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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: **A65-21419**
Date Received: 4/13/1990
Receipt No: W011962
Received By: _____

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

1. Name: ROBERT MAC KENZIE 208-452-5728
Address: 1812 N VISTA
FRUITLAND ID 83619
OR
Name: ROSE MAC KENZIE 208-452-5728
Address: 1812 N VISTA
FRUITLAND ID 83619

2. Date of Priority: OCT 19, 1977

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
08N	05W	15	SW	SW	SW		PAYETTE

5. Description of diverting works:
300' WELL, 8" CASING, SUBMERSIBLE PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.040		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC, 1 HOME

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10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
08N	05W	15	SW SW		DOMEST	

11. Place of use in counties: PAYETTE

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

13. Other Water Rights Used:
CITY WATER BEING USED FOR HOME

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

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): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

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**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: 65-21419

ROBERT MAC KENZIE

1812 N VISTA

FRUITLAND ID 83619

Telephone Number: (208)452-5728

ROSE MAC KENZIE

1812 N VISTA

FRUITLAND ID 83619

Telephone Number: (208)452-5728

RECEIVED

MAR 28 2001

WATER RESOURCES
WESTERN REGION

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:

3-21-01

SIGNATURE:

Rose Mac Kenzie

Please print your name:

Rose Mac Kenzie

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

AJ0749NP
No. R65-21419

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

DATE: 03/05/98
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	ROBERT MAC KENZIE	10/19/1977	DOMESTIC	01-01 12-31	0.04 CFS	
C	ROSE MAC KENZIE					
	1812 N VISTA					
	FRUITLAND ID 83619			TOTAL DIVERSION:	0.04 CFS	
	(208) 452-5728					

Water Source: GROUNDWATER

Tributary to:

Stage: BENEFICIAL USE

Point(s) of Diversion:

T08N R05W S15

SWSW

PAYETTE 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	:
08N	05W	15	:																	:
			:																	:

POU County: PAYETTE

Non-Irrigation Uses: 1 HOME

Other Rights: CITY WATER BEING USED FOR HOME

Conditions of Approval:

- N11 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
- N13 - THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Remarks: EXP PARCEL NO. F00000156220

Dates: Exam Made Date: Verified Date: 03/05/1998 Objection Filed Date:

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

Audit: 03/05/98 DBUFFING

C18

AJ0749NP
No. R65-21419

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

DATE: 02/19/98
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	ROBERT MAC KENZIE	10/19/1977	DOMESTIC	01-01 12-31	0.04 CFS	
C	ROSE MAC KENZIE					
	1812 N VISTA					
	FRUITLAND ID 83619			TOTAL DIVERSION:	0.04 CFS	
	(208) 452-5728					

Water Source: GROUNDWATER

Tributary to:

Stage: BENEFICIAL USE

Point(s) of Diversion: T08N R05W S15 SWSW

PAYETTE 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	:
08N	05W	15	:																	:

POU County: PAYETTE

Non-Irrigation Uses: 1 HOME

Other Rights: CITY WATER BEING USED FOR HOME

Conditions of Approval:

- N11 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
- N13 - THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Remarks: EXP PARCEL NO. F00000156220

Dates: Exam Made Date: Verified Date: 02/19/1998 Objection Filed Date:

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

Audit: 02/19/98 SEGBERT

AJ5856NP

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: AUG-26-1997
PAGE: A-421

RIGHT NUMBER: 65-21419

NAME & ADDRESS: ROBERT MAC KENZIE
ROSE MAC KENZIE ✓
1812 N VISTA
FRUITLAND ID 83619

SOURCE: GROUNDWATER

QUANTITY: 0.04 CFS

PRIORITY DATE: 10/19/1977

POINT OF DIVERSION: T08N R05W S15 ✓ SWSW Within PAYETTE County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	DOMESTIC DOMESTIC, 1 HOME	01-01 12-31	0.04 CFS

