

11/18/2002

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

RIGHT NUMBER: 29-224

NAME AND ADDRESS: CITY OF MC CAMMON
PO BOX 9
MC CAMMON ID 83250-0009

SOURCE: CRYSTAL SPRINGS TRIBUTARY: WEST BOB SMITH CREEK

QUANTITY: 0.500 CFS
USE OF THIS RIGHT WITH RIGHT NO. 29-13224 IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 1.20 CFS.

PRIORITY DATE: 06/17/1902

POINT OF DIVERSION:
T09S R37E S3 SENWSE Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
MUNICIPAL	01/01 12/31	0.500 CFS

PLACE OF USE: MUNICIPAL Within BANNOCK County
T09S R37E S12 T09S R37E S13
PLACE OF USE IS WITHIN THE CITY OF MC CAMMON

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 SOURCE PURSUANT TO SECTION 42-1425, IDAHO CODE.

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

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

allen
RECEIVED

APR 30 2003
03/10/2003

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW
Department of Water Resources
Eastern Region

RIGHT NUMBER: 29-224
NAME AND ADDRESS: CITY OF MC CAMMON
PO BOX 9
MC CAMMON ID 83250-0009

MIXED OWNERSHIP

-THE PLACE OF USE IDENTIFIED BELOW
CONTAINS BOTH PRIVATE AND PUBLIC LANDS.
-CLARIFY THE POU SUCH THAT IT IS CLEAR
THAT ONLY PRIVATE LAND IS INTENDED.

SOURCE: CRYSTAL SPRINGS

TRIBUTARY: WEST BOB SMITH CREEK

QUANTITY: 0.500 CFS

USE OF THIS RIGHT WITH RIGHT NO. 29-13224 IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 1.20 CFS.

PRIORITY DATE: 06/17/1902

POINT OF
DIVERSION: T09S R37E S3 SENWSE Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
MUNICIPAL

PERIOD OF USE
01/01 12/31

QUANTITY
0.500 CFS

PLACE OF USE: MUNICIPAL Within BANNOCK County

T09S ~~R37E~~ S12
R36E

T09S R37E S13
R36E

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: BASIS OF CLAIM - Decreed

RIGHT INCLUDES ACCOMPLISHED CHANGE IN SOURCE PURSUANT TO
SECTION 42-1425, IDAHO CODE.

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

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

THE FOLLOWING LANGUAGE INSERTED UNDER POU WOULD RESOLVE ANY
POTENTIAL OBJECTION BY THE BLM

"THE USE OF WATER UNDER THIS RIGHT WITHIN SWSW, S13, T09S,
R37E, IS LIMITED TO THE SW AND THE NWNW, SWNW AND SENW OF THAT
PLACE OF USE."

IN ALTERNATIVE TO THE ABOVE LANGUAGE, THE FOLLOWING REMARK
INSERTED UNDER PLACE OF USE WOULD RESOLVE ANY POTENTIAL
OBJECTION BY BLM.

"THE USE OF WATER UNDER THIS RIGHT DOES NOT INCLUDE A USE ON
FEDERAL PUBLIC LAND."

IDAHO DEPARTMENT OF WATER RESOURCES RECOMMENDED
WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 29-224

NAME AND ADDRESS:

CITY OF MC CAMMON
PO BOX 9
MC CAMMON ID 83250-0009

SOURCE: Source: Tributary:
CRYSTAL SPRINGS WEST BOB SMITH CREEK

QUANTITY: 0.500 CFS 0.000 AFY
USE OF THIS RIGHT WITH RIGHT NO. 29-13224 IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 1.20 CFS.

PRIORITY DATE: 06/17/1902

POINT OF DIVERSION:

T09S R37E S3 SENWSE Within BANNOCK County

PURPOSE AND PERIOD OF USE:	Purpose of use	Period of use:	Quantity:
	MUNICIPAL	01/01 12/31	0.500 CFS

PLACE OF USE: MUNICIPAL within BANNOCK County
~~T09S R36E S12~~
~~T09S R36E S13~~

Place of use is within the service area of the City of Mc Cammon municipal water supply system as provided for under Idaho Law.
~~Place of use is within the city of Mc Cammon and surrounding service area.~~

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: BASIS OF CLAIM - Decreed

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

Carlsen, Ernie

From: Steven M Spencer [sspencer@fs.fed.us]
Sent: Tuesday, April 15, 2003 3:26 PM
To: ecarlsen@idwr.state.id.us
Cc: Linda R Moore; David L Negri; Jamie Gough; Michael E Collette; randy.bramer@usda.gov; Lee Leffert
Subject: Basin 29 Preliminary

Ernie,

We've reviewed the Preliminary Directors Report for Basin 29 and have found four that we believe have typo's in part of the legal description that put part of the water right on National Forest System land. They are outlined below. Please take a look at them and let me know if our suspicions are accurate. We're trying to resolve possible objections before the final Directors Report for Basin 29 is submitted to the SRBA Court. → *DONE 5/1/03 ABC*

First - Water right nos. 29-00224 and 29-07370, claimant is the City of McCammon. The place of use for both these water rights is T09S, R37E, Section 12. We suspect this should be R36E because the City of McCammon is in Section 12, T09S, R36E. Range 37 East would put it exactly 6 miles to the east, out of the city and onto the forest. *Also look at 29-13224*

Allen.

No Problem

Second - Water right no. 29-00494H, claimants Jerry and Debbie Bailey. The point of diversion is shown as T09S. We believe it should be T07S, like the place of use and right on the source, Blackrock Creek. This would also match the map showing T07S, R35E.

Third - Water right no. 29-13145, claimant is Hardcastle Family Trust. The Section in the Point of Diversion is shown as Section 2. We believe this should be Section 20, the same as that listed for the Place of Use and as shown on the map, and on the Portneuf River, too.

Please let me know if the legal location problems we identified above are actually typographical errors that will be corrected for the final Directors Report. Thank you.

