

04/29/2003

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 29-13557

NAME AND ADDRESS: HARRISON MOON
1750 N INKOM RD
INKOM ID 83245

DEBBIE SLUDER
1750 N INKOM RD
INKOM ID 83245

SOURCE: UNNAMED STREAM

TRIBUTARY: SINKS

QUANTITY: 0.030 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE
SHALL NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 06/20/1916

POINT OF DIVERSION:

T07S R36E S26 NENWNW Within BANNOCK County Source: UNNAMED STREAM

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.030 CFS
STOCKWATER	01/01 12/31	0.020 CFS

PLACE OF USE:

IRRIGATION Within BANNOCK County

T07S R36E S26 NWNW 0.8 T07S R36E S26 SWNW 0.2

STOCKWATER Within BANNOCK County

T07S R36E S26 NWNW T07S R36E S26 SWNW

1 ACRES TOTAL

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.

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: Beneficial Use



State of Idaho

Department of Water Resources

Eastern Region

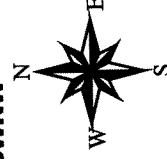


Water Right(s):

29-13557

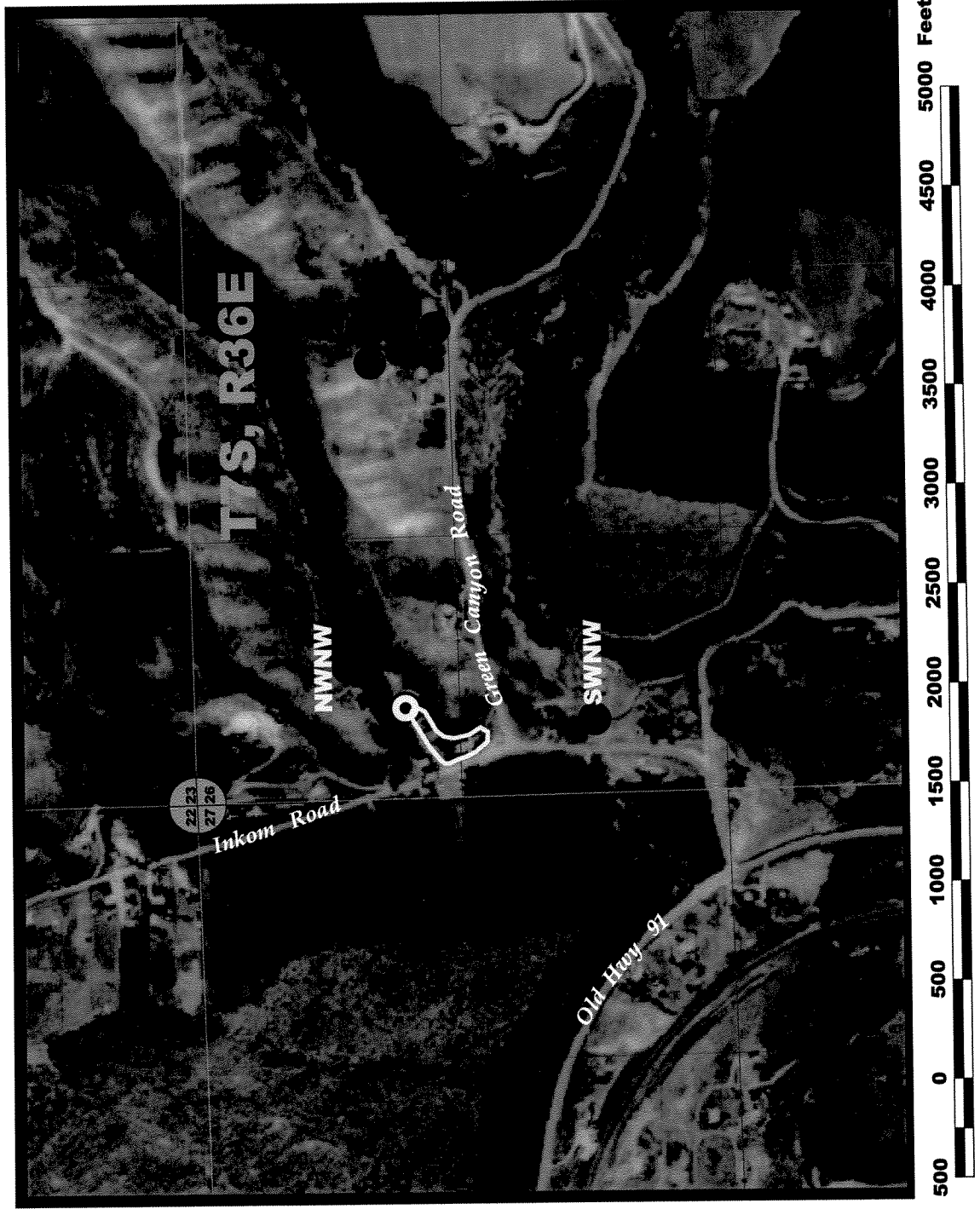
Place of Use: T7S, R36E
(parts of) Sec. 26 W2NW

Point(s) of Diversion: T7S, R36E
Sec. 26 SWSWNW



LEGEND

- Point of Diversion
- SESE
- Place of Use
- Section
- Quarter-Quarter



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 29-13557
Date Received: 4/29/2003
Receipt No: *ED 28726*
Received By: *4/29/03 ABR*

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

HARRISON MOON Phone: (208) 775-3705
1750 N INKOM RD
INKOM ID USA 83245

DEBBIE SLUDER Phone: (208) 775-3705
1750 N INKOM RD
INKOM ID USA 83245

2. Date of Priority: 06/20/1916

3. Source: UNNAMED STREAM Trib. to: SINKS

4. Point of Diversion:
Township Range Section 1/4 of 1/4 of 1/4 Lot County Type
07S 36E 26 NE NW NW BANNOCK

5. Description of diverting works:
CREEK IS DAMMED, PUMP IN CREEK

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	10/31	0.03	
STOCKWATER	01/01	12/31	0.02	

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

8. Total consumptive use:

9. Non-irrigation uses:
Number of other uses: 5

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
07S	36E	26	NW NW	IRRIGATION	0.8
			SW NW	IRRIGATION	0.2
			SW NW	STOCKWATER	
			NW NW	STOCKWATER	
				Section Acres	1
				Total Acres	1

11. Place of use in counties: BANNOCK

A2913557



12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

STOCKWATER FOR 5 HORSES.

THIS RIGHT IS BASED ON 243 CLAIM 29-04491.

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 X 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): [Signature] Date: 4/29/03
[Signature] Date: 4-29-03

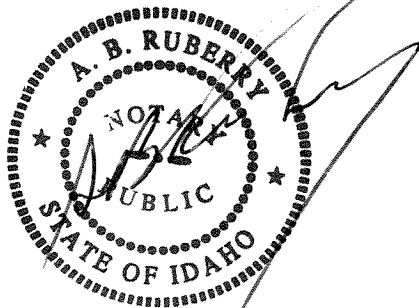
State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 29th
of April 2003 Allen B Ruberry

Notary Public

Residing at 20440 Faus Rd

My commission Expires 9/23/03



Jennie L. Winter

4297 Lower Fords Creek Road
Orofino, Idaho 83544
(208) 435-4466
moontree@orofino.id.com

July 1, 2003

Mr. Ernest Carlson
Water Rights Supervisor
Idaho Dept. of Water Resources
Eastern Region
900 N. Skyline, Suite A
Idaho Falls, ID 83402

RECEIVED

JUL 03 2003

Department of Water Resources
Eastern Region

Re: SRA Claim #29-4491 Vs SRA Claim #29-13557

this file

Dear Mr. Carlson:

Please include the following statement of protest with my SRA file on claim # 29-4491.

On April 29, 2003, Mr. Harrison Moon who resides next to my home at 1784 North Inkorn Road, filed Claim #29-13557 under the Snake River Adjudication Process. Mr. Moon states that his claim is based on my father's and my claim which cites prior and beneficial use since 1916. The property upon which Mr. Moon resides was formerly part of my father's farm; however it is located at the mouth of the dry wash next to the County Road. It is hillside land and dry wash soil with high gravel and clay content; therefore, my father never raised anything on it. Although a map included with a 1987 Claim filed by my father shows an arrow appearing to point to this parcel of land in question as a place of use, it was never irrigated and is NOT PART OF MY FATHER'S AND/OR MY CLAIM # 29-4491. The hillside land is uphill from the wash and water flowing through it would have had to be pumped or otherwise diverted from its natural gravity flow in order to water it. The unnamed stream in question was NEVER used for the purpose of domestic, irrigation or stock water on what is now Mr. Moon's land, having been put to use on the fertile acreage where the fruit trees, small fruits and gardens were watered by ditches facilitating gravity flow irrigation. It is still being used on this same acreage to water the orchard, pasture, pine and fir trees my father was using it on up until his death.

