

12/19/2002

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

RIGHT NUMBER: 29-10071

NAME AND ADDRESS: HAZEL A WAGNER
2095 N INKOM RD
INKOM ID 83245

RONALD D WAGNER
2095 N INKOM RD
INKOM ID 83245

SOURCE: RAPID CREEK

TRIBUTARY: PORTNEUF RIVER

QUANTITY: 0.020 CFS

USE OF THIS RIGHT WITH RIGHT NO. 29-13380 IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 0.06 CFS.

PRIORITY DATE: 06/01/1885

POINT OF DIVERSION:

T07S R36E S22 NENENE Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	04/01 10/31	0.020 CFS
IRRIGATION	04/01 10/31	0.020 CFS

PLACE OF USE: IRRIGATION Within BANNOCK County

T07S R36E S22 SESE 2.0

STOCKWATER same as IRRIGATION

2 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 29-13380 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 2.0 ACRES IN A SINGLE
IRRIGATION SEASON.

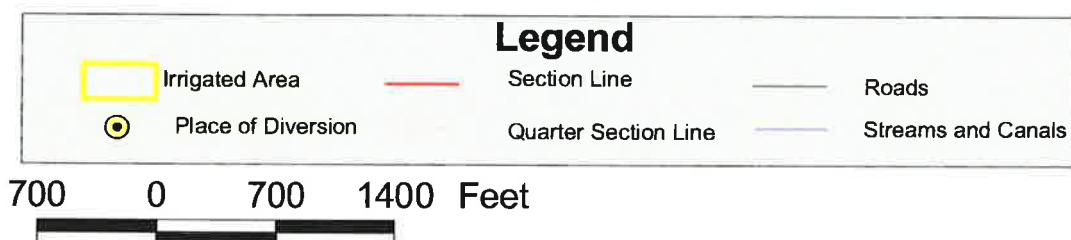
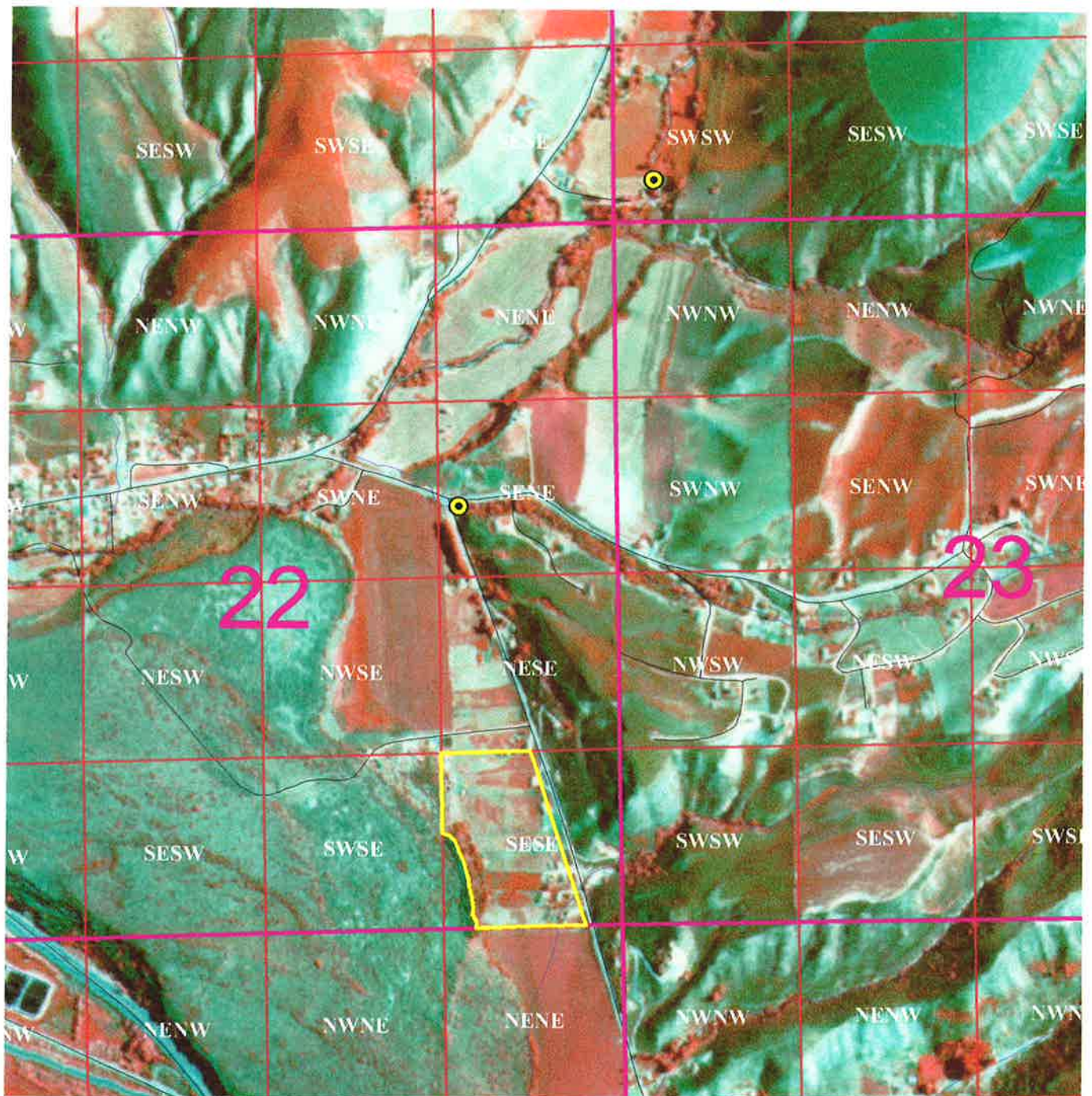
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

EXPLANATORY MATERIAL: Decreed

Stockwater use is for 11 head.

09/11/2000



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-10071 V1

WATER RIGHT NUMBER: 29-10071 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	STANLEY O THARP PO BOX 2737 POCATELLO, ID 83206 (208)237-4780
Current Owner	HAZEL A WAGNER 2095 N INKOM RD INKOM, ID 83245 (208) 775-3767
Current Owner	RONALD D WAGNER 2095 N INKOM RD INKOM, ID 83245 (208) 775-3767

Priority Date: 06/01/1885

Basis: Decreed

Status: Active

Source

RAPID CREEK

Tributary

PORTNEUF RIVER

Beneficial Use

STOCKWATER

From To

04/01 to 10/31

Diversion Rate

0.020 CFS

Annual Volume

IRRIGATION

04/01 to 10/31

0.020 CFS

Total Diversion:

0.020 CFS

Location of Point(s) of Diversion

RAPID CREEK

NE1/4NE1/4NE1/4

Sec. 22, Twp 07S, 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	
07S	36E	22																2.0	2.0

Total Acres: 2

STOCKWATER same as IRRIGATIONConditions of Approval:

1. 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.
2. X02 Stockwater use is for 11 head.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 29-10071 V1

Remarks:

1. Quantity USE OF THIS RIGHT WITH RIGHT NO. 29-13380 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.06 CFS.
2. Place of Use - Irrigation USE OF THIS RIGHT WITH RIGHT NO. 29-13380 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 2.0 ACRES IN A SINGLE IRRIGATION SEASON.

Comments:

1. csaxton 12/19/2002 Basis of claim
Comment: This claim is for a portion of decreed right 29-00294.
2. csaxton 12/19/2002 Diversion Rate
Comment: This right was over claimed. Deeds were requested from all claimants. Some claimants were deeded 1 inch per acre, some claimants were deeded ½ inch per acre, and some of the claimant deeds were silent. If the deed shows a duty of water, that amount recommended. Claimants that did not provide a deed will be recommended ½ inch per acre. Jackson creek water is used on this property (co-mingled with Rapid Creek). However Jackson Creek water was not decreed. Use of Jackson creek water is treated as a beneficial use right. Some users of Rapid Creek would not file a claim on Jackson Creek. When Jackson Creek water is being delivered, they will not have right to be on the rotation.
3. csaxton 12/19/2002 POD
Comment: POD not defined in Decree. No C03.
4. csaxton 12/19/2002 Stock SOU
Comment: No evidence that stockwater is diverted outside the irrigation SOU.
5. csaxton 12/19/2002 Deeded Water
Comment: Deeded 1/2 inch per acre.

Dates and Other Information:

Decreed Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Defendant:
 Plaintiff:
 Civil Case Number:
 Judicial District:
 Notice of Error Flag:
 State or Federal: S
 Owner Name Connector: OR
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Contacts	12/19/2002 10:48:46 AM	csaxton			Active
Priority Date	12/19/2002 10:49:15 AM	csaxton			Active
POD	12/19/2002 10:49:27 AM	csaxton			Active
Source	12/19/2002 10:50:31 AM	csaxton			Active
POU	12/19/2002 10:50:42 AM	csaxton			Active

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-10071 V1

Use	12/19/2002 10:51:27 AM	csaxton	Active
Season	12/19/2002 10:52:12 AM	csaxton	Active
Quantity	12/19/2002 10:53:05 AM	csaxton	Active
Summary	12/19/2002	csaxton	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Contacts	12/19/2002 10:48:45 AM	csaxton	(No) 1. Do you want to schedule an appointment? Comment for 1: Contact with claimant 7/10/02
POD	12/19/2002 10:49:26 AM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (No) 4. Does the Decree or License have a POD? (No) 6. Is there evidence that there has been a change in the POD? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?
POD	12/19/2002 10:49:58 AM	csaxton	Edited point location
Priority Date	12/19/2002 10:49:14 AM	csaxton	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (No) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?
POD	12/19/2002 10:50:07 AM	csaxton	Edited PLS
Source	12/19/2002 10:50:31 AM	csaxton	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file? (No) 11. Is a Source remark and/or condition required?
POU	12/19/2002 10:50:42 AM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (Yes) 6. Can the claimed POU be verified using the water right file? (No) 14. Is a POU remark and/or condition required?
POU	12/19/2002 10:51:01 AM	csaxton	Edited shape boundary

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-10071 V1

Use	12/19/2002 10:51:26 AM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file? (No) 13. Is a Purpose of Use remark and/or condition required?
Season	12/19/2002 10:52:12 AM	csaxton	(Yes) 1. Is the basis of claim Decree or License? (No) 4. Does the Decree or License have a Period of Use? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?
Quantity	12/19/2002 10:53:04 AM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file? (No) 8. Does the parent right have an annual diversion volume limit? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (Yes) 12. Is a Quantity remark or condition required?
Summary	12/19/2002 10:56:09 AM	csaxton	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (Yes) 5. Is an additional remark and/or condition required? (Yes) 6. Would you like to view the recommended right? (Yes) 7. Is this a split or combined right? (No) 8. Do you have documents you would like to attach or link to the file? (Yes) 9. Would you like to set the verification date?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 29-10071

WATER RIGHT NUMBER: 29-10071

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	STANLEY O THARP PO BOX 2737 POCATELLO, ID 83206 (208)237-4780
Current Owner	HAZEL A WAGNER 2095 N INKOM RD INKOM, ID 83245 (208) 775-3767
Current Owner	RONALD D WAGNER 2095 N INKOM RD INKOM, ID 83245 (208) 775-3767

Priority Date: 06/01/1885

Basis: Decreed

Status: Active

Source

RAPID CREEK

Tributary

PORTNEUF RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	03/15 to 11/15	0.020 CFS	
IRRIGATION	04/01 to 10/31	0.060 CFS	
	<u>Total Diversion:</u>	0.080 CFS	

Location of Point(s) of Diversion

RAPID CREEK	NE1/4NE1/4NE1/4	Sec. 22, Twp 07S, Rge 36E, B.M.
BANNOCK County		

Place of Use

STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
07S	36E	22																X	

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
07S	36E	22																2.0	2.0

Total Acres: 2

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 29-10071

Conditions of Approval:Remarks:

1. General BOTH SOURCES ARE BEING CLAIMED UNDER ONE FILING BECAUSE THEY ARE USED IN THE SAME SYSTEM WITH THE SAME PRIORITY DATE.
2. Explanatory CLAIM AMENDED TO CLAIM PORTION OF DECREED RIGHT 29-00294.
3. Explanatory CHANGED OWNERSHIP PER REQUEST (CSAXTON 7/22/02).

Comments:Dates and Other Information:

Claim Received Date: 7/10/1989
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector: OR
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
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Verification Log:

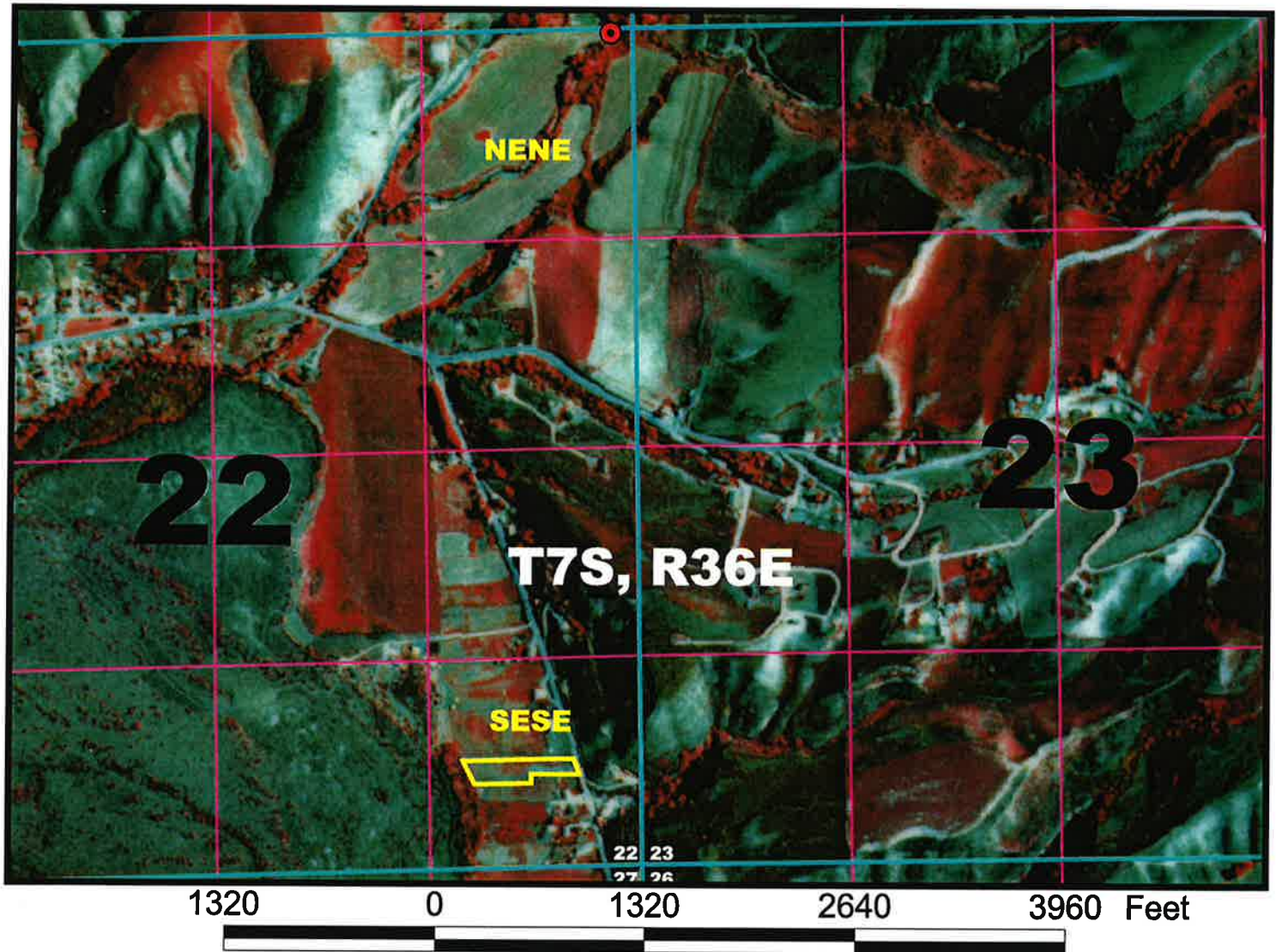
<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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STATE OF IDAHO

Department of Water Resources
Eastern Region

Water Right(s): 29-10071



SCANNED

Total Irrigated Acres: 2.0

JUN 07 2006



Point(s) of Diversion



Place of Use



Quarter Quarter Lines



Section Lines

PROFILED



GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: C. Saxton
Date: December 2002

As of 7/15/02

Split history for Decreed Right 29-00294

	Claimed	Recommend
29-00294 0.8 Decree Silent Assumed 40	29-00294A Murdock, Norris M <i>Not in Decreed POU</i> 0.3 28	0.3 * 24
	29-00294B Lish, Sam 0.086 4.3	0.074 * deed - silent from Murdock to Morris 1" ok 3.7
	29-13372, Sam 0.074 3.7	
	29-13373, Monte 0.012 0.6	0.012 * deed - silent from Murdock to Morris 1" ok 0.6
	29-00294C Turman, Dennis 0.03 3	0.02 * deed 1/2 per acre 1.8
	29-00294D Murdock, Norris Kent 0.1 5	0.1 * deed 1" per acre 5
	29-00294E Whitworth, John 0.1 5	0.1 * deed 1" per acre 5
	29-00294F Chavers, Ben 0.06 3	0.017 * deed silent - no deed trail - 1/2 inch per acre 1.3
	29-00294G Davis, Arnold 0.03 3	0.02 * deed 1/2 per acre 2
	29-00294H Owens, Delbert 0.06 3	0.02 * deed 1/2 per acre 1.8
	29-00294J Foltz, Michael 0.1 5.3	0.04 no deed submitted - 1/2 " per acre 4
	29-10071 Wagner, Ronald 0.08 2	0.02 deed 1/2" per acre 2
	Sum of claimed CFS = 0.946	Sum CFS= 0.723
	Sum of claimed Acreage =	Sum Acre=
		Un-accounted for CFS= 0.077
		Un-accounted for Acres=

PROFILED

JUN 07 2006

SCANNED

9-10-01 : Deed Shows Conveyance of $\frac{1}{2}$ inch per acre, But need Evidence of Priority. Which Right is this Based on.

- 29-0294 is only right in decree that Shows a POU in SESE 28. That right has a 1885 Priority 294 is overclaimed

7-2-02 : Called Ron + Hazel Wagner
3095 N Inkam Rd
Inkam ID 83245-1719

to Solicite C/O. Asked them to Call back if They Bought Property From Tharp.

7-8-02 : 29-07856 Permit for Groundwater that doesn't need to be filed on in the Adjudication
(775-3767)

7-10-02 : Hazel Called 4:25. She said that they have done a C/O Twice. I called Idaho Falls to confirm this, and Jen has no record. Database still says Tharp on both Vax + Enterprise. Nothing in file. I told her I still needed it. Also explained the need for a Jackson creek claim. She is reviewing the information I sent her and will get back to me.

29-07856; look up = moky3767@yahoo.com



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

July 22, 2002

RON WAGNER
HAZEL WAGNER
2095 N INKOM RD
INKOM ID 83245-1719

RE: Snake River Basin Adjudication (SRBA) Claims 29-10071, 29-13380 and WR permit 29-07856.

Dear Ron and Hazel:

I completed the data entry on the new Jackson Creek claim 29-13380 and the amended Rapid Creek claim 29-10071. Enclosed are copies of these claims as well as the receipt for 29-13380.

In addition, I did research on the ground water right 29-07856 in which a filed exam was done on July 15, 1999. I noticed the mailing address on 29-07856 is different (enclosed). Because this claim is not involved in the SRBA, I forwarded the information to the state office in order for them to change the mailing address. Please let me know if you did not want the mailing address changed.

Please feel free to contact me if you have any questions at (208) 334-2190.

Respectfully submitted,

Craig L. Saxton
Sr. Water Resource Agent
Adjudication Bureau

Enclosure(s)



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

July 8, 2002

RON WAGNER
HAZEL WAGNER
2095 N INKOM RD
INKOM ID 83245-1719

RE: CHANGE IN OWNERSHIP FOR 29-10071

Dear Ron and Hazel:

It has come to our attention that you may have recently purchased a tract of land in Bannock County. According to our records, the property to which I am referring to was most recently owned by Stanley O Tharp. The legal description is as follows:

T07S R36E S22 SE1/4 SE1/4

This property was filed on in the Snake River Basin Adjudication (SRBA). IDWR is currently in the processing of reviewing the Adjudication claims in basin 29, and will submit a Directors Report in September of 2002. 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 Warranty Deed and legal description of the property you have purchased.

In addition, if you are using Rapid Creek and Jackson Creek water for irrigation purposes, there are several issues that need to be addressed concerning claim 29-10071.

Issue 1:

Claim 29-10071 claimed use of water for irrigation from Jackson Creek and Rapid Creek dating back to March 15, 1900. My initial research indicates that the Tharp's should have claimed a portion of decreed right 29-00294 dating back to June 1, 1885. In order for me to recommend that priority date to the Snake River Basin Adjudication (SRBA) court, the claim needs to be amended.

For your convenience, enclosed is an amended claim. Please look over the claim and initial any changes you wish to make. When satisfied, sign the claim in front of a notary and return it to this office.

Issue 2:

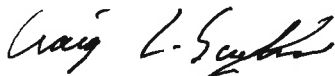
Related to issue 1, decreed right 29-00294 speaks of water to be diverted from the main channel of Rapid Creek. This decreed right does not mention Jackson Creek water. In order to continue use of Jackson Creek water, a new SRBA claim needs to be filed. Note that I removed Jackson Creek as a source on amended claim 29-10071.

Enclosed is a completed claim for use of Jackson Creek water. Please look over the claim and initial any changes you wish to make. When satisfied, sign the claim in front of a notary and return it to this office with the filing fee of \$50. Note that I am soliciting Jackson Creek claims from all of the users on the ditch system that serves Murdock Subdivision.

I will be working in the Pocatello area during July 16 thru 18 and plan to stop by your home to confirm the claimed water use.

Please feel free to contact me if you have any questions at (208) 334-2190.

Respectfully submitted,



Craig L. Saxton
Sr. Water Resource Agent
Adjudication Bureau

Enclosure(s)

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 (under the "split" heading), 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
	29-10071				

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

- A. The appropriate **FILING FEE**. See instructions for fee amounts. *N/A NO Fee*
- 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) is 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)

Stanley O. Tharp

4. New Owner/Claimant(s)

Ronald D. & Hazel A. Wagner
 Name Connector (Check one): ☒ and/or ☐ or ☐ and/or

New Mailing Address

2095 N. Inkorn Rd

City, State and ZIP Code

Inkom, Id 83245

New Telephone Number

(208) 775-3767

5. Date you acquired the property

8/1996

6. *N/A* If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the 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. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

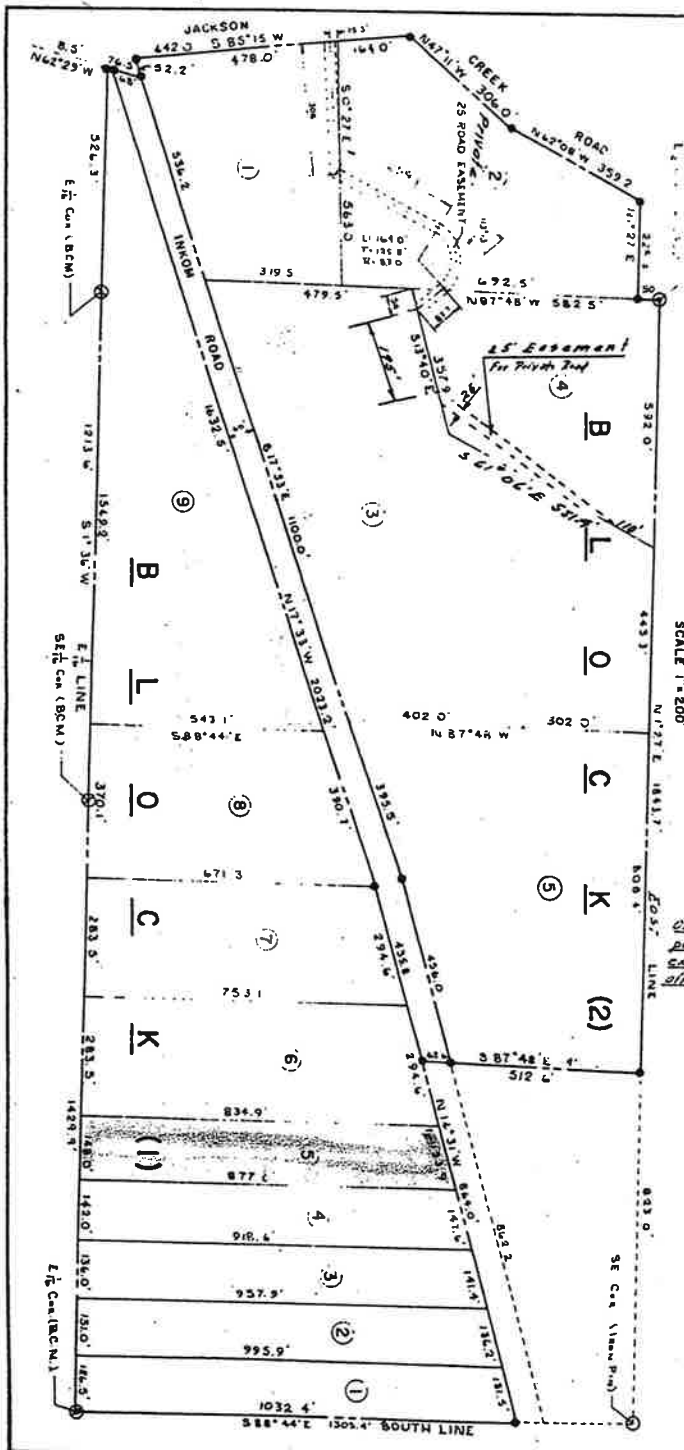
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) Ronald L. Wagner 7-17-2002
(include title if applicable) Layla A. Wagner 7-17-2002

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by _____	Date _____	Fee _____
Received by _____	Date _____	Receipt No. _____
Processed by _____	AJ Date _____	WR _____ Date _____



OWNER

We undersigned, hereby certify that we are the owners of the following described premises and that the following is a correct description of the land included in the Plat of "Murdock Subdivision" in Bannock County Idaho. Beginning at the East Corner of the south line of Section 22, T7S, R36E, B.M. Thence S88°44'E, along the south line of said Section 22, 132.2 feet more or less to the westerly R.O.W. line of the Inkum Road; Thence S17°33'W, along the said R.O.W. line 306.3 feet; Thence S85°15'W, 92.0 feet more or less to the easterly R.O.W. line of the Inkum Road; Thence S17°33'E 52.2 feet; Thence N62°29'W 26.5 feet more or less to the east line of Section 22; Thence S1°33'W, along said line 369.8 feet more or less to the point of beginning. Encroaching therefrom the R.O.W. of the Inkum Road. And to the intention the owners, including all of the above described land, and a Plat that said premises are to be divided into Blocks and Lots as shown and that the dimensions of the lots are as shown. The easement shown is for the construction of a future road. In witness whereof we have hereunto set our hands this 14th Day of April 1973.

Norris M. Murdock Merle J. Murdock
Quane O. Lish Beth E. Lish
Arnold T. Davis Karen B. Davis
Robert L. Shaw Louise Shaw
Sam Lish Dana Lish
Karl Van Belnap Ellen Belnap
Ron B. Bosworth Pamela R. Bosworth
Jeffrey Webster Judith C. Webster
J. T. Palmer Edna Palmer
Billy Joe Nafus Sharon A. Nafus
Clay Hamlin James A. Collins
Patrick R. Eldridge Swanold B. Eldridge

On the 14th Day of April 1973 Before me a Notary Public in and for the State of Idaho personally appeared the foregoing persons and they declared to me that they executed the above certificate in witness whereof I have hereunto set my hand and official seal this 14th Day of April 1973.

RECORDER

Book 8 Page 45

Required by

Tim Erikson

HEALTH DEPARTMENT

Sanitary Restriction: All in Force under Title 50, Chapter 13, Idaho Code

Tim Erikson
County Clerk

I certify that this is a true copy of the original Plat of "Murdock Subdivision"

County Clerk

ENGINEER

I, Les H. Ballif a Registered Professional Engineer of the State of Idaho hereby certify that a survey was made under my direction of the premises described in the Owners Certificate. I further certify that the Plat upon which this certificate appears was made under my direction and that the same is a true and correct representation of the land described in the Plat of "Murdock Subdivision" Bannock County Idaho, and that the Plat correctly represents the boundaries and lots as marked on the ground.

Les H. Ballif
Les H. Ballif CE 397

State of Idaho

County of Bannock

On the 10th Day of April 1973 Before me a Notary Public in and for the State of Idaho personally appeared Les H. Ballif and acknowledged to me that he executed the above certificate. In witness whereof I have hereunto set my hand and official seal this 10th Day of April 1973.

St. Roger W. Harrocks
Notary Public Residing in Pocatello Idaho

COUNTY COMMISSIONERS

Boyd Henderson Chairman of the Board of County Commissioners. Certify that the Plat of "Murdock Subdivision" was accepted and approved by resolution of the Board this 15th Day of December 1972.

Boyd Henderson
Boyd Henderson

Tim Erikson
County Clerk

COUNTY ENGINEER

This Plat approved this 15th Day of December 1972

Les H. Ballif
County Engineer

CITY OF INKOM

On the 9th Day of March 1973

Louise W. Stewart
Mayor

Sherry Helmondeller
City Clerk

Legend

Traverse Line
Easement Line
Initial Point 2"x30" Iron Pipe
Lot Corners 1/2"x30" Iron pins
External Boundary Corners 3/8"x30" Iron pins

MURDOCK SUBDIVISION

A SUBDIVISION IN THE E 1/2 E 1/2 OF SECTION 22, T7S, R36E, B.M.

BANNOCK COUNTY

IDAHO

DATE 11-29-72	L. H. BALLIF ASSOCIATES CONSULTING ENGINEERS POCATELLO IDAHO	JOB NO. 72126 SHEET
---------------	--	---------------------------

May 14, 2001

29-10071
STANLEY O THARP
PO BOX 2737
POCATELLO ID 83206

RE: EVIDENCE OF PRIORITY

Dear Claimant (s):

The Idaho Department of Water Resources has recently begun its water right review in Basin 29. The Notice(s) of Claim identified with the number shown **above in the "address" label and at the "end" of this letter** has been filed in the Snake River Basin Adjudication (SRBA). The Notice indicates water usage is based on "Beneficial Use". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed, at or on the place of use identified on the Notice. The date the water was first put to use, known as the priority date, has not been confirmed 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.**

It is important that each element of the Notice be substantiated. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

For your reference, I have provided a printout of your Notice and the pamphlet entitled **"Evidence of Priority"**. The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. While I encourage you to read the entire pamphlet, I direct your attention to the two sections entitled **"What Kind of Evidence is Required"** and **"Some examples of Documents Which May Be Evidence of the Priority Date"**.

JUN 15 2001

EVIDENCE OF PRIORITY
PAGE - 2 -

It is our goal to recommend historical water rights within the Snake River Basin as accurately as possible. Field exams to verify other items of the Notice have been or soon will be conducted by Department personnel.

.....
The Department 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 **June 15, 2001, referencing all documents with the corresponding Notice number.** If you have any questions not covered by this letter or the enclosed pamphlet, please feel free to contact me at 525-7161.

Respectfully submitted,

Craig L. Saxton
Water Resource Agent
Adjudication Bureau

Enclosure: , Brochure on "Evidence of Priority"
Notice of Claim 29-10071



IDAHO DEPARTMENT OF WATER RESOURCES

SNAKE RIVER BASIN ADJUDICATION - BASIN 29



RIGHT ID
POD ID
Quad
Claim Type
Easting
Northing
GPSID

Diversion Description

2 ditches 3' x 3' and 2' x 1', Corner of Jackson Creek Rd. and Inkorn Rd.

Assumptions

Depth, and slope.

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

POD ID 169888 01.JPG

POD ID 169888 03.JPG

Photos

POD ID 169888 02.JPG

EPE (ft)

Date (M/D/Y)

Time

Flow Rate (CFS)

0.548091863396587

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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IDAHO DEPARTMENT OF WATER RESOURCES

SNAKE RIVER BASIN ADJUDICATION - BASIN 29

RIGHT ID
POD ID
Quad
Claim Type
Easting
Northing
GPSID

Diversion Description

"See New contact comments."

Assumptions

POD no longer exists.

Invoice #

Phase-0 (No Attention)
Phase-I (Ready to Go to Field)
Phase-II (Site Visit - Data Missin
Phase-III (Complete w/issues)
Phase-IV (Total Complete)

Linked
Photos

EPE (ft)

Date (M/D/Y)

Time

Flow Rate (CFS)

0

Open Channel Flow

☐ Complete one box from both Area and Calculation sections

Cross Sectional Area

☐ Circular Channel

- ☐ Less than half full
☐ Half full
☐ More than half full
☐ Full

Diameter

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

Previous owner (Tharp) indicates property was sold 5 years ago. Ms. Tharp said as far as she knew, all of their water came from shares in a ditch. Did not know what claim referred to. Assumed new contact (first name of Dave) was not at home.

This Form and the associated query are the exclusive intellectual property of Intrepid Engineering Services, and may not be copied, modified, or distributed without the express written consent of Intrepid Engineering Serviv, Inc.





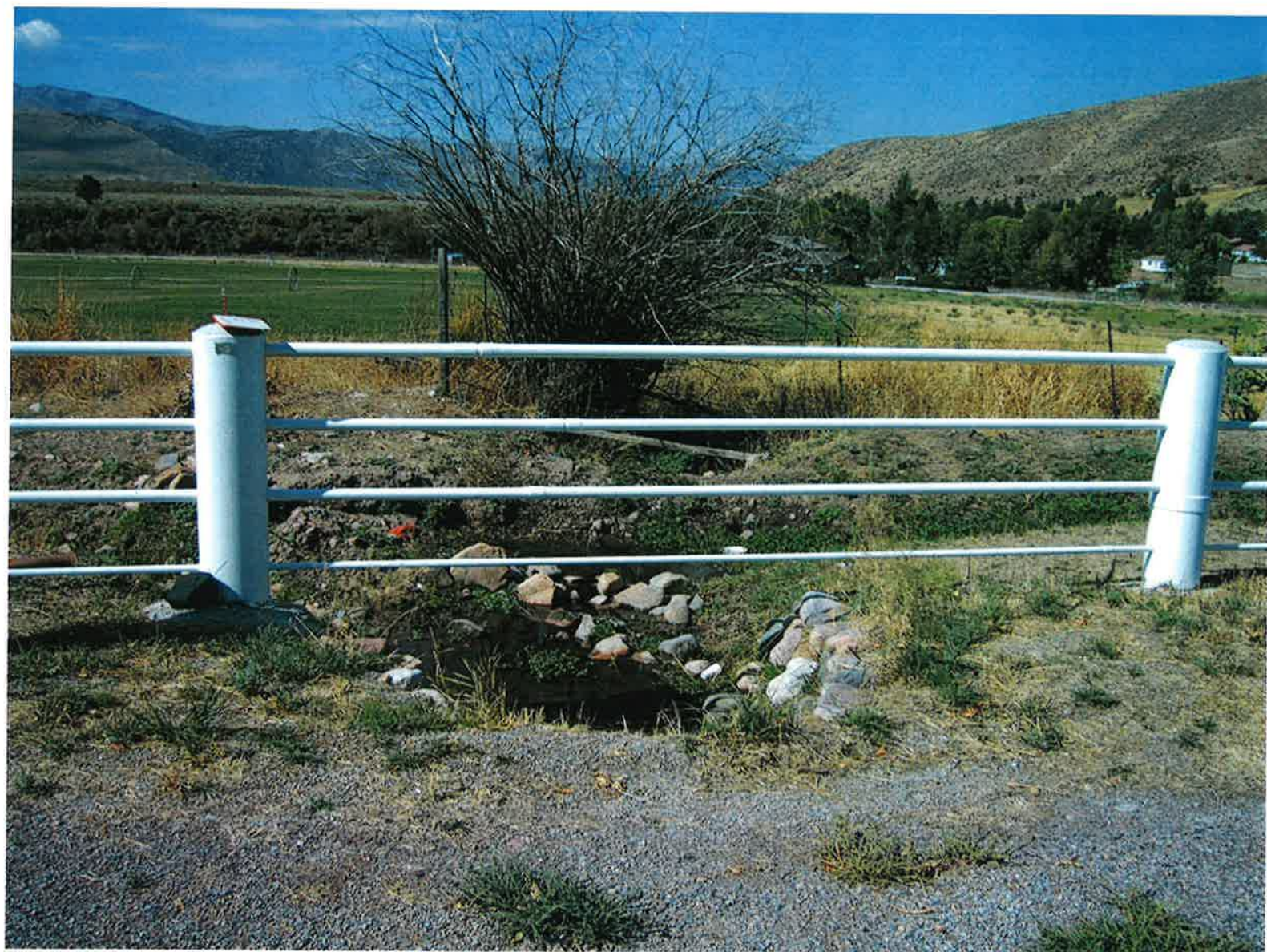
A0012579

8/19/01

11:35

Colo. Wehman
J.P. Jides





Log for claim A29-10071

Spatial Dynamics BTD

9/11/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
07s36e	22	SESE	2	23	Indiscernible
Totals:			2	23	

4/11/1989

SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME	<u>THARP</u>	CLAIM	ENT. NO.	<u>A29-10071</u>
DATE RECEIVED	<u>7/10/89</u>	CK #	AMOUNT \$	

	YES	NO	Required Info?
1. Is the name and address complete with zip code?	<u>X</u>		*
2. Is a priority date entered?	<u>X</u>		*
Is the priority date acceptable in view of mandatory filing dates?			
See Adjudication Memos #1 and #4 to determine if a Permit is required.	<u>X</u>		*
3. (a) Is a source entered?	<u>X</u>		*
X (b) Is a tributary to entered? (if required)	<u>N/A</u>		
4. Is the legal description of the p.d. sufficient?	<u>X</u>		*
5. Is there a description of the diverting works?	<u>X</u>		
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.	<u>X</u>		*
Is the period of use included?	<u>X</u>		
Is a quantity claimed for each use?	<u>X</u>		*
7. Is a total quantity claimed entered?	<u>X</u>		
X 8. If required is a consumptive use entered?	<u>N/A</u>		
X Is the consumptive use correct?	<u>N/A</u>		
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.	<u>N/A</u>	<u>X</u>	*
10. Is (are) the place(s) of use and purpose(s) indicated?	<u>X</u>		*
11. Is (are) the county(ies) entered?	<u>X</u>		
12. Is the ownership of p.u. checked?	<u>X</u>		
X 13. Are other water rights listed or "none" indicated?	<u>X</u>		
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.)	<u>N/A</u>	<u>X</u>	
15. Is the basis of the claim indicated?	<u>X</u>	<u>X</u>	
X 16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.)	<u>N/A</u>	<u>X</u>	
17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block.	<u>X</u>		*
18. Has the claim been signed, sealed, and dated by a notary?	<u>X</u>		*
19. Was this claim filed on time, or was an extension granted?	<u>X</u>		*
20. Is the fee enclosed correct?	<u>Exempt</u>	<u>X</u>	*
X 21. If this claim is based on an existing water right, has the identification number been entered?	<u>N/A</u>	<u>X</u>	
22. Should this claim be data entered?	<u>X</u>		

Claim checked by: TO Date: 7/26/89Claim must be returned to claimant: (Yes) X (No)Claimant must be notified of modifications: (Yes) X (No)

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

Comments: (15) ASSUME "BENEFICIAL USE"

MICROFILMED

NOV 13 1992

1-65761 TA
WARRANTY DEED

For Value Received

STANLEY O. THARP and ARLETTE MARCIEL THARP, husband and wife

the grantor(s), do(es) hereby grant, bargain, sell and convey unto

RONALD D. WAGNER and HAZEL A. WAGNER, husband and wife

whose current address is

**1828 S. FAIRWAY
POCATELLO, ID 83201**

the grantee(s), the following described premises, in **BANNOCK** County **IDAHO**, to wit:

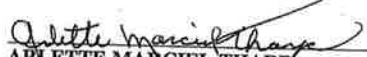
LOT 5, BLOCK 1, MURDOCK SUBDIVISION, BANNOCK COUNTY, IDAHO, AS THE SAME APPEARS ON THE OFFICIAL PLAT THEREOF, FILED IN THE OFFICE OF THE COUNTY RECORDER OF BANNOCK COUNTY, IDAHO.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees and their heirs and assigns forever. And the said Grantor do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises; that they are free from all encumbrances Except: Subject to all existing patent reservations, easements, right of way, protective covenants, zoning ordinances, and applicable building codes, laws and regulations.

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

Dated: October 18, 1996


STANLEY O. THARP


ARLETTE MARCIEL THARP

STATE OF IDAHO, COUNTY OF BANNOCK
On this 18TH day of OCTOBER, 1996
before me, a Notary Public in and for said State, personally
appeared

**STANLEY O. THARP AND
ARLETTE MARCIEL THARP**

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


Notary Public,
Residing at POCATELLO
Comm. Expires 06/07/01

noted for
3/13/96

96017774

NO
RECORDED AT REQUEST OF
ALLIANCE TITLE & ESCROW
96 OCT 18 PM 4 41
OFFICIAL RECORD BOOK NO 676
BANNOCK COUNTY IDAHO
LARRY SHAN RECORDER
FEE 3.00 DEPUTY MJ

NOTARY SEAL

WARRANTY DEED

680067

For Value Received

STANLEY O. THARP, A MARRIED MAN

the grantor, do es hereby grant, bargain, sell and convey unto

STANLEY O. THARP AND ARLETTE MARCIEL THARP, HUSBAND AND WIFE

whose current address is 1006 Booth Drive, Pocatello, Idaho 83201

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

Lot 5, Block 1, Murdock Subdivision, Bannock County, Idaho, as the same appears on the official plat thereof, filed in the office of the County Recorder of Bannock County, Idaho...

Water right, not to exceed 1/2 inch of water to each acre of irrigable ground from my water rights in Rapid Creek and the tributaries of Rapid Creek as such water is available.

Re-record to add water rights

Jackson Creek

RECEIVED

FEB 07 1995

Department of Water Resources
Eastern District Office

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantor do es hereby covenant to and with the said Grantee s, that they are the owner s 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.

STATE OF IDAHO, COUNTY OF Bannock
On this 4th day of November, 1981,
before me, a notary public in and for said State, personally
appeared

Stanley O. Tharp

NOTARY SEAL

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

Notary Public
Residing at Pocatello, Idaho
Comm. Expires 3-19-84

680067
NO RECORDED AT REQUEST
Arlette Tharp
Dec 9 1 44 PM '81
BANNOCK COUNTY IDAHO
C. NELSON ANDERSON RECORDER
FEB 2 1982 DEPUTY ydm

Unfiled by the AMERICAN LAND TITLE CO.

697720

NO RECORDED AT REQUEST

Arlette Tharp

Nov 12 2 52 PM '82

WARRANTY DEED

For Value Received JENKIN THOMAS PALMER AND EDNA PALMER, husband and wife

the grantor s, do hereby grant, bargain, sell and convey unto

STANLEY O. THARP, a single man

whose current address is 1006 Booth Drive, Pocatello, Idaho

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

Lot 5, Block 1, MURDOCK SUBDIVISION, Bannock County, Idaho, as the same appears on the official plat thereof, filed in the office of the County Recorder of Bannock County, Idaho. . .

Water right, not to exceed 1/2 inch of water to each acre of irrigable ground from my water rights in Rapid Creek and the tributaries of Rapid Creek as such water is available.

Re-record to add water rights.

Jackson Creek

RECEIVED

FEB 07 1995

Department of Water Resource
Eastern District Office

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

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

Dated: November 14, 1974

Jenkin Thomas Palmer
Edna Mae Palmer
Edna Palmer

STATE OF IDAHO, COUNTY OF Bannock
On this 14th day of November, 1974 ,
before me, a notary public in and for said State, personally
appeared

Jenkin Thomas Palmer and Edna Palmer,
husband and

NOTARY SEAL

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

Robert R. Black

Notary Public

Residing at Pocatello , Idaho
Comm. Expires 12-24-74

529819
NO
RECORDED AT REQUEST
Am. Land Title Co.
NOV 14 12 51 PM '74
272
1.00
csp

Furnished by the AMERICAN LAND TITLE CO., Pocatello, Idaho

697719

NO
RECORDED AT REQUEST

Arllette Tharp

NOV 12 2 51 PM '74

AJ5809NP
No. A29-10071

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/18/00
PAGE: 277

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	STANLEY O THARP PO BOX 2737 POCATELLO ID 83206 (208) 237-4780	03/15/1900	IRRIGATION STOCKWATER	03-15 11-15 03-15 11-15	0.060 CFS 0.020 CFS	
TOTAL DIVERSION:					0.080 CFS	
CONSUMPTIVE USE:						5.00 AFA

Water Source: RAPID CREEK
JACKSON CREEK

Tributary to: PORTNEUF RIVER
RAPID CREEK

Stage: BENEFICIAL USE

AJ5809NP
No. A29-10071

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/18/00
PAGE: 278

Point(s) of Diversion:

T07S R36E S14

SWSW

BANNOCK County

Point(s) of Diversion: T07S R36E S22 SENE BANNOCK County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE									
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM				
-----				-----				-----				-----				-----				-----				:	-----
07S	36E	22	:																	:					
																				02	:	2.0			
																				TOTAL ACRES	:	2.0			

Place of use Legal Description for: STOCKWATER

				NE				NW				SW				SE									
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:					
-----				-----				-----				-----				-----				-----				:	
07S	36E	22	:																	:					
																				S	:				

POU County: BANNOCK

Non-Irrigation Uses: S/HORSES, CATTLE

Other Rights: PENDING APP. FOR GROUND PERMIT .08CFS

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):

29-10018 29-11921 A29-00285C A29-00285G A29-00294F A29-00297C A29-10018 A29-11921

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

A29-00294 A29-00294C A29-00294F A29-00294G A29-00294H A29-00294J A29-07109 A29-10688 A29-12014

Remarks: GEN BOTH SOURCES ARE BEING CLAIMED UNDERR ONE FILING BECAUSE
THEY ARE USED IN THE SAME SYSTEM WITH THE SAME PRIORITY DATE.

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

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

Audit: 08/09/89 THOMPSON 07/29/94 THOMPSON 01/03/95 DCARLSON 03/29/95 POST-STD
04/12/00 CVANDERM

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 29-10071
Date Received: 7/10/1989
Receipt No: M003872
Received By:

AMENDED

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

NAME: RONALD D. WAGNER Phone: 775-3767

ADDRESS: 2095 N. Inkum Rd.
Inkom, Idaho 83245

NAME: HAZEL A. WAGNER Phone: 775-3767

ADDRESS: 2095 N. Inkum Rd.
Inkom, Idaho 83245

2. Date of Priority: 06/01/1885

3. Source: RAPID CREEK Trib. to: PORTNEUF RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
07S	36E	22	NE NE NE	BANNOCK	

5. Description of diverting works:

TWO DITCHES, 3'X3' AND 2'X1'

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	10/31	0.06	
STOCKWATER	3/15	11/15	0.02	

7. Total Quantity Appropriated is:
0.08 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
07S	36E	22	SE	SE	STOCKWATER	
			SE	SE	IRRIGATION	2
					Section Acres	2
					Total Acres	2

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:

14. Remarks:

CLAIM AMENDED TO ADJUST PRIORITY DATE AND SOURCE AS DEFINED IN ORIGINAL DECREEED RIGHT 29-00294.

15. Basis of Claim: Beneficial Use

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): Ronald D. Wagner Date: 7-17-02
Hazel A. Wagner Date: 7-17-2002

State of Idaho

County of Bannock) SS.

Subscribed and sworn (or affirmed) before me this 17th

of July 2002

Craig L. Saxton

Notary Public

Residing at Boise Idaho

My commission Expires 8/14/07



JUN 15 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: A29-10071

Date Received: 7/10/1989

Receipt No: M003872

Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: STANLEY O. THARP
Address: P.O. BOX 2737
POCATELLO, ID 83206
208-237-4780

2. Date of Priority: MAR 15, 1900

3. Source: RAPID CREEK/JACKSON CREEK Trib. to: PORTNEUF

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
07S	36E	14	SW	SW			BANNOCK
		22	SE	NE			BANNOCK

5. Description of diverting works:
TWO DITCHES, 3'X3' AND 2'X1'

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.060		
STOCKWATER	03/15	11/15	0.020		

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

A.F.A.

8. Total consumptive use is 5.0 Acre Feet Per Annum.

9. Non-irrigation uses:
S/HORSES, CATTLE

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
07S	36E	22	SE	SE		IRR	2.0

A29-10071

Page 1

Date: 08/09/89

MICROFILMED

NOV 13 1992

A2910071



10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	36E	22	SE	SE		STOCK	

Section Acres 2.0

Total Acres 2.0

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:

PENDING APP. FOR GROUND PERMIT .08CFS

14. Remarks:

BOTH SOURCES ARE BEING CLAIMED UNDER ONE FILING BECAUSE
THEY ARE USED IN THE SAME SYSTEM WITH THE SAME PRIORITY DATE.

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

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

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____
My Commission Expires _____

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 A29-10071Date Received 7/10/89Receipt Number M003872

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

JUL 10 1989

Department of Water Resources
Eastern District Office

Please type or print clearly

1. Name of Claimant (s) Stanley O. THARP Phone (208) 237-4780

Mailing Address P.O. Box 2737 Pocatello ID Zip 83206

2. Date of Priority (Only one (1) per claim) March 15th 1900

3. Source of water supply (a) Rapid creek & high water from Jackson creek
which is tributary to (b) Portneuf River

4. a. Location of existing point of diversion is: Township 7S Range 36E Section 22,
(JACKSON CREEK)

SE 1/4 of NE 1/4 of 1/4, Govt. Lot, B.M., County of Bannock

Additional points of diversion if any: SW 1/4 SW 1/4, SEC. 14, T. 7S, R. 36E (RAPID CK)

b. If instream flow, beginning point of claimed instream flow is:

Township Range Section , 1/4 of 1/4 of 1/4,

Govt. Lot B.M., County of

ending point is: Township Range Section , 1/4 of 1/4 of

 1/4, 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.

Ditch with 1 headgate up front
and a shallow ditch going across the back 1/4 of land.
The front ditch is approximately 3 feet wide & 3 feet deep while the
back ditch is approximately 2 feet wide & 1 foot deep

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NOV 13 1992

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For IRRIGATION purposes from MARCH 15 to NOV 15 amount .06 CFS or _____

For STOCK WATERING purposes from MARCH 15 to NOV 15 amount .02 CFS or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .08 CFS (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 5 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) stockwater 7 Houses, 3 cattle [approx]

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	
<u>7S</u>	<u>36E</u>	<u>22</u>																<u>2</u> <u>5</u>	<u>2</u>

Total number of acres irrigated 2

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

12. Do you own the property listed above as place of use? Yes 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.
Pending Application For Groundwater permit For .08 CFS or None ()

14. Remarks:

BOTH SOURCES ARE BEING CLAIMED UNDER ONE FILING BECAUSE THEY ARE USED IN THE SAME SYSTEM WITH THE SAME PRIORITY DATE

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Last Name THARP Ident No. _____

Copies: White -State, Yellow-Claimant

Scale: 2 inches equals 1 mile

A large grid of 16x16 squares, each containing a crosshair pattern, used for film calibration. The grid is composed of 256 individual squares. Each square contains a crosshair pattern consisting of a horizontal line, a vertical line, and a diagonal line intersecting at the center. The lines are thin and black. The grid is used for ensuring accurate exposure and focus during film photography.

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→ HARP

Ident No.

Copies: White-State, Yellow-Claimant

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

16. Signature (s)

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

Number of attachments _____

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

Signature of Claimant (s) Stanley O Harp

Date July 3rd, 1989

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 Bannock) SS.

Subscribed and sworn (or affirmed) before me this 3 day of July 19 89

SEAL

Notary Public Harlene Koster

Residing at Key Bank of Idaho

My Commission Expires March 21, 1992

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 THARP Ident. Number _____

Copies White-State, Yellow-Claimant

