

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

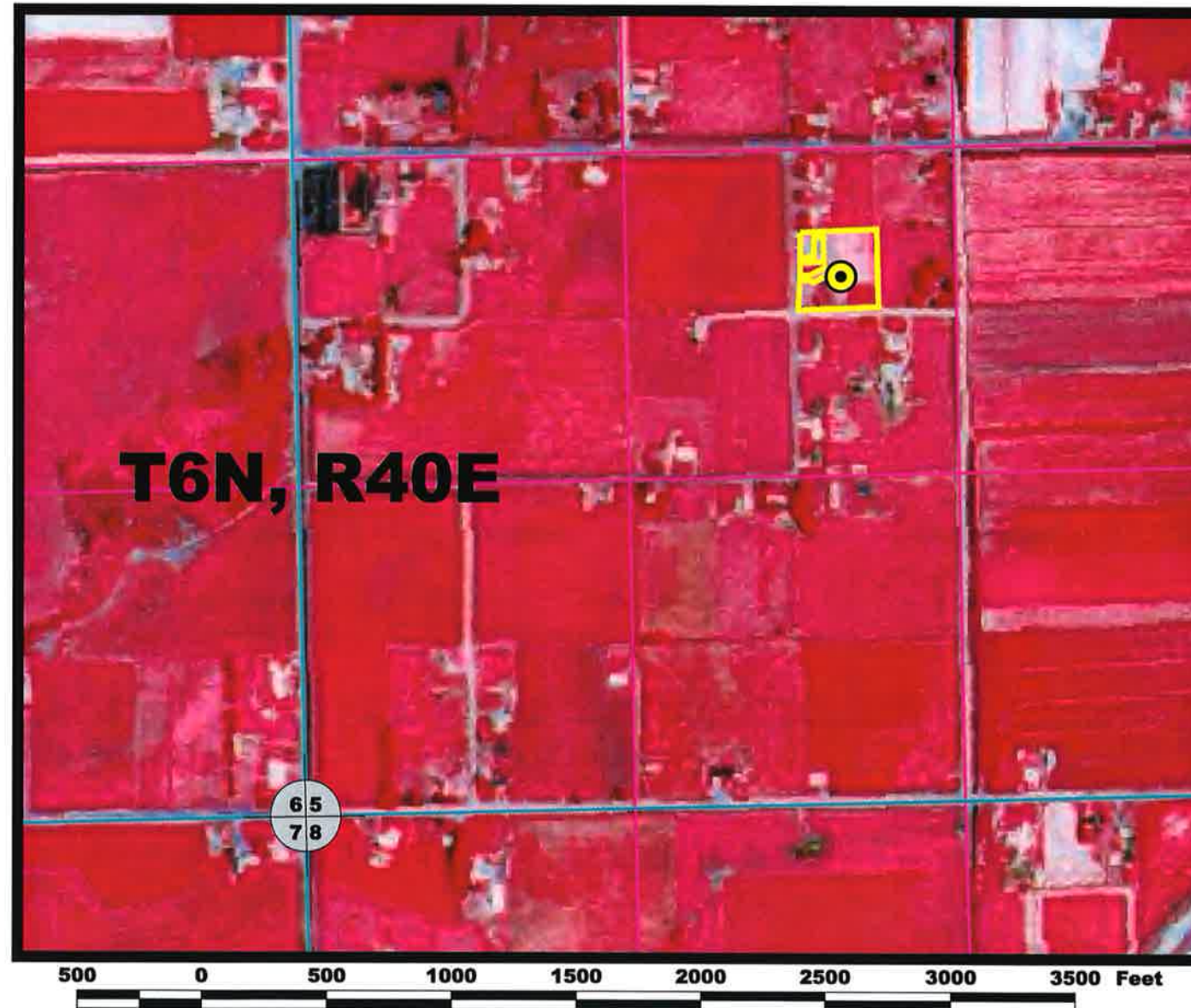
EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use



