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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: A65-07508
Date Received: 3-29-89
Receipt No: X99999
Received By: RAA

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

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 19, 1974

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	0.090		10.50

7. Total Quantity Appropriated is:
0.090 C.F.S. (and/or) 10.50 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
07N	02E	23	NW	NW	IRR	1.0
			SE	NW	IRR	2.0
					Section Acres	3.0
					Total Acres	3.0

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: LICENSE

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 E. Ray Date: Mar. 16, 1989
Linda Sue Ray Date: 3-16-89

State of Idaho)
County of Burse) 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

1/23/1988

SRBA CLAIMS RECEIVING CHECKLIST #2

pay the decree

CLAIMANT'S NAME ReedyCLAIM IDENT. NO. AG5-07508DATE RECEIVED 3-29-89CK # exempt

AMOUNT \$ _____

- | | YES | NO | Required Info? |
|--|-------------------------------------|--------------------------|----------------|
| 1. Is the name and address complete with zip code? | ☒ | ☐ | * |
| 2. Is a priority date entered? | ☐ | ☐ | * |
| Is the priority date acceptable in view of mandatory filing dates? | ☐ | ☐ | * |
| See Adjudication Memos #1 and #4 to determine if a Permit is required. | ☐ | ☐ | |
| 3. (a) Is a source entered? | ☐ | ☐ | * |
| (b) Is a tributary to entered? (if required) | ☐ | ☐ | |
| 4. Is the legal description of the p.d. sufficient? | ☐ | ☐ | * |
| 5. Is there a description of the diverting works? | ☐ | ☐ | |
| 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. | ☐ | ☐ | * |
| Is the period of use included? | ☐ | ☐ | |
| Is a quantity claimed for each use? | ☐ | ☐ | * |
| 7. Is a total quantity claimed entered? | ☐ | ☐ | |
| 8. If required is a consumptive use entered? | ☐ | ☐ | |
| Is the consumptive use correct? | ☐ | ☐ | |
| 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. | ☐ | ☐ | * |
| 10. Is (are) the place(s) of use and purpose(s) indicated? | ☐ | ☐ | * |
| 11. Is (are) the county(ies) entered? | ☐ | ☐ | |
| 12. Is the ownership of p.u. checked? | ☐ | ☐ | |
| 13. Are other water rights listed or "none" indicated? | ☐ | ☐ | |
| 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.) | ☐ | ☐ | |
| 15. Is the basis of the claim indicated? | ☐ | ☐ | |
| 16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) | ☐ | ☐ | |
| 17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block. | ☒ | ☐ | * |
| 18. Has the claim been signed, sealed, and dated by a notary? | ☒ | ☐ | * |
| 19. Was this claim filed on time, or was an extension granted? | ☒ | ☐ | * |
| 20. Is the fee enclosed correct? | ☒ | ☐ | * |
| 21. If this claim is based on an existing water right, has the identification number been entered? | ☐ | ☐ | |
| 22. Should this claim be receipted and data entered? | ☒ | ☐ | |

Claim checked by: ReedyDate: 3-30-89

Claim must be returned to claimant:

(Yes) ☒ (No) ☐Claimant must be sent a copy of amended claim for approval:(Yes) ☐ (No) ☐

Receipt Prepared by: _____

Date: _____

Claim data entered by: JA

Date: _____

Sent to claimant by: _____

Date: 7/21/89

Checked by: _____

Date: _____

Comments: _____

MICROFILMED

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

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

03/03/2001 RECEIVED

NOTICE OF ERROR
REPLY

APR 03 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: 65-7508

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: 4/3/01 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: 65-7508

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

SOURCE: PAYETTE RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 0.09 CFS
10.5 AFY

PRIORITY DATE: 09/19/1974

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	0.09 CFS
		10.5 AFY

PLACE OF USE:

<u>IRRIGATION Within BOISE County</u>			
T07N R02E S23 LOT 10 NWNW	1	T07N R02E S23	SENW 2
3 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 - License

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

00:28:34
06/10/00
802

PAGE: 16
PROFILE REPORT

CLAIM NUMBER: A65-07508

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME																																																																																						
C	DAVID B REAY	09/19/1974	IRRIGATION	04-01 11-01	0.090 CFS	10.50 AFA																																																																																						
C	LINDA SUE REAY																																																																																											
TOTAL DIVERSION:					0.090 CFS	10.50 AFA																																																																																						
Water Source: PAYETTE RIVER		Tributary to: SNAKE RIVER		Stage: LICENSE																																																																																								
Point(s) of Diversion:		T07N R02E S23 Lot09(NENW)			BOISE County																																																																																							
Place of use Legal Description for: IRRIGATION																																																																																												
<table border="0"> <tr> <td colspan="4"></td> <td colspan="4">NE</td> <td colspan="4">NW</td> <td colspan="4">SW</td> <td colspan="4">SE</td> <td></td> </tr> <tr> <td>T</td><td>R</td><td>S</td><td>:</td> <td>Lt</td><td>Ac</td><td>Lt</td><td>Ac</td> <td>Lt</td><td>Ac</td><td>Lt</td><td>Ac</td> <td>Lt</td><td>Ac</td><td>Lt</td><td>Ac</td> <td>Lt</td><td>Ac</td><td>Lt</td><td>Ac</td> <td>:</td> <td>SUM</td> </tr> <tr> <td>07N</td><td>02E</td><td>23</td><td>:</td> <td></td><td></td><td></td><td></td> <td></td><td></td><td></td><td></td> <td></td><td></td><td></td><td></td> <td></td><td></td><td></td><td></td> <td>:</td> <td>3.0</td> </tr> <tr> <td colspan="19"></td> <td>TOTAL ACRES</td> <td>3.0</td> </tr> </table>											NE				NW				SW				SE					T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM	07N	02E	23	:																	:	3.0																				TOTAL ACRES	3.0
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POU County: BOISE

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

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

DATE: 06/10/00
PAGE: 45

Dates:	App. Received:	Priority Date:	09/19/1974
	Proof Due Date:	Proof Made Date:	
	Exam Made Date:	Exam Sent to S.O.:	
	Licensed Date:	05/24/1983	
Misc:	Water District Number:	65	Field Exam Fee: