaints, and all parties having rested and the cause having been submitted to the court upon written briefs on behalf of the respective parties, and the court being fully advised in the premises finds the following facts:

1.

That the plaintiff now is, and ever since January 11, 1910, it has been an irrigation district duly organized and existing under and by virtue of the laws of the State of Idaho, having its principal place of business at Roseberry, in Valley County, Idaho; that the defendants, Clarence Shaw and Fannie Shaw, are husband and wife; John Gusti Lahti, who is sometimes called Gust Lake, and Hilda Lahti, who is sometimes called Hilda Lake, are husband and wife, and that however called or known the true names of said persons are John Gusti Lahti, and Hilda Lahti; that the defendants, John Kumpula and Alma Kumpula, are husband and wife; that the defendant Jack H. Kohtala, is sometimes called Jacob Kohtala, but however known or called the said defendant's true name is Jack H. Kohtala; that the defendant, Alina Takala Hamburg, is sometimes called Alina Takala, but that however known or called the true name of said defendant is Alina Takala Hamburg; and that the defendant, Lizzie Koski Maki is sometimes called Elizabeth Koski, but that however known or called the true name of said defendant is Lizzie Koski Maki;

2.

That Roseberry Irrigation District is comprised of 3,010 acres of land situated in Township 17 North, Range 3 East of the Boise Meridian, Township 16 North, Range 3 East of the Boise Meridian, and Township 16 North, Range 4 East of the Boise Meridian, 2,990 acres of which is irrigable land and 20 acres of which is non-irrigable; that said irrigable lands in their natural state are semi-arid in character and are fertile and highly valuable for agricultural purposes when irrigated, but are not capable of producing the maximum

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SEP 22 1992

50 CFS
Right
of
1902

agricultural crops without irrigation; that said irrigable lands are capable of being irrigated only by means of plaintiff's irrigation system, hereinafter referred to, and are now, and for a long time prior hereto, have been irrigated from said system; that said irrigable lands are porous in character and require at least one miner's inch of water per acre, continuous flow, applied to said lands to properly irrigate them;

3.

That on or about June 25, 1902, and immediately subsequent thereto, Martin Nelson and Wm. Bothwell, the predecessors in interest of plaintiff herein, posted and recorded notices of their claim for 50 cubic feet per second of time of the waters of Boulder creek, then in Boise County, now in Valley County, Idaho, and constructed diversion works, canals, ditches and laterals, and diverted and applied to a beneficial use in the irrigation of lands now within Roseberry Irrigation District, and otherwise conformed, in all particulars, to the laws of the state of Idaho, relative to acquiring and perfecting water rights for irrigation purposes, and they thereby did acquire and become the owners of the right to 50 cubic feet per second of time of the waters of said Boulder creek, with date of priority of June 25, 1902, and that by purchase and by various means conveyances from said Nelson and Bothwell, this plaintiff has become, and now is, the owner of said right to 50 cubic feet per second of time of the waters of said stream and is entitled to the sole and exclusive use thereof for the purpose of the irrigation of the irrigable lands within said district, with date of priority of June 25, 1902, subject, however, to the prior right of the defendant and cross-complainant, Lizzie Konkki Iakki, to 60 miners' inches of water per second of time, mentioned in paragraph 2 heretof;

4.

That the soil, through which the ditch for the purpose of diverting and conducting said waters to the irrigable lands within Roseberry Irrigation District is built and constructed, is porous and that large quantities of the waters so diverted are necessarily lost in process of being conducted from Boulder creek to said lands; that the natural flow of Boulder creek in an ordinary year does not furnish 50 cubic feet of water per second of time later than July 1 of such year, and in dry seasons said water supply is depleted to a point below said amount much earlier than July 1, and that after July 1 of any year, and at a much earlier date in dry seasons, the natural flow of Boulder creek becomes so depleted that very little water is available therefrom for irrigation purposes, or with which to supply the water right of plaintiff as aforesaid;

5.

Boulder
Lake
Storage
Priority
of 1917

That, in order to augment the water supply of said irrigation district, and in order to furnish sufficient water to irrigate the irrigable lands therein during the irrigation seasons, and more particularly during those portions thereof when the natural flow of Boulder creek available for irrigating the irrigable lands in said district is and will be insufficient for said purpose, plaintiff herein, on January 12, 1917, filed its application with the state engineer of the state of Idaho for the right to empound, continuously 22,180 acre feet of the waters of Boulder creek, in Boulder Lake, situated on said creek in Valley County, Idaho, and to dam and obstruct said creek and thereby create additional reservoir capacity in said lake for the purpose of empounding water therein to be used in the irrigation of the lands within said district, and also on the date last above mentioned made application to the state engineer of the state of Idaho for a right to divert water amounting to 48.72 cubic feet per second of time from Boulder creek, including the water so empounded, for the purpose of irrigating said lands; that immediately thereafter plaintiff

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SEP 22 1952

Boulder
Lake
Storage
Priority
OK
1/2/17

commenced the work of constructing the said reservoir and of impounding and diverting said waters and, with due diligence, prosecuted the same to completion and has, within a reasonable time after making said applications, applied said waters so impounded and diverted to the beneficial use of irrigating the said lands, and has, in all respects and particulars, fully conformed to all the laws of the state of Idaho, relative to acquiring and perfecting water rights for irrigation purposes, and it thereby became, and is entitled to so use and apply said waters for the purpose of the irrigation of the lands within said district, and is the sole and exclusive owner of the right to the use thereof, with date of priority of January 12, 1917, subject, however, to the prior right of the defendant and cross-complainant, Lizzie Koski Maki, to 60 miners' inches of water per second of time, mentioned in paragraph 8 hereof;

6.

That all of the waters of Boulder creek heretofore appropriated as aforesaid and now claimed by plaintiff, being 80 cubic feet per second of time, natural flow, of said stream, during all of the time that amount of water is available therein for irrigation purposes, and 12,180 acre feet of the waters of Boulder creek heretofore impounded, and hereafter to be impounded, in Boulder Lake, have heretofore been found necessary, and hereafter will be necessary, for the proper irrigation of the irrigable lands within Roseberry Irrigation District.

7.

That the defendant and cross-complainant, Lizzie Koski Maki, is the owner of, as her sole and separate property, an undivided one-half interest of, in and to Lot 1 and the Southeast Quarter of the Northeast Quarter, the Northeast Quarter of the Southeast Quarter, and the Southeast Quarter of the Southeast quarter of Section 1, in Township 17 North of Range 3 East of the Boise Meridian, 70 acres of which is irrigable land and the balance thereof is non-irrigable; that said irrigable land in its natural state is semi-arid in character and fertile and highly valuable for agricultural purposes when irrigated, but is not capable of producing the maximum agricultural crops without irrigation; that said irrigable land is capable of being irrigated only by means of said defendant's and cross-complainant's irrigation system, hereinafter referred to, and is now and for a long time prior hereto has been irrigated from said system; that said irrigable land is located in a hilly region in said Valley County and the soil is porous and of ^{the} nature and general character of sandy loam and requires at least one miner's inch of water per acre, continuous flow, applied thereto to properly irrigate the same;

8.

That on or about May 7, 1891, and immediately subsequent thereto, William F. Haines, the predecessor in interest of said defendant and cross-complainant, and the then owner of the lands herein before particularly described and now owned by her, posted and recorded notices of his claim for 400 miners' inches of the natural flow of Boulder creek in Valley County, Idaho, then in Boise County, Idaho, and constructed diversion works, ditches, canals and laterals, and diverted and applied to a beneficial use 60 miners' inches thereof in the irrigation of lands now within said Valley County and herein before described in paragraph 7 hereof, and otherwise conformed in all particulars to the laws of the state of Idaho, relative to the acquiring and perfecting of water rights for irrigation purposes, and did thereby acquire and become the owner of the right to 60 miners' inches, continuous flow, of the waters of said Boulder creek, and entitled to the sole and exclusive use thereof for the purpose of irrigating said irrigable lands within the tract of land above described,

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with date of priority of May 7, 1891; that from the time he acquired said water right, as aforesaid, until the purchase of said land and water right by said defendant and cross-complainant and Charles Koski, her husband, said William F. Haines continuously applied said 60 miners' inches, continuous flow, of the waters of Boulder creek to a beneficial use, to-wit: in the irrigation of the lands herein last above described, and that from the time of their purchase of said lands and water right the defendant and cross-complainant, Lizzie Koski Maki and her husband have, until the present time, continuously applied said 60 miners' inches, continuous flow, of the waters of Boulder creek to a beneficial use, to-wit: in the irrigation of the lands herein last above described;

9.

