

RIGHT NUMBER: 29-173

NAME AND ADDRESS: THOMAS J ARCHIBALD
10408 E THUNDER MTN RD
PO BOX 338
LAVA HOT SPRINGS ID 83246

KATHY D ARCHIBALD
10408 E THUNDER MTN RD
PO BOX 338
LAVA HOT SPRINGS ID 83246

THE APPROPRIATOR IS ENTITLED TO THE QUANTITY OF WATER DESCRIBED ABOVE AT THE POINT OF MEASUREMENT IN T10S, R38E, S04, NESWSW; WEST DEMPSEY DITCH HEADING.

PRIORITY DATE: 06/01/1881

T10S R38E S4 NEWSW Within BANNOCK County Source: DEMPSEY CREEK
WATER DIVERTED FROM DEMPSEY CREEK DELIVERED THROUGH WEST DEMPSEY
CANAL.

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 09/15	0.800 CFS

IRRIGATION Within BANNOCK County

112 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 40 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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.

Water Right 29-173

04/21/2003

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

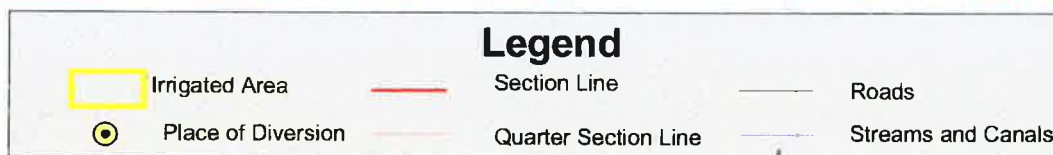
RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
PURSUANT TO SECTION 42-1425, IDAHO CODE.

RIGHT NOS. 29-172 AND 29-13527 ARE ALSO DIVERTED THROUGH POINT
OF DIVERSION DESCRIBED ABOVE.

Water Right Claim Number A29-00173

08/07/2000

Township , 10S38E



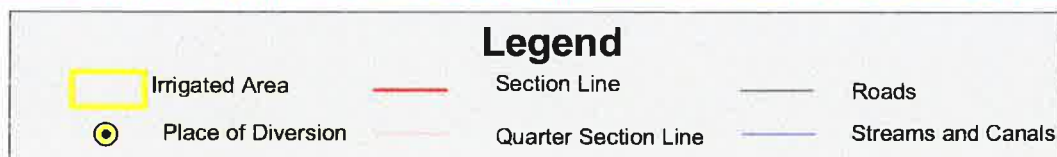
700 0 700 1400 Feet

6/28/01
Sole v/ma. Archibald

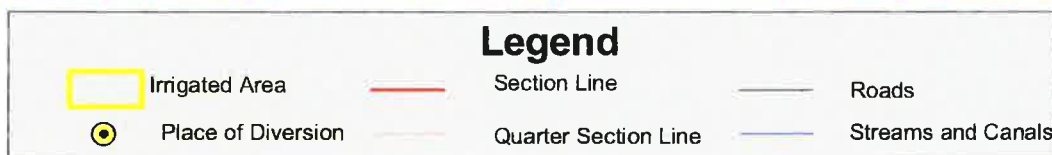
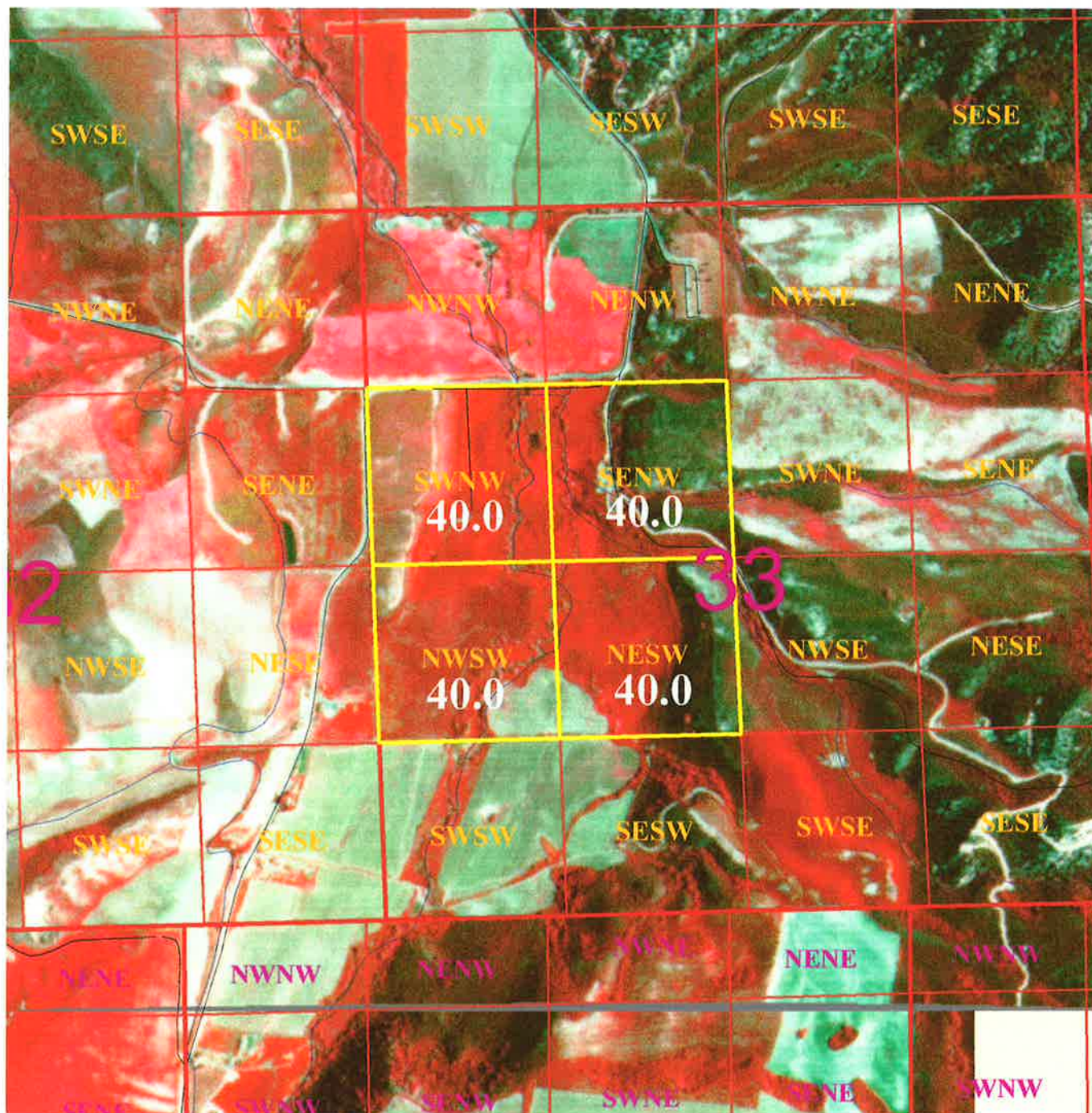
Water Right Claim Number A29-00173

