

**T07N R02W
S25**

Idaho Department of Water Resources

**Claims: 65-01750
Prepared by:
RON HOWERTON
Date: 22 DEC 00**

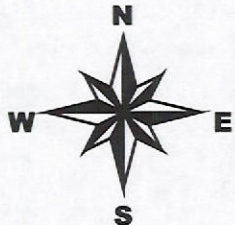
 **Place of use**

 **POD**

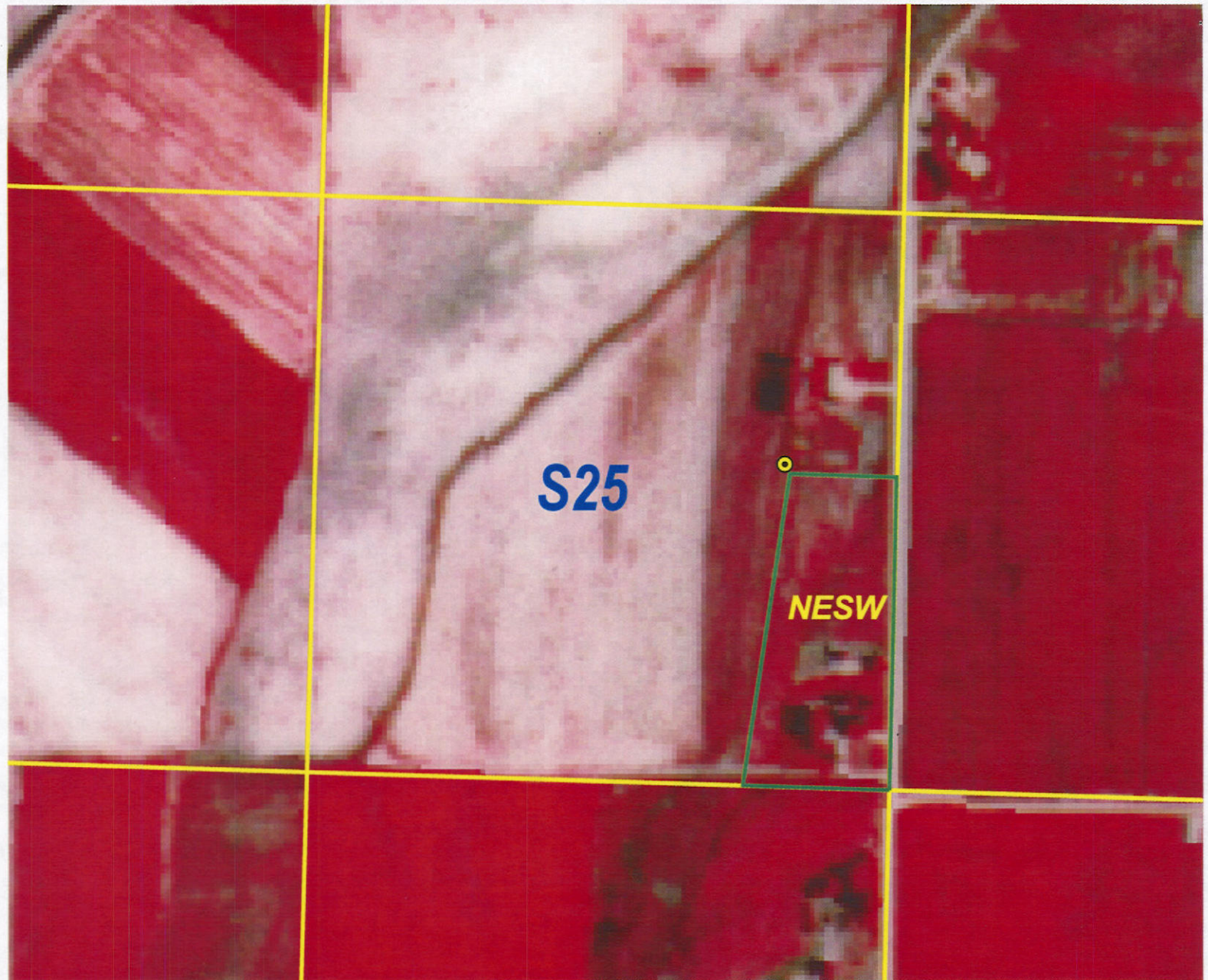
