

T06N R02W
S02

Idaho Department of Water Resources

Claims: 65-00955D

Prepared by:

RON HOWERTON

Date: 31 AUG 00

 Place of use

 POD

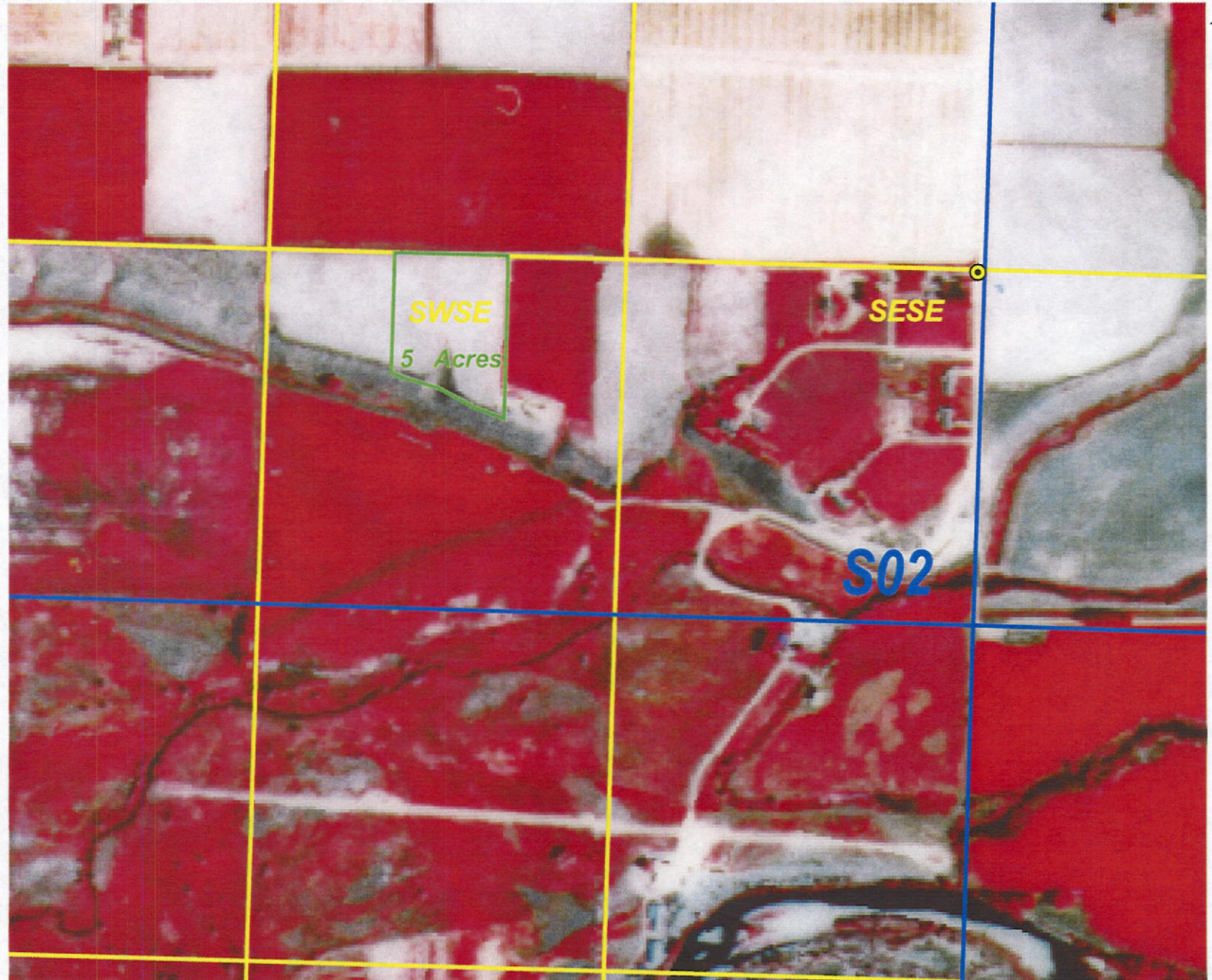
 SECTION

 1/4 1/4

5 Acres



1987 NAPP



0 0.1 0.2 0.3 0.4 0.5 0.6 0.7 Miles

**T06N R02W
S02**

Idaho Department of Water Resources

Claims: 65-00955D

Prepared by:

RON HOWERTON

Date: 31 AUG 00

 **Place of use**

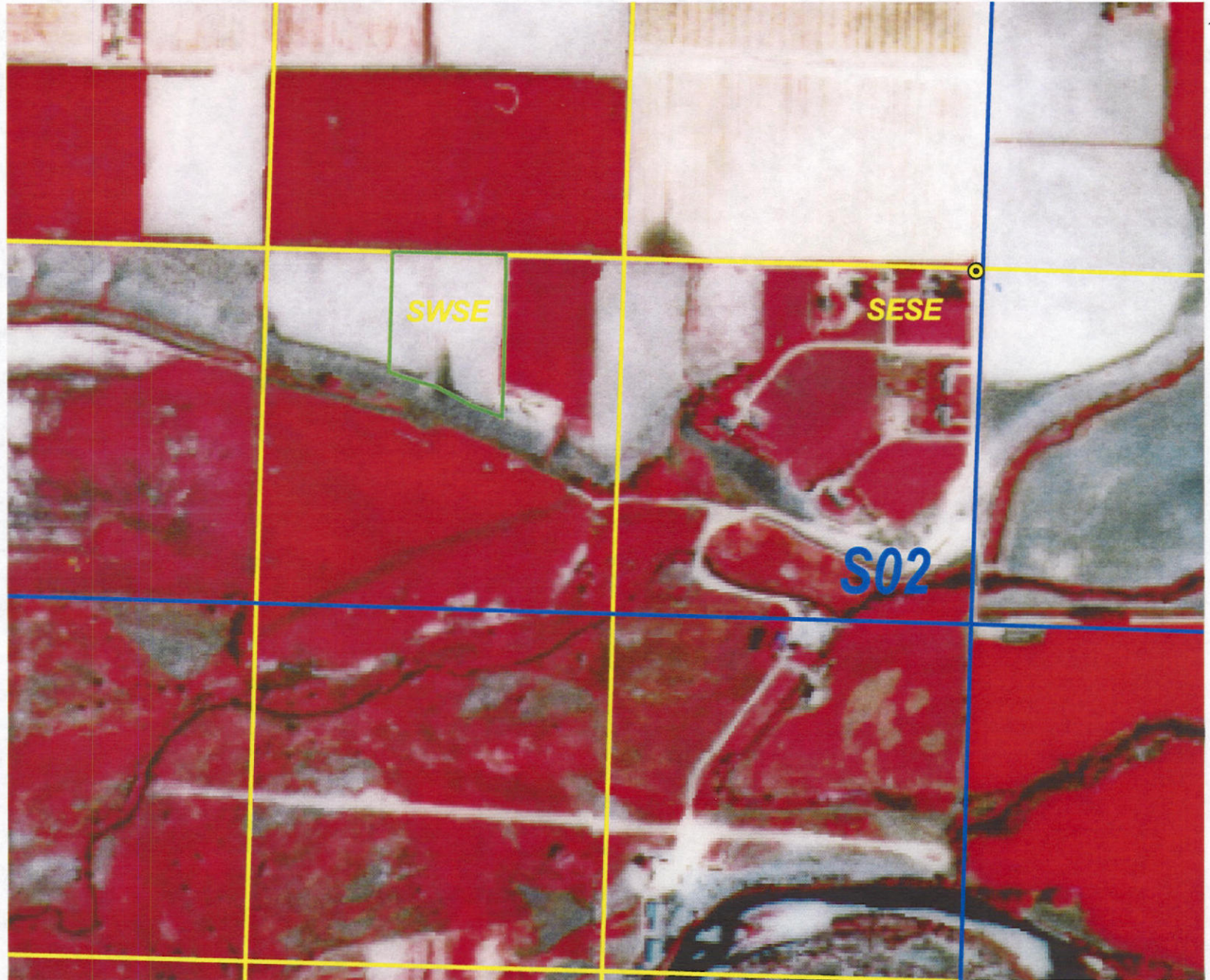
 **POD**

 **SECTION**

 **1/4 1/4**

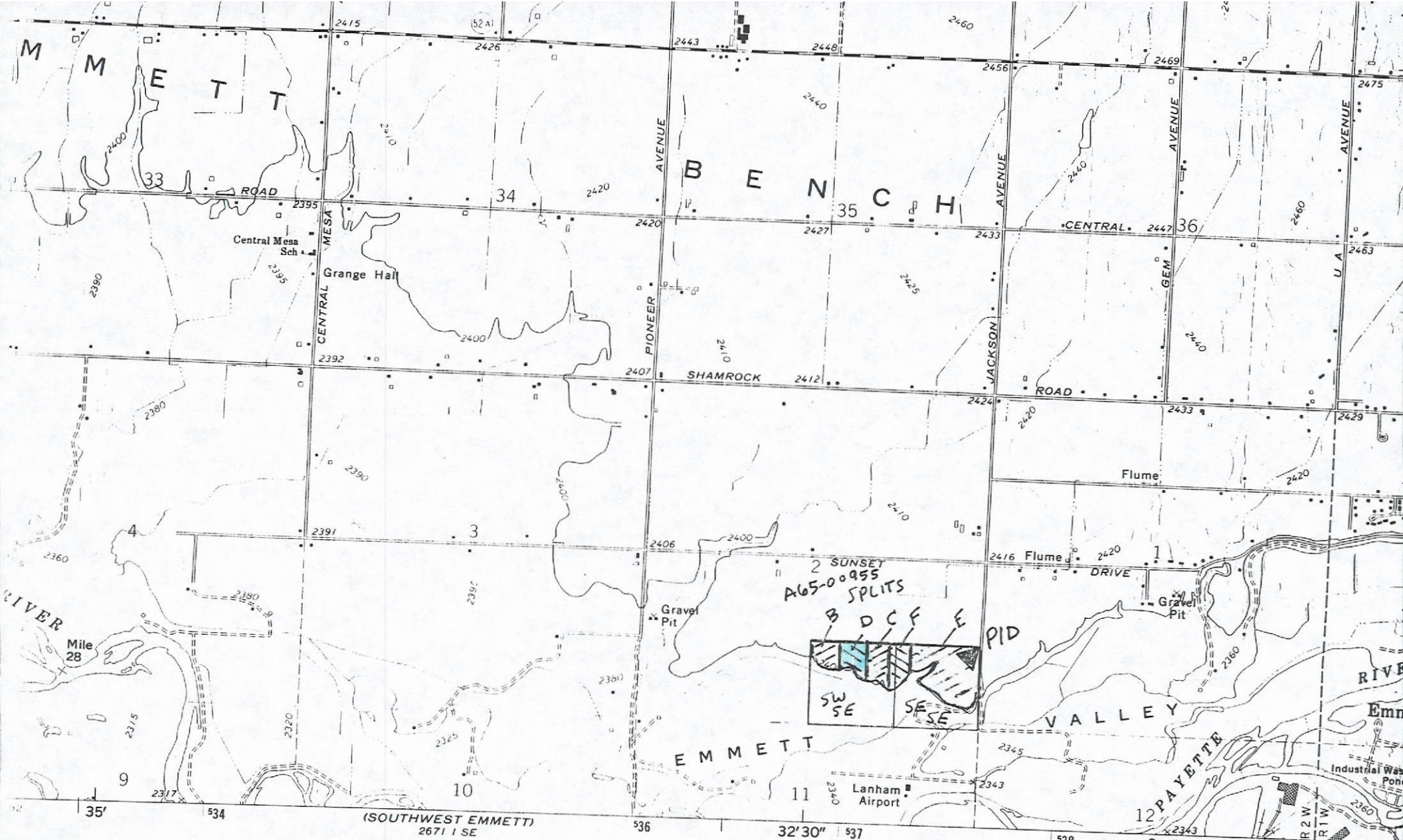


1987 NAPP



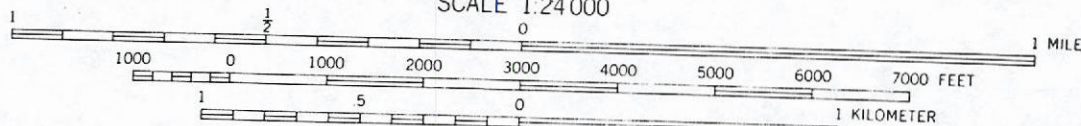
0 0.1 0.2 0.3 0.4 0.5 0.6 0.7 Miles





(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
P/D

WB
1971 T6N R2W
S02

SW SE
SE SE (P/D)

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

MAGNETIC NORTH
OF SHEET

INTERIOR-GEOLOGICAL SURVEY, WASHINGTON, D. C.

