

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: A29-07223
Date Received: 2/16/1990
Receipt No: E012096
Received By: Kuw

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JOHN A. SHULTZ 208-254-3878
Address: 939 WALKER CREEK ROAD
MC CAMMON, ID 83250
OR
Name: KATHY L. SHULTZ 208-254-3878
Address: 939 WALKER CREEK ROAD
MC CAMMON, ID 83250

A2907223



2. Date of Priority: SEP 17, 1974

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
08S	36E	15	NW	SW			BANNOCK

5. Description of diverting works:
PUMP FOR SPRINKLER IRRIGATION & DITCH FOR FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.040		

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

8. Total consumptive use is 5.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A29-07223

Page 1

Date: 02/16/90

MICROFILMED

NOV 13 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
08S	36E	15	NW	SW		IRR	2.0
Section Acres							2.0
Total Acres							2.0

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:
29-07307

14. Remarks:

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: _____

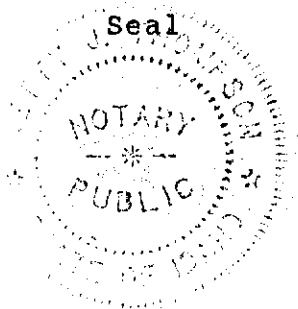
For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Jah. A. Shultz Date: 2/16/90
Date: _____

State of Idaho)
County of Bonneville) ss.

Subscribed and sworn (or affirmed) before me this 16 day
of Feb 19 90 Betty J. Thompson
Notary Public



BETTY J. THOMPSON, NOTARY PUBLIC
Residing at RESIDING AT IDAHO FALLS, IDAHO
My Commission Expires MY COMMISSION EXPIRES: 6-30-94

RIGHT NUMBER: 29-7223

NAME AND ADDRESS: JOHN A SHULTZ
939 WALKER CREEK RD
MC CAMMON ID 83250

KATHY L SHULTZ
939 WALKER CREEK RD
MC CAMMON ID 83250

SOURCE: WALKER CREEK

TRIBUTARY: MARSH CREEK

QUANTITY: 0.04 CFS
7.0 AFY

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 0.06 CFS FOR IRRIGATION. COMBINED RIGHT NOS.:
29-07223, 29-07307

PRIORITY DATE: 09/17/1974

POINT OF DIVERSION:

T08S R36E S15 NWSW Within BANNOCK County

T08S R36E S15 NWSW Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/01	0.040 CFS 7.00 AFY

PLACE OF USE:

IRRIGATION Within BANNOCK County

T08S R36E S15 NWSW 2.0

2 ACRES TOTAL

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 2 ACRES IN A SINGLE IRRIGATION
SEASON. COMBINED RIGHT NOS.: 29-07223, 29-07307

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.
THIS RIGHT IS SUBJECT TO REGULATION BY THE WATERMASTER OF
WATER DISTRICT 29H, MARSH CREEK.

EXPLANATORY MATERIAL: License

ALL CLAIMS MUST BE NUMBERED 029-07222

TO: FIVE CLAIMS				AC		VA		TAMPAH		BAY		SUNNY	
WTR	END	SEC	L/A	L/A	LOT	NAME	6/ACRES	4/ACRES	DATE	DATE	EXPI.	ACRES	ACRES
029-07222	15	01	01	01	01	WALKER CREEK	0.000	0.000	01-07-01	01-07-01	01-07-01	0.000	0.000
						LIVINGSTON, STEVE	0.000	0.000	01-07-01	01-07-01	01-07-01	0.000	0.000
						WALKER CREEK	0.000	0.000	01-07-01	01-07-01	01-07-01	0.000	0.000
						WALKER CREEK	0.000	0.000	01-07-01	01-07-01	01-07-01	0.000	0.000
						WALKER CREEK	0.000	0.000	01-07-01	01-07-01	01-07-01	0.000	0.000
						WALKER CREEK	0.000	0.000	01-07-01	01-07-01	01-07-01	0.000	0.000
						WALKER CREEK	0.000	0.000	01-07-01	01-07-01	01-07-01	0.000	0.000
						WALKER CREEK	0.000	0.000	01-07-01	01-07-01	01-07-01	0.000	0.000
						WALKER CREEK	0.000	0.000	01-07-01	01-07-01	01-07-01	0.000	0.000
						WALKER CREEK	0.000	0.000	01-07-01	01-07-01	01-07-01	0.000	0.000

