

02/04/2003

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

RIGHT NUMBER: 29-195G

NAME AND ADDRESS: HAROLD & ELIZABETH LOU URE FAMILY TRUST
PO BOX 156
MC CAMMON ID 83250-0156

SOURCE: HARKNESS CREEK

TRIBUTARY: PORTNEUF RIVER

QUANTITY: 0.850 CFS

PRIORITY DATE: 06/17/1902

POINT OF DIVERSION:

T09S R36E S1 SENESE Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 09/15	0.850 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 R36E S12	NENE	1.1	T09S R36E S12 Lot 2 SENE	18.1
T09S R36E S12 Lot 3	NESE	2.5	T09S R37E S07 Lot 1 NWNW	1.5
T09S R37E S07 Lot 2	SWNW	18.0	T09S R37E S07 Lot 3 NWSW	12.0

53.2 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

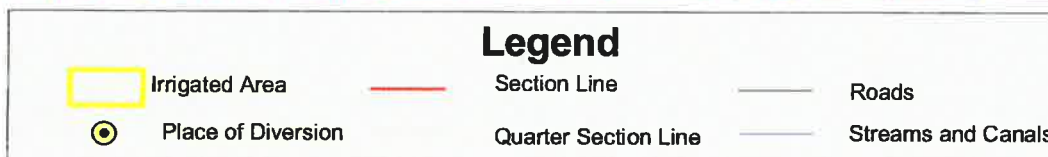
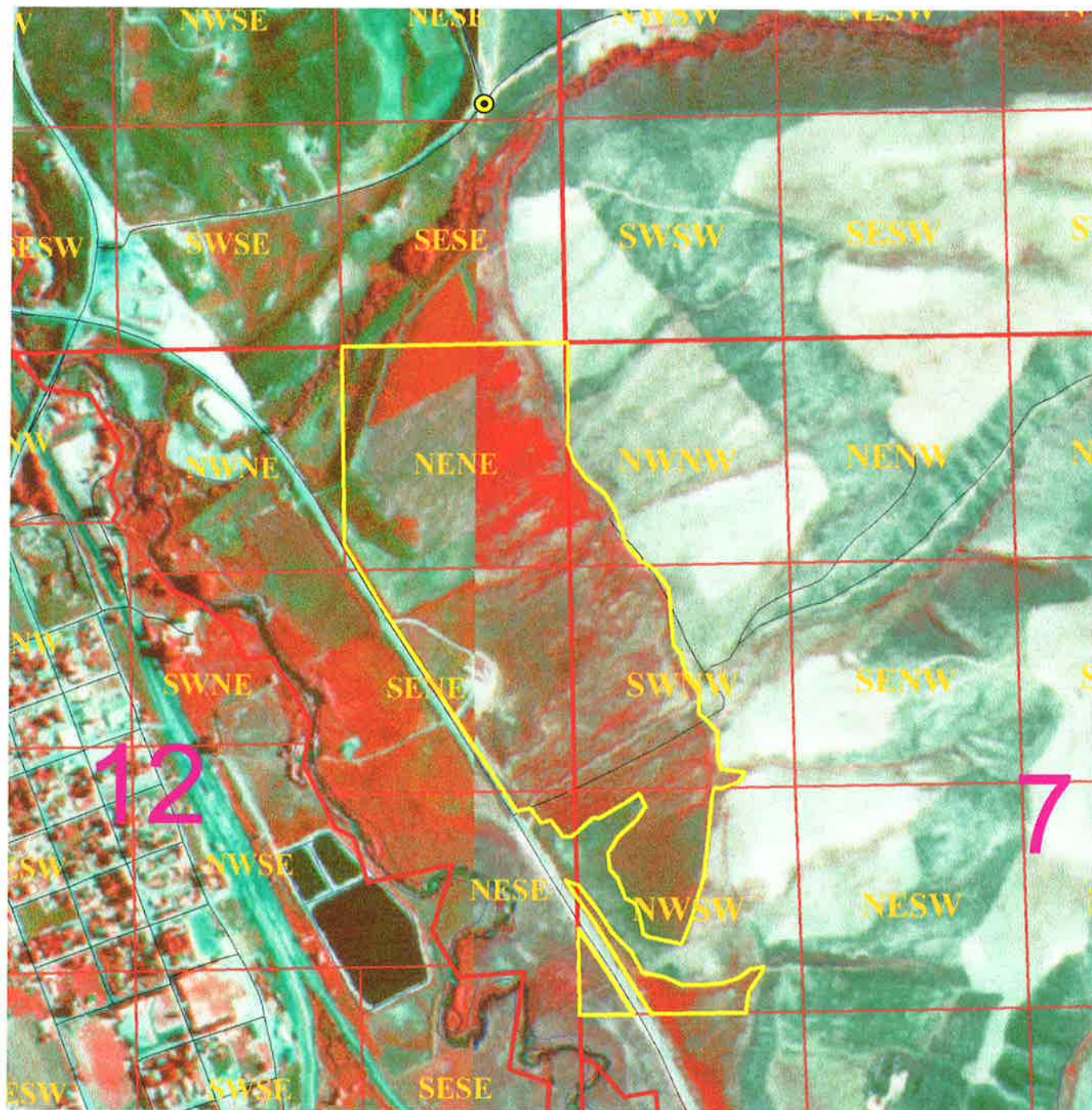
RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
PURSUANT TO SECTION 42-1425, IDAHO CODE.