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

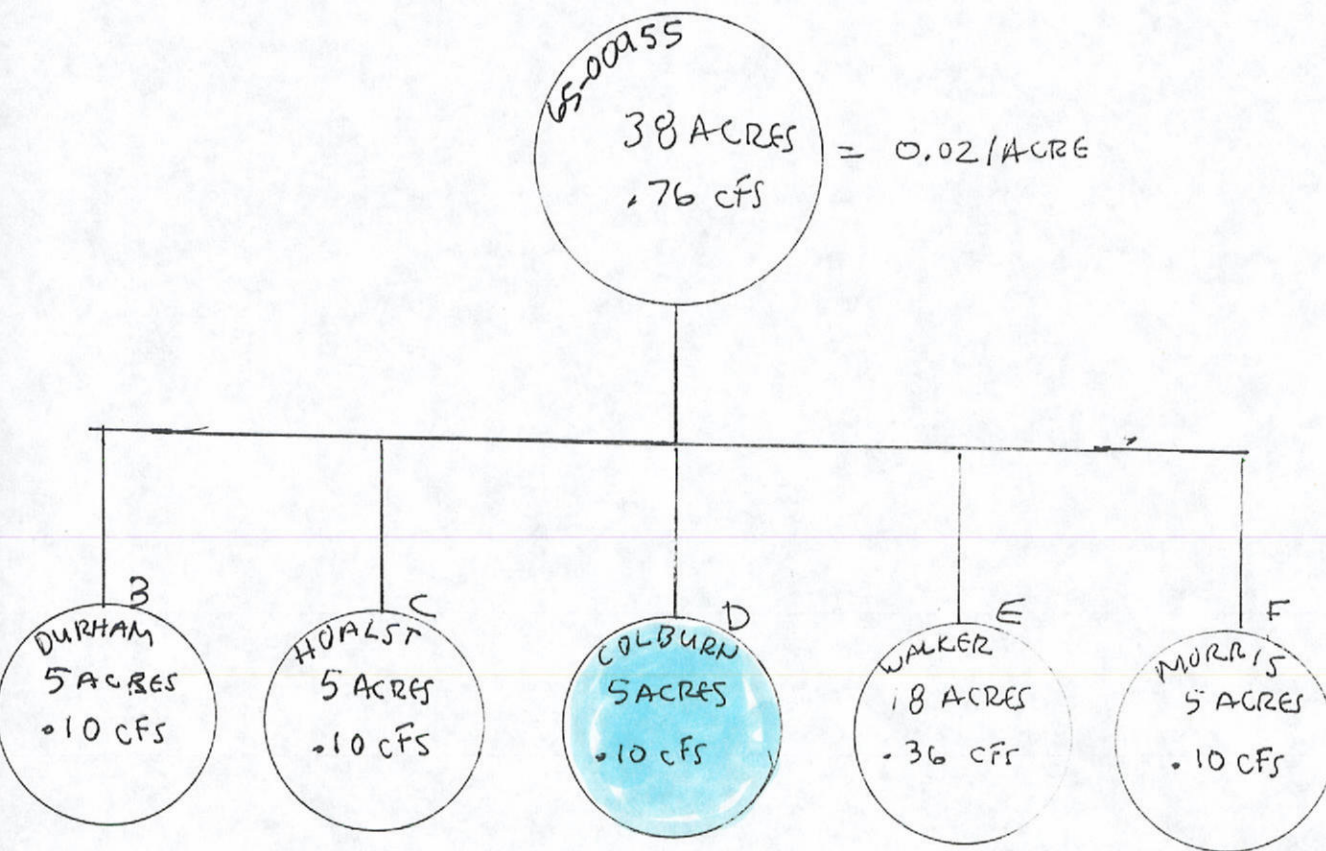
(Enter=Continue)

(GOLD7=This Query)

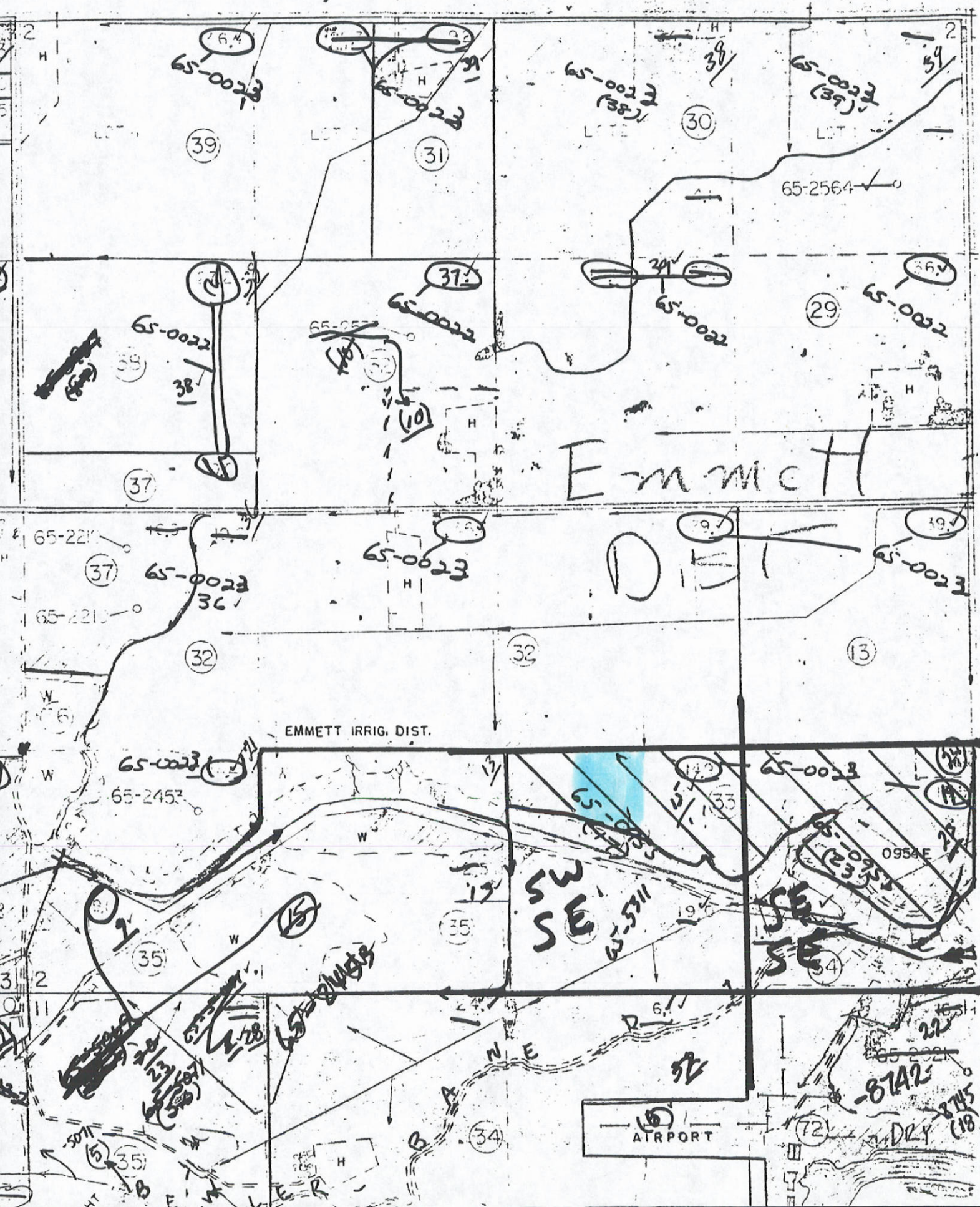
(Menu _____)

