

11/03/2005

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

RIGHT NUMBER: 22-10191

NAME AND ADDRESS: SHERALYN SPAULDING
2485 S 4000 W
REXBURG ID 83440

S DWIGHT SPAULDING
2485 S 4000 W
REXBURG ID 83440

SOURCE: UNNAMED DRAIN

TRIBUTARY: TEXAS SLOUGH

QUANTITY: 0.260 CFS
45.500 AFY

PRIORITY DATE: 05/01/1935

POINT OF DIVERSION:

T05N R39E S3 NENESW Within MADISON County
T05N R39E S3 SWNESW Within MADISON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

0.260 CFS

45.50 AFY

PLACE OF USE: IRRIGATION Within MADISON County

T05N R39E S03

NESW

8.0

T05N R39E S03

NWSE

5.0

13 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 - Beneficial Use

The source of this right is waster water from upstream fields.

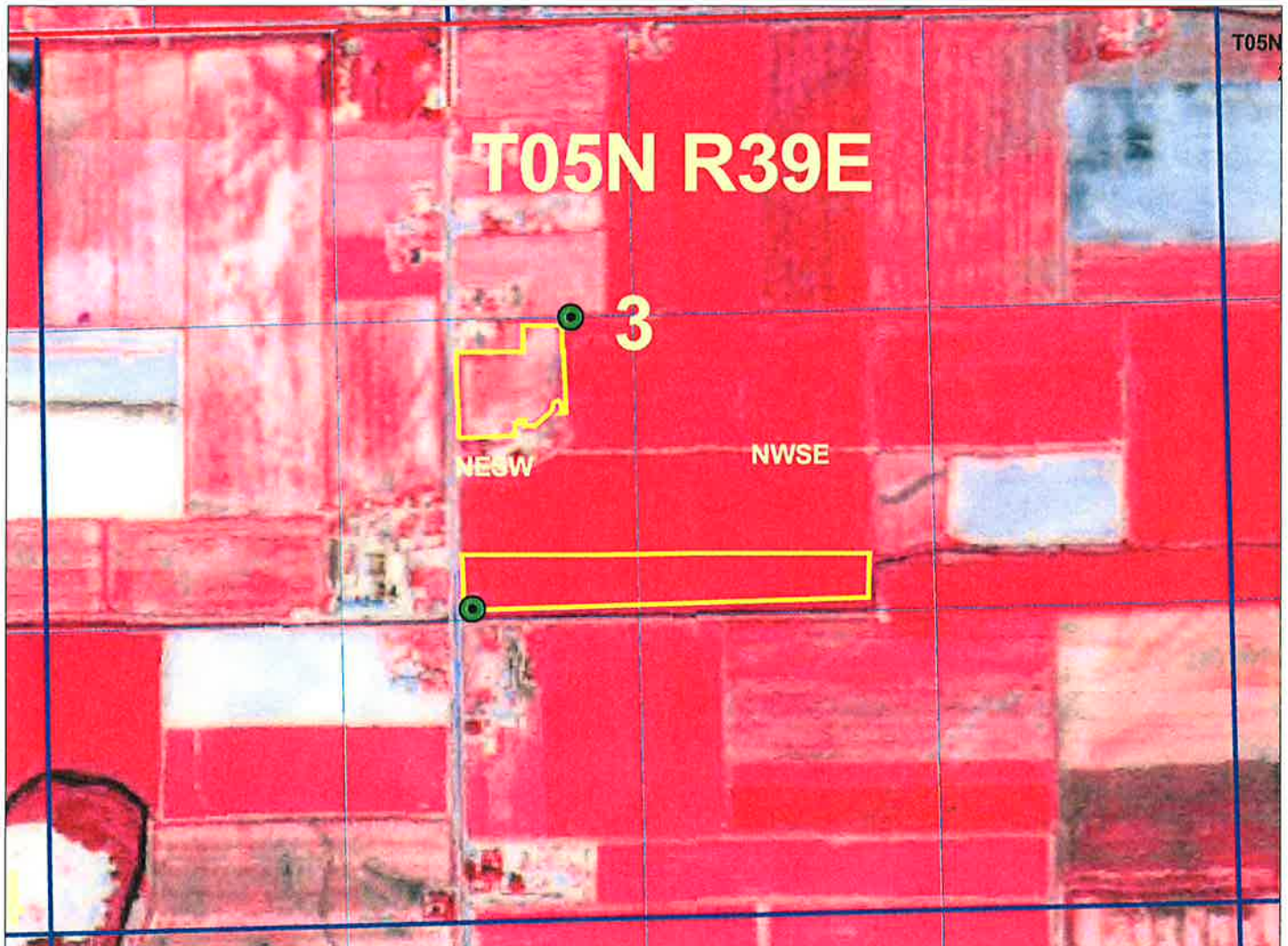


Department of Water Resources

Eastern Region

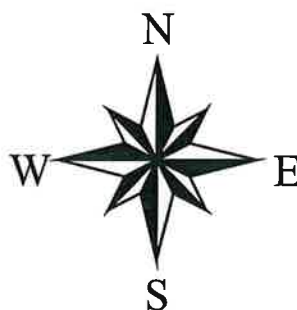


Claim No.: 22-10191



0 1320 2640 Feet

- Point of Diversion
- 22-10191
- Township/Range
- Sections
- QQ



GIS Place of Use Illustration
1987/88 NAPP Photography
Prepared by: Kristin Moore
Date Prepared: October 2005

10/19/2005

**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: 22-10191

SHERALYN SPAULDING

2485 S 4000 W

REXBURG ID 83440

Telephone Number: (208)356-6494

S DWIGHT SPAULDING

2485 S 4000 W

REXBURG ID 83440

Telephone Number: (208)356-6494 *Home*

208 351-5464 Cell

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: 10-03-2006

SIGNATURE:

Please print your name:

S Dwight Spaulding *Sheralyn Spaulding*
S Dwight Spaulding *Sheralyn Spaulding*

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

*Cell Phone added
KMD 10/20*

A22-10191 7/29/04
looking ENE at south P00

Base



Pump s.s.
about here

A22-10191 end of 6" AL mainline where
