

04/23/2003

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

RIGHT NUMBER: 29-294D

NAME AND ADDRESS: NORRIS KENT MURDOCK
2483 N INKOM RD
INKOM ID 83245

LINDA CHARMAIN MURDOCK
2483 N INKOM RD
INKOM ID 83245

SOURCE: RAPID CREEK

TRIBUTARY: PORTNEUF RIVER

QUANTITY: 0.100 CFS

USE OF THIS RIGHT WITH RIGHT NO. 29-13385 IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 0.15 CFS.

PRIORITY DATE: 06/01/1885

POINT OF DIVERSION:

T07S R36E S22 NENENE Within BANNOCK County Source: RAPID CREEK

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.100 CFS

PLACE OF USE: IRRIGATION Within BANNOCK County

T07S R36E S22	SENE	1.2	T07S R36E S22	NESE	3.8
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5 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 29-13385 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 5.0 ACRES IN A SINGLE
IRRIGATION SEASON.

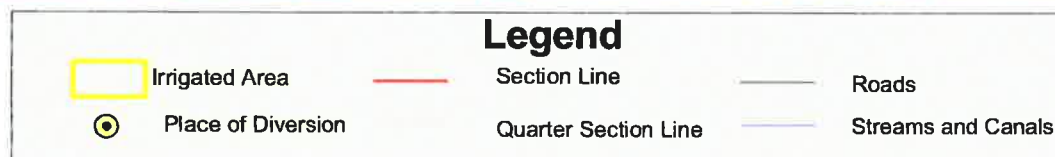
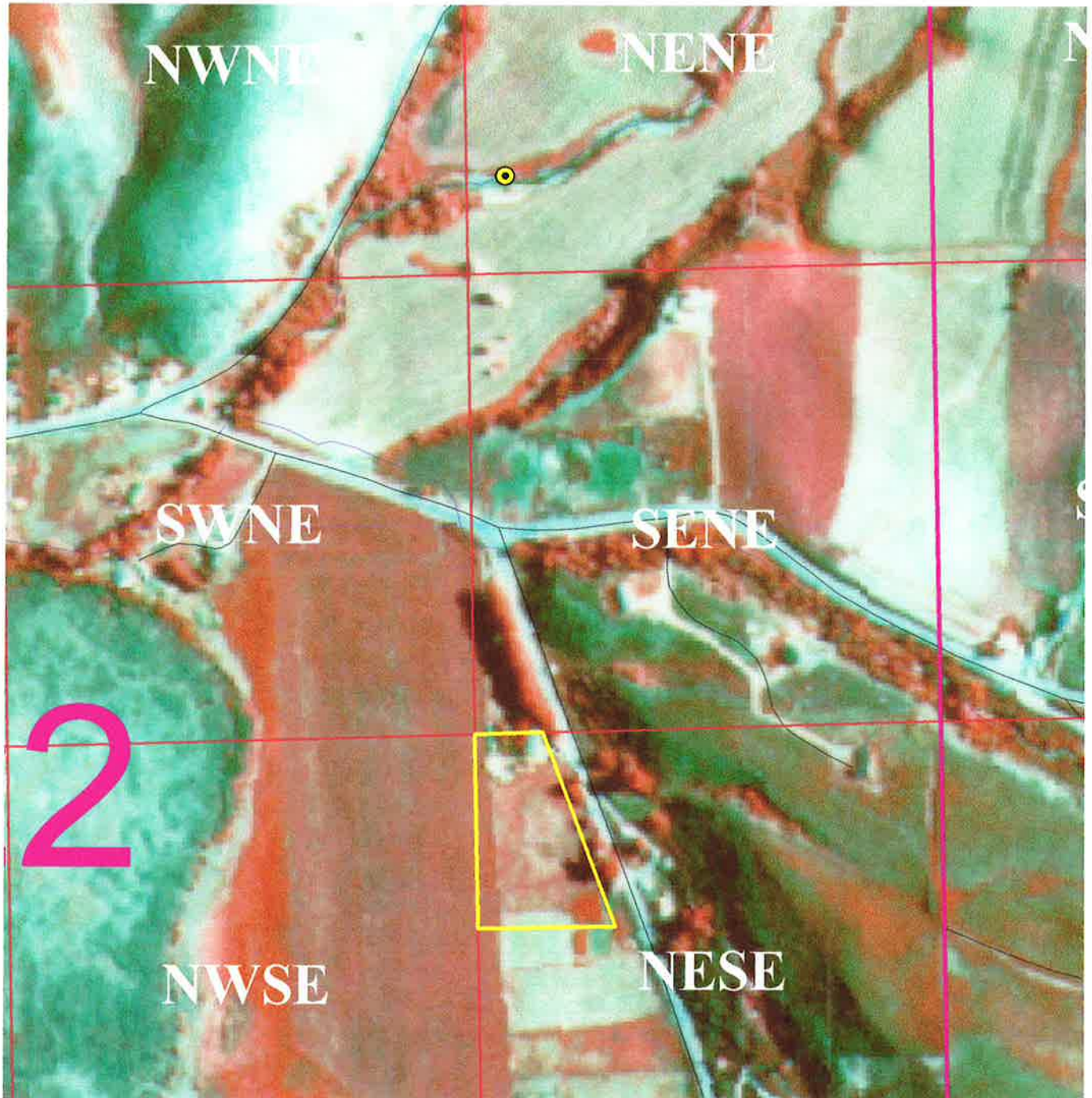
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for
the definition of the rights or for the efficient administration of the water
rights as may be ultimately determined by the Court at a point in time no
later than the entry of a final unified decree. Section 42-1412(6), Idaho
Code.

EXPLANATORY MATERIAL: Decreed

Water Right Claim Number A29-00294E
Township , 7S36E

08/24/2000

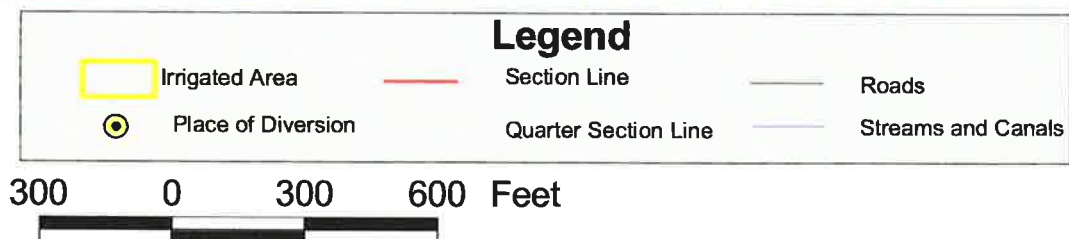
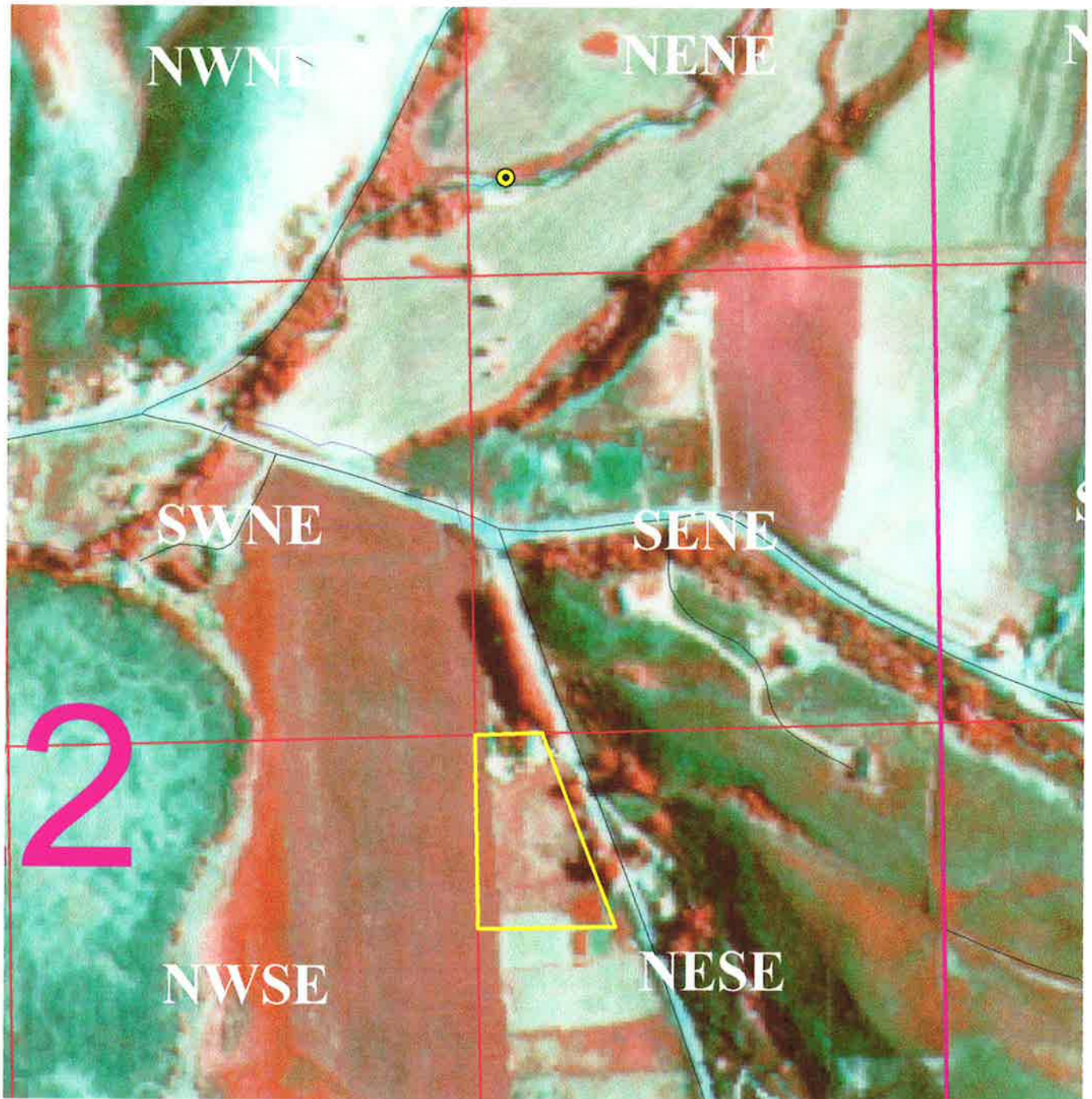


300 0 300 600 Feet



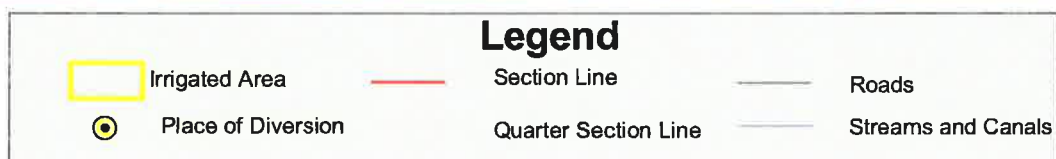
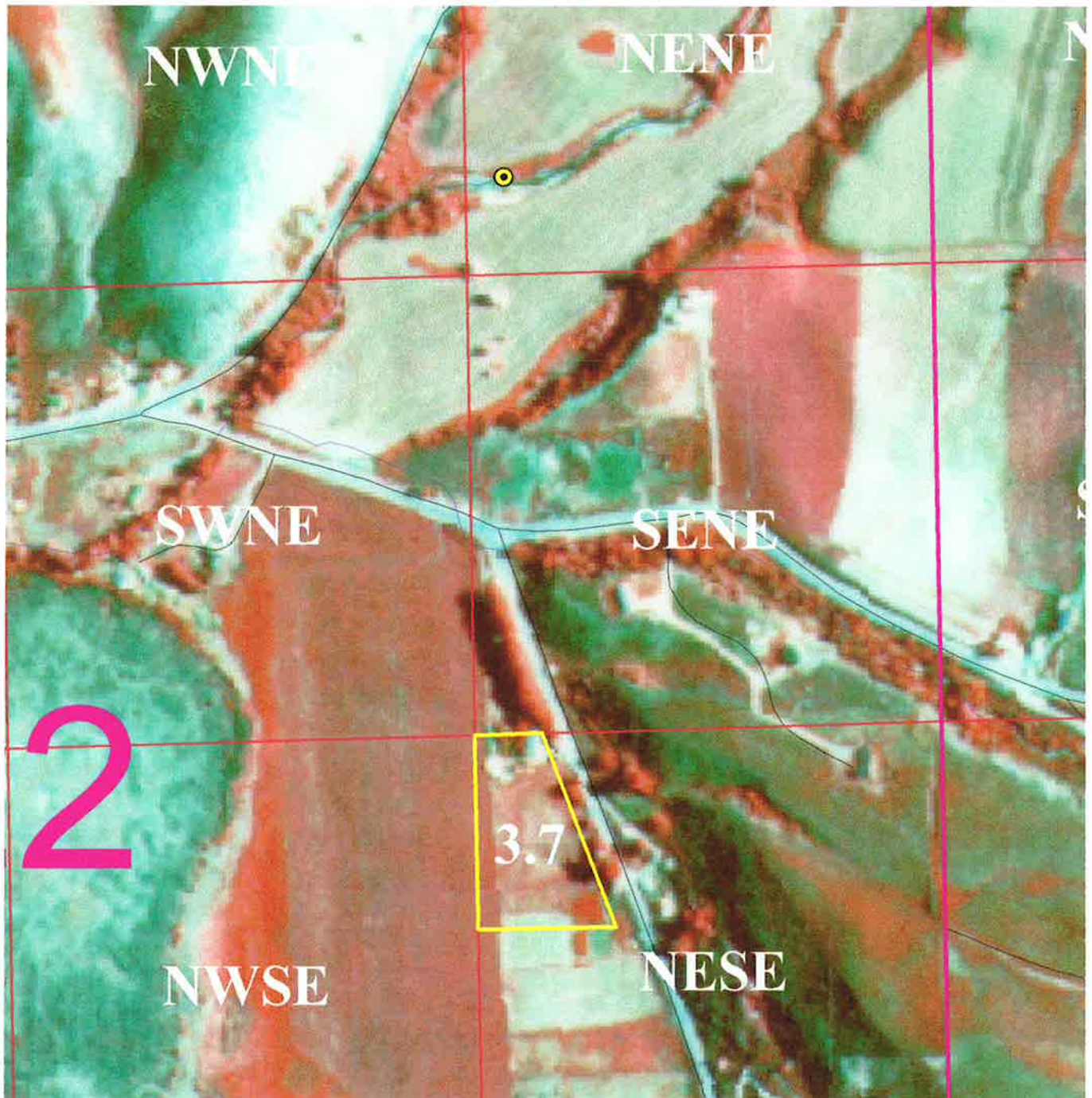
Water Right Claim Number A29-00294E
Township , 7S36E

