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: A29-07335
Date Received: 3/07/1990
Receipt No: M006181
Received By: RWH.

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: BEN L. HAYDEN 208-233-0560
   Address: 2595 N. MINK CREEK RD.
   POCATELLO, ID 83204

A2907335

2. Date of Priority: JUL 14, 1976

3. Source: SPRING Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
08S	34E	32	SE	SE	NE		POWER

5. Description of diverting works:
   HEADGATE,PARSHALL FLUME,DIV.DITCH AND MAINLINE PIPE.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.340		165.20

7. Total Quantity Appropriated is:
   0.340 C.F.S. (and/or) 165.20 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
   H/FISH POND.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
08S	34E	32	SW	NE		IRR	10.0
			SE	NW		IRR	6.0
			NE	SW		IRR	15.0

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10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
08S	34E	32	NW	SW		IRR	14.0
			NW	SE		IRR	5.0
						Section Acres	50.0
						Total Acres	50.0

11. Place of use in counties: POWER

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

13. Other Water Rights Used:

14. Remarks:
THE FLOW DOES NOT REACH A PERENNIAL STREAM. IT DOES NOT FLOW OFF THE PROPERTY

15. Basis of Claim: LICENSE

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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/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Rex L. Hayden Date: Mar. 7, 90

_____ Date: _____

State of Idaho)
) SS.
County of Power)

Subscribed and sworn (or affirmed) before me this 7 day of March 19 90

Joe Dale Carter
Notary Public

Seal

Residing at Boise Id

My Commission Expires 4/2/94

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Log for claim A29-07335 **Spatial Dynamics AMH** **7/18/00**

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
08s34e	32	SWNE	10	13	
08s34e	32	SENW	6	4.4	
08s34e	32	NESW	15	18	
08s34e	32	NWSW	14	8.8	
08s34e	32	NWSE	5	4.2	
Totals:			50	48.4	

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM	USE PERIOD TO	DIVERSION RATE	DIVERSION VOLUME
C	BEN L HAYDEN 2595 N MINK CREEK RD POCATELLO ID 83204 (208) 233-0560	07/14/1976	IRRIGATION	03-15	11-15	0.340 CFS	165.20 AFA
					TOTAL DIVERSION:	0.340 CFS	165.20 AFA
					CONSUMPTIVE USE:		150.00 AFA

Water Source: SPRING Tributary to: SINKS Stage: LICENSE

Point(s) of Diversion: T08S R34E S32 SESENE POWER 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	Lt Ac	Lt Ac	Lt Ac	SUM
08S	34E	32			10				06		15	14				05			50.0
																TOTAL ACRES			50.0

POU County: POWER

Non-Irrigation Uses: H/FISH POND.

Remarks: GEN THE FLOW DOES NOT REACH A PERENNIAL STREAM. IT DOES NOT FLOW OFF THE PROPERTY

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

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

Audit: 03/07/90 HAUMANN 05/23/90 CARLSON 07/26/94 THOMPSON 03/29/95 POST-STD

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 29-7335 Priority July 14, 1976 Amount 0.34 cfs

THIS IS TO CERTIFY, that Ben L. Hayden

of Pocatello, Idaho, has complied with the terms and conditions of Permit No. 29-7335 issued pursuant to Application for Permit dated July 14, 1976, and has submitted proof to the Department of Water Resources on August 22, 1983, 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 0.34 cfs of water from a spring, tributary to sinks, 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 March 15	to November 15	at 0.34 cfs	and	165.2 acre feet
	from	to	at cfs	and	
	from	to	at cfs	and	

(both dates inclusive)

Subject, however, to the condition that no more than 0.34 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 165.2 acre feet per year, said waters to be diverted within the SE¼NE¼ Section 32, Twp 8S, Rge 34E in the County of Power

Description and location of place of use:

Twp.	Range	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
8S	34E	32			10					6	15	14				5			50

Total number of acres irrigated 50

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CONDITIONS OF APPROVAL

a. 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.

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

c. Any water right confirmed in this license for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this license and shall not give rise to any right or claim against any future rights to the use of water other than hydropower, within the State of Idaho initiated later in time than the priority of this license.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 7TH day of AUGUST, 19 86.

