

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

OK JC
9/5/03
RECEIVED
SEP 05 2003

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

Department of Water Resources
 Eastern Region

Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided, if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
	29-4109				
	29-4111				
	29-4112				
	29-4110				

The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) are for ten or more acres of irrigation, you must submit a **USDA Farm Service Agency AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former
 Owner/Claimant(s)

John William Hart Jennie Hart
2435 E Hawkins Downey ID 83234

4. New Owner/Claimant(s)

John William Hart Marilyn Mikkelsen
 Name Connector (Check one): ☐ and, ☐ or, ☒ and/or

New Mailing Address

2435 E Hawkins 2433 E Hawkins

City, State and ZIP Code

Downey ID 83234 Downey ID 83234

New Telephone Number

(208) 897-5743 (208) 897-9918.

5. Date you acquired the property

NA.

If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number _____

Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number _____

Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	

Signature of New Owner(s) or Claimant(s) ✓
(include title if applicable)

John Hart
+ Marilyn M. Hart

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by _____	Date _____	Fee _____
Receipted by _____	Date _____	Receipt No. _____
Processed by _____ AJ	Date _____	WR _____ Date _____

WARRANTY DEED

565940

For Value Received

HERMAN H. REISNER and BEATRICE V. REISNER,
husband and wife,

the grantor s, do hereby grant, bargain, sell and convey unto
JOHN W. HART and JENNIE D. HART,
husband and wife,

whose current address is Rural Route, Downey, Idaho 83234

the grantee s, the following described premises, in Bannock County Idaho, to wit:

Township 10 South, Range 37 East of the Boise Meridian
Section 31: Commencing at a brass cap marker which is the Southwest corner of Section 31, and running thence North across the Virginia Highway to the North Bank of the channel of Marsh Creek 1027 feet, more or less, thence North 77°05' East 200 feet along said channel, thence North 47°50' East 400 feet, more or less, thence East 20.08 feet, thence South across the Virginia Highway 1340.20 feet, more or less, to the South line of Section 31, thence West 31 rods, more or less, to the place of beginning, and being a portion of LOT SEVEN (7), Township 10 South, Range 37 East of the Boise Meridian. EXCEPTING THEREFROM those portions of above-described premises falling within the bounds of the Virginia Highway.

ALSO, Commencing at the Northeast corner of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of LOT EIGHT (8), Section 31, and running thence West 80 rods to the East boundary line of LOT SEVEN (7), thence South 729 feet, more or less, to the North boundary line of the Virginia Highway, thence Easterly following the North boundary of the said highway to a point 686 feet South along the East line of Lot 8, thence North 686 feet along the East line of Lot 8 to the place of beginning.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee s, their heirs and assigns forever. And the said Grantor s do hereby covenant to and with the said Grantee s, that they are the owners in fee simple of said premises; that they are free from all incumbrances

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: November 22, 1976

Herman H. Reisner

Beatrice V. Reisner

STATE OF IDAHO, COUNTY OF

On this 22nd day of November, 1976,
before me, a notary public in and for said State, personally
appeared

HERMAN H. REISNER and
BEATRICE V. REISNER, husband
and wife,

known to me to be the person s whose names are
subscribed to the within instrument, and acknowledged to
me that they executed the same.

John B. Brown

Notary Public

Residing at Downey

Comm. Expires Oct. 25, 1980

, Idaho

565940

NO. RECORDED AT REQUEST

John Hart

NOV 24 4 30 PM '76

296

BANNOCK COUNTY, IDAHO
TIM ERIKSEN, RECORDER

FE 1.00 DEPUTY 1n

NOTARY SEAL

WARRANTY DEED

565941

For Value Received

HERMAN H. REISNER and BEATRICE V. REISNER,
husband and wife,

the grantor s do hereby grant, bargain, sell and convey unto

JOHN W. HART and JENNIE D. HART,
husband and wife,

whose current address is Rural Route, Downey, Idaho 83234

the grantees , the following described premises, in Bannock County Idaho, to wit:

Township 10 South, Range 37 East of the Boise Meridian
Section 31: Commencing at the Southeast corner of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of
LOT EIGHT (8), Section 31; and running thence West
300 feet along the section line, thence North 677.88
feet to the South boundary line of the Virginia Highway,
thence South 72°27' East 314.65 feet along said highway,
thence South 583 feet to the place of beginning.

ALSO, Commencing at a point 256 feet North of the Southwest
corner of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of LOT EIGHT (8), Section 31; and
running thence North 280 feet, more or less, to the South
Boundary Line of the Virginia Highway, thence Easterly
325 feet along said Highway, thence South 280 feet,
thence Westerly 325 feet to the point of beginning.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee S,
their heirs and assigns forever. And the said Grantor s do hereby covenant to and
with the said Grantee S, that they are the owners in fee simple of said premises; that they are free
from all incumbrances

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: November 22, 1976

Herman H. Reisner

Beatrice V. Reisner

STATE OF IDAHO, COUNTY OF

On this 22nd day of Nov., 1976,
before me, a notary public in and for said State, personally
appeared

HERMAN H. REISNER and
BEATRICE V. REISNER, husband
and wife,

known to me to be the person S whose names are
subscribed to the within instrument, and acknowledged to
me that they executed the same.

John B. Brown

Notary Public

Residing at Downey, Idaho
Comm. Expires Oct. 25, 1980

565941

NO.
RECORDED AT REQUEST OF

John Hart

NOV 24 4 30 PM '76

296
BANNOCK COUNTY, IDAHO
JENNIFER L. REISNER, RECORDER
FEE 1.00 DEEDITY 1n

NOTARY SEAL

WARRANTY DEED

For Value Received Ten Dollars and other valuable consideration

Herman Reisner

94016225

the grantor, do hereby grant, bargain, sell and convey unto

John W. Hart and Jennie Hart, husband and wife

the grantees, the following described premises, in Bannock County Idaho, to wit:

Lot 5 -54.24 Acers; Lot 4 -55.57 Acers Tr. Lot 3 & SE $\frac{1}{4}$ NW $\frac{1}{4}$ Tax 12- 68.53
Acers Section 6 Township 11 South Range 37 E. B. M.

NE $\frac{1}{4}$ SE $\frac{1}{4}$ 40 Acers.

Section 1 Township 11 South Range 36 E. B. M.

Of better discribed as follows:

Lot 5 and Lot 4, Section 6, Township 11 South, Range 37 E. B. M., Bannock
County, Idaho, and Lot 3 and SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 6, Township 11 South, Range
37 E. B. M., Bannock County, Idaho, Except the Following described tract:
Beginning at the Southwest corner of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 6, Township 11
South, Range 37 E.B.M., thence East 20 Rods, thence North 100 Rods, thence
West 20 Rods, thence South 100 Rods to the point of Beginning. NE $\frac{1}{4}$ SE $\frac{1}{4}$
Section 1, Township 11 South, Rnage 36, E. B. M., Bannock Sounty, Idaho...

