

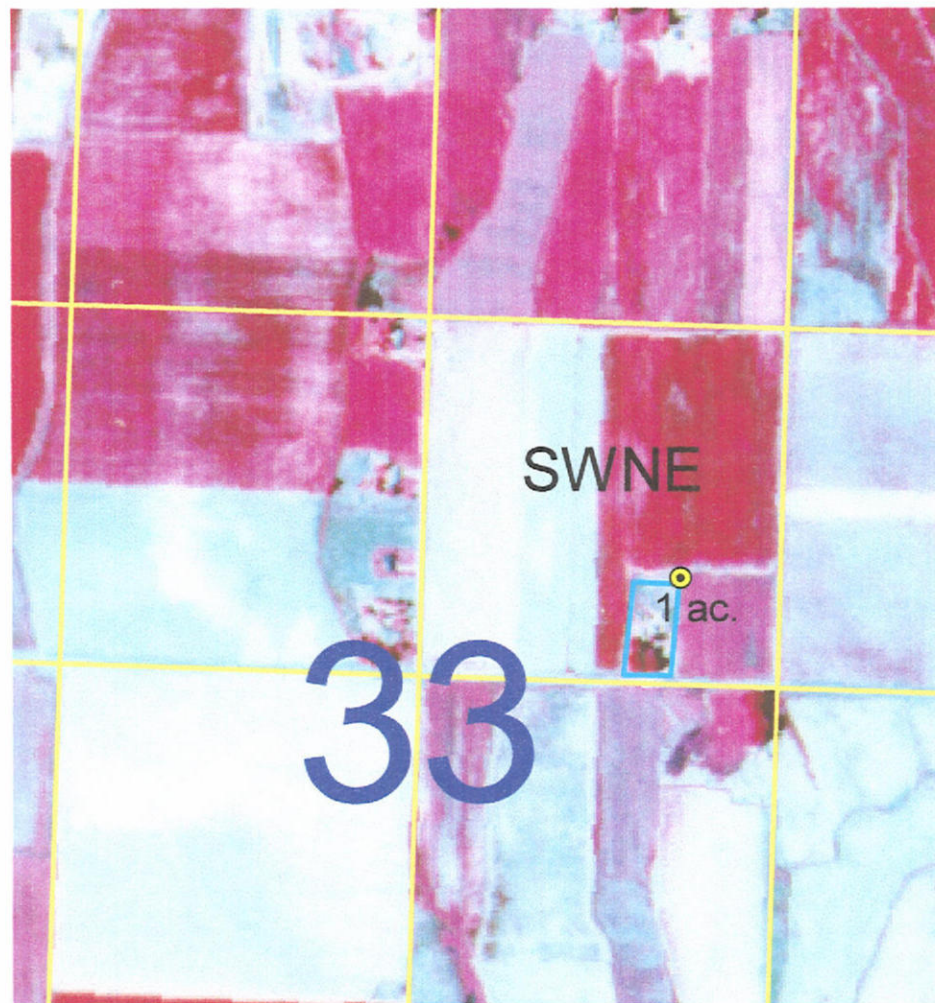
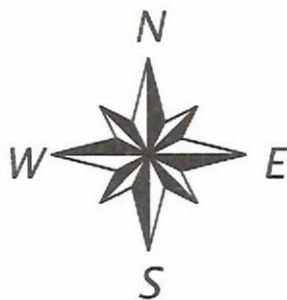
Idaho Department of Water Resources

