

11/02/2006

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

RIGHT NUMBER: 1-10467  
NAME AND ADDRESS: EMMETT SHIPPEN  
3443 E 800 N  
MENAN ID 83434

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

QUANTITY: 2.800 CFS

PRIORITY DATE: 06/01/1892

POINT OF DIVERSION:

T05N R38E S20 SWNENW Lot 3 Within JEFFERSON County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| IRRIGATION            | 04/01 10/31          | 2.800 CFS       |

PLACE OF USE: IRRIGATION in JEFFERSON County

|               |      |       |               |      |       |
|---------------|------|-------|---------------|------|-------|
| T05N R37E S24 | SWNE | 39.00 | T05N R37E S24 | SENE | 34.00 |
| T05N R37E S24 | SENE | 39.00 |               |      |       |

112 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: BASIS OF CLAIM - Decreed

Water is delivered through Bear Trap Canal.

This right is former right 1-355.

Use of this right is combined with water from Long Island Irrigation Co.

11/13/2006

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: 1-10467

EMMETT SHIPPEN  
3443 E 800 N  
MENAN ID 83434

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:

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

DATE: 11/16/06 SIGNATURE: Emmett Shippen  
Please print your name: Emmett Shippen

IDWR Regional Office, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402, 2085257161

11/22



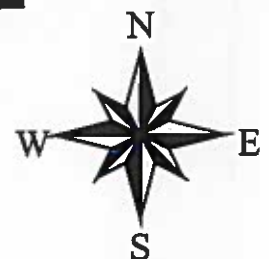
# Department of Water Resources

## Claim No.: 01-10467



-  Place of Use
-  Point of Diversion
-  Sections
-  QQ

**PROFILED**



GIS Place of Use Illustration  
1987/88 NAPP Photography  
Prepared by M. Holliday  
Date: December 2004

## NOTES

10-31-06

Change recommendation to increase d/s to 2.8 d/s. Claimant sent in evidence that he did not sell WR with property when he sold off a portion. He has continued to pay for his 140 shares  
KM

1954 - 35¢

|                |        |          |            |
|----------------|--------|----------|------------|
| Leslie W Poole | 46.20  | Pd       |            |
| Pete Latt      | 108.50 | "        |            |
| Green Bros     | 105.00 | "        |            |
| John T Poole   | 224.00 | not Paid | ✓          |
| Ralph Munns    | 212.80 | Pd       | aug 5/1954 |
| Howard Munns   | 100.80 | "        |            |
| H. Anderson    | 107.80 | "        |            |
| F.S. Johnson   | 140.00 | "        |            |
| Rulon Jones    | 84.00  | "        |            |
| Lavin Gallup   | 16.62  | "        |            |

1955 - 15¢

|                     |       |      |                |
|---------------------|-------|------|----------------|
| Pete Latt           | 46.50 | Pd   |                |
| Rulon Jones         | 21.00 | Pd   |                |
| Lavin Gallup        | 15.00 | Pd   |                |
| H. Anderson         | 46.20 | Pd   |                |
| H. Munns            | 43.50 | ✓ Pd | (Paid in 5¢) ✓ |
| L.W. Poole          | 19.80 | Pd   |                |
| F.S. Johnson        |       |      | (860.00) ✓     |
| John T Poole        |       |      | #103.50 ✓      |
| John T Poole (1954) |       |      | (224.00) ✓     |
| Green Bros.         |       |      | 45.20 ✓        |
| Ralph Munns         |       |      | 57.50 ✓        |

