

06/05/2003

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

RIGHT NUMBER: 29-328A

NAME AND ADDRESS: KENNETH M WILLIAMS
26132 S DOWNATA RD
DOWNEY ID 83234

DONNA B WILLIAMS
26132 S DOWNATA RD
DOWNEY ID 83234

SOURCE: BIRCH CREEK

TRIBUTARY: MARSH CREEK

POINTS OF INJECTION INTO AND POINT OF REDIVERSION FROM BITCH CREEK.

QUANTITY: 2.520 CFS

The amount of water diverted under this water right may not exceed 1/24 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 RIGHT NO. 29-113469 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.52 CFS.

PRIORITY DATE: 10/10/1878

POINT OF DIVERSION:

T12S R36E S23 SESENE Rediversion Within BANNOCK County

T12S R36E S27 SENWSW Within BANNOCK County

T12S R36E S27 SENWSW Within BANNOCK County

T12S R36E S27 SENWSW Injection Within BANNOCK County

T12S R36E S27 SENWSW Injection Within BANNOCK County

TWO POINTS OF DIVERSION, TWO POINTS OF INJECTION, LOCATED IN T12S R36E, S27, NWSW.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	2.520 CFS

PLACE OF USE: IRRIGATION Within BANNOCK County

T12S R36E S12	NENW	39.0	T12S R36E S12	NWNW	21.0
T12S R36E S12	SWNW	26.0	T12S R36E S12	SENW	40.0

126 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 29-13469 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 126.0 ACRES IN A SINGLE IRRIGATION SEASON.

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

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

EXPLANATORY MATERIAL: Decreed

06/05/2003

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

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.

WATER IS DELIVERED THROUGH BIRCH CREEK CANAL (DITCH).

01/13/2003

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

RIGHT NUMBER: 29-328A

NAME AND ADDRESS: KENNETH M WILLIAMS
26132 S DOWNATA RD
DOWNEY ID 83234

DONNA B WILLIAMS
26132 S DOWNATA RD
DOWNEY ID 83234

SOURCE: BIRCH CREEK TRIBUTARY: MARSH CREEK
POINTS OF INJECTION INTO AND POINT OF REDIVERSION FROM BIECH CREEK.

QUANTITY: 2.520 CFS

USE OF THIS RIGHT WITH RIGHT NO. 29-113469 IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 2.52 CFS.

PRIORITY DATE: 10/10/1878

POINT OF DIVERSION:

T12S R36E S23 SESENE Rediversion Within BANNOCK County
T12S R36E S27 SENWSW Within BANNOCK County
T12S R36E S27 SENWSW Within BANNOCK County
T12S R36E S27 SENWSW Injection Within BANNOCK County
T12S R36E S27 SENWSW Injection Within BANNOCK County
TWO POINTS OF DIVERSION, TWO POINTS OF INJECTION, LOCATED IN T12S R36E,
S27, NWSW.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	2.520 CFS

PLACE OF USE:

<u>IRRIGATION Within BANNOCK County</u>					
T12S R36E S12	NENW	39.0	T12S R36E S12	NWNW	21.0
T12S R36E S12	SWNW	26.0	T12S R36E S12	SENW	40.0

126 ACRES TOTAL

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later than the entry of a final unified decree. Section 42-1412(6), Idaho
Code.

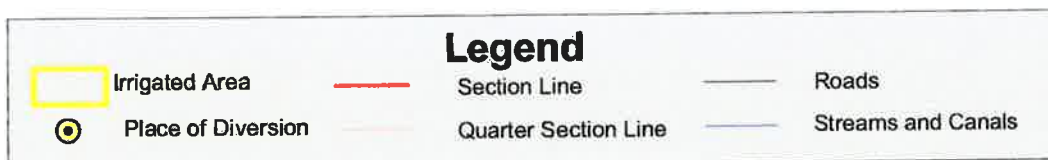
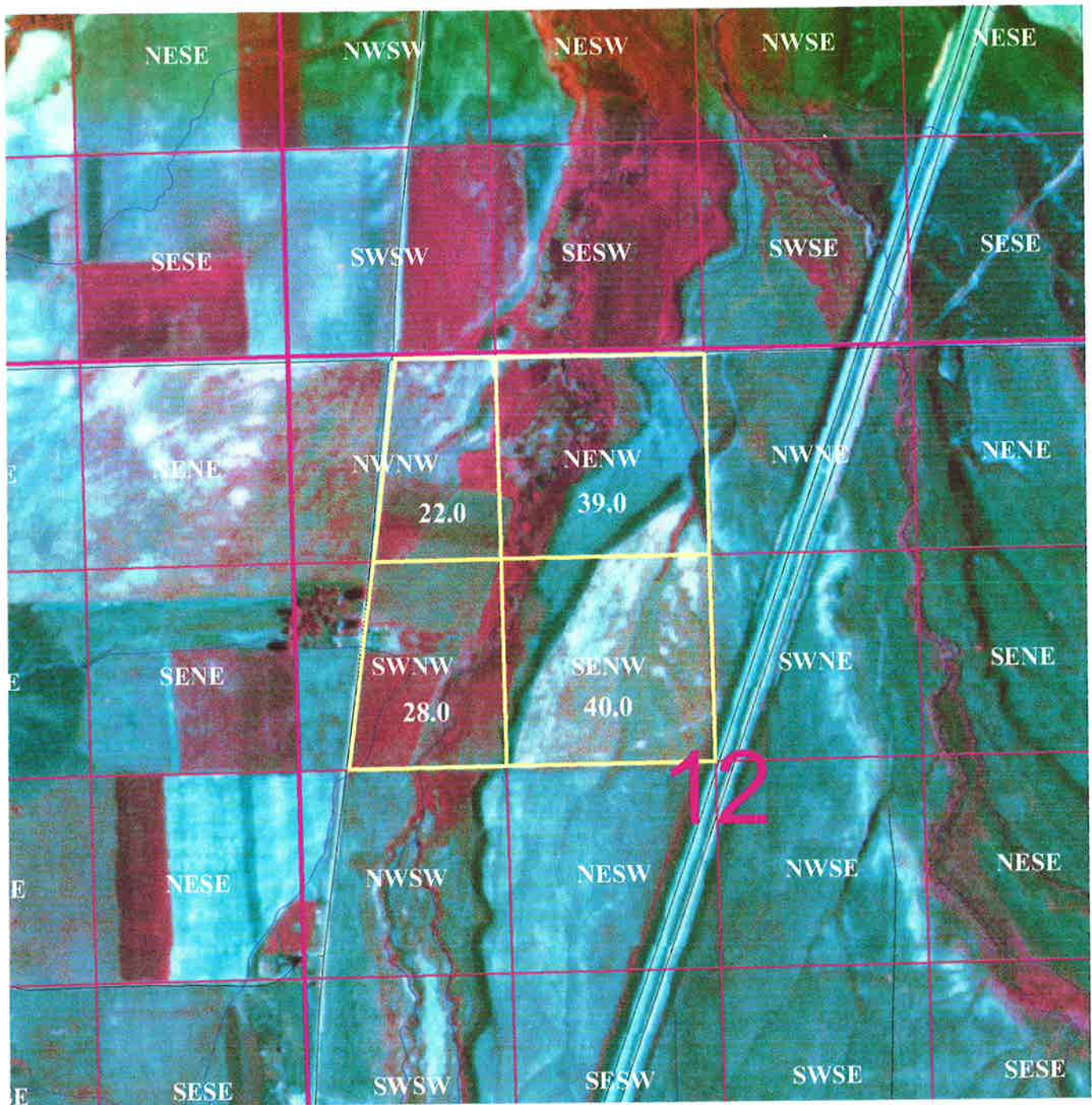
EXPLANATORY MATERIAL: Decreed

