

05/13/2005

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

RIGHT NUMBER: 29-2177

NAME AND ADDRESS: GERALDINE B MC NEE
3214 E WOODLAND RD
DOWNEY ID 83234

SOURCE: ASPEN CREEK

TRIBUTARY: MARSH CREEK

QUANTITY: 0.500 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 0.60 CFS. COMBINED RIGHT NOS.:
29-02325A, 29-02177

PRIORITY DATE: 04/13/1914

POINT OF DIVERSION:
T12S R37E S8 SESW Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.500 CFS

PLACE OF USE: IRRIGATION Within BANNOCK County

T12S R37E S05	NESW	22.0	T12S R37E S05	SESW	8.0
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30 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 25 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 30 ACRES IN A SINGLE IRRIGATION
SEASON. COMBINED RIGHT NOS.: 29-02325A, 29-02177

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



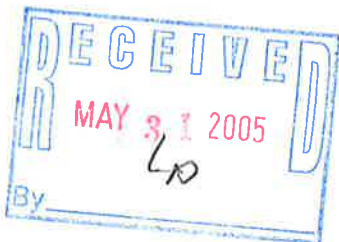
THE OPERATION AND ADMINISTRATION OF THIS WATER RIGHT IS ALSO SUBJECT TO THE TERMS AND CONDITIONS OF THE FOLLOWING CONTRACTUAL AGREEMENT: WATER RIGHTS SETTLEMENT AGREEMENT ENTERED INTO ON JANUARY 26, 2005, BETWEEN KENT JENSEN, ATTORNEY-IN-FACT, ON BEHALF OF IVA LOU JENSEN, LAUNA MAYNARD (A.K.A. LONNA MAYNARD), ATTORNEY-IN-FACT ON BEHALF OF HELEN JENSEN, GERALDINE B MCNEE, DONNA RAE VAUGHAN DAVID B HARTVIGSEN, ATTORNEY-IN-FACT ON BEHALF OF THE REED & DORIS HARTVIGSEN FAMILY TRUST, AND DAVID B HARTVIGSEN, ATTORNEY-IN-FACT ON BEHALF OF RICHARD N HARTVIGSEN FILED OF RECORD IN THE OFFICE OF THE BANNOCK COUNTY RECORDER ON JANUARY 31, 2005, AS INSTRUMENT NO. 861; THE PROVISION OF SUCH AGREEMENT TO APPLY FULLY TO THIS WATER RIGHT NOTWITHSTANDING THE FACT THAT THE WATER RIGHT ELEMENTS IN THE AGREEMENT MAY DIFFER FROM THOSE SPECIFIED HEREIN.

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: BASIS OF CLAIM - License

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

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



05/13/2005

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

RIGHT NUMBER: 29-2178

NAME AND ADDRESS: DONNA RAE VAUGHAN
3459 WOODLAND RD
DOWNEY ID 83234

SOURCE: ASPEN CREEK
SPRING

TRIBUTARY: MARSH CREEK
TRIBUTARY: MARSH CREEK

QUANTITY: 0.670 CFS

PRIORITY DATE: 04/13/1914

POINT OF DIVERSION:

T12S R37E S8 NENW Within BANNOCK County
T12S R37E S8 NESESW Within BANNOCK County
T12S R37E S8 SESESW Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.670 CFS
STOCKWATER	01/01 12/31	0.020 CFS

PLACE OF USE: IRRIGATION Within BANNOCK County

T12S R37E S05	SESW	6.0	T12S R37E S08	NWNE	1.0
T12S R37E S08	NENW	25.0	T12S R37E S08	SENE	21.0
T12S R37E S08	NESW	20.0	T12S R37E S08	SESW	10.0

STOCKWATER same as IRRIGATION

83 ACRES TOTAL

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 80 ACRES IN A SINGLE IRRIGATION
SEASON. COMBINED RIGHT NOS.: 29-00348A, 29-02178

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 40 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.

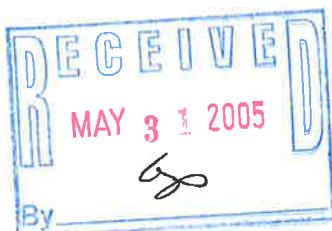
THE OPERATION AND ADMINISTRATION OF THIS WATER RIGHT IS ALSO SUBJECT TO THE TERMS AND CONDITIONS OF THE FOLLOWING CONTRACTUAL AGREEMENT: WATER RIGHTS SETTLEMENT AGREEMENT ENTERED INTO ON JANUARY 26, 2005, BETWEEN KENT JENSEN, ATTORNEY-IN-FACT, ON BEHALF OF IVA LOU JENSEN, LAUNA MAYNARD (A.K.A. LONNA MAYNARD), ATTORNEY-IN-FACT ON BEHALF OF HELEN JENSEN, GERALDINE B MCNEE, DONNA RAE VAUGHAN DAVID B HARTVIGSEN, ATTORNEY-IN-FACT ON BEHALF OF THE REED & DORIS HARTVIGSEN FAMILY TRUST, AND DAVID B HARTVIGSEN, ATTORNEY-IN-FACT ON BEHALF OF RICHARD N HARTVIGSEN FILED OF RECORD IN THE OFFICE OF THE BANNOCK COUNTY RECORDER ON JANUARY 31, 2005, AS INSTRUMENT NO. 861; THE PROVISION OF SUCH AGREEMENT TO APPLY FULLY TO THIS WATER RIGHT NOTWITHSTANDING THE FACT THAT THE WATER RIGHT ELEMENTS IN THE AGREEMENT MAY DIFFER FROM THOSE SPECIFIED HEREIN.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

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

STOCKWATER, 30 CATTLE

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



05/13/2005

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

RIGHT NUMBER: 29-2187
NAME AND ADDRESS: HELEN JENSEN
727 E 1550 N.
SHELLEY ID 83274

LEON JENSEN
PO BOX 71
DOWNEY ID 83234

VESTAL JENSEN
727 E 1550 N
SHELLEY ID 83274

IVA LOU JENSEN
PO BOX 71
DOWNEY ID 83234

SOURCE: ASPEN CREEK TRIBUTARY: MARSH CREEK

QUANTITY: 0.500 CFS
USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 0.60 CFS. COMBINED RIGHT NOS.:
29-02187,
29-02325B

PRIORITY DATE: 01/09/1915

POINT OF DIVERSION:
T12S R37E S5 SWSE Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

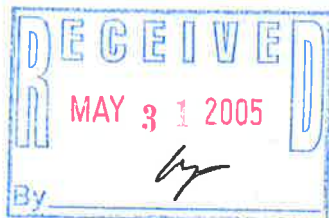
<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.500 CFS

PLACE OF USE: IRRIGATION Within BANNOCK County
T12S R37E S05 NWSE 9.0 T12S R37E S05 SWSE 21.0

30 ACRES TOTAL

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 30 ACRES IN A SINGLE IRRIGATION
SEASON. COMBINED RIGHT NOS.: 29-02187, 29-02325B

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



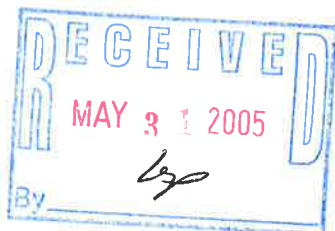
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

THE OPERATION AND ADMINISTRATION OF THIS WATER RIGHT IS ALSO SUBJECT TO THE TERMS AND CONDITIONS OF THE FOLLOWING CONTRACTUAL AGREEMENT: WATER RIGHTS SETTLEMENT AGREEMENT ENTERED INTO ON JANUARY 26, 2005, BETWEEN KENT JENSEN, ATTORNEY-IN-FACT, ON BEHALF OF IVA LOU JENSEN, LAUNA MAYNARD (A.K.A. LONNA MAYNARD), ATTORNEY-IN-FACT ON BEHALF OF HELEN JENSEN, GERALDINE B MCNEE, DONNA RAE VAUGHAN DAVID B HARTVIGSEN, ATTORNEY-IN-FACT ON BEHALF OF THE REED & DORIS HARTVIGSEN FAMILY TRUST, AND DAVID B HARTVIGSEN, ATTORNEY-IN-FACT ON BEHALF OF RICHARD N HARTVIGSEN FILED OF RECORD IN THE OFFICE OF THE BANNOCK COUNTY RECORDER ON JANUARY 31, 2005, AS INSTRUMENT NO. 861; THE PROVISION OF SUCH AGREEMENT TO APPLY FULLY TO THIS WATER RIGHT NOTWITHSTANDING THE FACT THAT THE WATER RIGHT ELEMENTS IN THE AGREEMENT MAY DIFFER FROM THOSE SPECIFIED HEREIN.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

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

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



02/01/2005

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

RIGHT NUMBER: 29-2177
NAME AND ADDRESS: GERALDINE B MC NEE
3214 E WOODLAND RD
DOWNEY ID 83234
SOURCE: ASPEN CREEK IRRIGUARY: MARSH CREEK
QUANTITY: 0.500 CFS
USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 0.60 CFS. COMBINED RIGHT NOS.:
29-02325A, 29-02177

PRIORITY DATE: 04/13/1914

POINT OF DIVERSION:

T12S R37E S8 SESE Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/01 10/31	0.500 CFS

PLACE OF USE:

IRRIGATION Within BANNOCK County

T12S R37E S05 NESW 22.0 T12S R37E S05 SESE 8.0

30 ACRES TOTAL

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 30 ACRES IN A SINGLE IRRIGATION
SEASON. COMBINED RIGHT NOS.: 29-02325A, 29-02177

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 25 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.

