

No Color

Documents

In File

RECEIVED

NOV 01 1994

WATER RESOURCES
DIVISION

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: A65-21529

Date Received: 10/31/1994

Receipt No: W012269

Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: MARLENE AUSTIN 208-278-5236
Address: 5047 SE 1 1/2 AVE
NEW PLYMOUTH ID 83655

AND/OR

Name: HYRUM AUSTIN 208-278-5236
Address: 5047 SE 1 1/2 AVE
NEW PLYMOUTH ID 83655

2. Date of Priority: DEC 31, 1934

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07N	04W	10	NE	SE			PAYETTE

5. Description of diverting works:

WELL, 6" CASING, 3/4HP SUB. PUMP, PIPE TO HOUSE AND ANIMALS

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		
STOCKWATER	01/01	12/31	0.040		

7. Total Quantity Appropriated is:

0.080 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

DOMESTIC, 1 HOME; STOCKWATER, 100 CATTLE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07N	04W	10	NE	SE		DOMEST	
			NE	SE		STOCK	

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:

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

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

01/10/2001

RIGHT NUMBER: 65-21529

NAME AND ADDRESS: HYRUM AUSTIN
MARLENE AUSTIN
5047 SE 1 1/2 AVE
NEW PLYMOUTH, ID 83655

SOURCE: GROUND WATER

QUANTITY: 0.08 CFS

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

PRIORITY DATE: 10/19/1977

POINT OF DIVERSION: T07N R04W S10 NESE Within PAYETTE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	1-01 12-31	0.04 CFS
DOMESTIC	1-01 12-31	0.04 CFS

PLACE OF USE:

STOCKWATER Within PAYETTE County
T07N R04W S10 NESE
DOMESTIC Within PAYETTE County
T07N R04W S10 NESE

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.

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

STOCKWATER, 100 RANGE CATTLE

AJ0749NP
No. R65-21529

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

DATE: 04/05/00
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	MARLENE AUSTIN	10/19/1977	STOCKWATER	01-01 12-31	0.040 CFS	12
C	HYRUM AUSTIN		DOMESTIC	01-01 12-31	0.040 CFS	12
	5047 SE 1 1/2 AVE					24
	NEW PLYMOUTH ID 83655			TOTAL DIVERSION:	0.080 CFS	
	(208) 278-5236					

Water Source: GROUNDWATER

Tributary to:

Stage: ~~DECREE~~ BU

Point(s) of Diversion:

T07N R04W S10

NESE

PAYETTE County

Place of use Legal Description for: STOCKWATER

				NE				NW				SW				SE				
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:
07N	04W	10	:																	:
			:																	:

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	:
07N	04W	10	:																	:
			:																	:

POU County: PAYETTE

Non-Irrigation Uses: 1 HOME

Conditions of Approval:

- 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.
- 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 STOCKWATER, 100 RANGE CATTLE

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:

Presumption Flag:

AJ5856NP

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

DATE: AUG-26-1997
PAGE: A-515

RIGHT NUMBER: 65-21529

NAME & ADDRESS: MARLENE AUSTIN
HYRUM AUSTIN
5047 SE 1 1/2 AVE
NEW PLYMOUTH ID 83655

SOURCE: GROUNDWATER

QUANTITY: 0.08 CFS

PRIORITY DATE: 12/31/1934

10-19-17

POINT OF DIVERSION: T07N R04W S10 NESE Within PAYETTE County

PURPOSE AND

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

PLACE OF USE: STOCKWATER Within PAYETTE County
T07N R04W S10 NESE

DOMESTIC Within PAYETTE County
T07N R04W S10 NESE

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE

Verified by _____ Date: _____

Verification Source: _____

REFUND REQUEST

TC: Sherman
 FOR: S. Frazee to Log In
 FROM: D. Shaff/D. Allen
 SUBJ: Ray Walker Date: 7-19-1994
 Receipt No. W012269 (Please attach ARQ2 Receipt copy)
 RE: PayOR Austin, Marlene
 Address 5047 SE 1 1/2 Ave
New Plymouth, ID 83655

Claimant if NOT Payor Marlene &/or Hyrum L. Austin
 Refund Amount \$ 100.00 Claim Location (Region/Claimant)
 Extension Filed? Y/N (NA) Copy Attached? Y/N (NA)
 Late Fees Paid? Y/N (NA) Late Fee Receipt #
 S.O. Verified Ext. by on D.B. Query by
 Refund Generated By (X) Agent () Claimant
 Refund Category Rejected
 Date of Last Correspondence (copy attached) 5-23-1994

