

03/30/2004

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

RIGHT NUMBER: 25-10105

NAME AND ADDRESS: CINDY SPAULDING
250 N YELLOWSTONE
RIBGY ID 83442

DAVE SPAULDING
250 N YELLOWSTONE
RIGBY ID 83442

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.060 CFS

The quantity of water under this right shall not exceed 13,000 gallons per day.

PRIORITY DATE: 06/01/1966

POINT OF DIVERSION:

T04N R39E S19 NESW Within JEFFERSON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

DOMESTIC

1/01 12/31

0.040 CFS

PLACE OF USE:

DOMESTIC Within JEFFERSON County

T04N R39E S19

NESW

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.

The quantity of water decreed for this water right is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: Beneficial Use

August 18, 2003

A.M.R.
Bruce E. Lind
244 Broadway
Idaho Falls, ID 83402

Re: Water Right Adjudication Claim(s) A25-10105

Dear Water User:

Idaho Department of Water Resources (IDWR) is reviewing claims to water rights in the Snake River Basin Adjudication in your area. Water Resources Field Services has been retained to do field inspections to aid the Department in making correct recommendations to the court. In the next weeks and months, I will be contacting you to make an appointment to look at your diversion works and uses of water.

The purposes of the visit will be to identify and photograph the well, and to collect evidence of priority information to allow IDWR to make a correct recommendation.

I look forward to helping make sure your water right recommendation is correct. Please let me know if there is a particular time that would be convenient for you. You may call in the evenings, or leave a message on the answering machine.

Sincerely,

Bryce A. Contor

SCANNED
AUG 17 2004

Field Exam Summary A25-10105 2/18/2004

Bryce Contor

Water Resources Field Services

General Comments

This is a single home and a commercial building. The commercial building has three tenants but very little water use is associated with their water use. The claimed priority date is 1966 and the owner does not think the water use goes back before 1963. I propose a de minimus domestic with the N11 remark and the 13,000 gallon/day limitation.

Ownership

The new owners are Dave or Cindy Spaulding, 250 N Yellowstone Highway, Rigby ID 83442, 208 745 6189. I have mailed them a notice of change of ownership form.

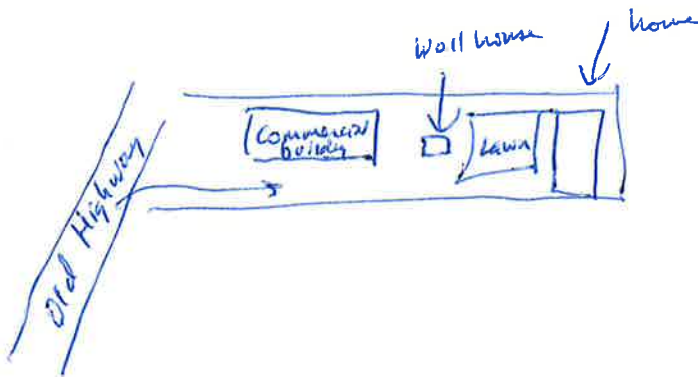
POD

The POD is located at Waypoint 14, 668,173 E 286,729 N. The legal description appears to be correct but rely on the GPS reading; my map gave poor resolution of exactly where the lot is located. The well is between the commercial building and the home, per the sketch below.

POU

The legal appears to be correct. Use the GPS location.

*Street address is
250 N Yellowstone Highway*



Overlap

None noted

Conflict

None noted

Priority

I propose recommending as claimed, with N11 remark. There is no evidence of priority in the file.

Quantity

I propose standard deminimus domestic, 0.04 cfs, 13,000 gallons/day, 1.2 acre feet/year.

Water Use

Domestic includes one home and incidental use in one commercial building.

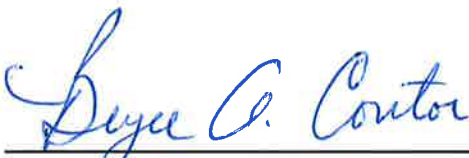
List of Photos

A25-10105_1.jpg Well house

A25-10105_2.jpg Front of commercial building, looking east from Old Yellowstone Highway.

A25-10105-postcard-1.jpg
A25-10105-postcard-2.jpg

} copies of post card to former owner



Bryce A. Contor



Date

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

DELOG
RM 3-4-04

RECEIVED

MAR 03 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 (under the "split" heading), 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 Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
	A25-10105	N			

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

~~A. The appropriate **FILING FEE**. See instructions for fee amounts.~~ *None*

☒ 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**.

not needed
☒ 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) is 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)

A. M. R.
244 Broadway Idaho Falls

- ☒ 4. New Owner/Claimant(s)

DAVE SPAULDING CINDY SPAULDING
 Name Connector (Check one): [] and, [] or, ☒ and/or

New Mailing Address

250 N Yellowstone

City, State and ZIP Code

Rigby ID. 83442

New Telephone Number

208 745-6189

- ☒ 5. Date you acquired the property

(signature on back)

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7.

