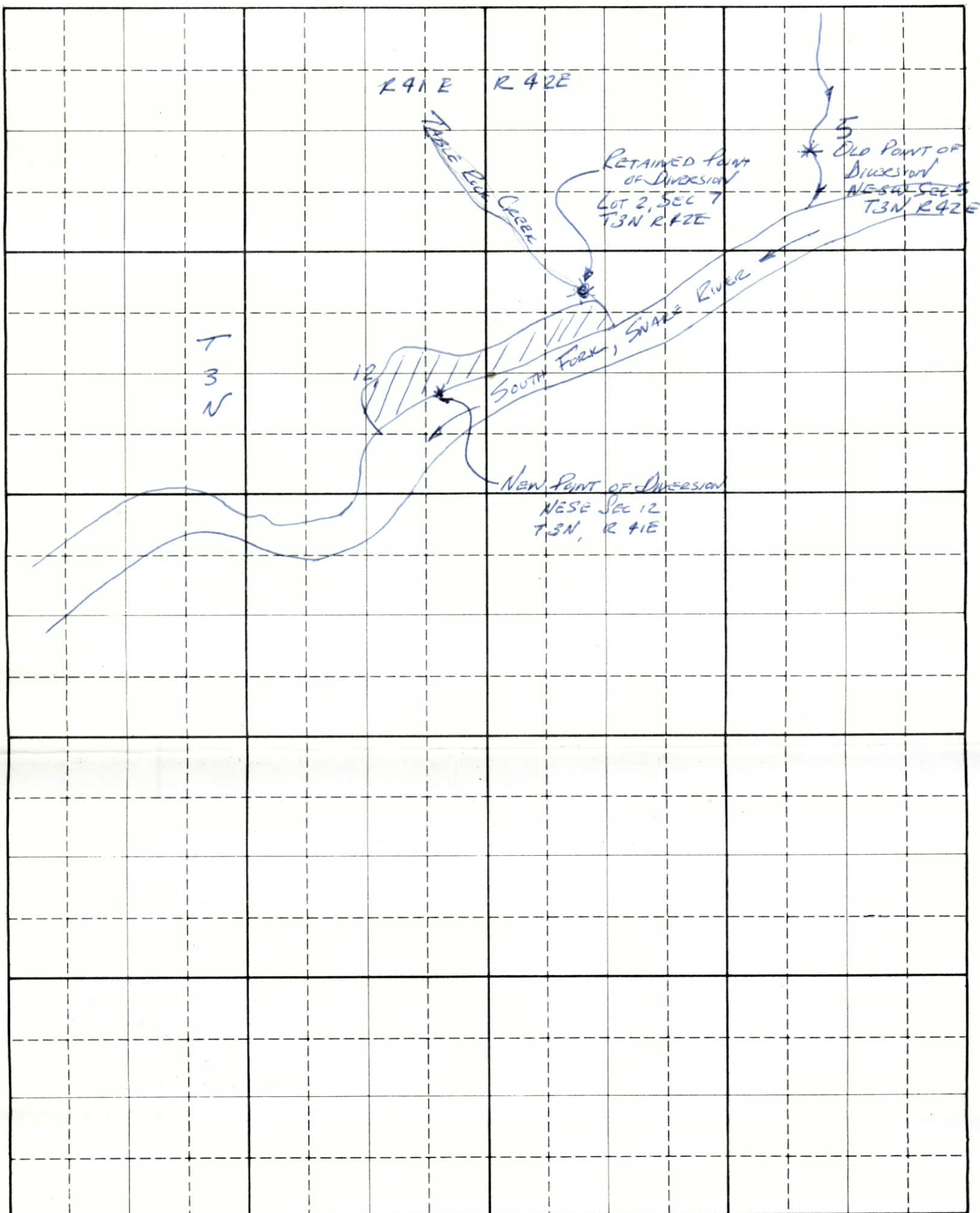


3. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



SCALE: 2 inches equal 1 mile. Draw plan in ink.

Proof of Publication

The Post-Register

State of Idaho, {
County of Bonneville { ss.

I, J. Robb Brady, first being duly sworn, depose and say: That I am the Principal Clerk of The Post Company, a corporation of Idaho Falls, Bonneville County, Idaho, publishers of The Post-Register, a newspaper of general circulation, published daily, except Saturday, at Idaho Falls, Idaho; said Post-Register being a consolidation of the Idaho Falls Times, established in the year 1890, The Idaho Register, established in the year 1880 and the Idaho Falls Post, established in 1903, such consolidation being made on the 1st day of November, 1931, and each of said newspapers having been published continuously and uninterruptedly, prior to consolidation, for more than seventy-eighty (78) weeks and said Post-Register having been published continuously and uninterruptedly from the date of such consolidation, up to and including the last publication of notice hereinafter referred to.

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Post-Register for two consecutive weeks, first publication having been made on the 19th day of April, 1979, last publication having been made on the 26th day of April, 19 79, and that the said notice was published in the regular and entire issue of said paper on the respective dates of publication, and that such notice was published in the newspaper and not in a supplement.

Subscribed and sworn to before me, this 9th day of May, 19 79.

Karesdale
Notary Public

My commission expires April 5, 19 83

B10, 1M,

NOTICE OF PROPOSED CHANGE OF WATER RIGHT NO. 23-2018

Notice is hereby given that Ira H. Spaulding and/or James Mason and/or Ellen Mason have applied to the Department of Water Resources for a change in the points of diversion of the waters of Table Rock and Wolverine Creeks. The right sought to be changed is evidenced by License No. 23-2018 and is recorded as follows:

AMOUNT: 1.10 cfs PRIORITY:
8/21/1912

POINTS OF DIVERSION: Lot 2, Sec. 7, NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 5, T. 3N, R. 42E, B.M., Bonneville County

The water is used to irrigate 55 acres within Lots 3 & 4, Sec. 12, T. 3N, R. 41E; Lots 2 & 4, Sec. 7, T. 3N, R. 42E, B.M.

TO BE CHANGED AS FOLLOWS

The water will be diverted from within Lot 2, Sec. 7, T. 3N, R. 42E; NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 12, T. 3N, R. 41E, B.M.

Any protest against approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401 on or before May 7, 1979.

