

**T06N R02W
S21**

Idaho Department of Water Resources

**Claims: 65-02638
Prepared by:
RON HOWERTON
Date: 18 SEP 00**

 **Place of use**

 **POD**

 **SECTION**

 **1/4 1/4**

152 Acres



1987 NAPP



0 0.25 0.5 0.75 1 1.25 Miles

**T06N R02W
S21**

Idaho Department of Water Resources

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1987 NAPP

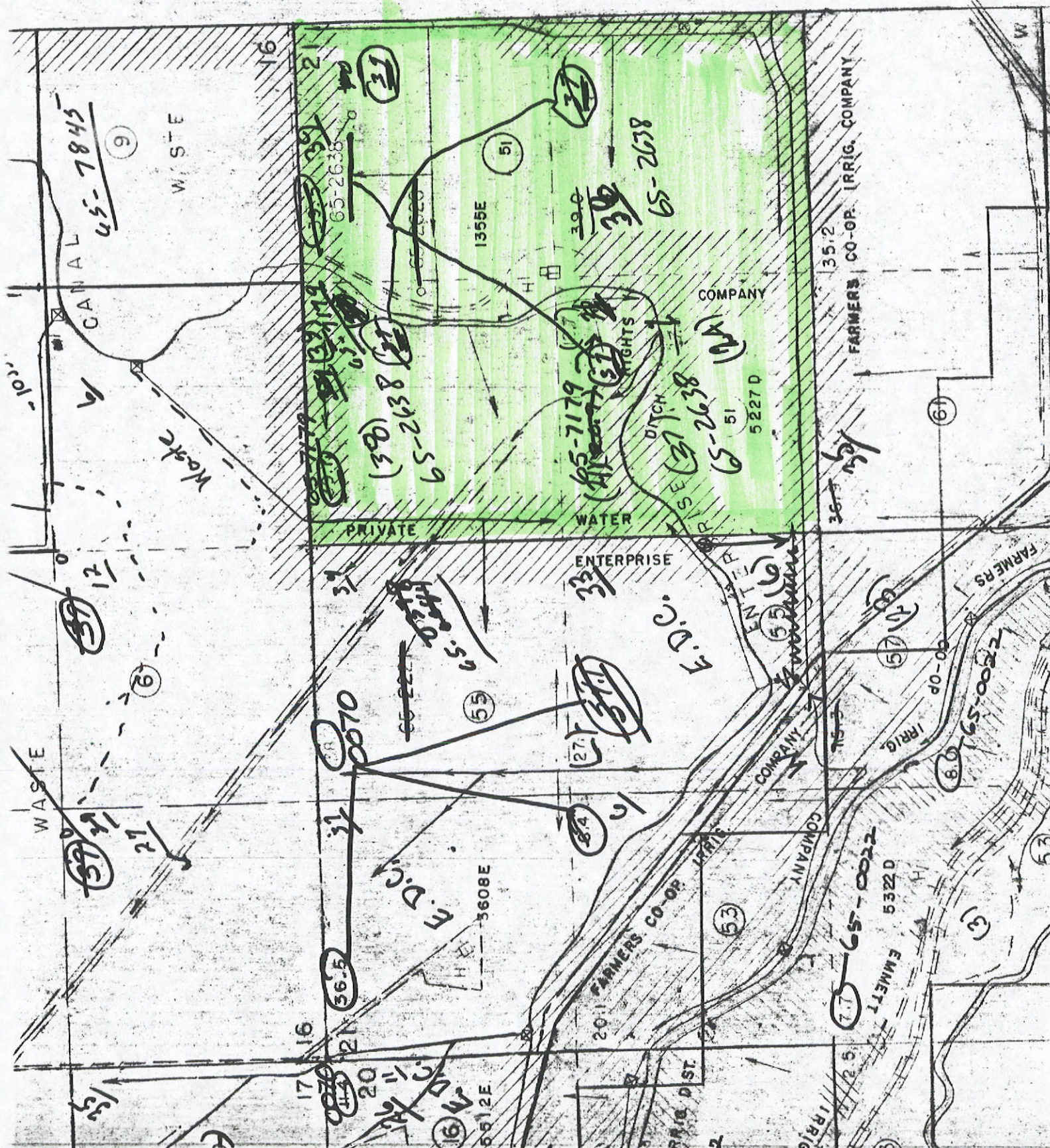


0 0.25 0.5 0.75 1 1.25 Miles



W56 1970 TOPO T6N R2W S21, NE1/4, SENE = PIDS





PRDA BLUELINE MAP

764220
521

8/16/78
7/19/78
Loc. for Conf.
Planning Committee

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: **A65-02638**
Date Received: 6/27/1989
Receipt No: X999999
Received By: _____

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

1. Name: BRIAN E LEAVITT 208-365-6955
Address: 3511 W SALES YARD RD
EMMETT ID 83617

2. Date of Priority: JUN 5, 1958

3. Source: WASTE WATER Trib. to: NORTHSIDE DRAIN

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06N	02W	21		NE	NE		GEM
				SE	NE		GEM

5. Description of diverting works:
PUMP IN DRAIN DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	3.000		

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

8. Total consumptive use is 532.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06N	02W	21	NE	NE		IRR	39.0
			NW	NE		IRR	38.0
			SW	NE		IRR	37.0
			SE	NE		IRR	38.0

MICROFILMED

AUG 23 1994

10. Place of Use: Continued

Section Acres 152.0

Total Acres 152.0

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:
ENTERPRISE DITCH CO.

14. Remarks:

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

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: _____

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AUG 03 1994

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 _____

MICROFILMED

AUG 03 1994



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

RECEIVED

SEP 28 1993

Department of Water Resources

DATE OF CLOSING: 5-3-93

LEGAL DESCRIPTION OF PROPERTY: Township 6 N Range 2 W
Section 21, NE 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.

- ☐ 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: A65-01355 A65-02638
