

03/13/2002

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

RIGHT NUMBER: 29-216

NAME AND ADDRESS: ARKANSAS RANCHES INC
8450 S BOB SMITH RD
LAVA HOT SPRINGS ID 83246

SOURCE: WEST BOB SMITH CREEK

TRIBUTARY: PORTNEUF RIVER

QUANTITY: 0.06 CFS

PRIORITY DATE: 07/01/1904

POINT OF DIVERSION:

T09S R37E S15 SENENW 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	0.060 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 R37E S15	NENW	0.6	T09S R37E S15	SENEW	2.4
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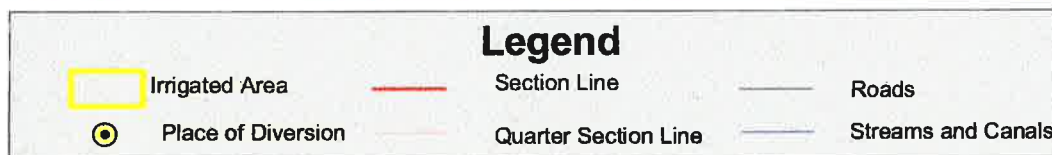
3 ACRES TOTAL

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

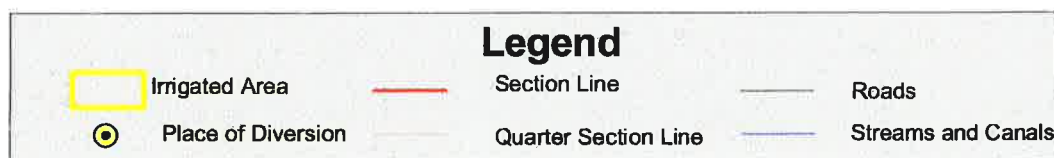
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: Decreed

