

07/09/2003

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

RIGHT NUMBER: 29-274C

NAME AND ADDRESS: WILLIAM W SCHUBERT
1646 N MINK CREEK RD
POCATELLO ID 83204

DEBRA ANN SCHUBERT
1646 N MINK CREEK RD
POCATELLO ID 83204

SOURCE: MINK CREEK

TRIBUTARY: PORTNEUF RIVER

QUANTITY: 0.050 CFS

PRIORITY DATE: 06/17/1902

POINT OF DIVERSION:

T07S R35E S30 SESENE 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	0.050 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

T07S R35E S30 SENE 2.3

2.3 ACRES TOTAL

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

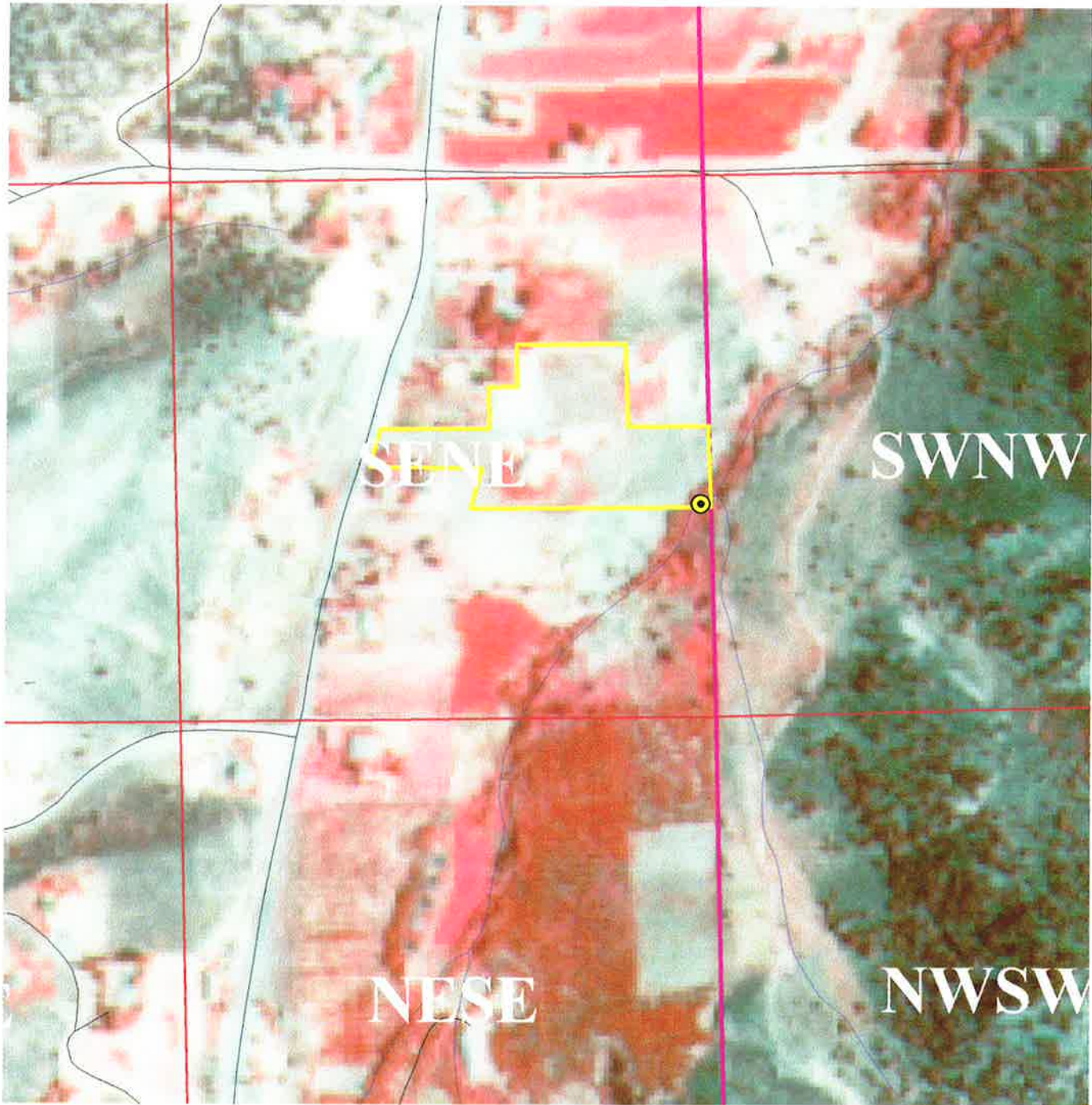
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: Decreed

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

Water Right Claim Number A29-00274C
Township , 7S35E

08/23/2000



 Irrigated Area

 Place of Diversion

 Section Line

 Quarter Section Line

 Roads

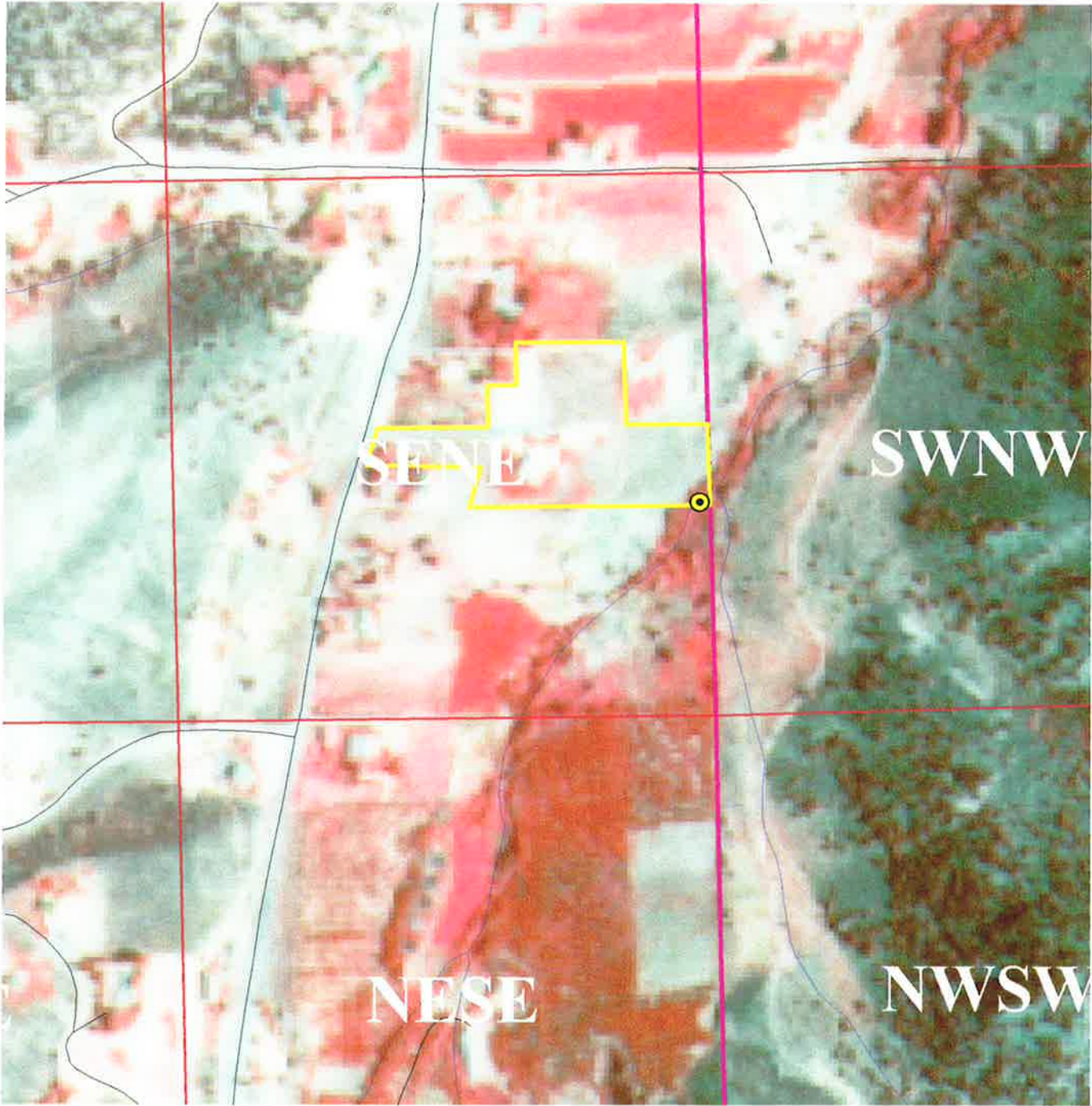
 Streams and Canals

Legend



Water Right Claim Number A29-00274C
Township , 7S35E

08/23/2000



 Irrigated Area

 Place of Diversion

Legend

 Section Line

 Quarter Section Line

 Roads

 Streams and Canals



Water Right Claim Number A29-00274C
Township , 7S35E

08/23/2000



 Irrigated Area

 Place of Diversion

Legend

 Section Line

 Quarter Section Line

 Roads

 Streams and Canals



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-274C V1

WATER RIGHT NUMBER: 29-274C V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	JAMES S CAMPBELL
	, ID
Current Owner	WILLIAM W SCHUBERT 1646 N MINK CREEK RD POCATELLO, ID 83204 (208)234-2000
Current Owner	DEBRA ANN SCHUBERT 1646 N MINK CREEK RD POCATELLO, ID 83204 (208)234-2000

Priority Date: 06/17/1902

Basis: Decreed

Status: Disallowed

<u>Source</u>	<u>Tributary</u>
MINK CREEK	PORTNEUF RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/15 to 9/15	0.140 CFS	
	<u>Total Diversion:</u>	0.140 CFS	

Location of Point(s) of Diversion

MINK CREEK	SE1/4SE1/4NE1/4	Sec. 30, Twp 07S, Rge 35E, B.M.
BANNOCK County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
07S	35E	30				7.0													7.0

Total Acres: 7

Conditions of Approval:

1. P04 FORFEITED/ABANDONED: This is included for a claim based on a decree or license that is PROPOSED to be disallowed on the basis that the water right no longer exists because forfeiture of the right by nonuse was confirmed and a defense to forfeiture was not confirmed, or because abandonment of the right was confirmed.

Remarks:

1. General FORFEITED/ABANDONED DUE TO NON-USE FROM 1982 TO 1987.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 29-274C V1

Comments:

1. csaxton 10/29/2002 Disallow

Comment: Spoke with resident of the claimed POU on 8/13/02 and she stated that Mink Creek was not used. Walked length of stream at the back of the claimed POU and no POD was located. Correspondence sent to claimant on 8/22/02 to request additional information and no response was received. Recommend as forfeited.

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: AND
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	10/29/2002 11:56:59 AM	csaxton			Disallowed
Summary			10/29/2002	csaxton	Disallowed

Verification Log:

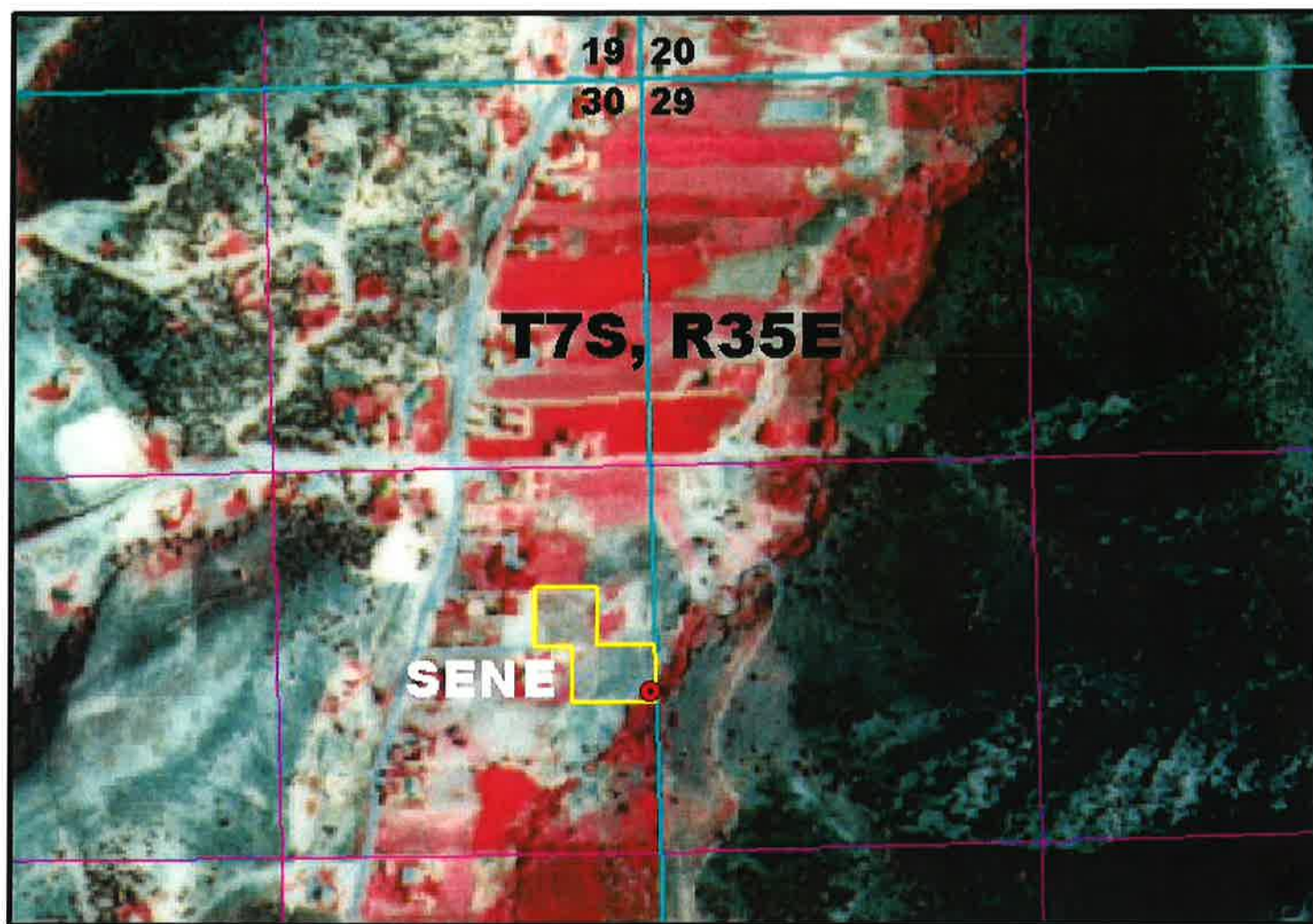
<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Contacts	10/29/2002 11:57:00 AM	csaxton	(No) 1. Do you want to schedule an appointment? Comment for 1: Field Exam 8/13/02
Summary	10/29/2002 12:00:10 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (No) 4. Is any portion of the claim be recommended? (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?



STATE OF IDAHO

Department of Water Resources
Eastern Region

Water Right(s): 29-00274C



1320 0 1320 Feet

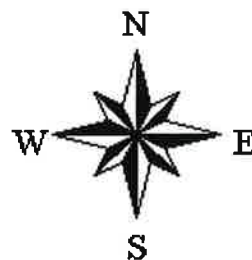
Total Irrigated Acres: 2.3

-  Point(s) of Diversion
-  Place of Use
-  Quarter Quarter Lines
-  Section Lines

PROFILED

SCANNED

JUL 14 2005



GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: C. Saxton
Date: July 2003

June 28, 2003

To: Craig L. Saxton
Department of Water Resources
2735 Airport Way
Boise, Idaho 83705-5082

RECEIVED

JUL 02 2003

WATER RESOURCES
WESTERN REGION

Dear Mr. Saxton,

I'm afraid your kind letter got buried on my desk but I think I have everything you requested. I've included a copy of your letter to refresh your memory. Thank you for your extra time and attention to this matter. Feel free to request any additional information you may need.

Thanks again.

Respectfully yours,

Bill Schubert

Bill Schubert

RECEIVED

JUL 09 2003

Department of Water Resources
Eastern Region

PROFILED

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JUL 14 2005

RECEIVED

JUL 02 2003

WATER RESOURCES
WESTERN REGION

June 25, 2003

To whom it may concern:

I hereby attest that I used my water right on Mink Creek to irrigate the pastures on my property at 1646 N. Mink Creek Road, Pocatello, ID from the summer of 1976 through the summer of 1990. The 2 inch hand lines I used are still in my possession, the gasoline-powered pump is not. Since 1990, with the drought we have experienced in SE Idaho, I felt it inappropriate to water land with no current agricultural use. I have not abandoned or in any way forfeited my water rights but have conscientiously refrained from wasting the precious water.

Respectfully submitted,

William W Schubert

William Walter Schubert

Sworn and signed before me this 27th day of June, 2003

Joyce Hopkins - Monday
Notary

Commission expires 8-2-2008



SCANNED

JUL 14 2005

PROFILED

This is to verify that I lived next to William Schubert during the years 1976 through 1990 and observed him irrigating his pasture with 2 inch hand lines using his water rights during this period of time.

Lea Wood

Lea Wood

Previous address:

1682 N. Mink Creek Road
Pocatello, ID

Current address:

28 Cedar Hills Drive
Pocatello, ID 83204

RECEIVED

JUL 02 2003

WATER RESOURCES
WESTERN REGION

*Notary for the State of Idaho
Commission expires 8-2-2008*

*Sworn & signed before me this
27th day of June 2003.*

Joyce Hopkins-Monday



PROFILED

SCANNED

JUL 14 2005

95018984

QUITCLAIM DEED

For value received DEBRA A. SCHUBERT, do hereby convey, release, remise and forever quitclaim unto WILLIAM W. SCHUBERT, M.D., whose current address is 1646 Mink Crk. Rd, Pocatello, ID, the following described premises, to-wit:

COMMENCING AT THE NORTHEAST CORNER OF THE SE $\frac{1}{4}$ NE $\frac{1}{4}$ OF SECTION 30, TOWNSHIP 7 SOUTH, RANGE 35 E.B.M., BANNOCK COUNTY, IDAHO, AND RUNNING THENCE SOUTHERLY ALONG THE EASTERLY LINE OF SAID SE $\frac{1}{4}$ NE $\frac{1}{4}$ A DISTANCE OF 625 FEET TO THE POINT OF BEGINNING OF THIS SURVEY; THENCE CONTINUING SOUTHERLY ALONG SAID LINE A DISTANCE OF 200 FEET; THENCE WESTERLY PARALLEL TO THE NORTHERLY LINE OF SAID SE $\frac{1}{4}$ NE $\frac{1}{4}$ A DISTANCE OF 940 FEET, MORE OR LESS, TO THE CENTER LINE OF THE STATE HIGHWAY 38 AS NOW LOCATED; THENCE NORTHERLY ALONG THE CENTER LINE OF STATE HIGHWAY 38 A DISTANCE OF 211.5 FEET, MORE OR LESS, TO A POINT DUE WEST OF THE BEGINNING, THENCE EASTERLY PARALLEL TO THE NORTHERLY LINE OF SAID SE $\frac{1}{4}$ NE $\frac{1}{4}$ A DISTANCE OF 861 FEET, MORE OR LESS, TO THE POINT OF BEGINNING OF THIS SURVEY.

EXCEPT: A TRACT OF LAND IN THE SE $\frac{1}{4}$ NE $\frac{1}{4}$ SECTION 30, TOWNSHIP 7 SOUTH, RANGE 35 E.B.M., BANNOCK COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EAST LINE OF SAID SECTION 30, WHICH POINT IS 625 FEET SOUTHERLY FROM THE NORTH 1/16 CORNER OF SAID SECTION 30; THENCE SOUTHERLY ALONG THE EAST LINE OF SAID SECTION 30, 200 FEET; THENCE WESTERLY, PARALLEL TO THE NORTH 1/16 LINE OF SAID SECTION 30, 598.9 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING WESTERLY, PARALLEL TO THE SAID NORTH 1/16 LINE, 275 FEET, MORE OR LESS, TO THE EASTERLY RIGHT OF WAY BOUNDARY OF STATE HIGHWAY NO. 38; THENCE ALONG SAID EASTERLY RIGHT OF WAY BOUNDARY NORTH 18° 17' EAST, 105 FEET; THENCE EASTERLY, PARALLEL TO THE NORTH 1/16 LINE OF SAID SECTION 38, 275 FEET; THENCE SOUTH 18° 17' WEST, 105 FEET, MORE OR LESS, TO THE TRUE POINT OF BEGINNING.