State of Idaho

Department of Water Resources

Eastern Region



Water Right(s):
22-10961

Point(s) of Diversion:
T6N, R40E Sec. 5 NENESW

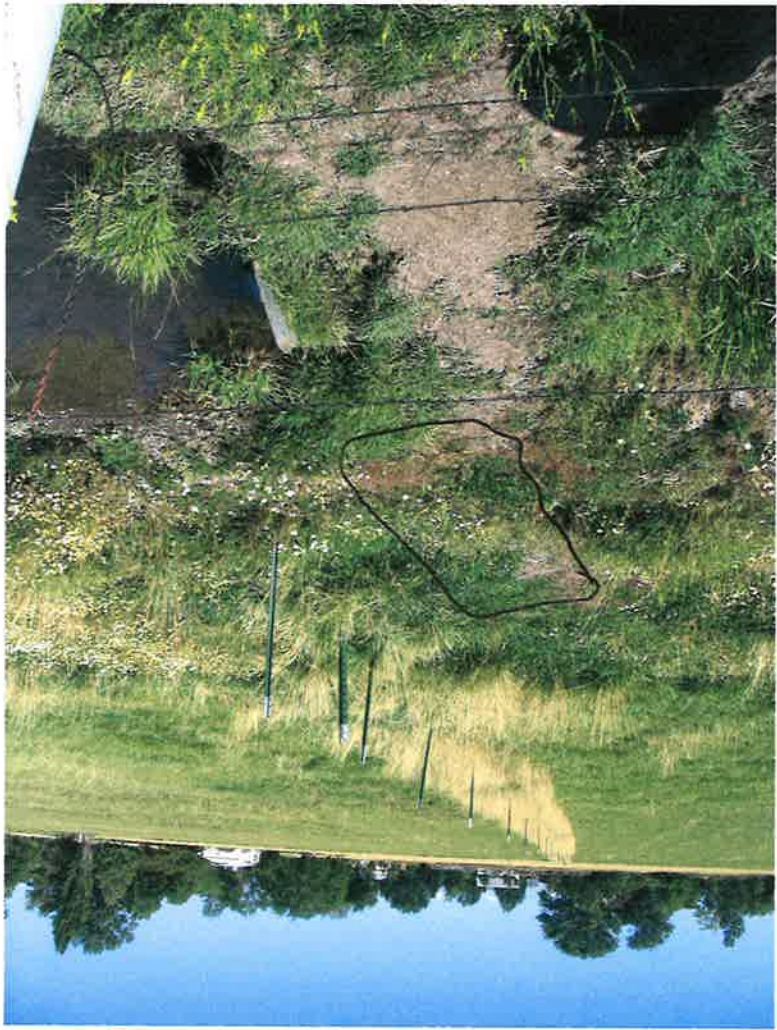
Place of Use: (part of)
T6N, R40E Sec. 5 NESE,

LEGEND

- Point of Diversion
- SESE Place of Use
- Section
- Quarter-Quarter



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



A22-10961, Stock Trough location
put in place when ditch got dry

Trough is on west side of road across from well & house

Claim no. A2210961

Claimant Contact Log

Date	Remarks	Agent initials
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2/18/04	Request Priority Evidence mailed	
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31 May 05	356-3992 Msg on machine Bar	
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2 May 05	Field inspection w/ Mr. Powell	
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9-13-05	Talked to Sandra Powell, daughter of the Claimant. She said stock tank is put in where surface water runs out. Across Road as indicated. No stock water on Harris side of property	
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Water is brought over from well to fill tank

Receipt E0001365 - Paid \$5200 ⇒ No N - - conditions

Contacts Data Entry Form

Water Right No. A2210961

Owner Type	Full Name	Address	City	State	Zip	Phone
Current Owner	<u>Thor H Powell</u>					
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:
B.U. Claim

Recommend as claimant of priority evidenced. Measures
NOT Road 40.20ctg

N10
N12

Reviewer: _____ Date: _____

Priority Date Data Entry Form

Claim Number: A 2210961

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: 3 JAN 1908 Claimed Basis: B. U.Recommended Priority Date: _____ Recommended Basis: B. U.☐ 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:

B.U. Claim

- 1) 1908 deed appears to describe this property but does not explicitly identify home or well. (at back of file).
- 2) See photo of 1920's deed conveying property to Mortensen. I haven't carefully checked legal description.
- 3) See photos from Saline Ward History indicating in 1930's Mortensen lived on this parcel.
near
- 4) Claimant states he lived here as a boy and has personal knowledge of Mortensen using the well in the late 1940's.