08/07/2000

Township , 10S38E



Township , 10S38E



700 0 700 1400 Feet



04/18/2003

**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:

Water right number: 29-173

THOMAS J ARCHIBALD
10408 E THUNDER MTN RD
PO BOX 338
LAVA HOT SPRINGS ID 83246
Telephone Number: (208)776-5339

KATHY D ARCHIBALD
10408 E THUNDER MTN RD
PO BOX 338
LAVA HOT SPRINGS ID 83246
Telephone Number: (208)776-5339

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: 4/18/03 SIGNATURE: Thomas J Archibald
Please print your name: Thomas J Archibald

IDWR Regional Office,

PROFILED

**SCANNED
JUL 07 2005**

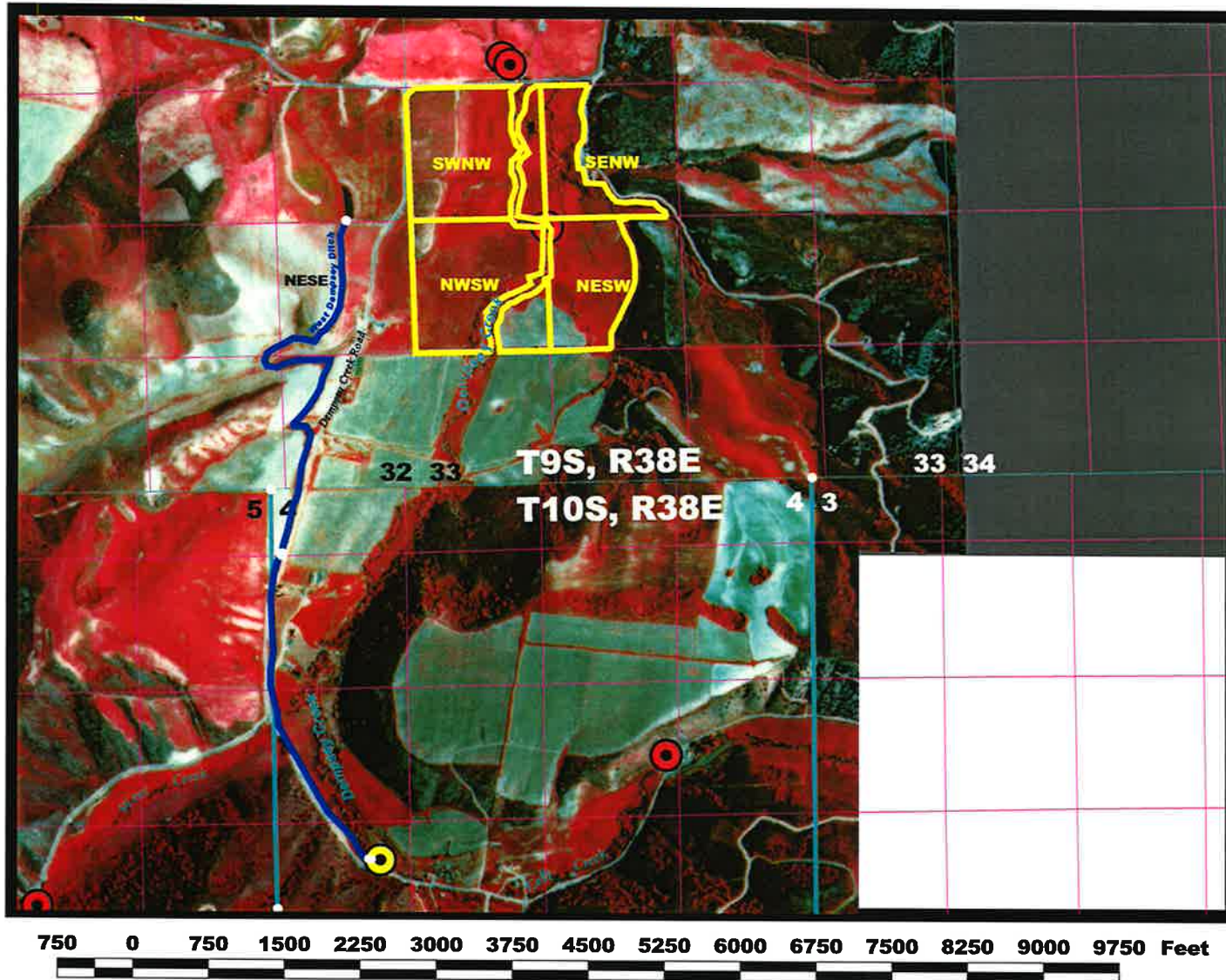


State of Idaho

Department of Water Resources

Eastern Region

PROFILED



Water Right(s):
29-172, 29-173,
29-13527

Place of Use: (parts of): T9S, R38E
Sec. 33 S2NW, N2SW

Point(s) of Diversion: T10S, R38E
Sec. 4 NESWSW



LEGEND

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

29-00173 DECEASED

Pg. 1 of _____

6/28/01 I. WATER IS DELIVERED THROUGH W. DEMPSEY ^{DITCH} CANAL TO A 'REDIVERSION' OFF THE DITCH TO A CANNITY SYSTEM OF SPRINKLERS. BOTH 29-172 AND 173 ARE DELIVERED TOGETHER UNTIL PRIORITY CUTS OCCUR. MR. ARCHIBALD SEEMS TO HAVE DIFFICULTY UNDERSTANDING THE PRIORITY CONCEPT OF "FIRST IN TIME IS FIRST IN RIGHT." I TRIED TO EXPLAIN HOW PRIORITY WORKS IN RELATION TO HIS RIGHTS AND OTHERS RIGHTS WITH AVAILABLE WATER IN DEMPSEY CR.

II. 29-173 IS CLAIMED AS 2.4 cfs AS IS 29-172. 29-173 HOWEVER WAS DECREASED @ 0.80 cfs (ERROR ON WR DATA BASE SHOWS 0.08 cfs DIVERSION RATE BUT TOTAL DIV. RATE AS 0.80 cfs - ISSUE ADDRESSED TO HAROLD JONES - ALLOCATIONS). EXPLAINED THIS TO MR. ARCHIBALD - HE INSISTS HE HAS TWO RIGHTS. SO I TRIED TO EXPLAIN THE PRIORITY DATES AND CFS DIFFS IN RELATION TO ACRES. GOD IS NOT WITH ME TODAY. RECOMMEND 29-173 AS 0.80 cfs ON 40 AC W/ 112[±] AC, PPU W/ 29-172 (@ 2.4 cfs ON 112[±] AC - SOME CFS TO COVER LOSS - ALL W/ DECREASED POU QQ. ∴ NO CFS. 12[±] MORE AC (PPU) THAN ASCS SHOWS

PSA (OLD ASCS) PHOTO SHOWS A TOTAL OF 110[±] AC IRRIGATED. 29-172 AND 173 CLAIM 160[±] AC AS 40 AC W/ EACH QQ OF 52 NW AND N² SW. SEC. 35, 9S/38E.

PROFILED

SCANNED

JUL 07 2005

» «

III. THERE ARE 3 POD'S DECEASED HOWEVER, ALL THREE ARE NO LONGER USED. MR. ARCHIBALD GETS HIS WATER VIA THE W. DUMPSY CANAL (DITCH) @ 105 38B SEC. 4 N35W AND A SMALL PUMP IN A POND OFF-STREAM FROM MAIN DUMPSY CR, WHICH MR. ARCHIBALD BEGAN USING AFTER HIS PURCHASE OF THE PROPERTY WHICH IS POST 1987. ∴ ONLY THE W. DUMPSY CANAL (DITCH) POD WILL BE RECOMM.

TX REQ'D

X → MR. ARCHIBALD WILL NEED TO FILE A TX TO ADD THE POND/PUMP POD. AND CHANGE ACROSS FROM NW CORNER (WHICH NEW HOUSES ARE) TO LANDS ON MESA'S ABOVE HIS HOUSE.

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JUL 07 2005

29-00173 CONTINUED

8/21/01 THERE EXISTS EVIDENCE (FROM NEIGHBORS WHO ARE LIFE LONG RESIDENTS) THAT DISCOUNTS IRRIGATION ON THE 'MESA' AT NESENW AND 'MESA' AT E²NE SW BOTH OF SEC. 33 T9S R38E. IN ADDITION, THE CIRCA 1987 FSA (OLD ASCS) PHOTO SHOWS ONLY DRY FARM USE ON BOTH PARTS. THEREFORE, THESE ACRES WILL NOT BE RECOMMENDED AS IRRIG ACRES.

PROFILED

SCANNED
JUL 07 2005

November 26, 2001

Thomas J Archibald
PO Box 338
10408 E Thunder Mountain Rd
Lava Hot Springs ID 83246

Re; Correspondence with IDWR State Office, Boise

Dear Mr. Archibald:

This morning I received an e-mail addressing the Diversion Rate issue with your claim to 29-00173. I am aware of this issue; you and I discussed it during my visit on June 28, 2001. The Water Rights Allocations section has been advised of the data base error and it will be corrected. As for Adjudication Claim A29-00173, I will recommend the decreed amount of 0.80 cfs, which I also explained. A decree excerpt is attached.

While on the subject of the adjudication claim recommendations, I have enclosed a copy of the GIS layout showing the Place of Use to be recommended. As you can see, I will recommend a total 112 acres. The acreage on the lands **above** your house both north and south will not be recommended (note the GIS photo).

Since my June visit, four of your neighbors have stated there has never been irrigation on those acres. Further, they will protest any recommendation of irrigated acres in those areas. In addition, I have obtained a copy of the FSA (old ASCS) aerial photo for your area. That photo, circa 1987, does not show irrigation; rather dry farming.

You stated during the June field exam that these areas had been irrigated prior to 1987. Since I am unable to locate such evidence please provide any supporting evidence you have showing irrigation prior to November 19, 1987. Any activity on these lands relating to the use of water after the 1987 date will require a formal IDWR transfer.

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JUL 07 2005

Thank you for your prompt attention to this important matter.

Sincerely,

Allen B. Ruberry
Sr. Water Resource Agent
Adjudication Bureau

Cc: file

Enclosure: GIS photo
29-00172 & 00173 decree excerpt

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JUL 07 2005

Ruberry, Allen

From: Sherman, Sally
Sent: Wednesday, November 21, 2001 7:54 AM
To: Carlsen, Ernie
Cc: Ruberry, Allen
Subject: FW: Claim 29-172 and 29-173
Importance: High

Could one of you please respond to these folks?

-----Original Message-----

From: RanchBarA@aol.com [mailto:RanchBarA@aol.com]
Sent: Tuesday, November 20, 2001 8:31 PM
To: ssherman@idwr.state.id.us
Subject: Claim 29-172 and 29-173

On our claim 29-172 shows 2.4 CFS which is correct, but 29-173 shows .08 CFS and it should be .80 CFS for total 3.2 CFS for both, can you please advise. Thomas & Kathy Archibald

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JUL 07 2005

11/26/2001

15.2 ac

15.2 ac

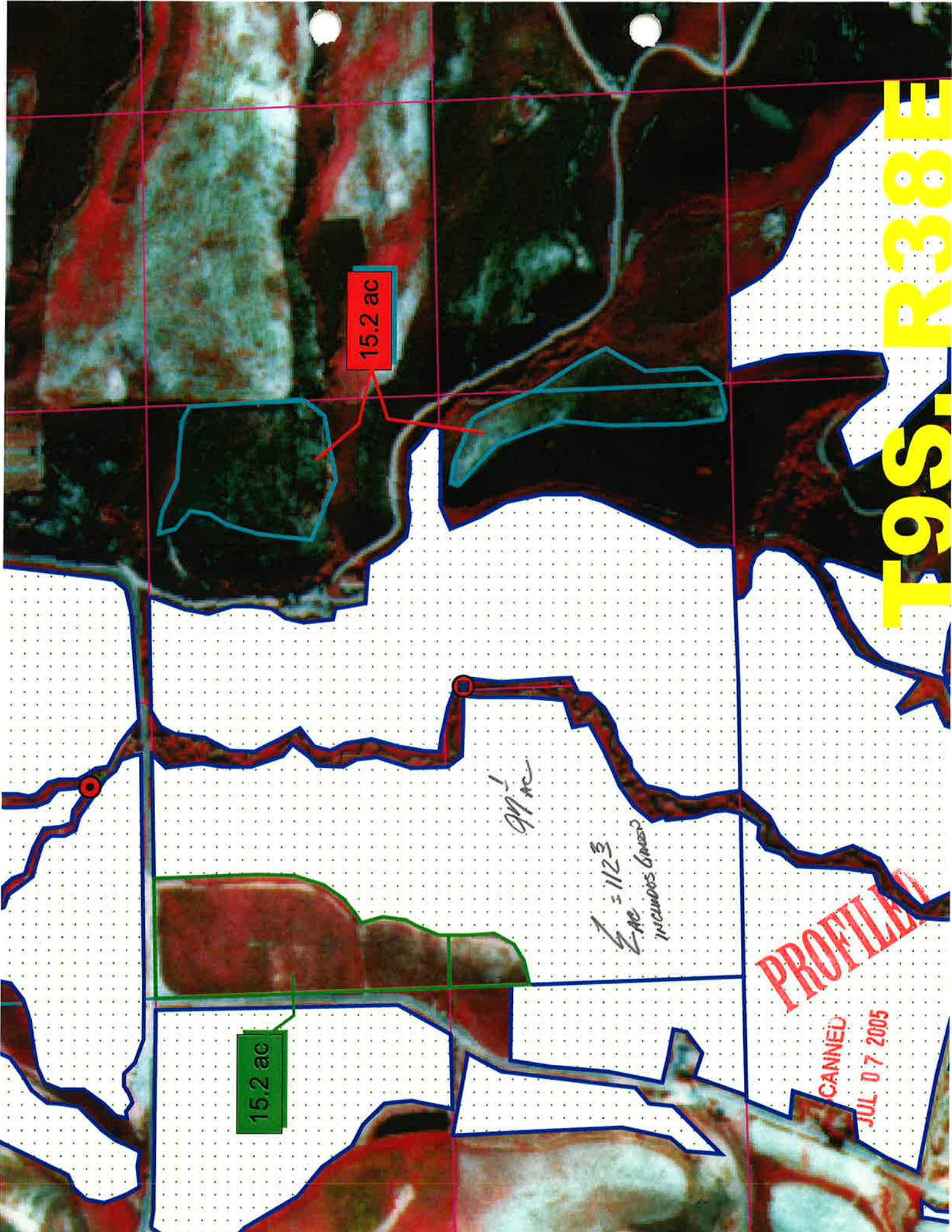
PROVIDED

SCANNED

JUL 07 2005

*Tx Proposal
Green for Rev*

T9S. R38E



15.2 ac

15.2 ac

97 ac

1 = 1123
includes bays

PROFILE

CANNED
JUL 07 2005

T9S R38E

T9S. R38E

15.2 ac

15.2 ac





15.2 ac

15.2 ac

T9S. R38E

29
32

29 28
32 33

T. Archibald
Place of Use

SWNW

37

SENW

15

Pipeline

NWSW

37

NESW

23

T9S, R38E

32 33

T10S, R38E

5

4

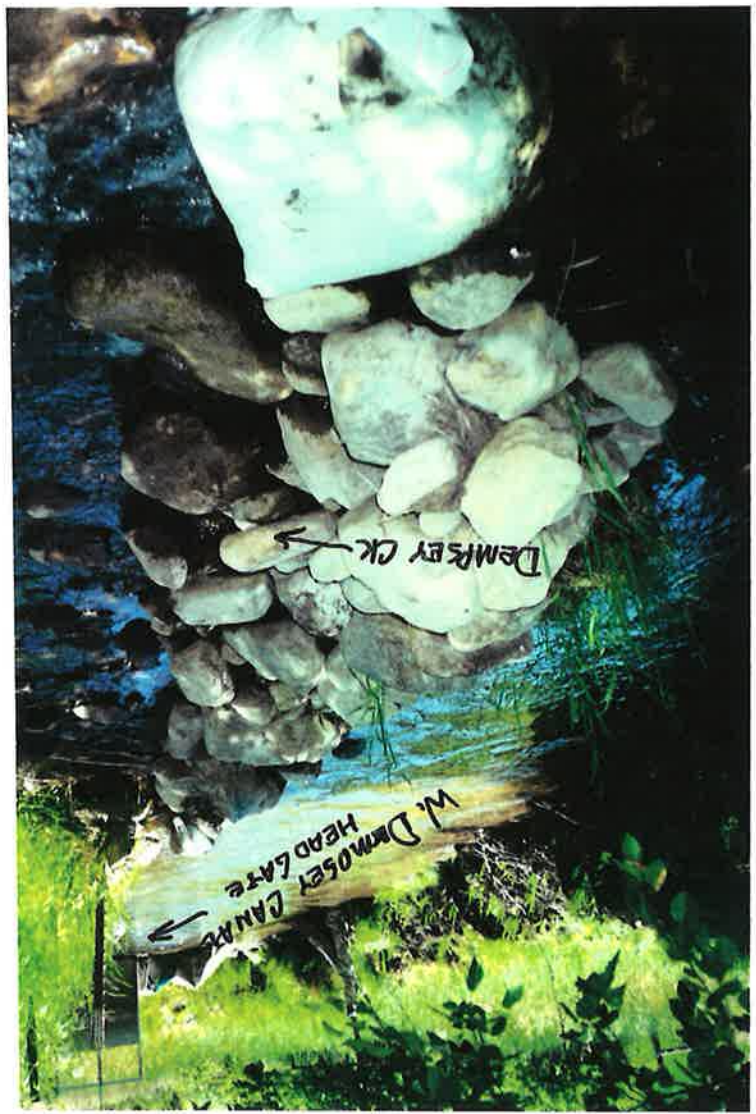
West Dempsey Ditch
Dempsey Creek

West Dempsey
Ditch Heading

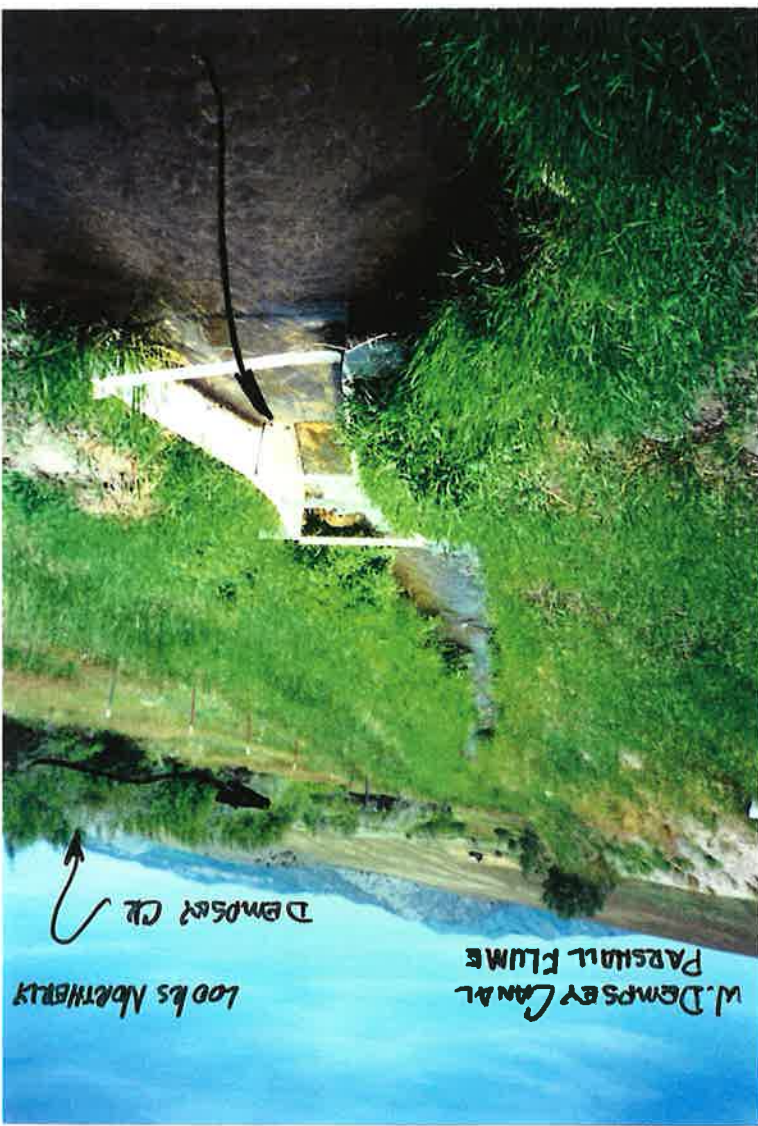
SCANNED
JUL 07 2005

PROFILE

3



PROFILED



SCANNED
JUL 07 2005

127. MERRICK, LEE.
9-0169 1880 April 1. .4 c.f.s.

Said water to be diverted through a ditch having intake North 53 degrees East, 1550 feet from the Southwest corner of Section 4, Township 10 South, Range 38 E.B.M.

9-0170 1881. July 1. .4 c.f.s.

Said water to be diverted in Lot 4 of Section 4, Township 10, South, Range 38 E.B.M.

9-0171 1882. April 1. .3 c.f.s.

And in ditch having intake near where Demps Creek crosses the line between Townships 9 and 10 South, Range 38 E.B.M., for the irrigation of the East half of the Northeast quarter, Section 32; the Southeast quarter of the Southeast quarter, Section 29, Township 9 South, Range 38 E.B.M.

128. HEMENWAY, NEPHI
9-0172 1881. April 1. 2.4 c.f.s.

9-0173 1881. June 1. .8 c.f.s.

Said water to be diverted by means of a ditch having intake in the Southwest quarter of Section 4, Township 10 South, Range 38 E.B.M. also by means of another ditch having intake in Lot 4 of said Section 4, Township 10, South, Range 38 E.B.M.; also by means of a ditch having intake in the Southwest quarter of the Southwest quarter, Section 33, Township 9 South, Range 38 E.B.M., for the irrigation of the South half of the Northwest quarter, and the North half of the Southwest quarter, Section 33, Township 9 South, Range 38 E.B.M.

129. MAUGHAN BROTHERS,
George Harrison Maughan,
John Raymond Maughan.
9-0174 1915. Sept 4. .6 c.f.s.
9-0175 1919. Dec. 31. .6 c.f.s.

Said water to be diverted by means of ditch having intake North 53 degrees East, 1550 feet from the Southwest corner, Section 4, Township 10 South, Range 38 E.B.M., for the irrigation of the East half of the Southeast quarter, Section 30, Township 9 South, Range 38 E.B.M.

130. MAUGHAN, George Harrison
John Raymond,
Joseph Howard
9-0176 1915. Sept 4. .6 c.f.s.
9-0177 1919. Dec 31 .6 c.f.s.

Said water to be diverted by means of a ditch having intake North 53 degrees East, 1550 feet from the Southwest corner Section 4, Township 10, South, Range 38 E.B.M., for the irrigation of the West half of the Southeast quarter; the Southeast quarter of the Southwest quarter, Section 30, Township 9 South, Range 38 E.B.M.

131. JENSEN, E. C.
9-0178 1882 May 1. 1.24 c.f.s.

Said water to be diverted at a point which bears South, 53 degrees EAST, 400 feet from the South quarter corner of Section 3, Township 10 South, Range 38 E.B.M.; also at a point which bears South, 48 degrees East, 190 feet, from the South quarter corner, Section 3, Township 10 South, Range 38 E.B.M.; also at a point which bears North 53 degrees West, 1200 feet from the outh corner, Section 3, Township 10 South, Range 38 E.B.M.

T. Watson

SCANNED

JUL 07 2005

WR5808NP
(OD-26)

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROOF READING REPORT

05/22/01 14:09:09
Page 1

Water Right Number - 29-00173

Prefix Translation: WATER RIGHT

Old (D) Number -

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

*** C - CURRENT OWNER ***
HEMENWAY

NEPHI

1 -
2 -
3 -
City-
Phone -

State- Zip-

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - - +
06/01/1881 06 15 EASTERN D - DECREED

+ - - - - Source - - - - + + - - - - - Tributary - - - - - +
DEMPSEY CREEK PORTNEUF RIVER

TwN	Rng	Sec	Tract	Lot	RFlg	County	Point of Diversion	Diversion Name	Diversion Rate	Diversion No.
09S	38E	33	SW SW			(5) BANNOCK				
10S	38E	4	NW NW	4		(5) BANNOCK				

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

CLAIMS 2.4 ⇒ NO!

Correct Per DECREASE (1932) 0.800

ERROR

Correct Per DECREASE (1932) 0.800

Correct Per DECREASE (1932) 0.800

TwN	Rng	Sec	Tract	Lot	Acres	Code	Description	County
09S	38E	33	SW NW			01	IRRIGATION	(5) BANNOCK
09S	38E	33	SE NW			01	IRRIGATION	(5) BANNOCK
09S	38E	33	NE SW			01	IRRIGATION	(5) BANNOCK
09S	38E	33	NW SW			01	IRRIGATION	(5) BANNOCK

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

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

GEN P/U INCOMPLETE.

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

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

OK w/ Ac Limitations.
Rts ARE USED PDU

PROFIT

SCANNED
JUL 07 2005

MAY 18 2001

Log for claim A29-00173

Spatial Dynamics AMH

8/7/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
09s38e	33	SWNW	40	40	
09s38e	33	SEnw	40	40	
09s38e	33	NESW	40	40	
09s38e	33	NWSW	40	40	
Totals:			160	160	

AJ5809NP
No. A29-00173

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/22/00
PAGE: 64

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	THOMAS J ARCHIBALD	06/01/1881	IRRIGATION	04-15 09-15	2.400 CFS	
C	KATHY D ARCHIBALD					
	PO BOX 338					
	LAVA HOT SPRINGS ID 83246			TOTAL DIVERSION:	0.080 CFS	
	(208) 776-5464			CONSUMPTIVE USE:		128.00 AFA

Water Source: DEMPSEY CREEK

Tributary to: PORTNEUF RIVER

Stage: BENEFICIAL USE

Point(s) of Diversion: T09S R38E S33 NESW BANNOCK County
T10S R38E S04 Lot03(NENW) SESW BANNOCK County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
09S	38E	33	:							40	40			40	40					:	160.0
																				TOTAL ACRES	160.0

POU County: BANNOCK

Non-Irrigation Uses: NONE

Other Rights: 29-00172

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
29-11879 A29-00165 A29-00172 A29-00183 A29-00184 A29-10831 A29-10833 A29-11879

Other Water Rights Listing Overlapping Place(s) of Use:
A29-00172

Remarks: GEN THE WEST DEMPSEY CANAL IS PART OF THE ORIGNIAL DIVERSION SYSTEM.
29-00172 ALSO IRRIGATES THE SAME ACRERAGE.

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

Audit: 02/16/93 RUBERRY 04/04/94 THOMPSON 03/29/95 POST-STD

RECEIPT
For Monies Paid
to the
Idaho Department of Water Resource

Receipt No: E018250

Date: 2/ 4/1993
Time: 11:05:26

Received
From: ARCHIBALD, TOM

Type of Payment		Program A cct	Amount
ADJUDICATION FEE	41503	337 1155	50.00

Total

CHECK 1857

\$50.00

A29-00173

Water Right Numbers

Region: EASTERN

Signature:

Thompson

MICROFILMED

APR 12 1994

FEBRUARY 16, 1993

TOM ARCHIBALD
2501 MIRAMAR
OXNARD CA 93035

RE: NOTICE(S) OF CLAIM: A29-00172 AND A29-00173

Dear Mr. Archibald:

Thank you for the marked maps. They have been very helpful in determining the points of diversion on the enclosed irrigation claims.

Please review the claim forms for accuracy. I have made some minor modifications based on the maps and our telephone conversations. I feel these modifications more accurately describe your irrigation water rights.

Please have your signature(s) notarized on these two documents. Once these are received in this office all of your claims will be properly filed. If there are any further changes to be made this can be done and verified at the time of a field exam.

As indicated on a Notice, you wish to receive a copy of the SRBA Docket Sheet. A copy is enclosed for your perusal. If after review, you still wish to receive the monthly Docket Sheet, an annual fee of \$7.50 is required for the subscription.

you should have any questions regarding this matter please feel free to contact me at (208) 525-7161.

Respectfully submitted,

Allen B. Ruberry
Sr. Water Agent - Adjudications

Enclosures: Notices of Claim A29-00172, 29-00173

MICROFILMED

APR 12 1994

RECEIPT
For Monies Paid
to the
Utah Department of Water Resource

POOR ORIGINAL

Receipt No: E018220

Date: 1/20/1993
Time: 15:05:37

Received
From: ARCHIBALD, T J

Type of Payment	Program Acct	Amount
ADJUDICATION FEES	41503 337 1155	235.00
Total		
CHECK 1849		\$235.00

A29-00172

A29-12554

Water Right Numbers

(1) IRRIGATION

Domestic

Region: EASTERN

Signature: Thompson

MICROFILMED

APR 12 1994

A29-00172
A29-00173

JANUARY 20, 1993

THOMAS ARCHIBALD
PO BOX 338
LAVA HOT SPRINGS ID 83246

RE: NOTICES OF CLAIM/FEES TOTALING \$445.00

Dear Mr. Archibald:

The Department received three Notices of Claim to water rights from you today and three (3) checks, \$25.00 for your Domestic claim and two checks each in the amount of \$210.00 for your irrigation water rights. I have receipted the Domestic claim and one of the irrigation claims (copy of receipt enclosed). I am returning the third claim and check for \$210.00. It is only necessary to pay for the acreage once (you paid for the same acreage twice). Please return this Notice of Claim with a check for \$50.

Since you are the new owner of this property, it is important we have documentation in the file. Please enclose a copy of the Warranty Deed with your check and Notice of Claim.

If you have questions regarding this matter, please call 525-7161 and ask for me.

Also, please note our return address. We have recently moved to 900 N Skyline.

Respectfully,

Jo Thompson
Adjudication Secretary

Enclosure: Notice of CLaim/Receipt/Check for \$210.

T. J. ARCHIBALD
2501 MIRAMAR PL.
OXNARD, CA 93035

100K - 24-00173

1848

1/15 19 93

90-1 3222

PAY TO THE
ORDER OF

Salerno Dept of Water Resource
Two Hundred & Ten xx/100

\$ 210.00

DOLLARS



Point Mugu Federal
Credit Union
6028 Telephone Road
Ventura, California 93003

FOR

Thomas J Archibald

⑆322280838⑆ 1848 ⑆236500670036⑆

TOP OF THE ORIGINAL
FALLS

BER: 39576
A29-00173

Rec'd 1-20-93

TO A WATER RIGHT

ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Thomas J Archibald and Kathy D Archibald Phone (208) 776-5464

Mailing Address P.O. Box 338 LAVA Hot Springs ID Zip 83246

2. Date of Priority (Only one (1) per claim) June 1 1881

3. Source of water supply (a) Dempsey Creek
which is tributary to (b) Portneuf River

4. a. Location of existing point of diversion is: Township 9S Range 38E Section 33
SW 1/4 of SW 1/4 of 1/4, Govt. Lot, B.M., County of BANNOCK
T10S; R38E; S4 NW 1/4 of SW 1/4 Lot 4
Additional points of diversion if any: T10S; R38E; S4 SW

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.

WEST DEMPSEY CANAL Head
gates piping into irrigation Area; submerged pump into
Dempsey Creek with piping to irrigation Area, Ditch in SW quarter

MICROFILMED

APR 12 1994

DECEMBER 23, 1992

KATHY ARCHIBALD
PO BOX 338
LAVA HOT SPRINGS ID 83246

RE: NOTICE OF CLAIM

Dear Kathy:

Enclosed is information identifying the irrigation rights appurtenant to portions of the land you are purchasing, along with two Notices of Claims forms for irrigation and one for claiming domestic (household) use.

