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In File

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: **A65-01387B**
Date Received: 1/26/1990
Receipt No: X999999
Received By: _____

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

1. Name: HOLBROOK MASLEN 208-853-0536
Address: 1047 ARROWHEAD DR
CARSON CITY NV 89706

2. Date of Priority: APR 1, 1926

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		GEM
		6		SW	NE		GEM

5. Description of diverting works:
DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.640		

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

8. Total consumptive use is 287.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06N	01W	6	NE	SW		IRR	36.0
			NW	SW	6	IRR	30.0
			SW	SW	7	IRR	1.0
			SE	SW	8	IRR	1.0

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10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06N	01W	6	NW	SE	9	IRR	12.0
						Section Acres	80.0
	02W	1	NE	SE		IRR	2.0
						Section Acres	2.0
						Total Acres	82.0

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:
65-07062

14. Remarks:

CHANGE IN OWNERSHIP COMPLETED BY L.R.W. ON 11/12/92.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

Decree Plaintiff

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

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
AUG 03 1994



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

RECEIVED
JUL 15 1992

DATE OF CLOSING: 7/13/92

Department of Water Resources

LEGAL DESCRIPTION OF PROPERTY: Township 6N Range R1W
Section 5 & 6 1/4 of 1/4 of 1/4 Govt. Lot 1, 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)

Department of Water Resources
Western Regional Office

☒ Water Right Number(s)
Assigned by IDWR: A-65-18372, A 65-07062 and ~~XXXXXX13872~~ A 65-01387B

☒ Name and Address of Former Owner/Claimant(s)(Seller):
Walter D. Nebeker and Josephine L. Nebeker
809 Sunset Drive, Emmett, Idaho 83617

☒ New Owner/Claimant (Purchaser):
Holbrook Maslen

☒ New Mailing Address: 1047 Arrowhead Drive, Carson City, Nevada 89706

☒ New Telephone Number: (208) 853-0536

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

☒ Attach proof of ownership, describe proof attached: Deed transferring property.

(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) _____ Date _____

☐ Signature of Former Owner/Claimant(s): Walter Nebeker Date 7/19/92

(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

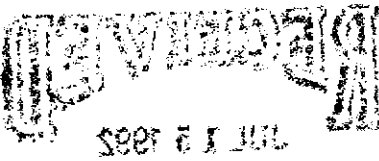
Date: _____ By: _____

Claim Numbers of Split, if any:

MICROFILMED

AUG 03 1994

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



INSTRUCTIONS

DO NOT WRITE IN THESE SPACES

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.

FORM 88-001A

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: A65-01387B
Date Received: 1/26/1990
Receipt No: X9999999
Received By: [Signature]

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: WALTER NEBEKER
Address: 809 SUNSET
EMMETT, ID 83617
AND/OR
Name: JOSEPHINE NEBEKER
Address: 809 SUNSET
EMMETT, ID 83617
2. Date of Priority: APR 01, 1926
3. Source: WASTEWATER 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			GEM
		6	SW	NE			GEM
5. Description of diverting works:
DITCHES
6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.640		
7. Total Quantity Appropriated is:
1.640 C.F.S. (and/or) A.F.A.
8. Total consumptive use is 287.0 Acre Feet Per Annum.
9. Non-irrigation uses:

A65-01387B

Page 1

Date: 01/26/90

MICROFILMED
AUG 03 1994

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06N	01W	6	NE	SW		IRR	36.0
			NW	SW	6	IRR	30.0
			SW	SW	7	IRR	1.0
			SE	SW	8	IRR	1.0
			NW	SE	9	IRR	12.0
						Section Acres	80.0
	02W	1	NE	SE		IRR	2.0
						Section Acres	2.0
						Total Acres	82.0

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:
65-07062

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

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

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Walter Nebeker Date: Jan 26, 1990

Date: _____

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 26 day
of January 19 90
Seal

[Signature]
Notary Public

Residing at Boise, ID
My Commission Expires June 10, 1994

01/23/2001

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

RIGHT NUMBER: 65-1387B

NAME AND ADDRESS: HOLBROOK MASLEN
1047 ARROWHEAD DR
CARSON CITY, NV 89706

SOURCE: WASTEWATER TRIBUTARY: PAYETTE RIVER

QUANTITY: 1.64 CFS
287 AFY

USE OF THIS RIGHT WITH RIGHT NO. 65-07062 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 0.02 CFS PER ACRE AT FIELD
HEADGATE.