BAC 2 June 05

Reviewer: _____

Date: _____

A22-10961

105 2 3

71

WARRANTY DEED

THIS WHEREBY, Made the 1st day of September, in the Year of our Lord One Thousand Nine Hundred and Twenty-three, between William Bartholomew and Idaho, the part 100 of the first part, and of the County of _____ State of _____, the part 100 of the second part,

NEITHERS, That the said party 1ST of the first part, for and in consideration of the sum of Fourteen HUNDRED and NO/100 \$ - (\$1,400.00) - - - - - paid unto him by the said party 2ND of the second part, the receipt whereof is hereby acknowledged, do hereby promise, Grant, Convey, Sell and Convey and Quitclaim unto the said party - - - of the second part, and to his heirs, assigns forever all that certain lot, piece or parcel of land situate, lying and being in the County of Madison and State of Idaho, and bounded and described as follows, to-wit:

commencing at a point twenty rods South and twenty rods East of the Northeast corner of the South west quarter of section Five (5), Township Six (6), North of Range Forty East of the Boise Meridian, and running thence East Twenty (20) rods, thence South twenty (20) rods, thence East Twenty (20) rods, thence North twenty (20) rods to the place of beginning.

together with all and singular the elements, hereditaments and appurtenances therunto belonging, or in anywise appertaining and the rents, issues and profits thereof.

TO HAVE AND TO HOLD. All and singular the said premises, together with the appurtenances and privileges thereto belongeth, unto the said party 2ND of the second part, to his heirs and assigns forever. And the said party 1ST of the first part and his heirs, the said premises in the quiet and peaceable possession of the said party 2ND of the second part have and enjoyeth, unto the said party 1ST of the first part, and his heirs, and subject all and every person or persons whomsoever, lawfully claiming or to claim the same, shall and will warrant say, and by these presents forever defend.

IN WITNESS WHEREOF. The said party 1ST of the first part has hereunto set their hand & seal on the day and year first above written.

Signed, sealed and delivered in the presence of
P. L. Davis }
Wm. Bartholomew (REAL)
Eliza Bartholomew (REAL)

STATE OF IDAHO,
County of Madison, ss.
On this 1st day of September, 1923 before me, P. L. DAVIS
Notary Public in and for said State, personally appeared Wm. Bartholomew known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he 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.

