

10/21/2002

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

RIGHT NUMBER: 29-2044C

NAME AND ADDRESS: CATHERINE SPINNER-SCHUEREN
2641 E TWO MILE RD
MC CAMMON ID 83250

SOURCE: TWOMILE CREEK

TRIBUTARY: PORTNEUF RIVER

QUANTITY: 0.040 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 0.69 CFS. COMBINED RIGHT NOS.: 29-02044C,
29-07503, 29-13386.

PRIORITY DATE: 05/18/1906

POINT OF DIVERSION:

T08S R37E S31 SWSWNE Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	4/01 11/01	0.040 CFS

PLACE OF USE: IRRIGATION Within BANNOCK County

T08S R37E S31	NESW	5.0	T08S R37E S31 Lot 3 NWSW	13.0	
T08S R37E S31 Lot 4	SWSW	24.0	T08S R37E S31	SESW	30.0
T08S R37E S31	SWSE	0.8			

72.8 ACRES TOTAL

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 72.8 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 29-02044C, 29-13386,
29-07503.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 2.0 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE 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: License

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

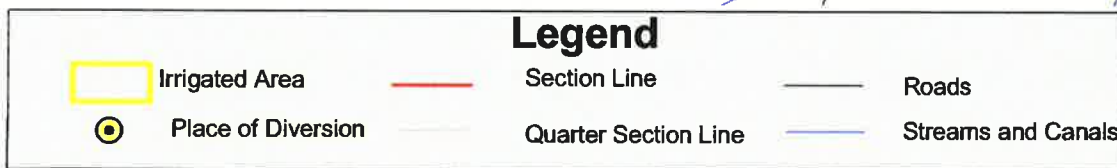
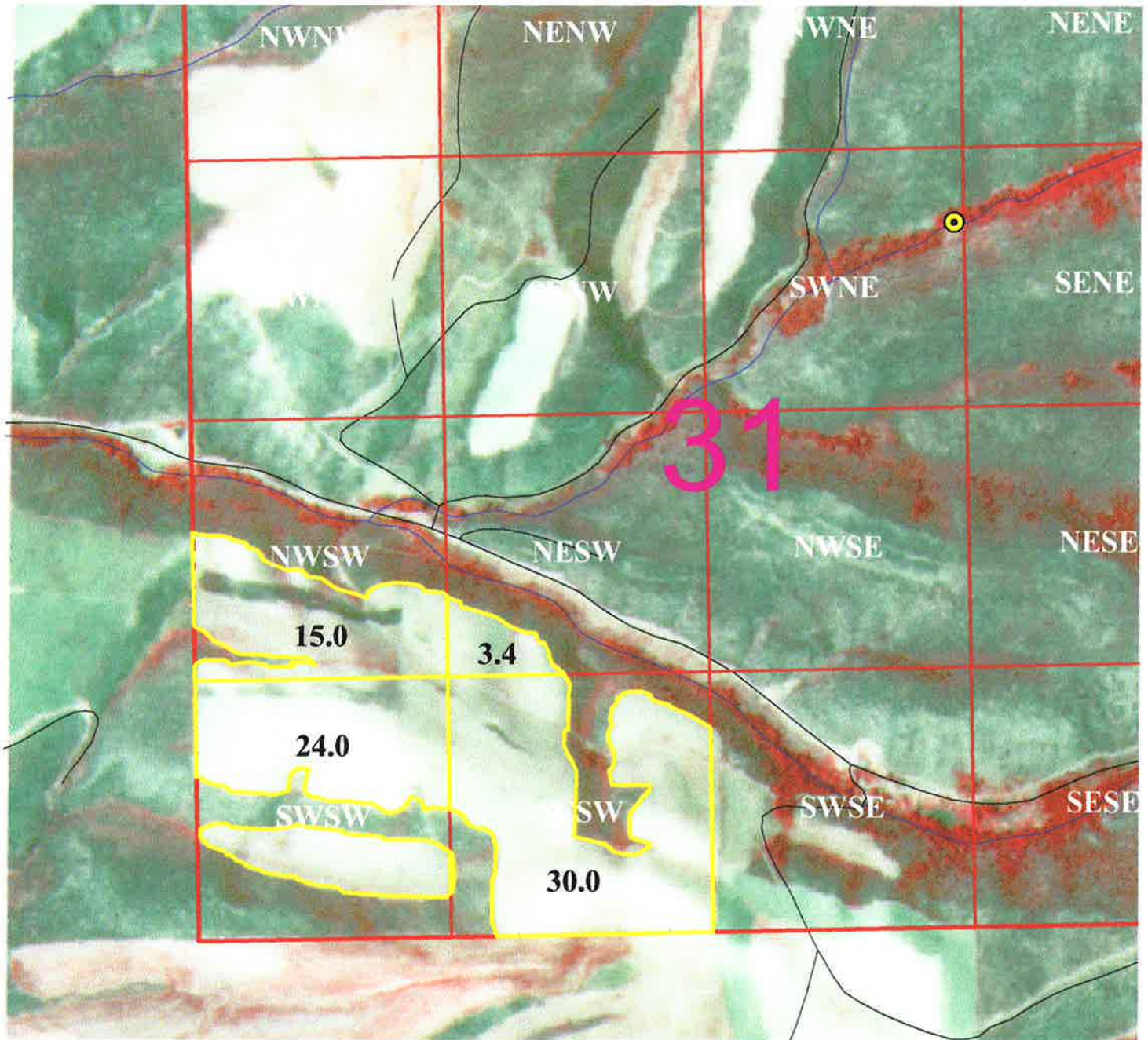
RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT
TO SECTION 42-1425, IDAHO CODE.

