

04/16/2003

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

RIGHT NUMBER: 23-82

NAME AND ADDRESS: RETA SUMMERS
288 AUTUMN WOOD DR
RIGBY ID 83442

SOURCE: HORSE CREEK

TRIBUTARY: ANTELOPE CREEK

QUANTITY: 0.100 CFS

PRIORITY DATE: 07/26/1944

POINT OF DIVERSION:

T02N R42E S17 NESWNE Within BONNEVILLE County Source: HORSE CREEK

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
04/15 10/31

QUANTITY
0.100 CFS

PLACE OF USE:

IRRIGATION Within BONNEVILLE County

T02N R42E S17

NWNE

3.3

T02N R42E S17

SWNE

1.7

5 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.

EXPLANATORY MATERIAL: Decreed

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
PURSUANT TO SECTION 42-1425, IDAHO CODE.

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT
TO SECTION 42-1425, IDAHO CODE.

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 23-82
Date Received: 9/12/1989
Receipt No: E010270
Received By:

AMENDED

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

WSP RETA SUMMERS Phone: (208) 524-4619
288 AUTUMN WOOD DR
RIGBY ID USA 83442

2. Date of Priority: 07/26/1944

3. Source: HORSE CREEK Trib. to: ANTELOPE CREEK

4. Point of Diversion:
Township Range Section 1/4 of 1/4 of 1/4 Lot County Type
02N 42E 17 NE SW NE BONNEVILLE

5. Description of diverting works:

HEADGATE OFF CREEK.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/15	10/31	0.1	

7. Total Quantity Appropriated is:
0.1 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	
02N	42E	17	NW	NE	IRRIGATION	3
			SW	NE	IRRIGATION	2
					Section Acres	5
					Total Acres	5

11. Place of use in counties: BONNEVILLE

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

13. Other Water Rights Used:

14. Remarks:

CLAIM AMENDED TO CORRECT THE Q TO 0.10 CFS AS DECREED AND CHANGE THE POD/POU.

15. Basis of Claim: Decreed

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): Reta Summers-Davis Date: 4/16/03

Date: _____

State of Idaho)
County of Bonneville) SS.

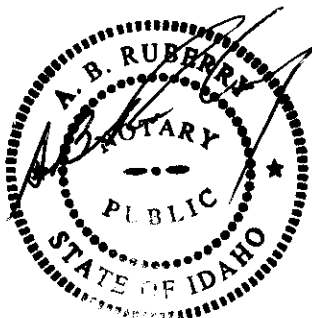
Subscribed and sworn (or affirmed) before me this 16th
of April 2003

Allen B. Ruberry

Notary Public

Residing at Joan Raus Rd

My commission Expires 9/23/03



855 +

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: A23-00082
Date Received: 8/07/1989
Receipt No: E010270
Received By: TO

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: RETA SUMMERS
Address: 10787 E. RIRIE HWY
IDAHO FALLS, ID

208-523-6555

83401

2. Date of Priority: JUL 26, 1944

3. Source: HORSE CREEK

Trib. to: ANTELOPE CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
02N	42E	17	NE	SE	SE		BONNEVILL.
			SE	SE			BONNEVILLE

5. Description of diverting works:
DITCH AND SPRINGBOX TO CORRAL AND TROUGHS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.040		

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

A.F.A.

8. Total consumptive use is

12.5 Acre Feet Per Annum.

9. Non-irrigation uses:
S/400 HORSES OR CATTLE

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
02N	42E	17	NE	SE		IRR	5
			NE	SE		STOCK	

A23-00082

Page

1

Date: 08/07/89

MICROFILMED

NOV 07 1992



11. Place of use in counties: BONNEVILLE

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

13. Other Water Rights Used:
NONE

14. Remarks:
PRIORITY DATE ASSIGNED BY DECREE DATE.
WATER IS ALSO USED FOR INSTREAM STOCK USE ALONG HORSE CREEK IN
SECTIONS 8 AND 17.

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date:

HAROLD H. FREEMAN ET AL
Decree Plaintiff

vs

GEORGE D. LAMBERT 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): Leta Summers Date: Aug. 24, 1989

Date: _____

State of Idaho)
County of T Jefferson) SS.

