

10/04/2002

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

RIGHT NUMBER: 29-4042

NAME AND ADDRESS: JOYCE ORDERS
1744 S OLD HWY 91
MC CAMMON ID 83250

SOURCE: UPPER ROCK CREEK

TRIBUTARY: PORTNEUF RIVER

QUANTITY: 0.64 CFS

PRIORITY DATE: 06/01/1955

POINT OF DIVERSION:

T08S R36E S12 SENENW Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

0.640 CFS

PLACE OF USE:	T08S R36E S11	NENE	4.3	T08S R36E S11	NWNE	0.4
	T08S R36E S11	SENE	12.6	T08S R36E S11	NWSE	7.6
	T08S R36E S11	SWSE	6.9	T08S R36E S11	NWSE	7.6

31.8 ACRES TOTAL

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

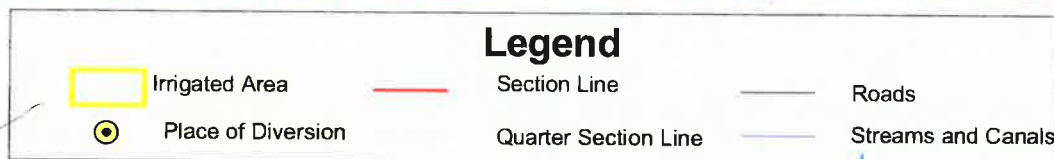
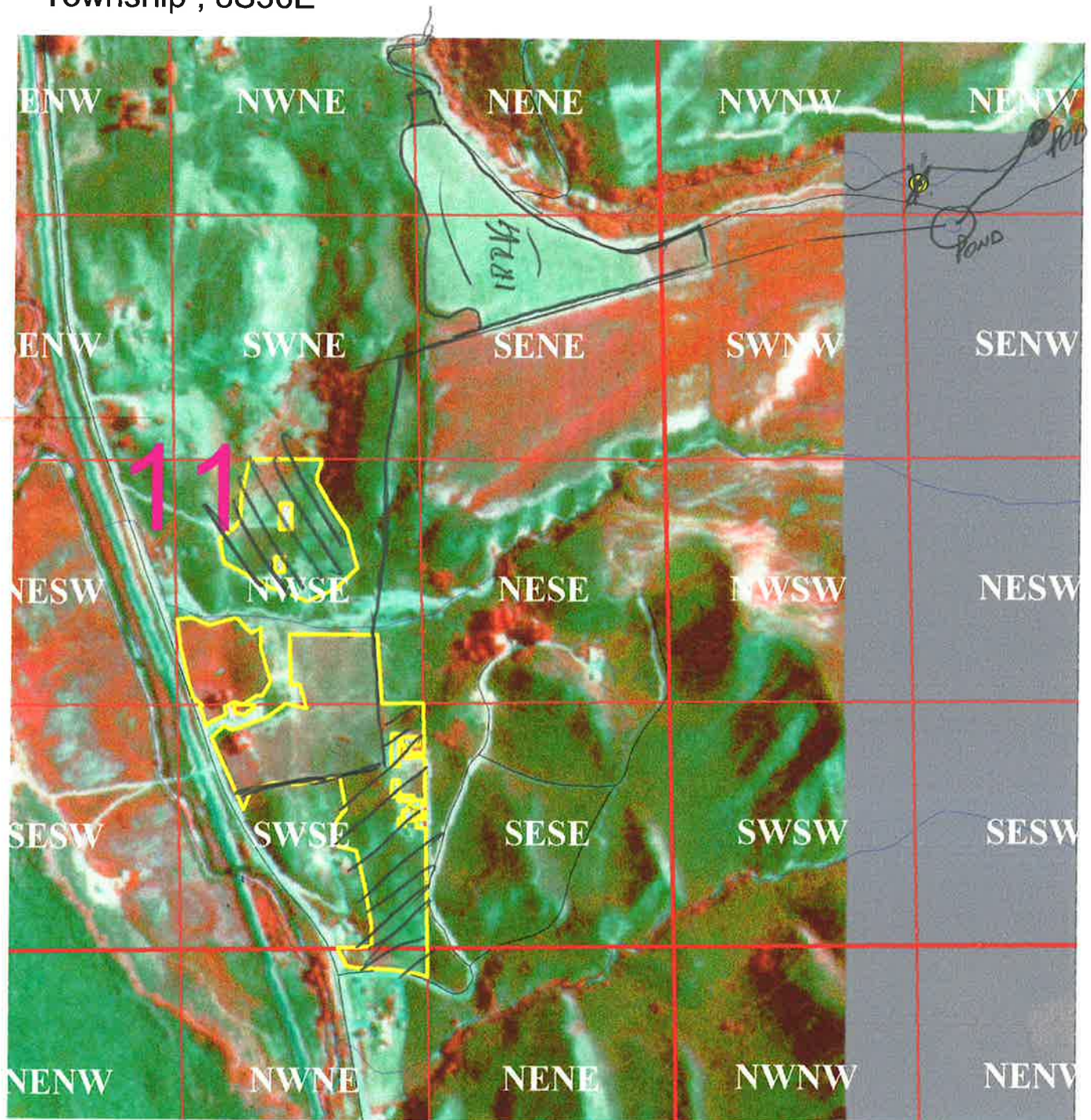
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: Beneficial Use

Water Right Claim Number A29-04042

08/11/2000

Township , 8S36E



700 0 700 1400 Feet

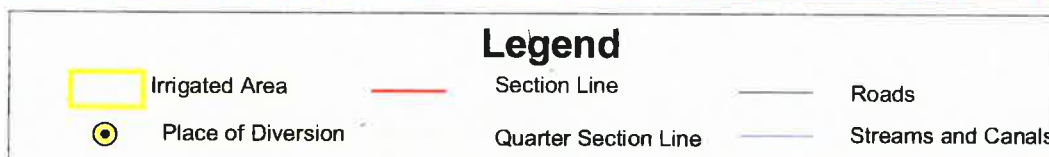
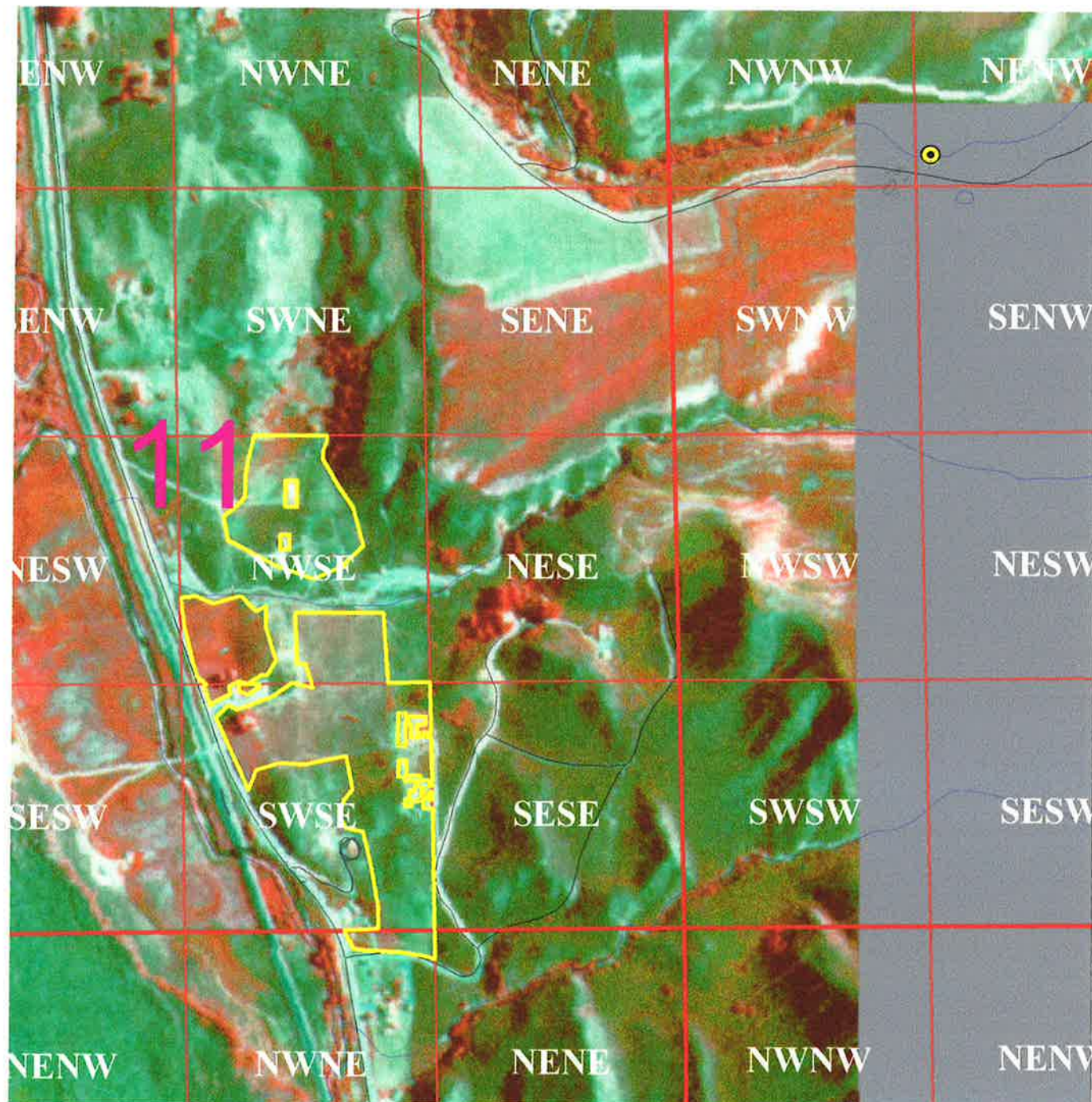


10/3/02
WAS

Water Right Claim Number A29-04042

08/11/2000

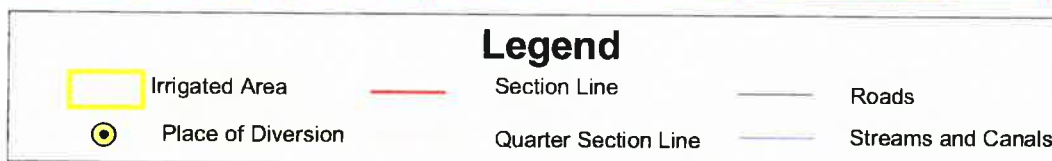
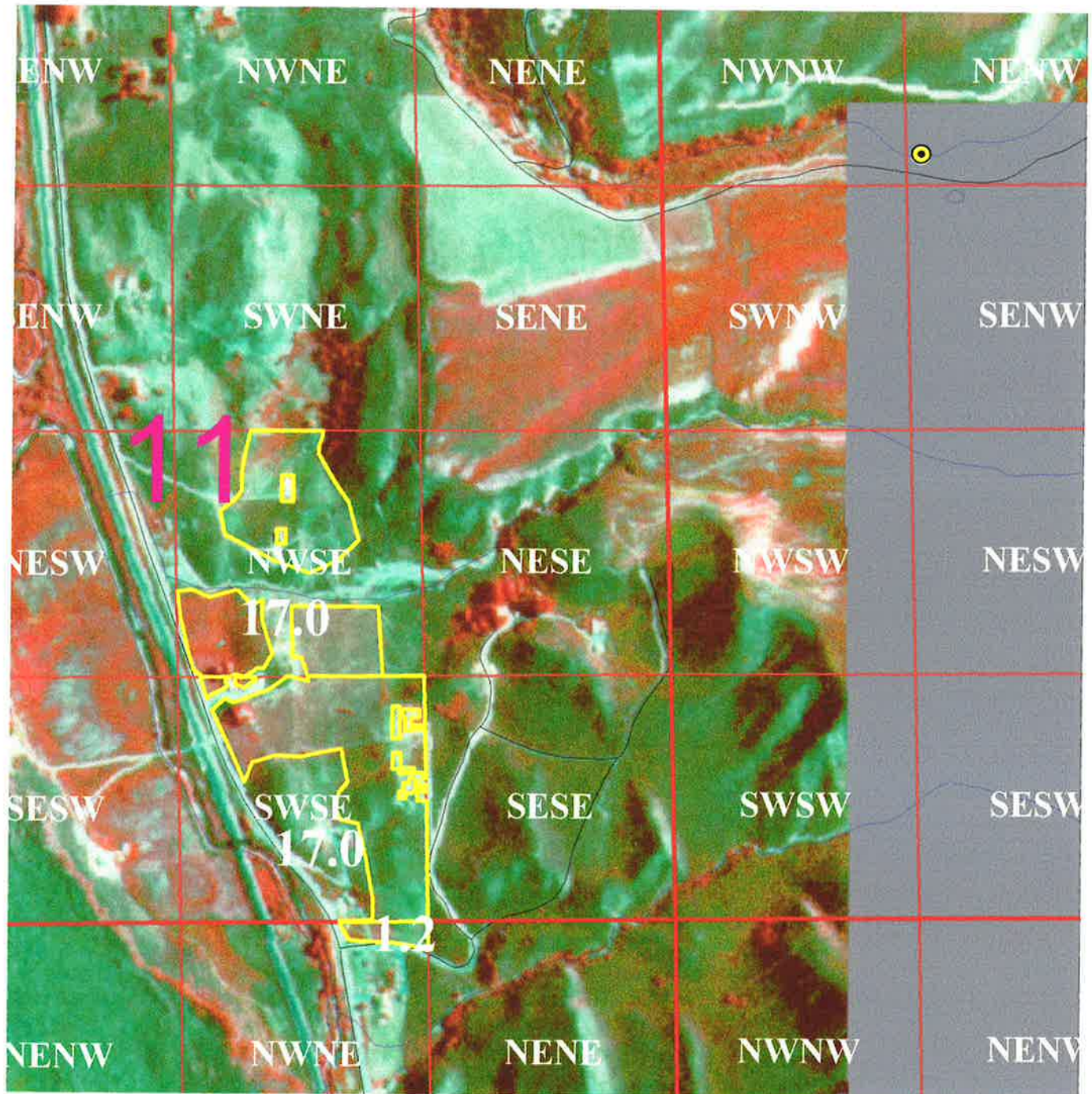
Township , 8S36E



Water Right Claim Number A29-04042

08/11/2000

Township , 8S36E



FIELD AMENDMENT FORM

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): *T Joyce Orders* Date: *10/3/02*
 _____ Date: _____

For Organizations:

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

 Signature of Authorized Agent

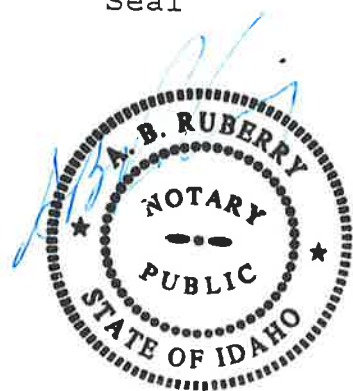
 Title and Organization

 Date

State of Idaho)
 County of *Bonneville*) SS.

Subscribed and sworn (or affirmed) before me this *3rd* day
 of *October* 20 *02*
Aaron B. Ruberry
 Notary Public

Seal



Residing at *Bonneville Rd*
 My Commission Expires *9/23/03*

NOTE:
 THIS AMENDMENT CORRECTS CLAIMED
 PLACE OF USE. NO CHANGE TO ACRES.

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 MAR 08 2006



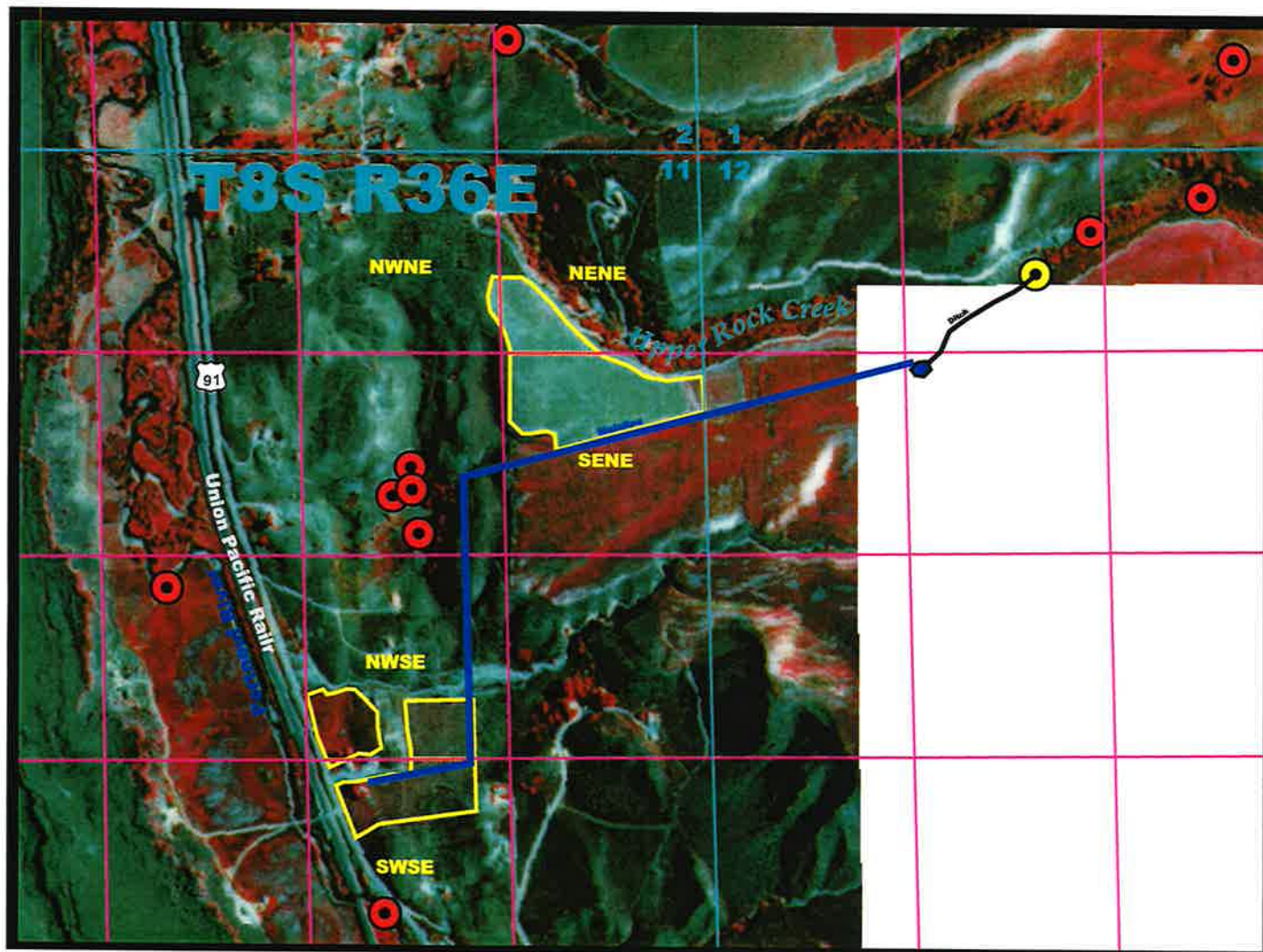
MAR 08 2006

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State of Idaho

Department of Water Resources

Eastern Region



Water Right(s):
29-04042

Place of Use: (parts of)
T8S, R36E Sec. 11
E2NE, NWNE, W2SE

Point(s) of Diversion: T8S, R36E
Sec. 12 SENENW



LEGEND

-  **Point of Diversion**
-  **SESE** **Place of Use**
-  **Section**
-  **Quarter-Quarter**

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Joyce Orders
29-04042

NWNE
0.4

NENE
4.3

SENE
12.6

NWSE
7.6

SWSE
6.9

91

Union Pacific Rail

Portnevo River

Black

Maintenance

Contacts Data Entry Form

29-04042

Owner Type	Full Name	Address	City	State	Zip	Phone
Current Owner	Joyce Crooks					
Name connector: and ____, or ____, and/or ____						
Current Owner						
Current Owner						

Representing Attorney: _____ Phone Number: _____

Accompanied By: Joyce Phone Number: _____Relationship to Claimant: OwnerDate of Field Exam: 10/3/02 Time: _____

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

Met Joyce Crooks as Appointor. Discussed claim
and apparent errors. Visited POU's/POD Pond.
Discussed Amendment to contract POU CQ's. No change
to Annos

Reviewer: _____

Date: _____

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Priority Date Data Entry Form

Claim Number: _____

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: 6/1/55 Claimed Basis: B4Recommended Priority Date: 6/1/55 Recommended Basis: B4☐ Use Claimed Priority Date and Basis as Recommended Priority Date and Basis

Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

Statement from Bill Dahlus confirms use
from some 40 yrs dating to ~1955 (statement
dated 1995.)

Reviewer: _____

Date: _____

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Point of Diversion and Source Data Entry Form

Claim Number: _____

Water Right Point of Diversion: T____, R____, Sec.____,____,____,____. County: _____

Source: _____ Tributary: _____

Claimed Point of Diversion: T 83, R 368, Sec. 12, S15, N15, NW. County: BannerSource: Upper Rock Creek Tributary: Pontreux River

Recommended Point of Diversion: T____, R____, Sec.____,____,____,____. County: _____

Source: _____ Tributary: _____

Use Claimed POD and Source as Recommended POD and Source

Twp	Rge	Sec	Gov Lot	OOQ of QQ of Q	County	Source
_____	_____	_____	_____	_____	_____	_____
GPS Coordinates: _____						
_____	_____	_____	_____	_____	_____	_____
GPS Coordinates: _____						
_____	_____	_____	_____	_____	_____	_____
GPS Coordinates: _____						
_____	_____	_____	_____	_____	_____	_____
GPS Coordinates: _____						
_____	_____	_____	_____	_____	_____	_____
GPS Coordinates: _____						
_____	_____	_____	_____	_____	_____	_____
GPS Coordinates: _____						

Other rights from this POD? _____

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

Transfers Changing POD _____

Reviewer: _____

Date: _____

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Place Of Use Data Entry Form

Claim Number: _____

_____ Use Claimed POU as Recommended POU

Claimed Place of Use

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

Total Acres _____

Recommended Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
85	36E	11	NE	NE	Bann	1	4.3	Amis.
			SE	NE			12.6	
			NW	NE			0.4	
			NW	SE			7.6	
			SW	SE			6.9	

Total Acres 31.8

Document how the POU was verified:

Ammonoo claim (K102 Ammonoo) to amend POU
as shown during field exam

Transfers Changing POU _____

Reviewer: _____

Date: _____

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Period of Use and Quantity Data Entry Form

Claim Number: _____

☐ Use Claimed Period of Use and Quantity as Recommended Period of Use and Quantity

Water Right Period of Use and Diversion Rate

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

Overall Diversion Rate _____ Overall Diversion Volume _____

Claimed Period of Use and Diversion Rate

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

Overall Diversion Rate _____ Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
<i>Brms</i>	<i>4/1</i>	<i>10/31</i>	<i>0.64</i>	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Overall Diversion Rate *0.64* Overall Diversion Volume _____

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

318 ac (32) @ 0.02 = 0.64

Reviewer: _____

Date: _____

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IDAHO DEPARTMENT OF WATER RESOURCES

SNAKE RIVER BASIN ADJUDICATION - BASIN 29



RIGHT ID 29 4042
POD ID 203367
Quad McCammon
Claim Type L
Easting 647816
Northing 184288
GPSID A0012640

Diversion Description

12" PIPELINE TO RESERVOIR. Pipeline begins approx. 100 ft. downstream from culvert under road. Dam is at culvert.

NO WAY
IT'S ABOUT 20'

Assumptions

Calculate flow using orifice equation with 1 foot head over 1 foot diameter pipe.

Invoice #

Phase-0 (No Attention)
Phase-I (Ready to Go to Field)
Phase-II (Site Visit - Data Missin
Phase-III (Complete w/issues)
Phase-IV (Total Complete)

Linked

OD ID 203367 01.JPG

OD ID 203367 03.JPG

Photos

OD ID 203367 02.JPG

EPE (ft)

Date (M/D/Y)

Time

Flow Rate (CFS)

EPE=18 ft. (ho

10/11/01

3.7167607145201

Wow!

Open Channel Flow

☒ Complete one box from both Area and Calculation sections

Cross Sectional Area

☐ Circular Channel

- ☐ Less than half full
- ☐ Half full
- ☐ More than half full
- ☐ Full

Diameter 1

Depth

☐ Rectangular Channel

Width

Depth

Flow Calculation

☐ Continuity

Velocity

0

☒ Orifice

(Use only for head over a pipe flowing full with free discharge)

Depth of Water above orifice centerline 1

☐ Weir

(Use only for water flowing freely over weir)

Height of water above nappe

Width of weir

☐ Manning (If used, include photo of representative channel section)

Channel Slope

Channel Description	Concrete lined	.016
	Smooth earth	.025
	Earth	.033
	Rough bed, weeds on sides	.04
	Smooth natural stream	.033
	Rough natural stream	.1

Pumped System

HP

Pressure Head (psi)

Elevation Head (ft)

Motor Mfg

Motor Serial #

Pump Type

Pump Mfg

Pump Serial#

New Contact Information

☒

New Contact Comments

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SCA **INTREPID**
Engineering Services, Inc. (IES)
Enabling People and Solutions

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State of Idaho

DEPARTMENT OF WATER RESOURCES

15 West Center Street, Soda Springs, ID 83276

Phone: (208) 547-3993 Fax: (208) 547-3939 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 13, 2002

Joyce Orders
1744 S. Hwy 91
Inkom, ID 83245-1700

RECEIVED
FEB 19 2002

Department of Water Resources
Eastern Region

REF: Claim 29-4029

?
⇒ 29-04042

Subject: Transfer 2346

Dear Joyce,

I enjoyed meeting you today and wanted to follow up with our discussion on water right 29-4029. You explained that the water has been used in the NENE, SENE, NWSE and the SWSE of section 11, township 8 south, range 36E and has been for quite some time. As I explained to you, your Snake River Basin Adjudication claim wasn't filed with the correct place of use and will need to be corrected to reflect this information. You thought that a transfer had been filed on this claim before a portion of it was sold off and you stated that the water right didn't go with the sale of the property. The Director of Water Resources approved this transfer in May of 1975. This verifies what we had discussed about the change in place of use. I've included a copy of the transfer for your records. Question 8 describes the original irrigated acres and question 11 describes the irrigated acres after the transfer. Page 3 of the transfer graphically shows the highlighted irrigated acres after the approved transfer. You still might want to locate your warranty deed to see if the water was excluded in the sale of the property or to verify the sale was after the water had already been transferred off the land.

