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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: A65-12189
Date Received: 3/ 8/1999
Receipt No: W024860
Received By: _____

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name: FITZWATER LIMITED FAMILY PARTNERSHIP 208-634-2895
Address: PO BOX 158
MC CALL ID 83638
2. Date of Priority: DEC 6, 1978
3. Source: BIG PAYETTE LAKE Trib. to: PAYETTE RIVER, NORTH FORK
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
19N	03E	35	SW	SE		4	VALLEY
5. Description of diverting works:
LAKE PUMP AND PIPELINE TO HOME
6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.020		0.60
7. Total Quantity Appropriated is:
0.020 C.F.S. (and/or) 0.60 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
19N	03E	35	SW	SE	4	DOMEST	
11. Place of use in counties: VALLEY

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

13. Other Water Rights Used:
65-08538 (SPRING FOR SAME SUBDIVISION LOT)

14. Remarks:
PROPERTY ALSO KNOWN AS LOT 20 HARRIS COVE SUBD.
PARCEL NO. RP 003270000200A

15. Basis of Claim: LICENSE

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

.....

Place of use Legal Description for: DOMESTIC

Conditions of Approval:

- Audit: 10/20/99 SBOCK

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 65-12189

Priority: December 6, 1978 Amount: .02 CFS .6 AFA

This is to certify, that BETH T. FITZWATER

P.O. BOX 158

MC CALL, ID 83638

has complied with the terms and conditions of the permit issued pursuant to Application for Permit dated December 6, 1978, and has submitted proof to the Department of Water Resources on December 31, 1985, that water has been applied to a beneficial use; an examination by the Department indicates that the works have a diversion capacity of .02 cfs of water from;

BIG PAYETTE LAKE

tributary to PAYETTE RIVER

and that a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>VOLUME</u>
Domestic	01/01 to 12/31	.02 cfs	.6 afa

LOCATION OF POINT OF DIVERSION(S): LOT 4(SWSE), Sec. 35, Township 19N, Range 3E
Valley County

PLACE OF USE: Domestic

TWN RGE SEC

19N 3E 35 LOT 4(SWSE)

CONDITIONS/REMARKS:

1. The right to the use of the water hereby confirmed is limited to the amount which can actually be beneficially used and is restricted and appurtenant to the lands or place of use and to the purpose herein described, as provided by the laws of Idaho.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
4. Use of water under this license is subject to control by the watermaster of State Water District No. 65 .

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 18th day of June, 1987.


Director

IDAHO DEPARTMENT OF WATER RESOURCES
WESTERN REGION
2735 Airport Way
Boise, Idaho 83705-5082

RETURN SERVICE REQUESTED

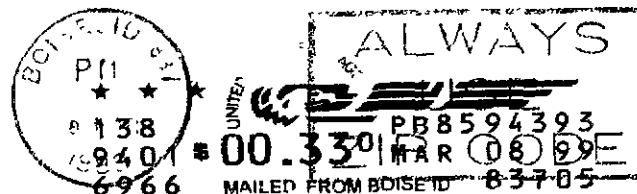
65-12189

RECEIVED
MAR 15 1999
WATER RESOURCES
WESTERN REGION

FITZWATER LIMITED FAMILY PARTNERSHIP
PO BOX 158
MC CALL ID 83638

FITZ158 T836382017 1998 06 03/10/99
RETURN TO SENDER
FITZWATER
TEMPORARILY AWAY
RETURN TO SENDER

83638-845406/5082



IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

RECEIVED

MAR 08 1999

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

WATER RESOURCES
WESTERN REGIONIdentification No. AL5-12189Date Received 3/8/99Receipt Number 100248160NOTICE 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.

