

05/01/2003

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

RIGHT NUMBER: 23-10246
NAME AND ADDRESS: RITA JOERNS
375 N 100 E
BLACKFOOT ID 83221
CHARLES PROCTOR
375 N 100 E
BLACKFOOT ID 83221

SOURCE: GROUND WATER
QUANTITY: 0.040 CFS

TRIBUTARY:

The quantity of water under this right shall not exceed 13,000 gallons per day.

PRIORITY DATE: 06/01/1930

POINT OF DIVERSION:

T01S R45E S6 NWNW Within BONNEVILLE County Source: GROUND WATER

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
DOMESTIC

PERIOD OF USE
01/01 12/31

QUANTITY
0.040 CFS

PLACE OF USE:

DOMESTIC Within BONNEVILLE County
T01S R45E S06 NWNW

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

The quantity of water decreed for this water right is not a determination of historical beneficial use.

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 23-10246
Date Received: 5/1/2003
Receipt No: *E611088*
Received By:

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

1. Name of Claimant(s)

RITA JOERNS Phone: (208) 521-8389
375 N 100 E
BLACKFOOT ID USA 83221

CHARLES PROCTOR Phone: (208) 521-8389
375 N 100 E
BLACKFOOT ID USA 83221

2. Date of Priority: 06/01/1930

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:
Township Range Section 1/4 of 1/4 of 1/4 Lot County Type
01S 45E 6 NW NW BONNEVILLE

5. Description of diverting works:
WELL TO HOUSE.

6. Water is used for the following purposes:
Purpose From To C.F.S. (or) A.F.A.
STOCKWATER 01/01 12/31 0.04
DOMESTIC 01/01 12/31 0.04

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

8. Total consumptive use:

9. Non-irrigation uses:
Number of other uses: 40 COWS
Number of homes: 2

10. Place of use:
Township Range Section 1/4 of 1/4 Lot Use Acres
01S 45E 6 NW NW STOCKWATER
DOMESTIC

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:

LOTS 9-11 BLK 3 BYRD ADDITION. RPD3220003009A.

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): _____ Date: _____

_____ Date:

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this

of _____ 20__

Notary Public

Residing at _____

My commission Expires _____

NO LATE FEE IF RECEIVED

BY 10/27/89 R.D.IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Identification No. A23-10246Date Received 9/27/89Receipt Number E011088NOTICE OF CLAIM
TO A
WATER RIGHT

ACQUIRED UNDER STATE LAW

For Domestic and/or Stockwater Purposes

Where Daily Use is less than 13,000 gallons per day.

Department of Water Resources
Eastern District Office

SEP 27 1989

Filing Fee \$25

Please type or print clearly

1. Name of Claimant (s) Max D. or Anna E. Waters Phone (208) 785-2491Mailing Address 375 N. 100 E., Blackfoot, Idaho Zip 832212. Date of Priority (Only one per claim) June 1, 1930 Month/Day/Year3. Source of water supply (Check one) (x) Groundwater or Other () (a) N/Awhich is tributary to (b) N/A Name or kind of source4. Location of point of diversion is: Township 1 S Range 45 ESection 6, 1/4 of NW 1/4 of NW 1/4, Govt. Lot 9 - 11, BM.,County of BonnevilleAdditional points of diversion if any: RPD 3220003009A5. Description of existing diversion works (Ditches, Wells, Pumps, Pipelines, Headgate 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. Well 6" Casing 125' deep 1 H.P. pump pumped to house

6. Water is claimed for the following: (limited to Domestic and/or Stockwater only. See Instructions.)

For <u>Domestic</u> purposes from	<u>1/1</u> ^{Month/Day}	to	<u>12/31</u> ^{Month/Day}	amount	<u>.04</u> (cfs)
	(Both dates are inclusive)				
For <u>Stockwater</u> purposes from	<u>1/1</u>	to	<u>12/31</u>	amount	<u>.04</u>

7. Total quantity claimed .08 (cfs)8. Total consumptive use claimed is de minimus9. Non-irrigation uses. Describe fully. (Domestic: give number of households served if single ownership; Stockwater: Type and Number of livestock) 40 Stock cows 2 households

RECEIVED

A2310246



A2310246

10. Place of use is: Township: 15 Range 45
Section 6, 1/4 of 1/4, Govt. Lot , B.M.
County of Bonneville for (Circle One) Domestic Stock Domestic and Stock
Additional places of use, if any None

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.

14. Remarks:

15. Basis of Claim (Circle One) Beneficial Use Posted Notice License Permit Decree
Court Decree Date Plaintiff vs Defendant

If applicable provide IDWR Water Right Number

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

Number of Attachments None

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

Signature of Claimant (s) Anna E. Waters Date Sept 25, 1989
 Date

For Organizations: I do solemnly swear or affirm that I am

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 Date

Title and Organization

State of Idaho/or)
County of) SS.