THE OPERATION AND ADMINISTRATION OF THIS WATER RIGHT IS ALSO
SUBJECT TO THE TERMS AND CONDITIONS OF THE FOLLOWING
CONTRACTUAL AGREEMENT: WATER RIGHTS SETTLEMENT AGREEMENT
ENTERED INTO ON JANUARY 26, 2005, BETWEEN KENT JENSEN,
ATTORNEY-IN-FACT, ON BEHALF OF IVA LOU JENSEN, LAUNA MAYNARD
(A.K.A. LONNA MAYNARD), ATTORNEY-IN-FACT ON BEHALF OF HELEN
JENSEN, GERALDINE B. MCNEE, DONNA RAE VAUGHAN, DAVID B.
HARTVIGSEN, ATTORNEY-IN-FACT ON BEHALF OF THE REED & DORIS
HARTVIGSEN FAMILY TRUST, AND DAVID B. HARTVIGSEN, ATTORNEY-
IN-FACT ON BEHALF OF RICHARD N. HARTVIGSEN FILED OF RECORD
IN THE OFFICE OF THE BANNOCK COUNTY RECORDER ON JANUARY 31,
2005, AS INSTRUMENT NO. 861; THE PROVISION OF SUCH AGREEMENT
TO APPLY FULLY TO THIS WATER RIGHT NOTWITHSTANDING THE FACT
THAT THE WATER RIGHT ELEMENTS IN THE AGREEMENT MAY DIFFER
FROM THOSE SPECIFIED HEREIN.

IDAHO DEPARTMENT OF WATER RESOURCES

PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

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..

gmc

08/20/2001

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

RIGHT NUMBER: 29-2177

NAME AND ADDRESS: GERALDINE B MC NEE
3214 E WOODLAND RD
DOWNEY, ID 83234

SOURCE: ASPEN CREEK TRIBUTARY: MARSH CREEK

QUANTITY: 0.5 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 0.60 CFS. COMBINED RIGHT
NOS.: 29-02325A, 29-02177

PRIORITY DATE: 04/13/1914

POINT OF DIVERSION: T12S R37E S8 SESW Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04-01 10-31	0.50 CFS

PLACE OF USE:

<u>IRRIGATION Within BANNOCK County</u>			
T12S R37E S5	NESW	22	T12S R37E S5 SESW 8

30 ACRES TOTAL

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED
TO THE IRRIGATION OF A COMBINED TOTAL OF 30 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 29-02325A, 29-02177

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 25 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION
SEASON.

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

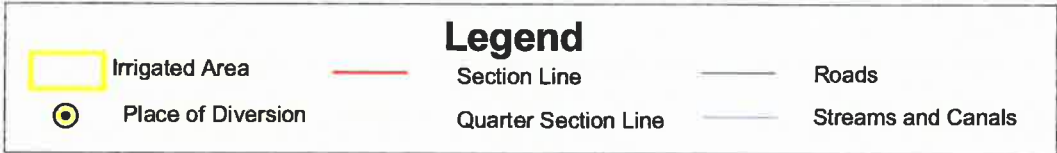
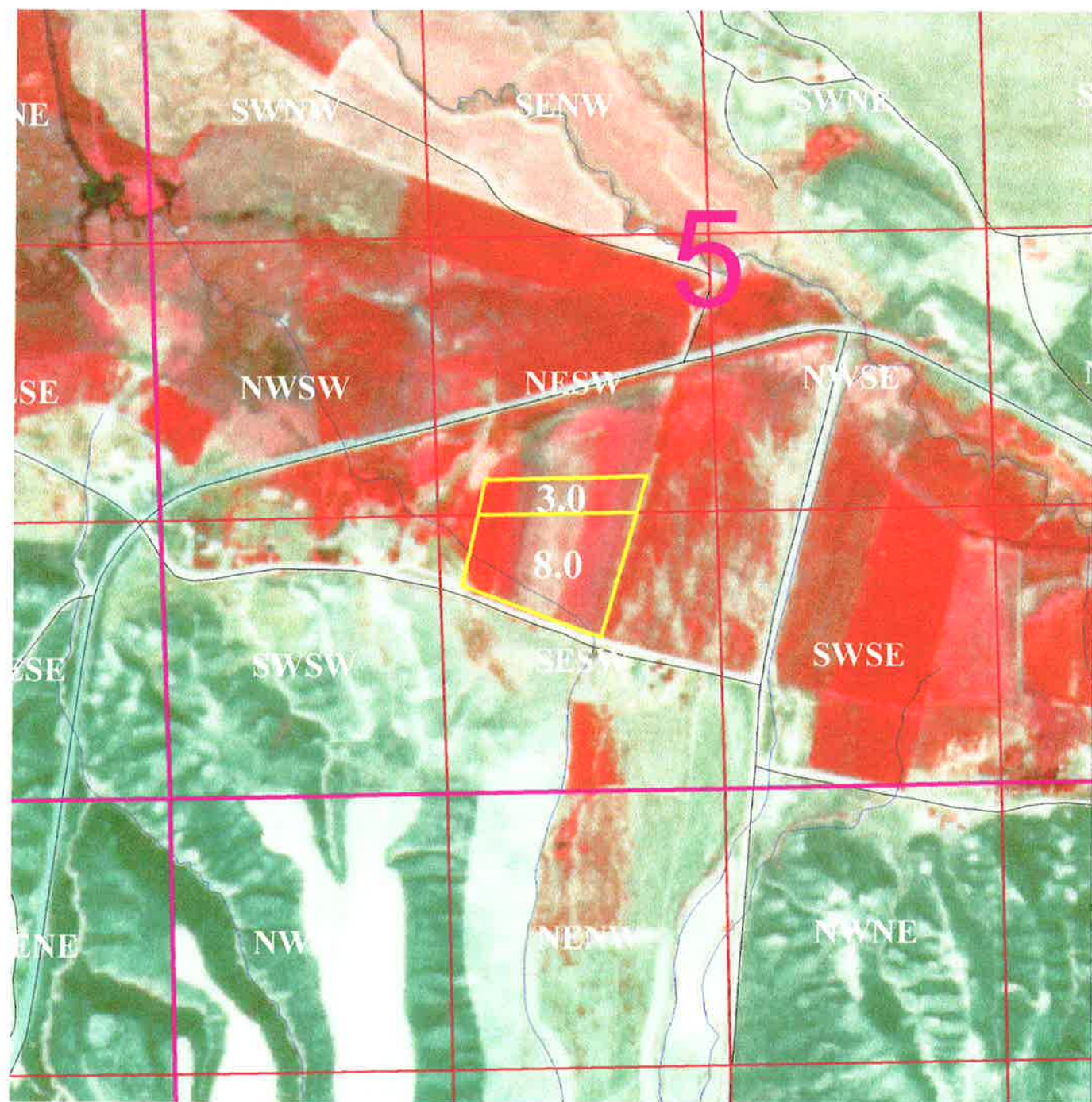
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE
EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE
ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER
THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6),
IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

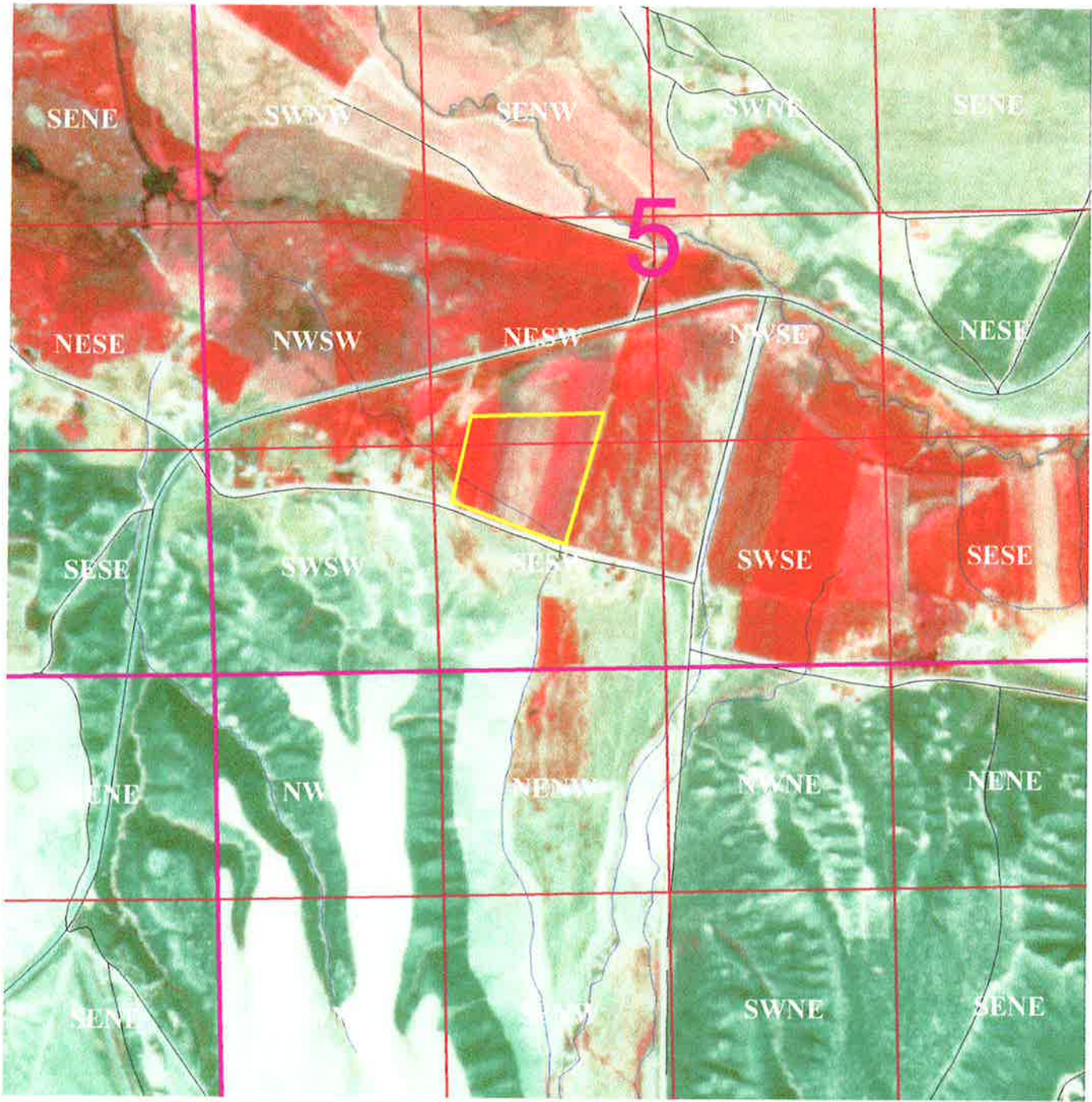
RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
PURSUANT TO SECTION 42-1425, IDAHO CODE.

