

04/16/2003

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

RIGHT NUMBER: 23-82

NAME AND ADDRESS: RETA SUMMERS  
288 AUTUMN WOOD DR  
RIGBY ID 83442

SOURCE: HORSE CREEK

TRIBUTARY: ANTELOPE CREEK

QUANTITY: 0.100 CFS

PRIORITY DATE: 07/26/1944

POINT OF DIVERSION:

T02N R42E S17 NESWNE Within BONNEVILLE County Source: HORSE CREEK

PURPOSE AND  
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 10/31

0.100 CFS

PLACE OF USE:

IRRIGATION Within BONNEVILLE County

T02N R42E S17

NWNE

3.3

T02N R42E S17

SWNE

1.7

5 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 INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION  
PURSUANT TO SECTION 42-1425, IDAHO CODE.

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT  
TO SECTION 42-1425, IDAHO CODE.



JUL 09 2004

SCANNED

# State of Idaho

## Department of Water Resources

Eastern Region

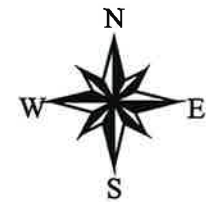


750 0 750 1500 2250 3000 3750 4500 5250 6000 6750 7500 Feet

**Water Right(s):**  
**23-00082**

**Place of Use: T2N, R42E**  
**(parts of) Sec.17 W2NE**

**Point(s) of Diversion: T2N, R42E**  
**Sec. 17 NESWNE**



### 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: April 2003

RECEIVED

04/16/2003

MAR 22 2004

Department of Water Resources  
Eastern Region

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: 23-82

RETA SUMMERS

288 AUTUMN WOOD DR

RIGBY ID 83442

Telephone Number: (208) 524-4619 or 745-0381

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: 3/12/04

SIGNATURE: Reta Summers

Please print your name: Reta Summers

IDWR Regional Office,

SCANNED

JUL 09 2004

CHANGE IN ADDRESS

This form is solely for purposes of notifying IDWR of a change in address of an adjudication claim.

[ ] Water Right Number(s): 23-00092

[ ] Old Mailing Address: Reta Summers

10707 E. Ririe Hwy

Idaho Falls, Id. 83401

[ ] New Mailing Address: Reta Summers-Davis

288 Autumn Wood Dr.

Rigby, Id. 83442

[ ] Telephone Number: 524-4619

[ ] Signature of Claimant: Reta Summers-Davis

[ ] Date: Apr. 16, 2003

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: By:

Further Action Needed:

Further Action Taken

Date: By:

Final Review and Data-Entry

Date: By:

## Contacts Data Entry Form

Water Right No. 23-82

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

Current Owner ROSA SUMMERS

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: \_\_\_\_\_

CHANGE ADDRESS  
DONE  
4/16/03

Directions to Property (if different from above) and/or update owner information:

DECREED UNDER H. FREEMAN, et al vs G. LAMBERT, et al,  
7-26-1944. Pgs 3 & 4 (P VI); TO G.W. SUMMERS (AND WIFE)

- \* RECOMMEND: 1. AMEND CLAIM TO Q.10.cts (AS DECREED)  
2. FILE SEPARATE STOCKWATER CLAIM (AND FOR D/S).  
3. HESSE CK NOT OBTAINED BY USGS OR Y-46.

4/6/03 MAILED REQUEST FOR CONTACT - CLAIM DON'T MATCH DECREES.  
AMEND TO MAKE IT MATCH OR WHY NOT?

4/16/03 ROSA SUMMERS AND SOW WORKS IN TO DISCUSS THIS CLAIM. THIS  
CLAIM WAS AMENDED AND A STOCKWATER CLAIM WAS FILED

NO FB INDICATED: POD(S), POU, CONVEYANCE.

Reviewer: \_\_\_\_\_

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

VI

23-0082

That the defendants and cross-complainants George W. Summers and Ivy Summers, his wife, have the right to the use of, and there is hereby decreed to them the use of one-tenth of one cubic foot per second *0.10 cfs* from the waters of what is known as Horse Creek, the same to be diverted *Horse CK* at a point on the easterly side of said Creek near the Southwest corner of the Northeast Quarter of the Southeast Quarter of Section 17, Town- *T2N* ship 2 North, Range 42 East Boise Meridian, for gardening purposes and *R42E* use upon the aforesaid Northeast Quarter of the Southeast Quarter of *Sec. 17* Section 17. That the said defendants and cross-complainants may maintain *NESE* such diversion works in said Horse Creek at the point aforesaid as will permit of the diversion of the aforesaid amount of water, but such diversion works shall not be so constructed as to cause any unreasonable loss

-3-

of the waters of said Creek by percolation, seepage and evaporation, nor so as to prevent the free flow of the balance of the waters of said Creek from said point of diversion on through the channel ("C") to its point of connection with Antelope Creek. Any unreasonable loss caused by such diversion works shall be deducted from the aforesaid one-tenth of one cubic foot per second herein decreed to said cross-complainants. *TRIB: ANTELOPE CK.*

DECREE EXCERPT FROM:  
FREEMAN VS LAMBERT, 26 July  
1944. Pgs. 3 AND 4 (P VI)

## Priority Date Data Entry Form

Claim Number: \_\_\_\_\_

Water Right Priority Date: \_\_\_\_\_ Water Right Basis: \_\_\_\_\_

Claimed Priority Date: 7/26/1944 Claimed Basis: DECRDSRecommended Priority Date: 7/26/1944 Recommended Basis: DOCRDS☐ 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:

PRIORITY NOT ADDRESSED BY DECRDS. THEREFORE,  
THE DECRDS DATE IS USED - MATCHES  
EXCEPT ATTACHMENT.

Reviewer: \_\_\_\_\_

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

# Point of Diversion and Source Data Entry Form

Claim Number: \_\_\_\_\_

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

Source: \_\_\_\_\_ Tributary: \_\_\_\_\_

Claimed Point of Diversion: T\_\_\_\_, R\_\_\_\_, Sec.\_\_\_\_,\_\_\_\_,\_\_\_\_,\_\_\_\_. County: \_\_\_\_\_

Source: \_\_\_\_\_ Tributary: \_\_\_\_\_

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         |
|------------------------|-----|-----|---------|----------------|--------|----------------|
| 2N                     | 42E | 17  |         | NESB           | Bonn.  | UNNAMED STREAM |
| GPS Coordinates: _____ |     |     |         |                |        |                |
|                        |     | 17  |         | SBSB           | Bonn.  | Spring         |
| GPS Coordinates: _____ |     |     |         |                |        |                |
| GPS Coordinates: _____ |     |     |         |                |        |                |
| GPS Coordinates: _____ |     |     |         |                |        |                |
| GPS Coordinates: _____ |     |     |         |                |        |                |
| GPS Coordinates: _____ |     |     |         |                |        |                |
| GPS Coordinates: _____ |     |     |         |                |        |                |

← NOT DESIGNATED  
NOT RECOMMENDED

Other rights from this POD? \_\_\_\_\_

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

DESIGNED w/ ONE POD AT: T2N, R42E, Sec. 17 NESB  
CLAIM MAP SHOWS 1<sup>ST</sup> POD FROM CK to DITCH, 2<sup>ND</sup> POD @  
"SPRING BOX"

\* RECOMMEND ONLY POD TO DITCH @ T2N, R42E, Sec. 17 SWNBSE

Transfers Changing POD \_\_\_\_\_

Reviewer: \_\_\_\_\_

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

## Place Of Use Data Entry Form

Claim Number: \_\_\_\_\_

\_\_\_\_\_ Use Claimed POU as Recommended POU

## Claimed 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 |
|-----|-----|-----|------|---|--------|---------|-------|----------------|
| 2N  | 42E | 17  | NESB |   | Bonn   |         | 5     | Irrig.         |
|     |     |     |      |   |        |         |       |                |
|     |     |     |      |   |        |         |       |                |
|     |     |     |      |   |        |         |       |                |
|     |     |     |      |   |        |         |       |                |
|     |     |     |      |   |        |         |       |                |

Total Acres 50

Document how the POU was verified:

Claims irrig and stock in NESB - DECREE DOES NOT ADDRESS STOCK USE - MUST HAVE SEPARATE CLAIM FOR STOCK (IF SHE WANTS).

