

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: A29-00275
Date Received: 3/13/1990
Receipt No: E012327
Received By: Kaw

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MINK CREEK IRRIGATION CORP. 208-232-0649
Address: 2008 NORTH MINK CREEK ROAD
POCATELLO, ID 83204

2. Date of Priority: SEP 07, 1904

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
07S	35E	29	NW	NW	NW		BANNOCK

5. Description of diverting works:
DIVERSION DAM PUMPS TO MAINLINE FOR OPEN DISCHARGE TO DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.500		

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

8. Total consumptive use is 220.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
07S	35E	19	SE	SE		IRR	2.0

Section Acres 2.0



10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	35E	20	SW	SW		IRR	32.0
						Section Acres	32.0
		29	NW	NW		IRR	36.0
						Section Acres	36.0
		30	NE	NE		IRR	18.0
						Section Acres	18.0
						Total Acres	88.0

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:
TRANS. #1715 SEE TRANSFER FOR WATER USERS LIST.

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date:

SMITH ADMIN., ET. AL.
Decree Plaintiff

vs

CITY OF POCA TELLO, ET. AL.
Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not ☒ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am PRESIDENT of _____
Title

MINK CREEK IRRIGATION CORP., that I have signed the foregoing
Organization
document in the space below as PRES. of _____
Title

MINK CREEK IRRIGATION CORP. and that the statements contained in the
Organization
foregoing document are true and correct.

TERR D. KNOBLICH
Signature of Authorized Agent

PRESIDENT OF MINK CREEK IRRIGATION CORP.
Title and Organization

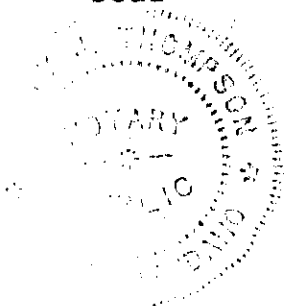
3/13/90
Date

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 13 day
of Mar 1990

Betty J. Thompson
Notary Public

Seal



Residing at _____
My Commission Expires _____

Mile
24

Creek

4878

BM
4198

19

20

512

Creek

698

19

30

29

POINT OF DIVERSION

7990

175

RAIL

30

29

R35E

X5529

BM
4814

30

31 32

30

31

5060

19-00275

NOV 13 1992

32

Log for claim A29-00275

Spatial Dynamics LTD

8/23/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
07s35e	19	SESE	2	0.9	
07s35e	20	SWSW	32	32	
07s35e	29	NWNW	36	33	
07s35e	30	NENE	18	15	
Totals:			88	80.9	

BEFORE THE DEPARTMENT OF WATER RESOURCES

COPY

OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR TRANSFER NO. 3348 IN)
THE NAME OF JACK CHRISTOPHERSON)

PRELIMINARY ORDER

This matter having come before the Idaho Department of Water Resources (department), the department makes the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. On June 16, 1987, Jack Christopherson (applicant) filed Application for Transfer #3348 with the department proposing to change the nature of use and the source for 0.23 cfs of decree ~~NO 29-00275~~.
2. Application for Transfer #3348 was advertised in the Idaho State Journal on Aug 6 and 13, 1987. On August 18, 1987, a protest was received on behalf of Dr. and Mrs. Jim Shaw.
3. On Nov 16, 1987, a prehearing conference was held on this matter in Pocatello, Id, but no resolution was reached. Based on the applicant's request on Jan 8, 1988, the hearing was delayed for up to one year.
4. On Jan 20, 1992, Randall Kline, Attorney for the Protestant sent a letter of inquiry to the department inquiring as to the status of transfer #3348. He was advised that an adjudication claim was filed on that portion of Decree #29-00275 in the name of Mink Creek Utility Association. Since that time the Utility Association has withdrawn that claim.
5. The only adjudication claim now on record as of July 13, 1999, is in the name of Mink Creek Irrigation Corporation.

RECORDED

SEP 21 1989

6. On Jan 16, 1996, the department corresponded with Mr. Christopherson and advised him that the Mink Creek Utility Association had no interest in pursuing transfer #3348. A transfer withdrawal form was included for Mr. Christopherson's use. However, no withdrawal was made and no hearing date was requested.
7. On Jan 12, 1998, the department sent the applicant a Notice of Intent to Void Transfer #3348. The applicant was initially given 30 days to respond. After a phone call from the applicant that response time was extended to 60 days.
8. On May 11, 1998 a letter was received from the applicant requesting a hearing date which was later changed to an informal meeting request with the protestant. No resolution was agreed upon by the parties.

CONCLUSIONS OF LAW

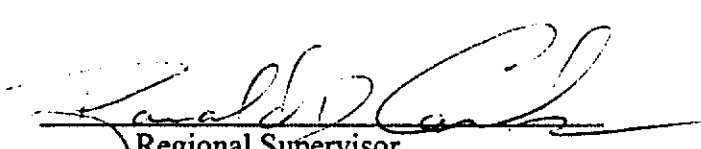
1. Section 42-204, Idaho Code, provides in pertinent part as follows:

If the application is returned to the applicant or the department shall request additional information and the applicant fails to return the corrected application or to supply the needed information within thirty (30) days, the department may void the record of said application and notify the applicant of such action.
2. The applicant has not responded to the department and has not provided the information requested.
3. The department should void the record of the application pursuant to Section 42-204, Idaho Code.

ORDER

IT IS THEREFORE, HEREBY ORDERED that Application for Transfer No. 3348 in the name of Jack Christopherson is **VOIDED** pursuant to the provisions of Section 42-204, Idaho Code.

Dated this 26th day of July, 1999.


Regional Supervisor

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

COPY

IN THE MATTER OF APPLICATION)
FOR TRANSFER NO. 3348 IN)
THE NAME OF JACK CHRISTOPHERSON)

PRELIMINARY ORDER

This matter having come before the Idaho Department of Water Resources (department), the department makes the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. On June 16, 1987, Jack Christopherson (applicant) filed Application for Transfer #3348 with the department proposing to change the nature of use and the source for 0.23 cfs of decree No 29-00275.
2. Application for Transfer #3348 was advertised in the Idaho State Journal on Aug 6 and 13, 1987. On August 18, 1987, a protest was received on behalf of Dr. and Mrs. Jim Shaw.
3. On Nov 16, 1987, a prehearing conference was held on this matter in Pocatello, Id, but no resolution was reached. Based on the applicant's request on Jan 8, 1988, and hearing was delayed for up to one year.
4. On Jan 20, 1992, Randall Kline, Attorney for the Protestant sent a letter of inquiry to the department inquiring as to the status of transfer #3348. He was advised that an adjudication claim was filed on that portion of Decree #29-00275 in the name of Mink Creek Utility Association. Since that time the Utility Association has withdrawn that claim.
5. The only adjudication claim now on record as of April 23, 1998, is in the name of Mink Creek Irrigation Corporation.

6. On Jan 16, 1996, the department corresponded with Mr. Christopherson and advised him that the Mink Creek Utility Association had no interest in pursuing transfer #3348. A transfer withdrawal form was included for Mr. Christopherson's use. However, no withdrawal was made and no hearing date was requested.
7. On Jan 12, 1997, the department sent the applicant a Notice of Intent to Void Transfer #3348. The applicant was initially given 30 days to respond. After a phone call from the applicant that response time was extended to 60 days. As of this date, April 23, 1998, no response has been received.

CONCLUSIONS OF LAW

1. Section 42-204, Idaho Code, provides in pertinent part as follows:

If the application is returned to the applicant or the department shall request additional information and the applicant fails to return the corrected application or to supply the needed information within thirty (30) days, the department may void the record of said application and notify the applicant of such action.

2. The applicant has not responded to the department and has not provided the information requested.
3. The department should void the record of the application pursuant to Section 42-204, Idaho Code.

