

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

282.2 ACRES TOTAL

06/05/2003

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

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 282.2 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 29-11697, 29-11698,
29-11699, 29-11700.

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

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
PURSUANT TO SECTION 42-1425, IDAHO CODE.

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

WATER CAN BE DELIVERED THROUGH BIRCH CREEK CANAL (DITCH).

01/15/2003

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

RIGHT NUMBER: 29-11697
NAME AND ADDRESS: J PHILLIP ADAMS
1705 NORTH HWY 38
BRIGHAM CITY UT 84302

FREDEE ADAMS
1705 NORTH HWY 38
BRIGHAM CITY, UT ID 84302

SOURCE: BIRCH CREEK TRIBUTARY: MARSH CREEK
POINTS OF INJECTION INTO BIRCH CREEK. POINT OF REDIVERSION FROM BIRCH CREEK.

QUANTITY: 5.640 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 5.64 CFS. COMBINED RIGHT NOS.: 29-11697, 29-11698, 29-11699, 29-11700.

THIS RIGHT WHEN COMBINED WITH RIGHT NO. 29-11697, 29-11698, 29-11699, 29-11700 SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE.

PRIORITY DATE: 10/10/1878

POINT OF DIVERSION:

T11S R36E S36 NENWNW Within BANNOCK County
T12S R36E S23 SESENE Rediversion Within BANNOCK County
T12S R36E S27 SENWSW Within BANNOCK County
T12S R36E S27 SENWSW Within BANNOCK County
T12S R36E S27 SENWSW Injection Within BANNOCK County
T12S R36E S27 SENWSW Injection 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	5.640 CFS

PLACE OF USE: IRRIGATION Within BANNOCK County

T11S R36E S25	NESW	28.0	T11S R36E S25	SWSW	17.0
T11S R36E S25	NESE	40.0	T11S R36E S25	NWSE	37.0
T11S R36E S25	SWSE	9.3	T11S R36E S25	SESE	29.0
T11S R36E S35	NENE	15.0	T11S R36E S35	NWNE	4.0
T11S R36E S35	SWNE	17.0	T11S R36E S35	SENE	9.6
T11S R36E S36	NENE	20.0	T11S R36E S36	NWNE	3.0
T11S R36E S36	SWNE	19.0	T11S R36E S36	NENW	19.0
T11S R36E S36	NWNW	12.0	T11S R36E S36	SENW	3.3

282.2 ACRES TOTAL

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 282.2 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 29-11697, 29-11698, 29-11699, 29-11700.

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

01/15/2003

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

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.

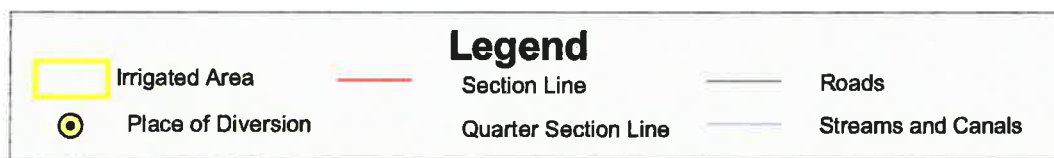
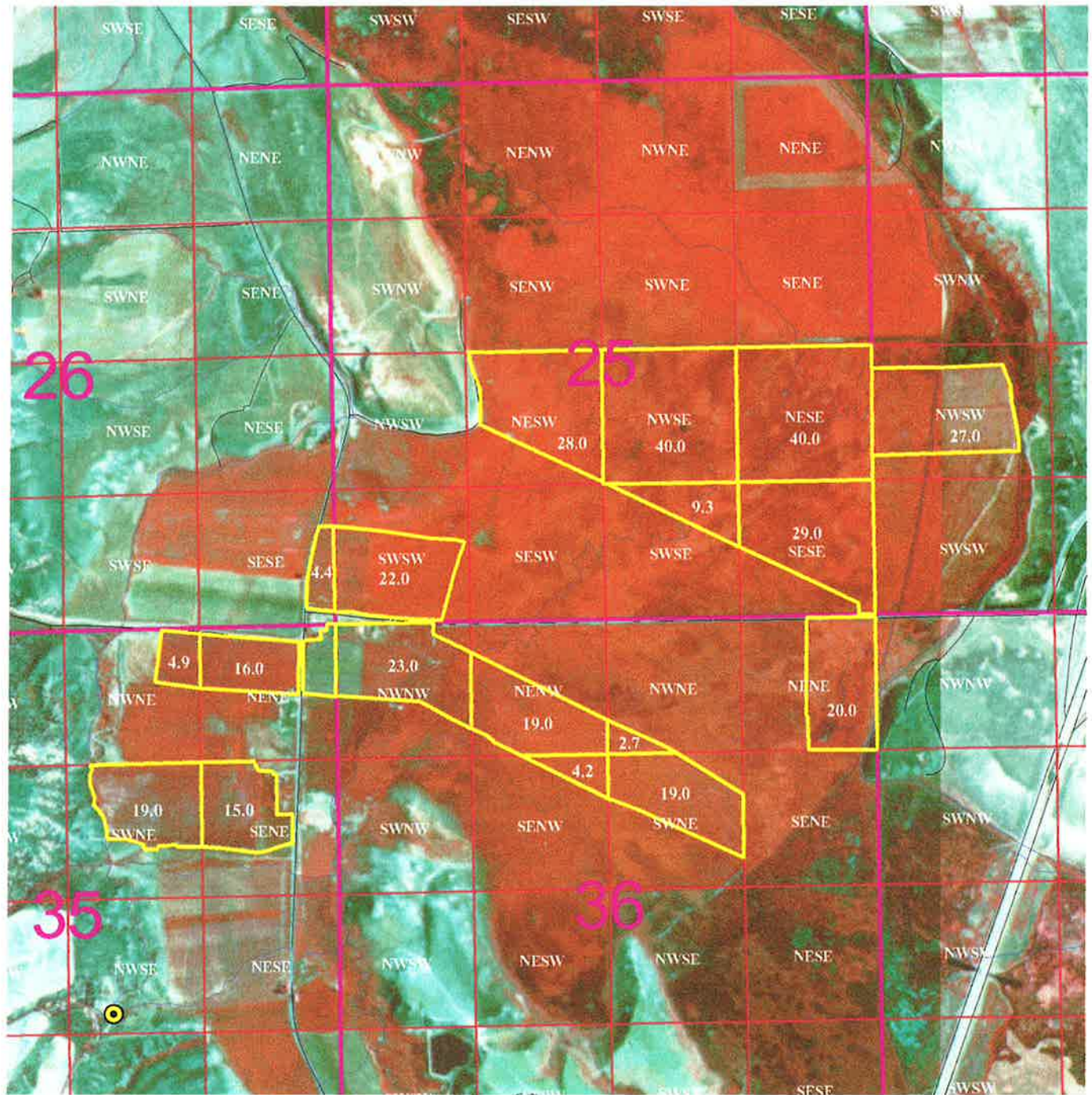
EXPLANATORY MATERIAL: Decreed

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
PURSUANT TO SECTION 42-1425, IDAHO CODE.

