

02/13/2003

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

RIGHT NUMBER: 29-4045C

NAME AND ADDRESS: SUZAN K SMITH
9562 S MARSH CREEK RD
MC CAMMON ID 83250

KURTTIS B SMITH
9562 S MARSH CREEK RD
MC CAMMON ID 83250

SOURCE: COTTONWOOD CREEK

TRIBUTARY: MARSH CREEK

QUANTITY: 0.280 CFS

THIS RIGHT WHEN COMBINED WITH RIGHT NOS. 29-11621 AND 29-11622
SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE.

PRIORITY DATE: 06/18/1902

POINT OF DIVERSION:

T09S R36E S21 SWNESE Within BANNOCK County Source: COTTONWOOD CREEK

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.280 CFS
STOCKWATER	01/01 12/31	0.010 CFS

PLACE OF USE:

IRRIGATION Within BANNOCK County

T09S R36E S22 SWNW 4.7 T09S R36E S22 Lot 9 NWSW 9.3

STOCKWATER Within BANNOCK County

T09S R36E S22 SWNW T09S R36E S22 Lot 9 NWSW

14 ACRES TOTAL

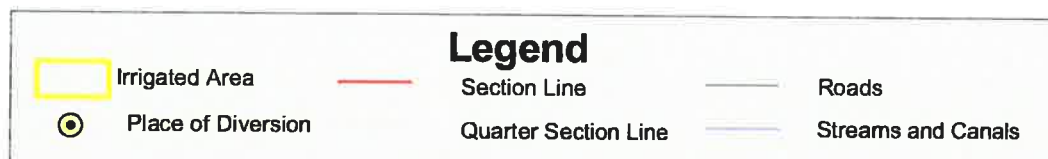
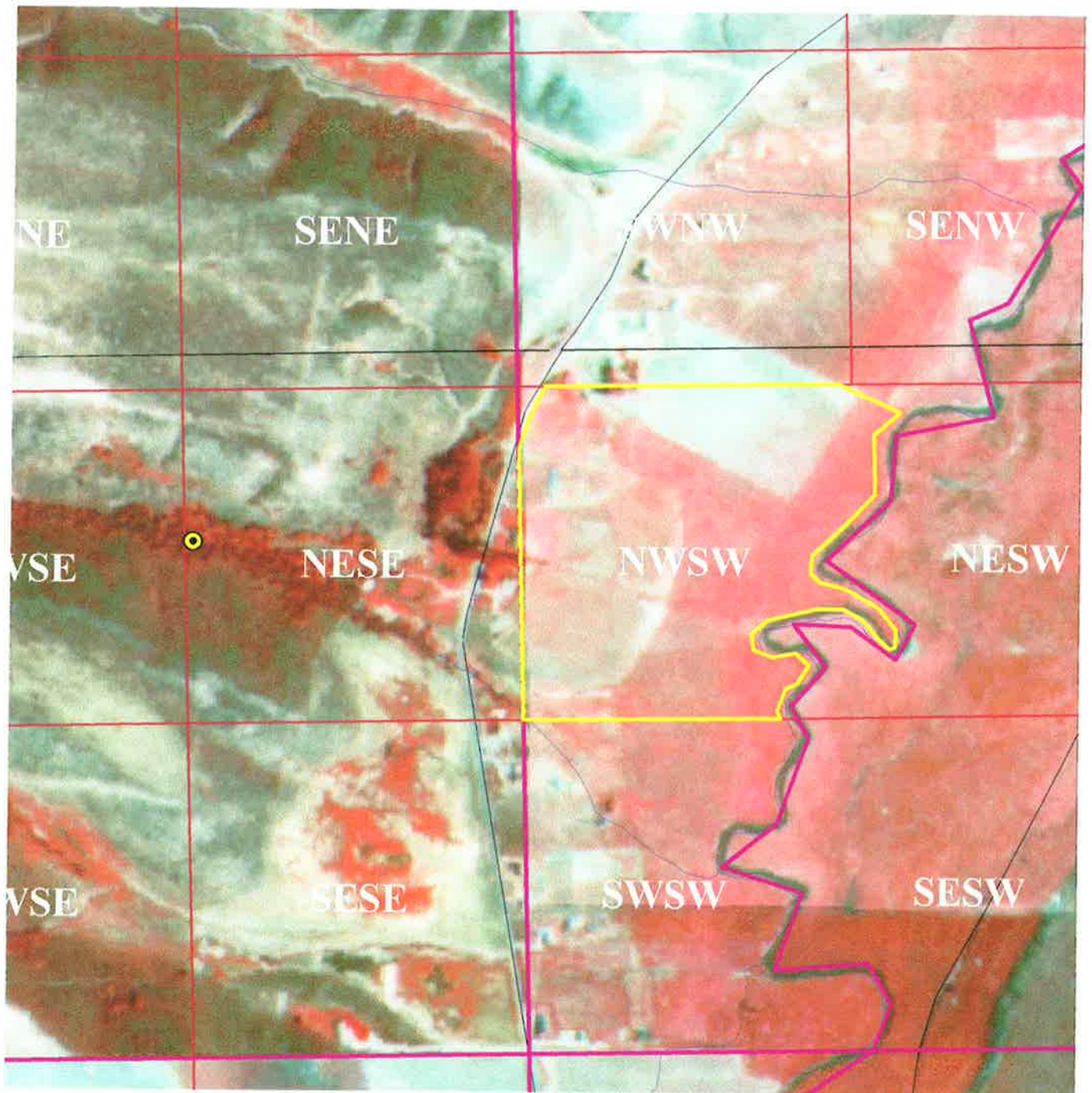
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

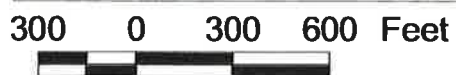
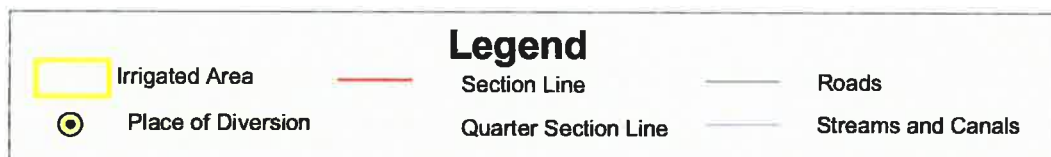
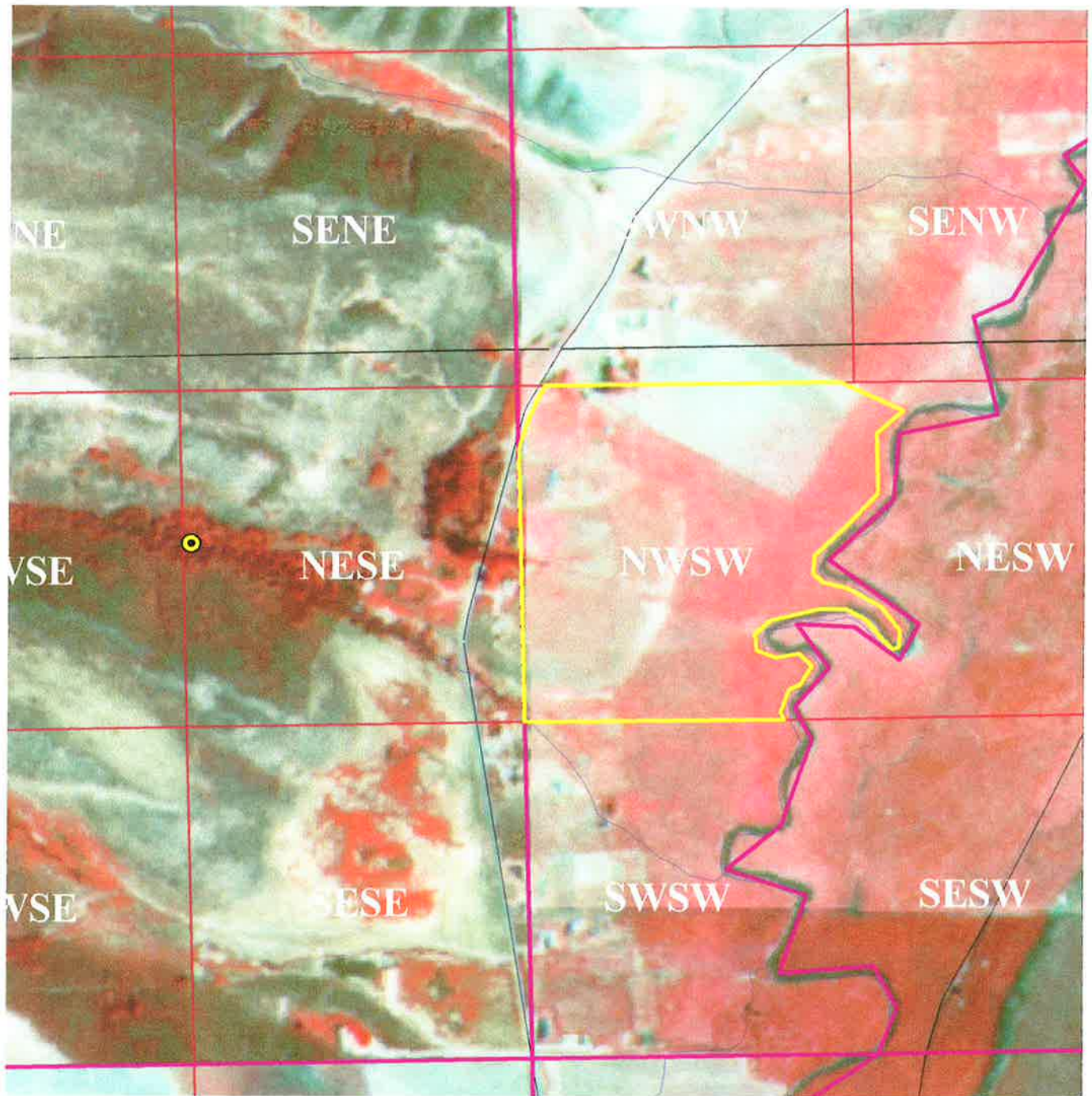
RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT
TO SECTION 42-1425, IDAHO CODE.

Township , 9S36E



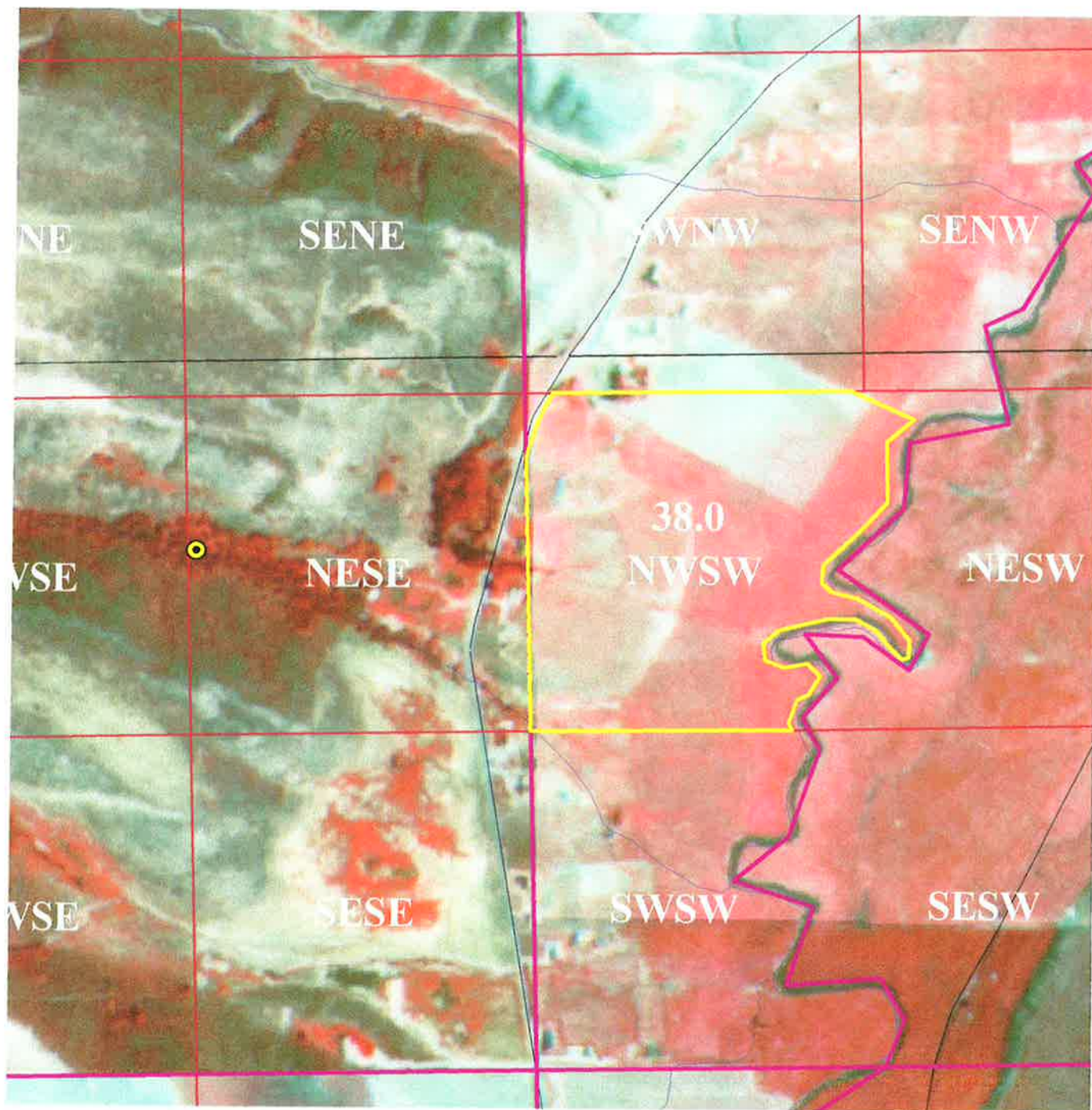
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Township , 9S36E



