

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: A29-04050
Date Received: 4/02/1990
Receipt No: EO12681
Received By: DC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: J. ROYAL COLE 208-254-3589
Address: PO BOX 45
ARIMO, ID 83214

2. Date of Priority: NOV 06, 1901

3. Source: PECK CREEK Trib. to: MARSH CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	Count
10S	37E	31	SE	SW			BANNOC

5. Description of diverting works:
HEADGATE/ DITCHES TO FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	3.550		

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

8. Total consumptive use is 370.0 Acre Feet Per Annum.

9. Non-irrigation uses:
S/ UP TO 150 HEAD CATTLE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
10S	37E	30	SE	NW		IRR	39.0
			NE	SW		IRR	40.0
			NW	SW		IRR	36.0

A29-04050

Page 1

Date: 04/02/90

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A2904050



10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
10S	37E	30	SE	SW		IRR	33.0
Section Acres							148.0
Total Acres							148.0

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:
29-04049

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

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: 1

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): Royal Holt Date: 4-2, 1990
Date: _____

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 2 day
of April 19 90 Dave Carl
Notary Public

Seal

Residing at Heise, Id
My Commission Expires 2/26/96

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP. RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NUMBER
A29-04050	10S 37E	31		SE	SW			BANNOCK		

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
NONE NONE

WR RECORDS IN SAME 40 ACRE TRACT
NONE

SOURCE: PECK CREEK

TRIB: MARSH CREEK

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP. RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NUMBER
29-04050	11S 37E	6		NW	NW			BANNOCK		

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX

29-04053

NONE NONE

SOURCE: PECK CREEK

TRIB: MARSH CREEK

C. IS THE CLAIMED POD WITHIN THE SAME 40 ACRE TRACT THAT IS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y() N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POD, DESCRIBE THE INJURY
ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

D. CAN THE CLAIMED POD BE VERIFIED USING THE WATER RIGHT FILE OR GPS DATA? N/A() Y() N()

E. SHOULD THE CLAIMED POD BE VERIFIED BY FIELD EXAM? Y() N()

F. IS THE CLAIMED SOURCE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y() N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN SOURCE, DESCRIBE THE INJURY
ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

G. CAN THE CLAIMED SOURCE BE VERIFIED USING THE WATER RIGHT FILE? Y() N()

H. SHOULD THE CLAIMED SOURCE BE VERIFIED BY FIELD EXAM? Y() N()

I. HOW WAS THE POD AND SOURCE VERIFIED?

LICENSING FIELD EXAM (DATE OF FIELD EXAM) Y() N()

AJ FIELD EXAM (DATE OF FIELD EXAM NAME OF EXAMINER) Y() N()

OTHER (DESCRIBE IN NOTES BELOW)

NOTES: _____

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RECOMMENDED POINT(S) OF DIVERSION AND SOURCE: CHECK HERE IF RECOMMENDED AS CLAIMED (___)

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NBR
10S	37E	31		SE	SW			BANNOCK		
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
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_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____

SOURCE: PECK CREEK

TRIB: MARSH CREEK

REVIEWED BY: _____ DATE: _____

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SYSTEM DESCRIPTION: DESCRIBED BELOW (___), SEE LICENSE FILE (___), OR SEE ATTACHMENT (___)

A. ROOT WATER RIGHT NUMBERS: A29-04050

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
10S	37E	30	SE	NW		COLE, J ROYAL	A29-04050 / 39.0	29-04050 / 39.0	23.0		
			SE	NW		COLE, J ROYAL	A29-10961 / 39.0	- /			
			SE	NW		COLE, J ROYAL	A29-04049 / 39.0	29-04049 / 39.0			
10S	37E	30	NE	SW		COLE, J ROYAL	A29-04050 / 40.0	29-04050 / 30.0	31.0		
			NE	SW		COLE, J ROYAL	A29-04049 / 24.0	29-04049 / 3.0			
			NE	SW		COLE, J ROYAL	A29-10961 / 24.0	- /			
10S	37E	30	NW	SW		COLE, J ROYAL	A29-04050 / 36.0	29-04050 / 40.0			
			NW	SW		COLE, J ROYAL	A29-04049 / 36.0	29-04049 / 40.0			
			NW	SW		COLE, J ROYAL	A29-10961 / 36.0	- /			
			NW	SW	6	BASTIAN, LYNN S	A29-04302 / 6.0	29-04302 / 6.0			
10S	37E	30	SE	SW		COLE, J ROYAL	A29-04050 / 33.0	29-04050 / 40.0	37.0		
			SE	SW		MEADOWBROOK RANCH	A29-04054 / 9.0	- /			

ADDITIONAL POU FOUND

TOTAL ACRES	A29-04050	148.00	149.00	91.00
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POU COUNTY: BANNOCK

C. IS WATER USAGE FOUND IN TRACTS OTHER THAN THOSE CLAIMED?

Y() N()

* IF YES, ARE THESE TRACTS LISTED ABOVE (), OR ARE THEY LISTED ON AN ATTACHED SHEET ()

LIST OF ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE

CLAIM NO.	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A29-04050	PECK CREEK	COLE, J ROYAL	3.550	0.023		
A29-04049	MARSH CREEK	COLE, J ROYAL	1.980	0.020		
A29-04054	PECK CREEK	MEADOWBROOK RANCH	3.800	0.020		
A29-04302	MARSH CREEK	BASTIAN, LYNN S	6.720	0.018		
A29-10961	SPRING	COLE, J ROYAL	0.200	0.002		

NO RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION

D. ARE OTHER WATER RIGHTS USED FOR THE SAME PURPOSE?

Y() N()

* IF YES, COMPLETE OVERLAP REVIEW:

OTHER RIGHTS LISTED IN CLAIM: 29-04049

E. IS THE CLAIMED POU THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A() Y() N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POU, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

F. CAN THE CLAIMED POU BE VERIFIED USING THE WATER RIGHT FILE AND AVAILABLE AERIAL PHOTOS?

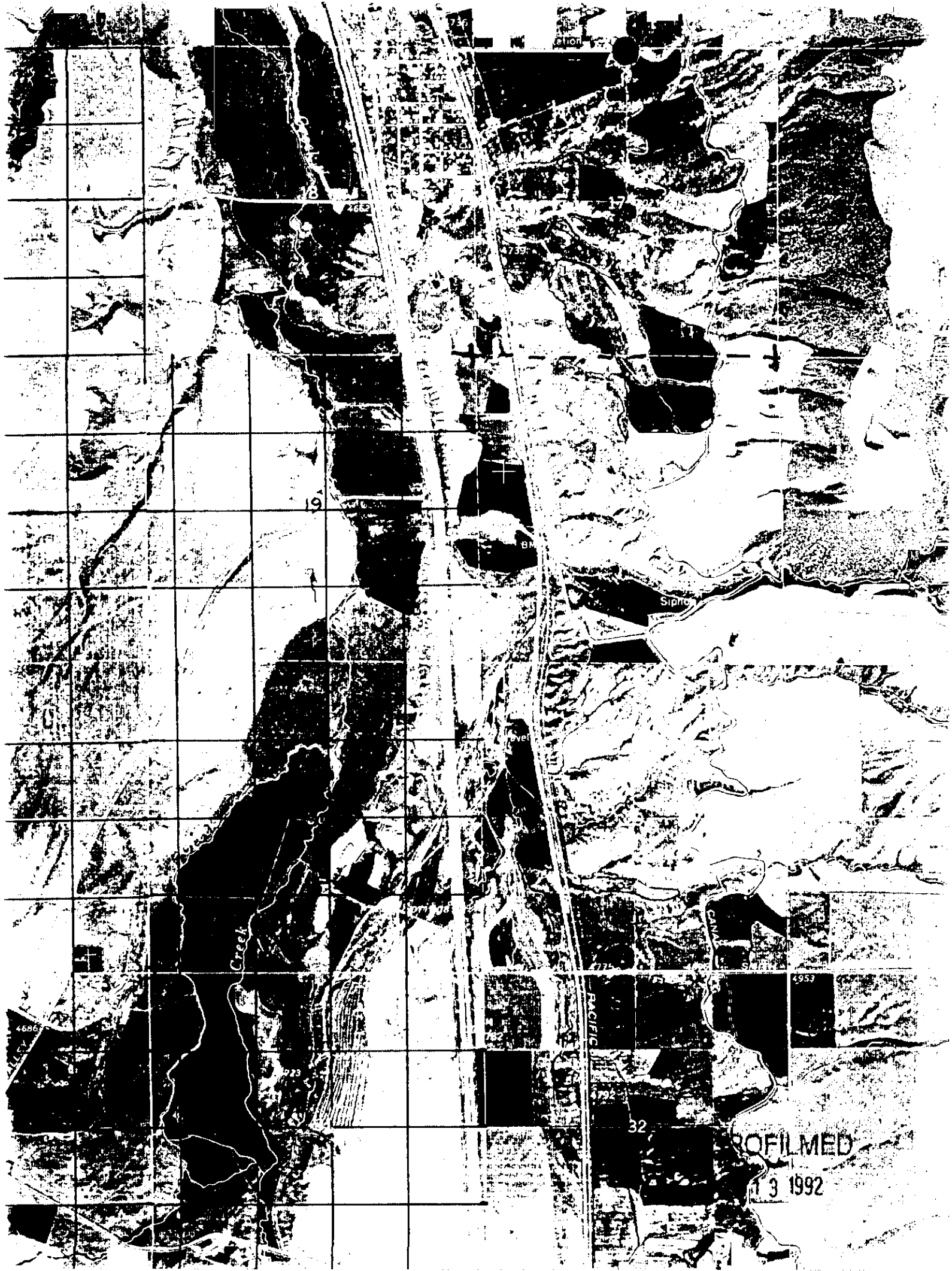
N/A() Y() N()

