

IDAHO DEPARTMENT OF WATER RESOURCES

RIGHT NUMBER: 29-320 Version 2

ELIZABETH VAUGHAN
100 E 12TH ST
MC CAMMON ID 83250

TRIBUTARY: BIRCH CREEK
TRIBUTARY: BIRCH CREEK

The amount of water diverted under this water right may not exceed 1/4 of the stream flow of Big Creek and Maple Creek at the point of diversion described below at any given time. This water right shall not provide more than .02 cubic feet per second per acre at any time.

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 4.78 CFS. COMBINED RIGHT NOS.: 29-320,
29-321, 29-322.

POINT OF DIVERSION:

T12S R36E S2 SWNENW 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	4.780 CFS

PLACE OF USE: IRRIGATION Within BANNOCK County

T11S R36E S25	NESW	10.0	T11S R36E S25	NWSW	17.0
T11S R36E S25	SWSW	14.0	T11S R36E S25	SESW	28.0
T11S R36E S25	SWSE	30.0	T11S R36E S25	SESE	9.9
T11S R36E S26	NESE	11.0	T11S R36E S26	NWSE	2.2
T11S R36E S26	SWSE	18.0	T11S R36E S26	SESE	34.0
T11S R36E S35	NENE	1.1	T11S R36E S36	NENE	12.0
T11S R36E S36	NWNE	8.1	T11S R37E S30 Lot 3	NWSW	8.5
T11S R37E S30 Lot 4	SWSW	35.0			

1

06/10/2004

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

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 238.8 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 29-320, 29-321, 29-322.

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:

UNNAMED STREAM IS ALSO KNOWN AS MAPLE CREEK.

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 PLACE OF USE PURSUANT
TO SECTION 42-1425, IDAHO CODE.

WATERS OF BIG CREEK ARE DELIVERED THROUGH BIRCH CREEK CANAL
(DITCH).

06/05/2003

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

RIGHT NUMBER: 29-320

NAME AND ADDRESS: BONNIE JENKINS
368 S MAIN
MALAD ID 83252

DAVID MARK TREASURE
2615 N 800 E
LOGAN UT 84321

DEBBIE TREASURE
218 S 100 W
LOGAN UT 84321

ELIZABETH VAUGHAN
100 E 12TH ST
MC CAMMON ID 83250

SOURCE: BIG CREEK
MAPLE CREEK

TRIBUTARY: BIRCH CREEK
TRIBUTARY: BIRCH CREEK

QUANTITY: 3.910 CFS

The amount of water diverted under this water right may not exceed 1/4 of the stream flow of Big Creek and Maple Creek at the point of diversion described below at any given time. This water right shall not provide more than .02 cubic feet per second per acre at any time.

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 3.91 CFS. COMBINED RIGHT NOS.: 29-320, 29-321, 29-322.

PRIORITY DATE: 06/09/1904

POINT OF DIVERSION:

T11S R36E S35 NWNWNE Within BANNOCK County

T12S R36E S2 SWNENW 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	3.910 CFS

PLACE OF USE: IRRIGATION Within BANNOCK County

T11S R36E S25	NESW	10.0	T11S R36E S25	NWSW	17.0
T11S R36E S25	SWSW	14.0	T11S R36E S25	SESW	28.0
T11S R36E S25	SWSE	30.0	T11S R36E S25	SESE	9.9
T11S R36E S26	NESE	11.0	T11S R36E S26	NWSE	2.2
T11S R36E S26	SWSE	18.0	T11S R36E S26	SESE	34.0
T11S R36E S35	NENE	1.1	T11S R36E S36	NENE	12.0
T11S R36E S36	NWNE	8.1			

195.3 ACRES TOTAL

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 195.3 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 29-320, 29-321, 29-322.

06/05/2003

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

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

UNNAMED STREAM IS ALSO KNOWN AS MAPLE CREEK.

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 PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

WATERS OF BIG CREEK ARE DELIVERED THROUGH BIRCH CREEK CANAL (DITCH).

03/07/2003

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

RIGHT NUMBER: 29-320
NAME AND ADDRESS: BONNIE JENKINS
368 S MAIN
MALAD ID 83252

DAVID MARK TREASURE
2615 N 800 E
LOGAN UT 84321

DEBBIE TREASURE
218 S 100 W
LOGAN UT 84321

ELIZABETH VAUGHAN
100 E 12TH ST
MC CAMMON ID 83250

SOURCE: BIG CREEK *Maple ck* *No RS. USGS Quad*
UNNAMED STREAM

TRIBUTARY: BIRCH CREEK
TRIBUTARY: BIRCH CREEK

QUANTITY: 3.910 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 3.91 CFS. COMBINED RIGHT NOS.: ~~29-317A,~~
29-320, 29-321, 29-322.

PRIORITY DATE: 06/09/1904

POINT OF DIVERSION:

T11S R36E S35 NWNWNE Within BANNOCK County Source: UNNAMED STREAM
T12S R36E S2 SWNENW Within BANNOCK County Source: BIG CREEK

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	3.910 CFS

PLACE OF USE: IRRIGATION Within BANNOCK County

T11S R36E S25	NESW	10.0	T11S R36E S25	NWSW	17.0
T11S R36E S25	SWSW	14.0	T11S R36E S25	SESW	28.0
T11S R36E S25	SWSE	30.0	T11S R36E S25	SESE	9.9
T11S R36E S26	NESE	11.0	T11S R36E S26	NWSE	2.2
T11S R36E S26	SWSE	18.0	T11S R36E S26	SESE	34.0
T11S R36E S35	NENE	1.1	T11S R36E S36	NENE	12.0
T11S R36E S36	NWNE	8.1			

195.3 ACRES TOTAL

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 195.3 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: ~~29-317A,~~ 29-320, 29-321,
29-322.

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

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

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

UNNAMED STREAM IS ALSO KNOWN AS MAPLE CREEK.

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 PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

WATERS OF BIG CREEK ARE DELIVERED THROUGH BIRCH CREEK CANAL (DITCH).

01/08/2003

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

RIGHT NUMBER: 29-320

NAME AND ADDRESS: BONNIE JENKINS
368 S MAIN
MALAD ID 00000

DAVID MARK TREASURE
2615 N 800 E
LOGAN UT 84321

ELIZABETH VAUGHAN
100 E 12 TH
MC CAMMON ID 83250

DEBBIE TREASURE
218 S 100 W
LOGAN UT 84321

Zip Code

*Done
3/7/03
[Signature]*

SOURCE: BIG CREEK
UNNAMED STREAM

TRIBUTARY: BIRCH CREEK
TRIBUTARY: BIRCH CREEK

QUANTITY: 3.910 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 3.91 CFS. COMBINED RIGHT NOS.: 29-317A,
29-320, 29-321, 29-322.

PRIORITY DATE: 06/09/1904

POINT OF DIVERSION:

T11S R36E S35 NWNWNE Within BANNOCK County

T12S R36E S2 SWNENW 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	3.910 CFS

PLACE OF USE: IRRIGATION Within BANNOCK County

T11S R36E S25	NESW	10.0	T11S R36E S25	NWSW	17.0
T11S R36E S25	SWSW	14.0	T11S R36E S25	SESW	28.0
T11S R36E S25	SWSE	30.0	T11S R36E S25	SESE	9.9
T11S R36E S26	NESE	11.0	T11S R36E S26	NWSE	2.2
T11S R36E S26	SWSE	18.0	T11S R36E S26	SESE	34.0
T11S R36E S35	NENE	1.1	T11S R36E S36	NENE	12.0
T11S R36E S36	NWNE	8.1			

195.3 ACRES TOTAL

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 195.3 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 29-317A, 29-320, 29-321,
29-322.

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

01/08/2003

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

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

UNNAMED STREAM IS ALSO KNOWN AS MAPLE CREEK.

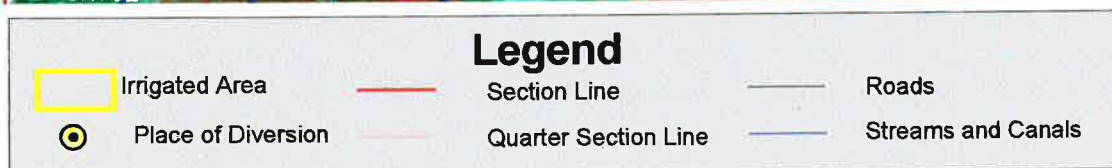
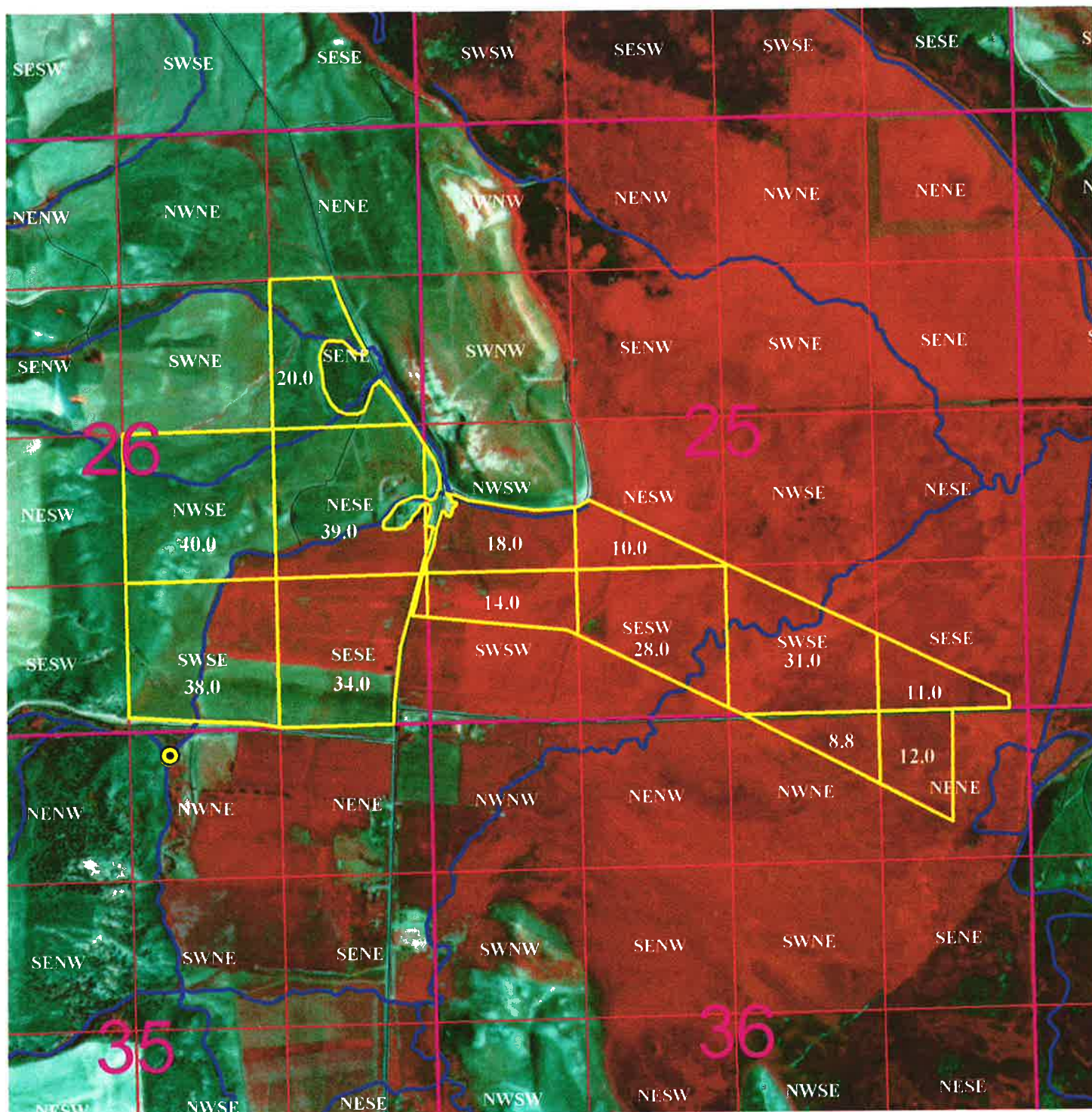
RIGHT INCLUDES ACCOMPLISHED CHANGE IN SOURCE PURSUANT TO SECTION 42-1425, IDAHO CODE.

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

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

WATERS OF BIG CREEK ARE DELIVERED THROUGH BIRCH CREEK CANAL (DITCH).

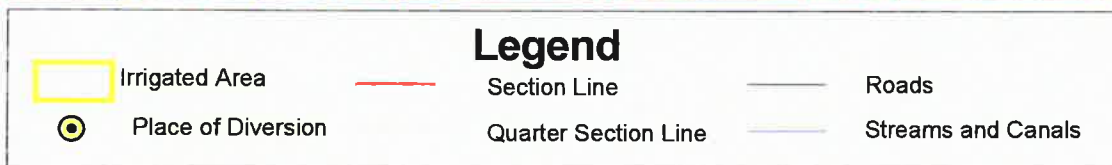
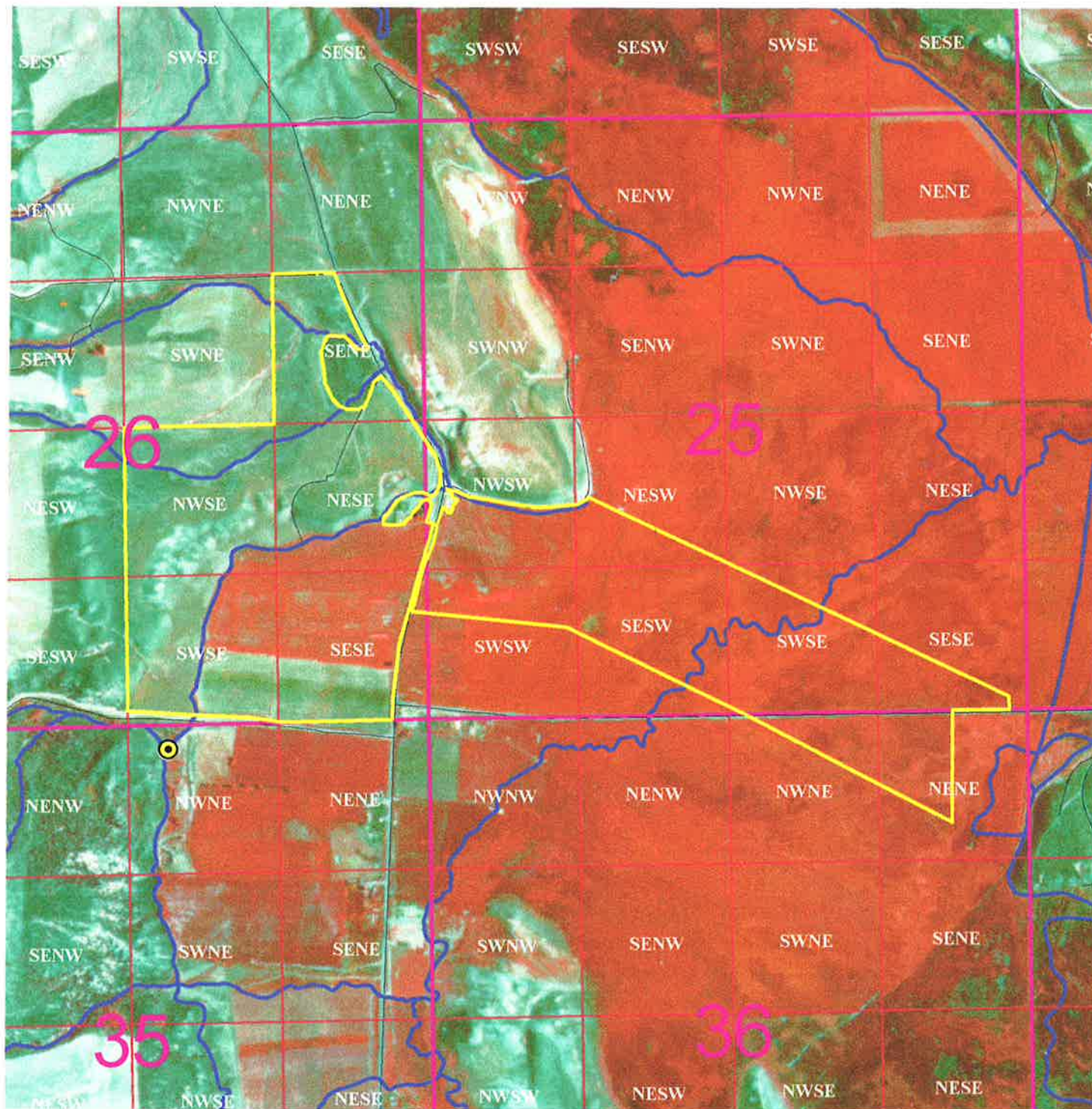
Township , 11S36E



