

02/01/2005

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
IRIBUIARY: MARSH CREEK
IRIBUIARY: MARSH CREEK
QUANTITY: 0.670 CFS
PRIORITY DATE: 04/13/1914
POINT OF DIVERSION:

I12S R37E S8 NENW Within BANNOCK County
I12S R37E S8 NESESW Within BANNOCK County
T12S R37E S8 SESESW Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

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

PLACE OF USE:

IRRIGATION Within BANNOCK County

I12S R37E S05	SESW	6.0	T12S R37E S08	NWNE	1.0
T12S R37E S08	NENW	25.0	I12S R37E S08	SENEW	21.0
I12S R37E S08	NESW	20.0	I12S 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.

IDAHO DEPARTMENT OF WATER RESOURCES

PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

EXPLANATORY MATERIAL: License

STOCKWATER, 30 CFS

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.

Emc

05/29/2002

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: 0.67 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	SENW	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.

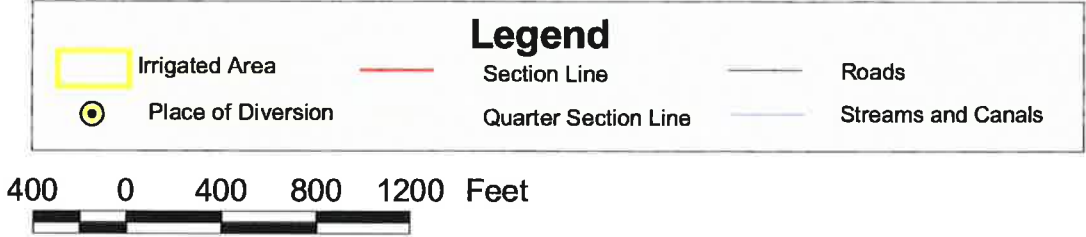
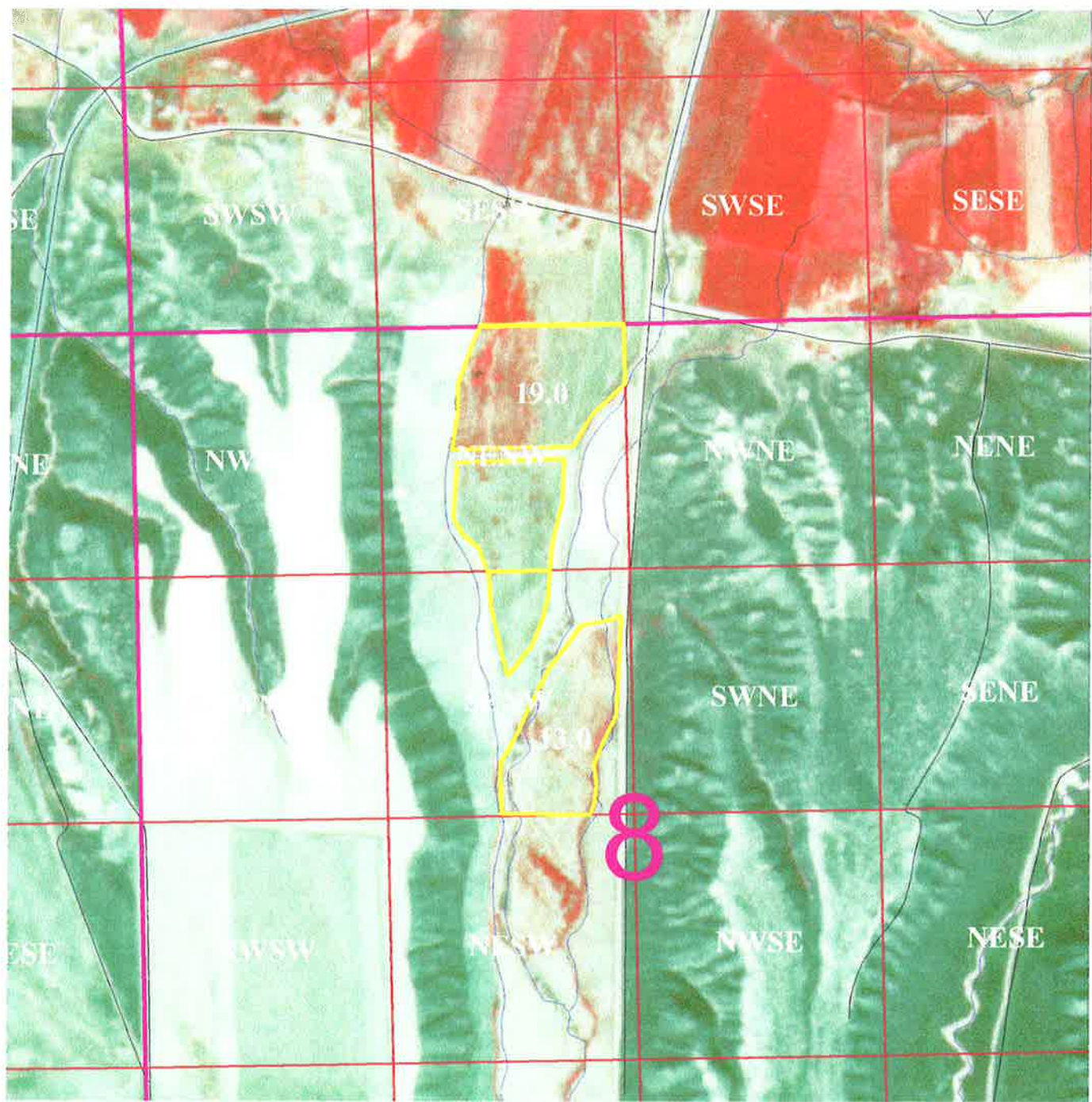
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.