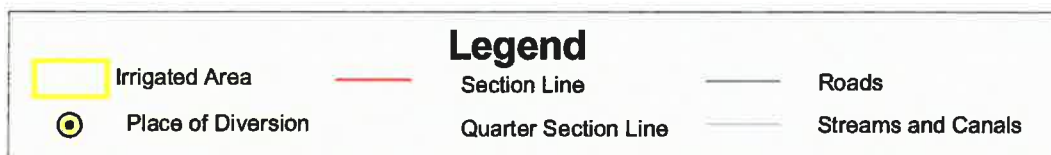
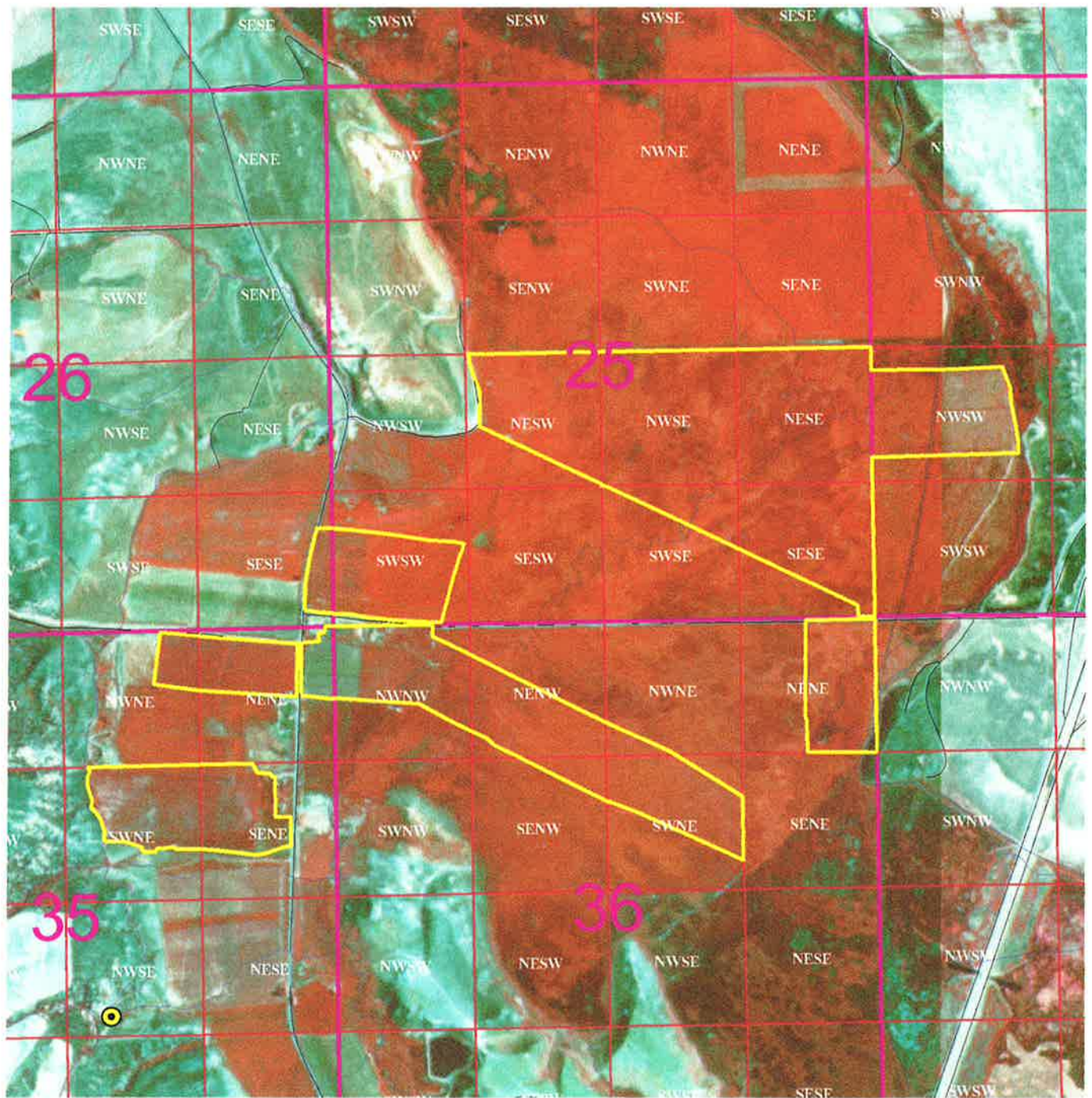
RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT
TO SECTION 42-1425, IDAHO CODE.

WATER CAN BE DELIVERED THROUGH BIRCH CREEK CANAL (DITCH).

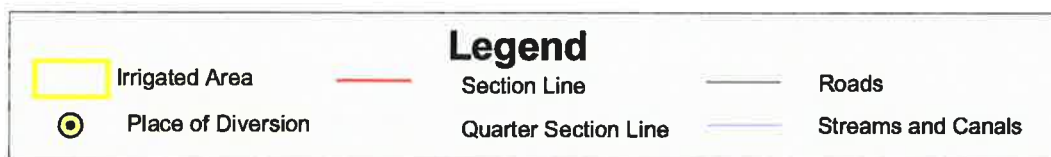
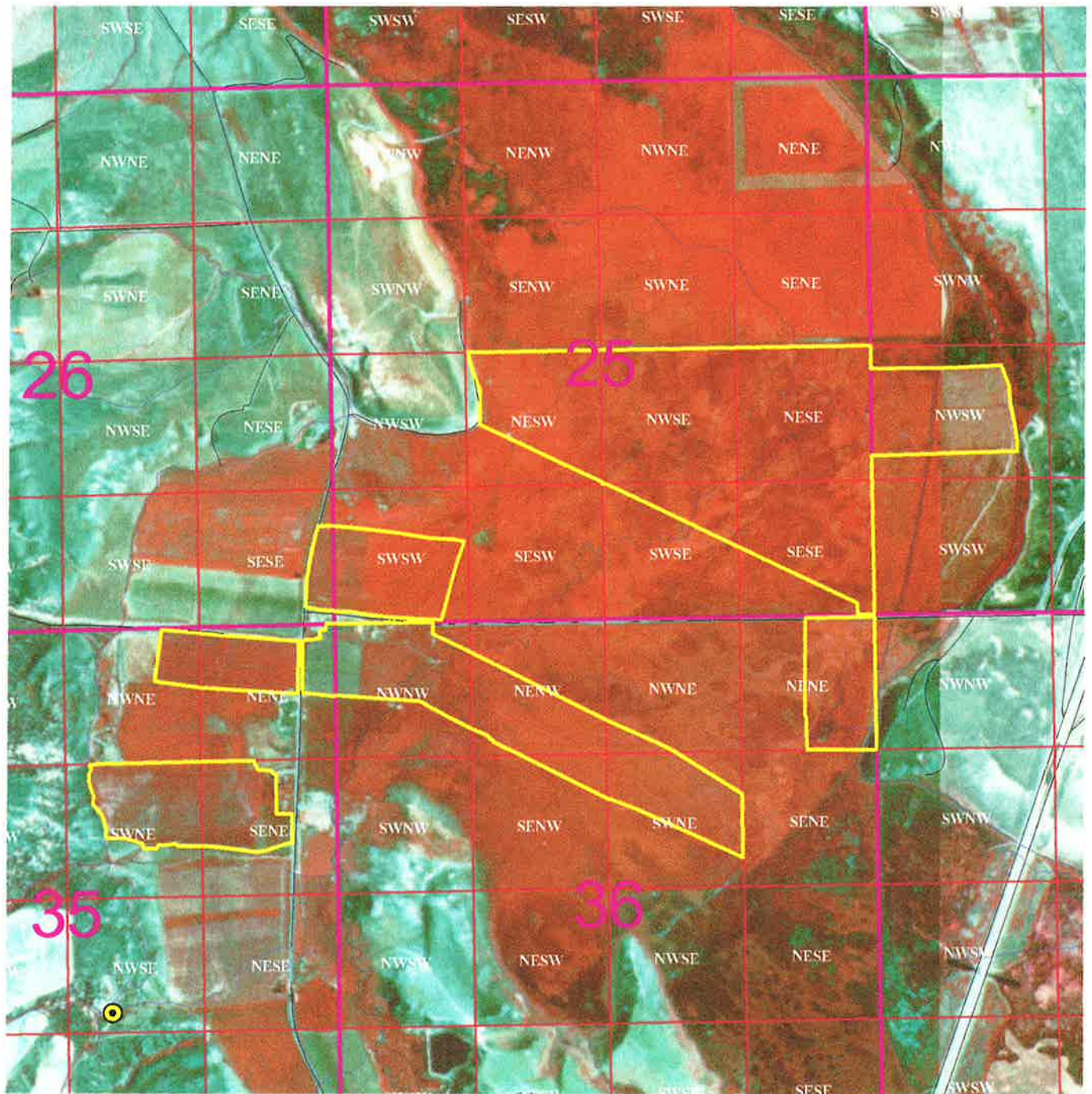
Townships , 11S37E, 11S36E



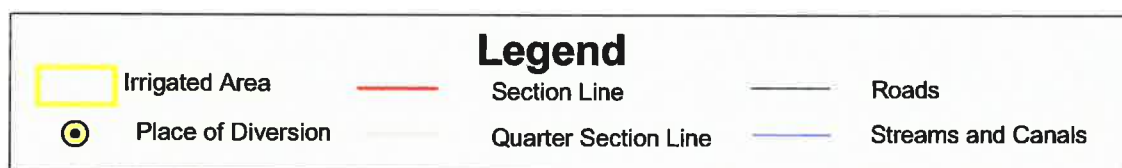
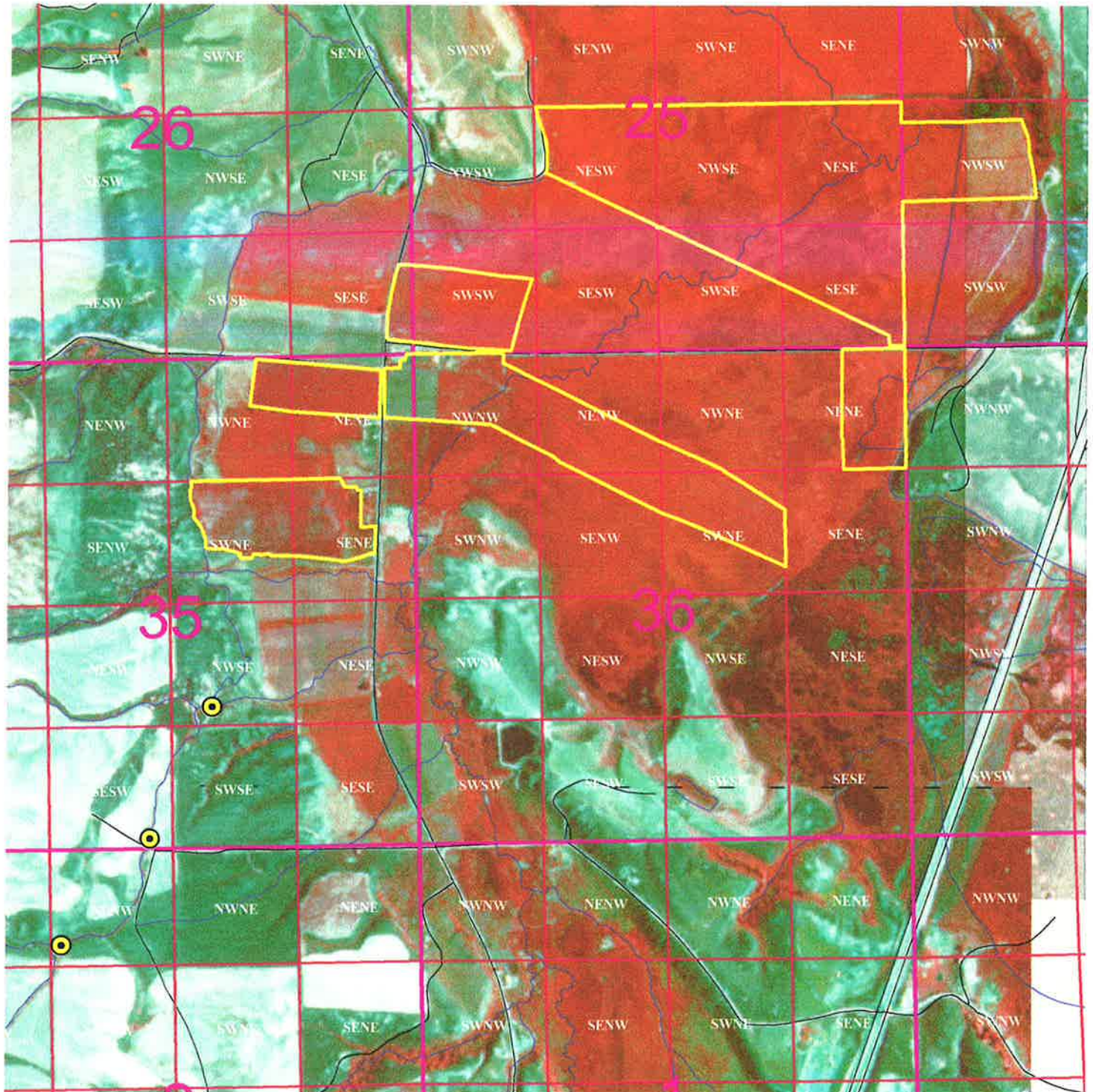
Townships , 11S37E, 11S36E



Townships , 11S37E, 11S36E



Townships , 11S37E, 11S36E

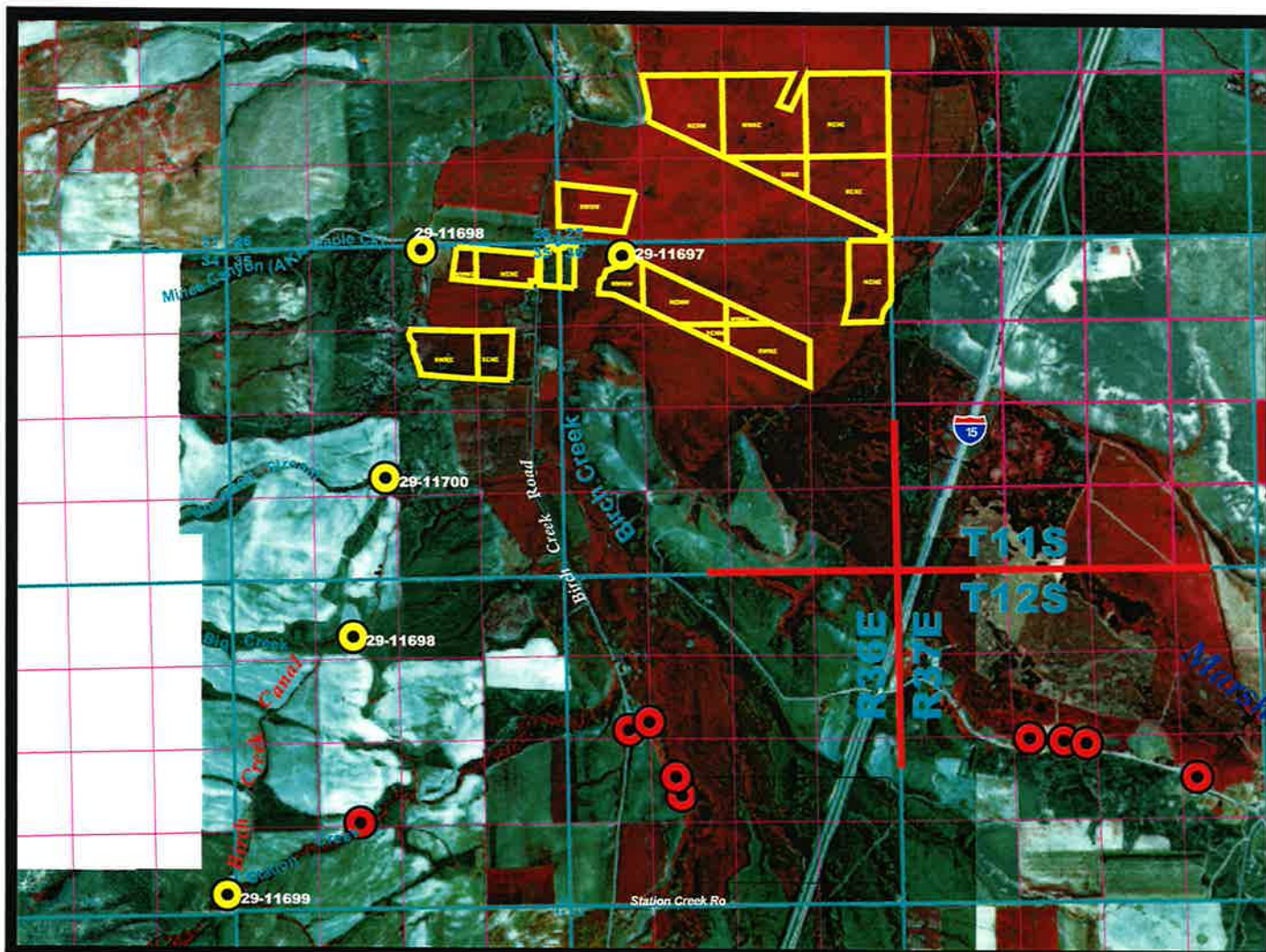




State of Idaho

Department of Water Resources

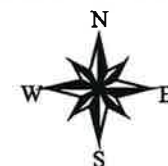
Eastern Region



Water Right(s):
29-11697, 29-11698,
29-11699, 29-11700

Place of Use: (parts of): T11S, R36E
 Sec. 25 S2, Sec. 35 NE, Sec. 36 N2

Point(s) of Diversion: T11S, R36E
 Sec. 35 NWNWNE (Maple Ck)
 SENESW (Unnamed Stream)
 Sec. 36 NENWNW (Birch Ck)
 T12S, R36E
 Sec. 2 SWNENW (Big Ck)
 Sec. 3 SESESE (Station Ck)
 Birch Creek (not shown);
 Sec. 23 SWSWNE (Rediv)
 Sec. 27 SENWSW (2 PODs/POIs)



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, appearing to read "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

Wakley vs Wakley, 1904..... Station Creek

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

Wakley vs Wakley, 1904..... Dry Hollow (Big Ck) and Maple Ck (Mines Canyon)

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.

Owner Type	Full Name	Address	City	State	Zip	Phone
------------	-----------	---------	------	-------	-----	-------

Name connector: and _____, or _____, and/or ☒

Current Owner DIXIE WARD

Current Owner _____

Representing Attorney: _____ **Phone Number:** _____

Accompanied By: _____ Phone Number: _____

Relationship to Claimant: _____

Date of Field Exam: _____ Time: _____

Directions to Property (if different from above) and/or update owner information:

1/7/03 ch to Phil Asame

Reviewer: _____

Date: _____

BASIN 29: BIRCH CREEK WATER RIGHTS

Mapping: USGS Quad, CC-91, recognizes a perennial stream flowing East from Section 28, T12S, R36E, named Mill Creek. Flowing into NWSW of Section 27 this same stream is called Mill Creek. Then, at a small dam located in the center of the NWSW of Section 27 the same stream trace continues on to the East, but, in NWSW of Section 26 (T12S,R36E) the name changes to Birch Creek and continues on, as such, into Basin 29. Points of diversion and points of injection are in Oneida County.

Brief History: On October 10, 1878, a Decree in Equity (Daniels vs Woodland) was issued. Thereby, allocating $\frac{3}{4}$ of "... all the waters of Birch Creek,..." (no quantitative analysis of flow is mentioned) to Daniels, et al. This $\frac{3}{4}$ flow was (is) diverted, at two points, in NWSW Sec. 27 T12S, R36E and ditched to flow into Basin 15 and on into Devil Creek; ultimately being held for storage in Devil Creek Reservoir. This water right is claimed (SRBA) as 29-13103 and claims the 1878 priority date; held by Malad Valley Irrigation (MVI), in Oneida County.

The remaining $\frac{1}{4}$ of flow to, Woodland, et al, (again, no quantitative analysis of flow is recognized) is diverted at the same points of diversion, then injected (same legal description as the diversion, only a few yards downstream) back into the creek channel (Birch Creek) and carried on into Basin 29, Bannock County. Part of the flow of Birch Creek (after the split, as above), on the Basin 29 side, is then rediverted at SESENE Section 23, flows into a pipeline and under Interstate 15, then open flows into Birch Creek Canal system for distribution to several users. The remaining flow continues down the original stream channel to the valley floor and is used by other appropriators.

The Problem: The SRBA claims, from Birch Creek on the Basin 29 side, claim a priority date of June 9, 1904 (priority dates are not recognized by the decree so the decree date is used as the priority date), consistent with Wakley vs Wakley Decree (29-G1). However, Wakley vs Wakley allocates the flow (Basin 29 side) of Birch Creek to the many appropriators and fails to recognize the Daniels vs Woodland Decree setting the priority of Birch Creek waters. Wakley v Wakley also discusses the allocation and distribution of the waters of others streams on the Basin 29 side. And, again, does not recognize priority dates of those streams; therefore the priority date, for the other streams, is the decree date of June 9, 1904, and is appropriate.

However, those claimants of Basin 29 having rights to the waters of Birch Creek ("... $\frac{1}{4}$ of the waters of said Birch Creek") and its Basin 29 tributaries, as address by Daniels vs Woodland, fail to claim the 1878 priority date.

In theory, under the Priority Doctrine, as mandated by the Constitution of the state of Idaho, "first in time is first in right" the appropriators (MVI) of the $\frac{3}{4}$ flow of Birch Creek, claiming some 6.2 cfs, could demand their right be filled in those times of short water years leaving Basin 29 appropriators without water due to their 1904 claimed priority date.

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D E C R E E.

IN THE DISTRICT COURT THIRD JUDICIAL DISTRICT OF IDAHO TERRITORY
HELD IN AND FOR THE COUNTY OF ONEIDA.

Thomas Daniels, WM, H. Jones, David Leigh, :
Daniel Thomas Sen., E. J. Davis, Henry R. :
Evans, Richards Jones, Henry Peck, Daniel :
Daniels, James E. Jones and Morgan Morgan, :
Plaintiffs, :

agst.
William Woodland, Henry Wakely, George :
Wakely, John Wakely, Henry Woodland and :
Sam Bamford, :

Defendants.

IN
EQUITY.

.....
The Summons and complaint in this action having been duly served and the answer of the Defendants having been filed thereto and the following agreement and stipulation of the respective parties having been filed in open court on the 10th day of October 1878, to-wit:

It is hereby agreed understood and stipulated by and between the plaintiffs and defendants in this action and each and all of them and by the respective attorneys thereto that the rights privileges and equities of the respective parties to this action shall be as follows, to-wit:

That these plaintiffs are entitled to the use, occupation and control of three quarters of all the waters of a stream situated in Oneida County, Idaho and known as Birch Creek which is the same stream set forth and described in the plaintiffs' Complaint and it is hereby admitted, agreed, understood, and stipulated that the said Plaintiffs' are the first appropriators of the said three quarters of all the waters of the said Birch Creek and are entitled to the exclusive use possession and enjoyment of the same said water to be taken out at a point where plaintiffs ditch now intersects the said Birch Creek. It is further admitted that the said amount of water is not more than sufficient to irrigate the lands of plaintiffs and that the same is necessary for the successful irrigation of their farms and that a decree of this Court be entered in accordance with the prayer of the complaint in this action to the extent of said amount of water and in accordance with the terms of this stipulation. 3/4 MVI

It is agreed, understood, and stipulated on the part of the plaintiffs that the defendants are the first appropriators of one fourth of the waters of the said Birch Creek and are entitled to the exclusive use possession and enjoyment of the same and that a decree of this court be made and entered in their behalf for one fourth of the amount of the waters of the said Birch Creek and it is further admitted that said amount is necessary for the successful irrigation of the lands of these defendants. 1/4 BCC

It is further agreed that the costs of this action be divided and paid equally between the parties thereto.

And it is further agreed and understood that this stipulation is made to carry into effect the former stipulation on file.

Dated Oct. 10th, 1878.

S. P. Highbee,
Willard Crawford, and
B. F. White,
Attys. for plfs.

Norman Buck,
Attys. for dfts.

Daniels
v
Woodland.

Priority Date Data Entry Form

Claim Number: 29-11697
Water Right Priority Date: 6/9/1904 Water Right Basis: DECREED
Claimed Priority Date: 6/9/1904 Claimed Basis: "
Recommended Priority Date: 10/10/1878 Recommended Basis: DECREED

☐ Use Claimed Priority Date and Basis as Recommended Priority Date and Basis

Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

THIS WTR IS REFERENCED IN WARLEY VS WARLEY, 1904.
APPARENTLY NO WTR #'S WERE ISSUED W/ THIS DECREED.

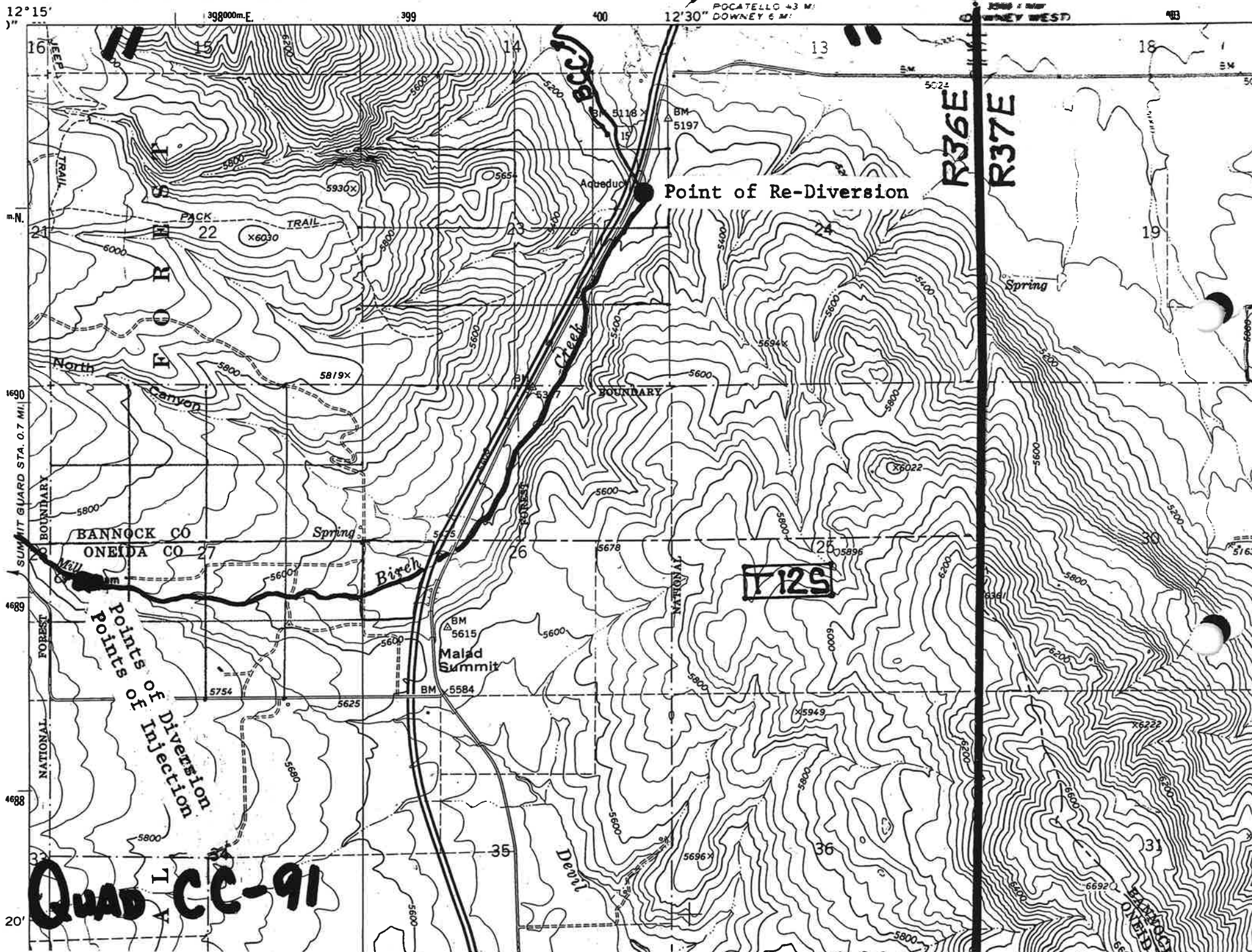
* CLAIM AMENDED TO DECREED DATE OF DANIELS VS WOODLAND, 1878.

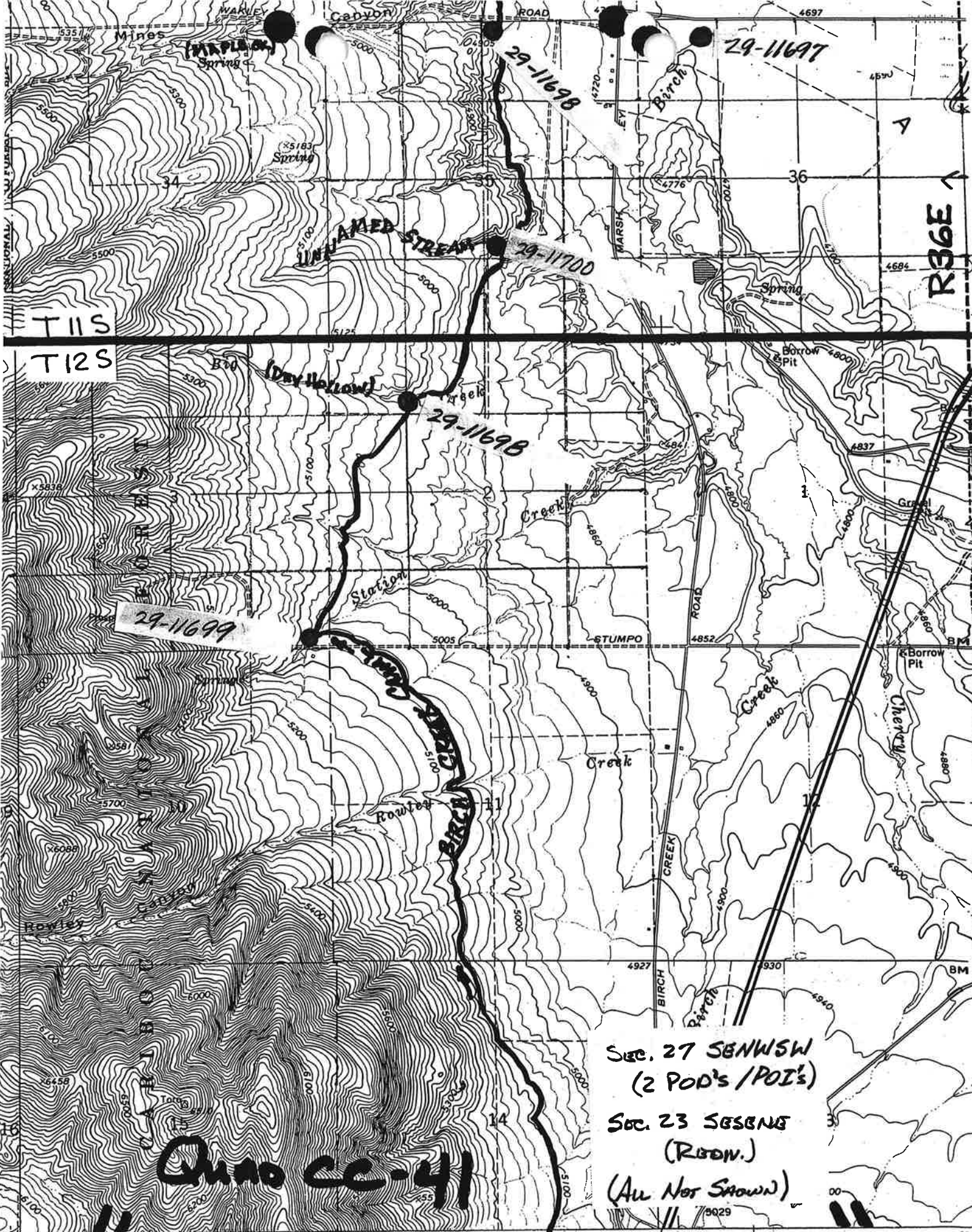
OTHER B's OVERLAP: 29-11697, 11698, 11699, 11700
FLS IS INDICATED: DOD/SOURCE/AC/SOU, OVERLAP

Reviewer: _____

Date: _____

GEOLOGICAL SURVEY







BIRCH CREEK
 SPLITTER BELOW
 THE POWER HOUSE
 DENNIS PHILLIPS
 BIRCH CR WITH
 SHOWN.
 ALSO SPLITS
 POWER HOUSE
 FLOW AS $\frac{1}{4}$ TO
 MARSH CR SIDE
 $\frac{3}{4}$ FLOW TO
 MALAD VALLEY.



BIRCH CREEK
 SPLITTER ABOVE
 POWER HOUSE.
 SPLITS: $\frac{1}{4}$ FLOW
 TO MARSH CR
 SIDE: $\frac{3}{4}$ FLOW
 TO MALAD VALLEY



RB-DW. Sec. 23 125/365
 LOWER DIVERSION (JUST OFF IIS: E. SIDE)
 DIVIDES BIRCH CK (ON MARSH CK SIDE). DENNIS
 PHILLIPS, WATERMASTER, STANDS AT THE SIDE THAT
 GOES ON TO NW, PIPED UNDER IIS TO BIRCH CK
 CANAL.

Point of Diversion and Source Data Entry Form

Claim Number: _____

Water Right Point of Diversion: T____, R____, Sec.____,____,____,____. County: _____

Source: _____ Tributary: _____

Claimed Point of Diversion: T____, R____, Sec.____,____,____,____. County: _____

Source: _____ Tributary: _____

Recommended Point of Diversion: T____, R____, Sec.____,____,____,____. County: _____

Source: _____ Tributary: _____

____ Use Claimed POD and Source as Recommended POD and Source

Tw	Rge	Sec	Gov Lot	QQ of QQ of Q	County	Source
115	36E	35		SESW		REDIV.
GPS Coordinates: _____						
		36		NWNW		BIRCH CK DIV.
GPS Coordinates: _____						
125	36E	23		SENE		BIRCH CK DIV.
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						

Other rights from this POD? _____

Document how the POD and Source were verified and/or Pump and Motor data:

DIETZ DISCUSSES 1/6 FLOW OF BIRCH CK.
 Q: WHAT IS REDIV FROM?

29-11697, 11698, 11699 AND 11700 ALL CLAIM 6.84 cfs
ON SAME 342° AC. → REDIVISION 1/6 AND AC LIMITS
FB INDICATED

Transfers Changing POD _____

Reviewer: _____

Date: _____

Place Of Use Data Entry Form

Claim Number: _____

_____ Use Claimed POU as Recommended POU

Claimed Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
11S	36E	25					166 ⁰	
		26					5 ⁰	
		35					55 ⁰	
		36					87 ⁰	
	37E	30					29 ⁰	

Total Acres 342⁰

Recommended Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total Acres _____

Document how the POU was verified:

Is POU DISCUSSED BY DECREE?

C#5

Transfers Changing POU _____

Reviewer: _____

Date: _____



IDAHO DEPARTMENT OF WATER RESOURCES

SNAKE RIVER BASIN ADJUDICATION - BASIN 29



RIGHT ID

POD ID

Quad

Claim Type

Easting

Northing

GPSID

Diversion Description

HEADGATE TO DITCH TO PLACES OF USE FOR IRRIGATION. Concrete structure splits flow. Structure behaves as broad crested weir at low flows. At high flows, it behaves as a submerged weir. Weir is 5 ft. long. 4 ft. goes north. 1 ft. goes to south. Water is currently running 2" deep over weir, but high water marks show 8" above weir on upstream side with an apparent delta of 4".

Assumptions

Slope, and 1 foot section goes to POU.

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)

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

This is a Direct Diversion off Birch Cr Channel out on the meadow - This @ shown here is likely NOT representative or availability especially in October.

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 Servc, Inc.

Period of Use and Quantity Data Entry Form

Claim Number: _____

☐ Use Claimed Period of Use and Quantity as Recommended Period of Use and Quantity

Water Right Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
<i>Pring</i>				

Overall Diversion Rate _____

Overall Diversion Volume _____

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
<i>Pring</i>	<i>01/01</i>	<i>12/31</i>	<i>6.34</i>	

Overall Diversion Rate _____

Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
<i>Pring</i>	<i>4/1</i>	<i>10/31</i>		
	<i>DEPT STD</i>			

Overall Diversion Rate _____

Overall Diversion Volume _____

Document how the Period of Use and/or Diversion Rate were verified:

Reviewer: _____

Date: _____



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

RECEIVED
JAN 06 2003

Department of Water Resources
Eastern Region

Belongs to Senny
Bowman on to TSL
properties - Disallowed
CM

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

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

Form 42-24842-1409(6) July, 2000

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>29-11697</u>	<u>Same</u>	☐	_____	_____	☐
<u>29-11698</u>	<u>Same</u>	☐	_____	_____	☐
<u>29-11699</u>	<u>Same</u>	☐	_____	_____	☐
<u>29-11700</u>	<u>Same</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)

William D and Dixie J Ward

4. New Owner/Claimant(s)

J Phillip and Freddie Adams

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

New Mailing Address

1705 North Hwy 28

City, State and ZIP Code

Brigham City, UT 84302

New Telephone Number

(435) 723-5474

5. Date you acquired the property

Form 42-248/42-1408(4) July, 2000

6. 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)
(include title if applicable)

Joan Adams
Frederic Adams

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 _____

3-1

1-65083 -DD
96009136

WARRANTY DEED

For Value Received

WILLIAM D. WARD TRUSTEE and DIXIE WARD TRUSTEE

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

J. PHILLIP ADAMS and FREDEE C. ADAMS, husband and wife

whose current address is

1705 N HWY 38

BRIGHAM CITY, UT 84302

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

SEE ATTACHED "EXHIBIT A"

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor do hereby covenant to and with the said Grantee(s), that (s)he is/are the owner(s) 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 (s)he will warrant and defend the same from all lawful claims whatsoever.

Dated: **June 3, 1996**

RECEIVED
JAN 06 2003
Department of Water Resources
Eastern Region

A PARCEL OF LAND IN SECTIONS 25 AND 26, TOWNSHIP 11 SOUTH, RANGE 36 E.B.M., BANNOCK COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 25, THENCE RUNNING WEST 19.34 CHAINS, THENCE SOUTH $26\frac{1}{4}^{\circ}$ WEST 9.55 CHAINS, THENCE NORTH $66-3\frac{1}{4}^{\circ}$ WEST 3.17 CHAINS, THENCE NORTH $26\frac{1}{4}^{\circ}$ EAST 8.16 CHAINS, THENCE WEST 37.12 CHAINS, MORE OR LESS, TO THE NORTHWEST CORNER OF THE NE $\frac{1}{4}$ SW $\frac{1}{4}$ OF SAID SECTION, THENCE SOUTH 35 RODS, THENCE SOUTHEASTERLY 255 RODS, MORE OR LESS, TO A POINT THAT LIES 2.65 CHAINS WEST AND 1.57 CHAINS NORTH OF THE SOUTHEAST CORNER OF SAID SECTION, THENCE SOUTH 1.57 CHAINS, THENCE EAST 2.65 CHAINS, THENCE NORTH 40 CHAINS TO THE PLACE OF BEGINNING. ALSO, COMMENCING AT A POINT 4.18 CHAINS NORTH OF THE SOUTHWEST CORNER OF SAID SECTION, THENCE RUNNING NORTH $83^{\circ}00'$ WEST 4.50 CHAINS, THENCE NORTH 13° EAST 10.14 CHAINS, THENCE SOUTH $82^{\circ}45'$ EAST 21.63 CHAINS, THENCE SOUTH $15-3\frac{1}{4}^{\circ}$ WEST 10 CHAINS, THENCE NORTH 83° WEST 16.60 CHAINS TO PLACE OF BEGINNING.

EXCEPT: A PARCEL OF LAND IN SECTION 26, TOWNSHIP 11 SOUTH, RANGE 36 E.B.M., BANNOCK COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT 4.18 CHAINS NORTH OF THE SOUTHEAST CORNER OF SECTION 26, TOWNSHIP 11 SOUTH, RANGE 36 E.B.M., BANNOCK COUNTY, IDAHO, THE TRUE POINT OF BEGINNING, RUNNING THENCE NORTH $83^{\circ}00'$ WEST 225 FEET MORE OR LESS TO THE CENTER OF A COUNTY ROAD; THENCE NORTH 13° EAST ALONG SAID CENTER LINE 625 FEET; THENCE SOUTH $82^{\circ}45'$ EAST 171 FEET MORE OR LESS TO THE EAST LINE OF SAID SECTION 26; THENCE SOUTH ALONG THE EAST LINE TO THE TRUE POINT OF BEGINNING.

ALSO A PARCEL OF LAND IN SECTIONS 25, 26, 35 AND 36, TOWNSHIP 11 SOUTH, RANGE 36 E.B.M., BANNOCK COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT 12.62 CHAINS EAST AND SOUTH $84^{\circ}06'$ EAST 1.77 CHAINS EAST OF THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 35, THENCE SOUTH $84^{\circ}06'$ EAST 20.95 CHAINS, THENCE SOUTH $4^{\circ}10'$ WEST 7.64 CHAINS, THENCE NORTH 84° WEST 21.20 CHAINS, THENCE NORTHERLY 7.63 CHAINS TO THE PLACE OF BEGINNING. ALSO, COMMENCING AT A POINT 5.78 CHAINS SOUTH OF THE NORTHWEST CORNER OF SAID NE $\frac{1}{4}$ OF

3-3 96009136

THENCE SOUTH 87°50' EAST 363.0 FEET, THENCE NORTH 3°22' EAST 600.0 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

3/13/96

WD-LL.FOR

TOGETHER WITH ALL WATER AND WATER RIGHTS APPURTENANT TO THE ABOVE DESCRIBED LAND, INCLUDING BUT NOT LIMITED TO:

- 1/6 OF THE FLOW OF BIRCH CREEK
- 1/5 OF THE FLOW OF STATION CREEK
- 1/4 OF THE FLOW OF BIG HOLLAR
- 1/4 OF THE FLOW OF MAPLE CREEK

ALSO, TOGETHER WITH ALL IRRIGATION SYSTEMS AND EQUIPMENT AFFIXED TO THE ABOVE DESCRIBED PROPERTY.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

October 4, 2002

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

PHILLIP ADAMS
1705 N HWY 38
BRIGHAM CITY UT 84302

RE: CHANGE IN OWNERSHIP FOR 29-11697, 29-11698, 29-11699, 29-11700

Dear Mr. Adams:

It has come to our attention that you may have recently purchased a tract of land in Bannock County. The property to which I am referring was most recently owned by William and Dixie Ward.

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

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

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

Respectfully submitted,

Jennifer Crabtree
Technical Records Specialist

Enclosure(s)

SCANNED

MAY 31 2001

Log for claim A29-11697

Spatial Dynamics TWB

6/5/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
11s36e	25	NESW	32	28	
11s36e	25	SWSW	21	22	
11s36e	25	NESE	39	40	
11s36e	25	NWSE	39	40	
11s36e	25	SWSE	8	9.3	
11s36e	25	SESE	27	29	
11s36e	26	SESE	5	4.4	
11s36e	35	NENE	15	16	
11s36e	35	NWNE	7	4.9	
11s36e	35	SWNE	18	19	
11s36e	35	SENE	15	15	
11s36e	36	NENE	19	20	
11s36e	36	NWNE	3	2.7	
11s36e	36	SWNE	18	19	
11s36e	36	NENW	18	19	
11s36e	36	NWNW	24	23	
11s36e	36	SENW	5	4.2	
11s37e	30	NWSW	29	27	
Totals:			342	342.5	

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 04/24/00
PAGE: 182

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	WILLIAM D WARD	06/09/1904	IRRIGATION	01-01 12-31	6.840 CFS	
C	DIXIE J WARD					
	23010 S MARSH CREEK RD					
	DOWNEY ID 83234			TOTAL DIVERSION:	6.840 CFS	
	(208) 897-5140			CONSUMPTIVE USE:		855.00 AFA

Stage: DECREEED

Point(s) of Diversion:	T11S R36E S36	NWNW	BANNOCK County
	T12S R36E S23	SENE	BANNOCK County
Point(s) of Re-diversion:	T11S R36E S35	SESW	BANNOCK County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE								
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM
			:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	
11S	36E	25	:					:					:	32		21		:	39	39	08	27	:	166.0
11S	36E	26	:					:					:					:				05	:	5.0
11S	36E	35	:	15		07	18	:					:					:					:	55.0
11S	36E	36	:	19		03	18	:	18	24		05	:					:					:	87.0
11S	37E	30	:					:					:	29				:					:	29.0
																						TOTAL ACRES		342.0

Non-Irrigation Uses: N/A

Other Rights: A29-11697.11698.11699.11700

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

29-04166 A29-00321 A29-00322 A29-00328A A29-00328B A29-04166 A29-11650 A29-11698 A29-11699 A29-11700

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

A29-00317	A29-00317A	A29-00318	A29-00320	A29-00321	A29-00322	A29-00330C	A29-00331	A29-04206	A29-10407
A29-10461	A29-10462	A29-10465	A29-11650	A29-11698	A29-11699	A29-11700			

Remarks: GEN THIS NOTICE OF CLAIM IS PART OF THE GEORGE WAKLEY VS. HENRY WAKLEY, ET AL DECREE OF 06/09/1904. CLAIMANTS' ABSTRACT OF TITLE SHOWS FLOW RATE AS 1/6 OF THE WATERS OF BIRCH CREEK.

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

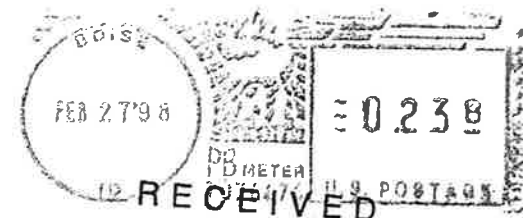
Misc: Water District Number: Field Inspection Flag:
Presumption Flag: C

Audit: 04/24/90 MEYER 09/09/94 JTHOMPSO 03/29/95 POST-STD

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, P.O. Box 83720
Boise, Idaho 83720-0098

Return Service Requested

PRESORTED
FIRST CLASS



WARD 225

MAR 09 1998

Department of Water Resources

A29-11697
WILLIAM D WARD
DIXIE J WARD
23010 S MARSH CREEK RD
DOWNEY ID 83234

WARD225 T832343005 1897 05 03/02/98
WARD RETURN TO SENDER
TEMPORARILY AWAY
RETURN TO SENDER

83720-0098 83234



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 29-11697
Date Received: 4/24/1990
Receipt No: E013622
Received By:

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name of Claimant(s)

WILLIAM D WARD Phone: (208)897-5140

23010 S MARSH VALLEY RD
DOWNEY ID USA 83234

DIXIE J WARD Phone: (208)897-5140

23010 S MARSH VALLEY RD
DOWNEY ID USA 83234

2. Date of Priority: 06/09/1994

10/10/1878

J. Phillip Adams

3. Source: BIRCH CREEK , BIRCH CREEK , BIRCH CREEK Trib. to: SINKS , SINKS , SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
11S	36E	35	SE SW	BANNOCK	R
12S	36E	23	SE NE	BANNOCK	
11S	36E	36	NW NW	BANNOCK	

5. Description of diverting works:

HEADGATE TO DITCH TO PLACES OF USE FOR IRRIGATION.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	1/01	12/31	6.84	

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

8. Total consumptive use:

9. Non-irrigation uses:

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JAN 23 2003
Department of Water Resources
Eastern Region

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
11S	36E	25	NE	SW	IRRIGATION	32
			SW	SW	IRRIGATION	21
			NE	SE	IRRIGATION	39
			NW	SE	IRRIGATION	39
			SW	SE	IRRIGATION	8
			SE	SE	IRRIGATION	27
Section Acres						166
11S	36E	26	SE	SE	IRRIGATION	5
					Section Acres	5
11S	36E	35	NE	NE	IRRIGATION	15
			SW	NE	IRRIGATION	18
			SE	NE	IRRIGATION	15
			NW	NE	IRRIGATION	7
			Section Acres			
11S	36E	36	NE	NE	IRRIGATION	19
			NW	NE	IRRIGATION	3
			SW	NE	IRRIGATION	18
			NE	NW	IRRIGATION	18
			NW	NW	IRRIGATION	24
			SE	NW	IRRIGATION	5
Section Acres						87
11S	37E	30	NW	SW	IRRIGATION	29
					Section Acres	29
Total Acres						342

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:

THIS NOTICE OF CLAIM IS PART OF THE GEORGE WAKLEY VS. HENRY WAKLEY, ET AL DECREE OF 06/09/1904. CLAIMANTS' ABSTRACT OF TITLE SHOWS FLOW RATE AS 1/6 OF THE WATERS OF BIRCH CREEK.

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 _____ all 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): J. B. Kelly Adams Date: 1/8/03 Date: _____State of Idaho Utah)
County of Welpet) SS.Subscribed and sworn (or affirmed) before me this 8th
of January 2003Michelle L. Satterthwaite

Notary Public

Residing at Box Elder CountyMy commission Expires Jan. 25, 2006



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

December 11, 2002

RECEIVED
JAN 23 2003
Department of Water Resources
Eastern Region

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
Candice M. McHugh
Deputy Attorney General, IDWR

Enclosures

cc: Allen Ruberry

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: A29-11697
Date Received: 4/24/1990
Receipt No: EQ 13622
Received By: JPM

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: WILLIAM D. WARD
Address: 23010 S. MARSH CREEK RD.
DOWNEY, ID 83234

~~208-897-5140~~

AND/OR

Name: DIXIE J. WARD
Address: 23010 S. MARSH CREEK RD.
DOWNEY, ID 83234

~~208-897-5140~~

A291697



2. Date of Priority: JUN 09, 1904

3. Source: BIRCH CREEK

Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
11S	36E	35	SE	SW		R	BANNOCK
		36	NW	NW			BANNOCK
12S	36E	23	SE	NE			BANNOCK

5. Description of diverting works:
HEADGATE TO DITCH TO PLACES OF USE FOR IRRIGATION.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	01/01	12/31	6.840		

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

8. Total consumptive use is 855.0 Acre Feet Per Annum.

9. Non-irrigation uses:
N/A

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
11S	36E	25	NE		SW		IRR	32.0
			SW		SW		IRR	21.0
			NE		SE		IRR	39.0
			NW		SE		IRR	39.0
			SW		SE		IRR	8.0
			SE		SE		IRR	27.0
					Section Acres			166.0
		26	SE		SE		IRR	5.0
			Section Acres			5.0		
		35	NE		NE		IRR	15.0
			NW		NE		IRR	7.0
			SW		NE		IRR	18.0
			SE		NE		IRR	15.0
			Section Acres			55.0		
36	NE		NE		IRR	19.0		
	NW		NE		IRR	3.0		
	SW		NE		IRR	18.0		
	NE		NW		IRR	18.0		
	NW		NW		IRR	24.0		
	SE		NW		IRR	5.0		
		Section Acres			87.0			
37E	30	NW		SW		IRR	29.0	
Section Acres			29.0					
Total Acres			342.0					

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:
A29-11697,11698,11699,11700

14. Remarks:
THIS NOTICE OF CLAIM IS PART OF THE GEORGE WAKLEY VS. HENRY WAKLEY, ET AL DECREE OF 06/09/1904. CLAIMANTS' ABSTRACT OF TITLE SHOMS FLOW RATE AS 1/6 OF THE WATERS OF BIRCH CREEK.

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date: 6/09/1904

HENRY WAKLEY, ET AL
Decree Plaintiff

vs GEORGE WAKLEY
Decree 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 _____ 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): William J. Gerd Date: 4-24-90
Walter J. Gerd Date: 4-24-90

State of Idaho)
County of BANWICK) SS.

Subscribed and sworn (or affirmed) before me this 24 day
of April 19 90

[Signature]
Notary Public

Seal

Residing at IDAHO FALLS
My Commission Expires 4-12-94

A29-11697

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

R36E R:

398000m E

399

400

12' 30"

401

402

