

04/24/2003

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

RIGHT NUMBER: 29-294E

NAME AND ADDRESS: MAX D SHAFFER
PO BOX 195
INKOM ID 83245

SOURCE: RAPID CREEK

TRIBUTARY: PORTNEUF RIVER

QUANTITY: 0.100 CFS

USE OF THIS RIGHT WITH RIGHT NO. 29-13533 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 NESE 5.0

5 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 29-13533 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 5.0 ACRES IN A SINGLE
IRRIGATION SEASON.

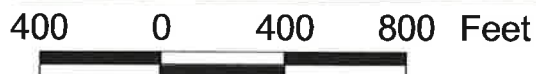
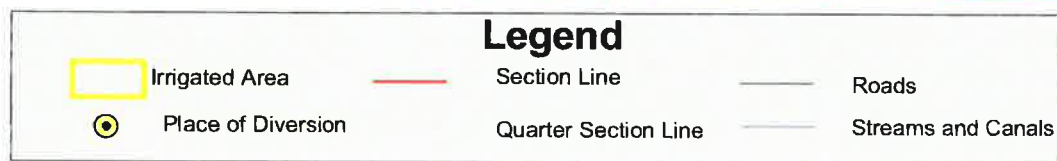
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

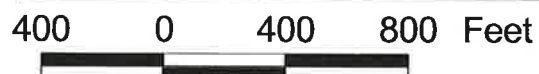
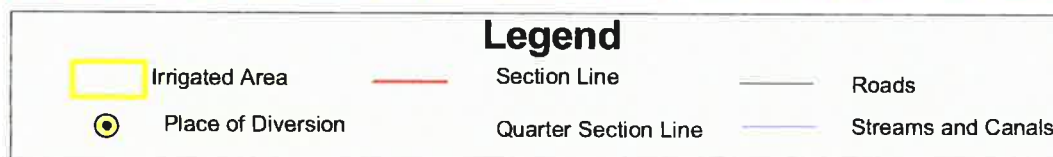
Water Right Claim Number A29-00294D
Township , 7S36E

08/24/2000



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

08/24/2000







Irrigated Area



Section Line



Roads



Place of Diversion



Quarter Section Line



Streams and Canals



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-294E V1

WATER RIGHT NUMBER: 29-294E V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	JOHN C WHITWORTH 9138 W ABBY RD POCATELLO, ID 83204 (208)237-9237
Original Owner	WEGECATA JACKSON
Current Owner	, ZZ MAX D SHAFFER PO BOX 195 INKOM, ID 83245 (208) 775-3630

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													5.0				5.0

Total Acres: 5

Conditions of Approval:

- 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:

- Quantity USE OF THIS RIGHT WITH RIGHT NO. 29-13533 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.15 CFS.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-294E V1

2. Place of Use USE OF THIS RIGHT WITH RIGHT NO. 29-13533 IS LIMITED TO THE IRRIGATION OF A
- Irrigation COMBINED TOTAL OF 5.0 ACRES IN A SINGLE IRRIGATION SEASON.

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.

3. csaxton 12/18/2002 Jackson Creek

Comment: Jackson Creek water used on this property (assumed), claim solicited with no response received.

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:

Water District Number: 29F

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 2:29:38 PM	csaxton			Active
Priority Date	12/18/2002 2:29:57 PM	csaxton			Active
POD	12/18/2002 2:30:21 PM	csaxton			Active
Source	12/18/2002 2:31:37 PM	csaxton			Active
POU	12/18/2002 2:31:54 PM	csaxton			Active
Use	12/18/2002 2:34:36 PM	csaxton			Active
Season	12/18/2002 2:34:52 PM	csaxton			Active
Quantity	12/18/2002 2:36:07 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>
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IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-294E V1

Contacts	12/18/2002 2:29:39 PM	csaxton	(No) 1. Do you want to schedule an appointment? Comment for 1: FE 5/31/02
POD	12/18/2002 2:30:40 PM	csaxton	Edited point location
POD	12/18/2002 2:30:22 PM	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? (No) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?
Priority Date	12/18/2002 2:29:58 PM	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 2:30:56 PM	csaxton	Edited PLS
Source	12/18/2002 2:31:38 PM	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 2:31:55 PM	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 2:33:45 PM	csaxton	Edited shape boundary
POU	12/18/2002 2:33:59 PM	csaxton	Edited PLS
Use	12/18/2002 2:34:38 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 29-294E V1

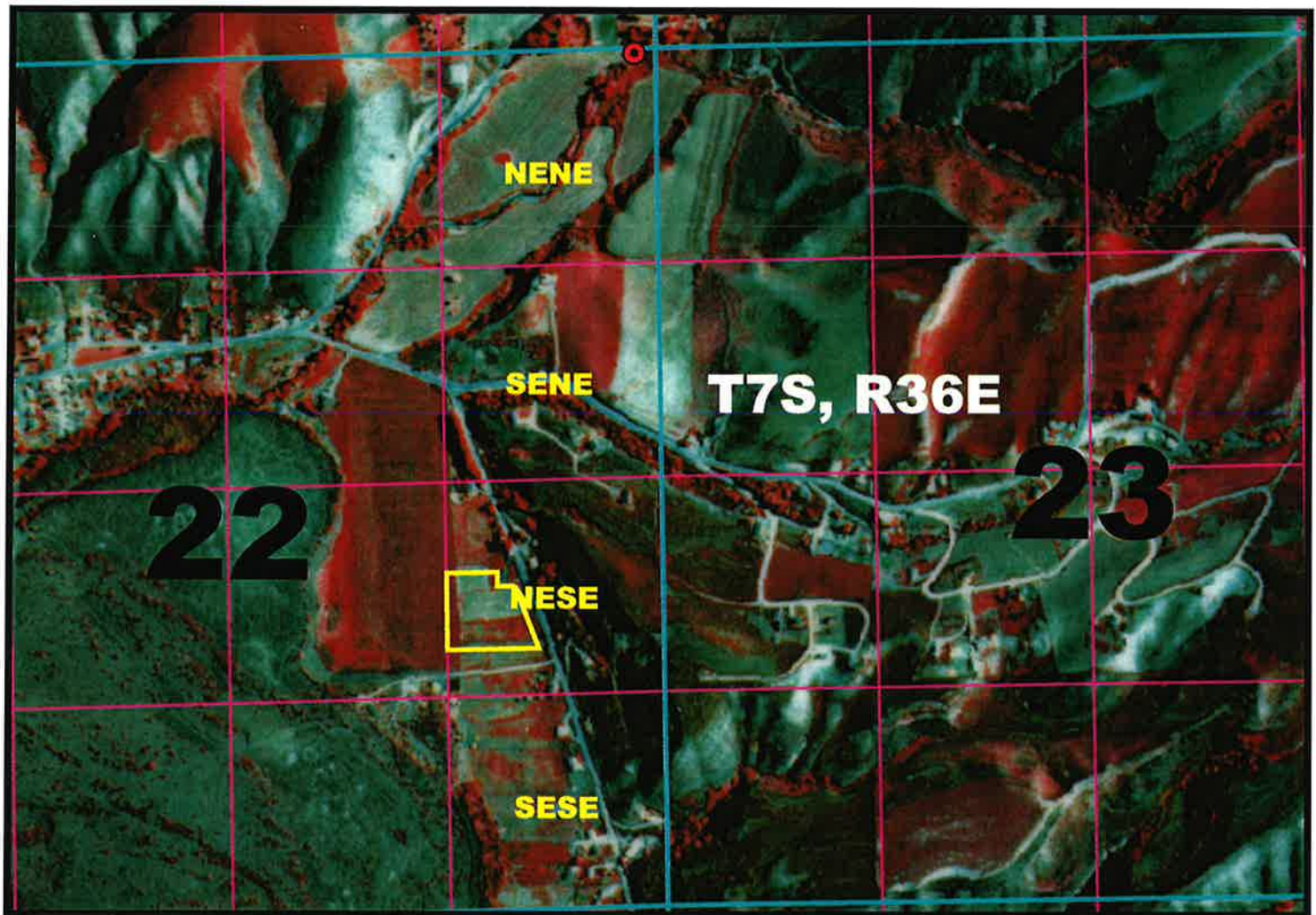
Season	12/18/2002 2:34:53 PM	csaxton	(Yes) 1. Is the basis of claim Decree or License? (No) 4. Does the Decree or License have a Period of Use? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period 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 2:36:09 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? (No) 12. Is a Quantity remark or condition required?
Summary	12/18/2002 2:37:48 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? (No) 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): 29-00294E



1320 0 1320 2640 3960 Feet

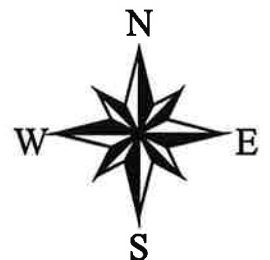
Total Irrigated Acres: 5.0

-  Point(s) of Diversion
-  Place of Use
-  Quarter Quarter Lines
-  Section Lines

PROFILED

SCANNED

JUL 22 2005



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

9-11-01 : Shaffer, Max - NCO

4-18-02: I have no idea why I made the 9-11-01 NCO notes. I called Bunnock CO Assessors and confirmed PARCEL NO: RR MDS001401 is still owned By John Whitworth. However Address is different.
C/A sent

5-31-02 : Statement From Shelly Lish was that Max Shaffer owns
FE Property

FE Showed Irrigation

7-3-02 : Spoke With Cindy Shaffer 775-3630
PO Box 195
Inkorn ID 83245

Sent them NCO. and Jackson Creek Claim

12-16-02 : No contact from New owner.

; Tax lot data for claimed POU defines claimed POU as portion of lot 9-Block 1. Thus deeded 1" per acre.

2-19-03 : Received New claim for Jackson Creek but no Filing Fee.
Received C/O for 29-00294E but no deed. Sent claim and C/O back requesting appropriate information

4-18-03: Returned Call to Max Shaffer @ 317-1862 (cell) left message to call me back.

; Max Called back and is sending in C/O an \$50 Filing Fee on Monday.

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JUL 22 2005

As of 7/15/02

Split history for Decreed Right 29-00294

	Claimed	Recommend
29-00294 0.8 Decree Silent Assumed 40	29-00294A Murdock, Norris M <i>Not in Decreed POU</i> 0.3 28	0.3 * 24
	29-00294B Lish, Sam 0.086 4.3	0.074 * deed - silent from Murdock to Morris 1" ok 3.7
	29-13372, Sam 0.074 3.7	
	29-13373, Monte 0.012 0.6	0.012 * deed - silent from Murdock to Morris 1" ok 0.6
	29-00294C Turman, Dennis 0.03 3	0.02 * deed 1/2 per acre 1.8
	29-00294D Murdock, Norris Kent 0.1 5	0.1 * deed 1" per acre 5
	29-00294E Whitworth, John 0.1 5	0.1 * deed 1" per acre 5
	29-00294F Chavers, Ben 0.06 3	0.017 * deed silent - no deed trail - 1/2 inch per acre 1.3
	29-00294G Davis, Arnold 0.03 3	0.02 * deed 1/2 per acre 2
	29-00294H Owens, Delbert 0.06 3	0.02 * deed 1/2 per acre 1.8
	29-00294J Foltz, Michael 0.1 5.3	0.04 no deed submitted - 1/2 " per acre 4
	29-10071 Wagner, Ronald 0.08 2	0.02 deed 1/2" per acre 2
Sum of claimed CFS =	0.946	Sum CFS= 0.723
Sum of claimed Acreage =		Sum Acre=
		Un-accounted for CFS= 0.077
		Un-accounted for Acres=

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JUL 22 2005

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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 24, 2003

MAX D SHAFFER
PO BOX 195
INKOM ID 83245

RE: Notice of Change in Water Right ownership for Snake River Basin Adjudication (SRBA) claim 29-00294E and new Jackson Creek Claim 29-13533.

Dear Mr. Shaffer,

I have received the Notice of Change in Water Right ownership form and the signed claim with the filing fee for use of Jackson Creek water.

I reviewed your information packet and everything looks good. I am sending you the following:

- Copy of the revised recommendation for 29-00294E
- Copy of Jackson Creek claim 29-13533
- Copy of Jackson Creek recommendation 29-13533
- Receipt for claim 29-13533

Note that the priority date recommended for 29-13533 was recommended based on evidence provided of when Jackson Creek was first used on the property. This is the same priority date recommended to all of the Jackson Creek water users in Murdock Subdivision.

If everything looks satisfactory, no further action needs to be taken. The SRBA court will notify you at the time the directors report is issued.

Feel free to contact me if you have further questions.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Craig L. Saxton'.

Craig L. Saxton
Sr. Water Resource Agent
Adjudication Bureau

208
334 2190

RECEIVED

FEB 18 2003

WATER RESOURCES
WESTERN REGION

RECEIVED

APR 23 2003

WATER RESOURCES
WESTERN REGION

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

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
	29-00294E				

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts. *N/A = No Fee*
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).
OR
If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s)

John C Whitworth

4. New Owner/Claimant(s)

MAX D Shaffer or Cindy L Shaffer

Name Connector (Check one): ☐ and, ☒ or, ☐ and/or

New Mailing Address

Box 195

City, State and ZIP Code

IN Kom Idaho 83245

New Telephone Number

(208) 775-3630

5. Date you acquired the property

April, 2000

SCANNED

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JUL 22 2005

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

**INSTRUCTIONS FOR FILING
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP**

This form has been prepared to assist all claimants and owners of water rights to comply with the requirements of Sections 42-248 and 42-1409(6), Idaho Code. All claimants and owners of water rights are required to notify the Department of Water Resources (IDWR) of any change in mailing address or change in ownership of all or part of a water right. In addition, all purchasers of water rights within a pending general adjudication area must inquire whether a notice of claim has been filed and, if not, shall file a notice of claim if necessary.

Effective July 1, 2000, the Idaho Legislature amended Section 42-248, Idaho Code to include a provision for fees to file a Notice of Change in Water Right Ownership. Please see details at Item 8, below, to determine if fees are required for your filing.

Separate brochures are available from IDWR describing the adjudication of water rights and the requirement to notify IDWR of changes in ownership. Please contact your nearest IDWR office, or call 1-800-451-4129, if you would like more information or need help completing this form. Please attach additional sheets to the form if you require additional space to describe or explain any of the items on the form.

1. If there are water rights associated with the property, **the seller should be able to provide you with the water right or adjudication claim number(s).** Please enter the number(s) at **Item 1.** Corresponding water right and adjudication claim numbers should be listed next to each other on the form. You may have purchased only a portion of the water right(s) held by the seller. If so, the water right(s) held by the seller may need to be "split" to provide you your share of each right. Indicate if a split is required by checking in the space provided next to each water right.

If you receive water from a municipal provider, an irrigation district or other water delivery organization, where the water rights are held by the organization, please do not use this form to record a change. You may need to contact the water delivery organization to determine if any action is necessary.

If you or the seller believes there are water rights for the property but the numbers are unknown, you may wish to contact IDWR for assistance in identifying the water rights for the property in question. If adjudication claims for the rights are required and have not been filed, IDWR will so advise you.

2. The information described at **Item 2** is required, since IDWR cannot process the requested change without documentation of ownership. The preferred types of documentation are shown; contact IDWR if you have difficulty obtaining this information. **Do not** obtain a new survey for purposes of this form before contacting IDWR.
3. Please provide the name and address of the former owner/claimant(s) of the water right(s) at **Item 3.**
4. The name, mailing address, and telephone numbers of the new owner/claimant(s) is entered at **Item 4.** Please indicate the relationship between multiple owners by using the connector "and", "or", or "and/or." If an "and" is used, all parties must sign this form. If an "and/or" or "or" is used, all parties may sign; however, only one of the named parties is required to sign.
5. At **Item 5**, please provide the date the property in question was acquired. This may be the date of "closing" in the case of a real estate transaction or the date of court order for other types of ownership changes.

QUITCLAIM DEED

For Value Received

JOHN CLYDE WHITWORTH AND GINA LOUISE WHITWORTH, husband and wife

20227095

do hereby convey, release, remise and forever quit claim unto

MAX DEAN SHAFFER and CINDY LEE SHAFFER, husband and wife

whose current address is 1536 OLD HIGHWAY 91, INKOM, IDAHO 83245

the following described premises, to-wit:

A tract of land in a portion of Lot 9, Block 1, of the Murdock Subdivision as filed for record in Book 8, page 45 of plats in the office of the Recorder of Bannock County, Idaho, and more particularly described as follows:

BEGINNING at the iron pin marking the Southwest corner of Lot 9, Block 1 of the Murdock Subdivision, said pin being the True Point of Beginning; thence North 01° 36' East, 470.50 feet along the Westerly line of said Lot 9; thence South 88° 44' East, 380.04 feet to a point on the westerly right-of-way line of Inkum Road; thence South 17° 33' East 497.06 feet along said right-of-way; thence North 88° 44' West 543.10 feet to the True Point of Beginning . . .