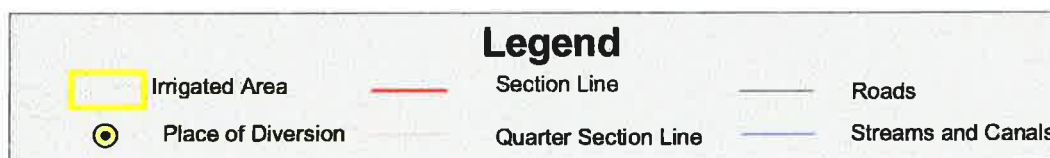
Township , 9S37E



Township , 9S37E



Township , 9S37E





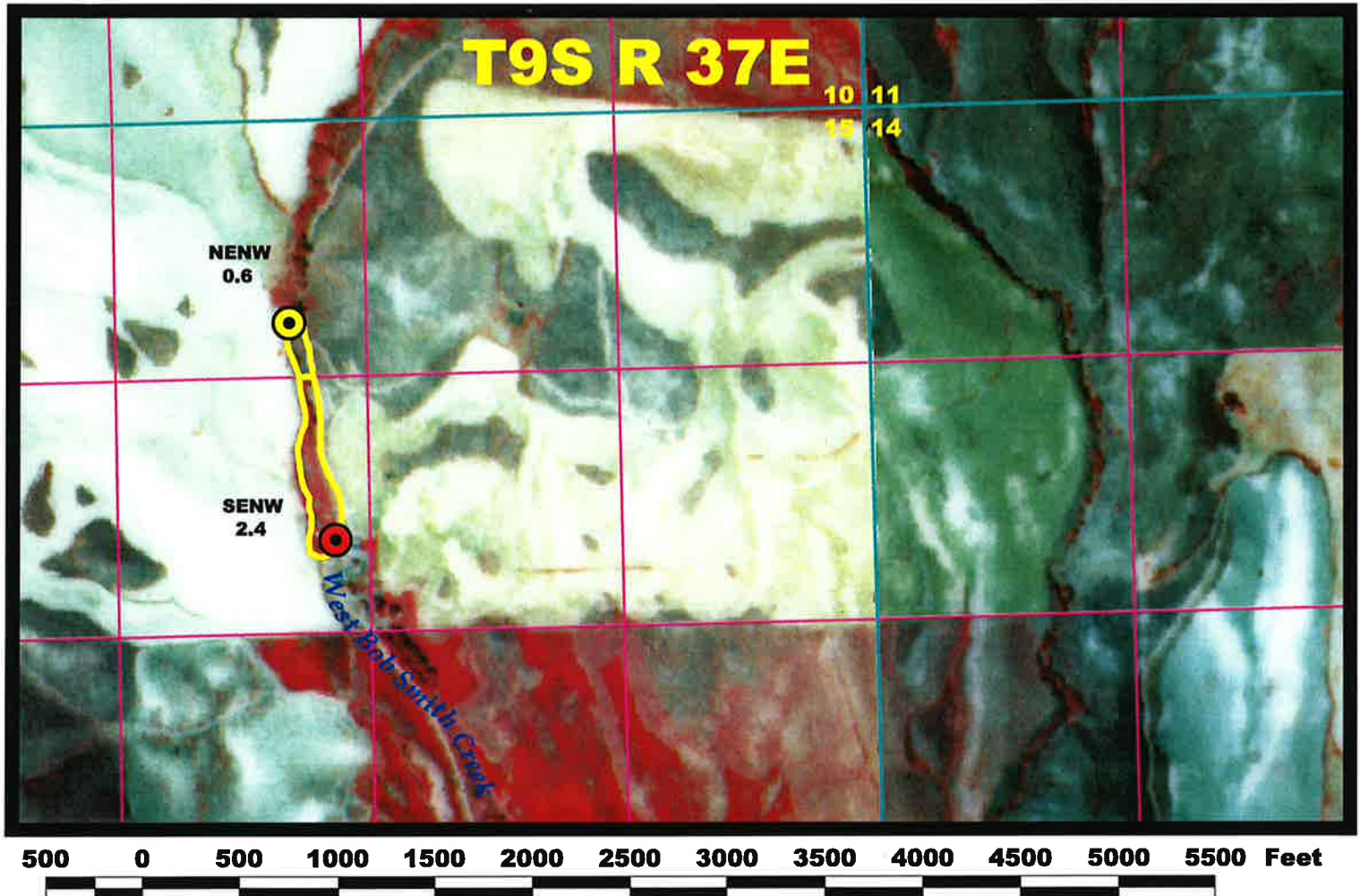
STATE OF IDAHO

Department of Water Resources

Eastern Region



Water Right(s): 29-00216



LEGEND

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

Place of Use: T9S, R37E
(part of) Sec. 15 E2NW

Point(s) of Diversion: T9S, R37E
Sec. 15 SENENW

SCANNED

JUL 12 2005



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

T9S, R37E

11

Arkansas Ranch

29-00004, 29-00006,
29-00007, 29-00203,
29-11743, 29-11745.

