

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

RIGHT NUMBER: 29-4338

NAME AND ADDRESS: WARM CREEK IRRIGATION CO
3202 HEDSTROM LN
AMERICAN FALLS, ID 83211

SOURCE: WARM CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 6 CFS

PRIORITY DATE: 04/01/1889

POINT OF DIVERSION:	T08S R30E S11	SESESE	Within POWER County
	T08S R31E S18	NWNWSE	Within POWER County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
04-01 10-31

QUANTITY
6.00 CFS

PLACE OF USE:

PLACE OF USE WITHIN THE BOUNDARY OF THE WARM CREEK
IRRIGATION COMPANY. TOTAL IRRIGATED ACRES 482.1.

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

USE OF THIS RIGHT IS COMBINED WITH WATER FROM FALLS
IRRIGATION DISTRICT.

Warm Creek Irrigation Co

Claim No.: 29-4338

- Boundary
- Township/Range
- Sections
- QQ

Department of Water Resources
1987/88 NAP Photography
Date Prepared: June 2004
Prepared By: Ernest Carlsen



0 1320 2640 3960 Feet

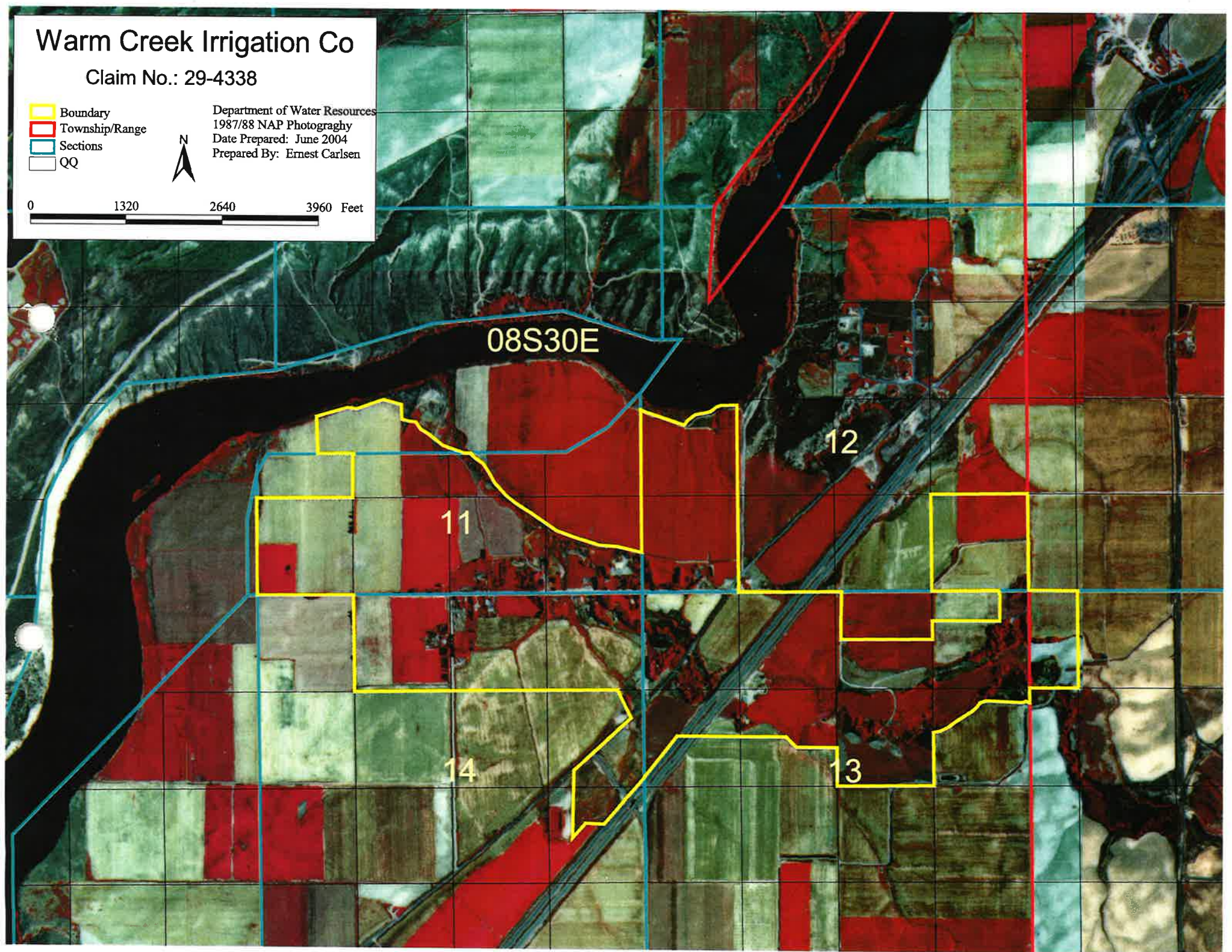
08S30E

12

11

14

13



IDAHO DEPARTMENT OF WATER RESOURCES RECOMMENDED
WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 29-4338

NAME AND ADDRESS:

WARM CREEK IRRIGATION CO
3298 S ISAAK LP
AMERICAN FALLS ID 83211

SOURCE:

Source:

WARM CREEK

Tributary:

SNAKE RIVER

QUANTITY:

6.000 CFS

0.000 AFY

PRIORITY DATE:

04/01/1889

POINT OF DIVERSION:

T08S R30E S11 SESESE Within POWER County

T08S R31E S18 NWNWSE Within POWER County

PURPOSE AND
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

IRRIGATION

04/01 10/31

6.000 CFS

PLACE OF USE:

516.1 ACRES TOTAL

~~482.1 ACRES TOTAL~~

Place of use includes unsurveyed land along the Snake River.

Place of use is within the area served by Warm Creek Irrigation Company.

None of the place of use in this water right includes federal public land.

The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

~~PLACE OF USE WITHIN THE BOUNDARY OF THE WARM CREEK IRRIGATION
COMPANY. TOTAL IRRIGATED ACRES 482.1.~~

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

USE OF THIS RIGHT IS COMBINED WITH WATER FROM FALLS IRRIGATION DISTRICT.

12/15/2003

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 29-4338

NAME AND ADDRESS: WARM CREEK IRRIGATION CO
3298 S ISAAK LP
AMERICAN FALLS ID 83211

SOURCE: WARM CREEK

TRIBUTARY: SNAKE RIVER

QUANTITY: 6.000 CFS

PRIORITY DATE: 04/01/1889

POINT OF
DIVERSION: T08S R30E S11 SESESE Within POWER County
T08S R31E S18 NWNWE Within POWER County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
04/01 10/31

QUANTITY
6.000 CFS

PLACE OF USE:

Place of use is within the area served by Warm Creek Irrigation Company.

PLACE OF USE WITHIN THE BOUNDARY OF THE WARM CREEK IRRIGATION
COMPANY. TOTAL IRRIGATED ACRES 482.1.

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

USE OF THIS RIGHT IS COMBINED WITH WATER FROM FALLS IRRIGATION
DISTRICT.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

December 18, 2003

WARM CREEK IRRIGATION CO
C/O VIOLET ISAAK
3298 S ISAAK LP
AMERICAN FALLS ID 83211

RE: Notice of Change of Address for 29-4338 and Notice of
Completed Administrative Proceeding (NCAP)

Dear Mrs. Isaak:

On December 12, 2003, the Idaho Department of Water Resources (IDWR) received a change of address for the above referenced water right(s). Based on this change, IDWR water right records for the Snake River Basin Adjudication (SRBA) have been updated.

Furthermore, as directed by the SRBA Court, this office mailed a copy of the updated water right record(s) to each party listed on the enclosed NCAP. The intent of this mailing is to ensure each party has a current record of water right(s) as recorded in the SRBA.

Please feel free to contact me if you have any questions concerning this matter.

Respectfully,

Kristen Forsgren
Office Specialist 1

Enclosure

PROFILED

SCANNED

MAR 20 2006

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

In Re SRBA

Water Rights: 29-4338

Case No. 39576

NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING

IDWR has completed the following Administrative proceeding:

- ☒ Address change
- ☐ Substitution of Party
- ☐ I.C. § 42-222 transfer
- ☐ point of diversion ☐ place of use
- ☐ period of use ☐ nature of use
- ☐ split of water right ☐ change in ownership

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: Dec 15, 2003.



Signature of IDWR Representative

SCANNED

MAR 29 2006

CERTIFICATE OF MAILING

I certify that on December 19, 2003, I mailed the original and copies of this form to the following persons, postage prepaid by regular mail and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls ID 83303-2707

2. One copy to:

Claimant/Seller for Substitution of Party or attorney of record:
WARM CREEK IRRIGATION CO
C/O VIOLET ISAAK
3298 S ISAAK LP
AMERICAN FALLS ID 83211

3. One copy to:

Claimant/Purchaser for Substitution of Party, or attorney of record:
N/A

4. One copy to:

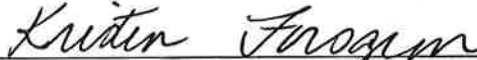
Each party in the subcase, or attorney of record
N/A

5. One copy each to:

Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449

6. One Copy to:

United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724



Signature of person or attorney mailing the form

SCANNED

MAR 20 2006

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CHANGE IN ADDRESS

This form can be used to notify the Department
of a change in address for Department records
(Please print or type)

[] Name(s): Violet Isaak, secretary

[] Old Mailing Address: 3202 Hedstrom Lane
Am. Falls, ID 83211

[] New Mailing Address: 3298 So. Isaak Ln.
Am. Falls, ID
83211

Telephone Number: (208) 226-2618

[] Signature(s) Violet Isaak, secr.
(must be signed by all
individuals listed unless
you have authority to sign
on their behalf) (include your title if on behalf of company or organization)

Date: 12-12-03

When complete, please mail or FAX this form to the IDWR office nearest you:

IDWR Northern Region
1910 Northwest Blvd., Suite 210
Coeur d'Alene, ID 83814-2615
FAX: (208) 769-1454

IDWR Western Region
2735 Airport Way
Boise, ID 83705-5082
FAX: (208) 334-2348

IDWR Eastern Region
900 N. Skyline Dr., Suite A
Idaho Falls, ID 83402-1718
FAX: (208) 525-7177

IDWR Southern Region
1341 Fillmore St., Suite 200
Twin Falls, ID 83301-3380
FAX: (208) 736-3037

SC-100-1000
MAR 20 2006

Paul

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: 29-4338

WARM CREEK IRRIGATION CO

~~3202 HEDSTROM LN~~

3298 So. Isaak Lp.

AMERICAN FALLS ID 83211

Telephone Number: (208) 226-~~5017~~

2618

RECEIVED
APR 17 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):

place of water - adjustments

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

some places have water - some don't

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

they aren't correct

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

DATE:

4-10-03

SIGNATURE:

Violet Isaak - Secy. Warm Cr.
Irrig. Co.

Please print your name:

Violet Isaak
226 - 2618

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

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MAR 20 2006

PROFITLED

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MAR 29 2006

"If you can find copies of postal notices
referred to in History, perhaps we can
improve priority date"

Msg on medium: Re 29-4338

Kathleen Barkdull 226-5817 6/29/01

~~FAX shift again please
879-4498 FAX
879-4298~~

~~Dean Peterson~~

6/29/01

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

MAY 23, 1983

WARM CREEK IRRIGATION CO.
RT. 1, BOX 237
AMERICAN FALLS ID 83211

RE: Claim No. 29-4338

Dear Claimant:

The Department of Water Resources has completed the advertising of your claim to a water right, and no further action is authorized under Section 42-243 and 42-244, IDAHO CODE. Your claim will be retained in our files and will be available at any time for use by you or the court.

The filing and advertising of the claim does not confirm the water right claimed, but will serve to record and preserve the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included with the claim, you may have that information or evidence added at any time. Please refer to the claim identification number when corresponding with this office.

We are enclosing a copy of your claim for your records. If you have questions, or if this office may be of further assistance, please feel free to contact us.

Yours truly,

RONALD D. CARLSON
Eastern Region Supervisor

Enclosure

Mailed by Claimant
Received 6/29/2001

SCANNED

6-3 20 2036

STATE OF IDAHO
Department of Water Resources

Nº 28075

Boise, Idaho, April 21, 1983

RECEIVED FROM Don Zaring of American Falls \$ 30.00
Thirty and no/100 DOLLARS

FOR		
<u>Warm Creek</u>	\$ <u>30</u>	<u>00</u>
<u>Tr. Claim</u>	\$	
	\$	
	\$	
	\$	
TOTAL - - -	\$ <u>30</u>	<u>00</u>

Barbara L. Powers

PROFILED

Mailed by Claimant
Received 6/29/2001

SCANNED

MAR 20 2006

COMMUNICATION DOCUMENTATION

Claim No. 29-4338

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent

B. Contor / Dean Byington

Date

5/17/01 BAC
5/14/01

Contact Person(s)

Duane Isaak (226-2130), LaMan Violet
Isaak (226-2618)

Nature of Contact

Personal conversation at LaMan Isaak
farm

Substance of Communication

1) Two active PO's from public source, on attached GIS as "Warm Creek (Dilly Ditch)" GPS 4338-B, and on GIS as "3-Way," GPS 4338-A, site tag A0007731 on RR tie by gate to canal. "Cold creek measuring device" is Cipolletti weir in natural channel of creek. Other two PO's on claim map are not diversions from public source

2) I need to research 243 claim 29-4196.

Company uses water from two sources, Warm creek & cold creek. Need to make sure both are

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MAR 20 2006

properly claimed.

- 3) Attached copy of Mark Larson service area is correct. 15-20 members in company.
- 4) Violet Isaac will mail copy of Warm Creek Irrigation bylaws & constitution.
- 5) Service area has not changed, nor irr. lands within service area, since Falls Irr. District project in late 1950's.
- 6) Some users may commingle w/ private GW or Falls Irr Dist. GW.
- 7) Map on p2 of 243 claim appears to show correct poll.

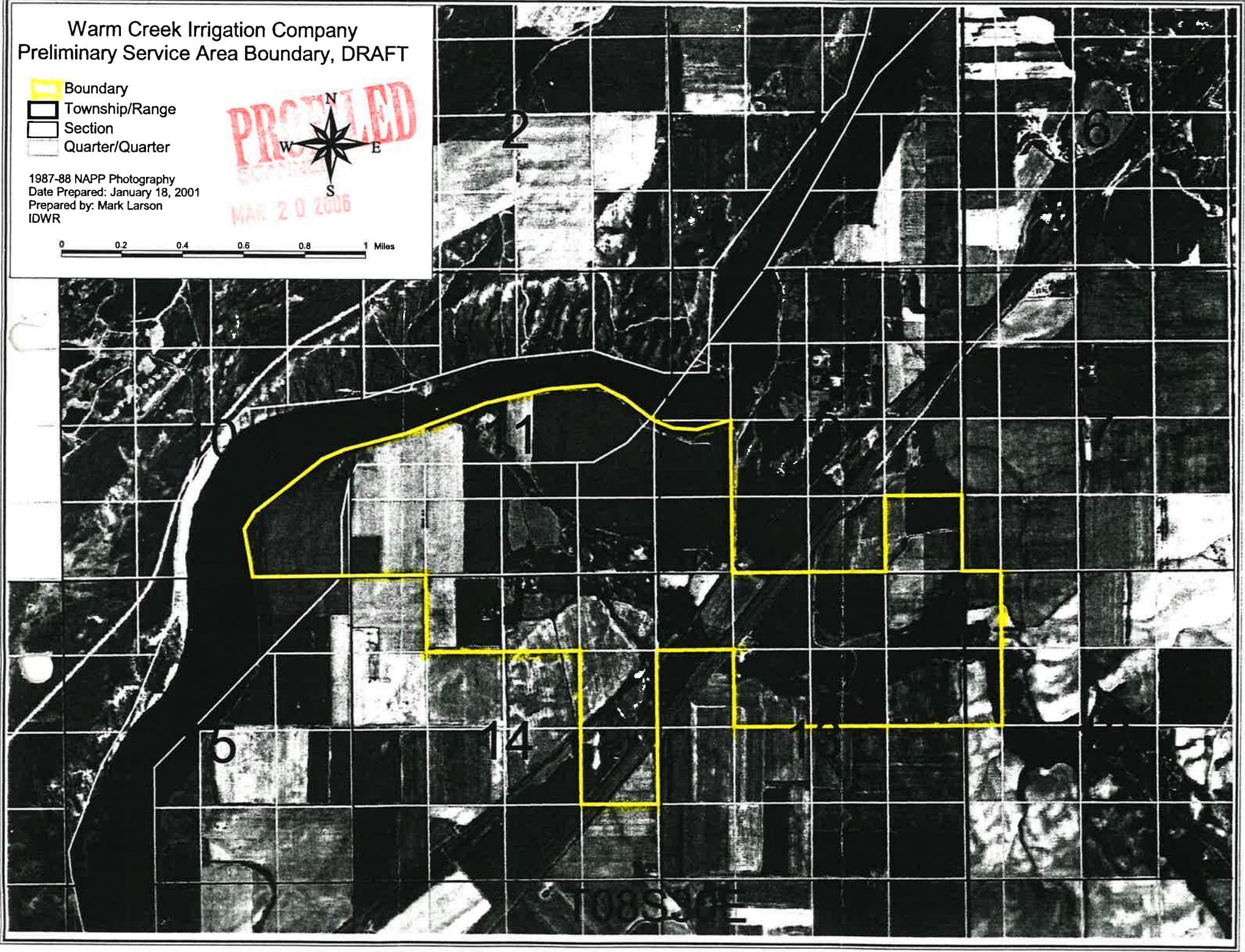
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MAR 20 2006

Warm Creek Irrigation Company
Preliminary Service Area Boundary, DRAFT

- Boundary
- Township/Range
- Section
- Quarter/Quarter

1987-88 NAPP Photography
Date Prepared: January 18, 2001
Prepared by: Mark Larson
IDWR





IDAHO DEPARTMENT OF WATER RESOURCES

SNAKE RIVER BASIN ADJUDICATION - BASIN 29



RIGHT ID
POD ID
Quad
Claim Type
Easting
Northing
GPSID

Diversion Description

Irrigation Well near small 300' x 60' x 7' (+/-) water storage/holding pond. Located approximately 1/2 mile west of the Indian Springs RV Campground. Motor manufacturer is US Electric Motor.

Assumptions

Pressure head and elevation head.

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

OD ID 200899 01.JPG

Photos

OD ID 200899 02.JPG

EPE (ft)

Date (M/D/Y)

Time

Flow Rate (CFS)

3.26839872746554

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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State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

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

**DIRK KEMPTHORNE
GOVERNOR**

**KARL J. DREHER
DIRECTOR**

December 12, 2000

Warm Creek Irrigation Company
Kathy Barkdull
3202 Hedstrom Ln.
American Falls, ID 83211

Subject: Warm Creek Irrigation Company Service Area

Dear Kathy;

My name is Mark Larson. I work for the Idaho Department of Water Resources. We are working on irrigation company boundaries in your area. We would like to receive a map illustrating the extents of your service area. If you could please send me a copy, I will enter the boundary into our database. I will then send you a map of the boundary that I have created, for your approval or editing. If the boundary is not quite right you can edit the boundary and send it back to me. Thanks again for all your cooperation.

If you have any questions, please don't hesitate to call me at (208) 327-7998.

Sincerely,

Mark Larson
GIS Analyst
Adjudication Technical Section

PROFILED

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MAR 20 2006

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098
Phone: (208) 327-7900 FAX: (208) 327-7866

DIRK KEM
GOVERNOR

KARL J. JENSEN
DIRECTOR

December 12, 2000

Warm Creek Irrigation Company
Kathy Barkdull
3202 Hedstrom Ln.
American Falls, ID 83211

Subject: Warm Creek Irrigation Company Service Area

Dear Kathy;

My name is Mark Larson. I work for the Idaho Department of Water Resources. We are working on irrigation company boundaries in your area. We would like to receive a map illustrating the extents of your service area. If you could please send me a copy, I will enter the boundary into our database. I will then send you a map of the boundary that I have created, for your approval or editing. If the boundary is not quite right you can edit the boundary and send it back to me. Thanks again for all your cooperation.

If you have any questions, please don't hesitate to call me at (208) 327-7998.

Sincerely,



Mark Larson
GIS Analyst
Adjudication Technical Section

RECEIVED

JAN 19 2001

Department of Water Resources

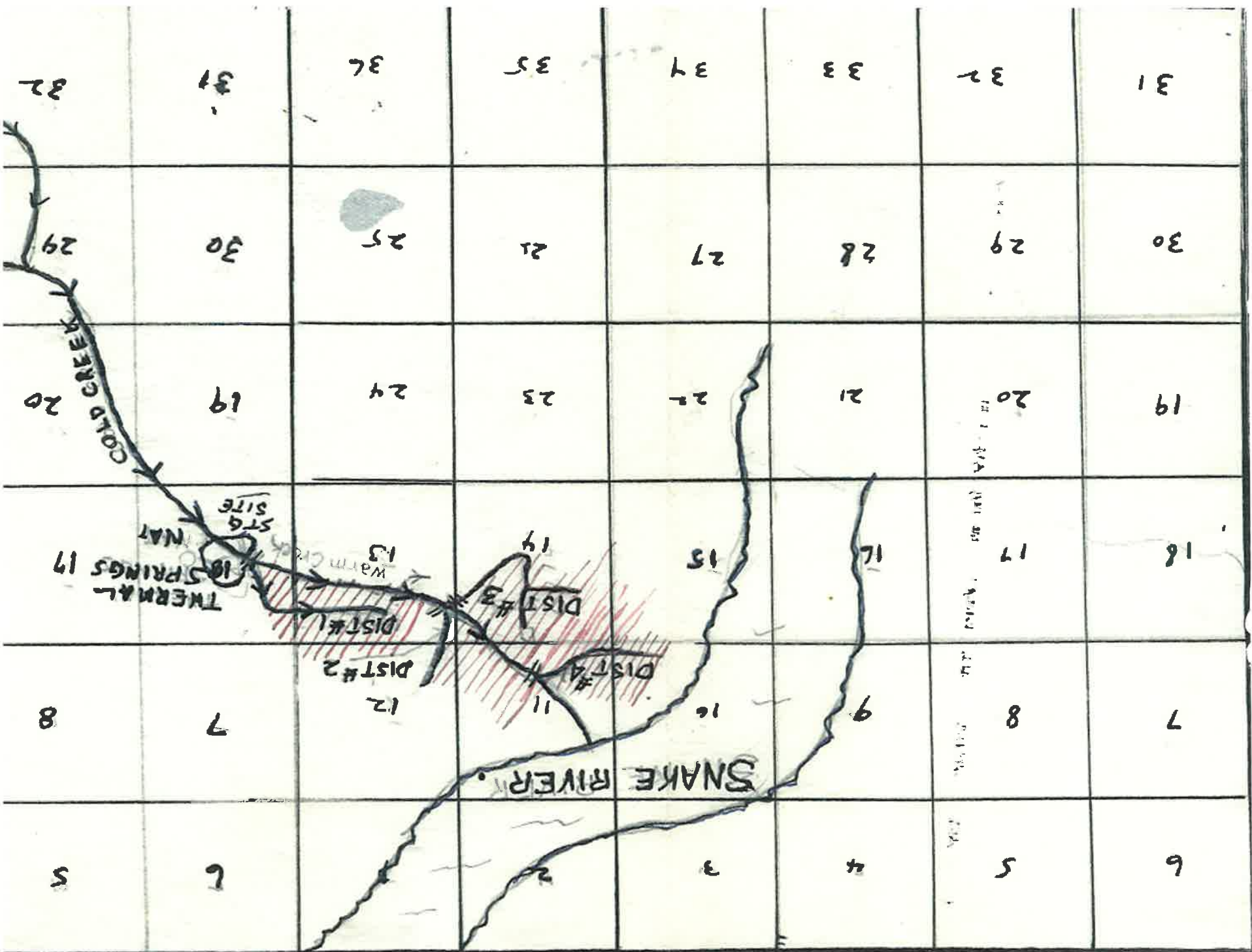
SCANNED
MAR 20 2000

Beginning at a point 25 rods south of the NE corner of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Sec. 7, Twp. 8 S. Range 30 E. B. M., thence southwesterly to a point on the township line 40 rods south of the NE corner of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of sec. 12, Twp. 8 S. Range 30 E. B. M., thence due west to the exact center of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of sec. 12, thence south- west to the SW corner of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of sec. 12, thence due west 160 rods to the SE corner of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of sec. 12, thence due north 160 rods to the south bank of Snake River, thence following the bank of the Snake River west and south approximately 2 $\frac{1}{2}$ miles to the SW corner of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of sec. 22, thence due east to the SE corner of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of sec. 22, thence in a north easterly direction following the right of way of U. S. Highway 30 240 rods to a point approximately 12 rods east of the SW corner of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of sec. 13, thence following an irreg- ular course SE by East app. 70 rods thence east app. 70 rods to an intersection with the main channel of Warm Creek, thence following an irregular course along the main channel of Warm Creek to the diversion headgate of the Dille ditch, located in the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of sec. 19, Twp. 8 S. Range 31 E. B. M. thence following the Dille ditch in a northwesterly direction to a point app 16 rods east of the SW corner of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of sec. 18, Twp. 8 S. R. 31, thence due north 80 rods, thence north west to the point of beginning. Save and except certain fractions of land adjacent to Snake River belonging to the United States, also segments belonging to High- way District #1 and also the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of sec. 15 and the North half of the SW $\frac{1}{4}$ of sec. 14, Twp. 8 S. Range 30, West of the Boise Meridian.

Stockholders of the Warm Creek Irrigation Company

SCANNED

MAR 20 2005



Shares held NE 1/4 NW 1/4 SW 1/4 SE 1/4 Name

Shares	T	R	S	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	Name
20	8	31	18						24.5	18.9										Ruth Nelson
6	8	30	12															S 14.1		Lamar Isaac
1	8	30	12											SD	2.6					Chuck Strom
52	8	30	12										S 32.0	SD 32.2						Ralph Kendall
7	8	30	13	0																Carl Barkdull
7	8	30	13	S 14.5																Lamar Isaac
20	8	30	13					S 19.8			SD 14.8									Isaac Ranches
20	8	30	13		S 18.3	SD 29.9														Isaac Ranches
1	8	30	13						SD 7.0											Mitch Huber
1	8	30	13						OS 4.0											Bill Shultz
3	8	30	14	0																Nancy Anderson
30	8	30	14	S 15.9	S 11.0		S 10.0									S 12.0				Don Zaring
1	8	30	14	SD 4.0																Joe Jones
2	8	30	14		SD 1.5															Samson
2	8	30	14		SD 3.9															Dennis Zimmerman
31	8	30	14		S 2.1		SD 38.0													Henesch Meire
12	8	30	14		SD 6.1															Paul Kendall
2	8	30	11											S 2.5				SD 10.9		Ralph Kendall
2	8	30	11											SD 5.0						Frank Baguley
72	8	30	11					S 26.0	S 8.0	S 12.0	S 27.0					S 4.0	SD 17.5			Paul Kendall
	8	30	10															S 7.5		
482.1 Acres																				

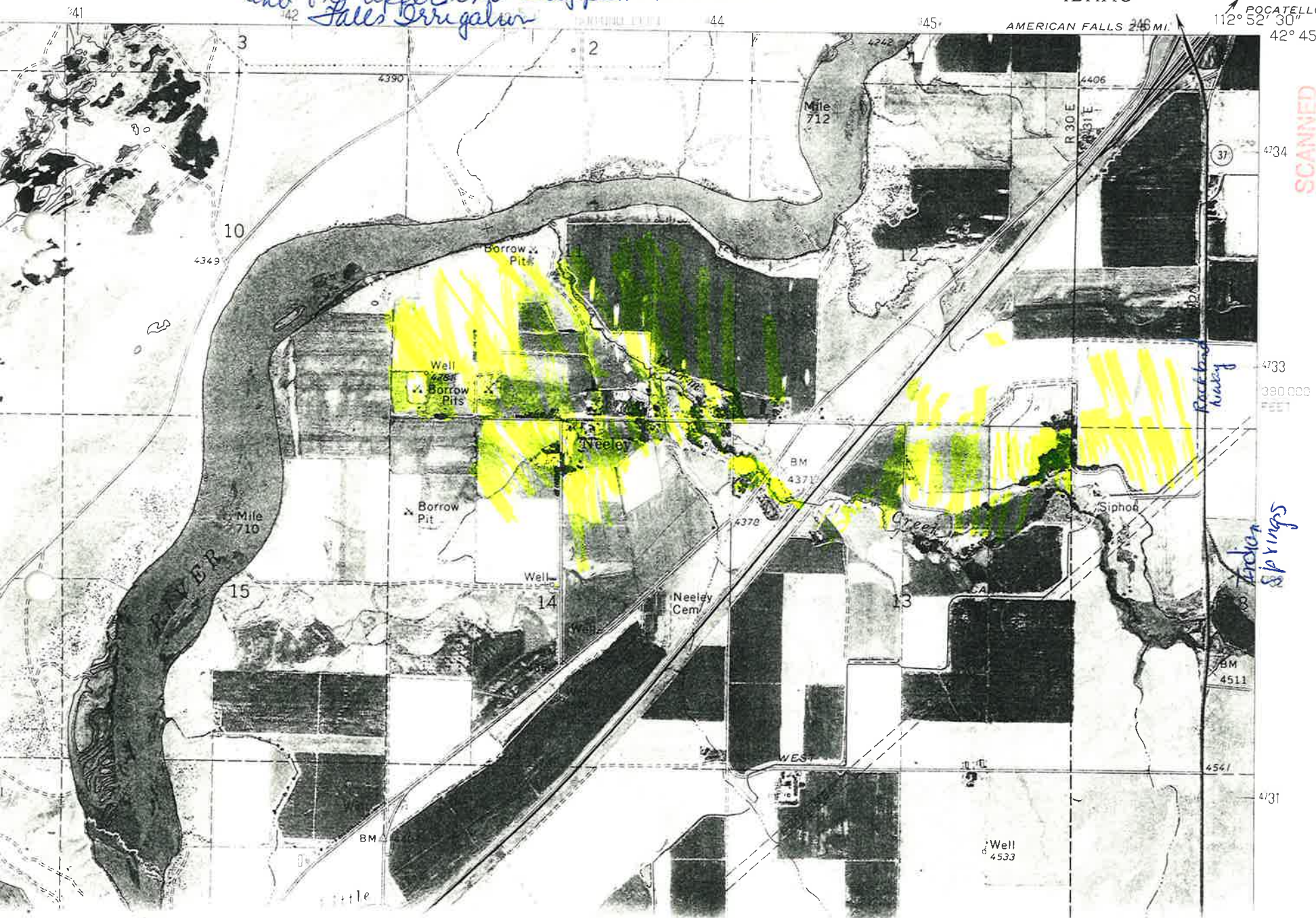
MA 2.0

*This map is not exact
 There are approximately 182.1 acres but the
 water is intermingled with wells
 and on upper end supplemented with
 Falls Irrigation*

R30E R31E

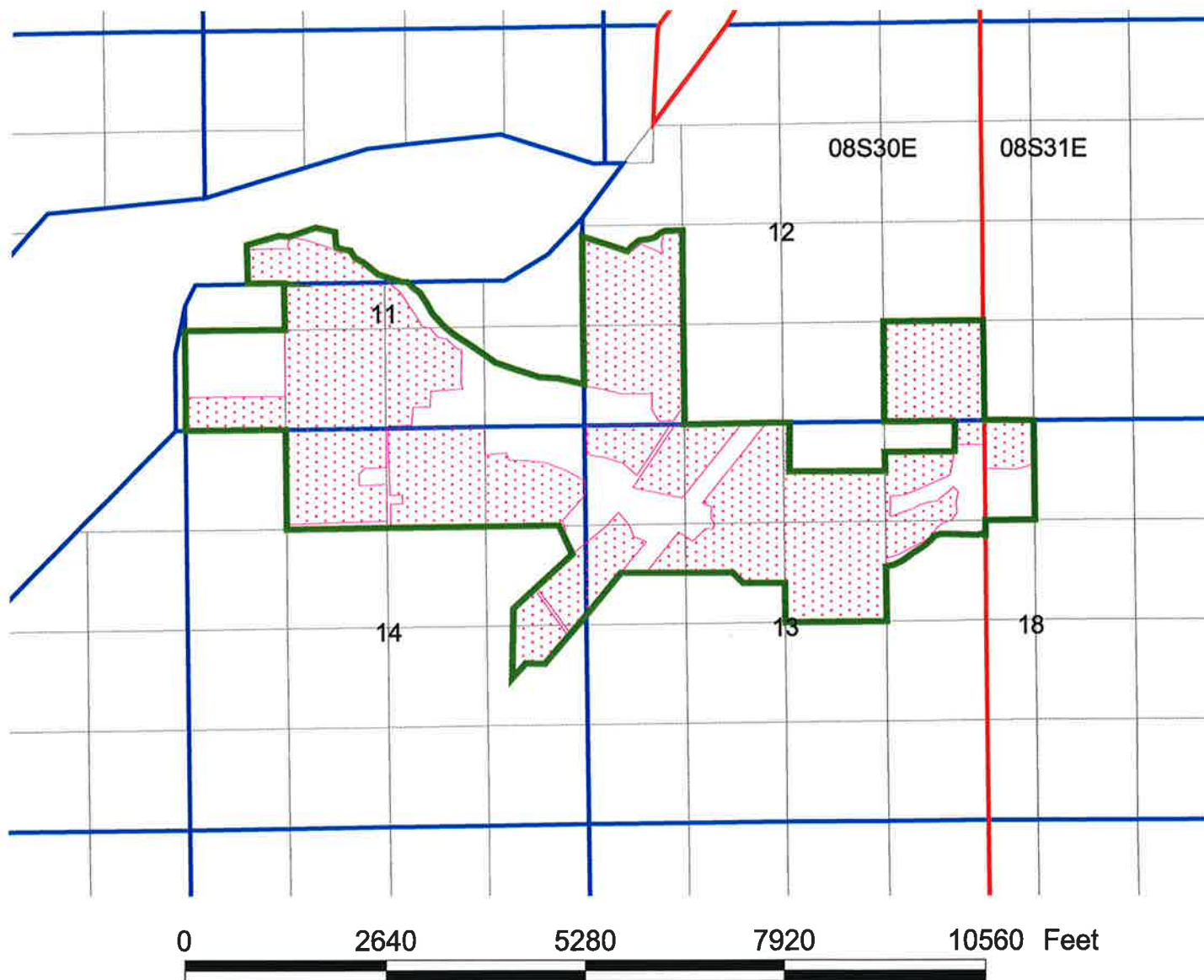
NEELEY ORTHOPHOTOQUAD
 IDAHO

POCATELLO 27 MI.
 112° 52' 30"
 42° 45'

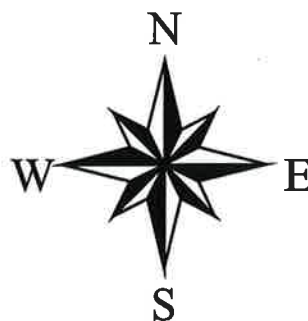


Department of Water Resources

Claim No.: 29-4338



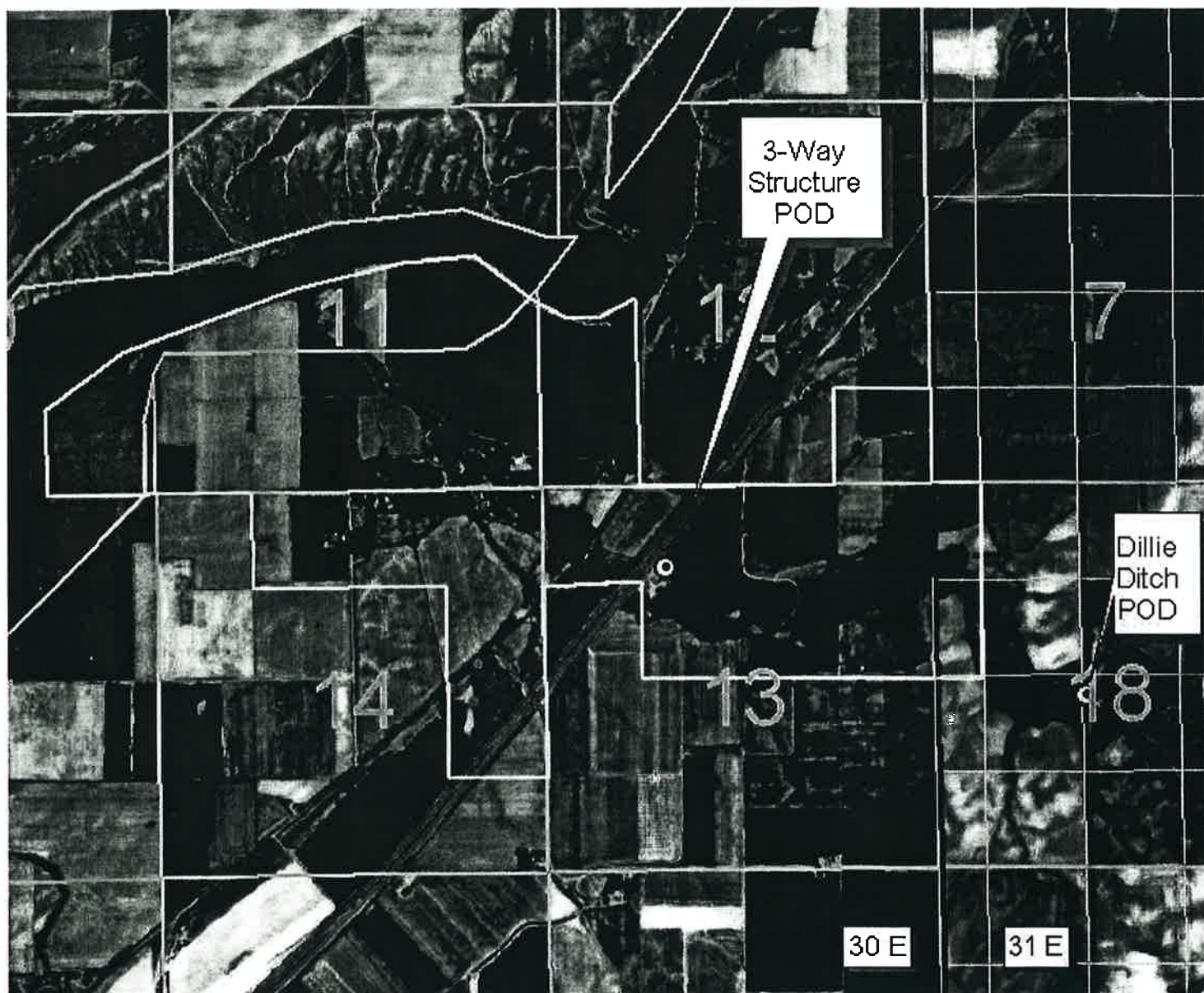
- Warmcreekirrigationboundary.shp
- Warmcreekirrigationacreage.shp
- Township/Range
- Sections
- QQ



SCANNED
MAR 29 2006

Idaho Department of Water Resources

Water Right 29-4338



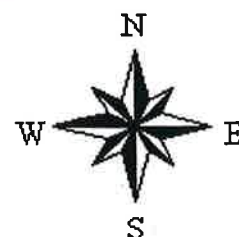
Township 8S Range 30E

1320 0 1320 Feet

- ⊙ Point of Diversion - This Right
- Point of Diversion - Other Rights
- Place of Use - This Right
- Place of Use - Other Rights
- Township
- Section
- Quarter-quarter Section

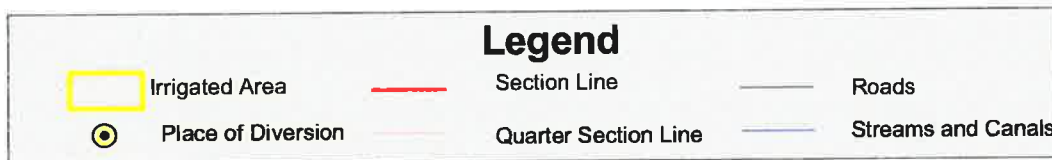
SCANNED

MAR 20 2006



Prepared from 1987/1988 NAPP photography by B. Contor, 6/2001.

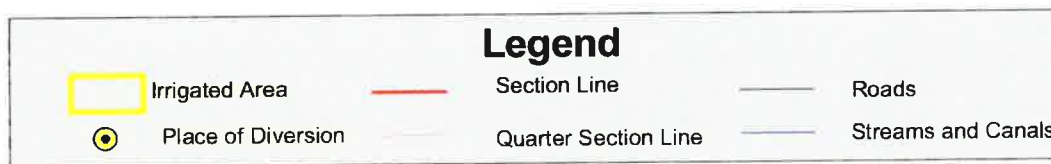
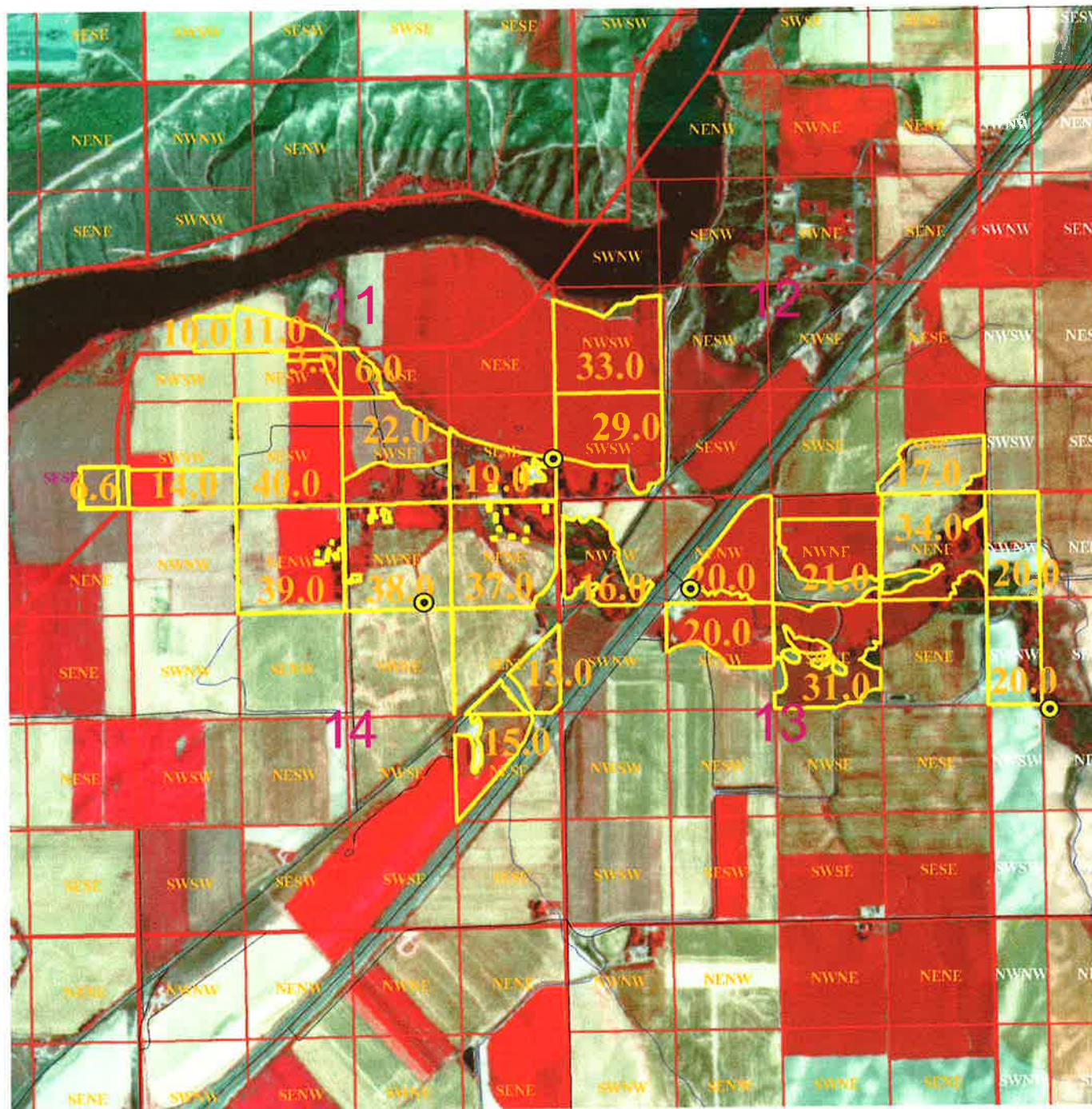
Townships , 8S31E, 8S30E



1000 0 1000 2000 Feet



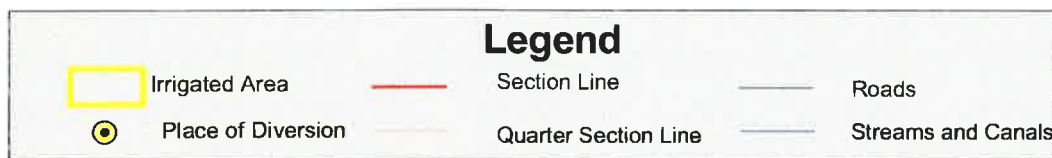
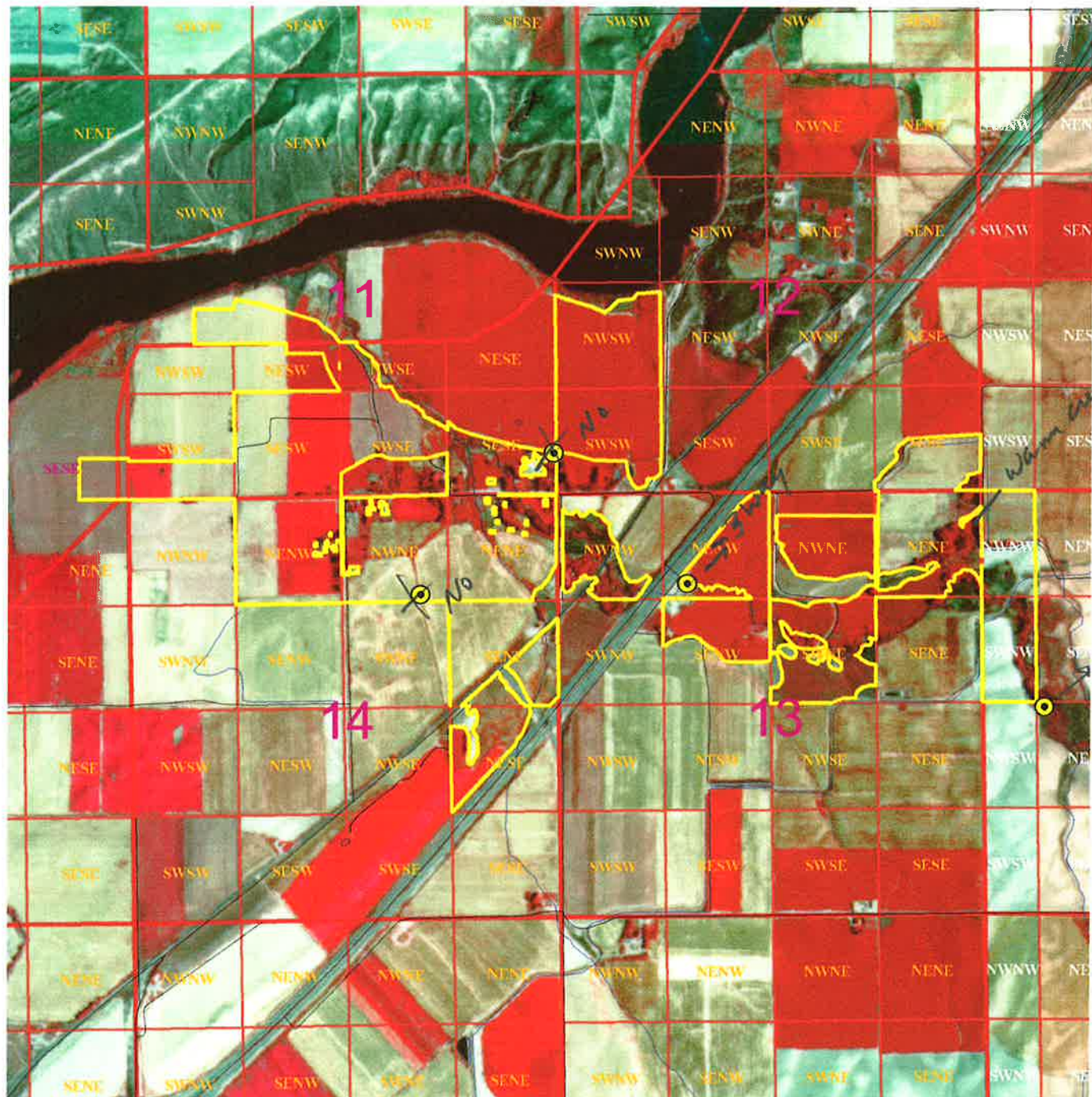
Townships , 8S31E, 8S30E



1000 0 1000 2000 Feet



Townships , 8S31E, 8S30E



1000 0 1000 2000 Feet



3 way GPS filename 4338 - A
site tag A000 7731

Warm Creek (Dilly Ditch)
GPS filename 4338-B

III. POSTED NOTICE WATER RIGHTS

A. Priority Date.

From February 10, 1881 thru March 11, 1903, Idaho had a "posted notice" statute, which described one means to perfect a water right. As a first step an appropriator was required to post a notice describing the intended appropriation at the proposed point of diversion. The notice then had to be recorded and diversion works were required to be completed and water applied to a beneficial use with due diligence. If the requirements of the statute were satisfied, then the priority date of the water right "related back" to the date of posting. The agent should consult with their legal counsel to determine the exact requirements in effect at the time in question.

B. Evidence of Priority Date.

A posted notice is evidence of the intent to appropriate water, but it is not evidence of application of water to beneficial use nor due diligence in completing the appropriation. Some evidence of completion of the appropriation within a reasonable time after the date of posting must be found by the agent before a claim may be recommended based on a posted notice. Completion within five years is reasonable; the reasonableness of longer periods will depend on the circumstances.

The claimant should be notified that the claimant should submit evidence of the date of first use in the same fashion as beneficial use right claimants. If the claimant submits evidence of completion of the appropriation within a reasonable time following the date of posting, then the date of posting should be recommended as the priority date.

If the date of first use is not within a reasonable amount of time from the date of posting the right might be recommended as a beneficial use right.

1. Sufficiency of posted notice.

The agent should review the posted notice with legal counsel to be sure it met the statutory requirements. The posted notice must contain the following:

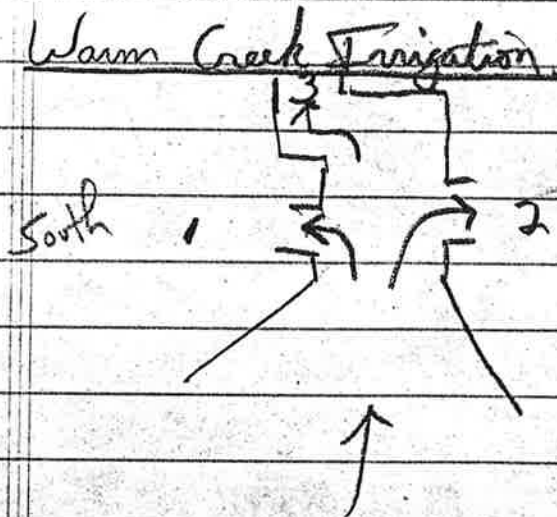
- a. Name of appropriator
- b. Source
- c. Amount of water
- d. Location of point of diversion
- e. Purposes of use
- f. Location of place of use
- g. Description of means of diversion
- h. For notices posted or recorded between March 7, 1895 and February 24, 1899, the length of time necessary to complete the appropriation, which may not be more than five years.

(more on back)

Warm Creek Irrigation
.28^{ft} Weir

7730 Site

Warm Creek Irrigation # 7729
South ditch is blocked off
.4



1 = .3

South

2 = .32

North

3 = .34

West

Claim _____
Doc Source East Water
Measurement District
Date 5/3/01 Sig. Bac

Warm Creek Irr-
all

COLD CREEK MEASUREMENTS
6 ft. wier near the Indian Springs Natatorium
Esther Isaak Ranch

Measured Prox. 11:00 A.M. by Lloyd Curry
(exceptions noted)

DATE	TIME	HEAD	CFS	MEASURED BY
4/6/2000		.36	4.36	

Old Bureau Manual

6 foot cipolletti; see photo w/ record 200766 exam. Weir pool undersized, possible siltation. $\therefore$ actual flow may exceed these values.

WMD found head $\approx$.35?

Warm Creek Dr-
all

Claim

Doc Source East Water

Measurement District

Date 5/3/01 Sig. BAC

COLD CREEK MEASUREMENTS
6 ft. wier near the Indian Springs Natatorium
Esther Isaak Ranch

Measured Prox. 11:00 A.M. by Lloyd Curry
(exceptions noted)

DATE	TIME	HEAD	CFS	MEASURED BY
4/24/97		.36	4.36	
5/13/97		.37	4.54	
5/23/97		.35	4.18	
6/3/97		.34	4.00	<i>Ok Bureau Manual</i>
6/24/97		.34	4.00	
7/9/97		.33	3.84	
7/24/97		.33	3.84	
8/1/97		.33	3.84	
8/21/97		.35	4.18	
8/29/97		.33	3.84	
11/12/97	9:30 A.M.	.35	4.18	Tom Morgan
2/24/98		.37	4.54	Morgan, Curry, Sorensen
4/14/98	1:00 P.M.	.35	4.18	Tom Morgan
5/5/98		.36	4.36	
5/22/98	3:00 P.M.	.35	4.18	Tom Morgan
6/18/98		.35	4.18	
7/6/98		.35	4.18	
7/16/98		.35	4.18	
7/29/98		.37	4.54	
5/27/99		.36	4.36	
6/11/99		.36	4.36	
6/23/99		.36	4.36	
7/2/99		.36	4.36	
7/22/99		.36	4.36	
8/4/99		.36	4.36	
8/17/99		.36	4.36	
9/10/99		.36	4.36	
9/21/99		.36	4.36	
10/15/99		.36	4.36	

Claim _____
Doc Source East Water
Measurement District
Date 5/3/01 Sig. Bac

*Warm Creek Dr-
all*

WARM CREEK MEASUREMENTS
2.0 ft. wier near the Indian Springs Natatorium

Measured Prox. 11:00 A.M. by Lloyd Curry
(exceptions noted)

DATE	TIME	HEAD	CFS	MEASURED BY
5/13/97		.51	2.45	Tom Morgan
5/23/97		.52	2.52	
6/3/97		.50	2.38	
6/24/97		.48	2.24	
7/9/97		.45	2.03	
7/24/97		.49	2.31	
8/1/97		.50	2.38	
8/21/97		.48	2.24	
8/29/97		.45	2.03	
11/12/97	9:30 A.M.	.52	2.37	
5/5/98		.52	2.52	
6/18/98		.52	2.52	
7/6/98		.47	2.17	
7/16/98		.45	2.03	
7/29/98		.50	2.38	
8/11/98		.48	2.24	
9/8/98		.47	2.17	
9/29/98		.50	2.38	
5/27/99		.52	2.52	***** Claim Doc Source <u>East Water</u> <u>Measurement District</u> Date <u>5/3/01</u> Sig. <u>Bar</u>
6/11/99		.58	2.97	
6/23/99		.49	2.31	
7/2/99		.49	2.31	
7/22/99		.48	2.24	
8/4/99		.47	2.17	
8/17/99		.48	2.24	
9/1/99		.45	2.03	
9/10/99		.46	2.10	
9/21/99		.47	2.17	
10/15/99		.51	2.45	

See photo WMO
exam 200765 weir
pool filled, velocity?
WMO June 0.37 ft head
on 5/1/98.
Actual flows probably
higher than indicated
(1.52 cfs)

Warm Creek Dr-
all

WARM CREEK MEASUREMENTS:
48" rectangular wier at Esther Isaak Ranch

DATE	TIME	HEAD	CFS	MEASURED BY
3/20/92		.68	7.2	Terrell Sorensen
4/20/93		.70	7.53	Terrell Sorensen
1/24/94		.62	6.3	Terrell Sorensen
4/5/94		.68	7.22	Terrell Sorensen
4/24/97		.60	6.06	Lloyd Curry
11/12/97	9:30 A.M.	.50	4.59	Tom Morgan
2/24/98		.60	6.06	Morgan, Curry, Sorensen
4/14/98	1:30 P.M.	.59	5.86	Tom Morgan
5/22/98	3:10 P.M.	.60	6.06	Tom Morgan
4/29/99	9:30 A.M.	.62	6.3	Tom Morgan
4/6/00		.62	6.3	Lloyd Curry

Claim

Doc Source

Measurement

Date

Sig.

Warm Creek Dr.
all

RECEIVED

APR 17 2000

Department of Water Resources
Eastern Region

Warm Creek Irrigation Company

Annual meeting held March 6, 2000 7:00 p. m. at the American Falls Public Library, American Falls Idaho.

The meeting was called to order by Kathleen Barkdull, secretary at 7:05 p.m.

The first order of business was to elect a chairman of the board as our board chairman, Don "Spec" Zaring, has passed away.

Duane Isaak was nominated by Carl Barkdull to serve as the chairman of the board. The vote was unanimous. Duane Isaak is also the representative for the Dille ditch by a unanimous decision.

Kathleen Barkdull was elected secretary unanimously.

Chuck Strom agreed to remain on the board.

Mike Henesh was elected to serve on the board for the Soresen ditch.

Paul Kendell was elected to serve on the Neeley ditch as he is the only one on it.

Chuck Strom made the motion that the share price remain at \$2.00. The second was by Joe Jones. Motion carried.

We continue to have several beaver dams on the creek. Mike Henesh will contact the trapper to see what can be done. We have a large dam below the Falls Irrigation road and the trees have fallen in the creek.

Joe Jones has concerns about his road washing out. The county replaced the culvert and its lower than the last one. Duane Isaak will contact the county road foreman to see if the problem can be resolved.

We discussed the Indian Springs Natatorium. We think he's quit drilling in the source of Warm Creek and are waiting word from Dept. of Water Resources to see if they contacted him about his drilling.

Present at the meeting were Mr. & Mrs. Chuck Strom, Joe Jones, Carl & Kathleen Barkdull, Mitch Huber, John Henesh, Mike Henesh, Duane Isaak, Esther Isaak, Lamar Isaak, Roseanne Zimmerman, Brandon Zimmerman, Nancy Anderson, & Don Rex Anderson.

No further business to be discussed, the meeting adjourned at 8:15 p.m.

Claim _____

Doc Source East WaterMeasurement DistrictDate 5/3/01 Sig. BAC

Kathleen Barkdull, sec.
April 14, 2000

Warm Creek Div-
all

WARM CREEK IRRIGATION COMPANY MEETING

March 1, 1999 7:00 P.M.

American Falls Public Library

The meeting was called to order by Don Zaring, Chairman of the board. Present were: Don Zaring, Joe Jones, Carl Barkdull, Denny, Roseann & Brandon Zimmerman, Lamar Isaak, Clay Kendell, Chuck & Sharon Strom, Duane Isaak, Ester Isaak, Carl Mayer, Mitch Huber, and Kathleen Barkdull. Meeting was opened by Don Zaring at 7:04 P.M. The minutes from 1998 were read and approved. Correspondence from IDWR was read. It was reported that the owner of Indian Springs was drilling a well. Kathleen Barkdull reported that she had called Ron Carlson at the IDWR at Idaho Falls and they were going to check on this but the department has not called back. We discussed how this drilling at the source will affect the flow of Warm Creek.

The weirs at Cold Creek and Warm Creek need to be cleaned.

A motion was made by Don Zaring to increase the cost per share to \$2.00 per share. It was seconded by Joe Jones and carried unanimously.

The beaver dams were discussed. Beavers have built dams as far up the creek as the old Wilske place.

There was discussion for work to be done on the Sorenson ditch. Decided by the group that a pipe put in will be an improvement. Volunteers for this committee were Duane Isaak and Mitch Huber.

Discussion was held about weed control on all the ditches and this will be attempted in the spring.

Elections were held. Don Zaring remains our board chairman. Lamar Isaak made a motion to have Don Zaring be honorary board chairman. Joe Jones seconded the motion and it passed unanimously. Kathleen Barkdull was elected secretary by unanimously. Duane Isaak was elected board member for the Dille Ditch unanimously. Clay Kennel was nominated and elected to be representative of the Sorenson Ditch. Chuck Strom remained on the board for the Morgan Ditch. Lane Kendell was elected to the Neeley Ditch. Don Zaring made a motion to pay Kathleen Barkdull \$75.00 for year work. It was seconded by Chuck Strom. Motion carried.

Meeting was adjourned at 8:30 P.M.

Kathleen Barkdull, secretary
Warm Creek Irrigation Company
3202 Hedstrom Lane
American Falls, Id 83211

208-226-5817

Claim _____
Doc Source East Water
Measurement District
Date 5/3/01 Sig. Bar

Warm Creek I
all

Warm Creek Irr ID # 493

Please call Mr. Kathleen Barkdall, Sec.
and Dan Zeng, pres.

Warm Creek Irr-
all

Warm Creek has hired Terrell Sommer
to measure diversion volume for their
own purposes.

Water is delivered to four head gates from
creeks. Water rights are not regulated
by water master, nor delivered by canal
Co.

I told him he probably was legitimately
in the district.

Claim _____
Doc Source East Water
Measurement District
Date 5/3/01 Sig. BAC

Action

Record # 200764, 200765, 200766, 200767

Op-num = "0" Exam notes:

"legitimate surface diversion."

BAC 4/13/98

NAME_1	WARM CREEK IRRIGATION CO	ADRES_ID	493
		POD	08S 30E 11 SESESE
NAME_2	C/O KATHY BARKDOLL	DIV_RATE	6
		UNITS	CFS
ADDRESS_1	3202 HEDSTROM LN	SURF_FLG	X
		CONTACT	
ADDRESS_2		COMMENTS	
CITY	AMERICAN FALLS		
ST	ID		
ZIP	83211-5505	SITE_VISIT	
PHONE	2080000000	EXAMINER	
REGPOD98	4	SITE_TAGNO	
RECNO	200764		
WRNUMBER	A29-04338		

4 miles SW American Falls
 Claim to Carol Henesh
 226-5817

Don Varing
 226-2013



Indian Springs Natatorium
 3114 Neely loop West of American Falls

Rockman interchange Turn right on Eagle Rock rd
 Neely loop 2nd house on left side

Warm creek

3 ditches Morgan Kendall Sorenson

Isac owns property

Claim _____
 Doc Source East Water
Measurement District
 Date 5/3/01 Sig. BAC

Record
 200764

Open Channel Flow Measurements
(Attach To WMD Field Form)

Site Tag Number- A0007731 Owner- Warm Creek Irrigation

Record Number- 200764 Date- 05-01-98

Examiner- L Rounds

Installed Measuring Device- Weir

Hydrographer Measurement- measuring stick

Observations About Current Conditions- _____

many variables

Information From Interview With Operator- _____

flow not this high during irrigation season

Equations Used For Measurement- $Q = 3.247 L H^{1.48}$ (see exam)

Total Flow Through Diversion- 6.0 cfs

Notes For Data Entry- _____

Notes For File Only- _____

Claim _____
Doc Source East Water
Measurement District
Date 5/3/01 Sig. BAC

Record
200764

WATER MEASUREMENT DISTRICT
FIELD REPORT

DISTRICT Eastern

RECORD NUMBER 200764

SITE DATA:

EXAMINER (inv_name) L. Rounds

EXAM DATE 05-01-98
(site_visit)

DIVERSION NAME three ditches
(div_name)

GPS FILE 1050123B
(gps_filnam)

SITE TAG NUMBER A0007731
(site_tagno)

GPS OFFSET (offset) 3'S 2' above

TAG LOCATION (tag_locat) railroad tie near road

POD LEGAL (pod) T 8 N (S) R 30 E, Sec 11, SE SE SE

DISTRICT MEASUREMENT CAPABILITY (std_rcmd):

SONIC (s) SONIC/DIG (sd) SONIC @ PVT (sp)

COLLINS (c) PYGMY (p)

MEASUREMENT RECOMMENDATIONS (op_num):

PCC (2) HOUR METER (7) IRR. FLOWMETER (1)

ALTERNATE (3) OTHER FLOWMETER (8) CRP (9)

AMEND CLAIM (A) OPEN CHANNEL DEVICE (D)

SUITABLE FOR PCC even if other method selected (pcc_ok) YES (NO)

TRACKING will be required (trkng_reqd) (YES) NO

Well has ACCESS PORT for water level meas. (wl_access) (YES) NO

FLOWMETER installation poss. w/o major change (qmtr_ez) YES (NO)

FOLLOW-UP DATE (folup_date) 2001

OWNER/OPERATOR INFORMATION

OWNER (name) Warm Creek Irrigation (493)

ADDRESS _____

OPERATOR (contact) _____

ADDRESS _____

Claim _____
Doc Source East Water
Measurement District
Date 5/3/01 Sig. BAC

Record
200764

PUMPING PLANT SKETCH

VALVE	=	
CHECK VALVE	=	
AIR VAC	=	
PRESS. RELIEF	=	
INDIVE/UPDIVE	=	
HOSE BIB	=	
PRESS. GAGE	=	
WELL ACCESS	=	

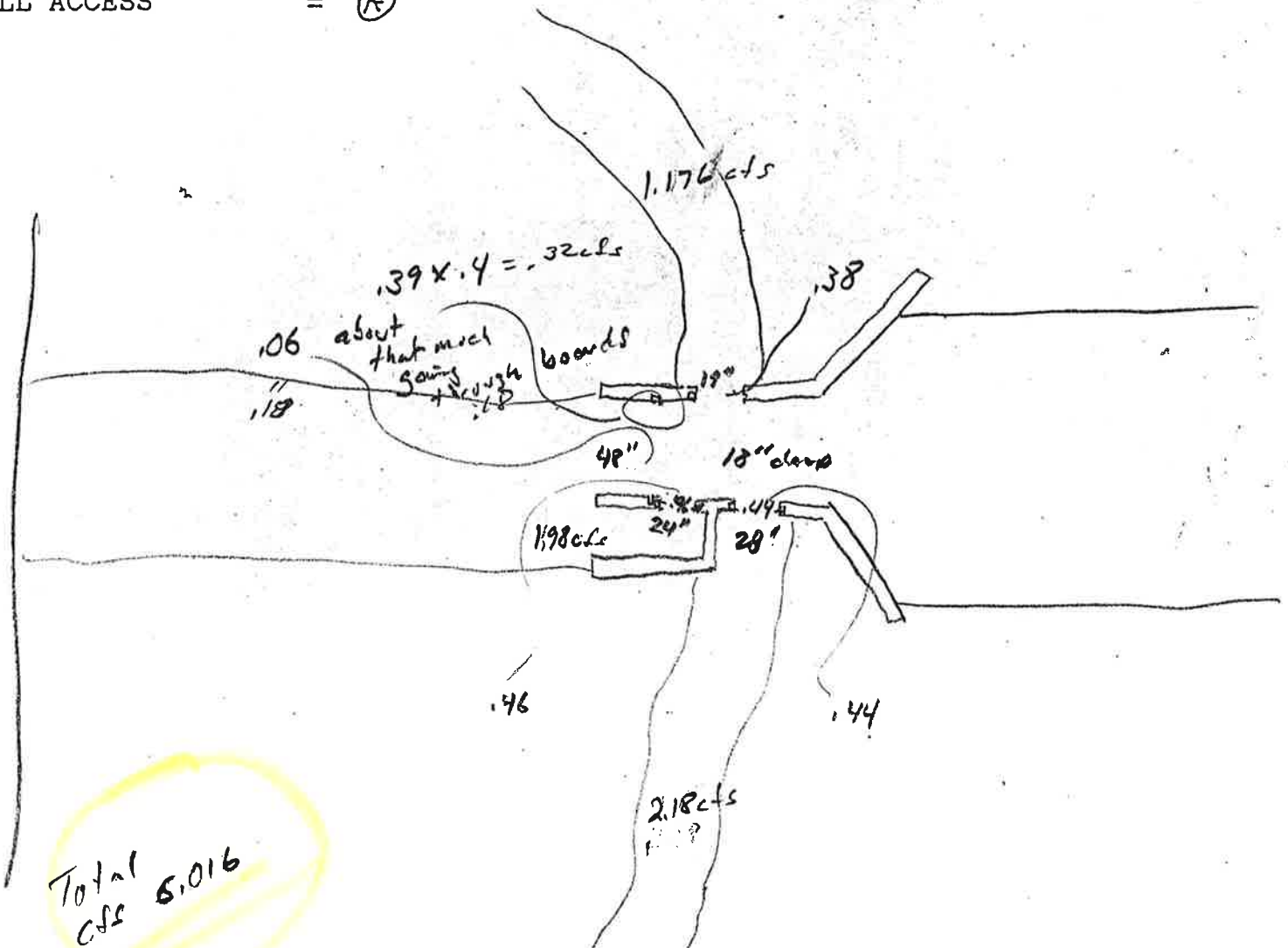
Claim

Doc Source East Water

Measurement District

Date 5/3/01 Sig. Bac

Record
200764



Sorenson Ditch
(Zaring)

Paul Kendall



PERMIT
NUMBER

Claim _____
Doc Source East Water
Measurement District
Date 5/3/01 Sig. BAC

Record
200764

Morgan

PHOTOS

NAME_1	WARM CREEK IRRIGATION CO	ADRES_ID	493
		POD	08S 30E 14 SENWNE
NAME_2	C/O KATHY BARKDOLL	DIV_RATE	6
		UNITS	CFS
ADDRESS_1	3202 HEDSTROM LN	SURF_FLG	X
		CONTACT	
ADDRESS_2		COMMENTS	
CITY	AMERICAN FALLS		
ST	ID		
ZIP	83211-5505	SITE_VISIT	
PHONE	2080000000	EXAMINER	
REGPOD98	4	SITE_TAGNO	
RECNO	200766		
WRNUMBER	A29-04338		

5m SSW American Falls

CB Carol Hinesh

226-5817

Daily Ditch

Cold Creek Wier

Claim	
Doc Source	East Water
Measurement	District
Date	5/3/01 Sig. BAC

Record 200766

Open Channel Flow Measurements
(Attach To WMD Field Form)

Site Tag Number- A0007730

Owner- Warm Creek Irrigation

Record Number- 200766

Date- 5-01-98

Examiner- L. Rounds

Installed Measuring Device- suppressed weir

Hydrographer Measurement- measuring stick

Observations About Current Conditions- slow down pond not
large enough for accurate measurement

Information From Interview With Operator- not actually measured - used for visual inspection
of flow through creek

Equations Used For Measurement- $Q = 3.247 L H^{1.47} \frac{0.566 L^{1.8}}{1 + 2 L^{1.5}} H^{1.9}$

Total Flow Through Diversion- ~ 4 cfs

Notes For Data Entry- _____

Notes For File Only- operator reports that flow will drop
off dramatically as soon as irrigation season starts

Claim _____

Doc Source East Water

Measurement District

Date 5/3/01 Sig. BAC

Record 200766

WATER MEASUREMENT DISTRICT
FIELD REPORT

DISTRICT Eastern RECORD NUMBER 200766

SITE DATA:

EXAMINER (inv_name) L Rounds

EXAM DATE 5-01-98 DIVERSION NAME Cold creek wier
(site_visit) (div_name)

GPS FILE L050123A SITE TAG NUMBER App 7730
(gps_filnam) (site_tagno)

GPS OFFSET (offset) 7' above 7' North

TAG LOCATION (tag_locat) cross roads sign

POD LEGAL (pod) T 8 N (S) R 30 E, Sec 14, SE NW NE

DISTRICT MEASUREMENT CAPABILITY (std_rcmd):

SONIC (s) SONIC/DIG (sd) SONIC @ PVT (sp)

COLLINS (c) PYGMY (p)

MEASUREMENT RECOMMENDATIONS (op_num):

PCC (2) HOUR METER (7) IRR. FLOWMETER (1)

ALTERNATE (3) OTHER FLOWMETER (8) CRP (9)

AMEND CLAIM (A) OPEN CHANNEL DEVICE (D)

SUITABLE FOR PCC even if other method selected (pcc_ok) YES NO

TRACKING will be required (trkng_reqd) YES NO

Well has ACCESS PORT for water level meas. (wl_access) YES NO

FLOWMETER installation poss. w/o major change (qmtr_e7) YES NO

FOLLOW-UP DATE (folup_date) 1999

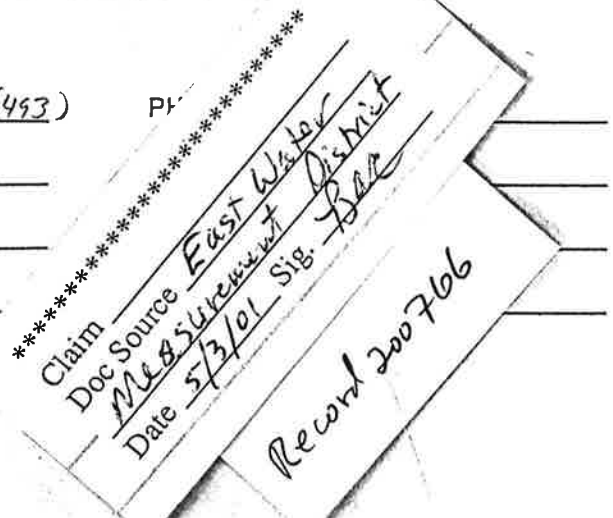
OWNER/OPERATOR INFORMATION

OWNER (name) Warm Creek Irrigation (493)

ADDRESS _____

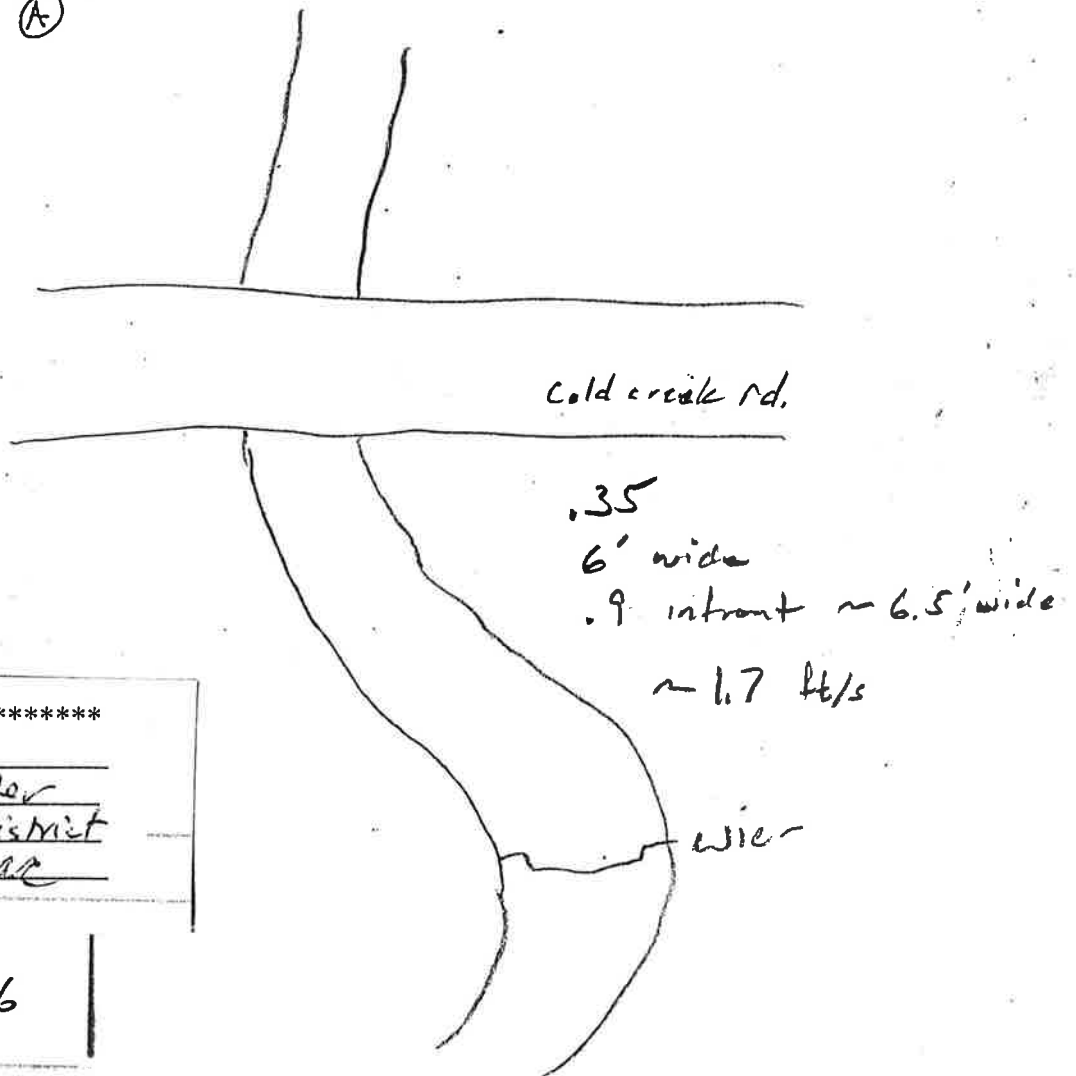
OPERATOR (contact) _____

ADDRESS _____



PUMPING PLANT SKETCH

VALVE	=	
CHECK VALVE	=	
AIR VAC	=	
PRESS. RELIEF	=	
INDIVE/UPDIVE	=	
HOSE BIB	=	
PRESS. GAGE	=	
WELL ACCESS	=	



Claim _____
 Doc Source East Water
Measurement District
 Date 5/3/01 Sig. BAC

Record 200766

SYSTEM DESCRIPTION/NARRATIVE COMMENTS:

SYSTEM TYPE Open Channel
(system_type)

COMMENTS TO DATA-ENTER (exam_notes):

not really discussion just a note in book

FILE-ONLY COMMENTS:

Claim

Doc Source

East WaterMeasurement District

Date

5/3/01

Sig.

BACRecord 200766

I certify that the above information is true and correct to the best of my knowledge and ability and the measurements taken and recorded are in accordance with the standards and specifications of the equipment used.

Signature

Date



Claim _____
 Doc Source East Water
Measurement District
 Date 5/3/01 Sig. BAC

Record 200766

PEAMIT
 NXHGEA

NAME_1	WARM CREEK IRRIGATION CO	ADRES_ID	493
NAME_2	C/O KATHY BARKDOLL	POD	08S 30E 13 SWNENW
ADDRESS_1	3202 HEDSTROM LN	DIV_RATE	6
ADDRESS_2		UNITS	CFS
CITY	AMERICAN FALLS	SURF_FLG	X
ST	ID	CONTACT	
ZIP	83211-5505	COMMENTS	
PHONE	2080000000	SITE_VISIT	
REGPOD98	4	EXAMINER	
RECNO	200765	SITE_TAGNO	
WRNUMBER	A29-04338		

5 miles SSW American Falls

C/O Carol Hensch
226-5817

Dilly Ditch

Golden Back Edition Terrel Sorrenson

.5 deep
.2 over board

.37 over
2' wide

1.5124 cfs
678.812 gpm

Claim _____

Doc Source East Water

Measurement District

Date 5/3/01 Sig. Bac

Record 200765

Open Channel Flow Measurements
(Attach To WMD Field Form)

Site Tag Number- A0007729

Owner- Warm Creek Irrigation

Record Number- 200765

Date- 05-01-98

Examiner- L Rounds

Installed Measuring Device- wier

Hydrographer Measurement- measuring stick

Observations About Current Conditions- _____

Water slow down pool not big enough, wier is
not level, owners measuring stick not readable

Information From Interview With Operator- _____

flow is greatly reduced after irrigation season
starts

Equations Used For Measurement- $Q = 3.247 L H^{1.48}$

Total Flow Through Diversion- ~ 1.5 cfs

Notes For Data Entry- _____

Notes For File Only- _____

Claim _____
Doc Source East Water
Measurement District
Date 5/3/01 Sig. BAC

Record 200765

WATER MEASUREMENT DISTRICT
FIELD REPORT

DISTRICT Eastern

RECORD NUMBER 200765

SITE DATA:

EXAMINER (inv_name) L Rounds B Conter

EXAM DATE 05-01-98
(site_visit)

DIVERSION NAME Oilly Ditch
(div_name)

GPS FILE 2050122A
(gps_filnam)

SITE TAG NUMBER 80007729
(site_tagno)

GPS OFFSET (offset) 5' south

TAG LOCATION (tag_locat) on wooden plank across diversion

POD LEGAL (pod) T 8 N (S) R 30 E, Sec 13, SW NE NW

DISTRICT MEASUREMENT CAPABILITY (std_rcmd):

SONIC (s)

SONIC/DIG (sd)

SONIC @ PVT (sp)

COLLINS (c)

PYGMY (p)

MEASUREMENT RECOMMENDATIONS (op_num):

PCC (2)

HOOR METER (7)

IRR. FLOWMETER (1)

ALTERNATE (3)

OTHER FLOWMETER (8)

CRP (9)

AMEND CLAIM (A)

OPEN CHANNEL DEVICE 9(Ø)

SUITABLE FOR PCC even if other method selected (pcc_ok)

YES (NO)

TRACKING will be required (trkng_reqd)

YES NO

Well has ACCESS PORT for water level meas. (wl_acc)

NO

FLOWMETER installation poss. w/o major change (qmt)

FOLLOW-UP DATE (folup_date) 2001

OWNER/OPERATOR INFORMATION

OWNER (name) Warm Creek Irrigation

PHONE

ADDRESS

CEL PHO

OPERATOR (contact)

PHONE

ADDRESS

CEL PHO

Claim East Water
Doc Source Measurement District
Date 5/3/01 Sig. Bac

Record 200765

PUMPING PLANT SKETCH

VALVE = 
 CHECK VALVE = 
 AIR VAC = 
 PRESS. RELIEF = 
 INDIVE/UPDIVE = 
 HOSE BIB = 
 PRESS. GAGE = 
 WELL ACCESS = 

 Claim _____
 Doc Source East Water
Measurement District
 Date 5/3/01 Sig. BAC

Record 200765

3' Cipolletti chart
 value 1.52 gfs @ 0.374 head.
 w/weirpool too full actual
 Q > 1.52 gfs.
 BAC 6/6/01

weir

.37 over weir
 2' wide

weir not level

.38 on one side
 .36 on other
 water too high

5' deep
 2' over
 board
 39" wide

SYSTEM DESCRIPTION/NARRATIVE COMMENTS:

SYSTEM TYPE open channel
(system_type)COMMENTS TO DATA-ENTER (exam_notes): Weir not level, maintenance
required

FILE-ONLY COMMENTS:

measuring stick not readable silt buildup makes weir
not accurate (under low list)

Claim _____
Doc Source East Water
Measurement District
Date 5/3/01 Sig. BAC

Record 200765

I certify that the above information is true and correct to the best
of my knowledge and ability and the measurements taken and recorded
are in accordance with the standards and specifications of the
equipment used.

Signature _____ Date _____



Claim

Doc Source East Water

Measurement District

Date 5/3/01 Sig. BAC

Record 200765

PEAMIT
NUMBER

NAME_1	WARM CREEK IRRIGATION CO	ADRES_ID	493
NAME_2	C/O KATHY BARKDOLL	POD	08S 31E 18 NWNESW
ADDRESS_1	3202 HEDSTROM LN	DIV_RATE	6
ADDRESS_2		UNITS	CFS
CITY	AMERICAN FALLS	SURF_FLG	X
ST	ID	CONTACT	
ZIP	83211-5505	COMMENTS	
PHONE	2080000000	SITE_VISIT	
REGPOD98	4	EXAMINER	
RECNO	200767	SITE_TAGNO	
WRNUMBER	A29-04338		

9m SW American Falls

226-5817

concrete headgate with ditches

Claim C/O Carol Hensh

Three ditches

possibly
Isac

Claim _____
Doc Source East Water
Date 5/3/01 Sig. Bac
Record 200767

Owner could not locate
Please just put this in file
Thanks
Lewis

Log for claim A29-04338

Spatial Dynamics AMH

7/12/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
08s30e	10	SESE	7	6.6	
08s30e	11	NESW	26	11	
08s30e	11	NWSW	8	10	
08s30e	11	NESW	26	3.5	
08s30e	11	SWSW	12	14	
08s30e	11	SESW	34	40	
08s30e	11	NWSE	4	6	
08s30e	11	SWSE	17	22	
08s30e	11	SESE	10	19	
08s30e	12	NWSW	32	33	
08s30e	12	SWSW	34	29	
08s30e	12	SESE	14	17	
08s30e	13	NENE	36	34	
08s30e	13	NWNE	18	21	
08s30e	13	SWNE	29	31	
08s30e	13	NENW	19	20	
08s30e	13	NWNW	11	16	
08s30e	13	SENW	14	20	
08s30e	14	NENE	22	37	
08s30e	14	NWNE	24	38	
08s30e	14	SENE	10	13	
08s30e	14	NENW	38	39	
08s30e	14	NESE	12	15	
08s31e	18	NWNW	24	20	
08s31e	18	SWNW	18	20	
Totals:			499	535.1	

AJ5809NP
No. A29-04338

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/23/00
PAGE: 38

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	WARM CREEK IRRIGATION CO 3202 HEDSTROM LN AMERICAN FALLS ID 83211 (208) 226-5817	04/01/1889	IRRIGATION	03-15 11-15	6.000 CFS	
					TOTAL DIVERSION:	6.000 CFS
					CONSUMPTIVE USE:	1446.30 AFA

Water Source: WARM CREEK

Tributary to: SNAKE RIVER

Stage: STATUTORY CLAIM

Point(s) of Diversion:	T08S R30E S11 S13 S14 R31E S18	SESESE SWNENW SEWNWE NWNESW	POWER County POWER County POWER County POWER County
------------------------	---	--------------------------------------	--

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE									
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM	
				Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac			
08S	30E	10	:					:					:					:					:	7.5	
08S	30E	11	:					:					:	26	08	12	34	:			04	17	10	:	112.9
08S	30E	12	:					:					:		32	34		:				14		:	80.9
08S	30E	13	:	36	18	29		:	19	11		14	:					:						:	130.1
08S	30E	14	:	22	24		10	:	38				:					:	12					:	107.3
08S	31E	18	:					:		24	18		:					:						:	43.4
																							TOTAL ACRES		482.1

POU County: POWER

Non-Irrigation Uses: INCIDENTAL STOCKWATERING FOR 959 COWS,38HORSES,75SHEEP

Other Rights: 29-02296, 29-02566

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
29-10289 29-10633 29-10860 A29-10289 A29-10633 A29-10860

Other Water Rights Listing Overlapping Place(s) of Use:
A01-00013 A01-02061A A01-02064E A01-02068E A01-10008 A29-02296 A29-02310 A29-02380A A29-02568 A29-02612
A29-04377 A29-07619 A29-10398 A29-11337

Remarks: GEN CLAIM C/O CAROL HENESH
DURING WINTER MONTHS, LIVESTOCK DRINK FROM NATURAL STREAM
CHANNEL.

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

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

AJ5809NP
No. A29-04338

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/23/00
PAGE: 39

=====

Audit: 03/14/90 MOBILE3 07/20/94 THOMPSON 03/29/95 POST-STD 04/17/98 AJONES

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT



Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Warm Creek Irrigation Co. c/o Carol Henesh
(Name of Claimant) work 226-2077
Rt. 1, Box 237, American Falls, ID 83211 Telephone No. home 226-2014
(Mailing Address) (Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

- (1) Date of priority: (When was the water first applied to a beneficial use) April 1, 1889
 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 is that a claim may be filed on single family domestic use from a ground water source.
- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)
Warm Creek tributary to Snake River
- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

(cfs, af)		(Domestic, Irrigation, Stock, Etc.)	(Both dates Inclusive)	
			(Mo., Day)	(Mo., Day)
Quantity	<u>5.65 cfs</u>	Use <u>Irrigation</u>	Period of Use From <u>4-1</u>	To <u>11-1</u>
Quantity	<u>.30 cfs</u>	Use <u>Stock</u>	Period of Use From <u>1-1</u>	To <u>12-31</u>
Quantity	<u>.05 cfs</u>	Use <u>Domestic</u>	Period of Use From <u>1-1</u>	To <u>12-31</u>
Quantity	Use _____	Use _____	Period of Use From _____	To _____
Quantity	Use _____	Use _____	Period of Use From _____	To _____

- (4) 6.00 cfs TOTAL QUANTITY USED.
(cfs, af)
- (5) A) Point of diversion: (Location of point where water is diverted from its source)
NE ¼ SW ¼, Sec. 18 Twp. 8S Rge. 31E B.M., County of Power
Additional points of diversion: NWNW, Sec. 13, NWSE, Sec. 11. T. 8S. R. 30E.

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. Describe any changes in the system and give the date of the change. Headgates & ditches from Warm Creek. District 1 - Dille Ditch; District 2 - Morgan Ditch; District 3 - Sorenson Ditch; District 4 - Morgan Ditch

- (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]

No. of acres 512.6

- B) If water is used for other than irrigation, fully describe that use, being as specific as possible: Domestic use for 3-4 homes and stockwater.

NOTE: Include here the type and number of stock watered: 664 cows & calves, 49 sheep, 22 hogs

- (7) If you are claiming water as a member of an organization, list name of organization: 25 horses 4 goats
Warm Creek Irrigation Company

MICROFILMED

Shares in
Warren Creek Irr. Co.

LAND LIST ATTACHMENT

Description and location of place of use:

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
*	8	30	10															7.5	Paul Kendall 7.5
*	8	30	11								130	8.0	12.0	27.0		12.0	17.5	89.5	Paul Kendall 89.5
2	8	30	11										5.0					5.0	Frank Baguley 5.0
2	8	30	11										1.0					1.0	Ralph Kendall 1.0
52	8	30	12								39.0	30.0						62.0	Ralph Kendall 62.0
1	8	30	12										2.6					2.6	Charles Strom 2.6
4	8	30	12														1.0	10.0	Lois Dille 10.0
**	8	30	12														4.1	4.1	T. Kelley Crowder 4.1
2	8	30	13					12.0										12.0	William Schultz 12.0
9	8	30	13							14.8								14.8	Esther Isaak 14.8
11	8	30	13					19.8										19.8	H.K. Thornhill 19.8
20	8	30	13	18.3	29.9													48.2	Pearl Dille 48.2
3 1/2	8	30	13	4.1														4.1	Vernon Mayer 4.1
3 1/2	8	30	13	6.5														6.5	David Randall 6.5
**	8	30	13	21.8														21.8	T. Kelley Crowder 21.8
7	8	30	14					5.0										5.0	Paul Kendall 5.0
30	8	30	14					38.0										38.0	Leo Henesh 38.0
2	8	30	14	3.9														3.9	Cleo Shipp 3.9
1	8	30	14	2.1														2.1	Leo Henesh 2.1
2	8	30	14	2.0														2.0	James Phythian 2.0
5	8	30	14	6.1														6.1	Paul Kendall 6.1
30	8	30	14	22.2	25.0	22.0	22.0											96.2	Don Zaring 96.2
1	8	30	14	4.0														4.0	Joe Jones 4.0
3	8	30	14	3.0														3.0	Lyle Anderson 3.0
20	8	31	18					24.5	18.9									43.4	Ruth A. Nielsen 43.4

*-72 shares

** - 9 shares

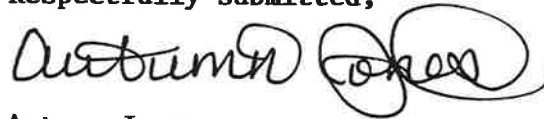
292 Total Shares

Total number of acres irrigated 512.6

MICROFILMED

Your water right number A29-04338 has been modified to reflect
the address on the front of this card.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Autumn Jones", with a large, stylized flourish at the end.

Autumn Jones
Records Clerk
Adjudication Bureau
Idaho Dept. of Water Resources

CHANGE IN ADDRESS

This form is solely for purposes of notifying IDWR of a change in address of an adjudication claim.

[] Water Right Number(s): A29-04338 *change A record*

[] Old Mailing Address: _____

[] New Mailing Address: Warm Creek Irr. Co.
3202 Hedstrom Ln.
American Falls ID 83211

[] Telephone Number: 208-226-5817

[] Signature of Claimant: Kathleen Barkdull

[] Date: April 16, 1998

**SIGN
& DATE**

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: _____ By: _____

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: _____ By: _____

RECEIVED

APR 16 1998

Department of Water Resources
Eastern Region



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

RECEIVED
FEB 15 1995

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

DATE: JAN 3 1995

A29-04338
WARM CREEK IRRIGATION CO
3210 NEELEY LOOP

AMERICAN FALLS ID 83211

Department of Water Resources
Eastern District Office

EVIDENCE OF PRIORITY

Dear Claimant:

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

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

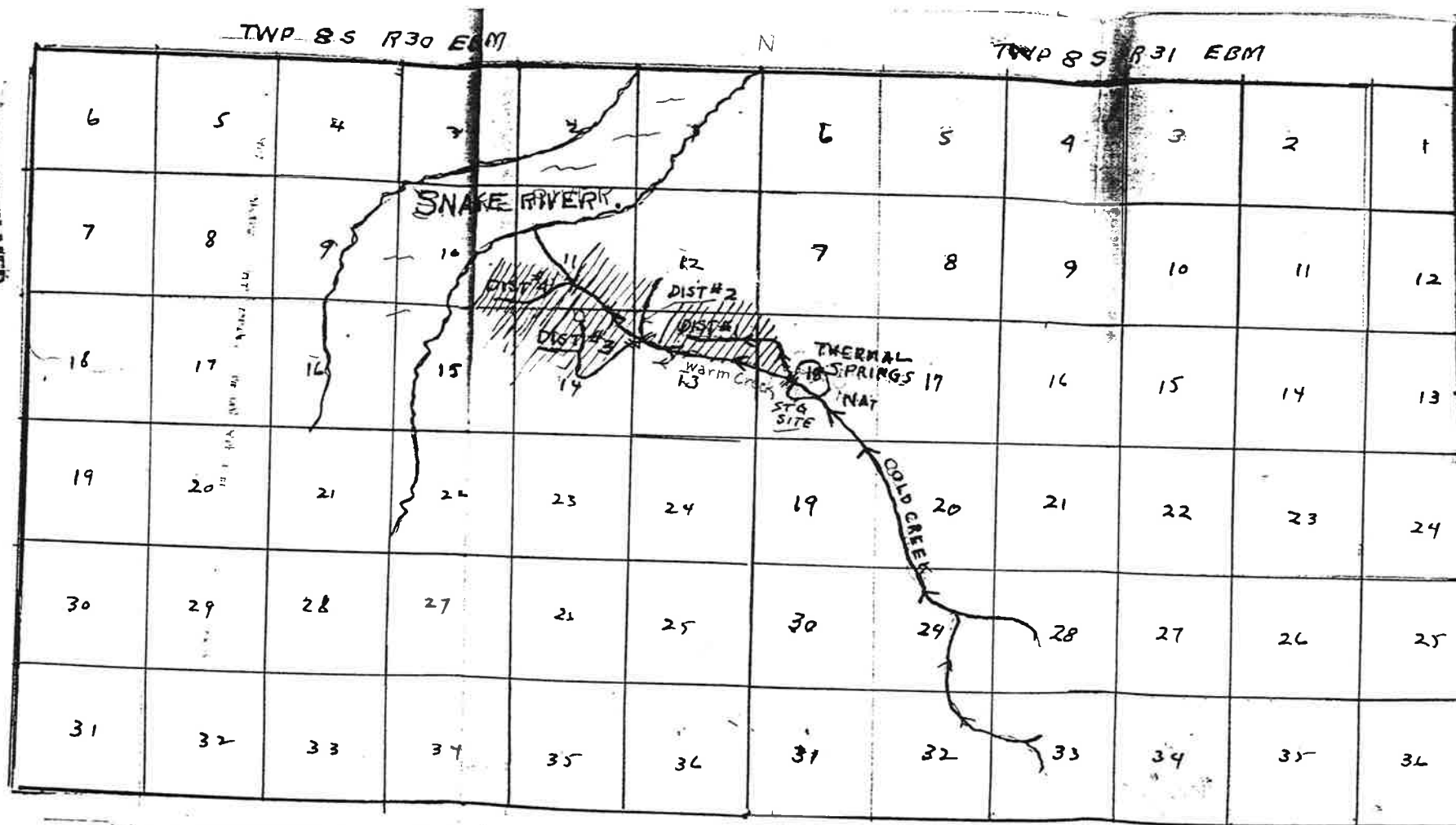
The IDWR can not recommend the notice be decreed by the court if no evidence of a priority date is submitted.

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

Dave Carlson
Water Right Agent, Adjudications

MICROFILMED
NOV 13 1990

UNRECORDED



MAP OF WARM CREEK IRRIGATION DISTRICT

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	WARM CREEK IRRIGATION CO 3210 NEELEY LOOP AMERICAN FALLS ID 83211 (208) 226-2013	04/01/1889	IRRIGATION	03-15 11-15	6.00 CFS	
					TOTAL DIVERSION: CONSUMPTIVE USE:	6.00 CFS 1446.30 AFA

Water Source: WARM CREEK

Tributary to: SNAKE RIVER

Stage: STATUTORY CLAIM

Point(s) of Diversion:

T08S R30E S11 SESESE
S13 SWNENW
S14 SENWNE
R31E S18 NWNESW

POWER County
POWER County
POWER County
POWER County

Place of use Legal Description for: IRRIGATION

			NE				NW				SW				SE																													
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM																				
			:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:																			
08S	30E	10	:					:						:					:						:																			
08S	30E	11	:					:						:					:						:																			
08S	30E	12	:					:						:	26	08	12	34	:		04	17	10		:	7.5																		
08S	30E	13	:	36	18	29		:	19	11		14		:	32	34			:				14		:	112.9																		
08S	30E	14	:	22	24		10	:	38					:					:						:	80.9																		
08S	30E	14	:					:						:					:						:	130.1																		
08S	31E	18	:					:		24	18			:					:	12					:	43.4																		

POU County: POWER

Non-Irrigation Uses: INCIDENTAL STOCKWATERING FOR 959 COWS,38HORSES,75SHEEP

Other Rights: 29-02296, 29-02566

Remarks: CLAIM C/O CAROL HENESH
DURING WINTER MONTHS, LIVESTOCK DRINK FROM NATURAL STREAM
CHANNEL.

Dates: Exam Made Date: Verified Date:

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

MICROFILMED
NOV 13 1996

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

WATER RIGHT NO. 29-4338

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	WARM CREEK IRRIGATION CO 3202 HEDSTROM LN AMERICAN FALLS, ID 83211 (208)226-5817

Priority Date: 04/01/1889
Basis: Beneficial Use
Status: Active

<u>Source</u>	<u>Tributary to</u>
WARM CREEK	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/01	10/31	6 CFS		
Total Diversion			6 CFS		

Location of Point(s) of Diversion:

WARM CREEK	SESESE	Sec. 11	Township 08S	Range 30E	POWER County
WARM CREEK	NWNWSE	Sec. 18	Township 08S	Range 31E	POWER County

IRRIGATION Use:
Acre Limit: 482.1

Place(s) of use: No POUs found for this right

Conditions of Approval:

1. USE OF THIS RIGHT IS COMBINED WITH WATER FROM FALLS IRRIGATION DISTRICT.
2. C18 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.

Remarks:

1. Place of Use - Irrigation PLACE OF USE WITHIN THE BOUNDARY OF THE WARM CREEK IRRIGATION COMPANY. TOTAL IRRIGATED ACRES 482.1.

Comments:

<u>Author</u>	<u>Date</u>	<u>Subject</u>	<u>Comment</u>
bcontor	6/15/2001	recommendation	See paper file.
bcontor	6/15/2001	Priority date	4/1/1889 recommended as claimed per copy of recorded agreement. However company secretary Ms. Barkdull may have documentation of earlier priority. If so claim will be amended and recommendation adjusted per review of new info.

Dates:

Licensed Date:
 Claim Received Date: 03/14/1990
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Decreed Date:
 Date Filed with Court:
 Objection Filed Date:
 SF5 Filed:
 Special Master Recom Signed Date:

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Review Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
POU	6/15/2001 3:34:27 PM	bcontor			In Process
Summary	6/15/2001 5:01:01 PM		6/15/2001 5:01:01 PM	bcontor	Complete

Other Information:

Receipt Number(s): M006240
 State or Federal: S
 Owner Name Connector:
 Water District Number:
 Generic Max Rate per Acre:
 Generic Max Volume per Acre:
 Civil Case Number:
 Old Case Number:
 Decree Plaintiff:
 Decree Defendant:
 PresumptionFlag:
 Notice of Error Flag:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Cary Act Number:
 Mitigation Plan: False

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log Text</u>
POD	6/15/2001 3:33:30 PM	bcontor	Edited PLS
POD	6/15/2001 3:33:14 PM	bcontor	Edited point location
POD	6/15/2001 3:31:36 PM	bcontor	Edited PLS
POD	6/15/2001 3:31:19 PM	bcontor	Edited point location
POU	6/15/2001 3:34:25 PM	bcontor	1. (YES) The POU is required. 2. (YES) The basis of claim is beneficial use. 5. (NO) There is no evidence that there has been a change in the POU.
Summary	6/15/2001 5:00:59 PM	bcontor	1. (YES) The basis of the claim is beneficial use. 2. (YES) All the water being used for all the purposes is being claimed and to the extent it was claimed. 5. (YES) General remark was required. 6. (YES) Explanatory remark was required. 7. (YES) Additional condition was required. 8. (YES) Wanted to view the recommended right. 9. (NO) This is not a split right. 10. (NO) This is not a combined right. 11. (NO) Documents were not linked or attached to this file. 12. (YES) Set the verification date.

6/15/01

226-5817

Kathleen Barkdall

Udell

- 0823 Crowder → Headstone → Barkdall

- 292 shares in company - overlapping claim to company =

7 shares of 292 associated w/ Barkdall place - title

- Company constitution states shares stay w/ ground I can't be transferred.

- Mark Larson map OK

- Constitution 1881 or 1889, redone 1954 -

Ms. Barkdall will send copy within a week - if documents justify, I will send amended claim to adjust

Priority date

Boyer O. Conner

Ms. Barkdall believes 29-4338 fully documents

company's right, I that right claim under 29-4196

company

5/15/01

MEMORANDUM

To: 29-4338

Fr: Bryce Connor

Date: 6/7/01

Re: Review of WR Elements

1. Priority date

Attached posted notice and "Water Location of Warm Creek Irrigation Company" establish claimed priority 4/1/1889.

2. POD

Two POD as sketched on Contractor layout. "Dillie Ditch" PD in NENE of B, and "3-way" PD is SEWENW of B. The other two claimed PD's are not diversions from natural water source.

3. Quantity

WMD exams and records provided to

Memo 6/7/01 2

the wind by claimant Support $\approx$ 6.0 - 6.5
g/s. If claimants file and document
29-4196 (see letter), plan on recommending
both. Other were recommended claimed 6.0
g/s of 29-4338.

Note that historical documentation of Q is
sketchy but there are no competing claims
from this source and claim is reasonable.

4. Dou

Mark Larson has merged service area of claims
agree. This is more or less consistent
with claim of 243 claim.

5. Comments

Overlaps with Falls Tr. District and/or private
G/O on some parts.

Boya A. Carter
6/7/01



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

June 6, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

Kathleen Barkdull
Duane Isaak
Warm Creek Irrigation Co
3202 Hedstrom Lane
American Falls, Idaho

Re: Warm Creek Irrigation Adjudication Claims

Dear Ms. Barkdull and Mr. Isaak:

About a month ago I met with Mr. Isaak and looked at the diversions and some of the documentation you have for your company water rights. One of the documents you showed me was a copy of record 29-4196, which is for 0.54 cfs from Warm Creek, in the name of Thomas Kelley Crowder.

There is no adjudication claim corresponding to this right. If it is not claimed, it will not be decreed and will no longer be a valid right. You may wish to consider filing an adjudication claim. For me to recommend the right, you would need to document ownership and use. Ownership could be documented by whatever sale, gift, or conveyance deeds were exchanged between Mr. Crowder and the company. Documenting use will require some kind of historical evidence or affidavit. If you wish to file this claim, please contact me and we can discuss the type of documentation needed. There will be a \$100 filing fee.

If you decide not to file this claim, the other claim (29-4338) still will be investigated. It is for 6.00 cfs, which is probably adequate to describe the historical use of the company.

Please feel free to call me if you have questions. I am hard to get hold of but I do eventually answer my voice mail messages.

Sincerely,

A handwritten signature in cursive script that reads 'Bryce A. Contor'.

Bryce A. Contor
Senior Water Resource Agent

W/4 ROCKLAND 15' QUADRANGLE

112°52'30"

 $42^{\circ}45'$

N) 342 343 55' 300 000 FEET

345

4242

4406

4734

4733

390 000
FEET

4732

4731

4730

42'30"

4729

Mile
710

15

89

Claim 29-4338

Doc Source USG3 TOPU

BB33
4/10/10 Sig. *rac*

Date 6/6/01 Sig. 1.25

P

Water Location

of } Warm Creek
The Warm Creek Water Company

Know all Men: That
The the undersigned owners of Water Rights in Warm
Creek in Oneida County Idaho do hereby agree to
Consolidate our Water Rights into one Common Stock
Company to be known as the Warm Creek Irrigation
Company. The Capital Stock of said company shall
consist of the sum of (156000) at \$100.00 per share
this agreement shall be binding upon every one
subscribing thereto for a period of Fifty years.
And it is further agreed that we will submit to a
Water Master appointed as by law provided in all
things pertaining to the distribution of the Water.
The Capital Stock shall be divided as follows.
Heber Dille \$100.00, Joe Wood \$100.00, A. C. Brown \$200.00,
Ellies Sorensen \$100.00, Wm Morgan \$100.00, Geo Morgan \$100.00,
Franklin Hunsaker \$10.00, Isaac Chase \$100.00,
J. H. Calkins \$100.00, Lewis Grant \$100.00, William Neely \$100.00,
John Neely \$100.00, John Richie \$50.00, Charles Alfred \$100.00,
P. B. Dille \$100.00, Signed.

Wm Neely, John Neely,
A. C. Brown, Isaac Chase, William Morgan, Ellies
Sorensen, Edward Morgan, Franklin Hunsaker,
John H. Calkins, Charles W. Alfred, Joseph C. Wood.
Heber Dille, Parley B. Dille, John Richie

Recorded at the request of

W. T. Oliver April 8th 1889 at 10⁰⁰ o'clock A. M.

C. J. Koons

Recorder of Oneida Co.,

State of Idaho, } ss.
County of Oneida

I, Joyce H. Frodenberger, Clerk of the District Court, Ex-Officio
Auditor and Recorder in and for the said County and State, hereby
certify that the above and foregoing is a full, true and correct copy
of the original as the same appears of record or on file in my office.
In WITNESS WHEREOF, I have hereunto set my hand and affixed

my seal at Boise, Idaho, this 2nd day of

April, 1900

By _____

Deputy Clerk, District Court, Ex-Officio
Auditor and Recorder

Notice of Water Location. Warm Creek American Falls

Know all men by these presents that I the undersigned have located and claimed and do by these presents locate and claim so much of the water of Warm Creek and its tributaries (situated in Oneida Co ID) as will flow in a ditch 4 feet wide on bottom and 6 feet wide on top and a foot and a half deep with a fall of inch to the rod. I claim the amount of water that will flow in the above described ditch under a 4 inch pressure said appropriation is intended for agricultural and domestic purposes, and the same to be used in township Eight South and thirty East Boise Meridian

Wm Nealey
Warm Creek March 1st 1883

Territory of Idaho
County of Oneida

I Wm Nealey of Oneida County, Idaho do hereby certify that a notice of which the foregoing is a true copy was by me posted at the place of intended diversion of said ditch on Warm Creek on the first day of March 1883 in the presence of Lewis Grant

Warm Creek Oneida Co Wm Nealey
March 12th 1883

Recorded this 12th day of March AD 1883

Wm B Shews

Correcor

By J R Evans

Deputy

State of Idaho, ss.
County of Oneida

I, Joyce H. Freidenberger, Clerk of the District Court, Ex-Officio Auditor and Recorder in and for the said County and State, hereby certify that the above and foregoing is a full, true and correct copy of the original as the same appears of record or on file in my office. IN WITNESS WHEREOF, I have hereunto set my hand and affixed

my official seal at Malad, Idaho, this 2nd day of

March 1983
By [Signature]
Deputy Clerk, District Court, Ex-Officio
Auditor and Recorder

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES



Mailed by Claimant
Received 6/29/2001

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Warm Creek Irrigation Co. c/o Carol Henesh

(Name of Claimant)
Rt. 1, Box 237, American Falls, ID 83211

work 226-2077
Telephone No. home 226-2014

(Mailing Address)

(Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use) April 1, 1889

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 is that a claim may be filed on single family domestic use from a ground water source.

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)
Warm Creek

tributary to Snake River

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

(cfs, af)	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive) (Mo., Day)	(Mo., Day)
Quantity <u>5.65 cfs</u>	Use <u>Irrigation</u>	Period of Use From <u>4-1</u>	To <u>11-1</u>
Quantity <u>.30 cfs</u>	Use <u>Stock</u>	Period of Use From <u>1-1</u>	To <u>12-31</u>
Quantity <u>.05 cfs</u>	Use <u>Domestic</u>	Period of Use From <u>1-1</u>	To <u>12-31</u>
Quantity _____	Use _____	Period of Use From _____	To _____
Quantity <u>6.00 cfs</u>	TOTAL QUANTITY USED,	Period of Use From _____	To _____

(cfs, af)

(5) A) Point of diversion: (Location of point where water is diverted from its source)
NE 1/4 SW 1/4, Sec. 18 Twp. 8S Rge. 31E B.M., County of Power

Additional points of diversion: NWNW, Sec. 13, NWSE, Sec. 11, T. 8S, R. 30E.

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. Describe any changes in the system and give the date of the change. Headgates & ditches from Warm Creek. District 1 - Dille Ditch; District 2 - Morgan Ditch; District 3 - Sorenson Ditch; District 4 - Morgan Ditch

(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.	NE1/4				NW1/4				SW1/4				SE1/4				TOTAL
			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	
8S	30E	10																	
		11																	
		12									13	2	17		12	23.5	1	7.5	7.5
		13	32.4	13.3	2.7		17.8	12	14.3		32	12.6						14.1	78.7
		14	27.2	37.1	27	22	39	5											127.2
8S	31E	18					24.5	13.1											160.3
																			41.4

No. of acres 512.6

B) If water is used for other than irrigation, fully describe that use, being as specific as possible: Domestic use for 3-4 homes and stockwater.

NOTE: Include here the type and number of stock watered: 664 cows & calves, 49 sheep, 22 hogs, 25 horses, 4 goats
(7) If you are claiming water as a member of an organization, list name of organization: Warm Creek Irrigation Company

Mailed by Claimant
Received 6/29/2001

LAND LIST ATTACHMENT

Description and location of place of use:

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
*	8	30	10																Paul Kendall 7.5
*	8	30	11								13.0	8.0	12.0	22.0	13.0	12.5			Paul Kendall 89.5
2	8	30	11											5.0					Frank Baguley 5.0
2	8	30	11											1.0					Ralph Kendall 1.0
52	8	30	12								32.0	32.0							Ralph Kendall 62.0
1	8	30	12											2.6					Charles Strom 2.6
4	8	30	12																Lois Dille 10.0
**	8	30	12																T. Kelley Crowder 4.1
2	8	30	13					12.0											William Schultz 12.0
9	8	30	13							14.8									Ethor Isaac 14.8
11	8	30	13					19.8											M.K. Thornhill 19.8
20	8	30	13	18.3	39.9														Pearl Dille 48.2
3 1/2	8	30	13	4.1															Vernon Mayer 4.1
3 1/2	8	30	13	6.5															David Handall 6.5
**	8	30	13	21.8															T. Kelley Crowder 21.8
7	8	30	14					5.0											Paul Kendall 5.0
30	8	30	14					38.0											Leo Henesh 38.0
2	8	30	14	3.9															Cleo Shipp 3.9
1	8	30	14	2.1															Leo Henesh 2.1
2	8	30	14	2.0															James Pythian 2.0
5	8	30	14	6.1															Paul Kendall 6.1
30	8	30	14	22.2	22.5	22.0	22.0												Don Zaring 96.2
1	8	30	14	4.0															Joe Jones 4.0
3	8	30	14	3.0															Lyle Anderson 3.0
20	8	31	18					24.5	18.9										Ruth A. Nielsen 43.4

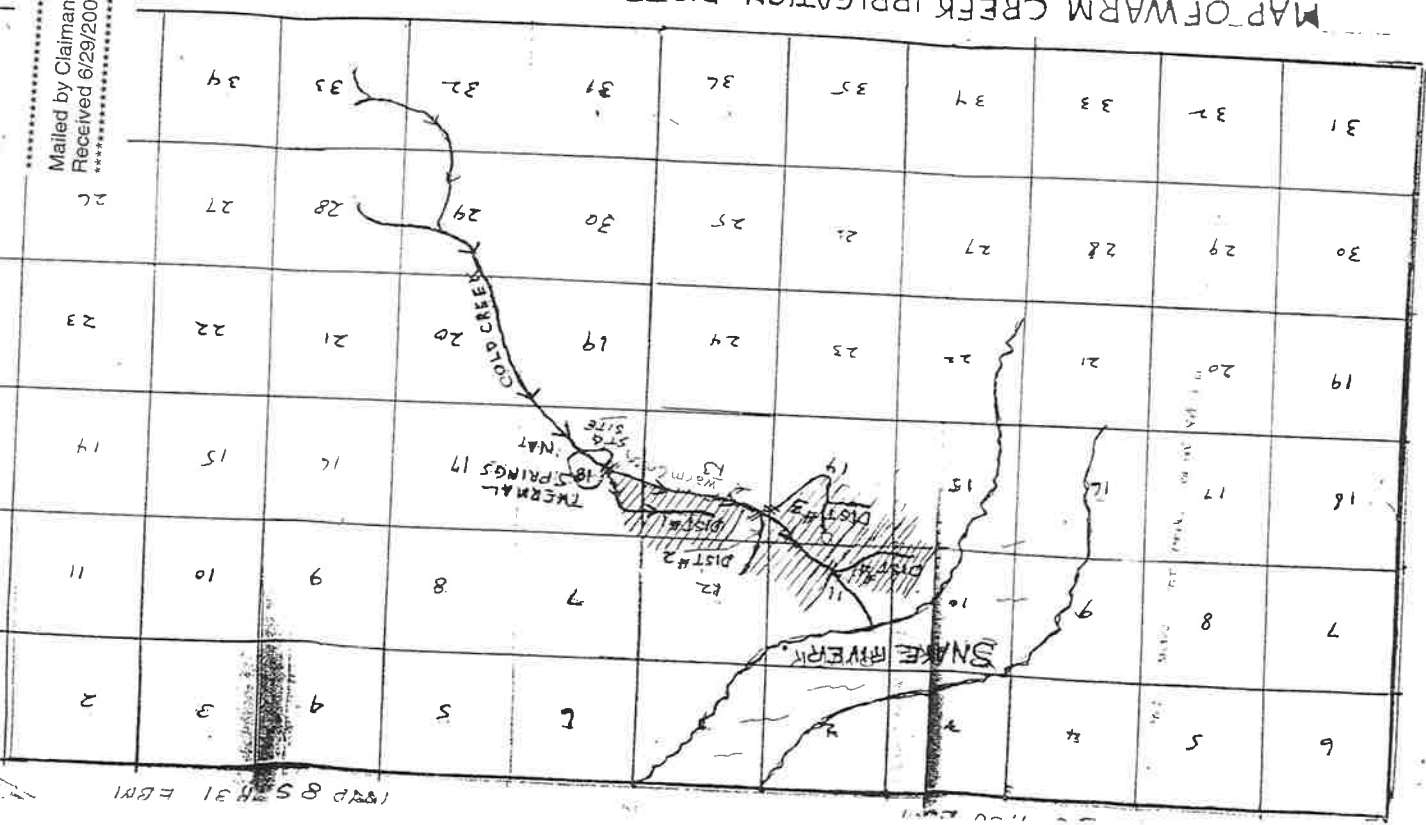
*-72 shares

** - 9 shares

Total number of acres irrigated 512.6

292 Total Shares

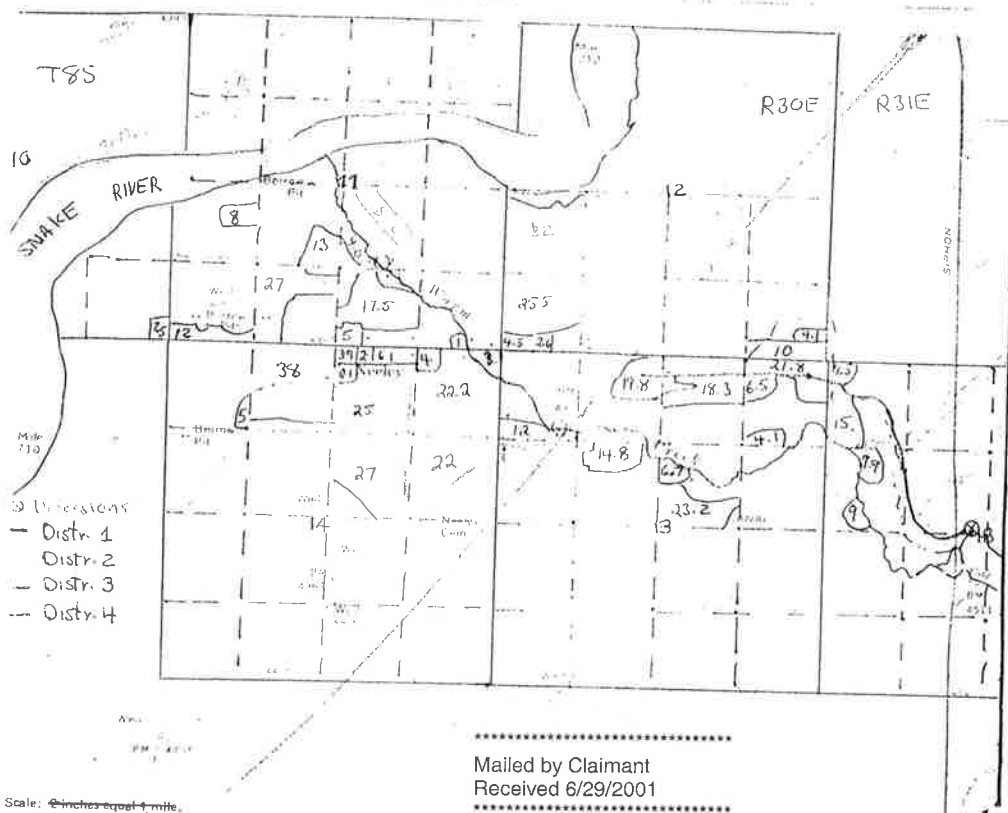
MAP OF WARM CREEK IRRIGATION DISTRICT



Mailed by Claimant
Received 6/29/2001

1000 85 431 F.B.M.

18) Remarks This claim represents a total of 292 shares of water in Warm Creek Irrigation Company.



84
PRESENT: DON & EDITH ZARING, MRS. CHARLES STROM, DAVE SCHULTZ (REPRESENTING WM. SCHULTZ), PEARL DILLE, M. K. THORNHILL, ESTHER ISAAC, DWAYNE ISAAC (REPRESENTING LAMAR ISAAC), JOE JONES, FRANK & LOUISE BAGULEY, PAUL KENDELL, LEO & CAROL HENESH, AND MR. RONALD CARLSON, WATERMASTER, WATER DISTRICT 1.

THE MEETING WAS OPENED BY DON ZARING, CHAIRMAN.

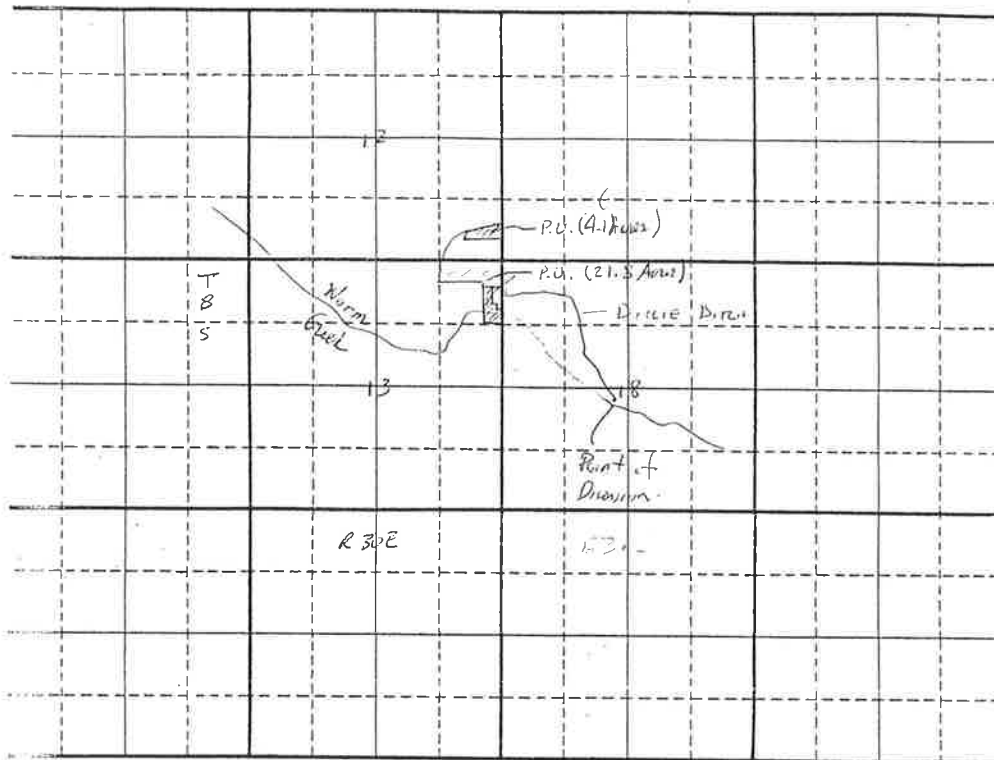
ALL PEOPLE ATTENDING WERE GIVEN COPIES OF THE ATTACHED CORRESPONDENCE FROM WATER DISTRICT NO. 1.

MR. ZARING ASKED MR. CARLSON TO EXPLAIN THE CORRESPONDENCE AND BILLINGS REGARDING WARM CREEK WATER.

THESE ARE THE ITEMS MR. CARLSON TOLD THE WATER USERS.

1. THE LEGISLATURE HAVE PASSED A LAW REQUIRING THE PROVING OF CLAIMS TO WATER RIGHTS.
2. WARM CREEK COMPLIED WITH THE LAW.
3. WATER DISTRICT 1 GOES FROM MILNER DAM NORTH TO THE HEADWATERS OF THE SNAKE RIVER.
4. AFTER ALL CLAIMS FOR WATER RIGHTS ARE FILED, THE LEGISLATURE PASSED A LAW CALLING FOR GENERAL ADJUDICATION OF THE SNAKE RIVER DRAINAGE. THERE IS NO SET TIME FOR THIS - PROBABLY WITHIN 3 YEARS OR SO.
5. THERE IS NO LAW THAT SAYS WE MUST PAY THE BILL FROM WATER DISTRICT 1. IF THE ACTUAL BILLINGS ARE NOT PAID OR THE \$15.00 (3) DIVERSION FEE PAID SINCE OUR CLAIM WAS FILED (83, 84, 85 & 86), MR. CARLSON WAS WATERMASTER HAS THE RIGHT TO PREVENT US FROM USING WATER FOR ANY PURPOSE.
6. THE FEES CHARGED ARE FOR ADMINISTRATIVE COSTS OF WATER DISTRICT 1. IF COSTS ARE LOWER, WE GET A CREDIT. IF COSTS ARE HIGHER, WE ARE CHARGED ACCORDINGLY ON NEXT YEAR'S BILLING. BUDGET MEETINGS ARE HELD THE 1ST TUESDAY OF MARCH.
7. WE CAN ATTEND BUDGET SETTING MEETING FOR WATER DISTRICT 1 BUSINESS, BUT WE HAVE NO VOTE. WHEN OUR WATER RIGHT IS ADJUDICATED, WE WILL HAVE A VOTE.
8. WARM CREEK COMPANY SHOULD TRY TO FIND ANY OLD RECORDS OR INFORMATION ON RIGHTS FROM DEEDS, ETC. TO HELP IN ADJUDICATION. MR. CARLSON SAID SOME RECORDS MIGHT BE IN WATER LOCATION NOTICES BOOKS IN THE COURTHOUSES IN POWER OR ONEIDA COUNTIES.
9. IN GENERAL ADJUDICATION, COSTS WILL BE \$50.00 FOR ENTIRE DITCH PLUS \$1.00 PER ACRE UNDER DITCH.
10. DAVID SCHULTZ QUESTIONED THE 922.7 ACRE FEET USED FOR BILLING. MR. CARLSON ANSWERED THIS IS APPROXIMATE FIGURE TAKEN FROM CLAIM. IT HAS NOT BEEN MEASURED SINCE 1959. WARM SPRINGS SHOULD BE MEASURED TO GET ACCURATE MEASUREMENT. DAVID SCHULTZ VOLUNTEERED TO MEASURE THE STREAM FLOW, BUT MEMBERS FELT THAT WE WOULD HAVE TO HAVE A QUALIFIED HYDROGRAPHER IN ORDER FOR THE MEASUREMENTS TO BE ACCEPTED.
11. PAUL KENDELL STATED THAT IT IS HIS UNDERSTANDING THEN THERE WILL BE NO MORE FREE WATER. THAT'S A THING OF THE PAST. MR. CARLSON AGREED.
12. LOUISE BAGULEY ASKED WHAT CAN BE DONE ABOUT BEAVER DAMS ON THE CREEK. MR. CARLSON SAID FISH & GAME WOULD HAVE TO BE CONTACTED REGARDING THIS PROBLEM.
13. AFTER MUCH DISCUSSION PRO & CON, THE MEMBERS VOTED UNANIMOUSLY TO PAY THE WATER DISTRICT 1 \$45.00 (3 DIVERSIONS) FOR THE YEARS, 83, 84, 85 AND 86.
14. A MOTION WAS MADE BY DAVID SCHULTZ THAT WE ACCEPT MR. CARLSON'S PROPOSAL TO MEASURE WATER AT THE FIRST DIVERSION DURING THE MONTH OF MAY, 1986. PAUL KENDELL SECONDED THE MOTION.
15. M. K. THORNHILL MOVED THAT THE MEETING BE ADJOURNED. JOE JONES SECONDED.