ORDER

IT IS THEREFORE, HEREBY ORDERED that Application for Transfer No. 3348 in the name of Jack Christopherson is VOIDED pursuant to the provisions of Section 42-204, Idaho Code.

Dated this 23rd day of April, 1998.


Regional Supervisor

DIVERSION DITCH

STATE OF IDAHO

Page 1 of 6

DEPARTMENT OF WATER RESOURCES

Transfer No. _____

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

255-7691

Name of applicant Jack T. Christopherson Phone (602) 964-9040Post Office address 1022 East Sorenson, Mesa, Arizona

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use
☒ Change nature of use ☐ Change period of use ☐ Other _____

2. Describe the reason for the proposed changes A subdivision now exists on applicants property and changing the p/d to a spring above the homes will allow the subdivision to store and use water for domestic use and abandon the old irrigation use and Mink Creek point of diversion.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>29-2075B</u>	<u>9-07-04</u>	<u>0.23</u>	<u>Domestic</u>	<u>1-1</u> to <u>12-31</u>
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____

2. Total amount of water being transferred 0.23 cubic feet per second and/or 14.4 acre-feet per annum.

3. Source of water Spring tributary to Mink Creek

4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	SW	NE	NW	30	7S	35E	Bannock	

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
7S	35E	19															D/2	D/20	
		20										D/2							

Total acres _____

PART 1**6. General Information:**

- a. Description of diversion system Sealed spring box w/4" pipe and valves to select one or both 12,500 gallon domestic storage tanks w/overflow and lines to 24 homes or lots.

- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes X No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

The use of this ground has been changed to a housing subdivision.

- d. Remarks:

I have interpreted the decree to imply 0.02 cfs/acre or 75 acres in total right.

I am converting an implied 11.5 acres of irrigated ground (0.23 cfs) to domestic

use. This leaves 63.5 acres and 1.27 cfs as a remainder in Part A of this right.

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____.

FEB 21 1994

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 29-0275 Decreed to Arthur Say
in case of Smith, Admin. vs. City of Pocatello, et al
dated 6/5/1926 in 5th Dist. Court county of Bannock
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. 1715 which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of water Mink Creek tributary to Portneuf River

4. Date or priority ~~6-5-1926~~

5. Water is used for the following purpose:

amount 1.50 cfs for Irrigation purposes from 4/15 to 9/15
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 1.50 cfs cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	---	NW	NW	29	7S	35E	Bannock	

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
7S	35E	19																*	
		20										*							
		29						*											
		30	*																

Total acres * Not Listed

9. Describe any other water rights used for the same purpose as described above N.A.

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No

If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount 0.23cfs for Irrigation purposes from 4/15 to 9/15
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	SE	NE	NW	30	7S	35E	Bannock	

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
7S	35E	19																D/2D/20	
		20											D/2						

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount 1.27 cfs for Irrigation purposes from 4/15 to 9/15
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	--	NW	NW	29	7S	35E	Bannock	

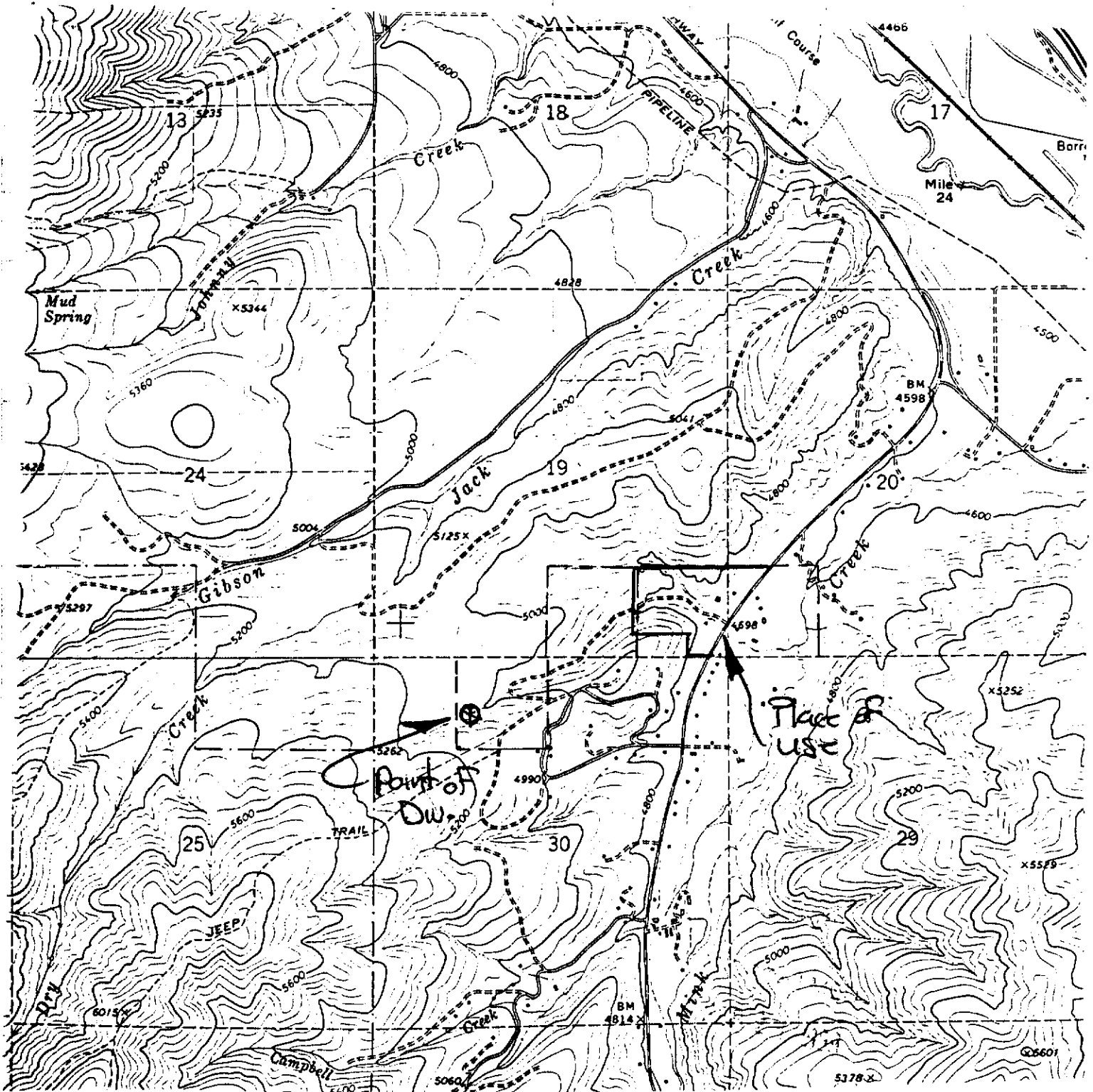
3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
7S	35E	19																*	
		20											*						
		29						*											
		30	*																

Total acres _____ See Remarks

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



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

PART 3**B. CHANGES IN NATURE OF USE**

1.	<u>New Nature of Use</u>	<u>Amount</u> (cfs/ac-ft)	<u>Hours/days/year</u>	<u>Period of Use</u>
	Domestic	0.23 cfs/14.4af		1-1 to 12-31
				to

2. Quantity and quality of return flows and location of discharge:

There is a storage system for domestic water with an overflow pipe. Water used
is not returned to creek.

3. Describe effects on other water uses resulting from the proposed change:

(See Claim 29-4076) I would be removing myself from the point of diversion used
by other decreed right holders and return to a p/d which may have been the
original source of the Arthur Say right.

I hereby assert that no one will be injured by such change and that 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.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

Subscribed and sworn to before me this 12nd day of April, 19 87.