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

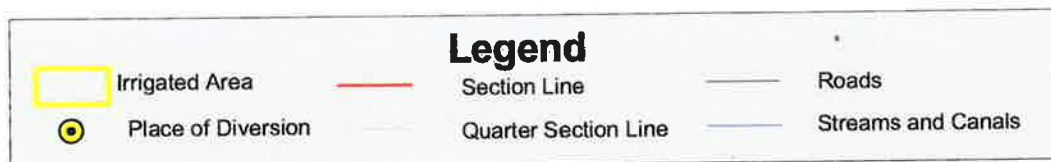
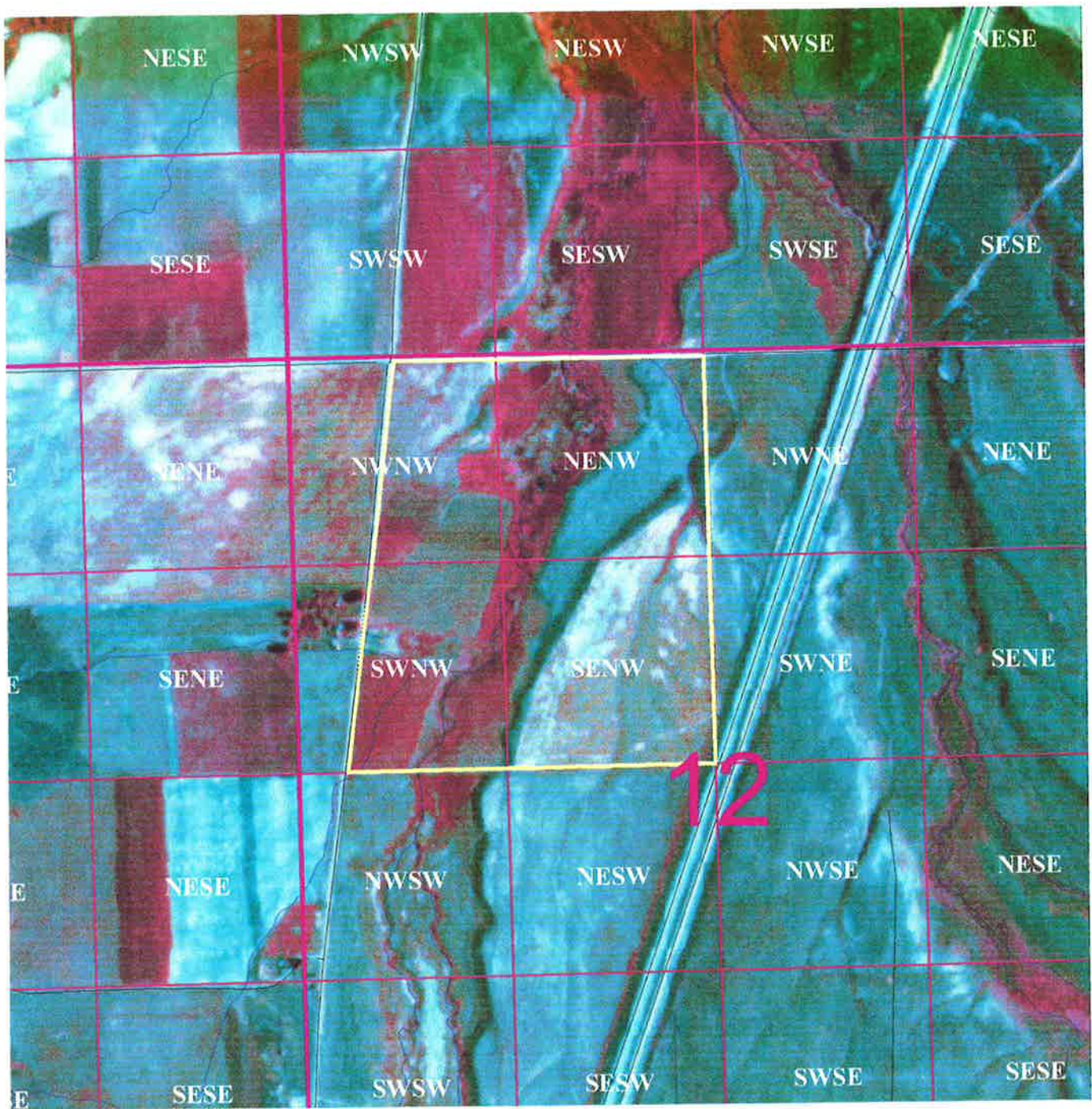
RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT
TO SECTION 42-1425, IDAHO CODE.

WATER IS DELIVERED THROUGH BIRCH CREEK CANAL (DITCH).

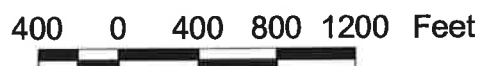
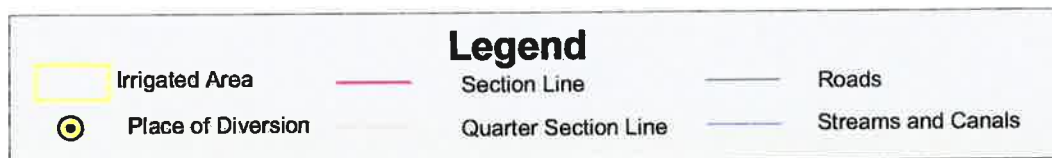
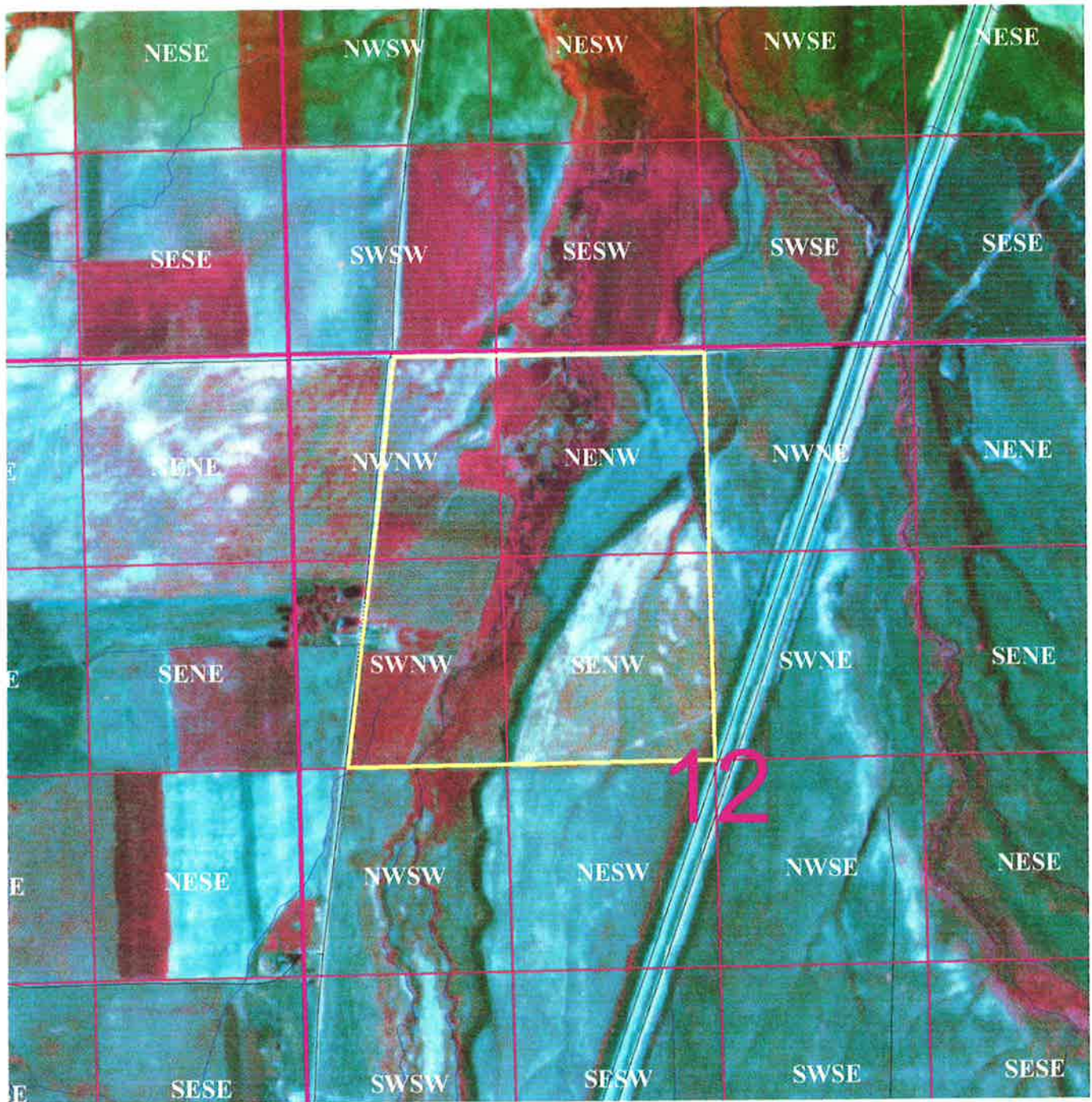
Township , 12S36E



