



DIVERSION PTS.

PL OF USE

MICROFILMED

SEP 22 1992

IDAHO DEPARTMENT OF WATER RESOURCES

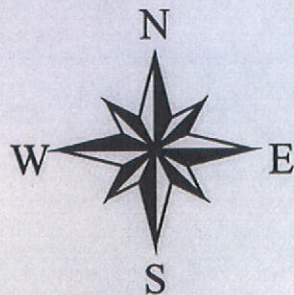
T06N R01W S06

WATER RIGHT(S): 65-03842A

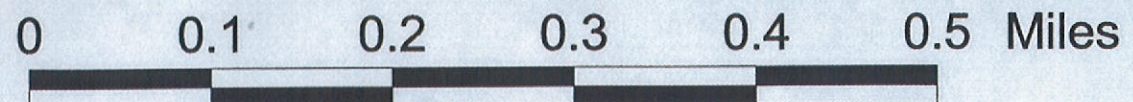
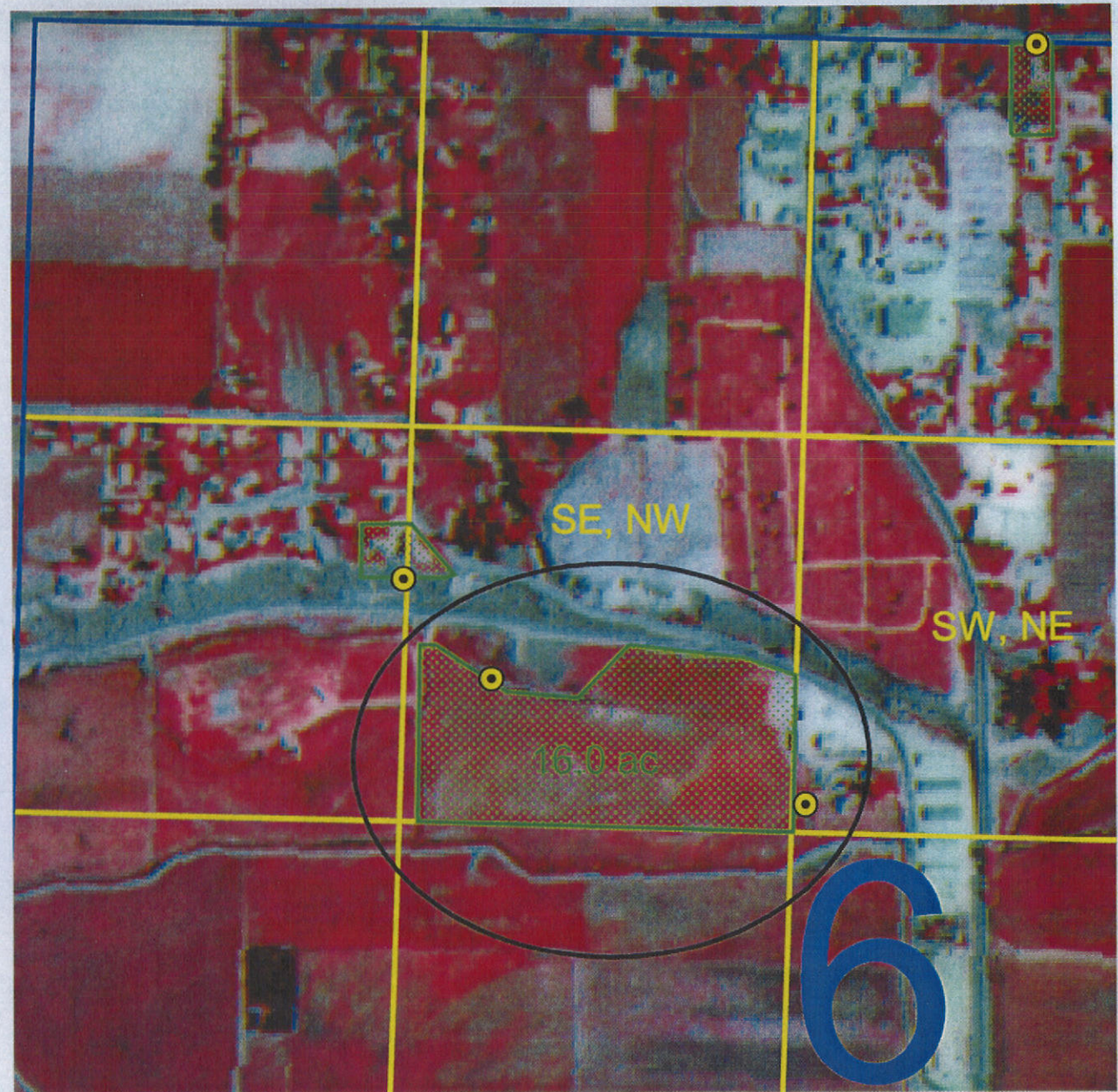
PREPARED BY: Chris Duncan

