

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: A29-07286
Date Received: 1/20/2000
Receipt No: E025564
Received By: Emc

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: BRENT PHILLIPS 208-775-3489
Address: 5250 W OLD HWY 91
POCATELLO ID 83204
OR
Name: ANN MARIE SMITH 208-775-3489
Address: 5250 W OLD HWY 91
POCATELLO ID 83204

2. Date of Priority: SEP 2, 1975

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

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

5. Description of diverting works:
WELL, PUMP AND PIPELINE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	05/01	10/01	0.130		39.50

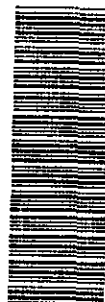
7. Total Quantity Appropriated is:
0.130 C.F.S. (and/or) 39.50 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	35E	23	SE	NE		IRR	12.0



10. Place of Use: Continued

Section Acres 12.0

Total Acres 12.0

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:

14. Remarks:

IN 1985 PROPERTY WAS PURCHASED BY BRENT PHILLIPS. THE POINT
OF DIVERSION HAD ALREADY BEEN MOVED TO THE WELL LISTED IN ITEM 4.

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): Ann Marie Smith Date: 1-20-00

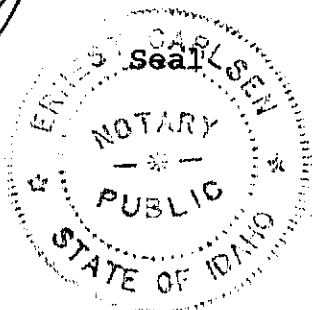
_____ Date: _____

State of Idaho)
County of Bannock) SS.

Subscribed and sworn (or affirmed) before me this 20 day

of Jan 20 00

Ernest Carlson
Notary Public



Residing at Alabo Falls

My Commission Expires 6-14-2000

A29-07286

RECORD OF SURVEY PLAT

A PARCEL OF LAND LOCATED IN THE
S 1/2, NE 1/4, SEC 23,
T 7 S, R 35 E, B. M.

NOTES

1. REFERENCE DOCUMENTS
 - Deed instrument numbers recorded in the Barnhart County Recorder's office: 732502, 732571, 409687, 181550, 633004, 733415, 733416, 781882, 781883, (R-88)
 - Black Rock Subdivision, vol #733137 (R-88)
 - Black Angus Ranch Subdivision, vol #735372 (R-88)
 - D.S.B. by Baker & Bailey Eng., vol #733393 (R-88)
 - Unrecorded survey map by Baker & Bailey Eng. for Lucile Gaudin, dated 5-23-85, Doc #8312 (R-78)
 - Adjustment Order: PE, Barnhart Co. 206 dated 8-28-86, Case No. 22771
 - 1906 BLM RESURVEY of T 7 S, R 35 E (BLM) occupied 2-13-80 by Duane E. Olson.

2. All bearings and distances are measured unless otherwise noted.

3. I find no records indicating a bracketing of the NE 1/4 of Sec 23 in the Barnhart County Surveyor's office or in private surveyor's offices. Based on my breakdown of said NE 1/4, previous survey corners presumably set on the East 1/2 of the NE 1/4 of the full section of the section were found to be slightly off their line. I used these previous corners as closing corners in establishing the boundaries shown on this plat. I also used the found 1/2-section line, set by Terry Bailey for the SE corner of said #733115, as a closing corner, since it is not located on the East line of the section as called for in the deed.

4. The northerly line of this survey was calculated using the "Open Boundary-Close Boundary" method described in the 1973 BLM Manual of Survey Instructions, Section 5-14. I used this method because the deed description to the adjoining parcel was based on a survey by Terry Bailey, but no intermediate corners were set out during that survey. This method moved the deed angle fit between the found property corners with the least amount of discrepancy.

LEGEND

- Found Barnhart County Brass Cap Monument (BCM)
- Found 1/2-inch dia. rod with a yellow plastic cap stamped "Terry Bailey 1812"
- Found 1/2-inch dia. rod with no markings, presumably set out original for the part of Black Angus Ranch Subdivision
- ⊙ Found original system lot corner with "T" on top set out as shown on plat of Black Angus Ranch Subdivision
- ⊙ Set 1/2-inch dia. by 34-inch long rod with a yellow plastic cap stamped "PE/LS 4440"
- ⊙ Set 5/8-inch dia. by 30-inch long rod with a yellow plastic cap stamped "PE/LS 4440"
- Existing fence line
- Property line
- (C) Indicates calculated bearing/distance
- (R-) Indicates record bearing/distance from reference measurements listed in Note 1.

