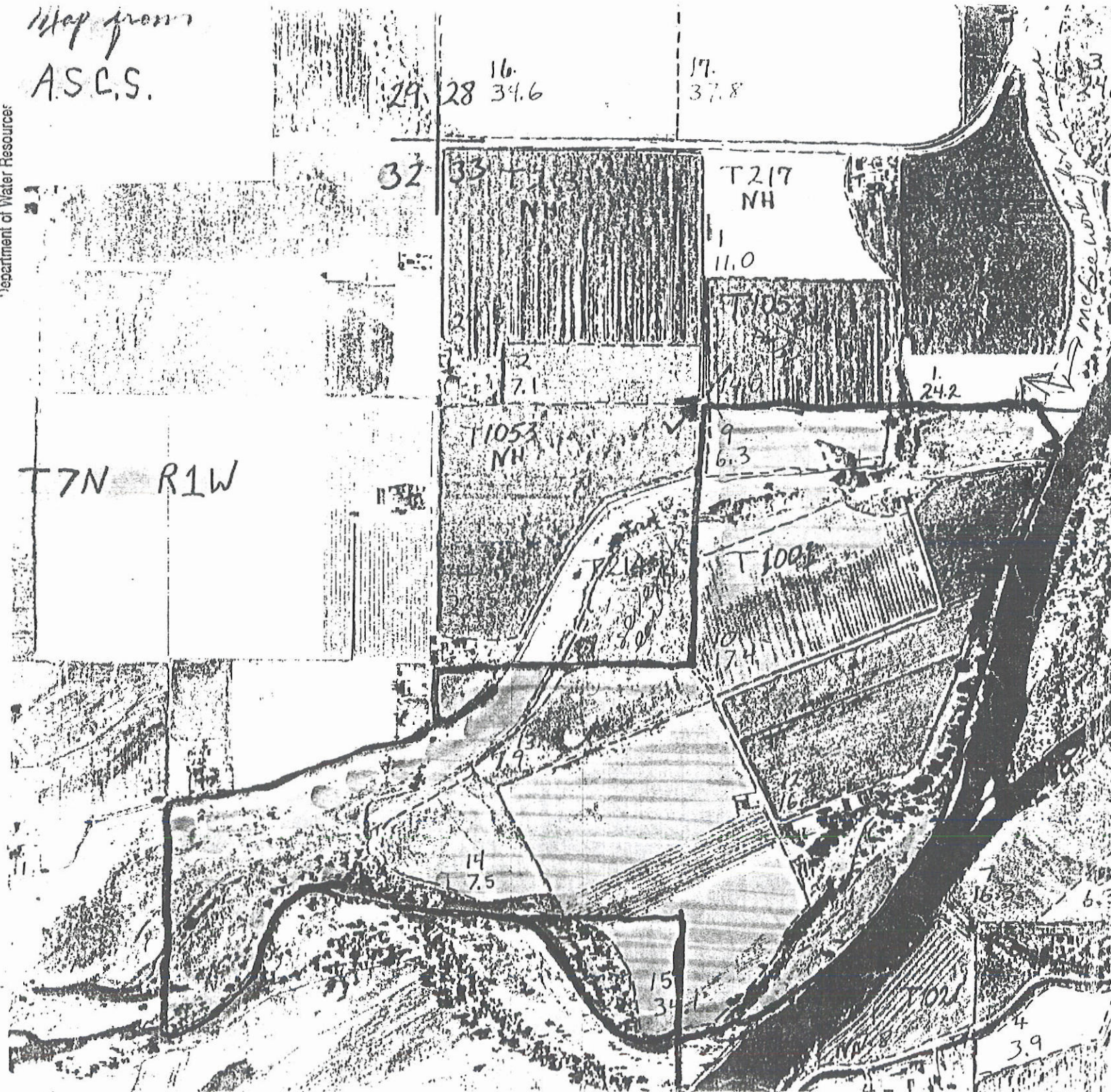


May 1 1953

Department of Water Resources

Map from
A.S.C.S.



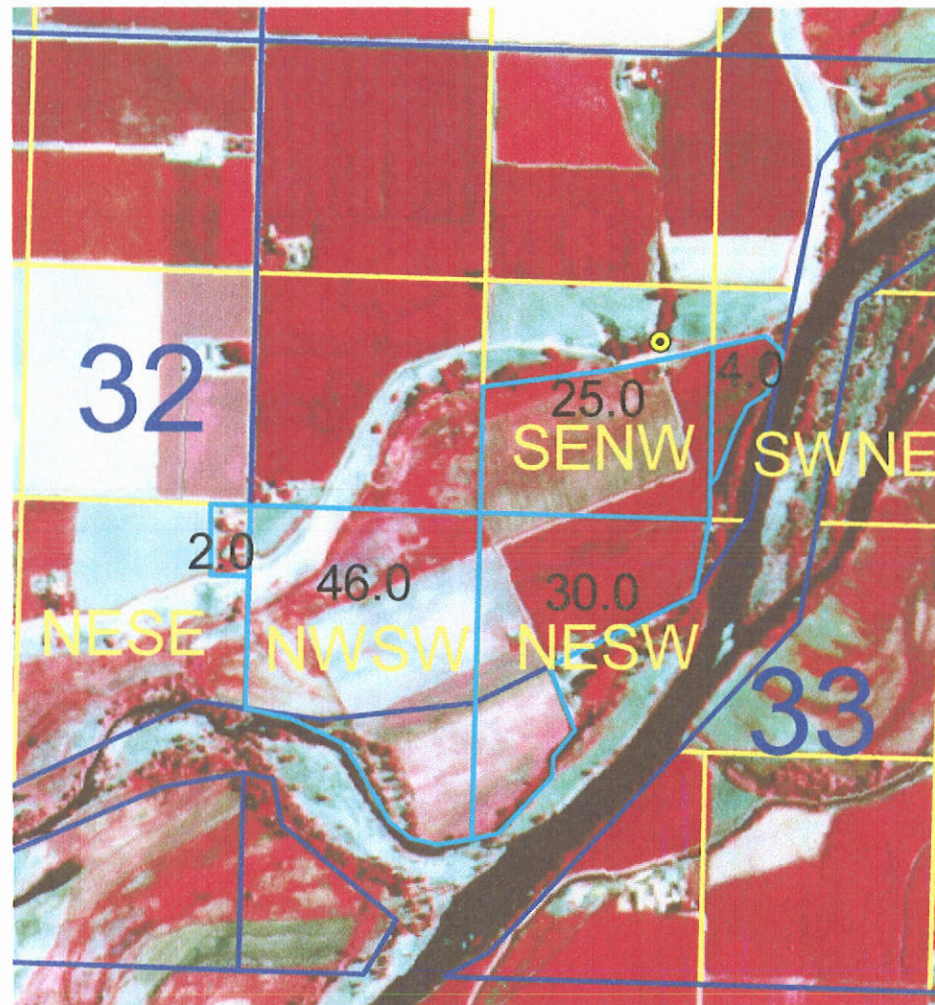
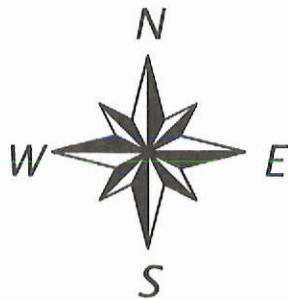
Idaho Department of Water Resources

Claim Number: 65-01399

Legal: T07N, R01W, S32 & 33

Reviewed By:

-  Point of Diversion
-  Place of Use
-  Section Lines
-  Quarter Quarter Lines



1987 Napp Photo



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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A65-01399
Date Received: 2/20/1990
Receipt No: X999999
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: GARY O SMITH
Address: 1250 STEGERMAN CT
MERIDIAN ID 83642

AND

Name: CATHY L SMITH
Address: 1250 STEGERMAN CT
MERIDIAN ID 83642

2. Date of Priority: APR 1, 1920

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
07N	01W	33	SE	NW			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	1.800		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07N	01W	32	NE	SE		IRR	2.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres	
					Section Acres	2.0	
		33	SW	NE	6	IRR	4.0
			SE	NW		IRR	25.0
			NE	SW	7	IRR	30.0
			NW	SW	8	IRR	29.0
					Section Acres	88.0	
					Total Acres	90.0	

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:

14. Remarks:

THIS RIGHT WHEN COMBINED WITH RIGHTS 65-4009 & 65-1404 SHALL
PROVIDE NO MORE THAN .02 CFS/ACRE.

