

08/10/2001

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

RIGHT NUMBER: 29-2498

NAME AND ADDRESS: MID CRYSTAL FARMS
C/O HANS HAYDEN
3747 MID CRYSTAL RD
ARBON, ID 83212

SOURCE: SPRING TRIBUTARY: CLIFTON CREEK

QUANTITY: 0.05 CFS
15.7 AFY

PRIORITY DATE: 04/15/1965

POINT OF DIVERSION: T09S R34E S3 NESWSE Within POWER County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01-01 12-31	0.02 CFS
		14.50 AFY
DOMESTIC 1 HOMES	01-01 12-31	0.03 CFS
		0.60 AFY

PLACE OF USE:

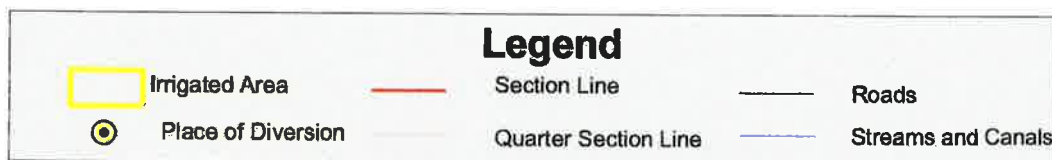
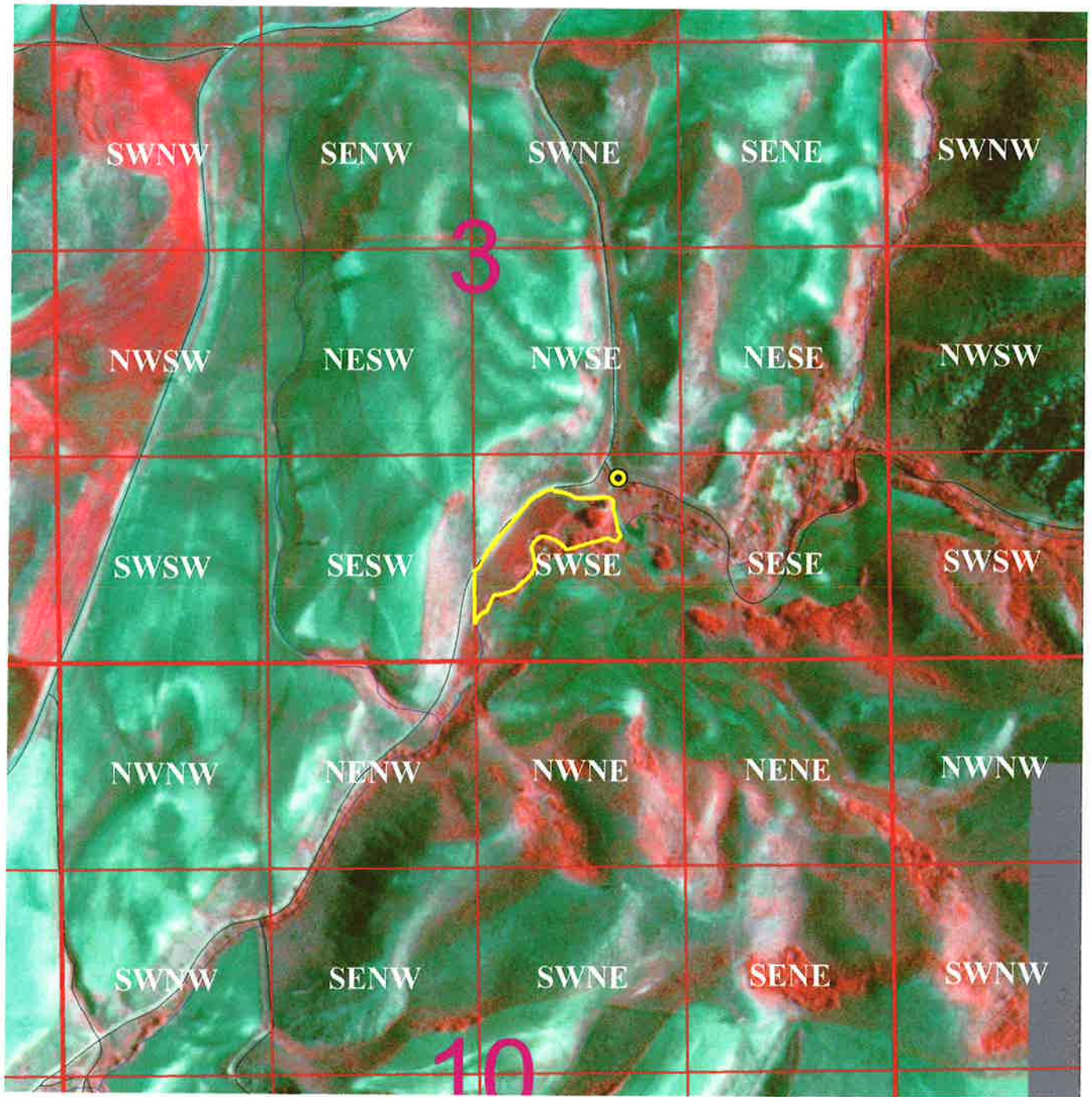
STOCKWATER Within POWER County
T09S R34E S3 SWSE
DOMESTIC Within POWER County
T09S R34E S3 SWSE