PRIORITY DATE: 04/01/1926

POINT OF DIVERSION:	T06N R01W S5	SWNW	Within GEM County
	T06N R01W S6	SWNE	Within GEM County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03-15 11-15	1.64 CFS

PLACE OF USE:

<u>IRRIGATION Within GEM County</u>							
T06N R01W S6		NESW	36	T06N R01W S6	LOT 6	NWSW	30
T06N R01W S6	LOT 7	SWSW	1	T06N R01W S6	LOT 8	SESW	1
T06N R01W S6	LOT 9	NWSE	12	T06N R02W S1		NESE	2

82 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. A65-01387B

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 01/16/01
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	HOLBROOK MASLEN 1047 ARROWHEAD DR CARSON CITY NV 89706 (208) 853-0536	04/01/1926	IRRIGATION	03-15 11-15	1.640 CFS	287.00 AFA
Water Source: WASTEWATER				TOTAL DIVERSION: CONSUMPTIVE USE:		1.640 CFS
Point(s) of Diversion:		Tributary to: PAYETTE RIVER		Stage: DECREASED		
T06N R01W S05 S06		SWNW SWNE		GEM County 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 : Lt Ac Lt Ac Lt Ac Lt Ac : Lt Ac Lt Ac Lt Ac Lt Ac : SUM						
06N 01W 6 : : : : : 36 06-30 07-01 08-01 : 09-12 : 80.0						
06N 02W 1 : : : : : : : 02 : 2.0						
TOTAL ACRES 82.0						

POU County: GEM

Other Rights: 65-07062

Remarks: GEN CHANGE IN OWNERSHIP COMPLETED BY L.R.W. ON 11/12/92.

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:
Presumption Flag:

QNTW/65-7062
to .02 cfs per acre
C18

AJ5809NP
No. A65-01387B

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 07/28/00
PAGE: 43

Point(s) of Diversion:

T06N R01W S05

SWNW

? ✓

GEM County

~~T06 R01W S06 SWSE~~

WASTE WATER

TRIBUTARY

PAYETTE RIVER

~~T06 R01W S06 SWNW~~

WASTE WATER

TRIBUTARY

PAYETTE RIVER

NOTE Show Two Points of Diversion.

T06 R01W S06 SWNE ✓

AJ5809NP
No. A65-01387B

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 07/28/00
PAGE: 44

Point(s) of Diversion: T06N R01W S06 SWNE GEM County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE										
				NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM		
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	
06N	01W	6	:											:	36	06-30	07-01	08-01	:		09-12				:	80.0
06N	02W	1	:											:					:	02					:	2.0
																							TOTAL ACRES		82.0	

POU County: GEM

Other Rights: 65-07062

Remarks: GEN CHANGE IN OWNERSHIP COMPLETED BY L.R.W. ON 11/12/92.

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

C18 ✓

QNT 804(7) 65-7062
02/24/00

AJ5809NP
No. A65-01387B

IDaho DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 07/28/00
PAGE: 42

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	HOLBROOK MASLEN 1047 ARROWHEAD DR CARSON CITY NV 89706 (208) 853-0536	04/01/1926	IRRIGATION	03-15 11-15	1.640 CFS	
				TOTAL DIVERSION: CONSUMPTIVE USE:	1.640 CFS	287.00 AFA
	Water Source: WASTEWATER		Tributary to: PAYETTE RIVER		Stage: DECREED	

JIM JONES
Attorney General
State of Idaho
Statehouse, Room 210
Boise, Idaho 83720
Telephone: (208) 334-2400

PHILLIP J. RASSIER
JOSEPHINE P. BEEMAN
Deputy Attorneys General
Department of Water Resources
Statehouse
Boise, Idaho 83720
Telephone: (208) 334-7920