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

Water Right Claim Number A29-00195G

08/10/2000

Townships , 9S37E, 9S36E



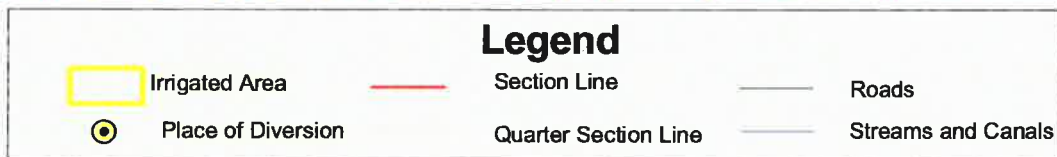
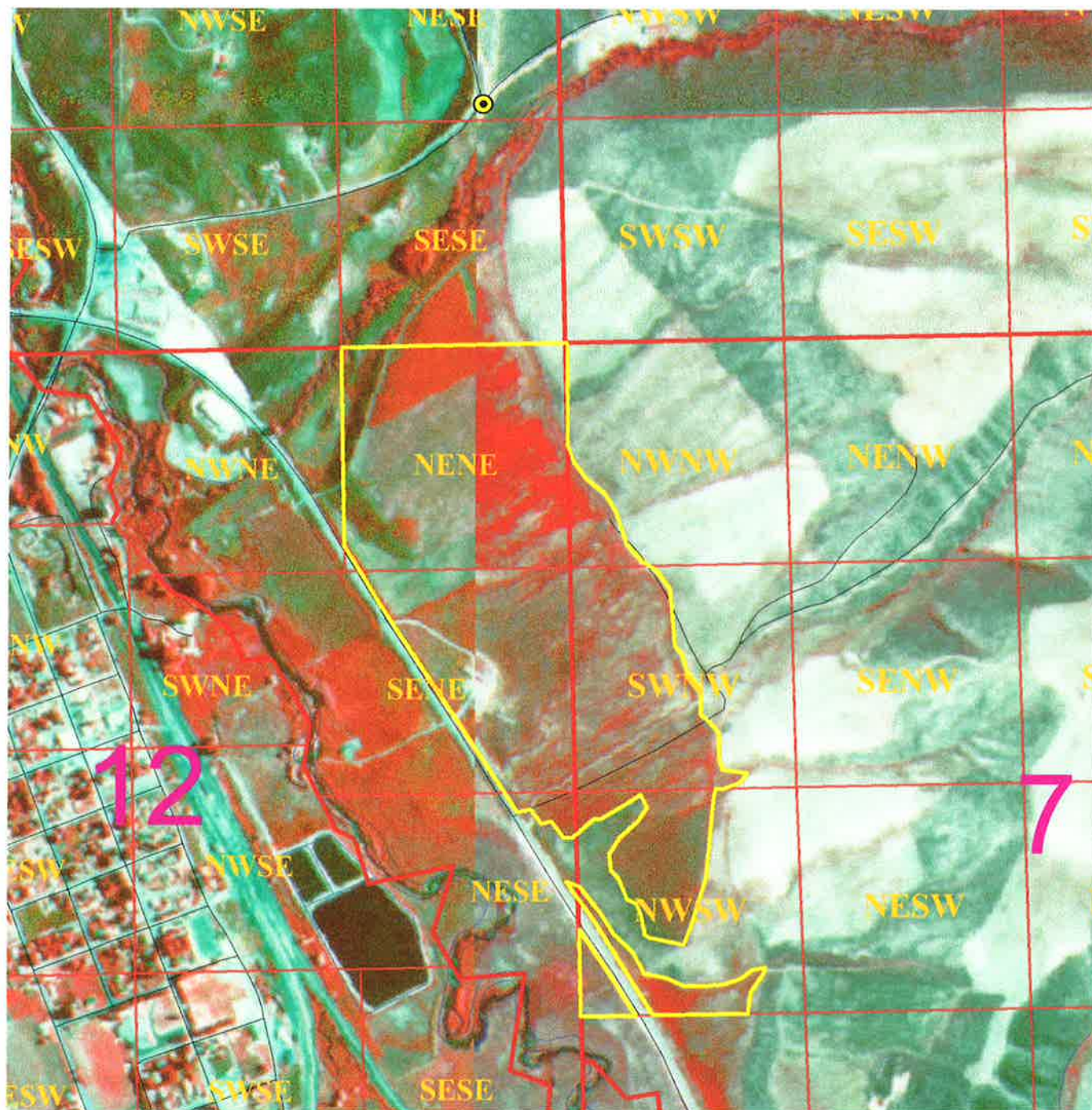
400 0 400 800 Feet



Water Right Claim Number A29-00195G

08/10/2000

Townships , 9S37E, 9S36E



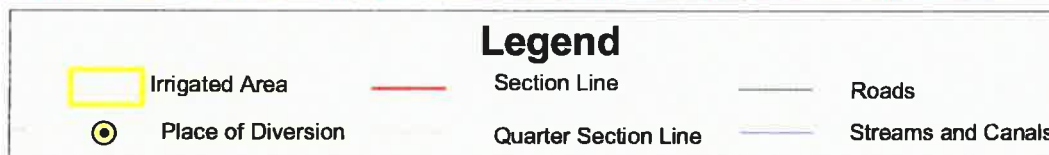
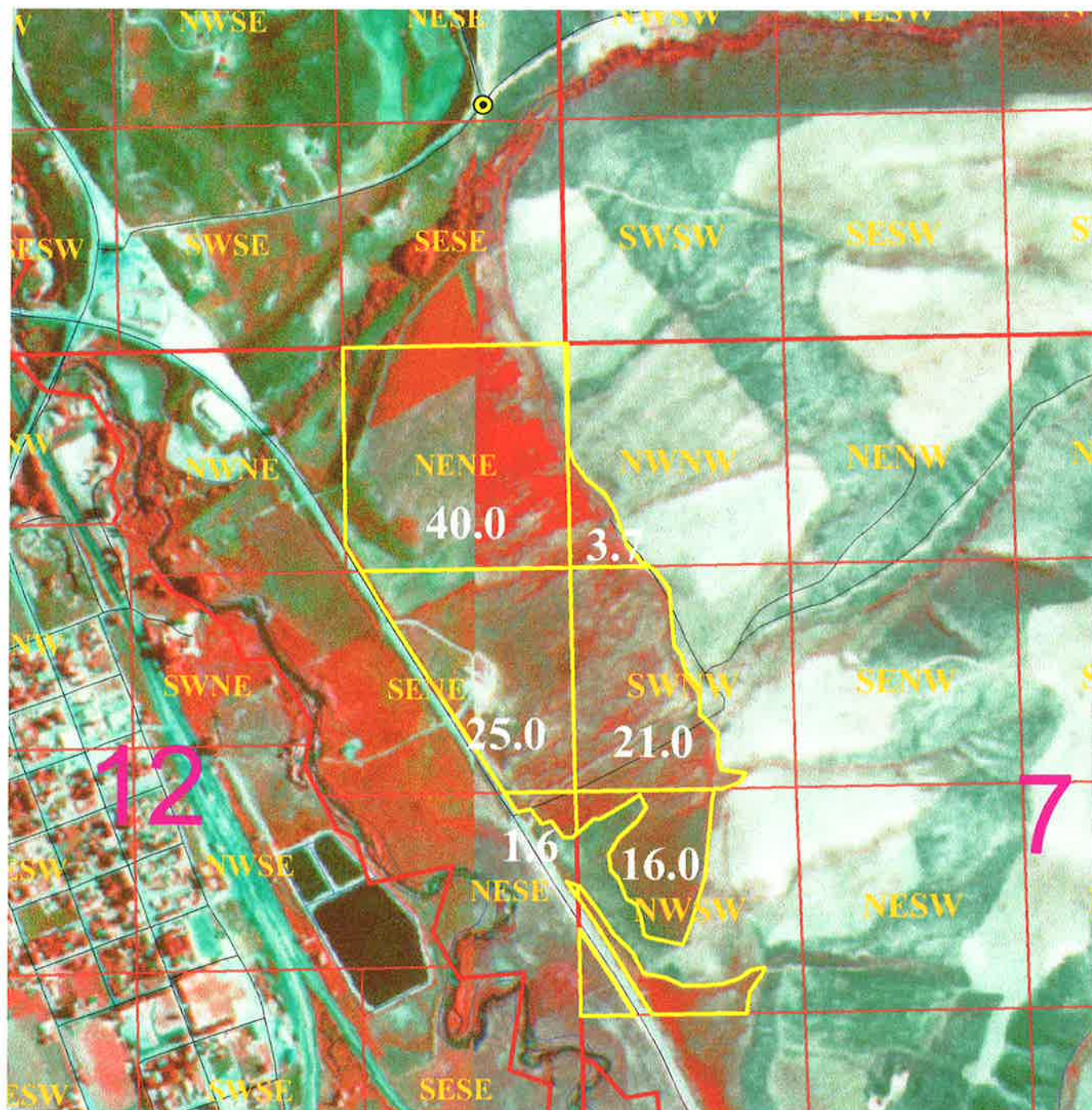
400 0 400 800 Feet



Water Right Claim Number A29-00195G

08/10/2000

Townships , 9S37E, 9S36E



400 0 400 800 Feet





JUL 12 2005

SCANNED

PROVIDE

State of Idaho

Department of Water Resources

Eastern Region



Water Right(s):

29-00195G

Place of Use: (parts of)

**T9S, R36E Sec. 12 E2NE, NESE,
T9S, R37E Sec.7 W2NW, NWSW**

**Point(s) of Diversion: T9S, R36E
Sec. 1 SENESE**



LEGEND



Point of Diversion

SESE

Place of Use



Section



Quarter-Quarter

GIS Place of Use Illustration
1987/1988 NAAPP Photography
Prepared by: A. Ruberry
Date: September 2002

02/18/2003

Allen

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: April 21, 2003

Water right number: 29-195G

HAROLD & ELIZABETH LOU URE FAMILY TRUST
PO BOX 156
MC CAMMON ID 83250-0156
Telephone Number: (208)254-3821

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:

X I AGREE with this proposed recommendation: no changes need to be made.

DATE: 2-27-03 SIGNATURE: Harold Ure
Please print your name: HAROLD URE

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

PROFILED

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JUL 12 2005

29-195 46.15 vs McCannou Canal Sr - History

29-195	2.02 cfs	276 ac (when Decree w/ 29-194)		
29-195A	<u>cfs</u> <u>Disallowed</u>	<u>Ac (GDS)</u> <u>Reason</u>	<u>Claimed Ac</u> 8°	H. URS
29-195C	0.61	38.5	86°	R. Priestly
29-195D	0.05	2.7 ✓	15°	S. Lockyer
29-195E	0.12	7.5 ✓	5°	R & S Lockyer
29-195G	0.85	53.2	53.3	H. URS
29-195H	<u>0.39</u>	<u>24.6</u> ✓	<u>29°</u>	S. Lockyer
	2.02 cfs	126.5 ac	196.3	

2.02 cfs / 126.5 ac = 0.0159 cfs/ac → 0.016 cfs CØ5

276 ACRES DECREE (w/ 29-194 & 195) - 126.5 ac (GDS) = 149.5
 ∴ 149.5 ac ABANDONED from 29-194.

NOTE: SEE DECREE EXCERPT (UNION GRAM ... CIRCA 1932 AS AMENDED) AND COPY ATTACHED.

THE DECREE RECOGNIZES 29-194 AND 29-195 AS BENEFIT USED TOGETHER FOR A TOTAL Q OF 5.52 cfs, SERVING TAC OF 276. AT THIS RATE THE DIV. RATE PER ACRE IS THEN 0.02 cfs/ac, - AS SPECIFIED BY DECREE.

APPARENTLY, 29-194 (CRYSTAL SPRINGS RIGHT) IS NO MORE BROUGHT OVER THE MOUNTAIN DIVIDE INTO HARKNESS CREEK DRAINAGE. NO SRBA CLAIM HAS BEEN FILED. CØ3

NOW, THEREFORE, SINCE THESE TWO RIGHTS WERE USED AT 0.02 cfs/ac (TOGETHER). BUT, THE 35 cfs OF 29-194 IS NOT CLAIMED: 29-195 WILL NOT BE CONSIDERED AT 0.02 cfs/ac (AS SPECIFIED BY DECREE), RATHER IT WILL BE CONSIDERED AS 2.02 cfs ON THE 126.5 ac (AS PER GDS ROW) AT 0.016 cfs/ac. THIS RIGHT IS OBVIOUSLY TROUBLESOME.

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JUL 12 2005

22-141 50 SHEETS
 22-142 100 SHEETS
 22-144 200 SHEETS



29-195 C,D,E,G,H. POINT OF DIVERSION

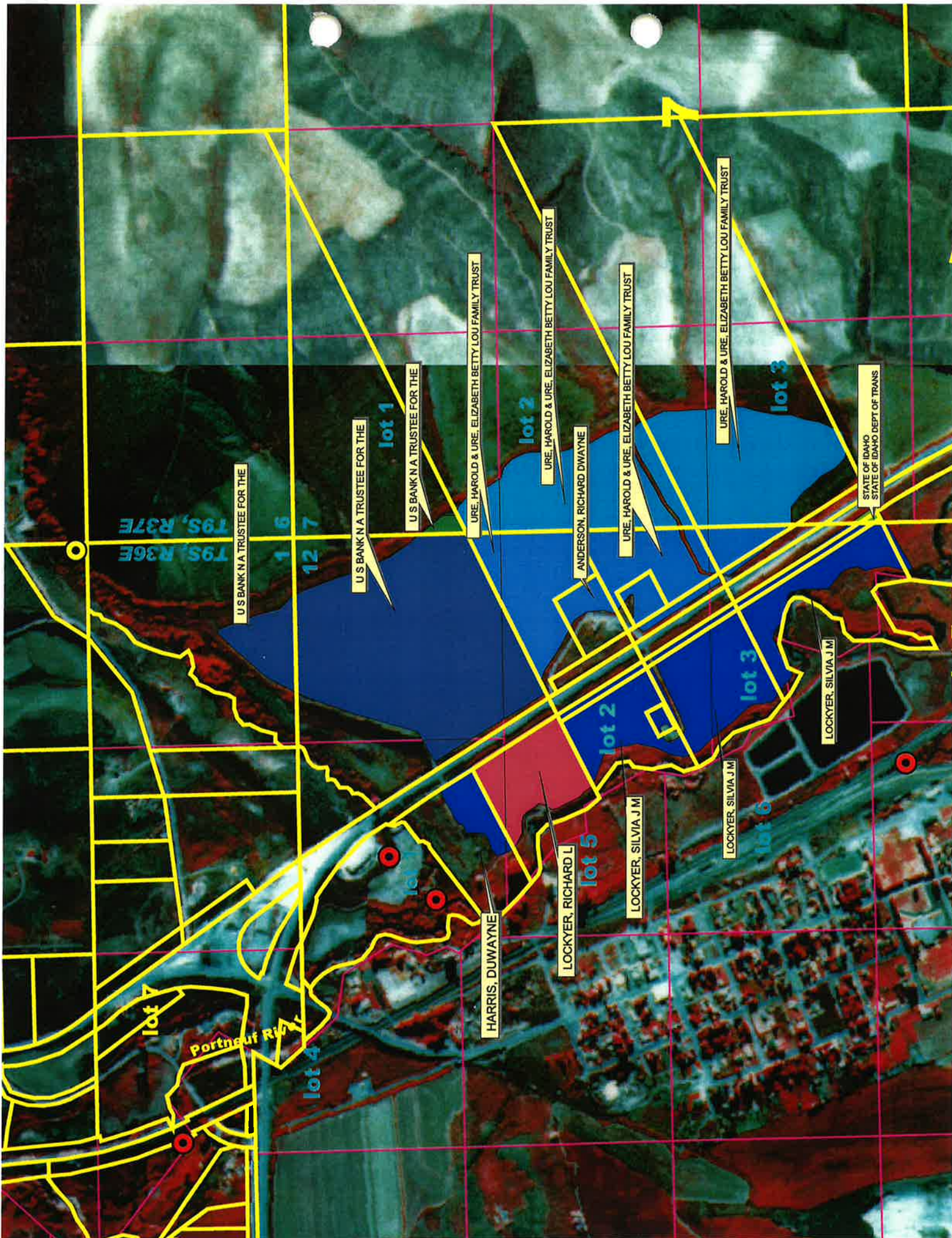


CHLVERT SHOWN ALLOWS HARRNESS CREEK TO FLOW ON TO THE FORTNEB F RIVER. THIS CHLVERT IS GATED AND WHEN USED CAUSES WATER TO FLOW DOWN A LARGE DITCH FOR DISTRIBUTION TO CLAIMS REFERENCED ABOVE. DITCH FLOWS SOUTHERLY.

8/12/02 RETURNED CALL TO ERNIE GUNTOR. APPARENTLY MR. GUNTOR WAS AN ORIGINAL OWNER AND THROUGH A FORFELOSURE PROCEEDING MR. UNO NOW OWNS THE PROPERTY. MR. GUNTOR SAYS THE WATER RIGHT WAS NOT PART OF THE FORFELOSURE ALTHOUGH THERE HAS BEEN NO EVIDENCE TO SUPPORT THIS. AND, THERE HAS BEEN NO TRANSFERS FILED TO RETAIN THE RIGHT WHILE MOVING IT TO ANOTHER PROPERTY. ADVISED MR. GUNTOR HE MAY WANT TO CONTACT HIS ATTORNEY TO FURTHER DISCUSS THE MATTER. I WILL HAVE MADE A RECOMMENDATION TO THE UNO TRUST AS THE CLAIM SHOWS. MR. UNO APPARENTLY FILED A CLAIM IN 1996.