700 0 700 1400 2100 Feet



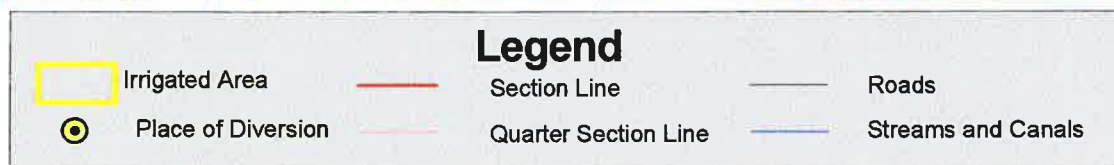
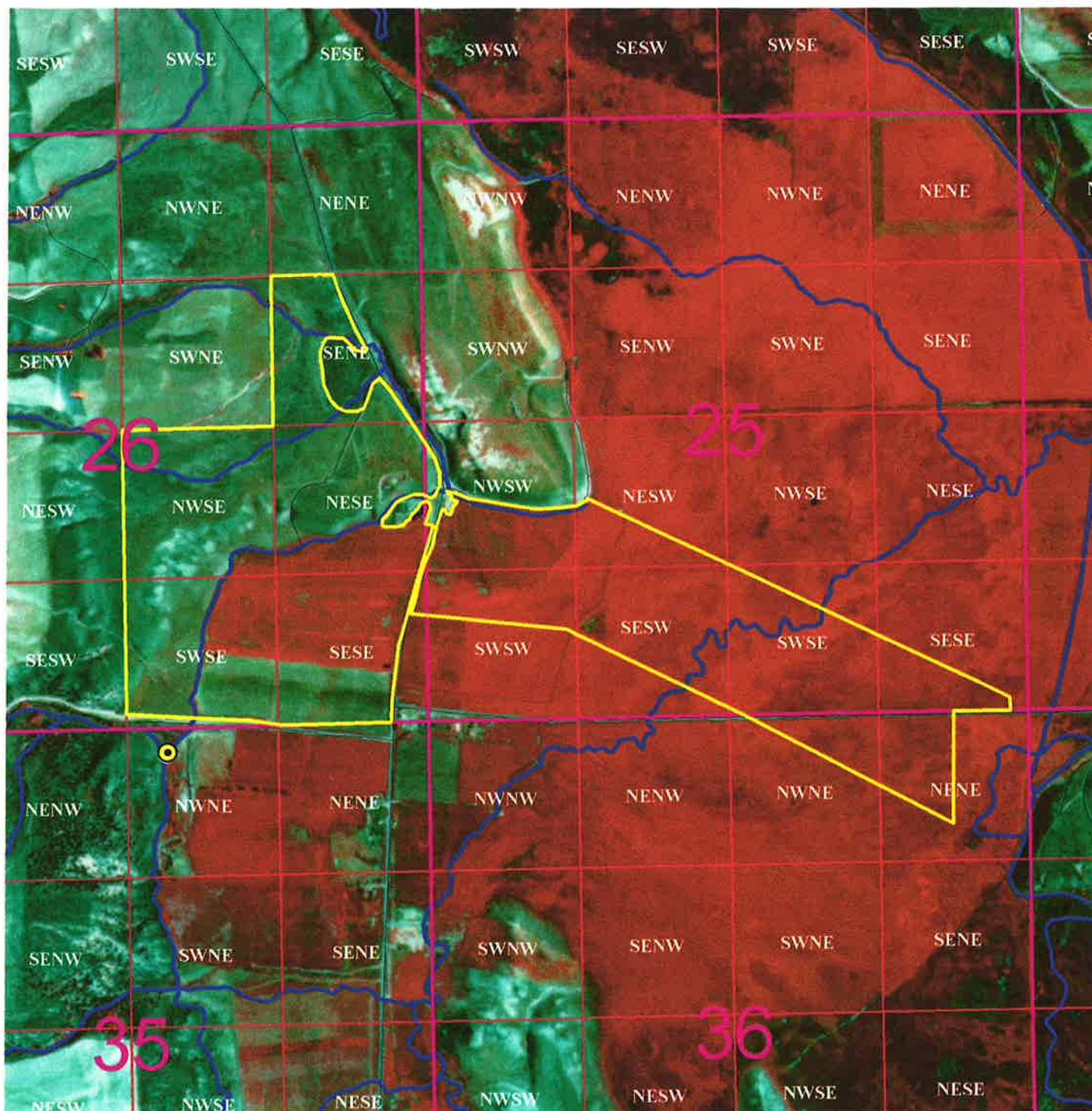
Township , 11S36E



700 0 700 1400 2100 Feet



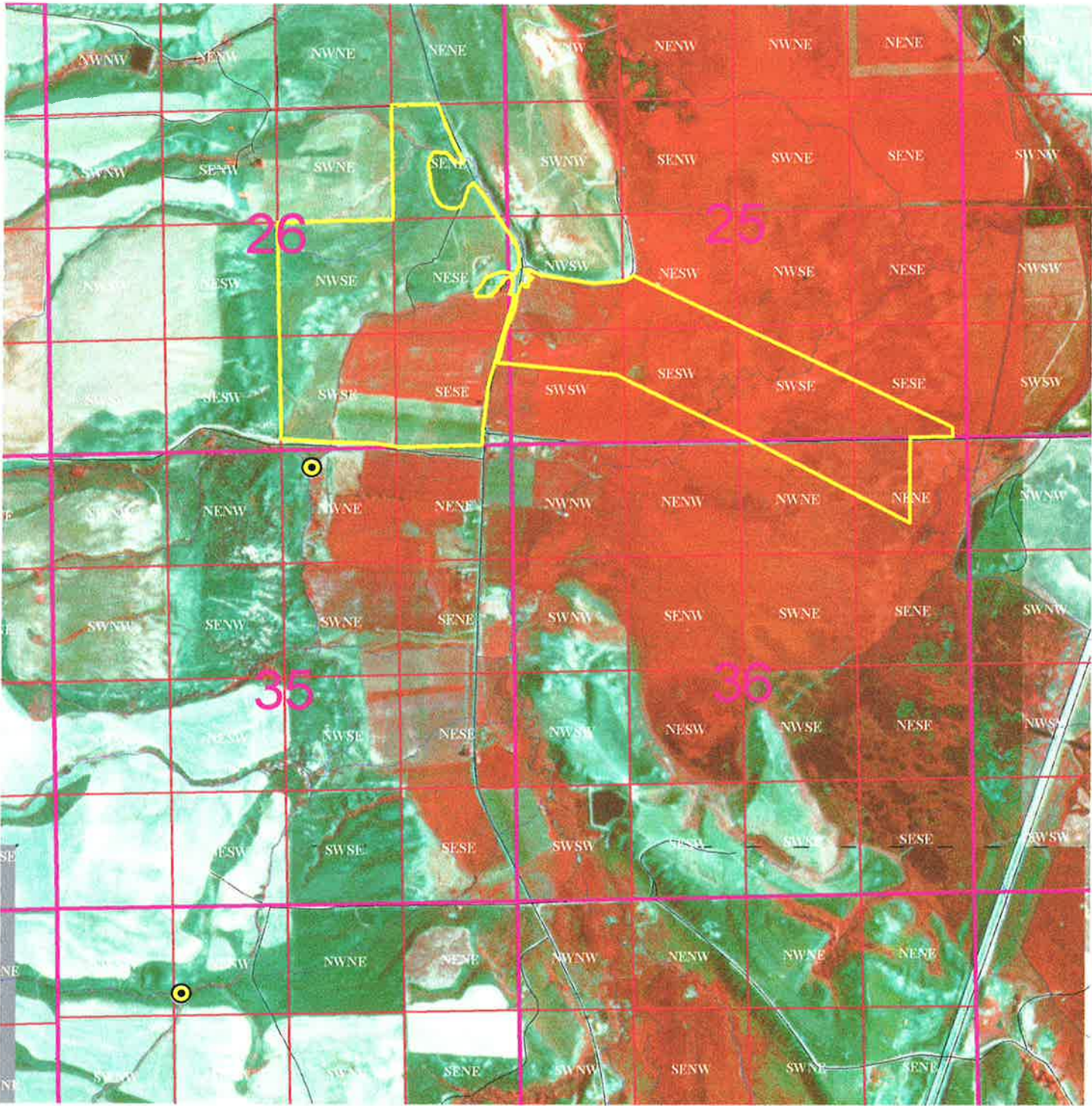
Township , 11S36E



700 0 700 1400 2100 Feet



Township , 11S36E



 Irrigated Area

 Place of Diversion

Legend

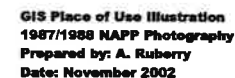
 Section Line

 Quarter Section Line

 Roads

 Streams and Canals



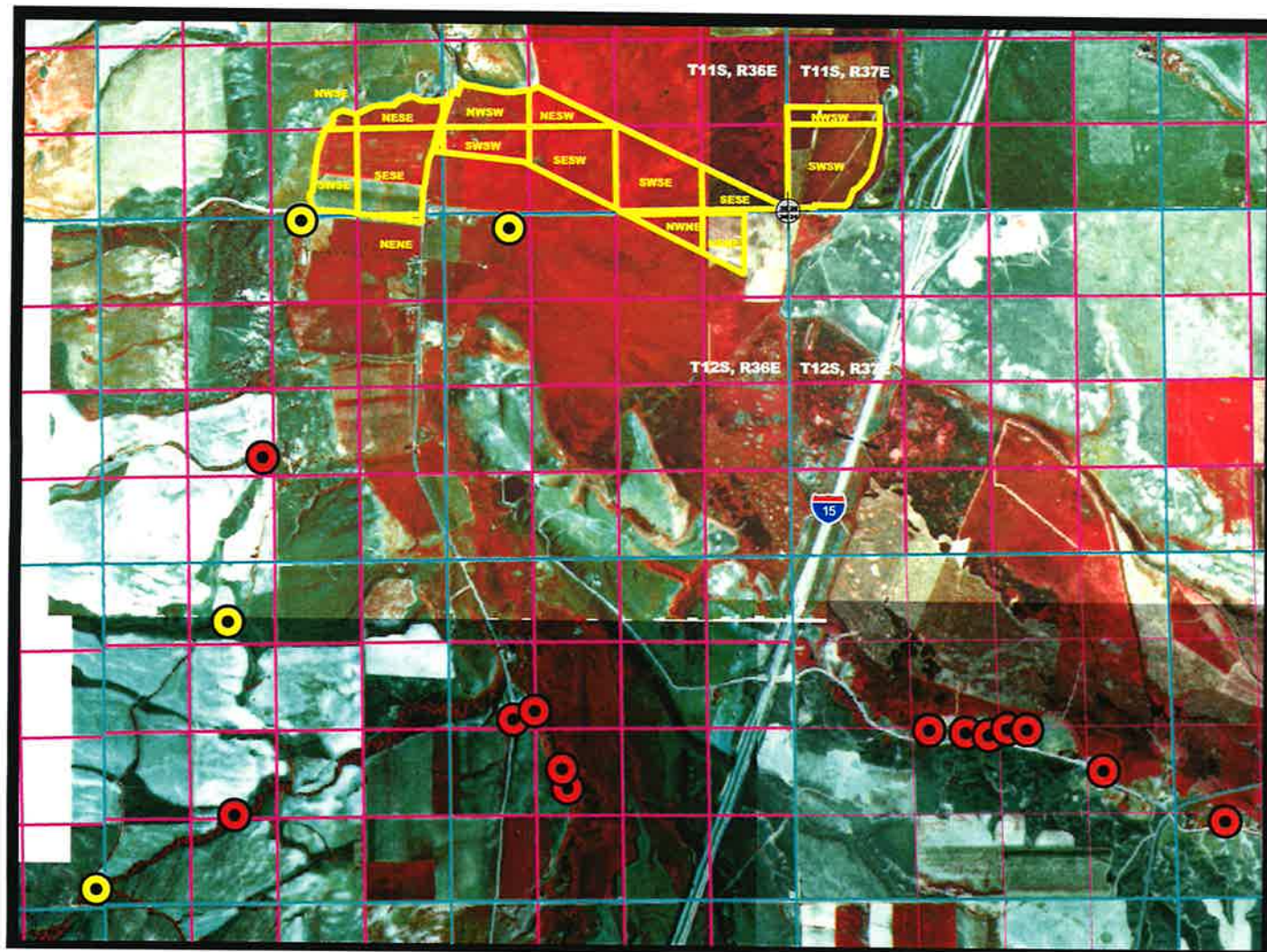




State of Idaho

Department of Water Resources

Eastern Region



Water Right(s):

29-00320,

29-00321,

29-00322

Place of Use: (parts of) T11S, R36E
Sec. 25 S2S2, N2SW, Sec. 26 SW,
Sec.35 NENE, Sec. 36 N2NE,
T11S, R37E Sec. 30 W2SW

Point(s) of Diversion: T11S, R36E
Sec. 35 NWNWNE (Mines Canyon),
Sec. 36 NENWNW (Birch Ck),
T12S, R36E Sec. 2 SWNENW (Big Ck),
Sec.3 SESESE (Station Ck), Sec. 27
SWNWSW, SENWSW (Birdch Ck)



LEGEND



Point of Diversion



Place of Use



Section



Quarter-Quarter

**Amended DR
Version 2**

GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: A. Ruberry
Date: June 2004



State of Idaho

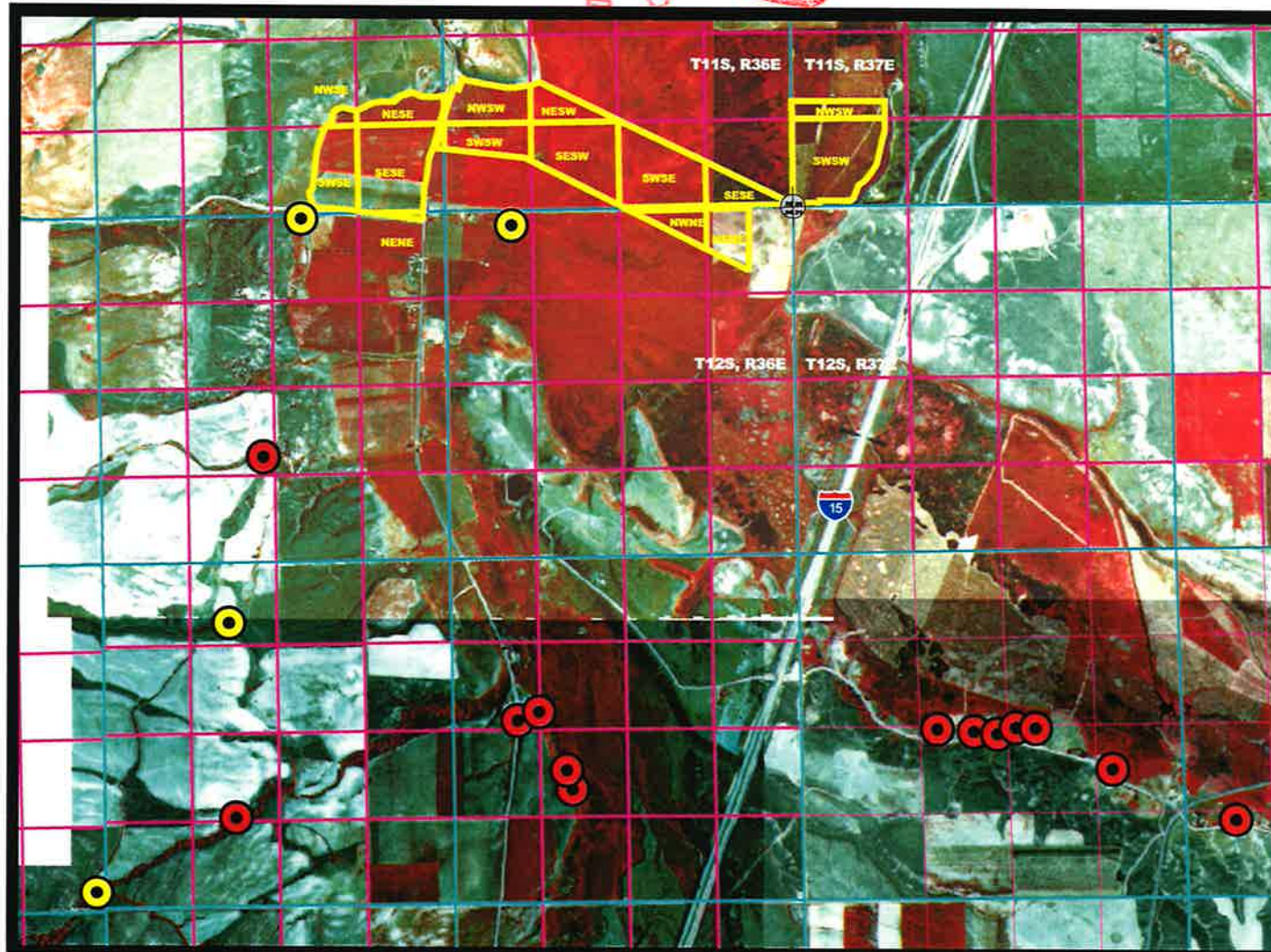
Department of Water Resources

Eastern Region



OCT 20 2004
SCANNED

RECEIVED



Water Right(s):

29-00320,

29-00321,

29-00322

Place of Use: (parts of) T11S, R36E
Sec. 25 S2S2, N2SW, Sec. 26 SW,
Sec.35 NENE, Sec. 36 N2NE,
T11S, R37E Sec. 30 W2SW

Point(s) of Diversion: T11S, R36E
Sec. 35 NWNWNE (Mines Canyon),
Sec. 36 NENWNW (Birch Ck),
T12S, R36E Sec. 2 SWNENW (Big Ck),
Sec.3 SESESE (Station Ck), Sec. 27
SWNWSW, SENWSW (Birdch Ck)



LEGEND



Point of Diversion



Place of Use



Section



Quarter-Quarter

1000 0 1000 2000 3000 4000 5000 6000 7000 8000 9000 10000 11000 12000 13000 Feet

Amended DR
Version 2

GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: A. Ruberry
Date: June 2004

PROVINCE

T12S, R36E

27

Birch

Creek

SWNW SW
SENWSW

SCANNED
NOV 03 2005

LAW OFFICES OF

**RACINE, OLSON, NYE, BUDGE & BAILEY
CHARTERED**

LOUIS F. RACINE, JR.
WILLIAM D. OLSON
W. MARCUS W. NYE
RANDALL C. BUDGE
JOHN A. BAILEY, JR.
JOHN R. GOODELL
JOHN B. INGELSTROM
DANIEL C. GREEN
BRENT O. ROCHE
KIRK B. HADLEY
FRED J. LEWIS
MITCHELL W. BROWN
ERIC L. OLSEN
DAVID E. ALEXANDER
LISA M. CHRISTON
RICHARD A. HEARN, M.D.
LANE V. ERICKSON
PATRICK N. GEORGE
SCOTT J. SMITH
LISA A. WOOD, CPA
STEPHEN J. MUHONEN
BRENT L. WHITING

CENTER PLAZA-CORNER FIRST & CENTER
POST OFFICE BOX 1391
POCATELLO, IDAHO 83204-1391

TELEPHONE (208) 232-6101
FACSIMILE (208) 232-6109

SENDER'S E-MAIL ADDRESS: rcb@racinelaw.net

BOISE OFFICE

CONRAD J. AIKEN
THEODORE C. PETERS
DEBORAH L. LEHOSIT
LISA R. TANNER (CA ONLY)

101 SOUTH CAPITOL
BOULEVARD, SUITE 208
BOISE, IDAHO 83702
TELEPHONE: (208) 395-0011
FACSIMILE: (208) 433-0167

IDAHO FALLS OFFICE

477 SHOUP AVENUE
SUITE 203A
IDAHO FALLS, ID 83402
TELEPHONE: (208) 528-6101
FACSIMILE: (208) 528-6109

June 7, 2004

Alan Ruberry
Eastern Region
Idaho Department of Water Resources
900 N. Skyline Drive, Suite A
Idaho Falls, Idaho 83402

RECEIVED

JUN 08 2004

Department of Water Resources
Eastern Region

Re: Subcase Nos. 29-320, 321 and 322/Treasure, Jenkins, Vaughan

Dear Alan:

I am enclosing the original signed Second Amended Notice of Claim to a Water Right for Subcase Nos. 29-320, 321 and 322. This Second Amendment is to correct the range for the Section 30 property under the place of use, to change the section acres to 44 and proportionately increase the quantity at .02 cfs/acre. This is per my phone conversations with Candice McHugh and the Amended Claims provided by Don Shaff.

Also enclosed is a copy of my letter withdrawing our client's objections to 29-10462 and 29-317A. All of this is to implement the settlement reached at the April 22, 2004 status and scheduling conference before Special Master Bilyey.

Thank you for your assistance. Contact me if you have any questions.

Sincerely,

Randy Budge

RANDALL C. BUDGE

RR

RCB:rr

Enclosures

cc: Candice M. McHugh
Clients

PROFILED

SCANNED

NOV 03 2005

LAW OFFICES OF

**RACINE, OLSON, NYE, BUDGE & BAILEY
CHARTERED**

LOUIS F. RACINE, JR.
WILLIAM D. OLSON
W. MARCUS W. NYE
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IDAHO FALLS OFFICE

477 SHOUP AVENUE
SUITE 203A
IDAHO FALLS, ID 83402
TELEPHONE: (208) 526-6101
FACSIMILE: (208) 526-6109

June 7, 2004

Clerk of the District Court
Snake River Basin Adjudication
P.O. Box 2707
Twin Falls, Idaho 83303-2707

RECEIVED

JUN 08 2004

Department of Water Resources
Eastern Region

Re: Subcases 29-10462, 29-317A

Dear Clerk:

I am writing as attorney for Objectors, Bonnie Jenkins, David Mark Treasure, Elizabeth Vaughan and Debbie Treasure, for the purpose of withdrawing their Standard Form 1 Objection to Subcase No. 29-10462 and No. 29-00317A. These Objections are withdrawn for the purpose of implementing the settlement between the parties reached at the status and scheduling conference conducted on April 22, 2004, before Special Master Brigitte Bilyeu.

Thank you for your assistance. Please contact me if you have any questions.

Sincerely,

RANDALL C. BUDGE

RCB:rr

cc: Lazy VZ Trust, c/o Louis Bloxham
IDWR Document Depository
Chief, Natural Resources Division
United States Department of Justice
Candice McHugh
Al Ruberry
Clients

PROFILED

SCANNED

NOV 03 2005

Ruberry, Allen

From: Shaff, Don
Sent: Friday, June 04, 2004 3:34 PM
To: Ruberry, Allen; McHugh, Candice
Subject: Budge claims

I sent the following message to Budge for the Treasure claims along with the claim attachments. I did not cc either of you intentionally. If you would like to see the draft claims I sent, the three documents are in my (471) PCCCommon with file names starting Amended Claims.

Randy,

Working with Al Ruberry and Candice McHugh, I have prepared the attached amended claims for your clients to use. Of course, please review my drafting carefully to double check I am not taking the course of the subcases off track. Please sign the original signed claims to Al Ruberry in Idaho Falls and a copy of the signed claims to Ms McHugh. Thanks for your assistance to get these rights resolved in due time.

Don Shaff
dshaff@idwr.state.id.us
208-327-7932

PROFILED

SCANNED
NOV 03 2005

6/4/04

TO: CANDICE

FROM: ABR

RE: BUDGE LETTER

I DONT HAVE TIME FOR ALL
THIS REQUEST,



6 pgs total

PROFILED

SCANNED
NOV 03 2005

LAW OFFICES OF

**RACINE, OLSON, NYE, BUDGE & BAILEY
CHARTERED**

LOUIS F. RACINE, JR.
WILLIAM D. OLSON
W. MARCUS W. NYE
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IDAHO FALLS OFFICE

477 SHOUP AVENUE
SUITE 203A
IDAHO FALLS, ID 83402
TELEPHONE: (208) 528-6101
FACSIMILE: (208) 528-6109

June 1, 2004

Candice McHugh
Deputy Attorney General
State of Idaho
P.O. Box 83720
Boise, Idaho 83720-0098

RECEIVED
JUN 03 2004

Department of Water Resources
Eastern Region

Al Ruberry
Eastern Region
Idaho Department of Water Resources
900 N. Skyline Drive, Suite A
Idaho Falls, Idaho 83402

Re: *Portneuf Irrigators Settlement Conference - Basin 29*

Dear Candice and Al:

It's my understanding that prior to the next settlement conference scheduled for June 30 at 1:00 p.m., the Department will develop and present an administration plan for the delivery of early/late irrigation rights if the river is segmented for delivery purposes into an upper reach from Pebble Creek to the Lava Irrigation Company diversion and a lower reach from the Lava Irrigation diversion to the diversions of Portneuf-Marsh Valley Canal Company/Portneuf Irrigating Company/McCammon Ditch Company. Further, that the Department will identify and provide flow data and records prior to and after the irrigation season.

To further our analysis and preparation, we would ask that the Department provide the following additional information:

1. A list of all irrigation rights on the Portneuf River, reflecting the right number, priority date, quantity and point of diversion.

SCANNED

NOV 03 2005

2. A list of all early/late irrigation rights recommended by the Department.
3. All evidence submitted to the Department in support of the recommended early/late irrigation rights. If the information is too voluminous to copy, please advise when we can arrange to review the same.
4. A chart reflecting all early/late irrigation season flows at the Pebble and Topaz gauge stations, together with the supporting data.
5. The copy of the *Union Elevator vs. McCammon Ditch Decree* which I have reflects that the original Final Decree was entered on July 1, 1921 and that an Amended Decree was entered on December 4, 1922. I assume this was further amended, which gave rise to a Final Decree entered in 1932 establishing the priority date the Department is relying upon. Would you kindly provide a copy of that Decree. Additionally, the Amended Decree I have indicates that Findings of Fact and Conclusions of Law were entered. If you have those available, would you please provide a copy. If you do not have them available, let me know and we will do further research with the Court.

I would appreciate it if you would provide it simultaneously to me and to Chuck Brockway at 2016 Washington Street North, Twin Falls, Idaho 83301. Thanks for your cooperation and assistance. If you have any questions, give me a call.

Sincerely,

RANDALL C. BUDGE

RCB:rr

cc: Charles Brockway

SCANNED

NOV 03 2005

CANDICE:

FYI — BASIN 22 Probs.

This TABLE IS A SORT FOR BU
CLAIMS ON G.W. AFTER 3/25/1963.

The 2000 AND 7000 ARE PROBABLY
DATA FIXES I CAN DO. THE 4000'S DON'T
MATTER YET.



SCANNED

NOV 03 2005

Basin_22_BU_after_03_25_1963

Basis	Basin	Sequence	Suffix	PriorityDate	UseCode	RightID
Beneficial Use	22	2231	A	10/30/1963	01	230283
Beneficial Use	22	2234	A	12/16/1964	01	230284
Beneficial Use	22	2245	B	3/11/1965	01	256052
Statutory Claim	22	4017		9/1/1963	01	243711
Statutory Claim	22	4076		6/1/1965	01	264543
Statutory Claim	22	4103		6/1/1965	01	242623
Statutory Claim	22	4181		9/1/1968	01	243715
Statutory Claim	22	4185		6/15/1983	01	243000
Statutory Claim	22	4191		6/1/1970	01	230372
Statutory Claim	22	4195		7/15/1965	01	230375
Beneficial Use	22	7071	A	4/25/1973	01	230400
Beneficial Use	22	7095	A	7/8/1974	01	230413
Beneficial Use	22	7228	A	4/25/1977	01	230445
Beneficial Use	22	10002		5/1/1970	07	230508
Beneficial Use	22	10008		10/24/1977	07	242630
Beneficial Use	22	10012		6/1/1975	10	230517
Beneficial Use	22	10025		8/1/1967	10	230529
Beneficial Use	22	10118		5/1/1981	07	230616
Beneficial Use	22	10164		5/1/1963	01	230657
Beneficial Use	22	10287		4/1/1966	10	230774
Beneficial Use	22	10405		3/1/1978	01	230890
Beneficial Use	22	10464		4/15/1978	01	230947
Beneficial Use	22	10483		6/1/1968	01	252124
Beneficial Use	22	10511		5/1/1968	01	230990
Beneficial Use	22	10516		8/15/1975	01	230995
Beneficial Use	22	10584		9/13/1984	10	231060
Beneficial Use	22	10605		6/10/1973	01	231081
Beneficial Use	22	10624		6/1/1971	01	231098
Beneficial Use	22	10632		8/15/1979	10	231106
Beneficial Use	22	10649		4/1/1968	01	231123
Beneficial Use	22	10713		1/1/1970	01	231181
Beneficial Use	22	10775		4/1/1974	01	231242
Beneficial Use	22	10805		6/11/1977	01	231269
Beneficial Use	22	10897		6/20/1966	01	231353
Beneficial Use	22	10939		11/23/1965	01	231393
Beneficial Use	22	10970		4/15/1978	10	231420
Beneficial Use	22	11003		4/1/1975	01	231438
Beneficial Use	22	11004		4/1/1985	01	231439
Beneficial Use	22	11019		4/1/1971	01	252130
Beneficial Use	22	11034		6/13/1973	01	231449
Beneficial Use	22	11044		9/1/1977	22	231454
Beneficial Use	22	11070		6/1/1978	01	231473
Beneficial Use	22	11082		4/21/1978	01	353741
Beneficial Use	22	11149		4/15/1981	01	231522
Beneficial Use	22	11185		4/23/1967	01	231545
Beneficial Use	22	11285		7/19/1963	01	231599
Beneficial Use	22	11318		4/1/1966	01	231608
Beneficial Use	22	11376		3/8/1965	01	243538
Beneficial Use	22	11381		8/31/1978	01	278040
Beneficial Use	22	11435		4/1/1984	01	261692
Beneficial Use	22	11472		6/30/1970	01	231669

Basin_22_BU_after_03_25_1963

Beneficial Use	22	11523		8/26/1982	01	243013
Statutory Claim	22	11537		7/21/1969	01	241043
Beneficial Use	22	11578		6/30/1971	01	242396
Beneficial Use	22	11639		7/21/1969	01	244510
Beneficial Use	22	11645		8/18/1966	01	252146
Beneficial Use	22	11825		8/10/1985	10	242037
Beneficial Use	22	11912		5/9/1978	01	243147
Beneficial Use	22	11924		4/15/1978	01	243149
Beneficial Use	22	11987		6/1/1965	02	242666
Beneficial Use	22	12075		4/15/1982	01	243562
Beneficial Use	22	12079		5/1/1975	07	243564
Beneficial Use	22	12155		12/31/1965	01	265765
Beneficial Use	22	12366		1/15/1980	01	252701
Beneficial Use	22	12392		6/1/1965	01	255131
Beneficial Use	22	12543		5/25/1977	01	261882
Beneficial Use	22	12571		12/31/1976	01	262125
Beneficial Use	22	12656		1/16/1979	01	263088
Beneficial Use	22	12671		2/25/1970	01	266653
Beneficial Use	22	12765		5/15/1989	01	338020
Beneficial Use	22	12893		6/12/1968	01	221495
Beneficial Use	22	12900		2/1/1965	01	189725
Beneficial Use	22	13019		5/15/1980	01	397506
Beneficial Use	22	13128		4/1/1963	01	424287
Beneficial Use	22	13185		6/1/1969	46	555062
Beneficial Use	22	13271		4/1/1985	01	570607
Beneficial Use	22	13289		4/1/1982	01	577006

11598 maybe a Permit

LAW OFFICES OF

**RACINE, OLSON, NYE, BUDGE & BAILEY
CHARTERED**

LOUIS F. RACINE, JR.
WILLIAM D. OLSON
W. MARCUS W. NYE
RANDALL C. BUDGE
JOHN A. BAILEY, JR.
JOHN R. GOODELL
JOHN B. INGELSTROM
DANIEL C. GREEN
BRENT O. ROCHE
KIRK B. HADLEY
FRED J. LEWIS
MITCHELL W. BROWN
ERIC L. OLSEN
DAVID E. ALEXANDER
LISA M. CHRISTON
RICHARD A. HEARN, M.D.
LANE V. ERICKSON
PATRICK N. GEORGE
SCOTT J. SMITH
LISA A. WOOD, CPA
STEPHEN J. MUHONEN
BRENT L. WHITING

CENTER PLAZA-CORNER FIRST & CENTER
POST OFFICE BOX 1391
POCATELLO, IDAHO 83204-1391

TELEPHONE (208) 232-6101
FACSIMILE (208) 232-6109

SENDER'S E-MAIL ADDRESS: rcb@racinelaw.net

BOISE OFFICE

CONRAD J. AIKEN
THEODORE C. PETERS
DEBORAH L. LEHOSIT
LISA R. TANNER (CA ONLY)

101 SOUTH CAPITOL
BOULEVARD, SUITE 208
BOISE, IDAHO 83702
TELEPHONE: (208) 395-0011
FACSIMILE: (208) 433-0167

IDAHO FALLS OFFICE

477 SHOUP AVENUE
SUITE 203A
IDAHO FALLS, ID 83402
TELEPHONE: (208) 528-6101
FACSIMILE: (208) 528-6109

May 12, 2004

Alan Ruberry
Eastern Region
Idaho Department of Water Resources
900 N. Skyline Drive, Suite A
Idaho Falls, Idaho 83402

RECEIVED

MAY 17 2004

Department of Water Resources
Eastern Region

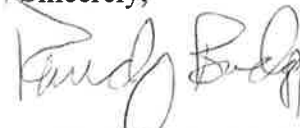
Re: Subcase Nos. 29-320, 321 and 322
Treasure, Jenkins, Vaughan

Dear Alan:

Regarding the above subcases and per Candice McHugh's May 11 letter, I am enclosing the original signed Amended Notice of Claim to a Water Right for Subcase Nos. 29-320, 321 and 322. Copies are attached to our Motion to Amend these Claims, copies of which are also enclosed.