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

IN THE MATTER OF THE GENERAL	)	Civil Case No. 3667
DETERMINATION OF THE RIGHTS TO	)	
THE USE OF SURFACE AND GROUND	)	STIPULATION ADDING, AMENDING,
WATER OF THE PAYETTE RIVER	)	AND DELETING RECOMMENDATIONS
DRAINAGE.	)	FOR GOSLIN, KIENITZ,
	)	NEBEKER AND REKOW
	)	

R. Keith Higginson, Director of the Idaho Department of Water Resources, Walter and Josephine Nebeker, John H. and Karon S. Kienitz, T. Edwin and Ida Goslin, and Charles L. and Delma C. Rekow, enter into a stipulation resolving an oversight from the record before this court in the Payette Adjudication. This omission or oversight was initially addressed by a motion pursuant to Rule 60(a) filed with the court March 28, 1988.

As explained in the motion on file with the court, the land for which a claim was omitted by the oversight of the Idaho Department of Water Resources is presently farmed by Nebeker and Kienitz. Kienitz owns his land under a contract of sale from the Rekows.

Additional facts not contained in the original motion nor the affidavits which accompanied the motion are agreed to by the parties in this stipulation. Those facts include the following: the waste water rights which are affected by this stipulation are all for waste water from the Emmett Irrigation District. From a review of documents on file with the Idaho Department of Water Resources, the parties agree that the lands now owned or being purchased by Goslin, Nebeker, Rekow and Kienitz began irrigation with waste water (originating from the east side of Washington Street) in the 1920's. Specifically, it appears that the records of the Idaho Department of Water Resources support a priority date of April 1, 1926 for 65-1387A, 65-1387B, and 65-11415, and a priority date of 11-10-1929 for 65-2360. No other individuals are presently using this particular source of waste water. Goslin has two additional water rights (65-2838 and 65-2497) for waste water from this same area which have junior priority dates.

In the process of the negotiations leading to this stipulation, it became apparent that there were other clerical errors in rights for the same lands. Specifically, right 65-3842 originally decreed in the name of Beckman, is appurtenant to lands now owned by Rekow. Further, because part of the land under right 65-3842 is under contract of purchase with Kienitz, the right was split to 65-3842A and 65-3842B.

The changes to the water right claim numbers are reflected in the attached exhibit. Also, where these new claim numbers need to be listed as "Other Rights" where the land to which the

right is appurtenant is also covered by an additional water right, those changes are reflected in the exhibit.

There is a decreed licensed right, 65-2458, which is no longer in the listing of water rights accompanying this stipulation. Right 65-2458 was originally recommended for land that is now covered by 65-11415. The records in the license files at the Department of Water Resources provided evidence that the water use under 65-2458 arose earlier than the priority date indicated on the license. Thus, instead of licensed right 65-2458, beneficial use right 65-11415 is listed in the schedule accompanying this stipulation with a priority date of April 1, 1926. The rate of diversion for 65-11415 is 1.56 cfs, reflecting a clerical correction that only 78 acres can be irrigated from this diversion. Originally, 65-2458 listed a diversion rate of 1.74 cfs for 87 irrigated acres. The points of diversion and places of use are unchanged except for clerical corrections which are indicated.

An additional decreed licensed right 65-2360 is listed with reduced acreage in the attached schedule of rights. The records in the license files at the Department of Water Resources provided evidence that water use on some acres under 65-2360 began earlier than the date on the license. Therefore, 63 acres previously listed with 65-2360 are now listed with 65-1387A in the schedule of rights accompanying this stipulation.

DATED this 17th day of April, 1980.