PROFILE

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JUL 13 2005



114153

T09 S
R 37 E

11

BLM = 
PVT = 

12

1116983
D/C

10

186362
D/C

1 012104
PL 167
EO 8130
Wdl Caribou NF

79374
D/C

252412
D/C

536-03

692997
D/C

330610
D/C

1193025
D/C 06

1 7292 USFS

702702
D/C

152449
D/C

487882
D/C

14

1171032
D/C

137359
D/C

471081
D/C

2838
D/C

13

471101
D/C

107748
D/C

702911
D/C

1171032
D/C

2750
D/C

70330
D/C

2970
D/C

441972
D/C

565214
D/C

1 43.00

4 51.70

3 38.60

2 43.60

1 36.80

4 32.60

3 28.00

2 36.40

1 43.10

2805
D/C

296189
D/C

2741
D/C

2579
D/C

3111
D/C

3140
D/C

565214
D/C

9 22.50

8 20.32

7 34.14

6 28.77

5 38.10

8 39.54

7 46.23

6 33.22

5 28.20

4 14.10

3 20.90

2 29.20

1 45.10

22

23

24

25

26

27

28

29

30

31

32

33

34

35

36

540962
D/C

3797
D/C

3795
D/C

3201
D/C

5236
D/C

1696
D/C

5237
D/C

4512
D/C

4445
D/C

592353
D/C

408923
D/C

330511
D/C

401867
D/C

540961
D/C

814782
D/C

974873
D/C

571819
D/C

814781
D/C

974872
D/C

571818
D/C

814780
D/C

974871
D/C

571817
D/C

814779
D/C

592354
D/C

408924
D/C

330512
D/C

401868
D/C

540962
D/C

814783
D/C

974874
D/C

571820
D/C

814783
D/C

974875
D/C

571821
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814784
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974876
D/C

571822
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814785
D/C

592355
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408925
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330513
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401869
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540963
D/C

814784
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974876
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571823
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814785
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974877
D/C

571824
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814786
D/C

974878
D/C

571825
D/C

814787
D/C

592356
D/C

408926
D/C

330514
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401870
D/C

540964
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814785
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974878
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571826
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814787
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974879
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571827
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814788
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974880
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571828
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814789
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592357
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408927
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330515
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401871
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540965
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814786
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974880
D/C

571829
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814789
D/C

974881
D/C

571830
D/C

814790
D/C

974882
D/C

571831
D/C

814791
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592358
D/C

408928
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330516
D/C

401872
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540966
D/C

814787
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974882
D/C

571832
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814791
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974883
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571833
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814792
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974884
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571834
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814793
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592359
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408929
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330517
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401873
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540967
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814788
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974884
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571835
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814793
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974885
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571836
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814794
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974886
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571837
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814795
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592360
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408930
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330518
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401874
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540968
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814789
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974886
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571838
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974887
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571839
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814796
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974888
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571840
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814797
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592361
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330519
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814797
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571842
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814798
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814799
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592362
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330520
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401876
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540970
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814791
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974890
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571844
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814799
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974891
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571845
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814800
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974892
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571846
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814801
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592363
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571847
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814801
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814802
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814805
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330523
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401879
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540973
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814794
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571853
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814805
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974897
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571854
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814806
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974898
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571855
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814807
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592366
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408936
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330524
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401880
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540974
D/C

814795
D/C

974898
D/C

571856
D/C

814807
D/C

974899
D/C

571857
D/C

Contacts Data Entry Form

29-224 DISCLOSED

Owner Type _____ Full Name _____ Address _____ City _____ State _____ Zip _____ Phone _____

Current Owner City of McCammon

Name connector: and _____, or _____, and/or _____

Current Owner LARRY OREGON, City Supervisor

Current Owner _____

Representing Attorney: _____ Phone Number: _____

Accompanied By: _____ Phone Number: _____

Relationship to Claimant: _____

Date of Field Exam: _____ Time: _____

Directions to Property (if different from above) and/or update owner information:

DISCLOSED BY Union Grain & Elevator (1932)

FE 6/5/02 w/ C. BMO, IDWR AND STEVE HUBBARD WMD29.

Reviewer: _____

Date: _____

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JUL 13 2005

Priority Date Data Entry Form

Claim Number: _____

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: _____ Claimed Basis: _____

Recommended Priority Date: 6/17/902 Recommended Basis: Discussed☐ Use Claimed Priority Date and Basis as Recommended Priority Date and Basis

Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

Claims AS Discussed

Reviewer: _____

Date: _____

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JUL 13 2005

Point of Diversion and Source Data Entry Form

Claim Number: _____

Water Right Point of Diversion: T____, R____, Sec.____,____,____,____. County: _____

Source: _____ Tributary: _____

Claimed Point of Diversion: T____, R____, Sec.____,____,____,____. County: _____

Source: _____ Tributary: _____

Recommended Point of Diversion: T____, R____, Sec.____,____,____,____. County: _____

Source: _____ Tributary: _____

____ Use Claimed POD and Source as Recommended POD and Source

GPS TAG# A0Φ116Φ3

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source
9S	37E	3		SE NW SE	Bann	Crystal Spg. → W. Bobck

GPS Coordinates: _____

GPS Coordinates: _____

GPS Coordinates: _____

GPS Coordinates: _____

GPS Coordinates: _____

GPS Coordinates: _____

GPS Coordinates: _____

Other rights from this POD? _____

Document how the POD and Source were verified and/or Pump and Motor data:

Claim sources as Crystal Springs and West Bob
Smith Ck. Water is taken only from Crystal Spg.
Therefore only source recommended.

CΦ2

Also see 29-13224 (PIS of 200, 201, 202)

Remark

Command Div. Remark

Remark ✓

Transfers Changing POD _____

Reviewer: _____

SCANNED Date: _____

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JUL 13 2005

Place Of Use Data Entry Form

Claim Number: _____

_____ Use Claimed POU as Recommended POU

Claimed Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total Acres _____

Recommended Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total Acres _____

Document how the POU was verified:

POU is w/ City or McCannan only

Transfers Changing POU _____

Reviewer: _____

PROFILE

SCANNED

Date: _____

JUL 13 2005

Period of Use and Quantity Data Entry Form

Claim Number: _____

☐ Use Claimed Period of Use and Quantity as Recommended Period of Use and Quantity

Water Right Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Overall Diversion Rate _____ Overall Diversion Volume _____

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Overall Diversion Rate _____ Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
Municipal	01/01	12/31	0.50	
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

⇒ C10
About 1926+

Overall Diversion Rate _____ Overall Diversion Volume _____

Document how the Period of Use and/or Diversion Rate were verified:

Also, combines Q w/ 29-13224 ⇒ $E_Q = 1.20 cfs$

Reviewer: _____

SCANNED

Date: _____

JUL 13 2005

PROFILE



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 5, 2002

City of McCammon
Attn Larry Orgill
PO Box 9
McCammon ID 83250

Dear Mr. Orgill:

On May 29, Steve Hebdon, WD #29 Water Master, Cindy Bird and myself, both of IDWR, visited the City office for the purpose of conducting a field exam of the Crystal Springs installation. After being told you were unavailable and after speaking with the next individual in charge, we were referred to the flow meter up on the hill next to the city water tank. After monitoring the flow meter we have determined that the City of McCammon is pulling too much water, by 186 (+/-) gpm, from the source of Crystal Springs as further explained below.

