

101

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: A29-07222
Date Received: 3/28/1990
Receipt No: EQ12569
Received By: AMJ

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: OWEN K. WARD 208-237-0144
Address: 1469 W. QUINN
POCATELLO, ID 83201
OR
Name: OPAL M WARD 208-237-0144
Address: 1469 W. QUINN
POCATELLO, ID 83201

A2907222



2. Date of Priority: AUG 22, 1974

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
06S	34E	9	SW	SE			BANNOCK

5. Description of diverting works:
WELL, PUMP & SPRINKLERS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.000		

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

8. Total consumptive use is 128.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06S	34E	9	NW	SE		IRR	24.0
			SW	SE		IRR	26.0
						Section Acres	50.0
						Total Acres	50.0

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: LICENSE

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): OK Ward Date:
Date: 3-28-90

State of Idaho)
County of Lemhi) SS.

Subscribed and sworn (or affirmed) before me this 28th day
of March 19 90 Gallen Way
Notary Public

Seal

Residing at Idaho Falls
My Commission Expires 5/29/1991

AJ0749NP
No. A29-07222

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 09/24/98
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	CITY OF POCA TELLO PO BOX 4169 POCA TELLO ID 83205 (208) 234-6148	08/22/1974	IRRIGATION	04-01 11-01	1.00 CFS	
TOTAL DIVERSION:					1.00 CFS	
CONSUMPTIVE USE:						128.00 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T06S R34E S09 SWSE

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
06S	34E	9	:															24	26	50.0
TOTAL ACRES																			50.0	

POU County: BANNOCK

Non-Irrigation Uses: NONE

Other Rights: NONE

Conditions of Approval:

- R30 - This right when combined with all other rights shall provide no
- more than .02 cfs per acre nor more than 3.5 afa per acre for
- irrigation of the lands above.

Remarks: GEN OWNERSHIP CHANGED 9-22-98 SVH

Dates: Exam Made Date:

Verified Date:

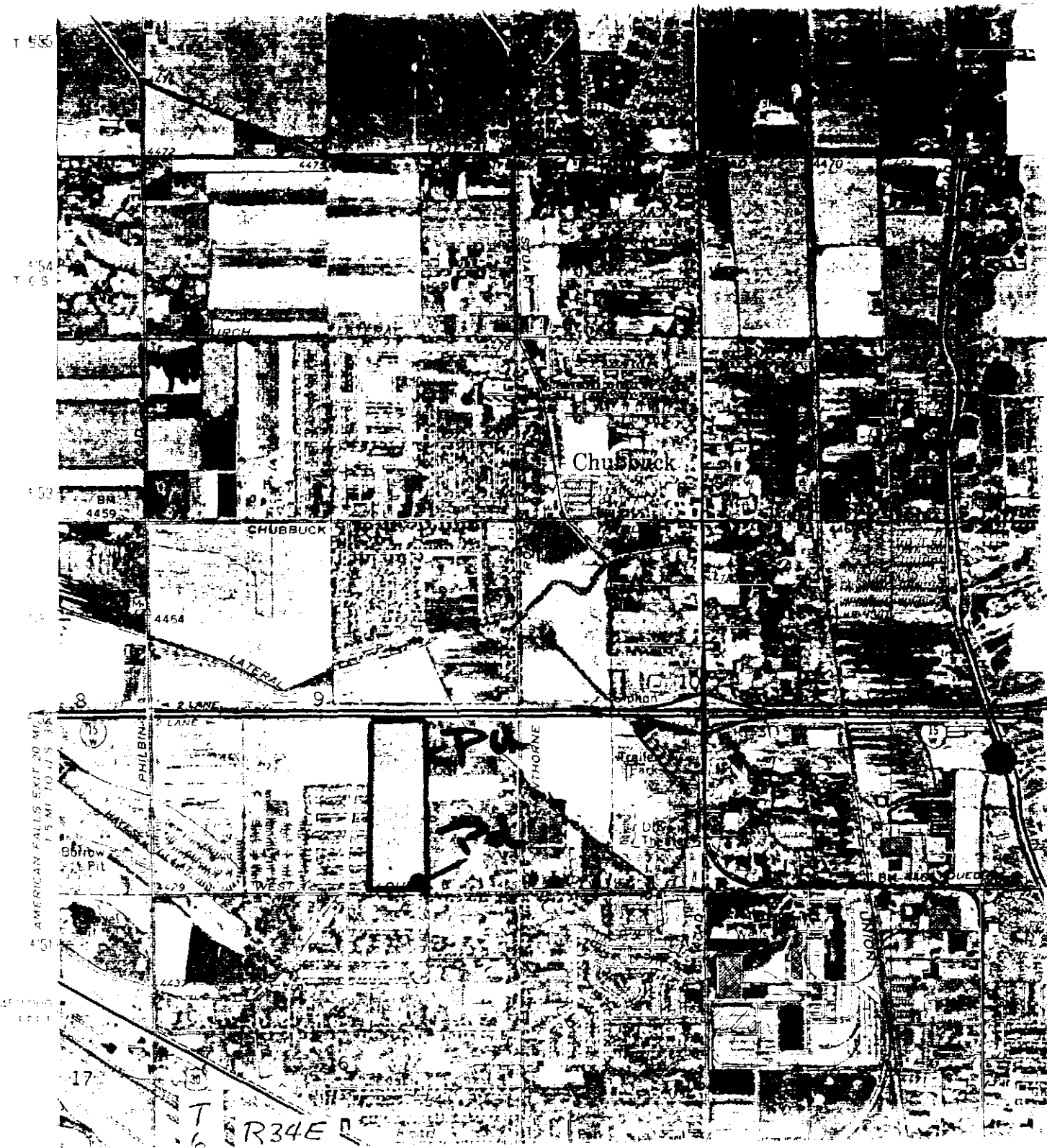
Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:
Presumption Flag:



NOV 13 1954



Log for claim A29-07222

Spatial Dynamics BTD

9/21/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
06s34e	9	NWSE	24	21	
06s34e	9	SWSE	26	24	
Totals:			50	45	

DATE: 05/24/00
PAGE: 96

Audit: 03/28/90 DUNN 07/26/94 THOMPSON 03/29/95 POST-STD 09/24/98 SVANHOFF
04/12/00 CVANDERM

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 29-7222 Priority August 22, 1974 Amount 1.0 cfs

THIS IS TO CERTIFY, that Owen K. Ward
of Pocatello, Idaho, has complied with the terms and conditions of Permit
No. 29-7222 issued pursuant to Application for Permit dated August 22, 1974,
and has submitted proof to the Department of Water Resources on July 16, 1979,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 1.87 cfs of water from a groundwater source,
tributary to _____, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Irrigation</u>	from <u>April 1</u> to <u>November 1</u>	at <u>1.0</u> cfs and	<u>175.0</u> acre feet
	from _____ to _____	at _____ cfs and	
	from _____ to _____	at _____ cfs and	

(both dates inclusive)

Subject, however, to the condition that no more than 1.0 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
175.0 acre feet per year, said waters to be diverted within the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 9, Twp.
6S, Rge. 34E in the County of Bannock

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
6S	34E	9													24	26			50

Total number of acres irrigated 50

This right when combined with all other rights shall provide no more than 0.02 cfs
per acre nor more than 3.5 afa per acre for the lands above.

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho
Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use
herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 29 day of
January, 19 82.

Director

MICROFILMED

Identification No. 29 7222

Application No. _____

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

APPROVED

1. Name of applicant OWEN K. WARD 1461 W. QUINN Pocatello, ID.
post office address Route 2 Box 309, Pocatello, Idaho 83201 83201

2. Source of water supply ground water which is a tributary of N.A.

3. a. Location of point of diversion is NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 9 Township 6S
Range 34 E B.M. Bannock County; additional points of diversion if any: _____
None RDC 8-22-74

To be located on a line common to the NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 9, T. 6S, R. 34E, B.M.

b. If water is not consumed, it will be discharged into N.A. at a point in _____ $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____

4. Water will be used for the following purposes:

Amount 3.2 cfs for irrigation purpose from April 1 to November 1 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:

a. 3.2 cfs cubic feet per second and/or
b. _____ acre feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Complete irrigation sprinkler outfit consisting of 16 inch well and motor and pump and complete wheel moves sprinkler system to cover entire 102 acre tract

b. Height of storage dam N.A. feet, active reservoir capacity _____ acre feet; total reservoir capacity _____ acre feet, materials used in storage dam: _____
Period of year during which storage will occur _____ to _____ inclusive.
(Mo. Day) (Mo. Day)

c. Proposed well diameter is 16 inches; proposed depth of well is 160-200 feet.

7. a. Time required for the completion of the works and application of the water to the proposed beneficial use is five years.

b. Estimated construction cost is \$ 40,000.00.

8. Description of proposed uses:

a. If water is not for irrigation: N.A.

(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____
Range _____ B.M.

(2) Amount of power to be generated: _____ hp under _____ feet of head.

(3) List number of each kind of livestock to be watered: _____

(4) Name of municipality to be served _____, or number of families to be supplied with domestic water: _____

(5) If water is to be used for other purposes describe: _____

MICROFILMED

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

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
6S	34E	9	NONE				NONE				12.13	0	0	14	0	35.86	40	0	101.99

Total number of acres to be irrigated 101.99

c. Describe any other water rights used for the same purposes as described above.

This land has existing Fort Hall Irrigation Water Rights which will not be used after the well is complete

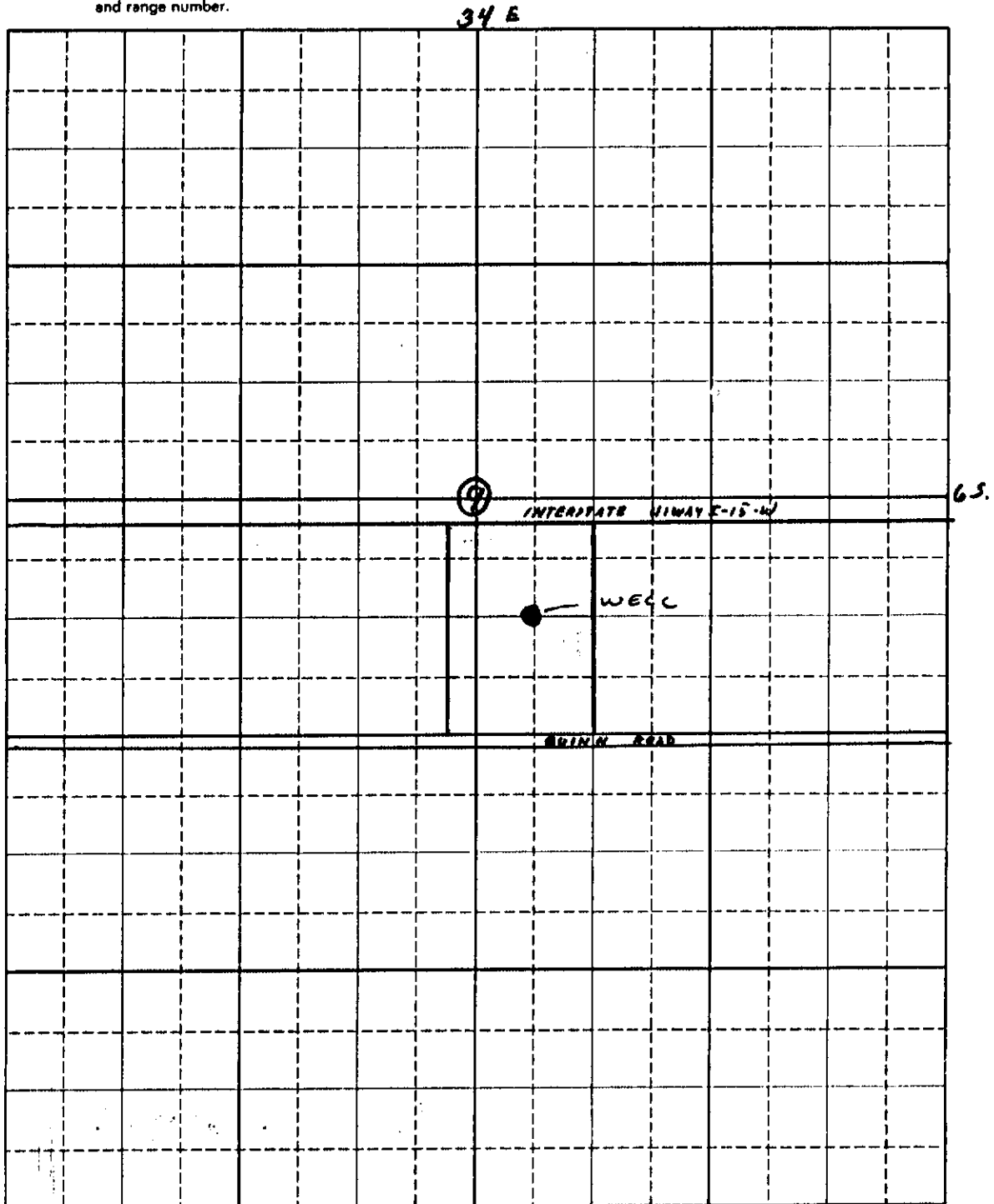
9. a. Who owns the property at the point of diversion Owen K. Ward and Opal M. Ward, husband &

b. Who owns the land to be irrigated or place of use Owen K. Ward and Opal M. Ward wife

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing N.A.

10. Remarks

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



Scale: $\frac{1}{2}$ inches equal 1 mile

SEE ATTACHED SURVEY, JOB NO. 6886
PREPARED BY L. H. DALIFF ASSOCIATES.

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

James K. Ward
(Applicant)
4/ *Wm. H. Denmark*
Attorney

Proposed Priority: 8-22-1974

Received by MB Date 8-22-74 Time 10:50 A
Preliminary check by RDC Fee \$ 55.
Receipted by MB Date 8-22-74 # 13029
Publication prepared by MB Date 8-23-74
Published in Idaho State Journal
Publication dates Aug 29 + Sept 5, 1974
Publication approved CB Date 9/9/74
Priority reduced to _____ Reason _____

Protests filed by: _____

Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial by RDC ME

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER ADMINISTRATION

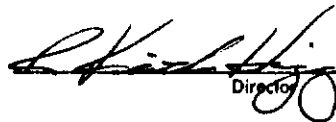
This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 29-7222, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before September 1, 1979.
- c. Other: A measuring device of a type approved by this Department shall be permanently installed and maintained as part of the diverting works.

2. Denial of said application is for the following reasons: _____

Witness my hand this 24 day of September 19 74.


Director

Date 2-26-80
Date 2-1-81

Recommended Amendments:
Change P.D. as reflected above
Change P.U. as reflected above

☐ Add P.D., as reflected above

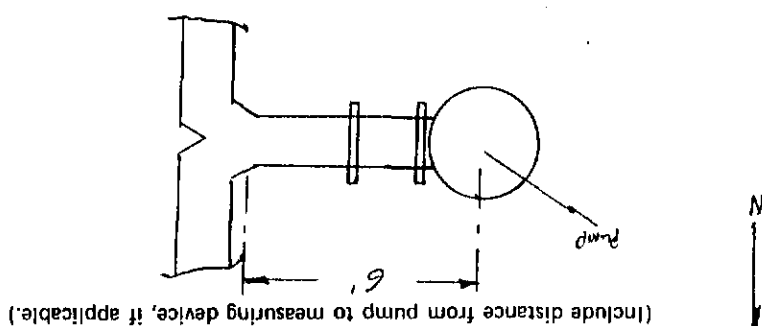
☐ Add P.U., as reflected above

☒ None
☐ Other

[illegible]

Place(s) of Use

Point(s) of diversion: SW $1/4$ of SE $1/4$ Sect 9 T6S R34E



SCHEMATIC DIAGRAM OF SYSTEM

10

3

13

R 34E

T6S

MAP (Attach Aerial Photo)

State of Idaho
DEPARTMENT OF WATER RESOURCES
FIELD REPORT29-7222
Permit No.

