

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-13397 V1

WATER RIGHT NUMBER: 29-13397 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	SUSAN L HALL 4494 S MARSH CREEK RD MC CAMMON, ID 83250
Current Owner	MICHAEL C HALL 4494 S MARSH CREEK RD MC CAMMON, ID 83250

Priority Date: 03/29/1926

Basis: Beneficial Use

Status: **Disallowed**

<u>Source</u>	<u>Tributary</u>
MARSH CREEK	PORTNEUF RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	05/01 to 10/31	0.140 CFS	
	<u>Total Diversion:</u>	0.140 CFS	

Location of Point(s) of Diversion

MARSH CREEK	SW1/4NW1/4	Sec. 27, Twp 08S, Rge 36E, B.M.
BANNOCK County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S	36E	27							7.0										7.0

Conditions of Approval:

1. P03 NO BENEFICIAL USE FOUND: This is included for a claim based on beneficial use that is PROPOSED to be disallowed because beneficial use of water was not confirmed by IDWRs field examination or by other evidence submitted by the claimant.

Remarks:

1. General NO BENEFICIAL USE FOUND.

Comments:Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

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Dates and Other Information:

Decreed Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Defendant:
 Plaintiff:
 Civil Case Number:
 Judicial District:
 Notice of Error Flag:
 State or Federal:
 Owner Name Connector:
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Summary			01/16/2003	rwarner	Disallowed

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Summary	1/16/2003 11:57:34 AM	rwarner	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (No) 4. Is any portion of the claim be recommended? (No) 5. Is an additional remark and/or condition required? (Yes) 6. Would you like to view the recommended right? (No) 7. Is this a split or combined right? (No) 8. Do you have documents you would like to attach or link to the file? (Yes) 9. Would you like to set the verification date?

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 29-13397
Date Received: 9/27/2002
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

A2913397



1. Name of Claimant(s)

SUSAN L HALL Phone: (208)254-9234

4494 S MARSH CREEK RD
MC CAMMON ID USA 83250

MICHAEL C HALL Phone: (208)254-9234

4494 S MARSH CREEK RD
MC CAMMON ID USA 83250

2. Date of Priority: 03/29/1926

3. Source: MARSH CREEK Trib. to: PORTNEUF RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
08S	36E	27	SW NW	BANNOCK	

5. Description of diverting works:

PORTABLE PUMP, SPRINKLER

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	05/01	10/31	0.14	

7. Total Quantity Appropriated is:
0.14 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
08S	36E	27	SW	NW	IRRIGATION	7
					Section Acres	7
					Total Acres	7

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:

14. Remarks:

STOCKWATER, 52 COWS & HORSES.
OTHER WATER RIGHTS 29-10781

15. Basis of Claim: Beneficial Use

A

R

S

H

4683

4600

27

4606

4581

4587

4576

4554

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

29-13397

Date Received

9-27-02

Receipt Number

E028198

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED
SEP 26 2002
Department of Water Resources
Eastern Region

Please type or print clearly

1. Name of Claimant (s) Michael C And/or Susan L Hall Phone (208) 254-9234Mailing Address 4494 S. Marsh Creek Rd. Zip 832502. Date of Priority (Only one (1) per claim) 3-29-19263. Source of water supply (a) Marsh Creek.
which is tributary to (b) Portneuf River4. a. Location of existing point of diversion is: Township 8S Range 36E Section 27,
1/4 of SW 1/4 of NW 1/4, Govt. Lot, B.M., County of Bannock

Additional points of diversion if any: _____

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. Portable pump, sprinkler

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 5/1 to 10/31 amount 0.14 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.14 (cfs) and/or (b) _____ (acre feet)

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

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) livestock - No of Stock 52, Cows & horses

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
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
8S	36E	27							7										7

Total number of acres irrigated 7

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.