That Charles Koski died intestate on or about the 18th day of August, 1912, and said defendant and cross-complainant, Lizzie Koski Maki, became and ever since said last named date has been and now is the owner of said interest in and to said lands and to said water right to 60 miners' inches ~~xxxxxxxxxxxx~~, continuous flow, of the waters of Boulder creek with date of priority of May 7, 1891, which right is prior in point of time and superior to any rights in and to the waters of Boulder creek of the plaintiff herein, or of any or either of the other defendants and cross-complainants;

10.

That the defendant and cross-complainant, Alina Takala Hamburg, is the owner of, as her sole and separate property of the Northwest Quarter of the Northeast Quarter, and the Southwest Quarter of the Northeast Quarter, and the Northeast Quarter of the Southwest Quarter of Section 1, Township 17 North, of Range 3 East of the Boise meridian, in Valley County, Idaho, 80 acres of which is irrigable land, and 40 acres of which is non-irrigable; that said irrigable lands in their natural state are semi-arid in character and fertile and highly valuable for agricultural purposes when irrigated, but are not capable of producing the maximum agricultural crops without irrigation; that said irrigable lands are capable of being irrigated only by means of said defendant's and cross-complainant's irrigation system, herein-after referred to, and are now, and for a long time prior hereto have been, irrigated from said system; that said irrigable lands are located in a hilly region in said Valley County, and the soil is porous, of the nature and general character of sandy loam, and require at least one miner's inch ~~xxxxxxxxxxxx~~ of water per acre, continuous flow, to properly irrigate them;

11.

That on September 22, 1921, said defendant and cross-complainant and her husband, Henry Takala, since deceased, were the owners of the lands last above mentioned and described as their community property; that on or about said last mentioned date, and immediately subsequent thereto, said Henry Takala, made application to the state engineer of the state of Idaho for a right to divert 3.2 cubic feet per second of time of the natural flow of Boulder creek, in said Valley County, for the purpose of irrigating said irrigable lands, and constructed diversion works, canals, ditches and laterals, and that thereafter and on or about the ____ day of _____, 1921, the said Henry Takala died, intestate, and said defendant and cross-complainant has become, and is, the owner of all the community property hereinbefore mentioned, and all rights acquired, or to be acquired, as successor in interest, and heir of, the said Henry Takala deceased; that subsequent thereto said defendant and cross-complainant and applied to a beneficial use in the irrigation of said irrigable lands, 1.6 cubic feet per second of time of the natural flow of the waters of said Boulder creek, and otherwise conformed, in all particulars, to the laws of the state of Idaho, relative to acquiring and perfecting water rights for irrigation purposes, including the making of proof of completion of works, and proof of application of water to a beneficial use, and there

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was thereafter, on October 31, 1924, duly issued, by the Commissioner of Reclamation of the State of Idaho, water license No. 14113, Water District No. 20-K, in the name of Aluna Takala and widow of Henry Takala, deceased, ^{and} said defendant and cross-complainant did thereby acquire in the manner aforesaid, and become the owner of the right to divert 1.6 cubic feet per second of time of the natural flow of the waters of said Boulder creek, and entitled to the sole and exclusive use thereof for the purpose of irrigating the said 80 acres of irrigable lands, with date of priority of September 22, 1921; that on or about July 17, 1924, said defendant and cross-complainant married, and became the wife of Isaac Hamburg, and that her true name is Alina Takala Hamburg;

12.

Complainants

That the defendants and cross-complainants, John Gusti Lahti and Hilda Lahti, husband and wife, are the owners of, as their community property, the Southeast Quarter of the Northeast Quarter, and the Northeast Quarter of the Southeast Quarter, and the Southwest Quarter of the Southeast Quarter, and the Southeast Quarter of the Southeast Quarter of Section 25, Township 16 North of Range 3 East of the Boise Meridian, in Valley County, Idaho, 105 acres of which is irrigable land and 55 acres of which is non-irrigable; that said irrigable lands are in their natural state semi-arid in character and fertile and highly valuable for agricultural purposes when irrigated, but are not capable of producing the maximum agricultural crops without irrigation; that said irrigable lands are capable of being irrigated only by means of said defendants' and cross-complainants' irrigation system, hereinafter referred to, and are now, and for a long time prior hereto, have been irrigated from said system; that said irrigable lands are of the general character of black loam and require at least 1 miner's inch of water per acre, continuous flow, applied thereto to properly irrigate them;

13.

That on or about July 8, 1918, and immediately subsequent thereto, Levi Ruhta, the predecessor in interest of these defendants and cross-complainants and the then owner of the lands last above described, made application to the state engineer of the state of Idaho for a right to divert 1 cubic foot per second of time of the waters of Boulder creek, in said Valley County, for the purpose of irrigating said irrigable lands, and constructed diversion works, canals, ditches and laterals, and diverted and applied to a beneficial use in the irrigation of said irrigable lands, 1 cubic foot per second of time of the natural flow of the waters of said Boulder creek, and otherwise conformed, in all particulars, to the laws of the state of Idaho, relative to acquiring and perfecting water rights for irrigating purposes, including the making of proof of completion of works, and proof of application of water to a beneficial use, and there was thereafter on August 27, 1920, duly issued, by the Commissioner of Reclamation of the State of Idaho, water license No. 12655, Water District No. 20 K, and they did thereby acquire, in the manner aforesaid, and become the owners of the right to divert 1 cubic foot per second of time of the natural flow of the waters of said Boulder creek, and entitled to the sole and exclusive use thereof for the purpose of irrigating said irrigable lands, with date of priority of July 8, 1918, and that by purchase and various conveyances of said described lands and water right, the said defendants and cross-complainants are the owners of the right to divert 1 cubic foot per second of time of the natural flow of the waters of said Boulder creek, and entitled to the sole and exclusive use thereof for the purpose of the irrigation of said 105 acres of irrigable lands, with date of priority of July 8, 1918;

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SEP 22 1982

14.

That the defendant and cross-complainant, Jack W. Kohtala, is the owner of the Northeast Quarter of the Southwest Quarter, and the Southwest Quarter of the Southwest Quarter, and the Southeast Quarter of the Southwest Quarter of Section 36, Township 18 North, Range 3 East of the Boise Meridian, in Valley County, Idaho, 100 acres of which is irrigable land and 20 acres of which is non-irrigable; that said irrigable lands in their natural state are semi-arid in character and fertile and highly valuable for agricultural purposes when irrigated, but are not capable of producing the maximum agricultural crops without irrigation; that said irrigable lands are capable of being irrigated only by means of defendant's irrigation system, hereinafter referred to, and are now, and for a long time prior hereto, have been irrigated from said system; that said irrigable lands are located in a hilly region in said Valley County, and the soil is porous, of the nature and general character of sandy loam, and require at least one miner's inch of water per acre, continuous flow, applied to said irrigable lands to properly irrigate them;

15.

That on or about May 2, 1921, and immediately subsequent thereto, said defendant and cross-complainant made application to the state engineer of the state of Idaho for a right to divert 2 cubic feet per second of time of the natural flow of Boulder creek, in said Valley County, for the purpose of irrigating said 100 acres of irrigable lands, and constructed diversion works, canals, ditches and laterals, and diverted and applied to a beneficial use in the irrigation of said irrigable lands, 2 cubic feet per second of time of the natural flow of the waters of said Boulder creek, and otherwise conformed, in all particulars, to the laws of the state of Idaho, relative to acquiring and perfecting water rights for irrigation purposes, including the making of proof of completion of works, and proof of application of water to a beneficial use, and there was, thereafter, on January 21, 1924, duly issued, by the Commissioner of Reclamation of the state of Idaho, water license No. 18163, Water District No. 20 K, and said defendant and cross-complainant did thereby acquire, in the manner aforesaid, and become the owner of the right to divert 2 cubic feet per second of time of the natural flow of the waters of said Boulder creek, and entitled to the sole and exclusive use thereof for the purpose of irrigating said irrigable lands, with date of priority of May 2, 1921, and that he is still the owner of said right;

16.

That the defendant and cross-complainant, Tom Luoma, is the owner of, as his sole and separate property, the Southwest Quarter of the Northwest Quarter of Section 36, Township 18 North, Range 3 East of the Boise Meridian, in Valley County, Idaho, which is all irrigable land, and, in its natural state, is semi-arid in character and fertile and highly valuable for agricultural purposes when irrigated, but is not capable of producing the maximum agricultural crops without irrigation; that said land is capable of being irrigated only by means of said defendant's and cross-complainant's irrigation system, hereinafter referred to, and is now, and for a long time prior hereto has been irrigated from said system; that said land is located in a hilly region in said Valley County, and the soil is porous, of the nature and general character of sandy loam and requires at least one miner's inch of water per acre, continuous flow, applied thereto to properly irrigate it.