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Transfers Changing POU \_\_\_\_\_

Reviewer: \_\_\_\_\_

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

## 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 |
|--------------|------------|-------------|-------------|--------|
| <i>Paris</i> | <i>4/1</i> | <i>11/1</i> | <i>0.04</i> |        |
|              |            |             |             |        |
|              |            |             |             |        |

$$\frac{0.04 \text{ cfs}}{5 \text{ ac}} = 0.008 \text{ cfs/ac}$$

Overall Diversion Rate \_\_\_\_\_ Overall Diversion Volume \_\_\_\_\_

### Recommended Period of Use and Diversion Rate

| Water Use    | Start       | End          | Rate | Volume |
|--------------|-------------|--------------|------|--------|
| <i>Paris</i> | <i>4/15</i> | <i>10/31</i> |      |        |
|              |             |              |      |        |
|              |             |              |      |        |

Overall Diversion Rate \_\_\_\_\_ Overall Diversion Volume \_\_\_\_\_

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

*Decrease at 0.10 cfs: Claims 0.04 cfs ... Why this drop?*

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Reviewer: \_\_\_\_\_

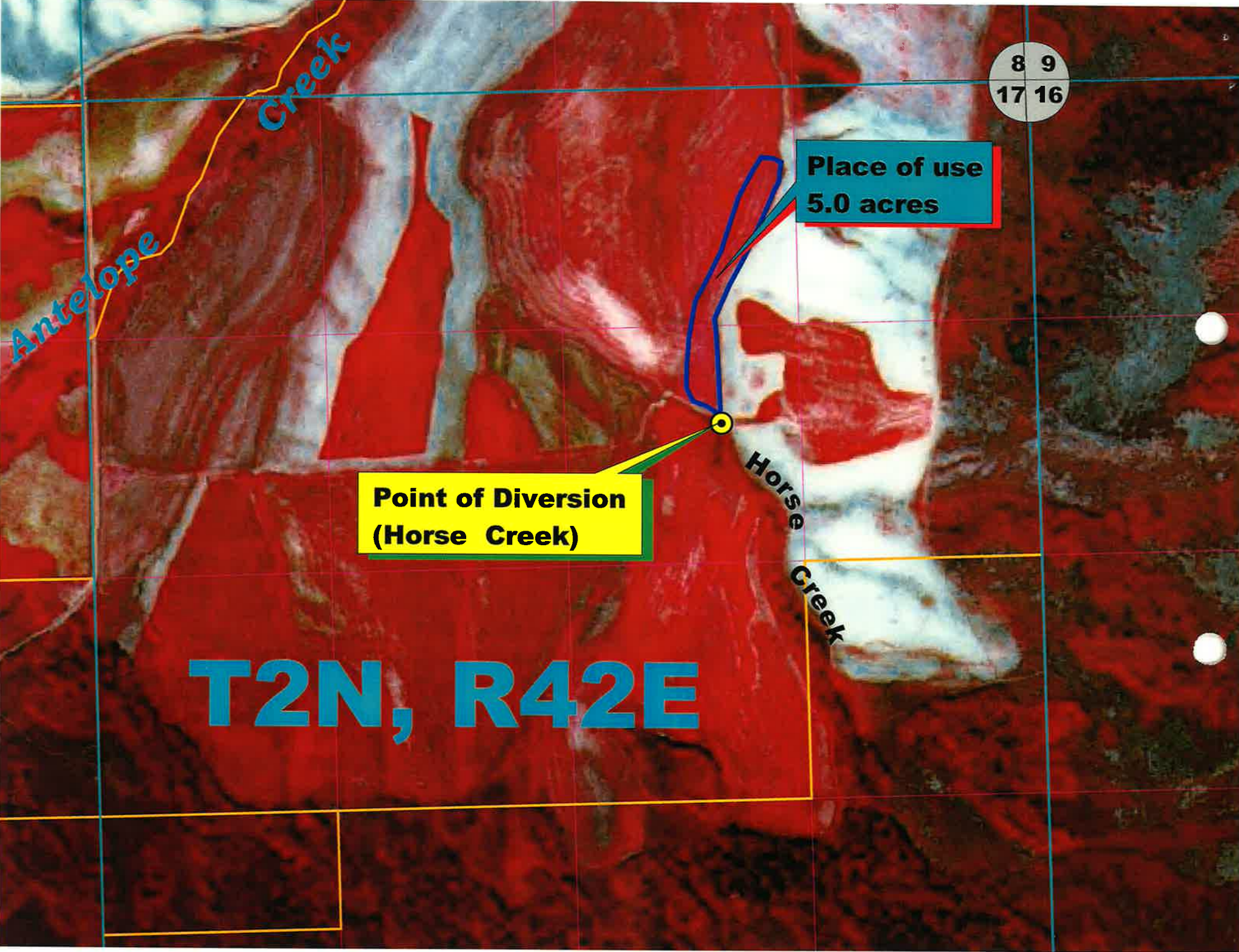
Date: \_\_\_\_\_

Log for claim 23-00082

Spatial Dynamics LTD

5/31/01

| TR      | SEC | QQ   | Acres<br>Claimed | Acres<br>Found | COMMENT       |
|---------|-----|------|------------------|----------------|---------------|
| 02n42e  | 17  | NESE | 5                | 15             | Indiscernible |
| Totals: |     |      | 5                | 15             |               |



