

06/16/2003

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

RIGHT NUMBER: 29-449E

NAME AND ADDRESS: DARTH G WEST
8117 W BUCKSKIN RD
POCATELLO ID 83201

MICHELE WEST
8117 W BUCKSKIN RD
POCATELLO ID 83201

SOURCE: SPRINGS

TRIBUTARY: SOUTH FORK POCATELLO
CREEK

QUANTITY: 0.100 CFS

USE OF THIS RIGHT WITH RIGHT NO. 29-00448H IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 0.015 CFS.

PRIORITY DATE: 05/31/1887

POINT OF DIVERSION:

T06S R.5E S29 NENENE 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	0.100 CFS
STOCKWATER	01/01 12/31	0.020 CFS

PLACE OF USE: IRRIGATION Within BANNOCK County

T06S R35E S20 SESE 2.0 T06S R35E S29 NENE 3.0

STOCKWATER same as IRRIGATION

5 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 29-00448H IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 5.0 ACRES IN A SINGLE
IRRIGATION SEASON.

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

This partial decree is subject to such general provisions necessary for
the definition of the rights or for the efficient administration of the water
rights as may be ultimately determined by the Court at a point in time no
later than the entry of a final unified decree. Section 42-1412(6), Idaho
Code.

EXPLANATORY MATERIAL: Decreed

Stockwater use is for 5 horses.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-449E V1

WATER RIGHT NUMBER: 29-449E V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DARTH G WEST 8117 W BUCKSKIN RD POCATELLO, ID 83201 (208)233-3800
Current Owner	MICHELE WEST 8117 W BUCKSKIN RD POCATELLO, ID 83201 (208)233-3800

Priority Date: 05/31/1887

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
SPRINGS	SOUTH FORK POCATELLO CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	0.100 CFS	
STOCKWATER	01/01 to 12/31	0.020 CFS	
<u>Total Diversion:</u>		0.100 CFS	

Location of Point(s) of Diversion

SPRINGS	NE1/4NE1/4NE1/4	Sec. 29, Twp 06S, Rge .5E, B.M.
BANNOCK County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S	35E	20																2.0	2.0
06S	35E	29	3.0																3.0

Total Acres: 5

STOCKWATER 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. X02 Stockwater use is for 5 horses.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-449E V1

1. Quantity USE OF THIS RIGHT WITH RIGHT NO. 29-00448H IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.015 CFS.
2. Place of Use - Irrigation USE OF THIS RIGHT WITH RIGHT NO. 29-00448H IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 5.0 ACRES IN A SINGLE IRRIGATION SEASON.

Comments:

1. csaxton 6/16/2003 POD

Comment: POD not defined in decree. No C03.

2. csaxton 6/16/2003 Priority Date

Comment: Decreed as superior to all other rights. Priority recommended as 1 day prior to the earliest right mentioned in the Decree.

Documentation of Ownership of the Current Place of Use

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?

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:

Owner Name Connector: OR

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	6/16/2003 11:18:56 AM	csaxton			Active
Contacts	6/16/2003 11:22:49 AM	csaxton			Active
Priority Date	6/16/2003 11:23:12 AM	csaxton			Active
POD	6/16/2003 11:24:56 AM	csaxton			Active
Source	6/16/2003 11:25:14 AM	csaxton			Active
POU	6/16/2003 11:25:25 AM	csaxton			Active
Use	6/16/2003 11:26:21 AM	csaxton			Active
Season	6/16/2003 11:26:39 AM	csaxton			Active
Quantity	6/16/2003 11:27:29 AM	csaxton			Active

IDAHO DEPARTMENT OF WATER RESOURCES

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Summary	06/16/2003	csaxton	Active
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Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POU	6/16/2003 11:25:50 AM	csaxton	Edited shape boundary
Summary	6/16/2003 11:29:09 AM	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? (Yes) 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?
Contacts	6/16/2003 11:18:56 AM	csaxton	(No) 1. Do you want to schedule an appointment? Comment for 1: FE 5/6/03
Contacts	6/16/2003 11:22:48 AM	csaxton	(No) 1. Do you want to schedule an appointment? Comment for 1: FE 5/6/03
POD	6/16/2003 11:24:31 AM	csaxton	Edited point location
POD	6/16/2003 11:24:55 AM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (No) 4. Does the Decree or License have a POD? (No) 6. Is there evidence that there has been a change in the POD? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?
Source	6/16/2003 11:25:13 AM	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?
Priority Date	6/16/2003 11:23:11 AM	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?

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POU	6/16/2003 11:25:24 AM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (Yes) 6. Can the claimed POU be verified using the water right file? (No) 14. Is a POU remark and/or condition required?
Use	6/16/2003 11:26:20 AM	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?
Season	6/16/2003 11:26:39 AM	csaxton	(Yes) 1. Is the basis of claim Decree or License? (No) 4. Does the Decree or License have a Period of Use? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?
Quantity	6/16/2003 11:27:28 AM	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? (No) 8. Does the parent right have an annual diversion volume limit? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (Yes) 12. Is a Quantity remark or condition required?

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

RECEIVED

JUN 02 2003

WATER RESOURCES
WESTERN REGION

Ident. Number
Date Received:
Receipt No:
Received By:

29-00449E
6-2-03
W030528
CS

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

DARTH G WEST Phone: (208)233-3800

8117 W BUCKSKIN RD
POCATELLO ID USA 83201

MICHELE WEST Phone: (208)233-3800

8117 W BUCKSKIN RD
POCATELLO ID USA 83201

2. Date of Priority: 05/31/1887

3. Source: SPRINGS Trib. to: SOUTH FORK OF POCATELLO CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
06S	35E	29	NE NE NE	BANNOCK	

5. Description of diverting works:

Headgate in stream to ditch. Relift pump in ditch to sprinklers.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	10/31	0.1	
STOCKWATER	01/01	12/31	0.02	

7. Total Quantity Appropriated is:

0.1 C.F.S. and/or 12.5 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

Number of other uses: Stockwater, 5 horses

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
06S	35E	20	SE	SE	IRRIGATION	2
					Section Acres	2
06S	35E	29	NE	NE	IRRIGATION	3
					Section Acres	3
					Total Acres	5

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:

29-00448H

14. Remarks:

Priority listed as "superior to rights of all other parties". Claimant owns portion of Place of Use that this right covered. His diversion of the source is now taken directly from the stream that the springs are tributary to.

15. Basis of Claim: Decreed

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): David R. Shust Date: 5/28/03
Michele West Date: 5-29-03

State of Idaho)
County of Bannock) SS.

Subscribed and sworn (or affirmed) before me this 28

of MAY 2003

Bernice Cook

Notary Public

Residing at Bannock

My commission Expires 8-14-04