Claim Number: 65-05398

Legal: T07N, R02W, S33

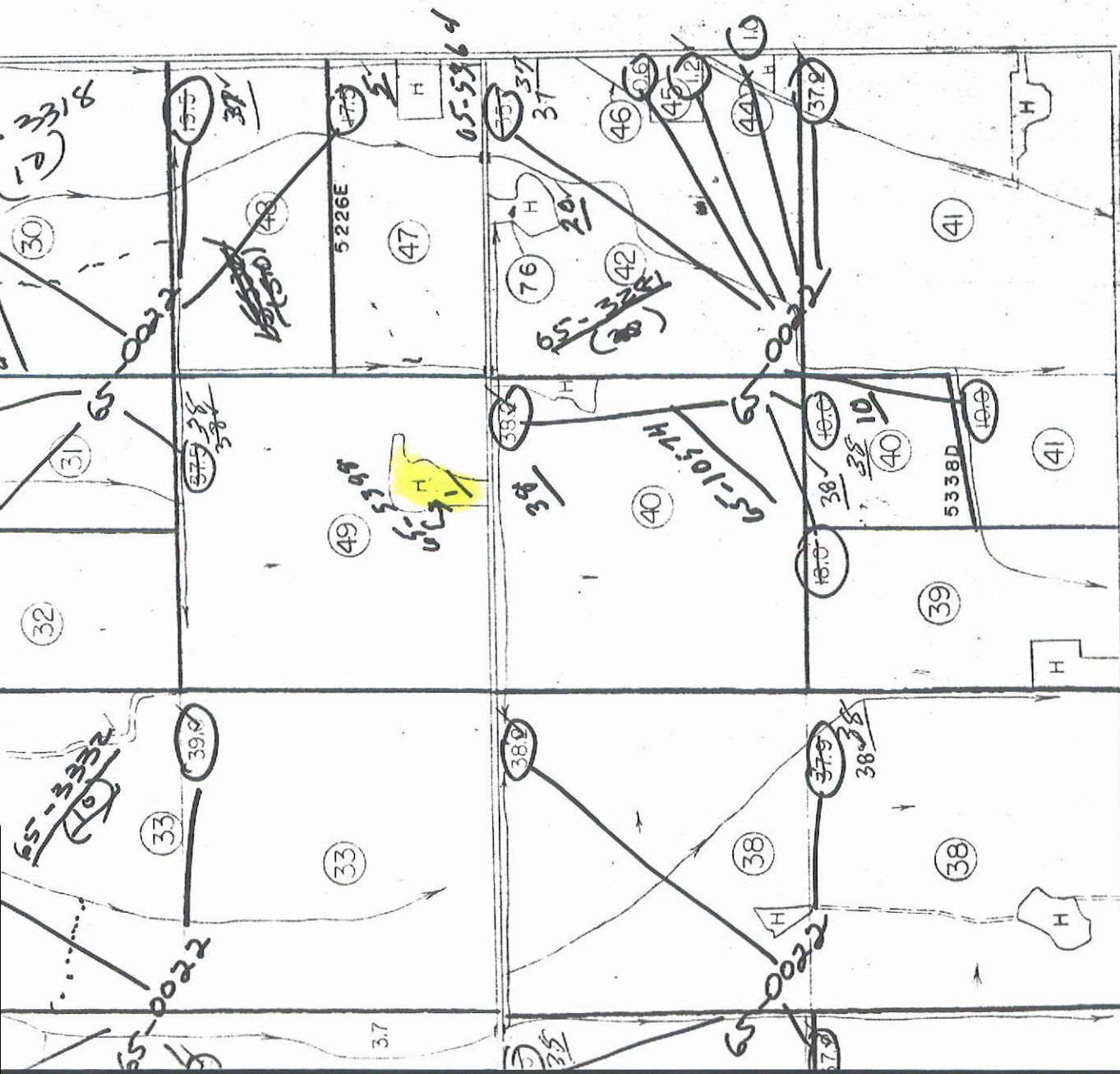
Reviewed By:

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



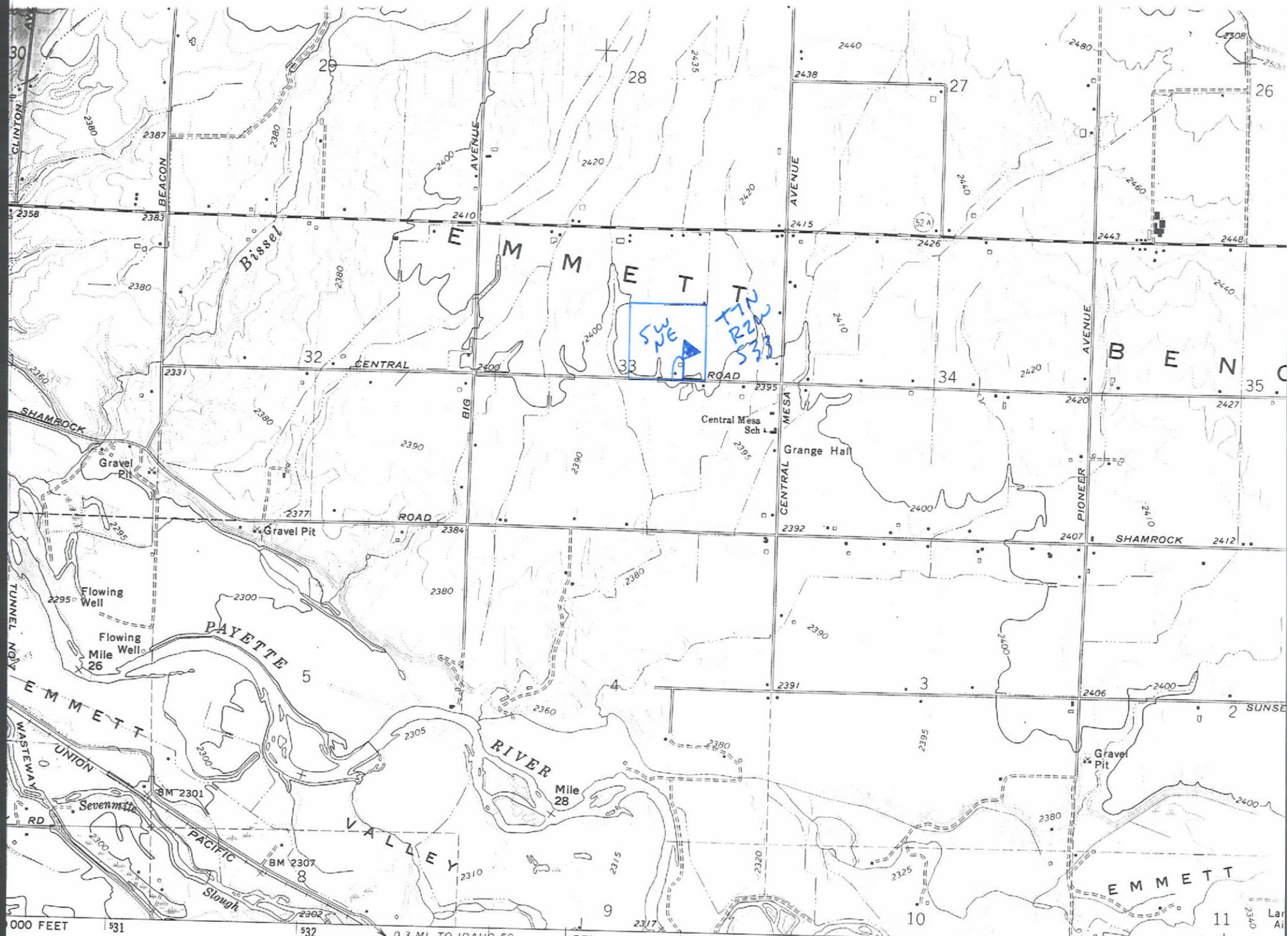
1987 Napp Photo

0 0.25 0.5 Miles



acreage of
 4/2/79
 PRBA BLUELINE
 MAP F
 T7N R2W
 S33 SWNG

- 58. Russell, E. B. 5348E
- 59. Earl, Silas 1078D 59. Heath, Edward 3397D
- 60. Thompson, Reuben W. 3373E/3374S
- 61. Conrad, William H.
- 63. Blaser, F. S. et al



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: A65-05398
Date Received: 2-12-90
Receipt No: 999999
Received By: JP

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ALVIN A. KIRBY 208-365-3760
Address: 4354 W CENTRAL AVE.
EMMETT, ID 83617

AND/OR

Name: SHARON B. KIRBY 208-365-3760
Address: 4354 W CENTRAL AVE.
EMMETT, ID 83617

2. Date of Priority: APR 01, 1970

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	33	SW	NE			GEM

5. Description of diverting works:
PUMP AND PIPELINE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.020		

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

8. Total consumptive use is 3.5 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	33	SW	NE		IRR	1.0
Section Acres							1.0
Total Acres							1.0

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:

14. Remarks:

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 1/21/1986

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 / 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): Alvin A Kirby Date: 2-12-90
Date:

State of Idaho)
County of Ada) SS.

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

[Signature]
Notary Public

Seal

Residing at Boise, ID
My Commission Expires June 10, 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.

