

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: A29-07662
Date Received: 3/23/1990
Receipt No: M006337
Received By: _____

**COPY FOR
YOUR FILES**

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

**COPY FOR
YOUR FILES**

1. Name: EVERGREEN ACRES WATER ASSOCIATION INC 208-775-3547
Address: C/O DOYLE PETERSEN PRES
2046 N HONEYSUCKLE LN
INKOM ID 83245

2. Date of Priority: SEP 22, 1982

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07S	36E	30		NE	NE		BANNOCK

5. Description of diverting works:
2 WELLS, 95'x135', 8"x10", 5 HP & 10 HP PUMPS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.120		
DOMESTIC	01/01	12/31	0.120		

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

8. Total consumptive use is 7.5 Acre Feet Per Annum.

9. Non-irrigation uses:
D/6 HOMES.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	36E	30	NE	NE		IRR	3.0
			NE	NE		DOMESTIC	

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10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	3.0
					Total Acres	3.0

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:
2 P/D WITHIN NENE, S30, T7S, R36E.
CHANGE IN OWNERSHIP 9-9-94 GJT.

15. Basis of Claim: LICENSE

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NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JERRY C. DUNNE 208-775-3573
Address: 3186 W. PORTNEUF RD.
INKOM, ID 83245

AND/OR

Name: DENISE M. DUNNE 208-775-3573
Address: 3186 W. PORTNEUF RD.
INKOM, ID 83245

2. Date of Priority: SEP 22, 1982

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07S	36E	30	NE	NE			BANNOCK

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D/6 HOMES.

A29-07662

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Date: 03/23/90

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10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	36E	30	NE	NE		IRR	3.0
			NE	NE		DOMEST	

Section Acres 3.0

Total Acres 3.0

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:

2 P/D WITHIN NENE, S30, T7S, R36E.

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: None

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): *Jerry C. Quinn* Date: 3-23-90
Date: _____

State of Idaho)
County of Bannock) SS.

Subscribed and sworn (or affirmed) before me this 23rd day
of March 19 90

Helen Harrington
Notary Public

Seal

Helen Harrington, Notary Public
Residing at _____ Residing at Boise, Idaho
My Commission Expires December 1, 1994
My Commission Expires _____

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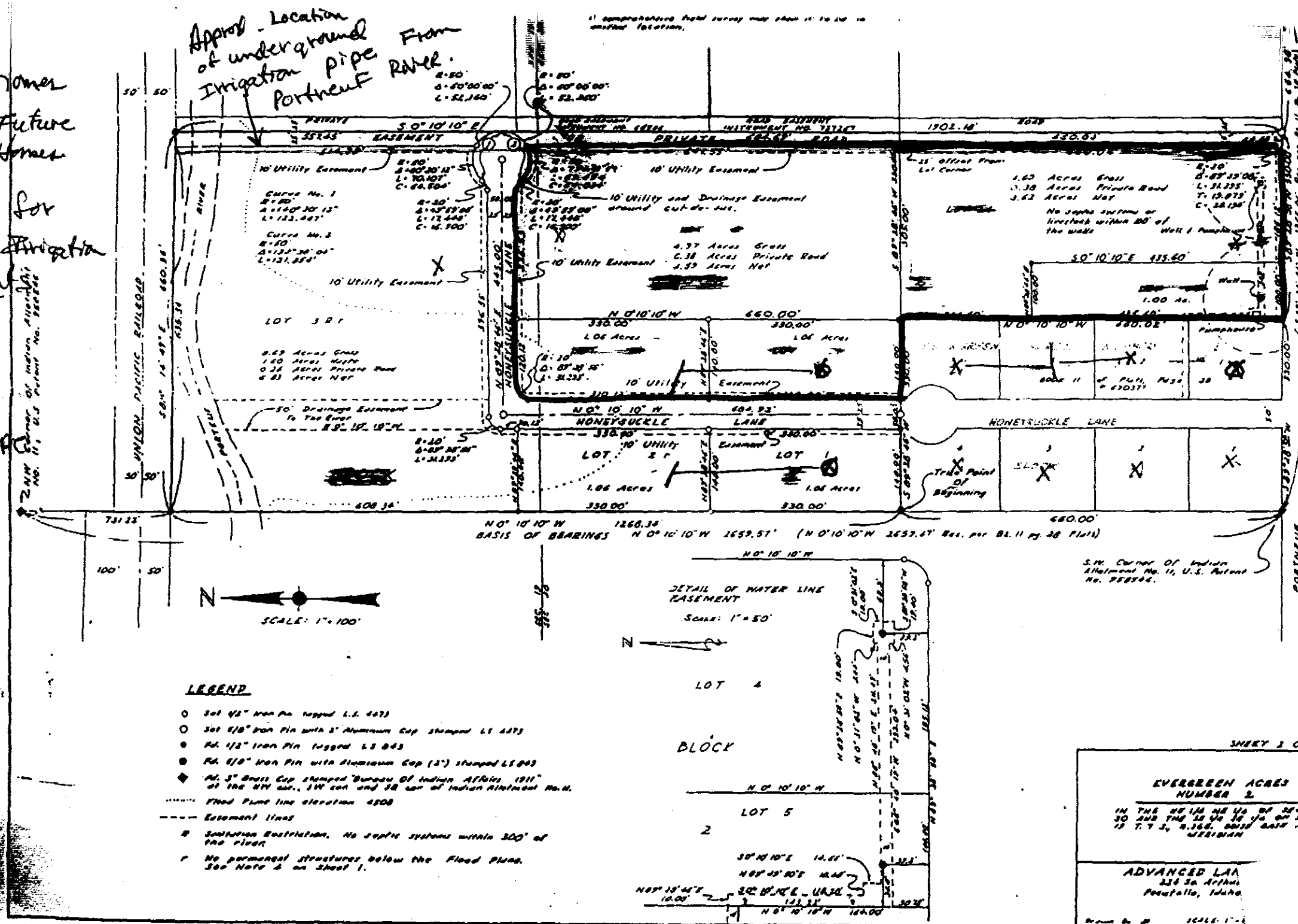
X - Existing homes

PROPOSED Future Homes

Boundary for
12 Acres Irrigation
Water Right

615A

under and
sprinkler p



Log for claim A29-07662

Spatial Dynamics BTD

9/8/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
07s36e	30	NENE	3	3.4	
Totals:			3	3.4	

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	EVERGREEN ACRES WATER ASSOCIATION INC C/O DOYLE PETERSEN PRES 2046 N HONEYSUCKLE LN INKOM ID 83245 (208) 775-3547	09/22/1982	IRRIGATION DOMESTIC	03-15 11-15 01-01 12-31	0.120 CFS 0.120 CFS	
TOTAL DIVERSION:					0.120 CFS	
CONSUMPTIVE USE:						7.50 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T07S R36E S30 NENE BANNOCK County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE									
T	R	S		NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	SUM	
---	---	---	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
07S	36E	30	:	03	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	3.0
																				TOTAL ACRES	3.0

Place of use Legal Description for: DOMESTIC

NE				NW				SW				SE									
T	R	S		NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE		
---	---	---	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
07S	36E	30	:	D	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	

POU County: BANNOCK

Non-Irrigation Uses: D/6 HOMES.

Other Rights: NONE

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

29-11429 A29-11429 A29-11915 R29-11915

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

A29-00615 A29-00615A A29-00615B A29-00615C A29-00615D A29-00615E A29-10720 A29-11668

Remarks: GEN 2 P/D WITHIN NENE, S30, T7S, R36E.
CHANGE IN OWNERSHIP 9-9-94 GJT.

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

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

Audit: 03/23/90 MOBILE2 07/28/94 THOMPSON 09/09/94 GTAYLOR 03/29/95 POST-STD

WATER RIGHT LICENSE

THIS IS TO CERTIFY, that Jerry C. Dunne
of Inkom, Idaho, has complied with the terms and conditions of Permit
No. 29-7662 issued pursuant to Application for Permit dated September 22, 1982
and has submitted proof to the Department of Water Resources on October 11, 1985
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 0.12 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>March 15</u>	to <u>November 15</u>	at <u>0.12</u> cfs and	<u>10.5 acre feet</u>
Domestic (6 Units)	from <u>January 1</u>	to <u>December 31</u>	at <u>0.12</u> cfs and	<u>3.6 acre feet</u>
	from _____	to _____	at _____ cfs and	_____

(both dates inclusive)

Subject, however, to the condition that no more than 0.12 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 14.1 acre feet per year, said waters to be diverted within the NE1/4 Section 30,
Twp 7S, Rge 36E in the County of Bannock

Description and location of place of use:

[illegible]

Total number of acres irrigated 3

per exam -
Kc should
show "2 pld
in NENE, S30,
T75, R36E."
tw 4/29/88

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 17th day of September, 19 86.

Bobby D. Flemons for the
Director

RECORDED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

To appropriate the public waters of the State of Idaho

1. Name of applicant Jerry C. Dunne Phone 775-3573

Post office address Rt. 2, Portneuf Rd., Inkom, Idaho 83245

2. Source of water supply Groundwater which is a tributary of _____

3. Location of point of diversion is NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 30 Township 7S

Range 36E B.M. Bannock County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 0.18 for Domestic purposes from 1-1 to 12-31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount 0.16 for Irrigation purposes from 4-1 to 11-1 (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)

5. Total quantity to be appropriated:

a. .34 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Pump and water line

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

Period of year when water will be diverted to storage _____ to _____ inclusive.
(Month/Day) (Month/Day)

c. Proposed well diameter is 10 inches; proposed depth of well is 138 feet.

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 years (minimum 1 year - maximum 5 years).

8. Description of proposed uses:

a. If water is not for irrigation:

(1) Give the place of use of water: NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 30 Township 7S

Range 36E B.M.

(2) Amount of power to be generated: None horsepower 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 16.

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

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[illegible]

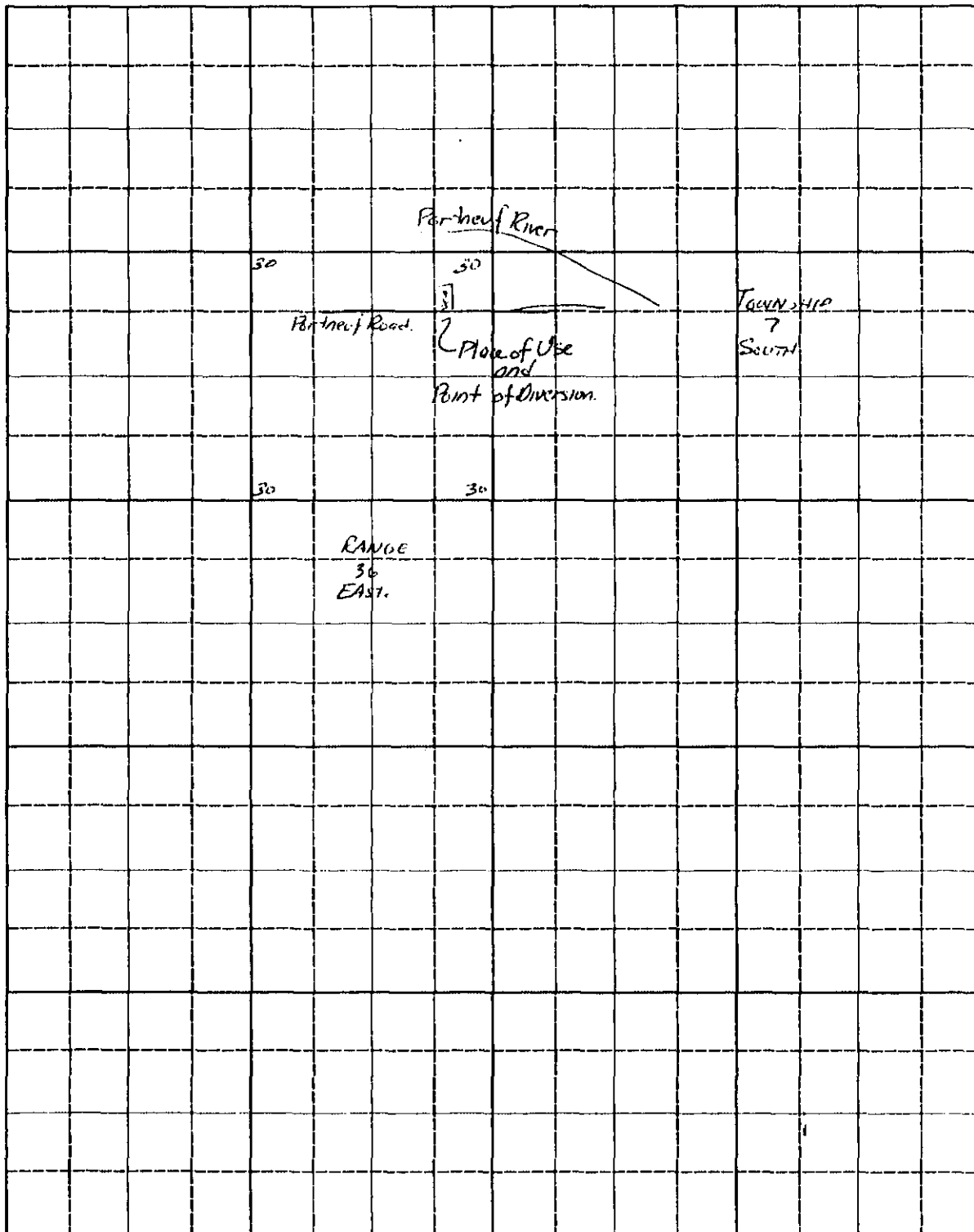
c. Describe any other water rights used for the same purposes as described above. None

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 _____

RECEIVED

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



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.

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(Applicant)

Received by SM Date 9/22/82 Time 9:52
Preliminary check by HWS Fee \$ 45.00
Receipted by BP Date 9/22/82 # 22511
Publication prepared by BP Date 9/29/82
Published in Idaho State Journal
Publication dates 9/20^{10/7} - 10/14/82
Publication approved CW Date 10-25-82
Protests filed by: None

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

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. 29-7662, 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, 19 87.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. Other: Permit holder shall commence the excavation or construction of diverting works within one year of the date this permit is issued and shall proceed diligently until the project is complete.

Witness my hand this 17th day of November, 1982.

L. Glen Sayton
Chief, Operations Bureau

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
LICENSING REPORT

Permit No. _____

1. Measurement Calculations

a) Field Measurement Calculations (Include theoretical capacities and system capacity)

b) Volume Calculations for Irrigation:

$V_{IR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$ _____

$V_{DR} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$ _____

$V = \text{Smaller of } V_{IR} \text{ and } V_{DR} =$ _____

c) Volume Calculations for Other Uses:

2. Overlap Review

a) Other water rights with same place of use: _____

b) Other water rights with same point of diversion: _____

c) Analysis:

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11. Examiner's Signature N/A Date _____
Checked in Regional Office by N/A Date _____
Approved in State Office by Juni Date 8-14-86

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

Department of Water Resources

Permit No. 29-7662

Phone No. 225 3573

1. Owner: Jerry C Dunne Phone No. 725 3573
Current Address: Rt 2 Portneuf Rd Inkom Id 83245
2. Accompanied by: Debbie Dunne EXAM. DATE: 6/11/86
Address: Rt 2 Portneuf Rd Inkom Id 83245 Phone No. 725 3573
Relationship to Permit Holder: Wife
3. Source: Ground water tributary to —

Well/Diversion* No.	Motor Make	HP	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
* 1 (Primary) 10"	Franklin	10HP	2261129010	Jacuzzi	Submersible No. SN
* 2 (backup) (8")	Franklin	5HP	92523398	Jacuzzi	Submersible No. SN

*Code with points of diversion, system diagram & photos on reverse side. Disregard if only one.

5. System Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)
operating pressure at measurement - 55 psi at well head
6. WX252 well X Trul storage tanks, 3" galvanized steel
manifold to consumers. Primary well is 10" in diameter. Backup
well is 8" in diameter & connected to 2 WX252 Extrol storage
tanks by a 2" manifold. Each home equipped with a 1" Haise meter.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
Heisey domestic meter	1"	Heisey	50MVR	5956135	1"	—

7. Measurements ☐ Additional data/computation sheets attached

DTW # 1 = 61.6 $Q = 18.9 \text{ gpm} = .02 \text{ cfs}$
 DTW # 2 = 28.6 total $Q = .12 \text{ cfs domestic } Q = .12 \text{ cfs irrigation}$
 10 gallons / 34 seconds - Hecsey domestic meter SN 5750135 - stop cock
 on each side of meter 1" PVC services to all homes

- | 8. Point(s) of Diversion: | Indicate Method of Determination |
|---------------------------|----------------------------------|
|---------------------------|----------------------------------|

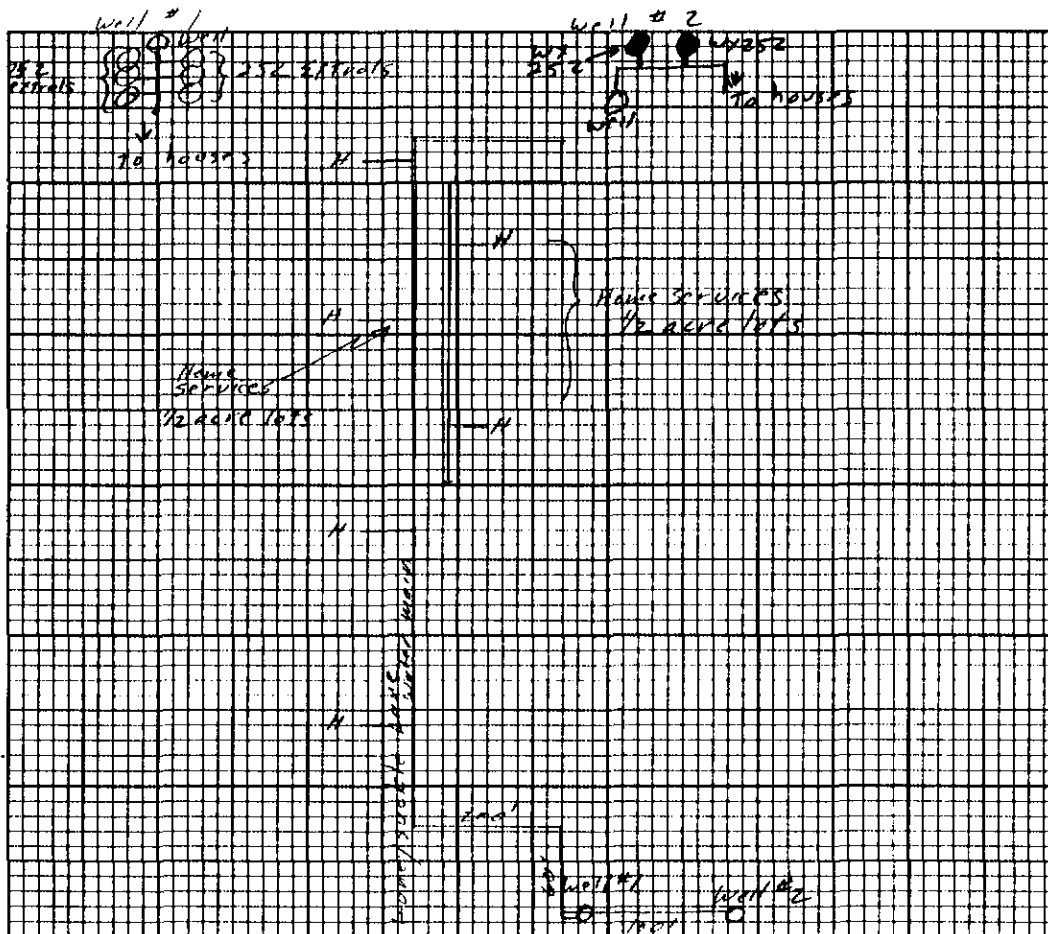
[illegible]

9. **Place(s) of Use:** Irrigation - give acres served by system at time of exam.
Indicate Method of Determination Land Survey - Plot of Sub.

[illegible]

10. Other water rights on these lands None
11. Other water right diverted from same p.d. None

12. **Diversion and Delivery System Diagram:** Indicate all major components and distances between components. Indicate ditch size/pipe I.D. as applicable. Indicate on systems with measurement port the distance between the port and the nearest component/pipe bend/restriction both upstream and downstream, and the inside pipe diameter at the measurement port. On multiple diversion systems indicate how diversion systems are connected.



13. ☒ Photo of Diversion & System Attached ☐ Aerial Photo of Place of Use Attached or Map of Irrigated Acreage Attached

14. Remarks Flow measured using installed Hersey municipal meters at .02 cfs per household. This value is in compliance with accepted DWR policy for domestic consumption and irrigation of related lawn and garden

15. 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

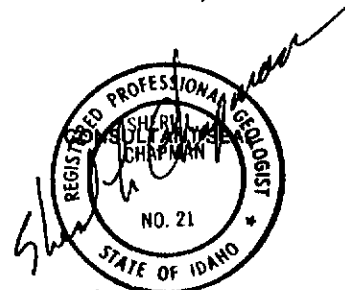
16. Examiner's/Consultant's Signature Shawn Chapman Date 6/11/86

Consultant's License Number 21

IDWR Director's Authorization to Conduct

Beneficial Use Examination 86-102 6/5/86

Date



SEPTEMBER 14, 1994

DOYLE PETERSEN
2046 N HONEYSUCKLE LN
INKOM ID 83245

RE: CHANGE IN OWNERSHIP FOR A29-00615D AND A29-07662

Dear Mr. Petersen:

The request for Change in Ownership concerning your Notice(s) of Claim in the above reference has been processed and the Notice(s) modified to reflect you as the new owner.

Enclosed are typed Notices with your name shown as the current owner. Review the forms and if there are other corrections or questions, feel free to contact this office.

If there are no questions or corrections, please keep these Notices for your records.

Respectfully submitted,



Jo Thompson
Secretary, Adjudications

Enclosure: Notice(s) of Claim

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NOV 13 1996



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

DATE OF CLOSING: 10/11/91

LEGAL DESCRIPTION OF PROPERTY: Township 07S Range 36E
Section 39, NE 1/4 of NE 1/4 of 1/4 Govt. Lot , BM.
Lot 3, Block 2, Subdivision/Townsite Evergreen #2
If you have additional legal descriptions, please attach separate sheet.

☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

☒ Water Right Number(s)
Assigned by IDWR: A-29-00615A, A-29-07667

☐ Name and Address of Former Owner/Claimant(s)(Seller): Jerry C and/or Denise M. Dunne
3186 W. Portneuf Rd.
INRm. 83245

☐ New Owner/Claimant (Purchaser): Dale J. & Pamela B. Petersen

☐ New Mailing Address: 2046 N. Honeysuckle Lane
INRm. 83245

☐ New Telephone Number: (208) 775-3547

☐ Does the change in ownership result in a splitting of the water right owned/claimed? ☒ yes ☐ no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

Divided into two parts, one part is owned by the new owner and the other part is owned by the former owner.
Subdivided by a survey dated 11/11/91.
Only the portion of the water right that is owned by the new owner is being transferred.

☐ Attach proof of ownership, describe proof attached: Warranty Deed / Barreth Cty.

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

☐ Signature of New Owner/Claimant(s): Dale J. Petersen Date 8/30/91

☐ Signature of Former Owner/Claimant(s): Denise M. Dunne Date 8-31-91

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry
Date: _____ By: _____

Further Action Needed:

Further Action Taken
Date: _____ By: _____

Final Review and Data-Entry
Date: _____ By: _____

Claim Numbers of Split, if any:

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NOV 13 1991

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

A29-0766Z - Water

please change name
of ownership to
Evergreen Area Water
Association. to
serve 12 Homes &
six acres.

c/o Doyle Peterson
Association President.
2046 N. Honesuckle
Trunk. Rd 83245.

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NOV 13 1963

BY-LAWS
OF
EVERGREEN ACRES WATER ASSOCIATION, INC.

ARTICLE 1. Purposes. The purposes for which Evergreen Acres Water Association, Inc. ("corporation") is formed and functions are to own, operate and maintain the water system serving Evergreen Acres No. 1 and Evergreen Acres No. 2, both being subdivisions of Bannock County, Idaho. The declaration, covenants, conditions and restrictions set forth in Instrument No. 735433 and Instrument No. 686952 of the records of Bannock County, Idaho, both of which are attached and incorporated into these By-Laws by reference shall be incorporated into these By-Laws as additional provisions of the By-Laws of the corporation.

ARTICLE 2. Members.

Section 1. Requirements of Being a Member. The requirements of being a member are set forth in the Articles of Incorporation. Each of the following tracts of real estate shall have one member and each member shall have one vote:

Block 1; Evergreen No. 1
Lot 1
Lot 2
Lot 3
Lot 4

Block 2; Evergreen No. 1
Lot 1
Lot 2
Lot 3
Lot 4

Block 1; Evergreen No. 2
Lot 1
Lot 2 R
Lot 2
Lot 3

Block 2; Evergreen No. 2
Lot 1
Lot 2 R
Lot 2
Lot 3
Lot 4
Lot 5

Section 2. Assessment of Members. Only those members actually receiving water shall be assessed for any cost of

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