 **SECTION**

 **1/4 1/4**

5 Acres



1987 NAPP



0 0.1 0.2 0.3 0.4 Miles



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S25**

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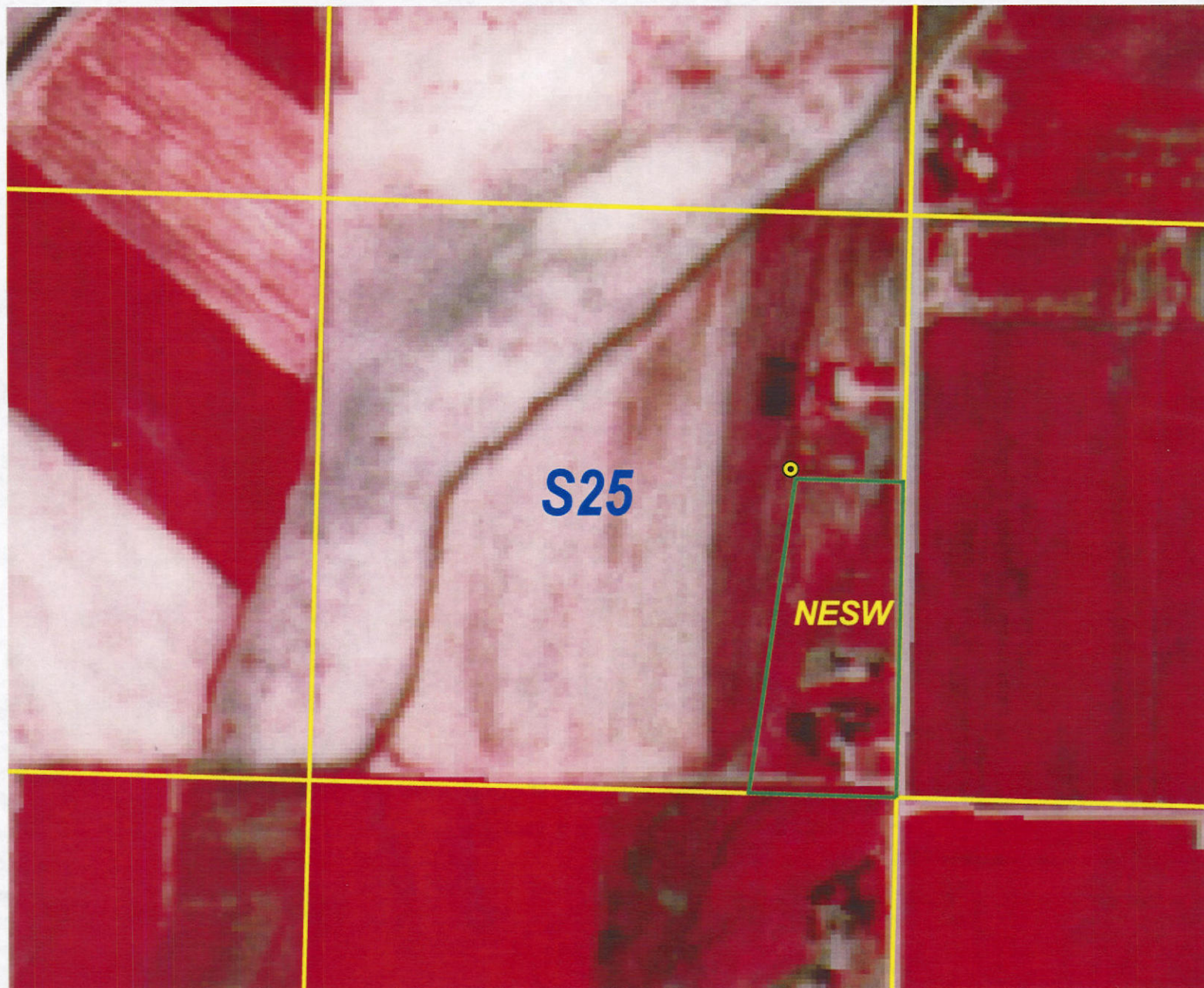
 **POD**

