

01/06/2005

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

RIGHT NUMBER: 22-64

NAME AND ADDRESS: JOHN K BAGLEY
4813 S 3300 W
REXBURG ID 83440

SOURCE: HORSESHOE CREEK

TRIBUTARY: TETON RIVER

QUANTITY: 8.000 CFS

PRIORITY DATE: 01/22/1916

POINT OF DIVERSION:

T05N R44E S15 NESWSE Within TETON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
04/15 10/31

QUANTITY
8.000 CFS

PLACE OF USE: IRRIGATION Within TETON County

T05N R44E S15	SWNE	38.0	T05N R44E S15	SENE	36.0
T05N R44E S15	NESE	37.0	T05N R44E S15	NWSE	38.0
T05N R44E S15	SWSE	34.0	T05N R44E S15	SESE	39.0
T05N R44E S22	NENE	39.0	T05N R44E S22	NWNE	35.0
T05N R44E S22	SWNE	35.0	T05N R44E S22	SENE	39.0

370 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: Decreed

Right No. 22-2082A is also diverted through point of diversion described above.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 22-64

WATER RIGHT NUMBER: 22-64

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	TWIN PONDS ASSOCIATES C/O ANDREW SCHRADER 5111 OCEAN BLVD STE C SARASOTA, FL 34242 (941)349-2770
Original Owner	JOHN K BAGLEY 4813 S 3300 W REXBURG, ID 83440 (208)356-9669

Priority Date: 01/22/1916

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
HORSESHOE CREEK	TETON RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/15 to 10/15	8.000 CFS	
	<u>Total Diversion:</u>	8.000 CFS	

Location of Point(s) of Diversion

HORSESHOE CREEK	NE1/4SW1/4SE1/4	Sec. 15, Twp 05N, Rge 44E, B.M.
TETON County		

Place of UseIRRIGATION Within TETON County

T05N R44E S15	SWNE	26.0	T05N R44E S15	SENE	40.0
T05N R44E S15	NESE	38.0	T05N R44E S15	NWSE	40.0
T05N R44E S15	SWSE	40.0	T05N R44E S15	SESE	38.0
T05N R44E S22	NENE	38.0	T05N R44E S22	NWNE	36.0
T05N R44E S22	SWNE	36.0	T05N R44E S22	SENE	38.0

Total Acres: 370

Conditions of Approval:

1. **MODIFIED "HORSE SHOE" 2/6/96/JT**

Remarks:Comments:



State of Idaho

Department of Water Resources

Eastern Region

PROFILE



Water Right(s):
22-00064,
22-02082A

Point(s) of Diversion:

T5N, R44E

Sec. 15 NESWSE

Place of Use: (parts of)

T5N, R44E

Sec. 15 SE, S2NE

Sec. 22 NE

LEGEND



Point of Diversion



SESE
Place of Use



Section



Quarter-Quarter

GIS Place of Use Illustration
1987/1988 NAIP Photography
Prepared by: A. Ruberry
Date: January 2005



SCANNED
FEB 04 2005

T5N R44E

16 15

21 22

PROFIT

8/14/04

SCANNEL

FEB 04 2004

Bayon Ditch

SENE

NESE

SESE

SENE

SENE

SENE

SENE

SESE

SENE

SENE

hand line

hand line

main line

road

vamp

county road

road

road

road

road

road

road

road

road

road

road

road

road

road

road

road

road

road



John Bagley's diversion on Horseshoe Creek -
this site is used for a check dam and a
pump. Tag is on a pole at this location.

22-2082A IS ALSO DIVERTED AT THIS POD.

COPIED
FILED

SCANNED

FEB 04 2005

Need change of ownership

Go to Barry Silverstone

(1.) Sent 8/12/04

(2.) 1/06/05 NO RESPONSE

SCANNED
FEB 04 2005

PROFILED

Claim no. A2200064

Claimant Contact Log

Date _____

Remarks

Agent initials

8/11/04

Visited w/ Mark Trapp who
leads this land.

~~SCANNED~~

~~FEB 04~~ 2005

of the lands described in Paragraph LVII of the Findings of Fact.
22 0064/55. That the plaintiff, Ethel Martin, is awarded the right
to the use of 8 cubic feet per second or 400 miners inches of the
waters of Horseshoe
and with point of discharge
described in Paragraph

That the plaintiff
an estate in the
NE¹ of section 5 no
and is the owner
Horseshoe Creek
of section 22 1
tiff, or her pr
the 22nd day o
second or 400
applied the s
described lan
addition to
plaintiff or

That
has an esta
N¹ NW¹
range
and is the
Badger Cre
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has

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he NW¹ SE¹
he plain-
ver since
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and has
the above
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er of or
t:

s water from
n the SE¹ NE¹
and the plain-
and ever since

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern District Office
900 N. Skyline Dr., Suite A
Idaho Falls, ID 83402-1718

RETURN SERVICE REQUESTED

JOHN K BAGLEY
4223 W 4732 S
REXBURG ID 83440



THE CORRECT ADDRESS IS:

4813 S. 3300 W.
REXBURG ID 83440

1520 U.S. POSTAGE
8936 \$00.370 MAR 02 2004
0668 MAILED FROM ZIP CODE 83402
PB3523907
PITNEY BOWES

PROFILED

SCANNED

FEB 04 2005



OFILED

Contacts Data Entry Form

A 22000 64

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

Current Owner John Bagley.