NESE

SESE
35

SWSE
20

NENE
19.0

NWNE
16.0

0.3

10 11

15 14

L₁

29-13251
Enlargement

SWNW
9.0

SENE
23.5

SWNE
29.2

NENW
0.6

SENW
2.4

29-00216
amended

West Bob Smith Creek

10

14

15

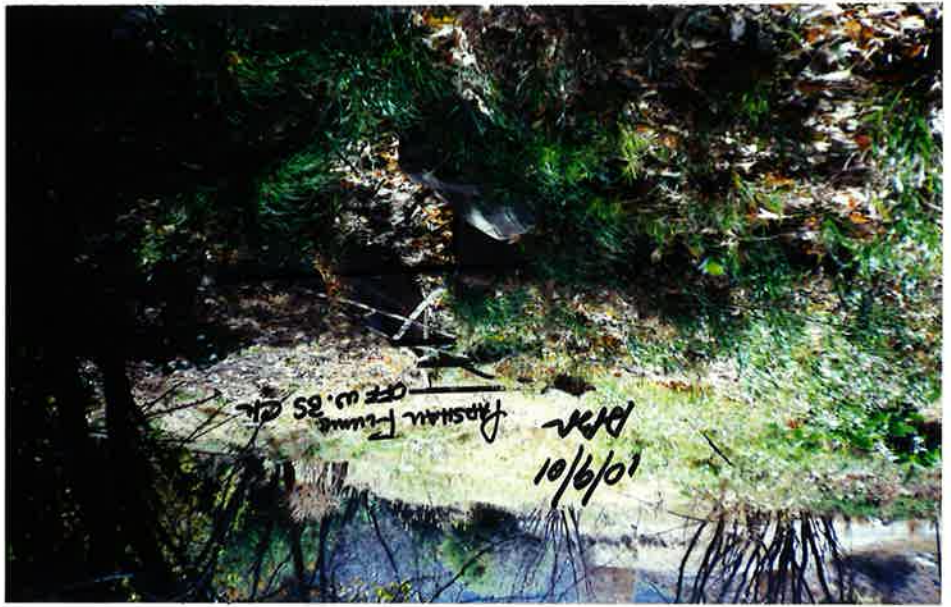
JUL 12 2005

SCANNED

FURNS

29-00216

PROTECTED



DIVERSION

29-00216



SIDE OF CREEK

FLORISSAS FURNES
DIVERSION OFF
WEST BOB SMITH
CREEK.
SAMS DIVISION
STRUCTURES AS MAY
WALL - BUT OPPOSITE
SIDE OF CREEK



PROFILED

SCANNED

JUL 12 2005

155. CHENEY, A. B.
29-0216 1904 July 1. .06 c.f.s.
(3 inches)

Said water to be diverted through the Lish-Higgins Ditch, which diverts from West Bob Smith Creek in the Northeast quarter of the Northwest quarter, Section 15, Township 9 South, Range 37 East, From the Southwest corner of Section 10, the point of diversion bears South 65 degrees East 2850 feet for the irrigation of 3 acres of land in the Southeast quarter of the Northwest quarter, Section 15, Township 9 South, Range 37 East.

156. LISH, ALBERT
29-0217 1909 July 1 .30 c.f.s.

Said water to be diverted through the said Lish-Higgins Ditch, last above-described, for the irrigation of 15 acres in the North half of the Southeast quarter, Section 15, Township 9 South, Range 37 East.

29-0007 (Replaces, -0218)
157. LISH, ARCHIE
1910 Apr. 15. .20 c.f.s.

Said water to be diverted through the said Lish-Higgins Ditch, last above described, for the irrigation of 10 acres of land in the Southwest quarter of the Northeast quarter, Section 15, Township 9 South, Range 37 East.

158. STOLPE, BRADY
29-0219 1909 July 1. .18 c.f.s.
(9 inches)

Said water to be diverted through the said Lish Higgins Ditch, last above described, for the irrigation of 9 acres in the Southwest quarter of the Southeast quarter, Section 15, township 9 South, Range 37 East.

→ (Replaces, -0220) Tr. 1572
159. CHENEY, A. B.
29-0006 1909 July 1 .20 c.f.s.
29-0221 1914 July 1 .16 c.f.s.
29-0222 1917 July 1 .04 c.f.s.
(2 inches)
29-0223 1918 July 1 .04 c.f.s.
(2 inches)

Said water to be diverted through the Cheney Ditch, which diverts from West Bob Smith Creek in the Southeast quarter of the Northwest quarter of Section 15, Township 9 South, Range 37 East. From the Southwest corner of Section 10, the point of diversion bears South 85 degrees East, 3030 feet, for the irrigation of 22 acres of land in the Southeast quarter of the Northwest quarter, Section 15, Township 9 South, Range 37 East.

VILLAGE OF MCCAMMON, PIPELINE FOR MUNICIPAL PURPOSES.

The pipe line which supplies the Village of McCammon, diverts from West Bob Smoth Creek, or Crystal Springs, 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.

160. VILLAGE OF MCCAMMON
29-0224 1902. June 17. .50 c.f.s.
(25 inches)
25

To be used in the Village of McCammon, a municipality, for domestic, culinary, irrigation, fire and other purposes. This water is carried to the Village of McCammon, through a pipe line to

ARKANSAS RANCHES INC
PO BOX 156
ARIMO ID 83214

RE: 29-00216 Amended, 29-13251 Enlargement Claim

Gentlemen:

Enclosed you will find the above referenced claims. These claims are based on the discussion with Darrell during the field exam of October 9.

