

03/19/2003

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

RIGHT NUMBER: 29-150
NAME AND ADDRESS: EVELEE HILL RUSH
PO BOX 129
LAVA HOT SPRINGS ID 83246

ROBERT E RUSH
PO BOX 129
LAVA HOT SPRINGS ID 83246

SOURCE: FISH CREEK TRIBUTARY: PORTNEUF RIVER
QUANTITY: 0.066 CFS
PRIORITY DATE: 06/01/1889
POINT OF DIVERSION:

T09S R38E S26 NWNWNW Within BANNOCK County Source: FISH CREEK

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 09/15	0.066 CFS
THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS APRIL 1 AND MAY CONTINUE TO AS LATE AS OCTOBER 31, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 15 AND AFTER SEPTEMBER 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.		

PLACE OF USE: IRRIGATION Within BANNOCK County
T09S R38E S21 Lot 2 NWSE 1.1 T09S R38E S21 Lot 1 SESE 1.1

2.2 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.

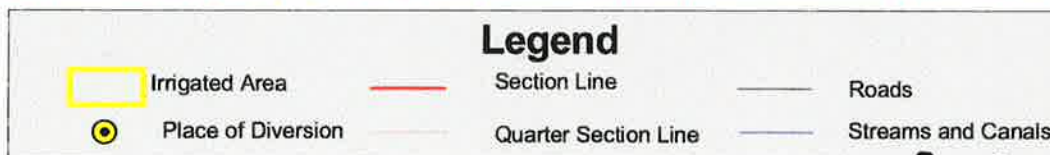
RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT
TO SECTION 42-1425, IDAHO CODE.

WATER IS DELIVERED THROUGH FISH CREEK CANAL SYSTEM.

Water Right Claim Number A29-00150

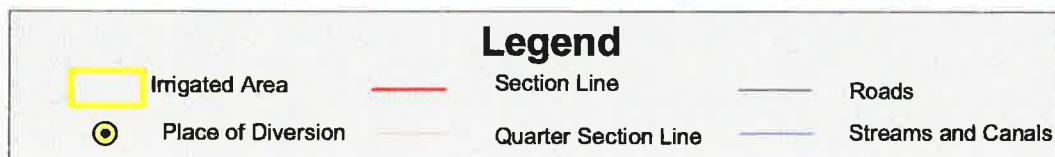
08/04/2000

Township , 9S38E

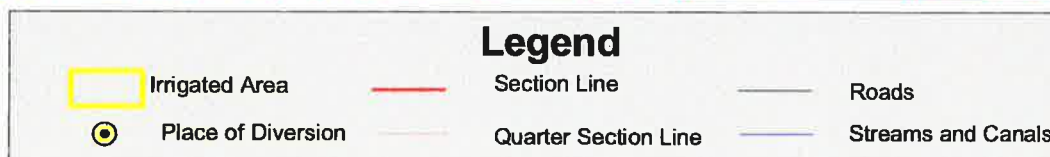


WORTHLESS!

Township , 9S38E



Township , 9S38E



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): 29-150 ^{done} _{3/20/03}

29-4233 PD issued 98

29-4234 PD issued 98

[] Old Mailing Address: P.O. Box 4905

Pocatello, ID

83261

[] New Mailing Address: Evelec Hill Rush

P.O. Box 129

LAVA Hot Springs, ID 83246

[] Telephone Number: 208-776-5800 Business - 208-221-9800 cell.

[] Signature of Claimant: Evelec Hill Rush

[] Date: 3-19-03

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:

PROFIT

SCANNED
JUN 28 2005

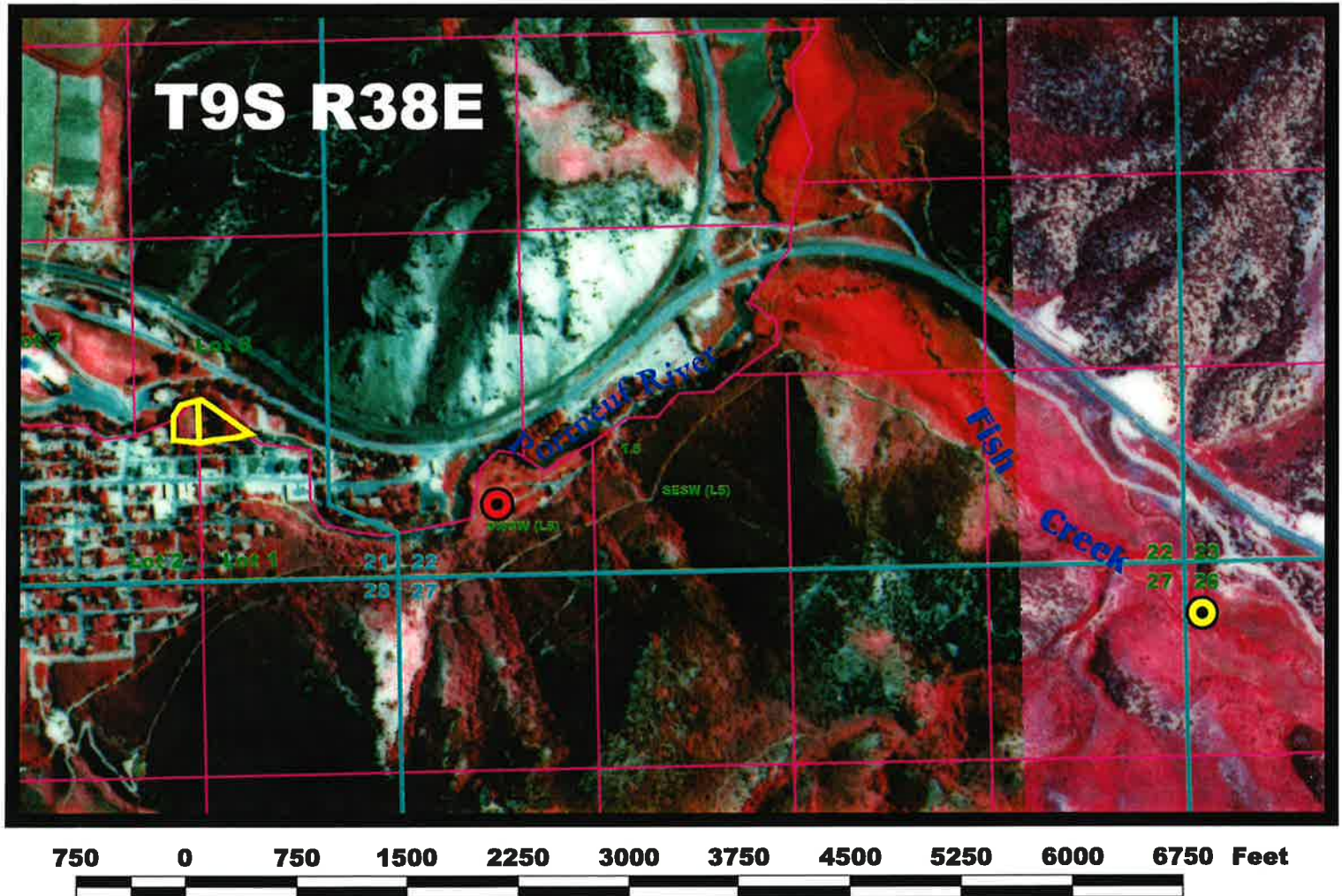


STATE OF IDAHO

Department of Water Resources

Eastern Region

Water Right(s): 29-150



LEGEND

-  **SESE** Place of Use
-  **Section**
-  **Quarter-Quarter**
-  **Point of Diversion**

Place of Use: T9S, R38E
(part of) Sec. 21 S2SE
(Lots 1 & 2)

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

NOTE: Right is delivered through
the Fish Creek Canal system.