Antelope  
Creek

8 9  
17 16

Place of use  
5.0 acres

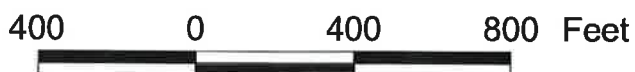
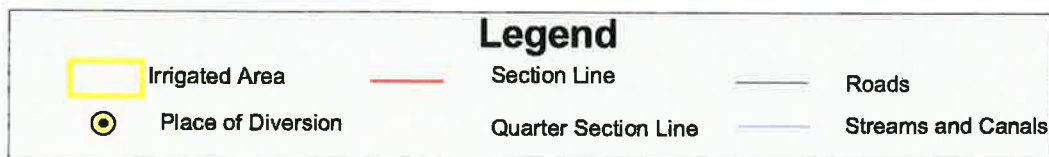
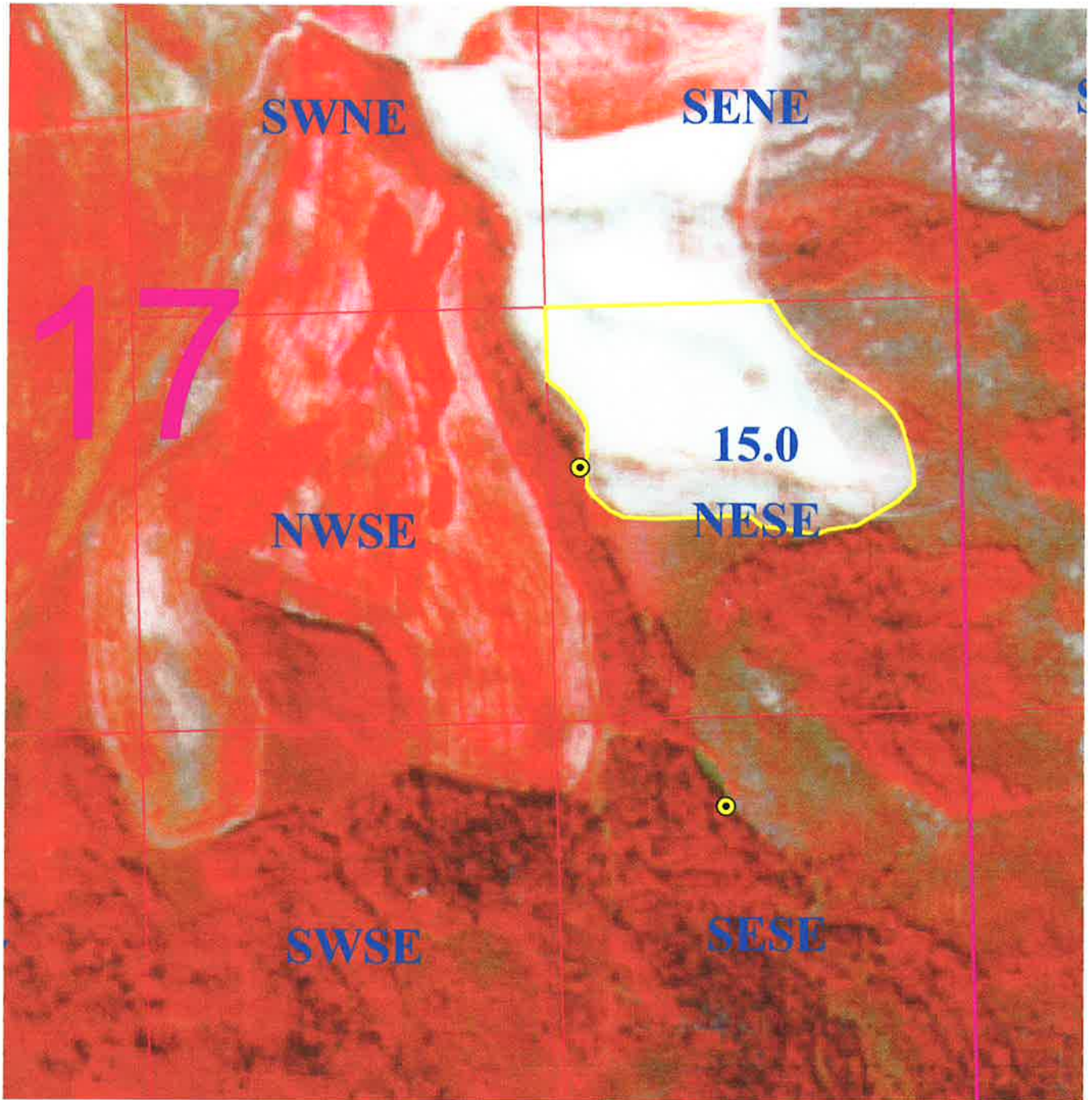
Point of Diversion  
(Horse Creek)

Horse  
Creek

T2N, R42E

Water Right Claim Number 23-00082  
Township , 2N42E

05/31/2001



SPATIAL  
DYNAMICS



Horse Creek

Creek

Antelope

Hwy 26

8 9  
17 16

Creek

Antelope

Horse Creek

T2N, R41E  
T2N, R42E

8 April 2003

Ms Reta Summers  
10787 E Ririe Hwy  
Idaho Falls ID 83401

Re: Snake River Basin Adjudication (SRBA) Water Right Claim 23-00082

Dear Claimant:

I have started reviewing SRBA claims in Basin 23. Upon review of your water right claim I find several elements that are of significant question to the review process. I enclose herewith a copy of your claim and a photomap for your reference.

Please contact me at the above referenced telephone number so we can discuss the claim, or, call for an appointment to visit. I look forward to your timely response.

Respectfully submitted,

Allen B. Ruberry  
Sr. Adjudication Agent  
Adjudication Bureau

Cc; file

Enclosure; claim copy (23-00082) and photo

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 23-82  
Date Received: 9/12/1989  
Receipt No: E010270  
Received By:

AMENDED

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

*Ms* RETA SUMMERS Phone: (208) 524-4619  
288 AUTUMN WOOD DR  
RIGBY ID USA 83442

2. Date of Priority: 07/26/1944

3. Source: HORSE CREEK Trib. to: ANTELOPE CREEK

4. Point of Diversion:  
Township Range Section 1/4 of 1/4 of 1/4 Lot County Type  
02N 42E 17 NE SW NE BONNEVILLE

5. Description of diverting works:

HEADGATE OFF CREEK.

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) A.F.A |
|------------|-------|-------|--------|------------|
| IRRIGATION | 04/15 | 10/31 | 0.1    |            |

7. Total Quantity Appropriated is:  
0.1 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 |
|----------|-------|---------|------------|-----|---------------|-------|
| 02N      | 42E   | 17      | NW         | NE  | IRRIGATION    | 3     |
|          |       |         | SW         | NE  | IRRIGATION    | 2     |
|          |       |         |            |     | Section Acres | 5     |
|          |       |         |            |     | Total Acres   | 5     |

11. Place of use in counties: BONNEVILLE

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

13. Other Water Rights Used:

14. Remarks:

CLAIM AMENDED TO CORRECT THE Q TO 0.10 CFS AS DECREED AND CHANGE THE POD/POU.

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): Reta Summers Davis Date: 4/16/03

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

State of Idaho )  
County of Bonneville ) SS.

Subscribed and sworn (or affirmed) before me this 16<sup>th</sup>  
of April 2003

Aaron B. Ruberry  
\_\_\_\_\_  
Notary Public

Residing at 2040 Raus Dr

My commission Expires 9/23/03



855 +

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: A23-00082  
Date Received: 8/07/1989  
Receipt No: E010270  
Received By: TO

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: RETA SUMMERS 208-523-6555  
Address: 10787 E. RIRIE HWY  
IDAHO FALLS, ID 83401

2. Date of Priority: JUL 26, 1944

3. Source: HORSE CREEK Trib. to: ANTELOPE CREEK

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County     |
|----------|-------|---------|--------|--------|--------|-----|------------|
| 02N      | 42E   | 17      |        | NE     | SE     |     | BONNEVILL. |
|          |       |         |        | SE     | SE     |     | BONNEVILLE |

5. Description of diverting works:  
DITCH AND SPRINGBOX TO CORRAL AND TROUGHS

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| IRRIGATION | 04/01 | 11/01 | 0.040 |      |        |

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

8. Total consumptive use is 12.5 Acre Feet Per Annum.

9. Non-irrigation uses:  
S/400 HORSES OR CATTLE

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 of | Lot | Use   | Acres |
|----------|-------|---------|--------|--------|-----|-------|-------|
| 02N      | 42E   | 17      | NE     | SE     |     | IRR   | 5     |
|          |       |         | NE     | SE     |     | STOCK |       |

A23-00082

Page 1

Date: 08/07/89

MICROFILMED

NOV 07 1992



11. Place of use in counties: BONNEVILLE
12. Do you own the property listed above as place of use? YES
13. Other Water Rights Used:  
NONE
14. Remarks:  
PRIORITY DATE ASSIGNED BY DECREE DATE.  
WATER IS ALSO USED FOR INSTREAM STOCK USE ALONG HORSE CREEK IN  
SECTIONS 8 AND 17.
15. Basis of Claim: DECREED  
Case Number:  
Court :  
Decree date:

HAROLD H. FREEMAN ET AL  
Decree Plaintiff

vs

GEORGE D. LAMBERT ET AL.  
Decree Defendant

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): Reta Summers Date: Aug. 24, 1989  
\_\_\_\_\_  
Date: \_\_\_\_\_

State of Idaho )  
County of Jefferson ) SS.

Subscribed and sworn (or affirmed) before me this 24 day

of August 19 89

Taffey G. Summers  
Notary Public

Seal

Residing at Rigby, Idaho

My Commission Expires March 8, 1993

6

POINT LOOKOUT ORTHOPHO  
IDAHO

R. 42 E.

670 000 FEET

