

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: A29-04434

Date Received: 4/03/1990

Receipt No: 1006450

Received By: CF

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

251-4218

1. Name: KATHRYN CAPELL
Address: P.O. BOX 146
ARIMO, ID

208-254-3596

83214

2. Date of Priority: DEC 27, 1944

3. Source: SPRINGS

Trib. to: MARSH CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
10S	37E	18	NW	SE	SE		BANNOCK

5. Description of diverting works:

DAM, POND & DITCHES, OR A PUMP AND SPRINKLERS ARE SOMETIMES USED

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		
IRRIGATION STORAGE	01/01	12/31			2.00
IRRIGATION FROM STORAGE	04/01	11/01			2.00

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:

THE POND IS ALSO USED AS A PRIVATE FISHERY.

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
10S	37E	17	NW	SW		IRR	10.0

Section Acres 10.0

A29-04434

Page

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Date: 04/03/90

MICROFILMED

NOV 13 1992

A2904434



10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
10S	37E	18	NE	SE	IRR	20.0
			SE	SE	IRR	10.0
					Section Acres	30.0
					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:
DELIVERED THROUGH ARIMO DITCH CO.

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 ☒ 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): Rathburn J. Capell Date: April 3, 1990
Date: _____

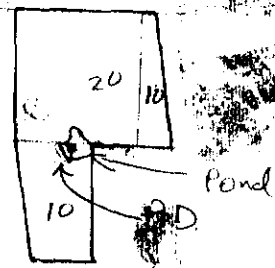
State of Idaho)
County of Bannock) SS.

Subscribed and sworn (or affirmed) before me this 3rd day
of April 19 90 Carter Fritschle
Notary Public

Seal

Carter Fritschle, Notary Public
Residing at _____ Residing at Eagle, Idaho
My Commission Expires March 21, 1994
My Commission Expires _____

29-04434



T 10S
R 37E

State

30

Creek

MICROFILMED
NOV 13 1992

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
A29-04434	10S 37E	18	NW	SE	SE			BANNOCK		

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
A29-04201 29-11093
A29-11093

WR RECORDS IN SAME 40 ACRE TRACT
29-04201

SOURCE: SPRINGS

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
29-04434	10S 37E	18		SE	SE			BANNOCK		

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX
A29-04201 29-11093
A29-11093

SOURCE: SPRING

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	18	NW	SE	SE			BANNOCK		
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____

SOURCE: _____ TRIB: _____

REVIEWED BY: _____ DATE: _____

=====

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

A. ROOT WATER RIGHT NUMBERS: A29-04434

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
10S	37E	17	NW	SW		CAPELL, KATHRYN	A29-04434 / 10.0	29-04434 / 10.0	35.0		
			NW	SW		PORTNEUF MARSH VALLEY CANAL	COA29-04060 / 16.0	- /			
			NW	SW		PORTNEUF MARSH VALLEY CANAL	COA29-00053 / 16.0	- /			
			NW	SW		PORTNEUF IRRIGATION CO	A29-11277 / 35.5	- /			
			NW	SW		CITY OF ARIMO	A29-07334 /	- /			
			NW	SW		PORTNEUF IRRIGATING CO	A29-00051 / 35.5	29-00051 /			
			NW	SW		PORTNEUF MARSH VALLEY CANAL	COA29-00052 / 16.0	- /			
			NW	SW		PORTNEUF MARSH VALLEY CANAL	COA29-00589 / 16.0	- /			
			NW	SW		CITY OF ARIMO	A29-04148 /	29-04148 /			
			NW	SW		EVANS, ALEXANDER JENKINS		29-08112 / 15.0			
10S	37E	18	NE	SE		CAPELL, KATHRYN	A29-04434 / 20.0	29-04434 / 20.0	34.0		
			NE	SE		PORTNEUF IRRIGATING CO	A29-00051 / 40.0	29-00051 /			
			NE	SE		PORTNEUF IRRIGATION CO	A29-11277 / 40.0	- /			
			NE	SE		CITY OF ARIMO	A29-07334 /	- /			
			NE	SE		CAPELL, KATHRYN	A29-10977 /	- /			
			NE	SE		CITY OF ARIMO	A29-04148 /	29-04148 /			
			NE	SE		CAPELL, KATHRYN	29-10977 /	- /			
			NE	SE		HENDERSON RANCHES INC.		29-04200 / 30.0			
10S	37E	18	SE	SE		CAPELL, KATHRYN	A29-04434 / 10.0	29-04434 / 10.0	31.0		
			SE	SE		LANCE, MARTHA W	A29-12890 /	- /			
			SE	SE		HENDERSON RANCHES INC	29-11093 /	- /			
			SE	SE		PORTNEUF IRRIGATING CO	A29-00051 / 35.0	29-00051 /			
			SE	SE		PORTNEUF IRRIGATION CO	A29-11277 / 35.0	- /			
			SE	SE		HENDERSON RANCHES INC	A29-11093 /	- /			
			SE	SE		LANCE, MARTHA W	A29-02456 / 8.0	29-02456 / 8.0			
			SE	SE		LANCE, MARTHA W	29-12890 /	- /			
			SE	SE		HENDERSON RANCHES INC.		29-04200 / 30.0			
			SE	SE		HENDERSON RANCHES INC.		29-04201 / 40.0			
			SE	SE		HENDERSON RANCHES INC.		29-04203 / 10.0			

ADDITIONAL POU FOUND

TOTAL ACRES	A29-04434	40.00	40.00	100.00
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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
A29-04434	SPRINGS	CAPELL, KATHRYN	0.800	0.020		
A29-00051	PORTNEUF RIVER	PORTNEUF IRRIGATING CO	55.000	0.016		
A29-00052	PORTNEUF RIVER	PORTNEUF MARSH VALLEY CANAL CO	176.850	0.034		
A29-00053	TOPONCE CREEK	PORTNEUF MARSH VALLEY CANAL CO	164.430	0.032		
A29-00589	PORTNEUF RIVER	PORTNEUF MARSH VALLEY CANAL CO			16410.00	3.23
	TOPONCE CREEK					
A29-02456	SPRING	LANCE, MARTHA W	0.800	0.020	139.30	3.48
A29-04060	PORTNEUF RIVER	PORTNEUF MARSH VALLEY CANAL CO			21834.00	4.30
A29-11277	PORTNEUF RIVER	PORTNEUF IRRIGATION CO	55.000	0.016		

LIST ALL RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION.

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A29-07334	MUNICIPAL	CITY OF ARIMO	FROM 01-01 TO 12-31	0.740 CFS	
A29-04148	MUNICIPAL	CITY OF ARIMO	FROM 01-01 TO 12-31	0.330 CFS	
A29-10977	DOMESTIC	CAPELL, KATHRYN	FROM 01-01 TO 12-31	0.040 CFS	
A29-10977	STOCKWATER	CAPELL, KATHRYN	FROM 01-01 TO 12-31	0.020 CFS	
29-10977	DOMESTIC	CAPELL, KATHRYN	FROM 01-01 TO 12-31	0.040 CFS	
29-10977	STOCKWATER	CAPELL, KATHRYN	FROM 01-01 TO 12-31	0.020 CFS	
A29-12890	DOMESTIC	LANCE, MARTHA W	FROM 01-01 TO 12-31	0.040 CFS	
A29-12890	STOCKWATER	LANCE, MARTHA W	FROM 01-01 TO 12-31	0.020 CFS	
29-11093	DOMESTIC	HENDERSON RANCHES INC	FROM 01-01 TO 12-31	0.040 CFS	
29-11093	STOCKWATER	HENDERSON RANCHES INC	FROM 01-01 TO 12-31	0.040 CFS	
A29-11093	DOMESTIC	HENDERSON RANCHES INC	FROM 01-01 TO 12-31	0.040 CFS	
A29-11093	STOCKWATER	HENDERSON RANCHES INC	FROM 01-01 TO 12-31	0.040 CFS	
29-12890	DOMESTIC	LANCE, MARTHA W	FROM 01-01 TO 12-31	0.040 CFS	
29-12890	STOCKWATER	LANCE, MARTHA W	FROM 01-01 TO 12-31	0.020 CFS	

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

Y() N()

* IF YES, COMPLETE OVERLAP REVIEW:

OTHER RIGHTS LISTED IN CLAIM: DELIVERED THROUGH ARIMO DITCH CO.

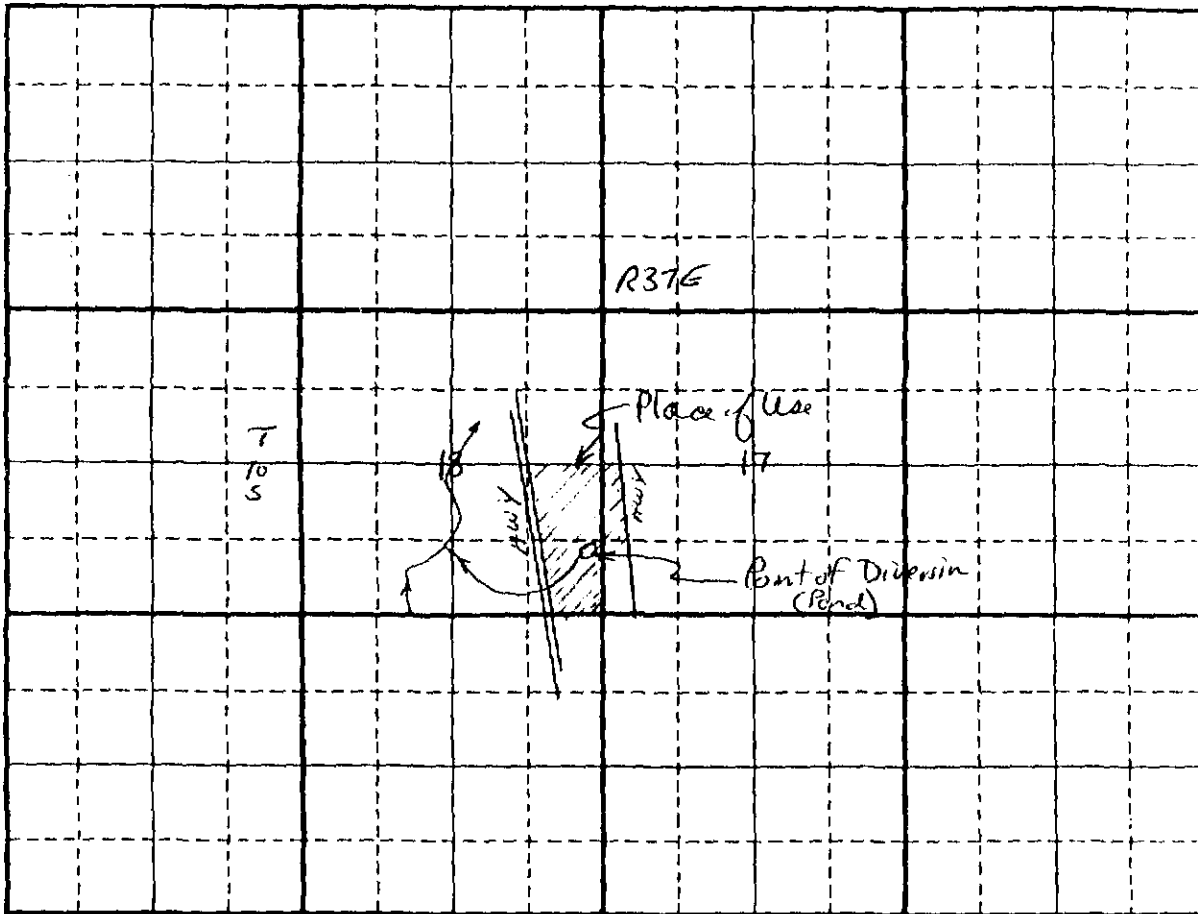
Log for claim A29-04434

Spatial Dynamics BTD

7/5/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
10s37e	17	NWSW	10	7.8	
10s37e	18	NESE	20	39	Indiscernible
10s37e	18	SESE	10	20	Indiscernible
Totals:			40	66.8	

(B) 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 Bannock) 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 affiant's knowledge.

