

IDAHO DEPARTMENT OF WATER RESOURCES 12/26/2001
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

Water Right 29-54A

NAME AND ADDRESS: DAVID LANCASTER
PO BOX 430
LAVA HOT SPRINGS ID 83246

SOURCE: PORTNEUF RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 0.17 CFS

PRIORITY DATE: 05/01/1909

POINT OF DIVERSION:

T09S R37E S21 NWSENE Lot 1 Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 09/15	0.170 CFS

PLACE OF USE: IRRIGATION Within BANNOCK County

T09S R37E S21	NENE	3.0	T09S R37E S21 Lot 2 NWNE	5.4
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8.4 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 REMAINDER OF THIS RIGHT WAS FORFEITED FOR NON-USE FROM
1982 TO 1987.

EXPLANATORY MATERIAL: Decreed

PORTION OF RIGHT FORFEITED/ABANDONED.
WATER IS DELIVERED THROUGH CUTLER DITCH.

JUN 06 2001

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: A29-00054A
Date Received: 6/19/1990
Receipt No: EO14862
Received By: EW

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: WALLACE C. ROBERTS
Address: 2699 W. 2000 S. 208-397-5203
ABERDEEN, ID 83210

OR
Name: NOAL K. ROBERTS
Address: 2699 W. 2000 S. 208-397-5203
ABERDEEN, ID 83210

2. Date of Priority: MAY 01, 1909

3. Source: PORTNEUF RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
09S	37E	21	NW	SE	NE	1	BANNOCK

5. Description of diverting works:
HEADING FOR CUTLER DITCH.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	09/15	0.800		

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

8. Total consumptive use is 37.5 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A29-00054A

Page 1

Date: 06/19/90

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A2900054A



10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09S	37E	21	NW	NE	2	IRR	4.0
			SE	NE	1	IRR	7.0
			NW	NW	4	IRR	4.0

Section Acres 15.0

Total Acres 15.0

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:
NONE

14. Remarks:

CLAIMED AS PRIVATE RIGHT. NOT PART OF ANY DITCH COMPANY.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

UNION GRAIN & ELEVATOR CO.
Decree Plaintiff

vs

MCCAMMON DITCH CO. ET. AL.
Decree 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: _____

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): Wallace C. Roberts Date: 6/19/90

Date: _____

A29-00054A

Page 2

Date: 06/19/90

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NOV 13 1992

State of Idaho

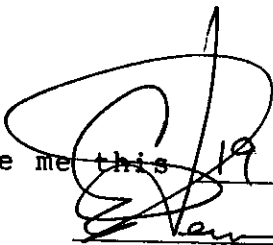
County of Bonneville

) SS.

Subscribed and sworn (or affirmed) before me this 19 day

of June 19 90

Seal


Notary Public

Residing at Idaho Falls, B.

My Commission Expires 22 Aug 1990

John B Ingelstrom

5-110M

PO Box 1391

Pocatello Id 83204 Done

232-6101

Hand Delivered
As Request

Send 

PB-29-54A

May 25th
at Roubidoux Bridge

Port McCune - My Great Co's
MC



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. SKYLINE DR., SUITE A, IDAHO FALLS, ID 83402-1718

PHONE: (208) 525-7161 FAX: (208) 525-7177 WEB SITE: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

ITHA KARASINTH
3475 EVENING SUN
LAS VEGAS NV 89117

RE: CHANGE IN OWNERSHIP FOR 29-54A

Dear Claimant:

It has come to our attention that you may have recently purchased a tract of land in Bannock County, Idaho. The property to which I am referring was most recently owned by David Lancaster.

This property was filed on in the Snake River Basin Adjudication (SRBA), and we recommend that if, in fact, you now own the property in question, you file a "Change in Ownership" with this department in order that we may send all further correspondence to the appropriate owner(s).

Enclosed is a Change in Ownership form. Please fill out the form completely, sign and date it and return it to my attention along with a "copy" of your Warranty Deed and legal description of the property you have purchased.

If you have questions regarding this matter, please call 525-7161.