Subscribed and sworn (or affirmed) before me this 24 day
of August 19 89

Taffey G. Summers
Notary Public

Seal

Residing at Rigby, Idaho
My Commission Expires March 8, 1993

RECEIVED

04/16/2003

MAR 22 2004

NOTICE OF ERROR
REPLY

Department of Water Resources
Eastern Region

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS:

Water right number: 23-82

RETA SUMMERS

288 AUTUMN WOOD DR

RIGBY ID 83442

Telephone Number: (208) 524-4619 or 745-0381

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

☒ I AGREE with this proposed recommendation: no changes need to be made.

DATE: 3/12/04 SIGNATURE: Reta Summers

Please print your name: Reta Summers

IDWR Regional Office,

CHANGE IN ADDRESS

This form is solely for purposes of notifying IDWR of a change in address of an adjudication claim.

[] Water Right Number(s): 23-00092

[] Old Mailing Address: Reta Summers

10787 E. Ririe Hwy

Idaho Falls, Id. 83401

[] New Mailing Address: Reta Summers-Davis

288 Autumn Wood Dr.

Rigby, Id. 83442

[] Telephone Number: 524-4619

[] Signature of Claimant: Reta Summers-Davis

[] Date: Apr. 16, 2003

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: By:

Further Action Needed:

Further Action Taken

Date: By:

Final Review and Data-Entry

Date: By:

Contacts Data Entry Form

Water Right No. 23-82

Owner Type	Full Name	Address	City	State	Zip	Phone
Current Owner	<u>RETA SUMMERS</u>					
Name connector: and _____, or _____, and/or _____						
Current Owner						
Current Owner						
Representing Attorney:						Phone Number: _____
Accompanied By:						Phone Number: _____
Relationship to Claimant:						
Date of Field Exam:						Time: _____

Directions to Property (if different from above) and/or update owner information:

DECREED UNDER H. FREEMAN, et al vs G. LAMBERT, et al.
7-26-1944. Pgs 3 & 4 (P VI); TO G.W. SUMMERS (AND WIFE)

- * RECOMMEND: 1. AMEND CLAIM TO Q.10.cts (AS DECREED)
 2. FILE SEPARATE STOCKWATER CLAIM (AND/OR D/S).
 3. HOURS CK NOT OBTAINED BY USGS OQ Y-46.

4/10/03 MAILED REQUEST FOR CONTACT - CLAIM DON'T MATCH DECREED.
 AMEND TO MAKE IT MATCH OR WHY NOT?

4/16/03 RETA SUMMERS AND SON WORK IN TO DISCUSS THIS CLAIM. THIS
 CLAIM WAS AMENDED AND A STOCKWATER CLAIM WAS FILED

NO FB INDICATED: POD(S), POK, CONVOYANCE.

Reviewer: _____

Date: _____

CHANGE ADDRESS
 DONE
 4/16/03

VI

23-0082

That the defendants and cross-complainants George W. Summers and Ivy Summers, his wife, have the right to the use of, and there is hereby decreed to them the use of one-tenth of one cubic foot per second from the waters of what is known as Horse Creek, the same to be diverted at a point on the easterly side of said Creek near the Southwest corner of the Northeast Quarter of the Southeast Quarter of Section 17, Township 2 North, Range 42 East Boise Meridian, for gardening purposes and use upon the aforesaid Northeast Quarter of the Southeast Quarter of Section 17. That the said defendants and cross-complainants may maintain such diversion works in said Horse Creek at the point aforesaid as will permit of the diversion of the aforesaid amount of water, but such diversion works shall not be so constructed as to cause any unreasonable loss

0.10 cfs

Horse CK

T2N

R42E

Sec. 17

NESE

-3-

of the waters of said Creek by percolation, seepage and evaporation, nor so as to prevent the free flow of the balance of the waters of said Creek from said point of diversion on through the channel ("C") to its point of connection with Antelope Creek. Any unreasonable loss caused by such diversion works shall be deducted from the aforesaid one-tenth of one cubic foot per second herein decreed to said cross-complainants.

TRIB:

Antelope CK

DECREE EXCERPT FROM:
FREEMAN vs LAMBERT. 26 JULY
1944. Pgs. 3 AND 4 (P.VI)

Priority Date Data Entry Form

Claim Number: _____

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: 7/26/1944 Claimed Basis: DECRSRecommended Priority Date: 7/26/1944 Recommended Basis: DECRS☐ Use Claimed Priority Date and Basis as Recommended Priority Date and Basis

Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

PRIORITY NOT ADDRESSSED BY DECREE. THEREFORE,
THE DECREE DATE IS USED - MATTERS
EXCEPT ATTACHED.

