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Documents
In File

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A65-01813
Date Received: 2/06/1990
Receipt No: _____
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: RAY J. SCHMALJOHN 208-365-3435
Address: 2538 N. WASHINGTON
EMMETT, ID 83617

OR

Name: PHOEBE E. SCHMALJOHN
Address: 2538 N. WASHINGTON
EMMETT, ID 83617

2. Date of Priority: APR 16, 1965

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07N	01W	31	SW	NE			GEM

5. Description of diverting works:
WELL-60 FEET DEEP-6 INCH CASING-PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.020		1.20

7. Total Quantity Appropriated is:
0.040 C.F.S. (and/or) 1.20 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC 1-STOCK 2

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
07N	01W	31	SW NE		DOMEST	

11. Place of use in counties: GEM

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
EMMETT IRRIGATION CO. SHARES

14. Remarks:
PUMP 6-7 FEET SOUTH OF HOUSE

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)
) SS.
County of _____)

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

CIVIL CASE NUMBER: 39576

Identification No. 465-01813Date Received 2/6/90Receipt Number C014436NOTICE OF CLAIM
TO A
WATER RIGHT

REC.

ACQUIRED UNDER STATE LAW

FEB 6 1990

For Domestic and/or Stockwater Purposes

Where Daily Use is less than 13,000 gallons per day.

Department of Water Resources

Filing Fee \$25

Please type or print clearly

1. Name of Claimant (s) RAY J. ^{OR} PHOEBE SCHMALJOHN Phone (208) 365-3435Mailing Address 2538 N. WASH. EMMET ID. Zip 836172. Date of Priority (Only one per claim) 4-16-65 Month/Day/Year3. Source of water supply (Check one) (X) Groundwater or Other () (a) _____
which is tributary to (b) _____
Name or kind of source4. Location of point of diversion is: Township 7 N Range 1 W
Section 31, _____ 1/4 of SW 1/4 of NE 1/4, Govt. Lot _____, BM.,
County of LEM

Additional points of diversion if any: _____

5. Description of existing diversion works (Ditches, Wells, Pumps, Pipelines, Headgate, Etc.), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well.

WELL, 60 FT DEEP 6" CASING PUMPSIZE 3"

6. Water is claimed for the following: (limited to Domestic and/or Stockwater only. See Instructions.)

For <u>DOMESTIC</u> purposes from	Month/Day <u>JAN 1</u>	to	Month/Day <u>DEC 31</u>	amount	(cfs) <u>0.02</u>
For <u>STOCK WATER</u> purposes from	<u>PDS</u> <u>2-28</u>	(Both dates are inclusive)	<u>PDS</u> <u>10-31</u>	amount	<u>PDS</u> <u>0.02</u>

7. Total quantity claimed 0.02 ^{PDS} (cfs) (0.04) ^{PDS} 0.028. Total consumptive use claimed is de minimus9. Non-irrigation uses. Describe fully. (Domestic: give number of households served if single ownership; Stockwater: Type and Number of livestock) D/1 S/2

MICROFILMED

SEP 18 1992

HOW YOU WILL RECEIVE NOTICES IN THE SNAKE RIVER BASIN ADJUDICATION

All documents filed in the Snake River Basin Adjudication other than notices of claims are filed with the court. Notices of claims to water rights filed in the Snake River Basin Adjudication are filed with the Idaho Department of Water Resources. Copies of all documents filed in the Snake River Basin Adjudication will not be mailed to all parties (claimants) in the adjudication.

By order of the court, any document filed with the court will be mailed only to those parties who may be directly affected by it. A monthly docket sheet will be prepared by the department which contains a summary of all documents filed with the court in the previous month and the dates and locations of hearings scheduled for the following three months. The docket sheet will be filed with the district court clerk in each county within the Snake River Basin in Idaho. Copies of the docket sheet may be obtained from any of the offices of the department either in person or by mail; a small fee will be charged to cover the cost of mailing and/or copying. If you wish to receive a copy of the docket sheet each month, you should mark the appropriate place on your notice of claim form. You will be charged a small annual subscription fee to cover the cost of copying and mailing. Copies of any document listed on the docket sheet may be obtained from any of the offices of the department either in person or by mail; a small fee will be charged to cover the cost of mailing and/or copying.

Copies of all notices of claims filed with the department will be available for inspection from all offices of the department. Copies of the notices of claims may be obtained in person or by mail, but you will be charged for the cost of copying and mailing. (A claimant will not be charged for a copy of his or her own notice of claim, and a person who acquires property with water rights for which a notice of claim was filed will not be charged for a copy of the notice of claim filed by the previous owner.)

After the notices of claims have been reviewed, the director will prepare and file a report with the court. Part 1 of the report will contain the director's recommendations as to each water right claimed under state law. Part 2 of the report will list each federal reserved water right claimed. A number of reports will be prepared, one or more for each sub-basin in the Snake River Basin. When the report for your sub-basin is filed with the court, you will be mailed a notice informing you that the report for your sub-basin has been filed. The notice will be sent to the most recent address shown by the department's files. Attached to the notice will be a copy of those portions of the report describing the water rights you have claimed. If you do not agree with the way your water right is described, you may file an objection to the report with the court. You can also file an objection if you disagree with the way other claimant's water rights are described, and the notice will tell you where a copy of the full report is available for inspection. The notice will tell you when and where to file your objection. The notice of filing for each sub-basin report will also be published state-wide in local newspapers.

RECEIVED
SEP 1 9 1988

10. Place of use is: Township: 7N Range 1W
Section 31, SW 1/4 of NE 1/4, Govt. Lot _____, B.M.,
for (Circle One) Domestic Stock Domestic and Stock
Additional places of use, if any _____

11. In which county (ies) are lands listed above as place of use located? GEM

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
() None or EMMETT IRRIGATION CO SHARES ?

14. Remarks: Pump 6-7 feet South of house -

15. Basis of Claim (Circle One) Beneficial Use Posted Notice License Permit Decree
Court _____ Decree Date _____ Plaintiff vs Defendant _____

If applicable provide IDWR Water Right Number 65-1813

16. Signature (s)

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

Number of Attachments _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) Phoebe E. Schmalzer Date Jan 12, 1990

Date _____

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 Organization
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____ Date _____

Title and Organization _____

State of Idaho/or Id.)

County of Id.) SS.

NOTARIZATION REQUIRED FOR EACH CLAIM

Subscribed and sworn (or affirmed) before me this 12 day of Jan 1990

SEAL

Notary Public John Dale Carlson

Residing at Pain Id.

My Commission Expires 4/2/94

Last Name _____ Ident No. _____

Copies: White-State, Yellow-Claimant

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SEP 18 1992

It is very important that you inform the department in writing of any change in your address. This is to make sure that you receive the notices affecting your water rights that are to be mailed by the department.

If you are acquiring property with water rights in the Snake River Basin water system in Idaho (either by purchase, gift, inheritance, or other means), it is very important that you inquire of the department whether a notice of claim has been filed. If not, you must file a notice of claim or the water right may be declared by the court to no longer exist. If a notice of claim has been filed, it is very important that you file a written notice of change in ownership with the department. The notice of change in ownership must be accompanied by some evidence of the change in ownership, such as a copy of the deed or a property tax statement showing the name of the new owner. Again, this is to make sure that you receive the notices affecting your water rights that are to be mailed by the department.

The cost of the subscription to the docket sheet is \$7.50 for calendar year 1988. The cost of the subscription may increase a small amount for calendar year 1989 if the cost of copying and/or mailing should increase.

If you are planning to file a motion or other pleading (not a notice of claim) with the court (not IDWR), the court has issued an order setting a special procedure that is different from the usual civil rules. A copy of the order may be obtained from any office of IDWR; you may be charged for the cost of mailing and/or copying.

RECEIVED
SEP 18 1988

Water Right Number - 65-01813

Adj. Flag Translation: Standard Water Right Number

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***
SCHMALJOHN

RAY J.

1 - 304 MURRAY AVE.
2 -
3 -

City- EMMETT State- ID Zip- 83617

Phone -

SCHMALJOHN

PHOEBE E.

1 - 304 MURRAY AVE.
2 -
3 -

City- EMMETT State- ID Zip- 83617

Phone -

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
04/16/1965 14 D - DECREED

+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
GROUNDWATER

+ - - - - Point of Diversion - - - - - +
TwN Rng Sec Tract Lot RFlg County Stream Index (Blank if no Index Code)

07N 01W 31 SW NE (45) GEM

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume

43 - DOMESTIC 01/01 12/31 0.040 1.20

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
0.040 1.20

+ - - - - Place of Use - - - - - +
TwN Rng Sec Tract Lot Acres Code Description County

07N 01W 31 SW NE 43 DOMESTIC (45) GEM

Total Acres:

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - - - Remarks - - - - - +
No Remarks found.

+ - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers found.

MICROFILMED

SEP 18 1992

Water right number - 65-01813

Adj. flag translation: Standard Water Right Number

+ - - - - Conditions of Approval - - - - - +
No Conditions of Approval found.

+ - - - - Decree Plaintiff - - - +
STATE OF IDAHO

+ - - - - Decree Defendant - - - +
A & C CORP., ET AL.

+ - Decree Date - +
01/21/1986

+ - - Audit Fields - 04/02/86

04/30/88 CONVERT

+ - - - - Water Rights Dates and Flags Area - - - - - +

Proof Due Date - 00/00/0000	Field Exam Made - 00/00/0000	Field Exam Fee -
Approved/Denied - 00/00/0000	Protested Date - 00/00/0000	Swan Falls -
Proof Made Date - 00/00/0000	Hearing Date - 00/00/0000	Temporary Right - P
Start Work Date - 00/00/0000	Verified Date - 00/00/0000	DLE/Carey Act -
Order Show Cause - 00/00/0000	Receipt Number -	Water District - 65
Licensed Date - 00/00/0000	Appl Received - 00/00/0000	Transfer/Amended -
Decree Date - 01/21/1986	Presumption Flag -	Microfilm Roll Number -

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SEP 18 1992

4/5/1989

SRDA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME Ray S. or Phoebe Schmaljohn CLAIM IDENT. NO. A65-01813

DATE RECEIVED 2-6-90 CK # CD14436 AMOUNT \$ _____

	YES	NO	Required Info?
1. Is the name and address complete with zip code?	☒	☐	*
2. Is a priority date entered?	☒	☐	*
Is the priority date acceptable in view of mandatory filing dates? See Adjudication Memos #1 and #4 to determine if a permit is required.	☒	☐	*
3. (a) Is a source entered?	☒	☐	*
(b) Is a tributary to entered? (If required)	☒ N/A	☐	
4. Is the legal description of the p.d. sufficient?	☒	☐	*
5. Is there a description of the diverting works?	☒	☐	
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.	☒	☐	*
Is the period of use included?	☒	☐	
Is a quantity claimed for each use?	☒	☐	*
7. Is a total quantity claimed entered?	☒	☐	
8. If required is a consumptive use entered?	☒ N/A	☐	
Is the consumptive use correct?	☒ 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.	☒ N/A	☐	*
10. Is (are) the place(s) of use and purpose(s) indicated? <u>domestic</u>	☒	☐	* 2
11. Is (are) the county(ies) entered?	☒	☐	
12. Is the ownership of p.u. checked?	☒	☐	
13. Are other water rights listed or "none" indicated?	☒	☐	
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.)	☒ N/A	☐	
15. Is the basis of the claim indicated?	☒	☐	
16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.)	☒ N/A	☐	
17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block.	☒	☐	*
18. Has the claim been signed, sealed, and dated by a notary?	☒	☐	*
19. Was this claim filed on time, or was an extension granted?	☒	☐	*
20. Is the fee enclosed correct?	☒ Exempt	☐	*
21. If this claim is based on an existing water right, has the identification number been entered?	☒ N/A	☐	
22. Should this claim be data entered?	☒	☐	

