

7N
6N

810 000
FEET

43°52'30"

116°30"

310 000 FEET

Produced by the Geological Survey

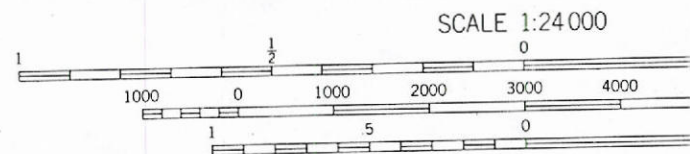
Orthophotograph prepared from 1:76,000-scale
aerial photographs taken August 4, 1974

Projection and 10,000-foot grid ticks: Idaho coordinate
system, west zone (transverse Mercator)
1,000-metre Universal Transverse Mercator grid ticks,
zone 11. 1927 North American datum

Photoimagery transformed by scanning techniques
which may produce double or mismatched images;
use the mean of image positions for map point.

This map has been prepared by the Idaho Department of Water Resources pursuant to
Idaho Code §42-1410 to assist claimants in filing notices of claims and objections in the Snake
River Basin Adjudication. No warranty, either express or implied, is made and no legal
responsibility is assumed by IDWR, its employees, its agents, contractors, and reproduction
firms particularly - Bonneville Blueprint Supply Co. Inc. or its employees for the accuracy,
completeness, or usefulness of any information set forth on this map.

NORTH



Copies Of These Maps Can
At Bonneville Blue Print, I

THIS MAP COMPLIES WITH NATIONAL MAP ACCURACY
FOR SALE BY U.S. GEOLOGICAL SURVEY, MENLO PARK, CALIF.

SEP 15 1992

MICROFILMED

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

MAP NO.

WATER RIGHT

65-0942-

6-1W-13

(Name of Claimant)

~~Rt. 3, Box 353, Emmett, Idaho~~

(Mailing Address)

At. 3, Box 353, Emmett, Idaho, 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) Nov. 16, 1932 ✓

(2) Describe source of water: (Name of stream, lake, spring, etc., or subterranean) Unnamed gulch (waste water)

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

Use Irrigation Period of Use From April 15 To Oct 15
(Domestic, irrigation, stock, etc.) (Mo., Day) (Mo., Day)
(Both Dates Inclusive.)

Use _____ Period of Use From _____ To _____
(Domestic, irrigation, stock, etc.) (Mo., Day) (Mo., Day)

Use _____ Period of Use From _____ To _____
(Domestic, irrigation, stock, etc.) (Mo., Day) (Mo., Day)

(4) Quantity of water claimed: 0.08 Cubic Feet Per Second, or _____ Acre Feet Per Annum,
and/or _____ Gals. Per Minute. 51.4 11.4

(5) A) Point of Diversion: Give location of point where water is diverted from its source _____
Sec. 5, Twp. 6N, Rge. 1W, 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. Pump and pipeline

(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.

[illegible]

Total No. of acres.....4.0

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

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

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

→ (9) Remarks (This rd when combined w/ rts of Emmett Irrigation District shall provide no more than .02 cfs/acre or 4.5 AFD/acre)§

(10) Basis of claim (Check one) ☒ A) Right based on diversion and beneficial use. ☐ B) Right decreed by court, cite title of case _____

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

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

Individual

Roy P. Ash
(Signature of Claimant)

(Signature of Claimant)

Organization

(Signature of Spouse)

(Signature of Authorized Agent)

State of Delaware

Organization

County of Daviess

On this 17th day of February, in the year 1970, before me,

a notary public, personally appeared Debra A. Galt
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. (_____) Debra A. Galt

Notary Public residing at Anneth South

My commission expires Dec 17, 1970

2-9-77 B/D! DET 2-27-78

MICROFILM

SEP 15 1992

ADJUDICATION DIVISION

REPORT OF EXAMINERS

Claim No. 65-09421. Name of Applicant. Ray P. Ash2. Priority. 11/14/19323. Source of Water. waste water

4. Determine Purpose and Quantity of Water Found Used:

(Quantity) (Dom., Irr., Stk. water, etc.)

