

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: A29-02142
Date Received: 4/13/1989
Receipt No: 6006832
Received By: EA

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: LITTLE RED HEN, INC. 208-232-1847
Address: C/O THOMAS J. MCDEVITT, PRES.
P.O. BOX 4260
POCATELLO, ID 83205

2. Date of Priority: JUN 21, 1912

3. Source: SPRINGS Trib. to: JOHNNY CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
07S	34E	23	NE	NE	NW	3	BANNOCK

5. Description of diverting works:
SPRING FLOW COLLECTED INTO DITCHES FOR FLOOD IRRIGATION.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/05	0.140		

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

8. Total consumptive use is 21.0 Acre Feet Per Annum.

9. Non-irrigation uses:
INCIDENTAL STOCKWATERING OF 50 HEAD CATTLE

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
07S	34E	24	NE	NW		IRR	7.0
Section Acres							7.0

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Date: 04/13/89

MICROFILMED

NOV 13 1992

A2902142



10. Place of Use: Continued

Total Acres 7.0

11. Place of use in counties: BANNOCK

12. Do you own the property listed above as place of use? YES

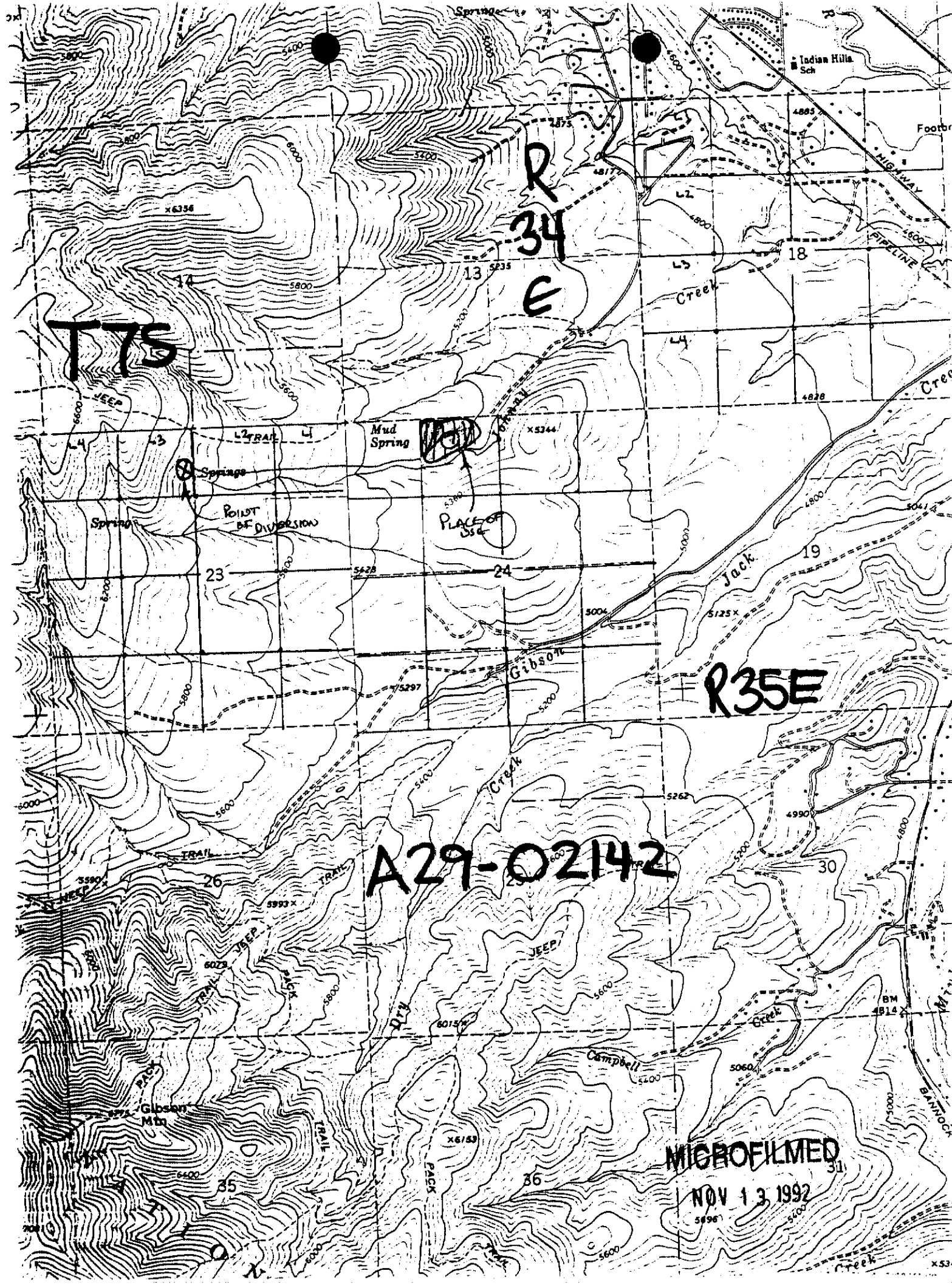
13. Other Water Rights Used:
 29-02110, 02129