 **SECTION**

 **1/4 1/4**

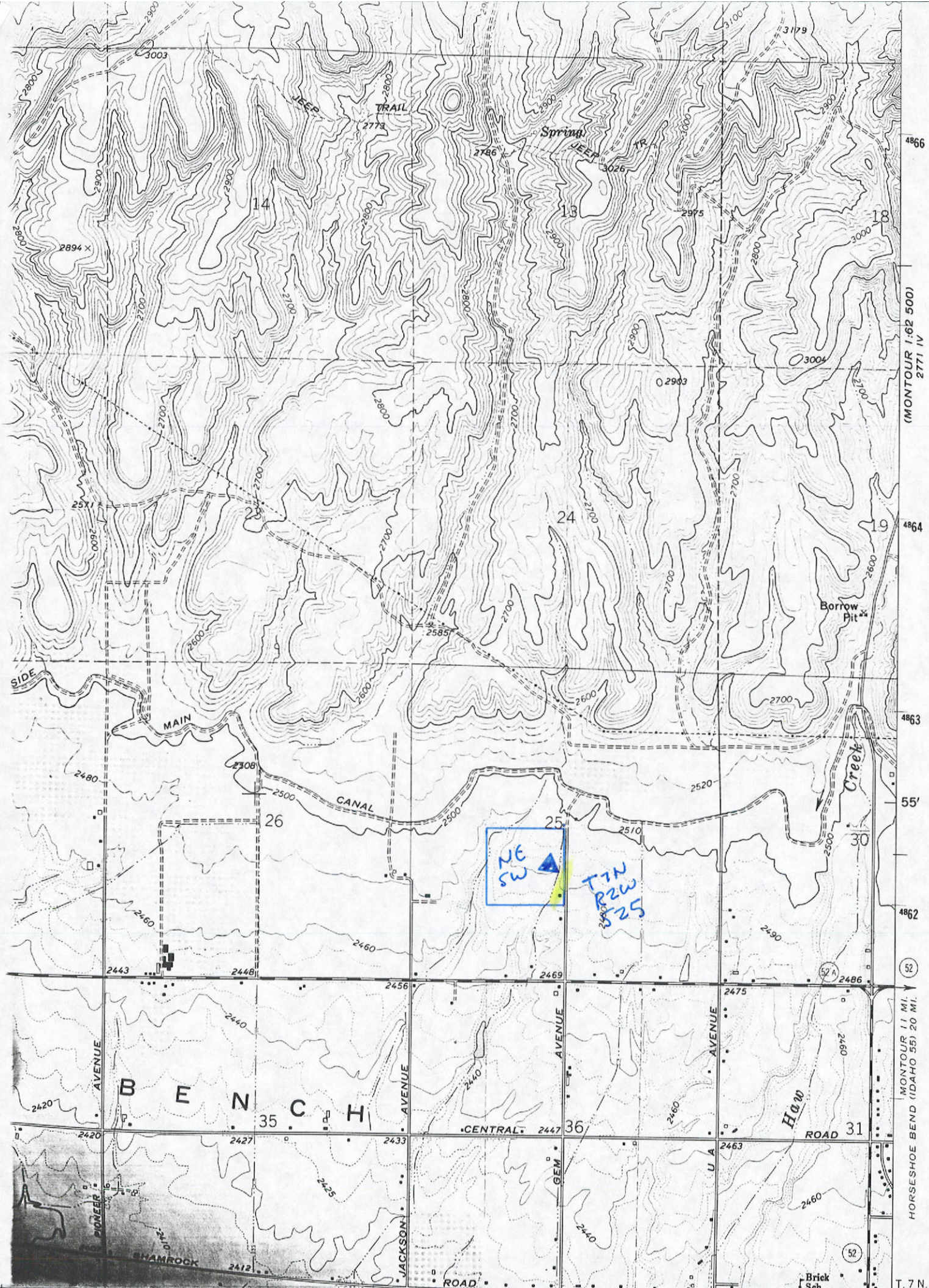


1987 NAPP



0 0.1 0.2 0.3 0.4 Miles

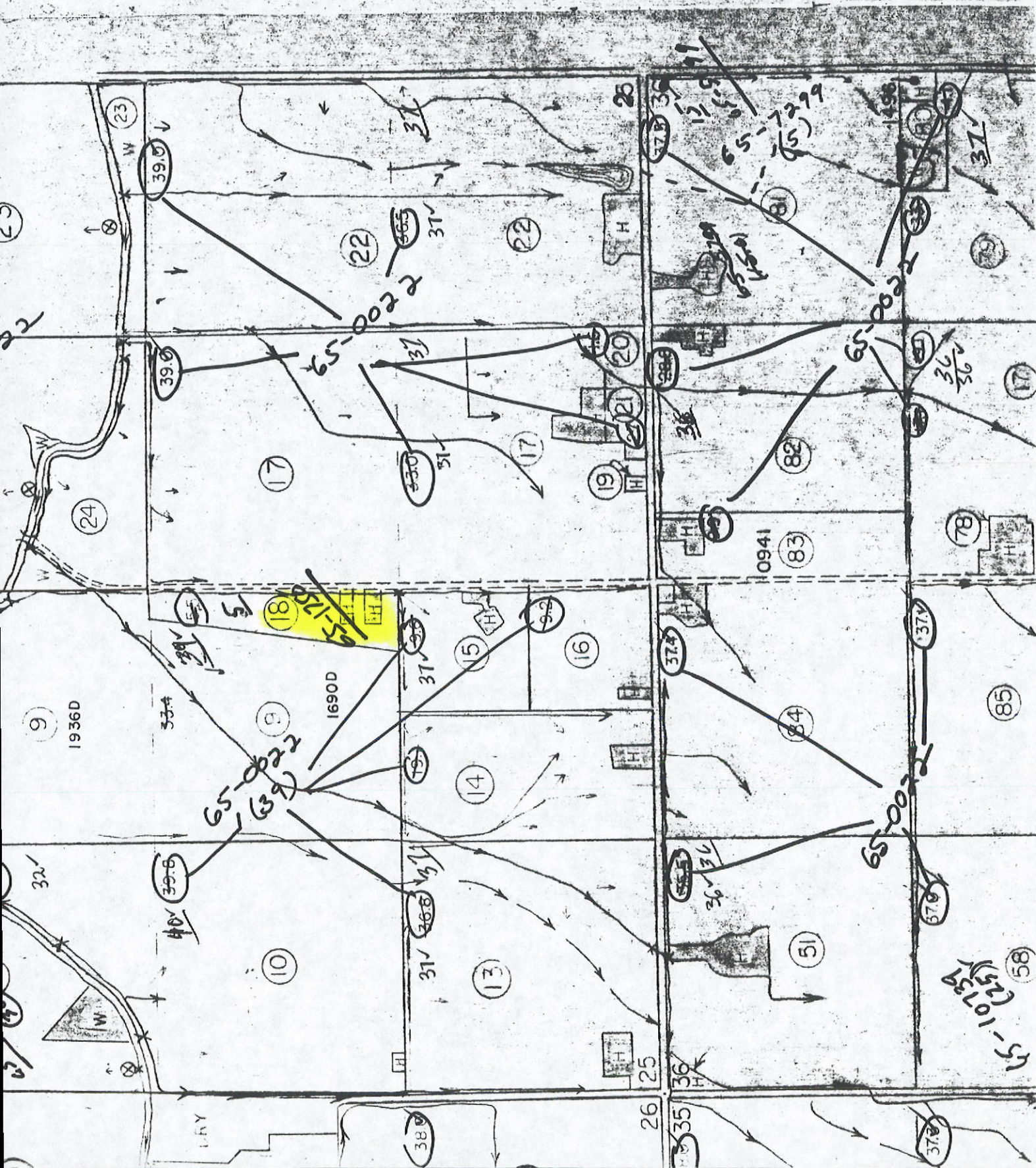




4866
(MONTOUR 1:62 500)
2771 IV
4864
4863
55'
4862
52
MONTOUR 1:1 MI.
HORSESHOE BEND (IDAHO 55) 20 MI.
52
T. 7 N.

w 6 1971 TOPO

PRBA
BLUFLINE
WAVE
T7N R2W
S25 NESW



- 83. Elwood, T. R.
- 84. Stanley, R.
- 85. Halder, Ge.
- 86. Myers, Roy
- 87. Stephan, L.
- 88. Watson, Va
- 89. Hewitt, G.
- 90. Soper, Tex
- 91. Gray, T. O
- 92. Canaday, N.
- 93. Fisher, H.
- 94. Foreman, W.
- 95. Franklin,
- 96. Grabowski,
- 97. Howell, U.
- 98. McReynolds
- 99. Kalac.
- 100. Kolodziel,
- 101. Lenz, E. H.
- 102. Modin, I.
- 103. Niswander,
- 104. Pook, Carl
- 105. Waller, H.
- 106. Wiechmann,

