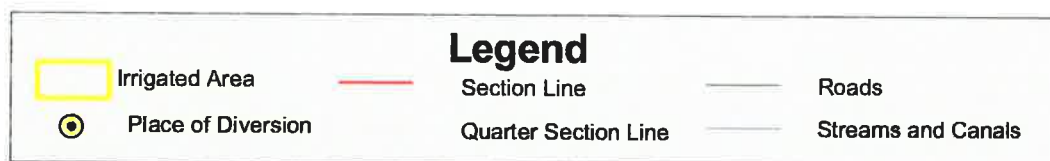
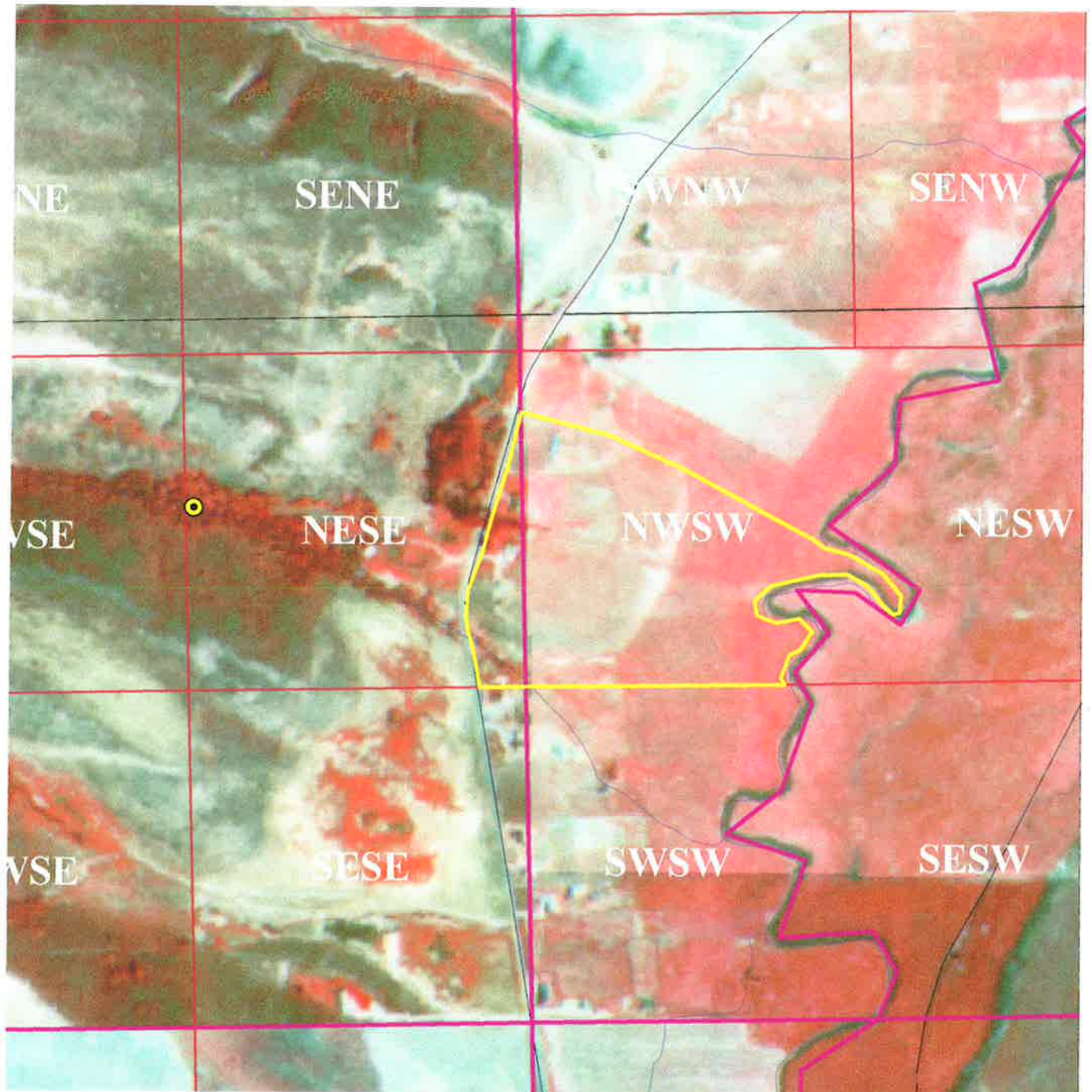


1

Township , 9S36E

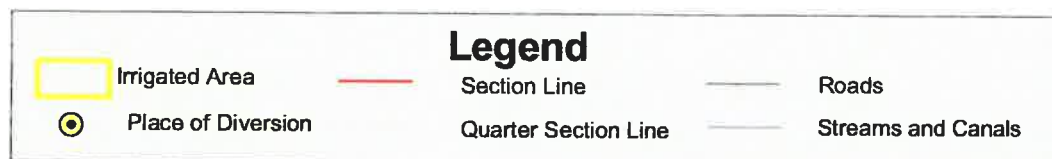
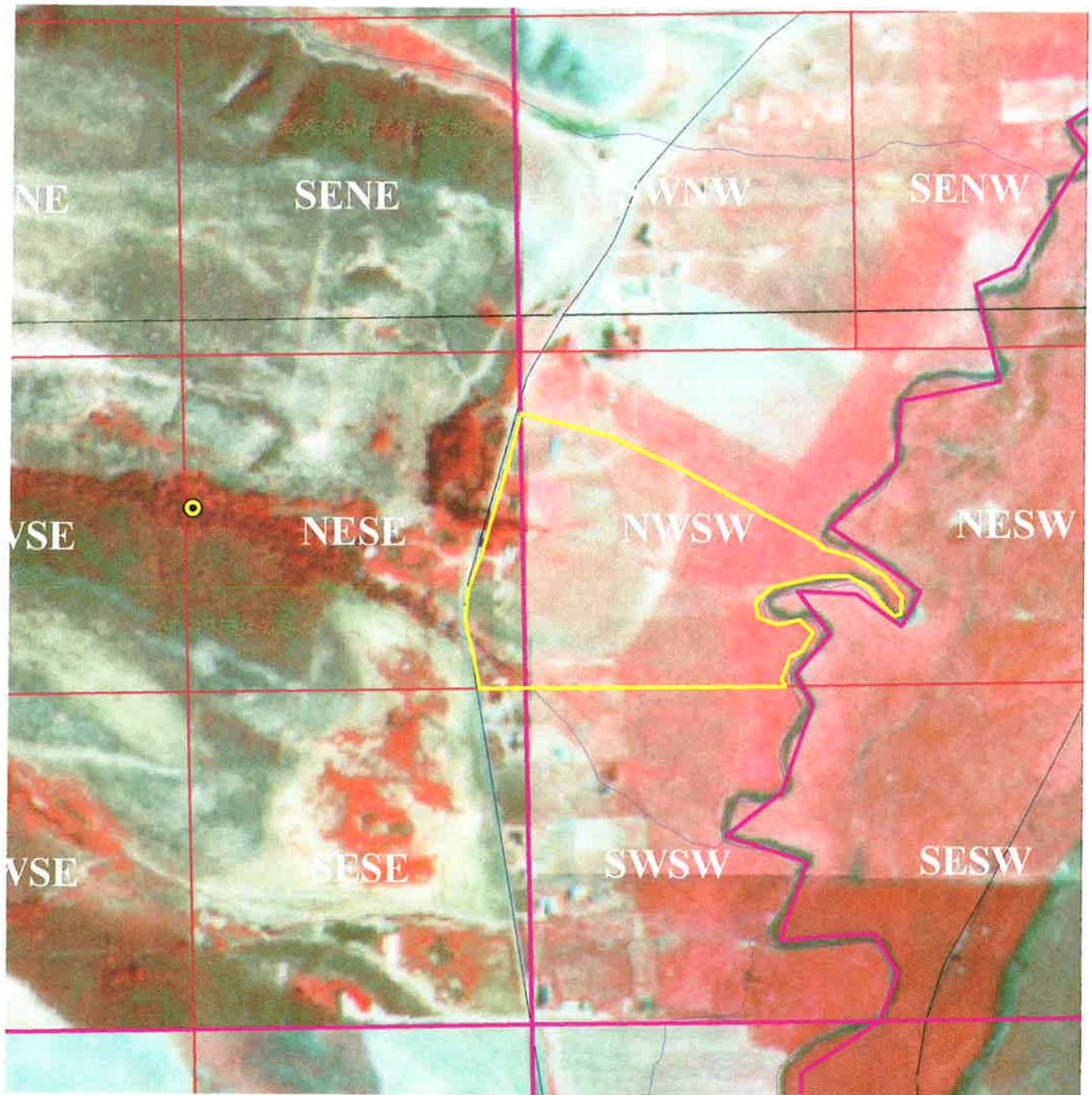


