

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: A29-10071
Date Received: 7/10/1989
Receipt No: M003872
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: STANLEY O. THARP 208-237-4780
Address: P.O. BOX 2737
POCATELLO, ID 83206

2. Date of Priority: MAR 15, 1900

3. Source: RAPID CREEK/JACKSON CREEK Trib. to: PORTNEUF

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07S	36E	14	SW	SW			BANNOCK
		22	SE	NE			BANNOCK

5. Description of diverting works:
TWO DITCHES, 3'X3' AND 2'X1'

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.060		
STOCKWATER	03/15	11/15	0.020		

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

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

9. Non-irrigation uses:
S/HORSES, CATTLE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	36E	22	SE	SE		IRR	2.0

A29-10071

Page 1

Date: 08/09/89

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10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	36E	22	SE	SE		STOCK	
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:
PENDING APP. FOR GROUND PERMIT .08CFS

14. Remarks:
BOTH SOURCES ARE BEING CLAIMED UNDER ONE FILING BECAUSE
THEY ARE USED IN THE SAME SYSTEM WITH THE SAME PRIORITY DATE.

15. Basis of Claim: BENEFICIAL USE

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 FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
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CIVIL CASE NUMBER: 39576

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A29-10071

Date Received

7/10/89

Receipt Number

MOO 3872

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

PROCESSED

JUL 10 1989

Department of Water Resources
Eastern District Office

Please type or print clearly

1. Name of Claimant (s) Stanley O. THARP Phone (208) 237-4780
Mailing Address P.O. Box 2737 Pocatello ID Zip 83206

2. Date of Priority (Only one (1) per claim) March 15th 1900

3. Source of water supply (a) Rapid creek & high water from Jackson Creek
which is tributary to (b) PORTNEUE RIVER

4. a. Location of existing point of diversion is: Township 7S Range 36E Section 22,
(JACKSON CREEK)
SE 1/4 of NE 1/4 of 1/4, Govt. Lot, — B.M., County of Bannock

Additional points of diversion if any: SW 1/4 SW 1/4, SEC. 14, T. 7S, R. 36E (RAPID CK)

b. If instream flow, beginning point of claimed instream flow is:

Township — Range — Section —, — 1/4 of — 1/4 of — 1/4,

Govt. Lot — B.M., County of —

ending point is: Township — Range — Section —, — 1/4 of — 1/4 of

— 1/4, Govt. Lot — B.M., County of —

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, 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.

Ditch with 1 headgate up front
and a shallow ditch going across the back 1/4 of land.
The front ditch is approximately 3 feet wide & 3 feet deep while the
back ditch is approximately 2 feet wide & 1 foot deep

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6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For IRRIGATION purposes from MARCH 15 to NOV 15 amount .06 CFS or _____

For STOCK WATERING purposes from MARCH 15 to NOV 15 amount .02 CFS or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .08 CFS (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 5 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) stockwater 7 horses, 3 cattle [approx]

10. Description of place of use:

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

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	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	
7S	36E	22																2	2
																		5	

Total number of acres irrigated 2

11. In which county (ies) are lands listed above as place of use located? BANNOCK

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.

Pending Application for Groundwater permit for .08 CFS or None ()

14. Remarks:

BOTH SOURCES ARE BEING CLAIMED UNDER ONE
FILING BECAUSE THEY ARE USED IN THE SAME
SYSTEM WITH THE SAME PRIORITY DATE
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NOV 13 1992

Last Name THARP Ident No. _____

Copies: White - State, Yellow - Claimant

Scale: 2 inches equals 1 mile

A 16x16 grid of squares, each containing a crosshair pattern. The grid is used for microfilm identification.

~~MICROFILMED~~

NOV 13 1992

Last Name THARP

Ident No.

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____

Decree _____

If applicable provide IDWR Water Right Number _____

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant _____

16. Signature (s)

X (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 do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) Stanley O. Tharp Date July 3rd, 1989
Date _____

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 _____

Title and Organization _____ Date _____

State of Idaho or _____)
County of Bennett) SS.