OWNERSHIP CHANGED BY RDH ON 5/24/95.

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)
County of _____) SS.

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

Notary Public

Seal

Residing at _____

My Commission Expires _____



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

DATE OF CLOSING: 5/4/95

RECEIVED
MAY 11 1995

LEGAL DESCRIPTION OF PROPERTY: Township _____ Range _____ Department of Water Resources
Section See Attached 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____, BM.
Lot _____, Block _____, Subdivision/Townsite _____
If you have additional legal descriptions, please attach separate sheet.

RECEIVED
MAY 12 1995

WATER RESOURCES
WESTERN REGION

☐ 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: A65-04009, A-65-01404, A-65-01399, A65-01397 and A-65-01395
A-65-01396

☒ Name and Address of Former Owner/Claimant(s)(Seller): John Coy Brown and Mary Lou Brown

☒ New Owner/Claimant (Purchaser): Gary O. Smith and Cathy L. Smith

☐ New Mailing Address: _____

☐ New Telephone Number: () _____ - _____

☐ 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:

☒ Attach proof of ownership, describe proof attached: Recorded Memorandum of Contract on Sale - Map

(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): Gary O. Smith Date 5-9-95
Cathy L. Smith Date 5-9-95
☒ Signature of Former Owner/Claimant(s): John Coy Brown Date 5-9-95
Mary Lou Brown Date 5-9-95

(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:

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

RECEIVED

MAY 13 1995

Department of Water Resources

MEMORANDUM OF CONTRACT

NOTICE IS HEREBY GIVEN THAT JOHN COY BROWN and MARY LOU BROWN, husband and wife, agreed to sell the following described real property and entered into an Agreement to Sell Real Estate, as sellers, wherein Meridian, Id. 83642

GARY O. SMITH and CATHY L. SMITH, husband and wife, whose address is: 1250 Stegerman Ct., as buyers, agreed to buy the said real property, situate in the County of Gem, State of Idaho, to-wit:

That property described in Exhibit A, attached hereto and incorporated herein in full, by reference.

Including the irrigation water delivery system located at said premises.

Including all water and ditch rights appurtenant thereto or used in connection therewith, and including any easements or rights of ways appurtenant to or used for the benefit of said described premises. Subject to easements, rights of ways, reservations and exceptions, if any.

Pursuant to the terms of said contract, title has been reserved in said seller until the buyer fully performs the covenants thereof, at which time, a warranty deed from said seller to said buyer shall be delivered to said buyer, to be recorded by the buyer, his heirs, successors, agents, or assigns.

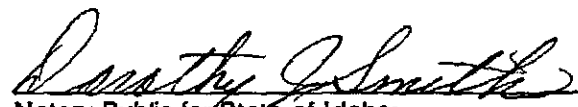
DATED this 9th day of May, 1995.

x Gary O. Smith x John Coy Brown
x Cathy L. Smith x Mary Lou Brown

STATE OF IDAHO,)
) ss.
County of Gem.)

On this 9th day of May, 1995, before me, the undersigned, a Notary Public in and for said State, personally appeared JOHN COY BROWN and MARY LOU BROWN, husband and wife, and GARY O. SMITH and CATHY L. SMITH, husband and wife, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to 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.


Notary Public for State of Idaho;
Residing at Emmett, Idaho.
My Commission Expires: 7/13/2000

RECEIVED

MAY 12 1995

WATER RESOURCES
WESTERN REGION

RECEIVED

MAY 11 1995

Department of Water Resources

Lot 1 of Section 32, Twp. 7 N., R. 1 W., B.M., Gem County, Idaho

EXCEPT therefrom, the following described portion thereof:

Beginning at the Northwest corner of said Lot 1, Section 32, Twp. 7 N., R. 1 W., B.M., run thence

South on the West line of said Lot 1, a distance of 761 feet; thence

Northeasterly to a point on the East line of said Lot 1, which is 405 feet South of the Northeast corner thereof; thence

North on said line 405 feet, to said Northeast corner; thence

West on the North line of said Lot, to the Northwest corner thereof and Point of Beginning.

AND

Lots 6, 7 and 8, and the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 33, Twp. 7 N., R. 1 W., B.M., Gem County, Idaho, EXCEPTING THEREFROM, A tract of land situated in a portion of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ and a portion of Government Lot 6, all in Section 33, Twp. 7 N., R. 1 W., B.M., Gem County, Idaho, more particularly described as follows:

Commencing at the Northwest corner of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 33, Twp. 7 N., R. 1 W., B.M.; thence

S.00°33'43"E., 380.21 feet to a set 1/2" iron pin with plastic cap stamped PLS 6552 on the bluff line; thence along the bluff line the following courses and distances:

N.76°40'00"E., 191.31 feet; N.86°46'04"E., 145.87 feet to a set 1/2" iron pin with plastic cap stamped PLS 6552; N.75°27'15"E. 65.54 feet; N.81°10'00"E. 64.00 feet; S.81°00'00"E., 90.00 feet; N.81°51'00"E., 120.00 feet to a set 1/2" iron pin with plastic cap stamped PLS 6552; N.73°03'00"E. 135.00 feet; N.77°17'00"E. 130.00 feet to a set 1/2" iron pin with plastic cap stamped PLS 6552; N.72°10'00"E., 200.00 feet to a set 1/2" iron pin with plastic cap stamped PLS 6552; S.88°42'00"E. 140.00 feet; N.77°35'00"E., 200 feet; N.68°00'00"E., 50.00 feet; N.88°15'00"E., 60.00 feet; N.65°51'00"E., 102.00 feet to a set 1/2" iron pin with plastic cap stamped PLS 6552; N.58°37'59"E., 144.41 feet to a point on the north line of Government Lot 6 of said Section 33 marked by a found 5/8" iron pin; thence

S.89°21'14"W., 443.42 feet (Record S.89°26'47"W., 443.29') along the north line of said Government Lot 6 to a found 5/8" iron pin at the northwest corner of said Government Lot 6; thence

S.89°52'33"W., 1330.82 feet (Record S.89°57'31"W.) along the north line of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ to the True Point of Beginning. (Containing a calculated area of 9.33 acres, more or less.

