

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: A29-00352
Date Received: 4/26/1990
Receipt No: E013878
Received By: DMO

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ALLEN KAY 208-897-5527
Address: P O BOX 44
SWAN LAKE, ID 83281

OR
Name: MAX KAY 208-897-5518
Address: P O BOX 44
SWAN LAKE, ID 83281

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	NE	NE			BANNOCK

5. Description of diverting works:
HEADGATE AND DITCH

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 368.0 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER, 100 CATTLE.

A2900352

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
12S	38E	19	NE	SE		IRR	13.0
			SE	SE		IRR	12.0
			Section Acres				25.0
		20	NW	SW		IRR	10.0
			SW	SW		IRR	13.0
			Section Acres				23.0
		29	NE	NW		IRR	10.0
			NW	NW		IRR	15.0
			SW	NW		IRR	20.0
			SE	NW		IRR	5.0
			NE	SW		IRR	13.0
			NW	SW		IRR	25.0
			SW	SW		IRR	4.0
			SE	SW		IRR	4.0
			Section Acres				96.0
		30	NE	NE		IRR	3.0
			Section Acres				3.0
			Total Acres				147.0

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:
A29-00350

14. Remarks:

THE AREA IS CUT UP BY SEVERAL ROADS, THE RAILROAD, AND MARSH CREEK. IT SHOULD BE FIELD INSPECTED TO DETERMINE THE ACTUAL NUMBER OF IRRIGATED ACRES.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

CHAS. THORNTON, ET AL.
vs Decree Defendant

MICROFILMED
NOV 13 1992

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP. RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NUMBER
A29-00352	12S 38E	20		NE	NE			BANNOCK		

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
A29-00350 NONE

WR RECORDS IN SAME 40 ACRE TRACT
NONE

SOURCE: MARSH CREEK

TRIB: PORTNEUF RIVER

B. WR POINT OF DIVERSION AND SOURCE:

2900352 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)

Paul
247
-100 claims
247

NOTES: _____

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

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NBR
12S	38E	20		NE	NE			BANNOCK		
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____

SOURCE: MARSH CREEK

TRIB: PORTNEUF RIVER

REVIEWED BY: _____ DATE: _____

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

A. ROOT WATER RIGHT NUMBERS: A29-00352

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
12S	38E	19	NE	SE		KAY, ALLEN	A29-00352 / 13.0	- /			38.0
			NE	SE		EVANS, JOHN M	A29-00349 / 18.0	- /			
			NE	SE		KAY, MAX	A29-00350 / 13.0	- /			
12S	38E	19	SE	SE		KAY, ALLEN	A29-00352 / 12.0	- /			24.0
			SE	SE		EVANS, JOHN M	A29-00349 / 4.0	- /			
			SE	SE		KAY, MAX	A29-00350 / 12.0	- /			
12S	38E	20	NW	SW		KAY, ALLEN	A29-00352 / 10.0	- /			12.0
			NW	SW		EVANS, JOHN M	A29-00349 / 8.0	- /			
			NW	SW		KAY, MAX	A29-00350 / 10.0	- /			
12S	38E	20	SW	SW		KAY, ALLEN	A29-00352 / 13.0	- /			13.0
			SW	SW		EVANS, JOHN M	A29-00349 / 7.0	- /			
			SW	SW		KAY, MAX	A29-00350 / 13.0	- /			
12S	38E	29	NE	NW		KAY, ALLEN	A29-00352 / 10.0	- /			13.0
			NE	NW		KAY, MAX	A29-00350 / 10.0	- /			
12S	38E	29	NW	NW		KAY, ALLEN	A29-00352 / 15.0	- /			30.0
			NW	NW		KAY, MAX	A29-00350 / 15.0	- /			
12S	38E	29	SW	NW		KAY, ALLEN	A29-00352 / 20.0	- /			27.0
			SW	NW		KAY, MAX	A29-00350 / 20.0	- /			
12S	38E	29	SE	NW		KAY, ALLEN	A29-00352 / 5.0	- /			3.0
			SE	NW		KAY, MAX	A29-00350 / 20.0	- /			
12S	38E	29	NE	SW		KAY, ALLEN	A29-00352 / 13.0	- /			9.0
			NE	SW		KAY, MAX	A29-00350 / 13.0	- /			
12S	38E	29	NW	SW		KAY, ALLEN	A29-00352 / 25.0	- /			35.0
			NW	SW		KAY, MAX	A29-00350 / 25.0	- /			
12S	38E	29	SW	SW		KAY, ALLEN	A29-00352 / 4.0	- /			26.0
			SW	SW		KAY, MAX	A29-00350 / 4.0	- /			
12S	38E	29	SE	SW		KAY, ALLEN	A29-00352 / 4.0	- /			26.0
			SE	SW		KAY, MAX	A29-00350 / 4.0	- /			
12S	38E	30	NE	NE		KAY, ALLEN	A29-00352 / 3.0	- /			2.0
			NE	NE		KAY, MAX	A29-00350 / 3.0	- /			