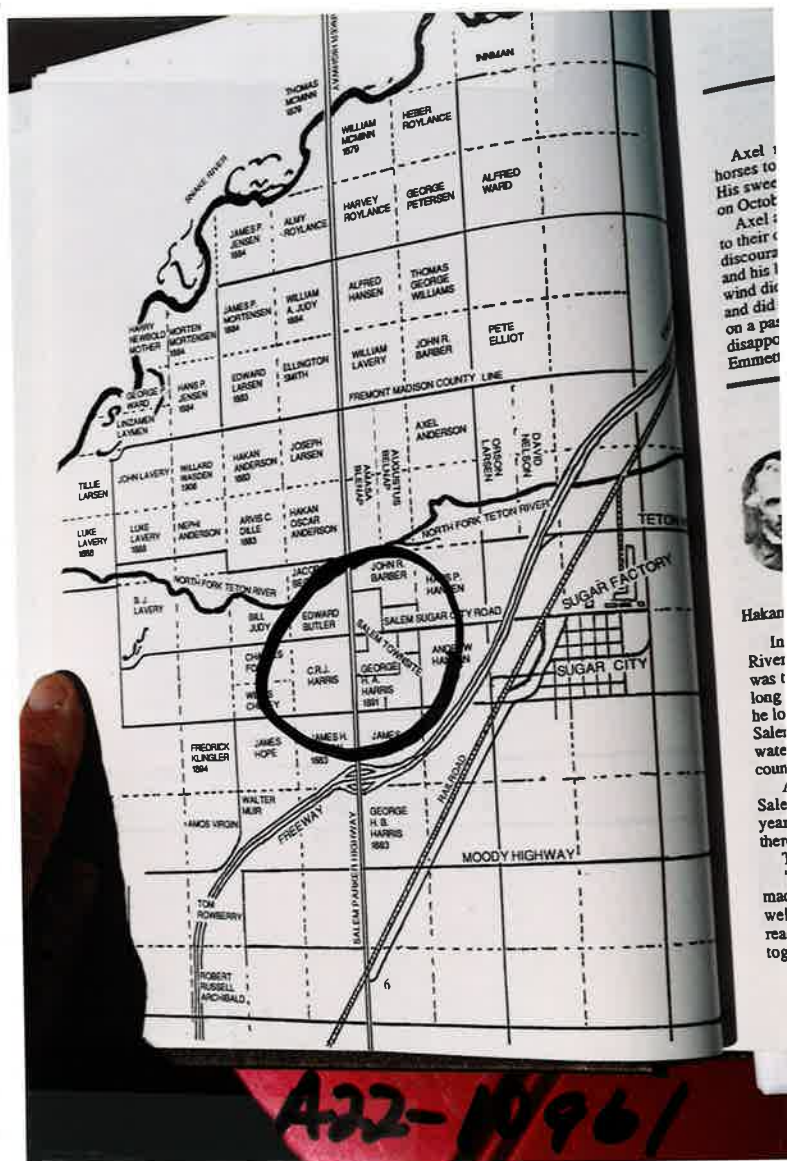
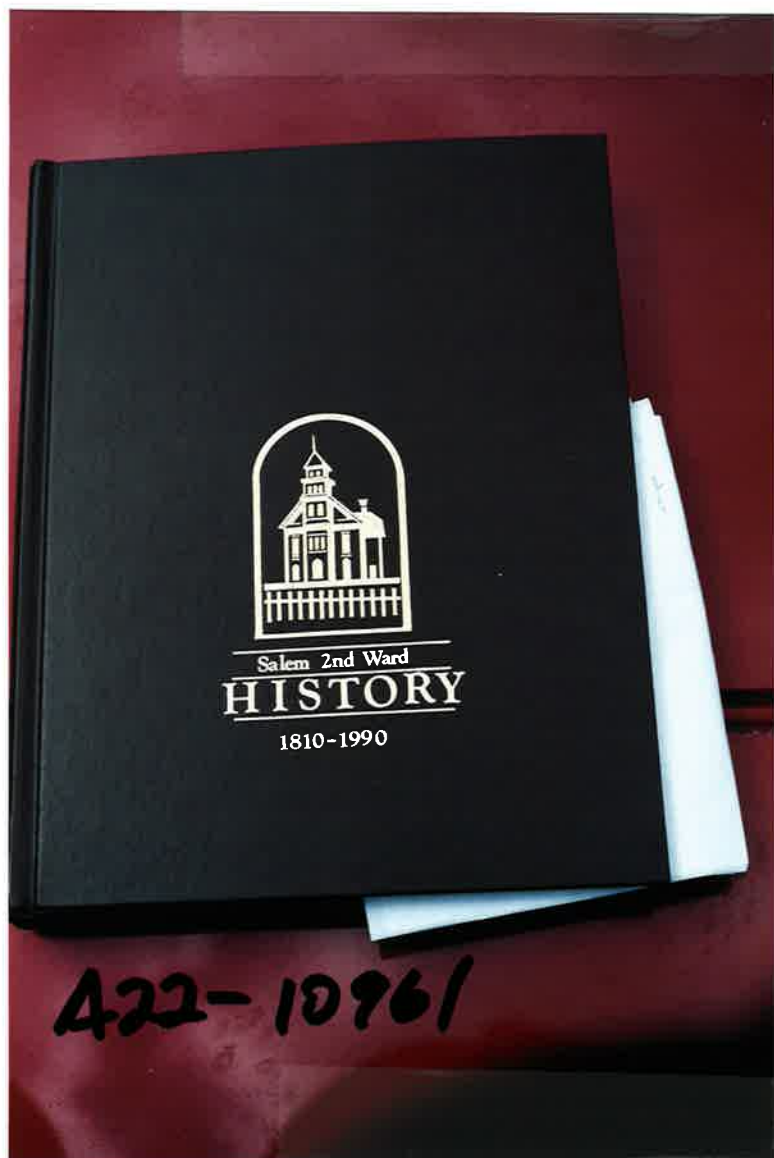
(SEAL) P. L. Davis, Notary Public
Residing at Sparta, Idaho.

Commission expires Mar. 27, 1927

Recorded at request of O. F. HERNANDEZ on 10th day of at 35 minutes past 3 o'clock. P. C.
Fe 21.25

