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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: A29-04425
Date Received: 3/08/1990
Receipt No: 12012270
Received By: HWJ

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: BLACKROCK IRRIGATION PROJECT 208-775-3726
Address: 5676 WEST OLD HYWAY 91
POCATELLO, ID 83204

2. Date of Priority: AUG 22, 1928

3. Source: PORTNEUF RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07S	35E	23	NW	SE			BANNOCK

5. Description of diverting works:
PUMP & PIPELINE TO IRRIGATION SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	2.000		

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

8. Total consumptive use is 92.5 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	35E	23	NE	SW		IRR	12.4
			NE	SE		IRR	12.2
			NW	SE		IRR	10.1
Section Acres							34.7



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NOV 13 1992

10. Place of Use: Continued

Total Acres 34.7

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:
 CLAIM C/O EDWARD HAGER

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.

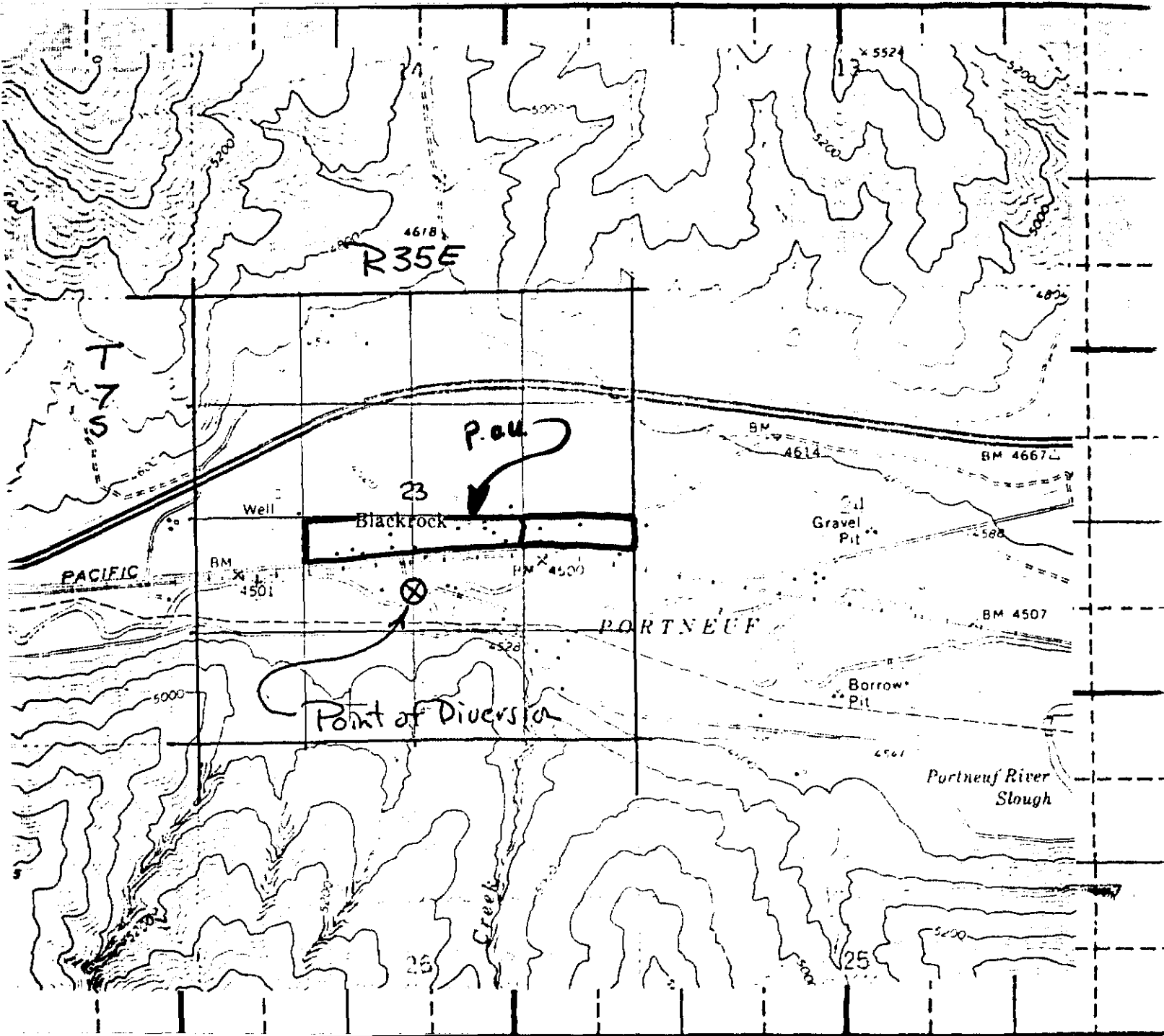
Signature of Claimant(s): President Date: 3-8-90
Edward Hager Date: 3-8-90

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 8th day
of Mar 19 90 Betty J. Thompson
Notary Public

Seal

Residing at BETTY J. THOMPSON, NOTARY PUBLIC
RESIDING AT IDAHO FALLS, IDAHO
My Commission Expires MY COMMISSION EXPIRES: 6-30-94



1/4 mile.
20

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

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to)
Bonnuille) ss.
)

known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim

THIS AGREEMENT, made and entered into this 22nd day of August, 1928, by and between the OREGON SHORT LINE RAILROAD COMPANY, a corporation of the State of Utah (hereinafter called "Railroad Company"), party of the first part, and **S. J. PALMER, of Pocatello, Idaho,**

(hereinafter called "Licensee"), party of the second part, WITNESSETH:

WHEREAS, the Licensee desires to construct and thereafter maintain and operate a water pipe line (hereinafter called "pipe line") extending underground across the right of way and underneath the roadbed and track ■ of the Railroad Company at **MP 206.24, between Inkorn and Portneuf, Bannock County, Idaho,** in the location described as follows, to-wit:

Beginning at a point in the Southerly right of way boundary 56.5 feet perpendicularly distant from the center line of the present operated double track of the Oregon Short Line Railroad, at Engineer's Station 10892 + 00.0; thence 100.0 feet Northerly to a point in the Northerly right of way boundary 43.5 feet perpendicularly distant from center line of said double track at Engineer's Station 10892 + 00.0. Said pipe line will cross said center line at right angles thereto at Engineer's Station 10892 + 00.0, which is 2544.6 feet Westerly, measured along said center line from its intersection with the East line of Section 23, Township 7 South, Range 35 East, Boise Meridian. Said location being substantially as shown on the attached print, which is hereby made a part hereof.

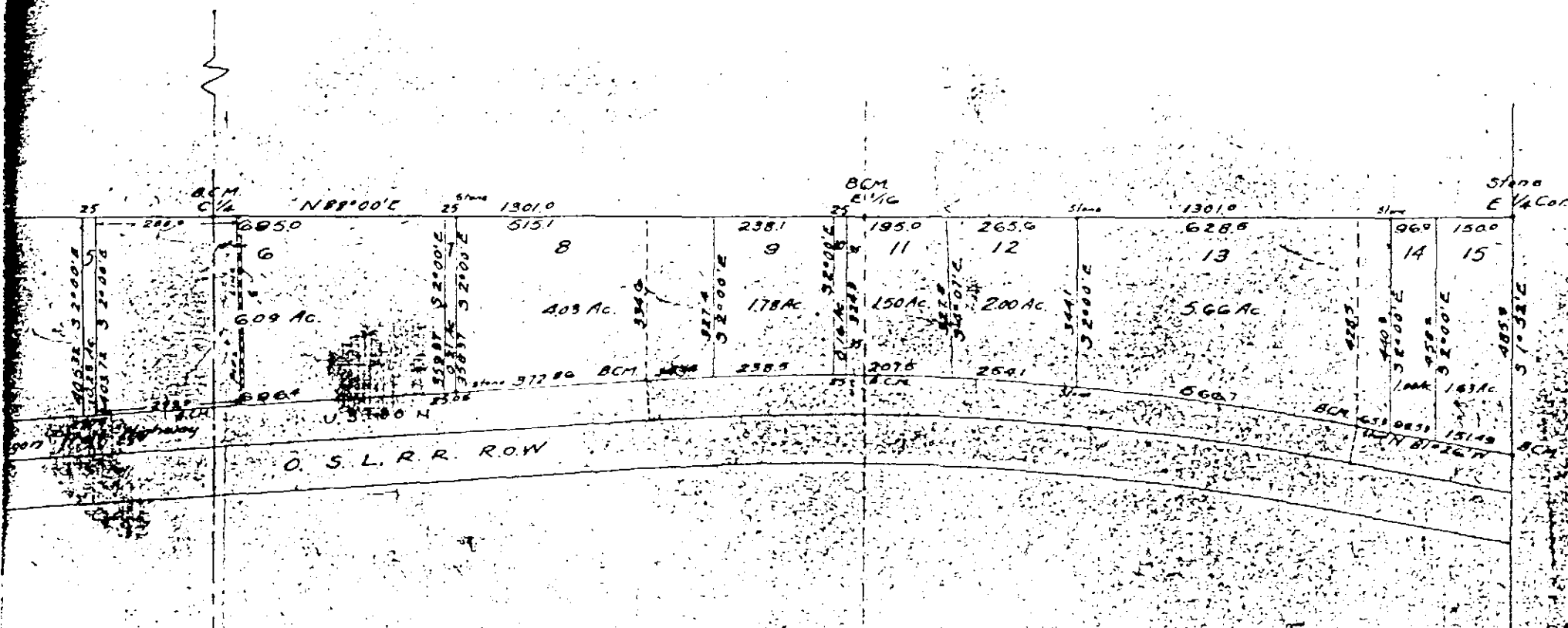
IT IS THEREFORE AGREED, by and between the parties hereto as follows to-wit:

1. RAILROAD COMPANY GRANTS RIGHT TO LICENSEE:

The Railroad Company does hereby grant unto the Licensee the right to construct and thereafter, during the term hereof, to maintain and operate the said pipe line in the location hereinbefore described, which grant is made expressly subject to the observance and performance by the Licensee of all and singular the conditions, covenants and agreements hereinafter contained to be by the Licensee kept, observed

IN THE

G.L.O Mon
N 1/4 Cor
Sec. 23



State of Idaho }
County of Bonnock } S.S.

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

American Falls, Idaho
May 28th, 1927

Mr. S. J. Palmer
P. O. Box 1112
Pocatello, Idaho

Dear Sir:-

This office is in receipt of your letter of May 24th inquiring as to how you can purchase water in the American Falls Reservoir. You can make such a purchase in the following manner.

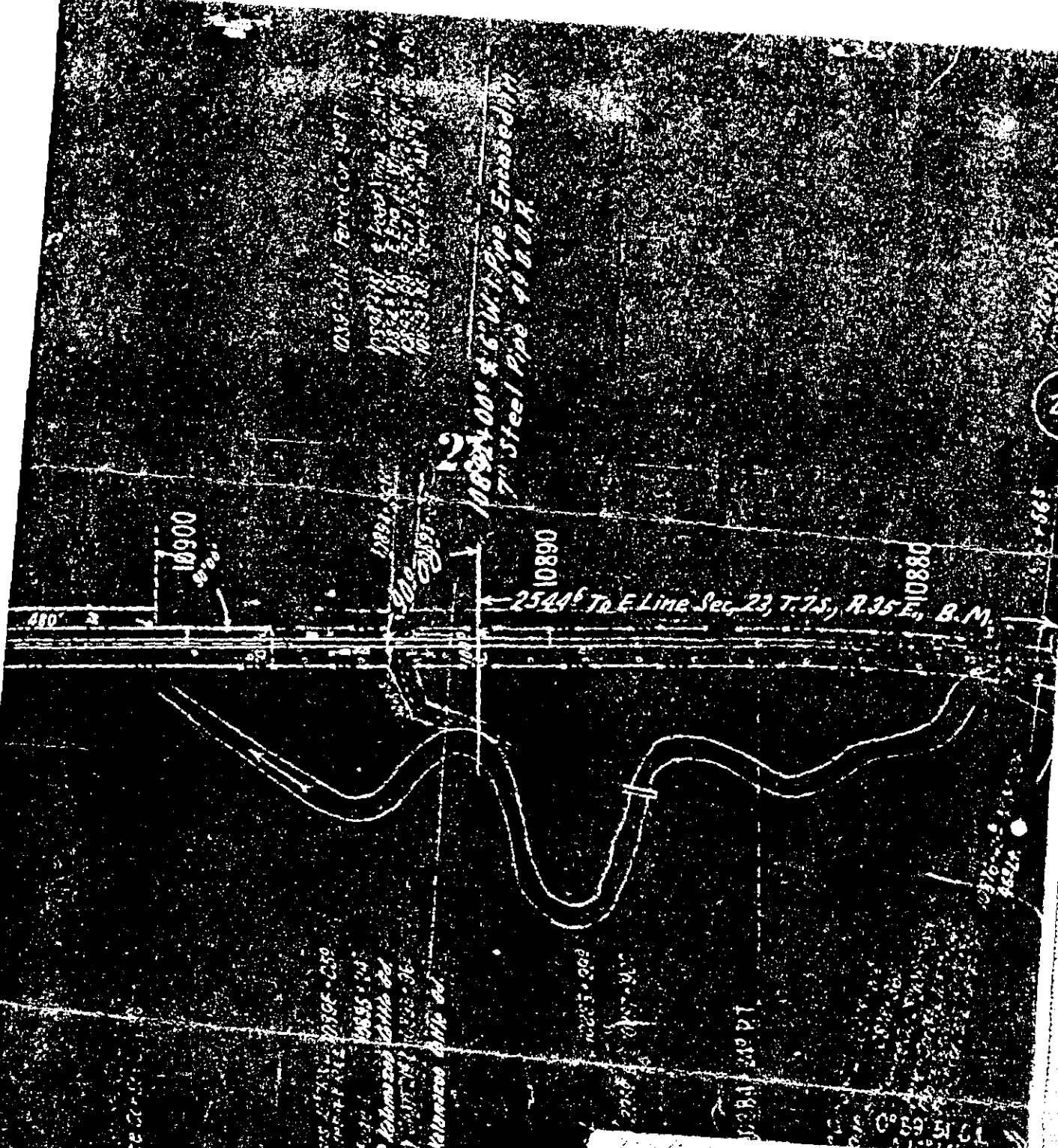
You will pay to the United States each year, prior to the irrigation season, at the rate of 75¢ per acre-foot of storage water you desire. At any time within five years, you can purchase this storage outright at its actual cost to the United States which will probably not exceed \$5 per acre-foot, and the amount you have paid in will apply on the purchase price. In addition, you will be required to pay interest at the rate of 6% per annum on deferred payments and also to pay for the operation and maintenance charges for the storage which you have purchased for the time intervening between the date of your contract and the date of your purchase.

A form of contract covering this plan is now being prepared. If you care to purchase any storage at these rates, please advise the amount you desire and we will send you a form of contract to cover as soon as it has been approved.