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: 65-01750
DATE RECEIVED: 1-12-90
RECEIPT NO: x999999
RECEIVED BY: -----

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. NAME: FRANK H. KOLODZIEJ
ADDRESS: 3405 GEM AVE.
EMMETT, ID

83617

NAME: THELMA R. KOLODZIEJ
ADDRESS: 3405 GEM AVE.
EMMETT, ID

83617

RECEIVED
JAN 12 1990

Department of Water Resources

2. DATE OF PRIORITY: APR 01, 1969

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	02W	25	NE	SW			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	0.100		

7. TOTAL QUANTITY APPROPRIATED IS:
0.100 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	02W	25	NE	SW		IRR	5.0
SECTION ACRES							5.0
TOTAL ACRES							5.0

11. PLACE OF USE IN COUNTIES: GEN, GEN

12. DO YOU OWN THE PROPERTY LISTED ABOVE AS PLACE OF USE? YES

13. OTHER WATER RIGHTS USED:

14. REMARKS:

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

15. BASIS OF CLAIM: DECREE

CASE NUMBER:

COURT :

DECREE DATE: 1/21/1986

STATE OF IDAHO
DECREE PLAINTIFF

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

(A.) BY SIGNING BELDW, 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 POCKET SHEET.

SEP 18 1992

4/5/1989

SRDA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME

Kolodziej

CLAIM IDENT. NO.

405-01750

DATE RECEIVED

1/12/90

CK #

AMOUNT \$

exempt

YES

NO

Required
Info?

1. Is the name and address complete with zip code? ☒ YES ☐ NO ☐ *
2. Is a priority date entered? ☐ YES ☐ NO ☐ *
Is the priority date acceptable in view of mandatory filing dates?
See Adjudication Memos #1 and #4 to determine if a permit is required. ☐ YES ☐ NO ☐ *
3. (a) Is a source entered? ☐ YES ☐ NO ☐ *
(b) Is a tributary to entered? (if required) ☐ YES ☐ NO ☐ N/A ☐ *
4. Is the legal description of the p.d. sufficient? ☐ YES ☐ NO ☐ *
5. Is there a description of the diverting works? ☐ YES ☐ NO ☐ *
6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. ☐ YES ☐ NO ☐ *
Is the period of use included? ☐ YES ☐ NO ☐ *
Is a quantity claimed for each use? ☐ YES ☐ NO ☐ *
7. Is a total quantity claimed entered? ☐ YES ☐ NO ☐ *
8. If required is a consumptive use entered? ☐ YES ☐ NO ☐ N/A ☐ *
Is the consumptive use correct? ☐ YES ☐ NO ☐ N/A ☐ *
9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. ☐ YES ☐ NO ☐ N/A ☐ *
10. Is (are) the place(s) of use and purpose(s) indicated? ☐ YES ☐ NO ☐ *
11. Is (are) the county(ies) entered? ☐ YES ☐ NO ☐ *
12. Is the ownership of p.u. checked? ☐ YES ☐ NO ☐ *
13. Are other water rights listed or "none" indicated? ☐ YES ☐ NO ☐ *
14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) ☐ YES ☐ NO ☐ N/A ☐ *
15. Is the basis of the claim indicated? ☐ YES ☐ NO ☐ *
16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) ☐ YES ☐ NO ☐ N/A ☐ *
17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block. ☒ YES ☐ NO ☐ *
18. Has the claim been signed, sealed, and dated by a notary? ☒ YES ☐ NO ☐ *
19. Was this claim filed on time, or was an extension granted? ☒ YES ☐ NO ☐ *
20. Is the fee enclosed correct? ☐ YES ☐ NO ☐ Exempt ☒ YES ☐ NO ☐ *
21. If this claim is based on an existing water right, has the identification number been entered? ☐ YES ☐ NO ☐ N/A ☒ YES ☐ NO ☐ *
22. Should this claim be data entered? ☐ YES ☐ NO ☐ *

