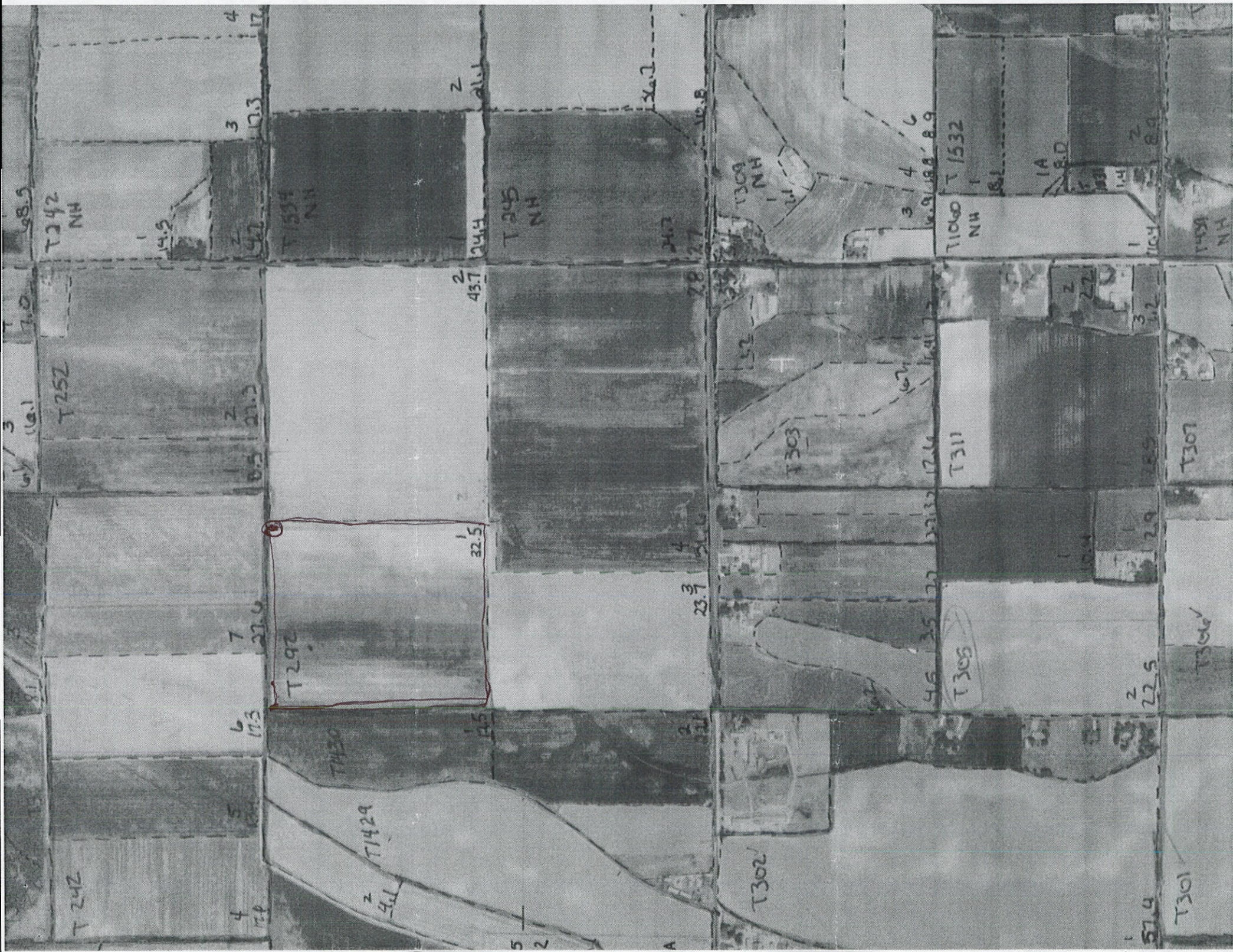




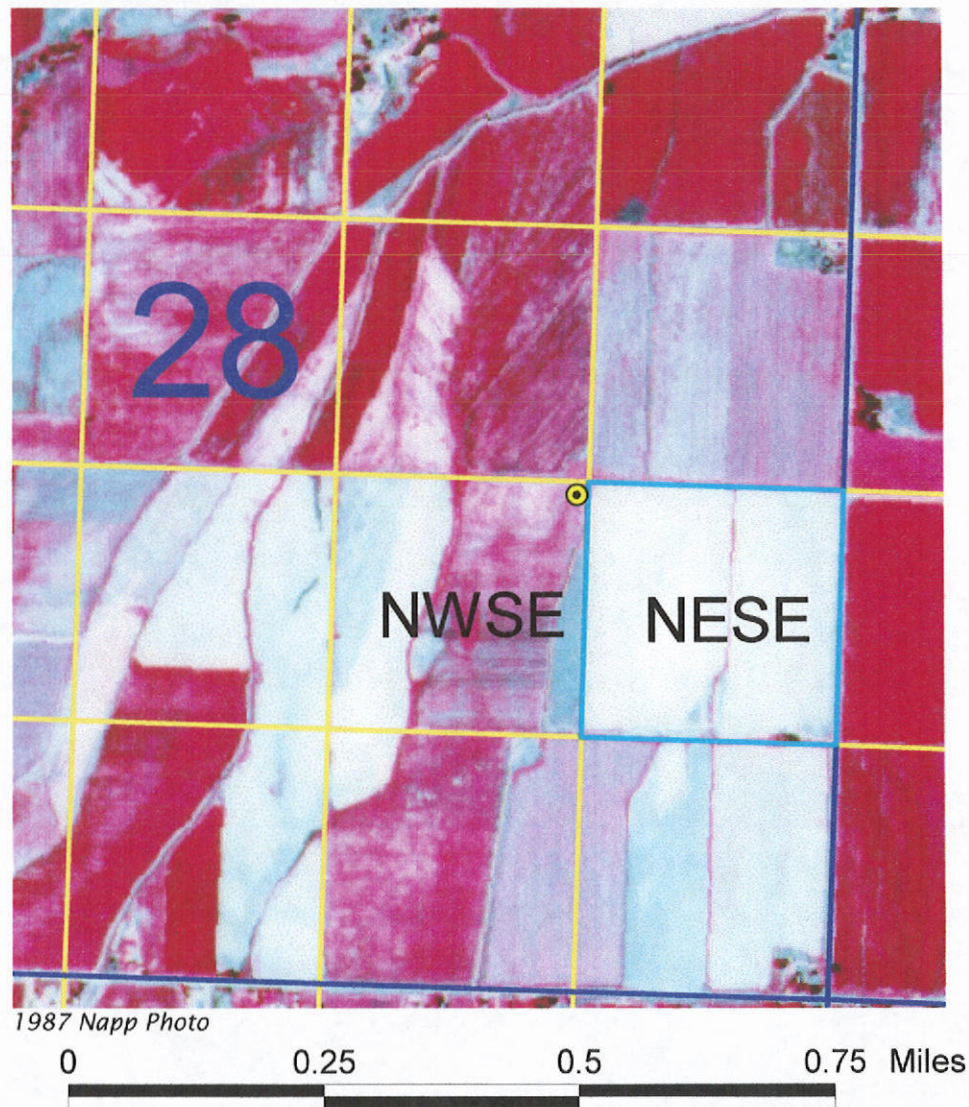
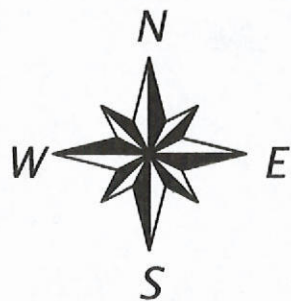
Idaho Department of Water Resources