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Township , 9S36E



300 0 300 600 Feet

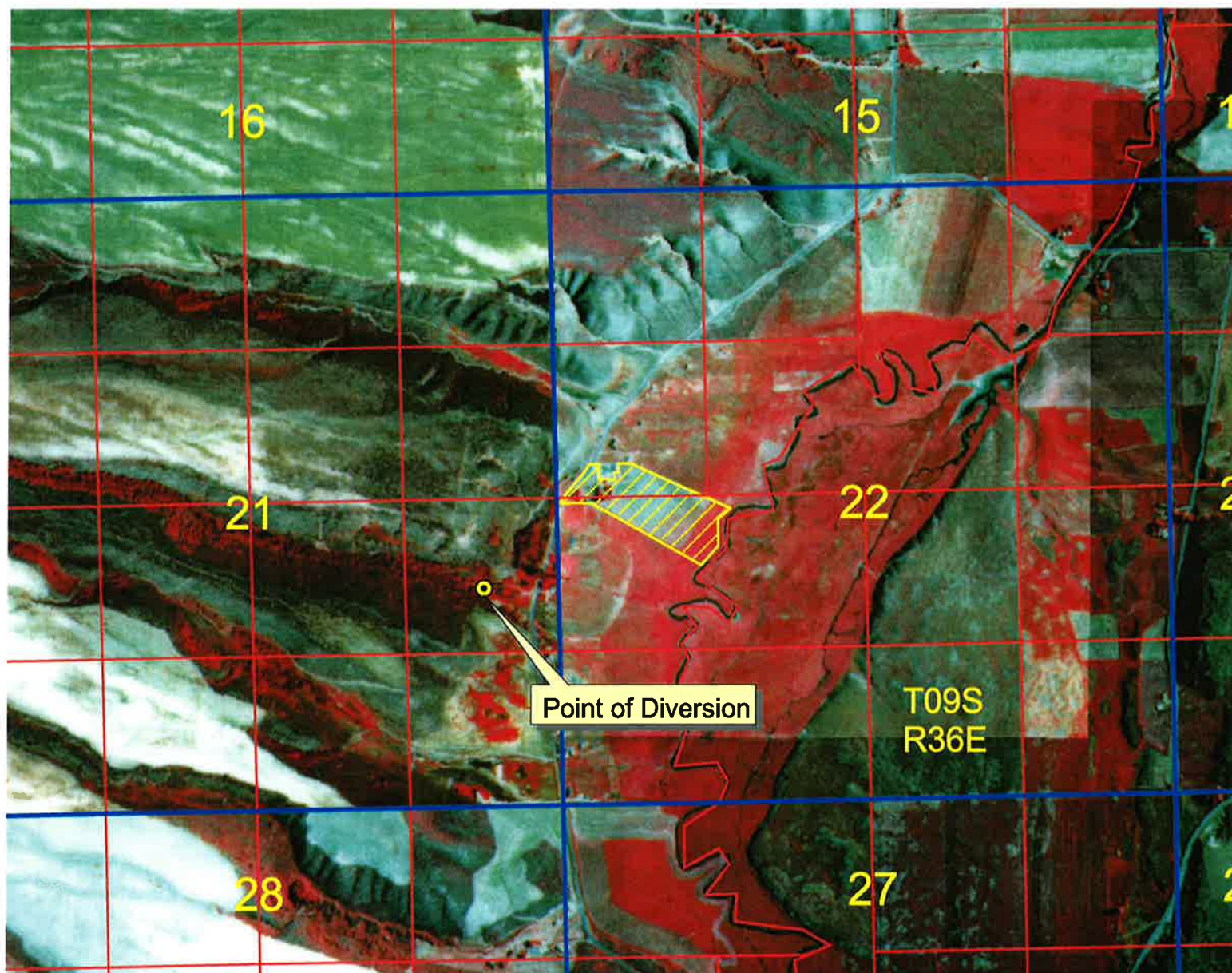


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State of Idaho
Department of Water Resources
Eastern Region
Water Right 29-4045C



0.5 0 0.5 1 Miles

1:16000



- ⊙ Point(s) of Diversion
-  Place of Use
-  Section Lines
-  Quarter Quarter Lines

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GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: P. Meyer
Date: February 2003

02/25/2003

NOTICE OF ERROR
REPLY

Cindy J

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: 29-4045C

SUZAN K SMITH
9562 S MARSH CREEK RD
MC CAMMON ID 83250
Telephone Number: (208)254-3170

KURTIS B SMITH
9562 S MARSH CREEK RD
MC CAMMON ID 83250
Telephone Number: (208)254-3170

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

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

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

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

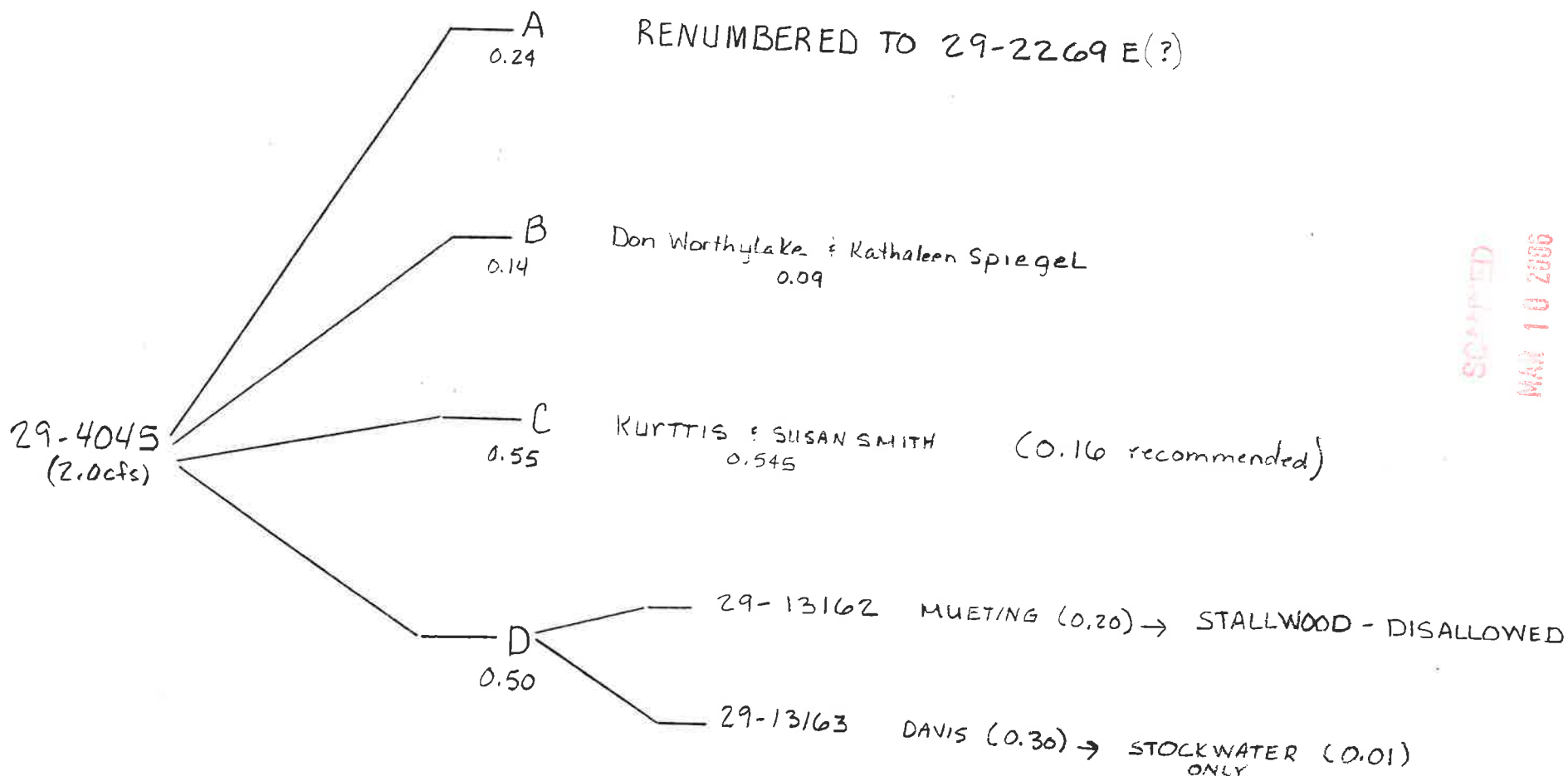
DATE: MAR. 20, 2003

SIGNATURE: *Kurtis B. Smith*

Please print your name: KURTIS B. SMITH

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

RECEIVED
MAR 25 2003
IDWR



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MAY 10 2006

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3-1

29-4045C

W. Marcus W. Nye
RACINE, HUNTLEY & OLSON
Attorneys at Law
Center Plaza; P. O. Box 1291
Pocatello, Idaho 83201

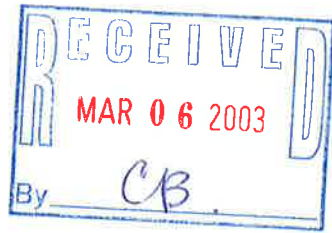
Telephone: (208) 232-6101

Attorneys for Plaintiffs

CLERK OF DISTRICT COURT
BANNOCK COUNTY, IDAHO

JUL 17 4 33 PM '75

BY *[Signature]*
DEPUTY



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

CHARLES SPIEGEL and KATHLEEN
M. SPIEGEL, Husband and Wife,
Plaintiffs,

vs.

FRANK LEW, a single person,
Defendant.

Case No. 33099

STIPULATION AND ORDER

COME NOW the parties, by and through their attorneys
of record, and stipulate and agree as follows:

1. Plaintiffs are to be specifically restrained
and enjoined during the pendency of this action from taking
any affirmative act to injure, damage or destroy defendant's
dam on Cottonwood Creek, or from taking any other action which
would interfere with defendant's use of up to a maximum of two
(2) cubic feet per second of water from said creek.

2. Defendant is to be specifically restrained and
enjoined from any affirmative act or omission which would in-
terfere with plaintiffs' right to utilize any and all waters
in excess of two (2) cubic feet per second from Cottonwood
Creek during the pendency of this action.

3. The foregoing restraints are to apply to the
parties to this action, their officers, agents, servants and
employees, and upon those persons in active concert or parti-
cipation with them who receive actual notice of this Stipulation
and Order by personal service or otherwise.

