

IDAHO DEPARTMENT OF WATER RESOURCES

T06N R01W S04

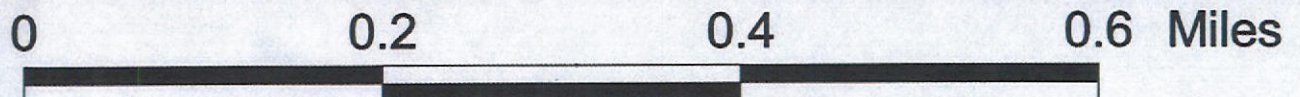
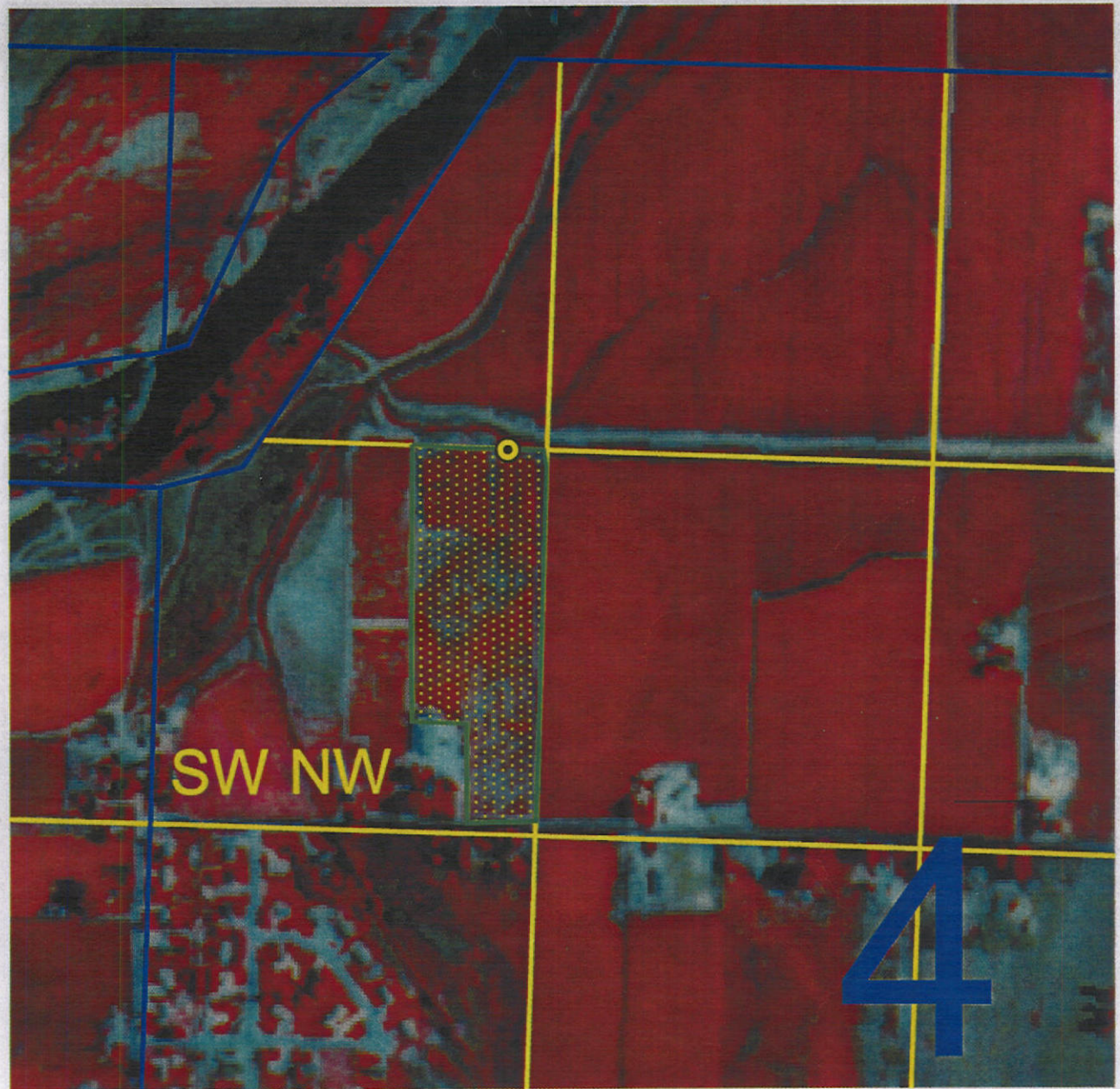
WATER RIGHT(S): 65-01592