RECEIVED

MAY 12 1995

WATER RESOURCES
WESTERN REGION

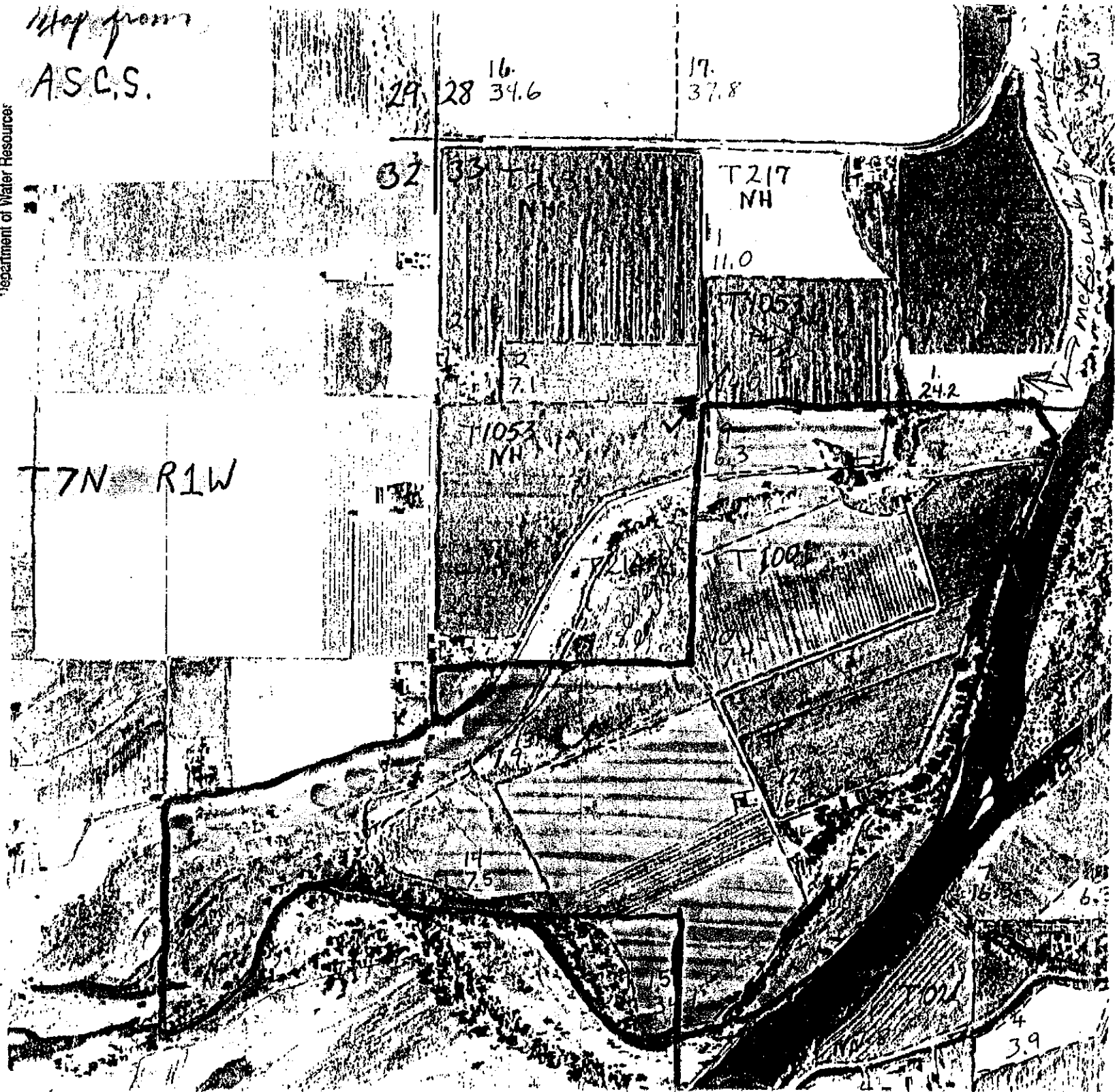
*Recorded
5-9-95
184728
Gem County
Records*

RECEIVED

MAY 11 1935

Department of Water Resources

Map from
A.S.C.S.



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: A65-01399
Date Received: 2/20/1990
Receipt No: X999999
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MARY L BROWN 208-365-4982
Address: 1111 E IDAHO BLVD
EMMETT ID 83617
OR
Name: JOHN C BROWN 208-365-4982
Address: 1111 E IDAHO BLVD
EMMETT ID 83617

2. Date of Priority: APR 1, 1920

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
07N	01W	33	SE	NW			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	1.800		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07N	01W	32	NE	SE		IRR	2.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres	
					Section Acres	2.0	
		33	SW	NE	6	IRR	4.0
			SE	NW		IRR	25.0
			NE	SW	7	IRR	30.0
			NW	SW	8	IRR	29.0
					Section Acres	88.0	
					Total Acres	90.0	

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:

14. Remarks:

THIS RIGHT WHEN COMBINED WITH RIGHTS 65-4009 & 65-1404 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

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)
County of _____) SS.

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

Notary Public

Seal

Residing at _____
My Commission Expires _____

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN 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) John C Brown
Mary L Brown

Mailing Address
(include Zip Code) 1111 E Idaho Blvd.
Emmett Idaho 83617

Phone Number (208) 365-4982
208 253-6018
805 646-6525

MICROFILMED

SFP 18 1992

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: 65-01399

DATE RECEIVED:

RECEIPT NO:

RECEIVED BY: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED
FEB 20 1990

1. NAME: JOHN C. BROWN
ADDRESS: 1111 E. IDAHO BLVD.
EMMETT, ID

83617

Department of Water Resources

2. DATE OF PRIORITY: APR 01, 1920

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
07N	01W	33	SE	NW			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	1.800		

7. TOTAL QUANTITY APPROPRIATED IS:
1.800 C.F.S. (AND/OR)

A.F.A.

8. TOTAL CONSUMPTIVE USE IS

ACRE FEET PER ANNUM.

9. NON-IRRIGATION USES:

10. PLACE OF USE:

TOWNSHIP	RANGE	SECTION	1/4 OF	1/4	LOT	USE	ACRES
07N	01W	32	NE	SE		IRR	2.0
						SECTION ACRES	2.0
		33	SW	NE	6	IRR	4.0

65-01399

PAGE 1

DATE: 10/28/89

2952

MICROFILMED
SEP 18 1992

10. PLACE OF USE: CONTINUED

TOWNSHIP	RANGE	SECTION	1/4 OF	1/4	LOT	USE	ACRES
07N	01W	33	SE	NW		IRR	25.0
			NE	SW	7	IRR	30.0
			NW	SW	8	IRR	29.0
						SECTION ACRES	88.0
						TOTAL ACRES	90.0

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 65-4009 & 65-1404 SHALL
PROVIDE NO MORE THAN .02 CFS/ACRE.

15. BASIS OF CLAIM: DECREEED

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: N/A

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): Mary L. Brown DATE: 2-15-90
John C. Brown DATE: 2-16-90

FOR ORGANIZATIONS:

I DO SOLEMNLY SWEAR OR AFFIRM THAT I AM _____ OF
_____, THAT I HAVE SIGNED THE FOREGOING
ORGANIZATION
DOCUMENT IN THE SPACE BELOW AS _____ OF

TITLE
AND THAT THE STATEMENTS CONTAINED IN THE
ORGANIZATION
FOREGOING DOCUMENT ARE TRUE AND CORRECT.

SIGNATURE OF AUTHORIZED AGENT

MICROFILMED

SEP 18 1992



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

July 11, 2002

RECEIVED

JUL 18 2002

WATER RESOURCES
WESTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

CATHY L SMITH
GARY O SMITH
1101 E IDAHO BLVD
EMMETT ID 83617

Re: Snake River Basin Adjudication (SRBA)
Water Right No. 65-1399 & 65-1404
Change of Address

Dear Water Right Holder(s):

IDWR has been notified the address presently in our records is incorrect. Although we have reached you at the address above, we need your written confirmation that this is your correct mailing address before we can change our records. Future notices related to your water right can be sent only to the address on your claim or as otherwise changed by you.

Please sign your name at the bottom of this letter and return it to our office. Make corrections to your name and address if necessary before returning this letter. Thank you for your help.

If your mail delivery address changes in any form, please contact us in writing so we can update or records.

If there has been a change in ownership of any of the properties connected with the water right referenced above, please call this office to obtain a form to make this required change to the water right records.