Respectfully submitted,

Jennifer Crabtree
Technical Records Specialist
Enclosure(s)

29-00054A / 29-00054

pg 1 of —

- ① THIS CLAIM IS CROSS-CLAIMED w/ 29-00054. BOTH CLAIM FULL ELEMENTS ARE THE DECREE EXCEPT POW. THE % FOR THIS CLAIM SHOWS 39 AC, BUT, THE CLAIM IS FOR 15 AC. $0.80 \text{ cfs} / 15 \text{ ac} = 0.05333 \dots \text{ cfs/ac}$ (DECREE ALLOWS $1 \frac{1}{2} \text{ cfs/ac}$)
- ② 29-00054 IS CLAIMED AS PERMISSIBLE POW w/ SEVERAL OTHER CLAIMS ON A TOTAL OF 145³ AC. NO APPARENT OVERLAP WITH 29-00054A SINCE DIFF SECTIONS ARE CLAIMED.
- ③ 29-00054 ORIGINATED AS DECREE NO. 43, IN UNION GRAIN AND ELEVATOR CO. vs McCAMMON DITCH CO. (CIRCA 1932), AS:
0.80 cfs, 1909 MAY 1, POD @ SEC. 21 LOT 1 9337E
POW @ SEC. 21 NENE. 41, 42, 43 & 44
9337E
DIVERTED THROUGH CUTLER DITCH, SOURCE AS PORTNEUF RIV.
- ④ 29-00054A, REMARKS (14.) STATES "CLAIMED AS PRIVATE RIGHT. NOT PART OF ANY DITCH COMPANY."
DEED ACCOMPANYING THE % DECREE POW DESCRIBED BY DECREE WATER RIGHT NO. (43) 29-00054. AND, CLAIM FOR 29-00054A, DIVERSION WORKS (S.) STATES "HEADING FOR CUTLER DITCH."
- ⑤ THE CLAIM FOR 29-00054A APPEARS TO HAVE ENTIRE POW NORTH OF PORTNEUF RIVER. FIELD EXAM 10/11/01 ^{MET BROWN-LAW.}
10/11/01 ① Some POW (POSSIBLY) ON BOTH SIDES OF RR TRACK
BUT HOW DOES IRRIG WATER GET ON IT - BECAUSE IT DOES NOT GET SERVED BY CUTLER DITCH.
NO POW FOUND FOR THAT AREA. ETC POW.
②, ∴ POW (OTHER THAN LOT 2 & PT NENE SEC. 21) NOT RECOMMENDED.

Q: Which side does
Cutler Ditch come
OFF OF - N OR S?
308 Map.

