

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 BEAR RIVER BASIN WATER SYSTEM

RECEIVED

DEC 06 2024

CIVIL CASE NUMBER: 79576

Claim ID: 13-4043

Date Received: 12.6.24

Receipt No: P001637

Claim Fee: \$56.00 By: BW

IDWR/Preston

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of claimant(s) Trent and/or Dana Sparks Phone (208) 852-1675
Mailing address 4564 East Hwy 36 Preston Idaho Zip 83263
Street or Box City State
Email address (optional) FrontierIndustriesLLC@gmail.com
2. Date of priority: (Only one per claim) Aug 6, 1883 (Explain priority date selected in Remarks)
Month/Day/Year (YYYY)
3. Source of water supply (Check one) Ground Water () or Other (X) (a) Bear Creek Springs
which is tributary to (b) mink creek
4. a. Location of point of diversion is: Township 14S, Range 40E, Section 14,
SW 1/4 of SW 1/4, Govt. Lot _____, BM, County of Franklin (Sand Bags)
Parcel no. _____
Additional points of diversion, if any: _____
If available, GPS Coordinates _____
- b. If instream flow, beginning point of claimed instream flow is:
Township _____, Range _____, Section _____, _____ 1/4 of _____ 1/4,
Govt. Lot _____, BM, County of _____
Ending point is: Township _____, Range _____, Section _____, _____ 1/4 of _____ 1/4,
Govt. Lot _____, BM, County of _____
5. Description of existing diversion works (dams, reservoirs, ditches, wells, pumps, pipelines, headgates, etc.),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.
Small Dams and ditches

6. Water is claimed for the following purposes:

(dates are inclusive MM-DD) (cfs) (acre-feet)

For Irrigation purposes from April 1st to Oct 1st amount 0.06 or _____

For Stockwater purposes from Jan 1st to Dec 31st amount 0.04 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.10 (cfs) and/or (b) _____ (acre-feet)

8. Non-irrigation uses; describe fully (e.g., Domestic: Give number of households served; Stockwater: Type and number of livestock, etc.) 25 cows, 50 sheep, 50 chickens, 25 Turkeys
25 Rabbits,

9. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
<u>14S</u>	<u>40E</u>	<u>15</u>															<u>25</u>		<u>2</u>

Parcel no(s). RPO1265.00 Total number of acres irrigated 2

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

11. Do you own the property listed above as place of use? Yes (X) No ()
If your answer is No, describe in Remarks below the authority you have to claim this water right.

12. Describe any other water rights used at the same place and for the same purposes as described above.
Additional claim for Domestic use only or None ()