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SEP 22 1992

17.

That on or about July 9, 1919, and immediately subsequent thereto, said defendant and cross-complainant made application to the state engineer of the state of Idaho for a right to divert .80 cubic feet per second of time of the natural flow of Boulder creek, in said Valley County, for the purpose of irrigating said forty acres of irrigable land, and constructed diversion works, canals, ditches and laterals, and diverted and applied to a beneficial use in the irrigation of said irrigable land, .80 cubic feet per second of time of the natural flow of the waters of said Boulder Creek, and otherwise conformed, in all particulars to the laws of the State of Idaho, relative to acquiring and perfecting water rights for irrigation purposes, including the making of proof of completion of works, and proof of application of water to a beneficial use, and there was, thereafter, on October 13, 1921, duly issued by the Commissioner of Reclamation of the state of Idaho, water license No. 14134, Water District 20K, and said defendant and cross-complainant did thereby acquire in the manner aforesaid, and become the owner of the right to divert .80 cubic feet per second of time of the natural flow of the waters of said Boulder Creek, and entitled to the sole and exclusive use thereof for the purpose of irrigating said land, with date of priority of July 9, 1919, and that he is still the owner of said right;

18.

That the defendants and cross-complainants, John Kumpula and Alma Kumpula, husband and wife, are the owners of, as their community property, the Southwest Quarter of the Northwest Quarter and the Southeast Quarter of the Northwest Quarter of Section 12, Township 17 North, Range 3 East of the Boise Meridian, in Valley County, Idaho, 35 acres of which is irrigable land and 45 acres of which is non-irrigable; that said irrigable lands in their natural state are semi-arid in character and fertile and highly valuable for agricultural purposes when irrigated, but are not capable of producing the maximum agricultural crops without irrigation; that said irrigable lands are capable of being irrigated only by means of said defendant's and cross-complainant's irrigation system, hereinafter referred to, and are now, and for a long time prior hereto, have been irrigated from said system; that said irrigable lands are located in a hilly region in said Valley County, and the soil is porous, of the nature of sandy loam, and require at least one miner's inch of water per acre, continuous flow, applied thereto to properly irrigate them;

19.

That on or about August 17, 1921, and immediately subsequent thereto, Matti Buttula, the predecessor in interest of said defendants and cross-complainants, and the then owner of the lands last above described, made application to the state engineer of the state of Idaho for a right to divert 1 cubic foot per second of time of the natural flow of the waters of Boulder Creek, in said Valley County, for the purpose of irrigating the said irrigable lands, and constructed diversion works, canals, ditches and laterals, and diverted and applied to a beneficial use in the irrigation of said irrigable lands .70 cubic feet per second of time of the natural flow of the waters of said Boulder creek, and otherwise conformed in all particulars to the laws of the state of Idaho, relative to acquiring and perfecting water rights for irrigation purposes, including the making of proof of completion of works, and proof of application of water to a beneficial use, and there was, thereafter, on January 21, 1924, duly issued, by the Commissioner of Reclamation of the State of Idaho, water license No. 15275, Water District No. 20 K, and said Buttula did thereby acquire, in the manner aforesaid, and become the owner of the right to divert .70 cubic feet per second of time of the natural flow of the waters of said Boulder creek, and entitled to

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the sole and exclusive use thereof for the purpose of irrigating said irrigable lands, with date of priority of August 17, 1921, and that by purchase and various conveyances of said described lands and water right, said defendants and cross-complainants became and now are the owners of the right to divert .70 cubic feet per second of time of the natural flow of the waters of said Boulder creek, and entitled to the sole and exclusive use thereof for the purpose of the irrigation of said 36 acres of irrigable lands with date of priority of August 17, 1921.

CONCLUSIONS OF LAW

1.

That the plaintiff, Roseberry Irrigation District, is entitled to a decree of this court, adjudging and decreeing it to be the sole and exclusive owner of a right to 50 cubic feet per second of time of the natural flow of the waters of Boulder creek, in Valley County, Idaho, ^{that it is entitled} and to the sole and exclusive use thereof for the purpose of irrigation of the irrigable lands within said district, being 2,990 acres of land situated in Township 17 North of Range 3 East of the Boise Meridian, Township 16 North of Range 3 East of the Boise Meridian, and Township 16 North, Range 4 East of the Boise Meridian, in Valley County, Idaho, with date of priority of June 26, 1902, said water to be measured at the point of diversion thereof from the stream.

2.

That the plaintiff, Roseberry Irrigation District, is further entitled to a decree of this court, adjudging and decreeing it to be the sole and exclusive owner of a right to empond, continuously, 12,180 acre feet of the waters of Boulder creek, in Boulder Lake, situated on said creek in Valley County, Idaho, and to dam and obstruct said creek and thereby create additional reservoir capacity in said lake for the purpose of emponding water therein to be used in the irrigation of the irrigable lands within said district, above mentioned, and also to divert water, amounting to 48.72 cubic feet per second of time from Boulder creek, including the water so emponded, for the purpose of irrigating said lands, with date of priority of January 12, 1917;

3.

That the defendant and cross-complainant, Lizzie Koski Maki, is entitled to a decree of this court, adjudging and decreeing her to be the sole and exclusive owner of a right to 60 miners' inches, continuous flow, of the waters of Boulder creek, in Valley County, Idaho, and to the sole and exclusive use thereof for the purpose of the irrigation of 70 acres, being all the irrigable lands within Lot 1 and the Southeast Quarter of the Northeast Quarter, the Northeast Quarter of the Southeast Quarter, and the Southeast Quarter of the Southeast Quarter of Section 1, in Township 17, North of Range 3 East of the Boise Meridian, in Valley County, Idaho, with date of priority of May 7, 1891, said water to be measured at the point of diversion thereof from the stream;

4.

That the defendant and cross-complainant, Alina Takala Hamburg, is entitled to a decree of this court, adjudging and decreeing her to be the sole and exclusive owner of a right to 80 miner's inches, continuous flow, of the waters of Boulder Creek, in Valley County, Idaho, and to the sole and exclusive use thereof for the purpose of the irrigation of 80 acres, being all the irrigable lands within the Northwest Quarter of the Northeast Quarter and the Southwest Quarter of the Northeast Quarter and the Northeast of the Southwest of Section 1, Township 17, North of Range 3 East of the Boise Meridian, in Valley

MICROFILMED

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County, Idaho, with date of priority of September 22, 1921, said water to be measured at the point of diversion thereof from the stream;

5.

That the defendants and cross-complainants, John Gusti Lahti and Rilda Lahti, husband and wife, are entitled to a decree of this court, adjudging and decreeing them to be the owners, as their community property, of a right to 80 miner's inches, continuous flow, of the waters of Boulder creek, in Valley County, Idaho, and to the sole and exclusive use thereof for the purpose of irrigation of 105 acres, being all the irrigable lands within the Southeast Quarter of the Northeast Quarter and the Northeast Quarter of the Southeast Quarter and the Southwest Quarter of the Southeast Quarter and the Southeast Quarter of the Southeast Quarter of Section 25 Township 18, North of Range 3 East of the Boise Meridian, in Valley County, Idaho, with date of priority of July 8, 1918, said water to be measured at the point of diversion thereof from the stream;

6.

That the defendant and cross-complainant, Jack M. Kohtala, is entitled to a decree of this court, adjudging and decreeing him to be the sole and exclusive owner of a right to 100 miner's inches, continuous flow, of the waters of Boulder creek, in Valley County, Idaho, and to the sole and exclusive use thereof for the purpose of the irrigation of 100 acres, being all the irrigable lands within the Northeast Quarter of the Southwest Quarter and the Southwest Quarter of the Southwest Quarter and the Southeast Quarter of the Southwest Quarter of Section 36, Township 18 North of Range 3 East of the Boise Meridian, in Valley County, Idaho, with date of priority of May 2, 1921, said water to be measured at the point of diversion thereof from the stream;

7.

That the defendant and cross-complainant, Tom Luoma, is entitled to a decree of this court, adjudging and decreeing him to be the sole and exclusive owner of a right to 40 miners' inches, continuous flow, of the water of Boulder creek, in Valley County, Idaho, and to the sole and exclusive use thereof for the purpose of the irrigation of the Southwest Quarter of the Northwest Quarter of Section 36, Township 18 North of Range 3 East of the Boise Meridian, in Valley County, Idaho, with date of priority of July 9, 1919, said water to be measured at the point of diversion thereof from the stream;

8.