14. Remarks:

15. Basis of Claim: LICENSE
 Water Right Number: 8448

(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.

NOV 13 1992



Log for claim A29-02142

Spatial Dynamics LTD

8/29/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
07s34e	24	NENW	7	15	Indiscernible
Totals:			7	15	

County: Bannock
Stream: Mud Springs
Amount: 7/50 Sec
Use: Irrigation
Priority: 6-21-12

STATE OF IDAHO

Water License No. 8448

WHEREAS, On the 21st day of June, A. D. 1912, Leo Hurst

of Pocatello, County of Bannock, State of Idaho, duly made application (No. 12649) to me for a permit to use one (1) cubic foot per second of the waters of Mud Springs

County of Bannock, State of Idaho, for irrigation and domestic purposes, and,

WHEREAS, On the 27th day of July, A. D. 1912, Permit No. 8448 was issued to said applicant for the diversion of said water and providing for the completion of the works of diversion therein described on or before the 27th day of January, A. D. 1913, and for the application to beneficial use of said water on or before the 27th day of January, A. D. 1913, and,

WHEREAS, On the 7th day of October, A. D. 1912, the time for completion of works and beneficial use of water under said permit was extended to the 27th day of January, A. D. 1914, and,

WHEREAS, On the 20th day of December, A. D. 1913, the time for completion of works and beneficial use of water under said permit was extended to the 27th day of July, A. D. 1914, and, WHEREAS, On the 25th day of July, A. D. 1914, Leo Hurst

the holder of said permit, duly made proof of the completion of adequate works for the diversion of 7/50 of 1 cubic foot per second of said waters, as evidenced by my Certificate No. 8448, dated April 10, 1915, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 7/50 of 1 cubic foot per second of said water, with date of priority of June 21, 1912, and

WHEREAS, On the 25th day of July, A. D. 1914, Leo Hurst

the holder of said permit, duly made proof of the application to beneficial use of 7/50 of 1 cubic foot per second of said water:

NOW, THEREFORE, By virtue of authority vested in me by the laws of the State of Idaho, I hereby grant and confirm to

Leo Hurst

of Pocatello, County of Bannock, State of Idaho, the holder and owner of said Permit No. 8448, a perpetual right, dating from June 21, 1912, to the use of 7/50 of 1 cubic foot per second of the waters of Mud Springs

in the County of Bannock and State of Idaho, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted in Lot 3, Sec. 23, T. 7 S., R. 34 E.B.M., approximately 700 ft. south and 100 ft. west of north quarter corner of said Sec. 23,

and conducted to and upon 7 acres in the NE¹ of NW¹, Sec. 24, T. 7 S., R. 34 E.B.M.,

for the purpose of irrigation and domestic use, subject, however, to the laws of the State of Idaho, applicable to a license for the use of the waters of the State, and subject, also, to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and the seal of my office at Boise, Idaho, this 10th day of April, A. D. nineteen hundred and fifteen.