Sworn to before me this 12th day of June

James C. Capell
(Claimant)
19 83

Harvey H. Cole
Notary Public
Residing at Arvin, Idaho

My commission expires N/A

Received by CW Date 5-31-83 FOR DEPARTMENT USE ONLY
Prelim. check by KCW Date 8-27-83
\$30.00 fee received by CW Date 8/24/83 1043
Published in Idaho State Journal
Dates 9/8 - 9/15/83

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	KATHRYN CAPELL PO BOX 146 ARIMO ID 83214 (208) 254-3596	12/27/1944	IRRIGATION	04-01 11-01	0.800 CFS	
			IRRIGATION STORAGE	01-01 12-31		2.00 AFA
			IRRIGATION FROM STORAGE	04-01 11-01		2.00 AFA
TOTAL DIVERSION:					0.800 CFS	
CONSUMPTIVE USE:						100.00 AFA

Water Source: SPRINGS

Tributary to: MARSH CREEK

Stage: STATUTORY CLAIM

Point(s) of Diversion: T10S R37E S18 NWSESE

BANNOCK County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
10S	37E	17	:																	:	10.0
10S	37E	18	:																	:	30.0
TOTAL ACRES																			:	40.0	

Place of use location for IRRIGATION FROM STORAGE is the same location as described for: IRRIGATION

POU County: BANNOCK

Non-Irrigation Uses: THE POND IS ALSO USED AS A PRIVATE FISHERY.

Other Rights: DELIVERED THROUGH ARIMO DITCH CO.

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
A29-04201Other Water Rights Listing Overlapping Place(s) of Use:
A29-00051 A29-00052 A29-00053 A29-00589 A29-02456 A29-04060 A29-11277

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

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

Audit: 04/03/90 MOBILE2 07/25/94 THOMPSON 03/29/95 POST-STD

RECEIVED

FEB 15 1995

Department of Water Resources
Eastern District OfficeSTATE OF IDAHO
DEPARTMENT OF FISH AND GAME
Boise, Idaho

June 22, 1995

PRIVATE FISH POND PERMIT

In conformance with Section 35-1501 I.C.A. and the powers invested in the State Fish and Game Commission, permission is hereby granted to:

Name: Paul Evans & James E. Capell Address: Arino, Virginia, Idaho

to establish and maintain a private fish pond on premises owned by him for the purpose of propagating fish under the following conditions:

- (1) Such pond shall not be established so as to contain any waters where game fish naturally abound without constructing inlets and outlets approved by the Director of the Idaho State Fish and Game Department.
- (2) Fish from a pond stocked by the state may not be sold, nor may a charge be made for fishing; the owner of the pond may or may not allow others to fish at his discretion.
- (3) Anyone fishing in the pond (including the owner) must have a state fishing license and must conform to size and bag limits and seasons.
- (4) The state may take surplus fry for stocking other waters.
- (5) Private ponds larger than 25 surface acres must have at least one third of their shoreline and surface open to the public for fishing.

The following number and species of fish will be supplied for stocking purposes:

None

and will be supplied by:

Water for this pond is supplied by a spring located on the SEE SEE, Sec 18 T 10 S,
R 37 E.

PROVISIONS OF PERMIT ACCEPTED:

IDAHO STATE FISH & GAME DEPARTMENT

James E. Capell
Signature of Permittee
Paul Evans

Director, T.B. Murray
James C. Simpson
NOV 13 1995
James C. Simpson