... Q.B. Use Domestic Tr Period of Use From 12/1/31 To 10/31

..... Use Period of Use From To

..... Use Period of Use From To

5. Location of Point of Diversion: SW NW of Section 5Twp. 6N, Rge. 1W, County of Gem6. Describe Diversion Works: waste water ditch

7. Describe Location of Use:

TWP.	RGE.	SEC.	NE 1/4				NW 1/4				SE 1/4				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
<u>6N</u>	<u>1W</u>	<u>5</u>						<u>40</u>							<u>40</u>

TWP. 6N RGE. 1W COUNTY Gem SCALE: 1" = 1 MILE

8. Purpose Other Than Irrigation: Irrigation of 3 acres pasture9. Remarks: Gray house... Box 353 Rt 3 May Ident # 67
should be SW NW NW not SE NEThis examination was made on the 26 day of Jan, 1936(Signed) George L. Lyle
Examiner.

MICROFILMED

SEP 15 1992

Idaho Dept. of Water Resources

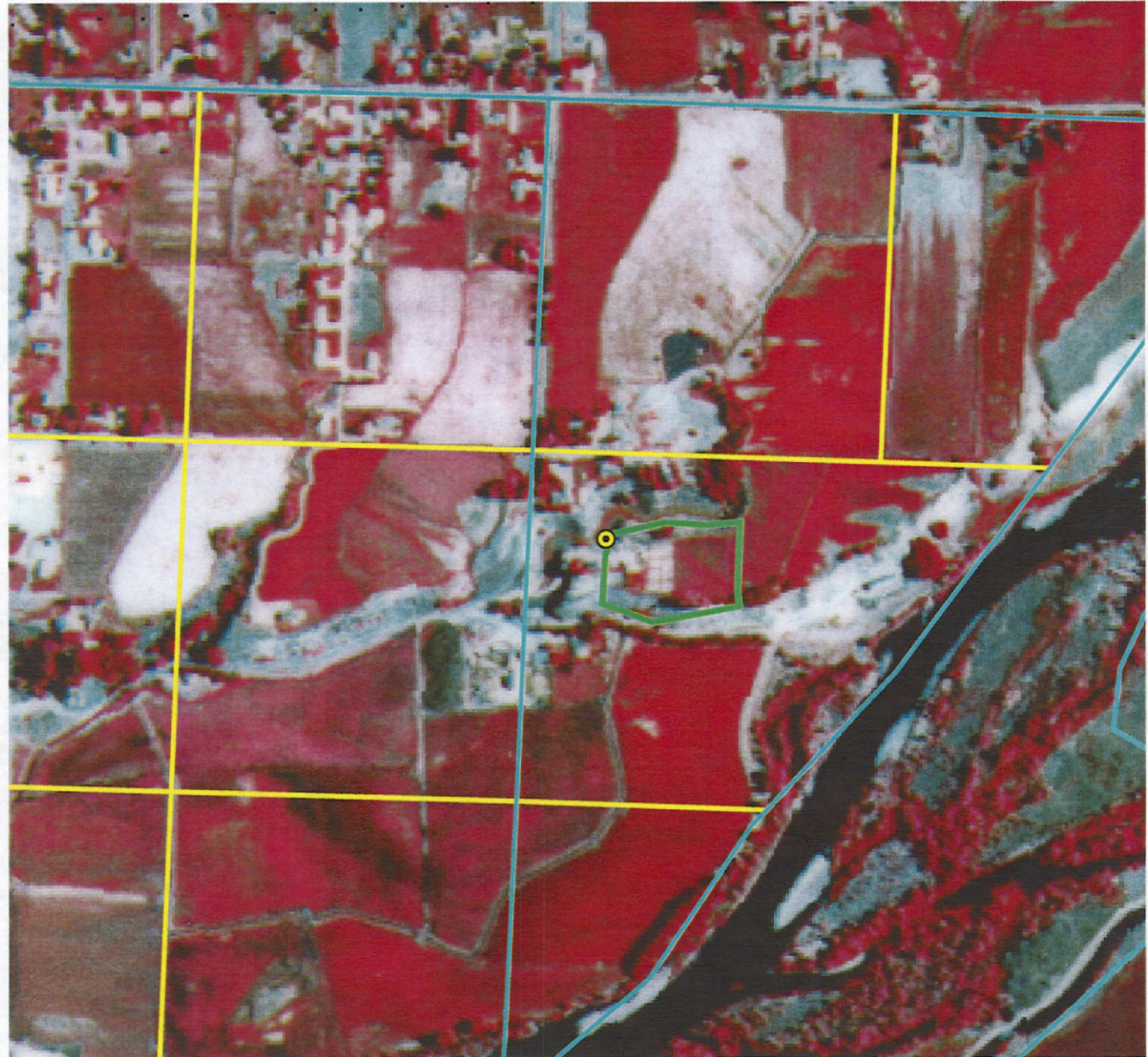
Claim No(s): 65-00942

T6N, R01W, 5

Created by: Sue Bock

Date: 9/07/2000

-  Place of Use
-  Point of Diversion
-  Section lines
-  1/4 1/4 lines



0 1000 2000 3000 Feet



1987 NAPP Photo

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 65-942
Date Received: 12/28/1989
Receipt No: X999999
Received By:

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

1. Name of Claimant(s)

RICHARD K LINVILLE Phone: (208)365-5227
PO BOX 671
EMMETT ID USA 83617

AMY M LINVILLE Phone: (208) 365-5227
PO BOX 671
EMMETT ID USA 83617

2. Date of Priority: 11/16/1932

3. Source: WASTEWATER Trib. to: PAYETTE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
06N	01W	5	SW NW 6	GEM	

5. Description of diverting works:

PUMPED FROM DRAIN, SPRINKERS, HOSES.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	0.08	

7. Total Quantity Appropriated is:
0.08 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

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