Subscribed and sworn (or affirmed) before me this 3 day of July 19 89

SEAL

Notary Public Harlene Proctor

Residing at Key Bank of Idaho

My Commission Expires March 21, 1992

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

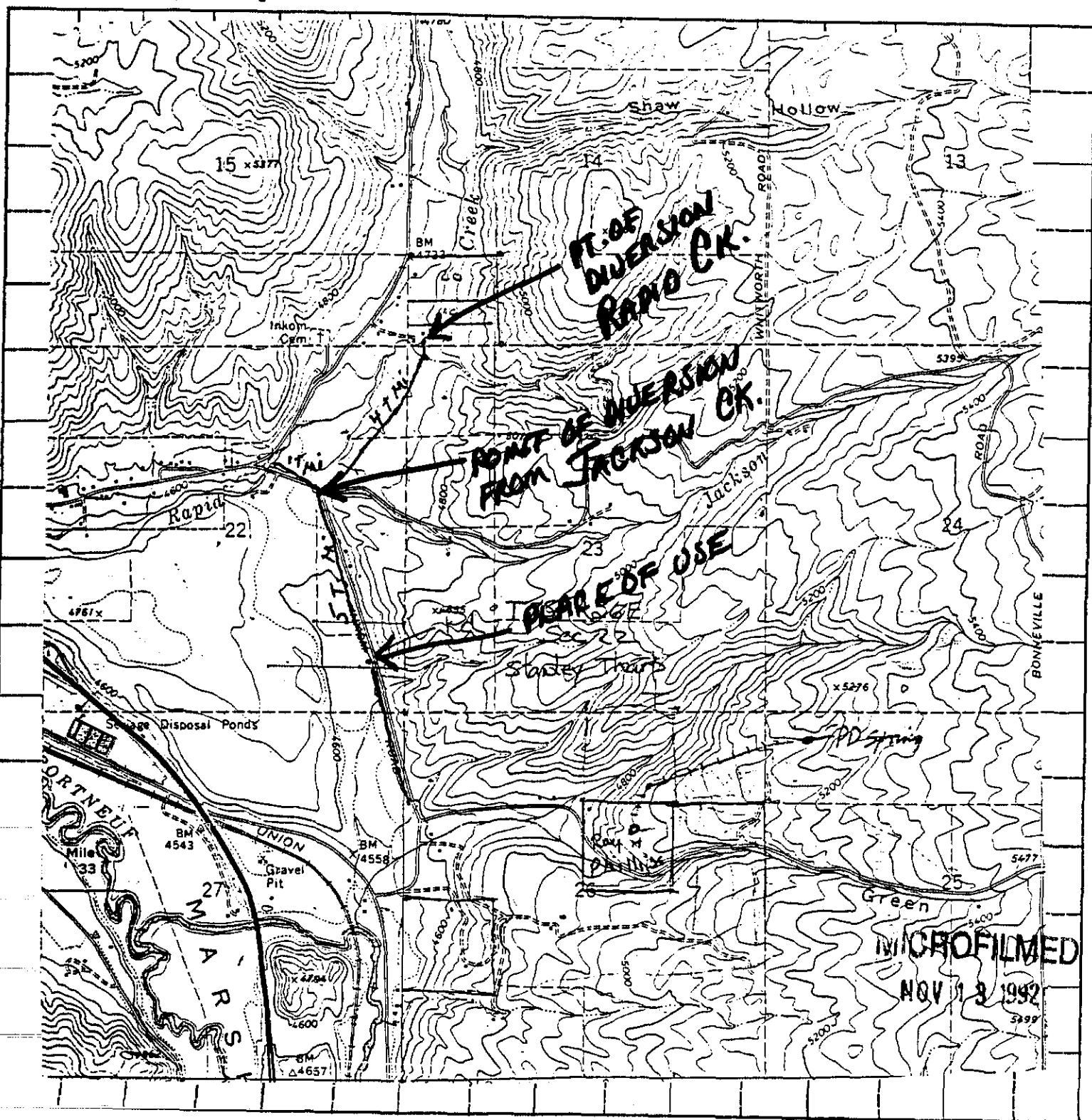
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NOV 13 1992

Last Name THARP Ident. Number _____

Copies White-State, Yellow-Claimant

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



It is our goal to recommend historical water rights within the Snake River Basin as accurately as possible. Field exams to verify other items of the Notice have been or soon will be conducted by Department personnel.

.....
The Department can not recommend the Notice be decreed by the court if no evidence of a priority date is submitted.
.....

Please submit the documentation supporting the priority date by June 15, 2001, referencing all documents with the corresponding Notice number. If you have any questions not covered by this letter or the enclosed pamphlet, please feel free to contact me at 525-7161.