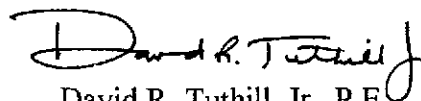
IDWR recognizes that in reliance on the non-irrigation season stockwater language in the Payette Adjudication, water users might not have filed stockwater claims in the SRBA to cover the non-irrigation season period. Individuals who historically watered livestock during the non-irrigation season without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

12/22/2000

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

RIGHT NUMBER: 65-5398

NAME AND ADDRESS: ALVIN A KIRBY
SHARON B KIRBY
4354 W CENTRAL AVE
EMMETT, ID 83617

SOURCE: WASTEWATER

TRIBUTARY: PAYETTE RIVER

QUANTITY: 0.02 CFS

PRIORITY DATE: 04/01/1970

POINT OF DIVERSION: T07N R02W S33

SWNE

Within GEM County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
3-15 11-15

QUANTITY
0.02 CFS

PLACE OF USE:

IRRIGATION Within GEM County
T07N R02W S33

SWNE

1

1 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

AJ5809NP
No. A65-05398

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 03/14/00
PAGE: 20

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	ALVIN A KIRBY	04/01/1970	IRRIGATION ✓	03-15 11-15 ✓	0.020 CFS	
C	SHARON B KIRBY					
	4354 W CENTRAL AVE			TOTAL DIVERSION:	0.020 CFS	
	EMMETT ID 83617			CONSUMPTIVE USE:		~~3.50 AFA~~
	(208) 365-3760					

Water Source: WASTE WATER ✓

Tributary to: PAYETTE RIVER ✓

Stage: DECREED

Point(s) of Diversion: T07N R02W S33

SWNE ✓

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	Lt	Ac	Lt	Ac	:	---
07N	02W	33	:				01 ✓	:					:					:							:	1.0
																							TOTAL ACRES		1.0	

POU County: GEM

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

65-05399 A65-05399

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

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

Audit: 02/12/90 SHAFF 03/30/95 POST-STD

C 18

WR5809NP
No. 65-05398

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 08/18/00
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	WALTER L. DYMOKE 4608 W. CENTRAL RD. EMMETT ID 83617	04/01/1970	IRRIGATION	03/15 11/15	0.020 CFS	
TOTAL DIVERSION:					0.020 CFS	

Water Source: WASTE WATER

Tributary to: PAYETTE RIVER

Stage: DECREED

Point(s) of Diversion: T07N R02W S33

SWNE

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		
07N	02W	33	:			01		:					:					:						1.0
TOTAL ACRES																							1.0	

Pou County: GEM

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
65-05399

Dates:	App. Received:	Priority Date:	04/01/1970
	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

Idaho Department of Water Resources

Claim Number: 65-05398

Legal: T07N, R02W, S33

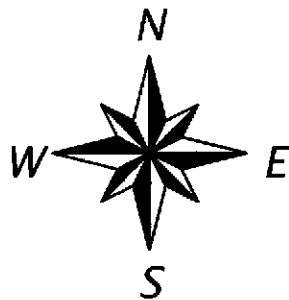
Reviewed By:

⊙ *Point of Diversion*

□ *Place of Use*

□ *Section Lines*

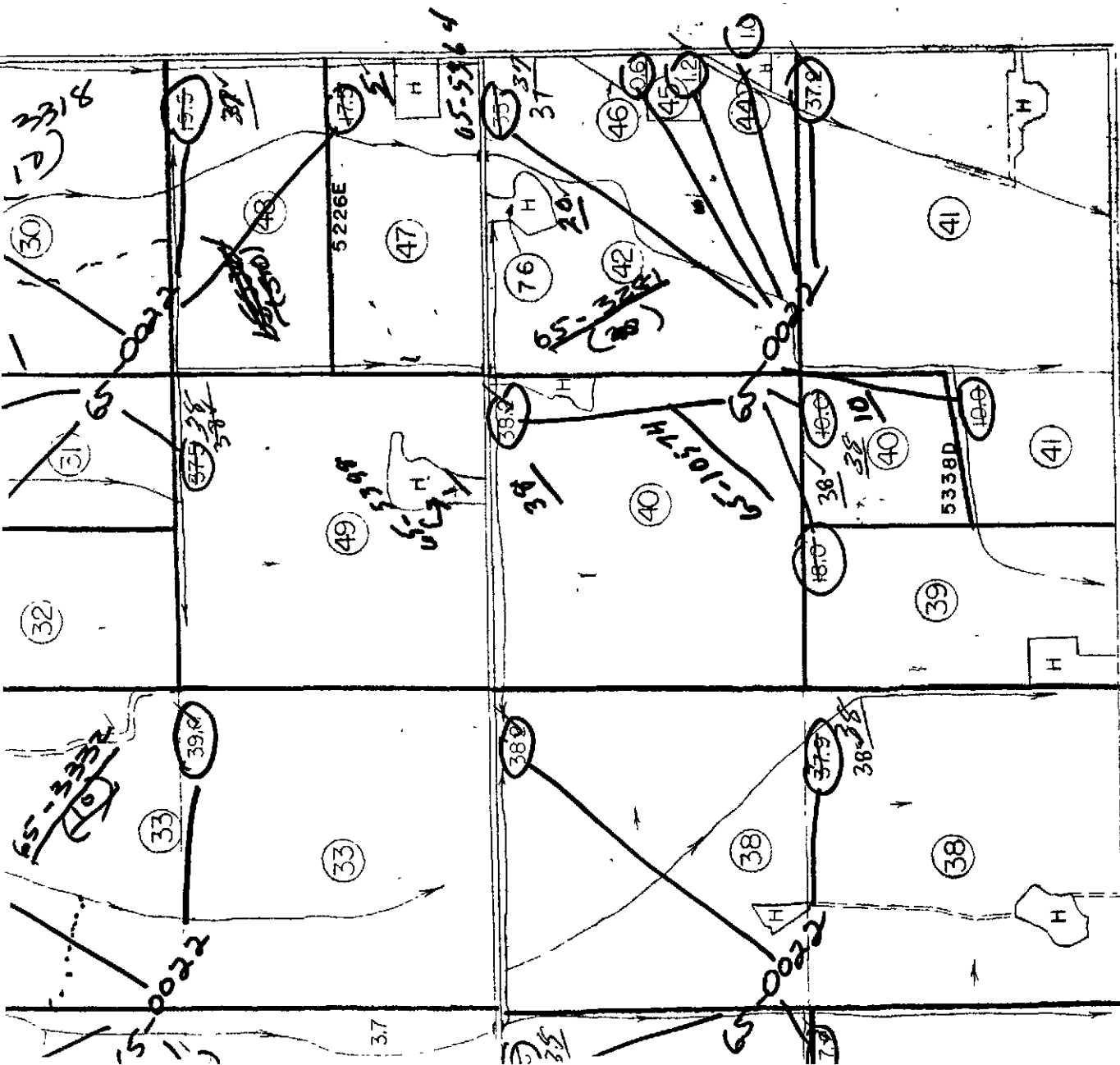
□ *Quarter Quarter Lines*



1987 Napp Photo

0 0.25 0.5 Miles

A horizontal scale bar with three segments. The first segment is labeled '0', the second '0.25', and the third '0.5 Miles'.