That the defendants and cross-complainants, John Kumpula and Alma Kumpula, husband and wife, are entitled to a decree of this court, adjudging and decreeing them to be the owners, as their community property, of a right to 35 miners' inches, continuous flow, of the waters of Boulder creek, in Valley County, Idaho, and to the sole and exclusive use thereof for the purpose of the irrigation of 35 acres, being all the irrigable lands within the Southwest Quarter of the Northwest Quarter and the Southeast Quarter of the Northwest Quarter of Section 12, Township 17 North of Range 3 East of the Boise Meridian, in Valley County, Idaho, with date of priority of August 17, 1921, said water to be measured at the point of diversion thereof from the stream;

9.

That plaintiff is entitled to a decree of this court perpetually enjoining the defendants and cross-complainants and each of them, their agents, servants, employees, successors and all persons acting in their behalf, or in behalf of either of them, from interfering, in any manner, with plaintiff's rights as herein adjudicated; that each of the defendants and cross-complainants is entitled to a decree of this court perpetually enjoining plaintiff and all other parties to this suit, their agents, servants, employees, suc-

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cessors and all persons acting in their behalf, or in behalf of either of them, from interfering, in any manner, with the rights of any or either of the defendants and cross-complainants as herein adjudicated;

10.

That plaintiff is entitled to the judgment of this court against the defendants and cross-complainants, John Gusti Lahti, John Kumpula, Tom Luoma, Jack H. Kohtala and Alina Takala Hamburg, jointly and severally, for its costs and disbursements herein necessarily expended; that defendant and cross-complainant, Lizzie Koski Maki, is entitled to the judgment of this court against plaintiff, Roseberry Irrigation District, for her costs and disbursements herein necessarily expended.

Dated this 15th day of July, 1926.

COMPARED

Ed. L. Bryan

District Judge

In the District Court of the Seventh Judicial District of the
State of Idaho, in and for the County of Valley.

Roseberry Irrigation District,
Plaintiff.

vs.

Decees

Clarence Shaw and Fannie Shaw,
his wife; John Gusti Lahti,
sometimes called Gust Lake, and
Hilda Lahti, his wife, sometimes
called Hilda Lake; John Kumpula
and Alma Kumpula, his wife; Tom
Luoma; Jack H. Kohtala, sometimes
called Jacob Kohtalo; Alina
Takala Hamburg, sometimes called
Aline Takala; and Lizzie Koski
Maki, sometimes called Elizabeth
Koski.

Defendants.

F I L E D
This 19th day of
July 1926
Forest E. Robb
Clerk
By Owen E. McLeod
Deputy

This cause having been regularly called and tried by the court and findings of fact and conclusions of law having been made, which are now on file herein, in which judgment was awarded, decreeing the water rights of the respective parties and fixing the amount of water to which each is entitled and adjudging the dates of priority of each of them,

NOW THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED, and this does order, adjudge and decree;

1.

That the plaintiff, Roseberry Irrigation District, is the sole and exclusive owner of a right to 50 cubic feet per second of time of the natural flow of the waters of Boulder creek, in Valley County, Idaho, and that it is entitled to the sole and exclusive use thereof for the purpose of irrigation of the irrigable lands within said district, being 2,990 acres of land situated in Township 17 North of Range 3 East of the Boise Meridian, Township 16 North of Range 3 East of the Boise Meridian, and Township 16 North of Range 4 East of the Boise Meridian, in Valley County, Idaho, with date of priority of June 25, 1902, said water to be measured at the point of diversion thereof from the stream;

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6.

It is further ordered, adjudged and decreed, and this does order, adjudge and decree, that the defendant and cross-complainant, Jack N. Kohtala, is the sole and exclusive owner of a right to 100 miner's inches, continuous flow, of the waters of Boulder creek, in Valley County, Idaho, and that he is entitled to the sole and exclusive use thereof for the purpose of the irrigation of 100 acres, being all the irrigable lands within the Northeast Quarter of the Southwest Quarter and the Southwest Quarter of the Southwest Quarter and the Southeast Quarter of the Southwest Quarter of Section 36, Township 18 North of Range 3 East of the Boise Meridian, in Valley County, Idaho, with date of priority of May 2, 1921, said water to be measured at the point of diversion thereof from the stream;

7.

It is further ordered, adjudged and decreed, and this does order, adjudge and decree, that the defendant and cross-complainant, Tom Luoma, is the sole and exclusive owner of a right to 40 miner's inches, continuous flow, of the waters of Boulder creek, in Valley County, Idaho, and that he is entitled to the sole and exclusive use thereof for the purpose of the irrigation of the Southwest Quarter of the Northwest Quarter of Section 36, Township 18 North of Range 3 East of the Boise Meridian, in Valley County, Idaho, with date of priority of July 9, 1919, said water to be measured at the point of diversion thereof from the stream;

8.

It is further ordered, adjudged and decreed, and this does order, adjudge and decree, that the defendants and cross-complainants, John Kumpula and Alma Kumpula, husband and wife, are the owners, as their community property, of a right to 35 miners' inches, continuous flow, of the waters of Boulder Creek, in Valley County, Idaho, and that they are entitled to the sole and exclusive use thereof for the purpose of the irrigation of 35 acres, being all the irrigable lands within the Southwest Quarter of the Northwest Quarter, and the Southeast Quarter of the Northwest Quarter of Section 12, Township 17 North of Range 3 East of the Boise Meridian, in Valley County, Idaho, with date of priority of August 17, 1921, said water to be measured at the point of diversion thereof from the stream.

9.

It is further ordered, adjudged and decreed, and this does order, adjudge and decree, that the defendants and cross-complainants, and each of them, their agents, servants, employees, successors and all persons acting in their behalf, or in behalf of either of them, are perpetually enjoined from interfering, in any manner, with plaintiff's rights as herein adjudicated; that plaintiff and all other parties to this suit, their agents, servants, employees, successors and all persons acting in their behalf, or in behalf of either of them, are perpetually enjoined from interfering, in any manner, with the rights of any or either of the defendants and cross-complainants as herein adjudicated;

10.

It is further ordered, adjudged and decreed, and this does order, adjudge and decree, that plaintiff have, and it hereby is awarded judgment against the defendants and cross-complainants, John Gusti Lahti, John Kumpula, Tom Luoma, Jack N. Kohtala and Alina Takala Hamburg, jointly and severally, for its costs and disbursements herein necessarily expended, hereby taxed at \$83.35.

11.

It is further ordered, adjudged and decreed, and this does order, adjudge and decree, that defendant and cross-complainant, Lizzie Koski Maki, have, and she hereby is

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end more page

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awarded judgment against plaintiff, Roseberry Irrigation District, for her costs and disbursements herein necessarily expended, hereby taxed at \$74.75.

Dated this 15 day of July, 1926.

Ed. L. Bryan
District Judge

COMPARED

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF VALLEY.

The First National Bank of Hillyard,
Hillyard, Washington, a corporation,
Plaintiff,

vs.

J. E. Hoffman,

Defendant.

Filed this 25th day
of June 1926

J U D G M E N T.

Forest E. Robb
Clerk

This cause coming on regularly to be heard on the 22nd day of June, 1926, the Plaintiff appearing by and thru its attorneys, D.M. Cox, C.C. Upton, and J.M. Lampert, and the Defendant appearing in person and by his attorneys, F.M. Kerby and Wm. K. Morgan, a jury of 12 persons, duly qualified, were regularly impaneled and sworn to try the cause. Witnesses on behalf of the plaintiff and defendant were sworn and examined, and documentary evidence was introduced.

After hearing the evidence and the argument of the counsel, the jury retired to consider its verdict, and subsequently, on the 24th day of June, 1926, returned into court and presented the following verdict for the defendant:

VERDICT OF THE JURY

"We, the Jury in the above entitled cause find for the defendant and assess his damages at \$799.83.

P.O. Liming,
Foreman."

Wherefore, by virtue of the law, and by reason of the premises aforesaid, it is ordered and adjudged that the defendant, J. E. Hoffman, have and recover from the plaintiff, The First National Bank of Hillyard, Washington, a corporation, the sum of \$799.83, together with defendant's costs and disbursements incurred in this action, taxed at the sum of \$29.75.

Dated this 25 day of June, 1926.

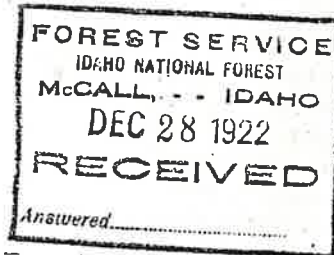
Ed. L. Bryan
District Judge.