PARCEL 2:

COMMENCING AT THE NORTHEAST CORNER OF SE $\frac{1}{4}$ NE $\frac{1}{4}$ OF SECTION 30, TOWNSHIP 7 SOUTH, RANGE 35 E.B.M., BANNOCK COUNTY, IDAHO, AND RUNNING SOUTH 625 FEET ALONG THE EAST LINE OF SAID SECTION 30; THENCE WEST PARALLEL TO THE NORTH LINE OF SAID SECTION FOR A DISTANCE OF 217.8 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING WEST PARALLEL TO THE NORTH LINE OF SAID SECTION 30 A DISTANCE OF 333.00 FEET; THENCE NORTH PARALLEL TO THE EAST LINE OF SAID SECTION FOR A DISTANCE OF 102 FEET; THENCE EAST PARALLEL TO THE NORTH LINE OF SAID SECTION FOR A DISTANCE OF 66 FEET; THENCE NORTH PARALLEL TO THE EAST LINE OF SAID SECTION FOR A DISTANCE OF 98 FEET; THENCE EAST PARALLEL TO THE NORTH LINE OF SAID SECTION FOR A DISTANCE OF 267 FEET; THENCE SOUTH PARALLEL TO THE EAST LINE OF SAID SECTION FOR A DISTANCE OF 200 FEET, MORE OR LESS, TO THE TRUE POINT OF BEGINNING.

DATED: 12/21/95

DEBRA A. SCHUBERT
DEBRA A. SCHUBERT

STATE OF IDAHO, COUNTY OF

On this 21 day of Dec., 1995
before me, a notary public in and for said State
personally appeared DEBRA A. SCHUBERT
known to me to be the person whose name is
subscribed to the within instrument, and
acknowledged to me that she executed the same.

Roi B.

NOTARY PUBLIC

Residing at Pocatello, Idaho
Commission expires 4-20-96

95018984

NO. 95018984 REQUEST OF

JACK ROBISON

'95 DEC 21 AM 11:17

OFFICE
BA
LA
EE 3⁰⁰

IDAHO NO. 654
IDAHO
CORDE

NOTARY SEAL

FILED

SCANNED

JUL 14 2005



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 11, 2003

WILLIAM W SCHUBERT
1646 N MINK CK RD
POCATELLO ID 83204

RE: Notice of Error Reply for Snake River Basin Adjudication (SRBA) claim 29-00274C

Dear Mr. Schubert,

The Idaho Dept. of Water Resources received your Notice of Error (NOE) reply on February 24, 2003. You stated that you disagreed with the recommendation of Disallowed.

As we discussed on the phone, the reason this claim was recommended as disallowed is because I did not have enough information to show that the ground has been irrigated. I sent you a letter on August 22, 2002 informing you of what I found but no response was received (Enclosed).

In order to recommend 29-00274C as a valid water right, evidence of use needs to be provided. As we discussed, here are some sources of evidence I need provided:

An affidavit from yourself describing your historical use of the water, when it was last used, and the extent to which it was used.

An affidavit from one or more neighbors confirming this or describing historical use of Mink Creek water on your property if possible.

Photographs of the hand lines and gas pump (if you still have the pump).

Any additional evidence that would show that you have put Mink Creek water to beneficial use.

In addition, I am enclosing a map of your property as defined by Bannock Co tax lot information. You can make a copy or just draw in on the map the area that was irrigated when you were using the water, as well as the location of the point of diversion (where you pump from the creek).

SCANNED

JUL 14 2005

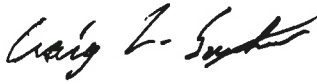
PROFILED

You can submit the change of ownership form and related documents along with the above mentioned data all in one package to me at the above address.

I appreciate your prompt attention to this matter.

Feel free to contact me with any questions.