Claim checked by: Lisa RMC Date: 4-30-90 5/29/90Claim must be returned to claimant: (Yes) (No)Claimant must be notified of modifications: (Yes) (No)Receipt Prepared by: _____
Claim data entered by: SW
Sent to claimant by: _____Date: _____
Date: 10-31-90 Checked by: SW Date: 11-9-90

Comments: _____

MICROFILMED

SEP 18 1992

03/08/2001

RECEIVED

APR 12 2001

WATER RESOURCES
WESTERN DISTRICT

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: 65-1813

PHOEBE E SCHMALJOHN
2538 N WASHINGTON
EMMETT ID 83617

RAY J SCHMALJOHN
2538 N WASHINGTON
EMMETT ID 83617
Telephone Number: (208)365-3435

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: Apr. 9. 2001 SIGNATURE: Phoebe E. Schmaljohn

Please print your name: PHOEBE D.E. SCHMALJOHN

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

No Changes in previous status.

P. E. S.

AJ0749NP
No. R65-01813

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

DATE: 06/11/00
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	RAY J SCHMALJOHN 2538 N WASHINGTON EMMETT ID 83617 (208) 365-3435	04/16/1965	DOMESTIC	01-01 12-31	0.040 CFS	1.20 AFA
TOTAL DIVERSION:					0.040 CFS	1.20 AFA

C PHOEBE E SCHMALJOHN
2538 N WASHINGTON
EMMETT ID 83617

Water Source: GROUNDWATER

Tributary to:

Stage: DECREED

Point(s) of Diversion:

T07N R01W S31

SWNE

GEM County

Place of use Legal Description for: DOMESTIC

				NE				NW				SW				SE							
				NENE NWNE SWNE SENE				NENW NWNW SWNW SENW				NESW NWSW SWSW SESW				NESE NWSE SWSE SESE							
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:			

07N 01W 31 :				D																			

POU County: GEM

Non-Irrigation Uses: 1 HOME

Other Rights: EMMETT IRRIGATION CO. SHARES

Conditions of Approval:

- N11 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
- N13 - THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number: 65

Field Inspection Flag:
Presumption Flag:

Comments: Date: 06/11/2000 User-ID: SBOCK Subject: COPIED FROM REMARKS
PUMP 6-7 FEET SOUTH OF HOUSE

Audit: 06/11/00 SBOCK

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

00:40:49
05/25/00
113

PAGE: 16
PROFILE REPORT

CLAIM NUMBER: A65-01813

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	RAY J SCHMALJOHN	04/16/1965	DOMESTIC	01-01 12-31	0.020 CFS	1.20 AFA
C	PHOEBE E SCHMALJOHN					
TOTAL DIVERSION:					0.040 CFS	1.20 AFA

Water Source: GROUNDWATER ✓ Tributary to: Stage: DECREED

Point(s) of Diversion: T07N R01W S31 ✓ SWNE ✓ GEM County

Place of use Legal Description for: DOMESTIC

		NE				NW				SW				SE			
T	R S	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
07N	01W 31	:		:		:		:		:		:		:		:	
		:		:		:		:		:		:		:		:	

POU County: GEM

Non-Irrigation Uses: ~~DOMESTIC 1 STOCK 2~~ *1 Here*

Other Rights: EMMETT IRRIGATION CO. SHARES

Remarks: GEN PUMP *Comm.* 6-7 FEET SOUTH OF HOUSE

Dates: Exam Made Date: Verified Date: 02/10/1993 Objection Filed Date:

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

N11
N13

WR5809NP
No. 65-01813

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 05/30/00
PAGE: 28

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	RAY J. SCHMALJOHN	04/16/1965	DOMESTIC	01/01 12/31	0.040 CFS	1.20 AFA
C	PHOEBE E. SCHMALJOHN 304 MURRAY AVE. EMMETT ID 83617			TOTAL DIVERSION:	0.040 CFS	1.20 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: DECREED

Point(s) of Diversion:

T07N R01W S31

SWNE

GEM County

Place of use Legal Description for: DOMESTIC

				NE				NW				SW				SE				
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:
07N	01W	31	:																	:
			:																	:

Pou County: GEM

Dates:	App. Received:	Priority Date:	04/16/1965
	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