As I mentioned in our telephone conversation, you still need to obtain aerial photos of the land from the ASCS and determine the location of your ditch headings.

Feel free to contact this office if you have any questions 525-7161.

Respectfully submitted,

Ernest Carlsen
Adjudication Supervisor

EC:jt

Enclosure

MICROFILMED

APR 12 1994

RECEIVED

MAR 12 1993

Department of Water Resources
Eastern District Office

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: A29-00173
Date Received: 2/16/1993
Receipt No: E018250
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: THOMAS J. ARCHIBALD
Address: P O BOX 338
LAVA HOT SPRINGS ID 83246

10408 E. Thunder Mountain Rd

5339
208-776-~~5464~~

AND/OR

Name: KATHY D. ARCHIBALD
Address: P O BOX 338
LAVA HOT SPRINGS ID 83246

208-776-5464

2. Date of Priority: JUN 1, 1881

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
09S	38E	33		NE	SW		BANNOCK
10S	38E	4		NE	NW	3	BANNOCK
				SE	SW		BANNOCK

5. Description of diverting works:

1) SUBMERGED PUMP IN DEMPSEY CK 2) DITCH 3) W. DEMPSEY CANAL

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	09/15	2.400		

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

A.F.A.

No, should be 0.80 cfs per Decree.

8. Total consumptive use is 128.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

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PROTECTED

Page

SCANNEL

Date: 02/16/93

JUL 07 2005

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09S	38E	33	SW	NW		IRR	40.0
			SE	NW		IRR	40.0
			NE	SW		IRR	40.0
			NW	SW		IRR	40.0

Section Acres 160.0

Total Acres	160.0
-------------	-------

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:
29-00172

14. Remarks:

THE WEST DEMPSEY CANAL IS PART OF THE ORIGINAL DIVERSION SYSTEM.
29-00172 ALSO IRRIGATES THE SAME ACRERAGE.

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): Thomas Lindvall Date: 4/26/93
Date:

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JUL² 07 2005

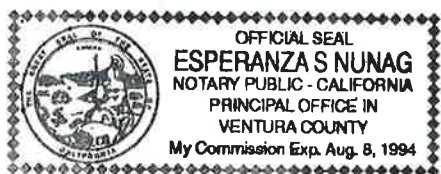
Date: 02/16/93

State of ^{San} ~~Idaho~~ ^{California})
County of Ventura) SS.

Subscribed and sworn (or affirmed) before me this 26th day
of February 19 93

Esperanza S. Nunag
Notary Public

Seal



Residing at PMFCU Pt. Mugu, Ca.

My Commission Expires Aug. 8, 1994

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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 A29-00173
Date Received 2-3-93
Receipt Number EO 18250 182
Rec'd 1-20-93

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Thomas J Archibald and Kathy D Archibald Phone (208) 776-5464
Mailing Address P.O. Box 338 Lava Hot Springs ID Zip 83246

2. Date of Priority (Only one (1) per claim) June 1 1881

3. Source of water supply (a) Dempsey Creek
which is tributary to (b) Portneuf River

4. a. Location of existing point of diversion is: Township 9S Range 38E Section 33,
SW 1/4 of SW 1/4 of 1/4, Govt. Lot, B.M., County of BANNOCK
T10S; R38E; S4 NW 1/4 of SW 1/4 Lot 4
Additional points of diversion if any: T10S; R38E; S4 SW

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

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

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.

WEST Dempsey CANAL, Head
gates, piping into irrigation Area, submerged pump into
Dempsey Creek with piping to irrigation Area, Ditch in SW quarter

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6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For IR RIGATION purposes from 4-15 to 9-15 amount 0.80 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.80 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 128 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	33							40	40	40	40							160

Total number of acres irrigated 160

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

12. Do you own the property listed above as place of use? Yes ☒ 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.
29-00172 W Dempsey Canal or None ()

14. Remarks: This water is being diverted in a different manner than the 1881 application. The water is being used for the same purpose (irrigation) on the same parcel of land. The West Dempsey Canal is part of the original diversion system. The pumping is a different approach to more efficiently deliver the water for irrigation from original water source Dempsey Creek. **SCANNED** **MICROFILMED**

Last Name Archibald Ident No. _____

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

Decree ☒

If applicable provide IDWR Water Right Number 29-00173

Court _____ Case Number _____ Decree Date _____

Plaintiff vs 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 do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) Thomas Archibald Date 1/15/93

Date _____

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 CALIFORNIA)
County of VENTURA) SS.

Subscribed and sworn (or affirmed) before me this 15TH day of JANUARY 19 93

SEAL

Notary Public [Signature]