08/24/2000



Water Right Claim Number A29-00294E
Township , 7S36E

08/24/2000



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-294D V1

WATER RIGHT NUMBER: 29-294D V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	NORRIS KENT MURDOCK 2483 N INKOM RD INKOM, ID 83245 (208)775-4987
Current Owner	LINDA CHARMAIN MURDOCK 2483 N INKOM RD INKOM, ID 83245 (208)775-4987

Priority Date: 06/01/1885

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
RAPID CREEK	PORTNEUF RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	0.100 CFS	
	<u>Total Diversion:</u>	0.100 CFS	

Location of Point(s) of Diversion

RAPID CREEK	NE1/4NE1/4NE1/4	Sec. 22, Twp 07S, Rge 36E, B.M.
BANNOCK County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	36E	22				1.2									3.8				5.0

Total Acres: 5

Conditions of Approval:

1. C18 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.

Remarks:

1. Quantity USE OF THIS RIGHT WITH RIGHT NO. 29-13385 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.15 CFS.
2. Place of Use - Irrigation USE OF THIS RIGHT WITH RIGHT NO. 29-13385 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 5.0 ACRES IN A SINGLE IRRIGATION SEASON.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 29-294D V1

Comments:

1. csaxton 12/18/2002 Diversion Rate

Comment: This right was over claimed. Deeds were requested from all claimants. Some claimants were deeded 1 inch per acre, some claimants were deeded ½ inch per acre, and some of the claimant deeds were silent. If the deed shows a duty of water, that amount recommended. Claimants that did not provide a deed will be recommended ½ inch per acre. Jackson creek water is used on this property (co-mingled with Rapid Creek). However Jackson Creek water was not decreed. Use of Jackson creek water is treated as a beneficial use right. Some users of Rapid Creek would not file a claim on Jackson Creek. When Jackson Creek water is being delivered, they will not have right to be on the rotation.

2. csaxton 12/18/2002 POD

Comment: POD not defined in Decree. No C03.

Dates and Other Information:

Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag:
State or Federal: S
Owner Name Connector: AND
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Contacts	12/18/2002 11:32:00 AM	csaxton			Active
Priority Date	12/18/2002 11:32:28 AM	csaxton			Active
POD	12/18/2002 11:32:41 AM	csaxton			Active
Source	12/18/2002 11:33:37 AM	csaxton			Active
POU	12/18/2002 11:33:47 AM	csaxton			Active
Use	12/18/2002 12:34:31 PM	csaxton			Active
Season	12/18/2002 12:34:54 PM	csaxton			Active
Quantity	12/18/2002 12:36:56 PM	csaxton			Active
Summary			12/18/2002	csaxton	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Contacts	12/18/2002 11:32:02 AM	csaxton	(No) 1. Do you want to schedule an appointment?

Comment for 1: Field Exam 5/31/02

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-294D V1

Priority Date	12/18/2002 11:32:30 AM	csaxton	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?
POD	12/18/2002 11:32:43 AM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (No) 4. Does the Decree or License have a POD? (No) 6. Is there evidence that there has been a change in the POD? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?
POD	12/18/2002 11:32:54 AM	csaxton	Edited point location
POD	12/18/2002 11:33:10 AM	csaxton	Edited PLS
Source	12/18/2002 11:33:39 AM	csaxton	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file? (No) 11. Is a Source remark and/or condition required?
POU	12/18/2002 11:33:48 AM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (Yes) 6. Can the claimed POU be verified using the water right file? (No) 14. Is a POU remark and/or condition required?
POU	12/18/2002 11:34:04 AM	csaxton	Edited shape boundary
POU	12/18/2002 11:34:54 AM	csaxton	Edited PLS
Use	12/18/2002 12:34:32 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file? (No) 13. Is a Purpose of Use remark and/or condition required?
POU	4/23/2003 9:27:28 AM	csaxton	Edited shape boundary
POU	4/23/2003 9:28:03 AM	csaxton	Edited PLS

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-294D V1

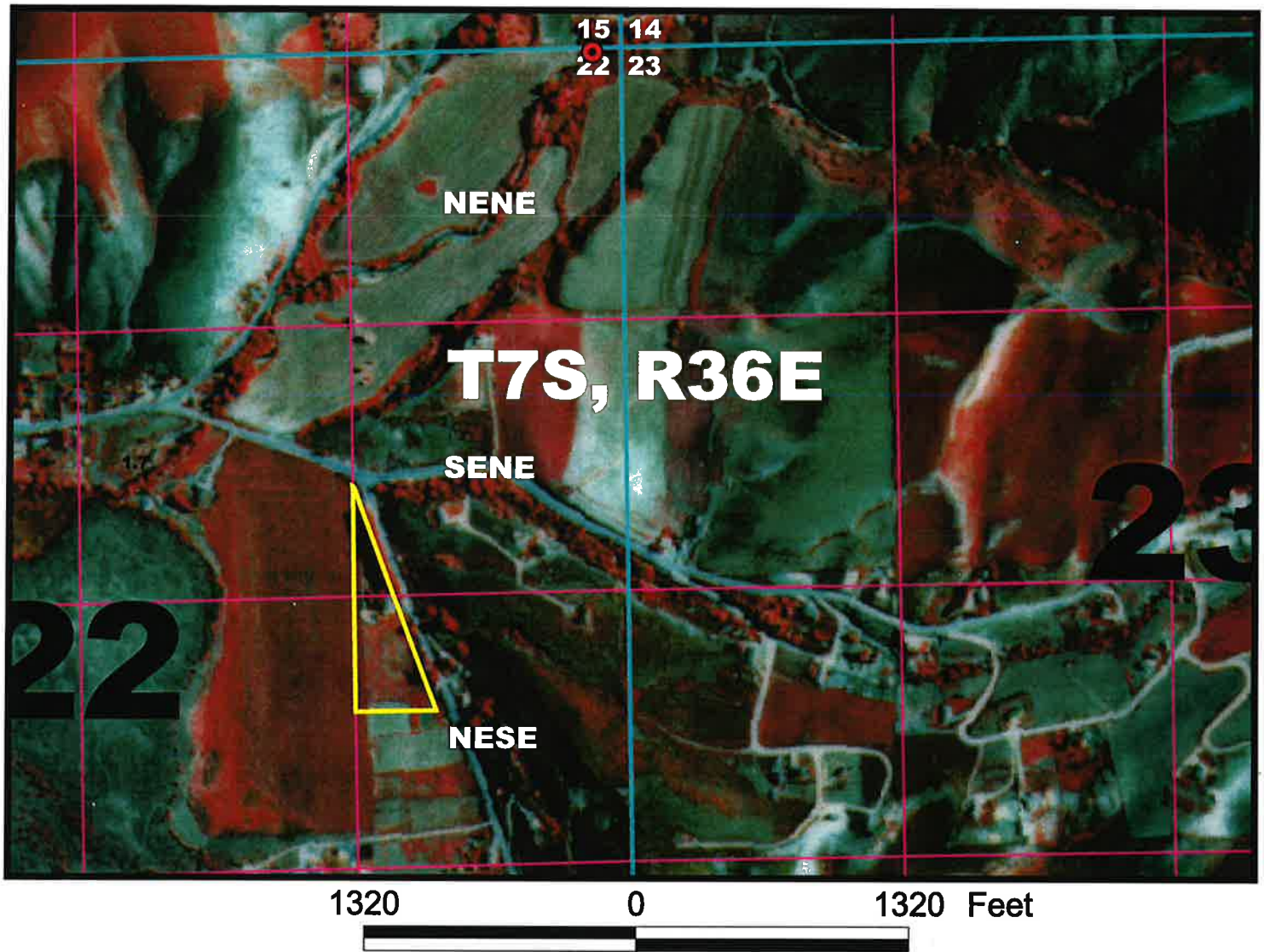
Season	12/18/2002 12:34:56 PM	csaxton	(Yes) 1. Is the basis of claim Decree or License? (No) 4. Does the Decree or License have a Period of Use? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?
Quantity	12/18/2002 12:36:57 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file? (No) 8. Does the parent right have an annual diversion volume limit? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (Yes) 12. Is a Quantity remark or condition required?
Summary	12/18/2002 1:00:07 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (Yes) 5. Is an additional remark and/or condition required? (Yes) 6. Would you like to view the recommended right? (Yes) 7. Is this a split or combined right? (No) 8. Do you have documents you would like to attach or link to the file? (Yes) 9. Would you like to set the verification date?