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE: 29-02044C, 29-07503, 29-13386.

Water Right Claim Number A29-02044C

09/06/2000

Townships , 8S37E, 8S36E



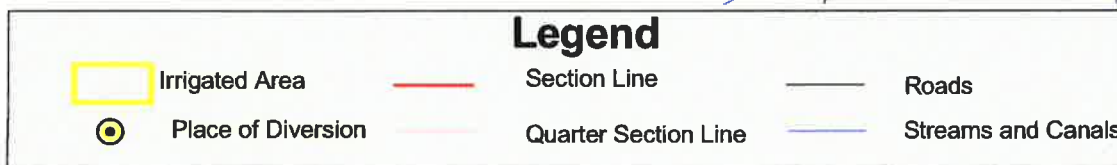
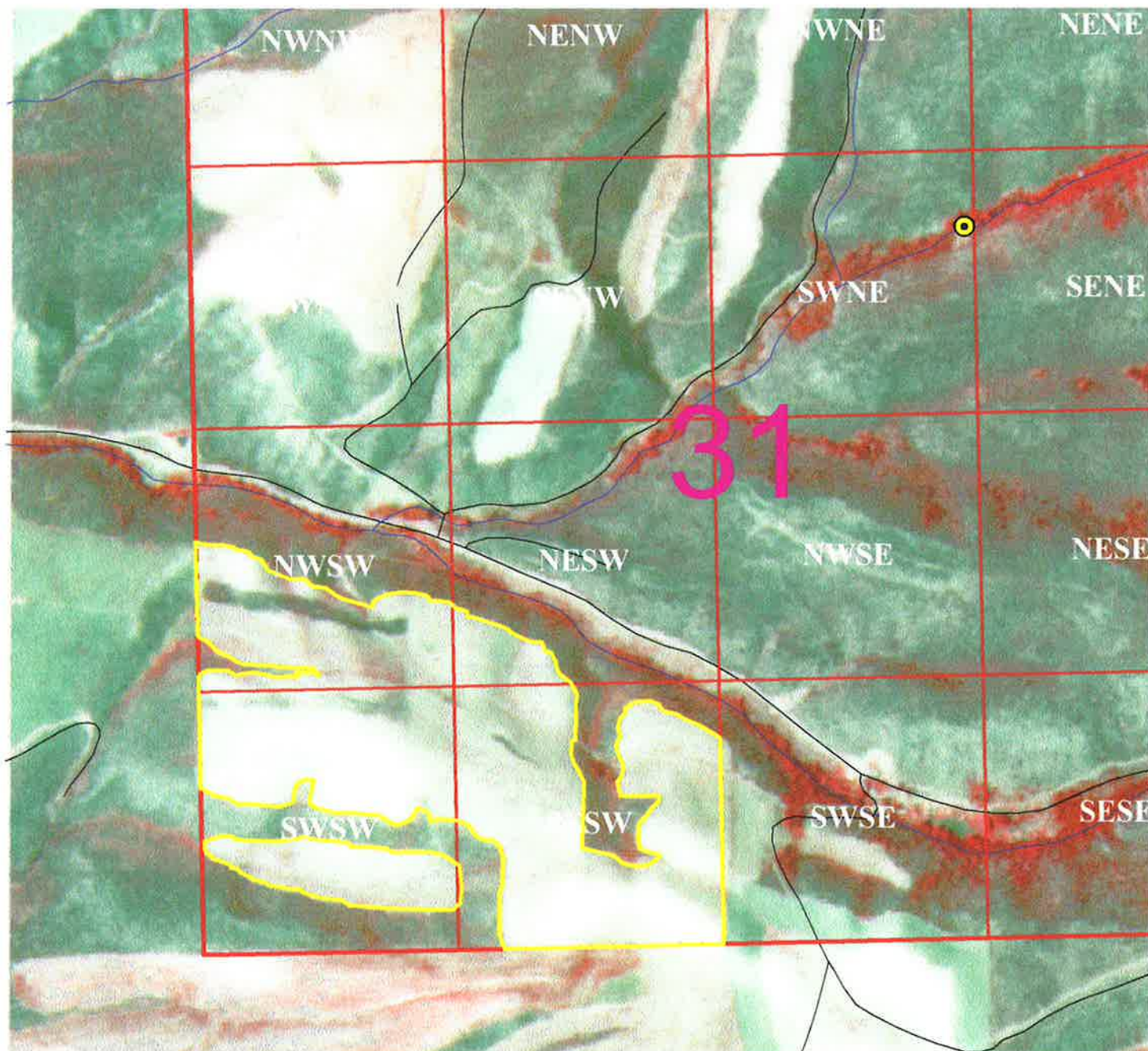
400 0 400 800 Feet