G. SHOULD THE CLAIMED POU BE VERIFIED BY FIELD EXAM?

Y() N()

H. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE OF THIS RIGHT, OR ANY PORTION OF THIS RIGHT?

Y() N()



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Log for claim A29-04050

Spatial Dynamics LTD

6/29/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
10s37e	30	NWNW	0	0	
10s37e	30	SEnw	39	41	
10s37e	30	NESW	40	41	
10s37e	30	NWSW	36	30	
10s37e	30	NWSW	0	0	
10s37e	30	SWSW	0	0	
10s37e	30	SESW	33	33	
10s37e	31	NENW	0	0	
Totals:			148	145	

No. A20-26

ADJUDICATION CLAIM PROFILE REPORT

DATE: 04/27/2001
PAGE: 106

DATE: 04/27/2001
PAGE: 106

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	J ROYAL COLE PO BOX 45 ARIMO ID 83214 (208) 254-3589	11/06/1901	IRRIGATION	04-01 11-01	3.550 CFS	
				TOTAL DIVERSION: CONSUMPTIVE USE:	3.550 CFS	370.00 AFA

Tributary to: MARSH CREEK

Stage: STATUTORY CLAIM

BANNOCK County

Place of use Legal Description for: IRRIGATION

[illegible]

POU County: BANNOCK

Non-Irrigation Uses: S/ UP TO 150 HEAD CATTLE

Other Rights: 29-04049

Other Water Rights Listing Overlapping Place(s) of Use:
A29-04049 A29-04054 A29-10961

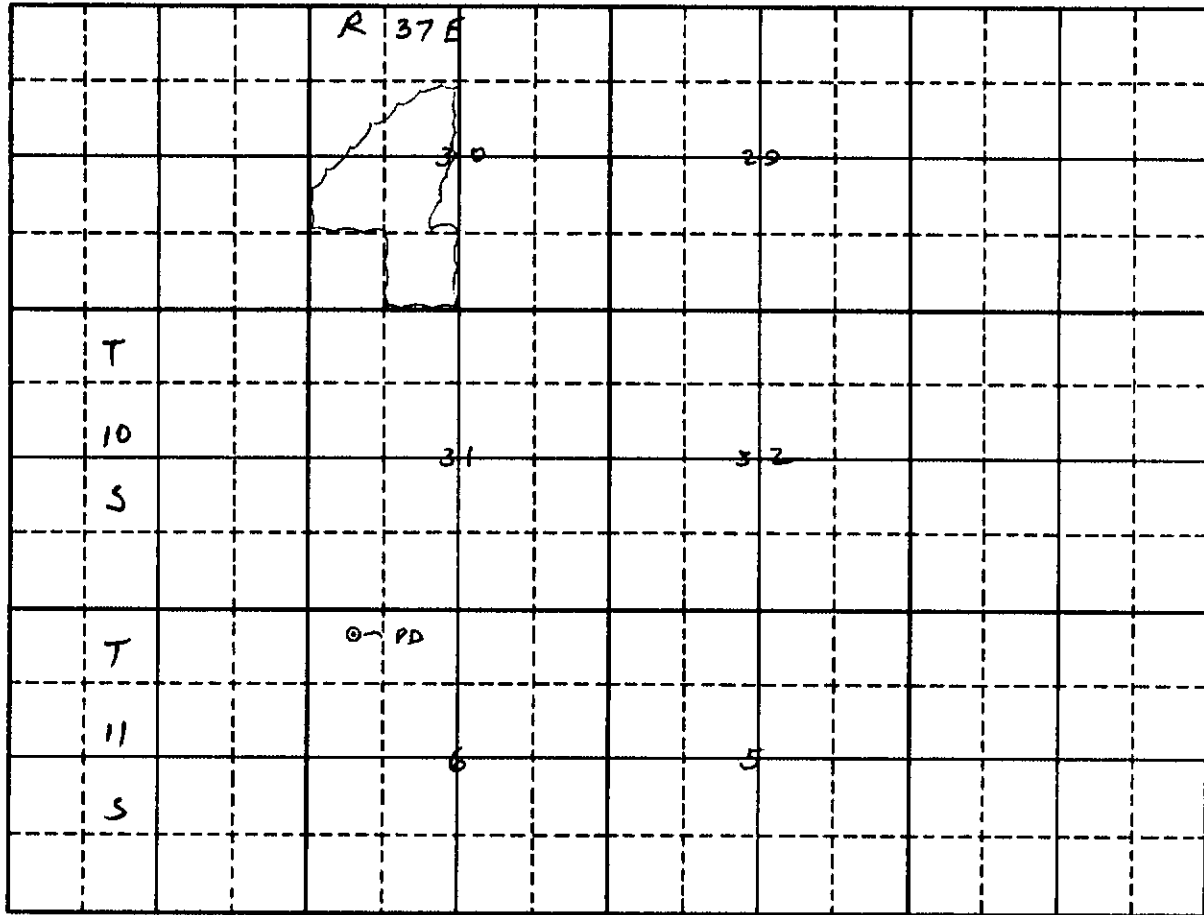
Dates: Exam Made Date: Verified Date: Objection Filed Date:

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

Audit: 04/02/90 DCARLSON 07/19/94 THOMPSON 03/29/95 POST-STD

- (7) If you are claiming water as a member of an organization, list name of organization:

(8) Remarks _____



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of BONNEVILLE) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiants knowledge.

Sworn to before me this 18th day of JUNE

J. Royall Co
(Claimant)

Ronald D Carter 1975
Notary Public
Residing at FIRTH, IDAHO

My commission expires 2/14/78

For Department Use Only

Received by <u>MB</u>	Date <u>6-11-75</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>RDC</u>	Date <u>6/18/75</u>		claimant by:	
\$10.00 fee received by <u>MB</u>	Date <u>6-11-75</u>			
Approved for publication by <u>W 709-75-4294</u>				
Published in <u>State State Journal</u>				
Dates <u>June 26 & July 3, 1975</u>				

AFFIDAVIT

County of Bannock

Herman H. Reisner

being first duly sworn,

I know these facts to be true because I lived on the Reisner Farm
continuously from 1908 to 1976.

Herman Reiser
(Signature)

Subscribed and sworn to before me this 3/1 day of April, 1985.

(Notary Public)

Residing at Lawton Springs, Mich.
My Commission Expires 4-4-88

AFFIDAVIT

State of Idaho
County of Bannock

Richard Carl Reisner

deposes and says: Charlie Fink had a Ditch, ("Arimo Ditch"), running
through his farm. He never used any water out of the ditch. The lower
part of his farm was meadow which he used for hay. Between the meadow and
the ditch was sage brush and dry grass. From the time we moved into our
house in 1908 until I left home in the spring of 1922, Charlie Fink never
used any water from the Arimo Ditch. This land is now owned by Wayne Wheatly.

There was a road that led through Emilio's farm. The road went through
the next farm to the west and on into Arimo.

In the years I went to Arimo School Charlie Fink did not use any water out of the Arimo Ditch. Also the farm to the north of Charlie Finks farm did not use water out of the Arimo Ditch.

In the years from 1913 to 1922 there was never any water used on the farm north of Charlie Finks farm. This land is now owned by Royal Cole.

Richard Reisman
(Signature)

Subscribed and sworn to before me this 24 day of January, 1986

(Notary Public)

Residing at La Jolla, Calif.
My Commission Expires 12/1/54

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being first duly sworn,

This land is now owned by Wayne Wheatly.

Subscribed and sworn to before me this 3/1 day of July, 1985.

Residing at Sava Hot Springs, Idaho
My Commission Expires 4-4-88

JUN 23 1975

Department of Water Resources
Eastern District Office
Bozeman, Montana

538572

State of Idaho

County of Bannock

The undersigned, _____, being first duly sworn, deposes and says that he has certain knowledge that water from Pack Creek tributary to Marsh Creek and water from Marsh Creek tributary of Portneuf river has been used for irrigation of 152 acres homesteaded by Robert E. Cole and now owned by Royal and Ruth Cole. This property is located in section 30, T 10 S, R 37 E, Bannock County. This water has been used on said property each year from April 1 to November 1 since Robert E. Cole homesteaded said property in 1901. (This instrument to void prior instrument No. 526097

recorded in the records of Bannock County 7-30-74, Book 270.

Robert E. Cole

Loren Egan

W. E. G.

Al Morrison

(signature)

Subscribed and sworn to before me this 22 day of June 19 75

NOTARY SEAL

Harvey H. Cole
(notary public)Residing at Bannock Co.
My commission expires 4/4/79

538572

No. 538572 at request of

J. Royal Cole

JUN 23 8 19 AM '75

Bozeman, Montana

FEE \$1.00