INDEXED

COMPARED

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Top Margin of map reads "Serial No. 084035"

← might be "21"

Exhibit

Has "mirror writing" printed on margin of map that reads:

"Boise 026651 Roseberry Irrigation District"

→ BLM FILE #

Map Exhibit # 3

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Dam is in NW 1/4 NE 1/4 SE 1/4 Sec 27 T. 10

Date Received 11/18/88

State of Idaho
Department of Water Resources

REQUEST FOR EXTENSION OF TIME
TO FILE ADJUDICATION CLAIM(S)

The Idaho Department of Water Resources will consider this form as a request that the claimant be granted an additional period of time in which to file claim(s) beyond the 90 days allowed by Section 42-1409(10), Idaho Code.

Roseberry Irr Dist
Name of Claimant

Box 42
Post Office Address

Donnelly, Idaho 83615
City, State, Zip Code

Valley
County(s) where Place of Use is located

Nov 23 1988
Date Claim Originally Due

A65-03114 - 03115 - 03116
Identify water right(s) for which extension is requested

State reason(s) why an extension of time is requested:

More time is needed to confirm district acreages and descriptions and changes in point of diversion on #03114 and 03116 and changes in amount of storage and priority date on #03115.
Claimant requests an extension to June 1, 1989.

R.M. Keyes
Signature

Chairman of Board TRID
Title

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

The above request for extension of time is hereby
X granted denied
and the filing deadline extended to 12/23, 1988.

Signed this 21 day of November, 1988.

David B. Shaw
Director or his designated agent

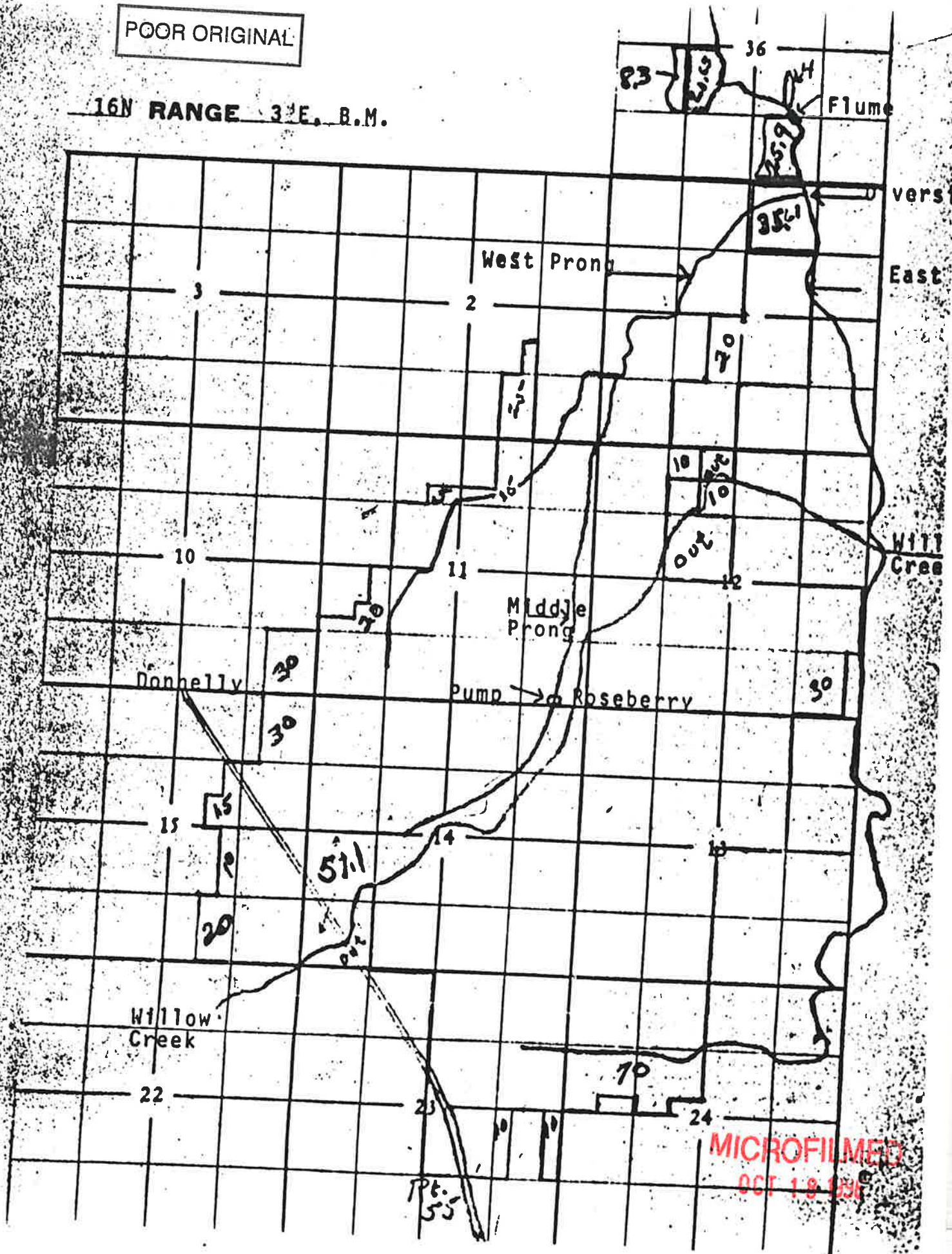
Called R.M. Keyes on 11/21/88 informed him of
30 day extension

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SEP 22 1992

POOR ORIGINAL

16N RANGE 3E, B.M.



MICROFILMED
OCT 18 1981

Exhibit #4

Nov. 21, 1988

TO WHOME IT MAY CONCERN

I, ROBERT M. KEYES, residing at Box 356, Donnelly, Idaho 83615, do this date swear and affirm that I served as Watermaster of Water Dist 20 K and Water District 65-D from 1954 to 1980 and have served as Secretary of said water District, from 1954 to date.

I further swear and affirm that, during that time, the Judge Ed L. Bryan Decree of July 7, 1926, served as the basis of water distribution within the District. This Decree assigned Roseberry Irrigation District a priority of 1/12/17 for storage of irrigation water in Boulder Lake. The 1926 Decree has been accepted District-wide and to my knowledge, has never been disputed or challenged.

Boulder Lake lies at the extreme head of Boulder Creek. Only twice in the last 35 years, has it failed to fill, before the call of the Watermaster. Recent repairs to the Dam, which have increased it's strength and stopped a number of leaks, should allow it to fill even earlier, in the future.

Robert M. Keyes

STATE OF IDAHO)
COUNTY OF ADA)

MICROFILMED

SEP 22 1992

Subscribed and sworn (or affirmed) before me this ^{20th}~~22nd~~ day of December, 1988.

Dena Billups
Notary Public

Dena Billups, Notary Public
Residing at Caldwell, Idaho
My Commission Expires March 21, 1994

Exhibit #4

Nov. 21, 1988

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Robert M. Keyes

STATE OF IDAHO)
COUNTY OF ADA)

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Dena Billups
Notary Public

Dena Billups, Notary Public
Residing at Caldwell, Idaho
My Commission Expires March 21, 1994

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SEP 22 1992

Donnelly, Idaho

Nov. 22, 1988

Director, Idaho State Dept. of Water Resources

Dear Sir Re: Claim No. A65 - 03115

Roseberry Irr. 1st
Water Dist. 65-D

This Claim, for irrigation water storage rights, in Boulder Lake differs from the findings of the Payette River Adjudication in priority date.

When the Payette River Adjudication was finalized, the then Directors of the Roseberry Irrigation District failed to check it's provisions against provisions of the Original Boulder Creek Decree, dated 7-15-26. A copy of an Abstract of this Decree is enclosed as Exhibit #1. A copy of the the Decree is enclosed as Exhibit #2.

We question why the Dept. and the Presiding Judge also missed it's Provisions.

On the Abstract, line 3, PM #3, DN #2, refers to the Roseberry storage right. On the Decree: Paragraph 5, Pgs. 635-36, Paragraph 2, Pg. 641 and Paragraph 2, Pg. 644, refer to this right: giving it a priority of 1-12-17. We feel that an error was made in all entries, by the mistaken addition of a "0".

The map enclosed, Exhibit #3, was taken from records kept in the Supervisor's Office, Payette Natl. Forest, McCall, Idaho. The map, dated 9-7-22, shows the Completed Boulder Lake Dam, Lake and Storage Works; essentially as it is today and has been in operation since the Decree date.

We, the Directors of Roseberry Irrigation District (one member deceased and not yet replaced) pray that the Director, State of Idaho Dept. of Water Resources will recommend to the Presiding Judge SRBA, that application # A65-03115 be approved as written. Thus restoring to Roseberry Irrigation District, the Boulder Lake Storage Right Priority of 1-12-17.