Respectfully submitted,



Craig L. Saxton
Sr. Water Resource Agent
Adjudication Bureau

PROFILE

SCANNED

JUL 14 2005



PHOTOGRAPHED

SCANNED
JUL 14 2006



Point
of
Diversion

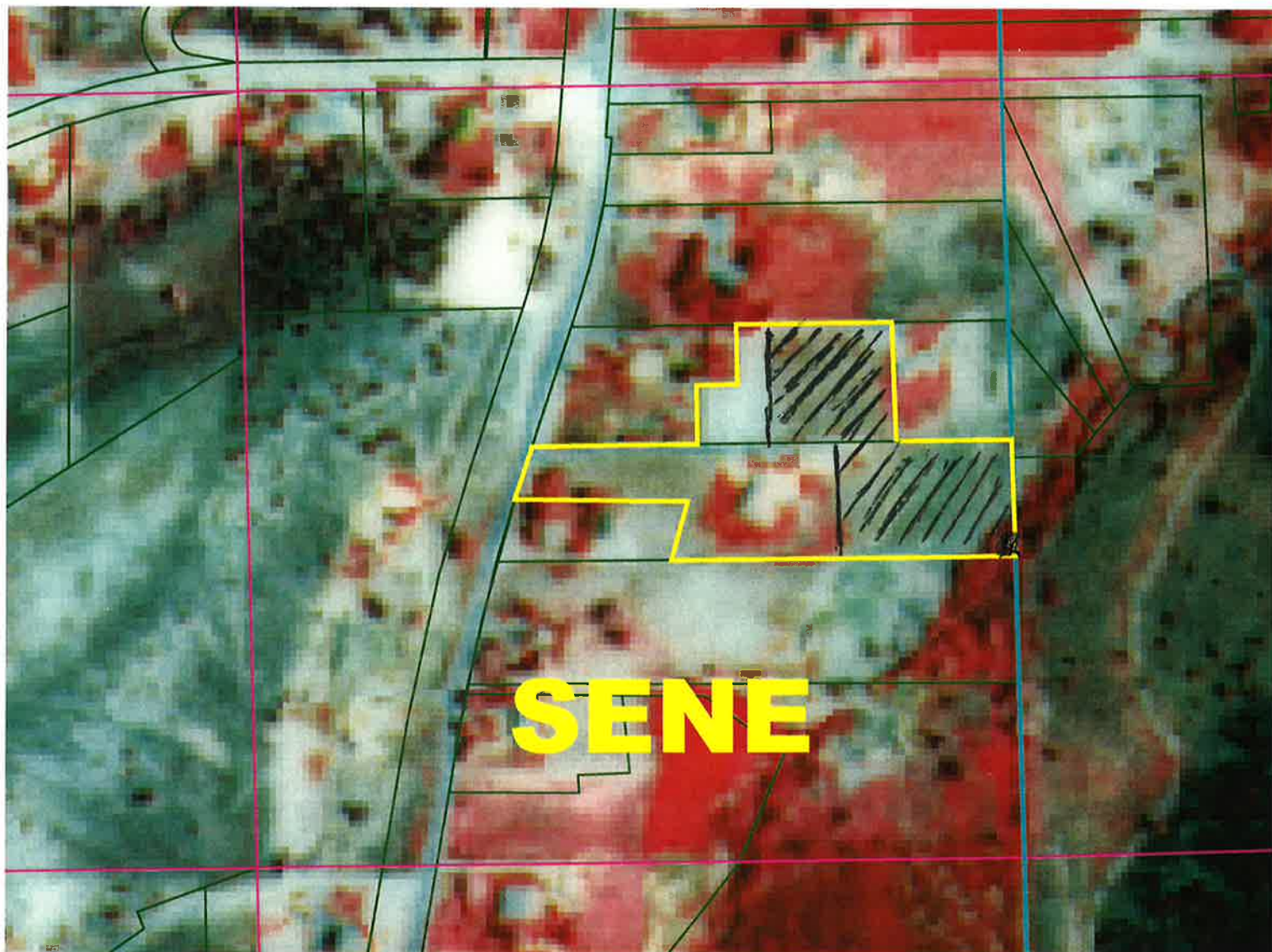


PROTECTED

SCANNED
JUL 14 2005

William Schubert

29-00274C



Point of Diversion - N/A

Total Acres:



Bannock County Tax Lot Data - N/A



Property Boundary



POU - N/A



Section Lines

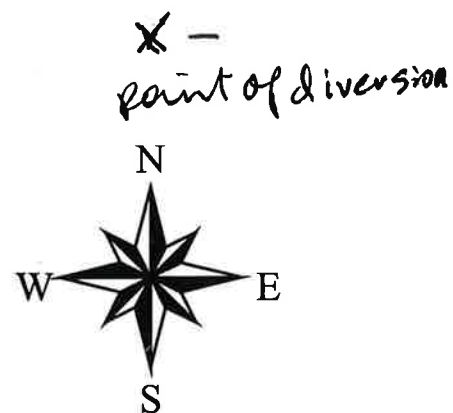


Quarter Quarter Lines

PROF

SCANNED

JUL 14 2005



Prepared By: Craig Saxton
April 2003

8-11-02 : Domestic 29-10842 - Recommendation made by Mc-Good

: Property is only 4.6 acres

8-13-02 : Woman at door said they only use well water
FE But needs to ck with Husband. They will call

8-14-02 : Walked Behind home and no POO In Place.
FE Mink Creek Not currently used.

10-29-02 : Based on no contact from Claimant on the
results of Field Exam. Rec as disallowed

No Beneficial use Found - Forfeiture

4-11-03 : Called William Schubert concerning NOE
He said that he purchased Property in 1979 and
irrigated for 8-10 years. A gas pump was in
place and that is what he used.

Sending a letter to request information.

6-19-03 : No Response received

PROFILE

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JUL 14 2005



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 11, 2003

WILLIAM W SCHUBERT
1646 N MINK CK RD
POCATELLO ID 83204

RE: Notice of Error Reply for Snake River Basin Adjudication (SRBA) claim 29-00274C

Dear Mr. Schubert,

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As we discussed on the phone, the reason this claim was recommended as disallowed is because I did not have enough information to show that the ground has been irrigated. I sent you a letter on August 22, 2002 informing you of what I found but no response was received (Enclosed).

In order to recommend 29-00274C as a valid water right, evidence of use needs to be provided. As we discussed, here are some sources of evidence I need provided:

An affidavit from yourself describing your historical use of the water, when it was last used, and the extent to which it was used.

An affidavit from one or more neighbors confirming this or describing historical use of Mink Creek water on your property if possible.

Photographs of the hand lines and gas pump (if you still have the pump).

Any additional evidence that would show that you have put Mink Creek water to beneficial use.

In addition, I am enclosing a map of your property as defined by Bannock Co tax lot information. You can make a copy or just draw in on the map the area that was irrigated when you were using the water, as well as the location of the point of diversion (where you pump from the creek).

PROFILED

SCANNED
JUL 14 2005

You can submit the change of ownership form and related documents along with the above mentioned data all in one package to me at the above address.

I appreciate your prompt attention to this matter.

Feel free to contact me with any questions.

Respectfully submitted,



Craig L. Saxton
Sr. Water Resource Agent
Adjudication Bureau

PROFILED

SCANNED
JUL 14 2005

02/18/2003

NOTICE OF ERROR
REPLY

RECEIVED
FEB 24 2003
Department of Water Resources
Eastern Region

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: 29-274C

WILLIAM W SCHUBERT
1646 N MINK CREEK RD
POCATELLO ID 83204
Telephone Number: (208)234-2000

~~DEBRA ANN SCHUBERT~~
~~1646 N MINK CREEK RD~~
~~POCATELLO ID 83204~~
~~Telephone Number: (208)234-2000~~

*sent change
of
ownership
JC
2/25/03*

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

Other provisions

2. Describe the changes you wish to make in the proposed recommendation:

*Water was used to irrigate pasture from 1982-87.
Do to concerns for drought the past 5 yrs, have not sprinkled
or used pastures.*

3. Give a brief explanation as to why you disagree with these portions:

*Recent decision to conserve water is not abandonment.
I still own the hand lines and may resume sprinkling
when water increases.*

☐ I AGREE with this proposed recommendation: no changes need to be made.

DATE: 2/21/03 SIGNATURE: Wm W Schubert
Please print your name: William W Schubert

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

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JUL 14 2005



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 22, 2002

WILLIAM W SCHUBERT
DEBRA ANN SCHUBERT
1646 N MINK CK RD
POCATELLO ID 83204

RE: Snake River Basin Adjudication (SRBA) claim 29-00274C

Dear Mr. and Ms. Schubert:

The Idaho Dept. of Water Resources is currently in the process of reviewing SRBA claims in your area. On 3/28/90, you filed a claim for use of Mink Creek water for irrigation of 7 acres.

I stopped by the property on August 13, 2002 and was informed that Mink Creek water is not used for irrigation of the claimed place of use. On August 14, 2002 I was on the premises and did not see any signs of diversion works from Mink Creek. 1987 NAPP aerial photography does not indicate any obvious signs of irrigation.

At this time I do not have enough evidence to make a positive recommendation for this claim to the SRBA court. If you feel this assessment is inaccurate, please feel free to contact me so we can further discuss the details of your claim.

