

No Color

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: **A65-04091**
Date Received: 5/18/1998
Receipt No: W023888
Received By: _____

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name: JERRY STELLING 208-642-4209
Address: 1082 S PARK ST
PAYETTE ID 83661
AND/OR
Name: WENDY STELLING 208-642-4209
Address: 1082 S PARK ST
PAYETTE ID 83661

2. Date of Priority: APR 1, 1966

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
08N	05W	4		SE	NE		PAYETTE

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.040		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:
1 HOME

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
08N	05W	4	SE	NE		DOMEST	

11. Place of use in counties: PAYETTE

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

13. Other Water Rights Used:
CITY WATER

14. Remarks:

PROPERTY ALSO KNOWN AS BLOCK 5, DE WITTS 1ST SUBDIVISION.
ORIGINAL PRBA FILING SHOWED PROPERTY IN NE1/4NE1/4, CLAIMANT
VERIFIED LEGALS WITH ASSESSOR AS SE1/4NE1/4 AND IS CLAIMING THIS
LEGAL.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 1/21/1986

STATE OF IDAHO

Decree Plaintiff

A & C CORP., ET AL.

vs Decree Defendant

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

Identification No. 105-04091
Date Received 5/18/98
Receipt Number W023888 Kb

NOTICE OF CLAIM
TO A
WATER RIGHT

ACQUIRED UNDER STATE LAW
For Domestic and/or Stockwater Purposes
Where Daily Use is less than 13,000 gallons per day.

RECEIVED

MAY 18 1998

WATER RESOURCES
WESTERN REGION

Filing Fee \$25

Please type or print clearly

- Name of Claimant (s) Jerry & Wendy Stelling Phone (208) (204) 4209
Mailing Address 1082 S. Park Street, Payette, ID Zip 83661
- Date of Priority (Only one per claim) 1966 Month/Day/Year under Levi Wilson
- Source of water supply (Check one) ☒ Groundwater or Other () (a) _____
which is tributary to (b) _____ Name or kind of source
- Location of point of diversion is: Township 8 North Range 5 West
Section 4 SE 1/4 of NE 1/4 of _____ 1/4, Govt. Lot _____, BM.,
County of Payette your records under ID# show NE 1/4 of NE 1/4 which is incorrect. we checked with assessor to verify above information.
Additional points of diversion if any: _____
- 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. _____
- Water is claimed for the following: (limited to Domestic and/or Stockwater only. See Instructions.)
For Domestic purposes from 1-1 to 12-31 amount 0.04 (cfs)
(Both dates are inclusive)
For _____ purposes from _____ to _____ amount _____
- Total quantity claimed 0.04 (cfs)
- Total consumptive use claimed is de minimus
- Non-irrigation uses. Describe fully (Domestic: give number of households served if single ownership; Stockwater: Type and Number of livestock) One, Domestic

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.

10. Place of use is: Township: 8 north Range 5 West
Section 4, SE 1/4 of NE 1/4, Govt. Lot _____, B.M.,
for (Circle One) Domestic Stock _____ Domestic and Stock _____
Additional places of use, if any none

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

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.

X None or yes? City House hold water

14. Remarks: _____

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 U5-04091

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 X do not _____ 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)

Jerry J. Seltman
Wendy J. Seltman

Date

5/13/98

Date

5/13/98

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 _____))

County of _____)

Subscribed and sworn (or affirmed) before me this _____

NOTARIZATION REQUIRED FOR EACH CLAIM

15

day of

MAY

19 98

Notary Public

George K. Koenig
PAYETTE ID

Residing at

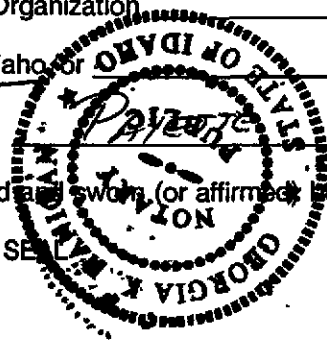
My Commission Expires

3/13/04

Last Name _____

Ident No. _____

Copies: White-State, Yellow-Claimant

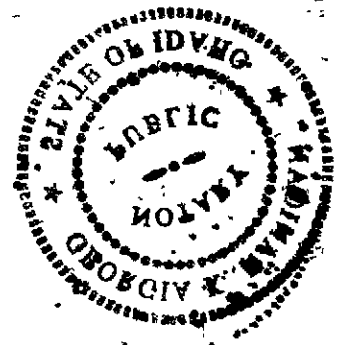


It is very important that you inform the department in writing of any change in your address. This is to make sure that you receive the notices affecting your water rights that are to be mailed by the department.

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.



AJ0749NP
No. R65-04091

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

DATE: 06/02/00
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	JERRY STELLING	04/01/1966	DOMESTIC	01-01 12-31	0.040 CFS	1.20 AFA
C	WENDY STELLING					
	1082 S PARK ST					
	PAYETTE ID 83661					
	(208) 642-4209					
				TOTAL DIVERSION:	0.040 CFS	1.20 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: DECREED

Point(s) of Diversion: T08N R05W S04 SENE

PAYETTE 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
08N 05W 4	:		:		:		:		:		:		:		:	

POU County: PAYETTE

Non-Irrigation Uses: 1 HOME

Other Rights: CITY WATER

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.

Remarks: EXP PROPERTY IS ALSO KNOWN AS BLK 5, DE WITTS 1ST SUBDIVISION.

