

09/18/2002

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

RIGHT NUMBER: 29-149

NAME AND ADDRESS: ARLENE M MORRIS
P O BOX 234
LAVA HOT SPRINGS ID 83246

HERBERT J MORRIS
P O BOX 234
LAVA HOT SPRINGS ID 83246

SOURCE: FISH CREEK

TRIBUTARY: PORTNEUF RIVER

QUANTITY: 0.10 CFS

PRIORITY DATE: 06/01/1889

POINT OF DIVERSION:

T09S R38E S26 NWNWNW Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 09/15

0.100 CFS

PLACE OF USE: T09S R38E S22 Lot 5 SESW 0.3

0.27 ACRES TOTAL

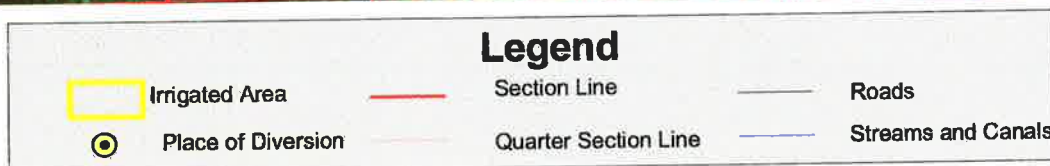
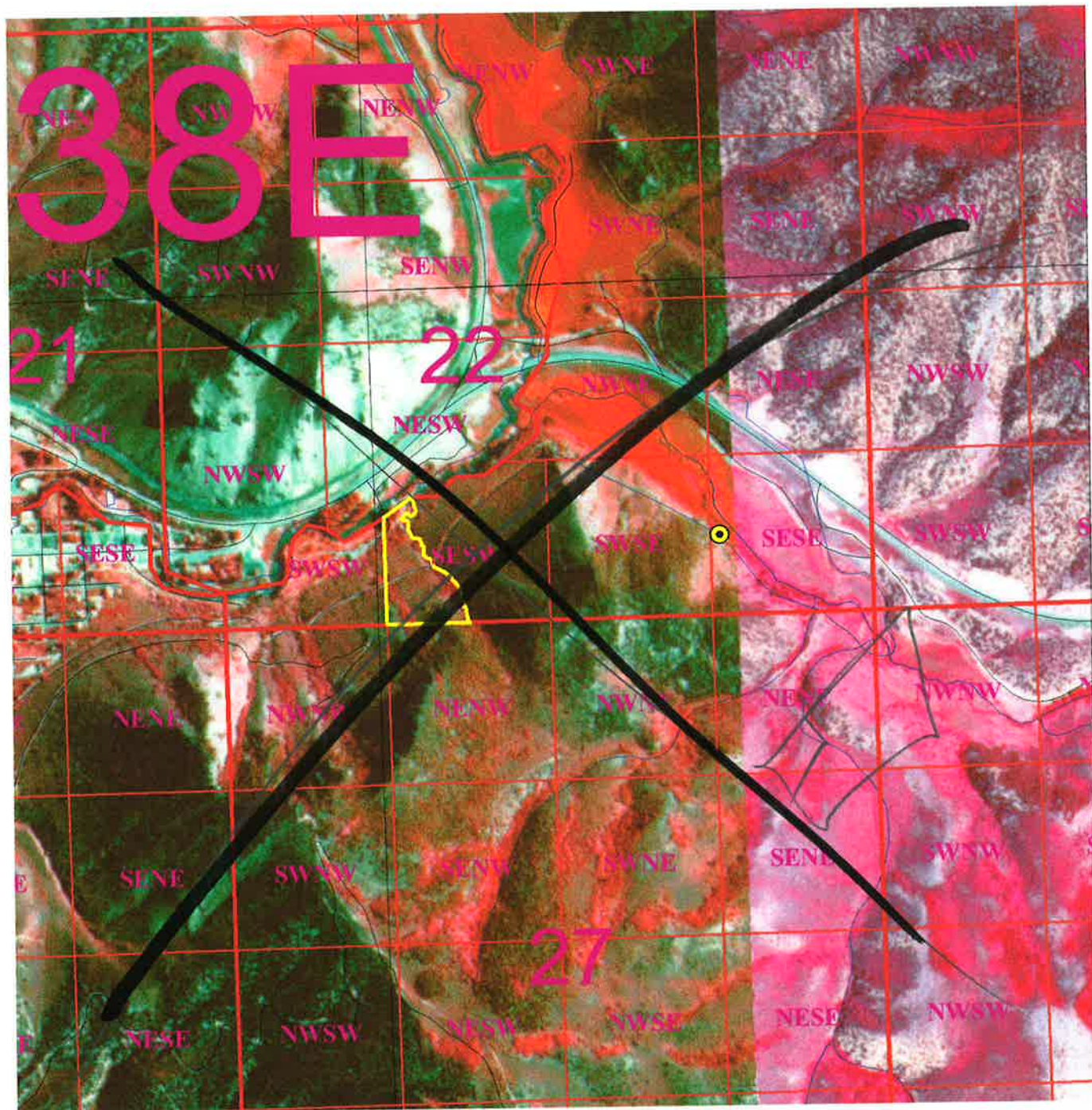
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

WATER IS DELIVERED THROUGH FISH CREEK CANAL.

Township , 9S38E



700 0 700 1400 Feet



02/13/2003

RECEIVED

OCT 20 2003

Department of Water Resources

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: April 21, 2003

Water right number: 29-149

ARLENE M MORRIS
PO BOX 234
LAVA HOT SPRINGS ID 83246
Telephone Number: (208) 776-5313

HERBERT J MORRIS
PO BOX 234
LAVA HOT SPRINGS ID 83246
Telephone Number: (208) 776-5313

RECEIVED

OCT 23 2003

Department of Water Resources
Eastern Region

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: 10-13-2003

SIGNATURE:

Nancy Petrun

Please print your name:

Nancy Petrun

IDWR Regional Office, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402, 2085257161

SCANNED

JUN 28 2005

PROPRIETARY



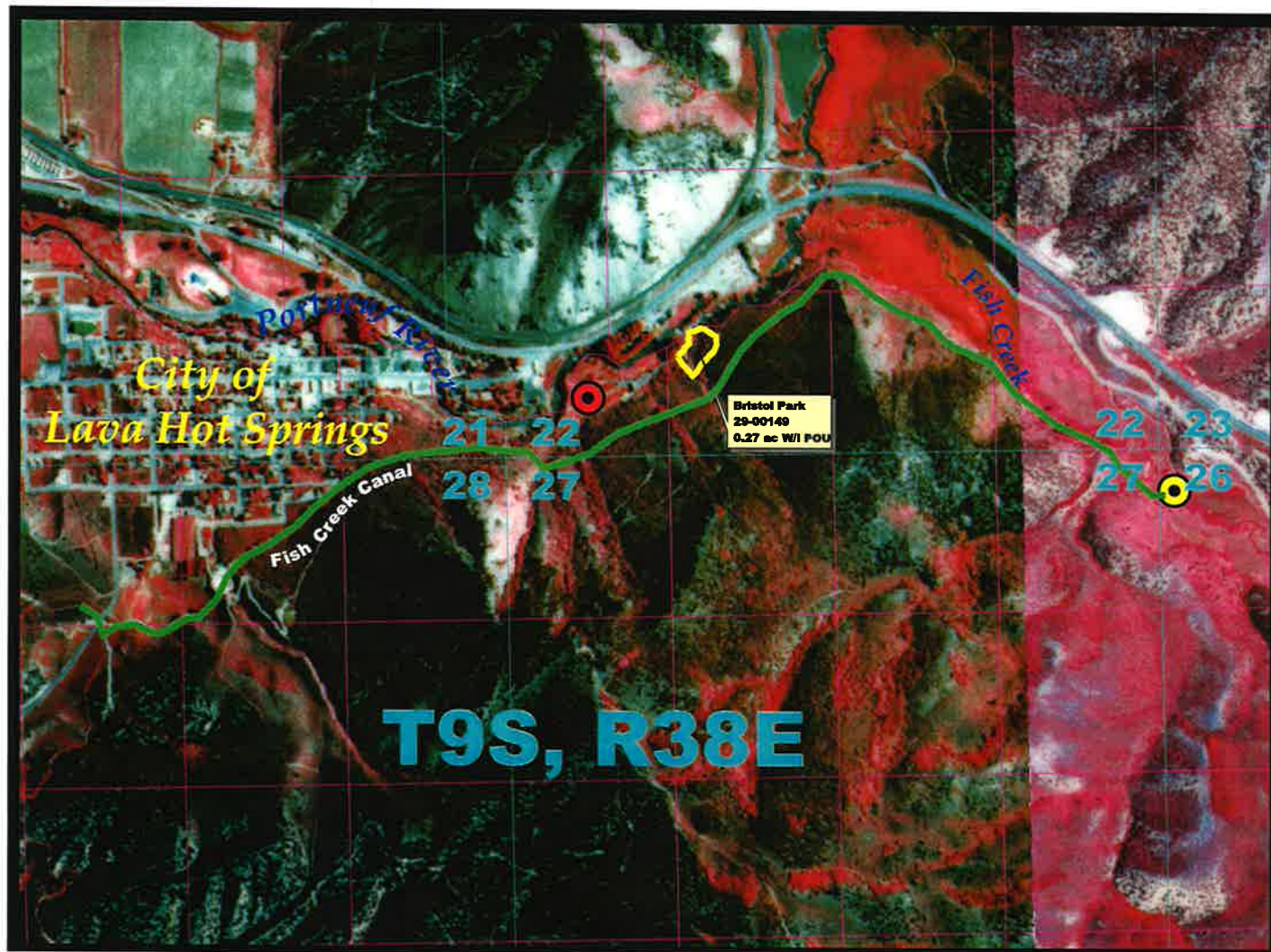
JUN 28 2005

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):
29-00149

Place of Use: T9S, R38E
(part of) Sec. 22 SESW (L5)

Point(s) of Diversion: T9S, R38E
Sec. 26 NWNWNW
Fish Creek Canal Diversion

Note: This right is delivered
through the Fish Creek Canal



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 2002

Recommend As it
Appears in Decree
Allow cts per 42-202
Ac @ 0.27 As Decree
The rest of Cfs is lost
in conveyance by Fish
Ch / Dumpsor TOPIC CANAL

PROTECTED

SCANNED
JUN 28 2005

June 6, 2002

MR RAY PETRUN
PO BOX 242
200 BRISTOL PARK LN
LAVA HOT SPRINGS ID 83246

9/18/02 No Response

RE: Notice of Change of Water Right Ownership and Enlargement Claim

Dear Mr. Petrun:

You will recall we visited on July 24, 2001 discussing the adjudication water right claim 29-00149 on your property.

At that time, I spoke of a need for a change of ownership for the water right claim and left a form for that purpose. While at the same time, I said I would come back to GPS the place of use because the decree specifies only 0.27 acres but the claim filed by Herbert Morris was for 3 acres and amended to 5 acres. I did the GPS on July 26 and recorded the boundary of the irrigated acres, which calculates to 1.5 acres. I was unable to locate the additional 3.5 acres referred to by the amendment.