Acting for the Director Norman C Young

Identification No. 29 7335

Application No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT APPROVED

To Appropriate the Public Waters of the State of Idaho

(TYPE OR PRINT IN INK)

1. Name of applicant Ben L. Hayden Phone: 233-0560

   post office address Mink Creek Road Pocatello, Idaho 83201

2. Source of water supply spring (unnamed) which is a tributary of sinks

3. a. Location of point of diversion is SE ¼ of NE ¼ of Section 32 Township 8S. Range 34E. B.M. Power County; additional points of diversion if any: _____

   b. If water is not consumed, it will be discharged into _____ at a point in _____ ¼ of _____ ¼ of Section _____ Township _____ Range _____ B.M. _____

4. Water will be used for the following purposes:

   Amount 1.0CFS (cfs or acre-feet per annum) for irrigation purpose from April 1 to Oct. 15 (both dates inclusive)

   Amount _____ (cfs or acre-feet per annum) purpose from _____ to _____ (both dates inclusive)

   Amount 0.1 CFS (cfs or acre-feet per annum) for fish propagation purpose from Jan. 1 to Dec. 31 (both dates inclusive)

5. Total quantity to be appropriated:

   a. 1.1 cubic feet per second and/or

   b. _____ acre feet per annum.

6. Proposed diverting works:

   a. Description of ditches, flumes, pumps, headgates, etc. diversion ditch approximately 200 feet long.

   b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir capacity _____ acre feet, materials used in storage dam: _____

   Period of year during which storage will occur _____ (Mo. Day) to _____ (Mo. Day) inclusive.

   c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.

7. a. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 years.

   b. Estimated construction cost is $ 1,000.00 .

8. Description of proposed uses:

   a. If water is **not** for irrigation:

      (1) Give the place of use of water: SW ¼ of NE ¼ of Section 32 Township 8S Range 34E 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: private fish pond.

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

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
8S.	34E.	32			8	7				6	5	4			9	8			47
8S.	34E.	31													3				3

Total number of acres to be irrigated 50

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

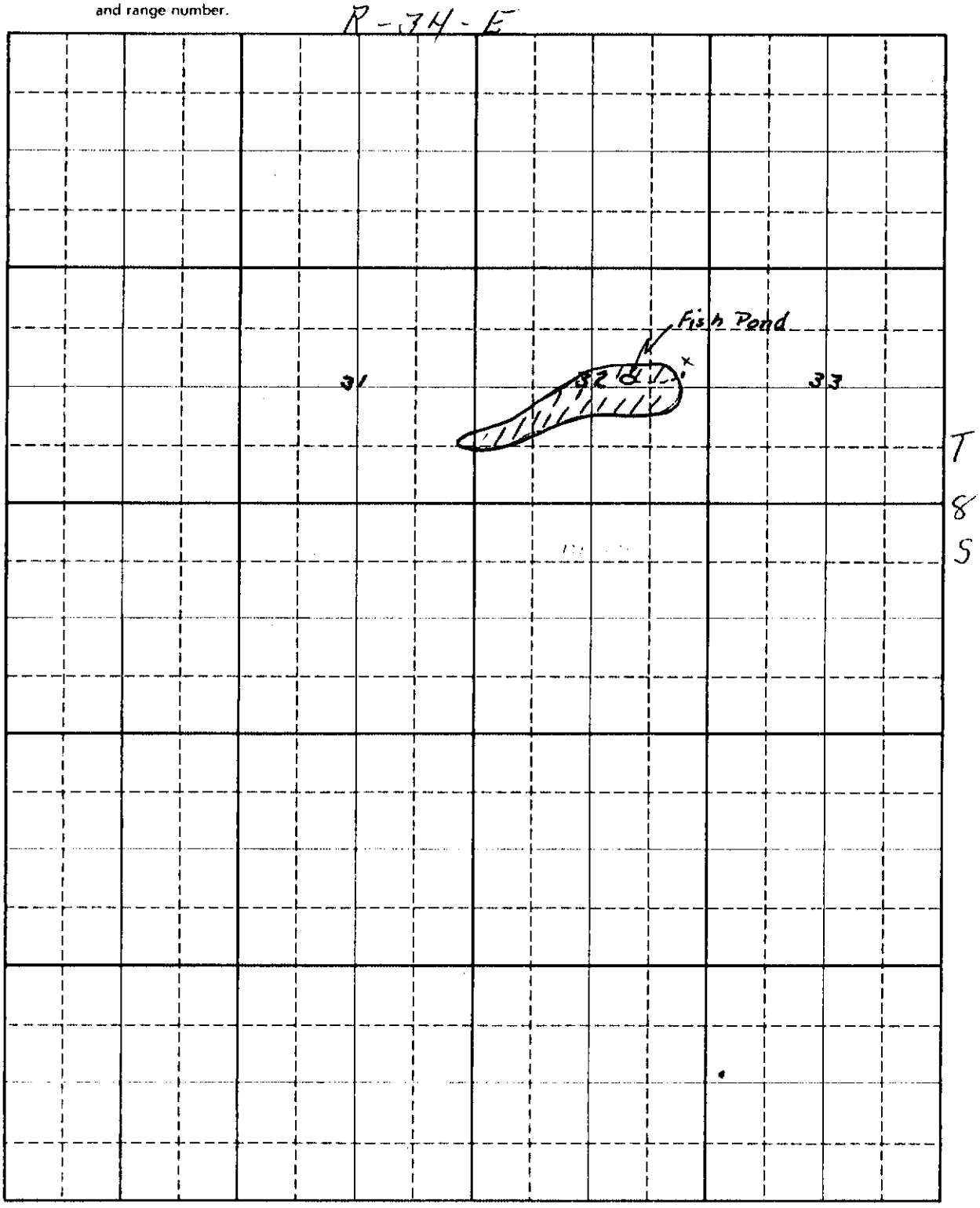
9. a. Who owns the property at the point of diversion applicant