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

Current Owner _____

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:

Deeded under Gillette vs. Canada 7 Dec 1939
To Elmer Martin 400" (8 cfs) Horse Shoe Creek
Tributary To Teton River

This A Flood Water Right NO Limits Apply.

F.E. POD/POU COVDAYANCE/SYSTEM

Reviewer: _____

Date: _____

SCANNED
FEB 04 2005

PROFILE

Priority Date Data Entry Form

Claim Number: A 2200064

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: 22 JAN 1916 Claimed Basis: DECREERecommended Priority Date: 22 JAN 1916 Recommended Basis: DECREE☐ 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:

MATCHES DECREE

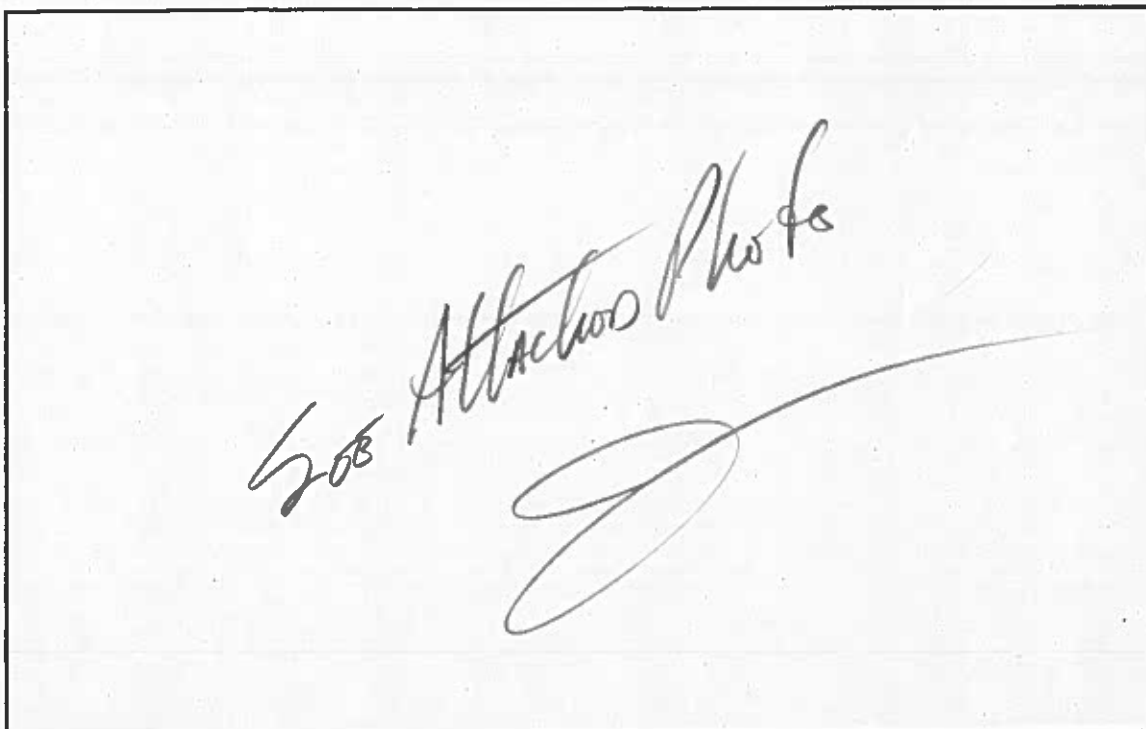
Reviewer: _____

Date: _____

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FEB 04 2005

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Water Right No(s). A0200064



GPS DATA:

Tag # ADP13878 Location: metal post by POD

Well Data:

MOTOR

Make: _____ Model: _____ Hp: _____
SN: _____

PUMP

Make: _____ Model: _____ Disch: _____
SN: _____

NOTES:

Pump was not on site but obtained info from
Mr. Trump.
Pump is portable, diesel-powered. He
couldn't remember hp or make of pump.

Field Exam Date: 8/14/04 Agent: ED

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FEB 04 2005

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Point of Diversion and Source Data Entry Form

Claim Number: A 2200064

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

Source: _____ Tributary: _____

Claimed Point of Diversion: T. 5N, R. 44E, Sec. 15, NE, SW, SE, County: Teton

Source: Horse Shoe Creek Tributary: Teton River.

