

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: A29-04109
Date Received: 4/26/1990
Receipt No: E013753
Received By: DC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JENNIE HART 208-897-5743
Address: 2435 E. HAWKINS
DOWNEY, ID 83234
OR
Name: JOHN WILLIAM HART 208-897-5743
Address: 2435 E. HAWKINS
DOWNEY, ID 83234

A2904109



2. Date of Priority: JUN 30, 1970

3. Source: PECK CREEK Trib. to: MARSH CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
11S	37E	6	NE	NE	NW		BANNOCK

5. Description of diverting works:
PUMP TO 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 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
10S	37E	31	SW	SW		IRR	20.0
						Section Acres	20.0
11S	37E	6	NE	NW		IRR	18.0
			NW	NW		IRR	2.0
						Section Acres	20.0
						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:

15. Basis of Claim: STATUTORY CLAIM

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: _____

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
A29-04109	11S 37E	6		NE	NW			BANNOCK		

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
A29-04110 NONE

WR RECORDS IN SAME 40 ACRE TRACT
29-04110

SOURCE: PECK CREEK

TRIB: MARSH CREEK

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP. RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NUMBER
29-04109	11S 37E	6		NE	NW			BANNOCK		

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX
29-04110 A29-04110 NONE

SOURCE: PECK CREEK

TRIB: MARSH CREEK

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)

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 FLAG	COUNTY	DIVERSION NAME	DIVERSION NBR
11S	37E	6		NE	NW			BANNOCK		
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____

SOURCE: PECK CREEK

TRIB: MARSH CREEK

REVIEWED BY: _____ DATE: _____

=====

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

A. ROOT WATER RIGHT NUMBERS: A29-04109

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
10S	37E	31	SW	SW		HART, JOHN WILLIAM	A29-04109 / 20.0	29-04109 / 20.0			
			SW	SW		HART, JENNIE	A29-04111 / 12.0	29-04111 / 13.0			
			SW	SW	4	MARSH CENTER IRRIGATION CO	A29-10663 / 1.0	- /			
			SW	SW	4	MARSH CENTER IRRIGATION CO	A29-10664 / 1.0	- /			
			SW	SW	4	MARSH CENTER IRRIGATION CO	A29-10665 / 1.0	- /			
			SW	SW	4	MARSH CENTER IRRIGATION CO	A29-12058 / 1.0	- /			
			SW	SW	4	CROWDER, GARY	A29-11885 /	- /			
			SW	SW	4	CROWDER, ESTHER	29-11885 /	- /			
			SW	SW	4	MARSH CENTER IRRIGATION CO	A29-00430 / 1.0	- /			
			SW	SW	7	BASTIAN, LYNN S	A29-04302 / 2.0	29-04302 / 2.0			
			SW	SW	6	MANNING, LEON WALLACE		29-04054 / 4.0			
11S	37E	6	NE	NW		HART, JOHN WILLIAM	A29-04109 / 18.0	29-04109 / 18.0			
			NE	NW		HART, JOHN WILLIAM	A29-04110 / 26.0	29-04110 / 26.0			
			NE	NW		HART, JENNIE	A29-04111 / 27.0	29-04111 / 27.0			
11S	37E	6	NW	NW		HART, JOHN WILLIAM	A29-04109 / 2.0	29-04109 / 2.0			

ADDITIONAL POU FOUND

TOTAL ACRES A29-04109 40.00 40.00

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
A29-04109	PECK CREEK	HART, JOHN WILLIAM	0.800	0.020		
A29-00430	HAWKINS CREEK	MARSH CENTER IRRIGATION CO	40.000	0.012		
	HAWKINS CREEK, SOUTH FORK					
A29-04110	SPRINGS	HART, JOHN WILLIAM	0.940	0.036		
A29-04111	SPRING	HART, JENNIE	2.800	0.016		
A29-04302	MARSH CREEK	BASTIAN, LYNN S	6.720	0.018		
A29-10663	SPRINGS	MARSH CENTER IRRIGATION CO	0.330			
	SPRINGS					
A29-10664	SPRINGS	MARSH CENTER IRRIGATION CO	0.330			
	SPRINGS					
	SPRING					
A29-10665	MASON SPRING	MARSH CENTER IRRIGATION CO	0.330			
A29-12058	COLE SPRING	MARSH CENTER IRRIGATION CO	6.680	0.002		
	HEWITT SPRING					
	SHEEP CREEK					

LIST ALL RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION.

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A29-11885	DOMESTIC	CROWDER, GARY	FROM 01-01 TO 12-31	0.040 CFS	
A29-11885	STOCKWATER	CROWDER, GARY	FROM 01-01 TO 12-31	0.020 CFS	
29-11885	DOMESTIC	CROWDER, ESTHER	FROM 01-01 TO 12-31	0.040 CFS	
29-11885	STOCKWATER	CROWDER, ESTHER	FROM 01-01 TO 12-31	0.020 CFS	

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

Y() N()

* IF YES, COMPLETE OVERLAP REVIEW:

OTHER RIGHTS LISTED IN CLAIM: NONE

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()

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 129-04109Date Received 4-26-90Receipt Number 6013753NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) John William Hart & for Jennie Hart Phone (208) 897-5743
Mailing Address 2435 E. Hawkins Downer, Ida Zip 83234

2. Date of Priority (Only one (1) per claim) June 30, 1970

3. Source of water supply (a) Peck Creek
which is tributary to (b) Marsh Creek

4. a. Location of existing point of diversion is: Township 11S Range 37E Section 6,
NE 1/4 of NW 1/4 of 1/4, Govt. Lot, B.M., County of Bannock

Additional points of diversion if any:

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

Township 11S Range 37E Section 6, NE 1/4 of NW 1/4 of 1/4,
Govt. Lot B.M., County of Bannock

ending point is: Township 10 Range 37E Section 31, SW 1/4 of SW 1/4 of
 1/4, Govt. Lot B.M., County of Bannock

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. 7 1/2 pump 6" main 3800'

long and 1/2 mile open ditch

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6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from April 1 to Nov 1 amount 0.80 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.80 (cfs) and/or (b) _____ (acre feet)

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

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

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	
11 S	37 E	6					18	2											
10 S	37 E	31											20						

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 ☒ 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:

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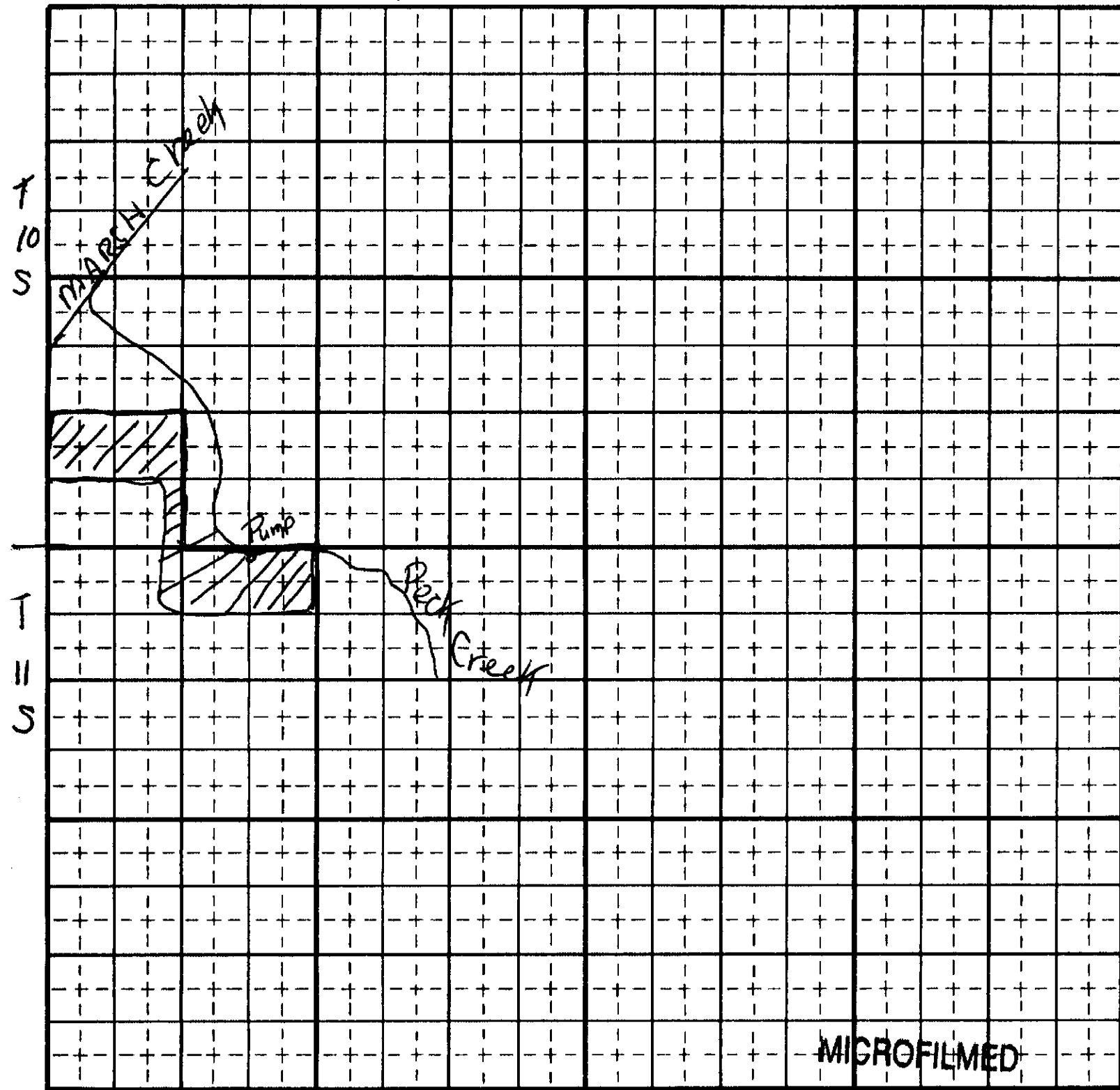
Last Name _____ Ident No. _____