2

03/08/2001

RECEIVED

MAR 23 2001

WATER RESOURCES
WESTERN REGION

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: April 13, 2001

Water right number: 65-942

RICHARD K LINVILLE

~~628 E MAIN ST~~

EMMETT ID 83617

Telephone Number: (208)365-5227

AMY M LINVILLE

~~628 E MAIN ST~~

EMMETT ID 83617

RECEIVED

MAR 22 2001

Department of Water Resources

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

Address change

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

☐ I AGREE with this proposed recommendation: no changes need to be made.

DATE:

3/20

SIGNATURE:

R. Linville

Please print your name:

Richard H. Linville

IDWR Regional Office, 2735 Airport Way, Boise, ID 83705, (208) 334-2190

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 65-942
Date Received: 12/28/89
Receipt No:
Received By:

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

1. Name of Claimant(s): RICHARD K LINVILLE
628 E MAIN ST
EMMETT ID USA 83617

Phone: (208)365-5227

AMY M LINVILLE
628 E MAIN ST
EMMETT ID USA 83617

Phone: (208) 365-5227

2. Date of Priority: 11/16/1932

3. Source: WASTEWATER Trib. to: PAYETTE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County
06N	01W	5	SW NW 6	GEM

5. Description of diverting works:

PUMPED FROM DRAIN, SPRINKERS, HOSES.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	0.08	

7. Total Quantity Appropriated is:
0.08 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
06N	01W	5	SW NW	6	IRRIGATION	4
Section Acres						4
Total Acres						4

11. Place of use in counties: GEM

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

13. Other Water Rights Used:

14. Remarks:

THIS RIGHT WHEN COMBINED WITH RIGHTS OF EMMETT IRRIGATION DISTRICT SHALL
PROVIDE NO MORE THAN .02 CFS/ACRE
Ownership changed by DB 1/5/2001.