Reviewer: _____

Date: _____

Point of Diversion and Source Data Entry Form

Claim Number: _____

Water Right Point of Diversion: T____, R____, Sec.____,____,____,____. County: _____

Source: _____ Tributary: _____

Claimed Point of Diversion: T____, R____, Sec.____,____,____,____. County: _____

Source: _____ Tributary: _____

Recommended Point of Diversion: T____, R____, Sec.____,____,____,____. County: _____

Source: _____ Tributary: _____

____ Use Claimed POD and Source as Recommended POD and Source

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source
2N	42E	17		NESE	Bonn.	UNNAMED STREAM

GPS Coordinates: _____

		17		SESE	Bonn.	Spring
--	--	----	--	------	-------	--------

GPS Coordinates: _____

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GPS Coordinates: _____

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GPS Coordinates: _____

--	--	--	--	--	--	--

GPS Coordinates: _____

--	--	--	--	--	--	--

GPS Coordinates: _____

--	--	--	--	--	--	--

GPS Coordinates: _____

← NOT DISREGARD
NOT RECOMMENDED

Other rights from this POD? _____

Document how the POD and Source were verified and/or Pump and Motor data:

DETERMINED w/ ONE POD AT: T2N, R42E, Sec. 17 NESE
CLAIM MAP SHOWS 1ST POD FROM CK TO DITCH, 2ND POD @
"SPRING BOX"

* RECOMMEND ONLY POD TO DITCH @ T2N, R42E, Sec. 17 SWNESE

Transfers Changing POD _____

Reviewer: _____

Date: _____

Place Of Use Data Entry Form

Claim Number: _____

_____ Use Claimed POU as Recommended POU

Claimed Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total Acres _____

Recommended Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
2N	42E	17	NESB		BONN		5	Irrig.

Total Acres 50

Document how the POU was verified:

Claims irrig and stock in NESB - DUEBBS DOES NOT ADDRESS
STOCK USE - MUST HAVE SEPARATE CLAIM FOR STOCK (IF SHE WANTS).

Transfers Changing POU _____

Reviewer: _____

Date: _____

Period of Use and Quantity Data Entry Form

Claim Number: _____

☐ Use Claimed Period of Use and Quantity as Recommended Period of Use and Quantity

Water Right Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____ Overall Diversion Volume _____

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
Irrig	4/1	11/1	0.04	

$$\frac{0.04 \text{ cfs}}{5 \text{ ac}} = 0.008 \text{ cfs/ac}$$

Overall Diversion Rate _____ Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
Irrig	4/15	10/31		

Overall Diversion Rate _____ Overall Diversion Volume _____

Document how the Period of Use and/or Diversion Rate were verified:

DECREASE AT 0.10 cfs: CLAIMS 0.04 cfs ... Why THE Drop?

Reviewer: _____

Date: _____

8 April 2003

Ms Reta Summers
10787 E Ririe Hwy
Idaho Falls ID 83401

Re: Snake River Basin Adjudication (SRBA) Water Right Claim 23-00082

Dear Claimant:

I have started reviewing SRBA claims in Basin 23. Upon review of your water right claim I find several elements that are of significant question to the review process. I enclose herewith a copy of your claim and a photomap for your reference.

Please contact me at the above referenced telephone number so we can discuss the claim, or, call for an appointment to visit. I look forward to your timely response.

Respectfully submitted,

Allen B. Ruberry
Sr. Adjudication Agent
Adjudication Bureau

Cc; file

Enclosure; claim copy (23-00082) and photo

Log for claim 23-00082

Spatial Dynamics LTD

5/31/01

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
02n42e	17	NESE	5	15	Indiscernible
Totals:			5	15	



