02/12/2004

IDAHO DEPARTMENT OF WATER RESOURCES

PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 23-4060

NAME AND ADDRESS: WADE R FLEMING
4319 N 55 E
IDAHO FALLS ID 83401

SOURCE: SQUAW CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 3.010 CFS

PRIORITY DATE: 04/15/1911

POINT OF DIVERSION:

T01N R43E S23 NWNESE Within BONNEVILLE County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/15 10/31	3.010 CFS

PLACE OF USE: IRRIGATION Within BONNEVILLE County

T01N R43E S13	NESE	25.0	T01N R43E S13	SWSE	30.1
T01N R43E S13	SESE	10.9	T01N R43E S24 Lot 1	NWNE	27.7
T01N R43E S24	SWNE	3.4	T01N R43E S24	NENW	4.7
T01N R43E S24	SENW	1.5			

103.3 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: Beneficial Use

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 23-4060
Date Received: 9/13/1989
Receipt No: E010322
Received By:

AMENDED

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

WADE R FLEMING Phone: (208)523-2009
4319 N 55 E
IDAHO FALLS ID USA 83401

2. Date of Priority: 05/01/1888

3. Source: SQUAW CREEK Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
01N	43E	23	NE SE	BONNEVILLE	

5. Description of diverting works:
HEADGATE AND DITCH FROM STREAM TO FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	1/01	11/01	3.01	

7. Total Quantity Appropriated is:
3.01 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
01N	43E	13	NE SE		IRRIGATION	25
			SW SE		IRRIGATION	30.1
			SE SE		IRRIGATION	10.9
					Section Acres	66
01N	43E	24	NW NE		IRRIGATION	27.7
			NE NW		IRRIGATION	4.7
			SE NW		IRRIGATION	1.5
			SW NW		IRRIGATION	3.4
					Section Acres	37.3
					Total Acres	103.3

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 2-12-04 TO ADD 6.3 ACRES.

CHANGED ADDRESS 4/3/96/JT CHANGE OF ADDRESS DONE 11/17/96

15. Basis of Claim: Beneficial Use

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ 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): Wade Rhuy Date: 2-12-04

_____ Date: _____

State of Idaho)
) SS.
County of Bonneville)

Subscribed and sworn (or affirmed) before me this 12th of February 2004

Alison B Ruberry
Notary Public

Residing at Idaho Falls, Idaho

My commission Expires 9/23/09

A. B. RUBERRY NOTARY PUBLIC STATE OF IDAHO

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: **A23-04060**
Date Received: 9/13/1989
Receipt No: E010322
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW



1. Name: WADE R. FLEMING 208-523-2009
   Address: P.O. BOX 2114
   IDAHO FALLS, ID 83403

2. Date of Priority: MAY 01, 1888

3. Source: SQUAW CREEK Trib. to: SOUTH FORK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	Lot	County
01N	43E	23	NE	SE		BONNEVI1

5. Description of diverting works:
   HEADGATE AND DITCH FROM STREAM TO FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	01/01	11/01	3.010		

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

8. Total consumptive use is 515.0 Acre Feet Per Annum.

9. Non-irrigation uses:
   S/150 HEAD CATTLE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01N	43E	13	NE	SE		IRR	7.0
			NW	SE		IRR	15.0
			SW	SE		IRR	35.0

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10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
01N	43E	13	SE	SE		IRR	5.0
					Section Acres		62.0
		24	NW	NE		IRR	20.0
			NE	NW		IRR	15.0
					Section Acres		35.0
					Total Acres		97.0

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:
#23-00067 IRRIGATION

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

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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): _____ Date: _____

_____ Date: _____

State of Idaho)
) SS.
County of _____)

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

of _____ 19 _____ _____
Notary Public

Seal

Residing at _____

My Commission Expires _____

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NOV 10 1992

Form No. 42-1409 (2) a 1/88

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 A23-04060
Date Received 9-13-1989.
Receipt Number E010322

NOTICE OF CLAIM TO A WATER RIGHT

ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Wade R. Fleming Phone (208) 523-2009
   Mailing Address P.O. Box 2114 Idaho Falls, Idaho Zip 83403
2. Date of Priority (Only one (1) per claim) May 1, 1888
3. Source of water supply (a) Squaw Creek
   which is tributary to (b) South Fork of Snake River
4. a. Location of existing point of diversion is: Township 1N Range 43E Section 23,
   NE 1/4 of SE 1/4 of ____ 1/4, Govt. Lot, ____ B.M., County of Bonneville
   Additional points of diversion if any: ____
   b. If instream flow, beginning point of claimed instream flow is:
   Township ____ Range ____ Section ____, ____ 1/4 of ____ 1/4 of ____ 1/4,
   Govt. Lot ____ B.M., County of ____
   ending point is: Township ____ Range ____ Section ____, ____ 1/4 of ____ 1/4 of
   ____ 1/4, Govt. Lot ____ B.M., County of ____
5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well.
   Headgate and ditch from stream to flood irrigation

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6. Water is claimed for the following purposes:

(both dates are inclusive) (cfs) (acre feet)

For Irrigation purposes from 4-1 to 11-1 amount 3.01 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 3.01 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 515 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Stockwater: 150 head cattle

10. Description of place of use:
   a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
   b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
1N	43E	13													7	15	35	5	62
		24		20			15												35

Total number of acres irrigated 97

11. In which county (ies) are lands listed above as place of use located? Bonneville

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
#23-00067 Irrigation or None ( )

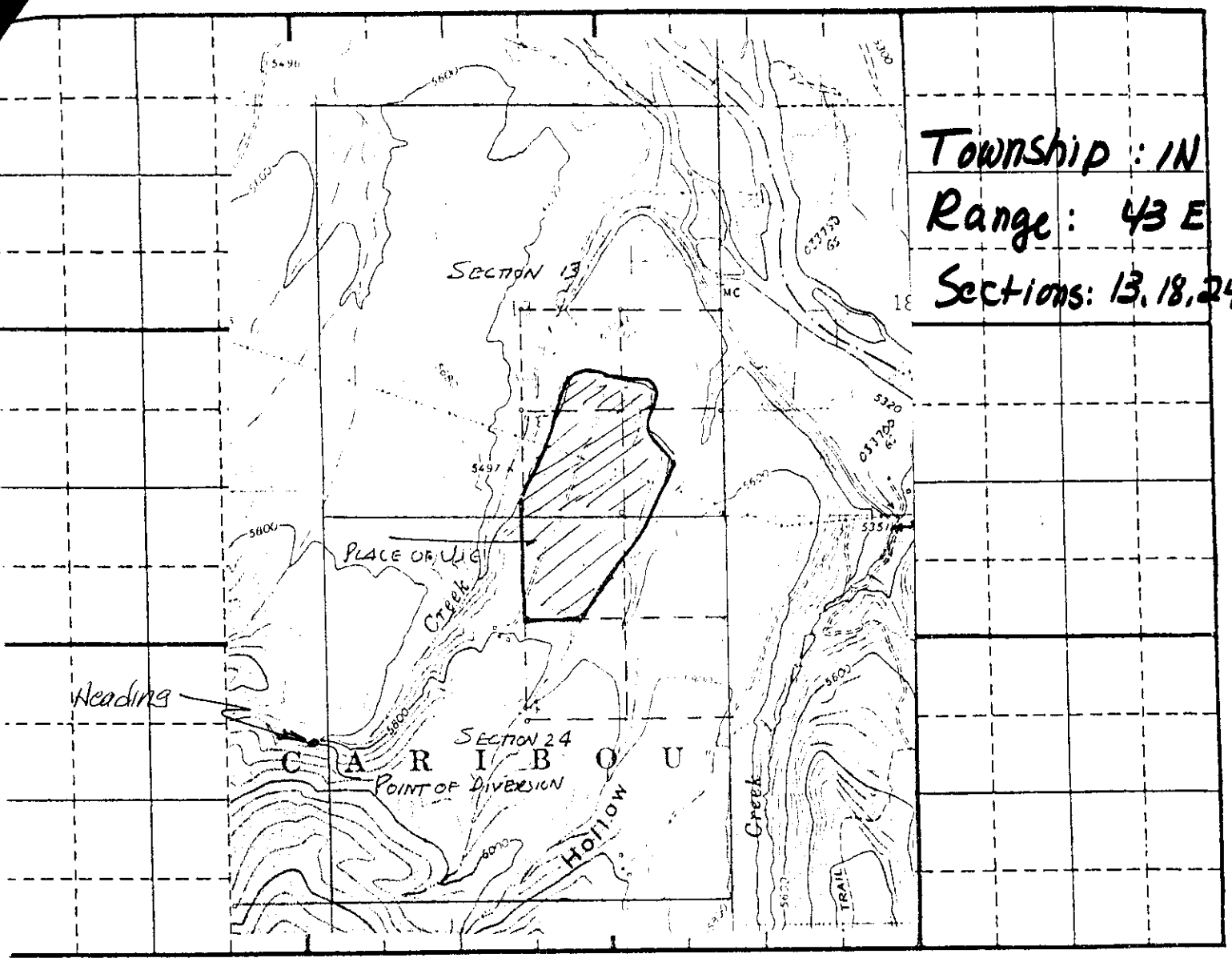
14. Remarks:

MICROFILMED
NOV 1 0 1992

Last Name Fleming Ident No. A23-04060

Copies: White -State, Yellow-Claimant

emarks _____



Scale: 2 inches equal 1 mile.

Fleming No. A23-04060

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
) ss.
County of Bonneville)

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

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NOV 10 1992

Jerome Fleming
(Claimant)

Sworn to before me this 31st day of July, 19 82.

Notary Public

15. Basis of Claim (check one) Beneficial Use X Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number A23-04060
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

16. Signature (s)
(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.
Number of attachments _____

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

Signature of Claimant (s) Wade R Fleming Date 9/13/89

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am _____
Title
of _____ , that I have signed the foregoing
Organization
document in the space below as _____ of _____
Title Organization
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or _____)
) SS.
County of Bonneville.)

Subscribed and sworn (or affirmed) before me this 13 day of Sept. 19 89

SEAL

Notary Public Ernest Carlson.

Residing at Idaho Falls, ID.

My Commission Expires 6-14-1994.

Please Print Name

17. Notice of Appearance:
Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

MICROFILMED
NOV 10 1992

Last Name Fleming Ident. Number A23-04060

Copies White-State, Yellow-Claimant

02/12/2004

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: 23-4060

WADE R FLEMING
4319 N 55 E
IDAHO FALLS ID 83401
Telephone Number: (208)523-2009

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:

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

DATE: 3-16-04 **SIGNATURE:** Wade Fleming

Please print your name: Wade Fleming

IDWR Regional Office,

42	Liberty Park Irrigation Co.; June 1, 1887; Bannock Jim Slough		1,900
42	Long Island Irrigation Co.; June 1, 1887; South Fork of Snake River		3,000
42	McMinn, Elizabeth; June 1, 1887; Howard Creek		160
42	Riverside Ditch Co.; June 1, 1887; Snake River		4,500
42	Craig, R. A.; June 1, 1887; South Fork of Snake River.		240
42	Barrowman, John; June 1, 1887; Wood Creek and Springs		60
42	Breckenridge, David; June 1, 1887; North Leigh Creek, also Swamp Creek for a late right		260
42	Corey, George L. and Lester S.; June 1, 1887; South Fork of Snake River		300
43	Wilson, O. L.; June 10, 1887; Fall River		120
43	Humphrey, Richards (sold to O. L. Wilson); June 10, 1887; Fall River		240
43	Hathaway, John; June 10, 1887; Fall River		205
43	Hathaway, William; June 10, 1887; Fall River		240
43	Curr, Joseph; June 10, 1887; Fall River		240
43	Burgess Canal & Irrigation Co.; June 10, 1887; South Fork of Snake River		500
44	Rigby Canal & Irrigating Co.; June 15, 1887; South Fork of Snake River		1,000
45	Hegsted, Victor; Sept. 1, 1887; Horse Shoe Creek		80
46	Farmers Friend Canal Co. (an incorporated association); Jan. 18, 1888; South Fork of Snake River		15,000
47	Rich, Dora, and Landon J.; May 1, 1888; Boone Creek.		60
47	Jones, John F.; May 1, 1888; Indian Creek		150
47	Morgan, Joshua B.; May 1, 1888; South Fork of Snake River		50
47	Wanless, Sarah A.; May 1, 1888; Boone Creek		140
48	Palmer, Henry M.; May 13, 1888; Snake River. Through Watson Slough		160
49	Brown, Hyrum; June 1, 1888; Fall River		120
49	Farnsworth, A. T., and R. J.; June 1, 1888; Fall River.		120
49	Danskin Ditch Co.; June 1, 1888; Snake River		4,000
49	Higham, Charles R.; June 1, 1888; Garden Creek		300
49	Hegsted, Victor; June 1, 1888; Horse Shoe Creek		290
49	Rostan, C. E.; June 1, 1888; South Fork of Snake River		100
49	Matson, John; June 1, 1888; South Fork of Snake River		40
49	Long Island Irrigation Co.; June 1, 1888; South Fork of Snake River		3,000
49	Liberty Park Irrigation Co.; June 1, 1888; Bannock Jim Slough		1,900
49	North Salem Agricultural & Milling Canal Co.; June 1, 1888; Teton River (as high water right until July 1st of each year)	1,325	
49	Parks & Lewisville Canal Co.; June 1, 1888; South Fork of Snake River		12,000
49	Lobelle Irrigation Co.; June 1, 1888; South Fork of Snake River		4,600
49	Walters, William (Stewart & Walters Ditch. Joint appropriation with Mons. H. Anderson); June 1, 1888; Teton River		168
49	Woods, Williams, S.; June 1, 1888; Twin Creeks		200
49	White, Henry T.; June 1, 1888; Fall River		120
50	Burgess Canal & Irrigation Co.; June 10, 1888; South Fork of Snake River		19,000
51	Rigby Canal & Irrigating Co.; June 15, 1888; South Fork of Snake River		6,000

52	St. Anthony Union Canal Co., Ltd.; J North Fork of Snake River. The appropriations are to be reduce day of July in each year to 25,000 days; then restored to 30,0000 inche then reduced to 25,000 inches for t the irrigation season of the date of		
53	Watson Slough Irrigation Co.; July 15 River		
54	Idaho Canal & Improvement Co.; Aug. 1 River, Boone's Canal, from South F		
54	Rudy Irrigation Canal Co., Ltd.; Aug. 1 Fork of Snake Riverr		
55	New Lava Side Ditch Co.; Mar. 1, 1889;		
56	Woodmansee, Charles H.; Mar. 15, 1889; To be reduced to 80 inches after each year		
57	Curtis, Owen; Apr. 1, 1889; Trail Creek		
57	Little, Zina W.; Apr. 1, 1889; South Leigl		
58	Hill, William; Apr. 5, 1889; Pack Saddle		
59	Cedar Point Water Co.; Apr. 6, 1889; Sn		
60	Bernard, Alfred Joseph; Apr. 9, 1889; R		
61	Farmers Progress Canal Co.; Apr. 15 River		
61	Bernard, Alfred Joseph; Apr. 15, 1889; I		
62	Corbett Slough Ditch Co.; May 1, 1889;		
62	Mortensen, Christian; May 1, 1889; Through the Nelson-Jacobs Ditch		
63	Bates, Thomas; May 3, 1889; Mahogany		
64	Bishop, T. J.; May 10, 1889; Sheridan Cr		
64	Bishop, R. L.; May 10, 1889; Sheridan C		
64	Bishop, Mary M.; May 10, 1889; Sherida		
64	Bishop, Jennie; May 10, 1889; Sheridan		
64	Bishop, J. B.; May 10, 1889; Sheridan Cr		
65	Idaho Canal & Improvement Co.; May River, Idaho Canal proper		
66	Barrus, John N.; May 20, 1889; Palisade		
66	Burton, Hannah; May 20, 1889; Palisade		
66	Nelson, Anton; May 20, 1889; Palisade		
67	English, Chas., and Mrs. L. M.; June Creek		
67	Farnsworth, A. T., and R. J.; June 1, 18		
67	Fall River Irrigation Co.; June 1, 18 From July 1st of each year for the irrigation season		
67	Fall River Irrigation Co.; June 1, 18 As a high water right until July 1st		
67	Beezley, Ebenezer, and J.; June 1, 1889		
67	Blanchard, John; June 1, 1889; Warm		
67	Bowles, H. C.; June 1, 1889; Spring Cr		
67	Drake, Fred J.; June 1, 1889; John Cre		
67	Drake, William; June 1, 1889; Mahogar		
67	Reid Canal Co.; June 1, 1889; South River		
67	Lyman Irrigation Co.; June 1, 1889; Snake River		
67	Land, William P.; June 1, 1889; Mahog		
67	Long Island Irrigation Co.; June 1, 18 of Snake River		
67	Liberty Park Irrigation Co.; June 1,		

IDWR Field Exam Form

04/03/2002

Contacts Data Entry Form

Water Right No. 23-4060

Owner Type	Full Name	Address	City	State	Zip	Phone

Current Owner WADE FLEMING

Name connector: and ____, or ____, and/or ____

Current Owner

Current Owner

Representing Attorney: _____ Phone Number: _____

Accompanied By: _____ Phone Number: _____

Relationship to Claimant: _____

NEEDS AMENDED TO ADD 39 ac. 6AC Done 2/12/04

Date of Field Exam: _____ Time: _____

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

243 CLAIM (§ 42-243 IC).

9/30/03 FB w/ WADE FLEMING. VISITED POD, OVERLOOKED POU DISCUSSED AVAILABILITY OF WATERS AND CONVEYANCES.

FB INDICATED: POU/POD, System & Delivery, Photo Measures Req'd => Manning's Equa. (Nothing to measure).

Reviewer: _____ Date: _____

2/4/04 UNDELIVERED MAIL
RETURNED. REMAILED
TO 4319 N 55E
IF ID 83401
2/12/04 PRIORITY EVIDENCE RECEIVED
CONFIRMS PRIORITY DATE AS 1888.

7 January 2004

Wade Fleming
PO Box 2114
Idaho Falls ID 83403

Re: SRBA claim to a water right 23-04060

Dear Wade:

As you will recall, on September 30, 2003, you accompanied me on a field exam of your Squaw Creek Ranch to review the above referenced water right claim. I have now undertaken to formulate the recommendation and I find the following couple problems. First, the Priority date is claimed as 1888. This date would place the right behind the Rexburg Irrig. vs Teton Irrig., 1910, Decree, which cannot be so recommended. Under this argument the earliest priority date that can be recommended is 17 December 1910, and, I will need some type of evidence supporting that date. Second, by doing the GIS (geographic information system) illustration of acres I find a total of 136.0 acres. Your original claim was for 97.0 acres. I'm suggesting you amend this claim to add the additional 39.0 acres (at a cost of $39.00).

My original suspicions that this right may actually be an Indian Creek right were false: the Indian Creek water right is held by Mr. J. Chick and the Indian Creek Subdivision.

We are drawing close to the time when recommendations must be finished for Basin 23, so the requested changes and data must be forthcoming in a timely manner. Please call me if you have nay questions.

Respectfully submitted,

Allen Ruberry
Sr. Water Resource Agent
Adjudication Bureau

Enclosure: GIS illustration

cc: file 23-04060

1/28/04 NO RESPONSE
(1) DISALLOWED -
(2) NO EVIDENCE OF PRIORITY CONFIRMING CLAIM -
(3) NO BENEFICIAL USE SHOWN.
P03

IDAHO FALLS ABSTRACT & TITLE COMPANY

Charles Burton and Beatrice E. Burton, husband and wife,

Grantors

TO

The Federal Land Bank of Spokane, a corporation.

Grantees

Instrument— Mortgage

Date— July 18th, 1945,

Recorded— September 5, 1945, at 2:20 P.M.

Book 38 of Mortgages Page 282
Records of Bonneville County, Idaho

Transcribed from Book Page
Records of Bingham County, Idaho

Consideration— $3600.00

Date of Acknowledgment— Sept. 4, 1945,
Name and Title of Officer— A. S. Bodily, Notary Public, for Idaho,
Address of Officer— Idaho Falls, Idaho,
Official Seal Attached? Yes.
Is Wife Separately Examined?
Granting Words—
Covenants—
Conditions, Limitations and Recitals—Principal and interest being payable in 19 annual installments of $264.90 each and a final installment of $264.90 which is due January 1st, 1965.

Description and Remarks

Tract 1: H. E. Survey No. 751, embracing a portion of approximately Sections twenty-three and Twenty-four, Township One North, Range Forty-three East of the Boise Meridian, more particularly bounded and described as follows:

Beginning at a Corner No. 1 from which the southwest corner of Section Thirteen, in said township and range, bears North 45°2' 35" West 28.32 chains distant, thence South 32' West 9.95 chains to Corner No. 2, thence South 89° 58' West 10 chains to Corner No. 3, thence South 2' West 10 chains to Corner No. 4, thence South 89° 58' West 20 chains to Corner No. 5, thence North 2' West 10 chains to Corner No. 6, thence South 89° 58' West 10 chains to Corner No. 7, thence North 2' West 10 chains to Corner No.8, thence South 89° 56' East 40.11 chains to Corner No. 1, the place of beginning.

Tract 2: The southeast quarter of the southwest quarter of Section thirteen, township One North, Range Forty-three East of the Boise Meridian, and the H. E. Survey No. 752, embracing a portion of, approximately, Section Twenty-four, in said Township and Range, containing in the aggregate 79.37 acres. Said H. E. Survey No. 752 is more particularly described as follows:

Beginning at Corner No. 1, identical with the quarter corner on the south line

W. S. H. 21

JLB 21

23-4060

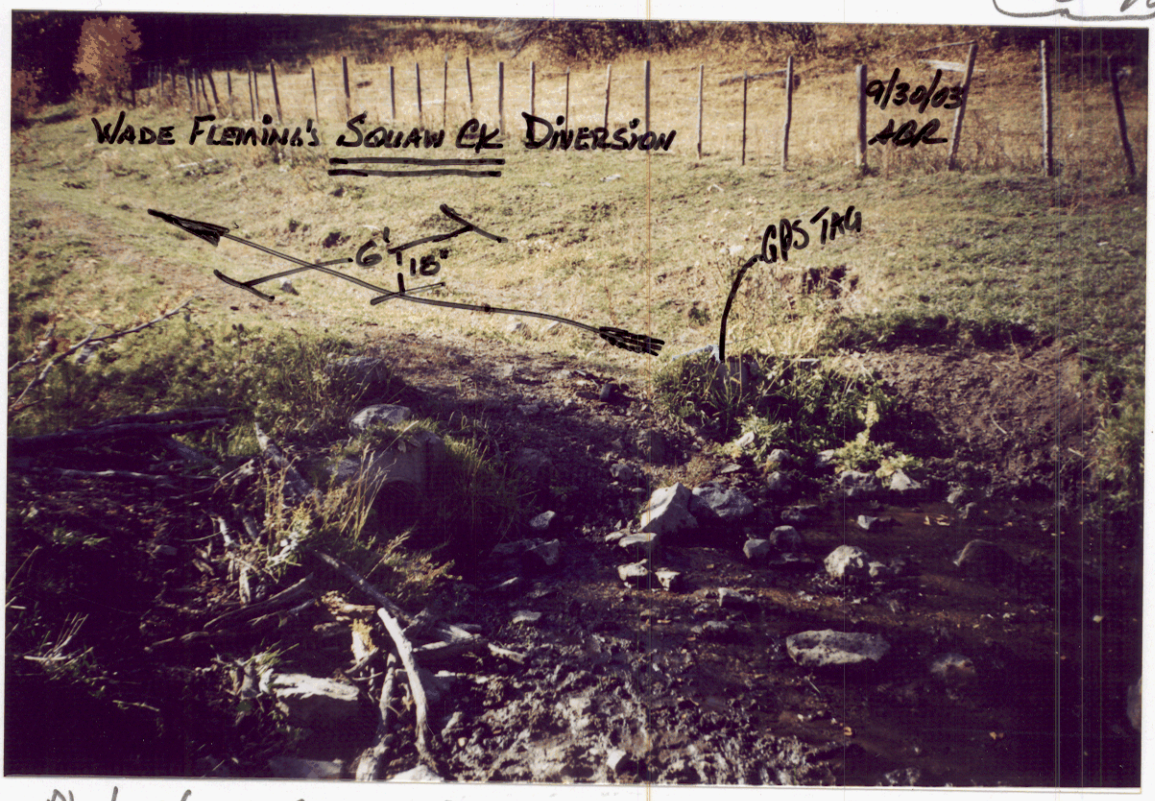


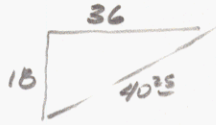
Photo shows GATE TO DITCH AND DITCH CONDITION.