15. Basis of Claim: Decreed

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

RECEIVED

MAR 11 1999

WATER RESOURCES
WESTERN REGION

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Water Right Number(s) 65-00942
Adjudication Claim Number(s) _____
2. The following **REQUIRED** information must be submitted with this form.
 - A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question. WITH ATTACHED LEGAL DESCRIPTION.
AND
 - B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.)
OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant(s) Dorothy M. Ash
952 Lower Bluff Rd.
4. New Owner/Claimant(s) Richard K. Linville and Amy M. Linville
Name connector (Check one): ☒ AND ☐ OR ☐ AND/OR
New Mailing Address 628 E. Main St.
City, State and ZIP Code Emmett Id. 83617
New Telephone Number () 365-5227
5. Date you acquired the property 2/1/99
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.
Number of acres actually irrigated _____ Number and type of stock _____
Diversion rate in CFS _____ Number of homes _____ Other uses _____
cubic feet per second
If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
7. Signature of New Owner/Claimant(s) *Amy M. Linville* Date 3/10/99
R. K. Linville Date 3/10/99
8. (Corporations or other organizations must submit a list of directors/officers demonstrating authority to sign form.)
For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

Richard K. Linville

*628 East Main Street
Emmett, Idaho 83617*

*208-365-5227
RKLlinville@aol.com*

RECEIVED

MAR 11 1999

WATER RESOURCES
WESTERN REGION

March 10, 1999

IDWR Western Region
2735 Airport Way
Boise, ID 83705-5082

Dear IDWR:

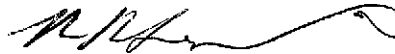
I am enclosing my **NOTICE OF CHANGE OF OWNERSHIP** for water right No. 65-00942 serving property I recently purchased at 952 Lower Bluff Road, Emmett, Idaho. I purchased this property from Linda DeMasters. She never had the water right changed to her name from Dorothy Ash, from whom she purchased the property.

I am also enclosing a copy of my deed. The property is 15+ acres.

Please cause this water right to be changed to the names of Richard K. Linville and Amy M. Linville.

Thank you very much.

Sincerely Yours,



Richard K. Linville

INSTRU. NO.	204406
PAGES	1 OF 5

WARRANTY DEED

GRANTOR, LINDA S. DeMASTERS, a single woman, of Emmett, County of Gem, State of Idaho, for a good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey unto RICHARD K. LINVILLE and AMY LINVILLE, husband and wife, whose current address is 628 E. Main, Emmett, ID 83617, as GRANTEES, and to Grantees' heirs and assigns forever, all of the following described real estate located in Gem County, Idaho:

See Exhibit A which is attached hereto and incorporated herein by reference as if set out in full.

RESERVING THEREFROM, an easement for the benefit of the property described on Exhibit B which is attached hereto and incorporated herein by reference. This easement shall be for the enjoyment of a view over and across a portion of the property being sold, which portion is more particularly described on Exhibit C which is attached hereto and incorporated herein by reference. In order to protect the view from the property described on Exhibit B, no structures, trees, vegetation or anything else in excess of three feet in height shall be constructed or allowed to grow on the property described on Exhibit C. The obligation to trim the foliage shall be the responsibility of the owner of the property described on Exhibit B. This easement includes the right of ingress and egress to the property described on Exhibit C for the purpose of maintaining the easement.

THE EASEMENT that is hereby reserved is perpetual and shall run with the land and shall be for the benefit of and bind the Grantor and Grantees, and their heirs, assigns and personal representatives.

TOGETHER with all improvements and appurtenances thereto.

Subject to such rights of way, easements, covenants, restrictions and zoning regulations as appear of record or by use upon the premises.

Grantor, for herself, her heirs and assigns does hereby covenant, warrant and shall defend the quiet and peaceable possession of said premises by the Grantees, their heirs and assigns forever against the lawful claims of all persons.

In construing this deed and where the context so requires, the singular includes the plural and the masculine, feminine and the neuter.

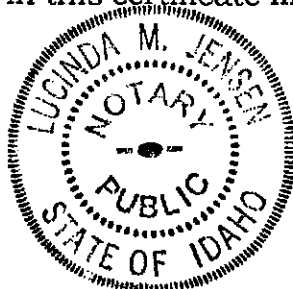
IN WITNESS WHEREOF, GRANTOR has hereunto subscribed her name to this instrument this 1st day of February, 1999.

