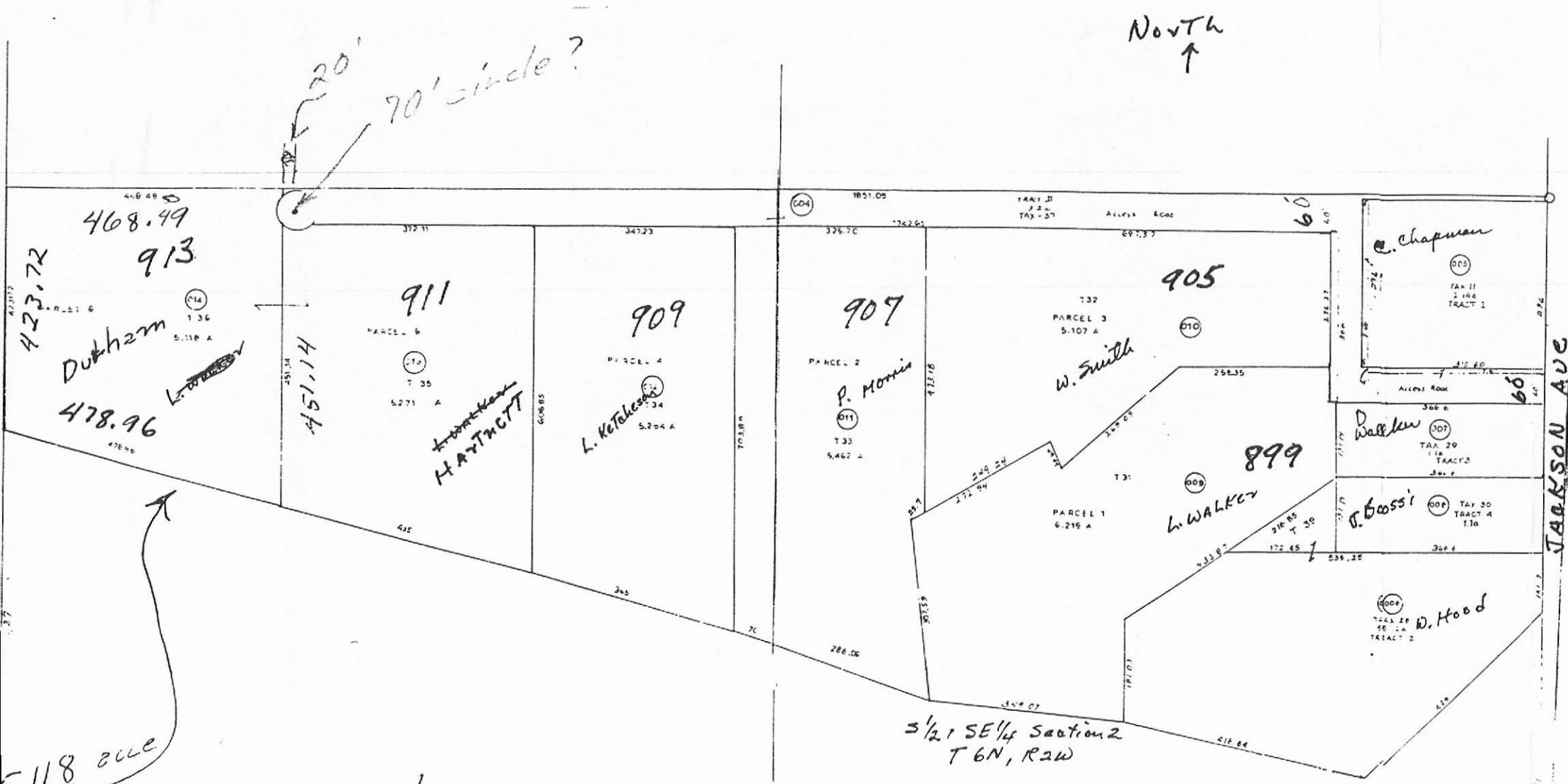




5,118 ac
of Lucille Durham

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JUL 01 1993

Department of Water Resources
Western Regional Office

411,841 ToT



10 000 FEET

AG5-18309
+ AG5-00955

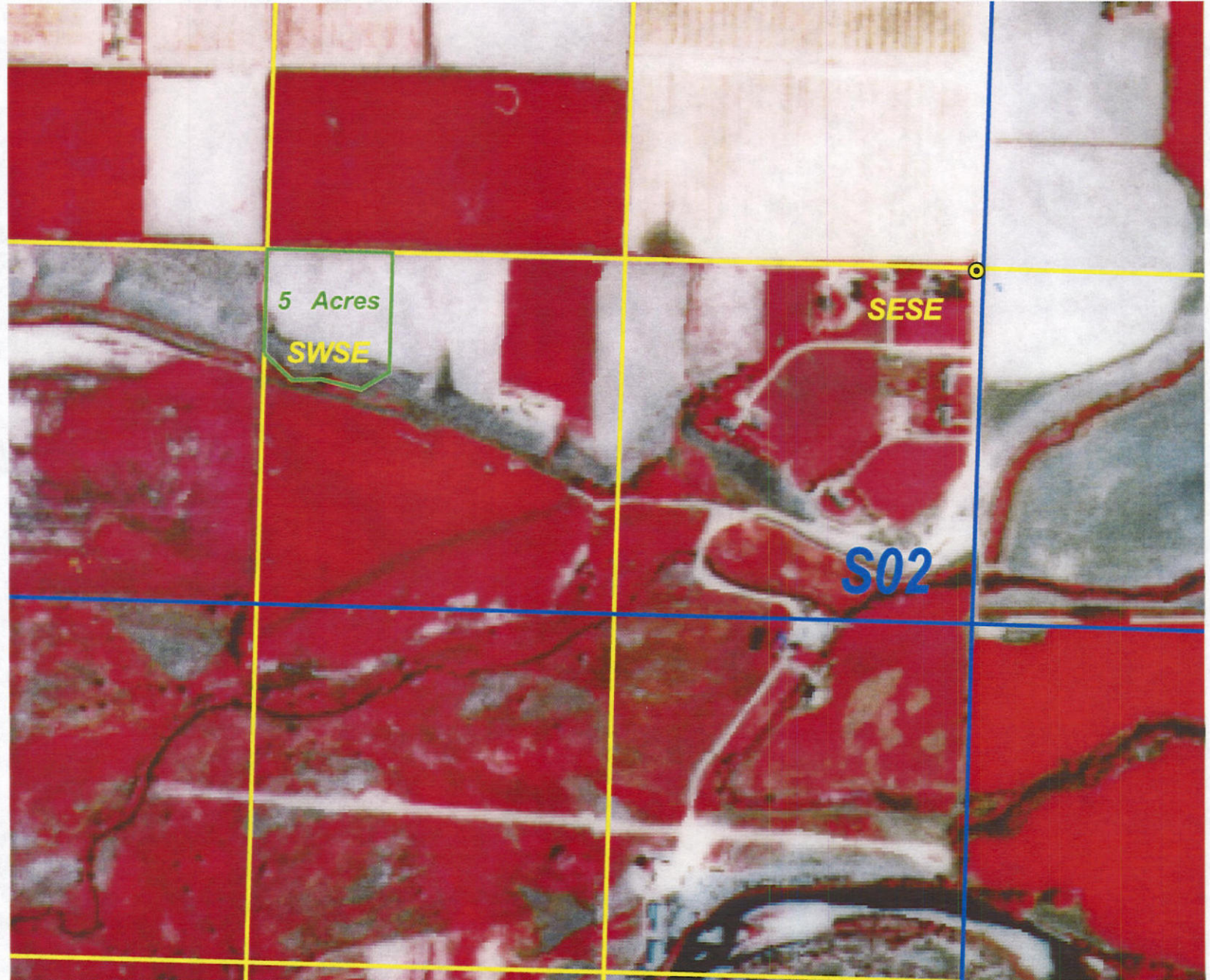
SCALE 1:24 000

SECTION 15 T6N. R2W. Sec. 2 SE. SE

**T06N R02W
S02**

Idaho Department of Water Resources

**Claims: 65-00955B
Prepared by:
RON HOWERTON
Date: 31 AUG 00**



 **Place of use**

 **POD**

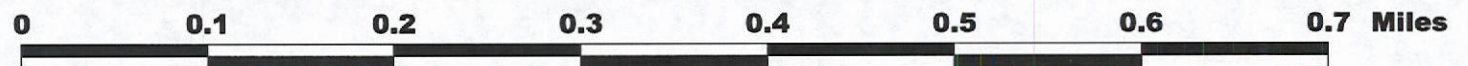
 **SECTION**

 **1/4 1/4**

5 Acres



1987 NAPP



**T06N R02W
S02**

Idaho Department of Water Resources

Claims: 65-00955B

Prepared by:

RON HOWERTON

Date: 31 AUG 00

 **Place of use**

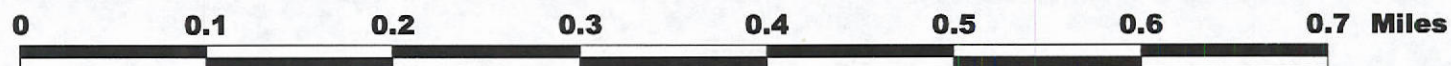
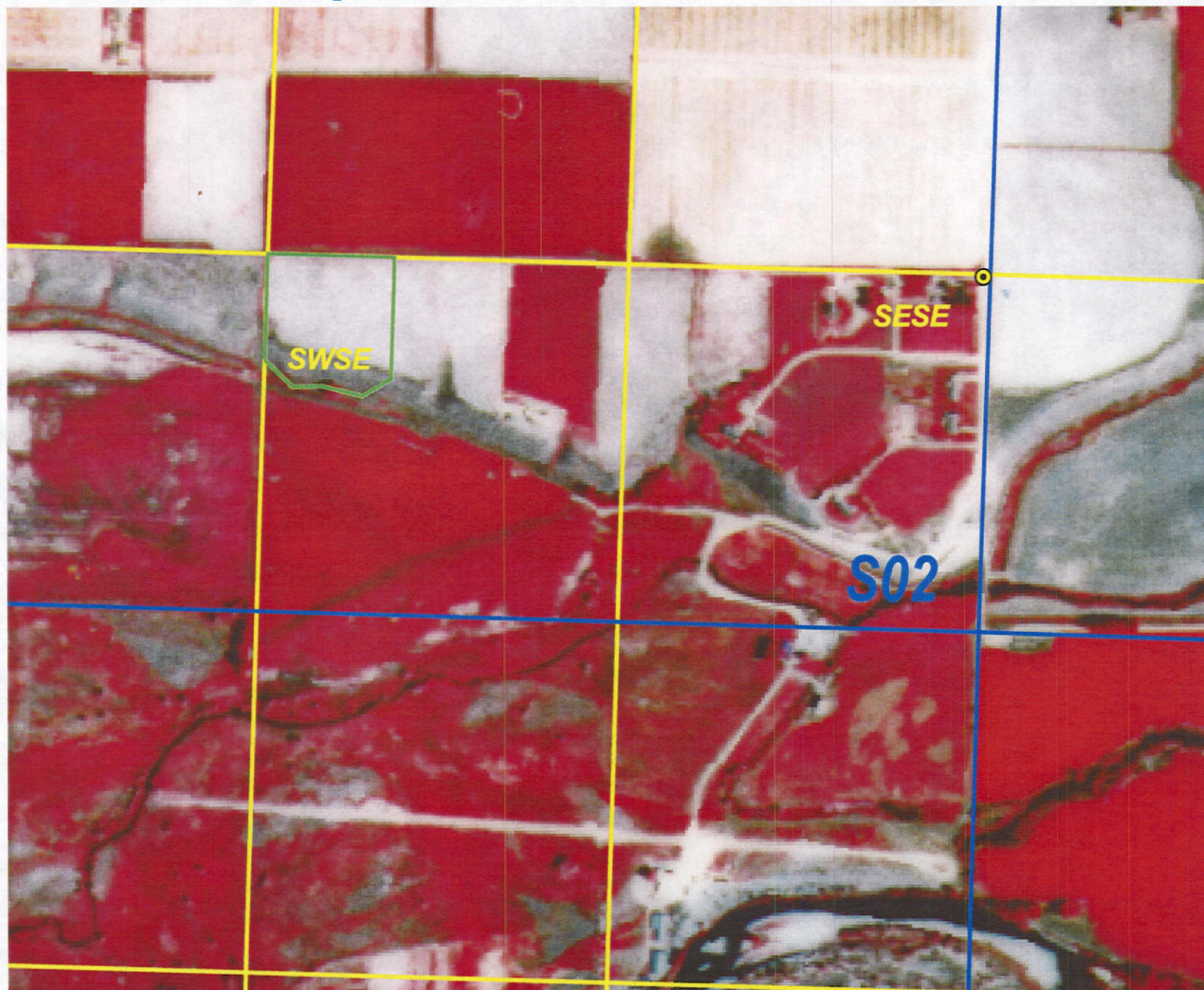
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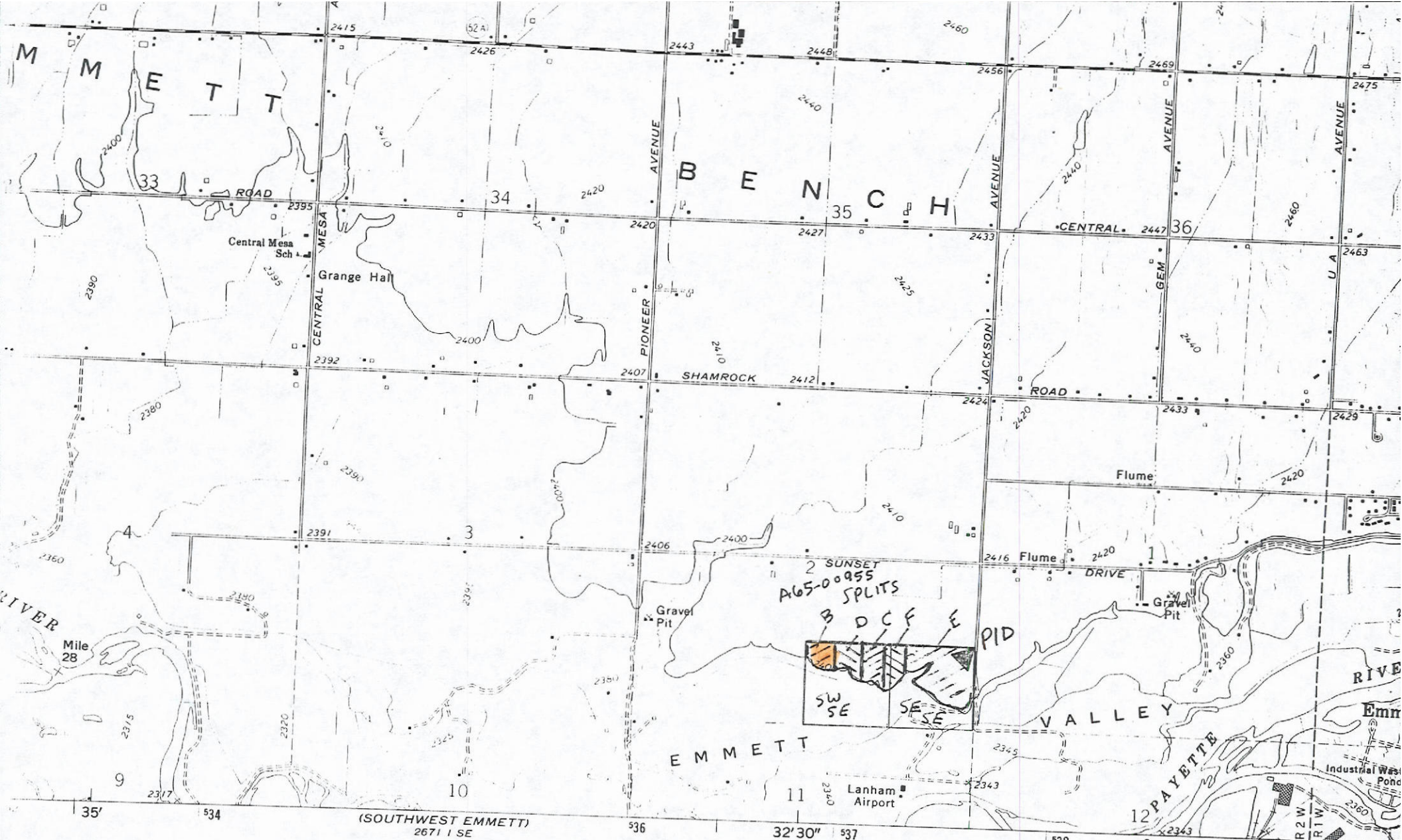
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 **1/4 1/4**



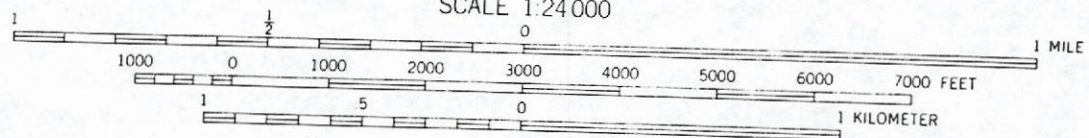
1987 NAPP





(SOUTHWEST EMMETT)
2671 1 SE

SCALE 1:24 000



CONTOUR INTERVAL 20 FEET
DOTTED LINES REPRESENT 5-FOOT CONTOURS
DATUM IS MEAN SEA LEVEL

CLAIMS?
A65-00955 B

ALL
SAME
PID

17000

WB
1971 TPO
T6N R2W
S02
SW SE
SE SE (PID)
IDAHO

ROAD CLASSIFICATION

- Primary highway, hard surface
- Secondary highway, hard surface
- Light-duty road, improved surface
- Unimproved road
- Interstate Route
- U. S. Route