Water Right Claim Number A29-02044C

09/06/2000

Townships , 8S37E, 8S36E



400 0 400 800 Feet



02/18/2003

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: 29-2044C

CATHERINE SPINNER-SCHUEREN

2641 E TWO MILE RD

MC CAMMON ID 83250

Telephone Number: (208)254-3487

RECEIVED
MAR 10 2003
Department of Water Resources
Idaho Falls, ID

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

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

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

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

DATE: 3/1/03 SIGNATURE: Catherine Spinner Schueren
Please print your name: Catherine Spinner Schueren

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

PROFILED

SCANNED
DEC 16 2005



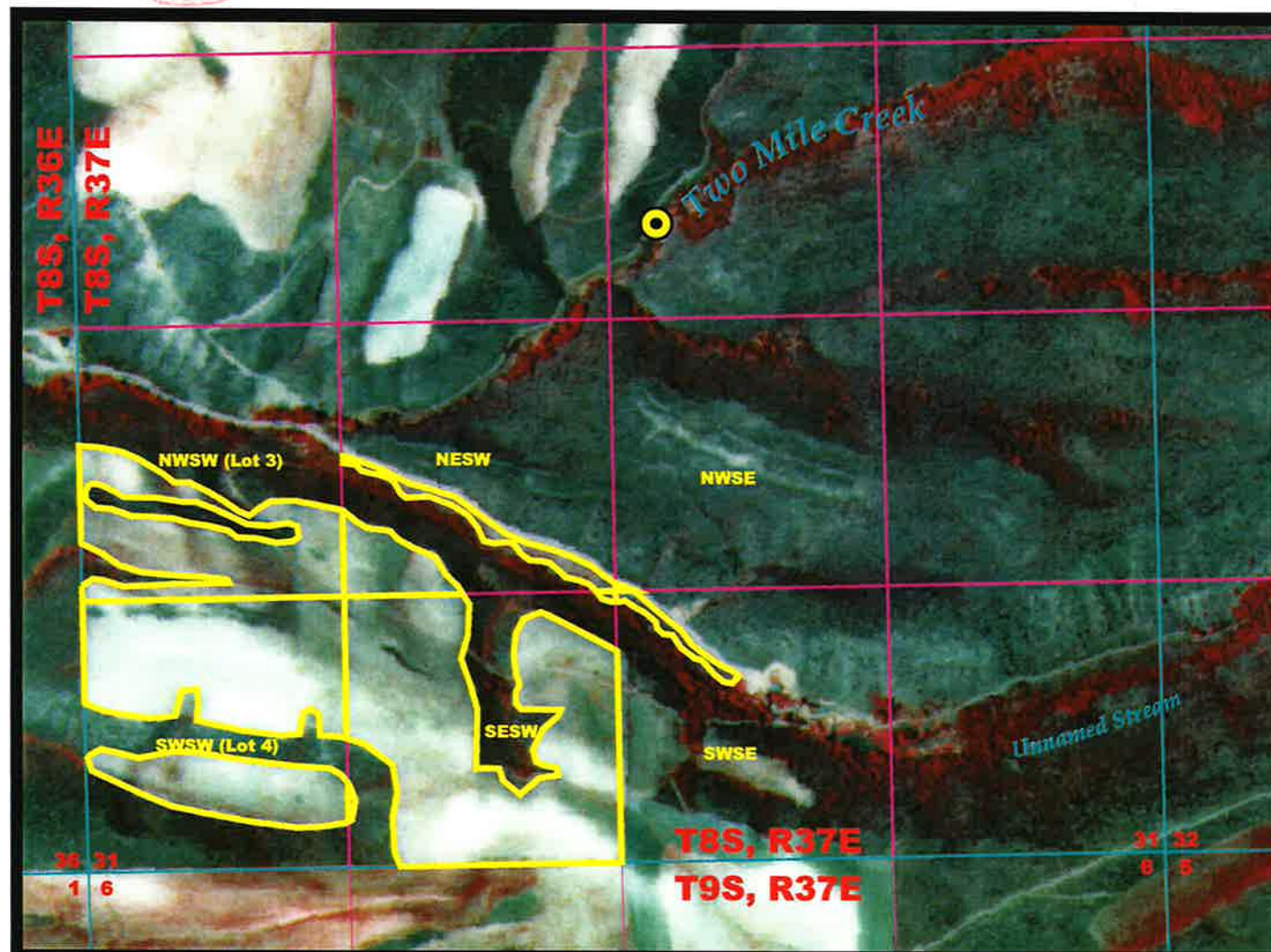
DEC 16 2005

SCANNED

State of Idaho

Department of Water Resources

Eastern Region



Water Right(s):

29-02044C

29-07503

29-13386

Place of Use: (parts of)

T8S, R37E Sec. 31 SW, W2SE,

Point(s) of Diversion: T8S, R37E

Sec. 31 SWSWNE



LEGEND



Point of Diversion

SESE

Place of Use



Section



Quarter-Quarter

500 0 500 1000 1500 2000 2500 3000 3500 4000 4500 Feet

GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: A. Ruberry
Date: October 2002

Contacts Data Entry Form

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

Current Owner CATHERINE SPINNER-SCHUBERT

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

Current Owner _____

Current Owner JOHN SPINNER (Donator)

Representing Attorney: Jim SPINNER (son) Phone Number: _____

Accompanied By: Jim & JOHN (sons) Phone Number: _____

Relationship to Claimant: _____

Date of Field Exam: _____ Time: _____

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

RETURNED TO AS CARL'S

7/31/02 VISIT TO POD/POU of Jim & JOHN

POU of 7503413386 (GNLARG)

THIS RIGHT IS SENIOR TO 29-02044D PBL
1988 JUDGMENT.