MANNINGS EQUA.

$$Q = \frac{1.486}{n} A R^{.67} S^{.5}$$

n = roughness A = X-sec Area
S = SLOPE R = Hyd. Radius





$\sqrt{1296 + 324} = 40.25$

$\frac{36 \times 18}{2} \times 2 = 648 \text{ \#} / 144 \text{ \#/FT} = 4.5 \text{ \#}$

$$Q = \frac{1.486}{0.15}(4.5)(B^{.67})(.01^{.5})$$

$$Q = (9.91)(4.5)(4.03)(.1)$$

$$Q = 17.97 \text{ cfs}$$

IDWR Field Exam Form 04/03/2002

Priority Date Data Entry Form

Claim Number: _____

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: May 1, 1888 Claimed Basis: 243 claim

Recommended Priority Date: 14 April 1914 * Recommended Basis BU

_____ 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:

Claims 1888, which predates all known decrees - Squaw Ck is not directly mentioned except as "tributaries to Snake River (Re: Rexburg Irrig. vs Teton Irrig., 1910). 23-67 cites Indian Ck ⇒ Splits to A, C&D.

① Smith and Keysuter, Jr. vs L. Crandall (as W/M) 5/23/1947 decree cites Indian Ck but is in T2S R4S ⇒ Does not apply.

② As does Rudd vs L. Crandall, 29 June 1945 (does not apply).

③ As does Hull & Hoghnugh vs L. Crandall, 28 May 1937 (does not apply)

Priority Date must post-date 16 Dec 1910. ⇒ 17 Dec 1910

02/12/04 Mr. Fleming was in to provide evidence of Priority.

As: Abstract Documents (3) Three pgs. Clearly shows 3 cfs or May 1, 1888 (Indian Ck) Squaw Ck.

Also. WD01 Delivery Record illustrates 3rd cfs 5/01/1888 Squaw (Indian) Ck.

However, this Decreed Rt. to John Jones is in-fact 23-00067 (splits B, C&D) not to this Property.

Reviewer: _____ Date: _____

* Recommend 04/15/1911 - Beginning of the next Irrigation Season After the Decree Date, 12/10/1910.

IDWR Field Exam Form

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 1N, R 43E, Sec. 23, ____, NE, SE. County: Bonneville

Source: Squaw Ck Tributary: So Fk (Snake River)

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	OOQ of OQ of Q	County	Source
1N	43E	23		NWNESE	Bonn.	Squaw Ck

Trib To: So Fk Snake River

GPS Coordinates: _____

GPS Coordinates: _____

GPS Coordinates: _____

GPS Coordinates: _____

GPS Coordinates: _____

GPS Coordinates: _____

GPS Coordinates: _____

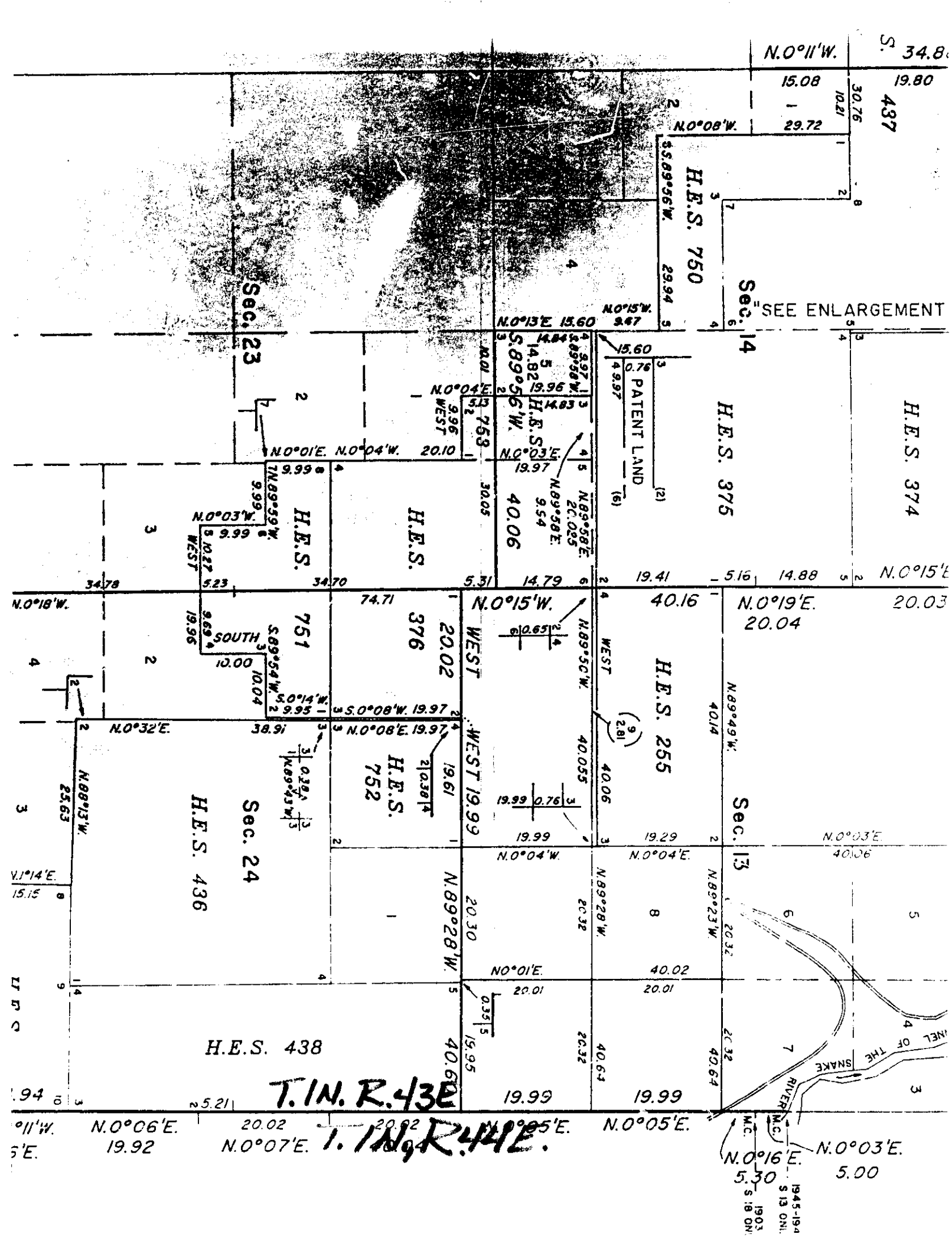
Other rights from this POD? GPS Tag # A00012428 (on Headgate Collar)

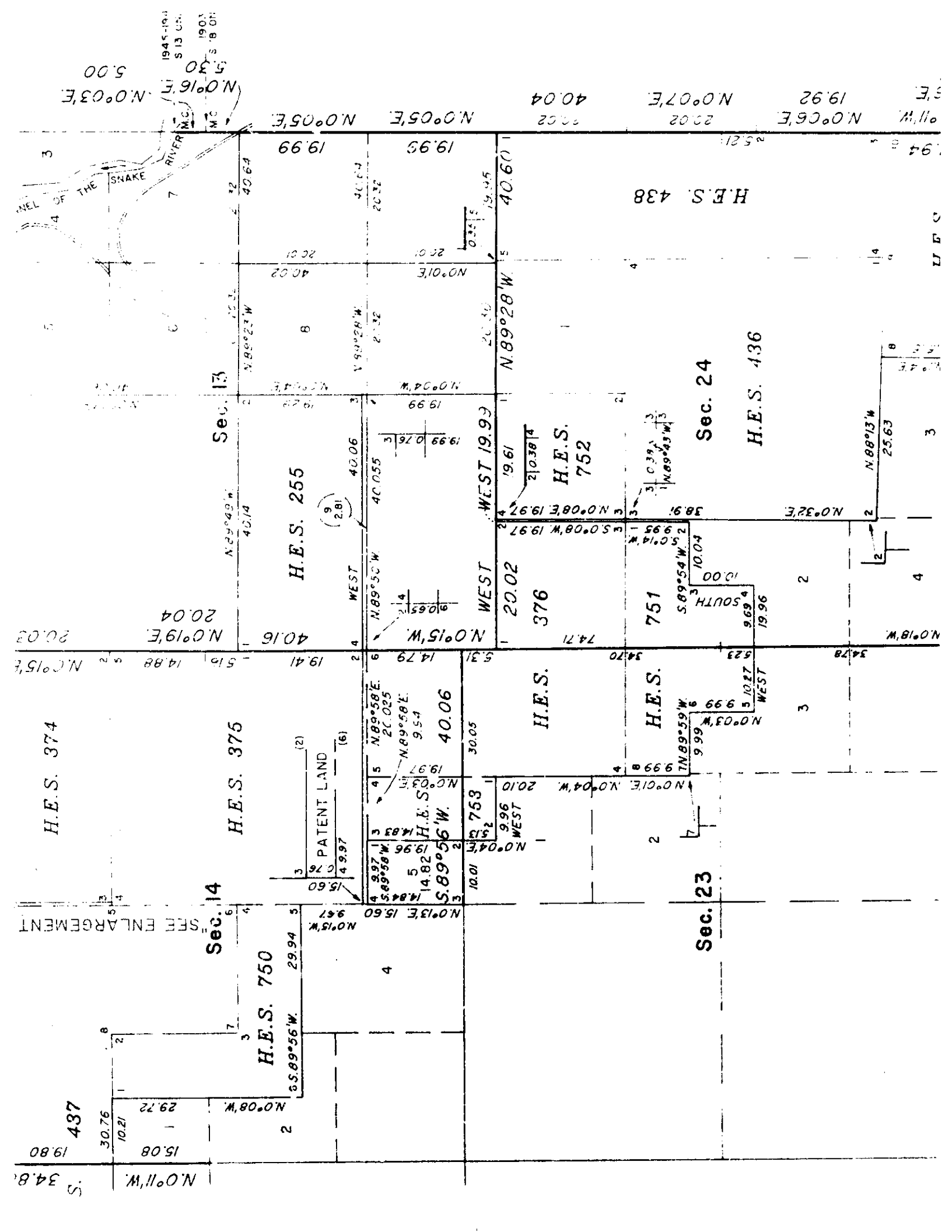
Document how the POD and Source were verified and/or Pump and Motor data:

Re: USGS Y-48 shows Squaw Ck. Conveyance is an open ditch about 3/4 mi long @ 1% slope.

