

**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**  
**NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP**

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.  
 Incomplete forms will be returned.

DE ✓  
**RECEIVED**  
**MAR 22 2006**  
 DEPT. OF WATER RESOURCES  
 SOUTHERN REGION

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

| Water<br>Right No(s). | Adjudication<br>Claim No(s). | Split | Water<br>Right No(s). | Adjudication<br>Claim No(s). | Split |
|-----------------------|------------------------------|-------|-----------------------|------------------------------|-------|
| RD 29-11088           | _____                        | ___   | _____                 | _____                        | ___   |
| RD 29-7139            | _____                        | ___   | _____                 | _____                        | ___   |
| _____                 | _____                        | ___   | _____                 | _____                        | ___   |
| _____                 | _____                        | ___   | _____                 | _____                        | ___   |
| _____                 | _____                        | ___   | _____                 | _____                        | ___   |

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APR 4 2006

DEPARTMENT OF  
WATER RESOURCES

2. The following **REQUIRED** information must be submitted with this form:

A. The appropriate **FILING FEE**. See instructions for fee amounts.

B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document showing ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.

C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):  
**PLAT OF PROPERTY** or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

**OR**

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s)

EVA L. Petrie & Ralph Petrie  
3808 S. MARSH CK RD, MCCAMMON ID 83250

4. New Owner/Claimant(s)

JESSE and/or Khristi Cummings

Name Connector (Check one): ☐ and, ☐ or, ☒ and/or

New Mailing Address

3808 S. MARSH CK RD

City, State and ZIP Code

MCCAMMON, IDAHO, 83250

New Telephone Number

208 254-9866

5. Date you acquired the property

July 7, 2005

SUPPORT DATA

29-7139

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MAR 24 2006

Department of Water Resources  
Eastern Region

6. **If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7.** If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

| DESCRIPTION OF YOUR PORTION OF WATER RIGHT<br>(If the right(s) will not be split, skip this area and proceed to item 7) |                                                                            |                                                              |
|-------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------|--------------------------------------------------------------|
| Water Right and/or Adjudication Claim Number _____                                                                      |                                                                            |                                                              |
| Water Use                                                                                                               | Diversion Rate or Volume<br>(cubic feet per second or acre-feet per annum) | Description<br>(acres, number and type of stock, homes, etc) |
| Irrigation                                                                                                              | _____                                                                      | _____                                                        |
| Stock                                                                                                                   | _____                                                                      | _____                                                        |
| Domestic                                                                                                                | _____                                                                      | _____                                                        |
| Other _____                                                                                                             | _____                                                                      | _____                                                        |
| <b>Total</b>                                                                                                            | _____                                                                      | _____                                                        |

| DESCRIPTION OF YOUR PORTION OF WATER RIGHT<br>(If the right(s) will not be split, skip this area and proceed to item 7) |                                                                            |                                                              |
|-------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------|--------------------------------------------------------------|
| Water Right and/or Adjudication Claim Number _____                                                                      |                                                                            |                                                              |
| Water Use                                                                                                               | Diversion Rate or Volume<br>(cubic feet per second or acre-feet per annum) | Description<br>(acres, number and type of stock, homes, etc) |
| Irrigation                                                                                                              | _____                                                                      | _____                                                        |
| Stock                                                                                                                   | _____                                                                      | _____                                                        |
| Domestic                                                                                                                | _____                                                                      | _____                                                        |
| Other _____                                                                                                             | _____                                                                      | _____                                                        |
| <b>Total</b>                                                                                                            | _____                                                                      | _____                                                        |

7. Signature of New Owner(s) or Claimant(s)  
(include title if applicable)

Jesse Cummings  
Krista Cummings

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

**For Office Use Only**

|                        |                     |                            |
|------------------------|---------------------|----------------------------|
| Received by _____      | Date _____          | Fee <u>\$50 -</u>          |
| Receipted by <u>JC</u> | Date <u>3-27-06</u> | Receipt No. <u>E031722</u> |
| Processed by _____ AJ  | Date _____          | WR _____ Date _____        |



**First American Title Company**  
2240 East Center, Pocatello, Idaho 83201  
(208) 232-6224, (208) 232-6257

*Title Transmittal*

**Jesse W. Cummings and Khristi J. Cummings**  
**3808 N. Marsh Creek Road**  
**McCammon, ID 83250**

July 08, 2005  
File No.: 111328-P

**PROPERTY: 3808 N. Marsh Creek Road, McCammon, ID 83250**

**ENCLOSED** please find the following for your records:

- Policy of Title Insurance
- Special Warranty Deed

The new home or other real estate you have purchased is protected with a Policy of Title Insurance issued by **FIRST AMERICAN TITLE COMPANY**. We have assigned the above number to your records to assure prompt processing of future title orders involving the property.

We appreciate the opportunity of serving you and will be glad to assist you in any way, remembering that **PROTECTION OF YOUR PROPERTY IS YOUR FIRST CONSIDERATION - AND OURS.**

Sincerely,

Dena Green

enc.

Form No. 1402.92  
(10/17/92)  
ALTA Owner's Policy

Policy No.: 111328-P

## Policy of Title Insurance



ISSUED BY

*First American Title Insurance Company*

SUBJECT TO THE EXCLUSIONS FROM COVERAGE, THE EXCEPTIONS FROM COVERAGE CONTAINED IN SCHEDULE B, AND THE CONDITIONS AND STIPULATIONS, FIRST AMERICAN TITLE INSURANCE COMPANY, a California corporation herein called the Company, insures, as of Date of Policy shown in Schedule A, against loss or damage, not exceeding the amount of insurance stated in Schedule A, sustained or incurred by the insured by reason of:

1. Title to the estate or interest described in Schedule A being vested other than as stated therein;
2. Any defect in or lien or encumbrance on the title;
3. Unmarketability of the title; or
4. Lack of a right of access to and from the land;

The Company will also pay the costs, attorneys' fees and expenses incurred in defense of the title, as insured, but only to the extent provided in the Conditions and Stipulations.

