

02/04/2003

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

RIGHT NUMBER: 29-195C

NAME AND ADDRESS: ROSE F PRIESTLY
435 S 7TH
POCATELLO ID 83201

SOURCE: HARKNESS CREEK

TRIBUTARY: PORTNEUF RIVER

QUANTITY: 0.610 CFS

PRIORITY DATE: 06/17/1902

POINT OF DIVERSION:

T09S R36E S1 SENESE Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 09/15	0.610 CFS
THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS APRIL 1 AND MAY CONTINUE TO AS LATE AS OCTOBER 31, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 15 AND AFTER SEPTEMBER 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.		

PLACE OF USE: IRRIGATION Within BANNOCK County

T09S R36E S01	SESE	3.7	T09S R36E S12	NENE	31.5
T09S R36E S12 Lot 1 NWNE		0.5	T09S R36E S12 Lot 2 SENE		2.3
T09S R37E S07 Lot 1 NWNW		0.5			

38.5 ACRES TOTAL

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

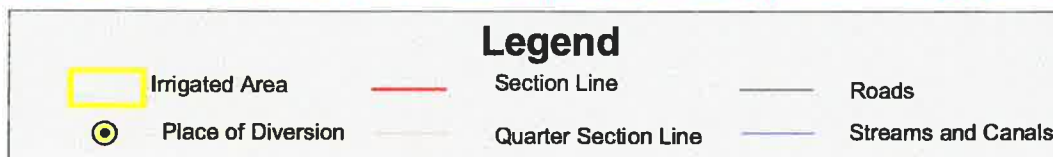
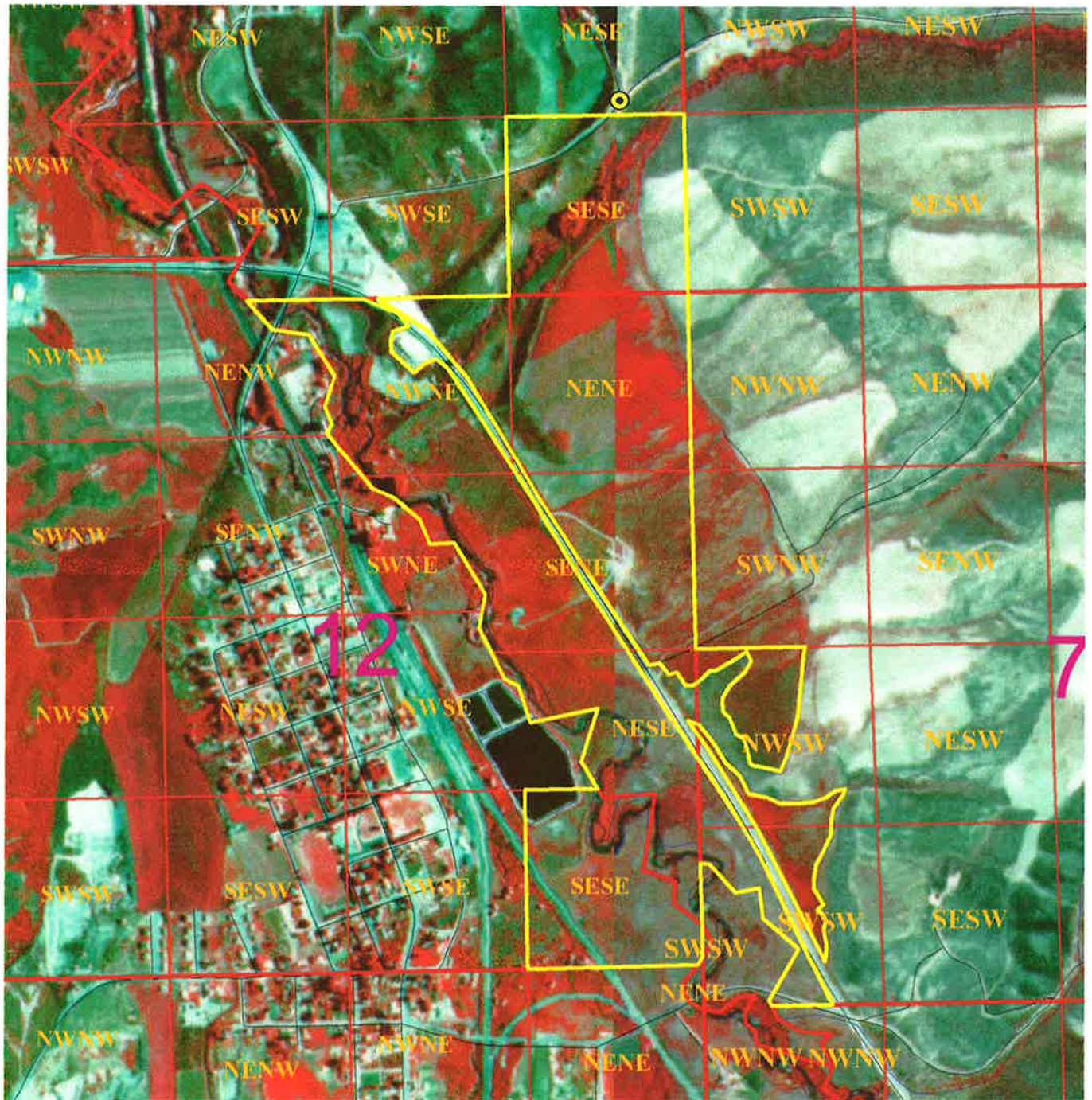
RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
PURSUANT TO SECTION 42-1425, IDAHO CODE.

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT
TO SECTION 42-1425, IDAHO CODE.

Water Right Claim Number A29-00195C

08/08/2000

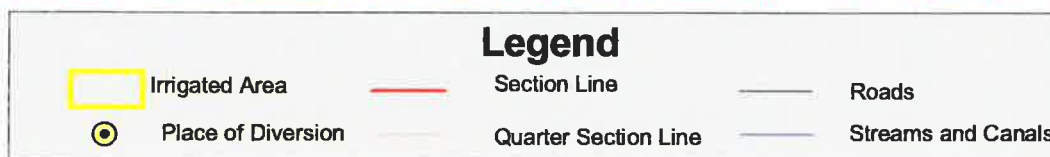
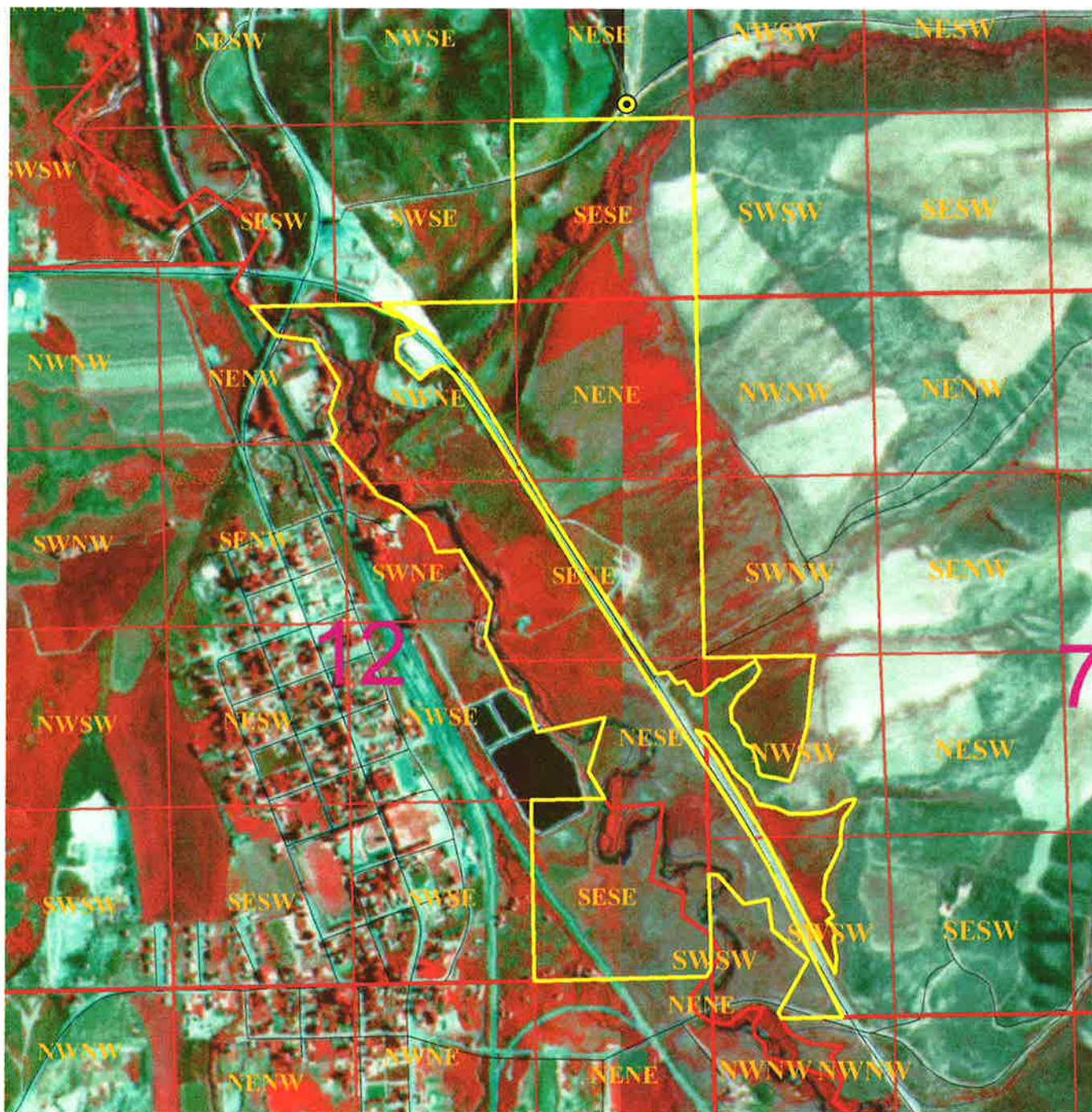
Townships , 9S37E, 9S36E



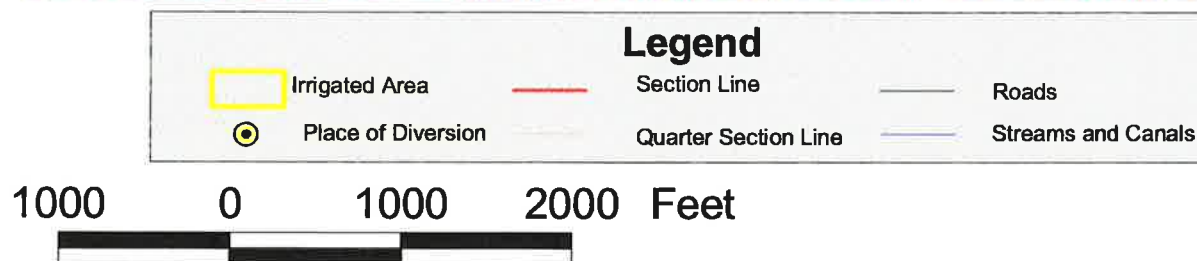
Water Right Claim Number A29-00195C

08/08/2000

Townships , 9S37E, 9S36E



08/08/2000

[illegible]



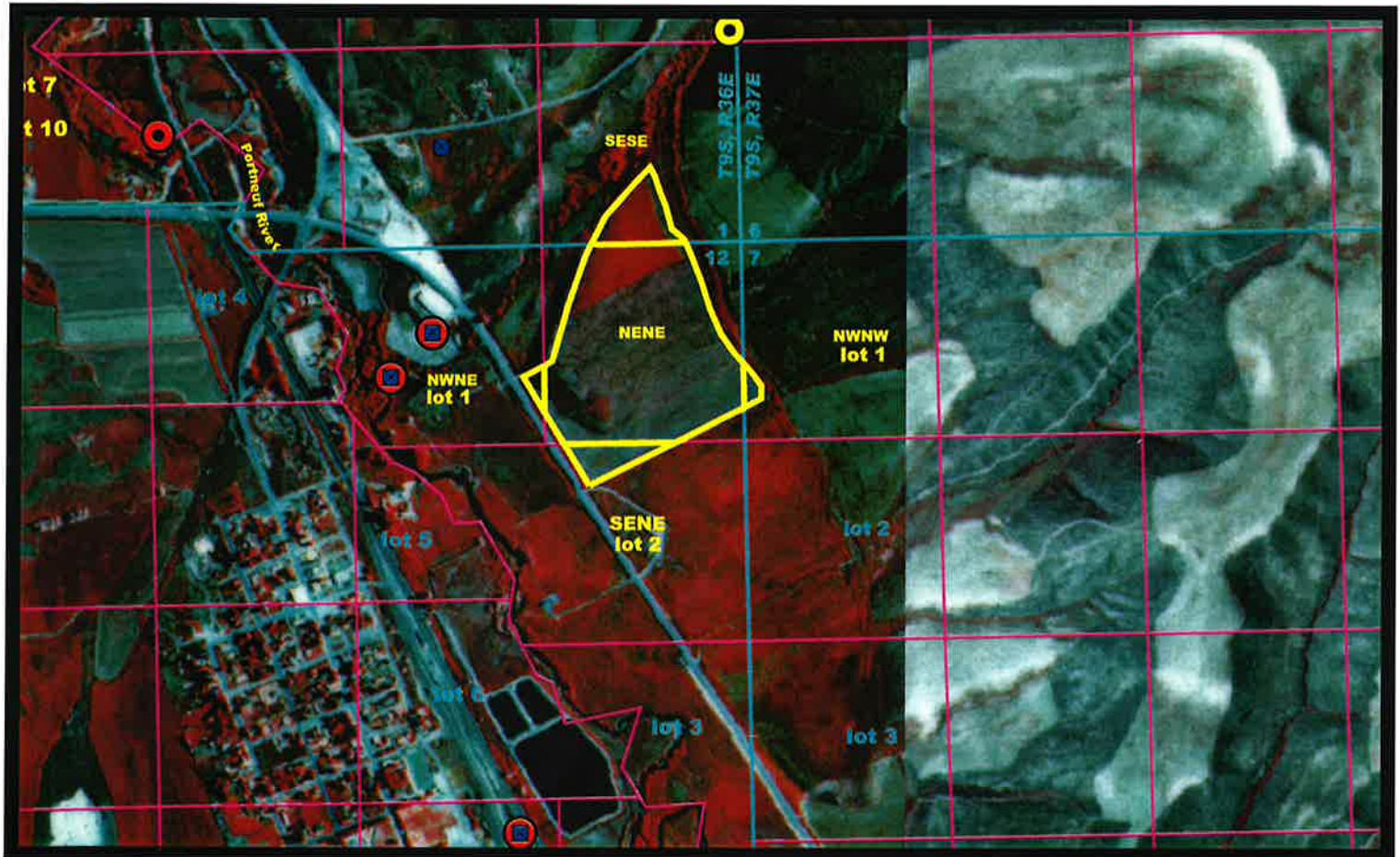
STATE OF IDAHO

Department of Water Resources

Eastern Region



WATER RIGHT(S): 29-00195C

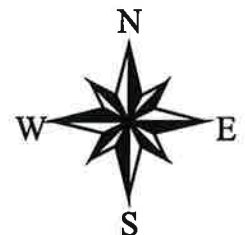


LEGEND

-  **Place of Use**
-  **Section**
-  **Quarter-Quarter**
-  **Point of Diversion**

Place of Use: (parts of)
T9S, R36E Sec. 1 SESE,
Sec. 12 NENE, NWNE (L1), SENE(L2),
T9S, R37E Sec. 7 NWNW (L1)

Point(s) of Diversion: T9S, R36E
Sec. 1 SENESE



GIS Place of Use Illustration
1987/1988 NAPP photography
Prepared by: A. Ruberry
Date: March 2002

Water Right Number - 29-00195

Prefix Translation: WATER RIGHT

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***
HANSEN

LEO

1 -

2 -

3 -

City-

State-

Zip-

Phone -

HANSEN

REUBEN

1 -

2 -

3 -

City-

State-

Zip-

Phone -

LILIENQUIST

NEPHI

1 -

2 -

3 -

City-

State-

Zip-

Phone -

HAWKS

H.

1 -

2 -

3 -

City-

State-

Zip-

Phone -

HOWELL

J. W.

1 -

2 -

3 -

City-

State-

Zip-

Phone -

+ - - Priority Date - - +
06/17/1902+ - - Region - - - +
15 EASTERN+ - - Stage - - - +
D - DECREED

+ - - Status - - - +

+ - - - - Source - - - - - +
HARKNESS CREEK+ - - - - Tributary - - - - - +
PORTNEUF RIVER

Tw	Rng	Sec	Tract	Lot	RFlg	County	Point of Diversion	Diversion Name	Diversion Rate	Diversion No.
09S	36E	1	NE SE			(5)	BANNOCK			

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
01 - IRRIGATION		04/15	09/15	2.020	

Total Div. Rate - +	Total Div. Volume - +	Total Div. Capacity - +	Total Consumptive Use - +	KW Usage - +
2.020			0.0	

Tw	Rng	Sec	Tract	Lot	Acres	Code	Description	County
09S	36E	1	SW SE			01	IRRIGATION	(5) BANNOCK

Prefix Translation: WATER RIGHT

Proof Due Date	- 00/00/0000	Field Exam Made	- 00/00/0000	Field Exam Fee	-
Approved/Denied	- 00/00/0000	Protested Date	- 00/00/0000	Swan Falls	-
Proof Made Date	- 00/00/0000	Hearing Date	- 00/00/0000	Temporary Right	- P
Exam to S.O. Date	- 00/00/0000	Verified Date	- 06/18/1985	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	- 29
Licensed Date	- 00/00/0000	Appl Received	- 00/00/0000	Transfer/Amended	-
Presumption Flag	-	Name Connector	-	POU Ownership Flag	-
SRBA Decreed Flag	-				

29-195 UG. 15 vs McCann Canal Sd - History

29-195	2.02 cfs	276 ac (when Decree w/ 29-194)		
29-195A	<u>cfs</u> <u>Disallowed</u>	<u>Ac (GTS)</u> <u>Reason</u>	<u>Claimed Ac</u> <u>8^e</u>	H. Ures
29-195C	0.61	38.5	86 ^e	R. Priestly
29-195D	0.05	2.7 ✓	15 ^e	S. Lockyer
29-195E	0.12	7.5 ✓	5 ^e	R & S Lockyer
29-195G	0.85	53.2	53.3	H. Ures
29-195H	<u>0.39</u>	<u>24.6</u> ✓	<u>29^e</u>	S. Lockyer
	2.02 cfs	126.5 ac	196 ^e	

Sφ8

$$2.02 \text{ cfs} / 126.5 \text{ ac} = 0.0159 \text{ cfs/ac} \Rightarrow 0.016 \text{ cfs } C\phi 5$$

276 ACRES DECREE (w/ 29-194 & 195) - 126.5 ac (GTS) = 149.5
 ∴ 149.5 ac ABANDONED from 29-194.

NOTE: SEE DECREE EXCERPT (UNION GRAM ... CIRCA 1932 AS AMENDED) AND COPY ATTACHED.

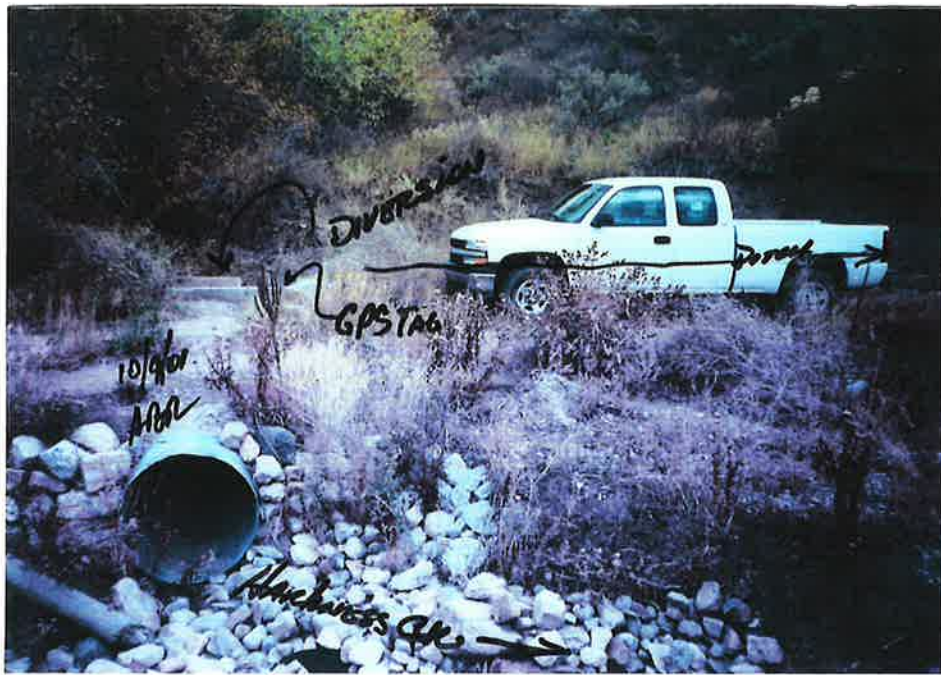
THE DECREE RECOGNIZES 29-194 AND 29-195 AS BENVA USED TOGETHER FOR A TOTAL Q OF 5² cfs, SERVING TAL OF 276. AT THIS RATE THE DIV. RATE PER ACRE IS THEN 0.02 cfs/ac, - AS SPECIFIED BY DECREE.

APPARENTLY, 29-194 (CRYSTAL SPRINGS RIGHT) IS NO MORE BROUGHT OVER THE MOUNTAIN DIVIDE INTO HARKNES CREEK DRAINAGE. NO SRBA CLAIM HAS BEEN FILED. Cφ3

NOW, THEREFORE, SINCE THESE TWO RIGHTS WERE USED AT 0.02 cfs/ac (TOGETHER). BUT, THE 35 cfs OF 29-194 IS NOT CLAIMED: 29-195 WILL NOT BE CONSIDERED AT 0.02 cfs/ac (AS SPECIFIED BY DECREE), RATHER IT WILL BE CONSIDERED AS 2.02 cfs ON THE 126.5 ac (AS PER GTS ROW) AT 0.016 cfs/ac. THIS RIGHT IS OBVIOUSLY TROUBLESOME.