No Assessment made in 1956  
 " " " " 1957

BEAR TRAP CANAL CO. 1991 ASSESSMENT \$1.00 PER SHARE

| SHARE HOLDER                       | SHARES | ASSESSMENT | UNPAID   | TOTAL<br>AMOUNT | AMOUNT<br>PAID |
|------------------------------------|--------|------------|----------|-----------------|----------------|
| J. RULON POOLE<br>779 N 3200 E     | 48     | \$48.00    |          | \$48.00         | \$48.00        |
| CECIL R. POOLE<br>P.O BOX 33       | 163    | \$163.00   |          | \$163.00        | \$163.00       |
| CLYDE R. BECK<br>629 N 3400 E      | 344    | \$344.00   |          | \$344.00        | \$344.00       |
| POOLE FARMS<br>775 N 3200E         | 707    | \$707.00   |          | \$707.00        | \$707.00       |
| EMMETT SHIPPEN<br>3443 E 8 N       | 140    | \$140.00   |          | \$140.00        | \$140.00       |
| VERDA MUNNS<br>3272 E 800 N        | 484    | \$484.00   |          | \$484.00        | \$484.00       |
| LOUIS SKAAR & SONS<br>421 N 3200 E | 500    | \$500.00   |          | \$500.00        | \$500.00       |
| WALKER FARMS<br>P.O BOX 129        | 83     | \$83.00    |          | \$83.00         | \$83.00        |
| DEAN BOYCE<br>3148 E 600 N         | 61     | \$61.00    | 122      | \$183.00        |                |
| CLYDE BOYCE<br>468 N 3200 E        | 61     | \$61.00    | 61       | \$122.00        |                |
| MYRON HANCOCK<br>945 N 3300 E      | 51     | \$51.00    |          | \$51.00         | \$51.00        |
| TOTAL                              | 2642   | \$2,642.00 | \$183.00 | \$2,825.00      | \$2,520.00     |
|                                    |        |            |          | LESS TOTAL      | \$305.00       |

**BEAR TRAP CANAL CO. 2006 ASSESSMENT \$1.00 PER SHARE**

| SHARE HOLDER   | SHARES      | ASSESSMENT         | UPAID            | TOTAL<br>AMOUNT    | AMOUNT<br>PAID     |
|----------------|-------------|--------------------|------------------|--------------------|--------------------|
| ROGER CLARK    | 163         | 163.00             |                  | \$ 163.00          | \$ 163.00          |
| CLYDE R. BECK  | 392         | 392.00             |                  | \$ 392.00          | \$ 392.00          |
| POOLE FARMS    | 707         | 707.00             |                  | \$ 707.00          |                    |
| EMMETT SHIPPEN | 140         | 140.00             |                  | \$ 140.00          | \$ 140.00          |
| HUGH MUNNS     | 484         | 484.00             |                  | \$ 484.00          | \$ 484.00          |
| SKAAR BROTHERS | 500         | 500.00             |                  | \$ 500.00          | \$ 500.00          |
| WALKER FARMS   | 83          | 83.00              |                  | \$ 83.00           | \$ 83.00           |
| DEAN BOYCE     | 61          | 61.00              | 122.00           | \$ 183.00          | \$ 183.00          |
| CLYDE BOYCE    | 61          | 61.00              |                  | \$ 61.00           |                    |
| MYRON HANCOCK  | 51          | 51.00              |                  | \$ 51.00           | \$ 51.00           |
| <b>TOTAL</b>   | <b>2642</b> | <b>\$ 2,642.00</b> | <b>\$ 122.00</b> | <b>\$ 2,764.00</b> | <b>\$ 1,996.00</b> |

|            |                  |
|------------|------------------|
| <b>A/R</b> | <b>\$ 768.00</b> |
|------------|------------------|

**BEAR TRAP CANAL CO. 2006 DEPOSITS**

| NAME           | AMT    | DATE      |
|----------------|--------|-----------|
| ROGER CLARK    | 163.00 | 3/1/2006  |
| CLYDE R. BECK  | 392.00 | 1/9/2006  |
| POOLE FARMS    |        |           |
| EMMETT SHIPPEN | 140.00 | 1/9/2006  |
| HUGH MUNNS     | 484.00 | 4/7/2006  |
| SKAAR BROTHERS | 500.00 | 1/10/2006 |
| WALKER FARMS   | 83.00  | 1/11/2006 |
| DEAN BOYCE     | 183.00 | 3/17/2006 |
| CLYDE BOYCE    |        |           |
| MYRON HANCOCK  | 51.00  | 1/11/2006 |