*First American Title Insurance Company*

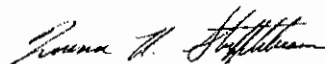
By:  President

Attest:  Secretary

ELECTRONIC ORIGINAL

Countersigned  
**First American Title Company Inc.**

© 2000 The First American Corporation.  
All Rights Reserved





**SCHEDULE A**

Date of Policy: **July 7, 2005 at 2:06 p.m.**

Policy No.: **111328-P**

Policy Amount: **\$156,000.00**

Premium: **\$773.00**

1. Name of Insured:

**Jesse Cummings and Khristi Cummings**

2. The estate or interest in the land which is covered by this policy is:

**Fee Simple**

3. Title to the estate or interest in the land is vested in:

**Jesse Cummings and Khristi Cummings, husband and wife**

4. The Land referred to in this Policy is described as:

**A TRACT OF LAND IN THE NORTH HALF, SOUTH HALF, SOUTHWEST QUARTER (N $\frac{1}{2}$ S $\frac{1}{2}$ SW $\frac{1}{4}$ ), SECTION 22, TOWNSHIP 8 SOUTH, RANGE 36 E.B.M., BANNOCK COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:**

**BEGINNING AT THE SOUTH 1/16 CORNER ON THE WEST LINE OF SAID SECTION 22; THENCE SOUTH 89°33' EAST, 1,088.80 FEET, MORE OR LESS, TO THE EASTERLY RIGHT OF WAY LINE OF MARSH CREEK ROAD; THENCE SOUTH 13°12' WEST "SOUTH 13°00' WEST" ALONG THE SAID EASTERLY RIGHT OF WAY LINE 277.39 FEET; THENCE SOUTH 18°00' WEST ALONG SAID EASTERLY RIGHT OF WAY LINE 84.50 FEET; THENCE SOUTH 21°26' WEST ALONG SAID EASTERLY RIGHT OF WAY LINE 72.00 FEET, MORE OR LESS, TO A LINE 418.00 FEET SOUTH AND PARALLEL TO THE SOUTH 1/16 LINE OF SAID SECTION 22, THE TRUE POINT OF BEGINNING; THENCE SOUTH 89°33' EAST, 1,542.57 FEET, MORE OR LESS, TO THE CENTERLINE OF MARSH CREEK; THENCE SOUTH 11°32' WEST, 246.60 FEET, MORE OR LESS, TO A LINE 660.00 FEET SOUTH OF AND PARALLEL TO THE SOUTH 1/16 LINE OF SAID SECTION 22; THENCE NORTH 89°33' WEST, 215.00 FEET; THENCE NORTH 61°08' WEST 64.00 FEET; THENCE SOUTH 82°22' WEST 177.00 FEET; THENCE NORTH 68°20' WEST 374.00 FEET; THENCE SOUTH 73°46' WEST 99.00 FEET; THENCE SOUTH 27°54' WEST, 127.00 FEET, MORE OR LESS, TO A LINE 660.00 FEET SOUTH OF AND PARALLEL TO THE SOUTH 1/16 LINE; THENCE NORTH 89°33' WEST, 639.40 FEET, MORE OR LESS, TO THE EASTERLY RIGHT OF WAY LINE OF THE MARSH CREEK ROAD; THENCE ALONG SAID RIGHT OF WAY LINE NORTH 21°26' EAST 259.50 FEET, MORE OR LESS, TO THE TRUE POINT OF BEGINNING.**

3-1 . 20513551 20513551

AFTER RECORDING MAIL TO:

Jesse W. Cummings and Khristi J. Cummings  
3808 N. Marsh Creek Road  
McCammon, ID 83250

RECORDED AT REQUEST OF  
FEE 9<sup>00</sup> DEPUTY mw  
FIRST AMERICAN TITLE  
2005 JUL 7 PM 2 06  
OFFICIAL RECORD BK# 869  
RECORDER  
BANNOCK COUNTY IDAHO

**SPECIAL WARRANTY DEED**

File No.: **111328-P (ts)**

Date: **June 20, 2005**

For Value Received, **HSBC Bank, USA**, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **Jesse X Cummings and Khristi X Cummings, husband and wife**, hereinafter called **the Grantee**, whose current address is **3985 S. Marsh Creek Rd. McCammon ID 83250** the following described premises, situated in **Bannock County, Idaho**, to-wit: \*

**Legal Description attached hereto as Exhibit A, and by this referenced incorporated herein.**

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agrees to by parties above.

TO HAVE AND TO HOLD the said premises, with its appurtenances unto the said Grantee, their heirs and assigns forever. And the said Grantors do hereby covenants to and with the said premises. The Grantor warrants that said premises are free and clear of all encumbrances suffered or created to be paid by the Grantee and any lien or encumbrance revived or placed on said premises by, through or under the Grantee, his heirs and assigns.

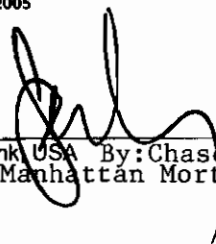
32 -

20513551

Date: 06/20/2005

Warranty Deed  
- continued

File No.: 111328-P (ts)

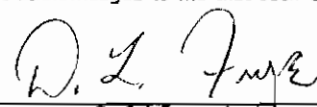


Joe Lanning-Vice President

HSBC Bank, USA By: Chase Home Finance LLC, successor by merger to  
Chase Manhattan Mortgage Corp as Attorney In Fact

STATE OF California )  
SS.  
COUNTY OF San Diego )

On this 23rd day of June 2005, before me, a Notary Public in and for said State, personally appeared Joe Lanning known or identified to me, to be the Vice President of the Corporation that executed the instrument or the person who executed the instrument on behalf of said Corporation, and acknowledged to me that such Corporation executed the same.