Respectfully submitted,

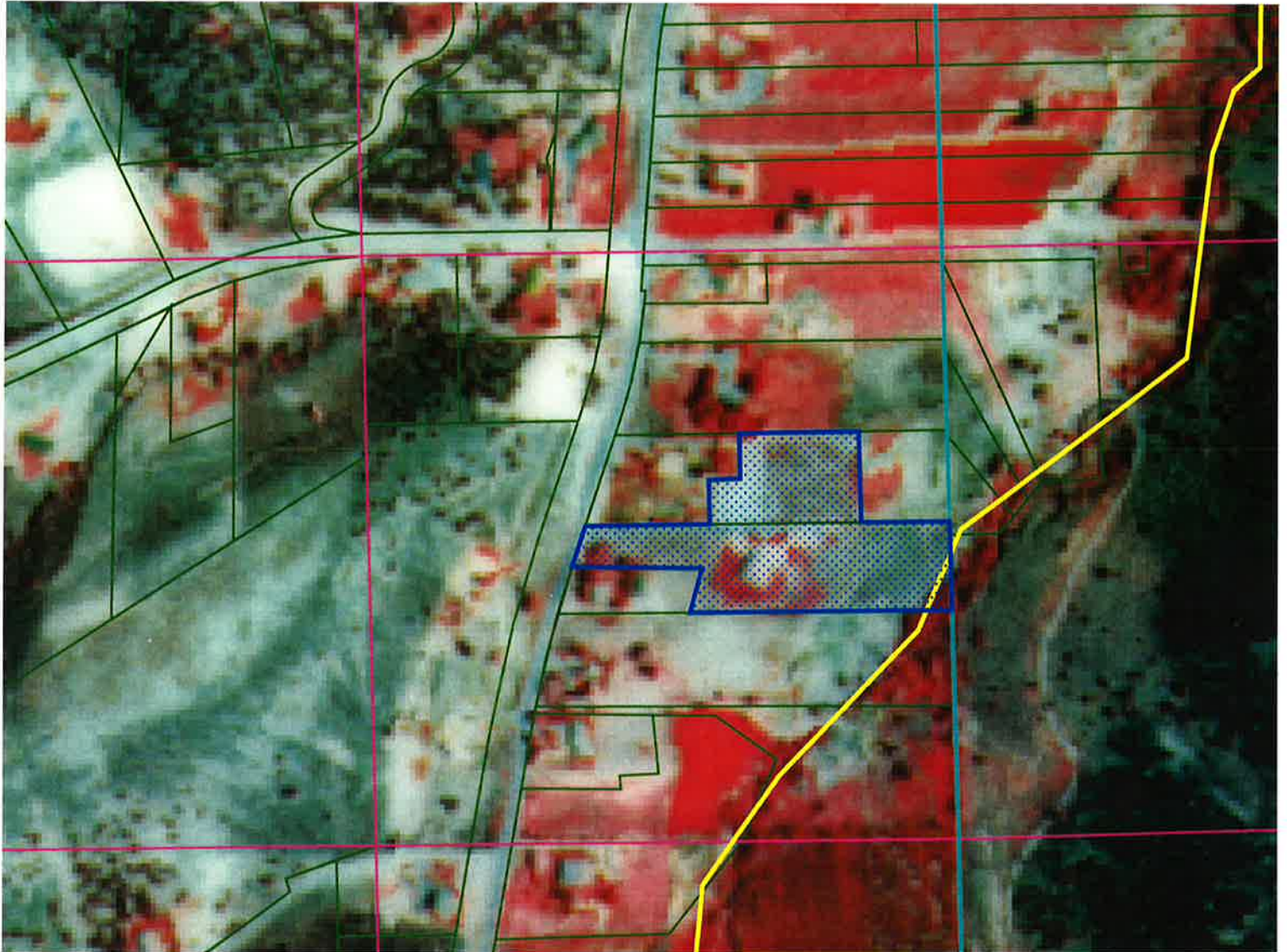
Craig L. Saxton
Sr. Water Resource Agent
Adjudication Bureau

PROFILED

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JUL 14 2005

29-00274C



Point of Diversion



Roughly - Claimed Place of Use



Licensed POU - N/A



Bannock Co Tax Lot Data



Section Lines



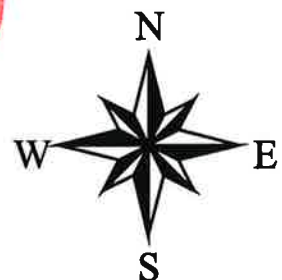
Quarter Quarter Lines

Total Property Acreage: 4.6

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JUL 14 2005



Prepared By: Craig Saxton
August 2002

Split history for Decreed Right 29-00274

29-00274 1.4 Decree Silent	29-00274A Campbell 1.259 ?	29-00274B McKee 0.141 7	Claimed	
			29-00274C	Schubert
			0.14	7
			29-00274D	Phillips
			0.06	3
			29-00274E	Worthington
			0.024	1.2
			29-00274F	Schiebe
			0.08	4
			29-00274G	Wood
			Recommended	
			Disallow	
				0.06
				3
				0.02
				0.9
				0.07
				3.6
			Claimed	
			29-00274H	Grewing
			0.17	8.7
			29-00274I	Matkin, GK
			0.19	10
			29-00274J	Holte
			0.04	2
			29-11331	Matkin, Jeff
			1.5	27
			29-11334	Matkin, Jeff
			Recommended	
			Disallow	
			Recommended under 29-11331	
				0.33
				16.5
				0.06
				3.2
			Sum of claimed CFS =	
			Sum of claimed Acreage =	
			2.454	73.4
			Sum CFS=	
			Sum Acre=	
			0.73	36.4
			Un-accounted for CFS=	
			Un-accounted for Acres=	
			0.67	N/A

JUL 14 2005
 SCANNED
 PROFILED

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 29-274B

WATER RIGHT NUMBER: 29-274B

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MRS N E MC KEE
	, ID
Original Owner	JAMES S CAMPBELL
	, ID

Priority Date: 06/17/1902

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
MINK CREEK	PORTNEUF RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/15 to 9/15	0.141 CFS	
	<u>Total Diversion:</u>	0.141 CFS	

Location of Point(s) of Diversion

MINK CREEK	SE1/4NE1/4	Sec. 30, Twp 07S, Rge 35E, 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	
07S	35E	30				7.0													7.0

Total Acres: 7

Conditions of Approval:Remarks:

- General AS PER TRANS #252.

Comments:Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 29-274B

Dates and Other Information:

Licensed Date:
Decreed Date: 6/5/1926
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number:
Judicial District:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

SCANNED

JUN 11 2001

Log for claim A29-00274C

Spatial Dynamics BTD

8/23/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
07s35e	30	SENE	7	4.6	
Totals:			7	4.6	

AJ5809NP
No. A29-00274C

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/18/00
PAGE: 4

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	DEBRA ANN SCHUBERT	06/17/1902	IRRIGATION	04-15 09-15	0.140 CFS	
C	WILLIAM W SCHUBERT					
	1646 N MINK CREEK RD					
	POCATELLO ID 83204					
	(208) 234-2000					
				TOTAL DIVERSION:	0.140 CFS	
				CONSUMPTIVE USE:		17.50 AFA

Water Source: MINK CREEK

Tributary to: PORTNEUF RIVER

Stage: DECREED

Point(s) of Diversion: T07S R35E S30 SESENE 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
07S	35E	30	:					07	:											7.0
																			TOTAL ACRES	7.0

POU County: BANNOCK

Other Rights: DOMESTIC AND IRRIGATION WELL

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

29-10580	29-10793	29-11143	29-11180	29-11349	29-11947	29-12150	A29-00274F	A29-07173B	A29-10580
A29-10793	A29-10842	A29-11143	A29-11180	A29-11349	A29-11947	A29-12150	R29-10842		

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

A29-00274A A29-00274B A29-00274D A29-00274F A29-00274G A29-00274I A29-02402 A29-11345

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag: C

Audit: 10/02/92 MOBILE2 04/04/94 THOMPSON 03/29/95 POST-STD

B

Form 20

Copy

RECEIVED
JUN 6 1981

Department of Reclamation

Application For Transfer of Water Right

STATE OF IDAHO

County of Bannock

ss.

