

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: A29-02212
Date Received: 6/07/1989
Receipt No: E008961
Received By: HWS

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CATHERINE SPINNER-SCHUEREN 208-254-3487
Address: 2641 E. TWO MILE RD.
MC CAMMON, ID 83250

2. Date of Priority: JUN 13, 1918

3. Source: UNNAMED STREAM Trib. to: WAGENER CANYON

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
08S	37E	33	NW	NW			BANNOC

5. Description of diverting works:
DIVERSION DAM TO GRAVITY FLOW SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.800		

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

8. Total consumptive use is 100.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
08S	37E	32	SE	SW		IRR	40.0
Section Acres							40.0

A29-02212

Page 1

Date: 06/07/89

MICROFILMED
NOV 13 1992

10. Place of Use: Continued

Total Acres 40.0

11. Place of use in counties: BANNOCK

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

13. Other Water Rights Used:
A29-07347 FROM SAME PD ON ADJACENT GROUND

14. Remarks:
243 CLAIM 29-04068 WAS FILED BY MISTAKE ON THIS SAME LICENSE.

15. Basis of Claim: LICENSE
Water Right Number: 13602

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 X 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): Catherine Spinner Schuon Date: 6/9/89

Date: _____

State of Idaho)
County of Bonneville) SS.

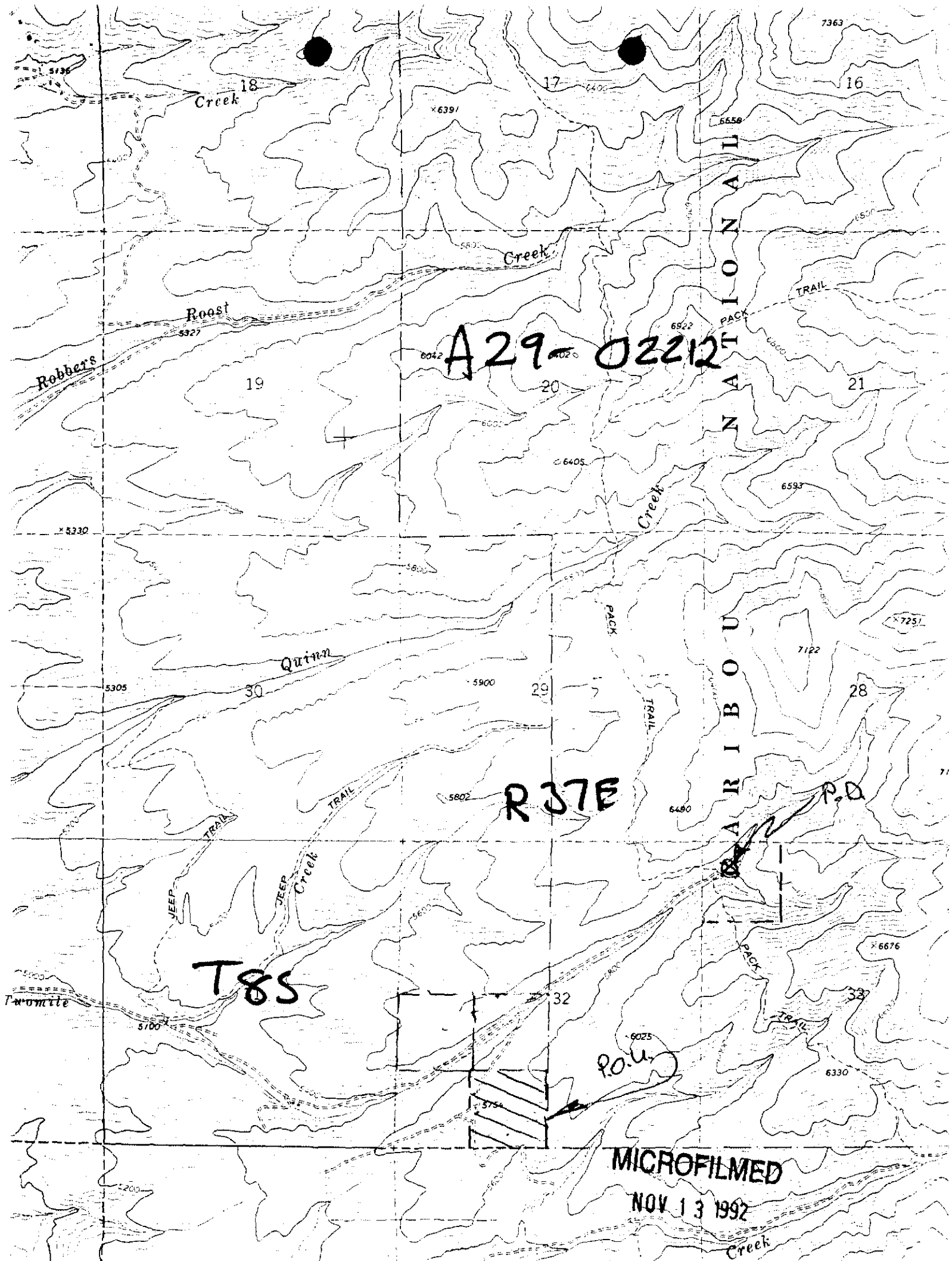
Subscribed and sworn (or affirmed) before me this 7th day

