

88

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: A29-07730
Date Received: 4/14/1999
Receipt No: E024902
Received By: EMC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: FUHRIMAN RANCH INC 208-897-5568
Address: RICK FUHRIMAN PRES
997 E RICHARDS
DOWNEY ID 83423

2. Date of Priority: JUN 13, 1983

3. Source: MARSH CREEK Trib. to: PORTNEUF RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
11S	36E	11		SW	NE		BANNOCK
		14		SW	NE		BANNOCK

5. Description of diverting works:
PUMPS, MAINLINE AND HANDLINES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.760		

7. Total Quantity Appropriated is:
0.760 C.F.S. (and/or) 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 of	Lot	Use	Acres
11S	36E	11	NE	NE		IRR	4.0
			NW	NE		IRR	31.0
			SW	NE		IRR	24.0

A2907730



10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
11S	36E	11	SE	NW		IRR	6.0
			SE	SW		IRR	21.0
					Section Acres		86.0
		14	NE	NW		IRR	20.0
			SE	NW		IRR	24.0
					Section Acres		44.0
					Total Acres		130.0

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:

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 38 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

15. Basis of Claim: PERMIT

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 Organizations:

I do solemnly swear or affirm that I am President of
Title
Fuhriman Ranch Inc, that I have signed the foregoing
Organization
document in the space below as President of
Title
Fuhriman Ranch Inc and that the statements contained in the
Organization
foregoing document are true and correct.

Rick Fuhriman
Signature of Authorized Agent

President Fuhriman Ranch Inc
Title and Organization

4/14/99

Date

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 14 day
of April 19 99.

Ernest Carlson
Notary Public

Seal

Residing at Idaho Falls

My Commission Expires 6-14-2000.

A. ROOT WATER RIGHT NUMBERS: A29-07730

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
11S	36E	11	NE	NE		FUHRIMAN RANCH INC	A29-07730 / 4.0	- /			14.0
			NE	NE		FUHRIMAN RANCH INC	A29-02295B / 4.0	- /			
			NE	NE		MARSH CENTER IRRIGATION CO	A29-02560A / 10.0	- /			
			NE	NE		MARSH CENTER IRRIGATION CO.		29-02560 / 10.0			
			NE	NE		FUHRIMAN RANCH INC.		29-04381 / 5.0			
11S	36E	11	NW	NE		FUHRIMAN RANCH INC	A29-07730 / 31.0	29-07730 / 10.0			42.0
			NW	NE		FUHRIMAN RANCH INC	A29-02295B / 31.0	- /			
			NW	NE		FUHRIMAN RANCH INC.		29-04381 / 25.0			
11S	36E	11	SW	NE		FUHRIMAN RANCH INC	A29-07730 / 24.0	- /			36.0
			SW	NE		FUHRIMAN RANCH INC	A29-02295B / 24.0	29-02295B / 30.0			
11S	36E	11	SE	NW		FUHRIMAN RANCH INC	A29-07730 / 6.0	29-07730 / 28.0			19.0
			SE	NW		FUHRIMAN RANCH INC	A29-02295B / 6.0	- /			
			SE	NW		FUHRIMAN RANCH INC.		29-04381 / 5.0			
11S	36E	11	SE	SW		FUHRIMAN RANCH INC	A29-07730 / 21.0	- /			33.0
			SE	SW		FUHRIMAN RANCH INC	A29-02295B / 21.0	29-02295B / 20.0			
11S	36E	14	NE	NW		FUHRIMAN RANCH INC	A29-07730 / 20.0	- /			33.0
			NE	NW		FUHRIMAN RANCH INC	A29-02295B / 20.0	29-02295B / 25.0			
11S	36E	14	SE	NW		FUHRIMAN RANCH INC	A29-07730 / 24.0	- /			36.0
			SE	NW		FUHRIMAN RANCH INC	A29-02295B / 24.0	29-02295B / 25.0			

ADDITIONAL POU FOUND

TOTAL ACRES	A29-07730	130.00	38.00	213.00
-------------	-----------	--------	-------	--------

POU COUNTY: BANNOCK

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP. RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NUMBER
A29-07730	11S 36E	11		SW	NE			BANNOCK		
A29-07730	11S 36E	14		SW	NE			BANNOCK		

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
A29-02295B NONE
A29-02295C

WR RECORDS IN SAME 40 ACRE TRACT

29-02295B
29-02295C
29-04381

SOURCE: MARSH CREEK

TRIB: PORTNEUF RIVER

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP. RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NUMBER
29-07730	11S 36E	11		SW	NE			BANNOCK		

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX

29-04381

A29-02295B NONE

SOURCE: MARSH CREEK

TRIB: PORTNEUF RIVER

C. IS THE CLAIMED POD WITHIN THE SAME 40 ACRE TRACT THAT IS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y() N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POD, DESCRIBE THE INJURY
ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

D. CAN THE CLAIMED POD BE VERIFIED USING THE WATER RIGHT FILE OR GPS DATA? N/A() Y() N()

E. SHOULD THE CLAIMED POD BE VERIFIED BY FIELD EXAM? Y() N()

F. IS THE CLAIMED SOURCE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y() N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN SOURCE, DESCRIBE THE INJURY
ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

G. CAN THE CLAIMED SOURCE BE VERIFIED USING THE WATER RIGHT FILE? Y() N()

H. SHOULD THE CLAIMED SOURCE BE VERIFIED BY FIELD EXAM? Y() N()

C. IS WATER USAGE FOUND IN TRACTS OTHER THAN THOSE CLAIMED?

Y() N()

* IF YES, ARE THESE TRACTS LISTED ABOVE (), OR ARE THEY LISTED ON AN ATTACHED SHEET ()

LIST OF ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE

CLAIM NO.	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A29-07730	MARSH CREEK	FUHRMAN RANCH INC	0.760	0.005		
A29-02295B	MARSH CREEK	FUHRMAN RANCH INC	2.000	0.015		
A29-02560A	WIREGRASS SPRINGS	MARSH CENTER IRRIGATION CO			24.00	0.11

NO RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION

D. ARE OTHER WATER RIGHTS USED FOR THE SAME PURPOSE?

Y() N()

* IF YES, COMPLETE OVERLAP REVIEW:

OTHER RIGHTS LISTED IN CLAIM:

E. IS THE CLAIMED POU THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A() Y() N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POU, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

F. CAN THE CLAIMED POU BE VERIFIED USING THE WATER RIGHT FILE AND AVAILABLE AERIAL PHOTOS?

N/A() Y() N()

G. SHOULD THE CLAIMED POU BE VERIFIED BY FIELD EXAM?

Y() N()

H. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE OF THIS RIGHT, OR ANY PORTION OF THIS RIGHT?

Y() N()

Log for claim A29-07730

Spatial Dynamics TWB

6/1/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
11s36e	11	NENE	4	4.3	
11s36e	11	NWNE	31	35	
11s36e	11	SWNE	24	24	
11s36e	11	SENE	6	11	
11s36e	11	SESW	21	24	
11s36e	14	NENW	20	22	
11s36e	14	SENE	24	28	
Totals:			130	148.3	

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

Ident. 

APPROVED

To appropriate the public waters of the State of Idaho

1. Name of applicant Fuhriman Ranch, Inc. Phone 897-5508
Post office address Box 103, Downey, ID 83423
2. Source of water supply Marsh Creek which is a tributary of Portneuf River
3. Location of point of diversion is SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 11 Township 11S
Range 36E B.M. Bannock County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 0.76 cfs 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)

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

5. Total quantity to be appropriated:

- a. 0.76 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

- a. Description of ditches, flumes, pumps, headgates, etc. pump, pipeline and sprinkler 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 when water will be diverted to storage _____ to _____ inclusive.
(Month/Day) (Month/Day)

- c. Proposed well diameter is _____ inches; proposed depth of well is _____ 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: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____

Range _____ B.M.

(2) Amount of power to be generated: _____ 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 _____.

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

MICROFILMED

AUG 17 1989

[illegible]

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

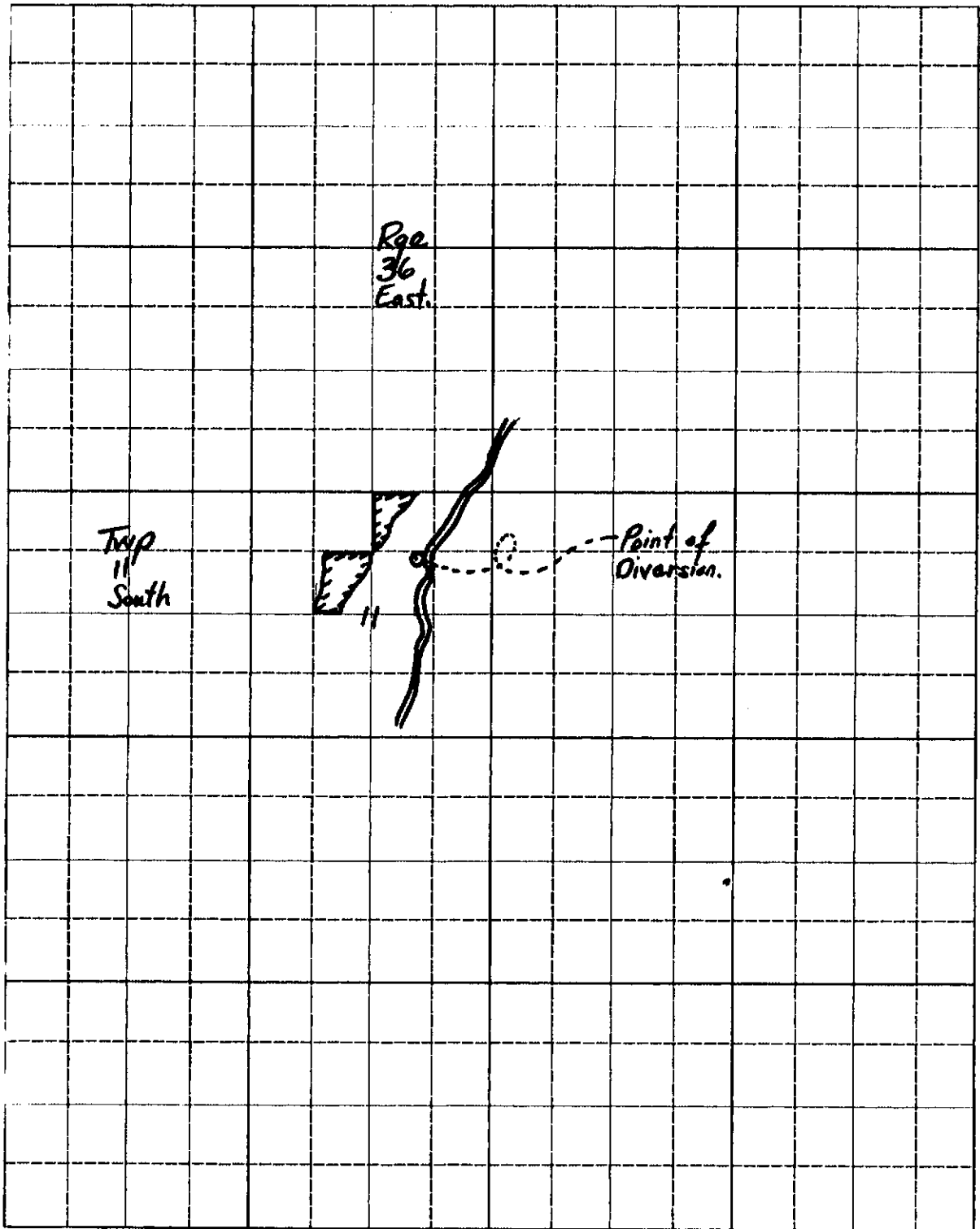
b. Who owns the land to be irrigated or place of use Applicant

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 _____

CONFIRMED
AUG 17 1989

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.

RECORDED

AUG 17 1989

Fulcrum Ranch, Inc.
(Applicant)

William D. Fulcrum, President

Received by EMC Date 6/13/83 Time _____
Preliminary check by HWT Fee \$ 45.00
Received by BP Date 6/16/83 # 30884
Publication prepared by GB Date 6-6-89
Published in Idaho State Journal
Publication dates 6-15, 22, 89
Publication approved aw Date 7-05-89
Protests filed by: none

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

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. 29-7730, 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 91.

- 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: The right to the use of water acquired under this permit shall not give rise to any right or claim against the holder of a senior right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.

The Director retains jurisdiction of the permit and any license subsequently issued to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.

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.

A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works prior to diversion of water under this permit.

Use of water under this permit is subject to control by the watermaster of State Water District No. 29-H, Marsh Creek.

Witness my hand this 20th day of July, 1989.

RECORDED

AUG 17 1989

A. Glen Saxton

AJ5809NP
No. A29-07730

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 04/24/00
PAGE: 155

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	FUHRIMAN RANCH INC RICK FUHRIMAN PRES 997 E RICHARDS RD DOWNEY ID 83423 (208) 897-5568	06/13/1983	IRRIGATION	04-01 11-01	0.760 CFS	
					TOTAL DIVERSION:	0.760 CFS

Water Source: MARSH CREEK

Tributary to: PORTNEUF RIVER

Stage: PERMIT

Point(s) of Diversion:

T11S R36E S11
S14

SWNE
SWNE

BANNOCK County
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	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	---
11S	36E	11	:	04		31		24		:								06	:									:										:	86.0
11S	36E	14	:							:	20							24	:									:										:	44.0
																														TOTAL ACRES			130.0						

POU County: BANNOCK

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
A29-02295B A29-02295C

Other Water Rights Listing Overlapping Place(s) of Use:
A29-02295B A29-02560 A29-02560A

Remarks: POU1 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 38 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

Misc: Water District Number: 29H Field Inspection Flag:
Presumption Flag:

Audit: 04/16/99 ECARLSEN 04/12/00 CVANDERM