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee s,
Their heirs and assigns forever. And the said Grantor dose hereby covenant to and
with the said Grantee, that he is the owner in fee simple of said premises; that they are free
from all incumbrances none

and that he will warrant and defend the same from all lawful claims whatsoever.

Dated: December 6, 1966

Herman Reisner

STATE OF IDAHO, COUNTY OF

On this 6 day of December, 1966,
before me, a notary public in and for said State, personally
appeared Herman Reisner

NOTARY SEAL

94016225

NO. 94016225
RECORDED AT REQUEST OF
JOHN W. HART

'94 SEP -6 P4:12

OFFICIAL RECORD BOOK NO. 623
BANNOCK COUNTY IDAHO
LARRY M. GRIFFIN RECORDER
EE. 300 DEPUTY

known to me to be the person whose name
subscribed to the within instrument, and acknowledged to
me that he executed the same.

John B. Downey
Notary Public
Residing at Downey, Idaho
Comm. Expires Oct. 25, 1968

Furnished by the POCAHONTO TITLE CO.

CERTIFICATION OF VITAL RECORD

STATE OF IDAHO IDAHO DEPARTMENT OF HEALTH AND WELFARE CENTER FOR VITAL STATISTICS AND HEALTH POLICY

State of Idaho CERTIFICATE OF DEATH

State File No. 6-545
Local Reg. No. 6-545

ONLY A COPY OF THIS DOCUMENT CERTIFIED BY THE STATE REGISTRAR, WITH THE DEPT. OF HEALTH & WELFARE RAISED SEAL, SHALL BE USED AS PRIMA FACIE EVIDENCE OF THIS DEATH UNDER IDAHO CODE 39-241(h) & 39-274

DECEDENT

TYPE OR
PRINT IN
PERMANENT
BLACK INK
DO NOT USE
FELT TIP PEN

NAME OF DECEDENT
For use by physician or institution

DECEDENT — NAME FIRST MIDDLE LAST JENNIE MARIE DUNTON HART				SEX FEMALE	DATE OF DEATH (Month, Day, Year) NOV. 17, 1999
SOCIAL SECURITY NUMBER 528-46-2395		AGE - Last Birthday (Yrs.) 64	UNDER 1 YEAR MONTHS DAYS 5a	UNDER 1 DAY HOURS MINS 5c	DATE OF BIRTH (Month, Day, Year) MAY 30, 1935
WAS DECEDENT EVER IN U.S. ARMED FORCES? ☐ Yes ☒ No		PLACE OF DEATH (Check only one) * HOSPITAL (1) ☐ Inpatient (2) ☐ ER/Outpatient (3) ☐ DOA OTHER (4) ☐ Long-Term Care Facility (5) ☒ Own Residence (6) ☐ Other Private Residence (7) ☐ Other (Specify) _____			
FACILITY NAME AND ADDRESS (If not a hospital, enter name of place, street and number) 2435 E. HAWKINS RD.			CITY, TOWN OR LOCATION OF DEATH DOWNEY		COUNTY OF DEATH BANNOCK
MARITAL STATUS — Married, Never Married, Widowed, Divorced (Specify) MARRIED		SURVIVING SPOUSE (If wife, give maiden name) JOHN WILLIAM HART		DECEDENT'S USUAL OCCUPATION (Give kind of work done during most of working life. Do not use retired.) HOUSEWIFE	
RESIDENCE STATE IDAHO		COUNTY BANNOCK	CITY, TOWN OR LOCATION DOWNEY	STREET AND NUMBER 2435 E. HAWKINS RD.	ZIP CODE 83234
INSIDE CITY LIMITS? ☐ Yes ☒ No		WAS DECEDENT OF HISPANIC ORIGIN? (Specify No or Yes — If yes, specify Cuban, Mexican, Puerto Rican, etc.) ☐ Yes ☒ No		RACE — American Indian, Black, Japanese, White, etc. (Specify) WHITE	
16. DECEDENT'S EDUCATION (Specify only highest grade completed) Elementary/Secondary (0-12) 3 College (1-4 or 5+) 3					

PARENTS

FATHER — NAME HARVEY DUNTON	BIRTHPLACE UTAH	MOTHER — FULL MAIDEN NAME VIRGINIA WHITE	BIRTHPLACE OREGON
---------------------------------------	---------------------------	--	-----------------------------

INFORMANT

INFORMANT'S NAME (Type/Print) JOHN WILLIAM HART	MAILING ADDRESS (Street and Number or Rural Route Number, City or Town, State, Zip Code) 2435 W. HAWKINS RD. DOWNEY, IDAHO 83234
---	--

DISPOSITION

METHOD OF DISPOSITION * ☒ Burial ☐ Cremation ☐ Removal from Idaho 20a. ☐ Donation ☐ Other (Specify) _____	PLACE OF DISPOSITION (Name of cemetery, crematory, or other place) MARSH CENTER CEMETERY	LOCATION — City or Town, State VIRGINIA, IDAHO
---	--	--

SIGNATURE OF FUNERAL SERVICE LICENSEE OR PERSON ACTING AS SUCH <i>[Signature]</i>	LICENSE NUMBER (of Licensee) M-607 132	NAME AND ADDRESS OF FACILITY HORSLEY FUNERAL HOMES W. 300 N. MALAD CITY, IDAHO 83252
--	--	--

TIME OF DEATH 0430	DATE PRONOUNCED DEAD (Month, Day, Year) NOV. 17, 1999	WAS CASE REFERRED TO CORONER? ☐ Yes ☒ No	MANNER OF DEATH (Check One) ☒ Natural ☐ Homicide ☐ Suicide ☐ Accident ☐ Pending Investigation ☐ Could Not Be Determined
------------------------------	---	--	--

27. PART I. Enter the diseases, injuries, or complications that caused the death. Do not enter the mode of dying, such as cardiac or respiratory arrest, shock, or heart failure. List only one cause on each line.