Allen Ruberry will be reviewing these claims so I'm also sending this information to him. He may already have this information but if he doesn't it will be helpful in his review of these claims. Allen will be out this field season sometime to take a look at the acres that you are irrigating under this water right. At that time if you have any additional information or question for Allen you can discuss it at that time.

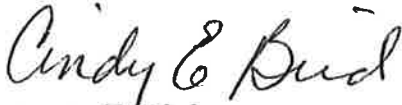
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If you have any further questions, please don't hesitate to call Allen Ruberry at 525-7161 or myself at 547-3993.

Sincerely,


Cindy E. Bird

Cc: Allen Ruberry-Eastern Region

Enclosure: Copy of transfer 2346

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MAR 08 2006

Identification No. 29 4042
Transfer No. 2946

Transfer No. 2946

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

APPROVED

AMENDED **APPLICATION FOR TRANSFER OF WATER RIGHT** AMENDED
To Change the Point of Diversion and/or the Place of Use

1. Name of Right Holder Fred J. Tripp
Post office address McCammon, Idaho
2. Right obtained by:
- a. Decree to _____ in Case of _____
(Name)
vs. _____, Dated _____ in _____
(Name of Court)
Court, County of _____
Claim
- b. ~~XXXX~~ No. 29-4042, issued by the State of Idaho, Department of Reclamation.
3. Source of water Upper Rock Creek tributary to Portneuf River
(Name of stream or source)
4. Date of Priority June 1, 1955
5. Amount of water a. 0.636 c.f.s. and/or
b. _____ acre feet/annum
6. Water is used for Irrigation from Apr. 1 to Nov. 1
(Month, Day) (Month, Day)
7. Original location of point of diversion is NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 12
Township 8S, Range 36E, B.M. in Bannock County,
- Additional points of diversion, if any _____

8. Lands presently irrigated or place of use:

[illegible]

Total number of acres properly irrigated 31.8

originaly irrigated _____
MILK

Grassmann

MAK 2

1. *Pharmaceuticals* (10%)
 2. *Medical Devices* (10%)
 3. *Biotechnology* (10%)
 4. *Healthcare Services* (10%)
 5. *Medical Research* (10%)
 6. *Healthcare Infrastructure* (10%)
 7. *Healthcare Policy* (10%)
 8. *Healthcare Economics* (10%)
 9. *Healthcare Law* (10%)
 10. *Healthcare Ethics* (10%)

[illegible]

If not, the place of use should be changed below..

(The following section contains faint handwritten notes across several horizontal lines.)

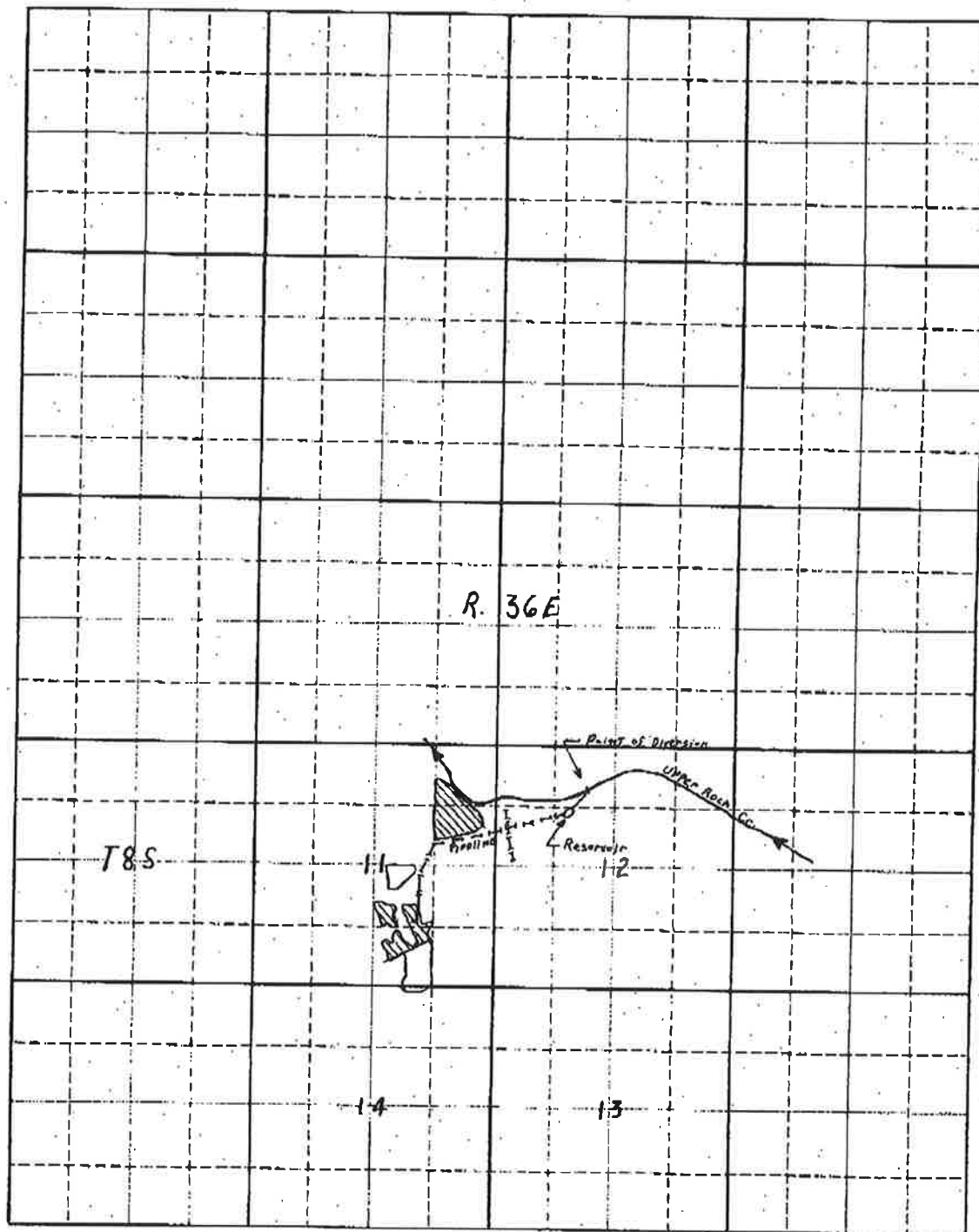
Figure 1. Schematic representation of the experimental design. The subjects were divided into two groups: the control group (CG) and the experimental group (EG). The CG was subjected to a control condition (CC) and the EG was subjected to an experimental condition (EC). The CG was subjected to a control condition (CC) and the EG was subjected to an experimental condition (EC). The CG was subjected to a control condition (CC) and the EG was subjected to an experimental condition (EC).

11. CHANGE IN PLACE OF USE

[illegible]

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MAR 08 2006



SCALE: 2 inches Equal 1 Mile. Draw Plan in Ink.

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MAR 08 2006

- b. Do you intend to make the transfer permanent? Yes
- c. Are you completely abandoning the lands previously irrigated by this right? If not, explain your plans:
This transfer will remove water from 18.7 acres of the land previously
irrigated and apply it to 18.7 acres within the SE 1/4, Sec. 11.
- d. Describe any other water rights that you claim for the new ground upon which you wish to transfer this right: Decreed right from Upper Rock Creek.
- e. Indicate on the above plat the new land to be irrigated and the point of diversion.

I hereby assert that no one will be injured by such transfer and that the change will be made at my own risk. The information contained in this application is true to the best of my knowledge.

Paul J. Papp
 (signature of applicant)

Subscribed and sworn to before me this 14th day of APRIL, 1975

R. D. Carter
 (notary public)

My commission expires 2/14/78

ACTION OF STATE RECLAMATION ENGINEER AND CERTIFICATE OF TRANSFER

This is to certify that I have examined Application for Transfer of Water Rights No. 29-4042
 and said application is hereby APPROVED

- Approval of said application is subject to the following limitations and conditions:
A measuring device of a type approved by this Department shall be permanently
installed and maintained as part of the diverting works.
- Denial of said application is for the following reasons: _____

Witness my hand this 28 day of _____ May, 1975

[Signature]
 DIRECTOR

FOR DEPARTMENT USE ONLY

Received by <u>MB</u>	Date <u>4-14-75</u>	Protest filed by:	Date
Prelim. check by <u>MB</u>	Date <u>4/19/75</u>		
Fee received by <u>MB</u>	Date <u>4-14-75</u> Fee \$ <u>10.⁰⁰</u> # <u>4198</u>		
Approved for publication by <u>MB</u>	Date <u>5/19/75</u>		
Published in <u>State Reclamation</u>	Date <u>May 14, 1975</u>		
Hearing held			
Watermaster Recommendation sent <u>James Papp #29-429-75</u>			

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 MAR 1975

WATER APPROPRIATION.