CLAIMS SPLIT BY: KAY WALKER

ANALYSIS BY: RON HOWERTON 8/30/00



T6N R2W S02





30 000 FEET

AG5-18309

AG5-00855

SEP 15 1992 T6N, R2W, Sec. 2, SE, SE

SCALE 1:24000

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

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DAVID COLBURN 208-365-5939
Address: 911 JACKSON AVE
EMMETT ID 83617
OR
Name: NANCY COLBURN 208-365-5939
Address: 911 JACKSON AVE
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
06N	02W	2	SW	SE		IRR

MICROFILMED
OCT 18 1996

10. Place of Use: Continued

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

ADDRESS CHANGE PER POST OFFICE. JS

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: _____

MICROFILMED
OCT 18 1996

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 _____

MICROFILMED
OCT 18 1996



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.

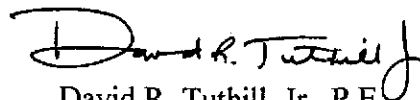
IDWR recognizes that in reliance on the non-irrigation season stockwater language in the Payette Adjudication, water users might not have filed stockwater claims in the SRBA to cover the non-irrigation season period. Individuals who historically watered livestock during the non-irrigation season without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

03/07/2001

RECEIVED

APR 12 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: 65-955D

DAVID COLBURN
911 JACKSON AVE
EMMETT ID 83617
Telephone Number: (208)365-5939

NANCY COLBURN
911 JACKSON AVE
EMMETT ID 83617
Telephone Number: (208)365-5939

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: 4-6-01

SIGNATURE:

David R. Colburn Nancy L. Colburn

Please print your name:

David R. Colburn Nancy L. Colburn

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

12/21/2000

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

RIGHT NUMBER: 65-955D

NAME AND ADDRESS: DAVID COLBURN
NANCY COLBURN
911 JACKSON AVE
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

AJ5809NP
No. A65-00955D

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 08/25/00
PAGE: 3

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	DAVID COLBURN	04/01/1904	IRRIGATION	03-15 11-15	0.100 CFS	
C	NANCY COLBURN					
	911 JACKSON AVE					
	EMMETT ID 83617			TOTAL DIVERSION:	0.100 CFS	
	(208) 365-5939			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
ADDRESS CHANGE PER POST OFFICE. JS

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number: 65

Field Inspection Flag:
Presumption Flag:

SPLIT
RIGHT

c 13

SAME PID AS
65-00955B,C,E&F

DATE: 08/25/00
PAGE: 1

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

T06N R02W
S02

Idaho Department of Water Resources

Claims: 65-00955D

Prepared by:

RON HOWERTON

Date: 31 AUG 00

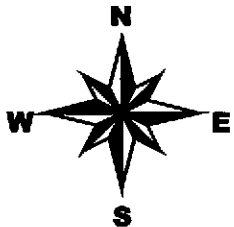
 Place of use

● POD

 SECTION

 1/4 1/4

5 Acres



1987 NAPP



0 0.1 0.2 0.3 0.4 0.5 0.6 0.7 Miles



T06N R02W
S02

Idaho Department of Water Resources

Claims: 65-00955D

Prepared by:

RON HOWERTON

Date: 31 AUG 00

 Place of use

 POD

 SECTION

 1/4 1/4

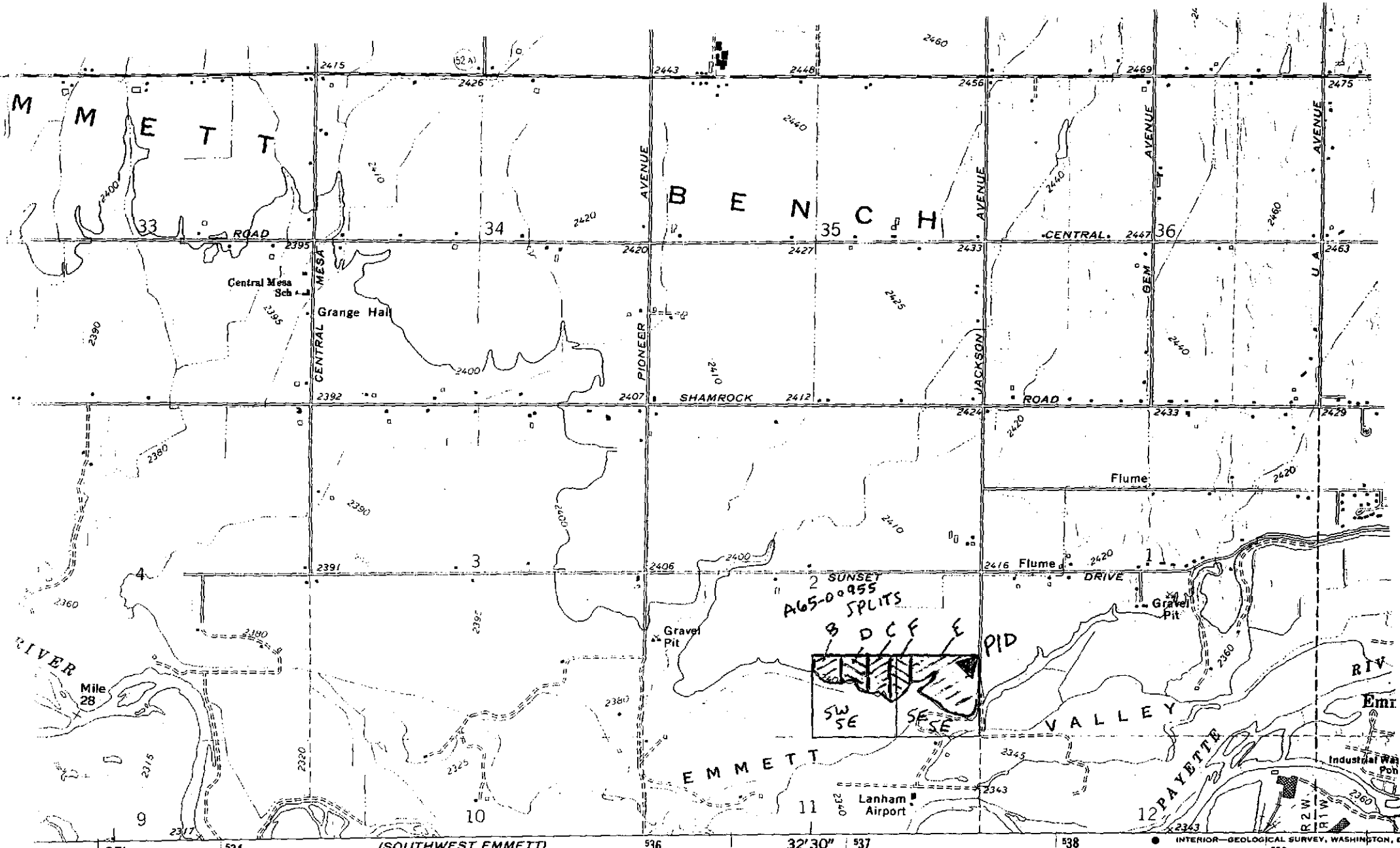


1987 NAPP



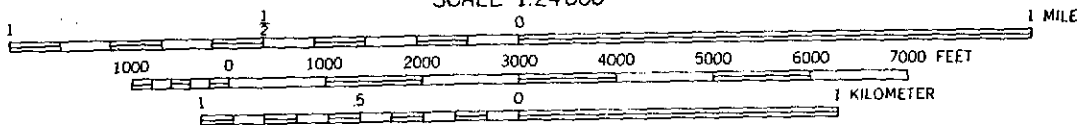
0 0.1 0.2 0.3 0.4 0.5 0.6 0.7 Miles





(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?
AG-5-00955 B

ALL
SAME
P/D

CO
OD

W6
1971 TPO
T6N R2W
S02

SW SE
SE SE (P/D)
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

NETIC NORTH
OF SHEET

INTERIOR-GEOLOGICAL SURVEY, WASHINGTON, D. C.

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

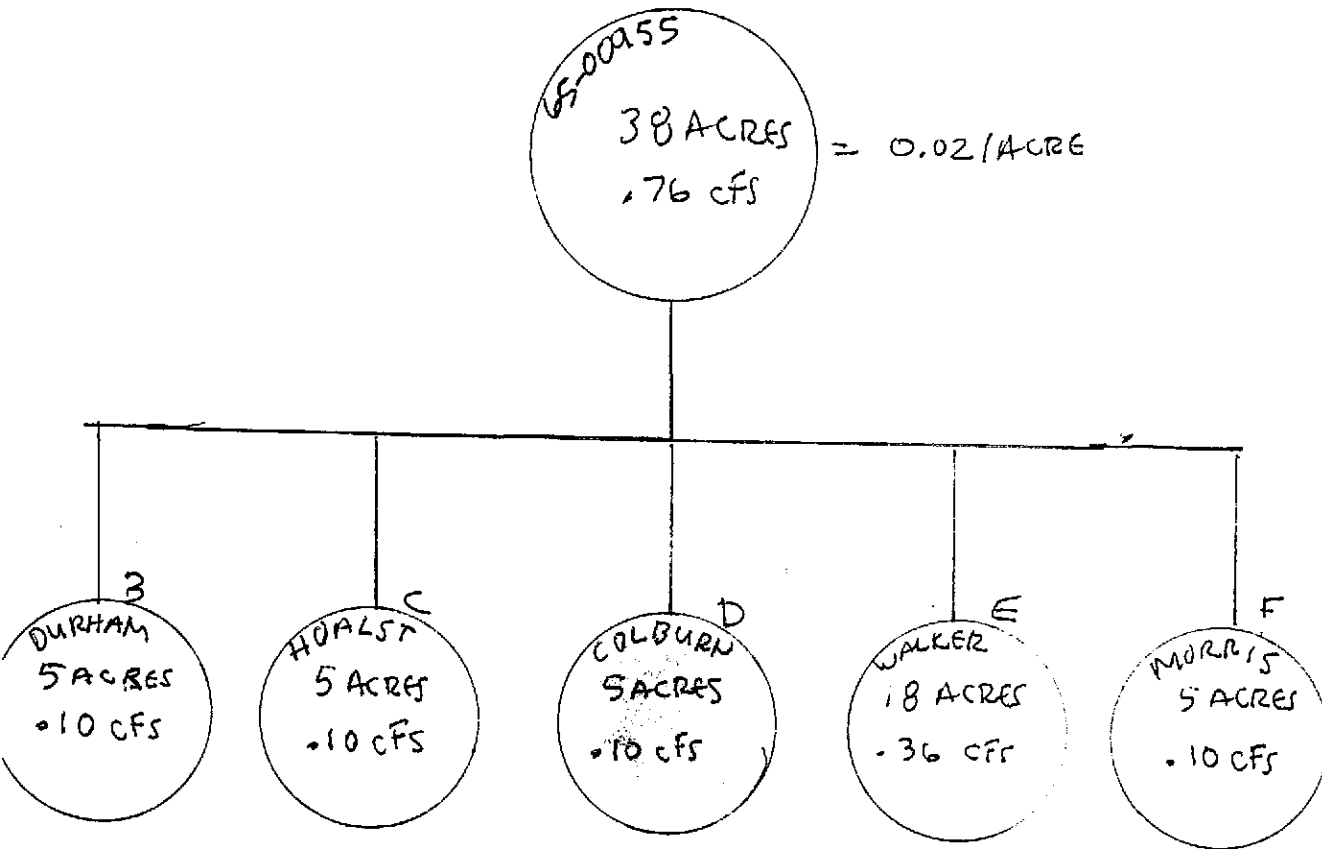
(Enter=Continue)

(GOLD7=This Query)

