

No Color

Documents

In File

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: A55-10115
Date Received: 1/19/1989
Receipt No: W002117
Received By: DE JH

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ROBERT S. MACKENZIE 208-583-2353
Address: BOX 125
JORDAN VALLEY, OR 97910
AND/OR
Name: KAREN F. MACKENZIE 208-583-2353
Address: BOX 125
JORDAN VALLEY, OR 97910
2. Date of Priority: JUL 01, 1949
3. Source: SPRINGS Trib. to: SOUTH MOUNTAIN CREEK
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07S	05W	36	NE	NW			OWYHEE
5. Description of diverting works:
2 SPRINGS, GRAVITY PIPELINE TO HOUSE AND CORRALS.
6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.040		
7. Total Quantity Appropriated is:
0.040 C.F.S. (and/or) A.F.A.
8. Total consumptive use is Acre Feet Per Annum.
9. Non-irrigation uses:
D/1 HOUSEHOLD

A55-10115

Page 1

Date: 02/13/89

MICROFILMED
SEP 30 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	05W	25	SE	SW		DOMEST	
			SW	SE		DOMEST	

11. Place of use in counties: OWYHEE

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

13. Other Water Rights Used:
NONE

14. Remarks:
2 SPRINGS.

15. Basis of Claim: BENEFICIAL USE

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: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Identification No. ASS-10115Date Received 1-19-89Receipt Number W002117NOTICE OF CLAIM
TO A
WATER RIGHTRECEIVED
JAN 19 1989ACQUIRED UNDER STATE LAW
For Domestic and/or Stockwater Purposes
Where Daily Use is less than 13,000 gallons per day.
Department of Water Resources
Western Regional Office

Filing Fee \$25

Please type or print clearly

1. Name of Claimant (s) Robert S & Karen F. Mackenzie Phone (208) 583-2353Mailing Address Box 125 Jordan Valley Oregon Zip 979102. Date of Priority (Only one per claim) 7/1/1949 Month/Day/Year3. Source of water supply (Check one) () Groundwater or Other (x) (a) Springwhich is tributary to (b) South Mountain creek. Name or kind of source4. Location of point of diversion is: Township 7S Range 5WSection 36, 1/4 of NE 1/4 of NW 1/4, Govt. Lot _____, BM.,County of Owyhee

Additional points of diversion if any: _____

5. Description of existing diversion works (Ditches, Wells, Pumps, Pipelines, Headgate Etc.), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well.

2 Springs - gravity pipeline to house & corral

6. Water is claimed for the following: (limited to Domestic and/or Stockwater only. See Instructions.)

For Domestic purposes from 1/1 Month/Day to 12/31 Month/Day amount .04 (cfs)
(Both dates are inclusive)

For _____ purposes from _____ to _____ amount _____

7. Total quantity claimed .04 (cfs)8. Total consumptive use claimed is de minimus9. Non-irrigation uses. Describe fully. (Domestic: give number of households served if single ownership; Stockwater: Type and Number of livestock) 1 domestic

MICROFILMED

SEP 30 1992

HOW YOU WILL RECEIVE NOTICES IN THE SNAKE RIVER BASIN ADJUDICATION

All documents filed in the Snake River Basin Adjudication other than notices of claims are filed with the court. Notices of claims to water rights filed in the Snake River Basin Adjudication are filed with the Idaho Department of Water Resources. Copies of all documents filed in the Snake River Basin Adjudication will not be mailed to all parties (claimants) in the adjudication.

By order of the court, any document filed with the court will be mailed only to those parties who may be directly affected by it. A monthly docket sheet will be prepared by the department which contains a summary of all documents filed with the court in the previous month and the dates and locations of hearings scheduled for the following three months. The docket sheet will be filed with the district court clerk in each county within the Snake River Basin in Idaho. Copies of the docket sheet may be obtained from any of the offices of the department either in person or by mail; a small fee will be charged to cover the cost of mailing and/or copying. If you wish to receive a copy of the docket sheet each month, you should mark the appropriate place on your notice of claim form. You will be charged a small annual subscription fee to cover the cost of copying and mailing. Copies of any document listed on the docket sheet may be obtained from any of the offices of the department either in person or by mail; a small fee will be charged to cover the cost of mailing and/or copying.