18 1/2°
9 MILS

ETIC NORTH
OF SHEET

INTERIOR-GEOLOGICAL SURVEY, WASHINGTON, D.
539

PRBA BLUELINE MAP A

T6N R2W 502



SD-0607-2 Prefix: A Basin: 65 Starting Water Right: 00955

STATE

Water Right No.	Name Last, First	O W N	Priority Date	Stg/ Sts	Source	Use Code Desc
A65-00955	SPLIT CLAIM,	C	04/01/1904	/Z	WASTE WATER SPLIT CLAIM	01 IRR
A65-00955A	SPLIT CLAIM,	C	04/01/1904	/Z	WASTE WATER SPLIT CLAIM	01 IRR
A65-00955B	DURHAM, RAY L DURHAM, LUCILLE	C C	04/01/1904	D/	WASTE WATER	01 IRR
A65-00955C	HOALST, MARSHAL L BARBER, REATA J	C C	04/01/1904	D/	WASTE WATER	01 IRR
A65-00955D	COLBURN, DAVID COLBURN, NANCY	C C	04/01/1904	D/	WASTE WATER	01 IRR
A65-00955E	WALKER, HELEN WALKER, E LAMAR	C C	04/01/1904	D/	WASTE WATER	01 IRR
A65-00955F	MORRIS, P J MORRIS, M J	C C	04/01/1904	D/	WASTE WATER	01 IRR
A65-00960	HYDE, N BRENT HYDE, JANIICE	C C	03/01/1968	D/	GROUNDWATER	43 DOMEST

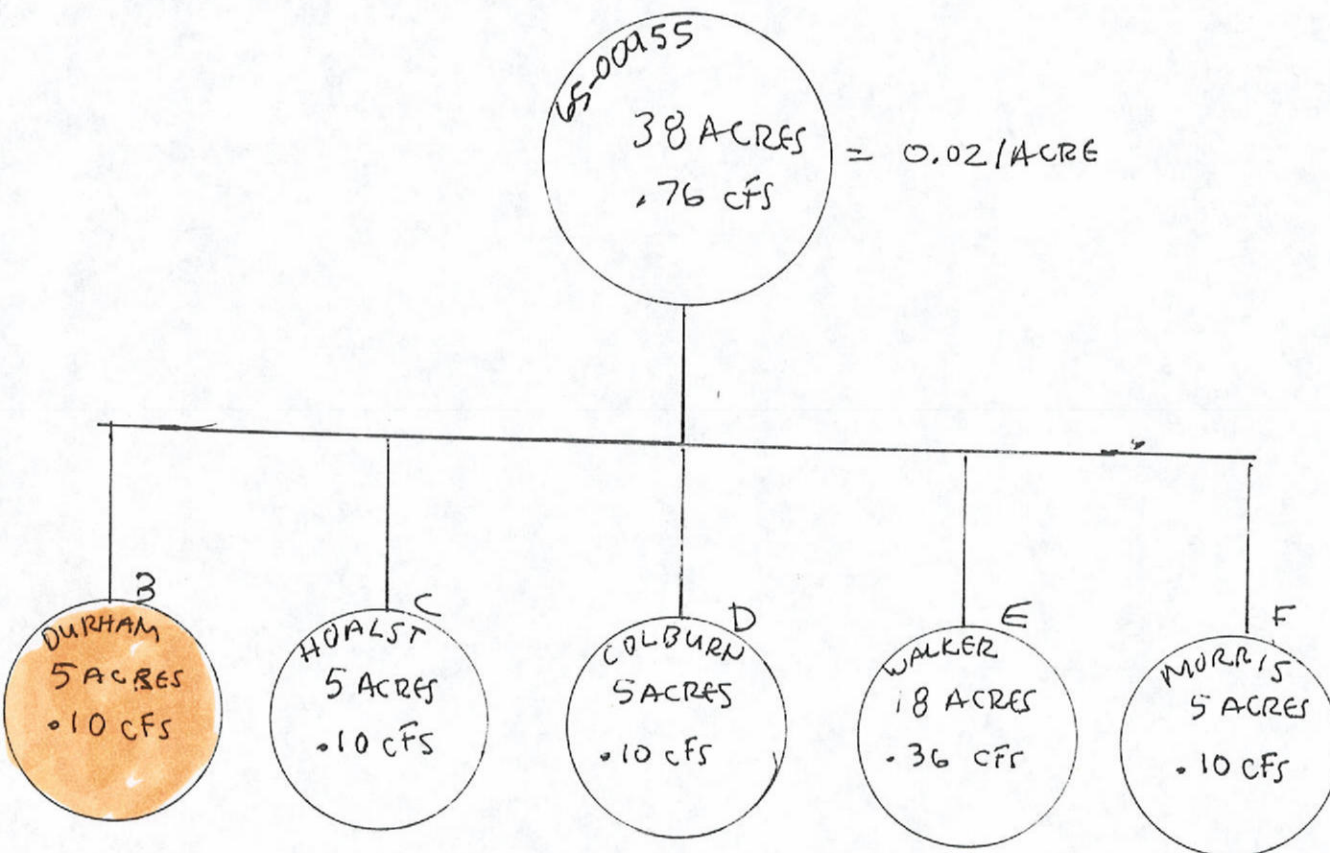
(Enter=Continue)

(GOLD7=This Query)

(Menu _____)

CLAIMS SPLIT BY: KAY WALKER

ANALYSIS BY: RON HOWERTON 8/30/00



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: **A65-00955B**
Date Received: 1/ 8/1990
Receipt No: X777777
Received By: _____

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

1. Name: RAY L DURHAM 208-365-3723
Address: 913 JACKSON
EMMETT ID 83617
OR
Name: LUCILLE DURHAM 208-365-3723
Address: 913 JACKSON
EMMETT ID 83617

2. Date of Priority: APR 1, 1904

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06N	02W	2	SE	SE			GEM

5. Description of diverting works:
DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.100		

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

8. Total consumptive use is 17.5 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06N	02W	2	SW	SE		IRR	5.0

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10. Place of Use: Continued

Section Acres 5.0

Total Acres 5.0

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:

EMMETT IRR.

14. Remarks:

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

THIS CLAIM IS A RESULT OF A CHANGE IN OWNERSHIP FOR A PORTION OF CLAIM NO. A65-00955, FEE PAID UNDER RECEIPT NO. X999999. KW 12/8/1995

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 1/21/1986

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: _____

State of Idaho)
) SS.
County of _____)

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

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NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

RECEIVED

JUL 01 1993

DATE OF CLOSING: 2-22-90

Department of Water Resources
Western Regional Office

LEGAL DESCRIPTION OF PROPERTY: Township 6 N Range 2 W
Section 2, 1/4 of SE 1/4 1/4 of SE 1/4 1/4 Govt. Lot _____, BM.
Lot _____, Block _____, Subdivision/Townsite _____
If you have additional legal descriptions, please attach separate sheet.

- ☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)
- ☐ Water Right Number(s) Assigned by IDWR: A65-00955
- ☐ Name and Address of Former Owner/Claimant(s)(Seller): Lamar Walker - Helen Walker
899 Jackson - Emmett, ID 83617
- ☐ New Owner/Claimant (Purchaser): Ray L. + Lucille Durham
- ☐ New Mailing Address: 913 Jackson
Emmett, ID 83617
- ☐ New Telephone Number: (208) 365-3723
- ☐ Does the change in ownership result in a splitting of the water right owned/claimed? ☒ yes ☐ no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:
5 acres

- ☐ Attach proof of ownership, describe proof attached: _____

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

- ☐ Signature of New Owner/Claimant(s): Ray L. Durham Date 6-30-93
Lucille S. Durham Date 6-30-93
- ☐ Signature of Former Owner/Claimant(s): _____ Date _____
_____ Date _____

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: _____ By: _____

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: _____ By: _____

Claim Numbers of Split, if any:

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Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

INSTRUCTIONS

This form has been prepared to assist new owners of property to comply with the requirements of Section 42-1409(7), Idaho Code. This statute provides that new property owners notify the Department of Water Resources (IDWR) of any change in ownership of a water right during an adjudication of water rights, and if a claim for the water right has not been filed to file the needed claim(s).

Separate brochures are available from IDWR describing the adjudication of water rights and the requirement to notify IDWR of changes in ownership. If you would like any of these brochures or if you have questions about completing this form please contact your nearest office of IDWR or you may call 1-800-451-4129 (toll-free).

The first line of the form asks for the date of closing so IDWR will have a record of the effective date of the property transfer.

The second line of information requires the legal description of the property being transferred. This information is **ESSENTIAL** and should be available from the documents that will be present at the time of closing. The first two lines of the legal description **MUST** be completed. IDWR's records are based upon legal descriptions using township, range, section and fractions of a section descriptions, and this information must be included on the form. If you also have available a legal description based upon a townsite or subdivision and lot and block number, please also include this additional information. A lot and block legal description is **NOT** a substitute for the township, range, section and fraction of a section description.

After completing the legal description, if all water is supplied by a public service water supply you may check the first box; complete the name, address and telephone information for yourself, the new owner; sign the form in the space provided and return the form to the IDWR office nearest you.

If there are water rights associated with the property, the seller should be able to provide you with the water right number(s). The water right number(s) for the property are to be put in the space provided at the second box on the form. If you or the seller believe there are water rights for the property but the numbers are unknown, then you may wish to call or come into an office of IDWR for assistance in identifying the water rights for the property involved. If claims for the property have not been filed you will be so advised by IDWR.