Yours very truly,


Dana Templin
Acting Construction Engineer.

DT-mac



Installation of 6" Wrought Iron Pipe Waterway
for S. J. Palmer.

Chas. E. Palmer

OREGON SHORT LINE R. R. CO.	
OFFICE OF ENGR. MAINTENANCE OF WAY	
POCATELLO, IDAHO	
DIVISION	
CRANGER DISTRICT	
M.P. 20 0.24	BETWEEN
INKOM & PORTNEUE	
SCALE 400 FT. = 1 INCH	MAY 29 1928
Per <i>W.E.C.</i>	

April 12, 2001

29-04425
BLACKROCK IRRIGATION PROJECT
5676 W OLD HWY 91
POCATELLO ID 83204

RE: EVIDENCE OF PRIORITY

Dear Claimant (s):

The Idaho Department of Water Resources has recently begun its water right review in Basin 29. The Notice(s) of Claim identified with the number shown **above in the "address" label and at the "end" of this letter** has been filed in the Snake River Basin Adjudication (SRBA). The Notice indicates water usage is based on "Beneficial Use". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed, at or on the place of use identified on the Notice. The date the water was first put to use, known as the priority date, has not been confirmed by a license, Decree, or Permit. For this reason, proof must be provided supporting the priority date. **As the claimant, you are responsible for submitting the necessary proof to support the priority date.**

It is important that each element of the Notice be substantiated. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

For your reference, I have provided a printout of your Notice and the pamphlet entitled **"Evidence of Priority"**. The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. While I encourage you to read the entire pamphlet, I direct your attention to the two sections entitled **"What Kind of Evidence is Required"** and **"Some examples of Documents Which May Be Evidence of the Priority Date"**.

