

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: A29-00351  
Date Received: 5/01/1990  
Receipt No: E014591  
Received By: DC

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: LEON OR COY PRATT BROTHERS 208-897-5797  
Address: BOX 326  
DOWNEY, ID 83234

2. Date of Priority: AUG 01, 1865

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

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County  |
|----------|-------|---------|--------|--------|-----|-----|---------|
| 12S      | 38E   | 20      | SW     | SW     | SW  |     | BANNOCK |

5. Description of diverting works:  
CEMENT HEADGATE

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| IRRIGATION | 04/01 | 11/01 | 0.800 |      |        |

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

8. Total consumptive use is 100.0 Acre Feet Per Annum.

9. Non-irrigation uses:  
NONE

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use | Acres |
|----------|-------|---------|--------|-----|-----|-----|-------|
| 12S      | 38E   | 18      | SE     | SW  |     | IRR | 20.0  |
|          |       |         | SW     | SE  |     | IRR | 20.0  |

10. Place of Use: Continued

| Township | Range | Section | 1/4 of 1/4 | Lot | Use           | Acres |
|----------|-------|---------|------------|-----|---------------|-------|
|          |       |         |            |     | Section Acres | 40.0  |
|          |       |         |            |     | Total Acres   | 40.0  |

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:  
MEASURING DEVICE REQUIRED.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

LIBERTY HUNT, ET AL.  
Decree Plaintiff

vs CHAS. THORNTON, 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 Individuals:**

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): \_\_\_\_\_ Date: \_\_\_\_\_  
\_\_\_\_\_ Date: \_\_\_\_\_

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

=====

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

| TWP.  | RGE.  | SEC.  | 1/4   | 1/4   | 1/4   | LOT   | POD<br>FLAG | COUNTY  | DIVERSION NAME | DIVERSION NBR |
|-------|-------|-------|-------|-------|-------|-------|-------------|---------|----------------|---------------|
| 12S   | 38E   | 20    |       | SW    | SW    |       |             | BANNOCK |                |               |
| _____ | _____ | _____ | _____ | _____ | _____ | _____ | _____       | _____   | _____          | _____         |
| _____ | _____ | _____ | _____ | _____ | _____ | _____ | _____       | _____   | _____          | _____         |
| _____ | _____ | _____ | _____ | _____ | _____ | _____ | _____       | _____   | _____          | _____         |
| _____ | _____ | _____ | _____ | _____ | _____ | _____ | _____       | _____   | _____          | _____         |
| _____ | _____ | _____ | _____ | _____ | _____ | _____ | _____       | _____   | _____          | _____         |
| _____ | _____ | _____ | _____ | _____ | _____ | _____ | _____       | _____   | _____          | _____         |

SOURCE: MARSH CREEK

TRIB: PORTNEUF RIVER

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

=====

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

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

| RIGHT                            | TWP. RGE. | SEC. | 1/4                              | 1/4 | 1/4 | LOT  | POD<br>FLAG | COUNTY  | DIVERSION NAME | DIVERSION NUMBER |
|----------------------------------|-----------|------|----------------------------------|-----|-----|------|-------------|---------|----------------|------------------|
| A29-00351                        | 12S 38E   | 20   |                                  | SW  | SW  |      |             | BANNOCK |                |                  |
| OTHER AJ CLAIMS WITH SAME AJ POD |           |      | WR RECORDS IN SAME 40 ACRE TRACT |     |     |      |             |         |                |                  |
| A PREFIX                         |           |      | R PREFIX                         |     |     |      |             |         |                |                  |
| A29-00349                        |           |      | NONE                             |     |     | NONE |             |         |                |                  |

SOURCE: MARSH CREEK

TRIB: PORTNEUF RIVER

B. WR POINT OF DIVERSION AND SOURCE:

2900351 THERE IS NO POD ASSOCIATED WITH THIS WATER RIGHT NUMBER

SOURCE: MARSH CREEK

TRIB: PORTNEUF RIVER

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

I. HOW WAS THE POD AND SOURCE VERIFIED?

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

AJ FIELD EXAM (DATE OF FIELD EXAM \_\_\_\_\_ NAME OF EXAMINER \_\_\_\_\_) Y( ) N( )

OTHER (DESCRIBE IN NOTES BELOW)

A. ROOT WATER RIGHT NUMBERS: A29-00351

B. POU LISTING

| TWP | RNG | SEC | 1/4 | 1/4 | LOT | NAME                        | AJ<br>#/ACRES    | WR<br>#/ACRES | LANDSAT<br>DATA | FIELD<br>EXAM. | RECOMM.<br>ACRES |
|-----|-----|-----|-----|-----|-----|-----------------------------|------------------|---------------|-----------------|----------------|------------------|
| 12S | 38E | 18  | SE  | SW  |     | PRATT BROTHERS, LEON OR COY | A29-00351 / 20.0 | - /           |                 |                | 28.0             |
|     |     |     | SE  | SW  |     | EVANS, JOHN M               | A29-00349 / 6.0  | - /           |                 |                |                  |
| 12S | 38E | 18  | SW  | SE  |     | PRATT BROTHERS, LEON OR COY | A29-00351 / 20.0 | - /           |                 |                | 5.0              |

ADDITIONAL POU FOUND

|             |           |       |       |
|-------------|-----------|-------|-------|
| TOTAL ACRES | A29-00351 | 40.00 | 33.00 |
|-------------|-----------|-------|-------|

POU COUNTY: BANNOCK

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

Y( ) N( )

\* 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

| CLAIM NO. | SOURCE      | NAME                        | DIV. RATE | DIV. RATE/ACRE | DIV. VOL. | DIV. VOL./ACRE |
|-----------|-------------|-----------------------------|-----------|----------------|-----------|----------------|
| A29-00351 | MARSH CREEK | PRATT BROTHERS, LEON OR COY | 0.800     | 0.020          |           |                |
| A29-00349 | MARSH CREEK | EVANS, JOHN M               | 1.200     | 0.008          |           |                |

NO RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION

D. ARE OTHER WATER RIGHTS USED FOR THE SAME PURPOSE?

Y( ) N( )

\* IF YES, COMPLETE OVERLAP REVIEW:

OTHER RIGHTS LISTED IN CLAIM: NONE

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 A29-00351

Date Received \_\_\_\_\_

Receipt Number E014591/90

NOTICE OF CLAIM  
TO A  
WATER RIGHT  
ACQUIRED UNDER STATE LAW

RECEIVED

MAY - 1 1990

Department of Water Resources  
Eastern District Office

Please type or print clearly

1. Name of Claimant (s) Pratt Brothers, Leon or Coy Phone (208) 897 5797Mailing Address P.O. Box 326, Downey, Idaho Zip 832342. Date of Priority (Only one (1) per claim) August 1, 18653. Source of water supply (a) MARSH CREEK  
which is tributary to (b) PORTNEUF RIVER4. a. Location of existing point of diversion is: Township 12 S Range 38 E Section 20,  
1/4 of SW 1/4 of SW 1/4, Govt. Lot, B.M., County of BANNOCKAdditional points of diversion if any: None

b. If instream flow, beginning point of claimed instream flow is:

Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_, \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4,

Govt. Lot \_\_\_\_\_ B.M., County of \_\_\_\_\_

ending point is: Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_, \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4 of

\_\_\_\_\_ 1/4, Govt. Lot \_\_\_\_\_ B.M., 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.Cement headgates installed in the Marsh Creek.

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NOV 13 1992

A2900351

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For IRRIGATION purposes from 4/1 to 11/1 amount 0.800 or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

7. Total quantity claimed (a) 0.800 (cfs) and/or (b) \_\_\_\_\_ (acre feet)

8. Total consumptive use claimed is 100 acre feet per annum.

9. Non-irrigation uses; describe fully (ec. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) None

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. 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 | RNG | SEC | NE 1/4 |       |       |       | NW 1/4 |       |       |       | SW 1/4 |       |       |       | SE 1/4 |       |       |       | 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 |        |
| 12S | 38E | 18  |        |       |       |       |        |       |       |       |        |       |       | 20    |        |       | 20    |       | 40     |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |

Total number of acres irrigated 40

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

12. 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.