SCANNED
JUN 28 2005

GIS Place of Use Illustration
1987/1988 NAPP photography
Prepared by: A. Ruberry
Date: December 2001

29-00150 DECEMBER

THIS CLAIM ORIGINATED AS 29-10268 BECAUSE THE CLAIMANT INTENDED TO COMBINE 29-00149 AND 29-00150. BOTH HAVING THE SAME PRIORITY DATE. EXHIBIT 'A' OF THE WARRANTY DEED DUTIES BOTH 29-00149 AND 00150 BY ELMONT (NOT NUMBER). ALSO, NOTE BY E. VERNOR (PRIOR IDWR SR. AGT.) INDICATES 29-10268 IS A COMBINED RT. G. Taylor APPROVED RENUMBERING WRONGLY! = 29-00150 WILL BE RENUMBERED TO 29-10268 AS ORIGINALLY FILED. APPROPRIATE REMARKS WILL BE ADDED, I.E. P15 (COMBINES 29-00149 AND 29-00150.) SEE ATTACHED DEEDS EXCERPT.

Q: Is R. BUDG still THE REPRESENTING Atty? NO!
This was a CARRY-OVER FROM PRIOR OWNER

* DELIVERY IS VIA FISH Ck CANAL. SAME POD @ NNNNNW SEC. 26
(CONDO MODAP) T95.12385.

CØ3

7/25/01 TRIED TO CONTACT CLAIMANT VIA TELEPHONE - DISCONNECTED.
FOUND CONTACT AT CITY HALL. NOTES C/A = DONE
MET MR. RUSH, OBTAINED A C/A. DISCUSSED USE OF WATER RIGHT.

POD IS AS REFERENCED ABOVE. POD IS ACTUALLY IN BOTH
LOTS 1 (1.1ac) AND 2 (1.1ac). CØ5 SEE OQ EXCERPT OF
BB-92 —

SCANNED

JUN 28 2005

PROFIT

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): A29-00150

[] Old Mailing Address: PO 4905

Pacified 83205

[] New Mailing Address: PO Box 70

Warm Hot Springs, Idaho
83246

[] Telephone Number: 208-776-5800

[] Signature of Claimant: [Signature]

[] Date: 7/25/01

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:

Check Address change on:

29-04233

29-04234

PROFILED

SCANNED

JUN 28 2005

29-10268 IS A COMBINED RIGHT OF 29-149 AND 29-150.

29-00149, 0.10 cfs

29-00150, 0.08 cfs

29-10268, 0.18 cfs

① ACRUAGES OF BOTH RIGHTS IS
UNSPECIFIED. SRBA CLAIM
SHOWS 2.2 AC

② DEEDS STATES 80' OFF South
149 ENDS OF LOTS... THIS REFERS
TO THE CITY PLAT - NOT THE
CADASTRAL SURVEY LOTS.

29-0149

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.

29-0150

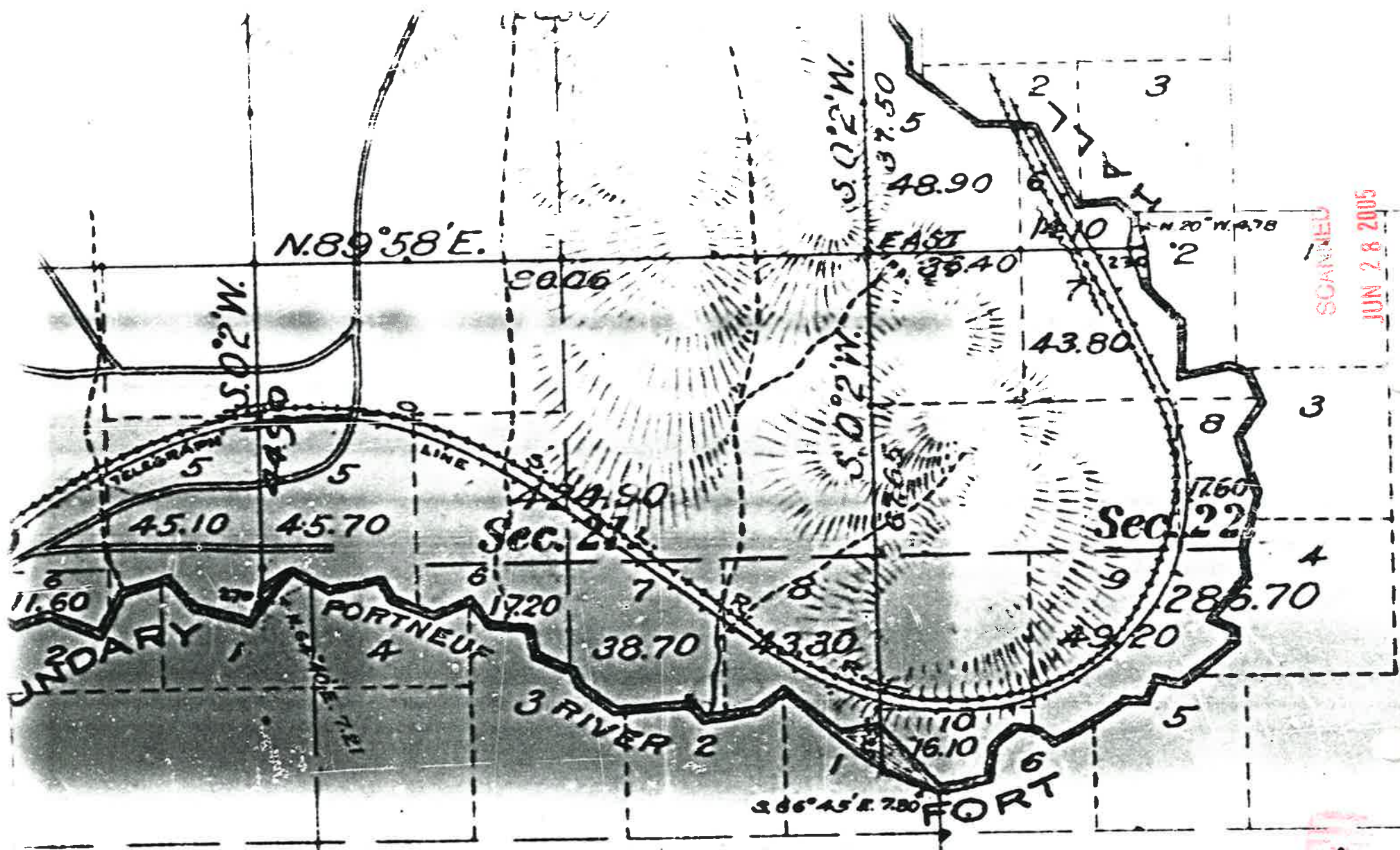
115. TERRELL, THOMAS F.
1889 June 1 .08 c.f.s.

