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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: **A67-07289**  
Date Received: 1/ 4/1990  
Receipt No: W007389  
Received By: \_\_\_\_\_

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

1. Name: KEVIN M GRAY 208-253-4765  
Address: BOX 34  
FRUITVALE ID 83620

AND/OR

Name: GAYLE DIXON 208-253-4765  
Address: BOX 34  
FRUITVALE ID 83620

2. Date of Priority: OCT 12, 1976

3. Source: TRAIL CREEK Trib. to: WEISER RIVER

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 18N      | 01W   | 36      | SW     | SE     |     |     | ADAMS  |

5. Description of diverting works:  
3/4" PIPELINE, GRAVITY FLOW

6. Water is used for the following purposes:

| Purpose  | From  | To    | C.F.S | (or) | A.F.A. |
|----------|-------|-------|-------|------|--------|
| DOMESTIC | 05/01 | 11/01 | 0.020 |      | 1.20   |

7. Total Quantity Appropriated is:  
0.020 C.F.S. (and/or) 1.20 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 |
|----------|-------|---------|--------|-----|-----|--------|-------|
| 17N      | 01W   | 1       | SW     | NE  |     | DOMEST |       |

11. Place of use in counties: ADAMS

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

13. Other Water Rights Used:  
67-7273

14. Remarks:  
LOT 11, REICO RECORDER'S PLAT.

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): \_\_\_\_\_ 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 \_\_\_\_\_

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. AG 7-07289Date Received 1-4-90Receipt Number W007389NOTICE OF CLAIM  
TO A  
WATER RIGHT

RECEIVED

JAN 04 1990

ACQUIRED UNDER STATE LAW

For Domestic and/or Stockwater Purposes

Where Daily Use is less than 13,000 gallons per day.  
Department of Water Resources  
Western Regional Office

Filing Fee \$25

Please type or print clearly

- Name of Claimant (s) KEVIN GRAY and/or GAYLE DIXON Phone (208) 253-4765  
Mailing Address Box 34 FRUITVALE, IDAHO Zip 83620
- Date of Priority (Only one per claim) October 12, 1976 Month/Day/Year (67-07289)
- Source of water supply (Check one) ( ) Groundwater or Other (X) (a) TRAIL CR.  
which is tributary to (b) Weiser River Name or kind of source
- Location of point of diversion is: Township ~~SW~~ 18N Range 1W  
Section 36 SW 1/4 of SE 1/4 of 1/4 Govt. Lot        BM.,  
County of Adams  
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. 3/4" plastic pipeline, gravity flow
- Water is claimed for the following: (limited to Domestic and/or Stockwater only. See Instructions.)  
For Domestic purposes from 5/1 Month/Day to 11/1 Month/Day amount .02 (cfs)  
(Both dates are inclusive)  
For        purposes from        to        amount
- Total quantity claimed .02 (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: ONE HOUSEHOLD

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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.

10. Place of use is: Township: 17 N Range 1 W  
Section 1 SW 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? Adams

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 67-7273, 67-892-022

14. Remarks: Legal description, place of use: Lot 11, Reico  
Recorder's Plat, Adams County

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 67-07289

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) Kevin M. Gray Date Jan. 2, 1990  
Doyle Dyer Date 1-2-90

**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 Adams )

SS.

**NOTARIZATION REQUIRED FOR EACH CLAIM**

Subscribed and sworn (or affirmed) before me this 2nd day of January 1990

SEAL

Notary Public Patricia L. Linn

Residing at Council

My Commission Expires 10-23-93

Last Name \_\_\_\_\_ Ident No. \_\_\_\_\_

Copies: White-State, Yellow-Claim **MICROFILMED**

**OCT 23 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.

Water Right Number - 67-07289      Prefix Translation:      WATER RIGHT      Old (D) Number -

+ - - - - Last Name - - - - +      + - - - - First Name - - - +      + - - - - Address - - - - - +

\*\*\* C - CURRENT OWNER \*\*\*      KEVIN M.      1 - P.O. BOX 34      State- ID Zip- 83620  
GRAY      2 -      3 -      City- FRUITVALE      Phone - 208-000-0000

+ - - Priority Date - - +      + - - - - Region - - - +      + - - - - Stage - - - +      + - - - - Status - - - +  
10/12/1976      14 WESTERN      L - LICENSE

+ - - - - Source - - - - +      + - - - - Tributary - - - - +  
TRAIL CREEK      WEISER RIVER

+ - - - - Point of Diversion - - - - +      Diversion Name      Diversion Rate      Diversion No.  
TwN      Rng      Sec      Tract      Lot      RFlg      County      ( 3 ) ADAMS

18N      01W      36      SW SE      ( 3 ) ADAMS

+ - - - - Description      Period From      Period To      Water Use      Diversion Rate      Diversion Volume

43 - DOMESTIC      01/01      12/31      0.020      1.20

+ - - Total Div. Rate - - +      + - - Total Div. Volume - +      + - - Total Div. Capacity - +  
0.020      1.20      0.020

+ - - - - Place of Use - - - - -      Description      County

17N      01W      1      SW NE      43 DOMESTIC      ( 3 ) ADAMS

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - - - Remarks - - - - -

Domestic Use is for 1 home.

+ - - - - Old Water Right Numbers - - - - -

No Old Water Right Numbers found.

+ - - - - Conditions of Approval - - - - -

R04 - Use of water under this water right will be regulated by the

- Watermaster of State Water District No. 67.