Reviewer: _____

Date: _____

SCANNED

DEC 16 2005

PROTECTED

Priority Date Data Entry Form

Claim Number: _____
Water Right Priority Date: 5/18/1906 Water Right Basis: LICENSE
Claimed Priority Date: _____ Claimed Basis: _____
Recommended Priority Date: 5/18/1906 Recommended Basis: LICENSE

____ 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:

Claimed Priority Matches License.

On 11 May 1989 a Judgment (Ammons), pg 4, P2 (Attachment honesto)
DISCUSSES THE DELIVERY OF THIS PORTION (29-2044C) OF THE
ORIGINAL LICENSE AND PRIORITY POSITION IN RELATION TO
THE NOW 29-2044D. PER JUDGMENT 29-2044C IS
"INFERIOR" TO THE PLAINTIFFS FROM APRIL 1 TO
NOVEMBER 1 OF EACH YEAR.



SEE Photo IN 29-7503

Reviewer: _____

Date: _____

SCANNED

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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 8S, R 37E, Sec. 31, NE, SW, NE. County: BANNOCKSource: TWO MILE CREEK Tributary: PORTNEUE RIVER

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 QQ of Q	County	Source
<u>8S</u>	<u>37E</u>	<u>31</u>		<u>SWSW NE</u>	<u>BANNOCK</u>	<u>TWO MILE CREEK</u>

GPS Coordinates: _____

GPS Coordinates: _____

GPS Coordinates: _____

GPS Coordinates: _____

GPS Coordinates: _____

GPS Coordinates: _____

GPS Coordinates: _____

Other rights from this POD? _____

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

GPS TAG # A0012496 ON CONCRETE DAM

Transfers Changing POD _____

Reviewer: _____

Date: _____

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Place Of Use Data Entry Form

Claim Number: _____

_____ Use Claimed POU as Recommended POU

Claimed Place of Use

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

Total Acres _____

Recommended Place of Use

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

Total Acres _____

Document how the POU was verified:

Transfers Changing POU _____

Reviewer: _____

Date: SCANNED

DEC 10 2005

Period of Use and Quantity Data Entry Form

Claim Number: _____

☐ Use Claimed Period of Use and Quantity as Recommended Period of Use and Quantity**Water Right Period of Use and Diversion Rate**

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

Overall Diversion Rate _____ Overall Diversion Volume _____

Claimed Period of Use and Diversion Rate

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

Overall Diversion Rate _____ Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

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

Overall Diversion Rate _____ Overall Diversion Volume _____

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

Reviewer: _____

Date: _____

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DEC 16 2005

SPLIT HISTORY 29-02044

ADJ. SIDE

WR SIDE

29-02044

5/18/1906

2.0 cfs PORTNEUF RIVER
0.4 cfs Two Mile CK (AKA
GOODENOUGH CK)

TRANS. #2176
4/04/1978

G.F. GOODENOUGH
29-02044A

2.0 cfs PORTNEUF RIVER
P.O.U.: 88 36 E S35 E²SE, SENE (100 AC)
P.O.D.: 95 36 E S12 NNW

G.D. GOODENOUGH
29-02044B

0.40 cfs Two Mile CK
P.O.U.: 88 36 E S36 NESW (20 AC)
P.O.D.: 88 36 E S36 NESE

JUDGEMENT 5/11/1989
SPLIT BY ADJUD.

G.D. GOODENOUGH
A29-02044A

2.0 cfs PORTNEUF RIV. 5/18/1906
P.O.D.: 95 36 E S12 NNW
P.O.U.: 88 36 E S35 E²SE, SENE (100 AC)

ALSO SEE

29-00067

C. SCHLIEREN
A29-02044C

0.04 cfs Two Mile CK 5/18/1906
P.O.D.: 88 37 E S31 NESW
P.O.U.: 88 37 E S31 SW⁴ (70 AC)
NOTE: THIS IS THE ~~LESS~~ ^{MORE} SENIOR RIGHT
PORTION PER JUDGEMENT.

29-7503

W. TAYSON - J. SULLIVAN ⇒ *Wade Tayson*
A29-02044D

0.40 cfs Two Mile CK 5/18/1906
P.O.D.: 88 36 E S36 SENE
P.O.U.: 88 36 E S36 SESW (20 AC)
NOTE: REDUCE THIS RT. PER JUDGEMENT
TO 0.36 cfs

J. BURGESS - B. SMITH
A29-02044E

0.18 cfs PORTNEUF RIV 5/18/1906
P.O.D.: 95 36 E S12 NNW
P.O.U.: 88 36 E S35 NESSE
S36 NWSW

29-7609 (P)

NO BASIS FOR THIS CLAIM
FOUND - LETTER SENT TO
REQUEST BASIS 2/28/91.