You should note the Priority Date of 29-13251 is 01/01/1999. Obviously, this date is in error. You will need to determine the correct date; correct the claim date in ink (with your initials), and you will need to provide some type of evidence supporting the date you have chosen. This claim also requires a fee of \$100.00; make check payable to IDWR.

Both claims require signatures before a Notary Public, and then return promptly to this office.

Thank you for your attention in this important matter, I look forward to your timely response.

Respectfully submitted,

Allen B. Ruberry
Sr. Water Resource Agent
Adjudication Bureau

Cc; files

Enclosures: 29-13251 enlargement claim,
29-00216 amended claim

PROFILE

SCANNED
JUL 12 2005

T9S, R37E

11

Arkansas Ranch

29-00004, 29-00006,
29-00007, 29-00203,
29-11743, 29-11745.

NESE

SESE

35

SWSE

20

NENE

19.0

NWNE

16.0

SWNW

9.0

SENE

23.5

SWNE

29.2

29-13251

Enlargement

NENW

0.6

SENW

2.4

29-00216

amended

West Bob Smith Creek

10

14

15



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

September 19, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

ARKANSAS RANCHES INC
8450 S BOB SMITH RD
LAVA HOT SPRINGS ID 83246

MAX W HALL
5920 E OLD OREGON TRAIL RD
LAVA HOT SPRINGS ID 83246

RE: NOTICE OF CLAIM TO A WATER RIGHT NUMBERS A29-00216 AND A29-00207A

Dear Gentlemen:

We are in the beginning phase of investigating Basin 29 to make recommendations to the Snake River Basin Adjudication Court. In our investigation process we discovered that Township 9 South, Range 37 East, Section 15 NE1/4, SW1/4, has been claimed by both Max W. Hall and Arkansas Ranches Inc. Enclosed is an aerial photo with the property outlined.

To make an accurate recommendation on both of the above-mentioned water rights, we need legal documentation from both parties showing who owns the property.

If you have any questions feel free to contact Allen Ruberry at 208-525-7161.

Respectfully submitted,

Cheri Vandermeulen

Cheri Vandermeulen
Records Clerk

Enclosure: 1

*10/01/01 Aram Christenson called - SAY THEY DON'T
OWN THE LAND IN QUESTION. I suggest to I meet
w/ him on 10/08 @ 4:00pm TO REVIEW ± Aram Christenson.
OK*

*10/2/01 Met w/ Darrell (brother) VISITED GARNER
POU AND POU- NEED TO AMEND TO CORRECT
POU. DARRELL AUTHORIZES AMENDED CLAIM.*

SCANNED

JUL 12 2005

Water Right Number - 29-00216

Prefix Translation: WATER RIGHT

Old (D) Number -

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

*** C - CURRENT OWNER ***
CHENEY

A. B.

1 -
2 -
3 -
City-
Phone -

State- Zip-

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
07/01/1904 15 EASTERN D - DECREED

+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
WEST BOB SMITH CREEK PORTNEUF RIVER

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

09S 37E 15 NE NW (5) BANNOCK

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

01 - IRRIGATION 04/15 09/15 0.060

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
0.060 0.0

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

09S 37E 15 SE NW 3.0 01 IRRIGATION (5) BANNOCK

Total Acres: 3.0

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - - - Remarks - - - - - +
No Remarks found.

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

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

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

UNION GRAIN & ELEVATOR CO.

MC CAMMON DITCH CO., ET. AL.

08/06/1932

SCANNED

MAY 18 2001

Log for claim A29-00216

Spatial Dynamics AMH

8/9/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
09s37e	15	NESW	3	5.6	
Totals:			3	5.6	

APPENDAGE TO THE FILING OF WATER OF

Arkansas Ranches, Inc.,

Our present decreed water rights are jeopardized by

1. Illegal loss free transportation of storage water in the river channel. We ask the adjudication process to correct this situation by requiring the users of the storage water to stand the loss or require all the water users in the river district to share in the loss on a percentage basis according to the cubic feet of water they have decreed to them.
2. Many years after established use rights and decreed rights numerous wells have been allowed in the upper basin area, draining the aquifer. We ask an in depth study be made to determine the affect on the river flow before a decision is made.