Sincerely,

Denise Hatfield
Office Specialist 1
Adjudication Section
Western Region

The address is correct as shown above or as otherwise changed.

Signature of water right claimant

208 365-0732
Telephone number

Recommendation
Not changed -
Sent to Kerley
to Process.

SRBA

SUBCASE SUMMARY REPORT 65-01399

[Return to SRBA Home Page](#)

SRBA
07-19-2002

SUBCASE SUMMARY REPORT

HTML12

SUBCASE: 65-01399 FILE#: 00000
CLAIMANT: SMITH, CATHY L
 1250 STEGERMAN CT

 MERIDIAN ID 83642
STATUS: PD UNDELIVERED SPECIAL MASTER:
WATER SOURCE: WASTE WATER, PAYETTE RIVER

**** PARTIES INVOLVED ****

CATHY L SMITH	C PRO SE
GARY O SMITH	C PRO SE

**** ROA ENTRIES ****

06-28-2002	PARTIAL DECREE FILED	06-28-2002
07-08-2002	PARTIAL DECREE RETURNED UNDELIVERABLE	07-08-2002

[Return to SRBA Home Page](#)

STATE OF IDAHO
District Court
Snake River Basin Adjudication
P.O. Box 2707
Twin Falls, ID 83303-2707

1101 E. Idaho Blvd
Emmett 83617



U.S. POSTAGE

00.34

H METER 581718

Return to Sender
**NOT DELIVERABLE
AS ADDRESSED,
UNABLE TO FORWARD**

*Moved!
No longer at
this Address*

RECEIVED

JUL - 9 2002

Department of Water Resources

NAME AND ADDRESS:

CATHY L SMITH
GARY O SMITH
~~1250 STEPHENSON DR~~
MERIDIAN, ID 83642

65-1399

83303-2707

Horizontal barcode lines

Add. chg letter sent 1-11-02

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

In Re SRBA)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 65-01399

NAME AND ADDRESS: CATHY L SMITH
GARY O SMITH
1250 STEGERMAN CT
MERIDIAN, ID 83642

SOURCE: WASTE WATER TRIBUTARY: PAYETTE RIVER

QUANTITY: 1.80 CFS

WHEN THIS RIGHT IS COMBINED WITH THE RIGHTS LISTED BELOW IT
SHALL PROVIDE NO MORE THAN .02 CFS/ACRE.: 65-04009 AND 65-01404.

PRIORITY DATE: 04/01/1920

POINT OF DIVERSION: T07N R01W S33 SENW Within Gem County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	1.80 CFS

PLACE OF USE: Irrigation Within Gem County

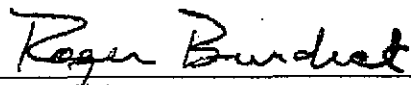
T07N R01W S32	NESE 2.0	
S33 LOT 6	(SWNE) 4.0	SENW 25.0
LOT 7	(NESW) 30.0	LOT 8 (NWSW) 29.0
90.0 Acres Total		

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

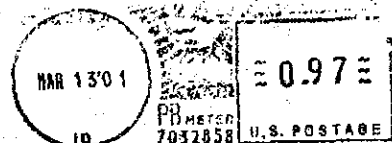

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

RECEIVED

JUL 10 2002

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WESTERN REGIONAL OFFICE
2735 AIRPORT WAY
BOISE, IDAHO 83705

ADDRESS SERVICE
REQUESTED



RECEIVED
APR 13 2001
WATER RESOURCES
WESTERN REGION

65-01404

-01399

-04009

*

1101 E. Idaho Blvd
Emmett 83617

sent again 4-16-01

CATHY L SMITH

GARY O SMITH
1250 STEGERMAN CT
MERIDIAN ID 83642

ATTEMPTED
DELIVERY
NOT FOUND
Return
Not at this address

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

RETURN SERVICE REQUESTED

RECEIVED

MAY 21 2001

WATER RESOURCES
WESTERN REGION

*Return to
Sender - not at
this address*

CATHY L SMITH

GARY O SMITH
1250 STEGERMAN
MERIDIAN, ID 83642

65-1399

65-1399

AUME 83705/5082





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

AJ0749NP
No. R65-01399

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

DATE: 06/12/00
PAGE: 1

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OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	GARY O SMITH	04/01/1920	IRRIGATION	03-15 11-15	1.800 CFS	
C	CATHY L SMITH					
	1250 STEGERMAN CT			TOTAL DIVERSION:	1.800 CFS	
	MERIDIAN ID 83642					

Water Source: WASTE WATER

Tributary to: PAYETTE RIVER

Stage: DECREED

Point(s) of Diversion: T07N R01W S33 SENW

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
07N	01W	32	:																	:	2.0
07N	01W	33	:			06-04						25		07-30	08-29					:	88.0
																			TOTAL ACRES	:	90.0

POU County: GEM

Remarks: QNT WHEN THIS RIGHT IS COMBINED WITH THE RIGHTS LISTED BELOW IT
SHALL PROVIDE NO MORE THAN .02 CFS/ACRE.: 65-04009 AND 65-01404.

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: 65 Field Inspection Flag:
Presumption Flag:

Comments: Date: 06/12/2000 User-ID: SBOCK Subject: COPIED FROM REMARKS
OWNERSHIP CHANGED BY RDH ON 5/24/95.

Audit: 06/12/00 SBOCK

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

00:37:44
05/25/00
115

PAGE: 17
PROFILE REPORT

CLAIM NUMBER: A65-01399

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME																																																																																																					
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POU County: GEM

Remarks: *QNT* ~~GEN~~ THIS RIGHT WHEN COMBINED WITH RIGHTS 65-4009 & 65-1404 SHALL
PROVIDE NO MORE THAN .02 CFS/ACRE.
com OWNERSHIP CHANGED BY RDH ON 5/24/95.

Dates: Exam Made Date: Verified Date: Objection Filed Date:
Misc: Water District Number: 65 Field Inspection Flag:
Presumption Flag:

WR5809NP
No. 65-01399

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 05/30/00
PAGE: 18

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	JOHN C. BROWN 1111 E. IDAHO BLVD. EMMETT ID 83617	04/01/1920	IRRIGATION	03/15 11/15	1.800 CFS	
TOTAL DIVERSION:					1.800 CFS	

Water Source: WASTE WATER

Tributary to: PAYETTE RIVER

Stage: DECREED

Point(s) of Diversion:

T07N R01W S33

SENW

GEM County

Place of use Legal Description for: IRRIGATION

		NE				NW				SW				SE				
T	R S	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	SUM
		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
07N	01W 32	:				:				:				:	02			2.0
07N	01W 33	:		06-04	:			25	:	07-30	08-29	:		:				88.0
TOTAL ACRES																	90.0	

Pou County: GEM

Remarks: GEN THIS RIGHT WHEN COMBINED WITH RIGHTS 65-4009 & 65-1404 SHALL
PROVIDE NO MORE THAN .02 CFS/ACRE.