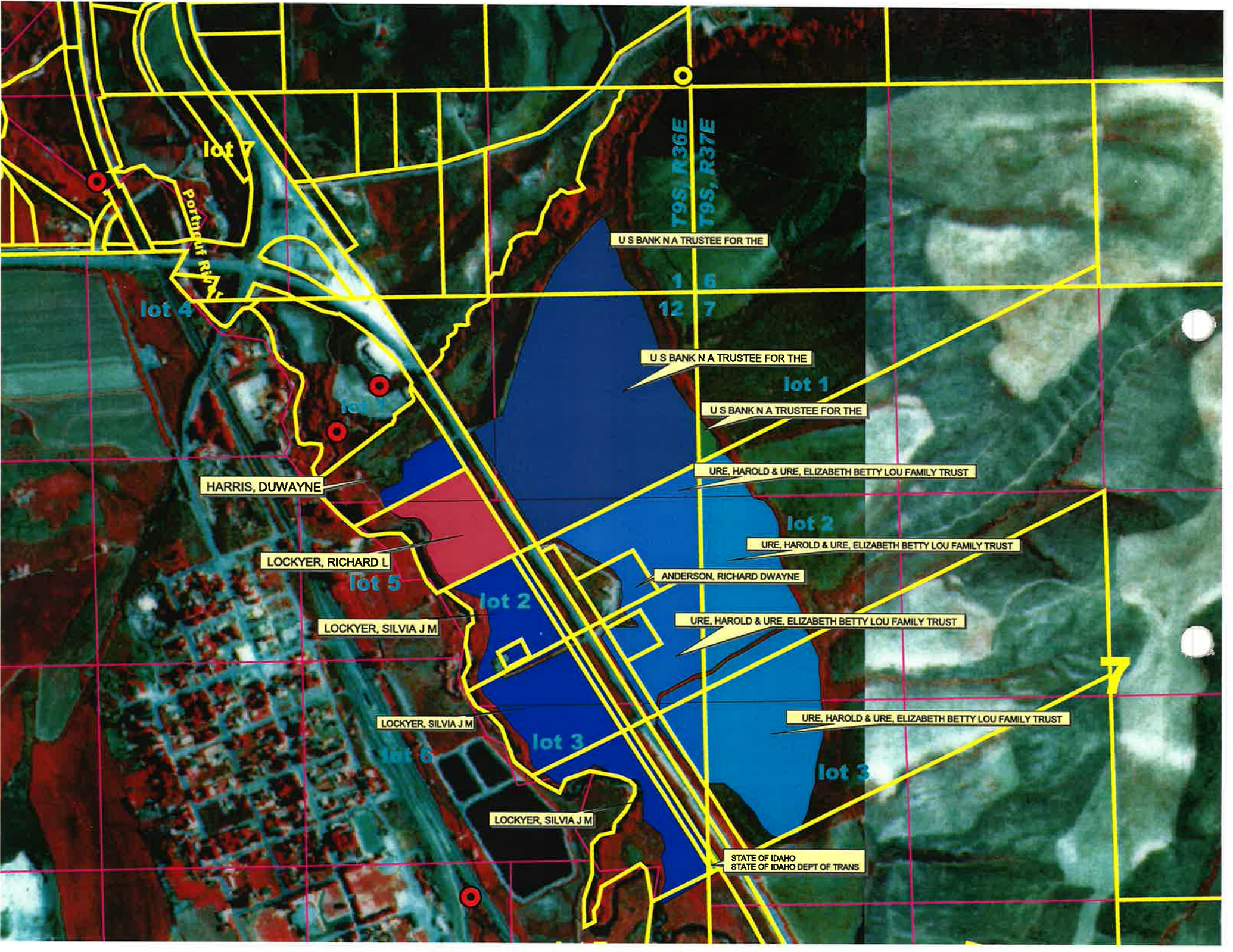
29-195 C,D,E,G,H. POINT OF DIVERSION



CHILVERT SHOWN ALLOWS HARRNESS CREEK TO FLOW ON TO THE
PORTNEUF RIVER. THIS CHILVERT IS GATED AND WHEN USED
CAUSES WATER TO FLOW DOWN A LARGE DITCH FOR DISTRIBUTION
TO CLAIMS REFERENCED ABOVE. DITCH FLOWS SOUTHERLY.

PROFILED

SCANNED
JUL 12 2005



lot 7

lot 4

lot 1

HARRIS, DUWAYNE

LOCKYER, RICHARD L

lot 5

LOCKYER, SILVIA J M

lot 2

LOCKYER, SILVIA J M

lot 6

lot 3

LOCKYER, SILVIA J M

T9S, R36E
T9S, R37E

U S BANK N A TRUSTEE FOR THE

1 6
12 7

U S BANK N A TRUSTEE FOR THE

lot 1

U S BANK N A TRUSTEE FOR THE

URE, HAROLD & URE, ELIZABETH BETTY LOU FAMILY TRUST

lot 2

URE, HAROLD & URE, ELIZABETH BETTY LOU FAMILY TRUST

ANDERSON, RICHARD DWAYNE

URE, HAROLD & URE, ELIZABETH BETTY LOU FAMILY TRUST

URE, HAROLD & URE, ELIZABETH BETTY LOU FAMILY TRUST

lot 3

STATE OF IDAHO
STATE OF IDAHO DEPT OF TRANS



R. Priestly
29-00195C

T9S, R36E
T9S, R37E

SESE

NENE
31.4

NWNW
lot 1

lot 2

SENE
lot 2

lot 3

NWNE
lot 1

lot 5

lot 6

Portneuf River



38

7

12 7
T9S, R37E
T9S, R36E

SESE

3.7

NENE
31.4

2.3

lot 2
SENE

lot 1
NWNE
0.5

lot 5

lot 3

lot 6

lot 7

lot 4

12

lot 2

lot 3

lot 7



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

June 7, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

ROSE F PRIESTLY
26129 FRAMPTON AVE APT C
HARBOR CITY CA 90710-3486

29 - 195C

RE: CHANGE OF ADDRESS

Dear Ms. Priestly:

It has come to our attention that your address may have recently changed. The address currently recorded on the above referenced water right(s) is as follows:

Rose F Priestly
435 S 7th
Pocatello ID 83201

We recommend if, in fact, the address in question has been changed, you file a "Change in Address" with this department in order that we may send all further correspondence to the appropriate address.

Enclosed is a Change in Address form. Please fill out the form completely, sign and date it and return it to my attention.

If you have any questions regarding this matter, please call 525-7161.

Respectfully submitted,

Cheri Vandermeulen

Cheri Vandermeulen
Records Clerk

Enclosure(s)

SCANNED

JUL 12 2005

PROFILE

SCANNED
JUL 12 2005

WEST BOB SMITH CREEK, TRIBUTARY TO THE PORTNEUF RIVER

HARKNESS DITCH, diverts in the Southwest quarter of the Southwest quarter, Section 3, Township 9 South, Range 37 East. From the Southwest corner of Section 3, the point of diversion bears North 9 degrees and 5 minutes East, 810 feet.

POD NESE Sec. 1 T. 9 S. R. 36 E.

The second point of diversion of Harkness Ditch is from Harkness Creek. This ditch diverts from Harkness Creek in the Northeast quarter of the Southeast quarter, Section 1, Township 9 South, Range 36 East. From the Southeast corner of Section 1, the point of diversion bears North 5 degrees West, 1500 feet.

141. 1 p.m.

9-0194 1902 June 17 3.5 c.f.s.
of the waters of
Crystal Springs

CRYSTAL SPRINGS. the same being the headwater of West Bob Smith Creek.

1-0195 1902 June 17 (noon)
2.02 c.f.s.
of the waters of
Harkness Creek.

For the irrigation of 276 acres of land described as follows:

$$\begin{array}{r} 3.5 \\ 2.02 \\ \hline 5.52 \text{ cfs} \end{array} \quad \begin{array}{r} 5.52 \\ 276 \\ \hline = 0.02 \text{ cfs/acre} \end{array}$$

HANSEN, LEO

POD: S²SE Sec. 1 95365
L1, NENE Sec. 12

L1 Sec. 7 95378

HANSEN, REUBEN

L1 Sec. 7 95378
NENE, L1, L2 Sec. 12 95365

LILIENQUIST, NEPHI

L1, L2 Sec. 7 95378
NENE, L2 Sec. 12 95365

LILIENQUIST, W. L.

L2 Sec. 7 95378
L2, L3 Sec. 12 95365

LILIENQUEST, H. F.

L2, L3 Sec. 7 95378
L3 Sec. 12 95365

HAWKS, H.