- ☐ Name and Address of Former Owner/Claimant(s)(Seller): Joseph A. and Lynns S. Moyle
280 North Plummer
Star, Idaho 83669
- ☐ New Owner/Claimant (Purchaser): Brian E. Heavitt
- ☐ New Mailing Address: 3511 W. Sales yard Rd.
Emmett, Idaho 83617
- ☐ New Telephone Number: (208) 365-6955
- ☐ 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: _____

(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): Brian E. Heavitt Date 9-20-93
Date _____
- ☐ Signature of Former Owner/Claimant(s): Joseph A. Moyle Date 9-25-93
Lynns S. Moyle Date 9-25-93

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: 9-30-93 By: JEN

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: 9-30-93 By: JEN

Claim Numbers of Split, if any:

MICROFILMED

AUG 03 1994

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

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: A65-02638
Date Received: 6/27/1989
Receipt No: X999999
Received By: CA

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JOSEPH A. MOYLE 208-286-7373
Address: 280 NORTH PLUMMER
STAR, ID 83669

OR
Name: LYNN MOYLE 208-286-7373
Address: 280 NORTH PLUMMER
STAR, ID 83669

2. Date of Priority: JUN 05, 1958

3. Source: WASTE WATER Trib. to: NORTHSIDE DRAIN

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06N	02W	21	NE	NE			GEM
			SE	NE			GEM

5. Description of diverting works:
PUMP IN DRAIN DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	3.000		

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

8. Total consumptive use is 532.0 Acre Feet Per Annum.

9. Non-irrigation uses:

A65-02638

Page 1

Date: 06/27/89

MICROFILMED

AUG 03 1994

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
06N	02W	21	NE		NE		IRR	39.0
			NW		NE		IRR	38.0
			SW		NE		IRR	37.0
			SE		NE		IRR	38.0

Section Acres 152.0

Total Acres 152.0

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:
ENTERPRISE DITCH CO.

14. Remarks:

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: -0-

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):

Joseph A. Moyle

Date: 6/27/89

Date: _____

State of Idaho)

County of Ada)

SS.