of June 19 89

Betty J. Shomps
Notary Public

Seal

Residing at _____
My Commission Expires 12/31/94



WR5808NP
(OD-26)

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROOF READING REPORT

03/26/01 13:14:20
Page 1

Water Right Number - 29-02212

Prefix Translation: WATER RIGHT

Old (D) Number - 13602

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

*** C - CURRENT OWNER ***
WAGNER

ALPHONSE HENRY

1 -
2 -
3 -

City- MC CAMMON
Phone -

State- ID Zip- 83250

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
06/13/1918 *bu* 15 EASTERN L - LICENSE

+ - - - - Source - - - - - + - - - - - Tributary - - - - - +
SPRING *Lie AS UNNANNO SPRING - CLAIMED AS UNNANNO SPRING* PORTNEUF RIVER

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

08S 37E 28 SE SW *bu* (5) BANNOCK
33 NW NW (5) BANNOCK

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION *bu* *Sept 4/1 - 10/31* 0.800
43 - DOMESTIC *bu*

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
0.800 0.0

+ - - - - Place of Use - - - - - +
TwN Rng Sec Tract Lot Acres Code Description County
08S 37E 32 NE SW 7.0 *bu* 01 IRRIGATION (5) BANNOCK
08S 37E 32 NW SW 3.0 01 IRRIGATION (5) BANNOCK
08S 37E 32 SE SW 30.0 01 IRRIGATION (5) BANNOCK

Total Acres:

40.0

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - - - Remarks - - - - - +
No Remarks found.

+ - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers found.

*CLAIMED AS LEONARD (except Source)
NOTE RECORDS 29-04117 (USFS)
Partial DEEDS ISSUED (see Attached CC)*

*Contact:
John Sprinkle
954-3154*

29-2112

E. Nonguost memo (attached) reference FB BU DONE w/
29-04117. Partial Decree issued 6/19/1998.

Comparison: 29-2112 to 29-4117 (PD):

29-2112 (Claim) / (License)

Sources: Spq. (Lic) Unnamed Strm (Claim)

POD: BS 37E SOC. 33 NWNW

Use: Farm 4/1 to 11/01
Dw. 0.80 cfs

Poll: BS 37E 532 SWSW (40%)

Priority: 6/13/1918

USFS
29-4117 (PD)

B. Goodenough Sp.

BS 37E 533 SBNW

Stock water 6/1 to 8/31
INSTADAM @ .02 cfs

SBNW (UNNAMED STREAM)

5/1/1902

NOTE: I DON'T SEE THE CORRELATION BETWEEN CLAIMS

∴ REVIEW 29-2112 AS CLAIMS/LICENSE — SUB PD 29-4117
ATTACH

MEMO TO SRBA CLAIM FILE NO. A29-02212

CLAIMANT'S NAME: Alphonse Henry Wagner DATE: 6-20-95

COUNTY: Barnock

EMPLOYEE: ERIK NORQUEST

THIS CLAIM NEEDS TO BE FIELD EXAMINED IN CONJUNCTION
WITH USFS CLAIM A29-04117

SRBA

PARTIAL DECREE 29-04117

Issued on 06-19-1998.

This is not an official copy.

Contact IDWR or the Court for a Certified Copy.

Choose Landscape Orientation when printing.

