

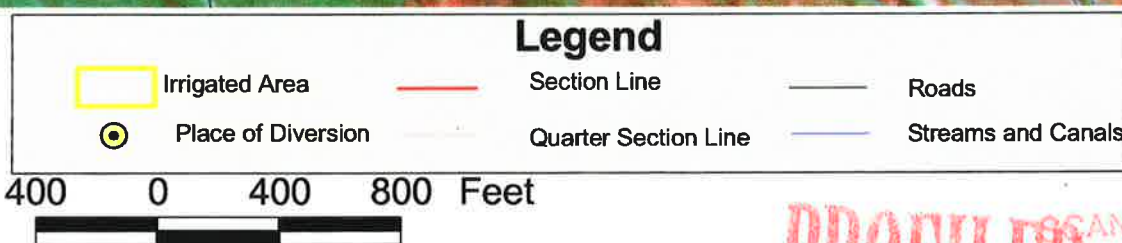
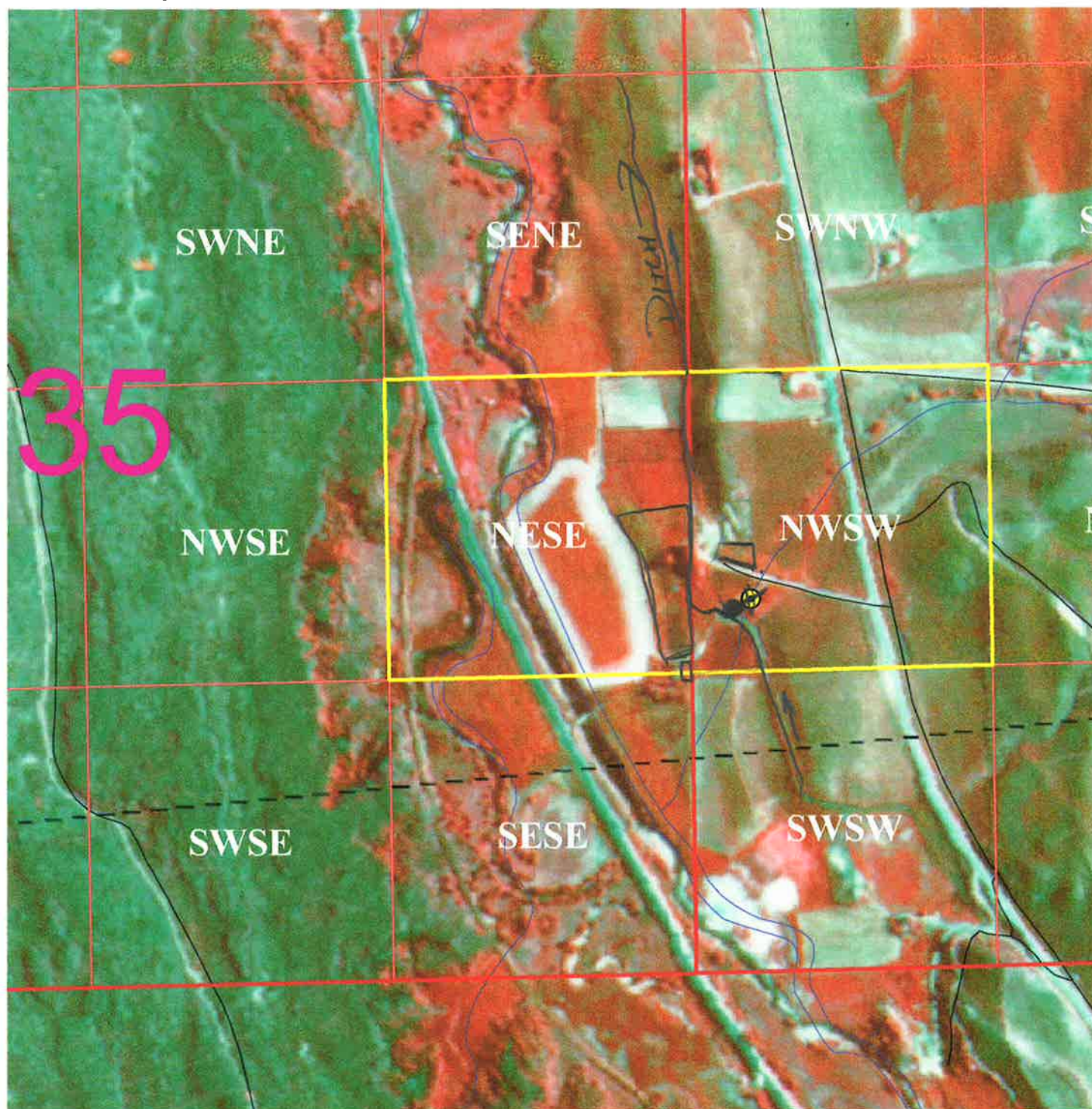
IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

1

Water Right Claim Number A29-07609

08/22/2000

Township , 8S36E



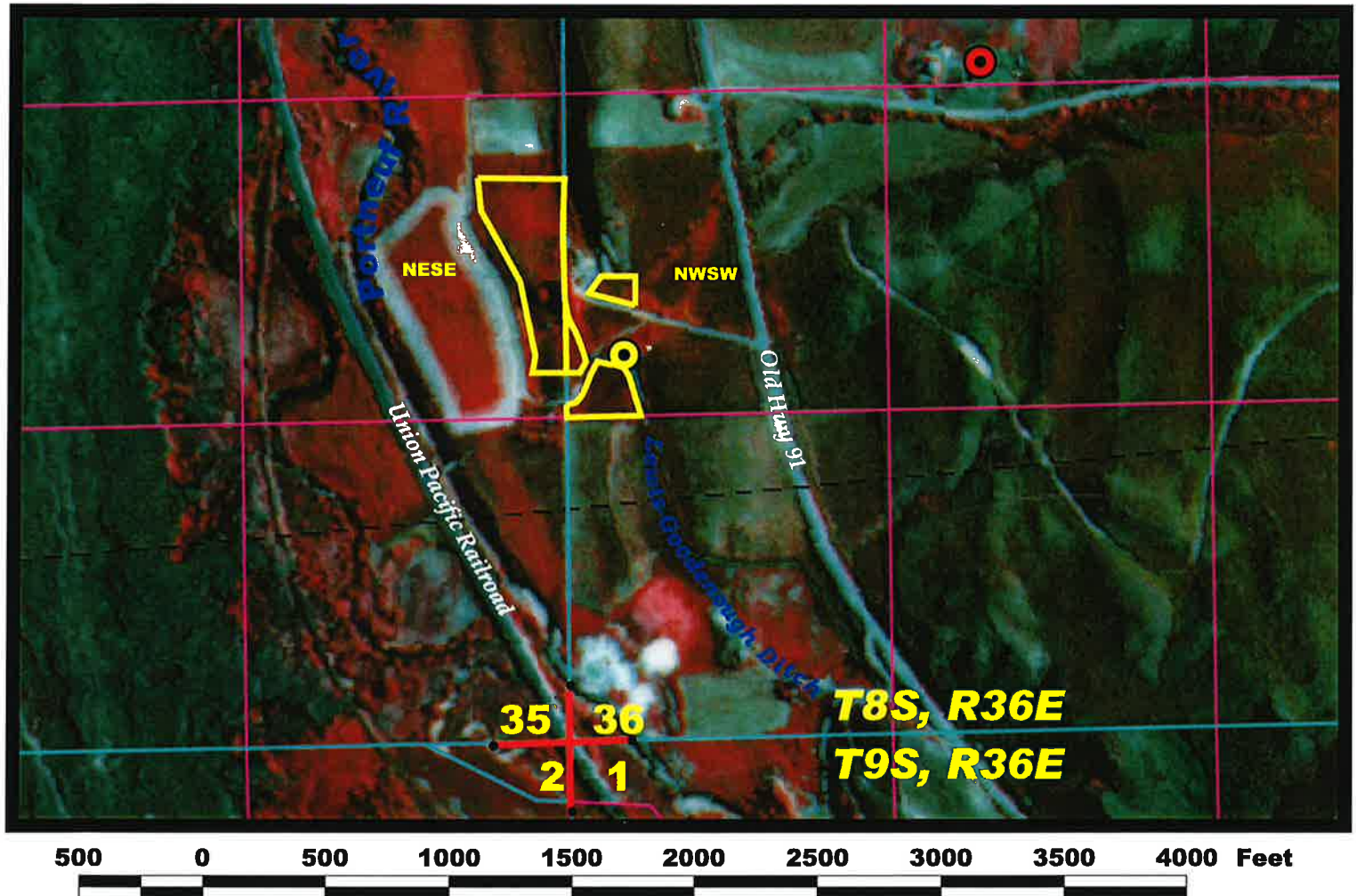
PROFILED SCANNED
1 6 2009



STATE OF IDAHO

Department of Water Resources
Eastern Region

**Water Right(s): 29-02044E,
29-07609 ~~(Permit)~~
LICENSE**



LEGEND

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

**Place of Use: T8S, R36E
(parts of) Sec. 35 & 36,**

**Point(s) of Diversion: T8S, R36E
Sec. 36 SWNWSW [29-7609]
T9S, R36E Sec. 12
SWNWNE (L1) [29-2044E]**

**Note: 29-2044E is delivered by
Lewis-Goodenough Ditch**

PROFILED

SCANNED
MAY 16 2006



GIS Place of Use Illustration
1987/1988 NAPP photography
Prepared by: A. Ruberry
Date: March 2002

29-07609 (PERMIT) Lic.

29-02044E

BARBARA SMITH

10/25/01 VISITED w/ Ms. Smith. DISCUSSED ADJ BOUNDARY AND CLAIM FROM TWO MILE CK (STILL A PERMIT). IT IS, TWO MILE CK, TRIBUTARY TO LEWIS - GOODENOUGH DITCH. (MS. SMITH ALSO CLAIMS TO OWN SLANDS IN THIS DITCH BUT DON'T KNOW OF A WATER RIGHT NO. 29-02044E)

AFTER THE TRIBUTARY (POD) TO L-GD SHE REDIVERTS ABOUT 100 YDS[±] DOWN DITCH. APPARENTLY, THIS IS OK WITH DITCH CO. SHE USES A SMALL PUMP. CLAIMS 9th AC IRRIG - DON'T THINK IT'LL GO THAT MUCH.

29-02044E - I REQUESTED EVIDENCES THAT SHE DOES IN-FACT OWN THE PORTION BECAUSE CD GOODENOUGH CLAIMS ALL 20 ACS OF 29-02044A (NO RECORD GO SPLIT).

ALSO, REQUESTED PLAT OR SURVEY OF PROPERTY AND A CO w/ CC OR DIVORCE DECREE (TO REMOVE J. BURGESS FROM CLAIMS). AND (AS ABOVE) EVIDENCES OF OWNERSHIP OF 29-02044E @ 0.18 ACS

PROFILED

SCANNED

MAY 16 2006

29-7609



Two Mile Creek where it Dumps INTO Lewis-
Goodenough Ditch. 1/500 w/ 29-020448 WAGON
ITS²⁹⁻⁷⁶⁰⁹ AVAILABLE. This Priority on 2 mile creek
Lasts < 30 SEC.

- POINT OF STREAM
DIMENSIONS

PROFILED

SCANNED
MAY 16 2006



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
<u>A29-07609</u>	<u>(Permit)</u>				
<u>A29-02044E</u>			<u>See Docs. in This File</u>		
<u>29-11907</u>	<u>(PD issued)</u>		<u>\$25.00</u>	<u>PAID</u>	

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**.

☒ 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)

4. New Owner/Claimant(s)

Barbara Smith

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

New Mailing Address

5731 S 012 Hwy 91

City, State and ZIP Code

McCammon ID

New Telephone Number

208 254-9319

5. Date you acquired the property

SCANNED

MAY 16 2000

CRUTLED



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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

May 7, 2001

BARBARA SMITH
5731 S OLD HWY 91
MCCAMMON ID 83250

RE: CHANGE IN OWNERSHIP FOR A29-02044E, A29-07609 AND
A29-11907

Dear Ms. Smith:

It has come to our attention that you may have recently purchased a tract of land in Bannock County. The property to which I am referring was most recently owned by Joseph Burgess and yourself. The legal description is as follows:

T08S R36E S35 NE1/4 SE1/4
T08S R36E S35 NW1/4 SW1/4

This property was filed on in the Snake River Basin Adjudication (SRBA), and we recommend that if, in fact, you now own the property in question, you file a "Change in Ownership" with this department in order that we may send all further correspondence to the appropriate owner(s).

Enclosed is a Change in Ownership form. Please fill out the form completely, sign and date it and return it to my attention along with a "copy" of your Divorce Decree with legal description of the property you have purchased.

If you have any questions regarding this matter, please call 525-7161.

Respectfully submitted,

Cheri Vandermeulen

Cheri Vandermeulen
Records Clerk

Enclosure(s)

PROFILED

SCANNED
MAY 16 2006



T8S, R36E

T9S, R36E

Old Hwy 91

Lewis-Goodeough Ditch

NWSW

4.1

NESE

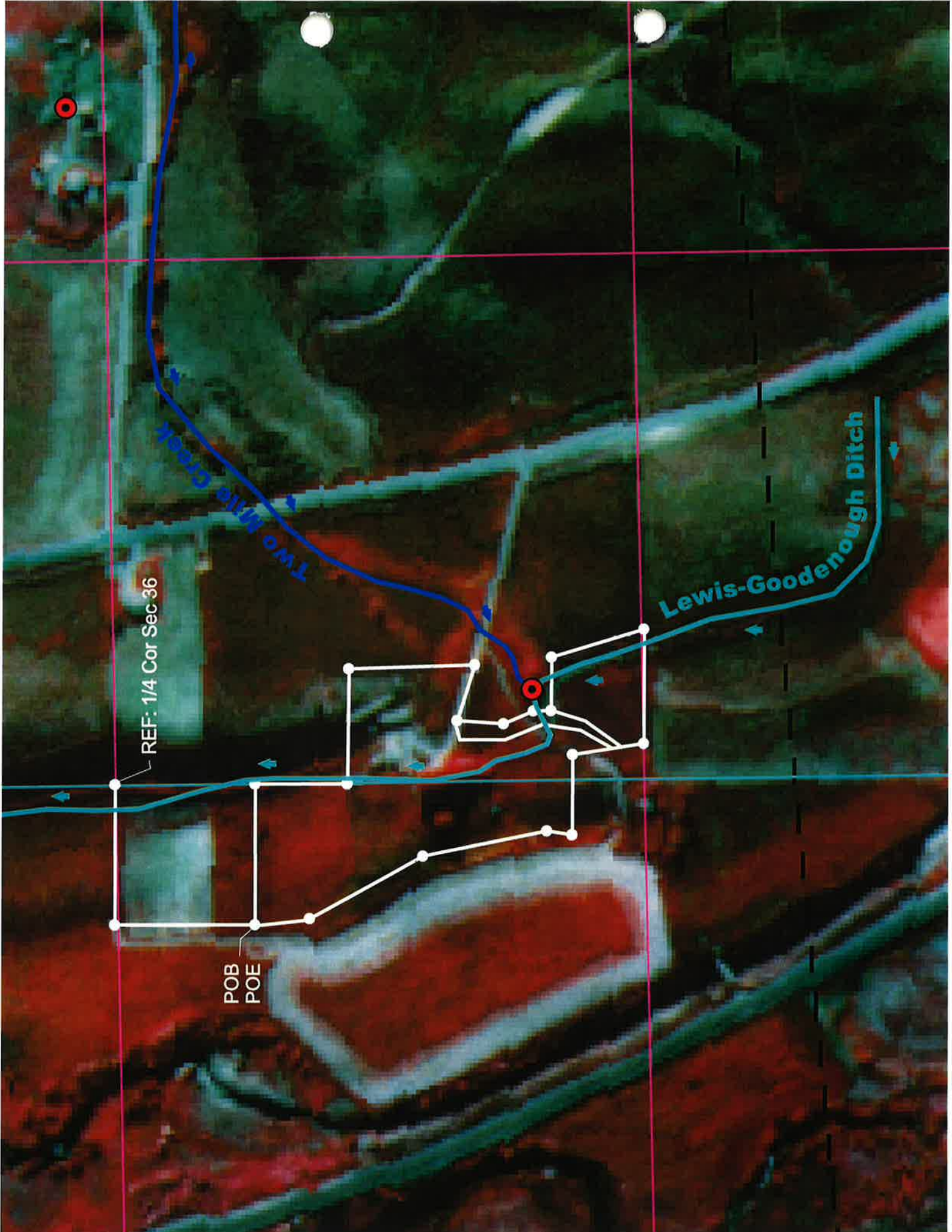
1.7

Union Pacific Railroad

Portneuf River

35 36

2 1



REF: 1/4 Cor Sec 36

Two Mile Creek

Lewis-Goodenough Ditch

POB
POE

Barbara Smith
29-07609,
29-02044E

POU

POU

Two Mile
Creek POD

POU

WR5808NP
(00-26)

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROOF READING REPORT

02/28/01 11:10:28
Page 1

Water Right Number - 29-07609

Prefix Translation: WATER RIGHT

Old (D) Number -

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

*** C - CURRENT OWNER ***
BURGESS

JOSEPH C.

1 - 48 W. STARR AVE.

2 -

3 -

City- COLUMBUS

State- OH Zip- 43201

Phone -

SMITH

BARBARA A.

1 -

2 -

3 -

City-

State- Zip-

Phone -

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - - +
07/27/1981 15 EASTERN P - PERMIT

+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
TWO MILE CREEK PORTNEUF RIVER

Tw	Rng	Sec	Tract	Lot	RFlg	County	Point of Diversion	Diversion Name	Diversion Rate	Diversion No.
08S	36E	36	NW SW			(5)	BANNOCK			

Code	Description	Period From	Period To	Water Use	Diversion Rate	Diversion Volume
01 - IRRIGATION		03/15	11/15		0.180	

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
0.180 0.0

Tw	Rng	Sec	Tract	Lot	Acres	Code	Place of Use	Description	County
08S	36E	35	NE SE		4.0	01	IRRIGATION		(5) BANNOCK
08S	36E	36	NW SW		5.0	01	IRRIGATION		(5) BANNOCK

Total Acres: 9.0

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

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

GEN AC. IRR. = 9.18.

WR5808NP
(OD-26)

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROOF READING REPORT

02/28/01 11:10:28
Page 2

Water right number - 29-07609

Prefix Translation: WATER RIGHT

+ - - - - Old Water Right Numbers - - - - - +

+ - - - - Old Water Right Numbers - - - - - +

No Old Water Right Numbers found.

+ - - - - Conditions of Approval - - - - - +

005 - Use of water under this right is subject to control by the
- watermaster of State Water District No. 29H.

+ - - - Decree Plaintiff - - - +

+ - - - Decree Defendant - - - +

+ - Decree Date - +

00/00/0000

+ - - - - Comments - - - - - +

No Comments Found

+ - - Audit Fields - 09/22/87 05/22/88 CONVERT

+ - - - - Water Rights Dates and Flags Area - - - - - +

Proof Due Date	- 09/01/1986	Field Exam Made	- 00/00/0000	Field Exam Fee	- R
Approved/Denied	- 09/24/1981	Protested Date	- 00/00/0000	Swan Falls	- Y
Proof Made Date	- 05/16/1985	Hearing Date	- 00/00/0000	Temporary Right	- P
Exam to S.O. Date	- 00/00/0000	Verified Date	- 00/00/0000	DLE/Carey Act	- 1
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	- 29H
Licensed Date	- 00/00/0000	Appl Received	- 00/00/0000	Transfer/Amended	-
Presumption Flag	-	Name Connector	-	POU Ownership Flag	-
SRBA Decreed Flag	-				

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 29-07609

Priority: July 27, 1981

Maximum Diversion Rate: 0.12 CFS
Maximum Diversion Volume: 20.3 AF

It is hereby certified that BARBARA A SMITH
5731 S OLD HWY 91
MC CAMMON ID 83250 has complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated July 27, 1981; and has
submitted Proof of Beneficial Use on May 16, 1985. An examination indicates that the works have a
diversion capacity of 0.12 cfs of water from:

SOURCE

TWOMILE CREEK

Tributary: PORTNEUF RIVER

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
IRRIGATION	04/01 to 10/31	0.12 CFS	20.3 AF

LOCATION OF POINT OF DIVERSION:

TWOMILE CREEK NW¼SW¼ Sec. 36, Twp 08S, Rge 36E, B.M., BANNOCK County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	Totals
08S	36E	35				4.1	4.1
08S	36E	36			1.7		1.7

Total Acres: 5.8

CONDITIONS OF APPROVAL

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 29H.
2. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
3. Rights 29-02044E and 29-07609 when combined shall not exceed a total diversion rate of 0.12 cfs, a total annual maximum diversion volume of 20.3 af at the field headgate, and the irrigation of 5.8 acres.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this _____ day of _____, 2002.

KARL J. DREHER
Director

*5/8/02
Proposed
License*

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 29-07609

Priority: July 27, 1981

Maximum Diversion Rate: 0.12 CFS
Maximum Diversion Volume: 20.3 AF

It is hereby certified that **BARBARA A SMITH**
5731 S OLD HWY 91
MC CAMMON ID 83250 has complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated July 27, 1981; and has
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SOURCE

TWOMILE CREEK

Tributary: PORTNEUF RIVER

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
IRRIGATION	04/01 to 10/31	0.12 CFS	20.3 AF

LOCATION OF POINT OF DIVERSION:

TWOMILE CREEK NW¼SW¼ Sec. 36, Twp 08S, Rge 36E, B.M., BANNOCK County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S 36E 35													4.1				4.1
08S 36E 36								1.7									1.7

Total Acres: 5.8

CONDITIONS OF APPROVAL

1. This right is used in combination with a portion of Right 29-02044A for irrigation of the lands listed above. For irrigation of the lands listed above, this right and the appurtenant portion of Right 29-02044A shall not exceed a total diversion rate of 0.12 cfs, a total annual maximum diversion volume of 20.3 af at the field headgate, and the irrigation of 5.8 acres.
2. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
3. Use of water under this water right will be regulated by the watermaster of State Water District No. 29H.

Page 2

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 29-07609

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this 21st day of MAY, 2002.

Acting for


KARL J. DREHER
Director

Comment Report

29-7609

1. kwalker 5/17/2002 Overlap with 29-2044A

Comment: This permit overlaps with Rt. 29-2044A which does not cover the 1.7 acres in Section 36. However, claim was filed on a portion of 29-2044A, numbered 29-2044E, and that claim covers the lands in Section 36. Since SRBA staff has prepared recommendation on 29-2044E with the change in place of use, I recommend we license this permit to show an overlap with 29-2044A and the SRBA can correct with their recommendation on 29-2044E.

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 29-07609

Priority: July 27, 1981

Maximum Diversion Rate: 0.12 CFS
Maximum Diversion Volume: 20.3 AF

It is hereby certified that BARBARA A SMITH
5731 S OLD HWY 91
MC CAMMON ID 83250 has complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated July 27, 1981; and has
submitted Proof of Beneficial Use on May 16, 1985. An examination indicates that the works have a
diversion capacity of 0.12 cfs of water from:

SOURCE

TWOMILE CREEK

Tributary: PORTNEUF RIVER

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
IRRIGATION	04/01 to 10/31	0.12 CFS	20.3 AF

LOCATION OF POINT OF DIVERSION:

TWOMILE CREEK NW¼SW¼ Sec. 36, Twp 08S, Rge 36E, B.M., BANNOCK County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE	NW	SW	SE	Totals
	NE NW SW SE	NE NW SW SE	NE NW SW SE	NE NW SW SE	
08S 36E 35				4.1	4.1
08S 36E 36			1.7		1.7

Total Acres: 5.8

CONDITIONS OF APPROVAL

1. This right is used in combination with a portion of Right 29-02044A for irrigation of the lands listed above. For irrigation of the lands listed above, this right and the appurtenant portion of Right 29-02044A shall not exceed a total diversion rate of 0.12 cfs, a total annual maximum diversion volume of 20.3 af at the field headgate, and the irrigation of 5.8 acres.
ADJ # 29-02044E - SUB SPILT HISTORY.
2. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
3. Use of water under this water right will be regulated by the watermaster of State Water District No. 29H.

5/20/02 unsigned (yet)

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 Joseph C. Burgess &/or Barbara A. Smith Phone 254-3624
Post office address Route #1, McCammon, ID 83250

2. Source of water supply Two Mile Creek which is a tributary of Portneuf River

3. Location of point of diversion is NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 36 Township 8S
Range 36E B.M. Bannock County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 0.18 for irrigation purposes from March 15 to Nov. 15 (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)

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

5. Total quantity to be appropriated:

a. 0.18 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Ditch from creek to place of use.

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 _____ inches; proposed depth of well is _____ feet.

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 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: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____
Range _____ B.M.

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

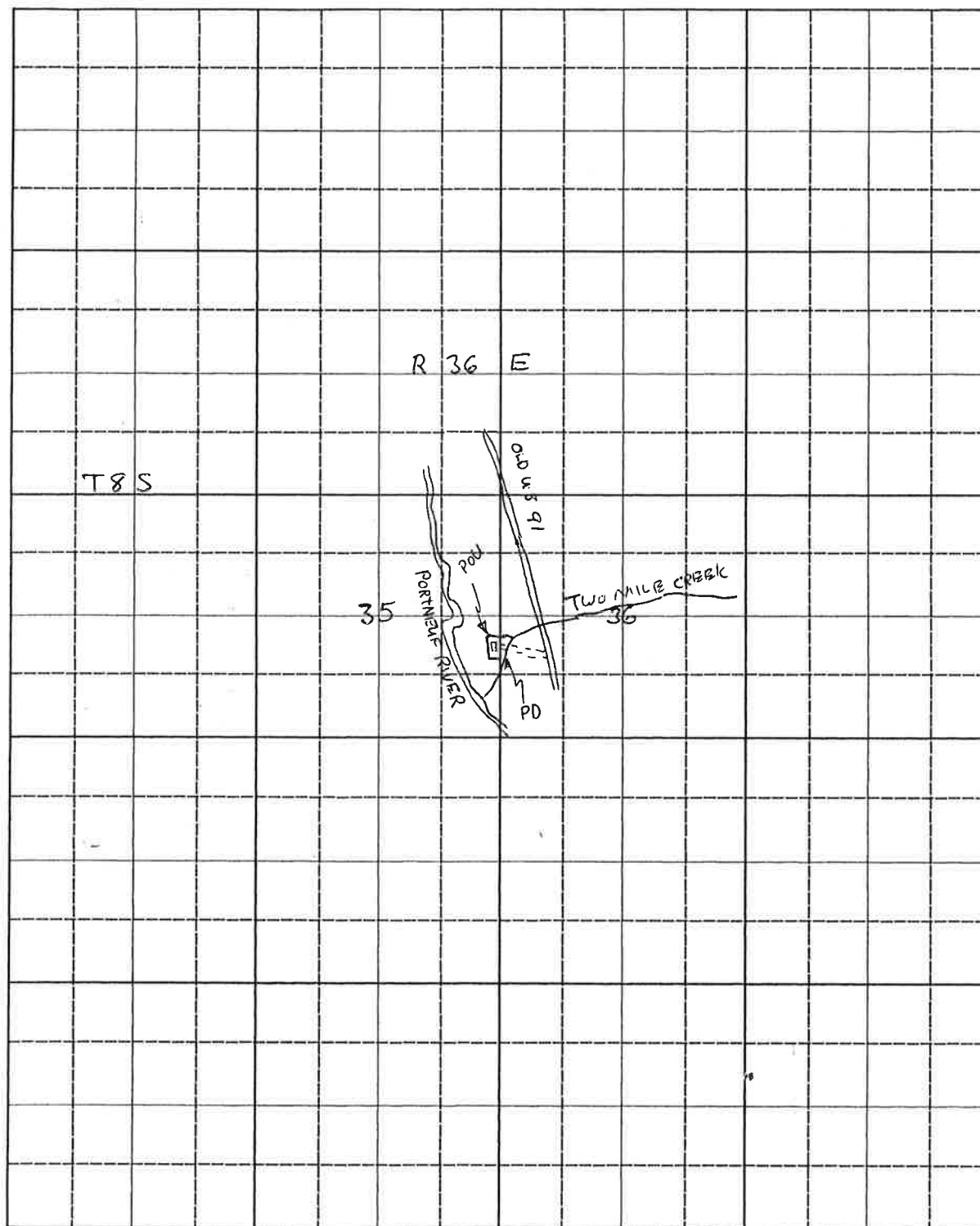
(3) List number of each kind of livestock to be watered _____

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

(5) If water is to be used for other purposes describe: _____



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.

Joseph Banks Byners
(Applicant)



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

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

May 9, 1986

Joseph C. Burgess
Barbara A. Smith
571 Gladstone
Idaho Falls, Idaho 83401

Dear Mr. Roth:

Attached herewith is Departmental receipt No. 39613 in the amount of \$50.00 for your field exam.

Thank you for your prompt attention.

Sincerely,

Michele Davis

Michele Davis
Office Secretary

STATE OF IDAHO
Department of Water Resources

Boise, Idaho, May 8, 1986

No 39613

RECEIVED FROM Smith & Burgess
Fifty Dollars AND NO/100 of McCammon \$ 50.00
FOR 1 DOLLARS

1 Exam Fee	\$	\$50	00
Permit # 29-7609	\$		
	\$		
	\$		
TOTAL - - -	\$	\$50	00

EXAM FEE
1238-120

Michele Davis

MICROFILMED
NOV 13 1992

EXHIBIT 0

FORM A

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources will consider this form as a statement that the permit holder(s) has completed development under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below:

Permit No. 29-7609

Name(s) of Permit Holder: Joseph C. Burgess &/or Barbara A. Smith

Post Office Address: 48 West Starr Avenue, Columbus, Ohio 43201

Telephone No. (614) 294-2723

Source of Water: Two Mile Creek

Extent of Use: Domestic _____ (number of households)

Stockwater _____ (number and type of stock)

Irrigation 9.18 (acres)

Other/Remarks _____

Indicate the date water was first diverted and beneficially used under this permit: 30 September 1981

Measuring Device: Required? _____ Yes _____ No
Installed? _____ Yes _____ No

Flow Measurement Port: Required? _____ Yes _____ No
Required? _____ Yes _____ No

Person to contact to accompany the Department representative during field examination: Mart Welch

(Name)

Rt. 1, McCammon, Idaho 83250

(208) 254-3293

(Address)

(Telephone number)

The above information is a true statement of the extent to which the above numbered permit has been developed.

11 February 1985

Date

Joseph Charles Burgess
Signature of Permit
(and Title, if appropriate)

MICROFILMED
NOV 13 1992

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 Joseph C. Burgess &/or Barbara A. Smith Phone 254-3624

Post office address Route #1, McCammon, ID 83250

2. Source of water supply Two Mile Creek which is a tributary of Portneuf River

3. Location of point of diversion is NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 36 Township 8S

Range 36E B.M. Bannock County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 0.18 for irrigation purposes from March 15 to Nov. 15 (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)

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

5. Total quantity to be appropriated:

a. 0.18 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Ditch from creek to place of use.

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.

c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
(Month/Day) (Month/Day)

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 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: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____
Range _____ 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 _____

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

(5) If water is to be used for other purposes describe: _____

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

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
8S	36E	35													4.36				4.36
		36									4.82								4.82

Total number of acres to be irrigated 9.18

c. Describe any other water rights used for the same purposes as described above. none

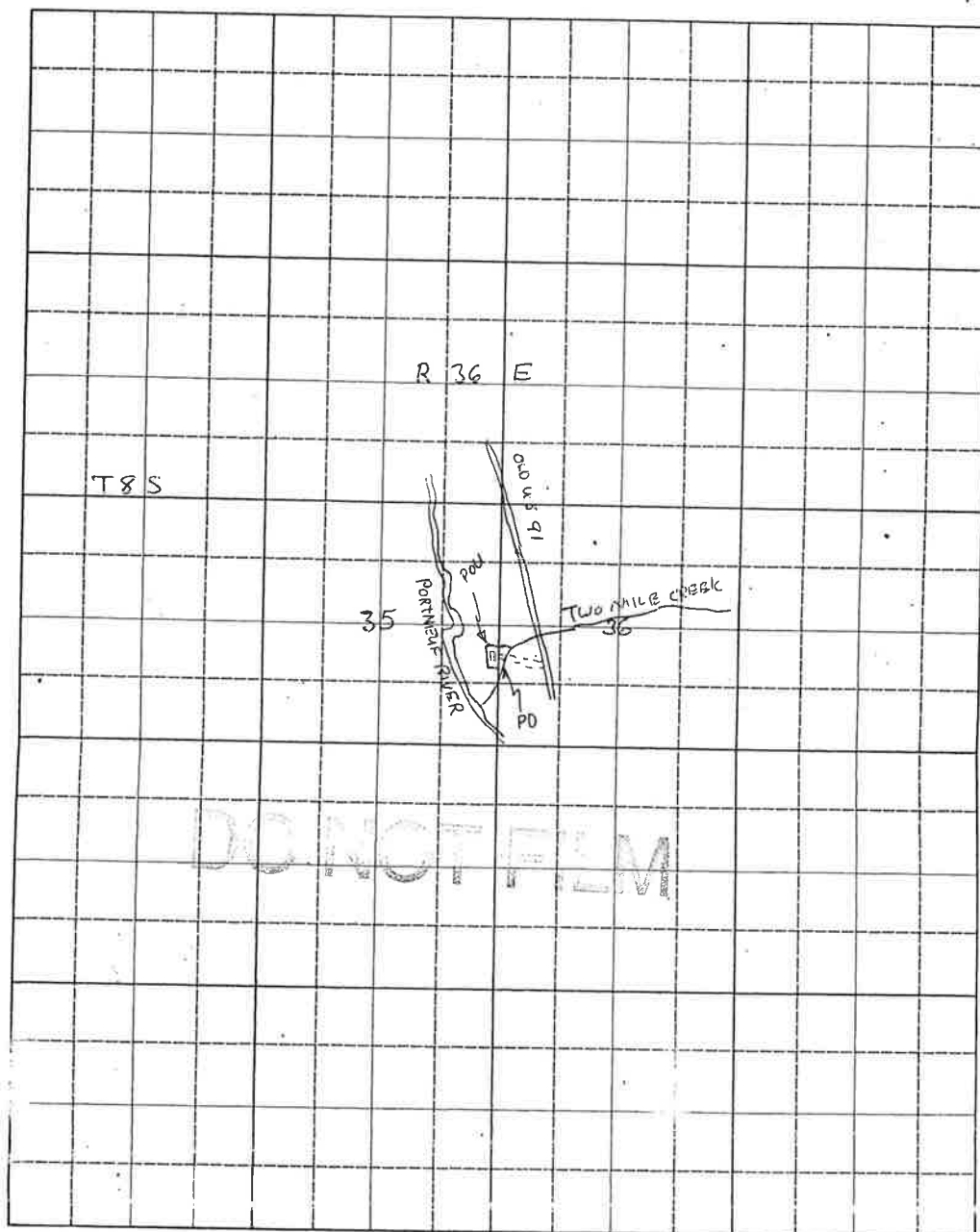
9. a. Who owns the property at the point of diversion Applicant

b. Who owns the land to be irrigated or place of use Applicant

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing

10. Remarks

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 Joseph H. Singer
(Applicant)

Proposed Priority 7/27/1981

Received by SLB Date 7-27-81 Time 11Am

Preliminary check by HWT Fee \$ 20.00

Receipted by SLB ^{#19005} Date 7-27-81 92-254 ⁷²⁴¹ # 19005

Publication prepared by kw Date 7/30/1981

Published in Idaho State Journal

Publication dates 8/06/81 & 8/13/81

Publication approved kw Date 8/3/81

Protests filed by: 100

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by EMC RC

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 29-7609, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before September 1, 19 86.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. Other: Use of water under this permit is subject to control by the watermaster of State Water District No. 29H, Marsh Creek.

DO NOT FIRM

Witness my hand this 24th day of September, 19 81.

A. Glen Saxton
Chief, Operations Bureau

WARRANTY DEED

For Value Received

GEORGE DENNIS GOODENOUGH, a single man, dealing with his sole and separate property
the grantor, do hereby grant, bargain, sell and convey unto

JOSEPH CHARLES BURGESS and BARBARA ANN SMITH, Husband and Wife

whose current address is

Rural Rt. 1, McCammon, Idaho 83250

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

See Exhibit "A", attached and incorporated by reference herein.

Including, but not limited to, all water, water rights, ditch rights and irrigation ditches belonging or in anywise appertaining thereto and all right, title and interest in and to that portion of the water systems, if any, situated on the immediately described real property.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee s, that he is the owner in fee simple of said premises; that they are free from all incumbrances except those set out in Exhibit "B", which is attached and incorporated by reference herein.

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

Dated: July 21, 1979

George Dennis Goodenough
GEORGE DENNIS GOODENOUGH

STATE OF IDAHO, COUNTY OF Bannock
On this 21st day of July, 19 79
before me, a notary public in and for said State, personally appeared

GEORGE DENNIS GOODENOUGH

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

Nancy B. Hilve Notary Public
Residing at Elko, Nevada, Idaho
Comm. Expires January 1, 1981

NANCY B. HILVE

Notary Public, State of Nevada
11000 Elko, Nevada
My Commission Expires Jan 1, 1981

EXHIBIT A

EXHIBIT "A"

A parcel of land situated in the Northeast quarter of the Southeast quarter of section 35 and the Northwest quarter of the Southwest quarter of section 36, township 8 South; range 36 East, Boise Meridian, Bannock County, Idaho, more particularly described as follows:

Commencing at the East quarter corner of section 35, said point being marked by a Bannock County brass cap stamped L.S. 968; thence North 89°50'44" West along the latitudinal centerline of said section 35, 350.00 feet, said point being marked by a 1/2 inch iron pin tagged L.S. 968; thence South 0°13'12" West, 350.97 feet to the true point of beginning, said point being marked by a 1/2 inch iron pin tagged L.S. 968; thence continuing South 3°06'15" West, 144.93 feet, said point being marked by a 1/2 inch iron pin tagged L.S. 968; thence South 28°52'00" East, 321.72 feet, said point being marked by a 1/2 inch iron pin tagged L.S. 968; thence South 11°25'29" East, 316.48 feet, said point being marked by a 1/2 inch iron pin tagged L.S. 968; thence South 8°10'08" West, 63.21 feet, said point being marked by a 1/2 inch iron pin tagged L.S. 968; thence South 89°50'44" East, 199.39 feet, said point being marked by a 1/2 inch iron pin tagged L.S. 968; thence South 8°51'21" East, 178.78 feet to the South 1/16th line of said section, said point being marked by a 1/2 inch iron pin tagged L.S. 968; thence South 89°56'09" East along said South 1/16th line, 285.19 feet, said point being marked by a 1/2 inch iron pin tagged L.S. 968; thence North 16°54'44" West, 240.18 feet, said point being marked by a 1/2 inch iron pin tagged L.S. 968; thence North 83°50'08" West, 132.39 feet, said point being marked by a 1/2 inch iron pin tagged L.S. 968; thence North 1°44'50" West 43.79 feet, said point being marked by a 1/2 inch iron pin tagged L.S. 968; thence North 23°23'21" West 81.09 feet, said point being marked by a 1/2 inch iron pin tagged L.S. 968; thence North 3°48'54" East 116.83 feet, said point marked by a 1/2 inch iron pin tagged L.S. 968; thence South 72°25'52" East 146.48 feet, said point being marked by a 1/2 inch iron pin tagged L.S. 968; thence North 1°52'30" East 316.51 feet, said point being marked by a 1/2 inch iron pin tagged L.S. 968; thence South 89°20'10" West 286.93 feet to the East line of Section 35, said point being marked by a 1/2 inch iron pin tagged L.S. 968; thence North 0°13'12" East along said East line 228.22 feet, said point being marked by a 1/2 inch iron pin tagged L.S. 968; thence North 89°50'44" West 350.00 feet to the true point of beginning.

Excepting therefrom the following described parcel:

A parcel of land situated in the Northeast quarter of the Southeast quarter of section 35 and the Northwest quarter of the Southwest quarter of section 36, Township 8 South, Range 36 East, Boise Meridian, Bannock County, Idaho, more particularly described as follows:

Commencing at the East quarter corner of Section 35, said point being marked by a Bannock County brass cap stamped

L.S. 968; thence North 89°50'44" West along the latitudinal centerline of said section 35, 350.00 feet, said point being marked by a 1/2 inch iron pin tagged L.S. 968; thence South 0°13'12" West 350.97 feet, said point being marked by a 1/2 inch iron pin tagged L.S. 968; thence continuing South 3°06'15" West, 144.93 feet, said point being marked by a 1/2 inch iron pin tagged L.S. 968; thence South 28°52'00" East, 321.72 feet, said point being marked by a 1/2 inch iron pin tagged L.S. 968; thence South 11°25'29" East, 316.48 feet, said point being marked by a 1/2 inch iron pin tagged L.S. 968; thence South 8°10'08" West, 63.21 feet, said point being marked by a 1/2 inch iron pin tagged L.S. 968; thence South 89°50'44" East, 199.39 feet; thence South 8°51'22" East, 94.00 feet to true point beginning of exception; thence continuing South 8°51'22" East 19.87 feet; thence North 31°57'34" East 118.22 feet; thence North 21°26'00" East 85.15 feet; thence North 1°44'50" West 43.79 feet; thence North 23°23'21" West 81.09 feet; thence North 3°48'54" East 116.83 feet; thence South 88°17'36" West 24.15 feet; thence South 1°54'50" East 115.88 feet; thence South 20°57'29" East 99.38 feet; thence South 21°26'00" West 99.53 feet; thence South 28°17'28" West 105.28 feet to the true point of beginning of the exception.

EXHIBIT "B"

ENCUMBRANCES

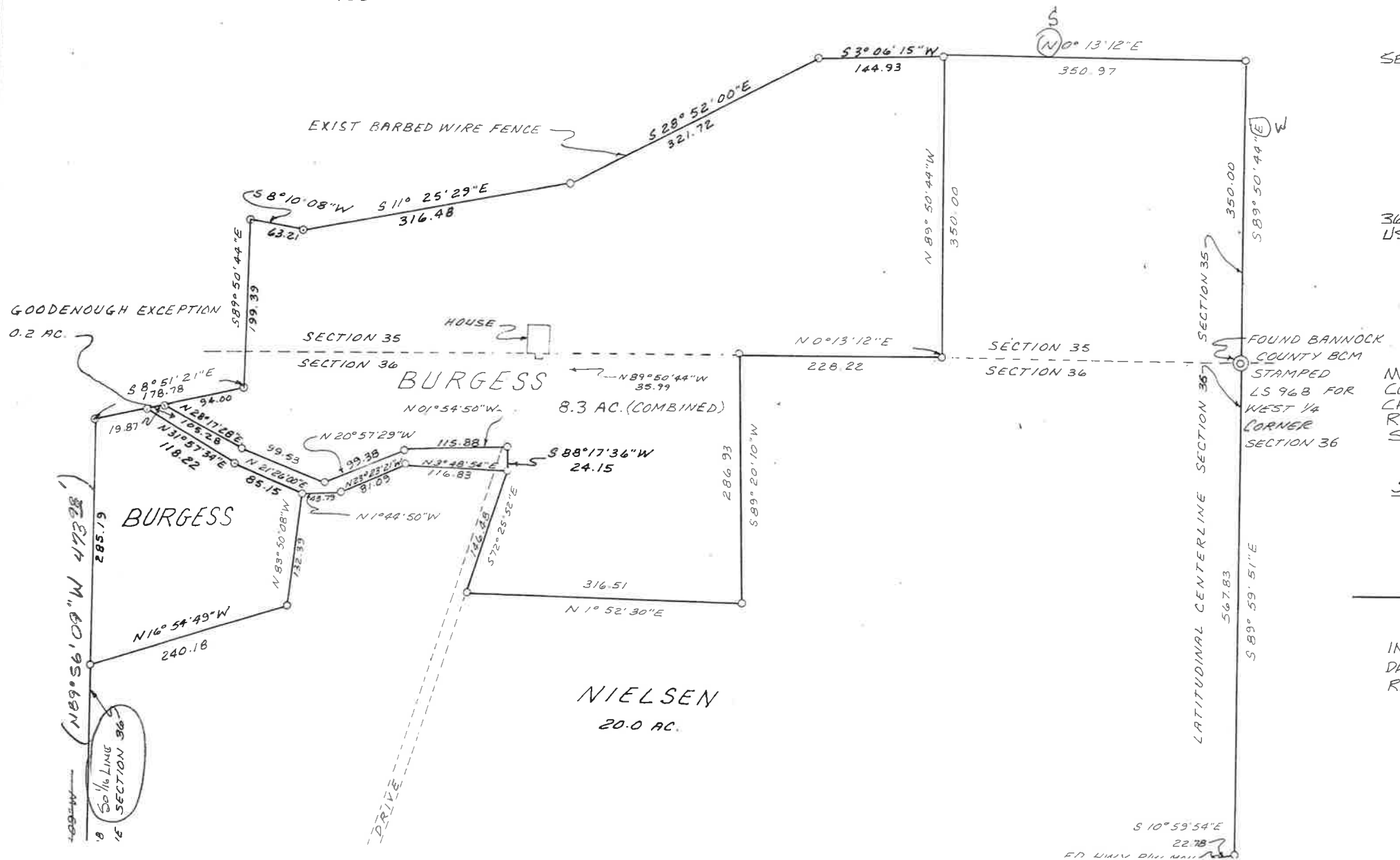
Taxes for 1979 and subsequent years;

Easement to Utah Power and Light Company, for pole lines,
recorded February 18, 1942, in Book 85, No. 126, Records of
Bannock County, Idaho (NW 1/4 SW 1/4, SEC. 36 -8-36).

NORTH

1" = 100'

RECORD OF SURVEY



JUN 08 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: A29-07609
Date Received: 5/01/1990
Receipt No: E013961
Received By: DC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JOSEPH C. BURGESS
Address: 248 E. 11TH STREET
IDAHO FALLS, ID 83404 208-523-6043
AND/OR
Name: BARBARA A. SMITH
Address: IDAHO FALLS, ID 83404 208-523-6042

A2907609



2. Date of Priority: JUL 27, 1981 (By Permit)
3. Source: TWO MILE CREEK Trib. to: PORTNEUF RIVER

4. Point of Diversion:

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

5. Description of diverting works:
PIPE TO SPRINKLER SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.180		

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

8. Total consumptive use is 22.9 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
08S	36E	35	NE SE		IRR	4.0
					Section Acres	4.0
		36	NW SW		IRR	5.0
					Section Acres	5.0
					Total Acres	9.0

11. Place of use in counties: BANNOCK

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

13. Other Water Rights Used:
NONE

14. Remarks:
AC. IRR. = 9.18.

15. Basis of Claim: PERMIT

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

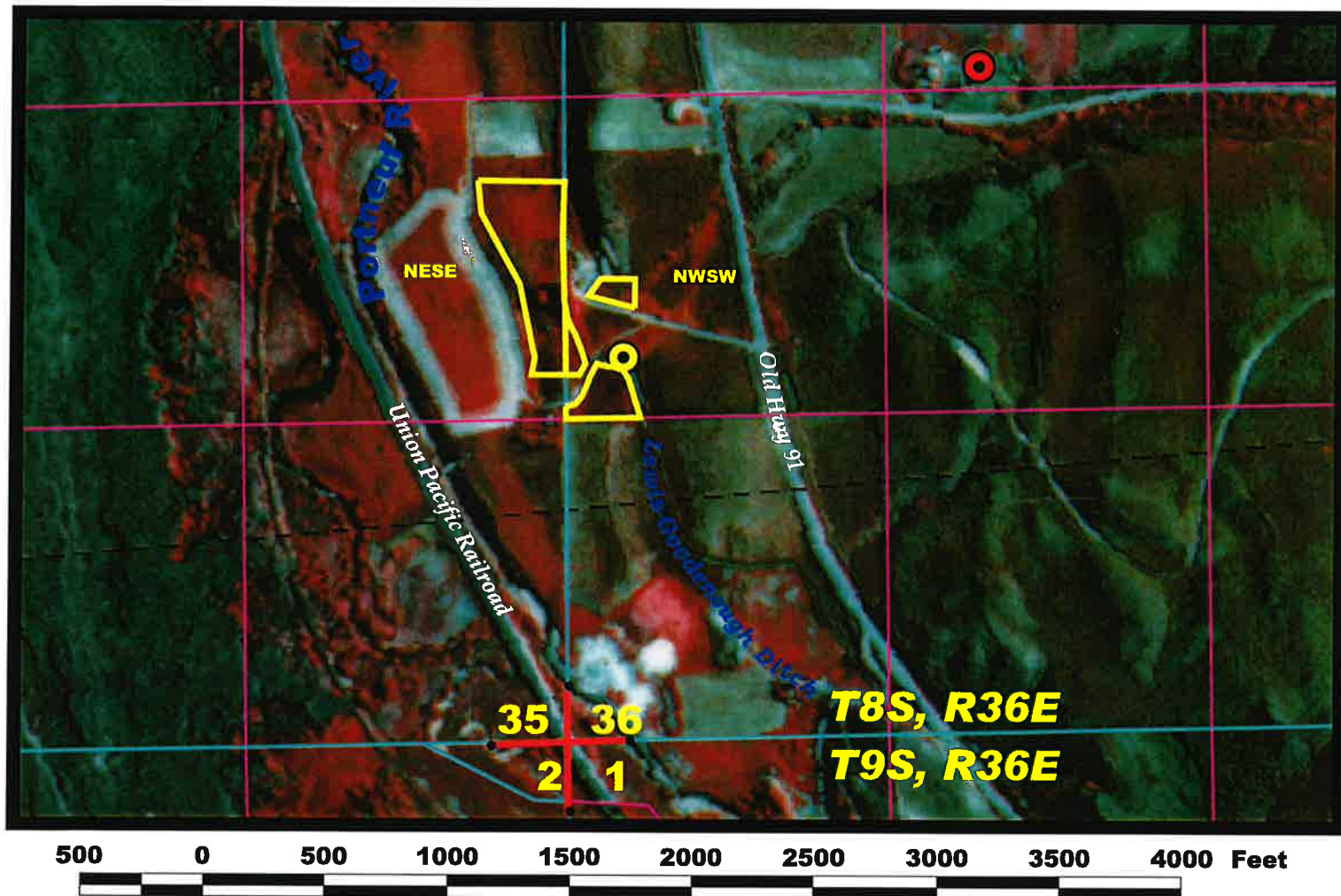
Signature of Claimant(s): _____ Date: _____
_____ Date: _____



STATE OF IDAHO

Department of Water Resources
Eastern Region

**Water Right(s): 29-02044E,
29-07609 (Permit)**



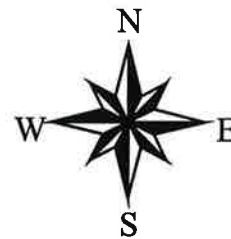
LEGEND

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

**Place of Use: T8S, R36E
(parts of) Sec. 35 & 36,**

**Point(s) of Diversion: T8S, R36E
Sec. 36 SWNWSW [29-7609]
T9S, R36E Sec. 12
SWNWNE (L1) [29-2044E]**

**Note: 29-2044E is delivered by
Lewis-Goodenough Ditch**



GIS Place of Use Illustration
1987/1988 NAPP photography
Prepared by: A. Ruberry
Date: March 2002

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 A29-07609
Date Received 5/1/90
Receipt Number _____

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) JOSEPH C. BURGESS and/or BARBARA A. SMITH Phone (208) 523-6043
Mailing Address 248 E. 11th STREET, IDAHO FALLS, ID. Zip 83404
2. Date of Priority (Only one (1) per claim) ~~7/30/81~~ 7/27/81 JCB
3. Source of water supply (a) TWO MILE CREEK, F/K/A GODDENUGH CREEK
which is tributary to (b) PORTNEUF RIVER
4. a. Location of existing point of diversion is: Township 8S Range 36E Section 36,
* 1/4 of NW 1/4 of SW 1/4, Govt. Lot, N/A B.M., County of BANNOCK
Additional points of diversion if any: NONE
- b. If instream flow, beginning point of claimed instream flow is: N/A
Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,
Govt. Lot _____ B.M., County of _____
ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4 of
_____ 1/4, Govt. Lot _____ B.M., County of _____
5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. See Exhibit B attached. August 1987
changed from ditch to 1 1/4" ID pipe to place of use.

MICROFILMED
NOV 13 1992

* See Exhibit A attached

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For IRRIGATION purposes from 3/15 to 11/15 amount 0.18 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.18 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 22.95 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) NONE

10. Description of place of use:

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

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

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
85	36E	35													4.36				4.36
		36										4.82							4.82

Total number of acres irrigated 9.18

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

12. Do you own the property listed above as place of use? Yes X No _____

If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.

or None (X)

14. Remarks:

APPLICATION FOR PERMIT, IDENT. # 29-7609, APPROVED BY DWR, 9/24/
81. (See Exhibit B attached). PROOF OF BENEFICIAL USE FILED 2/11/85. (See
Exhibit C attached). FIELD EXAMINATION FEE PAID 5/8/86. (See
Exhibit D attached).

MICROFILMED

NOV 13 1992

Last Name BURGESS and/or SMITH Ident No. _____

Copies: White -State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit X
Decree _____
If applicable provide IDWR Water Right Number 29-7609
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

16. Signature (s)
(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled
"How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do X do not _____
wish to receive and pay a small annual fee for monthly copies of the docket sheet.
Number of attachments 4

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

Signature of Claimant (s) Joseph Charles Burgess Date 5/11/90
Date _____

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

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or _____)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this 12th day of May 1990

SEAL

Notary Public Angela Petersen

Residing at Idaho Falls, ID

My Commission Expires 1-11-94

Please Print Name

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

Signature _____

Address _____

Date _____

MICROFILMED
NOV 13 1992

Last Name BURGESS and/or SMITH Ident. Number _____

Copies White-State, Yellow-Claimant