bear trap 1892 rights

| <b>adjudication claims</b> |                 | <b>Priority Date</b> | <b>Claim(cfs)</b> | <b>Rec (cfs)</b> | <b>Source</b>       | <b>Water Use(s)</b>  | <b>Owner(s)</b>               |
|----------------------------|-----------------|----------------------|-------------------|------------------|---------------------|----------------------|-------------------------------|
| <b>Basin</b>               | <b>Sequence</b> | <b>Suffix</b>        |                   |                  |                     |                      |                               |
| 1                          | 10458           |                      | 1892-06-01        | 0.5              | 0.5 SNAKE RIVER     | IRRIGATION           | BECK, CLYDE R (Current)       |
| 1                          | 10459           |                      | 1892-06-01        | 0.5              | 0.5 SNAKE RIVER     | IRRIGATION           | BECK, CLYDE R (Current)       |
| 1                          | 10460           |                      | 1892-06-01        | 12.02            | 12.02 BEAR TRAP SLO | IRRIGATION           | POOLE, COREY; POOLE, ROGER    |
| 1                          | 10461           |                      | 1892-06-01        | 2.98             | 2.98 SNAKE RIVER    | IRRIGATION           | MUNNS, VERDA (Current)        |
| 1                          | 10465           |                      | 1892-06-01        | 10               | 10 SNAKE RIVER      | IRRIGATION           | SKAAR, DUWAYNE; SKAAR, JUSTIN |
| 1                          | 10467           |                      | 1892-06-01        | 2.8              | 2.8 SNAKE RIVER     | IRRIGATION           | SHIPPEN, EMMETT (Current)     |
| 1                          | 10466           |                      | 1892-06-01        | 1.12             | 1.12 SNAKE RIVER    | IRRIGATION           | SKAAR, DUWAYNE; SKAAR, JUSTIN |
|                            |                 |                      |                   | 29.92            | 28.8                |                      |                               |
| <b>water rights</b>        |                 |                      |                   |                  |                     |                      |                               |
| 25                         | 246             |                      | 1892-06-01        | 16               | BEAR TRAP SLO       | IRRIGATION           | GIBSON, ROBERT T (Current)    |
| 25                         | 247             |                      | 1892-06-01        | 8                | BEAR TRAP SLO       | IRRIGATION           | GIBSON, WESLEY (Current)      |
| 1                          | 354             |                      | 1892-06-01        | 2                | SNAKE RIVER         | DOMESTIC, IRRIGATION | JONES, WILFORD (Current)      |
| 1                          | 355             |                      | 1892-06-01        | 2.8              | SNAKE RIVER         | DOMESTIC, IRRIGATION | JONES, RULON H (Current)      |
|                            |                 |                      |                   | 28.8             |                     |                      |                               |

## IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 1-355

WATER RIGHT NUMBER: 1-355

Owner Type                      Name and Address  
 Current Owner                  RULON H JONES  
                                                  , ZZ

Priority Date: 06/01/1892

Basis: Decreed

Status: Active

Source                                              Tributary  
 SNAKE RIVER                                      COLUMBIA RIVER

| <u>Beneficial Use</u>   | <u>From</u> <u>To</u> | <u>Diversion Rate</u> | <u>Annual Volume</u> |
|-------------------------|-----------------------|-----------------------|----------------------|
| IRRIGATION              | / to /                | 2.800 CFS             |                      |
| DOMESTIC                | / to /                |                       |                      |
| <u>Total Diversion:</u> |                       | 2.800 CFS             |                      |

Location of Point(s) of Diversion

SNAKE RIVER                                      L3 (NE1/4NW1/4)                      Sec. 20, Twp 05N, Rge 38E, B.M.  
 JEFFERSON 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 |        |
| 05N | 37E | 24  |    |    | X  | X  |    |    |    | X  |    |    |    |    |    |    |    |    |        |
| 05N | 38E | 19  |    | X  |    |    |    | X  | L1 |    |    |    |    |    |    |    |    |    |        |

DOMESTIC same as IRRIGATIONConditions of Approval:Remarks:

- General      P/D BEAR TRAP SLOUGH.  
                  P/D SOURCE USGS QUAD MAP.

Comments:Dates and Other Information:

## IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 1-355

Licensed Date:  
Decreed Date: 12/31/1935  
Water Supply Bank Enrollment Accepted:  
Water Supply Bank Enrollment Removed:  
Enlargement Use Priority Date:  
Enlargement Statute Priority Date:  
State or Federal:  
Owner Name Connector:  
Water District Number: 01  
Generic Max Rate Per Acre:  
Generic Max Volume Per Acre:  
Decree Defendant: Lynn Crandall  
Decree Plaintiff: Wilford Jones  
Civil Case Number:  
Judicial District: Ninth District  
Swan Falls Trust or Nontrust:  
Swan Falls Dismissed:  
DLE Act Number:  
Carey Act Number:  
Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

| <u>Element</u> | <u>Last Reviewed Date</u> | <u>Reviewer</u> | <u>Last Verified Date</u> | <u>Verifier</u> | <u>Status</u> |
|----------------|---------------------------|-----------------|---------------------------|-----------------|---------------|
|----------------|---------------------------|-----------------|---------------------------|-----------------|---------------|

