

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-603A V1

WATER RIGHT NUMBER: 29-603A V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	US DEPT OF INTERIOR BUREAU OF INDIAN AFFAIRS 911 NE 11TH AVE PORTLAND, OR 97232
Current Owner	TODD GILBERT PO BOX 302 INKOM, ID 83245 (208)775-3698
Current Owner	JANINE GILBERT PO BOX 302 INKOM, ID 83245 (208)775-3698

Priority Date: 05/31/1908

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
INDIAN CREEK	~~SINKS~~ Portneuf River

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	~~0.13~~ CFS ~~0.13~~ 0.14	
	<u>Total Diversion:</u>	~~0.13~~ CFS ~~0.13~~ 0.14	

Location of Point(s) of Diversion

INDIAN CREEK	~~SE 1/4 NW 1/4 NW 1/4~~	Sec. 28,	Twp 07S,	Rge 36E, B.M.	
BANNOCK County	SW SW	21	75	36E	Injection
	NW SW	21	75	36E	Re-diversion
<u>Place of Use</u>	SW SW	21	75	36E	POD
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	
07S	36E	20													.5		.5	13.0	14.0 ✓
07S	36E	21													1.0				1.0 ✓

Total Acres: 15 ✓

Conditions 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.

Remarks:

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Comments:

1. csaxton 12/10/2002 POD
Comment: ~~USGS quad shows that natural stream channel of Indian Creek stops on Wells property. Historically the POD went to Portneuf river. Recommend POD on Wells property for all users for rights downstream of wells property, or north of Portneuf RD.~~ *Decree doesn't define POD*
- ✓ 2. csaxton 12/10/2002 Diversion Rate
Comment: See Excel analysis spreadsheet in file and memorandum.
- ✓ 3. csaxton 12/10/2002 Priority Date
Comment: PRIORITY DATE NOT GIVEN IN DECREE, BUT RT. 29-0603 IS SUPERIOR & PRIOR TO DEFENDANTS RTS. 29-0606 THRU 29-0610. (One day prior to priority for 29-00606 thru 29-00610 csaxton)
4. csaxton 12/10/2002 Source
Comment: Source claimed as Portneuf river. Decreed as Indian Creek. Recommend as Indian Creek. No accomplished change in source. *Point of Injection and Rediversion*
- ✓ 5. csaxton 12/10/2002 Water Ownership
Comment: Statement from Jacke Karlson states that Todd Gilbert has right to this water.
6. csaxton 12/10/2002 POU
Comment: 1 acre of claimed POU is not part of allotment 17 or 14, but was most likely irrigated under this right. 1 acre of the 15 claimed/recommended is included w/o C05, but was not considered during CFS calculation because it is not in the decreed POU.

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: 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	12/10/2002 10:11:22 AM	csaxton			Active
Priority Date	12/10/2002 10:17:20 AM	csaxton			Active
POD	12/10/2002 10:18:19 AM	csaxton			Active
Source	12/10/2002 10:27:24 AM	csaxton			Active
POU	12/10/2002 10:29:44 AM	csaxton			Active
Use	12/10/2002 10:36:24 AM	csaxton			Active
Season	12/10/2002 10:37:26 AM	csaxton			Active