Claimants, --

Edwin A. Lish, Walter Romriell, Eathen F. Cutler Jr. and Eathen F. Cutler Sr.

Date, --

June 18, 1902.

Recorded, --

June 18, 1902, 4:55 P. M. in Book "2" of of Water Appropriations, at page 137 of the Records of Bannock County, State of Idaho.

Subscribed and Sworn to, --

By Edwin A. Lish.
Before J. S. Campbell, Clerk of District Court in and for Bannock County, State of Idaho, June 18, 1902. (Seal)

Hereby claim the use of the waters of Rock Creek to the extent of ten cubic feet per second. It is intended to divert said water at or near the point where a copy of this notice is posted and more definitely described as follows. Near the Southeast corner of Section 1, Township 8 South of Range 36 East of the Boise Meridian. The purpose for which said water is intended to be used is for agricultural and domestic purposes. The place of intended use is on the land hereinafter described. It is intended to divert said water by means of a ditch or canal. The general course of the proposed canal is Westerly. The length of the proposed canal is one mile and one half. It is intended to use said water for irrigating the following described land.

SE $\frac{1}{4}$ of SW $\frac{1}{4}$ Sec. 2, E $\frac{1}{2}$ of NW $\frac{1}{4}$, SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Sec. 11, Town. 8 S. N $\frac{1}{2}$ NE $\frac{1}{4}$ of Sec. 11 and N $\frac{1}{2}$ of NW $\frac{1}{4}$ Sec. 12, N $\frac{1}{2}$ SW $\frac{1}{4}$ Sec. 1, N $\frac{1}{2}$ SE $\frac{1}{4}$ Sec. 2, S $\frac{1}{2}$ of SW $\frac{1}{4}$ of Sec. 1, S $\frac{1}{2}$ SE $\frac{1}{4}$ Sec. 2, all in Township 8 South of Range 36 East B. M.

It is intended to have the work for diversion and use of said water as aforesaid completed within one year.

Affidavit of Edwin A. Lish one of the Claimants: That the statements in said notice are true and that the original notice of which the foregoing is a true copy was posted in a conspicuous place at or near the place of intended diversion as provided by law on the 18th day of June 1902, at 54 minutes past 2 o'clock P. M.

*This Posteo Notice does
NOT work for 29-4042
when claims 1955 Priority.*

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MAR 08 2005

3B

WATER APPROPRIATION.

Claimant, --

Edward Murphy.

Date, --

June 17, 1902.

Recorded, --

June 19, 1902, 9:45 A. M. in Book "2" of Water Appropriations, at page 140 of the Records of Bannock County, State of Idaho.

Subscribed and
Sworn to, --

Before J. S. Campbell, Clerk of the District Court in and for Bannock County, State of Idaho, June 19, 1902. (Seal)

Hereby claims the use of the waters of Rock Creek to the extent of five cubic feet per second. It is intended to divert said water at or near the point where a copy of this notice is posted and more definitely described as follows: S.W. corner of Section 6, T_p. 8 South of Range 37 E.B.M. The purpose for which said water is intended to be used is for irrigation and domestic purposes.

The place of intended use is SE $\frac{1}{4}$ of SW $\frac{1}{4}$ and SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 1, NE $\frac{1}{4}$ of NW $\frac{1}{4}$ and NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 12, Township 8 South of Range 36 E.B.M. It is intended to divert said water by means of canal or ditch. The general course of the proposed canal is Westerly. The length of the proposed canal is one mile. It is intended to use said water for irrigating the following described land: SE $\frac{1}{4}$ of SW $\frac{1}{4}$ and SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 1 and the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ and NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 12 in Township 8 South of Range 36 E.B.M. It is intended to have the works for diversion and use of said water aforesaid completed within two years.

Affidavit of Claimant: That the statements in said notice are true and that the original notice of which the foregoing is a true copy was posted in a conspicuous place at or near the place of intended diversion (as provided by law) on the 18th day of June 1902, at 55 minutes past 4:00 o'clock P. M.

403

SC-10

MAR 2006



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

November 20, 2001

Joyce Orders
1744 S Old Hwy 91
Inkom ID 83245

Response Attached

RECEIVED

DEC 13 2001

Department of Water Resources
Eastern Region

RE: EVIDENCE OF PRIORITY FOR A29-04042

Dear Claimant (s):

The Idaho Department of Water Resources is nearing the end of water rights review in Basin 29. The Notice(s) of Claim identified with the number shown above has been filed in the Snake River Basin Adjudication (SRBA). The Notice of Claim indicates water usage is based on "Beneficial Use". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed, at or on the place of use identified on the Claim. The date the water was first put to beneficial use, known as the priority date, has not been confirmed by License, Decree, or Permit. For this reason, proof must be provided supporting the priority date. **As the claimant, you are responsible for submitting the necessary evidence to support the priority date.**

The above referenced Claim to a water right shows a priority date of June 1, 1955, claiming a source of Upper Rock Creek

It is important that each element of the Notice of Claim be verified. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

For your reference, I have provided a printout of your Notice of Claim and the pamphlet entitled "Evidence of Priority". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. While I encourage you to read the entire pamphlet, I direct your attention to the two sections entitled "What Kind of Evidence is Required" and "Some Examples of Documents Which May Be Evidence of the Priority Date".

SCA 11/20/01

MAR 1 2006

It is our goal to recommend historical water rights within the Snake River Basin as accurately as possible. Field exams to verify other elements of the Notice of Claim have been or soon will be conducted by Department personnel.

In addition to this request, I am enclosing copies of two other letters requesting action with respect to this water right claim, which had no response from your office.

.....
The Department will not recommend the Notice of Claim be decreed by the court if evidence of a priority date is not submitted. The Notice of Claim will be disallowed.
.....

Please submit the documentation supporting the priority date within 30 days of the date of this letter, referencing all documents with the corresponding Claim number. If you have any questions not covered by this letter or the enclosed pamphlet, please feel free to contact this office.

Respectfully submitted,

Cheri Undermaulen

Allen B. Ruberry
Sr. Water Resource Agent
Adjudication Bureau

cc: File

Enclosure: Brochure on "Evidence of Priority"
Notice(s) of Claim A29-04042

*Dear Mr. Ruberry,
If this isn't what you need
from me please let me know, and
I'll seek further*

*Thank you
Joyce Orders*

RECEIVED
MAR 08 2006

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MAY 18 2001

MEMORANDUM

To: the files; 29-04240, 29-04042B, 29-04240C

From: A. Ruberry

Subject: History of 29-04042

29-04042 was originally filed by Fred Tripp on September 17, 1974, pursuant to §42-225a IC, as an irrigation claim for 1.2 cfs, 60 acres, priority date of June 1, 1955.

In February 1975, a letter explains that the elements of the claim differ from a transfer application; amendment requested. Letter dated April 1975, acknowledges the lack of response to the request to amendment, and suggests cancellation of the transfer application. Then on May 28, 1975, Transfer #2346 (amended) was approved; whereby, the original 1974 claim was changed to add acreage (1 ac) in NWNE Section 11, T8S, R36E. The transfer also acknowledges the reduction of irrigated acres to 31.8.

Statutory claim 29-04042 was filed April 2, 1979, pursuant to §42-243 IC, which basically mirrored Transfer # 2346, 1975; 0.636 cfs on 31.8 acres. Letter dated May 21, 1979 informs claimant of the completion of advertising. Advertising Notice acknowledges the amendment to reduce the original claim to 0.636 cfs,... and reducing irrigated acres to 31.8.

Now comes in the SRBA claims; 29-04042B and C. Attached to these claims are Warranty Deeds which state " Seller grants high water rights out of Rock Creek, pumping rights out of Portneuf River."

THE PROBLEM:

- 1.) 29-04042 was amended to reduce the order of the claim to 0.636 cfs on 31.8 acres, priority date June 1, 1955 (unchanged). As amended, the original claim, now filed in the SRBA, is filed in total by Joyce Orders.
- 2.) 29-04042B and 29-04042C, as filed in the SRBA have no basis. Even though the "Seller grants... rights" of one type or another by deed there is no basis. ***The seller has no authority to grant any water rights, of any kind, from either Rock Creek and/or the Portneuf River.*** Had the original 1974 claim been perfected, then split by transfer or change of ownership, there might very well have been a basis to a portion of 29-04042. But, that reference was amended away in 1975, by transfer and by a new claim in 1979.
- 3.) 29-04042B and C will be recommended for **DISALLOWAL. P01; NO LAWFUL APPROPRIATION SHOWN.**
- 4.) Documents are filed in 29-04042B.