Claim checked by: rat

Date:

3/8/90

Claim must be returned to claimant:

(Yes)

(No)

Claimant must be notified of modifications:

(Yes)

(No)

Receipt Prepared by:

Claim data entered by:

Sent to claimant by:

Date:

Date:

Date:

Checked by:

Date:

Comments:

MICROFILMED

SEP 18 1992

03/08/2001

RECEIVED

APR 09 2001

WATER RESOURCES
WESTERN REGION

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: April 13, 2001

Water right number: 65-1750

THELMA R KOLODZIEJ
3405 GEM AVE
EMMETT ID 83617

FRANK H KOLODZIEJ
3405 GEM AVE
EMMETT ID 83617

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

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

X I AGREE with this proposed recommendation: no changes need to be made.

DATE: 4-3-01

SIGNATURE:

Thelma R. Kolodziej

Please print your name:

Thelma R. Kolodziej

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



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

12/27/2000

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

RIGHT NUMBER: 65-1750

NAME AND ADDRESS: FRANK H KOLODZIEJ
THELMA R KOLODZIEJ
3405 GEM AVE
EMMETT, ID 83617

SOURCE: WASTEWATER TRIBUTARY: PAYETTE RIVER

QUANTITY: 0.1 CFS

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

PRIORITY DATE: 04/01/1969

POINT OF DIVERSION: T07N R02W S25 NESW Within GEM County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	3-15 11-15	0.10 CFS

PLACE OF USE:

IRRIGATION Within GEM County
T07N R02W S25 NESW 5

5 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE
EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE
ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER
THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6),
IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

USE OF THIS RIGHT IS COMBINED WITH WATER FROM EMMETT
IRRIGATION DISTRICT.

AJ5809NP
No. A65-01750

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 03/14/00
PAGE: 3

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	FRANK H KOLODZIEJ	04/01/1969	IRRIGATION	03-15 11-15	0.100 CFS	
C	THELMA R KOLODZIEJ 3405 GEM AVE EMMETT ID 83617					
TOTAL DIVERSION:					0.100 CFS	

Water Source: WASTE WATER

Tributary to: PAYETTE RIVER

Stage: DECREED

Point(s) of Diversion: T07N R02W S25 NESW

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	02W	25	:																	5.0
TOTAL ACRES																			5.0	

POU County: GEM

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
65-01690 A65-01690

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

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number: 65

Field Inspection Flag:
Presumption Flag:

Audit: 03/14/90 WR-TO-AJ 03/30/95 POST-STD

C18

DATE: 08/18/00
PAGE: 1

C 18

**T07N R02W
S25**

Idaho Department of Water Resources

Claims: 65-01750

Prepared by:

RON HOWERTON

Date: 22 DEC 00

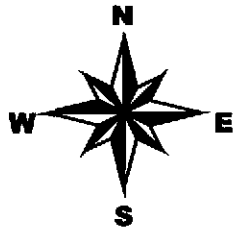
 **Place of use**

 **POD**

 **SECTION**

 **1/4 1/4**

5 Acres



1987 NAPP



0 0.1 0.2 0.3 0.4 Miles



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S25**

Idaho Department of Water Resources

Claims: 65-01750

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RON HOWERTON

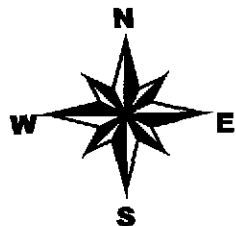
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 **POD**