Linda S. DeMasters
LINDA S. DeMASTERS

STATE OF Idaho)
County of Gem) ss.

On this 1st day of February, 1999, before me, the undersigned, a Notary Public for Said State, personally appeared LINDA S. DeMASTERS, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

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



Lucinda M. Jensen
Notary Public for Idaho
Residing at Emmett, Idaho
My Commission Expires 6-30-2000

EXHIBIT A

INSTRU. NO.	204406
PAGES	3 OF 5

In Gem County, Idaho:

Beginning at the Northwest corner of Lot 6, in Section 5, T. 6 N., R. 1 W., B.M., thence
South on the section line 221 feet, to the Point of Beginning of the land being described; thence
South 87° East 149 feet; thence
North 38°30' East 114 feet; thence
North 74°30' East 132 feet; thence
South 80°30' East 262 feet; thence
North 15° East 153 feet, to the North line of said Lot 6; thence
East along the North line of said Lot 6, a distance of 1002 feet; thence
South 43° West 448 feet; thence
South 65° West 543 feet; thence
South 84° West 298 feet; thence
South 88° West 440 feet; thence
South 85°30' West 380 feet; thence
North 64° East 129 feet; thence
North 46° East 140 feet; thence
North 4° East 240 feet, to said Point of Beginning.

EXHIBIT B

INSTRU. NO.	204406
PAGES	4 OF 6

In Gem County, Idaho:

Lots 1 and 2, B&H Subdivision, Section 5, Township 6 North, Range 1 West, Boise Meridian, according to the official plat on file in Book 1 of Plats, at Page 60 of the records of Gem County Recorder, Gem County, Idaho.

EXHIBIT C

INSTRU. NO.	<u>204406</u>
PAGES	<u>5</u> OF <u>5</u>

In Gem County, Idaho:

Beginning at the Northwest corner of Lot 6, in Section 5, Township 6 North, Range 1 West, B.M., Gem County, Idaho, run thence

South on the section line 221 feet, to the point of beginning of the View Easement reserved by the property owners of Lots 1 & 2 of B&H Subdivision; thence

South 87° East, 149 feet; thence

South 25 feet; thence

North 87° West, 149 feet more or less to the West line of Lot 6; thence

North 25 feet along the West line of Lot 6, Section 5, T. 6 N., R. 1 W. to the point of beginning.

204406

Gem County, Idaho) ss
Recorded at request of
Alliance Title & Escrow

Time 11:10 AM

Date February 12, 1999

Instru. No. 204406

Recorded as a Deed

Susan K. Howard, Clerk
Ex-officio Recorder

By: Judy Bigham
Deputy

Fee \$ 15.00

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: A65-00942
Date Received: 12/28/1989
Receipt No: X999999
Received By: RA

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: STEVE B. DE MASTERS 208-365-6747
Address: 1112 LOWER BLUFF RD.
EMMETT, ID 83617

OR
Name: LINDA S. DE MASTERS 208-365-6747
Address: 1112 LOWER BLUFF RD.
EMMETT, ID 83617

2. Date of Priority: NOV 16, 1932

3. Source: WASTE WATER Trib. to: PAYETTE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
06N	01W	5	SW	NW		6	GEM

5. Description of diverting works:
PUMPED FROM DRAIN, SPRINKERS, HOSES.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.080		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
INSTREAM STOCKWATER

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06N	01W	5	SW	NW	6	IRR	4.0
Section Acres							4.0
Total Acres							4.0

11. Place of use in counties: GEM

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

13. Other Water Rights Used:

A65-00943, EMMETT IRRIGATION

14. Remarks:

THIS RIGHT WHEN COMBINED WITH RIGHTS OF EMMETT IRRIGATION
DISTRICT SHALL PROVIDE NO MORE THAN .02 CFS/ACRE.

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 ☒ 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): Steve B. DeMaster Date: 12/28/89

Date: _____

State of Idaho)
County of ADA) SS.