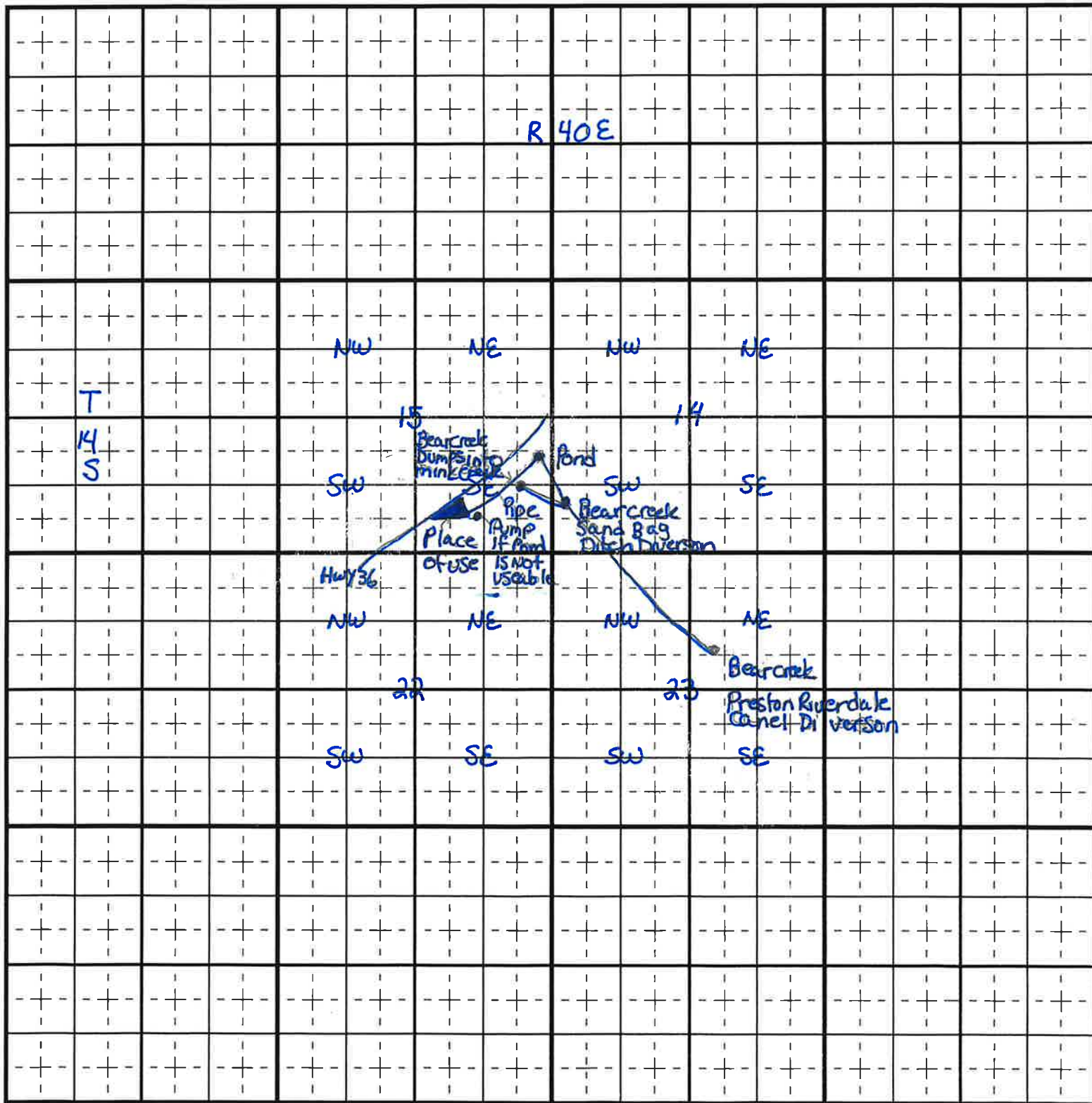
13. Remarks (Include an explanation of the priority date selected):

Parcel number RPO1265.00 Legal Address PRTNE4 SW4 SE4, 15-14-40 Plat 161
INST # 277778. Egleys used water right 13-4043 to irrigate land because it
physically more accessible than 13-7748 & 13-902. Egleys sold to Dr. Attwood, whom improved on the water
system in 1980-1982. Dr. Attwood sold to Dispaivs whom continued to use water from
Bear creek springs, Dispaivs sold back to Egleys who subdivided land and sold
two acres to Trent and Dana Sparks. Since spring 2019 Trent and Dana Sparks
has continued to use water from Bear creek spring water right 13-4043.
Document: Power Point, Allen Land Surveying P.C Drawing 13001-1DW6,
claim no 13-4043, Jared EgleY Affidavit

Name of claimant(s) _____ Claim ID _____

Map of Project: Attach aerial photograph or topographic map showing clearly the point of diversion, place of use, section number, township, and range number, unless unavailable. Otherwise sketch the elements above on the grid below.

Scale: 2 inches equals 1 mile



Name of claimant(s) _____

Claim ID _____



Figure 1: A schematic diagram of a single cell. The cell is represented as a rectangle with a dashed line for the cell membrane and a solid line for the nucleus. Inside the nucleus is a smaller circle representing the nucleolus. The cell is labeled 'Cell' and 'Nucleus'.

