

05/27/2004

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

RIGHT NUMBER: 23-2018

NAME AND ADDRESS: IRA H SPAULDING
5793 E HEISE RD
RIRIE ID 83443

SOURCE: TABLE ROCK CREEK
SOUTH FORK SNAKE RIVER

TRIBUTARY: SNAKE RIVER
TRIBUTARY: SNAKE RIVER

QUANTITY: 1.100 CFS

PRIORITY DATE: 08/21/1912

POINT OF DIVERSION:

T03N R41E S12 NESE Lot 3 Within BONNEVILLE County

T03N R42E S7 NENW Lot 10 Within BONNEVILLE County

DIVERSION OF WATER FROM SNAKE RIVER SOUTH FORK UNDER THIS RIGHT
SHALL NOT EXCEED THE FLOW AT THE ORIGINAL POINT OF DIVERSION FROM
WOLVERINE CREEK IN LOT 14 (SESENW) SECTION 5, T3N, R42E.
A MEASURING DEVICE IS REQUIRED AT THE OLD POINT OF DIVERSION FROM
WOLVERINE CREEK.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	1.100 CFS

PLACE OF USE: IRRIGATION Within BONNEVILLE County

T03N R41E S12 Lot 3 NESE	9.8	T03N R41E S12 Lot 4 NWSE	30.0
T03N R42E S07 SWNE	2.5	T03N R42E S07 SENW	2.1

44.4 ACRES TOTAL

Place of use in Section 7, T03N, R42E is also known as HES 256.

None of the place of use in this water right includes federal public land.

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
1972 TO 1988.

EXPLANATORY MATERIAL: License

Use of water under this right is subject to control by the watermaster of
State Water District No. 01, Snake River.

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

A measuring device and lockable controlling works of a type acceptable to
the Department shall be permanently installed and maintained as part of the
diverting works.

01/07/2004

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

RIGHT NUMBER: 23-2018

NAME AND ADDRESS: IRA H SPAULDING
PO BOX 35
RIRIE ID 83443

SOURCE: TABLE ROCK CREEK

TRIBUTARY: SNAKE RIVER

QUANTITY: 1.100 CFS

PRIORITY DATE: 08/21/1912

POINT OF DIVERSION:

T03N R41E S12 SWNESE Lot 3 Rediversion Within BONNEVILLE County
T03N R42E S5 SESENW Lot 14 Injection Within BONNEVILLE County
T03N R42E S7 SWNWNE Lot 10 Within BONNEVILLE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	1.100 CFS

PLACE OF USE: IRRIGATION Within BONNEVILLE County

T03N R41E S12 Lot 3 NESE	9.8	T03N R41E S12 Lot 4 NWSE	30.0
T03N R42E S07 Lot 9 NWNE	0.9	T03N R42E S07 Lot 11 SENW	4.7

45.4 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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

DIVERSION OF WATER FROM SNAKE RIVER SOUTH FORK UNDER THIS RIGHT SHALL NOT EXCEED THE FLOW AT THE ORIGINAL POINT OF DIVERSION FROM WOLVERINE CREEK IN SESENW SECTION 5, T3N, R42E.

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: A23-02018
Date Received: 4/05/1988
Receipt No: E000065

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: IRA H. SPAULDING
Address: BOX 35
RIRIE, ID 5743 EAST HAYES RD
83443

AND/OR

Name: JAMES MASON
Address: 270 WEST BROADWAY
IDAHO FALLS, ID 83401

AND/OR

Name: ELLEN MASON
Address: 270 WEST BROADWAY
IDAHO FALLS, ID 83401

208-523-4989

208-390-5552

208-523-4989

208-523-4989

A2302018

2. Date of Priority: AUG 21, 1912

3. Source: TABLE ROCK CREEK
SNAKE RIVER

Trib. to: SNAKE RIVER
COLUMBIA RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
03N	41E	12	SW NE SE		BONNEVILLE
	42E	7	SW NW NE	2	BONNEVILLE

5. Description of diverting works:
HEADGATE IN TABLE ROCK CK. TO DITCHES/PUMP FROM SNAKE RIVER

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.100		

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

A.F.A.

8. Total consumptive use is 137.5 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A23-02018

Page 1

Date: 04/05/88

MICROFILMED
NOV 07 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	41E	12	NE	SE	3	IRR	14.0
			NW	SE	4	IRR	26.0
			Section Acres				40.0
	42E	7	NW	NE	2	IRR	3.0
			SW	NW	4	IRR	12.0
			Section Acres				15.0
			Total Acres				55.0

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:
PALISADES STORAGE RIGHT

14. Remarks:
TRANS. 2309.
SUBJECT TO ADEQUATE FLOWS FROM WOLVERINE CREEK REACHING THE
SNAKE RIVER.
A MEASURING DEVICE IS REQUIRED AT THE OLD P/D, IN WOLVERINE CR.

15. Basis of Claim: LICENSE
Water Right Number: 8649

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): *Carol S. Oakley* Date: *April 5, 1988*

Date: _____

State of Idaho

County of *Bannock*) SS.

Subscribed and sworn (or affirmed) before me this *5th* day
of *April* 19 *88*

William H. Hall
Notary Public

Seal

Residing at *1015 7th St*

My Commission Expires *5/21/22*

Ruberry, Allen

From: Shaff, Don
Sent: Monday, April 26, 2004 4:34 PM
To: Ruberry, Allen
Subject: 23-2018

Al,
Steve Spencer will notify the claimant and you about the irrigation on the east end of the POU for 23-2018. I know we would have less trouble with the Forest Service by adding a POU-Irrigation remark Place of Use within HES 256. I would suggest dropping the lots 11 and 9 that are outside the HES that the USFS holds. The east end of the shape does go into Lot 9 (that is really now Lot 20 from a resurvey) but that's why Steve is contacting the claimant to adjust the POU of the water right versus whether the land gets water or not.

Don Shaff
dshaff@idwr.state.id.us
208-327-7932

*5/03/04 e-mail to S. Spencer - waiting on communication
of claimant contact to make recommended changes*



01/07/2004

NOTICE OF ERROR
REPLY

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: 23-2018

IRA H SPAULDING

PO BOX 35

RIRIE ID 83443

Telephone Number: (208)523-4989

5793 E Heise Rd
Ririe ID 83443 # Done?

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: 5/03/04

SIGNATURE: IRA H SPAULDING

Please print your name: IRA H. SPAULDING

IDWR Regional Office,

Forest Service
Correspondence
Forthcoming

RECEIVED

MAY 03 2004

Department of Water Resources
Eastern Region

5/03/04 USFS ADJUSTMENTS NOTED
2655 Attachoo.

23-2018

J. SPANGLING

 Steven M Spencer

04/27/2004 09:39
AM

To: dshaff@idwr.state.id.us
cc: aruberry@idwr.state.id.us, ecarlsen@idwr.state.id.us
Subject: Basin 23 Preliminary

Don, we have discussed previously the FS desire to offer corrections to probable FS objections to water rights during the preliminary reporting period BEFORE the report goes to the court. That way I can work with the various agents to resolve FS issues outside of the court. And we can go the legal procedures of objecting, hashing it out, doing SF5's, correcting the water right description, getting signatures and all the related time in the legal arena. It will save time for the department, the FS, the court, and the claimants.

This worked very well for us in Basin 29. I worked with Ernie on a dozen or more in the preliminary. Ernie took the comments I offered during the preliminary phase and we resolved FS issues so that the water rights were recommended in such a manner that the FS did not have to object. Instead of 10 or 15 objections, we only had 3 (which I may have missed during the review of the preliminary).

With that in mind, we reviewed the Basin 23 preliminary recommendations and have some suggestions that would clarify 8 water right recommendations so that the FS would not have to protest them. I would like to work with you and Allen to accomplish this, as well as continue it into the future. I've discussed these with you and will send copies of the two Master Title Plat (MTP) maps from the BLM master land records to Allen so that he has the same information I relayed to you on problems with "LOTS". The other concerns are with quarter-quarters where there is federal and private land and NO lots distinguishing land ownership. We have used a clause in the past to make it clear that the POU's or sometimes the entire water right are NOT ON FEDERAL LAND. That way we have the surety that there should not be a misunderstanding in the future if there is or is not use on the federal land.

I am still determining how to deal with a handful of cases where there is apparent irrigation of small pieces of NFS land fenced in with private land. If there is something that I can get started to resolve these matters I will get back with you and Allen. Thank you for your cooperation on these topics.



Preliminary Recommendations.d

Steve Spencer
Boise Adjudication Team
161 E. Mallard, Suite A
Boise, ID 83706

(208) 331-5944
(208) 387-0842 FAX
e-mail: sspencer@fs.fed.us

RECEIVED

APR 29 2004

Department of Water Resources
Eastern Region

Basin 23 Preliminary Recommendations
Forest Service Suggestions to avert Objections

I. MIXED OWNERSHIP – PRIVATE LAND LANGUAGE

There are 5 water right recommendations that involve quarter-quarters with mixed federal and private land ownership. Often times the mixed ownership questions can be clarified using government survey 'Lot' information to distinguish federal and non-federal ownership. In these 5 situations government 'Lots' are not available. The federal vs. private question could be resolved by adding a remark such as:

The points of diversion and places of use for this water right do not include any federal land.

The Forest Service is faced with this situation on water right numbers:

23-07087

23-10258

23-11210 (in addition, it appears that the SESE Sec 11 is 'LOT 5')

23-11212 (adaptation for instream flow stockwater needs to also reference beginning and ending point of the instream flow)

23-11228

If a clause clarifying the ownership of the land for these water rights could be added to the water right descriptions that are recommended to the SRBA Court, the Forest Service would not object to these water rights – the settlement of which would be to add this language to the water right description. This would save the Department, the Court, the private party and the United States time.