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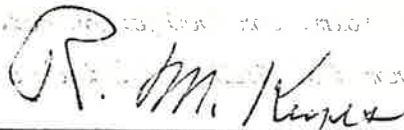
SEP 22 1992

CHIEF, BUREAU

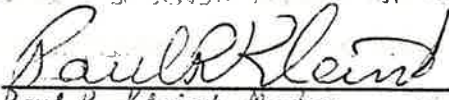
1949

As near as we can determine, the Payette Decree 1949 Priority Date was assigned from Decree Abstract R842, on Page #2, Line #2. This was a filing made for a raise of Boulder Creek Dam. This raise was later judged to be impractical and not cost-effective. It's construction was never attempted.

Signed



R. M. Keyes Chairman of the Board



Paul R. Kleint, Member

Donnelly, Idaho
Nov. 22, 1988

Director, Idaho State Dept. of Water Resources

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SEP 22 1992

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Signed

R. M. Keyes
R. M. Keyes Chairman of the Board

Paul R. Kleint
Paul R. Kleint, Member

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SEP 25 1982

Roseberry Irrigation District
P. O. Box 42
Donnelly, Idaho 83615
Nov. 24, 1988

To: Director, State of Idaho Dept. of Water Resources

Re: Claims A 65 - 03114, 15 and 16
Roseberry Irrigation Dist.
Water Dist. 65 - D

Dear Sir:

We, Directors of Roseberry Irrigation Dist. pray your recommendation to the Presiding Judge, SRBA, that these three applications be approved as written.

These applications, all pertaining to the same water appropriation, differ in Point of Diversion and acreage amount from that specified in the Payette River Adjudication.

Point of Diversion: The present diversion structure was built in the late 1930's, app. 3/8 mile downstream from the original diversion point. The then Directors failed to note this change, when the Payette Decree was finalized.

Acreage: The original Decree (copy enclosed with 03/15 Docket), specified Dist. acreage at 3010. The acreage set forth on the Payette Decree was 2679. The actual land under irrigation (as described in these Applications is now 2851.44 acres. Errors in descriptions and acreages had been cropping up in land exchanges and assessments for several years. In 1978, District Directors began a comprehensive research of the County Records, from the formation of the District in 1910, until that date. Several discrepancies were discovered. The original boundary description did not close to the true point of beginning. Errors in acreage and descriptions were found in older recorded ~~in~~ instruments taking land out of the District and exchanges of lands within the District. Photographic maps showed that changes in the channel of Boulder Creek had rendered some lands impossible to reach, from District works.

MICROFILMED

SEP 22 1992

After due public notice, advertised in local papers and two Public Hearing dates (at which no one appeared to protest) the Roseberry Irrigation District Board of Directors issued an order establishing the present District boundaries and acreage, as of Jan. 1, 1980. (This order was duly recorded in the County Records and I can supply this data, if required).

The land descriptions in Applications A65 - 03114, 15 & 16 are taken from this Order.

Respectfully Yours



R. M. Keyes, Chairman
Board of Directors, Roseberry Irrigation Dist

Roseberry Irrigation District
P. O. Box 42
Donnelly, Idaho 83615
Nov. 24, 1988

To: Director, State of Idaho Dept. of Water Resources

Re: Claims A 65 - 03/14, 15 and 16
Roseberry Irrigation Dist.
Water Dist. 65 - D

Dear Sir:

We, Directors of Roseberry Irrigation Dist. pray your recommendation to the Presiding Judge, SRDA, that these three applications be approved as written.

These applications, all pertaining to the same water appropriation, differ in Point of Diversion and acreage amount from that specified in the Payette River Adjudication.

Point of Diversion: The present diversion structure was built in the late 1930's, app. 3/8 mile downstream from the original diversion point. The then Directors failed to note this change, when the Payette Decree was finalized.

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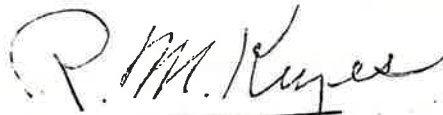
MICROFILMED

SEP 22 1992

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The land descriptions in Applications #65 - 03114, 15 & 16 are taken from this Order.

Respectfully Yours

A handwritten signature in cursive script that reads "R. M. Keyes". The signature is written in dark ink and is positioned above the printed name and title.

R. M. Keyes, Chairman
Board of Directors, Roseberry Irrigation Dist

M E M O R A N D U M

DATE: December 21, 1989
TO: File A65-03114, A65-03115, A65-03116
FROM: Don Shaff *ll*
RE: Data Changes

On this date I remedied the problem of duplicate water right numbers on the node 3 region file and the master file. Both had the above numbers.

The attached proof reports indicate the records existing on the host master file on this date. You can see that the files lack the place of use and the point of diversion as contrasted with the complete land list and different point of diversions shown on what was the regional file.

In both cases, the fees were paid under AR #C000011. The previous host master record, as shown on the proof report, had the appropriate receipt #C004770 that represented the initial payment on this AR account.

On this date, I deleted the host master files to allow the more complete region files to update to the host master and thus have a single record for this water right claim. Correspondence and claims in the file may explain the transition from one set of records to a second set. The previous host master file had an audit of 12/27/88.

DVS:sf

MICROFILMED

SEP 22 1992

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

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

NOTICE OF CLAIM
TO A
WATER RIGHT

IDENT. NO.

65-3115

MAP NO.

May 19, 1971

Notice is hereby given that

ROSEBERRY IRRIGATION DISTRICT

P. O. Box 42, Donnelly, Idaho 83615

(Name of Claimant)

and beneficial use of the surface or groundwater, or of tributary to the Payette River, claims a right to the diversion

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) 9/6/1949

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

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:
Use Irrigation 12-180 SF 2-11-49 to 10-31-49

Use Stock water 1207 SF (Mo. Day) (Both Dates Inclusive) (Mo. Day) (Both Dates Inclusive)

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

(4) Quantity of water claimed: and/or Gals. Per Minute. Cubic Feet Per Second, or 12,180 Acres Feet Per Annum

(5) A) Point of Diversion: Give location of point where water is diverted from its source Sec 27, Twp 18N, Rge 34E, B.M.; additional points: SE NE SE NE

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, gravity ditch

(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.

AK → 40 acreage chart

T	R	SEC.	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	TOTAL
17N	3E	36	NE¼	NW¼	SW¼	SE¼					21	SW¼			11	SE¼	26		
16N	3E	1	1	36	40	5					22	1A	40						58
		2				40						5	20						158
		11	40	40	40	40				30	40	30	40	40	40	40	40	40	25
		12		40	40			40	40		40	40	40	40	40	40	40	40	500
		13		40	40		40	40	40	40	40	40	40	40	32	40	40	26	458
		14	40	40	40	40	40	40	40	40	40	40	40	40					400
		15	30		15	40					40	40	40	40	40	40	40	40	660
		23	40	40	40	40									40	10	20	40	195
		24													40			30	230
							28	20	35	35									118

B) If water is used for other than irrigation, fully describe that use, being as specific as possible: Stock water for 6,000 head Total No. of acres 2,782 2677

(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 storage period Oct. 31 through April 1 (Leave as use)

(10) Basis of claim (Check one) ☐ A) Right based on diversion and beneficial use. ☒ B) Right decreed by court, cite title of case Boulder Creek - Roseberry vs. Clarence Shaw 65-3115

☐ C) Right based on application, license, or claim filed with State Reclamation Engineer, Office No.

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

May 19, 1971 (Date)

KEYPUNCHED

Individual Paul R. Kleint Director (Signature of Claimant)

State of Idaho Ada Co. ss. Adm. Clk.

Organization Roseberry Irr. Dist. Seal

Organization Roseberry Irr. Dist. (Signature of Authorized Agent)

On this 19th day of May 1971, before me, a notary public, personally appeared PAUL R. KLEINT, 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 Boise, Idaho