THIS IS A PART OF
'A' FROM RIVER



State of Idaho
DEPARTMENT OF WATER RESOURCES

150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 - (208) 525-7161

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

March 21, 1990

Ms. Catherine Spinner-Schueren
2641 E. Two Mile Rd.
Mc Cammon, Idaho 83250

RE: Adjudication Notice A29-02044C.

Dear Ms. Spinner-Schueren:

The water right number assigned to one of the Notices of Claim for your property in Bannock County had previously been used. Therefore, we have renumbered this Notice from A29-02044B to A29-02044C and modified Receipt No. E011233 to reflect this change.

The enclosed form is an exact duplicate of the original notice but with the newer water right number. Please retain this Notice for your records and future reference.

If you have any questions, please feel free to call.

Respectfully submitted,

Ernest Carlsen
Water Rights Supervisor, Adjudications

Enclosure

MICROFILMED
NOV 13 1992

12/01/89
14:49:39

SCHUEREN, CATHERINE SPINN

ADJUDICATION FEE (CHECK #3541)
ADJUDICATION FEE (CHECK #3542)0410162 9337 6490
0410162 9337 6490\$100.00
\$25.00*Copy to file A29-02044C. Renumbered
A29-02044B to A29-02044C.*

\$125.00

CHECK 3541

EA 3-21-90

WR/NO: A29-02044C A29-10109 A29-10110 A29-10113

Idaho Department of Water Resources

Region: EASTERN

Signature: _____

MICROFILMED

SCANNED
DEC 16 2005MICROFILMED
NOV 13 1992

4/11/1989

SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME SCHUEREN CLAIM NO. A29-020443

- DATE RECEIVED 12/1/89 CK # _____ AMOUNT \$ _____
- | | YES | NO | Required Info? |
|--|----------|-------|----------------|
| 1. Is the name and address complete with zip code? | <u>X</u> | _____ | * |
| 2. Is a priority date entered? | <u>X</u> | _____ | * |
| Is the priority date acceptable in view of mandatory filing dates? | <u>X</u> | _____ | * |
| See Adjudication Memos #1 and #4 to determine if a Permit is required. | <u>X</u> | _____ | * |
| 3. (a) Is a source entered? | <u>X</u> | _____ | * |
| (b) Is a tributary to entered? (if required) N/A _____ | <u>X</u> | _____ | * |
| 4. Is the legal description of the p.d. sufficient? | <u>X</u> | _____ | * |
| 5. Is there a description of the diverting works? | <u>X</u> | _____ | * |
| 6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. | <u>X</u> | _____ | * |
| Is the period of use included? | <u>X</u> | _____ | * |
| Is a quantity claimed for each use? | <u>X</u> | _____ | * |
| 7. Is a total quantity claimed entered? | <u>X</u> | _____ | * |
| 8. If required is a consumptive use entered? N/A _____ | <u>X</u> | _____ | * |
| Is the consumptive use correct? N/A _____ | <u>X</u> | _____ | * |
| 9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. N/A _____ | <u>X</u> | _____ | * |
| 10. Is (are) the place(s) of use and purpose(s) indicated? | <u>X</u> | _____ | * |
| 11. Is (are) the county(ies) entered? | <u>X</u> | _____ | * |
| 12. Is the ownership of p.u. checked? | <u>X</u> | _____ | * |
| 13. Are other water rights listed or "none" indicated? | <u>X</u> | _____ | * |
| 14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) N/A _____ | <u>X</u> | _____ | * |
| 15. Is the basis of the claim indicated? | <u>X</u> | _____ | * |
| 16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) N/A <u>X</u> | <u>X</u> | _____ | * |
| 17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block. | <u>X</u> | _____ | * |
| 18. Has the claim been signed, sealed, and dated by a notary? | <u>X</u> | _____ | * |
| 19. Was this claim filed on time, or was an extension granted? | <u>X</u> | _____ | * |
| 20. Is the fee enclosed correct? Exempt _____ | <u>X</u> | _____ | * |
| 21. If this claim is based on an existing water right, has the identification number been entered? N/A _____ | <u>X</u> | _____ | * |
| 22. Should this claim be data entered? | <u>X</u> | _____ | * |

Claim checked by: TO Date: 12/1/89Claim must be returned to claimant: _____ (Yes) X (No)Claimant must be notified of modifications: X (Yes) (No)

Receipt Prepared by: dk
 Claim data entered by: dk
 Sent to claimant by: _____

Date: _____
 Date: 12/4/89
 Date: _____

Checked by: _____ Date: _____

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NOV 13 1992

Comments: LICENSE ONLY FOR 20 ACRES. NEED TO CHANGE CONSUMPTIVEUSE AND ADD A PERMISSIBLE PLACE OF USE REMARK.

JONES, CHRISTENSEN, JORGENSEN, ROBISON,
HOLMES and ROBISON, Chartered
P.O. BOX 967 - 405 WEST WHITMAN
POCATELLO, IDAHO 83204
TELEPHONE: (208) 232-5911

ATTORNEYS FOR Plaintiffs

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BANNOCK

WAYNE TAYSOM AND LAVONA SULLIVAN,
as Personal Representative of the
Estate of JAMES SULLIVAN, deceased.

Plaintiffs,

vs.

CATHERINE SPINNER SCHUEREN,

Defendant.

