



STATE OF IDAHO

Department of Water Resources
Eastern Region

Water Right(s): 29-07680



1320

0

1320 Feet

Total Irrigated Acres: 1.0
Within POU described Above



Point(s) of Diversion

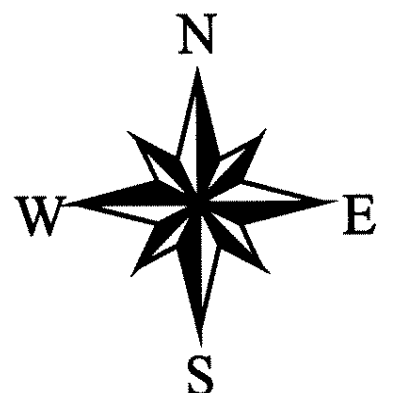
Place of Use



Quarter Quarter Lines



Section Lines



GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: C. Saxton
Date: November 2002

11/27/2002

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 29-7680

NAME AND ADDRESS: APPLE ACRES SUBDIVISION
C/O DAVID R FISCHER
2446 N MINK CREEK RD
POCATELLO ID 83204

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.130 CFS
5.900 AFY

USE OF THIS RIGHT WITH RIGHT NO. 29-00276C IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 0.038 CFS.

USE OF THIS RIGHT WITH RIGHT NO. 29-10608 IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 0.032 CFS.

USE OF THIS RIGHT WITH RIGHT NO. 29-00276E IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 0.028 CFS.

USE OF THIS RIGHT FOR IRRIGATION PURPOSES WITH RIGHTS LISTED BELOW IS
LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.086 CFS. COMBINED RIGHT
NOS.: 29-00276C, 29-00267E, 29-07680, 29-10608.

PRIORITY DATE: 12/09/1982

POINT OF DIVERSION:

T07S R35E S20 NWNESW Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	01/01 12/31	0.100 CFS 2.40 AFY
IRRIGATION	03/15 11/15	0.030 CFS 3.50 AFY

Domestic use is for 4 homes.

PLACE OF USE: IRRIGATION Within BANNOCK County

T07S R35E S20 NESW 1.0

DOMESTIC same as IRRIGATION

1 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 29-00276C IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 1.7 ACRES IN A SINGLE
IRRIGATION SEASON.

USE OF THIS RIGHT WITH RIGHT NO. 29-10608 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 1.2 ACRES IN A SINGLE
IRRIGATION SEASON.

USE OF THIS RIGHT WITH RIGHT NO. 29-00276E IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 1.0 ACRES IN A SINGLE
IRRIGATION SEASON.

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 3.9 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 29-00276C, 29-00276E,
29-07680, 29-10608.

11/27/2002

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

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: License

PARCEL NO(S): RRAPA000300, RRAPA000400, RRAPA000500,
RRAPA001100.

Apple

Place of use is located within Lots 1; S5 lot 2 and 3; lot 2 less 5; lot 9;
Acres Subdivision.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-7680 V1

WATER RIGHT NUMBER: 29-7680 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	APPLE ACRES SUBDIVISION C/O DAVID R FISCHER 2446 N MINK CREEK RD POCATELLO, ID 83204 (208)234-0126

Priority Date: 12/09/1982

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	01/01 to 12/31	0.100 CFS	2.40 AF
IRRIGATION	03/15 to 11/15	0.030 CFS	3.50 AF
	<u>Total Diversion:</u>	0.130 CFS	5.90 AF

Location of Point(s) of Diversion

GROUND WATER	NW1/4NE1/4SW1/4	Sec. 20, Twp 07S, Rge 35E, B.M.
BANNOCK County		

Place of UseIRRIGATION Within BANNOCK County

T07S R35E S20 NESW 1.0

Total Acres: 1

DOMESTIC same as IRRIGATIONConditions of Approval:

1. C18 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.
2. X01 Domestic use is for 4 homes.
3. X60 Place of use is located within Lots 1; S5 lot 2 and 3; lot 2 less 5; lot 9; Apple Acres Subdivision.

Remarks:

1. Explanatory PARCEL NO(S): RRAPA000300, RRAPA000400, RRAPA000500, RRAPA001100.
2. Place of Use - Irrigation USE OF THIS RIGHT WITH RIGHT NO. 29-00276C IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 1.7 ACRES IN A SINGLE IRRIGATION SEASON.
3. Place of Use - Irrigation USE OF THIS RIGHT WITH RIGHT NO. 29-10608 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 1.2 ACRES IN A SINGLE IRRIGATION SEASON.
4. Quantity USE OF THIS RIGHT WITH RIGHT NO. 29-00276C IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.038 CFS.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-7680 V1

5. Quantity USE OF THIS RIGHT WITH RIGHT NO. 29-10608 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.032 CFS.
6. Quantity USE OF THIS RIGHT WITH RIGHT NO. 29-00276E IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.028 CFS.
7. Quantity USE OF THIS RIGHT FOR IRRIGATION PURPOSES WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.086 CFS. COMBINED RIGHT NOS.: 29-00276C, 29-00267E, 29-07680, 29-10608.
8. Place of Use - Irrigation USE OF THIS RIGHT WITH RIGHT NO. 29-00276E IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 1.0 ACRES IN A SINGLE IRRIGATION SEASON.
9. Place of Use - Irrigation USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 3.9 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 29-00276C, 29-00276E, 29-07680, 29-10608.

Comments:

1. csaxton 11/26/2002 POD

Comment: POD location taken from licensing FE map.

2. csaxton 11/26/2002 POU

Comment: License is for 1 acre of irrigation. Licensing Field exam notes that approximately 1/4 of an acre is irrigated per home. Recommend 1 acre within the POU described in SDE. POU described in SDE is the parcels that this right is applicable to.

Dates and Other Information:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Defendant:

Plaintiff:

Civil Case Number:

Judicial District:

Notice of Error Flag:

State or Federal: S

Owner Name Connector:

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Contacts	11/26/2002 1:42:53 PM	csaxton			Active
Priority Date	11/26/2002 1:43:34 PM	csaxton			Active
POD	11/26/2002 1:43:49 PM	csaxton			Active
Source	11/26/2002 1:48:39 PM	csaxton			Active
Use	11/26/2002 1:52:13 PM	csaxton			Active
Season	11/26/2002 1:52:39 PM	csaxton			Active
Quantity	11/26/2002 1:53:29 PM	csaxton			Active
Summary			11/26/2002	csaxton	Active

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-7680 V1

POU 11/26/2002 3:50:15 PM csaxton Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Contacts	11/26/2002 1:42:53 PM	csaxton	(No) 1. Do you want to schedule an appointment? Comment for 1: Desktop Review.
Priority Date	11/26/2002 1:43:34 PM	csaxton	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?
POD	11/26/2002 1:43:49 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD? (Yes) 5. Can the claimed POD be verified using the water right file? (No) 10. Is a POD remark and/or condition required?
POD	11/26/2002 1:47:57 PM	csaxton	Edited point location
POD	11/26/2002 1:48:25 PM	csaxton	Edited PLS
Source	11/26/2002 1:48:39 PM	csaxton	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file? (No) 11. Is a Source remark and/or condition required?
POU	11/26/2002 1:48:56 PM	csaxton	Edited shape boundary
POU	11/26/2002 1:49:33 PM	csaxton	Edited shape boundary
Use	11/26/2002 1:52:13 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file? (No) 13. Is a Purpose of Use remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-7680 V1

Season	11/26/2002 1:52:39 PM	csaxton	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a Period of Use? (Yes) 5. Can the claimed Period of Use be verified using the water right file? (Yes) 14. Is irrigation claimed as a Purpose of Use? (No) 16. Is the Period of Use on the decree, license or transfer shorter on either the start date or end date than allowable under current IDWR standards? (No) 18. Is a Period of Use remark and/or condition required?
Quantity	11/26/2002 1:53:30 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file? (Yes) 8. Does the parent right have an annual diversion volume limit? (Yes) 10. Is a irrigation a purpose of use? (Yes) 12. Is a Quantity remark or condition required? Description for Question 10 - As licensed.
Summary	11/26/2002 3:25:26 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (Yes) 5. Is an additional remark and/or condition required? (Yes) 6. Would you like to view the recommended right? (No) 7. Is this a split or combined right? (No) 8. Do you have documents you would like to attach or link to the file? (Yes) 9. Would you like to set the verification date?
POU	11/26/2002 3:50:15 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License?

JUN 13 2001

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: A29-07680
Date Received: 3/21/1990
Receipt No: E012332
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: APPLE ACRES SUBDIVISION 208-234-0126
Address: C/O DAVID R. FISCHER
2446 N. MINK CK. RD.
POCATELLO, ID 83204

2. Date of Priority: DEC 09, 1982

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07S	35E	20	NE	SW			BANNOCK

5. Description of diverting works:
WELL, PUMP, PIPELINE & TANKS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.030		3.50
DOMESTIC	01/01	12/31	0.100		2.40

7. Total Quantity Appropriated is:
0.130 C.F.S. (and/or) 5.90 A.F.A.

8. Total consumptive use is 3.5 Acre Feet Per Annum.

9. Non-irrigation uses:
D/ 4 HOME

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	35E	20	NE	SW		IRR	1.0

Section Acres 1.0

A29-07680

Page 1

Date: 03/21/90

MICROFILMED

NOV 13 1992

10. Place of Use: Continued

Total Acres 1.0

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:
MINK CREEK DECREE

14. Remarks:
Place of use also known as Apple Lane Well No. 1.
Domestic use is for 4 homes.

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: _____

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 _____

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 29-07680

Date Received E012332/90

Receipt Number 3-13-90

RECEIVED

MAR 13 1990

Department of Water Resources
Eastern District Office

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

MAR 5 - 1990

Department of Water Resources
Eastern District Office

Please type or print clearly

1. Name of Claimant (s) APPLE ACRES SUBDIVISION C/O
DAVID R. FISCHER Phone (208) 234-0126

Mailing Address 2446 NORTH MINK CREEK, POCAHELLO IDAHO Zip 83204

2. Date of Priority (Only one (1) per claim) 12/9/82

3. Source of water supply (a) GROUNDWATER
which is tributary to (b)4. a. Location of existing point of diversion is: Township 7S Range 35E Section 20,
NE 1/4 of SW 1/4 of 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

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

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.2 HP. SUBMERSIBLE PUMP
WITH 2" PIPELINE AND 3 PRESSURE TANKS (50 GALLONS
EACH).

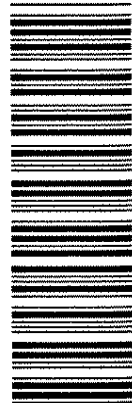
WELL DIAMETER 6"

DEPTH OF WELL 200'

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NOV 13 1992

A2907680



6. Water is claimed for the following purposes:

(both dates are inclusive) (cfs) (acre feet)

For DOMESTIC purposes from 01/01 to 12/31 amount .10 or ~~2.4~~ 2.4

For IRRIGATION purposes from 03/15 to 11/15 amount .23 or 3.5

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .13 (cfs) and/or (b) 5.9 (acre feet)

8. Total consumptive use claimed is 3.5 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 (FOUR HOUSEHOLDS)

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. 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	
7S	35E	20									I								1
7S	35E	20									D								

Total number of acres irrigated 1

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 ☒ 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.

DECREED RIGHT FROM MINK CREEK, RIGHT #8, DECREED or None ()
JUDGEMENT BOOK 20 1907

14. Remarks:

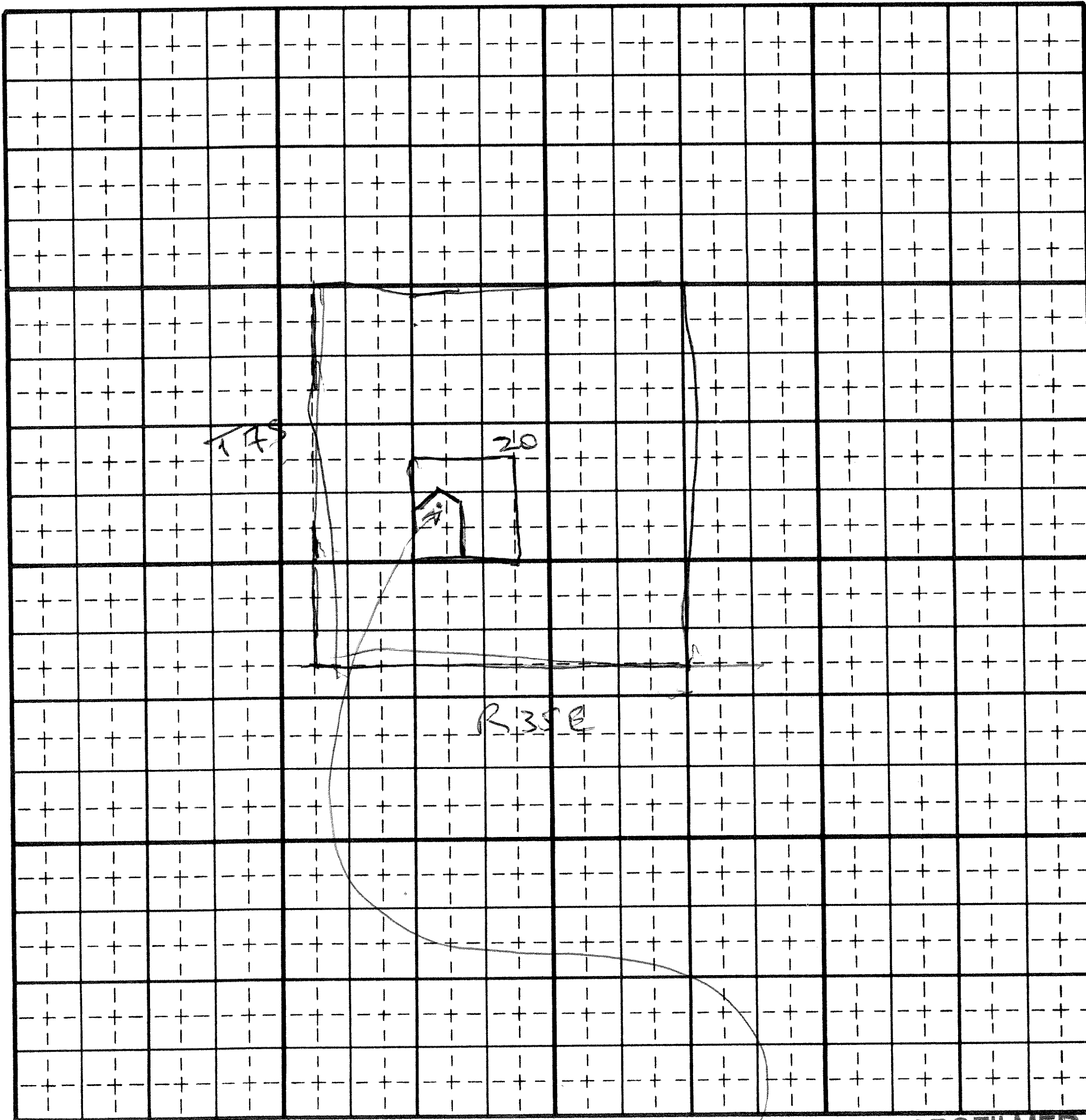
3 OTHER HOUSEHOLDS SHARE THIS WATER RIGHT:
(1) V. LYNN NALDER, 2388 N. MINK CREEK RD.
(2) G.T. CRIST, 2382 N. APPLE LANE
(3) FRED WINWARD, 2364 N. APPLE LANE

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NOV 13 1992

Last Name FISCHEL / APPLE Acres
Ident No. _____

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

Scale: 2 inches equals 1 mile



Point of diversion & place of use

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NOV 13 1992

Last Name

FISCHEL

APPLE ACRES

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 29-7680
 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) _____ Date _____

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am SECRETARY | TREASURER
 Title

of APPLE ACRES SUBDIVISION, WELL #1 , that I have signed the foregoing
 Organization

document in the space below as SEC. / TREASURER of APPLE ACRES WELL #1
 Title Organization

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

Signature of Authorized Agent

David R. Fischel

Title and Organization

APPLE ACRES WELL #1

Date _____

State of Idaho/or Idaho)
 County of Bannock) SS.

Subscribed and sworn (or affirmed) before me this 12th day of February 19 90

SEAL

Notary Public

Sharon Hume

Residing at

Prattville, Idaho

My Commission Expires

6-8-94

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 _____

MICROFILMED

NOV 13 1992

Last Name FISCHEL / APPLE ACRES Ident. Number _____

Copies White-State, Yellow-Claimant

Carlsen, Ernie

From: Saxton, Craig
Sent: Tuesday, July 22, 2003 10:08 AM
To: Carlsen, Ernie
Subject: RE: 29-00276C and 29-07680 overlap remarks

Thanks Ernie:

-----Original Message-----

From: Carlsen, Ernie
Sent: Tuesday, July 22, 2003 8:39 AM
To: Saxton, Craig
Subject: RE: 29-00276C and 29-07680 overlap remarks

Craig though the figures look correct realistically how can it be administered? **[Saxton, Craig]** With a very small hose and bucket (joke). Is the one acre of irrigation on 29-7680 equally divided between the home owners? **[Saxton, Craig]** Licensing field exam defines 1/4 acre of irrigation for each home - but I don't know if this is the reality. The combined rates of diversion would be very difficult to actually regulate. It may be to late at this point but rather than trying to limit specific amounts, in this case I would suggest using condition code R68 **[Saxton, Craig]** I like this code much better. I didn't know we could use it. If you will contact the claimants about filing objections I will work with them to get the recommendations changed. **[Saxton, Craig]** I will give them a call today.

Ernie

-----Original Message-----

From: Saxton, Craig
Sent: Monday, July 21, 2003 9:15 AM
To: Carlsen, Ernie
Subject: 29-00276C and 29-07680 overlap remarks

Ernie,

I have prepared a memo for your review regarding a call I received related to basin 29 directors report. We spoke about this on Friday.

This one was kind of a complex overlap so I would encourage you to take a look at it. I will wait to contact the claimant until you have had a chance to look this over. Or if you want to contact the claimant yourself since it is a Basin 29 issue, it won't hurt my feelings.

Craig

<< File: Fischel7_21_03.doc >> << File: Split29-00276.xls >>

02/18/2003

Craig

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: April 21, 2003

Water right number: 29-7680

APPLE ACRES SUBDIVISION
C/O DAVID R FISCHEL
2446 N MINK CREEK RD
POCATELLO ID 83204
Telephone Number: (208)234-0126

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

☒ I AGREE with this proposed recommendation: no changes need to be made.

DATE: 2/25/03 SIGNATURE: David R Fischel
Please print your name: DAVID R. FISCHEL

IDWR Regional Office, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402, 2085257161

11-21-02: Overlap with 29-00276C = Lot 1 Apple Acres: Parcel #: RRAPA000300
 29-00276E = 55' Lot 2 Lot 3 Apple Acres
 Parcel: RRAPA000500

: This Right Domestic for 4 Homes: Parcel #s

RRAPA000300

Lot 1 Apple Acres

RRAPA000500

55' Lot 2 Lot 3 Apple Acres

RRAPA000400

Lot 2 Less 55' Apple Acres

RRAPA001100

Lot 9 Apple Acres

: FE Licensing indicates $\frac{1}{4}$ acre of Irrigation
 per home.

2-24-03: Melanie Fischel called and asked about the
 limiting Remarks on the recommendation. She
 seemed satisfied with my explanation and is
 sending the NOE saying it's OK.

11/26/2002

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 29-7680

NAME AND ADDRESS: APPLE ACRES SUBDIVISION
C/O DAVID R FISCHER
2446 N MINK CREEK RD
POCATELLO ID 83204

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.130 CFS
5.900 AFY

*Diversion Rate
Amount Pro-rated
0.03 cfs for 1m
split 4 ways
for 4 homes
is 0.0075
Per home → up to 1.5 in per acre*

USE OF THIS RIGHT WITH RIGHT NO. 29-00276C IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF ~~0.06~~ CFS. *0.038*

USE OF THIS RIGHT WITH RIGHT NO. 29-00276E IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF ~~0.05~~ CFS. *0.028*

USE OF THIS RIGHT FOR IRRIGATION PURPOSES WITH RIGHTS LISTED BELOW IS
LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.08 CFS. COMBINED RIGHT
NOS.: 29-00276C, 29-00276E, 29-07680. *0.086*

PRIORITY DATE: 12/09/1982

POINT OF DIVERSION:

T07S R35E S20 NWNE Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
DOMESTIC	01/01 12/31	0.100 CFS 2.40 AFY
IRRIGATION	03/15 11/15	0.030 CFS 3.50 AFY

Domestic use is for 4 homes.

PLACE OF USE:

IRRIGATION Within BANNOCK County

T07S R35E S20 NESW 1.0

DOMESTIC same as IRRIGATION

1 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 29-00276C IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF ~~2.7~~ ACRES IN A SINGLE
IRRIGATION SEASON. *1.7*

USE OF THIS RIGHT WITH RIGHT NO. 29-00276E IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 2.0 ACRES IN A SINGLE
IRRIGATION SEASON. *1.0*

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF ~~3.2~~ ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 29-00276C, 29-00276E,
29-07680. *3.9*

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.

11/26/2002

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

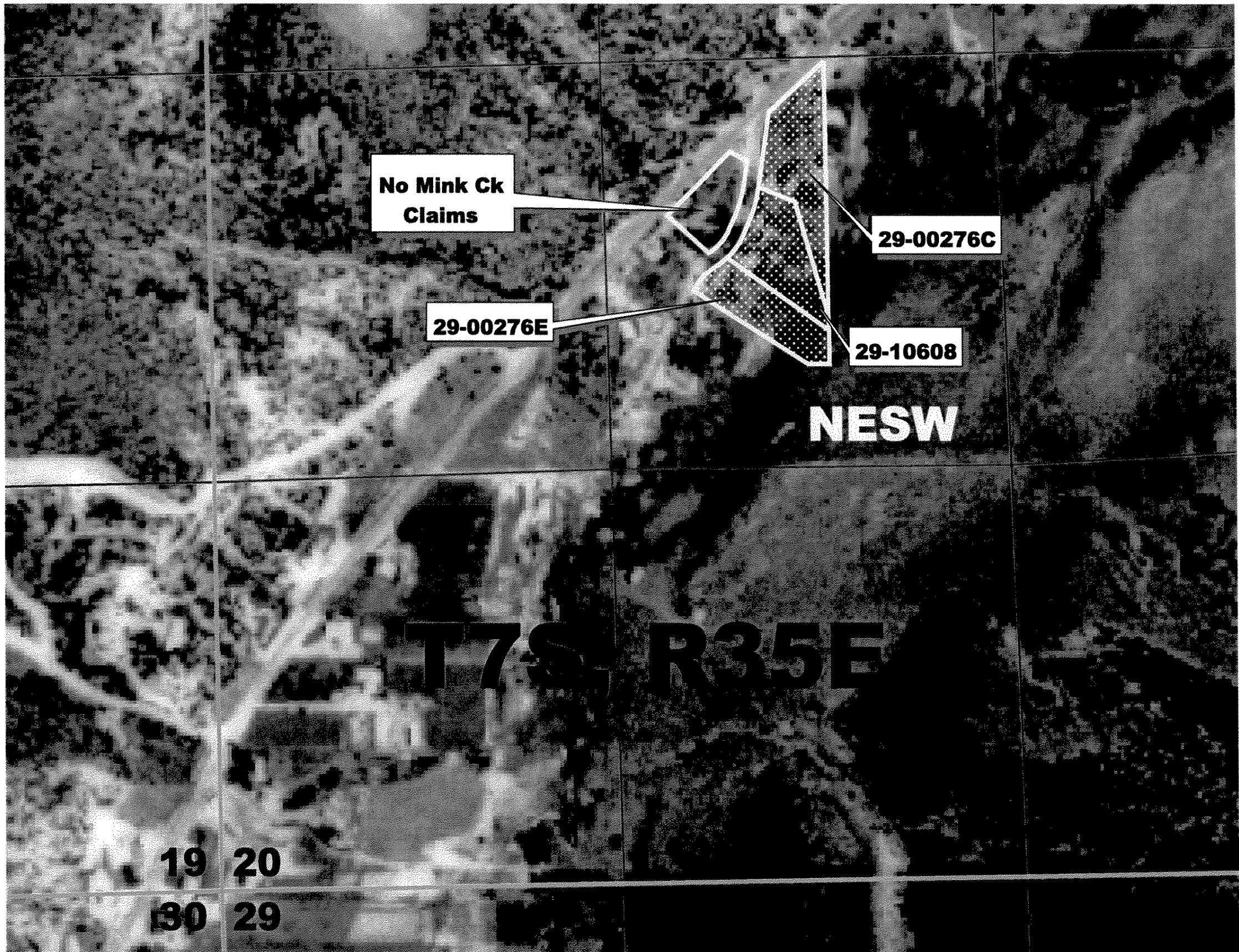
EXPLANATORY MATERIAL: License

PARCEL NO(S): RRAPA000300, RRAPA000400, RRAPA000500,
RRAPA001100.