300 0 300 600 Feet

SCANNED

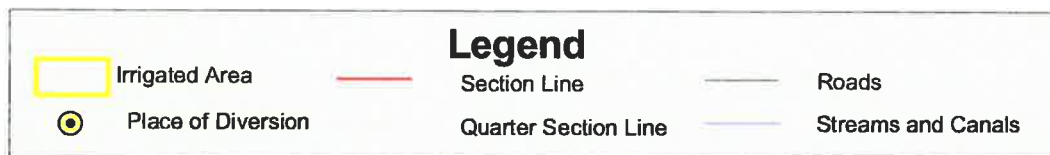
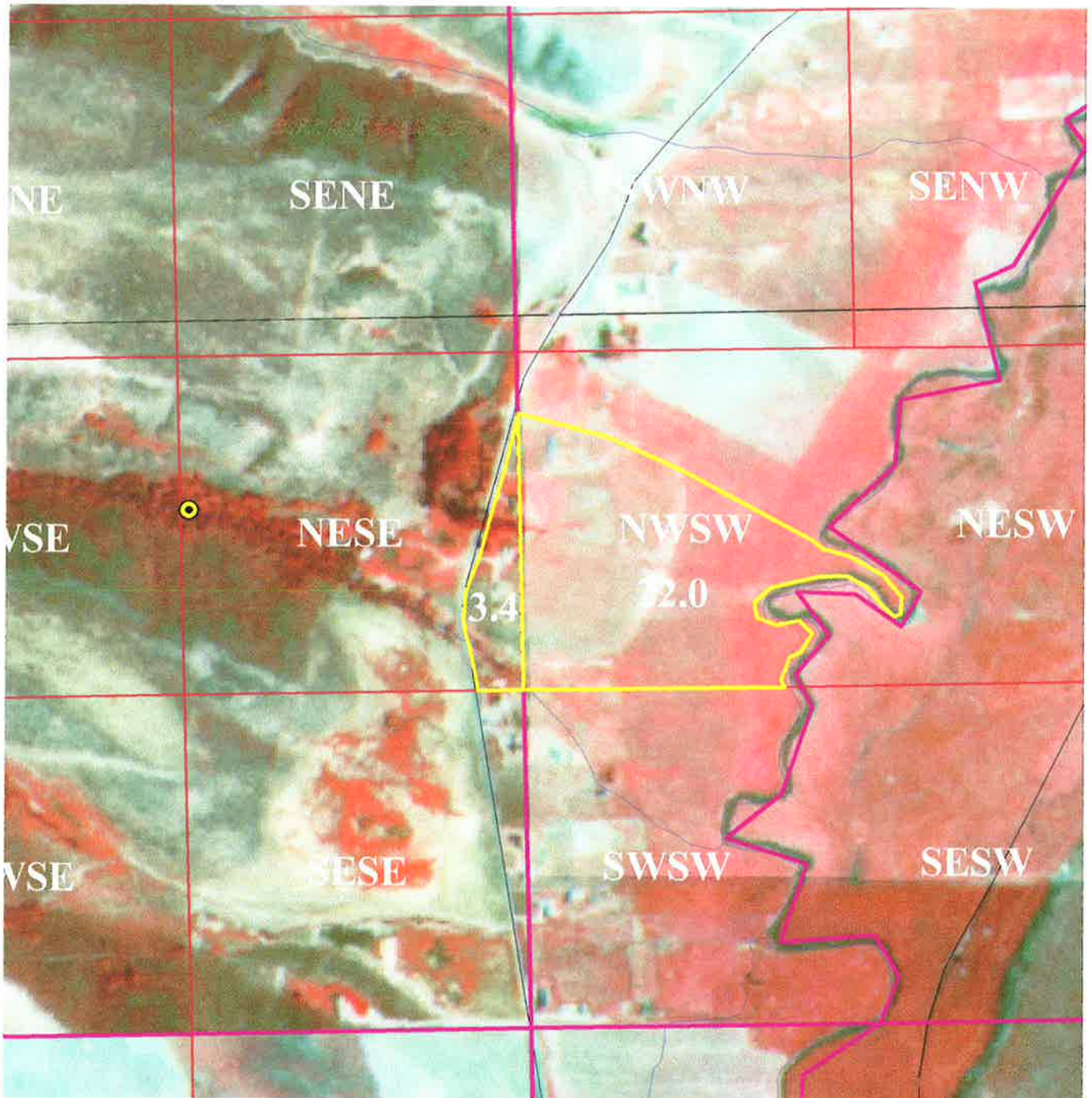
MAR 08 2006

Township , 9S36E



SCANNED
MAR 08 2006

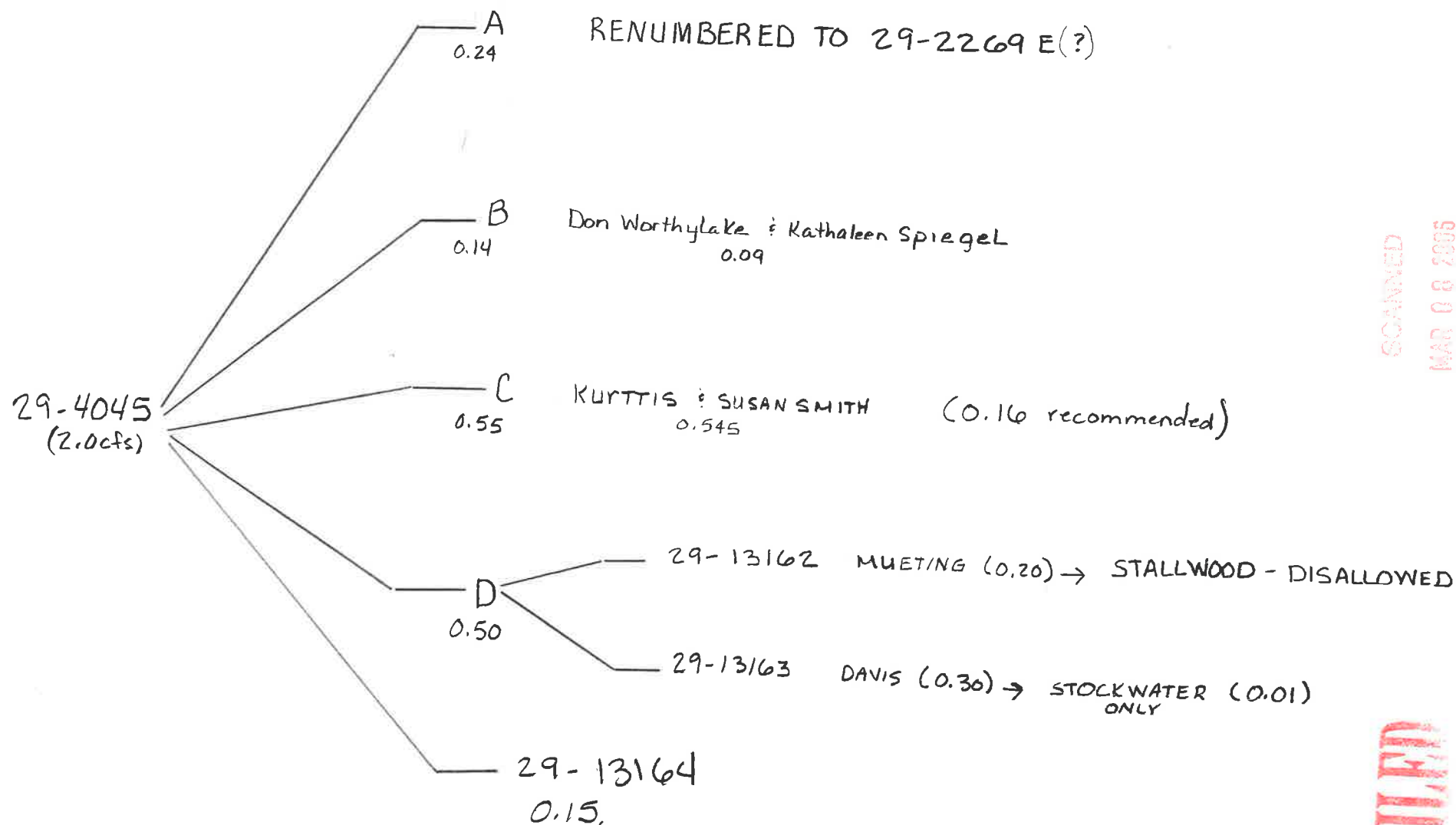
Township , 9S36E



300 0 300 600 Feet



MAR 08 2006
DENVER



SCANNED
MAR 08 2005

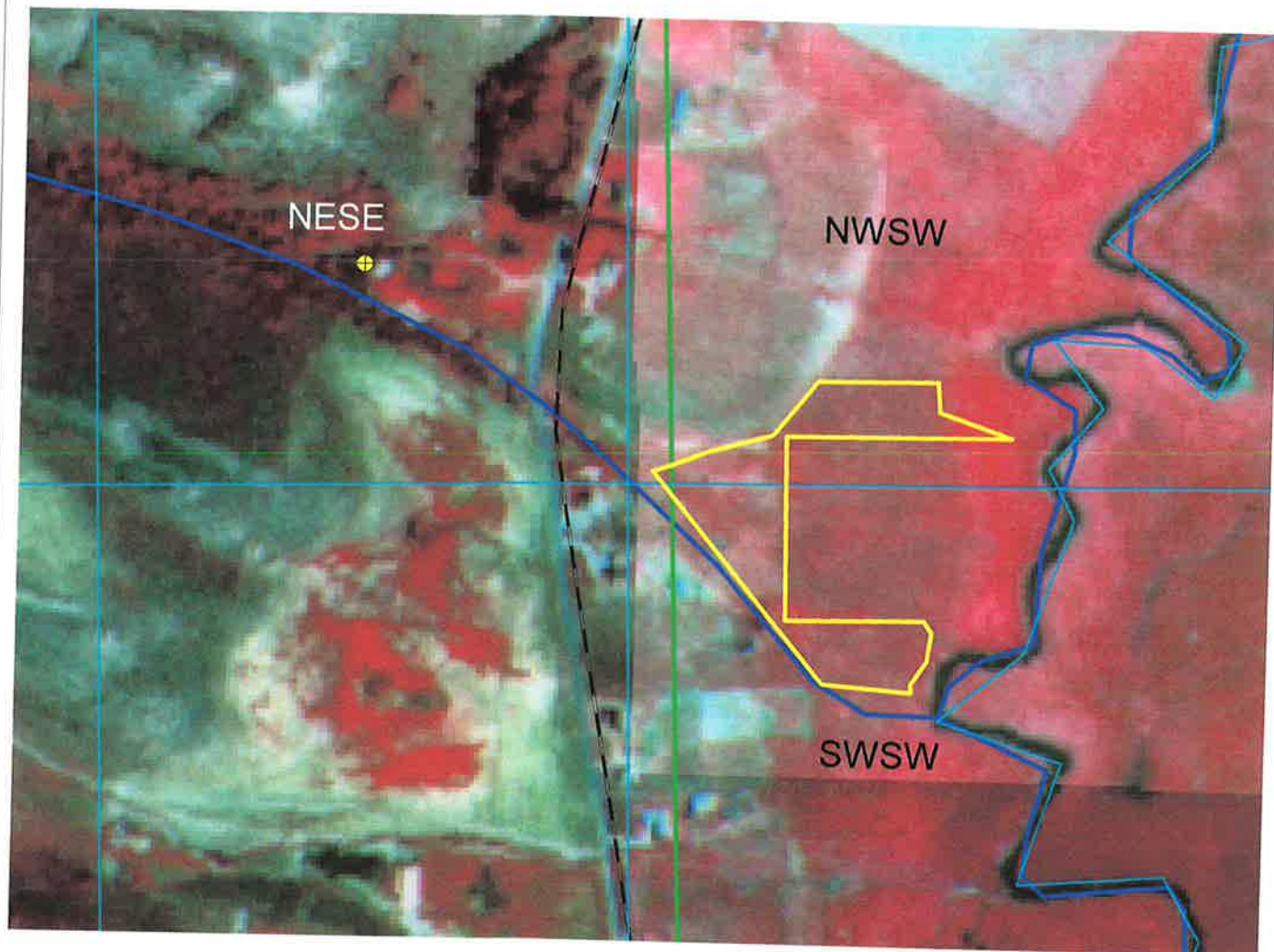
PROFITED



STATE OF IDAHO

Department of Water Resources
Eastern Region

Water Right 29-4045B AND 29-4113A



0.1 0 0.1 0.2 Miles

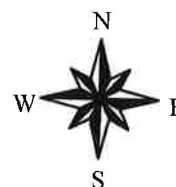
IRRIGATED ACRES 4.6

LEGEND

- Point of Diversion
- Place of Use
- STREETS
- SECTIONS
- QUATER-QUATERS
- STREAMS

Place of Use: T9S, R36E,
(part of) Section 22, Lots 9 and 10

Points of Diversion: T9S, R36E
Sec. 21 SWNESE



GIS Place of Use Illustration
1987/88 NAPP PHOTOGRAPHY
Prepared by C. Bird
Date: October, 2002

PROFILED

SCANNED

MAR 08 2003



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

May 27, 2003

Don and Muriel Worthyake
9856 S. Marsh Creek Road
McCammon, ID 83250

REF: Snake River Basin Adjudication (SRBA) claims 29-2269B, 29-4045B and 29-4113A

Subject: Notice of Error reply.

Dear Don and Muriel:

Thank you for taking the time to reply on the notice of error on your SRBA claims. The lot number referred to in the legal description is for the government lots. The subdivision lots are different. I added an explanatory remark to each claim with the subdivision name and lot numbers. I hope this helps to clarify the confusion.

If you have any further questions please feel free to contact me at 547-3993.

Sincerely;

Cindy E. Bird
Adjudication Bureau

PROFILED

SCANNED

MAR 06 2006

Cindy

02/18/2003

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: April 21, 2003

Water right number: 29-4045B

DONALD H WORTHYLAKE
9856 S MARSH CREEK RD
MC CAMMON ID 83250
Telephone Number: (208)254-3152

} LOT 6-8

MURIEL L WORTHYLAKE
9856 S MARSH CREEK RD
MC CAMMON ID 83250
Telephone Number: (208)254-3152

KATHLEEN M SPIEGEL
9866 S MARSH CREEK RD
MC CAMMON ID 83250
Telephone Number: (208)254-3409

LOT 7

RECEIVED
APR 21 2003
Department of Water Resources
Eastern Region

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

IDENTIFICATION of LOT # 5

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

WORTHYLAKE IS LOT 6 + 8
SPIEGEL IS LOT 7 + 5

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

SEE ATTACHED MAP & TAX FORM
THESE IDENTIFY PROPER LOT #

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

DATE: 4/12/03

SIGNATURE:

Donald H. WorthyLake

Please print your name:

DONALD H. WORTHYLAKE

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

add soil Remark.

PROFILED

SCANNED

MAR 08 2006

02/18/2003

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

RIGHT NUMBER: 29-4045B

NAME AND ADDRESS: DONALD H WORTHYLAKE
9856 S MARSH CREEK RD
MC CAMMON ID 83250

MURIEL L WORTHYLAKE
9856 S MARSH CREEK RD
MC CAMMON ID 83250

KATHLEEN M SPIEGEL
9866 S MARSH CREEK RD
MC CAMMON ID 83250

LOT 6 + 8

LOT 7

SOURCE: COTTONWOOD CREEK

TRIBUTARY: MARSH CREEK

QUANTITY: 0.090 CFS

USE OF THIS RIGHT WITH RIGHT NO. 29-4113A IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 0.09 CFS.

PRIORITY DATE: 06/18/1902

POINT OF DIVERSION:

T09S R36E S21 SWNESE Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
STOCKWATER	01/01 12/31	0.010 CFS
IRRIGATION	04/01 10/31	0.090 CFS

PLACE OF USE: IRRIGATION Within BANNOCK County

T09S R36E S22 Lot 9 NWSW 2.0 T09S R36E S22 Lot 10 SWSW 2.6

STOCKWATER same as IRRIGATION

4.6 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 29-4113A IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 4.6 ACRES IN A SINGLE
IRRIGATION SEASON.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

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

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

RIGHT NOS. 29-4045C, 29-4113A AND 29-13164 ARE ALSO DIVERTED
THROUGH POINT OF DIVERSION DESCRIBED ABOVE.

SCANNED

MAR 06 2006

RRCDT000700 REAL

9856 S MARSH CREEK
S22-T9S-R36E
LOT 6 2.22 AC
COTTONWOOD ACRES

HM-
MVE-

50,000

TAXABLE
VALUE

\$68,148

1ST TAX
HALF

2ND TAX
HALF

FRANK LEW
% DONALD H WORTHYLAKE
9856 S MARSH CREEK RD
MC CAMMON ID 83250-1697

CODE AREA 004400

*TAXING DISTRICT *	**RATE**	**AM
COUNTY	.005509029	
COUNTY RD&BRG	.000543997	
SCHOOL NO. 21	.005119316	
BAN FREE LIB	.000366603	
MCCAMMON CEM	.000266471	
AMBULANCE	.000265099	
SANITARY LANDFILL		
MCCAMMON FIRE DIST		
TOTAL TAX/SPECIALS		

MAKE CHECK PAYABLE TO:
GENIE ALEXANDER
BANNOCK COUNTY TREASURER
P.O. BOX 4626
POCATELLO, ID 83205-4626
(208) 236-7220
PARCEL RRCDT000700 2002

BILL NO
R38945

SUBTOTAL

TOTAL DUE

*** IMPORTANT ***
PLEASE READ BOTH FRONT AND BACK
*** MONTHLY PAYMENTS ARE ACCEPTED ***

PAYMENTS RECEIVED WITH A DELINQUENCY WILL BE
APPLIED TO THE OLDEST DELINQUENT YEAR.

TO AVOID LATE CHARGES, PAYMENTS MUST BE
RECEIVED OR POSTMARKED BY THE DUE DATE.

KEEP TOP PORTION FOR YOUR RECORDS.

PERSONAL CHECKS ARE YOUR RECEIPT
SUBJECT TO BANK CLEARANCE.

DELINQUENCIES ON SUB-ROLLS, RECENTLY SUBDIVIDED OR
COMBINED PROPERTY MAY NOT APPEAR ON THIS NOTICE. *

CK 0981

FOR PROPER CREDIT THIS STUB MUST BE RETURNED WITH PAYMENT
PERSONAL CHECKS ARE SUBJECT TO BANK CLEARANCE
FRANK LEW RRCDT000700



DONALD H WORTHYLAKE
2002 REAL

R38945
2ND HALF

447.62

CHECK _____

LATE

CASH _____

INT

COST

TOT

DELINQUENT IF NOT PAID ON OR BEFORE

JUNE 20, 2003

TO AVOID LATE FEE MAIL BY THE 19TH *

SCANNED

MAR 08 2006

PARCEL NUMBER
RRCOT000900

TAX YEAR 2002
REAL

Imp.