10 JAN 2001

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



NAPP 1987



LISTING OF WATER RIGHTS

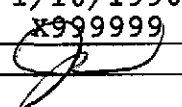
PAGE 1

RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	MAXIMUM DIVERSION	BASIS OF RIGHT
SOURCE: WASTEWATER		TRIBUTARY: PAYETTE RIVER				
65-3842A	Rekow, Charles L. Rekow, Delma C. 1029 Lilac Ln. Emmett, Idaho 83617 Point of Diversion: T6N R1W Sec. 6 Place of Use: T6N R1W Sec. 6 33 Acres Total	4-1-1905	Irrigation	3-15 11-15	.66 CFS	Beneficial Use
		SWSESWNE	SWSWNE	2 points(SWNE)		
		SENW(16)	Lot 5(SWNW)(17)			
65-3842B	Rekow, Charles L. Rekow, Delma C. 1029 Lilac Ln. Emmett, Idaho 83617 Point of Diversion: T6N R1W Sec. 6 Place of Use: T6N R2W Sec. 1 44 Acres Total Other Rights: 65-1387A Remarks: This right when combined with right 65-1387A shall provide no more than .02 cfs/acre.	4-1-1905	Irrigation	3-15 11-15	.88 CFS	Beneficial Use
		SWSESWNE	SWSWNE	2 points(SWNE)		
		SENE(12)	NESE(32)			

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: A65-03842A
Date Received: 1/10/1990
Receipt No: X999999
Received By: 

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: THOMAS C. JOHN 208-365-5842
Address: 297 E. CENTRAL RD.
EMMETT, ID 83617
OR
Name: MAUREEN JOHN 208-365-5842
Address: 297 E. CENTRAL RD.
EMMETT, ID 83617

2. Date of Priority: APR 01, 1905

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
06N	01W	6	SW	NE			GEM
			SE	NW			GEM

5. Description of diverting works:
DIV. VIA PIPELINE, DITCHES, PORT. PUMP, FLOOD IRRIGATION.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.320		

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

8. Total consumptive use is 56.0 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER - 200 HD.

A65-03842A

Page 1

Date: 01/10/90

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SEP 22 1992

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
06N	01W	6	SE NW		IRR	16.0
Section Acres						16.0
Total Acres						16.0

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:
NONE.

14. Remarks:

THIS CLAIM REPRESENTS A SPLIT OF WATER RIGHT NO. 65-03842 IN THE NAME OF BECKMAN. THE UPPER PORTION OF THIS QUARTER-QUARTER IS COVERED BY THE CEMETERY WELL, LEAVING THE LOWER 20 ACRES TO BE COVERED BY THE ORIGINAL RIGHT.

15. Basis of Claim: DECREED

Case Number:
Court :
Decree date:

STATE OF IDAHO

Decree Plaintiff

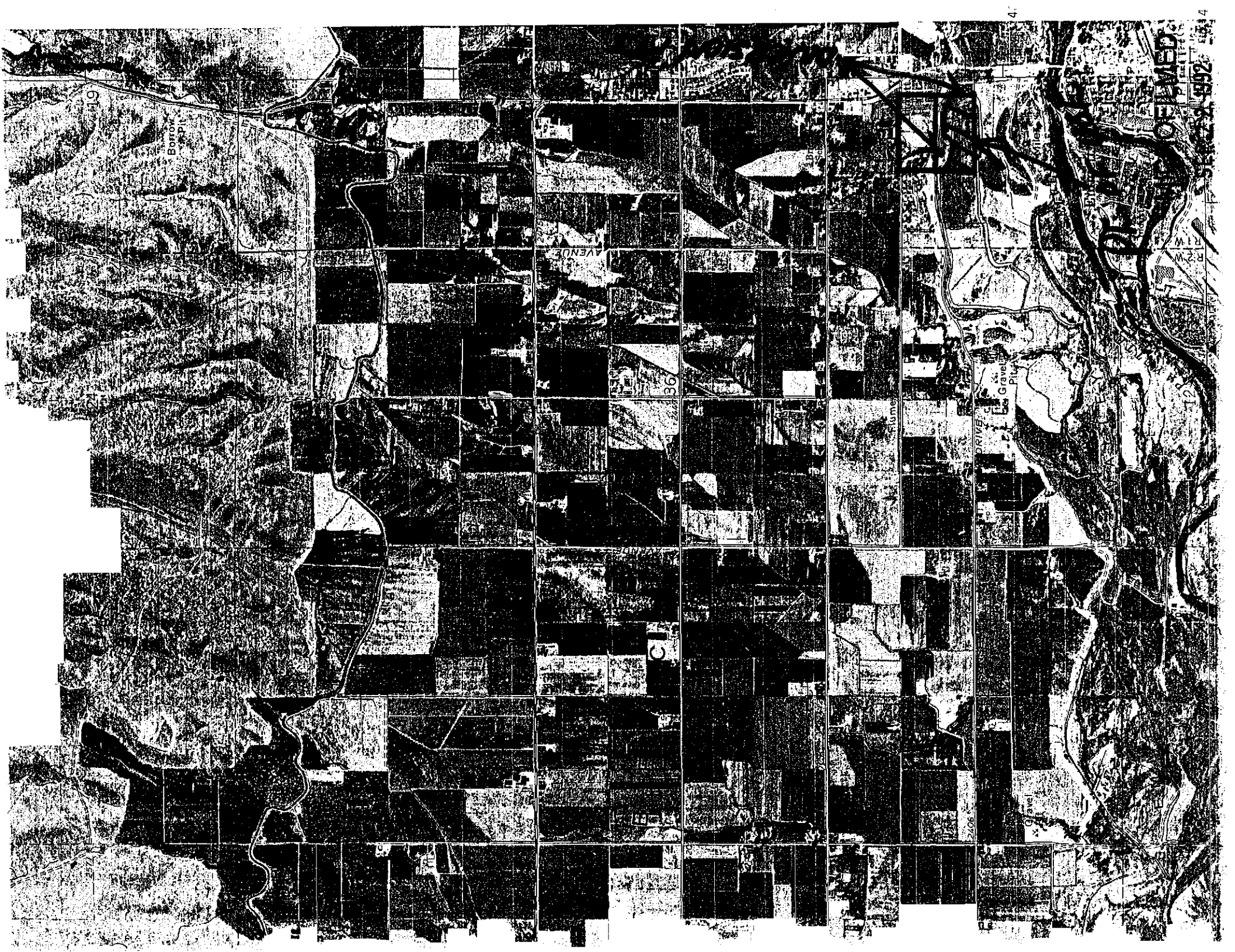
vs

A & C CORP., ET AL.

Decree Defendant

(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.

MICROFILMED
SEP 22 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: 65-3842A

MAUREEN JOHN
297 E CENTRAL RD
EMMETT ID 83617
Telephone Number: (208)365-5842

THOMAS C JOHN
297 E CENTRAL RD
EMMETT ID 83617
Telephone Number: (208)365-5842

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:

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

DATE: 4-6-01 SIGNATURE: Maureen John
Please print your name: MAUREEN JOHN

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

01/10/2001

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

RIGHT NUMBER: 65-3842A

NAME AND ADDRESS: MAUREEN JOHN
THOMAS C JOHN
297 E CENTRAL RD
EMMETT, ID 83617

SOURCE: WASTEWATER TRIBUTARY: PAYETTE RIVER

QUANTITY: 0.32 CFS

PRIORITY DATE: 04/01/1905

POINT OF DIVERSION: T06N R01W S6 SWNE Within GEM County
T06N R01W S6 SENW Within GEM County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03-15 11-15	0.32 CFS

PLACE OF USE:

IRRIGATION Within GEM County
T06N R01W S6 SENW 16

16 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.