PREPARED BY: Chris Duncan
29 JAN 2001

- POINT OF DIVERSION
- PLACE OF USE
- SECTION Boundary Lines
- QQ Boundary Lines



NAPP 1987



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: **A65-01592**
Date Received: 1/10/1990
Receipt No: X999999
Received By: _____

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

1. Name: WALTER D NEBEKER 208-365-5159
Address: 1490 FERNLEE CIRCLE
EMMETT ID 83617

AND/OR
Name: JOSEPHINE L NEBEKER 208-365-5159
Address: 1490 FERNLEE CIRCLE
EMMETT ID 83617

2. Date of Priority: APR 1, 1955

3. Source: FROZEN DOG WASTEWAY Trib. to: PAYETTE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
06N	01W	4		5	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	0.220		

7. Total Quantity Appropriated is:
0.220 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
06N	01W	4	SW NW	5	IRR	11.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	11.0
					Total Acres	11.0

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:

CHANGE OF OWNERSHIP COMPLETED BY L.R.W. ON 9/8/94.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 1/21/1986

STATE OF IDAHO

Decree Plaintiff

A & C CORP., ET AL.

vs Decree Defendant

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

State of Idaho)
) SS.
County of _____)

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

Notary Public

Seal

Residing at _____

My Commission Expires _____



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

RECEIVED

SEP 6 1994

Department of Water Resources

DATE OF CLOSING: 9-1-94

LEGAL DESCRIPTION OF PROPERTY: Township 6 North Range 1 West
Section 4, 1/4 of 1/4 of 1/4 Govt. Lot 5, BM.
Lot _____, Block _____, Subdivision/Townsite _____
If you have additional legal descriptions, please attach separate sheet.

RECEIVED

SEP 07 1994

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: A65-01592

☐ Name and Address of Former Owner/Claimant(s)(Seller): HAZEL RUSSELL
2160 Waterwheel Road

☐ New Owner/Claimant (Purchaser): Emmett, Idaho 83617
WALTER D. NERBEKER and JOSEPHINE L. NERBEKER

☐ New Mailing Address: 1490 Fernlee Circle
Emmett, Idaho 83617

☐ New Telephone Number: (208) 365-5159

☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes X 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: Copy of Warranty Deed 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) Walter D. Nebeker Date 8-31-94
Josephine L. Nebeker Date 8-31-94

☐ Signature of Former Owner/Claimant(s): Hazel L. Russell Date 9-1-94

(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

INSTRUCTIONS

APR 15 1992
RECEIVED
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).

APR 15 1992
RECEIVED
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.

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: A65-01592
Date Received: 1/10/1990
Receipt No: X999999
Received By: AB

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: HAZEL RUSSELL 208-365-4680
Address: 2160 WATERWHEEL RD.
EMMETT, ID 83617

2. Date of Priority: APR 01, 1955

3. Source: FROZEN DOG WASTEWAY Trib. to: PAYETTE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
06N	01W	4		5	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	0.220		

7. Total Quantity Appropriated is:
0.220 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
06N	01W	4	SW NW	5	IRR	11.0

Section Acres 11.0

Total Acres 11.0

A65-01592

Page 1

Date: 01/10/90

MICROFILMED
SEP 18 1992

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:

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 1/21/1986

STATE OF IDAHO

Decree Plaintiff

vs

A & C CORP., ET AL.

Decree Defendant

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): _____ 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. NUMBER: 65-01592

DATE RECEIVED:

RECEIPT NO:

RECEIVED BY: -----

RECEIVED
JAN 10 1990

Drain ditch

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

1. NAME: ~~L. A. RUSSELL~~
ADDRESS: ~~2150 WAGONWHEEL RD.~~
~~EMMETT, ID~~

83617

A NAME: HAZEL RUSSELL
ADDRESS: 2150 WAGONWHEEL RD. ✓
EMMETT, ID

83617

365-4680

2. DATE OF PRIORITY: APR 01, 1955

3. SOURCE: FROZEN DUG WASTEWAY

TRIB. TO: PAYETTE RIVER

4. POINT OF DIVERSION:

TOWNSHIP	RANGE	SECTION	1/4 OF 1/4 OF 1/4	LOT	COUNTY
06N	01W	4		5	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	0.220		

7. TOTAL QUANTITY APPROPRIATED IS:
0.220 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
06N	01W	4	SW	NW	5	IRR	11.0
SECTION ACRES							11.0
TOTAL ACRES							11.0

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:

15. BASIS OF CLAIM: DECREE
CASE NUMBER:
COURT :
DECREE DATE: 1/21/1986

STATE OF IDAHO
DECREE PLAINTIFF

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

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): Hazel L. Russell DATE: 1-10-90

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 Gem) SS.