It is our goal to recommend historical water rights within the Snake River Basin as accurately as possible. Field exams to verify other items of the Notice have been or soon will be conducted by Department personnel.

.....
The Department can not recommend the Notice be decreed by the court if no evidence of a priority date is submitted.
.....

Please submit the documentation supporting the priority date by May 21, 2001, referencing all documents with the corresponding Notice number. If you have any questions not covered by this letter or the enclosed pamphlet, please feel free to contact me at 525-7161.

Respectfully submitted,

Craig L. Saxton
Water Resource Agent
Adjudication Bureau

Enclosure: Brochure on "Evidence of Priority"
Notice of Claim 29-04425

Log for claim A29-04425

Spatial Dynamics BTD

9/6/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
07s35e	23	NESW	12	13	
07s35e	23	NESE	12	12	
07s35e	23	NWSE	10	11	
Totals:			34	36	

4/12/01 NO microfilm priority Evidence

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT



Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Blackrock Irrigation Project c/o Edward Hager
Rt. #3 South, Pocatello, ID 83201 (Name of Claimant)
(Mailing Address) (Zip Code) Telephone No. 775-3726

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

- (1) Date of priority: (When was the water first applied to a beneficial use) 8-22-1928
A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)
Portneuf River tributary to Snake River
(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Quantity	(cfs, af)	Use	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
Quantity	<u>2.00 cfs</u>	Use	<u>irrigation</u>	Period of Use From <u>4/15</u>	To <u>10/15</u>
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To
Quantity	<u>2.00 cfs</u>	Use		Period of Use From	To

(4) 2.00 cfs TOTAL QUANTITY USED.
(cfs, af)

- (5) A) Point of diversion: (Location of point where water is diverted from its source)
NW ¼ SE ¼, Sec. 23 Twp. 7S Rge. 35E B.M., County of Bannock
Additional points of diversion: NE ¼ SW ¼, Sec. 23, T. 7S, R. 35E

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change.
15 hp pump and pipeline

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
7S	35E	23									19					18			37