After the water right number(s) for the property has been entered on the form, complete the name and address information for **BOTH** the former owner/seller and for yourself, the new owner, in the spaces provided. Please also include your telephone number. If the property you have purchased is only part of the property owned by the former owner/seller, you may be purchasing only part of the total water right held by the seller. This means the water right held by the seller must be split so you get your proportionate share of the water right. Be sure to include a description of the portion of the water right you have purchased. The seller should be able to help you describe the portion of the water right for the property you have purchased.

If the former owner/seller will sign the form and the seller is shown as the claimant of the water right in IDWR's records, then you do not need to attach proof of ownership of the land or the water right. The seller should know if the original claim was filed by him, or if the seller has filed a change in ownership so the seller is shown as the claimant of the water right in IDWR's records. If the seller is not going to sign the form then you must attach some proof of ownership of the property described at the top of the form or proof of ownership referencing the specific water right(s) for the property.

The new owner must sign the form in the space provided. If the former owner/seller is available to sign the form please do so in the space provided.

When complete, the new owner and the former owner/seller should each retain one of the copies and return the original of the form to IDWR. You may return the form to the IDWR office nearest you or to: Idaho Department of Water Resources, Statehouse Mail, Boise, ID 83720-9000, Attention: Adjudication Bureau.

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JUL 01 1993

Department of Water Resources
Western Regional Office

Fischer Land Surveying
P.O. Box 277
Emmett, ID 83617
Richard P. Fischer, R.L.S.

Job No. 3-84
April 12, 1985

LEGAL DESCRIPTION
PARCEL 6

A tract of land situate in a portion of the South 1/2 of the Southeast 1/4 of Section 2, Township 6 North, Range 2 West, Boise Meridian, Gem County, Idaho. More particularly described as follows:

Commencing at the section corner common to section 1, 2, 11 and 12 marked by a found "T" bar and cap; Thence North 00 degrees 24 minutes 12 seconds West (formerly North) along the East line of the Southeast 1/4, a distance of 590.36 feet; Thence South 45 degrees 20 minutes 48 seconds West (formerly South 45 deg. 45 min. West), a distance of 429.00 feet; Thence North 77 degrees 24 minutes 12 seconds West (formerly North 77 deg. West), a distance of 1056.00 feet; Thence North 75 degrees 00 minutes 55 seconds West (formerly 73 deg. 45 min. West), a distance of 870.00 feet to the REAL POINT OF BEGINNING; Thence continuing North 75 degrees 00 minutes 55 seconds West, a distance of 478.96 feet to a point on the West line of the Southwest 1/4 of the Southeast 1/4 of Section 2; Thence North 00 degrees 31 minutes 59 seconds West along said West line, a distance of 423.72 feet to the Northwest Corner of the Southwest 1/4 of the Southeast 1/4 of Section 2; Thence North 89 degrees 33 minutes 38 seconds East along the North line of of the Southwest 1/4 of the Southeast 1/4 of Section 2, a distance of 468.49 feet to a point on a curve to the left; Thence along said curve to the left having a radius 50.00 feet, a central angle of 180 degrees 00 minutes 00 seconds, a length of 157.08 feet, a chord which bears South 00 degrees 11 minutes 36 seconds West, a distance of 100.00 feet to a point; Thence South 00 degrees 11 minutes 36 seconds West, a distance of 451.14 feet to the point of beginning.

Said tract of land including all water and ditch rights appurtenant to or used in connection with the properties being sold or conveyed hereby.

Said tract of land subject to rights of way or easement or in use.

Said tract of land containing therein a calculated area of 5.118 acres more or less.

Said Tract of land containing

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WARRANTY DEED

Department of Water Resources
Western Regional Office

GRANTORS, E. LaMAR WALKER and HELEN H. WALKER, husband and wife, of Emmett, County of Gem, State of Idaho, for a good and valuable consideration, the receipt of which is hereby acknowledged, do hereby grant, bargain, sell and convey unto RAY L. DURHAM and LUCILLE G. DURHAM, husband and wife, whose current address is Post Office Box 587, Donnelly, County of Valley, State of Idaho, as GRANTEE, and to Grantee's 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, together with an easement for ingress and egress which is more particularly described on Exhibit B which is attached hereto and incorporated herein by reference as if set out in full.

Said tract of land including all water and ditch rights appurtenant to or used in connection with the properties conveyed hereby.

Said tract of land subject to rights of way or easements of record or in use.

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 itself, its heirs and assigns does hereby covenant, warrant and shall defend the quiet and peaceable possession of said premises by the Grantee, its 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 subscribe its name to this instrument this 22nd day of February, 1990.

E. LaMar Walker

E. LaMAR WALKER

Helen H. Walker

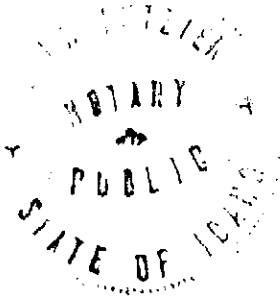
HELEN H. WALKER

MICROFILMED
OCT 18 1996

STATE OF IDAHO)
)
County of Gem) ss.

On this 22nd day of February, 1990, before me, the undersigned, a Notary Public for Idaho, personally appeared E. LAMAR WALKER and HELEN H. WALKER, husband and wife, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged of me that they 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.



Hawn Putzier

Notary Public for Idaho
Residing at Emmett, Idaho
My Commission Expires 11-20-92

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Department of Water Resources
Western Regional Office

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OCT 18 1996

EXHIBIT A

A tract of land situate in a portion of the South $\frac{1}{2}$ of the Southeast $\frac{1}{4}$ of Section 2, Township 6 North, Range 2 West, Boise Meridian, Gem County, Idaho. More particularly described as follows:

Commencing at the section corner common to section 1, 2, 11 and 12 marked by a found "T" bar and cap; Thence North 00 degrees 24 minutes 12 seconds West (formerly North) along the East line of the Southeast $\frac{1}{4}$, a distance of 590.36 feet; thence South 45 degrees 20 minutes 48 seconds West (formerly South 45 deg. 45 min. West), a distance of 429.00 feet; Thence North 77 degrees 24 minutes 12 seconds West (formerly North 77 deg. West), a distance of 1056.00 feet; Thence North 75 degrees 00 minutes 55 seconds West (formerly 73 deg. 45 min. West), a distance of 870.00 feet to the REAL POINT OF BEGINNING; Thence continuing North 75 degrees 00 minutes 55 seconds West, a distance of 478.96 feet to a point on the West line of the Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 2; Thence North 00 degrees 31 minutes 59 seconds West along said West line, a distance of 423.72 feet to the Northwest Corner of the Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 2; Thence North 89 degrees 33 minutes 38 seconds East along the North line of the Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 2, a distance of 468.49 feet to a point on a curve to the left; Thence along said curve to the left having a radius 50.00 feet, a central angle of 180 degrees 00 minutes 00 seconds, a length of 157.08 feet, a chord which bears South 00 degrees 11 minutes 36 seconds West, a distance of 100.00 feet to a point; Thence South 00 degrees 11 minutes 36 seconds West, a distance of 451.14 feet to the point of beginning.

Said tract of land including all water and ditch rights appurtenant to ro used in connection with the properties being sold or conveyed hereby.

Said tract of land subject to rights of way or easements of record or in use.

5.118 acres per Fischer survey 4-12-85

T.R.D.

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Department of Water Resources
Western Regional Office

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OCT 18 1996

EXHIBIT B

Together with an easement for ingress and egress over and above the following tract of land.

A tract of land situate in a portion of the South $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Section 2, Township 6 North, Range 2 West, Boise Meridian, Gem County, Idaho. More particularly described as follows:

Commencing at the Section corner common to sections 1, 2, 11, and 12, marked by a found "T" bar and cap; Thence North 00 degrees 24 minutes 12 seconds West (formerly North) along the East line of the Southeast $\frac{1}{4}$ of section 2, a distance of 955.64 feet to a point, THE REAL POINT OF BEGINNING; Thence South 89 degrees 33 minutes 38 seconds West, a distance of 378.22 feet; Thence North 00 degrees 24 minutes 12 seconds West, a distance of 296.27 feet to a point 60.00 feet south of the North line of the South $\frac{1}{2}$ of the Southeast $\frac{1}{4}$; Thence South 89 degrees 33 minutes 38 seconds West, parallel with and 60.00 feet south of the north line of the South $\frac{1}{2}$ of the $\frac{1}{4}$ Southeast $\frac{1}{4}$ of section 2, a distance of 1742.61 feet to the beginning of a curve to the right; Thence along said curve to the right having a radius of 50.00 feet, a central angle of 259 degrees 06 minutes 10 seconds, a length of 226.11 feet, and a chord which bears North 39 degrees 21 minutes 24 seconds West, a distance of 77.11 feet to a point on afore said north line of the South $\frac{1}{2}$ of the Southeast $\frac{1}{4}$; Thence North 89 degrees 33 minutes 38 seconds East along said north line, a distance of 1851.09 feet; Thence South 00 degrees 24 minutes 12 seconds East, a distance of 296.23 feet; Thence North 89 degrees 33 minutes 38 seconds East, a distance of 318.22 feet to a point on said east line of the Southeast $\frac{1}{4}$ of section 2; Thence South 00 degrees 24 minutes 12 seconds East along said east line a distance of 60.00 feet to the point of beginning.