FULL TAX

HM-
MVE-

S22-T9S-R36E
LOT 8 5.54 AC
COTTONWOOD ACRES

TAXABLE
VALUE

\$11,243

1ST TAX
HALF

2ND TAX
HALF

CODE AREA 004400

DONALD HUNTER WORTHYLAKE
9856 S MARSH CREEK RD
MC CAMMON ID 83250-1697

*TAXING DISTRICT *	**RATE**	***A
COUNTY	.005509029	
COUNTY RD&BRG	.000543997	
SCHOOL NO. 21	.005119316	
BAN FREE LIB	.000366403	
MCCAMMON CEM	.000266471	
AMBULANCE	.000265099	
TOTAL TAX/SPECIALS		

MAKE CHECK PAYABLE TO:
GENIE ALEXANDER
BANNOCK COUNTY TREASURER
P.O. BOX 4626
POCATELLO, ID 83205-4626
(208) 236-7220
PARCEL RRCOT000900 2002

BILL NO
R38947

SUBTOTAL

TOTAL DUE

*** IMPORTANT ***
PLEASE READ BOTH FRONT AND BACK
*** MONTHLY PAYMENTS ARE ACCEPTED ***

PAYMENTS RECEIVED WITH A DELINQUENCY WILL BE
APPLIED TO THE OLDEST DELINQUENT YEAR.

TO AVOID LATE CHARGES, PAYMENTS MUST BE
RECEIVED OR POSTMARKED BY THE DUE DATE.

KEEP TOP PORTION FOR YOUR RECORDS

PERSONAL CHECKS ARE YOUR RECEIPT
SUBJECT TO BANK CLEARANCE

DELINQUENCIES ON SUB-ROLLS, RECENTLY SUBDIVIDED OR
COMBINED PROPERTY MAY NOT APPEAR ON THIS NOTICE.

FOR PROPER CREDIT THIS STUB MUST BE RETURNED WITH PAYMENT TO BANNOCK
COUNTY TREASURER. PERSONAL CHECKS ARE SUBJECT TO BANK CLEARANCE.
DONALD HUNTER WORTHYLAKE RRCOT000900



2002 REAL

R38947

2ND HALF

67.86

CHECK _____

LATE

INT

CASH _____

COST

TOT

DELINQUENT IF NOT PAID ON OR BEFORE

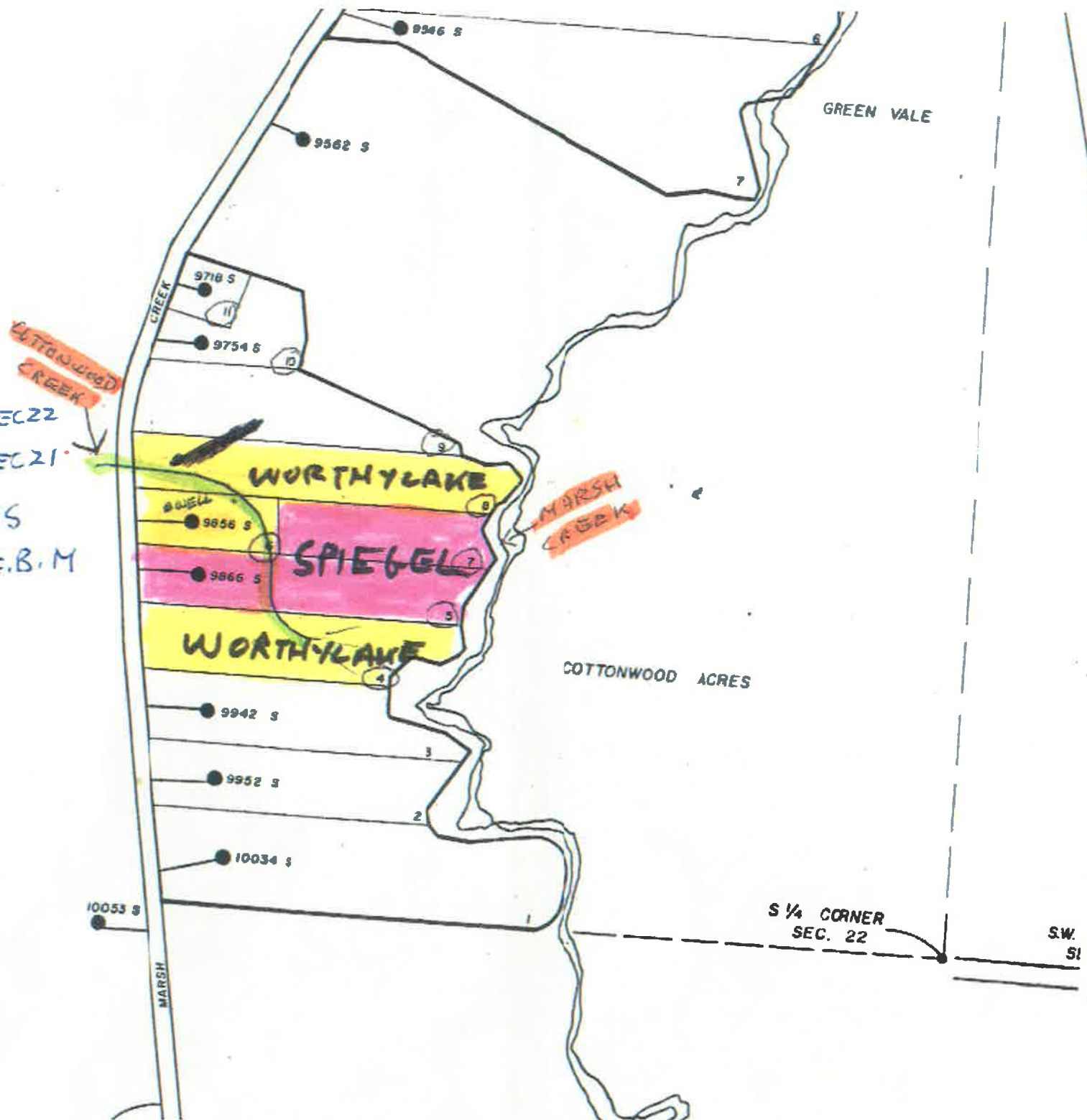
JUNE 20, 2003

SCANNED

MAR 08 2006

TOWNSHIP 9S
RANGE 36, E.B.M

SCANNED





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

Donald H. Worthylake
9856 South Marsh Creek Road
McCammon, Idaho 83250

October 22, 2002

Re: Snake River Basin Adjudication (SRBA)

Subject: Evidence of Priority

Claim No: A29-4045B, A29-4113A

Response Date: November 6, 2002

DEAR CLAIMANT(S):

In August of this year we spoke in regards to needing evidence of priority on the above listed claims. Time is of the essence; I need this information by November 6, 2002 in order to make a recommendation to the court in the Snake River Basin Adjudication. These rights have never been confirmed by a court decree or by a department investigation; we need documentation that the water uses were developed prior to March 25, 1963 (ground water source) or May 20, 1970 (surface water source).

Please refer to the letter and pamphlet I gave you, and provide documentation. Remember that affidavits must clearly identify "first person" knowledge (I did..., I saw..., etc.) and clearly state when the use of water was first seen by the person.

If you have any questions, please feel free to contact me at 547-3993.

Respectfully;

Cindy E. Bird
Adjudication Bureau



cc: Kathleen Spiegel

HOPE THIS IS WHAT YOU NEED - I WILL BE
OUT OF TOWN UNTIL 2 NOV. I CAN BE
CONTACTED AGAIN ON THAT DATE IF NEEDED

PROFILED

SCANNED
MAR 08 2005

R

August 20, 2002

My father, Fred R. Bishoff, bought property along the Marsh Creek, then known as the Truman Rowe ranch, in the spring of 1939.

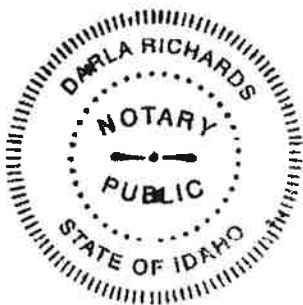
As I remember, he used water for irrigation from the snow run off that came down from the mountain south of the orchard.

Marlene B. Rowsell
Marlene Bishoff Rowsell
590 Hillview Dr.
Blackfoot, ID 83221

8/20/2002

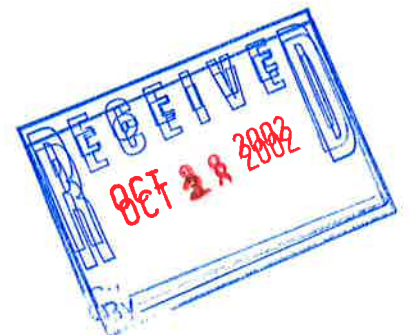
Darla Richards

3/12/2005



SCANNED

MAR 08 2006



March 9, 1995

(I'm 88 years old)
I'm Fred R. Brooks and I bought
the land from the Federal Land
Bank between 1939 and according
to their records the water was
leased on on June 18 1903. We
farmed it until 1945. We used
the water every year to grow
cucumbers. We sold the place to
Frank and he ran it as I know
they used the water ever since.
Human have mortgaged the
land to the Federal Land Bank
He got stuck by lightning and it
killed him. He had used flood
irrigation method.