Dates: App. Received: Priority Date: 04/01/1920
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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

00:35:21
05/25/00

PAGE: 1
GENERAL INFORMATION

99
CLAIM NUMBER: A65-01399

LAST: BROWN
ADDRESS: 1111 E IDAHO BLVD
CITY: EMMETT
PHONE NUMBER: 208-365-4982

FIRST: MARY L
STATE: ID ZIP: 83617

OWNER CODE: O

LAST: BROWN
ADDRESS: 1111 E IDAHO BLVD
CITY: EMMETT
PHONE NUMBER: 208-365-4982

FIRST: JOHN C
STATE: ID ZIP: 83617

OWNER CODE: O

LAST: SMITH
ADDRESS: 1250 STEGERMAN CT
CITY: MERIDIAN
PHONE NUMBER: 208-000-0000

FIRST: GARY O
STATE: ID ZIP: 83642

OWNER CODE: C

LAST: SMITH
ADDRESS: 1250 STEGERMAN CT
CITY: MERIDIAN
PHONE NUMBER: 208-000-0000

FIRST: CATHY L
STATE: ID ZIP: 83642

OWNER CODE: C

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

DATABASE
Y

FIELD
EXAMINER
Y() N()

CLAIM REMARKS: GEN THIS RIGHT WHEN COMBINED WITH RIGHTS 65-4009 & 65-1404 SHALL
PROVIDE NO MORE THAN .02 CFS/ACRE.
OWNERSHIP CHANGED BY RDH ON 5/24/95.

CONTACT PERSON: _____

PHONE NUMBER: (____) ____-____

DATE OF FIELD EXAM: __/__/__

APPOINTMENT MADE: Y(____) N(____)

TIME: ____:____ A(____) P(____)

ACCOMPANIED BY: _____

PHONE NUMBER: (____) ____-____

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / NOTES:

A. AJ CLAIM: # A65-01399 PRIORITY DATE: 04-01-1920 STAGE: D

B. WR RECORD: # 65-01399 PRIORITY DATE: 04-01-1920 STAGE: D

C. CAN THE PRIORITY DATE CLAIMED BE CONFIRMED BY A DECREE OR LICENSE? Y(☒) N()

D. HAS THERE BEEN A LATER COURT DECREE OF THE WATER RIGHT(S) FROM THIS WATER SOURCE? Y() N(☒)

E. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE?
(IF YES, DESCRIBE BELOW) Y() N(☒)

F. IF THIS CLAIM IS BASED ON A PERMIT, WHERE IS THE PERMIT IN THE LICENSING PROCESS?

PROOF OF BENEFICIAL USE SUBMITTED

N/A() Y() N()

FIELD EXAM COMPLETED

N/A() Y() N()

FIELD EXAM SENT TO STATE OFFICE

N/A() Y() N()

LICENSE ISSUED

N/A() Y() N()

* IF THE PERMIT WILL NOT BE LICENSED PRIOR TO THE DIRECTOR'S REPORT,
USE CONDITION CODE A01 AND RECOMMEND AS PERMITTED.

G. IF THIS CLAIM IS BASED ON BENEFICIAL USE, IS ADDITIONAL EVIDENCE
OF THE PRIORITY DATE REQUIRED? N/A(☒) Y() N()

* FOR CLAIMS BASED ON BENEFICIAL USE, DESCRIBE THE EVIDENCE OF PRIORITY SUBMITTED,
INCLUDING THE ANALYSIS OF THE EVIDENCE.

H. IS THE STAGE OF THE CLAIM CODED CORRECTLY? Y(☒) N()

NOTES: _____

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RECOMMENDED PRIORITY DATE:

04-01-1920

REVIEWED BY SB

DATE 6-12-09

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP. RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NUMBER
A65-01399	07N 01W	33		SE	NW			GEM		

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
NONE NONE

WR RECORDS IN SAME 40 ACRE TRACT
NONE

SOURCE: WASTE WATER

TRIB: PAYETTE RIVER

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP. RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NUMBER
65-01399	07N 01W	33		SE	NW			GEM		

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX

NONE

NONE

NONE

SOURCE: WASTE WATER

TRIB: PAYETTE RIVER

C. IS THE CLAIMED POD WITHIN THE SAME 40 ACRE TRACT THAT IS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y(☒) N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POD, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

D. CAN THE CLAIMED POD BE VERIFIED USING THE WATER RIGHT FILE OR GPS DATA? N/A() Y(☒) N()

E. SHOULD THE CLAIMED POD BE VERIFIED BY FIELD EXAM? Y() N(☒)

F. IS THE CLAIMED SOURCE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y(☒) N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN SOURCE, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

G. CAN THE CLAIMED SOURCE BE VERIFIED USING THE WATER RIGHT FILE? Y(☒) N()

H. SHOULD THE CLAIMED SOURCE BE VERIFIED BY FIELD EXAM? Y() N(☒)

I. HOW WAS THE POD AND SOURCE VERIFIED?

LICENSING FIELD EXAM (DATE OF FIELD EXAM _____) Y() N()

AJ FIELD EXAM (DATE OF FIELD EXAM _____ NAME OF EXAMINER _____) Y() N()

OTHER (DESCRIBE IN NOTES BELOW)

NOTES: _____

=====

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE: CHECK HERE IF RECOMMENDED AS CLAIMED (X)

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NBR
07N	01W	33		SE	NW			GEM		
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SOURCE: WASTE WATER TRIB: PAYETTE RIVER

REVIEWED BY: SB DATE: 6-12-00

=====

SYSTEM DESCRIPTION: DESCRIBED BELOW (), SEE LICENSE FILE (), OR SEE ATTACHMENT ()

A. ROOT WATER RIGHT NUMBERS: A65-01399

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
07N	01W	32	NE	SE		SMITH, GARY O	A65-01399 / 2.0	65-01399 / 2.0			
			NE	SE		BURLILE, ROBERT L	A65-00862 /	65-00862 /			
			NE	SE		BURLILE, ROBERT L	65-00862 /	- /			
			NE	SE		SMITH, GARY O	A65-01404 / 2.0	65-01404 / 2.0			
			NE	SE		SMITH, GARY O	A65-04009 / 2.0	65-04009 / 2.0			
			NE	SE		SMITH, GARY O	R65-04009 / 2.0	- /			2
07N	01W	33	SW	NE	6	SMITH, GARY O	A65-01399 / 4.0	65-01399 / 4.0	4.0		4.0
			SW	NE	6	SMITH, GARY O	A65-04009 / 4.0	65-04009 / 4.0			
			SW	NE	6	SMITH, GARY O	R65-04009 / 4.0	- /			
			SW	NE	3	LAST CHANCE DITCH CO		65-13609 / 9.0			
			SW	NE	3	LAST CHANCE DITCH CO.		65-00054X / 9.0			4
07N	01W	33	SE	NW		SMITH, GARY O	A65-01399 / 25.0	65-01399 / 25.0	39.0		
			SE	NW		SMITH, GARY O	A65-04009 / 25.0	65-04009 / 25.0			
			SE	NW		SMITH, GARY O	R65-04009 / 25.0	- /			25
07N	01W	33	NE	SW	7	SMITH, GARY O	A65-01399 / 30.0	65-01399 / 30.0	18.0		
			NE	SW	7	SMITH, GARY O	A65-04009 / 40.0	65-04009 / 40.0			
			NE	SW	7	SMITH, GARY O	R65-04009 / 40.0	- /			
			NE	SW	7	SMITH, GARY O	65-01397 /	- /			30
			NE	SW	7	SMITH, GARY O	65-01395 /	- /			
			NE	SW	7	SMITH, GARY O	65-01396 /	- /			
07N	01W	33	NW	SW	8	SMITH, GARY O	A65-01399 / 29.0	65-01399 / 29.0	34.0		
			NW	SW	8	SMITH, GARY O	A65-01404 / 6.0	65-01404 / 6.0			
			NW	SW	8	SMITH, GARY O	A65-04009 / 36.0	65-04009 / 36.0			
			NW	SW	8	SMITH, GARY O	R65-04009 / 36.0	- /			29

ADDITIONAL POU FOUND

TOTAL ACRES A65-01399 90.00 90.00 95.00

POU COUNTY: GEM

90

C. IS WATER USAGE FOUND IN TRACTS OTHER THAN THOSE CLAIMED?

Y() N(☒)

* IF YES, ARE THESE TRACTS LISTED ABOVE (), OR ARE THEY LISTED ON AN ATTACHED SHEET ()

LIST OF ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE

CLAIM NO.	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A65-01399	WASTE WATER	SMITH, GARY O	1.800	0.020		
A65-01404	SPRING	SMITH, GARY O	0.160	0.020	4.10	0.51
A65-04009	PAYETTE RIVER	SMITH, GARY O	3.640	0.034		
R65-04009	PAYETTE RIVER	SMITH, GARY O	3.640	0.034		

LIST ALL RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION.