Notary Public of California  
Residing at: San Diego County  
Commission Expires: 09/20/05

**Close**

IDAHO DEPARTMENT OF WATER RESOURCES  
Water Right Report

08/09/2005

WATER RIGHT NO. 29-11088

| <u>Owner Type</u>      | <u>Name and Address</u>                                                         |
|------------------------|---------------------------------------------------------------------------------|
| Current Owner          | CHARLENE R BURT<br>3808 MARSH CREEK RD<br>MC CAMMON, ID 83250<br>(208)254-3643  |
| Directors Report Owner | EVA L PETRIE                                                                    |
| Directors Report Owner | RALPH E PETRIE<br>3808 S MARSH CREEK RD<br>MC CAMMON, ID 83250<br>(208)254-3603 |
| Original Owner         | EDDIE L JONES<br>PO BOX 4085<br>POCATELLO, ID 83201                             |

Priority Date: 06/13/1973

Basis: Decreed

Status: Active

| <u>Source</u> | <u>Tributary</u> |
|---------------|------------------|
| GROUND WATER  |                  |

| <u>Beneficial Use</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| STOCKWATER            | 1/01        | 12/31     | 0.03 CFS              |               |
| DOMESTIC              | 1/01        | 12/31     | 0.04 CFS              |               |
| Total Diversion       |             |           | 0.07 CFS              |               |

Location of Point(s) of Diversion:

|              |        |         |              |           |                |
|--------------|--------|---------|--------------|-----------|----------------|
| GROUND WATER | NESWSW | Sec. 22 | Township 08S | Range 36E | BANNOCK County |
|--------------|--------|---------|--------------|-----------|----------------|

Place(s) of use:

Place of Use Legal Description: STOCKWATER BANNOCK County

| Township | Range | Section | Lot | Tract | Acres | Lot | Tract | Acres | Lot | Tract | Acres | Lot | Tract | Acres |
|----------|-------|---------|-----|-------|-------|-----|-------|-------|-----|-------|-------|-----|-------|-------|
| 08S      | 36E   | 22      |     | SWSW  |       |     |       |       |     |       |       |     |       |       |

Place of Use Legal Description: DOMESTIC BANNOCK County

| Township | Range | Section | Lot | Tract | Acres | Lot | Tract | Acres | Lot | Tract | Acres | Lot | Tract | Acres |
|----------|-------|---------|-----|-------|-------|-----|-------|-------|-----|-------|-------|-----|-------|-------|
| 08S      | 36E   | 22      |     | SWSW  |       |     |       |       |     |       |       |     |       |       |

Conditions of Approval:

|    |     |                                                                                                         |
|----|-----|---------------------------------------------------------------------------------------------------------|
| 1. | N13 | THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.                         |
| 2. | N11 | THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE. |
| 3. |     | PARCEL NO. R4057020300 STOCKWATER, 20 RANGE, 3 HORSES                                                   |

Dates:

Licensed Date:

Decreed Date: 06/17/1998

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector: AND

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

## WATER RIGHT LICENSE

THIS IS TO CERTIFY, that EDDIE L. JONES  
of Pocatello, Idaho, has complied with the terms and conditions of Permit  
No. 29-7139 issued pursuant to Application for Permit dated June 13, 1973,  
and has submitted proof to the Department of Water Resources on July 29, 1974,  
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a  
capacity for the diversion of .05 CFS of water from an unnamed stream,  
tributary to Marsh Creek, and that the permit holder has applied to a beneficial use and  
established a right to use water as follows:

Subject, however, to the condition that no more than .05 CFS of water be diverted at any one time, and that the amount of water so diverted and to which such right is entitled and confined to for the purpose aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed 11.2 acre feet per year, said waters to be diverted within the SWSW Sec. 22, Twp. 8S,  
Rge. 36E, B.M. in the County of Barrock

[illegible]

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 24 day of February 19 81

### Director

**UNPROCESSED**  
DBT



State of Idaho

## DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS

Governor

C. STEPHEN ALLRED

Director

Mailing address:  
Storehouse  
Boise, Idaho 83720  
(208) 334-4440

February 26, 1981

Eddie L. Jones  
Box 4085  
Pocatello, Idaho 83201

Dear Mr. Jones,

RE: License No. 29-7139

Enclosed is a copy of the Water Right License issued on the above referenced Permit.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jim Johnson", is written over the typed name.

JIM JOHNSON  
Water Distribution Supervisor

JJ:mr

Enclosure

**MICROFILMED**



State of Idaho  
**DEPARTMENT OF WATER RESOURCES**  
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS  
Governor

C. STEPHEN ALLRED  
Director

Mailing address:  
Statehouse  
Boise, Idaho 83720  
(208) 334-4440

February 11, 1981

Eddie L. Jones  
Box 4085  
Pocatello, Idaho 83201

Dear Mr. Jones,

A representative of this Department has made an examination of the works covered by your Permit No. 29-7139, and has found the following:

Amount of water that can be recognized as beneficially used under Idaho law: .05 cfs      Source: gr an unnamed stream

The maximum quantity diverted shall not exceed 11.2 acre feet per year.

Point(s) of diversion: SW $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 22, Twp. 8S, Rge. 36E, B.M.

Beneficial use: Irrigation of 3 acres and stockwater use within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 22, Twp. 8S, Rge. 36E.

Priority date established: June 13, 1973

Conditions (if any):

If you do not concur with these findings please contact us within 10 days, otherwise a water license will be issued as set forth above.

Sincerely,

JIM JOHNSON  
Water Distribution Supervisor

**MICROFILMED**

RECEIVED

AUG 14 1974  
254 3541  
Department of Water Resources  
Eastern District Office  
Phone

(name spring, stream, etc.)

Other uses: \_\_\_\_\_

Permit No. 29-7139  
Examination for b/u

Max Rate of Diversion .16 cubic feet per second and annual volume \_\_\_\_\_ AF/Annum.

Township 8S N/S, Range 36E E/W, B.M., Section 22, Subdivision SW  $\frac{1}{4}$  SW  $\frac{1}{4}$  Bannock  
County  
Township \_\_\_\_\_ N/S, Range \_\_\_\_\_ E/W, B.M., Section \_\_\_\_\_, Subdivision \_\_\_\_\_  $\frac{1}{4}$  \_\_\_\_\_  $\frac{1}{4}$  \_\_\_\_\_  
County  
Township \_\_\_\_\_ N/S, Range \_\_\_\_\_ E/W, B.M., Section \_\_\_\_\_, Subdivision \_\_\_\_\_  $\frac{1}{4}$  \_\_\_\_\_  $\frac{1}{4}$  \_\_\_\_\_  
County

Other Points of Diversions: \_\_\_\_\_

Description of diverting works: Wooden headgate used to hold water so siphon pipe can pickup and carry water in pipe to pt. of use.