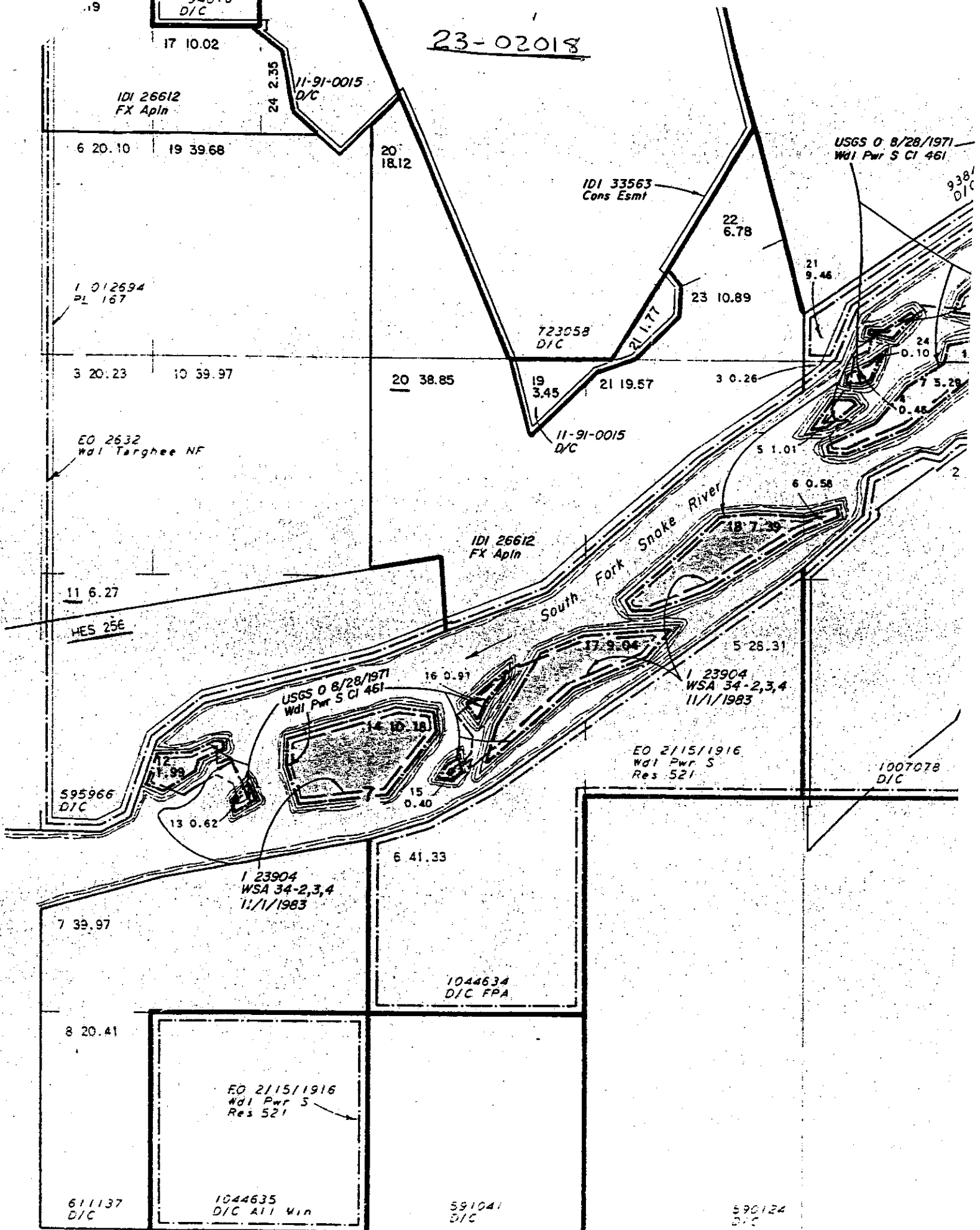
II. ANOTHER 'LOT' PROBLEM

23-02018 MTP shows NWNE Sec 7 as LOT 20, not LOT 9 (this is NFS land), and SENW of Sec 7 is not LOT 11, but simply part of HES 256. There are .9 acres of irrigation on NFS land at this time. I'll see what I can do to work it out with the claimant to get that .9 acres off NFS land. Then a clause pertaining to POU's not on federal land would be appropriate. The POD is on NFS land. MTP map provided.

III. OTHER OBSERVATIONS

23-00113A and 23-11247 For a more precise legal description, the private property (location of POUs) is HES 557 Tract B. The POD is on NFS land. Clause that the POU's do not include any federal land would be appropriate because they are all on HES 557 Tract B. MTP map provided.

Thank you. That is all for now.



Ruberry, Allen

From: McHugh, Candice
Sent: Tuesday, January 06, 2004 9:12 AM
To: Ruberry, Allen
Subject: language questions

Al, I think this remark would work.

-----Original Message-----

From: Shaff, Don
Sent: Monday, January 05, 2004 4:45 PM
To: McHugh, Candice
Subject: RE: More language questions

Again, this is an anomaly that has not required a standard. Here is an example from 63-3226A that has been used.
DIVERSION UNDER THIS RIGHT SHALL NOT EXCEED THE FLOW AVAILABLE AT THE ORIGINAL POINT OF
DIVERSION FROM SCRIVER CREEK IN NWSW, S22, T10N, R04E.

I think this could work with 23-2018 with the Source and PODs on Snake River with restrictions to flows as above from Wolverine Creek (that may not apply, if the finding is one of forfeiture) and Table Rock Creek.

Don Shaff
dshaff@idwr.state.id.us
208-327-7932

-----Original Message-----

From: McHugh, Candice
Sent: Friday, January 02, 2004 11:41 AM
To: Shaff, Don
Subject: More language questions

Seems like I've seen some language that makes administration of this kind of right clearer. Any thoughts?

Thanks Don,

Candice

From: Ruberry, Allen
Sent: Wednesday, August 06, 2003 1:46 PM
To: McHugh, Candice
Subject: 23-2018

This is a License dating to (circa) 1912. Licensed sources are Table Rock Ck and Wolverine Ck., for 1.1 cfs. Transfer #2309, approved 6/20/1979, conditions of approval read: (3.) "Subject to adequate flows from Wolverine Creek reaching the Snake River." Other text within the Tx discuss the ditch from Wolverine Ck being destroyed and not re-buildable... No discussion of Table Rock Creek, but the POD is claimed as is one from Snake River. Tx does state ...control by WD01. But, I doubt its controlled very closely, however, it (the river diversion) is entered in the WD01 accounting. There is no accounting for any flow from Table Rock Ck. Spoke with Tony Olenchak, WD01 Hydrographer, he tells me that they have never measured any water there because of the 1912 priority date.... they just assume buy mid-July the 1912 has been long cut. So, I still don't know what quantity comes from either licensed source. Tony's conversation leads me to think all 1.1 is diverted from the river. This can be a good thing, if, it was done entirely prior to 1987.... then we can show accomplished change in source. The Tx referenced shows 1979 is when the exchange was approved.

The question is: The language of the Tx seems to approve an exchange of source contingent upon Wolverine Ck reaching the river on any given year. Is it ok to use the Tx language with respect to the exchange practice, OR, would you care craft some legal mumbo-jumbo to address the issue? Then, if, Wolverine Ck does not reach the river... what portion is cut by the exchange?

The Engineer's report states: "Table Rock Ck dries up about the middle of July. Wolverine Ck dries down to about 25 inches of water by July 30th." Goes on to explain, "Conduitsfrom Table Rock Ck to my homestead is about 1/2

mile; ... from Wolverine Creek to homestead about 1 1/2 miles." This sounds to me like by mid-July or even earlier (year depending) whatever flow is in the creeks is lost to conveyance loss and evaporation.....anyway.

Your kind thoughts, please.

Ruberry, Allen

From: McHugh, Candice
Sent: Thursday, September 18, 2003 1:59 PM
To: Ruberry, Allen
Subject: RE: 23-2018

I don't think I've ever responded to this email. Sorry about that. I think I need to review the transfer; I would like to stick as close to the transfer language as possible but I want it to be administrable too. In any event, I won't get to this until after October 1. I have two 706 reports due, one on the 30th and one on the 1st that are taking a lot of my time. (Sagewillow and B65 matter). I'm trying to get matters that have deadlines on them done in case I am not able to continue working as I plan. (No indication otherwise, but one never knows.) And, now that Garrick is leaving, I really want to make sure my stuff that he was in charge of is in good shape for any new attorney or for Susan or Nick to take up.

Hope your trip to Japan? Korea? was fun!

Candice

-----Original Message-----

From: Ruberry, Allen
Sent: Wednesday, August 06, 2003 1:46 PM
To: McHugh, Candice
Subject: 23-2018

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The Engineer's report states: "Table Rock Ck dries up about the middle of July. Wolverine Ck dries down to about 25 inches of water by July 30th." Goes on to explain, "Conduitsfrom Table Rock Ck to my homestead is about 1/2 mile; ... from Wolverine Creek to homestead about 1 1/2 miles." This sounds to me like by mid-July or even earlier (year depending) whatever flow is in the creeks is lost to conveyance loss and evaporation.....anyway.

There is another point in all this but it escapes me right now. I'll think of it later if it matters.

Your kind thoughts, please.

Ruberry, Allen

To: McHugh, Candice
Subject: 23-2018

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There is another point in all this but it escapes me right now. I'll think of it later if it matters.

Your kind thoughts, please.

8/12/03 Met Mr. Spaulding. Discussed irrigation from Table Rock Ck. And, he is now the sole owner of this right. However, I advised him that the Mason name should be removed from the claim so the recommendation is solely in his name. He will contact his wife and obtain a copy of the court document that gave him the land, then mail it to me to remove the Mason's names.