The flow meter was observed for one complete revolution of the 1000gal dial, taking 83 seconds. Therefore, $1000\text{gal}/83\text{sec. (1.38 min)} = 723 \pm \text{gpm (1.61 cfs)}$.

The City filed claims for the waters of Crystal Springs and other springs in the Snake River Basin Adjudication (SRBA) identified as, 29-00224, 29-13224, and 29-07390. In addition, there are claims for wells within the city, which are not discussed herein. Each of the referenced (springs) claims is hereafter discussed.

29-00224 was decreed to the Village of McCammon, for domestic, culinary, irrigation, fire and other purposes, by the 1932 (final amendment) Union Grain and Elevator vs. McCammon Canal Company, et al Decree. This water right is for 0.50 cfs with a priority date of 17 June 1902.

29-13224 is a composite claim of decreed water rights 29-00200, 29-00201, and 29-00202. These referenced water rights all have a priority date of 1 July 1892. All rights were decreed for conveyance by the Cutler Ditch and subsequently conveyed to the Village of McCammon by various deeds (circa 1926 and 1947).

29-07390 is a License for 0.04 cfs, having a priority date of 3 May 1977 to the City of McCammon for domestic purposes. The source of this License is springs with a point of diversion in NENW Section 10, T9S, R37E. However, during our February 23, 2002 telephone conversation you informed me that this water right was no longer used due to an order by the Department of Environmental Quality to stop its use for municipal purposes. Further, the spring had been disconnected

DISALLOWED

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JUL 13 2005

from the system and now discharges to West Bob Smith Creek. Therefore, the City should withdraw this claim, or a disallowed recommendation can be presented to the SRBA court, whichever you prefer. Please advise.

Both 29-00224 and 29-13224 will receive favorable recommendations before the SRBA court, with remarks and conditions concerning use. However, the flow meter readings of 29 May are discussed below.

As stated above; 29-00224 is for 0.50 cfs, having a priority of 1902, while 29-13224 is a composite right for 0.70 cfs, having priority of 1892.

29-00200, @ 0.22 cfs
29-00201, @ 0.17 cfs
29-00202, @ 0.31 cfs
Total 0.70 cfs

By combining 29-00224 and 29-13224 a total of 1.20 cfs can be diverted for municipal (and other) uses from Crystal Springs. However, 1.61 cfs was observed on 29 May meaning that 0.41 cfs (186 +/- gpm) more water is being diverted than your rights allow. Therefore, you are required to reduce flow from Crystal Springs to 1.20 cfs immediately. Mr. Hebdon, WD #29 Water Master, will monitor the flow meter of the Crystal Springs system and the City of McCammon will be subject to priority cuts of these decreed rights the same as any other decreed surface water right. In addition, Mr. Hebdon will contact you to set an appointment to visit the Crystal Springs collection system at its source.

Other users on West Bob Smith Creek have made inquiries regarding the delivery and curtailment of Crystal Springs waters. However, the City of McCammon has the senior rights to Crystal Springs and the West Bob Smith Creek system. But, again, the City is only allowed to divert 1.20 cfs from these senior rights.

Thank you for your prompt attention to this important matter. You will note I am also forwarding a copy of this letter to Mr. Hebdon. He should be contacting you for an appointment. Should you have questions or concerns regarding this matter please address them first to Mr. Hebdon.

Respectfully submitted,

Allen B. Ruberry
Sr. Water Resource Agent
Adjudication Bureau

Cc; file

Steve Hebdon, WD #29 Water Master (under separate cover)

PROFILE

SCANNED
JUL 13 2005

City of McCammon
1000 gal.

5/29/02

1 min. 23 sec.

1000 gal

1.38 min = 724.6 gpm

Flow meter 725 gpm

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SEP 03 2002

Department of Water Resources
Eastern Region

SCANNED

JUL 13 2005

JUN 08 2001

29-00224

REFERENCE POD/SOURCES OF CLAIM AS

POD: T9S, R37E SEC. 3 SEWSW

SOURCES: Crystal Springs
West Bob Smith Cr.

As Decided
SEE EXCEPT

QQ BB-42 SHOWS Crystal Springs TO BE LOCATED
AT SE N W S E WHICH ALSO APPEARS TO BE THE ROAD
OF W. Bob Smith Cr. SEE ATTACHED MAP QQ BB-42.

Questions:

1. IS THIS CLAIM STILL USED ^{only}
2. IS THE SOURCE Crystal Spgs, W. Bob Smith Cr ON BOTH
IF BOTH. HOW DOES DECISION READ - DOES IT ADDRESS BOTH?
3. IF NOT ADDRESSED AS BOTH SOURCES BY DECISION BUT BOTH ARE
USED - ANOTHER CLAIM FOR THE NON-DECIDED SOURCE IS
THEN NEEDED w/ PROOF OF PRIORITY.

* (4.) PERIOD OF USE DECIDED AS 4/15 TO 9/15 = ? Year Round C10?

Recommendations: Remarks/Conditions = Nil, 503, C18, C03

1.) POD: AS T9S R37E SEC. 3 SE N W S E C03

SOURCES: Crystal Springs AND West Bob Smith Cr
↳ TRIB. WBSCH ↳ TRIB. Port Neuf Riv.

2.) Priority ON as 1902

3.) Q AS DECIDED @ P. SOCS (AS CLAIMED)

SEE CC WR 29-00224 attch.

NAME OF CLAIMANT and
DATE OF PRIORITY

AMOUNT IN
SECOND FEET

POINT OF DIVERSION AND
PLACE OF USE

acres of land in the Southeast quarter of
the Northwest quarter, Section 15, Town-
ship 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
Smith Creek, or Crystal Springs, in the Southwest quarter of the Southwest quar-
ter, Section 3, Township 9 South, Range 37 East. From the Southwest corner of Sec-
tion 3, the point of diversion bears North 9 degrees and 5 minutes East, 810 feet.

NAME OF CLAIMANT and
DATE OF PRIORITY

AMOUNT IN
SECOND FEET

POINT OF DIVERSION AND
PLACE OF USE

160. Village of McCammon
1902-June 17
(Noon)

.50 c. f. s.
(25 inches)

To be used in the Village of McCammon,
a municipality, for domestic, culinary, irri-
gation, fire and other purposes. This water
is carried to the Village of McCammon
through a pipe line to a reservoir located
on the hills to the North of said Village,
from which it is piped to a standpipe (or
tank) in the said municipality.

JOE WILLEY CREEK, TRIBUTARY TO TWENTY-FOUR MILE CREEK

CALL DITCH NO. 21, diverts from Joe Willey Creek in the Southeast quarter
of the Northeast quarter, Section 27, Township 6 South, Range 39 East. From the
East quarter corner of Section 27, the point of diversion bears North 53 degrees and
25 minutes West, 952 feet.

CALL DITCH NO. 2, diverts from Joe Willey Creek in the Southwest quarter
of the Southwest quarter, Section 27, Township 6 South, Range 39 East. From the
Southwest corner of Section 27, the point of diversion bears North 61 degrees and
15 minutes East, 1210 feet.

NAME OF CLAIMANT and
DATE OF PRIORITY

AMOUNT IN
SECOND FEET

POINT OF DIVERSION AND
PLACE OF USE

161. Call, Osmond
1883-May 1

.75 c. f. s.
(37.5 inches)

Said water to be diverted through the said
Call Ditch No. 1 and Call Ditch No. 2, last
above described, for the irrigation of 75
acres of land in the West half of the South-
east quarter, and the Southeast quarter of
the Southwest quarter, Section 27, Town-
ship 6 South, Range 39 East.

RECEIVED

MAY 15 1996

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

WATER RIGHT NO. 29-224

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	VILLAGE OF MC CAMMON

Priority Date:	06/17/1902
Basis:	Decreed
Status:	Active

<u>Source</u>	<u>Tributary to</u>
CRYSTAL SPRINGS	WEST BOB SMITH CREEK
WEST BOB SMITH CREEK	PORTNEUF RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
MUNICIPAL	4/15	9/15	0.5 CFS		
Total Diversion			0.5 CFS		

Location of Point(s) of Diversion:

CRYSTAL SPRINGS	SWSW	Sec. 03	Township 09S	Range 37E	BANNOCK County
WEST BOB SMITH CREEK	SWSW	Sec. 03	Township 09S	Range 37E	BANNOCK County

Place(s) of use: No POUs found for this right

Remarks:

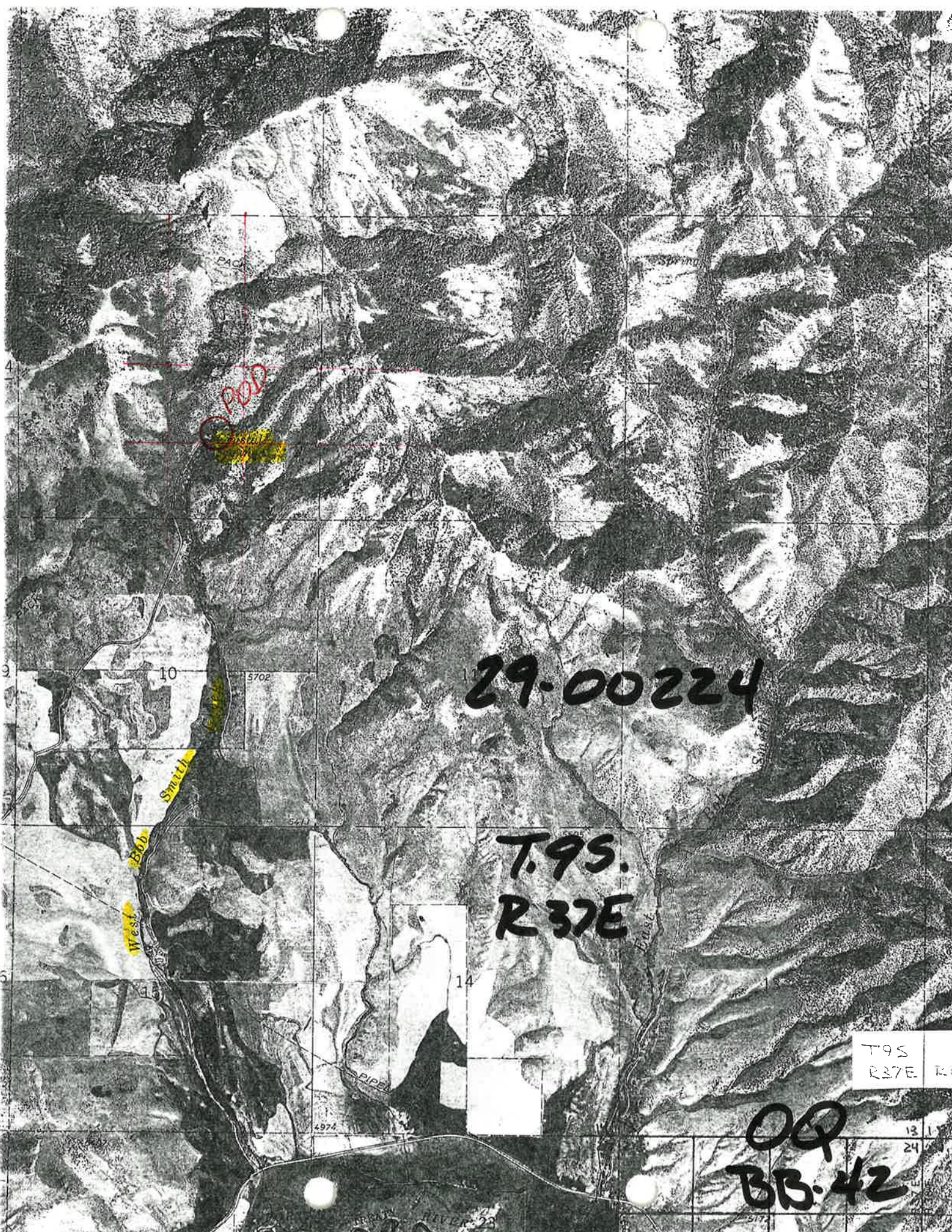
1. General P/U IS VILLAGE OF MC CAMMON.