Measuring device required: yes ☐ no ☒

6. Londs to be irrigated or place of use.

[illegible]

# MICROFILMED

**TOTAL ACREAGE** \_\_\_\_\_ **7**

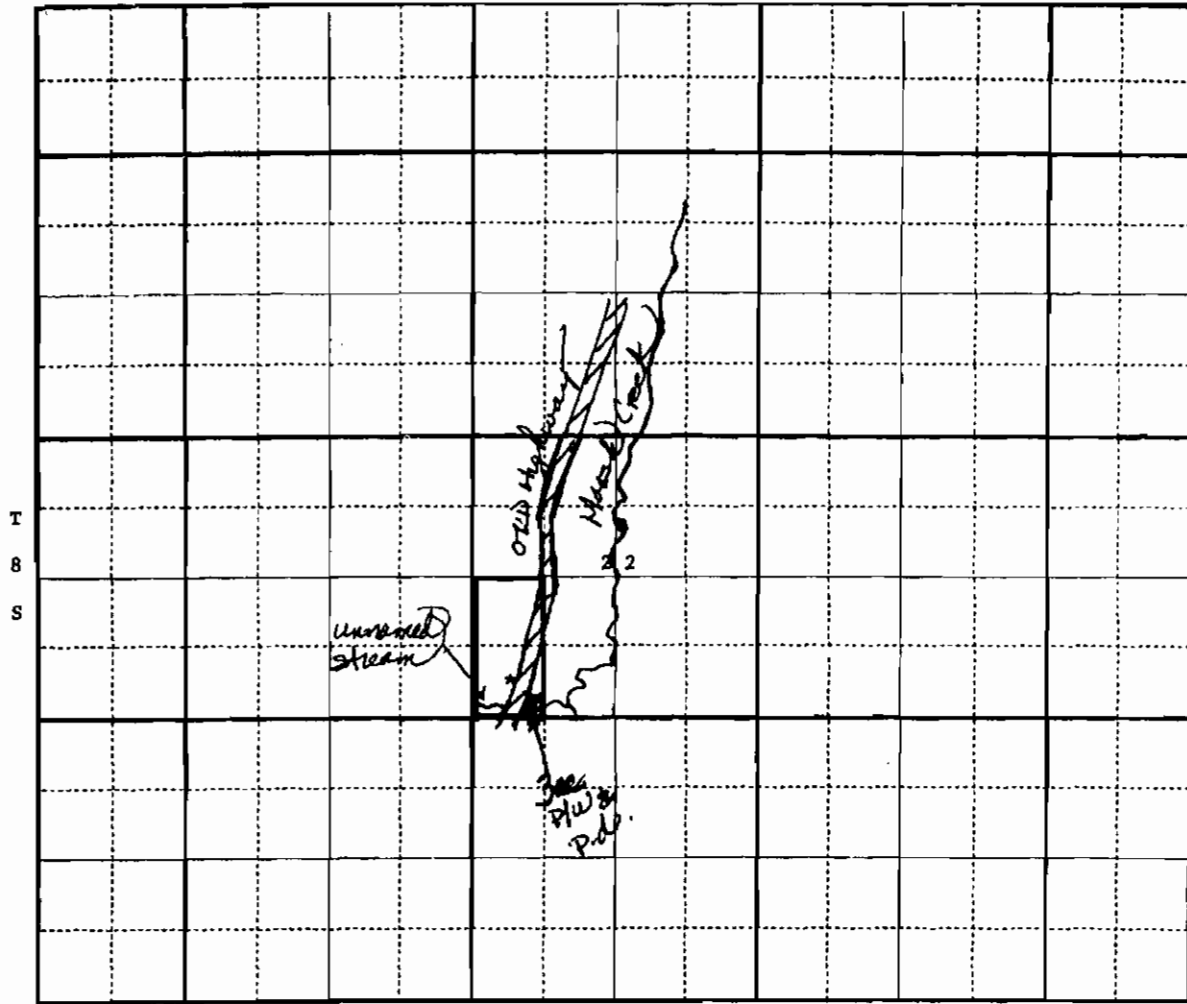
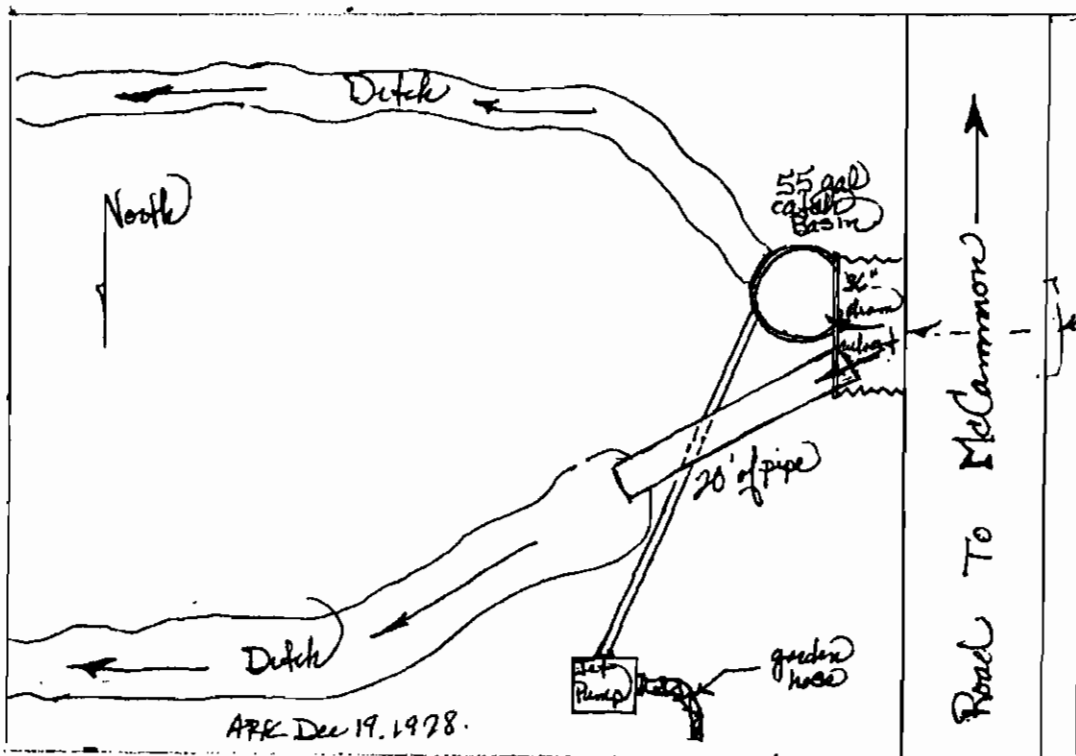