8/13/03 Co w/Does Received _____

Ruberry, Allen

To: Hamlin Nygard, Susan
Subject: RE: 23-02018

OK, thanks, I'm going to recommend with exchange language. Good job!

-----Original Message-----

From: Hamlin Nygard, Susan
Sent: Thursday, November 06, 2003 4:10 PM
To: Ruberry, Allen
Cc: Music, Vicky
Subject: RE: 23-02018

Al, The application approved the change in the point of diversion. It was to a new location downstream from the Wolverine Creek. In the application for permit the water user states, " The original ditch from Wolverine Creek has been destroyed over time and it has impossible to restore or maintain." The hand drawn map show the new point of diversion in Section 12 NESE on the South Fork of the Snake with the old point of Diversion on Wolverine Creek Section 5. I believe the reason for the remark is to make sure that there is water coming in from Wolverine Creek (Upstream from the new point of diversion) to compensate for taking water directly from the Snake. So although it is not labeled as an exchange in the transfer it is operating as such.

Let me know if you need more. Susan

-----Original Message-----

From: Ruberry, Allen
Sent: Wednesday, November 05, 2003 2:35 PM
To: Hamlin Nygard, Susan
Subject: 23-02018

Susan, in Candice's absence I'd guess your it. And, I have a question.

Reference Tx #2309, 20 June 1979. The Question: Did the Transfer change the source or just the place where the water is taken by exchange. Note the 'Action of director,...' (approve/disapprove) section, condition # 3. 'Subject to adequate flows from Wolverine Creek reaching the snake river.'

The reason I ask is that he claims both Table Rock Creek and Snake River (Wolverine Creek). Licensed as Table Rock Creek and Wolverine Creek.

thanks..... al

Hey, when is Mc H coming back?

Contacts Data Entry Form

Water Right No. 23-2018

Owner Type _____ Full Name FRA SPAULDING & JAMES MASON Address _____ City _____ State _____ Zip _____ Phone 208-390-5555
Current Owner _____
Name connector: and _____, or _____, and/or _____
Current Owner _____ Phone No. No Good!
Current Owner _____

Representing Attorney: _____ Phone Number: _____

Accompanied By: _____ Phone Number: _____

Relationship to Claimant: _____

*C/o REMOVES MASON'S
from OWNERSHIP*

Date of Field Exam: _____ Time: _____

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

LICENSED 2 MAY 1918. TRANSFER # 2309, 6/20/1979,
WAS APPROVED TO EXCHANGE THE WOLVETUNG CR WATER FOR
SWAKE RIVER WATER (w/RESPECT TO 1912 PRIORITY, AND THAT WOLVETUNG
HAD ADEQUATE FLOW REACHING THE RIVER). THEREFORE, BASED
ON THE 1979 TX, IT IS SAFE TO ASSUME THIS OLD LICENSE
WAS NOT SUPERSEDED BY A PRIOR DECREE.

Q: ^(OWNER) WHO IS THE 'TODAY'S' CLAIMANT: NO SPAULDING OR MASON
FOUND IN PHONE BOOK ⇒ FRA SPAULDING

FB INDICATED: VUEI. POD (EXCHANGE SOURCE)

Reviewer: _____

Date: _____

04/03/2002

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
①	3N	41E	12		SWNESE		Snake River
	GPS Coordinates: 0696148					0280862	009
②	3N	42E	7		SWNWNE		Table Rock Cr
	GPS Coordinates: 0697047				008	0281621	008
	GPS Coordinates: _____						
	GPS Coordinates: _____						
	GPS Coordinates: _____						
	GPS Coordinates: _____						
	GPS Coordinates: _____						

what does license call for POD's

*CONFIRM USE OF THIS POD. 8/12/03

POD DAMS OFF CR. ~ 1/4 mi upstream from claimed POD
CP3Other rights from this POD? GPS POD TAG¹¹ (1) 12418 (2) 12414

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

ORIGINALLY LICENSED SOURCE AS: TABLE ROCK AND WOLVERINE CREEKS.

Q: NOW CLAIMS SNAKE RIVER (NOT WOLVERINE CR)? OK, BUT TX
HAS THERE BEEN AN EXCHANGE PRACTICED HERE? YES, SEE TX # 2309.
IF SO, WHAT IS CONVOY LOSS? NONE. IF NOT: SNAKE RIVER.
CAN NOT BE RECOMMENDED UNDER THIS TX CLAIMANT
MUST FILE ANOTHER B/C CLAIM (Priority?) or come up with
Transfers Changing POD _____

Reviewer: _____

Date: _____

EXCHANGE
Remarks
APPLY

A river rd. to do what he's doing.
* CLAIM REMARK: "SUBJECT TO ADEQUATE FLOWS FROM WOLVERINE CR REACHING THE SNAKE RIVER."

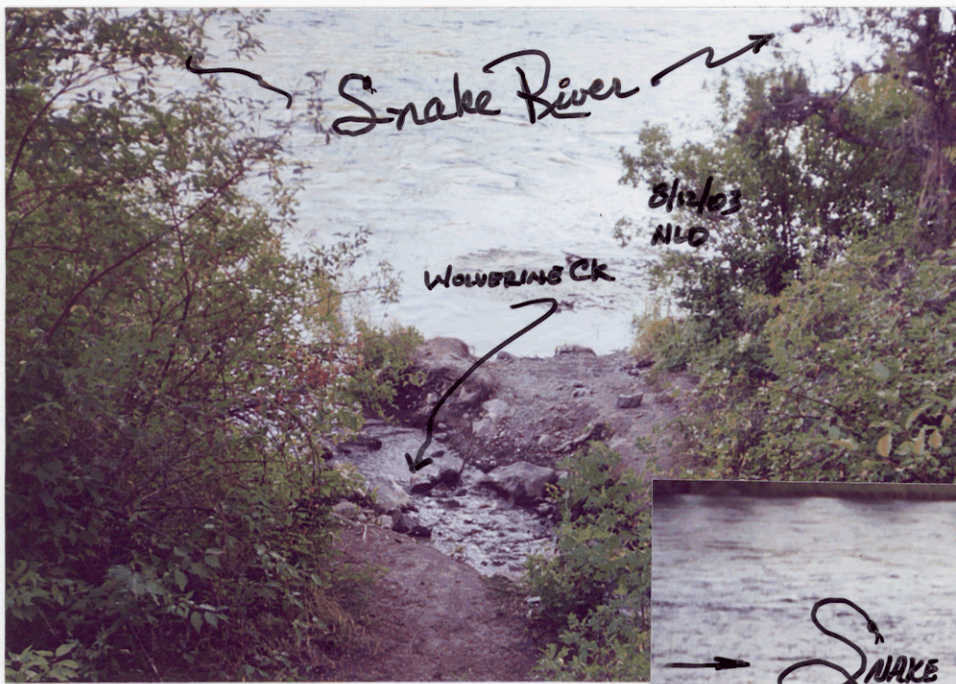


Photo 1. Shows Wolverine Ck
AT CONFLUENCE W/ SNAKE RIVER.
TX #2309 IS CONTINGENT UPON
"SUBJECT TO ADEQUATE FLOWS OF WOLVERINE
CREEK REACHING THE SNAKE RIVER."

Photo 2. MR. SANDILING AT THE
AREA WHERE HE PUTS HIS PUMP
(BELOW) TO TAKE HIS WOLVERINE CK
1912 PRIORITY WATER, PER TX #2309.
1999.

