

06/04/2003

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

RIGHT NUMBER: 29-11698
NAME AND ADDRESS: J PHILLIP ADAMS
1705 NORTH HWY 38
BRIGHAM CITY UT 84302

FREDEE ADAMS
1705 NORTH HWY 38
BRIGHAM CITY UT 84302

SOURCE: BIG CREEK
MAPLE CREEK
TRIBUTARY: BIRCH CREEK
TRIBUTARY: BIRCH CREEK

QUANTITY: 5.640 CFS

The amount of water diverted under this water right may not exceed 1/4 of the stream flow of Big Creek and Maple Creek at the point of diversion described below at any given time. This water right shall not provide more than .02 cubic feet per second per acre at any time.

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: 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:

<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:

06/04/2003

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

MINES CANYON CREEK IS ALSO KNOWN AS MAPLE CREEK.

BIG CREEK IS ALSO KNOWN AS DRY HOLLOW.

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
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NAME AND ADDRESS: J PHILLIP ADAMS
1705 NORTH HWY 38
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MINES CANYON CREEK

Maple CK
TRIBUTARY: BIRCH CREEK
TRIBUTARY: BIRCH CREEK

QUANTITY: 5.640 CFS

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COMBINED DIVERSION RATE OF 5.64 CFS. COMBINED RIGHT NOS.: 29-11697,
29-11698, 29-11699, 29-11700.

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29-11700 SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE.

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:

<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

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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

Water Right 29-11698

1

01/15/2003

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

MINES CANYON CREEK IS ALSO KNOWN AS MAPLE CREEK.

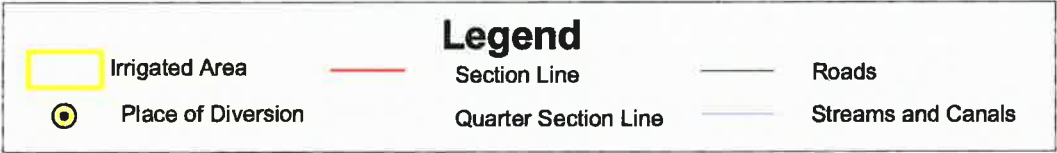
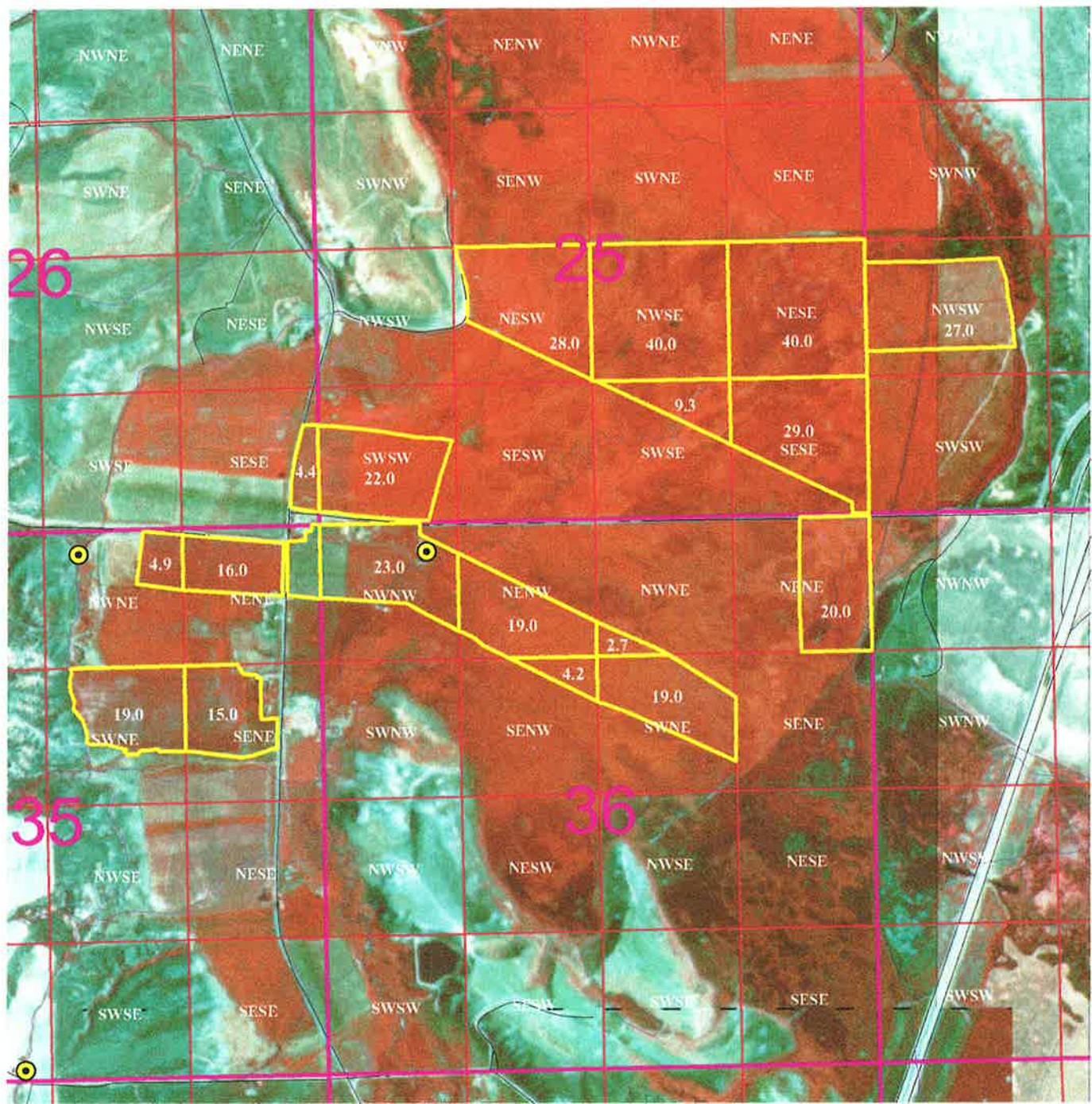
BIG CREEK IS ALSO KNOWN AS DRY HOLLOW.

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

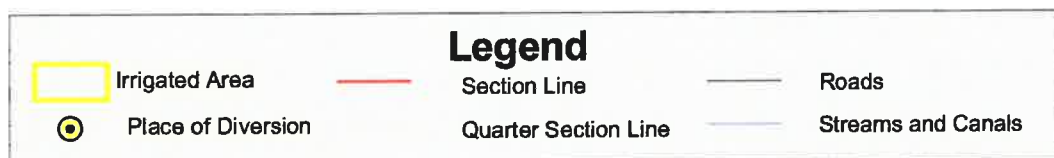
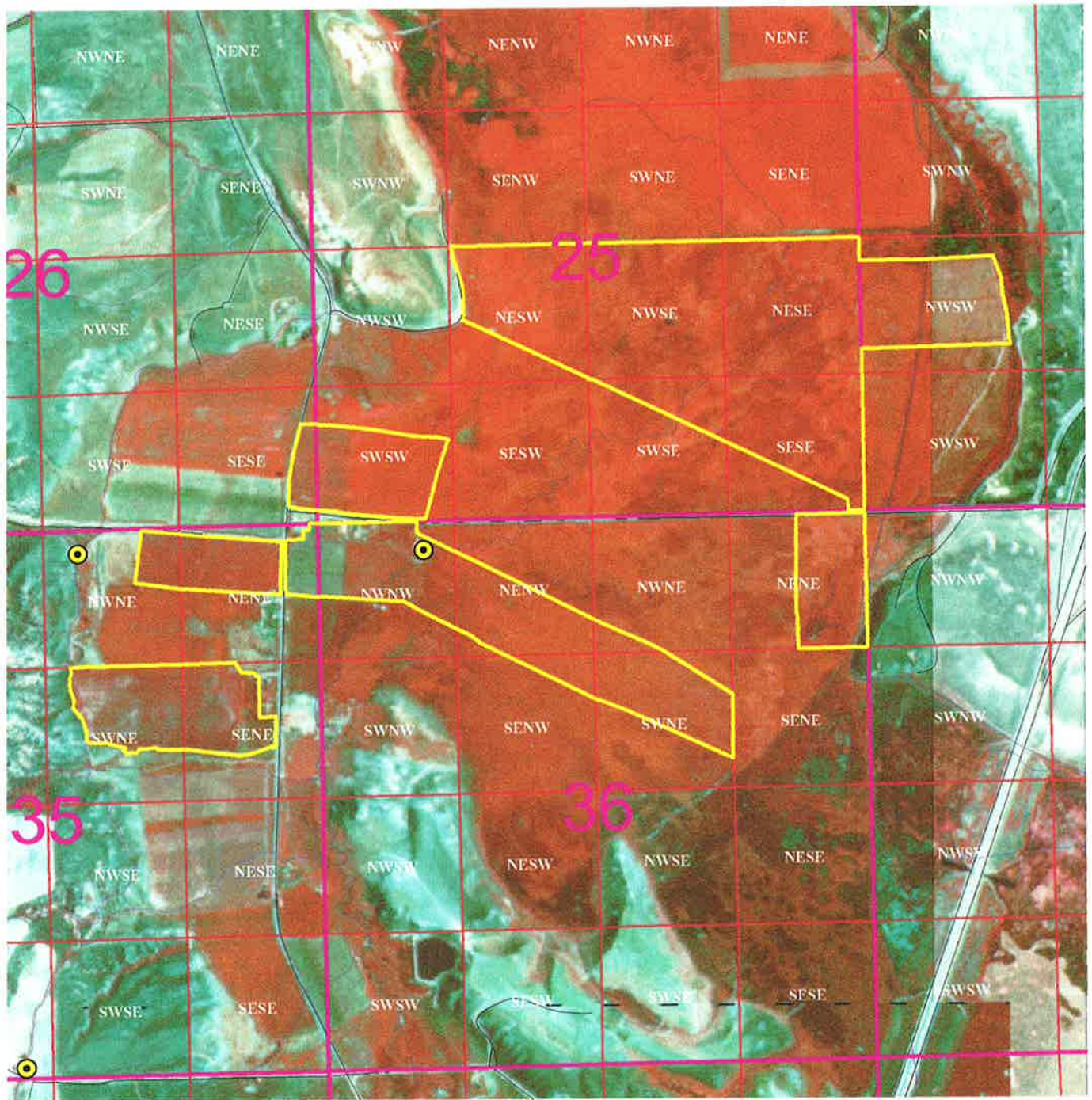
RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT
TO SECTION 42-1425, IDAHO CODE.

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

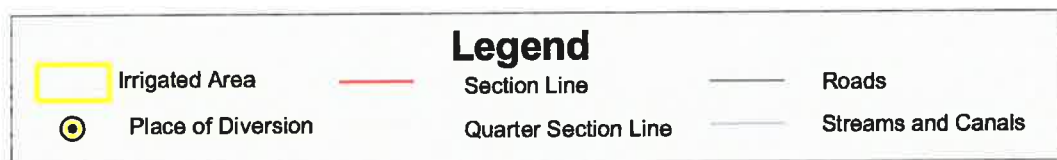
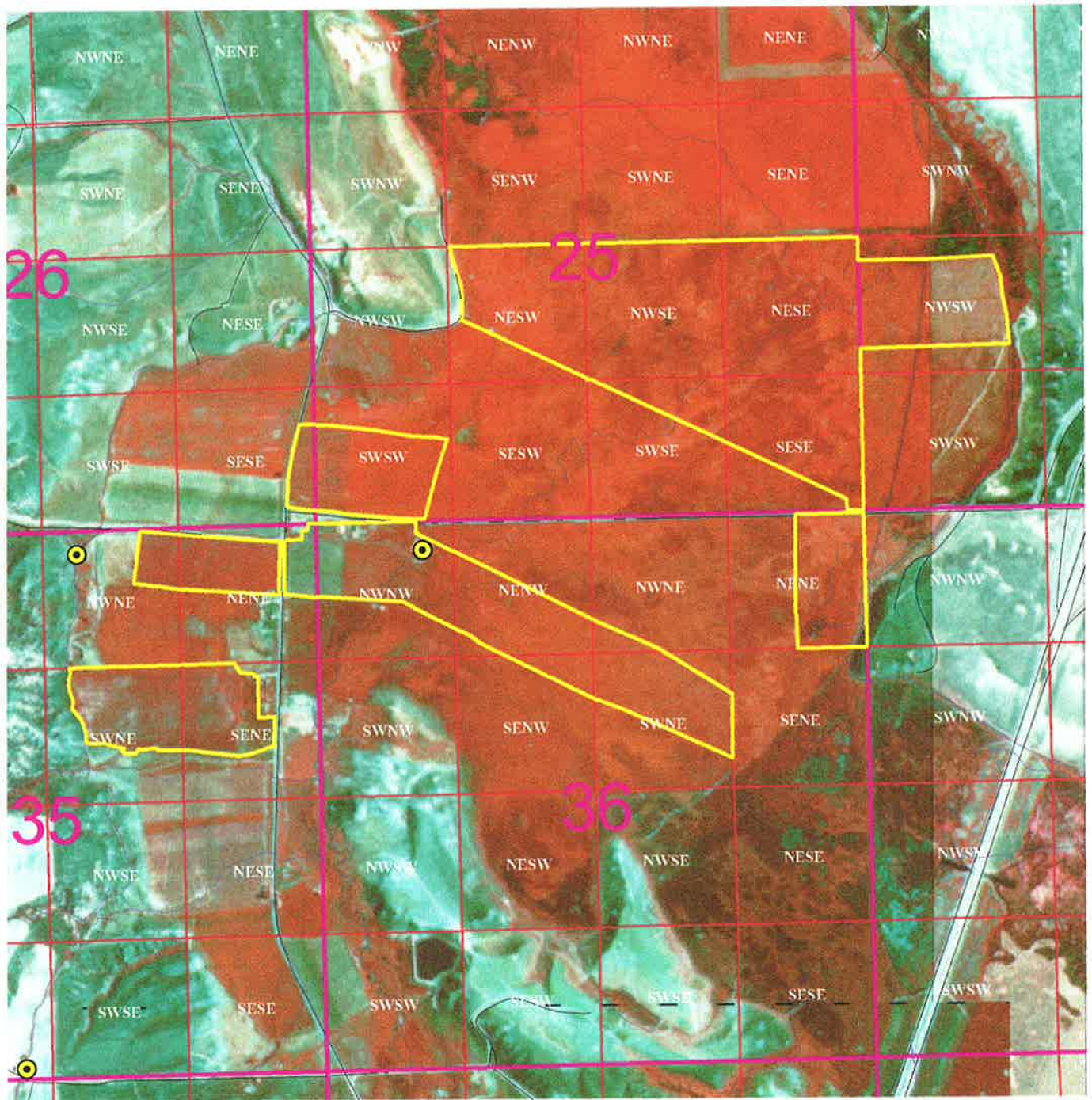
Townships , 11S37E, 11S36E



Townships , 11S37E, 11S36E



Townships , 11S37E, 11S36E

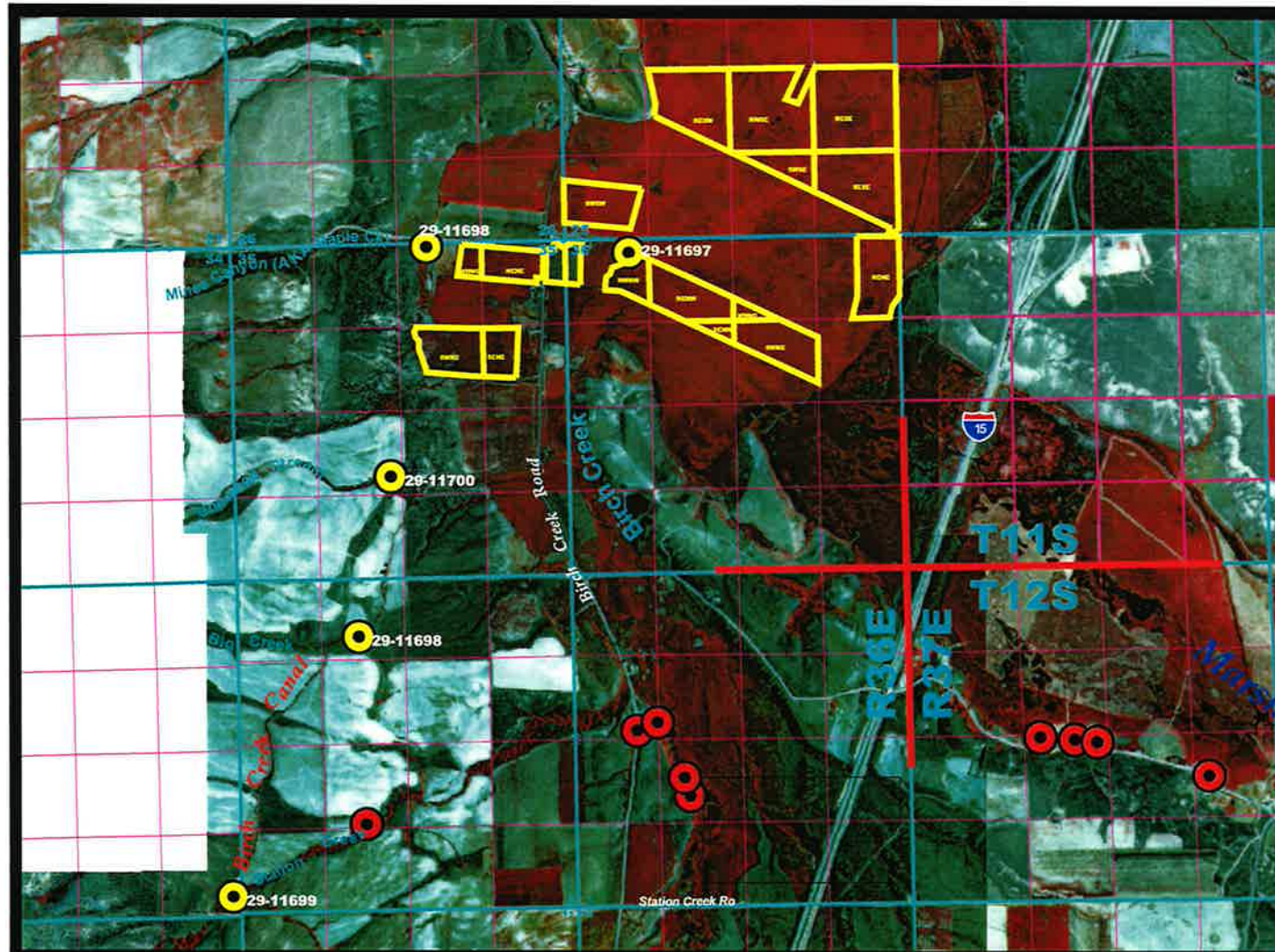




State of Idaho

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, 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

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.

Contacts Data Entry Form

Owner Type	Full Name	Address	City	State	Zip	Phone
Current Owner	Wm WARD					
Name connector: and _____, or _____, and/or _____ ✓						
Current Owner	Dixie					
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:

12/11/02 Phil Adams CAUOS - DISCUSSED NOTES OF THOSE
CLAIM ORIGINATED BY WM WARD. AND BIRCH CR
Priority Date ISSUED. He'll SEND % AND EVIDENCE
FOR 29-11700.

1/2/03 C/o to Phil Adams

Reviewer: _____

Date: _____

File #43 2921
Hollow et al. Grecks
Maple
Station
Birch

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,
Plaintiffs.

VS.

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

Judgement.

This cause came regularly on for trial on the _____ day of _____, 1903, W.T. Reeves, Esq., and Henry H. Towner, 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 advised in the premises, files its Findings of Fact and Conclusion 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 aforesaid, it is ordered, adjudged and decreed that plaintiff Henry Wakley have the use and benefit of the continuous and uninterrupted flow of one-fourth 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 1/2 of S.E.1/4 and N.W.1/4 of S.E.1/4 of Section 35, and S.W.1/4 of S.W.1/4 of Section 36, Township 11 South, Range 36 E. Boise Meridian, containing 160; also 58 acres as shown by deeds from administrators of Estate of Ellen Woodland; also 2 3/4 acres as shown by deed from W. W. Woodland, recorded Deed Book 13 page 425, records Bannock County, less the certain 58.36-100 acres conveyed by said Wakley to John J. Wakley by deed of record in

29 0317 Tr. 3032
29 0318 Tr. 1717
9 0319 Tr. 106

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.

29 0320 That plaintiff William W. Woodland be adjudged and decreed to have the use and benefit of the continuous and uninterrupted flow of one-fourth of all the waters of Dry Hollow and Maple Creeks and the use and benefit of the continuous and uninterrupted flow of 0321 one-fifth of all the waters of Station Creek, and the use and benefit of the continuous and 29 0322 uninterrupted flow of one-sixth of all the waters of Birch Creek flowing towards Marsh Valley. That said water is used upon and be appurtenant to Lot No. 3 of Section 30, Township 11 South, Range 37 East Boise Meridian, and N 1/2 of S.E.1/4 and N.E.1/4 of S.W.1/4 of Section 25, Township 11 South, Range 36 E. Boise Meridian, Bannock County, Idaho, containing 172.82/100 acres, less 14.75 acres deeded by said plaintiff to Estate of Ellen Woodland; also to 67.36 ac adjoining last tract deeded to plaintiff by estate of Ellen Woodland heretofore; also to 27.18 acres by deed from Henry Wakley, book 13 of deeds page 424, records of said Bannock County, it being intended hereby to cover all farming lands now owned by said plaintiff as irrigated from said streams.

3 0323 That the Estate of Ellen Woodland be adjudged and decreed to have the use and benefit of the continuous and uninterrupted flow of one-fourth of all the waters of Dry Hollow and Maple Creeks 29 0324 and the use and benefit of the continuous and uninterrupted flow of one-fifth of all the waters of Station Creek, and the use and benefit of the continuous and uninterrupted 29 0325 flow of one-sixth of all the waters of Birch Creek flowing towards Marsh Valley. That said water is used upon and appurtenant to Lot No. 4 of Section 30, Township 11 South, Range 37 E. Boise Meridian, and S.1/2 of S.E.1/4, and S.E.1/4 of S.W.1/4, Section 25, Township 11 South, Range 36 East B.M., containing 172.83 acres, less 127 acres conveyed to W. W. Woodland, Henry Wakley and J.J.Wakley under decree of the Probate Court, Bannock County, Idaho; also to 46 acres deeded to said estate by W. W. Woodland, John J. Wakley and Henry Wakley; also to the tract of land known as the Ellen Woodland Desert Entry situated on said Birch Creek, containing 160 acres, all of said lands being in said Bannock County, it being intended hereby to cover all lands now owned by said estate as irrigated from said streams.

That defendant George Wakley be adjudged and decreed to have the use and benefit

0326
If the continuous and uninterrupted flow of one-fifth of all the waters of Station Creek,
0327
and the use and benefit of the continuous and uninterrupted flow of one-sixth of all the
waters of Birch Creek flowing towards March Valley. That said waters be used upon and ap-
purtenant to N.W.1/4 of S.W.1/4, and E.1/2 of S.W.1/4; S.1/2 of N.W.1/4; S.W.1/4 of N.E.1/4;
V.1/2 of S.E.1/4 and Lot 3 of Section One, Township 12 S., Range 36 E. Boise Meridian,
Bannock County, containing 360 acres. It being intended hereby to cover all lands of said
defendant now owned as irrigated from said streams.

0328 That defendant John Ware be adjudged and decreed to have the use and benefit of
the continuous and uninterrupted flow of one-sixth of all the waters of Birch Creek flowing
towards March Valley.

That said waters be used upon and appurtenant to N.E.1/4 Section 13, Township 11 ^{ERROR} 12
South, Range 36 E. Boise Meridian, said Bannock County, Idaho. It being intended hereby to
cover lands now owned by said defendant as irrigated from said stream.

0329 That defendant J. J. Wakley be adjudged and decreed to have the use and benefit of
the continuous and uninterrupted flow of one-twelfth of the waters of Birch Creek flowing
towards March Valley. That said waters are used upon and appurtenant to N.E.1/4 Section 13,
Township 12 South, Range 36 E. Boise Meridian, except 30 acres thereof heretofore conveyed
by deed by said defendant to J. H. Wakley. It being intended hereby to cover all lands of
defendant as irrigated from said stream.

0330 That defendant J. H. Wakley be adjudged and decreed to have the use and benefit of
one-fourth of all the waters of Dry Hollow and Maple Creeks, the use and benefit of the con-
tinuous and uninterrupted flow of one-fifth of all the waters of Station Creek, and one-
twelfth of the continuous and uninterrupted flow of all the waters of Birch Creek flowing
towards March Valley. That said waters are used upon and appurtenant to S.W.1/4 of N.E.1/4,
N.1/2 of N.E.1/4, N.W.1/4 of N.W.1/4 Section 33, Township 11 S. Range 36 E. Boise Meridian,
containing 160 acres, also 30 acres off the East side of N.W.4 Sec.13 Tp.12 S.R.36 E.B.M. in
said Bannock County. It being intended hereby to cover all lands now owned by said defendant
as irrigated from said streams.

0331 T. 11S, 16E, 17N
continuous and uninterrupted flow of one-fifth of all the waters of Station Creek, and one-

0332 T. 11S, 16E, 17N, 18E
twelfth of the continuous and uninterrupted flow of all the waters of Birch Creek flowing
towards March Valley. That said waters are used upon and appurtenant to S.W.1/4 of N.E.1/4,
N.1/2 of N.E.1/4, N.W.1/4 of N.W.1/4 Section 33, Township 11 S. Range 36 E. Boise Meridian,
containing 160 acres, also 30 acres off the East side of N.W.4 Sec.13 Tp.12 S.R.36 E.B.M. 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 right, that in such streams, respectively, the respective parties as set out as having rights, be and 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 whatever way, be, 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 portions.

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

Alfred Budge,
District Judge.

STATE OF IDAHO)
 (SS.
County of Bannock,)

I. E. G. Gallet, Clerk of the District Court, Ex-Officio Auditor and Recorder of Bannock County, Idaho, do hereby certify that the within and foregoing is a full, true and correct copy of the original Water Decree as shown by the records of my office.

Witness my hand and official seal this 9th day of June, 1904.

/s/ E. G. Gallet
Clerk District Court, Ex-Officio Auditor & Recorder.

SEAL

By, Deputy

Priority Date Data Entry Form

Claim Number: 29-11698
Water Right Priority Date: 6/9/1904 Water Right Basis: DECREED
Claimed Priority Date: " Claimed Basis: "
Recommended Priority Date: _____ Recommended Basis: _____

____ 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:

REFERENCE IS MADE TO WAKLEY V. WARLEY, 1904.
REMARK: ... 1/4 OF THE WATERS OF DRY HOLLOW AND MARLBOROUGH CR

OTHER RTs OVERLAP: 29-11697, 11698, 11699, 11700.

FE INDICATED: POLL, PD'S/SOURCE, Q AND OVERLAP

4/6/03 CAUSD MR. ADAMS ADVISED T.
RECEIVED DODD BUT NO %. HEIL
RAX ONB. 4/7/03 RAXED % - SUB 29-11697

Reviewer: _____

Date: _____

GEOLOGICAL SURVEY

12°15'

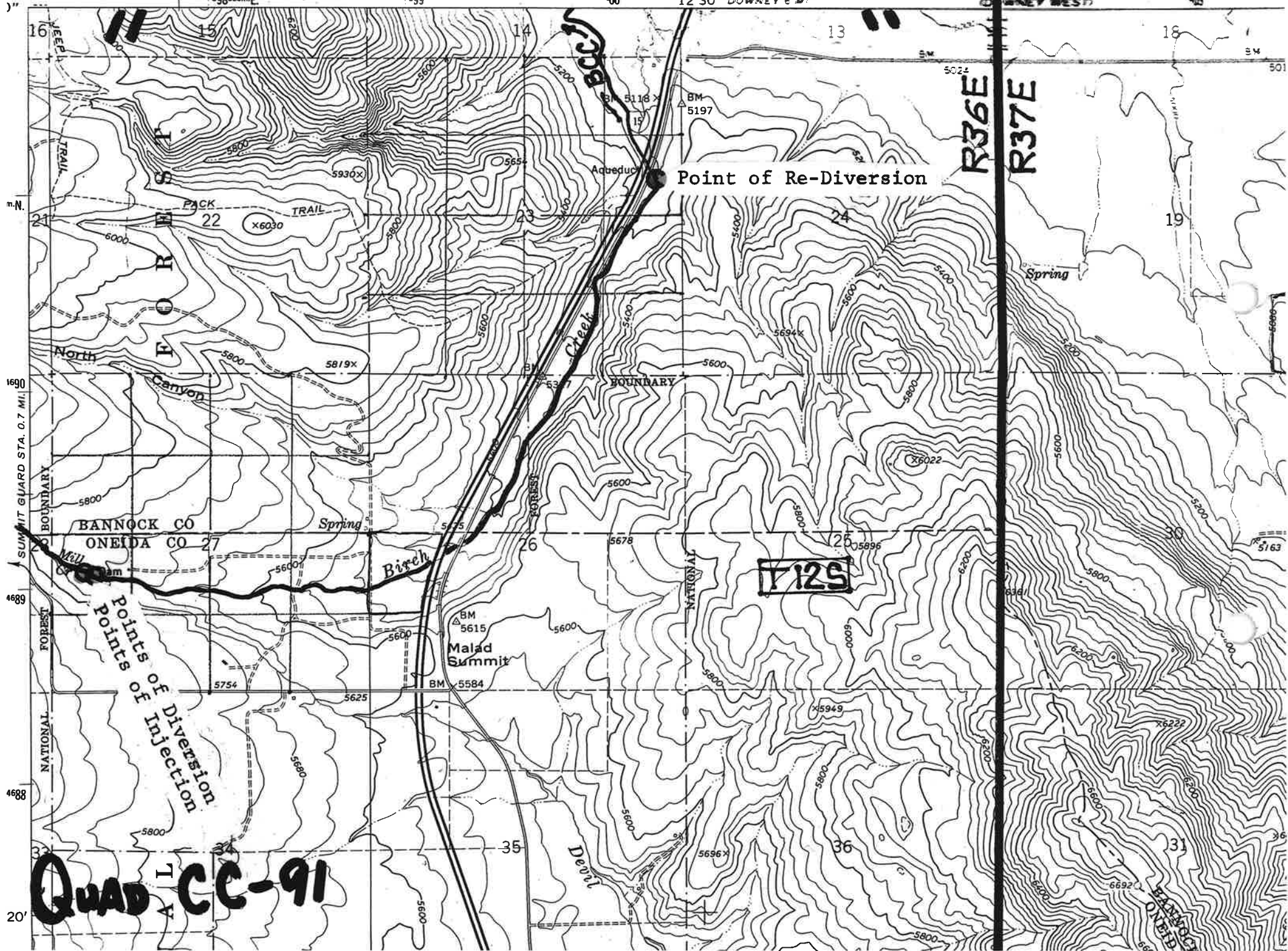
398000m.E

399

400

12°30" POCATELLO 43 M.
DOWNNEY 6 M.

DOWNNEY WEST



Point of Diversion and Source Data Entry Form

Claim Number: _____

Water Right Point of Diversion: T____, R____, Sec.____,____,____,____. County: BannSource: Dry Hollow (Big Cr) Maple Cr Tributary: BIRCH CR

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

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source
<u>115</u>	<u>36E</u>	<u>35</u>		<u>NW NW 1/4</u>	<u>Bann</u>	<u>Maple Cr</u>

GPS Coordinates: _____

		<u>35</u>		<u>SE NW 1/4</u>		<u>Umanan Stream</u>
--	--	-----------	--	------------------	--	----------------------

Sec 29-11700

GPS Coordinates: _____

--	--	--	--	--	--	--

GPS Coordinates: _____

		<u>36</u>		<u>NE NW 1/4</u>		<u>BIRCH CR</u>
--	--	-----------	--	------------------	--	-----------------

Sec 29-11697

GPS Coordinates: _____

<u>125</u>	<u>36E</u>	<u>2</u>		<u>SW NW 1/4</u>		<u>BIG CR</u>
------------	------------	----------	--	------------------	--	---------------

GPS Coordinates: _____

		<u>2</u>		<u>SW NE 1/4</u>		<u>Station Cr</u>
--	--	----------	--	------------------	--	-------------------

Sec 29-11699

GPS Coordinates: _____

--	--	--	--	--	--	--

GPS Coordinates: _____

Other rights from this POD? _____

Waters Carried BY BCC Canal (with) ^{Remain}

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

Dry Hollow (Cr) ALSO KNOWN AS BIG CREEK⇒ B & P

①:

WHAT IS ROOTED FROM?FE INDICATED29-11697, 11698, 11699 AND 11700 ALL CLAIM 6.84 cfs ONclaim limitsSAME 342° AC ⇒ Requires use of limits ⇒ 282° AC @ .02 = 5.64 cfsPOSSIBLY A Limits YesLimits

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
115	36E	25					166	Prng
		26					5	}
		35					55	
		36					87	
	37E	30					29	

Total Acres _____

Recommended Place of Use

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

Total Acres _____

Document how the POU was verified:

RE-INDICATED

Transfers Changing POU _____

Reviewer: _____

Date: _____

Purpose of Use Data Entry Form

Claim Number: _____

_____ Use Claimed Purpose of Use as Recommended Purpose of Use

Water Right Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit	Number of Other
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Claimed Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit	Number of Other
Panig	_____	_____	342 ⁰	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Recommended Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit	Number of Other
Panig	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Document how the Purpose of Use was verified:

Transfers Changing Purpose of Use _____

Reviewer: _____

Date: _____

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>			<i>1/4 FLOW?</i>	

Overall Diversion Rate _____ Overall Diversion Volume _____

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
<i>Pring.</i>	<i>1/1</i>	<i>12/31</i>	<i>6.84</i>	

Overall Diversion Rate _____ Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
<i>Pring.</i>	<i>04/01</i>	<i>10/31</i>		

Overall Diversion Rate _____ Overall Diversion Volume _____

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

*Claimed cfs is based on 0.02 cfs/ac (Per 42-220 IC)**SINCE DECREE DOES NOT*

Reviewer: _____

Date: _____



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

November 8, 2002

Phillip Adams
1705 N. Highway 38
Brigham City, UT 84302

Re: Evidence of priority for SRBA Claim Nos. 29-0407, 29-11697,
29-11698 and 29-11700

Dear Claimant:

I am a Paralegal for the Idaho Department of Water Resources assigned to Basin 29 in the Snake River Basin Adjudication.

The Department of Water Resources has previously contacted you regarding evidence of priority for the above SRBA claim. In order to make a positive recommendation of this water right, each element of the water right must be proven.

If the Department does not receive evidence of a priority date for this claim, your water right will be recommended to the SRBA Court as disallowed, meaning that the water right will not be valid. I have included a brochure that provides examples of evidence of priority date for your information.

Please contact Al Ruberry at the IDWR office in Idaho Falls at 208-525-7161 or you can contact me directly at 208-327-7928. It is imperative that you respond to this request as soon as possible so the Department can conclude the investigation of your water right.

Very truly yours,

Vicky L. Music

Vicky L. Music
Paralegal

Idaho Department of Water Resources

Enclosure

Post-it* Fax Note	7671	Date 11-7	# of pages 1
To Al Ruberry		From V. MUSIC	
Co./Dept.		Co.	
Phone #		Phone #	
Fax #		Fax #	

Office Fax (801) 624-1705
Phil Adams:
ORK (801) 624-5474
Hm (435) 723-5474
Coe (801) 540-5474
Ramm (208) 897-5954



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 A29-11698

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	

AJ5809NP
No. A29-11698

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 04/24/00
PAGE: 183

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

Water Source: BIG CREEK
DRY HOLLOW
MAPLE CREEK

Tributary to: BIRCH CREEK
BIRCH CREEK
BIRCH CREEK

Stage: DECREED

Point(s) of Diversion:	T11S R36E S35	NWNE	NWSE	BANNOCK County
	S36	NWNW		BANNOCK County
Point(s) of Re-diversion:	T12S R36E S02	NENW		BANNOCK County
	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	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	15	:					:					:					:	55.0		
11S	36E	36	:	19	03	18		:	18	24		05	:					:					:	87.0		
11S	37E	30	:					:					:		29			:					:	29.0		
																							TOTAL ACRES		342.0	

POU County: BANNOCK

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 A29-00317A A29-00320 A29-00321 A29-00322 A29-04166 A29-10463 A29-11650 A29-11697 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 A29-11697 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 1/4 OF THE WATERS OF DRY HOLLOW AND
MAPLE CREEKS. DRY HOLLOW IS LOCAL NAME FOR BIG CREEK.

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

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

AJ5809NP
No. A29-11698

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 04/24/00
PAGE: 184

=====

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

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: A29-11698

Date Received: 4/24/1990

Receipt No: EQ13622

Received By: PDW

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~~

A2911698

2. Date of Priority: JUN 09, 1904

3. Source: BIG CREEK
DRY HOLLOW
MAPLE CREEK (*Mines Canyon*)

Trib. to: BIRCH CREEK
BIRCH CREEK
BIRCH CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
11S	36E	35	NW	NE			BANNOCK
			SE	SW		R	BANNOCK
		36	NW	SE			BANNOCK
12S	36E	2	NW	NW			BANNOCK
			NE	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	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.

A29-11698

Page 1

Date: 04/24/90

MICROFILMED

NOV 16 1992

9. Non-irrigation use:
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 SHOWS FLOW RATE AS 1/4 OF THE WATERS OF DRY HOLLOW AND MAPLE CREEKS. DRY HOLLOW IS LOCAL NAME FOR BIG CREEK.

15. Basis of Claim: DECREED

A29-11698

Page 2

Date: 04/24/90

MICROFILMED

NOV 16 1992

Case Number:
Court :
Decree date:

HENRY WAKLEY, ET AL.
Decree Plaintiff

GEORGE WAKLEY
Decree Defendant

vs

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. Sand
William J. Sand

Date: 4-24-90

Date: 4-24-90

State of Idaho)

County of Bonneville)

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 7-12-94

NOV 15 1962
MICROFILMED

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RD

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