creager or

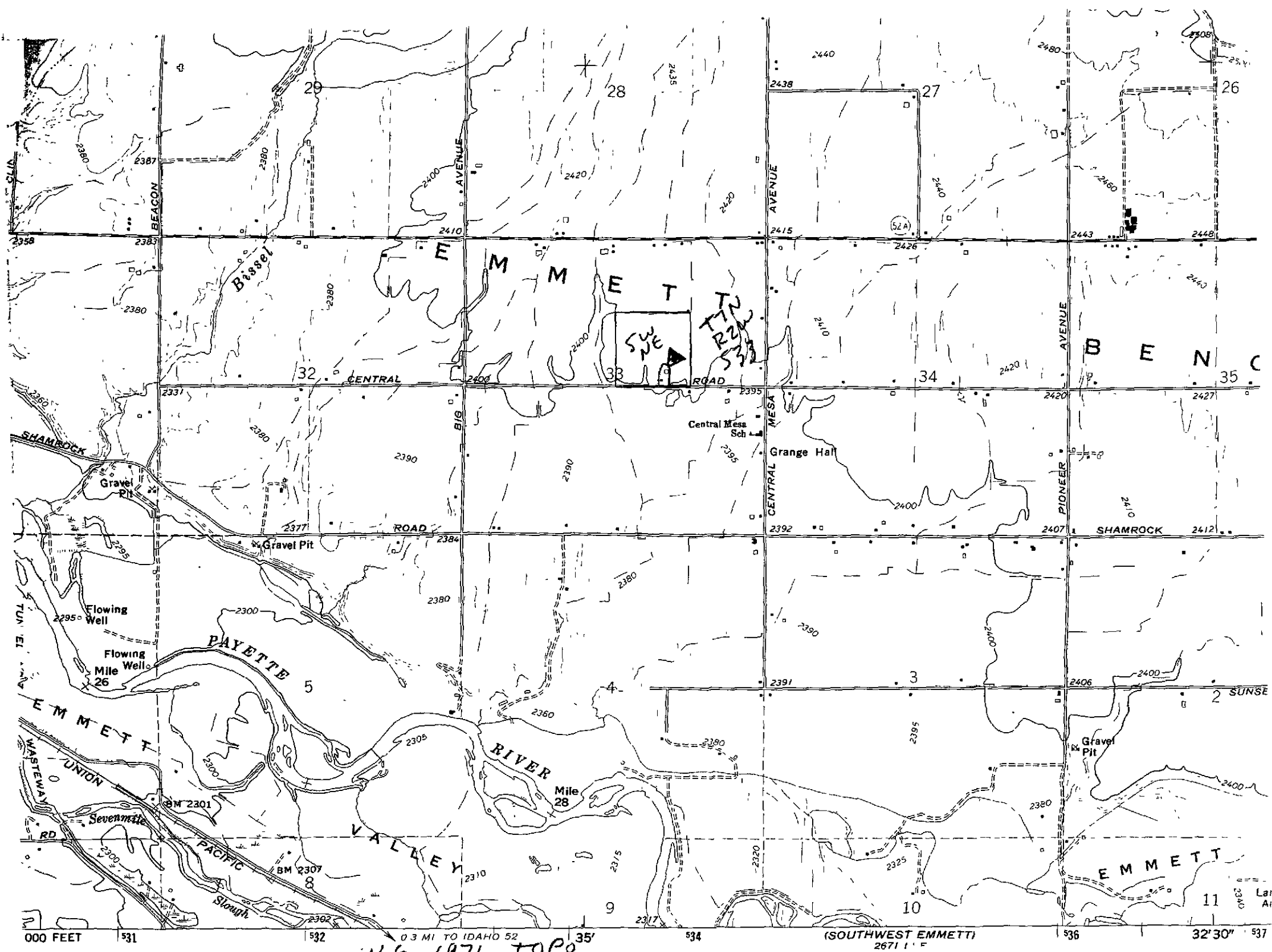
4/2/79

PRBA BLUELINE
MAP F
T7N R2W
S33 SWNG

- 58. Russell, E. B.
- 59. Earl, Silas
- 60. Thompson, Reuben W.
- 61. Conrad, William H.
- 63. Blaser, F. S. et al

- 5348E
- 1078D
- 3397D
- 3373E/3374S

59. Heath, Edward



0.3 MI TO IDAHO 52

(SOUTHWEST EMMETT)
2671 1' F

32° 30' N 116° 30' W

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.

RECEIVED
MAP NO. 1

TO A
ATER RIGHT

65 5398

SEP 28 1971

Notice is hereby given that

Walter L. Dyruck, and spouse Department of Water Administration
(Name of Claimant)

Att. 2; Box 88 - Emmett, Idaho 83607, claims a right to the diversion and beneficial use of the surface groundwater, or of tributary to the Payette River;

(1) Date of priority: (When was the water first applied to a beneficial use, or date that permit was issued). Apr 1, 1970

(1) Date of priority: (When was the water first applied to a beneficial use, or date that permit was issued). Apr 1, 1970

(2) Describe source of water: (Name of stream, lake, spring, etc., or subterranean) Drain 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: (Both Dates Inclusive)

Use 0217-9-11-12 4RF Period of Use From 3/19 To 10/31
(Domestic, foreign, stock, etc.) (Mo., Day) (Mo., Day)

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

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

(4) Quantity of water claimed: 0.171 - 1.3 Cubic Feet Per Second, or 1 Acre Feet Per Annum,
and/or 1 Gals. Per Minute.

(5) A) Point of Diversion: Give location of point where water is diverted from its source. See 1/2 NE 1/4
Sec. 33 Twp. 7N Rge. 2W 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. pump and pipeline and sprinklers

(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:

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

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

(9) Remarks _____

(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

September 24, 1971
(Date)

(Signature of Claimant)

Kenneth L. Symons
(Signature of Spouse)

Organization

State of Mass.

Organization
Seal

(Signature of Authorized Agent)

On this 24th day of September, in the year 1971, before me

a notary public, personally appeared Robert D. Thompson
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 1000 17th St. N.W.

My commission expires Dec 8, 1974

IDWR - WESTERN REGION

CONTRACTOR: Karan Waters

CLAIM #: 65-05398 Date: 4-28-90

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	33			1														1
GIS						1														1
Claim																				
GIS																				
Claim																				
GIS																				
Claim																				
GIS																				

POU_ID #(s): 449

POD_ID #(s): 348

Total Claimed Acres: 1

Total GIS Acres: 1

COMMENTS:
