

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: A29-11286
Date Received: 8/03/1990
Receipt No: E013136
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: TAWNY L. HUMPHERYS 208-234-2933
Address: 7695 POCA TELLO CREEK ROAD
POCA TELLO, ID 83201

2. Date of Priority: DEC 31, 1939

3. Source: UNNAMED SPRING Trib. to: RAPID CK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06S	35E	23	SE	SE	SE		BANNOCK

5. Description of diverting works:
PIPELINE, 2" DIAMETER

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	05/01	10/15	0.240		
STOCKWATER	01/01	12/31	0.020		
DOMESTIC	01/01	12/31	0.040		

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

8. Total consumptive use is 36.0 Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC, 2 HOMES; STOCKWATER, 6 HORSES

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06S	35E	24	SW	SE		IRR	12.0
			SW	SE		STOCK	

A29-11286

Page 1

Date: 08/03/90

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10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06S	35E	24	SW	SE		DOMEST	

Section Acres 12.0

Total Acres 12.0

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:

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: _____

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): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

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STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
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CIVIL CASE NUMBER: 39576

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Date Received

4-12-90

Receipt Number

EO 13136

OK #129 \$62.00

RECEIVED

APR 12 1990

Department of Water Resources
Eastern District Office

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

APR - 3 1990

Department of Water Resources
Eastern District Office

Please type or print clearly

1. Name of Claimant (s) Tawny L. Humpherys Phone (208) 234-2933
Mailing Address 7695 Pocatello Cr. Rd Zip 83201

2. Date of Priority (Only one (1) per claim) May 15, 1977

3. Source of water supply (a) unnamed spring
which is tributary to (b) Rapid Creek

4. a. Location of existing point of diversion is: Township 6S Range 35E Section 23,
SE 1/4 of SE 1/4 of SE 1/4, Govt. Lot, _____ B.M., County of Bannock

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of

_____ 1/4, Govt. Lot _____ B.M., County of Bannock

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. Pipeline, 2" diameter

A2911286



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6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Domestic purposes from Jan 1 to Dec 31 amount .04 or _____

For Stockwater purposes from Jan 1 to Dec 31 amount .02 or _____

For Irrigation purposes from May 1 to Oct 15 amount .24 or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .30 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is $3.0 \times 12 =$ 36 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Domestic - 2 households ; Stockwater - 6 horses

10. Description of place of use:

- If water is for Irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
<u>6S</u>	<u>35E</u>	<u>24</u>															<u>12</u>		<u>12</u>
		<u>24</u>															<u>D</u>		
		<u>24</u>															<u>S</u>		

Total number of acres irrigated 12

11. In which county (ies) are lands listed above as place of use located? Bannock

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
_____ or None (X)

14. Remarks: The date given for "Date of Priority" was the date the pipeline was installed to pipe the spring to the house. The spring has actually been used since my dad (J.E. HAL) homesteaded the property in 1939.

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Last Name Humpherys Ident No. _____

Copies: White - State, Yellow - Claimant

Scale: 2 inches equals 1 mile

Place of Use

Pipeline

R 35E

24

NOV 16 1992

Last Name Humpherys Ident No. _____

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice _____ License _____ Permit _____

Decree _____

If applicable provide IDWR Water Right Number _____

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant _____

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

Signature of Claimant (s) Jawnyl L. Humpherys Date 4-2-90

Date _____

For Organizations: I do solemnly swear or affirm that I am _____

Title

of _____, that I have signed the foregoing

Organization

document in the space below as _____ of _____

Title

Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or New Mexico) SS.

County of Eddy)

Subscribed and sworn (or affirmed) before me this 2nd day of April 19 90

SEAL

Notary Public

Residing at

My Commission Expires

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

Last Name Humpherys Ident. Number _____

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Copies White-State, Yellow-Claimant

Log for claim A29-11286

Spatial Dynamics BTD

9/26/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
06s35e	24	SWSE	12	38	Indiscernible
Totals:			12	38	

CS
4/9/01

Was the spring used for domestic use prior to 1977?
may need a separate Domestic Claim

AJ5809NP
No. A29-11286

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/24/00
PAGE: 165

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	TAWNY L HUMPHERY 7695 POCATELLO CREEK RD POCATELLO ID 83201 (208) 234-2933	12/31/1939	IRRIGATION STOCKWATER DOMESTIC	05-01 10-15 01-01 12-31 01-01 12-31	0.240 CFS 0.020 CFS 0.040 CFS	
TOTAL DIVERSION: CONSUMPTIVE USE:					0.300 CFS	36.00 AFA

Water Source: SPRING

Tributary to: RAPID CK

Stage: BENEFICIAL USE

Point(s) of Diversion: T06S R35E S23 SESESE

BANNOCK County

Place of use Legal Description for: IRRIGATION

	NE				NW				SW				SE				
	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	
T R S	: 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	SUM
06S 35E 24	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	12.0
																TOTAL ACRES	12.0

Place of use Legal Description for: STOCKWATER

	NE				NW				SW				SE				
	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	
T R S	: 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	
06S 35E 24	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	S

Place of use Legal Description for: DOMESTIC

	NE				NW				SW				SE				
	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	
T R S	: 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	
06S 35E 24	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	D

POU County: BANNOCK

Non-Irrigation Uses: DOMESTIC, 2 HOMES; STOCKWATER, 6 HORSES

Other Rights: NONE

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

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

Audit: 08/03/90 THOMPSON 08/04/94 THOMPSON 03/29/95 POST-STD 05/10/00 CVANDERM

August 3, 1990

Tawny L. Humpherys
7695 Pocatello Creek road
Pocatello, ID 83201

RE: Notice of Claim

Dear Ms. Humpherys:

Please find enclosed a Notice of Claim prepared with information from your original notice (A29-11286).

Item #2: On your original Notice you entered May 15, 1977 as your priority date. However, after talking to Eric Verner the Department has amended that date to **December 31, 1939**, the date the spring was first used.

Review the Notice for accuracy. There may be an instance(s), in addition to the above item(s), where a clarification(s) was made by the Department. Should you determine certain items need to be changed, make the necessary changes on this form, sign it, having your signature notarized, and return it to this office by September 4, 1990. **If there are no changes simply keep this Notice for your records.**

If you have any questions or objections regarding your Notice, please contact this office.

Respectfully submitted,

Jo Thompson
Adjudication Secretary

Enclosure

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NOV 16 1992

4/11/1989

SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME HUMPHERY S

CLAIM IDENT. NO. A29-11286

DATE RECEIVED 4-12-90

CK # 129

AMOUNT \$ 62.00

- | | YES | NO | Require Info? |
|--|-------------------------------------|--------------------------|---------------|
| 1. Is the name and address complete with zip code? | ☒ | ☐ | * |
| 2. Is a priority date entered? | ☒ | ☐ | * |
| Is the priority date acceptable in view of mandatory filing dates?
See Adjudication Memos #1 and #4 to determine if a Permit is required. | | | |
| 3. (a) Is a source entered? | ☒ | ☐ | * |
| (b) Is a tributary to entered? (if required) | ☒ | ☐ | * |
| 4. Is the legal description of the p.d. sufficient? | ☒ | ☐ | * |
| 5. Is there a description of the diverting works? | ☒ | ☐ | |
| 6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. | ☒ | ☐ | * |
| Is the period of use included? | ☒ | ☐ | |
| Is a quantity claimed for each use? | ☒ | ☐ | * |
| 7. Is a total quantity claimed entered? | ☒ | ☐ | |
| 8. If required is a consumptive use entered? | ☒ | ☐ | |
| Is the consumptive use correct? | ☒ | ☐ | |
| 9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. | ☒ | ☐ | * |
| 10. Is (are) the place(s) of use and purpose(s) indicated? | ☒ | ☐ | * |
| 11. Is (are) the county(ies) entered? | ☒ | ☐ | |
| 12. Is the ownership of p.u. checked? | ☒ | ☐ | |
| 13. Are other water rights listed or "none" indicated? | ☒ | ☐ | |
| 14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) | ☒ | ☐ | |
| 15. Is the basis of the claim indicated? | ☒ | ☐ | |
| 16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) | ☒ | ☐ | |
| 17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block. | ☒ | ☐ | * |
| 18. Has the claim been signed, sealed, and dated by a notary? | ☒ | ☐ | * |
| 19. Was this claim filed on time, or was an extension granted? | ☒ | ☐ | * |
| 20. Is the fee enclosed correct? | ☒ | ☐ | * |
| 21. If this claim is based on an existing water right, has the identification number been entered? | ☒ | ☐ | |
| 22. Should this claim be data entered? | ☒ | ☐ | |

Claim checked by: JX

Date: 7-26-90

Claim must be returned to claimant:

(Yes) ☐ (No) ☒

Claimant must be notified of modifications:

(Yes) ☒ (No) ☐

Receipt Prepared by:

Claim data entered by:

Sent to claimant by:

Date:

Date:

Date:

Checked by:

Date:

Comments:

Code #2

Dec 31-1939

Send mod. letter (REV.)

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NOV 16 1992



State of Idaho

DEPARTMENT OF WATER RESOURCES

150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 - (208) 525-7161

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

April 3, 1990

Ms. Tawny L. Humpherys
7695 Pocatello Cr. Rd.
Pocatello, Idaho 83201

RE: Adjudication Notice for Bannock County.

Dear Ms. Humpherys:

The Idaho Department of Water Resources (IDWR) is returning your Notice(s) of Claim to a Water Right because of insufficient information and/or fees. Your check no. 129 in the amount of \$62.00 is also enclosed. All items on the forms must be completed and fees submitted before the IDWR can process the notice(s).

Please correct the items identified below and return the notice(s) and filing fee(s) to the IDWR within 30 days of the date of this letter. If the corrected notice(s) are not returned within the 30 days, each notice will be subject to an additional late fee.

The claim you have presented conflicts with the Surface Water Statute at 42-210, Idaho Code. Water uses developed from a surface water source after May 20, 1971 must have an application for permit filed. We can find no record of a permit or application for the uses you claim for this property. As result, you may withdraw this notice in Bannock County and submit an application for permit. An application for permit is enclosed, with instructions, for your use in this matter. We will be happy to proceed with the application if you will return the completed form to our office.

Should you wish to pursue before the court the exact water right you have presented on this Notice, please contact our office and discuss what needs to be done so that the Department can accept your claim.

If you wish to make an appointment to discuss the corrections, please call the IDWR at (208) 525-7161.

Respectfully submitted,

Ernest Carlsen
Ernest Carlsen
Adjudication Supervisor

Enclosure

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Please see "Remarks" #14 for explanation. Thank you. Tawny L. Humpherys