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JUL 12 2005



lot 6

portneuf river

lot 4

lot 1

lot 5

lot 6

T9S, R36E
T9S, R37E

1 6
12 7

NENE

NWNW
lot 1

SENE
lot 2

18.1

1.1 1.5

18.0

SWNW
lot 2

NESE
lot 3

2.5

12.0

NWSW
lot 3

$\angle = 53^\circ$
line



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

31 May 2001

Claimants of Decreed Right 29-00195 (split portions; A/C/D/E/G/H)

Re: Request for proof of water right ownership

Dear Claimant:

In reference to the above described water right there have been several claims to portions thereof. At this point the water right is over-claimed. To conduct an investigation and recommendation of the portions claimed proof of water right ownership is required.

Please provide a copy of your deed or conveyance instrument to this office by June 30, 2001. **If such proof is not presented a disallowed recommendation could result.**

Thank you for your attention in this important matter. I look forward to your timely response. Please feel free to contact me at the above address/phone number.

Respectfully submitted,

Allen Ruberry

Allen B. Ruberry
Sr. Water Resource Agent
Adjudication Bureau

Cc; Harold Ure *RECEIVED* A29-00195A
2087 Harkness Canyon Rd
McCammon ID 83250

Rose F Priestly *RECEIVED* A29-00195C
435 s 7th
Pocatello ID 83201

DuWayne Harris *RECEIVED* A29-00195D
Box 298
McCammon ID 83250

Richard Lockyer *RECEIVED* A29-00195E
PO Box 371
McCammon ID 83250

X Harold & Elizabeth Lou Ure Family Trust *RECEIVED* A29-00195G
PO Box 156
McCammon ID 83250

Silvia J M Lockyer *RECEIVED* A29-00195H
PO Box 371
McCammon ID 83250

Files

Randall C. Budge
 James P. Price
 RACINE, OLSON, NYE, COOPER &
 BUDGE, CHARTERED
 P.O. Box 1391; 201 E. Center
 Pocatello, Idaho 83204-1391
 Telephone: (208) 232-6101
 Fax: (208) 232-6109

7-1

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF THE
 STATE OF IDAHO, IN AND FOR THE COUNTY OF BANNOCK

HAROLD URE and ELIZABETH)
 (BETTY) LOU URE, husband and wife,)
 Plaintiffs,)

Case No. CVOC-97-01979B

vs.)

JOHN C. MARLEY, a single man;)
 DIANE POWELL; DAVID L. EVANS,)
 dba D.L. EVANS, ATTORNEY AT LAW;)
 THE HEIRS AND DEVISEES OF)
 DONNA MARLEY, DECEASED;)
 DOWNEY LUMBER COMPANY, an)
 Idaho corporation; ERNIE R. GUNTER)
 and VICKIE GUNTER, individually and)
 as husband and wife; J. WENDELL)
 MARLEY and MARION MARLEY, as)
 husband and wife; CREDIT BUREAU OF)
 POCATELLO, INC., an Idaho)
 corporation; J. WENDELL MARLEY,)
 S. WAYNE MARLEY, SHARON)
 MARLEY, and DARRYL L. MARLEY,)
 as co-trustees of the JOHN C. MARLEY)
 TRUST,)
 Defendants.)

CERTIFICATE OF SALE

PROFILED

SCANNED

JUL 12 2005

STATE OF IDAHO)
 : ss
 County of Bannock)

7-2

I, CAPTAIN J.T. HEINZ, the duly qualified and acting Sheriff of Bannock County, Idaho, do hereby certify that under and by virtue of a Judgment and Decree of Foreclosure issued out and under the seal of the District Court of the Sixth Judicial District of the State of Idaho, in and for the County of Bannock, on April 10, 1998, in favor of Plaintiffs and against Defendants as stated in the caption hereof, together with the Order of Sale and Writ of Execution issued pursuant to said Judgment and Decree of Foreclosure on APRIL 13, 1998, which were delivered and directed to me, thereby I was commanded to sell the property therein described according to law, and out of the proceeds of said sale I was commanded to obtain my fees, disbursements and commissions as provided by law, next to pay Plaintiff the total sum of \$ 149,054.76 plus statutory interest accrued on said amount from April 10, 1998, until paid, together with taxes and other assessments against the subject property or so much of the same as said proceeds of the sale shall pay thereof. In the event Plaintiffs shall be paid in full and a surplus remains, I was commanded to pay the balance thereof to the Court.

I duly levied upon the real property described in Exhibit "A" attached hereto and incorporated herein; and, on MAY 12, 1998, at the hour of 10:00 o'clock a.m., on the front steps of the Bannock County Courthouse in Pocatello Idaho, according to law, and after due and legal notice required by law, sold the described real property to HAROLD & ELIZABETH URE CREDIT BID, who made the highest bid therefor at such sale in the sum of \$ 150,327.85 lawful money of the United States of America, which was the whole sum paid for the real property and all appurtenances described in said Order of Sale.

CERTIFICATE OF SALE - 2

FILED

SCANNED

JUL 12 2005

13

I further do certify that the whole of said property is subject to redemption pursuant to statute; further, that the Court expressly retained jurisdiction in this case for the purpose of making any further Orders as may be necessary to carry the Judgment and Decree of Foreclosure into effect, including the appointment, if necessary, of a receiver for protection, operation, maintenance, management and preservation of the premises covered by this sale, or the continuation thereof, if the same is now in existence, and any redemption shall be subject to any such receivership and the terms thereof in accordance with the Order of this Court.

GIVEN under my hand and seal this 12 day of MAY, 1998.

Bannock County Sheriff

BY Capt. J. J. Cherry
Deputy Sheriff

SUBSCRIBED AND SWORN to before me on this 12 day of May, 1998.

[Signature]
NOTARY PUBLIC FOR IDAHO
Residing at: Proctorville, Idaho

(SEAL)

NOTARY SEAL

TO 98009167
RECORDED AT REQUEST OF
Racine Law Office
98 FEB 12 PM 1 05
OFFICIAL BOOKING III
COUNTY IDAHO
FEB 21 00 RECORDED
COUNTY CLK

CERTIFICATE OF SALE - 3

FILED

SCANNED

JUL 12 2005

7-4

LEGAL DESCRIPTION
ORDER NO. 25094.LTG

SCHEDULE D

The land referred to in this Commitment is described as follows:

PARCEL 1:

Beginning at a point on the Meridional Center Line of Section 6, Township 9 South, Range 37 East of the Boise Meridian, BANNOCK COUNTY, IDAHO, 133 feet North of the South Quarter Corner of said Section; thence South on the Meridional Center Line of Section 6 and 7, 714.5 feet; thence South $64^{\circ}17'$ West 5090 feet, more or less, to the Northeast Boundary of the O.S.L. Railroad Station Grounds; thence North $25^{\circ}43'$ West along the said Boundary 643 feet; thence North $64^{\circ}17'$ East 5400 feet, more or less, to the PLACE OF BEGINNING. The same comprising portions of the Southeast Quarter of the Southwest Quarter of Section 6, the Northeast Quarter of the Northwest Quarter and Lots 1 and 2 of Section 7, Township 9 South, Range 37 East of the Boise Meridian, and the Northeast Quarter of the Northeast Quarter and Lots 2, 5 and 6 of Section 12, Township 9 South, Range 36 East of the Boise Meridian, being subject to a lease of 1 acre of said Tract to the Utah Power and Light Company, and to rights of way for roads and Pole Line Easement to the Utah Power and Light Company, power house and to other tracts East of Portneuf River and Pole Line Easement to Utah Power Company.