My commission expires May 26, 1974

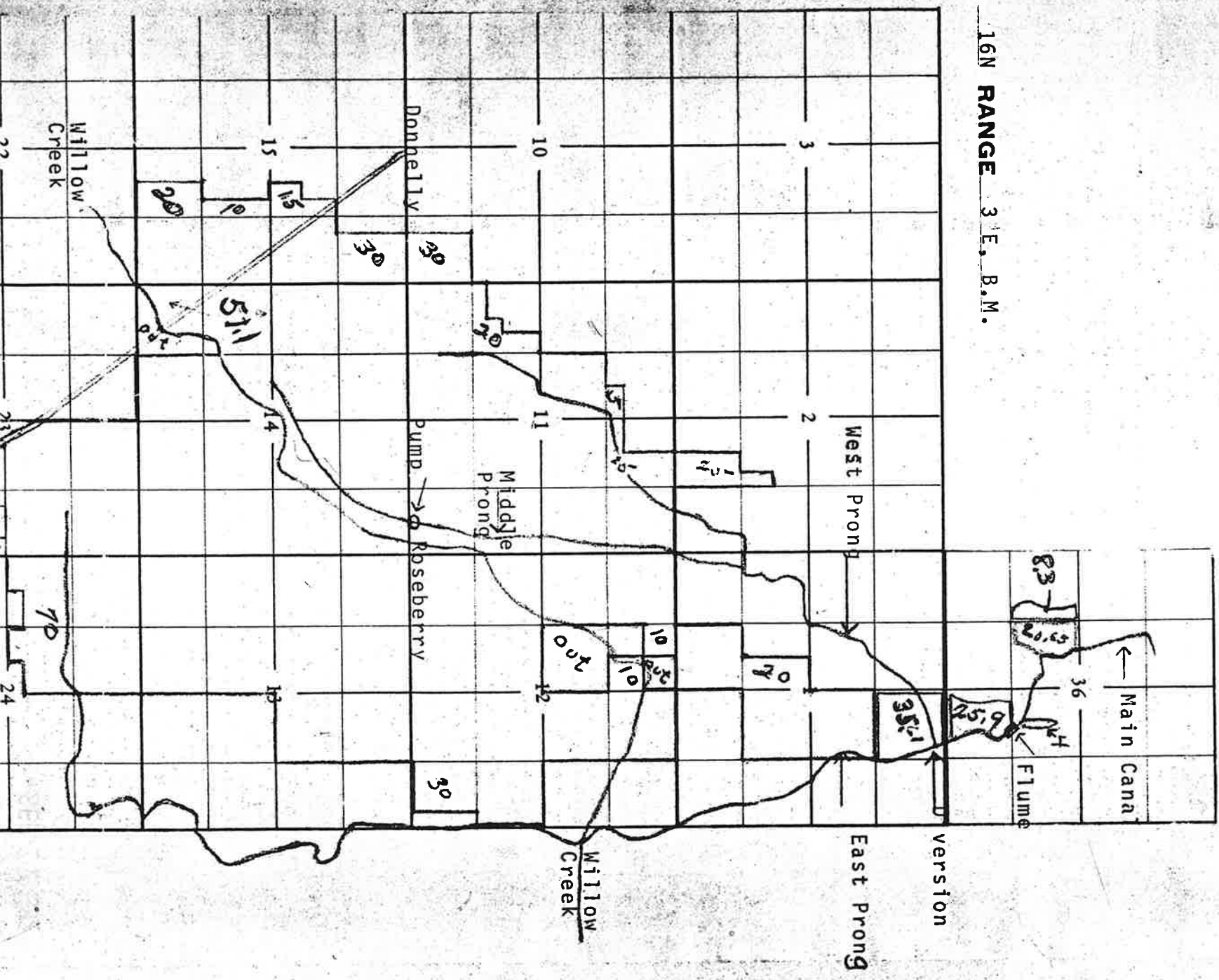
9KN 11/2/77

ROSEBERRY IRRIGATION DISTRICT

JANUARY 1, 1980

17 N, R 3 E B.M.

16N RANGE 3 E. B.M.

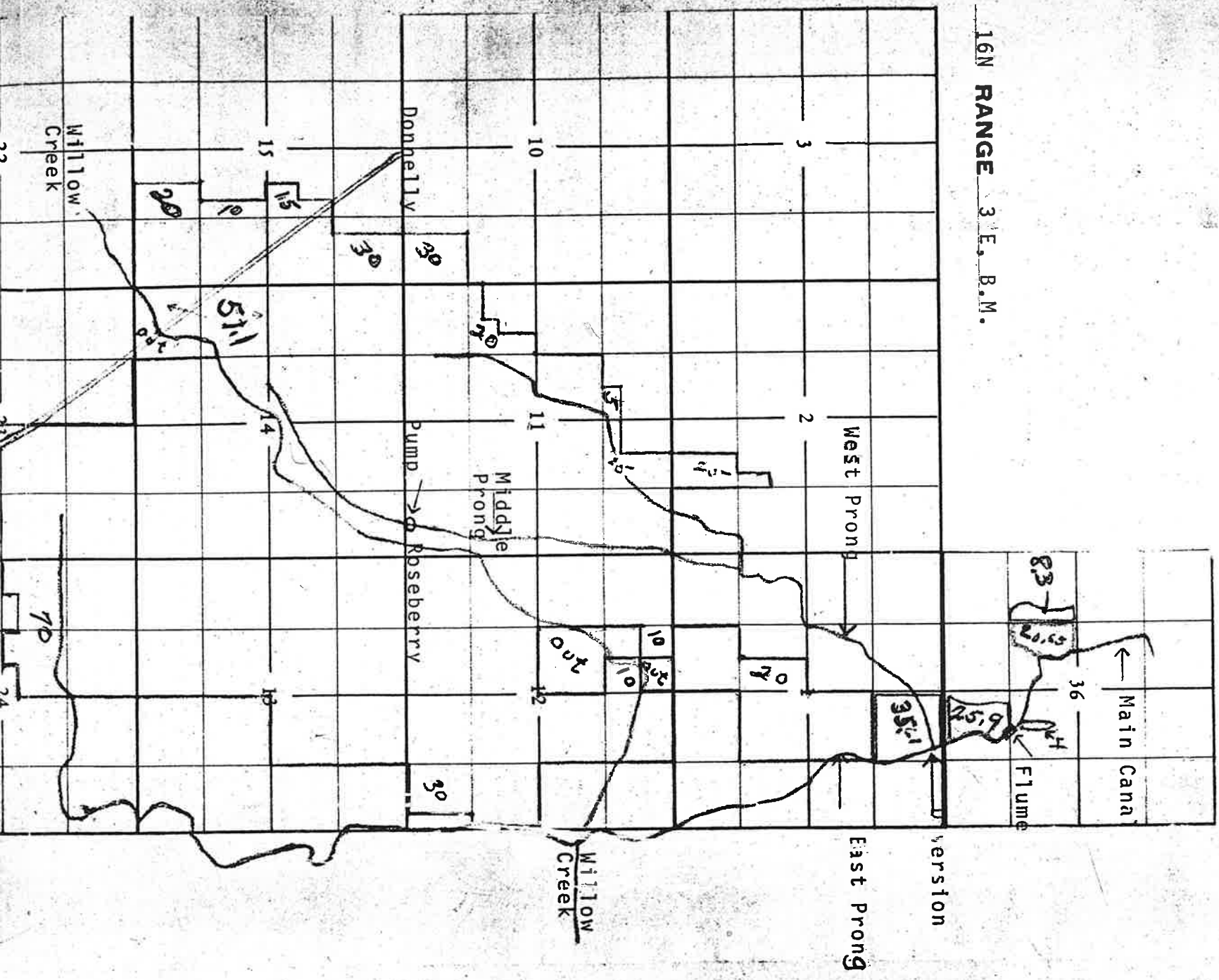


ROSEBERRY IRRIGATION DISTRICT

JANUARY 1, 1980

17 N, R 3 E B.M.

16N RANGE 3 E, B.M.



ROSEBERRY IRRIGATION DISTRICT

DONNELLY, IDAHO 1980

In the matter of the updating, correction and revision of the boundaries of the Roseberry Irrigation District of Valley County, Idaho.

After careful search of all recorded instruments and consultation of up-to-date photographic maps showing actual water distribution and use, which maps are on file at the District Office, the duly elected Board of Directors of said Roseberry Irrigation District hereby orders that, as of January 1, 1980, the Roseberry Irrigation District consists of 2,851.54 acres, lying in Section 36, Twn. 17 N., R. 3 E., B. M. and Sections 1, 2, 10, 11, 12, 13, 14, 15, 23 and 24, Twn. 16 N., R. 3 E., B. M., more particularly described as follows:

IN SECTION 36, TWN. 17 N., R. 3 E., B. M.

TRACT NO. 1

ACRES

8.3 acres in the E $\frac{1}{2}$ E $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$

8.3

TRACT NO. 2

Beginning at the SW corner of the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 36; thence N. 1307 feet; thence E. 685 feet to the canal of the Roseberry Irrigation District; thence along said canal S. 7024' E., 806.4 feet to a lateral; thence along said lateral S. 16032' W., 110.8 feet; thence S. 78045' W., 203.8 feet; thence S. 2003' W., 366.3 feet; thence W. 568.5 feet to the place of beginning, containing 20.63 acres.

20.63

TRACT NO. 3

4 acres in the W $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ lying North of Roseberry canal and West of Stover Creek (Irrigated by gravity lateral above flume.)

4.0

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE STATE
OF IDAHO, IN AND FOR THE COUNTY OF VALLEY

Roseberry Irrigation District,

Plaintiff.

vs.

