

11/15/2006

**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:

Water right number: 1-319B

LOIS L POND
3546 W 6800 S
REXBURG ID 83440
Telephone Number: (208)356-6678

GAYLEN POND
3546 W 6800 S
REXBURG ID 83440
Telephone Number: (208)356-6678

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

see form of Lois Pond

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: 11-28-06 SIGNATURE: *Gaylen S. Pond*
Please print your name: Gaylen S. Pond

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

*KMT
12/5*

12/08/2006

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

RIGHT NUMBER: 1-319B
NAME AND ADDRESS: LOIS L POND
3546 W 6800 S
REXBURG ID 83440

GAYLEN POND
3546 W 6800 S
REXBURG ID 83440

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER
QUANTITY: 1.075 CFS
PRIORITY DATE: 04/01/1939
POINT OF DIVERSION:

T05N R39E S35 SESENW Within MADISON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	1.075 CFS

PLACE OF USE: IRRIGATION in MADISON County

T05N R39E S27	SWNE	30.50	T05N R39E S27	SENE	26.00
T05N R39E S27	NESE	4.50			

61 ACRES TOTAL

Right Nos. 1-319B and 1-37A are limited to the irrigation of a combined total of 61 acres in a single irrigation season.

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

The delivery of water to this right may be subject to procedures described in the United States Bureau of Reclamation "space holder" contracts and the Burley Irrigation Dist. v. Eagle, Supplemental Decree (Idaho 5th Jud. Dist., July 10, 1968) and Aberdeen-Springfield Canal Co. v. Eagle, Supplemental Decree (Idaho 7th Jud. Dist., March 12, 1969) together with the natural-flow and storage deliveries as calculated by the Idaho Department of Water Resources.

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 - Decreed

Water is delivered through Bannock Jim Canal to Nelson Corey Canal.

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.



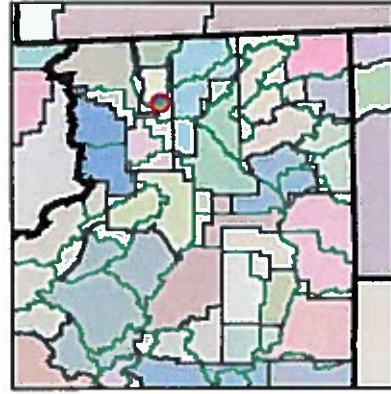
Idaho Department of Water Resources

SRBA Recommendation:

1-37A
1-319B

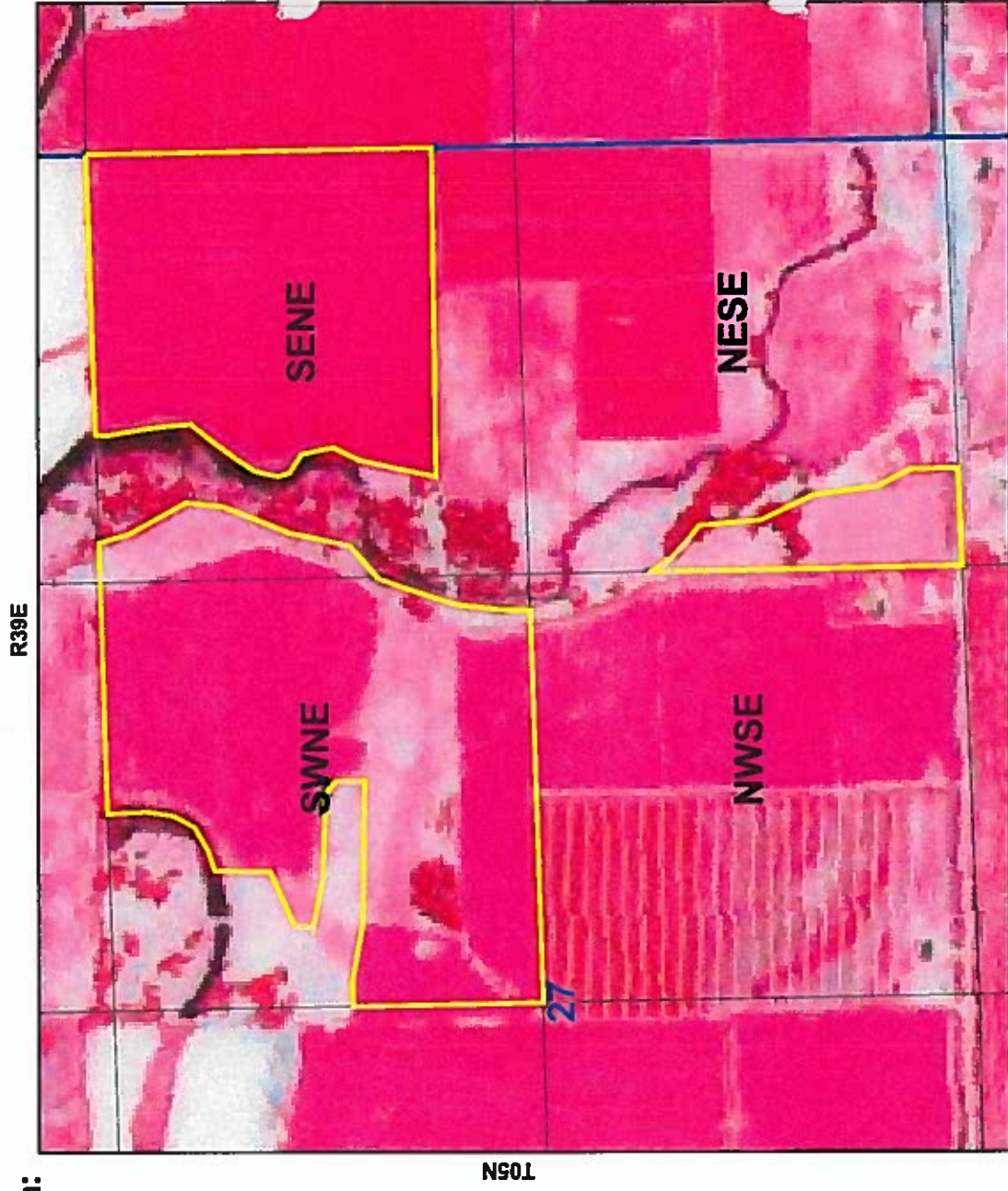
Legend

	Place of Use
	Townships
	PLS Sections
	Quarter Quarters



Madison County
IDWR Basin 1

Prepared by A. Golar
On Friday, December 8, 2006
1987/88 Aerial Photography



$$\frac{5. \text{ cfs}}{220 \text{ irrigated}} = 0.02272 \text{ * 61 acres} = 1.3864 \text{ cfs}$$

decreeed acres

1.075 claimed
✓

Sections 1, 4, 5, 6, 7, 8, 9, 10, 12, 14, 15, 16, 17, 18
20, 21, 22, 23, 26, 27 and 28, Township 5 North, Range 39 E.B.M.
Madison County, Idaho.

U. LONG ISLAND IRRIGATION CO.

That Long Island Irrigation Co. shall have the right to divert ^{1 0317}
and use 35.0 cubic feet of water per second at the following point
of diversion and upon the following described lands:

Point of Diversion

Northeast Quarter of the Southwest Quarter of Section 10,
Township 4 North, Range 39 E.B.M.

Lands to Which Appurtenant

Sections 31, 32 and 33, Township 5 North, Range 39 E.B.M.

Sections 31, 32, 33, 34, 35 and 36, Township 5 North, Range 38 E.B.M.

Sections 2, 3, 4, 5 and 6, Township 4 North, Range 38 E.B.M.

Sections 35 and 36 Township 5 North, Range 37 E.B.M.

Sections 26, 27, 28, 29 and 30, Township 5 North, Range 38 E.B.M.

Section 2 Township 4 North, Range 37 E.B.M.

Sections 12, 13, 14, 23, 24, 25 and 26, Township 5 North
Range 37 E.B.M.

Section 18, 19, 20, 21, 22 and 23, Township 5 North Range 38 E.B.M.

All in Jefferson County, Idaho;

V. ROBERT D. MACKAY

1 0318 ✓

That Robert D. Mackay shall have the right to divert and use
4.0 cubic feet of water per second at the following point of
diversion and upon the following described lands:

Point of Diversion

Southwest Quarter of Section 23, Township 4 North, Range 40 E.B.M.