Claim No.	Use	Fees Paid	Correct Fee	Rec't #
<u>N/A</u>	<u>Domestic</u>	<u>\$ 25.</u>	<u>25.</u>	<u>W012269</u>
<u>N/A</u>	<u>Domestic</u>	<u>\$ 25.</u>	<u>25.</u>	<u>W012269</u>
<u>N/A</u>	<u>Domestic</u>	<u>\$ 25.</u>	<u>25.</u>	<u>W012269</u>
<u>N/A</u>	<u>Domestic</u>	<u>\$ 25.</u>	<u>25.</u>	<u>W012269</u>
Total		<u>\$100.00</u>	<u>\$100.00</u>	

Detailed Reason(s) for Refund Attached Y (N)

Region AJ Spvsr. Approval [Signature] S.O. AJ Spvsr. Approval
 Don Shaff Approval Hold To Fiscal
 Data Base Modified? Y/N NA A &/or R Records By on



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

May 23, 1994

RE: Notice of Claims to Water Rights Submitted in the Snake River
Basin Adjudication

Hyrum L. &/or Marlene Austin
5047 SE 1½ Ave
New Plymouth, ID 83655

Dear Claimants:

This office is presently processing the Notices of Claims to Water Rights you submitted during the Snake River Basin Adjudication claims filing in your area. However, due to the items below, we cannot continue to process these claims. We are returning these claims to you to complete items required that were incomplete on your claim forms. Also enclosed is the receipt for the filing fee previously submitted with these claims.

Item No. 2 - Date of Priority - ON EACH OF THESE CLAIM FORMS

Month/day/year that water was first put to use. This could be the same date your house was built and hooked up to the well, regardless of ownership. If month and day are unknown, the Department will recommend 12/31 of the year designated. Please date and initial the information you insert on these lines.

I did find one "old" water right which has not been claimed in the SRBA that may be for one of your wells. If the well in the NE¼SE¼, Section 10, Twp. 7N, Rge. 4W, was previously owned by Elbert Ashby you should probably file on the previously decreed water right that I found to be located in this legal description. If you have purchased a home previously owned by Mr. Ashby, please send in documentation to show the chain of ownership from Mr. Ashby to you along with a legal description of the property.

Items No. 6 & 7 - Amount of Water Claimed - ON EACH OF THESE CLAIM FORMS

For filing on domestic use the amount we normally allow is 0.04 cubic feet per second which is equivalent to 13,000 gallons per day. Stockwater use can be included under your domestic use as long as the daily use of the water is less than 13,000 gallons per day. If you are including your stockwater use under the domestic filings, indicate the number and type of stock to be watered on item 9. Please insert an amount of water on each of these forms under items 6 and 7, dating and intialing these additions.

MICROFILMED

OCT 22 1996

You have also not indicated if there are other water rights used for these same purposes on item 13 of each form. We will assume you have no other water (such as city water) for these homes if you resubmit the forms and this item is still blank.

Also, on item 16 of each claim form, you have not indicated if you want to receive the monthly docket sheet or not. We will assume that you are not interested in receiving the docket sheet if this remains blank on the resubmitted forms.

Please complete the above items on your claim forms, **initial and date any changes or additions**, and return the claims to our office within 30 days from the date of this letter. If the claims are not received within this 30-day period, the claims will be rejected and your fee, paid previously, will be refunded. Please contact us within the 30-day time period, either in writing or by phone, to let us know if there is a problem returning the claims, in order to keep these claims valid. If the claims are rejected and your fee refunded, due to no response within the 30-days, the claims can be resubmitted up until claims in this area are prepared for court decree. However, at that time the corrected claims along with the regular filing fee that was refunded, and an additional late fee will be required. Please feel free to contact this office if you have any questions concerning this letter.

Sincerely,

ADJUDICATION STAFF
Western Region Office
(208) 334-2190

KW:k
Enclosures

SPECIAL NOTE: IF YOU NO LONGER OWN THE PROPERTIES UPON WHICH THESE CLAIMS WERE FILED, PLEASE CONTACT THIS OFFICE IMMEDIATELY. IDAHO STATE LAW REQUIRES THE DEPARTMENT BE NOTIFIED OF A CHANGE OF OWNER OR ADDRESS ON A WATER RIGHT.

MICROFILMED
OCT 22 1996

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

Identification No. A65-Date Received 4-20-90Receipt Number W012269

RECEIVED NOTICE OF CLAIM
TO A
WATER RIGHT

APR 20 1990

ACQUIRED UNDER STATE LAW

Department of Water Resources
Western Regional Office

For Domestic and/or Stockwater Purposes

Where Daily Use is less than 13,000 gallons per day.

postmarked
4-18-90 kw

Filing Fee \$25

Please type or print clearly

1. Name of Claimant (s) Hyman L. Austin and Phone (208) 278-5235Mailing Address 5047 S.E. 7th Ave. Zip 83450
New Plymouth, Id.