The man crops were May and

Frank Brooks

And Brooks came before
me 3-9-95
Bruce Dean Johnson
McCammor, Id
exp date 10-95



SCANNED
MAR 08 2003

Appropriators and Claimants.
STATE OF IDAHO,)
(SS.
County of Bannock.)

Joshua Munn being first duly sworn, depose and says that he is of lawful age and is one of the appropriator 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 Five o'clock P.M. the 2d day of July 1902.

Subscribed and Sworn to before me this 2d day of July 1902.
(SEAL) Joshua Munn,
J.J. Guheen,
Notary Public.
Recorded at request of Joshua Munn, at 8.46 o'clock A.M. July 3rd. 1902.
By E.S. Gallet, Deputy. J.S. Campbell, Recorder.
Fee 80¢
Notice of Water Right Location.

To Whom it May Concern:

Notice is hereby Given, That Truman W. Rowe of McCammon, County of Bannock State of Idaho has this 18th day of June 1902 appropriated and hereby claims the use of the waters of Dry Creek, in Bannock County, State of Idaho, to the extent of Four cubic feet per second, flowing at the point of intended diversion, which said point of intended diversion is particularly described as follows, to-wit: about 1/2 mile west from the N.W. Cor. of the S.E. 1/4 of the N.W. 1/4 of Sec. 21 in Township 9 South of Range 36 East B.M.

That the special purpose or purposes for which said water is claimed for irrigation and domestic use.

The place of its intended use is S.E. 1/4 of the N.W. 1/4 and south half of E.E. 1/4 of Sec. 21, and S.W. 1/4 of N.W. 1/4 of Sec. 22, in Township 9 south of range 36 east B.M. containing 160 acres.

That the general course of the proposed canal or conduit is

The length of said proposed canal or conduit is one mile.

That it is intended to complete the works for the diversion and use of said water as aforesaid within work is already completed.

A copy of this notice was duly posted at or near the point of intended diversion on the 18th day of June 1902.

Witness my hand at Robin County of Bannock State of Idaho, this 18th day of June 1902.
Appropriator and Claimant. (Truman W. Rowe.)

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

Truman W. Rowe being first duly sworn, deposes and says that he is of lawful age and is the appropriator and claimant of the Water Right described in the within and foregoing notice and whose name ... 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 o'clock M., the 18th day of June 1902.

Subscribed and Sworn to before me this 19th day of June 1902.
Truman W. Rowe,
P.M. Larson,
Justice of the Peace.
Recorded at request of D.W. Standrod, at 9.10 o'clock A.M. July 5th, 1902.
By E.S. Gallet, Deputy. J.S. Campbell, Recorder.
Fee 80¢
Notice of Water Right Location.

To Whom it May Concern:

Notice is hereby Given, That Truman W. Rowe of McCammon County of Bannock State of Idaho, has this 18th day of June 1902 appropriated and hereby claims the use of the waters of Quaking Asp Spring in Bannock County, State of Idaho, to the extent of One cubic feet per second, flowing at the point of intended diversion, which said point of intended diversion is particularly described as follows, to-wit: about 1/4 mile west from the N.W. Cor. of the S.E. 1/4 of the N.W. 1/4 of Sec. 21 in Township 9 South of Range 36 East B.M. at what is known as a patch of Quaking Asp.

That the special purpose or purposes for which said water is claimed for irrigation and domestic use.

The place of its intended use is S.E. 1/4 of the N.W. 1/4 and south half of N.E. 1/4 of Sec. 21, and S.W. 1/4 of N.W. 1/4 of Sec. 22, in Township 9 south of range 36 east B.M.

That the general course of the proposed canal or conduit is

The length of said proposed canal or conduit is one fourth (1/4).

That it is intended to complete the works for the diversion and use of said water as aforesaid within work is already completed.

A copy of this notice was duly posted at or near the point of intended diversion on the 18th day of June 1902.

Witness my hand at Robin County of Bannock State of Idaho, this 18th day of June 1902.
Appropriator and Claimant. (Truman W. Rowe.)

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

Truman W. Rowe being first duly sworn, deposes and says that he is

lawful age and is the appropriator and claimant 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.....M., the 18th day of June 1902.

Truman W. Rowe,
Subscribed and Sworn to before me this 19th day of June 1902.
P.M. Larson,
Justice of Peace.

Recorded at request of D.W. Standrod, at 9.11 o'clock A.M. July 5th, 1902.
By E.G. Gallet, Deputy. J.S. Campbell, Recorder.

Notice of Water Right Location.

To Whom it May Concern:

Notice is hereby given, That Benjamin T. Rowe Sr., of McCammon, County of Bannock State of Idaho has this 18th day of June 1902 appropriated and hereby claims the use of the waters of Rowe Creek in Bannock County, State of Idaho, to the extent of Four cubic feet per second, flowing at the point of intended diversion, which said point of intended diversion is particularly described as follows, to-wit: about one half mile west from the N.W. Cor. of the S.E. 1/4 of the N.W. 1/4 of Sec. 21 in Township 9 South of Range 36 East B.M.

That the special purpose or purposes for which said water is claimed for irrigation and domestic use.

The place of its intended use is the E. half of the S.E. 1/4 of Sec. 21 and lots 9 & 10 of Sec. 22, in Township 9 South of Range 36 East B.M. containing 155.25 acres.

That the general course of the proposed canal or conduit is Easterly.

The length of said proposed canal or conduit is one mile.

That it is intended to complete the works for the diversion and use of said water as aforesaid within work is already completed.

A copy of this notice was duly posted at or near the point of intended diversion on the 18th day of June 1902.

Witness my hand at Robin County of Bannock State of Idaho, this 18th day of June 1902.

Appropriator and Claimant. (Benjamin T. Rowe,
his X mark.

State of Idaho,)
(SS.

County of Bannock.)

Benjamin T. Rowe Sr., being first duly sworn, deposes and says that he is of lawful age and is the appropriator and claimant 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.....o'clock.....M., the 18th day of June 1902.

Benjamin T. Rowe Sr.,
Subscribed and Sworn to before me this 19th day of June 1902.

P.M. Larson,
Justice of Peace.

Recorded at request of D.W. Standrod, at 9.12 o'clock A.M. July 5th, 1902.
By E.G. Gallet, Deputy. J.S. Campbell, Recorder.

Notice of Water Right Location.

To Whom it May Concern:

Notice is hereby given, That Truman W. Rowe of McCammon, County of Bannock, State of Idaho has this 18th day of June 1902 appropriated and hereby claim the use of the waters of Rowe Creek in Bannock County State of Idaho, to the extent of Four cubic feet per second, flowing at the point of intended diversion, which said point of intended diversion is particularly described as follows, to-wit: about one half mile west from the N.W. Cor. of the S.E. 1/4 of the N.W. 1/4 of Sec. 21 in Township 9 S. of Range 36 East B.M.

That the special purpose or purposes for which said water is claimed for irrigation and domestic use.

The place of its intended use is S.E. 1/4 of the N.W. 1/4 and South half of N.E. 1/4 of Sec. 21, and S.W. 1/4 of N.W. 1/4 of Sec. 22, in Township 9 south of Range 36 East B.M. containing 160 acres.

That the general course of the proposed canal or conduit is Easterly.

The length of said proposed canal or conduit is one mile.

That it is intended to complete the works for the diversion and use of said water as aforesaid within work is already completed.

A copy of this notice was duly posted at or near the point of intended diversion on the 18th day of June 1902.

Witness my hand at Robin County of Bannock State of Idaho, this 18th day of June 1902.

Appropriator and Claimant. (Truman W. Rowe,

State of Idaho,)

(SS.

County of Bannock.)

Truman W. Rowe being first duly sworn, deposes and says that he is of lawful age and is the appropriator and claimant of the Water Right described in the within and foregoing notice and whose name.....subscribed thereto.

[illegible]

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

Current Owner Kathleen M. SPIEGEL 9866 S. Marsh Crk Rd McCammon.

Current Owner _____

Representing Attorney: _____ Phone Number: _____

Accompanied By: Don Worthy/ake Phone Number: 254-3152

Kathleen Spiegel

254-3409

Relationship to Claimant: Claimant

Date of Field Exam: 8/14/02 Time: 8:30 AM

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

COPY REMARKS FROM 29-4113A

- C-18

- split from 29-4045

- This right when combined w/ 29-4113A shall not exceed 0.02 cfs/acre.

COS?

CO3- 1971

Reviewer: CB

Date: 8/19/02

PROFILED

SCANNED
MAR 08 2006

Priority Date Data Entry Form

Claim Number: A 29-04045 B
Water Right Priority Date: June 18, 1902 Water Right Basis: Posted Notice
Claimed Priority Date: 6-18-1902 Claimed Basis: Statutory Claim
Recommended Priority Date: 6-18-02 Recommended Basis: B.U.