COUNTY RECORDER

RECORDING No. _____ TIME _____ DATE _____
BOOK _____ PAGE _____ FEE _____

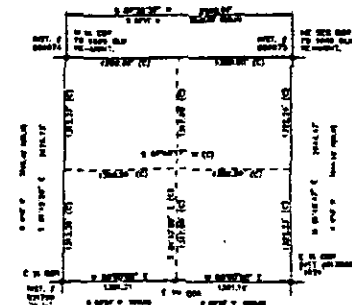
COUNTY RECORDER

RECORD OF SURVEY PLAT FOR JAMES GABRIELSON,
SH. NE 1/4, SEC 23, T 7 S, R 35 E, B.M.

JOB No. 02124	DATE 5/2/99	BY J. B. BROWN	DWG. No. 36
CHECKED BY: J. B. BROWN	DATE 5/2/99	BY J. B. BROWN	
PLAT NO. 01-1	DATE 5/2/99	BY J. B. BROWN	

BITHELL ENGINEERING INC.

P.O. BOX 2226
POCATELLO, IDAHO 83205
PHONE: (208) 233-3894



NE 1/4, SEC 23, T 7 S, R 35 E, B.M.

SCALE: 1" = 100'

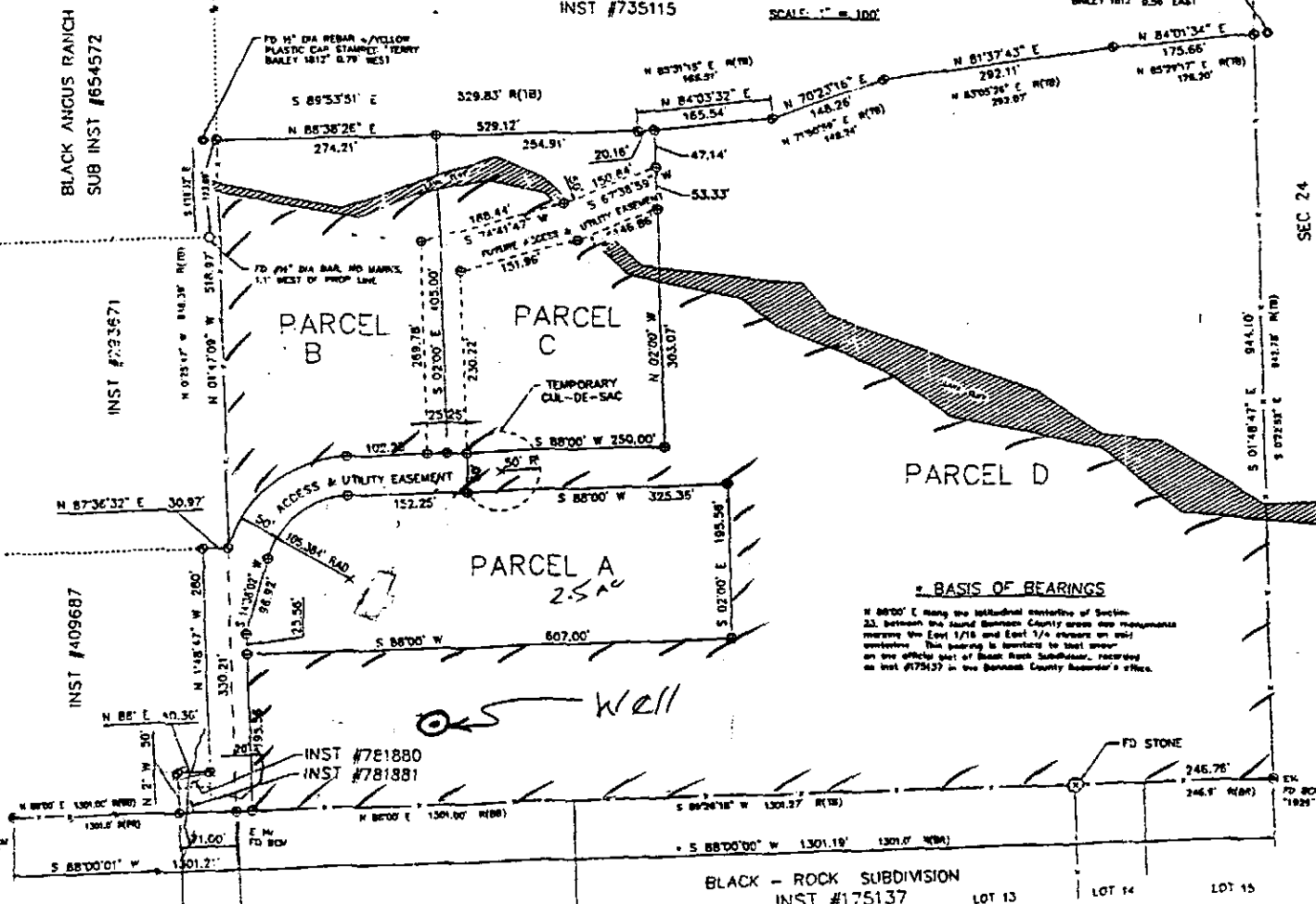
© = F.D. BARNHART COUNTY B.C.M.

SURVEYOR'S CERTIFICATE

I, JOHN ELL, LS 4440 DAVID, HEREBY CERTIFY THAT THIS PLAT CORRECTLY REPRESENTS A SURVEY MADE BY ME, OR UNDER MY DIRECTION, IN CONFORMANCE WITH LAWS, CHAPTER 18, TITLE 55, DAVID CODE, AT THE REQUEST OF JAMES GABRIELSON.

INST #735115

SCALE: 1" = 100'



BASIS OF BEARINGS

N 88°00' E, along the latitudinal centerline of Section 23, between the found Barnhart County brass cap monument marking the East 1/2 and East 1/4 corners on said centerline. This bearing is identical to that shown on the official plat of Black Angus Ranch Subdivision, recorded as inst #733137 in the Barnhart County Recorder's office.

Log for claim A29-07286

Spatial Dynamics LTD

9/7/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
07s35e	23	SENE	12	12	
Totals:			12	12	

5/11/01 / claimed 12 ac = licensed for 18?

AJ5809NP
No. A29-07286

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/18/00
PAGE: 251

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	BRENT PHILLIPS	09/02/1975	IRRIGATION	05-01 10-01	0.130 CFS	39.50 AFA
C	ANN MARIE SMITH					
	5250 W OLD HWY 91			TOTAL DIVERSION:	0.130 CFS	39.50 AFA
	POCATELLO ID 83204					
	(208) 775-3489					

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T07S R35E S23

SWSENE

BANNOCK County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE				
				NE	NW	SE	SW	NE	NW	SE	SW	NE	NW	SE	SW	NE	NW	SE	SUM	
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:
07s	35E	23	:					12	:											:
																			TOTAL ACRES	12.0

POU County: BANNOCK

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

29-10094 29-11505 29-12199 A29-10094 A29-11505 A29-12199 A29-13107

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

A29-00494 A29-00494A A29-00494K A29-00494L A29-07094

Remarks: EXP IN 1985 PROPERTY WAS PURCHASED BY BRENT PHILLIPS. THE POINT
OF DIVERSION HAD ALREADY BEEN MOVED TO THE WELL LISTED IN ITEM 4.

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

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

Audit: 01/28/00 ECARLSEN

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 29-7286 Priority September 2, 1975 Amount 0.17 cfs

THIS IS TO CERTIFY, that Myrld F. Gabrielson
of Pocatello, Idaho, has complied with the terms and conditions of Permit
No. 29-7286 issued pursuant to Application for Permit dated September 2, 1975,
and has submitted proof to the Department of Water Resources on October 5, 1978,
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 0.17 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
Irrigation	from <u>May 1</u> to <u>October 1</u>	at <u>0.13</u> cfs and	<u>39.5</u> acre feet
Domestic (1 unit)	from <u>January 1</u> to <u>December 31</u>	at <u>0.04</u> cfs and	<u>1.2</u> acre feet
	from _____ to _____ at _____ cfs and _____		

(both dates inclusive)

Subject, however, to the condition that no more than 0.17 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 for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
40.7 acre feet per year, said waters to be diverted within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 23, Twp.
7S, Rge. 35E 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 $\frac{1}{4}$				Total
			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 $\frac{1}{4}$	
7S	35E	23			3	15													18

Total number of acres irrigated 18

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 31 day of
August, 19 82.