1265.00



Find by Owner



Legend

Map Layers

Franklin County Mask

PLSS

Parcels

Wells

Water Right Places of Use

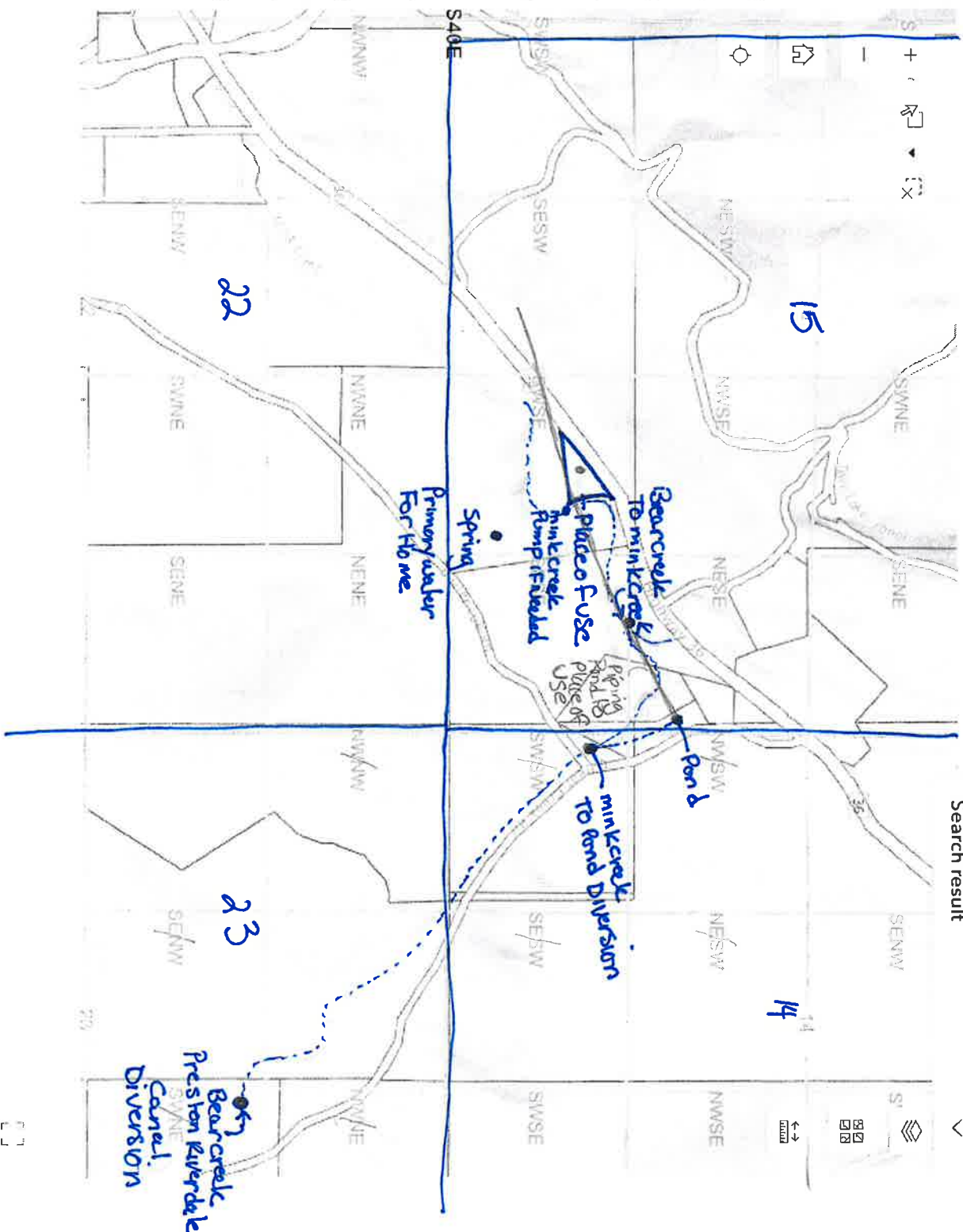
Taxing Districts

Road

Idaho Surface
Management Agency

Idaho 2023

NAIP Imagery 2021



Selected features: 0