J. H. Smith,

(Seal)

State Engineer:

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

1. Name of applicant: Leo Hurst

Postoffice address: Pocatello

County: Bannock

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 1 cubic feet per second.

3. Source of water supply: Mud Springs

4. Location of point of diversion: Lot 2 and SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 23, T. 7 S. R. 34 E. B. M.

County of Bannock

5. To be used for: Domestic and Irrigation

I. Irrigation and domestic use. (a) Amount of land to be irrigated: 50 acres.

(b) In the following legal subdivisions: NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 24, Twp. 7 S. R. 34 E. B. M. also the SE $\frac{1}{4}$ NW $\frac{1}{4}$ same section, township and range.

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: \$20.00

7. Description of works for diversion:

I. Kind of works: ditch

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

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

Height feet. (d) Conduit ditch width at bottom 2/3 foot feet,

width at water line 5/6 foot feet, depth of water 1/2 foot feet; diameter of pipe

inches; average grade per mile is feet. Length of conduit is 1 miles,

and it crosses the following quarter sections: NE $\frac{1}{4}$ Section 23, and NW $\frac{1}{4}$ Section 24, Twp. 7 South, Range 34 E. B. M.

8. The time required for the completion of the construction of such work is 1/2 years.

9. Time required for the complete application of the water to the proposed use is no 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.

Leo Hurst..... Applicant.

By ... Wm. H. Jackson, Jr.....Agent.

W.

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

Returned to applicant for correction June 24, 1912.

Corrected application received June 27, 1912.

APPROVAL OF STATE ENGINEER.

The number of this permit is 8448

Recorded in Book 27 Page 8448 Approved July 27, 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 September 25, 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 October 27, 1912.

The whole of said work to be completed on or before January 27, 1913.

Beneficial use of water appropriated in accordance herewith, to be made on or before January 27, 1913.

Witness my hand this 27th day of July, 1912.

A. E. Robinson,
State Engineer.

Remarks:

The water herein applied for will be diverted through my ditch from point of diversion to a point near the SE corner of SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 23, T. 7 S. R. 34 E. B. M. from where it will follow a natural channel in a northeasterly direction to a point about 300 feet west of the western boundary line of the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 24, Twp. and Range as above; from which point it will be carried in another ditch to the place of intended use as mentioned herein.

The springs applied for are located upon land in Government ownership.

EXTENSION OF TIME.

On proper request of the holder of the above permit, I have this 7th day of October, A.D. 1912, extended the time for the completion of the work thereunder to the 27th day of January, A.D. 1914.

A. E. Robinson,
State Engineer.

TIP

On proper request of the holder of the above numbered permit, I have this 20th day of December, 1913, extended the time for completion of works thereunder to the 27th day of July, 1914.

F. P. King,
State Engineer.

Recorded by

Checked by

STATE OF IDAHO,)
)ss.
County of Bannock.)

Leo Hurst, being first duly sworn, upon his oath, deposes and says:

That he is the owner of a Permit water right appurtenant ot the following described land, to-wit: E½ NW¼, Section 24, T. 7 South, Range 34 E.B.M.

That he is the owner and holder of Permit to appropriate the public waters of the Stat of Idaho No. 8448.

That he intends to change the point of diversion as described in said Permit, to the following described point:

Lot 3, and approximately 700 feet south and 100 feet west of north quarter corner of section 23.

That such change will be made for the following reasons, towit: for the reason that the point as shown in the original permit was incorrect and this change is necessary to make the record agree with the actual location.

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

And further deponent seith not.

Leo Hurst.

Subscribed and sworn to before methis 14th day of January, 1915.

Wm. H. Jackson, Jr.,

Notary Public.

(SEAL)

My commission expires January 2d,1919.

Received and filed for record in the office of the State Engineer at Boise, Idaho, at 9.00 a.m. Mar. 22,1915.

J. H. Smith,

State Engineer.

CB

Permit No. 8448

CERTIFICATE OF COMPLETION OF WORKS.

To All Whom It May Concern:

This is to certify that Leo Hurst, of Pocatello, County of Bannock and State of Idaho, the holder of Permit No. 8448, issued upon Application No. 12549, bearing date of priority of June 21, 1912, authorizing the diversion of one (1) second foot of the waters of Mud Springs, County of Bannock, 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 7/50 of 1 second foot of the waters of Mud Springs; that the point of diversion of said waters is at a point in Lot 3, Sec. 23, T. 7 S., R. 34 E.B.M., approximately 700 ft. south and 100 ft. west of the north quarter corner of said Sec. 23, and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: Northeast quarter of Northwest quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$), Sec. 24, T. 7 S., R. 34 E.B.M., containing about 7 acres.

Witness my hand this 10th day of April, A.D.1915.

State Engineer of the State of Idaho.

License issued for 7/50 second foot

REPORT OF ENGINEER

1. State name of applicant and number of permit: Leo Hurst Per. No 8448
2. State source of water supply: Mud Springs
3. Location of point of diversion: N.E. 1/4 NW 1/4 Sec 23 T 7 S R 34 E B.M.
4. State whether or not the works of diversion are fully completed and in accordance with terms of permit:
They Are
5. Describe works as they exist, giving dimensions of same as follows:
 - (a) Width of conduit at bottom: 9 inches
 - (b) Width at water line: 14 "
 - (c) Depth of water: 6 "
 - (d) Grade per mile: About 50'
 - (e) Capacity of ditch: 1 second feet.
6. State whether or not water has been turned into works of diversion and if so, to what extent:
It has, to capacity
7. Give exact location of lands to be irrigated. Give exact number of acres under cultivation in each forty acre tract: 7 Acres NE 1/4 NW 1/4 Sec 24 T 7 S R 34 E

8. Submit map on enclosed plat, source of supply, point of diversion, route of ditch or ditches and cross hatch lands to be irrigated.

Remarks: Mr Hurst has sold the above claim to
Mr. J. A. Rawson of Pocatello.
At the time of examination, title had not passed.

Note - Location of Source of Water Supply has been
changed by actual survey by Mr. W. P. Havenor, from
NW 1/4 of NE 1/4 to N.E. 1/4 of NW 1/4 Sec 23.

Examined Sept 18 - 1914

T. S. Buntz

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_____

My Commission Expires _____

Notary Public.

RECEIVED

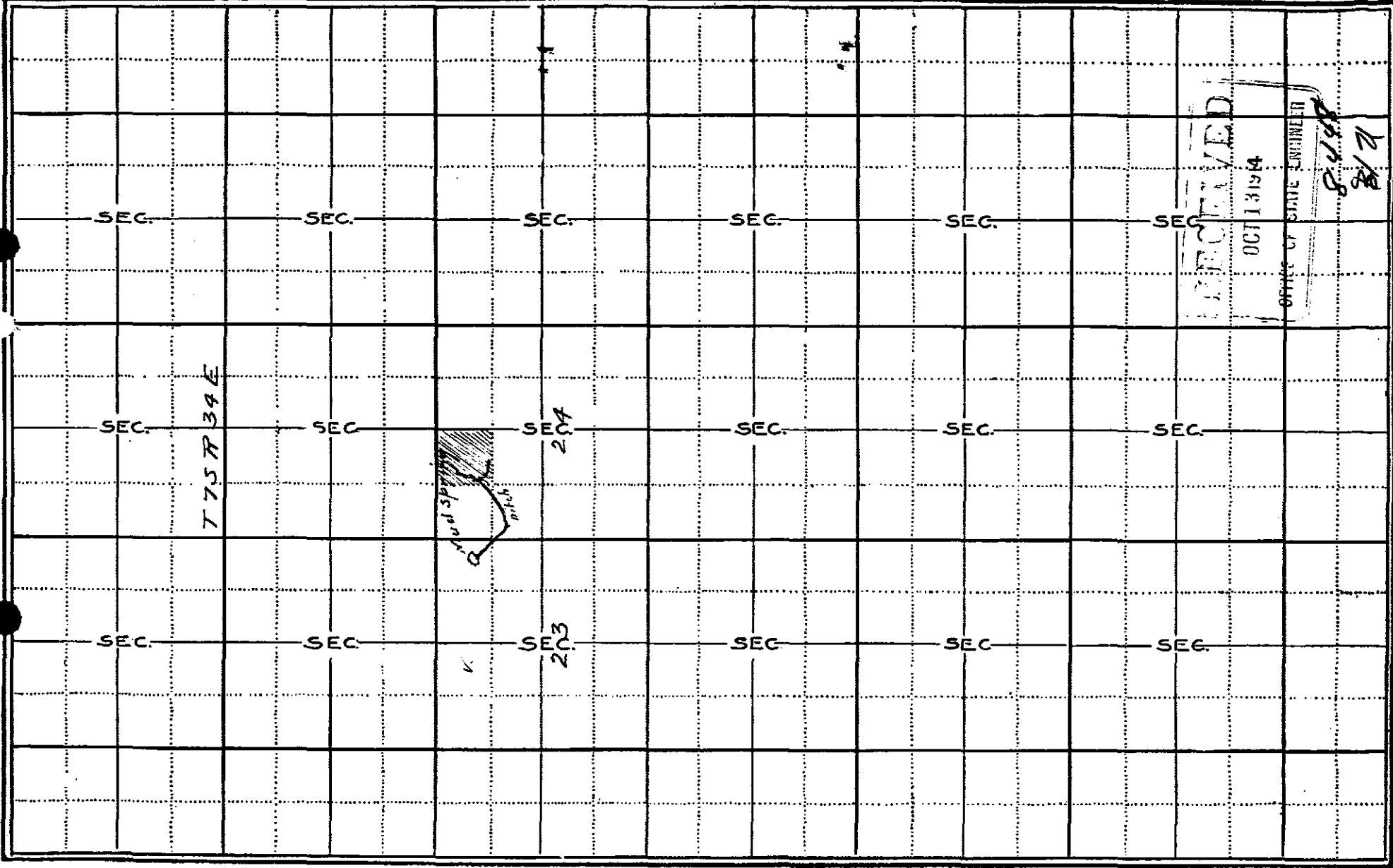
OCT 13 1914

OFFICE OF STATE ENGINEER

8448
8/22

Per No 8948

Name of Applicant. Leo. Hurst



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

Printed and for sale by the Stateman Shop, Boise, Idaho.

AJ5809NP
No. A29-02142

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/18/00
PAGE: 114

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	LITTLE RED HEN INC C/O THOMAS J MCDEVITT PRES PO BOX 4260 POCATELLO ID 83205 (208) 232-1847	06/21/1912	IRRIGATION	03-15 11-05	0.140 CFS	
					TOTAL DIVERSION:	0.140 CFS
					CONSUMPTIVE USE:	21.00 AFA

Water Source: SPRINGS

Tributary to: JOHNNY CREEK

Stage: LICENSE

Point(s) of Diversion: T07S R34E S23 Lot03(NENENW)

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	
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	Lt Ac	Lt Ac	SUM
---	---	---	:	---	---	---	---	:	---	---	---	:	---	---	---	---
07s	34E	24	:					:				:				7.0
															TOTAL ACRES	7.0

POU County: BANNOCK

Non-Irrigation Uses: INCIDENTAL STOCKWATERING OF 50 HEAD CATTLE

Other Rights: 29-02110, 02129

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

A29-02110 A29-02129

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

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

Audit: 04/13/89 VERNER 06/02/94 COX 03/29/95 POST-STD