Stockwater use is for 200 range stock.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

AJ5809NP
No. A65-03842A

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 07/28/00
PAGE: 103

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	THOMAS C JOHN	04/01/1905	IRRIGATION	03-15 11-15	0.320 CFS	
C	MAUREEN JOHN					
	297 E CENTRAL RD					
	EMMETT ID 83617			TOTAL DIVERSION:	0.320 CFS	
	(208) 365-5842			CONSUMPTIVE USE:		56.00 AFA

Water Source: WASTE WATER

Tributary to: PAYETTE RIVER

Stage: DECREED

Point(s) of Diversion: T06N R01W S06 SWNE SENW GEM County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE									
T	R	S	: Lt Ac Lt Ac Lt Ac Lt Ac	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM	
06N	01W	6	:	:	:	:	:	16	:	:	:	:	:	:	:	:	:	:	:	:	16.0
																			TOTAL ACRES	16.0	

POU County: GEM

Non-Irrigation Uses: (STOCKWATER - 200 HD.) *Remove ?*

Other Rights: NONE.

Remarks: GEN THIS CLAIM REPRESENTS A SPLIT OF WATER RIGHT NO. 65-03842 IN THE NAME OF BECKMAN. THE UPPER PORTION OF THIS QUARTER-QUARTER IS COVERED BY THE CEMETERY WELL, LEAVING THE LOWER 20 ACRES TO BE COVERED BY THE ORIGINAL RIGHT.

Moved To Comments

Dates: Exam Made Date: Verified Date: Objection Filed Date:

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

*C18
W02*

WR5809NP
No. 65-03842

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 08/29/00
PAGE: 10

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	ERNEST L. BECKMAN	04/01/1905	IRRIGATION	03/15 11/15	1.540 CFS	
C	ANN BECKMAN					
	ROUTE 2, BOX 262			TOTAL DIVERSION:	1.540 CFS	
	EMMETT ID 83617					

Water Source: WASTE WATER

Tributary to: PAYETTE RIVER

Stage: DECREED

Point(s) of Diversion: T06N R01W S06 SWNE SENW 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	01W	6	:				:	04-17		16	:				:				33.0
06N	02W	1	:			12	:				:			32	:				44.0
TOTAL ACRES																			77.0

Pou County: GEM

Dates:	App. Received:	Priority Date:	04/01/1905
	Proof Due Date:	Proof Made Date:	
	Exam Made Date:	Exam Sent to S.O.:	
	Licensed Date:		

Misc: Water District Number: 65 Field Exam Fee:

IDAHO DEPARTMENT OF WATER RESOURCES

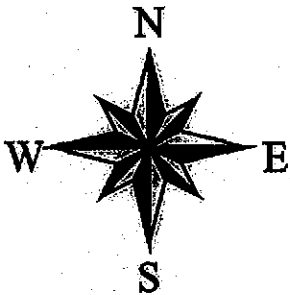
T06N R01W S06

WATER RIGHT(S): 65-03842A

PREPARED BY: Chris Duncan

10 JAN 2001

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



NAPP 1987



JIM JONES
Attorney General
State of Idaho
Statehouse, Room 210
Boise, Idaho 83720
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PHILLIP J. RASSIER
JOSEPHINE P. BEEMAN
Deputy Attorneys General
Department of Water Resources
Statehouse
Boise, Idaho 83720
Telephone: (208) 334-7920

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

IN THE MATTER OF THE GENERAL	)	Civil Case No. 3667
DETERMINATION OF THE RIGHTS TO	)	
THE USE OF SURFACE AND GROUND	)	STIPULATION ADDING, AMENDING,
WATER OF THE PAYETTE RIVER	)	AND DELETING RECOMMENDATIONS
DRAINAGE.	)	FOR GOSLIN, KIENITZ,
	)	NEBEKER AND REKOW
	)	

R. Keith Higginson, Director of the Idaho Department of Water Resources, Walter and Josephine Nebeker, John H. and Karon S. Kienitz, T. Edwin and Ida Goslin, and Charles L. and Delma C. Rekow, enter into a stipulation resolving an oversight from the record before this court in the Payette Adjudication. This omission or oversight was initially addressed by a motion pursuant to Rule 60(a) filed with the court March 28, 1988.