STATE OF IDAHO

Department of Water Resources
Eastern Region

Water Right(s): 29-00294D



Total Irrigated Acres: 5.0

● Point(s) of Diversion

□ Place of Use

□ Quarter Quarter Lines

□ Section Lines

SCANNED

JUL 22 2005

PROFILED



GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: C. Saxton
Date: April 2003

4-18-02 : Within Decreed POU.

: looks legit.

: 29-00292B claims 1 of the 5 acre owned by claimant
If 5 acres are irrigated, seems like we should
disallow 29-00292B - Amend 29-002940 for 5 acres.

5-31-02 : FE shows Irrigation

7-3-02 : 29-10812

< Kent @ Velocitus, vel >

: Claimant said water used on 5 acres since 1973
when he bought the property.

12-16-02 : Decreed 1" per acre

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JUL 22 2005

As of 7/15/02

Split history for Decreed Right 29-00294

29-00294
0.8
Decree Silent
Assumed 40

Claimed

29-00294A	Murdock, Norris M	Not in Decreed POU
	0.3	
	28	
29-00294B	Lish, Sam	29-13372, Sam
	0.086	0.074
	4.3	3.7
		29-13373, Monte
		0.012
		0.6
29-00294C	Turman, Dennis	
	0.03	
	3	
29-00294D	Murdock, Norris Kent	
	0.1	
	5	
29-00294E	Whitworth, John	
	0.1	
	5	
29-00294F	Chavers, Ben	
	0.06	
	3	
29-00294G	Davis, Arnold	
	0.03	
	3	
29-00294H	Owens, Delbert	
	0.06	
	3	
29-00294J	Foltz, Michael	
	0.1	
	5.3	
29-10071	Wagner, Ronald	
	0.08	
	2	

Recommend

0.3 *	
24	
0.074 *	deed - silent from Murdock to Morris 1" ok
3.7	
0.012 *	deed - silent from Murdock to Morris 1" ok
0.6	
0.02 *	deed 1/2 per acre
1.8	
0.1 *	deed 1" per acre
5	
0.1 *	deed 1" per acre
5	
0.017 *	deed silent - no deed trail - 1/2 inch per acre
1.3	
0.02 *	deed 1/2 per acre
2	
0.02 *	deed 1/2 per acre
1.8	
0.04	no deed submitted - 1/2 " per acre
4	
0.02	deed 1/2" per acre
2	

Sum of claimed CFS =
Sum of claimed Acreage =

0.946

Sum CFS=
Sum Acre=

0.723

Un-accounted for CFS=
Un-accounted for Acres=

0.077

PROFILED

SCANNED
JUL 22 2005



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 22, 2003

NORRIS KENT MURDOCK
LINDA CHARMAIN MURDOCK
2483 N INKOM RD
INKOM ID 83245

RE: Notice of Error Reply for Snake River Basin Adjudication (SRBA) recommendation 29-00294D and 29-13385.

Dear Mr. and Ms. Murdock,

The Idaho Dept. of Water Resources received the Notice of Error (NOE) reply you sent on 4/10/03. I reviewed the Notice of Error (NOE) reply's and the files and will try to address your concerns.

29-00294D:

1) You stated you disagreed with the recommended period of use.

You claimed a portion of decreed right 29-00294 as defined in the Rapid Creek decree *Steward et al vs. Damron et al*. Because the decree did not define specifically what the irrigation season of use was it was recommended as the IDWR standard of 4/1 to 10/31. Despite that the decree states, "...is entitled to the use at all times..." it is not clear that the intention of the decree is for year round irrigation.

I contact our legal staff on this issue and the result was that the statutes in Idaho are clear that the extent of a water right is the water that can be beneficially used. Thus, for IDWR to support a year round season of use for irrigation, you need to provide evidence that Rapid Creek water is put to beneficial use year round. I will reference you to Idaho code 42-101, 42-104, 42-201, or 42-220. These statutes can be accessed through the IDWR internet site at www.idwr.state.id.us.

At this time IDWR cannot change the recommended season of use without additional evidence of beneficial use.

2) You stated that you disagreed with the recommended diversion rate and place of use.

I have changed the recommended acreage for 29-00294D to reflect 5 acres and 0.10 cfs (enclosed)

SCANNED

JUL 22 2005

PROFILED

29-13385:

1) You stated that you disagree with the priority date.

Jackson Creek was not mentioned in the Rapid Creek decree *Steward et al vs. Damron et al*. Decreed right 29-00294 states "...of the waters of said stream..." The following paragraph states, "...said water to be diverted from the main channel of Rapid creek." Thus IDWR feels the intention of right 29-00294 was for use of Rapid Creek water only.

Use of Jackson Creek water for irrigation was treated as a beneficial use water right, or another way to put it is a right that has been established through historical use but had not been previously recorded through a decree or license.

Evidence supporting the recommended priority date was in the form of an affidavit from Norris M. Murdock stating the purchased the ground now known as Murdock Subdivision in 1947 (enclosed). The affidavit states that the practice of use of Jackson Creek water commenced before Norris M. Murdock purchased the property, but no date was given. At this time the evidence I have supports a 1947 priority date from Jackson Creek.

If you still feel the recommended priority date is in accurate, please submit additional evidence supporting a different priority date.

2) You stated that you disagreed with period of use.

Same issue as described above. Since this is a beneficial use claim, IDWR will recommend the IDWR standard for the area of 4/1 to 10/31.

If you feel this is inaccurate, additional evidence needs to be provided that Jackson Creek water is put to beneficial use outside the standard irrigation season of use.

3) You stated that you disagreed with the recommended diversion rate and place of use.

I have changed the recommended acreage for 29-13385 to reflect 5 acres and 0.10 cfs (enclosed)

PROFILED

SCANNED

JUL 22 2005

Conclusion:

I realize that this can get very complicated. Please feel free to contact me with any questions.

Respectfully submitted,



Craig L. Saxton
Sr. Water Resource Agent
Adjudication Bureau

PROFILED

SCANNED
JUL 22 2005

02/13/2003

NOTICE OF ERROR
REPLY

Craig
RECEIVED

APR 21 2003

WATER RESOURCES
WESTERN REGION

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: 29-294D

NORRIS KENT MURDOCK
2483 N INKOM RD
INKOM ID 83245
Telephone Number: (208) 775-4987

LINDA CHARMAIN MURDOCK
2483 N INKOM RD
INKOM ID 83245
Telephone Number: (208) 775-4987

RECEIVED
APR 10 2003
Department of Water Resources
Eastern Region

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

Period of use + quantity

2. Describe the changes you wish to make in the proposed recommendation:

Period of use year around - 5 inches of water one inch per acre & have 5 acres

3. Give a brief explanation as to why you disagree with these portions:

I purchased 5 inches of water on 5 acres and it is year around as stated in the original decree

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

DATE: *5 April 03*

SIGNATURE:

Norris Kent Murdock

Please print your name:

Norris Kent Murdock

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

PROFILED

SCANNED
JUL 22 2005

Saxton, Craig

To: kent@velocitus.net
Subject: Amended SRBA claims

Dear Kent,

Attached are the amended SRBA claims we spoke about on the phone. Take a look at them and initial any changes you wish to make. When satisfied, sign the claim in front of a notary and return it to this office. Note that on the Jackson creek claim 29-00292B, I left the 1885 priority date on the claim. The recommendation will most likely be the 1947 date as provided by statements from your dad.

Also attached is a copy of your partially decreed domestic right.

Feel free to contact me if you have any questions.

Respectfully submitted,

Craig Saxton
334-2190
csaxton@idwr.state.id.us



29-00292B_AMEND29-00294D_AMEND
ED.doc ED.doc



29-10812.RTF

PROFILED

SCANNED
JUL 22 2005

GIFT

WARRANTY DEED

508225

For Value Received NORRIS M. MURDOCK and MERLE J. MURDOCK, husband and wife

the grantors, do hereby grant, bargain, sell and convey unto

NORRIS KENT MURDOCK and LINDA CHARMAIN MURDOCK, husband and wife

the grantees, the following described premises, in.....Bannock.....County Idaho, to wit:

Lot 9, Block 1, MURDOCK SUBDIVISION, Bannock County,
Idaho.

Together with ~~one~~ inch per acre of water from Rapid Creek and
tributaries thereof.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees,
their heirs and assigns forever. And the said Grantors do hereby covenant to and
with the said Grantees, that they are the owners in fee simple of said premises; that they are free
from all incumbrances

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

Dated: May 2, 1973

Norris M. Murdock
Norris M. Murdock

Merle J. Murdock
Merle J. Murdock

STATE OF IDAHO, COUNTY OF Bannock
On this 9th day of May, 1973
before me, a notary public in and for said State, personally
appeared Norris M. Murdock and Merle J.
Murdock, husband and wife

NOTARY SEAL

known to me to be the persons whose names are
subscribed to the within instrument, and acknowledged to
me that they executed the same.

James A. Balt
Residing at *Pocatello* Notary Public
Comm. Expires *May 1, 1974*, Idaho

