

10/23/2002

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

RIGHT NUMBER: 29-13138

NAME AND ADDRESS: MARJORIE ARMSTRONG
PO BOX 204
INKOM ID 83245

DELOY ARMSTRONG
PO BOX 204
INKOM ID 83245

SOURCE: UPPER ROCK CREEK

TRIBUTARY: PORTNEUF RIVER

QUANTITY: 0.030 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE SHALL NOT
EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 06/18/1902

POINT OF DIVERSION:

T08S R36E S11 NENWNE Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.020 CFS
IRRIGATION	04/01 10/31	0.030 CFS

PLACE OF USE: IRRIGATION Within BANNOCK County

T08S R36E S11 NWNE 1.5

STOCKWATER same as IRRIGATION

1.5 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.

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL
BENEFICIAL USE.

EXPLANATORY MATERIAL: Beneficial Use



State of Idaho

Department of Water Resources

Eastern Region



Water Right(s):
29-13138

Place of Use: T8S, R36E
(part of) Sec. 11 NWNE

Point(s) of Diversion: T8S, R36E
Sec. 11 NENWNE



LEGEND



Point of Diversion



Place of Use



Section



Quarter-Quarter

500 0 500 1000 1500 2000 2500 3000 3500 4000 4500 Feet

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



State of Idaho

Department of Water Resources

Eastern Region



500 0 500 1000 1500 2000 2500 3000 3500 4000 4500 Feet

Water Right(s):

29-13138

**Place of Use: T8S, R36E
(part of) Sec. 11 NWNE**

**Point(s) of Diversion: T8S, R36E
Sec. 11 NENWNE**



LEGEND



Point of Diversion



Place of Use



Section



Quarter-Quarter

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

RECEIVED

MAY 26 2004

Department of Water Resources
Eastern Region

MAY 25 AM 10:36

FILED
SRBA
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 SRBA

Case No. 39576

) Water Rights 29-10594, 29-13117, 29-13138,
) 29-13141, 29-11816 and 29-11817
)

) ORDER OF REFERENCE TO SPECIAL
) MASTER BRIGETTE BILYEU
)

On May 24, 2003, this Court received Standard Form 1 Objections filed by Joyce Orders. Each of the Objections indicated the name and address of the claimant to the water rights for which Ms. Orders filed the objection, but no water right numbers were included. After a search of the SRBA data base, the Court has matched the claimant names and addresses to the following water right numbers: Jay and Goldie Anthony, water rights 29-10594 and 29-13117, *Partial Decrees* entered March 22, 2004; Deloy and Marjorie Armstrong, water right 29-13138, *Partial Decree* entered March 22, 2004; Kevin and Sharon Baird, water right 29-13141, *Partial Decree* entered March 22, 2004; and Tim and Brenda Figone water right 29-11816, *Partial Decree* entered March 22, 2004 and water right 29-11817, *Partial Decree* entered December 2, 1998.

THE FOLLOWING ARE HEREBY ORDERED:

1. That Brigitte Bilyeu is appointed Special Master to preside over the above-captioned water right claims for the following purposes:

- a. To determine the intended purpose of the Standard Form 1 Objections. For example, the Special Master may determine whether the filing constitutes a motion to set aside a partial decree pursuant to I.R.C.P. 60(b), etc.;
- b. To determine whether the filing complies with *SRBA Administrative Order 1 (AOI)* and the Idaho Rules of Civil Procedure or whether additional time should be granted to allow the party to file an appropriate motion with the Special Master and/or to obtain counsel in the matter; whether the matter should be dismissed on its face; or to determine

whether the matter would be more appropriately processed administratively through the Idaho Department of Water Resources;

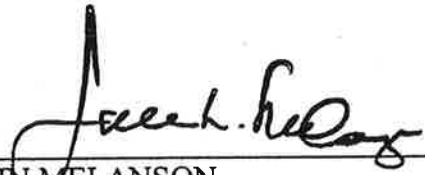
c. If the filing is ultimately deemed a sufficient motion, or in the event a new motion is filed in compliance with the applicable rule(s), the Special Master shall conduct all proceedings necessary to issue a recommendation as to the underlying merits. For example, if the Special Master concludes a partial decree should be set aside or amended, the recommendation should not only include that the partial decree be amended or set aside, but should also include how the elements of the water right should be partially decreed.

2. The original of this *Order* shall be placed in the subcase file and the file transferred to the Special Master for proceedings consistent with this *Order*.

3. The Special Master shall issue a *Special Master's Report and Recommendation* on the matter consistent with *AOI*.

IT IS SO ORDERED.

DATED May 25, 2004.



JOHN MELANSON
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER OF REFERENCE TO SPECIAL MASTER BRIGETTE BILYEU was mailed on November 13, 2003, with sufficient first-class postage to the following:

IDWR
Eastern Regional Office
900 N Skyline Dr
Idaho Falls, ID 83402

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Joyce Orders
1744 S Old Hwy 91
Inkom, ID 83245

Jay Anthony
Goldie Anthony
PO Box 201
Inkom, ID 83245

Deloy Armstrong
Marjorie Armstrong
PO Box 204
Inkom, ID 83245

Kevin Baird
Sharon Baird
PO Box 344
Inkom, ID 83245

Tim Figone
Brenda Figone
PO Box 265
Inkom, ID 83245


Deputy Clerk

RECEIVED

MAY 26 2004

Department of Water Resources
Eastern Region

MAY 25 AM 10:36

FILED
CO., 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 SRBA	)	Water Rights 29-10594, 29-13117, 29-13138,
	)	29-13141, 29-11816 and 29-11817
Case No. 39576	)	
	)	ORDER OF REFERENCE TO SPECIAL
	)	MASTER BRIGETTE BILYEU

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Inkom, ID 83245

Kevin Baird
Sharon Baird
PO Box 344
Inkom, ID 83245

Tim Figone
Brenda Figone
PO Box 265
Inkom, ID 83245


Deputy Clerk

State Of Idaho
District Court
P.O. Box 2707
Twin Falls, Idaho 83303-2707

Copy

July 6th 2004

RECEIVED
JUL 12 2004
Department of Water Resources
Eastern Region

We have decided to write a letter hoping to thank all the concerned people that tried their best to make a final conclusion about our 'Water Rights' problems in this area..

It all seems so un-necessary for so much confusion to have happened in the past, over the words 'Water-Rights'. Seems sort of cruel to have to disagree with two of our neighbors that seem to have very little respect for all the rest of us home owners that live right on the actual banks of Upper Rock Creek.

It all seems right to try to figure out a more positive arrangement that will help solve the bad feelings, and arrange some sharing type ways, so our water rights are more affective and enjoyable to use see and hear..

For the last two weeks, or more, there hasn't been enough water flowing in our creek that runs length-wise through our seven and a half acres, to fill a five gallon bucket in an hour. And, at this hour, it is almost dry. Of course all of us that live on the banks of 'Upper Rock Creek, know the 'Water Hogs', Joyce Orders, and Todd Gilbert, are the two 'Water-Hog' neighbors that have caused all the bad feelings. They have proven to all us neighbors that live on the banks of 'Upper Rock Creek, that they do not have any respect, or sympathy for any of us families that enjoy the sight and sounds of running water as it finds it's way down stream in our creeks beds. We found at least two creek banks that were manually shoveled out to allow water out it's natural creek bed to detour most all of the natural water flow out for their personal use.

I did not attend the water meeting in Twin Falls, although we feel we were well represented by many of our neighbors that are also very disappointed and much concerned about not seeing, hearing, and using some of the water that 'Ole Mother Nature' should have in it's banks.

I am over Seventy-Six years old, and have lived close by the sounds of running water most all my 'Ole life', and now after all these years it all seems right to try to continue to see and hear the sounds of running water in our creek bed the years around.

I feel like my LDS credentials are entitled to live 'A Happy Feeling' of living out my 'Ole Life'. It seems like every one should feel happy and contented, without adverse misfortune.

Our family is very musical, enjoy singing and playing instruments, and we try to feel good about life, and then to have contention in our community, is sort sad and unnecessary.

We are now hoping and praying to find some help from all you people that may also feel the need to help find the better ways to solve this un-neighborly water situation.

'Many Thanks' to all of our concerned neighbors that attended the meeting in Twin Falls, and their feelings and concerns were well met, so we are all happy to have this creek water problem solved, and now await some very positive action from the District Court.

Sure is nice to have friends that care enough to try to help all the rest of us neighbors that love to see and hear the sounds of running water.....Many Thanks, and concerns from all our caring neighbors, as we all now await for a positive re-action from the 'Snake River Basin AD. Adjudication District Court..... DeLoy Armstrong 630 Upper Rock Ck. Rd. Inkom, Id.

SCANNED

83245

JUL 15 2004

✓ profiled

Water Right no. 29-13138

02/08/2003

Allen

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: April 21, 2003

Water right number: 29-13138

MARJORIE ARMSTRONG

PO BOX 204

INKOM ID 83245

Telephone Number: (208) 775-3110

DELOY ARMSTRONG

PO BOX 204

INKOM ID 83245

Telephone Number: (208) 775-3110

RECEIVED
APR 07 2003
Department of Water Resources
Eastern Region

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

X I AGREE with this proposed recommendation: no changes need to be made.

DATE:

March 29th

SIGNATURE

E. De Loy Armstrong

Please print your name:

E. De Loy Armstrong

IDWR Regional Office, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402, 2085257161

IDAHO DEPARTMENT OF WATER RESOURCES
P.O. Box 83720
BOISE, IDAHO 83707-9815

RECEIVED
APR 07 2003
Department of Water Resources
Eastern Region

In response to your letter of 02-08-2003.....Right number 29-13138

We feel it may be helpful to try to explain our honest feelings about seeing and using some of the water running through our seven acres of land on Upper Rock Creek Road, between Inkom and McCamman Idaho.

.Our personal feelings are..... we enjoy the sounds of running water running in a creek close by our home, because most all our lives, we have lived close by the sounds of running water.

We have read your last letter to us many times, and feel very satisfied with your response explaining your findings and feelings, about our live creek water flowing through our land, on it's way down into the Portneuf river between McCamman and Inkom Idaho.

Our feelings are....there is enough water flowing in 'Upper Rock Creek' to supply everyone living on it's banks. We bought our land here twelve years ago, and the only reason we bought this land, for our 'Last 'Earthly Home', was because our past history has been living besides a live stream of running water, and 'Love To Hear' the sounds as it is running over the rocks going down stream.

We have two horses on our seven acres of land, and feel our desire to continue to see, hear. and use some of the water is very important to us. We feel our simple feelings are very fair, and reasonable to understand, as there should always be a stream of running water in our 'Little Creek' the year around.

I am seventy-five years old, have nine children, and thirty eight grandchildren at this time. And I try to live my 'LDS' Religion.

I hope this letter will help solve any future problems, and all us people that live on 'Upper Rock Creek', will better understand our feelings about seeing some water running in our creek all the time. There are no reasons for anyone to dis-agree with anyone living on 'Upper Rock Creek Road', because there is enough water for every home, and no one enjoys living where there is contention.

We try to feel good about our remaining older years, and should there be any future contention about having a live stream of water running through out property, I hope we will try to understand the fair and reasonable ways. I feel our simple feelings are very fair and reasonable to understand, as there should always be a stream of running water in our 'Little Creek' the year around. We have lived on our property here long enough to know and realize there is enough water for everyone living on the banks of 'Upper Rock Creek road.'

Thanks for reading our feelings..

E. DeLoy Armstrong
630 Upper Rock Creek Rd.
P.O..Box 204
Inkom, Idaho 83245

T8S, R36E

GILBERT, TODD

GILBERT, TODD

ELLIOTT, STEVEN D & ELLIOTT, KATRINA M

ANTHONY, JAY N

ANTHONY, JAY N

ARMSTRONG, E DELOY

ASH, ERVIN DANE % CHARLT

HAZEKAMP, DONALD

KIRBY, LAWRENCE LEE

Union Pacific Railroad

Upper Rock Creek

NO SPREAD SHEET
DATA HAVE BEEN
MAX 8 2001 OR
ANTHONY'S 29-13138

29-10594

3/8/01 Mr & Mrs. Anthony and Williams. Anthony - nice folks
Discuss the claim (BU) and 1902 locality.
They and Goldis Anthony (Anthony) presented a
copy of a posted notice of water right in the name
of LSW, Rumsfeld & Cutler. Bearing a date of 18 June 1902.
This document specifically references the lands that
was held by Anthony and Anthony. Is 5% or 58%
Sect 2, T8S R36E. They both own lands with
SUSSE Sect 2, T8S, R.36E. and small slivers of
N2NWNE Sec. 11.

*

First, Research Union Gas Decree (L.S. Upper Rock Creek)
to see if 1902 and 1904 and address on the court
but. Not joined
Second, if a number could be determined by from
Decree - has there been a transfer moving on
splitting the right and any difficulties. NO!

I. Recommendation:

A. Priority Date is based on a posted notice confirmed
by a Decree of Foreclosure dated 12/12/1923. See the
docs. in 29-13141.

B. Proportion of 1/2 ac @ 0.02 \$/ac recovered w/
stockton as non-adverse @ 0.02. (But your bound)
1. Recommended 0.03 cfs

2. Pump is lawn and trees

C. Uses Small Pump from W. Rock Cr. For Sprinkles
Irrigation



IDAHO DEPARTMENT OF WATER RESOURCES

SNAKE RIVER BASIN ADJUDICATION - BASIN 29



RIGHT ID
POD ID
Quad
Claim Type
Easting
Northing
GPSID

Diversion Description

Assumptions

Invoice #

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

Linked
Photos

EPE (ft)

Date (M/D/Y)

Time

Flow Rate (CFS)

0

Open Channel Flow ☐ Complete one box from both Area and Calculation sections

Cross Sectional Area

☐ **Circular Channel**

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

Diameter

Depth

☐ **Rectangular Channel**

Width

Depth

Flow Calculation ☐ Continuity Velocity

☐ **Orifice**

(Use only for head over a pipe flowing full with free discharge)

Depth of Water above orifice centerline

☐ **Weir**

(Use only for water flowing freely over weir)

Height of water above nappe

Width of weir

☐ **Manning** (If used, include photo of representative channel section)

Channel Slope

Channel Description	
Concrete lined	.016
Smooth earth	.025
Earth	.033
Rough bed, weeds on sides	.04
Smooth natural stream	.033
Rough natural stream	.1

Pumped System ☐

HP

Pressure Head (psi)

Elevation Head (ft)

Motor Mfg

Motor Serial #

Pump Type

Pump Mfg

Pump Serial#

New Contact Information ☐

New Contact Comments

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.





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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

November 20, 2001

Deloy Armstrong
PO Box 204
Inkom ID 83245

RE: EVIDENCE OF PRIORITY FOR A29-13138

Dear Claimant (s):

The Idaho Department of Water Resources is nearing the end of water rights review in Basin 29. The Notice(s) of Claim identified with the number shown above has been filed in the Snake River Basin Adjudication (SRBA). The Notice of Claim indicates water usage is based on "Beneficial Use". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed, at or on the place of use identified on the Claim. The date the water was first put to beneficial use, known as the priority date, has not been confirmed by License, Decree, or Permit. For this reason, proof must be provided supporting the priority date. **As the claimant, you are responsible for submitting the necessary evidence to support the priority date.**

The above referenced Claim to a water right shows a priority date of June 18, 1902, claiming a source of Upper Rock Creek. You have submitted, as evidence of priority, a document representing a Posted Notice dating to 1902. In conference with IDWR legal staff, the opinion is that a Posted Notice only represents and intent to divert water for a specific use and not the actual diversion or use. Further evidence of actual use is needed to gain a favorable recommendation of this water right claim.

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

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

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

In addition to this request, I am enclosing copies of two other letters requesting action with respect to this water right claim, which had no response from your office.

.....
The Department will not recommend the Notice of Claim be decreed by the court if evidence of a priority date is not submitted. The Notice of Claim will be disallowed.
.....

Please submit the documentation supporting the priority date within 30 days of the date of this letter, referencing all documents with the corresponding Claim number. If you have any questions not covered by this letter or the enclosed pamphlet, please feel free to contact this office.

Respectfully submitted,


for Allen B. Ruberry
Sr. Water Resource Agent
Adjudication Bureau

cc: File

Enclosure: Brochure on "Evidence of Priority"
Notice(s) of Claim A29-13138

State of Idaho
Department of Water Resources
Eastern District office
900 N. Skyline Dr.
Idaho Falls, Idaho 83402-1718

Dec. 15, 2000

RECEIVED

DEC 18 2000

Department of Water Resources
Eastern Region

RE: Upper Rock Creek
Water Rights claim

To Whom it may concern:

We have filed a claim for waters to Upper Rock Cr.
We believe we have a right to the use of waters
from this creek since our property was one of those
listed in a recorded Notice of Water Right, posted in
1902.

We are not submitting, at this time, ~~these~~ document
verifying our 1902 priority date.

When the adjudication team begins its review of
our claim, please notify us at P.O. Box 204 Embury, ID
or Phone # 1-208-775-3110 and we will ⁸³²⁴⁵
immediately produce the appropriate document.

Please add this letter to our file in your office.

E. DeLay Armstrong + Marjorie P. Armstrong

RE: ~~29-11418~~
~~29-113000~~

(State of Idaho)
County of Bannock) S.S.

RECEIVED

DEC 18 2000

Department of Water Resources
Eastern Region

On the 15th day of December in the year
2000, before me E. De Loy & Marjorie P. Armstrong
known, or identified to me (or provide to me on
the oath of), to be the persons whose names
are subscribed to the within instrument,
and acknowledged to me that they executed
the same.

Jay N. Anthony
Notary Public of Idaho
Residing at Inkom
Commission Expires 12/27/2000



RECEIVED

DEC 18 2000

Department of Water Resources
Eastern Region

December 6, 2000

State of Idaho
Department of Water Resources
Eastern District Office
900 N. Skyline Dr.
Idaho Falls, Idaho 83402-1718

Re: WATER RIGHTS CLAIM
UPPER ROCK CREEK
E. DeLOY & MARJORIE ARMSTRONG

TO WHOM IT MAY CONCERN:

When reviewing the claim file of E. DeLoy and Marjorie Armstrong, please refer to the information in our file (Jay N. & Goldie O. Anthony). All the documents in our file are in reference to the approximately 13 acres we owned.

In 1990, we sold the east approximately 7½ acres of that approximate 13 acres to the Armstrongs.

Therefore, all our documentation refers to their land as well as ours.

Thank you.

Sincerely,


Jay N. Anthony & Goldie O. Anthony

29-10594 Spring

29-13117 Upper Rock Cr

RECEIVED

DEC 18 2000

Department of Water Resources
Eastern Region

STATE OF IDAHO)

)ss.

COUNTY OF BANNOCK)

On this 14 day of ^{December}~~NOVEMBER~~, in the year of 2000, before me VIKI D BAUER,
personally appeared JAY ^{Nov 17}~~S~~ ANTHONY & GOLDIE O ANTHONY, known or identified to
me (or proved to me on the oath of), to be the person(s) whose name(s) ARE
subscribed to the within instrument, and acknowledged to me that THEY executed the
same.

Viki D Bauer

Notary Public of Idaho

Residing at: POCATELLO

Commission Expires: 3/29/2002

1280

21

155649.6

WARRANTY DEED

For Value Received

90012731

JAY N. ANTHONY AND GOLDIE ANTHONY, HUSBAND AND WIFE.

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

E. DELOY ARMSTRONG AND MARJORIE P. ARMSTRONG, HUSBAND AND WIFE.

whose current address is

141 TOPONCE

POCATELLO, IDAHO 83201

the grantees, the following described premises, in BANNOCK County Idaho, to wit:
SEE ATTACHED EXHIBIT " A "

SUBJECT TO: ALL existing patent reservations, easements, rights of way, protective covenants, zoning ordinances and applicable building codes, laws and regulations.

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

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

Dated: October 2, 1990

Jay N. Anthony
JAY N. ANTHONYGoldie Anthony
GOLDIE ANTHONY

STATE OF IDAHO, COUNTY OF Bannock

On this 2ND day of OCTOBER, 1990,
before me, a notary public in and for said State, personally
appearedJAY N. ANTHONY
GOLDIE ANTHONY

Notary Seal

known to me to be the persons whose name s
subscribed to the within instrument, and acknowledged to90012731
NO. 90012731
RECORDED AT THE OFFICE OF
AMERICAN LAND TITLE CO.

90 OCT -3 P3:19

530
BANNOCK COUNTY CLERK
LARRY W. HANSEN
601 DEPUTY CLERK

1281

EXHIBIT "A"

90012731

COMMENCING AT THE SOUTHWEST CORNER OF THE SW $\frac{1}{4}$ SE $\frac{1}{4}$ SECTION 2, TOWNSHIP 8 SOUTH, RANGE 36 E.B.M., BANNOCK COUNTY, IDAHO, AND RUNNING THENCE EAST ALONG THE SOUTH BOUNDARY LINE OF SAID SUBDIVISION A DISTANCE OF 25 RODS, MORE OR LESS, TO THE WEST BOUNDARY LINE OF A PRIVATE ROAD, AS THE SAME NOW EXISTS, THE TRUE POINT OF BEGINNING; THENCE CONTINUING EAST ALONG SAID BOUNDARY LINE A DISTANCE OF 55 RODS, MORE OR LESS, TO THE SOUTHEAST CORNER OF SAID SW $\frac{1}{4}$ SE $\frac{1}{4}$ SECTION 2, THENCE NORTH A DISTANCE OF 28 RODS, THENCE WEST 55 RODS TO THE WEST BOUNDARY OF SAID PRIVATE ROAD; THENCE SOUTH 28 RODS TO THE TRUE POINT OF BEGINNING. EXCEPT: THE WEST 347 FEET THEREOF.

ALSO, COMMENCING AT THE NORTHWEST CORNER OF THE NW $\frac{1}{4}$ NE $\frac{1}{4}$ OF SECTION 11, TOWNSHIP 8 SOUTH, RANGE 36 E.B.M., THENCE EAST ALONG THE NORTH BOUNDARY LINE OF SAID NW $\frac{1}{4}$ NE $\frac{1}{4}$ A DISTANCE OF 25 RODS TO THE WEST BOUNDARY LINE OF A PRIVATE ROAD AS IT NOW EXISTS, THE TRUE POINT OF BEGINNING OF THIS SURVEY; THENCE AT RIGHT ANGLES SOUTH A DISTANCE OF 10 RODS; THENCE AT RIGHT ANGLES EAST 55 RODS, MORE OR LESS, TO THE EAST BOUNDARY LINE OF THE SAID NW $\frac{1}{4}$ NE $\frac{1}{4}$; THENCE AT RIGHT ANGLES NORTH ALONG SAID EAST BOUNDARY LINE A DISTANCE OF 10 RODS TO THE NORTHEAST CORNER OF THE SAID NW $\frac{1}{4}$ NE $\frac{1}{4}$; THENCE AT RIGHT ANGLES WEST ALONG THE NORTH BOUNDARY LINE OF SAID NW $\frac{1}{4}$ NE $\frac{1}{4}$ A DISTANCE OF 55 RODS TO THE TRUE POINT OF BEGINNING OF THIS SURVEY. EXCEPT: THE WEST 347 FEET THEREOF.

Idaho Department of Water Resources Receipt

Receipt ID E026364

Payment Amount Date Received Region Status

Payment Type Check Number

Payer

Comment

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$105.00	ADJUDICATION FILING FEE	0337	43503	1155	



Signature Line (Dept. Representative)

November 17, 2000

TO WHOM IT MAY CONCERN:

In 1978 we purchased approximately 13 acres of land bordering Upper Rock Creek Road south of Inkom, Idaho.

We used water from Upper Rock Creek to water some of our yard around our house, as well as some pasture area in the east portion of our land.

In 1990, we sold the east $7\frac{1}{2}$ acre piece, which included the aforementioned pasture area, to E. DeLoy and Marjorie P. Armstrong.


Jay N. Anthony

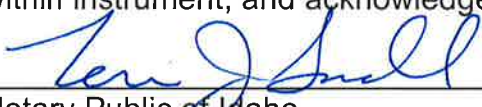

Goldie O. Anthony

STATE OF IDAHO)

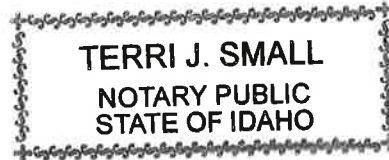
)ss.

COUNTY OF Bannock)

On this 17th day of November, in the year of 2000, before me Terri J. Small, personally appeared Goldie O. Anthony and Jay N. Anthony, known or identified to me (or proved to me on the oath of _____), to be the person(s) whose name(s) are subscribed to the within instrument, and acknowledged to me that they executed the same.



Notary Public of Idaho
Residing at: Pocatello, Id.
Commission Expires: 4-28-2005



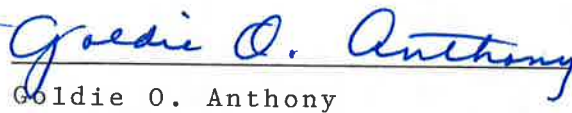
November 17, 2000

TO WHOM IT MAY CONCERN:

The attached copies of letters to us verifying water use refer to the entire approximately 13 acres we owned.

We sold the east $7\frac{1}{2}$ acres of that 13-acre parcel to E. DeLoy and Marjorie P. Armstrong. Therefore, these letters would apply to their land as well.


Jay N. Anthony


Goldie O. Anthony

STATE OF IDAHO)

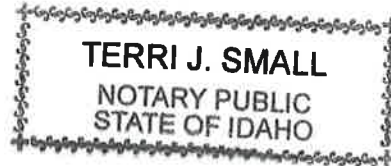
)ss.

COUNTY OF Bannock)

On this 17th day of November, in the year of 2000, before me Terri J. Small, personally appeared Goldie O. Anthony and Jay N. Anthony, known or identified to me (or proved to me on the oath of _____), to be the person(s) whose name(s) are subscribed to the within instrument, and acknowledged to me that they executed the same.



Notary Public of Idaho
Residing at: Pocatello, Id.
Commission Expires: 4-28-2005



JOHN D. CHASE
P.O. BOX 587
PROVO, UTAH 84603

September 29, 2000

To Whom It May Concern:

In 1947, my father, Amos B. Chase, purchased land on Upper Rock Creek Road, which is approximately six miles south of Inkom. A creek, called Upper Rock Creek, ran through the property. I was ten years old at the time of the purchase.

My father used the water from that creek to irrigate his alfalfa field, a garden, and the yard around the house. For many years it was my job to irrigate the ground. I helped my father until I was old enough to drive at 14 and then the job was all mine. I drove from Pocatello every day to work on the farm. I irrigated the alfalfa and the yard around the house that was on the property.

Eventually my parents built a new home on the property. We continued to use water from the creek to irrigate our crops, and the yard around the new home.

That land, including the house my parents had built on it and lived in, now belongs to Jay N. and Goldie O. Anthony.



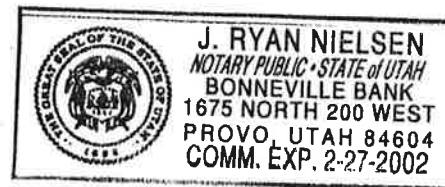
John D. Chase

State of Utah
County of Utah

Subscribed and sworn before me on this 29th of September, 2000.



Notary Public



TO - WHOM IT MAY CONCERN.

FOR. MR. + MRS. JAY ANTHONY.

582 E. UPPER ROCK CR RD.

2
basis of
n instrument, and

FROM - DON + LAVELLE VOELTZEL

761 E. UPPER ROCK CR. RD.

er

03

IN 1970 WE BOUGHT FROM MR + MRS
AMOS CHASE. A HOME AND 13 ACRES.
AT ~~582~~ E. UPPER ROCK CR.

WE SOLD THIS HOME + 13 ACRES IN
19~~78~~⁷⁹ TO MR + MRS JAY ANTHONY.

WE USED WATER OUT OF UPPER ROCK
CR. FOR TEN YEARS. TO WATER OUT
HAY FIELD AND YARD

Signed 10-13-00

Don Voeltzel

PERSON ACKNOWLEDGING INSTRUMENT UNKNOWN TO NOTARY BUT PROVEN TO BE
SIGNER BY SATISFACTORY IDENTIFICATION

State of Idaho)
S.S.

County of BANNOCK

On this 13 day of OCTOBER, in the year of 2000, before me DIANNA STERNER,
personally appeared DON VOELTZEL, proved to me on the basis of
satisfactory evidence to be the person(s) whose name(s) is (are) subscribed to the within instrument, and
acknowledged that he (she) (they) executed the same.

S
E
A
L

Dianna Sterner

Notary Public

My Commission Expires on Oct. 27-03

MAY 18 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 29-13138
Date Received: 12/26/00
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

A2913138



1. Name of Claimant(s)

MARJORIE ARMSTRONG Phone: (208) 775-3110

PO BOX 204
INKOM ID USA 83245

DELOY ARMSTRONG Phone: (208) 775-3110

PO BOX 204
INKOM ID USA 83245

2. Date of Priority: 06/18/1902

3. Source: UPPER ROCK CREEK Trib. to: PORTNEUF RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County
08S	36E	11	NE NW NE	BANNOCK

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	10/31	0.03	
STOCKWATER	01/01	12/31	0.02	

7. Total Quantity Appropriated is:
0.05 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
08S	36E	2	NW	SE	IRRIGATION	4
					Section Acres	4
08S	36E	11	NW	SE	IRRIGATION	1
					Section Acres	1
					Total Acres	5

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:

DIVERSION DAM PUMP MAINLINE TO SPRINKLERS

15. Basis of Claim: Beneficial Use

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

29-13138

Date Received

12-6-00

Receipt Number

EO 26364

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED
DEC 06 2000

Department of Water Resources
Eastern Region

Please type or print clearly

1. Name of Claimant (s) DeLoy or Marjorie Armstrong Phone (208) 775-3110

Mailing Address P.O. Box 204 Inkorn, Id. Zip 83245

2. Date of Priority (Only one (1) per claim) June 18, 1902

3. Source of water supply (a) Upper Rock Creek
which is tributary to (b) Portneus River

4. a. Location of existing point of diversion is: Township 8 S Range 36 E Section 11,
NE 1/4 of NW 1/4 of NE 1/4, Govt. Lot, _____ B.M., County of Bannock

Additional points of diversion if any: _____

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

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

Govt. Lot _____ B.M., County of _____

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

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. Diversion Dam pump mainline
To sprinklers

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Stock purposes from 01/01 to 12/31 amount 0.02 or _____

For Irrigation purposes from 4/1 to 10/31 amount 0.03 or 5

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.05 (cfs) and/or (b) _____ (acre feet)

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

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Horse (2)

10. Description of place of use:

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

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

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
<u>8S</u>	<u>36E</u>	<u>2</u>														<u>4</u>			<u>4</u>
<u>8S</u>	<u>36E</u>	<u>11</u>														<u>4</u>			<u>1</u>

Total number of acres irrigated 5

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

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

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

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

or None ()

14. Remarks:

Last Name _____ Ident No. _____

Copies: White -State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice _____ License _____ Permit _____

Decree _____

If applicable provide IDWR Water Right Number _____

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant _____

16. Signature (s)

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

Number of attachments _____

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

Signature of Claimant (s)

E. De Loy Armstrong
Marjorie P. Armstrong

Date 12/4/2000

Date 12/4/2000

For Organizations: I do solemnly swear or affirm that I am _____

Title

of _____, that I have signed the foregoing

Organization

document in the space below as _____

Title

of _____

Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____

Date _____

State of Idaho/or

Idaho

SS.

County of

Bannock

Subscribed and sworn (or affirmed) before me this

4th

day of

December

19 2000

Notary Public

Jay R. Anthony

Residing at

Idaho, Idaho

My Commission Expires

12-27-2000

Please Print Name

17. Notice of Appearance;

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

Signature _____

Address _____

Date _____

Last Name _____

Ident. Number _____

Copies White-State, Yellow-Claimant