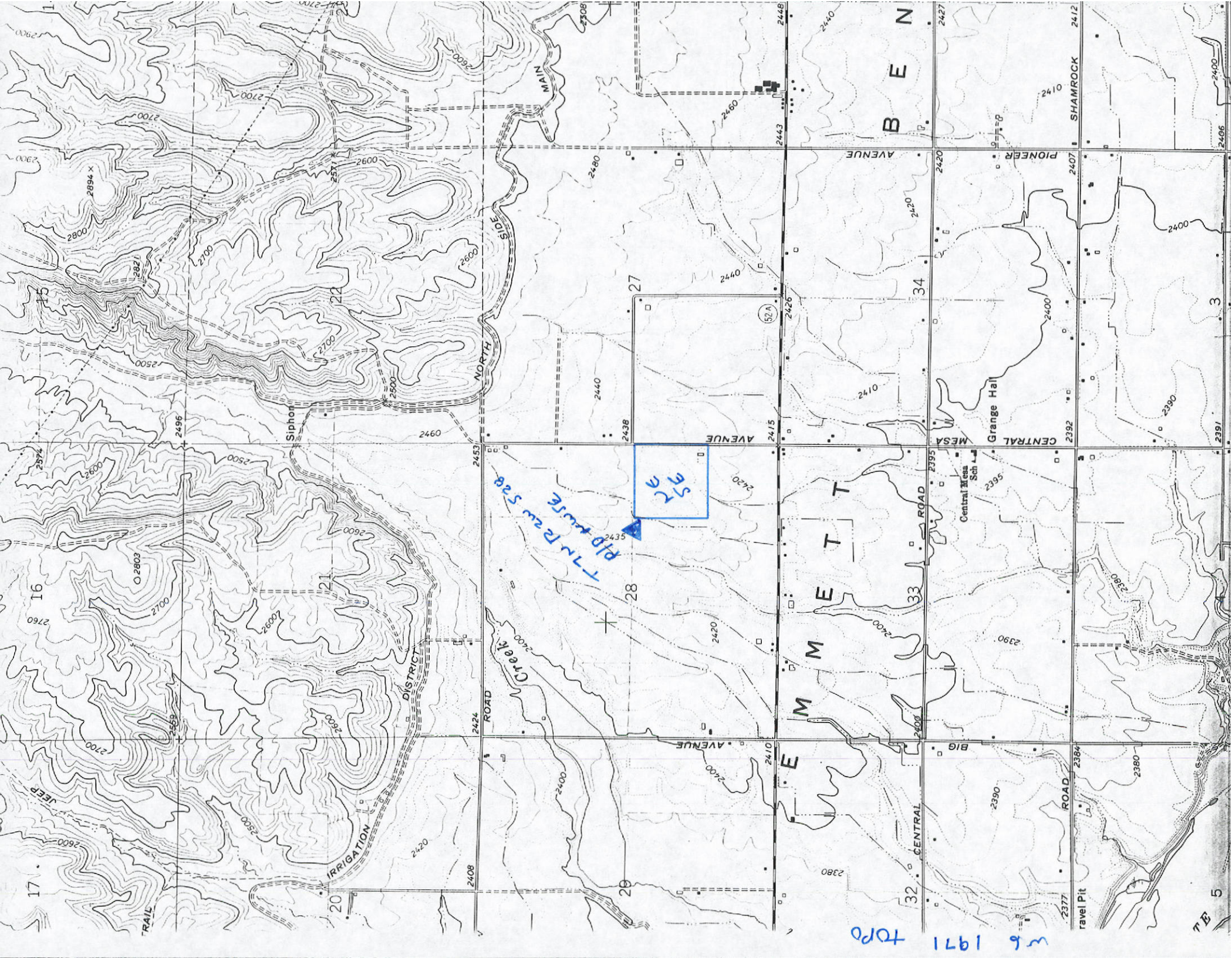
Claim Number: 65-03321

Legal: T07N, R02W, S28

Reviewed By:

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





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.

MAP NO.

TO A

WATER RIGHT

Notice is hereby given that

RALPH A. and/or HAZEL H. NICHOLS

(Name of Claimant)

Route #2, Box 65, Emmett, Idaho

(Mailing Address)

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) April 1, 1921

(2) Describe source of water: (Name of stream, lake, spring, etc., or subterranean) waste water trib to wash

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

Use 0.50 Irrigation (Domestic, irrigation, stock, etc.) Period of Use From April 1 To Oct 31

Use 0.63 Stock water (Domestic, irrigation, stock, etc.) Period of Use From Jan 1 To Dec 31

Use 1.44 (Domestic, irrigation, stock, etc.) Period of Use From Jan 1 To Dec 31

(4) Quantity of water claimed: 0.50 Cuse Feet Per Second, or Acre Feet Per Annum

and 768 Gals. Per Minute, Day.

(5) A) Point of Diversion: Give location of point where water is diverted from its source NW 1/4 Sec 28, Twp 7 N, Rge 2 W, B.M.; additional points:

Sec 28, Twp 7 N, Rge 2 W, B.M.; additional points:

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. pond with gravity flow ditch

(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.	NW 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NW 1/4	NE 1/4	SW 1/4	SE 1/4	TOTAL
6N	2W	28										25.0

Total No. of acres 25.0

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

stock water for 64 head

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

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

(9) Remarks Map 7, Lot 7 Emmett Irrigation Dist. is

the one who owned with 4.5 Acre (see) shall provide me on the 5-21-77

(10) Basis of claim (Check one) ☒ A) Right based on diversion and beneficial use 7-25-78

☐ B) Right decreed by court, cite title of case

☐ C) Right based on application, license, or claim filed with State Reclamation Engineer, Office No.:

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.