NO 508225
RECORDED AT REQUEST
Amer. Land Title Co.
MAY 10 9 12 AM '73
1.00 ms

Furnished by the AMERICAN LAND TITLE CO., Pocatello, Idaho

Looking NW @
Claywood Pond

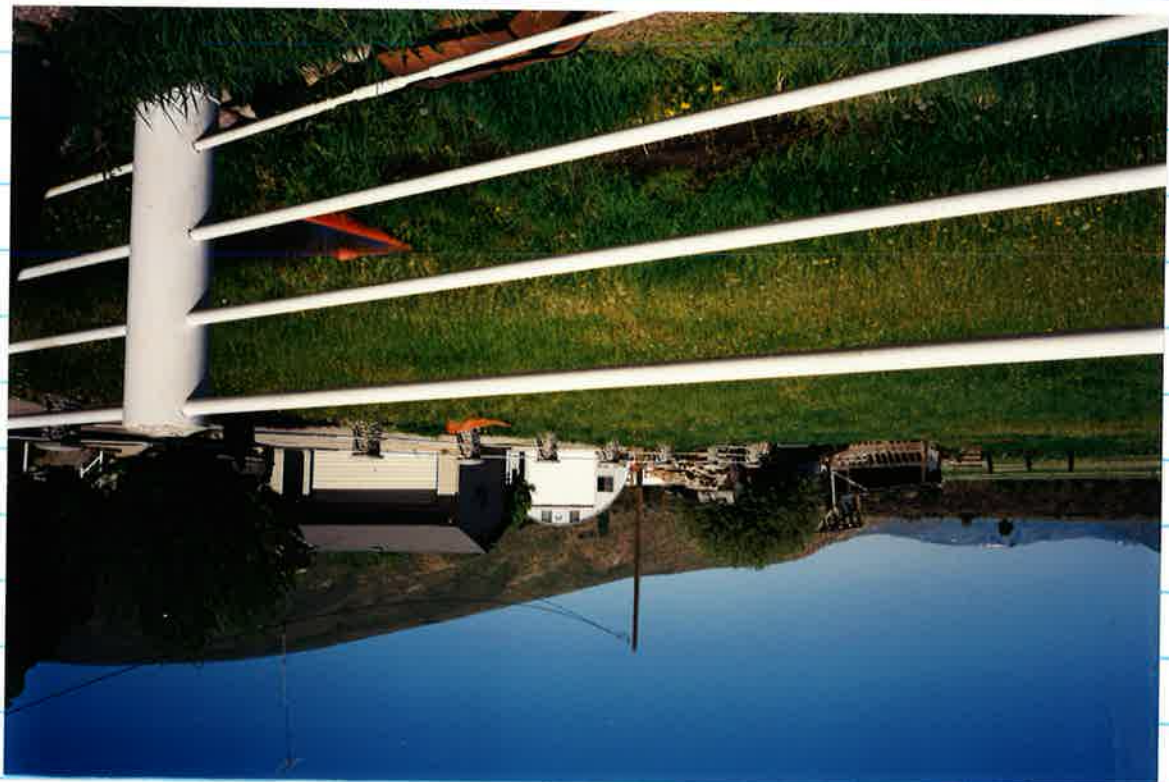
SCANNED
JUL 22 2005

PROFIT



Looking NW at
Claywood Pond

29-002940
5/31/02



PROFITED

JUL 2 2005

SCANNED

Northern ditch diversion, looking west



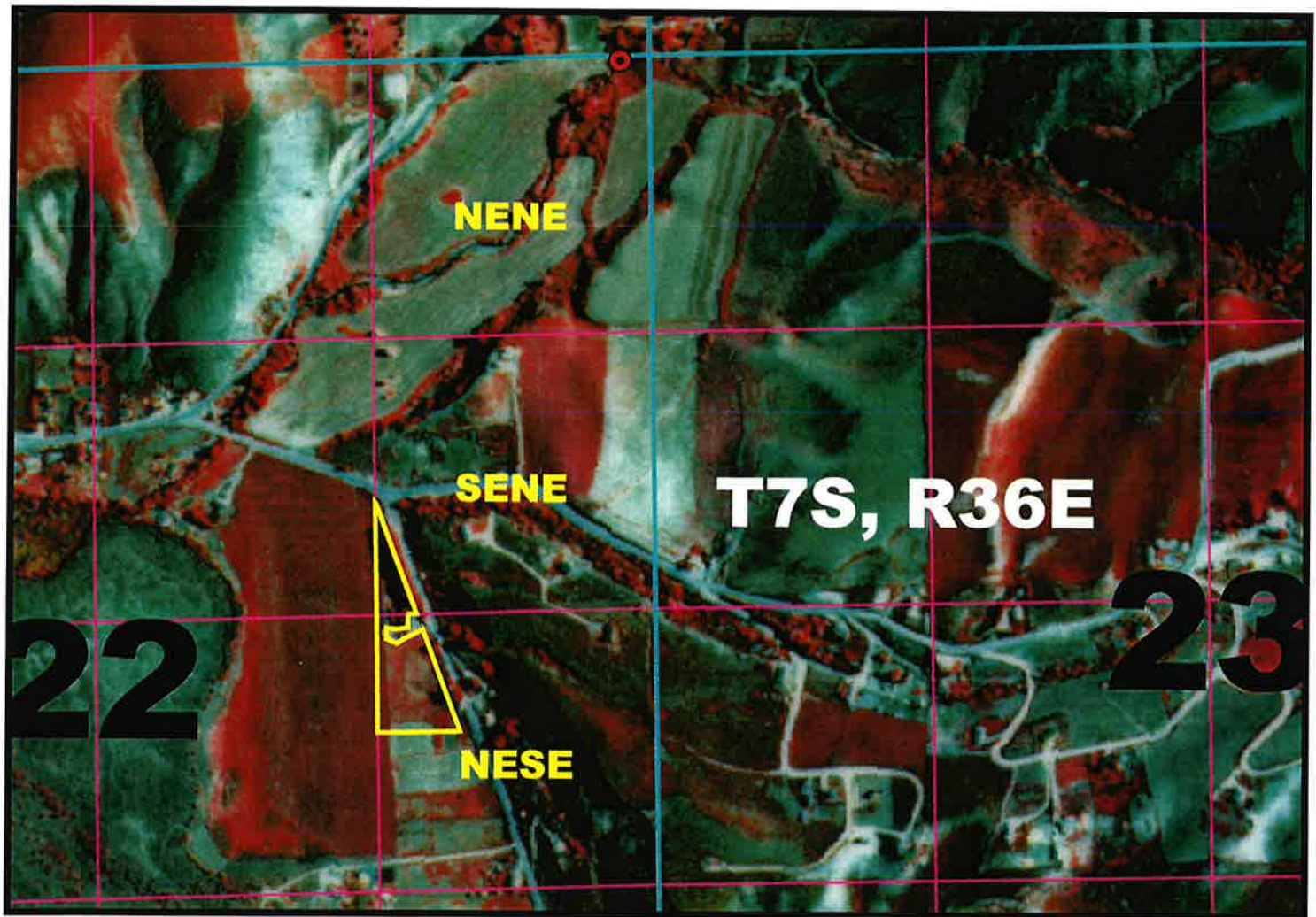
0462 00-62
5/21/07



STATE OF IDAHO

Department of Water Resources
Eastern Region

Water Right(s): 29-00294D



1320 0 1320 Feet

Total Irrigated Acres: 4.7

● Point(s) of Diversion

□ Place of Use

□ Quarter Quarter Lines

□ Section Lines



GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: C. Saxton
Date: December 2002

12/18/2002

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

RIGHT NUMBER: 29-294D

NAME AND ADDRESS: NORRIS KENT MURDOCK
2483 N INKOM RD
INKOM ID 83245

LINDA CHARMAIN MURDOCK
2483 N INKOM RD
INKOM ID 83245

SOURCE: RAPID CREEK

TRIBUTARY: PORTNEUF RIVER

QUANTITY: 0.090 CFS

USE OF THIS RIGHT WITH RIGHT NO. 29-13385 IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 0.14 CFS.

PRIORITY DATE: 06/01/1885

POINT OF DIVERSION:

T07S R36E S22 NENENE Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.090 CFS

PLACE OF USE:

IRRIGATION Within BANNOCK County

T07S R36E S22	SENE	1.2	T07S R36E S22	NESE	3.5
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4.7 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 29-13385 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 4.7 ACRES IN A SINGLE
IRRIGATION SEASON.

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

This partial decree is subject to such general provisions necessary for
the definition of the rights or for the efficient administration of the water
rights as may be ultimately determined by the Court at a point in time no
later than the entry of a final unified decree. Section 42-1412(6), Idaho
Code.

EXPLANATORY MATERIAL: Decreed

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-294D V1

WATER RIGHT NUMBER: 29-294D V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	NORRIS KENT MURDOCK 2483 N INKOM RD INKOM, ID 83245 (208)775-4987
Current Owner	LINDA CHARMAIN MURDOCK 2483 N INKOM RD INKOM, ID 83245 (208)775-4987

Priority Date: 06/01/1885

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
RAPID CREEK	PORTNEUF RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	0.090 CFS	
	<u>Total Diversion:</u>	0.090 CFS	

Location of Point(s) of Diversion

RAPID CREEK	NE1/4NE1/4NE1/4	Sec. 22, Twp 07S, Rge 36E, B.M.
BANNOCK County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	36E	22				1.2									3.5				4.7

Total Acres: 4.7

Conditions of Approval:

1. C18 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.

Remarks:

1. Quantity USE OF THIS RIGHT WITH RIGHT NO. 29-13385 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.14 CFS.
2. Place of Use - Irrigation USE OF THIS RIGHT WITH RIGHT NO. 29-13385 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 4.7 ACRES IN A SINGLE IRRIGATION SEASON.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-294D V1

Comments:

1. csaxton 12/18/2002 Diversion Rate

Comment: This right was over claimed. Deeds were requested from all claimants. Some claimants were deeded 1 inch per acre, some claimants were deeded ½ inch per acre, and some of the claimant deeds were silent. If the deed shows a duty of water, that amount recommended. Claimants that did not provide a deed will be recommended ½ inch per acre. Jackson creek water is used on this property (co-mingled with Rapid Creek). However Jackson Creek water was not decreed. Use of Jackson creek water is treated as a beneficial use right. Some users of Rapid Creek would not file a claim on Jackson Creek. When Jackson Creek water is being delivered, they will not have right to be on the rotation.