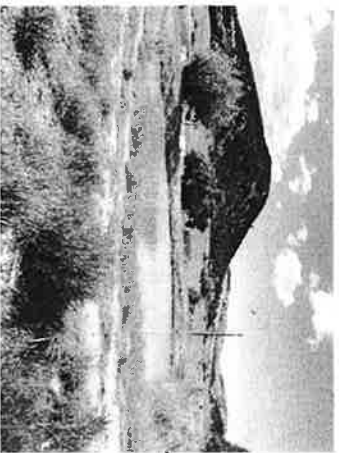
Trent & Dana Sparks

Bear Creek Springs Water to Property

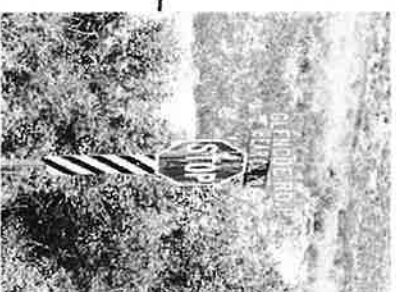
Bear Creek Springs Water to Property



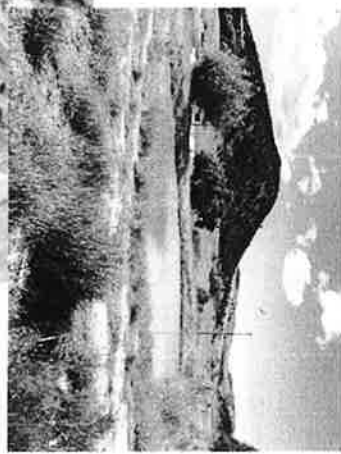
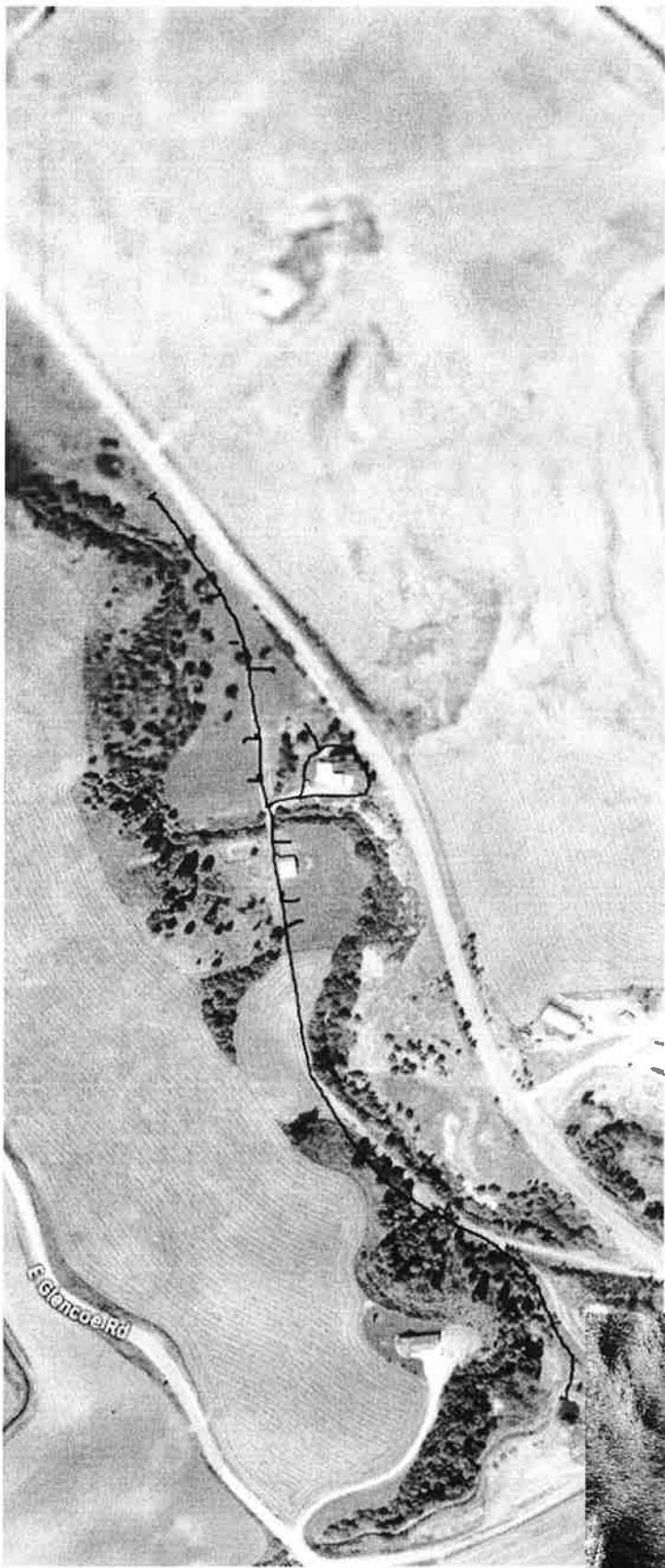
Bear Creek Springs Water to Property