My father left the old homestead to his surviving family of seven children when he passed away in 2001. I was able to buy out my

brothers in 2002 to settle his estate. At the time of the sale I had the water claim transferred to our name. Since that time I have continued to be a good steward of the water, cleaning ditches myself and having trees and overgrowth removed from the ditch banks as well as having a backhoe open up the flood channels. I view this stream as a sacred trust. Mr. Moon, by contrast has never cleaned a ditch or otherwise helped with the water, nor has he even questioned where the stream originates or how it is kept flowing.

The house in which Mr. Moon lives was built by my brother, Alvin Stanger, in 1976. He drew domestic water and water for his yard and trees from the well he drilled at the time the house was built. My father sold a second parcel of adjacent land to Al's daughter. They subsequently sold it to Ruth Morrison who drilled a well and placed a trailer house on it. She later sold it to people by the name of Eggbert. My brother, Alvin, sold his home to his son, Steven Stanger in 1981 and they later acquired the adjacent parcel from Eggberts. In 1999, Steven and his wife sold both parcels to Harrison Moon. During this period of various ownership since the property was developed the wells have been used as the sole source for domestic and yard water.

My protest is based upon this intimate and firsthand knowledge of the source and care of the unnamed stream and the acreage upon which it has been used. I lived on the old homestead with my parents and also as a single mother as well as my father's caretaker in the home I built on .6 of an acre my father deeded to me adjacent to Harrison Moon's property in 1969 before Mr. Moon came to Inkom.

I state again, emphatically that at NO time has water from the unnamed stream in dispute ever been used to irrigate or water animals on what is now Mr. Moon's fairly recently acquired property. His land was NOT INCLUDED in Claim # 29-4491. His claim is, therefore flawed. I protest it strongly and will continue to do so with every means available to me. I expect the Department of Water Resources will keep me fully informed of such means in terms of court dates, deadlines and other opportunities to file my protest in a timely manner.

Thank you for your assistance.

Sincerely yours,

Jennie L. Winter

Memorandum

To: 29-13557

From: Ernie Carlsen

July 1, 2003

Subject: Objection to 29-13557

Jenny Winter, claimant of 29-4491, telephoned to find out how an objection can be filed on 29-13557. She is a life long resident of the area covered by these two claims and there fore has personal knowledge that no irrigation historically occurred on the south side of draw where the place of use is for 29-13557. I advised her the Director's Report for Basin 29 would be mailed in the next couple of weeks and it would contain instructions on how to file an objection. She agreed to wait for delivery of her DR on 29-4491.

Ernest Carlsen

Water Rights Supervisor

emc

MORTGAGE.

Mortgagor, -- Joseph Millard, a single man.
Mortgagee, -- The Bannock Abstract & Trust Company, a corporation.
Date, -- June 20, 1916.
Consideration, -- Two Hundred Dollars.
Recorded, -- June 26, 1916, at 1:05 P.M. in Book "25" of Mortgages, at page 506 of the Records of Bannock County, State of Idaho.
Acknowledged, -- Before Ida Woffington, a Notary Public in and for Bannock County, State of Idaho, June 20, 1916. (Seal)
Witness, -- Ida Woffington.

DESCRIPTION AND REMARKS.