If you have any questions, please don't hesitate to contact me. Thanks for your assistance.

Sincerely,



RANDALL C. BUDGE

RCB:rr

Enclosures

cc: Candice M. McHugh
Clients

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 29-320
Date Received:
Receipt No: E013683
Received By:

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

1. Name of Claimant(s)

BONNIE JENKINS

368 S MAIN
MALAD ID USA 83252

DEBBIE TREASURE

218 S 100 W
LOGAN UT USA 84321

DAVID MARK TREASURE

2615 N 800 E
LOGAN UT USA 84321

ELIZABETH VAUGHAN Phone: (208)254-3389

100 E 12TH ST
MC CAMMON ID USA 83250

RECEIVED

MAY 17 2004

Department of Water Resources
Eastern Region

2. Date of Priority: 06/09/1904

3. Source: BIG CREEK Trib. to: BIRCH CREEK
MAPLE CREEK BIRCH CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
12S	36E	2	NE NW	BANNOCK	
11S	36E	35	NW NE	BANNOCK	

5. Description of diverting works:

DIVERSION DAM TO DITCHES FOR FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	10/31	4.31	

7. Total Quantity Appropriated is:
4.31 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
11S	36E	25	NE	SW	IRRIGATION	10
			NW	SW	IRRIGATION	17
			SW	SW	IRRIGATION	14
			SE	SW	IRRIGATION	28
			SW	SE	IRRIGATION	30
			SE	SE	IRRIGATION	9.9
Section Acres						108.9
11S	36E	26	SE	SE	IRRIGATION	34
			NE	SE	IRRIGATION	11
			NW	SE	IRRIGATION	2.2
			SW	SE	IRRIGATION	18
Section Acres						65.2
11S	36E	30	SW	SW	IRRIGATION	20
			Section Acres 20			
11S	36E	35	NE	NE	IRRIGATION	1.1
			Section Acres 1.1			
11S	36E	36	NE	NE	IRRIGATION	12
			NW	NE	IRRIGATION	8.1
Section Acres						20.1
Total Acres						215.3

11. Place of use in counties: BANNOCK

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

13. Other Water Rights Used:

14. Remarks:

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 PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

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.

The amount of water diverted under this water right may not exceed 1/4 of the stream flow of Big Creek and Maple Creek at the point of diversion described below at any given time. This water right shall not provide more than .02 cubic feet per second per acre at any time.

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 4.31 CFS. COMBINED RIGHT NOS.: 29-320, 29-321, 29-322.

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 215.3 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 29-320, 29-321, 29-322.

WATERS OF BIG CREEK ARE DELIVERED THROUGH BIRCH CREEK CANAL (DITCH).

Use of water under this water right will be regulated by the watermaster of State Water District No. &DISTRICT.

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.

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): Elizabeth Vaughan Date: May 13, 04

Date: _____

State of Idaho)
County of Bannock) SS.

Subscribed and sworn (or affirmed) before me this
of _____

13th day
Randall C. Budge

Notary Public

Residing at Pocatello, ID

My commission Expires 10/11/2006



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 29-321
Date Received:
Receipt No: E013683
Received By:

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

1. Name of Claimant(s)

DAVID MARK TREASURE

2615 N 800 E
LOGAN UT USA 84321

DEBBIE TREASURE

218 S 100 W
LOGAN UT USA 84321

BONNIE JENKINS

368 S MAIN
MALAD ID USA 83252

ELIZABETH VAUGHAN Phone: (208)254-3389

100 E 12TH ST
MC CAMMON ID USA 83250

RECEIVED

MAY 17 2004

Department of Water Resources
Eastern Region

2. Date of Priority: 06/09/1904

3. Source: STATION CREEK Trib. to: BIRCH CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
12S	36E	3	SE SE SE	BANNOCK	

5. Description of diverting works:

HEADGATE TO DITCH TO PIPELINE FOR SPRINKLER IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	10/31	4.31	

7. Total Quantity Appropriated is:
4.31 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
11S	36E	25	NE	SW	IRRIGATION	10
			NW	SW	IRRIGATION	17
			SW	SW	IRRIGATION	14
			SE	SW	IRRIGATION	28
			SW	SE	IRRIGATION	30
			SE	SE	IRRIGATION	9.9
11S	36E	26	SE	SE	IRRIGATION	34
			NE	SE	IRRIGATION	11
			NW	SE	IRRIGATION	2.2
			SW	SE	IRRIGATION	18
					Section Acres	65.2
11S	36E	30	SW	SW	IRRIGATION	20
					Section Acres	20
11S	36E	35	NE	NE	IRRIGATION	1.1
					Section Acres	1.1
11S	36E	36	NE	NE	IRRIGATION	12
					NW	NE
					Total Acres	215.3

11. Place of use in counties: BANNOCK

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

13. Other Water Rights Used:

14. Remarks:

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

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

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.

The amount of water diverted under this water right may not exceed 1/5 of the stream flow of Station Creek at the point of diversion described below at any given time. This water right shall not provide more than .02 cubic feet per second per acre at any time.

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 4.31 CFS. COMBINED RIGHT NOS.: 29-320, 29-321, 29-322.

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 215.3 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 29-320, 29-321, 29-322.

WATER IS DELIVERED THROUGH BIRCH CREEK CANAL (DITCH).

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.

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): Elizabeth Vaughan Date: May 13, 04

Date: _____

State of Idaho)
County of Bannock) SS.

Subscribed and sworn (or affirmed) before me this 13th day
of May 2004 Randall C. Budgen

Notary Public

Residing at Pocatello, Id.
My commission Expires 10/11/2006



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 29-322
Date Received:
Receipt No: E013683
Received By:

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

1. Name of Claimant(s)

DAVID MARK TREASURE

2615 N 800 E
LOGAN UT USA 84321

BONNIE JENKINS

368 S MAIN
MALAD ID USA 83252

DEBBIE TREASURE

218 S 100 W
LOGAN UT USA 84321

ELIZABETH VAUGHAN

100 E 12TH ST
MC CAMMON ID USA 83250

RECEIVED

MAY 17 2004

Department of Water Resources
Eastern Region

2. Date of Priority: 10/10/1878

3. Source: BIRCH CREEK Trib. to: MARSH CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot			County	Type
11S	36E	36	NE	NW	NW	BANNOCK	R
12S	36E	27	SE	NW	SW	BANNOCK	I
12S	36E	27	SW	NW	SW	BANNOCK	I
12S	36E	27	SW	NW	SW	BANNOCK	
12S	36E	23	SE	SE	NE	BANNOCK	R
12S	36E	27	SE	NW	SW	BANNOCK	

5. Description of diverting works:

DIVERSION DAM TO DITCH TO PIPELINE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	10/31	4.31	

7. Total Quantity Appropriated is:
4.31 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
11S	36E	25	NE	SW	IRRIGATION	10
			NW	SW	IRRIGATION	17
			SW	SW	IRRIGATION	14
			SE	SW	IRRIGATION	28
			SW	SE	IRRIGATION	30
			SE	SE	IRRIGATION	9.9
					Section Acres	108.9
11S	36E	26	SE	SE	IRRIGATION	34
			NE	SE	IRRIGATION	11
			NW	SE	IRRIGATION	2.2
			SW	SE	IRRIGATION	18
					Section Acres	65.2
11S	36E	30	SW	SW	IRRIGATION	20
11S	36E	35	NE	NE	IRRIGATION	1.1
11S	36E	36	NE	NE	IRRIGATION	12
			NW	NE	IRRIGATION	8.1
					Section Acres	20.1
					Total Acres	215.3

11. Place of use in counties: BANNOCK

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

13. Other Water Rights Used:

14. Remarks:

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

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

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.

The amount of water diverted under this water right may not exceed 4/24 of the stream flow of Birch Creek at the point of diversion described below at any given time. This water right shall not provide more than .02 cubic feet per second per acre at any time.

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 4.31 CFS. COMBINED RIGHT NOS.: 29-320, 29-321, 29-322.

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 215.3 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 29-320, 29-321, 29-322.

WATER IS DELIVERED THROUGH BIRCH CREEK CANAL (DITCH).

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.

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): Elizabeth Vaughan Date: May 13, 04

Date: _____

State of Idaho)
County of Bannock) SS.

Subscribed and sworn (or affirmed) before me this 13th day
of MAY 2004 Randall C. Budge



Notary Public
Residing at Pocatello, Idaho
My commission Expires 10/11/2006

Randall C. Budge, ISB No. 1949
RACINE, OLSON, NYE, BUDGE &
BAILEY, CHARTERED
P.O. Box 1391; 201 E. Center Street
Pocatello, Idaho 83204-1391
Telephone: 208-232-6101
Facsimile: 208-232-6109

RECEIVED
MAY 17 2004
Department of Water Resources
Eastern Region

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Subcase Nos. 29-320, 29-321, 29-322

Case No. 39576

STANDARD FORM 4

MOTION TO FILE
AMENDED NOTICE OF CLAIM

COME NOW Claimants, Bonnie Jenkins, David Mark Treasure, Debbie Treasure and Elizabeth Vaughan, by and through their attorney of record, Randall C. Budge, of the firm Racine, Olson, Nye, Budge & Bailey, Chartered, 201 E. Center Street, Pocatello, Idaho, and hereby amend their Notices of Claim in the above-referenced subcases, pursuant to leave of Court granted by Special Master Brigitte Bilyeu at the initial hearing on April 22, 2004, as follows:

1. PLACE OF USE: The following described property is added to the place of use:

T11S R36E S30 W1/2 SW1/4 SW1/4 20.0 acres

By reason of this amendment the total acres at the place of use is increased from 195.3 acres recommended by IDWR to 215.3 acres.

2. QUANTITY: The amount of water diverted under these water rights is increased

by 0.40 cfs based on the additional 20 acres added to the place of use. Based on this amendment, the totally quantity recommended by IDWR is increased from 3.910 cfs to 4.310 cfs.

3. In support of this amendment, claimants presented at the initial hearing to the satisfaction of IDWR proof that claimants own the property added to the place of use and that it has always been irrigated from these rights as reflected by the Department's maps and investigation of these rights.

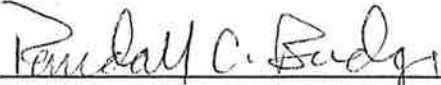
4. Attached is Claimant's Amended Notice of Claim for Water Right Nos. 29-320, 321 and 322. The signed original is being filed with IDWR.IDWR's Recommended Water Rights for each of these claims.

VERIFICATION

STATE OF IDAHO)
 : ss
County of Bannock)

RANDALL C. BUDGE, being first duly sworn, upon oath, deposes and says:

That I am the party/claimant filing this motion for late or amended claim (as listed on Page 2) as defined by I.C. §§42-1401A(1) and (7) or that I am the attorney for the party/claimant filing this motion for late or amended claim and that I have read this motion, know its contents, and believe that the statements are true to the best of my knowledge.

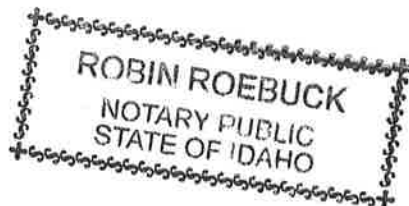


RANDALL C. BUDGE, Attorney for Claimants

SUBSCRIBED AND SWORN TO before me this 12th day of May, 2004.



NOTARY PUBLIC FOR IDAHO,
Residing at Pocatello.
My Commission Expires 8/18/2006.



CERTIFICATE OF MAILING

I certify that on May 12, 2004, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
P.O. Box 2707
253 Third Avenue North
Twin Falls, ID 83303-2707

2. Copies to:

IDWR Document Depository
P.O. Box 83720
Boise, Idaho 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
P.O. Box 44449
Boise, Idaho 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, Idaho 83724

Lazy VZ Trust Land & Water
c/o Louis Bloxham
P.O. Box 41
Downey, Idaho 83234



RANDALL C. BUDGE

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 29-320
Date Received:
Receipt No: E013683
Received By:

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

1. Name of Claimant(s)

BONNIE JENKINS

368 S MAIN
MALAD ID USA 83252

DEBBIE TREASURE

218 S 100 W
LOGAN UT USA 84321

DAVID MARK TREASURE

2615 N 800 E
LOGAN UT USA 84321

ELIZABETH VAUGHAN Phone: (208)254-3389

100 E 12TH ST
MC CAMMON ID USA 83250

2. Date of Priority: 06/09/1904

3. Source: BIG CREEK Trib. to: BIRCH CREEK
MAPLE CREEK BIRCH CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
12S	36E	2	NE NW	BANNOCK	
11S	36E	35	NW NE	BANNOCK	

5. Description of diverting works:

DIVERSION DAM TO DITCHES FOR FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	10/31	4.31	

7. Total Quantity Appropriated is:
4.31 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
11S	36E	25	NE	SW	IRRIGATION	10
			NW	SW	IRRIGATION	17
			SW	SW	IRRIGATION	14
			SE	SW	IRRIGATION	28
			SW	SE	IRRIGATION	30
			SE	SE	IRRIGATION	9.9
			Section Acres			
11S	36E	26	SE	SE	IRRIGATION	34
			NE	SE	IRRIGATION	11
			NW	SE	IRRIGATION	2.2
			SW	SE	IRRIGATION	18
Section Acres					65.2	
11S	36E	30	SW	SW	IRRIGATION	20
					Section Acres	20
11S	36E	35	NE	NE	IRRIGATION	1.1
					Section Acres	1.1
11S	36E	36	NE	NE	IRRIGATION	12
			NW	NE	IRRIGATION	8.1
			Section Acres			
Total Acres					215.3	

11. Place of use in counties: BANNOCK

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

13. Other Water Rights Used:

14. Remarks:

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 PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

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.

The amount of water diverted under this water right may not exceed 1/4 of the stream flow of Big Creek and Maple Creek at the point of diversion described below at any given time. This water right shall not provide more than .02 cubic feet per second per acre at any time.

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 4.31 CFS. COMBINED RIGHT NOS.: 29-320, 29-321, 29-322.

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 215.3 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 29-320, 29-321, 29-322.

WATERS OF BIG CREEK ARE DELIVERED THROUGH BIRCH CREEK CANAL (DITCH).

Use of water under this water right will be regulated by the watermaster of State Water District No. &DISTRICT.

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.