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

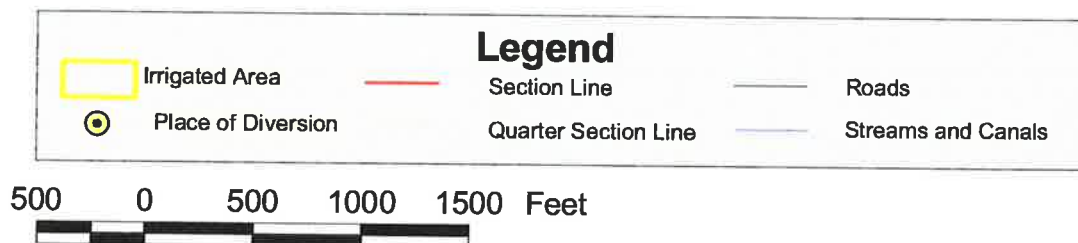
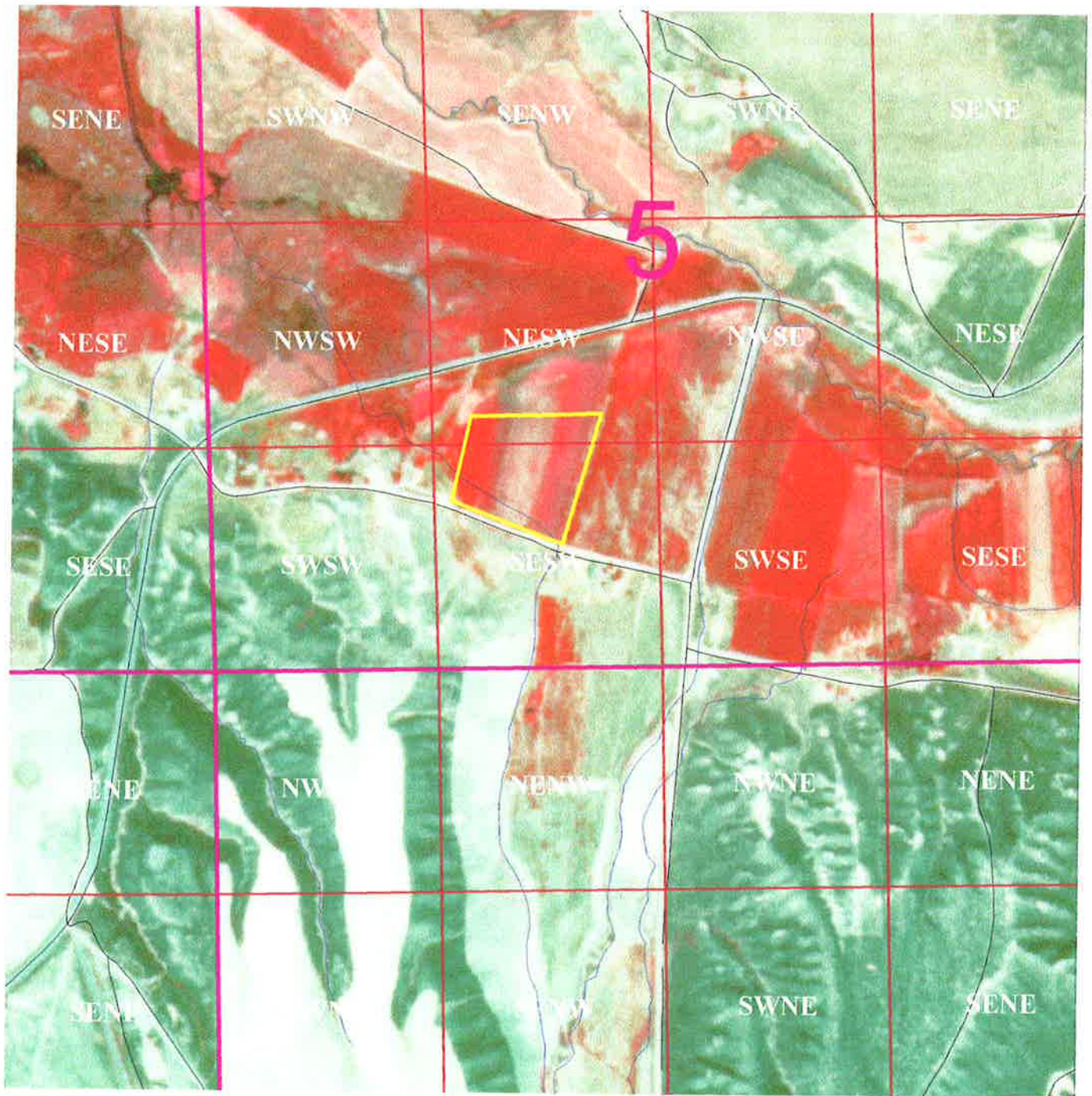
Township , 12S37E