2. Date of Priority (Only one per claim) _____ Month/Day/Year

3. Source of water supply (Check one) ☒ Groundwater or Other () (a) _____

which is tributary to (b) _____ Name or kind of source

4. Location of point of diversion is: Township 7 N. Range 4 W.Section 10 SE 1/4 of SE 1/4 of NE 1/4, Govt. Lot _____, BM.,

County of _____

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. Well, 4" casing, pipe to house

6. Water is claimed for the following: (limited to Domestic and/or Stockwater only. See Instructions.)

For Domestic purposes from 1-1 Month/Day to 12-31 Month/Day amount _____ (cfs)
(Both dates are inclusive)

For _____ purposes from _____ to _____ amount _____

7. Total quantity claimed _____ (cfs)

8. Total consumptive use claimed is de minimus9. Non-irrigation uses. Describe fully. (Domestic: give number of households served if single ownership; Stockwater: Type and Number of livestock) 1

MICROFILMED

OCT 22 1996

10. Place of use is: Township: 7 N. Range 4 W.
Section 10, SE 1/4 of NE 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 X 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 _____
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) Maureen Rustin Date April 18, 1990
_____ Date _____

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

_____ Title
of _____, that I have signed the foregoing
Organization
document in the space below as _____ of _____
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. **NOTARIZATION REQUIRED FOR EACH CLAIM**

Subscribed and sworn (or affirmed) before me this 18th day of April 19 90

SEAL

Notary Public Cella Pepple

Residing at Lewiston, Id.

My Commission Expires 1-27-93

Last Name _____ Ident No. _____

Copies: White-State, Yellow-Claimant

MICROFILMED

OCT 22 1996

12-1-92

CLAIMANT'S NAME Austin (#4 of 4)

CLAIM IDENT. NO. A65-

DATE RECEIVED 4-20-90 RECEIPT # W012269 FEE PAID \$ 100. 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?	☒	☐	*
If 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

Assume not wanted

MICROFILMED

OCT 22 1996

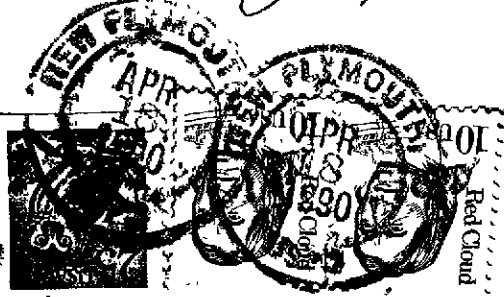
	YES	NO
23. Is this claim being rejected and returned to claimant?	☒	☐
24. Can this claim be data entered?	☐	☒
25. Was claim modified?	☐	☒
If yes, do modifications require notification to claimant? Note: Modifications made must be explained in comments stating where the information for any changes was found.		

Claim reviewed by: kw Date 5-23-94
 Claim data entered by: Date

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: _____

Alaska Dept. of Water Resources
2935 Airport Way
Fair, Alaska 99705



HYRUM L. AUSTIN
5047 S.E. 1 1/2 AVE.
NEW PLYMOUTH, ID 83655

MICROFILMED

OCT 22 1996

if there were money
I'd on, I'd be really in & better
the check.

Very truly,
Walter Dyer

MICROFILMED

OCT 22 1996

RECEIVED

AUG 30 1994

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS Department of Water Resources

CIVIL CASE NUMBER: 39576

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEMIdentification No A65-21529
Date Received 8-30-94
Receipt Number C031163 late fee
W012269 filing fee

NOTICE 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.

RECEIVED

OCT 25 1994

Department of Water Resources

Filing Fee \$25

Please type or print clearly

1. Name of Claimant (s) HYRUM L. MARLENE AUSTIN Phone (208) 278-5234Mailing Address 5047 SE 1/2 AVE NEW PLYMOUTH IDAHO Zip 836552. Date of Priority (Only one per claim) 12-31-1934 or fishery claim Month/Day/Year TA 10-20-943. Source of water supply (Check one) ☒ Groundwater or Other ☒ (a) _____
Name or kind of source

which is tributary to (b) _____

4. Location of point of diversion is: Township 7 N Range 4 WSection 10, 1/4 of NE 1/4 of SE 1/4, Govt. Lot _____, BM.,County of Payette

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. Well, 6' deep, 3/4" hip, submersible pump, pipe to house & 2' diameter

6. Water is claimed for the following. (limited to Domestic and/or Stockwater only. See Instructions.)

For Domestic purposes from 1-1 Month/Day to 12-31 Month/Day amount 0-04 (cfs)For Stockwater purposes from 1-1 (Both dates are inclusive) to 12-31 amount 0-047. Total quantity claimed 0-08 (cfs) TA 10-20-948. Total consumptive use claimed is de minimus9. Non-irrigation uses. Describe fully. (Domestic. give number of households served if single ownership, Stockwater: Type and Number of livestock) 1 50-100 head of cattle

MICROFILMED

OCT 22 1995

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.