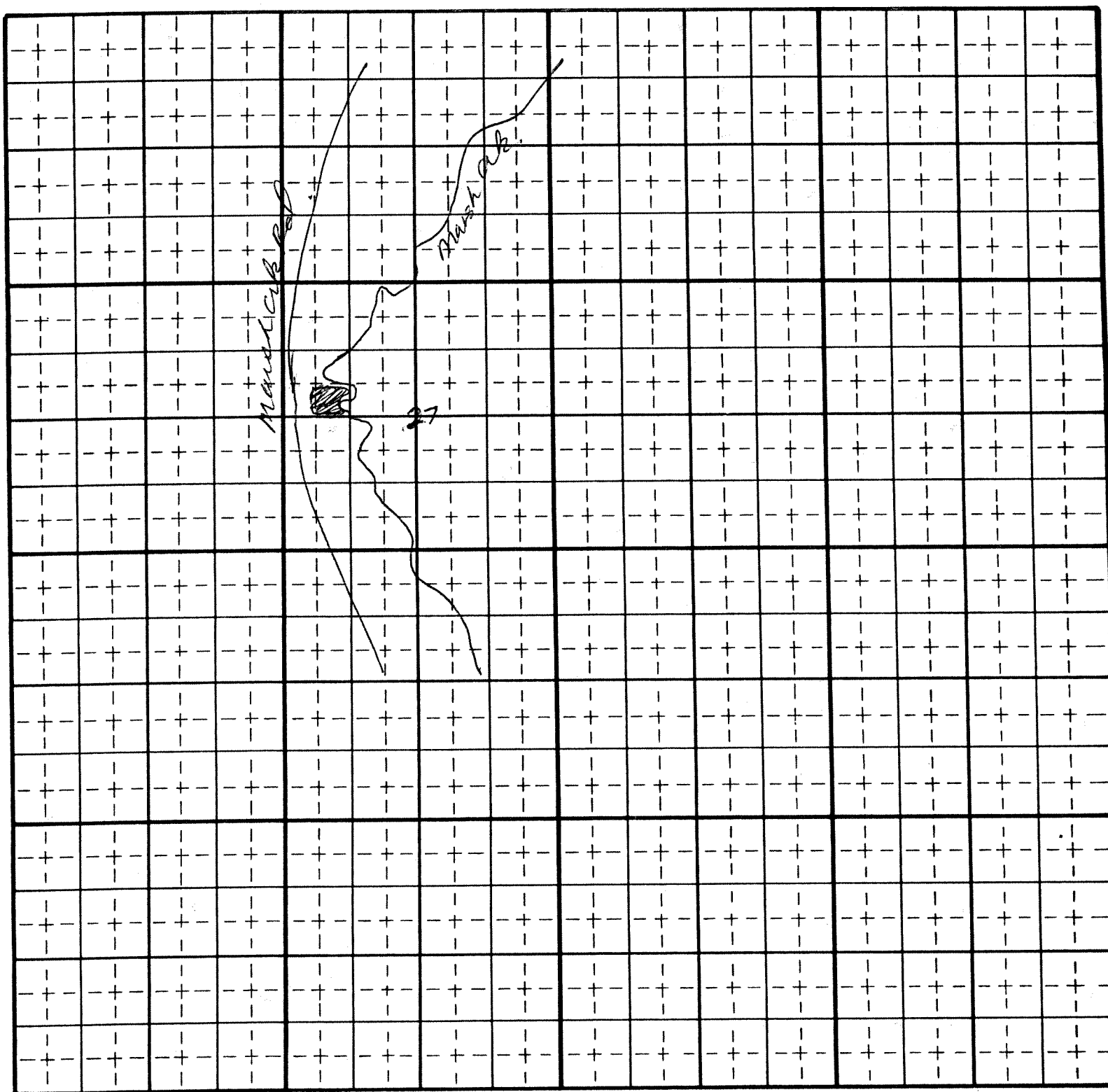
13. Describe any other water rights used at the same place and for the same purposes as described above.
29-10781 or None ()

14. Remarks:

Last Name HALL Ident No. _____

Copies: White -State, Yellow-Claimant

Scale: 2 inches equals 1 mile



Last Name

Ident No.

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use X Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number _____
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

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 4

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) [Signature]

Date 9/20/02

Date _____

For Organizations: I do solemnly swear or affirm that I am _____

Title _____

of _____, that I have signed the foregoing

Organization

document in the space below as _____

Title

of _____

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 Bannock) SS.