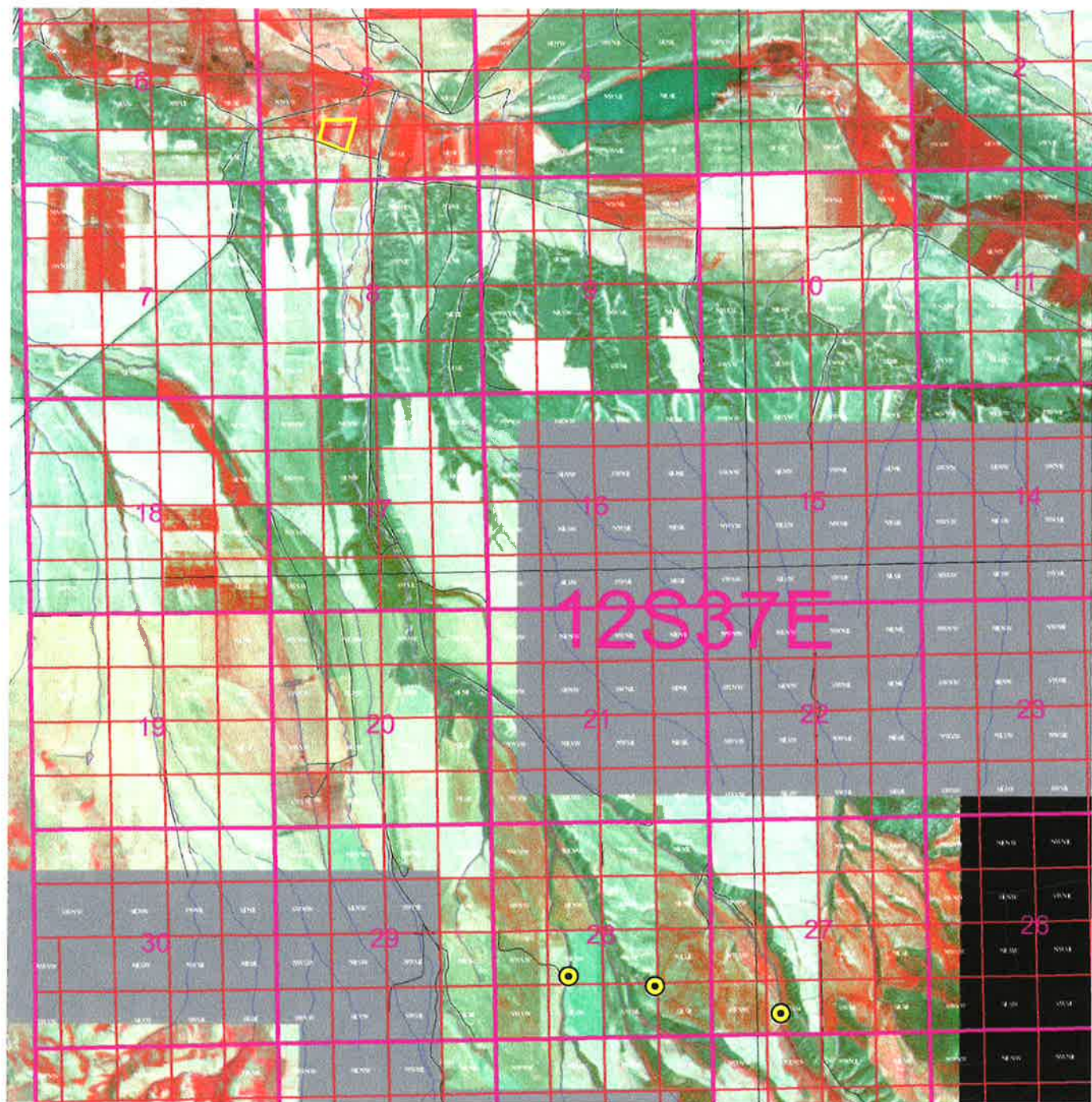
Township , 12S37E



Township , 12S37E



Township , 12S37E



 Irrigated Area

 Place of Diversion

 Section Line

 Quarter Section Line

 Roads

 Streams and Canals

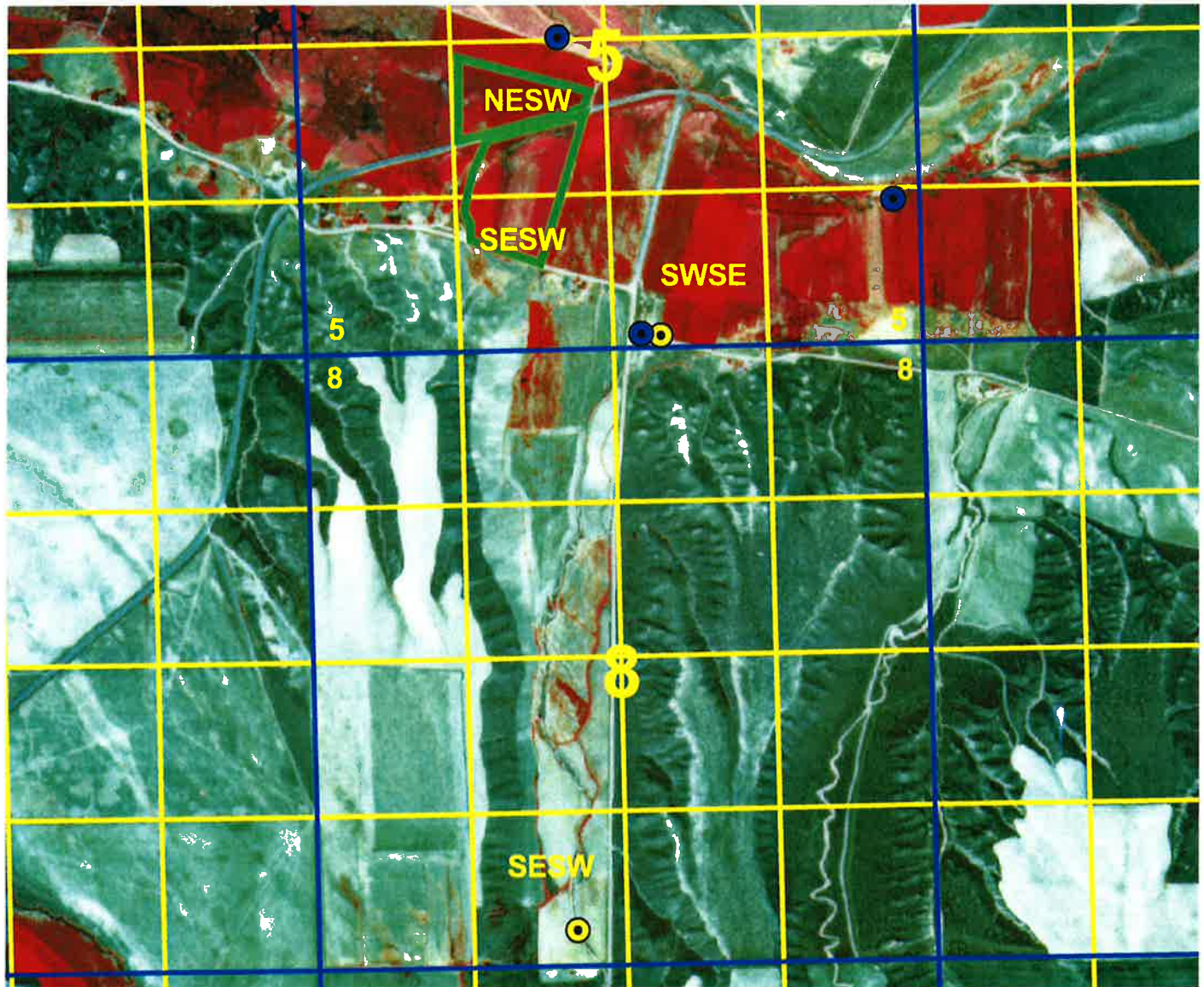
Legend



IDAHO DEPARTMENT OF WATER RESOURCES

29-02177, 29-02325A

T12S, R37E SEC 5



PROFILED

ACRES IRRIGATED- 30



POINT OF DIVERSION



PLACE OF USE

SCANNED
DEC 30 2005

GIS: PLACE OF USE
POINT OF DIVERSION
1987/1988 NAPP PHOTOS
DAVE CARLSON

Original

WATER RIGHTS SETTLEMENT AGREEMENT

This Settlement Agreement is made by and between Geraldine B. McNee, Donna Rae Vaughan, Kent Jensen on behalf of Iva Lou Jensen, Lonna Maynard on behalf of Helen Jensen, and David Hartvigsen on behalf of the Reed & Doris Hartvigsen Family Trust and Richard N. Hartvigsen.

RECITALS

- A. Each of the parties have water rights in Aspen Creek which are in the process of being adjudicated as part of the Snake River Basin Adjudication ("SRBA").
- B. The Idaho Department of Water Resources ("DWR") evaluated each of these water rights and the Director of DWR has made his recommendations concerning these water rights to the SRBA Court in what are known as "Director's Reports."
- C. The Director's Reports on Water Right Nos. 29-02177 (in the name of Geraldine B. McNee), 29-02178 (in the name of Donna Rae Vaughan) and 29-02187 (in the names of Leon (deceased) & Iva Lou Jensen and Vestal (deceased) & Helen Jensen) (collectively referred to as the "Downstream Water Rights") recognized that two historic springs were no longer active diversion points and therefore listed Aspen Creek as the only source of water for these rights but failed to make any corresponding adjustments in the quantities of water under each water right.
- D. The Reed & Doris Hartvigsen Family Trust and Richard N. Hartvigsen filed objections to the Director's Reports on these water rights on the basis that an adjustment should be made to the quantity of water which reflects the amount of water contributed by the two springs.
- E. The parties have now agreed to settle this matter based on a negotiated compromise concerning the amount of water contributed that should be allocated to the springs. This compromise also applies, by the terms of this Agreement, to one of the Hartvigsens' water rights (i.e., No. 29-02174) which was similarly based in part on water from these two springs.

THEREFORE, in consideration of the terms and agreements set forth below, which are acknowledged to be adequate consideration, the parties hereby mutually agree as follows:

- 1. The parties agree that the historic allocation of water between the springs and Aspen Creek listed too large of a proportion of water as coming from the springs. The parties therefore agree to reduce the amount diverted from the springs by two-thirds. Based on the calculations circulated between the parties, the following amounts are agreed upon by the parties as the amount of water historically diverted from the two springs for the water rights listed:

29-02174	0.04 cfs	29-02177	0.11 cfs
29-02178	0.10 cfs	29-02187	0.11 cfs

PROFILED

SCANNED
DEC 30 2005

4.2

2. The parties therefore stipulate and agree that the quantity of water set forth in Paragraph 1 above be deducted from the quantities of water recommended by the Director of DWR for each water right, leaving the following quantities which may be diverted from Aspen Creek under the Downstream Water Rights:

29-02177 - 0.39 cfs
29-02178 0.57 cfs
29-02187 0.39 cfs

3. The Hartvigsens' Water Right No. 29-02174 has already been decreed in the amount of 0.56 cfs. However, they hereby contractually agree, pursuant to the terms of this Agreement, to reduce the quantity of water diverted under this water right by the amount set forth in Paragraph 1 above, leaving the following quantity which may be diverted under this right from Aspen Creek:

29-02174 0.52 cfs

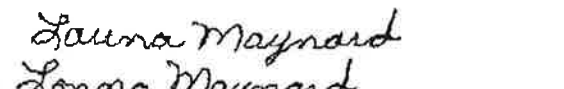
4. The parties agree to execute the appropriate Standard Form 5 for each of the Downstream Water Rights prepared by DWR in accordance with the terms of this Agreement.
5. This Agreement is contingent upon a Standard Form 5, a Special Master's Report and Recommendation, and a Partial Decree, each being duly signed, filed, and/or issued and each being consistent with the terms of this Agreement.
6. The parties agree to each bear their own attorneys fees.
7. The terms of this Agreement are intended solely for the benefit of the parties signing this Agreement, and their respective successors and assigns, and no third-party beneficiary rights are to be created hereby.
9. This Agreement constitutes the entire agreement between the Parties with respect to the Downstream Water Rights and Water Right No. 29-02174.