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.

together with their appurtenances;

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

Dated: December 12, 2002

John Clyde Whitworth
JOHN CLYDE WHITWORTH

Gina Louise Whitworth
GINA LOUISE WHITWORTH

STATE OF IDAHO, COUNTY OF

On this 12th day of December, 2002
before me, a notary public in and for said State, personally
appeared John Clyde Whitworth and
Gina Louise Whitworth

MELANIE JOHNSON
NOTARY PUBLIC
STATE OF IDAHO

20227095
John Clyde Whitworth
RECORDED AT REQUEST OF
FEE 3- DEPUTY m)

known to me to be the person 5 whose names are
subscribed to the within instrument, and acknowledged to
me that They executed the same.

Melanie Johnson

Notary Public
, Idaho

Residing at Pocatello
Comm. Expires 10-25-05

2002 DEC 12 AM 9 57
OFFICIAL RECORD BK# 821
LARRY W CHAN RECORDER
BANNOCK COUNTY IDAHO

SCANNED

LITHO 5-2500

Furnished by the

ALLIANCE
TITLE & ESCRROW CORP.

PROFILED

JUL 22 2005

Saxton, Craig

From: Monte Lish [Monte.Lish@ashgrove.com]

Sent: Tuesday, July 09, 2002 2:33 PM

To: 'CSAXTON@IDWR.STATE.ID.US'

Subject: MURDOCK SUBDIV.

MURDOCK SUBDIVISION: KENT MURDOCK OWNED 10 ACRES = BLOCK # 9 NORRIS PROBABLY KEPT 1 IN PER ACRE FOR KENT. JOHN WHITWORTH BOUGHT 5 ACRES FROM KENT ON THE SOUTH HALF OF BLOCK # 9. I DO NOT KNOW HOW MUCH JOHN GETS. PROBABLY 1".

yes, This is true

SAM BOUGHT BLOCK # 8 = 5 ACRES (I'LL GUESS HE ONLY GOT 1/2 ")

ALLEN HATFIELD BOUGHT BLOCK # 7 = 5 ACRES (I'LL GUESS 1/2")

MIKE FOLTZ BOUGHT BLOCK # 6 = 5 ACRES (I'LL GUESS 1/2")

DAVE WAGNER BOUGHT BLOCK # 5 = 3 ACES (I'LL GUESS 1/2")

DENNIS TURMAN BOUGHT BLOCK # 4 = 3 ACRES (I'LL GUESS 1/2")

DEL OWENS BOUGHT BLOCK # 3 = 3 ACRES (I'LL GUESS 1/2")

ARNOLD DAVIS BOUGHT BLOCK # 2 = 3 ACRES (I'LL GUESS 1/2")

BEN CHAVERS BOUGHT BLOCK # 1 = 3 ACRES (I'LL GUESS 1/2")

I'M ONLY GUESSING AT THE WATER AMOUNTS BUT THIS IS THE PEOPLE AND ACREAGE.

THIS IS FORTY ACRES AND THE ORIGINAL WATER WAS FOR FORTY INCHES. NORRIS KEPT 1/2" OUT OF BLOCK # 1, 2, 3, 4, 5, 6, 7, 8. BLOCK # 9 WAS HIS SON KENTS, SO IT WAS FOR 1 INCH. IS THIS CORRECT TO YOU ?

I'LL STILL TRY TO GET SOME PAPER TO YOU WHEN I FIND SOMETHING.

THANKS AGAIN.

7/10/2002

PROFILE

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, 19 73
before me, a notary public in and for said State, personally
appeared Norris M. Murdock and Merle J
Murdock, husband and wife

SCANNED

JUL 22 2005

PROFILE 508225
NO. RECORDED AT REQUEST



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

February 19, 2003

MAX SHAFFER
CINDY SHAFFER
PO BOX 195
INKOM ID 83245

RE: Snake River Basin Adjudication (SRBA) claim 29-00294E and new Jackson Creek claim.