Township , 12S36E



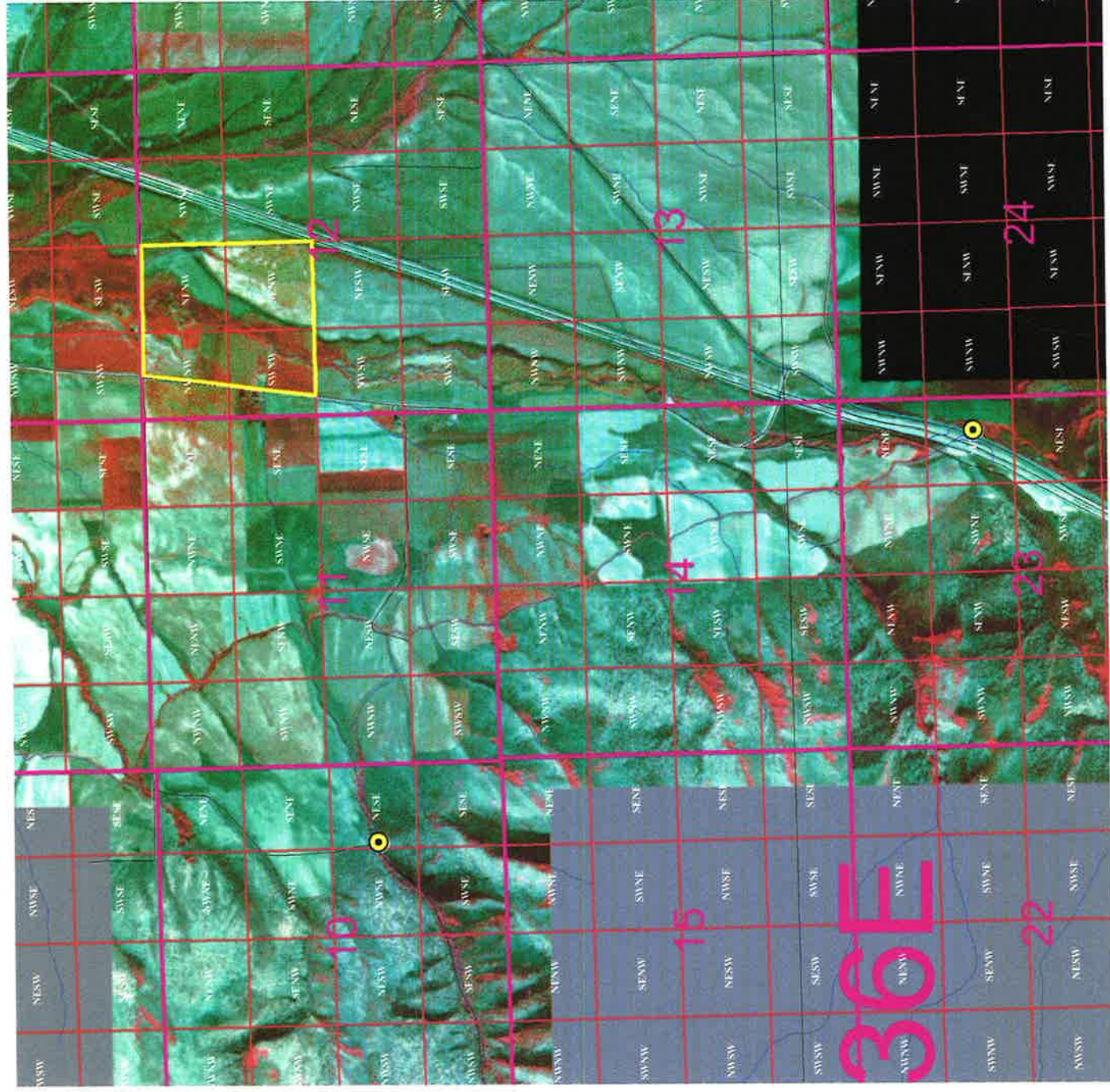
Township , 12S36E



Water Right Claim Number A29-00328A

Township , 12S36E

05/10/2000



1000 0 1000 2000 3000 Feet





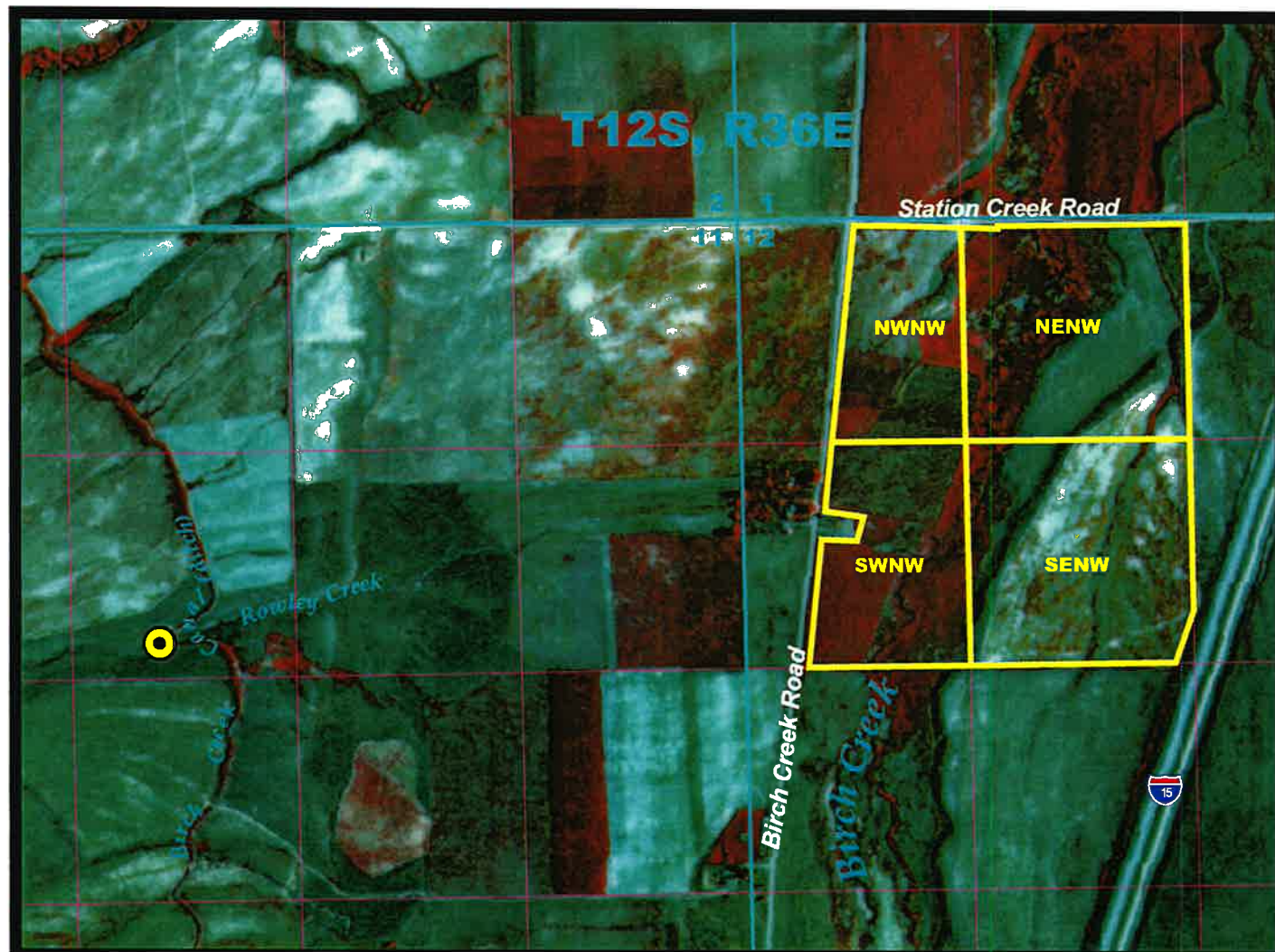
SEP 27 2005

PROTECTED
SCANNED

State of Idaho

Department of Water Resources

Eastern Region



Water Right(s):
29-00328A, 29-13469

Place of Use: (part of): T12S, R36E
Sec. 12 NW

Point(s) of Diversion: T12S, R36E
Sec. 11 SWNESW (Rowley Ck)
Birch Creek (not shown);
Sec. 23 SWSWNE (Rediv)
Sec. 27 SENWSW (2 PODs/POIs)



LEGEND



Point of Diversion

SESE

Place of Use



Section



Quarter-Quarter

500 0 500 1000 1500 2000 2500 3000 3500 4000 4500 5000 5500 6000 Feet

GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: A. Ruberry
Date: January 2003



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,

A handwritten signature in black ink, appearing to read "Candice M. McHugh", is written over the typed name.

Candice M. McHugh
Deputy Attorney General, IDWR

cc: Allen Ruberry
CMM/pm

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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Claim No.	Claimant	Fract.	Q by Rec	Acres	Stream	Remarks
<u>Phillips vs Edwards Decree, 1924..... Rowley Creek</u>						
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	4/4 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	4/4 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.

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SEP 27 2005

NOTICE OF ERROR
REPLY

02/18/2003

Allen
RECEIVED
APR 09 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: 29-328A

KENNETH M WILLIAMS
26132 S DOWNATA RD
DOWNEY ID 83234
Telephone Number: (208)897-5718

DONNA B WILLIAMS
26132 S DOWNATA RD
DOWNEY ID 83234
Telephone Number: (208)897-5718

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

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

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

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

DATE: FEB 22-2003 SIGNATURE: *Kenneth M. & Donna B. Williams*
Please print your name: KENNETH M. & DONNA B WILLIAMS

