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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: A65-07098

Date Received: 3-29-89

Receipt No: X999999

Received By: let

MAR 29 1989

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

Department of Water Resources

1. Name: DAVID B. REAY 208-793-2237

Address: P.O. BOX 131  
HORSESHOE BEND, ID 83629

AND/OR

Name: LINDA SUE REAY 208-793-2237

Address: P.O. BOX 131  
HORSESHOE BEND, ID 83629

2. Date of Priority: SEP 05, 1969

3. Source: PAYETTE RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County |
|----------|-------|---------|--------|--------|--------|-----|--------|
| 07N      | 02E   | 23      | NE     | NW     |        | 9   | BOISE  |

5. Description of diverting works:

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 04/01 | 11/01 | 0.120  |      |        |

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

A65-07098

Page 1

Date: 02/24/89

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10. Place of Use:

| Township      | Range | Section | 1/4 of | 1/4 | Lot | Use | Acres |
|---------------|-------|---------|--------|-----|-----|-----|-------|
| 07N           | 02E   | 23      | NE     | NW  | 9   | IRR | 2.0   |
| Section Acres |       |         |        |     |     |     | 2.0   |
| Total Acres   |       |         |        |     |     |     | 2.0   |

11. Place of use in counties: BOISE

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:

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): David B. Reay Date: Mar 16, 1989  
Linda Sue Reay Date: 3-16-89

State of Idaho )  
County of Bose ) SS.

Subscribed and sworn (or affirmed) before me this 16 day  
of March 19 89 Sandra Seibel  
Notary Public

Seal

Residing at Horseshoe Bend  
My Commission Expires 2/10/92

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SEP 23 1992

1/23/1988

## SRBA CLAIMS RECEIVING CHECKLIST #2

payable decreed

CLAIMANT'S NAME ReayCLAIM IDENT. NO. AL5-07098DATE RECEIVED 3-29-89CK # exempt

AMOUNT \$ \_\_\_\_\_

YES NO Required Info?

1. Is the name and address complete with zip code? . . . . . ☒ YES ☐ NO ☐ \*  
 2. Is a priority date entered? . . . . . ☐ YES ☐ NO ☐ \*  
 Is the priority date acceptable in view of mandatory filing dates? . . . . . ☐ YES ☐ NO ☐ \*  
 See Adjudication Memos #1 and #4 to determine if a Permit is required. . . . . ☐ YES ☐ NO ☐ \*  
 3. (a) Is a source entered? . . . . . ☐ YES ☐ NO ☐ \*  
 (b) Is a tributary to entered? (if required) . . . . . N/A ☐ YES ☐ NO ☐ \*  
 4. Is the legal description of the p.d. sufficient? . . . . . ☐ YES ☐ NO ☐ \*  
 5. Is there a description of the diverting works? . . . . . ☐ YES ☐ NO ☐ \*  
 6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. . . . . ☐ YES ☐ NO ☐ \*  
 Is the period of use included? . . . . . ☐ YES ☐ NO ☐ \*  
 Is a quantity claimed for each use? . . . . . ☐ YES ☐ NO ☐ \*  
 7. Is a total quantity claimed entered? . . . . . ☐ YES ☐ NO ☐ \*  
 8. If required is a consumptive use entered? . . . . . N/A ☐ YES ☐ NO ☐ \*  
 Is the consumptive use correct? . . . . . N/A ☐ YES ☐ NO ☐ \*  
 9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. . . . . N/A ☐ YES ☐ NO ☐ \*  
 10. Is (are) the place(s) of use and purpose(s) indicated? . . . . . ☐ YES ☐ NO ☐ \*  
 11. Is (are) the county(ies) entered? . . . . . ☐ YES ☐ NO ☐ \*  
 12. Is the ownership of p.u. checked? . . . . . ☐ YES ☐ NO ☐ \*  
 13. Are other water rights listed or "none" indicated? . . . . . ☐ YES ☐ NO ☐ \*  
 14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) . . . . . N/A ☐ YES ☐ NO ☐ \*  
 15. Is the basis of the claim indicated? . . . . . ☐ YES ☐ NO ☐ \*  
 16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) . . . . . N/A ☐ YES ☐ NO ☐ \*  
 17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block. . . . . ☒ YES ☐ NO ☐ \*  
 18. Has the claim been signed, sealed, and dated by a notary? . . . . . ☒ YES ☐ NO ☐ \*  
 19. Was this claim filed on time, or was an extension granted? . . . . . ☒ YES ☐ NO ☐ \*  
 20. Is the fee enclosed correct? . . . . . Exempt ☒ YES ☐ NO ☐ \*  
 21. If this claim is based on an existing water right, has the identification number been entered? . . . . . N/A ☒ YES ☐ NO ☐ \*  
 22. Should this claim be receipted and data entered? . . . . . ☒ YES ☐ NO ☐ \*