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): _____ Date: _____

_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this
of _____ 20____

Notary Public

Residing at _____

My commission Expires _____

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 29-321
Date Received:
Receipt No: E013683
Received By:

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

1. Name of Claimant(s)

DAVID MARK TREASURE

2615 N 800 E
LOGAN UT USA 84321

DEBBIE TREASURE

218 S 100 W
LOGAN UT USA 84321

BONNIE JENKINS

368 S MAIN
MALAD ID USA 83252

ELIZABETH VAUGHAN Phone: (208)254-3389

100 E 12TH ST
MC CAMMON ID USA 83250

2. Date of Priority: 06/09/1904

3. Source: STATION CREEK Trib. to: BIRCH CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
12S	36E	3	SE SE SE	BANNOCK	

5. Description of diverting works:

HEADGATE TO DITCH TO PIPELINE FOR SPRINKLER IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	10/31	4.31	

7. Total Quantity Appropriated is:
4.31 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
11S	36E	25	NE	SW	IRRIGATION	10
			NW	SW	IRRIGATION	17
			SW	SW	IRRIGATION	14
			SE	SW	IRRIGATION	28
			SW	SE	IRRIGATION	30
			SE	SE	IRRIGATION	9.9
					Section Acres	108.9
11S	36E	26	SE	SE	IRRIGATION	34
			NE	SE	IRRIGATION	11
			NW	SE	IRRIGATION	2.2
			SW	SE	IRRIGATION	18
					Section Acres	65.2
11S	36E	30	SW	SW	IRRIGATION	20
					Section Acres	20
11S	36E	35	NE	NE	IRRIGATION	1.1
					Section Acres	1.1
11S	36E	36	NE	NE	IRRIGATION	12
			NW	NE	IRRIGATION	8.1
					Section Acres	20.1
					Total Acres	215.3

11. Place of use in counties: BANNOCK

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

13. Other Water Rights Used:

14. Remarks:

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

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

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.

The amount of water diverted under this water right may not exceed 1/5 of the stream flow of Station Creek at the point of diversion described below at any given time. This water right shall not provide more than .02 cubic feet per second per acre at any time.

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 4.31 CFS. COMBINED RIGHT NOS.: 29-320, 29-321, 29-322.

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 215.3 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 29-320, 29-321, 29-322.

WATER IS DELIVERED THROUGH BIRCH CREEK CANAL (DITCH).

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.

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): _____ Date: _____

_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this

of _____ 20__

Notary Public

Residing at _____

My commission Expires _____

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 29-322
Date Received:
Receipt No: E013683
Received By:

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

1. Name of Claimant(s)

DAVID MARK TREASURE

2615 N 800 E
LOGAN UT USA 84321

BONNIE JENKINS

368 S MAIN
MALAD ID USA 83252

DEBBIE TREASURE

218 S 100 W
LOGAN UT USA 84321

ELIZABETH VAUGHAN

100 E 12TH ST
MC CAMMON ID USA 83250

2. Date of Priority: 10/10/1878

3. Source: BIRCH CREEK Trib. to: MARSH CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot			County	Type
11S	36E	36	NE	NW	NW	BANNOCK	R
12S	36E	27	SE	NW	SW	BANNOCK	I
12S	36E	27	SW	NW	SW	BANNOCK	I
12S	36E	27	SW	NW	SW	BANNOCK	
12S	36E	23	SE	SE	NE	BANNOCK	R
12S	36E	27	SE	NW	SW	BANNOCK	

5. Description of diverting works:

DIVERSION DAM TO DITCH TO PIPELINE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	10/31	4.31	

7. Total Quantity Appropriated is:
4.31 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
11S	36E	25	NE	SW	IRRIGATION	10
			NW	SW	IRRIGATION	17
			SW	SW	IRRIGATION	14
			SE	SW	IRRIGATION	28
			SW	SE	IRRIGATION	30
			SE	SE	IRRIGATION	9.9
Section Acres						108.9
11S	36E	26	SE	SE	IRRIGATION	34
			NE	SE	IRRIGATION	11
			NW	SE	IRRIGATION	2.2
			SW	SE	IRRIGATION	18
Section Acres						65.2
11S	36E	30	SW	SW	IRRIGATION	20
			Section Acres 20			
11S	36E	35	NE	NE	IRRIGATION	1.1
			Section Acres 1.1			
11S	36E	36	NE	NE	IRRIGATION	12
			NW	NE	IRRIGATION	8.1
Section Acres						20.1
Total Acres						215.3

11. Place of use in counties: BANNOCK

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

13. Other Water Rights Used:

14. Remarks:

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

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

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.

The amount of water diverted under this water right may not exceed 4/24 of the stream flow of Birch Creek at the point of diversion described below at any given time. This water right shall not provide more than .02 cubic feet per second per acre at any time.

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 4.31 CFS. COMBINED RIGHT NOS.: 29-320, 29-321, 29-322.

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 215.3 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 29-320, 29-321, 29-322.

WATER IS DELIVERED THROUGH BIRCH CREEK CANAL (DITCH).

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.

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): _____ Date: _____

_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this

of _____ 20__

Notary Public

Residing at _____

My commission Expires _____



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

May 11, 2004

VIA EMAIL rcb@racinelaw.net

Randall C. Budge
Racine, Olson, Nye, Budge & Bailey, Chartered
PO Box 1391
Pocatello, ID 83204-1391

Re: Wahlert vs Wahlert 6/09/1904

Re: Subcase Nos. 29-320, 321 and 322

Dear Randy,

Enclosed are amended claims for the above reference subcases. In order to keep orderly track of amended claims, I prefer that you submit the amended claims on claim forms. Please review these enclosures and have your clients sign them. You can then forward the originals to Allen Ruberry and file copies with your motion to amend your claim.

If you have any further questions on this matter, please call me at (208) 327-5404.

Very Truly Yours,

A handwritten signature in cursive script, reading "Candice M. McHugh".

Candice M. McHugh

Enclosures

cc: electronically
Allen Ruberry, Eastern

Natural Resources Division - Water Resources Unit
1301 North Orchard St., Boise, Idaho 83706-2237
Telephone: (208) 327-7920; Legal FAX: (208) 327-7866
Adjudication FAX: (208) 327-5400

SCANNED

NOV 03 2005

FILED

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 29-320
Date Received:
Receipt No: E013683
Received By:

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

1. Name of Claimant(s)

BONNIE JENKINS

368 S MAIN
MALAD ID USA 83252

DEBBIE TREASURE

218 S 100 W
LOGAN UT USA 84321

DAVID MARK TREASURE

2615 N 800 E
LOGAN UT USA 84321

ELIZABETH VAUGHAN Phone: (208)254-3389

100 E 12TH ST
MC CAMMON ID USA 83250

2. Date of Priority: 06/09/1904

3. Source: BIG CREEK Trib. to: BIRCH CREEK
MAPLE CREEK BIRCH CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
12S	36E	2	NE NW	BANNOCK	
11S	36E	35	NW NE	BANNOCK	

5. Description of diverting works:

DIVERSION DAM TO DITCHES FOR FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	10/31	4.31	

PROFILED

SCANNED
NOV 03 2005

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

376

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
11S	36E	25	NE	SW	IRRIGATION	10
			NW	SW	IRRIGATION	17
			SW	SW	IRRIGATION	14
			SE	SW	IRRIGATION	28
			SW	SE	IRRIGATION	30
			SE	SE	IRRIGATION	9.9
			Section Acres			
11S	36E	26	SE	SE	IRRIGATION	34
			NE	SE	IRRIGATION	11
			NW	SE	IRRIGATION	2.2
			SW	SE	IRRIGATION	18
Section Acres						65.2
11S	36E	30	SW	SW	IRRIGATION	20
			Section Acres 20			
11S	36E	35	NE	NE	IRRIGATION	1.1
			Section Acres 1.1			
11S	36E	36	NE	NE	IRRIGATION	12
			NW	NE	IRRIGATION	8.1
Section Acres						20.1
Total Acres						215.3

11. Place of use in counties: BANNOCK

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

13. Other Water Rights Used:

14. Remarks:

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 PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

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.

The amount of water diverted under this water right may not exceed ^{OK} 1/4 of the stream flow of Big Creek and Maple Creek at the point of diversion described below at any given time. This water right shall not provide more than .02 cubic feet per second per acre at any time.

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 4.31 CFS. COMBINED RIGHT NOS.: 29-320, 29-321, 29-322.

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 215.3 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 29-320, 29-321, 29-322.

WATERS OF BIG CREEK ARE DELIVERED THROUGH BIRCH CREEK CANAL (DITCH).

Use of water under this water right will be regulated by the watermaster of State Water District No. & DISTRICT.

15. Basis of Claim: Decreed

*Add Source AKA (Duckwater Ac)
Dry Hollow => Big Cr.*

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): _____ Date: _____

_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this
of _____ 20__

Notary Public

Residing at _____

My commission Expires _____

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 29-321
Date Received:
Receipt No: E013683
Received By:

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

1. Name of Claimant(s)

DAVID MARK TREASURE

2615 N 800 E
LOGAN UT USA 84321

DEBBIE TREASURE

218 S 100 W
LOGAN UT USA 84321

BONNIE JENKINS

368 S MAIN
MALAD ID USA 83252

ELIZABETH VAUGHAN Phone: (208)254-3389

100 E 12TH ST
MC CAMMON ID USA 83250

2. Date of Priority: 06/09/1904

3. Source: STATION CREEK Trib. to: BIRCH CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
12S	36E	3	SE SE SE	BANNOCK	

5. Description of diverting works:

HEADGATE TO DITCH TO PIPELINE FOR SPRINKLER IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	10/31	4.31	

7. Total Quantity Appropriated is:
4.31 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
11S	36E	25	NE	SW	IRRIGATION	10
			NW	SW	IRRIGATION	17
			SW	SW	IRRIGATION	14
			SE	SW	IRRIGATION	28
			SW	SE	IRRIGATION	30
			SE	SE	IRRIGATION	9.9
			Section Acres			
11S	36E	26	SE	SE	IRRIGATION	34
			NE	SE	IRRIGATION	11
			NW	SE	IRRIGATION	2.2
			SW	SE	IRRIGATION	18
Section Acres					65.2	
11S	36E	30	SW	SW	IRRIGATION	20
			Section Acres			
11S	36E	35	NE	NE	IRRIGATION	1.1
			Section Acres			
11S	36E	36	NE	NE	IRRIGATION	12
			NW	NE	IRRIGATION	8.1
			Section Acres			
Total Acres					215.3	

11. Place of use in counties: BANNOCK

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

13. Other Water Rights Used:

14. Remarks:

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

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

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.

The amount of water diverted under this water right may not exceed 1/5 of the stream flow of Station Creek at the point of diversion described below at any given time. This water right shall not provide more than .02 cubic feet per second per acre at any time.

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 4.31 CFS. COMBINED RIGHT NOS.: 29-320, 29-321, 29-322.

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 215.3 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 29-320, 29-321, 29-322.

WATER IS DELIVERED THROUGH BIRCH CREEK CANAL (DITCH).

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.

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): _____ Date: _____

_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this
of _____ 20____

Notary Public

Residing at _____

My commission Expires _____

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 29-322
Date Received:
Receipt No: E013683
Received By:

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

1. Name of Claimant(s)

DAVID MARK TREASURE

2615 N 800 E
LOGAN UT USA 84321

BONNIE JENKINS

368 S MAIN
MALAD ID USA 83252

DEBBIE TREASURE

218 S 100 W
LOGAN UT USA 84321

ELIZABETH VAUGHAN

100 E 12TH ST
MC CAMMON ID USA 83250

2. Date of Priority: 10/10/1878

3. Source: BIRCH CREEK Trib. to: MARSH CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot			County	Type
11S	36E	36	NE	NW	NW	BANNOCK	R
12S	36E	27	SE	NW	SW	BANNOCK	I
12S	36E	27	SW	NW	SW	BANNOCK	I
12S	36E	27	SW	NW	SW	BANNOCK	
12S	36E	23	SE	SE	NE	BANNOCK	R
12S	36E	27	SE	NW	SW	BANNOCK	

5. Description of diverting works:

DIVERSION DAM TO DITCH TO PIPELINE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	10/31	4.31	

7. Total Quantity Appropriated is:
4.31 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
11S	36E	25	NE	SW	IRRIGATION	10
			NW	SW	IRRIGATION	17
			SW	SW	IRRIGATION	14
			SE	SW	IRRIGATION	28
			SW	SE	IRRIGATION	30
			SE	SE	IRRIGATION	9.9
Section Acres						108.9
11S	36E	26	SE	SE	IRRIGATION	34
			NE	SE	IRRIGATION	11
			NW	SE	IRRIGATION	2.2
			SW	SE	IRRIGATION	18
Section Acres						65.2
11S	36E	30	SW	SW	IRRIGATION	20
			Section Acres 20			
11S	36E	35	NE	NE	IRRIGATION	1.1
			Section Acres 1.1			
11S	36E	36	NE	NE	IRRIGATION	12
			NW	NE	IRRIGATION	8.1
			Section Acres 20.1			
Total Acres						215.3

11. Place of use in counties: BANNOCK

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

13. Other Water Rights Used:

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NOV 03 2005

14. Remarks:

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

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

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.

The amount of water diverted under this water right may not exceed 4/24 of the stream flow of Birch Creek at the point of diversion described below at any given time. This water right shall not provide more than .02 cubic feet per second per acre at any time. (DECREE AS 1/6)

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 4.31 CFS. COMBINED RIGHT NOS.: 29-320, 29-321, 29-322.

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 215.3 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 29-320, 29-321, 29-322.

WATER IS DELIVERED THROUGH BIRCH CREEK CANAL (DITCH).

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.

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): _____ Date: _____

_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this
of _____ 20__

Notary Public

Residing at _____

My commission Expires _____

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SCANNED
NOV 03 2005

LAW OFFICES OF

**RACINE, OLSON, NYE, BUDGE & BAILEY
CHARTERED**

LOUIS F. RACINE, JR.
WILLIAM D. OLSON
W. MARCUS W. NYE
RANDALL C. BUDGE
JOHN A. BAILEY, JR.
JOHN R. GOODELL
JOHN B. INGELSTROM
DANIEL C. GREEN
BRENT O. ROCHE
KIRK B. HADLEY
FRED J. LEWIS
MITCHELL W. BROWN
ERIC L. OLSEN
DAVID E. ALEXANDER
LISA M. CHRISTON
RICHARD A. HEARN, M.D.
LANE V. ERICKSON
PATRICK N. GEORGE
SCOTT J. SMITH
LISA A. WOOD, CPA
STEPHEN J. MUHONEN
BRENT L. WHITING

CENTER PLAZA-CORNER FIRST & CENTER
POST OFFICE BOX 1381
POCATELLO, IDAHO 83204-1381

TELEPHONE (208) 232-6101
FACSIMILE (208) 232-0100

SENDER'S E-MAIL ADDRESS: rcb@racinelaw.net

BOISE OFFICE

CONRAD J. AIKEN
THEODORE C. PETERS
DEBORAH L. LEHOSIT
LISA R. TANNER (CA ONLY)

101 SOUTH CAPITOL
BOULEVARD, SUITE 200
BOISE, IDAHO 83702
TELEPHONE: (208) 395-0011
FACSIMILE: (208) 433-0167

IDAHO FALLS OFFICE

477 SHoup AVENUE
SUITE 203A
IDAHO FALLS, ID 83402
TELEPHONE: (208) 528-8101
FACSIMILE: (208) 528-6109

May 6, 2004

Transmitted Via Fax: 208-327-7866

Candice McHugh
Deputy Attorney General
Idaho Department of Water Resources
P.O. Box 83720
Boise, Idaho 83720-0098

Re: Subcase Nos. 29-320, 321, 322
Treasure, Jenkins, Vaughan

Dear Candice:

On these subcases we read into the record a settlement agreement and Al Ruberry is in the process of preparing an SF5 accordingly. This will result in our client, the Treasure Ranch family withdrawing their Objection to Claim No. 29-10462 of Lazy VZ Trust (Bloxham) and the Treasures' Claims No. 29-320, 29-321, and 29-322 amended to add to the place of use 20 acres and increase the quantity by 0.40 cfs.