2. csaxton 12/18/2002 POD

Comment: POD not defined in Decree. No C03.

Dates and Other Information:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Defendant:

Plaintiff:

Civil Case Number:

Judicial District:

Notice of Error Flag:

State or Federal: S

Owner Name Connector: AND

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Contacts	12/18/2002 11:32:00 AM	csaxton			Active
Priority Date	12/18/2002 11:32:28 AM	csaxton			Active
POD	12/18/2002 11:32:41 AM	csaxton			Active
Source	12/18/2002 11:33:37 AM	csaxton			Active
POU	12/18/2002 11:33:47 AM	csaxton			Active
Use	12/18/2002 12:34:31 PM	csaxton			Active
Season	12/18/2002 12:34:54 PM	csaxton			Active
Quantity	12/18/2002 12:36:56 PM	csaxton			Active
Summary			12/18/2002	csaxton	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Contacts	12/18/2002 11:32:02 AM	csaxton	(No) 1. Do you want to schedule an appointment?

Comment for 1: Field Exam 5/31/02

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-294D V1

Priority Date	12/18/2002 11:32:30 AM	csaxton	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?
POD	12/18/2002 11:32:43 AM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (No) 4. Does the Decree or License have a POD? (No) 6. Is there evidence that there has been a change in the POD? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?
POD	12/18/2002 11:32:54 AM	csaxton	Edited point location
POD	12/18/2002 11:33:10 AM	csaxton	Edited PLS
Source	12/18/2002 11:33:39 AM	csaxton	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file? (No) 11. Is a Source remark and/or condition required?
POU	12/18/2002 11:33:48 AM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (Yes) 6. Can the claimed POU be verified using the water right file? (No) 14. Is a POU remark and/or condition required?
POU	12/18/2002 11:34:04 AM	csaxton	Edited shape boundary
POU	12/18/2002 11:34:54 AM	csaxton	Edited PLS
Use	12/18/2002 12:34:32 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file? (No) 13. Is a Purpose of Use remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-294D V1

Season	12/18/2002 12:34:56 PM	csaxton	(Yes) 1. Is the basis of claim Decree or License? (No) 4. Does the Decree or License have a Period of Use? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?
Quantity	12/18/2002 12:36:57 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file? (No) 8. Does the parent right have an annual diversion volume limit? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (Yes) 12. Is a Quantity remark or condition required?
Summary	12/18/2002 1:00:07 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (Yes) 5. Is an additional remark and/or condition required? (Yes) 6. Would you like to view the recommended right? (Yes) 7. Is this a split or combined right? (No) 8. Do you have documents you would like to attach or link to the file? (Yes) 9. Would you like to set the verification date?

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 29-294D

WATER RIGHT NUMBER: 29-294D

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	NORRIS KENT MURDOCK ✓ 2483 N INKOM RD INKOM, ID 83245 (208)775-4987
Current Owner	LINDA CHARMAIN MURDOCK ✓ 2483 N INKOM RD INKOM, ID 83245 (208)775-4987

Priority Date: 06/01/1885 ✓
Basis: Decreed ✓
Status: Active ✓

<u>Source</u>	<u>Tributary</u>
RAPID CREEK ✓	PORTNEUF RIVER ✓

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15 4/1 10/31	0.100 CFS 0.09	N/A
	Total Diversion:	0.100 CFS 0.09	

<u>Location of Point(s) of Diversion</u>			
RAPID CREEK ✓	NE1/4NE1/4NE1/4 ✓	Sec. 22, ✓	Twp 07S, Rge 36E, B.M. ✓
BANNOCK County ✓			

Place of Use ✓
IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	36E	22				1.0 1.2									4.0 3.5				5.0 4.7

Total Acres: 5 4.7

Conditions of Approval:

C18
This right with 29-13385 Limited to 0.14 cfs
4.7 ac 1.6"/acre

Remarks:

- General PURCHASED PROPERTY WITH 1" OF WATER PER ACRE, SEE WARRANTY DEED #508225
- Explanatory THIS RIGHT INCLUDES AN ACCOMPLISHED CHANGE IN PLACE OF USE DATEING BACK TO 1973 WHEN CLAIMANT PURCHASED THE PROPERTY.
- Explanatory CLAIM AMENDED TO CLAIM AN ADDITIONAL ACRE BASED ON HISTORICAL USE (CSAXTON 7-3-02)

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 29-294DComments:Dates and Other Information:

Claim Received Date: 3/28/1990
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector: AND
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
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Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 29-294

WATER RIGHT NUMBER: 29-294

Owner Type Name and Address
 Current Owner WEGECATA JACKSON

, ZZ

Priority Date: 06/01/1885

Basis: Decreed

Status: Active

Source Tributary
 RAPID CREEK PORTNEUF RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	/ to /	0.800 CFS	
	<u>Total Diversion:</u>	0.800 CFS	

Location of Point(s) of Diversion
 RAPID CREEK

Place of Use
 IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S 36E 22													X			X	

Total Acres: 0

Conditions of Approval:Remarks:

- General P/D & P/U INCOMPLETE.^^^

Comments:Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 29-294

Dates and Other Information:

Licensed Date:
Decreed Date: 6/22/1906
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector:
Water District Number: 29F
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number:
Judicial District:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

SCANNED
JUN 11 2001

Log for claim A29-00294D

Spatial Dynamics LTD

8/24/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
07s36e	22	NESE	4	3.7	
Totals:			4	3.7	

AJ5809NP
No. A29-00294D

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/18/00
PAGE: 48

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	NORRIS KENT MURDOCK	06/01/1885	IRRIGATION	03-15 11-15	0.080 CFS	
C	LINDA CHARMAIN MURDOCK					
	2483 N INKOM RD					
	INKOM ID 83245			TOTAL DIVERSION:	0.080 CFS	
	(208) 775-4987			CONSUMPTIVE USE:		10.00 AFA

Water Source: RAPID CREEK

Tributary to: PORTNEUF RIVER

Stage: DECREED

Point(s) of Diversion: T07S R36E S22 NENENE 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	:	SUM
07S	36E	22	:																
																		04	4.0
																		TOTAL ACRES	4.0

POU County: BANNOCK

Other Rights: A29-00292B

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

A29-00291A A29-00292B A29-00294B A29-00294C A29-00294E A29-00294G A29-00294J A29-10376

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

A29-00294 A29-00294E

Remarks: GEN PURCHASED PROPERTY WITH 1" OF WATER PER ACRE, SEE WARRANTY
DEED #508225

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

Misc: Water District Number: 29F Field Inspection Flag:
Presumption Flag:

Audit: 03/28/90 HAUMANN 04/04/94 THOMPSON 03/29/95 POST-STD

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 29-294D
Date Received: 3/28/1990
Receipt No: M006398
Received By:

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name of Claimant(s)

NORRIS KENT MURDOCK Phone: (208)775-4987

2483 N INKOM RD
INKOM ID USA 83245

LINDA CHARMAIN MURDOCK Phone: (208)775-4987

2483 N INKOM RD
INKOM ID USA 83245

2. Date of Priority: 06/01/1885

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County	Type
07S	36E	22	NE NE NE		BANNOCK	

5. Description of diverting works:

HAEDGATE DIVERSION TO LATERAL DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION		03/15	11/15 0.1	

7. Total Quantity Appropriated is:
0.1 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
07S	36E	22	NE SE		IRRIGATION	4
			SE NE		IRRIGATION	1

Section Acres 5

PROFILED

SCANNED

JUL 22 2005

Total Acres 5

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:

THIS RIGHT INCLUDES AN ACCOMPLISHED CHANGE IN PLACE OF USE DATEING BACK TO 1973 WHEN CLAIMANT PURCHASED THE PROPERTY.