982

WARRANTY DEED

561600
H

For Value Received FRED J. TRIPP AND JOYCE TRIPP (HUSBAND AND WIFE)

the grantor, do hereby grant, bargain, sell, and convey unto

WRIGHT-WAY BUILDERS, INC., BY HAROLD L. FREPP
BOX 102 POCATELLO, IDAHO 83201
the grantee, the following described premises, to-wit:A TRACT OF LAND IN SECTION 11, TOWNSHIP 8 SOUTH, RANGE 36 E., R.M.,
BANNOCK COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:BEGINNING AT THE EAST 1/16 CORNER ON THE LATITUDINAL CENTER LINE OF SAID SECTION 11;
THENCE SOUTH 955.17 FEET, ALONG THE EAST 1/16 LINE; THENCE NORTH 85°55'10" WEST,
1023 FEET; THENCE NORTH 68°17'38" WEST, 409.97 FEET, MORE OR LESS TO THE EASTERLY
RIGHT OF WAY OF THE OLD HIGHWAY 30-N; THENCE NORTHWESTERLY ALONG SAID RIGHT OF WAY,
780 FEET, MORE OR LESS, TO THE LATITUDINAL CENTER LINE OF SAID SECTION 11;
THENCE SOUTH 89°38'30" EAST, 1636.15 FEET, MORE OR LESS, ALONG SAID LATITUDINAL
CENTER LINE TO THE TRUE POINT OF BEGINNING. . .

SUBJECT TO THE FOLLOWING:

ALL IRRIGATION RIGHTS FROM THE PORTNEUF RIVER & HIGH WATER RIGHTS FROM ROCK
CREEK PASS WITH PROPERTY AND VENDORS RESERVE THE RIGHT OF EGRESS AND INGRESS
TO MAINTAIN SAID WATER LINE AND FOR ACCESS TO ADJOINING PROPERTY.VENDOR ALSO RESERVES ALL WATER RIGHTS AND TOTAL USE OF WATER THAT PASSES THROUGH,
ON OR NEAR THE ENTIRE SOUTH SIDE OF ABOVE PROPERTY.*Further split
in many parcels
see Deann Co Plat.*

Log for claim A29-04042

Spatial Dynamics AMH

8/11/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
08s36e	11	NWSE	13	17	Indiscernible
08s36e	11	SWSE	17	17	
08s36e	14	NWNE	1	1.2	
Totals:			31	35.2	

Notice of Water Location.

We the undersigned citizens of the United States hereby locate & claim by appropriation 20,000,000 Miners inches of the waters flowing in this stream known to us as Hink Creek said waters to be reserved during the early months of the season & stored by constructing a dam or dams across said stream at or near the point where this notice is posted. The purpose for which said waters are appropriated is irrigation mining & domestic uses along & under the ditches flumes & pipe lines & in & about the City of Pocatello. The means of diversion of said waters is by ditches flumes & pipe lines to the places of use. The point of diversion will be at or near where this notice is posted.

The intention of this appropriation is done in good faith & in accordance with the Statutes of the United States which Statutes provides for the locations of reservoir sites for the storage of water for beneficial purposes & also in compliance with the statutes of Idaho.

Names of Appropriators
& notice posted
Appropriated this 17th day of June 1902.

J.J.Cusick,
Guy W.Stapleton,
P.D.Delmar,
P.R.Keebler,

Recorded at request of P.D.Delmas, at 1.11 o'clock P.M. June 18th, 1902.
By E.G.Gallet, Deputy. Fee 40¢ J.S.Campbell, Recorder.

Notice of Water Right Location.

To Whom it May Concern:

Notice is hereby Given, That F.G.Little E.B.Hicks and G.W.English of Pocatello, County of Bannock State of Idaho have this seventeenth day of June 1902 appropriated and hereby claim the use of the waters of Belle Marsh Creek to the extent of Two (2) cubic feet per second, flowing at the point of intended diversion, which said point of intended diversion is particularly described as follows, to-wit: Seven miles in a north westerly direction from McCammon.

That the special purpose or purposes for which said water is claimed Placer Mining.

The place of its intended use is The Hoosier Girl Placer Claim.

That the general course of the proposed canal or conduit is West to East.

The length of said proposed canal or conduit is not to exceed fifteen hundred (1500) feet.

That it is intended to complete the works for the diversion and use of said water as aforesaid within Thirty (30) days. A copy of this notice was duly posted at or near the point of intended diversion on the seventeenth day of June 1902.

Witness our hands at Claim County of Bannock State of Idaho, this 17th day of June 1902.

Appropriators and Claimants.

(F.G.Little,
(E.B.Hicks,
(G.W.English,

State of Idaho,)
)SS.
County of Bannock.)

F.G.Little being first duly sworn, deposes and says that he is of lawful age and one of the appropriators and claimants of the Water Right described in the within and foregoing notice and whose name is subscribed thereto. That the statements in said notice are true, and that the original notice of which the foregoing is a true copy, was posted in a conspicuous place at or near the point of intended diversion at 1.15 o'clock P.M., the 17th day of June 1902.

(SEAL) Subscribed and Sworn to before me this 18th day of June 1902.
F.G.Little,
J.S.Campbell, Clerk.
By E.G.Gallet, Deputy.
Recorded at request of F.G.Little, at 4.05 o'clock P.M. June 18th 1902.
By E.G.Gallet, Deputy. Fee 80¢ J.S.Campbell, Recorder.

NOTICE OF WATER RIGHT.

STATE OF IDAHO,)
)SS.
Bannock County.)

To All Concerned Notice is hereby Given:

First. That, Edwin A.Lishy and Walter Romrell Eathen F.Cutler Jr. Eathen F.Cutler Sr. of McCammon, Bannock County, Idaho hereby claim the use of the waters of Rock Creek to the extent of Ten cubic feet per second.

Second. It is intended to divert said water at or near the point where a copy of this notice is posted, and more definitely described as follows: Near the Southeast corner of Section 1, Township 8 South of Range 36 East, B.M.

In above description give legal sub-division of land or describe the place with reference to some prominent landmark.

Third. The purpose for which said water is intended to be used is for agricultural and domestic purposes.

The place of intended use is on the land hereinafter described.

Fourth. It is intended to divert said water by means of a ditch or canal.

The general course of the proposed canal is Westerly.

The length of the proposed canal is one mile and one-half.

It is intended to use said water for irrigating the following described land: S.E.1/4 of S.W.1/4 Sec.2, E.1/2 of N.W.1/4, S.W.1/4 of N.E.1/4 of Section 11; Town.8 S.N.1/2 of N.E.1/4 Sec.11 and N.1/2 of N.W.1/4 of Section 12, N.1/2 of S.W.1/4 Sec.1, N.1/2 of S.E.1/4 of Section 2, S.1/2 of S.W.1/4 of Sec.1, S.1/2 of S.E.1/4 of Section 2, all in Township 8 South of Range 36 East, B.M.

Fifth. It is intended to have the work for diversion and use of said water as aforesaid completed within one years. T

Witness our hand at McCammon, Bannock County, Idaho, this 18th day of June, 1902.

Edwin A. Lish,
Walter Romriell,) Claimants.
Eathen F. Cutler, Jr.)
Eathen F. Cutler, Sr.)

Canal or cond

STATE OF IDAHO,)
) SS.
Bannock County.)

Edwin A. Lish being first duly sworn deposes and says that he is of lawful age and one of the claimants of the water right mentioned in the foregoing notice and whose name is subscribed thereto. That the statements in said notice are true and that the original, notice of which the foregoing is a true copy, was posted in a conspicuous place at, or near the place of intended diversion, as provided by law, on the 18th day of June, 1902, at 54 minutes past 2 o'clock P.M.

Edwin A. Lish,
Subscribed and sworn to before me this 18th day of June 1902.

J.S. Campbell,
Clerk of Dist. Court.

(SEAL)

By D.N. Campbell, Deputy.

Recorded at request of Edwin A. Lish, at 4.55 o'clock P.M. June 18th, 1902.

By D.N. Campbell, Deputy. Fee 80¢ J.S. Campbell, Recorder.

NOTICE OF WATER APPROPRIATION.

STATE OF IDAHO,)
) SS.
Bannock County.)

TO ALL CONCERNED:--

Notice is hereby given:-- That James J. Scott, of McCammon, of the County of Bannock and State of Idaho, hereby claims the use of the waters of Robbers Roost Creek, here flowing to the extent or amount of Two (2) cubic feet per second of time, to be diverted at a point on said stream near the north-east corner of the south-east quarter of the south-west quarter of Section 24 in Township 8 South of Range 36 E.B.M., at which said point a copy of this notice is posted.

It is intended, to use said waters for agricultural and domestic purposes upon the following described lands, to-wit:-- The south-half of the south-east quarter of Section 23 and the north half of the north-east quarter of Section 26 in Township 8 South of Range 36 East of the Boise Meridian in Idaho, and containing 160 acres.