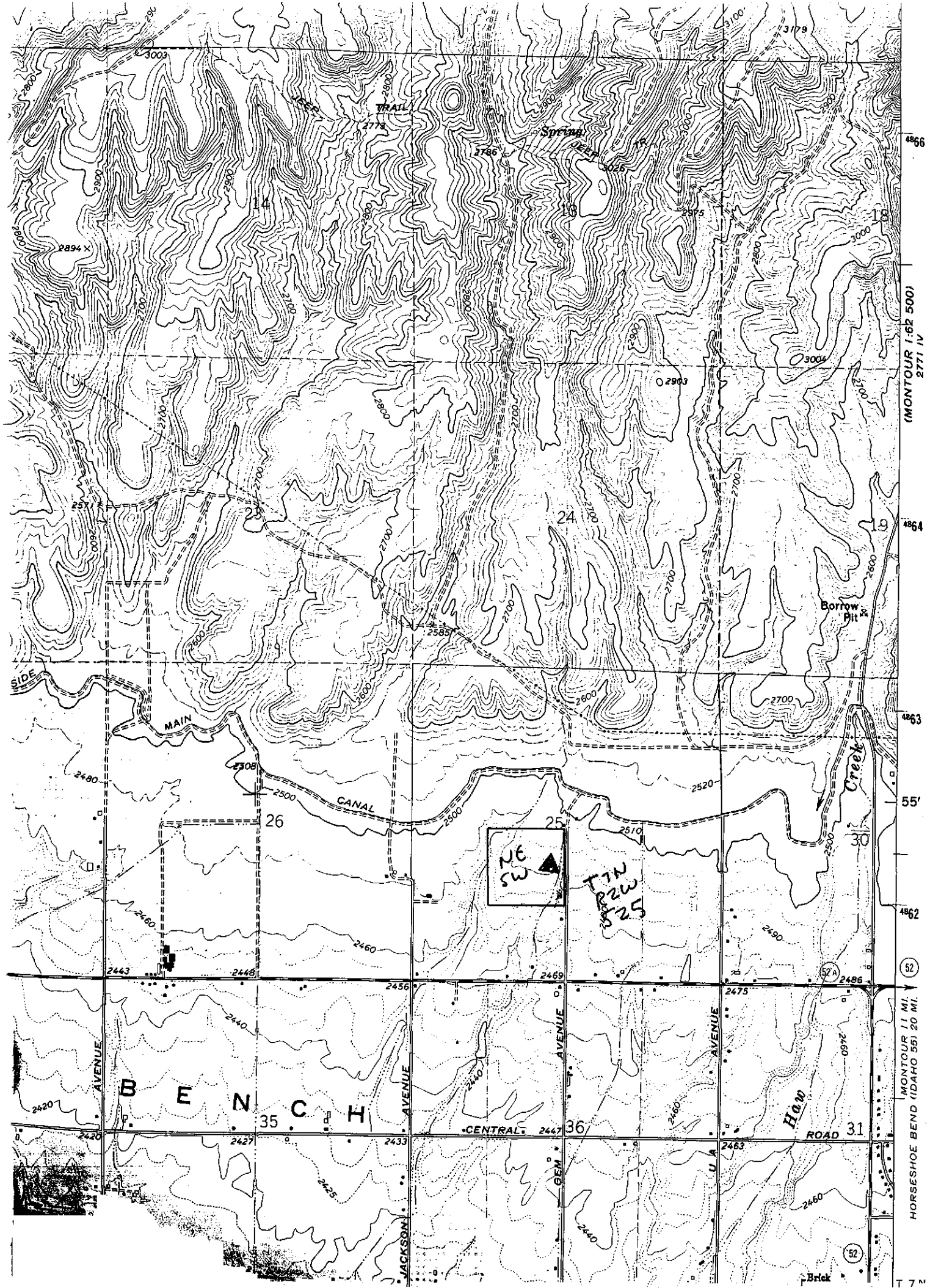
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 **1/4 1/4**



