

4 25

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: A41-10033
Date Received: 2/27/1990
Receipt No: 5011453
Received By: LW

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: GRACE SPILLETT 208-548-2202
Address: 4602 SOUTH ROCKLAND HWY.
ROCKLAND, ID 83271

2. Date of Priority: NOV 01, 1946

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
10S	31E	29	NW	NW	NE		POWER

5. Description of diverting works:
110'X6" WELL, 5HP PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.060		
STOCKWATER	01/01	12/31	0.030		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
D/1 HOUSE, 1 TRAILER, S/50-100 BEEF STOCK

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
10S	31E	20	SW	SE		DOMEST	
		29	NW	NE		DOMEST	

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MAR 02 1993

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
10S	31E	29	NW NE		STOCK	

11. Place of use in counties: POWER

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

13. Other Water Rights Used:
SOUTH ROCK CREEK

14. Remarks:
TRAILER IN SECTION 20, HOUSE & STOCK IN SECTION 29.

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 _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____
My Commission Expires _____

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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

Identification No. A41-10033Date Received 2/27/90

Receipt Number _____

NOTICE 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.

Filing Fee \$25

Please type or print clearly

1. Name of Claimant (s) Grace Spillet Phone 548-2202Mailing Address 4602 South Rockland Hwy Zip 832712. Date of Priority (Only one per claim) 11/1/1946 Month/Day/Year3. Source of water supply (Check one) (☒ Groundwater or Other () (a) _____

Name or kind of source

which is tributary to (b) _____

4. Location of point of diversion is: Township 102 Range 312Section 29, NW 1/4 of NW 1/4 of NE 1/4, Govt. Lot _____, BM.,County of POWER

Additional points of diversion if any: _____

5. 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. 110' x 6" well, pump 5hp

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

For Dom purposes from 1/1 Month/Day to 12/31 Month/Day amount .06 (cfs)For stock purposes from 1/1 (Both dates are inclusive) to 12/31 amount .037. Total quantity claimed .09 (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) 2/1 house, 1 trailer 5/50-100 lf stock

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MAR 12 1993

10- 31e 20 SWSE = water

10. Place of use is: Township: 10- Range 31e
Section 29, NW 1/4 of No 1/4, Govt. Lot _____, B.M., = house + stock
County of POWER for (Circle One) Domestic Stock Domestic and Stock

Additional places of use, if any _____

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

12. Do you own the property listed above as place of use? Yes / 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 / 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) R. Grace Spillett Date 2/27/90

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 TF) SS.

Subscribed and sworn (or affirmed) before me this 27th day of Feb 19 90

SEAL Notary Public Loi White

Residing at TF

My Commission Expires 5/94

Last Name _____ Ident No. _____

Copies: White-State, Yellow-Claimant

MICROFILMED
MAR 12 1993

DATE: 07/07/99
PAGE: 1

→

DIVERSION
VOLUME

0.03 CFS
0.06 CFS

0.09 CFS

Stage: **DECREED**

POWER County

SE

SE

M13 - THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Objection Filed Date:

Presumption flag:

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

Water Right No(s):

Adjudication Claim No(s):

41-00008E 41-00013C 41-10033 (Sec 29)

The following REQUIRED information must be submitted with this form:

41-10034 (Sec. 7.)

A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.

AND

B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)

OR

C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.

Name and Address of Former
Owner/Claimant

Grace Barnard Spillett

New Owner/Claimant(s)

Robert R Spillett and James V. Spillett

New Mailing Address

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

PO Box 144

City, State and ZIP Code

Rockland ID 83271

New Telephone Number

(208) 548-2254

AKA: (K)

Date you acquired the property

June 25, 1995

SPILLETT BROS.

If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.

Number of acres you irrigate _____ Number and type of stock _____

Diversion rate in CFS _____ Number of homes _____ Other uses _____

If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

Signature of New Owner
or Claimant(s)

Robert R Spillett Sr.
James V Spillett

(Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.)