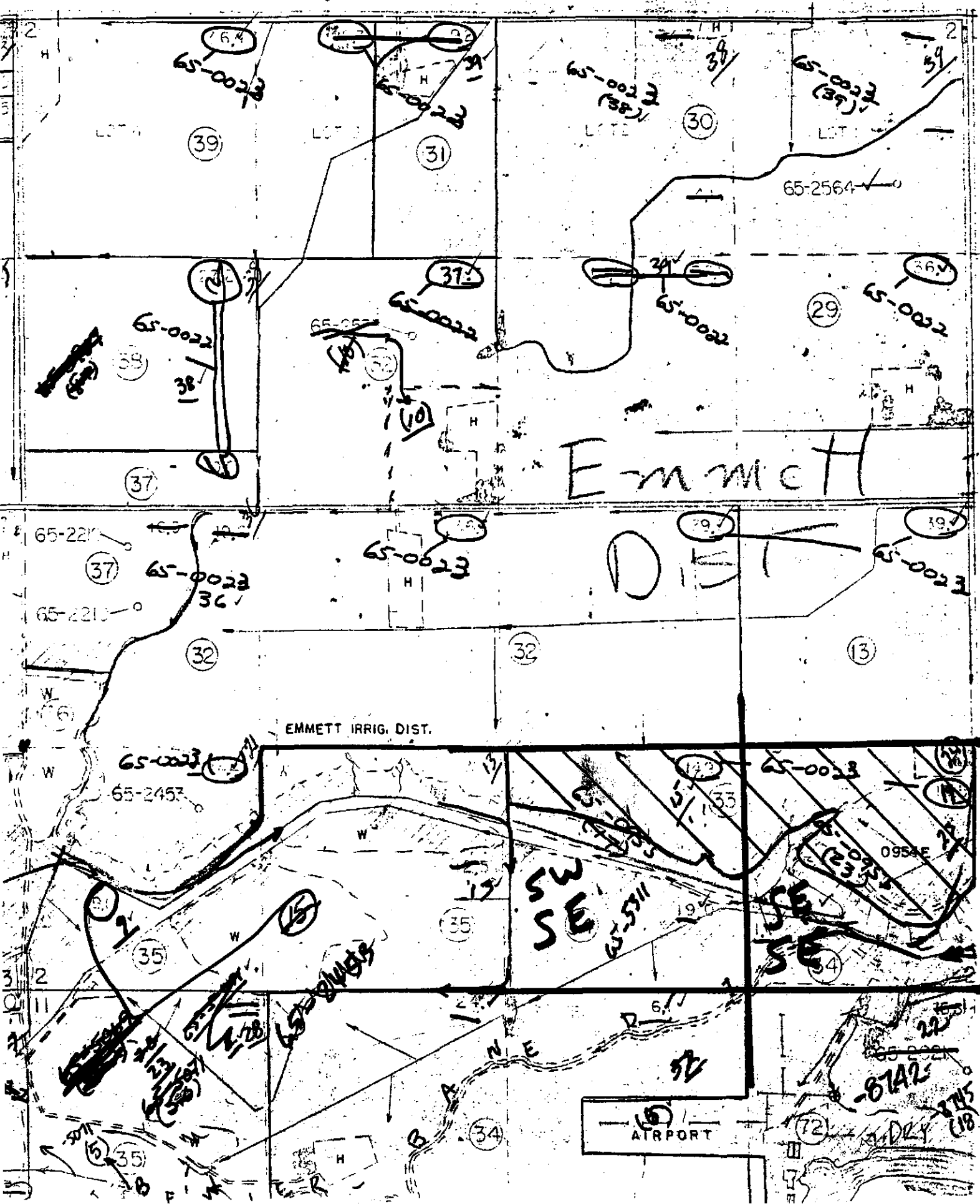
(Menu _____)

CLAIMS SPLIT BY: KAY WALKER

ANALYSIS BY: RON HOWERTON 8/30/00



T6N R2W S02



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

IDENT. NO.

MAP NO.

TO A
WATER RIGHT

65-0955

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

(Name of Claimant)

Rt. 2, Box 243, Emmett, Idaho

(Mailing Address)

claims a right to the diversion

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

The extent and nature of said claim is as follows:

- (1) Date of priority: (When was the water first applied to a beneficial use, or date that permit was issued) April 1, 1904
- (2) Describe source of water: (Name of stream, lake, spring, etc., or subterranean) Waste water from waste ditch
that flows into 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 3/15 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	
	<u>6N</u>	<u>2W</u>	<u>2</u>															<u>23.0</u>	<u>40.0</u>
																		<u>15</u>	<u>3.8</u>

Total No. of acres. 40.0 3.8

- 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

(Signature of Spouse)

State of Idaho

County of Ada

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 3/17/77

9/14

DET 1-25-78

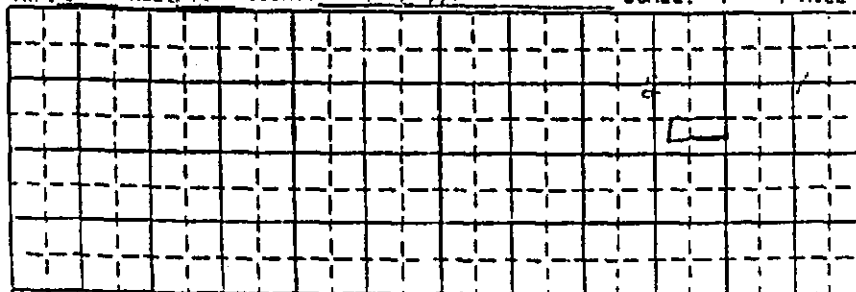
**ADJUDICATION DIVISION
REPORT OF EXAMINERS**

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) (to.-Day)
 Use Irrigation Period of Use From 4/1 To 10/31
 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				SE 1/4				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
<u>6N</u>	<u>2W</u>	<u>2</u>												<u>170.230</u>	<u>40.0</u>

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



8. Purpose Other Than Irrigation:
9. Remarks: Head gate next to the road

This examination was made on the 19 day of April 1971.
 (Signed) William C. Lawton
 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. A65-00955D

David or Nancy Colburn
1492 Salesyard
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

IDAHO DEPARTMENT OF WATER RESOURCES
WESTERN REGION
2735 Airport Way
Boise, Idaho 83705-5082

BD183708 12-11-95 1943

*per 1995 phone book:
David Colburn
365-5939
same as on claim.
KW 12/20/95*

DAVID OR NANCY COLBURN
1492 SALESYARD
EMMETT ID

*resent
to:
12/20/95*

AG 5-009 55D

RECEIVED
DEC 14 1995
WATER RESOURCES
WESTERN REGION



COLB492 836172013 1A94 12/13/95
FORWARDING TIME EXPIRED
COLBURN
911 JACKSON AVE
EMMETT ID 83617-9522
RETURN TO SENDER



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

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

1. Name: DAVID COLBURN 208-365-5939
Address: 1492 SALESYARD
EMMETT ID 83617
OR
Name: NANCY COLBURN 208-365-5939
Address: 1492 SALESYARD
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
06N	02W	2	SW	SE		IRR

MICROFILMED
Acres
5.00 OCT 18 1996

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: _____

MICROFILMED
OCT 18 1996

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 _____

MICROFILMED
OCT 18 1996



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

RECEIVED

JUL 13 1993

DATE OF CLOSING: _____

Department of Water Resources
Western Regional Office

LEGAL DESCRIPTION OF PROPERTY: Township 6 North Range 2 West
Section 2 SW 1/4 of 04SE 1/4 of _____ 1/4 Govt. Lot _____, BM.