(Signature of Applicant)

(Notary Public)

My commission expires 5/29/1991**FOR DEPARTMENT USE ONLY**Transfer contains 6 pages and _____ attachmentsReceived by EMC Date 2 April 1987 Protest filed by _____Prelim. check by EMC Fee _____Receipted by MR Date 4-3-1987 #41142

Published in _____ Copies of protest forwarded by _____

Pub. dates _____ Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____

FIF 21 383

STATE OF IDAHO
 DEPARTMENT OF RECLAMATION

APPROVED

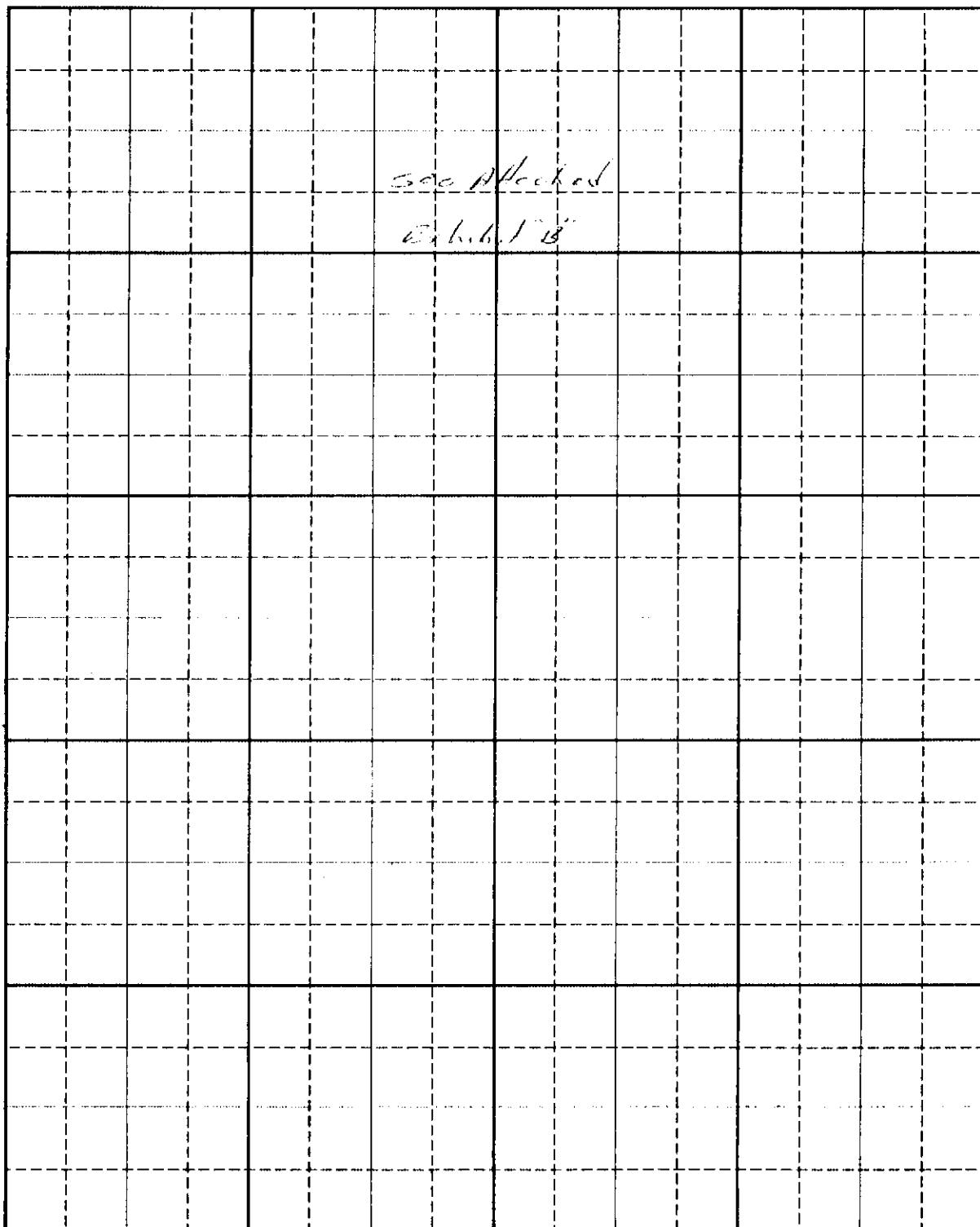
APPLICATION FOR TRANSFER OF WATER RIGHT
To Change the Point of Diversion and/or the Place of Use