☐ 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:

- evidence of priority needed.
- left brochure the day of the exam.
Oct. 28-2002 Received information on evidence
of priority

Reviewer: CB

Date: 8/19/02

SCANNED
MAR 08 2005

Point of Diversion and Source Data Entry Form

Claim Number: A29-04045B

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

Source:____ Tributary:____

Claimed Point of Diversion: T____, R____, Sec.____, County:____

Source:____ Tributary:____

Recommended Point of Diversion: T 9S, R 36E, Sec. 22, County: BannockSource: Cottonwood Crk Tributary: Marsh Creek9S 36E 22 SWSW
Use Claimed POD and Source as Recommended POD and Source

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source	
<u>9S</u>	<u>36E</u>	<u>22</u>	<u>9</u>	<u>NWSW</u>	<u>Bannock</u>	<u>Cottonwood Crk</u>	<u>WDR COT</u>
GPS Coordinates: <u>N 42° 37.257'</u>				<u>W 112° 14.517'</u>			
<u>9S</u>	<u>36E</u>	<u>22</u>	<u>10</u>	<u>SWSW</u>	<u>Bannock</u>	<u>Cottonwood Crk</u>	<u>WOCOT2</u>
GPS Coordinates: <u>N 42° 37.751'</u>				<u>W 112° 14.510'</u>			
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:

FIELD EXAM, 1987/88 NAPP
Photography

During my field exam with Bob Murray he explained to me that the court changed the natural channel for Cottonwood Crk to the N. fork above his diversion in the 1970's. The new Cottonwood Crk flows through Dan Worthy lake & Kathleen Spiegels property, they have ditches off the creek & put dams in to flood irrigate the top portion of their property

Transfers Changing POD _____

Reviewer: CBDate: 8/19/02

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Place Of Use Data Entry Form

Claim Number: A29-04045 B 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
9S	36E	22	NWSW		Bannock	9	2	Irrigation
			SWSW		Bannock	10	26	Irrigation
			SWSW		Bannock	10		Stock
			NWSW		"	9		"

Total Acres 4.6

Document how the POU was verified:

Field exam1987/88 NAAP PHOTOGRAPHY

✓ POU for other claims on 29-4045; 29-4113
Accomplished POU?

Transfers Changing POU Reviewer: CBDate: 8/19/02

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Purpose of Use Data Entry Form

Claim Number: A29-04045B☐ Use Claimed Purpose of Use as Recommended Purpose of Use

Water Right Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit	Number of Other

Claimed Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit	Number of Other
Irrigation			7.0	

Recommended Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit	Number of Other
Irrigation			4	
Stock		4		

Document how the Purpose of Use was verified:

field exam

Transfers Changing Purpose of Use _____

Reviewer: CBDate: 8/19/02

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Period of Use and Quantity Data Entry Form

Claim Number: A29-04045B

☐ 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
Irrigation	3/15	4/15	0.14	
Stock	1/1	12/31	0.01	

Overall Diversion Rate 0.14

Overall Diversion Volume

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
Irrigation	4/1	10/31	0.08	
Stock	1/1	12/31	0.01	

Overall Diversion Rate 0.08

Overall Diversion Volume

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

FIELD EXAM

Reviewer: CB

Date: 8/19/02

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Cottonwood Ck
Spiegel & Don
worthy lakes
ditch to N.

diversion dam in Cottonwood Crk to flood the top part of the property

8:59 AM (9:59 AM)
WOCOT-2 N 42° 37.25' SW SW Sec 22
W 112° 14.50' L-10

PS4 see map in file for irrigated PS4.

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Section 42-225a, Idaho Code

MAY 30 2001

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. **The filing of this claim does not confirm the water right but will serve for information purposes only.** It may, however, become the basis for future adjudication of the water right by the Court.

Notice is hereby given that Frank Lew
(name of claimant)
of Star Route, Box 291, McCammon, Idaho, claims a right to the diversion and beneficial use of
(mailing address)
the public water of the State of Idaho

The extent and nature of said claim is as follows:

- (1) Describe source of water: (name of stream, lake, spring, etc., or ground water) Cottonwood Creek
, tributary to, Marsh Creek
- (2) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Amount	<u>2.0</u>	Use	<u>Irrig.</u>	Period of Use:	From	<u>Mar. 15</u>	To	<u>Nov. 15</u>
Amount	<u>0.02</u>	Use	<u>Stock</u>	Period of Use:	From	<u>Jan. 1</u>	To	<u>Dec. 31</u>
Amount	<u> </u>	Use	<u> </u>	Period of Use:	From	<u> </u>	To	<u> </u>
	(cfs, gpm, or gal.)		(dom., irri., or stock)					(both dates inclusive)

- (3) Total quantity of water claimed: 2.0 cubic feet per second, or _____ acre feet per annum, and/or _____ gallons per minute.

- (4) Priority claimed: (the date water was first applied to beneficial use) June 18, 1902

A claim is not acceptable on a ground-water source with a priority later than March 25, 1963 or on a surface-water source with a priority later than May 20, 1971. An exception to this rule is that a claim may be filed on domestic use from a ground-water source.

- (5) A) Point of diversion: (give location of point where water is diverted from its source)
NE ¼ SE ¼, Sec. 21 Twp. 9S Rge. 36E B. M. County of Bannock
 Additional points of diversion:

B) Describe means of diversion of water: (pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.) Give sizes and capacities; be as specific as possible. Diversion dam and two ditches. One 250 ft. long and one 1400 ft. long.

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

[illegible]

Total No. of acres 55

- B) If the water is used for other than irrigation, fully describe that use, being as specific as possible: Stockwatering purposes for 50 head of cattle.

- (7) If you are claiming water as a member of an organization, list name of organization: _____

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See H14
1-2

See H14
1-2

B723
(4186)

A
30.3

B15
(2813)

E
133

G
225

H
11.0

I
21.5

L
82.9

C
69.1

G
57

I
47

J
4.0

B
67

D
23

E
61

F
82

H
82

K
12.9

E
77.6

F
96.4

M
437

G
35.0

E
15.3

F
17

A
122.3

B296
(4186)

See H14

L
25.7

14.5
2.1/2.2

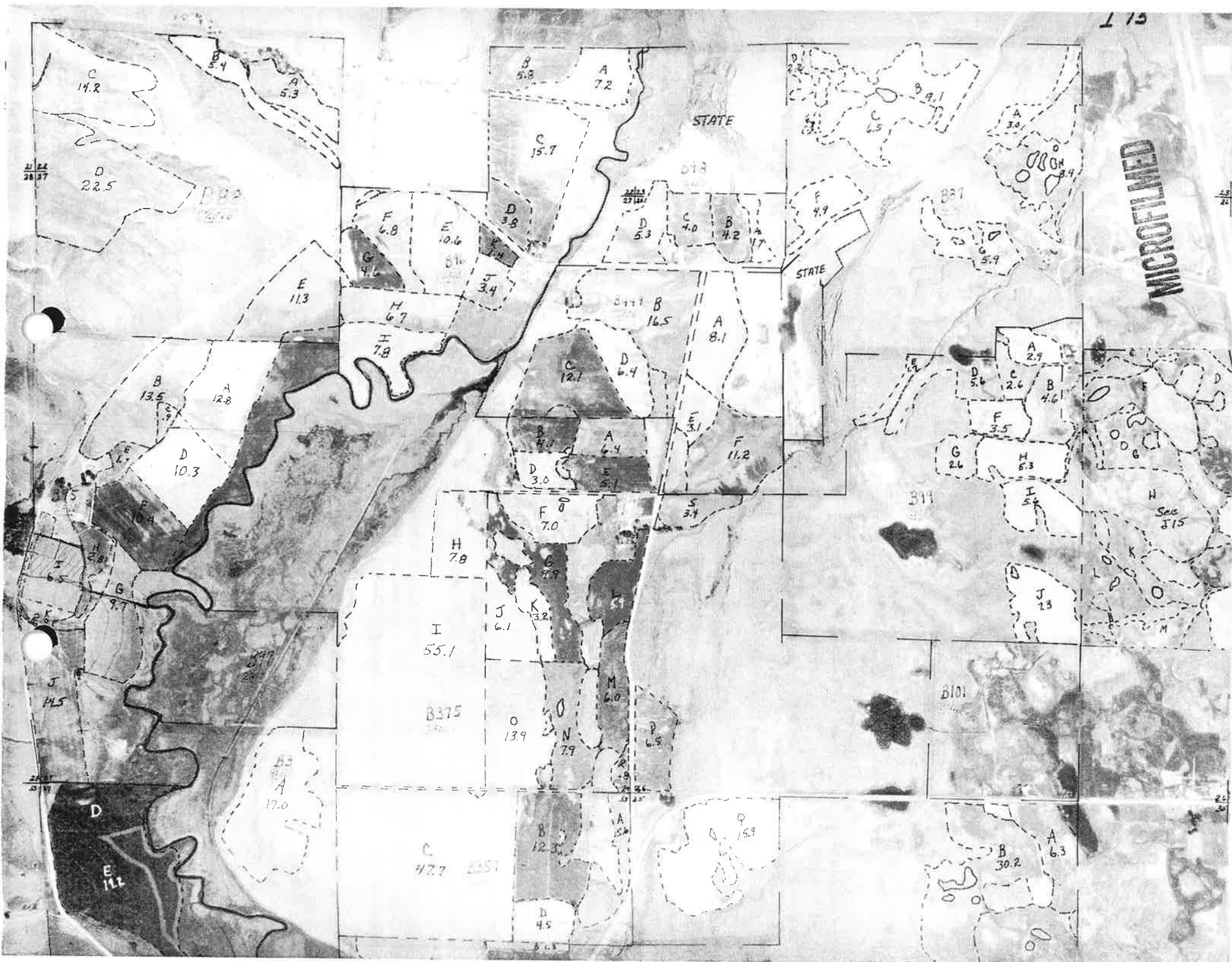
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24.12