PLACE OF USE: DOMESTIC Within PAYETTE County
T08N R05W S15 ✓ SWSW ✓

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE

F 00000 156220

Verified by Sandy Date 10-31
Verification Source: Alphon

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Identification No. A65-21419
Date Received 4-13-90
Receipt Number W011962**RECEIVED** NOTICE OF CLAIM
TO A
WATER RIGHT

APR 13 1990

Department of Water Resources
Western Regional OfficeACQUIRED 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

- Name of Claimant (s) Robert or Rose MacKenzie Phone () 452-5728
Mailing Address 1812 N. Vista Fruitland Id. Zip 83619
- Date of Priority (Only one per claim) Oct. 19, 1977 Month/Day/Year
- Source of water supply (Check one) ☒ Groundwater or Other () (a) _____
which is tributary to (b) _____
Name or kind of source
- Location of point of diversion is: Township 8N Range 5W
Section 15 1/4 of SW 1/4 of SW 1/4, Govt. Lot _____, BM.,
County of Payette
Additional points of diversion if any: _____
- 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. well 8" casing 300' deep submersible Pump
- Water is claimed for the following: (limited to Domestic and/or Stockwater only. See Instructions.)
For Domestic purposes from 1-1 to 12-31 amount 0.04 (cfs)
(Both dates are inclusive)
For _____ purposes from _____ to _____ amount _____
- Total quantity claimed 0.04 (cfs)
- Total consumptive use claimed is de minimus
- Non-irrigation uses. Describe fully. (Domestic: give number of households served if single ownership; Stockwater: Type and Number of livestock) Domestic, 1 Home

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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.

PAGE 10 CUA

10: Place of use is: Township: 8N Range 5W
Section 15, SW 1/4 of SW 1/4, Govt. Lot _____, 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? Payette

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 city water being used for home

14. Remarks: _____

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 _____

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 _____

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

Signature of Claimant (s) Rose MacKenzie Date Apr. 22, 1990
Date _____

For Organizations: I do solemnly swear or affirm that I am _____

of _____, Title _____, that I have signed the foregoing
document in the space below as _____ of _____
Organization Title Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____ Date _____

Title and Organization _____

State of Idaho/or _____)

County of Payette) SS.

Subscribed and sworn (or affirmed) before me this 11th day of April 1990

SEAL

Notary Public Anna Edwards

Residing at _____

My Commission Expires _____

Last Name MacKenzie Ident No. _____

Copies: White-State, Yellow-Claimant

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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.

SD-0605-2		Township: 08N		Range: 05W		Section: 15		Tract: SWSW		Lot:	
S	L	R	STATE		O	S	Max # Records		66		
E	O	D	Water	Name	W	T	Priority	Total			
L	Tract	T	V	Right No.	Last, First	N	G	Date	Source	Diversion	
—	SWSW			65-04185	WENZEL, SAMUEL	C	D	01/01/1970	GROUNDWATER	0.040	
—	SWSW			65-04305	TRICK, MARLOW	C	D	04/01/1945	GROUNDWATER	0.040	
—	SWSW			65-04477	YOUNG, RICHARD	C	D	05/18/1961	GROUNDWATER	0.040	
—	SWSW			65-04555	BLEVINS, TOMMY	C	D	01/01/1960	GROUNDWATER	0.040	
—	SWSW			65-05881	BUTTRAM, JAMES	C	D	04/01/1962	GROUNDWATER	0.040	
—	SWSW			65-06157	WELCHMAN, VERN	C	D	04/01/1959	GROUNDWATER	0.040	
—	SWSW			65-06421	ROBINSON, THOM	C	D	04/01/1958	GROUNDWATER	0.040	
—					ROBINSON, ALBE	C					
—	SWSW			65-06547	WATANABE, JAME	C	D	04/01/1950	GROUNDWATER	0.080	
—					WATANABE, BOBB	C					
—					WATANABE, JAME	C					
—	SWSW			65-06806	EDIE, DON H.	C	D	05/01/1959	GROUNDWATER	0.040	
—					EDIE, MILDRED	C					
—	SWSW			65-06817	ROBERTSON, JOE	C	D	04/01/1964	GROUNDWATER	0.040	
—	SWSW			65-07353	HOVDE, OMAR M.	C	L	04/04/1973	GROUNDWATER	1.000	
—	SWSW			65-07578	CHAR CORPORATI	C	L	09/04/1975	GROUNDWATER	0.060	