Copies of all notices of claims filed with the department will be available for inspection from all offices of the department. Copies of the notices of claims may be obtained in person or by mail, but you will be charged for the cost of copying and mailing. (A claimant will not be charged for a copy of his or her own notice of claim, and a person who acquires property with water rights for which a notice of claim was filed will not be charged for a copy of the notice of claim filed by the previous owner.)

After the notices of claims have been reviewed, the director will prepare and file a report with the court. Part 1 of the report will contain the director's recommendations as to each water right claimed under state law. Part 2 of the report will list each federal reserved water right claimed. A number of reports will be prepared, one or more for each sub-basin in the Snake River Basin. When the report for your sub-basin is filed with the court, you will be mailed a notice informing you that the report for your sub-basin has been filed. The notice will be sent to the most recent address shown by the department's files. Attached to the notice will be a copy of those portions of the report describing the water rights you have claimed. If you do not agree with the way your water right is described, you may file an objection to the report with the court. You can also file an objection if you disagree with the way other claimant's water rights are described, and the notice will tell you where a copy of the full report is available for inspection. The notice will tell you when and where to file your objection. The notice of filing for each sub-basin report will also be published state-wide in local newspapers.

10. Place of use is: Township: 75 Range 5W

Section 25, SW 1/4 of SE 1/4, Govt. Lot _____, B.M.,

County of Oneida for (Circle One) Domestic Stock Domestic and Stock

Additional places of use, if any _____

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

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

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

13. Describe any other water rights used at the same place and for the same purposes as described above.

14. Remarks: 2 Springs

15. Basis of Claim (Circle One) Beneficial Use Posted Notice License Permit Decree

Court _____ Decree Date _____ Plaintiff vs Defendant _____

If applicable provide IDWR Water Right Number _____

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understood 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 do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) Robert MacKenzie Date 1/17/89

Date _____

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

of _____, that I have signed the foregoing
Organization
document in the space below as _____ of _____
Title Organization
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____ Date _____

Title and Organization _____

State of Idaho/or Idaho }
County of Canyon } SS.

Subscribed and sworn (or affirmed) before me this 17 day of January 19 89

SEAL

Notary Public John H. Moyer

Residing at 15470 Homedale Rd

My Commission Expires Sept 21, 1994

Last Name MacKenzie Ident No. _____

Copies: White-State, Yellow-Claimant

SEP 30 1992

It is very important that you inform the department in writing of any change in your address. This is to make sure that you receive the notices affecting your water rights that are to be mailed by the department.

If you are acquiring property with water rights in the Snake River Basin water system in Idaho (either by purchase, gift, inheritance, or other means), it is very important that you inquire of the department whether a notice of claim has been filed. If not, you must file a notice of claim or the water right may be declared by the court to no longer exist. If a notice of claim has been filed, it is very important that you file a written notice of change in ownership with the department. The notice of change in ownership must be accompanied by some evidence of the change in ownership, such as a copy of the deed or a property tax statement showing the name of the new owner. Again, this is to make sure that you receive the notices affecting your water rights that are to be mailed by the department.

The cost of the subscription to the docket sheet is \$7.50 for calendar year 1988. The cost of the subscription may increase a small amount for calendar year 1989 if the cost of copying and/or mailing should increase.

If you are planning to file a motion or other pleading (not a notice of claim) with the court (not IDWR), the court has issued an order setting a special procedure that is different from the usual civil rules. A copy of the order may be obtained from any office of IDWR; you may be charged for the cost of mailing and/or copying.