C. STEPHEN ALLRED
Director

Publish: April 19, 26, 29/79

RECEIVED

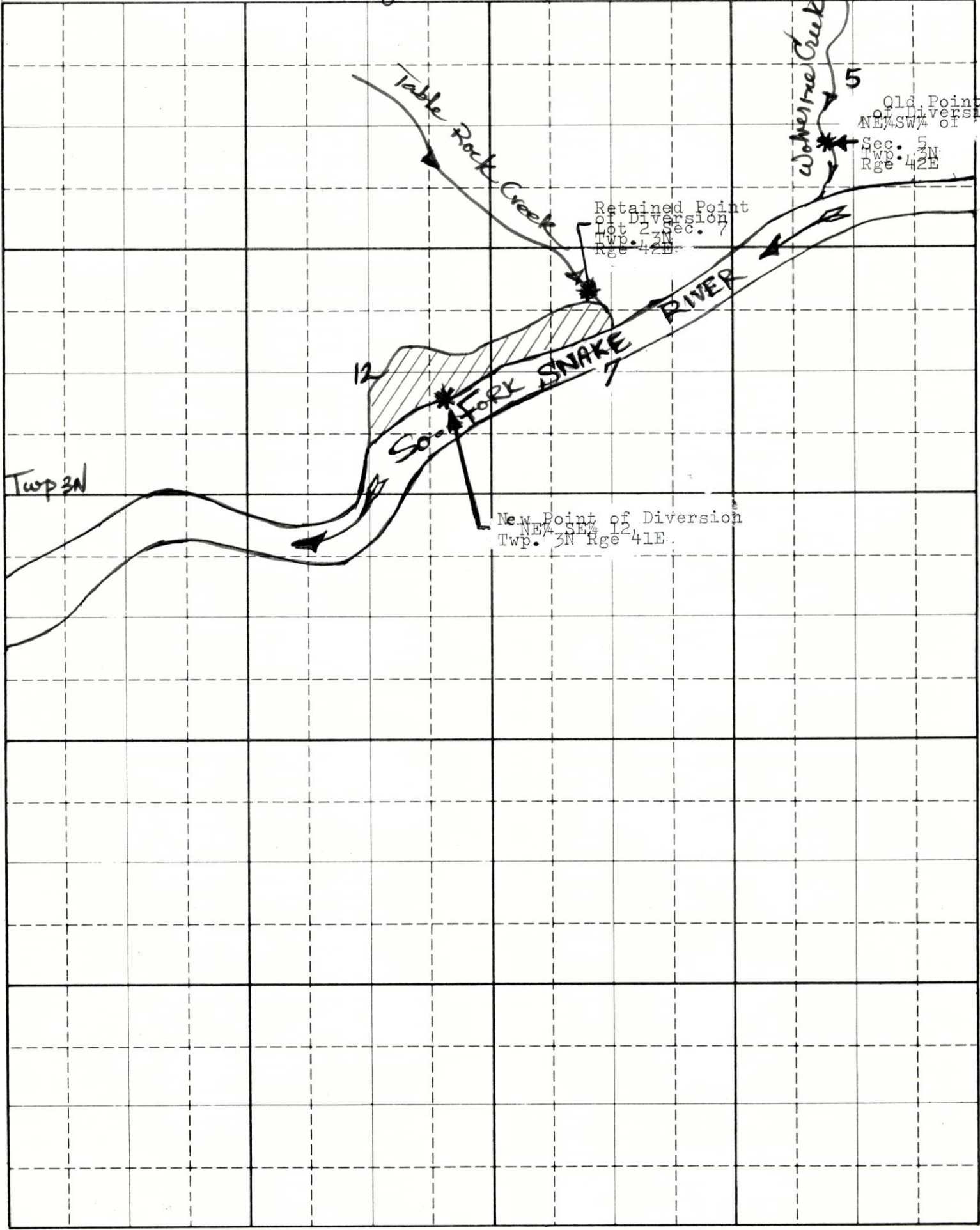
MAY 11 1979

Department of Water Resources -
Eastern District Office

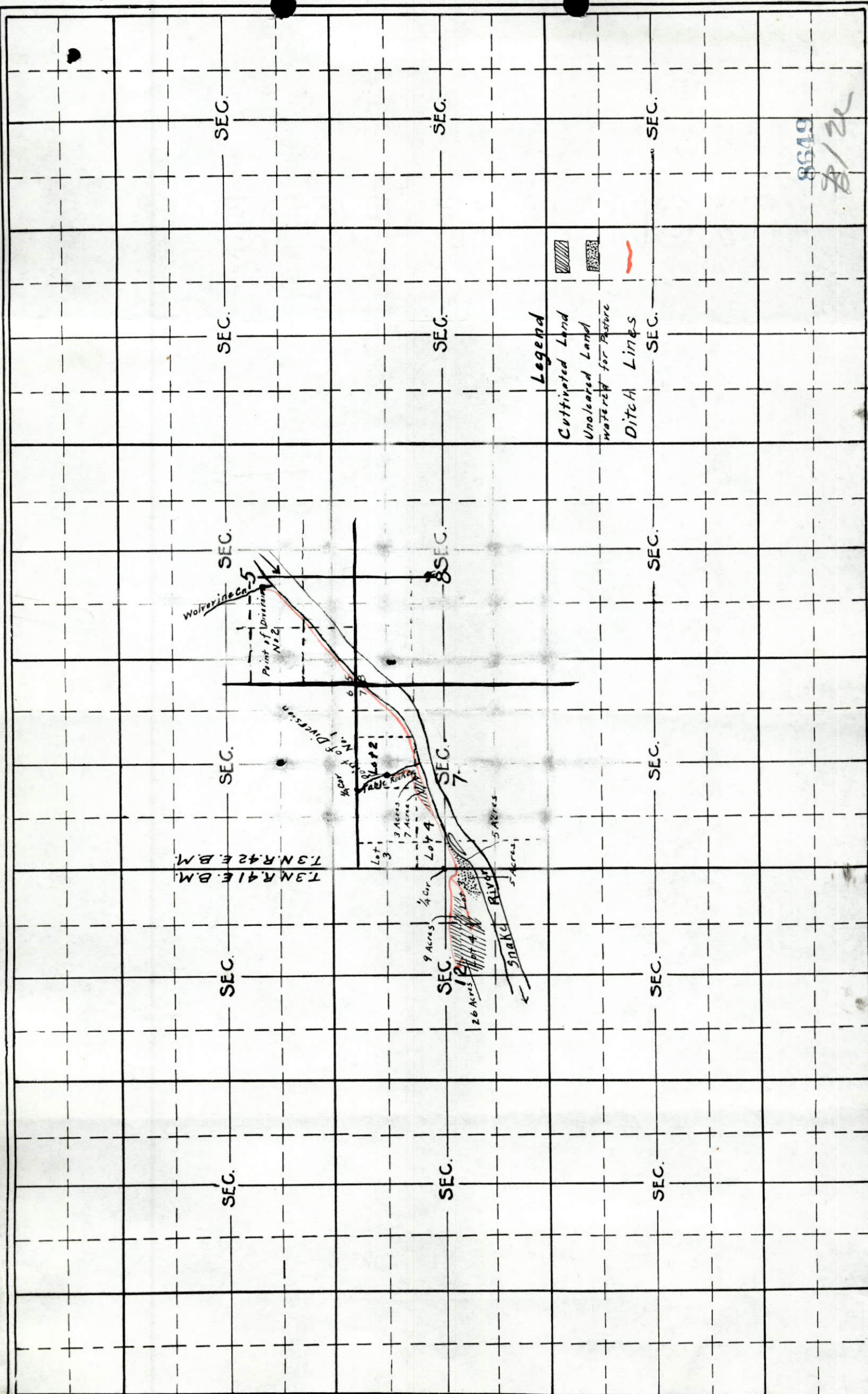
8A-D

3. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.

Rge 41E | Rge 42E



SCALE: 2 inches equal 1 mile. Draw plan in ink.



8649
8/22

State of Idaho

License and Certificate of Water Right

Water License No. 8649
Water District No. 36-D

Amount 1.1 sec.ft.
Priority 8-21-12

THIS IS TO CERTIFY that H. H. THOMSEN of Heise, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated August 21, 1912; that Permit No. 8649 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 2 second feet, was issued thereunder on September 13, 1913, showing that said works were completed on the 31st day of July, 1913; and that on the 7th day of September, 1916, H. H. THOMSEN

of Heise, State of Idaho, made proof to the satisfaction of the State Engineer of Idaho, of a right to the use of the waters of Table Rock and Wolverine Creeks tributary to Snake River, for the purpose of irrigation and domestic use, under Use Permit No. 8649 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Engineer of Idaho and entered of record in Volume 5 of Licenses, at page 2271, on the 2d day of May, 1918;

The right hereby confirmed dates from August 21, 1912;

The Point of Diversion is located in Lot 2, Sec. 7 and in the NE ¼ SW¼, Sec. 5, Tp. 3 N., R. 42 E., B. M.

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 1.1 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
3 N.	41 E.	12	Lot 3		14
3 N.	41 E.	12	Lot 4		26
3 N.	42 E.	7	Lot 2		3
3 N.	42 E.	7	Lot 4		12

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Engineer, affixed at Boise, Idaho, this 2d day of May, 1918.

FRED A. WILKIE

State of Idaho

License and Certificate of Water Right

Water License No. 5299Amount 9/10 of 1 sec.ft.Water District No. 8-CPriority 9-18-09

THIS IS TO CERTIFY that Miss Maude E. Croff, of Salt Lake City, Utah, made application for a permit to appropriate the public waters of the State of Idaho, dated September 18, 1909; that Permit No. 5299 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 6.4 second feet, was issued thereunder on December 7, 1910, showing that said works were completed on the 12th day of September, 1910, and that on the 7th day of October, 1916, Mrs. Maude E. Riblett (formerly Maude E. Croff)

of Salt Lake City, State of Utah, made proof to the satisfaction of the State Engineer of Idaho, of a right to the use of the waters of Cassia Creek, a tributary of Raft River, for the purpose of irrigation and domestic use, under Use Permit No. 5299 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Engineer of Idaho and entered of record in Volume 5 of Licenses, at page 2272, on the 2d day of May, 1918;

The right hereby confirmed dates from September 18, 1909;

The Point of Diversion is located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 21, Tp. 13 S., R. 26 E., B. M.

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 9/10 of 1 cubic foot per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
12 S.	26 E.	25	NW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$		5.5 5.4 7 5.5 5.5 5.4 5.4 5.4

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Engineer, affixed at Boise, Idaho, this 2d

day of May, 1918

FRED A. WILKIE

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPROVED

APPLICATION FOR TRANSFER OF WATER RIGHT

To Change the Point of Diversion and/or the Place of Use

Name of applicant Ira H. Spaulding &/or James Mason &/or Ellen Phone 523-4989
Post office address Mason

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:
- a. Decree to _____ (Name)
in case of _____ vs _____
dated _____ in _____ county of _____ (Name of court)
- b. License No. 23-2018 issued by the Idaho Department of Water Resources
- c. Claim No. _____ on file with the Idaho Department of Water Resources
2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant Applicants acquired the water right through inheritance of real property.
3. Source of water Table Rock & Wolverine Cks. tributary to Snake River, South Fork
4. Date of priority August 21, 1912
5. Water is used for the following purposes:
amount 1.10 cfs for Irrigation and purposes from * to *
amount _____ for Domestic purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(month/day - both dates inclusive)
6. Total amount of water under right: a. 1.10 cubic feet per second
&/or
b. _____ acre feet per annum
7. Location of original point of diversion is (Table Rock ~~Creek~~ Lot 2 ~~1/4~~ of Section 7
Township 3N Range 42E, B.M., in Bonneville County
Additional points of diversion, if any (Wolverine Creek) NE1/4SW1/4, Sec. 5, T. 3N, R. 42E, B.M.

8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE1/4				NW1/4				SW1/4				SE1/4				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	
3N	41E	12		Lot 3	- 14	acres					Lot 4	- 26	acres						40
3N	42E	7		Lot 2	- 3	acres					Lot 4	- 12	acres						15

Total number of acres to be irrigated 55

9. Describe any other water rights used for the same purposes as described above

* Not stated on license

B. DESCRIPTION OF PORTION OF RIGHT OWNED BY APPLICANT (If the entire right is owned by the applicant, omit part B).

1. Amount of water: a. _____ cubic feet per second
&/or
b. _____ acre feet per annum
2. Point of diversion _____ ¼ _____ ¼, Section _____ Township _____
Range _____, B.M., _____ County
Additional points _____
3. Place of use:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

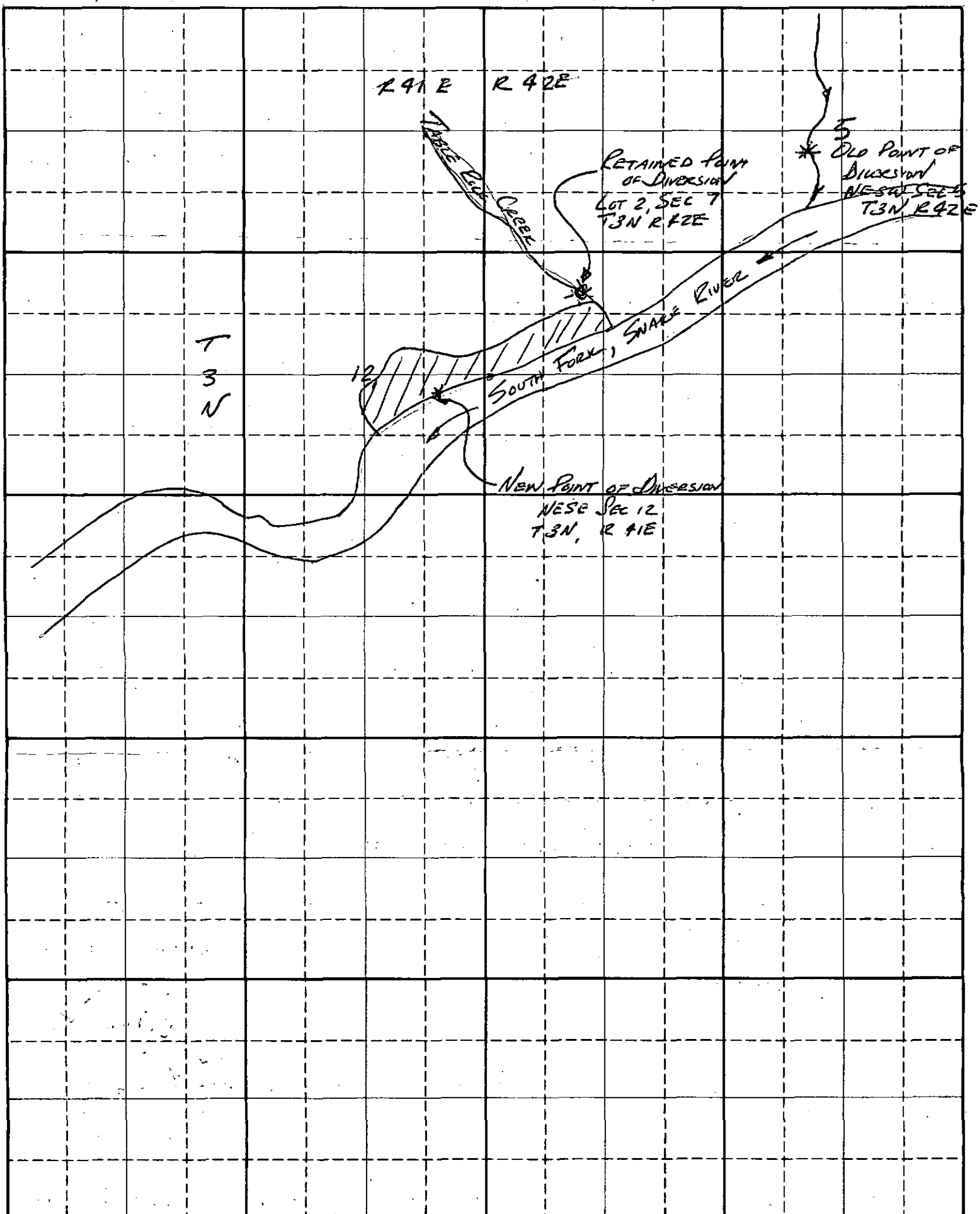
1. Change in point of diversion
- a. Amount of water to be diverted 1.10 c.f.s. &/or _____ acre feet
(Table Rock Creek)
- b. Point(s) of diversion ~~xxx~~ Lot 2 ~~xxx~~ Section 7 Township 3N
Range 42E, B.M., Bonneville County
Additional points (Snake River, South Fork) NE¼SE¼, Sec. 12, T. 3N, R. 41E, B.M.
- c. Description of diverting works From Table Rock Creek, open diversion ditch in Lot 2, Sec. 7, T. 3N, R. 42E for gravity flood and from Snake River, South Fork, pump and sprinkler in the NE¼SE¼, Sec. 12, T. 3N, R. 41E, B.M.
- d. Describe the reasons for applying for a change in the point(s) of diversion The original ditch from Wolverine Creek has been destroyed over time and it has become impossible to restore and maintain.