Individual

Ralph A. Nichols

(Signature of Claimant)

Organization

Hazel H. Nichols

(Signature of Spouse)

(Signature of Authorized Agent)

State of Idaho

County of Ada

On this 12th day of March 1971

a notary public, personally appeared Ralph A. Nichols and Hazel H. Nichols

known to me to be the person(s) whose name(s) are subscribed to the above instrument, and acknowledged to me that they, the person(s), executed the same.

corporation, partnership or

Notary Public residing at Boise, Idaho

My commission expires May 26, 1974

5-26-1974 Dat 21-78

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 65-3321
Date Received: 1/17/90
Receipt No: X999999
Received By:

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

1. Name of Claimant(s): SHERRI WALTON Phone: (208)365-6555
3525 MESA
EMMETT ID USA 83617

TRACY WALTON Phone: (208)365-6555
3525 MESA
EMMETT ID USA 83617

2. Date of Priority: 04/01/1921

3. Source: WASTEWATER Trib. to: PAYETTE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
07N	02W	28	NW SE	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	3/15	11/15	0.5	
STOCKWATER	1/01	12/31	0.03	1.4

7. Total Quantity Appropriated is:
0.5 C.F.S. and/or 1.4 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
07N	02W	28	NE SE		IRRIGATION	25
					Section Acres	25
					Total Acres	25

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 OF EMMETT IRRIGATION DISTRICT SHALL
PROVIDE NO MORE THAN .02 CFS/ACRE
Ownership change by DB 4/17/2001

15. Basis of Claim: Decreed

RECEIVED

MAR 30 2001

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided, if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
65-3321					

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
 PLAT OF PROPERTY or SURVEY MAP clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) are for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former
Owner/Claimant(s)

Ralph + Hazel Nichols
4001 W Idaho Blvd. Emmett, ID 83617

4. New Owner/Claimant(s)

Tracy Walton Sherri Walton
 Name/Connector (Check one): ☐ and, ☐ or, ☒ and/or

New Mailing Address

3525 Mesa

City, State and ZIP Code

Emmett ID 83617

New Telephone Number

(208) 365-6555

5. Date you acquired the property

1991

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number <u>65-3321</u>		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) _____
(include title if applicable)

Tracy Walton

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by _____	Date _____	Fee _____
Receipted by _____	Date _____	Receipt No. _____
Processed by _____ AJ	Date _____	WR _____ Date _____

AGREEMENT TO SELL REAL ESTATE

* * * * *

THIS AGREEMENT, made and entered into as of the 15 day of February, 1990, by and between RALPH A. NICHOLS and HAZEL HANKINS NICHOLS, husband and wife, of Emmett, Idaho, hereinafter designated seller, and TRACY WALTON and SHERRI A. WALTON, husband and wife, and ~~ERNEST B. WALTON, a single man~~, of Emmett, Idaho, hereinafter designated buyer, WITNESSETH:

Singular terms used herein shall be read and interpreted as if written in the plural when the contract so requires or permits. Likewise, masculine and feminine terms shall be interpreted as being interchangeable so as to give reasonable sense and meaning to the terms and covenants herein.

PROPERTY: That said seller, for and in consideration of the covenants and agreements of said buyer herein contained, hereby agrees to sell, and said buyer hereby agrees to buy, the following described real property, situated in Gem County, Idaho, to-wit:

The SE $\frac{1}{4}$ of Section 28, Twp. 7 N., R. 2 W., B.M., Gem County, Idaho

Including all water and ditch rights appurtenant thereto or used in connection therewith; Also including any easements or rights of ways appurtenant to or used for the benefit or dedicated to said described premises.

Subject to easements, rights of ways, reservations and exceptions, if any.

PURCHASE PRICE: It is understood and agreed that the purchase price to be paid by said buyer for said realty and improvements, and personal property, if any included in this sale, is the sum of \$125,000.00, lawful money of the United States of America, to be paid as follows: The sum of \$20,000.00, cash, as down payment, the receipt of same hereby acknowledged by seller; the unpaid balance of \$105,000.00 shall be paid as follows: \$13,000.00, plus interest accrued to the date of payment, shall be paid on or before the 15 day of February, 1991, and a like payment of \$13,000.00, plus interest accrued to the date of payment, shall be paid on the 15th day of February of each successive year thereafter, until the unpaid principal and accrued interest have been paid in full. Said unpaid balance of \$105,000.00 and subsequent declining balances shall accrue interest at the rate of 9 percent per annum, with initial computation of interest computed from the



gals

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: A65-03321
Date Received: 1/17/1990
Receipt No: X999999
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: RALPH A. NICHOLS 208-365-4923
Address: 4001 W. IDAHO BLVD.
EMMETT, ID 83617

