

02/25/2003

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

RIGHT NUMBER: 29-13378

NAME AND ADDRESS: MONTE LISH
2263 N INKOM RD
INKOM ID 83245

SHELLEY LISH
2263 N INKOM RD
INKOM ID 83245

SOURCE: JACKSON CREEK

TRIBUTARY: RAPID CREEK

QUANTITY: 0.012 CFS

USE OF THIS RIGHT WITH RIGHT NO. 29-13373 IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 0.018 CFS.

PRIORITY DATE: 06/01/1885

POINT OF DIVERSION:

T07S R36E S22 SWSENE Within BANNOCK County Source: JACKSON CREEK

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.012 CFS
STOCKWATER	04/01 10/31	0.012 CFS

PLACE OF USE: IRRIGATION Within BANNOCK County

T07S R36E S22 SESE 0.6

STOCKWATER same as IRRIGATION

0.6 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 29-13373 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 0.60 ACRES IN A SINGLE
IRRIGATION SEASON.

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:

Stockwater use is for 4 horses.

12/17/2002

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

RIGHT NUMBER: 29-13373

NAME AND ADDRESS: MONTE LISH
2263 N INKOM RD
INKOM ID 83245

SHELLEY LISH
2263 N INKOM RD
INKOM ID 83245

SOURCE: RAPID CREEK

TRIBUTARY: PORTNEUF RIVER

QUANTITY: 0.012 CFS

USE OF THIS RIGHT WITH RIGHT NO. 29-13378 IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 0.018 CFS.

PRIORITY DATE: 06/01/1885

POINT OF DIVERSION:

T07S R36E S22 NENENE Within BANNOCK County

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PERIOD OF USE:

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IRRIGATION	04/01 10/31	0.012 CFS
STOCKWATER	04/01 10/31	0.012 CFS

PLACE OF USE: IRRIGATION Within BANNOCK County

T07S R36E S22 SESE 0.6

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0.6 ACRES TOTAL

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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

Stockwater use is for 4 ~~range~~ cattle.

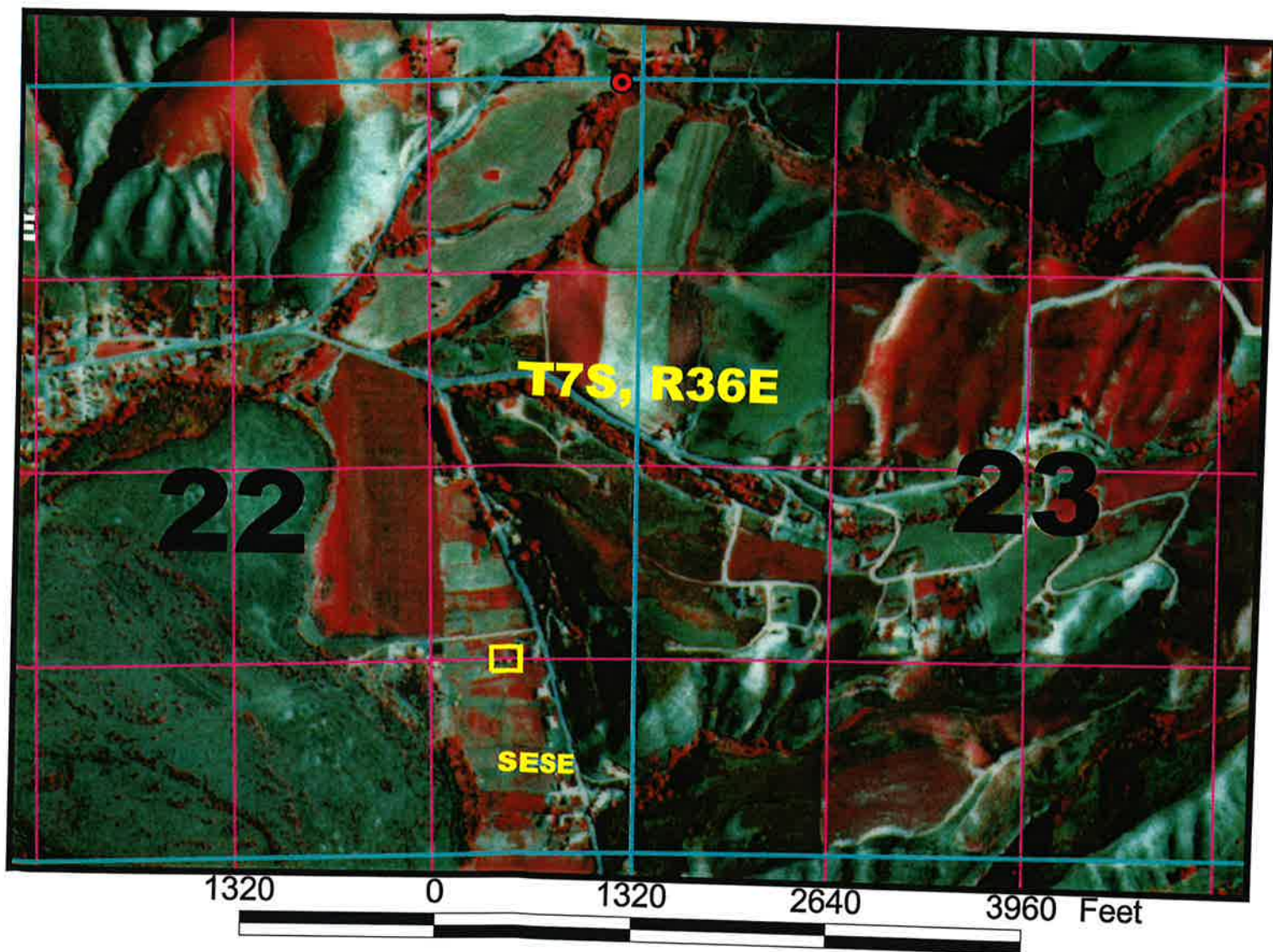
Horses



STATE OF IDAHO

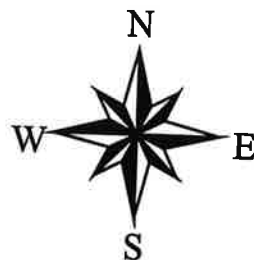
Department of Water Resources
Eastern Region

Water Right(s): 29-13373



Total Irrigated Acres: 0.60

-  Point(s) of Diversion
-  Place of Use
-  Quarter Quarter Lines
-  Section Lines



GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: C. Saxton
Date: December 2002

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-13373 V1

WATER RIGHT NUMBER: 29-13373 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MONTE LISH 2263 N INKOM RD INKOM, ID 83245 (208)775-3795
Current Owner	SHELLEY LISH 2263 N INKOM RD INKOM, ID 83245

Priority Date: 06/01/1885

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
RAPID CREEK	PORTNEUF RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	0.012 CFS	
STOCKWATER	04/01 to 10/31	0.012 CFS	
	<u>Total Diversion:</u>	0.012 CFS	

Location of Point(s) of Diversion

RAPID CREEK	NE1/4NE1/4NE1/4	Sec. 22, Twp 07S, Rge 36E, B.M.
BANNOCK County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	36E	22																.6	.6

Total Acres: 0.6

STOCKWATER same as IRRIGATIONConditions of Approval:

1. C18 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.
2. X02 Stockwater use is for 4 range cattle.

Remarks:

1. Quantity USE OF THIS RIGHT WITH RIGHT NO. 29-13378 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.018 CFS.
2. Place of Use - Irrigation USE OF THIS RIGHT WITH RIGHT NO. 29-13378 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 0.60 ACRES IN A SINGLE IRRIGATION SEASON.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 29-13373 V1

Comments:

1. csaxton 12/17/2002 Diversion Rate

Comment: This right was over claimed. Deeds were requested from all claimants. Some claimants were deeded 1 inch per acre, some claimants were deeded ½ inch per acre, and some of the claimant deeds were silent. If the deed shows a duty of water, that amount recommended. Claimants that did not provide a deed will be recommended ½ inch per acre. Jackson creek water is used on this property (co-mingled with Rapid Creek). However Jackson Creek water was not decreed. Use of Jackson creek water is treated as a beneficial use right. Some users of Rapid Creek would not file a claim on Jackson Creek. When Jackson Creek water is being delivered, they will not have right to be on the rotation.

2. csaxton 12/17/2002 Basis of Claim

Comment: This claims a portion of decreed right 29-00274.

3. csaxton 12/17/2002 POD

Comment: POD not defined in Decree. No C03.

4. csaxton 12/17/2002 Stock SOU

Comment: No evidence that stockwater is diverted outside the irrigation SOU.

Dates and Other Information:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Defendant:

Plaintiff:

Civil Case Number:

Judicial District:

Notice of Error Flag:

State or Federal: S

Owner Name Connector: OR

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Contacts	12/17/2002 10:18:15 AM	csaxton			Active
Priority Date	12/17/2002 10:18:46 AM	csaxton			Active
POD	12/17/2002 10:20:11 AM	csaxton			Active
Source	12/17/2002 10:23:10 AM	csaxton			Active
POU	12/17/2002 10:23:27 AM	csaxton			Active
Use	12/17/2002 10:24:44 AM	csaxton			Active
Season	12/17/2002 10:25:54 AM	csaxton			Active
Quantity	12/17/2002 10:26:55 AM	csaxton			Active
Summary			12/17/2002	csaxton	Active

Verification Log:

Element

Date Time Stamp

Reviewer

Log text

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-13373 V1

Contacts	12/17/2002 10:18:17 AM	csaxton	(No) 1. Do you want to schedule an appointment? Comment for 1: Field Exam 5/31/02
Priority Date	12/17/2002 10:18:47 AM	csaxton	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?
POD	12/17/2002 10:20:12 AM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (No) 4. Does the Decree or License have a POD? (No) 6. Is there evidence that there has been a change in the POD? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?
POD	12/17/2002 10:21:13 AM	csaxton	Edited point location
POD	12/17/2002 10:21:33 AM	csaxton	Edited PLS
Source	12/17/2002 10:23:11 AM	csaxton	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file? (No) 11. Is a Source remark and/or condition required?
POU	12/17/2002 10:23:28 AM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (Yes) 6. Can the claimed POU be verified using the water right file? (Yes) 14. Is a POU remark and/or condition required?
POU	12/17/2002 10:23:45 AM	csaxton	Edited shape boundary
Use	12/17/2002 10:24:46 AM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file? (No) 13. Is a Purpose of Use remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-13373 V1

Season	12/17/2002 10:25:55 AM	csaxton	(Yes) 1. Is the basis of claim Decree or License? (No) 4. Does the Decree or License have a Period of Use? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?
Quantity	12/17/2002 10:26:56 AM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file? (No) 8. Does the parent right have an annual diversion volume limit? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (Yes) 12. Is a Quantity remark or condition required?
Summary	12/17/2002 10:29:16 AM	csaxton	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (Yes) 5. Is an additional remark and/or condition required? (Yes) 6. Would you like to view the recommended right? (Yes) 7. Is this a split or combined right? (No) 8. Do you have documents you would like to attach or link to the file? (Yes) 9. Would you like to set the verification date?

Saxton, Craig

From: Shelley Lish [lishshel@isu.edu]
Sent: Monday, April 14, 2003 10:54 AM
To: Saxton, Craig
Subject: received papers

Hi Craig,

We received all of the water right papers you sent us. Thank you for making all of the changes that you did. I think we will leave it "as is", and not worry about filing for stock water on rapid creek. You are right, the water in our ditch in the spring is from Jackson Creek, so there is really no point. I think we are through bugging you now.

Thanks again,
Monte and Shelley Lish

4/14/2003

12-17-02 : No SOW in decree Recommend IOWA standard

: Rec 1" Per

: Decd SOWs POD Entirely in SESE. Tax lot
data seems off.

2-25-03 : Changed Explanatory from 4 cattle to 4 horses
per E-mail sent By claimant



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 9, 2003

MONTE LISH
SHELLEY LISH
2263 N INKOM RD
INKOM ID 83245

RE: Snake River Basin Adjudication (SRBA) recommendation review

Dear Mr. and Mrs. Lish,

I received the change of ownership information to move Sam's water rights into your name and the Notice of Error reply forms you submitted.

I have changed 29-13372 and 29-13377 into your name (enclosed).

I met with my supervisor and legal staff to discuss the NOE issues.

Notice Of Error:

1) On all 4 recommendations you requested explanatory remark to read, "4 horses" rather than "4 cattle".

That change has been made on all four recommendations.

2) On all 4 recommendations you requested the Season of Use for irrigation be changed to 3/15 to 11/15.

I cannot make this change. 4/1 to 10/31 is the IDWR standard irrigation season of use in the area. Since a season of use was not defined in the Rapid Creek decree and the Jackson Creek water is based on beneficial use (thus not being previously determined), I have to recommend the IDWR standard of 4/1 to 10/31.

3) On all 4 recommendation you requested the Season of Use be year round for stockwater.

Jackson Creek stockwater recommendation 29-13377 and 29-13378 are both based on beneficial use and I can make the season of use change to year round for these two recommendations.

Rapid Creek stockwater recommendations 29-13372 and 29-13373 are based on a decreed right. Stockwater was not mentioned as a use in the Rapid Creek Decree, Stewart vs. Damron.

Despite that stockwater is not mentioned in the decree, it can be recommended as incidental use during the irrigation season of use which is what we did.

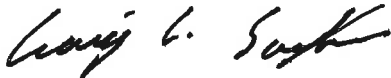
However, since the decree does not speak of stockwater as an actual use in the decree, we cannot recommend stockwater use outside of the irrigation season of use as part of this decreed right. So I have to leave the stockwater season of use for 29-13372 and 29-13373 as 4/1 – 10/31.

So an option is to file an additional claim for the stockwater use from Rapid Creek for the season outside of the irrigation season of use. I guess a question I would ask you is do you or one of the other water users on the ditch actually go divert water from Rapid Creek outside the season of use, or is the ditch filled with runoff and Jackson Creek water? I would like a statement of how water does get from Rapid Creek to the ditch along with any claim you submitted.

For your convenience, I am sending you a claim for use of Rapid Creek water for stock purposes. You would only need to file one claim since you know own Sam's old property. The filing fee is \$25.00. If you choose to file the claim, initial any changes you wish to make (like total stock or priority date), sign it in front of a notary, and return it to this office as soon as possible.

Please feel free to contact me with any questions.

Respectfully Submitted,



Craig L. Saxton
Sr. Water Resource Agent
Adjudication Bureau

02/13/2003

NOTICE OF ERROR
REPLY

Craig

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: 29-13373

MONTE LISH
2263 N INKOM RD
INKOM ID 83245
Telephone Number: (208) 775-3795

SHELLEY LISH
2263 N INKOM RD
INKOM ID 83245

RECEIVED

MAR 24 2003

WATER RESOURCES
WESTERN REGION

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

Dates of use
Stockwater for 4 horses instead of cattle

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

Irrigation 3/15 to 11/15
Stockwater 1/1 to 12/31
Stockwater for 4 horses

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

We water our horses in the ditch whenever it is thawed.
Runoff usually starts in March, but by late summer
water is very low.

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

DATE: 3-10-03

SIGNATURE:

Monte Lish

Please print your name:

Monte Lish

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

RECEIVED
1-11-03
Deputy Director
Land Use Division

Saxton, Craig

From: Saxton, Craig
Sent: Tuesday, February 25, 2003 9:36 AM
To: 'Shelley Lish'
Subject: RE: Sam Lish water right



Notice_Change_of_29-13373_Modified.29-13378_Modified.
Ownership.pdf...



RTF



RTF

Dear Shelley and Monte,

I am sorry for your loss.

You are correct that it is easier to change the name on the recommendations now rather than later. Plus it is free if you do it now. If we wait until the rights have gone through the court and been partially decreed, there is a \$25 fee.

Attached is a Notice of Change of Water Right Ownership form. If it doesn't come through, you can download the form from:
www.idwr.state.id.us

Just fill it out for Sam's water right and send it to me or the Idaho Falls office with a copy of the warranty deed with legal description or means of conveyance showing you are now owners of the property. Note that you can ignore item #6 on the form. That would only be applicable if we were splitting the right.

As far as the explanatory statement that says 4 range cattle instead of 4 horses. That sounds like a mistake on my part. I have made the changes on your water rights (attached).

Feel free to contact me if you have further questions.

Respectfully submitted,

Craig L. Saxton

-----Original Message-----

From: Shelley Lish [mailto:lishshel@isu.edu]
Sent: Tuesday, February 25, 2003 9:17 AM
To: Saxton, Craig
Subject: Sam Lish water right

Hi Craig,

We got our packets from IDWR and I have a couple of questions. We haven't had time to REALLY check them out, but one thing we have to know right away is if we can change Sam's water right to Monte's name. Here is why.....Sam passed away on Feb. 16th. He has a trust which gives the property to Monte, but we haven't had time to get the legalities done yet. I assume it would be much easier to get the names changed now rather than after it is all done. Please advise me as to what to do to get this straightened out before the deadline. We should have death certificates next week if we need one for this purpose.

The other question is why our "4 horses" was changed to "4 range cattle", and does it make any difference?

Thanks for any help you can offer.

Shelley & Monte Lish
Inkom Idaho

12/17/2002

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 29-13373

WATER RIGHT NUMBER: 29-13373

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MONTE LISH ✓ 2263 N INKOM RD INKOM, ID 83245 (208)775-3795
Current Owner	SHELLEY LISH ✓ 2263 N INKOM RD INKOM, ID 83245

Priority Date: 06/01/1885 *ok*
 Basis: Decreed ✓
 Status: Active ✓

<u>Source</u>	<u>Tributary</u>
RAPID CREEK ✓	PORTNEUF RIVER ✓

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION ✓	03/15	to 11/15	0.012 CFS ✓	
STOCKWATER	<i>7/1</i>	<i>10/31</i>	0.012 CFS ✓	
	<i>4/1</i>	<i>12/31</i>	0.012 CFS ✓	
	<u>Total Diversion:</u>		0.012 CFS ✓	

<u>Location of Point(s) of Diversion</u>		
RAPID CREEK ✓	NE1/4NE1/4NE1/4 ✓	Sec. 22, Twp 07S, Rge 36E, B.M. ✓
BANNOCK County ✓		

Place of UseIRRIGATION Within BANNOCK County

T07S R36E S22 SESE 0.6 ✓

Total Acres: 0.6 ✓

STOCKWATER same as IRRIGATIONConditions of Approval:

x02: Explan: 4 head
Limited to 0.018
0.6 ac

Remarks:

1. Explanatory STOCKWATER: 4 HEAD ✓
2. Explanatory THIS RIGHT IS A SPLIT FROM FORMER RIGHT 29-00294B. ✓

Comments:Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 29-13373

Dates and Other Information:

Claim Received Date: 7/8/2002
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector: OR
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
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Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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As of 7/15/02

Split history for Decreed Right 29-00294

	Claimed	Recommend
29-00294 0.8 Decree Silent Assumed 40	29-00294A Murdock, Norris M <i>Not in Decreed POU</i> 0.3 28	0.3 * 24
	29-00294B Lish, Sam 0.086 4.3	0.074 * deed - silent from Murdock to Morris 1" ok 3.7
	29-13372, Sam 0.074 3.7	
	29-13373, Monte 0.012 0.6	0.012 * deed - silent from Murdock to Morris 1" ok 0.6
	29-00294C Turman, Dennis 0.03 3	0.02 * deed 1/2 per acre 1.8
	29-00294D Murdock, Norris Kent 0.1 5	0.1 * deed 1" per acre 5
	29-00294E Whitworth, John 0.1 5	0.1 * deed 1" per acre 5
	29-00294F Chavers, Ben 0.06 3	0.017 * deed silent - no deed trail - 1/2 inch per acre 1.3
	29-00294G Davis, Arnold 0.03 3	0.02 * deed 1/2 per acre 2
	29-00294H Owens, Delbert 0.06 3	0.02 * deed 1/2 per acre 1.8
	29-00294J Foltz, Michael 0.1 5.3	0.04 no deed submitted - 1/2 " per acre 4
	29-10071 Wagner, Ronald 0.08 2	0.02 deed 1/2" per acre 2
Sum of claimed CFS = Sum of claimed Acreage =	0.946	Sum CFS= Sum Acre= Un-accounted for CFS= Un-accounted for Acres=
		0.723 0.077

Saxton, Craig

From: Monte Lish [Monte.Lish@ashgrove.com]

Sent: Tuesday, July 09, 2002 2:33 PM

To: 'CSAXTON@IDWR.STATE.ID.US'

Subject: MURDOCK SUBDIV.

MURDOCK SUBDIVISION: KENT MURDOCK OWNED 10 ACRES = BLOCK # 9 NORRIS PROBABLY KEPT 1 IN PER ACRE FOR KENT. JOHN WHITWORTH BOUGHT 5 ACRES FROM KENT ON THE SOUTH HALF OF BLOCK # 9. I DO NOT KNOW HOW MUCH JOHN GETS. PROBABLY 1".

SAM BOUGHT BLOCK # 8 = 5 ACRES (I'LL GUESS HE ONLY GOT 1/2 ")

ALLEN HATFIELD BOUGHT BLOCK # 7 = 5 ACRES (I'LL GUESS 1/2")

MIKE FOLTZ BOUGHT BLOCK # 6 = 5 ACRES (I'LL GUESS 1/2")

DAVE WAGNER BOUGHT BLOCK # 5 = 3 ACES (I'LL GUESS 1/2")

DENNIS TURMAN BOUGHT BLOCK # 4 = 3 ACRES (I'LL GUESS 1/2")

DEL OWENS BOUGHT BLOCK # 3 = 3 ACRES (I'LL GUESS 1/2")

ARNOLD DAVIS BOUGHT BLOCK # 2 = 3 ACRES (I'LL GUESS 1/2")

BEN CHAVERS BOUGHT BLOCK # 1 = 3 ACRES (I'LL GUESS 1/2")

I'M ONLY GUESSING AT THE WATER AMOUNTS BUT THIS IS THE PEOPLE AND ACREAGE.

THIS IS FORTY ACRES AND THE ORIGINAL WATER WAS FOR FORTY INCHES. NORRIS KEPT 1/2" OUT OF BLOCK # 1, 2, 3, 4, 5, 6, 7, 8. BLOCK # 9 WAS HIS SON KENTS, SO IT WAS FOR 1 INCH. IS THIS CORRECT TO YOU ?

I'LL STILL TRY TO GET SOME PAPER TO YOU WHEN I FIND SOMETHING.

THANKS AGAIN.

7/10/2002

I will be Working Mon - Thur July 8-11 and to Guards Fri-Sun 12-14 next week, So am not positive when I will be Able to get this all done, Please call me After 5pm and we can talk or E-Mail me.
Thanx

Del Owens

7/10/2002

Saxton, Craig

From: Saxton, Craig
Sent: Tuesday, July 09, 2002 1:38 PM
To: 'Monte Lish'
Subject: RE: On more thing

Hello Monte,

SORRY FOR THE DELAY, I'M HAVING TROUBLE FINDING THE DEED. I THINK HE LOST IT OR SOMETHING. I HAVE SAM'S WARRENT DEED, BUT IT SHOWS NOTHING ABOUT WATER RIGHTS. I WILL HAVE TO CHECK THE COURT HOUSE TO SEE IF THERE IS SOMETHING THERE. I HEARD THAT IF NOTHING IS WRITTEN DOWN ON THE DEED ABOUT WATER THAT THE WATER STAYS WITH THE GROUND. TRUE OR FALSE? [Saxton, Craig] True, to a point. In general the department views water rights applicable to the land. However, there is a statute for an "Accomplished Transfer". This means that if the water was moved to a different piece of ground prior to November 19, 1987, then it could be a legal change. Norris could make a case that through historical practice his intention was to move a major portion of the water to his current place and meant to leave 1/2 in per acre on the lots in Murdock Subdivision. However, my recommendations will be based on available evidence and if the deed is silent to the water right, I will most likely recommend a diversion rate proportionate to the original intention of the decree which I believe to be 1 inch per acre. This is why I need a copy of the deed whether it is silent to the water right or not.

ANY ANSWER ABOUT JACKSON CR. BEING A TRIBUTARY OF RAPID CR. ? [Saxton, Craig] I will recommend all Jackson Creek rights tributary to Rapid Creek because that is what the USGS quad maps indicate (this is the IDWR standard). Any arguments from other users will need to be heard by the SRBA court.

I DID FIND OUT THAT RAPID RIVER IS NOW CALLED INMAN CR. AND JOE RAINEY CR. IS NOW CALLED SAWMILL CR.
 ALSO, GREEN CANYON (SOUTH FORK) WAS CALLED TRIBUTARY OF BILL JACKSON CR, (WHICH IS THE NORTH FORK OF GREEN CANYON. THIS SEEMS TO ANSWER THE QUESTION OF PAT WHITWORTH'S CLAIM THAT JACKSON CR. WAS A TRIBUTARY OF THE PORTNUEF RIVER. BILL JACKSON CR. IS A TRIBUTARY OF PORTNUEF RIVER. SEC 27 (PIDCOCK WATER) JACKSON CR. IS A TRIBUTARY OF RAPID CR. SEC 23 (PAT WHITWORTH WATER)
 I DON'T SEE HOW JACKSON CR. COULD RUN INTO THE PORTNUEF WITH THE EARLY SPRING RUN-OFF. IT WOULD RUN INTO RAPID CR AS YOU HAVE SEEN. ANY FLASH FLOODING WOULD ALSO RUN IT INTO RAPID CR. WHAT DO YOU THINK? [Saxton, Craig] I will review this information and run it past the Legal Staff. As stated above, I don't think I have much option other than to recommend Jackson Creek tributary to Rapid Creek. Thanks for the information.
 I'LL KEEP IN TOUCH.

Craig

-----Original Message-----

From: Saxton, Craig [mailto:csaxton@idwr.state.id.us]
Sent: Wednesday, July 03, 2002 3:19 PM
To: 'Monte Lish'; 'Shelley Lish'
Subject: On more thing

Monte and Shelley,

Sorry to keep bothering you. I have one more request to ask you. Several of the deeds along for Murdock Subdivision state how much water per acre was sold when Norris subdivided the property. Your deed is silent to the water rights, but I need a copy of Sam's deed. Some of the deeds I've seen in the area speak of a 1/2 inch per acre, some speak of 1 inch per acre, and some are silent.

7/10/2002

There are times where a deed with exclude any water rights. I need to see a copy of Sam's deed when he bought the property.

Once again, I am asking everyone for deeds (if I don't have them already), so I am not singling you out.

You can fax that to me if it is easiest.

Thanks,

Craig L. Saxton
Fax: (208) 334-2348

-----Original Message-----

From: Monte Lish [mailto:Monte.Lish@ashgrove.com]
Sent: Monday, July 01, 2002 2:27 PM
To: 'CSAXTON@IDWR.STATE.ID.US'
Subject: FW: Mailing (correction)

-----Original Message-----

From: Saxton, Craig [mailto:csaxton@idwr.state.id.us]
Sent: Monday, July 01, 2002 11:30 AM
To: 'Monte Lish'; 'Shelley Lish'
Subject: Mailing

Monte and Shelley,

I am mailing copies of several items. I thought I would send them directly to you instead of Sam since you seem to be the ones that are taking care of a lot of this water right business. I hope you/Sam doesn't mind.

Things that will be included in the packet:

- Water measurement book
- Copy of Jackson Creek claim
- Receipt for \$50 for Jackson Creek claim
- Copy of [amended Jackson Creek claim](#) I HOPE THIS IS FOR AMENDED RAPID CR. CLAIM AND NOT JACKSON CR.CLAIM.
- Copy of Norris Murdock affidavit

THANKS AGAIN

7/10/2002

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 29-13373
Date Received: 7/8/2002
Receipt No:
Received By:

AMENDED

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

MONTE LISH Phone: (208) 775-3795

2263 N INKOM RD
INKOM ID USA 83245

SHELLEY LISH Phone: (208) 775-3795

2263 N INKOM RD
INKOM ID USA 83245

2. Date of Priority: 06/01/1885

3. Source: RAPID 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	22	NE NE NE	BANNOCK	

5. Description of diverting works:

HEADGATE DITCHES TO FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	0.012	
STOCKWATER	01/01	12/31	0.012	

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

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JUL 29 2002
WATER RESOURCES
WESTERN REGION

8. Total consumptive use:

9. Non-irrigation uses:

Number of Stock: 4

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
07S	36E	22	SE	SE	IRRIGATION	0.6
					Section Acres	0.6
					Total Acres	0.6

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 AMENDED TO ADD STOCKWATER AND CHANGE ACREAGE DISTRIBUTION. CLAIM SET TO TEMPORARY STATUS UNTIL SIGNED IN FRONT OF A NOTARY AND RETURNED TO THIS OFFICE (CSAXTON 7-11-02).

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 29-00294B.

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 X 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): Monte Lish Date: 7-15-02

Date: _____

State of Idaho)
County of Bannock) SS.

Subscribed and sworn (or affirmed) before me this 15
of July 2002

Quanna Sterner

Notary Public

Residing at Idaho

My commission Expires Oct. 27, 2003

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 29-13373
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Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
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1. Name of Claimant(s)

MONTE LISH Phone: (208) 775-3795

2263 N INKOM RD
INKOM ID USA 83245

SHELLEY LISH Phone: (208) 775-3795

2263 N INKOM RD
INKOM ID USA 83245

2. Date of Priority: 06/01/1885

3. Source: RAPID 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	22	NE	NE	NE	BANNOCK	

5. Description of diverting works:

HEADGATE DITCHES TO FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	0.012	

7. Total Quantity Appropriated is:
0.012 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
07S	36E	22	NE	SE	IRRIGATION	0.3
			SE	SE	IRRIGATION	0.3
					Section Acres	0.6
					Total Acres	0.6

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 RIGHT IS A SPLIT FROM FORMER RIGHT 29-00294B.

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): _____ 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 _____