

06/04/2003

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

RIGHT NUMBER: 29-10407

NAME AND ADDRESS: TJL PROPERTIES
56 E 100 N
MALAD ID 83252

SOURCE: BIG CREEK
MAPLE CREEK

TRIBUTARY: BIRCH CREEK
TRIBUTARY: BIRCH CREEK

QUANTITY: 0.065 CFS

THIS WATER RIGHT IS DELIVERABLE ONLY WHEN WATER RIGHTS 29-00320,
29-10462, 29-11698 ARE FIRST SATISFIED.

PRIORITY DATE: 06/10/1904

POINT OF DIVERSION:

T11S R36E S35 NWNWNE Within BANNOCK County
T12S R36E S2 SWNENW Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.065 CFS

PLACE OF USE: IRRIGATION Within BANNOCK County

T11S R36E S25 SWSW 3.3

3.3 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: Beneficial Use

06/03/2003

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

RIGHT NUMBER: 29-10407

NAME AND ADDRESS: TJL PROPERTIES
56 E 100 N
MALAD ID 83252

SOURCE: BIG CREEK
MINES CANYON CREEK

TRIBUTARY: BIRCH CREEK
TRIBUTARY: BIRCH CREEK

QUANTITY: 0.065 CFS

THIS WATER RIGHT IS DELIVERABLE ONLY WHEN WATER RIGHTS 29-00320,
29-10462, 29-11698 ARE FIRST SATISFIED.

PRIORITY DATE: 06/10/1904

POINT OF DIVERSION:

T11S R36E S35 NWNWNE Within BANNOCK County

T12S R36E S2 SWNENW Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

0.065 CFS

PLACE OF USE: IRRIGATION Within BANNOCK County

T11S R36E S25 SWSW 3.3

3.3 ACRES TOTAL

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later than the entry of a final unified decree. Section 42-1412(6), Idaho
Code.

EXPLANATORY MATERIAL: Beneficial Use

01/22/2003

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

RIGHT NUMBER: 29-10407

NAME AND ADDRESS: TJL PROPERTIES
56 E 100 N
MALAD ID 83252

SOURCE: BIG CREEK
MINES CANYON CREEK

TRIBUTARY: BIRCH CREEK
TRIBUTARY: BIRCH CREEK

QUANTITY: 0.065 CFS

PRIORITY DATE: 06/09/1904

POINT OF DIVERSION:

T11S R36E S35 NWNWNE Within BANNOCK County
T12S R36E S2 SWNENW Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
04/01 10/31

QUANTITY
0.065 CFS

PLACE OF USE: IRRIGATION Within BANNOCK County

T11S R36E S25 SWSW 3.3

3.3 ACRES TOTAL

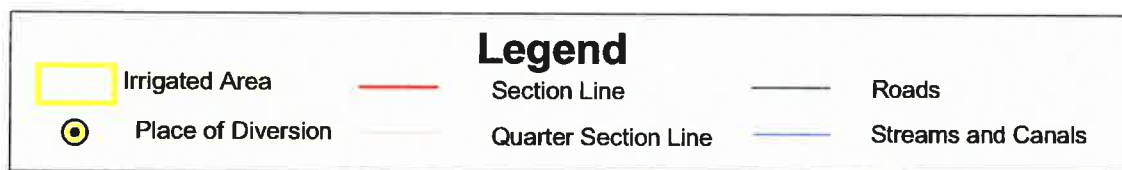
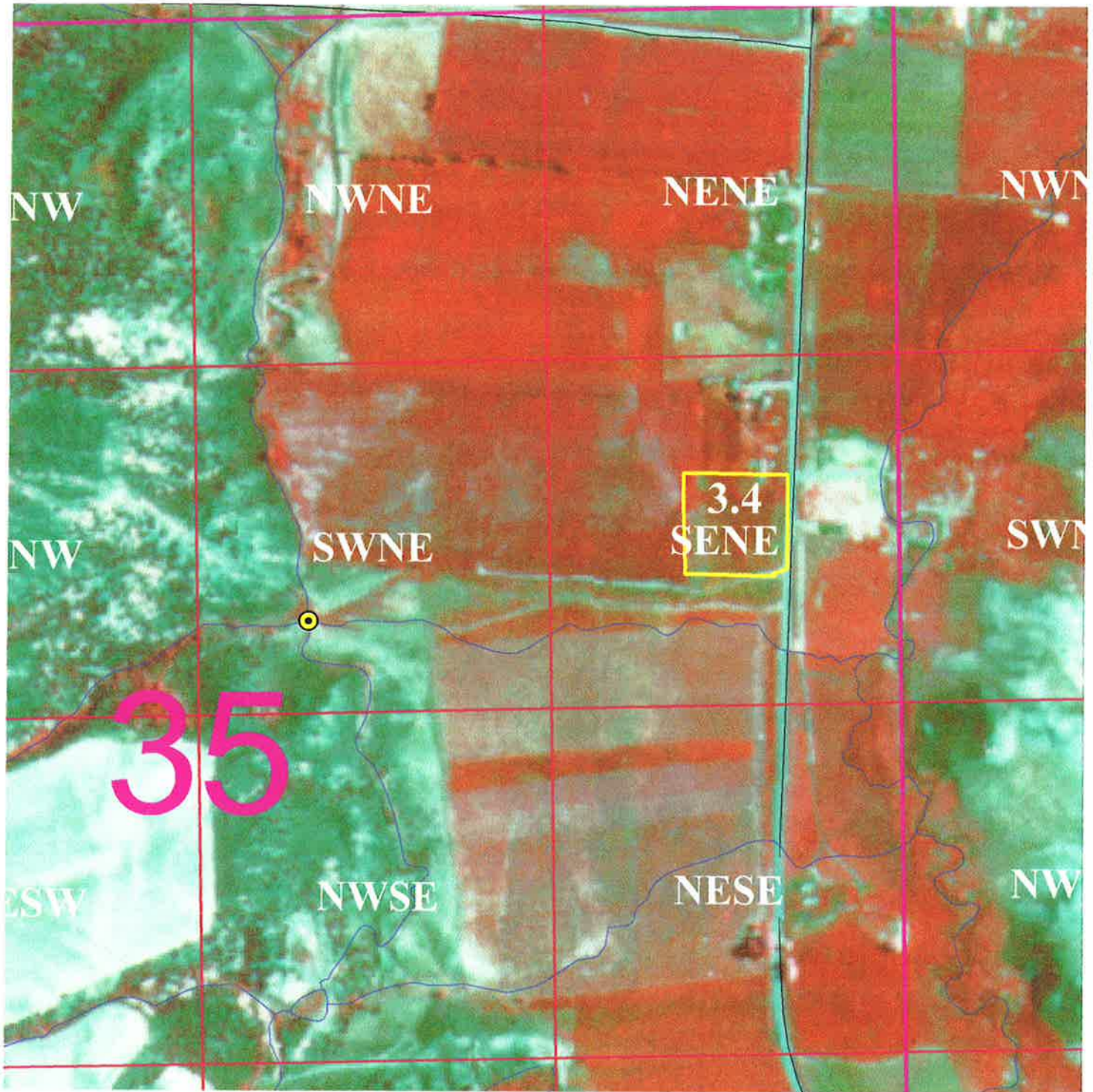
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

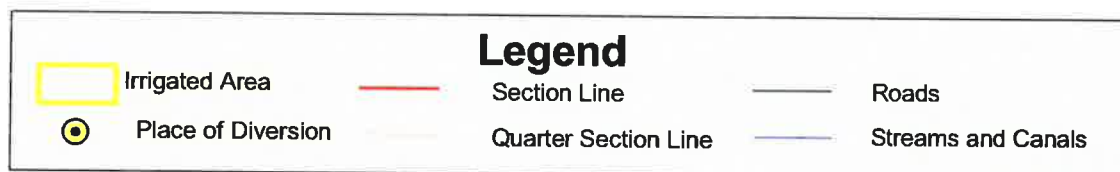
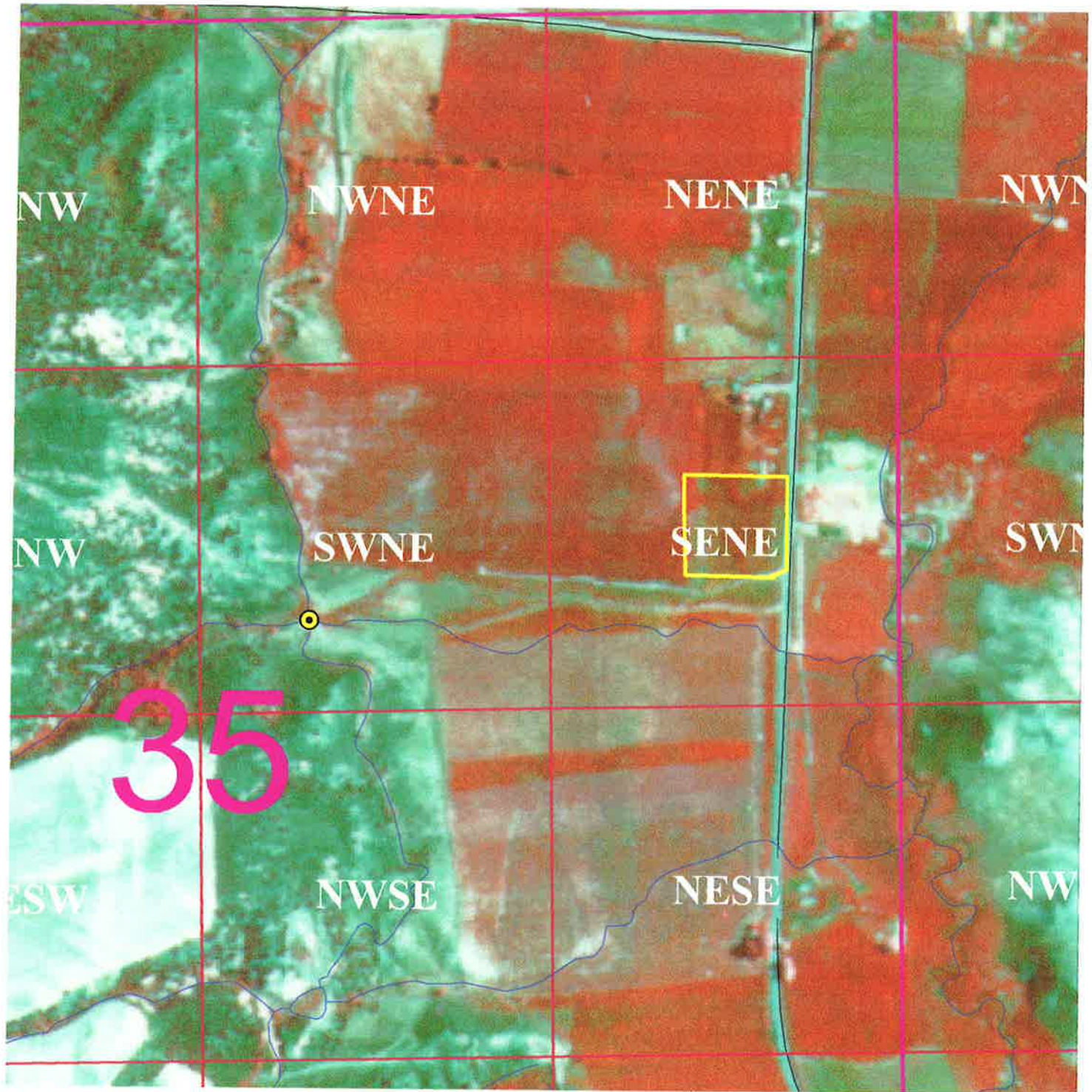
EXPLANATORY MATERIAL: ~~Decreed~~

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

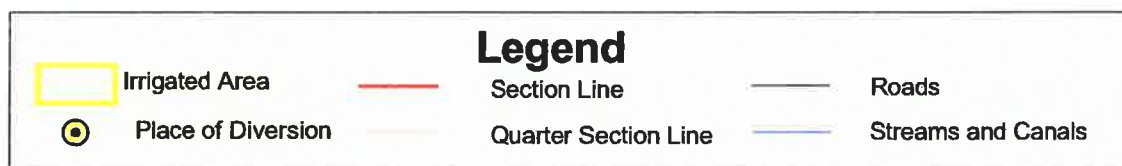
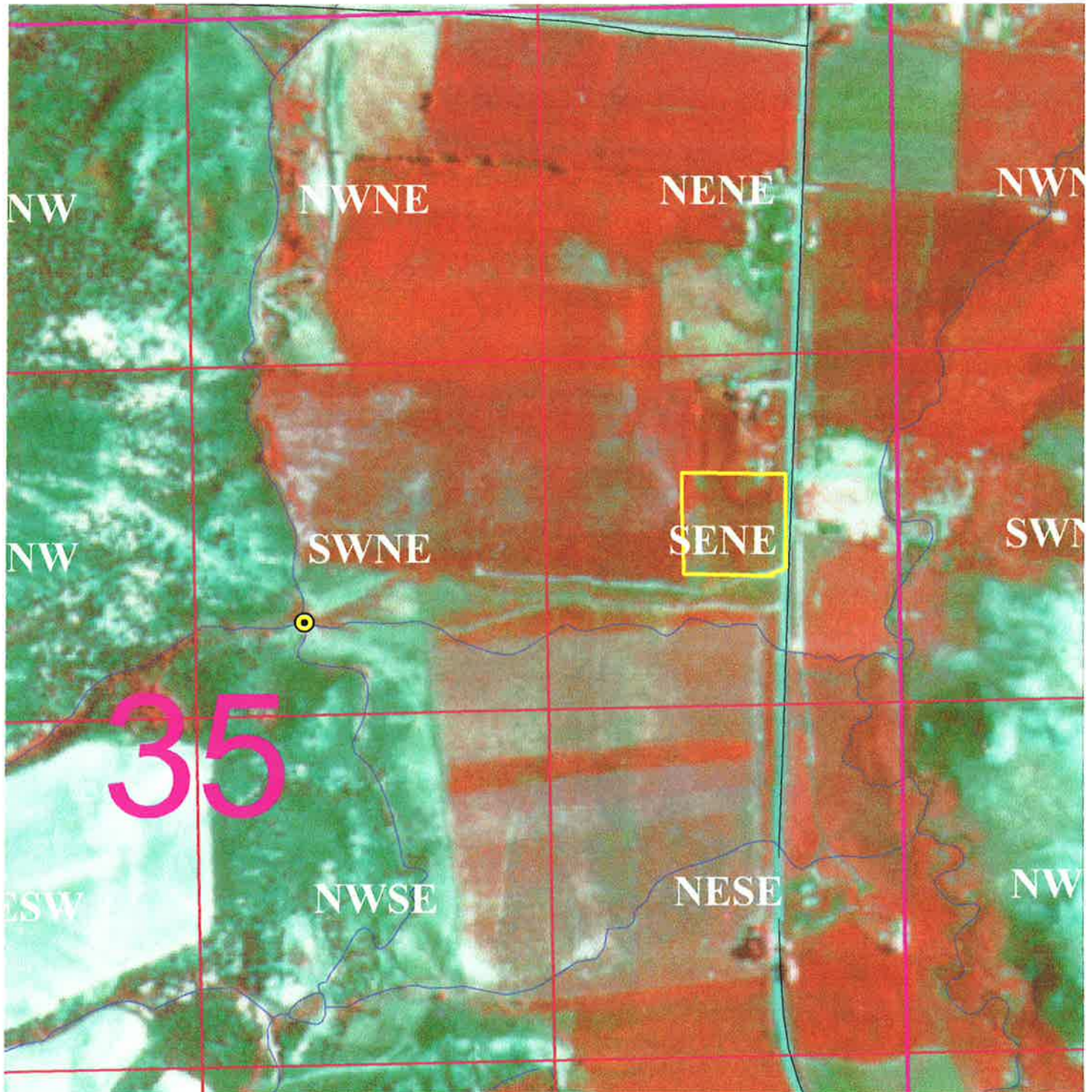
Township , 11S36E



Township , 11S36E



Township , 11S36E

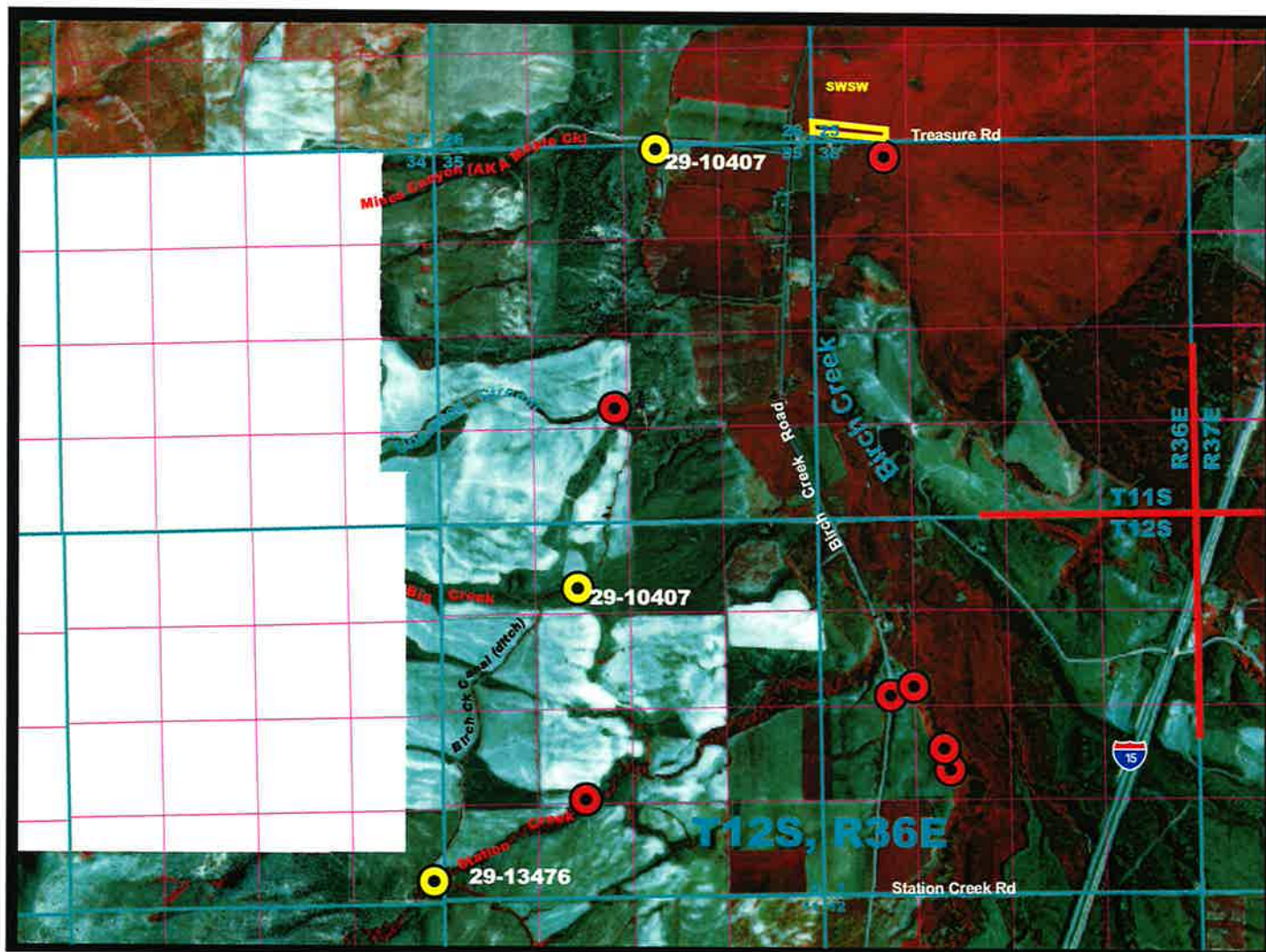




State of Idaho

Department of Water Resources

Eastern Region



Water Right(s):

29-10407, 29-13476

Place of Use: (part of): T11S, R36E
Sec. 25 SWSW

Point(s) of Diversion: T11S, R36E
Sec. 35 NWNWNE (Maple Ck)
T12S, R36E
Sec. 2 SWNENW (Big Ck)
Sec. 3 SESESE (Station Ck)

Note: Delivery through Birch Creek
Canal (ditch)



LEGEND

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



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN
June 4, 2003

TO: Basin 29 Surface Water User

I am writing this letter to you as a courtesy to inform you that after review of the Department of Water Resource's preliminary recommendation for your water right(s), a quantity remark has been added. The quantity remark will reflect how your water right(s) was historically decreed in a prior decree. The prior decree recognized the quantity for your water right(s) as a fractional amount of the stream flow listed from the source on your water right. You can expect the Department's Director's Report, which is to be filed with the SRBA Court sometime in July, to include a quantity remark as follows:

The amount of water diverted under this water right may not exceed (*decreed percent or fraction*) of the stream flow of (*decreed source*) at the point of diversion described above at any given time. This water right shall not provide more than .02 cubic feet per second per acre at any time.

The information in parentheses and italics will reflect whatever fraction and source is correct for your water right(s).

If you disagree with the inclusion of this quantity remark in your water right, you will be able to file an objection with the SRBA Court. A Notice of Filing Director's Report will be mailed to you along with the Director's Report for your water right(s) sometime in July. This Notice will outline the deadlines and process for filing an objection to your water right(s).

If you have any further questions regarding this matter, you can contact me at 208-327-7900.

Very truly yours,

A handwritten signature in cursive script, reading "Candice M. McHugh", is written over the typed name.

Candice M. McHugh
Deputy Attorney General, IDWR

cc: Allen Ruberry
CMM/pm

Claim No.	Claimant	Fract.	Q by Rec	Acres	Stream	Remarks
<u>Phillips vs Edwards Decree, 1924..... Rowley Creek</u>						
29-11242	Wm Phillips	1/2	1.50	75.0	Rowley Ck	
29-12020	P Fergus	1/4	2.02	100.8	Rowley Ck	
29-13469	K Williams	1/4	2.52	126.0	Rowley Ck	
Claimed in-full						
<u>Wakley vs Wakley, 1904..... Station Creek</u>						
29-00321	Vaughan, et al	1/5	3.91		Station Ck	
29-00326	F Winward	1/5	1.92	96.0	Station Ck	
29-10461	Lazy VZ Trust	2/5	3.08		Station Ck	
29-11699	P Adams	1/5	5.64	282.2	Station Ck	
Decreed right(s) claimed in-full						
29-13476	TJL Properties		0.065		Station Ck	Recommended as BU, Priority 6/10/1904
<u>Wakley vs Wakley, 1904.....Dry Hollow (Big Ck) and Maple Ck (Mines Canyon)</u>						
29-00317A	Vaughan, et al	4/4 0/0	3.91		Big Ck/Maple Ck	DISALLOWED-ownership not proven
29-00320	Vaughan, et al	1/4	3.91		Big Ck/Maple Ck	
29-10462	Lazy VZ Trust	4/4 1/2	1.23		Big Ck/Maple Ck	Recommended as 1/2 flow **
29-11698	P Adams	1/4	5.64	282.2	Big Ck/Maple Ck	
Claimed in-full						
29-11700	P Adams	XX	0.36	282.2	Unnamed Strm	Beneficial Use
29-10407	TJL Properties	XX	0.07		Big Ck/Maple Ck	Recommended as BU, Priority 6/10/1904

Daniels vs Woodland, 1878..... Birch Creek

29-13103 Malad Valley Irr 3/4 6.20 Lg POU Birch Ck
Marsh Creek side (B29) users got 1/4 of the flow of Birch Creek as shown below.

Wakley vs Wakley, 1904..... Birch Creek

29-00322	Vaughan, et al	4/24	3.91	195.3	Birch Ck
29-00327	Marler/Gardner	2/24	2.54	128.0	Birch Ck
29-00328A	K Williams	1/24	2.52	126.0	Birch Ck
29-00328B	P Fergus	5/24	2.02	100.8	Birch Ck
29-00328C	F Winward	2/24	1.92	96.0	Birch Ck
29-00329	F Winward	2/24	0.80	40.0	Birch Ck
29-11241	Wm Phillips	2/24	1.50	75.0	Birch Ck
29-11650	TJL Properties	2/24	1.76	88.0	Birch Ck
29-11697	P Adams	4/24	5.64	282.2	Birch Ck

Claimed in-full

Notes:

** Re; 29-10462 see Transfer #3032 Claim combines 29-317 and 29-330C (which recombines A & B)
The Decree of Davis vs Treasure only involves Birch Creek water.

29-10407 DEERBOD?

I. Sources(s): Dry Hollow →
Maple Creek → BIRCH CR
STATION CREEK →
BIRCH CREEK → MARSH CR

II. Remarks states: $\frac{1}{8}$ Dry Hollow
 $\frac{1}{8}$ MAPLE CREEKS
 $\frac{1}{5}$ STATION CREEKS
 $\frac{1}{6}$ BIRCH CREEKS } Priority = 6/9/1904

+ ROTATION LANGUAGES

REFERENCE IS MADE TO 29-317 AND 29-330C (TX #3032)
(RE: WAKLEY VS WAKLEY DEERBOD)

Qs: 1. How DO THE SOURCES VS DIVERSION WORK?

ie: ON WHICH CREEK IS THIS DIVERSION?

2. SOLL AS $\frac{3}{15}$ TO $\frac{11}{15}$? WAKLEY VS WAKLEY SAYS WHAT?

3. How IS THIS SPLIT OFF FROM 317 AND/OR 330C: TO
WHAT PORTIONS?

4. WHAT DOES TX #3032 DO?

DAVIS Bros. (TJL Propn.)

11/6/02 5. Appears to be a C/O FROM Bowman TO ~~R. Adams~~ RUD'D.

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF
IDAHO, IN AND FOR BANNOCK COUNTY.

Henry Wakley, William W. Woodland
and Daniel Woodland and David
Stalker, as Administrators of the
Estate of Ellen Woodland,
Deceased,

JUDGMENT

Book 2 Jdms. 191

Plaintiff,

vs.

George Wakley, John Ware,
J. J. Wakley and N. N. Wakley,

Defendants.

DECREE DOCUMENTS FROM
TTL PROP OWNERS - DAVIS
BROS.

This cause came regularly on for trial on the _____ day of _____ 1903,
W. T. Reeves Esq, and Henry M. Tanner, Esq, appearing as counsel for the
plaintiffs and Messrs Standrod and F. S. Dietrich appearing as counsel for
the defendants, a trial by jury being expressly waived, the cause was
tried before the Court without a jury. Thereupon the trial proceeding,
witnesses upon the part of both plaintiffs and defendants were introduced,
duly sworn and examined, as well as documentary evidence, and the evidence
being closed, the cause was submitted to the Court for consideration and
decision, and after due deliberation thereon, the Court, being fully ad-
vised in the premises, files its Findings of Fact and Conclusions of law
herein in writing, and orders that judgment be entered in accordance
therewith.

Wherefore, by reason of the premises and the law and findings afore
said, it is ordered, adjudged and decreed that plaintiff Henry Wakley have
the use and benefit of the continuous and uninterrupted flow of one forth
of the waters of Dry Hollow and Maple Creeks and the use and benefit of
one fifth of the continuous and uninterrupted flow of the waters of
Station Creek, and the use and benefit of the continuous and uninterrupted
flow of one sixth of the waters of Birch Creek flowing towards Marsh
Valley that said water is and be used upon and appurtenant to E $\frac{1}{2}$ SE $\frac{1}{4}$ and
NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 35, and SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 36, Twp. 11 South, Range 36 E.
Boise Meridian, containing 160; also 58 acres as shown by deeds from ad-
ministrators of Estate of Ellen Woodland; also 2 $\frac{3}{4}$ acres as shown by
deed from W. W. Woodland, recorded Deed book 13 page 425, records Bannock
County, less the certain 58.36 acres conveyed by said Wakley to John J.
Wakley by deed of record in Book 8 page 523, records said County, being
the farm lands now owned intended hereby and contiguous to and irrigated
from said streams, all in Bannock County, Idaho.

BANNOCK TITLE ABSTRACT COMPANY
PAGE NUMBER

DRY Hollow = BIG CK.

1 OF 2

X
That defendant J. N. Wakley be adjudged and decreed to have the use and benefit of $\frac{1}{4}$ of all the waters of Dry Hollow and Maple Creeks, the use and benefit of the continuous and uninterrupted flow of $\frac{1}{5}$ of all the waters of Station Creek, and $\frac{1}{12}$ of the continuous and uninterrupted flow of all the waters of Birch Creek flowing towards Malad Valley. That said waters are used upon and appurtenant to $SW\frac{1}{4}NE\frac{1}{4}$, $N\frac{1}{2}NE\frac{1}{4}$, $NW\frac{1}{4}NW\frac{1}{4}$ of Sec. 36, Twp. 11 S. R. 36 E.B.M., containing 160 acres; also 30 acres off the East side of $NW\frac{1}{4}$ Sec. 13, Twp. 12, S. R. 36 in said Bannock County. It being intended hereby to cover all lands now owned by said defendant as irrigated from said streams.

.....

It is further adjudged and decreed that the parties herein and each of them, in the respective streams in which they or any of them are decreed rights, that in such streams, respectfully, the respective parties as set out as having rights, be and they have the same as of equal right in time and amount.

And it is further adjudged that each and every of the parties to this decree, their attorneys, agents, employees, servants or assigns in what ever way, be, and they are hereby perpetually enjoined and restrained from in any manner interfering or obstructing the free flow of the flow of the waters of said Dry Hollow and Maple Creeks, Station Creek and Birch Creek, and each of them, except as herein adjudged to the parties herein, respectively and it is further ordered that the parties hereto bear and pay the costs incurred in this action in equal proportions.

Done in open District Court this the 9th day of June, 1904.

Alfred Budge,
District Judge.

2 OF 2

A. SECRET

We, George Treasure and David Treasure, do not protest and have no interest in the rights evidenced by decree to Henry Wakley and J. T. Wakley in case of Henry Wakley et al, vs: George Wakley et al, dated June 1, 1901 in the Fifth District Court of Bannock County and are recorded as follows:

1/5 of Station each

1/4 of Dry Hollow each (Big CK)

1/4 of Maple Creek on J. M. Wakley property

Her to the above mentioned rights be entered in the Department records and concerning the place of use are to reflect the present place of use, namely, for the irrigation of 213 acres within the NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 35 SW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$, SW $\frac{1}{4}$ Section 36, Township 11 S, Range 36 E B. M. which land is owned by and operated by Louis Blochan.

Signed George Treasure
George Treasure

Signed David Treasure
David Treasure

T. F. Bail Brann Date 3/29/76
Notary Public for Idaho

8-776

TREASURE CLAIMANTS

From 29-317
MICROFILM.
1 OF 1

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>29-10407</u>					
<u>29-04166</u>	<u>(PD issued 6-19-1996)</u>				
<u>29-11650</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**.

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

OR

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

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

Jerry Bowman
3567 E. Bowman Rd. Dorena ID. 83234

4. New Owner/Claimant(s)

Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

TJL PROPERTIES LC

City, State and ZIP Code

56 E 100 N Malad Idaho 83252

New Telephone Number

(208) 766-4141

5. Date you acquired the property

1-21-03

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESINSTRUCTIONS FOR FILING
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

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

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

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

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

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

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

PARCEL NUMBER BANNOCK COUNTY
R4431013700 TAX YEAR 2002
REAL

TR SE4NE4 TAX 1 2.36 AC
S35-T11S-R36E

Land	600		
Imp.		FULL TAX	7.34
HM-			
MVE-			
TAXABLE		1ST TAX	3.67
VALUE	\$600	HALF	
		2ND TAX	3.67
		HALF	

TJL PROPERTIES LC
56 E 100 N
MALAD CITY ID 83252-1231

CODE AREA 004900

*TAXING DISTRICT *	**RATE**	**AMOUNT**
COUNTY	.005509029	3.31
SCHOOL NO. 21	.005119316	3.08
BAN FREE LIB	.000366603	.22
DOWN-SWAN HWY	.000623457	.37
MARSH VAL CEM	.000331097	.20
AMBULANCE	.000265099	.16
TOTAL TAX/SPECIALS		7.34

MAKE CHECK PAYABLE TO:
GENIE ALEXANDER
BANNOCK COUNTY TREASURER
P.O. BOX 4626
POCATELLO, ID 83205-4626
(208) 236-7220
PARCEL R4431013700 2002

BILL NO
R08550

SUBTOTAL	7.34
TOTAL DUE	7.34

*** IMPORTANT ***
PLEASE READ BOTH FRONT AND BACK
*** MONTHLY PAYMENTS ARE ACCEPTED ***

PAYMENTS RECEIVED WITH A DELINQUENCY WILL BE
APPLIED TO THE OLDEST DELINQUENT YEAR.

TO AVOID LATE CHARGES, PAYMENTS MUST BE
RECEIVED OR POSTMARKED BY THE DUE DATE.

KEEP TOP PORTION FOR YOUR RECORDS.

PERSONAL CHECKS ARE YOUR RECEIPT
SUBJECT TO BANK CLEARANCE.

DELINQUENCIES ON SUB-ROLLS, RECENTLY SUBDIVIDED OR
COMBINED PROPERTY MAY NOT APPEAR ON THIS NOTICE. *

DIANE BILYEU
Bannock County Assessor
P.O. Box 4969
Pocatello, ID 83205-4969

ASSESSMENT NOTICE
& ESTIMATE OF TAX

THIS IS NOT A BILL.
DO NOT PAY.

2002

PARCEL DESCRIPTION:

TR SE4NE4 TAX 1 2.36 AC
S35-T11S-R36E

For any questions, please notify the Assessor's Office immediately

Assessor's Telephone Number: 208-236-7268

Parcel Address:

*****AUTOCR**C002



TJL PROPERTIES LC
56 E 100 N
MALAD CITY ID 83252-1231

Appeals of your property value must be filed in writing, on a form provided by the County, by:

JUNE 24, 2002

Tax Code Area: 004900

Parcel Number: R4431013700

ASSESSED VALUE OF YOUR PROPERTY

CURRENT DESCRIPTION	LOTS/ACRES	LAST YEAR'S VALUE	CURRENT YEAR'S VALUE
12 RURAL RES TRACTS	2.660	2,000	600
SUBTOTAL:	2.660	2,000	600
LESS HOMEOWNERS EXEMPTION:			
NET TAXABLE PROPERTY VALUE:	2.660	2,000	600

These values may not include personal property values. Taxes are based on the values shown on this Notice and on the Budgets of the taxing districts.

ESTIMATED PROPERTY TAXES

TAXING DISTRICTS	LAST YEAR'S TAXES	CURRENT YEAR'S ESTIMATED TAXES	PHONE NUMBER	DATE OF PUBLIC BUDGET HEARING
COUNTY	10.78	3.24	208-236-7210	AUG 23, 2002
SCHOOL NO. 21	10.87	3.26	208-254-3306	JUNE 11, 2002
BAN FREE LIB	0.75	0.23	208-897-5270	AUG 21, 2002
DOWN-SWAN HWY	1.41	0.42	208-897-5288	AUG 12, 2002
MARSH VAL CEM	0.70	0.21	208-897-5658	AUG 19, 2002
AMBULANCE	0.53	0.16	208-236-7210	AUG 23, 2002
SUBTOTAL:	25.04	7.52		
FEES:				
TOTAL PROPERTY TAXES & FEES:	25.04	7.52		

THIS IS NOT A BILL. DO NOT PAY.

See the back of this Notice for details

0004141

January 2, 2003

Al Ruberry
IDWR Office
Idaho Falls, ID

Re: Evidence of priority for SRBA Claim Nos. 29-10407 29-11697,
29-11698 and 29-11700

RECEIVED
JAN 06 2003
Department of Water Resources
Eastern Region

Belongs to Jenny
Bowman on to TSL
properties - Disputed

OK

11699?

Dear Mr. Ruberry.

Per our discussion, enclosed is a copy of the Warranty Deed transferring the property and all water rights to myself and my wife. I have also enclosed copies of the adjudication claims proof reading reports.

If you need anything else, let me know.

Sincerely,



J Phillip Adams

1/6/03 JOE DAVIS CALLED ABOUT THIS ISSUE. MAILED CC
OF CLAIM BY JENNY BOWMAN AND CC OF GPS FOR COMPARISON

MAIL TO:

JOE DAVIS

3210 W 2000 N

MALAD ID 83252.

T11S, R36E

27 26
34 35

26 25
35 36

BLOXHAM, LOUIS NATHAN

FISHER, SANDRA A & SCHULLER, MARK D

ADAMS, J PHILLIP

ADAMS, J PHILLIP

OXHAM, JOHN CRAIG & BLOXHAM, MARK ALAN TRUSTEES

TJL PROPERTIES LC

BLOXHAM, JOHN CRAIG & BLOXHAM, MARK ALAN TRUSTEES

18 December 2002

TJL Properties LC
56 E 100 N
Malad ID 83252-1231

Re; Notice of Claim to Water Right 29-10407

Dear Sir;

I am reviewing the water right claims in the Marsh Creek drainage near Downey, Idaho. It has come to my attention that you are the owners of a certain parcel of property annotated on the attached photo illustration. Specifically, a parcel situated within the SENE Section 35, T11S, R36E., approximately 4.0 acres.

Apparently, a Mr. Jerry Bowman at one time held this property. After speaking with him I have learned that he has since sold the parcel. The Bannock County Assessor's plat illustration (see photo illustration), yellow outline and flagged, shows your organization as the current owner. If this is the case, you must contact me immediately to file a change of water right ownership and discuss the merits of the referenced claim.

In addition, I have enclosed a copy of the amended water right claim and the Attorney General letter sent to Mr. Bowman.

Please contact me at the above referenced address and/or phone number. I look forward to your timely response.

Respectfully submitted,

Allen B. Ruberry
Sr. Water Resource Agent
Adjudication Bureau

Cc; file 29-10407

Enclosures; Claim 29-10407 (copy)
Notice of Change of Water Right Ownership form
Attorney General letter with amended claim (copy)



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
ALAN G. LANCE

December 11, 2002

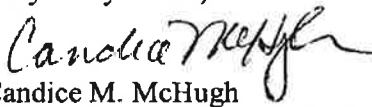
Dear Claimant(s):

I am the Deputy Attorney General for the Idaho Department of Water Resources working on the SRBA in Basin 29. After reviewing your water right claim, it appears that the priority date you claimed for your water right(s) might not be correct and that October 10, 1878, might be the appropriate priority date for your claim(s). In order to recommend this priority date, which is earlier than the priority date you originally claimed, your claim(s) would need to be amended. Therefore, I have enclosed for your review and signature an amended claim form. If you would like to amend your claim(s) to reflect the earlier priority date please initial the change on the amended claim form and have your signature notarized; then, return the signed amended claim in the enclosed self-addressed envelope.

The Department intends to issue its preliminary Director's Report for your water right(s) in January, 2003. If we do not receive the signed, notarized amended claim form from you prior to January 10, 2003, the Department will recommend your water right(s) with the priority date no earlier than the priority date that you have currently claimed.

If you have any questions concerning this matter, you can contact me at (208) 327-5404 or Allen Ruberry, Senior Water Resource Agent with IDWR's Eastern Region Office at (208) 525-7161.

Very Truly Yours,


Candice M. McHugh
Deputy Attorney General, IDWR

Enclosures

cc: Allen Ruberry

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 29-10407
Date Received: 3/27/1990
Receipt No: E012555
Received By:

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name of Claimant(s)

JERRY BOWMAN
3567 E BOWMAN RD
DOWNEY ID USA 83234

Phone:

2. Date of Priority: ~~06/09/1964~~

10/10/1878

3. Source: DRY HOLLOW SPRING , MAPLE CREEK , STATION CREEK , BIRCH CREEK Trib. to:
BIRCH CREEK , BIRCH CREEK , BIRCH CREEK , MARSH CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
11S	36E	35	SW NE	BANNOCK	
11S	36E	35	SW NE	BANNOCK	
11S	36E	35	SW NE	BANNOCK	
11S	36E	35	SW NE	BANNOCK	

5. Description of diverting works:

HEADGATE/DITCHES TO FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	0.08	

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
11S	36E	35	SE	NE	IRRIGATION	4
					Section Acres	4
					Total Acres	4

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:

WARRANTY DEED STATES: INCLUDING ALL WATER RIGHTS DECREEED TO THE LAND INCLUDING 1/8TH OF DRY HOLLOW AND MAPLE CREEKS; 1/5TH OF STATION CREEK AND 1/6TH OF BIRCH CREEK, ALL WITH PRIORITY OF 6-9-1904, WITH THE RIGHTS OF ONE-HALF DAY OF EACH 8 DAY WATER ROTATION PERIOD.

APPEARS TO BE PART OF 29-0317 AND 29-0330C/ TRANSFER #3032

15. Basis of Claim: Decreed

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.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 29-10407

WATER RIGHT NUMBER: 29-10407

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JERRY BOWMAN 3567 E BOWMAN RD DOWNEY, ID 83234

Priority Date: 06/09/1904

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BIRCH CREEK	MARSH CREEK
DRY HOLLOW SPRING	BIRCH CREEK
MAPLE CREEK	BIRCH CREEK
STATION CREEK	BIRCH CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	0.080 CFS	
	<u>Total Diversion:</u>	0.080 CFS	

Location of Point(s) of Diversion

DRY HOLLOW SPRING BANNOCK County	SW1/4NE1/4	Sec. 35, Twp 11S, Rge 36E, B.M.
MAPLE CREEK BANNOCK County	SW1/4NE1/4	Sec. 35, Twp 11S, Rge 36E, B.M.
STATION CREEK BANNOCK County	SW1/4NE1/4	Sec. 35, Twp 11S, Rge 36E, B.M.
BIRCH CREEK BANNOCK County	SW1/4NE1/4	Sec. 35, Twp 11S, Rge 36E, B.M.

Place of Use

IRRIGATION

Twp Rge Sec	NE	NW	SW	SE	Totals
11S 36E 35	NE NW SW SE	NE NW SW SE	NE NW SW SE	NE NW SW SE	4.0

Total Acres: 4

Conditions of Approval:Remarks:

1. General

WARRANTY DEED STATES: INCLUDING ALL WATER RIGHTS DECREED TO THE LAND INCLUDING 1/8TH OF DRY HOLLOW AND MAPLE CREEKS; 1/5TH OF STATION CREEK AND 1/6TH OF BIRCH CREEK, ALL WITH PRIORITY OF 6-9-1904, WITH THE RIGHTS OF ONE-HALF DAY OF EACH 8 DAY WATER ROTATION PERIOD.
 APPEARS TO BE PART OF 29-0317 AND 29-0330C/ TRANSFER #3032

Comments:

12 December 2002

Jerry Bowman
3567 E Bowman Rd
Downey ID 83234

Re: SRBA Adjudication Claim to a Water Right 29-10407

Dear Mr Bowman;

I am in the process of reviewing the above referenced water right claim file. I note several problem associated with this filing. I have attached a copy of the claim for your perusal and a GIS illustration showing the Place of Use claimed.

Part of the problem with this claim is that you claim lands held by Mr Phil Adams. This is verified by the Bannock County Assessor's Office Ownership Plat, which we have as a tool for evaluating water right claims such as yours. Another problem is that you have claimed several water right sources on the same claim. Each of these sources either already has a water right or a new claim should be filed.

Please contact me immediately regarding this matter. We are pushing a completion deadline and expedience on your part is essential.

Respectfully submitted,

Allen B. Ruberry
Sr. Adjudication Agent
Adjudication Bureau

Cc; file

Enclosures; 29-10407 claim copy and GIS illustration

Ruberry, Allen

From: Ruberry, Allen
Sent: Wednesday, November 06, 2002 11:32 AM
To: McHugh, Candice
Cc: Music, Vicky
Subject: AG Letter

Please add 29-10407 to the last e-mail regarding Phillip Adams' claims. This appears to be a new owner problem as was the other.

MAY 31 2001

Log for claim A29-10407

Spatial Dynamics TWB

6/26/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
11s36e	35	SENE	4	3.4	
Totals:			4	3.4	

AJ5809NP
No. A29-10407

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 04/24/00
PAGE: 161

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	JERRY BOWMAN 3567 E BOWMAN RD DOWNEY ID 83234	06/09/1904	IRRIGATION	03-15 11-15	0.080 CFS	
TOTAL DIVERSION:					0.080 CFS	
CONSUMPTIVE USE:						12.00 AFA

Water Source: DRY HOLLOW
MAPLE CREEK
STATION CREEK
BIRCH CREEK

Tributary to: BIRCH CREEK
BIRCH CREEK
BIRCH CREEK
MARSH CREEK

Stage: DECREED

Point(s) of Diversion: T11S R36E S35 SWNE

BANNOCK County

Place of use Legal Description for: IRRIGATION

NE										NW				SW				SE									
T	R	S	NENE		NWNE		SWNE		SENE		NENW		NWNW		SWNW		SESW		NESE		NWSE		SWSE		SESE		SUM
			Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
11S	36E	35	:		:						:						:						:				4.0
																								TOTAL ACRES	4.0		

POU County: BANNOCK

Non-Irrigation Uses: S/ STOCKWATER

Other Rights: NONE

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

A29-00317 A29-00318 A29-00330C A29-00331 A29-04206 A29-10461 A29-10462 A29-11697 A29-11698 A29-11699
A29-11700

Remarks: GEN WARRANTY DEED STATES:
INCLUDING ALL WATER RIGHTS DECREED TO THE LAND INCLUDING 1/8TH
OF DRY HOLLOW AND MAPLE CREEKS; 1/5TH OF STATION CREEK AND 1/6TH
OF BIRCH CREEK, ALL WITH PRIORITY OF 6-9-1904, WITH THE RIGHTS
OF ONE-HALF DAY OF EACH 8 DAY WATER ROTATION PERIOD.
APPEARS TO BE PART OF 29-0317 AND 29-0330C/ TRANSFER #3032

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

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

Audit: 03/15/90 DCARLSON 08/03/94 THOMPSON 03/29/95 POST-STD 12/26/95 ENORQUES

WARRANTY DEED

894764

For Value Received

JOHN D. LARSEN AND BILLIE RUTH LARSEN, HUSBAND AND WIFE

the grantors, do hereby grant, bargain, sell and convey unto

JERRY A. BOWMAN, A SINGLE PERSON

whose current address is

3567 E. Bowman Road
Lourney, Idaho 83234

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

COMMENCING AT THE NORTHEAST CORNER OF THE SE~~1~~⁴NE~~4~~⁴ SECTION 35, TOWNSHIP 11 SOUTH, RANGE 36 E.B.M., BANNOCK COUNTY, IDAHO, THENCE WEST 396 FEET; THENCE SOUTH 3°45' WEST, 25.08 FEET TO THE TRUE POINT OF BEGINNING; THENCE SOUTH 85°35' WEST, 363 FEET; THENCE SOUTH 3°45' WEST, 550 FEET; THENCE SOUTH 87°50' EAST, 363 FEET; THENCE NORTH 3°22' EAST, 600 FEET, MORE OR LESS, TO THE POINT OF BEGINNING...

Including all water rights decreed to the land including 1/8th of Dry Hollow and Maple Creeks; 1/5th of Station Creek and 1/6th of Birch Creek, all with priority of 6-9-1904, with the rights of one-half day of each 8 day water rotation period.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, his heirs and assigns forever. And the said Grantors 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: 4-24-89

JOHN D. LARSEN

BILLIE RUTH LARSEN

STATE OF IDAHO, COUNTY OF Bannock
On this 24th day of April, 1989,
before me, a notary public in and for said State, personally
appeared

JOHN D. LARSEN
BILLIE RUTH LARSEN

Notary Seal

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

Residing at Pocatello, Idaho
Comm. Expires 3-8-94

NO. 894764
RECORDED IN BOOK 11
AMERICAN LAND TITLE CO.

89 APR 24 P2:35

501
30

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

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 29-10407
Date Received: 3/27/1990
Receipt No: E012555
Received By:

Amended

Amended

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

TJL PROPERTIES Phone: (208) 766-4141
56 E 100 N
MALAD ID USA 83252

2. Date of Priority: 06/09/1904

3. Source: BIG CREEK , MINES CANYON CREEK Trib. to: BIRCH CREEK , BIRCH CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
12S	36E	2	NE NW	BANNOCK	
11S	36E	35	NW NE	BANNOCK	

5. Description of diverting works:

HEADGATE/DITCHES TO FLOOD IRRIGATION .
BIG CREEK IS ALSO KNOWN AS DRY HOLLOW.
MINES CANYON CK IS ALSO KNOWN AS MAPLE CREEK.
FLOWS ARE DIVERTED BY BIRCH CREEK CANAL (DITCH).

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	10/31	0.065	

7. Total Quantity Appropriated is:
0.065 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
11S	36E	25	SW SW	IRRIGATION	3.26
Section Acres					3.26
Total Acres					3.26

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:

15. Basis of Claim: Decreed

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 Organizations:

I do solemnly swear or affirm that I am President of
Title
TJL PROPERTIES, that I have signed the foregoing
Organization
document in the space below as President of
Title
TJL PROPERTIES and that the statements contained in the
Organization
foregoing document are true and correct.
Signature of Authorized Agent
President
Title and Organization
1-21-03
Date

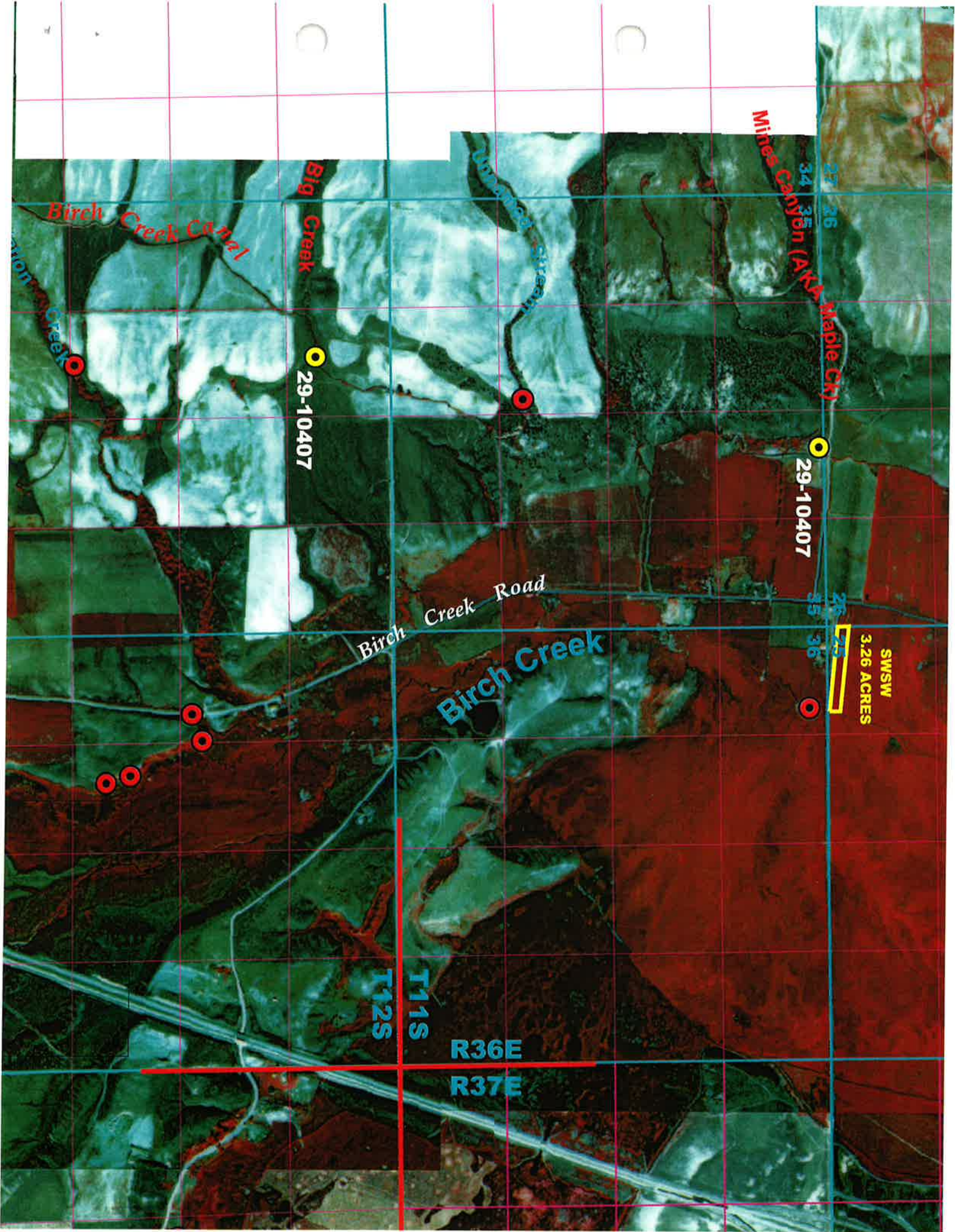
State of Idaho)
County of BONAVILLE) SS.

Subscribed and sworn (or affirmed) before me this 21ST
of JANUARY 2003

ALLEN B. REUBEN
Notary Public

Residing at 2040 FAUS ROAD

My commission Expires 9/23/03



23 26
34 35
Minnes Canyon (AKA Maple Cr)

29-10407

SWSW
3.26 ACRES

Big Creek
29-10407

Birch Creek Road

Birch Creek

T12S

T11S

R36E

R37E

SCANNED

MAY 31 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: A29-10407
Date Received: 3/15/1990 3-27-90
Receipt No: E012555
Received By: 3-27-90

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED
MAR 27 1990

Department of Water Resources
Eastern District Office

1. Name: JERRY BOWMAN
Address: 3567 E. BOWMAN RD
DOWNEY, ID

83234

2. Date of Priority: JUN 09, 1904

3. Source: DRY HOLLOW
MAPLE CREEK
STATION CREEK
BIRCH CREEK

Trib. to: BIRCH CREEK
BIRCH CREEK
BIRCH CREEK
MARSH CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
11S	36E	35	SW	NE			BANNOCK

5. Description of diverting works:
HEADGATE/DITCHES TO FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.080		

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

8. Total consumptive use is 12.0 Acre Feet Per Annum.

9. Non-irrigation uses:
S/ STOCKWATER

A2910407



A29-10407

Page 1

Date: 03/15/90

MICROFILMED
NOV 13 1992

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
11S	36E	35	SE NE		IRR	4.0
Section Acres						4.0
Total Acres						4.0

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:

WARRANTY DEED STATES:
INCLUDING ALL WATER RIGHTS DECREED TO THE LAND INCLUDING 1/8TH
OF DRY HOLLOW AND MAPLE CREEKS; 1/5TH OF STATION CREEK AND 1/6TH
OF BIRCH CREEK, ALL WITH PRIORITY OF 6-9-1904, WITH THE RIGHTS
OF ONE-HALF DAY OF EACH 8 DAY WATER ROTATION PERIOD.
APPEARS TO BE PART OF 29-0317 AND 29-0330C/ TRANSFER #3032

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

WAKLEY, ET AL.

Decree Plaintiff

vs

WAKLEY, ET AL.

Decree Defendant

$\frac{1}{8}$ Dry Hollow (Buck) Maple Ck
 $\frac{1}{5}$ Station Ck
 $\frac{1}{6}$ Birch Ck

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: 2

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): John A. Bowman Date: 3/23/90

Date: _____

State of Idaho)
County of Bannock) SS.

Subscribed and sworn (or affirmed) before me this 23rd day
of March 19 90

Lanetta M. Davis
Notary Public

Seal

Residing at Downey, Id.
My Commission Expires 12-22-93

4698

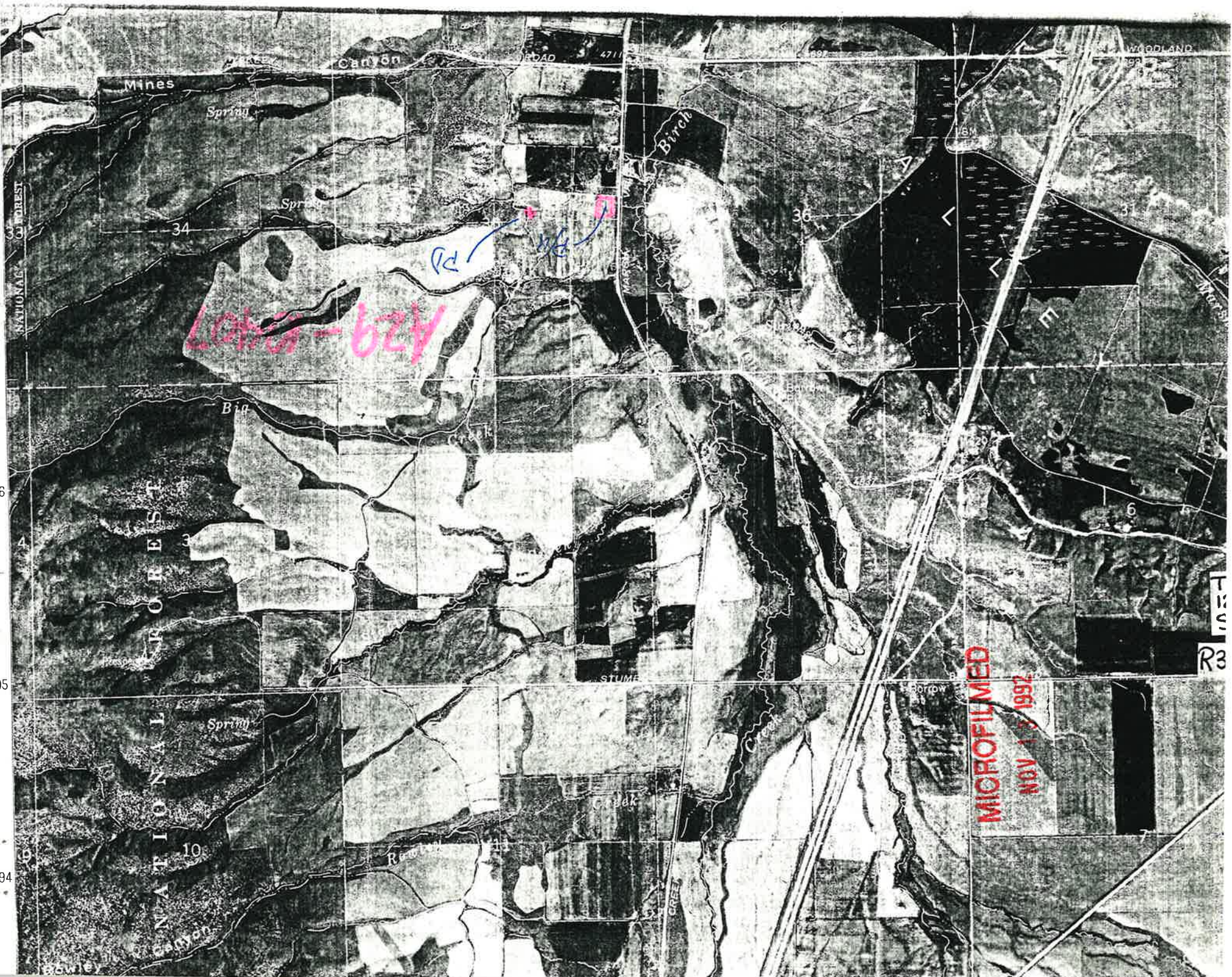
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4696

4695

4694



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NOV 13 1992

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