Diagram of System



DATE OF EXAM

6/19/78

ACREAGE

Found

3ad

Recommended

3ad

Irrigation Requirement

3.5

Ac Ft/Ac

USE

Irrigation Q = .05 c.f.s.

V = 10.5

AF/Ann. from

May 15

to

Oct 15

Domestic Q = .02 c.f.s.

V = .7

AF/Ann. from

Jan 1

to

Dec 31

Livestock Q = .02 c.f.s.

V = .7

AF/Ann. from

Jan 1

to

Dec 31

Q<sub>total</sub> = .05 c.f.s.

V = 11.2 AF/Ann

Is water co-mingled? yes no ☒

Name source:

n/a

Twp.

N/S, Rge

E/W, B.M., Sec.

Sub

1/4

1/4

County

Exchange? yes no ☒

Name source exchanged with:

n/a

Twp.

N/S, Rge

E/W, B.M., Sec.

Sub

1/4

1/4

County

Point of injection:

n/a

Twp.

N/S, Rge

E/W, B.M., Sec.

Sub

1/4

1/4

County

Point of exchange:

n/a

Twp.

N/S, Rge

E/W, B.M., Sec.

Sub

1/4

1/4

County

Total Q measured

.05 c.f.s.

Method of measurement

Bucket &amp; stopwatch

Total Q recommended

.05 c.f.s.

Meter No.

n/a

Type

n/a

Condition

n/a

Total V recommended

11.2 AF/Ann

Recommended Amendments:

P.D.

Place of Use

Other

None

MEASUREMENT CALCULATION:

Measured 2.5 gal in 7 sec, = 21.43 gpm = 448.8 gpm/cfs

= .05 c.f.s. V = 3ad x 3.5 AF/Ann = 10.5 AF

Q<sub>stock</sub> = .02 by designV<sub>stock</sub> = .7 AF/Ann (administrative memo)

SYSTEM DESCRIPTION:

System water is diverted from an unnamed stream by two means. Water is diverted into private ditches for the flood irrigation of 2.5 ac of pasture. Also 1/2 ac is irrigated via sprinkler system being directed by a .05 HP. surge jet pump. Sub - 548 H<sub>2</sub>ECU sub - G.M. Pump is used to sprinkle lawn. Stock trough is filled from the water directed by that pump. Manual lift.

REMARKS:

A max of 3 horses, &amp; 93 head of rge cattle are maintained.

No conflicting Rights

Examiner's Signature

Anthony R. Kozlowski

Date

Dec 19, 1978

Checked by

Rodney A. Parker

Date

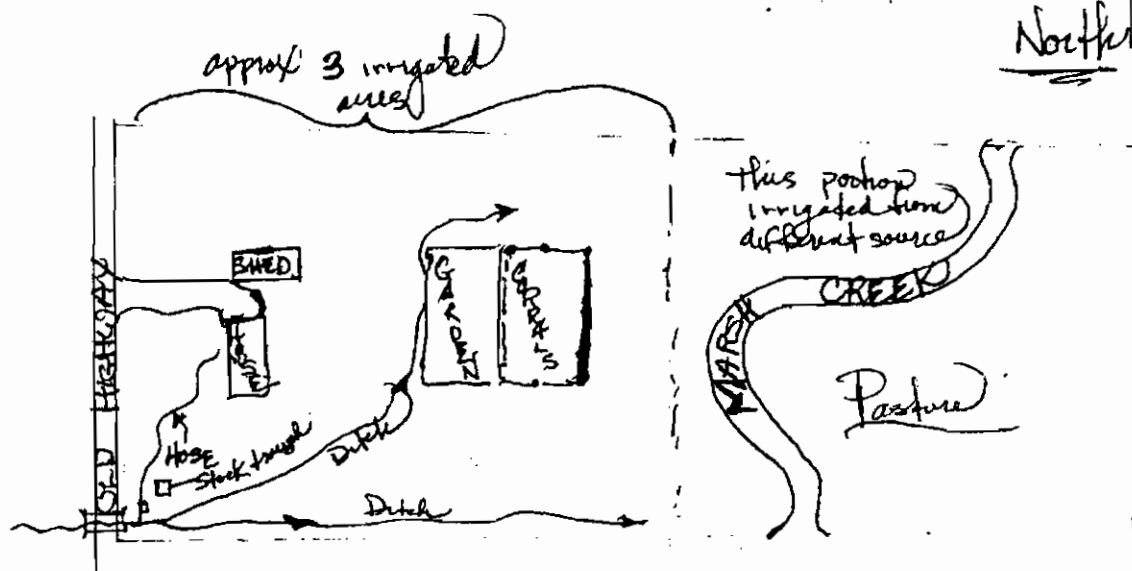
1/18/79

Approved by

Kozlowski

Date

2/5/81



8

365 5

Chase Jones

5  
35.1

Deer Creek  
County

21/22  
26/27

HIGHWAY  
OLD

Place of  
diversion

34/33  
27/26

A  
10.6

24/27  
33/24

27/26

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: A29-07139  
Date Received: 4/04/1990  
Receipt No: MPO LYP  
Received By: g pe

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: RALPH E. PETRIE 208-254-3603  
Address: 3808 S. MARSH CK RD.  
MCCAMMON, ID 83250  
AND/OR  
Name: EVA L. PETRIE 208-254-3603  
Address: 3808 S. MARSH CK RD.  
MCCAMMON, ID 83250

A2907139

2. Date of Priority: JUN 13, 1973

3. Source: UNNAMED STREAM Trib. to: MARSH CREEK

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County  |
|----------|-------|---------|--------|--------|--------|-----|---------|
| 08S      | 36E   | 22      | NE     | SW     | SW     |     | BANNOCK |
|          |       |         | NW     | SE     | SW     |     | BANNOCK |

5. Description of diverting works:  
DITCH WITH PUMP AND SPRINKLER SYSTEM.

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 03/15 | 11/15 | 0.050  |      |        |
| STOCKWATER | 01/01 | 12/31 | 0.020  |      |        |

7. Total Quantity Appropriated is:  
0.050 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 7.5 Acre Feet Per Annum.