My notes reflected that the Treasures may also need to file an Amendment to their Claims to reflect the additional 20 acres and 0.40 cfs additional quantity. Since the quantity and place of use are the same under all three of these rights, and since leave of Court was granted at the initial hearing April 22, 2004, it appears to me that this can be handled the easiest by simply filing an Amended Notice of Claim to cover the amendments to all three together. I am attaching a proposed Amended Notice of Claim for this purpose for your review and approval in advance of filing and serving the same. You will note I have attached the IDWR Recommendations, rather than the initial Claim, because there was considerable difference between them. Further, there will be additional changes to the Recommendation based on the SF5 Al Ruberry is working on.

PROFILED SCANNED
NOV 03 2005

June 25 Amended
July 16 10:05
23 Resp
Aug 16
R37E
NOT
R36E

1. Quantity	The amount of water diverted under this water right may not exceed 4/24 of the stream flow of Birch Creek at the point of diversion described below at any given time. This water right shall not provide more than .02 cubic feet per second per acre at any time.
2. Quantity	USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 3.91 CFS. COMBINED RIGHT NOS.: 29-320, 29-321, 29-322.
3. Place of Use - Irrigation	USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 195.3 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 29-320, 29-321, 29-322.
4. Explanatory	WATER IS DELIVERED THROUGH BIRCH CREEK CANAL (DITCH).

Dates:

Other Information:

State or Federal: S

Owner Name Connector: OR

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

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NOV 03 2005

Water Right Report

Page 2 of 3

IRRIGATION	04/01	10/31	3.91 CFS	
Total Diversion			3.91 CFS	

Location of Point(s) of Diversion:

BIRCH CREEK Rediversion	NENWNW	Sec. 36	Township 11S	Range 36E	BANNOCK County
BIRCH CREEK Rediversion	SESENE	Sec. 23	Township 12S	Range 36E	BANNOCK County
BIRCH CREEK Injection	SWNWSW	Sec. 27	Township 12S	Range 36E	BANNOCK County
BIRCH CREEK	SWNWSW	Sec. 27	Township 12S	Range 36E	BANNOCK County
BIRCH CREEK Injection	SENWSW	Sec. 27	Township 12S	Range 36E	BANNOCK County
BIRCH CREEK	SENWSW	Sec. 27	Township 12S	Range 36E	BANNOCK County

Place(s) of use:

Place of Use Legal Description: IRRIGATION BANNOCK County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
11S	36E	25		NESW	10		NWSW	17		SWSW	14		SESW	28
				SWSE	30		SESE	9.9						
		26		NESE	11		NWSE	2.2		SWSE	18		SESE	34
		35		NENE	1.1									
		36		NENE	12		NWNE	8.1						

Total Acres: 195.3

Conditions of Approval:

1.	C03	RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
2.	C05	RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
3.	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:

SCANNED
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 NOV 03 2005

<http://www.idwr.state.id.us/apps/ExtSearch/RightReportAJ.asp?BasinNumber=29&Sequenc...> 5/6/2004

P. 13/14 FAX NO. 208 232 6109

MAY-06-2004 THU 02:28 PM RACINE LAW OFFICE

[Close](#)IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

05/06/2004

WATER RIGHT NO. 29-322

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BONNIE JENKINS 368 S MAIN MALAD, ID 83252
Current Owner	ELIZABETH VAUGHAN 100 E 12TH ST MC CAMMON, ID 83250 (208)254-3389
Current Owner	DEBBIE TREASURE 218 S 100 W LOGAN, UT 84321
Current Owner	DAVID MARK TREASURE 2615 N 800 E LOGAN, UT 84321
Original Owner	DAVE TREASURE 22703 S MARSH CREEK RD DOWNEY, ID 83234 (208)897-5630

Priority Date: 10/10/1878

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BIRCH CREEK	MARSH CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
-----------------------	-------------	-----------	-----------------------	---------------

PROFILED
SCANNED
NOV 03 2005<http://www.idwr.state.id.us/apps/ExtSearch/RightReportAJ.asp?BasinNumber=29&Sequenc...> 5/6/2004

2. Quantity	USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 3.91 CFS. COMBINED RIGHT NOS.: 29-320, 29-321, 29-322.
3. Place of Use - Irrigation	USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 195.3 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 29-320, 29-321, 29-322.
4. Explanatory	WATER IS DELIVERED THROUGH BIRCH CREEK CANAL (DITCH).

Dates:

Other Information:

State or Federal: S

Owner Name Connector: OR

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

PROFILED

SCANNED

NOV 03 2005

Water Right Report

Page 2 of 3

IRRIGATION	04/01	10/31	3.91 CFS	
Total Diversion			3.91 CFS	

Location of Point(s) of Diversion:

STATION CREEK	SESESE	Sec. 03	Township 12S	Range 36E	BANNOCK County
---------------	--------	---------	--------------	-----------	----------------

Place(s) of use:

Place of Use Legal Description: IRRIGATION BANNOCK County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
11S	36E	25		NESW	10		NWSW	17		SWSW	14		SESW	28
				SWSE	30		SESE	9.9						
		26		NESE	11		NWSE	2.2		SWSE	18		SESE	34
		35		NENE	1.1									
		36		NENE	12		NWNE	8.1						

Total Acres: 195.3

Conditions of Approval:

1.	C03	RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
2.	C05	RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
3.	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	The amount of water diverted under this water right may not exceed 1/5 of the stream flow of Station Creek at the point of diversion described below at any given time. This water right shall not provide more than .02 cubic feet per second per acre at any time.
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PROFILED

SCANNED

NOV 03 2005

<http://www.idwr.state.id.us/apps/ExtSearch/RightReportAJ.asp?BasinNumber=29&Sequenc...> 5/6/2004

P. 10/14

FAX NO. 208 232 6109

MAY-06-2004 THU 02:28 PM RACINE LAW OFFICE

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

05/06/2004

WATER RIGHT NO. 29-321

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BONNIE JENKINS 368 S MAIN MALAD, ID 83252
Current Owner	ELIZABETH VAUGHAN 100 E 12TH ST MC CAMMON, ID 83250 (208)254-3389
Current Owner	DEBBIE TREASURE 218 S 100 W LOGAN, UT 84321
Current Owner	DAVID MARK TREASURE 2615 N 800 E LOGAN, UT 84321
Original Owner	DAVE TREASURE 22703 S MARSH CREEK RD DOWNEY, ID 83234 (208)897-5630

Priority Date: 06/09/1904

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
STATION CREEK	BIRCH CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
-----------------------	-------------	-----------	-----------------------	---------------

PROFILED
SCANNED

NOV 03 2005

1. Explanatory	UNNAMED STREAM IS ALSO KNOWN AS MAPLE CREEK.
2. Quantity	The amount of water diverted under this water right may not exceed 1/4 of the stream flow of Big Creek and Maple Creek at the point of diversion described below at any given time. This water right shall not provide more than .02 cubic feet per second per acre at any time.
3. Quantity	USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 3.91 CFS. COMBINED RIGHT NOS.: 29-320, 29-321, 29-322.
4. Place of Use - Irrigation	USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 195.3 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 29-320, 29-321, 29-322.
5. Explanatory	WATERS OF BIG CREEK ARE DELIVERED THROUGH BIRCH CREEK CANAL (DITCH).

Dates:

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

PROFILED

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NOV 03 2005

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	04/01	10/31	3.91 CFS	
Total Diversion			3.91 CFS	

Location of Point(s) of Diversion:

MAPLE CREEK	NWNWNE	Sec. 35	Township 11S	Range 36E	BANNOCK County
BIG CREEK	SWNENW	Sec. 02	Township 12S	Range 36E	BANNOCK County

Place(s) of use:

Place of Use Legal Description: IRRIGATION BANNOCK County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
11S	36E	25		NESW	10		NWSW	17		SWSW	14		SESW	28
				SWSE	30		SESE	9.9						
		26		NESE	11		NWSE	2.2		SWSE	18		SESE	34
		35		NENE	1.1									
		36		NENE	12		NWNE	8.1						

Total Acres: 195.3

Conditions of Approval:

1.	C02	RIGHT INCLUDES ACCOMPLISHED CHANGE IN SOURCE PURSUANT TO SECTION 42-1425, IDAHO CODE.
2.	C03	RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
3.	C05	RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
4.	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:

SCANNED
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 NOV 03 2005

[Close](#)IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

05/06/2004

WATER RIGHT NO. 29-320

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BONNIE JENKINS 368 S MAIN MALAD, ID 83252
Current Owner	ELIZABETH VAUGHAN 100 E 12TH ST MC CAMMON, ID 83250 (208)254-3389
Current Owner	DEBBIE TREASURE 218 S 100 W LOGAN, UT 84321
Current Owner	DAVID MARK TREASURE 2615 N 800 E LOGAN, UT 84321
Original Owner	DAVE TREASURE
Original Owner	WILLIAM W WOODLAND 22703 S MARSH CREEK RD DOWNEY, ID 83234 (208)897-5630

Priority Date: 06/09/1904

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BIG CREEK	BIRCH CREEK
MAPLE CREEK	BIRCH CREEK

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NOV 03 2005<http://www.idwr.state.id.us/apps/ExtSearch/RightReportAJ.asp?BasinNumber=29&Sequenc...> 5/6/2004

CERTIFICATE OF MAILING

I certify that on May ____, 2004, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
P.O. Box 2707
253 Third Avenue North
Twin Falls, ID 83303-2707

2. Copies to:

IDWR Document Depository
P.O. Box 83720
Boise, Idaho 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
P.O. Box 44449
Boise, Idaho 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, Idaho 83724

Lazy VZ Trust Land & Water
c/o Louis Bloxham
P.O. Box 41
Downey, Idaho 83234

RANDALL C. BUDGE

AMENDED NOTICE OF CLAIM - 3

SCANNED

NOV 03 2005

PROFILED

by 0.40 cfs based on the additional 20 acres added to the place of use. Based on this amendment, the totally quantity recommended by IDWR is increased from 3.910 cfs to 4.310 cfs.

3. In support of this amendment, claimants presented at the initial hearing to the satisfaction of IDWR proof that claimants own the property added to the place of use and that it has always been irrigated from these rights as reflected by the Department's maps and investigation of these rights.

4. Attached is IDWR's Recommended Water Rights for each of these claims.

5. Attached is payment of the following additional fees required by IDWR:

\$ NO FEE.

VERIFICATION

STATE OF IDAHO)
 : ss
County of Bannock)

RANDALL C. BUDGE, being first duly sworn, upon oath, deposes and says:

That I am the party/claimant filing this motion for late or amended claim (as listed on Page 2) as defined by I.C. §§42-1401A(1) and (7) or that I am the attorney for the party/claimant filing this motion for late or amended claim and that I have read this motion, know its contents, and believe that the statements are true to the best of my knowledge.

RANDALL C. BUDGE, Attorney for Claimants

SUBSCRIBED AND SWORN TO before me this ____ day of May, 2004.

NOTARY PUBLIC FOR IDAHO,
Residing at Pocatello.
My Commission Expires 8/18/2006.

AMENDED NOTICE OF CLAIM - 2

PROFILED

SCANNED
NOV 03 2005

Randall C. Budge, ISB No. 1949
RACINE, OLSON, NYE, BUDGE &
BAILEY, CHARTERED
P.O. Box 1391; 201 E. Center Street
Pocatello, Idaho 83204-1391
Telephone: 208-232-6101
Facsimile: 208-232-6109

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

Subcase Nos. 29-320, 29-321, 29-322

STANDARD FORM 4

AMENDED NOTICE OF CLAIM

COME NOW Claimants, Bonnie Jenkins, David Mark Treasure, Debbie Treasure and Elizabeth Vaughan, by and through their attorney of record, Randall C. Budge, of the firm Racine, Olson, Nye, Budge & Bailey, Chartered, 201 E. Center Street, Pocatello, Idaho, and hereby amend their Notices of Claim in the above-referenced subcases, pursuant to leave of Court granted by Special Master Brigitte Bilyeu at the initial hearing on April 22, 2004, as follows:

1. PLACE OF USE: The following described property is added to the place of use:

T11S R36E S30 W1/2 SW1/4 SW1/4 20.0 acres

By reason of this amendment the total acres at the place of use is increased from 195.3 acres recommended by IDWR to 215.3 acres.

2. QUANTITY: The amount of water diverted under these water rights is increased

AMENDED NOTICE OF CLAIM - 1

PROFILED

SCANNED

NOV 03 2005

Candice McHugh
May 6, 2004
Page 2

Please call and advise if proceeding in this manner meets with your approval or if you have other suggestions. Thanks for your help.

Sincerely,

RANDALL C. BUDGE

RCB:rr
Attachments
cc: Al Ruberry (w/attachments) (Fax: 525-7177)

PROFILED

SCANNED
NOV 03 2005

02/08/2003

Allen

NOTICE OF ERROR
REPLY

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

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

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

Water right number: 29-320

BONNIE JENKINS
368 S MAIN
MALAD ID 83252

DAVID MARK TREASURE
2615 N 800 E
LOGAN UT 84321

DEBBIE TREASURE
218 S 100 W
LOGAN UT 84321

ELIZABETH VAUGHAN
100 E 12TH ST
MC CAMMON ID 83250

RECEIVED
APR 28 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):

YEAR ROUND USAGE

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:

IRRIGATION IN MEADOWS

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

DATE: *4-20-03*

SIGNATURE: *Bonnie Jenkins*

Please print your name: *BONNIE JENKINS*

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

*505 NOTES ON
29-321
APR
4/30/03*

PROFILE

SCANNED
NOV 03 2005

Allen

02/18/2003

NOTICE OF ERROR
REPLY

RECEIVED
APR 28 2003
Department of Water Resources
Eastern 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: 29-320

BONNIE JENKINS
368 S MAIN
MALAD ID 83252

DAVID MARK TREASURE
2615 N 800 E
LOGAN UT 84321

DEBBIE TREASURE
218 S 100 W
LOGAN UT 84321

ELIZABETH VAUGHAN
100 E 12TH ST
MC CAMMON ID 83250

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

Meadows are irrigated all winter long

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: Elizabeth Vaughan

Please print your name: Elizabeth Vaughan

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

*4/30/03
500 w/notes on
29-321
asm*

PROFILED

SCANNED
NOV 03 2005



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN
June 4, 2003

TO: Basin 29 Surface Water User

I am writing this letter to you as a courtesy to inform you that after review of the Department of Water Resource's preliminary recommendation for your water right(s), a quantity remark has been added. The quantity remark will reflect how your water right(s) was historically decreed in a prior decree. The prior decree recognized the quantity for your water right(s) as a fractional amount of the stream flow listed from the source on your water right. You can expect the Department's Director's Report, which is to be filed with the SRBA Court sometime in July, to include a quantity remark as follows:

The amount of water diverted under this water right may not exceed (*decreed percent or fraction*) of the stream flow of (*decreed source*) at the point of diversion described above at any given time. This water right shall not provide more than .02 cubic feet per second per acre at any time.

The information in parentheses and italics will reflect whatever fraction and source is correct for your water right(s).

If you disagree with the inclusion of this quantity remark in your water right, you will be able to file an objection with the SRBA Court. A Notice of Filing Director's Report will be mailed to you along with the Director's Report for your water right(s) sometime in July. This Notice will outline the deadlines and process for filing an objection to your water right(s).

If you have any further questions regarding this matter, you can contact me at 208-327-7900.

Very truly yours,

Candice M. McHugh
Deputy Attorney General, IDWR

SCANNED

NOV 03 2005

cc: Allen Ruberry
CMM/pm

Natural Resources Division - Water Resources Unit
1301 North Orchard St., Boise, Idaho 83706-2237
Telephone: (208) 327-7920; Legal FAX: (208) 327-7866
Adjudication FAX: (208) 327-5400

PROFIT



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL

ALAN G. LANCE

December 11, 2002

Dear Claimant(s):

I am the Deputy Attorney General for the Idaho Department of Water Resources working on the SRBA in Basin 29. After reviewing your water right claim, it appears that the priority date you claimed for your water right(s) might not be correct and that October 10, 1878, might be the appropriate priority date for your claim(s). In order to recommend this priority date, which is earlier than the priority date you originally claimed, your claim(s) would need to be amended. Therefore, I have enclosed for your review and signature an amended claim form. If you would like to amend your claim(s) to reflect the earlier priority date please initial the change on the amended claim form and have your signature notarized; then, return the signed amended claim in the enclosed self-addressed envelope.

The Department intends to issue its preliminary Director's Report for your water right(s) in January, 2003. If we do not receive the signed, notarized amended claim form from you prior to January 10, 2003, the Department will recommend your water right(s) with the priority date no earlier than the priority date that you have currently claimed.