Mrs. H.E. McKee

being first duly sworn, deposes and says:

That ^{her}his name is P; that she is of lawful age, a citizen of the United States and of the State of Idaho, and that his postoffice address is P

That he is the owner and using a certain water right, bearing date of priority of June 17, 1902, for 1 inch per second of the waters of Mink Creek and Campbell Creek County of Bannock, State of Idaho, decreed to James S. Campbell by decree of Judge O.R. Baum of the 5th Judicial District of the State of Idaho, in and for the county of Bannock, in the case of Sam P. Smith vs. City of Pocatello et al, said decree bearing date of June 5th 1926 (or obtained by virtue of License No. —, issued by the State Department of Reclamation of the State of Idaho, dated —, 19—, bearing date of —, 19—) for the purpose of irrigating the following described lands situate, lying and being in Water District No. 17-D in the County of Bannock and State of Idaho, to-wit: Portion of SE⁴ NE⁴ Section 30, T. 7S, R. 35 EBM. (as per attached description)

and is the person (or representative of the corporation) to whom such right so issued, or has become the owner thereof in the following manner, i.e. By purchase, shown by attached copy of Deed as per abstract of title of said water right hereto attached and made a part of this statement;

That said waters are now diverted from said stream in the NW⁴ NW⁴ SW⁴ of Section 32, Township 7S, Range 35 E, B. M., and conducted to the above described lands through Mink Creek Ditch as per map herewith and of this affidavit made a part.

CHANGE IN PLACE OF USE

That affiant and petitioner desires to abandon the use of No change in place of use cubic feet per second of said water upon the above described land, and to convey and use same upon the following tract, situate, lying and being in the County of — and State of Idaho, to-wit:

X

X

That reasons for desiring to make such transfer are as follows:

X

X

MICROFILMED

That he intends to divert and convey said X X second feet of water to the tract of land last above described in the following manner and as per map accompanying this application:

Note—If this water right has heretofore been carried jointly in a ditch with other water, affiant should secure written consent of other owners or users to removal from its original carrier and file such consent with this affidavit.

See attached form of Consent

CHANGE IN POINT OF DIVERSION

That affiant desires to change the point of diversion of said waters from the point above described to a point located in SE 1/4 of NE 1/4 of Section 30, Township 7S, Range 35E BM, and thereafter conduct same to the above described land through the To be pumped ditch, from Mink Creek, as per map appended.

That his reasons for desiring to make such change are as follows: Proposed change will result in less water loss and greater overall efficiency of operation.

Petitioner asserts that no one will be injured by such transfer, or change in point of diversion, and that the change will be made at petitioner's own risk.

WHEREFORE, Affiant and Petitioner prays that the State Reclamation Engineer of the State of Idaho issue to him the proper certificate authorizing such change in point of diversion and/or place of use, in accordance with the provisions of Sections 42-108 and 42-222 of the Idaho Code.

Mr H E McKee

Applicant.

Subscribed and sworn to before me this 1st day of June, 1961.

George F. Phelps

Notary Public.

APPLICANT WILL ANSWER THE FOLLOWING QUESTIONS:

From what stream is the water diverted? Mink Creek and Campbell Cr. creek

Where is the diversion point located? NW 1/4 NW 1/4 Sec. 32, T. 7S, R. 35E

Through what ditch is it now conducted? Mink Creek Ditch

How much land is now irrigated by the water sought to be transferred? 7.06 acres

Give the description: See description on attached Deed

MICROFILMED

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1931

Department of Reclamation

CONSENT TO CHANGE OF
POINT OF DIVERSION

We, the undersigned, being owners of a water right in the
water of Mink Creek in Bannock County, State of Idaho, do hereby
consent to the change of point of diversion of the water belonging
to Wm H E McKee in Mink Creek in Bannock County, Idaho.

<u>Odell J. Madsen</u>	<u>W. H. Mathews</u>
<u>Willard H. Ellison</u>	<u>J. O. Anderson</u>
<u>Herb Chaney</u>	<u>E. B. Chaney</u>
<u>Naomi Stanger</u>	
<u>Wesley P. Freckleton</u>	
<u>W. H. Bond</u>	
<u>O. J. Myler</u>	
<u>J. V. Frazier</u>	

100-3

TITLE
OF
CASE

Sam R. Smith et al
vs.
City of Pocatello et al

SOURCE Mink Creek & Campbell Creek

PAGE

WATER DIST 17-D

COUNTY Bannock

JUDICIAL DIST 5

JUDGE Q. R. Bann

DATE OF DECREE 6-5-26

RECORDED
IN BOOK NO 5 AT PAGE NO 78

FILE NO 434

PN	DN	DECREED OWNER	NAME	PRESENT OWNER	AMT INCHES FEET	PRIORITY	DIVERSION SUBDIV SEC TWP RG	REMARKS, LAND TO BE IRRIGATED, ETC	CT.
1		T. B. Smith Est.			10.	2-26-69	center 20 7 S. 35E	NW 1/4, NE 1/4 SW 1/4 17, SW 1/4 SE 1/4 8 T 7S-R35 E	10.
1		Elkhorn Dairy & Livestock Co.			15.	"	"	SE 1/4 NW 1/4, E 1/2 SW 1/4 17	25.
1		Joseph Munn			5.	"	"	SE 1/4 NW 1/4 16, N 18 A. of SW 1/4 NW 1/4 17	30.
1		Wm. H. Edwards			20.	"	"	N 1/2 NE 1/4 18	50.
1		City of Pocatello			161.1	"	At a point 30383 W. 728.348 from E. corner S. 13-26-64 E.	Municipal purposes	211. 1
1		Big Elk Indian Allotment			58.71	"		Plus one additional inch of water for each additional acre added to the present irrigated area -----which is 97.17 acres.	269. 8
1		Toane			37.46	"			307. 26
2		City of Pocatello			28.	10-1-01	See Above.	See Above.	335. 26
3		James S. Campbell			70.	6-17-02	Mink Creek and Campbell Cr. (P.D. in S. 13-26-64 E.)	SE 1/4 NE 1/4, E 1/2 SE 1/4 30, NE 1/4 Sec. 31 T. 7S. R. 35 E. NW 1/4 NE 1/4, S. 31-73.-35E.)	415. 26
4		T. B. Smith Est.			44.65	7-21-02	Center 20 7 S. 35E.	See above.	459. 91
4		Elkhorn Dairy and Livestock Co.			47.22	"	"	"	507. 13
4		Joseph Munn			26.98	"	"	See above.	534. 11
4		Wm H. Edwards			31.53	"	"	"	565. 64
5		Arthur Say (SAY)			75.	9-7-04	SE 1/4 SE 1/4 19	SE 1/4 SE 1/4 19, NE 1/4 NE 1/4 30, NW 1/4 NW 1/4 29, SW 1/4 SW 1/4 20.	640. 64
6		H. F. Galloway			20.	8-7-07	SW 1/4 20	NE 1/4 SW 1/4, NW 1/4 SE 1/4, 20	660. 64
7		J. H. McKinnon			12.	7-10-10	SW 1/4 31	S 1/2 NE 1/4, SE 1/4 NW 1/4, NE 1/4 SE 1/4, 31	672. 64
8		City of Pocatello			60.9	10-1-17	See Above.	See above.	733. 54