Copies: White -State, Yellow-Claimant

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile

R 37 E



NOV 13 1992

Last Name

HART

Ident No.

29-4109

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License X Permit ~~_____~~
Decree _____
If applicable provide IDWR Water Right Number 29-4109
Court _____ Case Number _____ Decree Date _____
Plaintiff vs 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 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) John William Hart Date 4-26-90
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 _____ of _____
Title 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 _____)
County of Bonner) SS.

Subscribed and sworn (or affirmed) before me this 26 day of April 19 90

SEAL

Notary Public [Signature]

Residing at Idaho Falls, ID.

My Commission Expires 22 Aug 1994

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 A29-04109

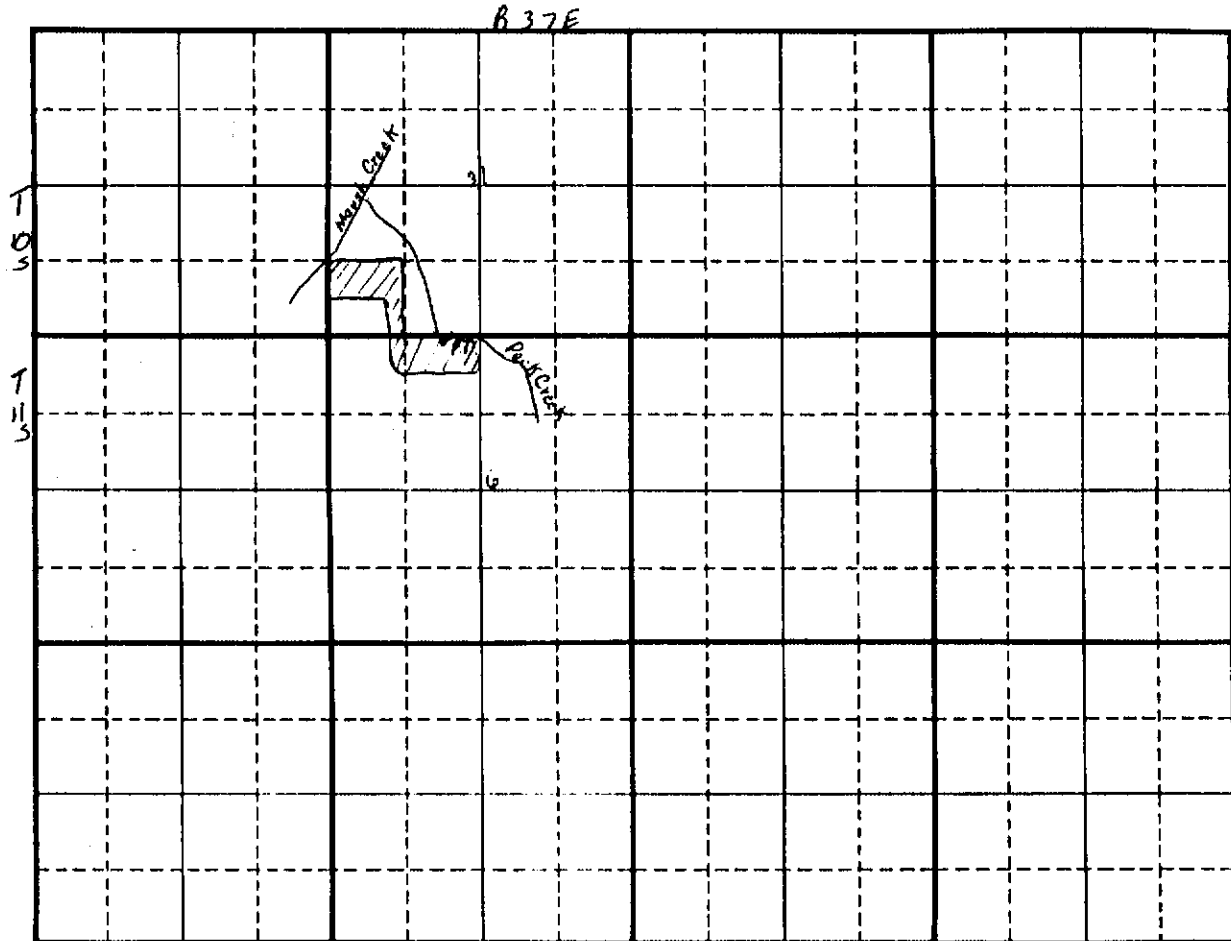
Spatial Dynamics TWB

5/24/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
10s37e	31	SWSW	20	21	
11s37e	6		0	0	nenw should have been nwne in the database
11s37e	6	NWNW	2	2.2	
11s37e	6	NENW	18	19	
Totals:			40	42.2	

- (7) If you are claiming water as a member of an organization, list name of organization: MICHAEL

(8) Remarks _____



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Bonanza) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Sworn to before me this 17th day of August, 1979.

John W. Hart
(Claimant)
William Wray
Notary Public
Residing at Idaho Falls, ID

My commission expires 6/5/81

FOR DEPARTMENT USE ONLY

Received by	dh	Date	8-17-79	Exception filed by:	Forwarded to	Date
Prelim. check by	gc	Date	4/15/80 #13934		claimant by:	
\$20.00 fee received by	dh bw	Date	8-17-79 #13666			
Published in	Idaho State Journal					
Dates	August 30 & Sept. 6, 1979					

AJ5809NP
No. A29-04109

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 04/24/00
PAGE: 99

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	JOHN WILLIAM HART	06/30/1970	IRRIGATION	04-01 11-01	0.800 CFS	
C	JENNIE HART					
	2435 E HAWKINS			TOTAL DIVERSION:	0.800 CFS	
	DOWNNEY ID 83234			CONSUMPTIVE USE:		100.00 AFA
	(208) 897-5743					

Water Source: PECK CREEK

Tributary to: MARSH CREEK

Stage: STATUTORY CLAIM

Point(s) of Diversion:

T11S R37E S06

NENW

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
10S	37E	31	:													20				:	20.0
11S	37E	6	:							18	02									:	20.0