Place of use is located within Lots 1; S5 lot 2 and 3; lot 2 less 5; lot
9; Apple Acres Subdivision.

Overlap map of 29-00276C, 29-00276E 29-10608 and 29-07680.

Reference Map



Point of Diversion

Irrigated Acres:

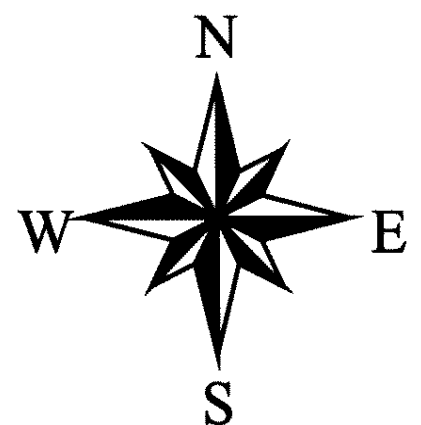
Licensed Parcels/POU for Ground water

Parcels with Mink Creek water Overlap

Bannock Co Tax Lot Data - N/A

Section Lines

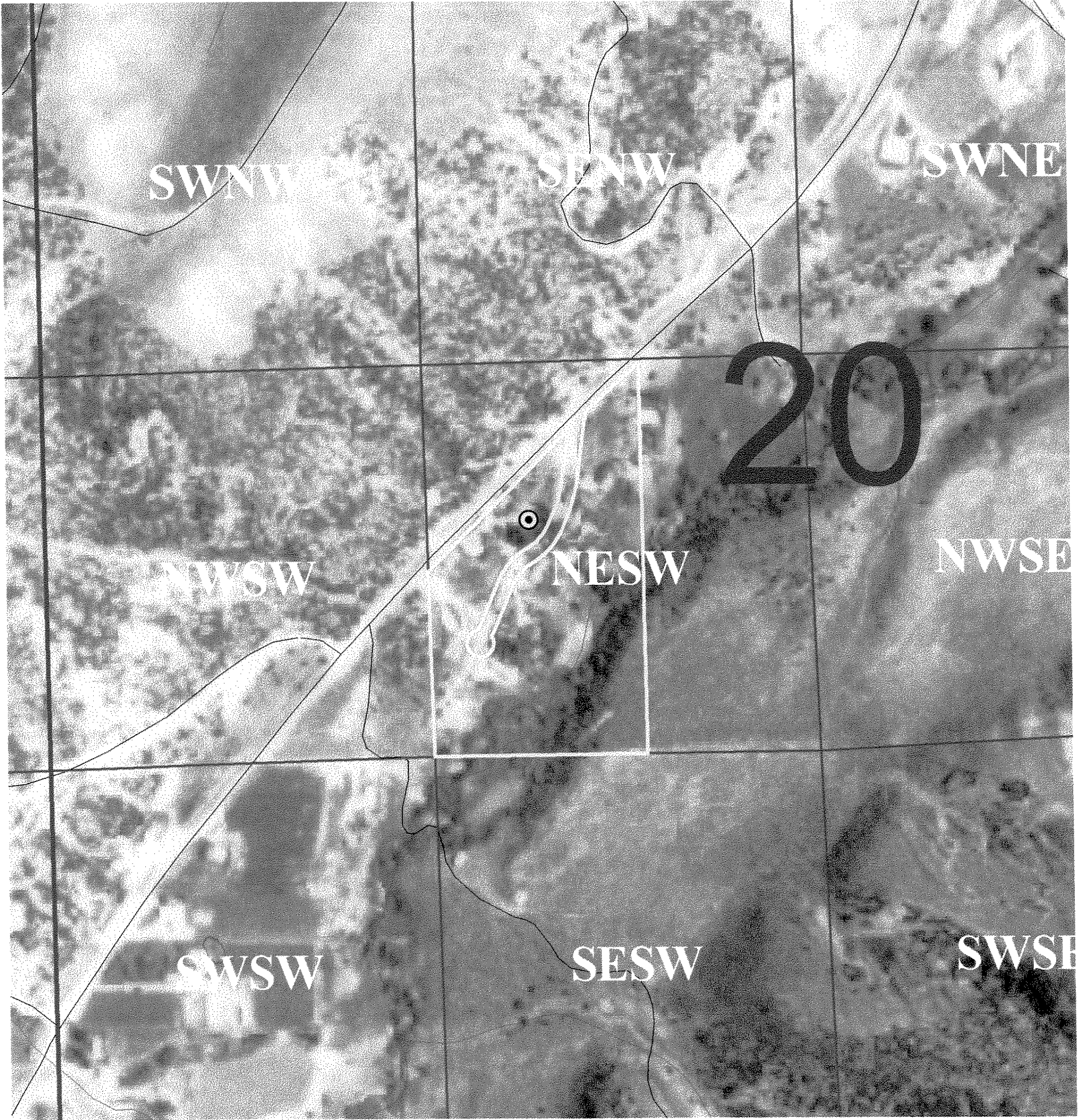
Quarter Quarter Lines



Prepared By: Craig Saxton
November 2002

Water Right Claim Number A29-07680
Township , 7S35E

09/08/2000

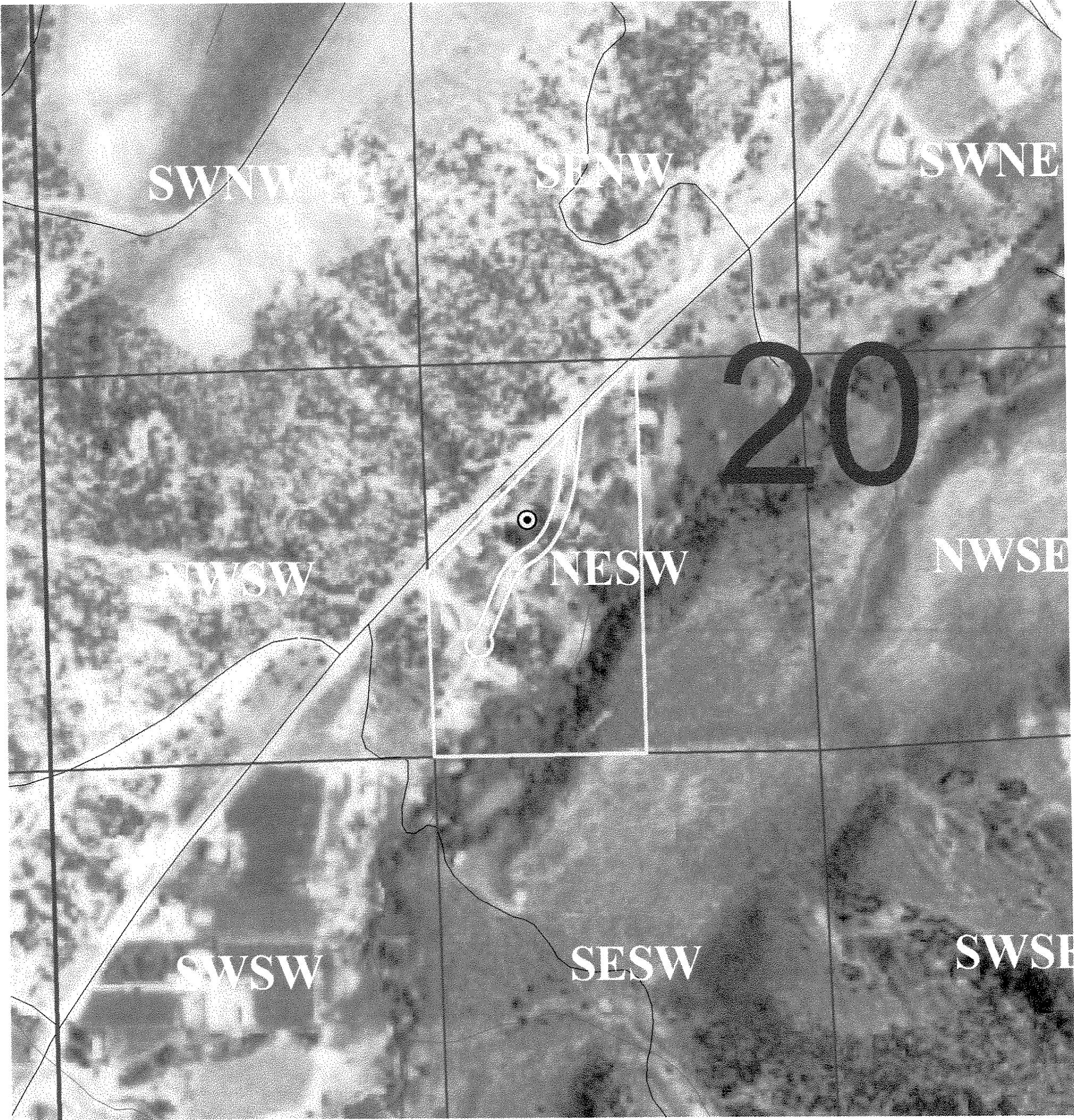


Legend		
Irrigated Area	Section Line	Roads
Place of Diversion	Quarter Section Line	Streams and Canals



Water Right Claim Number A29-07680
Township , 7S35E

09/08/2000

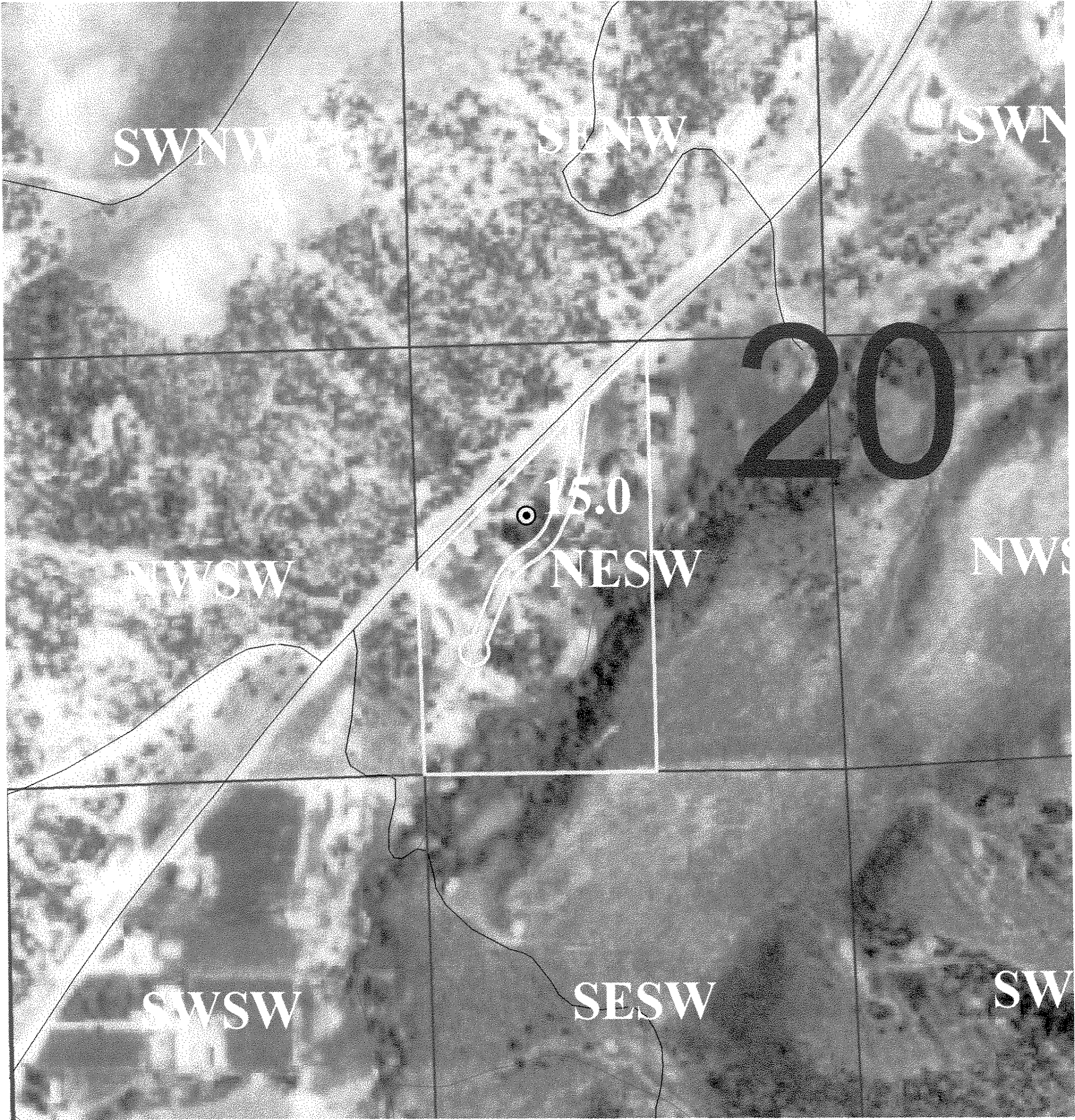


Legend		
Irrigated Area	Section Line	Roads
Place of Diversion	Quarter Section Line	Streams and Canals



Water Right Claim Number A29-07680
Township , 7S35E

09/08/2000



Legend		
Irrigated Area	Section Line	Roads
Place of Diversion	Quarter Section Line	Streams and Canals



OWNER CODE	NAME & ADDRESS	PRIORITY	WATER USE	USE PERIOD		DIVERSION	DIVERSION
		DATE		FROM	TO	RATE	VOLUME
C	APPLE ACRES SUBDIVISION C/O DAVID R FISCHEL 2446 N MINK CREEK RD POCATELLO ID 83204 (208) 234-0126	12/09/1982	IRRIGATION	03-15	11-15	0.030 CFS	3.50 AFA
			DOMESTIC	01-01	12-31	0.100 CFS	2.40 AFA
				TOTAL DIVERSION:		0.130 CFS	5.90 AFA
				CONSUMPTIVE USE:			3.50 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T07S R35E S20 NESW

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	:	SUM	
---	---	--	:	-----	-----	-----	-----	-----	-----	-----	-----	:	-----	-----	-----	-----	-----	-----	-----	-----	:	-----	-----	-----	-----	-----	-----	-----	-----	:	-----	-----	-----	-----	-----	-----	:	-----	
07S	35E	20	:									:									:	01							:								:	1.0	
																				TOTAL ACRES										1.0									

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

POU County: BANNOCK

Non-Irrigation Uses: D/ 4 HOME

Other Rights: MINK CREEK DECREE

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
29-10926 29-12500 A29-00276B A29-00276C A29-00276D A29-00276E A29-02508 A29-10926 A29-12500

Other Water Rights Listing Overlapping Place(s) of Use:
A29-00276A A29-00276B A29-00276C A29-00276D A29-00276E A29-02508

Remarks: GEN Place of use also known as Apple Lane Well No. 1.
Domestic use is for 4 homes.

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

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

Audit: 03/21/90 DCARLSON 07/28/94 THOMPSON 03/29/95 POST-STD

WATER RIGHT LICENSE

WATER RIGHT NO. 29-7680

Priority: December 9, 1982 Amount: .11 CFS 5.9 AF

This is to certify, that APPLE ACRES SUBDIVISION

C/O DAVID R. FISCHER

2446 N. MINK CK. RD.

POCATELLO, ID 83204

has complied with the terms and conditions of the permit issued pursuant to Application for Permit dated December 9, 1982, and has submitted proof to the Department of Water Resources on February 12, 1985, that water has been applied to a beneficial use; an examination by the Department indicates that the works have a diversion capacity of .11 cfs of water from a GROUNDWATER source and that a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>VOLUME</u>
Irrigation	03/15 to 11/15	.03 cfs	3.5 af
Domestic	01/01 to 12/31	.10 cfs	2.4 af
Totals		.11 CFS	5.9 AF

LOCATION OF POINT OF DIVERSION(S): NESW , Sec. 20, Township 7S, Range 35E
Bannock County

PLACE OF USE: Irrigation

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
7S	35E	20	NESW	1			1

Total number of acres irrigated: 1

PLACE OF USE: Domestic, same as Irrigation use

CONDITIONS/REMARKS:

1. The right to the use of the water hereby confirmed is limited to the amount which can actually be beneficially used and is restricted and appurtenant to the lands or place of use and to the purpose herein described, as provided by the laws of Idaho.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
4. Place of use also known as Apple Lane Well No. 1.
5. Domestic use is for 4 homes.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 20th day of February, 1987.

RECEIVED
MAR 10 1987

Norm C. Young
Director

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
LICENSING REPORT

SEP 19 1986

29-7680
Permit No.

Department of Water Resources

1. Measurement Calculations

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

$$\frac{2hp(.8)(8.814)}{20psi(7.31) + 80} = .11 cfs \quad \checkmark \quad \text{Theoretical}$$

$$1/4 \text{ acre (4 house holds)} = 1 \text{ acre}$$

$$1 \text{ acre } \left(\frac{.03 cfs}{\text{acre}} \right) = .03 cfs$$

b) Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = (1 \text{ ac})(3.5) = 3.5 \text{ afa}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = (.03)(245)(1.9835) = 14.6$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 3.5 \text{ afa}$$

c) Volume Calculations for Other Uses: N/A

$$\text{allow } 0.6 \text{ afa/home or } 4 \text{ homes} \times 0.6 \text{ afa} = 2.4 \text{ afa}$$

2. Overlap Reviewa) Other water rights with same place of use: NA 29-0276b) Other water rights with same point of diversion: NAc) Analysis: NA ROS

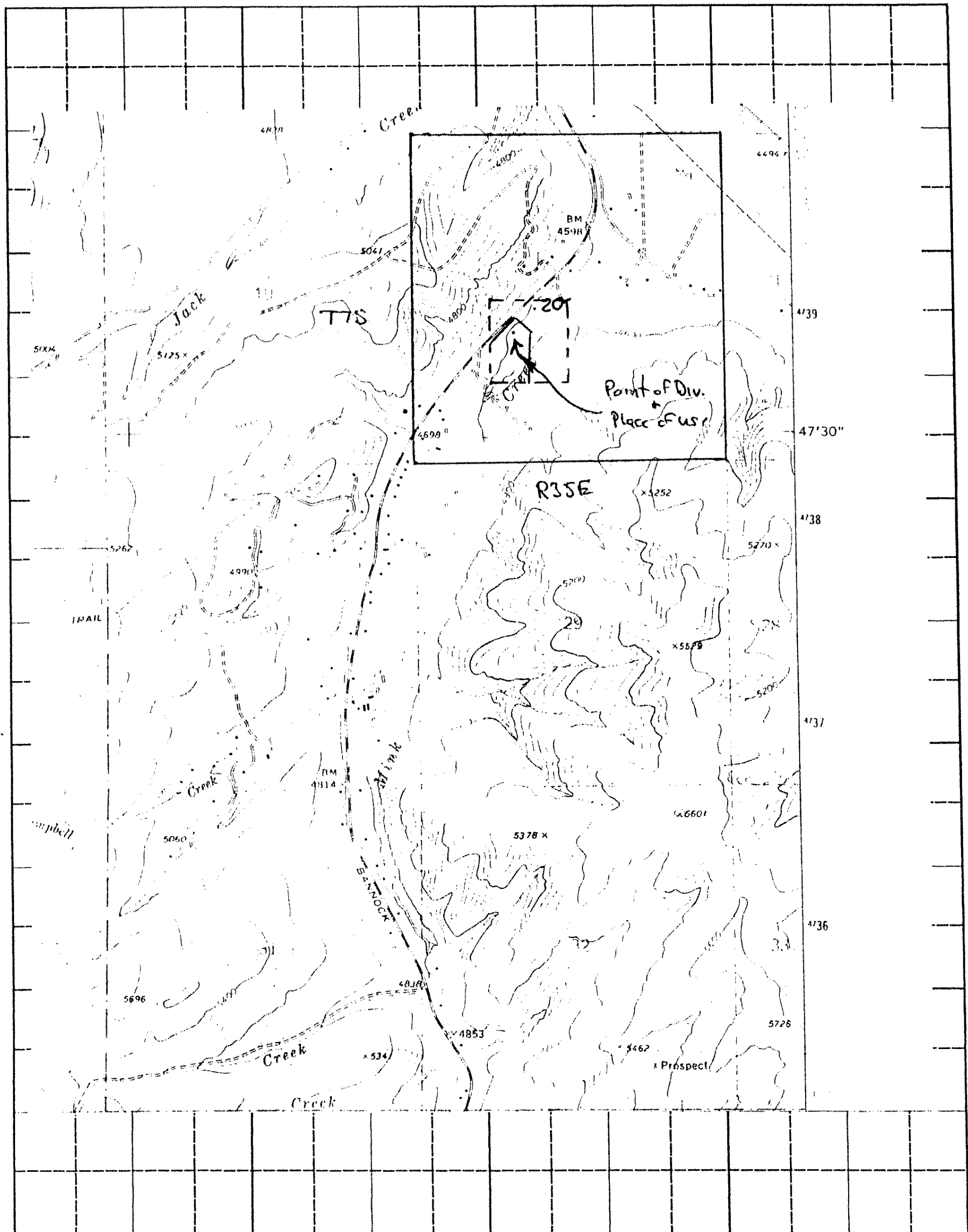
RECEIVED
MAR 05 1987

- 10 day

- $\frac{7.0}{3.5} = 5.9 \text{ AK}$

- Date 11-24-86

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.

RECEIVED

x David F. Fischer
(Applicant)

Co-owner

12/9/82
Proposed Priority _____
Received by BP Date 12-9-82 Time 2:50p
Preliminary check by HWT Fee \$ 45.00
Receipted by BP Date 12-10-82 # 23227
Publication prepared by BP Date 12-15-82
Published in Idaho State Journal
Publication dates 12-23 & 12-30-82
Publication approved aw Date 1-10-83
Protests filed by: none

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by EMC kw

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. 29-7680, 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 February 1, 19 86.

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 issuance of this permit in no way grants any right-of-way or easement across the land of another.

Witness my hand this 22nd day of January, 1985.

L. Glen Saylor
Chief, Operations Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

APPROVED

1. Name of applicant Apple Acres Subdivsion c/o Phone 234-0126
David R. Rischel
Post office address 451-C Mink Creek Rd. Pocatello, ID 83204

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

3. Location of point of diversion is NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 20 Township 7S
Range 35E B.M. Bannock County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 0.10 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 6-1 to 9-15 (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. 0.26 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. 2 hp submersible pump with 2"
pipeline and 3 pressure tanks (50 gallons each)

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 6 inches; proposed depth of well is 200 feet.

7. Time required for the completion of the works and application of the water to the proposed beneficial
use is 1 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 SW $\frac{1}{4}$ of Section 20 Township 7S
Range 35E 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 four.

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

MICROFILMED

b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
7S	35E	20									8								8

Total number of acres to be irrigated 8

c. Describe any other water rights used for the same purposes as described above. Decreed right from Mink Creek - Right #8 Decreed 1907 Judgement Book 20

9. a. Who owns the property at the point of diversion Apple Acres Subdivision

b. Who owns the land to be irrigated or place of use Lot owners in Subdivision

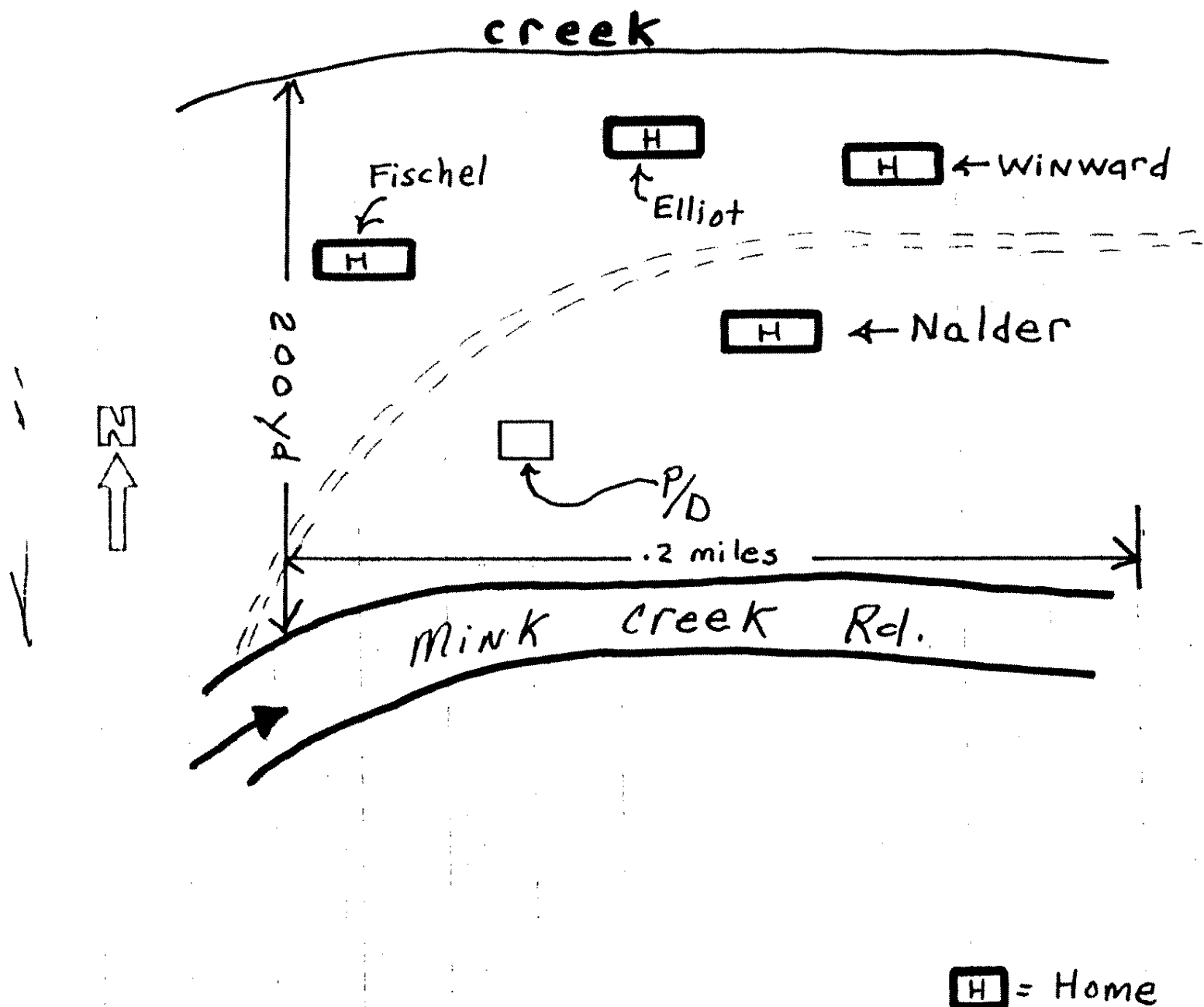
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing The well is shared by four households occupying the Apple Acres Subdivision. The well is called Apple Lane Well #2

#1

10. Remarks

DRF

10. Other water rights on the lands # 29-027
11. Other water right diverted from same p.d. NA
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 of the measurement systems



13. *Diversion and Delivery System Diagram*

Diversion and Delivery System Diagram

14.

one well is called Apple Lane Well #1
Each household participate in sharing responsibilities
of the pump; with Names of the 4 householders:
David R. Fischel, V. Lynn Nalder, Fred Winward,
& Clyde Elliot.

15. Recommended Amendments

- ☐ Change P.D. as reflected above
- ☐ Change P.U. as reflected above

- ☐ Add P.D. as reflected above
- ☐ Add P.U. as reflected above

- ☒ None
- ☐ Other

16. Examiner's/Consultant's Signature

Richard L. Linn Jr.

Date 6-12-86

Consultant's License Number _____

IDWR Director's Authorization to Conduct

Beneficial Use Examination _____

Date _____

CONSULTANT SEAL

BENEFICIAL USE FIELD REPORT

Department of Water Resources
Permit No. 29-7680
Phone No. 234-0126

1. Owner: Apple Acres Subdivision Phone No. 234-0126
Current Address: 2446 N. Mink Creek Rd.
2. Accompanied by: David R. Fishel EXAM. DATE: 6-12-86
Address: 2446 N. Mink Creek Rd. Phone No. 234-0126
Relationship to Permit Holder: _____
3. Source: Groundwater tributary to _____

Well/Diversion* No.	Motor Make	HP	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	—	2hp	—	Fairbanks Morse	40069108

*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.)
1 well/pump - approx. 80 Ft deep, with 4 main-lines running to 4 homes, one to each.
domestic use only,
submersible pump with 2" pipeline.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
N/A	—	—				

7. Measurements N/A Theoretical ☐ Additional data/computation sheets attached

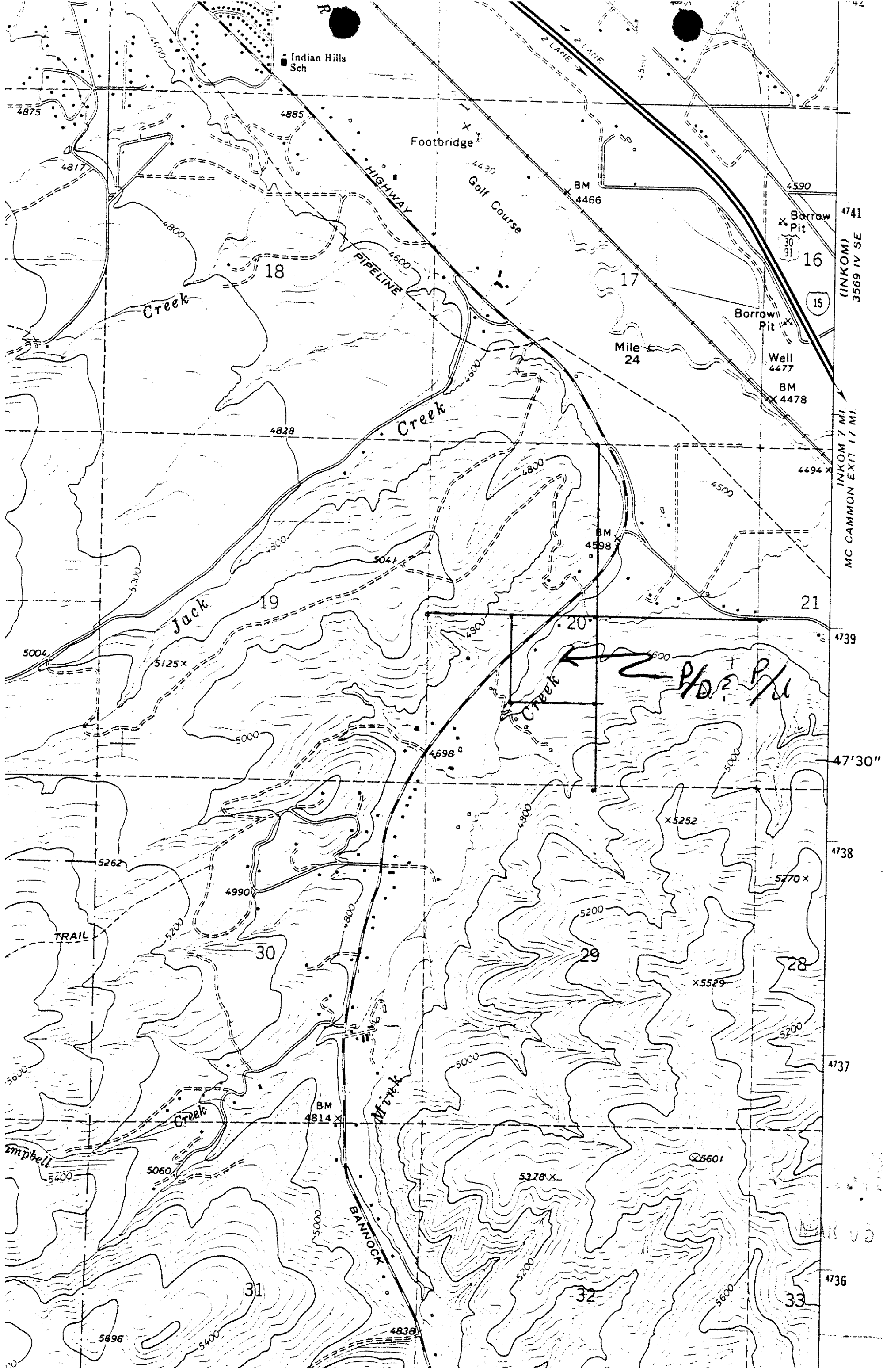
I observed approx. $\frac{1}{4}$ acre of lawn per household to be watered.

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

[illegible]

- | Irrigation - give acres served by system at time of exam. | | | | | | | | | | | | | | | | | | | |
|---|------|------|--|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
| Place(s) of Use: | | | Indicate Method of Determination _____ | | | | | | | | | | | | | | | | |
| Twp. | Rge. | Sec. | NE 1/4 | | | | NW 1/4 | | | | SW 1/4 | | | | SE 1/4 | | | | Totals |
| | | | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | |
| 7S | 35E | 20 | | | | | | | | | 1 | | | | | | | | 1 |
| | | | | | | | | | | | | | | | | | | | |
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| | | | | | | | | | | | | | | | | | | | |
| | | | Total Acres ____ / ____ | | | | | | | | | | | | | | | | |

Permit NO.: 29-7680



4741 (INKOM) 3569 IV SE
INKOM 7 MI.
MC CAMMON EXIT 17 MI.

47'30"

4738

4737

4736

PLANNED

MAR 05 1961



State of Id
DEPART
150 Shoup Ave.

EASTERN REGION

March 13, 1990

David R. Fischel
2446 North Mink Creek
Pocatello, ID 83204

Dear Dr. Fischel:

The Idaho Department of Water Resources (IDWR) is returning your Notice of Claim to a Water Right because of insufficient information and/or fees. All items on the forms must be completed and fees submitted before the IDWR can process the notice.

Please correct the items identified below and return the notice and filing fee to the IDWR by April 19, 1990, the filing deadline for Bannock County.

The date of priority must be entered in Item #2. This is the month, day, and year water was first put to beneficial use. If you do not know the precise date, you must estimate the month, day, and year.

The filing fees for irrigation are as follows: \$50.00 for each claim filed and \$1.00 per acre irrigated. You are irrigating 2.5 (rounded to 3) acres so your total fee is \$53.00, rather than \$58. Please submit another check for \$53.00 along with the corrected claim form.

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

Respectfully submitted,

Ernest Carlsen for

Ernest Carlsen
Adjudication Supervisor

EC:jt

Enclosure

Check No. 357 in the amount of \$58.00

DAVID R. FISCHEL, MD * 357
MELANIE FISCHEL
2446 N MINK CREEK RD 234-0126
POCATELLO, ID 83204 3/4 1990 92-9/1241

Pay to the Order of Idaho Department of Water Resources \$ 58.00
Fifty eight and no/100 Dollars

First Interstate Bank
of Idaho, N.A.
Yellowstone Office
950 Yellowstone Avenue
P.O. Box 57
Boise, ID 83757-0032

For *David R. Fischel*

⑆ 24 1000931332081045 0357 ⑈

INTERCHECKS — FIRST INTERSTATE BANK/GRAPHIC

MICROFILMED

NOV 13 1992

Apple Acres Subdivision
Page - 2 -

To file the Notice, based on License 29-7680, please reduce the quantity under Item 6 and the number of acres under Item 10, making them consistent with the License. The fee will only be \$51.00 for this Notice.

For your convenience, we have enclosed both an Application for Permit form and Notice of Claim form, one of which can be used to file on the additional 7 acres.

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

Respectfully submitted,



Ernest Carlsen
Adjudications Supervisor

EC:jt

Enclosure

MICROFILMED

NOV 13 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

March 8, 1990

Apple Acres Subdivision
C/O David R. Fischel
2446 North Mink Creek
Pocatello, ID 83204

RE: Notice of Claim

Dear Mr. Fischel:

The Idaho Department of Water Resources (IDWR) is returning the Notice of Claim submitted for Apple Acres Subdivision and check (#163 for \$68.00) because of a discrepancy between the Notice and License 29-7680, (copy of license enclosed).

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 place of use on the Notice shows irrigation of 8 acres in the NE1/4 SW1/4, Section 20, Township 7S, Range 35E, but License 29-7680 is for the irrigation of 1 acre in the same 1/4 1/4. Based on this discrepancy, it appears that an additional 7 acres have been placed under irrigation since the license was issued. Though the number of irrigated acres under a licensed right can not be increased, there are a couple of options to select from in filing on the additional acreage.

One method would be to file an Application for Permit for irrigation of the 7 acres. The priority date would be the day the Application is filed, and this method would allow for the appropriation of another 0.14 cfs for irrigation. The initial fee for the Application is \$30.00.

The other method would be to file another Notice of Claim based on the expansion of the license. The priority date for this Notice would be the date when the expansion occurred. This procedure would not provide additional water for irrigation. (The license limits irrigation to 0.03 cfs). The fee for this Notice would be \$50.00, plus \$1.00 per acre, totaling \$57.00.

MICROFILME

NOV 13 1992

APPLE LANE WELL NO. 1
2446 N. MINK CREEK ROAD BOX ~~1516~~
POCATELLO, IDAHO 83201

No. 163

3-19-90 92-284/1241

Pay to Idaho Dept. of Water Resources 68.00
THE ORDER OF Sixty eight and 00/100 DOLLARS

WEST CENTER OFFICE
IB&T Idaho Bank
& Trust Co.

BOX 1788 POCATELLO, IDAHO 83201

Melanie Trochel

1124102842100 110921 411

MICROFILME

NOV 13 1990

FEB 25 1987

Department of Water Resources
Eastern District Office

WATER RIGHT LICENSE

WATER RIGHT NO. 29-7680

Priority: December 9, 1982 Amount: .11 CFS 5.9 AF

This is to certify, that APPLE ACRES SUBDIVISION
C/O DAVID R. FISCHER
2446 N. MINK CK. RD.
POCATELLO, ID 83204

has complied with the terms and conditions
of the permit issued pursuant to Application for Permit dated December 9, 1982, and
has submitted proof to the Department of Water Resources on February 12, 1985, that
water has been applied to a beneficial use; an examination by the Department indicates
that the works have a diversion capacity of .11 cfs of water from a GROUNDWATER
source and that a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>VOLUME</u>
Irrigation	03/15 to 11/15	.03 cfs	3.5 af
Domestic	01/01 to 12/31	.10 cfs	2.4 af
	Totals	.11 CFS	5.9 AF

LOCATION OF POINT OF DIVERSION(S): NESW , Sec. 20, Township 7S, Range 35E
Bannock County

PLACE OF USE: Irrigation

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
7S	35E	20	NESW	1			1

Total number of acres irrigated: 1

PLACE OF USE: Domestic, same as Irrigation use

CONDITIONS/REMARKS:

1. The right to the use of the water hereby confirmed is limited to the amount which can actually be beneficially used and is restricted and appurtenant to the lands or place of use and to the purpose herein described, as provided by the laws of Idaho.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
4. Place of use also known as Apple Lane, Well No. 1.
5. Domestic use is for 4 homes.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this 20th day
of February, 1987.

Acting for the Director

MICROFILMED

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