EXCEPTING FROM THE ABOVE DESCRIBED LAND: Commencing at a point South $54^{\circ}04'$ East 4365 feet from the Northwest Corner of Section 12, Township 9 South, Range 36 East of the Boise Meridian; thence running South $23^{\circ}13'$ East 100 feet; thence South $66^{\circ}47'$ West 100 feet, thence North $23^{\circ}13'$ West 100 feet; thence North $66^{\circ}47'$ East 100 feet to POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM: Commencing at a point on the Meridional Centerline of Section 6, Township 9 South, Range 37 E.B.M. BANNOCK COUNTY, IDAHO, that is 133 feet North of the South Quarter Corner of said Section, thence Southerly along the Meridional Centerline of Section 6 and 7, 714.5 feet, thence South $64^{\circ}17'$ West 4690 feet, more or less, to the Westerly bank of the Portneuf River, the POINT OF BEGINNING, thence continuing South $64^{\circ}17'$ West 400 feet, more or less, to the Northeast Boundary of the O.S.L. Railroad Station Grounds, thence North $25^{\circ}43'$ West along said Boundary 643 feet, thence North $64^{\circ}17'$ East 550 feet, more or less, to the Westerly bank of the Portneuf River, thence in a General Southerly direction along said Westerly bank to the POINT OF BEGINNING. Said Tract being a portion of Lots 5 and 6 of Section 12, Township 9 South, Range 36 E.B.M.

SCANNED

JUL 12 2005

PROFILED

continued on next page

LEGAL DESCRIPTION
ORDER NO. 25094.LTG

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ALSO EXCEPTING THEREFROM: A Parcel of land located in the East $\frac{1}{4}$ of Section 12, Township 9 South, Range 36 East, Boise Meridian, BANNOCK COUNTY, IDAHO, more particularly described as follows:

Commencing at Centerline Station 72+23 of U.S. Highway 30 as surveyed and shown on the official Plat of the Old Oregon Trail (N.R.H.60-C) Highway Survey on file in the office of the Department of Public Works of the State of Idaho, which station is described (Instrument-189761 in the records of Bannock County) as being approximately 1065 feet South and 128 feet East from the West Quarter Corner of Section 7, Township 9 South, Range 37 East, Boise Meridian; thence South $31^{\circ}17'$ East along the centerline of the said Highway 91.4 feet to Station 73+14.4; thence North $58^{\circ}43'$ East 60.00 feet to a State of Idaho Highway right of way monument in the Easterly right of way line of said Highway; thence North $31^{\circ}17'$ West along the said Easterly right of way line 1876.14 feet to a point that is South $31^{\circ}17'$ East 1632.5 from a State of Idaho Highway right of way monument marking station 38+05.4; thence North $65^{\circ}43'$ East 90.68 feet to the TRUE POINT OF BEGINNING, said point marked with a $\frac{3}{4}$ " x 24" steel peg; thence continuing North $65^{\circ}43'$ East 419.00 feet to a point marked with a $\frac{3}{4}$ " x 24" steel peg; thence North $31^{\circ}17'$ West 314.25 feet to the point marked with a $\frac{3}{4}$ " x 24" steel peg; thence South $65^{\circ}43'$ West 419.00 feet to the point marked with a $\frac{3}{5}$ " x 24" steel peg; thence South $31^{\circ}17'$ East 314.25 feet to the POINT OF BEGINNING.

TOGETHER HERewith: a non exclusive fifty (50) foot Right of Way (easement), said easement being 25 feet from the Centerline of the fifty (50) foot Right of Way, running parallel to and enjoining the said South line of the above said described parcel of land, and connecting with Highway 30, namely for the purpose of ingress, egress and all visible and invisible needs for easements thereof necessary for the reasonable use of the property so described as well as surrounding properties granted, and/or to be granted in the future, for the beneficial use and enjoyment to all parties as mentioned above.

ALSO EXCEPTING THEREFROM: A parcel of land in Lot 2 of Section 12, Township 9 South, Range 36 East, Boise Meridian, described as follows:

Beginning at a point 2621.22 feet South and 3836.60 feet East from the Northwest Corner of said Section 12, thence North $66^{\circ}47'$ East 150 feet, thence South $23^{\circ}13'$ East 150 feet, thence South $66^{\circ}47'$ West 150 feet, thence North $23^{\circ}13'$ West 150 feet to THE POINT OF BEGINNING.

Together with a right of way of ingress and egress for foot and vehicle travel to the premises from the adjacent highway over land owned by Grantors

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JUL 12 2005

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PARCEL 2:

7-6

98009167

Beginning at a point on the Meridional Center Line of Section 7, Township 9 South, Range 37 E.B.M., BANNOCK COUNTY, IDAHO, 581.5 feet South of the North Quarter Corner of the said Section; thence South on the Meridional Center of said Section 759 feet; thence South 64°17' West 4762 feet, more or less, to the Northeast Boundary line of the O.S.L. Railroad Station Grounds; thence North 25°43' West along the said Boundary of the Station Grounds 683 feet; thence North 64°17' East 5090 feet, more or less, to the PLACE OF BEGINNING. The same comprising portions of the East half of the Northwest Quarter and Lots 1, 2 and 3 of Section 7, Township 9 South, Range 37 E.B.M., and Lots 2, 3 and 6 of Section 12, Township 9 South, Range 36 East of the Boise Meridian.

EXCEPTING THEREFROM: Commencing at a point on the Meridional Centerline of Section 7, Township 9 South, Range 37 E.B.M., that is 581.5 feet Southerly from the North Quarter Corner of said Section; thence Southerly along said Centerline 759 feet, thence South 64°17' West, 4242 feet, more or less, to the Westerly bank of the Portneuf River, the POINT OF BEGINNING, thence continuing South 64°17' West 520 feet, more or less, to the Northeast Boundary of the O.S.L. Railroad Station Grounds, thence North 25°43' West along said Boundary 683 feet, thence North 64°17' East, 400 feet, more or less, to the Westerly bank of the Portneuf River, thence in a general Southerly direction along said Westerly bank to the POINT OF BEGINNING. Said tract being a portion of Lot 6, Section 12, Township 9 South, Range 36 E.B.M., BANNOCK COUNTY, IDAHO.

PARCEL 3:

Beginning at a point on the Meridional Center Line of Section 7, Township 9 South, Range 37 East of the Boise Meridian, BANNOCK COUNTY, IDAHO, 1340.5 feet South of the North Quarter Corner of said Section; thence South on the Meridional Center Line of said Section 1197.8 feet; thence South 64°17' West 4309 feet, more or less, to the East right of way line of the O.S.L. Railroad 155 Southeasterly from the Southeast Boundary of the O.S.L. Railroad Station Grounds; thence in a Northwesterly direction along the said right of way line 155 feet to the Southeast Boundary of the O.S.L. Railroad Station Grounds; thence in a Northeasterly direction 75 feet to the East Corner of the said Station Grounds; thence in a Northwesterly direction along the Northeast Boundary of the Station Grounds, to a point on a line parallel with and 1078 feet Northerly from the South Boundary of this Tract as hereinbefore described; thence North 64°17' East 4762 feet, more or less, to the PLACE OF BEGINNING.

The same comprising portions of the Southeast Quarter of the Northwest Quarter and the Northeast Quarter of the Southwest Quarter and Lots 2 and 3 in Section 7, Township 9 South, Range 37 E.B.M., and Lots 2, 3, 6 and 7 and the Southwest Quarter of the Southeast Quarter of Section 12, Township 9 South, Range 36 East of the Boise Meridian.