12/22/1988

SRBA CLAIMS RECEIVING CHECKLIST

CLAIMANT'S NAME MACKENZIECLAIM IDENT. NO. ASS-10115DATE RECEIVED 1-19-89CK # 2660AMOUNT \$ 792

- | | YES | NO | Required Info? |
|--|----------|----|----------------|
| 1. Is the name and address complete with zip code? | <u>X</u> | | * |
| 2. Is a priority date entered? | | | * |
| Is the priority date acceptable in view of mandatory filing dates? | | | * |
| 3. (a) Is a source entered? | | | * |
| (b) Is a tributary to entered? (if required) N/A | | | |
| 4. Is the legal description of the p.d. sufficient? | | | * |
| 5. Is there a description of the diverting works? | | | |
| 6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. | | | |
| Is the period of use included? | | | |
| Is a quantity claimed for each use? | | | * |
| 7. Is a total quantity claimed entered? | | | |
| 8. If required is a consumptive use entered? N/A | | | |
| Is the consumptive use correct? N/A | | | |
| 9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. N/A | | | * |
| 10. Is (are) the place(s) of use and purpose(s) indicated? | | | * |
| 11. Is (are) the county(ies) entered? | | | |
| 12. Is the ownership of p.u. checked? | | | |
| 13. Are other water rights listed or "none" indicated? | | | |
| 14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) N/A | | | |
| 15. Is the basis of the claim indicated? | | | |
| 16. Has the claimant requested a monthly docket sheet? (If yes, describe payment status in "Comments" below.) | | | |
| 17. Is the claim signed by the claimant, and is the signature appropriate? | | | * |
| 18. Has the claim been signed, sealed, and dated by a notary? | | | * |
| 19. Was this claim filed on time, or was an extension granted? | | | * |
| 20. Is the fee enclosed correct? Exempt | | | * |
| 21. If this claim is based on an existing water right, has the identification number been entered? N/A | | | |
| 22. Should this claim be receipted and data entered? | <u>X</u> | | |

Claim checked by: VERIFIED RDH Date: 1-28-89Claim must be returned to claimant: (Yes) (No)Claimant must be sent a copy of amended claim for approval: (Yes) (No)Receipt Prepared by: Date: Claim data entered by: Date: Checked by: Date: Sent to claimant by: Date: Comments: 25.00

MICROFILMED

SEP 30 1992

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

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	KAREN F MAC KENZIE	07/01/1949	DOMESTIC	01-01 12-31	0.04 CFS	
C	ROBERT S MAC KENZIE					
	PO BOX 125					
	JORDAN VALLEY OR 97910					
	(208) 583-2353					
				TOTAL DIVERSION:	0.04 CFS	

Water Source: SPRINGS

Tributary to: SOUTH MOUNTAIN CREEK

Stage: BENEFICIAL USE

Point(s) of Diversion:

T07S R05W S36

NENV

OWYHEE County

Place of use Legal Description for: DOMESTIC

								NE				NW				SW				SE											
								NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac		
---	---	---	:	---	---	---	---	---	---	---	---	:	---	---	---	---	:	---	---	---	---	:	---	---	---	---	:	---	---	---	---
07S	05W	25	:									:					:				D	:					:				D

POU County: OUYHEE

Non-Irrigation Uses: 1 HOME

Conditions of Approval:

- N11 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
- DETERMINATION OF HISTORICAL BENEFICIAL USE.
N13 - THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
- GALLONS PER DAY.

Remarks: EXP PARCEL NO. RP0120803

Dates: **Exam Made Date:**

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:
Presumption Flag:

Comments: Date: 04/03/1997 User-ID: DS1-DSHA Subject: D&S 1 HOME UPDATE
USE-NOT-IRRIGATION FIELD TEXT REPLACED WITH "1 HOME".
CONDITION CODES N11 AND N13 ADDED IF NOT ALREADY PART OF RECORD.
ANY GEN REMARK CHANGED TO AN EXP REMARK.

Audit: 06/20/97 LHARRIS

MICROFILMED

JAN 05 1999

JUN-18-1997
0012

1

RIGHT NUMBER: 55-10115

NAME AND ADDRESS: KAREN F MAC KENZIE
ROBERT S MAC KENZIE
BOX 125
JORDAN VALLEY OR 97910

SOURCE: SPRINGS TRIBUTARY: SOUTH MOUNTAIN CREEK

QUANTITY: 0.04 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 07/01/1949

POINT OF DIVERSION: T07S R05W S36 NENW Within Owyhee County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	DOMESTIC 1 HOME	01-01 12-31	0.04 CFS

PLACE OF USE: DOMESTIC Within Owyhee County
T07S R05W S25 SESW SWSE

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE
PARCEL NO. RP0120803

Indent

MICROFILMED

JAN 0 5 1999

AJ0749NP
No. R55-10115

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

DATE: 04/18/97
PAGE: 2

=====

Comments: Date: 04/03/1997 User-ID: DS1-DSHA Subject: D&S 1 HOME UPDATE
USE-NOT-IRRIGATION FIELD TEXT REPLACED WITH "1 HOME".
CONDITION CODES N11 AND N13 ADDED IF NOT ALREADY PART OF RECORD.
ANY GEN REMARK CHANGED TO AN EXP REMARK.