CONTACT WITH PERMIT HOLDER

	DATE	INITIALS	REMARKS
☐ Appointment letter mailed:			
☐ Telephone call made: (List Telephone No. used)			
☐ Appointment scheduled for: (Date, time, location)			

EXAMINATION

Date 7-30-80 Accompanied by Owen Ward Total Q measured 1.87 cfs
If source is surface water, estimate total flow of source
Methods of measurement Annubar Meets Permit requirements? Yes

Measurement calculations: $V = 50 \text{ acres} \times 3.5 \text{ cfs}$ $= 175 \text{ cfs/a} \checkmark$	$(7.5')^2 \times 3.85 \times 0.15$ $839 \text{ gpm} = 1.87 \text{ cfs}$ <u>capacity</u> 50 acres at 0.02 cfs/acre = 1.00 cfs <u>✓</u>	$V = 1.00 \text{ cfs} \times 1.9825 \times 2.14$ $V = 424 \text{ afa}$
--	--	---

WELL/DIVERSION* NO.	HP	MOTOR MAKE	MOTOR SERIAL NO.	PUMP MAKE	PUMP SERIAL NO.	MEASURING DEVICE TYPE	CONDITION OF MEAS. DEV.	REMARKS
	75	GE	N.A.	Lynne Geller	45158			

System Description From well to pump/meter through 6 feet of 7 1/2" ID mainline to buried 10" line halfway up system thru 8" for remainder to (short) wheel lines.

*Code with map on reverse side. Disregard code if only one.

RECOMMENDED AMOUNTS

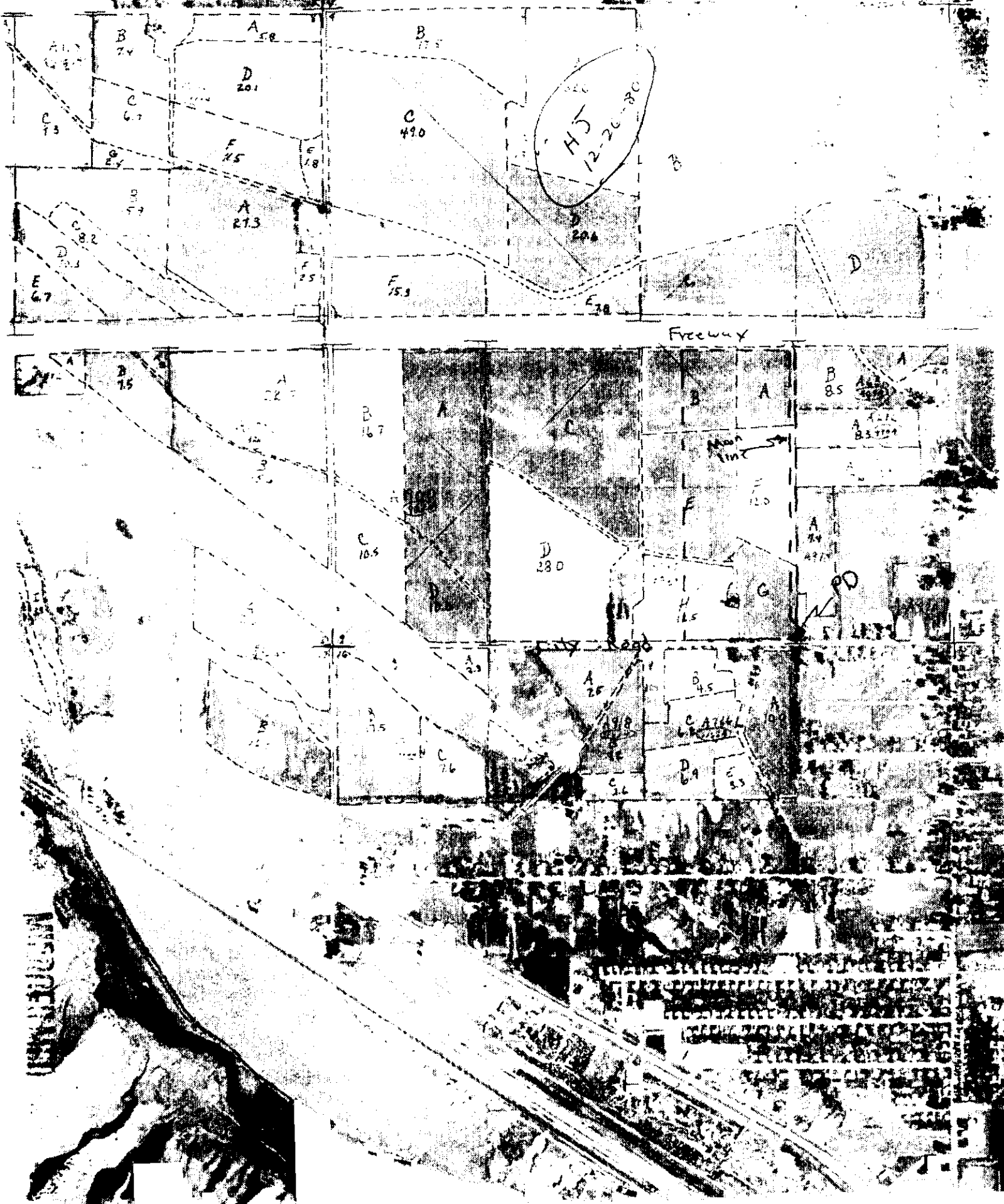
USE	Irrigation requirement =	3.5	AFA/Acre	FROM	TO
	Q (cfs)	V (afa)			
<u>Irrigation</u>	<u>1.00</u> ✓	<u>175</u> ✓		<u>April</u>	<u>Nov. 1</u>
Total	<u>1.00</u> ✓	<u>175</u> ✓			