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

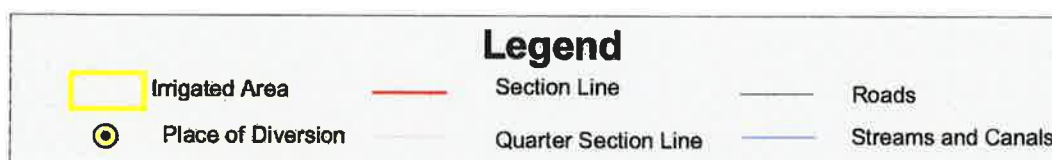
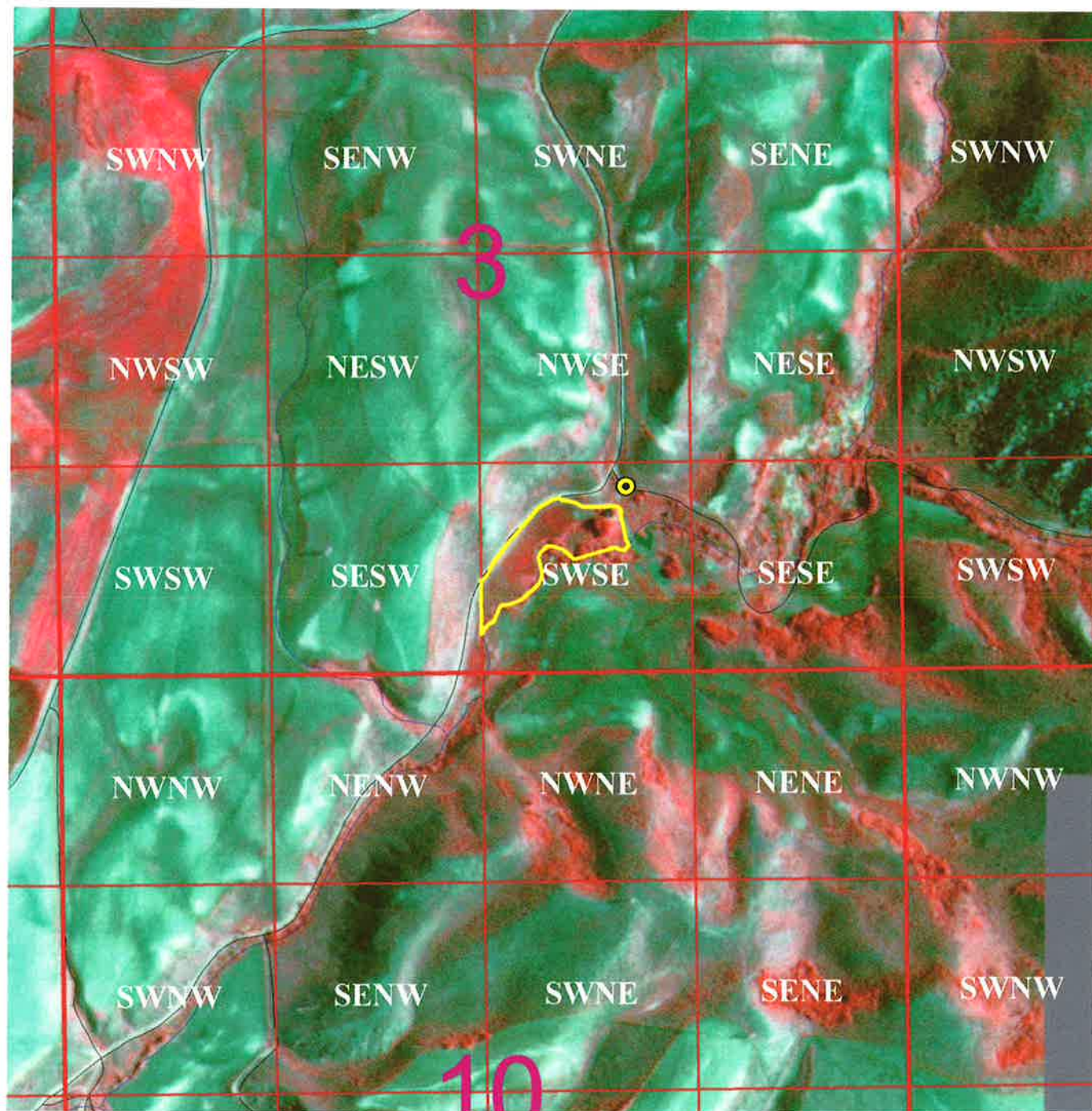
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE
EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE
ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER
THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6),
IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

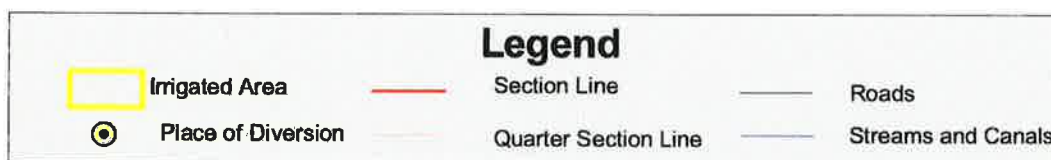
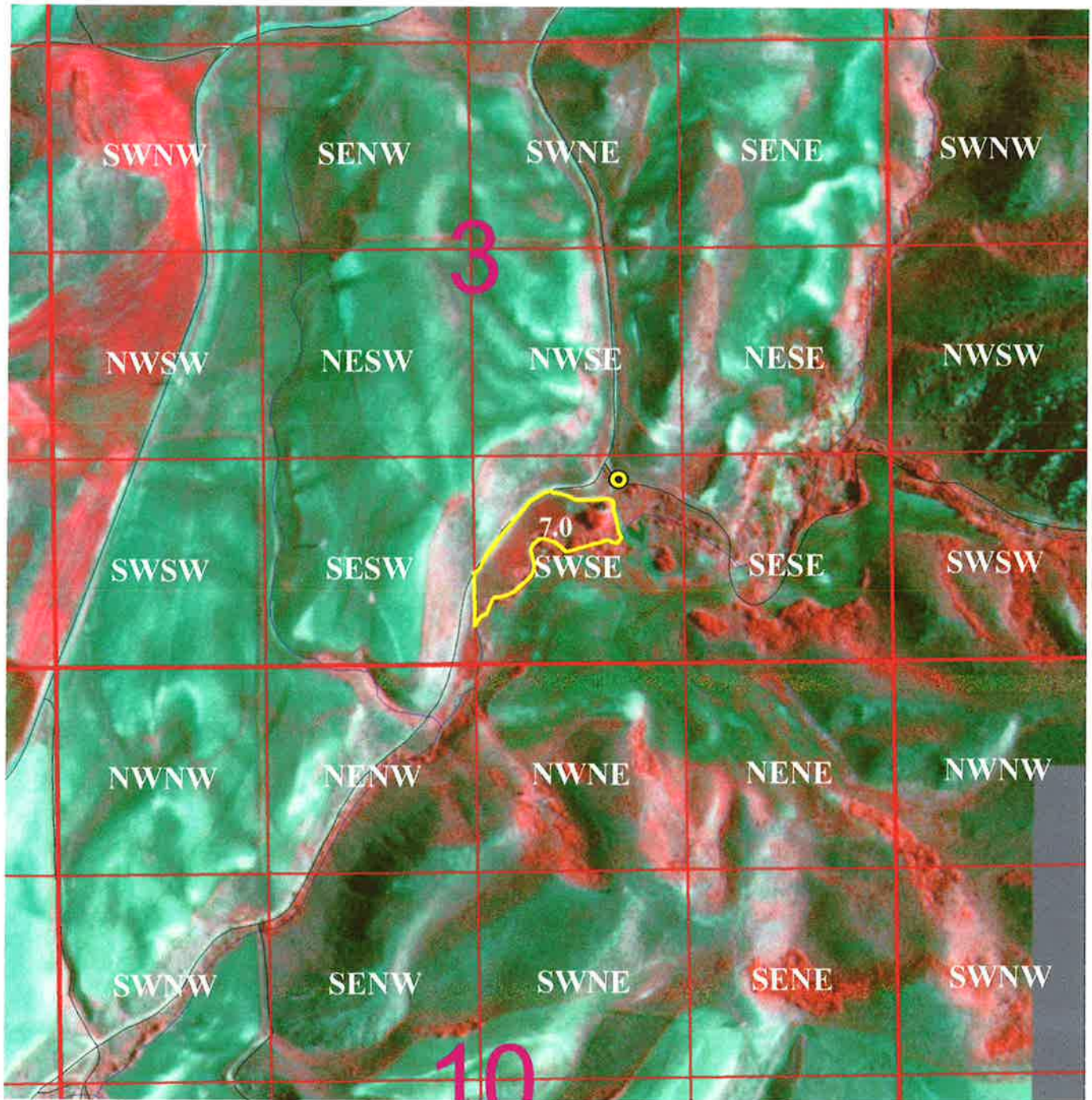
Township , 9S34E