Dear Mr. and Ms. Shaffer,

On February 18, 2003 our office received the Notice in Change of Water Right Ownership form and a Notice of Claim to a Water Right that was solicited on July 3, 2002. Unfortunately, some additional items need to be submitted.

In order to process the Change of Ownership for SRBA claim 29-00294E a warranty deed showing your ownership of the property with a legal description of the property needs to be submitted with the Change of Ownership form. No deed was submitted.

Filing fee for the Jackson Creek claim is \$50.00. No fees were received.

I am returning the Change of Ownership for and Notice of Claim to a Water Right along with a copy of the July 3, 2002 letter I sent.

Please resubmit the documents with the addition of the \$50.00 filing fee and your warranty deed showing ownership of the property.

I apologies for any confusion on this issue. Please feel free to contact myself or our Idaho Falls office at (208) 525-7161 with any questions.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Craig L. Saxton'.

Craig L. Saxton
Sr. Water Resource Agent
Adjudication Bureau

SCANNED

JUL 22 2005

PROFILED

02/18/2003

NOTICE OF ERROR
REPLY

RECEIVED
APR 23 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: 29-294E

JOHN C WHITWORTH
13099 W SYPHON RD
POCATELLO ID 83202

Telephone Number: (208)237-9237

MAX D. Shaffer
1537 N. old Hwy 91
INKOM ID. 83245
(208)-775-3630

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

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

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

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

DATE: 4-21-03

SIGNATURE: MAX D. Shaffer

Please print your name: MAX D. Shaffer

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

PROFILE

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

July 3, 2002

MAX SHAFFER
CINDY SHAFFER
PO BOX 195
INKOM ID 83245

RE: Snake River Basin Adjudication (SRBA) claim 29-00294E and new Jackson Creek claim.

Dear Max and Cindy,

The Idaho Dept. of Water Resources is currently in the process of reviewing SRBA claims in your area. During my initial review I was informed that you now own the property previously owned by John C. Whitworth. I spoke with Cindy on July 3, 2002, and confirmed this.

There are a couple of issues that need to be addressed in order for me to make a favorable recommendation to the SRBA court.

Issue 1 – Change of Ownership:

A Notice of Change in Water Right ownership form needs to be completed to change the name on 29-00294E from Whitworth to yourself. Enclosed is the appropriate form. Please complete the form with the required information (highlighted) and return it to this office.

Issue 2 – Jackson Creek Claim:

Mr. Whitworth claimed a portion of decreed right 29-00249. In the decree it states that this right is to be diverted from the main channel of Rapid Creek. My initial review indicates that water that flows through the ditch that supplies Murdock subdivision delivers Jackson Creek water as well. To continue using Jackson Creek water, a SRBA claim needs to be filed.

For your convenience, enclosed is a partially completed Jackson Creek claim. Please fill out the mailing information as you want it to appear on your claim. Then, look over the claim and initial any changes you wish to make. When satisfied, sign the claim in front of a notary and return it to this office with the filing fee of \$50. Note: I am soliciting Jackson Creek claims from all water users on the system that have not filed already.

PROFILED

JUL 22 2005

Please feel free to contact me if you have any questions.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Craig L. Saxton". The signature is fluid and cursive, with the first name "Craig" being more prominent.

Craig L. Saxton
Sr. Water Resource Agent
Adjudication Bureau

PROFILED

SCANNED
JUL 22 2005

29-00294E

FE 5/31/02



Looking west at POU

PROFILED

JUL 22 2005

SCANNED



Looking West @ POU



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 18, 2002

JOHN C WHITWORTH
9138 W ABBY RD
POCATELLO ID 83204

RE: Notice of Change in Address Form for Snake River Basin Adjudication (SRBA)
claim 29-00294E

Dear Mr. Whitworth,

The Idaho Dept. of Water Resources is in the process of reviewing SRBA claims in Basin 29. During my initial review it looks like your mailing address might have changed from what is on the original claim filed in 1990 (enclosed).