																			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):
A29-04110

Other Water Rights Listing Overlapping Place(s) of Use:
A29-04110 A29-04111

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:

Presumption Flag:

Audit: 05/22/90 DCARLSON 07/19/94 THOMPSON 03/29/95 POST-STD

April 17, 1995

RECEIVED
APR 20 1995

Department of Water Resources
Eastern District Office

State of Idaho
Department of Water Resources
Eastern District Office
900 N. Skyline DR.
Idaho Falls, Idaho 83402-1918

Dear Sir:

In 1970, my Uncle, Herman Reisner, put in a 7 1/2HP pump in Peck Creek to supplement the water on his farm. The Burkley pump is designed for high volume, low pressure. I helped him put in the pump and 750 feet of 6" PVC mainline pipe. He pumped open discharge into his irrigation ditch. The pump and main line was on my property and the water discharged into a ditch on his property.

In 1976, I bought the rest of Herman Reisner's farm. I put in 1875 feet of 6" PVC main line. So now there is no open ditch with flood irrigation. All the irrigation is low pressure sprinklers.

Sincerely,

John W. Hart

John W. Hart
2435 E. Hawkins
Downey, Idaho 83234

INDIVIDUAL

STATE OF Idaho
COUNTY OF Boone) ss.

On this 19 day of April, in the year 95, before me, a Notary Public in and for said State, personally appeared John Hart, known to me to be the person whose name is/are subscribed to the within instrument, and acknowledged to me that he executed the same.

WITNESS my hand and official seal.

Barbara A. Byline
Notary Public for _____
Residing at Downey Id

12-22-99
MICROFILMED

NOV 13 1996

AJ5809NP
No. A29-04109

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 12/28/94
PAGE: 2

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	JOHN WILLIAM HART	06/30/1970	IRRIGATION	04-01 11-01	0.80 CFS	
C	JENNIE HART					
	2435 E HAWKINS					
	DOWNEY ID 83234			TOTAL DIVERSION:	0.80 CFS	
	(208) 897-5743			CONSUMPTIVE USE:		100.00 AFA

Water Source: PECK CREEK

Tributary to: MARSH CREEK

Stage: STATUTORY CLAIM

Point(s) of Diversion: T11S R37E S06 NENW

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
10S	37E	31	:													20				:	20.0
11S	37E	6	:							18	02									:	20.0
																				TOTAL ACRES	40.0

POU County: BANNOCK

Non-Irrigation Uses: NONE

Other Rights: NONE

Dates: Exam Made Date:

Verified Date:

Misc: Water District Number:

Field Inspection Flag:
Presumption Flag:

NOV 13 1996