



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WARDEN

May 11, 2004

VIA EMAIL rcb@racinelaw.net

Randall C. Budge
Racine, Olson, Nye, Budge & Bailey, Chartered
PO Box 1391
Pocatello, ID 83204-1391

Re. Wahlert vs Wahlert 6/09/1904

Re: Subcase Nos. 29-320, 321 and 322

Dear Randy,

Enclosed are amended claims for the above reference subcases. In order to keep orderly track of amended claims, I prefer that you submit the amended claims on claim forms. Please review these enclosures and have your clients sign them. You can then forward the originals to Allen Ruberry and file copies with your motion to amend your claim.

If you have any further questions on this matter, please call me at (208) 327-5404.

Very Truly Yours,

A handwritten signature in cursive script, reading "Candice M. McHugh".

Candice M. McHugh

Enclosures

cc: electronically
Allen Ruberry, Eastern

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 29-320
Date Received:
Receipt No: E013683
Received By:

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

1. Name of Claimant(s)

BONNIE JENKINS

368 S MAIN
MALAD ID USA 83252

DEBBIE TREASURE

218 S 100 W
LOGAN UT USA 84321

DAVID MARK TREASURE

2615 N 800 E
LOGAN UT USA 84321

ELIZABETH VAUGHAN Phone: (208)254-3389

100 E 12TH ST
MC CAMMON ID USA 83250

2. Date of Priority: 06/09/1904

3. Source: BIG CREEK Trib. to: BIRCH CREEK
MAPLE CREEK BIRCH CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
12S	36E	2	NE NW	BANNOCK	
11S	36E	35	NW NE	BANNOCK	

5. Description of diverting works:

DIVERSION DAM TO DITCHES FOR FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	10/31	4.31	

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

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Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
11S	36E	25	NE	SW	IRRIGATION	10
			NW	SW	IRRIGATION	17
			SW	SW	IRRIGATION	14
			SE	SW	IRRIGATION	28
			SW	SE	IRRIGATION	30
			SE	SE	IRRIGATION	9.9
			Section Acres			
11S	36E	26	SE	SE	IRRIGATION	34
			NE	SE	IRRIGATION	11
			NW	SE	IRRIGATION	2.2
			SW	SE	IRRIGATION	18
Section Acres						65.2
11S	36E	30	SW	SW	IRRIGATION	20
			Section Acres 20			
11S	36E	35	NE	NE	IRRIGATION	1.1
			Section Acres 1.1			
11S	36E	36	NE	NE	IRRIGATION	12
			NW	NE	IRRIGATION	8.1
			Section Acres 20.1			
Total Acres						215.3

11. Place of use in counties: BANNOCK

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

13. Other Water Rights Used:

14. Remarks:

RIGHT INCLUDES ACCOMPLISHED CHANGE IN SOURCE PURSUANT TO SECTION 42-1425, IDAHO CODE.

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

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

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 amount of water diverted under this water right may not exceed ^{OK} 1/4 of the stream flow of Big Creek and Maple Creek at the point of diversion described below at any given time. This water right shall not provide more than .02 cubic feet per second per acre at any time.

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 4.31 CFS. COMBINED RIGHT NOS.: 29-320, 29-321, 29-322.

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 215.3 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 29-320, 29-321, 29-322.

WATERS OF BIG CREEK ARE DELIVERED THROUGH BIRCH CREEK CANAL (DITCH).

Use of water under this water right will be regulated by the watermaster of State Water District No. & DISTRICT.

15. Basis of Claim: Decreed

*ADD SOURCE AKA (DORADO AC.)
Dry Hollow -> Big Cr.*

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 _____

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 29-321
Date Received:
Receipt No: E013683
Received By:

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

1. Name of Claimant(s)

DAVID MARK TREASURE

2615 N 800 E
LOGAN UT USA 84321

DEBBIE TREASURE

218 S 100 W
LOGAN UT USA 84321

BONNIE JENKINS

368 S MAIN
MALAD ID USA 83252

ELIZABETH VAUGHAN Phone: (208)254-3389

100 E 12TH ST
MC CAMMON ID USA 83250

2. Date of Priority: 06/09/1904

3. Source: STATION CREEK Trib. to: BIRCH CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
12S	36E	3	SE SE SE	BANNOCK	