Respectfully submitted,

Craig L. Saxton
Water Resource Agent
Adjudication Bureau

Enclosure: , Brochure on "Evidence of Priority"
Notice of Claim 29-10071

Log for claim A29-10071

Spatial Dynamics BTD

9/11/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
07s36e	22	SESE	2	23	Indiscernible
Totals:			2	23	

May 14, 2001

29-10071
STANLEY O THARP
PO BOX 2737
POCATELLO ID 83206

RE: EVIDENCE OF PRIORITY

Dear Claimant (s):

The Idaho Department of Water Resources has recently begun its water right review in Basin 29. The Notice(s) of Claim identified with the number shown above in the "address" label and at the "end" of this letter has been filed in the Snake River Basin Adjudication (SRBA). The Notice indicates water usage is based on "Beneficial Use". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed, at or on the place of use identified on the Notice. The date the water was first put to use, known as the priority date, has not been confirmed by a license, Decree, or Permit. For this reason, proof must be provided supporting the priority date. **As the claimant, you are responsible for submitting the necessary proof to support the priority date.**

It is important that each element of the Notice be substantiated. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

For your reference, I have provided a printout of your Notice and the pamphlet entitled "Evidence of Priority". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. While I encourage you to read the entire pamphlet, I direct your attention to the two sections entitled "What Kind of Evidence is Required" and "Some examples of Documents Which May Be Evidence of the Priority Date".

AJ5809NP
No. A29-10071

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/18/00
PAGE: 277

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OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
-----		-----	-----	-----	-----	-----
C	STANLEY O THARP	03/15/1900	IRRIGATION	03-15 11-15	0.060 CFS	
	PO BOX 2737		STOCKWATER	03-15 11-15	0.020 CFS	
	POCATELLO ID 83206					
	(208) 237-4780					
				TOTAL DIVERSION:	0.080 CFS	
				CONSUMPTIVE USE:		5.00 AFA
Water Source: RAPID CREEK		Tributary to: PORTNEUF RIVER		Stage: BENEFICIAL USE		
JACKSON CREEK		RAPID CREEK				

AJ5809NP
No. A29-10071

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/18/00
PAGE: 278

Point(s) of Diversion:

T07S R36E S14

SWSW

BANNOCK County

Point(s) of Diversion: T07S R36E S22 SENE 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	
---	---	---	:	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	
07S	36E	22	:																		02	2.0
																				TOTAL ACRES	2.0	

Place of use Legal Description for: STOCKWATER

				NE				NW				SW				SE					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	S
---	---	---	:	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---
07S	36E	22	:																		S

POU County: BANNOCK

Non-Irrigation Uses: S/HORSES, CATTLE

Other Rights: PENDING APP. FOR GROUND PERMIT .08CFS

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):

29-10018 29-11921 A29-00285C A29-00285G A29-00294F A29-00297C A29-10018 A29-11921

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

A29-00294 A29-00294C A29-00294F A29-00294G A29-00294H A29-00294J A29-07109 A29-10688 A29-12014

Remarks: GEN BOTH SOURCES ARE BEING CLAIMED UNDER ONE FILING BECAUSE
THEY ARE USED IN THE SAME SYSTEM WITH THE SAME PRIORITY DATE.

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

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

Audit: 08/09/89 THOMPSON 07/29/94 THOMPSON 01/03/95 DCARLSON 03/29/95 POST-STD
04/12/00 CVANDERM

4/11/1989

SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME <u>THARP</u>		CLAIM # <u> </u>		ENT. NO. <u>A29-10071</u>
DATE RECEIVED <u>7/10/89</u>		CK # <u> </u>	AMOUNT \$ <u> </u>	

	YES	NO	Required Info?
1. Is the name and address complete with zip code?	<u>X</u>		*
2. Is a priority date entered?	<u>X</u>		*
Is the priority date acceptable in view of mandatory filing dates? See Adjudication Memos #1 and #4 to determine if a Permit is required.	<u>X</u>		*
3. (a) Is a source entered?	<u>X</u>		*
x (b) Is a tributary to entered? (if required) N/A <u>X</u>	<u>X</u>		
4. Is the legal description of the p.d. sufficient?	<u>X</u>		*
5. Is there a description of the diverting works?	<u>X</u>		
6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form.	<u>X</u>		*
Is the period of use included?	<u>X</u>		
Is a quantity claimed for each use?	<u>X</u>		*
7. Is a total quantity claimed entered?	<u>X</u>		
x 8. If required is a consumptive use entered? N/A <u>X</u>	<u>X</u>		
x Is the consumptive use correct? N/A <u>X</u>	<u>X</u>		
9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4.	<u>X</u>		*
10. Is (are) the place(s) of use and purpose(s) indicated?	<u>X</u>		*
11. Is (are) the county(ies) entered?	<u>X</u>		
12. Is the ownership of p.u. checked?	<u>X</u>		
x 13. Are other water rights listed or "none" indicated?	<u>X</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>X</u>		
15. Is the basis of the claim indicated?	<u>X</u>	<u>X</u>	
x 16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) N/A <u>X</u>	<u>X</u>		
17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block.	<u>X</u>		*
18. Has the claim been signed, sealed, and dated by a notary?	<u>X</u>		*
19. Was this claim filed on time, or was an extension granted?	<u>X</u>		*
20. Is the fee enclosed correct? Exempt <u>X</u>	<u>X</u>		*
x 21. If this claim is based on an existing water right, has the identification number been entered? N/A <u>X</u>	<u>X</u>		
22. Should this claim be data entered?	<u>X</u>		