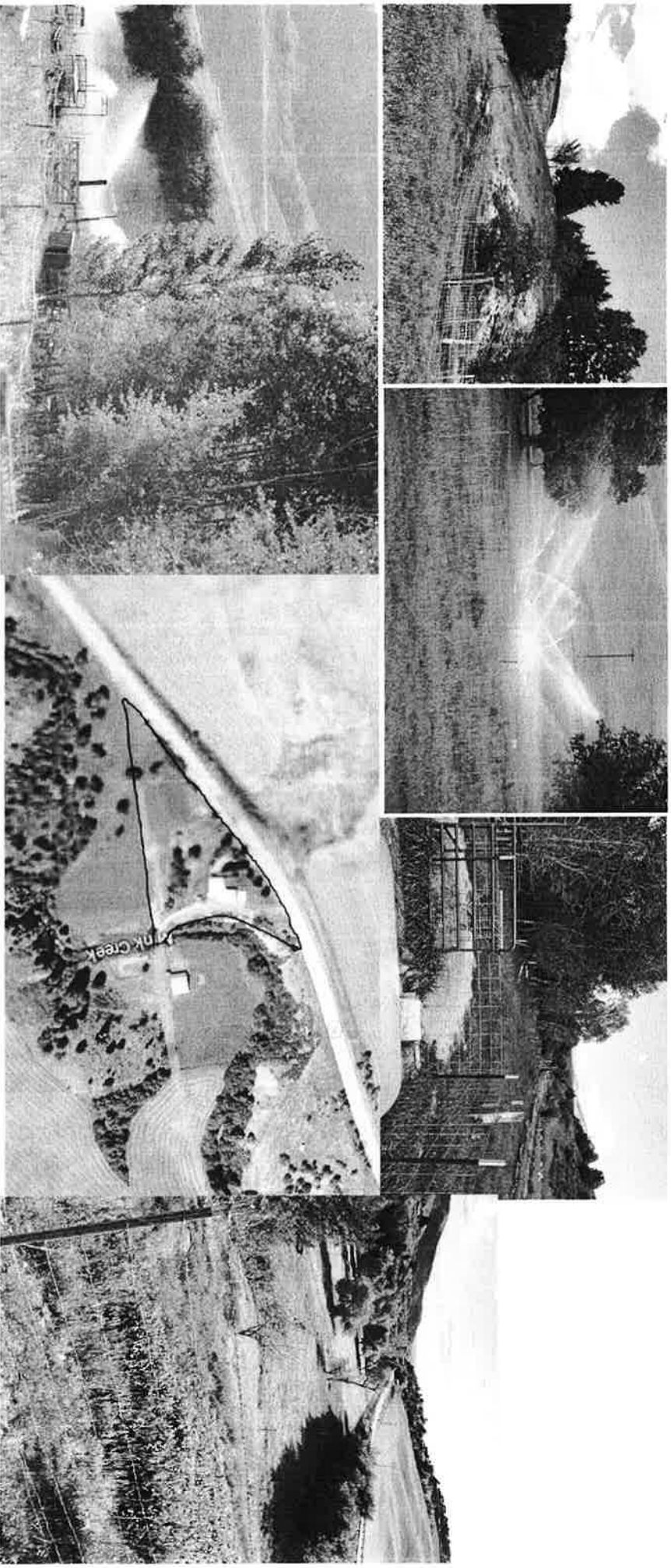
Bear Creek Springs to Mink Creek



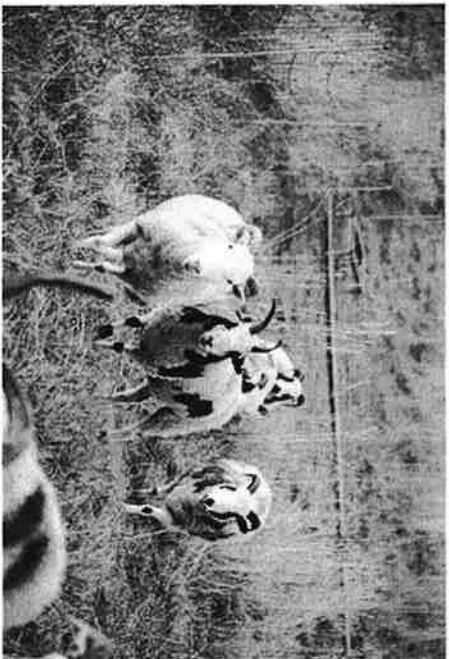
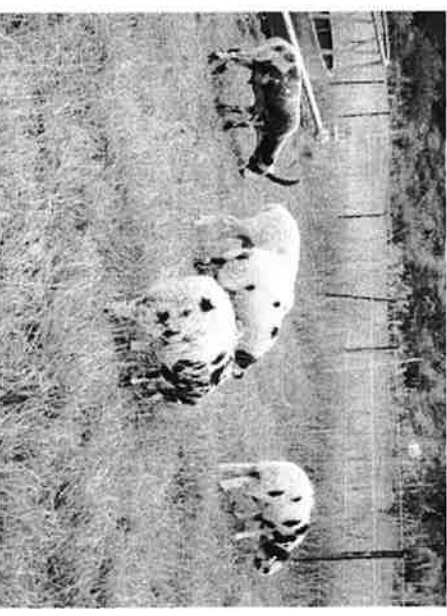
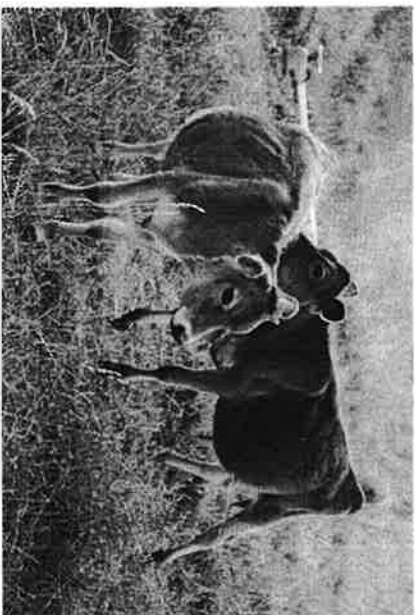
Bear Creek Springs Water to Property



Bear Creek Springs Water to Property



Animals on Property



Water Right Report : 13-4043(Statutory Claim/Active)

Water Right Owners

Owner Type	Name	Address	City	State	Postal Code
Current Owner	MC KAY, MERLIN	5104 E Bear Creek Rd	PRESTON	ID	83263
Current Owner	MC KAY, OPAL	5104 E BEAR CREEK RD	PRESTON	ID	83263
Current Owner	EGLEY, BRYCE K			ZZ	
Current Owner	EGLEY, CARLENE T			ZZ	

Water Right Status

Priority Date : 8/6/1883
Basis : Statutory Claim
Status : Active

Water Source

Source	Source Qualifier	Tributary	Tributary Qualifier
BEAR CREEK SPRING			

Points Of Diversion (Location)

Source	Township	Range	Section	Govt. Lot	QQQ	QQ	Q	County	Diversion Type
BEAR CREEK SPRING	14S	40E	14	0				SW SW FRANKLIN	
BEAR CREEK SPRING	14S	40E	23	0				SW NE FRANKLIN	

Water Uses

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	4/01	11/01	3.80 CFS	
STOCKWATER	1/01	12/31	0.04 CFS	
TOTAL			3.80 CFS	

Places of Use