AGREED TO this 26th day of January, 2005


Geraldine B. McNee


Donna Rae Vaughan


Kent Jensen, on behalf of Iva Lou Jensen
under a Power of Attorney dated 1-18-05
12-4-03


Lonna Maynard, on behalf of Helen Jensen
under a Power of Attorney dated 11-11-03


David Hartvigsen, on behalf of the Reed & Doris
Hartvigsen Family Trust under a P.O.A. dated 4/20/04


David Hartvigsen, on behalf of Richard N.
Hartvigsen, under a P.O.A. dated 4/20/2004

SCANNED

DEC 30 2005

State of Idaho }
 : SS.
 County of Bannock }

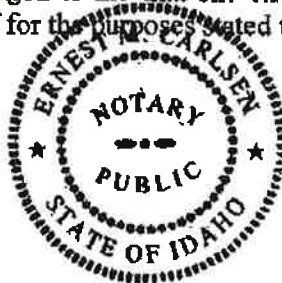
On this 25 day of January, 2005, **Geraldine B. McNee** personally appeared before me and, being duly sworn, acknowledged to me that she executed the foregoing Water Rights Settlement Agreement on her own behalf for the purposes stated therein.

BARBARA A. BYBEE
 Notary Public
 State of Idaho

Barbara A. Bybee
 Notary Public

State of Idaho }
 : SS.
 County of ~~Bannock~~ *Bannockville* }

On this 26 day of January, 2005, **Donna Rae Vaughan** personally appeared before me and, being duly sworn, acknowledged to me that she executed the foregoing Water Rights Settlement Agreement on her own behalf for the purposes stated therein.



Ernest M. Carlson
 Notary Public

State of Idaho }
 : SS.
 County of Bannock }

On this 18 day of January, 2005, **Kent Jensen** personally appeared before me and, being duly sworn, acknowledged to me that he executed the foregoing Water Rights Settlement Agreement for the purposes stated therein on behalf of Iva Lou Jensen under a Power of Attorney dated 12-4-03

BARBARA A. BYBEE
 Notary Public
 State of Idaho

Barbara A. Bybee
 Notary Public

SCANNED
 DEC 30 2005

State of Idaho }
: ss.

County of Bannock }
BONNEVILLE

On this 21 day of January, 2005, ^{Laura}~~Lonna~~ Maynard personally appeared before me and, being duly sworn, acknowledged to me that she executed the foregoing Water Rights Settlement Agreement for the purposes stated therein on behalf of Helen Jensen under a Power of Attorney dated 11-11-03.



[Signature]
Notary Public

State of Utah }
: ss.

County of Salt Lake }

On this 21 day of January, 2005, David B. Hartvigsen personally appeared before me and, being duly sworn, acknowledged to me that he executed the foregoing Water Rights Settlement Agreement for the purposes stated therein on behalf of the Reed & Doris Hartvigsen Family Trust and Richard N. Hartvigsen under separate Powers of Attorney both dated April 20, 2004.



[Signature]
Notary Public

20501739
David Hartvigsen
RECORDED AT REQUEST OF
FEE 12 DEPUTY BP

2005 JAN 31 AM 9 55
OFFICIAL RECORD EX# 861
RECORDER
BANNOCK COUNTY IDAHO

SCANNED
DEC 30 2005

D. Scott Crook
Smith Hartvigsen, PLLC
215 S. State Street, Suite 615
Salt Lake City, Utah 84111
Idaho Bar No. 5543
Phone: 801-413-1600
Fax: 801-413-1620
Attorneys for Objector

251
DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____
2003 NOV 13 AM 11 30

**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

A. Subcase 29-2177

Case No. 39576

STANDARD FORM OBJECTION

B. NAME AND ADDRESS OF PERSON OBJECTING:

Name: Reed & Doris Hartvigsen Family Trust
Address: 649 E. Center Street, Bountiful, Utah 84010
Daytime Phone: (801) 295-0844

Name & Address of Attorney, if any:

D. Scott Crook
SMITH HARTVIGSEN, PLLC
215 S. State Street, Suite 650
Salt Lake City, Utah 84111

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Geraldine B. McNee
Address: 3214 E Woodland Road, Downey, Idaho 83234

PROFILED

SCANNED
DEC 30 2005

D. OBJECTION:

I object to the following elements as recommended in the Director's Report.

1. ☐ **Name and Address**

Should be:

2. ☐ **Source**

Should be:

3. ☒ **Quantity**

Should be reduced by the amount of water historically intercepted by the ditch that historically collected water from two springs as it traversed west from the original point of diversion on Aspen Creek to Cherry Creek.

4. ☐ **Priority Date**

Should be:

5. ☐ **Point(s) of Diversion**

Should be:

6. ☐ **Instream Flow Description**

Should be:

7. ☐ **Purpose(s) of Use**

Should be:

8. ☐ **Period of Year**

Should be:

9. ☐ **Place of Use**

Should be:

10. **I object because:**

- ☐ This water right should not exist.
- ☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S):

This water right, as originally filed, diverted water from 3 sources; i.e., Aspen Creek and two unnamed springs along the historic ditch. The Claimant and/or her predecessors ceased using that ditch approximately 50 years ago, apparently changing her point of diversion several miles down stream on Aspen Creek. In so doing, she abandoned and/or forfeited that quantity of water which was originally supplied from those springs. Those springs do not flow into Aspen Creek and cannot be replaced with Aspen Creek water. This objecting party does not know how much water those two springs contributed historically to the flow in that ditch; however, this water right should be reduced by whatever amount that was.

The objecting party has knowledge of these facts because the point of diversion for the historic ditch is located on this objecting party's property. This objecting party states that no water has been diverted from Aspen Creek into the historic ditch by any party for decades, other than this objecting party and family members who are co-owners of three water rights in Aspen Creek, i.e., 29-2174, 29-2176, and 29-11182. The initial section of the ditch has been exclusively used and maintained by family members between the point of diversion from Aspen Creek and the authorized places of use under these three family water rights. Beyond that point, the ditch has not been used by anyone for any purpose for approximately 50 years, and it essentially no longer exists.

In addition, the Claimant has, by moving her point of diversion several miles downstream, effectively converted this water right into a highwater water right because Aspen Creek rarely reaches her new point of diversion. One of this objecting party's upstream water rights is junior to the Claimant's right. However, this objecting party should not be required to bypass water needed to satisfy its junior right in order to satisfy the Claimant's right, except in those rare high water conditions where it is likely that such water will actually reach the Claimant's new point of diversion.

Therefore this objecting party respectfully requests that the Claimant's water right be modified accordingly in the Court's decree.

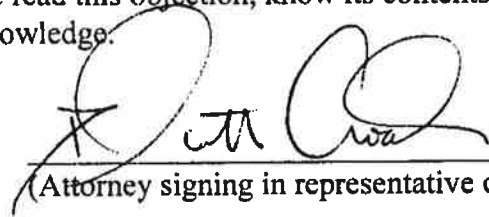
SCANNED

DEC 30 2005

F. VERIFICATION

State of Utah }
 ss.
County of Salt Lake }

I, D. Scott Crook, being duly sworn, upon oath, depose and state that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.


(Attorney signing in representative capacity)

Subscribed and sworn to before me on this 12th day of November, 2003.


Notary Public



SCANNED
DEC 30 2005

G.

CERTIFICATE OF MAILING

I certify that on November 12, 2003, I sent the original by overnight delivery and mailed copies of this objection, including all attachments, to the following persons:

1. Original to:

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

2. One copy to the claimant of the water right at the following address:

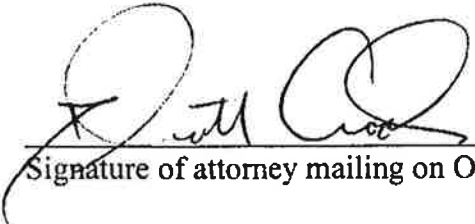
Geraldine B. McNee
3214 E Woodland Road
Downey, Idaho 83234

3. Copies to:

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

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

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



Signature of attorney mailing on Objector's behalf

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NUMBER
A29-02177	12S	37E	27		SE	SW			BANNOCK		
A29-02177	12S	37E	28	SW	NW	SW			BANNOCK		
A29-02177	12S	37E	28	NE	SW	SE			BANNOCK		

OTHER AJ CLAIMS WITH SAME AJ POD

A PREFIX	R PREFIX
A29-02174	29-11808
A29-02176	
A29-11182	
A29-11808	

WR RECORDS IN SAME 40 ACRE TRACT

29-02174
29-02175
29-02176
29-02178
29-02187

SOURCE: ASPEN CREEK
SPRINGS

TRIB: MARSH CREEK
ASPEN CREEK

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NUMBER
29-02177	12S	37E	27		SE	SW			BANNOCK		
29-02177	12S	37E	28		SW	SE			BANNOCK		
29-02177	12S	37E	28		NW	SW			BANNOCK		