2. Change in place of use NO CHANGE
- a. Describe the lands or place of use to which the right will be transferred:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

Total number of acres to be irrigated _____

3. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



SCALE: 2 inches equal 1 mile. Draw plan in ink.

4. Remarks

I hereby assert that no one will be injured by such change and the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

Ernest S. Smith
(Signature of applicant)

Subscribed and sworn to before me this 24th day of April, 1979

William Way
(Notary public)

My commission expires 6/15/81

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 23-2018

and said application is hereby APPROVED, subject to the following limitations and conditions:

(1) A measuring device of a type approved by the Department shall be permanently installed and maintained as part of the diverting works. (2) Use of water under this permit is subject to control by the watermaster of State Water District No. 01, Snake River. (3) Subject to adequate flows from Wolverine Creek reaching the Snake River. (4) A measuring device is required at the old point of diversion, in Wolverine Creek.

Witness my hand this 20 day of June, 1979

David B. Shaw

DAVID B. SHAW

Acting Administrator, Resources Admin. Div.

FOR DEPARTMENT USE ONLY

Received by dh Date 4-5-79

Protest filed by _____

Prelim. check by ARK Fee \$35.00

Receipted by dh Date 4-5-79 #11801

Published in Post Register

Copies of protest forwarded by _____

Pub. dates April 19 & 26, 1979

Hearing held by _____ Date _____

Watermaster recommendation requested on _____

Recommended for approval denial

rec'd. 5/2/1979

by RDC JS

23-2018

No. 13012.

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

1. Name of applicant: H. H. Thomsen,

Postoffice address: Heise

County: Fremont

State: Idaho.

I. If applicant is a corporation, give (a) Date and place of incorporation

(b) The amount of capital stock:

(c) The amount paid in:

(d) Names and addresses of directors:

II. The financial resources of the applicant are: (a) Cash on hand:

(b) Treasury stock:

(c) Bonds to be issued:

(d) Other resources:

2. The quantity of water claimed is one (1) cubic feet per second. in stream known as "Table-rock Creek" and one (1) cubic foot per second in stream
3. Source of water supply: known as "Wolverine Creek". Total in the two streams is two (2) cubic feet per second:
4. Location of point of diversion: No. 1. Tablerock Cr. in NW4 NW4 Sec. 7, Tp. 3 N. R. 42 E. Wolverine Cr. NE4 NW4 Sec. 8 Tp. 3 N. R. 42 E. Boise Meridian.

County of Bonneville, Idaho.

5. To be used for:

I. Irrigation and domestic use: (a) Amount of land to be irrigated: 127.65 acres.

(b) In the following legal subdivisions: As per Settlement June 11 1906, act No. 47,

Palisade National Forest, in Tp. 3 N. R. 41 E. B. M. (Metes and bounds Survey, August 19, 1908, List 4-146).

II. Mining, milling, power, manufacturing, transportation or other purposes:

[a] At what point:

[b] Amount of power to be generated:

H. P. under

ft. head

[c] Is water to be returned to any stream? return:

(d) If so, name stream and locate point of

6. Estimated cost of works: \$500.00

7. Description of works for diversion:

I. Kind of works: Small dam and ditch.

II. Dimensions of works: [a] Height of dam 3 feet, length of dam at top 6 feet, length of dam at bottom 3 feet. Material used in construction: Mainly earth.

[b] Capacity of reservoir acre feet. [c] Size of headgate, width feet,

Height feet. (d) Conduit Ditch width at bottom 3 feet,

width at water line 4 feet, depth of water 1½ feet; diameter of pipe

see

inches; average grade per mile is 2 feet. Length of conduit is remarks miles, and it crosses the following quarter sections: No. 1 crosses N2, NW4, Sec. 7; Tp. 3 N. R. 42 E., No. 2 crosses N2, NW4, Sec. 8; near center of NE4, Sec. 7, and S2 of NW4, Sec. 7, Tp. 3 N. R. 42 E. B. M.

8. The time required for the completion of the construction of such work is 1 years.

9. Time required for the complete application of the water to the proposed use is 3 additional years.

BE IT KNOWN That the undersigned hereby makes application for a permit to appropriate the public waters of the State of Idaho as herein set forth.

H. H. Thomsen,

Applicant.

By

Agent.

Date of first receipt at office of State Engineer 9.00 a.m. August 21, 1912.

Returned to applicant for correction

Corrected application received

APPROVAL OF STATE ENGINEER.

The number of this permit is 8649.

Recorded in Book 28 Page 8649

Approved September 7, 1912.

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of to be filed on or before

Work to begin on or before November 6, 1912

and to continue diligently and uninterruptedly

to completion, unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before March 7, 1913.

The whole of said work to be completed on or before September 7, 1913.

Beneficial use of water appropriated in accordance herewith, to be made on or before September 7, 1916.

Witness my hand this 7th day of September, 1912.

A. E. Robinson,

State Engineer.

Remarks:

(a) Conduit. Length of Ditch No. 1, from Table-rock creek to my homestead is about $\frac{1}{2}$ mile; No. 2, from Wolvering creek to homestead about $1\frac{1}{2}$ miles.

Table-rock Creek dries up about the middle of July.

Wolverine creek dries down to about 25 inches of water by July 30th.

In view of the fact that the construction of the dams and ditches, as well as the actual use of the water for irrigation of the land herein described, dates back to July 10-1899, which facts I stand ready to prove and substantiate by all necessary evidence, I very respectfully pray that my right to the water, and all dates thereto, begin with July 1899.

Further: Inasmuch as the survey and description of the land to be irrigated is given as Homestead - Settlement, No. 47, as per description of the Forestry Department, which, as a "metes and bounds" survey differs considerably from more recent surveys, it seems pertinent to mention these facts, lest some misunderstanding should creep in when too late. The last survey, by U. S. Land Office surveyors (Not yet accepted) is taken for the basis of my descriptions and maps. The Forestry survey of the land does not agree with the U. S. Land office survey, and therefore must be accepted as approximations, only.

Description of Survey Agricultural Homestead No. 47. Palisade National Forest.

H. H. Thomsen, Applicant.

Aug: 18-1908.

Unsurveyed Tp. 3 N. R. 41 E. in what will be when surveyed Sec. 12, Magnetic variation $18^{\circ}30'$ E. Beginning at Cor. No. 1, which is identical to the F. S. M. a sand stone $24 \times 8 \times 8$ "set 14" in the ground marked F. S. M. on the N and H/1 on the south face, whence a solid sand stone in place $3 \times 3 \times 1\frac{1}{2}$ 2 ft. above ground, bears S. $28^{\circ}20'$ W, 53 lks distant; and a sand stone $6 \times 6 \times 4$ ft. above ground bears S, $68^{\circ}36'$ E. 85 lks distant, both marked M/W/1.

Thence N. $81^{\circ}55'$ E.

Along hillside facing South.

22.50 Point of rock faces S.

56.82 Cor. No. 2 Set a sand stone $24 \times 12 \times 4$ in ground 14" marked H/2, whence a cotton-wood tree 8" dia. bears N, 6° W. 110 lks dist. a cotton-wood tree 8" dia. bears S. 58° E. 128 lks. dist. both blazed and scribed W/2.

Thence S. $23^{\circ}30'$ E.

Descend towards river,

05.55 Cross ditch and enter cottonwood thicket,

07.20 Cor. No. 3. A granite boulder $20 \times 8 \times 8$ set 14" in the ground, marked H/3, whence a cottonwood tree 10" in dia. bears N. 76° W, 18 lks. marked in blaze W/3

Thence S. $53^{\circ}58'$ W.

Following high water of the N. bank of the S fork of Snake river.

03.26 Cor. No. 4, a granite boulder, $20 \times 10 \times 4$ set 8" in the ground in a mound of stone, marked H/4, whence a cottonwood tree 8" in dia. bears N. 13° W, 112 lks, blazes and scribed W/4, also a raised mound of stone 3 ft. base and 24" high 8 lks W. of the corner. No other witness available.

Thence S. $29^{\circ}18'$ W.

Following the highwater mark of the north bank of the S fork of Snake river.

10.29 Cor. No. 5, a cottonwood stake, $48 \times 4 \times 4$ set 30" in the ground marked H/5, whence a cottonwood tree 10" in dia. bears S. 10° E, 5 lks, a cottonwood tree 14" in dia. bears N. 10 lks, both blazed and scribed W/5

Thence S. $81^{\circ}36'$ W.

Following the N bank of S. fork of Snake river.

Recorded by *2/3*

Checked by *2/3*

- 49.00 Thomsens barn one chain NW
Thomsens house bears N. 50 lks.
- 51.75 Corner No. 6, a granite boulder 28x8x8" set 14" in the ground at high water mark, marked H/6, whence a cottonwood tree 12" in dia. bears S. 40° 30" W, 100 lks, both blazed and scribed W/6.
Thence S. 78° 30" W.
- 22.00 Along level bottom land to Cor. No. 7, a granite rock, 12x12x12" set in the ground 12" and marked H/7, whence two pits 2x2 ft. are dug on N and S of corner, 4 ft. dist. No other witnesses available.
Thence N. 12° 30" E.
- 13.00 Over levelbottom land to Cor. No. 8, a sand stone, 12x12x20" above ground marked H/8. whence a sand stone boulder 4x4x3 ft. bears N. 7° W, 48 ft. distant, a sand stone boulder 5x3x2 ft. bears N. 34° E, 43 ft. distant, both marked W/8.
Thence N. 88° 39" E.
- 18.07 Along foot hill to Cor. No. 1, the place of beginning containing 135.37 acres, be the same more or less.

(Signed) Rudolph Diffenbach,
Survey, Asst: Land Examiner.
Description and plat approved by
(Signed) J. F. Bruins,
Acting Forest Supervisor.

June 7-1909.

Satisfactory affidavit of proof of completion of works made July 31, 1913.

Certificate of completion of works issued September 13, 1913.

PERMIT NO. 8649.

CERTIFICATE OF COMPLETION OF WORKS.

To All Whom It May Concern:

This is to certify that H. H. Thompson, of Heise, County of Fremont, and State of Idaho, the holder of Permit No. 8649, issued upon Application No. 13012, bearing date of priority of August 21, 1912, authorizing the diversion of 1 second foot of the waters of Tablerock Creek, and 1 second foot of the waters of Wolverine Creek, County of Bonneville, State of Idaho, for irrigation and domestic purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 2 second feet of the water of Tablerock and Wolverine Creeks; that the point of diversion of said water on Table rock Creek is in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec.7, Twp. 3 N., R. 42 E.B.M., and that the point of diversion of said waters on Wolverine Creek, is in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec.8, Twp. 3 N., R. 42 E.B.M., and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: As per settlement June 11, 1906, Act. No. 47, Palisade National Forest, in Twp. 3 N., R. 41 E. B. M., (Metes and bounds survey.) August 19, 1908, List 4-146, containing 127.65 acres.

Witness my hand this 13th day of September, A.D. 1913.

F.P.King, State Engineer of the State of Idaho.

STATE OF IDAHO)
) ss.
 County of Bonneville)

H. H. Thomsen being first duly sworn, upon his oath deposes and says:

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho No. 8649.

That he intends to change the point of diversion, as described in said permit, to the following point: Diversion No. 1 to NW $\frac{1}{4}$ of NW $\frac{1}{4}$, Sec. 7; Diversion No. 2 to NE $\frac{1}{4}$ of NW $\frac{1}{4}$ Sec. 8, T. 3 N. R. 42 E. B. M.

That such change will be made for the following reasons, to-wit: To correct an Error.

That no one will be injured by such change and that deponent will make such change at his own risk.

And further deponent saith not.

H. H. Thomsen.

Subscribed and sworn to before me this 17th day of April, 1918.

A. V. Scott,

Notary Public.

(Notarial Seal)

My commission expires June 16th, 1919.

Received and filed for record in the office of the State Engineer at Boise, Idaho, at 9:00 A. M. April 20, 1918.

Fred A. Wilkie,

State Engineer.

WATER RIGHT NUMBER 23-2018

OWNER LAST NAME - THOMSEN
OWNER LAST NAME - SPAULDING
OWNER LAST NAME - MASON
OWNER LAST NAME - MASON

FIRST NAME - H. H.
FIRST NAME - IRA H.
FIRST NAME - JAMES
FIRST NAME - ELLEN

ORIG OWNER - 0
ORIG OWNER -
ORIG OWNER -
ORIG OWNER -

ADDRESS LINE 1 - 2070 WEST BROADWAY
ADDRESS LINE 3 -

ADDRESS LINE 2 -

CITY - IDAHO FALLS

STATE - ID ZIP CODE - 83401

SOURCE - TABLE ROCK CREEK
SOURCE - SNAKE RIVER

TRIBUTARY OF - SNAKE RIVER
TRIBUTARY OF - COLUMBIA RIVER

STAGE - LICENSE

STATUS -

PRIORITY - 08-21-1912 COUNTY - BONNEVILLE TOTAL DIV. RATE - 1.1000 -CFS

TOTAL DIV. VOLUME -

.00 AFA

TRFR/AMEND - T

WATER DIST. - 01

JLE/CAREY ACT -

RIGHT BASIS -

DIVERSION POINT - NWNE 07 03N 42E LOT 02 REDIV -

272.0 505.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.4

NESE 12 03N 41E LOT REDIV -

272.0 506.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.3

FROM - TO -

USE - IRRIGATION

USE DIV. RATE -

1.1000 CFS

USE DIV. VOLUME -

.00 AFA

FROM - TO -

USE - DOMESTIC

USE DIV. RATE -

.0000 CFS

USE DIV. VOLUME -

.00 AFA

USE - IRRIGATION

PLACE OF USE - TWN 03N RNG 41E SEC 12 TRACT NESE LOT 03 AC 14 TRACT NWSE LOT 04 AC 26

USE - IRRIGATION

PLACE OF USE - TWN 03N RNG 42E SEC 07 TRACT NWNE LOT 02 AC 03 TRACT SNNW LOT 04 AC 12

DECREE NAME -

DATE -

TOTAL ACRES 55

REMARKS - TRANS. 2309.