EXCEPTING THEREFROM: Commencing at a point on the Meridional Centerline of Section 7, Township 9 South, Range 37 E.B.M., that is 1340.5 feet Southerly from the North Quarter Corner of said Section, thence Southerly along said Centerline 1197.8 feet, thence South 64°17' West 3889 feet, more or less, to the Westerly bank of the Portneuf River the POINT OF BEGINNING, thence continuing South 64°17' West, 420 feet, more or less, to the East right of way line of the O.S.L. Railroad to a point that is 155 feet Southeasterly from the Southeast Boundary of the O.S.L. Railroad Station Grounds, thence Northwesterly along said Right of Way line 155 feet to said Southeast Boundary of said Station Grounds, thence Northeasterly along said Southeast Boundary 75 feet to the most Easterly Corner of said Station Grounds.

SCANNED

JUL 12 2005

PROPERTY

98009167

7-7

SCHEDULE B
ORDER NO. 25094.LTG

PAPCH 4:

Township 9 South, Range 37 East, Boise Meridian, BANNOCK COUNTY, IDAHO
Section 5: ~~SW $\frac{1}{4}$ SW $\frac{1}{4}$~~
Section 6: ~~S $\frac{1}{2}$ SE $\frac{1}{4}$~~
Section 7: ~~NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$~~

SCANNED
JUL 12 2005

PROFILED

31 May 2001

Claimants of Decreed Right 29-00195 (split portions; A/C/D/E/G/H)

Re: Request for proof of water right ownership

Dear Claimant:

In reference to the above described water right there have been several claims to portions thereof. At this point the water right is over-claimed. To conduct an investigation and recommendation of the portions claimed proof of water right ownership is required.

Please provide a copy of your deed or conveyance instrument to this office by June 30, 2001. **If such proof is not presented a disallowed recommendation could result.**

Thank you for your attention in this important matter. I look forward to your timely response. Please feel free to contact me at the above address/phone number.

Respectfully submitted,

Allen B. Ruberry
Sr. Water Resource Agent
Adjudication Bureau

Cc; Harold Ure
2087 Harkness Canyon Rd
McCammon ID 83250

A29-00195A

Rose F Priestly
435 s 7th
Pocatello ID 83201

A29-00195C

DuWayne Harris
Box 298
McCammon ID 83250

A29-00195D

Richard Lockyer
PO Box 371
McCammon ID 83250

A29-00195E

Harold & Elizabeth Lou Ure Family Trust
PO Box 156
McCammon ID 83250

A29-00195G

Silvia J M Lockyer
PO Box 371
McCammon ID 83250

A29-00195H

Files

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JUL 12 2005

Water Right Number - 29-00195

Prefix Translation:

WATER RIGHT

Old (D) Number -

+ - - - - Last Name - - - - +

+ - First Name - - +

+ - - - - Address - - - - - +

*** C - CURRENT OWNER ***
HANSEN

LEO

1 -
2 -
3 -City-
Phone -

State- Zip-

HANSEN

REUBEN

1 -
2 -
3 -City-
Phone -

State- Zip-

LILIENQUIST

NEPHI

1 -
2 -
3 -City-
Phone -

State- Zip-

HAWKS

H.

1 -
2 -
3 -City-
Phone -

State- Zip-

HOWELL

J. W.

1 -
2 -
3 -City-
Phone -

State- Zip-

+ - - Priority Date - - +
06/17/1902+ - - Region - - - +
15 EASTERN+ - - Stage - - - +
D - DECREED

+ - - Status - - - - +

+ - - Source - - - - - +
HARKNESS CREEK+ - - Tributary - - - - - +
PORTNEUF RIVER

+ - - Point of Diversion - - - - - +						
Tw	Rng	Sec	Tract	Lot	RFlg	County
09S	36E	1	NE SE		(5)	BANNOCK

+ - - Water Use - - - - - +	
Code	Description
01 - IRRIGATION	04/15 09/15 2.020

+ - Total Div. Rate - +		+ - Total Div. Volume - +		+ - Total Div. Capacity - +		+ - Total Consumptive Use - +		+ - KW Usage - +	
2.020						0.0			

+ - - Place of Use - - - - - +						
Tw	Rng	Sec	Tract	Lot	Acres	Code
09S	36E	1	SW SE			01 IRRIGATION

(5) BANNOCK

Prefix Translation: WATER RIGHT

Proof Due Date	- 00/00/0000	Field Exam Made	- 00/00/0000	Field Exam Fee	-
Approved/Denied	- 00/00/0000	Protested Date	- 00/00/0000	Swan Falls	-
Proof Made Date	- 00/00/0000	Hearing Date	- 00/00/0000	Temporary Right	- P
Exam to S.O. Date	- 00/00/0000	Verified Date	- 06/18/1985	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	- 29
Licensed Date	- 00/00/0000	Appl Received	- 00/00/0000	Transfer/Amended	-
Presumption Flag	-	Name Connector	-	POU Ownership Flag	-
SRBA Decreed Flag	-				

HARKNESS DITCH, diverts in the Southwest quarter of the Southwest quarter, Section 3, Township 9 South, Range 37 East. From the Southwest corner of Section 3, the point of diversion bears North 9 degrees and 5 minutes East, 810 feet.

POD NESE Sec. 1 T.9S. R.36E.

The second point of diversion of Harkness Ditch is from Harkness Creek. This ditch diverts from Harkness Creek in the Northeast quarter of the Southeast quarter, Section 1, Township 9 South, Range 36 East. From the Southeast corner of Section 1, the point of diversion bears North 5 degrees West, 1500 feet.

141. 1 p.m.
9-0194 1902 June 17 3.5 c.f.s.
of the waters of
Crystal Springs
CRYSTAL SPRINGS. the same be-
ing the headwater of West Bob
Smith Creek.
1-0195 1902 June 17 (noon)
2.02 c.f.s.
of the waters of
Harkness Creek.

For the irrigation of 276 acres of land described as follows:

HANSEN, LEO
POD: S²SE Sec. 1
L1, NENE Sec. 12 9536E

L1 Sec. 7 9537E

HANSEN, REUBEN

L1 Sec. 7 9537E

NENE, L1, L2 Sec. 12 9536E

LILIENQUIST, NEPHI

L1, L2 Sec. 7 9537E

NENE, L2 Sec. 12 9536E

LILIENQUIST, W. L.

L2 Sec. 7 9537E

L2, L3 Sec. 12 9536E

LILIENQUEST, H. F.

L2, L3 Sec. 7 9537E

L3 Sec. 12 9536E

HAWKS, H.

L3, L4 Sec. 7 9537E

L3 Sec. 12 9536E

HOWELL, J. W.

L1 Sec. 18 9537E

65 acres in the South half of the Southeast quarter Section 1; The Northeast quarter of the Northeast quarter, Section 12, Township 9 South, Range 36 East Lot 1, Section 12, Township 9 South, Range 36 East; and Lot 1, Section 7, Township 9 South, Range 37 East.

39 acres of land in Lot 1, Section 7, Township 9 South, Range 37 East, the Northeast quarter of the Northeast quarter, Lots 1 and 2, Section 12, Township 9, South, Range 36 East.

37 acres of land in Lots 1 and 2, Section 7, Township 9 South, range 37 East, the Northeast quarter of the Northeast quarter, Lot 2 Section 12, Township 9 South, Range 36 East.