029-07222

IS WATER USAGE FOUND IN TRACTS OTHER THAN THOSE CLAIMED? () ()

A IS YES, AND THESE TRACTS LISTED ABOVE (), OR ARE THEY LISTED BY AN ATTACHED SHEET ()

LIST OF ALL RIGHTS WITH A GIVE FOR AND INFORMATION USAGE

CLAIM NO.	SOURCE	NAME	QTY. RATE	DATE/ACRE	QTY. VOL.	DATE/ACRE
029-07222	WALKER CREEK	WALKER, JOHN A	0.000	0.000	0.000	0.000
029-07222	WALKER CREEK	WALKER, JOHN A	0.000	0.000	0.000	0.000

LIST ALL RIGHTS WITH GIVE FOR BUT NOT USED FOR IRRIGATION.

CLAIM NO.	SOURCE	NAME	QTY./DAY	RATE	VOLUME
029-07222	WALKER CREEK	WALKER, JOHN A	0.000	0.000	0.000
029-07222	WALKER CREEK	WALKER, JOHN A	0.000	0.000	0.000
029-07222	WALKER CREEK	WALKER, JOHN A	0.000	0.000	0.000
029-07222	WALKER CREEK	WALKER, JOHN A	0.000	0.000	0.000

4. IS THE CLAIMANT FOR WITHIN THE SAME AS ABOVE TRACT THAT IS DESCRIBED IN THE WATER RIGHT FILIP

RIGHT	EXT. R/W	SEC.	1/4	1/4	1/4	1/4	1/4	1/4	1/4	COUNTY	DIVISION NAME	DIVISION NUMBER
400-07000	016 458	15		XX	XX					SAVANNAH		

COVER OF CLAIMS WITH SAME AS FOR
A. SECTION 15
B. SECTION 15
C. SECTION 15
D. SECTION 15
E. SECTION 15
F. SECTION 15
G. SECTION 15
H. SECTION 15
I. SECTION 15
J. SECTION 15
K. SECTION 15
L. SECTION 15
M. SECTION 15
N. SECTION 15
O. SECTION 15
P. SECTION 15
Q. SECTION 15
R. SECTION 15
S. SECTION 15
T. SECTION 15
U. SECTION 15
V. SECTION 15
W. SECTION 15
X. SECTION 15
Y. SECTION 15
Z. SECTION 15

SOURCE: WALKER CREEK

SOURCE: WALKER CREEK

5. IS THE CLAIMANT FOR WITHIN THE SAME AS ABOVE TRACT THAT IS DESCRIBED IN THE WATER RIGHT FILIP

RIGHT	EXT. R/W	SEC.	1/4	1/4	1/4	1/4	1/4	1/4	1/4	COUNTY	DIVISION NAME	DIVISION NUMBER
400-07000	016 458	15		XX	XX					SAVANNAH		

COVER OF CLAIMS WITH SAME AS FOR
A. SECTION 15
B. SECTION 15
C. SECTION 15
D. SECTION 15
E. SECTION 15
F. SECTION 15
G. SECTION 15
H. SECTION 15
I. SECTION 15
J. SECTION 15
K. SECTION 15
L. SECTION 15
M. SECTION 15
N. SECTION 15
O. SECTION 15
P. SECTION 15
Q. SECTION 15
R. SECTION 15
S. SECTION 15
T. SECTION 15
U. SECTION 15
V. SECTION 15
W. SECTION 15
X. SECTION 15
Y. SECTION 15
Z. SECTION 15

SOURCE: WALKER CREEK

SOURCE: WALKER CREEK

6. IS THE CLAIMANT FOR WITHIN THE SAME AS ABOVE TRACT THAT IS DESCRIBED IN THE WATER RIGHT FILIP

A. IS YES, AND IF THE CHANGE IS VERIFIED AS AN APPROPRIATE CHANGE IN R/W, INDICATE THE CHANGE
ON THE CLAIMANT'S MAP AND WITH THE APPROPRIATE EXPLANATORY CODE.

7. CAN THE CLAIMANT BE VERIFIED USING THE WATER RIGHT FILE OR THE DATA

8. SHOULD THE CLAIMANT BE VERIFIED BY FIELD WORK

4733 000m N

Pit
4664 x

Petroglyphs
BM 4678
Rest Area

15
30
91
191

BM 4655

STATE

10
PARK

9
x4963

4732

T
8
S
R36E

BDY

BM 4669 x

POINT OF DIVERSION

BM 4677

PLACE OF USE

4731

16

15

Walker Creek

Creek

4610

BM 4672

CREEK

4831

4730

MARSH

A29-07223

BM 4688

INDIAN
ROCK

MICROFILMED

NOV 13 1992

Borrow Pit x

BM 4679

Borrow Pit x

21

22

4610

Log for claim A29-07223

Spatial Dynamics LTD

7/6/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
08s36e	15	NWSW	2	4.5	Indiscernible
Totals:			2	4.5	

AJ5809NP
No. A29-07223

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 04/27/00
PAGE: 169

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	JOHN A SHULTZ	09/17/1974	IRRIGATION	03-15 11-15	0.040 CFS	
C	KATHY L SHULTZ					
	939 WALKER CREEK RD			TOTAL DIVERSION:	0.040 CFS	
	MC CAMMON ID 83250			CONSUMPTIVE USE:		5.00 AFA
	(208) 254-3878					

Water Source: WALKER CREEK

Tributary to: MARSH CREEK

Stage: LICENSE

Point(s) of Diversion: T08S R36E S15 NWSW

BANNOCK County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE												
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM
			:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	
08S	36E	15	:					:					:			02		:					:	2.0
																							TOTAL ACRES	2.0

POU County: BANNOCK

Non-Irrigation Uses: NONE

Other Rights: 29-07307

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
29-10937 29-11943 A29-07307 A29-07478 A29-10937 A29-11730 A29-11943 A29-12129 A29-12895 A29-12896

Other Water Rights Listing Overlapping Place(s) of Use:
A29-07307

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

Misc: Water District Number: 29H Field Inspection Flag:
Presumption Flag:

Audit: 02/16/90 WILSON 07/26/94 THOMPSON 03/29/95 POST-STD

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 29-7223 Priority September 17, 1974 Amount 0.04 cfs

THIS IS TO CERTIFY, that JOHN SCHOONOVER
of McCammon, Idaho, has complied with the terms and conditions of Permit
No. 29-7223 issued pursuant to Application for Permit dated September 17, 1974
and has submitted proof to the Department of Water Resources on March 18, 1977
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 0.3 cfs of water from Walker Creek
tributary to Marsh Creek, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Irrigation</u>	from <u>March 15</u> to <u>November 1</u>	at <u>0.04</u> cfs and	<u>7.0</u> acre feet
	from _____ to _____	_____ cfs and	_____
	from _____ to _____	_____ cfs and	_____
(both dates inclusive)			

Subject, however, to the condition that no more than 0.04 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
7.0 acre feet per year, said waters to be diverted within the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 15, Twp. 8S,
Rge. 36E, B.M., in the County of Bannock

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
8S	36E	15									2				2

Total number of acres irrigated 2

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 31 day of
July, 19 79.

Director

Identification No. 29 7223

Application No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

To Appropriate the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

1. Name of applicant John Schoonover Phone: 254-3102
post office address R. R. 12A2 McCammon, Idaho 83200
2. Source of water supply Walker Creek which is a tributary of Portneuf
3. a. Location of point of diversion is NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 15 Township 8S
Range 36E B.M. Bannock County; additional points of diversion if any: _____

b. If water is not consumed, it will be discharged into _____ at a point in _____ $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____
4. Water will be used for the following purposes:
Amount 0.04 for Irrig. purpose from Mar. 15 to Nov. 1 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
a. 0.04 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. 3" pipeline from creek to irrigated ground

b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir capacity _____ acre feet, materials used in storage dam _____
Period of year during which storage will occur _____ to _____ inclusive.
(Mo. Day) (Mo. Day)
c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use is 2 years.
b. Estimated construction cost is \$ 500.00
8. Description of proposed uses:
a. If water is **not** for irrigation: N.A.
(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____
Range _____ B.M. _____
(2) Amount of power to be generated: _____ hp under _____ feet of head.
(3) List number of each kind of livestock to be watered: _____