Remarks

APPROVED

10/1/80
[Signature]

21 1222





State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

October 8, 1998

CITY OF POCATELLO
PO BOX 4169
POCATELLO ID 83205

RE: NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP
NOTICE OF CLAIM TO A WATER RIGHT A29-07222

Dear Sir:

The request for Change of Water Right Ownership concerning the above-referenced Notice of Claim has been processed and the Department's records updated to reflect you as the new claimant.

The enclosed report shows this change along with the elements of the water right being claimed. Please review this report and contact this office if there are corrections or questions.

Please keep this report for your records.

Respectfully yours,

Jennifer Hoagland
Technical Records Specialist

Enclosure

BEEMAN & HOFSTETTER, P.C.

Counselors and Attorneys at Law

608 West Franklin Street

P. O. Box 1427

Boise, Idaho 83701-1427

Josephine P. Beeman

Dana L. Hofstetter

Telephone: (208) 388-8900

Facsimile: (208) 388-8400

E-mail: beehof@micron.net

September 17, 1998

IDWR — Eastern
900 Skyline Drive, Suite A
Idaho Falls, Idaho 83402

Attn: Jennifer

Re: Notice of Change of Water Right Ownership
Water Right No. A29-07222

Dear Jennifer:

Enclosed with this letter is a Notice of Change of Water Right Ownership submitted on behalf of the City of Pocatello. The property and water right were deeded to the City of Pocatello by Owen K. and Opal M. Ward (*see attached deed*).

We appreciate your assistance. Please let us know if you have any questions about the Change of Water Right Ownership.

Sincerely,

BEEMAN & HOFSTETTER, P.C.



Josephine P. Beeman

JPB:ja

Enclosure

cc: Dean Tranmer, City Attorney, City of Pocatello (w/o encl.)

Fred Ostler, Water Superintendent, City of Pocatello (w/ encl.)

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RECEIVED

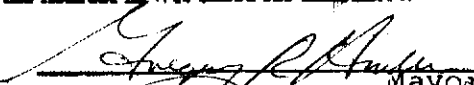
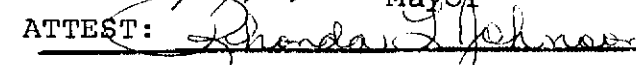
SEP 21 1998