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

1/4 of 1/6

PROFILE

SCANNED
SEP 27 2005

T12S, R36E

2 1

11 12

BOWLIN, JAMES D

ERICKSON, DAVID

NWNW

NENW

WILLIAMS, KENNETH MARK FAMILY TRUST

WILLIAMS, KENNETH MARK FAMILY TRUST

HUNTER, JAMES & HUNTER, ANNA LEE

BAKER, R RICHARD

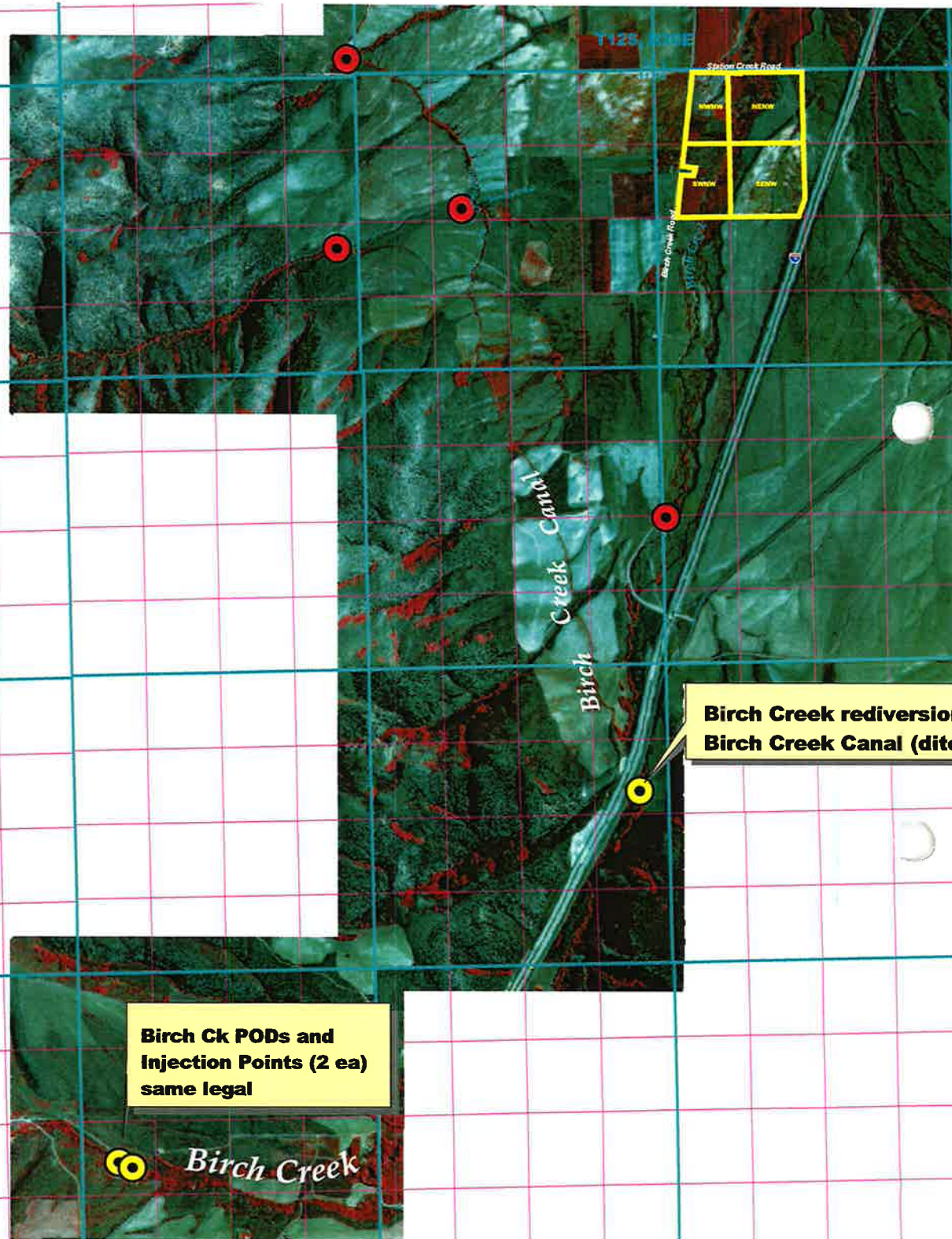
SWNW

SENW

FERGUS, PHILIP J

FERGUS, PHILIP J

STATE OF IDAHO



T125 R30E

Splon Creek Road

SE1/4
SW1/4
NE1/4
SW1/4

Birch Creek

Birch Creek redirection
Birch Creek Canal (ditch)

Birch Ck PODs and
Injection Points (2 ea)
same legal

Birch Creek

PROCESSED
SEP 27 2005
SCANNED

1/6/03 Spoke to Mr. Williams - He wants a new claim
for the Rawlry Ch portion of 29-328A.

Rawlry Ch. is addressed in the Phillips vs Edwards
Deeds, and having a priority date of 1 May 1884.

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SEP 27 2005

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STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
ALAN G. LANCE

December 19, 2002

RECEIVED
DEC 23 2002
Department of Water Resources
Eastern Region

KENNETH M WILLIAMS
26132 S DOWNATA RD
DOWNEY, ID 83234

Dear Mr. Williams:

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 might not be correct and that May 1, 1884, might be the appropriate priority date for your claim. In order to recommend this priority date, which is earlier than the priority date you originally claimed, your claim would need to be amended. If you would like to amend your claim to reflect the earlier priority date please contact Allen Ruberry, Senior Water Resource Agent with IDWR's Eastern Region Office at (208) 525-7161.

The Department intends to issue its preliminary Director's Report for your water right in January, 2003. If the Department does not hear from you prior to January 10, 2003, the Department will recommend your water right with a priority date no earlier than the priority date that you have currently claimed.

Very Truly Yours,

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

SCANNED
SEP 27 2005



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,

Candice M. McHugh
Deputy Attorney General, IDWR

Enclosures

cc: Allen Ruberry

Received Amend Signed Claim
12/24/02.

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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SEP 27 2005

Ruberry, Allen

From: Ruberry, Allen
Sent: Wednesday, December 18, 2002 11:18 AM
To: McHugh, Candice
Subject: RE: Amended Claims

May 1, 1884 is correct.

FYI....Ken Williams called yesterday. We discussed the need to amend for the better priority and also a split to his son-in-law.....Richard Baker. Don't think I ever got a confirmation what he wants to do. He says Rowley Ck never has water anymore (I explained.... this may change). Also, Mr. Baker wanted some water for his 17 acres but they were told by an attorney (da__ lawyers) that they could not split a right so they never persued it. Now, I don't know what's doing because he don't know. I told Mr. Williams to have Baker call me. So far, no call.....



al

-----Original Message-----

From: McHugh, Candice
Sent: Wednesday, December 18, 2002 10:45 AM
To: Ruberry, Allen
Subject: RE: Amended Claims

I was out yesterday and part of Monday and forgot to get to these. The priority date we are going for on these water rights is May 1, 1884, correct? I don't think I will include amended claims on these but just a letter because of the issue of whether or not the source too needs to be amended.

-----Original Message-----

From: Ruberry, Allen
Sent: Wednesday, December 11, 2002 2:29 PM
To: McHugh, Candice
Subject: RE: Amended Claims

Ya, the Baker/Williams thing I don't have a C/O on. So yes, a letter to Phillips and one to Williams.

-----Original Message-----

From: McHugh, Candice
Sent: Wednesday, December 11, 2002 2:07 PM
To: Ruberry, Allen
Subject: RE: Amended Claims

So just two letters? 29-11242 and 29-328A?

-----Original Message-----

From: Ruberry, Allen
Sent: Wednesday, December 11, 2002 1:31 PM
To: McHugh, Candice
Subject: RE: Amended Claims

29-11242

29-328A claims both Birch Creek and Rowley Creek (this can't happen) he needs a claim for Rowley Ck.....I mailed a letter advising same on 4 December 2002. There is another guy by the name of Richard Baker (story is he's Ken Williams' son-in-law..... no claim, no C/O.

Getting bald.....al

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SEP 27 2005

-----Original Message-----

From: McHugh, Candice
Sent: Wednesday, December 11, 2002 1:23 PM
To: Ruberry, Allen
Subject: RE: Amended Claims

Just get me the numbers.

-----Original Message-----

From: Ruberry, Allen
Sent: Wednesday, December 11, 2002 12:05 PM
To: McHugh, Candice
Subject: RE: Amended Claims

Ok, now what about Rowley Creek?

Steady by jerks..... al

-----Original Message-----

From: McHugh, Candice
Sent: Wednesday, December 11, 2002 11:56 AM
To: Ruberry, Allen
Cc: Carlsen, Ernie
Subject: Amended Claims

These were mailed out today. Here are the copies for your files.

-----Original Message-----

From: Pew, Lori
Sent: Wednesday, December 11, 2002 11:50 AM
To: McHugh, Candice
Subject:

<< File: 29-10407 AMD CLAIM REQ.tif >> << File: 29-11650 AMD CLAIM REQ.tif >> <<
File: 29-11697 AMD CLAIM REQ.tif >> << File: 29-322 AMD CLAIM REQ.tif >> << File: 29-
327 AMD CLAIM REQ.tif >> << File: 29-328A AMD CLAIM REQ.tif >> << File: 29-328B AMD
CLAIM REQ.tif >> << File: 29-328C AMD CLAIM REQ.tif >> << File: 29-329 AMD CLAIM
REQ.tif >>

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SCANNED
SEP 27 2005

4 December 2002

Mr Kenneth M Williams
26132 S Downata Rd
Downey ID 83234

Re: Snake River Basin Adjudication water right claim 29-00328A

Mr. Williams;

I am in the process of formulating recommendations for the water right claims in your area. Upon review of your claim, referenced above, I find you have claimed two sources of water under this decreed right. The original 29-00328 was decreed in *Wakley vs Wakley, 1904*, for 1/6th of the flow of Birch Creek and subsequently split. You have claimed both Birch Creek and Rowley Creek as sources for your claim 29-00328A.

However, since Rowley Creek was addressed in *Phillips vs Edwards, 1924*, it is not possible to combine such different water rights into a single claim. Therefore, you will be required to file an additional claim for the Rowley Creek water right. Such a claim will require a filing fee of \$50.00.