19.9
16.6

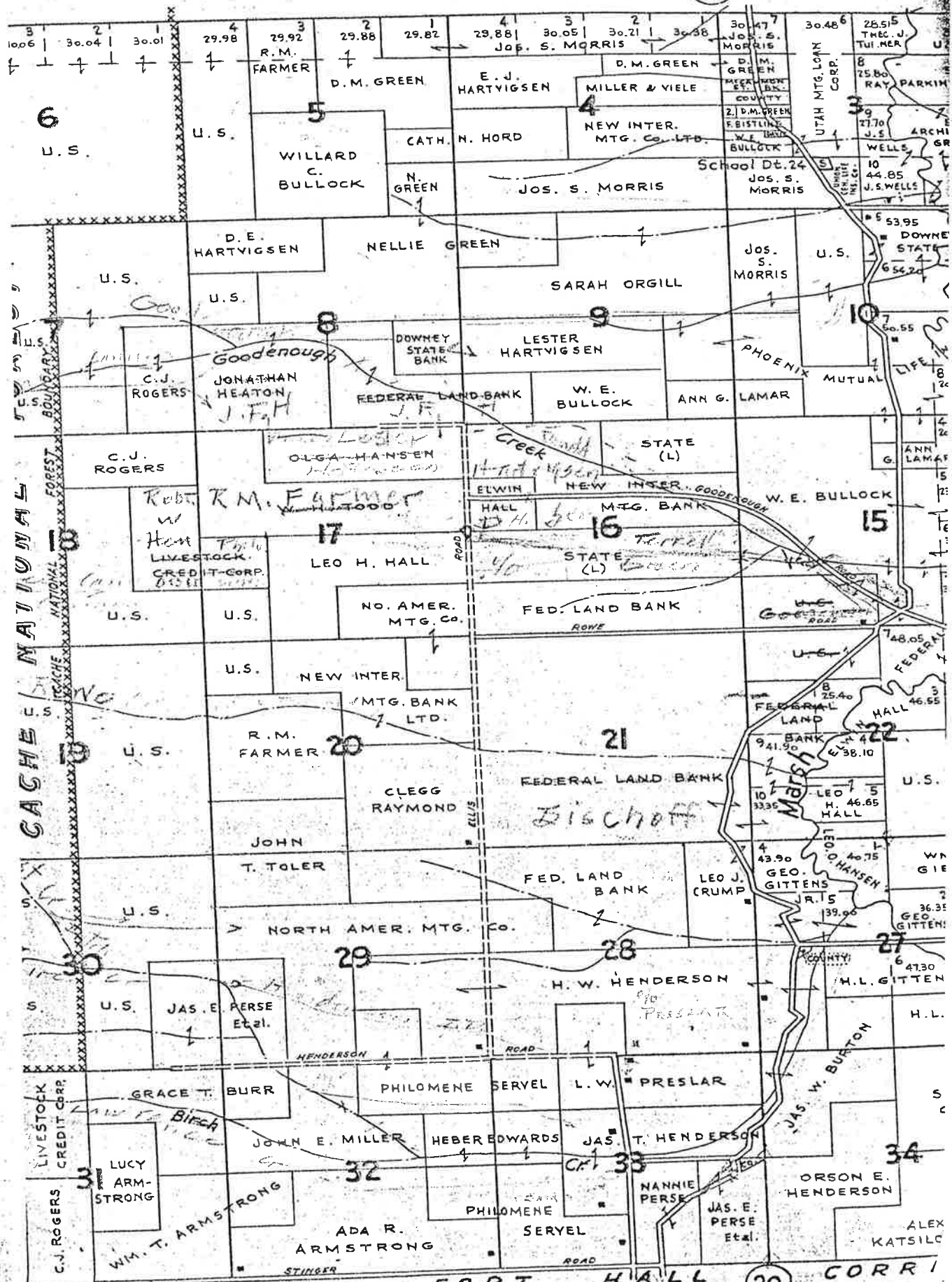
9.7
5.7

B357

INDEXED



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IDAHO DEPARTMENT OF WATER RESOURCES

SNAKE RIVER BASIN ADJUDICATION - BASIN 29

RIGHT ID
POD ID
Quad
Claim Type
Easting
Northing
GPSID

Diversion Description

Pumphouse behind home. Tag applied to casing inside wellhouse.

Assumptions

Invoice

2000-037-01-0

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
Photos

EPE (ft)

Date (M/D/Y)

Time

Flow Rate (CFS)

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

Depth

☐ Rectangular Channel

Width

Depth

Flow Calculation

☐ Continuity Velocity

☐ Orifice

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

Depth of Water above orifice centerline

☐ 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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JUN 04 2001

Log for claim A29-04045B

Spatial Dynamics LTD

7/13/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
09s36e	21	NESE	1	3.4	Indiscernible
09s36e	22	NWSW	6	22	Indiscernible
Totals:			7	25.4	

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MAR 08 2006



AJ5809NP
No. A29-04045B

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 04/27/00
PAGE: 101

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	MURIEL L WORTHYLAKE 9856 S MARSH CREEK RD MC CAMMON ID 83250 (208) 254-3152	06/18/1902	IRRIGATION STOCKWATER	03-15 11-15 01-01 12-31	0.140 CFS 0.010 CFS	
					TOTAL DIVERSION: CONSUMPTIVE USE:	0.140 CFS 17.50 AFA

C DONALD H WORTHYLAKE
9856 S MARSH CREEK RD
MC CAMMON ID 83250
(208) 254-3152

C KATHLEEN M SPIEGEL
9866 S MARSH CREEK RD
MC CAMMON ID 83250
(208) 254-3409

Water Source: COTTONWOOD CREEK

Tributary to: MARSH CREEK

Stage: STATUTORY CLAIM

Point(s) of Diversion: T09S R36E S21 SWNESE

BANNOCK County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE								
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM
			:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	
09S	36E	21	:					:					:					:					:	1.0
09S	36E	22	:					:					:					:					:	6.0
																							TOTAL ACRES	7.0

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

POU County: BANNOCK

Non-Irrigation Uses: S/UP TO 30-40 HD. GOATS.

Other Rights: RTS. FROM MARSH CREEK.

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
A29-04045C A29-04045D A29-04113A

Other Water Rights Listing Overlapping Place(s) of Use:
A29-02269B A29-02269D A29-04045 A29-04045C A29-04045D A29-04113 A29-04113A A29-07617 A29-10007 A29-11621
A29-11622

Remarks: GEN SOURCE PREVIOUSLY KNOWN AS ROWE CREEK.
THIS RT. IS SPLIT FROM THE PARENT RT. FOR THE PORTION OF LANDS ON
THE ORIGINAL RT. NOW OWNED BY THE CLAIMANT AND FOR THE RATE OF
FLOW OF 0.02CFS/ACRE.

AJ5809NP
No. A29-04045B

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 04/27/00
PAGE: 102

=====

Dates:	Exam Made Date:	Verified Date:	Objection Filed Date:
Misc:	Water District Number:	Field Inspection Flag:	
		Presumption Flag:	
Audit:	04/05/90 MOBILE3	07/15/94 THOMPSON	03/29/95 POST-STD

R. M. WHITTIER
ATTORNEY AT LAW
653 East Center
P. O. Box 4082
Pocatello, Idaho 83201
Telephone: 233-6444

Mar 29 1 21 PM '76

BY *Elmer Anderson*
DEPUTY

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

3 CHARLES SPIEGEL and KATHLEEN)
4 M. SPIEGEL, Husband and Wife,)
5 Plaintiffs,)
6 -vs-)
7 FRANK LEW, a single person,)
8 Defendant.)

Case No. 33099
STIPULATION AND ORDER

9
10 COME NOW the parties, by and through their attorneys
11 of record, and stipulate and agree that the above-captioned case
12 may be dismissed by the Court on the following express terms and
13 conditions:

14 1. This agreement is to be substituted for all plead-
15 ings on file herein and this agreement may be entered as a
16 judgment resolving all issues between the parties;

17 2. That henceforth Mr. Lew may appropriate, subject
18 to any other third party rights, up to a maximum of two (2)
19 c. f. s. from Cottonwood Creek;

20 3. That henceforth Mr. and Mrs. Spiegel may appro-
21 priate waters in excess of two (2) c. f. s. from Cottonwood
22 Creek, providing the same does not interfere in any manner
23 whatsoever with Frank Lew's prior right of appropriation recog-
24 nized hereunder;

25 4. That the foregoing appropriations from Cottonwood

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MAR 08 2006

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NOV 13 1990

1 Creek are binding as between the parties and neither will wil-
2 fully nor intentionally interfere with the other's appropriations,
3 and that said appropriations shall be in force throughout the
4 year;

5 5. That the Spiegels may install, at their own
6 expense, a weir on Cottonwood Creek, the purpose of the same
7 being to indicate whether Mr. Lew is utilizing an excess of
8 two (2) c. f. s. of said waters, providing the same does not
9 interfere in any manner whatsoever with Frank Lew's appropria-
10 tion and division of two (2) c. f. s. of the said Cottonwood
11 Creek;

12 6. That the Spiegels are perpetually enjoined from
13 wilfull or intentional acts or omissions to interfere with Mr.
14 Lew's earthen dam upon Cottonwood Creek, the same now being
15 utilized by Mr. Lew to divert waters from Cottonwood Creek and
16 onto his property;

17 7. That Mr. Lew grant, transfer and convey to
18 Spiegels, their heirs, successors and assigns, the right to
19 divert and appropriate six (6) miner's inches of water from
20 Marsh Creek, the same to be an appertenance to their present
21 properties, with their own diversion point and pump to be
22 established by them, said transfer to be made to grant and
23 transfer to Spiegels that same 1947 priority now enjoyed by
24 Mr. Lew. Charles Spiegel and Kathleen M. Spiegel hereby
25 specifically recognize and accept full responsibility to
26 arrange with the proper authorities for the establishment of
27 the aforementioned point of diversion, and specifically agree
28 to pay each and every cost incident thereto.