9. Non-irrigation uses:  
S/20 RANGE, 3 HORSES

10. Place of Use:

| Township      | Range | Section | 1/4 of | 1/4 | Lot | Use | Acres |
|---------------|-------|---------|--------|-----|-----|-----|-------|
| 08S           | 36E   | 22      | SW     | SW  |     | IRR | 3.0   |
| Section Acres |       |         |        |     |     |     | 3.0   |
| Total Acres   |       |         |        |     |     |     | 3.0   |

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:  
NONE

14. Remarks:

15. Basis of Claim: LICENSE

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): Ralph Peter Date: 4/4/90  
\_\_\_\_\_  
Date: \_\_\_\_\_

State of Idaho )  
County of Bannock ) ss.

Subscribed and sworn (or affirmed) before me this 4 day

of April 19 90

John Dale Carter  
Notary Public

Seal

Residing at Boise Id

My Commission Expires 4/2/91

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

| RIGHT     | TWP. RGE. | SEC. | 1/4 | 1/4 | 1/4 | 1/4 | 1/4 | 1/4 | 1/4 | POD<br>FLAG | COUNTY  | DIVERSION NAME | DIVERSION NUMBER |
|-----------|-----------|------|-----|-----|-----|-----|-----|-----|-----|-------------|---------|----------------|------------------|
| A29-07139 | D8S 34E   | 22   | NE  | SW  | SW  | SW  | SW  | SW  | SW  |             | BANKOCK |                |                  |
| A29-07139 | D8S 34E   | 22   | NW  | SE  | SE  | SE  | SE  | SE  | SE  |             | BANKOCK |                |                  |

OTHER AJ CLAIMS WITH SAME AJ POD

A PREFIX  
A29-04161C  
A29-11088  
A29-11215

WR RECORDS IN SAME 40 ACRE TRACT

29-04161

SOURCE: UNNAMED STREAM

TRIB: MARSH CREEK

B. WR POINT OF DIVERSION AND SOURCE:

| RIGHT    | TWP. RGE. | SEC. | 1/4 | 1/4 | 1/4 | 1/4 | 1/4 | 1/4 | 1/4 | POD<br>FLAG | COUNTY  | DIVERSION NAME | DIVERSION NUMBER |
|----------|-----------|------|-----|-----|-----|-----|-----|-----|-----|-------------|---------|----------------|------------------|
| 29-07139 | D8S 34E   | 22   | SW  | SW  | SW  | SW  | SW  | SW  | SW  |             | BANKOCK |                |                  |

OTHER WR RECORDS WITH SAME WR POD

A PREFIX

NONE

AJ CLAIMS IN SAME 40 ACRE TRACT  
A29-11088  
A29-11215

SOURCE: UNNAMED STREAM

TRIB: MARSH CREEK

C. IS THE CLAIMED POD WITHIN THE SAME 40 ACRE TRACT THAT IS DESCRIBED IN THE WATER RIGHT FILE? W/A( ) Y( ) N( )

\* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POD, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

D. CAN THE CLAIMED POD BE VERIFIED USING THE WATER RIGHT FILE OR GPS DATA? W/A( ) Y( ) N( )

E. SHOULD THE CLAIMED POD BE VERIFIED BY FIELD EXAM? Y( ) N( )

F. IS THE CLAIMED SOURCE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? W/A( ) Y( ) N( )

\* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN SOURCE, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

G. CAN THE CLAIMED SOURCE BE VERIFIED USING THE WATER RIGHT FILE? Y( ) N( )

H. SHOULD THE CLAIMED SOURCE BE VERIFIED BY FIELD EXAM? Y( ) N( )

1. NOW WAS THE POD AND SOURCE VERIFIED?

LICENSING FIELD EXAM (DATE OF FIELD EXAM) \_\_\_\_\_

Y( ) N( )

AJ FIELD EXAM (DATE OF FIELD EXAM) \_\_\_\_\_

Y( ) N( )

NAME OF EXAMINER \_\_\_\_\_

OTHER (DESCRIBE IN NOTES BELOW)

NOTES: \_\_\_\_\_

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE: CHECK HERE IF RECOMMENDED AS CLAIMED ( )

| TWP. | RGE. | SEC. | 1/4 | 1/4 | 1/4 | 1/4 | LOT | POD | FLAG | COUNTY  | DIVERSION NAME | DIVERSION NO. |
|------|------|------|-----|-----|-----|-----|-----|-----|------|---------|----------------|---------------|
| 00S  | 34E  | 22   | NE  | SW  | SW  | SW  |     |     |      | BANKOCK |                |               |
| 00S  | 34E  | 22   | NW  | SE  | SE  | SE  |     |     |      | BANKOCK |                |               |
| ---  | ---  | ---  | --- | --- | --- | --- | --- | --- | ---  | ---     | ---            | ---           |
| ---  | ---  | ---  | --- | --- | --- | --- | --- | --- | ---  | ---     | ---            | ---           |
| ---  | ---  | ---  | --- | --- | --- | --- | --- | --- | ---  | ---     | ---            | ---           |
| ---  | ---  | ---  | --- | --- | --- | --- | --- | --- | ---  | ---     | ---            | ---           |
| ---  | ---  | ---  | --- | --- | --- | --- | --- | --- | ---  | ---     | ---            | ---           |
| ---  | ---  | ---  | --- | --- | --- | --- | --- | --- | ---  | ---     | ---            | ---           |
| ---  | ---  | ---  | --- | --- | --- | --- | --- | --- | ---  | ---     | ---            | ---           |
| ---  | ---  | ---  | --- | --- | --- | --- | --- | --- | ---  | ---     | ---            | ---           |