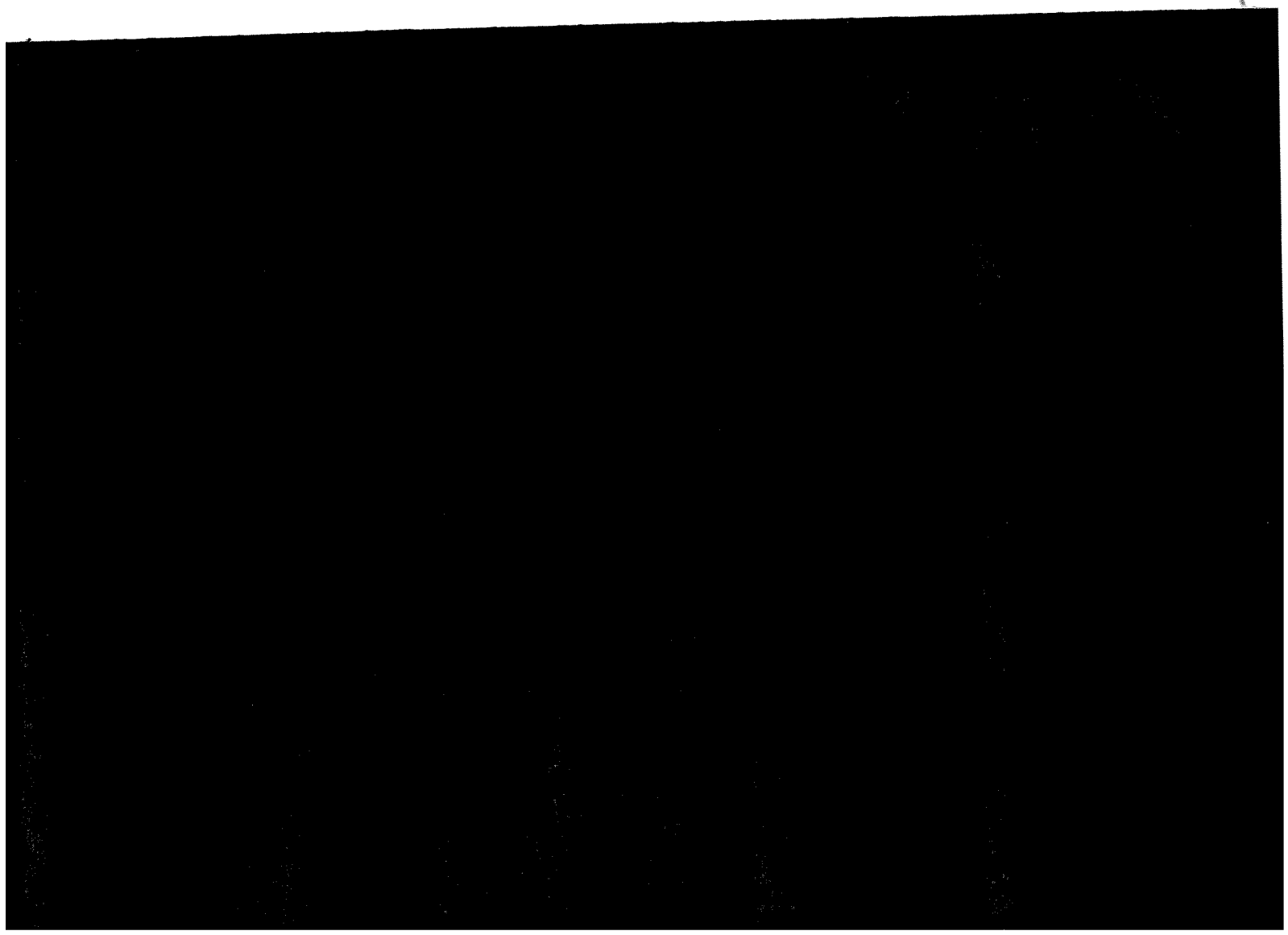
The north half of the northwest quarter of Section 26, in Township 7 South of Range 36 East of the Boise Meridian, in Idaho, containing 80 acres, according to the official plat of the survey of the said lands, returned to the General Land Office by the Surveyor General,

together with all improvements, privileges and appurtenances there unto belonging and all rights of homestead exemption, together with all ditch and water rights of every nature, however evidenced, used upon said lands or any part thereof, or belonging to the same or to said mortgagor for use thereon, or which may hereafter be acquired for such use during the life or before full payment of the obligation secured hereby.

This grant is intended as a mortgage to secure the payment of one certain promissory note for the sum of \$200.00, due June 20, 1921, with interest at the rate of 8 per cent per annum, from July 1, 1916,

Recommended as Claimed

*EVIDENCE OF PRIORITY, PSA PHOTO AND FIVE (5) PHOTOS
OF SOURCE AND PELL ATTACHMENTS.*



NAEP 16005-3



Tzu (cont.)