SUBJECT TO ADEQUATE FLOWS FROM WOLVERINE CREEK REACHING THE
SNAKE RIVER.

A MEASURING DEVICE IS REQUIRED AT THE OLD P/D, IN WOLVERINE CR.

NON IRRIG USE -

OTHER RIGHTS FOR SAME USE -

PROOF DUE -

PERMIT/DENIED -

PROTESTED -

HEARING -

OLD NO. - 8649

PROOF MADE -

FLD EXAM -

COND. OF APPROVAL -

R01 R04 16

DIVERSION MEANS -

VERIFIED JDC

Proof of Publication

The Post-Register

State of Idaho,
County of Bonneville } ss.

I, J. Robb Brady, first being duly sworn, depose and say: That I am the Principal Clerk of The Post Company, a corporation of Idaho Falls, Bonneville County, Idaho, publishers of The Post-Register, a newspaper of general circulation, published daily, except Saturday, at Idaho Falls, Idaho; said Post-Register being a consolidation of the Idaho Falls Times, established in the year 1890, The Idaho Register, established in the year 1880 and the Idaho Falls Post, established in 1903, such consolidation being made on the 1st day of November, 1931, and each of said newspapers having been published continuously and uninterruptedly, prior to consolidation, for more than seventy-eighty (78) weeks and said Post-Register having been published continuously and uninterruptedly from the date of such consolidation, up to and including the last publication of notice hereinafter referred to.

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Post-Register for two consecutive weeks, first publication having been made on the 19th day of April, 1979, last publication having been made on the 26th day of April, 1979, and that the said notice was published in the regular and entire issue of said paper on the respective dates of publication, and that such notice was published in the newspaper and not in a supplement.

Subscribed and sworn to before me, this 9th day of May, 1979.

Koreschke
Notary Public

My commission expires April 5, 1983.

B10, 1M,

NOTICE OF PROPOSED CHANGE OF WATER RIGHT NO. 23-2018

Notice is hereby given that Ira H. Spaulding and/or James Mason and/or Ellen Mason have applied to the Department of Water Resources for a change in the points of diversion of the waters of Table Rock and Wolverine Creeks. The right sought to be changed is evidenced by License No. 23-2018 and is recorded as follows:

AMOUNT: 1.10 cfs. PRIORITY: 8/21/1912

POINTS OF DIVERSION: Lot 2, Sec. 7, NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 5, T. 3N, R. 42E, B.M., Bonneville County

The water is used to irrigate 55 acres within Lots 3 & 4, Sec. 12, T. 3N, R. 41E; Lots 2 & 4, Sec. 7, T. 3N, R. 42E, B.M.

TO BE CHANGED AS FOLLOWS

The water will be diverted from within Lot 2, Sec. 7, T. 3N, R. 42E; NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 12, T. 3N, R. 41E, B.M.

Any protest against approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401 on or before May 7, 1979.

C. STEPHEN ALLRED

Director

Publish: April 19, 26, 29/79

RECEIVED

MAY 11 1979

Department of Water Resources
Eastern District Office

8A-D

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
To Change the Point of Diversion and/or the Place of Use

Name of applicant Ira H. Spaulding &/or James Mason &/or Ellen Phone 523-4989
Post office address 2070 West Broadway, Idaho Falls, Idaho Mason 83401

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree to _____
in case of _____ (Name) vs _____
dated _____ in _____ county of _____
(Name of court)
- b. License No. 23-2018 issued by the Idaho Department of Water Resources
- c. Claim No. _____ on file with the Idaho Department of Water Resources

2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant Applicants acquired the water right through inheritance of real property.3. Source of water Table Rock & Wolverine Cks. tributary to Snake River, South Fork4. Date of priority August 21, 1912

5. Water is used for the following purposes:

amount 1.10 cfs for Irrigation purposes from * to *
amount _____ for & Domestic purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(month/day - both dates inclusive)

6. Total amount of water under right a. 1.10 cubic feet per second
&/or
b. _____ acre feet per annum7. Location of original point of diversion is (Table Rock) Creek Lot 2 1/4 of Section 7
Township 3N Range 42E, B.M., in Bonneville County
Additional points of diversion, if any NE 1/4 SW 1/4, Sec. 5, T. 3N, R. 42E, B.M., Bonneville Co.
(Wolverine Creek)

8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
3N	41E	12																	40
3N	42E	7																	15

Total number of acres to be irrigated 55

9. Describe any other water rights used for the same purposes as described above _____

B. DESCRIPTION OF PORTION OF RIGHT OWNED BY APPLICANT (If the entire right is owned by the applicant, omit part B).

1. Amount of water: a. _____ cubic feet per second
&/or
b. _____ acre feet per annum
2. Point of diversion _____ ¼ _____ ¼, Section _____ Township _____
Range _____, B.M., _____ County
Additional points _____
3. Place of use:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Change in point of diversion

a. Amount of water to be diverted 1.10 c.f.s. &/or _____ acre feet

b. Point(s) of diversion (Table Rock) Creek ¼ Lot 2 ¼, Section 7 Township 3N
Range 42E, B.M., Bonneville County
Additional points NE¼SE¼, Sec. 12, T. 3N, R. 41E, B.M., Bonneville County
(South Fork Snake River)
(From Table Rock Creek)

c. Description of diverting works open diversion ditch in Lot 2, Sec. 7, T. 3N, R. 42E
(From South Fork Snake River)
for gravity flood; and pump & sprinkler in the NE¼SE Sec. 12 T. 3N, R. 41E

d. Describe the reasons for applying for a change in the point(s) of diversion The original ditch
from Wolverine Creek has been destroyed over time and it has become impossible
to restore and maintain.
2. Change in place of use NO CHANGE