CLAIM AMENDED TO CLAIM AN ADDITIONAL ACRE BASED ON HISTORICAL USE (CSAXTON 7-3-02)

CLAIM SET TO TEMPORARY STATUS UNTIL SIGNED IN FRONT OF A NOTARY AND RETURNED TO THIS OFFICE.

PURCHASED PROPERTY WITH 1" OF WATER PER ACRE, SEE WARRANTY DEED #508225

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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Norris Kent Murdock Date: 26 July 02
Linda Charmain Murdock Date: 7-26-02

State of Idaho }
County of Bannock } SS.

Subscribed and sworn (or affirmed) before me this 26
of July 2002 Diana Aterner

Notary Public

Residing at In Kon

My commission Expires Oct. 27, 03.

PROFILED

SCANNED
JUL 22 2005

SCANNED
JUN 11 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: A29-00294D

Date Received:

Receipt No: MPO 6398

Received By: RWH

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: NORRIS KENT MURDOCK
Address: 2483 N. INKOM RD.
INKOM, ID 83245

208-775-4987

AND/OR

Name: LINDA CHARMAIN MURDOCK
Address: 2483 N. INKOM RD.
INKOM, ID 83245

208-775-4987

2. Date of Priority: JUN 01, 1885

3. Source: RAPID CREEK

Trib. to: PORTNEUF RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
07S	36E	22	NE NE NE		BANNOCK

5. Description of diverting works:
HAEDGATE DIVERSION TO LATERAL DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.080		

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

A.F.A.

8. Total consumptive use is 10.0 Acre Feet Per Annum.

9. Non-irrigation uses:

A29-00294D

Page 1

Date: 03/28/90

MICROFILMED

NOV 13 1992

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
07S	36E	22	NE SE		IRR	4.0
Section Acres						4.0
Total Acres						4.0

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:
A29-00292B

14. Remarks:
PURCHASED PROPERTY WITH 1" OF WATER PER ACRE, SEE WARRANTY
DEED #508225

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date:

CHARLES E. STEWART, ET. AL.
Decree Plaintiff

vs A. J. DAMRON, 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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Norris K. Murdock Date: 28 Mar 90
Linda Charmain Murdock Date: 3-28-90

State of Idaho)
County of Bannock) SS.

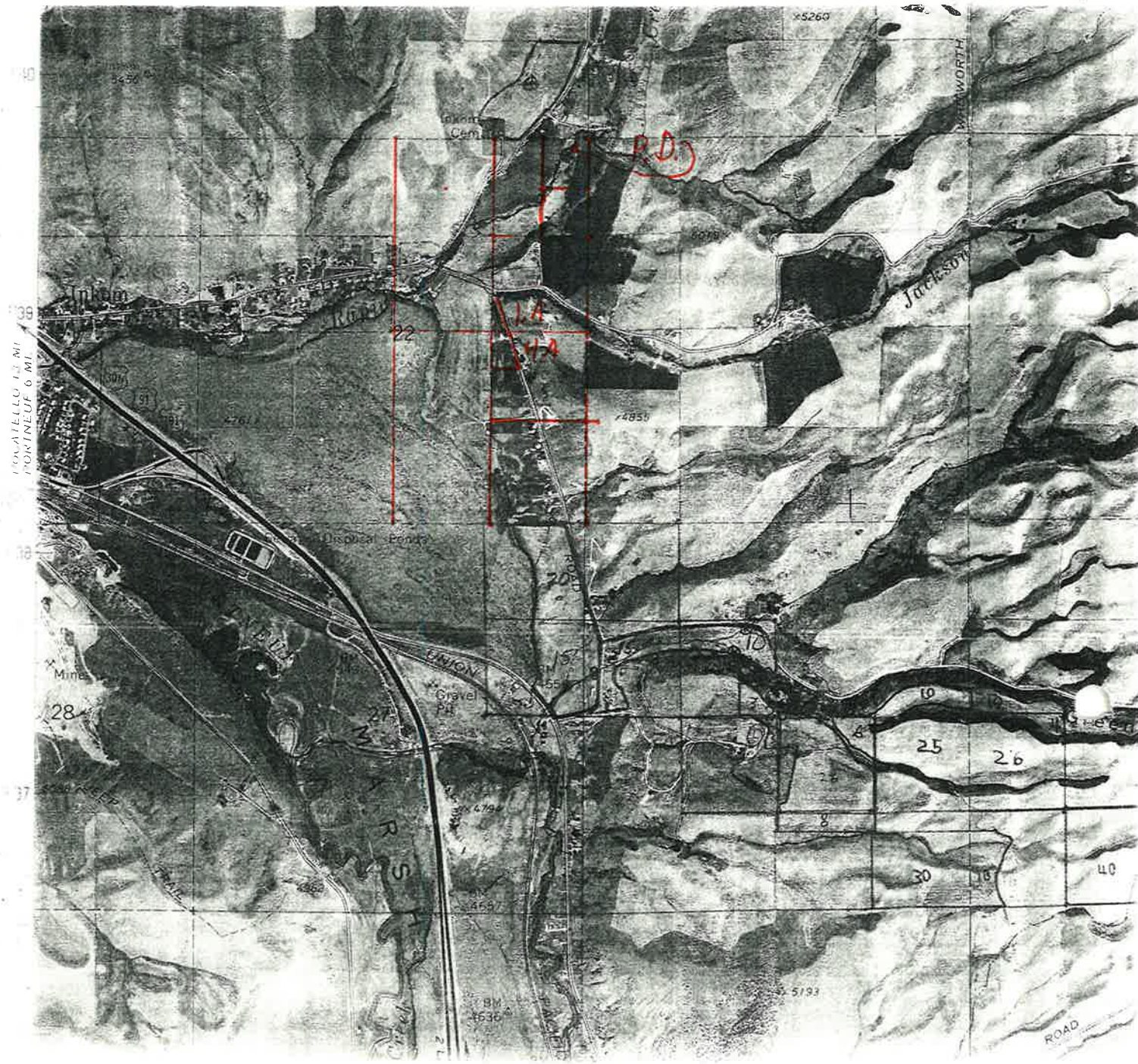
Subscribed and sworn (or affirmed) before me this 28 day
of March 19 90

John Dale Ladd
Notary Public

Seal

Residing at Poim ID
My Commission Expires 4/8/94

P.D. T 75 R. 36E Sec. 22 NE NE NE ~~NE~~
 NE SE 4.A
 SE NE 1.A



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