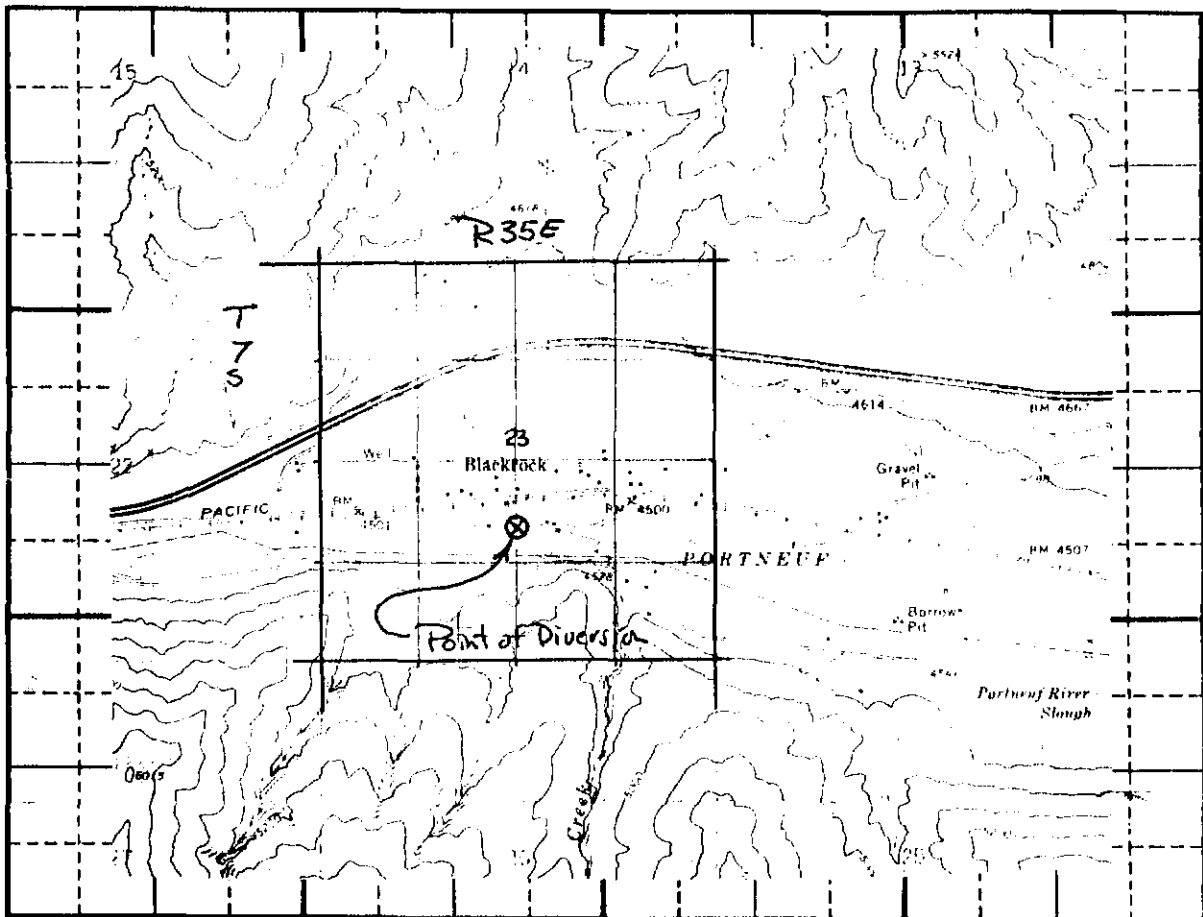
No. of acres 37

- B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

NOTE: Include here the type and number of stock watered:

- (7) If you are claiming water as a member of an organization, list name of organization:
Blackrock Irrigation Project. c/o Edward M. Hager
Howard J. Hager

(8) Remarks



Scale: 2-inches equal 1-mile.
1:24000

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

Bannock

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

29th

day of

June

1983

Edward M. Hager
(Claimant)

Notary Public
Residing at

Callum Wray
Idaho Falls

My commission expires

6-15-85

Assisted by

Ken

Received by

Ken

Prelim. check by

Ken

Published in

Idaho State Journal

Dates

9/1 - 9/15/83

7-29-83 FOR DEPARTMENT USE ONLY

Date

6-29-83

Date

7/28/83

Date

6-29-83

Date

7/15/83

Exception filed by:

Forwarded to

claimant by:

Date

CLAIM TO A WATER RIGHT

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

ROUTE 3 SOUTH ^C/ EDWARD HAGER POCAHONTAS, VA 22651-8320
(Mailing Address) (Zip Code) 775-372

(1) Date of priority: (When was the water first applied to a beneficial use) 8-22-1928

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)

147. PORTNEUE RIVER tributary to SNAKE

(c/s. af)

(Domestic, Irrigation, Stock, Etc.)

(Both dates inclusive)
(Mo., Day) (Mo., Day)

Quantity	Use	Period of Use From	To
Quantity <u>2.0 cfs</u>	Use <u>IRRIGATION</u>	Period of Use From <u>4-15</u>	To <u>10-15</u>
Quantity	Use	Period of Use From	To
Quantity	Use	Period of Use From	To
Quantity	Use	Period of Use From	To

(4) TOTAL QUANTITY USED.

icfs.ath

(5) A) Point of diversion: (Location of point where water is diverted from its source)

NW ¼ SE ¼, Sec. 23 Typ. 750 Rge. 35E B.M., County of BANNOCK

Additional points of diversion: NE 1/4 Sec 14 T7S R35E

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. PUMP AND PIPELINE 15 HP PUMP.

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

[illegible]

No. of acres 39 3/7

B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

NOTE: Include here the type and number of stock watered:

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

BLACKROCK IRRIGATION PROJECT.

A blank sheet of graph paper featuring a uniform grid of squares. The grid consists of solid black lines forming the outer border and dashed black lines forming the internal divisions. The paper is oriented vertically and contains no text or markings other than the grid itself.

Received by _____ Date _____ Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by _____ Date _____ claimant by: _____
\$30.00 fee received by _____ Date _____
Published in _____
Dates _____