If your current address is different than what is on the enclosed claim, please complete the Change in Address form and return it to this office as soon as possible to ensure that future mailings regarding your SRBA claims will reach you.

Please feel free to contact me if you have any questions.

Respectfully submitted,

Craig L. Saxton
Water Resource Agent
Adjudication Bureau

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JUL 22 2005

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Split History For 29-00294

A) Murdock, Norris M ^{all} not decreed POW

0.30 cfs
28 ac

B) Lish, Sam not decreed POW

0.086 cfs
4.3 ac

C) Turner, Dennis

0.03 cfs
3 ac

D) Murdock, Norris Kent

0.08 cfs
4 ac

E) Witworth, John

0.10 cfs
5 ac

29-00294

0.80 cfs
max 80 ac

F) Chavers, Ben

0.06
? ac No acreage claimed

G) Davis, Arnold

0.03 cfs
3 ac

H) Owens, Delbert

0.06
3 ac

I) Foltz, Michael

0.10 cfs
5.3 ac

Σ cfs claimed = 0.846 - Right overclaimed

Σ acreage = 55.6

If decreed POW was 55.6 acres - diversion
Rate per acre is 0.0144 cfs/acre

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JUL 22 2005

C. Sutton 8/7/01

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 29-294

WATER RIGHT NUMBER: 29-294

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	WEGECATA JACKSON
	, ZZ

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	/ 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
07S	36E	22	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
															X				X

Total Acres: 0

Conditions of Approval:Remarks:

1. 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 A29-00294E

Spatial Dynamics LTD

8/24/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
07s36e	22	NESE	5	3.7	
Totals:			5	3.7	

AJ5809NP
No. A29-00294E

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/18/00
PAGE: 49

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	JOHN C WHITWORTH 13099 W SYPHON RD POCATELLO ID 83202 (208) 237-9237	06/01/1885	IRRIGATION	04-01 11-01	0.100 CFS	
					TOTAL DIVERSION:	0.100 CFS
					CONSUMPTIVE USE:	12.50 AFA

Water Source: RAPID CREEK

Tributary to: PORTNEUF RIVER

Stage: DECREED

Point(s) of Diversion: T07S R36E S22 NENE BANNOCK County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE				
NENE NWNE SWNE SENE				NENW NWNW SWNW SENW				NESW NWSW SWSW SESW				NESE NWSE SWSE SESE				
T	R	S	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	SUM		
07S	36E	22	:	:	:	:	:	:	:	:	:	:	:	5.0		
													TOTAL ACRES	5.0		

POU County: BANNOCK

Non-Irrigation Uses: S/ 3 HORSES

Other Rights: NONE

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

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

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

A29-00294 A29-00294D

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

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

Audit: 04/11/90 DCARLSON 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 29-294E
Date Received: 4/11/1990
Receipt No: E013062
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

MAX D SHAFFER Phone: (208) 775-3630

PO BOX 195
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	BANNOCK	

5. Description of diverting works:

DITCHES TO FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01 0.1	

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

8. Total consumptive use:

9. Non-irrigation uses:

PROFILED

SCANNED
JUL 22 2005

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
07S	36E	22	NE	SE	IRRIGATION	5
					Section Acres	5
					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:

CHANGED OWNERSHIP PER CLAIMANT REQUEST (CSAXTON 4/24/03).

15. Basis of Claim: Decreed

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

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: A29-00294E
Date Received: 4/11/1990
Receipt No: EO13062
Received By: DK

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JOHN C. WHITWORTH 208-237-9237
Address: 13099 W. SYPHON RD
POCATELLO, ID 83202

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		BANNOCK

5. Description of diverting works:
DITCHES TO FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.100		

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

8. Total consumptive use is 12.5 Acre Feet Per Annum.

9. Non-irrigation uses:
S/ 3 HORSES

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	36E	22	NE	SE		IRR	5.0
						Section Acres	5.0

A29-00294E

Page 1

Date: 04/11/90

A2900294E



MICROFILMED

NOV 13 1992

10. Place of Use: Continued

Total Acres 5.0

11. Place of use in counties: BANNOCK

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

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): *John Whitworth* Date: 4-11-90

Date: _____

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 11 day
of April 19 90

Deane Carls
Notary Public

Seal

Residing at Heise, Id
My Commission Expires 2/26/96