(8) Remarks: This claim represents a total of 9 shares in the Warm Creek Irrigation Company.



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 Blaine) 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 affiant's knowledge.

Thomas Kelly Crowder
(Claimant)

Sworn to before me this 20 day of April, 1981.

Notary Public
Residing at Blaine, Idaho

My commission expires 1-1-82

Received by kw Date 5/15/81 FOR DEPARTMENT USE ONLY
Prelim, check by kw Date 5/1/81 Exception filed by: Receipt No. 18507 Forwarded to: Date:
\$20.00 fee received by Power Co. Press Date 4/18/81
Published in 5/28 & 6/04/81
Dates

During the spring of 1882 a number of people settled on warm Creek, or big warm creek as it was sometimes called. This was located in townships 8 south, range 30 and 31 east of the Boise meridian, in what was at that time Oneida County, Idaho. The waters of warm Creek was divided at that time into three lateral ditches. Willard Dille, Heber Dille and Joseph Wood built a diversion ditch headgate in the SW 1/4 of the NW 1/4 of Sec 18 Twp 8 S. R. 31 E.B.M. This headgate was not built to any specifications and enough water was diverted to irrigate app. 10 acres. ^{the headgate} James J. Morgan and William Morgan built a headgate to divert a measured stream in the NW 1/4 of the NW 1/4 of sec 13, Twp 8 S. R. 30 E.B.M. and diverted water on the east side of the stream. This water was legally claimed, by appropriation, under the water users act of 1881. Notices were posted in June 1882. At the same time, Wm. N. Neeley claimed a right on the west side of the stream and acquired by appropriation all the water not previously claimed. His headgate was posted, to conform to law, on Oct. 30, 1882. In the following year a revised filing was made which included A.C. Brown, Lewis Smith, J.W. Smith and Frank Hunsaker. This notice was filed August, 1883.

Subsequent filings were made as the land was claimed along the creek. Patrick Healey posted notices in June, 1886. Joseph Brown claimed the warm springs water in July, 1886. Alexander Sorensen later claimed all the waste water. As a consequence, due to the laxity of the law at that time, various disagreements ensued. In 1889 a company was formed by all interested parties, to make an equitable distribution of the water. The company was organized with a total stock of \$1560.00. A five dollar share represented an inch of water. The Shares were distributed as follows.

Heber Dille, \$100.00, Joseph Wood, \$100.00, A.C. Brown, \$200.00, Ellick Sorensen, \$100.00, Wm. Morgan, \$100.00, Jas. Morgan, \$100.00, Franklin Hunsaker, \$10.00, Isaac Chase, \$100.00, J.H. Calvert, \$100.00, Lewis Grant, \$100.00, Wm. Neeley, \$100.00, John Neeley, \$100.00, John Ritchie, \$50.00, Charles Allred, \$100.00 and P.P. Dille, \$100.00. This company was duly recorded and the necessary reports were made to the state water master. The diversion ditches were posted

The original plan of distribution had five main division head-gates. Each headgate was posted and measuring weirs were constructed. Later Sam Baugh acquired the land under the upper ditch and relinquished his water right. The 20 shares of stock was ~~eliminated~~ ^{Relinquished} and the flow from the upper ditch, was claimed by the remaining stockholders.

The American Development Co. of Milwaukee, Wis. filed on all the surplus water in Cold Creek and Little Creek in 1897. They proposed to develop more water in the warm springs and combine the water from Little Creek and Cold Creek and channel it into a common reservoir for use on the Igou flats. They were unable to complete the project in the specified time and the Western ^{Water} Development Co. of New Jersey took over the project in 1901. They completed the reservoir and actually diverted the water to the specified land. The project was unsuccessful, however and later it was abandoned. quite a number of lawsuits ensued and the company completely (irrigation Co) relinquished their rights to the water. The Warm Creek acquired the storage rights in the reservoir and maintained the dam until 1919 when the gate fouled and it was necessary to blast a hole through the top of the culvert to release the water. Before the company was able to fix the break the American Falls Natatorium Co. bought up the land on which the dam was located. A suit was instituted against the American Falls Natatorium Co. and damages was granted for water pollution but through mishandling of the case the Warm Creek Irrigation Co. was unable to regain control of the site.

BOUNDARY OF THE WARM CREEK IRRIGATION DISTRICT

Beginning at a point 25 rods south of the NE corner of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Sec. 7 TWP 8 South Range 31 E.B.M. thence southwesterly to a point on the township line 40 rods south of the NE corner of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of sec. 12, TWP 8 S. Range 30 E.B.M., thence due west to the exact center of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of sec. 12, thence south-west to the NW corner of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of sec. 12, thence due west 160 rods to the SE corner of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of sec. 12, thence due north 160 rods to the south bank of Snake River, thence following the bank of the Snake River west and south approximately 2 $\frac{1}{2}$ miles to the SW corner of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of sec. 22, thence due east to the SE corner of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of sec 22, thence in a north easterly direction following the right of way of U.S. Highway 30 240 rods to a point approximately 12 rods east of the SW corner of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of sec. 13, thence following an irregular course SE by East app. 70 rods thence east app. 70 rods to an intersection with the main channel of Wark Creek, thence following an irregular course along the main channel of warm Creek to the m diversion headgate of the Dille ditch, located in the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of sec. 19, twp. 8 so. range 31 E.B.M. thence following the Dille ditch in a northwesterly direction to a point app 16 rods east of the SW corner of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$, of sec 18, twp 8 S. R. 31. thence due north 80 rods, thence north west to the point of beginning. Seve and except certain fractions of land adjacent to Snake River belonging to the United States, also segments belonging to Highway District #1 and also the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of sec. 15 and the North half of the SW $\frac{1}{4}$ of sec. 14, twp. 8 S. Range 30, East of the Boise Meridian.

Stockholders of the Warm Creek Irrigation Company

Name	No. Shares	Name	No. Shares
Irene Jones	20	Don Zaring	3
Emma Sinclair	4	Myrtle Thompson	1
Thomas Dille	2	C.D. Thornton	54
Charles Crowder	2	Ray Zaring	30
F.D. Sinclair	5	Wm. Schultz	2
Dave Jones	3 $\frac{1}{2}$	A.T. Sorensen	30
Emil Mayer	3 $\frac{1}{2}$	Robert Foster	2
Pearl Dille	20	Leonard Ringe	2
M.K. Thornhill	11	D.N. Thompson	1
Raymond Isaak	9	Neal Maag	3
		George Nash	84
Total-----292			

Mailed by Claimant
Received 6/29/2001

Notice of Water Location. Warm Creek American Id.

Known and men by these presents that I the undersigned have located and claimed and do by these presents locate and claim so much of the water of Warm Creek and its tributaries (situated in Oneida Co Id) as will flow in a ditch 4 feet wide on bottom and 6 feet wide on top and a foot and a half deep with a fall of inch to the rod. I claim the amount of water that will flow in the above described ditch under a 4 inch pressure. Said appropriation is intended for Agricultural and domestic purposes, and the same to be used in Township Eight South and thirty East Boise Meridian

Wm Neely
Warm Creek March 1st 1883

Territory of Idaho
County of Oneida

I Wm Neely of Oneida County, Idaho do hereby certify that a notice of which the foregoing is a true copy was by me posted at the place of intended diversion of said ditch on Warm Creek on the first day of March 1883 in the presence of Lewis Grant
Wm Neely
Warm Creek Oneida Co
March 12th 1883

Recorded This 13th day of March AD 1883
Wm B Shew

Witness as
My J R Evans

State of Idaho,
County of Oneida

I, Joyce H. Freidenberger, Clerk of the District Court, Ex-Officio Auditor and Recorder in and for the said County and State, hereby certify that the above and foregoing is a full, true and correct copy of the original as the same appears of record or on file in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 2nd day of March 1883.

By: *[Signature]*
Deputy Clerk, District Court, Ex-Officio Auditor and Recorder

Mailed by Claimant
Received 6/29/2001

Water Location

of } Warm Creek
The Warm Creek Water Company

Know all Men that
We the undersigned owners of Water Rights in Warm
Creek in Oneida County Idaho do hereby agree to
consolidate our Water Rights into one Common Stock
Company to be known as the Warm Creek Irrigation
Company. The Capital Stock of said Company shall
consist of the sum of (\$150000) at \$100.00 per Share
this agreement shall be binding upon every one
subscribing thereto for a period of fifty years.
And it is further agreed that we will submit to a
Water Master appointed as by law provided in all
things pertaining to the distribution of the Water.
The Capital Stock shall be divided as follows.
Kebu Dille \$100.00, Joe Wood \$100.00, A. C. Brown \$200.00,
Elliot Sorenson \$100.00, Wm Morgan \$100.00, Jan Morgan \$100.00,
Ramsden Hunsaker \$100.00, Isaac Chase \$100.00,
J. H. Calkins \$100.00, Lewis Grant \$100.00, William Wesley \$100.00,
John Wesley \$100.00, John Richie \$50.00, Charles Alfred \$100.00,
P. B. Dille \$100.00, Signed.

Wm Wesley, John Wesley,
A. C. Brown, Isaac Chase, William Morgan, Elliot
Sorenson, Edward Morgan, Ramsden Hunsaker,
John H. Calkins, Charles W. Alfred, Joseph C. Wood,
Kebu Dille, Parley B. Dille, John Richie

Recorded at the request of
H. B. Oliver April 8th 1889 at 10⁰⁰ o'clock A. M.

C. J. Woods
Recorder of Oneida Co.,

State of Idaho, } st.
County of Oneida }

I, Joyce H. Engleberger, Clerk of the District Court, Ex-Officio
Auditor and Recorder in and for the said County and State, hereby
certify that the above and foregoing is a full, true and correct copy
of the original as the same appears of record or on file in my office.
My commission expires the 1st day of _____, 19____.

Witness my hand and seal of office, Idaho, this _____ day of _____, 19____.

[Signature]
Deputy Clerk, District Court, Ex-Officio
Auditor and Recorder

Mailed by Claimant
Received 6/29/2001

Mailed by Claimant
Received 6/29/2001

2-5688-6,
WARRANTY DEED

For Value Received

ERNEST UDELL HEDSTROM AND SUSAN LEE HEDSTROM, HUSBAND AND WIFE,

the grantor , do hereby grant, bargain, sell and convey unto
CARL BARKOULL AND KATHLEEN BARKOULL, HUSBAND AND WIFE,

whose current address is
3202 HEDSTROM LANE, AMERICAN FALLS, ID 83211

the grantee , the following described premises, in Bannock County Idaho, to wit:

SEE ATTACHED EXHIBIT "A"

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

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

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

Dated: April 6, 1990

Ernest Udell Hedstrom
ERNEST UDELL HEDSTROM

Susan Lee Hedstrom
SUSAN LEE HEDSTROM

STATE OF IDAHO, COUNTY OF Bannock
On this 6th day of APRIL, 1990,
before me, a notary public in and for said State, personally
appeared
ERNEST UDELL HEDSTROM
SUSAN LEE HEDSTROM
known to me to be the person whose name is
subscribed to the within instrument, and acknowledged to
me that they executed the same.
Debbie Greene
Notary Public
Residing at POCAHELLO, IDAHO, Idaho
Comm. Expires 01/14/92

152804
Instrument #
Dwr & Time 3:18
Reg. of Ann J. Hile

APR 06 1990

POWER OF ATTORNEY
M. CLAYTON HEDSTROM
DEPUTY
Debbie Greene
Clerk

Mailed by Claimant
Received 6/29/2001

A protest

WHEREAS; The water of warm creek, located in township, 8 south
(31) and
Range (30) E.B.M. in Power County, Idaho, was first, legally app-
ropriated for beneficial use in the year 1882, conforming with
the water users acts of 1872 and 1881 of the State of Idaho, and
whereas the warm Creek Irrigation Company was organized in the
year 1889, in order to equitably distribute all of the water in
warm creek, and this act was duly made a matter of record, and
WHEREAS; The laws of the State of Idaho specifically states that,
"each stream and tributaries, or independent source of water sup-
ply, shall constitute a water district." and
whereas; the law further states, " -and the right to the use of
any of the public waters which have heretofore been, or may hereafter
be allotted or beneficially applied, shall not be considered as
being a property right in itself, but such right shall become a
complement of, or one of the appurtenances of the land or other
thing, which, through necessity, said water is being applied;
and the right to continue the use of any such water shall never
be denied or prevented from any other cause than the failure of the
owner thereof to pay the ordinary charges or assessments
which may be made to cover the expenses for the delivery of such
water." and
Whereas; The law further guarantees the users of these waters a
permanent and perpetual right to the water so long as the water is
used for a beneficial use, under the Reclamation act of 1902, and
Whereas; We, the stockholders in the warm Creek Irrigation Company
or our predecessors, have continuously used all of the aforesaid
water for beneficial use, both for irrigation and domestic purposes.
And now ; The American Falls Irrigation District, an organization
having appointed officers and membership outside the jurisdiction
of our company, and proposing to obtain water from a source foreign
to our water system, namely, The Michaud Flats project, are propos-
ing or threatening to invade, encompass and incorporate our district
and our rights, and appear to be supported by the U.S. bureau of Rec-
lamation.

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Therefore: We, the undersigned, being stockholders of the Warm Creek Irrigation Co., and holding all rights to the water of said Warm Creek, guaranteed us by the laws of the State of Idaho and the Constitution of the United States of America, do hereby protest and object to any action of the Bureau of Reclamation or the American Falls Irrigation District or The Michaud Flats project that will jeopardize our rights. We propose to hold against any aggressor our rights as an independent water district, We deny them the right to enter our ditches, creeks or canals, to levy any assessments against our water, ditches or canals or the land appertaining to said water system. We further hold that any water purchased from the Bureau of Reclamation by any of the members in the Warm Creek Irrigation Co. must be delivered through a source completely separate from our system and applied to land to be designated as outside our irrigation district. We further claim title to the right of way secured by us for our distribution system.

Thomas A. Little

Dave Jones

Charles W. Crowder

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BOUNDARY OF THE WARM CREEK IRRIGATION DISTRICT

Beginning at a point 25 rods south of the NE corner of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Sec. 7 TWP 8 South Range 31 E.B.M. thence southwesterly to a point on the township line 40 rods south of the NE corner of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of sec. 12, TWP 8 S. Range 30 E.B.M., thence due west to the exact center of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of sec. 12, thence south-west to the NW corner of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of sec. 12, thence due west 160 rods to the SE corner of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of sec. 12, thence due north 160 rods to the south bank of Snake River, thence following the bank of the Snake River west and south approximately 2 $\frac{1}{2}$ miles to the SW corner of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of sec. 22, thence due east to the SE corner of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of sec 22, thence in a north easterly direction following the right of way of U.S. approximately 12 rods east of the ular course SE by East app. 70 rods thence east app. 70 rods to the intersection with the main channel of Wark Creek, thence following an irregular course along the main channel of warm Creek to the m diversion headgate of the Dille ditch, located in the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of sec. 19, twp. 8 so. range 31 E.B.M. thence following the Dille ditch in a northwesterly direction to a point app 16 rods east of the SW corner of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$, of sec 18, twp 8 S. R. 31. thence due north 80 rods, thence north west to the point of beginning. Save and except certain fractions of land adjacent to Snake River belonging to the United States, also segments belonging to Highway District #1 and also the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of sec. 15 and the North half of the SW $\frac{1}{4}$ of sec. 14, twp. 8 S. Range 30, East of the Boise Meridian.

Stockholders of the Warm Creek Irrigation Company

Name	No. Shares	Name	No. Shares
Irene Jones	20	Don Zaring	3
Emma Sinclair	2	Myrtle Thompson	1
Thomas Dille	2	Wm. Schultz	2
Charles Crowder	2	W.D. Thornton	54
E.D. Sinclair	5	A. T. Sorenson	30
Dave Jones	3 $\frac{1}{2}$	Ray Zaring	30
Emil Mayer	3 $\frac{1}{2}$	Robert Foster	2
Pearl Dille	20	D.N. Thompson	1
M.K. Thornhill	11	Leonard Ringe	2
Reymond Isaak	9	Neal Maag	3
		George Nash	84
		Wm. Hendall	

Total-----292

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Any organization, composed of various members, bonded together in a common cause, must adopt certain rules of conduct, conforming with established laws, which they, for their mutual and individual benefit, pledge themselves to honor and abide by.

We, as stockholders in^{an} irrigation company, having and holding by right of prior appropriation and by right of continuous usage all the waters in warm creek, which is composed of cold creek and its tributaries and including the waters of the thermal springs, currently known as Indian springs; These streams located in Township Eight South and ranges Thirty and Thirty one East of the Boise Meridian, in Power County, Idaho; and having established a permanent and perpetual right thereto, as provided under Section 5556 of the Civil Code of the statutes of Idaho; do hereby adopt and establish the following Constitution and By-laws; Which are revised from the original by-laws established in the year 1889 and which supercede all prior laws and amendments.

Article 1; The name of this company shall be The Warm Creek Irrigation Company.

Article 2; There are 292 (two hundred and ninety two) shares of common stock distributed among the stockholders of this company. The shares of water is distributed in the sub-district ditches to the water user by a rotation system.

Article 3: There are four sub-districts within the company, each representing a main lateral ditch. The distribution and rotation as follows:

Sub-district #1; The Dille ditch, This ditch contains 80 shares of water stock, each share represents two hours and twenty four minutes of the entire stream and is rotated every eight days;

Sub-district #2; The Morgan ditch, this ditch contains fifty six shares of water stock, each share represents three hours of flow of the entire stream, rotated every seven days;

Sub-district #3; The Sorensen ditch, this ditch contains 84 shares of water stock, each share represents approximately two hours and seventeen minutes of flow of the entire stream rotated every 8 days.

Sub-district #4; The Neeley ditch, containing seventy two shares of water stock, each share represents two hours and twenty minutes of flow of the entire ditch, rotated every seven days.

ARTICLE 4; An annual meeting shall be held on the first monday of March of all the water users. This meeting will be held at 2 P.M. at a place specified by the board. The meeting will be held for the purpose of electing a board of directors, appointing a chairman and secretary and watermaster and discussing all problems appertaining to the welfare of the company.

ARTICLE 5; The governing body of the company shall consist of five directors. A representative will be selected from each of the four sub-districts. A chairman and secretary shall be selected from the board members. A quorum of three members must be present at any board meeting to validate any action taken by the board. Any qualified water user may serve on the board.

ARTICLE 6; The qualification of voters is as follows: Any stockholder in the company shall vote his stock, in the number of shares, in all cases where appropriation of moneys, not otherwise provided for, is involved or in any case when a major improvement is proposed, or in any case when a lien may be imposed against his property. Any user of water may vote at an election of officers, provided that a lessee must have a written proxy, signed by his landlord, filed with the secretary. An owner may vote by proxy when proof of the proxy is filed with the secretary; however, in any case in which the owner votes in the amount of his stock an absentee ballot must be duly signed and notarized.

A husband and wife may cast separate ballots only when they own stock independent of each other, however either may represent the common stock in an election.

Partners may cast separate ballots only in cases where each owns stock in his own right. Either may represent the partnership.

ARTICLE 7; The chairman will preside over all meetings. He will cause to be brought before the meetings all matters for discussion. He will at all times, take such steps that are necessary to maintain order and decorum. He will instruct the watermaster in all matters brought to his attention, pertaining to the regulation of water, trash removal etc. He will instruct the secretary as to the time and place for all board meetings and all stockholder meetings.

ARTICLE 8; The secretary will be responsible for all records and money of the company. He will keep a careful record of the proceedings of the meetings and forward a copy of the minutes of

the annual meeting to the state dept of reclamation. He will notify all persons concerned of all board meetings or stockholders meetings, specifying the time and place of such meetings. He will safeguard all records and hold them available for inspection at any time. He will at NO time relinquish the records from his custody to any person or persons other than his authorized successor in office. He will make an annual accounting, publicly, of all company funds and list the expenditures thereof. All expenditures other than administrative, shall have the sanction of the board.

(article 9, this amendment has not been voted upon 2/24/56)
The watermaster shall, at some time after the irrigation season, inspect the creek and main division headgates and determine any improvements or alterations that may be necessary. He shall make a report to the board of directors, in writing, before the 1st day of January, in which he will ~~make~~ recommend any improvements that he deems necessary.

The watermaster may receive compensation for the time actually spent, in the performance of his duties, in a sum, not to exceed \$10.00 per diem.

(article 10) This amendment has not been voted upon 2/24/56)
The board of directors shall have the power to levy assessments to cover operational and administrative costs.
They shall hold an annual meeting between the first day of January and the first day of March, to study the recommendations of the watermaster and fix a tentative budget. This budget, together with all pertinent information, will be placed before the stockholders annual meeting.

In the failure of any water user to pay, to the secretary, any assessments levied against his stock the secretary will notify him in writing of his delinquency. In the continued failure to pay the board may instruct the watermaster to withhold water from the delinquent member until such dues are paid, at such time a fine of 10% of the dues may be added to the regular dues.

to give the users the full benefit of their water

(Article 11 cont.)

It shall be the duty of the water users in the sub-districts to maintain a noxious weed eradication program along the lateral ditches, from the main division headgate down to the last division headgate to the extent of 10 feet on either side of the lateral ditch, measured at it's normal flow. The work on the lateral ditches will be assessed against the water users in that sub-district, either in labor or money, and prorated according to the individual holdings. It shall be the duty of the water user in the lateral ditches, to insure the release of the water to the next successive user at the proper specified time.

ARTICLE 12; The main division headgates will not be altered at any time, other than to correct any deviation from the required ratio of division. Any unauthorized tampering of these headgates will not be tolerated and violators will be subject to prosecution.

No water, or shares representing water, shall be transferred from one sub-district ditch to another; provided, however, a person owning water in two or more sub-districts may transfer water from one ditch to another at a point below the division headgate to increase the flow during his own water turn, provided further, that the water so diverted, will not conflict or mingle with water belonging to another.

ARTICLE 13; Upon the completion of the adoption of this constitution, the board of directors will cause to have printed suitable certificates of stock. The new certificates will be issued to all present stockholders in the amount of their present holdings and will void all previous stock. Any future transactions that involve the transfer of water must be made a matter of record and new stock issued to cancel the stock, pertinent to the transaction, previously held by the seller.

ARTICLE 14; The owners of the Natatorium Company are bound by agreement, to so regulate their flow of water, when filling or emptying their pool, that it will not increase or decrease the flow in the stream below their outlet. The Natatorium Company being defined as the present Indian Springs Natatorium Co. or it's successors or any company or organization using the waters of the thermal springs for recreational purposes. They may, at no time, utilize any of the water for irrigation purposes.

ARTICLE 15; The Warm Creek Irrigation Company claims title to an independent water district under section #5608 of the Idaho Civil Code, which reads; "The Department of Reclamation shall divide the state into water districts in such manner that each public stream or tributaries, or independent source of water supply, shall constitute a water district." Under the rights of prior appropriators, and further rights guaranteed us by the legislative acts of 1881, 1895 and 1899, and consummated by the Reclamation act of 1902, we refuse to become subordinate to any other water district; We refuse to acknowledge the right of any other irrigation district or organization to enter our irrigation system, levy assessments against our distributing system, or the land so covered, or to, in any manner, interfere with or substitute for, the flow of our water.

ARTICLE 16;
The above Constitution and By-laws must be ratified by a 2/3 vote of all water users and/or stockholders. Any subsequent amendment will require a 2/3 vote of the stockholders of the entire company.

(First reading approved by unanimous vote subject to correction by legal adviser Feb. 22, 1956)

W. E. Nash
Chairman
W. S. Maag
Secretary
D. L. Loring
Thomas A. Miller

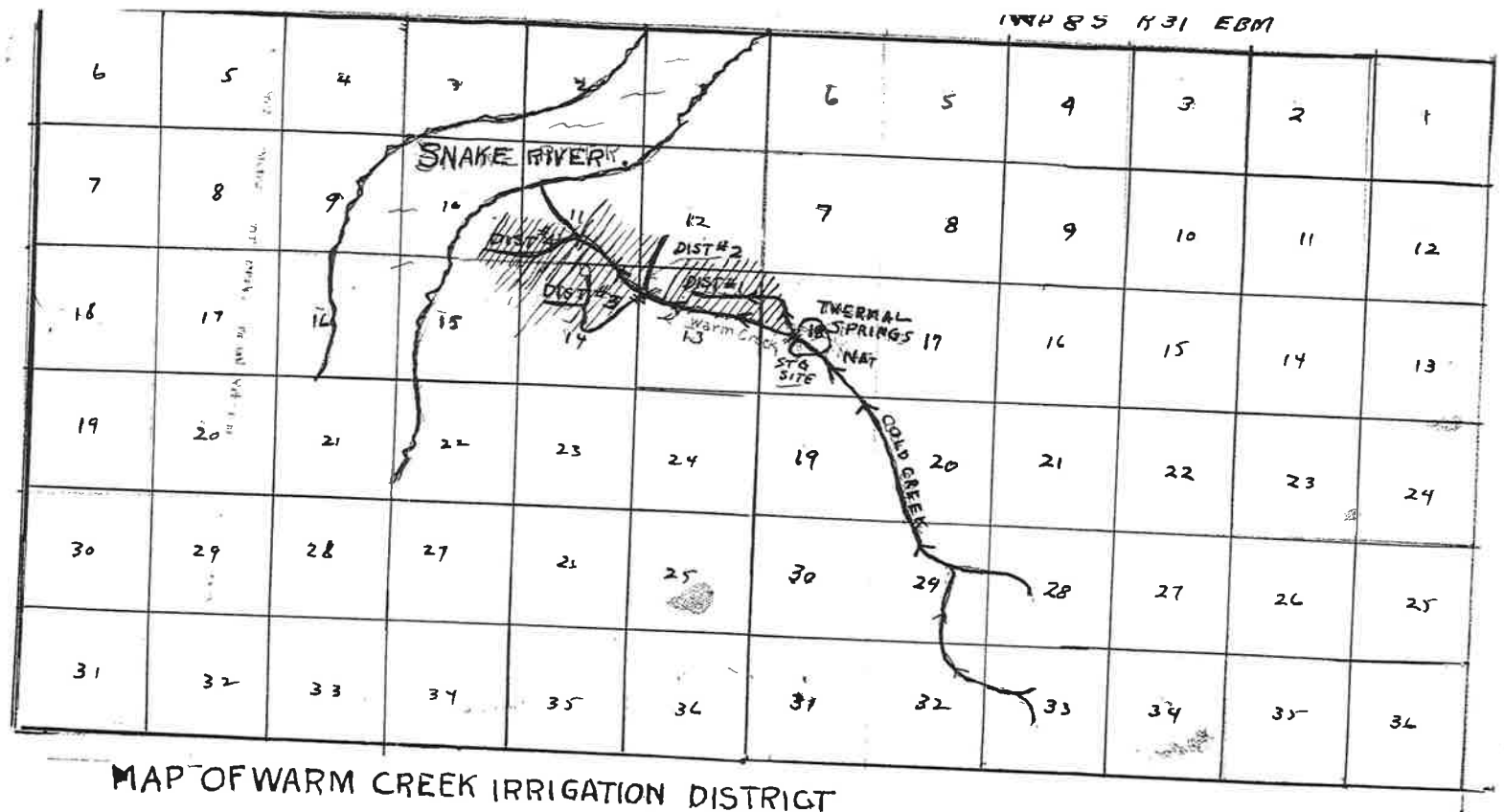
I hereby do certify that the above named persons personally appeared before me and signed said instrument.

Given under my official hand and seal this 26th day of March 1956

My commission expires August 18, 1960.

[Signature]
(Notary Public)

Mailed by Claimant
Received 6/29/2001



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 Received 6/29/2001

STATEMENT OF THE ORIGIN AND DISPOSITION OF THE ~~WARM~~ ONE SHARE OF
WATER IN THE MORGAN DITCH OF THE WARM CREEK IRRIGATION COMPANY
THAT HAS PRECIPITATED A DISPUTE BETWEEN ROY AND DON ZARING AND
GRANDALL THORNTON.

DURING THE YEAR ~~1936~~ 1936 J.R.Stanger, who was at that time, secretary
of the board of the Warm Creek Irrigation Company, discovered a
discrepancy in the total number of shares of stock voted in the
company. Upon investigation it was found that Roy Zaring was voting
a share that he had title to but that he was not using. The lateral
ditch known as the Morgan Ditch was originally given 56 shares of
stock, but there were 57 shares voted. This discovery led to a
controversy between Roy Zaring and C.D.Thornton.

At a meeting at the Court House in American Falls, I was delegated
to attempt to find and trace the transactions that transpired at
the time that this share was transferred. I was put to a great deal
of expense and time determining what had transpired some fifty
years before that time.

I contacted Thomas I. Richardson at Inkom, William Morgan at Ririe,
Wilford Bennion at Rexburg, Arthur Wood at Melba and J.V. and
J.W. Christensen and many others. These are the facts that I was
able to ascertain;

The property now owned by Roy Zaring was originally owned by Alec
Sorenson, who sold that portion of the place East and North of Warm
Creek to Frank Campbell. With this portion of the property went
four shares of irrigation stock, the total number of shares owned
by Sorenson in the Morgan ditch. A certain part of the property
now owned by C.D.Thornton, was originally owned by Joseph Wood. This
was sold to Wilford Bennion. On this property there was originally
four shares of irrigation stock West and South of Warm Creek.

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In the settlement of Neeley there were various building sites on which there was set aside one share of water in what was known as the town ditch,; among these was the place belonging to John Christensen.

John Christensen was employed for several years by Frank Campbell to feed and care for cattle. During that time Campbell sold Christensen one share of water. The bylaws of the Irrigation Company prohibited the transfer of water from one ditch to another so Campbell exchanged a share of water in the Morgan Ditch for a share on the Joseph Wood place. The share in the Morgan Ditch amounting to three hours a week was permitted to run on down the ditch to the lower field of the Joe Wood place while it was made possible to transfer the water from the Joe Wood corner lying west and South of Warm Creek to the John Christensen place. The error was in the failure to subtract the share from the stock of Frank Campbell, This property was sold to Thomas I. Richardson who testified as to the hours he used the water which corresponded to three shares and who also testified that he sold the property as he bought it, with title to four shares.

My suggestion as to means of rectifying the error is for Roy and Don Zaring to give a quit Claim Deed for the share that they have never had access to, to C.D. Thornton; thus enabling the Company to be reorganized with the original 292 shares of stock.

Thomas A. Dille

Mailed by Claimant
Received 6/29/2001

312 WEST CENTER
P.O. Box 1176
Phone 208-232-6163
POCATELLO, IDAHO
ZIP CODE 83204

Warm Creek Irrigation Company
Carol Henich
3210 Neeley Loop
American Falls, Idaho 83211

In connection with the above transactions, we enclose:

- in connection with the above:
- Standard ☐
ALTA ☐
- ☐ Policy of Title Insurance
- ☐ Escrow closing statement
- ☐ Our Check # _____ in the amount of \$ _____
- ☐ Deed from _____
- ☐ Deed of Trust executed by _____
- ☐ Original Note for \$ _____ made by _____
in favor of _____
- ☐ Fire Policy # _____ issued by _____
Amount \$ _____ Expiration date. _____
- ☒ Copy of recorded documents which you requested _____ Warranty Deed
- ☐ Receipted tax bill
- ☐ Covenants, Conditions, Restrictions and Plat
- ☐ Commitment for Title Insurance
- ☐ Deed of Reconveyance for Deed of Trust No. _____
- ☐ Statement No. _____
- ☒ Letter stating loss of Certificates

Any recorded document to which you are entitled will be forwarded.

Thank you for giving us the opportunity of serving you.

AMERICAN LAND TITLE COMPANY, INC.

By Kristine D. Cannon
Kristine D. Cannon

Mailed by Claimant
Received 6/29/2001

APRIL 6, 1990

TO: Warm Creek Irrigation Company
Carol Henish
3210 Neeley Loop
American Falls, ID 83211

RE: Certificates for 7 water shares

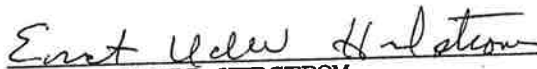
Dear Ms. Henish:

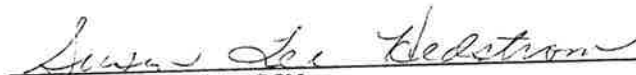
Please accept this notice of the sale of the property referenced in the attached legal description. It is our desire and intent to transfer our interest in the 7 shares of the Warm Creek Irrigation Company to the new owners, Carl and Kathleen Barkdull.

Unfortunately we are unable to locate the original certificates for said shares and hereby notify you that if said certificates should surface they would be delivered to the Warm Creek Irrigation Company immediately.

Thank you for your assistance in this matter.

Sincerely,


ERNEST UDELL HEDSTROM


SUSAN LEE HEDSTROM

STATE OF IDAHO, COUNTY OF BANNOCK

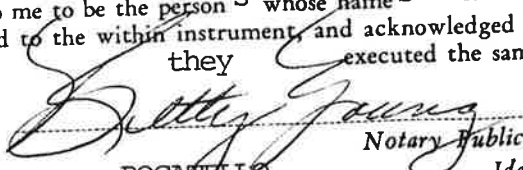
On this 6th day of April, 1990,
before me, a notary public in and for said State, personally
appeared

ERNEST UDELL HEDSTROM
SUSAN LEE HEDSTROM

known to me to be the person^S whose name^S are
subscribed to the within instrument, and acknowledged to
me that they executed the same.

Residing at
Comm. Expires

POCATELLO
1-14-92


Notary Public
, Idaho

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EXHIBIT "A"

PARCEL 1:

COMMENCING AT THE NORTHEAST CORNER OF SECTION 13, TOWNSHIP 8 SOUTH, RANGE 30 E.B.M., POWER COUNTY, IDAHO, RUNNING THENCE WEST ON THE NORTH LINE OF SAID SECTION 13 A DISTANCE OF 80 RODS TO THE WEST LINE OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 13; THENCE SOUTH ON SAID WEST LINE OF SAID NE $\frac{1}{4}$ OF NE $\frac{1}{4}$ OF SAID SECTION 13 A DISTANCE OF 30 RODS; THENCE EAST A DISTANCE OF 80 RODS TO THE EAST BOUNDARY LINE OF SAID SECTION 13; THENCE NORTH ALONG SAID EAST BOUNDARY TO THE POINT OF BEGINNING AT THE NORTHEAST CORNER OF SAID SECTION 13.

EXCEPT: A TRACT OF LAND IN THE NE $\frac{1}{4}$ NE $\frac{1}{4}$ OF SECTION 13, TOWNSHIP 8 SOUTH, RANGE 30 E.B.M., DESCRIBED AS FOLLOWS:
BEGINNING AT THE NORTHWEST CORNER OF SAID NE $\frac{1}{4}$ NE $\frac{1}{4}$; THENCE SOUTH 0°15'49" WEST ALONG THE WEST LINE OF SAID NE $\frac{1}{4}$ NE $\frac{1}{4}$, 409.10 FEET; THENCE SOUTH 89°46'47" EAST, 110.00 FEET; THENCE NORTH 0°15'49" EAST, 409.10 FEET TO THE NORTH LINE OF SAID NE $\frac{1}{4}$ NE $\frac{1}{4}$; THENCE NORTH 89°46'47" WEST ALONG SAID NORTH LINE, 110.00 FEET TO THE POINT OF BEGINNING.

PARCEL 2:

A PORTION OF THE NE $\frac{1}{4}$ NE $\frac{1}{4}$ OF SECTION 13, TOWNSHIP 8 SOUTH, RANGE 30 E.B.M., POWER COUNTY, IDAHO, DESCRIBED AS: COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 13, THENCE SOUTH ALONG THE EAST SECTION LINE 30 RODS TO THE TRUE POINT OF BEGINNING; RUNNING THENCE SOUTH ALONG THE EAST SECTION LINE 23.7 RODS; THENCE WEST AT RIGHT ANGLES 27 RODS; THENCE NORTH AT RIGHT ANGLES 23.7 RODS; THENCE EAST 27 RODS TO THE TRUE POINT OF BEGINNING.

RESERVING THE EAST 30 FEET OF PARCELS 1 AND 2 OF SUBJECT PROPERTY FOR INGRESS AND EGRESS TO ADJACENT PROPERTY ON SOUTH.

Mailed by Claimant
Received 6/29/2001

REQUEST FOR NOTICE OF ISSUANCE OF TAX DEED

To the Treasurer of the Irrigation District Named Below, in the State of Idaho

The Federal Land Bank of Spokane, whose address is Spokane, Washington, as the holder of a mortgage on the real estate hereinafter described, hereby requests that it be given notice of the issuance of tax deed as provided by Section 43-717, Idaho Code. The name of the reputed owner of the land, the description of the land and the date of the expiration of the mortgage are as indicated below:

ASSN. NO.	COUNTY	IRRIGATION DISTRICT	AMOUNT OF MTG.	BORROWER OR PURCHASER	STATE
210	Power	Warm Creek Irrig	37,000	X X H Carl Barkdull	IDAHO
DATE MTG. RECORDED	DATE MTG. EXPIRES	CROSS REFERENCES		TAX NUMBER(S)	
4-26-90	1-1-10				

Dated:

THE FEDERAL LAND BANK OF SPOKANE
Farm Credit

Parcel 1:

Commencing at the Northeast corner of Section 13, Township 8 South, Range 30 E.B.M., running thence West on the North line of said Section 13 a distance of 80 rods to the West line of the Northeast quarter of the Northeast quarter of said Section 13; thence South on said West line of said NE1/4 of NE1/4 of said Section 13 a distance of 30 rods; thence East a distance of 80 rods to the East boundary line of said Section 13; thence North along said East boundary to the point of beginning at the Northeast corner of said Section 13.

EXCEPT: A tract of land in the NE1/4NE1/4 of Section 13, Township 8 South, Range 30 E.B.M., described as follows:

Beginning at the Northwest corner of said NE1/4NE1/4; thence South 0°15'49" West along the West line of said NE1/4NE1/4, 409.10 feet; thence South 89°46'47" East, 110.00 feet; thence North 0°15'49" East, 409.10 feet to the North line of said NE1/4NE1/4; thence North 89°46'47" West along said North line, 110.00 feet to the point of beginning.

Parcel 2:

A portion of the NE1/4NE1/4 of Section 13, Township 8 South Range 30 E.B.M., described as: commencing at the Northeast corner of said Section 13, thence South along East Section line 30 rods to the true point of beginning; running thence South along the East Section line 23.7 rods; thence West at right angles 27 rods; thence North at right angles 23.7 rods; thence East 27 rods to the true point of beginning.

Mailed by Claimant
Received 6/29/2001

MAY 16 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: A29-04338
Date Received: 3/07/1990
Receipt No: W006240
Received By: ESW

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: WARM CREEK IRRIGATION CO. 208-226-2013
Address: 3210 NEELEY LOOP
AMERICAN FALLS, ID 83211

2. Date of Priority: APR 01, 1889

3. Source: WARM CREEK Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
08S	30E	11	SE	SE	SE		POWER
		13	SW	NE	NW		POWER
		14	SE	NW	NE		POWER
	31E	18	NW	NE	SW		POWER

5. Description of diverting works:
CONCRETE HDGATE WITH DITCHES WITH FLOOD IRR.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	6.000		

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

8. Total consumptive use is 1446.3 Acre Feet Per Annum.

9. Non-irrigation uses:
INCIDENTAL STOCKWATERING FOR 959 COWS, 38 HORSES, 75 SHEEP

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
08S	30E	10	SE	SE		IRR	7.5
			Section Acres				7.5
		11	NE	SW		IRR	26.0
			NW	SW		IRR	8.0
			SW	SW		IRR	12.0
			SE	SW		IRR	34.5
			NW	SE		IRR	4.0
			SW	SE		IRR	17.5
			SE	SE		IRR	10.9
			Section Acres				112.9
		12	NW	SW		IRR	32.0
			SW	SW		IRR	34.8
			SE	SE		IRR	14.1
			Section Acres				80.9
		13	NE	NE		IRR	36.6
			NW	NE		IRR	18.0
			SW	NE		IRR	29.9
			NE	NW		IRR	19.8
			NW	NW		IRR	11.0
			SE	NW		IRR	14.8
			Section Acres				130.1
		14	NE	NE		IRR	22.7
			NW	NE		IRR	24.6
			SE	NE		IRR	10.0
			NE	NW		IRR	38.0
			NE	SE		IRR	12.0
			Section Acres				107.3
31E		18	NW	NW		IRR	24.5
			SW	NW		IRR	18.9
			Section Acres				43.4
			Total Acres				482.1

11. Place of use in counties: POWER

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

A29-04338

Page

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Date: 03/14/90

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13. Other Water Rights Used:
29-02296, 29-02566

14. Remarks:
CLAIM C/O CAROL HENESH
DURING WINTER MONTHS, LIVESTOCK DRINK FROM NATURAL STREAM
CHANNEL.

15. Basis of Claim: STATUTORY CLAIM

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do do not wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1

For Organizations:

I do solemnly swear or affirm that I am CHAIRMAN of

WARM CREEK IRRIGATION CO., that I have signed the foregoing
Organization
document in the space below as CHAIRMAN of

WARM CREEK IRRIGATION CO. and that the statements contained in the
Organization
foregoing document are true and correct.

J. Donzaring
Signature of Authorized Agent

CHAIRMAN, WARM CREEK IRRIGATION CO.
Title and Organization

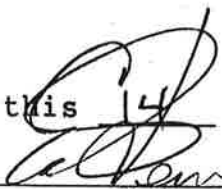
MAR. 14, 1990
Date

State of Idaho)
County of Pondera) SS.

Subscribed and sworn (or affirmed) before me this 14 day

of March 19 90

Seal



Notary Public

Residing at Idaho Falls, ID.

My Commission Expires 22 Aug 1994

BB

POCATELLO 27 MI.
112° 52' 30"
42° 45'

AMERICAN FALLS 2.5 MI ²⁴⁶

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Get full copy
of J2F3 down -
map on p2 is
accurate
brown print stored
clamped -

P.P.

Warm Creek

R30E R31E

NEELEY ORTHOPHOTOQUAD
IDAHO

Sample

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