Place of Use Legal Description : IRRIGATION (FRANKLIN county)

Township	Range	Section	Lot	QQQ	QQ	Q	Acres
14S	40E	14		SW	SW		40
14S	40E	15		SE	SE		40
14S	40E	23		NE	NW		40
14S	40E	23		NW	NW		40

Irrigation Totals

Total Acres Acre Limit
160.00

our 2 Acres are part of This Claim

Dates

Licensed Date :
Decreed Date :
Permit Proof Due Date :
Permit Proof Made Date :
Permit Approved Date :
Permit Moratorium Expiration Date :
Enlargement Use Priority Date :
Enlargement Statute Priority Date :
Application Received Date :
Protest Deadline Date :

Other Information

State or Federal :
Water District Number : 13N
Generic Max Rate Per Acre : 0
Generic Max Volume Per Acre : 0
Civil Case Number :
Decree Plaintiff :
Decree Defendant :
Swan Falls Trust or Nontrust :
Swan Falls Dismissed :
DLE Act Number :

14. Basis of claim (Check one) Beneficial Use (X) Posted Notice () License () Permit () Decree ()

Court _____ Decree Date _____ Plaintiff v. Defendant _____

If applicable provide IDWR Water Right Number 13-4043

15. **Signature(s)**

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notices in the Bear River Basin Water System Adjudication."