SUBSCRIBED AND SWORN (OR AFFIRMED) BEFORE ME THIS 10th DAY
OF January 19 90

NOTARY PUBLIC

SEAL

RESIDING AT Anna Baunhoff, Notary Public
Residing at Boise, Idaho
My Commission Expires December 7, 1994
MY COMMISSION EXPIRES
DATE: 10/28/89 3482



m
State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

July 11, 2002

WALTER D NEBEKER
JOSEPHINE L NEBEKER
2180 WATERWHEEL RD
EMMETT ID 83617

Re: Snake River Basin Adjudication (SRBA)
Water Right No. 65-1592
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

Telephone number

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

2180 Waterwheel Rd
Emmett 83617

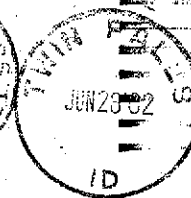
65-1592

NAME AND ADDRESS:

JOSEPHINE L NEBEKER
WALTER D NEBEKER
1490 FERNLEE CIRCLE
EMMETT, ID 83617.



- ☒ MOVED LEFT NO ADDRESS
- ☒ NOT DELIVERABLE AS ADDRESSED
- ☐ UNABLE TO FORWARD
- ☐ ATTEMPTED NOT KNOWN
- ☐ UNCLAIMED ☐ REFUSED
- ☐ NO SUCH STREET NUMBER
- ☐ INSUFFICIENT ADDRESS
- ☐ NO MAIL RECEPTACLE
- ☐ BOX CLOSED NO CARRIER
- ☐ DECEASED ☐ VACANT
- ☐ FORWARDING ORDER EXPIRED



H METER 581719

RECEIVED

JUL - 9 2002

Department of Water Resources

NOT AT
This address

Add. chg. letter sent 7-11-02

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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 65-01592

NAME AND ADDRESS: JOSEPHINE L NEBEKER
WALTER D NEBEKER
1490 FERNLEE CIRCLE
EMMETT, ID 83617

SOURCE: UNNAMED STREAM TRIBUTARY: PAYETTE RIVER

QUANTITY: 0.22 CFS

PRIORITY DATE: 04/01/1955

POINT OF DIVERSION: T06N R01W S04 LOT 5 (SWNW) Within Gem County

PURPOSE AND	PURPOSE OF USE	PERIOD OF USE	QUANTITY
PERIOD OF USE:	Irrigation	03-15 TO 11-15	0.22 CFS

PLACE OF USE: Irrigation Within Gem County
T06N R01W S04 LOT 5 (SWNW) 11.0
11.0 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.

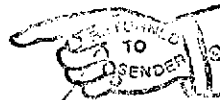

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

RECEIVED

JUL 10 2002

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

RETURN SERVICE REQUESTED



☐ MOVED, LEFT NO ADDRESS
☐ FORWARDING OFFICE REQUIRED
☐ ATTENTION
E 11

JOSEPHINE L NEBEKER

WALTER D NEBEKER
1490 FERNLEE CIRCLE
EMMETT, ID 83617

Mel?

00-1002

00-1002

RECEIVED

MAY 10 2001

WATER RESOURCES
WESTERN REGION





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

01/29/2001

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

RIGHT NUMBER: 65-1592

NAME AND ADDRESS: JOSEPHINE L NEBEKER
WALTER D NEBEKER
1490 FERNLEE CIRCLE
EMMETT, ID 83617

SOURCE: UNNAMED STREAM TRIBUTARY: PAYETTE RIVER

QUANTITY: 0.22 CFS

PRIORITY DATE: 04/01/1955

POINT OF DIVERSION: T06N R01W S4 LOT 5 SWNW Within GEM County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	3-15 11-15	0.22 CFS

PLACE OF USE:

IRRIGATION Within GEM County
T06N R01W S4 LOT 5 SWNW 11

11 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

SOURCE IS ALSO KNOWN AS FROZEN DOG WASTEWAY

AJ5809NP
No. A65-01592

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 07/28/00
PAGE: 50

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	WALTER D NEBEKER	04/01/1955	IRRIGATION	03-15 11-15	0.220 CFS	
C	JOSEPHINE L NEBEKER 1490 FERNLEE CIRCLE EMMETT ID 83617 (208) 365-5159					
TOTAL DIVERSION:					0.220 CFS	

Water Source: ~~FROZEN DOG WASTEWAY~~

Tributary to: PAYETTE RIVER

Stage: DECREED

Point(s) of Diversion:

T06N R01W S04 Lot05(SW NW)

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	01W	4	:								05-11									:	11.0
TOTAL ACRES																				11.0	

POU County: GEM

Remarks: GEN CHANGE OF OWNERSHIP COMPLETED BY L.R.W. ON 9/8/94.

