

02/24/2004

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

RIGHT NUMBER: 23-98C
NAME AND ADDRESS: SUSAN SARGENT
PO BOX 24
SWAN VALLEY ID 83449
SOURCE: RAINEY CREEK TRIBUTARY: SOUTH FORK SNAKE RIVER
QUANTITY: 0.200 CFS
PRIORITY DATE: 01/22/1916
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	0.200 CFS

PLACE OF USE: IRRIGATION Within BONNEVILLE County

T01N R43E S01	NESE	0.4	T01N R43E S01	NWSE	0.2
T01N R43E S01	SWSE	5.6	T01N R43E S01	SESE	10.0

16.2 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 23-48C IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 16.2 ACRES IN A SINGLE IRRIGATION SEASON.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 10.0 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: Decreed

RIGHT NO. 23-48C IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.



Eastern Region



GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: A. Ruberry
Date: December 2003

Contacts Data Entry Form

Water Right No. 23-98C

Owner Type	Full Name	Address	City	State	Zip	Phone
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Current Owner SUSAN SARGENT

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:

DECREED UNDER PASADENA TRING. VS L. CRANDALL, 1/16/1951.SEE ATTACHED DECREE EXCERPT.SEE 23-48C FOR ADDITIONAL NOTES OF 8/26/03 FE.FE INDICATED: DO w/ 23-48C PPL w/ AC/G Limits

Reviewer: _____

Date: _____

SCANNED
JUL 12 2004

Priority Date Data Entry Form

Claim Number: _____

Water Right Priority Date: _____ Water Right Basis: _____

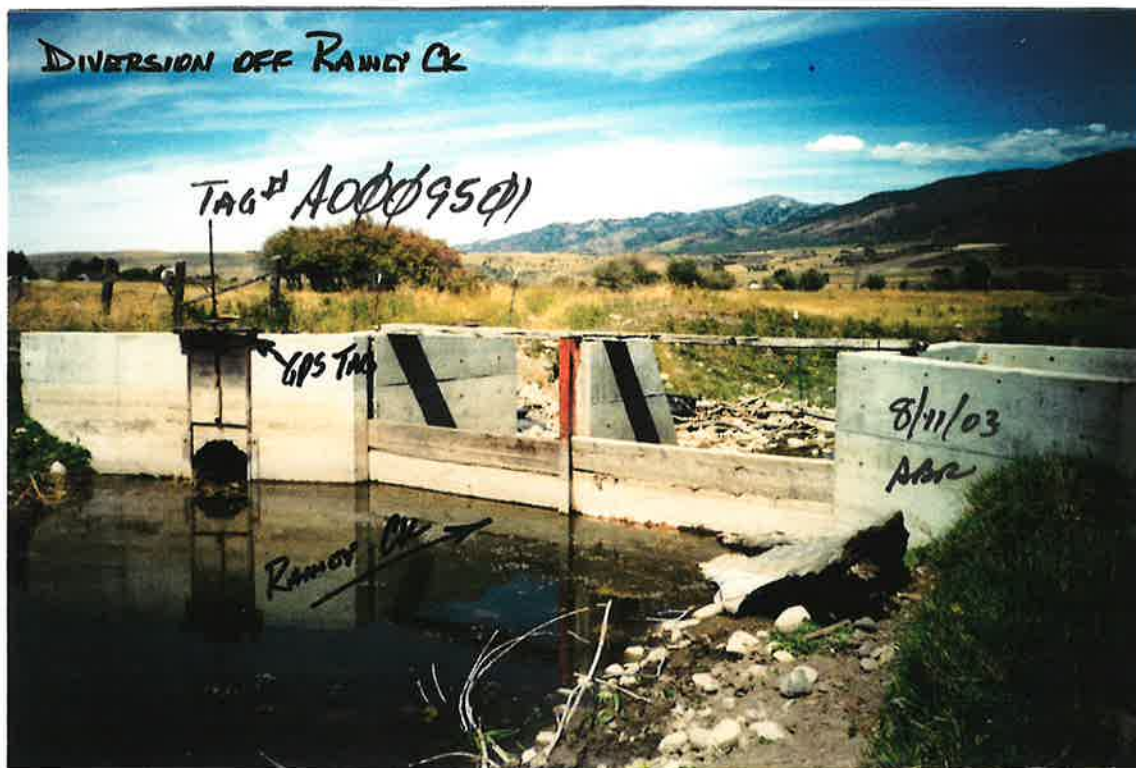
Claimed Priority Date: JAN. 22, 1916 Claimed Basis: DECREESRecommended Priority Date: 1/22/16 Recommended Basis: "☐ Use Claimed Priority Date and Basis as Recommended Priority Date and Basis