Subscribed and sworn (or affirmed) before me this 28th day
of Dec 19 89 Ron Howerton
Notary Public

Seal

Residing at Ron Howerton
Residing at Boise, Idaho
My Commission Expires December 8, 1994

7N
6N

810 000
FEET

43°52'30"

116°30"

310 000 FEET

Produced by the Geological Survey

Orthophotograph prepared from 1:76,000-scale
aerial photographs taken August 4, 1974

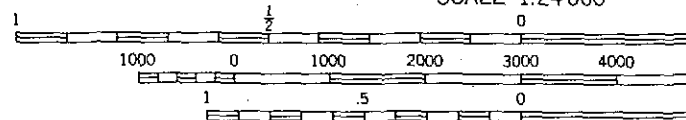
Projection and 10,000-foot grid ticks: Idaho coordinate
system, west zone (transverse Mercator)
1,000-metre Universal Transverse Mercator grid ticks,
zone 11. 1927 North American datum

Photoimagery transformed by scanning techniques
which may produce double or mismatched images;
use the mean of image positions for map point.

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Idaho Code §42-1410 to assist claimants in filing notices of claims and objections in the Snake
River Basin Adjudication. No warranty, either express or implied, is made and no legal
responsibility is assumed by IDWR, its employees, its agents, contractors, and reproduction

NORTH

SCALE 1:24 000



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At Bonneville Blue Print, I

THIS MAP COMPLIES WITH NATIONAL MAP ACCUR.
FOR SALE BY U.S. GEOLOGICAL SURVEY, MENLO PARK

SEP 15

116°30"

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

MAP NO.

(Name of Claimant)

claims a right to the diversion

The extent and nature of said claim is as follows:

SEP 15 1997

ADJUDICATION DIVISION

REPORT OF EXAMINERS

Claim No. 25-0942

1. Name of Applicant Ray... P. Ash

2. Priority 11/16/1932

3. Source of Water waste water

4. Determine Purpose and Quantity of Water Found Used:

(Quantity) (Dom., Irr., Stk. water, etc.) (to.-Day) (Mo.-Day)
 ... 4.0 Use Domestic Period of Use From 11/1 To 10/31
 ... Use ... Period of Use From ... To ...
 ... Use ... Period of Use From ... To ...

5. Location of Point of Diversion: SW NW of Section 5

Twp. 6N, Rge. 1W, County of Gem

6. Describe Diversion Works: waste water ditch

7. Describe Location of Use:

TWP.	RGE.	SEC.	NE 1/4				NW 1/4				SE 1/4				SW 1/4				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
<u>6N</u>	<u>1W</u>	<u>5</u>							<u>4.0</u>										<u>4.0</u>

TWP. 6N RGE. 1W COUNTY Gem SCALE: 1" = 1 MILE

8. Purpose Other Than Irrigation: Irrigation of 7 acres pasture

9. Remarks: Gray house... Box 393 Rt 3 May Ident # 69
should be SW NW nat. S.E. NE

This examination was made on the 26 day of Jan, 1936

(Signed) Levitt L. Lydon Examiner.

MICROFIL

SEP 15 1936

65-00942

First Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

RETURN TO SENDER

fee due 600

U.S. POSTAL SERVICE
PS FORM 3547

First Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

RETURN TO SENDER

fee due 600

U.S. POSTAL SERVICE
PS FORM 3547

RECEIVED
MAR 21 2001
WATER RESOURCES
WESTERN REGION

RICHARD K LINVILLE
AMY M LINVILLE
628 E MAIN ST
EMMETT ID 83617

LINV628 836172011 1A00 07 03/15/01
LINVILLE
1040 E PARK ST
EMMETT ID 83617-3220
FORM 3547



03/27/2001

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

WATER RIGHT NO. 65-942

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	AMY M LINVILLE
Current Owner	RICHARD K LINVILLE
	PO BOX 671
	EMMETT, ID 83617
	(208) 365-5227
Original Owner	LINDA S DE MASTERS
Original Owner	STEVE B DE MASTERS
	1112 LOWER BLUFF RD
	EMMETT, ID 83617
	(208)365-6747
Original Owner	DOROTHY M ASH
Original Owner	ROY P ASH
	952 LOWER BLUFF RD
	EMMETT, ID 83617