L3, L4 Sec. 7 95378
L3 Sec. 12 95365

HOWELL, J. W.

L1 Sec. 18 95378

65 acres in the South half of the Southeast quarter Section 1; The Northeast quarter of the Northeast quarter, Section 12, Township 9 South, Range 36 East Lot 1, Section 12, Township 9 South, Range 36 East; and Lot 1, Section 7, Township 9 South, Range 37 East.

39 acres of land in Lot 1, Section 7, Township 9 South, Range 37 East, the Northeast quarter of the Northeast quarter, Lots 1 and 2, Section 12, Township 9, South, Range 36 East.

37 acres of land in Lots 1 and 2, Section 7, Township 9 South, range 37 East, the Northeast quarter of the Northeast quarter, Lot 2 Section 12, Township 9 South, Range 36 East.

35 acres of land in Lot 2, Section 7, Township 9 South, Range 37 East; Lots 2 and 3, Section 12, Township 9 South, Range 36 East

47 acres of land in Lots 2 and 3, Section 7 Township 9 South, Range 37 East; and Lot 3, Section 12, Township 9 South, Range 36 East

42 acres of land in Lots 3 and 4, Section 7 Township 9 South, Range 37 East; and Lot 3, Section 12, Township 9 South, Range 36 East.

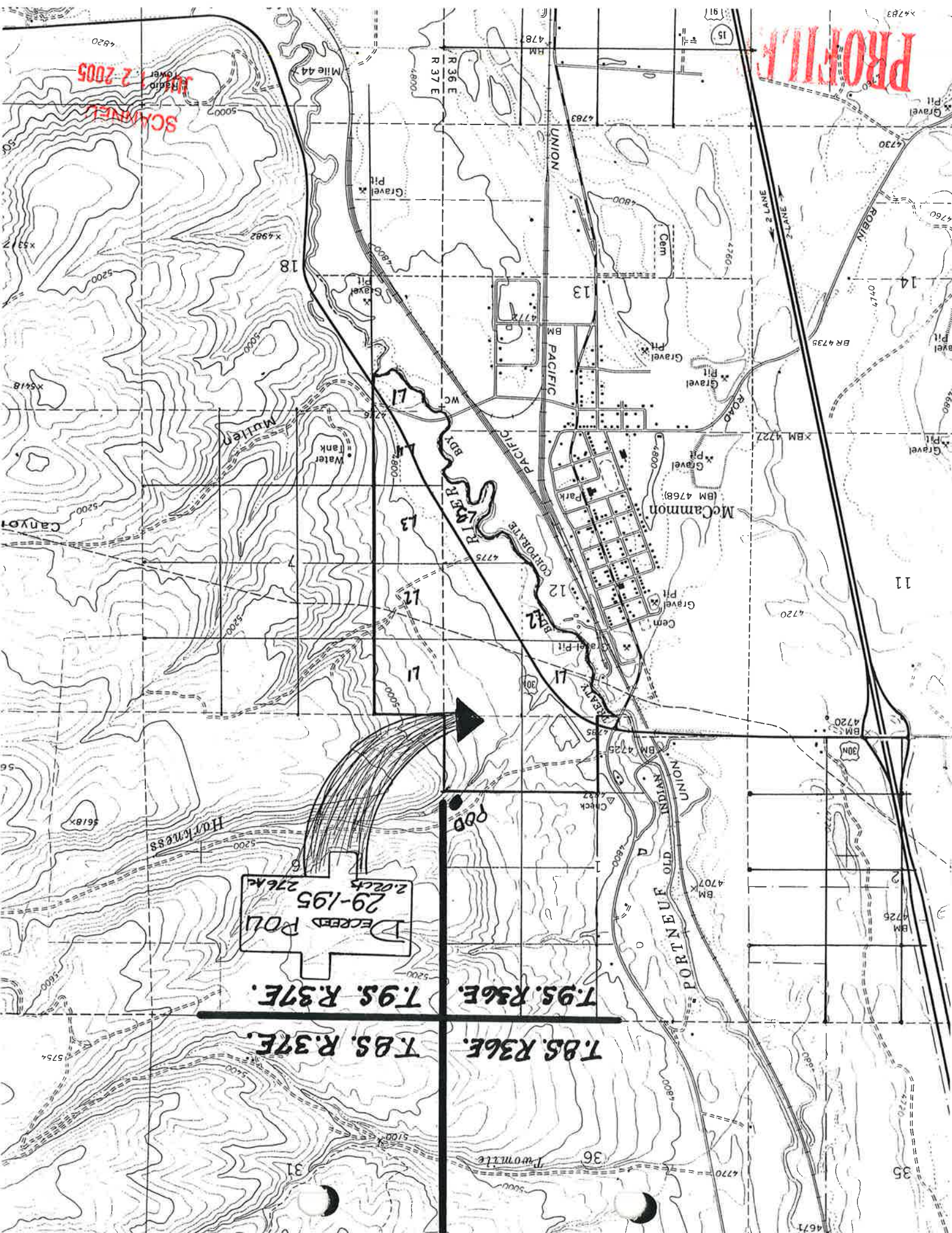
11 acres of land in Lot 1, Section 18, Township 9 South, Range 37 East.

The above parties last above mentioned, shall divert from the said Crystal Springs at all times during the irrigation season, such amount of water as when mingled with the water of said Harkness Creek. shall make a total of

PROFILE SCANNED

JUL 12 2005

Profile



SCANNED 12-2005

DECEDED POL
29-195
2.02 ch
276 ft

T.8S. R.36E.
T.9S. R.37E.