AND/OR

Name: HAZEL H. NICHOLS 208-365-4923
Address: 4001 W. IDAHO BLVD.
EMMETT, ID 83617

2. Date of Priority: APR 01, 1921

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	28	NW	SE			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	0.500		
STOCKWATER	01/01	12/31	0.030		1.40

7. Total Quantity Appropriated is:
0.500 C.F.S. (and/or) 1.40 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

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. AGS-03321

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

Please type or print clearly:

Name of Claimant(s) Ralph A. Nichols
Hazel H. Nichols

Mailing Address 4001 West Idaho Blvd.
(include Zip Code) Emmett, Idaho 83617

Phone Number (208) 365-4923
5

MICROFILMED

SEP 22 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: 65-03321
DATE RECEIVED: 1-17-90
RECEIPT NO: X999999
RECEIVED BY: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. NAME: RALPH A. NICHOLS
ADDRESS: 4001 W. IDAHO BLVD.
EMMETT, ID

83617

NAME: HAZEL H. NICHOLS
ADDRESS: 4001 W. IDAHO BLVD.
EMMETT, ID

83617

RECEIVED
JAN 17 1990

Department of Water Resources

2. DATE OF PRIORITY: APR 01, 1921

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	28	NW	SE			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	0.500		
STOCKWATER	01/01	12/31	0.030		1.40

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

1.40 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	28	NE	SE		IRR	25.0
SECTION ACRES							25.0
TOTAL ACRES							25.0

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 OF EMMETT IRRIGATION
DISTRICT 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: 1

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): Ralph Nichols DATE: 1-13-90
Nazel H. Nichols DATE: 1-13-90

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 Lem) SS.

SUBSCRIBED AND SWORN (OR AFFIRMED) BEFORE ME THIS 13th DAY OF January 19 90
Arthur F. Smith
NOTARY PUBLIC

SEAL

RESIDING AT Connell
MY COMMISSION EXPIRES 6/8/1991
DATE: 10/28/89 5285

475/1989

SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME

Nichols

CLAIM IDENT. NO.

405-03321

DATE RECEIVED

1-17-90

CK #

AMOUNT \$ 0.00

YES

NO

Required Info?

1. Is the name and address complete with zip code? ☒ YES ☐ NO *
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. ☐ 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 *
21. If this claim is based on an existing water right, has the identification number been entered? ☐ YES ☒ NO N/A *
22. Should this claim be data entered? ☐ YES ☐ NO *

Claim checked by: RetDate: 4/2/90Claim must be returned to claimant: ☐ (Yes) ☒ (No)Claimant must be notified of modifications: ☐ (Yes) ☒ (No)

Receipt Prepared by: _____
 Claim data entered by: CA
 Sent to claimant by: _____

Date: _____

Date: 4/19/90

Checked by: _____

Date: _____

Comments: _____

MICROFILMED

SEP 22 1992

04/17/2001

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

RIGHT NUMBER: 65-3321

NAME AND ADDRESS: SHERRI WALTON
TRACY WALTON
3525 MESA
EMMETT, ID 83617

SOURCE: WASTEWATER TRIBUTARY: PAYETTE RIVER

QUANTITY: 0.5 CFS
1.4 AFY

THE QUANTITY OF WATER UNDER THIS RIGHT FOR
STOCKWATER USE SHALL NOT EXCEED 13,000 GALLONS PER
DAY.

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

PRIORITY DATE: 04/01/1921

POINT OF DIVERSION: T07N R02W S28 NWSE 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	0.50 CFS
STOCKWATER	1-01 12-31	0.03 CFS
		1.40 AFY

PLACE OF USE:

IRRIGATION Within GEM County
T07N R02W S28 NESE 25
STOCKWATER Use same as IRRIGATION
25 ACRES TOTAL

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

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.
STOCKWATER, 64 RANGE CATTLE.

**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: 65-3321

RALPH A NICHOLS
4001 W IDAHO BLVD
EMMETT ID 83617
Telephone Number: (208)365-4923

HAZEL H NICHOLS
4001 W IDAHO BLVD
EMMETT ID 83617
Telephone Number: (208)365-4923

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

This property has been sold to Tracy Walton.

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:

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

DATE: 3/17/2001 SIGNATURE: *Hazel Nichols*
Please print your name: Hazel Nichols

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

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Idaho

1) **Walton, Tracy**

Phone: 208 365 5666 -- Click to make FREE phone Calls!

