

02/04/2002

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

RIGHT NUMBER: 29-13208
NAME AND ADDRESS: LINDA MCLAUGHLIN
12717 S DEMPSEY CK RD
LAVA HOT SPRINGS ID 83246

DON PERKINS
12717 S DEMPSEY CREEK RD
LAVA HOT SPRINGS ID 83246

GERALD BEEBE
5202 LUCKY
CHUBBUCK ID 83202

SOURCE: DEMPSEY CREEK TRIBUTARY: PORTNEUF RIVER
QUANTITY: 0.02 CFS
PRIORITY DATE: 05/01/1882
POINT OF DIVERSION:

T10S R38E S10 NWNENW Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 09/15	0.020 CFS
THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS APRIL 1 AND MAY CONTINUE TO AS LATE AS OCTOBER 31, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 15 AND AFTER SEPTEMBER 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.		

PLACE OF USE: IRRIGATION Within BANNOCK County
T10S R38E S10 NENW 1.0

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: Decreed

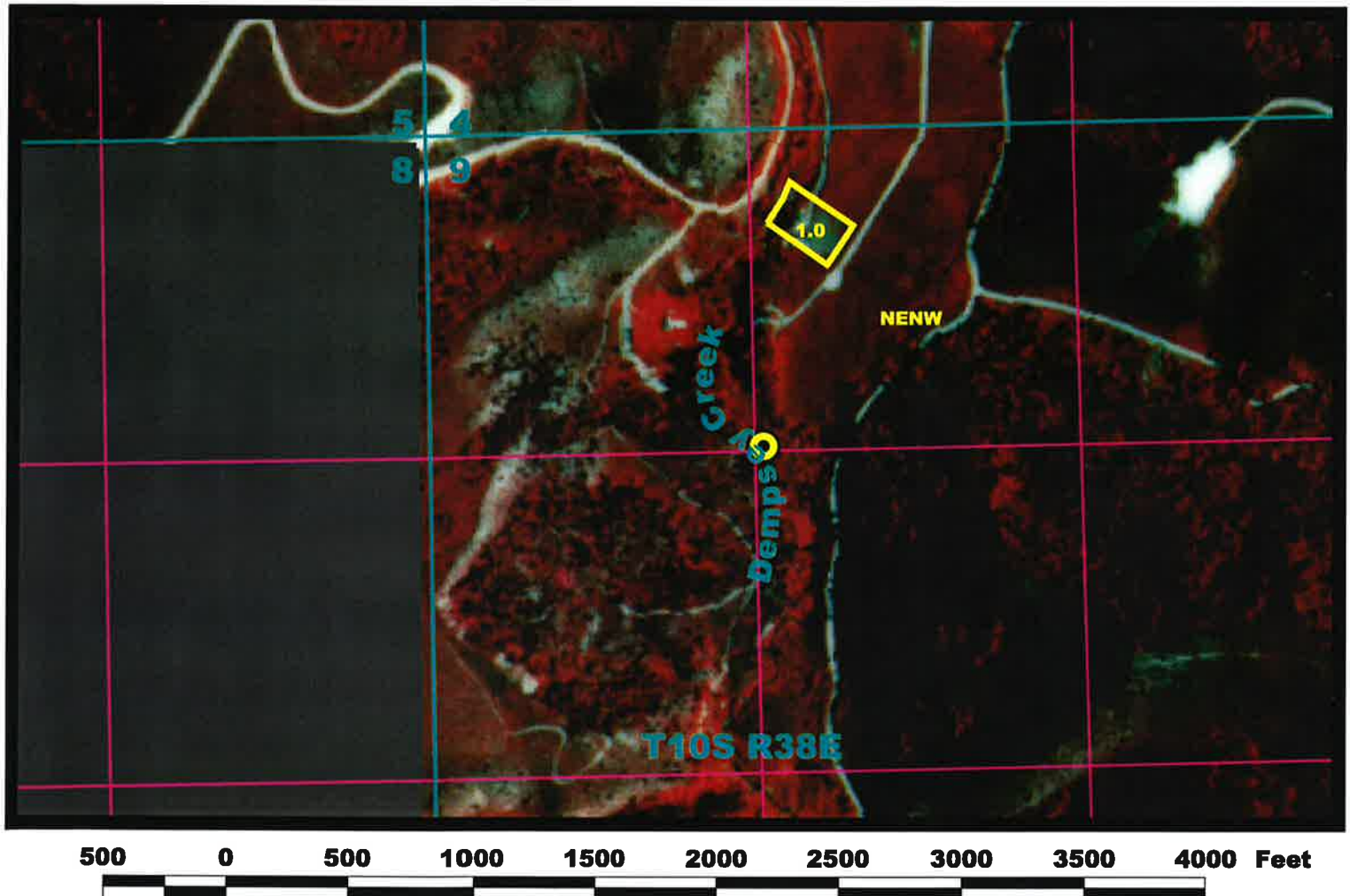


STATE OF IDAHO

Department of Water Resources