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

Claim matches DECREE Priority

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 1N, R 44E, Sec. 7, SW, NE, NE. County: BONNSource: RAINY CR. LOWER Tributary: SNAKE RIVER, SOUTHERN

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

Other rights from this POD? _____

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

USGS QUAD Y-48 DOES NOT RECOGNIZE LOWER RAINY CR.
RECOMMEND RAINY CR TRIB TO SNAKE RIV. SOUTHERN

Transfers Changing POD _____

Reviewer: _____

Date: _____

Place Of Use Data Entry Form

Claim Number: _____

_____ Use Claimed POU as Recommended POU

Claimed Place of Use

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

Total Acres _____

Recommended Place of Use

Tw	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
1N	43E	1	SWSE		BONNI			IRRIG
			SESE					

Total Acres _____

Document how the POU was verified:

POU IS ADDRESSED BY DECREE AND IS OK.

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
IRRI G	4/1	11/01	0.20	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Overall Diversion Rate _____ Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
IRRI G	4/15	10/31	0.20	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Overall Diversion Rate _____ Overall Diversion Volume _____

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

SQW NOT ADDRESSED BY DECREE. VEC DEPT. STD FOR AREA
OF 4/15 TO 10/31
DECREE RECOGNIZES 1" AC (\$342-22050)
AC AND Q LIMITS APPLY - OVERLAP OF RTS - @ 0.02 THIS RT IS
GOOD FOR 10 AC w/ 17° AC POU

Reviewer: _____

Date: _____

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 23-98

WATER RIGHT NUMBER: 23-98

Owner Type Name and Address
 Current Owner WEEKS BROTHERS
 , ZZ

Priority Date: 01/22/1916

Basis: Decreed

Status: Active

Source Tributary
 RAINEY CREEK SOUTH FORK SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	/ to /		
IRRIGATION	/ to /	2.700 CFS	
	<u>Total Diversion:</u>	2.700 CFS	

Location of Point(s) of Diversion

RAINEY CREEK

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals			
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE				
01N	43E	1																X	X	X	X	

DOMESTIC same as IRRIGATIONConditions of Approval:Remarks:

- General P/D NOT GIVEN IN DECREE.
 P/U INCOMPLETE.
 RIGHT CANNOT BE TRANSFERRED. SEE DECREE.