(Enter=Continue)

(GOLD 7=This Query)

(Menu _____)

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SD-0605-2	Township: 08N	Range: 05W	Section: 15	Tract: SWSW	Lot:
S	L R	STATE	O S	Max # Records	66
E	O D Water	Name	W T	Priority	Total
L Tract	T V Right No.	Last, First	N G	Date	Source
					Diversion
---	SWSW	65-09249	ALLEN, S. RAY	C D 01/01/1953	GROUNDWATER 0.040
---			ALLEN, EVALYN	C	
---	SWSW	65-09250	ALLEN, S. RAY	C D 01/01/1953	GROUNDWATER 0.040
---			ALLEN, EVALYN	C	
---	SWSW	65-11148	PENNINGTON, EU	C D 06/01/1962	GROUNDWATER 0.040
---			PENNINGTON, PA	C	
---	SWSW	65-11159	MARTIN, ARTHUR	C D 06/01/1967	GROUNDWATER 0.040
---	SWSW	65-11162	LYSINGER, DONA	C D 06/01/1946	GROUNDWATER 0.040

(Enter=Continue)

(GOLD 7=This Query)

(Menu _____)

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DATE RECEIVED 4-13-90 RECEIPT # H011962 FEE PAID \$ 25 FEE REQ'D \$ 25

	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)	N/A ☒	☐	
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 D/S uses. Other uses must be filed on the long form. Note: If stockwater stor. or instream stockwater are filed on the short form & all items complete, do not return claim.			
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?	N/A ☒	☐	
Is the consumptive use correct?	N/A ☒	☐	
9. Are the non-irrigation uses listed showing # of homes, hd. of stock?	☒	☐	*
Is multiple domestic, is single ownership indicated?	N/A ☒	☐	
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.)	N/A ☒	☐	
15. Is the basis of the claim indicated?	☒	☐	
16. If the basis of claim is shown as license, permit, or decree is the existing water right no. listed?	N/A ☒	☐	
If yes, compare claim w/existing right and attach proof report noting any differences in comments.			
If no, was water right no. found?			
17. If the basis of claim is shown as beneficial use, or not marked, are there existing water rights shown in our records using the legal description or name on the claim?	N/A ☒	☐	
(If yes, attach a proof report & complete number change)			
NOTE: If the claim is for dom/stock this check is not as necessary unless it is located within an area where dom/stock rights were decreed.			
18. If the claimant requested a monthly docket sheet, was the fee paid?	N/A ☒	☐	
19. Is the claim signed by the claimant, and is the signature appropriate?	☒	☐	*
20. Has the claim been signed, sealed, and dated by a notary?	☒	☐	*
21. Was this claim filed on time?	☒	☐	*
(Check ML3 for date mailed-not all were mailed on the planned date)			
If no, was an extension of time filed & approved?			
22. Is the fee enclosed correct?	Exempt ☒	☐	*

WRQ1-~~2~~
WRQ5-see attached

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	YES	NO
23. Is this claim being rejected and returned to claimant?	—	✓
24. Can this claim be data entered?	✓	—
25. Was claim modified?	—	✓
If yes, do modifications require notification to claimant?	—	—

Note: Modifications made must be explained in comments stating where the information for any changes was found.

Claim reviewed by: KW Date 6-13-94
 Claim data entered by: ZH Date 6-16-94

IF REQUIRED INFORMATION IS INCOMPLETE SEE INSTRUCTIONS TO DECIDE WHETHER THE CLAIM NEEDS TO BE RETURNED OR IF IT CAN BE MODIFIED. IF IT MUST BE RETURNED INSTRUCTIONS WILL SPECIFY WHICH FORM LETTER TO USE.

Comments: _____

