

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: A29-11177
Date Received: 4/ 9/1990
Receipt No: E012956
Received By: _____

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name: LESTER A. HARTVIGSEN TRUST 801-752-7406
Address: LESTER A HARTVIGSEN TRUSTOR
3084 W 3200 N
SMITHFIELD UT 84335

2. Date of Priority: APR 1, 1897

3. Source: GOODENOUGH CREEK Trib. to: MARSH CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
09S	36E	8	NE	SE			BANNOCK

5. Description of diverting works:
HEADGATE DITCH TO GRAVITY SPRINKLER SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	3.000		

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

8. Total consumptive use is 657.5 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09S	36E	8	NE	SE		IRR	5.0

MICROFILMED

APR 14 1994

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	5.0
		9	NE	SW	IRR	38.0
			NW	SW	IRR	20.0
			NE	SE	IRR	40.0
			NW	SE	IRR	40.0
			SE	SE	IRR	40.0
					Section Acres	178.0
		10	NW	SW	IRR	40.0
			SW	SW	IRR	40.0
					Section Acres	80.0
					Total Acres	263.0

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:

A29-11178

14. Remarks:

THIS RIGHT REPRESENTS A COMBINATION OF 29-00437 & 29-00439
TRANSFER #2523

THE RIGHT WHEN COMBINED WITH A29-11178 SHALL NOT EXCEED 5.6 CFS.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

WILLIAM GOODENOUGH
Decree Plaintiff

A. P. MARSO
vs Decree Defendant

MICROFILMED

APR 14 1994

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

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Date Received: 4/09/1990
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NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: LESTER A. HARTVIGSEN
Address: 3084 WEST 3200 NORTH
SMITHFIELD, UT

801-752-7406

84335

2. Date of Priority: APR 01, 1897

3. Source: GOODENOUGH CREEK Trib. to: MARSH CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	Count
09S	36E	8	NE	SE			BANNOC

5. Description of diverting works:
HEADGATE DITCH TO GRAVITY SPRINKLER SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	3.000		

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

8. Total consumptive use is 657.5 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09S	36E	8	NE	SE		IRR	5.0
Section Acres							5.0



10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09S	36E	9	NE	SW		IRR	38.0
			NW	SW		IRR	20.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SE	SE		IRR	40.0
						Section Acres	178.0
		10	NW	SW		IRR	40.0
			SW	SW		IRR	40.0
						Section Acres	80.0
						Total Acres	263.0

11. Place of use in counties: BANNOCK

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

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A29-11178

14. Remarks:
THIS RIGHT REPRESENTS A COMBINATION OF 29-00437 & 29-00439
TRANSFER #2523
THE RIGHT WHEN COMBINED WITH A29-11178 SHALL NOT EXCEED 5.6 CFS.

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date:

WILLIAM GOODENOUGH
Decree Plaintiff

A. P. MARSO
Decree Defendant

vs

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 Individuals:

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

Signature of Claimant(s): Lester & Hartvigsen Date: 4-9-'90

Date: _____

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 9th day

of apr 19 90

Betty J. Thompson
Notary Public

Seal

BETTY J. THOMPSON, NOTARY PUBLIC
Residing at _____
MY COMMISSION EXPIRES 0-30-94
My Commission Expires _____

RIGHT NUMBER: 29-11178

NAME AND ADDRESS: LESTER A HARTVIGSEN TRUST
LESTER A HARTVIGSEN TRUSTOR
3084 W 3200 N
SMITHFIELD UT 84335

SOURCE: GOODENOUGH CREEK

TRIBUTARY: MARSH CREEK

QUANTITY: 3.06 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 5.6 CFS. COMBINED RIGHT NOS.: 29-11177,
29-11178.

PRIORITY DATE: 05/01/1901

POINT OF DIVERSION:

T09S R36E S8 NESE Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	3.060 CFS

PLACE OF USE:

IRRIGATION Within BANNOCK County

T09S R36E S10	NWSW	40.0	T09S R36E S10	SWSW	40.0
T09S R36E S08	NESE	4.0	T09S R36E S09	NESW	39.0
T09S R36E S09	NWSW	20.0	T09S R36E S09	NESE	40.0
T09S R36E S09	NWSE	40.0	T09S R36E S09	SESE	40.0

263 ACRES TOTAL

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 263 ACRES IN A SINGLE IRRIGATION
SEASON. COMBINED RIGHT NOS.: 29-11177, 29-11178

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: Decreed

THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 29-00438, 29-00440.

A. ROOT WATER RIGHT NUMBERS: A29-11177

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
09S	36E	8	NE	SE		HARTVIGSEN TRUST, LESTER A	A29-11177 / 5.0	- /			
			NE	SE		HARTVIGSEN TRUST, LESTER A	A29-11178 / 5.0	- /			
09S	36E	9	NE	SW		HARTVIGSEN TRUST, LESTER A	A29-11177 / 38.0	- /			
			NE	SW		HARTVIGSEN TRUST, LESTER A	A29-11178 / 38.0	- /			
			NE	SW		GREEN, JR., JARED		29-02015 / 20.0			
09S	36E	9	NW	SW		HARTVIGSEN TRUST, LESTER A	A29-11177 / 20.0	- /			
			NW	SW		HARTVIGSEN TRUST, LESTER A	A29-11178 / 20.0	- /			
			NW	SW		GREEN, JR., JARED		29-02015 / 20.0			
09S	36E	9	NE	SE		HARTVIGSEN TRUST, LESTER A	A29-11177 / 40.0	- /			
			NE	SE		HARTVIGSEN TRUST, LESTER A	A29-11178 / 40.0	- /			
09S	36E	9	NW	SE		HARTVIGSEN TRUST, LESTER A	A29-11177 / 40.0	- /			
			NW	SE		HARTVIGSEN TRUST, LESTER A	A29-11178 / 40.0	- /			
			NW	SE		GREEN, JR., JARED		29-02015 / 20.0			
09S	36E	9	SE	SE		HARTVIGSEN TRUST, LESTER A	A29-11177 / 40.0	- /			
			SE	SE		HARTVIGSEN TRUST, LESTER A	A29-11178 / 40.0	- /			
09S	36E	10	NW	SW		HARTVIGSEN TRUST, LESTER A	A29-11177 / 40.0	- /			
			NW	SW		HARTVIGSEN TRUST, LESTER A	A29-11178 / 40.0	- /			
09S	36E	10	SW	SW		HARTVIGSEN TRUST, LESTER A	A29-11177 / 40.0	- /			
			SW	SW		HARTVIGSEN TRUST, LESTER A	A29-11178 / 40.0	- /			

ADDITIONAL POU FOUND

TOTAL ACRES

A29-11177

263.00

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
A29-11177	09S 36E	8		NE	SE			BANNOCK		

OTHER AJ CLAIMS WITH SAME AJ POD

A PREFIX	R PREFIX
A29-00435	NONE
A29-00436	
A29-11178	

WR RECORDS IN SAME 40 ACRE TRACT

29-00433
29-00434
29-00435
29-00436
29-00437
29-00438
29-00439
29-00440

SOURCE: GOODENOUGH CREEK

TRIB: MARSH CREEK

B. WR POINT OF DIVERSION AND SOURCE:

THERE IS NO WATER RIGHT RECORD WITH THE SAME CLAIM NUMBER

SOURCE: NO SOURCE FOR RECORD

TRIB: NO TRIBUTARY FOR RECORD

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()

I. HOW WAS THE POD AND SOURCE VERIFIED?

LICENSING FIELD EXAM (DATE OF FIELD EXAM) Y() N()

AJ FIELD EXAM (DATE OF FIELD EXAM) NAME OF EXAMINER) Y() N()

OTHER (DESCRIBE IN NOTES BELOW)

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 POJ AND IRRIGATION USAGE

CLAIM NO.	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A29-11177	GOODENOUGH CREEK	HARTVIGSEN TRUST, LESTER A	3.000	0.011		
A29-11178	GOODENOUGH CREEK	HARTVIGSEN TRUST, LESTER A	3.060	0.011		

NO RIGHTS WITH SAME POJ 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: A29-11178

E. IS THE CLAIMED POJ 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 POJ, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

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

N/A() Y() N()

G. SHOULD THE CLAIMED POJ 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()

OCT 3 1988

APPROVED

STATE OF IDAHO
Department of Water Resources
Eastern District Office
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

To Change the Point of Diversion and/or the Place of Use

Name of applicant Lester Hartvigsen Phone 301-752-7406 UTAH
766-4106
Post office address 255 East 155 South, Malad, ID 83252

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

a. Decree to B. Y. Green, Jared Green, Jr., & Nellie Barron Green
(Name) A. P. Marso, Truman Rowe, B.Y. Green,
in case of William Goodenough vs Jared Green, Jr., & J. F. Whitney
dated June 9, 1925 in 5th Judicial Dist. county of Bannock
(Name of court)

b. License No. _____ issued by the Idaho Department of Water Resources

c. Claim No. _____ on file with the Idaho Department of Water Resources

2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant
thru purchase of water right - see attached copy of sale.

3. Source of water Goodenough Creek tributary to Marsh Creek

4. Date of priority April 1, 1897 (29-0437 & 29-0439), May 1, 1901 (29-0438 & 29-0440)

5. Water is used for the following purposes:

29-0437	amount	<u>1.5</u>	for	<u>Irrigation</u>	purposes from	<u>Mar. 15</u>	to	<u>Nov. 15</u>
29-0438	amount	<u>1.53</u>	for	<u>Irrigation</u>	purposes from	<u>Mar. 15</u>	to	<u>Nov. 15</u>
29-0439	amount	<u>1.5</u>	for	<u>Irrigation</u>	purposes from	<u>Mar. 15</u>	to	<u>Nov. 15</u>
29-0440	amount	<u>1.53</u>	for	<u>Irrigation</u>	purposes from	<u>Mar. 15</u>	to	<u>Nov. 15</u>

(month/day -- both dates inclusive)

6. Total amount of water under right: a. 6.06 cubic feet per second
&/or
b. _____ acre feet per annum

7. Location of original point of diversion is NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 8
Township 9S Range 36E, B.M., in Bannock County
Additional points of diversion, if any _____

8. Lands irrigated or place of use: *Total irrigated acres not listed in decree.

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 $\frac{1}{4}$	
9S	36E	10	L.1 X	L.5 X	L.6 X	L.2 X										L.7 X	X	L.8 X	*
		15		X															*

Total number of acres to be irrigated _____

9. Describe any other water rights used for the same purposes as described above 129-2365

B. DESCRIPTION OF PORTION OF RIGHT OWNED BY APPLICANT (If the entire right is owned by the applicant, omit part B).

1. Amount of water: a. _____ cubic feet per second

&/or

b. _____ acre feet per annum
2. Point of diversion _____ ¼ _____ ¼, Section _____ Township _____
Range _____, B.M., _____ County _____
Additional points _____

3. 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	

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Change in point of diversion No Change
 - a. Amount of water to be diverted 6.06 c.f.s. &/or _____ acre feet
 - b. Point(s) of diversion _____ ¼ _____ ¼, Section _____ Township _____
Range _____, B.M., _____ County _____
Additional points _____
 - c. Description of diverting works _____
 - d. Describe the reasons for applying for a change in the point(s) of diversion Applicant has purchased water rights and wants to move them to his lands.

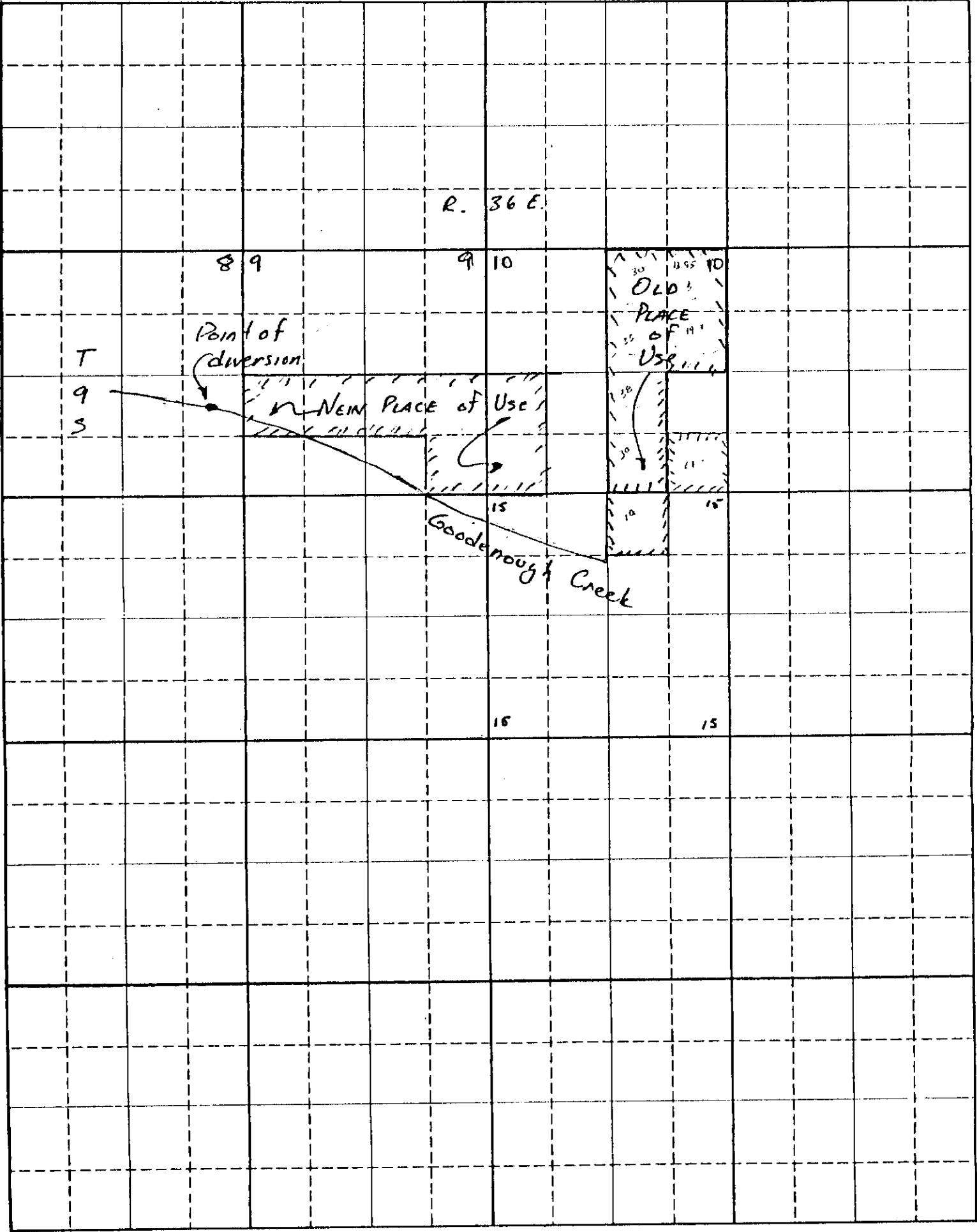
2. Change in place of use

- a. Describe the lands or place of use to which the right will be transferred:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
9S	36E	9									40	40			40	40		40	200
		10										40	40						80

Total number of acres to be irrigated 280

3. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



SCALE: 2 inches equal 1 mile. Draw plan in ink.

RECEIVED
MAY 19 1960

4. Remarks _____

I hereby assert that no one will be injured by such change and the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

Leiter Hartwigsen
(Signature of applicant)

Subscribed and sworn to before me this 25th day of February, 19 81.

N. Jordan
(Notary public)

My commission expires Continuous

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 29-0437/0438/0439/0440 and said application is hereby approved, subject to the following limitations and conditions:

1. The maximum rate of diversion of the combined rights identified herein shall not exceed 5.6 cfs.
2. The rights identified herein and Rights 29-2015 and 29-2365 shall provide no more than 3.5 acre feet per acre per annum for 280 acres.

Witness my hand this 14th day of December, 19 81.

L. Glen Saxton
L. GLEN SAXTON
Chief, Operations Bureau

FOR DEPARTMENT USE ONLY

Received by kw Date 3/6/1981 Protest filed by _____
Prelim. check by _____ Fee 50.00 _____
Receipted by kw Date 3/9/1981 #17078 _____
Published in Idaho State Journal Copies of protest forwarded by _____
Pub. dates 3/19 & 3/26/ 81 Hearing held by _____ Date _____
Watermaster recommendation requested on _____ Recommended for approval denial
_____ rec'd. _____ by Det

.....
Bannock County
Dry Canon Creek
1.8 cusec. ft.
Irrigation
Priority 9-27-96
.....

STATE OF IDAHO

Water License No. 610.

WHEREAS, On the 20th day of May, A.D. 1904, JARED GREEN, JR. of McCammon, County of Bannock and State of Idaho, duly made application (No. 660) to me for a permit to use 3 cubic feet per second of the waters of Dry Canon Creek, County of Bannock, State of Idaho, for irrigation and domestic purposes; and,

WHEREAS, On the 25th day of May, A.D. 1904, Permit No. 610 was issued to said applicant for the diversion of said water, and providing for the completion of the works of diversion therein described on or before the 21st day of May, A.D. 1906, and for the application to beneficial use of said water on or before the 21st day of November, A.D. 1906, and,

WHEREAS, On the 11th day of May, A.D. 1906, the holder of said permit duly made proof of the completion of adequate works for the diversion of 3 cubic feet per second of said waters, as evidenced by my Certificate No. 610, dated August 3, 1906, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 3 cubic feet per second of water, with date of priority of May 20, 1904, and,

WHEREAS, On the 1st day of April, A.D. 1907, proof was duly made of the application to beneficial use of one and two-tenths cubic feet per second of said water;

Now, THEREFORE, by virtue of the authority vested in me by the laws of the State of Idaho, I hereby grant and confirm to JARED GREEN, JR. of McCammon, Idaho, the holder and owner of said Permit No. 610 a perpetual right, dating from September 27, 1906, to the use of one and two-tenths cubic feet per second of the waters of Dry Canon Creek in the County of Bannock and State of Idaho, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at 121 of 122 Section 5, Township 9 South, Range 36 East of Boise Meridian, and conducted to and upon 20 acres in Northeast quarter of Southeast quarter (NE 1/4 SE 1/4) 20 acres in Northeast quarter of Southeast quarter (NE 1/4 SE 1/4) 20 acres in Northeast quarter of Southwest quarter (NE 1/4 SE 1/4) All in Section 2 (cont), Range 36 East of Boise Meridian, for the purpose of irrigation and domestic use, subject, however, to the laws of the State of Idaho applicable to a license for the use of the waters of the State, and subject, also, to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, and or lateral from which such water may be taken, when such rules and regulations have for their object the beneficial use of such water.

WITNESS, My hand and the seal of my office at Boise, Idaho,

this 17th day of May, A. D. Nineteen Hundred and seven.

Geo. Stephenson, Jr.

State Engineer.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

Under cultivation about 10 acres
 Not to be plowed this year
 Above ditch level now across creek 50 acres
 Under ditch but will be cultivated
 this year 20 acres

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

29-0436 right to the use of the waters of said stream for said purposes and to be used upon said lands, of 1.1 cubic feet per second of time, or 55 miners inches measured under a four inch pressure, his right to the use thereof to date from the 1st day of May, 1901, to be used upon and become appurtenant to the lands owned by the said defendant, being:-

Lots five (5) and six (6) and the West half of the South-East Quarter of Section fifteen (15), Township Nine South, Range thirty-six East of the Boise Meridian;

Also the Southwest Quarter of the Northeast Quarter of Section fifteen (15), Township Nine (9) South, Range thirty-six East of the Boise Meridian, in Idaho,

said water being diverted from said stream at a dam placed in the channel thereof at a point where said stream passes near the center of the Northeast Quarter of the Southeast Quarter of Section eight (8), Township nine (9) South, Range thirty-six East of the Boise Meridian in said county and state.

3.

29-0437

That the defendant, B. Y. Green, do have at all times during the irrigation season one and one-half cubic feet per second of time, or 75 miners inches measured under a four inch pressure, of the waters of said Little Cottonwood or Goodenough Creek, for the purpose of irrigating his lands hereinafter described, and for culinary and domestic purposes, his right to the use of said waters to date from the 1st day of April, 1897, and also the additional right

29-0438

to the use of the waters of said stream for said purposes and to be used upon said lands, of 1.53 cubic feet per second of time or 76.5 miners inches measured under a four inch pressure, his right to the use thereof to date from the 1st day of May, 1901, said waters to be used upon and become appurtenant to the lands owned by the said defendant, being:

The Northwest Quarter of the Northeast Quarter of Section Fifteen (15), and the Southwest Quarter of the Southeast Quarter and Lots 7 and 8 in Section 10, all in township 9 South, Range 36 East of the Boise Meridian, Bannock County, State of Idaho,

said water being diverted from said stream at a dam placed in the channel thereof at a point where said stream passes near the center of the Northeast Quarter of the Southeast Quarter of Section eight (8), Township nine (9) South, Range 36 East of the Boise Meridian in said county and state.

4.

It appearing to the court that since the memoranda of the decision of this court in said action that Nellie Barron Green has succeeded to the interest of J. F. Whitney, administrator of the estate of Everett Green, deceased, by reason of a decree of distribution made and entered in the Probate Court of Bannock County, State of Idaho, in the matter of the estate of Everett Green, deceased, and by agreement of counsel made in open court that the judgment in this cause may award to the said Nellie Barron Green all the interest of the said J. F. Whitney, administrator aforesaid, it is therefore ordered that the said defendants, Jared Green, Jr., and Nellie Barron Green, who has succeeded to the interest of said J. F. Whitney, administrator as aforesaid, do jointly have at all times during the irrigation season one and one-half cubic feet per second of time, or 75 miners inches measured under a four inch pressure,

29-0439

be used upon and become appurtenant to the lands owned by the said defendant, being:

The Northwest Quarter of the Northeast Quarter of Section Fifteen (15), and the Southwest Quarter of the Southeast Quarter and Lots 7 and 8 in Section 10, all in township 9 South, Range 36 East of the Boise Meridian, Bannock County, State of Idaho,

said water being diverted from said stream at a dam placed in the channel thereof at a point where said stream passes near the center of the Northeast Quarter of the Southeast Quarter of Section eight (8), Township nine (9) South, Range 36 East of the Boise Meridian in said county and state.

4.

29-0439
It appearing to the court that since the memoranda of the decision of this court in said action that Nellie Barron Green has succeeded to the interest of J. F. Whitney, administrator of the estate of Everett Green, deceased, by reason of a decree of distribution made and entered in the Probate Court of Bannock County, State of Idaho, in the matter of the estate of Everett Green, deceased, and by agreement of counsel made in open court that the judgment in this cause may award to the said Nellie Barron Green all the interest of the said J. F. Whitney, administrator aforesaid, it is therefore ordered that the said defendants, Jared Green, Jr., and Nellie Barron Green, who has succeeded to the interest of said J. F. Whitney, administrator as aforesaid, do jointly have at all times during the irrigation season one and one-half cubic foot per second of time, or 75 miners inches measured under a four inch pressure, of the waters of said Little Cottonwood or Goodenough Creek, for the purpose of irrigating their lands hereinafter des-

29-0440
cribed, and for culinary and domestic purposes, their right to the use of said waters to date from the 1st day of April, 1897, and also the additional right to the use of the waters of said stream for said purposes and to be used upon said lands, of 1.53 cubic feet per second of time, or 76.5 miners inches measured under a four inch pressure, their right to the use thereof to date from the 1st day of May, 1901, said waters to be used upon and become appurtenant to the lands jointly owned by the said defendants, being:-

Lots one (1), Two (2), five (5) and six (6) of Section ten (10), Township nine (9) South, Range thirty-six (36) East of the Boise Meridian, in Bannock County, State of Idaho, said water being diverted from said stream at a dam placed in the channel thereof at a point where said stream passes near the center of the Northeast Quarter of the Southeast Quarter of Section eight (8), Township nine (9) South, Range 36 East of the Boise Meridian, in said county and state.

29-0441
5.
That the plaintiff, William Goodenough, do have at all times during the irrigation season one cubic foot per second of time, or 50 miners inches measured under a four inch pressure, of the waters of said Little Cottonwood or Goodenough Creek, for the purpose of irrigating his lands hereinafter described, and for culinary and domestic purposes, his right to the use of said waters to date from the first day of April, 1901, said waters to be used upon and become appurtenant to the lands owned by the said plaintiff, being:-

The North half of the Northwest Quarter of Section 22, the South half of the Southwest Quarter of Section 15, all in Township Nine (9) South, Range 36 East of the Boise Meridian, in Bannock County, State of Idaho,

said water being diverted from what is known as Mormon Creek a tributary

DATE: 03/30/01
PAGE: 3

Audit: 06/03/85 05/22/88 CONVERT 02/06/98 CLEARFLD

WR5809NP
No. 29-00437

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 03/30/01
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	B. Y. GREEN	04/01/1897	IRRIGATION DOMESTIC	00/00 00/00 00/00 00/00	1.500 CFS	
TOTAL DIVERSION:					1.500 CFS	

Water Source: LITTLE COTTONWOOD CREEK
GOODENOUGH CREEK

Tributary to: MARSH CREEK
MARSH CREEK

Stage: DECREED

Point(s) of Diversion: T09S R36E S08

NESE

BANNOCK County

Place of use Legal Description for: IRRIGATION

		NE				NW				SW				SE				
T	R S	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SESW	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	
09S	36E 10	:		:		:		:		:		:		:	07-1	I	08-1	:
09S	36E 15	:		I	:	:		:		:		:		:				:

Place of use location for DOMESTIC is the same location as described for: IRRIGATION

Pou County: BANNOCK

Dates:	App. Received:	Priority Date:	04/01/1897
	Proof Due Date:	Proof Made Date:	
	Exam Made Date:	Exam Sent to S.O.:	
	Licensed Date:		

Misc: Water District Number: Field Exam Fee:

Audit: 06/03/85 05/22/88 CONVERT 02/06/98 CLEARFLD

Log for claim A29-11177

Spatial Dynamics BTD

7/14/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
09s36e	8	NESE	5	5.6	
09s36e	9	NESW	38	37	
09s36e	9	NWSW	20	18	
09s36e	9	NESE	40	40	
09s36e	9	NWSE	40	40	
09s36e	9	SESE	40	40	
09s36e	10	NWSW	40	40	
09s36e	10	SWSW	40	40	
Totals:			263	260.6	

AJ5809NP
No. A29-11177

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 04/27/00
PAGE: 223

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	LESTER A HARTVIGSEN TRUST LESTER A HARTVIGSEN TRUSTOR 3084 W 3200 N SMITHFIELD UT 84335 (801) 752-7406	04/01/1897	IRRIGATION	03-15 11-15	3.000 CFS	
				TOTAL DIVERSION: CONSUMPTIVE USE:	3.000 CFS	657.50 AFA

Water Source: GOODENOUGH CREEK

Tributary to: MARSH CREEK

Stage: DECREED

Point(s) of Diversion: T09S R36E S08

NESE

BANNOCK County

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
09S 36E 8	:				:				:				:	05			: 5.0
09S 36E 9	:				:				:	38	20		:	40	40	40	: 178.0
09S 36E 10	:				:				:		40	40	:				: 80.0
																	: TOTAL ACRES 263.0

POU County: BANNOCK

Non-Irrigation Uses: NONE

Other Rights: A29-11178

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
A29-00435 A29-00436 A29-11178

Other Water Rights Listing Overlapping Place(s) of Use:
A29-11178

Remarks: GEN THIS RIGHT REPRESENTS A COMBINATION OF 29-00437 & 29-00439
TRANSFER #2523
THE RIGHT WHEN COMBINED WITH A29-11178 SHALL NOT EXCEED 5.6 CFS.

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

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

Audit: 04/11/90 WILSON 04/07/93 THOMPSON 08/04/94 THOMPSON 03/29/95 POST-STD

AJ5809NP
No. A29-11177

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 04/27/00
PAGE: 223

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	LESTER A HARTVIGSEN TRUST LESTER A HARTVIGSEN TRUSTOR 3084 W 3200 N SMITHFIELD UT 84335 (801) 752-7406	04/01/1897	IRRIGATION	03-15 11-15	3.000 CFS	
					TOTAL DIVERSION: CONSUMPTIVE USE:	3.000 CFS 657.50 AFA

Water Source: GOODENOUGH CREEK

Tributary to: MARSH CREEK

Stage: DECREED

Point(s) of Diversion: T09S R36E S08

NESE

BANNOCK County

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	Lt	Ac	:	SUM
09S	36E	8	:									:							:	05				:	5.0
09S	36E	9	:									:	38		20				:	40		40		:	178.0
09S	36E	10	:									:			40		40		:				:	80.0	
																							TOTAL ACRES	263.0	

POU County: BANNOCK

Non-Irrigation Uses: NONE

Other Rights: A29-11178

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
A29-00435 A29-00436 A29-11178

Other Water Rights Listing Overlapping Place(s) of Use:
A29-11178

Remarks: GEN THIS RIGHT REPRESENTS A COMBINATION OF 29-00437 & 29-00439
TRANSFER #2523
THE RIGHT WHEN COMBINED WITH A29-11178 SHALL NOT EXCEED 5.6 CFS.

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

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

Audit: 04/11/90 WILSON 04/07/93 THOMPSON 08/04/94 THOMPSON 03/29/95 POST-STD

2.2

~~750 171005~~

Claimed
in full by Harris on land not owned by MARTVIGSEN

29-02365 6-29-55

3.81 cfs

202 A.

B 1.90 cfs
96.4

A27-④
2.01
112 acres

29-02015 9-27-05

NO CLAIM

1.20

60A

UNNAMED STREAM MARSH CR.

NO CLAIM

MICROFILMED

APR 14 1994

APRIL 7, 1993

LESTER A HARTVIGSEN
3084 W 3200 N
SMITHFIELD UT 84335

RE: LESTER A HARTVIGSEN NOTICES A29-11177 AND -11178

Dear Mr. Hartvigsen:

At your request of June 10, 1992, the above mentioned Notices of Claim have been changed to read the "Lester A Hartvigsen Trust", with you as Trustor (copies enclosed)

If I can be of further assistance, please call 525-7161.

Respectfully,



Jo Thompson
Adjudication Secretary

Enclosure: Notices of Claim

MICROFILMED

APR 14 1994

SMITHFIELD. UTAH

JUNE 10. 1992

RECEIVED

JUN 12 1992

Department of Water Resources
Eastern District Office

IDAHO DEPARTMENT OF WATER RESOURCES

EASTERN IDAHO OFFICE

150 SHOUP SUITE 15

IDAHO FALLS, IDAHO 83402

I HOPE THE INCLOSED DOCUMENTS SATISFY THE TRANSFER OF

MY WATER ROGHTS TP THE LESTER A, HARTVIGSEN TRUST.

Lester A Hartvigsen

LESTER A. HARTVIGSEN

LESTER A. HARTVIGSEN

3084 west 3200 NORTH

SMITFIELD, UGAH 84335

MICROFILMED

APR 14 1994

WARRANTY DEED

LESTER A. HARTVIGSEN, GRANTOR HEREBY WARRANTS AND CONVEYS TO THE LESTER A. HARTVIGSEN TRUST, LESTER A. HARTVIGSEN AS TRUSTOR AND LESTER A. HARTVIGSEN AND JAMES L. HARTVIGSEN AND KIM R. HARTVIGSEN TRUSTEES AND ANY OTHER SUCCESSOR TRUSTEES PURSUANT TO A DECLARATION OF TRUST MADE BY LESTER A. HARTVIGSEN. DATED THE 5 DAY OF June 1992.

FOR THE SUM OF TEN (10.00) DOLLARS AND OTHER VALUABLE CONSIDERATIONS THE FOLLOWING DESCRIBED WATER RIGHTS FOR TRACTS OF LAND SITUATE IN SECTIONS 8, 9, AND 10 ALL IN TOWNSHIP NINE SOUTH, RANGE THIRTY SIX EAST OF THE BOISE MERIDIAN. TO WIT:

29-0437, 29-0438, 29-0439, 29-0440

ALONG WITH LIMITATIONS AND CONDITIONS 29-2015 AND 29-2365

ALSO FURTHER IDENTIFIED IN PROCEEDINGS IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF TWIN FALLS.

TO WIT:

IDENTIFICATION NUMBER A29-11177 REPRESENTING WATER RIGHTS 29-00437 and 29-00439.

IDENTIFICATION NUMBER A29-11178 REPRESENTING WATER RIGHTS 29-00438 and 29-00440.

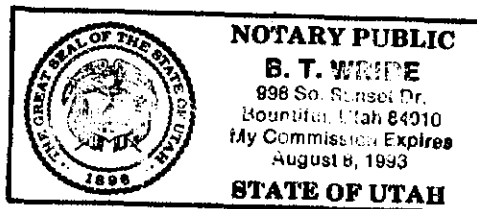
WITNESS THIS HAND OF SAID GRANTOR THIS 5 DAY OF JUNE 1992.


LESTER A. HARTVIGSEN

STATE OF UTAH
COUNTY OF Davis

ON THIS DAY OF 5 JUNE 1992 PERSONALLY APPEARED BEFORE ME LESTER A. HARTVIGSEN THE SIGNER OF THIS WITHIN INSTRUMENT WHO DULY ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.


NOTARY PUBLIC
RESIDING AT



MICROFILM
APR 14 1994

JUNE 16, 1992

LESTER A HARTVIGSEN
3084 WEST 3200 NORTH
SMITHFIELD UT 84335

RE: YOUR LETTER DATED JUNE 10, 1992/HARTVIGSEN TRUST

Dear Mr. Hartvigsen:

Enclosed please find a "Change in Ownership" form that must be filled out before the Department can change the names on your claims to the Hartvigsen Trust, as requested.

The only Notices we have on file for Lester Hartvigsen are A29-11177, representing 29-00437 and 29-00439, and A29-11178, representing 29-00438 and 29-00440.

Please return the Change in Ownership to this office. If you have any questions, please do not hesitate to call 525-7161.

Respectfully submitted,

Gregory J. Taylor
Sr. Water Agent, Adjudications

GT:jt

Enclosure

File:

MICROFILMED

APR 14 1994