Case No. 40264-C

AMENDED JUDGMENT

The above entitled cause came on regularly for trial on the 30th day of June, 1988, before the court, sitting without a jury, the Honorable Peter D. McDermott presiding; Lamont Jones appeared as counsel for the Plaintiffs and Kent Foster appeared as counsel for the Defendant. Evidence, both oral and documentary, having been introduced and the cause submitted for decision, and the Court thereafter filed its Memorandum Decision and Order and entered a Judgment in the above entitled cause.

Thereafter Defendant filed a Motion to Alter or Amend the the Judgment and also filed a Motion to View the Premises.

The Court having viewed the premises, having heard arguments of counsel upon the Motion to Amend Judgment and the

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NOV 13 1992

Court having issued a Memorandum Decision and Order which constitutes the Findings of Facts and Conclusion of Law, pursuant to Rule 52(a) of the Idaho Rules of Civil Procedure;

NOW THEREFORE, IT IS ADJUDGED AND DECREED as follows:

PARCEL 1: A parcel of land situate in the South Half of Section 36, Township 8 South, Range 36 E.B.M., Bannock County, Idaho more particularly described as follows:

Commencing at the West Quarter Corner of said Section, said Point being marked by a Bannock County Brass Cap Monument stamped L. S. 968; thence South 89°59'51" East along the latitudinal centerline of said Section 705.32 feet to the Easterly right of way of Highway 91, said point also being the True Point of Beginning; thence continuing South 89°59'51" East along said latitudinal centerline 1939.18 feet to the center quarter corner of said section, said point being marked by a Bannock County Brass Cap Monument stamped L. S. 968; thence South 89°59'44" East along said latitudinal centerline 2645.21 feet to the East quarter corner of said section, said point being marked by a Bannock County Brass Cap Monument stamped L.S. 968; thence South 0°10'28" East along the East line of said Section 2659.36 feet to the Southeast corner of said section, said point being marked by the original stone; thence North 89°58'33" West along the South line of said section 2,653.17 feet to the South Quarter corner of said Section, said point being marked by the original stone, thence continuing along said South line North 89°52'26" West 996.86 feet to the Easterly right of way of highway 91 thence North 35°04'55" West along said Easterly right of way 440.06 feet to the point of curvature of a curve, said point being marked by a Idaho Highway Right of Way Brass Cap Monument; thence along a curve concave to the right, said curve having a central angle of 2°53'08", a radius of 2743.5 feet, for a length of 138.17 feet to the intersection of said Easterly right of way and the West 1/16 line of said Section; thence North 0°06'29" East along said West 1/16 line 853.37 feet to the Southwest 1/16 corner of said section; thence North 89°56'08" West along the South 1/16 line 355.26 feet to the intersection of said South 1/16 line and said Easterly right of way; thence along a curve concave to the right, said curve having a central angle of 1°48'22", a radius of 2743.50 feet, for an arc length of

JONES, CHRISTENSEN, JORGENSEN, ROBISON,
HOLMES and ROBISON, Chartered
P.O. BOX 987 - 405 WEST WHITMAN
POCATELLO, IDAHO 83204

AMENDED JUDGMENT
0512u

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86.48 feet; thence continuing along said Easterly right of way North 10°59'54" West 1265.92 feet to the True Point of Beginning.

ALSO EXCEPT: A parcel of land situate in the Southwest Quarter of Section 36, Township 8 South Range 36 E.B.M., Bannock County, Idaho, more particularly described as follows:

Commencing at the West Quarter corner of said Section; thence South 89°54'45" East along the Meridional centerline of said Section, 971.34 feet to the True Point of Beginning, said point being the Intersection of said Meridional Centerline and the North line of Two Mile Road; thence continuing along said Meridional Centerline South 89°54'45" East 1,341.14 feet to the point of intersection of said meridional centerline and said North line of Two Mile Road; thence South 81°06'24" West along said North line 90.99 feet; thence South 77°08'09" West along said North line, 284.70 feet; thence South 86°11'15" West along said North line, 117.34 feet; thence North 85°49'00" West along said North line, 197.13 feet; thence North 81°19'04" West along said North line, 233.10 feet; thence North 84°58'41" West along said North line, 431.23 feet to the True Point of Beginning.

ALSO EXCEPTING: A parcel of land situate in the Northeast Quarter of the Southwest Quarter of Section 36, Township 8 South, Range 36 E.B.M., Bannock County, Idaho, more particularly described as follows:

Commencing at the West Quarter corner of said Section; thence South 89°54'45" East along the center meridional line of said Section 2010.56 feet; thence South 49°23'27" West, 217.26 feet to the True Point of Beginning; thence North 84°06'32" East, 103.61 feet; thence North 76°46'20" East, 278.25 feet; thence North 80°22'16" East 226.15 feet; thence South 01°13'26" East, 146.97 feet; thence South 79°21'38" West, 607.33 feet; thence North 01°13'26" West, 146.97 feet to the True Point of Beginning.

ALSO EXCEPTING: A parcel of land situate in the South Half of Section 36, Township 8 South, Range 36 E.B.M., Bannock County, Idaho, more particularly described as follows:

Beginning at the East quarter corner of Section 36; thence North 89°54'45" West along the center latitudinal line of said Section, 2,849.91 feet; thence South 01°13'26" East, 223.56 feet; thence North 89°24'34" East, 914.48; thence

AMENDED JUDGMENT
0512u

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MICROFILMED

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South 76°49'41" East, 1,043.08 feet; thence South 77°22'38" East, 451.75 feet; thence South 79°25'06" East, 484.96 feet to the East line of Section 36; thence North 0°13'25" West, 635.20 feet along the East line of said Section to the Point of Beginning.

