

08/14/2001

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

RIGHT NUMBER: 29-7530

NAME AND ADDRESS: J RICHARD TRIPTOW
PO BOX 68
9873 E MAUGHAN RD
LAVA HOT SPRINGS, ID 83246

SOURCE: GROUND WATER

QUANTITY: 0.06 CFS
3 AFY

PRIORITY DATE: 01/09/1980

POINT OF DIVERSION: T09S R38E S20 SESE Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	4-01 11-01	0.02 CFS 2.40 AFY
DOMESTIC	1-01 12-31	0.04 CFS 0.60 AFY

PLACE OF USE:

IRRIGATION Within BANNOCK County
T09S R38E S20 SESE 0.8
DOMESTIC Use same as IRRIGATION

0.8 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

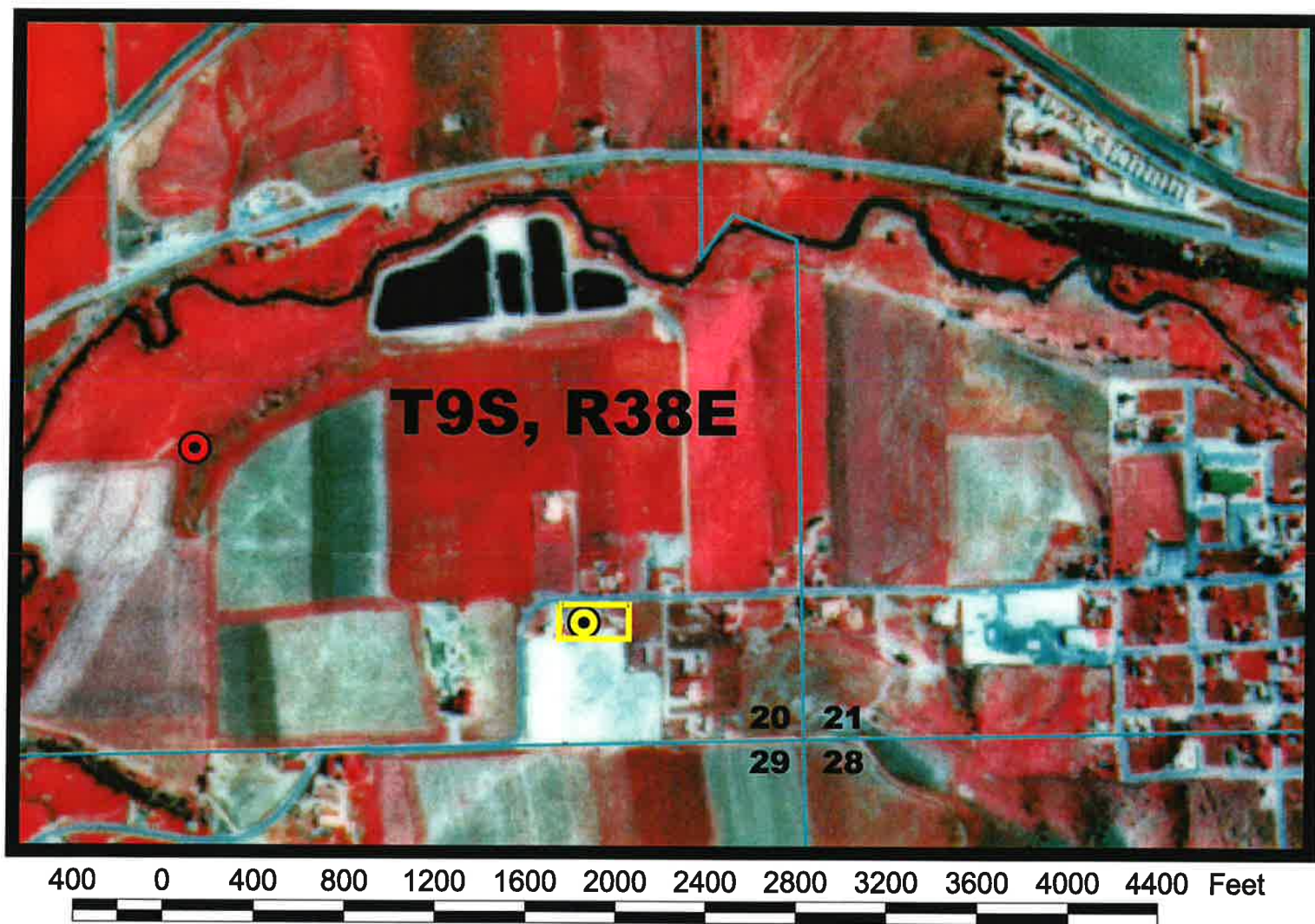
USE OF THIS RIGHT IS COMBINED WITH WATER FROM DEMPSEY
IRRIGATION CO.

USE OF THIS RIGHT IS COMBINED WITH WATER FROM FISH CREEK
IRRIGATING CO.



STATE OF IDAHO
Department of Water Resources
Eastern Region

Water Right(s): 29-7530



LEGEND

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

Place of Use: T9S, R38E,
(part of) Sec. 20 SESE
(0.8 acres w/i POU shown)

Point(s) of Diversion: T9S, R38E
Sec. 20 SESESE



GIS Place of Use Illustration
1987/1988 NAPP photography
Prepared by: A. Ruberry
Date: March 2001

PROTECTED

JUN 06 2001

Log for claim A29-07530

Spatial Dynamics PJM

8/22/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
09s38e	20	SESE	0.8	1	
Totals:			0.8	1	

Claims as Licensors: So Recommend OOD
 EARL Smith Trout Harbor

Also Shares: 1 Share Fish Cr Canal

DEAN DAY WM 2 ^{WEST} Dampson (WEST OR D-TOPOCUS?)

7/5/01 Met RICHARD Tripton, now owner since about 1997. CHAIN OF TITLE GOES FROM Wilson to KELLY to MR. Tripton. GAVE RICHARD A % AND ASK FOR A DUSD. He INFORMED me THAT He ALSO HAS THE ABOVE RESTORED CANAL Shares.

WELL IS A 9" CASING BEHIND CANALS. IRRIGATES LAWN AND SMALL PASTURE TO E. OF HOUSE,

8/14/01 CHANGES OF OWNERSHIP



T9S, R38E

29-07530
0.8 ac. irrig. w/i
POU as shown

20 21
29 28

DECOG AR 7/27/01

RECEIVED
JUL 27 2001
Department of Water Resources
Eastern Region

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

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

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

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
	29-07530				

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

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

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

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

OR

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

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

JAMES D & DENISE WILSON
PO BOX 68 LAVA HOT SPRINGS ID 83246

4. New Owner/Claimant(s)

JAMES RICHARD TRIP TOW

Name Connector (Check one): [] and, [] or, [] and/or

New Mailing Address

P.O. BOX 68 - 9873 EAST MACLEAN RD

City, State and ZIP Code

LAVA HOT SPRINGS IDAHO 83246

New Telephone Number

(208) 776 5058

5. Date you acquired the property

6-19-1996

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

**INSTRUCTIONS FOR FILING
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP**

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

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

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

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

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

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

Cooperate.

(a) Upon written request by the insured and subject to the options contained in Section 6 of these Conditions and Stipulations, the Company, at its own cost and without unreasonable delay, shall provide for the defense of an insured in which any third party asserts a claim adverse to the title

or control of a third party, which reasonably pertain to the loss or damage. All information designated as confidential by the insured claimant provided to the Company pursuant to this Section shall not be disclosed to others unless, in the reasonable judgment of the Company, it is necessary in the administration of

Code	Amt.	Code	Amt.	Simultaneous	Issue#
010	\$10,000.00	041	7/95	\$	\$
				\$	#

OWNERS POLICY SCHEDULE A

File No: 48194

Policy No.: SV 2511928

Amount: \$10,000.00

Premium: \$ 112.50

1. Policy Date: June 18, 1996 as of 3:19 p.m.
2. Name of Insured:
James Richard Triptow, an unmarried man
3. The estate or interest in the land described herein and which is covered by this policy is:
Fee Simple
4. Title to the estate or interest covered by this policy at the date hereof is vested in the insured.
5. The land referred to in this policy is situated in the County of Bannock, State of Idaho, and is described as follows:

A tract of land located in the Southeast 1/4 of the Southeast 1/4 of Section 20, Township 9 South, Range 38 East, Boise Meridian, Bannock County, Idaho, more particularly described as follows:

Commencing at the Southeast corner of said Section 20; thence West 1262.8 feet; thence North 615.6 feet to the South line of Main Street, Lava Hot Springs, extended West; thence East along the South line of Main Street Extended, West 295 feet to the true point of beginning; thence continuing East 308.4 feet; thence South 148 feet; thence West 308.4 feet; thence North 148 feet to the point of beginning.

WARRANTY DEED

96010079

2-1

FOR VALUE RECEIVED, ROBERT V. KELLY AND JEANNE E. KELLY, HUSBAND AND WIFE

the Grantor(s), do(es) hereby grant, bargain, sell, and convey unto JAMES RICHARD TRIPTOW, AN UNMARRIED MAN
the Grantee(s), whose address is 9873 E. MAUGHAN RD., LAVA HOT SPRINGS, ID 83246
(Mailing Address), 9873 E. MAUGHAN RD., LAVA HOT SPRINGS, ID 83246 (Property Address),
the following described premises, situated in BANNOCK County, Idaho:

SEE ATTACHED EXHIBIT A

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s) and Grantee(s) heirs, successors, and assigns forever. The Grantor(s) do(es) hereby covenant and warrant to and with the Grantee(s) that the Grantor(s) is/are the owner(s) in fee simple of such premises; that such premises are free from all encumbrances, EXCEPT those to which this conveyance is expressly made subject; those set forth in Pioneer Title Company Title of Bannock County, Commitment No. 48194SW, dated June 13, 1996; those made, suffered, assumed, or created by the Grantee(s); reservations, restrictions, dedications, covenants, easements of record or use; rights of parties in possession, encroachments, overlaps, boundary-line disputes, or other matters that would be disclosed by an accurate survey or inspection of the property; rights-of-way and agreements, if any, of record; general taxes and assessments (including irrigation and utility assessments, if any, for the current year) that are not yet due and payable; and that the Grantor(s) will warrant and defend the same from all lawful claims whatsoever.

DATED this 17 day of June, 1996.

ROBERT V. KELLY

JEANNE E. KELLY

STATE OF IDAHO

County of bannock

On this 17 day of June, 1996, before me, the undersigned, personally appeared ROBERT V. KELLY AND JEANNE E. KELLY known or identified to me to be the person(s) whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal in said County the day and year first above written.

96010079

RECORDED AT REQUEST OF
PIONEER TITLE
JUN 18 PM 3 19
BOOK NO. 1004
TINCK COUNTY IDAHO
RY W. GRAM RECORDER
6-20 DEPUTY CW



NOTARY SEAL

Stephanie Wright
Notary Public
Residing at: POCA TELLO, IDAHO
Commission Expires: 04-25-2000

WARRANTY DEED

FOR VALUE RECEIVED, JAMES D. WILSON AND DENISE A. WILSON, HUSBAND AND WIFE

the Grantor(s), do(es) hereby grant, bargain, sell, and convey unto ROBERT V. KELLY AND JEANNE E. KELLY, HUSBAND AND WIFE,
the Grantee(s), whose address is 9873 MAUGHAN ROAD, LAVA HOT SPRINGS, ID 83246
(Mailing Address), 9873 MAUGHAN ROAD, LAVA HOT SPRINGS, ID 83246 (Property Address),
the following described premises, situated in BANNOCK County, Idaho:

A tract of land located in the Southeast 1/4 of the Southeast 1/4 of Section 20, Township 9 South, Range 38 East, Boise Meridian, Bannock County, Idaho, more particularly described as follows:

Commencing at the Southeast corner of said Section 20; thence West 1262.8 feet; thence North 615.6 feet to the South line of Main Street, Lava Hot Springs, extended West; thence East along the South line of Main Street Extended, West 295 feet to the true point of beginning; thence continuing East 308.4 feet; thence South 148 feet; thence West 308.4 feet; thence North 148 feet to the point of beginning.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s) and Grantee(s) heirs, successors, and assigns forever. The Grantor(s) do(es) hereby covenant and warrant to and with the Grantee(s) that the Grantor(s) is/are the owner(s) in fee simple of such premises; that such premises are free from all encumbrances, EXCEPT those to which this conveyance is expressly made subject; those set forth in Pioneer Title Company Title of Bannock County, Commitment No. 46923TA, dated July 20, 1995; those made, suffered, assumed, or created by the Grantee(s); reservations, restrictions, dedications, covenants, easements of record or use; rights of parties in possession, encroachments, overlaps, boundary-line disputes, or other matters that would be disclosed by an accurate survey or inspection of the property; rights-of-way and agreements, if any, of record; general taxes and assessments (including irrigation and utility assessments, if any, for the current year) that are not yet due and payable; and that the Grantor(s) will warrant and defend the same from all lawful claims whatsoever.

DATED this 28 day of July, 1995.

James D. Wilson
JAMES D. WILSON

Denise A. Wilson
DENISE A. WILSON

STATE OF IDAHO

County of BANNOCK

}

On this 28 day of July, 1995, before me, the undersigned, personally appeared *James D. Wilson and Denise A. Wilson*, known or identified to me to be the person(s) whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal in said County the day and year first above written.

95010794

NO. 95010794
REQUEST OF
PIONEER TITLE
'95 JUL 28 P2:37



Thais M. Ayre
Notary Public
Residing at: CHUBBUCK, IDAHO
Commission Expires: 2-27-95

OFFICE OF THE CLERK OF THE DISTRICT COURT
BANK OF IDAHO
LAW OFFICES
EES:100 DEPUTY

WARRANTY DEED

94007457

FOR VALUE RECEIVED

LUKE L. HAMILTON AND ANNA M. HAMILTON, HUSBAND AND WIFE

RECEIVED

The Grantor S, do hereby grant, bargain, sell and convey unto

MAR 27 1995

JAMES D. WILSON AND DENISE A. WILSON, HUSBAND AND WIFE

Department of Water Resources

The Grantee S, whose address is 624 DOE LANE S.E. ALBUQUERQUE N.M. 87123

the following described premises, to-wit:

A TRACT OF LAND LOCATED IN THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 20, TOWNSHIP 9 SOUTH, RANGE 38 EAST, BOISE MERIDIAN, BANNOCK COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 20; THENCE WEST 1262.8 FEET; THENCE NORTH 615.6 FEET TO THE SOUTH LINE OF MAIN STREET, LAVA HOT SPRINGS, EXTENDED WEST; THENCE EAST ALONG THE SOUTH LINE OF MAIN STREET EXTENDED, WEST 295 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING EAST 308.4 FEET; THENCE SOUTH 148 FEET; THENCE WEST 308.4 FEET; THENCE NORTH 148 FEET TO THE POINT OF BEGINNING.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee S, THEIR heirs and assigns forever. And the said GrantorS do hereby covenant to and with the said Grantee S, that THEY ARE the ownerS in fee simple of said premises; that said premises are free from all encumbrances

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

Dated: APRIL 20, 1994 AND APRIL 26, 1994

Luke L. Hamilton by Anna M. Hamilton atty in fact
LUKE L. HAMILTON BY ANNA M. HAMILTON ATTORNEY-IN-FACT
Anna M. Hamilton
ANNA M. HAMILTON

STATE OF OKLAHOMA COUNTY OF PAYNE

On this 20TH day of APRIL, 1994, before me, a notary public in and for said State, personally appeared ANNA M. HAMILTON

known to me to be the person whose name IS subscribed to the within instrument, and acknowledged to me that SHE executed the same.

Lacie Rodriguez
Notary Public

Residing at STILLWATER, OKLAHOMA
Comm. Expires 03/04/94



PIONEER TITLE
OF BANNOCK
Pocatello, Idaho

STATE OF IDAHO, COUNTY OF BANNOCK

On this 26 day of APRIL, 1994, before me, the undersigned personally appeared

ANNA M. HAMILTON

known to me to be the person whose name is subscribed to the within instrument as the attorney-in-fact

LUKE L. HAMILTON, who acknowledged that he subscribed the name of the said ANNA M. HAMILTON as principal, and HER own name as attorney-in-fact.

Anna M. Hamilton
Notary Public
Residing at POCA TELLO, Idaho
Comm. Expires 5/30/99

A29-07530

NO. 94007457
REGISTERED IN THE OFFICE OF
PIONEER TITLE
94 APR 28 P2:36

23 July 2001

Richard Triptow
9873 E Maughn Rd
Lava Hot Springs ID 83246

Re: SRBA Claim A29-07530

Dear Mr. Triptow:

I sincerely hope you are doing well after your recent medical encounter. I am currently ready to complete the recommendation to the water right appurtenant to your property and am in need of the Change of Ownership and copy of the Deed, which we have discussed.

Please mail the requested documents to the above address, **Attn: A. Ruberry**. Or, if I can be of assistance to you in this matter please feel free to contact me at the above office telephone number.

Thank you for your attention and timely response to this letter.

Respectfully submitted,

Allen B. Ruberry
Sr. Water Resource Agent
Adjudication Bureau

CC; file

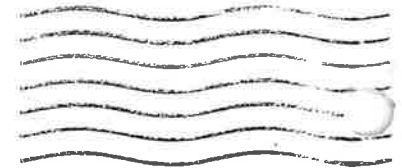
Eastern District Office
900 N. Skyline Dr.
Idaho Falls, ID 83402-1718

Idaho Falls, ID 83402-1718



- ☐ Not Deliverable As Addressed
 Unable To Forward
☐ Insufficient Address
☐ Moved Left No Address
☐ Unclaimed ☐ Refused
☐ Attempted-Not Known
☐ No Such Street ☐ Number
☐ Recent ☐ Illegible
☐ Mail Receptacle
☐ Closed-No Order
☐ Returned For Better Address
☐ Postage Due

- ☒ Not Deliverable As Addressed
☐ Unable To Forward
☐ Insufficient Address
☐ Moved, Left No Address
☐ Unclaimed ☐ Refused
☐ Attempted-Not Known
☐ No Such Street ☐ Number
☐ Vacant ☐ Illegible
☐ No Mail Receptacle
☐ Box Closed-No Order
☐ Returned For Better Address
☐ Postage Due



29. 7530

WILSON, JAMES D
WILSON, DENISE
PO BOX 508
LAVA HOT SPRINGS, ID 83246

- ☐ Mr.
☐ Mrs.
☐ Miss
☐ Ms.
☐ Dr.
☐ Other

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 29-07530

RECEIVED
DEC 07 1988

Date of Priority: January 9, 1980

Comes now LUKE L. HAMILTON, SR.
P.O. BOX 276
LAVA HOT SPRINGS, ID 83246

Department of Water Resources
APPROVED

and represents to the Director of the

Idaho Department of Water Resources:

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho No. 29-07530, and requests that the permit be changed as follows:

Source: GROUNDWATER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>VOLUME</u>
IRRIGATION	04/01 to 11/01	0.02 CFS	2.4 AFA
DOMESTIC	01/01 to 12/31	0.04 CFS	0.6 AFA
	Totals	0.06 CFS	3.0 AFA

LOCATION OF POINT OF DIVERSION(S):

SESE , Sec. 20, Township 09S, Range 38E
BANNOCK County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
09S	38E	20	SESE 0.8	<u>1.8</u>		0.8
Total number of acres irrigated:						0.8

PLACE OF USE: DOMESTIC, same as IRRIGATION use

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk.

Signed at Luke L. Hamilton Sr., this 3 day of Dec., 1988.

MICROFILMED

MAY 09 1989

Luke L. Hamilton Sr.
(Signature)

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 29-07530

FOR DEPARTMENT USE ONLY

~~C003806~~ C003807

Preliminary check by _____ Fee = \$20.00

Received by 41 Date 12-8-88

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, R. Keith Higginson, of the Department of Water Resources hereby approve the above Application for Amendment for Permit No. 29-07530 with the following;

CONDITIONS/REMARKS:

1. The right to the use of water hereby confirmed is limited to the amount which can actually be beneficially used and is restricted and appurtenant to the lands or place of use and to the purpose herein described, as provided by the laws of Idaho.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.

Witness my hand this 21st day of April, 1989.

Norm C. Young
(Director)
Acting for the

RECEIVED

7-26-01

A. Rberry

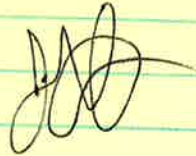
Do appreciate your help on this
matter. As these recurring minor
strokes always leaves me a little
more mixed up.

Hope enclosed doc are sufficient on
this, show

Kellys Purchaser this property
From the Wilson July 28 1995

I

R. Triptow purchased the property
From the Kellys June 17 1996



J. RICHARD TRIPTOW
P.O. BOX 68
LAVA HOT SPRINGS,
IDAHO 83246

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

To appropriate the public waters of the State of Idaho

1. Name of applicant Luke L. Hamilton, Sr. Phone 776-5279

Post office address P. O. Box 276, Lava Hot Springs, ID 83246

2. Source of water supply groundwater which is a tributary of _____

3. Location of point of diversion is SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 20 Township 9S

Range 38E B.M. Bannock County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount .03 for irrigation purposes from 4/1 to 11/1 (both dates inclusive)
(cfs or acre-feet per annum)

Amount .04 for domestic purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:

a. .07 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. well and 3 horse power, 1½ drop pipe

b. Height of storage dam _____ feet, active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet, materials used in storage dam: _____

Period of year when water will be diverted to storage _____ to _____ inclusive.
(Month/Day) (Month/Day)

c. Proposed well diameter is 8 inches; proposed depth of well is 390 feet.

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 4 years (minimum 1 year — maximum 5 years).

8. Description of proposed uses:

a. If water is not for irrigation:

(1) Give the place of use of water: SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 20 Township 9S

Range 38E B.M.

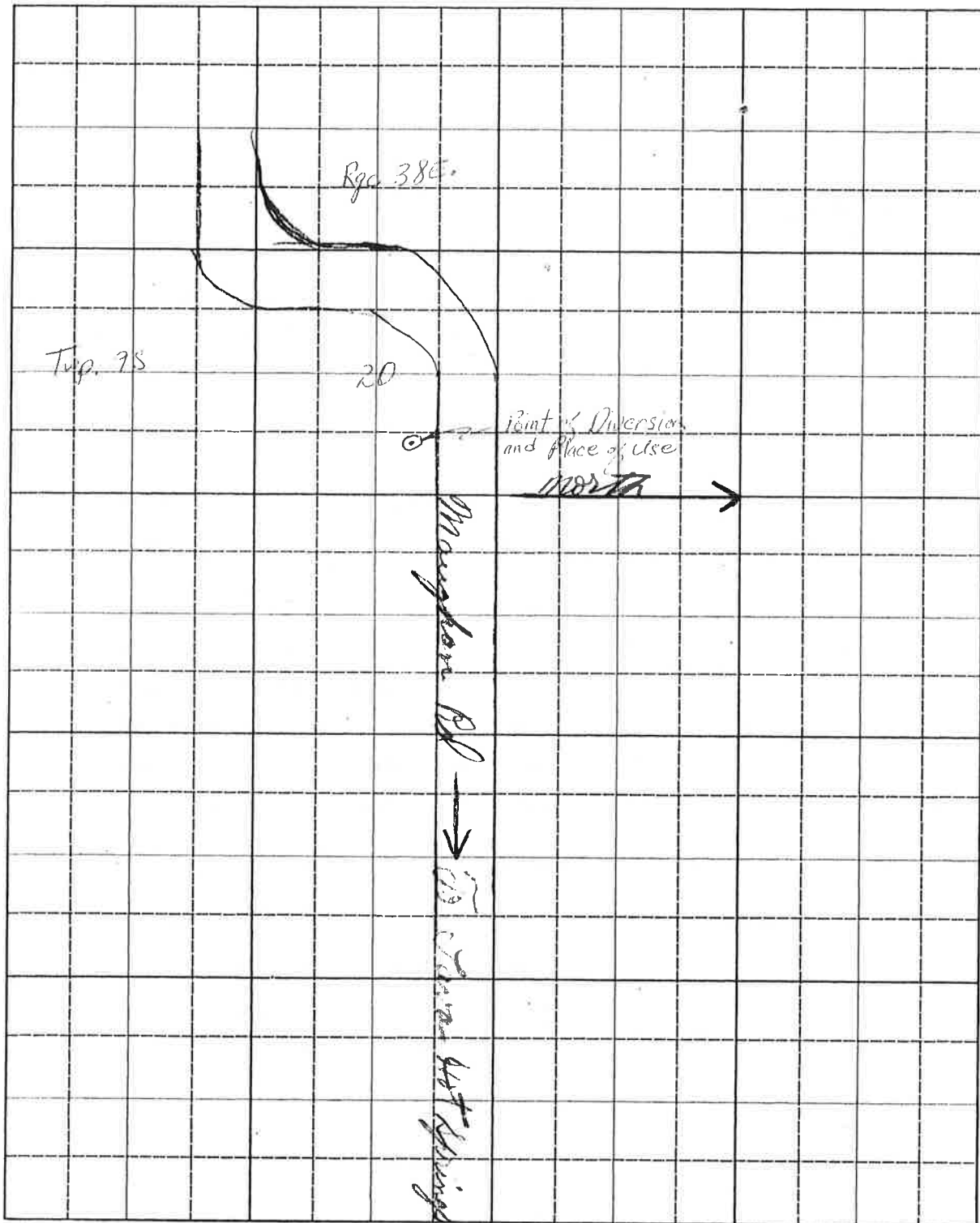
(2) Amount of power to be generated: _____ horsepower under _____ feet of head.

(3) List number of each kind of livestock to be watered 2 milk cows and 2 horses

(4) Name of municipality to be served _____, or number of families to be supplied with domestic water one.

(5) If water is to be used for other purposes describe: house, lawn, shrubs, garden and trees

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

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

x Clucke V. Hamilton Sr.
(Applicant)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

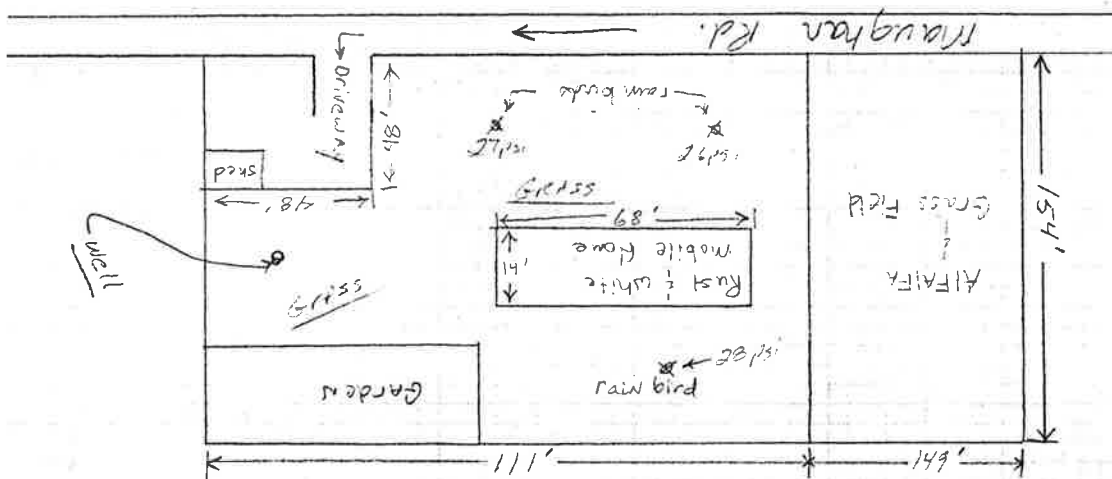
Permit No. 29-7530
1. Owner: Luke L. Hamilton SR. Phone No. 776-5279
Current Address: P.O. Box 276, Lava Hot Springs, Idaho 83246
2. Accompanied by: OWNER EXAM. DATE: 6-9-87
Address: _____ Phone No. _____
Relationship to Permit Holder: _____
3. Source: Groundwater tributary to _____

B. OVERLAP REVIEW

1. Other water rights with same place of use: Dempsey Creek Irrigation (1 share).
Porneuf Irrigation Co. (1 share). ☐ Copies Attached
2. Other water rights with same point of diversion: N.A.
☐ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached



RECORDED

MAY 09 1989

Scale: 1" = _____

2. ☒ Copy of U.S.G.S. Quadrangle Attached
Showing location(s) of point(s) of diversion and
place(s) of use (required).
☒ Photo of Diversion and System Attached
(required for all but single household domestic groundwater, and stockwater.)
☒ Aerial Photo Attached
(required for irrigation of 10 acres or more).

Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
Pitot gauge			Ashcroft		0-100 psi	

2. Measurements:

5/32" Nozzle

28 psi 27 psi 26 psi

a/ 27 psi av. pressure for 5/32" N = 3.78 gpm x 3 = 11.34 gpm

b/ 11.34 gpm = 0.03 cfs

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

1. Measured Method: Pitot gauge

2. Alternate Method for Checking Purposes: $Q = \frac{3 \text{ hp} \times 8.814 \times 0.8}{118' \text{ Lft} + (2.308 \times 27 \text{ psi})} = \frac{21.15}{180.3} = 0.12 \text{ cfs}$

(Theoretical)

F. PUMP EFFICIENCY DATA (Optional)

Discharge Pressure: _____ psi x 2.31 = _____ ft (1); Dynamic pumping level: _____

Total Head: (1) + (2) = _____ (3)

Water HP: (3) x (4) ÷ 8.8 = _____ (5)

Meter Input KW: 3.6 x _____ KH x _____ CTR or _____ MULT x _____ PTR x _____

Meter Input HP: (6) x 1.34 = _____ (7)

Panel Input KW: _____ Ave PF x _____ Ave Volts x _____ Ave Amps x .001732 = _____

Panel Input HP: (6) x 1.34 = _____ (7) Efficiency: (5)/(7) x 100 = _____ %

$Q = 0.12 \text{ cfs}$

per above theoretical.

kw 11/8/88

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = (1.24)(3.0) = 2.52$

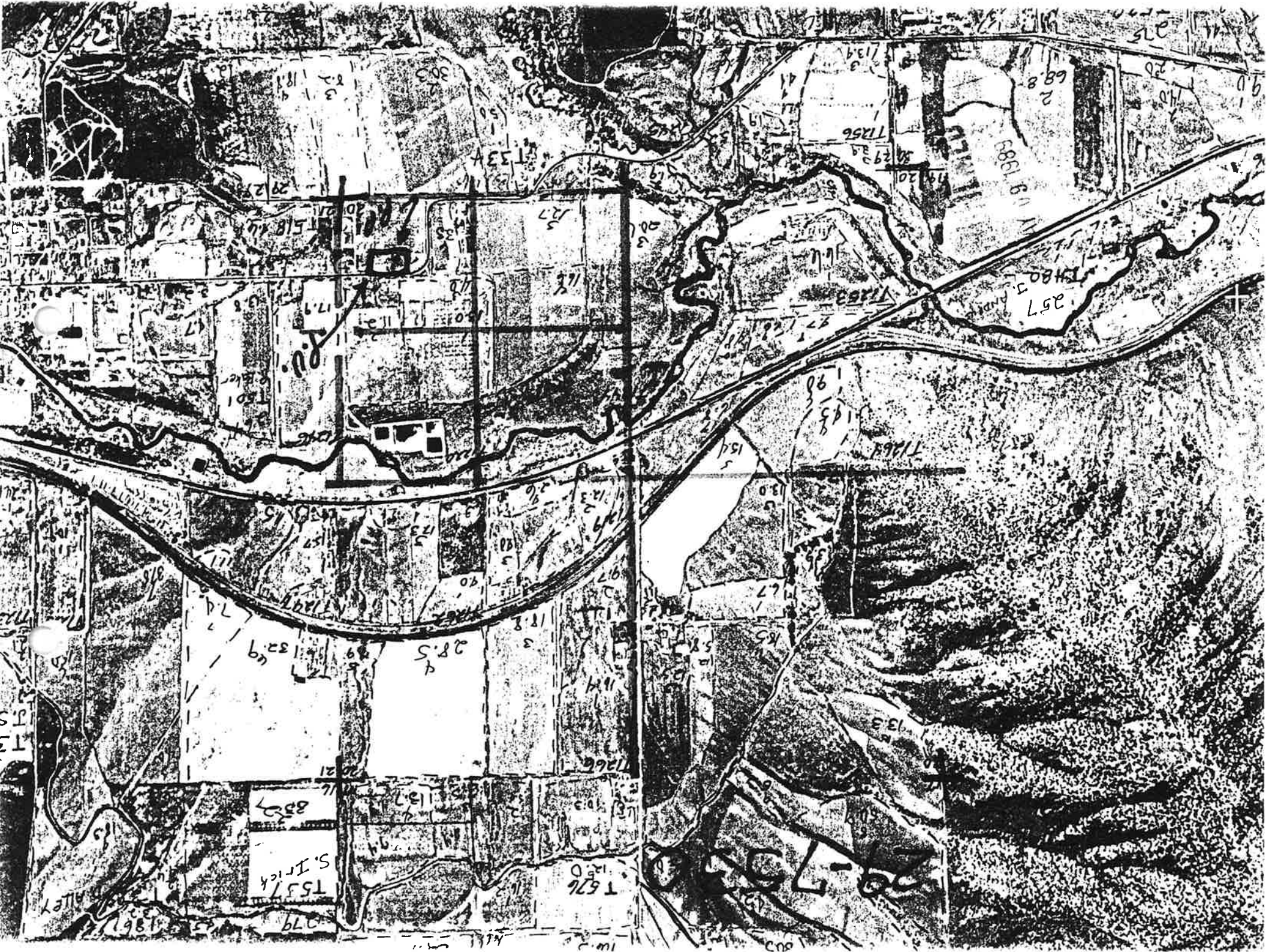
$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = (0.03)(214)(1.9835) = 12.73$

$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 2.52$

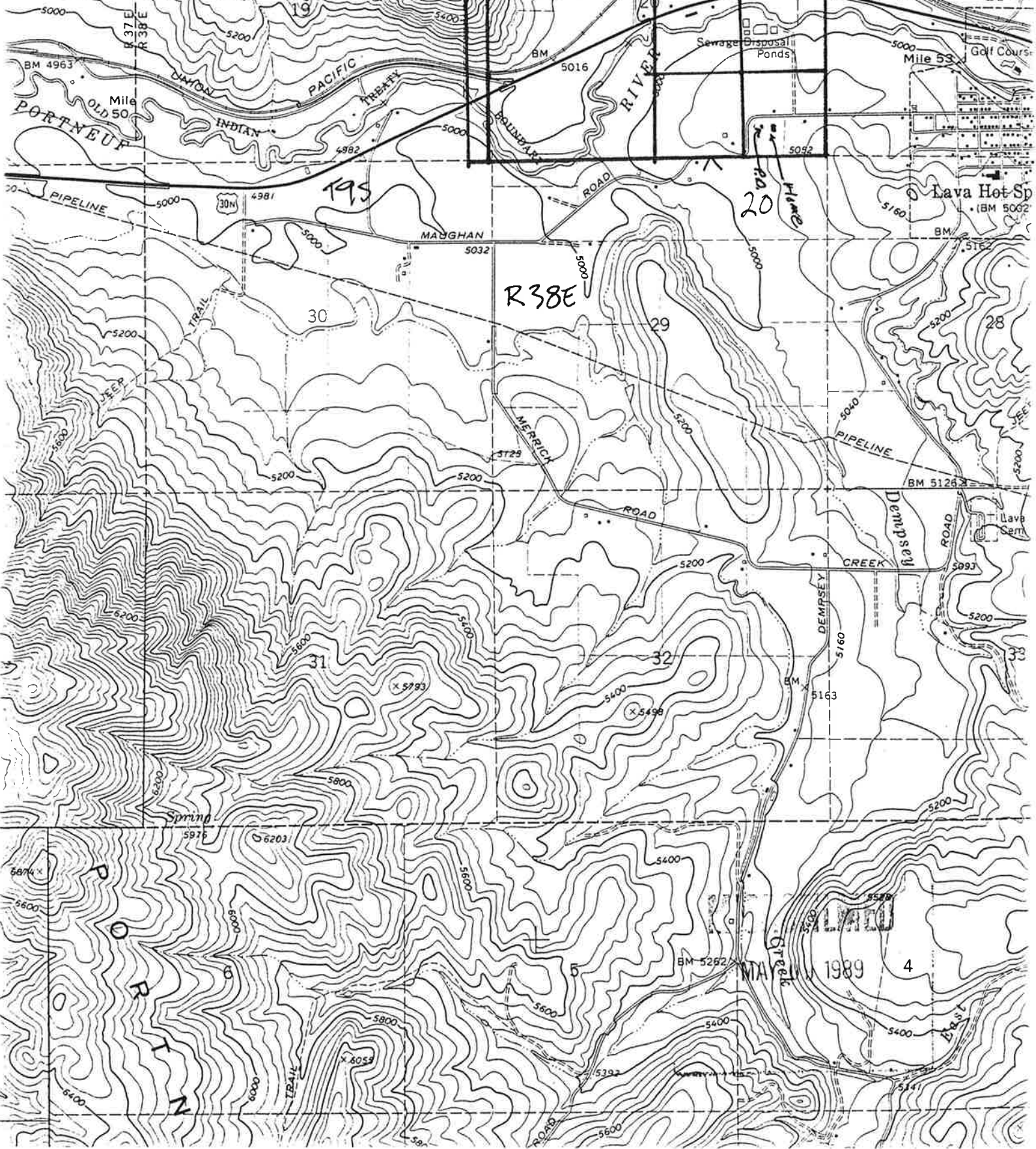
2. Volume Calculations for Other Uses: N.A.

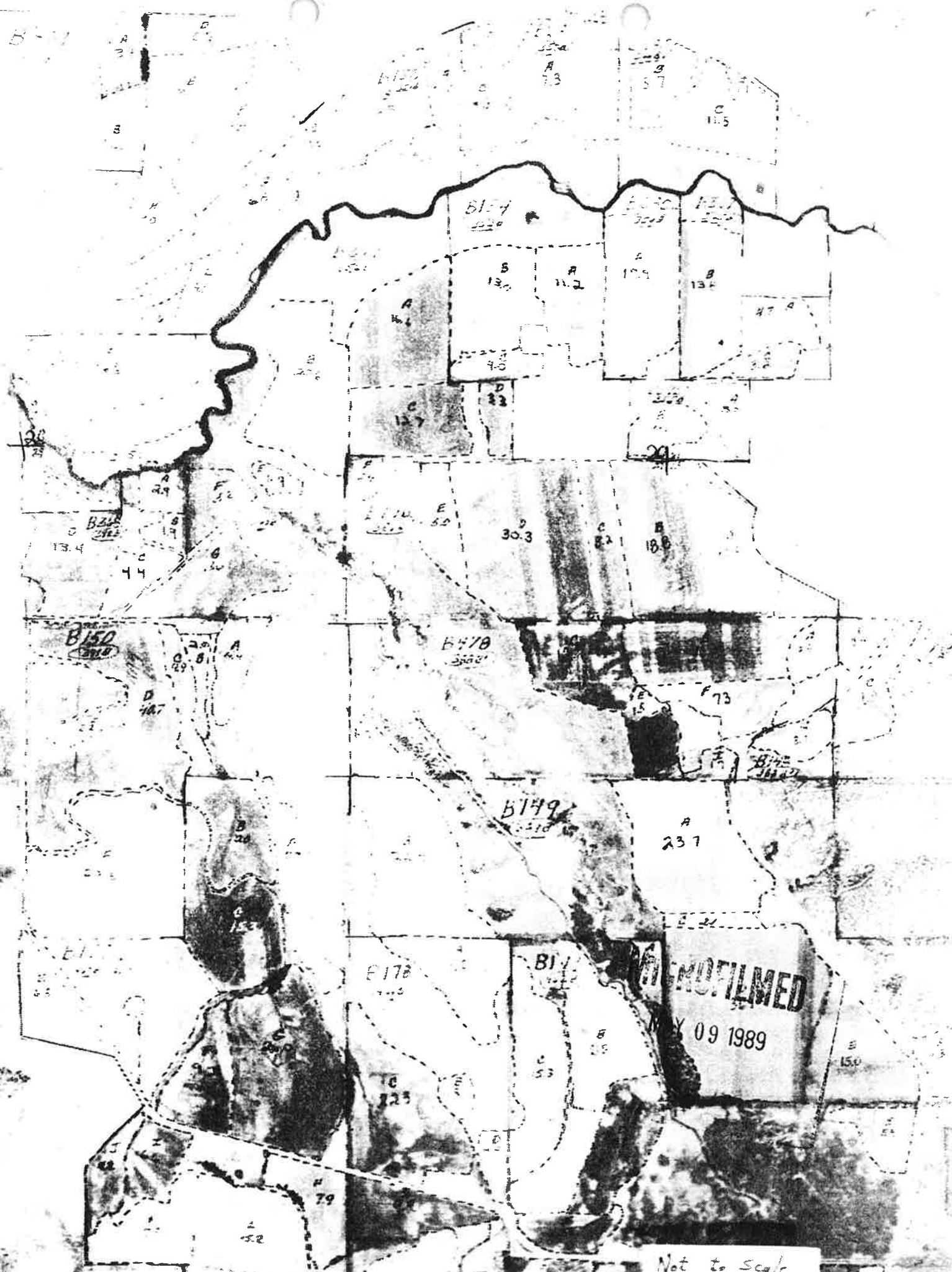
MICROFILMED

MAY 09 1989



7.5 MINUTE SER
29-7530
14000 FEET
12 14 16 21
1359 11 NE
(HAYSTACK MTN.)
2'30"







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

PHILIP E. BATT
GOVERNOR

March 28, 1995

R. KEITH HIGGINSON
DIRECTOR

JAMES D AND DENISE SWILSON
PO BOX 508
LAVA HOT SPRINGS ID 83246

RE: Snake River Basin Adjudication (SRBA)
Bannock County - Notice of Claim #A29-07530

Dear Claimants:

Thank you for your March 23, 1995, letter advising us that you are the new owner of water right A29-07530. Please refer to this water right claim number in any correspondence you may have with the Department. Before we can modify our records to reflect your new ownership, we need your signature on the enclosed computer-generated Amended Notice of Claim A29-07530. The only change you see to the claim the former owners filed is the replacement of the name and address. If you believe the description of your water right should have other changes, please make the correction and initial the change.

Please sign the enclosed Amended Notice of Claim #A29-07530, have your signature(s) notarized and return the form to my attention. You may want to make a photocopy of the signed claim before returning the original to this office.

Please contact me at 208/327-7862 if you have any questions.

Sincerely,

Sally Sherman
Secretary, Adjudication Bureau
Department of Water Resources

SS:state:tf
Enclosures:

Copy of Amended Water Right A29-07530
"How You Will Receive Notice..." Information Sheet
cc: former owners

RECEIVED
NOV 1 1995

JUN 15 1995

Department of Water Resources
Eastern District

March 23, 1995

State of Idaho
Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, Id 83720

RECEIVED

MAR 27 1995

Department of Water Resources

Re: Notice of Claim to a Water Right in the Snake River Basin
Adjudication, Bannock County

Dear Sirs,

We have purchased a property from Mr. Luke Hamilton in Lava Hot Springs, Bannock County. It is our understanding that we must request and change the ownership information with your office, in order to maintain our water rights.

I am enclosing copies of paperwork that we received that show how the water right is currently shown. I am also enclosing a copy of the warranty deed showing that we are now owners of this parcel.

Please send any necessary documentation, forms and fee schedules that are necessary in order for us to properly change this water right ownership.

Information and forms may be sent to : James D. and Denise Wilson
P.O. Box 508
Lava Hot Springs, ID 83246
(208) 776-5964

Thank you.


Denise A. Wilson

RECEIVED
JUN 15 1995

Department of Water Resources
Eastern District Office

MICROFILMED

NOV 13 1990

A29-07530



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

June 13, 1990

RECEIVED

MAR 27 1995

Department of Water Resources

Luke L. Hamilton, Sr.
P.O. Box 276
Lava Hot Springs, Idaho

RE: Notice of Claim to a Water Right in the Snake River Basin
Adjudication, Bannock County

Dear Mr. Hamilton:

We are returning your Notice of Claim to a Water Right filed for your property in Bannock County. We are also enclosing Receipt #C015325 in the amount of \$25.00, for the filing fees. Only the first page of the claim form was received. We cannot process a claim unless it is complete.

Also, at Item 6, you have indicated irrigation as one of the purposes of the water. If you wish to claim a water right that includes irrigation, a different claim form must be completed. Enclosed is a "Long Form" for your use if you wish to include irrigation as a part of your claim.

A search of our records shows a water right, number 29-07530, issued in your name. A copy of this licensed water right is enclosed. Please note that the priority date listed on the license is January 9, 1980. At Item 2 on your claim you have entered a priority date of October 9, 1975. It is not uncommon to have more than one water right established from the same well. If the beneficial use of the water for domestic purposes occurred prior to making the application for permit, you may want to file a separate claim for the domestic use. However, both domestic and irrigation uses are listed on license 29-07530. Therefore, if you wish to file the long form and claim both domestic and irrigation uses and base your claim on Water Right License 29-07530 with the January 9, 1980 priority date, you may.

If you do decide to include irrigation as part of your claim, the filing fee is \$50.00 plus a variable fee of \$1.00 per acre claimed as irrigated. Therefore, the fee for a claim based on Water Right Number 29-07530 is \$51.00, which would require payment of an additional \$26.00.

RECEIVED
MICROFILMED
NOV 13 1990
JUN 15 1990

29-07530

Department of Water Resources
Eastern District Office

Luke L. Hamilton, Sr.
June 13, 1990
Page 2

Please return the documents with the appropriate filing fee to this office to the attention of Carter Fritschle. If you will make these corrections before July 13, 1990 you will not be assessed a late filing fee. Do not hesitate to contact this office if you have any questions or desire an appointment to obtain assistance in completing the form.

Yours Truly,

John D. Carlson
John D. Carlson
Adjudication Supervisor

JDC:CF:sf:state:tf

Enclosures:

Notice of Claim
Receipt #C015325
Short Form with instructions
Long Form with instructions

MICROFILMED

NOV 13 1990

A29-07530



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

A 29-07530
Permanent file

CECIL D. ANDRUS

GOVERNOR

June 13, 1990

R. KEITH HIGGINSON

DIRECTOR

Luke L. Hamilton, Sr.
P.O. Box 276
Lava Hot Springs, Idaho

2-6-91
filed 6/27/90
fees E014924 + C015325.
Danni Smith

RE: Notice of Claim to a Water Right in the Snake River Basin
Adjudication, Bannock County

Dear Mr. Hamilton:

We are returning your Notice of Claim to a Water Right filed for your property in Bannock County. We are also enclosing Receipt #C015325 in the amount of \$25.00, for the filing fees. Only the first page of the claim form was received. We cannot process a claim unless it is complete.

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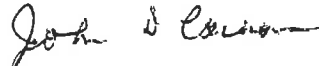
MICROFILMED

NOV 13 1992

Luke L. Hamilton, Sr.
June 13, 1990
Page 2

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Yours Truly,



John D. Carlson
Adjudication Supervisor

JDC:CF:sf:state:tf

Enclosures:

Notice of Claim
Receipt #C015325
Short Form with instructions
Long Form with instructions

MICROFILMED

NOV 13 1992

4/5/1989

SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME HamiltonCLAIM IDENT. NO. A29-07530DATE RECEIVED 3-5-90 CK # C015325

AMOUNT \$ _____

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

Claim checked by: CADate: 5-23-90

Claim must be returned to claimant: _____

(Yes) (No)

Claimant must be notified of modifications: _____

(Yes) (No)

Receipt Prepared by: _____
Claim data entered by: _____
Sent to claimant by: _____Date: _____
Date: _____
Date: _____

Checked by: _____

MICROFILMED

Comments: No

Page 2

NOV 13 1992

Letter to Sally's WPS

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 29-07530

Priority: January 9, 1980 Amount: 0.06 CFS 3.0 AFA

This is to certify, that LUKE L. HAMILTON, SR.
P.O. BOX 276

LAVA HOT SPRINGS, ID 83246 has complied with the terms and conditions of the permit issued pursuant to Application for Permit dated January 9, 1980, and has submitted proof to the Department of Water Resources on January 30, 1984, that water has been applied to a beneficial use; an examination by the Department indicates that the works have a diversion capacity of .120 cfs of water from a GROUNDWATER source and that a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>VOLUME</u>
IRRIGATION	04/01 to 11/01	0.02 CFS	2.4 AFA
DOMESTIC	01/01 to 12/31	0.04 CFS	0.6 AFA
	Totals	0.06 CFS	3.0 AFA

LOCATION OF POINT(S) OF DIVERSION: SESE, Sec. 20, Township 09S, Range 38E
BANNOCK County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
09S	38E	20	SESE	0.8		0.8
Total number of acres irrigated:						0.8

PLACE OF USE: DOMESTIC, same as IRRIGATION use

CONDITIONS/REMARKS:

1. The right to the use of water hereby confirmed is limited to the amount which can actually be beneficially used and is restricted and appurtenant to the lands or place of use and to the purpose herein described, as provided by the laws of Idaho.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 21st day of April, 1989.

MICROFILMED

Acting for the Director

MAY 09 1989

MICROFILMED

NOV 13 1982

JUN 06 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: A29-07530
Date Received: 6/27/1990
Receipt No: E014924/C015325
Received By: DC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: LUKE L. HAMILTON, SR. 208-776-5279
Address: P.O. BOX 276
LAVA HOT SPRINGS, ID 83246
OR
Name: ANNA HAMILTON, SR. 208-776-5279
Address: P.O. BOX 276
LAVA HOT SPRINGS, ID 83246

A2907530



2. Date of Priority: JAN 09, 1980

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
09S	38E	20	SE	SE			BANNOCK

5. Description of diverting works:
WELL/PUMP 390' DEEP TO HOME AND SPRINKLER SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.020		2.40
DOMESTIC	01/01	12/31	0.040		0.60

7. Total Quantity Appropriated is:
0.060 C.F.S. (and/or) 3.00 A.F.A.

8. Total consumptive use is 3.0 Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC, ONE HOME

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09S	38E	20	SE	SE		IRR	0.8
Section Acres							0.8
Total Acres							0.8

11. Place of use in counties: BANNOCK

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

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: LICENSE

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): L. Luke O. Hamilton Date: June 27-90

Date: _____

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 27 day

of June 19 90

Dave Carl
Notary Public

Seal

Residing at Heise, Id

My Commission Expires 2/26/96