The recommendation for your claim 29-00328A will address only Birch Creek. The Rowley Creek component of that claim will not be recommended.

Please call me at 525-7161 so that we can further discuss this matter, if you are interested in filing a separate claim to Rowley Creek. We are running very close to the completion deadline for Basin 29, so I encourage expedience on your part.

Respectfully submitted,

Allen B. Ruberry
Sr. Water Resource Agent
Adjudication Bureau

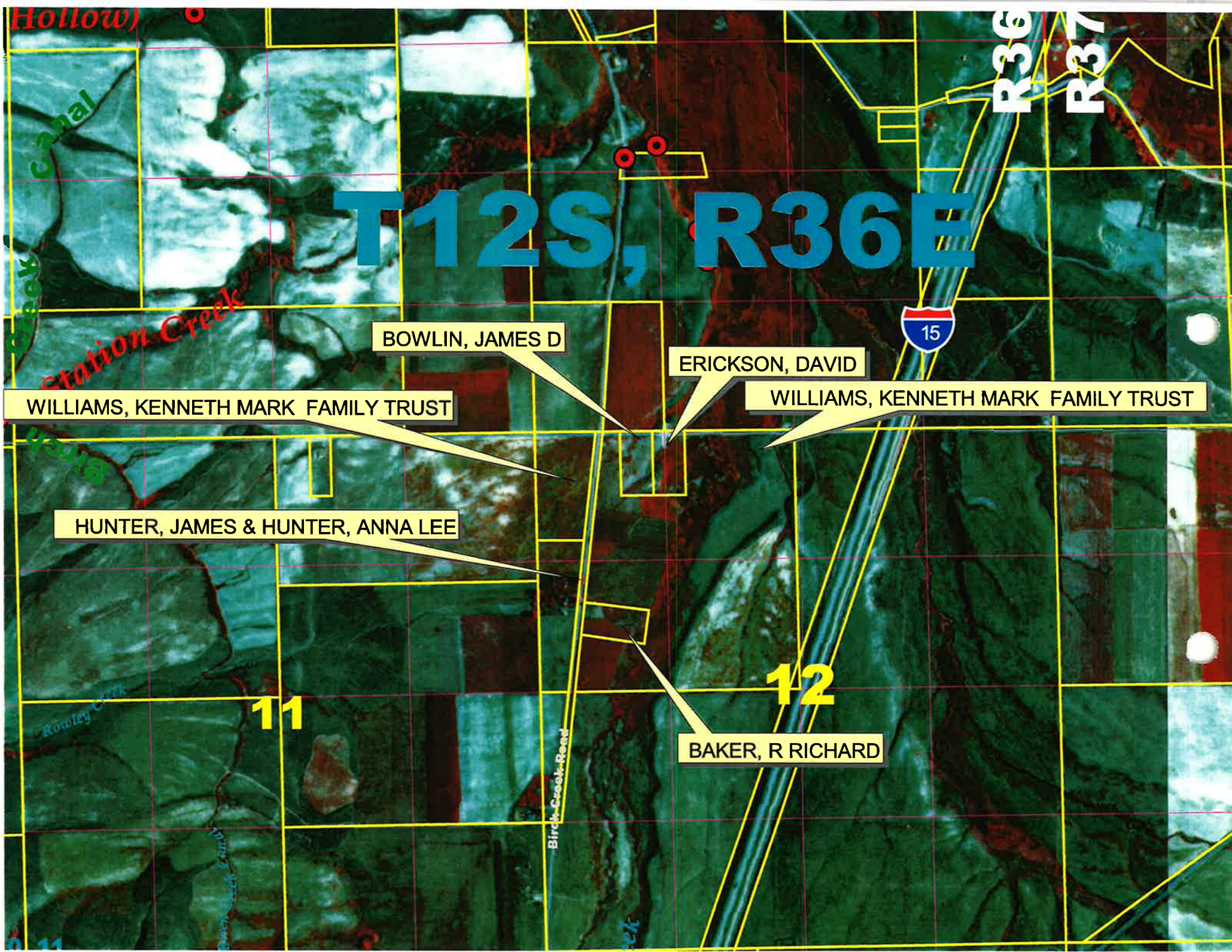
Cc; file

Mailed 12/5/02
VIA Dan Lowe

SCANNED

SEP 27 2005

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T12S, R36E

BOWLIN, JAMES D

ERICKSON, DAVID

WILLIAMS, KENNETH MARK FAMILY TRUST

WILLIAMS, KENNETH MARK FAMILY TRUST

HUNTER, JAMES & HUNTER, ANNA LEE

BAKER, R RICHARD

11

12



R36

R37

Hollow)

Creek Canal

Station Creek

Bird Creek Road

Romley Creek

Bush Creek Canyon

T12S, R36E

12

11



R36
R37

Holloway

Canal

Creek

Station Creek

Birch

Road

Birch Creek Road

Canal

Creek

SPLIT HISTORY

29-328 DECREE

WAKLEY vs WAKLEY

DECREE # 29G1

9 JUNE 1904

29-328

PRIORITY DATE - NOT SPEC.

1/6 FLOW OF BIRCH CK.

POD: NOT SPEC.

POU: NE SEC 12

T11S R36E

{BEST CASE: 160 AC}
{3.2 cfs @ 0.02/ac}

KEN WILLIAMS

29-328A

DEED 4/67

9 JUNE 1904 BIRCH CK & ROWLEY CK

2.66 cfs

POD: T12S R36E SEC. 10 NESE

SEC. 23 SENE

POU: T12S R36E SEC. 12 NW⁴ (133° AC)

WM EVANS

29-328B

9 JUNE 1904 BIRCH CK

2.80 cfs

POD: T12S R36E SEC. 23 SENE

POU: T12S R36E SEC. 11 S²NE, N³SE
(140° AC)

FRANK WINWARD

29-328C

c/o 10/00

9 JUNE 1904 BIRCH CK

2.5 cfs

POD: T12S R36E SEC. 23 SWNE

POU: T12S R36E SEC. 1 SWSW

SEC. 2 SENE, E²SE
(125° AC)

QUESTIONS: PART A

1. WHY ROWLEY CANYON (CK)
2. BY WARRANTY DEED ADDENDUM
1/4 OF 1/6 OF WATERS OF BIRCH CK
AND 1/4 OF ROWLEY CANYON
 - a. ROWLEY CK TRIB TO BIRCH CK?
 - b. SEPARATE SOURCE?
 - i. DECREE REFERENCE?
 - c. POD'S FOR EACH SOURCE?
3. Q
4. NO OVERLAPPING RTS
5. SEE DECREE EXCERPT AND TX #106 (AO)

PROTECTED

SEP 27 2005

SCANNED

9 0326

of the continuous and uninterrupted flow of one-fifth of all the waters of Station Creek,

9 0327

and the use and benefit of the continuous and uninterrupted flow of one-sixth of all the waters of Birch Creek flowing towards March Valley. That said waters be used upon and appurtenant to N.W.1/4 of S.W.1/4, and E.1/2 of S.W.1/4; S.1/2 of N.W.1/4; S.W.1/4 of N.E.1/4; W.1/2 of S.E.1/4 and Lot 3 of Section One, Township 12 S., Range 36 E. Boise Meridian, Bannock County, containing 360 acres. It being intended hereby to cover all lands of said defendant now owned as irrigated from said streams.