Director

STATE OF IDAHO

LICENSING

AUG 24 1982

APPLICATION FOR AMENDMENT OF A PERMIT

Department of Water Resources

To change the point of diversion and/or the place of use.

Comes now Myrlid F. Gabrielson Phone 208 775 3597
of (address) Route #3, Box 245, Pocatello, Idaho, and represents to the
Director of the Idaho Department of Water Resources:

That he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho
No. 29-7286, and requests that the permit and permit map be changed as follows:

1. Point of diversion: SW 1/4 NE 1/4, Section 23, Township 7S, Range 35E, B.M.,
County of Bannock. Other points of diversion: _____

2. Period and nature of use: (irrigation, domestic, stockwatering, industrial, etc.)

Amount 0.13 for irrigation purposes from 5/1 to 10/1 (both dates inclusive)
(cfs or acre feet per annum)

Amount 0.04 for domestic purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre feet per annum) (1 unit)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre feet per annum)

3. Place of use or land to be irrigated:

TWP	RGE	SEC	NE1/4				NW1/4				SW1/4				SE1/4				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	
7S	35E	23			3	15													18

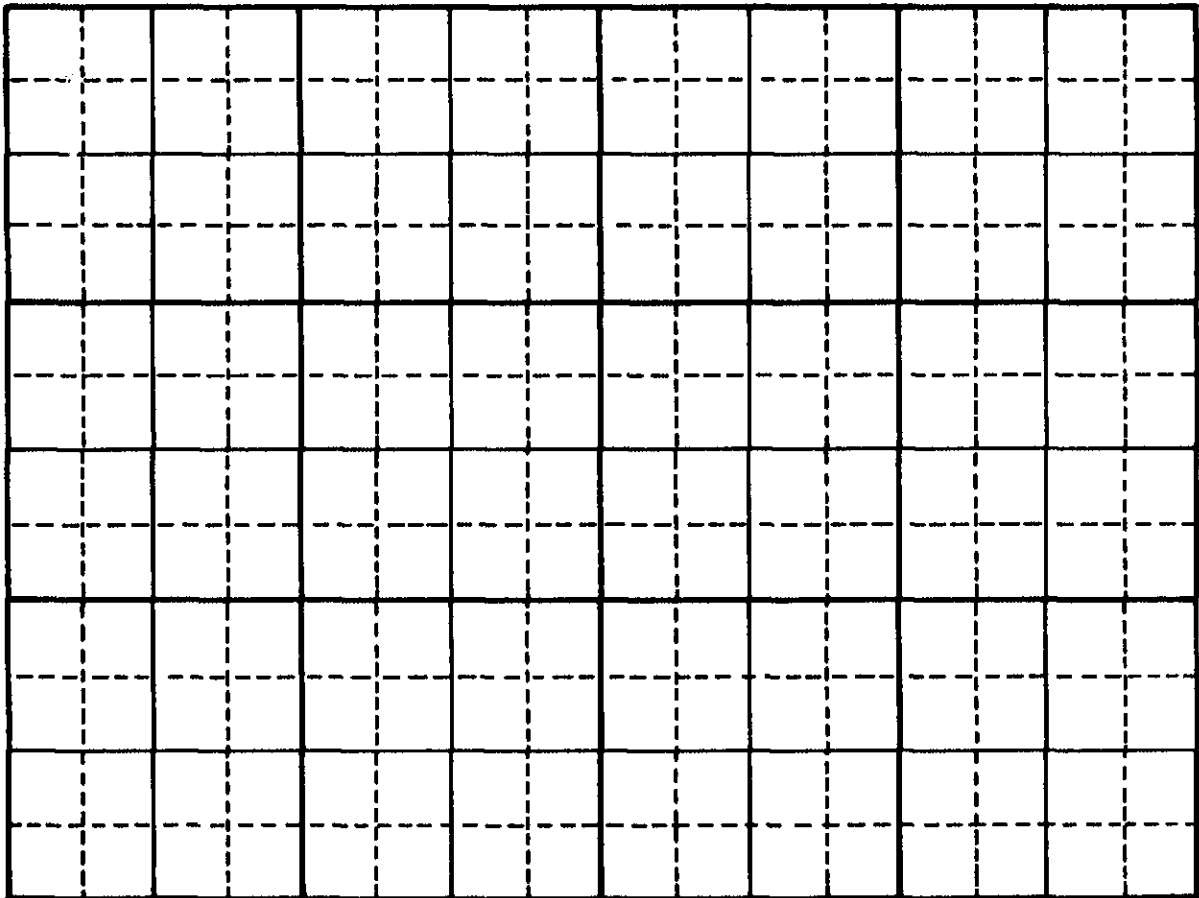
Total number of acres to be irrigated = 18

4. a. Who owns the property at the point of diversion? Gabrielson
b. Who owns the land to be irrigated or the place of use? Gabrielson
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the
applicant to make this filing: _____

Complete the following map by showing land and point of diversion as proposed by this amendment.

Show 40-acre subdivisions, townships, ranges and ditches.

NOT NECESSARY



Scale: 2 inches equal 1 mile.

That no one will be injured by such change, and that such change will be made at permit holder's own risk.

Signed at _____, this _____ day of _____, 19

Myrtle F. Gabrielson
(Signature)

FOR DEPARTMENT USE ONLY

Preliminary check by *Jaw* Fee = \$20.00

Received by *ng* Date *8-26-82* *11 24619*

Publication prepared by *DPA* Date _____

Published in _____

Publication dates _____

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, A. KENNETH DUNN, of the Department of Water Resources hereby

APPROVE the above Application for Amendment of Permit No. 29-7286.

Witness my hand this *31* day of _____ August, 19 *82*.

A. Kenneth Dunn
Director

Identification No. 29 7286

Application No. _____

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

APPLICATION FOR PERMIT

APPROVED

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

1. Name of applicant Myrlid F. Gabrielson
post office address Route # 3, Box 245, Pocatello, Idaho 83201 775-3597
2. Source of water supply Ground water which is a tributary of _____
3. a. Location of point of diversion is SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 23 Township 7 South
Range 35 E. B.M. Bannock County; additional points of diversion if any: _____
- b. If water is not consumed, it will be discharged into (will be consumed) 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 .40 for Irrigation purpose from May 1 to Oct. 1 (both dates inclusive)
(cfs or acre-feet per annum)
Amount .04 for domestic purpose from Jan 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount .02 for stock purpose from Jan 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
a. .46 cubic feet per second and/or
b. N/A acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. 5 HP Meyers submersible pump (#C6552); 10" pipe casing at depth of 93 feet; irrigation water to be applied to 20 A by sprinkler.
- 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 10 inches; proposed depth of well is 93 feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use is 3 years.
b. Estimated construction cost is \$3,500.00.
8. Description of proposed uses:
a. If water is not for irrigation:
(1) Give the place of use of water: SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 23 Township 7 South
Range 35 E. B.M. _____
(2) Amount of power to be generated: N/A hp under _____ feet of head.
(3) List number of each kind of livestock to be watered six head of cattle
(4) Name of municipality to be served N/A, or number of families to be supplied with domestic water 1.
(5) If water is to be used for other purposes describe: Part of water, as set forth above, to be used for domestic, culinary uses.

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	
7 S.	35E4	23				20													20

Total number of acres to be irrigated 20

c. Describe any other water rights used for the same purposes as described above. None

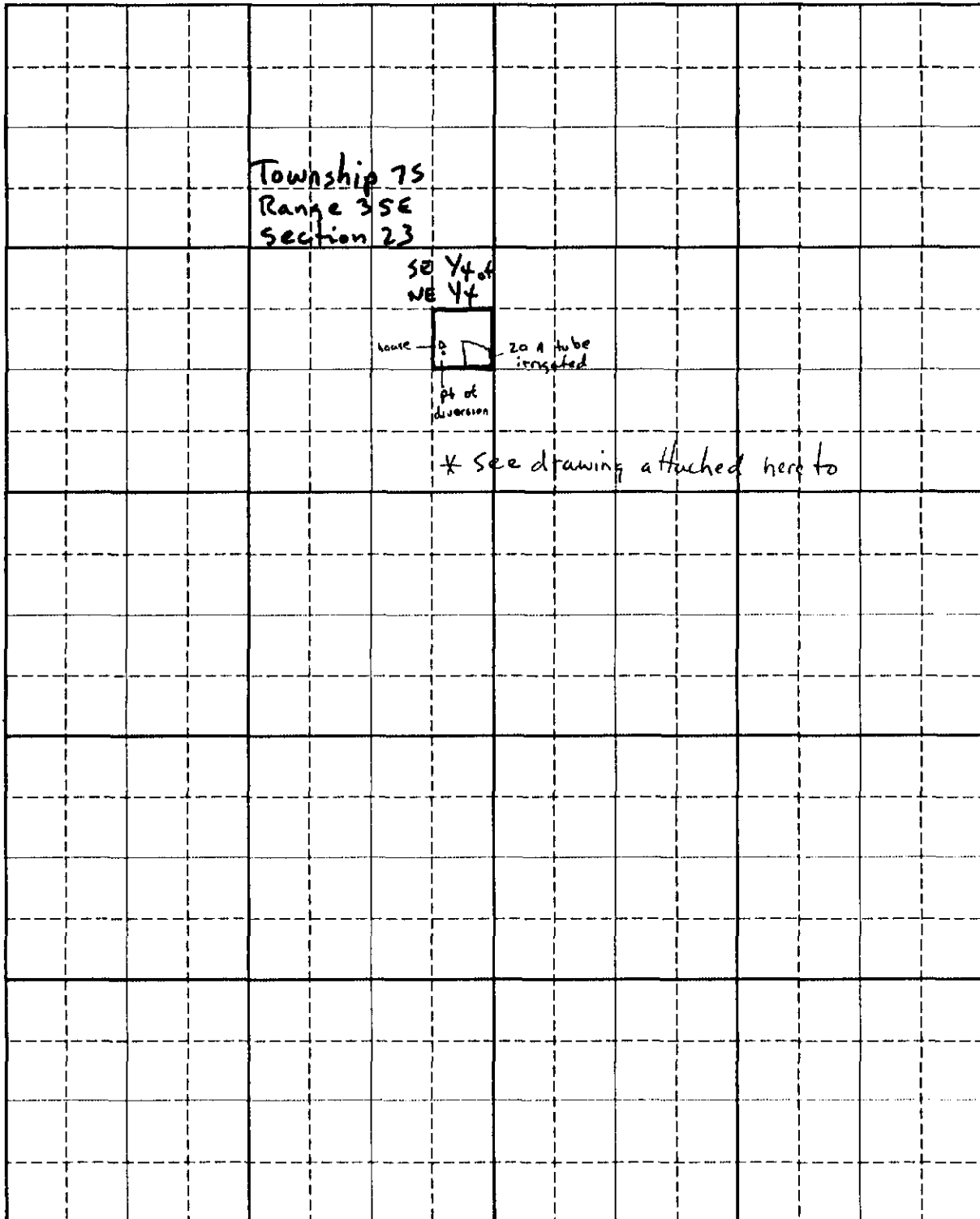
9. a. Who owns the property at the point of diversion Myrld F. Gabrielson

b. Who owns the land to be irrigated or place of use Myrld F. Gabrielson

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: 2 inches equal 1 mile

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.

Myrd F. Gabrielson
(Applicant)

Proposed priority 9-02-1975

Received by ME Date 9-2-75 Time 11:45
Preliminary check by TH Fee \$ 25.00
Receipted by MB Date 9-02-75 # 15401
Publication prepared by ME Date 9-4-1975
Published in Idaho State Journal
Publication dates Sept. 11 + Sept 18, 1975
Publication approved RW Date 9-25-75
Priority reduced to _____ Reason _____

Protests filed by: _____

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

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. 29-7286, 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 November 1, 1978.
- c. Other: A measuring device of a type approved by the Director 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 6 day of October, 1975.


Director

1. Name of permit holder Walden J. Habrison
Post office address Rt. 5, Box 975, Ocotea Phone 775-3597 B. Inett Peak.
Person to contact _____ Phone _____

3. Water will be used for the following purposes:

Other uses:

4. Total amount to be appropriated:

Max Rate of Diversion 0.46 cubic feet per second and annual volume _____ AF/Annum.