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

PERSONAL REPRESENTATIVES' DEED

Robert R. Spillett and James V. Spillett (Ted), the duly appointed Co-Personal Representatives of the Estate of Grace Barnard Spillett, Deceased, without warranties, grants, distributes and conveys unto Robert R. Spillett and James V. Spillett (Ted) all of the Deceased's right, title and interest to the following described real property:

Parcel 1:

All of NE $\frac{1}{4}$ NE $\frac{1}{4}$ S $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ & S $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 29, Tp. 10 S., R. 31 E. Boise Mer. (and a strip along N. part of SW $\frac{1}{4}$ NE $\frac{1}{4}$).

Said strip is from an existing water ditch & fence line to the north line of this (latter) 1/16 Sec. It extends from W'rly line of State Hiway 37, where it is about 38 ft. wide, W. 1270 ft., more or less, to N.-W. corner of this 1/16 Sec., where it is about 27 ft. wide. Containing 7/8 acre, more or less.

(NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 28) Also the W. 330 ft., N. of county road known as Sand Hallow Road. Containing 8.0 acres, more or less, and more particularly described as follows:

Place of beginning at the N.-W. corner of said Sec. 28; Thence S. $\frac{1}{4}$ mi. to a 1/16th cor., which is marked with a 1" x 1" steel Stk. with 15" of length left above the ground, & N.-W. of said road; Thence N 31° 8' E 339 ft.; Thence N 40° 46' E 236 ft. (to a point;); Thence north 852 ft., more or less, to the N. line of said Sec. 28; Thence W. 330.0 ft. to place of beginning.

Parcel 2:

All of SE $\frac{1}{4}$ NW $\frac{1}{4}$ & S $\frac{1}{2}$ of NE $\frac{1}{4}$ Sec. 29, Tp. 10 S., R. 31 E., Boise Mer.; except a strip of land between N. line of SW $\frac{1}{4}$ NE $\frac{1}{4}$ and an existing irrigation-water ditch S. The strip is about 30 ft. wide, N.-S., & about 1270 E.-W. from N.-W. Cor. of this 1/16 Sec., E., to the W'rly. line of State Highway #37, & is 27 ft. wide at W. end & 33 ft. at E. end, 0.875 A., more or less.

Also the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 28, same Tp. & R., except the W. 330.0 ft. of latter 1/16 Sec., from N. Sec. 28 line S. to an existing fence line N.-W'rly. from a county road, known as Sand Hallow Road. This parcel more particularly described as follows:

Place of beginning at the N.-W. Cor. of said Sec. 28; Thence south $\frac{1}{4}$ mile to the N. on W. Sec. 28 line, 1/16 which point is marked with a 1" x 1" iron bar driven, (Cor. to about 15" above ground); Thence N 31° 8' E 339.0 ft. to a point; Thence N 40° 46' E 236.0 ft., more or less, to a Pt. that is 330.0 ft. E. from the W. line of said Sec. 28; Thence N'rly., on a line parallel to the W. Sec. 28 of line, 852.0 ft., more or less, to the N. line of this Sec.; Thence W. 330.0 ft. to place of beginning.

Containing 8.0 acres, more or less. in north-westerly corner of said Sec. 28.

Parcel 3:

The North Half of the Northeast Quarter of the Northwest Quarter; the North Half of the Northwest Quarter of the Northeast Quarter of Section Twenty-nine, Township Ten, South, Range Thirty-one, E.B.M.,

Together with all water, and water and ditch rights appurtenant to and used with said land, including (but not limited to) eight and eight ninths $8 \frac{8}{9}$ miners inches of water more or less from the Adzhead and the Tayson irrigating ditch from the South fork of Rock Creek in Power County, Idaho; also Seven and Seven-ninths ($7 \frac{7}{9}$) miners inches of water more or less from the Charles Tayson, Jr., irrigating ditch from Rock Creek in Power County, Idaho; also four and four-ninths ($4 \frac{4}{9}$) miners inches of water more or less from the Stradder irrigation ditch from Rock Creek in Power County, Idaho; also a proportionate right, title and interest in the flumes, head-gates and ditches conveying said water upon the land to be irrigated.

Parcel 4:

East Half of the Northwest Quarter of Section 20, Township 10 South, Range 31, E.B.M.

Parcel 5:

Lots one (1) through sixteen (16) both inclusive in the Houtz Addition to the City of Rockland, Idaho.