1. Name of Right Holder Members of Mink Creek Irrigation Corporation (See Exhibit "A", attached)
 Post office address c/o Neil Gardner, Mink Creek Road, Pocatello, Idaho
2. Right obtained by:
 - a. Decree to Arthur Say (SAY) in Case of Sam B. Smith, et. al.
 vs. City of Pocatello (Name), Dated 6-5-26 in District
 Court. County of Bannock (Name of Court) 29-0275
 - b. License No. issued by the State of Idaho, Department of Reclamation.
3. Source of water Mink Creek tributary to Portneuf
 (Name of stream or source)
4. Date of Priority 9-7-04
5. Amount of water a. 1.1/2 c.f.s. and/or 75 miners inches
 b. acre feet/annum
6. Water is used for pasture irrigation from April 15 to September 15
 (Month, Day) (Month, Day)
7. Original location of point of diversion is SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 19,
 Township 7 South, Range 35 East, B.M., in Bannock County,,
~~which is the decreed point of diversion but~~
which water is actually diverted to an irrigation canal at SW $\frac{1}{4}$ SW $\frac{1}{4}$,
 Section 32, Township 7 South, Range 35 East B.M.

8. Lands presently irrigated or place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
7 S.	35 E.	19																X	
																		(See Exhibit "B" hereto attached)	

Total number of acres presently irrigated



SCALE: 2 Inches Equal 1 Mile. Draw Plan in Ink.

9. If applicant was not original holder of this right explain how it was acquired: _____

Rights acquired by transfer from Arthur Say

10. CHANGE IN POINT OF DIVERSION

a. Quantity to be diverted at new point: 1.1/2 c.f.s. and/or 75 min. inches acre feet

b. New point of diversion: NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 29, Township 7
South, Range 35 E., B.M.

c. Description of method of diversion and conveyance from new points of diversion: _____
Pumped from creek through pipes to irrigation ditch for distribution
or sprinkling system

d. Is water to be conveyed to the lands previously irrigated? Yes X No _____

If not, the place of use should be changed below.

e. Describe the reasons for applying for a change in the point of diversion:

The present point of diversion is several miles upstream and travels through irrigation ditch that goes across roads through private property and presents hazards during time of irrigation. The new point of diversion would eliminate this water transportation through the ditch.

f. Do you intend to make the transfer permanent? Yes

g. Do you intend to abandon completely the old point of diversion? Yes

h. Indicate on the above plat the new point of diversion and lands to be irrigated. (See Exhibit "B")

11. CHANGE IN PLACE OF USE

a. Describe the new lands on which you wish to use your right. No new lands

[illegible]

Total number of acres to be irrigated _____

b. Do you intend to make the transfer permanent? Yes

c. Are you completely abandoning the lands previously irrigated by this right? If not, explain your plans:

See above

d. Describe any other water rights that you claim for the new ground upon which you wish to transfer this right: See above

e. Indicate on the above plat the new land to be irrigated and the point of diversion.

I hereby assert that no one will be injured by such transfer and that the change will be made at my own risk. The information contained in this application is true to the best of my knowledge.