165557

Gem County, IDAHO) ss.

Recorded at request of

Ray Durham

Time 11:50 AM

Date February 22, 1990

Instru. No. 165557

Recorded as a Deed

Thelma R. K. [unclear], Clerk

Ex-off. cio Records **OCT. 18 1936**

By: Judy Egan
Deputy

Fees \$ 12.00

Box 587, Donnelly, 83015

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JUL 01 1993

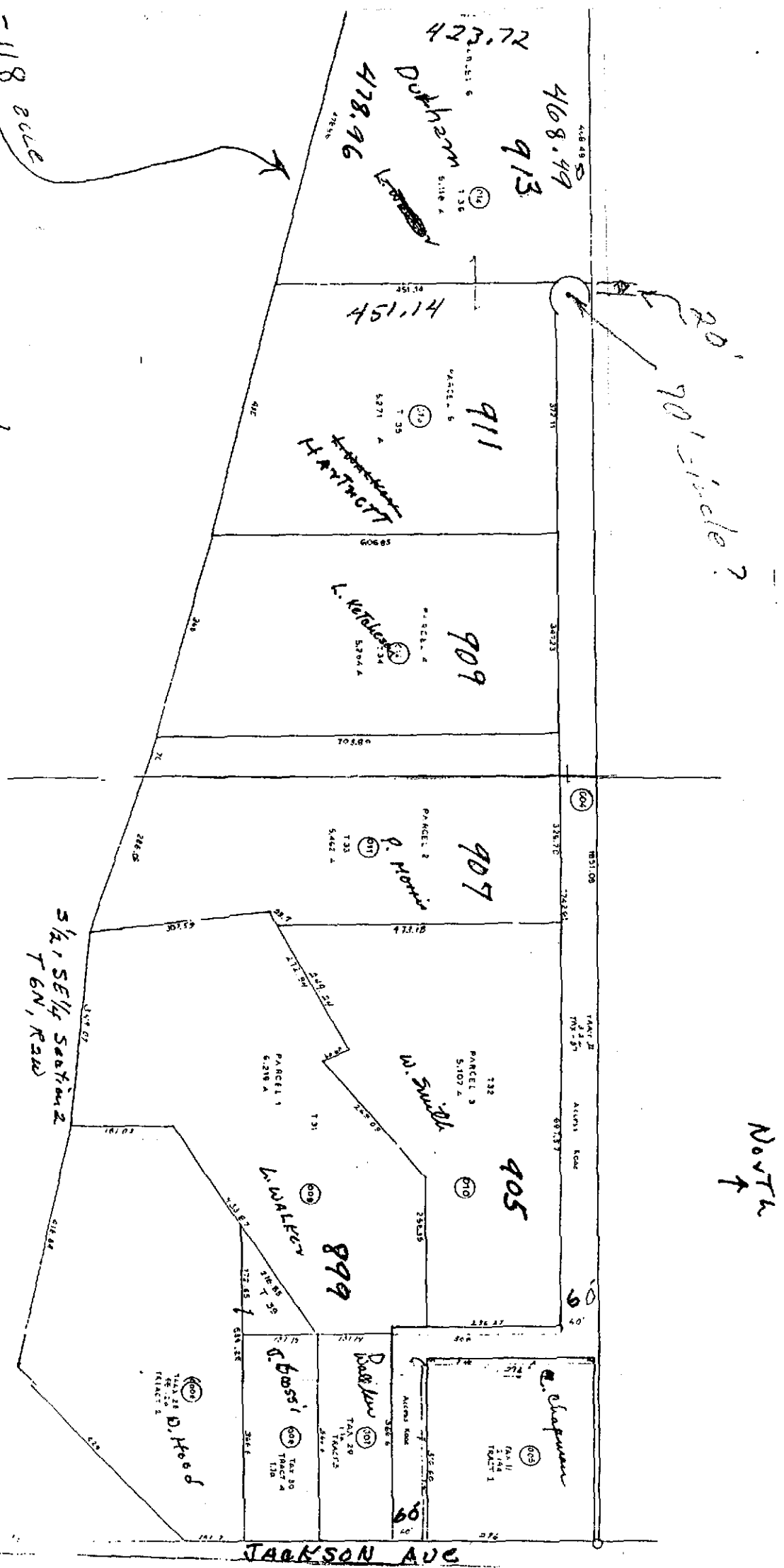
Department of Water Resources
Western Regional Office

MICROFILMED

Oct. 18 1996

Deputy

-1118.00
 J. Lucille Durham

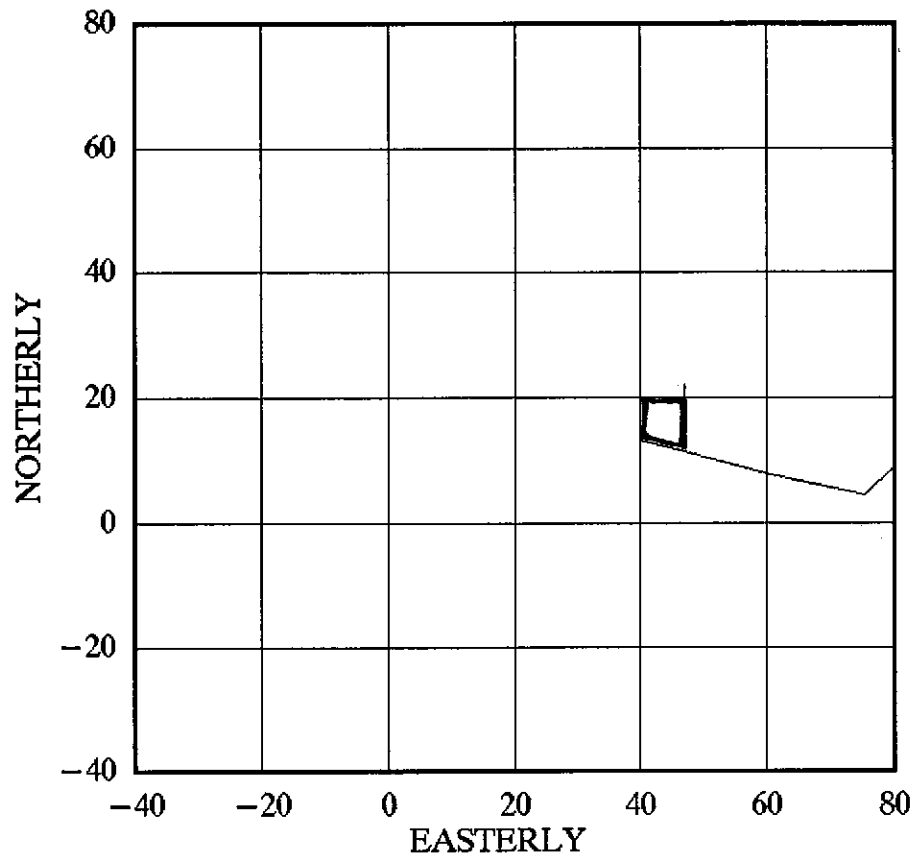


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 JUL 01 1993

Department of Water Resources
 Western Regional Office

411.841 70'

PARCEL PLOT - METES & BOUNDS
DISTANCE IS IN CHAINS



fw
12/8/95

MICROFILMED
OCT 18 1996

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: A65-00955
Date Received: 1/08/1990
Receipt No: X999999
Received By: Law

RECEIVED
JAN 8 1990

Department of Water Resources
**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name: E. LAMAR WALKER 208-365-6650
Address: 899 JACKSON
EMMETT, ID 83617

OR
Name: HELEN WALKER 208-365-6650
Address: 899 JACKSON
EMMETT, ID 83617

2. Date of Priority: APR 01, 1904

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	02W	2	SE	SE			GEM

5. Description of diverting works:
DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.760		

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

8. Total consumptive use is 133.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
06N	02W	2	SW	SE	IRR	15.0
			SE	SE	IRR	23.0
Section Acres						38.0
Total Acres						38.0

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:
EMMETT IRR.

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

(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.

8/90
MICROFILMED
OCT 18 1996

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. No.

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

Please type or print clearly:

Name of Claimant(s)

E. Lammie Walker

Helen H. Walker

Mailing Address
(include Zip Code)

899 Jackson

Emmett, Idaho 83617

Phone Number (208) 365-6650

MICROFILMED
OCT 18 1996

POOR ORIGINAL

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: 65-00955

DATE RECEIVED:

RECEIPT NO:

RECEIVED BY: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. NAME: WALTER J. CLEMENTS
ADDRESS: P.O. BOX 201
EMMETT, ID 83617

NAME: LORRAINE E. CLEMENTS
ADDRESS: P.O. BOX 201
EMMETT, ID 83617

2. DATE OF PRIORITY: APR 01, 1904

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	02W	2	SE	SE	SE		GEM

5. DESCRIPTION OF DIVERTING WORKS:

6. WATER IS USED FOR THE FOLLOWING PURPOSES:

PURPOSE	FROM	TO	C.F.S.	(OR)	A.F.A.
IRRIGATION	03/15	11/15	0.760		

7. TOTAL QUANTITY APPROPRIATED IS:

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

8. TOTAL CONSUMPTIVE USE IS

ACRE FEET PER ANNUM.