Historically the amount of our water has been cut down during the irrigation season because there is not enough water to fill all the rights. Of necessity we have used the water at any time during the non irrigating season in any amount needed first come first serve down the river. We request this use right recognized and established as a legitimate water right.

Arkansas Ranches
Danell Christensen Vice Pres

4-26-90

MICROFILMED

NOV 13 1992

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 29-216
Date Received: 4/26/1990
Receipt No: E013692
Received By:
AMENDED

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

DEC 14 2001

Department of Water Resources
Eastern Region

1. Name of Claimant(s)

ARKANSAS RANCHES INC Phone: (208)776-5898

8450 S BOB SMITH RD
LAVA HOT SPRINGS ID 83246

2. Date of Priority: 07/01/1904

3. Source: WEST BOB SMITH CREEK Trib. to: PORTNEUF RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
09S	37E	15	NE NW	BANNOCK	

5. Description of diverting works:

DITCH TO FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	0.06	

7. Total Quantity Appropriated is:
0.06 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
09S	37E	15	SE NW	IRRIGATION	2.4
			NE NW	IRRIGATION	0.6

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JUL 12 2005

Section Acres 3

Total Acres 3

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:

AMENDED TO CORRECT POU. NO CHANGE TO NET ACRES.

15. Basis of Claim: Decreed

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.

PROFILE

SCANNED
JUL 12 2005

Number of attachments: 0

For Organizations:

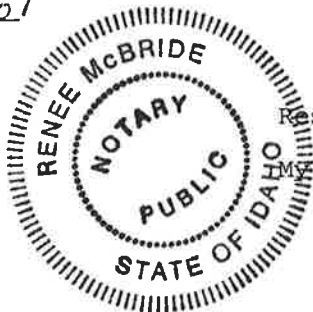
I do solemnly swear or affirm that I am Vice President of
Title
Arkansas Ranches, Inc., that I have signed the foregoing
Organization
document in the space below as Vice President of
Title
Arkansas Ranches, Inc. and that the statements contained in the
Organization
foregoing document are true and correct.

[Signature]
Signature of Authorized Agent
Vice Pres. Arkansas Ranches, Inc.
Title and Organization
Dec. 13, 2001
Date

State of Idaho)
County of Bannock) SS.

Subscribed and sworn (or affirmed) before me this 13th day
of Dec 2001

[Signature]
Notary Public



Residing at Laurel Hill Springs
My commission Expires May 31, 2006

PROFILED

**SCANNED
JUL 12 2005**

SCANNED

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: A29-00216

Date Received: 4/26/1990

Receipt No: E013692

Received By: EL

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ARKANSAS RANCHES INC.
Address: 8450 S. BOB SMITH RD.
LAVA HOT SPRINGS, ID

83246

Danner
208-776-5898

2. Date of Priority: JUL 01, 1904

3. Source: WEST BOB SMITH CREEK Trib. to: PORTNEUF RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
09S	37E	15	NE	NW			BANNOCK

5. Description of diverting works:
DITCH TO FLOOD IRRIGATION

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
09S	37E	15	NE	SW		IRR	3.0

MICROFILMED

NOV 13 1992

A2900216



10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					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: 8/06/1932

UNION GRAIN AND ELEVATOR
Decree Plaintiff

vs

MCCAMMON DITCH
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 Organizations:

I do solemnly swear or affirm that I am Vice Pres of
Arkansas Ranches, Inc, that I have signed the foregoing
document in the space below as Vice Pres of
Arkansas Ranches, Inc and that the statements contained in the
foregoing document are true and correct.

