

12/19/2002

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

RIGHT NUMBER: 29-13380

NAME AND ADDRESS: HAZEL A WAGNER
2095 N INKOM RD
INKOM ID 83245

RONALD D WAGNER
2095 N INKOM RD
INKOM ID 83245

SOURCE: JACKSON CREEK

TRIBUTARY: RAPID CREEK

QUANTITY: 0.060 CFS

USE OF THIS RIGHT WITH RIGHT NO. 29-10071 IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 0.06 CFS.

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

PRIORITY DATE: 04/02/1947

POINT OF DIVERSION:

T07S R36E S22 SWSENE Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.060 CFS
STOCKWATER	04/01 10/31	0.020 CFS

PLACE OF USE: IRRIGATION Within BANNOCK County

T07S R36E S22 SESE 2.0

STOCKWATER same as IRRIGATION

2 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 29-10071 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 2.0 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.

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL
BENEFICIAL USE.

EXPLANATORY MATERIAL: Beneficial Use

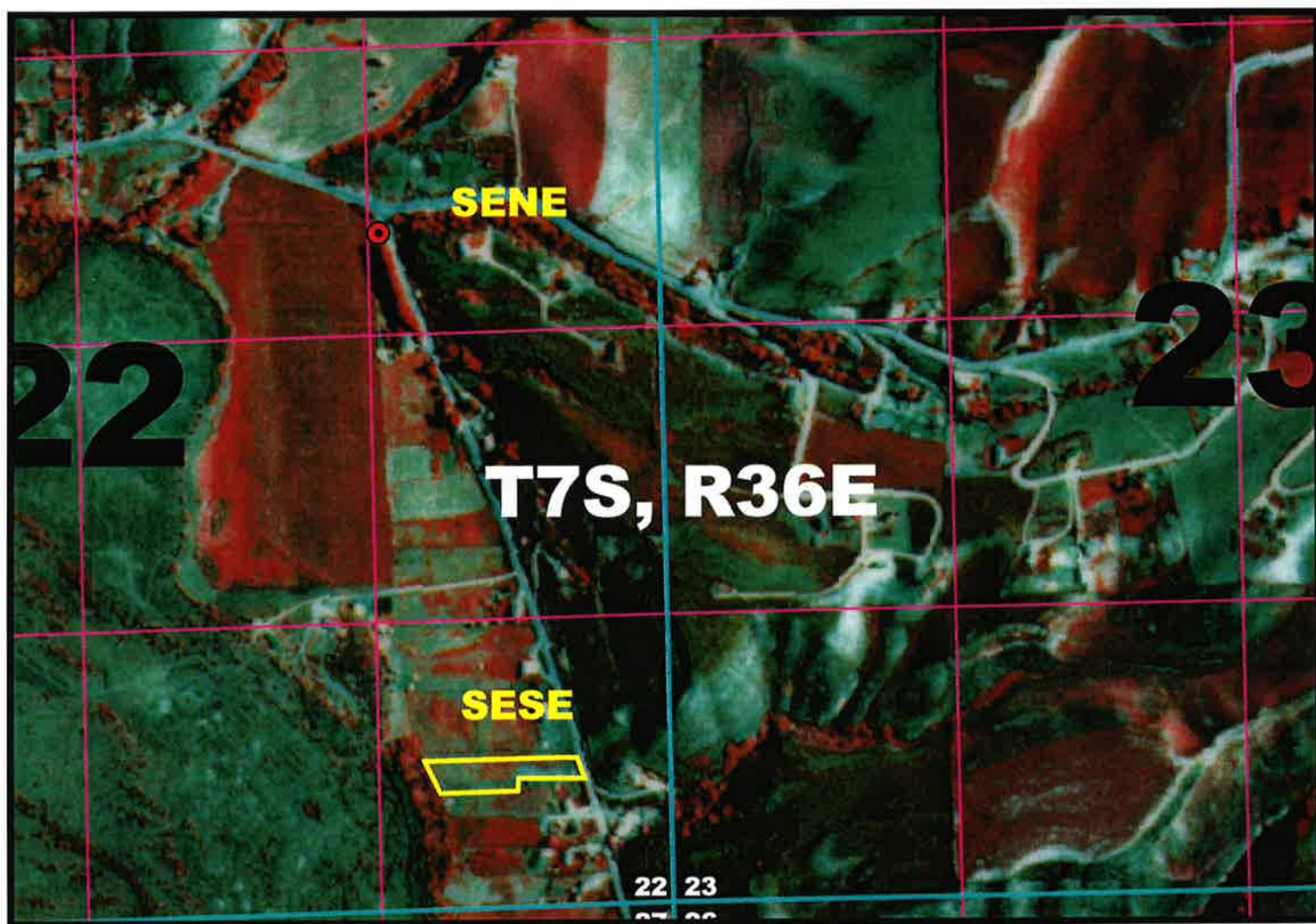
Stockwater use is for 11 head.



STATE OF IDAHO

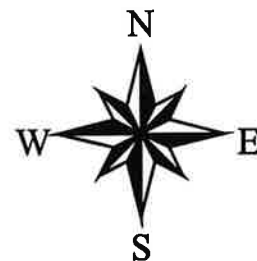
Department of Water Resources
Eastern Region

Water Right(s): 29-13380



Total Irrigated Acres: 2.0

-  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 29-13380 V1

WATER RIGHT NUMBER: 29-13380 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	HAZEL A WAGNER 2095 N INKOM RD INKOM, ID 83245 (208) 775-3767
Current Owner	RONALD D WAGNER 2095 N INKOM RD INKOM, ID 83245 (208) 775-3767

Priority Date: 04/02/1947

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
JACKSON CREEK	RAPID CREEK

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	0.060 CFS	
STOCKWATER	04/01 to 10/31	0.020 CFS	
	<u>Total Diversion:</u>	0.060 CFS	

Location of Point(s) of Diversion

JACKSON CREEK	SW1/4SE1/4NE1/4	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																2.0	2.0

Total Acres: 2

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. N05 THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.
3. N08 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
4. X02 Stockwater use is for 11 head.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 29-13380 V1

Remarks:

1. Quantity USE OF THIS RIGHT WITH RIGHT NO. 29-10071 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.06 CFS.
2. Place of Use - Irrigation USE OF THIS RIGHT WITH RIGHT NO. 29-10071 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 2.0 ACRES IN A SINGLE IRRIGATION SEASON.

Comments:

1. csaxton 12/19/2002 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:
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	12/19/2002 11:14:00 AM	csaxton			Active
Contacts	12/19/2002 11:18:53 AM	csaxton			Active
Priority Date	12/19/2002 11:20:31 AM	csaxton			Active
POD	12/19/2002 11:28:07 AM	csaxton			Active
Source	12/19/2002 11:29:25 AM	csaxton			Active
POU	12/19/2002 11:29:49 AM	csaxton			Active
Use	12/19/2002 11:30:44 AM	csaxton			Active
Use	12/19/2002 11:30:51 AM	csaxton			Active
Season	12/19/2002 11:33:01 AM	csaxton			Active
Quantity	12/19/2002 11:34:04 AM	csaxton			Active
Summary			12/19/2002	csaxton	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Contacts	12/19/2002 11:13:59 AM	csaxton	(No) 1. Do you want to schedule an appointment?

Comment for 1: Contact with claimant on 7/10/02

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-13380 V1

Contacts	12/19/2002 11:18:52 AM	csaxton	(No) 1. Do you want to schedule an appointment?
			Comment for 1: Contact with claimant on 7/10/02
Priority Date	12/19/2002 11:20:30 AM	csaxton	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (No) 4. Is the basis of claim decree or license? (No) 7. Is the basis of claim a Application or Permit? (No) 8. Is the basis of claim a posted notice? (No) 9. Is the Priority Date claimed after the date a permit is required for the source and the water use? (Yes) 12. Does the claim file contain sufficient evidence of Priority Date? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required? Description for Question 12/13 - Statement from original owner of Murdock Subdivision, Norris M. Murdock.
POD	12/19/2002 11:28:06 AM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (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	12/19/2002 11:28:20 AM	csaxton	Edited point location
POD	12/19/2002 11:28:37 AM	csaxton	Edited PLS
Source	12/19/2002 11:29:24 AM	csaxton	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim an Application or Permit? (No) 6. Is the basis of claim a Posted Notice? (No) 7. Is there evidence that there has been a change in the source? (Yes) 10. Does the file contain all the necessary information to verify the source? (No) 11. Is a Source remark and/or condition required? Description for Question 10 - Conversation with claimant.
POU	12/19/2002 11:29:48 AM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (Yes) 2b. Is the POU required? (No) 3. Is the basis of claim a Application or Permit? (No) 7. Is there evidence that there has been a change in the POU? (Yes) 13. Does the file contain all the necessary information to verify the POU? (Yes) 14. Is a POU remark and/or condition required? Description for Question 13 - NAPP photography

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-13380 V1

POU	12/19/2002 11:30:01 AM	csaxton	Edited shape boundary
Use	12/19/2002 11:30:43 AM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Purpose of Use? (Yes) 11. Does the file contain all the necessary information to verify the Water Use? (No) 13. Is a Purpose of Use remark and/or condition required? Description for Question 10,11,12 - IDWR standard for the area.
Use	12/19/2002 11:30:50 AM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Purpose of Use? (Yes) 11. Does the file contain all the necessary information to verify the Water Use? (No) 13. Is a Purpose of Use remark and/or condition required?
Season	12/19/2002 11:33:00 AM	csaxton	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim a Application or Permit? (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	12/19/2002 11:34:03 AM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is the basis of claim a posted notice? (No) 7. Is a flow measurement required? (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? Description for Question 7 - Claims for 0.20 cfs or less do not require measurement.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-13380 V1

Summary

12/19/2002 11:37:31 AM csaxton

(No) 1. Is the basis of this claim a Decree,
License, Permit, Application or Posted Notice?
(Yes) 3. Is the water being used for all of the
purposes claimed and to the extent claimed?
(Yes) 5. Is an additional remark and/or condition
required?
(Yes) 6. Would you like to view the
recommended right?
(No) 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?

12-12-02: Priority, 4-2-1947. Norris M. Murdock has
SV WR From Jackson Ck over Murdock Sub
users

FE Pict and Notes in file 29-10071.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 29-13380

WATER RIGHT NUMBER: 29-13380

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	HAZEL A WAGNER 2095 N INKOM RD INKOM, ID 83245 (208) 775-3767
Current Owner	RONALD D WAGNER 2095 N INKOM RD INKOM, ID 83245 (208) 775-3767

Priority Date: ~~06/01/1885~~ 4/2/1947

Basis: Beneficial Use

Status: Active

Source

JACKSON CREEK

Tributary

RAPID CREEK

Beneficial Use

IRRIGATION

From To

04/01 to 10/31

Diversion Rate

0.060 CFS

Annual Volume

STOCKWATER

04/01 to 10/31

0.020 CFS

N/A

Total Diversion: ~~0.080 CFS~~

0.06

Location of Point(s) of Diversion

JACKSON CREEK

SW1/4SE1/4NE1/4

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																2.0	2.0

STOCKWATER same as IRRIGATIONConditions of Approval:Remarks:

X02 : Exp Stock = 11

This Right and 29-10071 limited to 0.06 cfs
2 acComments:Dates and Other Information:

Claim Received Date: 7/22/2002

Owner Name Connector: OR

Carey Act Number:

Mitigation Plan: False

As of 7/15/02

Split history for Decreed Right 29-00294

Claimed			Recommend
29-00294 0.8 Decree Silent Assumed 40 <			

RECEIVED

JUN 28 200

WATER RESOURCE
WESTERN REGION

I Norris M. Murdock purchased in the fall of 1947, this 80 acres, which is a tract of land in Section 22 township 7 South Range 36 East Boise Meridian which is currently the Murdock Subdivision. I purchased this property from Roy Cardon, who at the time was using water from Rapid Creek and tributaries, which has an old Indian Decree water right. We would divert Jackson Creek, which runs through the place to Rapid Creek until such creek would become low of water. Then we would divert water from Rapid Creek. This has been happening before I purchased the property to the present time, June 26, 2002. As far as I know, this water has been used this way since the Indian water rights was put in place.

I declare this statement to be true.

Norris M. Murdock
NORRIS M. MURDOCK

STATE OF IDAHO
County of Bannock

On the 26th day of June, in the year 2002, before me, a Notary Public in and for said State personally appeared Norris M. Murdock known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me the he executed the same.

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

(SEAL)

Charmaine Murdock
Notary Public

My commission expires 9-15-03

Residing at Idaho, Id 83245



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

July 22, 2002

RON WAGNER
HAZEL WAGNER
2095 N INKOM RD
INKOM ID 83245-1719

RE: Snake River Basin Adjudication (SRBA) Claims 29-10071, 29-13380 and WR permit 29-07856.

Dear Ron and Hazel:

I completed the data entry on the new Jackson Creek claim 29-13380 and the amended Rapid Creek claim 29-10071. Enclosed are copies of these claims as well as the receipt for 29-13380.

In addition, I did research on the ground water right 29-07856 in which a filed exam was done on July 15, 1999. I noticed the mailing address on 29-07856 is different (enclosed). Because this claim is not involved in the SRBA, I forwarded the information to the state office in order for them to change the mailing address. Please let me know if you did not want the mailing address changed.

Please feel free to contact me if you have any questions at (208) 334-2190.

Respectfully submitted,

Craig L. Saxton
Sr. Water Resource Agent
Adjudication Bureau

Enclosure(s)

Idaho Department of Water Resources Receipt

Receipt ID W029485

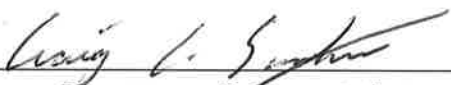
Payment Amount Date Received Region Status

Payment Type Check Number

Payer Comment

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$50.00	ADJUDICATION FILING FEE	0337	42503	1155	


Signature Line (Dept. Representative)

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 29-13380
Date Received: 7/22/2002
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

HAZEL A WAGNER Phone: (208) 775-3767

2095 N INKOM RD
INKOM ID USA 83245

RONALD D WAGNER Phone: (208) 775-3767

2095 N INKOM RD
INKOM ID USA 83245

2. Date of Priority: 06/01/1885

3. Source: JACKSON CREEK Trib. to: RAPID CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
07S	36E	22	SW SE NE	BANNOCK	

5. Description of diverting works:

TWO DITCHES, 3 FT x 3 FT and 1 FT x 2 FT.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	10/31	0.06	
STOCKWATER	04/01	10/31	0.02	

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

8. Total consumptive use:

9. Non-irrigation uses:

Number of other uses: 11

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
07S	36E	22	SE	SE	IRRIGATION	2
					Section Acres	2
					Total Acres	2

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:

15. Basis of Claim: Beneficial Use

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 _____

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 29-13380
Date Received: 7/22/02
Receipt No: W829485
Received By: CS

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s) R.O.W. 7-17-2002

NAME: Same as 29-10071 Phone: _____

ADDRESS: _____

NAME: _____ Phone: _____

ADDRESS: _____

2. Date of Priority: 06/01/1885

3. Source: JACKSON CREEK Trib. to: RAPID CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot			County	Type
07S	36E	22	SW	SE	NE	BANNOCK	

5. Description of diverting works:

TWO DITCHES, 3'X3' AND 2'X1'

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	10/31	0.06	
STOCKWATER	4/01	10/31	0.02	

7. Total Quantity Appropriated is:
0.08 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	SE	SE	STOCKWATER	
			SE	SE	IRRIGATION	2
					Section Acres	2
					Total Acres	2

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:

29-10071

14. Remarks:

15. Basis of Claim: Beneficial Use

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):

Ronald D. Wagner

Date: 7-17-2002

Harsh A. Wagner

Date: 7-17-2002

State of Idaho

County of

Bannock

) SS.
)

Subscribed and sworn (or affirmed) before me this

17th

of

July 2002

Craig L. Saxton

Notary Public

Residing at

Boise

My commission Expires

8/14/07

