

IDAHO DEPARTMENT OF WATER RESOURCES RECOMMENDED
WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 29-13397

NAME AND ADDRESS:

MICHAEL C HALL
4494 S MARSH CREEK RD
MC CAMMON ID 83250

SUSAN L HALL
4494 S MARSH CREEK RD
MC CAMMON ID 83250

SOURCE: Source:
MARSH CREEK

Tributary:
PORTNEUF RIVER

QUANTITY: 0.140 CFS

PRIORITY DATE: 03/29/1926

POINT OF DIVERSION:

~~T08S R36E S27 SWNW~~ Within BANNOCK County
T08S R36E S27 SESWNW Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

Purpose of use	Period of use:	Quantity:
IRRIGATION	05/01 10/31	0.140 CFS

PLACE OF USE:

IRRIGATION within BANNOCK County
T08S R36E S27 SWNW 5.6 ~~T08S R36E S27 SWNW 7.0~~
5.6 ACRES TOTAL ~~7 ACRES TOTAL~~

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

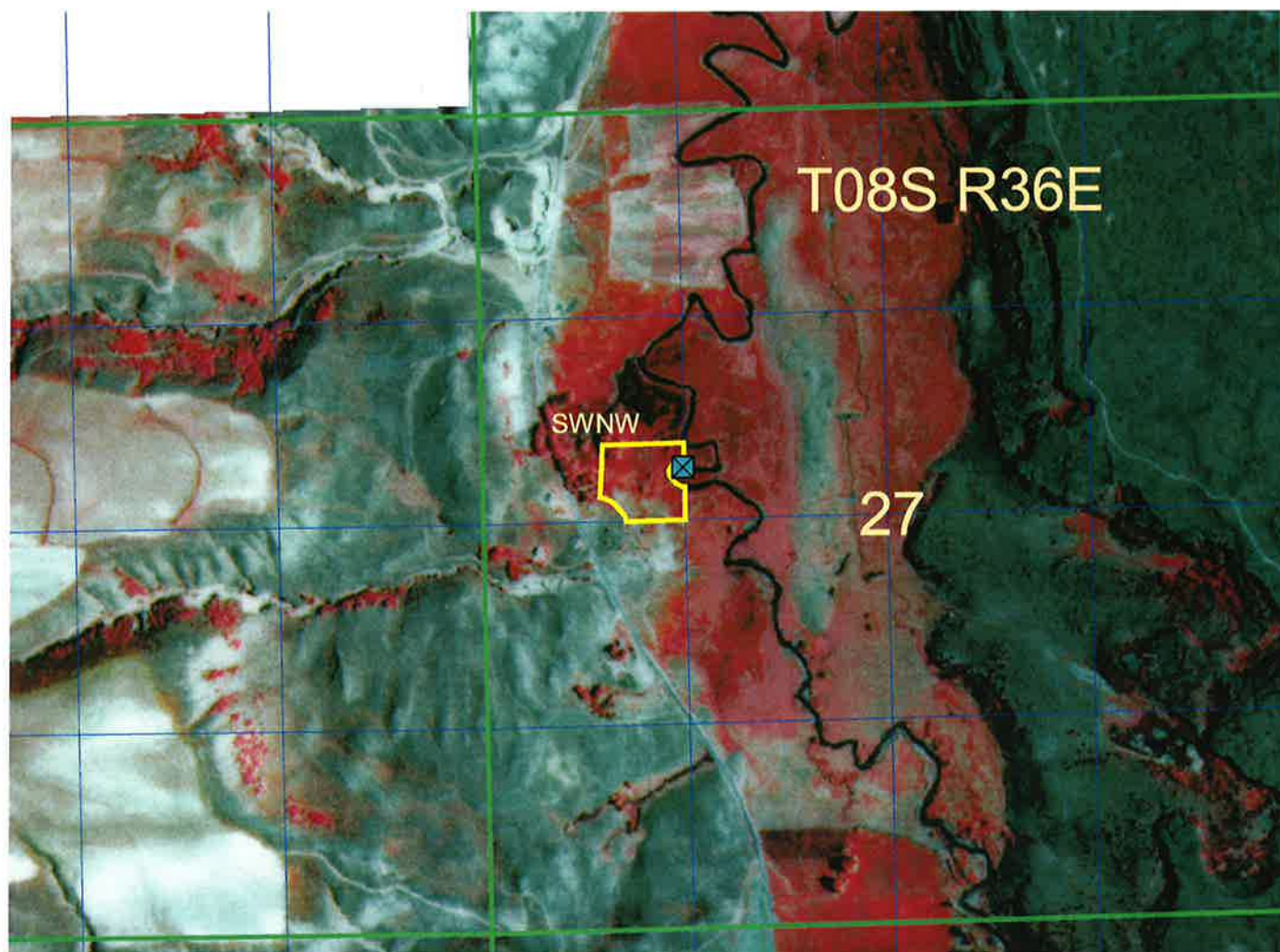
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

~~NO BENEFICIAL USE FOUND: This is included for a claim based on beneficial use that is PROPOSED to be disallowed because beneficial use of water was not confirmed by IDWRs field examination or by other evidence submitted by the claimant.~~
~~NO BENEFICIAL USE FOUND.~~

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

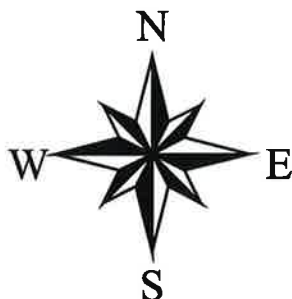
DEPARTMENT OF WATER RESOURCES

Claim No.: 29-13397



0 1320 2640 3960 5280 Feet

-  Point of diversion.shp
-  Place of use.shp
-  Township/Range
-  Sections
-  QQ



GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: E. Carlsen
Date: September 2004

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-13397 V1

WATER RIGHT NUMBER: 29-13397 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	SUSAN L HALL 4494 S MARSH CREEK RD MC CAMMON, ID 83250
Current Owner	MICHAEL C HALL 4494 S MARSH CREEK RD MC CAMMON, ID 83250

Priority Date: 03/29/1926

Basis: Beneficial Use

Status: **Disallowed**

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

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	05/01 to 10/31	0.140 CFS	
	<u>Total Diversion:</u>	0.140 CFS	

Location of Point(s) of Diversion

MARSH CREEK	SW1/4NW1/4	Sec. 27, Twp 08S, 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	
08S	36E	27							7.0										7.0

Conditions of Approval:

1. P03 **NO BENEFICIAL USE FOUND:** This is included for a claim based on beneficial use that is PROPOSED to be disallowed because beneficial use of water was not confirmed by IDWRs field examination or by other evidence submitted by the claimant.

Remarks:

1. General **NO BENEFICIAL USE FOUND.**

Comments:Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-13397 V1

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:
 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>
Summary			01/16/2003	rwarnar	Disallowed

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Summary	1/16/2003 11:57:34 AM	rwarnar	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (No) 4. Is any portion of the claim be recommended? (No) 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?

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

In Re SRBA

) **SUBCASE NO: 29-13397**
)
)
)

Case No. 39576

) **STANDARD FORM 5**
)
)
)

) **STIPULATED ELEMENTS OF A**
) **WATER RIGHT**
)
_____)

This form is used to report the stipulated elements of one water right acquired under state law. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; and they have been served with sufficient process, according to the law; and that they have appeared, prosecuted and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT/ OBJECTOR:



Michael C. Hall

9/27/04

Date

IDWR CONCURRENCE:



Ernie Carlsen

Adjudication Supervisor, IDWR

9/27/04

Date

Candice M. McHugh
Attorney for IDWR

Date

CERTIFICATE OF MAILING

I certify that on _____, 2004 I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

2. Copies to:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 83720
Boise, ID 83720-0098

IDWR Document Repository
P.O. Box 83720
Boise, ID 83720-0098

Michael and Susan Hall
4494 S. Marsh Creek Rd.
McCammon, ID 83250

Signature of person or attorney mailing the form

RECEIVED

NOV - 4 2003

Department of Water Resources

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

A. Subcase 29-13397
(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name:

Address:

Daytime Phone:

Michael C. Hall & Susan L. Hall
4494 So. Marsh Creek Rd.
McCammon, Id. 83250
254-9234

Name & Address of Attorney, if any:

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name:

Address:

Susan L. & Michael C. Hall
4494 S. Marsh Crk Rd
McCammon, ID 83250

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**
Should be: _____
2. ☐ **Source**
Should be: _____
3. ☐ **Quantity**
Should be: _____
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Point(s) of Diversion**
Should be: _____
6. ☐ **Instream Flow Description**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☐ **Place of Use**
Should be: _____

11. I object because:

☐ This water right should not exist.

☒ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S): The water has been
used continuously on this property since 1926.

F.

VERIFICATION (Must be Completed)

State of Idaho

County of Bannock)ss.

Michael C. Hall, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

[Signature]
(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: Oct. 24th, 2003

Cindy E. Bird
Notary Public for Cindy E. Bird
Residing at: Lava Hot Springs
My Commission Expires: 5-1-2007



02/08/2003

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

RIGHT NUMBER: 29-13397
NAME AND ADDRESS: SUSAN L HALL
4494 S MARSH CREEK RD
MC CAMMON ID 83250

MICHAEL C HALL
4494 S MARSH CREEK RD
MC CAMMON ID 83250

RECEIVED

NOV - 4 2003

Department of Water Resources

SOURCE: MARSH CREEK TRIBUTARY: PORTNEUF RIVER

QUANTITY: 0.140 CFS

PRIORITY DATE: 03/29/1926

POINT OF DIVERSION:
T08S R36E S27 SWNW Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	05/01 10/31	0.140 CFS

PLACE OF USE: IRRIGATION Within BANNOCK County
T08S R36E S27 SWNW 7.0

7 ACRES TOTAL

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

NO BENEFICIAL USE FOUND: This is included for a claim based on beneficial use that is PROPOSED to be disallowed because beneficial use of water was not confirmed by IDWRs field examination or by other evidence submitted by the claimant.

NO BENEFICIAL USE FOUND.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

RECEIVED

NOV 4 2003

INSTRUCTIONS FOR MAILING

Department of Water Resources

You must mail the objection, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. **CERTIFICATE OF MAILING**

I certify that on Oct 27, 2003, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: Michael C. Hall.
Address: 4494 S. Marsh Creek Rd.
McCammmon, ID 83250.

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724


Signature of Objector or attorney
mailing on Objector's behalf

EDIS DOWD, Made the 29th day of March, in the year of our Lord One Thousand Nine Hundred and Twenty-six, husband and wife,

day of March, in the year of our Lord One Thousand Nine Hundred and Twenty-six, L. B. Gordon and Molissia Gordon,

of Pocatello, County of Bannock, State of Idaho, the parties of the first part, and Twilido Health & Bathing Resort, a corporation

of Pocatello, County of Bannock, State of Idaho, the party of the second part:

WITNESSETH: That the said part of the first part, for and in consideration of the sum of One dollar and other valuable consideration Dollars, lawful money of the United States of America, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged

by these presents, Grant, Bargain, Sell and Convey and Confirm unto said party of the second part, and to its successors heirs and assigns forever: All those certain lots, pieces or parcels of land situate, lying and being in the County of Bannock, State of Idaho, bounded and more particularly described as follows, to-wit:

Southwest quarter of the Northwest Quarter (SW $\frac{1}{4}$ of NW $\frac{1}{4}$) and the South one-half of the Northeast Quarter (SE $\frac{1}{2}$ of NE $\frac{1}{4}$) of Section Twenty-eight (28), Township Eight (8) South, Range thirty-six (36) East Boise Meridian, containing one hundred twenty acres, more or less, according to the official survey of said lands returned to the General Land Office by the Surveyor General, together with all water rights, ditch rights and

Together with, all and singular, the tenements, hereditaments and appurtenances thereunto belonging or otherwise appertaining, and the rents, issues and profits thereof:

TO HAVE AND TO HOLD, all and singular, the said premises, together with the appurtenances and privileges thereunto incident, unto the said party of the second part, and to its heirs and assigns forever. And the said party of the first part, and the said premises in the quiet and peaceable possession of the said party of the second part, and its successors heirs and assigns against the said party of the first part, and against all and every person or persons whomsoever, lawfully claiming or to claim the same, shall and will warrant and by these presents forever defend, except a

mortgage for the sum of \$1498.00 to Samuel Goodenough, which second party assumes their IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hands and seals the day and year first above written.

SIGNED, SEALED AND DELIVERED IN THE PRESENCE OF

L. B. Gordon (SEAL)
Molissia Gordon (SEAL)
(SEAL)
(SEAL)

STATE OF IDAHO,

County of Bannock

On this 29th day of March, in the year 1926, before me, C. M. Jeffery, Notary Public in and for said County, personally appeared L. B. Gordon and Molissia Gordon, known to me to be the persons whose names they executed the same.

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

C. M. Jeffery
Notary Public Residence
Pocatello, Idaho

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 29-13397
Date Received: 9/27/2002
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

A2913397



1. Name of Claimant(s)

SUSAN L HALL Phone: (208)254-9234

4494 S MARSH CREEK RD
MC CAMMON ID USA 83250

MICHAEL C HALL Phone: (208)254-9234

4494 S MARSH CREEK RD
MC CAMMON ID USA 83250

2. Date of Priority: 03/29/1926

3. Source: MARSH CREEK Trib. to: PORTNEUF RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
08S	36E	27	SW NW	BANNOCK	

5. Description of diverting works:

PORTABLE PUMP, SPRINKLER

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	05/01	10/31	0.14	

7. Total Quantity Appropriated is:
0.14 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	36E	27	SW	NW	IRRIGATION	7
					Section Acres	7
					Total Acres	7

11. Place of use in counties: BANNOCK

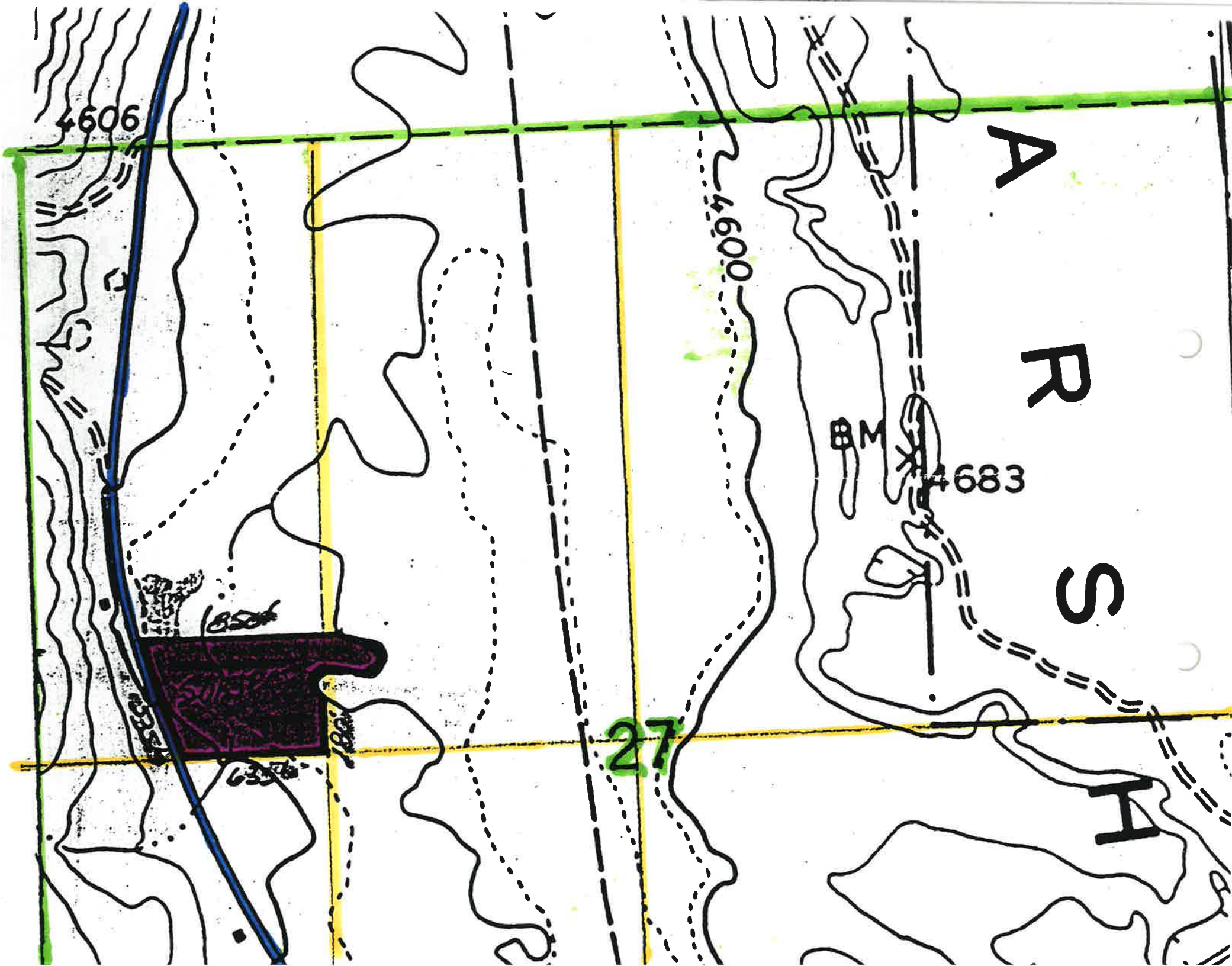
12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

STOCKWATER, 52 COWS & HORSES.
OTHER WATER RIGHTS 29-10781

15. Basis of Claim: Beneficial Use



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

29-13397

Date Received

9-27-02

Receipt Number

E028198

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED
SEP 28 2002
Department of Water Resources
Eastern Region

Please type or print clearly

1. Name of Claimant (s) Michael C And/or Susan L Hall Phone (208) 254-9234Mailing Address 4494 S. Marsh Creek Rd. Zip 832502. Date of Priority (Only one (1) per claim) 3-29-19263. Source of water supply (a) Marsh Creek.which is tributary to (b) Portneuf River4. a. Location of existing point of diversion is: Township 8S Range 36E Section 27,1/4 of SW 1/4 of NW 1/4, Govt. Lot, B.M., County of Bannock

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. Portable pump, sprinkler.

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 5/1 to 10/31 amount 0.14 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.14 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) livestock - No of Stock. 52, cows; horses

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
8S	36E	27							7										7

Total number of acres irrigated 7

11. In which county (ies) are lands listed above as place of use located? Bannock

12. Do you own the property listed above as place of use? Yes X No _____

If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above. 29-10781 or None ()

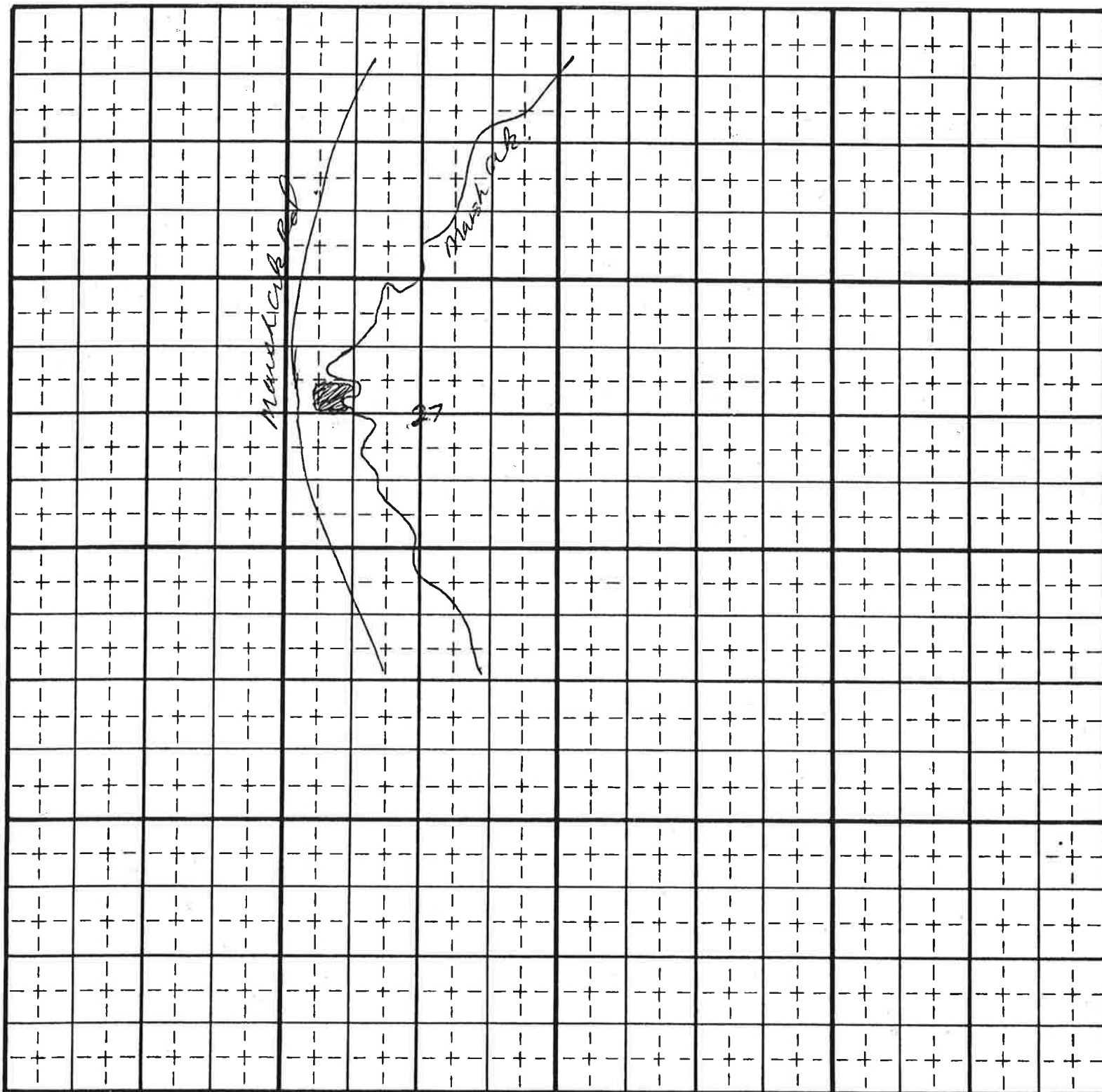
14. Remarks:

Last Name HALL Ident No. _____

Copies: White -State, Yellow-Claimant

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile



Last Name Hall Ident No. _____

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice _____ License _____ Permit _____

Decree _____

If applicable provide IDWR Water Right Number _____

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant _____

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 4

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) [Signature] Date 9/20/02

Date _____

For Organizations: I do solemnly swear or affirm that I am _____

Title

of _____, that I have signed the foregoing

Organization

document in the space below as _____ of _____

Title

Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or _____)
County of Bannock) SS.

Subscribed and sworn (or affirmed) before me this 20th day of September 19 02



Notary Public Cindy E Bird

Residing at Lava Hot Springs

My Commission Expires May 1, 2007

Please Print Name

17. Notice of Appearance.

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

RECEIVED
SEP 26 2002
Department of Water Resources
Eastern Region

Last Name Hall Ident. Number _____

Copies White-State, Yellow-Claimant