

03/29/2002

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

RIGHT NUMBER: 29-13332
NAME AND ADDRESS: JOHN BUSS
9789 E MERRICK RD
LAVA HOT SPRINGS ID 83246

TERESA BUSS
9789 E MERRICK RD
LAVA HOT SPRINGS ID 83246

SOURCE: DEMPSEY CREEK TRIBUTARY: PORTNEUF RIVER
QUANTITY: 0.05 CFS

THE APPROPRIATOR IS ENTITLED TO THE QUANTITY OF WATER DESCRIBED
ABOVE AT THE POINT OF MEASUREMENT IN T10S, R38E, S04, NESWSW.

PRIORITY DATE: 03/01/1894

POINT OF DIVERSION:

T10S R38E S4 NESWSW Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 09/15	0.050 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

T09S R38E S32	NWNE	0.4	T09S R38E S32	SWNE	1.9
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2.3 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.

EXPLANATORY MATERIAL: Decreed

WATER IS DELIVERED THROUGH WEST DEMPSEY CANAL.
THIS RIGHT IS A SPLIT FROM FORMER RIGHT 29-00185C.



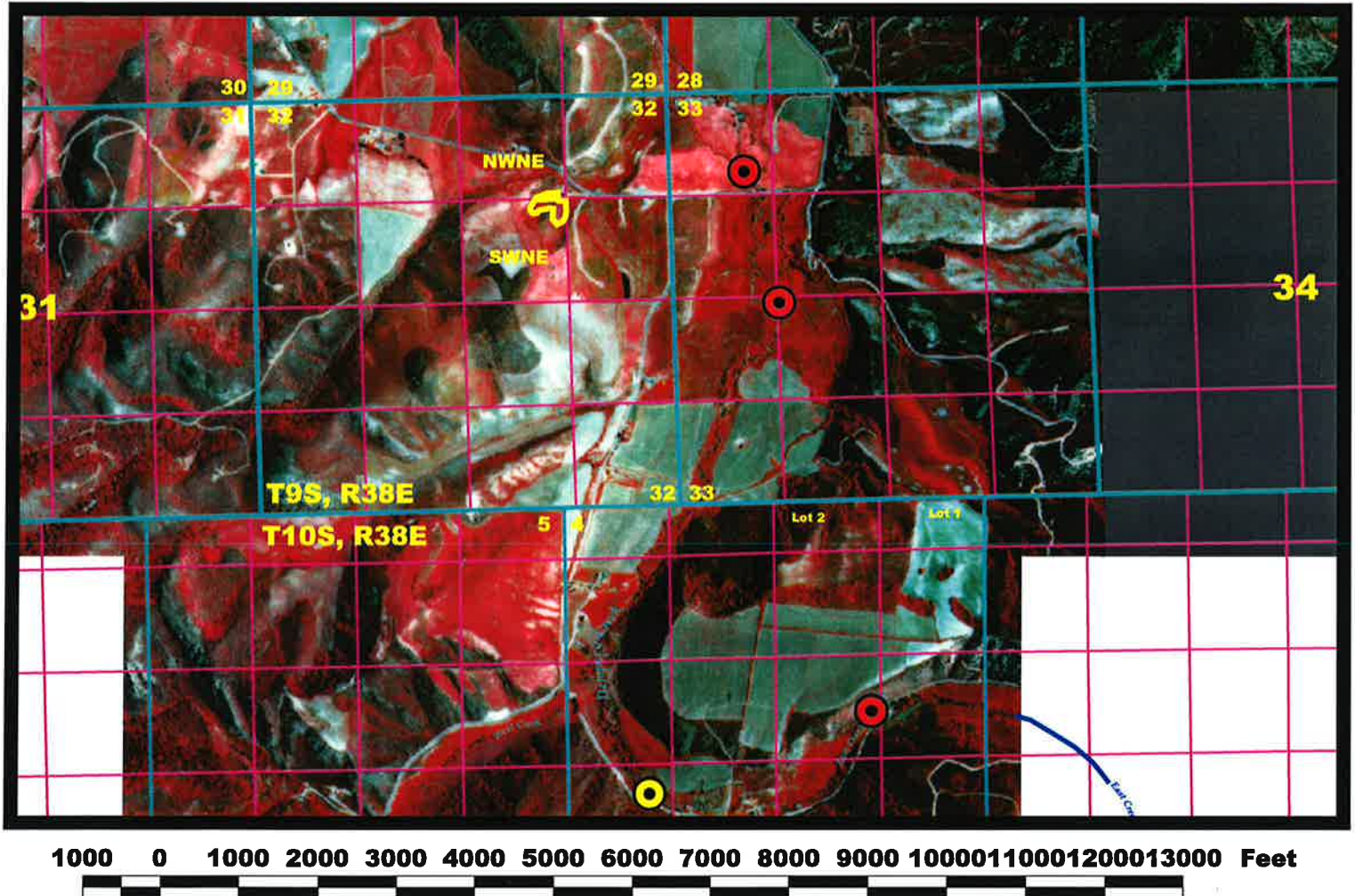
STATE OF IDAHO

Department of Water Resources

Eastern Region



WATER RIGHT(S): 29-13332



LEGEND

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

Place of Use: (parts of)
T9S, R38E Sec. 32
NWNE, SWNE

Point(s) of Diversion: T10S, R38E
Sec. 4 NENESW

**NOTE; Delivery through
West Dempsey Ditch.**



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

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

DELOG AR 3/26/02
RECEIVED
MAR 25 2002
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
214220	portion of 29-185	⇒	29-13332	Decreed	

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) Farrel Dean Rowse, Personal Rep of Farrel Peck & Harrie Welch Rowse
26665 Belcastro St., Las Vegas, Nevada 89117
- DECEASED -
4. New Owner/Claimant(s) John P Buss & TERESA J. Buss
Name Connector (Check one): ☒ and, ☐ or, ☐ and/or
- New Mailing Address 9789 E WERRICK RD
- City, State and ZIP Code LAWA HOT Springs, IDAHO 83246
- New Telephone Number (208) 776-5109
5. Date you acquired the property Jan 28, 2002

WARRANTY DEED

20201895

Order No.:3010111446

FOR VALUE RECEIVED

Farrell Dean Rowsell, personal representative of the Estate of Farrell Beck and Hattie Welch Rowsell,
Husband and Wife, deceased

RECEIVED
MAR 25 2002
Department of Water Resources
Eastern Region

DR
Park

the grantor(s), do(es) hereby grant, bargain, sell and convey unto

John P. Buss and Teresa J. Buss, Husband and Wife

whose current address is

9789 E. Merrick Drive Lava Hot Springs, ID 83246

the grantee(s), the following described premises, in Bannock County, Idaho, TO WIT:

Beginning at a point on the East 1/16 line of Section 32, Township 9 South, Range 38 East, Boise Meridian, Bannock County, Idaho, that is 427 feet Northerly from the NW corner of SE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 32, thence at right angles Westerly 40 feet, more or less, to an intersection with the Westerly boundary of a certain permanent and well defined canal known as the Maughan, Fagnant, Rowsell Canal;
Thence along the Westerly and Southerly Boundary of said canal in a general Southerly direction 1270 feet, more or less, to an intersection with the East 1/16 line of said Section 32;
Thence Northerly along said East 1/16 line 800 feet, more or less, to the Point of Beginning.

Excepting Therefrom:

A parcel of land located in Section 32, Township 9 South, Range 38 East, Boise Meridian, Bannock County, Idaho, and further described as follows:

Beginning at the Northeast corner of said Section 32;
thence North 89°54'59" West 1329.86 feet along the North line of said Section 32;
thence South 00°16'59" West 1038.19 feet along the East 1/16 line of said Section 32 to a 5/8 inch rebar with cap, labeled "A.A. Hudson, PLS 4735", the True Point of Beginning;
Thence continuing South 00°16'59" West 193.20 feet along said 1/16 line to a 5/8 inch rebar with cap;
Thence North 89°13'53" West 75.14 feet along a fence line to a 5/8 inch rebar with cap;
Thence South 77°19'30" West 35.58 feet along said fence line to a 5/8 inch rebar with cap;
thence South 04°39'45" East 17.69 feet to a 5/8 inch rebar with cap;
thence South 84°35'50" West 128.10 feet to a 5/8 inch rebar with cap;
thence North 14°27'08" West 105.91 feet to a 5/8 inch rebar with cap set on an existing fence line;
thence North 61°41'44" East 92.77 feet along said fence line to a 5/8 inch rebar with cap;
thence North 53°42'43" East 113.21 feet along said fence line to a 5/8 inch rebar with cap;
thence North 69°16'28" East 86.43 feet along said fence line to a point set on the South right of way line of Merrick Road;
thence South 37°31'38" East 15.67 feet along said right of way line to the True Point of Beginning.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee(s), that (s)he is/are the owner(s) in fee simple of said premises; that they are free from all encumbrances Except: Current Year Taxes, conditions, covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record.

And that (s)he will warrant and defend the same from all lawful claims whatsoever.

Dated: 1-23-02

* Farrell Dean Rowsell Per Rep.
Farrell Dean Rowsell, Personal Representative

20201895

State of Nevada

County of Clark

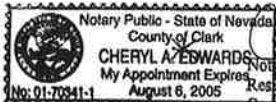
} ss.

2-0

On this 23rd day of January 2002, before me, a Notary Public in and for said state, personally appeared Farrell Dean Rowsell, Personal Representative

known or identified to me to be the person(s) whose name(s) subscribed to the within instrument as Personal Representative of the Estate of Farrel Peck and Hattie Welch Rowsell, Husband and Wife, deceased and acknowledged to me that he/she/they executed the same.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal the day and year first above written.



Cheryl A. Edwards
Notary Public for the State of Nevada
Residing at: Las Vegas, NV
Commission Expires: 08/06/2005

NO 20201895
RECORDED AT REQUEST OF
ALLIANCE TITLE & ESCROW
2002 JAN 28 PM 3 58
OFFICIAL RECORD BOOK NO 866
BANNOCK COUNTY IDAHO
LARRY W CHAN RECORDER
FEE 6.00 DEPUTY \$

7. WHILE THIS IS A REPRESENTATION OF THE PROPERTY DESCRIBED HEREIN, THIS COMPANY ASSUMES NO LIABILITY FOR INACCURACIES, IF ANY, WITH A SURVEY



29-00185C DECREED

I. THE SPLITTING OF 29-00185 AS A/B/C IS PROBLEMATIC.

GPS MAPPING ILLUSTRATES OVERLAPS OF POD OF THE SEVERAL PARTS. AS CLAIMED, IN ITS SEVERAL PARTS, THE 29-00185 IS OVERCLAIMED BOTH IN CTS AND ACRES. ALSO, OWNERSHIP IS QUESTIONABLE: APPARENTLY SOME SALES SINCE FILING.

SPLIT
Remark →

A. BEST CASE AC @ 0.02/AC = 0.80 cts ÷ 0.02 = 40 AC

II. ALL PORTIONS CLAIM DIFFERENT PODS. HOWEVER, ALL PARTS ARE DELIVERED THROUGH THE WEST DEMMOY DITCH. THE ACTUAL POD IS AT T1D3 R3B E SEC. 4 NBSWSW.

DELIVERY
Remark →
Cp3

III. NEED CC OF ALL DEEDS W/ SURVEY PLATS

A. NEED % IN SOME CASES. IES A AND C

IV. SEE SPLIT HISTORY- ATTACHED. 29-00185 IS OVERCLAIMED IN BOTH CTS (0.03 cts) AND ACRES (38.3 AC). TO DATE, NO OTHER RIGHTS CLAIMED.

A. APPEARS PART A NEEDS % TO CORRECT OWNER AND IS WAY OVERCLAIMED ON ACRES - SOME CLAIMED ON STEEP SIDE HILL ABOVE OLD DITCH.

B. PART B SEEMS OK BUT PROPERTY BOUNDARY IS UNCLEAR - REQUESTED CC DEED W/ SURVEY.

C. PART C CLAIMS 0.38 cts on 21 AC ⇒ 0.0181 cts/AC
CONSIDER ORIGINAL @ 0.02 cts/AC - PART C APPEARS UNDERCLAIMED BY 0.002 cts/AC - HOWEVER, FIELD EXAM IS REQ'D. (FOR ALL PODS).

1. DON'T THINK THERE IS 21[±] ACRES HERE.

NEW CHO J&TBuss → A. NEW % FOR A PORTION OF LANDS UNDER THIS CLAIM. 2.0 AC SHOWN AT HOMESTEAD ⇒ 0.040 cts.
1.) SEE SPLIT HISTORY.

FE REQ'D
ALL PTS →
Cp5 ALL

SPLIT HISTORY - CLAIMS

29-00185

Pg 1 of 2

3/28/02 AAR

GLENDALE... RET TRUST
A 29-00185A

$\frac{\%}{10}$ REED WHITE

0.40 cts 3/01/1894

DEMPSY CR.

POD: SESW SEC 4 T10S R38E

POU: SWSE SEC 9 T9S R38E

CLAIMS 55⁰ AC

RECOMMENDED AS:

23⁷ AC @ 0.02 cts = 0.474 cts $\Rightarrow$ 0.47

29-00185

0.80 cts 3/01/1894

DEMPSY CREEK

POD: SWSW SEC 4 10/58

POU: NWNE SEC 32 9/38

(BEST CASE 40 AC - 100 X 40 AC)

$0.80 \div 40 AC = 0.02 cts/AC$

SPLIT BY ADJUDICATION

D. & G. WELLARD
A 29-00185B

0.05 cts 3/01/1894

DEMPSY CREEK

POD: NESW SEC 4 T10S R38E

POU: NWNE SEC 32 T9S R38E

CLAIMS 2.3 AC.

RECOMMENDED AS:

1³⁵ AC @ 0.02 cts = 0.027 cts $\Rightarrow$ 0.03 cts

NOTE: THIS RIGHT IS OVER-CLAIMED BY BOTH CTS (0.03) AND ACRES (38.3). NO OTHER RIGHTS CLAIMED.

F. ROWSELL
A 29-00185C

$\frac{\%}{10}$ BRUCE ROWSELL

0.38 cts 3/01/1894

DEMPSY CREEK

POD: SESW SEC 4 T10S R38E

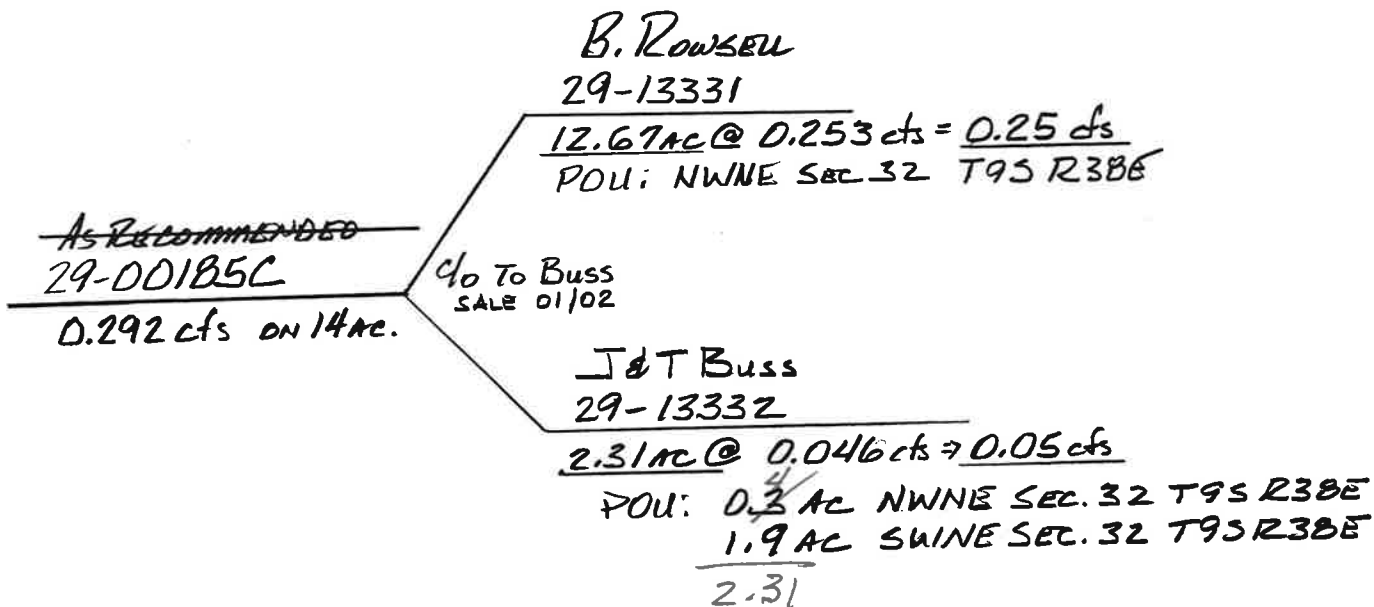
POU: W²NE (PART) SEC 32 T9S R38E

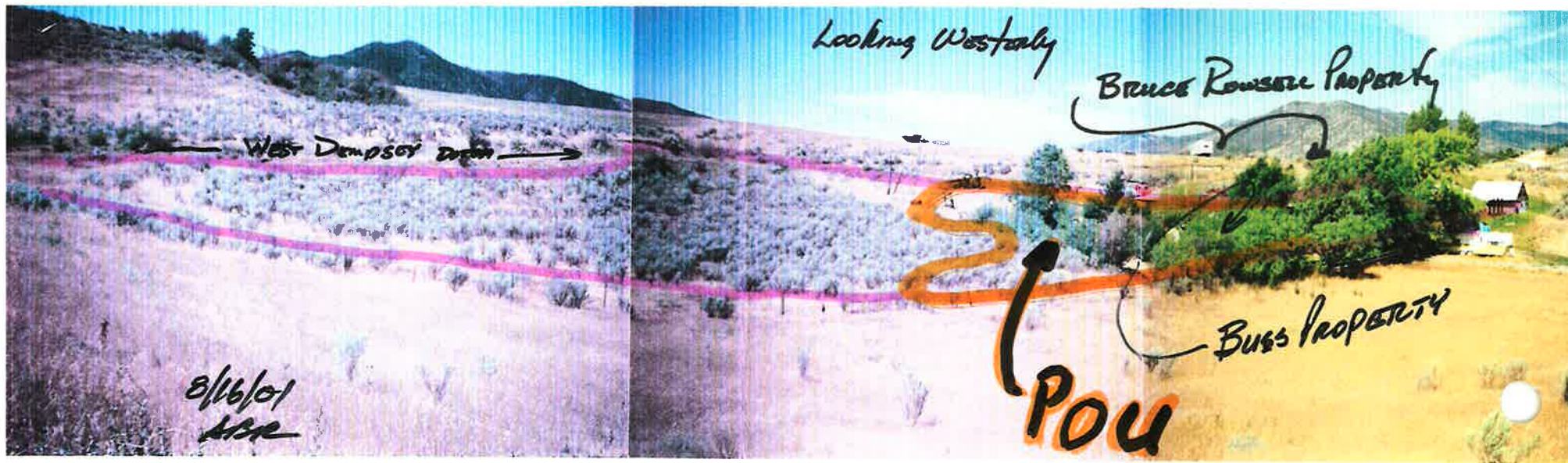
CLAIMS 21⁰ AC.

29-13331

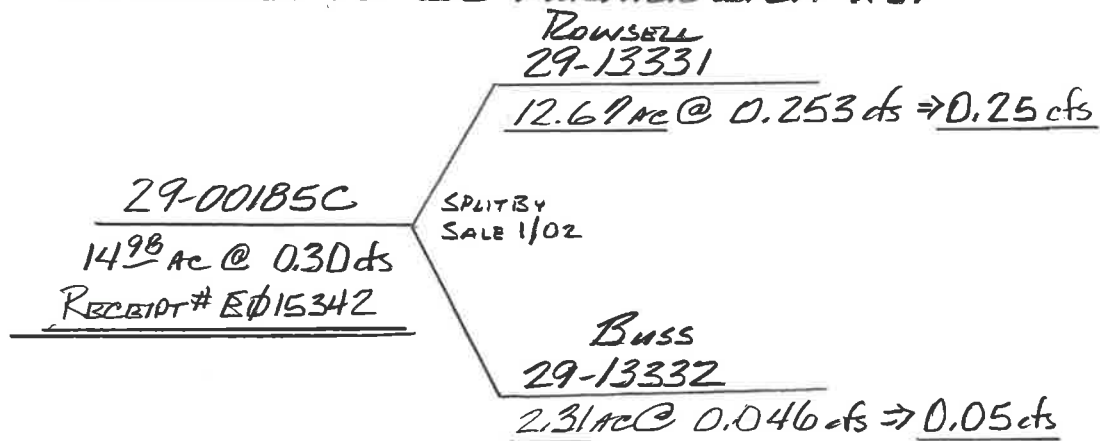
SEE Pg 2 of 2

29-13332



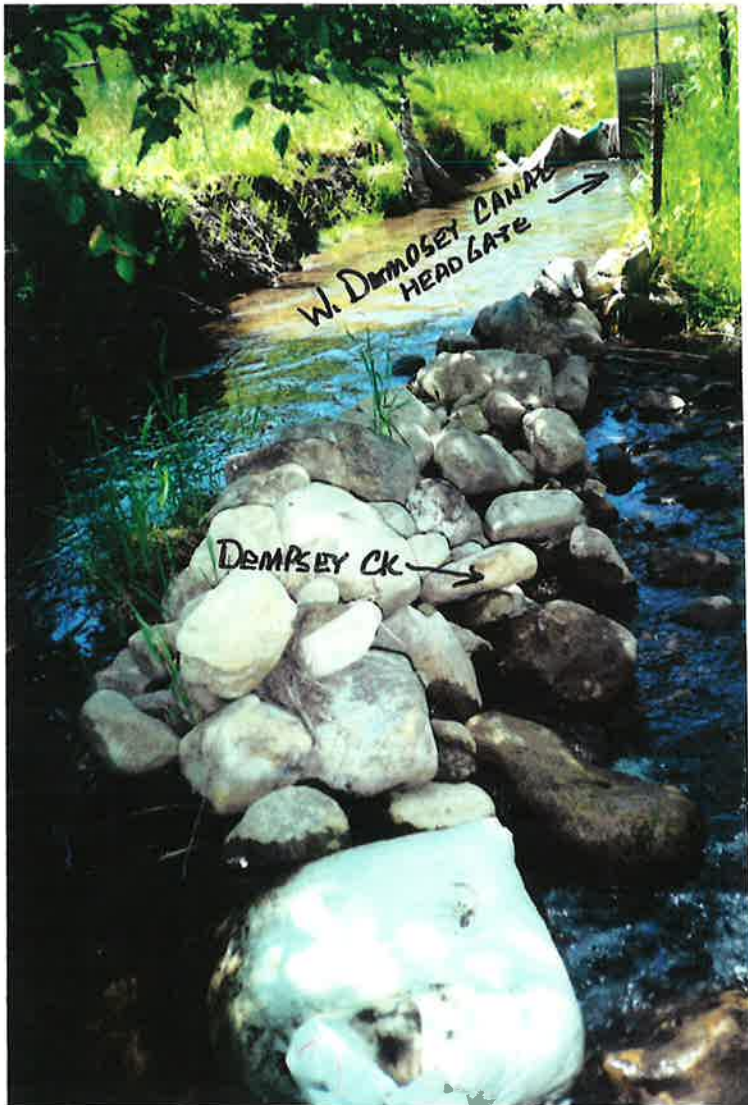


THIS PHOTO SHOWS THE LANDS PURCHASED BY MR & MRS. BUSS w/ WATER RIGHTS (PORTION OF)
29-001B5, TO BE FURTHER SPLIT AS:

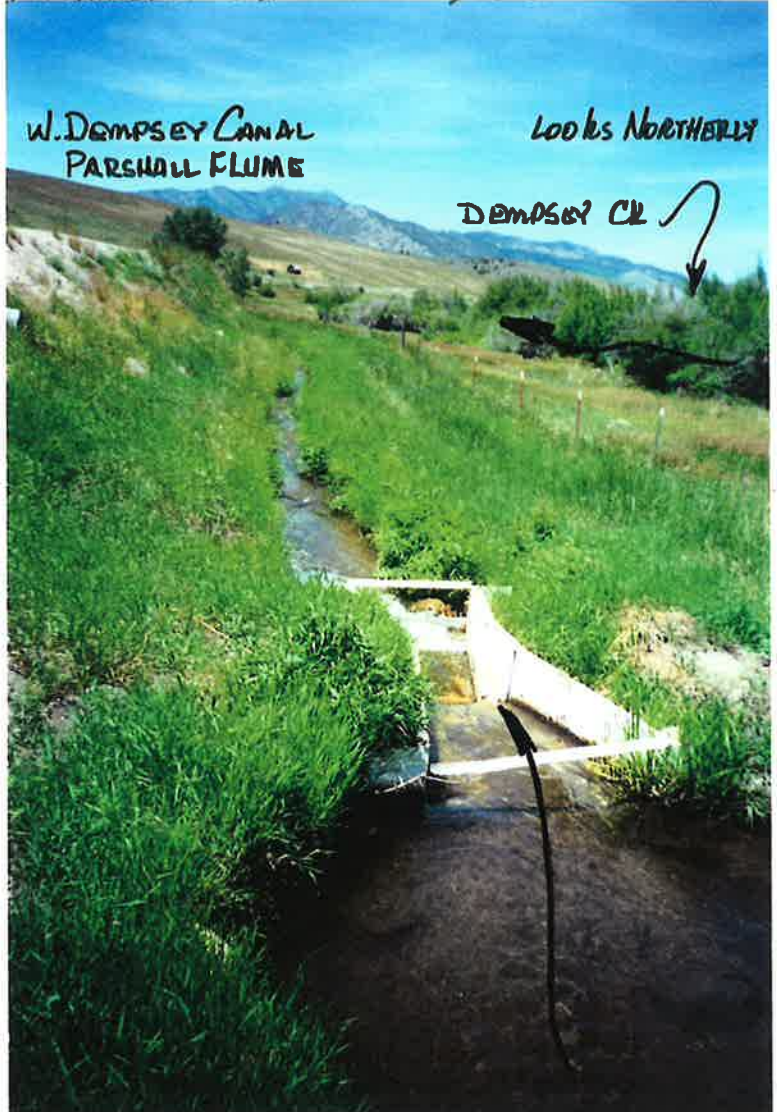


T10S R38E Sec. 4 N5W5W

DIVERSION FOR W. DEMPSEY DITCH. THIS IS NOT A
FORMAL WATER USERS GROUP. MANY RIGHTS ARE CONVEYED
THROUGH THIS DITCH.



PARSHALL FLUME ABOUT 100yds DOWN DITCH



T9S, R38E

29 28

32 33

Dempsey Creek

NWNE

0.3



1.7

SWNE

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 29-13332
Date Received: 3/28/2002
Receipt No:
Received By:

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

1. Name of Claimant(s)

JOHN BUSS Phone: (208) 776-5109

9789 E MERRICK RD
LAVA HOT SPRINGS ID USA 83246

TERESA BUSS Phone: (208) 776-5109

9789 E MERRICK RD
LAVA HOT SPRINGS ID USA 83246

2. Date of Priority: 03/01/1894

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	4	NE SW SW	BANNOCK	

5. Description of diverting works:

DIVERSION OFF CREEK TO OPEN DITCH.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/15	09/15	0.046	

7. Total Quantity Appropriated is:
0.046 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	38E	32	SW	NE	IRRIGATION	2.31
						Section Acres 2.31
						Total Acres 2.31

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:

PAID UNDER RECEIPT NO. E015342.

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 29-00185C.

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)
) SS.
 County of _____)

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

Notary Public

Residing at _____

My commission Expires _____