9. NON-IRRIGATION USES:

POOR ORIGINAL

10. PLACE OF USE:

TOWNSHIP	RANGE	SECTION	1/4 OF	1/4	LOT	USE	ACRES
06N	02W	2	SW	SE		IRR	15.0
			SE	SE		IRR	23.0
SECTION ACRES							38.0
TOTAL ACRES							38.0

11. PLACE OF USE IN COUNTIES: GEM, 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.

15. BASIS OF CLAIM: DECREE

CASE NUMBER:

COURT :

DECREE DATE: 1/21/1986

STATE OF IDAHO
DECREE PLAINTIFF

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

POOR ORIGINAL

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

STATE OF IDAHO)
COUNTY OF _____) SS.

SUBSCRIBED AND SWORN (OR AFFIRMED) BEFORE ME THIS _____ DAY

OF _____ 19 _____

NOTARY PUBLIC

SEAL

RESTING AT _____

MY COMMISSION EXPIRES _____

DATE: 10/23/39

65-00955

PAGE

5

1802

MICROFILMED
OCT 18 1996



30 000 FEET

AG5-18309
AG 5-009.55

SCALE 1:24000

SECTION 16, T6N, R2W, Sec. 2, SE, SE



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

May 4, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Dear Basin 65 water user:

This letter is to inform you that you may be eligible to file a stockwater claim with the Idaho Department of Water Resources (IDWR) in connection with the Snake River Basin Adjudication (SRBA). IDWR is sending this letter to water users in Basin 65 who might have relied upon the non-irrigation season stockwater provision in the Payette Adjudication. This provision states:

"When stockwater is not a specifically mentioned use for a right that includes irrigation, a reasonable flow is implied and included for the watering of livestock during the non-irrigation season."

In another basin, the Idaho Supreme Court struck down general provisions that contained similar language. The non-irrigation season stockwater language quoted above was not included in the General Provisions for Basin 65 because of the Idaho Supreme Court's ruling.

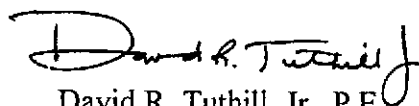
IDWR recognizes that in reliance on the non-irrigation season stockwater language in the Payette Adjudication, water users might not have filed stockwater claims in the SRBA to cover the non-irrigation season period. Individuals who historically watered livestock during the non-irrigation season without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

To be eligible for a new non-irrigation season stockwater claim:

1. You must have actually and historically watered livestock during the non-irrigation season without a separate stockwater right.
2. You must have filed a surface water irrigation claim in both the Payette Adjudication and the SRBA.
3. You must not have filed a stockwater claim with the surface water irrigation claim.

If you meet these three requirements, you may file a Notice of Claim form for stockwater with IDWR. **To have a timely filing you must file this claim with IDWR by May 25, 2001.** IDWR will waive filing fees for these stockwater claims if filed before this deadline. Failure to file your claim in a timely manner may prevent you from claiming it in the future. Notice of Claim forms are available on IDWR's website at www.idwr.state.id.us/info/water/srba/forms.htm or from any IDWR office. Claimants can call IDWR, Western Region at (208) 334-2190 to make an appointment if they need assistance filling out a Notice of Claim form.

Sincerely,


David R. Tuthill, Jr., P.E.
Adjudication Bureau Chief

RECEIVED

MAR 16 2001

NOTICE OF ERROR
REPLY

Department of Water Resources

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: 65-955B

RAY L. DURHAM
913 JACKSON
EMMETT ID 83617
Telephone Number: (208)365-3723

LUCILLE DURHAM
913 JACKSON
EMMETT ID 83617
Telephone Number: (208)365-3723

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

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: 3-13-01

SIGNATURE:

Ray L. Durham - Lucille G. Durham
Please print your name: Ray L. Durham - Lucille G. Durham

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

03/07/2001

RECEIVED

MAR 19 2001

WATER RESOURCES
WESTERN REGION

12/21/2000

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

RIGHT NUMBER: 65-955B

NAME AND ADDRESS: LUCILLE DURHAM
RAY L DURHAM
913 JACKSON
EMMETT, ID 83617

SOURCE: WASTEWATER TRIBUTARY: PAYETTE RIVER

QUANTITY: 0.1 CFS

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

PRIORITY DATE: 04/01/1904

POINT OF DIVERSION: T06N R02W S2 SESE 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	0.10 CFS

PLACE OF USE:

IRRIGATION Within GEM County
T06N R02W S2 SWSE 5

5 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.

AJ5809NP
No. A65-00955B

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 08/25/00
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	RAY L DURHAM	04/01/1904	IRRIGATION	03-15 11-15	0.100 CFS	
C	LUCILLE DURHAM					
	913 JACKSON					
	EMMETT ID 83617			TOTAL DIVERSION:	0.100 CFS	
	(208) 365-3723			CONSUMPTIVE USE:		17.50-AFA

Water Source: WASTE WATER

Tributary to: PAYETTE RIVER

Stage: DECREED

Point(s) of Diversion: T06N R02W S02

SESE /

GEM County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
06N	02W	2	:																	:	
																			05	:	5.0
																			TOTAL ACRES	:	5.0

POU County: GEM

Other Rights: EMMETT IRR.

Remarks: GEN THIS RIGHT WHEN COMBINED WITH RIGHTS OF EMMETT IRRIGATION DISTRICT SHALL PROVIDE NO MORE THAN .02 CFS/ACRE.
THIS CLAIM IS A RESULT OF A CHANGE IN OWNERSHIP FOR A PORTION OF CLAIM NO. A65-00955, FEE PAID UNDER RECEIPT NO. X999999.
KW 12/8/1995

W16
f DWT E28

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number: 65

Field Inspection Flag:
Presumption Flag:

SAME PID AS:

955C,D,E&F

SPLIT
RIGHT

C18

WR5809NP
No. 65-00955

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 08/25/00
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	WALTER J. CLEMENTS	04/01/1904	IRRIGATION	03/15 11/15	0.760 CFS	
C	LORRAINE E. CLEMENTS					
	P.O. BOX 201					
	EMMETT ID 83617					
TOTAL DIVERSION:					0.760 CFS	

Water Source: WASTE WATER

Tributary to: PAYETTE RIVER

Stage: DECREED

Point(s) of Diversion: T06N R02W S02 SESE

GEM County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE						
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM	
06N	02W	2	:																	:		
																			15	23	:	38.0
																			TOTAL ACRES		:	38.0

Pou County: GEM

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
65-00954 65-05502 65-13364

Other Water Rights Listing Overlapping Place(s) of use:
65-05311

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: 04/01/1904
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: 65 Field Exam Fee:

Audit: 04/02/86 04/30/88 CONVERT

**T06N R02W
S02**

Idaho Department of Water Resources

Claims: 65-00955B

Prepared by:

RON HOWERTON

Date: 31 AUG 00



 **Place of use**

 **POD**

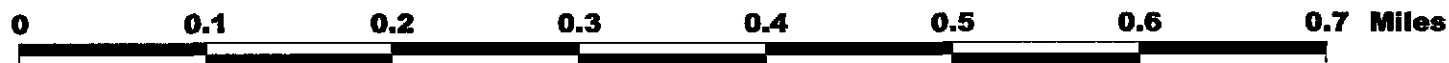
 **SECTION**

 **1/4 1/4**

5 Acres



1987 NAPP



**T06N R02W
S02**

Idaho Department of Water Resources

Claims: 65-00955B

Prepared by:

RON HOWERTON

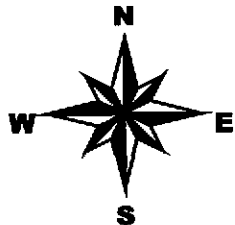
Date: 31 AUG 00

 **Place of use**

 **POD**

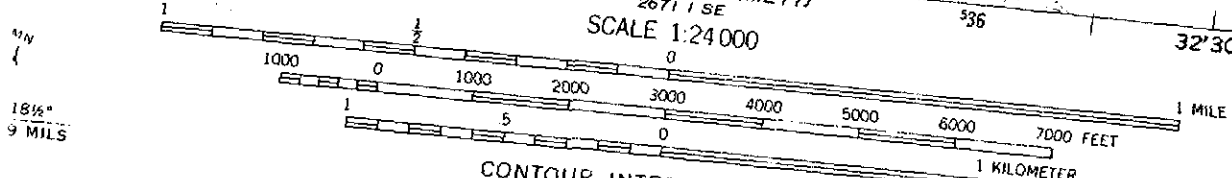
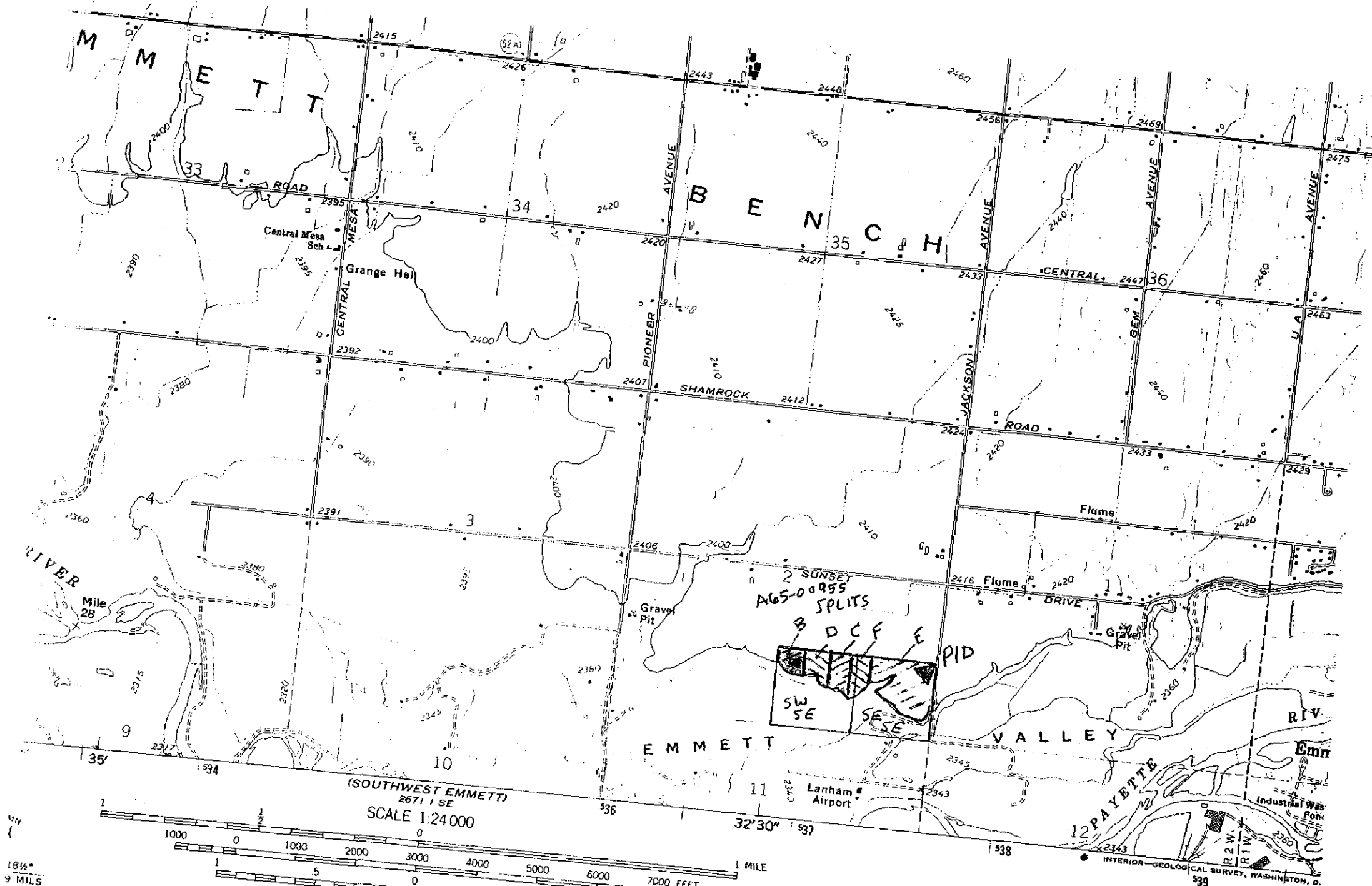
 **SECTION**

 **1/4 1/4**



1987 NAPP





SCALE 1:24 000
 (SOUTHWEST EMMETT)
 2671 1 SE
 CONTOUR INTERVAL 20 FEET
 DOTTED LINES REPRESENT 5-FOOT CONTOURS
 DATUM IS MEAN SEA LEVEL

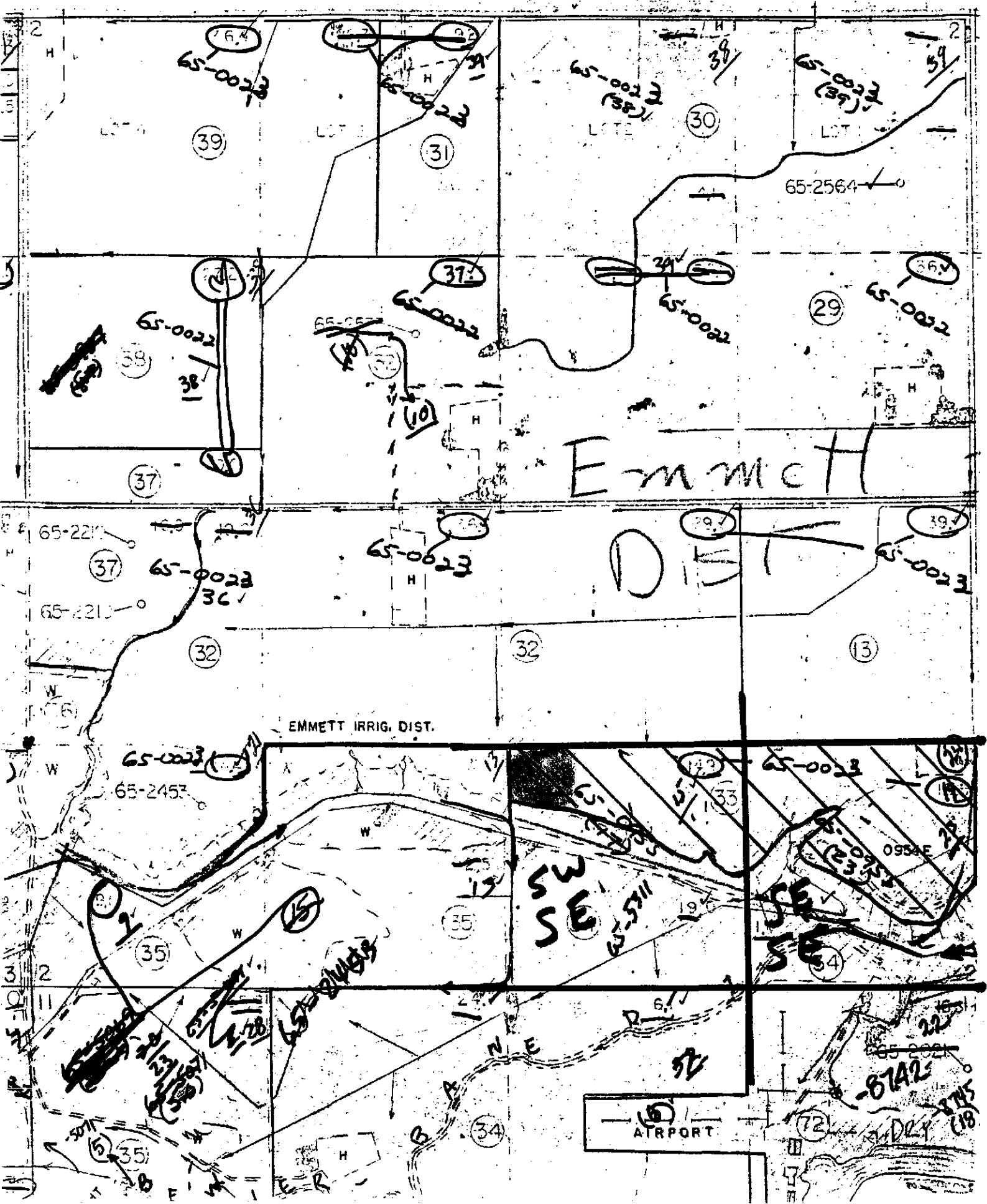
CLAIMS?
 A65-00955B
 ALL
 SAME
 PID

W6
 1971 TOPO
 T6N R2W
 S02
 SW SE
 SE SE (PID)
 IDAHO

ROAD CLASSIFICATION
 Primary highway, hard surface
 Secondary highway, hard surface
 Light-duty road, improved surface
 Unimproved road
 Interstate Route
 U. S. Route

18 1/2" = 9 MILS
 TRUE NORTH
 OF SHEET

T6~ R2w 502



SD-0607-2 Prefix: A Basin: 65 Starting Water Right: 00955

STATE

Water Right No.	Name Last, First	O W N	Priority Date	Stg/ Sts	Source	Use Code	Desc
A65-00955	SPLIT CLAIM,	C	04/01/1904	/Z	WASTE WATER SPLIT CLAIM	01	IRR
A65-00955A	SPLIT CLAIM,	C	04/01/1904	/Z	WASTE WATER SPLIT CLAIM	01	IRR
A65-00955B	DURHAM, RAY L DURHAM, LUCILLE	C C	04/01/1904	D/	WASTE WATER	01	IRR
A65-00955C	HOALST, MARSHAL L BARBER, REATA J	C C	04/01/1904	D/	WASTE WATER	01	IRR
A65-00955D	COLBURN, DAVID COLBURN, NANCY	C C	04/01/1904	D/	WASTE WATER	01	IRR
A65-00955E	WALKER, HELEN WALKER, E LAMAR	C C	04/01/1904	D/	WASTE WATER	01	IRR
A65-00955F	MORRIS, P J MORRIS, M J	C C	04/01/1904	D/	WASTE WATER	01	IRR
A65-00960	HYDE, N BRENT HYDE, JANIICE	C C	03/01/1968	D/	GROUNDWATER	43	DOMEST