Claim checked by: TO Date: 7/26/89Claim must be returned to claimant: (Yes) X (No)Claimant must be notified of modifications: (Yes) X (No)
 Receipt Prepared by: _____ Date: _____
 Claim data entered by: _____ Date: _____
 Sent to claimant by: _____ Date: _____

 Checked by: _____ Date: _____
MICROFILMED
Comments: (15) ASSUME "BENEFICIAL USE"

NOV 13 1992

WARRANTY DEED

For Value Received **JENKIN THOMAS PALMER AND EDNA PALMER, husband and wife**

the grantor s, do hereby grant, bargain, sell and convey unto

STANLEY O. THARP, a single man

whose current address is 1006 Booth Drive, Pocatello, Idaho

the grantee, the following described premises, in Bannock County Idaho, to wit:

Lot 5, Block 1, MURDOCK SUBDIVISION, Bannock County, Idaho, as the same appears on the official plat thereof, filed in the office of the County Recorder of Bannock County, Idaho. . .

Water right, not to exceed 1/2 inch of water to each acre of irrigable ground from my water rights in Rapid Creek and the tributaries of Rapid Creek as such water is available.

Re-record to add water rights.

Jackson Creek

RECEIVED

FEB 07 1995

Department of Water Resource
Eastern District Office

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee ,
his heirs and assigns forever. And the said Grantor s do hereby covenant to and
with the said Grantee , that they are the owners in fee simple of said premises ; that they are free
from all incumbrances

and that the Y will warrant and defend the same from all lawful claims whatsoever.

Dated: November 14, 1974

Jenkin, Thomas Palmer

Edna Palmer

STATE OF IDAHO, COUNTY OF Bannock
On this 14th day of November, 1974,
before me, a notary public in and for said State, personally
appeared

Jenkin Thomas Palmer and Edna Palmer,
husband and wife

NOTARY SEAL

known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

Robert R. Black

Notary Public

Residing at Pocatello, Idaho
Comm. Expires 12-24-74

Comm. Expires 12-24-74

529819
NO
RECORDED AT REQUEST
Am. Land Title Co.
NOV 14 12 32 PM '74
272
LANKA
THE ESTATE OF
1.00
csp

Evidence is needed
for this water right
from Rapid Creek/
Jackson Creek!

DAVE CARLSON

697719

RECORDED AT REQUEST

Arlette Tharp

May 12 2 51 PM '87

WARRANTY DEED

680067

For Value Received

STANLEY O. THARP, A MARRIED MAN

the grantor , do es hereby grant, bargain, sell and convey unto

STANLEY O. THARP AND ARLETTE MARCIEL THARP, HUSBAND AND WIFE

whose current address is 1006 Booth Drive, Pocatello, Idaho 83201

the grantees , the following described premises, in Bannock County Idaho, to wit:

Lot 5, Block 1, Murdock Subdivision, Bannock County, Idaho, as the same appears on the official plat thereof, filed in the office of the County Recorder of Bannock County, Idaho...

Water right, not to exceed 1/2 inch of water to each acre of irrigable ground from my water rights in Rapid Creek and the tributaries of Rapid Creek as such water is available.

Re-record to add water rights

Jackson Creek

RECEIVED

FEB 07 1995

Department of Water Resources
Eastern District Office

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantor do es hereby covenant to and with the said Grantee s, that they are the owner s in fee simple of said premises; that they are free from all incumbrances

and that he will warrant and defend the same from all lawful claims whatsoever.

STATE OF IDAHO, COUNTY OF Bannock
On this 4th day of November, 1981,
before me, a notary public in and for said State, personally
appeared

Stanley O. Tharp

NOTARY SEAL

known to me to be the person whose name is
subscribed to the within instrument, and acknowledged to
me that he executed the same.

Ann Diller

Notary Public

Residing at Pocatello
Comm. Expires 3-19-84

, Idaho

NO 680067
RECORDED AT REQUEST OF
Arlette Tharp
DEC 9 1 44 PM '81
BANNOCK COUNTY IDAHO
C. NEIL ANDERSON RECORDER
SEE 2.00 DEPUTY yem

697720

NO
RECORDED AT REQUEST OF

Arlette Tharp

Nov 12 2 52 PM '82