EXPLANATORY MATERIAL: License

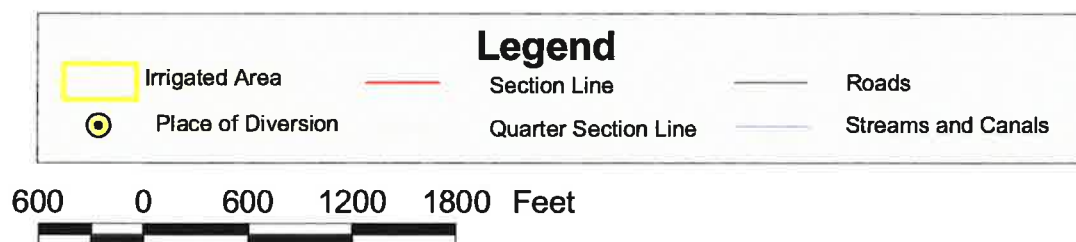
STOCKWATER, 30 CATTLE
RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
PURSUANT TO SECTION 42-1425, IDAHO CODE.
RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT
TO SECTION 42-1425, IDAHO CODE.

Township , 12S37E





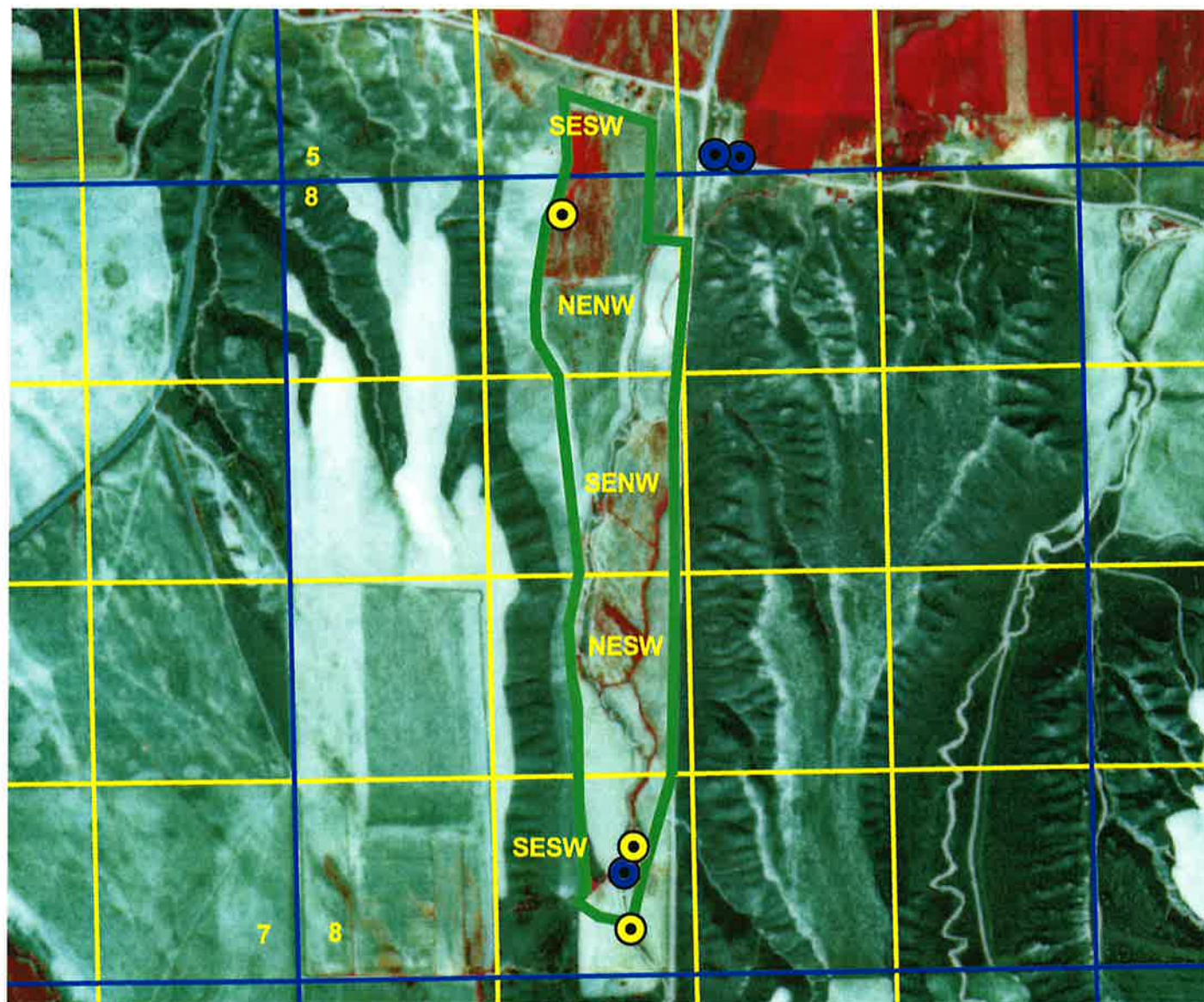




IDAHO DEPARTMENT OF WATER RESOURCES

29-02178

T12S, R37E SEC. 5, 8



ACRES IRRIGATED- 40



POINT OF DIVERSION

SCANNED



PLACE OF USE

DEC 30 2005
PROFILED

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



spring AREA DC 2002
NEEN sec 8 next to Aspen Crk

PROFILED

SCANNED
DEC 30 2005



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

August 7, 2001

DONNA RAE VAUGHAN
3459 WOODLAND RD
DOWNEY ID 83234

RE: CHANGE IN OWNERSHIP FOR A29-02178 AND A29-11588

Dear Ms. Vaughan:

The request for Change in Ownership concerning the Notice(s) of Claim in the above reference has been processed and the Notice(s) modified to reflect you as the new owner(s).

Enclosed is a copy of the Notice(s) of Claim, with your name shown as the current owner. Review the forms and if there are other corrections or questions, feel free to contact this office.

If there are no questions or corrections, please keep this Notice for your records.

Respectfully submitted,

Cheri Vandermeulen
Cheri Vandermeulen
Records Clerk

Enclosure: Notice(s) of Claim

DE LOG 8/7/97 AR

RECEIVED

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

AUG 22 1997

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP
Department of Water Resources
Eastern Region

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

OK ASX
28 Aug 97

these two

also

DC 8/2001

1. Water Right Number(s) _____
Adjudication Claim Number(s) A29003 & 8A A29-2178 A29-11588
2. The following **REQUIRED** information must be submitted with this form.
- A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
AND
- B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.)
OR
- C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.

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

4. ☒ New Owner/Claimant(s) Donna Rae Vaughan

Name connector (Check one): ☐ AND, ☐ OR, ☐ AND/OR

New Mailing Address 3459 Woodland

City, State and ZIP Code Nowhere Idaho 83234

New Telephone Number (208) 897-5106

5. Date you acquired the property 92

6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.

Number of acres actually irrigated _____ Number and type of stock _____

Diversion rate in CFS _____ Number of homes _____ Other uses _____
cubic feet per second

If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

7. Signature of New Owner/Claimant(s) Donna Rae Vaughan

8-22-97

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SCANNED

AUG 15 1997

8. (Corporations or other organizations must submit a list of directors/officers demonstrating authority to act on behalf of the organization.)
For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

WHILE THIS IS A REPRESENTATION
OF THE PROPERTY DESCRIBED HEREIN,
THIS COMPANY ASSUMES NO LIABILITY
FOR VARIATIONS, IF ANY, WITH A SURVEY.