OTHER WR RECORDS WITH SAME WR POD

29-02174
29-02175
29-02176
29-02178
29-02187

AJ CLAIMS IN SAME 40 ACRE TRACT

A PREFIX	R PREFIX
A29-02174	29-11808
A29-02176	
A29-11182	
A29-11808	

SOURCE: ASPEN CREEK
SPRINGS

TRIB: MARSH CREEK
ASPEN CREEK

C. IS THE CLAIMED POD WITHIN THE SAME 40 ACRE TRACT THAT IS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y() N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POD, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

D. CAN THE CLAIMED POD BE VERIFIED USING THE WATER RIGHT FILE OR GPS DATA? N/A() Y() N()

E. SHOULD THE CLAIMED POD BE VERIFIED BY FIELD EXAM? Y() N()

F. IS THE CLAIMED SOURCE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A() Y() N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN SOURCE, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

G. CAN THE CLAIMED SOURCE BE VERIFIED USING THE WATER RIGHT FILE?

Y() N()

H. SHOULD THE CLAIMED SOURCE BE VERIFIED BY FIELD EXAM?

Y() N()

I. HOW WAS THE POD AND SOURCE VERIFIED?

LICENSING FIELD EXAM (DATE OF FIELD EXAM)

Y() N()

AJ FIELD EXAM (DATE OF FIELD EXAM) NAME OF EXAMINER)

Y() N()

OTHER (DESCRIBE IN NOTES BELOW)

NOTES: _____

=====

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE: CHECK HERE IF RECOMMENDED AS CLAIMED ()

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NBR
12S	37E	27	SE	SE	SW			BANNOCK		
12S	37E	28	SW	NW	SW			BANNOCK		
12S	37E	28	NE	SW	SE			BANNOCK		
—	—	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—	—

SOURCE: ASPEN CREEK

TRIB: MARSH CREEK

REVIEWED BY: _____ DATE: _____

=====

SYSTEM DESCRIPTION: DESCRIBED BELOW (), SEE LICENSE FILE (), OR SEE ATTACHMENT ()

A. ROOT WATER RIGHT NUMBERS: A29-02177

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
12S	37E	5	NE	SW		MC NEE, GERALDINE B	A29-02177 / 3.0	29-02177 / 25.0			40.0
			NE	SW		MC NEE, GERALDINE B	A29-02356 / 0.3	- /			
			NE	SW		LISH, DENNIS	A29-02325C / 3.7	- /			
			NE	SW		MC NEE, GERALDINE B	A29-02325A / 23.0	- /			
			NE	SW		JENSEN, VESTAL		29-02325 / 26.0			
12S	37E	5	SE	SW		MC NEE, GERALDINE B	A29-02177 / 7.0	- /			39.0
			SE	SW		LISH, DENNIS	A29-02325C / 6.0	- /			
			SE	SW		WESTON, MARIE	A29-11588 / 24.0	- /			
			SE	SW		MC NEE, GERALDINE B	A29-02325A / 7.0	- /			
			SE	SW		VAUGHAN, HAROLD		29-08143 / 24.0			
			SE	SW		JENSEN, VESTAL		29-02325 / 17.0			

ADDITIONAL POU FOUND

TOTAL ACRES	A29-02177	10.00	25.00	79.00
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POU COUNTY: BANNOCK

C. IS WATER USAGE FOUND IN TRACTS OTHER THAN THOSE CLAIMED?

Y() N()

* IF YES, ARE THESE TRACTS LISTED ABOVE (), OR ARE THEY LISTED ON AN ATTACHED SHEET ()

LIST OF ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE

CLAIM NO.	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A29-02177	ASPEN CREEK SPRINGS	MC NEE, GERALDINE B	0.500	0.050		
A29-02325A	GROUNDWATER	MC NEE, GERALDINE B	0.600	0.020		
A29-02325C	GROUNDWATER	LISH, DENNIS	0.600	0.025		
A29-02356	MARSH CREEK	MC NEE, GERALDINE B	0.700	0.020		
A29-11588	SPRINGS	WESTON, MARIE	0.880	0.020		

NO RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION

D. ARE OTHER WATER RIGHTS USED FOR THE SAME PURPOSE?

Y() N()

* IF YES, COMPLETE OVERLAP REVIEW:

OTHER RIGHTS LISTED IN CLAIM: A29-02325A

E. IS THE CLAIMED POU THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A() Y() N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POU, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

F. CAN THE CLAIMED POU BE VERIFIED USING THE WATER RIGHT FILE AND AVAILABLE AERIAL PHOTOS?

N/A() Y() N()

G. SHOULD THE CLAIMED POU BE VERIFIED BY FIELD EXAM?

Y() N()

H. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE OF THIS RIGHT, OR ANY PORTION OF THIS RIGHT?

Y() N()

NOTES:

TOTAL ACRES: _____ N/A(____)

REVIEWED BY: _____ DATE: _____

A29-02177

65
78



7745
Mader Ranch
17985

7745
17985

10.4

7745
17985

7745
17985
Elliason Land & Cattle Co.

T
12
R37E

Scanned

MALAD SUMMIT ORTHOPHOTOQUAD

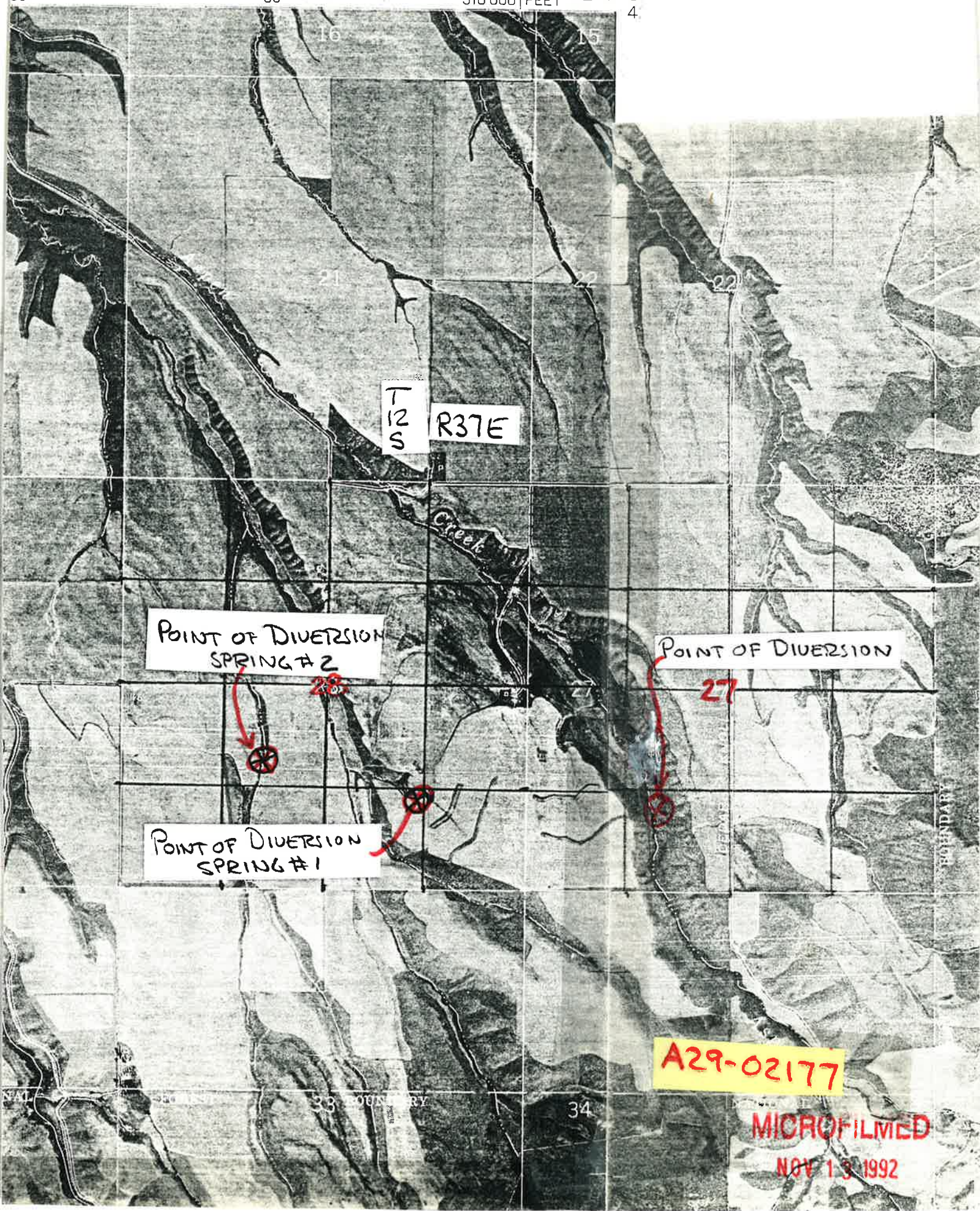
1 AHO

05

406

510 000 FEET 112° 7' 3

4



T
12
S

R37E

Creek

POINT OF DIVERSION
SPRING #2

POINT OF DIVERSION

POINT OF DIVERSION
SPRING #1

A29-02177

MICROFILMED

NOV 13 1992

SCANNED

JUN 04 2001

Log for claim A29-02177

Spatial Dynamics TWB

5/16/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
12s37e	5	NESW	3	3	
12s37e	5	SESW	7	8	
Totals:			10	11	

Stream: Quakenasp Hollow Creek and two unnamed springs.
Amount: $\frac{2}{3}$ of 1 cu.ft.
Use: Irrigation and domestic.
Priority: April 13, 1914.