10/11/01 CONTINUED

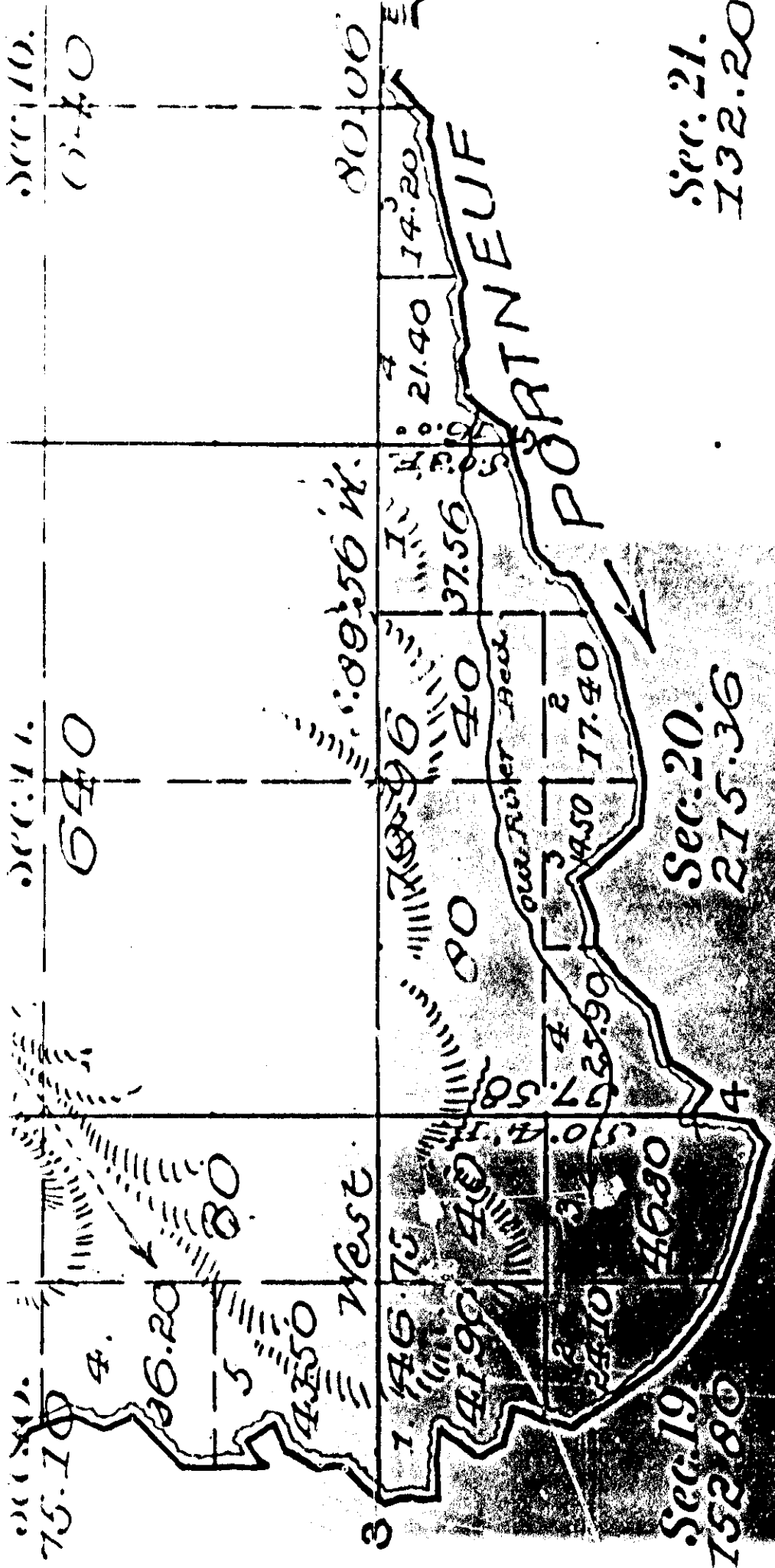
(3) Cfs of Rt. reduced accordingly to 15 ac @ .02 cfs/ac = 0.30 cfs.

Point of Measuring (for Docket) is at POD of Cutler Ditch—

* This rt is NOT DELIVERED AS PART OF THOSE RTS CLAIMED BY ROGER JOHNSON ON BEHALF OF CUTLER DITCH CO.

10/16/01 MR. LANCASTER CALLED AS I HAD REQUESTED 10/11/01, DISCUSSED THE CLAIM AND SET A TENTATIVE MEETING FOR WEEK OF OCT. 22.

12/26/01 AS OF THIS DATE MR. LANCASTER HAS NOT CALLED FOR ANY REASON — NBR



795 R 37E



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

May 21, 1999

DAVID L LANCASTER
PO BOX 430
LAVA HOT SPRINGS ID 83246

RE: NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP
NOTICE OF CLAIM TO A WATER RIGHT A29-00054A

Dear Mr. Lancaster:

The request for Change of Water Right Ownership concerning the above-referenced Notice of Claim has been processed and the Department's records updated to reflect you as the new claimant.

The enclosed report shows this change along with the elements of the water right being claimed. Please review this report and contact this office if there are corrections or questions.

Please keep this report for your records.