Transfers Changing POD _____

Reviewer: _____ Date: _____


N.0°11'W.
S. 34.8
15.08
19.80
30.76
10.21
29.72
437
N.0°08'W.
S.89°56'W.
29.94
H.E.S. 750
Sec. 14
SEE ENLARGEMENT
N.0°13'E. 15.60
N.0°15'W.
9.67
Sec. 23
S.89°56'W.
14.82
19.96
14.83
N.0°04'E.
9.96
WEST
N.0°01'E. N.0°04'W. 20.10
N.0°03'E.
19.97
15.60
0.76
PATENT LAND
(2)
(6)
H.E.S. 375
H.E.S. 374
N.89°58'E.
20.025
9.54
40.06
H.E.S. 763
H.E.S.
N.0°03'W.
9.99
10.27
WEST
34.78
5.23
34.70
5.31
14.79
19.41
5.16
14.88
N.0°15'E
N.0°18'W.
74.71
N.0°15'W.
40.16
N.0°19'E.
20.04
20.03
751
376
20.02
SOUTH
10.00
10.04
S.89°54'W.
9.95
S.0°08'W. 19.97
WEST
0.65
N.89°50'W.
H.E.S. 255
N.0°32'E.
38.91
N.0°08'E. 19.97
WEST 19.99
40.14
N.89°49'W.
40.055
40.06
2.81
Sec. 13
N.0°03'E.
40.06
N.88°13'W.
25.63
0.38
N.89°43'W.
19.61
0.38
752
H.E.S.
Sec. 24
H.E.S. 436
19.99
0.76
19.99
19.29
N.0°04'W.
N.0°04'E.
N.89°28'W.
20.30
20.32
N.89°23'W.
20.32
N0°01'E.
40.02
20.01
20.01
0.35
19.95
H.E.S. 438
20.32
40.64
40.64
19.99
19.99
T. 1N. R. 43E.
N.0°11'W.
N.0°06'E.
19.92
20.02
N.0°07'E.
20.02
N.0°05'E.
N.0°05'E.
T. 1N. R. 44E.
N.0°16'E.
5.30
N.0°03'E.
5.00
INEL OF THE SNAKE RIVER
M.C.
M.C.
1945-194
S 13 ON
1903
S 18 ON


Sec. 13
Sec. 24
Sec. 14
Sec. 23
H.E.S. 255
H.E.S. 752
H.E.S. 436
H.E.S. 376
H.E.S. 751
H.E.S. 374
H.E.S. 375
H.E.S. 753
H.E.S. 750
H.E.S. 438
H.E.S. 437
PATENT LAND
SNAKE RIVER
SEE ENLARGEMENT
WEST 19.99
N.89°28'W.
S.89°56'W.
N.0°16'E.
N.0°05'E.
N.0°07'E.
N.0°06'E.
N.0°03'E.
N.0°19'E.
N.0°15'W.
N.0°13'E.
N.0°04'W.
N.0°03'W.
N.0°08'W.
N.0°11'W.
S.0°08'W.
S.0°14'W.
S.89°54'W.
N.89°59'W.
N.88°13'W.
N.0°32'E.
N.89°58'E.
N.89°50'W.
N.89°49'W.
N.89°22'W.
N.89°03'W.
SOUTH
WEST
20.02
20.04
40.16
40.06
40.04
40.60
19.99
19.95
19.92
74.71
34.70
34.78
38.91
25.63
19.97
19.96
19.61
19.80
34.8

IDWR Field Exam Form 04/03/2002

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
1N	43E	13	SE				62	
		24	NWNE				20	
			NENW				15	

Total Acres 97

Recommended Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
1N	43E	13	SE		Bonn			
			S2NE					
		24	W2NE					
			E2NW					

Total Acres ~~136~~ 103

Parts of

NW1/4SE, S2NE and USFS Land Removed by Mr. Fleming Not Recommended.

Document how the POU was verified:

GIS ILLUSTRATES ~~136~~ 6 AC = NEEDS TO AMEND CLAIM TO ADD ~~39~~ AC.
ABSTRACT AND FARM MORTGAGE POU LISTING DOES NOT FIT CLAIMED POU
ALL THAT WELL - RIGHTS CITED IN THOSE DOCUMENTS DO NOT APPLY TO THESE
LANDS TODAY. SEE 23-67A.B.C&D CLAIMED BY OTHERS.
MANY HES SURVEYS IN THIS AREA - SEE SURVEY PLATS ATTACHED.

Transfers Changing POU _____

Reviewer: _____ Date: _____

IDWR Field Exam Form 04/03/2002

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	1/1	11/1	3.01	

Overall Diversion Rate _____ Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
Irrig	4/15	10/31	3.01	

Overall Diversion Rate _____ Overall Diversion Volume _____

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

Q BASED ON 136 AC @ 0.02 cfs/AC + (5% (CONV. LOSS) / QD for 30DS).

Q = (136 X 0.02)(1.15) = 3.13 cfs : Claim 3.01

Reviewer: _____ Date: _____

Wade R. Fleming
4319 N. 55 E
Idaho Falls, Idaho 83401
208/523-2009

October 13, 1997

RECEIVED
OCT 21 1997
Department of Water Resources

State of Idaho
Department of Water Resources
1301 North Orchard Street
P.O. Box 83720
Boise, Idaho 83720-0098

Dear Sir,

This letter is in reference to the attached 10/7/97 IDWR address correction confirmation letter. The letter shows SRBA Water Right No. A01-00035V, A01-00115P, A01-10379, A23-00012, A23-00013A, A23-04039, A23-04060, A2310210, A23-10211, & A23-10213 for address correction. In addition to these, the following SRBA Water Right No.'s should also be changed to the new address **A01-07073, A23-10214, A23-10215, & 23-00003.**

Please contact me if additional information is required.

Sincerely,

Wade R. Fleming

Wade R. Fleming

Enclosure

IDRW1097

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, P.O. BOX 83720, Boise, Idaho 83720-0098
Phone: (208) 327-7900 FAX: (208) 327-7866

October 7, 1997

RECEIVED
OCT 21 1997
Department of Water Resources

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

WADE R FLEMING
4319 N 55 E
IDAHO FALLS ID 83401

Re: Snake River Basin Adjudication (SRBA)
Water Right No. A01-00035V, A01-00115P, A01-10379, A23-00012, A23-00013A, A23-04039, A23-04060, A2310210, A23-10211, & A23-10213
Change of Address

Dear Water Right Holder: 10/7/97

IDWR has been notified the address presently on our records is incorrect. Although we have reached you at the address above we need your written confirmation this is your correct mailing address before we can change our records. Future notices related to your water right can be sent only to the address on your claim or as otherwise changed by you.

Please sign your name at the bottom of this letter and return it to this office postmarked by October 22, 1997. Make corrections to your name and address if necessary before returning this letter. Thank you for your help.

If your mail delivery address changes in any form, please contact us in writing so we can update our records.

If there has been a change in ownership of any of the properties connected with the water right referenced above, please call this office toll-free at 1-800-451-4129 to obtain a form to make this required change to the water right records.

Yours truly,

Danni M. Smith
SRBA Sr. Secretary

****

The address is correct as shown above or as otherwise changed.

Wade R Fleming
Signature of water right claimant

A23-04060
Wade R. Fleming
P.O. Box 2114
Idaho Falls, Idaho 83403

October 18, 1994

RECEIVED
OCT 21 1994
Department of Water Resources
Eastern District Office

Idaho Department of Water Resources
900 N. Skyline Dr.
Idaho Falls, Idaho 83402-1718

Attention: Dave Carlson

This letter summarizes our October 17, 1994 meeting and provides a formal response to IDWR's request for Evidence of Priority on Notice of Claim A23-04060.

The claim pertains to a water right priority dated May 1, 1888 which was decreed to John F. Jones in a case of Rexburg Irrigation Co., et. al., vs Teton Irrigation Canal Co., et. al., dated December 16, 1910 in 6th Judicial Court county of Fremont (Enclosure). Lands associated with the decree were purchased by my grandfather in the late 40's and have been held in the Fleming family since that time with myself as current owner. A special use permit with the Targhee National Forest (formerly Caribou National Forest) to use forest land for a ditch to transport this water was also transfered to my grandfather at the time of purchase (Enclosure). This permit has been regularly renewed and is currently active.

As we discussed, the identification number A23-04060 is based on a statutory claim filed June 21, 1983 by my father (Jerome Fleming) pursuant to Idaho Code 42-243. My father passed away shortly before Snake River Basin Water Right Adjudication's were filed and I have no evidence for his reasoning in filing the claim.

Please contact me if additional information is required.

Sincerely,

Wade Fleming

Wade R. Fleming

Enclosures

MICROFILMED
NOV 07 1996

Form 832a R-4
(4-1-48)

D-1

RECEIVED
OCT 21 1994
FOREST SERVICE
CARIBOU NATIONAL FOREST
POCATELLO, IDAHO
Department of Water Resource
Eastern District Office
JAN 30 1952
RECEIVED
Answered.....

UNITED STATES DEPARTMENT OF AGRICULTURE
FOREST SERVICE

REQUEST FOR TRANSFER OF SPECIAL USE PRIVILEGE

THIS MEMORANDUM WITNESSETH that:

WHEREAS, the undersigned permittee, Charles Burton, under date of January 1, 1937, received from the United States Department of Agriculture, Forest Service, a permit to use the following described lands: A ditch two feet wide which commences 100 feet SW of the W end of Squaw Creek Dugway in the NE¼ of Sec. 23, Twp. 1 N. R.43 E. BM and running SE 2000 feet; thence 1960 feet NE to patented land in the NW¼ of NE¼ Sec. 24, Twp. 1 N. R. 43 EBM.
for the purpose of constructing thereon all necessary structures for maintaining a n irrigation ditch, and
(summer home, etc.)

WHEREAS, such permit is understood to carry with it, in the discretion of the Chief, Forest Service, subject to compliance on the part of the permittee with the provisions of the permit, and upon request of the permittee, a continuation of such permit; and

WHEREAS, the undersigned permittee has under date of 1949, 19___ sold his improvements to Robert Fleming & Son, the undersigned purchaser, and hereby requests that the privileges granted under said special use permit be transferred to the said purchaser;

NOW, THEREFORE, the undersigned permittee hereby surrenders unto the United States all privileges heretofore allowed him under the aforesaid permit, consents to its cancellation, and agrees to the issuance of a new permit to the purchaser; and the said purchaser hereby accepts all of the conditions of said special use permit, subject however to such revision of its terms as in the opinion of the forest supervisor may be necessary to conserve national forest interests, and hereby applies for the issuance of such new permit.

Executed at Idaho Falls, State of Idaho

this 16 th day of January 1952.

WITNESS:

Earl M. Davis

Charles Burton
Permittee

WITNESS:

Grant L. Dayley

Robert W Fleming and Son
Purchaser
By Jerome Fleming

Approved and filed this ____ day of ____ 19__.

_____ National Forest

_____
Forest Supervisor

MICROFILMED
NOV 07 1996

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF FREMONT.

JLB 753A
JLB 754A

Rexburg Irrigation Company, et al, Plaintiffs)
)
vs)
)
Teton Irrigation Canal Company, etal, defendants)

DECREE.

It is ordered, ad judged and decreed, that the several parties plaintiffs and defendants herein named, do have judgment respectively for a right to use, forirrigation and other purposes, the following number of inches of water, each fiftyinches thereto to be equivalent to a flow of one cubic foot per second, as prescribed by the laws of Idaho, from the waters of the Snake River and its tributaries, situated in the Counties of Fremont and Bingham, State of Idaho, their priorities to date from the time hereinafter named, to-wit:

Jones, John F., 200 inches, May 1, 1886, Fall Creek. #33
Jones, John F., 150 inches, May 1, 1888, Indian Creek. #47 ⇒ 23-4067

It is further ordered, adjudged and decreed that the above mentioned and described awards of the right to use the waters of Snake River and its tributaries, respectively, are declared to be appurtenaht to and are awarded for the purposes of irrigating the following desfribed lands of the respective claimants, and for the following manufacturing, poser and other purposes, respectively, to-wit:

John F. Jones, NW¼ of NE¼ of Sec. 24, SW¼ of SE¼, NE¼ of SE¼, and SE¼ of NE¼ of Sec. 13, T 1 N. R. 43 E. B. M., containing 200 acres; also 160 acres, commenging at a point on Falls Creek 3 miles South from Conrad Valley, thence North 1/8 mile, thence NE 1 mile, thence South and across creek 1/4 mile, thence SW 1 mile, thence North 1/8 mile to beginning; also Lots 4, 6 and 7 of Sec. 18, and Lot 2 of Sec. 19, T 1 N. R. 44 E. B. M., cont. 157 acres. *

NWNE Sec 24
SWSE, NESE, SENE Sec 13
* Contains ≈ 200 Ac
400 x 40 Ac = 160 Ac

Dated December 16th, 1910.