(4) Name of municipality to be served _____, or number of families to be supplied with domestic water _____
(5) If water is to be used for other purposes describe _____

MICROFILMED

b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below

[illegible]

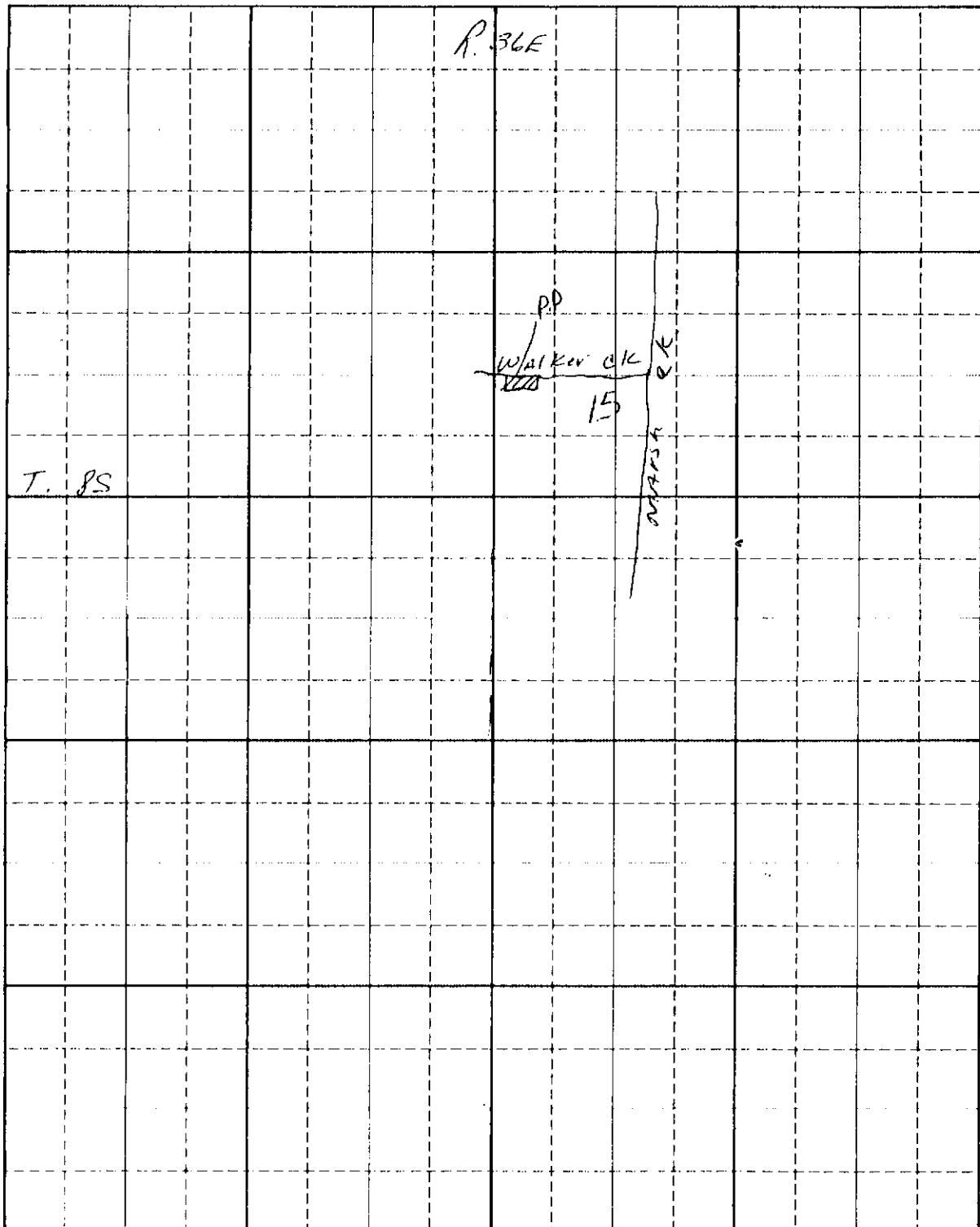
Total number of acres to be irrigated..... 2

c. Describe any other water rights used for the same purposes as described above. None

9. a. Who owns the property at the point of diversion Applicant
b. Who owns the land to be irrigated or place of use Applicant
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing

10. Remarks

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale 2 inches equal 1 mile

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.

