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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: **A65-05143**
Date Received: 1/16/1990
Receipt No: W007666
Received By: _____

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

1. Name: W R BAXTER WHOLESALE NURSERY INC 208-365-6011
Address: PO BOX 789
EMMETT ID 83617

2. Date of Priority: APR 1, 1921

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07N	02W	35	NW	NW	SW		GEM

5. Description of diverting works:
80' WELL, 1 HP SUBMERSIBLE PUMP, PIPE TO HOUSE

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) 3.60 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC, 1 HOME

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07N	02W	35	NW	SW		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:
NONE

14. Remarks:

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

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)
County of _____) SS.

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 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. ALB-05143
Date Received 1-16-90
Receipt Number W007660

RECEIVED

JAN 16 1990

Department of Water Resources
Western Regional Office

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.

4-21-1921
per decree

Filing Fee \$25

Please type or print clearly

- Name of Claimant (s) W.R. Baxter Wholesale Nursery, Inc. Phone (208) 365-6011
Mailing Address P.O. Box 789, Emmett, Id Zip 83617
- Date of Priority (Only one per claim) 1930 (est.) Month/Day/Year
- 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 7N Range 2W
Section 35 , NW 1/4 of NW 1/4 of SW 1/4, Govt. Lot _____, BM.,
County of Gem
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. Well, 80' deep, 1 hp. submersible pump, pipe to house and out buildings.
- Water is claimed for the following: (limited to Domestic and/or Stockwater only. See Instructions.)
For domestic purposes from Jan 1st ^{Month/Day} to Dec. 31st ^{Month/Day} 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 unit serviced

MICROFILMED

OCT 21 1996

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: 7N Range 2W
 Section 35, NW 1/2 of SW 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 _____

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 _____

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 _____ 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) _____ Date _____
 _____ Date _____

For Organizations: I do solemnly swear or affirm that I am President

of W.R. Baxter Wholesale Nursery, Inc., that I have signed the foregoing
Organization Title
 document in the space below as President of same
Title Organization

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

Signature of Authorized Agent W.R. Baxter, Pres Date 1990

Title and Organization President/W.R. Baxter Wholesale Nursery, Inc.

State of Idaho/or _____)
 County of Gem) SS.

NOTARIZATION REQUIRED FOR EACH CLAIM

Subscribed and sworn (or affirmed) before me this 12th day of January 19 90

SEAL

Notary Public Carolyn R. Farber

Residing at Emmett, Idaho

My Commission Expires 1-14-1994

Last Name _____ Ident No. _____

Copies: White-State, Yellow-Claimant

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OCT 21 1996

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.

Water Right Number - 65-05143

Prefix Translation: WATER RIGHT

Old (D) Number -

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

*** C - CURRENT OWNER ***
KILBURN

EDWIN M.

1 - RT. 2 BOX 54
2 -
3 -

City- EMMETT State- ID Zip- 83617

Phone -

KILBURN

NOMA D.

1 - RT. 2 BOX 54
2 -
3 -

City- EMMETT State- ID Zip- 83617

Phone -

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - - +
04/01/1921 14 WESTERN D - DECREED

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

Point of Diversion -							Diversion Name	Diversion Rate	Diversion No.
TwN	Rng	Sec	Tract	Lot	RFlg	County			
07N	02W	35	NW SW		(45)	GEM			

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
43 - DOMESTIC		01/01	12/31	0.040	1.20
04 - STOCKWATER		01/01	12/31	0.020	2.40

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - +
0.040 3.60

Place of Use -								Description	County
TwN	Rng	Sec	Tract	Lot	Acres	Code			
07N	02W	35	NW SW			43	DOMESTIC	(45)	GEM

+ - - 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
OCT 21 1996

Water right number - 65-05143

Prefix Translation: WATER RIGHT

+ - - - - 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

+ - - - - Comments - - - - -
No Comments Found

+ - - 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
Exam to S.O. 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	Name Connector -	POU Ownership Flag-
Presumption Flag -		

MICROFILMED
OCT 21 1996

03/09/2001

NOTICE OF ERROR
REPLY

RECEIVED

APR 05 2001

WATER RESOURCES
WESTERN REGION

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: 65-5143

W R BAXTER WHOLESALE NURSERY INC

PO BOX 789

EMMETT ID 83617

Telephone Number: (208)365-6011

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: 4/2/01 SIGNATURE: W.R. Baxter, President
Please print your name: W. Rand Baxter, President

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

AJ0749NP
No. R65-05143

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

DATE: 06/21/00
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	W R BAXTER WHOLESALE NURSERY INC PO BOX 789 EMMETT ID 83617 (208) 365-6011	04/01/1921	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: T07N R02W S35 NWNWSW

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	Lt	Ac	Lt	Ac	:
07N	02W	35	:																						:

POU County: GEM

Non-Irrigation Uses: 1 HOME

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 PARCEL NO. RP00485800.

Dates: Exam Made Date: Verified Date: 06/21/2000 Objection Filed Date:

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

C18

Rel
6-21-00

AJ5809NP
No. A65-05143

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 06/21/00
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	W R BAXTER WHOLESALE NURSERY INC PO BOX 789 EMMETT ID 83617 (208) 365-6011	04/01/1921	DOMESTIC	01-01 12-31	0.040 CFS	1.20 AFA
TOTAL DIVERSION:					0.040 CFS	~~3.60 AFA~~

1.2 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: DECREED

Point(s) of Diversion:

T07N R02W S35

NWNWSW /

GEM County

Place of use Legal Description for: DOMESTIC

				NE				NW				SW				SE							
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:
				Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac	
07N	02W	35	:					:					:					:					:

D /

POU County: GEM

Non-Irrigation Uses: DOMESTIC, 1 HOME

Other Rights: NONE

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number: 65

Field Inspection Flag:
Presumption Flag:

N 11
N 13

PARCEL NO.
RP00485200

WR5809NP
No. 65-05143

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 06/20/00
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	EDWIN M. KILBURN	04/01/1921	STOCKWATER	01/01 12/31	0.020 CFS	2.40 AFA
C	NOMA D. KILBURN RT. 2 BOX 54 EMMETT ID 83617		DOMESTIC	01/01 12/31	0.040 CFS	1.20 AFA
TOTAL DIVERSION:					0.040 CFS	3.60 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: DECREED

Point(s) of Diversion:

T07N R02W S35

NWSW

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	02W	35	:																	:			
												D											

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

Pou County: GEM

Dates:	App. Received:	Priority Date:	04/01/1921
	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

1- HOME

N 11 N 13

Stockwater, was not claimed in SRBA

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
TO A
WATER RIGHT

Notice is hereby given that Edwin M. and/or Norma D. Kilburn

claims a right to the diversion of water from the Payette River for the beneficial use of the surface or groundwater, of or tributary to the Payette River

to the extent and nature of said claim is as follows: (When was the water first applied to a beneficial use, or date that permit was issued)

1/1/1921

Describe the source of water (Name of stream, lake, spring, etc., or subterranean)

Groundwater

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

Use Domestic 02 Period of Use From 10/12/51

Use Stockwater 02 Period of Use From

Use

(4) Quantity of water claimed: 02 Cubic Feet Per Second, or 3.6 Acre Feet Per Annum

and/or 2,440 Gals. Per Minute, Day

5) A) Point of Diversion: Give location of point where water is diverted from its source

Sec. 35 Twp. 7N Rge. 2W BM; 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 w/ 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.

T	R	SEC.	NE 1/4	N 1/2	SW 1/4	SE 1/4	NE 1/4	N 1/2	SW 1/4	SE 1/4	NE 1/4	N 1/2	SW 1/4	SE 1/4	TOTAL
1	2	35													

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

Domestic 1 household w/ rp head dary, 100 head hogs, lawn irrigation

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

Septic tank

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

(9) Remarks

Lot 46, Map F

(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 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

Organization

State of Idaho

County of Ada

On this 30 day of August, 1971, before me, a notary public, personally appeared Edwin M. and Norma D. Kilburn, 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) executed the same.

Notary Public residing at

My commission expires

ADJUDICATION DIVISION

REPORT OF EXAMINERS

Claim No. 655143Name of Applicant Edwin K. BallanPriority 4-1-1921Source of Water Groundwater

Determine Purpose and Quantity of Water Found Used

Quantity (Dom. Irr. Stk. water, etc.) (Mo.-Day) (Ho.-Day)

SA Use Dom. 95 ft Period of Use From Feb To 1923

Use Period of Use From To

Use Period of Use From To

Use Period of Use From To

6. Location of Point of Diversion: NW SW of Section 35Twp. 2N Rge. 2W County of Can6. Describe Diversion Works: W. I. K. W. pump

7. Describe Location of Use:

8. Purpose Other Than Irrigation: Domestic... house hold... garden and bath water9. Remarks: ... house... well W. of house by road under which... pump house at charged diversion net.This examination was made on the 31 day of March, 1922(Signed) Edwin Ballan

EXAMINER