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A65-00862	DOMESTIC	BURLILE, ROBERT L	FROM 01-01 TO 12-31	0.040 CFS	1.20 AF/A
A65-00862	STOCKWATER	BURLILE, ROBERT L	FROM 01-01 TO 12-31	0.020 CFS	0.40 AF/A
65-00862	DOMESTIC	BURLILE, ROBERT L	FROM 01-01 TO 12-31	0.040 CFS	1.20 AF/A
65-00862	STOCKWATER	BURLILE, ROBERT L	FROM 01-01 TO 12-31	0.020 CFS	0.40 AF/A
65-01397	STOCKWATER	SMITH, GARY O	FROM 01-01 TO 12-31	0.090 CFS	5.40 AF/A
65-01395	DOMESTIC	SMITH, GARY O	FROM 01-01 TO 12-31	0.040 CFS	1.20 AF/A
65-01395	STOCKWATER	SMITH, GARY O	FROM 01-01 TO 12-31	0.020 CFS	2.70 AF/A
65-01396	DOMESTIC	SMITH, GARY O	FROM 01-01 TO 12-31	0.020 CFS	1.20 AF/A
65-01396	STOCKWATER	SMITH, GARY O	FROM 01-01 TO 12-31	0.020 CFS	2.70 AF/A

D. ARE OTHER WATER RIGHTS USED FOR THE SAME PURPOSE?

Y(☒) N()

* IF YES, COMPLETE OVERLAP REVIEW:

OTHER RIGHTS LISTED IN CLAIM:

65-04009 65-01404

E. IS THE CLAIMED POU THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A() Y(☒) N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POU, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

F. CAN THE CLAIMED POU BE VERIFIED USING THE WATER RIGHT FILE AND AVAILABLE AERIAL PHOTOS?

N/A() Y(☒) N()

G. SHOULD THE CLAIMED POU BE VERIFIED BY FIELD EXAM?

Y() N(☒)

H. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE OF THIS RIGHT, OR ANY PORTION OF THIS RIGHT?

Y() N(☒)

☒ NAPP, IDWR NO. _____; ☒ ASCS PHOTO; () OTHER _____

DATE: 6-12-00

A. AJ CLAIMED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
A65-01399 IRRIGATION	FROM 03-15 TO 11-15	1.800 CFS	
TOTAL DIVERSION RATE/VOLUME		1.800 CFS	

B. WR RECORDED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
65-01399 IRRIGATION	FROM 03-15 TO 11-15	1.800 CFS	
TOTAL DIVERSION RATE/VOLUME		1.800 CFS	

C. DOES THE CLAIMED PURPOSE OF USE CORRECTLY DESCRIBE THE WATER USE? Y(☒) N(☐)

D. IS THE CLAIMED PURPOSE OF USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A(☐) Y(☒) N(☐)

* IF NO, AND IF THE ACTUAL WATER USE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN PURPOSE OF USE, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

E. SHOULD THE CLAIMED PURPOSE OF USE BE VERIFIED BY FIELD EXAM? Y(☐) N(☒)

F. DOES THE CLAIMED PERIOD OF USE CONFORM TO IDWR STANDARDS? Y(☒) N(☐)

G. SHOULD THE PERIOD OF USE BE RECOMMENDED TO IDWR STANDARDS? Y(☐) N(☐)

* IF THE RECOMMENDED PERIOD OF USE IS DIFFERENT THAN IDWR STANDARDS, EXPLAIN IN NOTES BELOW.

H. IS THE CLAIMED DIVERSION RATE FOR EACH USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A(☐) Y(☒) N(☐)

* IF NO, DESCRIBE IN NOTES BELOW HOW THE RECOMMENDED DIVERSION RATE FOR EACH USE WAS DETERMINED.

I. SHOULD THE CLAIMED DIVERSION RATE FOR EACH USE BE VERIFIED BY FIELD EXAM? N/A(☐) Y(☐) N(☒)

J. IS THE CLAIMED DIVERSION VOLUME FOR EACH USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A(☒) Y(☐) N(☐)

* IF NO, DESCRIBE IN NOTES BELOW HOW THE RECOMMENDED DIVERSION VOLUME FOR EACH USE WAS DETERMINED.

K. SHOULD THE CLAIMED DIVERSION VOLUME FOR EACH USE BE VERIFIED BY FIELD EXAM? N/A(☒) Y(☐) N(☐)

NOTES:

add decreased

AJ CLAIM TOTAL DIVERSION RATE: 1.800 CFS

WR ROOT RIGHT TOTAL DIVERSION RATE: 1.800 CFS

A. IS THE CLAIMED TOTAL DIVERSION RATE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y(☒) N()

B. CAN THE CLAIMED TOTAL DIVERSION RATE BE VERIFIED USING THE WATER RIGHT FILE? N/A() Y(☒) N()

* ALL CLAIMS BASED ON BENEFICIAL USE (INCLUDING POSTED NOTICES AND STATUTORY CLAIMS) REQUIRE A FLOW MEASUREMENT.

C. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE OF THIS RIGHT, OR ANY PORTION OF THE DIVERSION RATE? Y() N(☒)

* IF AN AMOUNT SMALLER THAN THE ORIGINAL DIVERSION RATE IS CLAIMED AND A FIELD EXAM IS NOT REQUIRED, EXPLAIN IN NOTES.

D. SHOULD THE CLAIMED DIVERSION RATE BE VERIFIED BY FIELD EXAM? Y() N(☒)

E. FLOW MEASUREMENT

MEASUREMENT METHOD _____, SEE ATTACHED CALCULATIONS.

F. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE
ACRES 90 x 0.02 CFS/ACRE = 1.80 CFS
(Taken from pou review)

1b. CALCULATIONS

IS A DIVERSION RATE PER ACRE GREATER THAN 0.02 CFS/ACRE CLAIMED? Y() N(☒)

IF YES, IS AN ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y() N()

2. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = AF/A

ACRES _____ x DIVERSION VOL. AF/A FOR AREA _____ =

TOTAL DIVERSION VOLUME _____ AF/A

3. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = AF/A

ACRES _____ x CONSUMPTIVE VOL. AF/A FOR AREA _____ =

TOTAL CONSUMPTIVE USE _____ AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION: SEE BELOW () OR SEE ATTACHMENT ()

NOTES: while there is a .02 CFM limiter on this
right w/ other rights, this is a master right

WR RECORD CONDITIONS/REMARKS:

RECOMMENDATIONS: CHECK HERE IF RECOMMENDED AS CLAIMED ☒

REC. PURPOSE OF USE	REC. PERIOD		REC. DIV		REC. DIV		REC. CONS.	
	FROM	TO	RATE	CFS	VOL.	AF/A	USE	
IRRIGATION	03-15	11-15	DATABASE 1.800	EXAMINER _____	DATABASE	EXAMINER _____	DATABASE 0.0	EXAMINER _____
_____	_____	_____		_____		_____		_____
_____	_____	_____		_____		_____		_____
_____	_____	_____		_____		_____		_____
_____	_____	_____		_____		_____		_____
TOTAL FOR THIS RIGHT			1.800	_____		_____	0.0	_____

NON-IRRIGATION USES CLAIMED:

NON-IRRIGATION USES RECOMMENDED: CHECK HERE IF RECOMMENDED AS CLAIMED (___)

REVIEWED BY: _____ DATE: _____

FLAG: _____

STANDARD CONDITIONS (CODE):

QNT

STANDARD REMARKS (CODE):

EXPLANATORY CONDITIONS (CODE):

EXPLANATORY REMARKS (CODE):

A. CHECK ONLY THE FOLLOWING THAT APPLY:

	ACCEPTED AS CLAIMED	NEEDS REVIEW
OWNERSHIP _____	(X)	()
FORFEIT/ABANDON _____	(X)	()
ADDITIONAL DIV. AMOUNT _____	()	()

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 65-01399

U/A

TOTAL DIVERSION RATE OF WR SPLITS DATABASE 1.800 EXAMINER _____ CFS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A65-01399	1.800	-		65-01399	1.800
TOTAL CFS		1.800				1.800

DIVERSION RATE REVIEW

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)
IF NO, IS THE WRITTEN REVIEW DESCRIBED BELOW () OR SEE ATTACHMENT ()?