Dates:

Licensed Date:
 Decreed Date: 08/06/1932
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Application Received Date:
 Protest Deadline Date:
 Number of Protests: 0

Other Information:

Receipt Number(s):
 State or Federal:
 Owner Name Connector:
 Water District Number: 29
 Generic Max Rate per Acre:
 Generic Max Volume per Acre:
 Civil Case Number:
 Old Case Number:
 Decree Plaintiff:
 Decree Defendant:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Cary Act Number:
 Mitigation Plan: False



POB

29-00224

T.9S.
R.37E

West

Bob

Smith

T9S	R37E	R.
-----	------	----

BB-42

13	1
24	



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 18, 1990

Mayor Martell Gunter
City of Mc Cammon
P.O. Box 9
Mc Cammon, Idaho 83250

RECEIVED
JUN 5 1990
Department of Water Resources
Eastern District Office

RE: City of Mc Cammon Water Rights

Dear Mayor Gunter:

The Idaho Department of Water Resources (IDWR) is returning the City's Notice of Claim to a Water Right because of insufficient information and/or fees. The City's check no. 2761 in the amount of \$25.00 is also enclosed. All items on the forms must be completed and fees submitted before the IDWR can process the notice.

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

Research of our records indicates there are several water rights held by the City. A Notice of Claim in the Snake River Basin Adjudication (SRBA) should be filed for each of these rights that are still in use. The water rights that I have found in the City's name are: 29-00224, 29-07370, 29-07390 and 29-07834.

As a convenience to you I have enclosed typed copies of notices that cover these water rights. Please review each notice and when you are satisfied they cover the City's water uses, sign them in front of a Notary Public and return them to this office.

Permit 29-07834 is a recent filing for additional water. You do not need to submit a Notice of Claim for this use since "Proof of Beneficial Use" was filed after November, 1987.

You indicate on your notice that the City holds a July 1, 1892 water right from Crystal Springs. I could not find such a right in the City's name, but have found three rights with this priority listed under individuals names. I have enclosed copies of these rights for your information. If the City has obtained use of these rights, you need to prepare a notice for this use. Please base your notice on these rights and indicate which of them you are claiming. I have enclosed another notice that you may use for this purpose.

MICROFILMED

NOV 13 1992

City of Mc Cammon, Page 2 of 2

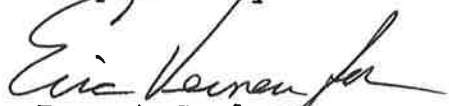
Filing fees for municipal water rights are \$50.00 per claim plus a variable fee of \$100.00/CFS claimed in item #6. In this case the filing fee is:

Three notices at \$50.00 each	=	\$150.00
Total of 0.9 CFS at \$100.00/CFS	=	\$90.00
TOTAL	=	<u>\$240.00</u>

If you submit an additional notice for the 1892 water, add \$50.00 plus the variable fee to the total due.

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

Respectfully submitted,



Ernest Carlsen
Adjudication Supervisor

Enclosure

MICROFILMED
NOV 13 1992

NO LATE FEE IF RECEIVED
SCANNED

BY 6-18-90 EN

JUN 08 2001

\$100.00

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

RECEIVED

JUN 5 1990

Ident. Number: A29-00224
 Date Received: 5/01/1990
 Receipt No: E014755/90
 Received By: EN

Department of Water Resources
 Eastern District Office

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

1. Name: CITY OF MC CAMMON
 Address: P.O. BOX 9
 MC CAMMON, ID 83250 208-254-3200
2. Date of Priority: JUN 17, 1902
3. Source: WEST BOB SMITH CREEK
 CRYSTAL SPRINGS Trib. to: PORTNEUF RIVER
 WEST BOB SMITH CREEK



4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
09S	37E	3	SW	SW			BANNOCK

5. Description of diverting works:
 SPRING HOUSE TO PIPELINE. CITY DISTRIBUTION.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
MUNICIPAL	04/15	09/15	0.500		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
 MUNICIPLE USE WITHIN THE CITY LIMITS OF MC CAMMON

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09S	37E	12				MUNI	
		13				MUNI	

A29-00224

Page 1

Date: 05/18/90

MICROFILMED

NOV 13 1992

11. Place of use in counties: BANNOCK

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:
29-07370, 07390, 07834

14. Remarks:
P/U IS VILLAGE OF MC CAMMON.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

UNION GRAIN & ELEVATOR CO.
Decree Plaintiff

vs

MC CAMMON 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: 0

For Organizations:

I do solemnly swear or affirm that I am Mayor of

City of Mc Cammon, that I have signed the foregoing
Organization

document in the space below as Mayor of

City of Mc Cammon and that the statements contained in the
Organization

foregoing document are true and correct.

Martell V. Gentes
Signature of Authorized Agent

Mayor of Mc Cammon
Title and Organization

June 4, 1990
Date

State of Idaho)
County of Bannock) SS.

Subscribed and sworn (or affirmed) before me this 4 day

of June 19 90

Belva Alsen
Notary Public

Seal

Residing at McCammon

My Commission Expires 10-95

WARRANTY DEED.

THIS INDENTURE made this 9th day of December in the year of our Lord one thousand nine hundred and twenty-six, between John T. Gittins and Olena Gittins, husband and wife, and Arden A. Christiansen and Hazel Christiansen, husband and wife, all of McCammon, County of Bannock, State of Idaho, the parties of the first part, and Village of McCammon, Idaho, a municipal corporation, party of the second part:

WITNESSETH, That the parties of the first part, for and in consideration of the sum of Two thousand nine hundred twenty-five Dollars (\$2,925.00), cash, lawful money of the United States of America, to them in hand paid by the party of the second part, receipt whereof is hereby acknowledged, have granted, bargained and sold and by these presents do grant, bargain, sell, convey and confirm unto the said party of the second part and to its successors and assigns forever, all of the following described property situated in the County of Bannock, State of Idaho, to-wit:

Thirty-nine hundredths ($39/100$) cubic feet per second of time ($19\frac{1}{2}$ miner's inches) of the waters of Crystal springs (the same being the head waters of west Bob Smith Creek in Bannock County, Idaho) with a priority of July 1st. 1892, which said waters have heretofore been used for the irrigation of eleven (11) acres of land in Lot four (4) and the Northwest Quarter of the Northeast Quarter ($NW\frac{1}{4}NE\frac{1}{4}$) of Section twenty (20) Township nine (9) South Range thirty-seven (37), East Boise Meridian, and eight and six-tenths ($8\frac{6}{10}$) acres of land in the Southwest Quarter of the Southeast Quarter ($SW\frac{1}{4}SE\frac{1}{4}$) of Section seventeen (17), Township nine (9), South Range thirty-seven (37) East Boise Meridian, and which water has heretofore been diverted from said springs through the Cutler ditch and which water and water rights hereby conveyed are described as right No. 146 and No. 147 of that certain decree entered in the District Court of the Fifth Judicial District of the State of Idaho ,

in and for Bannock County, where the Union Grain & Elevator Company, a corporation, was plaintiff, and McCammon Ditch Company, a corporation, et al., were defendants, dated June 29th. 1921, and filed and entered July 1st. 1921, and also all accretions and additions to said waters or water rights which may hereafter accrue by reason of subsequent litigation and development work in said Crystal Springs or otherwise.