29-02177

STATE OF IDAHO

Water License No. 10114

WHEREAS, On the 11th day of April, A. D. 1914,
Lorenzo Barnes

of Downey, County of Bannock, State of Idaho, duly made application
(No. 15034) to me for a permit to use $\frac{2}{3}$ of 1 cubic foot per second of the waters of
Quakenasp Hollow Creek and two unnamed springs,

County of Bannock, State of Idaho, for irrigation and domestic purposes, and,

WHEREAS, On the 22nd day of April, A. D. 1914, Permit No. 10114 was issued
to said applicant for the diversion of said water and providing for the completion of the works of diversion
therein described on or before the 22nd day of October, A. D. 1914, and for the application to ben-
eficial use of said water on or before the 22nd day of October, A. D. 1914, and,

WHEREAS, On the 28th day of August, A. D. 1914,
Lorenzo Barnes

the holder of said permit, duly made proof of the completion of adequate works for the diversion of
 $\frac{2}{3}$ of 1 cubic foot per second of said waters, as evidenced by my Certificate No. 10114
dated September 4, 1914, confirming the completion of works of sufficient capacity for diverting and
conveying to the place of intended use $\frac{2}{3}$ of 1 cubic foot per second of said water,
with date of priority of April 11, 1914, and

WHEREAS, On the 24th day of October, A. D. 1914,
Lorenzo Barnes

the holder of said permit, duly made proof of the application to beneficial use of $\frac{1}{2}$ of 1 cubic
foot per second of said water:

NOW, THEREFORE, By virtue of authority vested in me by the laws of the State of Idaho, I
hereby grant and confirm to Lorenzo Barnes

of Downey, County of Bannock, State of Idaho, the holder and owner
of said Permit No. 10114, a perpetual right, dating from April 13, 1914
to the use of $\frac{1}{2}$ of 1 cubic foot per second of the waters of Quakenasp Hollow Creek and
two unnamed springs,

in the County of Bannock and State of Idaho, or so much thereof as may be necessary for the
purposes hereinbelow mentioned, to be diverted from Quakenasp Creek in the SE $\frac{1}{4}$ of SW $\frac{1}{4}$, Sec.
27; from Spring #1 in the SW $\frac{1}{4}$ of SE $\frac{1}{4}$ and from Spring #2 in the NW $\frac{1}{4}$ of SW $\frac{1}{4}$, Sec.
28, all in T. 12 S., R. 37 E.B.M.,

and conducted to and upon 25 acres in the NE $\frac{1}{4}$ of SW $\frac{1}{4}$, Sec. 5, T. 12 S., R. 37 E.B.M.,

for the purpose of irrigation and domestic use, subject, however, to the laws of the
State of Idaho, applicable to a license for the use of the waters of the State, and subject, also, to the local
or community customs, rules and regulations which have been or may be adopted from time to time by
a majority of the users from a common source of supply, canal or lateral from which such water may
be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and the seal of my office at Boise, Idaho, this 29th day of October
A. D. nineteen hundred and fourteen.

in the County of _____ purposes hereinbelow mentioned, to be diverted from Quakenassp Creek in the SE $\frac{1}{4}$ of SW $\frac{1}{4}$ Sec. 27; from Spring #1 in the SW $\frac{1}{4}$ of SE $\frac{1}{4}$ and from Spring #2 in the NW $\frac{1}{4}$ of SW $\frac{1}{4}$, Sec. 28, all in T. 12 S. R. 37 E.B.M.,

and conducted to and upon 25 acres in the NE $\frac{1}{4}$ of SW $\frac{1}{4}$, Sec. 5, T. 12 S., R. 37 E.B.M.,

for the purpose of irrigation and domestic use, subject, however, to the laws of the State of Idaho, applicable to a license for the use of the waters of the State, and subject, also, to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source or supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and the seal of my office at Boise, Idaho, this 29th day of October A. D. nineteen hundred and fourteen.

(Seal)

Herbert Wing,

Acting State Engineer;

29 2177

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

1. Name of applicant: Lorenzo Barnes

Postoffice address: Downey

County: Bannock

State: Idaho

- I. If applicant is a corporation, give
 (a) Date and place of incorporation.
 (b) The amount of capital stock.
 (c) The amount paid in.
 (d) Names and addresses of directors.

- II. The financial resources of the applicant are: (a) Cash on hand.
 (b) Treasury stock. (c) Bonds to be issued.
 (d) Other resources.

2. The quantity of water claimed is $2\frac{2}{3}$ cubic feet per second.

3. Source of water supply: Quakenasp Hollow Creek and two unnamed springs. (See Remark No. 1)

4. Location of point of diversion: SE $\frac{1}{4}$ of SW $\frac{1}{4}$, Sec. 27; SW $\frac{1}{4}$ of SE $\frac{1}{4}$ Sec. 28; the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ Sec. 28, T. 12 S. R. 37 E. B. M.

County of Bannock

5. To be used for: Irrigation and domestic purposes.

- I. Irrigation and domestic use: (a) Amount of land to be irrigated: 40 acres.
 (b) In the following legal subdivisions: the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ Sec. 5, T. 12 S., R. 37 E. B. M.

II. Mining, milling, power, manufacturing, transportation or other purposes:

[a] At what point:

[b] Amount of power to be generated:

H. P. under ft. head

[c] Is water to be returned to any stream?
return:

[d] If so, name stream and locate point of

6. Estimated cost of works: \$100.00

7. Description of works for diversion:

I. Kind of works: ditch

II. Dimensions of works:

[a] Height of dam 0 feet, length of dam at top 0 feet,

length of dam at bottom 0 feet. Material used in construction: 0

[b] Capacity of reservoir 0 acre feet. (c) Size of headgate, width 0 feet,

Height 0 feet. (d) Conduit ditch width at bottom 2 feet,

width at water line 3 feet, depth of water $2\frac{2}{3}$ feet, diameter of pipe

0 inches, average grade per mile is 25 feet. Length of conduit is $5\frac{1}{2}$ miles,
 and it crosses the following quarter sections: SW $\frac{1}{4}$ of Sec. 27, the S $\frac{1}{2}$ of Sec. 28, the E $\frac{1}{2}$
 of Sec. 29 the W $\frac{1}{2}$ of Sec. 20 the W $\frac{1}{2}$ of Sec. 17, the W $\frac{1}{2}$ of Sec. 8, and the
 SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Sec. 5 all in T. 12 S., R. 37 E. B. M.

8. The time required for the completion of the construction of such work is 0 years.

9. Time required for the complete application of the water to the proposed use is 0 additional years.

BE IT KNOWN That the undersigned hereby makes application for a permit to appropriate the public waters of the State of Idaho as herein set forth.

Lorenzo Barnes

Applicant

Date of first receipt at office of State Engineer 9.00 A. M. April 11, 1914

Returned to applicant for correction

Corrected application received

APPROVAL OF STATE ENGINEER

The number of this permit is 10114

Recorded in Book 34 Page 10114 Approved April 22, 1914.

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions.

Bond in the sum of _____ to be filed on or before _____

Work to begin on or before June 21, 1914. and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before July 22, 1914.

The whole of said work to be completed on or before October 22, 1914.

Beneficial use of water appropriated in accordance herewith, to be made on or before October 22, 1914.

Witness my hand this 22nd day of April, 1914.

F. P. KING,

State Engineer.

Remarks.

- Remark No. 1: 4/9 sec. ft. is claimed from Quakenasp Creek
4/27 sec. ft. is claimed from Unnamed Spring in the SW $\frac{1}{4}$ of Sec. 28
2/27 Sec. ft. is claimed from Unnamed spring in SE $\frac{1}{4}$, all in T. 12 S., R.
37 E. B. M.
- " " 2: The two unnamed springs are located on government land.
- " " 3: The work on this project has been completed and the water used for some time.
- " " 4: The fact that this is a party ditch accounts for its large size.

Proof of Completion of Works made August 28, 1914.

Certificate of Completion of Works issued September 4, 1914.

Permit No. 10114

CERTIFICATE OF COMPLETION OF WORKS

To All Whom It May Concern:

This is to certify that Lorenzo Barnes of Downey, County of Bannock, and State of Idaho, the holder of Permit No. 10114, issued upon Application No. 15034, bearing date of priority of April 11, 1914, authorizing the diversion of $2\frac{2}{3}$ second foot of the waters of Quakenasp Hollow Creek and two unnamed springs. $4\frac{1}{9}$ of 1 sec. ft. is claimed from Quakenasp Creek, $4\frac{2}{27}$ of 1 sec. ft. is claimed from unnamed spring in the SW $\frac{1}{4}$ of Sec. 28, $2\frac{2}{27}$ of 1 sec. ft. is claimed from unnamed spring in SE $\frac{1}{4}$, all in Tp. 12 S. R. 37 E. B. M., County of Bannock, State of Idaho, for irrigation and domestic purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use $2\frac{2}{3}$ second-foot of the waters of Quakenasp Hollow Creek and two unnamed springs; that the point of diversion of said waters is at a point in the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ Sec. 27; SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ Sec. 28; the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ Sec. 28, Tp. 12 S. R. 37 E.B.M., and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ Sec. 5, Tp. 12 S. R. 37 E.B.M., containing 40 acres.

