

03/19/2002

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

RIGHT NUMBER: 29-13189

NAME AND ADDRESS: WAYNE TAYSOM
PO BOX 4519
POCATELLO ID 83205

SOURCE: LOWER ROCK CREEK

TRIBUTARY: PORTNEUF RIVER

QUANTITY: 0.50 CFS

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

PRIORITY DATE: 06/19/1902

POINT OF DIVERSION:

T07S R36E S36 SWNWSE Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	04/01 10/31	0.020 CFS
IRRIGATION	04/01 10/31	0.500 CFS

PLACE OF USE: STOCKWATER Within BANNOCK County

T07S R36E S35 SESE

IRRIGATION Within BANNOCK County

T07S R36E S35 SESE 31.0

31 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: Decreed

RIGHT NO. 29-13188 IS ALSO DIVERTED THROUGH POINT OF DIVERSION
DESCRIBED ABOVE.
THIS RIGHT IS A SPLIT FROM FORMER RIGHT 29-00602.



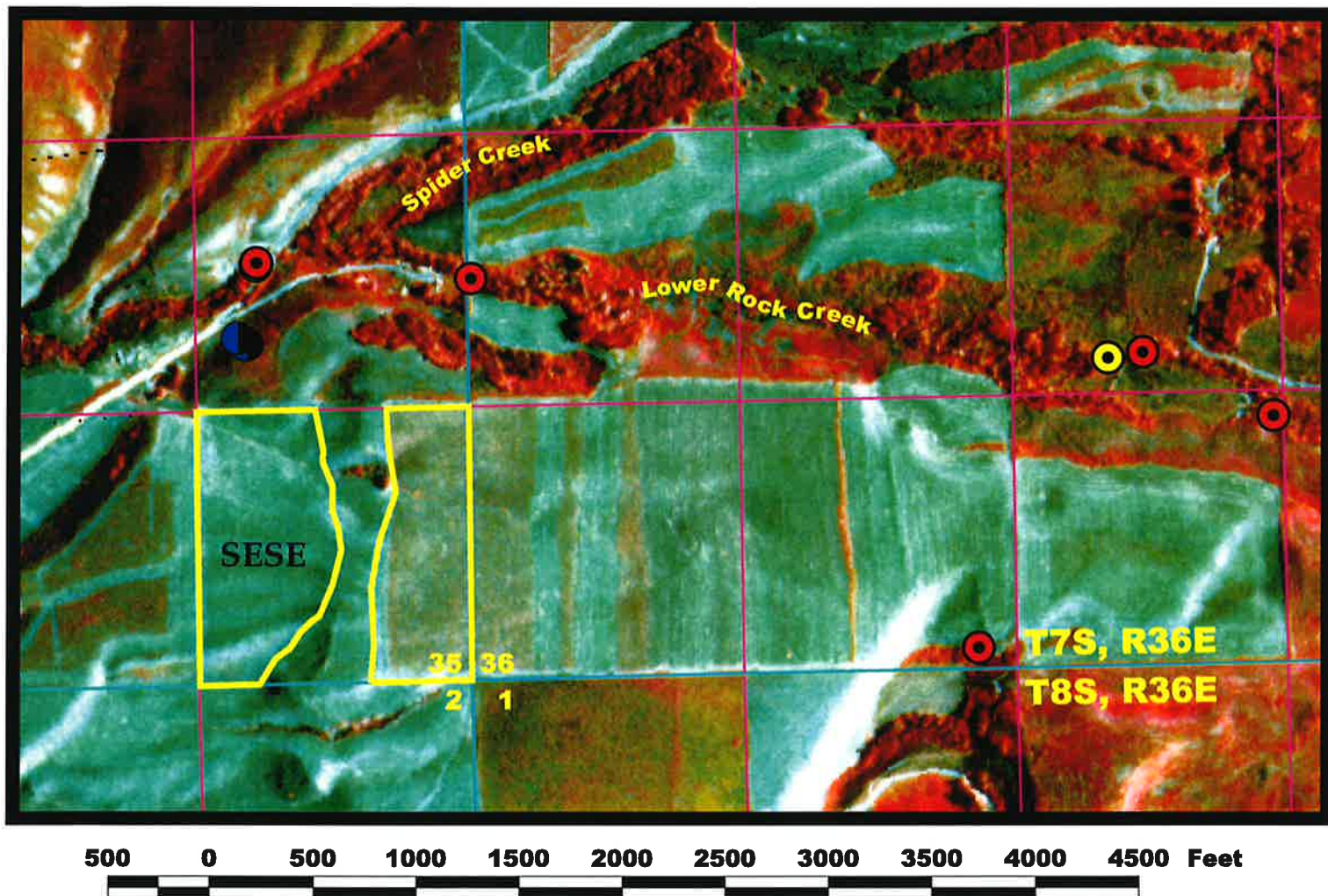
STATE OF IDAHO

Department of Water Resources

Eastern Region



Water Right(s): 29-13189

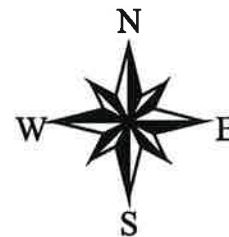


LEGEND

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

Place of Use: T9S, R37E
(parts of) Secs. 35 SESE

Point(s) of Diversion: T9S, R37E
Sec. 36 SWNWSE



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

Spider Creek

Lower Rock Creek

SESE

31.0

35 36

2 1

T7S, R36E

T8S, R36E

NEW

RECEIVED

FEB 27 2003

02/18/2003

Department of Water Resources
Eastern Region

NOTICE OF ERROR
REPLY

allen

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: 29-13189

WAYNE TAYSOM

PO BOX 4519

POCATELLO ID 83205

Telephone Number: (208)232-1746

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:

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

DATE:

2/24/03

SIGNATURE:

Wayne Taysom

Please print your name:

WAYNE TAYSOM