Audit: 04/18/97 MMINICUC

MICROFILMED

JAN 0 5 1999

AJ5809WP
No. R55-10115

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 04/04/97
PAGE: 31

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	KAREN F MAC KENZIE	07/01/1949	DOMESTIC ✓	01-01 12-31 ✓	0.04 CFS ✓	
C	ROBERT S MAC KENZIE BOX 125 JORDAN VALLEY OR 97910 (208) 583-2353					
					TOTAL DIVERSION:	0.04 CFS ✓

Water Source: SPRINGS

Tributary to: SOUTH MOUNTAIN CREEK ✓

Stage: BENEFICIAL USE ✓

Point(s) of Diversion:

T07S R05W S36 ✓

NENW ✓

OWYHEE County

Place of use Legal Description for: DOMESTIC

NE				NW				SW				SE			
T	R	S	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac									
07S	05W	25	:	:	:	:	:	:	:	:	:	:	:		

POU County: OWYHEE

Non-Irrigation Uses: 1 HOME ✓

Other Rights: NONE

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):

A55-04094 A55-10115 R55-04094

Other Water Rights Listing Overlapping Place(s) of Use:

A55-04094 R55-04094

Conditions of Approval:

- N11 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
- DETERMINATION OF HISTORICAL BENEFICIAL USE.
- N13 - THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
- GALLONS PER DAY.

Remarks: EXP PARCEL NO. RP0120803

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:
Presumption Flag:

Comments: Date: 04/03/1997 User-ID: DS1-DSHA Subject: D&S 1 HOME UPDATE

MICROFILMED

JAN 0 5 1999

04/18/1996
No BLT overlap

AJ5809NP
No. R55-10115

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 04/04/97
PAGE: 32

=====
Comments: Date: 04/03/1997 User-ID: DS1-DSHA Subject: D&S 1 HOME UPDATE
USE-NOT-IRRIGATION FIELD TEXT REPLACED WITH "1 HOME".
CONDITION CODES N11 AND N13 ADDED IF NOT ALREADY PART OF RECORD.
ANY GEN REMARK CHANGED TO AN EXP REMARK.

Audit: 01/28/92 SMITH 01/28/92 SMITH 03/30/95 POST-STD 04/03/97 DS1-DSHA

MICROFILMED

JAN 0 5 1999

OLD (D) NUMBER -

PHONE - 208-583-2353

JUL 19 1994

WATER RIGHT NUMBER - A55-10115

PREFIX TRANSLATION: ADJUDICATION CLAIM

+ - - - - CONDITIONS OF APPROVAL - - - - -
NO CONDITIONS OF APPROVAL FOUND.

+ - - - - DECREE PLAINTIFF - - - + + - - - - DECREE DEFENDANT - - - + + - DECREE DATE - +
00/00/0000

+ - - AUDIT FIELDS - 01/31/89 HARRIS 02/13/89 HARRIS 10/24/89 REFUNDML 02/04/91 MCCARTHY

+ - - - - COMMENTS - - - - -
NO COMMENTS FOUND

+ - - - - ADJUDICATION RIGHTS DATES AND FLAGS AREA - - - - -

COURT REPORT FILING - 00/00/0000	FIELD INSPECTION MADE - 00/00/0000	CIVIL CASE NUMBER - 39576
OBJECTION FILED DATE - 00/00/0000	FIELD INSPECTION FLAG -	OLD CASE NUMBER -
RESPONSE FILED DATE - 00/00/0000	VERIFIED DATE - 00/00/0000	OLD JUDICIAL DISTRICT -
CLAIM RECEIVED DATE - 01/19/1989	LAST AMENDED DATE - 00/00/0000	TEMPORARY RIGHT - P
PROOF DUE DATE - 00/00/0000	PROOF MADE DATE - 00/00/0000	WATER DISTRICT -
LICENSED DATE - 00/00/0000	RECEIPT NUMBER - W002117	FEDERAL/STATE INDICATOR - S
CLAIMS TAPE ERROR FLG -	POU OWNERSHIP FLAG - Y	PRESUMPTION FLAG -
FEE EXEMPT FLAG -	NAME CONNECTOR - AND/OR	

RP 0120803

DATA ENTRY

ENTERED

CHECKED

1-28-92 *[Signature]*
7/3/92 *[Signature]*

Verified By
Topo Map/Ortho-PQ
ASCS Map
Watermaster Records
NAPP Photos
Field Exam
Other (See Remarks)
County Records
Witness Statement
Project Records
IDWR Records

VERIFIED

JUL 24 1991

PROOF
JUN 01 1991

CERTIFIED
JUL 26 1991 MICROFILMED
WATER EXAMINER JUL 19 1994