13. Describe any other water rights used at the same place and for the same purposes as described above.

or None ( x )

14. Remarks: None

**MICROFILMED**

**NOV 13 1992**

Last Name PRATT BROTHER, LEON Ident No. A29-00351  
OR COY

Copies: White -State, Yellow-Claimant

**Scale: 2 inches equals 1 mile**

[illegible]

NOV 13 1992

**Copies: White-State, Yellow-Claimant**

15. Basis of Claim (check one) Beneficial Use \_\_\_\_\_ Posted Notice \_\_\_\_\_ License \_\_\_\_\_ Permit \_\_\_\_\_

Decree X

If applicable provide IDWR Water Right Number \_\_\_\_\_

Court \_\_\_\_\_ Case Number 39576 Decree Date 3/30/1896

Plaintiff vs Defendant Liberty Hunt, ET AL. VS CHAS. Thornton, ET AL.

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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments \_\_\_\_\_

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) Leon Pratt

Date 4/30/90

Date \_\_\_\_\_

For Organizations: I do solemnly swear or affirm that I am \_\_\_\_\_

Title

of \_\_\_\_\_, that I have signed the foregoing

Organization

document in the space below as \_\_\_\_\_

Title

of \_\_\_\_\_

Organization

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

Signature of Authorized Agent \_\_\_\_\_

Title and Organization \_\_\_\_\_

Date \_\_\_\_\_

State of Idaho/or Idaho )  
County of Bannock ) SS.

Subscribed and sworn (or affirmed) before me this 30 day of April 19 90

SEAL

Notary Public Barbara A. Byler

Residing at Downey, Idaho

My Commission Expires 12-22-93

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, \_\_\_\_\_ 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 \_\_\_\_\_

Address \_\_\_\_\_

Date \_\_\_\_\_

MICROFILMED  
NOV 13 1992

Last Name \_\_\_\_\_ Ident. Number \_\_\_\_\_

Copies White-State, Yellow-Claimant

Log for claim A29-00351

Spatial Dynamics TWB

5/15/00

| TR             | SEC | QQ   | Acres<br>Claimed | Acres<br>Found | COMMENT |
|----------------|-----|------|------------------|----------------|---------|
| 12s38e         | 18  | SESW | 20               | 16             |         |
| 12s38e         | 18  | SWSE | 20               | 30             |         |
| <b>Totals:</b> |     |      | 40               | 46             |         |

AJ5809NP  
No. A29-00351

IDAHO DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM PROFILE REPORT

DATE: 04/24/00  
PAGE: 26

| OWNER<br>CODE | NAME & ADDRESS                                                             | PRIORITY<br>DATE | WATER USE  | USE PERIOD<br>FROM TO | DIVERSION<br>RATE                    | DIVERSION<br>VOLUME     |
|---------------|----------------------------------------------------------------------------|------------------|------------|-----------------------|--------------------------------------|-------------------------|
| C             | LEON OR COY PRATT BROTHERS<br>BOX 326<br>DOWNEY ID 83234<br>(208) 897-5797 | 08/01/1865       | IRRIGATION | 04-01 11-01           | 0.800 CFS                            |                         |
|               |                                                                            |                  |            |                       | TOTAL DIVERSION:<br>CONSUMPTIVE USE: | 0.800 CFS<br>100.00 AFA |

Water Source: MARSH CREEK

Tributary to: PORTNEUF RIVER

Stage: DECREED

Point(s) of Diversion:

T12S R38E S20

SWSW

BANNOCK County

Place of use Legal Description for: IRRIGATION

|     |     |    |   | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    |             |      |
|-----|-----|----|---|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|-------------|------|
| T   | R   | S  | : | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | :           | SUM  |
| 12S | 38E | 18 | : |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | :           | 40.0 |
|     |     |    |   |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | TOTAL ACRES | 40.0 |

POU County: BANNOCK

Non-Irrigation Uses: NONE

Other Rights: NONE

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):  
A29-00349

Other Water Rights Listing Overlapping Place(s) of Use:  
A29-00349

Conditions of Approval:

016 - See remarks for additional conditions of approval.

Remarks: GEN MEASURING DEVICE REQUIRED.

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number: 29H

Field Inspection Flag:

Presumption Flag:

Audit: 06/21/90 DCARLSON 03/29/95 POST-STD