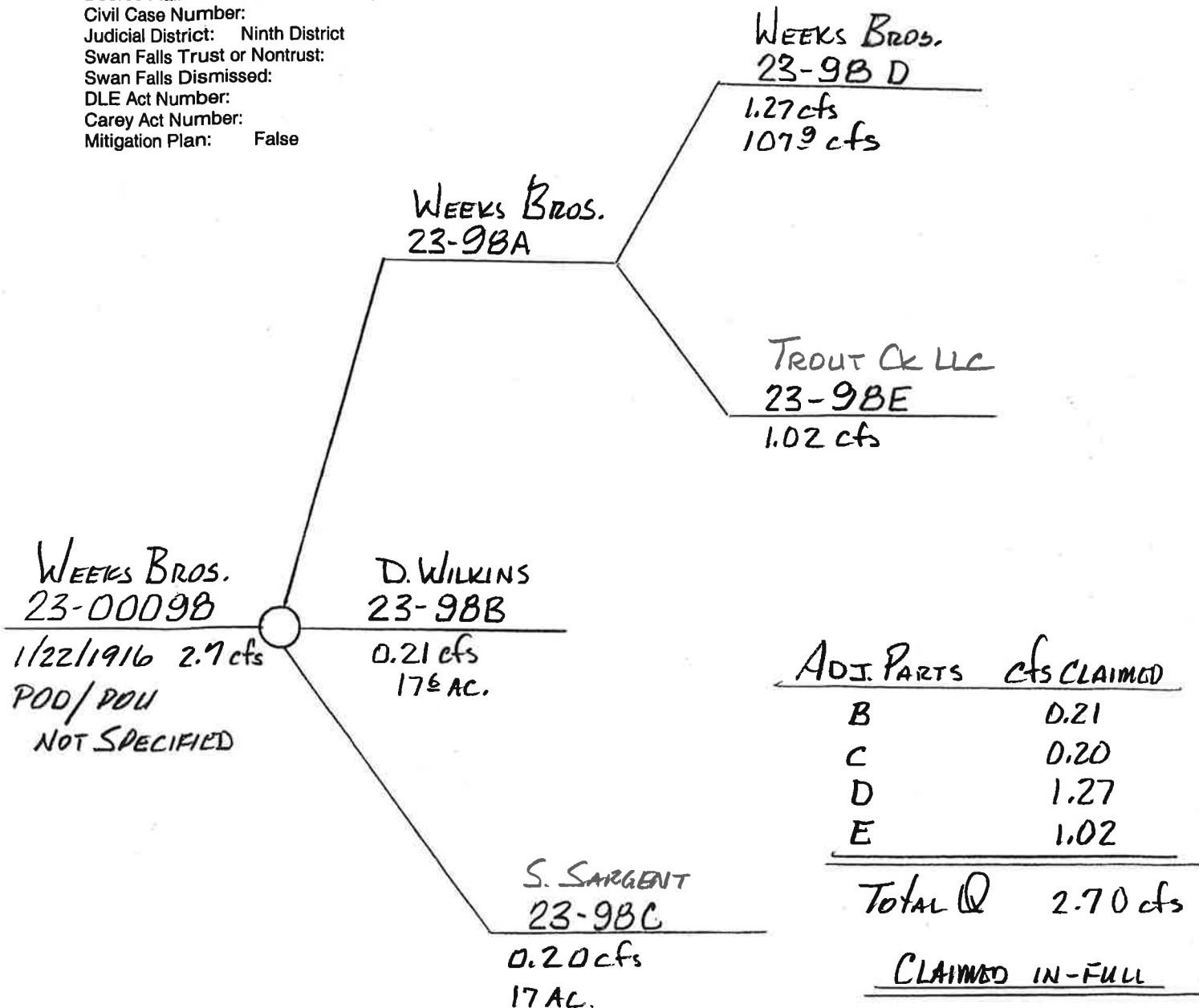
Comments:Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 23-98

Dates and Other Information:

Licensed Date:
 Decreed Date: 1/16/1951
 Water Supply Bank Enrollment Accepted:
 Water Supply Bank Enrollment Removed:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 State or Federal:
 Owner Name Connector:
 Water District Number: 01
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Decree Defendant: Lynn Crandall
 Decree Plaintiff: Hal Rasmussen, et al
 Civil Case Number:
 Judicial District: Ninth District
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False