b. Who owns the land to be irrigated or place of use applicant

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

10. Remarks This is a new source of spring water. The flow does not reach a perennial stream. It started flowing approximately two years ago. It does not flow off the property.

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.

Bess L. Hayden
(Applicant)

Proposed Priority 7-14-76

Received by CW Date 7-14-76 Time 11:05A

Preliminary check by [illegible] Fee $35.00

Receipted by CW Date 7-14-76 #2456

Publication prepared by CW Date 7-14-76

Published in Power County Press

Publication dates July 22 & 29, 1976

Publication approved me Date 8/02/76

Priority reduced to _____ Reason _____

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by EK JDF

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 29-7335, 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 August 1, 19 81.

   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 30 day of August 19 76.

Director

Form 219
12/82

RECEIVED
SEP 21 1984
Department of Water Resources

State of Idaho
DEPARTMENT OF WATER RESOURCES
WATER RIGHT BENEFICIAL USE FIELD REPORT

29-7335
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 7-27-83 Accompanied by Twain Hayden Total Q measured 0.34 cfs ✓
Source ~~Groundwater~~ Spring Tributary to _____ Supp. annubar measurement sheet used? _____
If source is surface water, estimate total flow of source _____
Methods of measurement Parshall Flume Meets permit requirements? Yes

Measurement calculations: Parshall Flume with 3" throat
measurement — 0.5 Foot
Water Measurement handbook - by Univ. of Idaho
V = 50 acres x 3.5 cfs/c = 175 cfs ✓ shows 0.339 cfs ✓
V = 0.34 cfs x 1.9835 x 197 days = 132.9 V = 0.34 x 1.9835 x 245 = 165.2 AF

WELL/DIV. NO.*	HP	MOTOR MAKE	MOTOR SERIAL NO.	PUMP MAKE	PUMP SERIAL NO.	MEASURING DEVICE TYPE	CONDITION OF MEAS. DEVICE	REMARKS
	NA	NA	NA					

System Description Spring flow thru Parshall flume to gravity - flood irrigation

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

RECOMMENDED AMOUNTS

Irrigation requirement = 3.5 ✓ / 245 days ✓ AFA/Acre

USE	Q (cfs)	V (afa)	FROM	TO
Irrigation ✓	0.34 ✓	~~192.9~~	~~4-1~~	~~10-15~~
		165.2	3/15	11/15
			per ~~#~~ rules & regs.	
Total	0.34 cfs	165.2 AF		

Remarks No overlapping rights ✓
No Fish Propagation

P/D overlap per VAX: none

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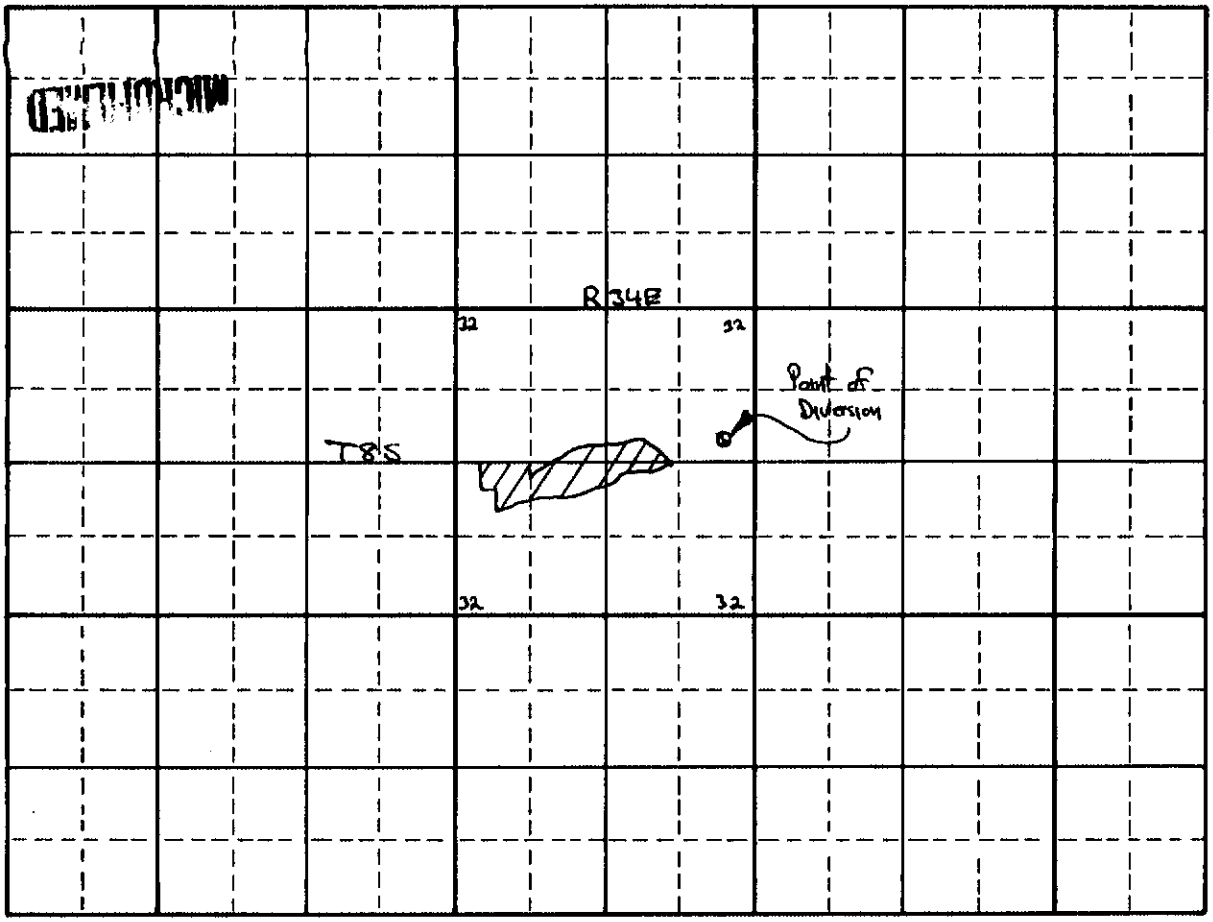
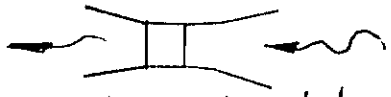
MAP (Attach Aerial Photo)



SCHEMATIC DIAGRAM OF SYSTEM

(Include distance from pump to measuring device, if applicable.)



Thompson pipe + sted
Parshall Flume with 3" Throat

Point(s) of diversion: ✓ SE¼NE¼ Sect. 32 T8S R34E

Place(s) of Use ✓

TWP.	RGE.	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
8S	34E	32			10					6	15	14				5			50 ✓

Recommended Amendments:

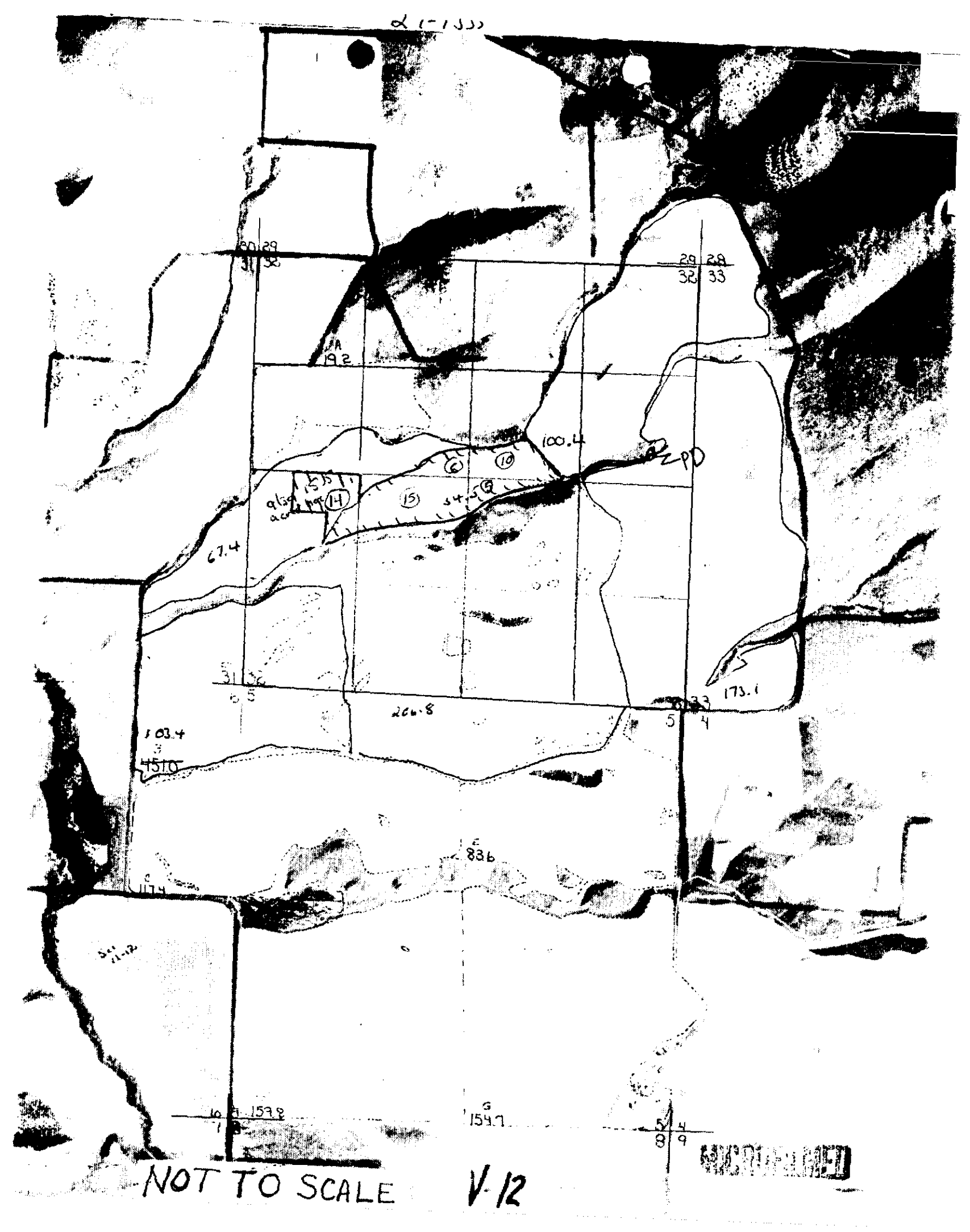
☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☑ None

☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other _____

Examiner's Signature H.J. Jones Date 4-24-84

Checked by Keith Carlson Date 18 Sept 1984

Approved by Ray Walker Date 7-2-86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V-12

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

May 31, 1990

Ben L. Hayden
2595 N. Mink Creek Road
Pocatello, ID 83204

RE: Snake River Basin Adjudication (SRBA)
Bannock County Notice of Claim #A29-07335

Dear Mr. Hayden:

We are forwarding to you a data-entered copy of the claim you filed in the Snake River Basin Adjudication.

We have interpreted the data from this claim in the process of data entry in a manner which we feel more accurately reflects the true status of this water right. The item that was modified is highlighted. Please review the enclosed claim to assure that this modification is in agreement with this water right.

If you believe our data is incorrect, and you wish to make any changes to this Notice of Claim, initial the changes before signing the form, have your signature notarized, and return it to this office within 30 days. If you believe the modifications are correct, you may retain this copy of your claim for your records.

Please feel fee to contact this office if you have any questions.

Sincerely,

John D. Carlson
Adjudication Supervisor

JDC:sf:state:eastern
Enclosures:
Notice of Claim to a Water Right

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