JLB 3

J. M. Stevens, District Judge.

W. S. H.
MICROFILMED
NOV 07 1996

INSTALLMENT Interest Pr

FARM MORTGAGE

THIS MORTGAGE, Made this 18th day of July, 1945,

by Charles Burton and Beatrice E. Burton, husband and wife,

of Irwin in the County Bonneville, State of Idaho, mortgagors, to the Land Bank Commissioner, acting pursuant to Part 3 of the Act of Congress known as the Emergency Farm Mortgage Act of 1933, as amended, at his office and place of business in the City of Spokane, State of Washington, mortgagee,

WITNESSETH: That in consideration of a loan to the mortgagors, evidenced as hereinafter described, the mortgagors do hereby grant, bargain, sell, and convey to the mortgagee the following described real property situated in the County of Bonneville, State of Idaho, to-wit:

Tract 1: H. E. Survey No. 751, embracing a portion of approximately Sections Twenty-three and Twenty-four, Township One North, Range Forty-three East of the Boise Meridian, more particularly bounded and described as follows:

Beginning at a Corner No. 1 from which the Southwest Corner of Section Thirteen, in said Township and Range, bears North 45°2'35" West 28.32 chains distant, thence South 32' West 9.95 chains to Corner No. 2, thence South 89°58' West 10 chains to Corner No. 3, thence South 2' West 10 chains to Corner No. 4, thence South 89°58' West 20 chains to Corner No. 5, thence North 2' West 10 chains to Corner No. 6, thence South 89°58' West 10 chains to Corner No. 7, thence North 2' West 10 chains to Corner No. 8, thence South 89°56' East 40.11 chains to Corner No. 1, the place of beginning.

Tract 2: The Southeast Quarter of the Southwest Quarter of Section Thirteen, Township One North, Range Forty-three East of the Boise Meridian, and the H. E. Survey No. 752, embracing a portion of, approximately, Section Twenty-four, in said Township and Range, containing in the aggregate 79.37 acres. Said H. E. Survey No. 752 is more particularly described as follows:

Beginning at Corner No. 1, identical with the Quarter Corner on the South line of Section Thirteen, Township One North, Range Forty-three East of the Boise Meridian, thence South 20.07 chains to Corner No. 2, thence North 89°43' West 19.65 chains to Corner No. 3, thence North 20 chains to Corner No. 4, thence South 89°59' East 19.65 chains to the place of beginning.

Tract 3: The East Half of the Southeast Quarter and the Southwest Quarter of the Southeast Quarter of Section Thirteen, and Lot One of Section Twenty-four, Township One North, Range Forty-three East of the Boise Meridian.

Tract 4: Beginning at Corner Number One from which the West Quarter Corner of Section Nineteen, Township One North, Range Forty-four East of the Boise Meridian, bears North 45°28' East 27.93 chains distant, thence North 88°25' West 40.53 chains to Corner Number Two, thence North 30' East 39.10 chains to Corner Number Three, thence South 89°45' East 40.23 chains to Corner Number Four, thence South 01' West 40 chains to Corner Number One, the place of beginning.

Together with all water rights, and rights in ditches, canals and laterals, and rights of way therefor, appurtenant to said premises or used in connection therewith now and/or at any time during the existence of this mortgage, including (but not limited to) the following:

150.11 miners inches of water on Indian Creek, also known as Squaw Creek, with priority of May 1, 1888.

FEDERAL LAND BANK
JUL 30 1957
OF SPOKANE

MICROFILMED
NOV 07 1996

JUL 30 1957

POOR ORIGIN

Form 832a R-4
(4-1-48)

UNITED STATES DEPARTMENT OF AGRICULTURE
FOREST SERVICE

RECEIVED
OCT 21 1994
Department of Water Resources
Eastern District Office

REQUEST FOR TRANSFER OF SPECIAL USE PRIVILEGE

YDA

THIS MEMORANDUM WITNESSETH that:

WHEREAS, the undersigned permittee, Charles Burton
under date of January 1 1937, received from the United States Department of Agriculture, Forest Service, a permit to use the following described lands: A ditch two feet wide which commences 100 feet SW of the W end of Squaw Creek Dugway in the NE¼ of Sec. 23, Twp. 1 N. R.43 E. BM and running SE 2000 feet; thence 1960 feet NE to patented land in the NW¼ of NE¼ Sec. 24, Twp. 1 N. R. 43 EBM.
for the purpose of constructing thereon all necessary structures for maintaining a a irrigation ditch, and
(summer home, etc.)

WHEREAS, such permit is understood to carry with it, in the discretion of the Chief, Forest Service, subject to compliance on the part of the permittee with the provisions of the permit, and upon request of the permittee, a continuation of such permit; and

WHEREAS, the undersigned permittee has under date of 1949 19__ sold his improvements to Robert Fleming & Son, the undersigned purchaser, and hereby requests that the privileges granted under said special use permit be transferred to the said purchaser;

NOW, THEREFORE, the undersigned permittee hereby surrenders unto the United States all privileges heretofore allowed him under the aforesaid permit, consents to its cancellation, and agrees to the issuance of a new permit to the purchaser; and the said purchaser hereby accepts all of the conditions of said special use permit, subject however to such revision of its terms as in the opinion of the forest supervisor may be necessary to conserve national forest interests, and hereby applies for the issuance of such new permit.

Executed at Idaho Falls, State of Idaho

this 16 th day of January 19 52.

WITNESS:

_____ _____
Permittee

WITNESS:

_____ _____
Purchaser

MICROFILMED
NOV 07 1995

Approved and filed this 18th day of February 19 52.

Caribou National Forest

_____
Acting Forest Supervisor

RECEIVED
OCT 21 1994
Department of Water Resources
Eastern District Office

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF FREMONT.

JLB 753A
JLB 754A

Rexburg Irrigation Company, et al, Plaintiffs)

vs)

DECREE.

Teton Irrigation Canal Company, etal, defendants)

It is ordered, ad judged and decreed, that the several parties plaintiffs and defendants herein named, do have judgment respectively for a right to use, forirrigation and other purposes, the following number of inches of water, each fiftyinches thereto to be equivalent to a flow of one cubic foot per second, as prescribed by the laws of Idaho, from the waters of the Snake River and its tributaries, situated in the Counties of Fremont and Bingham, State of Idaho, their priorities to date from the time hereinafter named, to-wit:

Jones, John F., 200 inches, May 1, 1886, Fall Creek.
Jones, John F., 150 inches, May 1, 1888, Indian Creek.

It is further ordered, adjudged and decreed that the above mentioned and described awards of the right to use the waters of Snake River and its tributaries, respectively, are declared to be appurtenaht to and are awarded for the purposes of irrigating the following desfribed lands of the respective claimants, and for the following manufacturing, poser and other purposes, respectively, to-wit:

John F. Jones, NW¼ of NE¼ of Sec. 24, SW¼ of SE¼, NE¼ of SE¼, and SE¼ of NE¼ of Sec. 13, T 1 N. R. 43 E. B. M., containing 200 acres; also 160 acres, commensing at a point on Falls Creek 3 miles South from Conrad Valley, thence North 1/8 mile, thence NE 1 mile, thence South and across creek 1/4 mile, thence SW 1 mile, thence North 1/8 mile to beginning; also Lots 4, 6 and 7 of Sec. 18, and Lot 2 of Sec. 19, T 1 N. R. 44 E. B. M., cont. 157 acres.

Dated December 16th, 1910.

J. M. Stevens, District Judge.

JLB MICROFILMED
NOV 07 1996

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF FREMONT.

JLB 753A
JLB 754A

Rexburg Irrigation Company, et al, Plaintiffs)

VS)

DECREE.

Teton Irrigation Canal Company, etal, defendants)

It is ordered, ad judged and decreed, that the several parties plaintiffs and defendants herein named, do have judgment respectively for a right to use, forirrigation and other purposes, the following number of inches of water, each fiftyinches thereto to be equivalent to a flow of one cubic foot per second, as prescribed by the laws of Idaho, from the waters of the Snake River and its tributaries, situated in the Counties of Fremont and Bingham, State of Idaho, their priorities to date from the time hereinafter named, to-wit:

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Dated December 16th, 1910.

JLB 3

J. M. Stevens, District Judge.

W. S. H. # 3

of Section Thirteen, Township One North, Range Forty-three East of the Boise Meridian, thence South 20.07 chains to Corner No. 2, thence North 89° 43' West 19.65 chains to COrner No. 3, thence North 20 chains to Corner No. 4, thence South 89° 59' East 19.65 chains to the place of beginning.

Tract 3: The East half of the Southeast quarter, and the southwest quarter of the southeast quarter of Section Thirteen, and Lot one of Section Twenty-four, Township One North, Range Forty-three East of the Boise Meridian.

Tract 4: Beginning at Corner Number One from which the west quarter corner of Section Nineteen, Township One North, Range Forty-four East of the Boise Meridian, bears North 45° 28' East 27.93 chains distant, thence North 88° 25' West 40.53 chains to Corner Number two, thence North 30' East 39.10 chains to Corner number three, thence South 89° 45' East 40.23 chains to Corner Number Four, thence South 01' West 40 chains to COrner Number One, the place of beginning.

Together with all water rights, and rights in ditches, canals and laterals and rights of way therefor, appurtenant to said premises or used in connection therewith now and/or at any time during the existence of this mortgage, including (But not limited to) the following:

150.11 miners inches of waters of Indian Creek, also known as Squaw Creek, with priority of May 1st, 1888.

JLB 22

W. S. H. #22

2 2

Minor Tributaries Alpine to Heise (continued)
Listed in Downstream Order

Party or Canal	Date	Decreed Amount in Sec.-ft.	Accumulated Total
LOWER RAINEY CREEK (below sinks)			
Ralph Fleming (Chas&Mrs. Englis)	June 1, 1889 Griffel	3.0	3.0
Ralph Fleming (Chas&Mrs. Englis)	June 1, 1890 Griffel	1.06	4.06
C. B. Van Dorn (R. Oakden)	June 1, 1893 Weeks	3.2	7.26
Ernest H. Peterson (Ira A.Corbett)	June 1, 1897 Griffel	3.2	10.46
Thomas C. Breeding	June 2, 1902 Griffel (?)	1.8	12.26
Weeks Brothers (Supp.)	Jan. 22, 1916 Weeks	2.7	
Luther Smith	Jan. 22, 1916 Griffel (?)	3.2	18.16
SNAKE RIVER AND BRANDYWINE SLOUGH			
F. Stoltenberg (CPD 199) DENNIS ST.	June 1, 1900	3.6	
Paul Traughber (CPD 236)	June 1, 1900	4.5	
(Harry O. Mize) (CPD 248)	June 1, 1900	1.5	9.6
H. J. Kruse (Supp) Fleming	June 1, 1908	2.4	12.0
Permit #2716 Harry Bitton (Supp) Wellington	Mar. 21, 1909	3.2	15.2
Harry Bitton (Supp)	Jan. 22, 1916	3.2	
Francis Stoltenberg (Supp) DENNIS ST.	Jan. 22, 1916	4.2	
Joe Kruse (Supp) Fleming	Jan. 22, 1916	2.4	25.0 23-00003
SQUAW (INDIAN) CREEK			
Earl Adams (John F. Jones)	May 1, 1888	3.0	3.0 A23-04060
Henry McCabe (Supp) Taylor Lott?	Jan. 22, 1916	3.0	6.0
FALL CREEK			
Waldemar Olsen (J.F. Jones less TR 533)	May 1, 1886	0.2	0.2
PRITCHARD CREEK			
George Wedekin	Apr. 7, 1890	3.2	3.2
R. R. Wedekin	June 23, 1897	3.2	6.4
Also see Tolliver Supp. on Garden Creek			
GARDEN CREEK			
Charles R. Higham	June 1, 1882	0.5	0.5
Charles R. Higham	June 1, 1888	6.0	6.5
Charles A. Spackman (also small lake)	June 30, 1898	2.0	8.5
M. E. Tolliver (Supp.) Garden & Pritchard Creeks	June 20, 1916	16	24.5

Aug 1976

Form No. 243
9/81

Cl. No. [redacted]

RECEIVED
JUN 21 1983
Department of Water Resources
Eastern District Office

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Jerome Flemming
(Name of Claimant)

StarRoute Box 120 Ririe, ID 83443 Telephone No. 483-3795
(Mailing Address) (Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use) May 1, 1888

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)
Squaw Creek tributary to South Fork of Snake River

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

	(cfs, af)	(Domestic, Irrigation, Stock, Etc.)	(Both dates Inclusive) (Mo., Day)		(Mo., Day)
Quantity	3.01	Use Irrigation	Period of Use From	4-1	To 11-1
Quantity	.04	Use Stockwater	Period of Use From	1-1	To 12-31
Quantity		Use	Period of Use From		To
Quantity		Use	Period of Use From		To
Quantity		Use	Period of Use From		To

(4) 3.01cfs (cfs, af) TOTAL QUANTITY USED.