5. Description of diverting works:

HEADGATE TO DITCH TO PIPELINE FOR SPRINKLER IRRIGATION

6. Water is used for the following purposes:

Purpose	From To	C.F.S.	(or) A.F.A
IRRIGATION	04/01 10/31	4.31	

7. Total Quantity Appropriated is:
4.31 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
11S	36E	25	NE	SW	IRRIGATION	10
			NW	SW	IRRIGATION	17
			SW	SW	IRRIGATION	14
			SE	SW	IRRIGATION	28
			SW	SE	IRRIGATION	30
			SE	SE	IRRIGATION	9.9
					Section Acres	108.9
11S	36E	26	SE	SE	IRRIGATION	34
			NE	SE	IRRIGATION	11
			NW	SE	IRRIGATION	2.2
			SW	SE	IRRIGATION	18
					Section Acres	65.2
11S	36E	30	SW	SW	IRRIGATION	20
					Section Acres	20
11S	36E	35	NE	NE	IRRIGATION	1.1
					Section Acres	1.1
11S	36E	36	NE	NE	IRRIGATION	12
			NW	NE	IRRIGATION	8.1
					Section Acres	20.1
					Total Acres	215.3

11. Place of use in counties: BANNOCK

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

13. Other Water Rights Used:

14. Remarks:

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

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

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 amount of water diverted under this water right may not exceed 1/5 of the stream flow of Station Creek at the point of diversion described below at any given time. This water right shall not provide more than .02 cubic feet per second per acre at any time.

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 4.31 CFS. COMBINED RIGHT NOS.: 29-320, 29-321, 29-322.

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 215.3 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 29-320, 29-321, 29-322.

WATER IS DELIVERED THROUGH BIRCH CREEK CANAL (DITCH).

15. Basis of Claim: Decreed

16. Signature(s)

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

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ 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 _____

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 29-322
Date Received:
Receipt No: E013683
Received By:

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

1. Name of Claimant(s)

DAVID MARK TREASURE

2615 N 800 E
LOGAN UT USA 84321

BONNIE JENKINS

368 S MAIN
MALAD ID USA 83252

DEBBIE TREASURE

218 S 100 W
LOGAN UT USA 84321

ELIZABETH VAUGHAN

100 E 12TH ST
MC CAMMON ID USA 83250

2. Date of Priority: 10/10/1878

3. Source: BIRCH CREEK Trib. to: MARSH CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot			County	Type
11S	36E	36	NE	NW	NW	BANNOCK	R
12S	36E	27	SE	NW	SW	BANNOCK	I
12S	36E	27	SW	NW	SW	BANNOCK	I
12S	36E	27	SW	NW	SW	BANNOCK	
12S	36E	23	SE	SE	NE	BANNOCK	R
12S	36E	27	SE	NW	SW	BANNOCK	

5. Description of diverting works:

DIVERSION DAM TO DITCH TO PIPELINE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	10/31	4.31	

7. Total Quantity Appropriated is:
4.31 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
11S	36E	25	NE	SW	IRRIGATION	10
			NW	SW	IRRIGATION	17
			SW	SW	IRRIGATION	14
			SE	SW	IRRIGATION	28
			SW	SE	IRRIGATION	30
			SE	SE	IRRIGATION	9.9
Section Acres						108.9
11S	36E	26	SE	SE	IRRIGATION	34
			NE	SE	IRRIGATION	11
			NW	SE	IRRIGATION	2.2
			SW	SE	IRRIGATION	18
Section Acres						65.2
11S	36E	30	SW	SW	IRRIGATION	20
			Section Acres 20			
11S	36E	35	NE	NE	IRRIGATION	1.1
			Section Acres 1.1			
11S	36E	36	NE	NE	IRRIGATION	12
			NW	NE	IRRIGATION	8.1
Section Acres						20.1
Total Acres						215.3

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

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 amount of water diverted under this water right may not exceed $\frac{4}{24}$ of the stream flow of Birch Creek at the point of diversion described below at any given time. This water right shall not provide more than .02 cubic feet per second per acre at any time. (Decreed $\frac{1}{6}$)

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 4.31 CFS. COMBINED RIGHT NOS.: 29-320, 29-321, 29-322.

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 215.3 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 29-320, 29-321, 29-322.

WATER IS DELIVERED THROUGH BIRCH CREEK CANAL (DITCH).

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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)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this
of _____ 20____

Notary Public

Residing at _____

My commission Expires _____