Parcel 6:

All that portion of the hereinafter described strip of land lying within

The Southeast Quarter of the Northwest Quarter of Section Twenty, Township Ten, South, Range Thirty-one, E.B.M., said strip of land being described as follows, to wit:

A strip of land one hundred (100) feet, wide, being fifty (50) feet on each side of the center line of main track of the new line of the Oregon Short Line Railroad, from American Falls to Landing, as the same is now located over and across the Northwest quarter of the Northwest quarter ($NW\frac{1}{4} NW\frac{1}{4}$) the South Half of the Northwest Quarter ($S\frac{1}{2}NW\frac{1}{4}$) and the East half of the Southwest quarter ($E\frac{1}{2}SW\frac{1}{4}$) of Section Twenty (20), Township Ten (10) South, Range Thirty-one (31) East of the Boise Meridian, in Power County, Idaho, the location of said center line of main track being more particularly described as follows:

Beginning a point in the North line of said Section Twenty (20) and six hundred fourteen (614) feet east of the northwest corner thereof; thence South 14 degrees 28 minutes East, for a distance of twenty three hundred fifty and one tenth (2350.1) feet; thence along a spiralled curve to the left, with a radius of nineteen hundred ten and one tenth (1910.1) feet, for a distance of five hundred eighty seven and eight tenths (587.8) feet; thence South 29 degrees

51 minutes East, for a distance of twenty one hundred sixty nine and one tenth (2169.1) feet, to a point in the East line of said East half of the Southwest quarter (E½SW¼) and six hundred thirty five (635) feet, more or less, North of the Southeast corner thereof. Said strip of land containing in all eleven and seventy two hundredths (11.72) acres, more or less:

Said strip of land being a portion of the land conveyed under date of August 9th, 1919, by Benjamin Joseph Spillett, and his wife Rose Spillett, and George Walter Spillett, and his wife Estella Spillett, to Oregon Short Line Railroad Company, a corporation, which deed was recorded in Book 46, page 250, of the records of Power County, Idaho:

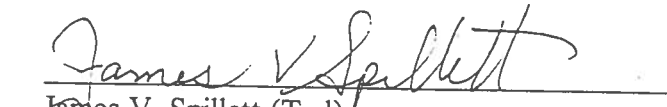
Said land having also been conveyed under date of June 8th, 1918, by Benjamin J. Spillett, administrator of the estate of James E. Spillett, deceased, to said Oregon Short Line Railroad Company, a corporation, which deed was recorded in Book 46, at page 153 of the records of Power County, Idaho.

TO HAVE AND TO HOLD the said premises, with its appurtenances unto the said Grantee(s), and (their, his, her) heir(s) and assign(s) forever.

DATED this 7 day of July, 1999.



Robert R. Spillett
Co-Personal Representative



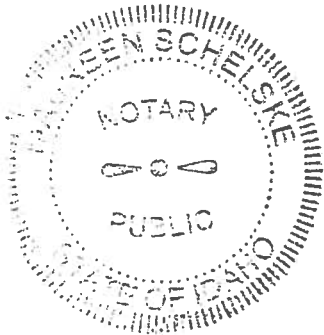
James V. Spillett (Ted)
Co-Personal Representative

STATE OF IDAHO)
 :SS
County of Power)

On this 7 day of July, 1999, before me a Notary Public in and for said State and County, personally appeared Robert R. Spillett and James V. Spillett (Ted) known to me to be the persons whose names are subscribed to the within instrument and known to me to be the Co-Personal Representative of the Estate of Grace Bernard Spillett, Deceased, and that at said time and place, the said persons acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereto set my hand and seal the day, month and year first in this certificate written.

[SEAL]



Maureen Schelske
NOTARY PUBLIC FOR IDAHO
My Commission Expires: 7-18-2002
American Falls, Idaho

173094

INSTRUMENT #	
TIME	<u>12:21 PM</u>
REQ. OF	<u>James Spillett</u> <u>Robert Spillett</u>
JUL - 7 1999	
POWER COUNTY AM. FALLS	
CHRISTINE STEINLICH	
BY	<u>Christine Steinlich</u>
DEPUTY <u>Pd. 12-00</u>	