Respectfully yours,

Jennifer Hoagland
Technical Records Specialist

Enclosure

MARCH 1, 1999

RECEIVED

MAR 02 1999

Department of Water Resources
Eastern Region

IDAHO DEPT OF WATER RESOURCES
EASTERN DIVISION
900 NORTH SKYLINE DRIVE

IDAHO FALLS, IDAHO 83402-1718

Dear Sir, Water right #43 District #29 PORTNEUF RIVER NEEDS TO
BE CHANGED TO ITS PRESENT OWNER

FORMER OWNER

WALLACE ROBERTS
LAVA HOT SPRINGS IDAHO
83246

DAVID LANCASTER
63 SOUTH 1ST EAST
LAVA HOT SPRINGS, IDAHO
83246

A29-00054A

A 29-12133

Sincerely,
Grant H. Egley-SEC.
Dist. #29

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

RECEIVED

APR 08 1999

Department of Water Resources
Eastern Region

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Water Right No(s).: WR29-00054
Adjudication Claim No(s).: A29-00054A
2. The following REQUIRED information must be submitted with this form:
 - ☒ A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
AND
 - B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)
 - OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant Wallace Roberts
2699 W. 2000 S. Aberdeen, ID
4. New Owner/Claimant(s) DAVID L. LANCASTER
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or But 430
- New Mailing Address LAVA HOT SPRING
- City, State and ZIP Code 700) 4199 4446
- New Telephone Number 1 APRIL 1998
- Date you acquired the property
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages. 7 claim is for 15
Number of acres you irrigate 39 Number and type of stock 15 Planned
Diversion rate in CFS _____ Number of homes _____ Other uses _____
If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
7. Signature of New Owner or Claimant(s) David Lancaster Date 4/1/99
Date _____
(Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.)
8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims..

1-68271 TA

31
WARRANTY DEED

THIS WARRANTY DEED IS BEING SIGNED AND RECORDED IN COUNTERPART

For Value Received

NIEL RING AND ROSANNE RING, husband and wife, ROY WALLACE ROBERTS, a single person,
JOHNNY SIMPSON AND JENNY KAE SIMPSON, husband and wife and
RYAN DAN ROBERTS AND DIANA ROBERTS, husband and wife
the grantors, do hereby grant, bargain, sell and convey unto

DAVID L. LANCASTER, a single person

whose current address is

P.O. BOX 430

LAVA HOT SPRINGS

ID

83246

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

SEE ATTACHED "EXHIBIT A"

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, his heirs and assigns forever. And the said Grantors 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 encumbrances Except: Subject to all existing patent reservations, easements, right of way, protective covenants, zoning ordinances, and applicable building codes, laws and regulations.

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

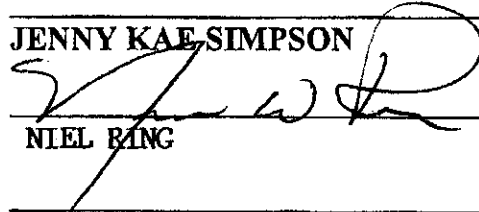
Dated: April 10, 1997



ROSANNE RING



ROY WALLACE ROBERTS

JENNY KAE SIMPSON


NIEL RING

RYAN DAN ROBERTS

JOHNNY SIMPSON

DIANA ROBERTS

NORTHEAST QUARTER OF NORTHEAST QUARTER AND LOTS ONE, TWO, THREE AND FOUR OF SECTION TWENTY-ONE IN TOWNSHIP NINE SOUTH OF RANGE THIRTY-SEVEN, EAST, BOISE MERIDIAN, BANNOCK COUNTY, IDAHO

EXCEPTING THEREFROM THOSE PORTIONS OF THE ABOVE DESCRIBED PROPERTY DEEDED TO THE STATE OF IDAHO FOR HIGHWAY RIGHT OF WAY AS DESCRIBED IN RIGHT OF WAY DEED RECORDED NOVEMBER 14, 1935 IN BOOK 71, PAGE 630 AS INSTRUMENT NO. 180763, AND QUIT CLAIM DEED RECORDED DECEMBER 19, 1942, BOOK 87, PAGE 74 AS INSTRUMENT NO. 223853, AND HIGHWAY RIGHT OF WAY DEED RECORDED FEBRUARY 4, 1946, BOOK 95, PAGE 114 AS INSTRUMENT NO. 242701, AND RIGHT OF WAY DEED RECORDED FEBRUARY 20, 1946, BOOK 95, PAGE 153, AS INSTRUMENT NO. 243161

ALSO EXCEPTING THEREFROM:

ALL PORTIONS OF THE ABOVE DESCRIBED PROPERTY LYING WITHIN THE RIGHT OF WAY OF THE UNION PACIFIC RAILROAD CO.

wd-ll,for

10/31/96

NE NE, Lots 1, 2, 3, 4 Sec. 21 9S 37E

before me, a Notary Public in and for said State, personally appeared

ROSANNE RING AND NIEL RING

known to me to be the person(s) whose name(s) ARE
subscribed to the within instruments and acknowledged to
me that they executed the same.