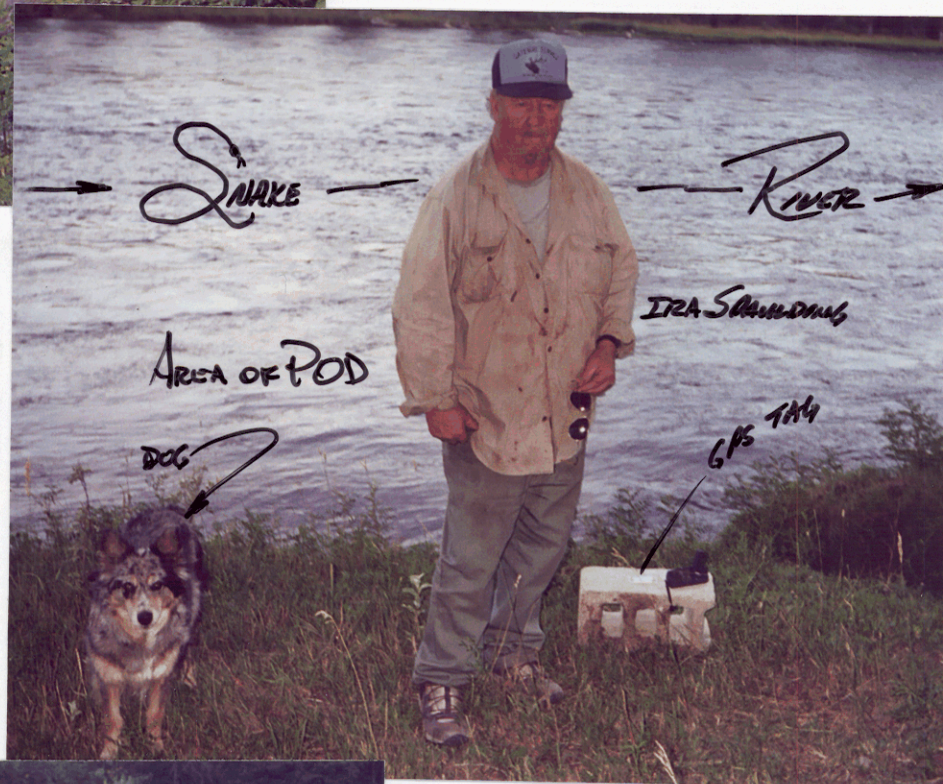


Photo 3. PORTABLE PUMP USED
TO PUMP FROM SNAKE RIVER.
RINS PORTABLE MINERLINE AND
WHEEL-LINES —

8/13/03
NLO

Priority Date Data Entry Form

Claim Number: _____

Water Right Priority Date: _____ Water Right Basis: _____

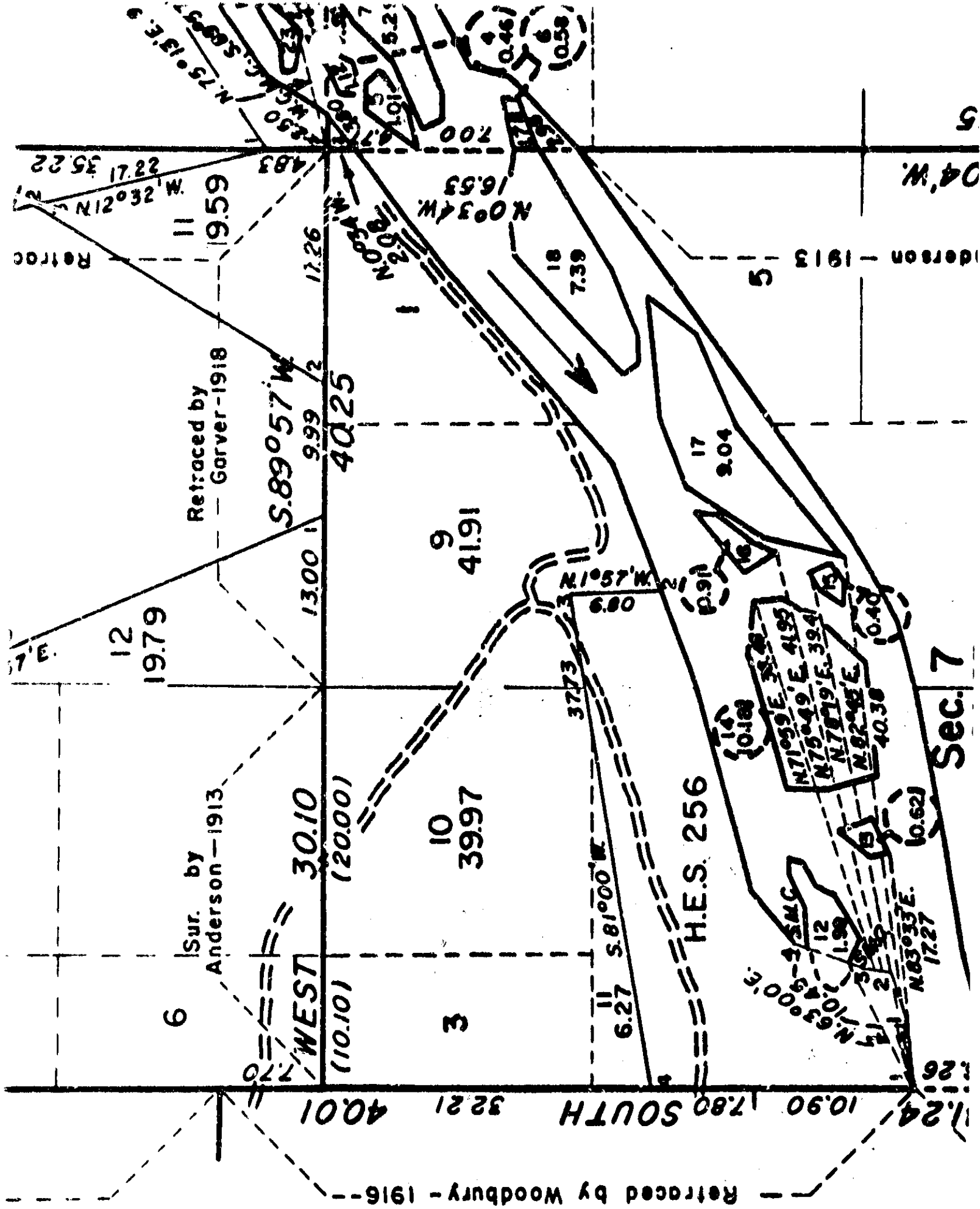
Claimed Priority Date: Aug 21, 1912 Claimed Basis: Lic.Recommended Priority Date: 8-21-1912 Recommended Basis: Lic.☐ Use Claimed Priority Date and Basis as Recommended Priority Date and Basis

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

Claim matches LICENSE

Reviewer: _____

Date: _____



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Sec. 5

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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
3N	41E	12	NESB		BONN	3	14	Trng.
			NWSB		"	4	26	"
3N	42E	7	NWNE		"	2	3	"
			SWNW		"	4	12	"

Total Acres 55⁰

As Licensed

Recommended Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
3N	41E	12						
		7						

Total Acres _____

Document how the POU was verified:

POU BY GPS W/ RESPECT TO LOTS AND HRS 256.

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
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Overall Diversion Rate _____ Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
<i>Prig.</i>	<i>4/1</i>	<i>11/1</i>	<i>1.1</i>	—
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Overall Diversion Rate _____ Overall Diversion Volume _____

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

SOIL AS LEON500; Q @ 0.02 cfs/ac on SS ac (15 Lbs.)

Reviewer: _____

Date: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

**INSTRUCTIONS FOR FILING
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP**

Form has been prepared to assist all claimants and owners of water rights to comply with the requirements of Sections 42-248 and 42-249(6), Idaho Code. All claimants and owners of water rights are required to notify the Department of Water Resources (IDWR) of any change in mailing address or change in ownership of all or part of a water right. In addition, all purchasers of water rights within a pending adjudication area must inquire whether a notice of claim has been filed and, if not, shall file a notice of claim if necessary.

Rate brochures are available from IDWR describing the adjudication of water rights and the requirement to notify IDWR of changes in ownership. Please contact your nearest IDWR office, or call 1-800-451-4129, if you would like more information or need help completing the form. Please attach additional sheets to the form if you require additional space to describe or explain any of the items on the form.

If there are water rights associated with the property, the seller should be able to provide you with the water right or adjudication claim number(s). Please enter the number(s) at Item 1. Corresponding water right and adjudication claim numbers should be listed next to each other on the form. You may have purchased only a portion of the water right(s) held by the seller. If so, the water right(s) held by the seller may need to be "split" to provide you your share of each right. Indicate if a split is required by checking in the space provided next to each water right.

If you receive water from a municipal provider, an irrigation district or other water delivery organization, where the water rights are held by the organization, please do not use this form to record a change. You may need to contact the water delivery organization to determine if any action is necessary.

If you or the seller believes there are water rights for the property but the numbers are unknown, you may wish to contact IDWR for assistance in identifying the water rights for the property in question. If adjudication claims for the rights are required and have not been filed, IDWR will so advise you.

The information described at Item 2 is required, since IDWR cannot process the requested change without documentation of ownership. The preferred types of documentation are shown; contact IDWR if you have difficulty obtaining this information. Do not obtain a new survey for purposes of this form before contacting IDWR.

Please provide the name and address of the former owner/claimant(s) of the water right(s) at Item 3.

The name, mailing address, and telephone numbers of the new owner/claimant(s) is entered at Item 4. Please indicate the relationship between multiple owners by using the connector "and", "or", or "and/or." If an "and" is used, all parties must sign this form. If an "and/or" or "or" is used, all parties may sign; however, only one of the named parties is required to sign.

At Item 5, please provide the date the property in question was acquired. This may be the date of "closing" in the case of a real estate transaction or the date of court order for other types of ownership changes.

You may have purchased only a portion of the water right(s) held by the seller. If this change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. For each water right requiring a split between owners, fill in the appropriate spaces in the box(es) at Item 6. Copy the page as many times as necessary to fully describe each water right after the change. Include documentation as necessary to describe nonstandard agreements or arrangements regarding division of the water right(s). If the water right(s) will not be split, skip Item 6 and go to Item 7.

The new owner(s) must sign the form in the space(s) provided at Item 7. If an "and" connector is used at Item 4, all parties must sign this form. If an "and/or" or "or" connector is used, all parties may sign; however, only one of the named parties is required to sign. If someone other than the owner signs the notice, evidence of authority to sign for the owner must be attached. If the new owner is a corporation or other organization, the person signing the notice must be an officer of the corporation or otherwise have authority to sign for the organization and must include their title with the signature.

The filing fee is \$25 per water right, except for those water rights which will be divided as a result of the change in ownership. The filing fee for division of a water right is \$100 per water right to be divided. When complete, you should retain a copy and return the original of the form to the IDWR office nearest you:

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

RECEIVED

AUG 13 2003

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

Department of Water Resources
 Eastern Region

Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided, if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
	23-2018				

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) are for ten or more acres of irrigation, you must submit a **USDA Farm Service Agency AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former
 Owner/Claimant(s)

James + Ellen Mason

4. New Owner/Claimant(s)

JOHN H SPANGLING

Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

5793 E. H GIBB RD

City, State and ZIP Code

RILEY IDAHO - 82003

New Telephone Number

() 390-5555. Cell 745 0195

5. Date you acquired the property

1992.

If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number _____

Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number _____

Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	

Signature of New Owner(s) or Claimant(s) _____
(include title if applicable)

Ernesto

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by _____	Date _____	Fee _____
Received by _____	Date _____	Receipt No. _____
Processed by _____ AJ	Date _____	WR _____ Date _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**APPROVED****APPLICATION FOR TRANSFER OF WATER RIGHT****To Change the Point of Diversion and/or the Place of Use**Name of applicant Ira H. Spaulding &/or James Mason &/or Ellen Phone 523-4989Post office address Mason**A. DESCRIPTION OF RIGHT AS RECORDED****1. Right evidenced by:**

a. Decree to _____ (Name)
in case of _____ vs _____
dated _____ in _____ county of _____
(Name of court)

b. License No. 23-2018 issued by the Idaho Department of Water Resources

c. Claim No. _____ on file with the Idaho Department of Water Resources

2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant Applicants
acquired the water right through inheritance of real property.