Priority Date: 11/16/1932
Basis: Decreed
Status: Active

<u>Source</u>	<u>Tributary to</u>
WASTEWATER	PAYETTE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	3/15	11/15	0.08 CFS		
Total Diversion			0.08 CFS		

Location of Point(s) of Diversion:

WASTEWATER	SWNW Lt 6	Sec. 05	Township 06N	Range 01W	GEM County
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IRRIGATION Use:
Acre Limit: 4

Place(s) of use:

Place of Use Legal Description: IRRIGATION	GEM County
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<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
06N	01W	5	6	SWNW	4						

Total Acres: 4

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.
2. W16 USE OF THIS RIGHT IS COMBINED WITH WATER FROM EMMETT IRRIGATION DISTRICT.

Comments:

Author	Date	Subject	Comment
cduncan	1/10/2001	Comm:	POU shown on map in claim file, CD 1/10/01.
sbock	3/27/2001	ADDRESS	ADDRESS CORRECTION PER NOTICE OF ERROR

Dates:

Licensed Date:
 Claim Received Date: 12/28/1989
 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:

Element	Last Review Date	Reviewer	Last Verified Date	Verifier	Status
Contacts	1/10/2001 8:38:32 AM	cduncan			In Process
POD	1/10/2001 8:40:32 AM	cduncan			In Process
POU	1/10/2001 8:42:28 AM	cduncan			In Process
Priority Date	1/10/2001 8:39:42 AM	cduncan			In Process
Quantity	1/10/2001 8:47:01 AM	cduncan			In Process
Season	1/10/2001 8:46:24 AM	cduncan			In Process
Source	1/10/2001 8:41:38 AM	cduncan			In Process
Summary	1/10/2001 9:03:16 AM		1/10/2001 9:03:16 AM	cduncan	Complete
Use	1/10/2001 8:45:26 AM	cduncan			In Process

Other Information:

Receipt Number(s): X999999
 State or Federal: S
 Owner Name Connector: AND
 Water District Number:
 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:

Element	Date Time Stamp	Reviewer	Log Text
Contacts	1/10/2001 8:38:30 AM	cduncan	1. Appointment has not been scheduled.
POD	1/10/2001 8:59:22 AM	cduncan	Edited point location
POD	1/10/2001 8:40:30 AM	cduncan	1. (NO) The basis is not beneficial use. 2. (YES) Parent right has a Point of Diversion. 3. (YES) The claimed Point of Diversion can be verified using the water right file. 8. (NO) Point of Diversion remark was not required. 9. (NO) Point of Diversion condition was not required.
POU	1/10/2001 8:42:26 AM	cduncan	1. (YES) The POU is required. 2. (YES) The basis of claim is beneficial use. 5. (NO) There is no evidence that there has been a change in the POU. 9. (YES) The file contains all the necessary information to verify the POU. 12. (NO) POU remark was not required.