5. **Location of Point(s) of Diversion:**

Township 75 N/S, Range 35E E/W, B.M., Section 33, Subdivision 56 1/4 NE 1/4 33 Acres
County _____
Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ 1/4 _____ 1/4 _____
County _____
Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ 1/4 _____ 1/4 _____
County _____

Other Points of Diversions:

Description of diverting works: 10" x 43' 5" Hg. Mayers sub pump.
sprinkler irrigation

Measuring device required: yes ☐ no ☒

6. Lands to be irrigated or place of use.

[illegible]

TOTAL ACREAGE 30

Rge 35E

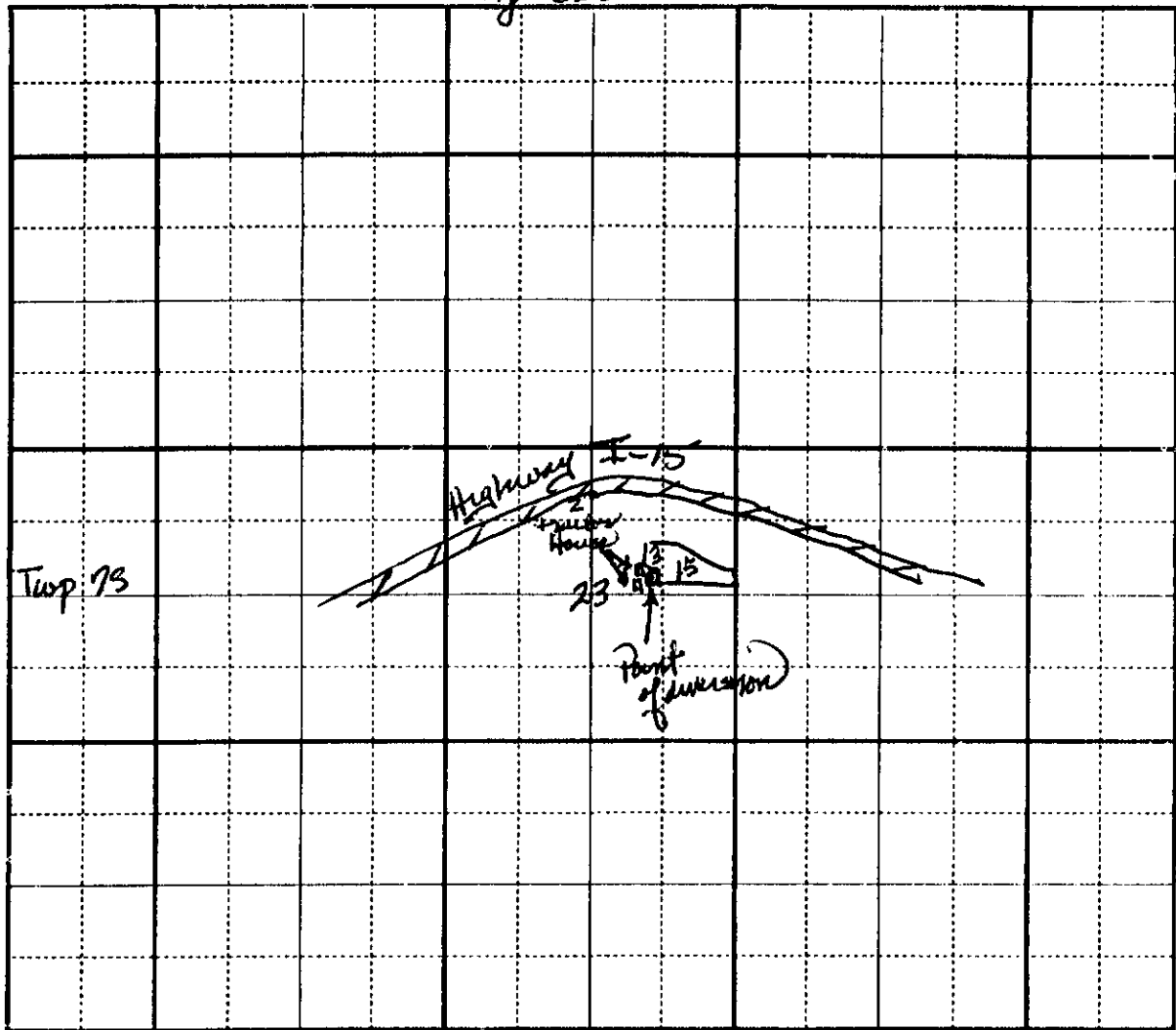
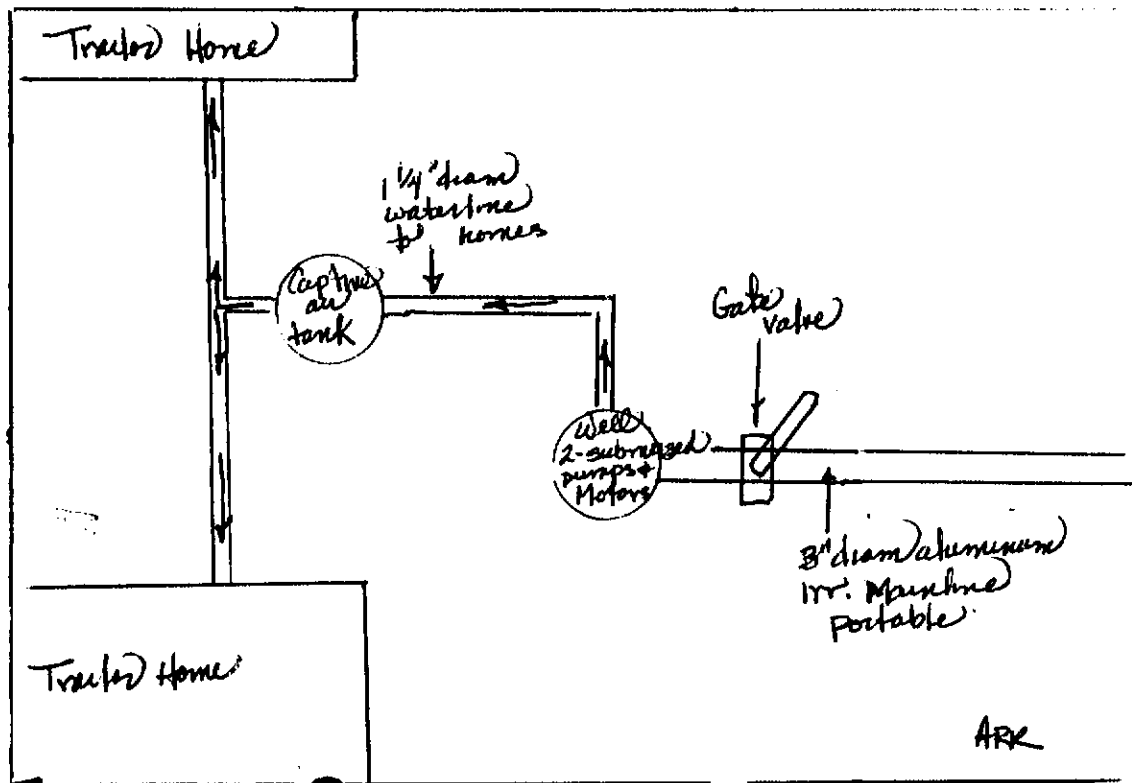


Diagram of System



DATE OF EXAM 30th day of May, 1979

ACREAGE
Found 18a ✓
Recommended 18a ✓

Irrigation Requirement 3.5 Ac Ft/Ac

USE
Irrigation Q = .13 ✓ c.f.s. V = 39.45 ✓ AF/Ann. from May 1 to Oct 1
Domestic Q = .04 ✓ c.f.s. V = 2.40 ✓ AF/Ann. from Jan 1 to Dec 31
Livestock Q = _____ c.f.s. V = 1.2 AF/Ann. from _____ to _____
Q total = .17 cfs V total 41.85
40.7

Is water co-mingled? yes _____ no X

Name source: n/a
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County _____

Exchange? yes _____ no X

Name source exchanged with: n/a
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County _____

Point of injection: n/a
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County _____

Point of exchange: n/a
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County _____

Total Q measured .13 cfs (irrigation only) ✓ Method of measurement Pitot Tube
Total Q recommended .17 cfs Meter No. MR-111 Type Marshall Condition std.
Total V recommended 41.85 Af/yr 40.7 Pitot tube

Recommended Amendments:

P.D. Should be S.W.N.E.-23-7S-35E. B.M. Bannack ✓
Place of Use See rough draft amendment.
Other _____
None _____

MEASUREMENT CALCULATION:

See reverse side for pitot tube measurement Q = .13 cfs ✓
Q_{irr} = .13 cfs Q_{domestic} = .04 cfs (by assignment - delivered by a separate pump - some used)
Volume irrigation = 18a x 3.5 = 63 Af/yr 1.9835 x 153.45 x .13 cfs = 39.45 Af/yr
V_{irr} = 39.45 Af/yr