35 acres of land in Lot 2, Section 7, Township 9 South, Range 37 East; Lots 2 and 3, Section 12, Township 9 South, Range 36 East

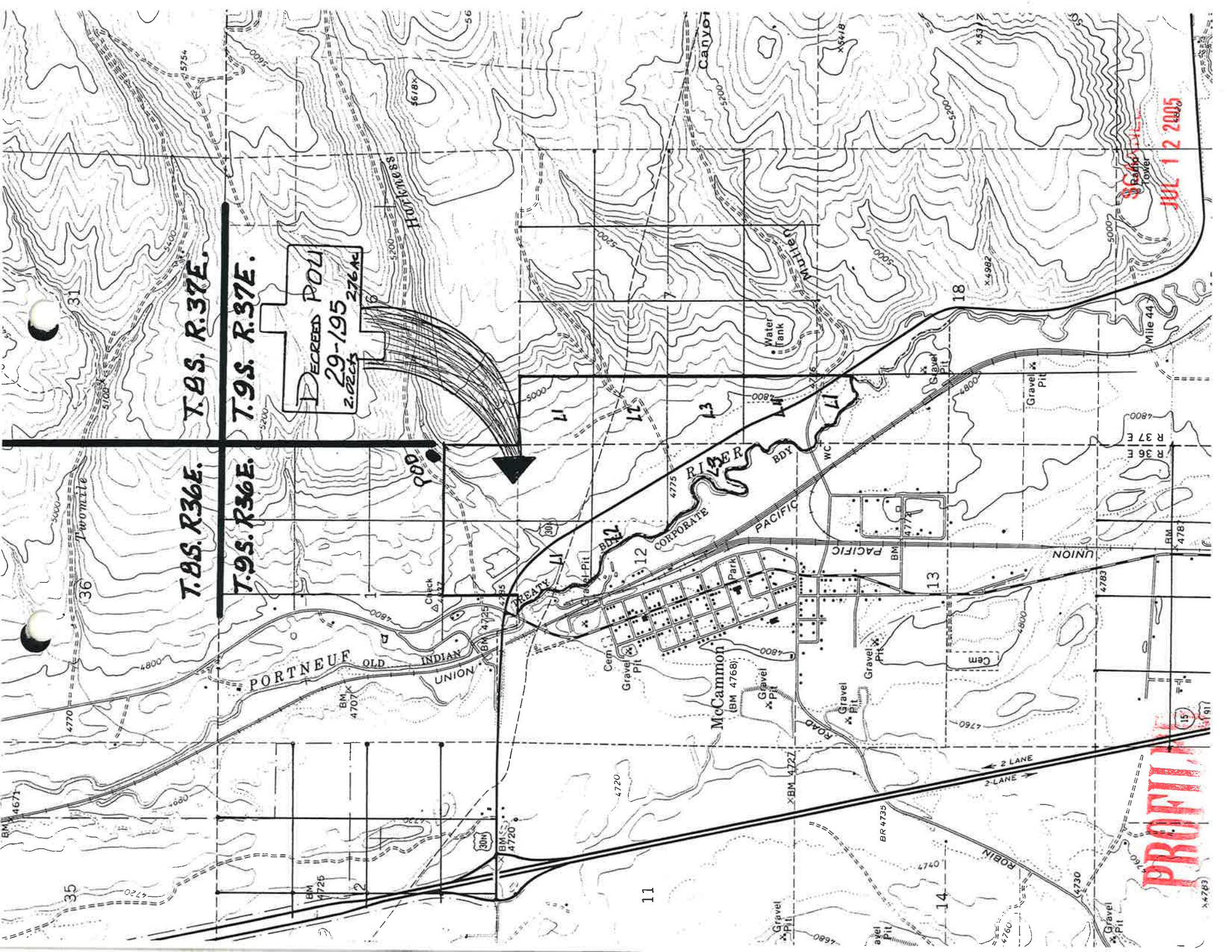
47 acres of land in Lots 2 and 3, Section 7 Township 9 South, Range 37 East; and Lot 3, Section 12, Township 9 South, Range 36 East

42 acres of land in Lots 3 and 4, Section 7 Township 9 South, Range 37 East; and Lot 3, Section 12, Township 9 South, Range 36 East.

11 acres of land in Lot 1, Section 18, Township 9 South, Range 37 East.

The above parties last above mentioned, shall divert from the said Crystal Springs at all times during the irrigation season, such amount of water as when mingled with the water of said Harkness Creek. shall make a total of

PROFILE
E = 276
SCANNED
JUL 12 2005



T.8S. R.36E.

T.8S. R.37E.

T.9S. R.36E.

T.9S. R.37E.

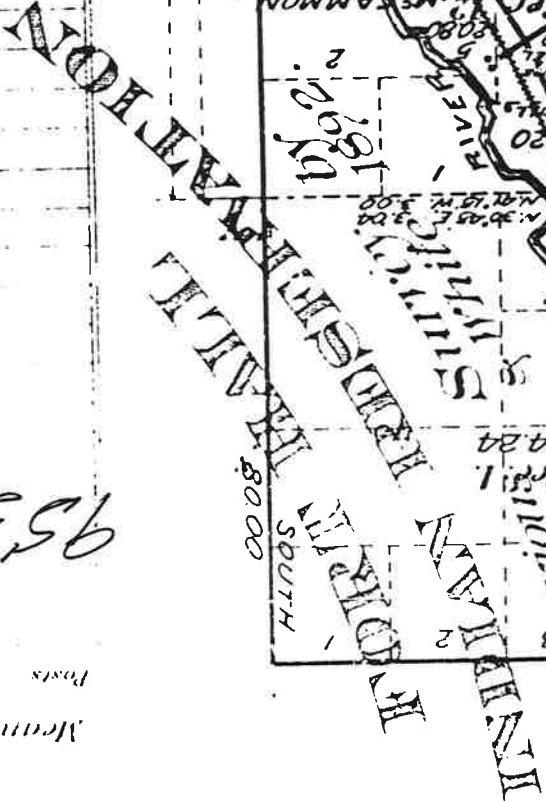
DECEASED POL
29-195 276 AC
2.02 CH

PROFILING

JUL 12 2005

PROVIDE

McC. 3.
174.15.



Poste *four*

395.56

SCANNED
JUL 12 2005

PROFIT

Lot N. 5.
0.18 AC.

JUL 12 2005

SCANNED

Sec. 6.

Sec. 5.

Sec. 4.

Sec. 3.

Sec. 7.
10.18

Sec. 8.

Sec. 9.

Sec. 10.

FORT

HALL

RESERVATION

Sec. 11.

Sec. 16.

Sec. 15.

W.C. Miller

and
1892 &

S U
H. M. White
1893.