Currently, there are two issues that need resolution. First, the Notice of Change of Water Right Ownership must be completed and returned with a copy of the deed or other conveyance instrument. Second, if you intend to pursue the acres over 0.27, as defined by the decree, an Enlargement Claim will be required. The cost for which will be \$100.00.

Thank you for your attention in this matter, I look forward to your timely response. However, should you have questions regarding this or other water related matters please feel free to contact this office.

Respectfully submitted,

Allen B. Ruberry
Sr. Water Resource Agent
Adjudication Bureau

Cc: file
Enclosure: Change of Owner form

PROFILES

SCANNED
JUN 28 2005

WR5808NP
(OD-26)

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROOF READING REPORT

05/10/01 13:05:35

Page 1

Water Right Number - 29-00149

Prefix Translation: WATER RIGHT

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***

HALL

MARY ANN

1 -
2 -
3 -

City-
Phone -

State- Zip-

PETER

JOHN W.

1 -
2 -
3 -

City-
Phone -

State- Zip-

PETER

ELIZABETH T.

1 -
2 -
3 -

City-
Phone -

State- Zip-

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
06/01/1889 *ok* 15 EASTERN D - DECREED *ok*

+ - - - - Source - - - - + + - - - - - Tributary - - - - - +
FISH CREEK PORTNEUF RIVER

+ - - - - Point of Diversion - - - - - +
TwN Rng Sec Tract Lot RFlg County Diversion Name Diversion Rate Diversion No.
09S 38E 22 SE SE *ok* (5) BANNOCK

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION *ok* 04/15 *ok* 09/15 0.100 *ok*

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
0.100 0.0

+ - - - - Place of Use - - - - - +
TwN Rng Sec Tract Lot Acres Code Description County

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - - - Remarks - - - - - +

GEN P/U LAVA HOT SPRINGS, LOTS 11,12,13,14,15, BLK. 9 (S .80').

*POU: 80' OFF SO. LINES OF LOTS 11-15, BLOCK 9
TOWNSHIP OF HALL CITY, IN VILLAGE OF LAVA HOT
SPRINGS. (NOTES & BOUNDS) SEE DEEDS EXCEPT NOTES.*

SCANNED
JUN 28 2005

SCANNED
JUN 28 2005

JUN 06 2001

29-00149

DERROD

I. FIELD EXAM REQUIRED FOR THE FOLLOWING:

1. Contact Owner AND Address
2. Verify Use
3. GPS'd POD on Fish Ck @ Canal Head (No Tag)

Q: IS THIS RIGHT DERIVED THROUGH
THE FISH CK IRRIG CANAL? CLAIM SO
INDICATES. - YES

II. POU BY DERROD READS ... $150' \times 80' = \frac{12000}{43,560} = 0.27$ AC
CLAIMED 3 AC AMENDED BY CLAIMANT TO 5 AC
DERROD DESCRIPTION INDICATES 0.27 AC

III. DIV. RATE BY DERROD IS 0.10 cts ($\div 0.27$ AC = 0.370 cts/AC

Q: HOW MANY ACTUAL ACRES ARE IRRIGATED? 685 = 1.5
ENLARGED... CLAIM NEEDED? NO

7/24/01 Contracted Ray Putnam NEW OWNER. Appl. MADE FOR
7pm 7/25/01 TO REVISION CLAIM - NEEDED % w/ DOWO. Apparently
purchased place before ASD,

GAVE HIM C/O ASK HE MAIL IT TO OFFICE

7/26/01 GPS'd POU

OTHER WISE CLAIMED AS DERROD, THORNTON, (UNLESS
SOMETHING UNUSUAL OCCURS), RECOMMEND AS CLAIMED w/ NEW OWNER.

T9S, R38E

Portneuf River

Brystal Park

1.5

SESW (L5)

SWSW (L6)

21 22
28 27



0 100M 0 100yd

Image courtesy of the US Geological Survey.

OrigMetaTag = '4211232NE' Center Lon,Lat= -111.99866,42.61999 Running Time 13 ms Time 9/6/2001 1:35:13 PM to 9/6/2001 1:35

Connect Params Connect Theme(1) Zone (12)

Buy

Finance

Sell

Rent

Move

Garden

Food

Decorate

Improve



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RESERVATION.

Sec. 18.

Sec. 17.

Sec. 16.
20.30

T. 9 S., R. 38 E.

Sec. 19.

Sec. 20.

Sec. 21.

Sec. 22.

Sec. 30.

Sec. 29.

Sec. 28.

Sec. 27.

ORTH

RIVER

BRIDGE

FALLS 8 HIG

FALLS 15 HIG

DEMPSEY CREEK

DEMPSEY PO

HENRY PALMER

J. M. GLENN

DAN HIGGINS

AMERICK

BOY HIGGINS

HOUSE

SCHOOL HOUSE

FALLS 8 HIG

FALLS 15 HIG

FALLS 15 HIG

FALLS 15 HIG

FALLS 15 HIG

FALLS 15 HIG

FALLS 15 HIG

FALLS 15 HIG

FALLS 15 HIG

FALLS 15 HIG

FALLS 15 HIG

WR5808NP
(00-26)

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROOF READING REPORT

04/06/01 08:21:31

Page 1

Water Right Number - 29-00149

Prefix Translation: WATER RIGHT

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***
HALL

MARY ANN

1 -
2 -
3 -

City-
Phone -

State- Zip-

PETER

JOHN W.

1 -
2 -
3 -

City-
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State- Zip-

PETER

ELIZABETH T.

1 -
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City-
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State- Zip-

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - - +
06/01/1889 *on* 15 EASTERN *D - DECREED*

+ - - - - Source - - - - + + - - - - - Tributary - - - - - +
FISH CREEK *on* PORTNEUF RIVER *on*

+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County Diversion Name Diversion Rate Diversion No.
09S 38E 22 SE SE *on* (5) BANNOCK

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION *on* 04/15 *on* 09/15 0.100 *on* *claims 12.5 AKA*

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
0.100 *on* 0.0

+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - - - Remarks - - - - - +

GEN P/U LAVA HOT SPRINGS, LOTS 11,12,13,14,15, BLK. 9 (S .80').

Recommend AS Claimed AS Decreed

Claims SAC w/ SESEW Sec. 22 95/386

*5K @ .02 cfs/k
0.02 5K @ .02 cfs/k
(cfs)*

1-0148

G. PERKINS

113. IDAHO CONFERENCE OF THE
METHODIST EPISCOPAL
CHURCH.
1889 June 1 .2 c.f.s.

Said water to be diverted through the Fish
Creek Irrigating Company's canal above des-
cribed, for the irrigation of Lot 6, Section
22, Township 9 South, Range 38 E.B.M.

1-0149

114. MARY ANN HALL as the
owner of a life estate
and JOHN W. PETER and
ELIZABETH T. PETER, as
owners of the remainder
in fee.
1889 June 1. .1 c.f.s.

Said water to be diverted through the Fish
Creek Irrigating Company's canal, last above
described, for the irrigation of 80 feet off
the South ends of Lots 11, 12, 13, 14 and
15 in Block 9, Townsite of Hall City, in the
Village of Lava Hot Springs, more particular-
ly described as follows: Beginning at the
Southwest corner of said block, thence East
150 feet, thence North 80 feet, thence West
150 feet, thence South 80 feet to place of
beginning.]

$\frac{80' \times 150'}{43560 \frac{1}{4} \text{ ac}} = 0.27 \text{ ac}$ Per

1-0150

115. TERRELL, THOMAS F.
1889 June 1 .08 c.f.s.

Said water to be diverted through the said
Fish Creek Irrigating Company's canal last
above described, for the irrigation of land
described as follows: Commencing at the

Log for claim A29-00149

Spatial Dynamics AMH

8/4/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
09s38e	22	SESW	3	9.4	
Totals:			3	9.4	

SCANNED

JUN 06 2001

\$55-00

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: A29-00149

Date Received: 4/23/1990

Receipt No: E013502

Received By: LDN

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: HERBERT J. MORRIS 208-776-5313
Address: P. O. BOX 234
LAVA HOT SPRINGS, ID 83246

OR
Name: ARLENE M. MORRIS 208-776-5313
Address: P. O. BOX 234
LAVA HOT SPRINGS, ID 83246

2. Date of Priority: JUN 01, 1889

3. Source: FISH CREEK Trib. to: PORTNEUF RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
09S	38E	22	SE	SE			BANNOCK

5. Description of diverting works:
HEADGATES OF FISH CREEK IRRIGATION CO.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	09/15	0.100		

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

8. Total consumptive use is 12.5 ~~7.5~~ Acre Feet Per Annum.

9. Non-irrigation uses:
N/A

A29-00149

Page 1

Date: 04/23/90

MICROFILMED

NOV 13 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use
09S	38E	22	SE	SW	5	IRR

Acres	~~3.0~~ 5.0	4 gm
Section Acres	~~3.0~~ 5.0	16 gm
Total Acres	~~3.0~~ 5.0	4 gm

11. Place of use in counties: BANNOCK

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

13. Other Water Rights Used:
N/A

14. Remarks:

CLAIMANT HAS A PORTION OF A DECREED WATER RIGHT FROM WILLIAM W. COOPER VS. PATRICK HARKINS DECREE. THIS SUPERCEDED DECREE INDICATED A PRIORITY DATE OF JUNE 1, 1889. CLAIMANTS' TITLE INDICATES THAT THEY HAVE 5 MINER'S INCHES FROM THIS OLD DECREED RIGHT. IT APPEARS THAT 29-00149 IS THIS 5 MINER'S INCH PORTION AS DECREED IN UNION GRAIN ELEVATOR VS MC CAMMON DITCH CO. DECREE.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

UNION GRAIN & ELEVATOR CO.

Decree Plaintiff

vs

MCCAMMON DITCH CO. 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): Herbert J. Morris Date: 4-22-90

Date: _____

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 23 day
of April 19 90

[Signature]
Notary Public

Seal.

Residing at Idaho Falls
My Commission Expires 9-12-94

IR WATTON.

Sec. 17

A29-00149

Sec. 16
2030

195
R38E

Sec. 14

Sec. 23

Sec. 20. 17088
Port Hill
Sec. 21. 16070
Hill
Sec. 22. 15280
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Sec. 23. 14220
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Sec. 24. 13260
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Sec. 25. 12300
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Sec. 26. 11340
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