Verification Log:

| <u>Element</u> | <u>Date Time Stamp</u> | <u>Reviewer</u> | <u>Log text</u> |
|----------------|------------------------|-----------------|-----------------|
|----------------|------------------------|-----------------|-----------------|

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 1-10467  
Date Received: 1-355A  
Receipt No: 9/24/2004  
Received By: E030286  
MWH

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

EMMETT SHIPPEN Phone: (208)744-4188  
3443 E 800 N  
MENAN ID USA 83434

2. Date of Priority: 06/01/1892

3. Source: SNAKE RIVER Trib. to: COLUMBIA RIVER

4. Point of Diversion:

| Township | Range | Section | 1/4 of 1/4 of 1/4 Lot | County    | Type |
|----------|-------|---------|-----------------------|-----------|------|
| 05N      | 38E   | 20      | NE NW 3               | JEFFERSON |      |

5. Description of diverting works:

HEAD OF BEAR TRAP CANAL.

6. Water is used for the following purposes:

| Purpose    | From To     | C.F.S. | (or) A.F.A |
|------------|-------------|--------|------------|
| IRRIGATION | 04/01 10/31 | 2.8    |            |

7. Total Quantity Appropriated is:  
2.8 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 |
|----------|-------|---------|----------------|------------|-------|
| 05N      | 37E   | 24      | SW NE          | IRRIGATION | 40    |
|          |       |         | SE NE          | IRRIGATION | 40    |
|          |       |         | SE NW          | IRRIGATION | 40    |

Section Acres 120  
Total Acres 120

11. Place of use in counties: JEFFERSON

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

13. Other Water Rights Used:

14. Remarks:

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): Emmett Shippin Date: 9/27/04

\_\_\_\_\_  
Date:

State of Idaho )  
County of Bonneville ) SS.

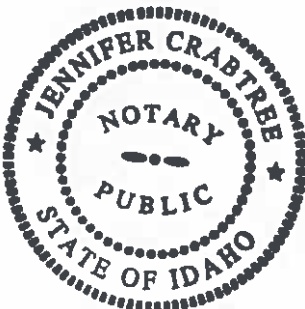
Subscribed and sworn (or affirmed) before me this 27<sup>th</sup>  
of Sept 2004

Jennifer Crabtree

Notary Public

Residing at Idaho Falls, Id

My commission Expires 9/23/09



010085

## WARRANTY DEED

THIS INDENTURE, made this 15<sup>th</sup> day of March, 1995, between JEFFERSON LAND AND LIVESTOCK, INC., an Idaho corporation, the Party of the First Part, and W. RONALD SHIPPEN and EMMETT JAY SHIPPEN, of 3443 East 800 North, Menan, County of Jefferson, State of Idaho, the Party of the Second Part,

WITNESSETH, that the said Party of the First Part, for and in consideration of the sum of Ten and no/100 Dollars (\$10.00), lawful money of the United States of America, and other good and valuable considerations, to Party of the First Part in hand paid by the Party of the Second Part, the receipt whereof is hereby acknowledged, has granted, bargained, sold and by these presents, does grant, bargain, sell and convey and confirm unto the said Party of the Second Part, and to Party of the Second Part's heirs and assigns, forever, all the following described real estate situated in the County of Jefferson, State of Idaho, to-wit:

The South Half of the Northeast Quarter (S1/2NE1/4) and the Southeast Quarter of the Northwest Quarter (SE1/4NW1/4) of Section 24, Township 5 North, Range 37, East Boise Meridian, Jefferson County,

Together with 100 inches of water in the Long Island Canal and Irrigating Company, and 140 inches of water in the Bear Trap Canal. Certificates have already been issued by said canal companies in favor of grantees.

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, and rents, issues and profits thereof; and all estate, right, title and interest in and to the said property, as well in law as in equity, of the said Party of the First Part,

TO HAVE AND TO HOLD, all and singular the above mentioned and described premises, together with the appurtenances unto the Party of the Second Part, and to Party of the Second Part's heirs and assigns forever. And the said Party of the First Part, and said Party of the First Part's heirs shall and will warrant and by these presents forever defend the said premises in the quiet and peaceable possession of the said Party of the Second Part, and Party of the Second Part's heirs and assigns, against the said Party of the First Part, and Party of the First Part's heirs, and against all and every person and persons whomsoever, lawfully claiming or to claim the same.

IN WITNESS WHEREOF, this deed and where the context so requires, the singular includes