PORTNEUF OLD INDIAN

PACIFIC

UNION

ROBIN

McCammon

Mullen

31

35

36

14

11

15

30N

2

36

BM 4671

BM 4726

BM 4720

BM 4727

BM 4735

BM 4783

BM 4783

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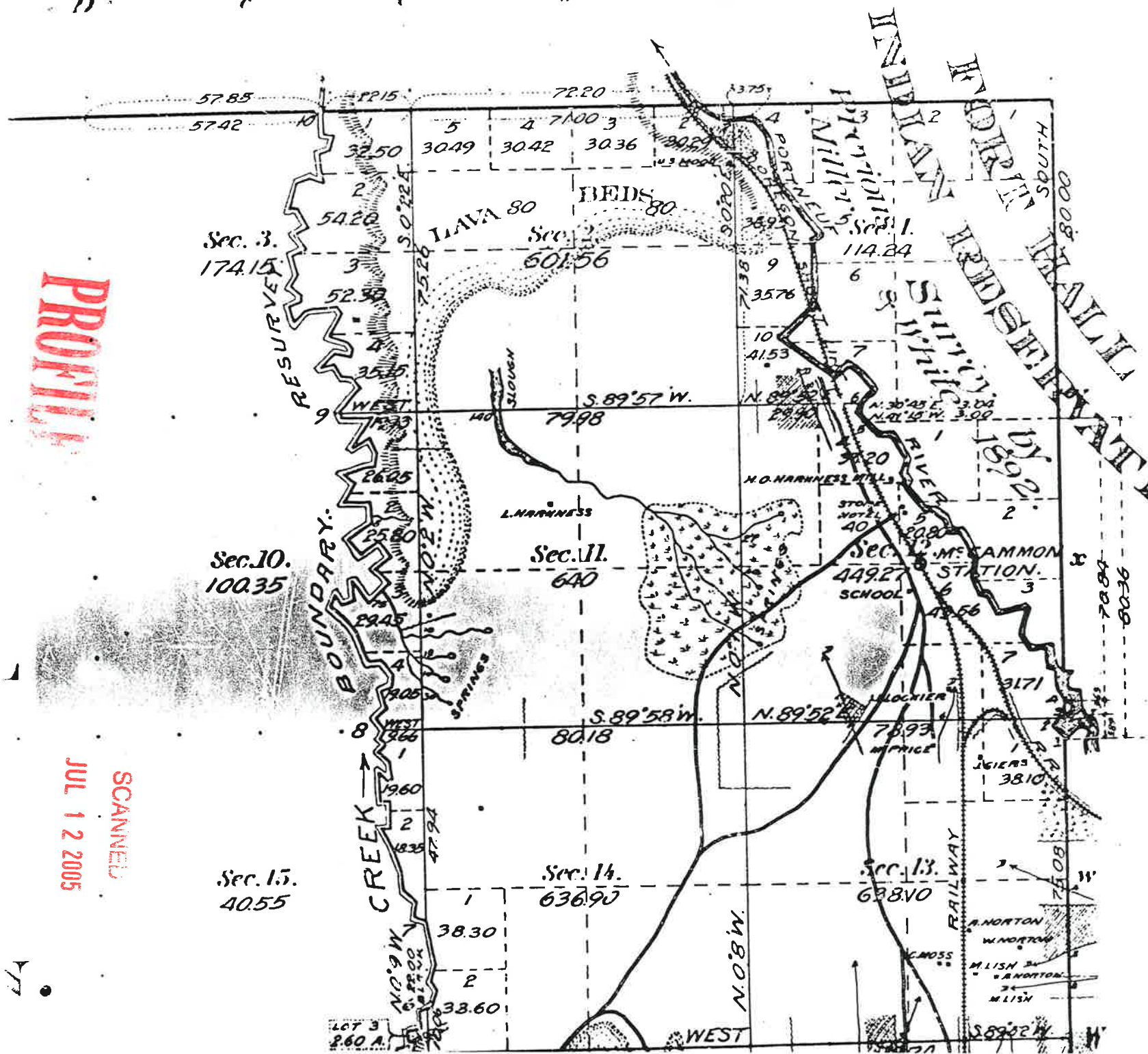
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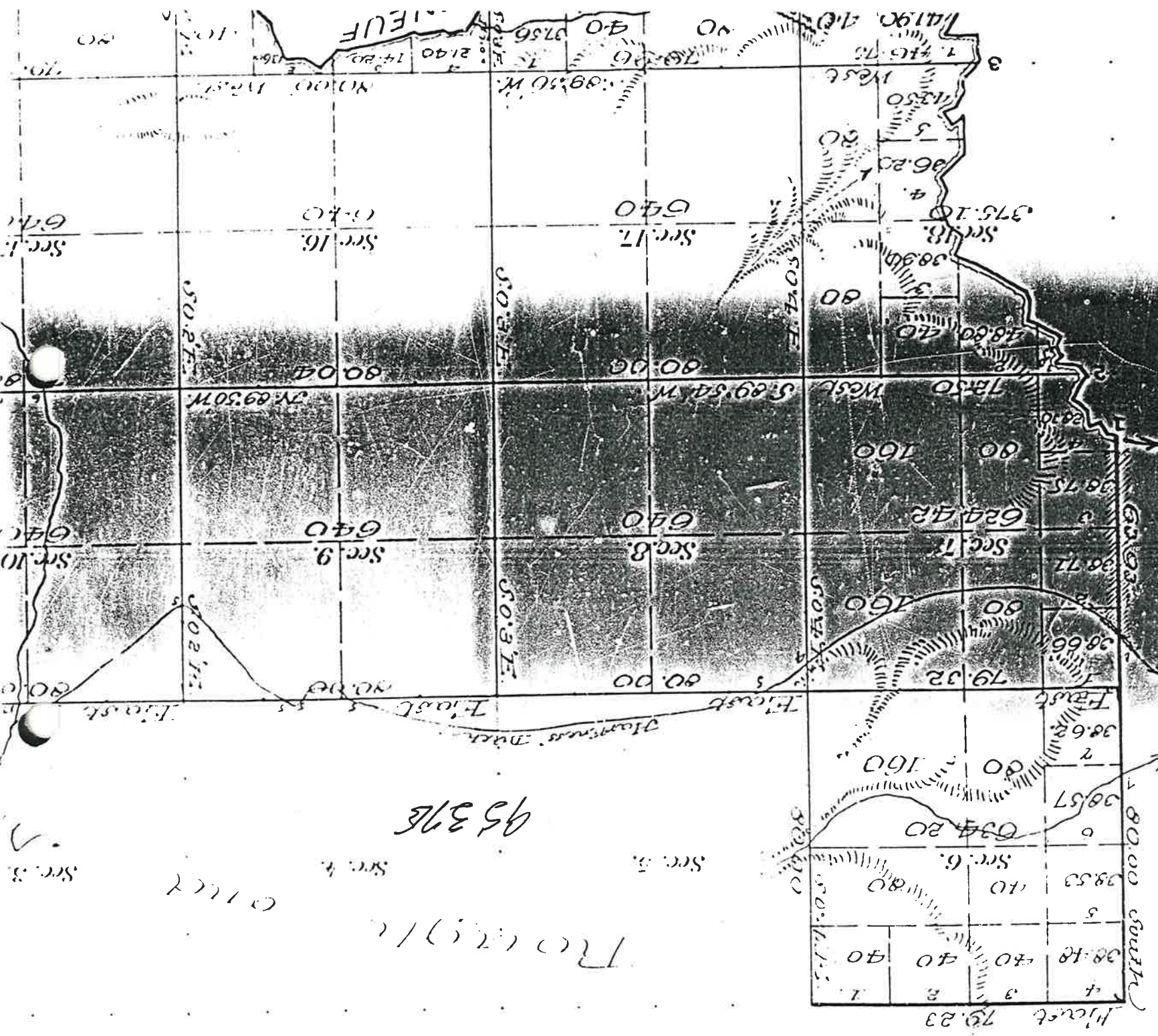
95366