Lot _____, Block _____, Subdivision/Townsite _____

If you have additional legal descriptions, please attach separate sheet.

Sheets attached

[] 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):

David & Nancy Colburn

[] New Mailing Address:

1492 Salesyard
Emmett Id 83617

[] New Telephone Number:

(208) 365-5939

[] Does the change in ownership result in a splitting of the water right owned/claimed? X yes no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

5.27 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)

David R. Colburn
Nancy J. Colburn

Date

Date 7/6/93

[] 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:

MICROFILMED

OCT 18 1996

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.

LEGAL DESCRIPTION

A tract of land situate in a portion of the $S\frac{1}{2}SE\frac{1}{4}$ of Section 2, Township 6 North, Range 2 West, B.M., 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 $00^{\circ}24'12''$ West (formerly North) along the East line of the $SE\frac{1}{4}$, a distance of 590.36 feet; thence

South $45^{\circ}20'48''$ West (formerly South $45^{\circ}45'$ West), a distance of 429.00 feet; thence

North $77^{\circ}24'12''$ West (formerly North 77° West), a distance of 1056.00 feet; thence

North $75^{\circ}00'55''$ West (formerly $73^{\circ}45'$ West), a distance of 435.00 feet to the REAL POINT OF BEGINNING; thence continuing

North $75^{\circ}00'55''$ West, a distance of 435.00 feet to a point; thence

North $00^{\circ}11'36''$ East, a distance of 451.14 feet to a point on a curve to the left; thence along said curve to the left having a radius of 50.00 feet, a central angle of $79^{\circ}06'10''$, a length of 69.03 feet, a chord which bears North $50^{\circ}38'30''$ East, a distance of 63.68 feet to a point, said point being 60.00 feet South of the North line of the $S\frac{1}{2}SE\frac{1}{4}$; thence

North $89^{\circ}33'38''$ East, and 60.00 feet South of and parallel with last said North line, a distance of 372.11 feet to a point; thence

South $00^{\circ}15'00''$ West, a distance of 606.85 feet THE REAL POINT OF BEGINNING.

TOGETHER WITH an easement for ingress and egress over and across the following tract of land:

A tract of land situate in a portion of the $S\frac{1}{2}SE\frac{1}{4}$ of Section 2, Township 6 North, Range 2 West, B.M., 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 $00^{\circ}24'12''$ West (formerly North) along the East line of the $SE\frac{1}{4}$ of Section 2, a distance of 955.64 feet to a point, THE REAL POINT OF BEGINNING; thence

South $89^{\circ}33'38''$ West, a distance of 378.22 feet; thence

North $00^{\circ}24'12''$ West, a distance of 296.27 feet to a point 60.00 feet South of the North line of the $S\frac{1}{2}SE\frac{1}{4}$; thence

South $89^{\circ}33'38''$ West, parallel with and 60.00 feet South of the North line of the $S\frac{1}{2}SE\frac{1}{4}$ 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 $259^{\circ}06'10''$, a length of 226.11 feet, and a chord which bears North $39^{\circ}21'24''$ West, a distance of 77.11 feet to a point on aforesaid North line of the $S\frac{1}{2}SE\frac{1}{4}$; thence

North $89^{\circ}33'38''$ East along said North line, a distance of 1851.09 feet; thence

South $00^{\circ}24'12''$ East, a distance of 296.23 feet; thence

North $89^{\circ}33'38''$ East, a distance of 318.22 feet to a point on said East line of the $SE\frac{1}{4}$ of Section 2; thence

South $00^{\circ}24'12''$ East along said East line a distance of 60.00 feet to the POINT OF BEGINNING.

AND TOGETHER with an easement for a common driveway recorded as Instrument No. 164750, records of Gem County, Idaho.

* * * * *

MICROFILMED
OCT 18 1996

DEED OF RECONVEYANCE

TITLE AND TRUST COMPANY, an Idaho Corporation, as Trustee
in the deed of trust executed by **DAVID R. COLBURN & NANCY L. COLBURN**, husband and wife,

Volume ----- at page -----, Instrument No. 156210 Mortgage records of **GEM**
County, Idaho, pursuant to the written request of the beneficiary, does hereby **GRANT** and **RECONVEY** unto the **PARTIES ENTITLED THERETO.**

DAVID R. COLBURN & NANCY L. COLBURN, husband and wife,

without warranty, all the estate and interest derived to it by or through said Deed of Trust, in the lands therein described.

The corporation name subscribed by its **Vice President**, and the seal affixed by its **Asst. Secretary**, is pursuant to a resolution authorizing the execution of this reconveyance duly adopted by its Board of Directors.

Dated: **March 2, 1992**

TITLE AND TRUST COMPANY, TRUSTEE

..... *Thelma R. Kolodziej*
Vice- President,
..... *Karen Spencer*
Asst. Secretary

STATE OF IDAHO

SS.

COUNTY OF **GEM**

On this **2nd** day of **March** in the year
19 **92**, before me, a Notary Public in and for said State, personally appeared
Karen Spencer known to me
to be the **Asst. Secretary** of the corporation that executed the within
instrument or the person who executed the instrument on behalf of said
corporation, and acknowledged to me that such corporation 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.

Patricia D. Hamilton
Notary Public for the State of Idaho,
Residing at **Emmett, Idaho**, Idaho.
Commission expires: **3-14-93**

STATE OF IDAHO, COUNTY OF **GEM**

I Hereby Certify that this instrument was filed for record at the request of
at **57** **Security Title Co.** **3** o'clock P. M.,
minutes past
this **3rd** day of **March**,
19 **92**, in my office, and duly recorded ~~XXXX~~ as a Release
~~XXXXXXX~~ under Instr. #171624.

Thelma R. Kolodziej

Ex-Officio Recorder.

By

Judy Bigham

Deputy.

Fees \$ **3.00**

Mail to: **First Security Bank of Idaho, N.A.**
P.O. Box 37
Boise, Idaho 83707

IDL-370-TT (8-82)

Attn: **Pat Gibson**

INSTRUMENT NO.