PORTNEUF

17.70
58.60
231.00
39.88
41.80
39.94
33.18
35.02
39.83
32.92

N. 1° 15' E. 1.30 CHS.
N. 47° 45' E. 3.50 CHS.

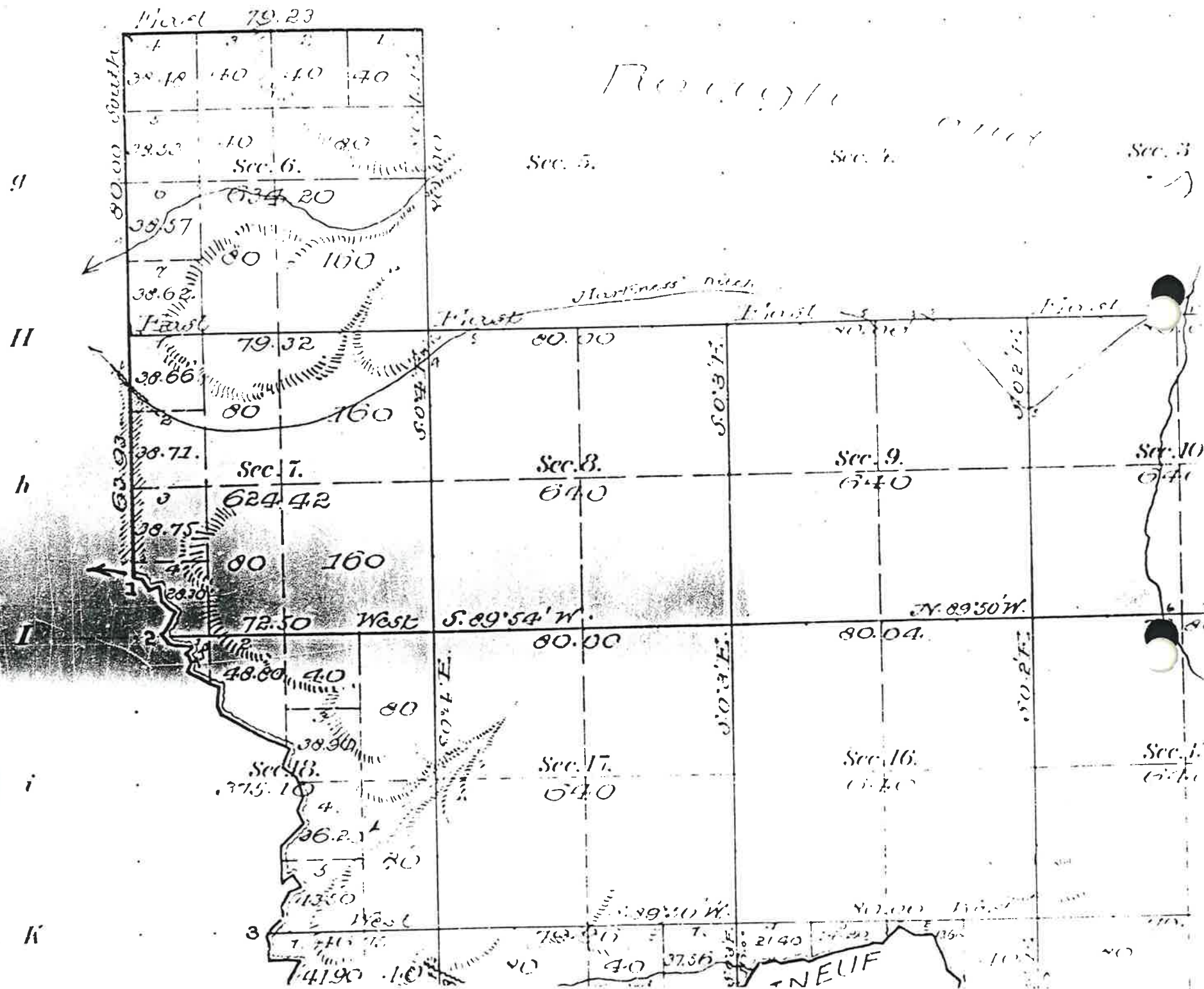
S. 66° 30' E.
0.52 CHS.

31.43

PROFIT

JUL 12 2005

SCA



MAY 18 2001

Log for claim A29-00195G

Spatial Dynamics AMH

8/10/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
09s36e	12	NENE	1	40	Permissible place of use?
09s36e	12	SENE	19	25	
09s36e	12	NESE	3	1.6	
09s37e	7	NWNW	1	3.7	
09s37e	7	SWNW	17	21	
09s37e	7	NWSW	11	16	
Totals:			52	107.3	

AJ5809NP
No. A29-00195G

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/22/00
PAGE: 86

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	HAROLD & ELIZABETH LOU URE FAMILY TRUST PO BOX 156 MC CAMMON ID 832500156 (208) 254-3821	06/17/1902	IRRIGATION	03-15 11-15	1.020 CFS	
TOTAL DIVERSION:					1.020 CFS	

Water Source: HARKNESS CREEK

Tributary to: PORTNEUF RIVER

Stage: DECREED

Point(s) of Diversion:

T09S R36E S01

NESE

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	36E	12	:	01				02-19													23.6
09S	37E	7	:							01-01	01-02					03-11					29.6
09S	37E	7	:								02-15										
TOTAL ACRES																				53.2	

POU County: BANNOCK

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):

29-07388 A29-00195C A29-00195D A29-00195E A29-00195H A29-04009B A29-04009C A29-07388

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

A29-00195C A29-00195F A29-00195H A29-04009

Remarks: GEN *** CHANGE OF OWNERSHIP 6/7/99, ESV

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:

Presumption Flag:

Audit: 09/27/99 ECARLSEN 09/28/99 ECARLSEN

To: Splits of A29-00195
Splits of A29-04009
Fr: Bryce A. Contor
Date: 1/7/00



Re: Place of Use

Silvia J. M. Lockyer presented a Notice of Change of Water Right Ownership in July of 1999. The accompanying plat map may be useful in clarifying place of use of the various splits of these two water rights.

It is filed with A29-00195H.

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

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Water Right Number(s) _____
Adjudication Claim Number(s) A29-00195H.
2. The following REQUIRED information must be submitted with this form.
 - A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
AND
 - B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.)
OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant(s) Harold + Elizabeth Lou URE Family Trust
P.O. Box 156 McCammon ID 83250
4. New Owner/Claimant(s) Silvia J. M. Lockyer
Name connector (Check one): ☐ AND, ☐ OR, ☐ AND/OR
New Mailing Address P.O. Box 371
City, State and ZIP Code McCammon ID 83250
New Telephone Number (208) 254-3240
5. Date you acquired the property _____
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.
Number of acres actually irrigated _____ Number and type of stock _____
Diversion rate in CFS _____ Number of homes _____ Other uses _____
cubic feet per second
If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
7. Signature of New Owner/Claimant(s) Silvia J. M. Lockyer Date 9-27-99

Date _____
8. (Corporations or other organizations must submit a list of directors/officers demonstrating authority to sign form.)
For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

September 29, 1999

HAROLD & ELIZABETH URE FAMILY TRUST
PO BOX 156
MC CAMMON ID 83250-0156

RE: CHANGE IN OWNERSHIP FOR A29-00195F

Dear Mr. & Mrs. Ure:

The request for Change in Ownership for a portion of the above-referenced Notice(s) of Claim has been processed with the new Notice(s) reflecting you as one of the claimants.

Since the Change in Ownership involved just a portion of the Notice(s) of Claim, the right was split as follows:

A29-00195G, 1.02 cfs on 53.2 acres, URE
A29-00195H, 0.58 cfs on 29 acres, LOCKYER

Enclosed for your records is a typed Notice(s) reflecting your portion of the right. Review the Notice(s) and if you have other corrections or questions, please contact this office.

Respectfully submitted,

Jennifer Crabtree
Technical Records Specialist

Enclosure

MAY 18 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: **A29-00195G**
Date Received: 1/23/1996
Receipt No: E021859
Received By: _____

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name: HAROLD & ELIZABETH LOU URE FAMILY TRUST 208-254-3821
Address: PO BOX 156
MC CAMMON ID 83250-0156

2. Date of Priority: JUN 17, 1902

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
09S	36E	1		NE	SE		BANNOCK

5. Description of diverting works:
DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.020		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09S	36E	12	NE	NE		IRR	1.6
			SE	NE	2	IRR	19.0
			NE	SE	3	IRR	3.0

A2900195G



10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	23.6
	37E	7	NW	NW	1	IRR 1.6
			SW	NW	1	IRR 2.0
			SW	NW	2	IRR 15.0
			NW	SW	3	IRR 11.0
					Section Acres	29.6
					Total Acres	53.2

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:

*** CHANGE OF OWNERSHIP 6/7/99, ESV

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

UNION GRAIN & ELEVATOR CO
Decree Plaintiff

MCCAMMON DITCH CO ET AL
vs Decree Defendant