PARCEL 2: The right for the use of an existing water pipe line with the right of ingress and egress to the buried water line as it now exists running across the following described property:

A parcel of land situated in the South half of Section 36, Township 8 South, Range 36 E.B.M., Bannock County, Idaho, more particularly described as follows:

Beginning at the East quarter corner of Section 36; thence North 89°54'45" West along the center latitudinal line of said Section, 2,849.91 feet; thence South 01°13'26" East, 223.56 feet; thence North 89°24'34" East, 914.48 feet; thence South 76°49'41" East, 1,043.08 feet; thence South 77°22'38" East, 451.75 feet; thence South 79°25'06" East, 484.96 feet to the East line of Section 36; thence North 0°13'25" West, 635.20 feet along the East line of said Section to the point of beginning.

Together with all water rights appurtenant thereto, including 0.36 c.f.s. water from Goodenough Creek, also known to Two Mile Creek and also known as East Goodenough Creek with a priority date of May 18, 1906, which was granted by Idaho Department of Resources under Transfer No. 2176 from Idaho Department of Resources License NO. 2018 (29-2044).

2. ^{Schuer} That except for .04 c.f.s., Defendant's water rights in the waters from Goodenough Creek, also known as Two Mile Creek, also known as East Goodenough Creek is inferior to the water right of Plaintiffs in said waters during the irrigation season from April 1 to November 1 of each year.

3. That Defendant is perpetually enjoined and restrained from in any manner interfering with the water rights of Plaintiffs

AMENDED JUDGMENT
0512u

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MICROFILMED

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in Goodenough Creek, also known as Two Mile Creek, also known as East Goodenough Creek during the irrigation season.

4. That Plaintiffs hereafter shall not interfere with Defendant's irrigation system, but Plaintiffs shall request the District Water Master to cause the enforcement of the injunction granted by this Judgment.

5. That Defendant take nothing by its Counterclaim and the same is dismissed with prejudice.

6. That each party shall bear their own attorney's fees and costs incurred.

DATED This 11th day of May, 1989.


DISTRICT JUDGE

JONES, CHRISTENSEN, JORGENSEN, ROBISON,
HOLMES and ROBISON, Chartered
P.O. BOX 967 - 405 WEST WHITMAN
POCATELLO, IDAHO 83204

AMENDED JUDGMENT
0512u

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MICROFILMED
NOV 13 1992

JUN 06 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: A29-02044C
Date Received: 12/01/1989
Receipt No: E011233
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CATHERINE SPINNER-SCHUEREN 208-254-3487
Address: 2641 E. TWO MILE RD.
MC CAMMON, ID 83250

2. Date of Priority: MAY 18, 1906

3. Source: TWO MILE CREEK Trib. to: PORTNEUF RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
08S	37E	31	NE	SW	NE		BANNOCK

5. Description of diverting works:
DAM TO GRAVITY FLOW LINE AND/OR PUMP TO SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.040		

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

8. Total consumptive use is 89.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
08S	37E	31	NE	SW		IRR	2.0
			NW	SW		IRR	14.0
			SW	SW		IRR	25.0
			SE	SW		IRR	29.0

Section Acres 70.0

A29-02044C

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Date: 03/21/90

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10. Place of Use: Continued

Total Acres 70.0

11. Place of use in counties: BANNOCK

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

13. Other Water Rights Used:
A29-07503

14. Remarks:

CLAIM AS PER JUDGMENT IN SULLIVAN VS. CATHERINE SPINNER-SCHUEREN
(SEE ATTACHED) DATED 5-11-1989

15. Basis of Claim: DECREED
Water Right Number: 292044
Case Number: 40264
Court :
Decree date:

SULLIVAN

Decree Plaintiff

vs

SCHUEREN

Decree Defendant

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: 39356

Ident. Number

Date Received

Receipt Number

RENUMBER A29-02044C

EA 3/21/90

~~A29-02044B~~

12/1/89

E011233

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

DEC 01 1989

Department of Water Resources
Eastern District Office

Please type or print clearly

1. Name of Claimant (s) Catherine Spinner Schueren Phone (208) 254-3487
Mailing Address 2641 E Two Mile Rd McCammon, ID Zip 83250

2. Date of Priority (Only one (1) per claim) May 18, 1906

3. Source of water supply (a) Two Mile Creek
which is tributary to (b) Pontreuf River

4. a. Location of existing point of diversion is: Township 8S Range 37E Section 31,
NE 1/4 of SW 1/4 of NE 1/4, Govt. Lot, _____ B.M., County of Bannock

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.

Dam to gravity flow line
and/or pump to sprinklers

A2902044C



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6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 4-1 to 11-1 amount 0.04 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.04 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 89 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
8S	37E	31									2	14	25	29					70

Total number of acres irrigated 70

11. In which county (ies) are lands listed above as place of use located? Dannock

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
A29-07503 or None ()

14. Remarks: claim as per judgment in Sullivan vs Catherine
Spinner Schurman (see attached) dated 5-11-1989

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Last Name _____ Ident No. _____

Copies: White -State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____
Decree ☒ 29-02044
If applicable provide IDWR Water Right Number 29-02044
Court _____ Case Number 40264-C Decree Date 5-11-89
Plaintiff vs Defendant Sullivan vs Schueren

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 2

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true
and correct.
Signature of Claimant (s) X Catherine Spinner Schueren Date X Nov. 29, 1989
_____ Date _____

For Organizations: I do solemnly swear or affirm that I am _____ Title _____
of _____, that I have signed the foregoing
Organization
document in the space below as _____ of _____
Title Organization
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____
Title and Organization _____ Date _____

State of Idaho/or _____)
County of Bannock) SS.

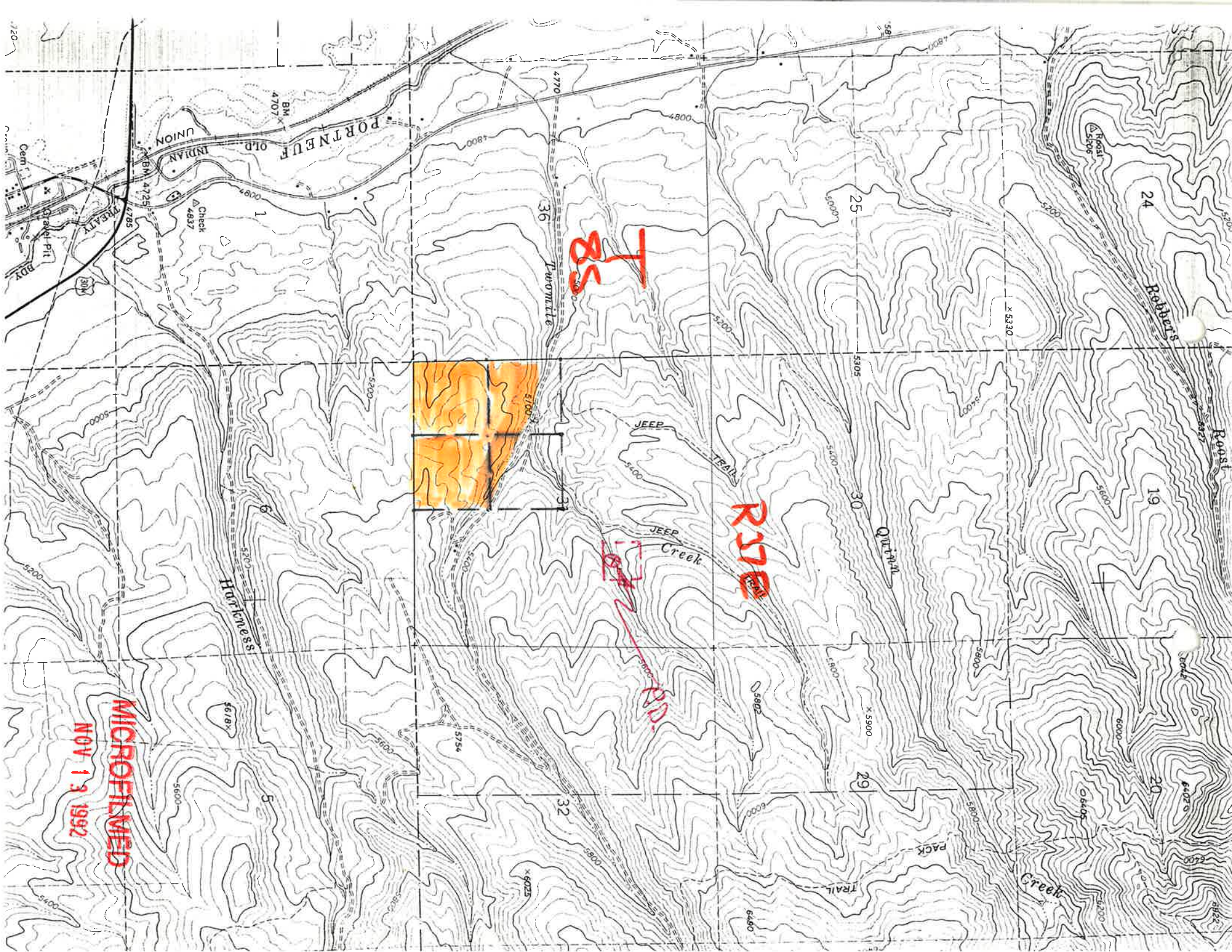
Subscribed and sworn (or affirmed) before me this 29th day of November 19 89
SEAL Notary Public Jim Spinner
Residing at Pocatello, Idaho
My Commission Expires 3-16-93
Please Print Name

17. Notice of Appearance:
Notice is hereby given that I, _____ will be acting as attorney at law on behalf
of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above
should be mailed to me at the address listed below.

Signature _____
Address _____
Date _____

Last Name Spinner-Schueren Ident. Number _____

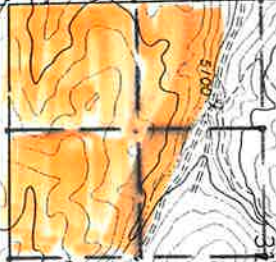
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R3

R37E

R10



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