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
Northwest corner, Block 1, of the Townsite
of Hall City, in Lava Hot Springs, thence
East along the North line, Block 1, and con-
tinuing in a straight line to the Portneuf Riv-
er, thence along meander line of Portneuf
River Northwest, then West to intersection of
River and First Avenue, as extended, thence
South along East line, First Avenue to begin-
ning point.

PROFILE

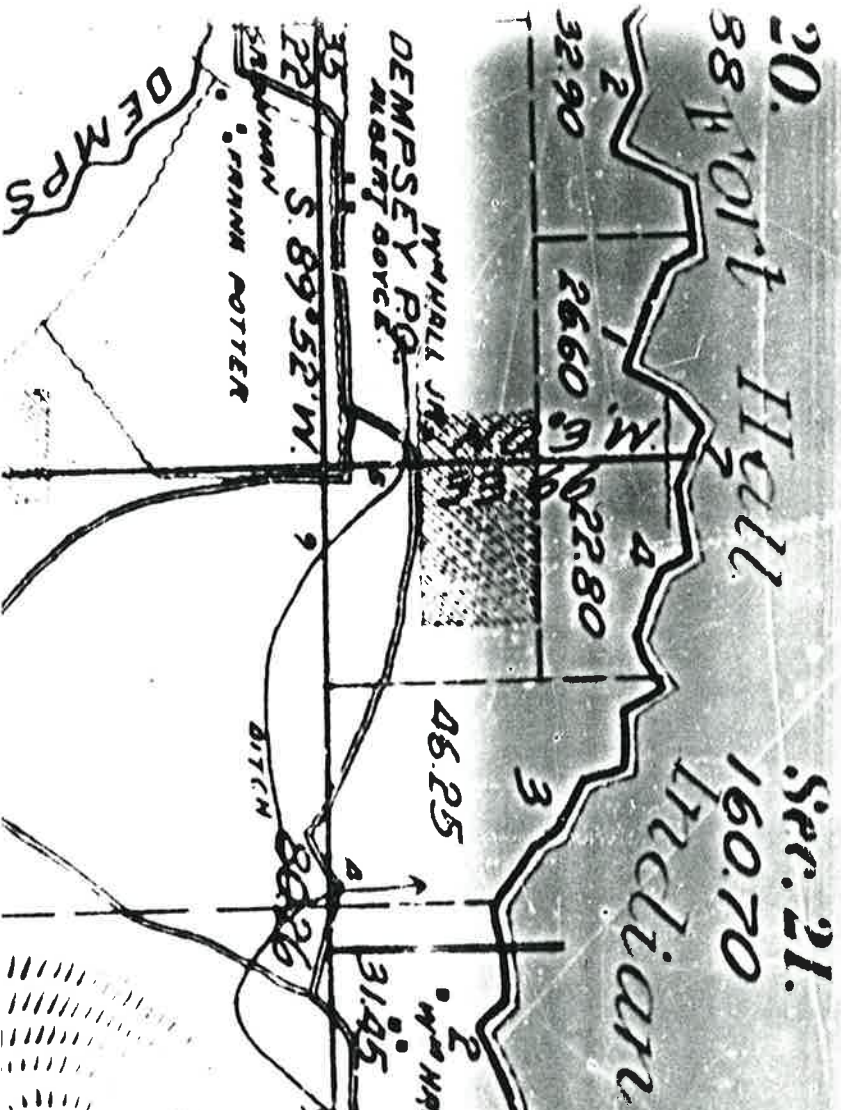
SCANNED

JUN 28 2005

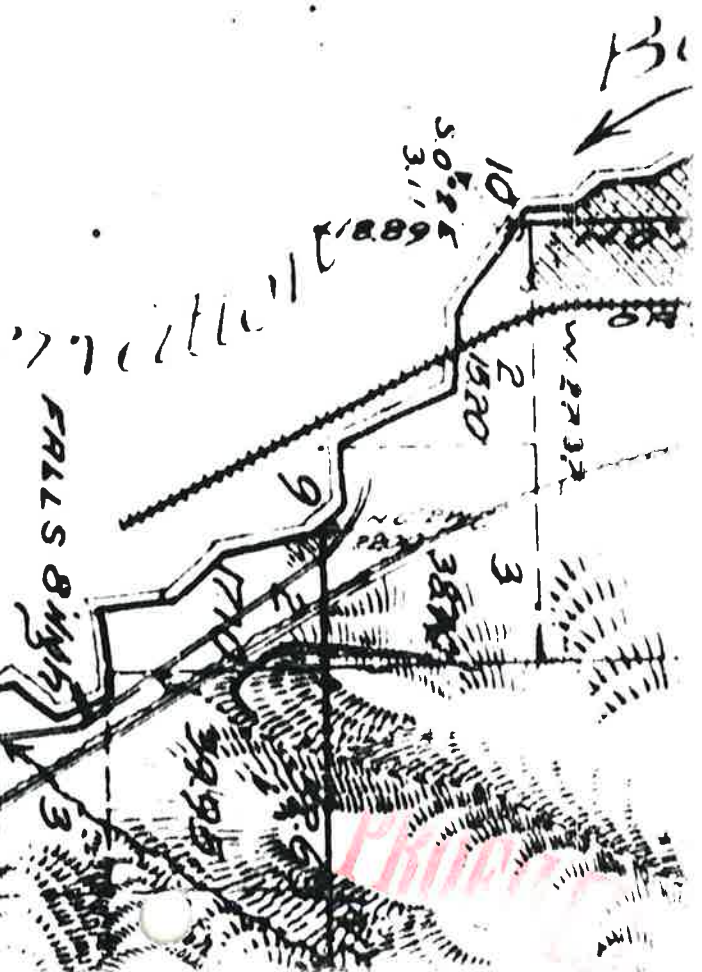


SCANNED
JUN 28 2005

PROF. J. M.

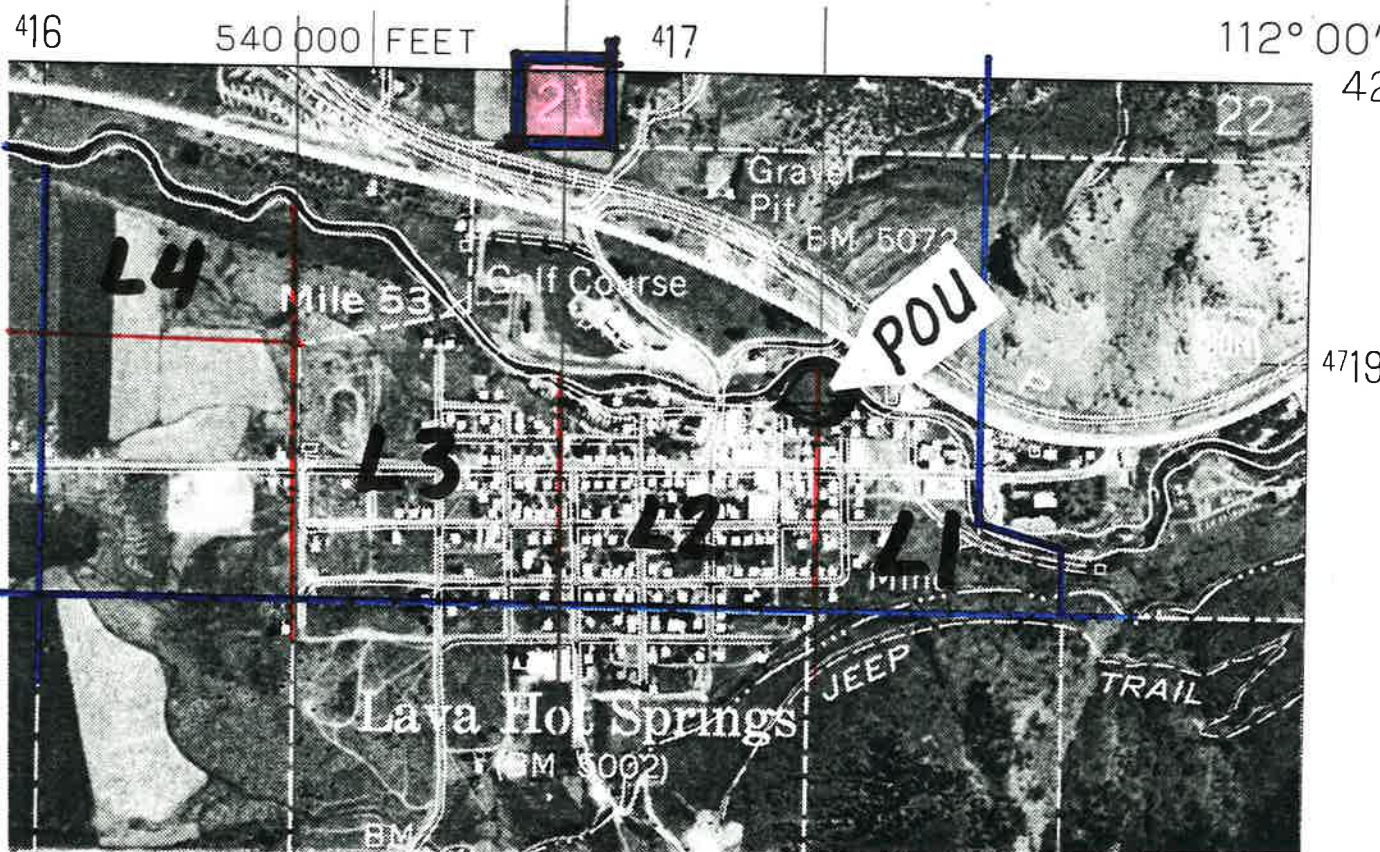


FALLS, 4 High.
N. 0.2° W. 4.57
FALLS, 15 High.



BB92

LAVA HOT SPRINGS QUADRANGLE
IDAHO
7.5 MINUTE SERIES (ORTHOPHOTOQUAD)



42° 37' 30"

T.9S. R.38E.

4719

29-150

SCANNED

JUN 28 2005

PROTECTED

Water Right Number - 29-00150

Prefix Translation: WATER RIGHT

Old (D) Number -

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

*** C - CURRENT OWNER ***
TERRELL

THOMAS F.

1 -
2 -
3 -
City-
Phone -

State- Zip-

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

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

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

Code	Description	Period From	Water Use Period To	Diversion Rate	Diversion Volume
01 - IRRIGATION		04/15	09/15	0.080	SEE NOTE

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
0.080 0.0

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

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

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

GEN P/U DESCRIBED IN LAVA HOT SPRINGS - SEE DECREE.

+ - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers found.

+ - - - - Conditions of Approval - - - - - +
No Conditions of Approval found.

+ - - - - Decree Plaintiff - - - + + - - - - Decree Defendant - - - + + - Decree Date - +

UNION GRAIN & ELEVATOR CO.

MCCAMMON DITCH CO. ET. AL.

08/06/1932

w/ City Limits for irrigation;
AC UNSPECIFIED.

SCANNED
JUN 28 2005

PROFITE

JUN 08 2001

Log for claim A29-00150

Spatial Dynamics AMH

8/4/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
09s38e	21	SESE	2	20	
Totals:			2	20	



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - FAX: (208) 525-7177

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

MAY 4, 1995

ROBERT E RUSH
PO BOX 4905
POCATELLO ID 83205

RE: CHANGE IN OWNERSHIP FOR A29-04233, -04234, -00150

Dear Mr. Rush:

The request for Change in Ownership concerning the Notice(s) of Claim in the above reference has been processed and the Notice(s) modified to reflect you as the new owner.

Enclosed are typed Notices with your name shown as the current owner. **A29-10268 was renumbered to A29-00150 so there are only three water rights involved.** Review the forms and if there are other corrections or questions, feel free to contact this office.

If there are no questions or corrections, please keep these Notices for your records.

Respectfully submitted,

A handwritten signature in cursive script that reads 'Jo Thompson'.

Jo Thompson
Adjudication Secretary

Enclosure: Notice of Claim

MICROFILMED

NOV 13 1996



RECEIVED

MAY 02 1995

Department of Water Resources
Eastern District Office

First American Title Company of Pocatello, Inc.
420 SOUTH 4TH AVENUE, (BOX 9) POCATELLO, IDAHO 83204 • (208) 232-6224

MAY 1, 1995

TO: IDAHO DEPARTMENT OF WATER RESOURCES
FROM: LINDA CHIVERS/FIRST AMERICAN TITLE CO.
SUBJECT: NOTICE OF CHANGE OF WATER RIGHTS

ATTACHED YOU WILL FIND THE ORIGINAL SIGNED "NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP". WITH IT IS A COPY OF THE RECORDED WARRANTY DEED AND THE LEGAL DESCRIPTION OF THE PROPERTY.

IF YOU NEED ANY FURTHER INFORMATION, PLEASE CONTACT THE NEW OWNERS, ROBERT E. RUSH AND EVELEE HILL RUSH AT P. O. BOX 4905, POCATELLO, ID 83205 - PHONE #208-232-2139.

BEST REGARDS,

LINDA CHIVERS
ESCROW OFFICER

MICROFILMED
NOV 13 1996



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

RECEIVED

MAY 02 1995

DATE OF CLOSING: May 1, 1995

LEGAL DESCRIPTION OF PROPERTY: Township _____ Range _____
 Section _____, 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____, BM. Eastern District Office
 Lot _____, Block _____, Subdivision/Townsite _____
 If you have additional legal descriptions, please attach separate sheet. SEE ATTACHED LEGAL DESCRIPTION

- ☐ 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) *A29-10268 was renumbered A29-00150*
- ☐ Water Right Number(s) Assigned by IDWR: A29-04233, A29-04234, A29-00150 *WRONG!*
- ☐ Name and Address of Former Owner/Claimant(s)(Seller): JOHN R. TERRELL - AILEEN CLARK TERRELL
44 VALLEYVIEW
POCATELLO, ID 832
- ☐ New Owner/Claimant (Purchaser): ROBERT E. RUSH - EVELLE HILL RUSH
- ☐ New Mailing Address: P.O. BOX 4905
POCATELLO, ID 83205
- ☐ New Telephone Number: (208) 232-2139
- ☐ 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:

- ☐ Attach proof of ownership, describe proof attached: 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): John Roberts Terrell Co-Trustee Date 4/28/95
Evelle Hill Rush Date 4/28/95
- ☐ Signature of Former Owner/Claimant(s): John Roberts Terrell Co-Trustee Date 4/28/95
Evelle Hill Rush Date 4/28/95

(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

MICROFILMED

NOV 13 1996

*29-10268 Comment
 29-00149 and 150
 See Exhibit A
 of Warranty
 Deed and
 Notes on E. Ver
 on Back pg.*

WARRANTY DEED

44
For Value Received **JOHN ROBERTS TERRELL FAMILY PROTECTION TRUST, JOHN ROBERTS TERRELL, CO-TRUSTEE and GRACE AILEEN CLARKE TERRELL, CO-TRUSTEE, DATED SEPTEMBER 10, 1992**

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

ROBERT E. RUSH and EVELEE HILL RUSH, MARRIED PERSONS

whose address is: 340 SOUTH 11TH AVENUE, POCATELLO, ID 83201 (MAILING)

Hereinafter called the Grantee, the following described premises situated in BANNOCK County, Idaho, to-wit:

SEE ATTACHED EXHIBIT "A" & "B"

RECEIVED
MAY 02 1995

Department of ...
Eastern District Office

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: APRIL 28, 1995

John Roberts Terrell Co-trustee of John Roberts Terrell family protection
JOHN ROBERTS TERRELL, CO-TRUSTEE OF THE JOHN ROBERTS TERRELL FAMILY TRUST
PROTECTION TRUST
Grace Aileen Clarke Terrell Co-trustee of John Roberts Terrell
GRACE AILEEN CLARKE TERRELL, CO-TRUSTEE OF THE JOHN ROBERTS TERRELL FAMILY
PROTECTION TRUST *Family Protection Trust*

NOTARY SEAL

STATE OF IDAHO)
: ss
COUNTY OF BANNOCK)

On This 28TH day of APRIL, in the year 1995, before me, a Notary Public in and for said State, personally appeared JOHN ROBERTS TERRELL AND GRACE AILEEN CLARKE TERRELL, known or identified to me to be the CO-TRUSTEES whose names ARE subscribed to the within instrument as CO-TRUSTEES of the JOHN ROBERTS TERRELL FAMILY PROTECTION TRUST, and acknowledged to me that THEY executed the same as such CO-TRUSTEES.

NO. 95006072
RECORDED AT REQUEST OF

FIRST AMERICAN TITLE
95 APR 28 PM 4:49

OFFICIAL RECORD BOOK NO. 1639
BANNOCK COUNTY IDAHO
LARRY B. HANSEN, RECORDER
EE 12-80 DEPUTY

Janet Chisum
Notary Public of Idaho
Residing at POCATELLO
Commission Expires: 2-18-99



EXHIBIT "A"

95006072

142
A parcel of land located in Section 21, Township 9 South, Range 38 East, Boise Meridian, said parcel laying North of the HALL CITY and HALL'S FIRST ADDITION to HALL CITY (townsites recorded in the records of BANNOCK COUNTY, IDAHO) and South of the Portneuf River, said parcel being the same as the land described in instruments 379232, 457166, and 92014081 of the records of BANNOCK COUNTY, more particularly described as follows:

BEGINNING at the Northwest Corner of Block 1, HALL CITY a townsite recorded in BANNOCK COUNTY as instrument 21277; thence South 89°37'44" East along the North boundary lines of HALL CITY and HALL'S FIRST ADDITION TO HALL CITY, a townsite recorded in the records of BANNOCK COUNTY as instrument 40433, and the Easterly extension thereof for a distance of 602.4 feet, more or less, to a point on the South edge of the Portneuf River; thence Northeasterly for distance of 15 feet, more or less, to the thread of the river (North 11°16' East 14.6 feet); thence Northwesterly, Westerly, and Southwesterly along the thread of the river for a distance of 761 feet, (North 78°43' West 83.3 feet, North 58°47' West 80.2 feet, North 37°03' West 149.5 feet, North 45°12' West 162.2 feet, South 83°20' West 154.0 feet, South 46°15' West 132.1 feet), more or less, to an intersection with the Northerly extension of the East right of way line of First Avenue East; thence South 00°24'13" West along the said Northerly extension of the East right of way line of First Avenue East for a distance of 192.6 feet, more or less, to THE POINT OF BEGINNING.

TOGETHER WITH a 4-inch cold water right, 4 miners inches or .08 of 1 cubic foot per second of time of the waters of Fish Creek near Lava Hot Springs, Idaho, diverted through the Fish Creek Irrigating Company's Canal at a point approximately where 2nd Ave. East of the Village of Lava Hot Springs projected in a Southerly direction intersects said canal and thence by virtue of an easement for and a pipe line along said 2nd Ave. East in a Northerly direction to the lands herein described; being a portion of the waters of said Fish Creek decreed March 10, 1902, to John Hall, in that certain action in the District Court of the Fifth Judicial District of Idaho, in and for BANNOCK COUNTY, entitled William W. Cooper, et al, Plaintiffs, vs. Patrick Harkins, Defendant, and confirmed and redecreed to Thomas F. Terrell in that certain decree in said above mentioned Court, dated June 29, 1921, in the Case of Union Grain & Elevator Co., a Corporation, Plaintiff, vs. McCammon Ditch Co. et al; Register No. 2203, together with ditch rights and other means of carrying said water to and applying same on said land; 29-00150

ALSO together with a 5 inch cold water right, 5 miners inches or .1 of 1 cubic foot per second of time of the waters of said Fish Creek, established in the aforesaid decree dated March 10, 1902, reestablished and redecreed to the successors in interest of said John Hall in said above mentioned decree, dated June 29, 1921, and subsequently conveyed to said Thomas F. Terrell, now diverted at the same point and as above described, to the lands herein described, together with all ditch rights and other means of carrying said water and applying same on said land. 29-00149

Continued on Page 2

MICROFILMED
NOV 13 1996



EXHIBIT "A"
Page 2

95006072

43

ALSO together with an undivided one-half interest in the waters of and flowing from a certain hot springs or springs on South side or bank of the Portneuf River at a point, approximately where the South line of the lands herein described intersect the South bank of said Portneuf River at the Easterly end of said land for culinary, domestic, heating, bathing, and household use, together with means of conveying same to and upon lands herein described.

ALSO together with a 4-inch hot water right 4 miners inches of the waters of and flowing from a certain spring or springs, commonly known as "Chicken Soup" Hot Springs on or near the South side or bank of said Portneuf River, near the dividing line between Lot 1 of Section 21 and Lot 6 of Section 22, Township 9 South, Range 38 E.B.M., for culinary, domestic, heating, bathing and household use, together with all rights pertaining to the conveyance through pipe lines and otherwise to the lands herein described, and particularly the pipe line from said hot spring or springs to Main Street in said Village of Lava Hot Springs, Idaho; and thence in a Westerly direction along said Main Street and other streets to the bathing facilities of the Lava Hot Spring Natatorium, commonly known as the Spa, and the property herein described.

ALSO together with those water rights filed with the Department of Water Resources under the following numbers:

A 29-04233
A 29-04234
A 29-00150
A 29-10268 - *Renumbered to A29-00150*

ALSO those water rights as described in various recorded Deeds described in Paragraph 8 of attached Exhibit "B".

Accepted and Approved by: Jean Roberts Terrell co-Trustee
Accepted and Approved by: Gray M. W. Glaser Terrell co-Trustee
Accepted and Approved by: Robert E. Fush
Accepted and Approved by: Green Hill Bush

MICROFILMED
NOV 13 1996

EXHIBIT "B"

95006072

44

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.
2. Any facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of said land or by making inquiry of persons in possession thereof.
3. Easements, claims of easement or encumbrances which are not shown by the public records.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments or any other facts which a correct survey would disclose, and which are not shown by the public records.
5. Unpatented mining claims: reservations or exceptions in patents or in acts authorizing the issuance thereof: water rights, claims, or title to water.
6. Any lien, or right to a lien, for services, labor or material theretofore or hereafter furnished, imposed by law and not shown by the public records.
7. General Taxes for 1995 are an accruing lien and not yet due and payable. Taxes which may be assessed and extended on any subsequent roll for the tax year 1995 with respect to new improvements and the first occupancy which may be included on the regular assessment roll and which are an accruing lien not yet due or payable.
8. Provisions in various DEEDS recorded July 25, 1911 as Instrument No. 20841, and on July 26, 1913 as Instrument No. 29130, and on December 13, 1917 as Instrument No. 59317, 59322, 59326, and on January 13, 1942 as Instrument No. 218820, and on September 2, 1947 as Instrument No. 254928, and on September 17, 1954 as Instrument No. 302796, and on April 21, 1962 as Instrument No. 379232, and on January 8, 1969 as Instrument No. 457166, and on September 14, 1992 as Instrument No. 92014081.
9. Any claim arising from the difference in the mean high water line of the Portneuf River and the meander line as shown by the Original Government Survey.

MICROFILMED

NOV 13 1996

4/11/1989

BA CLAIMS RECEIVING CHECKLIST #

CLAIMANT'S NAME

Terrell

CLAIM IDENT. NO.

A29-10268

DATE RECEIVED

2/2/90

CK #

AMOUNT \$

YES

NO

Required Info?

1. Is the name and address complete with zip code? ☐
2. Is a priority date entered? ☐
- Is the priority date acceptable in view of mandatory filing dates?
See Adjudication Memos #1 and #4 to determine if a Permit is required. ☐
3. (a) Is a source entered? ☐
- (b) Is a tributary to entered? (if required) ☐ N/A
4. Is the legal description of the p.d. sufficient? ☐
5. Is there a description of the diverting works? ☐
6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. ☐
- Is the period of use included? ☐
- Is a quantity claimed for each use? ☐
7. Is a total quantity claimed entered? ☐
8. If required is a consumptive use entered? ☐ N/A
- Is the consumptive use correct? ☐ N/A
9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. ☐ N/A
10. Is (are) the place(s) of use and purpose(s) indicated? ☐
11. Is (are) the county(ies) entered? ☐
12. Is the ownership of p.u. checked? ☐
13. Are other water rights listed or "none" indicated? ☐
14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) ☐ N/A
15. Is the basis of the claim indicated? ☐
16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) ☐ N/A
17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block. ☐
18. Has the claim been signed, sealed, and dated by a notary? ☐
19. Was this claim filed on time, or was an extension granted? ☐
20. Is the fee enclosed correct? ☐ Exempt
21. If this claim is based on an existing water right, has the identification number been entered? ☐ N/A
22. Should this claim be data entered? ☐

Claim checked by: DC

Date: 2/6/90

Claim must be returned to claimant:

(Yes) ☒ (No) ☐

Claimant must be notified of modifications:

☒ (Yes) ☐ (No)

Receipt Prepared by:

Claim data entered by: DC

Sent to claimant by:

Date:

Date: 2/6/90

Date:

Checked by:

Date:

Comments:

Item #8 total consumptive use should be 5.6. Add 1.0/ANUM

MICROFILMED

NOV 13 1996

NOV 18 1992



State of Idaho

DEPARTMENT OF WATER RESOURCES

150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 - (208) 525-7161

EASTERN REGION

January 29, 1990

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

Racine, Olson, Nye, Cooper & Budge, Chartered
A-2 Center Plaza, P.O. Box 1391
Pocatello, ID 83204-0391

RECEIVED

FEB - 2 1990

ATTN: Mr. Budge

Department of Water Resources
Eastern District Office

Dear Mr. Budge:

The Idaho Department of Water Resources (IDWR) is returning your Notice(s) of Claim to a Water Right and your check (#5368 for \$52.25) because of insufficient information. All items on the forms must be completed and fees submitted before the IDWR can process the notice(s). The copy is for your client.

Please correct the items identified below and return the notice(s) and filing fee(s) to the IDWR within 30 days of the date of this letter. If the corrected notice(s) are not returned within the 30 days, each notice will be subject to an additional late fee.

The notarized portion of the claim was not sealed.

If you wish to make an appointment to discuss the corrections, please call the IDWR at (208) 525-7161.

Respectfully submitted,

Jo Thompson for Ernest Carlsen

Ernest Carlsen
Adjudication Supervisor

EC:jt

Enclosure

2/1/90
Seal has been
added - sorry for
the oversight.
Randy

MICROFILMED
NOV 13 1996
MICROFILMED
NOV 16 1992

LOUIS F. RACINE, JR.
WILLIAM D. OLSON
W. MARCUS W. NYE
GARY L. COOPER
RANDALL C. BUDGE
JOHN A. BAILEY, JR.
JOHN R. GOODELL*
JOHN B. INGELSTROM
DANIEL C. GREEN
REED W. LARSEN
CARY B. COLAIANNI
BRENT O. ROCHE
FRED J. LEWIS
KIRK B. HADLEY

LAW OFFICES OF
RACINE, OLSON, NYE, COOPER & BUDGE
CHARTERED
CENTER PLAZA-CORNER FIRST & CENTER
POST OFFICE BOX 1391
POCATELLO, IDAHO 83204-0391

TELEPHONE
AREA CODE 208
232-6101

TELEX
208-232-6109

*ALSO MEMBER ILLINOIS BAR

January 25, 1990

Department of Water Resources
Eastern Region
150 Shoup
Suite 15
Idaho Falls, Idaho 83401

RECEIVED

JAN 29 1990

Department of Water Resources
Eastern District Office

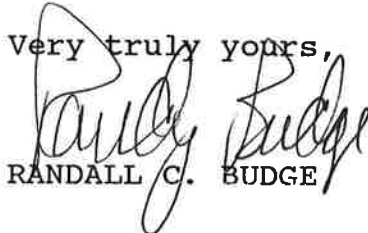
Re: Notice of Claim - SRBA
John R. and Grace A. Terrell

Gentlemen:

Enclosed please find the original and one copy of a Notice of Claim to a Water Right for filing on behalf of John R. and Grace A. Terrell per requirements of the SRBA. Also enclosed is our filing fee check in the amount of \$52.25, being \$50.00 for the claim plus \$2.25 for the two and one-fourth acres irrigated. Upon filing, please conform the filing date and number and return the copy for our records.

Thank you for your assistance.

Very truly yours,


RANDALL C. BUDGE

RCB:gr

Enclosure

cc: Grace and Jack Terrell

MICROFILMED
NOV 13 1996

MICROFILMED
NOV 13 1996

JUN 08 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

97 N 2 E
297 E Portneuf

Ident. Number: **A29-00150**
Date Received: 2/ 2/1990
Receipt No: **E011934**
Received By: _____

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name: RANDALL C BUDGE
Address: PO BOX 1391
LEFT BUDGE IN CLAIM AS IS
POCATELLO ID

83204

776-5525
5550 FAX

AND/OR

Name: ROBERT E RUSH
Address: PO BOX 4905
POCATELLO ID

83205

208-232-2139

AND/OR

Name: EVELEE HILL RUSH
Address: PO BOX 4905
POCATELLO ID

83205

208-232-2139

2. Date of Priority: JUN 1, 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:
HEADGATE/PIPELINE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	09/15	0.180		

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

A.F.A.

8. Total consumptive use is

5.6 Acre Feet Per Annum.

9. Non-irrigation uses:

MICROFILMED

NOV 13 1996

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09S	38E	21	SE	SE	1	IRR	2.2
Section Acres							2.2
Total Acres							2.2

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:

14. Remarks:

CHANGED OWNERSHIP 5/4/95/JT/GT; LEFT BUDGE IN CLAIM AS "P" (WHY IT HAS A "P", I DON'T KNOW). JT

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

UNION GRAIN & ELEVATOR CO.
Decree Plaintiff

MCCAMMON DITCH CO. ET. AL.
vs Decree Defendant

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: A29-00150
Date Received: 11/14/1994
Receipt No: E011934
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JOHN R TERRELL 208-232-4581
Address: 44 VALLEYVIEW
BOX 1774
POCATELLO ID 83204

Name: GRACE A TERRELL 208-232-4581
Address: 44 VALLEYVIEW
BOX 1774
POCATELLO ID 83204

2. Date of Priority: JUN 1, 1889

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

4. Point of Diversion:

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

5. Description of diverting works:
HEADGATE/PIPELINE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	09/15	0.180		

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

8. Total consumptive use is 5.6 Acre Feet Per Annum.

9. Non-irrigation uses:

MICROFILMED
NOV 13 1996

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09S	38E	21	SE	SE	1	IRR	2.2
Section Acres							2.2
Total Acres							2.2

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:

14. Remarks:

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

UNION GRAIN & ELEVATOR CO.
Decree Plaintiff

MCCAMMON DITCH CO. ET. AL.
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: _____

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

Renumbered A29-00150

Ident. Number: ~~A29-10268~~

Date Received: 2/06/1990

Receipt No: E011934

Received By: _____

11/14/94
DC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JOHN R. TERRELL 208-232-4581
Address: 44 VALLEYVIEW
BOX 1774
POCATELLO, ID 83204

AND

Name: GRACE A. TERRELL 208-232-4581
Address: 44 VALLEYVIEW
BOX 1774
POCATELLO, ID 83204

A2900150



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:
HEADGATE/PIPELINE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	09/15	0.180		

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

8. Total consumptive use is 5.6 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A29-10268

Page 1

Date: 02/06/90

MICROFILMED
NOV 13 1996

MICROFILMED
NOV 16 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09S	38E	21	SE	SE	1	IRR	2.2
Section Acres							2.2
Total Acres							2.2

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:
NONE

14. Remarks:

15. Basis of Claim: DECREED
Case Number: 2203
Court :
Decree date: 6/29/1921

UNION GRAIN

Decree Plaintiff

vs

MCCAMMON DITCH CO.

Decree Defendant

MICROFILMED
NOV 13 1996

MICROFILMED
NOV 16 1992

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number A29-10268Date Received 1-29-90Receipt Number ESN E011934/90

RECEIVED

FEB - 2 1990

Department of Water Resources
Eastern District OfficeNOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

JAN 29 1990

Department of Water Resources
Eastern District Office

Please type or print clearly

1. Name of Claimant (s) John R. and Grace A. Terrell Phone (208) 232-4581Mailing Address 44 Valleyview, P.O. Box 1774, Pocatello, ID Zip 832042. Date of Priority (Only one (1) per claim) 6-1-18893. Source of water supply (a) Fish Creek
which is tributary to (b) Portneuf River4. a. Location of existing point of diversion is: Township 9S Range 38E Section 22,SE 1/4 of SE 1/4 of * 1/4, Govt. Lot, B.M., County of Bannock
*(North 74° West 900' from the NE corner of Section 27)

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well. Water is diverted at described point of diversion by Fish Creek Irrigation Company into their canal from which claimants take their water via a 4" pipeline running to their property. Property at place of use and all water rights originally owned by Thomas F. Terrell then his widow Grace J. Terrell. F.C. Terrell acquired some from Grace J. Terrell Estate, Bannock Co. Inst. No. 302440. F.C. and Ada Terrell gift deeded to John P. Terrell by Inst. No. 379232 recorded 4-21-62.

MICROFILMED
NOV 13 1996MICROFILMED
NOV 16 1992

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For irrigation purposes from 4-15 to 9-15 amount .18 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .18 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
9S	38E	21																Lot 1	2 1/4

Total number of acres irrigated 2 1/4

11. In which county (ies) are lands listed above as place of use located? Bannock

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above. _____ or None (X)

14. Remarks:
Domestic Claim numbers A29-04233 and A29-04234 also filed and
relate to hot water used on same property for culinary purposes.

MICROFILMED
NOV 13 1996

MICROFILMED
NOV 16 1992

Last Name Terrell Ident No. _____

Copies: White -State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____
Decree X

If applicable provide IDWR Water Right Number _____

Court 5th Dist. Bannock Case Number 2203 Decree Date 6-29-21

Plaintiff vs Defendant Union Grain & Elevator Co. v. McCammon Ditch Co., et.al.,
District Judge O.R. Baum, Right No. 114,115 p. 57.

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 X do not _____
wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true
and correct.

Signature of Claimant (s) Jenn R Terrell Date 1-25-90

Grace A. Terrell Date 1-25-90

For Organizations: I do solemnly swear or affirm that I am _____

of _____ Title _____
Organization _____, that I have signed the foregoing

document in the space below as _____ Title _____ of _____
Organization _____

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or _____)
County of Bannock) SS.

Subscribed and sworn (or affirmed) before me this 25 day of January 19 90

SEAL

Notary Public Randall C. Budge

Residing at Pocatello, ID

My Commission Expires 10-15-90

Please Print Name

17. Notice of Appearance: Randall C. Budge

Notice is hereby given that I, Racine Olson Nye Cooper & Budge will be acting as attorney at law on behalf
of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above
should be mailed to me at the address listed below.

Signature Randall C. Budge

Address P.O. Box 1391 Pocatello, ID 83204

Date 1-25-90

Last Name Terrell Ident. Number _____

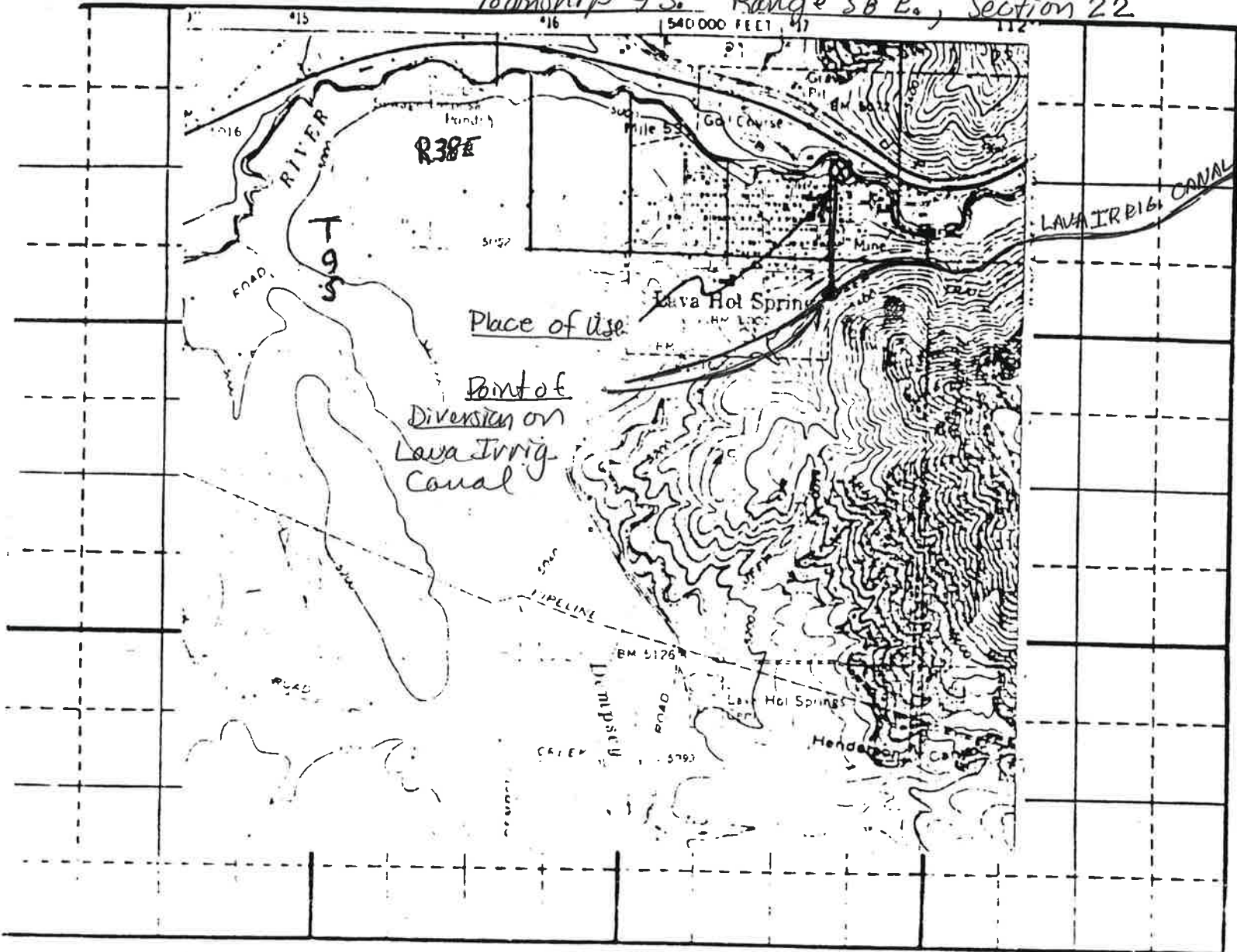
MICROFILMED
NOV 13 1996

MICROFILMED
NOV 16 1992

Copies White-State, Yellow-Claimant

POOR ORIGINAL

City of LAVA HOT SPRINGS
Township 9 S. Range 36 E., Section 22



MICROFILMED
NOV 13 1996
NOV 16 1992

Terrell