ADDITIONAL POU FOUND

TOTAL ACRES

A29-00352

147.00

258.00

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
A29-00352	MARSH CREEK	KAY, ALLEN	0.800	0.005		
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: A29-00350

E. IS THE CLAIMED POU THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A() Y() N()

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

F. CAN THE CLAIMED POU BE VERIFIED USING THE WATER RIGHT FILE AND AVAILABLE AERIAL PHOTOS?

N/A() Y() N()

G. SHOULD THE CLAIMED POU BE VERIFIED BY FIELD EXAM?

Y() N()

H. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE OF THIS RIGHT, OR ANY PORTION OF THIS RIGHT?

Y() N()

7E R38E T12S



Log for claim A29-00352

Spatial Dynamics TWB

5/15/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
12s38e	19	NESE	13	16	
12s38e	19	SESE	12	13	
12s38e	20	NENE	0	0	POD placement? / Indiscernible
12s38e	20	NENE	0	0	POD placement? / Indiscernible
12s38e	20	NENE	0	0	POD placement? / Indiscernible
12s38e	20	NWSW	10	10	
12s38e	20	SWSW	13	13	
12s38e	29	NENW	10	15	
12s38e	29	NWNW	15	21	
12s38e	29	SWNW	20	20	
12s38e	29	SENW	20	8.6	
12s38e	29	NESW	13	15	
12s38e	29	NWSW	25	23	
12s38e	29	SWSW	4	4.7	
12s38e	29	SESW	4	3.5	
12s38e	30	NENE	3	0.4	
Totals:			162	163.2	

AJ5809NP
No. A29-00352

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 04/24/00
PAGE: 27

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	ALLEN KAY P O BOX 44 SWAN LAKE ID 83281 (208) 897-5527	08/01/1865	IRRIGATION	04-01 11-01	0.800 CFS	
				TOTAL DIVERSION: CONSUMPTIVE USE:	0.800 CFS	368.00 AFA

C MAX KAY
P O BOX 44
SWAN LAKE ID 83281
(208) 897-5518

Water Source: MARSH CREEK

Tributary to: PORTNEUF RIVER

Stage: DECREED

Point(s) of Diversion: T12S R38E S20

NENE

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	: Lt	Ac	Lt	Ac	Lt	Ac	: SUM	
12S	38E	19	:								:								:	13					:	25.0
12S	38E	20	:								:					10	13		:						:	23.0
12S	38E	29	:								:	10	15	20	05			13							:	96.0
12S	38E	30	:	03							:								:						:	3.0
																							TOTAL ACRES		147.0	

POU County: BANNOCK

Non-Irrigation Uses: STOCKWATER, 100 CATTLE.

Other Rights: A29-00350

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
A29-00350

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

Conditions of Approval:
016 - See remarks for additional conditions of approval.

Remarks: GEN THE AREA IS CUT UP BY SEVERAL ROADS, THE RAILROAD, AND MARSH
CREEK. IT SHOULD BE FIELD INSPECTED TO DETERMINE THE ACTUAL NUMBE
R OF IRRIGATED ACRES.

Dates: Exam Made Date: Verified Date: 12/09/1985 Objection Filed Date:

Misc: Water District Number: 29H Field Inspection Flag:
Presumption Flag: C

AJ5809NP
No. A29-00352

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 04/24/00
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Audit: 04/28/90 DUNN 05/01/90 BODELL 03/29/95 POST-STD