9 0328

That defendant John Ware be adjudged and decreed to have the use and benefit of the continuous and uninterrupted flow of one-sixth of all the waters of Birch Creek flowing towards March Valley.

That said waters be used upon and appurtenant to N.E.1/4 Section 12, Township 11 South, Range 36 E. Boise Meridian, said Bannock County, Idaho. It being intended hereby to cover lands now owned by said defendant as irrigated from said stream. ERROR 125

9 0329

That defendant J. J. Wakley be adjudged and decreed to have the use and benefit of the continuous and uninterrupted flow of one-twelfth of the waters of Birch Creek flowing towards March Valley. That said waters are used upon and appurtenant to N.W.1/4 Section 13, Township 12 South, Range 36 E. Boise Meridian, except 30 acres thereof heretofore conveyed by deed by said defendant to J. H. Wakley. It being intended hereby to cover all lands of defendant as irrigated from said stream.

9 0330

That defendant J. H. Wakley be adjudged and decreed to have the use and benefit of one-fourth of all the waters of Irr Hollow and Maple Creeks, the use and benefit of the con-

9 0331

tinuous and uninterrupted flow of one-fifth of all the waters of Station Creek, and one-

9 0332

twelfth of the continuous and uninterrupted flow of all the waters of Birch Creek flowing towards March Valley. That said waters are used upon and appurtenant to S.W.1/4 of N.E.1/4, N.1/2 of N.E.1/4, N.W.1/4 of N.W.1/4 Section 36, Township 11 S. Range 36 E. Boise Meridian, containing 160 acres, also 30 acres off the East side of N.W.4 Sec.13 Tp.12 S.R.36 E.B.M. in said Bannock County. It being intended hereby to cover all lands now owned by said defendant as irrigated from said streams.

SCANNED

SEP 27 2005

PROFILED

NOTICE OF PROPOSED TRANSFER
OF WATER RIGHT.
Notice is hereby given that John E.
Ware, of Downey, Bannock County,
the State of Idaho for a certificate au-
thorizing him to transfer the use of
one-sixth (1-6) of the water of Birch
Creek from the land upon which it is
now used, to the following de-
scribed tract: W 1/2 NE 1/4 NW 1/4 Sec-
11, T. 12 S., R. 36 E., B. 12 M.
And that, on the 4th day of Septem-
ber, 1912, at the office of the Jackson
Real Estate Company, Pocatello, Idaho,
before the Water Commissioner of this
Division, or his authorized agent, the
opportunity will be given to any and all
persons to appear and present for his
consideration any reason or reasons
why a certificate should not be issued
authorizing such transfer.
Full details of the proposed transfer
may be obtained from
Watermaster of said stream.

Does NOT APPLY TO
29-319 AS INDICATED
IN BUREAU BK.
NO APPLIES ONLY to
29-328

SCANNED
SEP 27 2005

PROFILED

Downey
for a certificate
of the water of

A. D.

has been
D. H. Scott

ENGINEER

MAY 24 2001

Log for claim A29-00328A

Spatial Dynamics TWB

5/10/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
12s36e	12	NENW	40	39	
12s36e	12	NWNW	25	22	
12s36e	12	SWNW	28	28	
12s36e	12	SEnw	40	40	
Totals:			133	129	

A D D E N D U M

to be attached and by reference made a part of that certain Warranty Deed dated April 5, 1967 by and between VALLEY VESTA FARMS, INC., a Utah Corporation, as Grantor and KENNETH M. WILLIAMS and DONNA B. WILLIAMS, his wife, as Grantees.

of Section 14, all in Township 12 South, Range 36 East of the Boise Meridian, United State Survey.

The Southwest quarter of the Southeast quarter and the South half of the Southwest quarter of Section 2 and Lot 7 of Section 3, all in Township 12 South of Range 36 East of the Boise Meridian, and containing one hundred fifty eight and 33/100 acres of land.

The Northwest quarter of Section 12 in Township 12 South of Range 36 East of the Boise Meridian, containing 160 acres according to the official plat of the survey of the said land returned to the General Land Office by the Surveyor General. Together with 1/4 of 1/6 of the waters of Birch Creek flowing toward Marsh Valley, and 1/4 of waters in Rowley Canyon.

SUBJECT TO: A Mortgage dated July 26, 1966 executed by Valley Vesta Farms, Inc., A corporation to the Federal Land Bank of Spokane, a Corporation to secure the payment of \$32,800.00 and interest, recorded August 22, 1966 as Entry No. 431172 in Book 207 at page , records of Bannock County, Idaho said mortgage having a present balance of \$32,800.00 with interest to the 15th day of April which the grantees herein, hereby expressly assume and agree to pay as part of the aforementioned purchase price.

In witness whereof, the grantor has caused its corporate name and seal to be hereunto affixed by its duly authorized officers this 5th day of April, A.D., 1967.

Attest:

VALLEY VESTA FARMS, INC.

Inid F. Reese
Inid F. Reese, Secretary

Dallin J. Reese
Dallin J. Reese, President

(Corporate Seal)

STATE OF UTAH)
: ss.
COUNTY OF SALT LAKE)

On the 5th day of April, A.D., 1967 personally appeared before me Dallin J. Reese and Inid F. Reese who being by me duly sworn did say, each for himself that he the said Dallin J. Reese is the president and he the said Inid F. Reese is the Secretary of VALLEY VESTA FARMS, INC. and that the within and foregoing instrument was signed in behalf of said corporation by authority of a resolution of its board of directors and said Dallin J. Reese and Inid F. Reese each duly acknowledged to me that said corporation executed the same and that the seal affixed is the seal of said corporation.

My Commission Expires:

Lois K. Rutledge
Notary Public

Residing in Salt Lake City, Utah

NO. 438464

RECORDED AT REQUEST OF

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 29-328A
Date Received: 2/26/1990
Receipt No: E012149
Received By:

AMENDED

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

KENNETH M WILLIAMS
26132 S DOWNATA RD
DOWNEY ID USA 83234

Phone: (208)897-5718

DONNA B WILLIAMS
26132 S DOWNATA RD
DOWNEY ID USA 83234

Phone: (208)897-5718

2. Date of Priority: ~~08/09/1904~~ 10/10/1878

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 Lot	County	Type
12S	36E	23	SE	NE		BANNOCK	
12S	36E	10	NE	SE		BANNOCK	

5. Description of diverting works:

HEADGATES TO DITCHES TO PLACE OF USE FOR IRRIGATION.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	2.66	

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

SEP 27 2005

FILED

SCANNED

12/10/2002

RECEIVED

DEC 24 2002

Department of Water Resources
Eastern Region

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
12S	36E	12	SE	NW	IRRIGATION	40
			NE	NW	IRRIGATION	40
			NW	NW	IRRIGATION	25
			SW	NW	IRRIGATION	28
					Section Acres	133
					Total Acres	133

11. Place of use in counties: BANNOCK

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

13. Other Water Rights Used:

14. Remarks:

THIS CLAIM IS A PORTION OF DECREED WATER RIGHT 29-00328.
 ORIGINAL DECEED WATER RIGHT LISTED DIVERSION RATE AS "1/6 OF THE FLOW" OF BIRCH CREEK. NO ACTUAL DIVERSION RATE WAS RECORDED.
 CLAIMANTS' DEED INDICATES THAT THEIR PORTION IS "1/4 OF 1/6 OF THE WATERS OF BIRCH CREEK FLOWING TOWARD MARSH VALLEY, AND 1/4 OF THE WATERS OF ROWLEY CANYON." (SEE ATTACHED COPY OF ADDENDUM.) FLOW HAS BEEN CALCULATED AS 0.02 CFS (OR 1 MINER'S INCH) PER ACRE. PRIORITY TAKEN FROM DECREE DATE.