NOTARY SEAL

Sandra L. Candell
Notary Public,

Residing at Buhl, Idaho
Comm. Expires 11-14-98

90007190

RECORDED AT REQUEST OF
ALLIANCE TITLE & ESCROW

'98 APR 16 PM 4 48

OFFICIAL RECORD BOOK NO. 208

BANNOCK COUNTY IDAHO

LARRY W. SHAN RECORDER

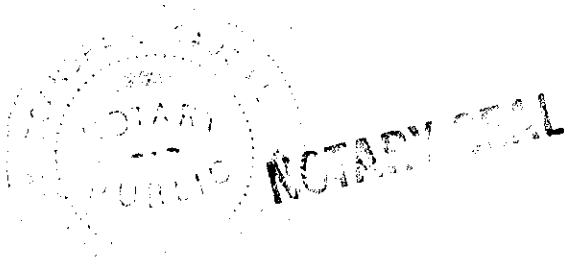
FEE 9.00 DEPUTY JJ

3-2

98007190

State of Idaho)
 SS
County of Twin Falls)

On this 13th day of April, in the year of 1998, before me Sandra L. Caudill who, being by me duly sworn (affirmed), did say that she is the power of attorney of Roy Wallace Roberts, and that said instrument was signed on behalf of said Roy Wallace Roberts, by authority, and said Rosanne Ring acknowledged to me that she as such power of attorney executed the same.



Sandra L. Caudill

Notary

Residing at: Buhl, Idaho

Commission Expires on: 11-14-98

JUN 06 2001

Log for claim A29-00054A

Spatial Dynamics AMH

8/3/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
09s37e	21	NWNE	4	15	Indiscernible
09s37e	21	SENE	7	21	Indiscernible
09s37e	21	NWNW	4	22	Indiscernible
Totals:			15	58	

IN DISTRICT COURT OF UNITED STATES IN AND FOR DISTRICT OF IDAHO,
EASTERN DIVISION.

United States of America, upon the
relation of H. E. Ray, United States
Attorney for the District of Idaho,
Plaintiff,

IN EQUITY NO. 478

DECREE

v

Dated: April 8, 1929

Filed: April 8, 1929

Julia Hibner, et al (among whom is)

Defendants.

This cause came on to be further heard at this term, additional
proofs being submitted and the cause being further argued by counsel
and thereupon upon consideration thereof;

It is ordered, adjudged and decreed as follows, viz:

I.

1. The plaintiff herein, the United States of America, is, pursuant to law, the trustee for the rights of certain Indians hereinafter named, who are wards of the government, and the adjudication of the rights hereinafter particularly recited are for the use and benefit of the respective Indian wards.

2. That the decree of the water for Indian wards hereinafter adjudicated is fixed at one miners inch per second of time per acre measured at the point of diversion and the right to the use of such water upon Indian lands is continuous and the failure of any of the Indians to use the water hereinafter adjudicated will not cause either an abandonment or a forfeiture of their rights thereto, provided however, the next appropriator in point of time shall have the right to the use of the water hereinafter adjudicated to the Indians when said water is not diverted and used for irrigation or domestic purposes by said Indians, but the relief from forfeiture or abandonment shall not extend to the ownership of said lands in persons other than Indians.

II.

"C.F.S." is used herein to designate a flow of one cubic foot of water per second of time.

Allotment numbers used herein are the numbers of the allotments made by the United States Government to Indians on the Fort Hall Indian Reservation.