John Schumacher
(Applicant)

9-17-1974

Received by MB Date 9-17-74 Time 4:05 p.m.

Preliminary check by WR Fee \$ 10.00

Received by MB Date 9-17-74 # 13057

Publication prepared by CB Date 9/19/74

Published in Idaho State Journal

Publication dates 9/26 + 10/3/74

Publication approved MB Date 10-9-74

Priority reduced to _____ Reason _____

Protests filed by George & Maurine Hurrich

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by ROC DF

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 29-7223, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before April 1, 19 77.
- c. Other: Use of water under this permit is subject to all prior water rights.

2. Denial of said application is for the following reasons: _____

Witness my hand this 17 day of March 19 75.

R. Kent Virgin
Director

MAR 25 1977

Phone 254-3102

(name spring, stream, etc.)

Other uses:

Permit No. 29-7223
Examination for b/u

Max Rate of Diversion 0.04 cubic feet per second and annual volume AF/Annum.

Township 8S N/S, Range 36E E/W, B.M., Section 15, Subdivision NW $\frac{1}{4}$ SW $\frac{1}{4}$, Bannock County

Township N/S, Range E/W, B.M., Section , Subdivision $\frac{1}{4}$ $\frac{1}{4}$, County

Township N/S, Range E/W, B.M., Section , Subdivision $\frac{1}{4}$ $\frac{1}{4}$, County

Other Points of Diversions:

Description of diverting works: diversion structure-rocks 3" pipe approx. 70' to hand dug ditch approx. 500' ditch

Measuring device required: yes ☐ no ☒

6. Lands to be irrigated or place of use.

[illegible]

