

12/21/2005

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

RIGHT NUMBER: 21-95A
NAME AND ADDRESS: CLAYMORE MGMT
7050 UNION PARK AVE SUITE 600
MIDVALE UT 84047

CLAYMORE MGMT
C/O MIKE PARKINSON
1049 N 3000 E
SUGAR CITY ID 83448

SOURCE: DUCK CREEK TRIBUTARY: HENRYS LAKE

QUANTITY: 1.600 CFS

PRIORITY DATE: 06/01/1889

POINT OF DIVERSION:
T15N R42E S13 NESESW Within FREMONT County
T15N R42E S13 SWSESW Within FREMONT County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	05/01 10/31	1.600 CFS

PLACE OF USE: IRRIGATION Within FREMONT County

T15N R42E S13	NESW	27.00	T15N R42E S13	SESW	38.00
T15N R42E S13	NESE	40.00	T15N R42E S13	NWSE	40.00
T15N R42E S13	SWSE	35.00	T15N R42E S13	SESE	40.00
T15N R42E S24	NENE	32.00	T15N R42E S24	NWNE	3.00

255 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 255 acres in a single irrigation season. Combined Right Nos.: 21-95A, 21-96A, 21-2077, 21-10831

The rights listed below are limited to the irrigation of a combined total of 574.7 acres in a single irrigation season. Combined Right Nos.: 21-95A, 21-96A, 21-99A, 21-2077, 21-10830, 21-10831

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 21-95A V1

WATER RIGHT NUMBER: 21-95A V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CLAYMORE MGMT 7050 UNION PARK AVE SUITE 600 MIDVALE, UT 84047 (801)556-0915
Original Owner	JOHN H MAGLEBY 456 E 2ND S REXBURG, ID 83440 (208)356-3159
Original Owner	SHIRLENE P MAGLEBY 456 E 2 S REXBURG, ID 83440 (208)356-3159
Current Owner	CLAYMORE MGMT C/O MIKE PARKINSON 1049 N 3000 E SUGAR CITY, ID 83448

Priority Date: 06/01/1889

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
DUCK CREEK	HENRYS LAKE

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	05/01 to 10/31	1,600 CFS	
	<u>Total Diversion:</u>	1,600 CFS	

Location of Point(s) of Diversion

DUCK CREEK	SW1/4SE1/4SW1/4	Sec. 13, Twp 15N, Rge 42E, B.M.
FREMONT County		
DUCK CREEK	NE1/4SE1/4SW1/4	Sec. 13, Twp 15N, Rge 42E, B.M.
FREMONT County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15N	42E	13									26.0			31.0	38.0	36.0	20.0	40.0	191.0
15N	42E	24	19.0	24.0	40.0	39.0				.4	40.0		32.0	30.0	39.0	40.0	29.0	22.0	354.4
15N	43E	18											.1						.1

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 21-95A V1

15N 43E 19			.4			.4
			L 2			

Total Acres: 545.9

Conditions of Approval:

1. K06 This right is limited to the irrigation of 545.9 acres within the place of use described above in a single irrigation season.
2. C18 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.
3. E56 The rights listed below are limited to the irrigation of a combined total of 545.9 acres in a single irrigation season. Combined Right Nos.: 21-95A, 21-96A, 21-99A, 21-2077, 21-10830, 21-10831

Remarks:

Comments:

Water Supply Bank:

08/01/2005

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

RIGHT NUMBER: 21-95A

NAME AND ADDRESS: JOHN H MAGLEBY
456 E 2ND S
REXBURG ID 83440

SHIRLENE P MAGLEBY
456 E 2 S
REXBURG ID 83440

SOURCE: DUCK CREEK

TRIBUTARY: HENRYS LAKE

QUANTITY: 1.600 CFS

PRIORITY DATE: 06/01/1889

POINT OF DIVERSION:

T15N R42E S13 NESESW Within FREMONT County
T15N R42E S13 SWSESW Within FREMONT County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	05/01 10/31	1.600 CFS

PLACE OF USE: IRRIGATION Within FREMONT County

T15N R42E S13	NESW	26.0	T15N R42E S13	SESW	31.0
T15N R42E S13	NESE	38.0	T15N R42E S13	NWSE	36.0
T15N R42E S13	SWSE	20.0	T15N R42E S13	SESE	40.0
T15N R42E S24	NENE	19.0	T15N R42E S24	NWNE	24.0
T15N R42E S24	SWNE	40.0	T15N R42E S24	SENE	39.0
T15N R42E S24	SENW	0.4	T15N R42E S24	NESW	40.0
T15N R42E S24	SWSW	32.0	T15N R42E S24	SESW	30.0
T15N R42E S24	NESE	39.0	T15N R42E S24	NWSE	40.0
T15N R42E S24	SWSE	29.0	T15N R42E S24	SESE	22.0
T15N R43E S18 Lot 4 SWSW		0.1	T15N R43E S19 Lot 2 SWNW		0.4

545.9 ACRES TOTAL

This right is limited to the irrigation of 545.9 acres within the place of use described above in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 545.9 acres in a single irrigation season. Combined Right Nos.: 21-95A, 21-96A, 21-99A, 21-2077, 21-10830, 21-10831

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

AUG 01 2001

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: A21-00095A
Date Received: 3/14/1989
Receipt No: E006324
Received By: SDV

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JOHN H. MAGLEBY 208-356-3159
Address: 456 E. 2 S.
REXBURG, ID 83440
OR
Name: SHIRLENE P. MAGLEBY 208-356-3159
Address: 456 E. 2 S.
REXBURG, ID 83440

A2100095A



2. Date of Priority: JUN 01, 1889

3. Source: DUCK CREEK Trib. to: HENRYS LAKE
ROCK CREEK DUCK CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
15N	42E	13	NE	SE	SW		FREMONT
			SW	SE	SW		FREMONT
		24	NE	SW	SW		FREMONT
			SE	SW	SW		FREMONT
		25	NW	NE	NW	R	FREMONT
			SW	SW	NW		FREMONT

5. Description of diverting works:
SEVERAL HEADGATES IN STREAM TO DITCHES. GRAVITY FLOW PIPE TO SPRINK

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	1.600		

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

8. Total consumptive use is 1367.5 Acre Feet Per Annum.

A21-00095A

Page 1

Date: 03/14/89

MICROFILMED

OCT 20 1992

10. Place of Use:

11. Place of use in counties: FREMONT

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 12/16/1910

REXBURG IRR. CO.

Decree Plaintiff

VS

TETON IRR. CANAL CO ET AL

Decree Defendant

A21-00095A

Page

2

Date: 03/14/89

MICROFILMED
OCT 20 1992

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): *[Signature]* Date: 3-21-89
[Signature] Date: 3/21/89

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 22nd day
of March 19 89

Betty J. Thompson
Notary Public

Seal

Residing at BETTY J. THOMPSON, NOTARY PUBLIC
RESIDING AT SALT LAKE, IDAHO
My Commission Expires COMMISSION EXPIRES: 6-30-94