FILED

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Kurtis Smith file

4. During the pendency of this action, the parties stipulate and agree that a dam or other proper structure, together with an accurate gauge or water meter will be installed at the present dam site located on Cottonwood Creek on the property of Mr. Weatley. This structure and device shall be constructed and installed with all due deliberate haste and cooperation by and between the parties; said structure and device will be situated and operated so as to allow no more than two (2) cubic feet per second of water from Cottonwood Creek to flow into the diversion ditches of the defendant; and said structure and device will operate so as to allow any and all waters in excess of two (2) cubic feet per second to flow through the natural stream channel of Cottonwood Creek to the plaintiffs' property.

It is further stipulated and agreed by and between the parties that all costs and expenses for the purchase and installation of said device will be divided equally, and that the prevailing party in this action will be awarded said expenditures as costs.

5. It is further stipulated and agreed that during the interim period before the foregoing dam, structure and device are installed, that the defendant will not divert waters in excess of two (2) cubic feet per second from Cottonwood Creek onto his property, and that the plaintiffs are in the meanwhile entitled to any waters from Cottonwood Creek in excess of two (2) cubic feet per second; and, further, that the parties will fully cooperate in complying with this provision by taking those reasonably necessary steps to insure that this provision is complied with through reasonably agreed measuring devices available, and such modifications to the present dam as may be necessary.

6. It is further stipulated and agreed that none of the foregoing in any way constitutes a waiver, express or implied, or an admission as to the facts, contentions, or merits

of this case, and is made without prejudice to the assertions and rights of the parties.

7. It is expressly understood that this agreement shall be in full force and effect during the pendency of this action and is fully enforceable by all the remedies provided by law.

RACINE, HUNTLEY & OLSON

By: W. Marcus W. Nye
W. Marcus W. Nye of the Firm
Attorneys for Plaintiffs

WHITTIER & JARMAN

By: Ronald J. Jarman
Ronald J. Jarman
Attorneys for Defendant

O R D E R

Upon reading the foregoing and good cause appearing therefore, and after a partial hearing on the merits for preliminary injunctions requested by the parties, and upon an oral stipulation taken in Open Court on the 1st day of July, 1975, containing the general terms and substance of the foregoing, and the Court being fully advised in the premises,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the terms and conditions of the foregoing Stipulation are hereby Ordered throughout the pendency of this action.

DATED this 17 day of July, 1975.

Arthur P. Oliver
Arthur P. Oliver - District Judge

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IDAHO DEPARTMENT OF WATER RESOURCES

SNAKE RIVER BASIN ADJUDICATION - BASIN 29



RIGHT ID 29 4045 C
POD ID 206638
Quad Arimo
Claim Type L
Easting 643984
Northing 170621
GPSID A0012525

Diversion Description

Dam and 8" cmp located on Cottonwood Creek, upstream from stock corrals. Diversion can generate 2' of head. Tag on pipe collar Creek hasn't flowed enough recently to supply water, according to Mr Smith. Q calculated from Orifice Equation, but pipe chas no screen and actual diversion rate may be affected by debris in pipe.

Assumptions

Linked
Photos

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)

EPE (ft)

Date (M/D/Y)

Time

Flow Rate (CFS)

0

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 0

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

☐ 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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Owner Type	Full Name	Address	City	State	Zip	Phone
------------	-----------	---------	------	-------	-----	-------

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

Current Owner _____

Current Owner _____

Representing Attorney: _____ Phone Number: _____

Accompanied By: Kurtis and Suzan Phone Number: 254-3170

Relationship to Claimant: claimant

Date of Field Exam: 8/26/02 Time: 7pm

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

9562 S. Marsh Ctr. Rd
1 house North of Stallwood.

Reviewer: 72103

Date: 02

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MAR 16 2036

Priority Date Data Entry FormClaim Number: A29-04045CWater Right Priority Date: June 18, 1902

Water Right Basis: _____

Claimed Priority Date: June 18, 1902Claimed Basis: Beneficial UseRecommended Priority Date: 6-18-1902Recommended 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 reg'd
- evidence submitted

Reviewer: CBDate: 9/5/02

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Point of Diversion and Source Data Entry Form

Claim Number: A29-04045C

Water Right Point of Diversion: T 9S, R 36E, Sec. 21, NE, SE, County: Bannock

Source: Cottonwood Crk Tributary: Marsh Crk

Claimed Point of Diversion: T 9S, R 36E, Sec. 21, SW, NE, SE, County: _____

Source: Cottonwood Crk Tributary: Marsh Crk

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	QQQ of QQ of Q	County	Source
<u>9S</u>	<u>36E</u>	<u>21</u>		<u>NE SE</u>	<u>Bannock</u>	<u>Cottonwood Crk</u>
GPS Coordinates: <u>42.6224985</u>					<u>-112.2438521</u>	
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						

Other rights from this POD? 29-4045

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

field exam
1987/88 NAPP PHOTOGRAPHY

Transfers Changing POD _____

Reviewer: CJB

Date: 11/4/02

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Place Of Use Data Entry Form

Claim Number: A29-04045C☐ Use Claimed POU as Recommended POU

Claimed Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
95	36E	22	NWSW		Bannock		14	Irrigation
			NWSW		"		-	Stock
							Total Acres	14

Recommended Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
95	36E	22	SWNW		Bannock		4.1	Irrigation
		22	NWSW		Bannock	9	3.8	Irrigation
		22	SWNW		Bannock			Stock
		22	NWSW		Bannock			Stock
							Total Acres	7.9

Document how the POU was verified:

29-4045 Statutory claimField Exam1987/88 NAPP Photography1977-42 photo scanned by Scott Kinglink shape - update PLS/accreage

Transfers Changing POU

NO

Reviewer:

CB

Date:

11/4/02

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MAR 10 2006

Purpose of Use Data Entry Form

Claim Number: A29-040450 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
Irrigation			55	
Stock		50 (cows)		

Claimed Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit	Number of Other
Irrigation			14	
stock		70 (sheep)		

Recommended Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit	Number of Other
Irrigation			7.9	
Stock		70		

Document how the Purpose of Use was verified:

- Calc after PLS/acres is updated

field exam
 1987/88 NAPP Photography doesn't show irrigation
 Statutory claim 29-4045
 Stock - sheep
 1976 - Arimo Orthogquad isn't clear.
 1977 - U2 Photo - shows irrigation

Transfers Changing Purpose of Use NOReviewer: CBDate: 11/4/02

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Period of Use and Quantity Data Entry Form

Claim Number: A29-04045C

☐ 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
Irrigation	3/15	11/15	2.0	
Stock	1/1	12/31	0.02	

Overall Diversion Rate 2.0

Overall Diversion Volume _____

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
Irrigation	3/15	11/15	0.545	
Stock	1/1	12/31	0.01	

Overall Diversion Rate 0.545

Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
Irrigation	4/1	10/31	0.16	
Stock	1/1	12/31	0.01	

Overall Diversion Rate 0.16

Overall Diversion Volume _____

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

field exam
1987/88 NAPP Photography
29-4045 statutory claim
1977- U2 Photo
use STD SOU.
* diversion rate based on updated
shape.

Reviewer: CB

Date: 11/4/02

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November 12, 2001

To Whom It May Concern:

I, Lynn Bullock, moved to the property that is now 8455 Marsh Creek Rd with my family in March 1926. I am 77 years old and have lived here for 76 years.

When we move here the Rowe family had been here for 46 years. My oldest brother, Ed, worked for them. When they lost the property to the Federal Land Bank, Ed leased the land for 2 years before the Bischoffs bought it. Ed lived in the old Rowe home that was on what is now the Smith property. Ed used the irrigation ditches dug by the Rowes to water his garden and grain and hay fields. The first ditch across the road connected to ditches west of the orchard to move water from Rowe Creek [now Cottonwood Creek] and a ditch northwest of the house to move the water down by the house and through the field south of the house to ditches going to the northern fields and in case of flooding, to Marsh Creek. The second ditch that crossed the road is on Murray's property and is the high point of the old ranch. The ditch runs through what is now Wheatlys cattle lot. It was used to bring water from Rowe Creek [now Cottonwood Creek] to irrigate hay and grain crops. The water ran through ditches toward Marsh Creek but could be diverted to run north or south, where ever the water was needed. The third ditch across the road is on Worthylakes property. The ditches across the road were replaced with culverts when Marsh Creek Rd became a county road in 1948. The canyon and creek west of Murrays was known for years as Rowe canyon and Rowe creek.