RECEIVED
AUG 30 1994
Department of Water Resources

10. Place of use is: Township: 7N. Range 4W.
Section 10, NE 1/4 of SE 1/4, Govt. Lot _____, B.M.,
County of Payette 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 X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

X 13. Describe any other water rights used at the same place and for the same purposes as described above.

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 X 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) Marlene Austin Date 8-29-94
_____ Date _____

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

of _____, that I have signed the foregoing
Organization
document in the space below as _____ of _____
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 29th day of Aug 1994

SEAL

Notary Public Cathy M. Myers

Residing at New Plymouth

My Commission Expires 4-16-97

Last Name _____ Ident No. _____

Copies: White-State, Yellow-Chief

MICROFILMED
OCT 22 1996

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.

BANK OF IDAHO

Escrow No. _____
(Escrow Officer)

ESCROW INSTRUCTIONS

New Plymouth OFFICE

BANK OF IDAHO

amen:

In consideration of your acting as escrow holder herein, it is agreed that you shall in no case or event be liable for the failure of any of the conditions of escrow or damage caused by the exercise of your discretion in any particular manner, or for any other reason, except gross negligence or willful misconduct, reference to the said escrow, and you shall not be liable or responsible for your failure to ascertain the terms or conditions, or to comply with any of the conditions of, any agreement, contract or other document filed herewith or referred to herein, nor shall you be liable or responsible for forgeries or false personation. It is further agreed that if any controversy arises, between the parties hereto or with any third person with respect to the subject matter of this escrow, its terms or conditions, you shall not be required to determine the same or take any action in the premises, but you may await the settlement of any such controversy by appropriate legal proceedings or otherwise as you may require, notwithstanding anything in the following instructions to the contrary, and in such event shall not be liable for interest or damage.

IT IS UNDERSTOOD that the fee agreed upon for your services hereunder shall be considered compensation for your ordinary services as contemplated by the instructions, and in the event that the conditions of this escrow are not promptly fulfilled or that you render any service hereunder not provided for in the foregoing instructions, or that there is an assignment of any interest in the subject matter of this escrow or modification hereof, or that any controversy arises hereunder that you are made a party to, or intervene in, any litigation pertaining to this escrow or the subject matter thereof, you shall be reasonably compensated for such ordinary services and reimbursed for all costs and expenses occasioned by such default, delay, controversy or litigation and you shall have the right to retain documents and/or other things of value at any time held by you hereunder until such compensation, fees, costs and expenses shall be paid, the undersigned jointly and severally promising to pay such sums upon demand.

The undersigned, ELBERT T. ASHBY, aka ELBERT TOVEY ASHBY, and MARGARET ANN

ASHBY, husband and wife,

HYRUM M. AUSTIN and MARLENE AUSTIN, husband and wife,

hereinafter called "Seller," and

TAX NOTICE AND RECEIPT

PROPERTY
KEEP TOP PORTION FOR YOUR RECORDS
PLEASE READ REVERSE SIDE
YOUR CANCELLED CHECK IS YOUR RECEIPT

ALOE	TAX CODE AREA	PARCEL NUMBER	BILL NUMBER
508	25	575	
332			
5703	ELAINE RD		
BLUSE, SEC. 10-7-4			

ASHBY, ELBERT T. & MARGARET
5703 ELAINE ROAD
NEW PLYMOUTH, ID 83655

BAR

TAXING DISTRICT		RATE	AMOUNT	RECEIPT
COUNTY		.005572613	492.25	FULL PAYMENT
RODENT DIST.		.000136440	12.05	TAX
RECREATION		.000382231	33.76	PEN
SCHOOL #372		.008394986	741.55	NT
PARKVIEW CEM.		.000242036	21.38	COST
HWY DIST. #1		.001319675	115.57	TOT
N.P. FIRE		.000366172	32.34	1ST INSTALLMENT
N				TAX
SUBTOTAL		.016414153	1,449.90	PEN
				NT
				COST
				TOT
NFW LANDFILL		CD 12	36.00	2ND INSTALLMENT
				TAX
				PEN
				NT
				COST
				TOT
TOTAL TAXES			1,485.90%	

YOUR CANCELLED CHECK IS YOUR RECEIPT
FULL LEVY SHEET IS AVAILABLE AT THE TREASURER'S OFFICE

TAX AMT: 40.00

A65-21529

MICROFILMED

OCT 22 1996