IMMEDIATE CAUSE (Final disease or condition resulting in death)

a. **Metastatic Breast Cancer** DUE TO (or as a consequence of):

b. _____ DUE TO (or as a consequence of):

c. _____ DUE TO (or as a consequence of):

d. _____ DUE TO (or as a consequence of):

Approximate Interval Between Onset and Death
10 months

CAUSE OF DEATH

Sequentially list conditions, if any, leading to immediate cause. Enter UNDERLYING CAUSE (disease or injury that initiated events resulting in death) LAST

27. PART II. Other Significant Conditions contributing to death but not resulting in the underlying cause given in Part I.	WAS AN AUTOPSY PERFORMED? ☐ Yes ☒ No	WERE AUTOPSY FINDINGS AVAILABLE PRIOR TO COMPLETION OF CAUSE OF DEATH? ☐ Yes ☐ No
--	--	--

CERTIFIER

IF DEATH WAS DUE TO OTHER THAN NATURAL CAUSES, THE CORONER MUST COMPLETE AND SIGN THE CERTIFICATE

CERTIFIER (Check only one) ☒ PHYSICIAN — To the best of my knowledge, death occurred at the time, date, and place, and due to the cause(s) and manner as stated. ☐ CORONER — On the basis of examination and/or investigation, in my opinion, death occurred at the time, date, and place, and due to the cause(s) and manner as stated.		
SIGNATURE AND TITLE OF CERTIFIER <i>[Signature]</i>	LICENSE NUMBER M5725	DATE SIGNED (Month, Day, Year) 11/24/99
NAME AND ADDRESS OF CERTIFIER (Type/Print) DR. LYNN ESKELSON 37 N. 1st E. PRESTON, IDAHO		

TO BE USED FOR EXTERNAL CAUSES ONLY

DATE OF INJURY (Mo., Day, Yr.) 30a	HOUR OF INJURY 30b	DESCRIBE HOW INJURY OCCURRED 30c
INJURY AT WORK? ☐ Yes ☐ No	IF TRANSPORTATION ACCIDENT, Specify ☐ Driver ☐ Passenger ☐ Pedestrian ☐ Other _____	PLACE OF INJURY — At home, farm, street, factory, office building, etc. (Specify) 30i
LOCATION (Street or Route Number, City/Town, or County, and State) 30g		

CORONER'S REVIEW AREA

CORONER'S ACTION 31a I have reviewed and/or amended, and certified. ☒	CORONER'S SIGNATURE <i>[Signature]</i>	DATE SIGNED (Month, Day, Year) 31b
---	---	--

REGISTRAR

REGISTRAR'S SIGNATURE <i>[Signature]</i>	DATE FILED (Month, Day, Year) Dec. 6, 1999
---	--

This is a true and correct reproduction of the document officially registered and placed on file with the IDAHO CENTER FOR VITAL STATISTICS AND HEALTH POLICY.

DATE ISSUED: **Dec. 6, 1999**

This copy is not valid unless prepared on engraved border displaying state seal and signature of the Registrar.

[Signature]
JANE S. SMITH
STATE REGISTRAR

BK86663PG0755



02/08/2003

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: 29-4109

JENNIE HART
2435 E HAWKINS
DOWNEY ID 83234
Telephone Number: (208)897-5743

JOHN WILLIAM HART
2435 E HAWKINS
DOWNEY ID 83234
Telephone Number: (208)897-5743

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: 8-1-03 SIGNATURE: John Hart

Please print your name: JOHN HART

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

Sorry I am late but I was not at home when these came

RECEIVED

AUG 1 1 2003

Department of Water Resources
Eastern Region

MEMORANDUM

DATE: August 12, 2003

FROM: Ernie Carlsen

TO: 29-4109 and 29-4111

RE: Objection by John Hart

Claimant will file objections to both of the above claims along with a motion to amend 29-4109 to increase the acreage from 40 to 46.9.

John described the development and use of water from both the spring and Beck Creek. On his original claims Lot 7, and a strip of land south of the county road in SWSW, Section 31 10S 37E was overlooked. The attached layout reflects the acreage John wishes to have included on his claims.

John was accompanied by his daughter, Marilyn, who is going to assist him with filing the objections and motion to amend.



Department of Water Resources

Claim No.:

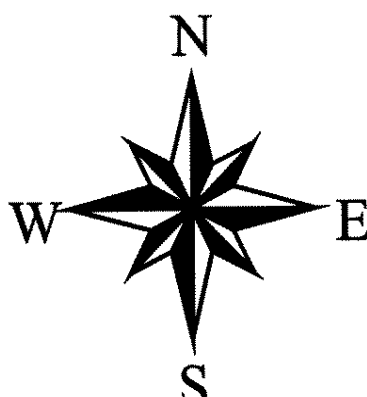
29-4109

29-4111



0 1320 2640 3960 5280 Feet

- 29-4109.shp
- QQ
 - Sections
 - Townships

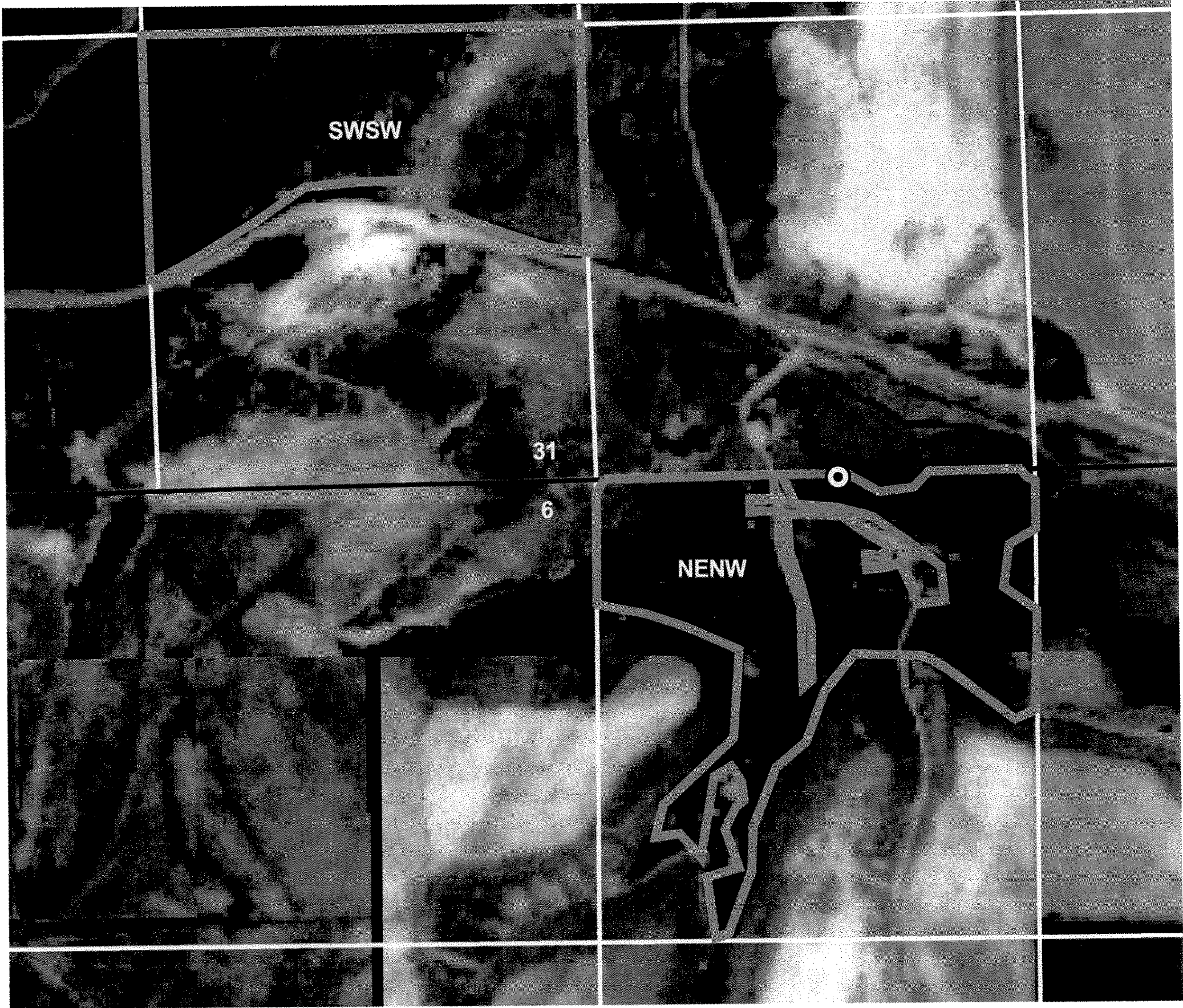


GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepare by: E. Carlsen
Date: August 2003

IDAHO DEPARTMENT OF WATER RESOURCES

29-04109

T11S, R37E SEC 6
T10S, R37E SEC 31



ACRES IRRIGATED- 35

⊙ POINT OF DIVERSION



PLACE OF USE

GIS: PLACE OF USE
POINT OF DIVERSION
1987/1988 NAPP PHOTOS
DAVE CARLSON



