

05/19/2003

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

RIGHT NUMBER: 29-13586

DISALLOWED

NAME AND ADDRESS: MAX W HALL
PO BOX 784
LAVA HOT SPRINGS ID 83246

SOURCE: WEST BOB SMITH CREEK

TRIBUTARY: PORTNEUF RIVER

QUANTITY: 3.540 CFS

PRIORITY DATE: 08/07/1932

POINT OF DIVERSION:

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

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	3.500 CFS
STOCKWATER	01/01 12/31	0.040 CFS

PLACE OF USE:

IRRIGATION Within BANNOCK County

T09S R37E S14	NWSW	21.9	T09S R37E S14	SWSW	28.9
T09S R37E S15	NESW	36.0	T09S R37E S15	SESW	0.7
T09S R37E S15	NESE	39.0	T09S R37E S15	NWSE	25.0
T09S R37E S15	SWSE	29.0	T09S R37E S15	SESE	39.0
T09S R37E S22	NENE	6.0	T09S R37E S22	NWNE	17.0
T09S R37E S22 Lot 2	SWNE	19.0	T09S R37E S22 Lot 1	SENE	4.2
T09S R37E S22 Lot 4	SNNW	5.2	T09S R37E S22 Lot 3	SENE	8.3

STOCKWATER same as IRRIGATION

279.2 ACRES TOTAL

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

RECOMMENDED AS RIGHT NO. 29-13585: This is included for a claim that is PROPOSED to be disallowed because the right claimed is recommended pursuant to another right. The remark indicates the water right number of the OTHER right that is proposed to be recommended. If you are not mailed a notice of the recommendation of the OTHER right, then the OTHER right is recommended in another claimant s name.

RECOMMENDED AS RIGHT NO. 29-13585.

EXPLANATORY MATERIAL:

THIS CLAIM IS DISALLOWED DUE TO DATA BASE ERROR. RECOMMENDED WITH AND INCLUDING 29-13585.

10/21/2002

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

RIGHT NUMBER: 29-13386
NAME AND ADDRESS: CATHERINE SPINNER-SCHUEREN
2641 E TWO MILE RD
MC CAMMON ID 83250
SOURCE: TWO MILE CREEK TRIBUTARY: PORTNEUF RIVER
QUANTITY: 0.060 CFS
USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 0.69 CFS. COMBINED RIGHT NOS.: 29-02044C,
29-07503, 29-13386.

PRIORITY DATE: 04/01/1985
THIS WATER RIGHT IS SUBORDINATE TO ALL WATER RIGHTS WITH A PRIORITY
DATE EARLIER THAN APRIL 12, 1994, THAT ARE NOT DECREED AS
ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE. AS BETWEEN
WATER RIGHTS DECREED AS ENLARGEMENTS PURSUANT TO SECTION 42-1426,
IDAHO CODE, THE EARLIER PRIORITY RIGHT IS THE SUPERIOR RIGHT.

POINT OF DIVERSION:
T08S R37E S31 SWSWNE 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

PLACE OF USE: IRRIGATION Within BANNOCK County

T08S R37E S31	NESW	5.0	T08S R37E S31 Lot 3 NWSW	13.0	
T08S R37E S31 Lot 4	SWSW	24.0	T08S R37E S31	SESW	30.0
T08S R37E S31	SWSE	0.8			

72.8 ACRES TOTAL

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 72.8 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 29-02044C, 29-13386,
29-07503.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 2.8 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE 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.

THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT NO. 29-07503
PURSUANT TO SECTION 42-1426, IDAHO CODE.

EXPLANATORY MATERIAL: Beneficial Use

10/21/2002

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

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
PURSUANT TO SECTION 42-1425, IDAHO CODE.

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT
TO SECTION 42-1425, IDAHO CODE.

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE: 29-07503, 29-02044C, 29-13386.

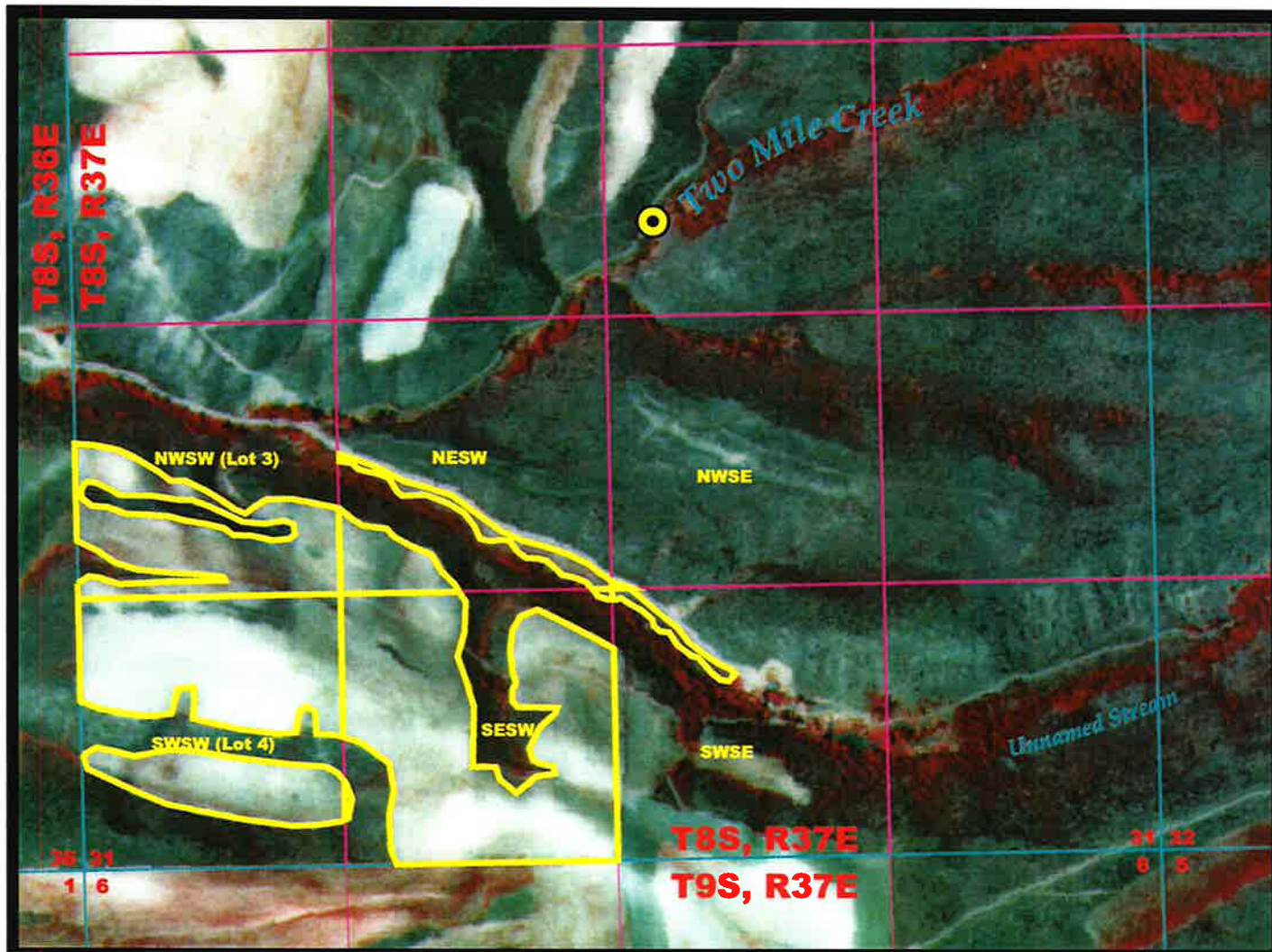
THIS RIGHT IS FOR AN ENLARGEMENT OF 2.8 ACRES WITHIN THE PLACE
OF USE DESCRIBED FOR THIS RIGHT.



State of Idaho

Department of Water Resources

Eastern Region



Water Right(s):

29-02044C

29-07503

29-13386

Place of Use: (parts of)

T8S, R37E Sec. 31 SW, W2SE,

Point(s) of Diversion: T8S, R37E

Sec. 31 SWSWNE



LEGEND



Point of Diversion

SESE

Place of Use



Section



Quarter-Quarter

500 0 500 1000 1500 2000 2500 3000 3500 4000 4500 Feet

RECEIVED
JAN 23 2004
Department of Water Resources
Eastern Region

Water Right: 29-13251
NAME & ADDRESS: ARKANSAS RANCHES INC
8450 S BOB SMITH RD
LAVA HOT SPRINGS, ID 83246

SOURCE: WEST BOB SMITH CREEK TRIBUTARY: PORTNEUF RIVER

PRIORITY DATE: 05/20/1970

POINT OF DIVERSION: T08S R37E S10 NWSWNE

PURPOSE OF USE: IRRIGATION

PLACE OF USE: T08S R37E S10 NESE SWSE SESE
S14 SSWW
S15 NENE NWNE SWNE SENE

This right is for an enlargement of 150.0 acres within the total 157.0 acres recommended.

Water Right: 29-13327
NAME & ADDRESS: RONNIE D & SHERRIL TILLOTSON
PO BOX 261
LAVA HOT SPRINGS, ID 83246

SOURCE: DEMPSEY CREEK TRIBUTARY: PORTNEUF RIVER

PRIORITY DATE: 04/01/1945

POINT OF DIVERSION: T10S R38E S04 NESWSW

PURPOSE OF USE: IRRIGATION

PLACE OF USE: T08S R38E S32 SESE
S33 SWSW SESW

This right is for an enlargement of 5.2 acres within the total 41.2 acres recommended.

Water Right: 29-13385
NAME & ADDRESS: CATHERINE SPINNER-SCHUEREN
2641 E TWO MILE RD
MC CAMMON, ID 83250

SOURCE: TWO MILE CREEK TRIBUTARY: PORTNEUF RIVER

PRIORITY DATE: 04/01/1985

POINT OF DIVERSION: T08S R37E S31 SWSWNE

PURPOSE OF USE: IRRIGATION

PLACE OF USE: T08S R37E S31 NESW NWSW(LOT 3) SWSW(LOT 4) SWSE

This right is for an enlargement of 2.8 acres within the total 72.8 acres recommended.

Water Right: 29-13405
NAME & ADDRESS: BRETT CASPERSON
8893 E MAUGHAN RD
LAVA HOT SPRINGS, ID 83246

SOURCE: DEMPSEY CREEK TRIBUTARY: PORTNEUF RIVER

PRIORITY DATE: 04/01/1962

POINT OF DIVERSION: T08S R38E S33 SWSWNNW

PURPOSE OF USE: IRRIGATION

PLACE OF USE: T08S R38E S33 NESE NWSE SWSE SESE

This right is for an enlargement of 59.7 acres within the total 179.7 acres recommended.

Water Right: 29-13498
NAME & ADDRESS: CECIL E ARMSTRONG
NORMAN ARMSTRONG
849 W GLOVER RD
ARIMO, ID 83214

SOURCE: GROUNDWATER

PRIORITY DATE: 04/01/1985

POINT OF DIVERSION: T10S R36 S09 NENE

PURPOSE OF USE: IRRIGATION

PLACE OF USE: T10S R36 S09 NENE NWNE SWNE SENE
T10S R36 S10 NWNW

This right is for an enlargement of 34 acres within the total 174 acres recommended.

Water Right: 29-13553
NAME & ADDRESS: JASON & AMBER HALL
1302 AMMON ST
POCATELLO, ID 83201

SOURCE: WEST BOB SMITH CREEK TRIBUTARY: PORTNEUF RIVER

PRIORITY DATE: 07/15/1976

POINT OF DIVERSION: T08S R37E S15 SENESW SESENNW

PURPOSE OF USE: IRRIGATION

PLACE OF USE: T08S R37E S22 NENE NWNE

This right is for an enlargement of 2.1 acres within the total 5.0 acres recommended.

Water Right: 29-13554
NAME & ADDRESS: RUSSELL & NATALIE GUNTER
PO BOX 433
MC CAMMON, ID 83250

SOURCE: GROUNDWATER

PRIORITY DATE: 07/15/1976

POINT OF DIVERSION: T08S R37E S15 SESENNW SESENNW

PURPOSE OF USE: IRRIGATION

PLACE OF USE: T08S R37E S14 NWSW

This right is for an enlargement of 4.9 acres within the total 11.7 acres recommended.

Water Right: 29-13617
NAME & ADDRESS: MAX W HALL
PO BOX 784
LAVA HOT SPRINGS, ID 83246

SOURCE: WEST BOB SMITH CREEK TRIBUTARY: PORTNEUF RIVER

PRIORITY DATE: 07/15/1976

POINT OF DIVERSION: T08S R37E S15 SESENNW SESENNW

PURPOSE OF USE: IRRIGATION

PLACE OF USE: T08S R37E S14 NWSW
S15 NESW NESE NWSE SWSE SESE
S22 NENE NWNE SWNE(LOT 2) SESE(LOT 1)
NWNW(LOT 4) SENW(LOT 3)

This right is for an enlargement of 69.0 acres within the total 222.4 acres recommended.

Water Right: 29-13618
NAME & ADDRESS: JEFFERY F HARRIS
PO BOX 252
MC CAMMON, ID 83250

SOURCE: WEST BOB SMITH CREEK TRIBUTARY: PORTNEUF RIVER

PRIORITY DATE: 07/15/1976

POINT OF DIVERSION: T08S R37E S15 SESENNW SESENNW

PURPOSE OF USE: IRRIGATION

PLACE OF USE: T08S R37E S15 NESW SESW NWSE SWSE

This right is for an enlargement of 3.3 acres within the total 8.6 acres recommended.

Water Right: 29-13619
NAME & ADDRESS: JEFFERY F HARRIS
PO BOX 252
MC CAMMON, ID 83250

SOURCE: WEST BOB SMITH CREEK TRIBUTARY: PORTNEUF RIVER

PRIORITY DATE: 07/15/1976

POINT OF DIVERSION: T08S R37E S15 SESENNW SESENNW

PURPOSE OF USE: IRRIGATION

PLACE OF USE: T08S R37E S15 SWSE

This right is for an enlargement of 3.3 acres within the total 8.7 acres recommended.

Water Right: 29-13620
NAME & ADDRESS: JEFFERY F HARRIS
PO BOX 252
MC CAMMON, ID 83250

SOURCE: WEST BOB SMITH CREEK TRIBUTARY: PORTNEUF RIVER

PRIORITY DATE: 07/15/1976

POINT OF DIVERSION: T08S R37E S15 SESENNW SESENNW

PURPOSE OF USE: IRRIGATION

PLACE OF USE: T08S R37E S15 SWSE
S22 NWNE

This right is for an enlargement of 3.3 acres within the total 8.8 acres recommended.

Water Right: 29-13621
NAME & ADDRESS: LARRY & LANA NAEF
5512 E OLD OREGON TRAIL RD
LAVA HOT SPRINGS, ID 83246

SOURCE: WEST BOB SMITH CREEK TRIBUTARY: PORTNEUF RIVER

PRIORITY DATE: 07/15/1976

POINT OF DIVERSION: T08S R37E S15 SESENNW SESENNW

PURPOSE OF USE: IRRIGATION

PLACE OF USE: T08S R37E S22 NENE NWNE

This right is for an enlargement of 2.0 acres within the total 6.2 acres recommended.

Water Right: 29-13622
NAME & ADDRESS: ROBIN HULL
2142 ARBON VALLEY HWY
POCATELLO, ID 83204

SOURCE: WEST BOB SMITH CREEK TRIBUTARY: PORTNEUF RIVER

PRIORITY DATE: 07/15/1976

POINT OF DIVERSION: T08S R37E S12 SESENNW SESENNW

PURPOSE OF USE: IRRIGATION

PLACE OF USE: T08S R37E S15 NWSE SWSE

This right is for an enlargement of 3.0 acres within the total 8.3 acres recommended.

The water rights will be subject to all prior water rights. Those asserting injury from the enlargements may file petitions with the Director, Idaho Department of Water Resources, Eastern Region, 900 N Skyline Dr Ste A, Idaho Falls ID 83402-3653 on or before March 25, 2004.

NOTICE OF ENLARGEMENT OF WATER RIGHT

The following claims to water rights have been filed in the Snake River Basin Adjudication as enlargements to existing water rights under Idaho Code §42-1426. Note that the places of use in Bannock County are shown to the nearest section — more specific locations are available upon request.

Water Right: NAME & ADDRESS: 29-4381 RUBINMAN RANCH INC RICK RUBINMAN PRES 997 E RICHARDS RD DOWNEY, ID 83234	PURPOSE OF USE: IRRIGATION	POCATELLO, ID 83202-5206
SOURCE: MARSH CREEK TRIBUTARY: PORTNEUF RIVER	PLACE OF USE: T09S R37E S14 SENW NESW SESW SWSE	SOURCE: GROUNDWATER
PRIORITY DATE: 04/01/1987	This right is for an enlargement of 6.6 acres within the total 121.4 acres recommended.	PRIORITY DATE: 06/27/1986
POINT OF DIVERSION: T11S R36E S11 NESWNE	Water Right: NAME & ADDRESS: 29-11799 CARL & ANAVOE BARNES 3717 E BACK DOWNTOWN RD DOWNEY, ID 83234	POINT OF DIVERSION: T05S R35E S30 NESWNE
PURPOSE OF USE: IRRIGATION	SOURCE: MARSH CREEK TRIBUTARY: PORTNEUF RIVER	PURPOSE OF USE: IRRIGATION
PLACE OF USE: T11S R36E S11 NENE NWNE SWNE SENW	PRIORITY DATE: 04/01/1976	PLACE OF USE: T05S R35E S30 NESW SESW NWSE SWSE
This right is for an enlargement of 6.0 acres within the total 74.0 acres recommended.	POINT OF DIVERSION: T12S R37E S05 NESESE	This right is for an enlargement of 53.1 acres within the total 53.1 acres recommended.
Water Right: NAME & ADDRESS: 29-10077 CHURCH OF JESUS CHRIST OF THE LATTER DAY SAINTS REAL ESTATE DIVISION 12TH FLOOR EAST 50 E NORTH TEMPLE SALT LAKE CITY, UT 84150-6312	PURPOSE OF USE: IRRIGATION	Water Right: NAME & ADDRESS: 29-13204 ELMER H & FRANCES ANNE STANGER 2770 W PORTNEUF RD INCOM, ID 83245
SOURCE: GROUNDWATER	PLACE OF USE: T12S R37E S04 SWSW S05 NWSE SWSE SESE	SOURCE: PORTNEUF RIVER TRIBUTARY: SNAKE RIVER
PRIORITY DATE: 04/01/1981	This right is for an enlargement of 28.0 acres within the total 78.0 acres recommended.	PRIORITY DATE: 10/31/1981
POINT OF DIVERSION: T11S R37E S07 SENW	Water Right: NAME & ADDRESS: 29-12518 CECIL E ARMSTRONG 849 W GLOVER RD ARIMO, ID 83214	POINT OF DIVERSION: T07S R36E S20 SWSWSE
PURPOSE OF USE: IRRIGATION	DALE EVANS PO BOX 34 ARIMO, ID 83214	PURPOSE OF USE: IRRIGATION
PLACE OF USE: T11S R37E S07 SENW NESW SESW S18 NWNE NENW SENW NESW SESW	SOURCE: GROUNDWATER	PLACE OF USE: T07S R36E S20 SWSW S29 NWNE NENW
This right is for an enlargement of 7.0 acres within the total 324.0 acres recommended.	PRIORITY DATE: 06/26/1979	This right is for an enlargement of 10.0 acres within the total 91.2 acres recommended.
Water Right: NAME & ADDRESS: 29-10888 ROBERT F & KATHLEEN A ZAUSCH 8083 W POCATELLO CREEK RD POCATELLO, ID 83201	POINT OF DIVERSION: T10S R36E S15 NESW	Water Right: NAME & ADDRESS: 29-13213 BARBARA W KEVAN 3462 N 2500 E TWIN FALLS, ID 83301
SOURCE: NORTH FORK POCATELLO CREEK TRIBUTARY: POCATELLO CREEK	PURPOSE OF USE: IRRIGATION	SOURCE: PORTNEUF RIVER TRIBUTARY: SNAKE RIVER
PRIORITY DATE: 11/18/1987	PLACE OF USE: T10S R36E S15 NESW NWSW SWSW SESW	PRIORITY DATE: 08/07/1932
POINT OF DIVERSION: T06S R35E S20 SENENE S21 SWNNWN	This right is for an enlargement of 77.0 acres within the total 156.0 acres recommended.	POINT OF DIVERSION: T08S R38E S28 SWNESW
PURPOSE OF USE: IRRIGATION	Water Right: NAME & ADDRESS: 29-12519 HOWARD L ARMSTRONG 13244 W TRAIL CREEK POCATELLO, ID 83204	PURPOSE OF USE: IRRIGATION
PLACE OF USE: T06S R35E S20 SENE	SOURCE: GROUNDWATER	PLACE OF USE: T09S R38E S04 SWNE NENW
This right is for an enlargement of 2.2 acres within the total 2.2 acres recommended.	PRIORITY DATE: 04/01/1970	This right is for an enlargement of 2.4 acres within the total 4.0 acres recommended.
Water Right: NAME & ADDRESS: 29-11493 WILLIAM A & KATHLEEN M EGAN 1451 W HAWKINS RD ARIMO, ID 83214	POINT OF DIVERSION: T10S R36E S15 SWNW	Water Right: NAME & ADDRESS: 29-13247 OX YOKE RANCH 1706 N HWY 38 BRIGHAM CITY, UT 84302
SOURCE: MARSH CREEK TRIBUTARY: PORTNEUF RIVER	PURPOSE OF USE: IRRIGATION	SOURCE: GROUNDWATER
PRIORITY DATE: 06/01/1982	PLACE OF USE: T10S R36E S15 NENW NWNW SWNW SENW S16 NENE SENE	PRIORITY DATE: 04/01/1987
POINT OF DIVERSION: T11S R36E S11 NWSE	This right is for an enlargement of 77.0 acres within the total 237.0 acres recommended.	POINT OF DIVERSION: T10S R36E S33 SESE (4 POD's within this section) S34 SESW S03 SESW S04 SWNE S05 SESE
PURPOSE OF USE: IRRIGATION	Water Right: NAME & ADDRESS: 29-13150 KENNETH R & BRENDA DEGN 19748 S DEGN RD DOWNEY, ID 83234	PURPOSE OF USE: IRRIGATION
PLACE OF USE: T11S R36E S11 NESW NWSE	SOURCE: GROUNDWATER	PLACE OF USE: T10S R36E S33 SESE S34 SWSW SESW NWSE SWSE SESE T11S R36E S03 NENE(LOT1) NWNE(LOT2) SWNE SENE NENW(LOT3) NWNW(LOT4) SWNW SENW NESE NWSW SWSW SESW NESE NWSE SWSE SESE S04 NENE(LOT1) NWNE(LOT2) SWNE SENE NESW NWSW SWSW SESW NESE NWSE SWSE SESE S05 SESW SWSE SESE(LOT7) S08 NENE(LOT1) NWNE SWNE SENE(LOT2) NENW SENW S09 NENE NWNE SWNE NENW NWNW SENW S10 NENW NWNW
This right is for an enlargement of 8.0 acres within the total 48.0 acres recommended.	PRIORITY DATE: 04/01/1976	This right is for an enlargement of 45.0 acres within the total 1480.0 acres recommended.
Water Right: NAME & ADDRESS: 29-11775 CARROLL & IONE WILLMORE ESTATE C/O JIM WILLMORE 519 PARK ST ST ANTHONY, ID 83445	POINT OF DIVERSION: T11S R37E S18 SWNW (LOT 2)	
SOURCE: WEST BOB SMITH CREEK TRIBUTARY: PORTNEUF RIVER	PURPOSE OF USE: IRRIGATION	
PRIORITY DATE: 08/07/1932	PLACE OF USE: T11S R37E S18 NWNW (LOT 1) SWNW (LOT 2)	
	This right is for an enlargement of 17.9 acres within the total 100.0 acres recommended.	
	Water Right: NAME & ADDRESS: 29-13180 MOUNTAIN VIEW FARMS INC	

JAN 13 2004

Department of Water Resources
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PROOF OF PUBLICATION

JAN 05 2004

Department of Water Resources
Eastern Region

STATE OF IDAHO
County of Bannock

LN10275

KAREN MASON

being first duly sworn on oath deposes and says: That SHE was at all times herein mentioned a citizen of the United States of America, more than 21 years of age, and the Principal Clerk of THE IDAHO STATE JOURNAL, a daily newspaper, printed and published at Pocatello, Bannock County, Idaho, and having a general circulation therein.

That the document or notice, a true copy of which is attached, was published in the said IDAHO STATE JOURNAL, on the following dates, to-wit:

<u>DEC. 18</u>	<u>2003</u>	<u>2003</u>
<u>DEC. 25</u>	<u>2003</u>	<u>2003</u>
<u>2003</u>	<u>2003</u>	<u>2003</u>

That said paper has been continuously and uninterruptedly published in said County for a period of seventy-eight weeks prior to the publication of said notice of advertisement and is a newspaper within the meaning of the laws of Idaho.

Karen Mason

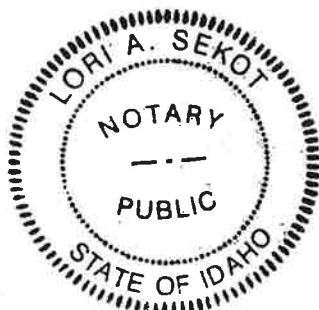
STATE OF IDAHO
COUNTY OF BANNOCK

On this 30TH DAY of DEC. in the year of 2003, before me, a Notary Public, personally appeared KAREN MASON, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledge to me that she executed the same.

Lori A. Sekot
Notary Public for Idaho

Residing at ARIMO

My commission expires :FEBRUARY 2009



02/18/2003

NOTICE OF ERROR
REPLY

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: 29-13386

CATHERINE SPINNER-SCHUEREN
2641 E TWO MILE RD
MC CAMMON ID 83250
Telephone Number: (208)254-3487

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

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

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

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

DATE: 3/1/03 SIGNATURE: Catherine Spinner Schueren
Please print your name: Catherine Spinner Schueren

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

Contacts Data Entry Form

Owner Type _____ Full Name _____ Address _____ City _____ State _____ Zip _____ Phone _____

Current Owner CATHERINE SPINNER-SCHAUBRON

Name connector: and _____, or _____, and/or _____

Current Owner _____

Current Owner _____

Representing Attorney: _____ Phone Number: _____

Accompanied By: Jim & JOHN SPINNER Phone Number: _____

Relationship to Claimant: SONS

Date of Field Exam: _____ Time: _____

Directions to Property (if different from above) and/or update owner information:

ENLARG. in claim FOR 29-7503 $\Rightarrow$ REMARKS
PPU w/ 2044C & 7 w/limits

Reviewer: _____

Date: _____

Priority Date Data Entry Form

Claim Number: _____

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: 4/1/1985 Claimed Basis: BNRecommended Priority Date: 4/1/1985 Recommended Basis: "☐ Use Claimed Priority Date and Basis as Recommended Priority Date and Basis

Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

EVIDENCE supports claim.

Reviewer: _____

Date: _____

Point of Diversion and Source Data Entry Form

Claim Number: _____

Water Right Point of Diversion: T _____, R _____, Sec. _____, _____, _____, _____. County: _____

Source: _____ Tributary: _____

Claimed Point of Diversion: T BS, R 37E, Sec. 31, NE, NE, SW. County: BANN

LEADER OF CLAIMS.

Source: _____ Tributary: _____

Recommended Point of Diversion: T BS, R 37E, Sec. 31, SW, SE, NE. County: BANNSource: Twomile Cr Tributary: Portneut River

_____ Use Claimed POD and Source as Recommended POD and Source

Tw	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source
<u>BS</u>	<u>37E</u>	<u>3</u>		<u>SWSENE</u>	<u>BANN</u>	<u>Twomile Cr</u>
GPS Coordinates: _____						
_____	_____	_____	_____	_____	_____	_____
GPS Coordinates: _____						
_____	_____	_____	_____	_____	_____	_____
GPS Coordinates: _____						
_____	_____	_____	_____	_____	_____	_____
GPS Coordinates: _____						
_____	_____	_____	_____	_____	_____	_____
GPS Coordinates: _____						
_____	_____	_____	_____	_____	_____	_____
GPS Coordinates: _____						
_____	_____	_____	_____	_____	_____	_____
GPS Coordinates: _____						

Other rights from this POD? _____

Document how the POD and Source were verified and/or Pump and Motor data:

POD ERROR stems from MISINTERPRETATION OF MAP -
CORRECTED BY GPS LOCATION => NO C&3 NECESSARY.

Transfers Changing POD _____

Reviewer: _____

Date: _____

POD



Two Mile Creek

**C. Spinner-Schueren
Enlargement Claim**

29-13386

Place of use

**NESW
1.9**

**SESW
0.1**

**SWSE
0.8**

Unnamed Stream

T8S, R37E

T9S, R37E

**31 32
6 5**

Place Of Use Data Entry Form

Claim Number: _____

_____ Use Claimed POU as Recommended POU

Claimed Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total Acres _____

Recommended Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total Acres _____

Document how the POU was verified:

Transfers Changing POU _____

Reviewer: _____

Date: _____

Period of Use and Quantity Data Entry Form

Claim Number: _____

☐ Use Claimed Period of Use and Quantity as Recommended Period of Use and Quantity**Water Right Period of Use and Diversion Rate**

Water Use	Start	End	Rate	Volume
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Overall Diversion Rate _____

Overall Diversion Volume _____

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Overall Diversion Rate _____

Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

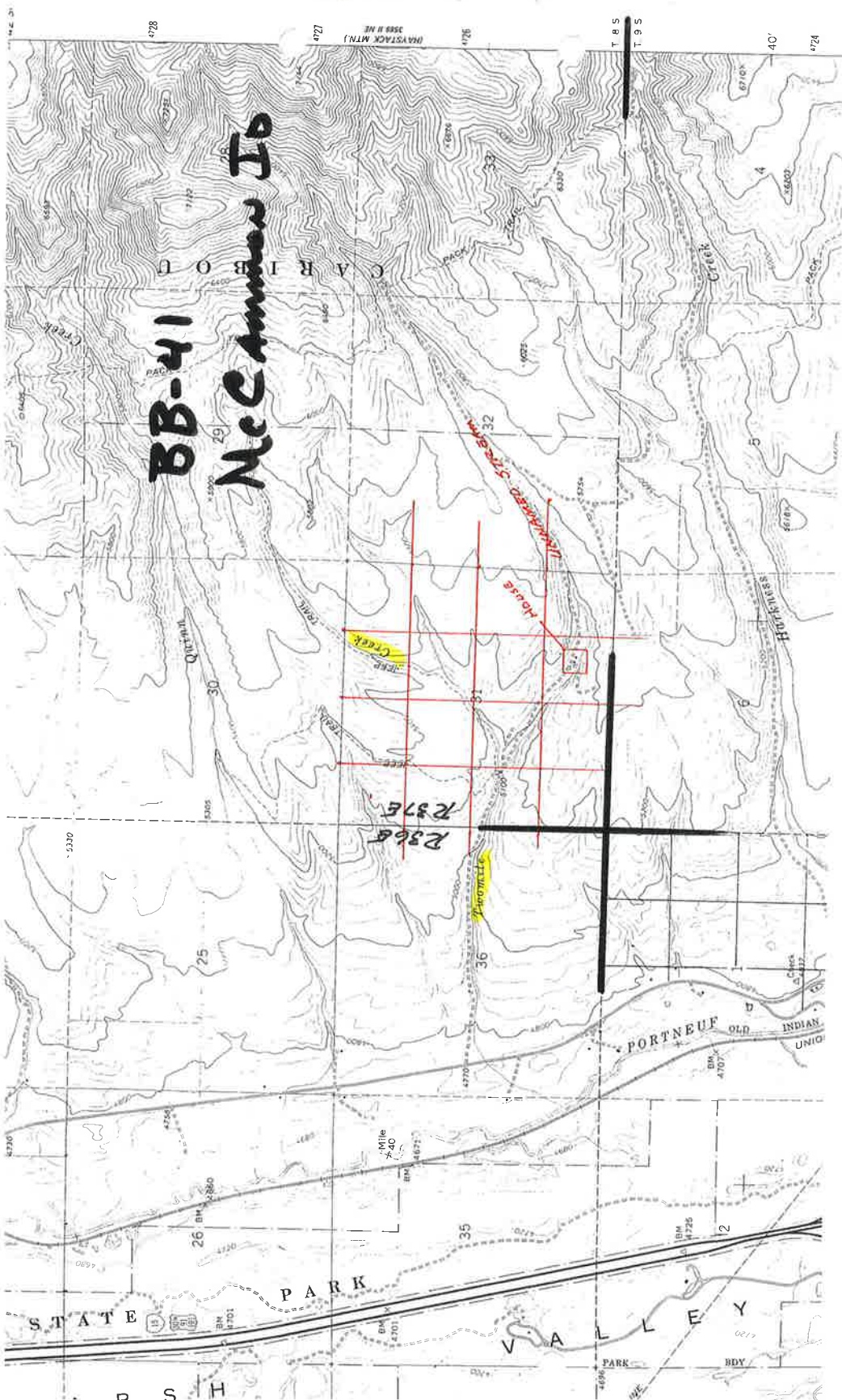
Overall Diversion Rate _____

Overall Diversion Volume _____

Document how the Period of Use and/or Diversion Rate were verified:

Reviewer: _____

Date: _____



FORM A

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

RECEIVED

JUL 3 1985

PROOF OF BENEFICIAL USE

Department of Water Resources

The Idaho Department of Water Resources will consider this form as a statement that the permit holder(s) has completed development under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below:

Permit No. 29 7503

Name(s) of Permit Holder: Catherine Spinner (Schueren)

Post Office Address: Rte 1 Box 133
Now - 2641 E. Two Mile McElammon,
Idaho Telephone No. 254-3487

Source of Water: SW $\frac{1}{4}$ of NE $\frac{1}{4}$ - Section 31 Township 8S

Extent of Use: Domestic _____ (number of households) Range 37E 8M
Stockwater _____ (number and type of stock)

Irrigation X 70 (acres)

Other/Remarks Cost to develop this system

so far has been \$15,500 - Plus many hours work.

Indicate the date water was first diverted and beneficially used under this permit: limited - 1982 full 1984-84

Measuring Device: Required? X Yes _____ No
Installed? _____ Yes _____ No

Flow Measurement Port: Required? _____ Yes X No
Required? _____ Yes _____ No

Person to contact to accompany the Department representative during field examination: Catherine Spinner (Schueren)
(Name)

2641 E Two Mile, McElammon 254-3487
(Address) (Telephone number)

The above information is a true statement of the extent to which the above numbered permit has been developed.

May 28, 1985
Date

Catherine Spinner (Schueren)
Signature of Permit
(and Title, if appropriate)

The source of this water is a spring which originates in the center of my place and travels a mile + before leaving our boundary then travels 2 miles more before (over)

RECEIVED MAY 3 1 503

heating the air & during the air, not mention it
and before heating the river unless the reason
is a wet one.

WAGENER RANCH, LLC

2641 East Two Mile Road
McCammon, ID 83250

September 18, 2002

Allen B. Ruberry
Sr. Water Resource Agent
Idaho Dept. of Water Resources
900 North Skyline Dr., Suite A
Idaho Falls, ID 83402-1718

RECEIVED
SEP 20 2002

Re: Catherine Spinner-Schueren claims

Department of Water Resources
Eastern Region

Dear Allen:

Enclosed please find the Enlargement Claim on water right 29-07503. Also enclosed is a check for \$103.00 for the filing fees. As you recall there was an issue whether a "shoestring" field was intended to be included in water right 29-07503. My mother, Catherine Schueren, and sister, Mary Spinner, indicate that when the pipeline went in there was a discussion that the field along two mile canyon road could be irrigated with the pipeline, together with the field on the ridge, above the road. However, when the I.D.W.R. map was drawn, the shoestring field was apparently not included.

As proof of beneficial use, which occurred shortly after the pipeline went in, I enclose a copy of the original Proof of Beneficial Use paper submitted by Catherine Schueren to the I.D.W.R. She recalls the shoestring field was originally included, but apparently as the maps got more specific, the shoestring field was left off. I also intend to check with the ASCS to see if they have aerial photos showing when that area was in cultivation and irrigated. If I am successful in obtaining that information, I'll forward it on to you.

My mother does not want to ask for more water, but just wants to clarify that the shoestring field was originally intended to be part of water right 29-07503. I can not tell if the enlargement is asking for more the .650 cfs under water right 29-07503. If so, please call me to discuss, as we do not want to enlarge the water right, only the place of use. If you feel another amendment to the claim would be more appropriate please call me to discuss.

You also had a question on the decreed water right, 29-02044C, arising out of the Bannock County Case No. 40264-C. In that case the Court determined that .04 cfs claimed by Catherine Spinner Schueren was not inferior to the Taysom/Sullivan claim. Specifically the Court on page 4 of the Amended Judgment dated May 11, 1989, says: "That **except for .04 c.f.s.**, Defendant's water rights in the water from Goodenough Creek, also known as Two Mile Creek, also known as East Goodenough Creek is inferior to the water right of the Plaintiffs in said waters during the irrigation season from April 1 to November 1 of each year." I enclose a copy of the Amended Judgment with that paragraph highlighted for your file. The reason for the decision and prioritizing the

WAGENER RANCH, LLC

2641 East Two Mile Road
McCammon, ID 83250

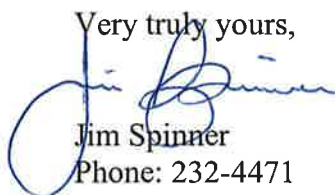
claims, giving Catherine Spinner Schueren at least an equal claim to .04 c.f.s. then having the Taysom/ Sullivan claim and then the balance of the Schueren claim, was based on a forfeiture claim and related use claims in the case.

You also had a question on the springs which are used to water the farmstead and provide livestock water in the corrals above my mother's home. The dam collects the spring water which seeps out of the ground in and directly above the dam for approximately 100 to 300 feet and is used as a gathering and conveyance method for the spring water. The spring is wholly contained on the property and there is no stream water which flows into the dam from above the spring area and no water flows off of the place, or even a quarter of a mile past the springs. In the spring of some years, but not in the last few years, there is some snow-melt runoff which runs down the canyon and through the dam. If such occurs, it is early in the spring before the irrigation season and the water flows through the dam. When water right claims were being contemplated, my family was told by the I.D.W.R. that if a spring was wholly contained on your property, no one else could claim a water right in it and filing was optional. The claim that was filed was for more than a typical domestic claim as it covers a maximum of 100 head of large livestock. This was because the water was for a farmstead which in reality has two houses and corrals and other livestock pens and sheds. As such, there never was the intent that such be limited to a typical domestic claim, it just was never a big issue as the springs have always been wholly contained on my mother's property.

Along the same lines, if there is an issue on these springs, there also is a water permit to springs where my grandparents originally homesteaded, just up the road from where my mother currently resides. Those springs are wholly contained on our property also and were set forth under permit no. 12335, with a priority date of June 27, 1916, for domestic and irrigation uses. We did not file on those springs as they are not directly connected to the farmstead and because of the explanation given that such was not necessary because of the wholly contained use on the property. Those springs, the last few years have not had any appreciable flow, and at most run several hundred yards part of the summer. However, if the I.D.W.R. now feels those springs need to be filed on, we certainly want to do so to maintain that right of use. I have the old paperwork on that permit if you need to see it. Please let me know your thoughts on that matter.

I hope this answers your questions and I appreciate your help. If you need anything else, or feel we need to do a different amendment on water right 29-07503 please let me know. Best regards.

Very truly yours,



Jim Spinner
Phone: 232-4471

encs.



Idaho Department of Water Resources Receipt

Receipt ID E028176

Payment Amount \$103.00 Date Received 9/23/2002 7:58:30 AM Region Eastern Status 
Payment Type Check Check Number 1574

Payer SPINNER-SCHUEREN, CATHERINE

Comment ENLARGEMENT CLAIM 29-13386.
REFERENCE LICENSE 29-07503.

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$103.00	ADJUDICATION FILING FEE	0337		43503	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 29-13386
Date Received: 8/20/2002
Receipt No: *ED 28176*
Received By: *ABR 9/23/02*

ENLARGEMENT

ENLARGEMENT

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

A2913386



1. Name of Claimant(s)

CATHERINE SPINNER-SCHUEREN Phone: (208)254-3487
2641 E TWO MILE RD
MC CAMMON ID USA 83250

2. Date of Priority: 04/01/1985

3. Source: TWO MILE CREEK Trib. to: PORTNEUF RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
08S	37E	31	<u>NE NE SW</u>	BANNOCK	

*ERROR OF CLAIM FROM
MISINTERP OF MAP*

5. Description of diverting works:

CONCRETE DAM ACROSS CREEK TO PIPELINE.

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	

7. Total Quantity Appropriated is:

0.06 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
08S	37E	31	NE SW		IRRIGATION	1.9
			SE SW		IRRIGATION	0.1
			SW SE		IRRIGATION	0.8

Section Acres 2.8

Total Acres 2.8

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:

29-07503

14. Remarks:

THIS IS AN ENLARGEMENT CLAIM OF 2.8 ACRES BASED ON 29-07503.

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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: letter, original application.

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): Catherine Spinner Schueren Date: 9/9/02
Mary M. Spinner Date: 9/9/02

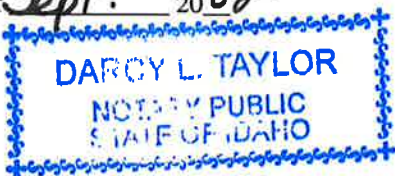
State of Idaho)

) SS.

County of Bannock)

Subscribed and sworn (or affirmed) before me this 17th

of Sept. 2002



Darcy L. Taylor

Notary Public

Residing at Pocatello, Id.

My commission Expires 8-12-06

Two Mile Creek

POD

**C. Spinner-Schueren
Enlargement Claim
29-13386**

**NESW
1.9**

Place of use

**SESW
0.1**

**SWSE
0.8**

Unnamed Stream

**T8S, R37E
T9S, R37E**

**31 32
6 5**

Spring