Subscribed and sworn (or affirmed) before me this 25 day of SEPTEMBER 19 89

SEAL

Notary Public Mary Lynn Wilde

Residing at 295 E. IDAHO

My Commission Expires 09-25-95

Last Name Wilde Ident No.

Copies: White-State, Yellow-Claimant

A23-13324



State of Idaho

DEPARTMENT OF WATER RESOURCES

150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 - (208) 525-7161

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

Date: September 27, 1989

Max and Anna Waters
375 N. 100 E.
Blackfoot, ID 83221

RE: Notice(s) of Claim to a Water Right Returned
A23-10246 and A25-13324

Dear Mr. and Mrs. Waters:

The Idaho Department of Water Resources (IDWR) is returning your check #1983 (\$50.00) and Notice(s) of Claim to a Water Right because of insufficient information and/or fees. All items on the notice(s) must be correctly completed and fees submitted before the IDWR can process the claim(s).

Please correct the items identified below and return the forms to the IDWR within 30 days of the date of this letter. Failure to return the corrected notice(s) within the 30-day period may result in an assessment of an additional \$50.00 late-fee.

- Items #1 and #16: If two names are listed in Item #1 connected by "and", both notarized signatures are required in Item #16. If the two names are connected by "or", only one notarized signature is required. Please correct notice A23-10246.
- Items #4 and #10: The location of the well and houses must be defined to the 1/4 of 1/4 Section on both notices. If you do not know the appropriate legal description, you may indicate the locations on a map.

If you have any questions, please call Tony Olenichak, Water Right Agent, at (208)-525-7161.

Sincerely,

Ernest Carlsen
Adjudication Supervisor

Enclosure

DATE RECEIVED 9/27/89CK # _____AMOUNT \$ _____

	YES	NO	Required Info?
1. Is the name and address complete with zip code?	☒	☐	*
2. Is a priority date entered?	☒	☐	*
Is the priority date acceptable in view of mandatory filing dates?	☒	☐	*
See Adjudication Memos #1 and #4 to determine if a Permit is required.	☒	☐	*
3. (a) Is a source entered?	☒	☐	*
(b) Is a tributary to entered? (if required) N/A <u>K</u>	☐	☐	
4. Is the legal description of the p.d. sufficient?	☒	☐	*
5. Is there a description of the diverting works?	☒	☐	
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.	☒	☐	*
Is the period of use included?	☒	☐	
Is a quantity claimed for each use?	☒	☐	*
7. Is a total quantity claimed entered?	☒	☐	
8. If required is a consumptive use entered? N/A <u>X</u>	☐	☐	
Is the consumptive use correct? N/A <u>X</u>	☐	☐	
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.	☒	☐	*
10. Is (are) the place(s) of use and purpose(s) indicated?	☒	☐	*
11. Is (are) the county(ies) entered?	☒	☐	
12. Is the ownership of p.u. checked?	☒	☐	
13. Are other water rights listed or "none" indicated?	☐	☒	
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 _____	☒	☐	
15. Is the basis of the claim indicated?	☒	☐	
16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) N/A <u>X</u>	☐	☐	
17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block.	☒	☐	*
18. Has the claim been signed, sealed, and dated by a notary?	☒	☐	*
19. Was this claim filed on time, or was an extension granted?	☒	☐	*
20. Is the fee enclosed correct? Exempt _____	☒	☐	*
21. If this claim is based on an existing water right, has the identification number been entered? N/A <u>X</u>	☐	☐	
22. Should this claim be data entered?	☒	☐	

Claim checked by: TODate: 10/31/89

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

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

Receipt Prepared by: _____Date: _____

Claim data entered by: _____Date: _____

Sent to claimant by: _____Date: _____

Checked by: _____Date: _____

Comments: (4x10) NEED 1/4 1/4 FOR LOTS 9-11, BLK 3, BYRD ADDN.

(13) NONE

Contacts Data Entry Form

Water Right No. 23-10246

Owner Type	Full Name	Address	City	State	Zip	Phone
------------	-----------	---------	------	-------	-----	-------

Current Owner: CHARLES PROCTOR

Name connector: and _____, or _____, and/or _____

Current Owner: C/O FROM WATERS TO PROCTOR 4/16/03

Current Owner: _____

Representing Attorney: _____ Phone Number: _____

Accompanied By: _____ Phone Number: _____

Relationship to Claimant: _____

Date of Field Exam: _____ Time: _____

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

4/4/03 CAWED Mr. WATERS - HE TOLD ME HE SOLD THE
PROPERTY IN 2002. NEED C/O TO NEW OWNER.

4/4/03 SENT C/O LETTER TO: VIA JENNIFER

CHARLES PROCTOR

RITA M. JOHNSON

PO Box 9

IRWIN ID

4/16/03 C/O w/ DEED RECEIVED.

5/1/03 SEE ATTACHED RECEIPT AND NOTATION.

5/1/03 BONN Co. ASSESSOR - LOTS 9-11, BLK 3 BYRD ADD.
IS IN NWNW. RPD 3220003009A.