Residing at 221 W. GONZALES RD OAKLAND, CA 94603

My Commission Expires SEP 2, 1996

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 _____

Last Name Archibald

Ident. Number _____

PROFILE

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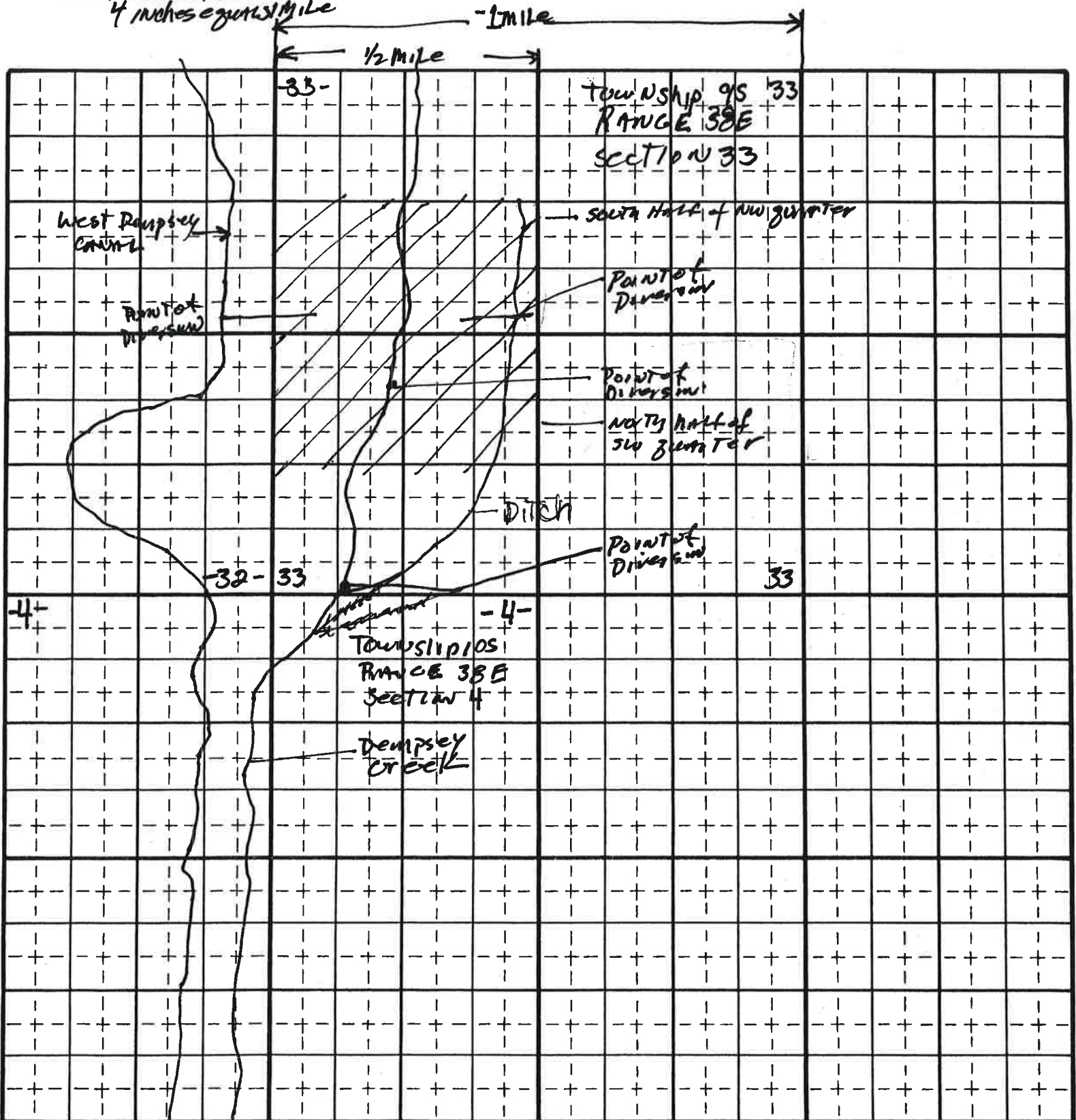
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Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile

4 inches equals 1 mile



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APR 12 1994

Last Name

Archibald

Ident No.

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Redrawn 2/6/93

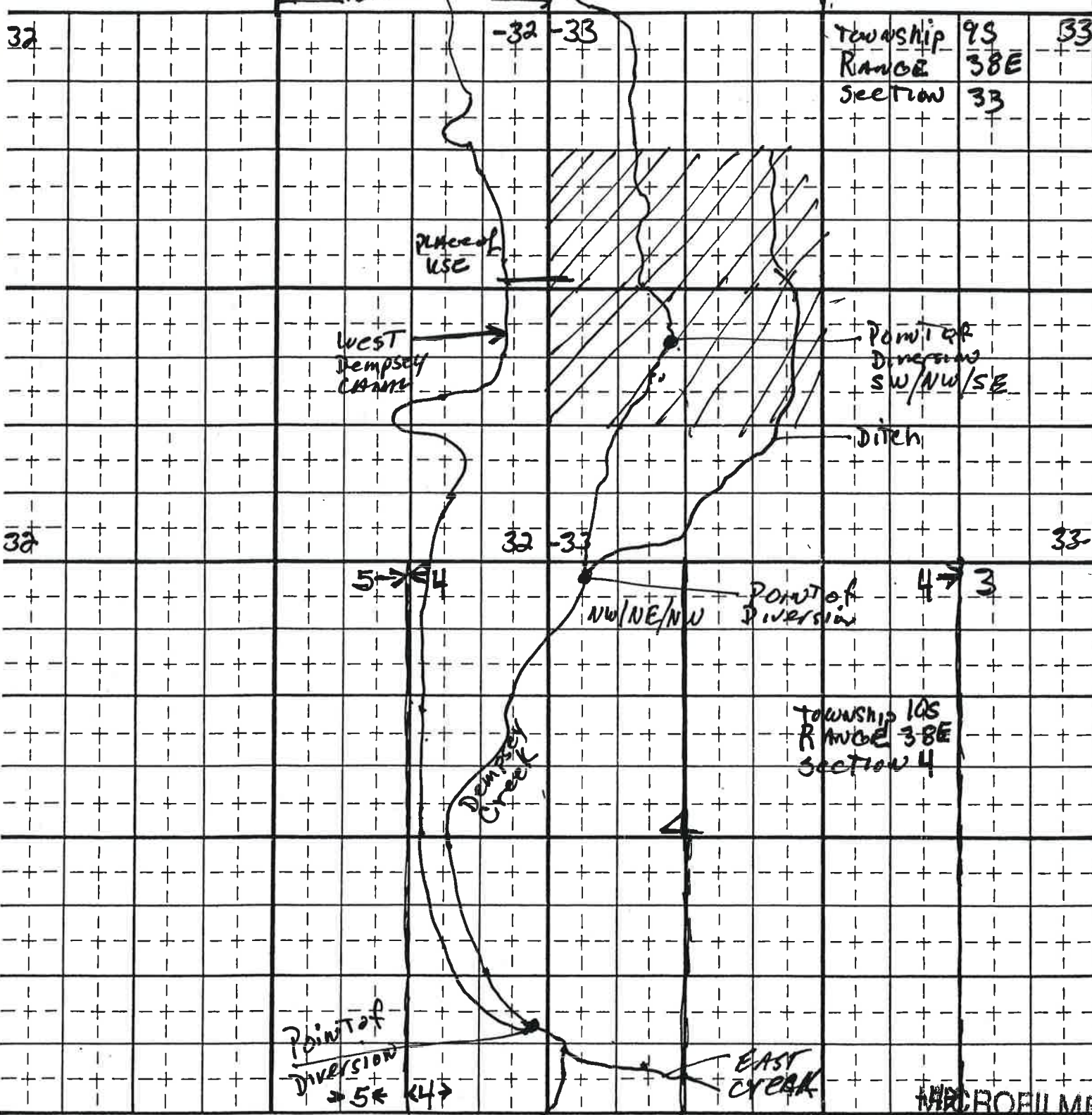
Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 1/4 inches equals 1 mile

4 inches " " "

1 mile
1/2 mile

Dempsey Creek



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SCA

JUL 07 2005

PROFILE

Last Name Archibald

Ident No.

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