AJ5856NP

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

41-10033
DATE: SEP-24-1997
PAGE: A-16

RIGHT NUMBER: 41-10033

NAME & ADDRESS: GRACE SPILLET
4602 SOUTH ROCKLAND HWY
ROCKLAND ID 83271

SOURCE: GROUNDWATER

QUANTITY: 0.09 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 11/01/1946

POINT OF DIVERSION: T10S R31E S29 NWNWNE Within POWER County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	STOCKWATER	01-01 12-31	0.03 CFS
	DOMESTIC 2 HOMES	01-01 12-31	0.06 CFS

PLACE OF USE: STOCKWATER Within POWER County
T10S R31E S29 NWNWNE

DOMESTIC Within POWER County
T10S R31E S20 SWSE
S29 NWNWNE

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE
1 HOUSE, 1 TRAILER, S/50-100 BEEF STOCK

DECREED:

7/24/99

DATE: 07/15/97
PAGE: 93

[illegible]

TOTAL DIVERSION: 0.09 CFS

Stage: BENEFICIAL USE

• •

• •

DATA ENTERED BY an
DATE 9-23-97

Claims file w/sec

CLAIM NO. 441-10033

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
CLAIM VERIFICATION EXAM SHEET
FOR DOMESTIC AND STOCKWATER CLAIMS IN PLACE OF A CVR

1. ☒ No Change NAME:
☐ NEW OWNER: _____
☒ No Change ADDRESS:
☐ NEW ADDRESS: _____
- ☒ DATA ENTRY STANDARDS CHECKED?
2. ☒ No Change - DATE OF PRIORITY: No Field Verification Needed.
☐ CHANGE- Priority date, per claimant, is _____.
(if the priority date, based on your exam, seems questionable,
explain in COMMENTS.)
3. ☒ No Change - SOURCE:
☐ CHANGE - Different Source found: _____
4. ☒ No Change - POINT OF DIVERSION:
☐ Point of diversion is different than the claim
New P/D: Twp. _____, Rge. _____, Sec. _____, _____ 1/4 _____ 1/4 _____ 1/4
- Note: If the 10-acre tract is shown on the claim, then
verification of the 10-acre parcel is needed. Otherwise the
10-acre tract is not required, unless the source is a spring.
5. ☒ No Change - DESCRIPTION OF DIVERTING WORKS:
☐ Incomplete desc., complete items missing, IF KNOWN.
HP of pump _____ Static water level _____ Well depth _____
Casing size _____ Pumping water level _____ Gravity flow _____
Method of irr. _____
6. ☒ No Change - WATER USES:
☐ Different uses, (list uses found).
- | | | | | |
|-----------|------------|----------|------------------|----------|
| Use _____ | From _____ | To _____ | Amount _____ cfs | _____ af |
| Use _____ | From _____ | To _____ | Amount _____ cfs | _____ af |
7. ☒ No Change - TOTAL VOLUME:
☐ Change found, The new total is, -- -- -- _____ cfs _____ af
8. N/A
9. ☒ No Change - NON-IRRIGATION USES: Completed on claim
☐ Incomplete on claim - Exam found:
Domestic - No. of homes _____ Stockwater - No. of head _____
Other: _____
- ☒ DATA ENTRY STANDARDS (correct to..)

10. ☒ No Change - PLACE OF USE: (If changed, list below.)
Use Twp. Rge. Sec. 1/4, 1/4, 1/4

11. ☐ Checked: N/A

12. ☐ Checked: N/A

13. ☒ No change - OTHER RIGHTS FOR SAME USE:
☐ CHANGE: _____

14. ☒ None REMARKS: (copy existing remarks to comments in "R")
☐ Add the following standard remarks:
LIST STANDARD REMARKS FOR THE RECOMMENDATION:

15. ☒ BASIS OF CLAIM VERIFIED AS: D - L - P - S - J (circle one)
COMMENTS: (pertinent to field examination)

ATTACHMENTS: Attached to This Form. Attachments are in Permit File.

PHOTOS	☐	☐
MAP	☐	☐
SYSTEM DIAGRAM	☐	☐

DATE EXAM CONDUCTED: 7-20-94
FIELD EXAMINER: Steve Clelland
Signature Steve Clelland

REVIEWED BY/DATE: see 9/18/97
DATA ENTRY BY/DATE: _____
VERIFICATION BY/DATE: _____