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

29-13188

29-13189

SPLIT OFF PORTION OF 29-00602 AS:

0.5 cts per %. CLAIM AMENDED TO ADD AN ADDITIONAL
11 ACRES AND STOKHATOR POT DEFINITION OF 1937 DECADE.

PERIOD OF USE IS RECOMMENDED AS 4/1 TO 10/31 FOR
DUPT. STD. BECAUSE THE 1937 DECADE DID NOT DEFINE
SEASON OF USE, PEOPLES VS EAST, et al, 10/30/1937.

10/10/01 Wayne signed and will send to OFFICE of \$11.00 ckh,
Done

29-00602 DEEDS (Peoples vs East, et al, 30 Oct 1937)

6/13/01 MET w/ PATE Phillips (SULLON), WAYNE AND WARD TAYSON (BUYERS) TO REVIEW THE CLAIM AND C/O'S FOR SPLITTING OF THE RIGHT. VISITED POLL AND POD. MR. Phillips EXPLAINED THAT HE HAD IRRIGATED THAT PORTION OF THE LANDS NORTH OF LOWER ROCK CREEK (APPROXIMATING 25AC) AND THAT HE HAD IRRIGATED THOSE LANDS IN SESE SEC. 35 ALONG THE TOP AND THE BOTTOM AREA. THERE IS A STOP GRADE THERE WHICH HE COULD NOT IRRIGATE (IT'S EXCLUDED FROM THE TRU COMMUNOATION). MR. Phillips HAD IRRIGATED THOSE LANDS BY SPRINKLER IRRIGATION FROM A GRAVITY ROAD DIVERSION OFF LOWER ROCK CREEK SINCE 1974 WHEN HE PURCHASED.

29-00602 WAS DECEDED, AS ABOVE, FOR 150 ACRES w/ 2.0 cfs. GRS IS ABLE TO DETERMINE A TOTAL OF 142 ACRES BY THE DESCRIPTION OF POLL GIVEN BY MR. Phillips. THEREFORE, AS TO BE SPLIT DETERMINED BY DEEDS AS SHOWN:

WAYNE TAYSON, SESE SEC 35, $3\frac{1}{2}$ AC, 0.50 cfs

WARD TAYSON SW 1/4 SEC. 36, $11\frac{1}{2}$ AC, 1.50 cfs

142² AC @ 2.0 cfs

29-00602 ~~will~~ BE SPLIT AS SHOWN WITH THE FOLLOWING Numbers:

WAYNE - 29-13189

WARD - 29-13188

29-13188; 29-13189

Photo 1: Shows POD on Lower

Rock Creek

Shows WADSWORTH
WHILE ON FIELD EXAM OR
PROPERTY BOUGHT FROM
PETER PHILLIPS - PRESENT -
NOT SHOWN! Also
PRESENT - NOT SHOWN
IS WADSWORTH.



Photo 2:

POD ON Lower Rock Creek
FROM DIFFERENT ANGLE



Photo 3:

Shows JAIL TO MAIN -
LINE GOING TO RIVER



Photo Date: 6/13/01
Photo By: A. Kuehner

06/15/2001

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report

WATER RIGHT NO. 29-602

Owner Type Name and Address
Current Owner BARBARA PHILLIPS
Current Owner H H PHILLIPS
 PO BOX 59
 INKOM, ID 83245
 (208)775-3765

Original Owner ANNIE PEOPLES

Priority Date: 06/19/1902
Basis: Decreed
Status: Parent

Source Tributary to
LOWER ROCK CREEK PORTNEUF RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	3/15	11/15	2 CFS		
Total Diversion			2 CFS		

Location of Point(s) of Diversion:

LOWER ROCK CREEK NWSE Sec. 36 Township 07S Range 36E BANNOCK County

IRRIGATION Use:
Acre Limit: 80

Place(s) of use:

Place of Use Legal Description: IRRIGATION BANNOCK County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
07S	36E	35		SESE	20									
		36		SWSW	40		SESW	20						

Total Acres: 80

Remarks:

I. P/D INCOMPLETE.
THIS RIGHT SUPERCEDES 29-0282.
1. THIS WATER RIGHT HAS A PROTESTED TRANSFER APP. PENDING.
THE APPLICATION FILED BY H.H. PHILLIPS PROPOSES A CHANGE IN PLACE OF USE. WATER IS TO BE
DIVERTED IN SW1/4NW1/4SE1/4, SEC. 36, T. 7S, R. 36E TO IRRIGATE 150 ACRES IN SW1/4, SEC.
36, SE1/4SE1/4, SEC. 35, T. 7S, R. 36E.
2. PROTESTED BY MR. & MRS. W. J. CRAWFORD, DOUG CRAWFORD, JEANNE CRAWFORD, JIM
CRAWFORD, & FLOREEN THYBERG.
ADDITIONAL PROTESTS: STANLEY THYBERG, KEITH CHRISTENSEN REPRESENTED BY ATTY. DAVID
E. RAYBORN, DAVID H. LISH REPRESENTED BY ATTY. GEORGE A. SOUTHWORTH.

THIS CLAIM SPLIT TO 29-13188 AND 29-13189, PER C/O.

Dates:

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

BANNOCK

ANNIE PEOPLES

Plaintiff

-VS-

D E C R E E

Defendants

FRANK S. EAST, HAROLD EAST, GILBERT
LISH, LEONARD LISH, and LULU LISH

This matter having come on for hearing this 16th day of
October, 1937, before the Honorable Jay L. Downing, in open court,
sitting without a jury, the plaintiff being present in person and
by her counsel, O. R. BAUM, and the defendants and each and all of
them coming not, but making default herein, and by reason of the
making of such default having waived the making of findings of fact
and conclusions of law, and

IT APPEARING TO THE COURT, that heretofore the plaintiff

had dismissed as to the defendants Howard Lish, and Walter Rommelt,
without prejudice, and

IT FURTHER APPEARING that a clerk's default had been entered

as to FRANK S. EAST, HAROLD EAST, GILBERT LISH, LEONARD LISH and LULU

LISH, and upon application of the plaintiff the court set the matter

down for hearing as of the 16th day of October, 1937, directing the

clerk to give notice to the defendants, and that such notice was given,

and that the defendant Lulu Lish appeared at such time and was present

during the proceedings had in such matter, and

IT FURTHER APPEARING to the court, after submission of evidence,

to-wit, evidence on behalf of said plaintiff, through witnesses Robert

Hamilton and Theodore Turner, and the court being fully advised in the

premises,

IT IS ORDERED, ADJUDGED AND DECREED, that the plaintiff herein

SEP 15 1989

SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 35, and SW $\frac{1}{4}$ of Section 36,
Township 7 South of Range 36 E.B.M.

Lots 1, 2 and 3, and S $\frac{1}{4}$ NE $\frac{1}{4}$; SE $\frac{1}{4}$ NW $\frac{1}{4}$ and
NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 2, Township 8 South of
Range 36 E.B.M.

That the said land is arid in character, and that 150 acres
thereof is susceptible of irrigation, and that water has been
applied to beneficial use on said premises.

That heretofore and on the 16th day of February, 1904, in an
action then pending in the District Court of the Fifth Judicial District
of the State of Idaho, in and for Bannock County, wherein Dell R. Lish
who was predecessor in interest of your plaintiff herein was plaintiff,
and Isaac Potter, was defendant, a decree was duly made and entered
adjudging the right to the use of the waters of the stream commonly
known and referred to as Lower or Little Rock Creek, a tributary of
Portneuf River; that said creek is sometimes referred to as Spray
Creek, East Fork of Rock Creek, Upper Fork of Rock Creek, but that the
true and correct name of said stream and the name it is commonly known
by is LOWER ROCK CREEK, and that by the terms of such decree, entered
in said action, it was decreed and there was decreed to the lands afore-
mentioned, such lands then and there belonging to the said plaintiff,
Dell R. Lish, now belonging to the said plaintiff, Annie Peoples, two
cubic feet per second of time of the said waters of said creek, and
that such judgment was duly recorded in Book 2 of Judgments, page 175
records of Bannock County, State of Idaho.

That the said water was made appurtenant to Lots 1, 2 and 3
of Section 2, Township 8 South of Range 36 E.B.M. and SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section
35, Township 7 South of Range 36 E.B.M. and that the said lands, together
with the other lands hereinbefore described, are now the property of
the said plaintiff herein, and that the said waters so referred to in
such decree, to-wit, 2 cubic feet per second of time, have been, since
June 19, 1902 applied beneficially to the lands aforementioned, to-wit,
for irrigation, culinary, and domestic purposes, and that at all times
since said time, said plaintiff and her predecessors in interest have
utilized two cubic feet per second of time of the said waters of said

SEP 15 1989

stream hereinbefore referred to, on the lands aforementioned, and that the same have been and are now being applied to beneficial use as herein mentioned.

IT IS FURTHER ORDERED, that two cubic feet per second of time of the waters of said Lower Rock Creek, sometimes referred to as Little Rock Creek, Sprak Creek, East Fork of Rock Creek, Upper Fork of Rock Creek, BE AND THE SAME ARE HEREBY MADE APPURTENANT TO THE FOLLOWING DESCRIBED PREMISES, to-wit:

SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 35; SW $\frac{1}{4}$ Section 36, Township 7 South of Range 36 E.B.M.

Lots 1, 2 and 3, S $\frac{1}{2}$ NE $\frac{1}{4}$; SE $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 2, Township 8 South of Range 36 E.B.M.

and that the said plaintiff herein is entitled to a date of priority as of June 19, 1902, and

IT IS FURTHER ORDERED that the defendants and each and all of them have no right, title or interest in and to the said waters aforementioned, or any part or portion thereof, prior to the rights of said plaintiff herein, and that the right of the said plaintiff is prior in time to the right of any and all of the said defendants, and all persons claiming by, through or under them, and that said plaintiff is entitled to a prior right to the use of two cubic feet per second of time of the waters of said stream to be applied on the lands aforementioned.

IT IS FURTHER ORDERED that the defendants and each and all of them, and all persons claiming by, through or under them, be forever enjoined from in anywise interfering with the prior right awarded to the said plaintiff herein, as hereinabove set out, for use upon the said lands aforementioned.

Dated this 30 day of October, 1937.

JAY L. DOWNING
DISTRICT JUDGE

MICROFILMED

SEP 15 1989

Water Right Number - 29-00602

Prefix Translation: WATER RIGHT

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***
PEOPLES

ANNIE

1 -
2 -
3 -
City-
Phone -

State- Zip-

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - - +
06/19/1902 15 EASTERN D - DECREED

+ - - - - Source - - - - - + + - - - - - Tributary - - - - - +
LOWER ROCK CREEK PORTNEUF RIVER

+ - - - - - - - - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County Diversion Name Diversion Rate Diversion No.

+ - - - - - - - - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 2.000

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
2.000 0.0

| Twn | Rng | Sec | Tract | Lot | Acres | Code | Description | County |
|-----|-----|-----|-------|-----|-------|------|-------------|-----------|
| 07S | 36E | 35 | SE SE | | | 01 | IRRIGATION | 5 BANNOCK |
| 07S | 36E | 36 | NE SW | | | 01 | IRRIGATION | 5 BANNOCK |
| 07S | 36E | 36 | NW SW | | | 01 | IRRIGATION | 5 BANNOCK |
| 07S | 36E | 36 | SW SW | | | 01 | IRRIGATION | 5 BANNOCK |
| 07S | 36E | 36 | SE SW | | | 01 | IRRIGATION | 5 BANNOCK |
| 08S | 36E | 2 | NE NE | 1 | | 01 | IRRIGATION | 5 BANNOCK |
| 08S | 36E | 2 | NW NE | 2 | | 01 | IRRIGATION | 5 BANNOCK |
| 08S | 36E | 2 | SW NE | | | 01 | IRRIGATION | 5 BANNOCK |
| 08S | 36E | 2 | SE NE | | | 01 | IRRIGATION | 5 BANNOCK |
| 08S | 36E | 2 | NE NW | 3 | | 01 | IRRIGATION | 5 BANNOCK |
| 08S | 36E | 2 | SE NW | | | 01 | IRRIGATION | 5 BANNOCK |
| 08S | 36E | 2 | NE SW | | | 01 | IRRIGATION | 5 BANNOCK |

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - - - - - - - - - - Remarks - - - - - +

GEN P/D INCOMPLETE.
THIS RIGHT SUPERCEDES 29-0282.
1. THIS WATER RIGHT HAS A PROTESTED TRANSFER APP. PENDING.
THE APPLICATION FILED BY H.H. PHILLIPS PROPOSES A CHANGE IN

29-00602 29-13/88
SPLIT BY %
29-13/89

Water right number - 29-00602

Prefix Translation: WATER RIGHT

+ - - - - Remarks - - - - - +

PLACE OF USE. WATER IS TO BE DIVERTED IN SW1/4NW1/4SE1/4,
SEC. 36, T. 7S, R. 36E TO IRRIGATE 150 ACRES IN SW1/4, SEC.
36, SE1/4SE1/4, SEC. 35, T. 7S, R. 36E.
2. PROTESTED BY MR. & MRS. W. J. CRAWFORD, DOUG CRAWFORD,
JEANNE CRAWFORD, JIM CRAWFORD, & FLOREEN THYBERG.
ADDITIONAL PROTESTS: STANLEY THYBERG, KEITH CHRISTENSEN
REPRESENTED BY ATTY. DAVID E. RAYBORN, DAVID H. LISH
REPRESENTED BY ATTY. GEORGE A. SOUTHWORTH.

+ - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers found.

+ - - - - Conditions of Approval - - - - - +
No Conditions of Approval found.

+ - - - - Decree Plaintiff - - - + + - - - - Decree Defendant - - - + + - Decree Date - +
ANNIE PEOPLES FRANK S. EAST, ET. AL. 10/30/1937

+ - - - - Comments - - - - - +
No Comments Found

+ - - Audit Fields - 02/12/88 05/22/88 CONVERT 09/05/91 CURTIS

+ - - - - Water Rights Dates and Flags Area - - - - - +

| | | |
|--------------------------------|------------------------------|---------------------|
| Proof Due Date - 00/00/0000 | Field Exam Made - 00/00/0000 | Field Exam Fee - |
| Approved/Denied - 00/00/0000 | Protested Date - 00/00/0000 | Swan Falls - |
| Proof Made Date - 00/00/0000 | Hearing Date - 00/00/0000 | Temporary Right - P |
| Exam to S.O. Date - 00/00/0000 | Verified Date - 00/00/0000 | DLE/Carey Act - |
| Order Show Cause - 00/00/0000 | Receipt Number - | Water District - |
| Licensed Date - 00/00/0000 | Appl Received - 00/00/0000 | Transfer/Amended - |
| Presumption Flag - | Name Connector - | POU Ownership Flag- |
| SRBA Decreed Flag - | | |



2 LAZY T

Wayne E. Taysom
P.O. BOX 4519 ♦ POCATELLO, ID 83205
PHONE (208) 232-1746

24

May 21, 2001

IDWR Eastern Region
900 N. Skyline Dr., Suite A
Idaho Falls, Idaho 83402-1718

Ref: Change Water Right Ownership
Portneuf Basin

RECEIVED

MAY 22 2001

Department of Water Resources
Eastern Region

Gentlemen:

Herewith please find request for change in Water Right Ownership from
Lower Rock Creek-Tributary to Portneuf River. Below we enumerate enclosures:

1. Form 42-248/42-1409"6" July 2000 completed forms.
(2) two each - one for Wayne Taysom and one for Wade Taysom.
2. Check#1748 for \$100.00, for filing fee for water right to be divided.
3. Copies of Warranty Deeds from Pioneer Title.
4. Legal descriptions of areas where water is to be utilized.
5. Survey map and aerial photo of subject property.

*sent back.
No fee
required.
JC
5/22/01*

Please note that Wade Taysom is to receive 1.5cfs to utilize on tract #2
and Wayne Taysom is to receive remaining .5 cfs to utilize on tract #3.

If further information is required please advise.

Respectfully,


Wayne E. Taysom

nlg
enclo.

RECEIVED

MAY 22 2001

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Department of Water Resources
Eastern Region

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 |
|-----------------------|------------------------------|-------|-----------------------|------------------------------|-------|
| A29-00602 | AJ5809 | NP ✓ | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

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

- 100%
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)

HH + Phillips + Barbara Phillips
P.O. Box 59 Tuckerm, Id 83245

4. New Owner/Claimant(s)

Wayne Tarsom

Name Connector (Check one): [] and, [] or, [] and/or

New Mailing Address

P.O. Box 4519

City, State and ZIP Code

POCATELLO, IDA. 83205

New Telephone Number

(208) 232 1746

5. Date you acquired the property

May 7, 01

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

INSTRUCTIONS FOR FILING NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

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

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

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

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

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

057001301
057001302
015034860
1015035300



A Pioneer Company

PIONEER TITLE COMPANY 20108608

OF BANNOCK COUNTY

135 North Arthur Avenue / P.O. Box 1057 / Pocatello, Idaho 83204 / Telephone (208) 233-9595

WARRANTY DEED

For Value Received

H.H. PHILLIPS and BARBARA PHILLIPS, husband and wife

hereinafter referred to as Grantor, does hereby grant, bargain, sell, and convey unto

WAYNE TAYSON, married sole and separate

hereinafter referred to as Grantee, whose current address is

1392 E. TIAPOO, McCAMMON, ID 83250

the following described premises, to-wit:

PO Box 4519, Pocatello Id 83205

SEE ATTACHED EXHIBIT A

To HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, his heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: May 7, 2001.

H.H. Phillips
H.H. PHILLIPS

Barbara Phillips
BARBARA PHILLIPS

STATE OF IDAHO)

COUNTY OF BANNOCK)

On This 12 day of May, in the year 2001, before me, a Notary Public in and for said State, personally appeared H.H. PHILLIPS AND BARBARA PHILLIPS, known or identified to me to be the person(s) whose name(s) are subscribed to the within Instrument, and acknowledged to me that they executed the same.

NO 20108608

RECORDED AT REQUEST OF
PIONEER TITLE
2001 MAY 7 PM 4:10

OFFICIAL RECORD BOOK
BANNOCK COUNTY IDAHO
LARRY W CHAN RECORDS
FEE \$ DEPUTY



Stephanie Wright
Notary Public of Idaho
Residing at POCATELLO IDAHO
Commission expires: 04-25-2006

3-2
20108608

Exhibit A

PARCEL 1

A parcel of land in Section 2, Township 8 South, Range 36 East, Boise Meridian, Bannock County, Idaho, described as follows:

The NE $\frac{1}{4}$ of said Section 2, Township 8 South, Range 36 East;

EXCEPT the following parcel of land:

Commencing at the N $\frac{1}{4}$ of Section 2; thence South 0°08'56" West along the West line of said NE $\frac{1}{4}$ of Section 2 a distance of 1538.68 feet, more or less, to the Northwest corner of that parcel of land as shown on Record of Survey for Kent & Kim Whitehead, recorded in Bannock County records as instrument no. 98000813, said point monumented with a $\frac{1}{2}$ -inch rebar and plastic cap marked PLS 843, and also being the true point of beginning.

Thence leaving said West line the following courses: South 89°51'04" East 86.57 feet to a $\frac{1}{2}$ -inch rebar and plastic cap marked PLS 843; thence South 07°57'47" West 68.37 feet to a $\frac{1}{2}$ -inch rebar and plastic cap marked PLS 843; thence South 60°19'30" East 199.85 feet to a $\frac{1}{2}$ -inch rebar and plastic cap marked PLS 843; thence South 72°15'28" East 35.70 feet to a $\frac{1}{2}$ -inch rebar and plastic cap marked PLS 843;

Thence South 00°08'56" West 236.65 feet, more or less, to a point on the Northerly right of way of Lower Rock Creek Road, monumented with a $\frac{1}{2}$ -inch rebar and plastic cap marked PLS 843; thence along said northerly right of way South 55°28'34" West 60.19 feet to a $\frac{1}{2}$ -inch rebar and plastic cap marked PLS 843;

Thence along a curve to the right, having a radius of 468.22 feet, through a central angle of 12°32'10" for an arc length of 102.45 feet, to a $\frac{1}{2}$ -inch rebar and plastic cap marked PLS 843; thence South 68°00'44" West 108.67 feet to a $\frac{1}{2}$ -inch rebar and plastic cap marked PLS 843;

Thence along a curve to the left, having a radius of 316.48 feet, through a central angle of 09°09'03" for an arc length of 50.55 feet, more or less, to a point on said West line, monumented with a $\frac{1}{2}$ -inch rebar and plastic cap marked PLS 843; thence along said West line North 00°08'56" East 560.19 feet, more or less, to the true point of beginning;

AND ALSO EXCEPTING: Commencing at the N $\frac{1}{4}$ of Section 2; thence South 0°08'56" West along the West line of said NE $\frac{1}{4}$ of Section 2 a distance of 2172.45 feet, more or less, to the Northwest corner of that parcel of land as shown on Record of Survey for Dave Phillips, recorded in Bannock County as instrument no. 94014917, said point also being a point on the Southerly right of way of Lower Rock Creek Road, monumented with a $\frac{1}{2}$ -inch rebar and plastic cap marked PLS 843, and also being the true point of beginning;

Thence from a tangent bearing North $50^{\circ}16'25''$ East along said Southerly right of way along a curve to the right having a radius of 256.48 feet, through a central angle of $17^{\circ}44'19''$ for an arc length of 79.41 feet, to a ½-inch rebar and plastic cap marked PLS 843; thence North $68^{\circ}00'44''$ East 14.98 feet to a ½-inch rebar and plastic cap marked PLS 843;

Thence leaving said Southerly right of way, the following courses: South $39^{\circ}32'05''$ East 394.44 feet to a ½-inch rebar and plastic cap marked PLS 843; thence South $07^{\circ}24'15''$ East 153.08 feet to a ½-inch rebar and plastic cap marked PLS 843; thence South $01^{\circ}17'50''$ West 34.96 feet, more or less, to a point on the South line of said North quarter of Section 2, monumented with a ½-inch rebar and plastic cap marked PLS 843;

Thence along said South line North $88^{\circ}42'10''$ West 353.03 feet to a calculated position For the C ¼ of said Section 2; thence North $00^{\circ}08'56''$ East along the West line of said NE ¼ of Section 2 a distance of 436.80 feet, more or less, to the true point of beginning;

PARCEL 2

The SE¼ SE¼ of Section 35, Township 7 South, Range 36 East, Boise Meridian, Bannock County, Idaho.

Together with the water rights*

21019
Pete Phillips
40.69 Acres
May 3, 2001

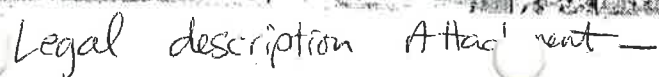
TRACT 3

A parcel of land in Section 35, Township 7 South, Range 36 East of the Boise Meridian,
Bannock County, Inkom, Idaho, described as follows:

SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 35

Reserving therefrom all preexisting easements.

To Wayne



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 29-13189
Date Received: 6/15/2001
Receipt No:
Received By: *2027177*
AMENDMENT RECT: *av*

SPLIT/AMENDED

SPLIT/AMENDMENT

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

1. Name of Claimant(s)

WAYNE TAYSOM Phone: (208) 232-1746

PO BOX 4519
POCATELLO ID USA 83205

RECE

OCT 1

Department of
Easter



2. Date of Priority: 06/19/1902

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

4. Point of Diversion:

| Township | Range | Section | 1/4 of 1/4 of 1/4 Lot | County | Type |
|----------|-------|---------|-----------------------|---------|------|
| 07S | 36E | 36 | SW NW SE | BANNOCK | |

5. Description of diverting works:

DITCH TO INTAKEBOX TO PIPELINE/SPRINKLERS.

6. Water is used for the following purposes:

| Purpose | From | To | C.F.S. | (or) A.F.A |
|------------|-------|-------|--------|------------|
| IRRIGATION | 04/01 | 10/31 | 0.5 | |
| STOCKWATER | 04/01 | 01/31 | 0.02 | |

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

8. Total consumptive use:

9. Non-irrigation uses:
Number of other uses: 30

10. Place of use:

| Township | Range | Section | 1/4 of 1/4 Lot | Use | Acres |
|----------|-------|---------|----------------|-----|-------|
|----------|-------|---------|----------------|-----|-------|

07S

36E

35

SE
SESE
SESTOCKWATER
IRRIGATION

31

Section Acres

31

Total Acres

31

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 CLAIM IS PORTION OF 29-00602, SPLIT BY C/O. AMENDED TO ADD 11 ACRES AND STOCKWATER BASED ON 1937 DECREE AND H. PHILLIPS (SELLER). STOCK POU SAME AS IRRIGATION. SAME POD/SYSTEM AS 29-13188.

15. Basis of Claim: Decreed

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): *Walter A. Ingram* Date: 10/10/01

Date: _____

State of Idaho)

County of Bannock) SS.

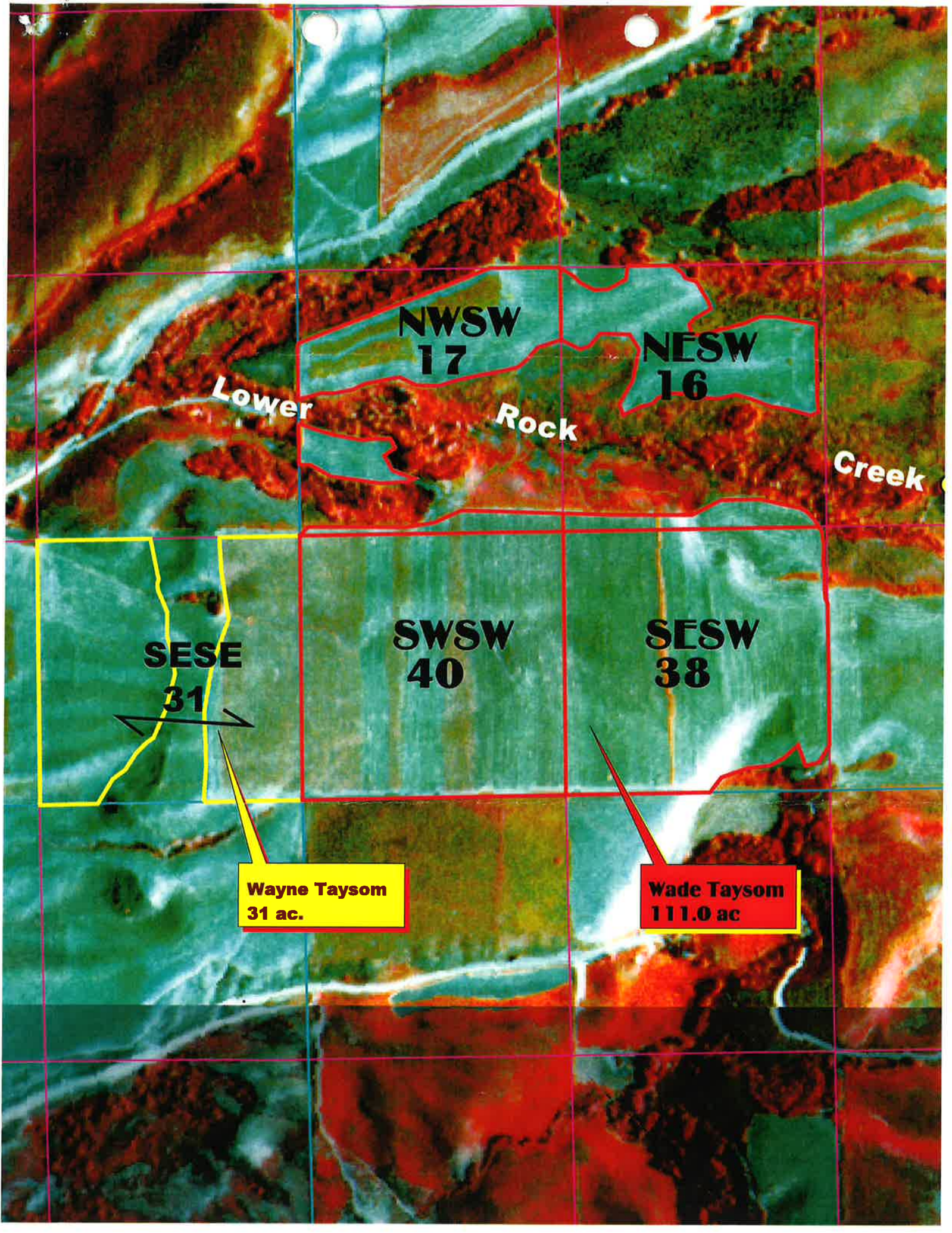
Subscribed and sworn (or affirmed) before me this

of 10th October 2001

Nancy Esquibel
Notary Public

Residing at Pocatello IdahoMy commission Expires 2/7/02

NANCY ESQUIBEL
NOTARY PUBLIC
STATE OF IDAHO



**NWSW
17**

**NESW
16**

Lower

Rock

Creek

**SESE
31**

**SWSW
40**

**SESW
38**

**Wayne Taysom
31 ac.**

**Wade Taysom
111.0 ac**

Idaho Department of Water Resources Receipt

Receipt ID E027177

Payment Amount Date Received Region Status
Payment Type Check Number

Payer Comment

Fee Detail

| Amount | Description | Fund | FD | PCA | SO |
|---------|-------------------------|------|-------|------|----|
| \$11.00 | ADJUDICATION FILING FEE | 0337 | 43503 | 1155 | |



Signature Line (Dept. Representative)