10/2001 - P02 7.5 hp pump to
DAVE CARLSON sprinklers and
open discharge

JUN 04 2001

Log for claim A29-04109

Spatial Dynamics TWB

5/24/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
10s37e	31	SWSW	20	21	
11s37e	6		0	0	nenw should have been nwnw in the database
11s37e	6	NWNW	2	2.2	
11s37e	6	NENW	18	19	
Totals:			40	42.2	

both ditch and
Peck Crk went
Across hwy

puerp/in creek

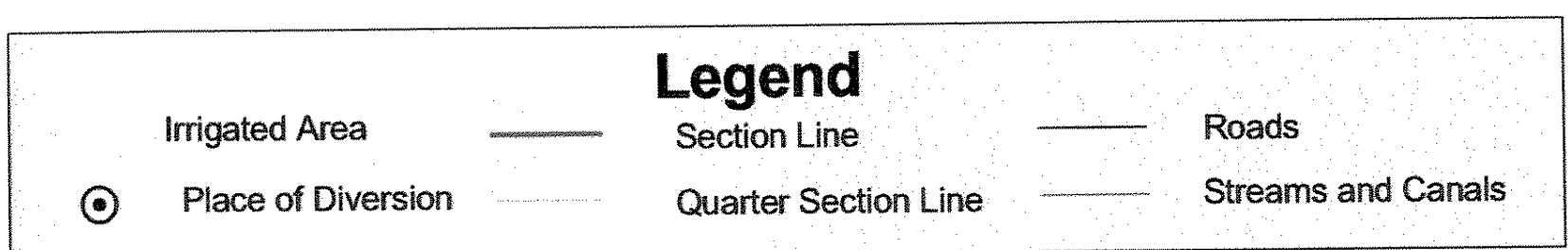
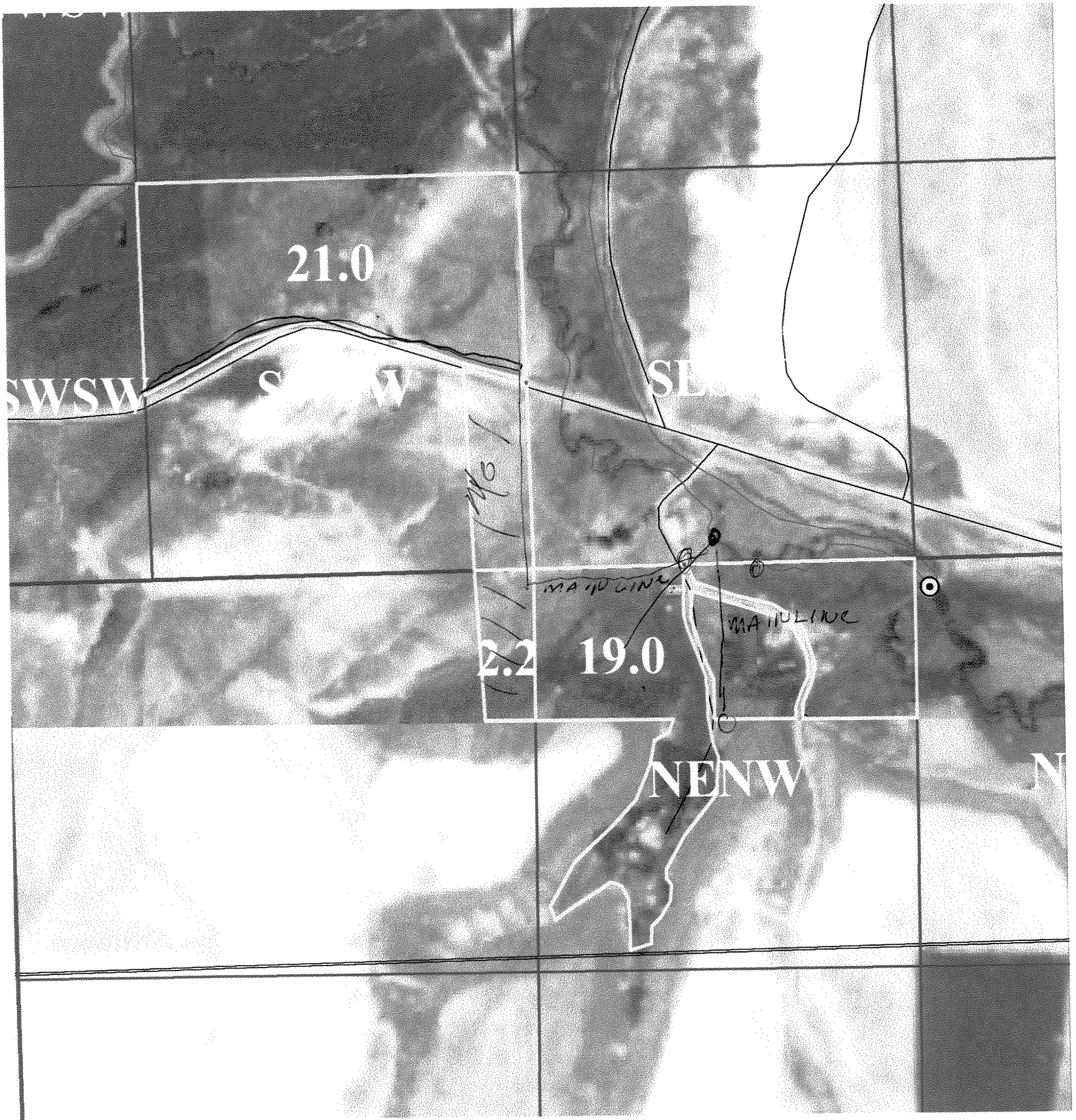
N42 30 12.6