Together with all and singular the appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all estate, right, title and interest in and to said property, as well in law as in equity of the parties of the first part,

TO HAVE AND TO HOLD, All and singular the above mentioned and described premises together with the appurtenances and accretions unto the said party of the second part and to its successors and assigns forever. And the said parties of the first part, and their heirs and assigns, the said premises in the quiet and peaceable possession of the said party of the second part, its successors and assigns, against the said parties of the first part, and their heirs and assigns, and against all and every person and persons whomsoever lawfully claiming or to claim the same, shall and will WARRANT and by these presents forever defend.

It is understood between the parties that the party of the second part intends to divert said waters hereby conveyed into its pipe line at Crystal Springs.

And the said parties of the first part hereby covenant and agree that they are the lawful owners of said water rights, and the whole thereof, and are possessed of the absolute right to convey the same and that the change of the place of use

of said water will not interfere with nor affect the rights of any person whatsoever; that there is no right to the waters of Crystal Springs prior in point of time to the rights hereby conveyed.

Said parties further agree jointly and severally that they will forever warrant and defend the title to and right to use the waters aforesaid, and the right to divert said waters to the uses of this grantee and if said rights or any of them are attacked in Court they will, upon request of said grantee, pay any reasonable expense of such litigation and, if any Court decision should be such as to diminish the value of the rights hereby conveyed, will pay such damages sustained.

Said grantors further agree that they will, at their own expense, attend to the concluding of any litigation now pending and affecting the right to the use of the aforesaid waters and they hereby jointly and severally guarantee the successful conduct and conclusion of said actions, both State and Federal, to the end that the right hereby conveyed shall not be diminished either in priority, amount, or relative right to the use of the waters of said Crystal Springs.

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hands and seals the day and year first above written.

John T. Gittins
Glena Gittins
Edna Q. Christiansen
Agel Christiansen

Signed, sealed and delivered in the presence of:

A. H. Merrill

On this 9th. day of December, 1926, before me
Theo J. Turner, a Notary Public in and for said
County and State, personally appeared John T. Gittins,
Olena Gittins, Arden^{A.} Christiansen and Hazel Christiansen,
known to me to be the persons whose names are subscribed
to the within instrument, and acknowledged to me that they
executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and
affixed my official seal, the day and year in this certificate
first above written.

Theo J. Turner
Notary Public
Residence: Pocatello, Idaho

(SEAL)

QUITCLAIM DEED

THIS INDENTURE, Made the 15th day of February, in the year of our Lord One Thousand Nine Hundred and Forty-seven, between ARDEN A. CHRISTIANSEN and HAZEL ELIZABETH CHRISTIANSEN, husband and wife, of Pocatello, County of Bannock, State of Idaho, the parties of the first part, and the VILLAGE OF McCAMMON, IDAHO, a municipal corporation organized under the laws of Idaho and within the boundaries of Bannock County, Idaho, the party of the second part,

WITNESSETH: That the said parties of the first part, for and in consideration of the sum of One Dollar, lawful money of the United States of America, to them in hand paid by the said party of the second part, and other valuable consideration, the receipt of which is hereby acknowledged, do by these presents demise, release and forever Quitclaim unto the said party of the second part, and to its successors and assigns forever, the following described real property located in Bannock County, Idaho, to wit:

Thirty-one hundredths of a cubic foot of water per second of time (.31 c.f.s.), otherwise described as 15 $\frac{1}{2}$ Miner's inches of the waters of Crystal Springs, the same being headwaters of West Bob Smith Creek in Bannock County, Idaho, with a priority of July 1, 1892, which said waters have heretofore been used through the Cutler Ditch for irrigation of 15.5 acres of land in Lot 3 and the North Half of the Northwest Quarter of Section 20, Township 9 South Range 37 East of the Boise Meridian, and at various times upon other lands, and which water right hereby conveyed is otherwise described as all of that certain adjudicated right listed in that decree of the District Court of the Fifth Judicial District of the State of Idaho in and for Bannock County, wherein Union Grain & Elevator Company, a corporation, was plaintiff, and McCammon Ditch Company, et al, were defendants, dated June 29, 1921, and filed and entered in the records of Bannock County, Idaho, July 1, 1921, and thereafter again signed and filed for record on the 6th day of August, 1932, and recorded in Book 11 of Judgments at page 202 of the Records of Bannock County, as right No. 148 decreed to J. G. Lewis, with a priority of July 1, 1892, in the amount of .31 c.f.s. with point of diversion and place of use recited as follows: "said water to be diverted through said Cutler Ditch last above described for the irrigation of 15.5 acres of land in Lot 3 and the North Half of the Northwest Quarter of Section 20, Township 9 South, Range 37 East Boise Meridian."

TO HAVE AND TO HOLD all and singular the said premises,
together with the appurtenances unto said party of the second part,
and to its successors and assigns forever.

IN WITNESS WHEREOF, The said parties of the first part have
hereunto set their hands and seals the day and year first above
written.

Arden A. Christiansen
Hazel Elizabeth Christiansen

STATE OF IDAHO)
 : ss.
COUNTY OF BANNOCK)

On this 15th day of Feb., in the year 1947,
before me, the undersigned, a Notary Public in and for said
State, personally appeared ARDEN A. CHRISTIANSEN and
HAZEL ELIZABETH CHRISTIANSEN, husband and wife, known to me to
be the persons whose names are subscribed to the within instru-
ment, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed
my official seal, the day and year in this certificate first
above written.

D. J. Merrill
NOTARY PUBLIC
Residing at: Pocatello, Idaho

(SEAL)

This deed is given to perfect title, and no revenue stamps required.

B O N D

KNOW ALL MEN BY THESE PRESENTS:

That the undersigned, John F. Gittins and Olena Gittins, husband and wife, and Arden A. Christiansen and Hazel Christiansen, husband and wife, as principals, and United States Fidelity and Guaranty Company, as sureties, are held and firmly bound to the Village of McCammon, Idaho, in the sum of One Thousand Dollars (\$1,000.00), lawful money of the United States of America, to be paid to the said Village of McCammon, Idaho, for which payment well and truly to be made, we bind ourselves, our and each of our heirs, executors, administrators, successors and assigns, jointly and severally by these presents.