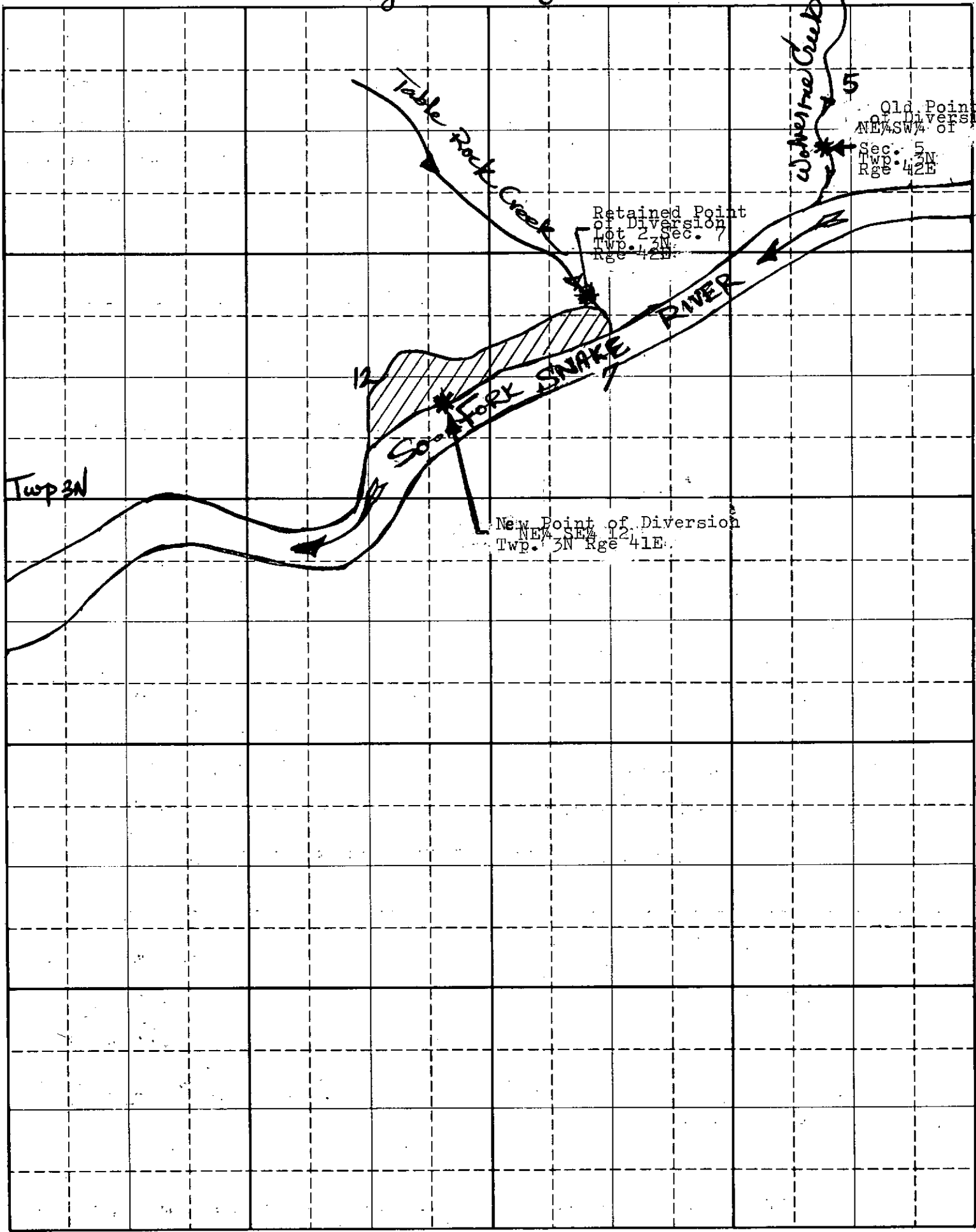
a. Describe the lands or place of use to which the right will be transferred:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

Total number of acres to be irrigated _____

3. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.

Rge 41E | Rge 42E



SCALE: 2 inches equal 1 mile. Draw plan in ink.

4. Remarks _____

I hereby assert that no one will be injured by such change and the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

Subscribed and sworn to before me this 5th day of April, 19 79.
[Signature]
(Signature of applicant)

[Signature]
(Notary public)

My commission expires 6/15/81

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____ and said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19 _____.

FOR DEPARTMENT USE ONLY

Received by <u>dh</u> Date <u>4-5-79</u>	Protest filed by _____
Prelim. check by <u>ARK</u> Fee \$35.00	_____
Receipted by <u>dh</u> Date <u>4-5-79</u> #11801	_____
Published in <u>Post Register</u>	Copies of protest forwarded by _____
Pub. dates <u>April 19 & 26, 1979</u>	Hearing held by _____ Date _____
Watermaster recommendation requested on _____	Recommended for <u>approval</u> <u>denial</u>
_____ rec'd. <u>5/7/79</u>	by _____

Identification No. 23-2018

Transfer No. _____

APPLICATION FOR TRANSFER OF WATER RIGHT

RECOMMENDATION OF WATERMASTER

I, R.D. Carlson, watermaster of Snake River,
of Water District No. 01, County of Bonneville, State of Idaho,
whose address is 1515 Lincoln Road, Idaho Falls, Idaho,

have read the attached copy of the application for transfer of water right for
Ira Spaulding, and to the best of my knowledge believe the
(name)

application to be true.

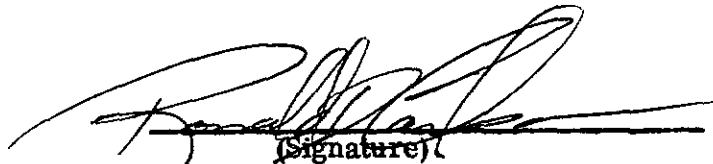
A. I hereby endorse Application for Transfer and recommend that the State
Reclamation Engineer approve the Transfer subject to the following conditions:

1. Subject to adequate flows from Wolverine Creek reaching the Snake
River.
2. Measuring devices at all points of diversion and on Wolverine Creek.

OR

B. I do not endorse approval of this Application for Transfer as requested
for the following reasons: _____

Dated at Idaho Falls, Idaho, this 7 day of May, 1979.


(Signature)

RECEIVED

MAY 7 1979

Department of Water Resources
Eastern District Office

April 17, 1979

Ira H. Spaulding
2070 West Broadway
Idaho Falls, Idaho 83401

Dear Mr. Spaulding:

In order to provide a neater copy for our records, enclosed you will find a typed application for transfer requiring your notarized signature and a copy of the original application.

Since the Department is presently advertising your application, with the last date of protest scheduled to be May 7, 1979, we would appreciate your returning the typed application prior to that date.

Your cooperation in this matter is appreciated.

Respectfully submitted,

ERNEST M. CARLSEN
Water Resource Analyst

EMC:dh

Enclosure

April 13, 1979

Post Register
P. O. Box 1800
Idaho Falls, Idaho 83401

RE: Transfer No. 23-2018 -

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

RONALD D. CARLSON

Supervisor, Eastern Region

RDC:dh

Enc.: 1

Bill submitted _____ by _____

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

NO. 23-2018

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AMOUNT: 1.10 cfs PRIORITY: ~~12/19/1966~~ 8/21/1912

POINTS OF DIVERSION: Lot 2, Sec. 7, NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 5, T. 3N, R. 42E,
B.M., Bonneville County

The water is used to irrigate 55 acres within Lots 3 & 4, Sec. 12, T. 3N, R. 41E; Lots 2 & 4, Sec. 7, T. 3N, R. 42E, B.M.

TO BE CHANGED AS FOLLOWS

The water will be diverted from within Lot 2, Sec. 7, T. 3N, R. 42E; NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 12, T. 3N, R. 41E, B.M.

Any protest against approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401 on or before May 7, 1979.

C. STEPHEN ALLRED
Director

Published in the Post Register, Idaho Falls, Idaho on Apr. 19 & 26, 1979

S.M.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY: R.P.