Decree

F I L E D

This 19th day of July 1926

Forrest R. Cobb
Clerk

By Gwen E. McLeod
Deputy

Clarence Shaw and Jennie Shaw,
his wife; John Gusti Lahti,
sometimes called Gust Lake, and
Hilda Lahti his wife, sometimes
called Hilda Leiko; John Kuupula
and Alma Kuupula, his wife; Tom
Luoma; Jack H. Kontala, sometime
called Jacob Kontala; Alma Kontala
Jamburg, sometimes called Alma
Jokela; and Lizzie Josef Lahti,
sometimes called Elizabeth Lahti.

Defendants.

This cause having been regularly called and tried by the court and findings of fact and conclusions of law having been made, which are now on file herein, in which judgment was awarded, decreed, the water rights of the respective parties and fixing the amount of water to which each is entitled and adjudging the dates of priority of each of them,

IT IS ORDERED, ADJUDGED AND DECREED, and this does order, adjudge and decree;

65 3113

I.

That the plaintiff, Roseberry Irrigation District, is the sole and exclusive

owner of a right to 50 cubic feet per second of time of the natural flow of the waters of Boulder Creek, in Valley County, Idaho, and that it is entitled to the sole and exclusive use thereof for the purpose of irrigation of the irrigable lands within said district, being 2,390 acres of land situated in Township 17 North of Range 3 East of the Boise Meridian, Township 16 North of Range 3 East of the Boise Meridian, and Township 16 North of Range 4 East of the Boise Meridian, in Valley County, Idaho, with date of priority of June 25, 1902, said water to be measured at the point of diversion thereof from the stream;

65 3115

II.

~~65 3115~~ It is further ordered, adjudged and decreed, and this does order, adjudge and decree, that the plaintiff, Roseberry Irrigation District, is the sole and exclusive owner of a right to impound, continuously, 15,100 acre feet of the waters of Boulder Creek, in Boulder Lake, situated on said creek, in Valley County, Idaho, and to dam and obstruct the said creek and thereby create additional reservoir capacity in said lake for the purpose of impounding water therein to be used in the irrigation of the irrigable lands within said district, above mentioned, and of the sole and exclusive right to divert water, amounting to 46.72 cubic feet per second of time from Boulder Creek, including the water so impounded, for the purpose of irrigating said lands, with d to priority of January 12, 1917, said water to be measured at the point of diversion thereof from two streams;

65 3117

III.

~~65 3117~~ It is further ordered, adjudged and decreed, and this does order, adjudge and decree, that the defendant and cross-complainant, Lizzie Koski Makl, is the sole and exclusive owner of a right to 30 miner's inches, continuous flow, of the waters of Boulder Creek, in Valley County, Idaho, and that she is entitled to the sole and exclusive use thereof for the purpose of the irrigation of 70 acres, being all the irrigable lands within lot 1 and the Southeast Quarter of the Northwest Quarter, the Northeast Quarter of the Southwest Quarter, and the Southwest Quarter of the Southwest Quarter of Section 1 in Township 17 North of Range 3 East of the Boise Meridian, in Valley County, Idaho, with date of priority of May 7, 1891, said water to be measured at the point of diversion thereof from the stream;

65 3118

IV.

~~65 3118~~ It is further ordered, adjudged and decreed, and this does order, adjudge and decree, that the defendant and cross-complainant, Alice Takala Homburg, is the sole and exclusive owner of a right to 30 miner's inches, continuous flow, of the waters of Boulder Creek, in Valley County, Idaho, and that she is entitled to the sole and exclusive use thereof for the purpose of the irrigation of 80 acres, being all of the irrigable lands within the Northwest Quarter of the Northeast Quarter, and the Southwest Quarter of the Northeast Quarter, and the Northeast Quarter of the Southwest Quarter of Section 1,

Township 17 North of Range 3 East of the Boise Meridian, in Valley County, Idaho, with date of priority of September 22, 1901, said water to be measured at the point of di-

version thereof from the stream;

~~65-0712~~ 65 3119

V.

It is further ordered, adjudged and decreed, and this does order, adjudge and decree, that the defendants and cross-complainants, John Gustafson and Hilda Lehti, husband and wife, are the owners, as their community property, of a right to 50 miner's inches, continuous flow, of the waters of Boulder Creek, in Valley County, Idaho, and that they are entitled to the sole and exclusive use thereof for the purpose of irrigation of 105 acres, being all the irrigable lands within the Southeast Quarter of the Northwest Quarter, and the Northeast Quarter of the Southeast Quarter, and the Southwest Quarter of the Southeast Quarter, and the Southeast Quarter of the South east Quarter of Section 15, Township 18 North of Range 3 East of the Boise Meridian in Valley County, Idaho, with date of priority of July 8, 1910, said water to be measured at the point of diversion thereof from the stream;

~~65-0712~~ 65 3001

VI.

It is further ordered, adjudged and decreed, and this does order, adjudge and decree, that the defendant and cross-complainant, Jack M. Kohrtle, is the sole and exclusive owner of a right to 100 miner's inches, continuous flow, of the waters of Boulder Creek, in Valley County, Idaho, and that he is entitled to the sole and exclusive use thereof for the purpose of the irrigation of 100 acres, being all the irrigable lands within the Northeast Quarter of the Southwest Quarter and the Southwest Quarter of the Southwest Quarter and the Southeast Quarter of the Southwest Quarter of Section 35, Township 18 North of Range 3 East of the Boise Meridian, in Valley County, Idaho, with date of priority of May 2, 1901, said water to be measured at the point of diversion thereof from the stream;

65 3121 *From* 7/15/88

VII.

~~65-0712~~ It is further ordered, adjudged and decreed, and this does order, adjudge and decree, that the defendant and cross-complainant, Tom Luoma, is the sole and exclusive owner of a right to 40 miner's inches, continuous flow, of the waters of Boulder Creek, in Valley County, Idaho, and that he is entitled to the sole and

exclusive use thereof for the purpose of the irrigation of the Southwest quarter of the Northwest quarter of Section 36, Township 18 North of Range 3 East of the Boise Meridian, in Valley County, Idaho, with date of priority of July 9, 1919, said water to be measured at the point of diversion thereof from the stream;

~~6520122~~
VIII.

It is further ordered, adjudged and decreed, and this does order, adjudge and decree, that the defendants and cross-complainants, John Kumpula and Alma Kumpula, husband and wife, are the owners, as their community property, of a right to 35 miner's inches, continuous flow, of the waters of Boulder Creek, in Valley County, Idaho, and that they are entitled to the sole and exclusive use thereof for the purpose of the irrigation of 55 acres, being all the irrigable lands within the Southwest quarter of the Northwest quarter, and the Southwest quarter of the Northwest quarter of Section 12 Township 17 North, of Range 3 East of the Boise Meridian, in Valley County, Idaho, with date of priority of August 17, 1921, said water to be measured at the point of diversion thereof from the stream;

IX.

It is further ordered, adjudged and decreed, and this does order, adjudge and decree, that the defendants and cross-complainants, and each of them, their agents, servants, employees, successors and all persons acting in their behalf, or in behalf of either of them, are perpetually enjoined from interfering, in any manner with plaintiff's rights as herein adjudicated; that plaintiff and all other parties to this suit, their agents, servants, employees, successors and all persons acting in their behalf, or in behalf of either of them, are perpetually enjoined from interfering, in any manner, with the rights of any or either of the defendants and cross-complainants as herein adjudicated;

X.

It is further ordered, adjudged and decreed, and this does order, adjudge and decree, that plaintiff move, and it hereby is awarded judgment against the defendants and cross-complainants, John Gusti Lehti, John Kumpula, Tom Luoma, Jack N. Kontela and Aline Takala Hubbard, jointly and severally, for its costs and disbursements herein necessarily expended, hereby taxed at \$83.35.

XI.

It is further ordered, adjudged and decreed, and this does order, adjudge and decree, that defendant and cross-complainant, Lizzie Koske Melki, have, and she hereby is awarded judgment against plaintiff, Roseberry Irrigation District, for her costs and disbursements herein necessarily expended, hereby taxed at \$74.75.

Dated this 15 day of July, 1926.

/s/ Wd. L. Bryen
District Judge

Judgment Record, page 643
Indexed Compared

STATE OF IDAHO)
) ss.
County of Valley)

I, Forest E. Robb, Clerk of the District Court, in and for the above State and County, do hereby certify the foregoing to be a true and complete copy of that certain decree awarded July 15, 1926 where in Roseberry Irrigation District was plaintiff and Clarence Shaw et ux, et al., defendants, as the same appears of record in this office in Judgment Record 1, page 643.

In testimony whereof, I have hereto set my hand and official seal this 17th day of November, 1947.

/s/ Forest E. Robb
Clerk of the District Court
Valley County, Idaho