If you have any questions concerning this matter, you can contact me at (208) 327-5404 or Allen Ruberry, Senior Water Resource Agent with IDWR's Eastern Region Office at (208) 525-7161.

Very Truly Yours,

A handwritten signature in black ink, reading "Candice M. McHugh".

Candice M. McHugh
Deputy Attorney General, IDWR

Enclosures

cc: Allen Ruberry

PROFILED

Natural Resources Division - Water Resources Unit
1301 North Orchard St., Boise, Idaho 83706-2237
Telephone: (208) 327-7920; Legal FAX: (208) 327-7866
Adjudication FAX: (208) 327-5400

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NOV 03 2005

Contacts Data Entry Form

29-320

DECI

Owner Type	Full Name	Address	City	State	Zip	Phone
Current Owner	DAVE TRASHARD					
Name connector: and _____, or _____, and/or _____						
Current Owner						
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:

Claim based on WARLOW VS WARLOW (6/09/1904). SEE
ATTACHED DEEDS EXCERPT.

10/3/02 FE: SOURCES AND A QUESTION AS ARE POD'S.
POU IS NOW IRRIQ BY PIVOT @ SEC. 26 SE 4.
OTHER POU IS FLOODED PASTURE.

NO RECEIVED 11/6/02 W/DEED.

FE INDICATED: SOURCES, POD, POU

Reviewer: _____

SCANNED

Date: _____

NOV 03 2005

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EXCERPT OF:
WAKLEY VS WAKLEY 1904
Pg. 2 DEEDS # 2961

book 8 page 523, records said county, being the farm lands now owned intended hereby and contiguous to and irrigated from said streams, all in Bannock County, Idaho.

That plaintiff William W. Woodland be adjudged and decreed to have the use and

29 0320 benefit of the continuous and uninterrupted flow of one-fourth of all the waters of Dry Hollow and Maple Creeks and the use and benefit of the continuous and uninterrupted flow of one-fifth of all the waters of Station Creek, and the use and benefit of the continuous and uninterrupted flow of one-sixth of all the waters of Birch Creek flowing towards Marsh Valley.

That said water is used upon and be appurtenant to Lot No. 3 of Section 30, Township 11 South, Range 37 East Boise Meridian, and N 1/2 of S.E.1/4 and N.E.1/4 of S.W.1/4 of Section 25, Township 11 South, Range 36 E. Boise Meridian, Bannock County, Idaho, containing 172.82/100 acres, less 14.75 acres deeded by said plaintiff to Estate of Ellen Woodland; also to 67.36 ac adjoining last tract deeded to plaintiff by estate of Ellen Woodland heretofore; also to 27.18 acres by deed from Henry Wakley, book 13 of deeds page 424, records of said Bannock County, it being intended hereby to cover all farming lands now owned by said plaintiff as irrigated from said streams.

9 0323 That the Estate of Ellen Woodland be adjudged and decreed to have the use and benefit of the continuous and uninterrupted flow of one-fourth of all the waters of Dry Hollow and Maple Creeks and the use and benefit of the continuous and uninterrupted flow of one-fifth of all the waters of Station Creek, and the use and benefit of the continuous and uninterrupted

29 0325 flow of one-sixth of all the waters of Birch Creek flowing towards Marsh Valley. That said water is used upon and appurtenant to Lot No. 4 of Section 30, Township 11 South, Range 37 E. Boise Meridian, and S.1/2 of S.E.1/4, and S.E.1/4 of S.W.1/4, Section 25, Township 11 South, Range 36 East B.M., containing 172.83 acres, less 127 acres conveyed to W. W. Woodland, Henry Wakley and J.J.Wakley under decree of the Probate Court, Bannock County, Idaho; also to 46 acres deeded to said estate by W. W. Woodland, John J. Wakley and Henry Wakley; also to the tract of land known as the Ellen Woodland Desert Entry situated on said Birch Creek, containing 160 acres, all of said lands being in said Bannock County, it being intended hereby to cover all lands now owned by said estate as irrigated from said streams.

That defendant George Wakley be adjudged and decreed to have the use and benefit

Claim No.	Claimant	Fract.	Q by Rec	Acres	Stream	Remarks
Phillips vs Edwards Decree, 1924..... Rowley Creek						
29-11242	Wm Phillips	1/2	1.50	75.0	Rowley Ck	
29-12020	P Fergus	1/4	2.02	100.8	Rowley Ck	
29-13469	K Williams	1/4	2.52	126.0	Rowley Ck	
Claimed in-full						
Wakley vs Wakley, 1904..... Station Creek						
29-00321	Vaughan, et al	1/5	3.91		Station Ck	
29-00326	F Winward	1/5	1.92	96.0	Station Ck	
29-10461	Lazy VZ Trust	2/5	3.08		Station Ck	
29-11699	P Adams	1/5	5.64	282.2	Station Ck	
Decreed right(s) claimed in-full						
29-13476	TJL Properties		0.065		Station Ck	Recommended as BU, Priority 6/10/1904
Wakley vs Wakley, 1904.....Dry Hollow (Big Ck) and Maple Ck (Mines Canyon)						
29-00317A	Vaughan, et al	1/4 0/0	3.91		Big Ck/Maple Ck	DISALLOWED-ownership not proven
29-00320	Vaughan, et al	1/4	3.91		Big Ck/Maple Ck	
29-10462	Lazy VZ Trust	1/4 1/2	1.23		Big Ck/Maple Ck	Recommended as 1/2 flow **
29-11698	P Adams	1/4	5.64	282.2	Big Ck/Maple Ck	
Claimed in-full						
29-11700	P Adams	XX	0.36	282.2	Unnamed Strm	Beneficial Use
29-10407	TJL Properties	XX	0.07		Big Ck/Maple Ck	Recommended as BU, Priority 6/10/1904
Daniels vs Woodland, 1878..... Birch Creek						
29-13103	Malad Valley Irr	3/4	6.20	Lg POU	Birch Ck	
Marsh Creek side (B29) users got 1/4 of the flow of Birch Creek as shown below.						
Wakley vs Wakley, 1904..... Birch Creek						
29-00322	Vaughan, et al	4/24	3.91	195.3	Birch Ck	
29-00327	Marler/Gardner	2/24	2.54	128.0	Birch Ck	
29-00328A	K Williams	1/24	2.52	126.0	Birch Ck	
29-00328B	P Fergus	5/24	2.02	100.8	Birch Ck	
29-00328C	F Winward	2/24	1.92	96.0	Birch Ck	
29-00329	F Winward	2/24	0.80	40.0	Birch Ck	
29-11241	Wm Phillips	2/24	1.50	75.0	Birch Ck	
29-11650	TJL Properties	2/24	1.76	88.0	Birch Ck	
29-11697	P Adams	4/24	5.64	282.2	Birch Ck	
Claimed in-full						

Notes:

** Re; 29-10462 see Transfer #3032 Claim combines 29-317 and 29-330C (which recombines A & B)
The Decree of Davis vs Treasure only involves Birch Creek water.

SCANNED

NOV 03 2005

PROFILE

ALL HAVING BEEN DECREED
JUNE 9, 1904 (W/O PRIORITY)
AND W/O QUANTITY OF FLOW
(ONLY TO SAY: 1/4, 1/5 OR 1/6 OF
"..." STREAM FLOW)

29-00317A
29-00320
29-00321
29-00322

I. CLAIMANT CLAIMS SOME 303³ ACRES. BY GPS ONLY
195⁰ ACRES IDENTIFIED. PURSUANT TO
§ 42-202 AND 42-220 IC MAXIMUM ALLOWABLE Δ IS
0.02 cfs/ac. ∴ 195⁰ × 0.02 cfs = 3.90 cfs.

II. ALTHOUGH WALKER VS WALKER (6/9/1904) DOES DEFINE
CERTAIN ACRES, UNDE THE MANY VARIOUS RTS,
DUE TO DEER LANGUAGE IT IS (MOSTLY) UNCLEAR
AS TO THE ACTUAL (ACCURACY) ACRES INTERDDED.
Δ IN POI IS APPROPRIATE ⇒ CDS

III. CLAIMANT CLAIMS 6.07 cfs FROM EACH RIGHT
SHOWN ABOVE. HOWEVER, THIS Δ IS REDUCED TO
A TOTAL OF 3.9 FOR EACH RIGHT WITH REMARK
LANGUAGE, OF EACH RIGHT, LIMITING TOTAL Δ AT
ANY ONE TIME, FROM ALL SOURCES, TO BE 3.90 cfs.
COMBINED USE (OR SIMILAR USE) LIMITS DIVERSION
REMARK → RATE TO 0.02 cfs PER AC. (§ 42-202, 42-220 IC)

IV. SOURCES ARE MANY AND DUE TO LACK OF CLARITY OF
WALKER VS WALKER IT IS NOT CLEAR IF ANY PARTICULAR
RIGHT GOES TO CERTAIN POI. HOWEVER, SINCE 1904
SYSTEMS (SYSTEMS) HAVE BEEN JOINED TO A COMMON
SYSTEM SHOWN APPROPRIATELY, ALL OR MOST WELLS,
DUE TO ALL RTS ADDRESSED BY WALKER VS WALKER HAVING
NO SPECIFIC PRIORITY DATE THE DATES ARE USED.
AVAILABLE WATER IS PRO-RATA SHARED W/ USERS.

NOV 03 2005
SCANNED

NOV 06 2002

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, 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
29-00320		(SUB FILE FOR DOCS)			
00321					
00322					
00317A					

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

A. The appropriate ~~FILING FEE~~. See instructions for fee amounts.

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) are 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)

DAVE TREASUNG

4. New Owner/Claimant(s)

22703 So. MARSH CR RD DUNDY ID 83234

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

New Mailing Address

100 E 12th

City, State and ZIP Code

MC Canner ID 83250

New Telephone Number

208 254-3389

5. Date you acquired the property

2-1994

SCANNED

OCT 20 2005

PROFILED

Bonnie Jenkins
368 So Main
Malad Po 83252

Dave Truass
2615 No 800 E
Logan Ut 84321

Dobbie Truass
218 S 100 W
Logan Ut 84321

Elizabeth Vaughan
100 E 12th St
McCannon Po 83250
Phi 254-3389

SCANNED
OCT 20 2005

PROFILED

NOV 06 2002

Department of Water Resources
Eastern District Office

3-1
DEED

94002531

FOR VALUE RECEIVED, David Treasure aka Dave Treasure, a widower of grantor, does hereby Grant, Bargain, Sell and Convey unto Bonnie Jenkins, David Mark Treasure, Debbie Lou Treasure and Elizabeth Vaughan, as their sole and separate property to share and share alike, grantees, the following described real property, to-wit:

100 & 12th McCammon St
Lot 4, in Section 30, Township 11 South, Range 37, East of the Boise Meridian,

Also beginning at Northwest corner of Lot 4, thence running North 3.83 chains, thence East 26 chains, thence South 3.83 chains, thence West 26 chains to the place of beginning, the same being a strip of land on South side of Lot 3 in Section 30, Township 11 South, Range 37 East of the Boise Meridian. Also, beginning at a point 2.65 chains West of Southeast corner of Section 25, Township 11 South, Range 36 East of the Boise Meridian; thence running North 1.57 chains, thence North 62° 40' West 64.37 chains, thence South 19.60 chains, thence South 62° 13' East 56.70 chains, thence North 32° 00' West 14.88 chains, thence East 7.35 chains to place of beginning.

Also, Northwest Quarter Southwest Quarter of Section 25, and North half Southeast Quarter and Southeast Quarter Northeast Quarter of Section 26, in Township 11 South, Range 36 East of the Boise Meridian.

Also, beginning at Southwest corner of Northeast Quarter Southwest Quarter of Section 25, Township 11 South of Range 36 East of the Boise Meridian, thence running West 60 chains to the middle line of Section 26, said Township and Range, thence South 9.10 chains, thence South 84° 10' East 36.10 chains, thence North 13° 00' East 7.64 chains, thence South 82° 45' East 21.63 chains, thence South 62° 13' East 1.00 chains, thence North 8.38 chains to the place of beginning.

Also, the use and benefit of the continuous and uninterrupted flow of 1/4 of all the waters of Dry Hollow and Maple Creeks, and 1/5 of all the waters of Station Creek and 1/6 of all the waters of Birch Creek flowing towards Marsh Valley.

Range Right Permit for 27 head Caribou National Forest
80 head right in Marsh Valley Cattlemen's Association

Also

T. S 1/2 SE 1/4 Tax 7 containing 4.52 acres in Section 26, Township 11 South, Range 36 E.B.M.

SCANNED

OCT 20 2005

PROFILED

3-2

94002531

NOV 06 2002

A Tract of Land Described as follows: Beginning at the Southwest corner of the Southeast quarter of Section 26, Township 11 South, Range 36 E.B.M. Running thence North 719.40 feet; thence South 84°10' East 2382.6 feet; thence South 13°30' West 165 feet; thence South 2°22' East 220.42 feet; thence South 3° West 133.98 feet; thence West 2327.82 feet, more or less to the place of beginning.

All water rights and also together with 1/4 of Maple Creek.

Also the following described tract: Commencing 4.74 chains West of the Northeast corner of Section 35, Township 11 South, Range 36 East; thence South 4°10' West 2.47 chains; thence North 84°6' West 22.72 chains; thence East 22.76 chains to the point of beginning, Except therefrom the following:

Beginning at the quarter corner stone between Section 26 and 35, Township 11 South, Range 36 E.B.M., the same being the Southwest corner of the Southeast quarter of Section 26, Township 11 South, Range 36 E.B.M. thence North along the quarter section line 77.71 feet; thence East 2188.48 feet, thence North 3° East 133.98 feet; thence South 83° East 132.02 feet; thence South 1°32' West 204.39 feet; Intersecting the Section line between Sections 26 and 35, whence the section corner common to Sections 25, 26, 35, 36, Township 11 South, Range 36 E.B.M. bears South 89°49' East 312.84 feet; thence North 89°49' West 2323.07 feet; along the section line between Sections 26 and 35, Township 11 South, Range 36 E.B.M. to the place of beginning...

TO HAVE AND TO HOLD the said premises, with their appurtenance unto the said Grantees their heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that he is the owner in fee simple of said premises; that said premises are free from all incumbrances except as hereinabove set forth and that he will warrant and defend the same from all lawful claims whatsoever.

IN WITNESS WHEREOF, the grantor sets his hand the day and year first above written.

David Treasure
David Treasure

SCANNED

OCT 20 2005

PROFILED

MAY 31 2001

Log for claim A29-00320

Spatial Dynamics TWB

5/9/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
11s36e	25	NESW	0	10	nenw in database should be nesw
11s36e	25	NWSW	15	18	
11s36e	25	SWSW	12	14	
11s36e	25	SESW	27	28	
11s36e	25	SWSE	32	31	
11s36e	25	SESE	12	11	
11s36e	26	SENE	20	20	
11s36e	26	NESE	39	39	
11s36e	26	NWSE	39	40	
11s36e	26	SWSE	37	38	
11s36e	26	SESE	35	34	
11s36e	30	NENE	0.3	0	Wrong tract in database?
11s36e	36	NENE	15	12	
11s36e	36	NWNE	8	8.8	
Totals:			291.3	303.8	

Priority Date Data Entry Form

Claim Number: _____

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: JUNE 9, 1904 Claimed Basis: DEEDSRecommended Priority Date: " Recommended Basis: "☐ 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:

DEEDS MAKES NO REFERENCE TO PRIORITY DATE. CLAIMED
PRIORITY IS THE DEEDS DATE => SO RECOMMENDED.

Reviewer: _____

Date: _____

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

Twp	Rge	Sec	Gov Lot	QQQ of Q	County	Source
11S	36E	35		NWNE	Bann	MINES CANYON
GPS Coordinates: _____						
12S	36E	2		NENW	Bann	Big Creek *
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:

SOURCE IS A QUESTION HERE - DECATS DISCUSSES DRY HOLLOW AND MAPLE CR. → CLAIMS DRY HOLLOW, MAPLE CROCK, BIG CROCK AND MINES CROCK - BIG CR & MINES CANYON NOT MENTIONED BY DECATS.