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
-----	-----	-----	---------	----------------	--------	--------

GPS Coordinates: _____

GPS Coordinates:

GPS Coordinates: _____

GPS Coordinates: _____

GPS Coordinates: _____

GPS Coordinates:

GPS Coordinates:

Other rights from this POD? GPS. Tag # A00D13878

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

CLAIMS Horse Shoe Creek Tributary Tetou River

8/14/04 Field exam showed small excavation at site for pump intake. Stakes, boards and plastic serve as a check dam. This hole is in Horseshoe Creek.

Remark

Transfers Changing POD _____

Reviewer: _____

Date: _____

22-2082A Same PDD

SCANNED
FEB 04 2005

Commeceo Pano Ac Limits

Place Of Use Data Entry Form

Claim Number: A 22 000 64☐ Use Claimed POU as Recommended POU

Claimed Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
05N	44E	15	SW	NE	TETON		26	IRRIGATION
"	"	"	SE	NE	"		40	"
"	"	"	NE	SE	"		38	"
"	"	"	NW	SE	"		40	"
"	"	"	SW	SE	"		40	"
"	"	"	SE	SE	"		38	"

SEC. AC. 222 Total Acres 222

Recommended Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
05N	44E	15	SW	NE	TETON		26	IRRIGATION
"	"	"	SE	NE	"		40	"
"	"	"	NE	SE	"		38	"
"	"	"	NW	SE	"		40	"
"	"	"	SW	SE	"		40	"
"	"	"	SE	SE	"		38	"

SEC. AC. 148 Total Acres 320

Document how the POU was verified:

00
5/14/04 Acres claimed seem pretty accurate. The only land not covered by the sprinkler system is the ground along the creek and the road.

Roll over to # 22-2082A

Transfers Changing POU _____

Reviewer: _____

Date: _____

SCANNED
FEB 04 2005

PROFILED

Place Of Use Data Entry Form

Claim Number: 122 00024☐ Use Claimed POU as Recommended POU

Claimed Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
05N	44E	22	NE	NE	Teton		38	Irrigation
"	"	"	NW	NE	"		36	"
"	"	"	SE	NE	"		36	"
"	"	"	SW	NE	"		36	"

Total Acres 390

Recommended Place of Use

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

Total Acres _____

Document how the POU was verified:

Transfers Changing POU _____

Reviewer: _____

SCANNED

Date: _____

FEB 04 2005

PROFILED

Purpose of Use Data Entry Form

Claim Number: _____

_____ Use Claimed Purpose of Use as Recommended Purpose of Use

Water Right Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit	Number of Other
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Claimed Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit	Number of Other
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Recommended Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit	Number of Other
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Document how the Purpose of Use was verified:

Transfers Changing Purpose of Use _____

Reviewer: _____

Date: _____

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FEB 04 2005

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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
Irrigation	4/15	10/15	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Overall Diversion Rate _____

Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Overall Diversion Rate _____

Overall Diversion Volume _____

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

Reviewer: _____

Date: _____

SCANNED
FEB 04 2005

PROFILE

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: A22-00064
Date Received: 10/05/1988
Receipt No: E003942
Received By: TO

RECEIVED

NOV 9 1988

Department of Water Resources
Eastern District Office

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JOHN BAGLEY 208-356-7926
Address: P.O. BOX 122
REXBURG, ID 83440

2. Date of Priority: JAN 22, 1916

3. Source: HORSE SHOE CREEK Trib. to: TETON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
05N	44E	15	NE	SW	SE		TETON

5. Description of diverting works:
PUMP AND SPRINKLER SYSTEM.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	8.000		

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

8. Total consumptive use is 748.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
05N	44E	15	SW	NE		IRR	26.0
			SE	NE		IRR	40.0
			NE	SE		IRR	38.0
			NW	SE		IRR	40.0

A22-00064

Page

1

Date: 10/05/88

SCANNED

FEB 04 2005

MICROFILMED

NOV 04 1992

PROFILED

A2200064



10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	44E	15	SW	SE		IRR	40.0
			SE	SE		IRR	38.0
			Section Acres				222.0
		22	NE	NE		IRR	38.0
			NW	NE		IRR	36.0
			SW	NE		IRR	36.0
			SE	NE		IRR	38.0
			Section Acres				148.0
			Total Acres				370.0

11. Place of use in counties: TETON

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

13. Other Water Rights Used:
22-02082A

14. Remarks:

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date:

F. C. GILLETTE

Decree Plaintiff

vs

LYNN CRANDALL, W. M.

Decree Defendant

SCANNED

PROFILED

FEB 04 2005

MICROFILMED

NOV 04 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: 1

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: 10-5-88
Date: _____

State of Idaho)
County of Madison) SS.

Subscribed and sworn (or affirmed) before me this 5th day
of October 19 88 Karen Williams
Notary Public

Seal

Residing at Rigby ID
My Commission Expires 8-3-93

PROFILED

FEB 04 2005

MICROFILMED
NOV 04 1992

Gaging
Station

770 000
FEET

17°45'

Om. N.



PRO

MICROFILMED

NOV 04 1992

FEB 04 2005