Department of Water Resources
Eastern Region

DELOG SVH 9/24/98
OK SVH 9/24/98

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Water Right Number(s) 29-07222
Adjudication Claim Number(s) A29-07222
2. The following **REQUIRED** information must be submitted with this form.
 - A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
AND
 - B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.)
OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant(s) Owen K. and Opal M. Ward
1469 West Quinn
Pocatello, Idaho 83201
4. New Owner/Claimant(s) City of Pocatello
Name connector (Check one): () AND () OR () AND/OR
New Mailing Address P. O. Box 4162
City, State and ZIP Code Pocatello, Idaho 83205
New Telephone Number (208) 234 - 6148
5. Date you acquired the property December 16, 1992
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.
Number of acres actually irrigated 50 Number and type of stock _____
Diversion rate in CFS 1.0 Number of homes _____ Other uses _____
cubic feet per second
If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
7. Signature of New Owner/Claimant(s)  Date 8-13-98
ATTEST:  Date 8-13-98
City Clerk
8. (Corporations or other organizations must submit a list of directors/officers demonstrating authority to sign form.)
For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

11-1
WARRANTY DEED

92020038

WHEREAS, Owen K. Ward and Opal M. Ward, husband and wife, of 1469 West Quinn Road, Pocatello, Idaho, became owners of record of a certain parcel of land hereinafter described through a Deed recorded as Instrument No. 649930 on June 30, 1980, in the records of the County Recorder of Bannock County, Idaho; and

WHEREAS, on May 28, 1992, Opal Ward was appointed Personal Representative of the estate of Owen K. Ward; and

WHEREAS, Opal Ward desires to donate the said land in memory of Owen Ward to the City of Pocatello for use as a public park;

NOW, THEREFORE, in consideration of the preparation of all necessary documents and the fees for recording thereof, Opal M. Ward, widow of Owen K. Ward and Personal Representative of his estate, GRANTOR, does hereby grant, bargain, and convey unto the City of Pocatello, a municipal corporation of Idaho, GRANTEE, the following described real property as shown on Exhibit A attached hereto:

A tract of land in the West 1/2, Southeast 1/4, Section 9, Township 6 South, Range 34 E.B.M., Bannock County, Idaho, more particularly described as follows:

Commencing at the South 1/4 corner of Section 9, Township 6 South, Range 34 E.B.M.; thence north 89°55'06" east along the south line of said Section 9 for a distance of 450.02 feet to the true point of beginning; thence north 0°32'30" west 660.00 feet; thence north 89°55'06" east 17.63 feet; thence north 0°32'30" west 250.00 feet; thence north 89°55'06" east 26.99 feet; thence north 0°32'30" west 300.00 feet; thence south 89°55'06" west 28.14 feet; thence north 0°32'30" west 200 feet; thence north 89°55'06"

FILE COPY

11-2

east 3.12 feet; thence north 0°3'30" west
685.00 feet; thence north 89°55'06" east 868.91
feet, more or less, to the east 1/16 line of said
Section 9; thence south 0°21'08" east 2095.00
feet more or less, to the east 1/16 corner of
said Section 9; thence South 89°55'06" west
868.20 feet, more or less, to the point of
beginning.

Excepting therefrom an easement 40 feet wide
(measured perpendicular from the south line of
said Section 9) extending over and across the
southerly end of the above described tract, said
easement is for a public road and utility lines.

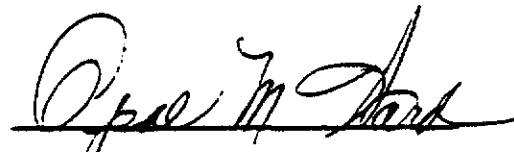
Subject to the following exceptions:

1. Usual printed exceptions contained in title
insurance policies.
2. Easements, reservations and restrictive
covenants of record.

TO HAVE AND TO HOLD the said premises, with their
appurtenances unto the said GRANTEE, its heirs and assigns
forever. And the said GRANTOR does hereby covenant to and with
the said GRANTEE that she is the Executrix and Personal
Representative of Owen K. Ward and the owner in fee simple of
said premises; that they are free from all encumbrances other
than exceptions set out herein and that she will warrant and
defend the same from all lawful claims whatsoever.

PROVIDED, however, that this Deed is subject to the
contract provisions of the Agreement between the parties, a
copy of which is attached and made a part hereof.

DATED: 12/16/92


Opal M. Ward, GRANTOR

STATE OF IDAHO)

County of Bannock)

92020098

i 1-3

On this ~~14th~~ day of December, 1992 before me, a notary public in and for said State, personally appeared OPAL M. WARD, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed same.