Lands to Which Appurtenant

Lot 3, SW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 36, and Lot 4, Section 35,
all in Township 4 North, Range 37 E.B.M. Jefferson County, Idaho

W. JOHN L. NELSON. ADRIAN NELSON. ERVEN
SCOTT. VELMA ANDERSON and LAURA ANDERSON

1 0319

MAY 13 1996

That John L. Nelson, Adrian Nelson, Erven Scott, Velma Anderson and Laura Anderson, shall have the right to divert and use 5.0 cubic feet of water per second at the following point of diversion and upon the following described lands:

Point of Diversion

Southwest Quarter of the Northwest Quarter of Section 35, Township 5 North, Range 39 E.B.M.

Lands to Which Appurtenant

Commencing at the Northwest corner of the Southwest Quarter of the Northwest Quarter of Section 27, Township 5 North, Range 39 E.B.M., in Madison County, Idaho, and running thence East 160 rods; thence South 51 rods; thence West bearing slightly North 97.1 rods, to a point 63 rods East of the West line of said Section; thence South 69.7 rods; thence West 63 rods; thence North 117 rods to the place of beginning, excepting therefrom the O.S.L. Railroad and the State Highway rights-of-way.

Also all of Lots 3 and 4 of Section 28, Township 5 North, Range 39 E.B.M., in Madison County, Idaho.

Also, the Northeast Quarter of the Northeast Quarter, the South Half of the Northeast Quarter, and the Northwest Quarter of the Southeast Quarter of Section 27, Township 5 North, Range 39 East, Boise Meridian, in Madison County, Idaho.

Also, commencing at a point 24 rods South of the Northwest corner of the Northeast Quarter of the Southeast Quarter of Section 27, Township 5 North, Range 39 East Boise Meridian, in Madison County, Idaho, and running thence South 56 rods thence East 44 rods; thence following the meanderings of Bannock Jim Slough in a Northwestly direction to the place of beginning, containing $6\frac{1}{2}$ acres more or less.

All in Madison County, Idaho.

X. NEW SWEDEN IRRIGATION DISTRICT 1 0320

That New Sweden Irrigation District shall have the right to divert and use 220.0 cubic feet of water per second at the following point of diversion and upon the following described lands:

Point of Diversion

Southwest Quarter of the Southwest Quarter of Section 12, Township 3 North, Range 37 E.B.M., and in the Southwest Quarter of the Southwest Quarter of Section 1, Township 2 North, Range 37 E.B.M.

Lands to Which Appurtenant

MAY 13 1956

AUG 22 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: A01-00319B

Date Received: 6/24/1988

Receipt No: 6000507

Received By: ESJ

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: LOIS POND 208-356-6678
Address: 3546 W. 6800 S.
REXBURG, ID 83440

AND/OR

Name: GAYLEN POND 208-356-6678
Address: 3546 W. 6800 S.
REXBURG, ID 83440

A0100319B



2. Date of Priority: APR 01, 1939

3. Source: SNAKE RIVER, SOUTH FORK Trib. to: COLUMBIA RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05N	39E	35	SE	SE	NW		MADISON

5. Description of diverting works:
HEADWORKS OF BANNOCK JIM SLOUGH T NELSON/CORY DITCH.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.075		

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

8. Total consumptive use is 152.5 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
05N	39E	27	SW		NE		IRR	30.0
			SE		NE		IRR	22.0
			NE		SE		IRR	3.0
			NW		SE		IRR	6.0
							Section Acres	61.0
							Total Acres	61.0

11. Place of use in counties: MADISON

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
01-00037A

14. Remarks:
THIS CLAIM RECORDS CURRENT OWNERSHIP & POU FOR THIS RIGHT.

15. Basis of Claim: DECREED
Water Right Number:
Case Number:
Court :
Decree date: 3/12/1969

ABERDEEN SPRINGFIELD ET. AL.
Decree Plaintiff

vs

HENRY EAGLE
Decree 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: 1

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): Luis L. Pond Date: June 24, 1988