Witness my hand this 4th day of September, A. D. 1914.

F. P. King,

State Engineer of the State of Idaho.

License issued for 2 second feet

By W. H. H. H.

REPORT OF ENGINEER

1. State name of applicant and number of permit: Lorenzo Barnes Per. No. 10114
2. State source of water supply: Quaken asp Creek and 2 un-named Springs
3. Location of point of diversion: SE 1/4 SW 1/4 Sec 27 - SW 1/4 SE 1/4 Sec 28 NW 1/4 SW 1/4 Sec 28 Thence to Cherry Creek and diverted from Cherry Creek in NW 1/4 NE 1/4 Sec 29. All in T12S R37E BM.
4. State whether or not the works of diversion are fully completed and in accordance with terms of permit:

They are

5. Describe works as they exist, giving dimensions of same as follows:
- (a) Width of conduit at bottom: 2 feet
- (b) Width at water line: 3 "
- (c) Depth of water: 7/8 "
- (d) Grade per mile: 20 "
- (e) Capacity of ditch: About 3 " second feet.

6. State whether or not water has been turned into works of diversion and if so, to what extent:

It has - To Capacity

7. Give exact location of lands to be irrigated. Give exact number of acres under cultivation in each forty acre tract: 25 Acres NE 1/4 SW 1/4 Sec 5 T12S R37E BM.

8. Submit map on enclosed plat, source of supply, point of diversion, route of ditch or ditches and cross hatch lands to be irrigated.

Remarks:

RECEIVED

OCT 5 - 1914

OFFICE OF STATE ENGINEER

Examined Sept 27 - 1914

T. G. Bantley

STATE OF IDAHO,

County of _____

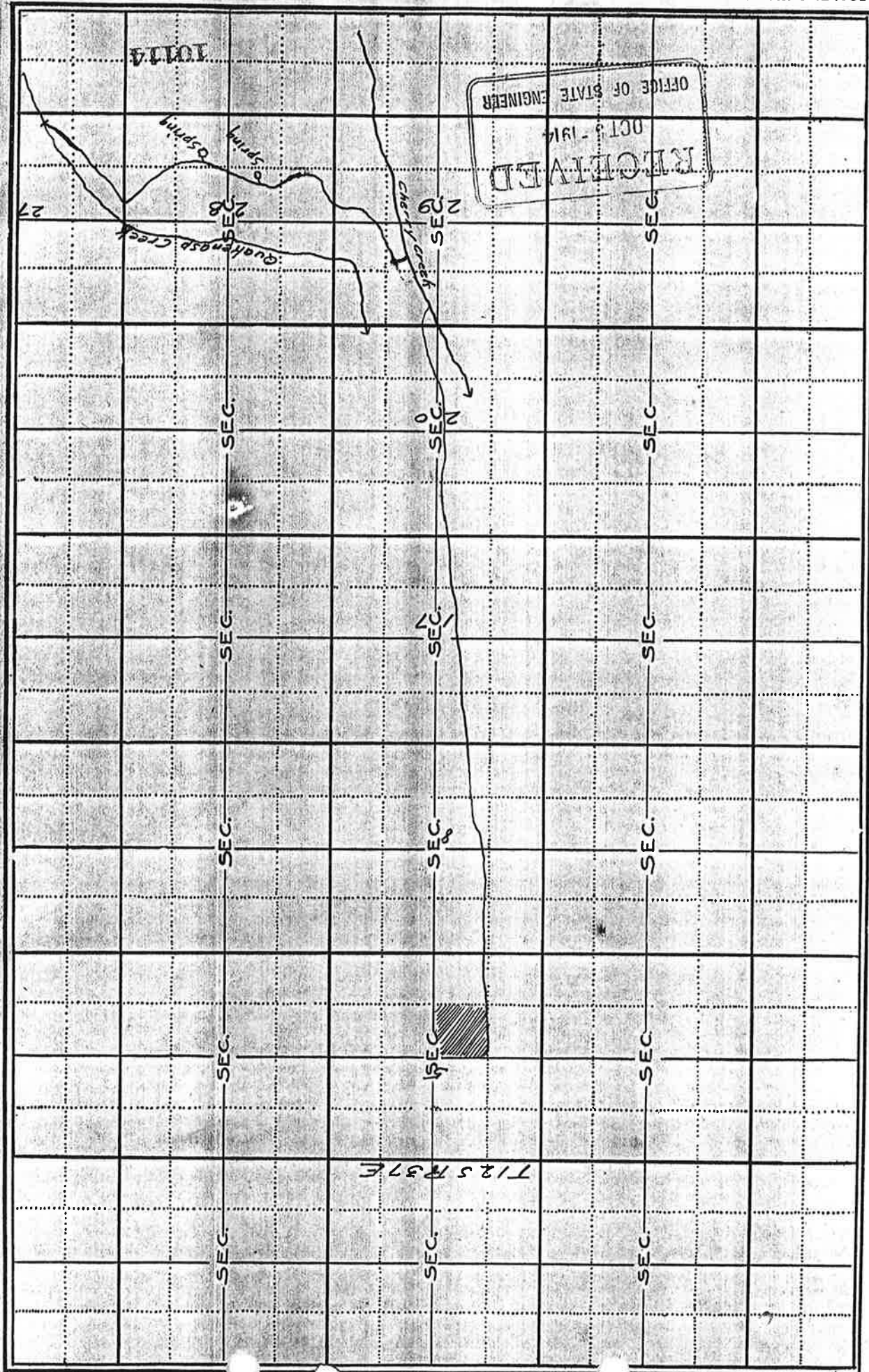
} ss.

_____, being first duly sworn, deposes and says that the statements contained in the within report are correct to the best of his knowledge and belief.

Subscribed and sworn to before me this _____ day of _____ 191_____

My Commission Expires _____

10114 Notary Public.



AJ5809NP
No. A29-02177

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 04/24/00
PAGE: 46

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	GERALDINE B MC NEE 3214 E WOODLAND RD DOWNEY ID 83234 (208) 897-5767	04/13/1914	IRRIGATION	04-01 11-01	0.500 CFS	
TOTAL DIVERSION:					0.500 CFS	
CONSUMPTIVE USE:						25.00 AFA

Water Source: ASPEN CREEK
SPRINGS

Tributary to: MARSH CREEK
ASPEN CREEK

Stage: LICENSE

Point(s) of Diversion:

T12S R37E S27
S28

SESW
SWNWSW

NESWSE

BANNOCK County
BANNOCK County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE														
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM		
			:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	
12S	37E	5	:					:					:	03				07	:					:	10.0	
																							TOTAL ACRES	10.0		

POU County: BANNOCK

Non-Irrigation Uses: NONE

Other Rights: A29-02325A

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
29-11808 A29-02174 A29-02176 A29-11182 A29-11808

Other Water Rights Listing Overlapping Place(s) of Use:
A29-02325 A29-02325A A29-02325C A29-02356 A29-11588

Remarks: GEN SOURCES ARE QUAKENASP HOLLOW CK. & SPRINGS.
ASPEN CK. KNOWN LOCALLY AS QUAKENASP HOLLOW CK.

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number: 29H

Field Inspection Flag:
Presumption Flag:

Audit: 02/26/90 WILSON 06/02/94 COX 03/29/95 POST-STD

JUN 04 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: A29-02177

Date Received: 2/26/1990

Receipt No: E012932

Received By: BB

CK#1211 #50" of 400"

APR 6 1990

Department of Water Resources
Eastern District Office

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: GERALDINE B. MC NEE
Address: 3214 EAST WOODLAND ROAD
DOWNEY, ID

83234

208-897-5767

2. Date of Priority: APR 13, 1914

3. Source: ASPEN CREEK
SPRINGS

Trib. to: MARSH CREEK
ASPEN CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
12S	37E	27		SE	SW		BANNOCK
		28	SW	NW	SW		BANNOCK
			NE	SW	SE		BANNOCK

5. Description of diverting works:
COLLECTION DAMS 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	11/01	0.500		

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

A.F.A.

8. Total consumptive use is 25.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A29-02177

Page 1

Date: 02/26/90

MICROFILMED
NOV 13 1992

A2902177

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
12S	37E	5	NE	SW		IRR	3.0
			SE	SW		IRR	7.0
Section Acres							10.0
Total Acres							10.0

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:
A29-02325A

14. Remarks:
SOURCES ARE QUAKENASP HOLLOW CK. & SPRINGS.
ASPEN CK. KNOWN LOCALLY AS QUAKENASP HOLLOW CK.

15. Basis of Claim: LICENSE
Water Right Number: 10114

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): Guadalupe B. McNeer Date: 4-5-90

Date: _____

State of Idaho)
County of Bannock) SS.

Subscribed and sworn (or affirmed) before me this 5 day
of April 1990
Seal
Residing at Pocatello
My Commission Expires 7-27-93

Lee H. Murphy
Notary Public