BANNOCK TITLE-ABSTRACT COMPANY
PAGE NUMBER

MICROFILMED

NOV 13 1992

INDIAN'S RIGHTS

The names of the Indian wards of the government, the date of priority, the point of diversion and the lands upon which the water is to be used are as hereinafter set forth under specified headings as follows, to-wit:

.....

Rights of Others Than Indians, Under State Court Decree, to-wit: The Case of Union Grain & Elevator, Plaintiff vs McCammon Ditch Company et al Defendants, in District Court of Fifth Judicial District of State of Idaho, in and for Bannock County.

29-00054

No. 43 Name of claimant and date of Priority, Shumway, A.T. May 1, 1909.

Amount in Second feet, .60 c-f-s.

Point of Diversion and Place of Use. Said water to be diverted through the Cutler Ditch, which has its intake from the Portneuf River in Lot 1, Sec. 21, Twp. 9, South, Range 37 East. From the Northeast corner of Sec. 21, the point of diversion bears South 32° West 1970 feet, for the irrigation of lands in NE 1/4, Lots 1, 2, 3 and 4 Sec. 21, Twp. 9 South, Range 37 East.

...

C.C. Cavanah, District Judge.

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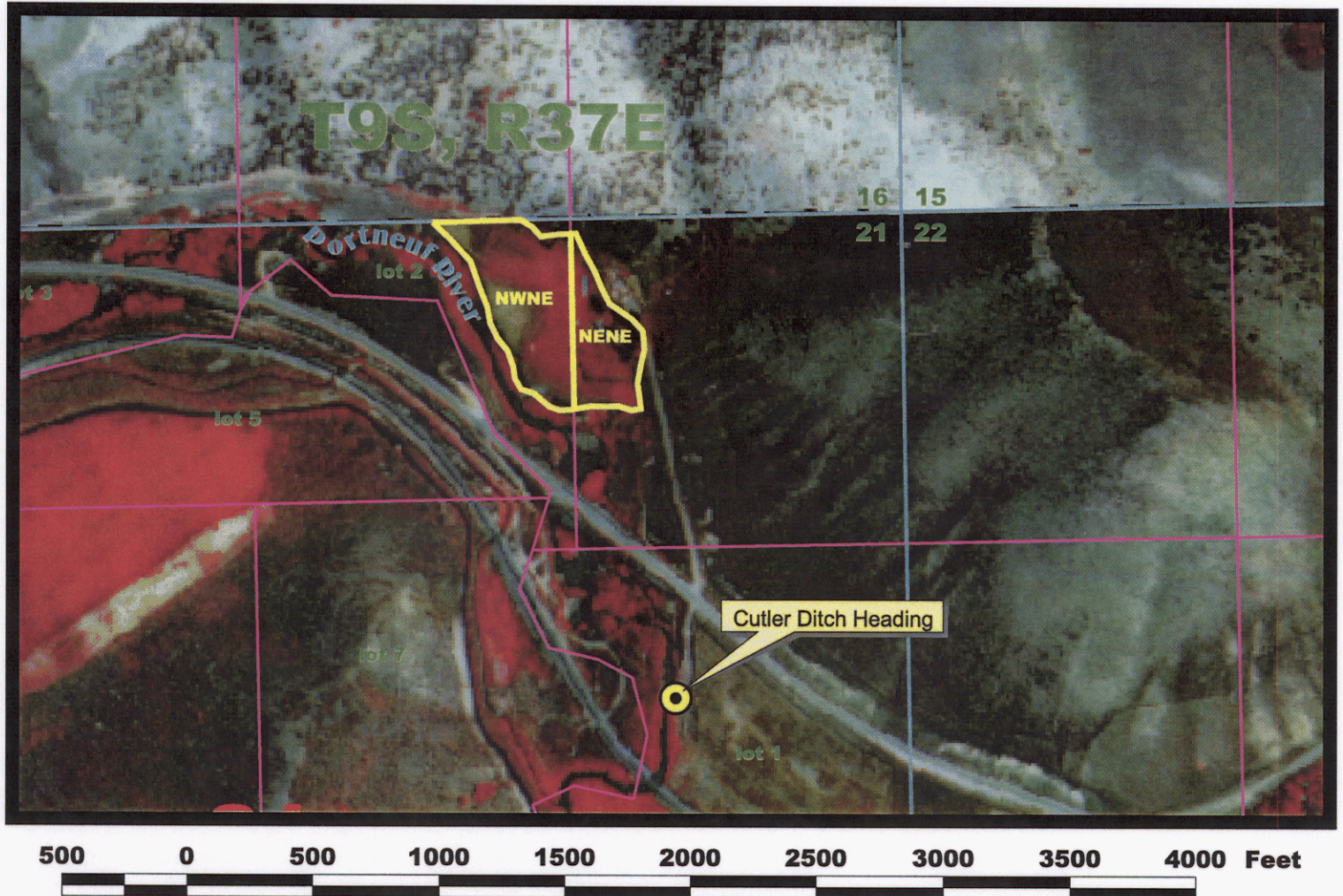