State of Idaho

Department of Water Resources

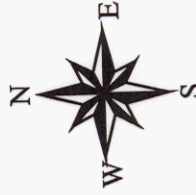
Eastern Region



Water Right(s): 23-00082

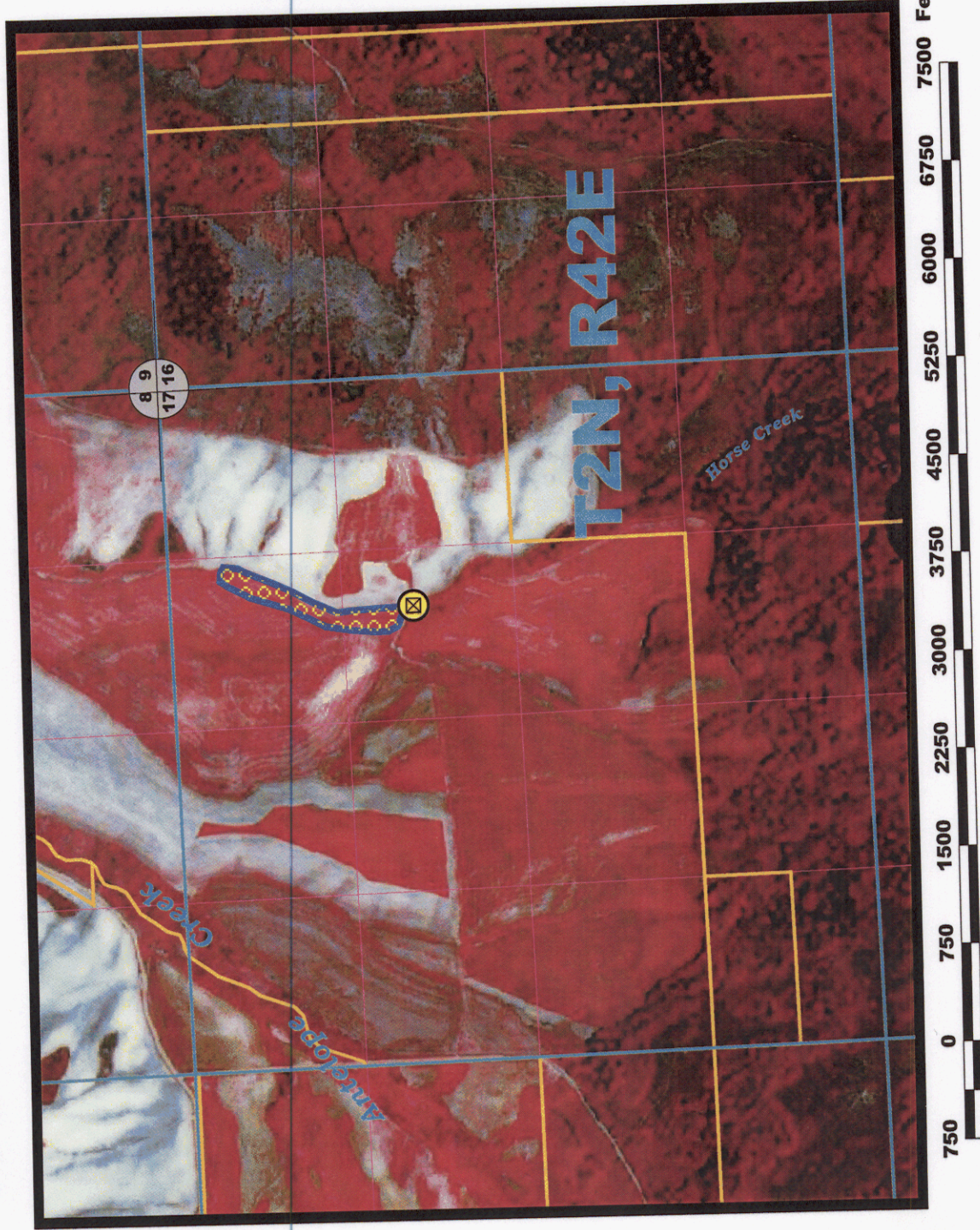
Place of Use: T2N, R42E
(parts of) Sec. 17 W2NE

Point(s) of Diversion: T2N, R42E
Sec. 17 NESWNE



LEGEND

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



8 9
17 16

Place of use
5.0 acres

Horse Creek

Point of Diversion
(Horse Creek)