Township , 9S34E



Township , 9S34E



900 0 900 1800 Feet



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-2498 V1

WATER RIGHT NUMBER: 29-2498 V1

Comments:

1. bcontor 8/10/2001 recommendation

Comment: See paper file 29-480

2. bcontor 8/10/2001 Irrigation

Comment: See memo in file regarding forfeiture of irrigation.

3. bcontor 8/10/2001 ~~First round answers~~

Comment: First round answers reflect the fact that somebody not to bright was not working on the file he thought he was...

4. bcontor 8/10/2001 Number of homes

Comment: Old home still exists along Clifton Creek just below current campsite.

*Conferred w/2 e-mail
w/ Candice McHugh
8/15/01
Dac*

Dates and Other Information:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Defendant:

Plaintiff:

Civil Case Number:

Judicial District:

Notice of Error Flag: C

State or Federal: S

Owner Name Connector:

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Contacts	8/10/2001 12:04:01 PM	bcontor			Active
Priority Date	8/10/2001 12:05:56 PM	bcontor			Active
POD	8/10/2001 12:25:55 PM	bcontor			Active
Source	8/10/2001 12:26:47 PM	bcontor			Active
POU	8/10/2001 12:36:43 PM	bcontor			Active
Contacts	8/10/2001 12:44:16 PM	bcontor			Active
POD	8/10/2001 12:47:30 PM	bcontor			Active
POU	8/10/2001 12:48:57 PM	bcontor			Active
Use	8/10/2001 12:50:39 PM	bcontor			Active
Season	8/10/2001 12:53:09 PM	bcontor			Active
Quantity	8/10/2001 12:53:40 PM	bcontor			Active

Summary

8/10/2001 1:00:14 PM

bcontor

8/10/2001 1:00:14
PM

bcontor

Active

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-2498 V1

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Source	8/10/2001 12:26:45 PM	bcontor	1. (NO) The basis is not beneficial use. 2. (YES) Parent right has a source. 3. (YES) The claimed source can be verified using the water right file. Comment for 7: Field inspection 8. (YES) The source is surface water. 9. (YES) The source is a standard source. 10. (NO) Source remark was not required. 11. (NO) Source condition was not required.
POU	8/10/2001 12:36:42 PM	bcontor	1. (YES) The POU is required. 2. (NO) The basis of claim is not beneficial use. 3. (YES) The Parent Right has a POU. 4. (NO) The claimed POU can not be verified using the water right file. 5. (YES) There is evidence that there has been a change in the POU. 6. (YES) The change can be verified as an accomplished transfer. Comment for 6: See paper file 29-480. GIS analysis following POU field inspection. 9. (YES) The file contains all the necessary information to verify the POU. Comment for 9: See answer to question 6. 12. (YES) POU remark was required. 13. (NO) POU condition was not required.
Contacts	8/10/2001 12:44:14 PM	bcontor	1. Appointment has been scheduled. Comment for 1: Field exam already completed. What a silly question. Contact Person: RUSSELL J HAYDEN- Contact Phone Number: HomePhone Date of Field Exam: Directions to Property: 2. A update was made to contact information. Date of Field Exam: Accompanied by: Phone Number: Relationship to claimant: Directions to Property:
POD	8/10/2001 12:47:27 PM	bcontor	1. (NO) The basis is not beneficial use. 2. (YES) Parent right has a Point of Diversion. 3. (YES) The claimed Point of Diversion can be verified using the water right file. Comment for 5: GIS, field inspection. See paper file 29-480 Comment for 6: See answer to #5 8. (NO) Point of Diversion remark was not required. 9. (NO) Point of Diversion condition was not required.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-2498 V1

POU	8/10/2001 12:48:52 PM	bcontor	1. (YES) The POU is required. 2. (NO) The basis of claim is not beneficial use. 3. (YES) The Parent Right has a POU. 4. (YES) The claimed POU can be verified using the water right file. Comment for 6: See paper file 29-480. GIS analysis following POU field inspection. Comment for 9: See answer to question 6. 12. (NO) POU remark was not required. 13. (NO) POU condition was not required.
Use	8/10/2001 12:50:36 PM	bcontor	1. (NO) The basis of claim is not beneficial use. 2. (YES) The parent right has a purpose of use. 3. (YES) The claimed purpose of Use can be verified using the water right file. 11. (NO) Purpose of Use remark was not required. 12. (NO) Purpose of Use condition was not required.
Contacts	8/10/2001 12:02:47 PM	bcontor	1. Appointment has not been scheduled. Comment for 1: Field exam already completed. What a silly question.
Contacts	8/10/2001 12:03:58 PM	bcontor	1. Appointment has not been scheduled. Comment for 1: Field exam already completed. What a silly question.
Priority Date	8/10/2001 12:05:30 PM	bcontor	1. (NO) There has not been a later court decree of the water right(s) from the water source. 4. (NO) The basis of claim is not beneficial use. 5. (NO) The basis of claim is not a posted notice. 6. (YES) Parent right has a priority date. 7. (NO) The basis of claim is not an application or permit. 12. (YES) The claim is recommended. 13. (YES) The claim is coded correctly. 14. (NO) Priority remark was not required. 15. (NO) Priority condition was not required.
POD	8/10/2001 12:20:02 PM	bcontor	Edited point location
POD	8/10/2001 12:20:43 PM	bcontor	Edited PLS
POD	8/10/2001 12:22:30 PM	bcontor	Edited point location
POD	8/10/2001 12:22:46 PM	bcontor	Edited PLS
POD	8/10/2001 12:23:43 PM	bcontor	Edited point location
POD	8/10/2001 12:23:57 PM	bcontor	Edited PLS