W112 10 51.9

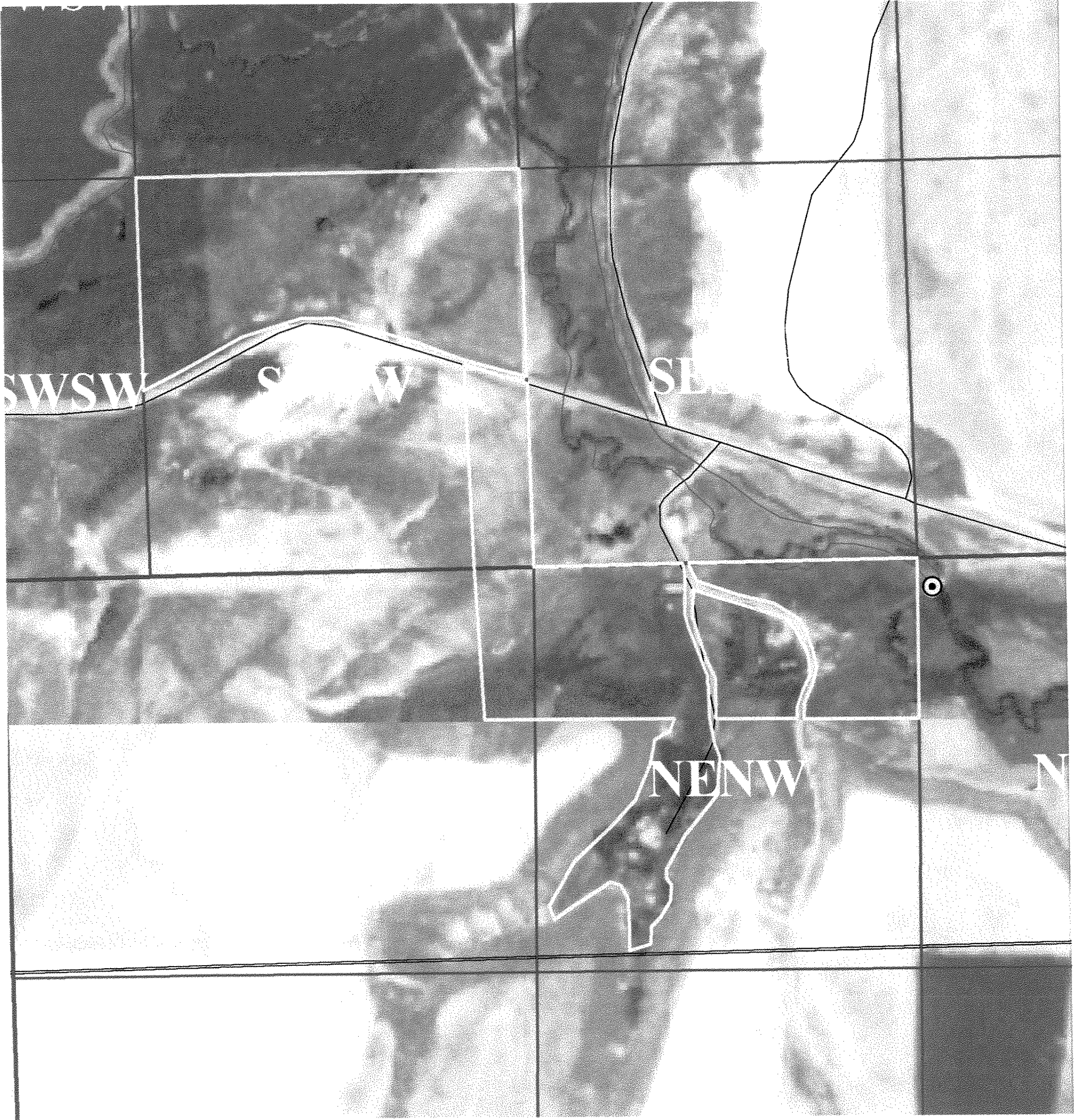
7.5hp

main line

Townships , 10S37E, 11S37E

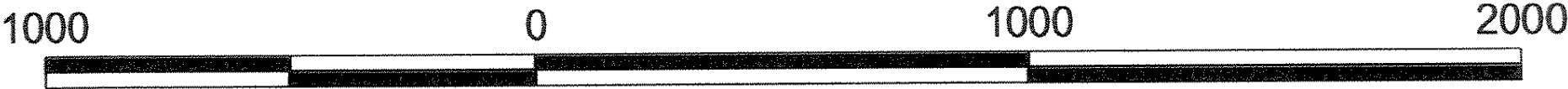


Townships , 10S37E, 11S37E

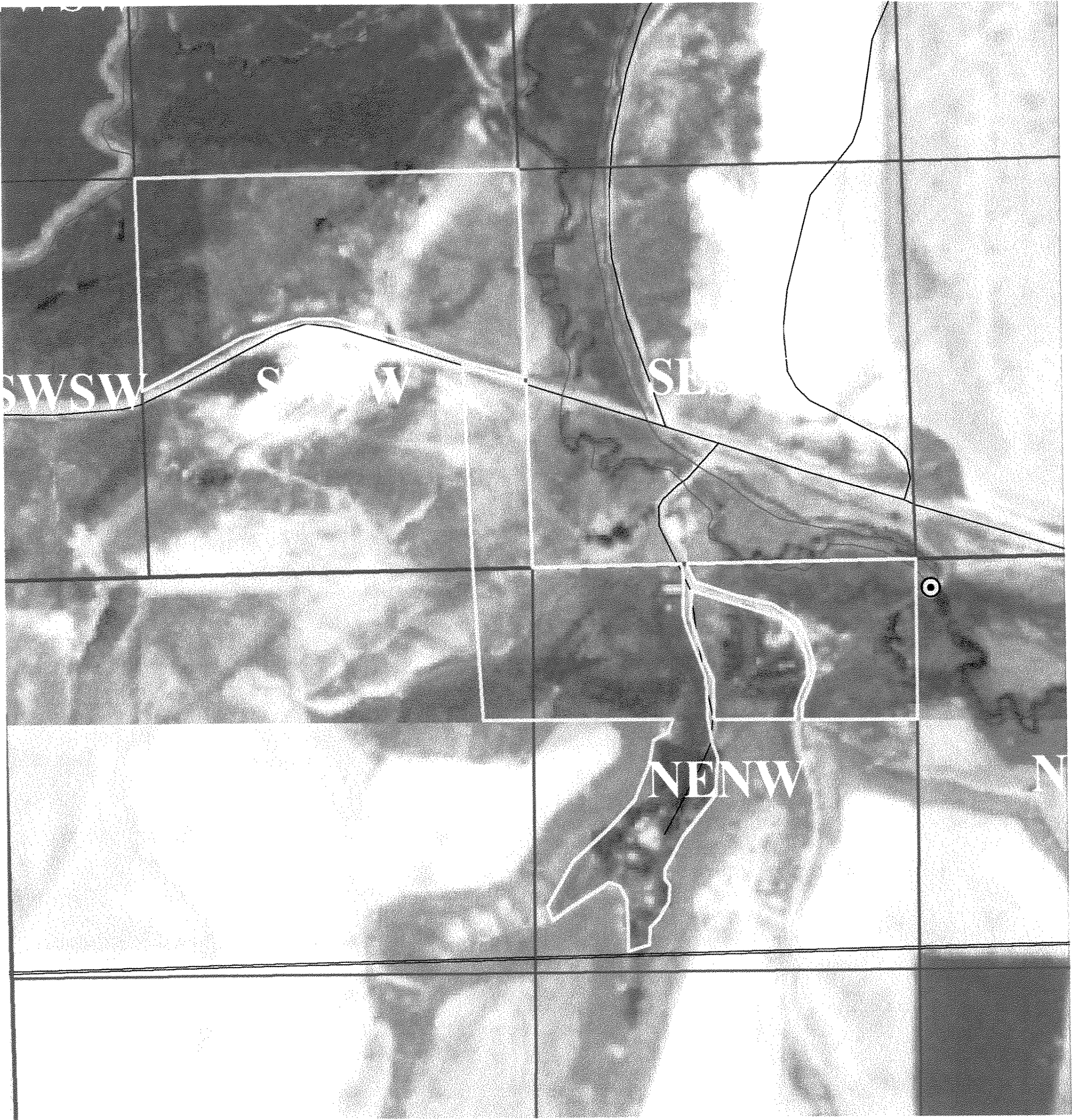


Legend

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



Townships , 10S37E, 11S37E



Irrigated Area

Place of Diversion

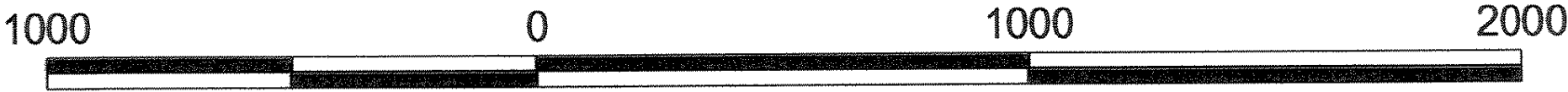
Section Line

Quarter Section Line

Roads

Streams and Canals

Legend



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that John William Hart &/or Jennie Hart
(Name of Claimant)

Rt. #2, Downey, Idaho 83234 Telephone No. 897-5743
(Mailing Address) (Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

- (1) Date of priority: (When was the water first applied to a beneficial use) June 30, 1970

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)
Peck Creek tributary to Marsh Creek

- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

(cfs, gpd, AFA)	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
		(Mo., Day)	(Mo., Day)
Quantity <u>0.80</u>	Use <u>Irrigation</u>	Period of Use From <u>April 1</u>	To <u>Nov. 1</u>
Quantity _____	Use _____	Period of Use From _____	To _____
Quantity _____	Use _____	Period of Use From _____	To _____
Quantity _____	Use _____	Period of Use From _____	To _____
Quantity <u>0.80</u>	Use _____	Period of Use From _____	To _____

- (4) 0.80 TOTAL QUANTITY USED.
(cfs, gpd, AFA)

- (5) A) Point of diversion: (Location of point where water is diverted from its source)
NE ¼ NW ¼, Sec. 6 Twp. 11S Rge. 37E B.M., County of Bannock
Additional points of diversion: _____

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. 7½ pump 6" main 3800' long and ½ mile open ditch

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
11S	37E	6					18	2											
10S	37E	31											20						

No. of acres 40

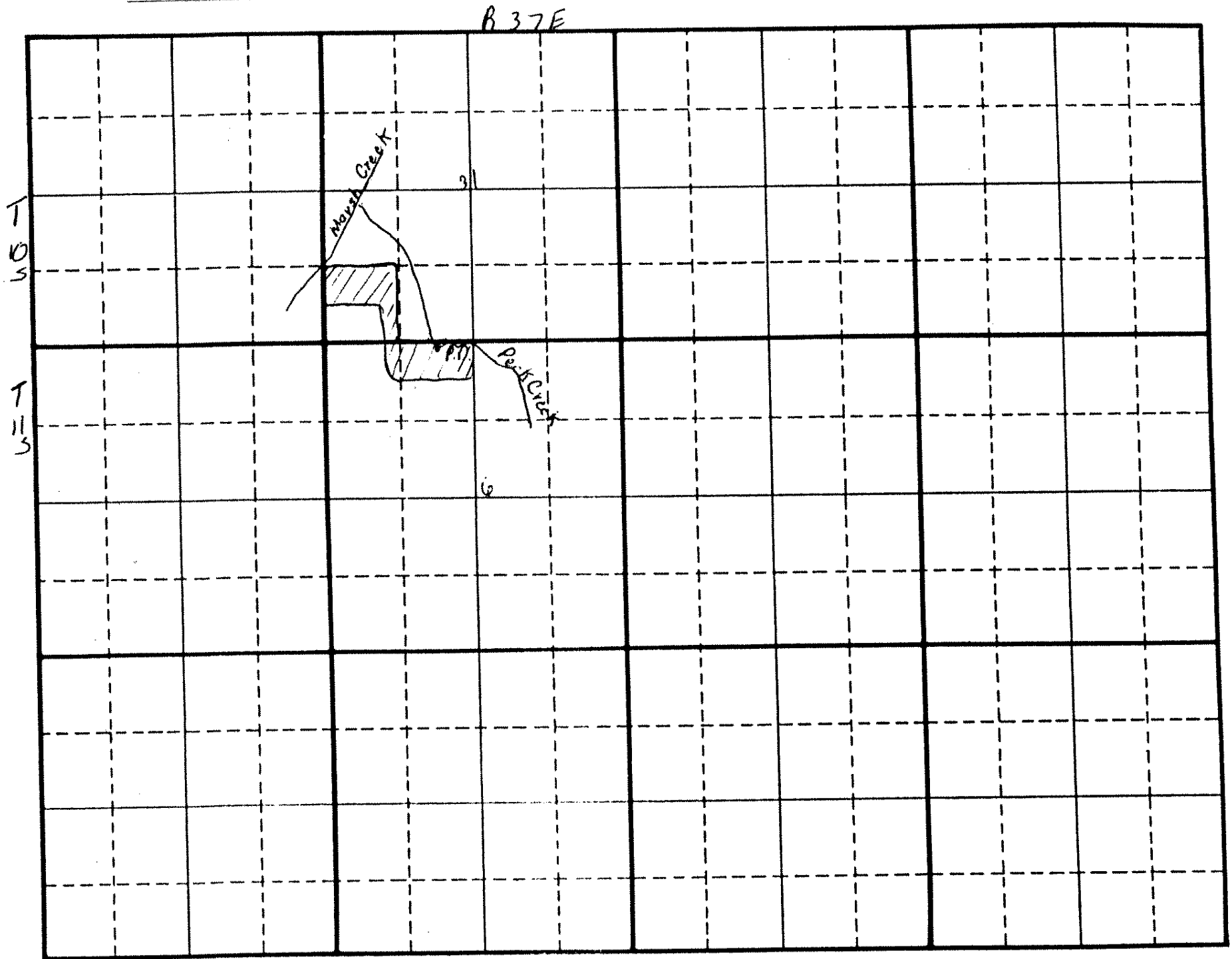
- B) If water is used for other than irrigation, fully describe that use, being as specific as possible: _____

NOTE: Include here the type and number of stock watered: _____

- (7) If you are claiming water as a member of an organization, list name of organization: _____

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(8) Remarks _____



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Bonneville) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Sworn to before me this 17th day of August, 19 79.

John W. Hart
(Claimant)
Calvin Wray
Notary Public
Residing at Idaho Falls, Id.

My commission expires 6/15/81

FOR DEPARTMENT USE ONLY

Received by <u>dh</u>	Date <u>8-17-79</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>dc</u>	Date <u>4/15/80 #13934</u>		claimant by:	
\$20.00 fee received by <u>dh</u>	Date <u>8-17-79 #13666</u>			
Published in <u>Idaho State Journal</u>				
Dates <u>August 30 & Sept. 6, 1979</u>				

DIVERSION
VOLUME

100.00 AFA

Stage: STATUTORY CLAIM

BANNOCK County

NE

TOTAL ACRES

Objection Filed Date:

Audit:	05/22/90	DCARLSON	07/19/94	THOMPSON	03/29/95	POST-STD
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April 17, 1995

RECEIVED

APR 20 1995

Department of Water Resources
Eastern District Office

State of Idaho
Department of Water Resources
Eastern District Office
900 N. Skyline DR.
Idaho Falls, Idaho 83402-1918

Dear Sir:

In 1970, my Uncle, Herman Reisner, put in a 7 1/2HP pump in Peck Creek to supplement the water on his farm. The Burkley pump is designed for high volume, low pressure. I helped him put in the pump and 750 feet of 6" PVC mainline pipe. He pumped open discharge into his irrigation ditch. The pump and main line was on my property and the water discharged into a ditch on his property.

In 1976, I bought the rest of Herman Reisner's farm. I put in 1875 feet of 6" PVC main line. So now there is no open ditch with flood irrigation. All the irrigation is low pressure sprinklers.

Sincerely,

John W. Hart

John W. Hart
2435 E. Hawkins
Downey, Idaho 83234

INDIVIDUAL

STATE OF Ida)
COUNTY OF Bannock) ss.

On this 19 day of April, in the year 95, before me, a Notary Public in and for said State, personally appeared John W. Hart, known to me to be the person whose name is/are subscribed to the within instrument, and acknowledged to me that he executed the same.

WITNESS my hand and official seal.

Barbara A. Byline
Notary Public for Idaho
Residing at Downey Id

12-22-99

MICROFILMED

NOV 13 1996

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP. RGE.	SEC.	1/4	1/4	1/4	1/4	LOT	FLAG	POD	COUNTY	DIVERSION NAME	DIVERSION NUMBER
A29-04109	11S	37E		6			NE	NW		BANNOCK		

OTHER AJ CLAIMS WITH SAME AJ POD

WR RECORDS IN SAME 40 ACRE TRACT

A PREFIX R PREFIX
A29-04110 NONE

29-04110

SOURCE: PECK CREEK

TRIB: MARSH CREEK

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP. RGE.	SEC.	1/4	1/4	1/4	1/4	LOT	FLAG	POD	COUNTY	DIVERSION NAME	DIVERSION NUMBER
29-04109	11S	37E		6			NE	NW		BANNOCK		

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT

A PREFIX R PREFIX

29-04110

A29-04110

NONE

SOURCE: PECK CREEK

TRIB: MARSH CREEK

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)

NOTES:

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE: CHECK HERE IF RECOMMENDED AS CLAIMED ()

TWP.	RGE.	SEC.			
11S	37E	6	1/4	1/4	1/4
				NE	NW

POD
FLAG
COUNTY
BANNOCK

DIVERSION NAME

DIVERSION MBR

SOURCE: PECK CREEK

TRIB: MARSH CREEK

REVIEWED BY:

DATE:

SYSTEM DESCRIPTION: DESCRIBED BELOW (____), SEE LICENSE FILE (____), OR SEE ATTACHMENT (____)

A. ROOT WATER RIGHT NUMBERS: A29-04109

B. POU LISTING					AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
TWP	RNG	SEC	1/4	1/4 LOT NAME					
10S	37E	31	SW	SW	HART, JOHN WILLIAM	A29-04109 / 20.0	29-04109 / 20.0		
			SW	SW	HART, JENNIE	A29-04111 / 12.0	29-04111 / 13.0		
			SW	SW	MARSH CENTER IRRIGATION CO	A29-10663 / 1.0	- /		
			SW	SW	MARSH CENTER IRRIGATION CO	A29-10664 / 1.0	- /		
			SW	SW	MARSH CENTER IRRIGATION CO	A29-10665 / 1.0	- /		
			SW	SW	MARSH CENTER IRRIGATION CO	A29-12058 / 1.0	- /		
			SW	SW	CROWDER, GARY	A29-11885 /	- /		
			SW	SW	CROWDER, ESTHER	29-11885 /	- /		
			SW	SW	MARSH CENTER IRRIGATION CO	A29-00430 / 1.0	- /		
			SW	SW	BASTIAN, LYNN S	A29-04302 / 2.0	29-04302 / 2.0		
			SW	SW	MANNING, LEON WALLACE	29-04054 / 4.0			
11S	37E	6	NE	NW	HART, JOHN WILLIAM	A29-04109 / 18.0	29-04109 / 18.0		
			NE	NW	HART, JOHN WILLIAM	A29-04110 / 26.0	29-04110 / 26.0		
			NE	NW	HART, JENNIE	A29-04111 / 27.0	29-04111 / 27.0		
11S	37E	6	NW	NW	HART, JOHN WILLIAM	A29-04109 / 2.0	29-04109 / 2.0		

ADDITIONAL POU FOUND

TOTAL ACRES	A29-04109	40.00	40.00
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POU COUNTY: BANNOCK

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

Y() N()

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

LIST OF ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE

CLAIM NO.	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A29-04109	PECK CREEK	HART, JOHN WILLIAM	0.800	0.020		
A29-00430	HAWKINS CREEK	MARSH CENTER IRRIGATION CO	40.000	0.012		
	HAWKINS CREEK, SOUTH FORK					
A29-04110	SPRINGS	HART, JOHN WILLIAM	0.940	0.036		
A29-04111	SPRING	HART, JENNIE	2.800	0.016		
A29-04302	MARSH CREEK	BASTIAN, LYNN S	6.720	0.018		
A29-10663	SPRINGS	MARSH CENTER IRRIGATION CO	0.330			
	SPRINGS					
A29-10664	SPRINGS	MARSH CENTER IRRIGATION CO	0.330			
	SPRINGS					
	SPRING					
A29-10665	MASON SPRING	MARSH CENTER IRRIGATION CO	0.330			
A29-12058	COLE SPRING	MARSH CENTER IRRIGATION CO	6.680	0.002		
	HEWITT SPRING					
	SHEEP CREEK					

LIST ALL RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION.

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A29-11885	DOMESTIC	CROWDER, GARY	FROM 01-01 TO 12-31	0.040 CFS	
A29-11885	STOCKWATER	CROWDER, GARY	FROM 01-01 TO 12-31	0.020 CFS	
29-11885	DOMESTIC	CROWDER, ESTHER	FROM 01-01 TO 12-31	0.040 CFS	
29-11885	STOCKWATER	CROWDER, ESTHER	FROM 01-01 TO 12-31	0.020 CFS	

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

Y() N()

* IF YES, COMPLETE OVERLAP REVIEW:

OTHER RIGHTS LISTED IN CLAIM: NONE

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

N/A() Y() N()

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

F. CAN THE CLAIMED POU BE VERIFIED USING THE WATER RIGHT FILE AND AVAILABLE AERIAL PHOTOS? N/A() Y() N()

09/11/2003

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

RIGHT NUMBER: 29-4109

NAME AND ADDRESS: MARILYN MIKKELSON
2433 E HAWKINS
DOWNEY ID 83234

JOHN WILLIAM HART
2435 E HAWKINS
DOWNEY ID 83234

SOURCE: PECK CREEK

TRIBUTARY: MARSH CREEK

QUANTITY: 0.700 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 1.2 CFS. COMBINED RIGHT NOS.:
29-04109, 29-04111

PRIORITY DATE: 06/30/1970

POINT OF DIVERSION:
T11S R37E S6 NENW Lot 3 Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.700 CFS

PLACE OF USE: IRRIGATION Within BANNOCK County

T10S R37E S31 Lot 8 SWSW	17.0	T11S R37E S06 Lot 3 NENW	18.0
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35 ACRES TOTAL

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 35 ACRES IN A SINGLE IRRIGATION
SEASON. COMBINED RIGHT NOS.: 29-04109, 29-04111

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: BASIS OF CLAIM - Beneficial Use

IDAHO DEPARTMENT OF WATER RESOURCES 10/15/2001
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

NAME AND ADDRESS: JENNIE HART
2435 E HAWKINS
DOWNEY ID 83234

JOHN WILLIAM HART
2435 E HAWKINS
DOWNEY ID 83234

SOURCE: PECK CREEK

TRIBUTARY: MARSH CREEK

QUANTITY: 0.70 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 1.2 CFS. COMBINED RIGHT NOS.: 29-04109,
29-04111

PRIORITY DATE: 06/30/1970

POINT OF DIVERSION:

T11S R37E S6 NENW Lot 3 Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
04/01 10/31

QUANTITY
0.700 CFS

PLACE OF USE: IRRIGATION Within BANNOCK County

T10S R37E S31 Lot 8 SWSW 17.0 T11S R37E S06 Lot 3 NENW 18.0

35 ACRES TOTAL

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 35 ACRES IN A SINGLE IRRIGATION
SEASON. COMBINED RIGHT NOS.: 29-04109, 29-04111

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: Beneficial Use

JUN 04 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: A29-04109
Date Received: 4/26/1990
Receipt No: E013753
Received By: DC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JENNIE HART 208-897-5743
Address: 2435 E. HAWKINS
DOWNEY, ID 83234

OR

Name: JOHN WILLIAM HART 208-897-5743
Address: 2435 E. HAWKINS
DOWNEY, ID 83234

2. Date of Priority: JUN 30, 1970

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
11S	37E	6	NE	NW			BANNOCK

5. Description of diverting works:
PUMP TO DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.800		

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

8. Total consumptive use is 100.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

7.5 hp

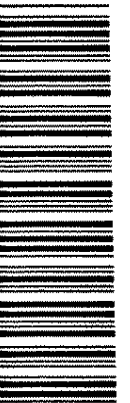
A29-04109

Page 1

Date: 05/22/90

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NOV 13 1992

A2904109



10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
10S	37E	31	SW	SW		IRR	20.0
						Section Acres	20.0
11S	37E	6	NE	NW		IRR	18.0
			NW	NW		IRR	2.0
						Section Acres	20.0
						Total Acres	40.0

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: STATUTORY CLAIM

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: _____