As explained in the motion on file with the court, the land for which a claim was omitted by the oversight of the Idaho Department of Water Resources is presently farmed by Nebeker and Kienitz. Kienitz owns his land under a contract of sale from the Rekow.

Additional facts not contained in the original motion nor the affidavits which accompanied the motion are agreed to by the parties in this stipulation. Those facts include the following: the waste water rights which are affected by this stipulation are all for waste water from the Emmett Irrigation District. From a review of documents on file with the Idaho Department of Water Resources, the parties agree that the lands now owned or being purchased by Goslin, Nebeker, Rekow and Kienitz began irrigation with waste water (originating from the east side of Washington Street) in the 1920's. Specifically, it appears that the records of the Idaho Department of Water Resources support a priority date of April 1, 1926 for 65-1387A, 65-1387B, and 65-11415, and a priority date of 11-10-1929 for 65-2360. No other individuals are presently using this particular source of waste water. Goslin has two additional water rights (65-2838 and 65-2497) for waste water from this same area which have junior priority dates.

In the process of the negotiations leading to this stipulation, it became apparent that there were other clerical errors in rights for the same lands. Specifically, right 65-3842 originally decreed in the name of Beckman, is appurtenant to lands now owned by Rekow. Further, because part of the land under right 65-3842 is under contract of purchase with Kienitz, the right was split to 65-3842A and 65-3842B.

The changes to the water right claim numbers are reflected in the attached exhibit. Also, where these new claim numbers need to be listed as "Other Rights" where the land to which the

right is appurtenant is also covered by an additional water right, those changes are reflected in the exhibit.

There is a decreed licensed right, 65-2458, which is no longer in the listing of water rights accompanying this stipulation. Right 65-2458 was originally recommended for land that is now covered by 65-11415. The records in the license files at the Department of Water Resources provided evidence that the water use under 65-2458 arose earlier than the priority date indicated on the license. Thus, instead of licensed right 65-2458, beneficial use right 65-11415 is listed in the schedule accompanying this stipulation with a priority date of April 1, 1926. The rate of diversion for 65-11415 is 1.56 cfs, reflecting a clerical correction that only 78 acres can be irrigated from this diversion. Originally, 65-2458 listed a diversion rate of 1.74 cfs for 87 irrigated acres. The points of diversion and places of use are unchanged except for clerical corrections which are indicated.

An additional decreed licensed right 65-2360 is listed with reduced acreage in the attached schedule of rights. The records in the license files at the Department of Water Resources provided evidence that water use on some acres under 65-2360 began earlier than the date on the license. Therefore, 63 acres previously listed with 65-2360 are now listed with 65-1387A in the schedule of rights accompanying this stipulation.

DATED this 17th day of April, 198⁹⁰.

Josephine P. Beeman
JOSEPHYNE P. BEEMAN
Deputy Attorney General
Department of Water Resources

Water Nebeker

Josephine Nebeker

John H. Kienitz

Karon S. Kienitz

Edwin Goslin
Edwin Goslin

Ida M. Goslin
Ida Goslin

Charles L. Rekow

Delma C. Rekow

32.
JIM JONES
Attorney General

JOSEPHINE P. BEEMAN
Deputy Attorney General
Department of Water Resources
Boise, Idaho 83720
Telephone: (208) 327-7920

NO.

FILED AT A.M. P.M.

DATE: 5-15-90

THELMA R. KOLODZIEL, CLERK
BY: *Lori Rembaw*, DEPUTY

RECEIVED
MAY 17 1990

Department of Water Resources

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)	Civil Case No. 3667
DETERMINATION OF THE RIGHTS TO)	
THE USE OF SURFACE AND GROUND)	ORDER AMENDING DECREE OF
WATER OF THE PAYETTE RIVER)	WATER RIGHTS PURSUANT TO
DRAINAGE.)	STIPULATION OF GOSLIN,
_____)	KIENITZ, NEBEKER, REKOW AND
	THE IDAHO DEPARTMENT OF
	WATER RESOURCES

The stipulation of R. Keith Higginson, Director of the Idaho Department of Water Resources, Walter Nebeker and Josephine Nebeker, John H. Kienitz and Karon A. Kienitz, T. Edwin Goslin and Ida Goslin, and Charles L. Rekow and Delma C. Rekow has been filed with the court. Attached to that stipulation is a listing of water rights. Exhibit A attached to this order is the stipulation with the listing of water rights. Since identical stipulations were separately signed by the parties, the stipulation attached as Exhibit A shows only the signature of one of the parties, the Goslins.