1987 NAPP



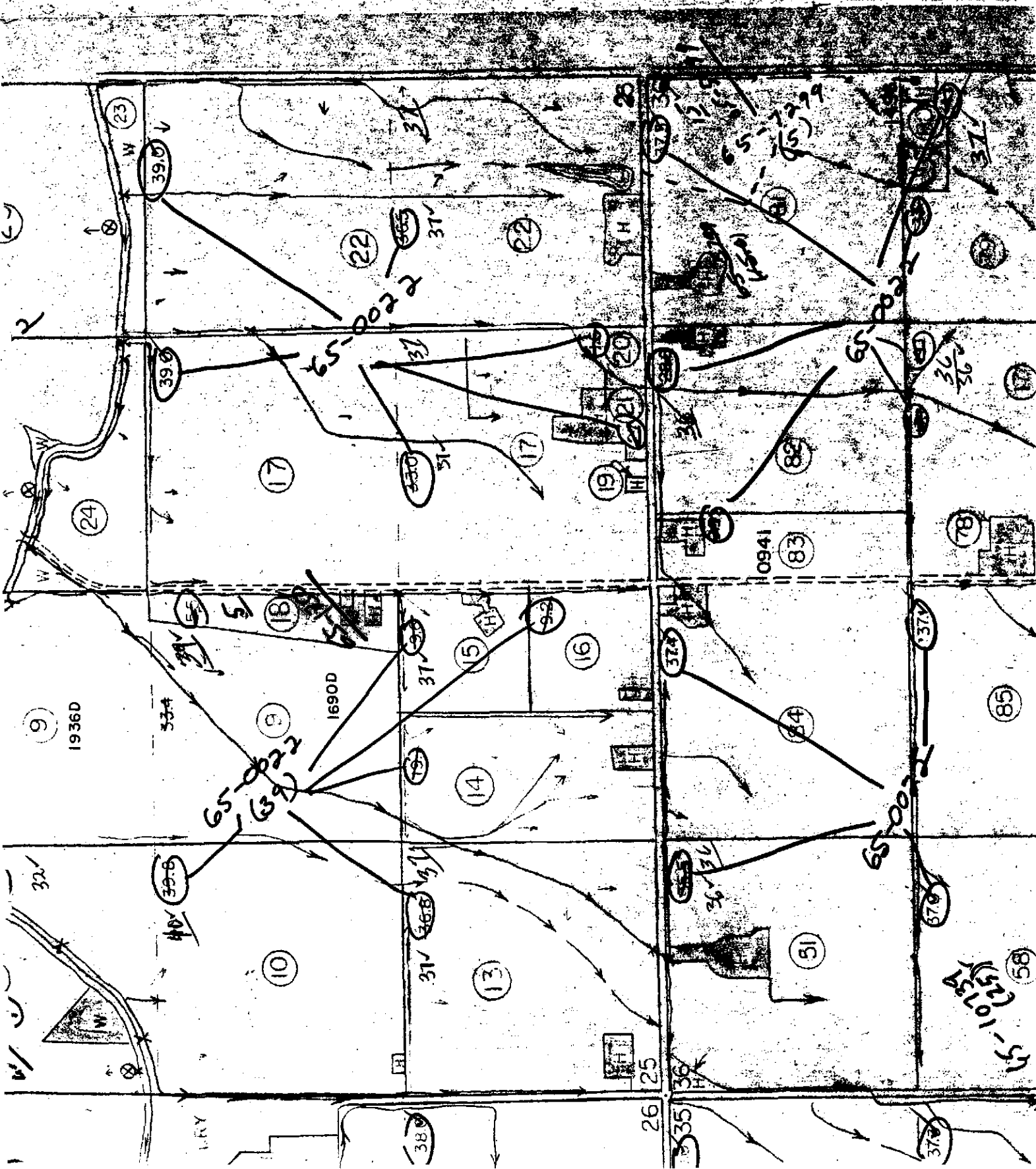


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w 6 1971 TOPO

PRBA
BLUING
WAVE
T7N R2W
S25 NESW

- 82. Under, E.
- 83. Elwood, F.
- 84. Stanley, C.
- 85. Harder, G.
- 86. Wye, R.
- 87. Staphan, W.
- 88. Hanson, W.
- 89. Hewitt, R.
- 90. Robert, R.
- 91. Gray, T. J.
- 92. Canaday, J.
- 93. Fisher, J.
- 94. Jackson, J.
- 95. Franklin, J.
- 96. Grabowski, J.
- 97. Howell, V.
- 98. McReynolds, J.
- 99. Kaler, J.
- 100. Kolbowski, J.
- 101. Dams, E.
- 102. Madin, J.
- 103. Niswander, J.
- 104. Cook, G.
- 105. Walker, J.
- 106. Viethman, J.



65-0022
65-0023

✓ DET 7-25-78

IDWR - WESTERN REGION

CONTRACTOR: Karan Waters

CLAIM #: 65-01750 Date: 4-27-00

Overlapping POU Claim #'s: _____

	TNS	RNG	SEC	NE				NW				SW				SE				Sum
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
Claim	7N	2W	25									5								5
GIS												5								5
Claim																				
GIS																				
Claim																				
GIS																				
Claim																				
GIS																				

POU_ID #(s): 443

POD_ID #(s): 142

Total Claimed Acres: 5

Total GIS Acres: 5

COMMENTS:
