

02/12/2002

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

RIGHT NUMBER: 29-157A
NAME AND ADDRESS: DAVID LEE LOSEE
PO BOX 27
LAVA HOT SPRINGS ID 83246
SOURCE: DEMPSEY CREEK TRIBUTARY: PORTNEUF RIVER
QUANTITY: 0.06 CFS
USE OF THIS RIGHT WITH RIGHT NO. 29-13289 IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 0.06 CFS.
THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE SHALL NOT
EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 05/01/1882

POINT OF DIVERSION:

T10S R38E S9 SWNW Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION		

PLACE OF USE:

IRRIGATION Within BANNOCK County

T10S R38E S09 NENW 3.0

3 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 29-13289 IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 3.0 ACRES 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.
THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL
USE.

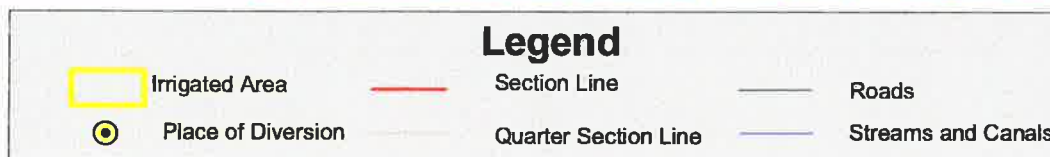
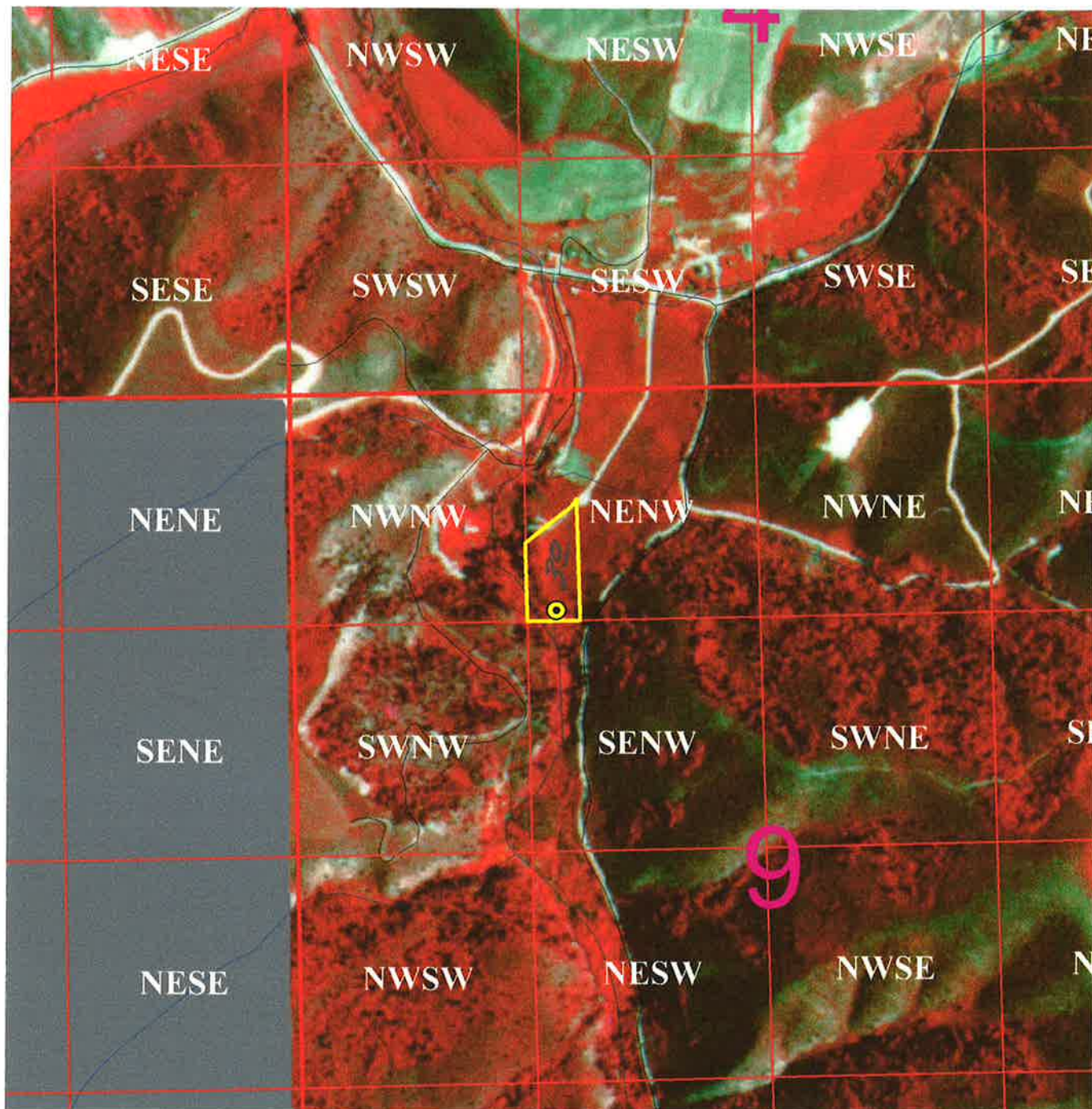
EXPLANATORY MATERIAL: Decreed

RIGHT NO. 29-13289 IS ALSO DIVERTED THROUGH POINT OF DIVERSION
DESCRIBED ABOVE.

Water Right Claim Number A29-00157A

08/07/2000

Township , 10S38E



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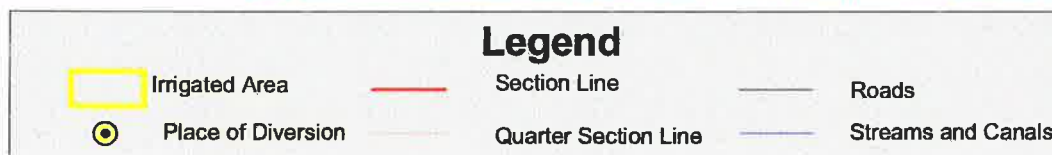
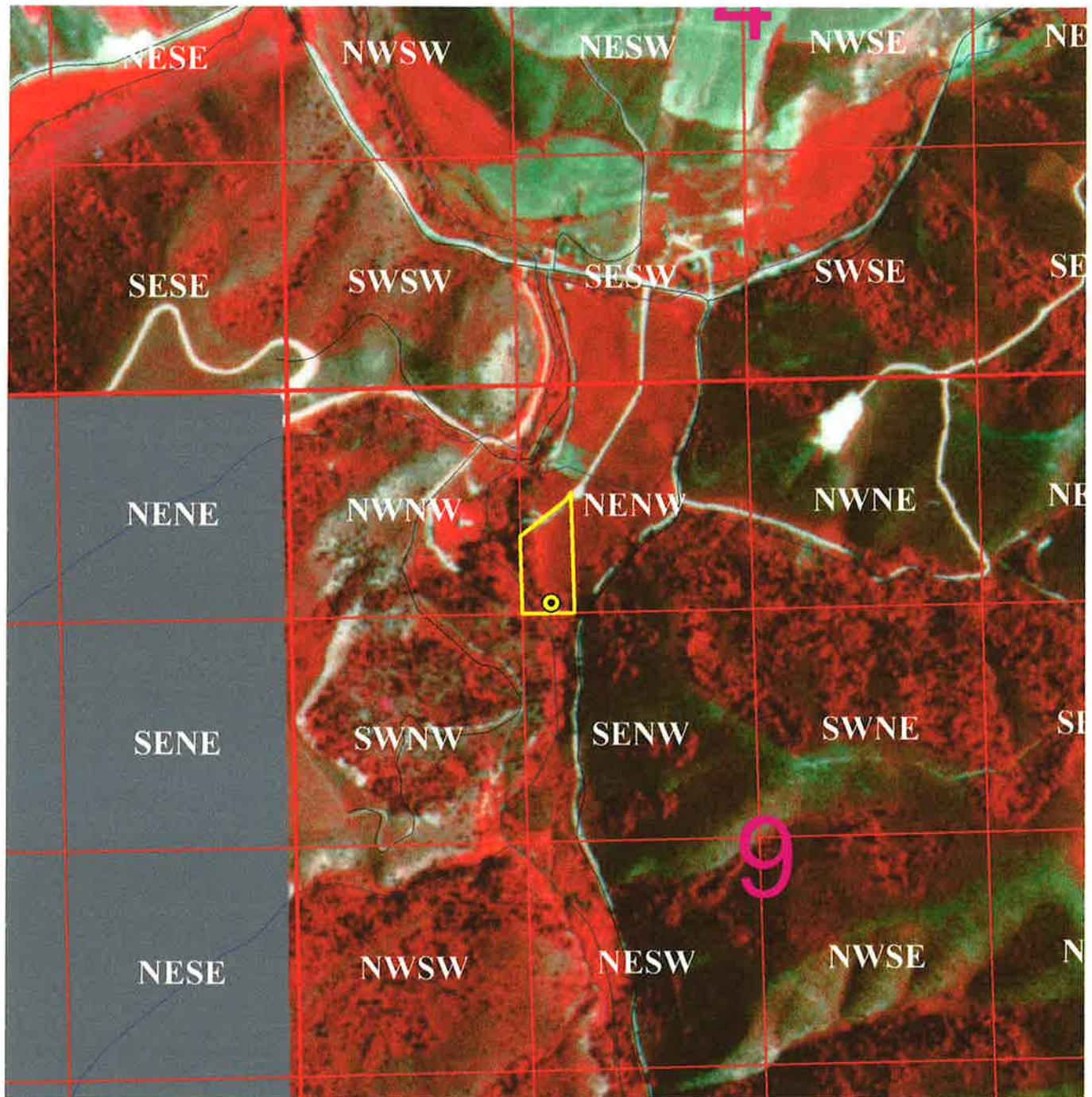
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Water Right Claim Number A29-00157A

08/07/2000

Township , 10S38E



PROFILED

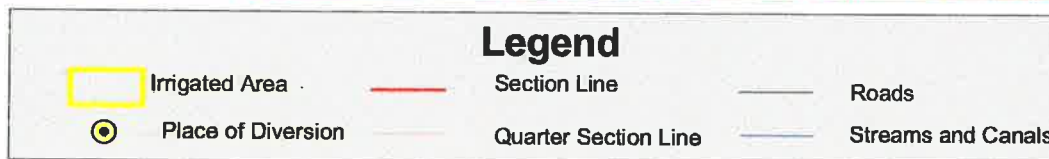
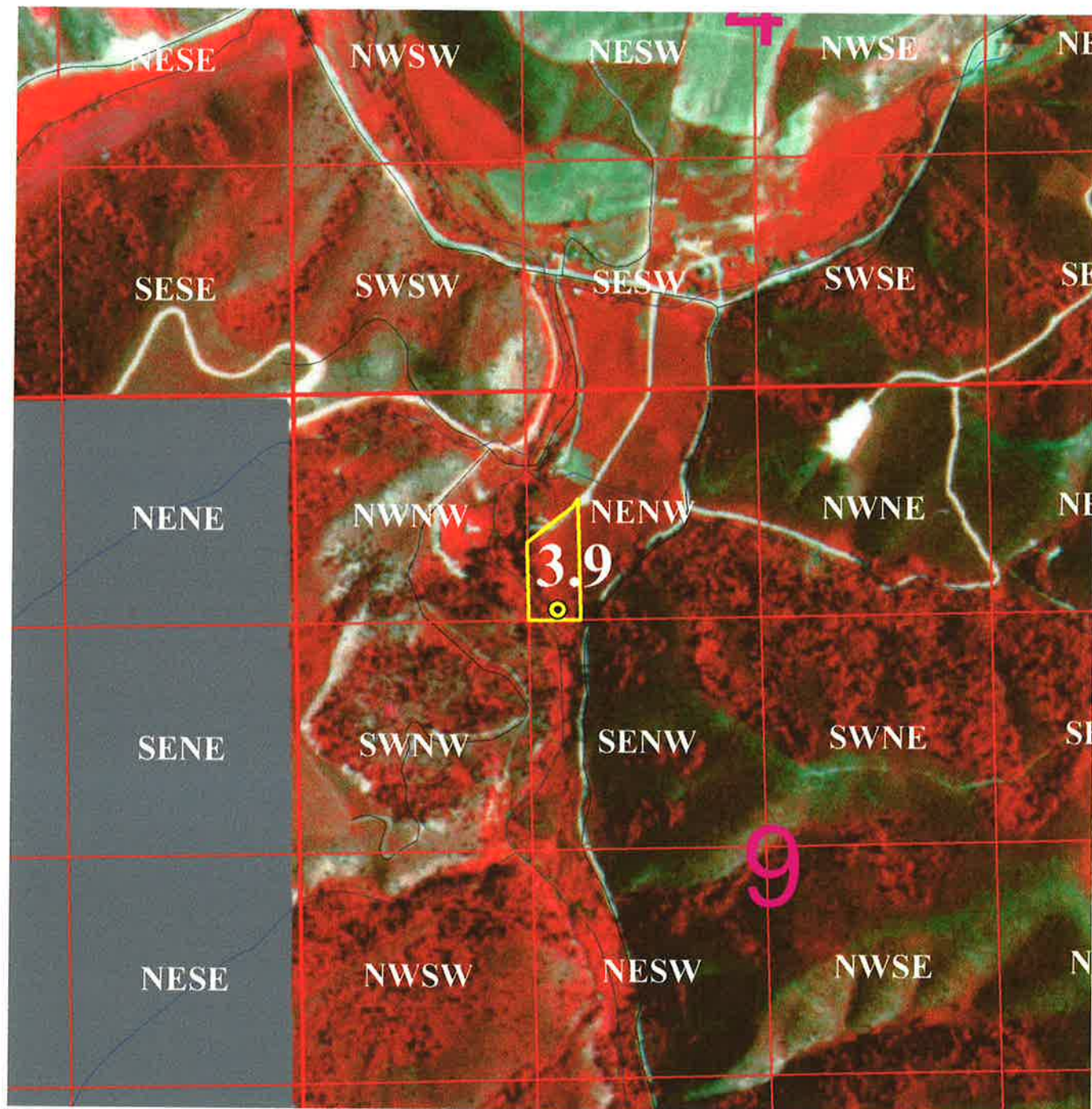
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Water Right Claim Number A29-00157A

08/07/2000

Township , 10S38E



700 0 700 1400 Feet



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JUN 29 2005

02/13/2003

NOTICE OF ERROR
REPLY

Allen

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: 29-157A.

DAVID LEE LOSEE
PO BOX 27
LAVA HOT SPRINGS ID 83246
Telephone Number: (208) 776-5630

RECEIVED
APR 21 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: 4-12-03

SIGNATURE:

David Lee Losee

Please print your name:

David Lee Losee

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

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STATE OF IDAHO

Department of Water Resources
Eastern Region

Water Right(s): 29-00157A, 29-13289

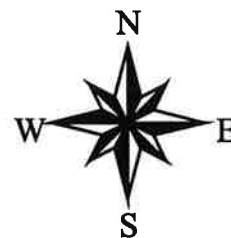


LEGEND

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

Place of Use: T10S, R38E
(part of) Sec. 9 NENW

Point(s) of Diversion: T10S, R38E
Sec. 9 SWNENW



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GIS Place of Use Illustration
1987/1988 NAPP photography
Prepared by: A. Ruberry
Date: February 2002

SPLIT HISTORY
SRBA CLAIMS
29-00157

29-00157
0.70 cts 5/1/1882
DEMPSY CREEK
WEST CREEK

29-157A D. LOSEE
0.06 cts on 3rd AC
DEMPSY CREEK

29-10830 G. PERKINS
0.22 cts on 11th AC
WEST CREEK

29-13132 R. TILLOTSON
0.12 cts on 6th AC
DEMPSY CREEK
VIA W. DEMPSY DITCH

SPLIT BY SALES w/o CHANGE OWNERSHIP
FILED W/ IDWR AND SRBA CLAIMS.

29-13208 L. McLAUGHLIN
0.02 cts on 1st AC
DEMPSY CK

29-13209. G. BEEBE
0.02 cts on 1st AC
DEMPSY CK

UNCLAIMED
0.26 ON 13th AC

PROFILE

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29-00157A DUBIOUS (No Part B Found)

DUBIOUS AS: 0.70 cts

CLAIMED AS: 0.06 cts (Part A)

0.64 cts UNCLAIMED

⇒ No! SEE 10830

I. CLAIMS 0.06 cts on 3 AC ⇒ 0.02 cts/AC (OK 42-202 IC)
USES pump in Dumpsy Cr.

II. CLAIMS SOURCE OF Dumpsy Cr, AS DUBIOUS - OR
OTHER CLAIMED ELEMENTS MATCH PARTS OF DUBIOUS.

FIELD EXAM. III. POLL IS DIFFICULT TO DETERMINE BY GIS PHOTO -
FIELD EXAM REQ'D.

IV. CLAIMS SOL AS 4/1 TO 1/1 - DUBIOUS SPECIFIC DATES
5/8 OR 4/15 TO 9/15 - SO RECOMMENDED.

7/6/01 MET DAVID LOSUS (POR %) DISCUSSO DIVERSION (Pump in
Dumpsy Cr) SPLITS OF RT, POLL. Looks pretty routine.

CB REQ'D ——— received 5/15/01 OM

2/11/02 DAVID CALLS - INQUIRED ABOUT % - Done - Also, AScent
txt SOL claim - He wants to DO ONE @ \$50⁰⁰ - Done

2/12/02 DAVID IN TO FILE CLAIM ———

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29-00157
#119
Elmwood Portlands
7/6/01

I. Decayed wt: 0.70 cfs, Mc wt Spec., 5/01/1882
Per Decayed 0.02 cfs/Mc = 35° Mc at Post.

II. Elmwood portions BT Numbers:

29-00157A, D. 20558
#c 32 X.02 0.06
cfs

29-10830, G. Perkins
112 X.02 0.22

29-10830, R. Wilkerson
62 X.02 0.12

202
40 cfs

29-10K
(13132)
Elmwood

WHL Elmwood - Confirmed
BY GIS = 15° Mc. (insects)
Porto However.

150
30 Elmwood
#15 7/6/01

29-13208 L. McLaughlin
10 .02
29-13209 G. Roberts
10 .02

130
26 Elmwood
7/23/01

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JUN 29 2005

PROTECTED



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

DIRK KEMPTHORNE
GOVERNOR

January 22, 2002

KARL J. DREHER
DIRECTOR

DAVID T LOSSEE
PO BOX 27
LAVA HOT SPRINGS ID 83246-0027

RE: Snake River Basin Adjudication (SRBA)
Water Right Claim #29-157A

Dear Water Right Holder:

We have been advised you are the current owner of the property and water right referenced above. Before we can modify our records to reflect your ownership of the property and water right referenced above, we need Form 42-248/42-1409(6) completed and returned. I have enclosed this form for your use.

I have also enclosed a copy of this water right claim as we may recommend it to the SRBA Court. Since this water right claim is not yet partially-decreed, there is no filing fee due. We expect the Court to issue partial decrees in the near future, so please submit the ownership change soon.

Please call me toll-free at 1-800/451-4129 if you have any questions.

Sincerely,

Sally Sherman
Technical Records Specialist
Adjudication Bureau

SS:region

Enclosures:

Recommendation Report of #29-157A
Form 42-248/42-1409(6)

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JUN 29 2005

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street
Boise, Idaho 83706-2237

PROFIT

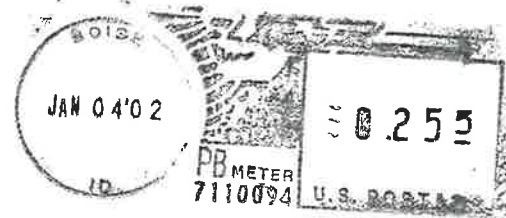
RECEIVED

JAN 11 2002

Department of Water Resources

RETURN SERVICE
REQUESTED

RES
FIRST CLASS



JUN 29 2005

SCANNED

DAVID LEE LOSEE
13092 S CREEKSIDE CIR
LAVA HOT SPRINGS ID 83246

Re: Snake River Basin Adjudication (SF

83246-0027

LOSEE092 832462007 1900 05 01/08/02
FORWARD TIME EXP RTN TO SEND
LOSEE
PO BOX 27
LAVA HOT SPRINGS ID 83246-0027
RETURN TO SENDER





State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098
Phone: (208) 327-7900 FAX: (208) 327-7866

January 4, 2002

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

DAVID LEE LOSEE
13092 S CREEKSIDE CIR
LAVA HOT SPRINGS ID 83246

Re: Snake River Basin Adjudication (SRBA)
Water Right #29-157A
Change of Address

RECEIVED

JAN 11 2002

Dear Water Right Holder:

Department of Water Resources

The former owner of your property received the enclosed mail from us, and was kind enough to provide your address to us. Our records show you as the current owner of water right #29-157A, with the name David Lee Losee instead of David L. Lossee as the former owner wrote. Although we have reached you at the address above, we need your written confirmation this is your correct mailing address before we can change our records. Future notices related to your water right can be sent only to the address on your water right or as otherwise changed by you.

Please sign your name at the bottom of this letter and return it to this office. Make corrections to your name and address if necessary **and list any other water rights you may have** before returning this letter by January 18, 2001. Thank you for your help.

If your mail delivery address changes in any form, please contact us in writing so we can update our records.

Sincerely,

Sally Sherman
Technical Records Specialist
Adjudication Bureau

SS:region

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The address is correct as shown above or as otherwise changed.

Claimant Signature

Telephone No.

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JUN 29 2005



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

December 17, 2001

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JAN - 2 2002

Re: Season of Use for Your Water Right

Dear Basin 29 Water User:

Department of Water Resources

This letter is being sent to you concerning the season of use for your water rights with source of the Portneuf River and tributaries. The Judgment for the *Union Grain & Elevator Co. v. McCammon Ditch Co.* case set the season of use as April 15th to September 15th. However, IDWR understands that irrigation has been occurring prior to April 15th and after September 15th for several decades. From Idaho Department of Water Resources (IDWR) records, it appears that you are a successor to a party or parties from the *Union Grain and Elevator Co.* case and thus the following information may apply to your water rights.

If you are a successor to a party or parties to the *Union Grain & Elevator* decree then your water right, based on that decree, will have a season of use of April 15th to September 15th. IDWR intends to recommend "shoulder remarks" that allow early season irrigation starting from April 1st until April 14th and late season irrigation extending from September 16th until October 31st to comport with IDWR's standard season of use for the area. The priority date for the early and late season irrigation would be the date of the partial decree in the SRBA, likely a priority date with the year 2002 or 2003. If you included stockwater as a use on your claim, IDWR intends to recommend the stockwater use with the irrigation season of use and shoulder remarks.

However, if you have been putting surface water to beneficial use outside of April 15th and September 15th, prior to 1971, then you may file a separate claim for a beneficial use water right for the early and late season irrigation or an extended stockwater season.

If you choose to file a beneficial use claim to extend the season of use for irrigation purposes or for stockwater use outside the irrigation season, you will be required to file a claim with the appropriate filing fee and to provide sufficient evidence of the priority date claimed. **The earliest priority date that IDWR will recommend will be August 7, 1932** because the final amended judgment in the *Union Grain & Elevator Co.* case was dated August 6, 1932. The actual priority date recommended for a water right for a season of use outside the set April 15th to September 15th season will depend on the evidence of when the water was actually put to beneficial use.

If you have any questions concerning this matter please contact Ernest Carlsen at IDWR's Eastern Regional Office in Idaho Falls at (208) 525-7161.

Sincerely,

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JUN 29 2005

David R. Tuthill, Jr., P.E.
Adjudication Bureau Chief

PRESENT OWNER OF
WATER RIGHT PROPERTY

DAVID T. LOSEE
13092 S. CREEKSIDE CR.
LAVA, ID.
83246

PROFILED

cc: Ernest Carlsen, IDWR

DELOG AR
6/29/01

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

RECEIVED

MAY 15 2001

Department of Water Resources
Eastern Region

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

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, 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
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<u>29-00157</u>	<u>10830</u>				
<u>ELLIS Claims 29-00157A (A SEPARATE CLAIM)</u>					

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

A. ~~The appropriate FILING FEE. See instructions for fee amounts.~~ NO fee.

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.**

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) are 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)

Ernest L. Ellis & Mary A. Ellis
1129 Cherokee Pac., ID

4. New Owner/Claimant(s)

David Lee Losee

Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

P.O. Box 27 Lava

City, State and ZIP Code

Lava Hot Springs, ID 83246

New Telephone Number

208 776-5630

5. Date you acquired the property

July 1, 1995

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JUN 29 2005

PREFERRED REAL ESTATE

P.O. Box 424 LAVA HOT SPRINGS, ID 83246

(208) 776-5225

BUYER'S STATEMENT OF SETTLEMENT

TRANSACTION #950609

PROPERTY ADDRESS: CREEKSIDE ESTATES SW OF LAVA HOT SPRINGS, ID		
SELLER: ERNEST L. ELLIS & MARY A. ELLIS 1129 CHEROKEE FOCATELLO, ID		BUYER: DAVID L. LOSEE & DEBRA S. LOSEE P.O. BOX 27 LAVA HOT SPRINGS, ID
SETTLEMENT DATE: JULY 1, 1995		PRO-RATION DATE: JULY 1, 1995
LEGAL DESCRIPTION: LOT 7B, BLOCK 1, CREEKSIDE ESTATES, BANNOCK COUNTY, IDAHO, AS THE SAME APPEARS ON THE OFFICIAL PLAT THEREOF, FILED IN THE OFFICE OF THE COUNTY RECORDER OF BANNOCK COUNTY		
DESCRIPTION	DEBIT	CREDIT
CONTRACT SALES PRICE:	\$17,000.00	
DEPOSIT OR EARNEST MONEY:		500.00
CURRENT TAXES: 1994 TAXES PAID BY SELLER IN THE AMOUNT OF \$175.48 PRORATED AT 182 DAYS		87.50
RECORDING FEES:	3.00	
PROPERTY ASSOCIATION FEES		
DEED OF TRUST AS PART OF PURCHASE		
SUBTOTALS:	\$17,003.00	587.50
BALANCE DUE FROM BUYER:		16,415.50
TOTALS:	\$17,003.00	\$17,003.00

APPROVED & ACCEPTED

DATE

7-3-95

David L. Losee

Debra S. Losee

THE FOREGOING STATEMENT IS HEREBY CERTIFIED TO BE CORRECT.

David W. Sander BROKER

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JUN 29 2005

LOT 7-R, CREEKSIDE ESTATES, BANNOCK COUNTY, IDAHO
AS THE SAME APPEARS ON THE OFFICIAL PLAT THEREOF, FILED IN THE OFFICE OF THE
COUNTY RECORDER OF BANNOCK COUNTY, IDAHO.

"^{RE-}Being recorded to correct legal description"

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TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee S
heirs and assigns forever. And the said Grantor S do hereby covenant to and with the said
Grantee, that ^{their} the y the owner in fee simple of said premises; that they are free from all incumbrances

SCANNED

JUN 29 2005

and that the y will warrant and defend the same from all lawful claims whatsoever.

Dated: July 7, 1995

Ernest L. Ellis
ERNEST L. ELLIS

Mary A. Ellis
MARY A. ELLIS

STATE OF IDAHO, COUNTY OF
On this 7th day of July, 1995
before me, a notary public in and for said State, personally appeared

Ernest L. Ellis & Mary A. Ellis

known to me to be the person whose name s are
subscribed to the within instrument, and acknowledged to me that
they executed the same

Melinda A. Merrill
Residing at Clubbuck Notary Public
Comm. Expires 03/03/99 Idaho

NOTARY SEAL

NO. 95009669
OFFICE OF
AMERICAN LAND TITLE CO.
'95 JUL 7 P2:25
OFFICE
FEE 3.00
643

Formed by the AMERICAN LAND TITLE COMPANY, INC.

95014574

NO. 95014574
RECORDED IN BOOK NO. 6049
DAVID L. LOSEE
'95 OCT -2 P12:29

OFFICE OF
BANNOCK COUNTY RECORDER
IDAHO
308 DEPUTY

Dempsey Creek

NENW

3.0

T10S R38E

5 4 9 8

Water Right Number - 29-00157

Prefix Translation: WATER RIGHT

Old (D) Number -

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

*** C - CURRENT OWNER ***
GODFREY

WILLIAM R.

1 -
2 -
3 -
City-
Phone -

State- Zip-

+ - - Priority Date - - +
05/01/1882 *aa*

+ - - Region - - - +
15 EASTERN

+ - - Stage - - - +
D - DECREE

+ - - Status - - - +

+ - - Source - - - - - +
DEMPSEY CREEK *aa*

+ - - Tributary - - - - - +
PORTNEUF RIVER

+ - - Point of Diversion - - - - - +
TwN Rng Sec Tract Lot RFlg County Diversion Name Diversion Rate Diversion No.

10S	38E	4	SW SW			(5) BANNOCK
			NW SE			(5) BANNOCK
		5	NE SE			(5) BANNOCK
		9	NE NW			(5) BANNOCK
			SE NW			(5) BANNOCK

OK

NO → Use Owner's dates 4/15 to 9/15.

+ - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume

01 - IRRIGATION

04/15 09/15

CLAIMS 4/15 to 9/15

0.700

CLAIMS 0.06 cfs (Part A)

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
0.700 0.0

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

10S	38E	4	NE NW	3		01	IRRIGATION	(5) BANNOCK
10S	38E	4	NW NW	4		01	IRRIGATION	(5) BANNOCK
10S	38E	4	SW NW			01	IRRIGATION	(5) BANNOCK
10S	38E	4	NW SW			01	IRRIGATION	(5) BANNOCK
10S	38E	5	NE SE			01	IRRIGATION	(5) BANNOCK
10S	38E	9	NE NW			01	IRRIGATION	(5) BANNOCK

3rd AC

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - Remarks - - - - - +

GEN P/U INCOMPLETE.

405

*No Part B round
0.64 cfs UNCLAIMED.*

117. COOPER, W. W.
-0152 1889 Mar. 1 2 .f.s.
-0153 1893 May 1 1.2 c.f.s.

Said water to be diverted through a ditch taken out at point which bears South 59 degrees 25 minutes East, 1740 feet from the Northwest corner of Section 26, Township 9 South, Range 38 E.B.M., for the irrigation of Lots 1, 2, 3, and 4, and the Southwest quarter of the Southeast quarter, Section 22, Township 9 South, Range 38 E.B.M., and Lot 3, Section 15, Township 9 South, Range 38 E.B.M.

118. FRANK WARNER, FRANCIS
DEWEY WARNER, FLORENCE
GRACE POTTER, KATHERINE
THERESA WARNER, the
heirs of CORA WARNER,
deceased.
-0154 1889 June 1 .8 c.f.s.
-0155 1893 Mar. 1 .8 c.f.s.

Said water to be diverted through a ditch taken out at a point which bears South 66 degrees 30 minutes East 2070 feet from the Northwest corner of Section 26, Township 9 South, Range 38 E.B.M., for the irrigation of the Northeast quarter of the Northeast quarter, Section 27, the Northwest quarter of the Northwest quarter, Section 26, the Southeast quarter of the Southeast quarter, and the Northeast quarter of the Southeast quarter, Section 22, Township 9 South, Range 38 E.B.M.

DEMPSEY CREEK, TRIBUTARY TO THE PORTNEUF RIVER

119. GODFREY, WILLIAM R.
-0156 1881 May 1 .78 c.f.s.
-0157 1882 May 1 .70 c.f.s.

Said water to be diverted through a ditch having intake in the East half of the Northwest quarter, Section 9, Township 10 South, Range 38, E.B.M.; -also through another ditch having intake in the Northwest quarter of the Southeast quarter of Section 4, Township 10 South, Range 38 E.B.M.; -also through another ditch having intake North 53 degrees East 1550 feet from the Southwest corner of section 4; also through two ditches in West Creek (tributary of Dempsey Creek) in the Northeast quarter of the Southeast quarter, Section 5, Township 10 South, Range 38 E.B.M. for the irrigation of the Northeast quarter of the Northwest quarter, Section 9, Lots 3 and 4 and the Southwest quarter of the Northwest quarter, and the Northwest quarter of the Southwest quarter of Section 4, and the Northeast quarter of the Southeast quarter, Section 5, Township 10 South, Range 38 E.B.M.

120. ROWSELL, A. A.
ROWSSELL, WALTER
ROWSSELL, S. A.
ROWSSELL, J. A.
-0158 1880 April 1 2 c.f.s.
-0159 1896 April 15 .12 c.f.s.

Said water to be diverted through a ditch having intake near where Dempsey Creek crosses the line between townships 9 and 10 South (Byington-Merrick Ditch).

Said water to be diverted through a ditch having intake South 88 degrees East, 1430

First

五

Creek

Dempsey



5600

5600

55

5400

155

5414

Log for claim A29-00157A

Spatial Dynamics AMH

8/7/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
10s38e	9	NENW	3	3.9	
Totals:			3	3.9	

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JUN 29 2005



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

May 8, 1990

RECEIVED

JUN 5 1990

Department of Water Resources
Eastern District Office

Ernest L. and Mary A. Ellis
4911 Cherokee
Pocatello, ID 83204

RE: Notice of Claim

Dear Mr. and Mrs. Ellis:

The Idaho Department of Water Resources (IDWR) is returning your Notice of Claim to a Water Right because of insufficient fees. Your check no. 1534 in the amount of \$10.00 is also enclosed. All fees must be submitted before the IDWR can process the Notice.

The Notice you submitted: one irrigation at \$50.00 plus \$1.00/acre (3 acres), brings the total amount due to \$53.00.

Please return the Notice and filing fee of \$53.00 to the IDWR by June 8, 1990. If the Notice along with the correct filing fee is not returned by then, the notice will be subject to an additional late fee.

If you have any questions, please feel free to call the IDWR at (208) 525-7161.

Respectfully submitted,

Eric Verner for Ernest Carlsen

Ernest Carlsen
Water Rights Supervisor, Adjudications

EC:bb

Enclosure

PROFIT

SCANNED
JUN 29 2005

MICROFILMED
NOV 13 1992

ITX101	TAX MASTER INQUIRY	YEAR--->	[1989]	[INQUIRE]	[04/03/90]
Parcel[RRCSE000700] Option[00]		---- Market Value ----		--- Tax Information ---	
----- Name /address -----		Mkt. Value	12,031	Tax	183.96
ELLIS, ERNEST L		Homeowners		Specials	.00
P O BOX 614		Hardship		Total Tax	183.96
		Net Value	12,031	Circ Brk	.00
		- Parcel Information -		Tax Bill	183.96
		Code Area	001600		
LAVA HOT SPRINGS ID		Bill Number	R31765	Payments	.00
832460000		Prev Parc R4261000800		Cancels	.00
----- Legal Description -----		Bank Code		Tax Due	183.96
LOT 7R 3.42 AC		Loan Number			
CREEKSIDE ESTATES		Deed	741043	Paid date	/ /
		Old Deed	726646	Notf=N Ta=	
		Property Type	RS	Packet #1-	#2-
		Hardship Flag		Delinq Taxes	
		Hardship Pct.	0.00	Year 1989	91.98
WAS R4261000800-29-30		Circ. Brk. Code		Year 1988	183.30
000000		Map Number		Year 1987	.00
				Year 1986	.00

1 INIT 2 TAX 3 DELINQ 4 REFRESH 4 9 5 TAX 6 OTHER 7 RETURN 8 EXIT

PROFILED

SCANNED
JUN 29 2005

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NOV 13 1992

SCANNED

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

Ident. Number: A29-00157A
Date Received: 5/01/1990
Receipt No: E014754
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ERNEST L. ELLIS 208-232-1129
Address: 4911 CHEROKEE
POCATELLO, ID 83204
AND
Name: MARY A. ELLIS 208-232-1129
Address: 4911 CHEROKEE
POCATELLO, ID 83204

A2900157A



2. Date of Priority: MAY 01, 1882
3. Source: DEMPSEY CREEK Trib. to: PORTNEUF RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
10S	38E	9	SW	NE	NW		BANNOCK

5. Description of diverting works:
PUMP FROM CREEK INTO SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.060		

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

A.F.A.

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

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
10S	38E	9	NE	NW		IRR	3.0

Section Acres 3.0

Total Acres 3.0

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:

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): _____ Date: _____
_____ Date: _____

NO LATE FEE IF RECEIVED
BY June 8 1990 88IN 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 SYSTEMCIVIL CASE NUMBER: 39576
Ident. Number A29-00157A
Date Received 5-1-90
Receipt Number EO14754RECEIVED
JUN 5 1990Department of Water Resources
Eastern District OfficeNOTICE OF CLAIM
TO A
WATER RIGHT

ACQUIRED UNDER STATE LAW

RECEIVED

MAY - 1 1990

Department of Water Resources
Eastern District Office

Please type or print clearly

1. Name of Claimant (s) ERNEST L. AND MARY H. ELLIS Phone (208) 232-1129
Mailing Address 4911 CHEROKEE POCA TELLO, ID. Zip 832042. Date of Priority (Only one (1) per claim) MAY 1, 1882 29-001573. Source of water supply (a) DEMPSEY CREEK
which is tributary to (b) PORTNEUF RIVER4. a. Location of existing point of diversion is: Township 10 S Range 38 E Section 9,
SW 1/4 of NE 1/4 of NW 1/4, Govt. Lot, _____ B.M., County of BANNOCK

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. PUMP DIRECTLY FROM CREEK
INTO SPRINKLERS

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6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For IRRIGATION purposes from 4/1 to 11/1 amount 0.06 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.06 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 7.5 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) NONE

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	
105	38E	9					3												3

Total number of acres irrigated 3

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 (K)

14. Remarks:

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Last Name ELLIS Ident No. _____

Copies: White -State, Yellow-Claimant

Scale: 2 inches equals 1 mile

A 16x16 grid of squares. Each square contains a crosshair pattern formed by two dashed lines intersecting at the center. The lines are oriented horizontally and vertically, creating a grid of smaller squares within each cell. The pattern is consistent across all 256 squares in the grid.

NOV 13 1992

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 29-00157

Court FIFTH JUDICIAL DISTRICT Case Number _____ Decree Date 8-6-1932

Plaintiff vs Defendant UNION GRAIN ELEVATOR CO. VS. MCCAMMON DITCH CO.

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 X 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)

Ernest L. Ellis
Mary A. Ellis

Date April 30, 1990

Date April 30, 1990

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

Title

of _____, that I have signed the foregoing

Organization

document in the space below as _____

of _____

Title

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 30 day of April 19 90

SEAL

Notary Public Jodym Fisher

Residing at Bannock County

My Commission Expires 1/12/95

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ 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 _____

Address _____

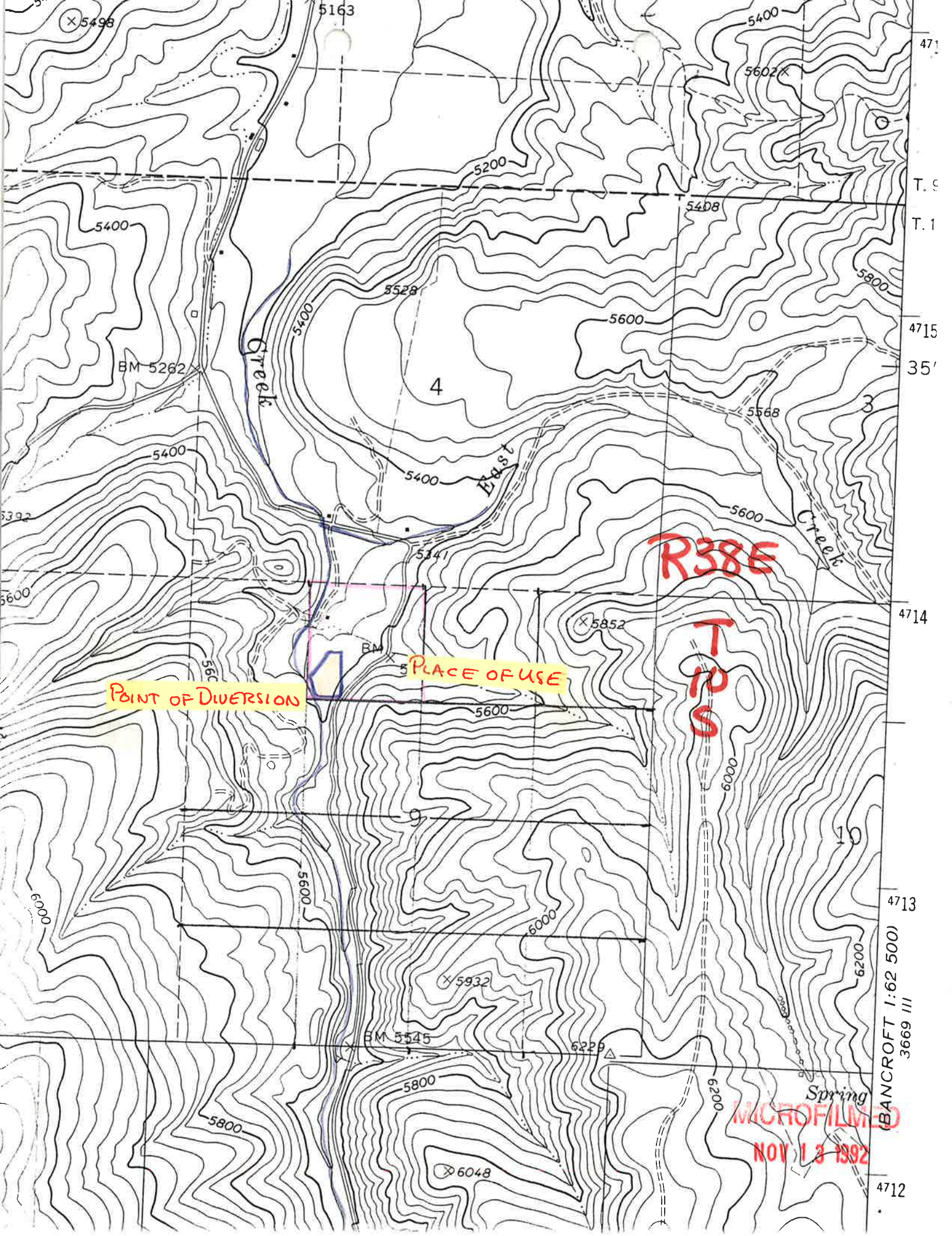
Date _____

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NOV 13 1992

Last Name _____ Ident. Number _____

Copies White-State, Yellow-Claimant



CREEKSIDE ESTATES

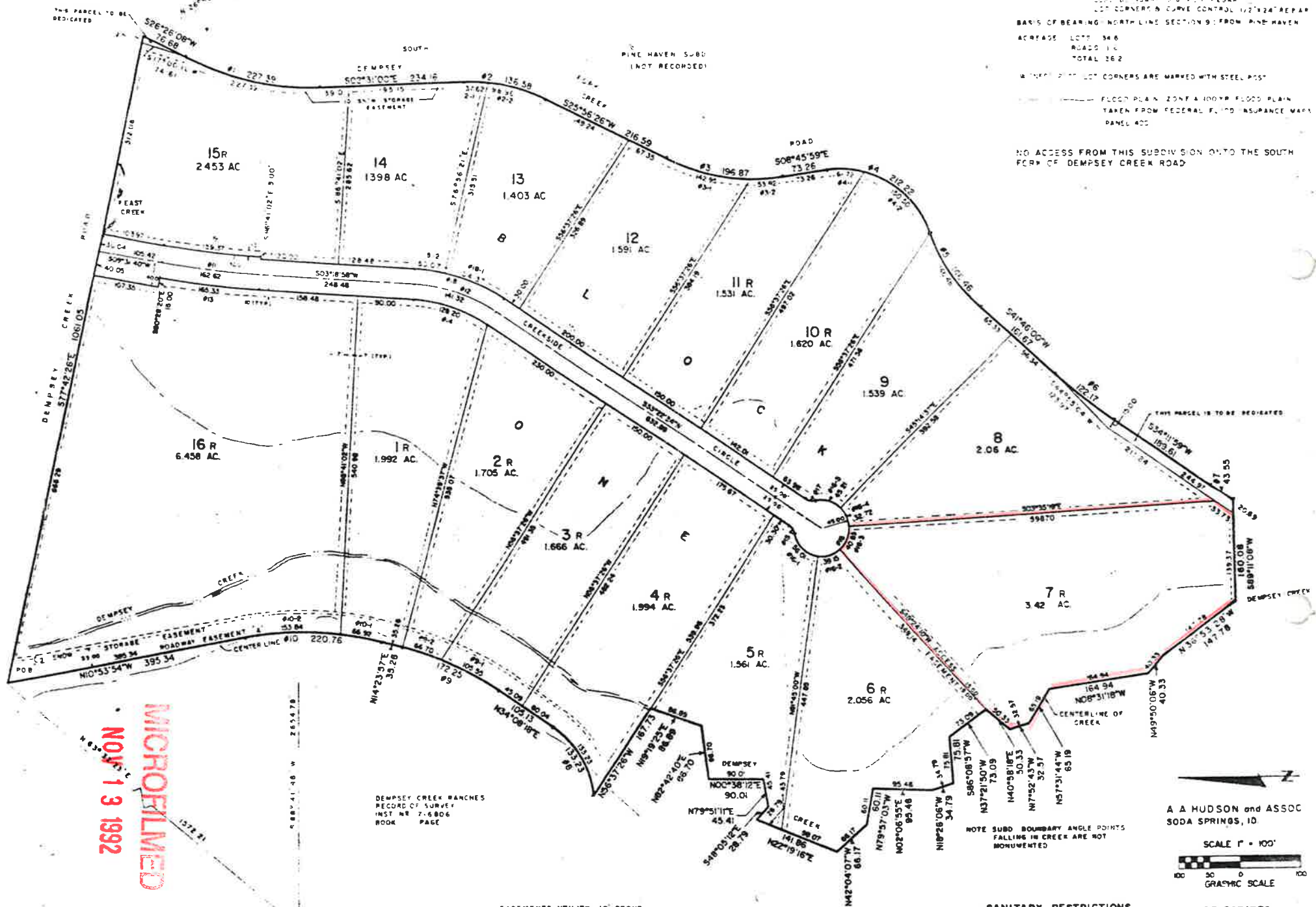
NOTES

THIS SUBDIVISION IS 2.00 AC. IN AREA
 SUBD. BOUNDARY IS 1/2" REBAR
 LOT CORNER CURVE CONTROL 1/2" REBAR
 BASIS OF BEARING NORTH LINE SECTION 9: FROM PINE HAVEN
 ACRES: LOTS 34.6
 ROAD 1.6
 TOTAL 36.2

WHENEVER 2" LOT CORNERS ARE MARKED WITH STEEL PIST

FLOOD PLAN: 200' & 100' FLOOD PLAIN
 TAKEN FROM FEDERAL FLOOD INSURANCE MAPS
 PANEL 400

NO ACCESS FROM THIS SUBDIVISION ONTO THE SOUTH
 FORM OF DEMPSEY CREEK ROAD



A A HUDSON and ASSOC
 SODA SPRING, ID

SCALE 1" = 100'
 GRAPHIC SCALE

SANITARY RESTRICTIONS

R¹ RESTRICTED LOT, DUE TO
 PRESENCE OF STREAM OR
 OTHER FACTORS

SANITARY RESTRICTIONS
 IN FORCE UNDER TITLE 80
 CHAPTER 12, IAC

CREEKSIDE ESTATES
 SHEET 2 OF 2
 SEPTEMBER 1984