DATABASE FIELD
Y EXAMINER
Y() N()

NOTES:

AUTHENTICATION:

SIGNATURE: *June Boal* DATE: 6-12-00

NAME OF FIELD EXAMINER: _____ TITLE: _____

MAPS AND AERIAL PHOTOGRAPHS USED TO REVIEW THIS NOTICE OF CLAIM TO A WATER RIGHT

TYPE OF MAP OR PHOTOGRAPH (CHECK IF USED)	IF USED, SUPPLY APPROPRIATE DATE AND OTHER INFORMATION	COPY INCLUDED IN FILE?
() ORTHOPHOTOQUAD	DATE OF PHOTO _____ IDWR ID NO. _____	Y() N()
() TOPOGRAPHIC	DATE FIELD CHECKED _____ IDWR ID NO. _____	Y() N()
() NAPP	DATE OF PHOTO _____ IDWR ID NO. _____	Y() N()
☒ ASCS AERIAL PHOTO	DATE OF PHOTO <u>2/1 claim</u>	Y() N()
() ASCS COLOR SLIDE	DATE OF PHOTO _____	Y() N()
() BLM OR USFS AERIAL PHOTO	DATE OF PHOTO _____	Y() N()
() TOWNSHIP SURVEY (GOVERNMENT PLAT)	DATE OF SURVEY _____	Y() N()
() SCS SOIL SURVEY MAP	DATE ISSUED _____	Y() N()
() SUBDIVISION PLAT MAP	DATE OF MAP _____	Y() N()
☒ OTHER <u>GIS map</u>	DATE <u>6-12-03</u>	Y(☒) N()
() OTHER _____	DATE _____	Y() N()
() OTHER _____	DATE _____	Y() N()

LIST OF ATTACHMENTS (CHECK IF ATTACHED)	IF ATTACHED, SUPPLY APPROPRIATE INFORMATION	NO. OF PAGES	NOTES
() LICENSING FIELD EXAM	DATE OF FIELD EXAM _____	_____	_____
() WATER RIGHT LICENSE	DATE LICENSE SIGNED _____	_____	_____
() IDWR APPROVED TRANSFER	DATE TRANSFER APPROVED _____	_____	_____
() SYSTEM DESCRIPTION	DATE DRAWN _____	_____	_____
() PHOTOGRAPHS	DATE(S) PHOTOS TAKEN _____	_____	_____
() SPLIT RIGHT REVIEW	DATE REVIEW COMPLETED _____	_____	_____
() HUBBLE ANALYSIS	DATE ANALYSIS COMPLETED _____	_____	_____
() CONVEYANCE LOSS ANALYSIS	DATE ANALYSIS COMPLETED _____	_____	_____
() FLOW MEASUREMENT CALCULATIONS	DATE SYSTEM MEASURED _____	_____	_____
() OTHER _____	DATE _____	_____	_____
() OTHER _____	DATE _____	_____	_____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

00:35:21
05/25/00

PAGE: 16
QUICKLOOK INFORMATION

114
CLAIM NUMBER: A65-01399

WR ELEMENT	DATA DISCREPANCY Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	ELEMENT DOCUMENTED WHOM/DATE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE				2	done	SS 6-12-0		
POINT OF DIV								
SOURCE								
PLACE OF USE	Y							
DIV. AMOUNT CFS/VOLUME								
CONSUMPTIVE USE	-							
PURPOSES OF USE								
PERIOD OF USE								
BASIS OF CLAIM								
REMARKS	Y							

BARCODE UPDATED
WHOM/DATE

Idaho Department of Water Resources

Claim Number: 65-01399

Legal: T07N, R01W, S32 & 33

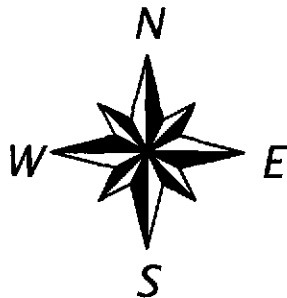
Reviewed By:

⊙ *Point of Diversion*

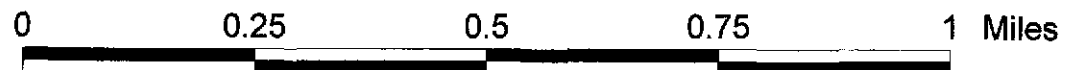
□ *Place of Use*

□ *Section Lines*

□ *Quarter Quarter Lines*



1987 Napp Photo





State of Idaho
DEPARTMENT OF WATER RESOURCES

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

May 24, 1995

Gary O Smith &
Cathy L Smith
1250 Stegerman Ct
Meridian ID 83642

NOTICE OF CLAIM NO.(S)
A65-01395, A65-01396, A65-01397, A65-01399, A65-01404 & A65-04009:

Dear Gary & Cathy,

1. Enclosed is a copy(s) of the above referenced claim(s) which reflects the CHANGE IN OWNERSHIP of the lands and appurtenant water rights covered by this claim(s).
2. 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.
3. If you have any questions concerning the enclosed claim(s), please feel free to contact this office.

Sincerely,

Ron Howerton
ADJUDICATION BUREAU
Department of Water Resources
Western Region Office
(208) 334-2190

Attachment(s)

Claim copies:

Copy of Stipulation: (This amended the original SRBA claim A65-04009 for more water).

COMMUNICATION DOCUMENTATION

Claim No. see list below:

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent Ron Howerton

DATE

April 27, 1995

CUSTOMER

GARY SMITH & CATHY SMITH

SUBJECT: POTENTIAL BUYER(S) A65-01395, A65-01396, A65-01397, A65-01399, A65-01404 & A65-04009.

1. Gary & Cathy brought in legal descriptions & maps of potential sale of this property owned by Brown.
2. I made proof copies of the above claims and reviewed the maps they brought for other possible rights.
3. I found that A65-04009 was on the original PRBA list of contested claims. I checked for an "R" file, one was already made. This indicated to me that a stipulation may have been made on this claim that amends it.
4. I called Don Shaff to confirm this. Gary Smith said he would be willing to pick-up the copy at the Orchard office. Don said he would make a copy of this and leave it with the front desk.
5. I gave the Smith's 2-ownership change forms with verbal instructions on how to fill-out the form and mail it back to my attention.

RECEIVED

OCT 29 1990

Attention: David Shaw ^{Department of Water Resources} Oct 22, 90

Re: letter dated Sept 17, 90

Enclosed is check for late
filing fee for our ranch in
Gem County, address in

1111 E. Idaho Blvd.

Emmett Idaho 83607

We can be reached at our
ranch in Council, Idaho

208-2536018

HC 67 Box 2395

Council, Idaho 83612

Please send receipt. to above
address. Paid in full.