S. Ia. D.

29-13557

QAD

QAD



Streambed/Ditch Looking SW downstream



Streambed/Ditch Looking NE upstream

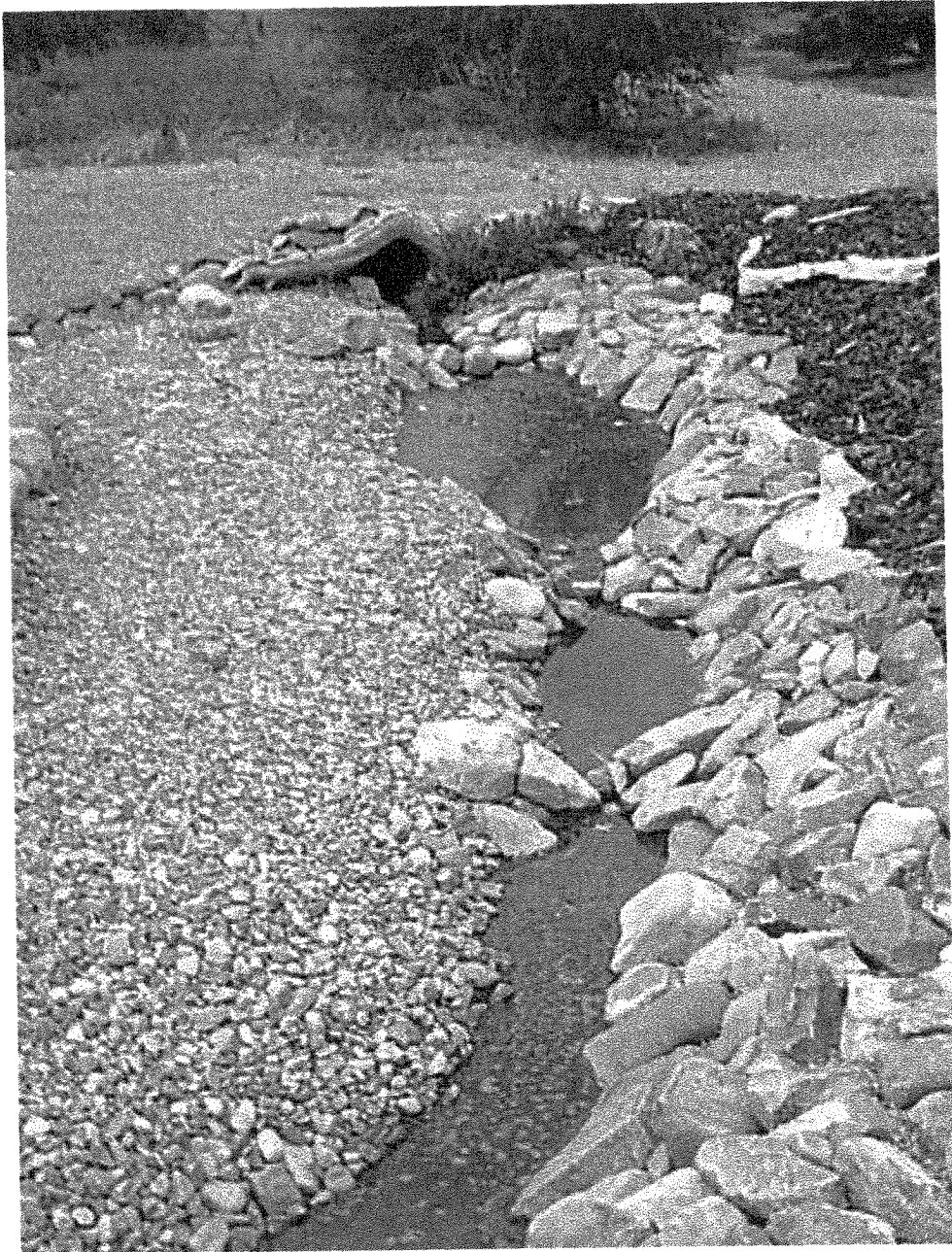


Irrigated Areas (partial)

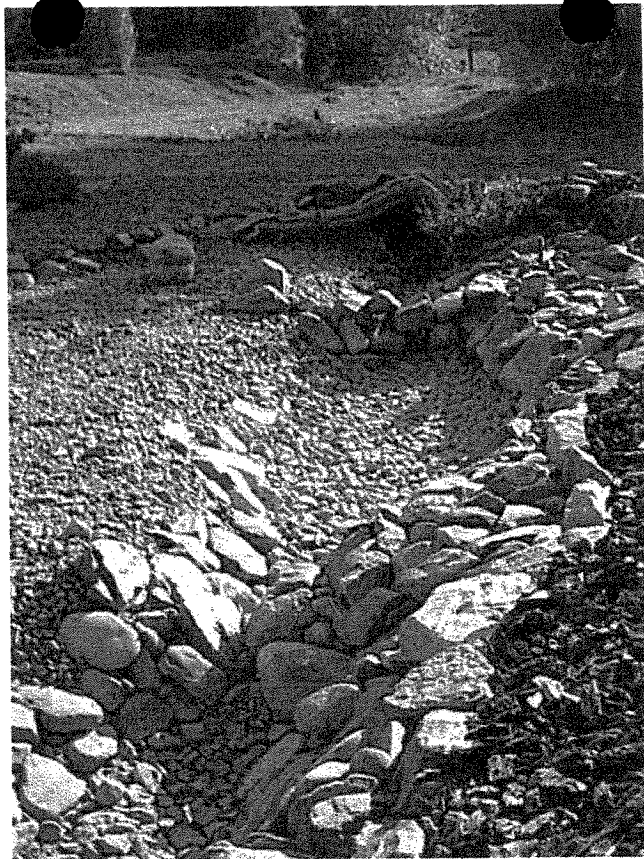


Original Irrigation Pumping Station





Creek Reservoir Partially Full



Creek Reservoir Dried Up



Outlet to Creek Reservoir