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): Kenneth M. Williams Date: 14/Dec/2002
Donna B. Williams Date: 12-16-2002

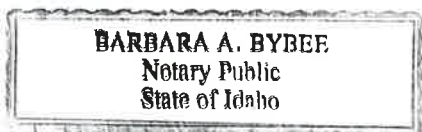
State of Idaho }
County of Bannock } SS.

Subscribed and sworn (or affirmed) before me this
of 16/Dec 2002

Barbara A. Bybee

Notary Public

Residing at Downey, ID 83239
My commission Expires 12-22-05



SCANNED
SEP 27 2005

PROFILED

MAY 24 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: A29-00328A
Date Received: 2/26/1990
Receipt No: E012149
Received By: DM

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: KENNETH M. WILLIAMS 208-897-5718
Address: 26132 S. DOWNATA RD.
DOWNEY, ID 83234

OR
Name: DONNA B. WILLIAMS 208-897-5718
Address: 26132 S. DOWNATA RD.
DOWNEY, ID 83234

2. Date of Priority: JUN 09, 1904

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
12S	36E	10	NE	SE			BANNOCK
		23	SE	NE			BANNOCK

5. Description of diverting works:
HEADGATES TO DITCHES TO PLACE OF USE FOR IRRIGATION.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	2.660		

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

8. Total consumptive use is 332.5 Acre Feet Per Annum.

9. Non-irrigation uses:
N/A

A29-00328A

Page 1

Date: 02/26/90

MICROFILMED
NOV 13 1992

A2900328A



10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
12S	36E	12	NE	NW		IRR	40.0
			NW	NW		IRR	25.0
			SW	NW		IRR	28.0
			SE	NW		IRR	40.0
						Section Acres	133.0
						Total Acres	133.0

11. Place of use in counties: BANNOCK

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

13. Other Water Rights Used:
N/A

14. Remarks:

THIS CLAIM IS A PORTION OF DECREED WATER RIGHT 29-00328. ORIGINAL DECEED WATER RIGHT LISTED DIVERSION RATE AS "1/6 OF THE FLOW" OF BIRCH CREEK. NO ACTUAL DIVERSION RATE WAS RECORDED. CLAIMANTS' DEED INDICATES THAT THEIR PORTION IS "1/4 OF 1/6 OF THE WATERS OF BIRCH CREEK FLOWING TOWARD MARSH VALLEY, AND 1/4 OF THE WATERS OF ROWLEY CANYON." (SEE ATTACHED COPY OF ADDENDUM.) FLOW HAS BEEN CALCULATED AS 0.02 CFS (OR 1 MINER'S INCH) PER ACRE. PRIORITY TAKEN FROM DECREE DATE.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

HENRY WAKLEY, ET. AL.
Decree Plaintiff

vs

GEORGE WAKLEY
Decree Defendant

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): Kenneth M. Williams Date: 2/28/90

Date: _____

State of Idaho)
County of Bonneville) SS.

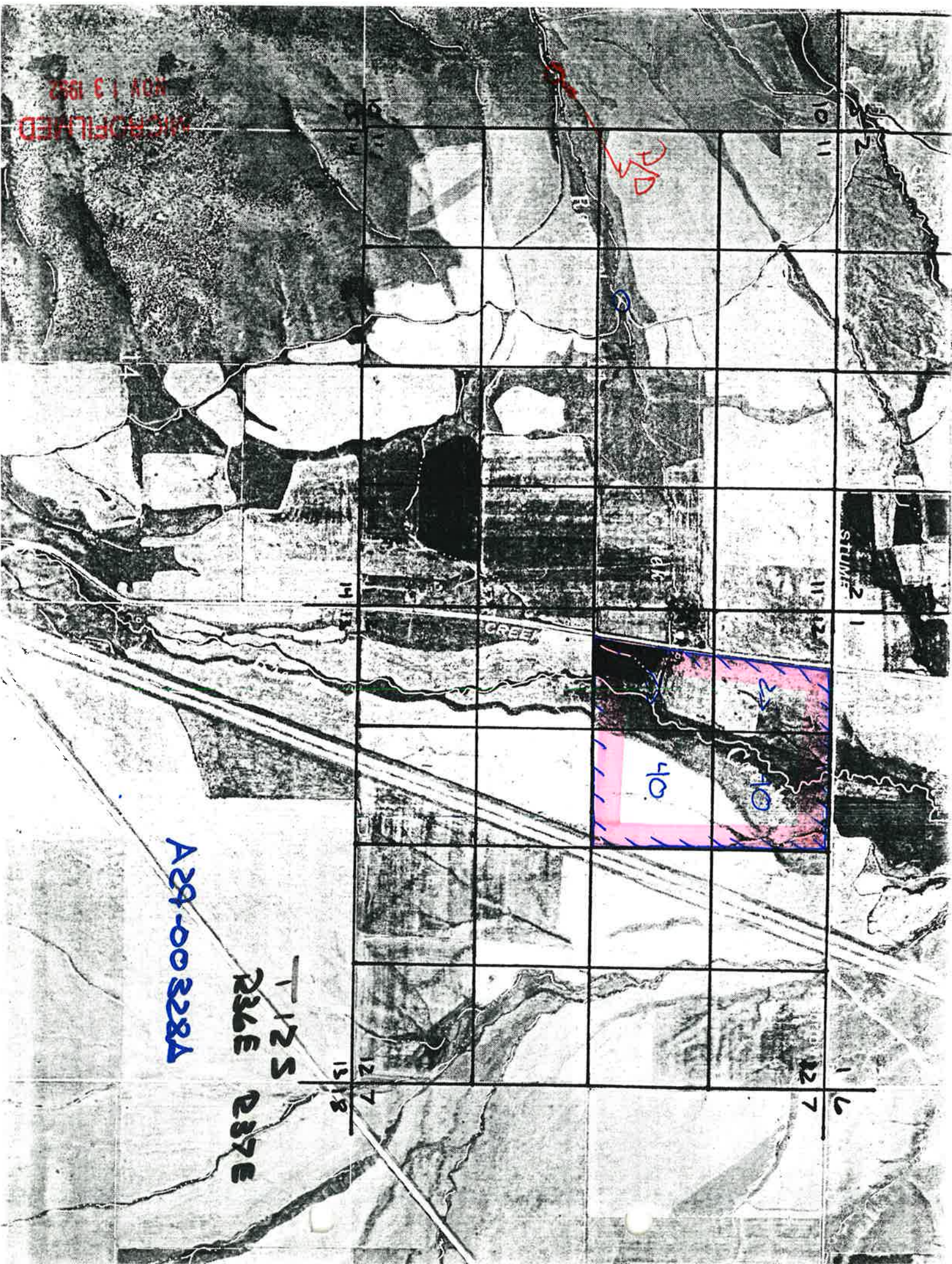
Subscribed and sworn (or affirmed) before me this 26 day
of FEB 19 90

[Signature]
Notary Public

Seal

Residing at Tamworth
My Commission Expires 9-12-94

MICROFILMED
NOV 13 1982



A29-00328A

T 125
236E 237E