Said waters are to be diverted and conducted to and upon the above described lands by means of a ditch running from the above described point of diversion, in a general westerly direction, being about one (1) mile in length and having its terminus in the north-west quarter of the north-east quarter of Section 26 Township 8 South of Range 36 E.B.M.

It is intended to have the works for the diversion and distribution of the above described waters fully completed within two (2) years from the date hereof.

Witness the hand of claimant at McCammon, Bannock County, Idaho, this 17th day of June, A.D. 1902.

James J. Scott,
Claimant.

STATE OF IDAHO,)
) SS.
Bannock County.)

James J. Scott, being first duly sworn according to law deposes and says that he is of lawful age and the claimant of the water right mentioned in the foregoing notice and whose name is subscribed thereto; that the statement in said notice contained are true and that the original notice of which the foregoing is a true copy was posted in a conspicuous place at the point of diversion therein described on the 17th day of June, A.D. 1902, at 12.08 o'clock P.M.

James J. Scott,
Subscribed in my presence by the said James J. Scott, and by him sworn to before me this 19th day of June, A.D. 1902.

Theo. Turner,
Notary Public.

(SEAL)

Recorded at request of Bannock Abst. Co. at 8.55 o'clock A.M. June 19th 1902.

By E.G. Gallet, Deputy. Fee 80¢ J.S. Campbell, Recorder.

Notice of Water Right Location.

To Whom it May Concern:

Notice is hereby Given, That I, Gideon R. Kinports, of Pocatello, County of Bannock, State of Idaho has this 18th day of June, 1902 appropriated and hereby claims the use of the waters of the Portneuf River to the extent of Four (4) cubic feet per second, flowing at the point of intended diversion, which said point of intended diversion which said point of intended diversion is particularly described as follows, to-wit: to be diverted from the said Portneuf River at or near the point of intersection of the said river with the East line of the North-east quarter of the South-west quarter of Section twenty-two, in Township Seven (7) South, Range Thirty-five (35) East of Boise Meridian in Idaho. containing 120 acres

That the special purpose or purposes for which said water is claimed is agricultural and domestic purposes upon the above described lands.

The place of its intended use is on the E.1/2 of S.W.1/4, and S.W.1/4 of S.W.1/4 of Section Twenty-two (22), Township Seven (7), South, Range Thirty-five (35) East of the Boise Meridian in Idaho.

Identification

29 4042

Transfer No.

2346

**STATE OF IDAHO
DEPARTMENT OF RECLAMATION**

APPROVED

AMENDED **APPLICATION FOR TRANSFER OF WATER RIGHT** AMENDED

To Change the Point of Diversion and/or the Place of Use

1. Name of Right Holder Fred J. Tripp
Post office address McCammon, Idaho
2. Right obtained by:
 - a. Decree to _____ in Case of _____
(Name)
vs. _____, Dated _____ in _____
(Name of Court)
Court. County of _____.
 - b. ~~XXXXXX~~ Claim No. 29-4042 issued by the State of Idaho, Department of Reclamation.
3. Source of water Upper Rock Creek tributary to Portneuf River
(Name of stream or source)
4. Date of Priority June 1, 1955
5. Amount of water a. 0.636 c.f.s. and/or
b. _____ acre feet/annum
6. Water is used for Irrigation from Apr. 1 to Nov. 1
(Month, Day) (Month, Day)
7. Original location of point of diversion is NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 12,
Township 8S, Range 36E, B.M., in Bannock County;
Additional points of diversion, if any _____

8. Lands presently irrigated or place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
8S	36E	11														13.1	17.7		30.8
"	"	14		1															1

Total number of acres presently irrigated 31.8

9. If applicant was not original holder of this right explain how it was acquired: _____

10. CHANGE IN POINT OF DIVERSION NO CHANGE

- a. Quantity to be diverted at new point: _____ c.f.s. and/or _____ acre feet
- b. New point of diversion: _____ 1/4 _____ 1/4, Section _____, Township _____, Range _____, B.M.
- c. Description of method of diversion and conveyance from new points of diversion: _____

- d. Is water to be conveyed to the lands previously irrigated? Yes _____ No _____
 If not, the place of use should be changed below.
- e. Describe the reasons for applying for a change in the point of diversion: _____

- f. Do you intend to make the transfer permanent? _____
- g. Do you intend to abandon completely the old point of diversion? _____

- h. Indicate on the above plat the new point of diversion and lands to be irrigated.

11. CHANGE IN PLACE OF USE

- a. Describe the new lands on which you wish to use your right.

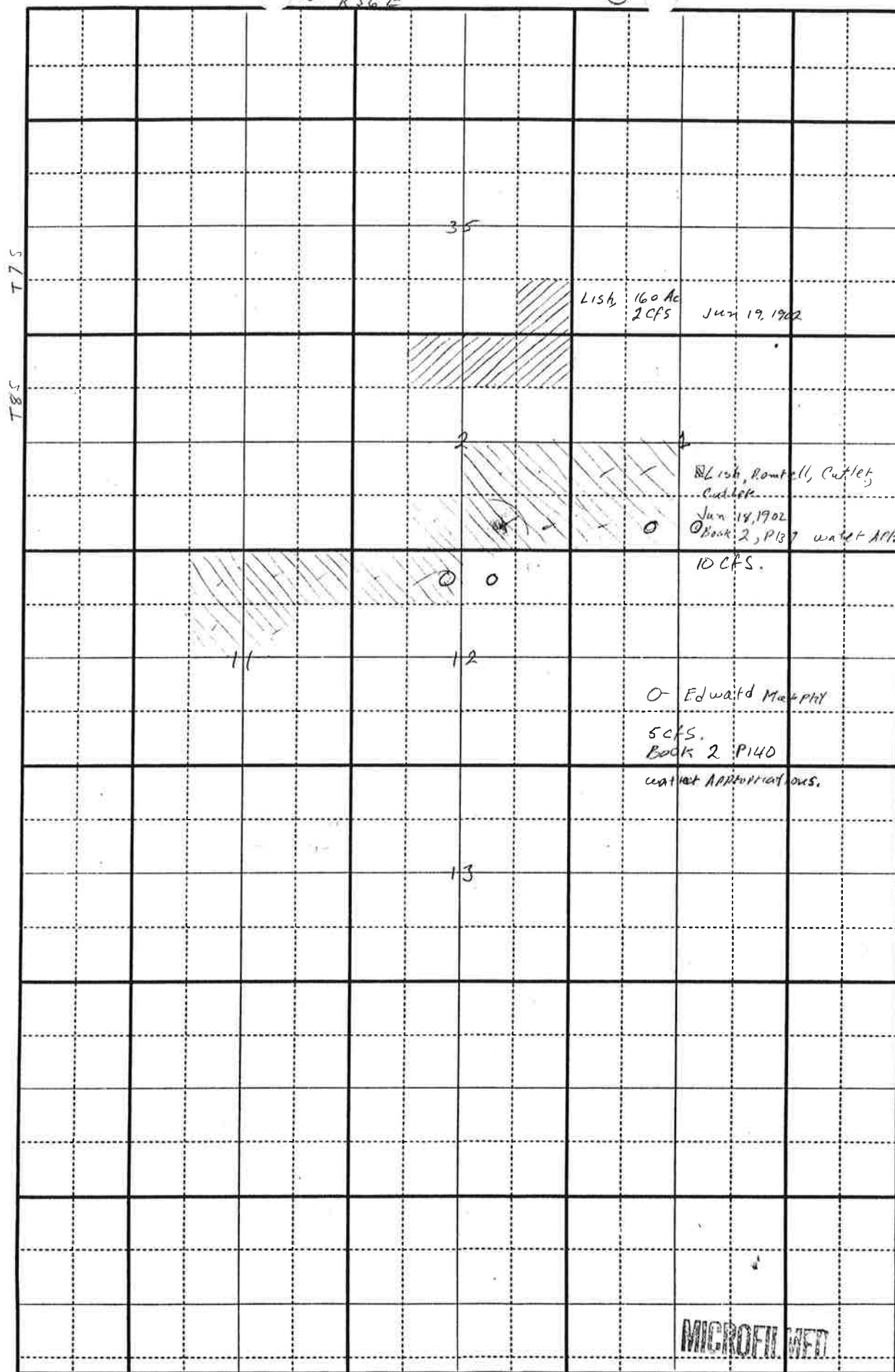
TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
8S	36E	11	5			13.7									7.6	5.5			31.8

Total number of acres to be irrigated 31.8



MICROFILMED







State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - FAX: (208) 525-7177

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

DATE: JAN. 3, 1995

A29-04042
JOYCE ORDERS
1744 S OLD HWY 91
INKOM ID 83245

EVIDENCE OF PRIORITY

Dear Claimant:

The Notice of Claim identified above and or below has been filed in the Snake River Basin Adjudication (SRBA). The notice indicates a water usage of irrigation, or other commercial application that is based on **BENEFICIAL USE**. Water rights of this type are established by the historical use of water, dating back to when the water was first used for the purpose claimed. This date is known as the **PRIORITY DATE**, has not been confirmed by a license, Decree, or Permit. For this reason, proof must be provided supporting the priority date. **As the claimant, you are responsible for submitting the necessary proof to support the PRIORITY DATE.**

For your reference, I have provided a printout of your Notice of claim and the pamphlet **EVIDENCE OF PRIORITY**. The pamphlet suggests which documents will fulfill this requirement.

