

• 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: A29-07367
Date Received: 6/17/1988
Receipt No: 110010449
Received By: CA

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: D & M WATER ASSN. 208-237-1042
Address: P.O. BOX 5315
CHUBBUCK, ID 83202

2. Date of Priority: FEB 07, 1977

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
05S	34E	26	NE	NW	NW		BANNOCK
			SE	SW	NW		BANNOCK
		27	SE	NE	NE		BANNOCK
			NE	SE	NE		BANNOCK

5. Description of diverting works:
4 WELLS, PUMPS, PIPELINES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.240		
IRRIGATION	03/15	11/15	0.280		

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

8. Total consumptive use is 42.0 Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC, 28 HOMES

A2907367

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
05S	34E	26	NW		NW		IRR	3.0
			NW		NW		DOMEST	
			SW		NW		IRR	6.3
			SW		NW		DOMEST	
							Section Acres	9.3
		27	NE		NE		IRR	2.2
			NE		NE		DOMEST	
			SE		NE		IRR	2.5
			SE		NE		DOMEST	
							Section Acres	4.7
							Total Acres	14.0

11. Place of use in counties: BANNOCK

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:
29-07281, FORT HALL IRRIGATION

14. Remarks:
THE PLACE OF USE IS WITHIN THE SERVICE AREA OF D & M WATER ASSN.

15. Basis of Claim: LICENSE

(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.

NOV 13 1992

A 29-7367



T55
R34E

NOV 13 1992

Log for claim A29-07367

Spatial Dynamics BTD

9/22/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
05s34e	26	NWNW	3	37	POD placement? /Indiscernible
05s34e	26	SWNW	6	38	POD placement? / Indiscernible
05s34e	27	NENE	2	11	POD placement? / Indiscernible
05s34e	27	SENE	2	15	POD placement? / Indiscernible
Totals:			13	101	

AJ5809NP
No. A29-07367

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/24/00
PAGE: 106

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	D & M WATER ASSN PO BOX 5315 CHUBBUCK ID 83202 (208) 237-1042	02/07/1977	IRRIGATION DOMESTIC	03-15 11-15 01-01 12-31	0.280 CFS 0.240 CFS	
TOTAL DIVERSION:					0.400 CFS	
CONSUMPTIVE USE:						42.00 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion:	T05S R34E S26 S27	NENWNW SENE	SESWNW NESENE	BANNOCK County BANNOCK County
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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
05S	34E	26	:							03		06								:	9.3
05S	34E	27	:	02																:	4.7
																				TOTAL ACRES	14.0

Place of use Legal Description for: DOMESTIC

				NE				NW				SW				SE					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	
05S	34E	26	:							D		D								:	
05S	34E	27	:	D																:	

POU County: BANNOCK

Non-Irrigation Uses: DOMESTIC, 28 HOMES

Other Rights: 29-07281, FORT HALL IRRIGATION

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
A29-07281 R29-12885

Other Water Rights Listing Overlapping Place(s) of Use:
A29-07281

Remarks: GEN THE PLACE OF USE IS WITHIN THE SERVICE AREA OF D & M WATER ASSN.

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

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

AJ5809NP
No. A29-07367

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/24/00
PAGE: 107

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Audit: 04/02/90 MOBILE2 07/27/94 THOMPSON 03/29/95 POST-STD

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 29-7367 Priority February 7, 1977 Amount 0.40 cfs

THIS IS TO CERTIFY, that COUNTY ESTATES, Ltd.
of Pocatello, Idaho, has complied with the terms and conditions of Permit
No. 29-7367 issued pursuant to Application for Permit dated February 7, 1977,
and has submitted proof to the Department of Water Resources on April 3, 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 0.60 cfs of water from 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
Domestic	from <u>January 1</u> to <u>December 31</u> at <u>0.40</u> cfs and <u>33.6</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 0.40 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
33.6 acre feet per year, said waters to be diverted within the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 26, SE $\frac{1}{4}$ NE $\frac{1}{4}$,
Sec. 27, Twp. 5S, Rge. 34E, B.M. 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 $\frac{1}{4}$	
5S	34E	26					X	X											
		27	X			X													

Total number of acres irrigated _____

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 23 day of

July, 19 79.

Director

WATER RIGHTS

LICENSING AMENDMENT

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR AMENDMENT OF A PERMIT

RECEIVED

JUL 11 1979

To change the point of diversion and/or the place of use Department of Water Resources

Comes now Country Estates, Ltd.
of (address) Box 4123, 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. 29-7367, and requests that the permit and permit map be changed as follows:

NO CHANGE

1. Point of diversion: 1/4 1/4, Section , Township , Range , B.M.,
County of . Other points of diversion:

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

NO CHANGE

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)

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)

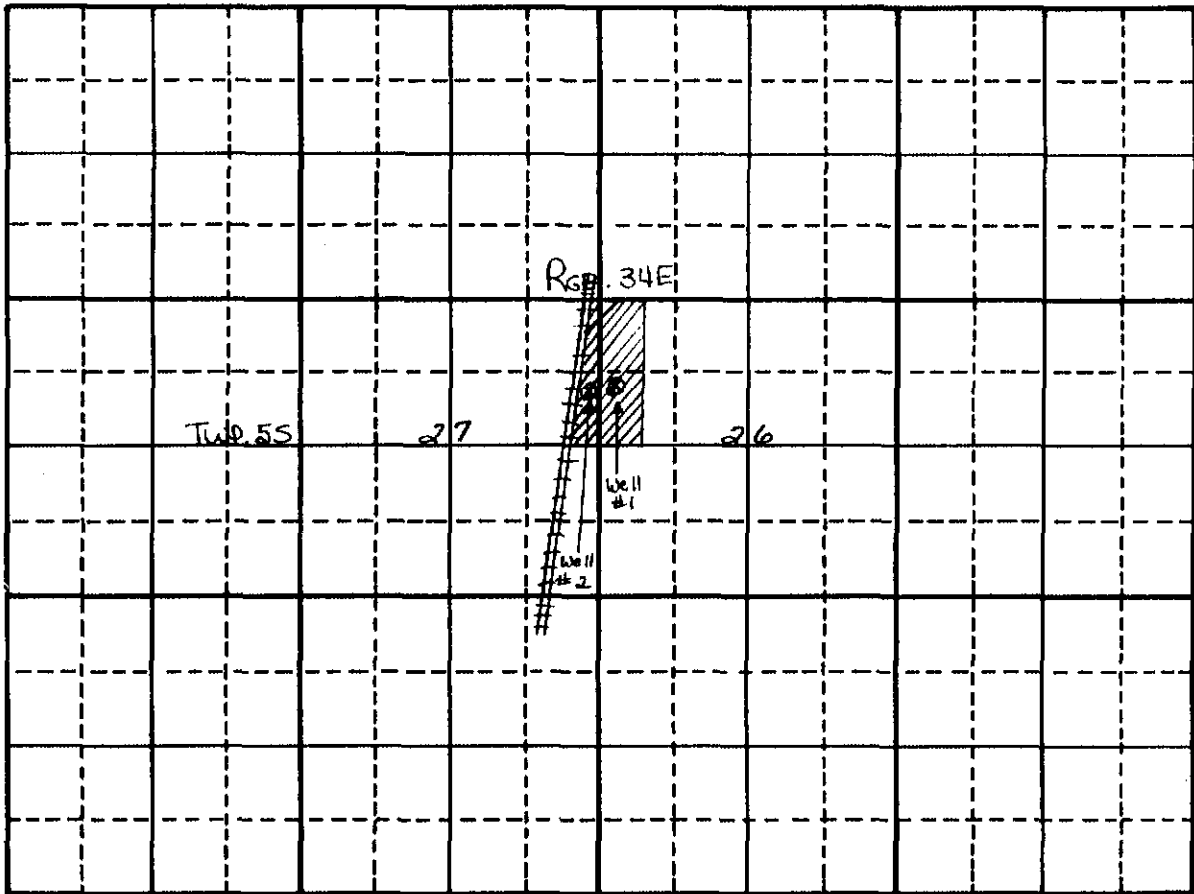
3. Place of use or land to be irrigated:

TWP	RGE	SEC	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	
5S	34E	26					X	X											
		27	X			X													

Total number of acres to be irrigated =

4. a. Who owns the property at the point of diversion? Permitholder
b. Who owns the land to be irrigated or the place of use? Permitholder
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

Complete the following map by showing land and point of diversion as proposed by this amendment.
Show 40-acre subdivisions, townships, ranges and ditches.



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 Helena, M.T., this 22nd day of July, 1979
[Signature]
(Signature)

FOR DEPARTMENT USE ONLY

Preliminary check by _____ Fee = \$20.00

Received by [Signature] Date 7/22/79

Publication prepared by _____ Date _____

Published in _____

Publication dates _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

I, C. STEPHEN ALLRED, Director of the Department of Water Resources hereby

APPROVE the above referenced application for amendment for Permit No. 29-7367

Witness my hand this 23 day of July

[Signature]
Director

Identification No. _____

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 Country Estates, Ltd. Phone: 233-6132
 post office address P.O. Box 4123, Pocatello, Idaho 83201
2. Source of water supply Ground water which is a tributary of _____
3. a. Location of point of diversion is S W $\frac{1}{4}$ of N W $\frac{1}{4}$ of Section 26 Township 5 S
Range 34 E B.M. Bannock County; additional points of diversion if any:
(Block 4, Lot 3A, D & M Country Estates), SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 27
Top 55, Rge 34 E B.M. Bannock County
- b. If water is not consumed, it will be discharged into NA 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 0.40 for Domestic purpose from Jan 1 to Dec 31 (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. 0.40 cubic feet per second and/or
 b. _____ acre feet per annum.
6. Proposed diverting works:
 a. Description of ditches, flumes, pumps, headgates, etc. Two wells, pump & pressure system

 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 _____ to _____ (Mo. Day) inclusive.
 c. Proposed well diameter is 6 inches; proposed depth of well is 150 feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use is one years
 b. Estimated construction cost is \$ _____
8. Description of proposed uses:
 a. If water is **not** for irrigation:
 (1) Give the place of use of water: S W $\frac{1}{4}$ of N W $\frac{1}{4}$ of Section 26 Township 5 S
Range 34 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 D & M Country Estates Subdivision Number of families to be supplied with domestic water 40
 (5) If water is to be used for other purposes describe _____

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	
5S	34E	26							*										

Total number of acres to be irrigated _____

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

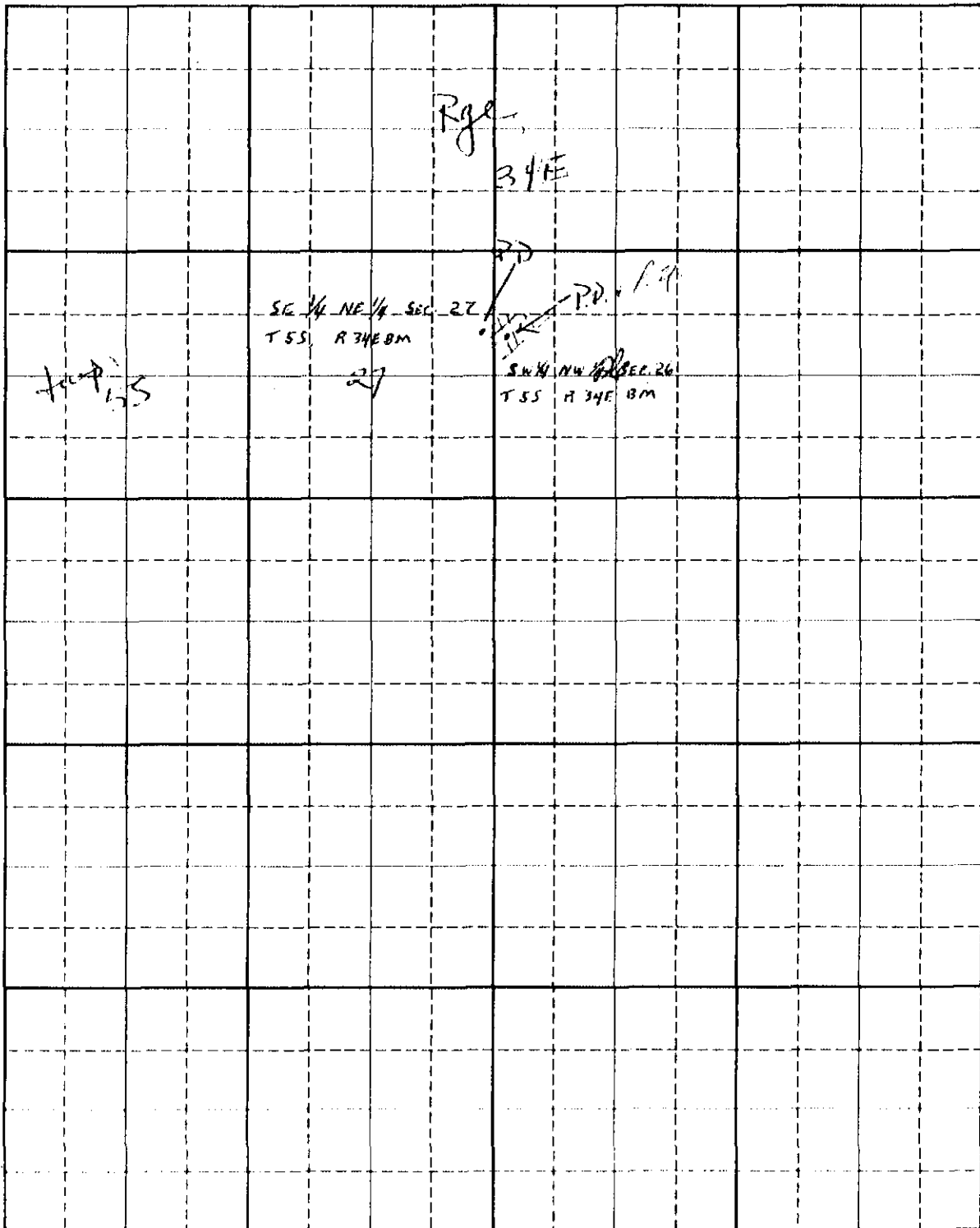
9. a. Who owns the property at the point of diversion COUNTRY ESTATES, LTD.

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

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 These two wells are to provide additional capacity for the 40 lots in the D & M Country Estates Subdivision and 1st addition. The first well was drilled in October of 1974, when the land was being developed by another individual. The enclosed copy of the subdivision plat indicates the location of the three wells within the subdivision. Irrigation water will be provided from water rights in the Fort Hall Irrigation Co.

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.

Robert A. Brown
(Applicant) General Partner

Proposed Priority 21 7/77

Received by AW Date 2-22-77 Time 11:00 A

Preliminary check by ARK fee \$25.00

Received by Be Date 2-25-77 #4552

Publication prepared by AW Date 2-24-77

Published in Idaho State Journal

Publication dates Feb. 24, 25, 1977

Publication approved me Date 3-9-77

Priority reduced to _____ Reason _____

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by JC

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. 29-7367, and said application is hereby APPROVED.

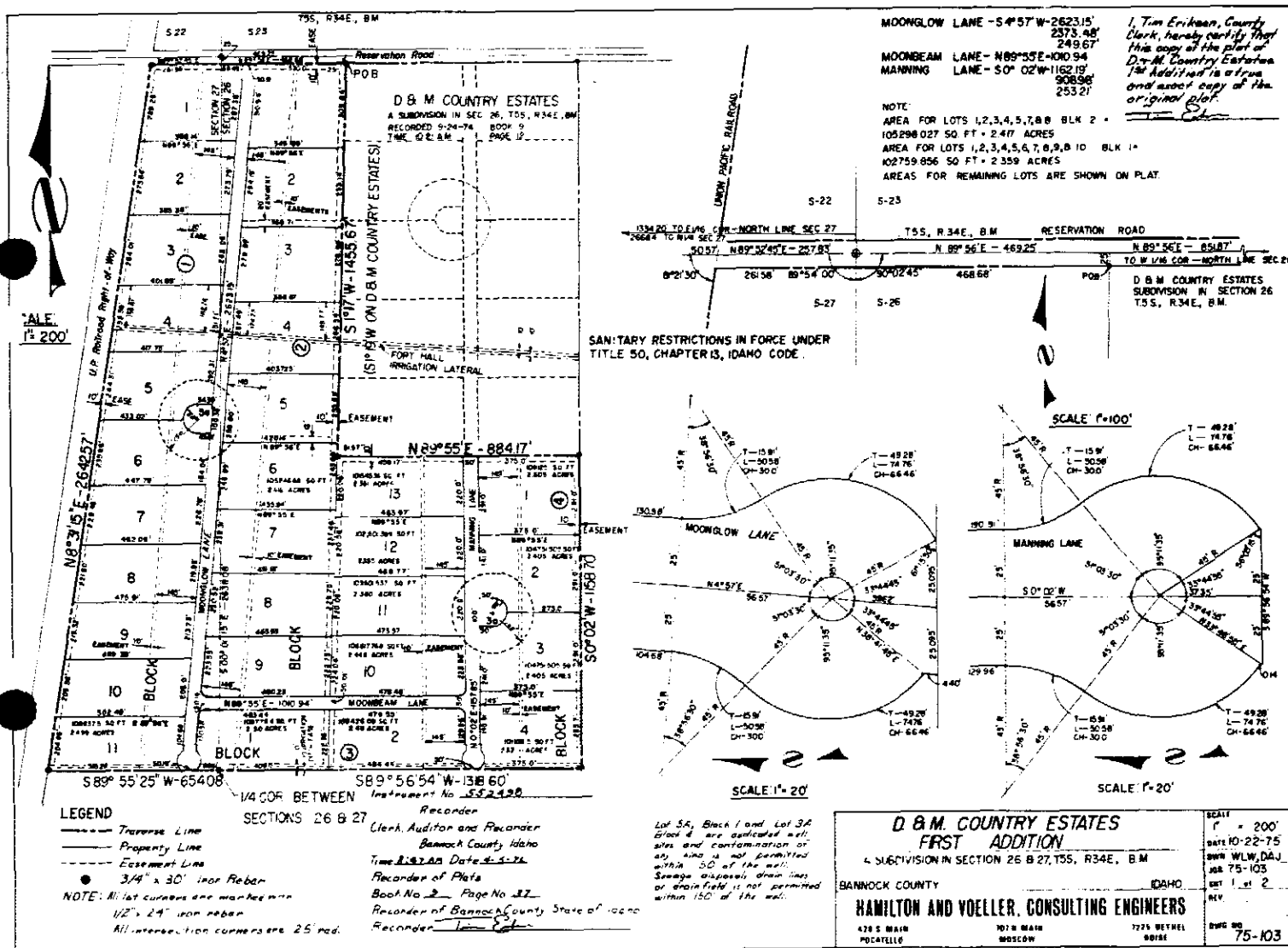
1. Approval of said application is subject to the following limitations and conditions:

- 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 April 1, 19 78.
- 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 28th day of March, 19 77.


Director



While this is a scale reproduction of the recorded plat, this company assumes no liability for variations, if any, with a resurvey.
AMERICAN LAND TITLE CO.

Recd.
April 14, 1978

TOTAL ACREAGE

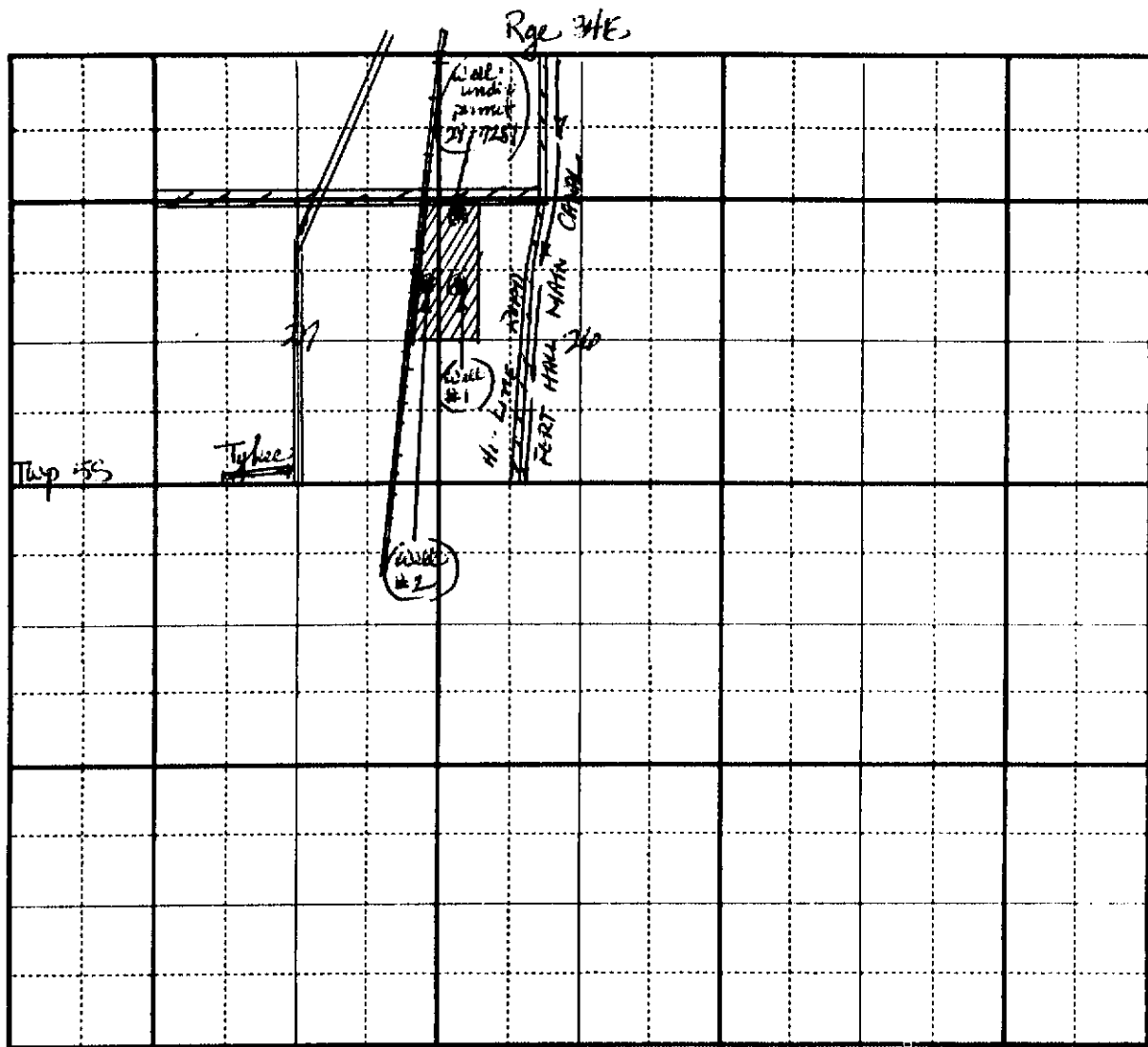
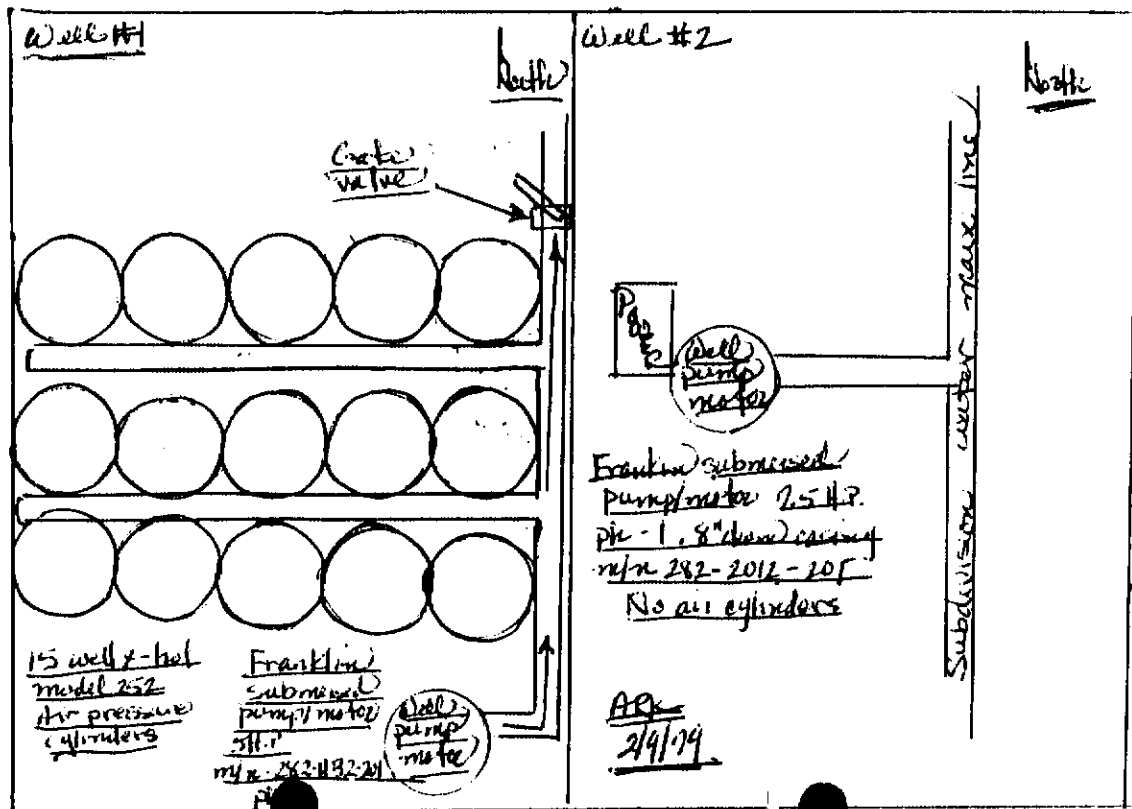


Diagram of System



DATE OF EXAM 5/19/78

ACREAGE
Found n/a
Recommended n/a

Irrigation Requirement n/a Ac Ft/Ac

USE
Irrigation Q= c.f.s. V= AF/Ann. from to
Domestic Q= .40 c.f.s. V= 39.6 AF/Ann. from Jan 1 to Dec 31
Livestock Q= c.f.s. V= AF/Ann. from to

Is water co-mingled? yes no ☒

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

Exchange? yes no ☒

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 .60 cfs (theoretical) Method of measurement theoretical

Total Q recommended .40 cfs Meter No. n/a Type n/a Condition n/a

Total V recommended 33.6 AF/yr

Recommended Amendments:

P.D.
(Place of Use) Add NW 1/4 Sec 26, T5N, R5E, SENE Sec 27, T5N, R5E, SENE
Other
None

MEASUREMENT CALCULATION:

$$\text{Well \#1} = \frac{(5)(7)(8.814)}{(60) + (30)(2.31)} = \frac{30.85}{129.30} = .24 \text{ cfs}; \text{ well \#2} = \frac{(7.5)(7)(8.814)}{(60) + (30)(2.31)} = \frac{46.3}{129.3} = .36 \text{ cfs}$$
$$28 \text{ units} \times .024 \text{ cfs/unit} = .56 \text{ cfs (this may vary)}$$
$$.24 \text{ cfs} + .36 \text{ cfs} = .60 \text{ cfs}$$
$$.60 \text{ cfs} \times 1.9835 \times 10^6 \text{ gal/cfs} = 1.189 \text{ MG/day}$$

SYSTEM DESCRIPTION:

Groundwater is divided from two wells located within the development. Well #1 - 5 H.P. Submersed Franklin pump/motor pk 1, m/n - 282-1131-201 6" diam well casing, well #2 - 7.5 H.P. Franklin Submersed pump/motor m/n - 282-2012-201, pk 1, 8" diam well casing. There are 15 well holes 252 capture or tanks that maintain pressure between 30-50 psi. Well #1 and #2 are approx 60' deep from well logs. The system has a special timing mechanism that allows each well to maintain a fair REMARKS: at contributing water to the system. Well #2 and another well located in the NW 1/4 Sec 26 under permit 29-7281 are used the most while well #2 is used essentially as a backup. Some filling periods of peak water consumption. Although there is a total of 40 lots in the subdivision that well is actually used water for domestic purposes. There are presently only 28 houses that have been completely constructed that are actually hooked up to the system.

Examiner's Signature Anthony R. Kozlowski Date 2/9/79

Checked by John D. Carlson Date 2/9/79

Approved by Date

*Note: there is an approved permit # 29-7281 for .40 cfs for a third well located in NW 1/4 Sec 26 that contributes water to the subdivision.