(5) A) Point of diversion: (Location of point where water is diverted from its source)
NE ¼ SE ¼, Sec. 23 Twp. 1N Rge. 43E B.M., County of Bonneville
Additional points of diversion:

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Headgate and ditch from stream to flood irrigation.

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
1N	43E	13													7	15	35	5	62
		24		20			15												35

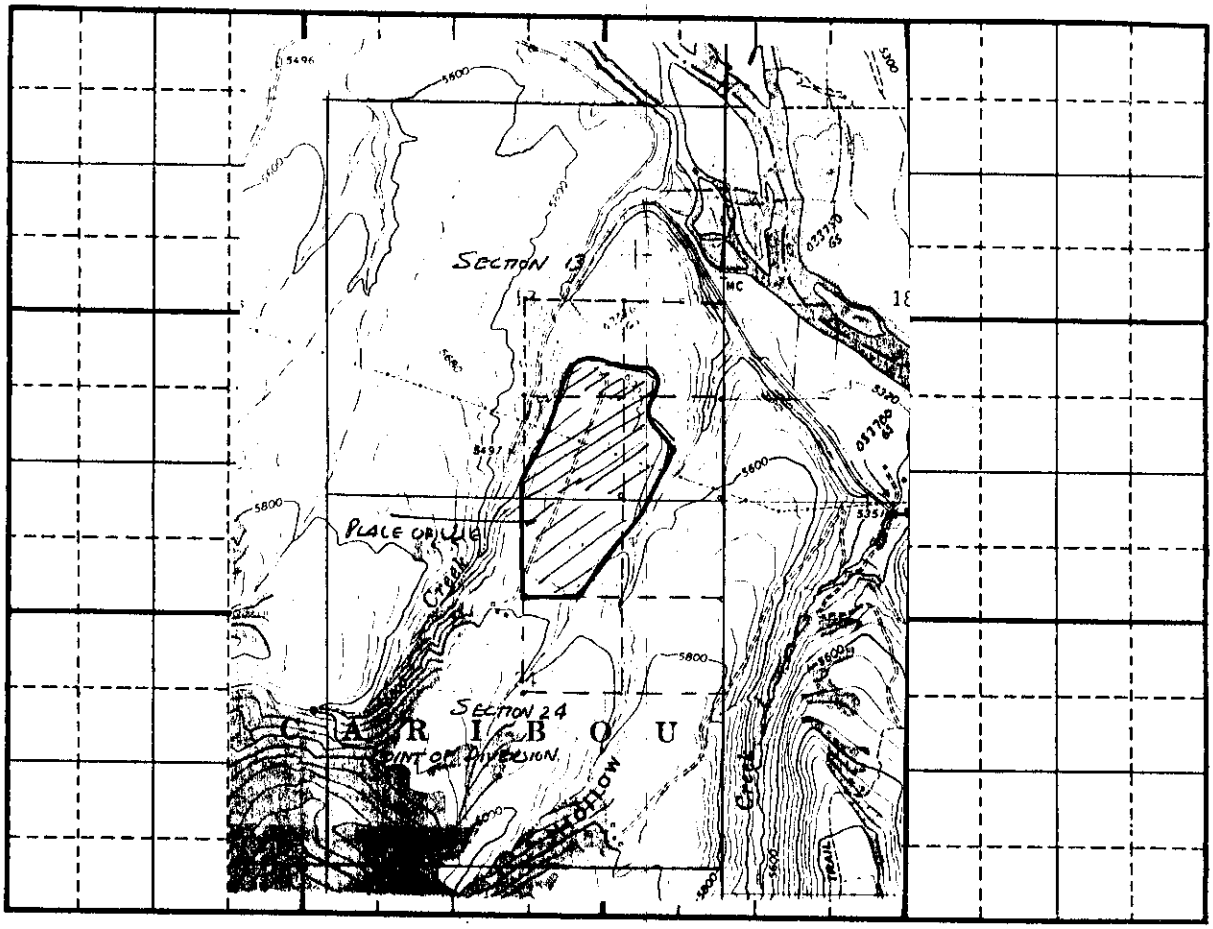
No. of acres 97

B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

NOTE: Include here the type and number of stock watered: 150 head cattle.

(7) If you are claiming water as a member of an organization, list name of organization:

(8) Remarks _____



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
) ss.
County of Bonneville)

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Jerome F. Loring
(Claimant)

Sworn to before me this 31st day of June, 1983.

Allen Wray
Notary Public
Residing at Idaho Falls

My commission expires 6-15-85

FOR DEPARTMENT USE ONLY

Received by SM	Date 6-21-83	Exception filed by:	Fowarded to claimant by:	Date
Prelim. check by JAM	Date 6-21-83			
$30.00 fee received by BP	Date 6/21/83 #30990			
Published in Post Reg 15th				
Dates 7/28 - 8/4/83				

4/11/1989 SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME FLEMING _____ CLAIM ENT. NO. A23-04060

DATE RECEIVED 9/13/89 CK # _____ AMOUNT $_____

		YES	NO	Required Info?
	1. Is the name and address complete with zip code?	X		*
	2. Is a priority date entered?	X		*
	Is the priority date acceptable in view of mandatory filing dates? See Adjudication Memos #1 and #4 to determine if a Permit is required.	X		*
	3. (a) Is a source entered?	X		*
X	(b) Is a tributary to entered? (if required) N/A ___	X		
	4. Is the legal description of the p.d. sufficient?	X		*
	5. Is there a description of the diverting works?	X		
	6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form.	X		*
	Is the period of use included?	X		
	Is a quantity claimed for each use?	X		*
	7. Is a total quantity claimed entered?	X		
X	8. If required is a consumptive use entered? N/A ___	X		
X	Is the consumptive use correct? N/A ___	X		
	9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. N/A ___	X		*
	10. Is (are) the place(s) of use and purpose(s) indicated?	X		*
	11. Is (are) the county(ies) entered?	X		
	12. Is the ownership of p.u. checked?	X		
X	13. Are other water rights listed or "none" indicated?	X		
	14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) N/A ___	X		
	15. Is the basis of the claim indicated?	X		
X	16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) N/A X			
	17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block.	X		*
	18. Has the claim been signed, sealed, and dated by a notary?	X		*
	19. Was this claim filed on time, or was an extension granted?	X		*
	20. Is the fee enclosed correct? Exempt ___	X		*
X	21. If this claim is based on an existing water right, has the identification number been entered? N/A ___	X		
	22. Should this claim be data entered?	X		

E010322

Claim checked by: TV Date: 9/13/89

Claim must be returned to claimant: ___(Yes) X (No)

Claimant must be notified of modifications: ___(Yes) X (No)

Receipt Prepared by: _____ Date: _____

Claim data entered by: _____ Date: _____ Checked by: _____ Date: _____

Sent to claimant by: _____ Date: _____

Comments: _____

MICROFILMED
NOV 10 1992

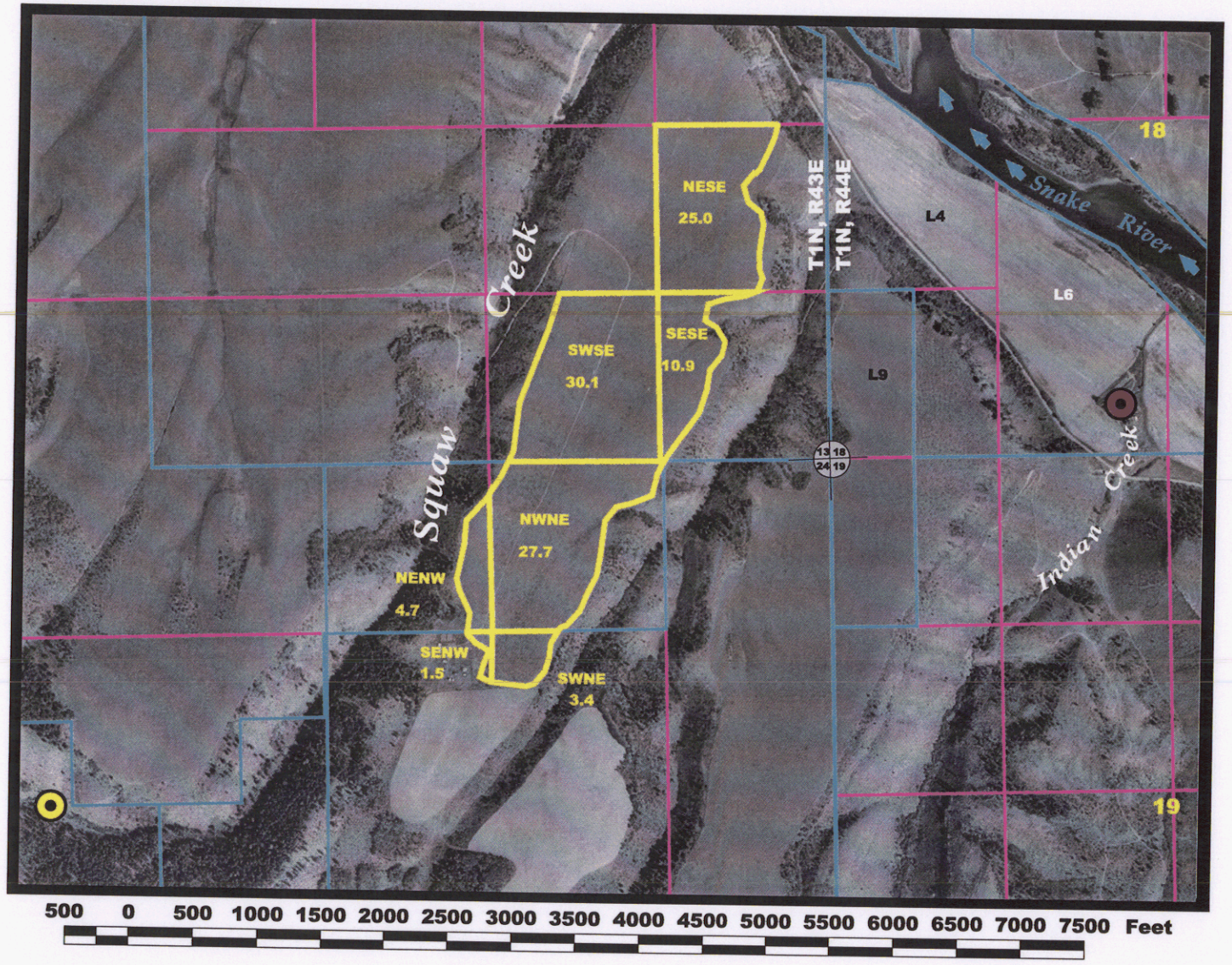
Log for claim 23-04060 **Spatial Dynamics BTD** **6/6/01**

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
01n43e	13	NESE	7	3.9	
01n43e	13	NWSE	15	6.5	
01n43e	13	SWSE	35	29	
01n43e	13	SESE	5	13	
01n43e	24	NWNE	20	27	
01n43e	24	NENW	15	6	
Totals:			97	85.4	

State of Idaho

Department of Water Resources

Eastern Region



Water Right(s):