Subscribed and sworn (or affirmed) before me this 27th day

of June 19 89

Carter Fritschle
Notary Public

Seal

Residing at _____

My Commission Expires _____

Carter Fritschle, Notary Public
Residing at Eagle, Idaho
My Commission Expires March 21, 1994



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.

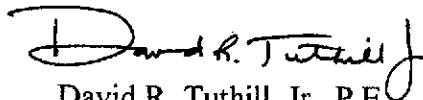
IDWR recognizes that in reliance on the non-irrigation season stockwater language in the Payette Adjudication, water users might not have filed stockwater claims in the SRBA to cover the non-irrigation season period. Individuals who historically watered livestock during the non-irrigation season without 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: 65-2638

NAME AND ADDRESS: BRIAN E LEAVITT
3511 W SALES YARD RD
EMMETT, ID 83617

SOURCE: WASTEWATER TRIBUTARY: PAYETTE RIVER

QUANTITY: 3 CFS

THIS RIGHT WHEN COMBINED WITH RIGHTS OF ENTERPRISE DITCH
CO. SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE.

PRIORITY DATE: 06/05/1958

POINT OF DIVERSION: T06N R02W S21 NENE Within GEM County
T06N R02W S21 SENE 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	3.00 CFS

PLACE OF USE:

<u>IRRIGATION Within GEM County</u>					
T06N R02W S21	NENE	39	T06N R02W S21	NWNE	38
T06N R02W S21	SWNE	37	T06N R02W S21	SENE	38

152 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 ENTERPRISE
DITCH CO.

AJ5809NP
No. A65-02638

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 09/14/00
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	BRIAN E LEAVITT 3511 W SALES YARD RD EMMETT ID 83617 (208) 365-6955	06/05/1958	IRRIGATION	03-15 11-15	3.000 CFS	
					TOTAL DIVERSION:	3.000 CFS
					CONSUMPTIVE USE:	532.00 AFA

Water Source: WASTE WATER

Tributary to: ~~NORTHSIDE DRAIN~~ *Payette River*

Stage: DECREED

Point(s) of Diversion: T06N R02W S21

NENE

SENE

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		
06N	02W	21	:	39		38		37		38			:					:						152.0
																							TOTAL ACRES	152.0

POU County: GEM

Other Rights: ENTERPRISE DITCH CO.] QNT E28 & W23

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number: 65

Field Inspection Flag:
Presumption Flag:

218

GIS ACRES WERE LEFT
AS 40 ACRE TRACTS BECAUSE
OF UNCLER LOCATION OF
SMALL ACREAGE THAT WASN'T
IRRIGATED.

SEE PRBA BLUELINE

WR5809NP
No. 65-02638

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 09/14/00
PAGE: 1



OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	CLARENCE BECKMAN	06/05/1958	IRRIGATION	03/15 11/15	3.000 CFS	
C	ALICE BECKMAN 2227 PLUM ST. EMMETT ID 83617					
TOTAL DIVERSION:					3.000 CFS	

Water Source: WASTE WATER

Tributary to: NORTHSIDE DRAIN

Stage: DECREED

Point(s) of Diversion: T06N R02W S21 NENE SENE 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	:	
06N	02W	21	:	39		38		:					:					:					:	152.0
																							TOTAL ACRES	152.0

Pou County: GEM

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
65-01355

Other Water Rights Listing Overlapping Place(s) of use:
65-07179

Remarks: GEN THIS RIGHT WHEN COMBINED WITH RIGHTS OF ENTERPRISE DITCH CO.
SHALL PROVIDE NO MORE THAN .02 CFS/ACRE.

Dates: App. Received: Priority Date: 06/05/1958
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
Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

DIRK KEMPTHORNE
GOVERNOR
KARL J. DREHER
DIRECTOR

**T06N R02W
S21**

Idaho Department of Water Resources

Claims: 65-02638

Prepared by:

RON HOWERTON

Date: 18 SEP 00

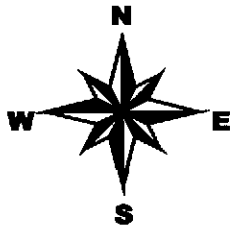
 **Place of use**

● **POD**

 **SECTION**

 **1/4 1/4**

152 Acres



1987 NAPP



**T06N R02W
S21**

Idaho Department of Water Resources

Claims: 65-02638

Prepared by:

RON HOWERTON

Date: 18 SEP 00

 **Place of use**

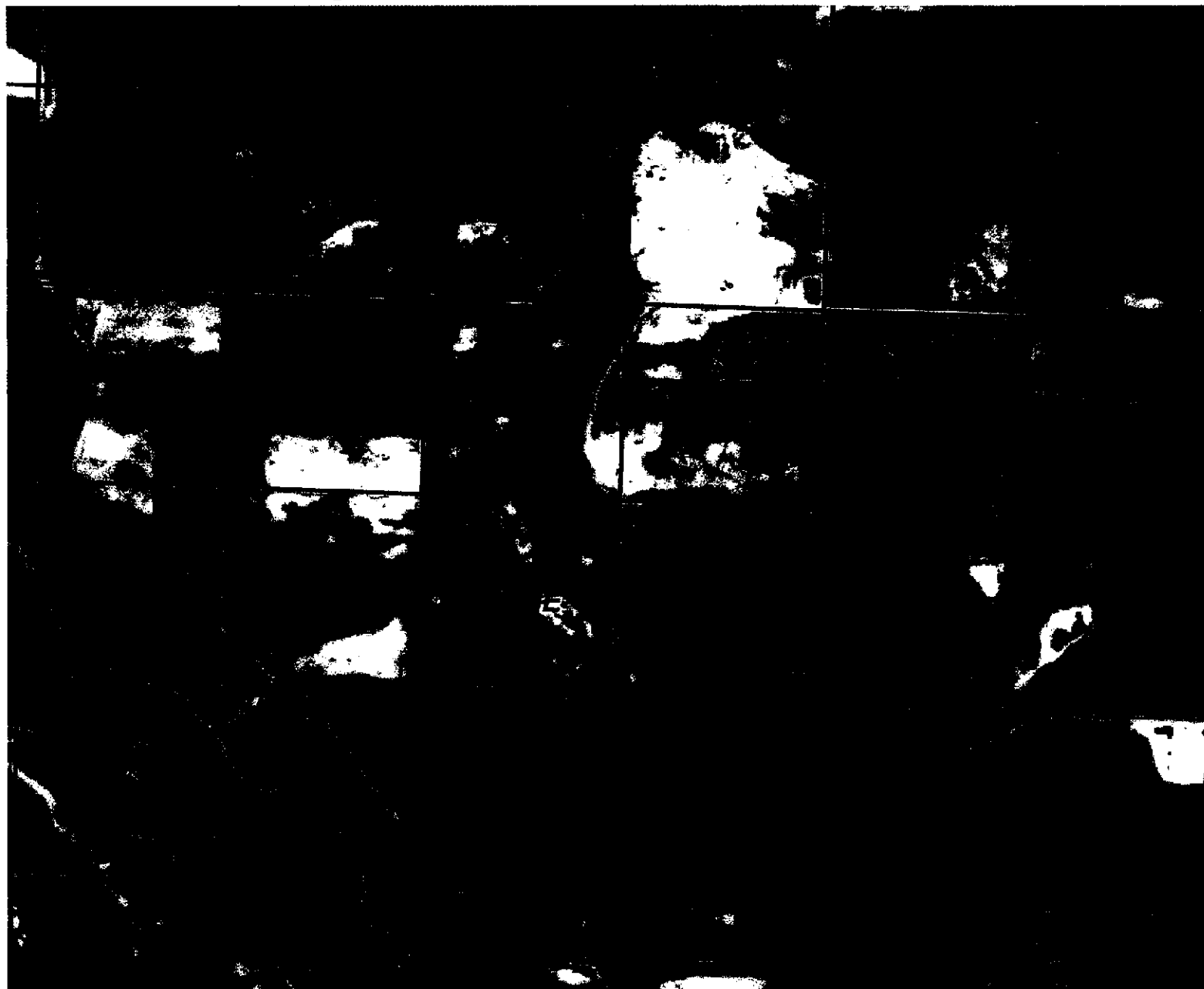
 **POD**

 **SECTION**

 **1/4 1/4**



1987 NAPP



[illegible]

