

8654  
Cash 3/10

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  
IDENT. NO. 1572  
MAP NO. 1572

Notice is hereby given that Emmett Truck and Implement Inc. (Name of Claimant)

Route 2, Box 1, Emmett, Idaho 83617 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) 6/1/1938

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

Use 2.4 AFA Commercial .02 Period of Use From 1/1 To 12/31 (Mo., Day) (Mo., Day)

Use 1.2 Domestic .04 Period of Use From 1/1 To 12/31 (Mo., Day) (Mo., Day)

Use 3.6 Period of Use From 1/1 To 12/31 (Mo., Day) (Mo., Day)

(4) Quantity of water claimed: 2.4 Cubic Feet Per Second, or 0.04 Gals. Per Minute.

(5) A) Point of Diversion: Give location of point where water is diverted from its source NW 1/4 SE 1/4 Sec. 6 Twp. 6N Rge. 1W D.M.; additional points:

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

(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 96, Map B, 6N, 1W

(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.

State of Idaho County of Gem On this 24 day of January, 1972, before me, a notary public, personally appeared H. I. Madson 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

My commission expires 7/29/1975 per 4-20-78

Signature of Claimant Emmett Truck and Implement Inc. (Signature of Authorizing Agent)

Organization Emmett Truck and Implement Inc. (Signature of Spouse)

Notary Public residing at Idaho

CSA 5/10/79 pp 1-11-79

4-20-78

1/24/1972

Idaho

Gem

24

January

1972

H. I. Madson

Notary Public

My commission expires 7/29/1975

per 4-20-78

Emmett Truck and Implement Inc.

Emmett Truck and Implement Inc.

Idaho

Gem

24

January

1972

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: A65-05529  
Date Received: 2/02/1990  
Receipt No: X999999  
Received By:     CW    

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: CHARLES L. REKOW 208-365-2274  
Address: 1029 LILAC LN.  
EMMETT, ID 83617

2. Date of Priority: JUN 01, 1938

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 06N      | 01W   | 6       | NW     | SE     |     |     | GEM    |

5. Description of diverting works:  
APPROX. 60' DEEP, 6" CS

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| COMMERCIAL | 01/01 | 12/31 | 0.020 |      | 2.40   |
| 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:  
C/SCHOOL BUS WASHING

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use    | Acres |
|----------|-------|---------|--------|-----|-----|--------|-------|
| 06N      | 01W   | 6       | NW     | SE  |     | DOMEST |       |

11. Place of use in counties: GEM

A65-05529

Page 1

Date: 02/02/90

MICROFILMED

SEP 22 1992

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

13. Other Water Rights Used:  
NONE

14. Remarks:

WELL WAS REPLACED BY THE SCHOOL DISTRICT 221 IN THE RECENT PAST. MR. REKOW OWNED THIS PROPERTY PRIOR TO THE SCHOOL DISTRICT APPROX 15 YR. AGO. OWNERSHIP HAS REVERTED BACK TO MR. REKOW. BEFORE FILING THIS CLAIM MR. REKOW IS GOING TO CHECK WITH MORGAN MOTORS TO SEE IF, IN FACT, THIS IS THE CORRECT PROPERTY LOCATION. EMMETT TRK & IMP. DID AT ONE TIME OWN THIS PROPERTY BUT THEY ALSO OWNED A PIECE OF PROPERTY JUST SOUTH OF THE BRIDGE, T6N, R1W, SEC. 6; SWSE. AND THEY DID SELL THE SOUTH PROPERTY TO MORGAN MOTORS. DOES THIS CLAIM REFLECT THE PROPERTY NORTH OR SOUTH OF THE BRIDGE? A PHONE CALL TO MORGAN MOTORS INDICATED THAT THERE IS NO WELL ON THIS PROPERTY THEREFORE, MR. REKOW IS GOING TO FILE ON THIS CLAIM ON THE BASIS THAT THIS RIGHT IS APPURTENANT TO THE OLD BUS GARAGE.

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): Charles L. Rebow Date: 2-2-90  
\_\_\_\_\_  
Date: \_\_\_\_\_

State of Idaho )  
County of Ada ) ss.