SOURCE: UNNAMED STREAM TRIS: MARSH CREEK

REVIEWED BY: \_\_\_\_\_ DATE: \_\_\_\_\_  
SYSTEM DESCRIPTION: DESCRIBED BELOW ( ), SEE LICENSE FILE ( ), OR SEE ATTACHMENT ( )

A. ROOT WATER RIGHT NUMBERS: A29-07139

B. POU LISTING

| TWP | RNG | SEC | 1/4 | 1/4 | LOT | NAME              | AJ<br>#/ACRES   | LR<br>#/ACRES   | LANDSAT<br>DATA | FIELD<br>EXAM. | RECOMM.<br>ACRES |
|-----|-----|-----|-----|-----|-----|-------------------|-----------------|-----------------|-----------------|----------------|------------------|
| 08S | 34E | 22  | SW  | SW  |     | PETRIE, RALPH E   | A29-07139 / 3.0 | 29-07139 / 3.0  | 18.0            |                |                  |
|     |     |     | SW  | SW  |     | SLUDER, EZZELLE E | A29-11215 /     | - /             |                 |                |                  |
|     |     |     | SW  | SW  |     | PETRIE, EVA L     | 29-11008 /      | - /             |                 |                |                  |
|     |     |     | SW  | SW  |     | PETRIE, RALPH E   | A29-11008 /     | - /             |                 |                |                  |
|     |     |     | SW  | SW  |     | SLUDER, M LOUISE  | 29-11215 /      | - /             |                 |                |                  |
|     |     |     | SW  | SW  |     | MALL, DONALD C.   | 29-04161 / 20.0 | 29-04162 / 20.0 |                 |                |                  |
|     |     |     | SW  | SW  |     | MALL, DONALD C.   |                 |                 |                 |                |                  |

ADDITIONAL POU FOUND

TOTAL ACRES A29-07139 3.00 3.00 18.00

POU COUNTY: BARNOCK

C. IS WATER USAGE FOUND IN TRACTS OTHER THAN THOSE CLAIMED?

\* IF YES, ARE THESE TRACTS LISTED ABOVE ( ), OR ARE THEY LISTED ON AN ATTACHED SHEET ( )

LIST OF ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE

NO CLAIMS FOUND WITH SAME POU AND IRRIGATION USAGE

LIST ALL RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION.

| CLAIM NO. | PURPOSES   | NAME              | MONTH/DAY           | RATE      | VOLUME |
|-----------|------------|-------------------|---------------------|-----------|--------|
| A29-07139 | STOCKWATER | PETRIE, RALPH E   | FROM 01-01 TO 12-31 | 0.020 CFS |        |
| A29-11215 | DOMESTIC   | SLUDER, EZZELLE E | FROM 01-01 TO 12-31 | 0.050 CFS |        |
| 29-11008  | DOMESTIC   | PETRIE, EVA L     | FROM 01-01 TO 12-31 | 0.040 CFS |        |
| 29-11008  | STOCKWATER | PETRIE, EVA L     | FROM 01-01 TO 12-31 | 0.030 CFS |        |
| A29-11008 | DOMESTIC   | PETRIE, RALPH E   | FROM 01-01 TO 12-31 | 0.040 CFS |        |
| A29-11008 | STOCKWATER | PETRIE, RALPH E   | FROM 01-01 TO 12-31 | 0.030 CFS |        |
| 29-11215  | DOMESTIC   | SLUDER, M LOUISE  | FROM 01-01 TO 12-31 | 0.050 CFS |        |

D. ARE OTHER WATER RIGHTS USED FOR THE SAME PURPOSE? Y( ) N( )

\* IF YES, COMPLETE OVERLAP REVIEW:

OTHER RIGHTS LISTED IN CLAIM: NONE

E. IS THE CLAIMED POU THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A( ) Y( ) N( )

\* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POU, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

F. CAN THE CLAIMED POU BE VERIFIED USING THE WATER RIGHT FILE AND AVAILABLE AERIAL PHOTOS? N/A( ) Y( ) N( )

G. SHOULD THE CLAIMED POU BE VERIFIED BY FIELD EXAM? Y( ) N( )

H. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS POSSESSION OF THIS RIGHT, OR ANY PORTION OF THIS RIGHT? Y( ) N( )