NAME AND ADDRESS:	USDA FOREST SERVICE 550 W FORT ST, MSC 033 BOISE, ID 83724		
SOURCE:	EAST GOODENOUGH SPRING	TRIBUTARY: UNNAMED STREAM	
QUANTITY:	0.02 CFS THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.		
PRIORITY DATE:	05/01/1902		
POINT OF DIVERSION:	T08S R37E S33	SENW	Within Bannock County
PURPOSE AND PERIOD OF USE:	PURPOSE OF USE Stockwater	PERIOD OF USE 06-01 TO 08-31	QUANTITY 0.02 CFS
PLACE OF USE:	Stockwater T08S R37E S33	SENW	Within Bannock County

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

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. I.C. SECTION 42-1412(6).

[Return to SRBA Home Page](#)

Log for claim A29-02212

Spatial Dynamics AMH

8/10/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
08s37e	32	SESW	40	40	
Totals:			40	40	

DATE: 05/22/00
PAGE: 114

Stage: LICENSE

Audit: 06/07/89 JONES 06/02/94 COX 03/29/95 POST-STD

25- 2212

State of Idaho
License and Certificate of Water Right

Water License No. 13602
Water District No. 17-E

Amount 0.8 sec.ft.
Priority 6-13-1918

THIS IS TO CERTIFY that ALPHONSE HENRY WAGNER of McCammon, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated June 13, 1918; that Permit No. 13602 was issued under said application; that Certificate of Completion of works, with a carrying capacity of one second feet, was issued thereunder on July 13, 1920, showing that said works were completed on the 6th day of June, 1920; and that on the 10th day of May, 1926,

ALPHONSE HENRY WAGNER of McCammon, State of Idaho, made proof to the satisfaction of the Commissioner of Reclamation of Idaho, of the right to use the waters of an unnamed spring, a tributary of Portneuf River, for the purpose of irrigation and domestic purposes, under Use Permit No. 13602 of the State Engineer and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the Commissioner of Reclamation of Idaho and entered of record in Volume 6 of Licenses, at page 3355, on the 3rd day of June, 1926;
The right hereby confirmed dates from June 13, 1918;

The Point of Diversion is located in the 1-SE 1/4 SW 1/4 Sec. 28, Twp. 8 S., R. 37 E., B.M. Panneock County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 0.8 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
8 S.	37 E.	32	NE 1/4 SW 1/4	40	7
			NE 1/4 SW 1/4	40	3
			SE 1/4 SW 1/4	40	30
					Total 40 acres

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the Commissioner of Reclamation, affixed at Boise, Idaho, this 3rd day of June, 1926.

W. G. STEINBLEN
Commissioner of Reclamation

(SEAL)

BY

GEO. F. CARTER

APPLICATION FOR PERMIT TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO

Application No. **19353**
Permit No. **13602**
District No. **17 E**

29-2212

1. Name of Applicant: **ALPHONSE HENRY WAGENER**

Postoffice address: **McCammon**

County: **Bannock**

State: **Idaho**

I. If applicant is a corporation, give:

(a) Date and place of incorporation:

(b) Amount of capital stock:

(c) Amount paid in:

(d) Names and addresses of directors:

II. The financial resources of the applicant are:

(a) Cash on hand:

(b) Treasury stock:

(c) Bonds to be issued:

(d) Other resources:

2. Quantity of water claimed: **One** cubic feet per second.

3. Source of water supply: **Spring No. 1--Located SE 1/4 Sec. 28 T. 8 S. R. 37 E. B. M.) forming unknown**
No. 2--" NW 1/4 Sec. 33 " " " " ") stream tributary
Sec. 33 " " " " ") of Portneuf River

4. Location of point of diversion: **No. 1** ~~corner of Section 33~~ **NW 1/4**
corner of Section **33**, T. **8 S.**, R. **37 E.**, B. M., and ~~corner of~~ **No. 2 SW 1/4**
of Section **32**, T. **8 S.**, R. **37 E.**, B. M., County of **Bannock**

5. Water is to be used for: **Irrigation & Domestic use**

6. If for mining, milling, power or manufacturing purposes, give:

(a) Point of use of water: _____ feet distant from _____ corner of Section _____

T. _____, R. _____, B. M., in the _____ of Section _____, T. _____, R. _____, B. M.

(b) Amount of power generated: _____ H. P., under _____ feet head.

(c) Water is to be returned to _____ at a point _____ feet

distant from the _____ corner of Section _____, T. _____, R. _____, B. M., in the

of Section _____, T. _____, R. _____, B. M.