171624

**DEED OF
RECONVEYANCE**

TITLE AND TRUST COMPANY

To

**MICROFILMED
OCT 18 1996**

TITLE AND TRUST COMPANY

BOX 2528

BOISE, IDAHO 83701

TELEPHONE 343-3667

TITLE AND TRUST COMPANY

By:



Security Title Company of Idaho

317 North Ninth
P.O. Box 2698
Boise, ID 83701-2698
(208) 343-3667

Fee \$ 3.00

By: *Glen Lorenzen*
Deputy

Idaho R. Kolodziej, Clerk
Ex-Officio Recorder

Recorded as a Release

Instrument No. 171898

Date April 1, 1992

Time 3:53 PM

Recorded at request of
Security Title Co.

Gem County, IDAHO)

171898

(The Space Above This Line Is Reserved For Recording Data)

ORDER NO: 02185

prt of SW1/4odSE1/4 of Sec13T6NR2W ofb.m.

DEED OF RECONVEYANCE

**TITLE AND TRUST COMPANY, an Idaho Corporation, as
Trustee in the Deed of Trust executed by**

DAVID R. COLBURN AND NANCY L. COLBURN, Husband and wife

recorded,

6/19/78

as Instrument No.

124620

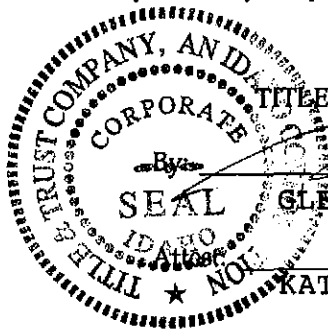
Mortgage records of

GEM

County, Idaho, pursuant to the written request of the beneficiary, does hereby GRANT and RECONVEY unto the PARTIES ENTITLED THERETO, without warranty, all the estate and interest derived to it by or through said Deed of Trust, in the lands therein described.

The corporate name subscribed by its Vice President, and by its Assistant Secretary, is pursuant to a resolution authorizing the execution of this reconveyance duly adopted by its Board of Directors.

Dated: 3/22/92



TITLE AND TRUST COMPANY, TRUSTEE

By: *Glen Lorenzen*
SEAL

GLEN LORENSEN

Vice President

STATE OF IDAHO, County of Ada, SS.

Kathy Moon
KATHY MOON

Assistant Secretary

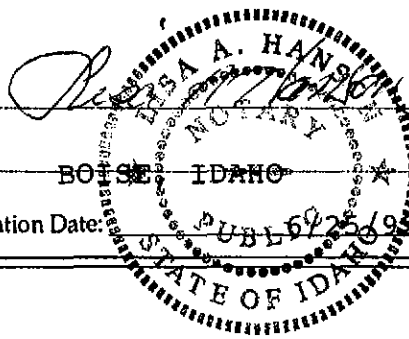
On this 22nd day of MARCH, in the year 1992, before me the undersigned, a notary public in

and for said state, personally appeared KATHY MOON known or identified to me to be the vice president and assistant secretary of the corporation that executed the instrument or the person(s) who executed the instrument on behalf of said corporation and acknowledged to me that such corporation executed the same.

Notary Public

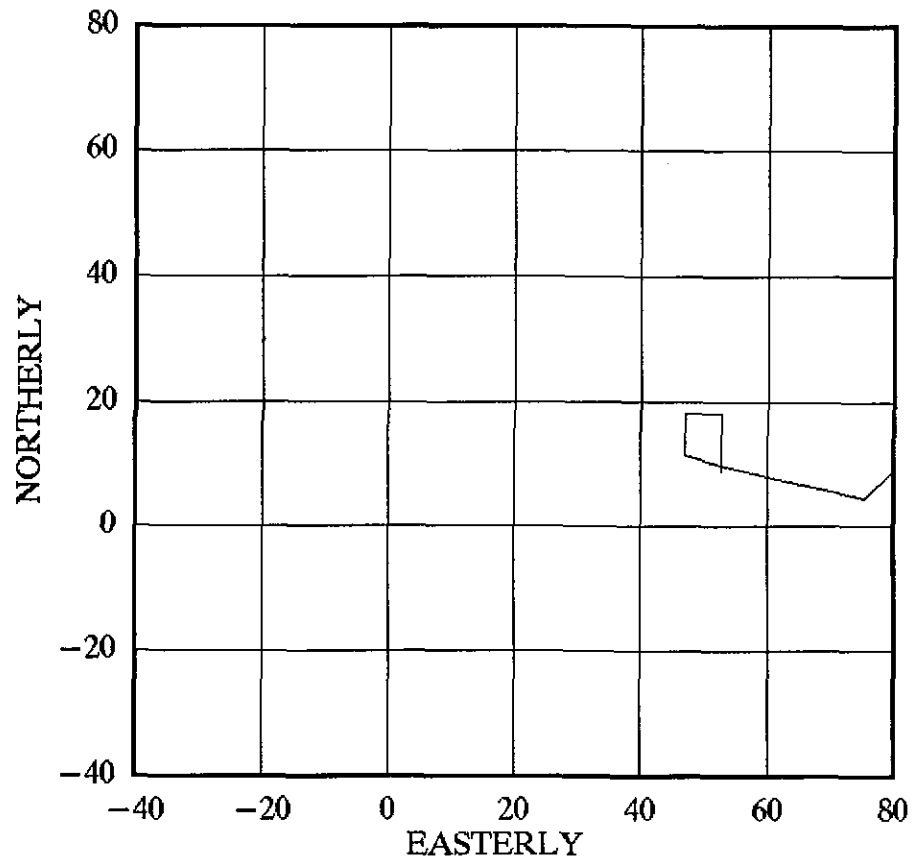
Residing at:

Commission Expiration Date:



MICROFILMED
OCT 18 1996

PARCEL PLOT - METES & BOUNDS
DISTANCE IS IN CHAINS



kw
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

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

MICROFILMED
OCT 18 1996

(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.

08/90
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. Lamson Walker

Helen N. Walker

Mailing Address
(include Zip Code)

899 Jackson

Emmett, Idaho 83617

Phone Number (208) 365-6650

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: 65-00355

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

POOR ORIGINAL

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	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: GEN, GEN

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

VS

A & C CORP., ET AL.

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

RESIDING AT _____
MICROFILMED
OCT-18 1996

MY COMMISSION EXPIRES _____
DATE: 10/23/39 1802



30 000 FEET

AG5-18309

AC-5-00955

SEP 15 1992

T6N, R2W, Sec. 2, SE, SE

SCALE 1:24000