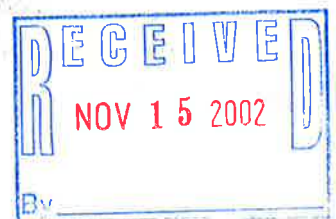
When Bischoffs bought the property, they continued to use the existing irrigation ditches for their garden, hay and grain crops. They used the land from Worthylakes south for pasture.

Frank Lew also used the existing irrigation ditches to water his garden, potato and hay crops.

Lynn Bullock



Michelle D. Howell
Exp. Date 10-25-07
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OCT 10 2006





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

Kurtis Smith
9562 South Marsh Creek Road
McCammon, Idaho 83250

October 16, 2002

Re: Snake River Basin Adjudication (SRBA)

Subject: Evidence of Priority

Claim No: A29-04045C, A29-11622

Response Date: October 30, 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 October 30, 2002 to make an accurate 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;

A handwritten signature in cursive script that reads "Cindy E. Bird".

Cindy E. Bird
Adjudication Bureau

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
 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 (mailing address), claims a right to the diversion and beneficial use of 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
Marsh Creek, tributary to,
- (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>(cfs, gpm, etc.)</u> | Use <u>(dom., irri., stock, etc.)</u> | Period of Use: From <u> </u> To <u> </u> |
- (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.

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
9S	36E	21													4				4
"	"	22							16	4	5	26							51

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.

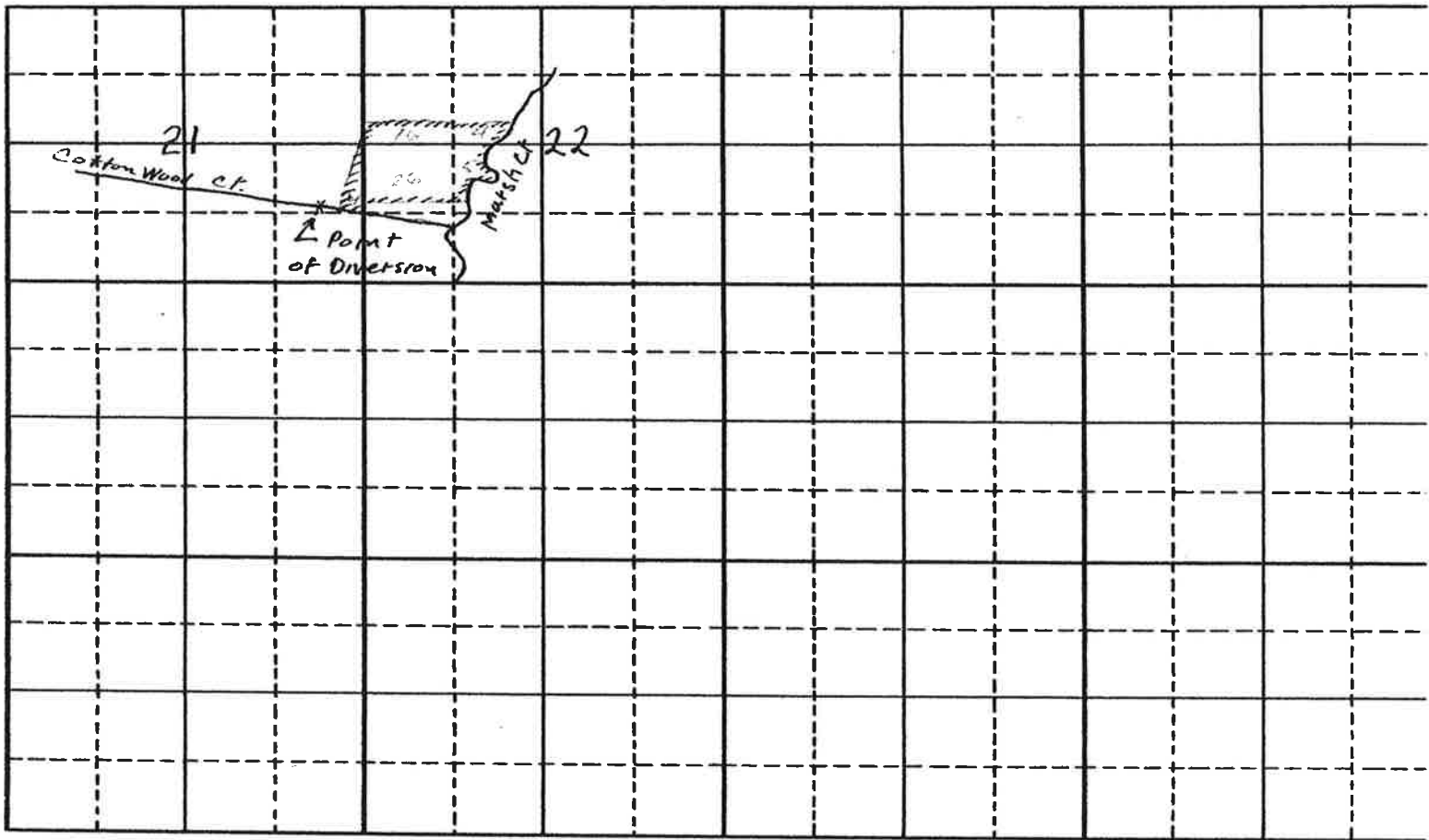
- (7) If you are claiming water as a member of an organization, list name of organization:

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- (8) Remarks This claim is to confirm a right established in 1902. At that time, Cottonwood Creek was apparently known as Rowe Creek.



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.

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 affiants knowledge.

Sworn to before me this 21st day of JANUARY

Frank Lewis
(Claimant)

Ralph D. Carter
Notary Public

Residing at FERTH, IDAHO

My commission expires 2/14/78

For Department Use Only

Received by <u>MB</u>	Date <u>1-22-75</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>LA</u>	Date <u>1-22-75</u>		claimant by:	
\$10.00 fee received by <u>MB</u>	Date <u>1-22-75</u>			
Approved for publication by <u>MB-8-12-75</u>	<u>#2047</u>			
Published in <u>Idaho State Journal</u>				
Dates <u>1/30 & 2/6/75</u>				