portable pump hooks on at south PDD
Yac



A22-10191 South Pass looking NNE
from SW corner
BAC



A22-10191 7/29/04
Older pump, used to be used for
bath pools. BAC



NOTES

10-20-05

Recommending as claimed. POU and POD are valid. -LM

Find out if water comes from drain or pools on his property.

Does he pump the water out of drain? Name?

11-03-05

According to field examiner and notes on claim, the south POD is from a drain which is tributary to Texas Slough. Claimant pumps from drain. Also claims that North POD is a drain. Talked w/ Dwight and he confirmed that both are drains.

RECEIVED

SEP 21 2004

DEPARTMENT OF
WATER RESOURCES

Idaho Department of Water Resources
Adjudication Bureau
Statehouse Mail
Boise Idaho 83720-9000

RECEIVED

NOV 17 2004

Department of Water Resources
Eastern Region

August 27, 2004

Dear Sirs

I am writing this letter in response to your request for proof of beneficial use for case #A22-10-90.

I think the priority date that I applied for was 1935 the year of my birth. I remember my father used this water to water a field that was in pasture when I was a small boy. Later he and I cleared the field and he had it leveled to irrigate better and continued to water it the same way, by backing up the drain ditch by putting a large wooden head gate in front of the pipe under the crossing into the field. I remember watching him using a large pole to lever the head gate out when the water was done. In 1940 he bought our first tractor which was then used to pull the head gate out.

My father, Silas Eli Spaulding, now deceased, filed on this water with the help of an attorney sometime in those early years but he was never able to get an answer as to his rights to the water.

In the early 1960s there was a winter flood in the area south and west of Rexburg east of our place, which resulted in the drain being dug out deeper and wider. As a result our neighbors ask us not to back the drain up any more because the banks would sluff in when the water was released, so we put a pipe across the drain and watered the field with Texas slough irrigating canal co. water from then until now.

We purchased the farm where the water is now used in 1958 and started to pump into a ditch on the one field at that time with a tractor pump bought from Mr. Raymond Erikson, now deceased. In 1976 I was able to buy the other field and pumped into a sprinkler line to irrigate it. A renter, Lorin Johnson, now deceased previously operated this field and also pumped out of the drain to water the field.

I am now retired and lease the land to Blaine Hall who still pumps as I did to irrigate these two fields.

It is my hope that we can establish this water right as it is an interagency part of our irrigating system.

Thank you for your consideration in this matter.

Sincerely,



S. Dwight Spaulding

SCANNED

SEP 21 2004

RECEIVED

SEP 21 2004

DEPARTMENT OF
WATER RESOURCES

Idaho Department of Water Resources
Adjudication Bureau
Statehouse Mail
Boise Idaho 93720-9000

Aug 30, 2004

Dear Sirs;

I am writing this letter in behalf of my brother S. Dwight Spaulding, who is 6 years my junior, in regards to the case #A22-10-90

The water from the Ditch he has referred to has been used to irrigate this land long before it was ever leveled. I spent a lot of time with our father and know that we used it to water a pasture that has since been leveled and planted into crops. My first memory of it was in 1932 as a small boy with my father and grandfather backing up the water to get it out onto the pasture. This was the only source of water for that field at that time. I don't know how long before this it was used but it has been used throughout my lifetime. I was born in 1929.

I live just across the street from my brother Dwight and have worked with him and my father for most of these years

Sincerely,


M. Bruce Spaulding

SCANNED

SEP 21 2004

State of Idaho)

County of Madison)

On this 31 day of August, 20 04, before me, the undersigned, a Notary Public for Idaho, personally appeared M Bruce Spaulding, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



[Signature]
Notary Public For Idaho

Residing at Rigby ID

Commission Expires on 9-1-06

SCANNED

SEP 21 2004

Bryce PC

June 4, 2004

**S DWIGHT OR SHERALYN SPAULDING
2485 S 4000 W
REXBURG ID 83440**

RE: EVIDENCE OF PRIORITY FOR SRBA WATER RIGHT CLAIM 22-10191

Dear Claimant (s):

The Idaho Department of Water Resources is nearing the end of water rights review in Basin 22, the Teton River drainage. The Notice(s) of Claim identified with the number shown above has been filed in the Snake River Basin Adjudication (SRBA). The Notice of Claim indicates water usage is based on "Beneficial Use". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed, at or on the place of use identified on the Claim. The date the water was first put to beneficial use, known as the priority date, has not been confirmed by License, Decree, or Permit. For this reason, proof must be provided supporting the priority date. As the claimant, you are responsible for submitting the necessary proof to support the priority date.

Your claim, as referenced above, claims a Priority Date of MAY 1 1935, from WASTER WATER.

It is important that each element of the Notice of Claim be verified. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

For your reference, I have provided a printout of your Notice of Claim and the pamphlet entitled "**Evidence of Priority**". The pamphlet describes the types of evidence which are acceptable and suggests which documents will fulfill this requirement. While I encourage you to read the entire pamphlet, I direct your attention to the two sections entitled "**What Kind of Evidence is Required**" and "**Some Examples of Documents Which May Be Evidence of the Priority Date**". **PLEASE READ THE ENCLOSED PAMPHLET.**

It is our goal to recommend historical water rights within the Snake River Basin as accurately as possible. Field exams to verify other elements of the Notice of Claim have been or soon will be conducted by Department personnel.

.....
**The Department will not recommend the Notice of Claim be decreed by the court if
evidence of a priority date is not submitted. The Notice of Claim will be disallowed.**
.....

Please submit documentation supporting the priority date within 30 days of the date of
this letter, referencing all documents with the corresponding claim number. If you
have any questions not covered by this letter or the enclosed pamphlet, please feel free to
contact this office.

Respectfully submitted,



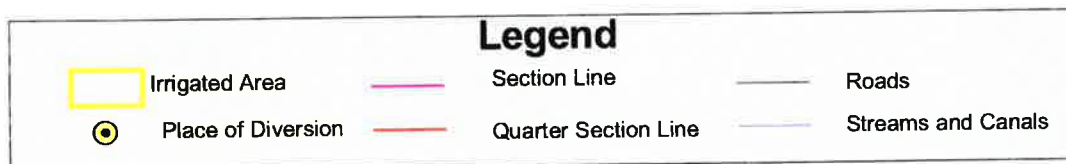
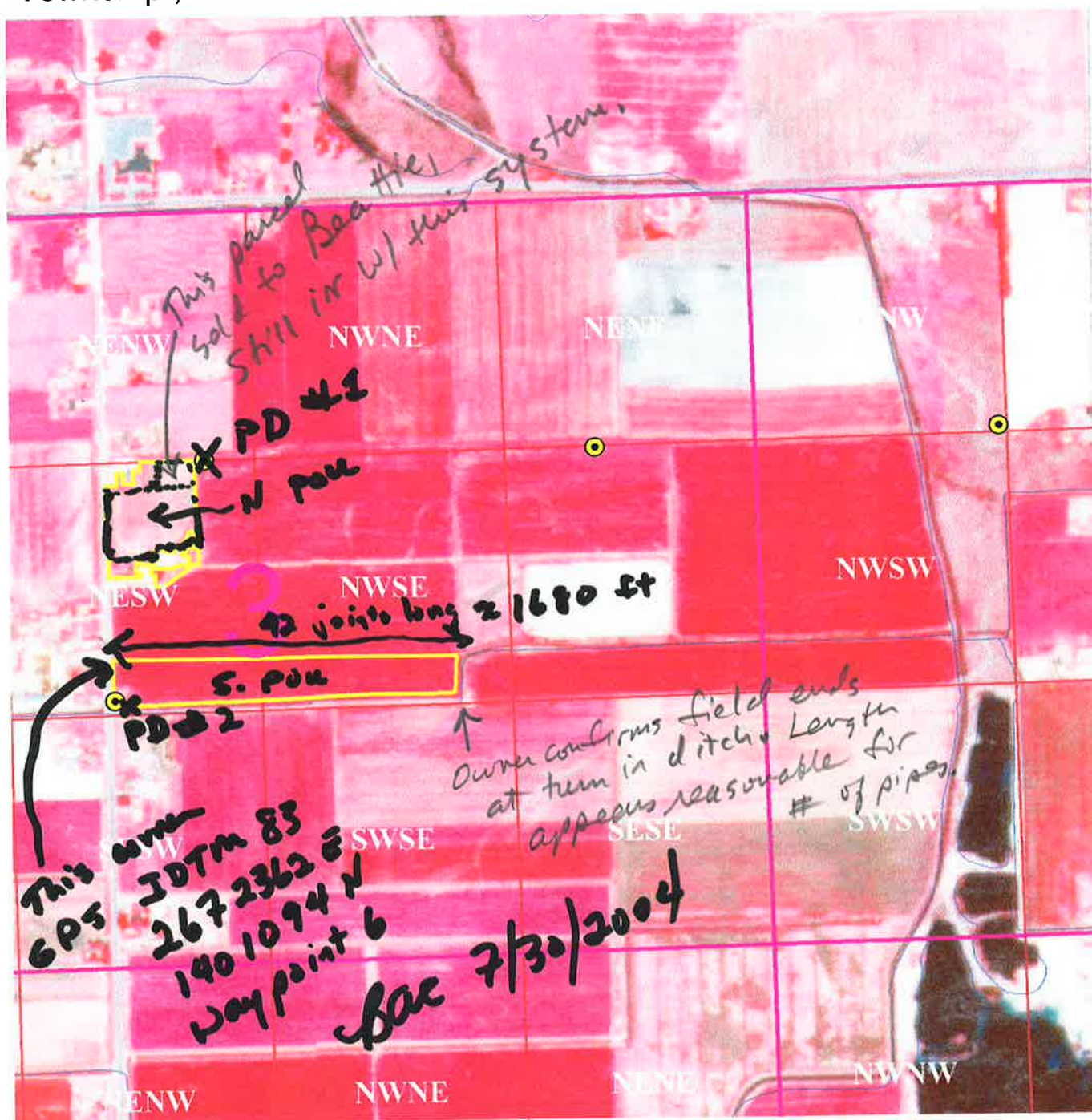
Allen B. Ruberry
Sr. Water Resource Agent
Adjudication Bureau

cc: File

Enclosure: Brochure on "Evidence of Priority"

Water Right Claim Number 22-10191
Township , 5N39E

07/12/2001



SPATIAL
DYNAMICS

Claim No. 22-10191

Document Checklist

☐ Copy License/Decree

☐ Copy Transfer

☐ Copy Licensing Field Exam

☐ Check if Ownership/Address Change is Required

☒ *again* Generate, mail and file "Evidence of Priority" letter

☒ Generate Arcview Map

7/1/04 Not in WMIS
7/26/04 356-6494 4:50 PM Renter has pump at
different location - 2 pieces of land - 10 acres / 3 acres -
Blaine Hall is renter 356-6409
Thursday A.M. ~ 10 AM -

Contacts Data Entry Form

Claim Number: A22-10191

Owner Type	Full Name	Address	City	State	Zip
------------	-----------	---------	------	-------	-----

Current Owner: claim is correct - Phone No.: _____Current Owner: see note re: split. Phone No.: _____

Current Owner: _____ Phone No.: _____

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

Representing Attorney: _____ Phone No.: _____

Accompanied By: _____ Phone No.: _____

Relationship to Claimant: _____ Date of Field Exam: _____

Discussion of right origin and split history. Questions and problems.

7/29/01 Met w/ Dwight Spaulding. This is a small acreage supplied by pumping high vol. of water for short periods of time, then pump is moved to another farm. Current pump is owned by Blaine Hall, see field exam A22-04191. This exam documents an older pump.

There are two separate POE / POD, w/ separate systems.

Photos on CD:

- 1) Looking NNE at south POE
- 2) POD. Ditch bank on far side is where pump sits
- 3) 6" aluminum mainline in field
- 4) Original pump.

See sketch - small part of POE has been sold to Morgan Beattie, 2258 S 4000 W Rexburg.

Reviewer: Bae Date: 7/31/04

Priority Date Data Entry Form

Claim Number: A22-10191

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: _____ Claimed Basis: _____

Recommended Priority Date: _____ Recommended Basis: _____

Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

owner provided w/ ~~A ownership~~ pamphlet BAC 7/31/04
evidence of priority

Reviewer: _____

Date: _____

Water Right No(s). A22-10191

N POD GPS Waypoint 7 2672492E
1401413N IDTM 83
S POD GPS Waypoint 5 2672368E
1401094N IDTM 83

GPS DATA:

Tag # _____ Location: _____

Diversion Data:

Source: Drain Trib to: Texas Slough

MOTOR

Pump operated by tractor PTO
Make: Berkeley Model: Centrifugal Hp: _____
SN: _____

PUMP

Make: Berkeley Model: Centrifugal Disch: 3" outlet, 8" or 9" impeller
SN: _____ Casting H-598 CCW

NOTES:

Field Exam Date: 7/29/04 Agent: BAC

Point of Diversion and Source Data Entry Form

Claim Number: A22-10191Water Right Point(s) of diversion and Source.