7. Estimated cost of works: \$ **565.00**

8. Kind of works: **Ditch**

9. Height of dam _____ feet; length of dam at top _____ feet; length of dam at bottom _____

feet; material used in dam _____

10. Size of headgate: Width **one** feet; height **one** feet.

11. Ditch: Width at bottom **2** feet; width at water line **3 1/2** feet; depth of water **1**

feet; dimensions of flume _____

Diameter of pipe _____ inches; length of conduit **No. 1--1 1/2** miles.

Average grade per mile **10** feet.

12. The time required for the completion of such work is **2** years.

13. The time required for the complete application of the water to the proposed use is **3** additional years.

- (b) Name of reservoir and number of Storage Permit;
(c) Date of filing of Application for Storage Permit and Name of Applicant;

BE IT KNOWN THAT the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

ALPHONSE HENRY WAGENER Applicant.

By

Agent.

Date of first receipt at office of State Engineer 9 A. M. June 13, 1918

Returned to applicant for correction

Corrected application received

APPROVAL OF STATE ENGINEER

The number of this permit is 13602

Recorded in Book 48 Page 13602 Approved June 24, 1918

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$ to be filed on or before

Work to begin on or before August 23, 1918 and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before June 24, 1919

The whole of said work to be completed on or before June 24, 1920

Beneficial use of water appropriated in accordance herewith, to be made on or before June 24, 1923

Witness my hand this 24th day of June, 1918.

FRED A. WILKIE

State Engineer.

Remarks: Springs & points of diversion of ditches are located on Government lands within the Cache National Forest. One-half Sec. ft. is claimed from each spring.

14 Twp	Range	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
8 S	37 E.	32									7	3	30						40
9 S	37 E	6					10												10
Total Number of Acres to be Irrigated																			50

Proof of C.W. made 6-22-20.

Permit No. 13602

CERTIFICATE OF COMPLETION OF WORKS

To All Whom It May Concern:

This is to certify that ALPHONSE HENRY WAGENER, of McCammon, County of Bannock, and State of Idaho, the holder of Permit No. 13602, issued upon Application No. 19353, bearing date of priority of June 13, 1918, authorizing the diversion of 1.0 second feet of the waters of springs, County of Bannock, State of Idaho, for irrigation and domestic purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 1.0 second feet of the waters of Springs; that the points of diversion of said waters are as follows: No. 1 - SE 1/4 SW 1/4 Sec. 28; No. 2 - NW 1/4 NW 1/4 Sec. 33, in T. 8 S., R. 37 E., B. M. and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: 7 acres in NE 1/4 SW 1/4; 3 acres in NW 1/4 SW 1/4; 30 acres in SE 1/4 SW 1/4, Sec. 32, T. 8 S., R. 37 E., B. M.; 10 acres in NE 1/4 NW 1/4 Sec. 6, T. 9 S., R. 37 E., B. M.

Witness my hand this 13th day of July, A. D. 1920.

LOCALITY ISSUED FOR

page 9356

W. C. SWENDSEN,
Commissioner of Reclamation

By S. T. BAER,
Deputy

Upon proper request of the holder of the above numbered Permit (13602) I have this 22nd day of

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF ENGINEER

Permit No. 13602

This proof is for BEN, USC

In Water District No. 17-E

1. Name of applicant: A. H. Wagner
2. Source of water supply: Unnamed Springs
3. Location of point of diversion: Is in the NW 1/4, 33 of Section 28, T. 8 S., R. 37 E., S. 34 N., County of Bannack

4. Describe works as they exist, giving dimensions and capacities of same: *seepage in bed of stream and small springs, compose stream est at 50" this date*
and small springs, compose stream est at 50" this date
Small earth dam diverts water into ditch 2 1/2' bottom, 1 1/2' deep
capacity est 100 "

5. Water is used for: Irrigation
6. State whether or not water has been turned into works of diversion: *yes*
7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if for other than irrigation): NE 1/4 SW 1/4, NW 1/4 SW 1/4, Sec. 32, Twp. 8 S., R. 37 E., S. 34 N.

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach? *none except extreme high water*
- Remarks: *est 40 acres under cultivation, house grain ditch is side hill*
could irrigate 10 acres more for pasture.

13602

This examination was made on the 12 day of Nov. 1925

(Signed)

R. T. Chaff

Examiner.

A. E. Wagner
McCarmon, Idaho.

Permit No. 13602.....