The IDWR can not recommend the notice be decreed by the court if no evidence of a priority date is submitted.

Please submit the documentation supporting the priority date by March 31, 1995, referencing the information with the corresponding Water right number. If you have any questions, please contact this office.

Dave Carlson
Water Right Agent, Adjudications

NOV 19 1995

2-8-95.

I J. L. Dahlke Hereby W.itness
that Joyce Ordor has used water from
Rock Creek for Irrigation and Stock use for
for ~~forty~~ Forty Years More or Less

Sie Dahlke
Feb 8- 1995

RECEIVED

20 9 1995

Department of Water Resources
Eastern District Office

1995

- 40 ms

1955

ok

MICROFILMED

NOV 13 1990

State of Idaho)

County of Bannock)

On this 8 day of February, 199⁵, before me a
Notary Public in and for said county and state, personally appeared

Brie Dahlke known to be the person whose name
is subscribed to the foregoing instrument and acknowledged to me that
he/she executed the same.

In witness whereof, I have hereunto set my hand and affixed my
official seal the day and year in this certificate first above written.

Sherry Helmandeen

Notary Public

Idaho

Residing at:

November 1, 1999

My Commission Expires:

MICROFILMED

NOV 13 1990

MAY 18 2001

#82 X

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

RECEIVED

Ident. Number: A29-04042

Date Received: 3/28/1989

Receipt No: EO12655/90

Received By: _____

MAR 30 1990

Department of Water Resources
Eastern District Office

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JOYCE ORDERS
Address: 1744 S. OLD HWY. 91
INKOM, ID

208-775-3693

83245

2. Date of Priority: JUN 01, 1955

3. Source: UPPER ROCK CREEK Trib. to: PORTNEUF RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
08S	36E	12		NE	NW		BANNOCK

5. Description of diverting works:
12" PIPELINE TO RESERVOIR

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.640		

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

A.F.A.

8. Total consumptive use is 79.5 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
08S	36E	11	NW	SE		IRR	13.1
			SW	SE		IRR	17.7

Section Acres 30.8

A29-04042

Page 1

Date: 03/28/89

MICROFILMED
NOV 13 1992

A2904042



10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
08S	36E	14	NW	NE		IRR	1.0
Section Acres							1.0
Total Acres							31.8

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:
NONE

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

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: 1

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): Joyce Orders Date: 3/28/89
Date: _____

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 28th day
of March 19 89

Anthony S. Olmstead
Notary Public

Seal

Residing at Idaho Falls
My Commission Expires 9/12/1994

Water Right Number - 29-04042

Prefix Translation: WATER RIGHT

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***
TRIPP

FRED J.

1 -
2 -
3 -City- MC CAMMON
Phone -

State- ID Zip-

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - - +
06/01/1955 15 EASTERN S - STATUTORY CLAIM+ - - - - Source - - - - - + + - - - - - Tributary - - - - - +
UPPER ROCK CREEK PORTNEUF RIVER+ - - - - Point of Diversion - - - - - +
TwN Rng Sec Tract Lot RFlg County Diversion Name Diversion Rate Diversion No.
08S 36E 12 NE NW (5) BANNOCK+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 04/01 11/01 0.640+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
0.640 0.0+ - - - - Place of Use - - - - - +
TwN Rng Sec Tract Lot Acres Code Description County
08S 36E 11 NW SE 13.0 01 IRRIGATION (5) BANNOCK
08S 36E 11 SW SE 18.0 01 IRRIGATION (5) BANNOCK
08S 36E 14 NW NE 1.0 01 IRRIGATION (5) BANNOCK

Total Acres: 32.0

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - - - Remarks - - - - - +

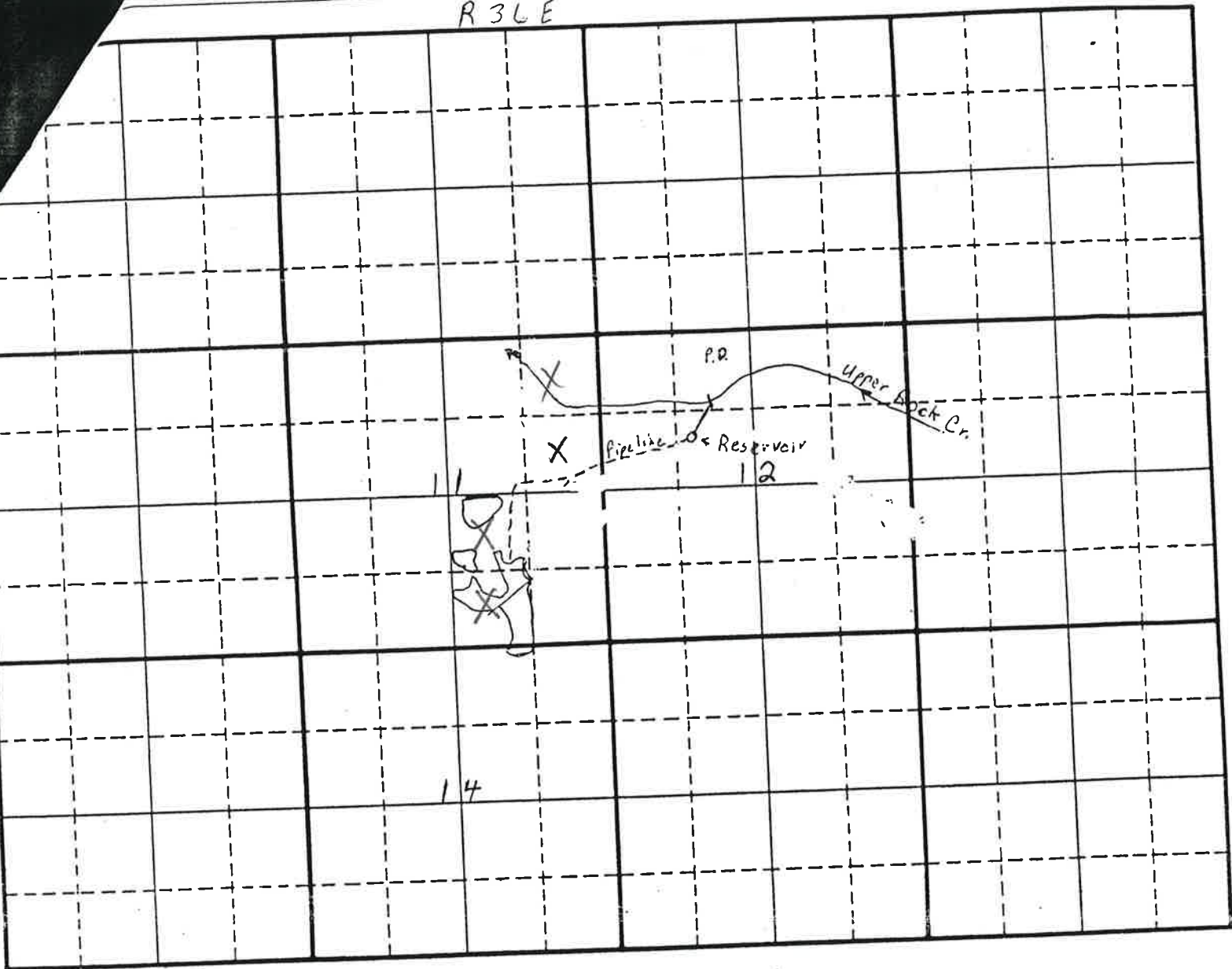
GEN AS PER AMENDED CLAIM.
AC. IRR. = 31.8+ - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers found.

03/02/01 11:42:10
Page 2

Proof Due Date	- 00/00/0000	Field Exam Made	- 00/00/0000	Field Exam Fee	-
Approved/Denied	- 00/00/0000	Protested Date	- 00/00/0000	Swan Falls	-
Proof Made Date	- 00/00/0000	Hearing Date	- 00/00/0000	Temporary Right	- P
Exam to S.O. Date	- 00/00/0000	Verified Date	- 04/08/1985	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	-
Licensed Date	- 00/00/0000	Appl Received	- 00/00/0000	Transfer/Amended	- T
Presumption Flag	-	Name Connector	-	POU Ownership Flag	-
SRBA Decreed Flag	-				

R 36 E

T 8 S



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Bonneville) ss.

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NOV 13 1992

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Mrs. Fred J. Dripps
(Claimant)

Sworn to before me this 2nd day of April, 1979.