3. Source of water Table Rock & Wolverine Cks. tributary to Snake River, South Fork4. Date of priority August 21, 1912**5. Water is used for the following purposes:**

amount 1.10 cfs for Irrigation and purposes from * to *
amount _____ for Domestic purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(month/day - both dates inclusive)

6. Total amount of water under right: a. 1.10 cubic feet per second
&/or
b. _____ acre feet per annum

7. Location of original point of diversion is (Table Rock ~~Creek~~ Lot 2 1/4 of Section 7
Creek)
Township 3N Range 42E, B.M., in Bonneville County
Additional points of diversion, if any (Wolverine Creek) NE 1/4 SW 1/4, Sec. 5, T. 3N, R. 42E, B.M.

8. Lands irrigated or place of use:

TWP.	RANGE	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	
3N	41E	12			Lot 3 - 14 acres						Lot 4 - 26 acres								40
3N	42E	7			Lot 2 - 3 acres						Lot 4 - 12 acres								15

Total number of acres to be irrigated 55

9. Describe any other water rights used for the same purposes as described above _____

B. DESCRIPTION OF PORTION OF RIGHT OWNED BY APPLICANT (If the entire right is owned by the applicant, omit part B).

1. Amount of water: a. _____ cubic feet per second
&/or
b. _____ acre feet per annum
2. Point of diversion _____ ¼ _____ ¼, Section _____ Township _____
Range _____, B.M., _____ County
Additional points _____
3. Place of use:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Change in point of diversion
 - a. Amount of water to be diverted 1.10 c.f.s. &/or _____ acre feet
(Table Rock Creek)
 - b. Point(s) of diversion ~~Lot 2~~ Section 7 Township 3N
Range 42E, B.M., Bonneville County
Additional points (Snake River, South Fork) NE¼SE¼, Sec. 12, T. 3N, R. 41E, B.M.
 - c. Description of diverting works From Table Rock Creek, open diversion ditch in Lot 2, Sec. 7, T. 3N, R. 42E for gravity flood and from Snake River, South Fork, pump and sprinkler in the NE¼SE¼, Sec. 12, T. 3N, R. 41E, B.M.
 - d. Describe the reasons for applying for a change in the point(s) of diversion The original ditch from Wolverine Creek has been destroyed over time and it has become impossible to restore and maintain.

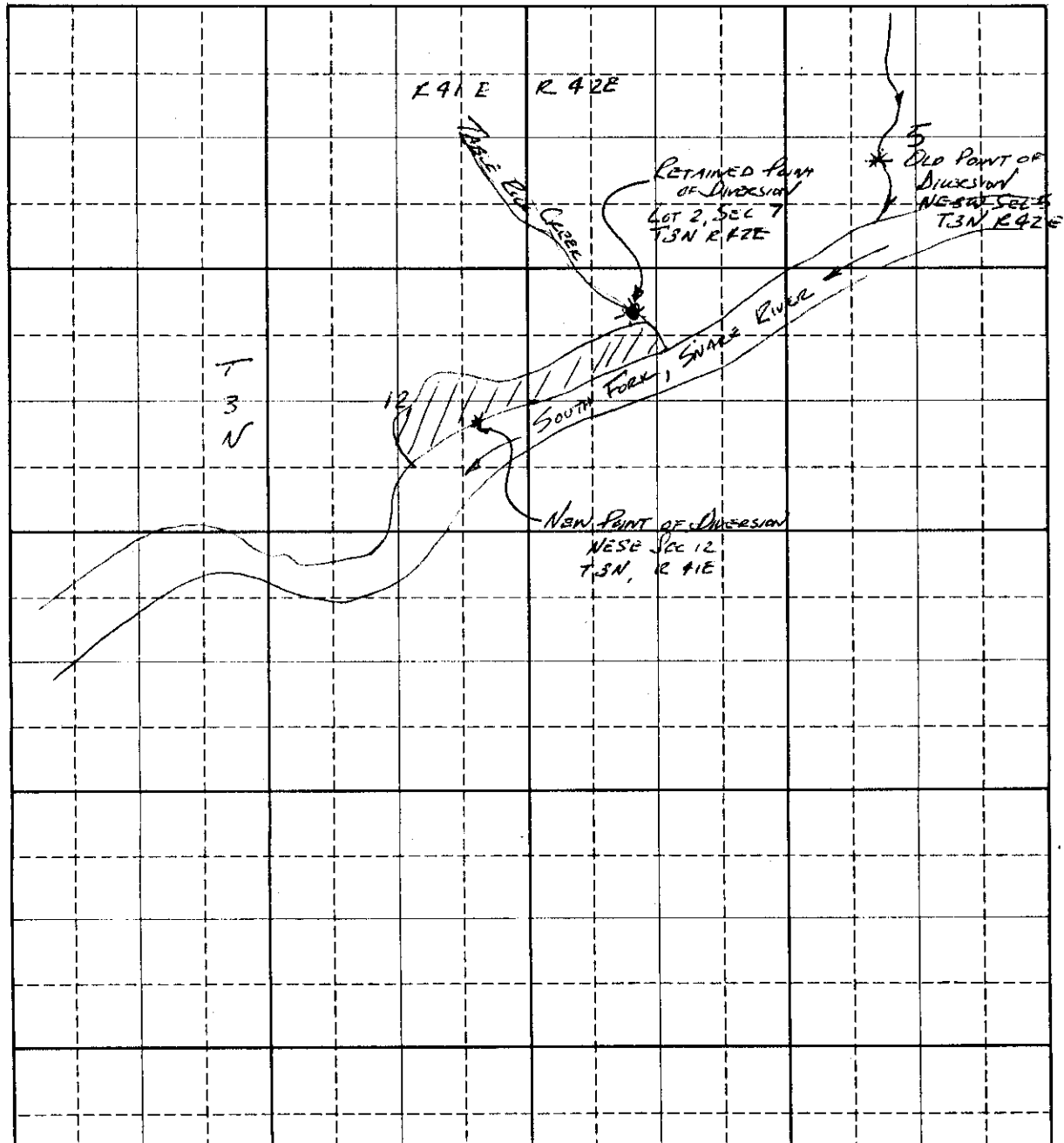
2. Change in place of use NO CHANGE

- a. Describe the lands or place of use to which the right will be transferred:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

Total number of acres to be irrigated _____

3. Draw a map indicating the new point(s) of diversion and/or the new land to be diverted. Show clearly the land involved by section, township and range number.



167260

QUIT CLAIM DEED

THIS INDENTURE, made the 5th day of May, 1901, in the year of our Lord, one thousand nine hundred and ninety

and Ellen Mason, husband and wife, of the County of Bonneville, Idaho, and State of Idaho, the party of the first part, and A. H. Spaulding, single man, of the County of Bonneville, Idaho, and State of Idaho, the party of the second part

WITNESSETH: That the said party of the first part, for and in consideration of the sum of \$100.00 DOLLARS lawful money of the United States of America, to be paid in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, do hereby by these presents, demise, release and forever quit claim unto the said party of the second part, and to his heirs and assigns forever quit claim unto the said party of the second part, and to his heirs and assigns all the certain lot, piece or parcel of land situate, lying and being in the County of Bonneville, Idaho, and bounded and described as follows, to-wit:

Homestead Survey No. 226, embracing a portion of Section 12, T. 3 N., R. 41 EBM and a portion of Section 7, T. 3 N., R. 42 EBM, in Bonneville County, Idaho, more particularly bounded and described as follows: Beginning at Corner No. 1 identical with the meander corner to said Sections 7 and 12; thence meandering the right bank of the South Fork of Snake River North 88°41' East 5 chains, North 74°19' East 3.9 chains, North 22°41' East 3.2 chains, North 19°45' East 5.74 chains, North 52°15' East 5.1 chains, North 74°22' East 12.7 chains to meander Corner No. 2; thence North 12°17' East 6.9 chains to Corner No. 3; thence South 81° West 37.7 chains to Corner No. 4; thence South 75°30' West 42.16 chains to Corner No. 5; thence South 19°30' East 21.72 chains to meander Corner No. 6; thence meandering said right bank of the South Fork of Snake River, North 26° East 1.3 chains North 55° East 4 chains, North 86°40' East 7.1 chains, North 65°30' East 8.5 chains, North 77° East 8 chains to Corner No. 1 to place of beginning.

EXCEPTING THEREFROM: Beginning at the meander corner of Section 12, T. 3 N., R. 41 EBM, and running thence South 11°20' West thence South 90° feet to the meander line of Snake River 417.5 feet, thence North 247.5 feet; thence West 121.5 feet; thence South 247.5 feet; thence North 247.5 feet; thence West 121.5 feet; thence South 247.5 feet; more or less to the point of beginning.

Together with all and singular the tenements, hereditaments and appurtenances thereto belonging or in any way appertaining and the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

TO HAVE AND TO HOLD, all and singular, the said premises, together with the appurtenances and privileges thereto incident, unto the said party of the second part and to his heirs and assigns forever

IN WITNESS WHEREOF, the said party of the first part, Hereunto set hand and seal, the day and year first above written

Signed, sealed and delivered in the presence of James J. Mason (SEAL)
Eben Mason (SEAL)
(SEAL)
(SEAL)
(SEAL)
(SEAL)

86-7250

STATE OF IDAHO,

BONNEVILLE COUNTY
RECORDER

County of ... Bonneville

'93 DEC 23 PM 1 36

I DO HEREBY CERTIFY,

On this ... day of ... in the year 19... before me
... Christine Hill ...

in and for said County and State, personally appeared ...
and wife, ...

known to me to be the person(s) whose name(s) ... subscribed to the within and forgoing in-
strument and acknowledged to me that s/he executed the same

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



Notary Public

Residing at ...

My Commission Expires ... 19...

No.	TO
QUIT CLAIM DEED	
.....	
.....	
Dated ... 19...	Recorded at the request of
.....	 19...
..... minutes past ... o'clock	
..... M., in Record ... of	
County of ...	
State of Idaho.	
By ...	Recorder
	Deputy Recorder

[Handwritten signature]

[Handwritten signature]
83942

23-2018



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

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 28, 2003

Dear Claimant in the Snake River Basin Adjudication (SRBA):

About 12 years ago you or your predecessor filed with the Idaho Department of Water Resources a claim to water rights in the Snake River Basin. The investigation phase of this process is now focused on your area, Basin 23.

You are invited to attend a **public meeting to be held on March 10 at 2:00 p.m. in the Swan Valley Elementary School Gymnasium, 3389 Swan Valley Hwy, Irwin.** The purpose of this meeting is for (1) the Department to update you on how the adjudication process works, and (2) for you, the claimant, to express concerns or discuss problems relating to water delivery in your area. This will help us to understand from an historical perspective the use and delivery of your water right.

Throughout this summer our adjudication staff, primarily from our Eastern Regional Office but also at times from Boise, will be contacting various water users in Basin 23. We ask for your cooperation in this process – the better we understand your water rights the better chance of you receiving an accurate decree from the SRBA Court that fully describes your water rights.

This investigation effort is being conducted by an experienced and successful staff. During recent years, this staff has accurately investigated and reported water rights in neighboring basins, including the Big Lost River, the Little Lost River, Birch Creek, Camas Creek and Portneuf River.

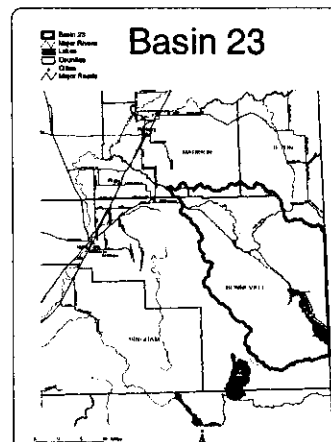
Please contact the Idaho Falls Office with any questions.

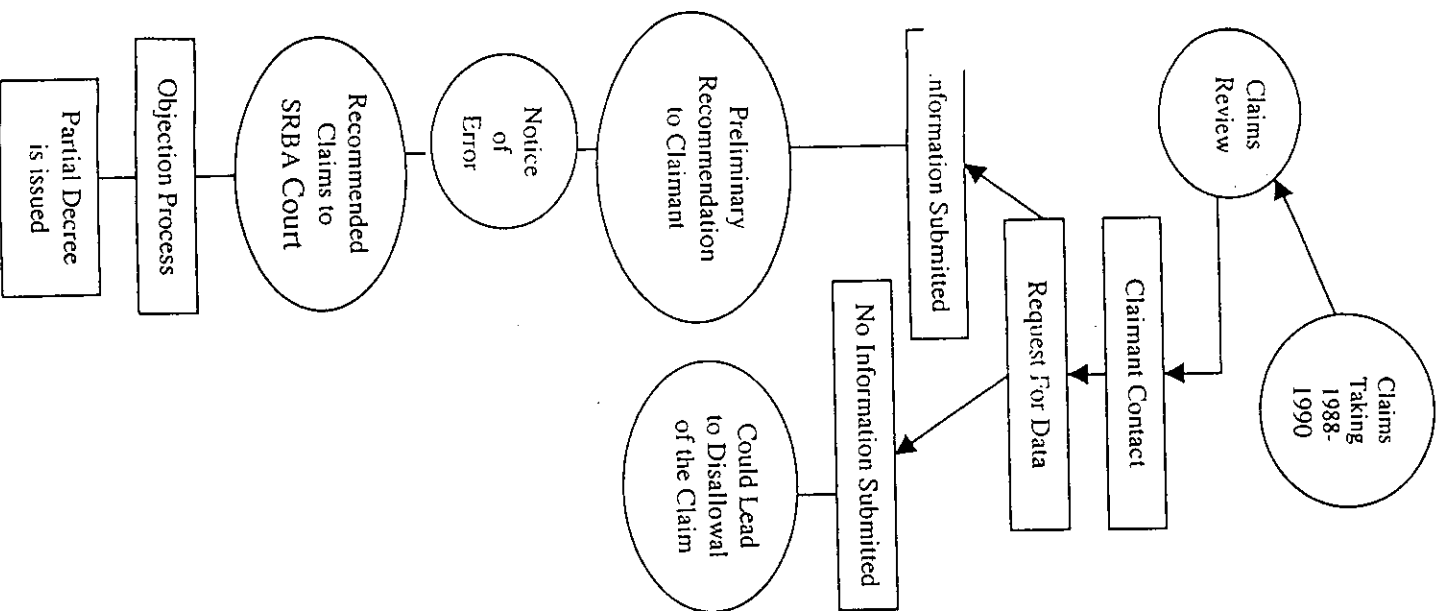
Sincerely,

A handwritten signature in cursive script that reads 'Ernest Carlsen'.

Ernest Carlsen
Adjudication Supervisor, Eastern Region

Enclosures: Information Brochure





Questions and Answers:

Q: Why now? I adjudicated my water rights in 1989.

A: You filed your claims in 1989.

Now we are investigating those claims to make accurate recommendations to the Fifth District Court.

Q: If I furnish more information will you take away my water right?

A: The State does not want your water right. We ask for additional information so that we may make accurate recommendations of Beneficial Uses of the water rights. Our schedule is very tight – we need the info ASAP.

Q: How much more money do you want?

A: You paid for your claim in 1989, or so. There might be additional fees only in extenuating circumstances, such as additional acres or new claims.

Q: How come you want me to file another claim?

A: If we suggest you file additional claims it means we have found

additional uses of water to which you may be entitled, or we have identified additional acres.

Q: What about my Domestic well and Stockwater?

A: There is no statutory requirement to file either; but IDWR accepts your Domestic and/or Stockwater claims.

The Tools We Use:

In the evaluation of water right claims and preparation of recommendations the adjudicator staff utilize:

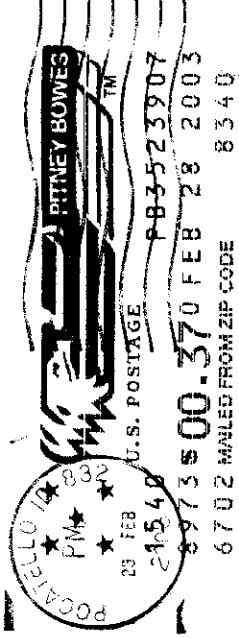
- State-of-the-art computer technology.
- High resolution 1987 NAPP photography to identify the place of use.
- Global Positioning System (GPS) used to pin-point points of diversion or detail significant features.
- Prior decrees, licenses and transfers.
- Water measurements for claims based on beneficial use.
- Watermaster records
- Historical records
- Claimant input and participation

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern District Office
900 N. Skyline Dr., Suite A
Idaho Falls, ID 83402-1718

RETURN SERVICE REQUESTED

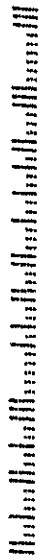
JAMES MASON
ELLEN MASON
270 W BROADWAY
IDAHO FALLS ID 83401

No Local Listing



NO SUCH NUMBER

83402/3642



State of Idaho
License and Certificate of Water Right

Water License No. 8649

Water District No. 36-D

Amount 1.1 sec. ft.

Priority 8-21-12

THIS IS TO CERTIFY that H. H. THOMSEN of Heise, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated August 21, 1912; that Permit No. 8649 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 2 second feet, was issued thereunder on September 13, 1913, showing that said works were completed on the 31st day of July, 1913; and that on the 7th day of September, 1916, H. H. THOMSEN

of Heise, State of Idaho, made proof to the satisfaction of the State Engineer of Idaho, of a right to the use of the waters of Table Rock and Wolverine Creeks tributary to Snake River, for the purpose of irrigation and domestic use, under Use Permit No. 8649 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Engineer of Idaho and entered of record in Volume 5 of Licenses, at page 2271, on the 2d day of May, 1918;

The right hereby confirmed dates from August 21, 1912;

The Point of Diversion is located in Lot 2, Sec. 7 and Table Rock Cr in the NE 1/4 SW 1/4, Sec. 5, Tp. 3 N., R. 42 E., B.M. Wolverine Cr

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 1.1 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
3 N.	41 E.	12	Lot 3		14
3 N.	41 E.	12	Lot 4		26
3 N.	42 E.	7	Lot 2		3
3 N.	42 E.	7	Lot 4		12

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Engineer, affixed at Boise, Idaho, this 2d day of May, 1918

(SEAL)

FRED A. WILKIE

Engineer.

To Appropriate the Public Waters of the State of Idaho

Date of first receipt at office of State Engineer 9.00 a.m. August 21, 1912.

Returned to applicant for correction

Corrected application received

APPROVAL OF STATE ENGINEER.

The number of this permit is 8649. Approved September 7, 1912.
Recorded in Book 28 Page 8649
This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:
Bond in the sum of _____ to be filed on or before _____
Work to begin on or before November 6, 1912 and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.
One-fifth of the work above specified to be completed on or before March 7, 1913.
The whole of said work to be completed on or before September 7, 1913.
Beneficial use of water appropriated in accordance herewith, to be made on or before September 7, 1916.

Witness my hand this 7th day of September, 1912:

A. E. Robinson,
State Engineer.

Remarks:

(d) Conduit. Length of Ditch No. 1, from Table-rock creek to my homestead is about $\frac{1}{2}$ mile; No. 2, from Wolverine creek to homestead about $1\frac{1}{4}$ miles.

Table-rock Creek dries up about the middle of July.

Wolverine creek dries down to about 25 inches of water by July 30th.

In view of the fact that the construction of the dams and ditches, as well as the actual use of the water for irrigation of the land herein described, dates back to July 10-1899, which facts I stand ready to proof and substantiate by all necessary evidence, I very respectfully pray that my right to the water, and all dates thereto, begin with July 1899.

Further: Inasmuch as the survey and description of the land to be irrigated is given as Homestead - Settlement, No. 47, as per description of the Forestry Department, which, as a "metes and bounds" survey differs considerably from more recent surveys, it seems pertinent to mention these facts, lest some misunderstanding should creep in when too late. The last survey, by U. S. Land Office surveyors (Not yet accepted) is taken for the basis of my descriptions and maps. The Forestry survey of the land does not agree with the U. S. Land office survey, and therefore must be accepted as approximations, only.

Description of Survey Agricultural Homestead No. 47. Palisade National Forest.

H. H. Thomsen, Applicant.

Aug: 18-1908.

Unsurveyed Tp. 3 N. R. 41 E. in what will be when surveyed Sec. 12, Magnetic variation $18^{\circ}30'$ E. Beginning at Cor. No. 1, which is identical to the F. S. M. a sand stone $24 \times 8 \times 8$ "set 14" in the ground marked F. S. M. on the N and H/1 on the south face, whence a solid sand stone in place $3 \times 3 \times 1\frac{1}{2}$ 2 ft. above ground, bears S. $28^{\circ}20'$ W, 53 lks distant; and a sand stone $6 \times 6 \times 4$ ft. above ground bears S, $68^{\circ}36'$ E. 85 lks distant, both marked M/W/1.

Thence N. $81^{\circ}55'$ E.

Along hillside facing South.

22.50 Point of rock faces S.
56.82 Cor. No. 2 Set a sand stone $24 \times 12 \times 4$ in ground 14" marked H/2, whence a cotton-wood tree 8" dia. bears N, 6° W. 110 lks dist. a cotton-wood tree 8" dia. bears S. 58° E. 128 lks. dist. both blazed and scribed W/2.
Thence S. $23^{\circ}30'$ E.

05.55 Descend towards river,
07.20 Cross ditch and enter cottonwood thicket,
Cor. No. 3. A granite boulder $20 \times 8 \times 8$ "set 14" in the ground, marked H/3, whence a cottonwood tree 10" in dia. bears N. 76° W, 18 lks. marked in blaze W/3
Thence S. $53^{\circ}58'$ W.

03.26 Following high water of the N. bank of the S fork of Snake river.
Cor. No. 4, a granite boulder, $20 \times 10 \times 4$ "set 8" in the ground in a mound of stone, marked H/4, whence a cottonwood tree 8" in dia. bears N. 13° W, 112 lks, blazes and scribed W/4, also a raised mound of stone 3 ft. base and 24" high 8 lks W. of the corner. No other witness available.
Thence S. $29^{\circ}18'$ W.

10.29 Following the highwater mark of the north bank of the S fork of Snake river.
Cor. No. 5, a cottonwood stake, $48 \times 4 \times 4$ "set 30" in the ground marked H/5, whence a cottonwood tree 10" in dia. bears S. 10° E, 5 lks, a cottonwood tree 14" in dia. bears N. 10 lks, both blazed and scribed W/5
Thence S. $81^{\circ}36'$ W.

Following the N bank of S. fork of Snake river.

Recorded by 213.

Checked by 213.

- 49.00 Thomsens barn one chain NW
Thomsens house bears N. 60 lks.
- 51.75 Corner No. 6, a granite boulder 28x8x8" set 14" in the ground at high water mark, marked H/6, whence a cottonwood tree 12" in dia. bears S. 40° 30" W, 100 lks, both blazed and scribed W/6.
Thence S. 78° 30" W.
- 22.00 Along level bottom land to Cor. No. 7, a granite rock, 12x12x12" set in the ground 12" and marked H/7, whence two pits 2x2 ft. are dug on N and S of corner, 4 ft. dist. No other witnesses available.
Thence N. 12° 30" E.
- 13.00 Over level bottom land to Cor. No. 8, a sand stone, 12x12x20" above ground marked H/8, whence a sand stone boulder 4x4x3 ft. bears N. 7° W, 48 ft. distant, a sand stone boulder 5x3x2 ft. bears N. 34° E, 43 ft. distant, both marked W/8.
Thence N. 88° 39" E.
- 18.07 Along foot hill to Cor. No. 1, the place of beginning containing 135.37 acres, be the same more or less.

(Signed) Rudolph Diffenbach,
Survey, Asst: Land Examiner.
Description and plat approved by
(Signed) J. F. Bruins,
Acting Forest Supervisor.

June 7-1909.

Satisfactory affidavit of proof of completion of works made July 31, 1913.

Certificate of completion of works issued September 13, 1913.

PERMIT NO. 8649.

CERTIFICATE OF COMPLETION OF WORKS.

To All Whom It May Concern:

This is to certify that H. H. Thompson, of Heise, County of Fremont, and State of Idaho, the holder of Permit No. 8649, issued upon Application No. 13012, bearing date of priority of August 21, 1912, authorizing the diversion of 1 second foot of the waters of Tablerock Creek, and 1 second foot of the waters of Wolverine Creek, County of Bonneville, State of Idaho, for irrigation and domestic purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 2 second feet of the water of Tablerock and Wolverine Creeks; that the point of diversion of said water on Table rock Creek is in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 7, Twp. 3 N., R. 42 E.B.M., and that the point of diversion of said waters on Wolverine Creek, is in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 8, Twp. 3 N., R. 42 E.B.M., and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: As per settlement June 11, 1906, Adj. No. 47, Palisade National Forest, in Twp. 3 N., R. 41 E. B. M., (Metes and bounds survey,) August 19, 1908, List 4-146, containing 127.65 acres.

Witness my hand this 13th day of September, A.D. 1913.

F.P.King, State Engineer of the State of Idaho.

License issued for 1.1 second feet
Pay 2771

STATE OF IDAHO }
 County of Bonneville) ss.

H. H. Thomsen being first duly sworn, upon his oath deposes and says:

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho No. 8649.

That he intends to change the point of diversion, as described in said permit, to the following point: Diversion No. 1 to NW $\frac{1}{4}$ of NW $\frac{1}{4}$, Sec. 7; Diversion No. 2 to NE $\frac{1}{4}$ of NW $\frac{1}{4}$ Sec. 8, T. 3 N. R. 42 E. B. M.

That such change will be made for the following reasons, to-wit: To correct an Error.

That no one will be injured by such change and that deponent will make such change at his own risk.

And further deponent saith not.

H. H. Thomsen.

Subscribed and sworn to before me this 17th day of April, 1918.

A. V. Scott,

Notary Public.

(Notarial Seal)

My commission expires June 16th, 1919.

Received and filed for record in the office of the State Engineer at Boise, Idaho, at 9:00 A. M. April 20, 1918.

Fred A. Wilkie,

State Engineer.

REPORT OF ENGINEER

1. State name of applicant and number of permit: H. H. Thomsen- Permit No. 8649
2. State source of water supply: Table Rock Creek and Wolverine Creek
3. Location of point of diversion: No. 1-NW¹/₄ ~~NE¹/₄~~ (4. + 2) Sec. 7: No. 2- NE¹/₄ ~~SW¹/₄~~ Sec. 5,
T. 3 N., R. 42 E., B.M.
4. State whether or not the works of diversion are fully completed and in accordance with terms of permit: _____
5. Describe works as they exist, giving dimensions and capacities of same: _____

Table Rock Creek- (Diversion No. 1) Earth and rock dam 2' high; 6' long;
open ditch- no headgate- Bottom width 1.0; width at water level 2.5; depth
1.0; grade 10' per mile; length 1 mile; capacity 5 second feet.
Wolverine creek (Diversion No. 2) Earth dam 3' high; 10' long;
open ditch; no headgate- Bottom width 1.5; width at water level 2.0;
depth 1.0; grade per mile 5.0; length 1 mile; capacity 2 second feet.

forty-acre tract. (Describe manner and place of use if for other than irrigation): _____

<u>10 T. 3 N. R. 41 E. B.M.</u>	<u>Cultivated</u>	<u>Acres</u>	<u>unleared that has been watered</u>
<u>Lot 3 - Sec. 12</u>	<u>9 Acres</u>	<u>5 Acres</u>	<u>for pasture</u>
<u>Lot 4 - Sec. 12</u>	<u>26 "</u>		
<u>10 T. 3 N. R. 42 E. B.M.</u>			
<u>Lot 2 - Sec. 7</u>	<u>3 "</u>		
<u>Lot 4 - Sec. 7</u>	<u>7 "</u>	<u>5 "</u>	
<u>Total</u>	<u>45 Acres</u>	<u>10 Acres</u>	

8. Submit map on enclosed plat, showing location and details of above description.

Remarks: Table Rock Creek is usually dry after about July 15. During May the
flow is about 0 second feet- and after June 15 it is less than 1 second foot.
Point of Diversion is about 1/4 mile above mouth of Creek in Snake River.

Wolverine Creek has a minimum flow of about 0.60 second feet after
August 1. During May and June the flow is not less than 4 second feet.
Point of Diversion is about 400' above mouth of creek in Snake River.

This examination was made on the 10th day of September 1917.

(Signed) Samuel E. Vance, Jr.
 Examiner.

Log for claim 23-02018

Spatial Dynamics LTD

6/5/01

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
03n41e	12	NESE	14	13	
03n41e	12	NWSE	26	29	
03n42e	7	SWNW	12	16	
03n42e	7	NWNE	3	2.2	
Totals:			55	60.2	



State of Idaho

Department of Water Resources

Eastern Region



Water Right(s): 23-02018

Place of Use: (parts of)
T3N, R41E Sec. 12

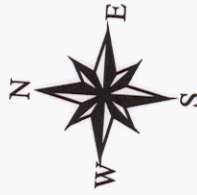
NWSE (L4), NESE (L3)
T3N, R42E Sec. 7

HES #256, NWNE (L9)

Point(s) of Diversion:
T3N, R41E

Sec. 12 SWNESE (L3),
T3N, R42E

Sec. 7 NENENW (L10)



LEGEND



Point of Diversion



SESE



Place of Use



Section

Quarter-Quarter

GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: A. Ruberry
Date: November 2003



Wolverine Creek

HES 555

HES 260

8/12/03
JAC
WLD

POD

Table Rock Creek

HES 256

T3N, R41E
T3N, R42E

Snake River

L14

L13

L11

L10

L9

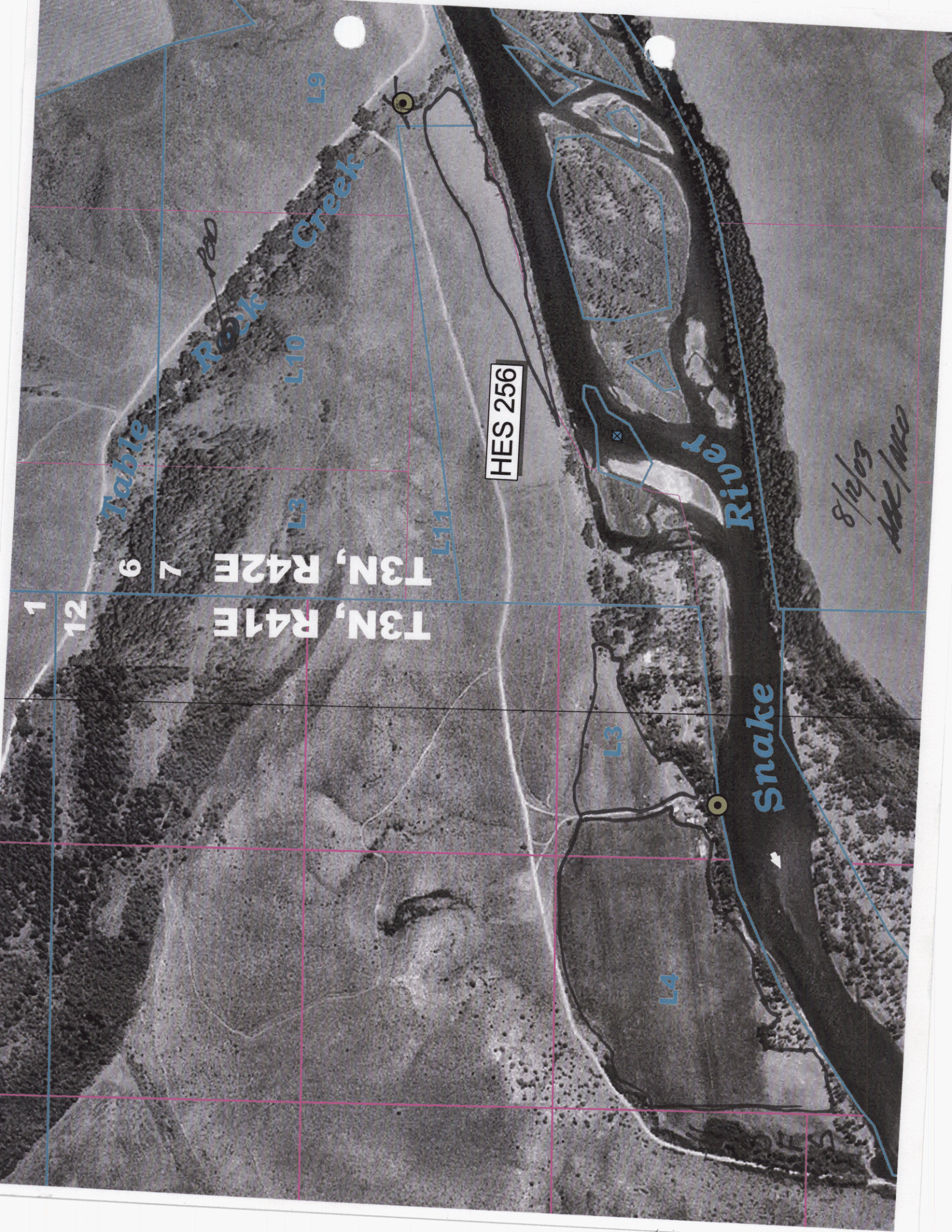
L1

6

7

1

12



Table

Rock Creek

HES 256

T3N, R41E
T3N, R42E

SNAKE RIVER

Snake

8/12/03
ASL/mw

1
12

L9

L10

L3

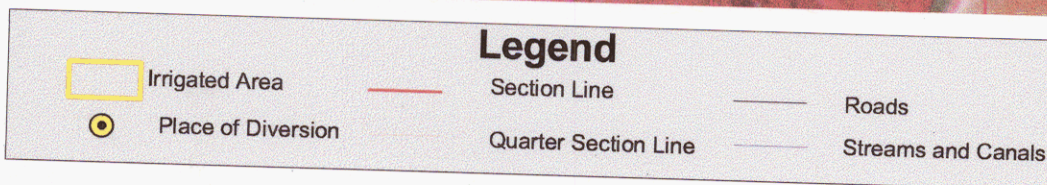
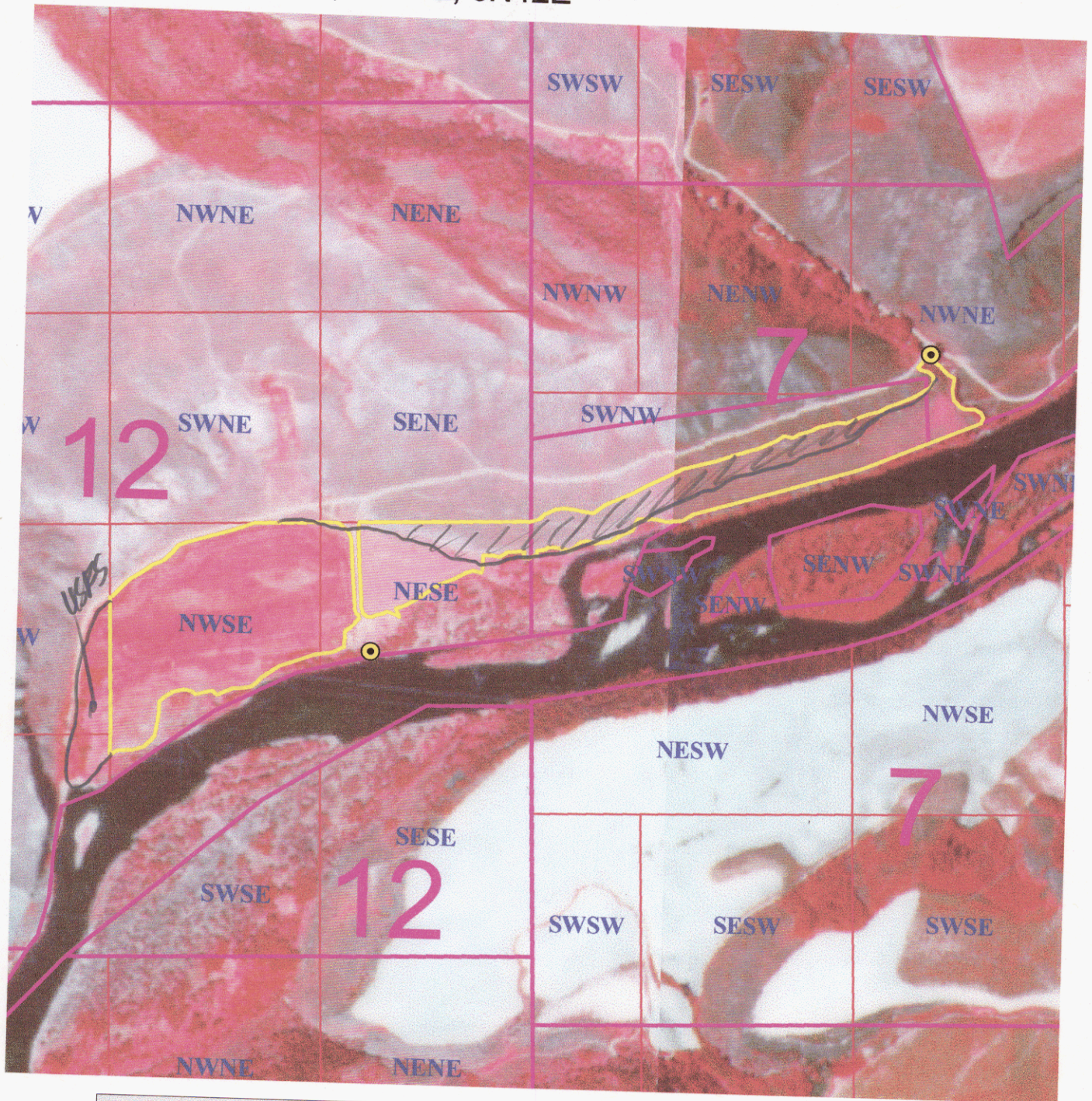
L11

L3

L4

Water Right Claim Number 23-02018
Townships , 5N38E, 3N41E, 3N42E

06/05/2001



SPATIAL
DYNAMICS



MICROFILMED
NOV 17 1982