Thank you

Mrs. John Brown

65-01395, 01396, 01397, 01401, 01402, 01403,

01404, 01399, 04035.

10/30/90

Corres or tax

MICROFILMED

SEP 18 1992

Request for extension:

Sept 12, 90

65-01395, 01396, 01397, 01401, 01402, 01403, 01404, 01398, 04035
We stopped by the Idaho Dept. of Water
Resources, State office in Caldwell, Oct 27, 8.
To file our Water Rights Claims on our
Ranch in Council, Ida (Weiser River Drainage)

We were told at that time, they
were too busy to help us. To go to the
Western Regional Office. They would
help us. We did and Linda Werner
helped us. We were there about 3 hrs
and filled out all our claims. As we were
on our way out of state that day, we
asked about our Gem County Ranch water
rights claims, Linda told us we would
receive the papers in the mail, sign &
return we didn't receive them in time
to meet the deadline. As we were in Calif
When we received them in Feb-1990 We
signed them had them notarized and you
received them Feb 20, 90, so you see we were
gone until we came in again Sept 12, 90 to
try and get an extension of time to file.
As we did file we were just late.
We feel it is unfair to penalize us.

MICROFILMED

Sincerely

Mr. John C. Brunner

Mrs. Mary L. Brunner

1467 Box 2395

Council Idaho 83612

208-253-6018

Memo

9/11/90

John C + Mary L. Brown.

John Carlson -

The Browns were in the office this date looking for information on why their extension request was denied and having to pay late fee. In letter 6/19/90.

I informed them that the Gen Co filing period was 10/27/89 to 2/14/90.

They indicated they do a lot of traveling. When they arrived home during that period there was did not give them the Payette claims.

They were in Webster's office in Dec. To file claim for Terri Adams Co claims brings form. They were on their way out of town and the individual who assisted them indicated that the Gen Co claims would be mailed to them and all they had to do was sign, notary and return to IDWR.

The claim was forwarded to them in Calif. and they had then signed & notary'd 2/15, 16/90 and returned to S.O. on 2/20/90. 6 day after signing.

He said he felt he was being ripped off. and will let his attorney handle it if this extension is denied.

It sounds like their son needs to pay closer attention to paper work on form although John C has not turned this part over to him.

Hold claim in S.O. for extension.

MICROFILMED
SEP 18 1992



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

June 19, 1990

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

John C. Brown
1111 E. Idaho Blvd.
Emmett, ID. 83617

Re: Snake River Basin Adjudication - Gem County
#65-01403, #65-01404, #65-01399, #65-01402, #65-01401,
#65-04035, #65-01396, #65-01397, #65-01395

Dear Mr. Brown:

Your Notice of Claim forms referenced above have been received, but postmarked after the filing deadline for Gem County. This February 14, 1990, deadline was noted on the Commencement Notice you received. The statutes governing the adjudication provide that late fees be assessed to encourage prompt filing of the Notices of Claims. Idaho Code §42-1409(8) sets these fees at \$50.00 or 15% whichever is greater. The late fees applicable to your claims would be \$450.00. If you feel you have a compelling reason for not complying with this deadline you may request an extension of time and waiver of the fees. I have enclosed a form for your possible use in this matter.

We will suspend for 30 days the processing of your claims until the late fees are paid or waived. The claims will be returned after 30 days unless an extension is filed or late fees are paid as set forth above.

Do not hesitate to contact this office if you have any questions or concerns.

Sincerely,

John D. Carlson
John D. Carlson
Adjudication Supervisor

JDC:RMC/1k/+f
Enclosures:
Request for Extension

MICROFILMED

SEP 18 1992

Date Received

denied

RECEIVED
JUL 17 1990

State of Idaho
Department of Water Resources
REQUEST FOR EXTENSION OF TIME

Re: letter 6-19-1990 TO FILE ADJUDICATION CLAIM(S) Department of Water Resources

The Idaho Department of Water Resources will consider this form as a request by the claimant for an additional period of time in which to file claim(s) beyond the 90 days allowed by Section 42-1409(10), Idaho Code.

John C. Brown

Name of Claimant

Mary A. Brown

111 E Idaho Blvd

Mailing Address

Emmett

City

208-365-4982
(208) 253-6018

Phone Number

805-646-6525

Ida 73617

State

Zip

Fern.

County(s) where place of use is located

2-14-90

Date claim originally due

65-01403, 65-01404, 65-01399, 65-01402, 65-01401, 65-04035,
65-01396, 65-01397, 65-01395

Identify water right(s) for which extension is requested

State why an extension of time is requested explaining how a diligent effort has been made to meet the deadline:

We have already filed in 1972. Again in 1990. We were late,
due to being out of state on vacation. We just received letter
7-16-90. We aren't filing on new water rights. We want to
keep our old water rights. We filed already so what
extension is needed? Please look up our file for date
as I don't have copy with me. Were still traveling 90

Claimant requests an extension to

???

19 90

John C. Brown

Signature

Mary A. Brown

owner

July 16

Date of request

19 90

RECEIVED
AUG 14 1990

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

Department of Water Resources
Regional Office

The above request for extension of time is hereby ☐ granted] ☒ denied] for the following reasons:

A notice of the adjudication, including the filing deadline,
was mailed to this address 10/27/89. Claim forms ready
to be signed and notarized were mailed shortly after 10/27/90,
and if granted the filing deadline is extended to

Signed this 11 day of August

19 90

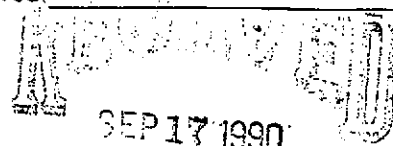
Director or his designated agent

DAVID B. SHAW

Mail to: Idaho Department of Water Resources
1301 N. Orchard St.
Boise, ID 83706

MICROFILMED

SEP 18 1992



State of Idaho
Department of Water Resources
REQUEST FOR EXTENSION OF TIME
TO FILE ADJUDICATION CLAIM(S)

Department of Water Resources

The Idaho Department of Water Resources will consider this form as a request by the claimant for an additional period of time in which to file claim(s) beyond the 90 days allowed by Section 42-1409(10), Idaho Code.

805-646-6525
253-6018
(208) 365-4982
Phone Number

John C. Brown, Mary L. Brown
Name of Claimant

1111 E. Idaho Blvd. Emmett, Idaho 83617
Mailing Address City State Zip

Gem 2-14-90
County(s) where place of use is located Date claim originally due

65-01395, 01396, 01397, 01401, 01402, 01403, 01404, 01399, 04035
Identify water right(s) for which extension is requested

State why an extension of time is requested explaining how a diligent effort has been made to meet the deadline:

Explanation attached. You received our claim
Feb 20, 1990 signed & notarized. We were out of
state traveling Oct 27, 1989 until July 1990.

Claimant requests an extension to _____, 19 _____

John C. Brown
Signature
Mary L. Brown
owner
Title

Sept 12, 19 90
Date of request

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

The above request for extension of time is hereby [] granted [X] denied for the following reasons:

Proper notice was given and completed claim forms were mailed. Late
fees are to cover the additional cost of late filed claims and may be
waived or partially waived for good cause. Pursuant to section 42-1409(3)
and if granted the filing deadline is extended to 19
\$350.00 of the \$450.00 late fee is hereby waived if the fee is paid by 11/1/90.
Signed this 22 day of September, 19 90

Director or his designated agent

DAVID B. SHAW

Mail to: Idaho Department of Water Resources
1301 N. Orchard St.
Boise, ID 83706

MICROFILMED

SEP 18 1992