1 MILE

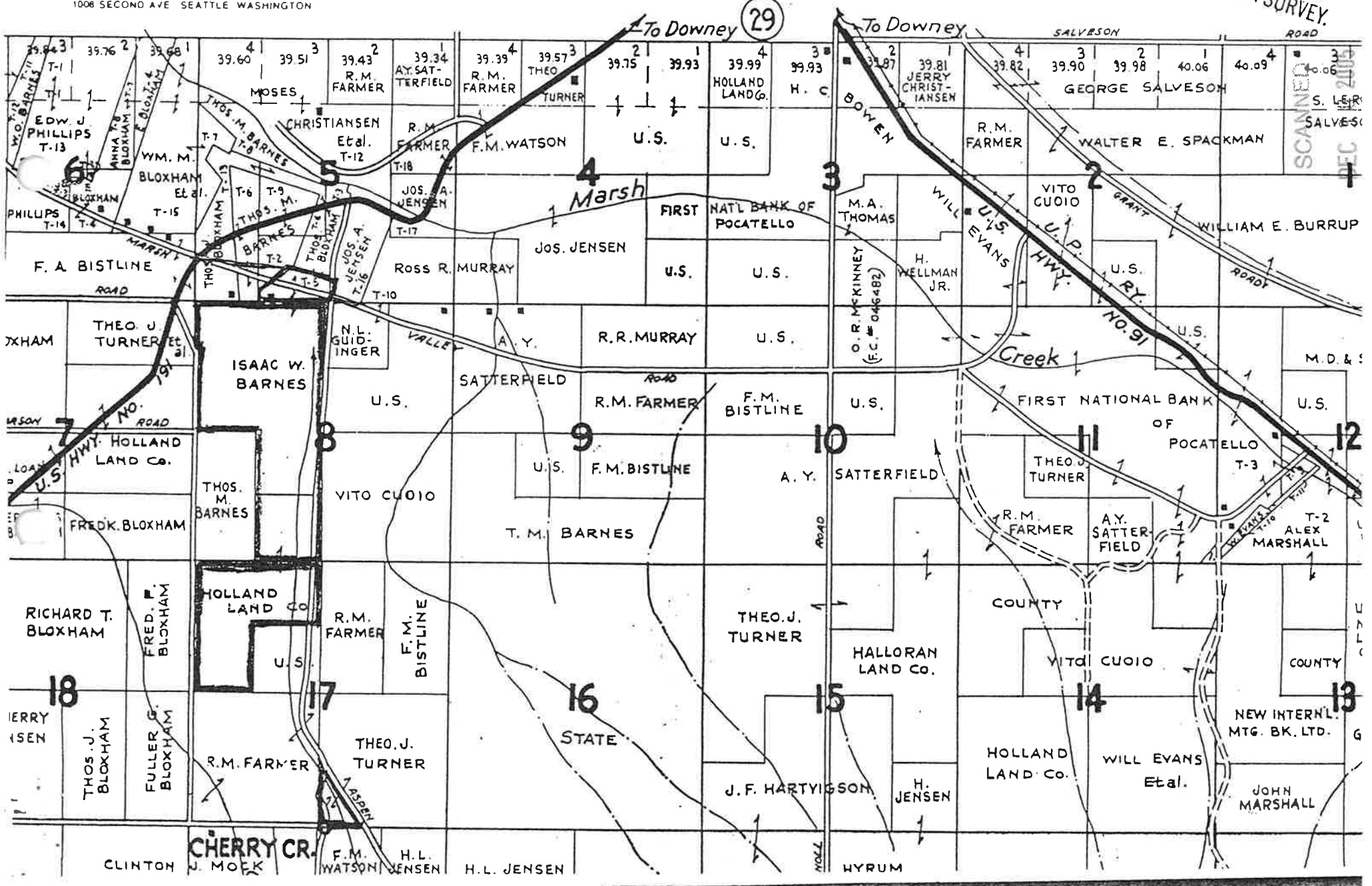
FOR SALE BY

METSKER MAPS

111 SOUTH 10TH ST. TACOMA WASHINGTON
1008 SECOND AVE. SEATTLE WASHINGTON

TOWNSHIP 12 S., RANGE 37 E. B.M.

BANNOCK COUNTY, IDAHO



State of Idaho
Department of Water Resources
900 N. Skyline Dr
Idaho Falls. Idaho

Re: Change in ownership for A29-00348A

To Whom it may Concern..

We the undersigned have no claim to this water. It belongs to the property that is now owned by Donna Rae Vaughan.

The property along with the water was granted to Arden and Sylva Pope who sold it to the Vaughn's.

Marie Weston
Marie Weston
Garden City. Utah

Dale Weston
Dale Weston
Cokeville, Wyoming

July 5, 1997

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SCANNED

AUG 1 1997

DEC 30 2005

Department of Water Resources
Eastern Region

1-641487-TA
Warranty Deed

96002217

3F
By State Record

SYLVIA H. POPE, AN UNMARRIED WOMAN,
the grantor, do hereby grant, bargain, sell and convey unto

CONNA R. VAUGHAN, AN UNMARRIED WOMAN,
whose current address is

3459 WOODLAND ROAD DOWNEY ID 83234

the grantee, the following described premises, in Bannock County Idaho, to wit:
SEE ATTACHED EXHIBIT "A"

SUBJECT TO: ALL existing patent reservations, easements, rights of way, protective covenants, zoning ordinances and applicable building codes, laws and regulations.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor do hereby covenant to and with the said Grantee, that he the owner in fee simple of said premises, that they are free from all incumbrances

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

Dated:

January 23, 1996

SYLVIA H. POPE

Sylvia H. Pope

STATE OF IDAHO, COUNTY OF *Booding*
On this *5th* day of *February*, 1996
before me, a notary public in and for said State, personally appeared
23rd JANUARY 96

SYLVIA H. POPE
known to me to be the person whose name
is subscribed to the within instrument, and acknowledged to me that
he executed the same for the purposes and consideration therein expressed.
Notary Public
Booding, *Booding*
Comm. Expires *8-24-2000*

96002217

No. *212-96*
Recorded at request of:
ALLIANCE TITLE & ESCROW

Date: *2-12-96* A 11:17

Office: *US8*

9

11

100 LMS 5-22-81

14710133

RECORDED BY STATE

ALLIANCE

THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER THE NORTHWEST QUARTER AND THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 8, TOWNSHIP 12 SOUTH, RANGE 37 E.B.M., AND A TRACT IN THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 8, TOWNSHIP 12 SOUTH, RANGE 37 E.B.M., DESCRIBED AS FOLLOWS: A TRIANGULAR STRIP OF LAND SITUATED IN THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 8, TOWNSHIP 12 SOUTH, RANGE 37 E.B.M., DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF THE SAID NORTHWEST QUARTER OF THE NORTHEAST QUARTER AND RUNNING THENCE SOUTH 60 RODS ON THE QUARTER SECTION LINE BETWEEN THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER AND THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 8; THENCE RUNNING IN A STRAIGHT LINE IN A NORTHEASTERLY DIRECTION TO A POINT 6 RODS FROM THE NORTHWEST CORNER OF THE SAID NORTHWEST QUARTER OF THE NORTHEAST QUARTER; THENCE RUNNING WEST 6 RODS TO THE POINT OF BEGINNING.