Josephine P. Beeman
JOSEPHINE P. BEEMAN
Deputy Attorney General
Department of Water Resources

Water Nebeker

Josephine Nebeker

John H. Kienitz

Karon S. Kienitz

Edwin Goslin
Edwin Goslin

Ida M. Goslin
Ida Goslin

Charles L. Rekow

Delma C. Rekow

NO. _____

FILED AT A.M. _____ P.M. _____

DATE: 5-15-90THELMA R KOLODZIEJ, CLERK
BY Laci Rambour, DEPUTY32
JIM JONES
Attorney GeneralJOSEPHINE P. BEEMAN
Deputy Attorney General
Department of Water Resources
Boise, Idaho 83720
Telephone: (208) 327-7920RECEIVED
MAY 17 1990

Department of Water Resources

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)	Civil Case No. 3667
DETERMINATION OF THE RIGHTS TO)	
THE USE OF SURFACE AND GROUND)	ORDER AMENDING DECREE OF
WATER OF THE PAYETTE RIVER)	WATER RIGHTS PURSUANT TO
DRAINAGE.)	STIPULATION OF GOSLIN,
_____)	KIENITZ, NEBEKER, REKOW AND
	THE IDAHO DEPARTMENT OF
	WATER RESOURCES

The stipulation of R. Keith Higginson, Director of the Idaho Department of Water Resources, Walter Nebeker and Josephine Nebeker, John H. Kienitz and Karon A. Kienitz, T. Edwin Goslin and Ida Goslin, and Charles L. Rekow and Delma C. Rekow has been filed with the court. Attached to that stipulation is a listing of water rights. Exhibit A attached to this order is the stipulation with the listing of water rights. Since identical stipulations were separately signed by the parties, the stipulation attached as Exhibit A shows only the signature of one of the parties, the Goslins.

The stipulation lists amendments to the decree of water

ORDER AMENDING DECREE OF WATER
RIGHTS PURSUANT TO STIPULATION - 1

rights for the Payette River Drainage Basin. The need for amendments was initially addressed by a motion pursuant to Rule 60(a) of the Idaho Rules of Civil Procedure to correct an omission made by the Idaho Department of Water Resources. That motion was filed March 28, 1988 with the court. Additional corrections have been identified by the parties since that time. Now, by stipulation of the affected parties, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the decree of water rights for the Payette River Drainage Basin be amended as follows:

1. Water right 65-3842 is replaced by two new water rights known as 65-3842A and 65-3842B, as listed in Exhibit A.
2. Water right 65-2360 is replaced in part by a new water right, 65-1387A, listed in Exhibit A; the remaining portion of 65-2360 is shown as amended in Exhibit A.
3. Water right 65-1387B is a new water right listed in Exhibit A; 65-1387B was not previously listed in the water rights for the Payette River drainage basin.
4. Water right 65-2458 is replaced by a new water right, 65-11415, as listed in Exhibit A. Also, of nine acres originally listed with 65-2458, six acres are now shown with 65-2497 and three acres are shown with 65-2838, as listed in Exhibit A.
5. Water right 65-2497 is unchanged except for minor amendments listed in Exhibit A.
6. Water right 65-1390 is unchanged except for minor amendments listed in Exhibit A.
7. Water right 65-2838 as listed in Exhibit A is unchanged except for minor amendments.
8. Water right 65-1393 as listed in Exhibit A is unchanged except for minor amendments.
9. Water right 65-2895 is listed in Exhibit A as licensed subsequent to the filing of the proposed finding of water rights for the Payette River drainage basin.

10. Water right 65-7062 as listed in Exhibit A is unchanged except for minor amendments.

The specific changes accomplished by this Order are more fully set forth in the listing of the water rights accompanying the stipulation, all attached as Exhibit A and that exhibit is incorporated as if fully set forth herein. The exhibit comprises eleven pages.

DATED this 9th day of May, 1990.