29 8. That the foregoing agreement relating to the
30 utilization and use and appropriation of waters from Cottonwood
31 Creek, in no way constitutes a Court adjudication of water
32 rights, other than as between the above-captioned parties

SCANNER

MAR 08 2006

ANALYST

NOV 13 1990

Mar 29 1 21 PM '76
BY *Charles Spiegel*
REPORT

1 themselves;

2 9. The parties agree to execute documents of title
3 transfer or conveyance in conformance with the above-mentioned
4 Paragraph 7.

5 10. That each of the parties bear their own costs
6 and attorney fees incurred in the above-captioned case;

7 11. That all terms and conditions of the real estate
8 agreement between the parties dated the 6th day of June, 1975,
9 shall otherwise remain in full force and effect;

10 12. That Charles S Spiegel and Kathleen Spiegel hereby
11 specifically waive, in consideration of the execution of this
12 stipulation, any and all claims, known or unknown, which they
13 might now or hereafter assert against Frank Lew as a result of
14 their purchase from him of that certain real property which is
15 the subject of this agreement.

16
17 *Charles Spiegel*
18 CHARLES SPIEGEL

19
20 *Kathleen M. Spiegel*
21 KATHLEEN M. SPIEGEL

22
23 *Frank Lew*
24 FRANK LEW

25 ORDER

26 Upon reading the foregoing and good cause appearing
27 therefor, and the Court being fully apprised in the premises,
28 IT IS HEREBY ORDERED that the foregoing stipulation is adopted
29 by the Court, and that the Complaint and Counterclaim are hereby
30 dismissed based upon the terms and conditions contained in
31 said Stipulation.

32 DATED this 29 day of March, 1976.

Al
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CERTIFICATE OF MAILING

I HEREBY CERTIFY that a true and correct copy of the foregoing STIPULATION AND ORDER was mailed to W. Marcus W. Nye, Attorney at Law of the firm of Racine, Huntley & Olson, P. O. Box 1391, Pocatello, Idaho, 83201, postage prepaid, this 4th day of March, 1976.


R. M. WHITTIER

RECORDED

NOV 13 1976

SCANNED

MAR 08 2006

SCANNED

JUN 04 2001

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A29-04045B

Date Received: 3/29/1990

Receipt No: 11006489

Received By: JS

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name:	DONALD H. WORTHYLAKE	208-254-3152
Address:	9856 SO. MARSH CK. ROAD MC CAMMON, ID 83250	
OR		
Name:	MURIEL L. WORTHYLAKE	208-254-3152
Address:	9856 SO. MARSH CK. ROAD MC CAMMON, ID 83250	
OR		
Name:	KATHLEEN M. SPIEGEL	208-254-3409
Address:	9866 SO. MARSH CK. ROAD MC CAMMON, ID 83250	

A2904045B



2. Date of Priority: JUN 18, 1902

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
09S	36E	21	SW	NE	SE		BANNOCK

5. Description of diverting works:
DIVERSION IN STREAM W/GRAVITY DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.140		
STOCKWATER	01/01	12/31	0.010		

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

A.F.A.

8. Total consumptive use is 17.5 Acre Feet Per Annum.

9. Non-irrigation uses:
S/UP TO 30-40 HD. GOATS.

A29-04045B

Page 1

Date: 04/05/90

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MAR 05 2006

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DEC 09 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09S	36E	21	NE	SE		IRR	1.0
					Section Acres		1.0
		22	NW	SW		IRR	6.0
					Section Acres		6.0
					Total Acres		7.0

11. Place of use in counties: BANNOCK

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

13. Other Water Rights Used:
RTS. FROM MARSH CREEK.

14. Remarks:

SOURCE PREVIOUSLY KNOWN AS ROWE CREEK.

THIS RT. IS SPLIT FROM THE PARENT RT. FOR THE PORTION OF LANDS ON
THE ORIGINAL RT. NOW OWNED BY THE CLAIMANT AND FOR THE RATE OF
FLOW OF 0.02CFS/ACRE.

15. Basis of Claim: STATUTORY CLAIM

Posted notice

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): Donald McKinley Colbo Date: 5 April 1990

Date: _____

State of Idaho)
County of BANNOCK) SS.

Subscribed and sworn (or affirmed) before me this 5 day
of APRIL 19 90

Seal

Forrest E. Luthy
Notary Public
Forrest E. Luthy, Notary Public
Residing at _____ Residing at Boise, Idaho
My Commission Expires Nov. 8, 1994
My Commission Expires _____

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

42° 37' 30"

98° 00' 00" E

399

400

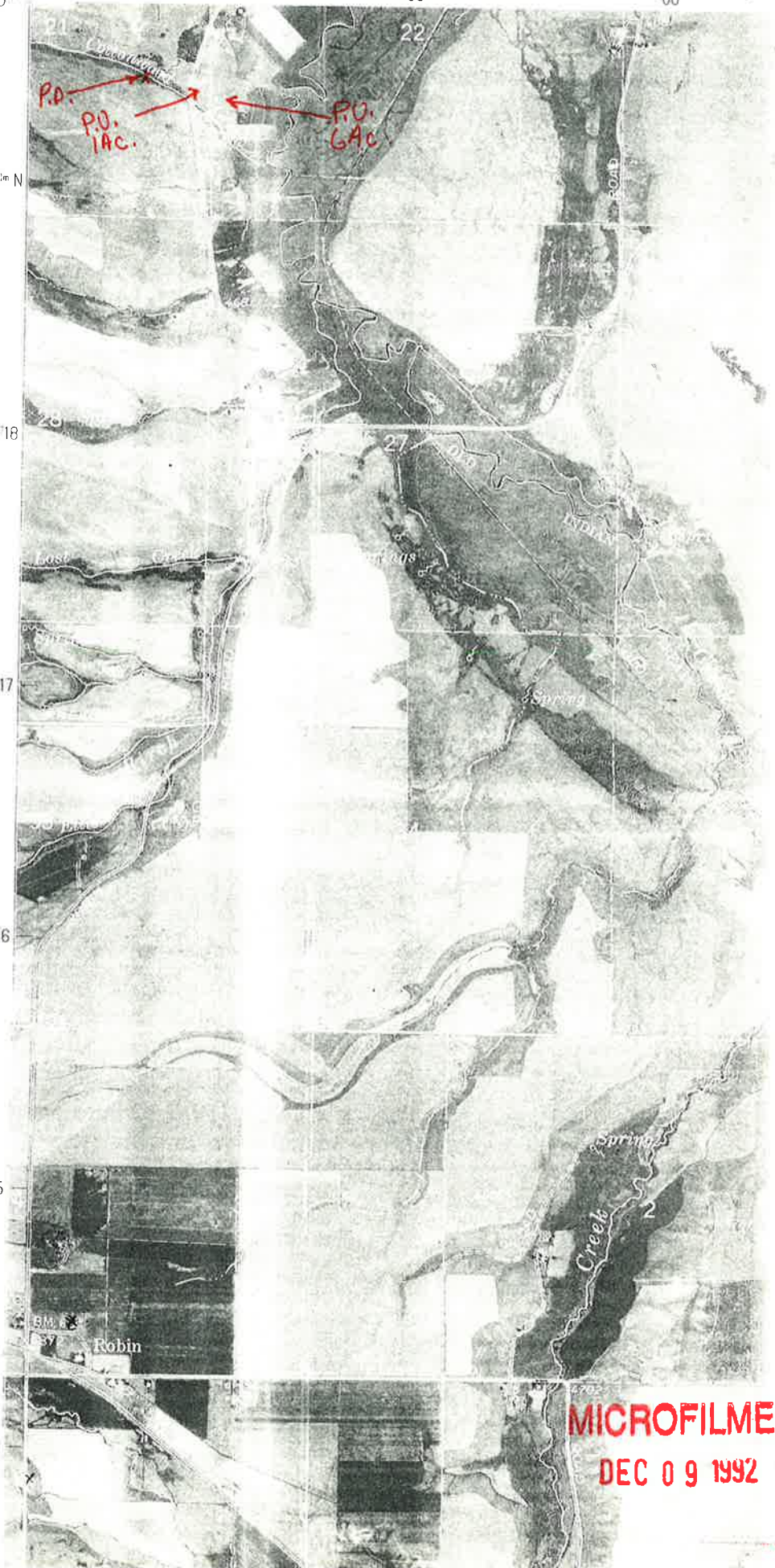
T9S
R36E
Secs. 21-22

T9S
T10S

SCANNED
MAR 05 2006

35'
4715

4714



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DEC 09 1992