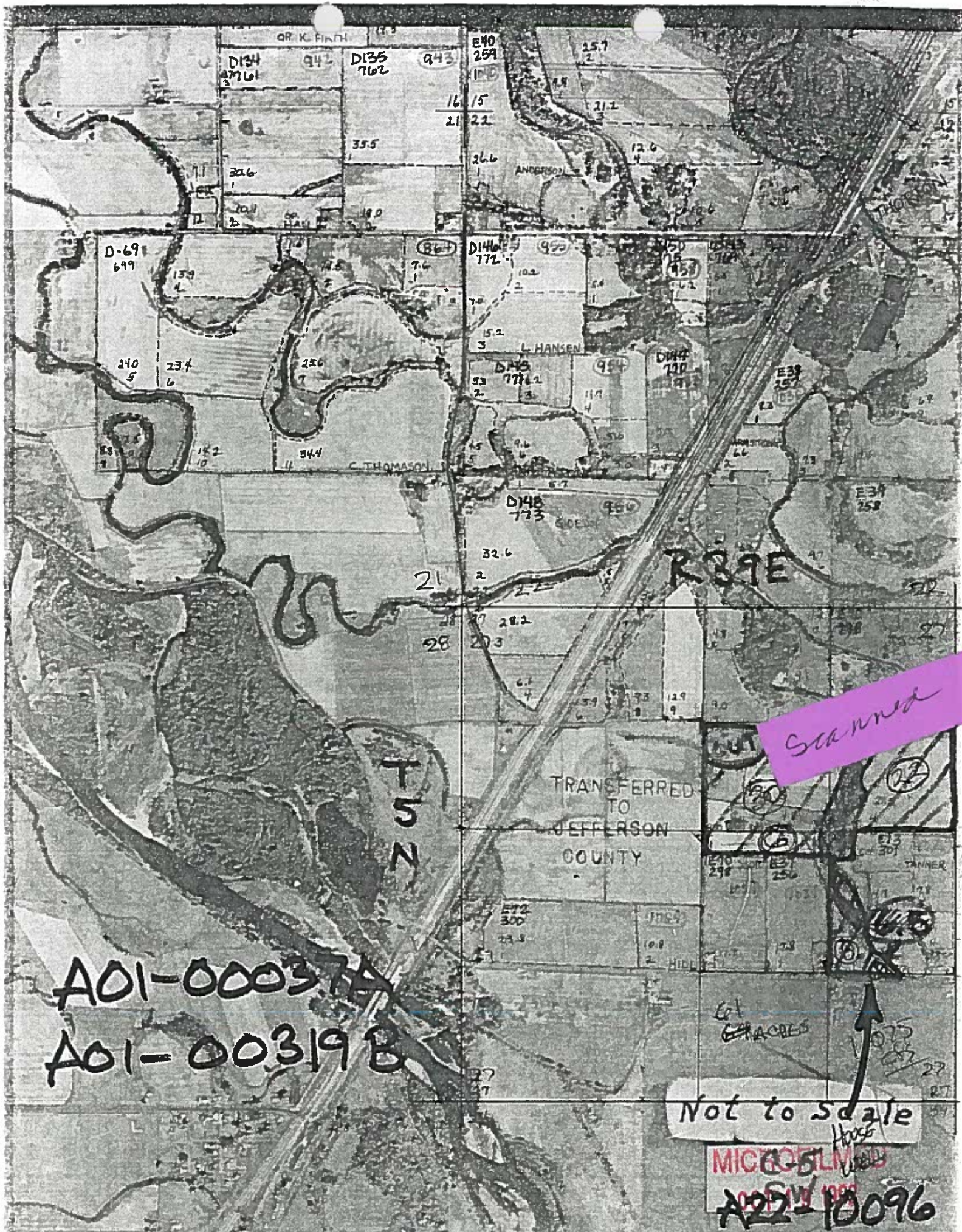
Date: _____

State of Idaho)
County of Blaineville) SS.