Dates: Exam Made Date: Verified Date: 09/08/1994 Objection Filed Date:

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

EXP-B01 aka "Frozen Dog Wasteway"

Cond - C18

WR5809NP
No. 65-01592

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 01/18/01
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	L. A. RUSSELL	04/01/1955	IRRIGATION	03/15 11/15	0.220 CFS	
C	HAZEL RUSSELL					
	2160 WAGONWHEEL RD.					
	EMMETT ID 83617					
				TOTAL DIVERSION:	0.220 CFS	

Water Source: FROZEN DOG WASTEWAY

Tributary to: PAYETTE RIVER

Stage: DECREED

Point(s) of Diversion:

T06N R01W S04 Lot 05 *(SW 1/4)*

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	01W	4	:								05-11										11.0
																				TOTAL ACRES	11.0

Pou County: GEM

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):

65-00601 65-01548 65-01593

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

65-13609

Dates:	App. Received:	Priority Date:	04/01/1955
	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

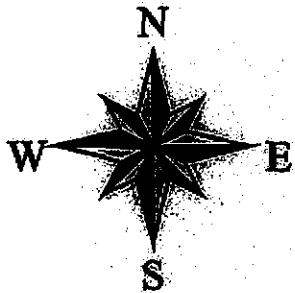
IDAHO DEPARTMENT OF WATER RESOURCES

T06N R01W S04

WATER RIGHT(S): 65-01592

PREPARED BY: Chris Duncan
29 JAN 2001

- POINT OF DIVERSION
- PLACE OF USE
- SECTION Boundary Lines
- QQ Boundary Lines



NAPP 1987





State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

Date September 8, 1994

[WALTER OR JOSEPHINE NEBEKER]
1490 FERNLEE CIRCLE
EMMETT ID 83617
[]

Notice of Claim No.(s) A65-01592

Dear Claimant:

Enclosed is your 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)

Please note--there is another claim filed by Mrs. Russell for a domestic usage on the same piece of property. Did you also purchase the home? Please let me know so I can make the ownership change on this claim. It's numbered A65-01593.

**SECURITY TITLE COMPANY
OF IDAHO**

Please Reply To: 1022 South Washington Avenue
P.O. Box 622
Emmett, ID 83617
208-365-4486
FAX 208-365-4541

RECEIVED
SEP 6 1994
Department of Water Resources

Idaho Dept. of Water Resources
Statehouse Mail
Boise, ID 83720-9000
Attn: Adjudication Bureau

ESCROW NO. 3-18163
RE: Russell to Nebeker
DATE: 9-2-94

In connection with the above numbered Escrow, we enclose the following:

- | | |
|--------------------------------------|------------------|
| () Our check # | in the sum of \$ |
| () Deed recorded | Instrument No. |
| () Deed of Trust recorded | Instrument No. |
| () Note dated | in the sum of \$ |
| () Title Insurance Policy No. | |
| () Fire Insurance Binder | |
| () Copy of Closing Statement | |
| () Copy of Escrow Instructions | |
| () Assignment of Trust Fund | |
| () Change of ownership agreement | |
| (X) Notice of change of ownership. | |
| (X) Copy of Warranty Deed. | |
| () | |

RECEIVED
SEP 07 1994
WATER RESOURCES
WESTERN REGION

Any other documents to which you are entitled will be forwarded as soon as they are available.

Yours very truly,
Security Title Company of Idaho

By: _____



**SECURITY TITLE COMPANY
OF IDAHO**

RECEIVED

SEP 6 1954

Department of Water Resources

WARRANTY DEED

FOR VALUE RECEIVED, HAZEL I. RUSSELL, a widow, the Grantor, does hereby grant, bargain, sell and convey unto WALTER D. NEBEKER and JOSEPHINE L NEBEKER, husband and wife, the Grantees, whose address is 1490 Fernlee Circle, Emmett, Idaho 83617, the following described premises, including any homestead claim pursuant to the Idaho Homestead Law, Idaho Code, Section 55-1001, et seq., to-wit:

Parcel 3

A tract of land situate in a portion of US Government Lots 4 and 5, Section 4, Township 6 North, Range 1 West, Boise Meridian, Gem County, Idaho, more particularly described as follows:

Note: Reference Record of Survey filed as Instrument No. 175834, Records of Gem County, Idaho.