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-2498 V1

POD	8/10/2001 12:25:52 PM	bcontor	1. (NO) The basis is not beneficial use. 2. (YES) Parent right has a Point of Diversion. 3. (NO) The claimed Point of Diversion can not be verified using the water right file. 4. (YES) There is evidence that there has been a change in the Point of Diversion. 5. (YES) The change can be verified as an accomplished transfer. Comment for 5: GIS, field inspection. See paper file 29-480 6. (YES) The file contains all the necessary information to verify the POD. Comment for 6: See answer to #5 8. (NO) Point of Diversion remark was not required. 9. (NO) Point of Diversion condition was not required.
POU	8/10/2001 12:27:26 PM	bcontor	Edited shape boundary
POU	8/10/2001 12:27:47 PM	bcontor	Edited PLS
POD	8/10/2001 12:46:38 PM	bcontor	Edited point location
POD	8/10/2001 12:47:03 PM	bcontor	Edited PLS
Season	8/10/2001 12:53:07 PM	bcontor	1. (NO) The basis of claim is not beneficial use. 2. (YES) The parent right has a period of use. 3. (YES) The claimed Period of Use can be verified using the water right file. 12. (YES) Irrigation is the purposed use. 14. (NO) The period of use on the decree, license or transfer is not shorter on either the start or end date than allowable under IDWR's current standard. 15. (NO) Period of Use remark was not required. 16. (NO) Period of Use condition was not required.
Quantity	8/10/2001 12:53:37 PM	bcontor	1. (NO) The basis of claim is not beneficial use. 2. (NO) The basis of claim is not a posted notice. 3. (YES) The parent right has a diversion rate and/or diversion volume. 4. (YES) The claimed diversion rate and/or volume can be verified using the water right file. 7. (YES) The parent right has an annual diversion volume limit. 8. (NO) Irrigation is not a purpose of use. Comment for 8: From license 9. (NO) Quantity remark was not required. 10. (NO) Quantity condition was not required.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-2498 V1

Summary	8/10/2001 1:00:12 PM	bcontor	1. (NO) The basis of the claim is not beneficial use. 3. (YES) There is indication that there has been a five year period of continuous nonuse that could result in a recommendation of forfeiture or partial forfeiture. 4. (YES) A portion of the claim is being recommended. 5. (NO) General remark was not required. 6. (NO) Explanatory remark was not required. 7. (YES) Additional condition was required. 8. (YES) Wanted to view the recommended right. 9. (NO) This is not a split right. 10. (NO) This is not a combined right. 11. (NO) Documents were not linked or attached to this file. 12. (YES) Set the verification date.
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MEMORANDUM

To: 29-2498
Fr: Bryce Center
Date: 8/10/01

Re: Discoloration of ingestion portion

See 29-480 for notes on interview w/ Hans Hayden, see 29-2144 for letter to Russ Hayden regarding evidence of ~~poverty~~ continued use on these two nights.

Russ Hayden provided the affidavit filed with 29-2144, delivered to me by Hans Hayden. Hans related that Russ could not verify use of the spring for irrigation. When I was thru the pump house for domestic/stock was still in place and it appeared the camp ground still was occasional use, so I plan to recommend the OSS portion

Joyce O. Center

SCANNED

FEB 22 2006

PROFILED



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 3, 2001

MID CRYSTAL FARMS
C/O HANS HAYDEN
3747 MID CRYSTAL RD
ARBON ID 83212

RE: CHANGE IN OWNERSHIP FOR A29-02498 AND A29-07110

Dear Claimant:

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
Records Clerk

Enclosure: Notice(s) of Claim

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FEB 22 2000

OK Bar
8/3/2001

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided, if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
A29-02498					
A29-07110					

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

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

B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION.**

C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or SURVEY MAP clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) are for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the PLAT OF PROPERTY or SURVEY MAP.

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

Russell Hayden

4. New Owner/Claimant(s)

MID CRYSTAL FARMS (Hans Hayden)

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

New Mailing Address

City, State and ZIP Code

New Telephone Number

() _____

5. Date you acquired the property

1995 + 2000

PROFILE

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FEB 22 2006

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

INSTRUCTIONS FOR FILING NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

This form has been prepared to assist all claimants and owners of water rights to comply with the requirements of Sections 42-248 and 42-1409(6), Idaho Code. All claimants and owners of water rights are required to notify the Department of Water Resources (IDWR) of any change in mailing address or change in ownership of all or part of a water right. In addition, all purchasers of water rights within a pending general adjudication area must inquire whether a notice of claim has been filed and, if not, shall file a notice of claim if necessary.

Separate brochures are available from IDWR describing the adjudication of water rights and the requirement to notify IDWR of changes in ownership. Please contact your nearest IDWR office, or call 1-800-451-4129, if you would like more information or need help completing this form. Please attach additional sheets to the form if you require additional space to describe or explain any of the items on the form.

1. If there are water rights associated with the property, the seller should be able to provide you with the water right or adjudication claim number(s). Please enter the number(s) at **Item 1**. Corresponding water right and adjudication claim numbers should be listed next to each other on the form. You may have purchased only a portion of the water right(s) held by the seller. If so, the water right(s) held by the seller may need to be "split" to provide you your share of each right. Indicate if a split is required by checking in the space provided next to each water right.

If you receive water from a municipal provider, an irrigation district or other water delivery organization, where the water rights are held by the organization, please do not use this form to record a change. You may need to contact the water delivery organization to determine if any action is necessary.

If you or the seller believes there are water rights for the property but the numbers are unknown, you may wish to contact IDWR for assistance in identifying the water rights for the property in question. If adjudication claims for the rights are required and have not been filed, IDWR will so advise you.

2. The information described at **Item 2** is required, since IDWR cannot process the requested change without documentation of ownership. The preferred types of documentation are shown; contact IDWR if you have difficulty obtaining this information. Do not obtain a new survey for purposes of this form before contacting IDWR.
3. Please provide the name and address of the former owner/claimant(s) of the water right(s) at **Item 3**.
4. The name, mailing address, and telephone numbers of the new owner/claimant(s) is entered at **Item 4**. Please indicate the relationship between multiple owners by using the connector "and", "or", or "and/or." If an "and" is used, all parties must sign this form. If an "and/or" or "or" is used, all parties may sign; however, only one of the named parties is required to sign.
5. At **Item 5**, please provide the date the property in question was acquired. This may be the date of "closing" in the case of a real estate transaction or the date of court order for other types of ownership changes.
6. You may have purchased only a portion of the water right(s) held by the seller. If this change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. For each water right requiring a split between owners, fill in the appropriate spaces in the box(es) at **Item 6**. Copy the page as many times as necessary to fully describe each water right after the change. Include documentation as necessary to describe nonstandard agreements or arrangements regarding division of the water right(s). **If the water right(s) will not be split, skip Item 6 and go to Item 7.**
7. The new owner(s) must sign the form in the space(s) provided at **Item 7**. If an "and" connector is used at Item 4; all parties must sign this form. If an "and/or" or "or" connector is used, all parties may sign; however, only one of the named parties is required to sign. If someone other than the owner signs the notice, evidence of authority to sign for the owner must be attached. If the new owner is a corporation or other organization, the person signing the notice must be an officer of the corporation or otherwise have authority to sign for the organization and must include their title with the signature.
8. The filing fee is \$25 per water right, except for those water rights which will be divided as a result of the change in ownership. The filing fee for division of a water right is \$100 per water right to be divided. When complete, you should retain a copy and return the original of the form to the IDWR office nearest you:

FEB 22 2006

7/27/2001

To whom concerned:

I, Russell Hayden, hereby acknowledge that ownership of said water rights are to be transferred to the name of MID CRYSTAL FARMS as the land and accompanying water rights have been sold to them.

A29-02498 (Pond spring)
A29-07110 (Pond well yard and grass pasture)

Russell Hayden
Russell Hayden
Date 7/27/01

Notary *Donna Wilson*

SCANNED

FEB 22 2006



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

July 27, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

Russell Hayden
PO Box 598
SODA SPRINGS, ID 83276-0598

Re: Irrigation use; claims 29-2144, 29-2498

Dear Mr. Hayden:

Yesterday Hans Hayden took me up to the upper place where the pond and well are, and showed me the irrigated place of use for these two claims. It looked like it had been some time since water from Clifton Creek and/or the spring was applied to the hay meadow downhill of the grove where the trailer home used to sit. Hans couldn't recall exactly when it was last used.

In order to recommend this irrigation in the adjudication, I need to certify that I have investigated the possibility of the right being forfeited due to non-use. From a practical standpoint, I need to find evidence that the water was applied to those lands at some point in time during the five years prior to your filing the adjudication claims. In this case, that means sometime between March 1985 and March 1990.

Hans is coming next Friday to review some other information with me, and he will be contacting you. Could you send with him a statement regarding your irrigation of the lawn areas around the pond, well, and homesite, as well as a statement regarding your irrigation of the pasture/hay meadow downstream of the grove and homesite? The more detail you can provide, the better. Even details that only establish the date help me. Something like "My grandson John was helping me, and he got the red pickup stuck. I bought the red pickup in 1986, so it had to have been after that" would help pinpoint the date, for instance.

Please call me if you have questions. I'll be out of town 'til Thursday, but I'd be glad to visit with you then.

Sincerely,

Bryce A. Contor

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FEB 22 2006



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

July 18, 2001

HAYS HAYDEN
3746 MID CRYSTAL CREEK RD
ARBON ID 83212

RE: CHANGE IN OWNERSHIP FOR A29-02498

Dear Mr. Hayden:

It has come to our attention that you may have recently purchased a tract of land in Power County. The property to which I am referring was most recently owned by Russell J Hayden. The legal description is as follows:

T09S R34E S3 SW1/4 SE1/4

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 questions regarding this matter, please call 525-7161.

Respectfully submitted,

Cheri Vandermeulen
Records Clerk

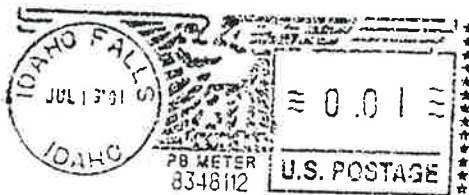
Enclosure(s)

PROFILED

SCANNED

FEB 22 2008

10w2 00 N skyline Ste A
Idaho Falls ID 83450



Hans Hayden
3747 Mid Crystal Rd
Arbon ID 83212

USPS 1997 recycled

Mr Hayden -

Next Wednesday July 25th I plan to be in the Clifton creek area, investigating place of use of irrigation claims. This is mostly a "drive-by" visit, with some walking and picture taking. It appears that you operate the Russell Hayden and Ben Hayden lands as well as your own.

If you wish to be around, please call me Monday or Tuesday at 525-7161 or 282-7846. Thank
Dyce A. Contor

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SCANNED

FEB 22 2005

Contor, Bryce

From: Contor, Bryce
Sent: Wednesday, July 18, 2001 9:43 AM
To: Contor, Bryce; Vandermeulen,
Subject: RE: Nash Carr

Could you please send a Change of Ownership letter to

Hans Hayden
3746 Mid Crystal Creek Road
Arbon, Idaho 83212

re: 29-2498

Thanks.

Bryce Contor
Idaho Department of Water Resources
bcontor@idwr.state.id.us
bcontor@hotmail.com

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

From: Contor, Bryce
Sent: Wednesday, July 18, 2001 8:50 AM
To: Vandermeulen, Cheri
Subject: Nash Carr

FYI Mrs. Carr is going to change the number on the change of ownership and mail it with a check. They don't irrigate, I was mistaken.

I contacted the owner of 29-2498 and it, too, has been sold. I'm trying to get a hold of the new owners address and when I do you can make him mad!

Thanks, Bryce

Bryce Contor
Idaho Department of Water Resources
bcontor@idwr.state.id.us
bcontor@hotmail.com

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FEB 22 2006

7/18/2001



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

July 13, 2001

NASH CARR
LEE HANSEN
2573 N MINK CREEK RD
POCATELLO ID 83204

RE: CHANGE IN OWNERSHIP FOR A29-02498

Dear Gentlemen:

It has come to our attention that you may have recently purchased a tract of land in Power County. The property to which I am referring was most recently owned by Russell J Hayden. The legal description is as follows:

T09S R34E S3 SW1/4 SE1/4

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)

PROFILED

SCANNED
FEB 22 2006

Log for claim A29-02498

Spatial Dynamics AMH

7/14/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
09s34e	3	SWSE	5	7	
Totals:			5	7	

* Talked to (New) owner 93" "Nash Carr" bought property
in 1993 from Russel Hayden (lives in Soda now)

* Co.- owner with Lee Hansen (Wyoming)

* Will Talk to Bryce to see what to do about C/O

AJ5809NP
No. A29-02498

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/23/00
PAGE: 26

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	RUSSELL J HAYDEN PO BOX 598 SODA SPRINGS ID 832760598 (208) 233-2526	04/15/1965	IRRIGATION STOCKWATER DOMESTIC	03-15 11-15 01-01 12-31 01-01 12-31	0.050 CFS 0.020 CFS 0.030 CFS	17.50 AFA 14.50 AFA 0.60 AFA
TOTAL DIVERSION:					0.050 CFS	32.60 AFA
CONSUMPTIVE USE:						15.00 AFA

Water Source: SPRINGS

Tributary to: CLIFFTON CREEK

Stage: LICENSE

Point(s) of Diversion:

T09S R34E S03

NESWSE

POWER 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	
09S	34E	3	:																	
																			05	5.0
																			TOTAL ACRES	5.0

Place of use Legal Description for: STOCKWATER

				NE				NW				SW				SE				
T	R	S		NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	
				Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
09S	34E	3	:																	

Place of use Legal Description for: DOMESTIC

				NE				NW				SW				SE				
T	R	S		NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	
				Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
09S	34E	3	:																	

POU County: POWER

Non-Irrigation Uses: D/1HOME S/2HORSES FISH POND

Other Rights: A29-07110 IN SAME 1/4 SECTION BUT NOT DOMESTIC.

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
A29-07110 A29-07272

Other Water Rights Listing Overlapping Place(s) of Use:
A29-02144 A29-02564 A29-07110

Remarks: GEN **MODIFIED ADDRESS 3/19/96/JT**

AJ5809NP
No. A29-02498

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/23/00
PAGE: 27

=====

Dates:	Exam Made Date:	Verified Date:	Objection Filed Date:
Misc:	Water District Number:	Field Inspection Flag:	Presumption Flag:
Audit:	03/07/90 HAUMANN	07/13/94 COX	03/29/95 POST-STD 03/19/96 JTHOMPSO

State of Idaho
Department of Water Administration

LICENSE OF WATER RIGHT

License of Water Right No. 32321/29-2498 Priority April 15, 1965 Amount 0.05 cfs

THIS IS TO CERTIFY, that Russell J. Hayden
of Pocatello, Idaho, has complied with the terms and conditions of Permit
No. 32321/29-2498 issued pursuant to Application for Permit dated April 15, 1965
and has submitted proof to the Department of Water Administration on February 27, 1969
that he has applied water to a beneficial use; an examination by the Department indicates that the
works have a capacity of 0.05 cfs, and that the water has in fact been applied to a
beneficial use; a right to the use of water from unnamed springs
tributary of Clifton Creek, is hereby confirmed in the following amounts:
Amount 0.05 cfs for irrigation from Mar. 15 to Nov. 15 (both dates inclusive)
Amount 0.03 cfs for domestic from Jan. 1 to Dec. 31 (both dates inclusive)
Amount 0.02 cfs for stockwater from Jan. 1 to Dec. 31 (both dates inclusive)
Subject, however, to the condition that no more than 0.05 cfs of water be diverted at
any one time, said waters to be diverted within the

SW 1/4 Sec. 3, Twp. 9 S, Rge. 34 E, B.M.

in the county of Power; and that the amount of water so diverted and to which such
right is entitled and confirmed is for the purposes aforesaid and is limited to the amount which can
actually be beneficially used and shall not exceed 17.5 acre feet per year or
3.5 acre feet per acre, for irrigation use, 0.6 acre feet per year for
domestic use and 1.5 acre feet per year for stockwater use with the total amount not
Description and location of place of use: to exceed 32.6 acre feet per year.

TWP	RANGE	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
9 S	34 E	3															5		5
																	X		

Total number of acres irrigated 5

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands
or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 20 day of

January, 19 72


Director

29 2498

Application For Permit
To Appropriately Use the Public Waters of the State of Idaho

APPLICATION NO. 40469
PERMIT NO. 32321
DISTRICT NO.

1. Name of Applicant: Russell J. Hayden

Postoffice address: Mink Creek Road
Pocatello

County: Bannock

State: Idaho

I. If applicant is a corporation, give:

- (a) Date and place of incorporation:
- (b) Amount of capital stock:
- (c) 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) Bond to be issued:
- (d) Other resources:

2. Quantity of water claimed: 14 cubic feet per second.

3. Source of water supply: Springs which is a tributary of Clifton Creek

4. Location of point of diversion: feet distant from the

corner of Section 3, T. 9 S., R. 34 E., B.M., and is in the SW $\frac{1}{4}$ SE $\frac{1}{4}$

of section 3, T. 9 S., R. 34 E., B. M., County of Power

5. Water is to be used for Domestic, trees, stock watering, irrigation

6. If for mining, milling, power or manufacturing purposes, give:

(a) Point of use of water: feet distant from corner of Section

T., R., B.M., in the of Section of, T., R., B.M.

(b) Amount of power generated: H.P., under feet head.

(c) Water is to be returned to at a point feet

distant from the corner of Section, T., R., B.M., in the
of Section, T., R., B.M.

7. Estimated cost of works: \$ 200.00

8. Kind of works: Diversion headgate and pipe

9. Height of dam 6 feet; length of dam at top 50 feet; length of dam at bottom 5
feet; material used in dam: Dirt Fill

10. Size of headgate: Width 50 feet; height 6 feet.

11. Ditch: Width at bottom fee; width at water line feet; depth of water feet;
dimensions of flume:

Diameter of pipe inches; length of conduit 200 ft. miles.

Average grade per mile feet.

12. The time required for the completion of such work is 2 years.

13. The time required for the complete application of the water to the proposed use is 2 additional years.

14. The land to be irrigated is described in the following tabulation: See remarks.

6. If for mining, milling, power or manufacturing purposes, give:

(a) Point of use of water:

feet distant from

corner of Se.

T.

, R.

, B.M., in the

of Section of

, T.

, R.

, B.M.

(b) Amount of power generated:

H.P., under

feet head.

(c) Water is to be returned to

at a point

feet

distant from the

corner of Section

, T.

, R.

, B.M., in the

of Section

, T.

, R.

, B.M.

7. Estimated cost of works: \$ 200.00

8. Kind of works: Diversion headgate and pipe

9. Height of dam 6 feet; length of dam at top 50 feet; length of dam at bottom 5 feet; material used in dam: Dirt Fill

10. Size of headgate: Width 50 feet; height 6 feet.

11. Ditch: Width at bottom fee; width at water line feet; depth of water feet; dimensions of flume:

Diameter of pipe inches; length of conduit 200 ft. miles.

Average grade per mile feet.

12. The time required for the completion of such work is 2 years.

13. The time required for the complete application of the water to the proposed use is 2 additional years.

14. The land to be irrigated is described in the following tabulation: See remarks.

15. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: #8509

- (b) Name of Reservoir and number of Storage Permit:
(c) Date of filing of Application for State Permit and Name of Applicant:

BE IT KNOWN THAT The undersigned hereby makes application for permit to appropriate the public water of the State of Idaho as herein set forth.

s/ Russell J. Hayden Applicant.