TOTAL ACREAGE 2

T
8
S

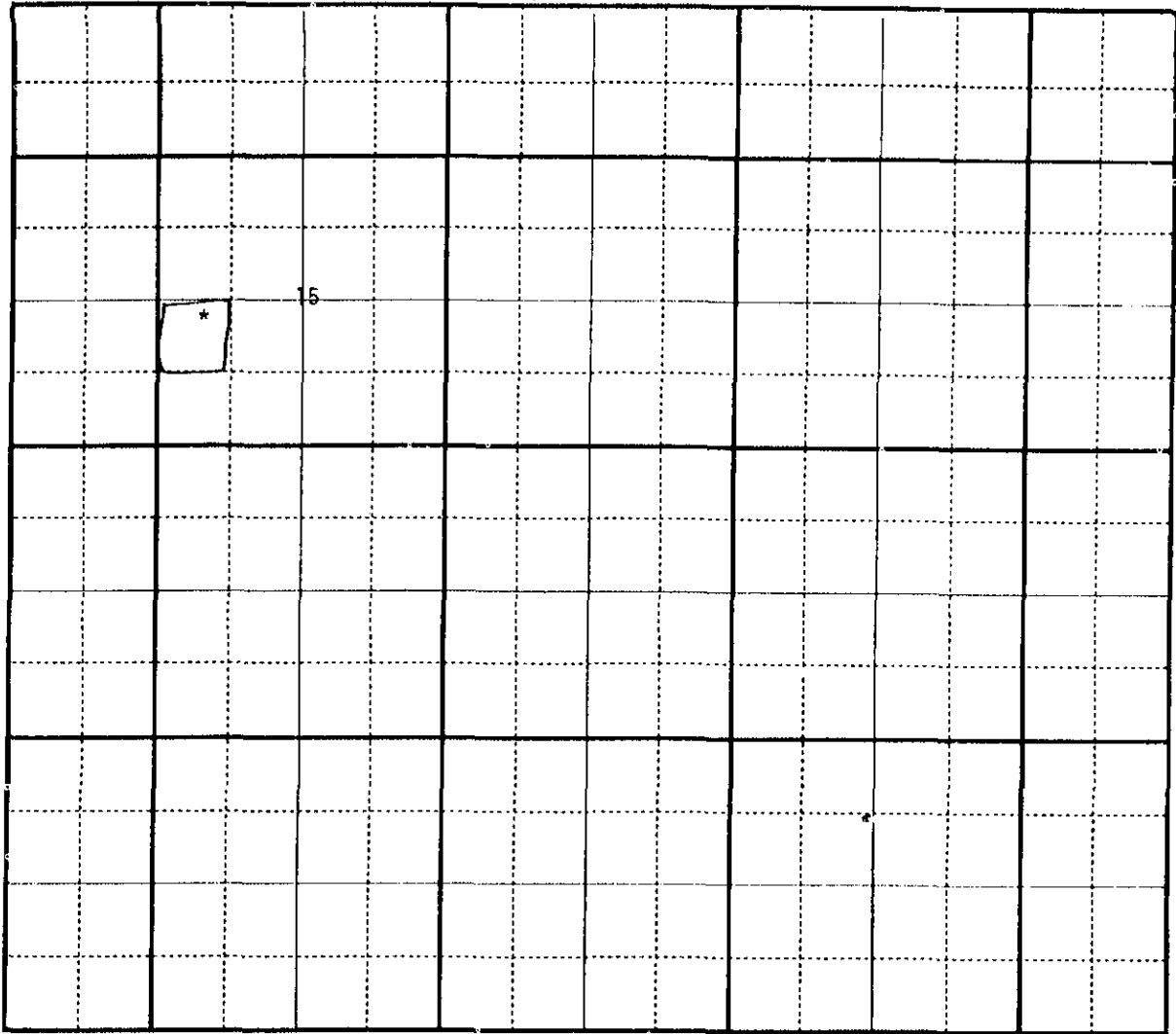
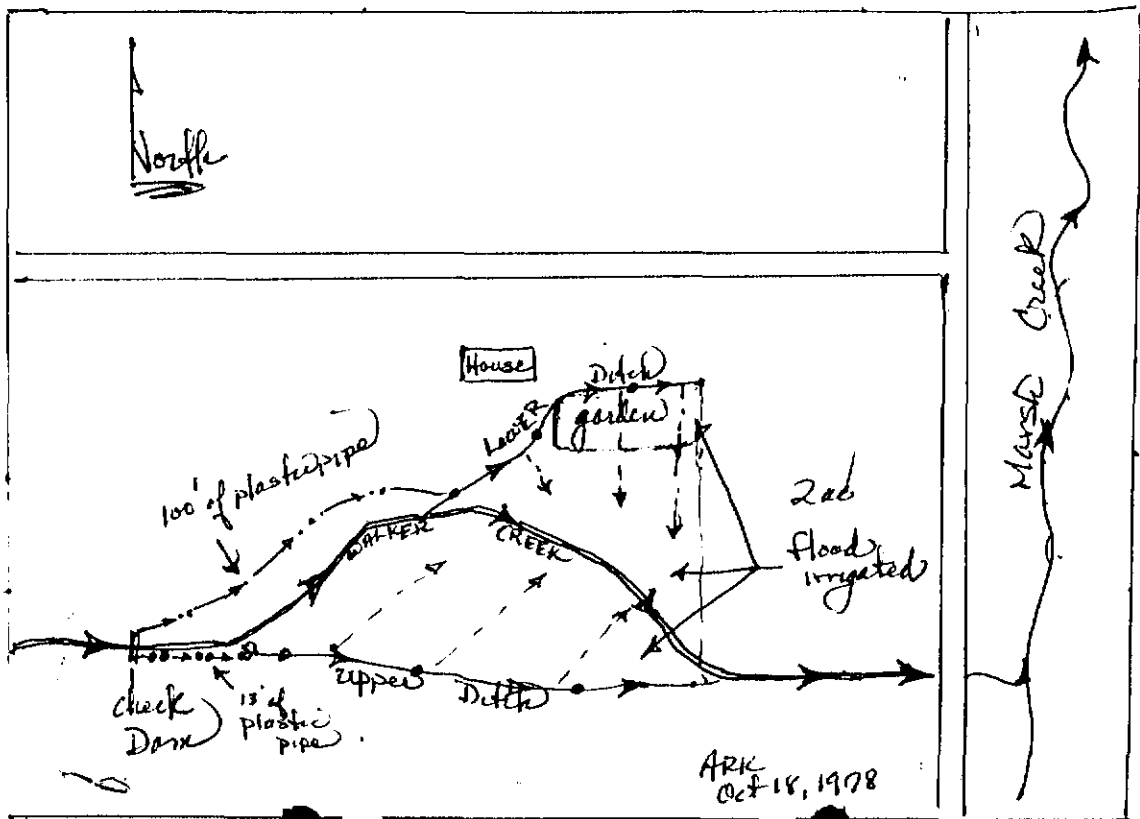