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MAR 197

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See H14
1-2

See H14
1-2

7723
2358

A
30.3

B
8.1

C
54.4

P/E
2310

E
133

E
78.6

F
27.1

G
23.3

H
11.0

I
21.5

F
96.4

K
33.9

L
82.9

B
9.7

D
5.7

B537

G
35.0

E
15.3

M
43.7

C
69.1

B
6.7

D
2.9

B296
4185

A
1263

G
5.7

H
8.2

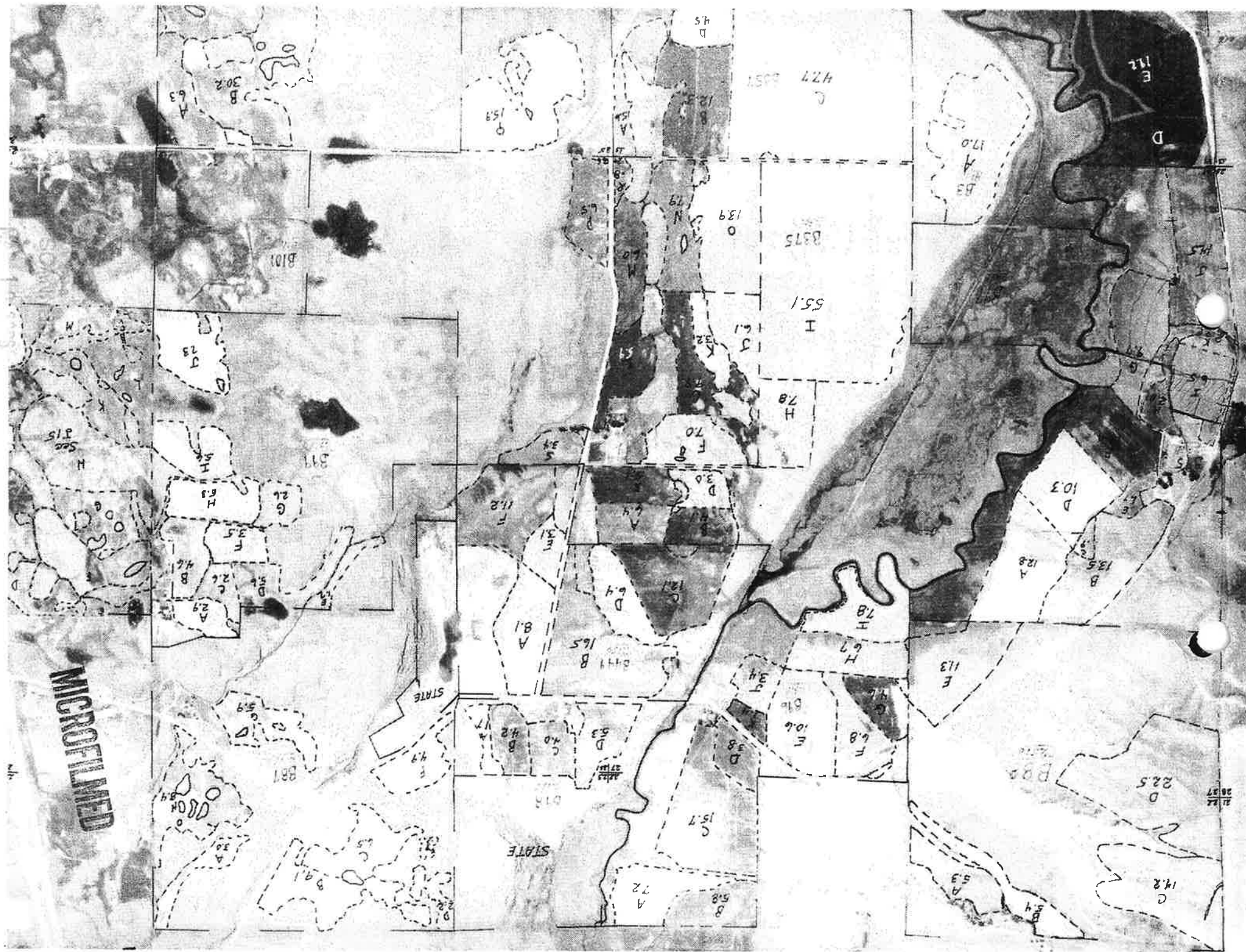
K
12.9

See H16

L
25.7

J
0

32 33





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JUN 04 2001

Log for claim A29-04045C

Spatial Dynamics BTD

7/13/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
09s36e	22	NWSW	14	38	Indiscernible
Totals:			14	38	

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 SPATIAL
DYNAMICS

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 04/27/00
PAGE: 103

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	KURTTIS B SMITH	06/18/1902	IRRIGATION	03-15 11-15	0.545 CFS	
C	SUZAN K SMITH 9562 S MARSH CREEK RD MC CAMMON ID 83250 (208) 254-3170		STOCKWATER	01-01 12-31	0.010 CFS	
				TOTAL DIVERSION:	0.545 CFS	
				CONSUMPTIVE USE:		35.00 AFA

Stage: BENEFICIAL USE

Point(s) of Diversion: T09S R36E S21 SWNESE BANNOCK County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE																	
T	R	S	:	Lt	Ac	NENE	NWNE	SWNE	SENE	:	Lt	Ac	NENW	NWNW	SWNW	SENW	:	Lt	Ac	NESW	NWSW	SWSW	SESW	:	Lt	Ac	NESE	NWSE	SWSE	SESE	:	SUM	
09S	36E	22	:							:							:			14				:									14.0
																	TOTAL ACRES					14.0											

Place of use Legal Description for: STOCKWATER

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

POU County: BANNOCK

Non-Irrigation Uses: STOCK, 70 SHEEP

Other Rights: A29-07617, A29-02269 (A29-11621), RUNOFF (FILED SEPARATELY)

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

Other Water Rights Listing Overlapping Place(s) of Use:

A29-02269D A29-04045 A29-04045B A29-04045D A29-04113 A29-04113A A29-07617 A29-10007 A29-11621 A29-11622

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

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

Audit: 04/25/90 ESRBA 07/19/94 THOMPSON 03/29/95 POST-STD

March 9, 1995

I'm Fred R. Bischoff. (I'm 88 years old)
And I bought the land from the Federal Land Bank between 1939 and according to their records the water was filed on on June 18 1902. We farmed it until 1965. We used the water every year to flood irrigate. We sold the place to Frank Lee as near as I know they used the water ever since.

Truman Rowe mortgaged the land to the Federal Land Bank. He got struck by lightning and it killed him. He also used flood irrigation method.

The main crops were hay and grain.

Fred R Bischoff

Fred Bischoff Came before me 3-9-95

Belva Olsen Hansen

McCammon, Id

exp date 10-95

RECEIVED

MAR 23 1995

Department of Water Resources
Eastern District Office

REPROFILMED

NOV 13 1990

SCANNED

08 2006

REFERENCE

A29-11622

A29-04045C

PROFILED

RECEIVED

MAR 23 1995

Department of Water Resources
Eastern District Office

3-19-95

I on March 13, 1981, L. Huttig
B. Smith, and my wife, Susan K. Smith
purchased, what was called, "The Old Homestead."

After living here for a period of time, and
becoming acquainted with those who knew the
early history of the area, we were informed
that the spring developed for culinary use on
"The Old Homestead" (Reference A29-07617)
has been in use without failing since the "
late 1800's."

The Rowes prior to 1939, the Rischuffs
from 1939-1965, Frank Lew from 1965-1981,
and the Smiths from 3/1981 to the present have
used the water from the above named spring.

Property description North Half SECTION 22,
TOWNSHIP 9 SOUTH RANGE 36 EAST, BOISE
MERIDIAN, BANNOCK CO. ID.

The priority date for the spring is listed
as 10-1-1981, but has been in constant use
for a considerable period of time prior to that
date.

Thank you.

REFERENCE:

A29-07617

A29-11622

A29-04045C

A29-11621

SCANNED

MAR 08 2006

Huttig B. Smith

RECORDED

NOV 13 1996

CLAIMANT'S NAME SmithCLAIM IDENT. NO. A29-04045DATE RECEIVED 4/23/90CHK # AMOUNT \$

- | | YES | NO | Required Info? |
|--|-------------------------------------|--------------------------|----------------|
| 1. Is the name and address complete with zip code? | ☒ | ☐ | * |
| 2. Is a priority date entered? | ☒ | ☐ | * |
| Is the priority date acceptable in view of mandatory filing dates?
See Adjudication Memos #1 and #4 to determine if a Permit is required. | ☒ | ☐ | * |
| 3. (a) Is a source entered? | ☒ | ☐ | * |
| (b) Is a tributary to entered? (if required) | ☒ | ☐ | * |
| 4. Is the legal description of the p.d. sufficient? | ☒ | ☐ | * |
| 5. Is there a description of the diverting works? | ☒ | ☐ | * |
| 6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. | ☒ | ☐ | * |
| Is the period of use included? | ☒ | ☐ | * |
| Is a quantity claimed for each use? | ☒ | ☐ | * |
| 7. Is a total quantity claimed entered? | ☒ | ☐ | * |
| 8. If required is a consumptive use entered? | ☒ | ☐ | * |
| Is the consumptive use correct? | ☒ | ☐ | * |
| 9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. | ☒ | ☐ | * |
| 10. Is (are) the place(s) of use and purpose(s) indicated? | ☒ | ☐ | * |
| 11. Is (are) the county(ies) entered? | ☒ | ☐ | * |
| 12. Is the ownership of p.u. checked? | ☒ | ☐ | * |
| 13. Are other water rights listed or "none" indicated? | ☒ | ☐ | * |
| 14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) | ☒ | ☐ | * |
| 15. Is the basis of the claim indicated? | ☒ | ☐ | * |
| 16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) | ☒ | ☐ | * |
| 17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block. | ☒ | ☐ | * |
| 18. Has the claim been signed, sealed, and dated by a notary? | ☒ | ☐ | * |
| 19. Was this claim filed on time, or was an extension granted? | ☒ | ☐ | * |
| 20. Is the fee enclosed correct? | ☒ | ☐ | * |
| 21. If this claim is based on an existing water right, has the identification number been entered? | ☒ | ☐ | * |
| 22. Should this claim be data entered? | ☒ | ☐ | * |