By

Agent.

Date of first receipt at Department of Reclamation: 9:00 A.M. April 15, 1965

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is 32321

Recorded in Book 113 Page 32321 Approved April 16, 1965

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 16, 1965 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 April 16, 1966

The whole of said work to be completed on or before April 16, 1967

Beneficial use of water appropriated in accordance herewith, to be made on or before April 16, 1969

WITNESS My hand this 16th day of April, 1965

s/ CARL E. TAPPAN
State Reclamation Engineer.

IN TESTIMONY WHEREOF, WE, ROBERT E. SMYLIE, Governor of the State of Idaho, and ARNOLD WILLIAMS, Secretary of State of the State of Idaho, have caused this instrument to

be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 16th

day of April, 1965.

STATE OF IDAHO

Countersigned:

(SEAL)

By s/ ARNOLD WILLIAMS
Secretary of State.

By s/ ROBERT E. SMYLIE
Governor.

REMARKS: These are springs that rise entirely on lands owned by the applicant and will be diverted before it reaches the main tributary of Clifton Creek which is also within the bounds of the same property. These springs have been used for domestic use for some 50 years by previous owners of the same land. They are known as the Fannin Springs or Wolverton Springs. Two one hundredths cu.ft. sec. (.02) is to be appropriated for domestic use such as the watering of wind breaks, garden, house and stock watering. Twelve (.12) cu.ft. sec. irrigation of those six acres of land in the SW $\frac{1}{4}$, SE $\frac{1}{4}$ Sec. 3 *

Twp.	Range	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
9 S.	34 E.	3	*lying west of Clifton Creek, South of the Springs, East of County road, and North of the South Sec. line of Sec. 3.																
			Permit No. 32321																
			CERTIFICATE OF COMPLETION OF WORKS																

Permit No. 32321

CERTIFICATE OF COMPLETION OF WORKS

TO ALL WHOM IT MAY CONCERN:

This is to certify that RUSSELL J. HAYDEN of Pocatello, County of Bannock, and State of Idaho, the holder of Permit No. 32321, issued upon Application No. 40469 bearing date of priority of April 15, 1965, authorizing the diversion of 0.14 second feet of waters of Springs, County of Power, State of Idaho, for domestic, trees, stock watering, and irrigation 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 0.14 second feet of the waters of Springs, tributary of Clifton Creek; that the point of diversion of said waters SW $\frac{1}{4}$ 4SE $\frac{1}{4}$, Sec. 3, T. 9 S, R. 34 E, B.M., that the lands proposed to be irrigated by the use or place of use of said water are described as follows, to-wit: SW $\frac{1}{4}$ 4SE $\frac{1}{4}$, Sec. 3, T. 9 S, R. 34 E, B.M.

Proof of Completion of Works made: January 10, 1967.

Witness my hand this 2nd day of February, A.D. 1967.

S/ R. KEITH HIGGINSON
State Reclamation Engineer

LICENSE ISSUED FOR 0.05 SEC. FT.
LICENSE PAG: NO.

233-2526

34E

233-2911

Cliffton Creek

Area = 5 acres

$Q = .05 \text{ c.f.s.}$

$V = 17.25 \text{ AF}$

Acres Reg. 3.5

95

Permit No. 23321/22-2423 29 233-2526

Name of Applicant Russell J. Hayden Link Creek Road, Pocatello, Idaho

Source of Water Springs BY THE TRAILER DOMESTIC

a tributary of Cliffton Creek RUN INTO TANK WITH PUGSSON

Location of P.D. SW 1/4 SEC. 3, T. 28, R. 34E Power County TANK

Water is used for Domestic, stockwatering, & irrigation (proof forms indicate fish ponds)

Quantity of water claimed: Permit .14 c.f.s. Depositions .049 c.f.s.

Type of measuring device installed or method of measurement and general description of diversion works dam, diversion headgate, pipe

overflow ditch, diversion pond 150' wide, 10' long and 10' deep

no measuring device required

Land to be irrigated or place of use:				Description
TWP.	RGE.	SEC.		
28	34E	3	SW 1/4 SEC.	

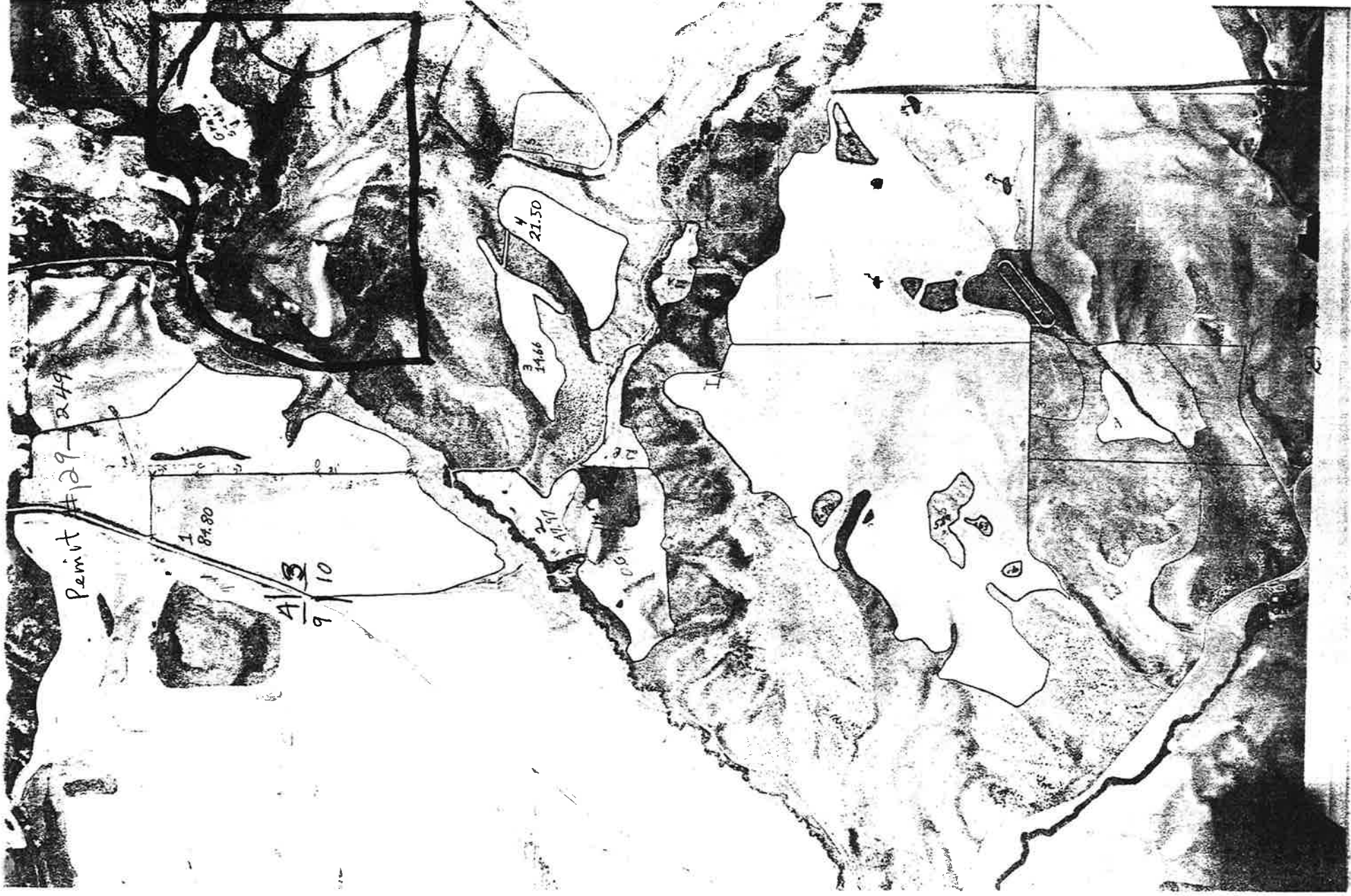
Total acreage 6-permit proof indicates 5