BEGINNING at the Northwest 1/16 corner (Northeast corner of US Government Lot 5 and the Southeast corner of Lot 4);
Thence South 00°21'57" West, 741.25 feet along the East line of Lot 5 to a set 1/2" iron pin P.L.S. 4108;
Thence South 89°45'31" West, 279.64 feet parallel with the South line of Lot 5 to a set 1/2" iron pin P.L.S. 4108;
Thence North 00°21'57" East, 792.12 feet parallel with the East line of Lot 5 to a point on the centerline of the United States Reclamation Service ditch;
Thence South 86°50'00" East, 66.56 feet along said centerline;
Thence South 67°41'00" East, 121.51 feet along the centerline to a point on the North line of Lot 5;
Thence North 89°55'27" East 100.45 feet along the North line of Lot 5 to the point of beginning.

Said tract of land SUBJECT TO a 21.50 foot wide Ingress and Egress Easement lying East of the following described line;

Commencing at the Northwest 1/16 corner (Northeast corner of US Government Lot 5 and the Southeast corner of Lot 4);

Thence South $00^{\circ}21'57''$ West, 741.25 feet along the East line of Lot 5 to a set 1/2" iron pin P.L.S. 4108;

Thence South $89^{\circ}45'31''$ West, 279.64 feet parallel with the South line of Lot 5 to a set 1/2" iron pin P.L.S. 4108 and THE REAL POINT OF BEGINNING;

Thence North $00^{\circ}21'57''$ East, 792.12 feet parallel with the East line of Lot 5 to a point on the centerline of the United States Reclamation Service ditch and the terminus of said easement;

Said tract INCLUDING a 40.00 foot wide Ingress and Egress Easement, said easement being more particularly described as follows:

Commencing at the center West 1/16 corner (Southeast corner of US Government Lot 5), Section 4, Township 6 North, Range 1 West, marked by a found 5/8" iron pin;

Thence South $89^{\circ}45'31''$ West, 218.14 feet along the South line of Lot 5 to a set PK nail and washer stamped P.L.S. 4108 and THE REAL POINT OF BEGINNING;

Thence continuing South $89^{\circ}45'31''$ West, 40.00 feet along the South line of Lot 5 to a found PK nail and washer stamped P.L.S. 6552;

Thence North $00^{\circ}21'57''$ East, 222.50 feet parallel with the East line of Lot 5 to a found 1/2" iron pin P.L.S. 6552;

Thence South $89^{\circ}45'31''$ West, 21.50 feet parallel with the South line of Lot 5;

Thence North $00^{\circ}21'57''$ East, 357.50 feet parallel with the East line of Lot 5 to a set 1/2" iron pin P.L.S. 4108;

Thence North $89^{\circ}45'31''$ East, 40.00 feet parallel with the South line of Lot 5 to a set 1/2" iron pin P.L.S. 4108;

Thence South $00^{\circ}21'57''$ West, 300.00 feet parallel with the East line of Lot 5 to a set 1/2" iron pin P.L.S. 4108;

Thence North $89^{\circ}45'31''$ East, 21.50 feet parallel with the South line of Lot 5 to a set 1/2" iron pin P.L.S. 4108;

Thence South $00^{\circ}21'57''$ West, 280.00 feet parallel with the East line of Lot 5 to the point of beginning.

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

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

Together with all water rights and water shares.

SUBJECT TO United States patent restrictions and/or State of Idaho deed restrictions;

SUBJECT TO all taxes and assessments for the year 1994 and all subsequent years;

TO HAVE AND TO HOLD the said premises, with their appurtenances, unto the said Grantees, their heirs and assigns, forever. And the Grantor does hereby covenant to and with the said Grantees that she is the owner in fee simple of said premises; that said premises are free from all encumbrances save and except as above set forth; and that she will warrant and defend the same from all lawful claims whatsoever.

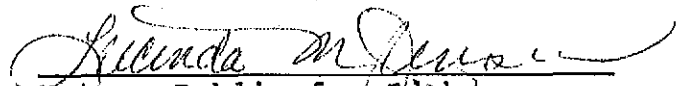
DATED this 1 day of September, 1994.

Hazel I. Russell
Hazel I. Russell

STATE OF IDAHO)
 : ss
County of Gem)

On this 1st day of September, 1994, before me, the undersigned, a Notary Public in and for said State, personally appeared Hazel I. Russell, a widow, known to me to be the person whose name is subscribed to the within and foregoing instrument, and acknowledged to me that she executed the same.

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


Notary Public for Idaho
Residing at: Emmett, Idaho
My Commission Expires: 6/30/2000.

(Seal)