The stipulation lists amendments to the decree of water

ORDER AMENDING DECREE OF WATER
RIGHTS PURSUANT TO STIPULATION - 1

rights for the Payette River Drainage Basin. The need for amendments was initially addressed by a motion pursuant to Rule 60(a) of the Idaho Rules of Civil Procedure to correct an omission made by the Idaho Department of Water Resources. That motion was filed March 28, 1988 with the court. Additional corrections have been identified by the parties since that time. Now, by stipulation of the affected parties, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the decree of water rights for the Payette River Drainage Basin be amended as follows:

1. Water right 65-3842 is replaced by two new water rights known as 65-3842A and 65-3842B, as listed in Exhibit A.
2. Water right 65-2360 is replaced in part by a new water right, 65-1387A, listed in Exhibit A; the remaining portion of 65-2360 is shown as amended in Exhibit A.
3. Water right 65-1387B is a new water right listed in Exhibit A; 65-1387B was not previously listed in the water rights for the Payette River drainage basin.
4. Water right 65-2458 is replaced by a new water right, 65-11415, as listed in Exhibit A. Also, of nine acres originally listed with 65-2458, six acres are now shown with 65-2497 and three acres are shown with 65-2838, as listed in Exhibit A.
5. Water right 65-2497 is unchanged except for minor amendments listed in Exhibit A.
6. Water right 65-1390 is unchanged except for minor amendments listed in Exhibit A.
7. Water right 65-2838 as listed in Exhibit A is unchanged except for minor amendments.
8. Water right 65-1393 as listed in Exhibit A is unchanged except for minor amendments.
9. Water right 65-2895 is listed in Exhibit A as licensed subsequent to the filing of the proposed finding of water rights for the Payette River drainage basin.

10. Water right 65-7062 as listed in Exhibit A is unchanged except for minor amendments.

The specific changes accomplished by this Order are more fully set forth in the listing of the water rights accompanying the stipulation, all attached as Exhibit A and that exhibit is incorporated as if fully set forth herein. The exhibit comprises eleven pages.

DATED this 9th day of May, 1990.

JIM R. DOOLITTLE

JIM R. DOOLITTLE
District Judge

LISTING OF WATER RIGHTS

PAGE 1

RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	MAXIMUM DIVERSION	BASIS OF RIGHT
SOURCE: WASTEWATER		TRIBUTARY: PAYETTE RIVER				
55-3842A	Rekow, Charles L. Rekow, Delma C. 1029 Lilac Ln. Emmett, Idaho 83617 Point of Diversion: T6N R1W Sec. 6 Place of Use: T6N R1W Sec. 6 33 Acres Total	4-1-1905	Irrigation	3-15 11-15	.66 CFS	Beneficial Use
65-3842B	Rekow, Charles L. Rekow, Delma C. 1029 Lilac Ln. Emmett, Idaho 83617 Point of Diversion: T6N R1W Sec. 6 Place of Use: T6N R2W Sec. 1 44 Acres Total Other Rights: 65-1387A Remarks: This right when combined with right 65-1387A shall provide no more than .02 cfs/acre.	4-1-1905	Irrigation	3-15 11-15	.88 CFS	Beneficial Use



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.

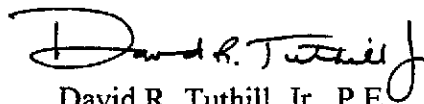
IDWR recognizes that in reliance on the non-irrigation season stockwater language in the Payette Adjudication, water users might not have filed stockwater claims in the SRBA to cover the non-irrigation season period. Individuals who historically watered livestock during the non-irrigation season without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