Date Filed: April 15, 1965 Date Due: April 16, 1969

Date Made: February 27, 1969 Priority: April 15, 1965

Other rights and acreage covered: (Indicate amounts, source, licensed or decreed, and acreage covered by subdivision; also show land covered on the map.)

None







State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

March 5, 1996

KARL J. DREHER
DIRECTOR

RECEIVED

MAR 13 1996

RUSSELL J HAYDEN
PO BOX 598
SODA SPRINGS ID 83276-0598

Department of Water Resources

Re: Snake River Basin Adjudication (SRBA) ✓
Notice of Claim No. A29-00480, A29-07111, A29-02498,
A29-07272, A29-02509, A29-02564 & A29-04022
Change of Address

Not modified - as 3-14-96.

Dear Claimant,

IDWR has been notified the address presently in our claim records is incorrect. Although we have reached you at the address above, we need you to confirm this is your correct mailing address. Future notices related to your SRBA claim can be sent only to the address on your claim or as otherwise changed by you. The staff of this agency must avoid relying upon the word of others about your mailing address.

If the address above is correct, please sign your name at the bottom of this letter, and return it to this office. Otherwise, please make the proper corrections, sign, and return this letter. Thank you for your help. We hope to assure that you receive future notices about SRBA matters.

If the ownership of the property to which the water right(s) referenced above apply has changed, please call this office toll-free at 1-800/451-4129 to obtain a form to make this required change to the claim record.

Sincerely,

Adjudication Bureau Staff

SO:ss:region

#####

The address is correct as shown above or as otherwise changed.

Claimant

Russell J Hayden

MICROFILMED
NOV 13 1996

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 29-2498
Date Received: 3/7/1990
Receipt No: M006179
Received By:

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

1. Name of Claimant(s)

MID CRYSTAL FARMS Phone: (208)335-2152

C/O HANS HAYDEN
3747 MID CRYSTAL RD
ARBON ID 83212

2. Date of Priority: 04/15/1965

3. Source: SPRINGS Trib. to: CLIFTON CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
09S	34E	3	NE SW SE	POWER	

5. Description of diverting works:

WELL HOUSE, PRESSURE SYSTEM, 1.5" SOURCE PIPE AT SPRING DISCHARGE.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	0.05	17.5
STOCKWATER	1/01	12/31	0.02	14.5
DOMESTIC	1/01	12/31	0.03	0.6

7. Total Quantity Appropriated is:
0.05 C.F.S. and/or 32.6 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
----------	-------	---------	----------------	-----	-------

09S

34E 3

SW

SE

IRRIGATION

5

STOCKWATER
DOMESTIC

Section Acres

5

Total Acres

5

11. Place of use in counties: POWER

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

13. Other Water Rights Used:

14. Remarks:

MODIFIED ADDRESS 3/19/96/JT

15. Basis of Claim: License

SCANNED
FEB 22 2008

Original in 29-2144 AT file



Bryce A. Connor
Notary Public
Residing at Mud Lake ID
Commission Expires 10/14/05

Signed before me 7/24/01, Identification
ID No 01 X12 06631G.

[Signature]

We hereby apply for all claims of
Dana Hayden, Mid Capital Farms, Twin Hayden
on Clintonville & Rattlesnake, be applied as
"Permissible Place of Use" about all
water rights can be used on any land in said
ownership.

To concerned:

7/24/01

SCANNED

MAY 10 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: A29-02498
Date Received: 3/07/1990
Receipt No: M00 6179
Received By: R. W. H.

(Lee Hansen)

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: RUSSELL J. HAYDEN
Address: 2573 N.MINK CREEK RD.
POCATELLO, ID

/ Nash Carr

208-233-2526

83204

233-3518

A2902498



2. Date of Priority: APR 15, 1965

3. Source: SPRINGS

Trib. to: CLIFFTON CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
09S	34E	3	NE	SW	SE		POWER

5. Description of diverting works:
WELL HOUSE, PRESSURE SYSTEM, 1.5" SOURCE PIPE AT SPRING DISCHARGE.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.050		17.50
STOCKWATER	01/01	12/31	0.020		14.50
DOMESTIC	01/01	12/31	0.030		0.60

7. Total Quantity Appropriated is:
0.050 C.F.S. (and/or) 32.60 A.F.A.

8. Total consumptive use is 15.0 Acre Feet Per Annum.

9. Non-irrigation uses:
D/1HOME S/2HORSES FISH POND

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
09S	34E	3				DOMEST	

A29-02498

Page 1

Date: 03/07/90

MICROFILMED

NOV 13 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09S	34E	3	SW	SE		STOCK IRR	5.0
						Section Acres	5.0
						Total Acres	5.0

11. Place of use in counties: POWER

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

13. Other Water Rights Used:

A29-07110 IN SAME 1/4 SECTION BUT NOT DOMESTIC.

14. Remarks:

15. Basis of Claim: LICENSE

Water Right Number: 32321

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): Russell J. Hayden Date: 3/7/90
_____ Date: _____

State of Idaho)
County of Poun) SS.

Subscribed and sworn (or affirmed) before me this 7 day

of mar 19 90

John John Carter
Notary Public

Seal

Residing at Bojoe Tel

My Commission Expires 4/2/94