JIM R. DOOLITTLE

JIM R. DOOLITTLE
District Judge

LISTING OF WATER RIGHTS

PAGE 2

RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	MAXIMUM DIVERSION	BASIS OF RIGHT
SOURCE: WASTEWATER		TRIBUTARY: PAYETTE RIVER				
65-1387A	Rekow, Charles L. Rekow, Delma C. 1029 Lilac Ln. Emmett, Idaho 83617 Point of Diversion: T6N R2W Sec. 1 Place of Use: T6N R1W Sec. 6 T6N R2W Sec. 1 63 Acres Total Other Rights: 65-2895, 65-3842B, 65-1390 Remarks: This right when combined with rights 65-2895, 65-1390, 65-3842B shall provide no more than .02 cfs/acre. The source for this wastewater right has its origins to the east of Washington Street in Sections 5 and 6 of T6N, R1W, B.M. (See points of diversion listed for 65-1387B, 65-2838, and 65-11415.) Wastewater is gained from irrigation occurring between the point of origin and the point of diversion. These acres were originally recommended with licensed right 65-2360.	4-1-1926	Irrigation	3-15 11-15	1.26 CFS	Beneficial Use
65-1387B	Nebeker, Walter Nebeker, Josephine 809 Sunset Emmett, Idaho 83617 Point of Diversion: T6N R1W Sec. 6 T6N R1W Sec. 5 Place of Use: T6N R1W Sec. 6 T6N R2W Sec. 1 82 Acres Total Other Rights: 65-7062 Remarks: This right when combined with right 65-7062 shall provide no more than .02 cfs/acre.	4-1-1926	Irrigation	3-15 11-15	1.64 CFS	Beneficial Use

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

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	HOLBROOK MASLEN 1047 ARROWHEAD DR CARSON CITY NV 89706 (208) 853-0536	09/01/1987	DOMESTIC	01-01 12-31	0.04 CFS	
TOTAL DIVERSION:					0.04 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: BENEFICIAL USE

Point(s) of Diversion:

T06N R01W S06 Lot09(NWNWSE)

GEM County

Place of use Legal Description for: DOMESTIC

				NE				NW				SW				SE							
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:			
06N	01W	6	:																	:			
																09-D							

POU County: GEM

Non-Irrigation Uses: DOMESTIC 1 HOUSEHOLD

Other Rights: NONE

Dates: Exam Made Date: Verified Date: 11/23/1992

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

Comments: Date: 11/23/1992 User-ID: WERNER Subject: OWNERSHIP
CHANGE IN OWNERSHIP FORM SUBMITTED WITH DEED ON 7/15/92. CHANGE
COMPLETED ON 11/12/92.
"CONTRACTOR TO CONTINUE REVIEW"

Audit: 11/23/92 WERNER

MICROFILMED
AUG 03 1994



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

Date November 12, 1992

[Holbrook Maslen
1047 Arrowhead Dr.
Carson City, NV 89706]

Notice of Claim No.(s) A65-01387B, A65-07062, A65-18372

Dear Claimant:

Enclosed is a copy(s) of the above referenced claim(s) which reflect the change in ownership of the land and appurtenant water rights covered by this claim(s).

The Department will contact you in the future concerning any requirements that may be needed in order to process this claim(s) for final court decree.

If you have any questions concerning the enclosed claim(s), please feel free to contact this office.

Sincerely,

Linda A. Werner
Sr. Water Resource Agent
Adjudication Section

Enclosure(s)

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AUG 03 1994

WARRANTY DEED

For Value Received Walter D. Nebeker and Josephine L. Nebeker,
 husband and wife

the grantors , do hereby grant, bargain, sell and convey unto
Holbrook Maslen, a single man
1047 Arrowhead Drive
Carson City, Nevada 89706
the grantee , the following described premises, in Gem County Idaho, to wit:

See Attached legal description

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee s,
his heirs and assigns forever. And the said Grantor do es hereby covenant to and
with the said Grantee , thatt he y are the owner s in fee simple of said premises; that they are free
from all encumbrances except current years taxes, irrigation district assessments,
public utility easements, and U. S. Patent Reservations.

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: July 13, 1992

Walter D. Nebeker

~~X Josephine L. Nebeker~~
Josephine L. Nebeker

STATE OF IDAHO, COUNTY OF Gem
On this 13th day of July, 19 92.
before me, a notary public in and for said State, personally
appeared Walter D. Nebeker and Josephine
L. Nebeker,

known to me to be the person s whose name s are
subscribed to the within instrument, and acknowledged to
me that they executed the same.

STATE OF IDAHO, COUNTY OF _____
I hereby certify that this instrument was filed for record at
the request of _____

at _____ minutes past _____ o'clock _____ m.,
this _____ day of _____,
19____, in my office, and duly recorded in Book
of Deeds at page _____.