Sealed with our seals and dated this 18th day of December, 1926.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That whereas, the above named principal, as grantors, did on the 9th. day of December, 1926, make, execute and deliver to the Village of McCammon, Idaho, for the consideration therein expressed a certain warranty deed whereby and by the terms whereof there was conveyed to the said Village of McCammon, Idaho, a municipal corporation, certain water and water rights in said deed particularly described, and the title and right to convey said waters was warranted in said deed, and it was agreed on the part of said grantors that the grantors would defend the title and the right to the use of the waters described in said deed and the right to divert the waters to the uses of the grantee therein recited and that if said rights, or any of them, were attacked in Court that the said grantors

✱

would, upon request of the grantee therein mentioned, pay any reasonable expenses of litigation and if any Court decision should be such as to diminish the value of the rights conveyed that said grantors would pay such damages sustained, and further, said grantors agreed to attend to the concluding of any litigation now pending and affecting the right to the use of the waters described in said deed and warranted a successful conclusion of said actions to the end that the right conveyed by said deed should not be diminished either in priority, amount or relative right to the use of the waters referred to, a copy of which said deed is hereto attached and made part of this bond as fully as if set forth at length.

NOW THEREFORE, if the above named principals, as grantors in said deed, shall faithfully perform all of the obligations required of them in said warranty deed and shall, at all times, save the Village of McCammon, Idaho, harmless from any breach of any covenant therein contained, then this obligation shall be void; otherwise to remain in full force, effect and virtue.

John T. Gittins
Oleera Gittins
John P. Christiansen
Hazel Christiansen
Principals

UNITED STATES FIDELITY AND
GUARANTY COMPANY, a corporation

BY [Signature]
Its attorney in fact.

Countersigned

[Signature]
[Signature]

WARRANTY DEED.

THIS INDENTURE made this 9th day of December in the year of our Lord one thousand nine hundred and twenty-six, between John T. Gittins and Olena Gittins, husband and wife, and Arden A. Christiansen and Hazel Christiansen, husband and wife, all of McCammon, County of Bannock, State of Idaho, the parties of the first part, and Village of McCammon, Idaho, a municipal corporation, party of the second part:

WITNESSETH, That the parties of the first part, for and in consideration of the sum of Two thousand nine hundred twenty-five Dollars (\$2,925.00), cash, lawful money of the United States of America, to them in hand paid by the party of the second part, receipt whereof is hereby acknowledged, have granted, bargained and sold and by these presents do grant, bargain, sell, convey and confirm unto the said party of the second part and to its successors and assigns forever, all of the following described property situated in the County of Bannock, State of Idaho, to-wit:

Thirty-nine hundredths ($39/100$) cubic feet per second of time ($19\frac{1}{2}$ miner's inches) of the waters of Crystal springs (the same being the head waters of west Bob Smith Creek in Bannock County, Idaho) with a priority of July 1st. 1892, which said waters have heretofore been used for the irrigation of eleven (11) acres of land in Lot four (4) and the Northwest Quarter of the Northeast Quarter ($NW\frac{1}{4}NE\frac{1}{4}$) of Section twenty (20) Township nine (9) South Range thirty-seven (37), East Boise Meridian, and eight and six-tenths ($8\frac{6}{10}$) acres of land in the Southwest Quarter of the Southeast Quarter ($SW\frac{1}{4}SE\frac{1}{4}$) of Section seventeen (17), Township nine (9), South Range thirty-seven (37) East Boise Meridian, and which water has heretofore been diverted from said springs through the Cutler ditch and which water and water rights hereby conveyed are described as right No. 146 and No. 147 of that certain decree entered in the District Court of the Fifth Judicial District of the State of Idaho,

in and for Bannock County, where the Union Grain & Elevator Company, a corporation, was plaintiff, and McCammon Ditch Company, a corporation, et al., were defendants, dated June 29th. 1921 and filed and entered July 1st. 1921, and also all accretions and additions to said waters or water rights which may hereafter accrue by reason of subsequent litigation and development work in said Crystal Springs or otherwise.

Together with all and singular the appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all estate, right, title and interest in and to said property, as well in law as in equity of the parties of the first part,

TO HAVE AND TO HOLD, All and singular the above mentioned and described premises together with the appurtenances and accretions unto the said party of the second part and to its successors and assigns forever. And the said parties of the first part, and their heirs and assigns, the said premises in the quiet and peaceable possession of the said party of the second part, its successors and assigns, against the said parties of the first part, and their heirs and assigns, and against all and every person and persons whomsoever lawfully claiming or to claim the same, shall and will WARRANT and by these presents forever defend.

It is understood between the parties that the party of the second part intends to divert said waters hereby conveyed into its pipe line at Crystal Springs.

And the said parties of the first part hereby covenant and agree that they are the lawful owners of said water rights, and the whole thereof, and are possessed of the absolute right to convey the same and that the change of the place of use

STATE OF IDAHO)
COUNTY OF BANNOCK) SS

On this 9th. day of December, 1926, before me
Theo J. Turner, a Notary Public in and for said
County and State, personally appeared John T. Gittins,
Olona Gittins, Arden^A Christiansen and Hazel Christiansen,
known to me to be the persons whose names are subscribed
to the within instrument, and acknowledged to me that they
executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and
affixed my official seal, the day and year in this certificate
first above written.

Theo J. Turner
Notary Public
Residence: Pocatello, Idaho

(SEAL)

WARRANTY DEED

THIS INDENTURE, Made this 14 day of March, in the year of our Lord One Thousand Nine Hundred and Forty-seven, between DAVID T. JOHNSON and SYLVIA R. JOHNSON, husband and wife, of McCammon, County of Bannock, State of Idaho, parties of the first part, and the VILLAGE OF McCAMMON, IDAHO, a municipal corporation organized under the laws of Idaho and within the boundaries of Bannock County, Idaho, party of the second part, WITNESSETH:

That the said parties of the first part, for and in consideration of the sum of Two Thousand and no/100 DOLLARS (\$2,000.00) cash, lawful money of the United States of America, to them in hand paid by the party of the second part, the receipt whereof is hereby acknowledged, do by these presents, grant, bargain, sell and convey and confirm unto the said party of the second part, and to its successors and assigns forever, the following described real property located in Bannock County, Idaho, to wit:

Thirty-one hundredths of a cubic foot of water per second of time (.31 c.f.s.), otherwise described as 15½ Miner's inches of the waters of Crystal Springs, the same being headwaters of West Bob Smith Creek in Bannock County, Idaho, with a priority of July 1, 1892, which said waters have heretofore been used through the Cutler Ditch for irrigation of 15.5 acres of land in Lot 3 and the North Half of the Northwest Quarter of Section 20, Township 9 South Range 37 East of the Boise Meridian, and at various times upon other lands, and which water right hereby conveyed is otherwise described as all of that certain adjudicated right listed in that decree of the District Court of the Fifth Judicial District of the State of Idaho in and for Bannock County, wherein Union Grain & Elevator Company, a corporation, was plaintiff, and McCammon Ditch Company, et al, were defendants, dated June 29, 1921, and filed and entered in the records of Bannock County, Idaho, July 1, 1921, and thereafter again signed and filed for record on the 6th day of August, 1932, and recorded in Book 11 of Judgments at page 202 of the Records of Bannock County, as right No. 148 decreed to J. G. Lewis, with a priority of July 1, 1892, in the amount of .31 c.f.s. with point of diversion and place of use recited as follows: "said water to be diverted through said Cutler Ditch last above described for the irrigation of 15.5 acres of land in Lot 3 and the North Half of the Northwest Quarter of Section 20, Township 9 South, Range 37 East Boise Meridian."

TO HAVE AND TO HOLD All and singular, the property hereby conveyed unto the said party of the second part and to its successor and assigns forever.

It is the intention of the undersigned to hereby convey to the grantee all of said water right together with all accretions or additions thereto that may have been acquired since the rendition of said decree.

It is understood between the parties hereto that the party of the second part intends to divert certain waters hereby conveyed into its pipe-line for municipal uses.

The said parties of the first part hereby covenant and agree that they are the lawful owners of said water right and the whole thereof and the same is free from any lien or encumbrance and they are possessed of the absolute right to convey the same and that the change in the place of use of said waters will not interfere with nor affect the rights of any other person whomsoever and there is no right to the waters of Crystal Springs prior in point of time to the right hereby conveyed.

The parties of the first part, their heirs and assigns, warrant the said property hereby conveyed in the quiet and peaceable possession of the party of the second part, and its successors and assigns, and agree that they will forever defend the title to and the right to use said waters by the party of the second part against any claim of any person whomsoever, lawfully claiming, or to claim, said waters or any part thereof.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals as of the day and year first above written.

David T. Johnson
Sylvia R. Johnson



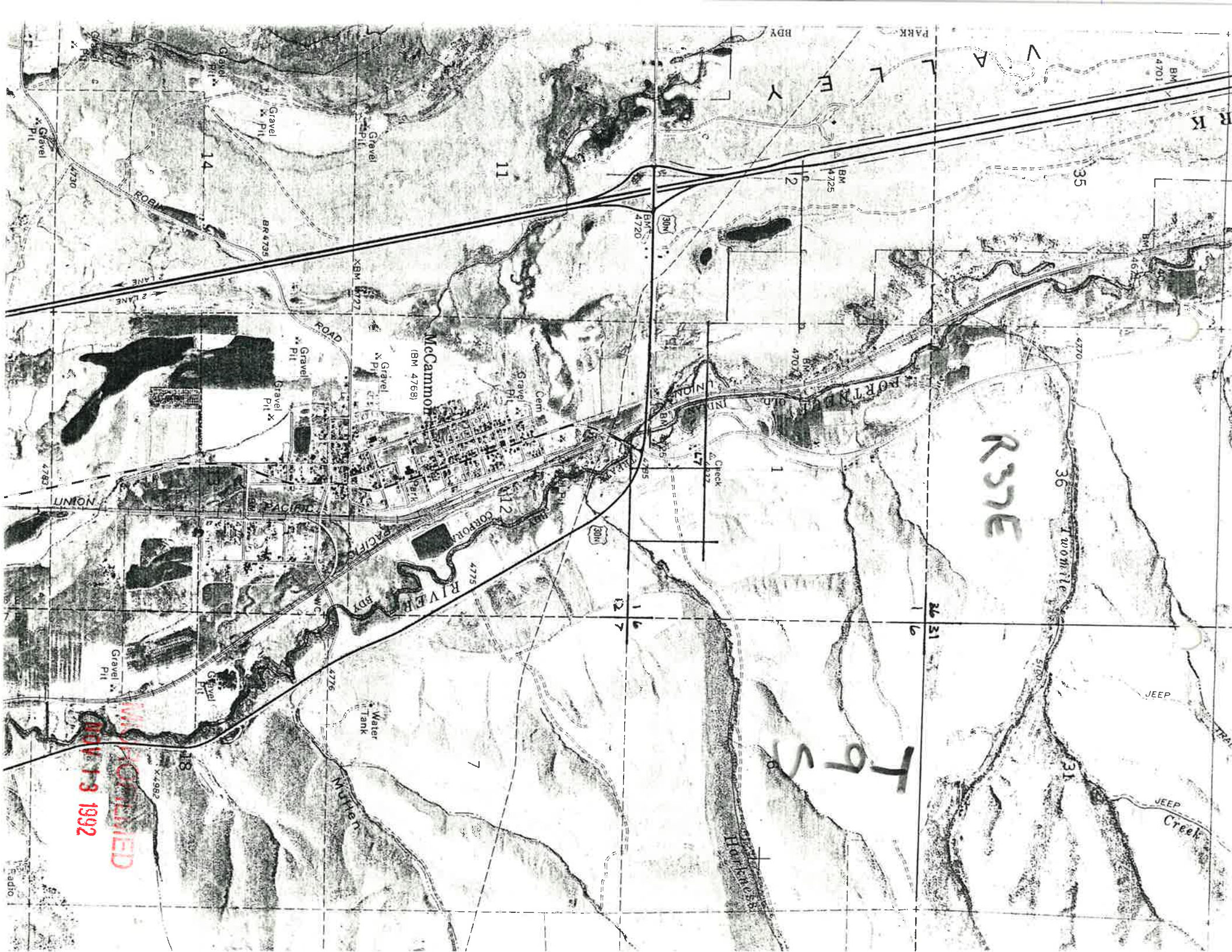
STATE OF IDAHO)
 : ss.
COUNTY OF BANNOCK)

On this 14th day of March, 1947, before me, the undersigned, Notary Public for said State, personally appeared DAVID T. JOHNSON and SYLVIA R. JOHNSON, husband and wife, known to me to be the persons whose names are subscribed to the foregoing instrument, and they duly acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.


NOTARY PUBLIC
Residing at: McLennan Idaho
MY COMMISSION EXPIRES
MARCH 16 1949

(SEAL)



UNCLASSIFIED
DATE 13 1992