A TRACT OF LAND IN THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 17, TOWNSHIP 12 SOUTH, RANGE 37 E.B.M., BANNOCK COUNTY, IDAHO, DESCRIBED AS

FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 17, AND RUNNING THENCE EAST 15 CHAINS, MORE OR LESS, TO THE WEST BOUNDARY LINE OF THE COUNTY ROAD; THENCE NORTHWESTERLY FOLLOWING THE WEST BOUNDARY LINE OF SAID ROAD TO ITS INTERSECTION WITH THE WEST LINE OF THE EAST HALF OF SAID SECTION 17; THENCE SOUTH ALONG SAID QUARTER SECTION LINE 40 CHAINS, MORE OR LESS, TO THE PLACE OF BEGINNING.

THE NORTH HALF OF THE NORTHWEST QUARTER AND THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 17, TOWNSHIP 12 SOUTH, RANGE 37 E.B.M.

A TRACT OF LAND IN THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER AND THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 5, TOWNSHIP 12 SOUTH, RANGE 37 E.B.M., BANNOCK COUNTY, IDAHO, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTH QUARTER SECTION CORNER OF SECTION 5, TOWNSHIP 12 SOUTH, RANGE 37 E.B.M., AND RUNNING THENCE EAST 170 FEET ALONG THE SOUTH BOUNDARY LINE OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 5, SAME TOWNSHIP AND RANGE; THENCE NORTH 9° EAST 481 FEET TO A STAKE IN THE CENTER OF A COUNTY ROAD; THENCE ALONG THE CENTER LINE OF THE COUNTY ROAD NORTH 76° WEST 884 FEET TO A STAKE; THENCE NORTH 69° WEST 97 FEET TO A STAKE; THENCE SOUTH 50° WEST 800 FEET TO A STAKE; THENCE SOUTH 1526 FEET ALONG THE WEST BOUNDARIES OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 5 AND THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 8, TOWNSHIP 12 SOUTH, RANGE 37 E.B.M., TO THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 8, SAME TOWNSHIP AND RANGE; THENCE SOUTH 89°53' EAST 1315 FEET ALONG THE SOUTH BOUNDARY OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 8, SAME TOWNSHIP AND RANGE, TO THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 8, SAME TOWNSHIP AND RANGE; THENCE NORTH 1320 FEET ALONG THE EAST BOUNDARY OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 8, TOWNSHIP 12 SOUTH, RANGE 37 E.B.M., TO THE PLACE OF BEGINNING. SUCH DESCRIBED TRACT LYING IN THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER AND IN THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 5 AND IN THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 8, TOWNSHIP 12 SOUTH, RANGE 37 E.B.M., BANNOCK COUNTY, IDAHO.

TOGETHER WITH ANY AND ALL WATER RIGHTS APPURTENANT THERETO OR USED IN CONNECTION THEREWITH, INCLUDING BUT NOT LIMITED TO ALL CHERRY CREEK AND ASPIN CREEK RIGHTS BELONGING TO OR USED IN CONNECTION WITH SAID REAL PROPERTY.

SUBJECT TO EASEMENTS, AGREEMENTS, RIGHTS OF WAY, AND RESTRICTIONS OF RECORD.

TOGETHER WITH THE GRANTORS' ONE HALF INTEREST IN AND TO THE OIL, GAS, AND MINERAL RIGHTS ON SAID PROPERTY, BEING LIMITED TO ALL OF GRANTORS' RIGHTS THERETO.

RECEIVED

AUG 27 1997

Department of Water Resources
Eastern Region



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

June 20, 2001

DONNA R VAUGHAN
3459 E WOODLAND RD
DOWNEY ID 83234

RE: CHANGE IN OWNERSHIP FOR A29-02178 AND A29-11588

Dear Ms. Vaughn:

It has come to our attention that you may have recently purchased a tract of land in Bannock County. The property to which I am referring was most recently owned by Dale B and Marie Weston. The legal description is as follows:

T12S R37E S8 NE1/4 NW1/4
T12S R37E S8 SE1/4 NW1/4
T12S R37E S5 SE1/4 SW1/4

This property was filed on in the Snake River Basin Adjudication (SRBA), and we recommend that if, in fact, you now own the property in question, you file a "Change in Ownership" with this department in order that we may send all further correspondence to the appropriate owner(s).

Enclosed is a Change in Ownership form. Please fill out the form completely, sign and date it and return it to my attention along with a "copy" of your Warranty Deed and legal description of the property you have purchased.

If you have any questions regarding this matter, please call 525-7161.

Respectfully submitted,

Cheri Vandermeulen

Cheri Vandermeulen
Records Clerk

Enclosure(s)

SCANNED

DEC 30 2005

PROFILED

SCANNED

JUN 04 2001

Log for claim A29-02178

Spatial Dynamics TWB

5/15/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
12s37e	8	NENW	20	19	
12s37e	8	SEnw	20	13	
Totals:			40	32	

Aspen Crk is dry
the last two years 2001/2002

83AC

Pods on the
property ditches
go on east side
of Aspen Crk and
the west side of Aspen Crk
can irrigate any part of
property. Limited to
40 ACRES

Stream: Quakenasp Creek
Amount: $2/3$ of 1 cu. ft. per sec.
Use: Irrigation and domestic.
Priority: April 13, 1914.

29-02178

STATE OF IDAHO

Water License No. 10115

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

T. M. Barnes

of Downey, County of Bannock, State of Idaho, duly made application (No. 15025) to me for a permit to use $2/3$ of 1 cubic foot per second of the waters of Quakenasp 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. 10115 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 beneficial use of said water on or before the 22nd day of October, A. D. 1914, and,

WHEREAS, On the 20th day of August, A. D. 1914,

T. M. Barnes

the holder of said permit, duly made proof of the completion of adequate works for the diversion of $2/3$ of 1 cubic foot per second of said waters, as evidenced by my Certificate No. 10115 dated September 4, 1914, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use $2/3$ 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,

T. M. Barnes

the holder of said permit, duly made proof of the application to beneficial use of $2/3$ 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 T. M. Barnes

of Downey, County of Bannock, State of Idaho, the holder and owner of said Permit No. 10115, a perpetual right, dating from April 13, 1914 to the use of $2/3$ of 1 cubic foot per second of the waters of Quakenasp 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 $1/4$ of SW $1/4$, Sec. 27; from spring #1 in the SW $1/4$ of SE $1/4$ and from spring #2 in the NW $1/4$ of SW $1/4$, Sec. 28, all in T. 12 S., R. 57 E.B.M.,

and conducted to and upon 40 acres divided as follows: 20 acres in the NW $1/4$ of SW $1/4$ and 20 acres in the SW $1/4$ of NW $1/4$, Sec. 8, 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.

Herbert Wing,

APPLICATION FOR PERMIT

To appropriate the Public Waters of the State of Idaho

1. Name of applicant: T. M. 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 $2/3$ cubic feet per second.

3. Source of water supply: Quakenasp Creek and two unnamed springs (Remark 3)

4. Location of point of diversion: SE $\frac{1}{4}$ of SW $\frac{1}{4}$ Sec. 27; the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ Sec. 28 and NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Sec. 28, all in 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: E $\frac{1}{2}$ of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ and the E $\frac{1}{2}$ of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ all in Sec. 8, 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

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: none

[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 $2/3$ feet; diameter of pipe

0 inches; average grade per mile is 25 feet. Length of conduit is $4\frac{1}{2}$ 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 and the SW $\frac{1}{4}$ of Sec. 8, 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.

T. M. Barnes

Applicant.

By R. H. Palmer

Agent.

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 10115

Recorded in Book 34 Page 10115 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: The two unnamed springs are located on government land. The work on this project has been completed and water has been used for some time.

The fact that the ditch is a party ditch accounts for its large size.

Remark No. 3 4/9 sec. feet is claimed from Quakenasp Creek,
4/27 sec. ft. is claimed from unnamed spring in SW₁ of Sec. 28 and
2/27 sec. ft. is claimed from unnamed spring in SE₁ of Sec. 28, all
in T. 12 S., R. 37 E. B. M.

Proof of Completion of Works made August 28, 1914.

Certificate of Completion of Works issued September 4, 1914.

Permit No. 10115

CERTIFICATE OF COMPLETION OF WORKS

To All Whom It May Concern:

This is to certify that T. H. Barnes of Downey, County of Bannock, and State of Idaho, the holder of Permit No. 10115, issued upon Application No. 15035 bearing date of priority of April 11, 1914, authorizing the diversion of $2/3$ of 1 second foot of the waters of Quakenasp Creek and two unnamed springs. $4/9$ sec. ft. from Quakenasp Creek, $4/27$ sec. ft. from unnamed spring in SW $1/4$ of Sec. 28, and $2/27$ sec. ft. from unnamed spring in SE $1/4$ of Sec. 26, 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 $2/3$ of 1 second-foot of the waters of Quakenasp Creek and two unnamed springs; that the point of diversion of said waters is at a point in the SE $1/4$ of the SW $1/4$ Sec. 27, SW $1/4$ of SE $1/4$ of Sec. 28, and the NW $1/4$ SW $1/4$ Sec. 28, all in 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: E $1/2$ of the NW $1/4$ of the SW $1/4$ and the E $1/2$ of the SW $1/4$ of the NW $1/4$ all in Sec. 8, 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.