- ✓ J.S. 1. Right number 23-2018 Applicant SPaulding & MASON
- ✓ 2. Type of right: ☐ Decree ☒ License ☐ Claim
3. Purpose of transfer: ☒ Change point of diversion ☒ Add diversion point(s) ☐ Change place of use
☐ Other _____
4. Check:
- a. ☒ Source ☒ Priority ☒ Amount ☒ Purpose ☒ Period of use
- b. ☒ Description of original point of diversion.
- c. ☒ Description of original place of use.
5. Amount of land &/or water transferred:
- a. ☒ All of right.
- b. ☒ Part of right (NOTE! Part B should be filled in only if part of the right is owned by the applicant). N/A
- c. ☒ Check description of point(s) of diversion.
- d. ☒ Check description of place of use.
- e. ☒ Check map (shows p.d. and p.u. after transfer).
- f. ☒ Check for correct signature, notarization, and fee.
- g. ☒ Check N/A proof of ownership of right &/or land from which water is transferred. exchange
- h. ☒ Check for expansion in use of right. Comments changing source - m.d. on Wolverine
Ce. required J.S.
- i. ☒ Check for existing water rights from same source, on land water is being transferred to. N/A
Right number(s) _____
- j. ☒ Is use within a Watermaster District? ☒ Yes ☐ No
If yes, what district? 01 pump diversion - 037305

FINAL PROCESSING REVIEW BY: _____

- ✓ 1. Watermaster recommendation requested on _____ Received on 5/7/1979
2. Is transfer published correctly? ☒ Yes ☐ No
3. Protest received? ☐ Yes ☒ No

RECOMMENDED ACTION

1. ☒ Approve 16.
2. ☐ Deny 16.
3. Conditions* 1. Subject to adequate flows from Wolverine Creek reaching the Snake River
16. 2. Measuring device at ~~the~~ ^{is required the old} points of diversion ~~on Wolverine Creek~~.
4. By RDC Date 5/16/79

June 22, 1979

Re: Transfer of Water Right No. 23-2018

Ira H. Spaulding, et al
2070 W. Broadway
Idaho Falls, Idaho 83401

Gentlemen:

Enclosed is a copy of your approved Application for Transfer of the above referenced water right (Transfer No. 2309). Be sure to note the conditions of approval as listed on the fourth page.

We direct your attention to the special condition requiring you to install and maintain a measuring device at your point of diversion. We have enclosed a letter describing the different types of measuring devices accepted by this office.

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

LGS:lr

Enclosures

REPORT OF ENGINEER

1. State name of applicant and number of permit: H. H. Thomsen- Permit No. 8649
2. State source of water supply: Table Rock Creek and Wolverine Creek
3. Location of point of diversion: No. 1-NW $\frac{1}{4}$ ~~NE $\frac{1}{4}$~~ (Lot 2) Sec. 7: No. 2- NE $\frac{1}{4}$ ~~SW $\frac{1}{4}$~~ Sec. 8,
T. 3 N., R. 42 E., B.M.
4. State whether or not the works of diversion are fully completed and in accordance with terms of permit: _____

5. Describe works as they exist, giving dimensions and capacities of same: _____

Table Rock Creek- (Diversion No. 1) Earth and rock dam 2' high; 6' long;
open ditch- no headgate- Bottom width 1.0; width at water level 2.5; depth
1.0; grade 10' per mile; length 1 mile; capacity 5 second feet.
Wolverine creek (Diversion No. 2) Earth dam 3' high; 10' long;
open ditch; no headgate- Bottom width 1.5; width at water level 2.0;
depth 1.0; grade per mile 5.0; length 1 mile; capacity 2 second feet.

6. State whether or not water has been turned into works of diversion: Yes
7. Give exact location of lands to be irrigated. Give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if for other than irrigation): _____

<u>In T. 3 N. R. 41 E. B.M.</u>	<u>Cultivated</u>	<u>Acres uncleared that has been watered</u>
		<u>for pasture</u>
<u>Lot 3 - Sec. 12</u>	<u>9 Acres</u>	<u>5 Acres</u>
<u>Lot 4 - Sec. 12</u>	<u>26 "</u>	
<u>In T. 3 N. R. 42 E. B.M.</u>		
<u>Lot 2 - Sec. 7</u>	<u>3 "</u>	
<u>Lot 4 - Sec. 7</u>	<u>7 "</u>	<u>5 "</u>
<u>Total</u>	<u>45 Acres</u>	<u>10 Acres</u>

8. Submit map on enclosed plat, showing location and details of above description.

Remarks: Table Rock Creek is usually dry after about July 15. During May the
flow is about 8 second feet- and after June 15 it is less than 1 second foot.
Point of Diversion is about $\frac{1}{4}$ mile above mouth of Creek in Snake River.

Wolverine Creek has a minimum flow of about 0.60 second feet after
August 1. During May and June the flow is not less than 4 second feet.
Point of Diversion is about 400' above mouth of creek in Snake River.

This examination was made on the 18th day of September 1917.

(Signed) Samuel E. Vassar, Jr.
 Examiner.

(This report must be sworn to when not made by an attache of the State Engineer's office)

STATE OF IDAHO

County of _____

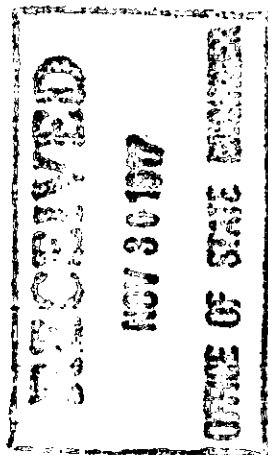
SS.

_____, being first duly sworn, deposes and says that the statements contained in the within report are correct to the best of his knowledge and belief.

Subscribed and sworn to before me this _____ day of _____ 191_____

Notary Public.

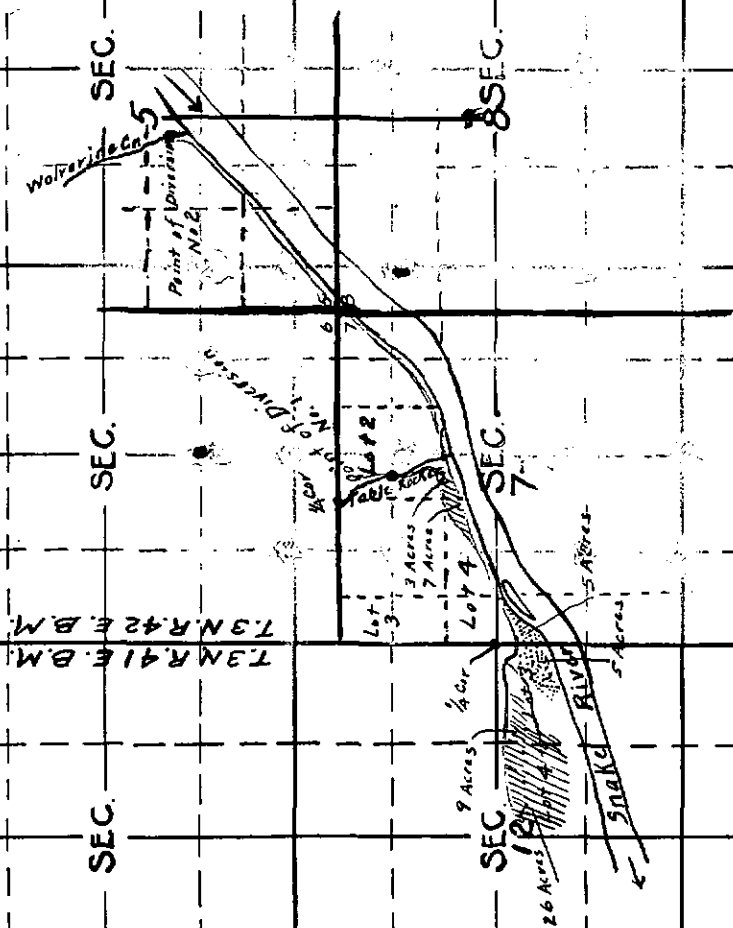
My Commission Expires _____



H. H. Thomsen- Heise

Dist.No. 36-D

Name of Applicant H. H. Thomsen Permit No. 8649



Legend

Cultivated Land

Uncleared Land

watered for Pasture

Ditch Lines

— 235 —

0770

SCALE: 2 INCHES = 1 MILE. DRAW PLAN IN INK