Lix-Oficio Recorder

By _____ Deputy

Emmett
7/11/94

Notary Public
Idaho

Fees \$
Mail to:

First American Title Company of Idaho

INSTRUMENT No

LEGAL DESCRIPTION

Parcel 1: A parcel of land in Section 6, Township 6 North, Range 1 West, Boise Meridian, Gem County, Idaho, said land boundaries being in Government Lots 6, 7, 8 and 9, and the NE 1/4 SW 1/4 of said Section 6, and more particularly described as follows:

Commencing at the Center 1/4 section corner of Section 6, Township 6 North, Range 1 West, B.M.; thence South 89°47' East, 406.42 feet to the center line of a county road; thence South 4°51'50" East, along said centerline 41.25 feet to the real point of beginning; thence Following the center line of the county road South 4°51'50" East, 796.88 feet; thence North 83°40' West, 25.49 feet; thence South 4°51'50" East, 30.58 feet; thence South 5°26'50" West 247.70 feet; thence North 84°33'32" West, 185.15 feet; thence South 66°25'50" West 35.05 feet; thence South 1°06' West 131.87 feet to the High Water Line of the Payette River; thence following said High Water Line along the right bank the following courses:
 South 81°03' West, 144.51 feet; thence
 South 75°41' West, 307.86 feet; thence
 South 79°01' West, 309.00 feet; thence
 North 69°46' West, 72.58 feet; thence
 South 77°31' West, 286.20 feet; thence
 South 89°04' West, 120.84 feet; thence
 South 77°21' West, 340.55 feet; thence
 South 83°03' West, 67.46 feet; thence
 South 69°28' West, 539.32 feet; thence leaving said High Water line crossing a field,
 North 1586.35 feet to the center line of a Drainage Ditch; thence Following the center line of said Drainage Ditch the following courses:
 North 83°44' East, 591.58 feet; thence
 North 88°16' East, 307.05 feet; thence
 South 57°14' East, 153.53 feet; thence
 North 87°20' East, 859.42 feet; thence
 North 56°29' East, 144.71 feet; thence
 North 66°46' East, 60.30 feet; thence
 South 89°20' East, 253.12 feet to the Point of Beginning;

EXCEPT all ditch and road rights of way.

-continued-

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Parcel 21 That portion of Government Lot 6, Section 6, Township 6 North, Range 1 West, Boise Meridian, and the Northeast Quarter of the Southeast Quarter of Section 1, Township 6 North, Range 2 West, Boise Meridian, all in Gem County, Idaho, more particularly described as follows:

Commencing at the Northeast Corner of Lot 6, Section 6, T. 6 N., R. 1 W., B.M., a steel pin with cap attached; thence South $0^{\circ}51'30''$ West, 114.44 feet; thence South $08^{\circ}44'$ West, 591.58 feet to the Point of Beginning; thence Following the center line of a drainage ditch the following courses: South $08^{\circ}30''$ West, 87.10 feet; thence South $64^{\circ}11'$ West, 269.84 feet; thence South $87^{\circ}59'$ West, 243.90 feet; thence South $73^{\circ}52'$ West, 293.69 feet; thence South $31^{\circ}41'$ West, 155.35 feet; thence Leaving said center line of drainage ditch and South $0^{\circ}16'$ East, 242.90 feet; thence South $35^{\circ}00'$ East, 62.60 feet to a fence line; thence Along said fence line South $60^{\circ}09'$ East, 137.20 feet; thence Along said fence line South $41^{\circ}21''$ East, 410.4 feet projected to the center line of a drainage ditch; thence Following said center line of drainage ditch the following courses: North $85^{\circ}04'$ East, 357.30 feet; thence South $69^{\circ}50'$ East, 171.15 feet; thence leaving said center line of drainage ditch and crossing field, North 1002.10 feet to the Point of beginning;

EXCEPT all ditch and road rights of way.

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CONVERSATION MEMORANDUM

DATE 11-12-92

FILE AG5-01387B

NAME OF PARTY

Don Shaff

EMPLOYEE

Linda Wuerker

RE:

J. his claim was accrued as part of
the Payette River Basin adj. on 5-15-90.

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AUG 03 1993



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