FE INDICATED: SOURCE & POD DELIVERY SYSTEM

Transfers Changing POD _____

Reviewer: _____

Date: _____

TRUB TO: (BOTH)
BIRCH CR

UNIDENTIFIED CR
AKA MAPLE CR

NO LISTING FOR
DRY HOLLOW

DRY HOLLOW
MAPLE CROCK
BIG CROCK
MINES CANYON

SES8
* Station CR is DIVERTED @ SEC. 3
T. 12S, R. 36E, DIVERTED TO BIG CR WHERE
IT IS INTERCEPTED @ SEC. 2 SWNEW T2S,
R. 36E. → Station CR is NOT MENTIONED
CLAIMING? WHY?

ACCORDING TO CLAIMANT'S MAP DRY HOLLOW CARRIES BIG CR AND
MINES CANYON CARRIES MAPLE CR. MAPLE CR NOT SHOWN ON QUAD CC-41.
DRY HOLLOW IS ALSO NOT LISTED ON QUAD CC-41. → BCF

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
11S	36E	25					110 ⁰	
		26					170 ⁰	
		30					0.3	
		36					23 ⁰	
Total Acres							303 ³	

Recommended Place of Use

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

Document how the POU was verified:

DEERB DISCUSSES POU BUT REFERENCED 172⁰² AC; LOSS 14⁷⁵ ...
 67³⁶ AC ... 27¹⁸ AC ... BK 13 OF DEEDS PG 424 ... BANNOCK CO.
 EAC LOSS = 109²⁹? DISCUSSION IS FOR 29-320, 321 & 322.

172⁰²
 + 109²⁹
 282¹¹ AC

→ ENLARG... CLAIM? OR, OVERLAP FROM OTHER RIGHTS? CFS

PPU ALL RTS

FB INDICATED: POU

Transfers Changing POU _____

Reviewer: _____

Date: _____

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
<i>Spring</i>	<i>4/1</i>	<i>10/31</i>	<i>3.91</i>	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Overall Diversion Rate _____ Overall Diversion Volume _____

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

SOU NOT DISCUSSED BY DECREE. CLAIMS 3/15 TO 11/15 ⇒ NO!
DEPT STD FOR AREA IS 4/1 TO 10/31.

*Q IS REFERRED TO BY DECREE AS "UNINTERRUPTED FLOW OF ONE -
 FOURTH OF ALL THE WATERS OF DEER HOLLOW AND MAPLE CREEKS..."*

*Q: WHAT IS 1/4 OF FLOW EQUAL TO? RECOMMENDATION BASED ON
 42-202, 42-220 IC @ 0.02/ac x 195.3 ac = 3.906 ⇒ 3.91.*

Reviewer: _____

Date: _____

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 29-320
Date Received:
Receipt No:
Received By:

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

Amonoo DR

RECEIVED

JUN 08 2004

Department of Water Resources
Eastern Region

1. Name of Claimant(s)

BONNIE JENKINS Phone:

368 S MAIN
MALAD ID USA 83252

DEBBIE TREASURE Phone:

218 S 100 W
LOGAN UT USA 84321

DAVID MARK TREASURE Phone:

2615 N 800 E
LOGAN UT USA 84321

ELIZABETH VAUGHAN Phone: (208)254-3389

100 E 12TH ST
MC CAMMON ID USA 83250

2. Date of Priority: 06/09/1904

3. Source: BIG CREEK , Trib. to: BIRCH CREEK
MAPLE CREEK BIRCH CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
12S	36E	2	NE NW	BANNOCK	
11S	36E	35	NW NE	BANNOCK	

5. Description of diverting works:

DIVERSION DAM TO DITCHES FOR FLOOD IRRIGATION

PROFILED

6. Water is used for the following purposes:

SCANNED

OCT 20 2005

Purpose
IRRIGATION

From To C.F.S.
04/01 10/31 4.31

(or) A.F.A

7. Total Quantity Appropriated is:
4.79 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	
11S	36E	25	NE	SW	IRRIGATION	10	
			NW	SW	IRRIGATION	17	
			SW	SW	IRRIGATION	14	
			SE	SW	IRRIGATION	28	
			SW	SE	IRRIGATION	30	
			SE	SE	IRRIGATION	9.9	
Section Acres						108.9	
11S	36E	26	NE	SE	IRRIGATION	11	
			NW	SE	IRRIGATION	2.2	
			SW	SE	IRRIGATION	18	
			SE	SE	IRRIGATION	34	
Section Acres						65.2	
11S	36E	35	NE	NE	IRRIGATION	1.1	
			Section Acres				
11S	36E	36	NE	NE	IRRIGATION	12	
			NW	NE	IRRIGATION	8.1	
Section Acres						20.1	
11S	37E	30	SW	SW	4	IRRIGATION	35
			NW	SW	3	IRRIGATION	9
Section Acres						44	
Total Acres						239.3	

11. Place of use in counties: BANNOCK

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

PROFILED

SCANNED

OCT 20 2005

13. Other Water Rights Used:

14. Remarks:

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 PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

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.

The amount of water diverted under this water right may not exceed 1/4 of the stream flow of Big Creek and Maple Creek at the point of diversion described below at any given time. This water right shall not provide more than .02 cubic feet per second per acre at any time.

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 4.31 CFS. COMBINED RIGHT NOS.: 29-320, 29-321, 29-322.

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 215.3 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 29-320, 29-321, 29-322.

WATERS OF BIG CREEK ARE DELIVERED THROUGH BIRCH CREEK CANAL (DITCH).

Use of water under this water right will be regulated by the watermaster of State Water District No. &DISTRICT.

15. Basis of Claim: Decreed

PROFILED

SCANNED

OCT 20 2005

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): Randall C. Budge Date: 6/7/04
Attorney for Claimants Date: _____

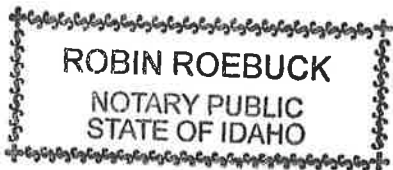
State of Idaho)
County of Burneck) SS.

Subscribed and sworn (or affirmed) before me this 7th
of June 2004 Robin Roebuck

Notary Public

Residing at Pocatello, Id.

My commission Expires 8/18/2006



PROFILED

SCANNED

OCT 20 2005

MAY 31 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: A29-00320

Date Received: 4/25/1990

Receipt No: E013683

Received By: Kuw

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DAVE TREASURE 208-897-5630
Address: 22703 SOUTH MARSH CREEK ROAD
DOWNEY, ID 83234

2. Date of Priority: JUN 09, 1904

3. Source: DRY HOLLOW Trib. to: BIRCH CREEK
MAPLE CREEK BIRCH CREEK
BIG CREEK BIRCH CREEK
MINES CANYON BIRCH CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
11S	36E	35	NW	NE			BANNOCK
12S	36E	2	NE	NW			BANNOCK

5. Description of diverting works:
DIVERSION DAM TO DITCHES FOR FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	6.070		

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

8. Total consumptive use is 758.3 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A29-00320

Page 1

Date: 04/25/90

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A2900320



10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
11S	36E	25	NE	NW		IRR	12.0
			NW	SW		IRR	15.0
			SW	SW		IRR	12.0
			SE	SW		IRR	27.0
			SW	SE		IRR	32.0
			SE	SE		IRR	12.0
			Section Acres				
26	SE	NE		IRR	20.0		
	NE	SE		IRR	39.0		
	NW	SE		IRR	39.0		
	SW	SE		IRR	37.0		
	SE	SE		IRR	35.0		
Section Acres						170.0	
30	NE	NE		IRR	0.3		
	Section Acres						0.3
36	NE	NE		IRR	15.0		
	NW	NE		IRR	8.0		
Section Acres						23.0	
Total Acres						303.3	

11. Place of use in counties: BANNOCK

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

13. Other Water Rights Used:
29-00317A/00321/00322

14. Remarks:

SEE DECREE FOR LAND LIST.
DIVERSION RATE 1/4 FLOW OF BOTH CREEKS.
PRIORITY DATE TAKEN FROM DECREE.
DRY HOLLOW AKA BIG CREEK (FROM USGS MAP)
MAPLE CREEK AKA MINES CANYON (FROM USGS MAP)

15. Basis of Claim: DECREED

Case Number:

Court :

HENRY WAKLEY ET AL
Decree Plaintiff

GEORGE WAKLEY.
Decree Defendant

(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.

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

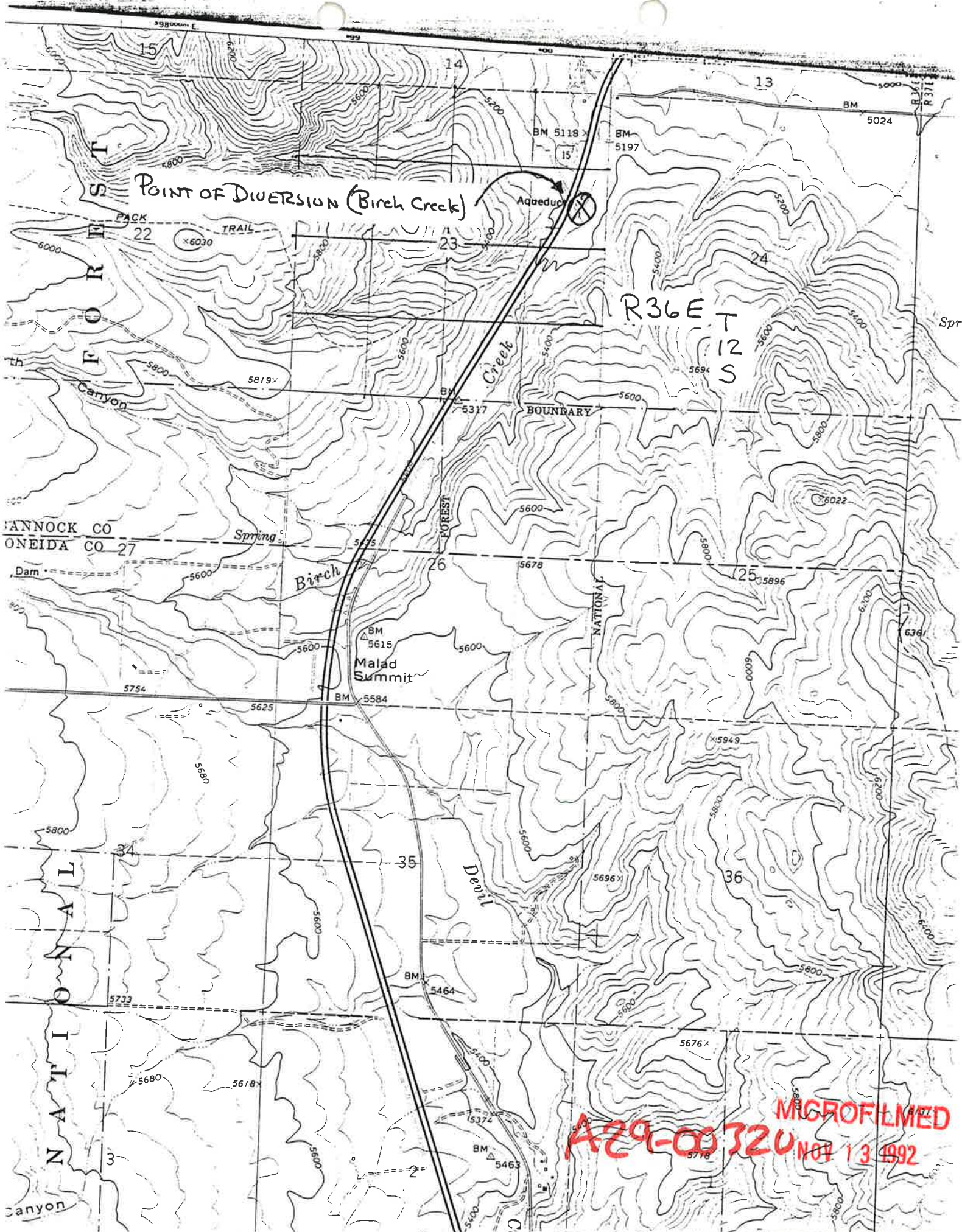
State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 25 day
of April 19 90 Betty J. [Signature]
Notary Public

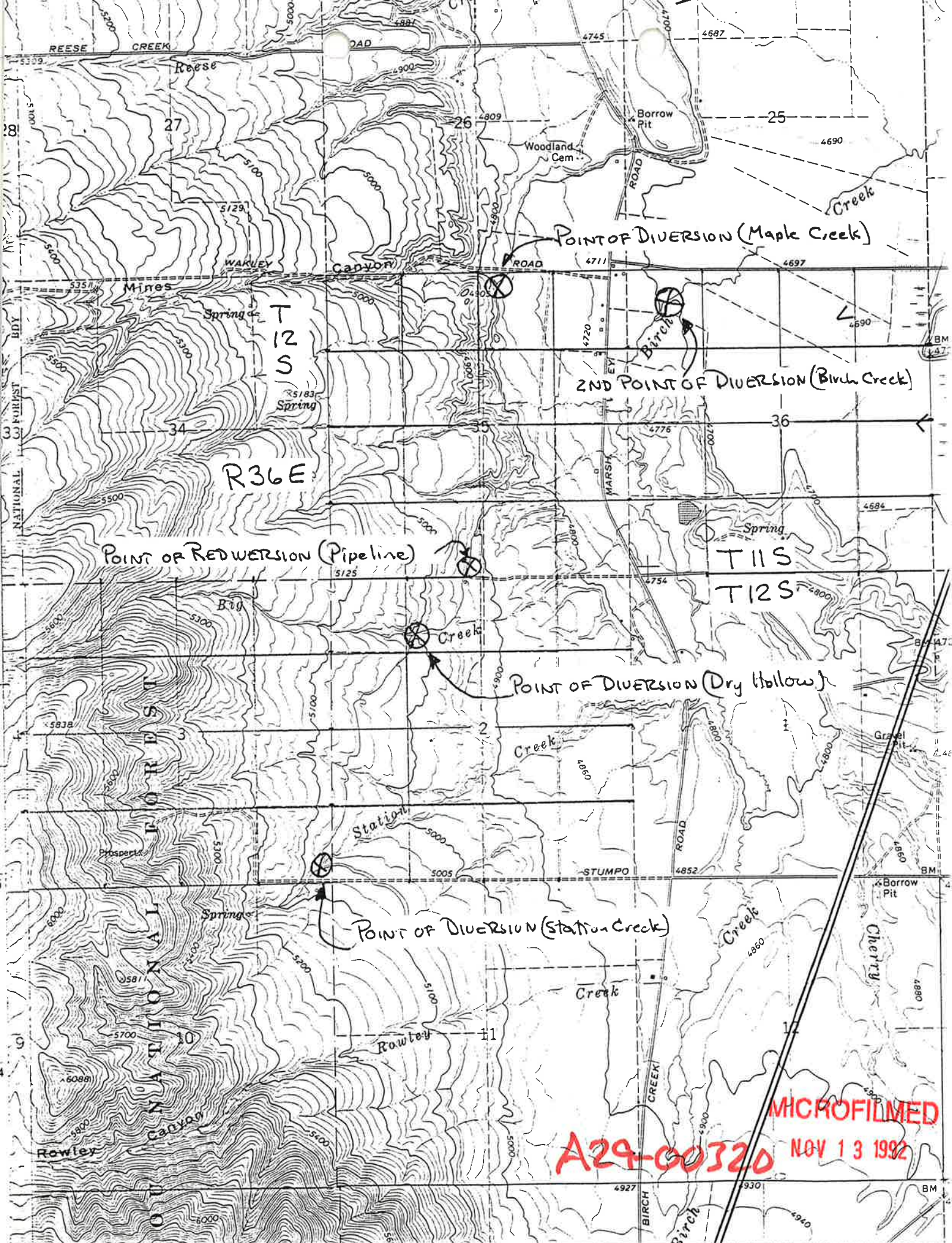
Betty L. Thompson
Notary Public

Residing at BETTY L. THOMPSON, NOTARY PUBLIC
My Commission Expires RESIDING AT IDAHO FALLS, IDAHO
MY COMMISSION EXPIRES: 6-30-94

NOV 13 1992



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NOV 13 1992



MICROFILMED

A29-00320 NOV 13 1992

T 7864 4166
Rose Lee Hill

345

T 7868
Rose Lee Hill

T 7836
Ogle Davis
2744

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T FEB
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T 7993
Glade Davis
2741

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T 8571 4462
Rich Vaughan

T 7853 4547
William Ward

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William Ward
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