PROFILE

SCANNED
JUL 12 2005



[illegible]



SCANNED

JUL 12 2005

PROFILE

PROFILED

Sec. 6.

Sec. 5.

Sec. 4.

Sec. 3.

Sec. 7.
10.18

Sec. 8.

Sec. 9.

Sec. 10.

FORT

HALL

RESERVATION

Sec. 11.

Sec. 16.

Sec. 15.

PORTNEUF

W.C. Miller

1892

and
H. M. White
1893.

Lot N. 5.
0.184 ac.

JUL 12 2005

N. 1° 15' E. 1.30 CHS.
N. 47° 45' E. 3.50 CHS.

S. 66° 30' E.
0.52 CHS.

31.43

SCANNED

MAY 18 2001

Log for claim A29-00195C

Spatial Dynamics AMH

8/8/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
09s36e	1	SESE	5	40	Permissible place of use?
09s36e	12	NENE	36	40	
09s36e	12	NWNE	12	39	Permissible place of use?
09s36e	12	SENE	3	53	Permissible place of use?
09s36e	12	NESE	3	29	Indiscernible
09s36e	12	SESE	7	31	Permissible place of use?
09s37e	7	NWSW	7	16	
09s37e	7	SWSW	13	13	
Totals:			86	261	

AJ5809NP
No. A29-00195C

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/22/00
PAGE: 83

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	ROSE F PRIESTLY 435 S 7TH POCATELLO ID 83201 (208) 233-4499	06/17/1902	IRRIGATION	03-15 11-15	1.720 CFS	
					TOTAL DIVERSION: CONSUMPTIVE USE:	1.720 CFS 215.00 AFA

Water Source: HARKNESS CREEK

Tributary to: PORTNEUF RIVER

Stage: DECREED

Point(s) of Diversion:

T09S R36E S01

SENESE

BANNOCK County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
09S	36E	1	:																	:	5.0
09S	36E	12	:	36		12				03										:	61.0
09S	37E	7	:											07	13					:	20.0
																				TOTAL ACRES	86.0

POU County: BANNOCK

Other Rights: 29-00194

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):

29-07388 A29-00195D A29-00195E A29-00195G A29-00195H A29-04009B A29-04009C A29-07388

Other Water Rights Listing Overlapping Place(s) of Use:

A29-00195B A29-00195D A29-00195E A29-00195F A29-00195G A29-04009 A29-04009A A29-04009B A29-04009C

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:

Presumption Flag:

Audit: 03/28/90 HAUMANN 05/21/90 DCARLSON 04/04/94 THOMPSON 03/29/95 POST-STD

To: Splits of A29-00195
Splits of A29-04009
Fr: Bryce A. Contor
Date: 1/7/00



Re: Place of Use

Silvia J. M. Lockyer presented a Notice of Change of Water Right Ownership in July of 1999. The accompanying plat map may be useful in clarifying place of use of the various splits of these two water rights.

It is filed with A29-00195H.

MAY 18 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: A29-00195C
Date Received: 3/28/1990
Receipt No: M006415
Received By: DL

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: ROSE F. PRIESTLY
Address: 435 S. 7TH
POCATELLO, ID 83201 208-233-4499

2. Date of Priority: JUN 17, 1902

3. Source: HARKNESS CREEK Trib. to: PORTNEUF RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
09S	36E	1	SE	NE	SE		BANNOCK

5. Description of diverting works:
DIVERTED INTO OPEN DITCHS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.720		

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

8. Total consumptive use is 215.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09S	36E	1	SE	SE		IRR	5.0
						Section Acres	5.0
		12	NE	NE		IRR	36.0

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10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09S	36E	12	NW	NE		IRR	12.0
			SE	NE		IRR	3.0
			NE	SE		IRR	3.0
			SE	SE		IRR	7.0
						Section Acres	61.0
	37E	7	NW	SW		IRR	7.0
			SW	SW		IRR	13.0
						Section Acres	20.0
						Total Acres	86.0

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:
29-00194

14. Remarks:

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

Decree Plaintiff

vs

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: _____

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): Rose H. Priestly Date: May 21, 1990

Date: _____

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 21 day
of May 1990 Dave Carl
Notary Public

Seal

Residing at Heise, Id

My Commission Expires 2/26/96

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: A29-00195C
Date Received: 3/28/1990
Receipt No: MOO 6415
Received By: RWA

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ROSE F. PRIESTLY 208-233-4499
Address: 435 S. 7TH
POCATELLO, ID 83201

2. Date of Priority: JUN 17, 1902

3. Source: HARKNESS CREEK Trib. to: PORTNEUF RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
09S	36E	1	SE	NE	SE		BANNOCK

5. Description of diverting works:
DIVERTED INTO OPEN DITCHS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.640		

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

8. Total consumptive use is 215.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09S	36E	1	SE	SE		IRR	5.0

Section Acres 5.0

12	NE	NE	IRR	36.0
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A29-00195C Page 1 Date: 03/28/90

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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): Rose D. Priestly Date: 3-28-90

Date: _____

State of Idaho)
County of Bannock) SS.

Subscribed and sworn (or affirmed) before me this 28th day

of March 19 90

John D. Larson
Notary Public

Seal

Residing at Boise Id

My Commission Expires 4/2/94

NE SE SE