Filing Fee \$25

Please type or print clearly

1. Name of Claimant (s) Fitwater Limited Family Partnership Phone (208) 634-2895
Mailing Address P.O. Box 158 Zip 83638
2. Date of Priority (Only one per claim) 12-6-1978 Month/Day/Year
3. Source of water supply (Check one) () Groundwater or Other ☒ (a) Big Payette Lake
which is tributary to (b) North Fork Payette River Name of kind of source
4. Location of point of diversion is: Township 19N Range 3E
Section 35, - 1/4 of SW 1/4 of SE 1/4, Govt. Lot 04, BM.,
County of Valley
Additional points of diversion if any: _____
5. 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. Lake pump & pipeline to home
6. Water is claimed for the following (limited to Domestic and/or Stockwater only. See Instructions.)
- | For | | Month/Day | to | Month/Day | amount | (cfs) |
|-----|-----------------------|------------|----------------------------|--------------|------------|-------|
| | ~~Stockwater~~ | | | | | |
| For | <u>Domestic</u> | <u>1/1</u> | (Both dates are inclusive) | <u>12/31</u> | <u>.02</u> | |
7. Total quantity claimed .02 (cfs)
8. Total consumptive use claimed is de minimus
9. Non-irrigation uses. Describe fully. (Domestic: give number of households served if single ownership; Stockwater: Type and Number of livestock) 1 home

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: 19N Range 3E
Section 35, 5W 1/4 of SE 1/4, Govt. Lot 04, 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? Valley

12. Do you own the property listed above as place of use? Yes ☒ 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 65-08538 (a spring for some subd. lot)

14. Remarks: AKA Lot 20 HARDIS CONE Subd.

PARCEL # RP 003270000200A

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 65-12189

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 _____

X For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) DeDe Fitzwater Date 2-4-99
Fitzwater Family Limited Partnership Date _____

For Organizations: I do solemnly swear or affirm that I am General Partner Title
of Fitzwater Limited Family Partnership that I have signed the foregoing
document in the space below as General Partner Organization of Fitzwater Limited Family Partnership
and that the statements contained in the foregoing document are true and correct.

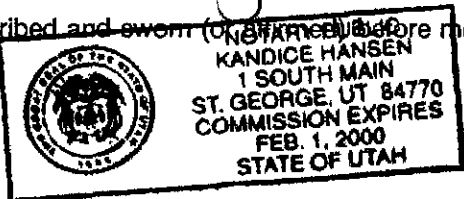
Signature of Authorized Agent DeDe Fitzwater Date Feb 4, 1999

Title and Organization General Partner Fitzwater Limited Family Partnership

State of Idaho/or Utah)
County of Washington) SS.

NOTARIZATION REQUIRED FOR EACH CLAIM

Subscribed and sworn to before me this 4th day of February 19 99



Notary Public Kandice Hansen
Residing at St. George, UT
My Commission Expires 2-1-2000

Last Name Fitzwater Ident No. _____

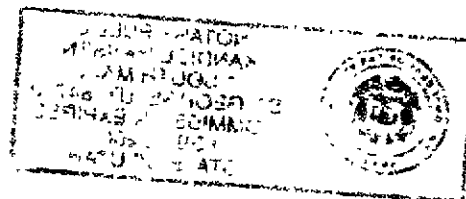
Copies: White-State, Yellow-Claimant

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.



WR5809NP
No. 65-12189

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 03/08/99
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	BETH T. FITZWATER P.O. BOX 158 MC CALL ID 836380000	12/06/1978	DOMESTIC	01/01 12/31	0.020 CFS	0.60 AFA
TOTAL DIVERSION:					0.020 CFS	0.60 AFA

Water Source: BIG PAYETTE LAKE

Tributary to: PAYETTE RIVER

Stage: LICENSE

Point(s) of Diversion Capacity: 0.020 CFS

Point(s) of Diversion: T19N R03E S35 Lot 04(SWSE)

VALLEY 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	:			
19N	03E	35	:																	:			
																04-D							

Pou County: VALLEY

Conditions of Approval:

- R04 - Use of water under this water right will be regulated by the
- watermaster of State Water District No. 65.

Dates:	App. Received:	12/06/1978	Priority Date:	12/06/1978
	Proof Due Date:	02/01/1986	Proof Made Date:	12/31/1985
	Exam Made Date:	09/08/1986	Exam Sent to S.O.:	
	Licensed Date:	06/18/1987		

Misc: Water District Number: 65 Field Exam Fee: N (Not Required)

Audit: 07/08/87 04/30/88 CONVERT