

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: A29-10805
Date Received: 3/27/1990
Receipt No: M006389
Received By: RWSH

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: TYHEE ENTERPRISES WATER SYSTEM 208-237-1772
Address: COMMUNITY WELL
12527 W. TYHEE RD.
POCATELLO, ID 83202

2. Date of Priority: MAR 15, 1934

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

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

5. Description of diverting works:
WELL, 185' DEEP, 10" CASING, 3HP PUMP PIPED TO DISTRIBUTION SYSTEM.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
COMMERCIAL	01/01	12/31	0.200		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
D, 3 HOMES, 1 STORE, 1 BUSINESS

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05S	34E	34	NE	NW		COMMER	

11. Place of use in counties: BANNOCK

A29-10805

Page 1

Date: 03/27/90

A2910805



MICROFILMED

NOV 16 1992

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

13. Other Water Rights Used:
FORT HALL IRRIGATION

14. Remarks:
ASSOCIATION OPERATES SYSTEM

15. Basis of Claim: BENEFICIAL USE

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: 1

For Organizations:

I do solemnly swear or affirm that I am Manager of

Lyhee Enterprise Water System Title
Organization

document in the space below as Manager of

Lyhee Enterprise Water System Title
Organization and that the statements contained in the
foregoing document are true and correct.

Norman A. Roman
Signature of Authorized Agent

Manager Lyhee Enterprise Water System
Title and Organization

3-27-90
Date

State of Idaho

County of

Barnett

) SS.
)

Subscribed and sworn (or affirmed) before me this 27 day

of March 19 90

Seal

John Valente
Notary Public

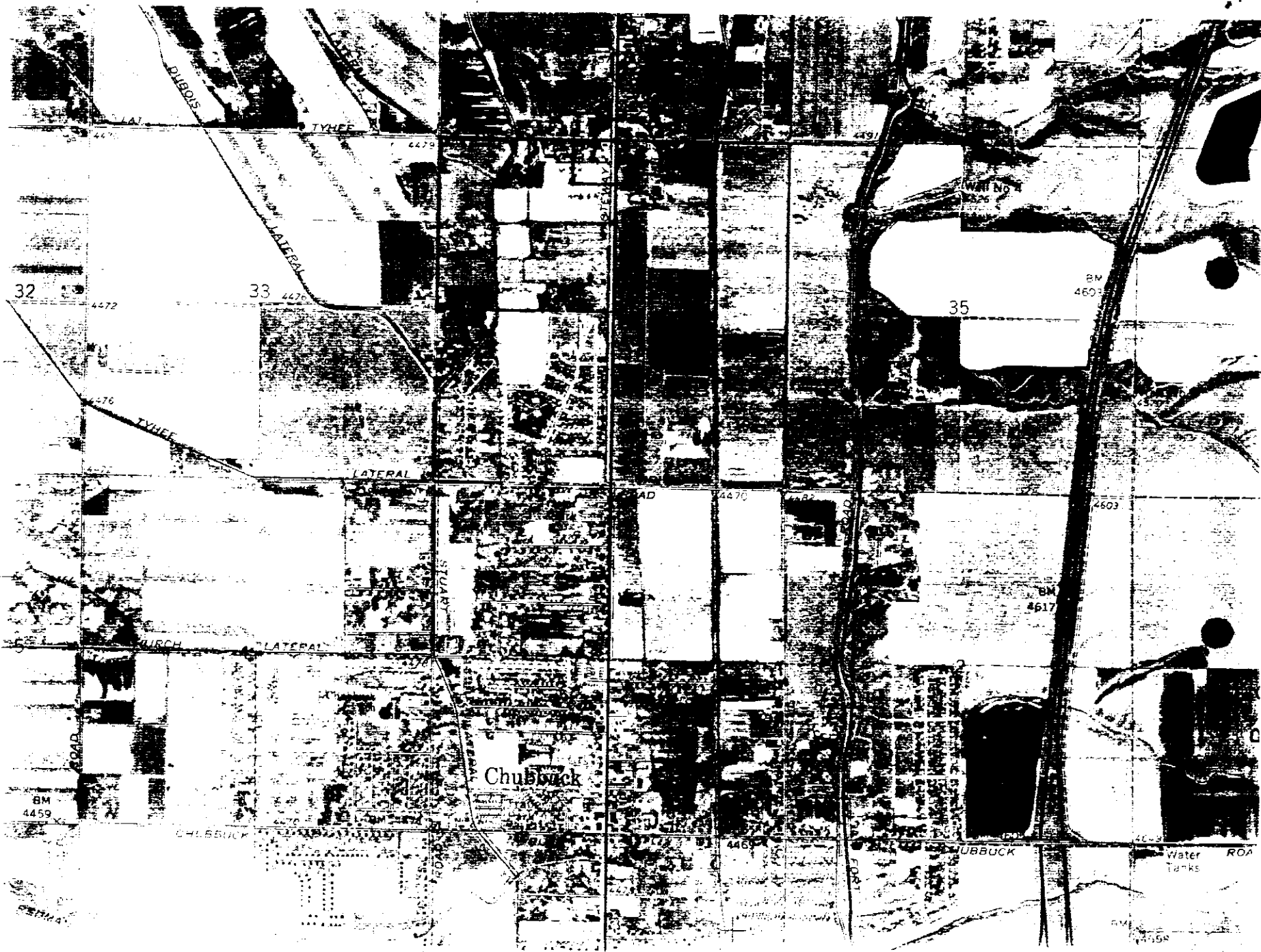
Residing at

Boise Id

My Commission Expires

4/2/94

T5S R34E Sec 34
NE, NE, NW



SS

MAKING IT MATTER
NOV 16 1997

From: DWR03::SSHerman
To: DWR70::ECARLSEN
CC: SSHerman
Subj: A29-07549 JOINED W/A29-10805

4-OCT-1996 12:49:23.59

HI ERNIE! IN RESPONSE TO ONE OF MY ADDRESS CHANGE LETTERS, THE PRESIDENT OF THE WATER USERS ASSOCIATION (A29-07549) CALLED ME THIS MORNING. WHILE WE WERE TALKING, HE TOLD ME THEIR ASS'N AND TYHEE'S (A29-10805) HAD MERGED AND THE WATER SYSTEMS WERE PHYSICALLY JOINED. THE PRESIDENT OF THE WATER USERS ASSN IS THAYNE SMEDLEY, AT 208/236-2190. IT SOUNDS AS IF HE'S A PROF AT THE UNIVERSITY, BECAUSE SOMEONE IN THE BACKGROUND CALLED HIM "DR.", WHICH I WAS DOING ALSO, OUT OF RESPECT, WHEN HE ASKED ME TO CALL HIM "THAYNE". I SENT HIM A PROFILE REPORT OF A29-07549, TWO O-CHANGE FORMS (ONE FOR THE OTHER PERSON THEY'RE JOINED WITH) AND INFORMATION SHEET NO. 42-1400A (2/95) (AS USUAL). WE TALKED FOR ABOUT 35 MINUTES, WHILE I ANSWERED AS MANY QUESTIONS AS I COULD.

I TOLD HIM HIS REGION OFFICE WAS YOURS, AND THAT I WOULD LET YOU KNOW ABOUT THE JOINING OF THE TWO WATER SYSTEMS. APPARENTLY, TYHEE IS FOR MANY MORE HOMES THAN THE OTHER HIS IS. ALSO, THE CHURCH IS NOT THERE ANY LONGER, SO SMEDLEY THINKS THEY MUST USE LESS WATER.

HE'S RETURNING MY LETTER, SIGNED, WITH THE ADDRESS CORRECTION, WHICH I WILL 4WARD TO SHARLA FOR THE FILE, AS USUAL. HOPE THIS INFO IS OF USE TO YOU AND YOUR FIELD AGENTS.

HAVE A LOVELY W/E, ERNIE.
...SAL

MICROFILMED
NOV 14 1996



State of Idaho
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

May 2
April 4, 2001

Tyhee Enterprises Water System
Community Well
12527 W. Tyhee Road
Pocatello, Idaho 83202

Re: Adjudication Claim 29-10805

Dear Water User:

Attached is a copy of an Adjudication Claim for a water right near American Falls or Pocatello, Idaho. This claim is based upon "beneficial use." This means that the underlying water right was perfected by the original user simply developing a diversion and using the right. This was completely legal and appropriate up until March 25, 1963, for ground water uses, or up until May 20, 1971 for surface water uses. However, this method of perfecting a water right did not result in a paper record of the water right with the department.

In order to recommend your adjudication claim to the court, I need you to supply "evidence of priority" and "evidence of beneficial use." The enclosed pamphlet describes some typical sources that may be used. If an affidavit is used, it must clearly show that the person making the affidavit personally observed the water use. The more detail the affidavit gives, indicating dates, circumstances, amounts and details of water use, the better. As I review the documentation provided, my standard will be:

The documentation should tend to indicate that diversion works were in place and had adequate capacity for the claimed use. The documentation should also tend to indicate that water was applied to the claimed beneficial use on the claimed place of use.

Please review these documents, and provide documentation of the historical use of this right. Feel free to call me if you have questions. You should be able to reach me Thursday or Friday mornings.

Sincerely,

Bryce A. Contor
Senior Water Resource Agent