40 AC

1/2

1/2

REPORT OF ENGINEER

1. State name of applicant and number of permit: T.M. Barnes Per No 10115
2. State source of water supply: Quaker asp Creek and two 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 T12S R37E Thence into Cherry Creek
then diverted from Cherry Creek in NW 1/4 NE 1/4 Sec. 29 Same T & Range.
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: 1/3 "
- (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: 20 acres NW 1/4 SW 1/4 20 SW 1/4 NW 1/4 T12S R37E 8M.

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

SEP 5 1914

OFFICE OF STATE ENGINEER

Examined Sept 27 - 1914

T.M. Barnes

STATE OF IDAHO,

County of _____

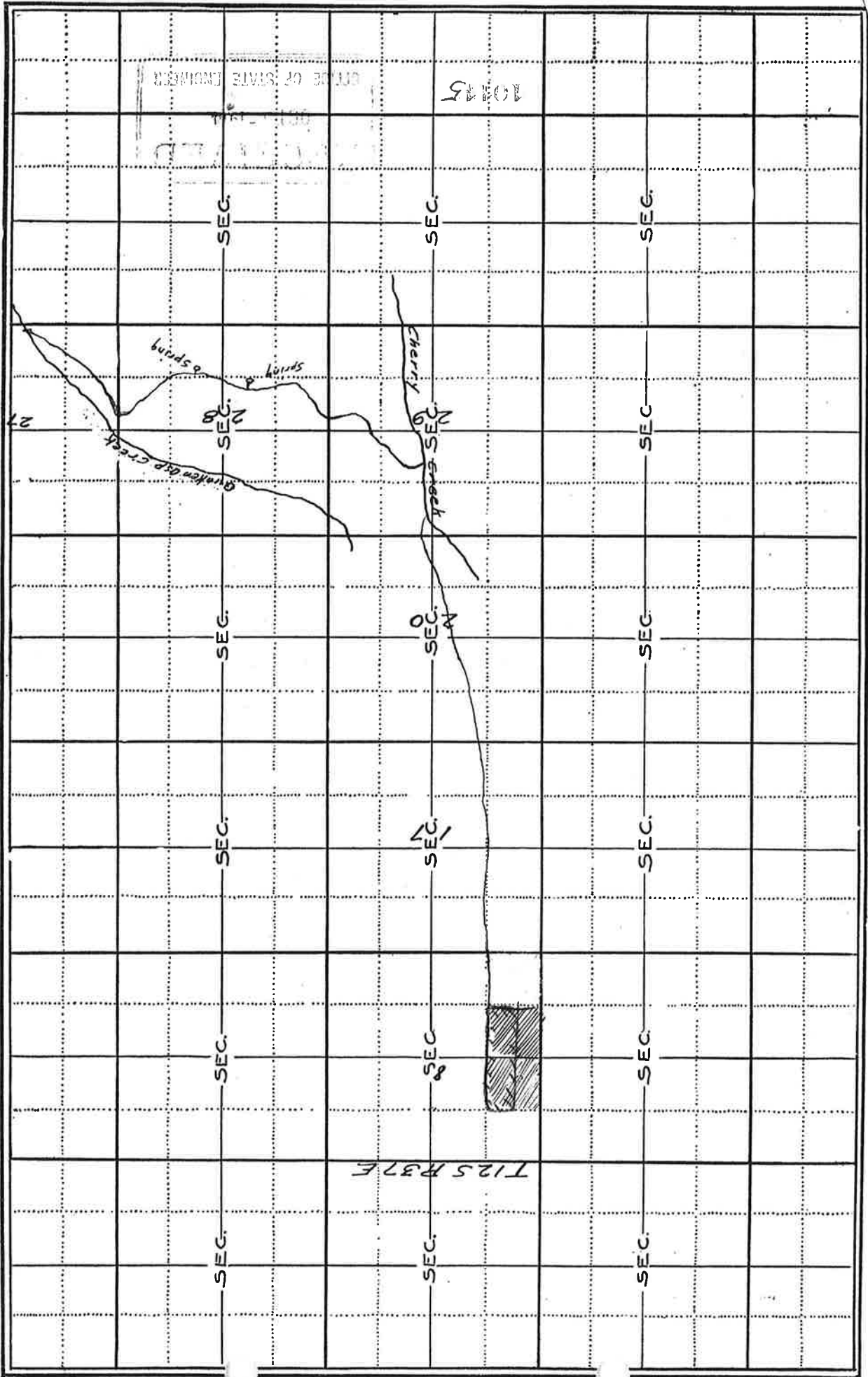
ss.

