

06/02/2004

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

RIGHT NUMBER: 23-11323

NAME AND ADDRESS: TROUT CREEK LLC  
C/O SPENCER WARNER  
PO BOX 45  
SWAN VALLEY ID 83449

SOURCE: RAINEY CREEK TRIBUTARY: SOUTH FORK SNAKE RIVER

QUANTITY: 1.190 CFS

USE OF THIS RIGHT WITH RIGHT NO. 23-11319 IS LIMITED TO A TOTAL  
COMBINED DIVERSION RATE OF 1.64 CFS.

THIS RIGHT WHEN COMBINED WITH RIGHT NO. 23-11319 SHALL PROVIDE NO  
MORE THAN .02 CFS PER ACRE.

PRIORITY DATE: 06/01/1891

POINT OF DIVERSION:  
T01N R44E S7 SWNE NE Within BONNEVILLE County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| IRRIGATION            | 04/15 10/31          | 1.190 CFS       |

PLACE OF USE: IRRIGATION Within BONNEVILLE County

|               |      |      |               |      |      |
|---------------|------|------|---------------|------|------|
| T01N R43E S01 | NESE | 12.0 | T01N R43E S01 | NWSE | 36.9 |
| T01N R43E S01 | SWSE | 33.0 |               |      |      |

81.9 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NOS. 23-11319, 23-11321, 23-11323 IS  
LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 81.9 ACRES IN A  
SINGLE IRRIGATION SEASON.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 62.5 ACRES WITHIN THE  
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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:

RIGHT NOS. 23-11319, 23-11321, 23-11323 ARE ALSO DIVERTED  
THROUGH POINT OF DIVERSION DESCRIBED ABOVE.

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 23-00016B.



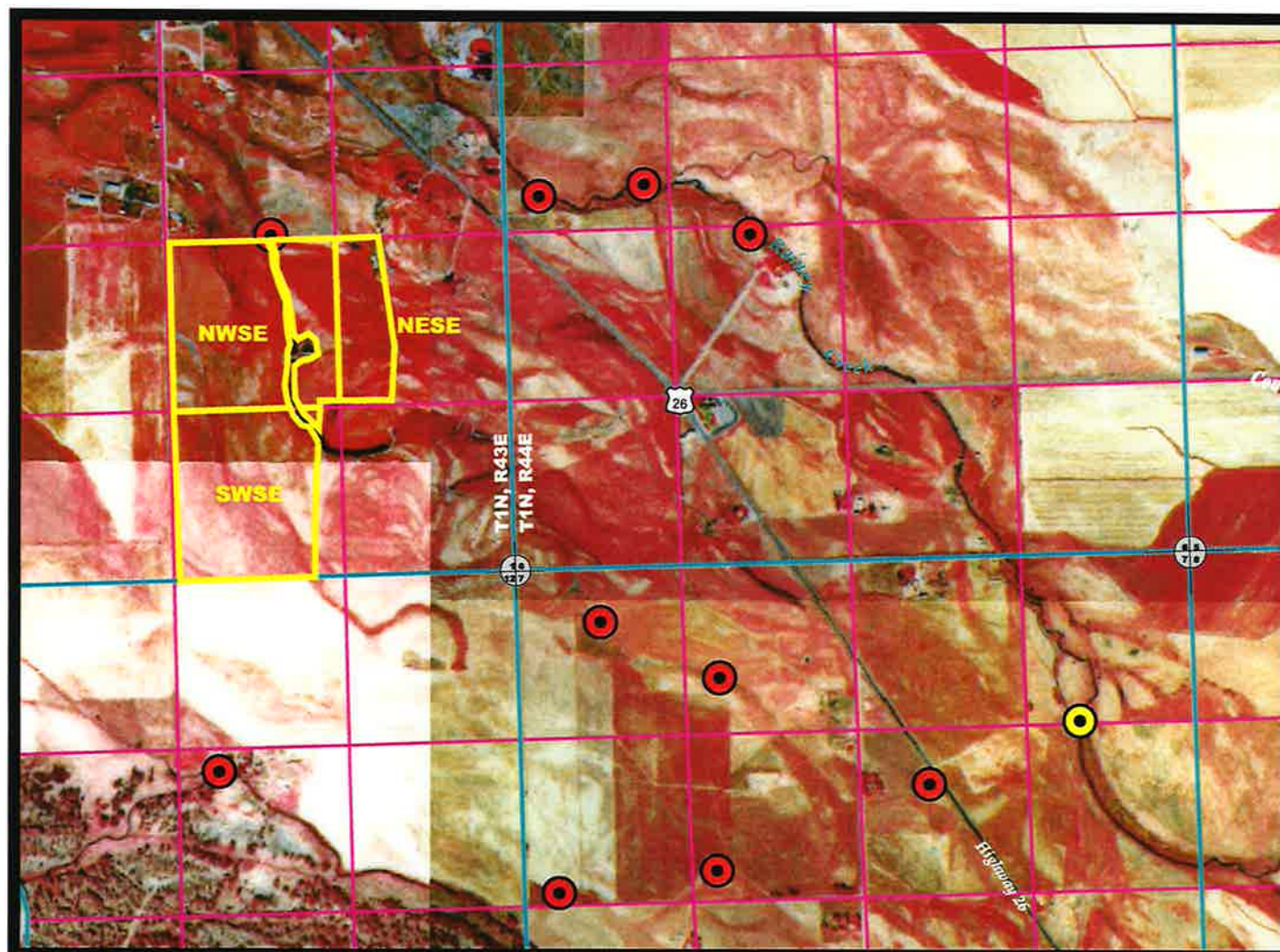
JUL 23 2004

SCANNED

# State of Idaho

## Department of Water Resources

Eastern Region



500 0 500 1000 1500 2000 2500 3000 3500 4000 4500 5000 5500 6000 6500 7000 7500 8000 Feet

### Water Right(s):

23-11319

23-11321

23-11323

### Place of Use: (parts of)

T1N, R43E

Sec. 1 N2SE, SWSE

### Point(s) of Diversion:

T1N, R44E

Sec. 7 SWNENE

### LEGEND



Point of Diversion



Place of Use



Section



Quarter-Quarter



GIS Place of Use Illustration  
1987/1988 NAPP Photography  
Prepared by: A. Ruberry  
Date: June 2004

5/28/04

**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**  
**NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP**

**RECEIVED**  
**MAY 28 2004**

Please print or type. Attach pages with additional information. Instructions are included at the end of this form. Incomplete forms will be returned.

Department of Water Resources  
 Eastern Region

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided, if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

| Water<br>Right No(s). | Adjudication<br>Claim No(s). | Split                               | Water<br>Right No(s). | Adjudication<br>Claim No(s). | Split |
|-----------------------|------------------------------|-------------------------------------|-----------------------|------------------------------|-------|
| 23-48E                |                              | <input checked="" type="checkbox"/> |                       |                              |       |
| 23-16B                | 515E                         | <input checked="" type="checkbox"/> |                       |                              |       |
| 23-98E                |                              | <input checked="" type="checkbox"/> |                       |                              |       |
|                       |                              |                                     |                       |                              |       |
|                       |                              |                                     |                       |                              |       |

*FILE FOR DOCUMENTS*

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):  
**PLAT OF PROPERTY** or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

**OR**

If your water right(s) and/or adjudication claim(s) are for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s)

Trout Creek, LLC % Spencer Warner

4. New Owner/Claimant(s)

Elynn M. Simonet

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

New Mailing Address

337 E. Center St

City, State and ZIP Code

Shelley, ID 83274

New Telephone Number

(208) 521-2975

5. Date you acquired the property

3/2/04

**SCANNED**

**JUL 23 2004**