Claim checked by: RAVDate: 4/24/90

Claim must be returned to claimant:

(Yes) ☐ (No) ☒

Claimant must be notified of modifications:

(Yes) ☐ (No) ☒

Receipt Prepared by:

Claim data entered by: RAVDate: 4/25/90

Sent to claimant by:

Date: 4/25/90Checked by: RAVDate: 4/25/90Comments: recorage fee pd thru A29-07617

MICROFILMED

DEC 09 1992

This conveyance is intended as a mortgage securing the performance of the covenants and agreements hereinafter contained, and the payment of the debt represented by one promissory note made by the mortgagors to the order of the mortgagee, of even date herewith, for the principal sum of -----

Fifty-eight Hundred ----- Dollars (\$5800.00), with interest thereon from date at the rate of 4% per annum on the principal sum from time to time remaining unpaid, payable to the mortgagee at its office in the City of Spokane, State of Washington, as follows:

Interest only payable on ----- December 1st -----, 1954, and ----- annually thereafter to and including -----, 19 -----. Thereafter 19 ----- equal ----- annual payments of \$426.78 ----- each, payable on the first day of ----- December -----, 1955, in each year, beginning on the first day of ----- December -----, 1955, and a final payment of \$426.78 -----, payable on the first day of ----- December -----, 1974, unless matured sooner by extra payments on principal; each of said payments shall be applied first to interest, then to principal. All payments not made when due shall bear interest thereafter until paid at six per cent per annum.

Mortgagors covenant and agree:

That they are lawfully seized of said premises in fee simple, have good right and lawful authority to convey and mortgage the same, and that said premises are free from encumbrance; and each of the mortgagors will warrant and defend the same forever against the lawful claims and demands of all persons whomsoever, and this covenant shall not be extinguished by any foreclosure hereof, but shall run with the land;

To pay all debts and moneys secured hereby when due;

To keep the buildings and other improvements now or hereafter existing on said premises in good repair and not to remove or demolish or permit the removal or demolition of any thereof; not to cut or permit the cutting of timber from said premises except for domestic use; to maintain and cultivate the premises in a good and husbandlike manner, using approved methods of preserving the fertility thereof; to keep the orchards on said land properly irrigated, cultivated, sprayed, pruned and cared for; not to commit or suffer waste of any kind upon said premises; not to use or permit the use of said premises for any unlawful or objectionable purpose; and to do all acts and things necessary to preserve all water rights now or hereafter appurtenant to or used in connection with said premises;

To pay when due all taxes and assessments upon said premises and to deliver to the mortgagee proper receipts therefor; and to suffer no other lien or encumbrance prior to the lien of this mortgage to exist at any time against said premises;

To keep all buildings insured against loss or damage by fire in manner and form and in such company or companies and in such amount as shall be satisfactory to the mortgagee; to pay all premiums and charges on all such insurance when due; to deposit with the mortgagee all insurance policies affecting the mortgaged premises, with receipts showing payment of all premiums and charges affecting said policies; and that all insurance whatsoever affecting the mortgaged premises shall be made payable, in case of loss, to the mortgagee, with a mortgagee clause in favor of and satisfactory to the mortgagee. The mortgagee shall be entitled to receive the proceeds of any loss under any such policy, which, if not used in accordance with the regulations of the Farm Credit Administration for reconstruction of the buildings damaged or destroyed, may be applied by the mortgagee upon the indebtedness hereby secured in such manner as it shall elect.

If any of the mortgaged property shall be taken under right of eminent domain, the mortgagee shall be entitled at its option to receive all compensation for the portion taken and damages to the remaining portion, to be applied by the mortgagee upon the indebtedness hereby secured in such manner as it shall elect.

Should the mortgagors be or become in default in any of the covenants or agreements herein contained, then the mortgagee (whether electing to declare the whole indebtedness hereby secured due and payable or not) may, at its option, perform the same in whole or in part, and all expenditures made by the mortgagee in so doing shall draw interest at the rate of 6 per cent per annum, and shall be immediately repayable by the mortgagors without demand, and, together with interest and costs accruing thereon, shall be secured by this mortgage.

Time is material and of the essence hereof; and in case of breach of any of the covenants or agreements hereof, or if default be made in the payment of any of the sums hereby secured, or if the whole or any portion of said loan shall be expended for purposes other than those specified in the original application therefor, except by the written permission of said mortgagee, or if said land or any portion thereof shall be hereafter included in any special assessment district, then, in any such case, all indebtedness hereby secured, shall, at the election of the mortgagee, become immediately due without notice, and this mortgage may be foreclosed; but the failure of the mortgagee to exercise such option in any one or more instances shall not be considered as a waiver or relinquishment of the right to exercise such option upon or during the continuance of the same or any other default.

In case of any suit to foreclose this mortgage or to collect any charge growing out of the debt hereby secured, or any suit which the mortgagee may deem it necessary to prosecute or defend to effect or protect the lien hereof, the mortgagors agree to pay a reasonable sum as attorney's fees and all costs and legal expenses in connection with said suit, and further agree to pay the reasonable costs of searching records and abstracting or insuring the title, and such sums shall be secured hereby and included in the decree of foreclosure.

Upon or during the continuance of any default hereunder, the mortgagee shall have the right forthwith to enter into and upon the mortgaged premises and take possession thereof, and collect the rents, issues and profits

thereof, and apply the same, less reasonable costs of collection, upon the indebtedness hereby secured, and the mortgagee shall have the right to the appointment of a receiver to collect the rents, issues and profits of the mortgaged premises. The rents, issues and profits of said premises after default are hereby assigned and mortgaged to the mortgagee as additional security for the indebtedness herein described.

This mortgage and the note secured hereby are executed and delivered under and in accordance with the said Federal Farm Loan Act and acts amendatory thereof or supplementary thereto, and are subject to all the terms, conditions and provisions thereof, which acts are made a part hereof the same as if set out in full herein.

The covenants and agreements herein contained shall extend to and be binding upon the heirs, executors, administrators, successors and assigns of the respective parties hereto.

IN WITNESS WHEREOF, The mortgagors have hereunto set their hands the day and year first above written.

Fred R. Bischoff
Esther Bischoff

STATE OF IDAHO,

County of Franklin

ss.

NOV 13 1956

On this 3rd day of November, 1956, before me, Clifford Warr

a Notary Public in and for the State of Idaho, personally appeared

Fred R. Bischoff and Esther Bischoff, husband and wife,

known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

WITNESS my hand and official seal the day and year last above written.

Clifford Warr
Notary Public for the State of Idaho,

residing at Preston

My commission expires December 10, 1956

FEDERAL FARM LOAN AMORTIZATION MORTGAGE

KNOW ALL MEN BY THESE PRESENTS, That on this 26th day of October, 1954,

Fred R. Bishoff and Esther Bishoff, husband and wife,

MAR 23 1955

hereinafter called the Mortgagors, hereby grant, bargain, sell, convey and mortgage to THE FEDERAL LAND BANK OF SPOKANE, a corporation organized and existing under the Federal Farm Loan Act as amended, with its principal place of business in the City of Spokane, County of Spokane, State of Washington, herein-

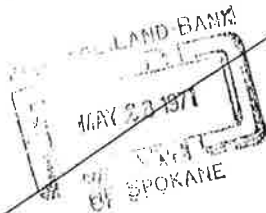
after called the Mortgagee, the following described real estate situate in the County of Bannock, State of Idaho, to wit:

All that portion of the East Half of the East Half of Section Twenty-one lying East of the County Road; Lots Eight, Nine and Ten, and that part of the Southwest Quarter of the Northwest Quarter of Section Twenty-two lying East of the County Road; all in Township Nine South, Range Thirty-six East of the Boise Meridian.