MINK CREEK IRRIGATION CORPORATION

By: Hayden Gardner

(signature of applicant)

President

Subscribed and sworn to before me this 21st day of February, 19 73

Patricia Boering
(notary public)

My commission expires 2-15-76

**ACTION OF STATE RECLAMATION ENGINEER
AND CERTIFICATE OF TRANSFER**

This is to certify that I have examined Application for Transfer of Water Rights No. 29-0275,

and said application is hereby APPROVED

1. Approval of said application is subject to the following limitations and conditions:

A measuring device of a type approved by the Department shall be permanently installed and maintained as part of the diverting works. This transfer is subject to a reduction for conveyance loss from the former to the new point of diversion; said loss to be determined by the Department based upon measurements to be made during the 1973 irrigation season.

2. Denial of said application is for the following reasons: _____

Witness my hand this 2nd day of May, 19 73

P. K. H. H.
Director

Dept. of Water Administration

FOR DEPARTMENT USE ONLY

Received by SA Date 3-2-73 Protest filed by: _____ Date _____

Prelim. check by NOY Date 3-2-73

Fee received by BA Date 3-2-73 Fee \$ 31.00

Approved for publication by NOY Date 3-2-73

Published in Journal Dates 3-8-73 to 3-15-73

Hearing held for 1973

Watermaster Recommendation sent 4-16-73

Publ. in J. on 4/2/73 NOY

AJ5809NP
No. A29-00275

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/18/00
PAGE: 11

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	MINK CREEK IRRIGATION CORP 2008 N MINK CREEK RD POCATELLO ID 83204 (208) 232-0649	09/07/1904	IRRIGATION	03-15 11-15	1.500 CFS	
					TOTAL DIVERSION:	1.500 CFS
					CONSUMPTIVE USE:	220.00 AFA

Water Source: MINK CREEK

Tributary to: PORTNEUF RIVER

Stage: DECREED

Point(s) of Diversion: T07S R35E S29 NWNW BANNOCK County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE																														
				NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM																						
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:																					
07S	35E	19	:					:						:											:																					
07S	35E	20	:					:						:			32								:	2.0																				
07S	35E	29	:					:			36			:											:	32.0																				
07S	35E	30	:	18				:						:											:	36.0																				
																																														18.0
																							TOTAL ACRES																					88.0		

POU County: BANNOCK

Non-Irrigation Uses: NONE

Other Rights: NONE

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
A29-02445

Other Water Rights Listing Overlapping Place(s) of Use:
A29-02543 A29-04268 A29-04339 A29-10361

Remarks: GEN TRANS. #1715 SEE TRANSFER FOR WATER USERS LIST.

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

Audit: 03/13/90 WILSON 04/04/94 THOMPSON 03/29/95 POST-STD

February 4, 1992

F. Randall Kline
PO Box 397
Pocatello, ID 83204

Mr. Kline:

I received your letter of January 20, 1992 referencing the application for transfer made by Jack Christoperson on a portion of water right 29-0275. Currently, Mink Creek Utility Association, Inc. has filed a claim in the SRBA on that portion of Right 29-0275 identified in the application for transfer.

Section 42-1416A, Idaho Code states in part that; (1) If any person entitled to the use of water has made a change in point of diversion, place of use or nature of use of all or part of the water... prior to entry of an order commencing a general adjudication pursuant to Section 42-1408, Idaho Code, and the person entitled to the use of water has not complied with the requirements of sections 42-108 and 42-222, Idaho Code, regarding such changes, the following shall apply:

(a) the water right may be claimed in the general adjudication as changed and an application for change of the water right is not required to be filed pursuant to section 42-222, Idaho Code...

It appears that the use of the water for domestic purposes from the spring took place prior to November 19, 1987 which is the date of the order commencing a general adjudication for the Snake River basin. I am inclined at this point to recommend that this claim be handled through the District Court and the SRBA.

A findings of fact, recommendation and protest ability would evolve when Basin 29 comes up for review. I have talked to our adjudication staff and they feel this is a viable way to handle the claim.

If you have any questions about this, please give me a call.

Sincerely,

HAROLD W. JONES
Water Rights Supervisor

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