

03/24/2003

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

RIGHT NUMBER: 29-13511

NAME AND ADDRESS: EVELEE HILL RUSH
PO BOX 129
LAVA HOT SPRINGS ID 83246

SOURCE: WEST BOB SMITH CREEK

TRIBUTARY: PORTNEUF RIVER

QUANTITY: 0.015 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 0.156 CFS. COMBINED RIGHT NOS.:
29-13511, 29-13513, 29-13515, 29-13517, 29-13519, 29-13521.

PRIORITY DATE: 06/20/1902

POINT OF DIVERSION:

T09S R37E S15 SENENW Within BANNOCK County Source: WEST BOB SMITH CREEK

T09S R37E S15 SESENEW Within BANNOCK County Source: WEST BOB SMITH CREEK

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
04/15 09/15

QUANTITY
0.015 CFS

PLACE OF USE: IRRIGATION Within BANNOCK County

T09S R37E S22 NENE 7.8

7.8 ACRES TOTAL

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 7.8 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 29-13511, 29-13513,
29-13515, 29-13517, 29-13519, 29-13521.

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

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE: 29-13511, 29-13513, 29-13515, 29-13517,
29-13519, AND 29-13521.

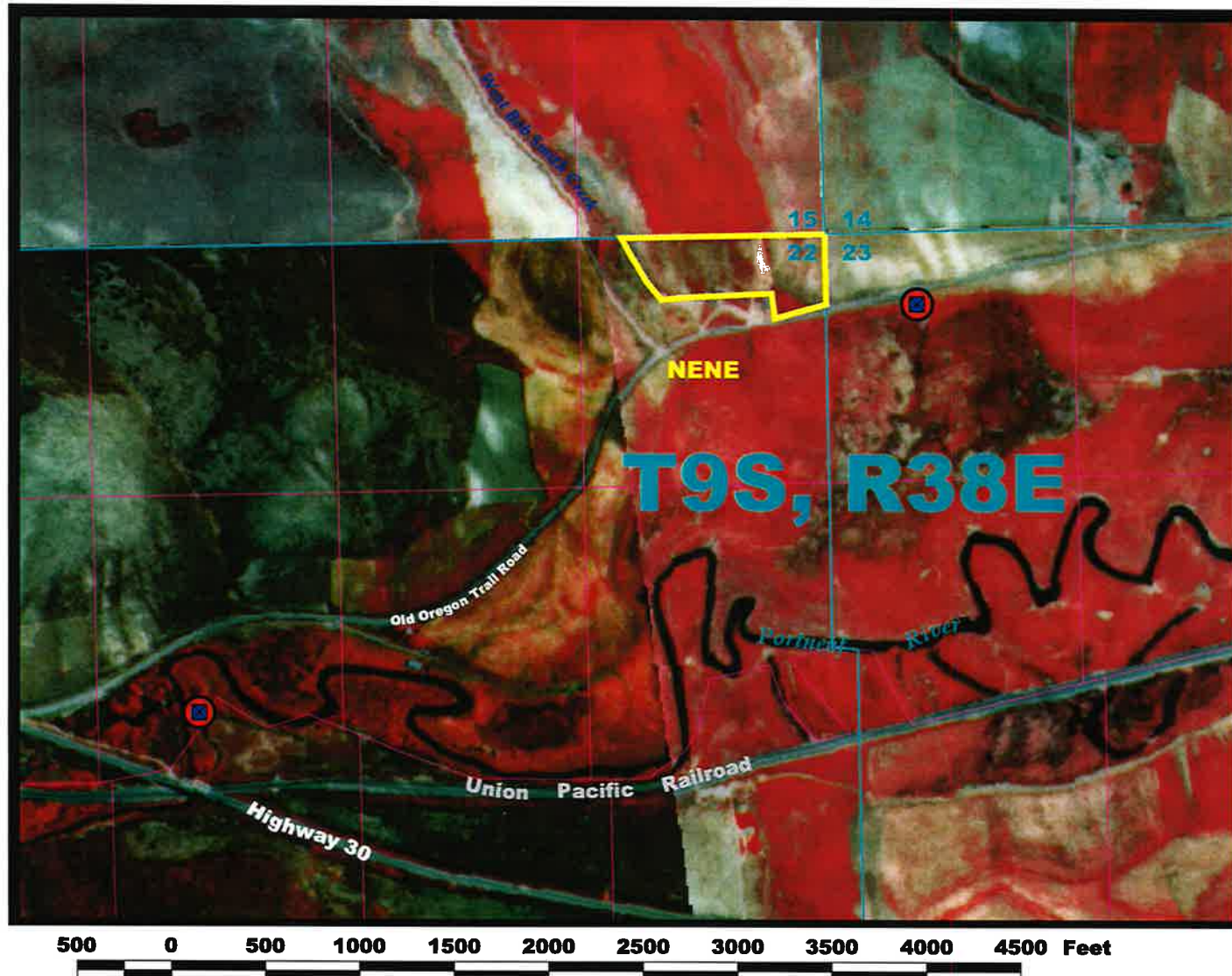
THIS RIGHT IS A SPLIT FROM FORMER RIGHT 29-207A.



State of Idaho

Department of Water Resources

Eastern Region



Water Right(s):

29-13511, 29-13513,
29-13515, 29-13517,
29-13519, 29-13521

Place of Use: (part of): T9S, R37E
Sec. 22 NENE

Point(s) of Diversion: T9S, R37E
Sec. 15 SENENW, SESENW



LEGEND

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

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 29-13511
Date Received: 3/24/2003
Receipt No: E013624
Received By:

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

1. Name of Claimant(s)

EVELEE HILL RUSH Phone: (208)776-5800
PO BOX 129
LAVA HOT SPRINGS ID USA 83246

2. Date of Priority: 06/20/1902

3. Source: WEST BOB SMITH CREEK , WEST BOB SMITH CREEK Trib. to: PORTNEUF RIVER ,
PORTNEUF RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
09S	37E	15	SE NE NW	BANNOCK	
09S	37E	15	SE SE NW	BANNOCK	

5. Description of diverting works:

diversion off creek to pipeline.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/15	09/15	0.015	

7. Total Quantity Appropriated is:
0.015 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
09S	37E	22	NE NE	IRRIGATION	7.8

Section Acres 7.8
Total Acres 7.8

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:

PAID UNDER RECEIPT E013624.

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 29-207A.

15. Basis of Claim:

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): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

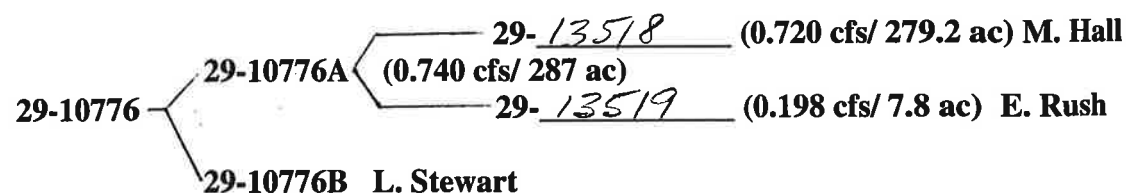
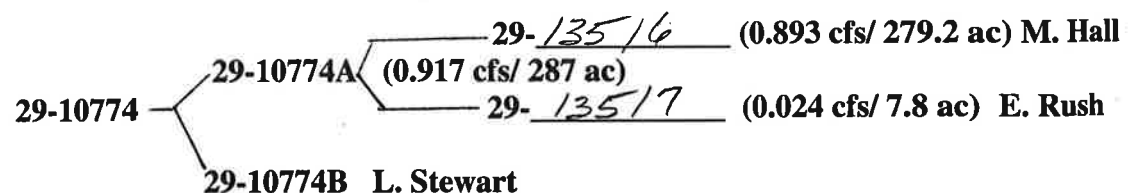
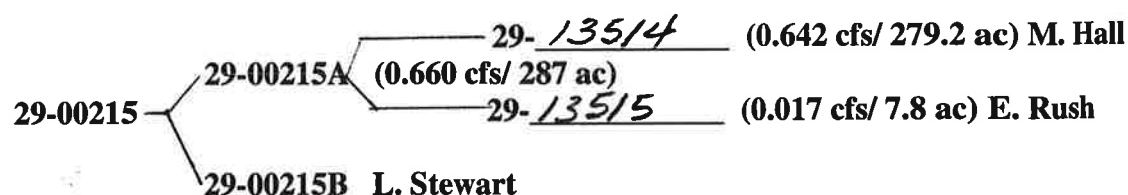
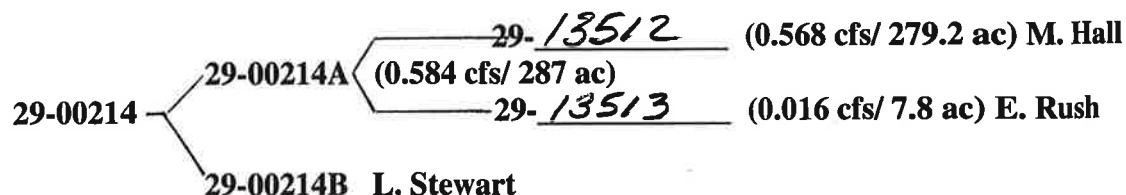
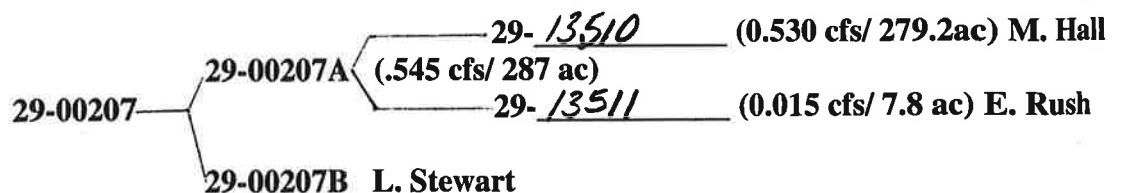
Subscribed and sworn (or affirmed) before me this
of _____ 20__

Notary Public

Residing at _____

My commission Expires _____

3/21/03



29-13300 { 29- 13520 (3.44 cfs/ 279.2 ac) M. Hall
(3.54 cfs/ 287 ac) *EXT 504,*
29- 13521 (0.096 cfs/ 7.8 ac) E. Rush *Σ = 0.27*

Comb @ 0.02
0.156 / 78 Ac

**29-13309 (1.84 cfs/ 116.0 ac w/i 287 ac) reduced to 279.2 ac.
[Rush did not get any portion of the enlarged acres.]**

Note: All Stewart split portions were split off circa March 2002.

DELOO
AR
4/4/03

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided, if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
<u>29-00207A</u>					
<u>29-00214A</u>					
<u>29-00215A</u>					
<u>29-10776A</u>					
<u>29-10774A</u>					
<u>29-13300</u>					
<u>29-13309</u>					

ALL
TO BE SPLIT

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

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) are for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former
Owner/Claimant(s)

Max Hall
PO Box 784

4. New Owner/Claimant(s)

LAVA HOT SPRINGS RD 83246

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

New Mailing Address

EVERETT HILL RUSH

City, State and ZIP Code

PO Box 129 LAVA HOT SPRINGS ID

New Telephone Number

(208) 776-5800

83246

5. Date you acquired the property

5-8-99

RECEIVED

APR 04 2003

Department of Water Resources
Eastern Region

7-1

WARRANTY DEED

For Value Received MAX W. HALL, AN UNMARRIED PERSON

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

ROBERT E. RUSH and EVELEE HILL- RUSH, HUSBAND AND WIFE

whose address is:, 5920 OLD OREGON TRAIL - LAVA HOT SPRINGS, ID 83246

99009913

Hereinafter called the Grantee, the following described premises situated in BANNOCK County, ID, to-wit:

A PARCEL OF LAND IN THE N $\frac{1}{2}$ NE $\frac{1}{4}$ OF SECTION 22, TOWNSHIP 9 SOUTH, RANGE 37 EAST OF THE BOISE MERIDIAN IN BANNOCK COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NE CORNER OF SAID SECTION 22, WHICH IS MARKED BY A BANNOCK COUNTY BRASS CAP MONUMENT; THENCE S 00°09'47" E ALONG THE EAST BOUNDARY OF SAID SECTION, 359.02 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY OF OLD OREGON TRAIL ROAD AND MARKED WITH A $\frac{1}{2}$ " REBAR AND PLASTIC CAP PLS 843; THENCE S 79°46'01" W, ALONG SAID NORTHERLY RIGHT OF WAY, 651.50 FEET TO A $\frac{1}{2}$ " REBAR AND PLASTIC CAP MARKED PLS 843; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 852.44 FEET, THROUGH A CENTRAL ANGLE OF 22°02'27" FOR AN ARC LENGTH OF 327.92 FEET TO THE POINT OF INTERSECTION OF THE NORTHERLY RIGHT OF WAY OF OLD OREGON TRAIL ROAD WITH THE CENTERLINE OF WEST BOB SMITH ROAD; THENCE N 42°34'11" W ALONG SAID CENTERLINE 261.83 FEET; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 822.97 FEET THROUGH A CENTRAL ANGLE OF 31°29'11" FOR AN ARC LENGTH OF 452.26 FEET TO A POINT WHERE THE CENTERLINE OF WEST BOB SMITH ROAD INTERSECTS THE NORTH LINE OF SAID SECTION 22; THENCE N. 89°56'00" E ALONG SAID NORTH LINE, 1322.52 FEET TO THE TRUE POINT OF BEGINNING.

RESERVING THEREFROM AN EASEMENT FOR THE WEST BOB SMITH ROAD ALONG THE WESTERLY 25.00 FEET OF THE ABOVE DESCRIBED PROPERTY.

SEE ATTACHED ADDENDUMS TO THE WARRANTY DEED

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

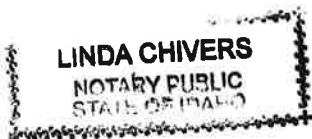
TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from 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 18, 1999

MAX W. HALL

STATE OF IDAHO)
 : ss
COUNTY OF BANNOCK)

On This 18th day of May, 1999, before me, a Notary Public in and for said State, personally appeared MAX W. HALL, known or identified to me to be the person(s) whose name(s) IS subscribed to the within Instrument, and acknowledged to me that HE executed the same.



Notary Public of Idaho
Residing at POCA TELLO, ID
Commission Expires: 02/18/05

7-2
99009913

ADDENDUMS TO THE WARRANTY DEED FROM
MAX W. HALL TO
ROBERT E. RUSH AND EVELEE HILL-RUSH
MAY 18, 1999

TOGETHER with a continuous and perpetual right of 4.03% of the following
state decreed water rights in the name of MAX W. HALL - for a total of
.15 cfs as per attached STATE OF IDAHO WATER CLAIM SUMMARY.
of total available water right.

TOGETHER with a continuous and perpetual right to domestic well water rights
STATE OF IDAHO CLAIMS NO. 29-10779 and 29-10778, as per attached WATER CLAIM
SUMMARY.

TOGETHER with continuous and perpetual easement thru remaining property
owned by MAX W. HALL, his heirs and or assigns, in Township 9 South, Range
37 East Boise Meridian, Sections 14, 15 and 22, BANNOCK COUNTY, IDAHO, grants
to ROBERT E. RUSH AND EVELEE HILL-RUSH, their heirs and or assigns, an irriga-
tion water line easement from the main point of diversion to buyers property
line, for egress and ingress to install and maintain. Buyers to assume 4.03%
of total upkeep of the mainline water delivery system. surface water irrigation system.

Robert E. Rush
ROBERT E. RUSH
5-18-99
DATE

Max W. Hall
MAX W. HALL
5/18/99
DATE

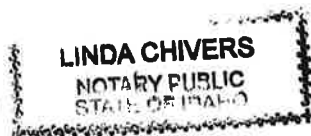
Evelee Hill-Rush
EVELEE HILL-RUSH
5-18-99
DATE

NO 99009913
RECORDED AT REQUEST OF
FIRST AMERICAN TITLE
'99 MAY 19 PM 4 07

OFFICIAL RECORD BOOK NO 738
BANNOCK COUNTY IDAHO
LAND CLERK RECORDER
FEE 21.00 DEPUTY *OW*

COUNTY OF BANNOCK)

On This 18th day of May, 1999, before me, a Notary Public in and for said State, personally appeared MAX W. HALL, known or
identified to me to be the person(s) whose name(s) IS subscribed to the within Instrument, and acknowledged to me that HE executed the
same.



Linda Chivers
Notary Public of Idaho
Residing at POCATELLO, ID
Commission Expires: 02/18/05

West Bob Smith Creek

15 14
22 23

NENE
7.8 acres

T9S, R38E

Old Oregon Trail Road

Portneuf River

Highway 30

Union Pacific Railroad

Idaho Department of Water Resources Receipt

Receipt ID E028583

Payment Amount Date Received Region Status
Payment Type Check Number

Payer Comment

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$25.00	OWNERSHIP CHANGES/SECURITY INTERESTS	0229	21	63140	1155


Signature Line (Dept. Representative)

IDWR Northern Region
1910 Northwest Blvd., Suite 210
Coeur d'Alene, ID 83814-2615
(208) 769-1450

IDWR Eastern Region
900 N. Skyline Dr., Suite A
Idaho Falls, ID 83402-1718
(208) 525-7161

IDWR Western Region
2735 Airport Way
Boise, ID 83705-5082
(208) 334-2190

IDWR Southern Region
1341 Fillmore St., Suite 200
Twin Falls, ID 83301-3380
(208) 736-3033