STATE OF IDAHO

Department of Water Resources

Eastern Region

Water Right(s): 29-54A



LEGEND

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

Place of Use: T9S, R37E
(parts of) Sec. 21 NENE,
NWNE (Lot 2).

Point(s) of Diversion: T9S, R37E
Sec. 21 NWSENE (Lot 1)
(Cutler ditch heading)

**NOTE: Right is delivered through
the Cutler ditch system.**

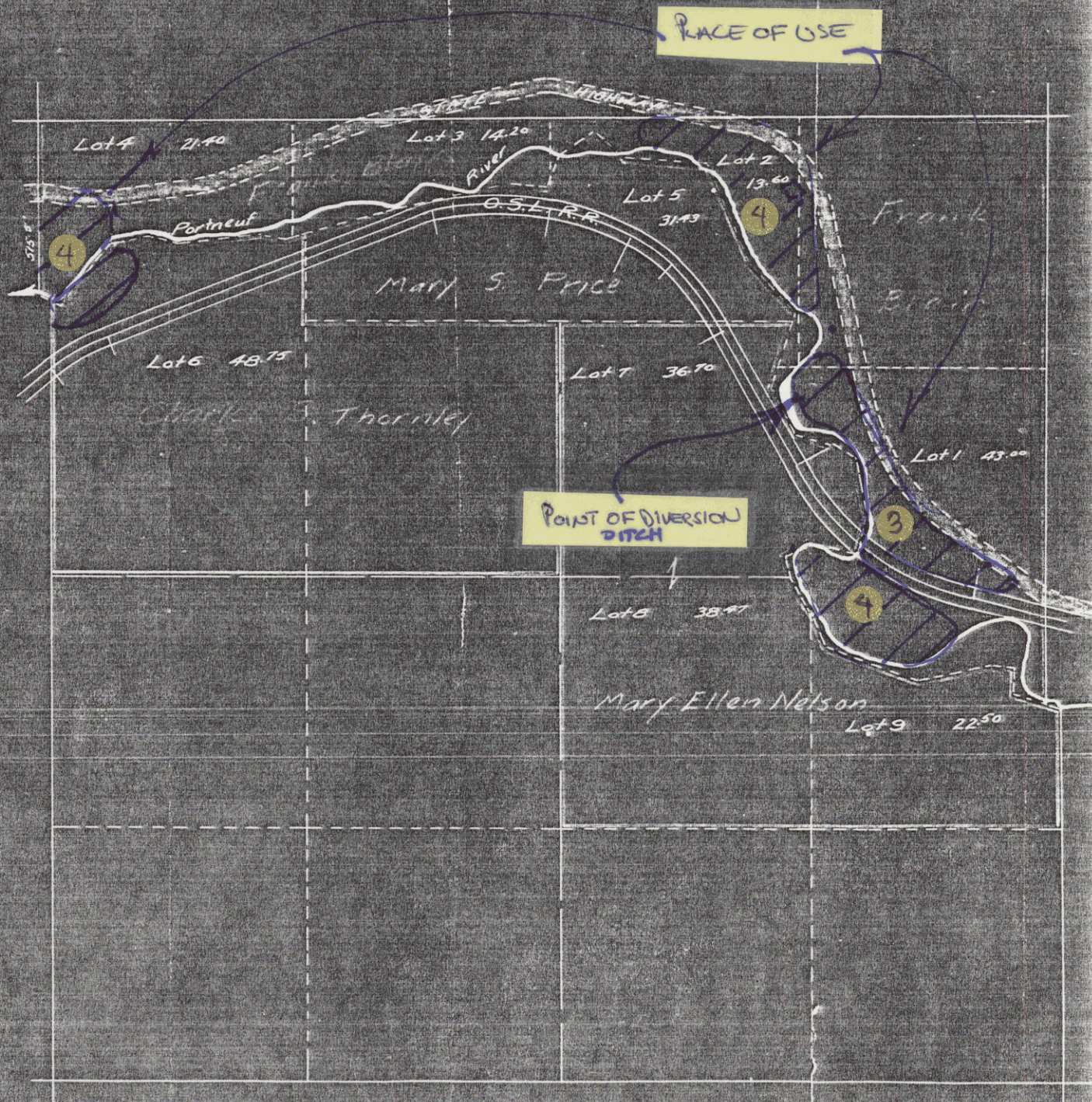


GIS Place of Use Illustration
1987/1988 NAPP photography
Prepared by: A. Ruberry
Date: December 2001

A29-00051A

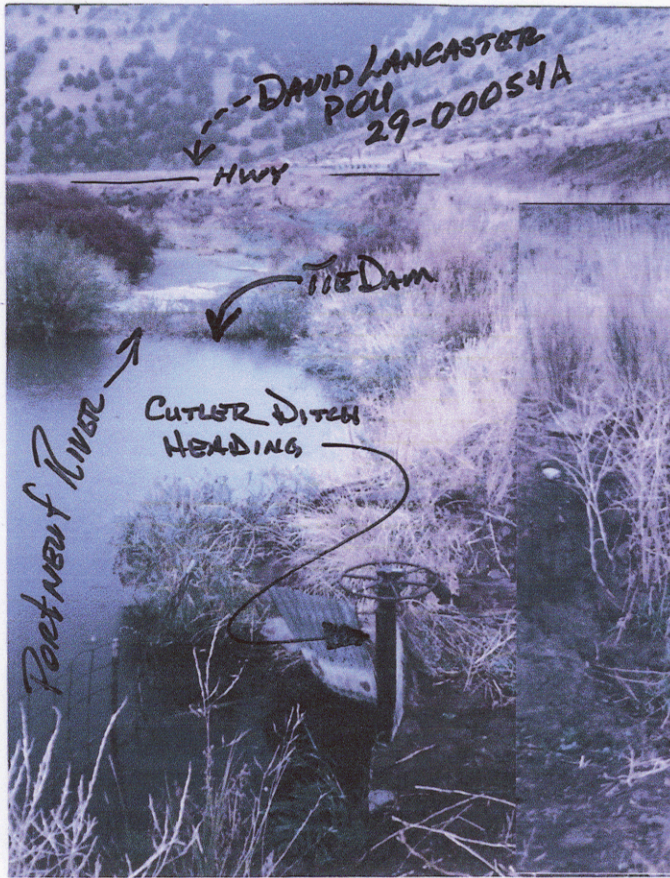
SEC 21 T 9 S. R. 37 E B.M.

Scale 600' = 1"



MICROFILMED

NOV 13 1992



CUTLER DITCH HEADING OFC Portneuf River

POINT OF DIVERSION: T.9S., R.37E. SEC. 21 (Lot 1) SENE

Water Right Claim Number A29-00054A

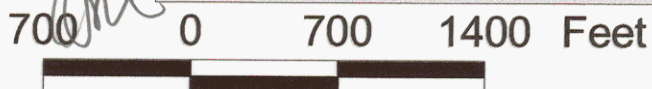
08/03/2000

Township , 9S37E



Handwritten signature

Legend					
	Irrigated Area		Section Line		Roads
	Place of Diversion		Quarter Section Line		Streams and Canals



T9S, R37E

16 15

21 22



16 15

21 22

T9S, R37E

lot 2

lot 3

lot 5

lot 7

lot 1

lot 8

21