Dates: Exam Made Date: Verified Date: 06/02/2000 Objection Filed Date:

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

Comments: Date: 06/02/2000 User-ID: RHOWERTO Subject: COPIED FROM REMARKS
ORIGINAL PRBA FILING SHOWED PROPERTY IN NE1/4NE1/4, CLAIMANT
VERIFIED LEGALS WITH ASSESSOR AS SE1/4NE1/4 AND IS CLAIMING THIS
LEGAL.

Audit: 06/02/00 RHOWERTO

6-2-00
Ron Howerton
Sr Water Agent

AJ5809NP
No. A65-04091

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 06/02/00
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	JERRY STELLING	04/01/1966	DOMESTIC ✓	01-01 12-31	0.040 CFS ✓	1.20 AFA ✓
C	WENDY STELLING					
	1082 S PARK ST					
	PAYETTE ID 83661			TOTAL DIVERSION:	0.040 CFS ✓	1.20 AFA ✓
	(208) 642-4209					

Water Source: GROUNDWATER ✓

Tributary to:

Stage: DECREED ✓

Point(s) of Diversion: T08N R05W S04

SENE ✓

PAYETTE 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	:
08N	05W	4	:					D	:											:

POU County: PAYETTE ✓

Non-Irrigation Uses: 1 HOME ✓

Other Rights: CITY WATER ✓

Remarks: GEN (PROPERTY ALSO KNOWN AS BLOCK 5, DE WITTS 1ST SUBDIVISION.
ORIGINAL PRBA FILING SHOWED PROPERTY IN NE1/4NE1/4, CLAIMANT
VERIFIED LEGALS WITH ASSESSOR AS SE1/4NE1/4 AND IS CLAIMING THIS
LEGAL.

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number: 65

Field Inspection Flag:
Presumption Flag:

211
213

EXP Rmk
JOI

WR5809NP
No. 65-04091

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 06/02/00
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	LEVI ALLISON ROUTE 1 PAYETTE ID 83661	04/01/1966	DOMESTIC	01/01 12/31	0.040 CFS	1.20 AFA
TOTAL DIVERSION:					0.040 CFS	1.20 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: DECREED

Point(s) of Diversion:

T08N R05W S04

~~NENE~~ SENE

PAYETTE 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	Lt	Ac
08N	05W	4	:	D				D													

Pou County: PAYETTE

Remarks: GEN BLOCK 5, DE WITTS 1ST SUBDIVISION.

Dates:	App. Received:	Priority Date:	04/01/1966
	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

ERROR IN PRBA LEGAL
SEE MAP FROM
PAYETTE RURAL MAPS

[illegible]

DET

CITY &
FRUIT

DETAIL

MAY
REV

COMMENDED RIGHT

(1) Date of priority: (When was the water first applied to a beneficial use, or date that permit was issued) 4/1/1966

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

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

Quantity	<u>04</u> <u>1.2 A.F.</u> <u>Domestic</u>	Period of Use From	<u>4/1</u> <u>1/1</u> To	<u>12/31</u>
(CFS GPD A/F)	Use <u>irrigation</u>		(Mo. Day)	(Mo. Day)
	(Domestic, irrigation, stock, etc.)		(Both Dates Inclusive)	
Quantity	Use	Period of Use From	To	
(CFS GPD A/F)	(Domestic, irrigation, stock, etc.)		(Mo. Day)	(Mo. Day)
			(Both Dates Inclusive)	
Quantity	Use	Period of Use From	To	
(CFS GPD A/F)	(Domestic, irrigation, stock, etc.)		(Mo. Day)	(Mo. Day)
			(Both Dates Inclusive)	

(4) 04 0.02 c.f.s. TOTAL QUANTITY CLAIMED
(CFS GPD A/F)

(5) A) Point of Diversion: Give location of point where water is diverted from its source NE 1/4 NE 1/4
Sec. 4, Twp. 8N, Rge. 5W, 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. well with pump

(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.

[illegible]

Total No. of acres

B) If water is used for other than irrigation, fully describe that use, being as specific as possible: irrigation
of domestic lot - lawn and garden

- (7) Effluent, sewage waste, or return water from this use is discharged into see page
- (8) If you are claiming water as a member of an organization, list name of organization.
- (9) Remarks Dewitte Subdivision
- (10) Basis of claim (Check one) ☒ A) Right based on diversion and beneficial use.
☐ B) Right decreed by court, cite title of case.
☐ C) Right based on application, license, or claim filed with the Idaho Department of Water Administration.

DATE OF EXAM

FIELD EXAMINER

Payette

RECEIVED
MAY 19 1971

~~MAY 19 1971~~

(Name of Claimant)

Department of Water Administration
claims a right to the diversion

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

Use _____ Period of Use From _____ To _____
(Domestic, irrigation, stock, etc.) (Mo., Day) (Mo., Day)

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. well w/ pump

[illegible]

ERROR
IN ORIGINAL
PRBA
CLAIM (7)

Total No. of acres

Irrigation of domestic lot - lawn & garden

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

KEYPUNCHED

→ (Block 5, DeWitts 1st. Subd.)

☐ 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

May 19, 1964

x Frederick J. Hill
(Signature of Claimant)

(Signature of Spouse)

Organization

State of Idaho

County of Payette,

Organization
Seal

(Signature of Authorized Agent)

On this _____ day of _____, in the year _____, before me,

On this _____ day of _____
a notary public, personally appeared Levi Allison

a notary public, personally appeared Levi Allison
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 Mar. Ell) executed the same.

Notary Public residing at San Antonio, Tex.

My commission expires June 15, 1974