+ - - - - Decree Plaintiff - - - +      + - - - - Decree Defendant - - - +      + - - Decree Date - +  
00/00/0000

NOT RECORDED  
MAR 29 1994

Water right number - 67-07289

No Comments Found

----- Water Rights Dates and Flags Area -----+

| Proof Due Date    | - 11/01/1981 | Field Exam Made  | - 10/15/1987 | Field Exam Fee   | - N  |
|-------------------|--------------|------------------|--------------|------------------|------|
| Approved/Denied   | - 11/16/1976 | Protested Date   | - 00/00/0000 | Swan Falls       | -    |
| Proof Made Date   | - 06/12/1980 | Hearing Date     | - 00/00/0000 | Temporary Right  | - P  |
| Exam to S.O. Date | - 00/00/0000 | Verified Date    | - 00/00/0000 | DLE/Carey Act    | - 67 |
| Order Show Cause  | - 00/00/0000 | Receipt Number   | -            | Water District   | -    |
| Licensed Date     | - 09/29/1989 | Appl Received    | - 10/12/1976 | Transfer/Amended | -    |
| Decree Date       | - 00/00/0000 | Presumption Flag | -            |                  |      |

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12-1-92

CLAIMANT'S NAME Dray, Kevin D Dixon, Dayle CLAIM IDENT. NO. AL67-07289DATE RECEIVED 1-4-90 RECEIPT # 0007389 FEE PAID \$ 25.00 FEE REQ'D \$ 25.00

|                                                                                                                                                                                                           | YES       | NO        | Require Info? |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|-----------|---------------|
| 1. Is the name and address complete with zip code? . . . . .                                                                                                                                              | <u>X</u>  | <u>  </u> | *             |
| 2. Is a priority date entered? . . . . .                                                                                                                                                                  | <u>X</u>  | <u>  </u> | *             |
| Is the priority date acceptable in view of mandatory filing dates? . . . . .                                                                                                                              | <u>X</u>  | <u>  </u> | *             |
| See Adjudication Memos #1 and #4 to determine if a Permit is required.                                                                                                                                    |           |           |               |
| 3. (a) Is a source entered? . . . . .                                                                                                                                                                     | <u>X</u>  | <u>  </u> | *             |
| (b) Is a tributary to entered? (if required) . . . . . N/A <u>  </u>                                                                                                                                      | <u>X</u>  | <u>  </u> |               |
| 4. Is the legal description of the p.d. sufficient? . . . . .                                                                                                                                             | <u>X</u>  | <u>  </u> | *             |
| 5. Is there a description of the diverting works? . . . . .                                                                                                                                               | <u>X</u>  | <u>  </u> |               |
| 6. Are the water uses appropriate for the form? . . . . .                                                                                                                                                 | <u>X</u>  | <u>  </u> | *             |
| 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? . . . . .                                                                                                                                                                  | <u>X</u>  | <u>  </u> |               |
| Is a quantity claimed for each use? . . . . .                                                                                                                                                             | <u>X</u>  | <u>  </u> | *             |
| 7. Is a total quantity claimed entered? . . . . .                                                                                                                                                         | <u>X</u>  | <u>  </u> |               |
| 8. If required is a consumptive use entered? . . . . . N/A <u>X</u>                                                                                                                                       | <u>  </u> | <u>  </u> |               |
| Is the consumptive use correct? . . . . . N/A <u>X</u>                                                                                                                                                    | <u>  </u> | <u>  </u> |               |
| 9. Are the non-irrigation uses listed showing # of homes, hd. of stock? . . . . .                                                                                                                         | <u>X</u>  | <u>  </u> | *             |
| If multiple domestic, is single ownership indicated? . . . . .                                                                                                                                            | <u>  </u> | <u>  </u> |               |
| 10. Is (are) the place(s) of use and purpose(s) indicated? . . . . .                                                                                                                                      | <u>X</u>  | <u>  </u> | *             |
| 11. Is (are) the county(ies) entered? . . . . .                                                                                                                                                           | <u>X</u>  | <u>  </u> |               |
| 12. Is the ownership of p.u. checked? . . . . .                                                                                                                                                           | <u>X</u>  | <u>  </u> |               |
| 13. Are other water rights listed or "none" indicated? . . . . .                                                                                                                                          | <u>X</u>  | <u>  </u> |               |
| 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 <u>X</u>                            | <u>  </u> | <u>  </u> |               |
| 15. Is the basis of the claim indicated? . . . . .                                                                                                                                                        | <u>X</u>  | <u>  </u> |               |
| 16. If the basis of claim is shown as license, permit, or decree is the existing water right no. listed? . . . . . N/A <u>  </u>                                                                          | <u>X</u>  | <u>  </u> |               |
| If yes, compare claim w/existing right and attach proof report noting any differences in comments.                                                                                                        |           |           |               |
| If no, was water right no. found? . . . . .                                                                                                                                                               | <u>  </u> | <u>  </u> | *             |
| 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 <u>X</u>        | <u>  </u> | <u>  </u> |               |
| (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 <u>X</u>                                                                                                            | <u>  </u> | <u>  </u> |               |
| 19. Is the claim signed by the claimant, and is the signature appropriate? . . . . .                                                                                                                      | <u>X</u>  | <u>  </u> | *             |
| 20. Has the claim been signed, sealed, and dated by a notary? . . . . .                                                                                                                                   | <u>X</u>  | <u>  </u> | *             |
| 21. Was this claim filed on time? . . . . .                                                                                                                                                               | <u>X</u>  | <u>  </u> | *             |
| (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 <u>  </u>                                                                                                                                               | <u>  </u> | <u>  </u> | *             |

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

Claim reviewed by:   ZD   Date   3-25-94    
 Claim data entered by:   ZD   Date   7-14-94  

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:   Period of use different than license    
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_