Danell Christens
Signature of Authorized Agent
Vice Pres Arkansas Ranches
Title and Organization
4-26-90
Date

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 26 day
of April 19 90

[Signature]
Notary Public

Seal

Residing at Helot Falls, B.
My Commission Expires 22 Aug 1994

$$\begin{array}{r|l} 4 & 3 \\ \hline 9 & 10 \end{array}$$

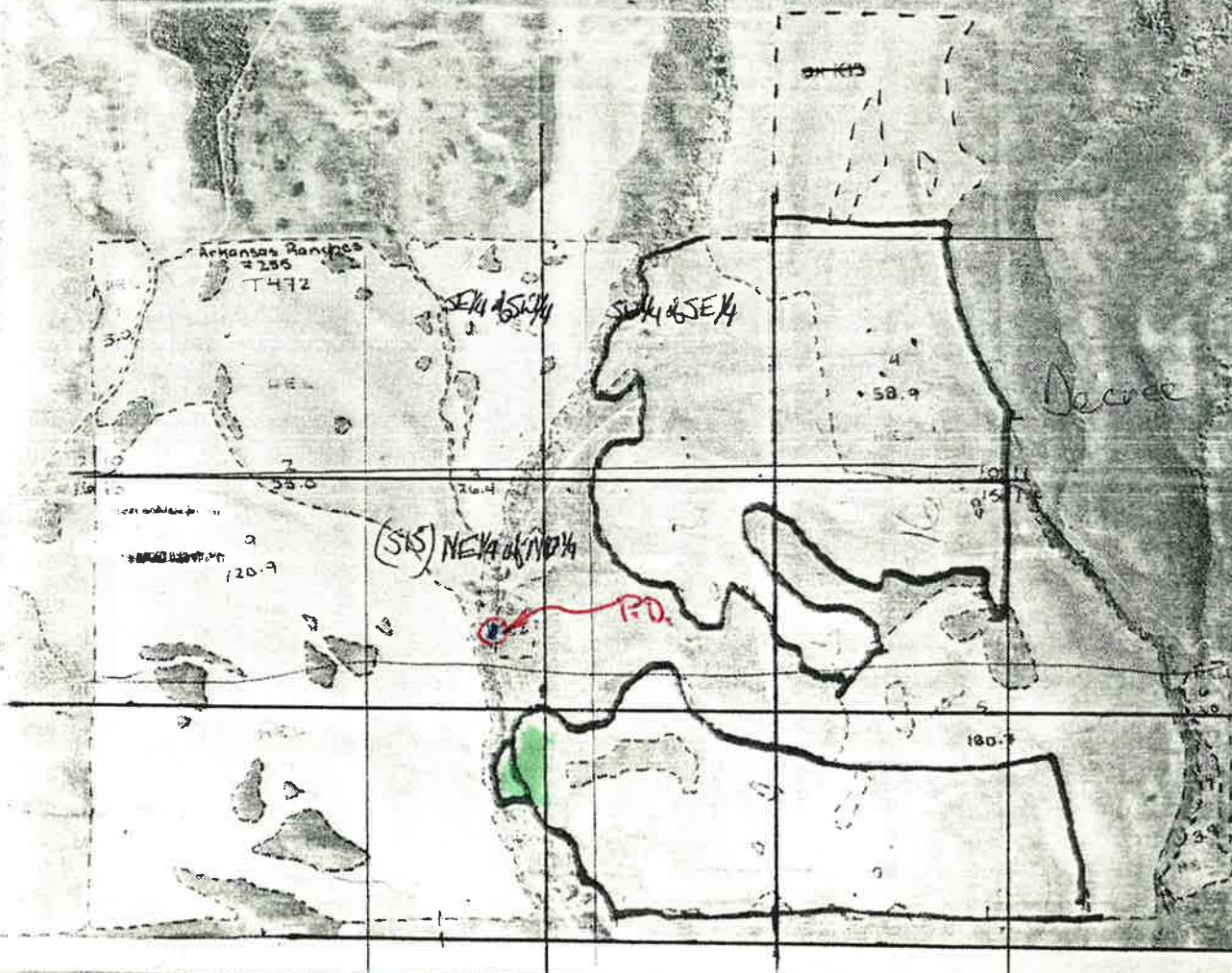
3	2
10	11

A29-00216

• Aversion SW 1/4 of NE 1/4 S10 T9S R37E

NOT TO SCALE
FEB
1989

K13A



Arkansas Ranc
NOV 13 1992