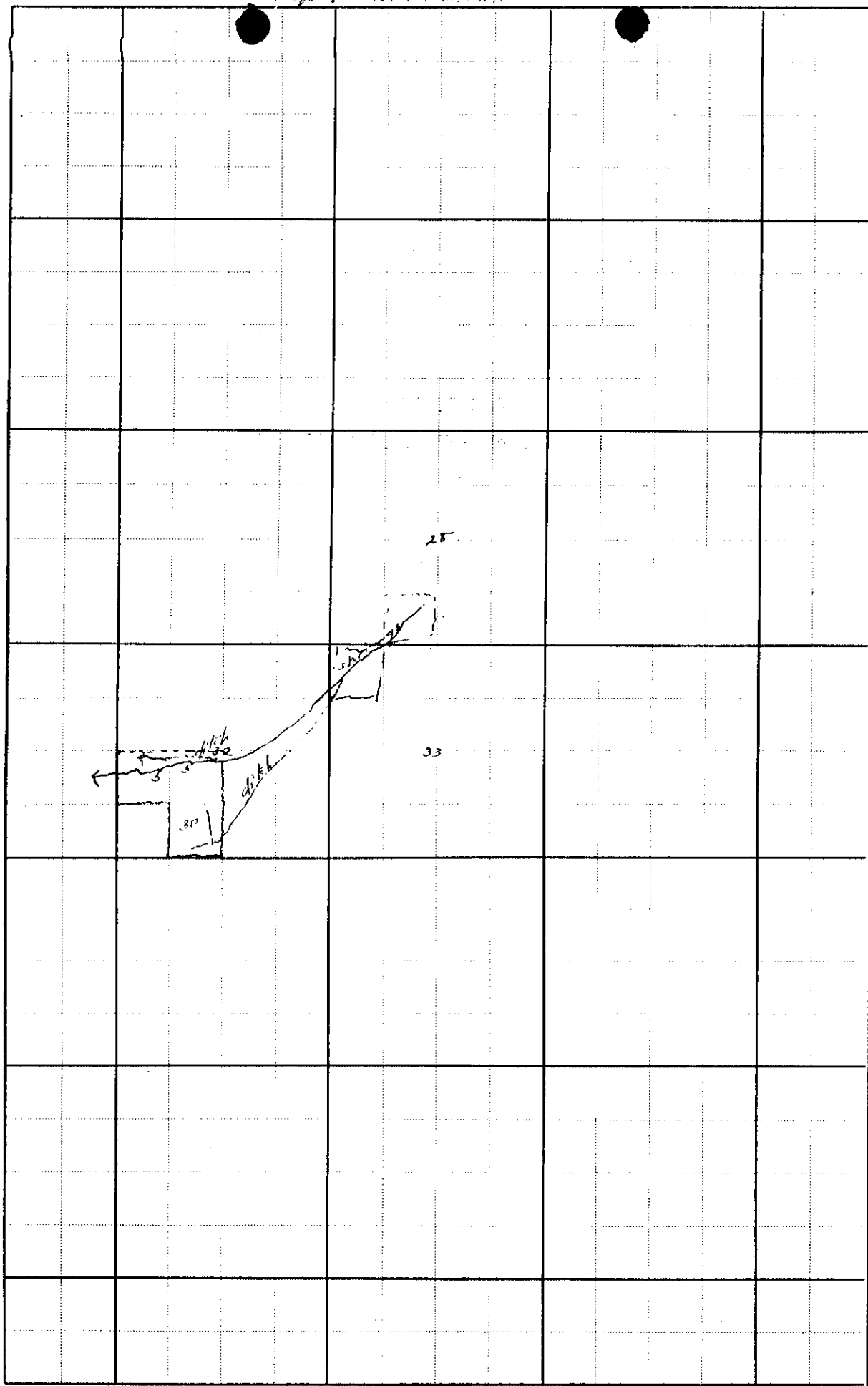
Examination for Beneficial Use.....

County BANYOCK.....

INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion, and accurately plat same.
 2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
 3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
 4. If any unusual conditions are discovered, make a plain statement of them under remarks.
 5. Always see the holder, if possible, and go over the whole ground with him, and make your report only upon actual existing facts and conditions.
-

7-6 5 12.37 E.M.



SCALE: 2 INCHES EQUALS 1 MILE. DRAW MAP IN INK.

13602

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. _____

REPORT ON PROOF OF _____