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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 65-22470
Date Received: 5/22/01
Receipt No: X999999
Received By:

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

1. Name of Claimant(s) .

DANIEL R YANKE Phone: (208)342-8901

4414 S GEKELER LN
BOISE ID USA 83705

SUSAN L NORBY Phone: (208)342-8901

4414 S GEKELER LN
BOISE ID USA 83705

JILL M STEVENS Phone: (208)342-8901

4414 S GEKELER LN
BOISE ID USA 83705

2. Date of Priority: 07/15/1905

3. Source: KENNALLY CREEK Trib. to: GOLD FORK RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
16N	04E	22	NE SW	VALLEY	

5. Description of diverting works:

Diversion dam, ditches, headgates, etc.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
STOCKWATER	01/01	12/31	0.04	

7. Total Quantity Appropriated is:
0.04 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:
Number of other uses: 100 Range Cattle

10. Place of use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
16N	04E	22	SW	SW		STOCKWATER	
16N	04E	27	NW	NW		STOCKWATER	
16N	04E	28	NE	NE		STOCKWATER	
			NE	SE		STOCKWATER	
			SE	NE		STOCKWATER	
			NW	SE		STOCKWATER	
			SW	SE		STOCKWATER	
			SE	SE		STOCKWATER	

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:

14. Remarks:

This claim is based on right no. 65-5426.

15. Basis of Claim: Decreed

RIGHT NUMBER: 65-22470

NAME AND ADDRESS: DANIEL R. YANKE
4414 S GEKELER LN
BOISE ID 83705

SUSAN L NORBY
4414 S GEKELER LN
BOISE ID 83705

JILL M STEVENS
4414 S GEKELER LN
BOISE ID 83705

SOURCE: KENNALLY CREEK

TRIBUTARY: GOLD FORK RIVER

QUANTITY: 0.02 CFS

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

THE APPROPRIATOR IS ENTITLED TO THE QUANTITY OF WATER DESCRIBED FOR
STOCK WATER PURPOSES AT A POINT OF MEASUREMENT WHERE THE DELIVERY
DITCH ENTERS THE PLACE OF USE DESCRIBED.

PRIORITY DATE: 07/15/1905

POINT OF DIVERSION:

T16N R04E S22 NESW Within VALLEY County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

STOCKWATER

01/01 12/31

0.020 CFS

PLACE OF USE:

STOCKWATER Within VALLEY County

T16N R04E S22	SWSW	T16N R04E S27	NWNW
T16N R04E S28	NENE	T16N R04E S28	SENE
T16N R04E S28	NESE	T16N R04E S28	NWSE
T16N R04E S28	SWSE	T16N R04E S28	SESE

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: Decreed

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. AL65-22470
Date Received 5/22/01
Receipt Number

**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

MAY 22 2001

WATER RESOURCES
WESTERN REGION

Filing Fee \$25

Please type or print clearly DANIEL R. VANKE1. Name of Claimant (s) SUSAN L. NARBY Phone (208) 342-8901Mailing Address 4414 GEKLER AVE Boise ID Zip 837052. Date of Priority (Only one per claim) 07/15/1905 Month/Day/Year3. Source of water supply (Check one) () Groundwater or Other () (a) KENNEDY CREEK
which is tributary to (b) GOLD FORK RIVER
Name or kind of source4. Location of point of diversion is: Township 16N Range 04ESection 22 1/4 of NE 1/4 of SW 1/4, Govt. Lot , BM.,County of VALLEYAdditional 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. DIVERSION DAM, ditches, headgates, etc.

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

For STOCKWATER purposes from JAN 1 to DEC 31 amount 0.04 (cfs)
(Both dates are inclusive)

For purposes from to amount

7. Total quantity claimed 0.04 (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) 100 head cattle

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: 16N Range 04E

Section 27 1/4 of 1/4, Govt. Lot _____

for (Circle One) Domestic Stock Domestic and Stock
Additional places of use, if any _____

B.M. same as irrigation listed on decree 65-5426

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 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 65-05426 Irrigation

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 65-05426

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) X Susan L. Norby Date 5/22/01

X David J. Norby Date 5/22/01

X Jeff M. Norby Date 5/22/01

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 _____ Organization _____ of _____

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

Signature of Authorized Agent _____ Date _____

Title and Organization _____

State of Idaho/_____)

County of ADA) SS. **NOTARIZATION REQUIRED FOR EACH CLAIM**

Subscribed and sworn (or affirmed) before me this 22nd day of May 2001

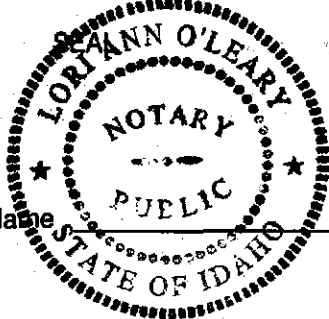
Notary Public [Signature]

Residing at [Signature]

My Commission Expires 7/12/2001

Last Name _____ 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.



05/22/2001

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

WATER RIGHT NO. 65-5426

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	SUSAN L NORBY
Current Owner	JILL M STEVENS
Current Owner	DANIEL R YANKE
	4414 S GEKELER LN
	BOISE, ID 83705
	(208)342-8901
Original Owner	YANKE-NICHOLSON CHILDREN TRUST
	WM E MORRIS CUSTODIAN
	PO BOX 5405
	BOISE, ID 83705
	(208)342-8901
Original Owner	J W HENDERSON
	ROUTE 3
	EAGLE, ID 83616

Priority Date: 07/15/1905
Basis: Decreed
Status: Active

<u>Source</u>	<u>Tributary to</u>
KENNALLY CREEK	GOLD FORK RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	4/15	10/15	2.76 CFS		
Total Diversion			2.76 CFS		

Location of Point(s) of Diversion:

KENNALLY CREEK	NESW	Sec. 22	Township 16N	Range 04E	VALLEY County
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IRRIGATION Use:
Acre Limit: 138

Place(s) of use:

Place of Use Legal Description: IRRIGATION	VALLEY County
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<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
16N	04E	22		SWSW	6									
		27		NWNW	10									
		28		NENE	6		SENE	35						
				NESE	30		NWSE	10		SWSE	20		SESE	21

Total Acres: 138

Conditions of Approval:

1. 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.

Comments:

<u>Author</u>	<u>Date</u>	<u>Subject</u>	<u>Comment</u>
SBOCK	6/2/1999	COPIED FROM REMARKS	TRUST MEMBERS - DANIAL R. YANKE, SUSAN YANKE NOREY, JILL MARIE YANKE, JENNIFER J. NICHOLSON, KELIA A. NICHOLSON, SCOTT R. NICHOLSON. OWNERSHIP CHANGED BY DB 5/24/99.
AJU10-JS	9/25/199 9	AJU10 CONDITION UPDATE	CONDITION CODE(S) C18 ADDED IF NOT ALREADY PART OF RECORD THRU AJU10.

Dates:

Licensed Date:
Claim Received Date: 11/07/1988
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Decreed Date: 01/21/1986
Date Filed with Court:
Objection Filed Date:
SF5 Filed:
Special Master Recom Signed Date:

Element Reviewed/Verified Dates: No dates found

Other Information:

Receipt Number(s): X999999
State or Federal: S
Owner Name Connector:
Water District Number: 65
Generic Max Rate per Acre:
Generic Max Volume per Acre:
Civil Case Number:
Old Case Number:
Decree Plaintiff:
Decree Defendant:
PresumptionFlag:
Notice of Error Flag:NONE RECEIVED
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False

Verification Log: No log entries