23-04060

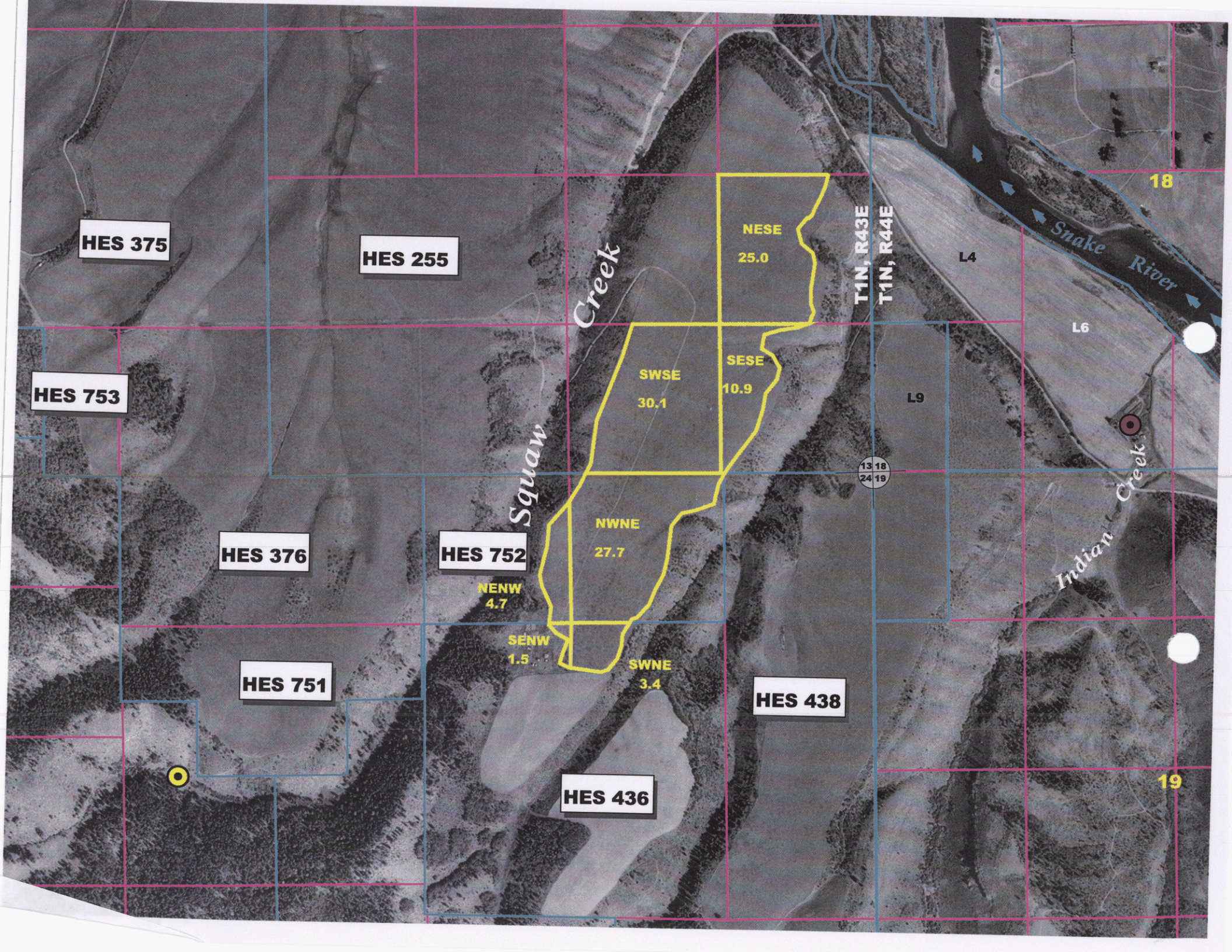
Place of Use: (parts of)
T1N, R43E
Sec. 13 S2SE, NESE,
Sec. 24 NW

Point(s) of Diversion:
T1N, R43E
Sec. 24 NWNESE

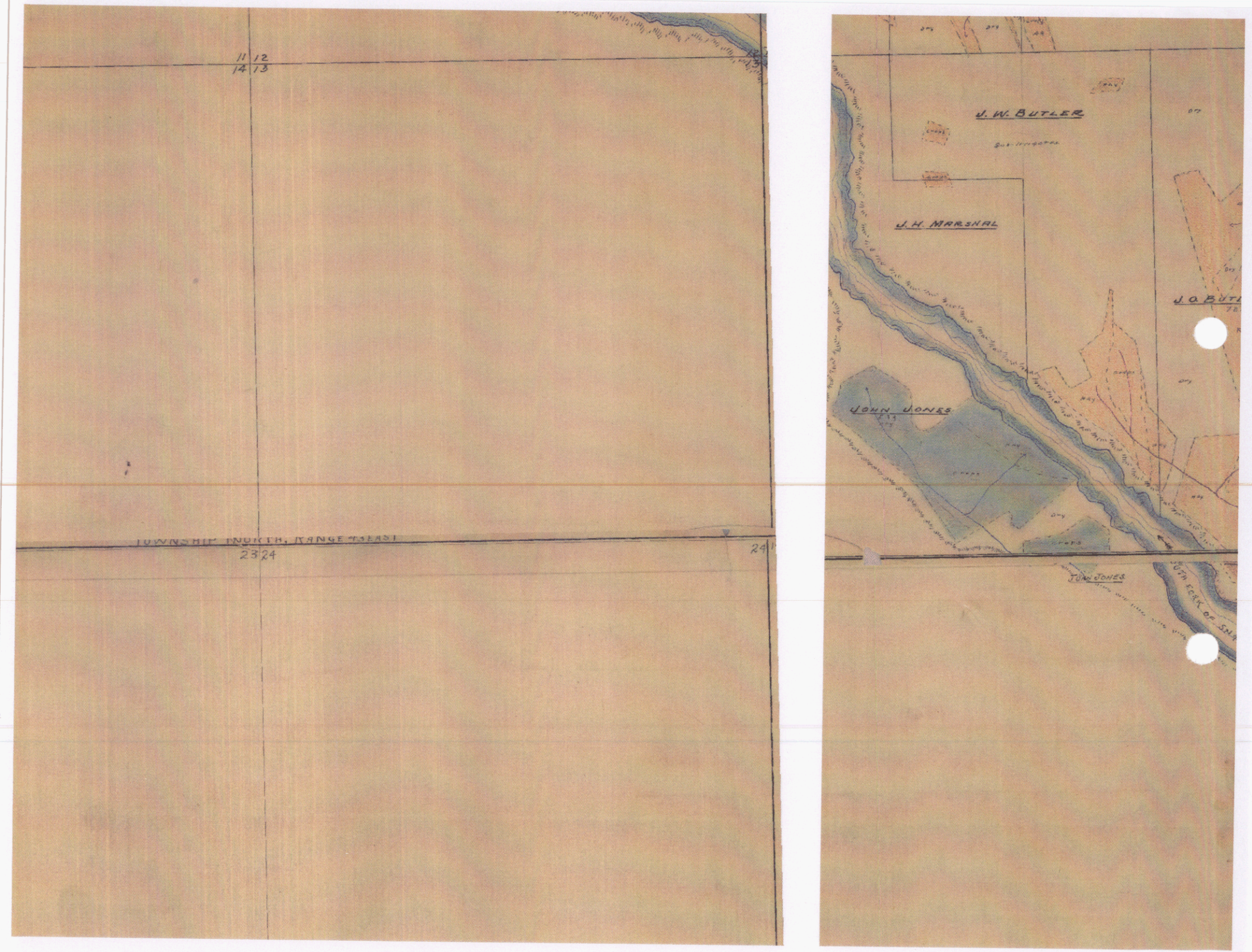
LEGEND

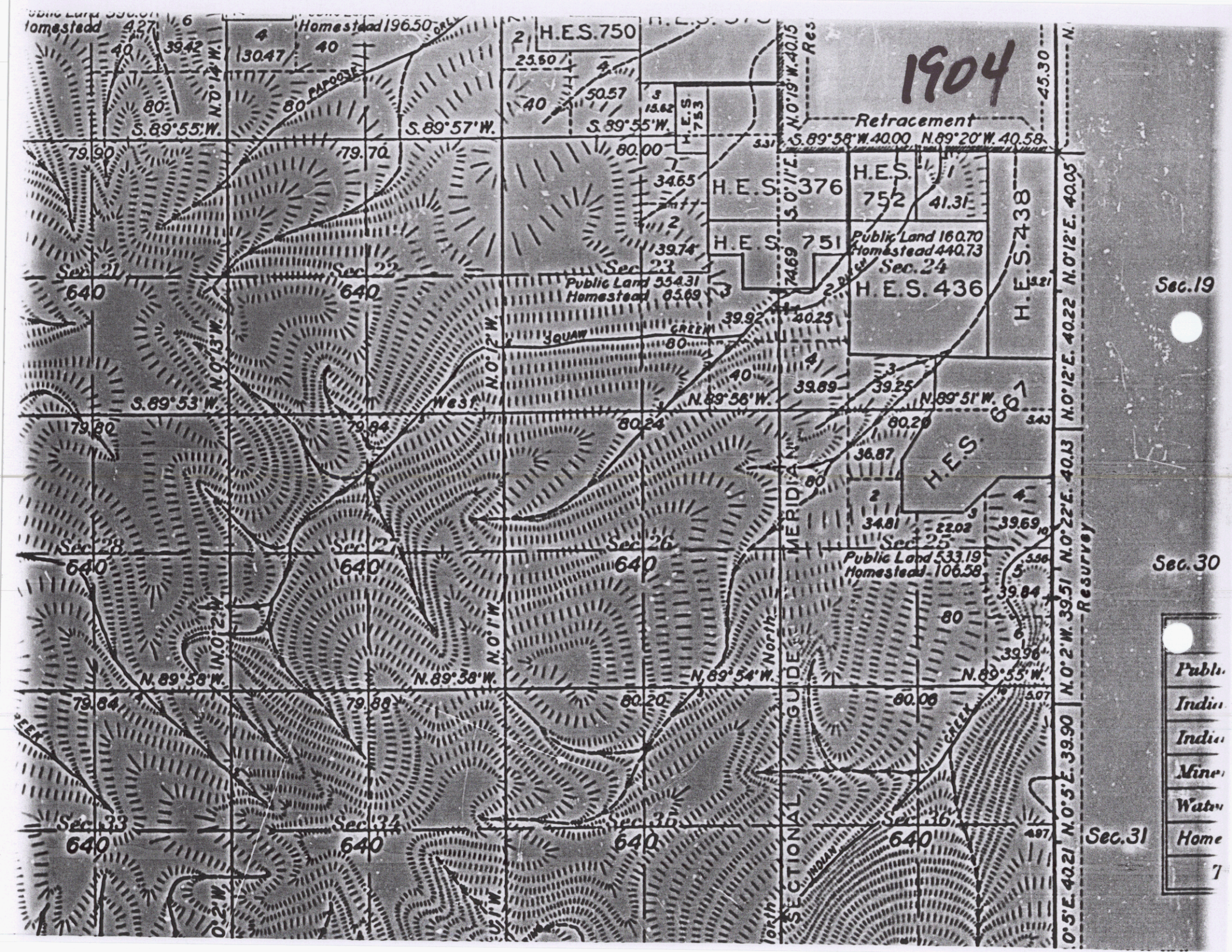
- Point of Diversion
- SESE — Place of Use
- Section
- Quarter-Quarter

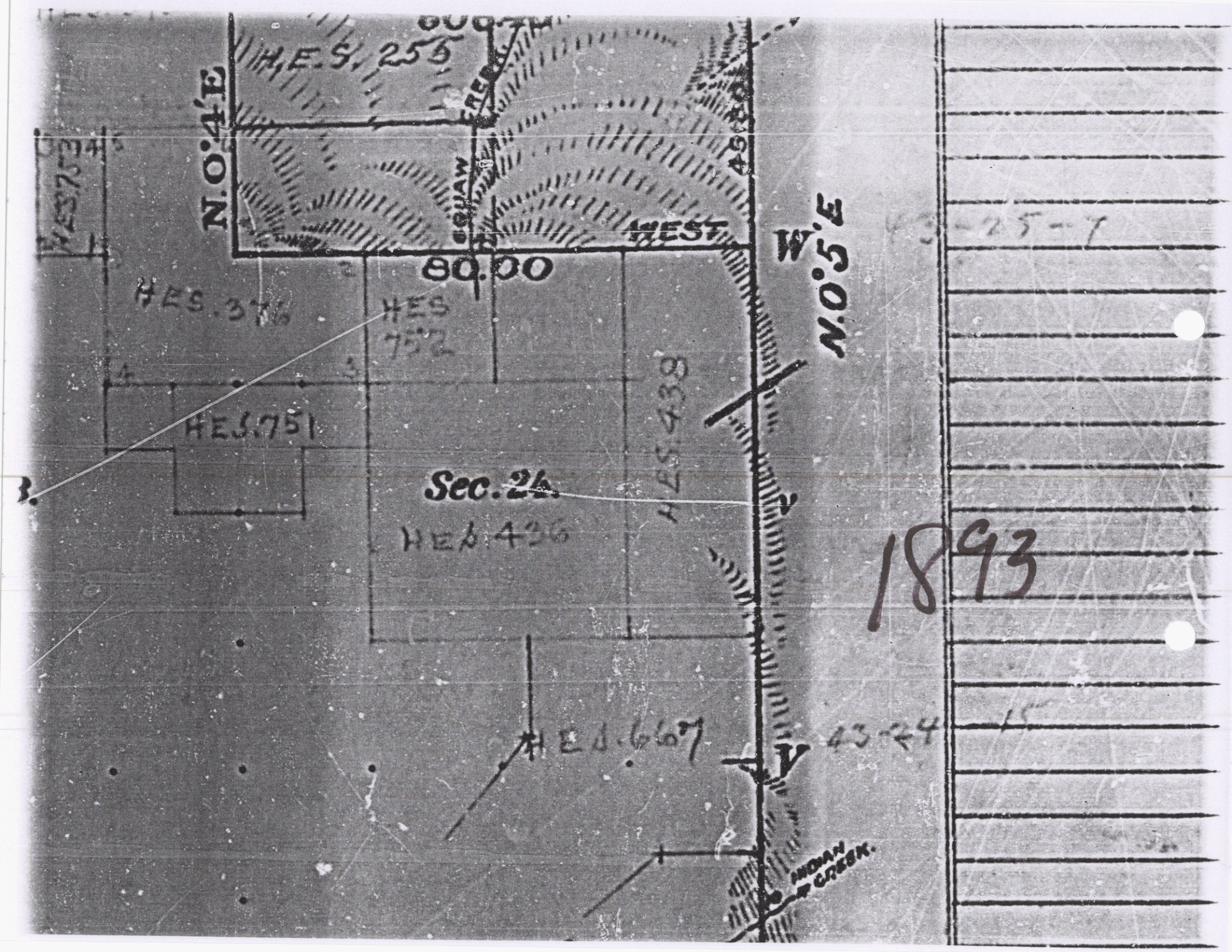
GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: A. Ruberry
Date: February 2004


HES 375
HES 255
HES 753
HES 376
HES 752
HES 751
HES 438
HES 436
NESE
25.0
SWSE
30.1
SESE
10.9
NWNE
27.7
NENW
4.7
SENW
1.5
SWNE
3.4
Squaw Creek
T1N, R43E
T1N, R44E
Snake River
Indian Creek
L4
L6
L9
18
19
13 18
24 19

Snake River
Indian Creek
L4
L9
T1N, R44E
T1N, R43E
13 18
24 19
SENE
NESE
SESE
SWNE
SWSE
NWNE
NENW
SENW
SWNE
Squaw Creek
USFS


11 12
14 13
J. W. BUTLER
J. H. MARSHAL
JOHN JONES
JOHN JONES
TOWNSHIP 1 NORTH, RANGE 4 EAST
23 24
24

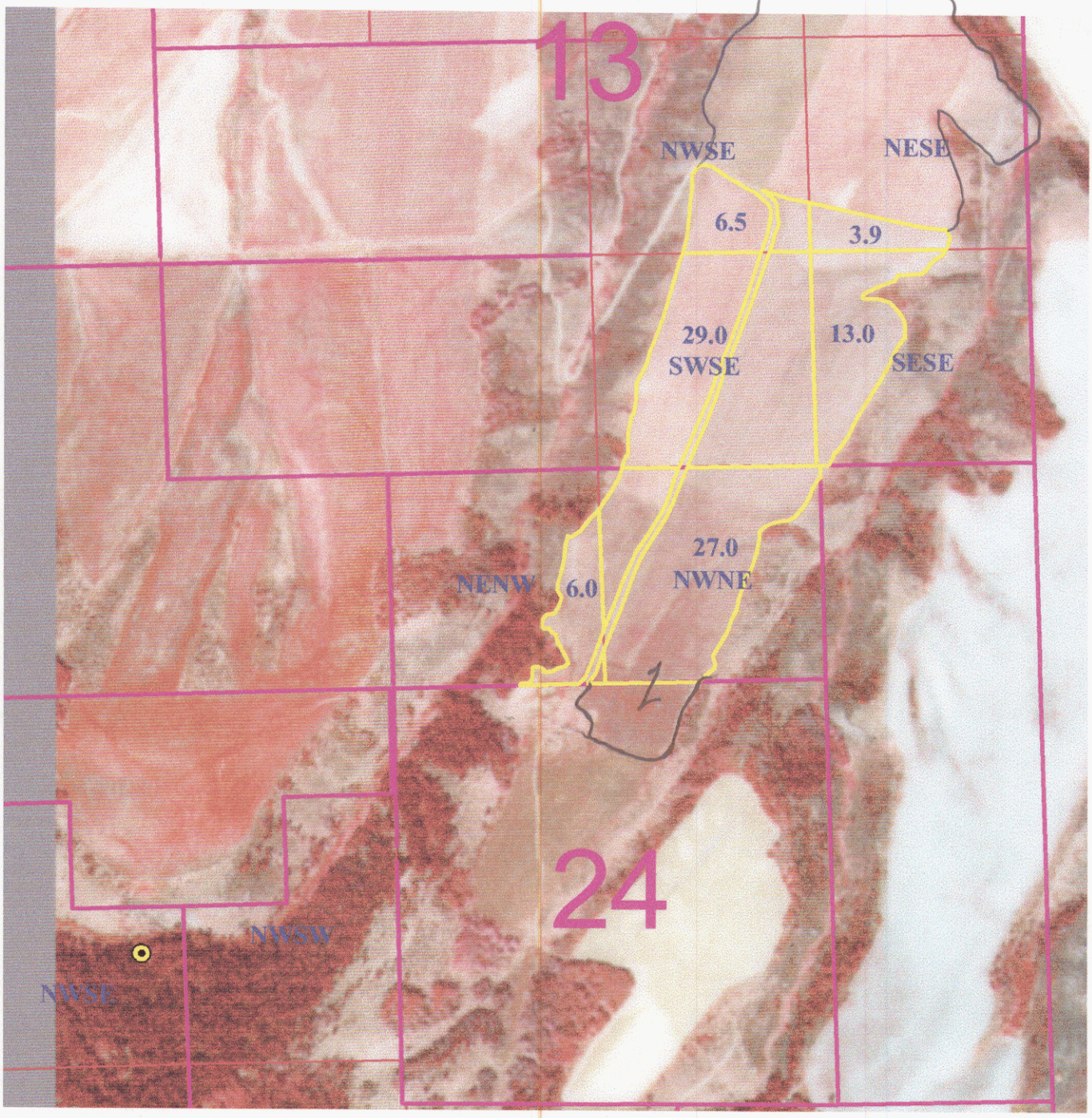

1904
Retracement
S.89°58'W.40.00 N.89°20'W.40.58
H.E.S.750
H.E.S.376
H.E.S. 752
H.E.S.751
H.E.S.436
H.E.S.438
H.E.S.753
Public Land 160.70
Homestead 440.73
Sec.24
Public Land 554.31
Homestead 65.69
Sec.23
Public Land 533.19
Homestead 106.58
Sec.25
Sec.21
Sec.22
Sec.26
Sec.27
Sec.28
Sec.33
Sec.34
Sec.35
Sec.36
Sec.19
Sec.30
Sec.31
640
SQUAW CREEK
INDIAN CREEK
SECTIONAL GUIDE MERIDIAN
Resurvey
Homestead 196.50
Homestead 4.27
PAPOOSE
S.89°55'W.
S.89°57'W.
S.89°53'W.
N.89°56'W.
N.89°51'W.
N.89°58'W.
N.89°38'W.
N.89°54'W.
N.89°55'W.
N.0°12'E. 40.22
N.0°22'E. 40.13
N.0°2'W. 39.51
N.0°3'E. 39.90
N.0°5'E. 40.21
Publi
Indi
Indi
Mine
Wate
Home
7


H.E.S. 255
N.0°4'E
49.50
SQUAW CREEK
WEST
80.00
W.
N.0°5'E
H.E.S. 376
H.E.S. 752
H.E.S. 751
H.E.S. 438
Sec. 24.
H.E.S. 436
H.E.S. 667
INDIAN CREEK.
43-25-1
43-24
1893

Water Right Claim Number 23-04060

Township , 1N43E

06/06/2001



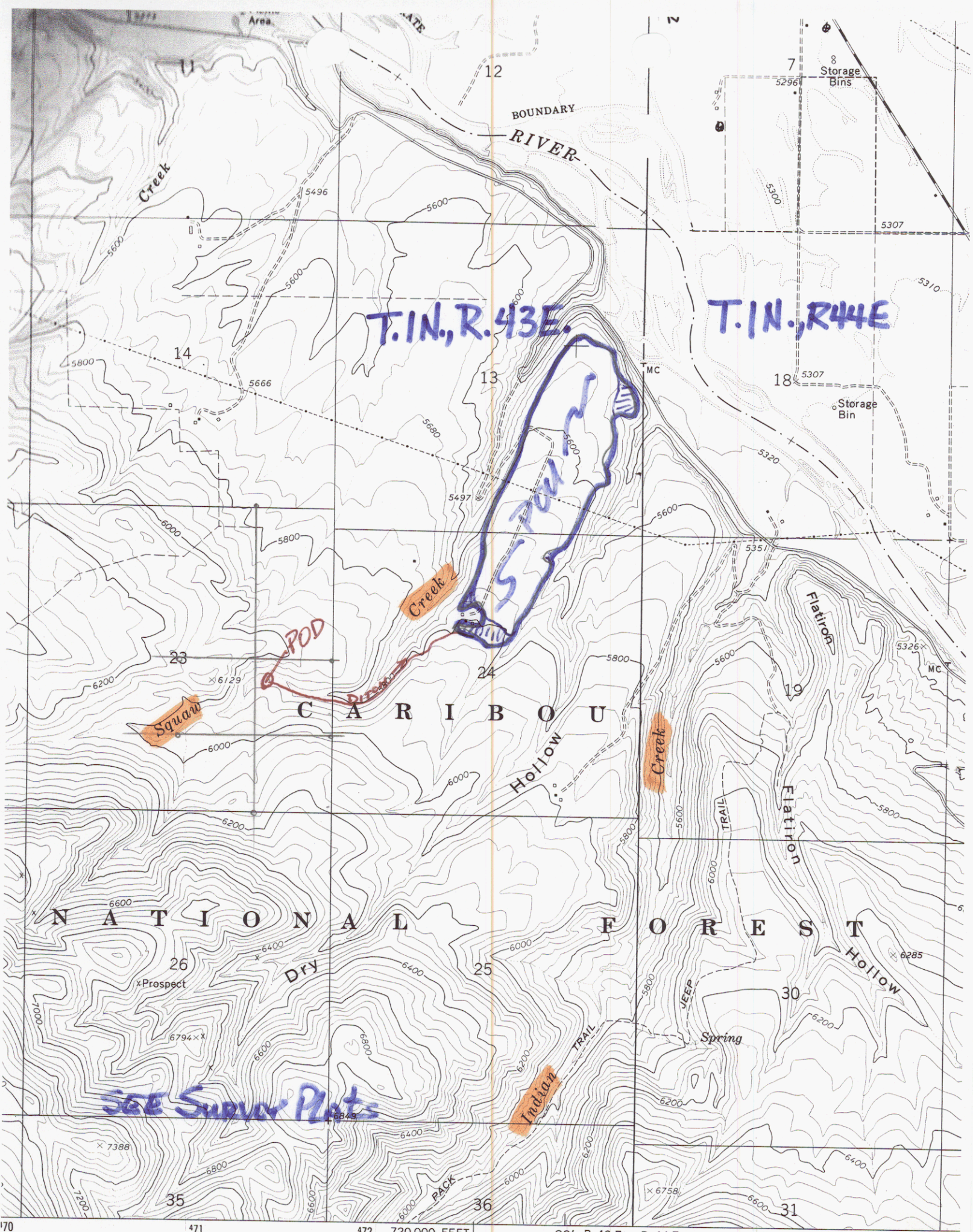
Legend

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

N

700 0 700 1400 Feet

SPATIAL DYNAMICS



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