Together with all water rights, and rights in ditches, canals and laterals, and rights of way therefor, appurtenant to said premises or used in connection therewith now and/or at any time during the existence of this mortgage, including (but not limited to) the following: 4 c.f.s. of the waters of Rowe Creek with a priority of June 18, 1902; 1 c.f.s. of the waters of Quaken Asp Creek with a priority of June 18, 1902; 2.5 c.f.s. of the waters of Marsh Creek with a priority of May 5, 1947, under State Permit #20063.

Together with all pumping equipment, including but not limited to, one 7½ HP, single phase, Fairbanks Morse Motor #577004; one 7½ HP, single phase, Fairbanks Morse Motor #576314; one 1750 RPM Impeller Fairbanks Morse Pump #FF10816-4; one 1750 RPM Impeller Fairbanks Morse Pump #FF10816-10; engines, pumps and pipes, under or on the surface of the land, now or hereafter belonging to or used in connection with the above described premises, all of which are hereby declared to be and remain a part of the real estate above described, and

↓
Cottonwood Creek



RECORDED
NOV 13 1950

REFERENCE
A29-11622
A29-04045C

together with the tenements, hereditaments, rights, privileges and appurtenances, including private roads, now or hereafter belonging to or used in connection with the above described premises; and all plumbing, lighting, heating, cooling, ventilating, elevating, watering and irrigating apparatus, stationary scales and other fixtures, now or hereafter belonging to or used in connection with the above described premises, all of which are hereby declared to be appurtenant to said land; and together with all waters and water rights of every kind and description and however evidenced, and all ditches or other conduits, rights therein and rights of way therefor, which now are or hereafter may be appurtenant to said premises or any part thereof, or used in connection therewith.

BILL OF SALE

RECEIVED

MAR 23 1955

Department of Water Resources
Eastern District Office

STATE OF IDAHO)
 : ss
County of Bannock)

KNOW ALL MEN BY THESE PRESENTS, That on this 13 day of March, 1981, Frank Lew, a single person, of McCammon, County of Bannock, State of Idaho, the party of the first part, for and in consideration of the sum of TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION, lawful money of the United States of America, to him in hand paid by MAX RAY JOHNSON and DOROTHY FAY JOHNSON, husband and wife; and KURTTIS BJORK SMITH and SUZAN KAY SMITH, husband and wife, of Inkom, County of Bannock, State of Idaho, the parties of the second part, the receipt whereof is hereby acknowledged, does by these presents, grant, bargain, sell and convey unto said parties of the second, their heirs and assigns:

Potato Celler
Metal Machine Shed
600 feet of board fence
Chicken Coop

Claim to water right in the amount of 6/10 cubic feet evidenced by State of Idaho Department of Water Resources Claim No. 29-4097

20063
29-02269
Claim of water right in the amount of 20 miner inches of water from Marsh Creek which is a part of State of Idaho License And Certificate No. 20064 recorded in Volume 8 of Licenses at page 4957 on the 22nd day of July, 1952, with a priority date of April 24, 1947.

The grant of the above water rights are given with the understanding that no ditch rights are given to transport water across any of the other lands of Frank Lew. Points of diversion must be arranged for by the purchasers. Frank Lew in no way agreed to furnish ditches or water ways to convey the water to the premises being purchases by Max Ray Johnson, Dorothy Johnson, Kurttis Bjork Smith and Suzan Smith.

TO HAVE AND TO HOLD, the same unto the said parties of the second part, their heirs and assigns forever; and the said

REFERENCE
A29-11622
A29-04045C

Amortization Mortgage

FROM

Fred R. Bishoff et ux

TO

The Federal Land Bank of Spokane

STATE OF IDAHO,

County of Bannock

} ss.

I hereby certify that the within instrument was filed for record in the office of the County Recorder of said County on the 5 day of November

A. D. 1954, at 3:16 o'clock and 16 minutes, 3 P. M., at the request of

and recorded on page 145

of Book 101 of Mortgages.

County Recorder.

By \$5.75 B.T.A. Co., Deputy

The fee for recording this mortgage is \$ and was paid by B. T. A. Co.,

Mailed to

THE FEDERAL LAND BANK of SPOKANE
SPOKANE, WASHINGTON

#12376

H

Nat'l Farm Loan
Preston Idaho.

NOV 13 1954



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.

Fee 80¢
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.

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 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,
his X mark.

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.

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

(Joshua Munn,
(Joseph Meadows,

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.

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.G. Gallet, J.S. Campbell,

(SEAL)

Deputy. Fee 80¢ 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 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 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

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.

State of Idaho,)
(SS. Appropriator and Claimant. (Truman W. Rowe.

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.

Truman W. Rowe,
Subscribed and Sworn to before me this 19th day of June 1902.
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.G. Gallet, J.S. Campbell,
Deputy. Fee 80¢ 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 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

JUN 04 2001

cat 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

Ident. Number: A29-04045C

Date Received: 4/23/1990

Receipt No: E013517

Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: KURTTIS B. SMITH 208-254-3170
Address: 9562 S. MARSH CREEK RD.
MC CAMMON, ID 83250

OR

Name: SUZAN K. SMITH 208-254-3170
Address: 9562 S. MARSH CREEK RD.
MC CAMMON, ID 83250

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:
HEADGATE, DITCH, GRAVITY FLOW

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.545		
STOCKWATER	01/01	12/31	0.010		

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

A.F.A.

8. Total consumptive use is 35.0 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCK, 70 SHEEP

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Date: 04/25/90

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DEC 09 1992



10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09S	36E	22	NW	SW		IRR	14.0
			NW	SW		STOCK	

Section Acres 14.0

Total Acres 14.0

11. Place of use in counties: BANNOCK

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

13. Other Water Rights Used:

A29-07617, A29-02269 (A29-11621), RUNOFF (FILED SEPARATELY)

14. Remarks: *domestic stock*

15. Basis of Claim: BENEFICIAL USE

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): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

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Date: 04/25/90

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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:

Ident. Number

Date Received

Receipt Number

39576

A29-04045

4-23-90

E013517

Cpo 74m

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

APR 23 1990

Department of Water Resources
Eastern District Office

Please type or print clearly

1. Name of Claimant (s) Kurtis B. or Suzan K. Smith Phone (208) 254-3170
Mailing Address 9562 S. Marsh Cr. Rd. McCall, ID Zip 83250
2. Date of Priority (Only one (1) per claim) 6/18/1902
3. Source of water supply (a) Cottonwood Cr.
which is tributary to (b) marsh cr.
4. a. Location of existing point of diversion is: Township 9S Range 36E Section 21,
SW 1/4 of NE 1/4 of SE 1/4, Govt. Lot, _____ B.M., County of Bannock
Additional points of diversion if any: _____
- b. If instream flow, beginning point of claimed instream flow is:
Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,
Govt. Lot _____ B.M., County of _____
ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4 of _____
_____ 1/4, Govt. Lot _____ B.M., County of _____
5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. flow Headgate, ditch, gravity

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6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 3/15 to 11/15 amount .545 or _____

For stock purposes from 1/1 to 12/31 amount .01 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .545 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 35 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Stock, 70 sheep.

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
95	36E	22										14							14

Total number of acres irrigated 14

11. In which county (ies) are lands listed above as place of use located? Bannock

12. Do you own the property listed above as place of use? Yes ☒ No ☐
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
A29-07617, A29-02269 (portion), runoff (filed separately) or None ()

14. Remarks:

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Last Name _____ Ident No. _____

Copies: White -State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use X Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number 29-04045 (portion)
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

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 do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) Huntis B. Smith

Date MARCH 21, 1990

Date _____

For Organizations: I do solemnly swear or affirm that I am _____

Title

of _____, that I have signed the foregoing
Organization

document in the space below as _____

Title

of _____

Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____

Date _____

State of Idaho/or _____)

County of Bannock)

SS.

Subscribed and sworn (or affirmed) before me this 21st day of March 19 90

SEAL

Notary Public Helen Harrington

Residing at _____

Helen Harrington, Notary Public

Residing at Boise, Idaho

My Commission Expires December 1, 1994

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

SCANNED

MAR 08 2006

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DEC 09 1992

Last Name _____ Ident. Number _____

Copies White-State, Yellow-Claimant

A29-04045.

MAR 08 2006

SCANNED

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