AC OVERCLAIMED
 Q and AC limits apply

Log for claim 23-00098C

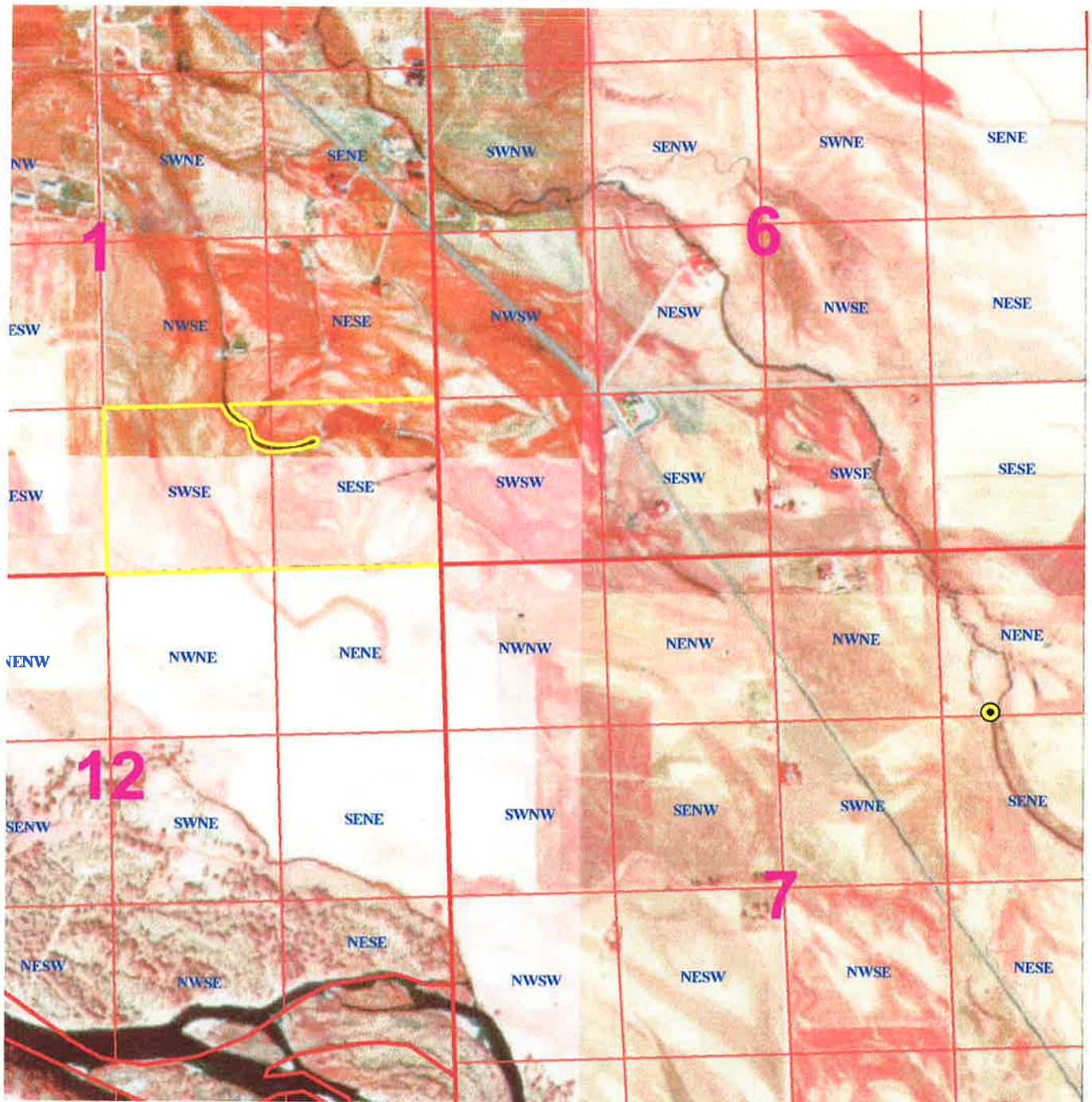
Spatial Dynamics CAT

4/9/01

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
01n43e	1	SWSE	8	39	Indiscernible
01n43e	1	SESE	8	40	Indiscernible
Totals:			16	79	

Water Right Claim Number 23-00098C
Townships , 1N44E, 1N43E

04/09/2001



1000 0 1000 2000 3000 Feet



SPATEAL
DYNAMICS

rights shall immediately lapse and become void and of no effect.

III.

It is further considered, adjudged and decreed by the Court that the plaintiffs are entitled to a summary decree and adjudication of the waters of Snake River and its tributaries with date of priority of January 22, 1916.

<u>Plaintiffs</u>	<u>Amount of Miners Inches</u>	<u>Amount of Second Feet</u>
The Palisade Irrigation Company	4890	97.8
J. L. Higham	120	2.4
Richard A. Beam	360	7.2
Ivan Weeks	160	3.2
Thomas M. Weeks	200	4.
John B. Miller	240	4.8
Shurtleff Bros.	880	17.6
Elizabeth Beam	150	3.
David H. Peterson and Jess L. Peterson	100	2.00
Henry Goettsche	312	6.24
Weeks Bros.	135	2.7
Luther Smith	160	3.2
M. E. Toliver	800	16.
Harry Bitton	160	3.2
Francis Stoltenberg	210	4.2
Joe Kruse	120	2.4
Henry McCabe	150	3.

IV.

Further ordered, adjudged and decreed that the plaintiffs have the right to divert and use said quantity of water with the said priority date subject, however, to the terms of the said decree of December 16th, 1910, and said decree of June 25th, 1929, for use for irrigation and domestic purposes upon the following described lands, to-wit:

23-0098 It is further Ordered, Adjudged and Decreed that the plaintiff, Weeks, Bros., a partnership, has the right to divert from Lower Rainey Creek and use said quantity of water with the said priority date for irrigating and domestic purposes upon the following described lands, to-wit:

Southeast Quarter (SE $\frac{1}{4}$), Section One (1), Township One (1) North, Range Forty-three (43), East of the Boise Meridian.

23-0099 It is further Ordered, Adjudged and Decreed that the plaintiff, Luther Smith, has the right to divert from Lower Rainey Creek and use said quantity of water with the said priority date for irrigating and domestic purposes upon the following described lands, to-wit:

North Half of the Northwest Quarter (N $\frac{1}{2}$ NW $\frac{1}{4}$), less Tract one (1), Section One (1), Township One (1); Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$), less one (1) acre, Section Thirty-five (35), Township Two (2); South Half of the Southwest Quarter (S $\frac{1}{2}$ SW $\frac{1}{4}$), Section Thirty-six (36), Township Two (2), Range Forty-three (43), East of the Boise Meridian.

DE LOG 8/20/97 GT

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

RECEIVED

AUG 20 1997

Department of Water Resources
Eastern Region

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Water Right Number(s) A
Adjudication Claim Number(s) A23-00048A A23-00098A
2. The following **REQUIRED** information must be submitted with this form.
 - A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
 - AND
 - B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.)
 - OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant(s) Susan Sargent Renell WEEKS
4. ☒ New Owner/Claimant(s) Susan Sargent
 Name connector (Check one): ☐ AND, ☐ OR, ☐ AND/OR
☒ New Mailing Address Box 24
☒ City, State and ZIP Code Swan Valley, Idaho 83449
☒ New Telephone Number (208) 483-3051
5. ☒ Date you acquired the property 6/5/97
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.
 Number of acres actually irrigated _____ Number and type of stock _____
 Diversion rate in CFS _____ Number of homes _____ Other uses _____
cubic feet per second
 If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
7. ☒ Signature of New Owner/Claimant(s) [Signature] Date 8/20/97
 _____ Date _____
8. (Corporations or other organizations must submit a list of directors/officers demonstrating authority to sign form.)
 For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

DE Log
SB 6-10-97
DC 7/24/97

DATE OF CLOSING: 6/5/97

(.24 cfs) 2.96 cfs

LEGAL DESCRIPTION OF PROPERTY: Township 1 N Range 43 EBM (.20 cfs)
Section 1/4 of 1/4 of 1/4 Govt. Lot , BM. 211.4

Lot , Block, , Subdivision/Townsite

If you have additional legal descriptions, please attach separate sheet.

See Exhibit "A" attached

2.49 cfs

- ☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

- ☐ Water Right Number(s)

Assigned by IDWR:

A23-00048A

P 9/98A - 48c - 98c

- ☐ Name and Address of Former Owner/Claimant(s)(Seller):

Weeks Brothers

- ☐ New Owner/Claimant (Purchaser):

Susan Sargent

- ☐ New Mailing Address:

RECEIVED
JUN 10 1997

Department of Water Resources
Eastern Region

- ☐ New Telephone Number:

() -

- ☐ Does the change in ownership result in a splitting of the water right owned/claimed? ☒ yes ☐ no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

See legal description attached (17.07 acres)

- ☐ Attach proof of ownership, describe proof attached:

Corporation Warranty Deed

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

- ☐ Signature of New Owner/Claimant(s)

Susan Sargent by Lola Sargent Date 6-5-97

Date

- ☐ Signature of Former Owner/Claimant(s):

Deane Weeks Pres. Date 6-5-97

Date

(Signature of former claimant(s) is not required if proof of ownership is attached.)

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:

Claim Numbers of Split, if any:

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

TRACT I:

Beginning at the South Quarter Corner of Section 1, Township 1 North, Range 43 East of the Boise Meridian, Bonneville County, Idaho, thence South $89^{\circ}56'07''$ East 1107.66 feet to the true point of beginning; running thence South $89^{\circ}56'07''$ East 550.00 feet, thence North $02^{\circ}48'37''$ East 955.67 feet, thence North $04^{\circ}20'13''$ East 398.17 feet, thence North $89^{\circ}56'07''$ West 550.00 feet, thence South $04^{\circ}20'13''$ West 398.17 feet; thence South $02^{\circ}48'37''$ West 955.68 feet to the true point of beginning.

17.

TRACT II:

A 60 foot wide Access Easement being described as follows:

Beginning at a point that is South $89^{\circ}56'07''$ East 50.00 feet along the Section line from the South Quarter Corner of Section 1, Township 1 North, Range 43 East of the Boise Meridian, Bonneville County, Idaho; said point being on the East right of way line of Stoltenberg Lane; running thence South $89^{\circ}56'07''$ East along the Section line 1057.66 feet, thence North $02^{\circ}48'37''$ West 60.07 feet, thence North $89^{\circ}56'07''$ West 1060.60 feet, thence South 60.00 feet to the point of beginning.

1.46 AC

943952

CORPORATION WARRANTY DEED

RENELL WEEKS FARMS, INC., a Corporation under the laws of the State of Idaho having been duly authorized by its Board of Directors, as GRANTOR, for good and valuable considerations, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey unto **SUSAN SARGENT, an unmarried person**, as GRANTEE, whose address is P. O. Box 34, Swan Valley, Idaho, and Grantee's successors and assigns, all of the following described real property, to-wit:

TRACT I:

Beginning at the South Quarter Corner of Section 1, Township 1 North, Range 43 East of the Boise Meridian, Bonneville County, Idaho, thence South 89°56'07" East 1107.66 feet to the true point of beginning; running thence South 89°56'07" East 550.00 feet, thence North 02°48'37" East 955.67 feet, thence North 04°20'13" East 398.17 feet, thence North 89°56'07" West 550.00 feet, thence South 04°20'13" West 398.17 feet; thence South 02°48'37" West 955.68 feet to the true point of beginning.

SW 38 / SE 38

TRACT II:

A 60 foot wide Access Easement being described as follows: ~~See A/D~~

Beginning at a point that is South 89°56'07" East 50.00 feet along the Section line from the South Quarter Corner of Section 1, Township 1 North, Range 43 East of the Boise Meridian, Bonneville County, Idaho; said point being on the East right of way line of Stoltenberg Lane; running thence South 89°56'07" East along the Section line 1057.66 feet, thence North 02°48'37" West 60.07 feet, thence North 89°56'07" West 1060.60 feet, thence South 60.00 feet to the point of beginning.

SUBJECT TO the 1997 and subsequent years general taxes and assessments, all existing patent reservations, easements, right of ways, protective and restrictive covenants, zoning ordinances and applicable building codes, laws and regulations.

TOGETHER WITH any and all improvements, water and ditch rights, easements, tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and any reversion, remainder, rents, issues, and profits thereof.

Grantor, for itself, and its successors and assigns, does hereby warrant and agree to forever defend the Grantee, and Grantee's successors and assigns, in the quiet and peaceful possession of said premises against the lawful claims of any and all persons.

In construing this Deed and where the context so requires, the singular includes the plural, and the masculine, the feminine and neuter.

Dated: June 5, 1997

RENELL WEEKS FARMS, INC.

Corporation Name

by: Renell Weeks Pres.
President

STATE OF IDAHO)

) ss

COUNTY OF Bonneville)

On June 5, 1997, before me, the undersigned, personally appeared

Renell Weeks
known or identified to me to be President of the
corporation that executed the within instrument, and acknowledged to me that such
corporation executed the same.

Notary Public for the State of Idaho
Commission Expiration Date: 1/28/2003

NOTARY PUBLIC
LENORE J. KATRI
STATE OF IDAHO

Residing at Idaho Falls, Idaho
My Commission Expires Jan 28 2003

97 JUN 5 PM 4 46
BONNEVILLE COUNTY
RECORDER

943952

INSTRUMENT NO.	943952
DATE	6-5-97
INST. CODE	238
FICHE NO.	12531-62
FEE	300
STATE OF IDAHO)	
COUNTY OF BONNEVILLE)	ss
I hereby certify that the within instrument was recorded.	
Ronald Longmore, County Recorder	
By <u>[Signature]</u>	Deputy
Request of	

Bonneville Land & Title Co.

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: **A23-00098C**
Date Received: 8/25/1989
Receipt No: X777777
Received By: _____

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name: SUSAN SARGENT
Address: PO BOX 24
SWAN VALLEY ID 83449
2. Date of Priority: JAN 22, 1916
3. Source: RAINEY CREEK, LOWER Trib. to: SNAKE RIVER, SOUTH FORK
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
01N	44E	7	SW	NE	NE		BONNEVILLE

5. Description of diverting works:
HEADGATE IN STREAM TO DITCHES FOR FLOOD IRRIGATION.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.200		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
INCIDENTAL STOCKWATERING

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
01N	43E	1	SW	SE		IRR	8.5
			SE	SE		IRR	8.5



10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	17.0
					Total Acres	17.0

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:

A23-00048A, PALISADES CANAL (FROM PALISADES CREEK), STORAGE

14. Remarks:

RIGHT CANNOT BE TRANSFERRED. SEE DECREE.

* THIS RIGHT PAID FOR UNDER RECEIPT #E009979. CHANGE IN OWNERSHIP

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 1/12/1951

PALISADE IRR. CO., ET AL.

Decree Plaintiff

LYNN CRANDALL.

vs

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): _____ Date: _____
_____ Date: _____