Dec 3 Tue 05

A22-10961

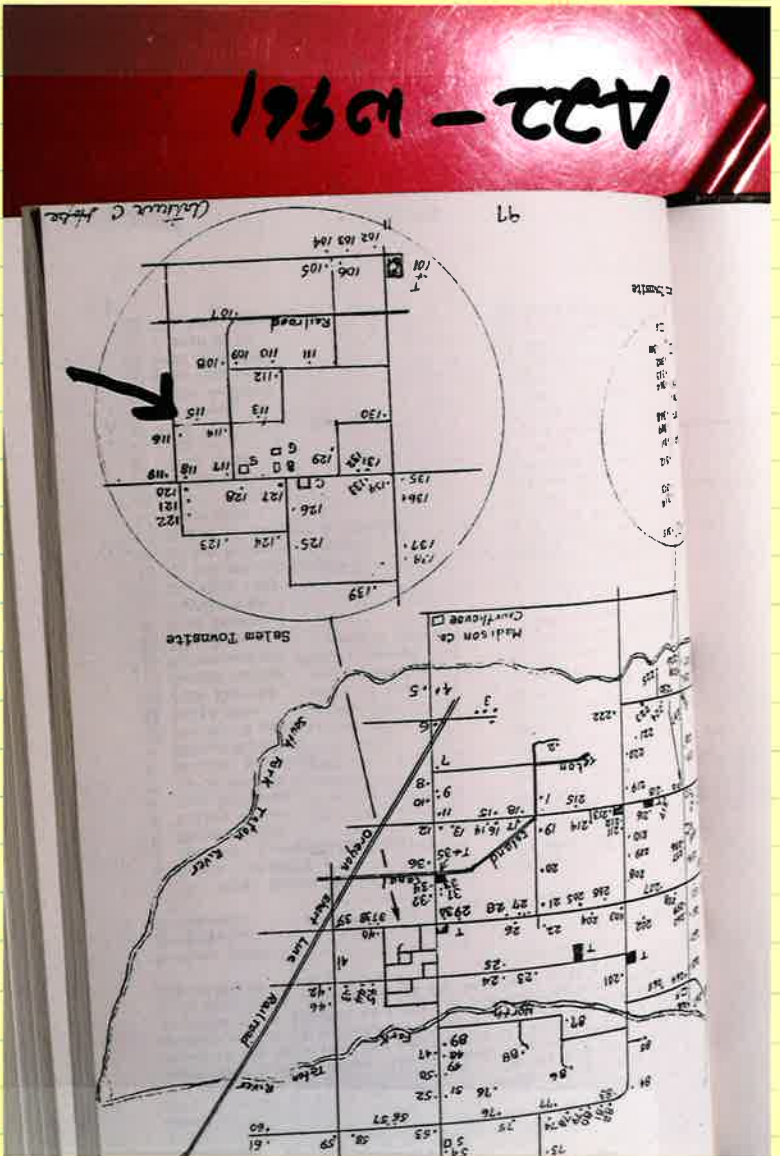
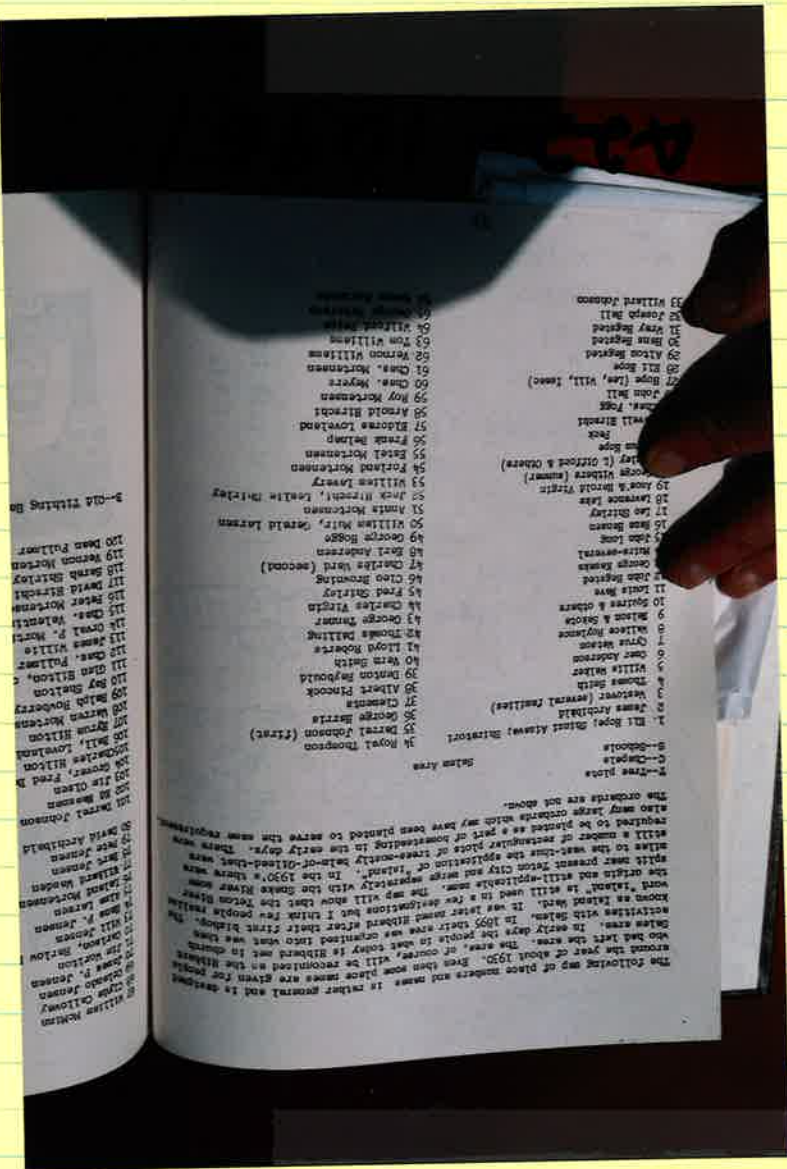