Priority Date	1/10/2001 8:39:39 AM	cduncan	13. (NO) POU condition was not required. 1. (NO) There has not been a later court decree of the water right(s) from the water source. 4. (NO) The basis of claim is not beneficial use. 5. (NO) The basis of claim is not a posted notice. 6. (YES) Parent right has a priority date. 7. (NO) The basis of claim is not an application or permit. 12. (YES) The claim is recommended. 13. (YES) The claim is coded correctly. 14. (NO) Priority remark was not required. 15. (NO) Priority condition was not required.
Quantity	1/10/2001 8:46:59 AM	cduncan	1. (NO) The basis of claim is not beneficial use. 2. (NO) The basis of claim is not a posted notice. 3. (YES) The parent right has a diversion rate and/or diversion volume. 4. (YES) The claimed diversion rate and/or volume can be verified using the water right file. 6. (NO) The source is not ground water and the purpose of use does not require a diversion volume limit. 7. (NO) The parent right does not have an annual diversion volume limit. 9. (NO) Quantity remark was not required. 10. (NO) Quantity condition was not required.
Season	1/10/2001 8:46:22 AM	cduncan	1. (NO) The basis of claim is not beneficial use. 2. (YES) The parent right has a period of use. 3. (YES) The claimed Period of Use can be verified using the water right file. 12. (YES) Irrigation is the purposed use. 14. (NO) The period of use on the decree, license or transfer is not shorter on either the start or end date than allowable under IDWR's current standard. 15. (NO) Period of Use remark was not required. 16. (NO) Period of Use condition was not required.
Source	1/10/2001 8:41:36 AM	cduncan	1. (NO) The basis is not beneficial use. 2. (YES) Parent right has a source. 3. (YES) The claimed source can be verified using the water right file. 8. (YES) The source is surface water. 9. (YES) The source is a standard source. 10. (NO) Source remark was not required. 11. (NO) Source condition was not required.
Summary	1/10/2001 9:03:14 AM	cduncan	1. (NO) The basis of the claim is not beneficial use. 3. (NO) There is no indication that there has been a five year period of continuous nonuse that could result in a recommendation of forfeiture or partial forfeiture. 5. (YES) General remark was required. 6. (NO) Explanatory remark was not required. 7. (NO) Additional condition was not required. 8. (YES) Wanted to view the recommended right. 9. (NO) This is not a split right. 10. (NO) This is not a combined right. 11. (NO) Documents were not linked or attached to this file.
Use	1/10/2001 8:45:24 AM	cduncan	12. (YES) Set the verification date. 1. (NO) The basis of claim is not beneficial use. 2. (YES) The parent right has a purpose of use. 3. (YES) The claimed purpose of Use can be verified using the water right file. 11. (NO) Purpose of Use remark was not required. 12. (NO) Purpose of Use condition was not required.

01/10/2001

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

RIGHT NUMBER: 65-942

NAME AND ADDRESS: AMY M LINVILLE
RICHARD K LINVILLE
628 E MAIN ST
EMMETT, ID 83617

SOURCE: WASTEWATER TRIBUTARY: PAYETTE RIVER

QUANTITY: 0.08 CFS

PRIORITY DATE: 11/16/1932

POINT OF DIVERSION: T06N R01W S5 LOT 6 SWNW Within GEM County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	3-15 11-15	0.08 CFS

PLACE OF USE:

<u>IRRIGATION Within GEM County</u>			
T06N R01W S5	LOT 6	SWNW	4

4 ACRES TOTAL

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

USE OF THIS RIGHT IS COMBINED WITH WATER FROM EMMETT
IRRIGATION DISTRICT.

DATE: 07/28/00
PAGE: 18

POU → Shown on map in
Claim File

Remove Replace w/ wire

~~POU shown~~ clean file

WR5809NP
No. 65-00942

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 08/24/00
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	ROY P. ASH	11/16/1932	IRRIGATION	03/15 11/15	0.080 CFS	
C	DOROTHY M. ASH 952 LOWER BLUFF RD. EMMETT ID 83617					
TOTAL DIVERSION:					0.080 CFS	

Water Source: WASTE WATER

Tributary to: PAYETTE RIVER

Stage: DECREED

Point(s) of Diversion: T06N R01W S05 Lot 06()

GEM County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE														
T	R	S		NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM		
---	---	---	---	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	---
06N	01W	5	:					:					:					:							:	4.0
TOTAL ACRES																							4.0			

Pou County: GEM

Remarks: GEN THIS RIGHT WHEN COMBINED WITH RIGHTS OF EMMETT IRRIGATION
DISTRICT SHALL PROVIDE NO MORE THAN .02 CFS/ACRE.

Dates: App. Received: Priority Date: 11/16/1932
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: 65 Field Exam Fee:

Idaho Dept. of Water Resources

Claim No(s): 65-00942

T6N, R01W, 5

Created by: Sue Bock

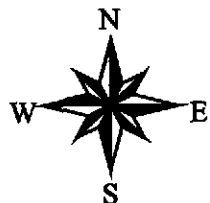
Date: 9/07/2000

 Place of Use

 Point of Diversion

 Section lines

 1/4 1/4 lines



0 1000 2000 3000 Feet



1987 NAPP Photo



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