Cara Lewis

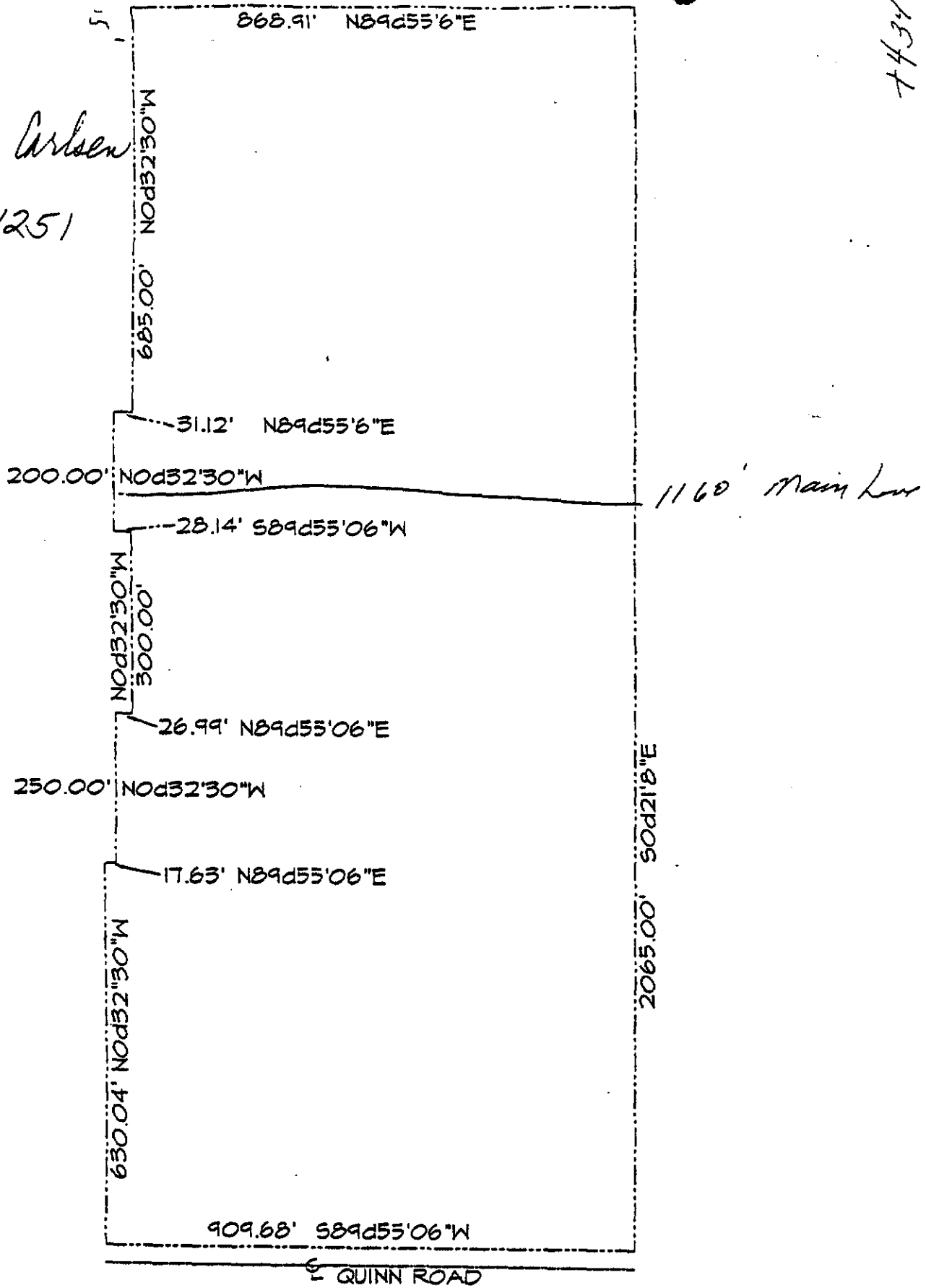
NOTARY PUBLIC FOR IDAHO

Residing at Pocatello, Idaho

My commission expires: 11/6/98

Larry Arlsen
7-1251

7434



O. K. WARD PARK PROPERTY LAYOUT