Pages from Salem history book. Salem
townsite is circled on map

BAC 3 June 05

43ac 3 June 08

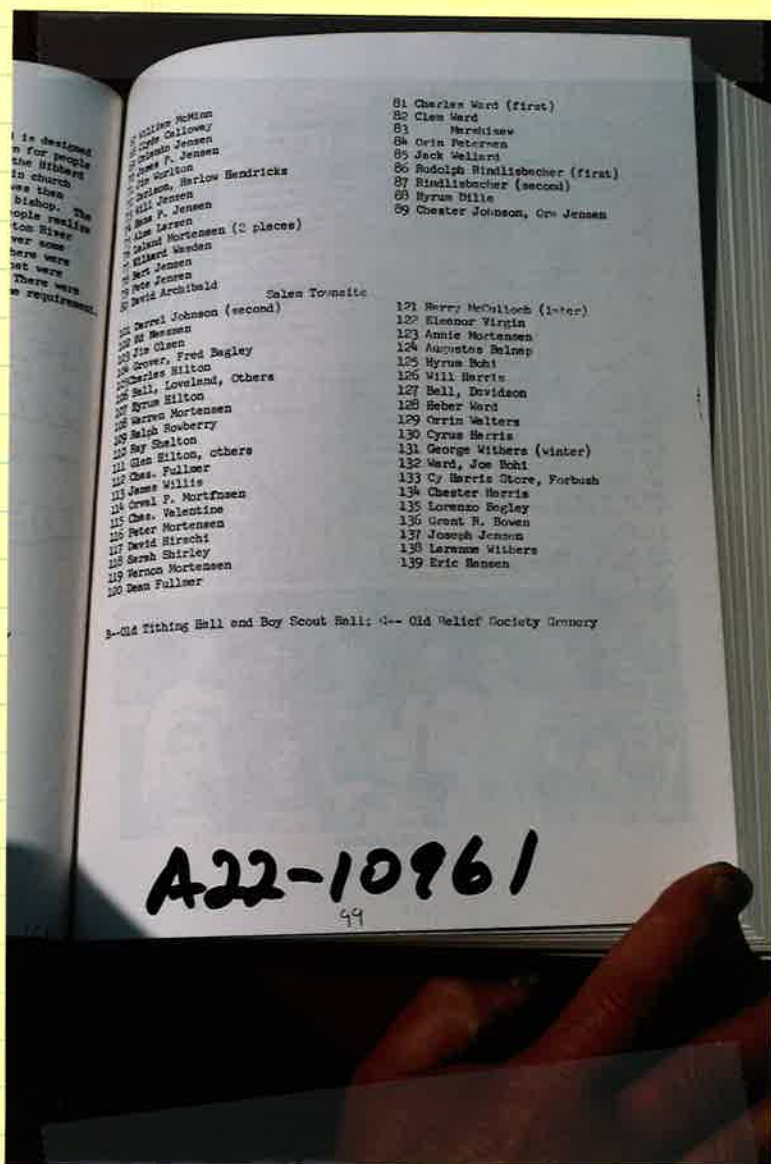
Pages from Salem history. Note dot representing
house & entry # 114 in Salem townsite. Top
of page 98 says "The following map... is designed
around the year ~~18~~ of about 1930."



p 99 of Salem
history. Note
entry # 114 referring
to home of Orval
Mortensen.