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

IN THE MATTER OF THE GENERAL DETERMINATION OF THE RIGHT TO THE USE OF THE SURFACE AND GROUND WATERS OF THE PAYETTE RIVER DRAINAGE BASIN

NOTICE OF CLAIM

IDENT. NO.

SEP 17 1970

TO A

WATER RIGHT

65-2638

Department of

Notice is hereby given that Clarence Beckman or Alice Beckman

Route 3, Box 40, Emmett, Idaho 83617 claims a right to the diversion

and beneficial use of the surface or groundwater, of or tributary to the Payette River;

The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use, or date that permit was issued) June 5, 1958

(2) Describe source of water: (Name of stream, lake, spring, etc., or subterranean) Grain Ditch

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed: irrigation

Use irrigation Period of Use From January 1 To December 31

Use irrigation Period of Use From January 1 To December 31

Use irrigation Period of Use From January 1 To December 31

(4) Quantity of water claimed: 3.23 Cubic Feet Per Second, or 675 Acre Feet Per Annum, and/or 3.23 Gals. Per Minute.

(5) A) Point of Diversion: Give location of point where water is diverted from its source NE 1/4, Sec. 21, T. 6N, R. 2W, B.M.; additional points: SE 1/4, NE 1/4

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.) Give sizes and capacities; be as specific as possible. Pumps

(6) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
		21	40	40	40	40													160
			39	39	39	39													152
			37	37	37	37													152
			38	38	38	38													152

Total No. of acres 160-152

B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

(7) Effluent, sewage waste, or return water from this use is discharged into Enterprise ditch

(8) If you are claiming water as a member of an organization, list name of organization.

(9) Remarks Water used for normal irrigation during season 4/1-10/31
Remainder of time, it is used for leaching soil of salts.
0 New point of diversion - year round irr for leaching.

(10) Basis of claim (Check one) ☐ A) Right based on diversion and beneficial use. See remarks
☐ B) Right decreed by court, cite title of case.

☒ C) Right based on application, license, or claim filed with State Reclamation Engineer, Office No. Permit # 27428 (1959) Lic 65-2638

Be it known that the undersigned, after being duly sworn on oath, depose(s) and say(s) that all statements included herein are true and accurate to the best of (his, her, their) knowledge.

September 17, 1970
(Date)

Individual

Clarence Beckman
(Signature of Claimant)

4-8-71
(Signature of Spouse)

Organization

9-8-1-1959
(Signature of Authorized Agent)

State of Idaho

County of Ada

On this 17th day of September, in the year 1970, before me,

a notary public, personally appeared CLARENCE BECKMAN, known to me to be the person(s) whose name(s) are subscribed to the above instrument, and acknowledged to me that he, she, they, corporation, partnership or

Notary Public residing at Boise Idaho

My commission expires May 26, 1974

4/4/77

9KN

504/19/78



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

September 30, 1993

Re: Notices of Claim to a Water Right Nos. A65-01355 & A65-02638

Brian E. Leavitt
3511 W. Sales Yard Rd.
Emmett, ID 83617

Mr. Leavitt:

Enclosed are copies of the above referenced claims which reflect the change in ownership of the land and appurtenant water rights covered under the original filings.

The Department will contact you in the future concerning any requirements that may be needed in order to process these claims for final court decree.

If you have any questions concerning the enclosed claims, please feel free to contact this office.

Sincerely,

Adjudication Staff
Department of Water Resources
Western Region Office
(208) 334-2190

LH:1
Enclosure

MICROFILMED
AUG 03 1994