Diagram of System



DATE OF EXAM

6/19/78

ACREAGE

Found

Recommended

2/2

Irrigation Requirement

3.5

Ac Ft/Ac

USE

Irrigation Q = .04 c.f.s.

V = 7

AF/Ann. from

March 15

to

Nov. 15

Domestic Q = c.f.s.

V =

AF/Ann. from

to

Livestock Q = c.f.s.

V =

AF/Ann. from

to

Is water co-mingled? yes

no X

Name source:

n/a

twp.

N/S, Rge

E/W, B.M., Sec.

Sub.

1/4

1/4

County

Exchange? yes

no X

Name source exchanged with:

n/a

twp.

N/S, Rge

E/W, B.M., Sec.

Sub.

1/4

1/4

County

Point of injection:

n/a

twp.

N/S, Rge

E/W, B.M., Sec.

Sub.

1/4

1/4

County

Point of exchange:

n/a

twp.

N/S, Rge

E/W, B.M., Sec.

Sub.

1/4

1/4

County

Total Q measured

.313 cfs

Method of measurement

Dept. Current Meter

Total Q recommended

.04

Meter No.

Type

Piggy

Condition

good

Total V recommended

7 Aff/y

Recommended Amendments:

P.D.

Place of Use

Other

None

MEASUREMENT CALCULATION:

See Reverse side for current meter measurement.

$$V = 2ac \times 3.5 \text{ Aff/ac} = 7.0 \text{ Aff/y} < .04 \times 1.9835 \times 230 = 18.3 \text{ Aff/y}$$

SYSTEM DESCRIPTION:

Surface water is diverted from Walker Creek into Marsh Creek
 River by a small check dam. Water is diverted from a small
 pool then formed into 2 separate irrigation ditches by 2 separate
 and distinct lengths of pipe. Upper ditch is fed by 13" of plastic
 pipe (3' of 3" diam + 10' of 4" diam). The lower ditch is fed by
 100' of 3" plastic pipe. Approx. 20 acres are flood irrigated
 from the two ditches.

REMARKS:

System shown & described by Mr. Schoonover

No Preexisting rights

Examiner's Signature

Anthony R. Kozlowski

Date

Oct 18, 1978

Checked by

Rodney A. Parker

Date

1/18/79

Approved by

Date

Pygmy Heron - measurements

Upper ditch 14" wide

meas.	width	depth	Area	Rev	time	Vel	discharge
LB	.145	—	—	—	—	—	—
1	.29'	.26'	.075	20	44	.481	.036
2	.29'	.28'	.081	40	49	.826	.067
3	.29'	.20'	.058	30	44	.698	.040
RB	.145	—	—	—	—	—	—

$$Q_{total_1} = .143 \text{ cfs}$$

Lower ditch 18" wide

meas.	width	depth	Area	Rev	time	Vel	discharge
LB	.25'	—	—	—	—	—	—
1	.50'	.24'	.12'	40	47	.860	.103
2	.50'	.24'	.12'	30	56	.558	.067
RB	.25'	—	—	—	—	—	—

$$Q_{total_2} = .170 \text{ cfs}$$

$$Q_{total_{system}} = .313 \text{ cfs}$$