(b.) I/We do () do not (X) wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals: I/We do solemnly swear or affirm under penalty of perjury that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) T. S. Spaul Date: 12-6-24

Date: _____

For Organizations: I do solemnly swear or affirm under penalty of perjury that I am, and that I have signed the foregoing document in the space below as the

_____ of _____
Agent's title (Please print) Name of organization (Please print)

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

Signature of Authorized Agent _____ Date _____

Printed Name of Authorized Agent _____

16. **Notice of Appearance:**

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

Signature _____ Date _____

Address _____

Name of claimant(s) _____ Claim ID _____

HOW YOU WILL RECEIVE NOTICES IN THE BEAR RIVER BASIN WATER SYSTEM ADJUDICATION

All documents filed in the Bear River Basin Water System Adjudication, other than notices of claim, are filed with the court. Notices of claim to water rights filed in the Bear River Basin Water System Adjudication are filed with the Idaho Department of Water Resources (IDWR). Copies of all documents filed in the Bear River Basin Water System Adjudication will not be mailed to all parties (claimants) in the adjudication. Any document filed with the court will be mailed only to those parties who may be directly affected by it.

A monthly docket sheet is prepared by the court, which contains a summary of all documents filed with the court in the previous month and the dates and locations of hearings scheduled for the following three months. The docket sheet will be filed with the district court clerk in each county within the Bear River Basin Water System Adjudication. Copies of a monthly docket sheet may be obtained from any of the offices of IDWR; a small fee may be charged to cover the cost of mailing and/or copying. If you wish to receive an annual subscription of the docket sheet printed each month, you should mark the appropriate place on your notice of claim form. You will be charged a small annual subscription fee by the court to cover the cost of copying and mailing. The docket sheet is also available on the court's web site at:

<http://www.srba.idaho.gov/BRBA20.HTM>

Copies of any document listed on the docket sheet may be obtained from any of the IDWR offices or the court and a small fee may be charged to cover the cost of mailing and/or copying the document.

Copies of all notices of claim filed with IDWR will be available for inspection at all IDWR offices. You may also obtain copies of the notices of claim filed by other claimants, but you may be charged for the cost of copying and mailing. A claimant will not be charged for a copy of his or her own notice of claim, and a person who acquires property with water rights for which a notice of claim was filed will not be charged for a copy of the notice of claim filed by the previous owner.

After the notices of claim have been reviewed, the director will prepare and file a Director's report with the court that will contain the Director's recommendations as to each water right claimed under state law and a copy of each federal reserved water right claimed. A Director's report will be prepared for all claims filed in the Bear River Basin Water System Adjudication. When this report is filed with the court, you will be mailed a notice informing you that the report has been filed. The notice will be sent to the most recent address shown by IDWR's files. Attached to the notice will be a copy of those portions of the report describing the water rights you have claimed. If you do not agree with the way your water right is described, you may file an objection to the report with the court. You can also file an objection if you disagree with the way another claimant's water rights are described, and the notice will tell you where a copy of the full report is available for inspection. The notice will tell you when and where to file your objection.

It is very important that you inform IDWR in writing of any change in your address. This is to make sure that you receive the notices affecting your water rights that are to be mailed by IDWR or the court.

If you are acquiring property with water rights within the boundaries of the Bear River Basin Water System Adjudication in Idaho (either by purchase, gift, inheritance, or other means), it is very important that you inquire of IDWR whether a notice of claim has been filed. If you fail to file a required notice of claim for a water right, that water right may be determined to no longer exist.

If a notice of claim has been filed, it is very important that you file a written notice of change in ownership with IDWR. You may contact IDWR regional offices or the IDWR web site <http://www.idwr.idaho.gov/> for change of ownership forms. The notice of change in ownership form must be accompanied by evidence of the ownership of the property. Again, this is to make sure that you receive the notices affecting your water rights that are to be mailed by IDWR or the court.