3525 Mesa Avenue

Emmett, ID 83617-9662

send this person flowers

send this person a card

[Find out more about Walton, Tracy](#)

[Change this Listing](#)

1) **Walton, Tracy**

Phone: 208 365 6555 -- Click to make FREE phone Calls!

3525 Mesa Avenue

Emmett, ID 83617-9662

send this person flowers

send this person a card

[Find out more about Walton, Tracy](#)

[Change this Listing](#)



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travel ...book your next trip online...

12/28/2000

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

RIGHT NUMBER: 65-3321

NAME AND ADDRESS: HAZEL H NICHOLS
RALPH A NICHOLS
4001 W IDAHO BLVD
EMMETT, ID 83617

SOURCE: WASTEWATER TRIBUTARY: PAYETTE RIVER

QUANTITY: 0.5 CFS
1.4 AFY

THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE
SHALL NOT EXCEED 13,000 GALLONS PER DAY.

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

PRIORITY DATE: 04/01/1921

POINT OF DIVERSION: T07N R02W S28 NWSE Within GEM County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	3-15 11-15	0.50 CFS
STOCKWATER	1-01 12-31	0.03 CFS
		1.40 AFY

PLACE OF USE:

IRRIGATION Within GEM County
T07N R02W S28 NESE 25
STOCKWATER Use same as IRRIGATION
25 ACRES TOTAL

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL
USE.

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.
STOCKWATER, 64 RANGE CATTLE.

AJ5809NP
No. A65-03321

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 03/14/00
PAGE: 9

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	RALPH A NICHOLS	04/01/1921	IRRIGATION	03-15 11-15	0.500 CFS	
C	HAZEL H NICHOLS		STOCKWATER	01-01 12-31	0.030 CFS	1.40 AFA
	4001 W IDAHO BLVD					
	EMMETT ID 83617			TOTAL DIVERSION:	0.500 CFS	1.40 AFA
	(208) 365-4923					

Water Source: WASTE WATER

Tributary to: PAYETTE RIVER

Stage: DECREED

Point(s) of Diversion: T07N R02W S28

-NWSE

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 28															25		25.0
																	TOTAL ACRES 25.0

Place of use location for STOCKWATER is the same location as described for: IRRIGATION

POU County: GEM

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

W 16 & QUTE 28

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number: 65

Field Inspection Flag:

Presumption Flag:

Audit: 04/02/90 SRBA 03/30/95 POST-STD

Exp Rmk: Stockwater, 64 RANGE CATTLE
COND. CDFS:
NOS
NOB

618 ACRES ARE
WITH IN
40 ACRE
TRACT
UNABLE TO
ID EXACT
25 BECAUSE
OF EMMETT
IRRIG OVERLAPS

DATE: 08/18/00
PAGE: 1

Audit: 04/02/86 04/30/88 CONVERT

Idaho Department of Water Resources

Claim Number: 65-03321

Legal: T07N, R02W, S28

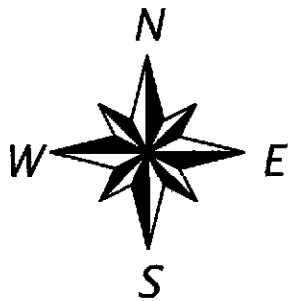
Reviewed By:

⊙ *Point of Diversion*

 *Place of Use*

 *Section Lines*

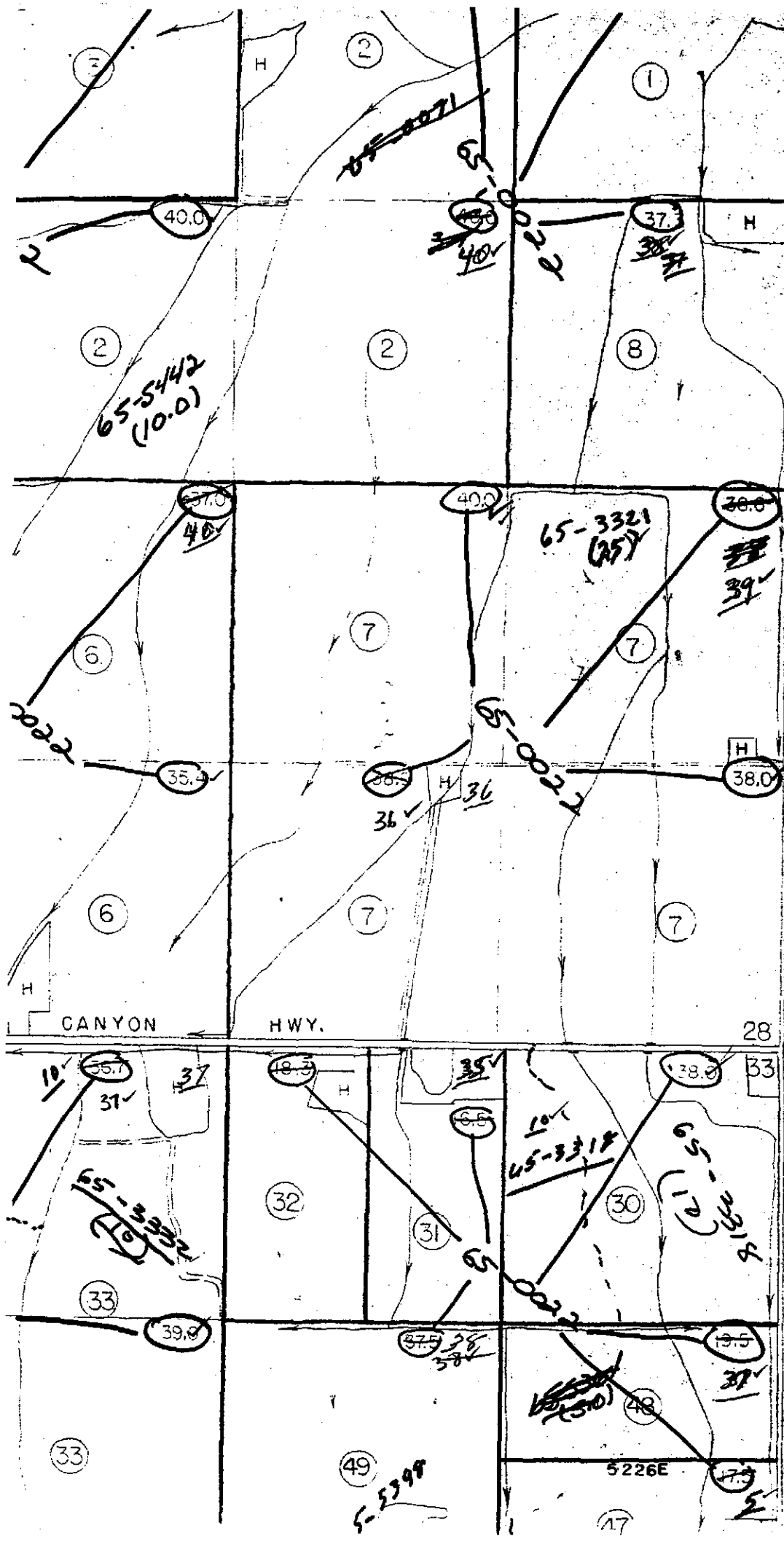
 *Quarter Quarter Lines*



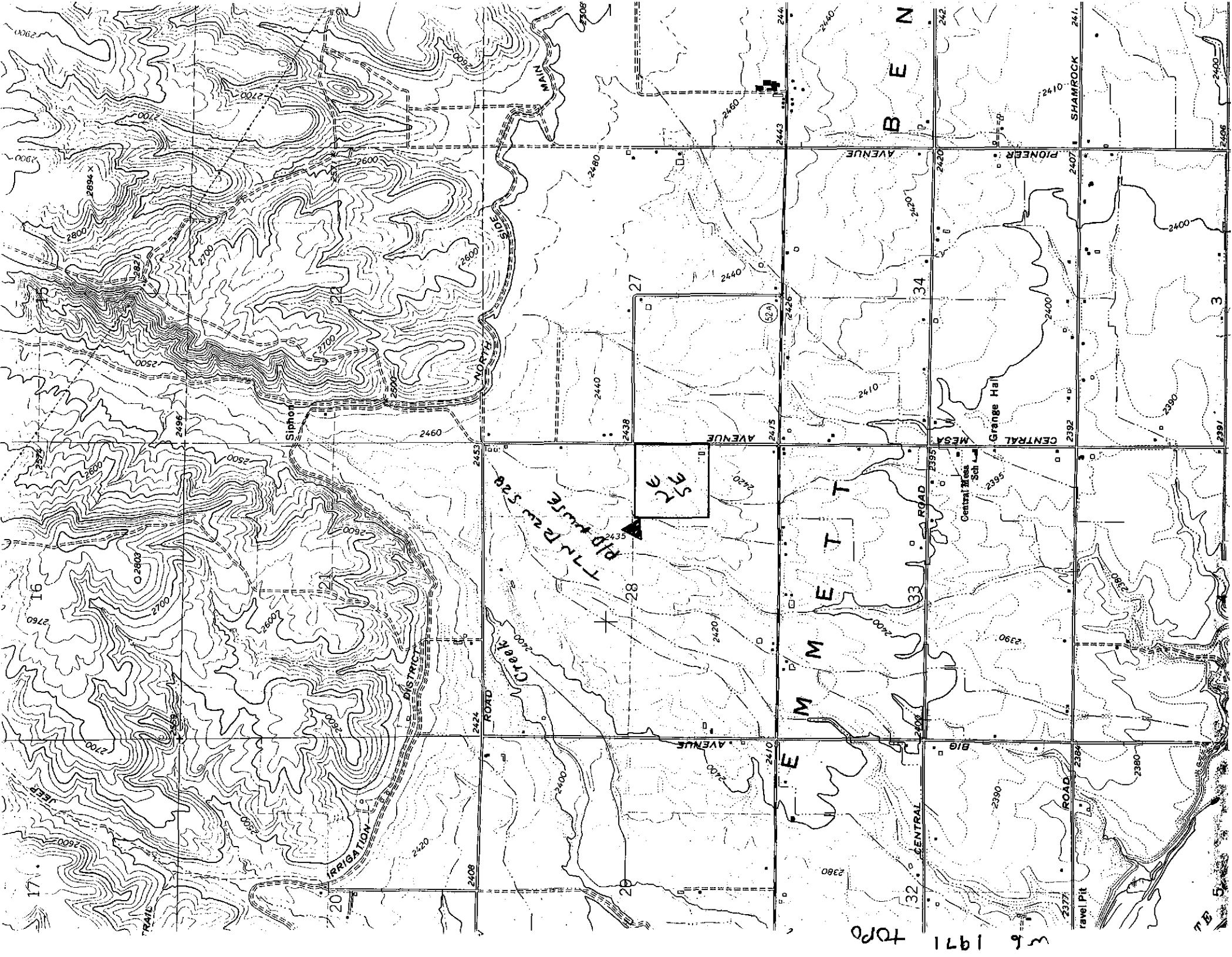
1987 Napp Photo

0 0.25 0.5 0.75 Miles





PRDA BLUELINE
MAP F
T7N, R2W
S28 N75E



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 is hereby given that RALPH A. and/or HAZEL H. NICHOLS (Name of Claimant) 8361 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) April 1, 1921

(2) Describe source of water: (Name of stream, lake, spring, etc., or subterranean) waste water tub to wash

(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 0.50 Irrigation (Domestic, irrigation, stock, etc.) Period of Use From April 1 To Oct 31

Use 0.03 Stock water (Domestic, irrigation, stock, etc.) Period of Use From Jan 1 To Dec 31

Use 114AF (Domestic, irrigation, stock, etc.) Period of Use From Jan 1 To Dec 31

(4) Quantity of water claimed: 0.50 Cubic Feet Per Second, or 768 Gals. Per Minute, Day.

(5) A) Point of Diversion: Give location of point where water is diverted from its source: 2 W 2 N 7 E 28 Sec 28 B.M.; additional points:

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.) pond with gravity flow ditch

(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	SE 1/4	SW 1/4	NE 1/4	NW 1/4	SE 1/4	SW 1/4	TOTAL
28	28	28									25.0

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