Eastern Region

Water Right(s): 29-13208



LEGEND

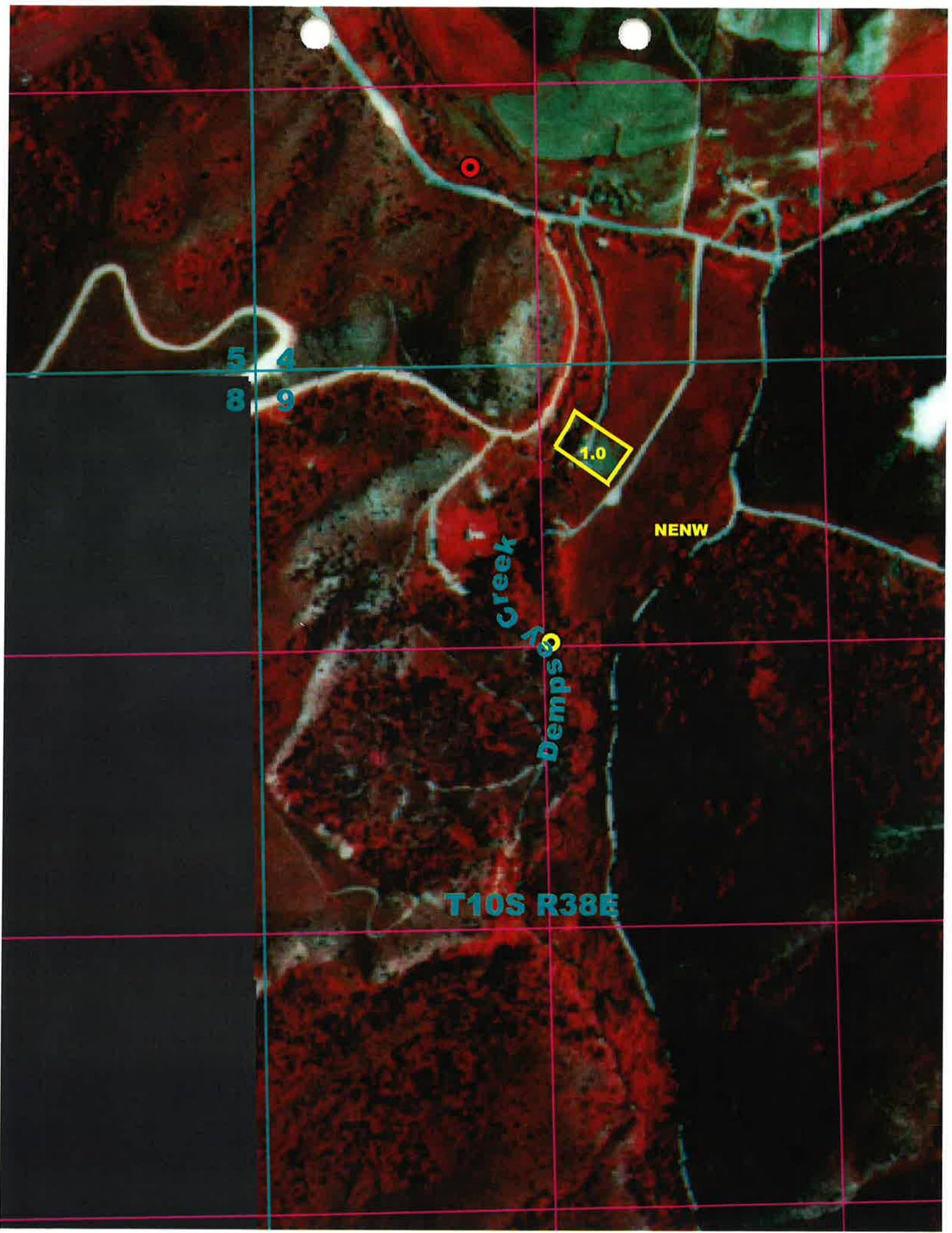
-  **Place of Use**
-  **Section**
-  **Quarter-Quarter**
-  **Point of Diversion**

Place of Use: T10S, R38E
(part of) Sec. 9 NENW

Point(s) of Diversion: T10S, R38E
Sec. 9 SENENW



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



5 8

4 9

1.0

NENW

T10S R38E

29-00157
 #119
 7/16/01

I. Decayed as: 0.70 cfs, Ate not Spec., 5/01/1882
 Part Decayed 0.02 cfs/Ate = 35° Ate at Boat.

Clamworm Portions

II. Clamworm portions BT Numbers:

29-00157A, D. Loser
 29-10830, G. Fortinus
 29-10K# , R. Wilkerson
 32 Ate 32 X.02 0.06 cfs
 112 X.02 0.22

29-10K# (13132) 200
 6° X.02 0.12
 40 cfs

WHL Amuse - Confirmed
 BT GIS = 15° Ate. (insects)
 (Pond however).

150
 30 WHL Amuse
 as 7/16/01

29-13208 L. McLaughlin 10 .02
 29-13209 G. Bortals 10 .02

130
 20 WHL Amuse
 7/23/01

thence south 565.8 feet to place of beginning.

117. COOPER, W. W.
-0152 1889 Mar. 1 2 c.f.s.
-0153 1893 May 1 1.2 c.f.s.

Said water to be diverted through a ditch taken out at point which bears South 59 degrees 25 minutes East, 1740 feet from the Northwest corner of Section 26, Township 9 South, Range 38 E.B.M., for the irrigation of Lots 1, 2, 3, and 4, and the Southwest quarter of the Southeast quarter, Section 22, Township 9 South, Range 38 E.B.M., and Lot 3, Section 15, Township 9 South, Range 38 E.B.M.

118. FRANK WARNER, FRANCIS
DEWEY WARNER, FLORENCE
GRACE POTTER, KATHERINE
THERESA WARNER, the
heirs of CORA WARNER,
deceased.
-0154 1889 June 1 .8 c.f.s.
-0155 1893 Mar. 1 .8 c.f.s.

Said water to be diverted through a ditch taken out at a point which bears South 66 degrees 30 minutes East 2070 feet from the Northwest corner of Section 26, Township 9 South, Range 38 E.B.M., for the irrigation of the Northeast quarter of the Northeast quarter, Section 27, the Northwest quarter of the Northwest quarter, Section 26, the Southeast quarter of the Southeast quarter, and the Northeast quarter of the Southeast quarter, Section 22, Township 9 South, Range 38 E.B.M.

DEMPSEY CREEK, TRIBUTARY TO THE PORTNEUF RIVER

119. GODFREY, WILLIAM R.
-0156 1881 May 1 .78 c.f.s.
-0157 1882 May 1 .70 c.f.s.

Said water to be diverted through a ditch having intake in the East half of the Northwest quarter, Section 9, Township 10 South, Range 38, E.B.M., also through another ditch having intake in the Northwest quarter of the Southeast quarter of Section 4, Township 10 South, Range 38 E.B.M.; also through another ditch having intake North 53 degrees East 1550 feet from the Southwest corner of section 4; also through two ditches in West Creek (tributary of Dempsey Creek) in the Northeast quarter of the Southeast quarter, Section 5, Township 10 South, Range 38 E.B.M. for the irrigation of the Northeast quarter of the Northwest quarter, Section 9, Lots 3 and 4 and the Southwest quarter of the Northwest quarter, and the Northwest quarter of the Southwest quarter of Section 4, and the Northeast quarter of the Southeast quarter, Section 5, Township 10 South, Range 38 E.B.M.

NE NW 59 10000
L3/4 SW NW 54 Arroyo
NW SW 54 Arroyo
NE SE 58 Peakms

Dempsey Cr.
East Cr.
W. Dempsey Cr.
West Cr.

120. ROWSELL, A. A.
ROWSELL, WALTER
ROWSELL, S. A.
ROWSELL, J. A.
-0158 1880 April 1 2 c.f.s.
-0159 1896 April 15 .12 c.f.s.

Said water to be diverted through a ditch having intake near where Dempsey Creek crosses the line between townships 9 and 10 South (Byington-Merrick Ditch).

Said water to be diverted through a ditch having intake South 88 degrees East, 1430

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 29-13208
Date Received: 7/23/2001

Receipt No:
Received By: E 027026
gc

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

1. Name of Claimant(s)

LINDA MCCLAUGHLIN Phone: (208) 776-5053

12717 S DEMPSEY CK RD
LAVA HOT SPRINGS ID USA 83246

DON PERKINS Phone: (208) 776-5976

12717 S DEMPSEY CK RD
LAVA HOT SPRINGS ID USA 83246

GERALD BEEBE Phone: (208) 237-7414

5202 LUCKY
CHUBBUCK ID USA 83202

A2913208



2. Date of Priority: 05/01/1882

3. Source: DEMPSEY CREEK Trib. to: PORTNEUF RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
10S	38E	10	NW NE NW	BANNOCK	

5. Description of diverting works:

DIVERSION OFF CREEK TO DITCH FOR FLOOD IRRIGATION.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	09/15	0.02	

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

8. Total consumptive use:

RECEIVED

AUG 17 2001

Department of Water Resources
Eastern Region

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
10S	38E	10	NE	NW	IRRIGATION	1
					Section Acres	1
					Total Acres	1

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 IS A PORTION OF 29-00157.

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:

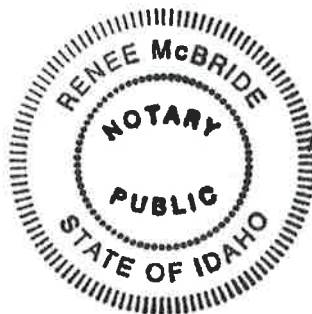
I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Linda McLaughlin Date: 7-31-01
Gerald & Betty 7-31-01 Date: _____
Don Perkins 8/01/01

State of Idaho }
County of Bannock } SS.

Subscribed and sworn (or affirmed) before me this 31st day
of July 2001 Betty A. Dickens
Notary Public

Residing at Loc. 10
My commission Expires 5-1-2004



Notary Public Renee McBride
for Don Perkins signature 8-01-01

NWSW

est Creek

est Creek

N53dE, 1500'

5 4
9 10

G. Beebe
29-13209
1.0 acres

L. McLaughlin
29-13208
1.0 acres

Bompsey Creek

T10S, R38E