Subscribed and sworn (or affirmed) before me this 2 day  
of Feb. 19 90 Linda Werner  
Notary Public

Seal

Residing at LINDA WERNER  
RESIDING AT EAGLE, IDAHO  
My Commission Expires DEC. 8, 1994

01/05/2001

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

RIGHT NUMBER: 65-5529  
NAME AND ADDRESS: CHARLES L REKOW  
1029 LILAC LN  
EMMETT, ID 83617

SOURCE: GROUND WATER

QUANTITY: 0.04 CFS  
3.6 AFY

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

PRIORITY DATE: 06/01/1938

POINT OF DIVERSION: T06N R01W S6 NWSE Within GEM County

PURPOSE AND  
PERIOD OF USE:

| PURPOSE OF USE | PERIOD OF USE | QUANTITY |
|----------------|---------------|----------|
| COMMERCIAL     | 1-01 12-31    | 0.02 CFS |
|                |               | 2.40 AFY |
| DOMESTIC       | 1-01 12-31    | 0.04 CFS |
|                |               | 1.20 AFY |

COMMERCIAL USE IS FOR WASHING SCHOOL BUSES.

PLACE OF USE:

COMMERCIAL Use same as DOMESTIC  
DOMESTIC Within GEM County T06N R01W S6 NWSE

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR  
DOMESTIC 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

AJ0749NP  
No. R65-05529

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

DATE: 06/15/00  
PAGE: 1

| OWNER<br>CODE    | NAME & ADDRESS                                                        | PRIORITY<br>DATE | WATER USE              | USE PERIOD<br>FROM TO      | DIVERSION<br>RATE      | DIVERSION<br>VOLUME  |
|------------------|-----------------------------------------------------------------------|------------------|------------------------|----------------------------|------------------------|----------------------|
| C                | CHARLES L REKOW<br>1029 LILAC LN<br>EMMETT ID 83617<br>(208) 365-2274 | 06/01/1938       | COMMERCIAL<br>DOMESTIC | 01-01 12-31<br>01-01 12-31 | 0.020 CFS<br>0.040 CFS | 2.40 AFA<br>1.20 AFA |
| TOTAL DIVERSION: |                                                                       |                  |                        |                            | 0.040 CFS              | 3.60 AFA             |

Water Source: GROUNDWATER

Tributary to:

Stage: DECREED

Point(s) of Diversion: T06N R01W S06 NWSE

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 | : |
| 06N | 01W | 6 | : |    |    |    |    |    |    |    |    |    |    |    |    | : |
|     |     |   | : |    |    |    |    |    |    |    |    |    |    |    |    | : |

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

POU County: GEM

Conditions of Approval:

- N10 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR DOMESTIC USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
- N12 - THE QUANTITY OF WATER UNDER THIS RIGHT FOR DOMESTIC USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.
- C18 - 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.

Remarks: EXP COMMERCIAL USE IS FOR WASHING SCHOOL BUSES.

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

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



| OWNER            |                     | PRIORITY   | USE PERIOD |       | DIVERSION | DIVERSION |          |
|------------------|---------------------|------------|------------|-------|-----------|-----------|----------|
| CODE             | NAME & ADDRESS      | DATE       | WATER USE  | FROM  | TO        | RATE      | VOLUME   |
| C                | MORGAN MOTORS       | 06/01/1938 | COMMERCIAL | 01/01 | 12/31     | 0.020 CFS | 2.40 AFA |
|                  | 517 N. WASHINGTON   |            | DOMESTIC   | 01/01 | 12/31     | 0.040 CFS | 1.20 AFA |
|                  | EMMETT ID 836170000 |            |            |       |           |           |          |
| TOTAL DIVERSION: |                     |            |            |       |           | 0.040 CFS | 3.60 AFA |

Water Source: GROUNDWATER  
 Tributary to:  
 Stage: DECREED

Point(s) of Diversion: T06N R01W S06 NWSE  
 GEM 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   |
| 06N  | 01W  | 6    | :    |      |      |      |      |      |      |      |      |      | D    |      | :    |

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

Pou County: GEM

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):  
 65-01391

|        |                 |                    |            |
|--------|-----------------|--------------------|------------|
| Dates: | App. Received:  | Priority Date:     | 06/01/1938 |
|        | 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