Bac 3 Jun 05

A22-10961



Point of Diversion and Source Data Entry Form

Claim Number: A2210961

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

Source: _____ Tributary: _____

Claimed Point of Diversion: T 6N, R 40, Sec. 5, _____, NE, SW, County: MADISON

Source: Ground Water Tributary: _____



GPS Coordinates: _____

Other rights from this POD? C.P.S. Tag # A0013636

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

New POD drilled after the flood is ~ 35 ft NW of location. Mr. Powell showed me for original well. Poor GPS readings may not give good resolution of location. New well is at Waypoint 3, 2679193 E 1410637 N IDTM 83 (9 meter accuracy). Old well location is Waypoint 4, 2679194 E 1410626 N IDTM 83 (36 meter accuracy). Both are in 6N 40 E 5 NE NE SW.

BAC 2 June 05

Transfers Changing POD _____

Reviewer: _____

Date: _____

Motor tag on controller says "Franklin model 282028310 3 horsepower"

Place Of Use Data Entry Form

Claim Number: A0810961☐ Use Claimed POU as Recommended POU

Claimed Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
6N	40E	5	NE	SW	MADISON			DOMESTIC
"	"	"	NE	SW	"		2	IRRIGATION
"	"	"	NE	SW	"			STOCK

Total Acres 2

Recommended Place of Use

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

Total Acres _____

Document how the POU was verified:

SE corner is Waypoint 5, 2679238E 1410605N IDTM83 +/- 8 meters
NW corner is Waypoint 6, 2679137E 1410698N IDTM83 +/- 8 meters,
Stockwater POU is west across the road, tank is NE corner
of pasture just west of Waypoint 6. BAC 2 June 05.

Transfers Changing POU _____

Reviewer: _____

Date: _____

Period of Use and Quantity Data Entry Form

Claim Number: A2210961

☐ 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
Domestic	1/1	12/31	.04	
Irrigation	4/1	11/1	.04	
Stock	1/1	12/31	.02	

Overall Diversion Rate .10 CFS Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

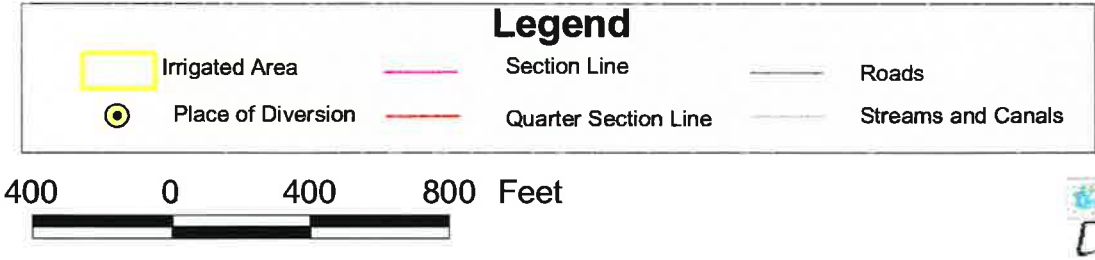
Overall Diversion Rate _____ Overall Diversion Volume _____

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

I DWR STD 504. 1/1 - 12/31 Domestic
" " Stock
4/1 - 10/31 Irrigation

Domestic is one home plus one single-wide mobil home.
Garden can also be irr. by canal shares but lawn appears
to be too high & is probably always irr. from well.
Pasture appear to be 5-10 acres, I forgot to ask how many

Reviewer: _____ Date: _____
liverstock are typically supported. Pasture is not irr from well.
All POU is in 7N 6N 40E 5 NESW. BAC 2 June 05



February 18, 2004

**THON H POWELL
3402 N 375 E
REXBURG ID 83440**

RE: EVIDENCE OF PRIORITY FOR SRBA WATER RIGHT CLAIM 22-11030

Dear Claimant (s):

The Idaho Department of Water Resources is nearing the end of water rights review in Basin 23, the Swan Valley area. 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 January 3, 1908, from a well.

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 required 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**".