Claim checked by: RetDate: 3-30-89Claim must be returned to claimant: (Yes) X (No)Claimant must be sent a copy of amended claim for approval: (Yes) (No)

Receipt Prepared by: \_\_\_\_\_  
 Claim data entered by: \_\_\_\_\_  
 Sent to claimant by: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Date: 7/21/89

Checked by: \_\_\_\_\_ Date: \_\_\_\_\_

Comments: \_\_\_\_\_

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SEP 23 1992



## 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](http://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](http://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

03/08/2001

RECEIVED

APR 03 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: 65-7098

DAVID B REAY

PO BOX 131

HORSESHOE BEND ID 83629

Telephone Number: (208)793-2237

LINDA SUE REAY

PO BOX 131

HORSESHOE BEND ID 83629

Telephone Number: (208)793-2237

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:

4/13/01

SIGNATURE:

David B. Reay

Please print your name:

DAVID B. REAY

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

11/01/2000

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

RIGHT NUMBER: 65-7098

NAME AND ADDRESS: DAVID B REAY  
LINDA SUE REAY  
PO BOX 131  
HORSESHOE BEND, ID 83629

SOURCE: PAYETTE RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 0.12 CFS

PRIORITY DATE: 09/05/1969

POINT OF DIVERSION: T07N R02E S23 LOT 9 NENW Within BOISE County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| IRRIGATION            | 4-01 11-01           | 0.12 CFS        |

PLACE OF USE:

IRRIGATION Within BOISE County  
T07N R02E S23 LOT 9 NENW 2  
2 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

00:25:07  
06/10/00  
700

CLAIM NUMBER: A65-07098

|        |                           |                                             |                       |
|--------|---------------------------|---------------------------------------------|-----------------------|
| Dates: | Exam Made Date:           | Verified Date:                              | Objection Filed Date: |
| Misc:  | Water District Number: 65 | Field Inspection Flag:<br>Presumption Flag: |                       |

WR5809NP  
No. 65-07098

IDAHO DEPARTMENT OF WATER RESOURCES  
WATER RIGHT PROFILE REPORT

DATE: 06/10/00  
PAGE: 39

| OWNER<br>CODE | NAME & ADDRESS          | PRIORITY<br>DATE | WATER USE  | USE PERIOD<br>FROM TO | DIVERSION<br>RATE | DIVERSION<br>VOLUME |
|---------------|-------------------------|------------------|------------|-----------------------|-------------------|---------------------|
| C             | DAVID B. REAY           | 09/05/1969       | IRRIGATION | 04/01 11/01           | 0.120 CFS         |                     |
| C             | LINDA SUE REAY          |                  |            |                       |                   |                     |
|               | P.O. BOX 131            |                  |            | TOTAL DIVERSION:      | 0.120 CFS         |                     |
|               | HORSESHOE BEND ID 83629 |                  |            |                       |                   |                     |

Water Source: PAYETTE RIVER

Tributary to: SNAKE RIVER

Stage: DECREED

Point(s) of Diversion: T07N R02E S23 Lot 09( NENW)

BOISE County

Place of use Legal Description for: IRRIGATION

|     |        | 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 | : SUM |
| 07N | 02E 23 | :    |    |    |    |    |    |    |    | :    |    |    |    |    |    | :    |    |    |             |     |    | : 2.0 |
|     |        |      |    |    |    |    |    |    |    |      |    |    |    |    |    |      |    |    | TOTAL ACRES | 2.0 |    |       |

Pou County: BOISE

|        |                 |                    |            |
|--------|-----------------|--------------------|------------|
| Dates: | App. Received:  | Priority Date:     | 09/05/1969 |
|        | Proof Due Date: | Proof Made Date:   |            |
|        | Exam Made Date: | Exam Sent to S.O.: |            |
|        | Licensed Date:  |                    |            |

Misc: Water District Number: 65 Field Exam Fee: