

06/17/2003

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

RIGHT NUMBER: 29-13619

NAME AND ADDRESS: JEFFERY F HARRIS
PO BOX 252
MC CAMMON ID 83250

SOURCE: WEST BOB SMITH CREEK

TRIBUTARY: PORTNEUF RIVER

QUANTITY: 0.054 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 0.108 CFS. COMBINED RIGHT NOS.: 29-13582,
29-13589, 29-13595, 29-13601, 29-13607, 29-13613, 29-13619.

PRIORITY DATE: 07/15/1976

POINT OF DIVERSION:

T09S R37E S15 SENENW Within BANNOCK County

T09S R37E S15 SESENW Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

0.054 CFS

PLACE OF USE: IRRIGATION Within BANNOCK County

T09S R37E S15 SWSE 8.7

8.7 ACRES TOTAL

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 8.65 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 29-13582, 29-13589,
29-13595, 29-13601, 29-13607, 29-13613, 29-13619.

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: Beneficial Use

THIS IS AN ENLARGEMENT CLAIM OF 3.3 ACRES BASED UPON 29-00207,
29-00214, 29-00215.

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: 29-13582, 29-13589, 29-13595, 29-13601,
29-13607, 29-13613, 29-13619.

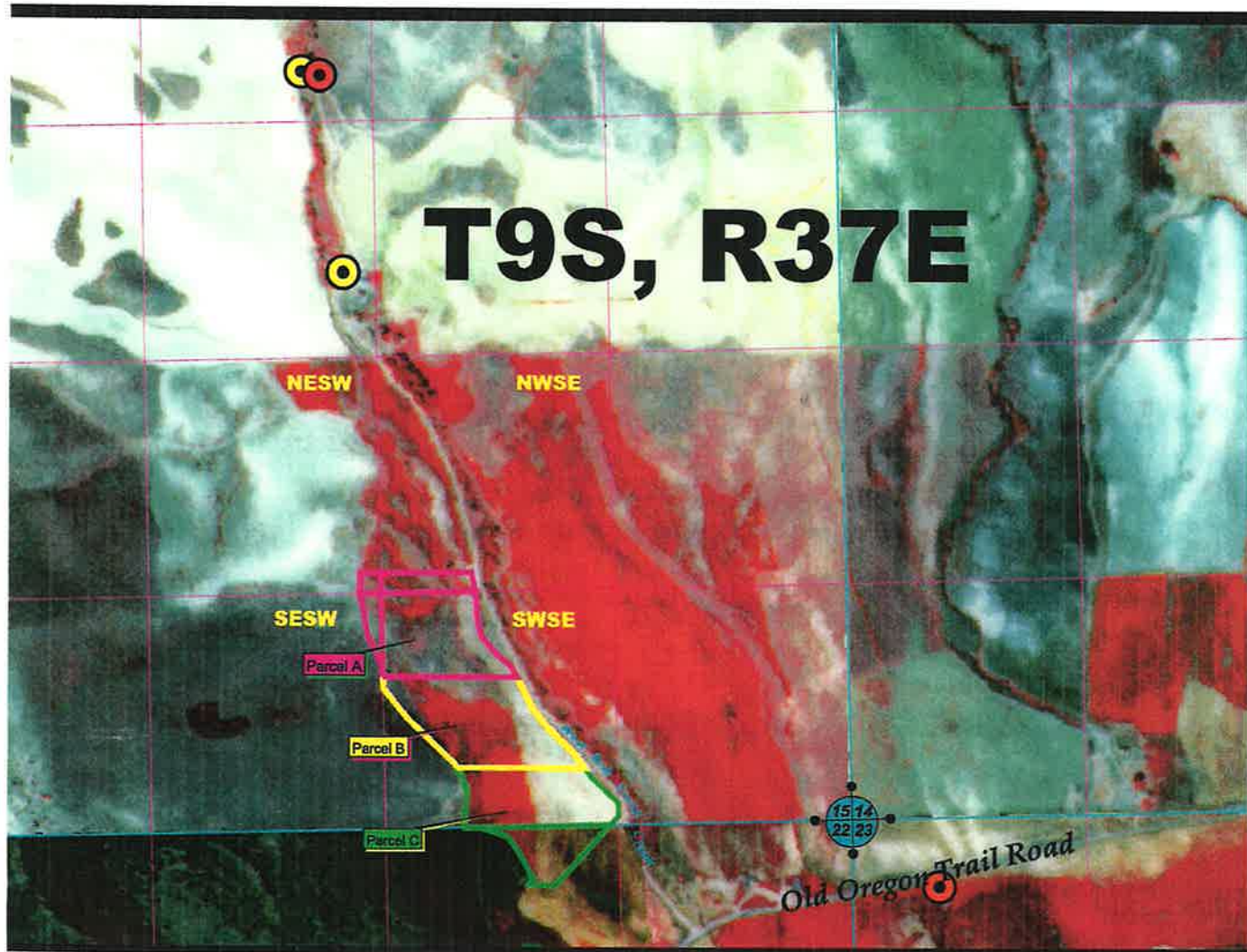
THIS RIGHT IS A SPLIT FROM FORMER RIGHT 29-13552.



State of Idaho

Department of Water Resources

Eastern Region



500 0 500 1000 1500 2000 2500 3000 3500 4000 4500 5000 5500 Feet

Water Right(s):

Parcel A	Parcel B	Parcel C
29-13581, 29-13588, 29-13594, 29-13600, 29-13606, 29-13612, 29-13618,	29-13582, 29-13589, 29-13595, 29-13601, 29-13607, 29-13613, 29-13619,	29-13583, 29-13590, 29-13596, 29-13602, 29-13608, 29-13614, 29-13620.

Place of Use: T9S, R37E
Secs.15 & 22 as Parcel A,
Parcel B, Parcel C.

Point(s) of Diversion: T9S, R37E
Sec. 15 SESENW, SEENW



LEGEND

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

GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: A. Ruberry
Date: May 2003

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JAN 16 2004

Department of Water Resources

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED

2004 JAN 15 PM 2 35

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

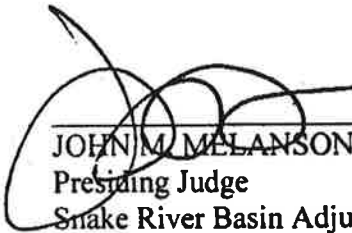
) SUBCASE: See Exhibit A
)
)

) ORDER SETTING OBJECTION &
) RESPONSE DEADLINE
)

On January 14, 2004, the Idaho Department of Water Resources filed an *Amended Director's Report* for water rights listed on attached Exhibit A, to include a subordination remark pertaining to enlargement claims. Notice of the filing of the *Amended Director's Report* was served on the claimants for the above captioned claims and shall appear on the docket sheet for January 2004, served on February 8, 2004.

IT IS SO ORDERED that all *Objections* to the *Amended Director's Report* are due **no later than 5:00 p.m. on February 27, 2004**. *Responses* to the *Objections* are due **no later than 5:00 p.m. on March 15, 2004**. All *Objections* and *Responses* are limited to issues pertaining to the amendments to the *Director's Report*.

Dated January 15, 2004.



JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

EXHIBIT A

Subcase Nos:

29-10065
29-10176
29-10449
29-11775
29-13213
29-13251
29-13327
29-13406
29-13408
29-13421
29-13428
29-13429
29-13482
29-13553
29-13554
29-13618
~~29-13619~~
29-13620
29-13621
29-13622

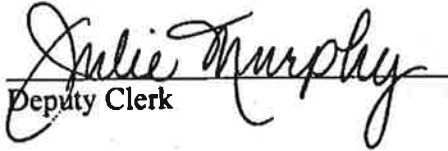
CERTIFICATE OF MAILING

I certify that a true and correct copy of the Order was mailed on 1/15/04 with sufficient first-class postage to the following:

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

United States Department of Justice
Environment & Nat'l Resources Div
550 W Fort Street, MSC 033
Boise, ID 83724

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


Deputy Clerk

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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: T09S R37E S10 NWSWNE

PURPOSE OF USE: IRRIGATION

PLACE OF USE: T09S R37E S10 NESE SWSE SESE
S14 SWNW
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: T09S 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: 29-13386
NAME & ADDRESS: CATHERINE SPINNER-SCHULLEN
2641 E TWO MILE RD
MC CAMMON, ID 83250

SOURCE: TWO MILE CREEK TRIBUTARY: PORTNEUF RIVER

PRIORITY DATE: 04/01/1985

POINT OF DIVERSION: T09S R37E S31 SWSWNE

PURPOSE OF USE: IRRIGATION

PLACE OF USE: T09S 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: 29-13406
NAME & ADDRESS: BRETT CASPERSON
8833 E MAUGHAN RD
LAVA HOT SPRINGS, ID 83246

NATHAN CASPERSON
8789 E MAUGHAN RD
LAVA HOT SPRINGS, ID 83246

SOURCE: DEMPSEY CREEK TRIBUTARY: PORTNEUF RIVER

PRIORITY DATE: 04/01/1962

POINT OF DIVERSION: T09S R38E S33 SWNW

PURPOSE OF USE: IRRIGATION

PLACE OF USE: T09S 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: T09S R37E S15 SENESW SESE

PURPOSE OF USE: IRRIGATION

PLACE OF USE: T09S 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: T09S R37E S15 SENENW SESE

PURPOSE OF USE: IRRIGATION

PLACE OF USE: T09S 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: T09S R37E S15 SENENW SESE

PURPOSE OF USE: IRRIGATION

PLACE OF USE: T09S R37E S14 NWSW
S15 NESW NESE NWSE SWSE SESE
S22 NENE NWNE SWNE(LOT 2) SENE(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: T09S R37E S15 SENENW SESE

PURPOSE OF USE: IRRIGATION

PLACE OF USE: T09S 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: T09S R37E S15 SENENW SESE

PURPOSE OF USE: IRRIGATION

PLACE OF USE: T09S 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: T09S R37E S15 SENENW SESE

PURPOSE OF USE: IRRIGATION

PLACE OF USE: T09S 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 NAET
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: T09S R37E S15 SENENW SESE

PURPOSE OF USE: IRRIGATION

PLACE OF USE: T09S 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: T09S R37E S12 SENENW SESE

PURPOSE OF USE: IRRIGATION

PLACE OF USE: T09S 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, 500 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: 29-4381 NAME & ADDRESS: FUHRMAN RANCH INC RICK FUHRMAN PRES 997 E RICHARDS RD DOWNEY, ID 83234 SOURCE: MARSH CREEK TRIBUTARY: PORTNEUF RIVER PRIORITY DATE: 04/01/1987 POINT OF DIVERSION: T11S R36E S11 NESWNE PURPOSE OF USE: IRRIGATION PLACE OF USE: T11S R36E S11 NENE NWNE SWNE SENW This right is for an enlargement of 6.0 acres within the total 74.0 acres recommended.	PURPOSE OF USE: IRRIGATION PLACE OF USE: T05S R37E S14 SENW NESW SESW SWSE This right is for an enlargement of 6.6 acres within the total 121.4 acres recommended.	POCATELLO, ID 83202-5206 SOURCE: GROUNDWATER PRIORITY DATE: 06/27/1986 POINT OF DIVERSION: T05S R35E S30 NESWNE PURPOSE OF USE: IRRIGATION PLACE OF USE: T05S R35E S30 NESW SESW NWSE SWSE This right is for an enlargement of 53.1 acres within the total 53.1 acres recommended.
Water Right: 29-10077 NAME & ADDRESS: 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 SOURCE: GROUNDWATER PRIORITY DATE: 04/01/1981 POINT OF DIVERSION: T11S R37E S07 SENW PURPOSE OF USE: IRRIGATION PLACE OF USE: T11S R37E S07 SENW SENW NESW SESW S18 NWNE NENW SENW NESW SESW This right is for an enlargement of 7.0 acres within the total 324.0 acres recommended.	Water Right: 29-11799 NAME & ADDRESS: CARL & ANAJOE BARNES 3717 E BACK DOWNSIDE RD DOWNEY, ID 83234 SOURCE: MARSH CREEK TRIBUTARY: PORTNEUF RIVER PRIORITY DATE: 04/01/1976 POINT OF DIVERSION: T12S R37E S05 NESESE PURPOSE OF USE: IRRIGATION PLACE OF USE: T12S R37E S04 SWSW S05 NWSE SWSE SESE This right is for an enlargement of 28.0 acres within the total 78.0 acres recommended.	Water Right: 29-13204 NAME & ADDRESS: ELMER H & FRANCES ANNE STANGER 2770 W PORTNEUF RD INKOM, ID 83245 SOURCE: PORTNEUF RIVER TRIBUTARY: SNAKE RIVER PRIORITY DATE: 10/31/1981 POINT OF DIVERSION: T07S R36E S20 SWSWSE PURPOSE OF USE: IRRIGATION PLACE OF USE: T07S R36E S20 SWSE SWSE SESE S29 NWNE NENW This right is for an enlargement of 10.0 acres within the total 91.2 acres recommended.
Water Right: 29-10888 NAME & ADDRESS: ROBERT F & KATHLEEN A ZAUSCH 8083 W POCATELLO CREEK RD POCATELLO, ID 83201 SOURCE: NORTH FORK POCATELLO CREEK TRIBUTARY: POCATELLO CREEK PRIORITY DATE: 11/18/1987 POINT OF DIVERSION: T06S R35E S20 SENENE S21 SWNNW PURPOSE OF USE: IRRIGATION PLACE OF USE: T06S R35E S20 SENE This right is for an enlargement of 2.2 acres within the total 2.2 acres recommended.	Water Right: 29-12518 NAME & ADDRESS: DALE EVANS PO BOX 34 ARIMO, ID 83214 SOURCE: GROUNDWATER PRIORITY DATE: 06/26/1979 POINT OF DIVERSION: T10S R36E S15 NESW PURPOSE OF USE: IRRIGATION PLACE OF USE: T10S R36E S15 NESW NWSW SWSW SESW This right is for an enlargement of 77.0 acres within the total 156.0 acres recommended.	Water Right: 29-13213 NAME & ADDRESS: BARBARA W KEVAN 3462 N 2500 E TWIN FALLS, ID 83301 SOURCE: PORTNEUF RIVER TRIBUTARY: SNAKE RIVER PRIORITY DATE: 08/07/1932 POINT OF DIVERSION: T08S R38E S28 SWNESW PURPOSE OF USE: IRRIGATION PLACE OF USE: T09S R38E S04 SWNE NENW This right is for an enlargement of 2.4 acres within the total 4.0 acres recommended.
Water Right: 29-11493 NAME & ADDRESS: WILLIAM A & KATHLEEN M EGAN 1451 W HAWKINS RD ARIMO, ID 83214 SOURCE: MARSH CREEK TRIBUTARY: PORTNEUF RIVER PRIORITY DATE: 06/01/1982 POINT OF DIVERSION: T11S R36E S11 NWSE PURPOSE OF USE: IRRIGATION PLACE OF USE: T11S R36E S11 NESW NWSE This right is for an enlargement of 8.0 acres within the total 48.0 acres recommended.	Water Right: 29-12519 NAME & ADDRESS: HOWARD L ARMSTRONG 13244 W TRAIL CREEK POCATELLO, ID 83204 SOURCE: GROUNDWATER PRIORITY DATE: 04/01/1970 POINT OF DIVERSION: T10S R36E S15 SWNW PURPOSE OF USE: IRRIGATION PLACE OF USE: T10S R36E S15 NENW NWNW SWNW SENW S16 NENE SENE This right is for an enlargement of 77.0 acres within the total 237.0 acres recommended.	Water Right: 29-13247 NAME & ADDRESS: OX YOKE RANCH 1705 N HWY 38 BRIGHAM CITY, UT 84302 SOURCE: GROUNDWATER PRIORITY DATE: 04/01/1987 POINT OF DIVERSION: T10S R36E S33 SESE (4 POD's within this section) S34 SESW T11S R36E S03 SESW S04 SWNE S05 SESE PURPOSE OF USE: IRRIGATION PLACE OF USE: T10S R36E S33 SESE S03 NESW(LOT1) NWNE(LOT2) SESE NENW(LOT3) NWNW(LOT4) SWNE SENW NESW NWSW SWSW SESW NESE NWSE SWSE SESE S04 NENE(LOT1) NWNE(LOT2) SWNE SENE NESW NWSW SWSW SESW NESE NWSE SWSE SESE S05 SESE SWSE SESE(LOT7) S08 NENE(LOT1) NWNE SWNE SENE(LOT2) S09 NENW SENW SWNE NENW NWNW SENW S10 NENE NWNE NWSE SWSE NENW NWNW This right is for an enlargement of 45.0 acres within the total 1480.0 acres recommended.
Water Right: 29-11775 NAME & ADDRESS: CARROLL & IONE WILLMORE ESTATE C/O JIM WILLMORE 519 PARK ST ST ANTHONY, ID 83445 SOURCE: WEST BOB SMITH CREEK TRIBUTARY: PORTNEUF RIVER PRIORITY DATE: 08/07/1932	Water Right: 29-13180 NAME & ADDRESS: MOUNTAIN VIEW FARMS INC	

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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:

DEC. 18	, 2003	2003
DEC. 25	, 2003	, 2003
	2003	, 2003

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

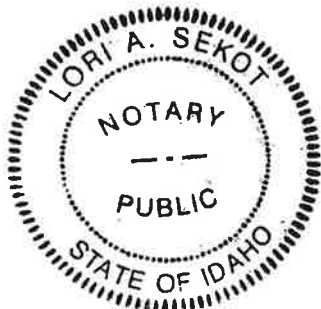
STATE OF IDAHO
COUNTY OF BANNOCK

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



MAX
29-13617

222⁴ AC @ 1.379 cfs

JEFF HARRIS
29-13618 PARCEL A

8.63 AC @ 0.054 cfs

JEFF HARRIS
29-13619 PARCEL B

8.65 AC @ 0.054 cfs

ENLARG. ... CLAIM
3.3 AC

MAX HALL
29-13552

1.631 cfs

PERMISSIBLE POU
WITH THE FOLLOWING
RIGHTS:

JEFF HARRIS
29-13620 PARCEL C

8.75 AC @ 0.054 cfs

29-13534
29-13537
29-13540
29-13543
29-13546
29-13549
29-13552

LARRY NAEF
29-13621

6.27 AC @ 0.039 cfs

TOTAL 263⁰ AC.

PRIORITY DATE
7/15/1976

ROLAND HULL
29- NOT USED

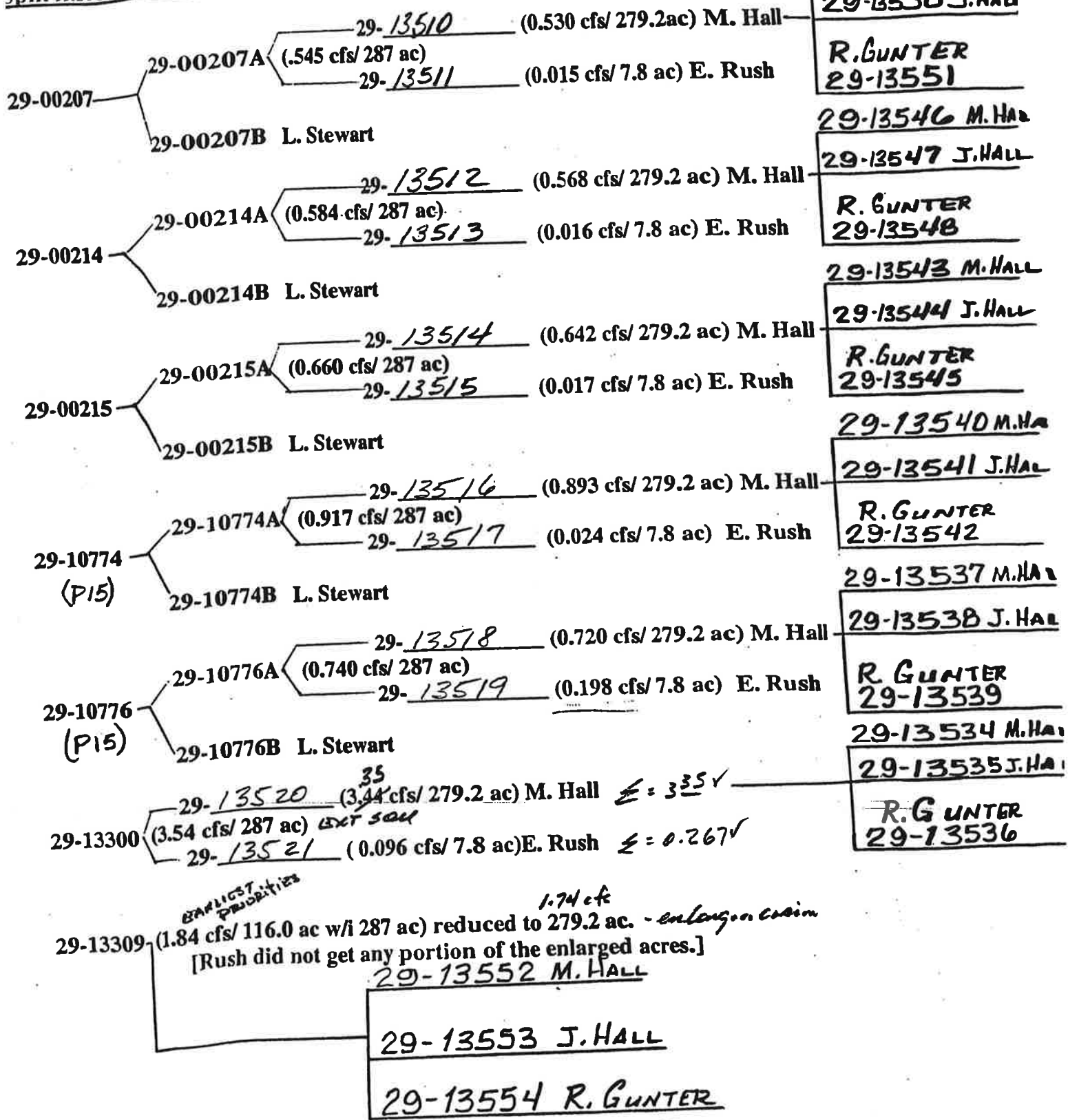
INCLUDED WITH RIGHT BELOW

29-13534 IS AN
ENLARG. CLAIM.
THIS CLAIM'S ORIGIN
WAS 29-13309.

ROBEN HULL
29-13622

8.30 AC @ 0.051 cfs

Split History of Max Hall's water rights off West Bob Smith Creek 3/21/03



Note: All Stewart split portions were split off circa March 2002.

632) - MAX HALL RETAINS REMAINDER OF ALL PARENT RTs @ 263²⁵ AC

2) - JASON HALL GETS 4.95 AC AS IRRIG. W/ APPROPRIATE Q, INCLUDES ENLARGED

14) - D. GUNTER GETS 11.70 AC AS IRRIG. " " " " " "

T9S, R37E