Reviewer: _____

Date: _____

Receipt Details for ID E011088

Status	Adjustment Type	Version
	Adjusted Receipt	1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
10/31/1989 3:52:03 PM	10/31/1989	Eastern	\$50.00	Check
Payer		WATERS, MAX/ANNA		

Account Information:

Check #	Account #	Credit Card Name	Authorization #
1983			
Card Expiration Date	Credit Card Transaction #		

Comment ADJUDICATION FEE

Fee Detail:

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$50.00	ADJUDICATION FEE	410162	9337	00		6490

Refund(s):

Amount	Payee	Date	Document Number
--------	-------	------	-----------------

5/1/03 THIS RECEIPT RELATES TO 23-10246. HOWEVER, THIS CLAIM WAS NEVER DATA ENTERED EVEN THOUGH A STAFFING SHEET AND RECEIPT WERE MADE.
DATA ENTERED TODAY,

ASR

Priority Date Data Entry Form

Claim Number: _____

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: 6/1/1930 Claimed Basis: B4Recommended Priority Date: 6/1/1930 Recommended Basis: B4☐ 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:

D/S - Priority Evidence NOT REQ'D.

Reviewer: _____

Date: _____

Point of Diversion and Source Data Entry Form

Claim Number: _____

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

Source: _____ Tributary: _____

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

Source: _____ Tributary: _____

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

Source: _____ Tributary: _____

☐ Use Claimed POD and Source as Recommended POD and Source

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source
15	4SE	6		NWNW	BONN	G.W.
GPS Coordinates: _____						

GPS Coordinates: _____						

GPS Coordinates: _____						

GPS Coordinates: _____						

GPS Coordinates: _____						

GPS Coordinates: _____						

Other rights from this POD? _____

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

Block 3, Lots 9-11, BYRD Addition
RPD 3220003009A.

Transfers Changing POD _____

Reviewer: _____

Date: _____

Place Of Use Data Entry Form

Claim Number: _____

_____ Use Claimed POU as Recommended POU

Claimed Place of Use

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

Total Acres _____

Recommended Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
15	456	6	NNNN		BONN.			Domestic

Total Acres _____

Document how the POU was verified:

4/4/03 According to Mr. Waters there are no stock provisions,

Domestic use only @ 0.04 cfs

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
Domestic			.04	
Stock			.04	

Overall Diversion Rate _____ Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
Domestic			0.04	

Overall Diversion Rate _____ Overall Diversion Volume 0.04

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

No Stockwater

N11
N13

Reviewer: _____

Date: _____

WARRANTY DEED

Order No.:3030204469

FOR VALUE RECEIVED

Max D. Waters and Anna E. Waters

the grantor(s), do(es) hereby grant, bargain, sell and convey unto

Charles Daniel Proctor and Rita Mary Joerns

whose current address is

P.O. Box 9 IRWIN, ID. 83428

the grantee(s), the following described premises, in Bonneville County, Idaho, TO WIT:

Lots 9, 10, and 11 in Block 3 of Byrd Subdivision, according to the official plat thereof, recorded October 25, 1952 as Instrument No. 217495, filed in Official Records of Bonneville County, Idaho.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee(s), that (s)he is/are the owner(s) in fee simple of said premises; that they are free from all encumbrances Except: Current Year Taxes, conditions, covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record.

And that (s)he will warrant and defend the same from all lawful claims whatsoever.

Dated: 7/08/2002

Max D. Waters
Max D. Waters

Anna E. Waters
Anna E. Waters

State of Idaho

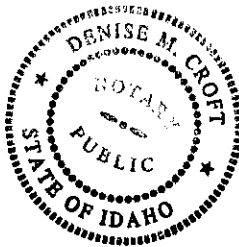
}
} ss.

County of Bonneville

On this 23rd July, 2002, before me, a Notary Public in and for said state, personally appeared Max D. Waters and Anna E. Waters

known or identified to me to be the person(s) whose name(s) subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal the day and year first above written.



Denise M. Croft
Notary Public for the State of Idaho

Residing at:

Commission Expires: July 27, 2005
Bonneville County, Idaho
Phone: 208-271-2711

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

Attn: Ar Ruenery

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

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
	<u>23-10199</u>	<u>100</u>			
	<u>23-10246</u>				

RECEIVED
APR 16 2003
Department of Water Resources
Eastern Region

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**.

Name and Address of Former
Owner/Claimant(s)

MAX D. OR ANNA E. WATERS
375 N 100E Blackfoot ID 83221

New Owner/Claimant(s)

CHARLES D. PROCTOR & RITA JOERNS

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

New Mailing Address

P.O. Box 9

City, State and ZIP Code

IRWIN, ID. 83428

New Telephone Number

(208) 521-8389

Date you acquired the property

7/23/02

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)

Charles D. Porter / Peter Jones

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 _____
Receipted by _____	Date _____	Receipt No. _____
Processed by _____ AJ	Date _____	WR _____ Date _____

SCALE 1:24,000