Signature of New Owner(s) or Claimant(s)
(include title if applicable)

Emily Spaulding

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by _____ Date _____ Fee _____
 Receipted by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

Please mail to IDWR
 900 N Skyline St A
 Idaho Falls ID 83402

QUITCLAIM DEED

CINDY SPAULDING, CURRENT SPOUSE OF DAVE SPAULDING, GRANTOR for good and a valuable consideration, the receipt and sufficiency of which is hereby acknowledged, does hereby REMISE, RELEASE and forever QUITCLAIM, unto DAVE SPAULDING, A MARRIED MAN AS HIS SOLE AND SEPARATE PROPERTY, whose mailing address is 250 NORTH YELLOWSTONE HIGHWAY, RIGBY, ID 83442, County of JEFFERSON, State of Idaho as GRANTEE, and to grantee's heirs and assigns forever, all of the following described real property situated in JEFFERSON County, State of Idaho:

SEE ATTACHED EXHIBIT "A"

Instrument # 312427
 RIGBY, JEFFERSON, IDAHO
 2002-01-30 03:36:00 No. of Pages: 2
 Recorded for : ALLIANCE TITLE & ESCROW
 CONNIE M. KELLER Fee: 6.00
 Ex-Officio Recorder Deputy
 Index to: QUIT CLAIM DEED

TOGETHER with all improvements, water, water rights, ditches, ditch rights, easements, tenements, hereditaments and appurtenances thereto.

IN WITNESS WHEREOF, Grantor has hereunto subscribed his name to this instrument this 25TH day of JANUARY, 2002.

Cindy Spaulding
 CINDY SPAULDING

STATE OF IDAHO
 COUNTY OF BONNEVILLE

} ss

On this 25TH day of JANUARY, 2002, before me, the undersigned, a Notary Public in and for the State, personally appeared CINDY SPAULDING, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he executed the same.

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



Tereza M. Jauer
 Notary Public in and for said County and State
 Residing at: RIGBY, ID
 Commission Exp.: 08/19/02

1/30/02 3:32

EXHIBIT "A"

Township 4 North, Range 39 East of the Boise Meridian, Jefferson County, Idaho.

Section 19: Beginning at the NE Corner of the SW1/4 of said Section 19 and running thence South 277 feet; thence West 600 feet; more or less, to the East Boundary of the Yellowstone Highway right of way; thence in a Northeasterly direction parallel to said Yellowstone Highway right of way a distance of 320 feet more or less, to the North line of the SW1/4 of said Section 19, thence East along said line to the point of beginning.

EXCEPTING THEREFROM: Beginning at a point where the North line of the SW1/4 of said Section 19 intersects the East right-of-way line of Old U.S. Highway 191 and running thence East along the North line of the SW1/4 of said Section 19 206 feet more or less to an existing log pole fence; thence South along said fence 125 feet; thence West 43 feet; thence South 28 feet; thence West to the intersection of Old U.S. Highway 191 right-of-way; thence Northeasterly along said right-of-way 164 feet more or less to the point of beginning.

Water Resources Field Services

1571 N. 1100 E.

Terreton, ID 83450

208-663-4667

February 18, 2004

Dave or Cindy Spaulding
250 N Yellowstone Highway
Rigby, ID 83442

Re: Water Right Claim A25-10105

Dear Mr. and Mrs. Spaulding:

Thank you for calling and giving me your address and answering my questions about your well and water use. Enclosed is a copy of a "Notice of Change of Ownership" for the water right for your home and commercial business in Rigby. Please fill it out and send it to Idaho Department of Water Resources with documentation of ownership. The address is at the bottom of the second page.

Based on what you told me, and what I saw on my visit in January, I will prepare a report for IDWR. One of their Senior Water Right Agents will make a recommendation for your water right and send you a copy for review. Then the recommendation will be sent on to the court, and eventually your water right will be decreed. Please call IDWR or me if you have questions.

Sincerely,

Bryce A. Contor

LITHOLOGY AND PETROGRAPHY OF SAMPLED INTERVALS

Core from the five wells was examined at the INEEL USGS Core Library. All of the basalts examined are fine- to medium-grained, aphyric to porphyritic, olivine bearing, and have a diktytaxitic texture. They are similar to those described in detail by Knutson et al. (1990) and Lanphere et al. (1993; 1994).

Well 2-2A

All of the core from well 2-2A that we examined consisted of basalts with sediment interbeds. Most of the basalts from above 1,337 feet are medium gray in color and exhibit a fresh appearance on fracture surfaces. Calcite and/or clay to fine-grained sediments coat or fill several fractures and vesicles. In the intervals between 603 and 617 feet and 1,191 and 1,205 feet the basalts are gray to gray-green in color with green-colored clay coating or filling fractures. The green-colored clay is not present in the sedimentary interbeds, so it most likely is authigenic in origin. Large (~ 0.2 inches), drusy calcite crystals were present in a large vug at 1,275 feet. There was only minor calcite deposition in vugs above and below these large crystals. Basalts below 1,337 feet exhibit increased filling of vesicles and diktytaxitic cavities with authigenic minerals. The matrix of basalts between 1,583 and 1,625 feet has a dull green hue due to the partial filling of diktytaxitic cavities with green-colored clays. Authigenic chabazite, a zeolite, occurs in several vugs between 1,569 and 1,601 feet. A vug at 1,591 feet contains large

A25-10105 Preview / Contact log

1/19/04

- 1) Need evidence of priority - Note claim date is 1966 - if not before 1963 can only recommend as de minimis - consider second claim -
- 2) Consider nature of commercial to see if 2,500 spd limit is adequate

1/19/04 522-0071 Allstate Insurance - No connection w/ AMR? No agency S. of Rigby.

1/19/04 Stopped at Taylor's Quick stop / beauty parlor in same 1/4 1/4, no one knew anything. Beauty parlor lady called a friend who said "check w/ Clements." No one was at home but I took photo & GPS.
Waypoint 14 66 8173 E 286 729 N

1 Photo, front of building. Sign @ road said "Mountain West Industrial Park"

1/20/04 Postcard - see jpg files

April 25, 1991

NOTICE OF CLAIM A25-10105

A.M.R.

Bruce E. Lind
244 Broadway
Idaho Falls, ID 83402

RE: **Evidence of Priority**

Dear Mr. Lind:

The Notice(s) of Claim identified with the number shown above you name has been filed in the Snake River Basin Adjudication (SRBA). The Notice(s) indicates the water usage is based on "Beneficial Use" or a "Statutory Claim". 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 Notice. The date the water was first put to use, known as the priority date, has not been confirmed by a License, Decree, or Permit. For this reason, proof must be provided supporting the priority date.

For your reference I have provided a printout of your Notice(s) 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 all of the 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 this historical water rights within the Snake River Basin as accurately as possible. Field exams to verify other items of the Notice(s) have been or soon will be conducted by Department personnel. But, the Department will not recommend the Notice(s) be decreed by the court if no evidence of a priority date is submitted.

MICROFILMED

NOV 07 1992

A.M.R.
Bruce E. Lind

Page 2

Please submit the required evidence supporting the priority date(s) by **May 28, 1991**, referencing all documents with the corresponding Notice number(s). If you have any questions not covered by this letter or the enclosed pamphlet, please contact this office.

All Notices required to submit this evidence are currently being reviewed for recommendation to the court. Hence, the need for expediency on your part or your agency. every effort should be made to submit this information within 30 days of the date of this letter.

Respectfully submitted,

Ernest Carlsen
Water right Supervisor, Adjudication

EC:sc

Enclosure: Brochure on "Evidence of Priority"
Proof Report

MICROFILMED
NOV 07 1992

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 25-10105
Date Received: 8/17/1988
Receipt No: E001357
Received By:

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

1. Name of Claimant(s)

CINDY SPAULDING Phone: (208) 745-6189
250 N YELLOWSTONE
RIBGY ID USA 83442

DAVE SPAULDING Phone: (208) 745-6189
250 N YELLOWSTONE
RIBGY ID USA 83442

2. Date of Priority: 06/01/1966

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
04N	39E	19	NE SW	JEFFERSON	

5. Description of diverting works:

WELL AND PUMP TO ONE HOME AND COMMERCIAL BLDNG

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
COMMERCIAL	1/01	12/31	0.02	
DOMESTIC	1/01	12/31	0.04	

7. Total Quantity Appropriated is:
0.06 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
----------	-------	---------	----------------	-----	-------

04N

39E 19

NE	SW
NE	SW

COMMERCIAL
DOMESTIC

11. Place of use in counties: JEFFERSON

12. Do you own the property listed above as place of use? No

13. Other Water Rights Used:

14. Remarks:

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 _____ 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:

State of Idaho

County of _____) ss.

Subscribed and sworn (or affirmed) before me this

of _____ 20____

Notary Public

Residing at _____

My commission Expires _____

SCANNED

AUG 2001

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: A25-10105
Date Received: 8/17/1988
Receipt No: E001357
Received By: HWS

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: A.M.R. 208-522-0071
Address: 244 BROADWAY
IDAHO FALLS, ID 83402

2. Date of Priority: JUN 01, 1966

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	39E	19	NE	SW			JEFFERSON

5. Description of diverting works:
WELL AND PUMP TO ONE HOME AND COMMERCIAL BLDNG

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		
COMMERCIAL	01/01	12/31	0.020		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC AND COMMERCIAL

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	39E	19	NE	SW		DOMEST	
			NE	SW		COMMER	

A25-10105

Page 1

Date: 08/17/88

MICROFILMED

NOV 07 1992

A2510105

11. Place of use in counties: JEFFERSON

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

13. Other Water Rights Used:
NONE

14. Remarks:

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 ☒ 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: _____

For Organizations: ☒

I do solemnly swear or affirm that I am PRESIDENT of

A. M. R. CORPORATION, that I have signed the foregoing

Title

document in the space below as PRESIDENT of

Title

A. M. R. CORPORATION and that the statements contained in the foregoing document are true and correct.

Bruce Lind
Signature of Authorized Agent

PRESIDENT A. M. R. CORPORATION
Title and Organization

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

Seal

Residing at Idaho Falls

My Commission Expires 6-94