CHECK DOCUMENTS USED TO VERIFY POL: ( ) ORTHOPHOTOBLAD, IDAR NO. \_\_\_\_\_; ( ) TOPOGRAPHIC BLAD, IDAR NO. \_\_\_\_\_

( ) MAP, IDAR NO. \_\_\_\_\_; ( ) ASCS PHOTO; ( ) OTHER \_\_\_\_\_

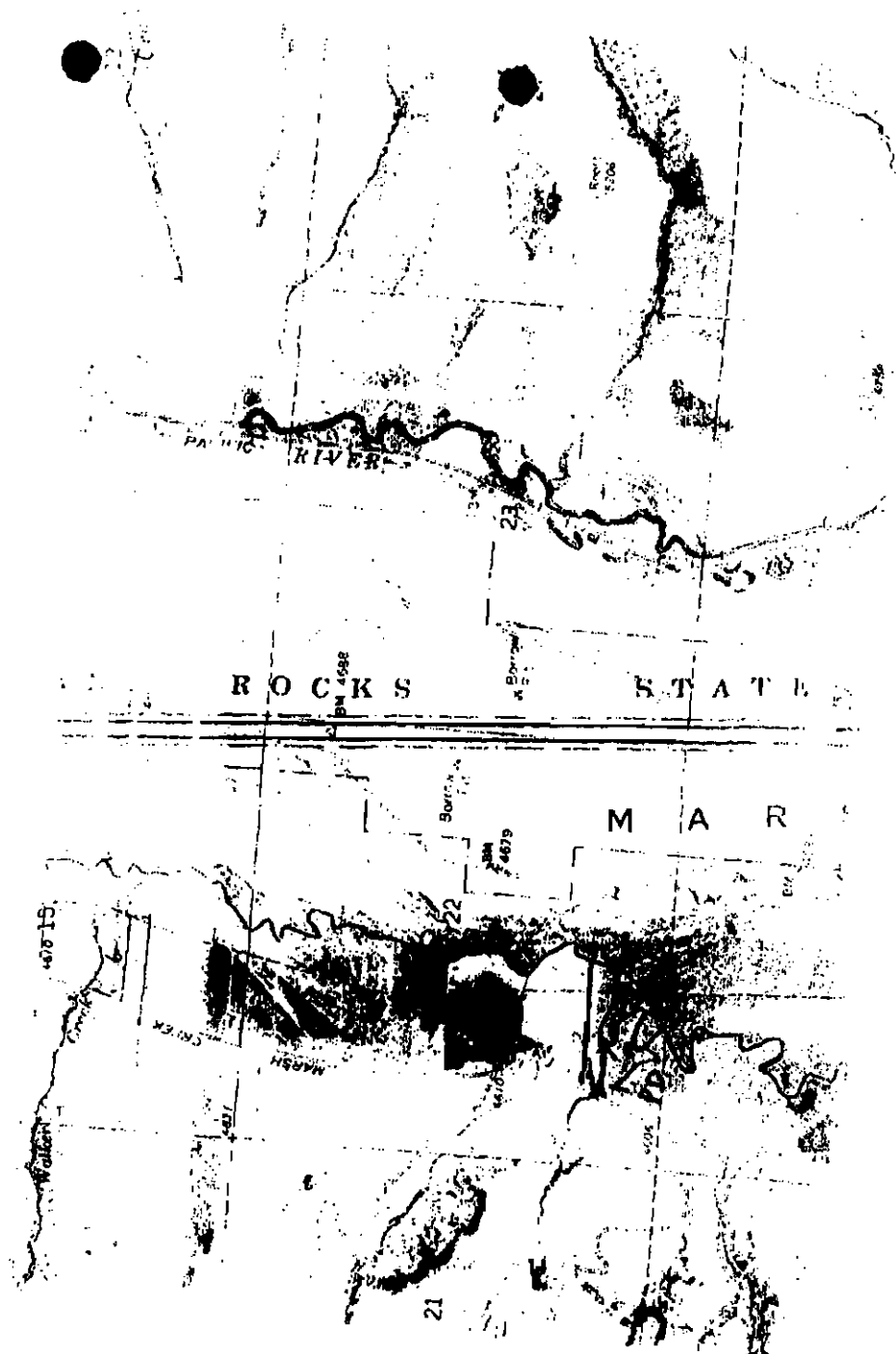
**NOTES:**

### RECOMMENDATIONS:

TOTAL ACRES: \_\_\_\_\_ N/A( )

REVIEWED BY: \_\_\_\_\_ DATE: \_\_\_\_\_

BB-41



MICROFILMED  
NOV 13 1992

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

05/08/2001

RIGHT NUMBER: 29-7139

NAME AND ADDRESS: EVA L PETRIE  
RALPH E PETRIE  
3808 S MARSH CREEK RD  
MC CANNON, ID 83250

SOURCE: UNNAMED STREAM TRIBUTARY: MARSH CREEK

QUANTITY: 0.05 CFS  
11.2 AFY

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

PRIORITY DATE: 06/13/1973

POINT OF DIVERSION: T08S R36E S22 SWSW Within BANNOCK County

PURPOSE AND  
PERIOD OF USE:

| PURPOSE OF USE | PERIOD OF USE | QUANTITY              |
|----------------|---------------|-----------------------|
| IRRIGATION     | 05-15 10-15   | 0.05 CFS<br>10.50 AFY |
| STOCKWATER     | 01-01 12-31   | 0.02 CFS<br>0.70 AFY  |

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN  
AS EARLY AS APRIL 1 AND MAY CONTINUE TO AS LATE AS OCTOBER 31,  
PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE  
USE OF WATER BEFORE (MAY 15) AND AFTER (OCTOBER 15) UNDER THIS  
REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO  
SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE  
EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS  
RIGHT.

PLACE OF USE:

IRRIGATION Within BANNOCK County  
T08S R36E S22 SWSW 1 T08S R36E S22 SESW 2  
STOCKWATER Use same as IRRIGATION  
3 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.

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT  
TO SECTION 42-1425, IDAHO CODE.  
STOCKWATER, 20 CATTLE, 3 HORSES

Log for claim A29-07139

Spatial Dynamics LTD

7/6/00

| TR      | SEC | QQ   | Acres<br>Claimed | Acres<br>Found | COMMENT             |
|---------|-----|------|------------------|----------------|---------------------|
| 08s38e  | 22  | SWSW | 3                | 4.4            | Only one POD found. |
| Totals: |     |      | 3                | 4.4            |                     |

N 42 42 20.4  
W 112 14 20.7  
4638

GPS

POD

AJ5809NP

IDAHO DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM PROFILE REPORT

DATE: 04/27/00  
PAGE: 157

|               |                       |                  |            |                       |                   |                     |
|---------------|-----------------------|------------------|------------|-----------------------|-------------------|---------------------|
| OWNER<br>CODE | NAME & ADDRESS        | PRIORITY<br>DATE | WATER USE  | USE PERIOD<br>FROM TO | DIVERSION<br>RATE | DIVERSION<br>VOLUME |
| C             | RALPH E PETRIE        | 06/13/1973       | IRRIGATION | 03-15 11-15           | 0.050 CFS         |                     |
| C             | EVA L PETRIE          |                  | STOCKWATER | 01-01 12-31           | 0.020 CFS         |                     |
|               | 3808 S MARSH CREEK RD |                  |            |                       |                   |                     |
|               | MC CANNON ID 83250    |                  |            |                       |                   |                     |
|               | (208) 254-3603        |                  |            |                       |                   |                     |
|               |                       |                  |            | TOTAL DIVERSION:      | 0.050 CFS         | 7.50 AFA            |
|               |                       |                  |            | CONSUMPTIVE USE:      |                   |                     |

Water Source: UNNAMED STREAM

Tributary to: MARSH CREEK

Stage: LICENSE