Water Right Point of Diversion: T _____, R _____, Sec. _____, _____, _____, _____, County: _____

Source: _____ Tributary to: _____

Water Right Point of Diversion: T _____, R _____, Sec. _____, _____, _____, _____, County: _____

Source: _____ Tributary to: _____

Claimed Point(s) of Diversion and Source.

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source	Tributary to

Recommended Point(s) of Diversion and Source.

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source	Tributary to
5N	39E	3		NE NESW	Madison	Waste Water	Texas Slough
5N	39E	3		SE NESW	"	"	"

Other rights from this POD? Canal shares - Texas Slough / Liberty Park

Transfers Pending or approved: _____

Document how the POD and Source were verified:

Field inspection / GPS BAC 7/31/04

Reviewer: _____ Date: _____

Place Of Use Data Entry Form

Claim Number: A22-10191Claimed Place Of Use

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

Total acres _____

Recommended Place of Use

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

Total acres _____

Pending or approved Transfers: _____

Overlapping rights: _____

Document how the POU was verified:

Please see layout sketch. Note small parcel
 sold to Beattie. Note GPS reading to locate
 N edge of south POA Bae 7/31/04

Reviewer: _____ Date: _____

Season of Use and Quantity Data Entry Form

Claim Number: _____

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
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

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:

See notes re: irrigation practice. System capacity
 42 joints x 2 lines x 5.15 gpm (5/32" @ 50 psi)
 = 433 GPM $\approx$ 0.96 cfs.

Original pump capacity, 3" discharge pump, assume
 7 ft/s discharge velocity.

$$Q = VA = 7 \text{ ft/s} \times \left(\frac{3\frac{1}{2}}{12}\right)^2 \times \pi \approx 0.34 \text{ cfs.}$$

Either exceeds 0.02 cfs/acre but 0.02/acre would
 not support reasonable practice. Bac 7/31/04

Reviewer: _____

Date: _____

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: A22-10191
Date Received: 7/12/1988
Receipt No: E000710
Received By: CGM

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: S. DWIGHT SPAULDING 208-356-6494
Address: 2485 S. 4000 W.
REXBURG, ID 83440
AND/OR
Name: SHERALYN SPAULDING 208-356-6494
Address: 2485 S. 4000 W.
REXBURG, ID 83440

A2210191



2. Date of Priority: MAY 01, 1935

3. Source: WASTER WATER Trib. to: TEXAS SLOUGH

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05N	39E	2	SE	SW	NW		MADISON
		3	NE	NE	SW	R	MADISON
			SW	NE	SW	R	MADISON
			NW	NE	SE		MADISON

5. Description of diverting works:
WASTE WATER FROM UPSTREAM FIELDS COLLECTED/PUMPED FROM DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.260		

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

8. Total consumptive use is 32.5 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A22-10191

Page 1

Date: 07/12/88

MICROFILMED

NOV 05 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	39E	3	NE	SW		IRR	8.0
			NW	SE		IRR	5.0
						Section Acres	13.0
						Total Acres	13.0

11. Place of use in counties: MADISON

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

13. Other Water Rights Used:

CANAL RTS. FROM TEXAS SLOUGH AND LIBERTY CANAL

14. Remarks:

ORIGINALLY COLLECTED AND USED THIS WASTE WATER ON GROUND IN THE SESE SEC 4 T5N R39E. IN 1958 MOVED A PORTION TO NESW SEC 3 AND IN 1978 MOVED REMAINING PORTION OF WATER TO S1/2S1/2NESW&NWSE SEC 3.

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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 0

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): *S. Dwight Spaulding* Date: 7-12-88

Date: _____

State of Idaho)
County of Bonnerville) SS.

Subscribed and sworn (or affirmed) before me this 13th day
of July 19 88

Dana Green
Notary Public

Seal

Residing at *Rigby*
My Commission Expires 4-22-1994