Subscribed and sworn (or affirmed) before me this _____

20th

day of _____

September 19 02

Notary Public _____

Cindy E Bird

Residing at _____

Lava Hot Springs

My Commission Expires _____

May 1, 2007

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 _____

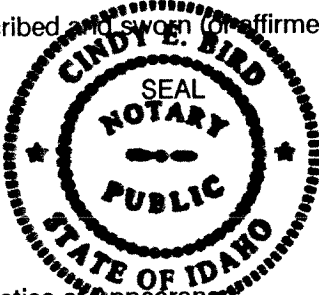
Address _____

Date _____

Last Name Hall

Ident. Number _____

Copies White-State, Yellow-Claimant



QUITCLAIM DEED

For Value Received

Zella Hall, a widow
do hereby convey, release, remise and forever quit claim unto

Michael and Susan Hall

whose current address is *1145- Encino*
Pocatello Idaho 83201

the following described premises, to-wit:

See Attached Legal

together with their appurtenances.

Dated:

Zella Hall 2-13-96

[Signature] *2-13-96*
Susan L. Hall 2-13-96

STATE OF IDAHO, COUNTY OF

On this *13* day of *Feb*, 19*96*,
before me, a notary public in and for said State, personally
appeared *Zella Hall, Michael Hall,*
and *Susan L Hall*

known to me to be the person *S* who *name S*
subscribed to the within instrument, and acknowledged to
me that they executed the same.

Carol Broadie

Notary Public

Residing at *Mc Camach Idaho*
Comm. Expires *9-26-00*

R36 E



29-13397

-1976 Orthoguard (McCommon Idaho).
does not show irrigation from Marsh Creek.

- Warrantee Deed. do not speak of water
diverted from Marsh Creek.

- Disallow -

- No Beneficial Use Found.

Wm. J. Gordon, made the 29th day of March, in the year of our Lord One Thousand Nine Hundred and Twenty-six, husband and wife,

between L. B. Gordon and Molissia Gordon,

of Pocatello, County of Bannock, State of Idaho, the parties of the first part, and Twilido Health & Bathing Resort, a corporation

of Pocatello, County of Bannock, State of Idaho, the part y of the second part:

WITNESSETH: That the said part of the first part, for and in consideration of the sum of One Dollar and other valuable consideration Dollars, lawful money of the United States of America, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, do by these presents, Grant, Bargain, Sell and Convey and Confirm unto said party of the second part, and to its successors heirs and assigns forever: All those certain lots, pieces or parcels of land situate, lying and being in the County of Bannock, State of Idaho, bounded and more particularly described as follows, to-wit:

Section 27
Southwest quarter of the Northwest Quarter (SW $\frac{1}{4}$ of NW $\frac{1}{4}$) and the South one-half of the Northeast Quarter (SE $\frac{1}{2}$ of NE $\frac{1}{4}$) of Section Twenty-eight (28), Township Eight (8) South, Range thirty-six (36) East Boise Meridian, containing one hundred twenty acres, more or less, according to the official survey of said lands returned to the General Land Office by the Surveyor General, together with all water rights, ditch rights and

Together with, all and singular, the tenements, hereditaments and appurtenances thereunto belonging or otherwise appertaining, and the rents, issues and profits thereof:

TO HAVE AND TO HOLD, all and singular, the said premises, together with the appurtenances and privileges thereunto incident, unto the said part y of the second part, and to its heirs and assigns forever. And the said part y of the first part, and the said premises in the quiet and peaceable possession of the said part y of the second part, and its successors heirs and assigns against the said part ies of the first part, and against all and every person or persons whomsoever lawfully claiming or to claim the same, shall and will warrant and by these presents forever defend, except as may appear on the face of this instrument or of the record thereof. The said part ies of the first part have hereunto set their hands and seals the day and year first above written.

SIGNED, SEALED AND DELIVERED IN THE PRESENCE OF

..... L. B. Gordon (SEAL)
..... Molissia Gordon (SEAL)
..... (SEAL)
..... (SEAL)

STATE OF IDAHO,)
County of Bannock) ss.

On this 29th day of March, in the year 1926, before me, C. M. Jeffery, a Notary Public in and for said County, personally appeared L. B. Gordon and Molissia Gordon, known to me to be the persons whose names are subscribed to the within instrument, and they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in the certificate first above written.

C. M. Jeffery
Notary Public Residence
Pocatello, Idaho.
(SEAL)