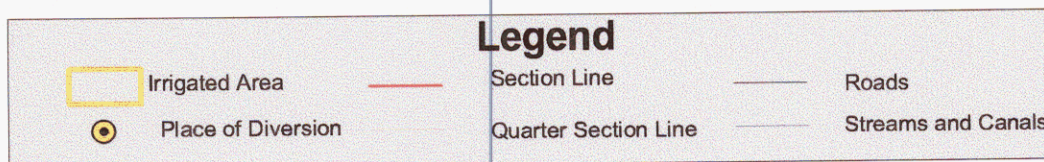
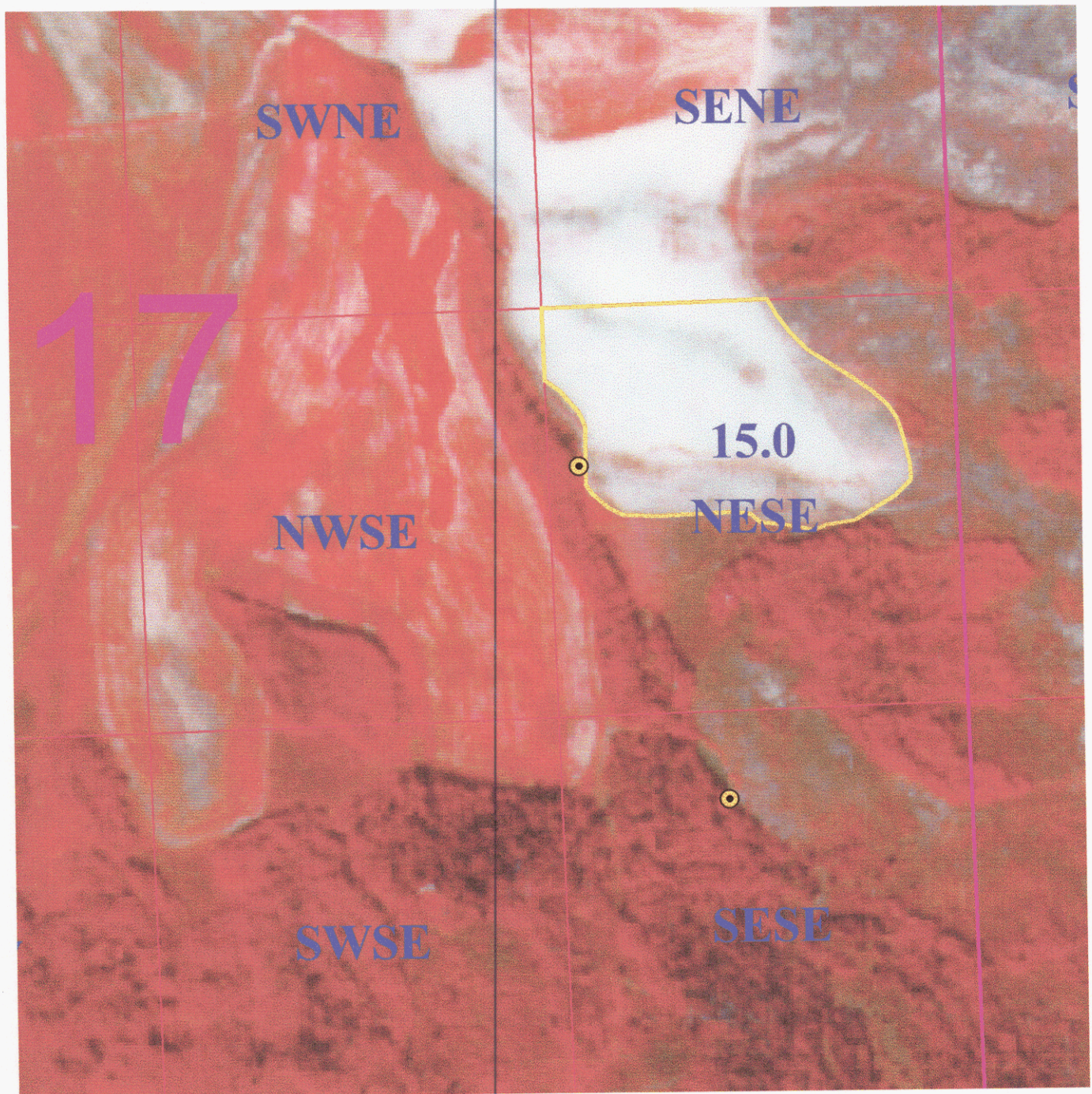
T2N, R42E

Creek

Antelope

Water Right Claim Number 23-00082
Township , 2N42E

05/31/2001



400 0 400 800 Feet



SPATIAL
DYNAMICS

8 9
17 16

Horse Creek

Creek

Antelope

Hwy 26

8 9
17 16

Creek

Antelope

Horse Creek

T2N, R42E

T2N, R41E

6

POINT LOOKOUT ORTHOPHO
IDAHO

R.42 E.

670 000 FEET