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

(9) Remarks Map 1, Lot 7, Payette Irrigation Dist. 1, 22 of 24 acres with 100 ft. well provide me with the 5-21-77

(10) Basis of claim (Check one) ☒ A) Right based on diversion and beneficial use 7-25-98

☐ B) Right decreed by court, cite title of case

☐ C) Right based on application, license, or claim filed with State Reclamation Engineer, Office No.

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.

Individual Ralph A. Nichols (Signature of Claimant)

Organization Hazel H. Nichols (Signature of Spouse)

State of Idaho County of Ada On this 12th day of March 1971

a notary public, personally appeared Ralph A. Nichols and Hazel H. Nichols known to me to be the person(s) whose name(s) are subscribed to the above instrument, and acknowledged to me that they executed the same.

Notary Public residing at Boise Idaho

My commission expires May 26, 1974 5-26-1974 DAS 21-78

IDWR - WESTERN REGION

CONTRACTOR: Karan Waters

CLAIM #: 65-03321 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	28													25				25
GIS																40				40
Claim																				
GIS																				
Claim																				
GIS																				
Claim																				
GIS																				

POU_ID #(s): 446

POD_ID #(s): 345

Total Claimed Acres: 25

Total GIS Acres: 40

COMMENTS:

neither field in this section equals 25 acres.