_____, 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 _____

10115 Notary Public.



AJ5809NP
No. A29-02178

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 04/24/00
PAGE: 47

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	MARIE WESTON SAGE STAR RT SAGE WY 82901 (307) 877-6189	04/13/1914	IRRIGATION DOMESTIC	00-00 00-00 00-00 00-00	0.670 CFS	
				TOTAL DIVERSION: CONSUMPTIVE USE:	0.670 CFS	100.00 AFA
C	DALE B WESTON BOX 45 COKEVILLE WY 83114 (307) 877-6109					

Water Source: ASPEN CREEK

Tributary to: MARSH CREEK

Stage: LICENSE

Point(s) of Diversion: T12S R37E S17 NENW

BANNOCK County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
12S	37E	8	:							20				20						:	40.0
																				TOTAL ACRES	40.0

Place of use location for DOMESTIC is the same location as described for: IRRIGATION

POU County: BANNOCK

Non-Irrigation Uses: STOCKWATER, 30 CATTLE

Other Rights: A29-00348A

Other Water Rights Listing Overlapping Place(s) of Use:
A29-00348A A29-11588

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

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

Misc: Water District Number: 29H Field Inspection Flag:
Presumption Flag: C

Audit: 04/20/90 DUNN 06/02/94 COX 03/29/95 POST-STD 04/13/00 CVANDERM

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 29-2178
Date Received: 4/20/1990
Receipt No: E013414
Received By:

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

1. Name of Claimant(s)

DONNA RAE VAUGHAN Phone: (208)897-5106
3459 WOODLAND RD
DOWNEY ID USA 83234

2. Date of Priority: 04/13/1914

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
12S	37E	17	NE NW	BANNOCK	

5. Description of diverting works:

HEADGATE AND DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	/	/	0.67	
DOMESTIC	/	/		

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
12S	37E	8	SE NW	IRRIGATION	20
			NE NW	IRRIGATION	20

PROFILED

Section Acres 40

Total Acres 40

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:

SOURCES ARE QUAKENASP CK. & SPRINGS
ASPEN CK. KNOWN LOCALLY AS QUAKENASP CK

15. Basis of Claim: License

60
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: A29-02178
Date Received: 4/20/1990
Receipt No: EO13414
Received By: DMS

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DALE B. WESTON 307-877-6109
Address: BOX 45
COKEVILLE, WY 83114

OR

Name: MARIE WESTON 307-877-6189
Address: SAGE STAR ROUTE
SAGE, ID 82901

2. Date of Priority: APR 13, 1914

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
12S	37E	17	NE	NW			BANNOCK

5. Description of diverting works:
HEADGATE AND DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION			0.670		
DOMESTIC					

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

8. Total consumptive use is 100.0 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER, 30 CATTLE

A2902178



10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
12S	37E	8	NE	NW		IRR	20.0
			SE	NW		IRR	20.0
Section Acres							40.0
Total Acres							40.0

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:
A29-00348A

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

15. Basis of Claim: LICENSE
Water Right Number: 10115

(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.

NOV 13 1992

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
A29-02178	12S 37E	17		NE	NW			BANNOCK		
OTHER AJ CLAIMS WITH SAME AJ POD						WR RECORDS IN SAME 40 ACRE TRACT				
A PREFIX						R PREFIX				
NONE						NONE				
						29-08143				

SOURCE: ASPEN CREEK

TRIB: MARSH 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
29-02178	12S 37E	27		SE	SW			BANNOCK		
29-02178	12S 37E	28		SW	SE			BANNOCK		
29-02178	12S 37E	28		NW	SW			BANNOCK		
OTHER WR RECORDS WITH SAME WR POD						AJ CLAIMS IN SAME 40 ACRE TRACT				
						A PREFIX R PREFIX				
29-02174						A29-02174 29-11808				
29-02175						A29-02176				
29-02176						A29-02177				
29-02177						A29-11182				
29-02187						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	17		NE	NW			BANNOCK		
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____

SOURCE: _____ TRIB: _____

REVIEWED BY: _____ DATE: _____

=====

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

A. ROOT WATER RIGHT NUMBERS: A29-02178

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
12S	37E	8	NE	NW		WESTON, MARIE	A29-02178 / 20.0	- /		27.0	
			NE	NW		VAUGHAN, DONNA	A29-00348A / 10.0	- /			
			NE	NW		WESTON, MARIE	A29-11588 / 20.0	- /			
			NE	NW		VAUGHAN, HAROLD		29-08143 / 30.0			
12S	37E	8	SE	NW		WESTON, MARIE	A29-02178 / 20.0	- /		24.0	
			SE	NW		VAUGHAN, DONNA	A29-00348A / 20.0	- /			
			SE	NW		VAUGHAN, HAROLD		29-08143 / 20.0			

ADDITIONAL POU FOUND

TOTAL ACRES A29-02178 40.00 51.00

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
A29-02178	ASPEN CREEK	WESTON, MARIE	0.670	0.016		
A29-00348A	CHERRY CREEK	VAUGHAN, DONNA	3.800	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: A29-00348A

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()

[illegible]

REVIEWED BY: _____ DATE: _____

UNCLASSIFIED
DATE 10-10-2013

50



37E
12S

127
128

127
128