Subscribed and sworn (or affirmed) before me this 24th day
of June 19 88 William Wray
Notary Public

Seal

Residing at Dr. L. L. Ladd
My Commission Expires 5/29/1991



OR. K. FIAH

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761

943

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E40
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257

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ANDERSON

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C. THOMASON

(R6-1)

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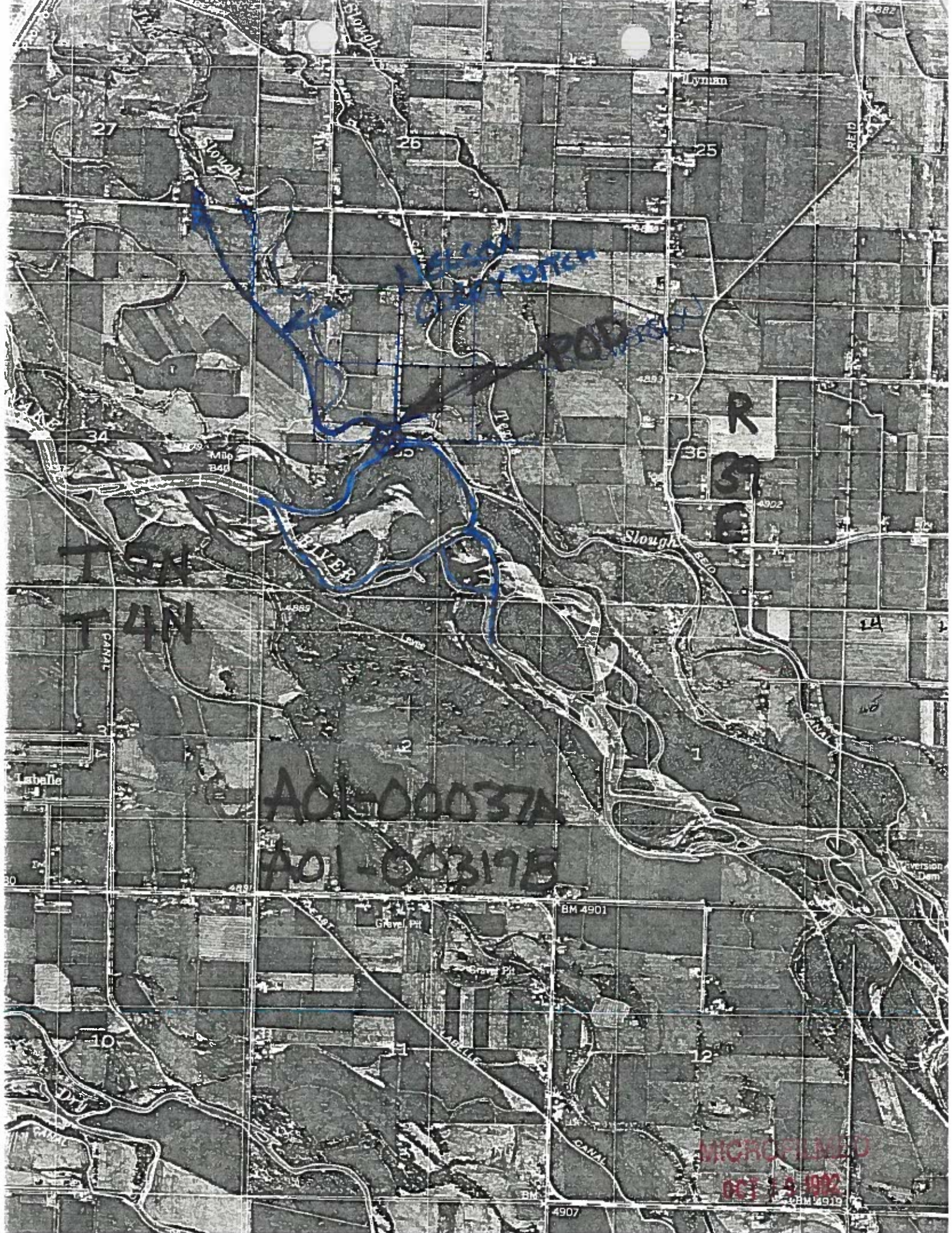
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TRANSFERRED
TO
JEFFERSON
COUNTY

Not to scale

MICROFILMED

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REID

NELSON CREEK DITCH

POD

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OCT 19 1982

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