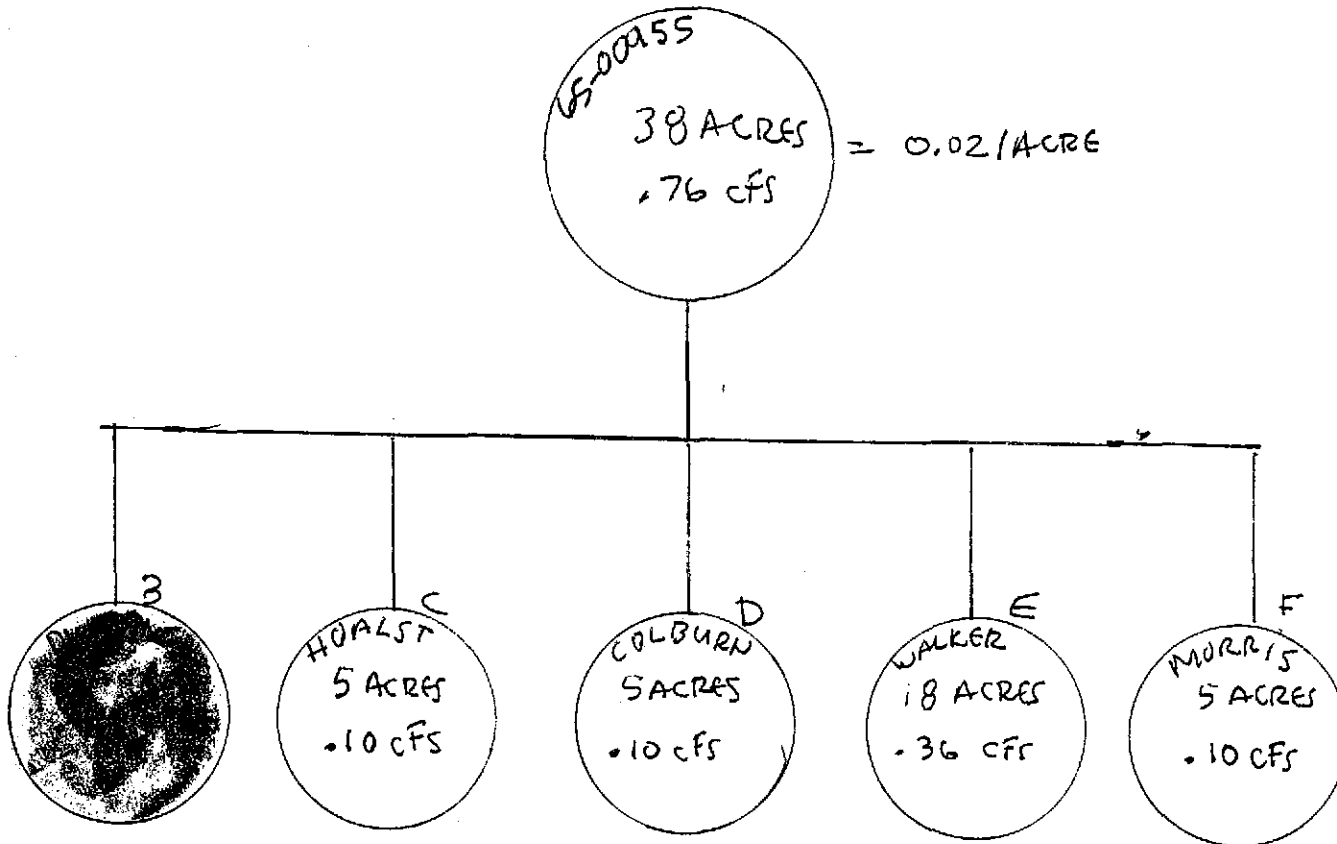
(Enter=Continue)

(GOLD7=This Query)

(Menu _____)

CLAIMS SPLIT BY: KAY WALKER

ANALYSIS BY: RON HOWERTON 8/30/00



**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.

MAP NO.

65-0955

Notice is hereby given that Walter J. and/or Lorraine E. Clements

Rt. 2, Box 243, 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) April 1, 1904
- (2) Describe source of water: (Name of stream, lake, spring, etc., or subterranean) Waste water from waste ditch
But to the river
- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:
Use .76 Irrigation 171 AF Period of Use From April 1 To Oct 31
(Domestic, irrigation, stock, etc.) (Mo., Day) (Both Dates Inclusive) (Mo., Day)
- Use _____ Period of Use From _____ To _____
(Domestic, irrigation, stock, etc.) (Mo., Day) (Both Dates Inclusive) (Mo., Day)
- Use _____ Period of Use From _____ To _____
(Domestic, irrigation, stock, etc.) (Mo., Day) (Both Dates Inclusive) (Mo., Day)
- (4) Quantity of water claimed: .76 Cubic Feet Per Second, or 180.0 171 Acre Feet Per Annum, and/or Gals. Per Minute.
- (5) A) Point of Diversion: Give location of point where water is diverted from its source. SE 1/4 SE 1/4
Sec. 2, Twp. 6N, Rge. 2W, 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. Gravity flow 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
			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	
		6N		2W	2														40.0
																			3.8

Total No. of acres 40.0 28

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

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

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

(9) Remarks SEE REMARK

- (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

Walter J. Clements
(Signature of Claimant)

Organization

7-28-77
(Signature of Authorized Agent)

State of Idaho

County of Idaho

On this 17th day of August

in the year 1970

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

Notary Public residing at _____

My commission expires January 19, 1973

Rev 3/11/77

9144

DET 7-25-78

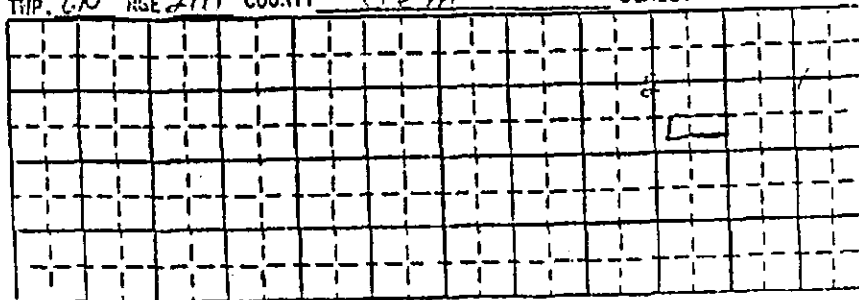
**ADJUDICATION DIVISION
REPORT OF EXAMINERS**

Claim No. 65-0955

1. Name of Applicant..... Walter J. Clements.....
2. Priority..... 4-1-1904.....
3. Source of Water..... Drain Ditch.....
4. Determine Purpose and Quantity of Water Found Used:
 (Quantity) (Con., Irr., Stk. water, etc.) (Mo.-Day) (Mo.-Day)
 Use Irrigation Period of Use From 4/1..... To 10/5.....
 Use V Period of Use From..... To.....
 Use..... Period of Use From..... To.....
5. Location of Point of Diversion: SE SE of Section 2
 Twp. 6N, Rge. 2W, County of Gem
6. Describe Diversion Works: Head gate
7. Describe Location of Use:

TWP.	RGE.	SEC.	NE 1/4			NW 1/4			SW 1/4			SE 1/4			TOTAL
			NE	NW	SW	NE	NW	SW	NE	NW	SW	NE	NW	SW	
<u>6N</u>	<u>2W</u>	<u>2</u>												<u>17.020</u>	<u>40.0</u>

TWP. 6N RGE 2W COUNTY Gem SCALE: 1" = 1 MILE



1. Purpose Other Than Irrigation:
2. Remarks: Head gate next to the road

This examination was made on the 19 day of April 1911.
 (Signed) W. Williams Examiner.



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

December 11, 1995

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

RE: Original Notice of Claim to a Water Right No. A65-00955
Renumbered to Notice of Claim to a Water Right No. A65-00955B

Ray L. or Lucille Durham
913 Jackson
Emmett, ID 83617

Dear Claimants:

We have received and processed the Change of Ownership form submitted on the original notice of claim to a water right as referenced above. This change of ownership required a split of this original claim resulting in the renumbering of the original claim by adding alpha-suffixes to represent each split. The new notice of claim to a water right number for your portion is referenced above. The right holders of the remaining portion have also been notified of this split and renumbering of their original claim.

If you decide to change or add a point of diversion, or if you change the place of use from that historically used under this right, you will be required to file an application for transfer of your portion of the water right for any of these changes to be legally recognized and recorded.

Enclosed is a copy of this new claim which now reflects your portion of the original water right. Please keep this copy for your files and refer to the new claim number when corresponding with our office. If you have any questions concerning this letter or the enclosed claim, please feel free to contact this office.

Sincerely,

ADJUDICATION STAFF
Department of Water Resources
Western Region Office

KW:k
Enclosure

MICROFILMED
OCT 18 1996