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 the 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,

Nick L. Olson
Special Contract Agent
Adjudication Bureau

cc: File

Enclosure: Brochure on "Evidence of Priority"
Notice of Claim (copy)

Instrument No. 19518.
This Indenture, Made the third day of January in the year of our Lord
one thousand nine hundred and eight, between

E. & A. Ricks
of the County of Fremont and State of Idaho the parties of the first part, and
Wm. Bartholamew
of the County of Fremont and State of Idaho the part y of the second part,

WITNESSETH, That the said part ies of the first part, for and in consideration of the sum of
Two hundred and no/100 DOLLARS,
lawful money of the United States of America, to be in hand paid by the said part y of the second part, the receipt whereof
is hereby acknowledged, do es by these presents Grant, Bargain, Sell and Convey and Confirm unto the said part y of the second
part, and to his heirs and assigns, forever, all that certain lot, piece or parcel of land situate, lying and being in the County of
Fremont and State of Idaho, and bounded and described as follows, to-wit:

Commencing at a point twenty rods south and twenty (20) rods west of the NE corner
of the SW $\frac{1}{4}$ of Section five (5) Township six (6) North of Range forty E of the Boise Meridian,
thence running west twenty (20) rods, thence south twenty (20) rods, thence east twenty (20)
rods, thence north twenty (20) rods, to place of beginning, containing two and one half (2 $\frac{1}{2}$)
acres, more or less.

together with all and singular the tenements, hereditaments and appurtenances thereunto belonging, or in anywise appertaining, and the
rents, issues and profits thereof.

TO HAVE AND TO HOLD, All and singular, the said premises, together with the appurtenances and privileges thereunto incident,
unto the said part y of the second part, to his heirs and assigns for ever. And the said part ies of the first part and
their heirs, the said premises in the quiet and peaceable possession of the said part y of the second part, his
heirs and assigns, against the said part ies of the first part, and their heirs, and against all and every person or persons who-
soever, lawfully claiming or to claim the same, shall and will warrant any, and by these presents forever defend.

IN WITNESS WHEREOF, The said parties of the first part ha ve hereunto set their hand s and seal s ,
the day and year first above written.

Signed, Sealed and Delivered in the Presence of:
F. L. Davis. } Alfred Ricks. (SEAL)
Winie L. Ricks. (SEAL)
Ephraim Ricks. (Seal)
Minnie Ricks. (SEAL)

STATE OF IDAHO, }
County of Fremont. } ss. On this 4 day of January in the year 19 08 ,
before me, F. L. Davis Notary Public. in and for said County and State,
personally appeared Ephraim Ricks and Alfred Ricks
known to me to be the person s whose name s are subscribed to the within instrument, and acknowledged to me that they
executed the same. And on this 4th day of January in the year 19 08 , before me,
F. L. Davis, the officer above described a Minnie Ricks and Winie L. Ricks the wife of the above named Ephraim Ricks and Alfred Ricks
known to me to be the person whose name is subscribed to the within and foregoing instrument, described as a married woman; and upon an
examination without the hearing of her husband, I made her acquainted with the contents of the instrument, and thereupon she acknowl-
edged to me that she executed the same, and that she does not wish to retract such execution.
In Witness Whereof, I have hereunto set my hand and affixed my official seal, at
the day and year in this certificate first above written.

My commission expires (Seal) F. L. Davis. *

Recorded at the request of Alfred Ricks
this 17th day of Jan. 1908 , at 45 minutes past 1 o'clock P. M.
By Deputy. I. N. Corey County Recorder.

Transcribed from Book Q, Deeds, Page 413, Fremont County Records.

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: A22-10961
Date Received: 8/17/1988
Receipt No: E001365
Received By: REY

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: THON H. POWELL 208-356-3992
Address: 3402 NORTH 375 EAST
REXBURG, ID 83440
OR
Name: DARLETTA B. POWELL 208-356-3992
Address: 3402 NORTH 375 EAST
REXBURG, ID 83440

2. Date of Priority: JAN 03, 1908

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06N	40E	5	NE	SW			MADISON

5. Description of diverting works:
WELL AND PUMP TO TWO HOMES WITH LARGE LAWN AND STOCK TROUGHS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.040		
STOCKWATER	01/01	12/31	0.020		
IRRIGATION	04/01	11/01	0.040		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
D/TWO HOMES, S/25 RANGE CATTLE

A22-10961

Page 1

Date: 08/17/88

MICROFILMED
NOV 06 1992

A2210961



10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
06N	40E	5	NE		SW		DOMEST	
			NE		SW		IRR	2.0
			NE		SW		STOCK	
							Section Acres	2.0
							Total Acres	2.0

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:
NONE

14. Remarks:
PRIORITY DATE IS BASED ON ORIGINAL DEED; COPY ATTACHED.

15. Basis of Claim: BENEFICIAL USE

MICROFILMED
NOV 06 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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 2

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): Thom H Powell Date: 8-17-88
Date: _____

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 17th day
of August 19 88

Betty J Thompson
Notary Public



Residing at Idaho Falls
My Commission Expires 6-94

NOV 06 1992