1 E 6 END

P.N. - PRIORITY NUMBER

DN. - DECREE NUMBER

721

B

What is the total amount of water in inches, or second feet, dedicated to said land? linch per acre
What kind of crops are being raised? Hay and pasture
How much water per acre is now required to irrigate said land? linch per acre
What will be the effect on the land now irrigated, if the use of water on it is discontinued?.....
Not to be discontinued (change in point of diversion
only)
Give location of new point of diversion, if change is to be made. Approximately 300 ft West
and 30 ft North of SE Cor.
of SE 1/4 NE 1/4 Sec. 30, T. 7S, R. 35E
Through what ditch will it be conducted after transfer? To be pumped from Mink Creek
How much water will be required per acre to irrigate the land to which this water is transferred?.....
Not to be transferred
Do you claim any other water right for the land from which you seek to abandon the use of this water?
If so, give amount, date and source None
Is there any other water right for the land to which you seek to make this transfer? If so, give amount,
date and source None

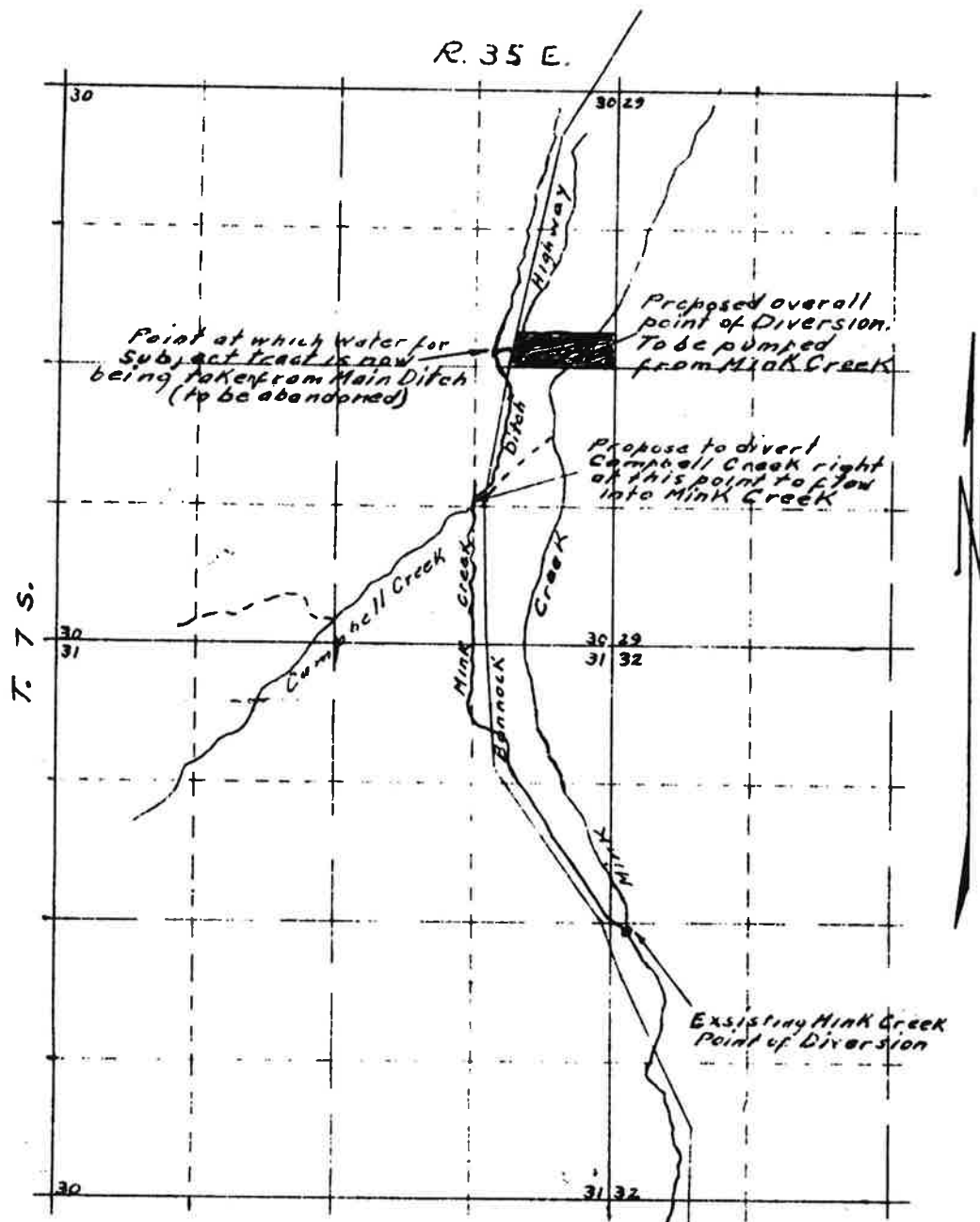
Signed Mrs. H.E. McKee
Applicant.

STATE OF IDAHO,
County of Bannock } ss.

I, Alma J. Tolman, Watermaster of Mink Creek
Water District No. 17-D, County of Bannock, State of Idaho, whose postoffice address
is Pocatello, Idaho, have read or heard read the foregoing affidavit and petition
of Mrs. H.E. McKee, and, of my own knowledge, believe the same to be true
as to all matters therein alleged, and that no one will be injured by the transfer prayed to be authorized;
and I hereby endorse my approval of said petition, and request that the State Reclamation Engineer
issue the certificate of transfer as petitioned; or (do not approve of the issuance of the certificate of
transfer prayed for) for the following reasons:

Watermaster, District No. 17-D
Alma J. Tolman
Dated at Pocatello, Idaho, this 1st day of June, 1961

NOTED



Scale: 4" = 1 mile
Subject Tract in Red

MICROFILMED

JUN 11 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: A29-00274C
Date Received: 3/28/1990
Receipt No: E017939
Received By: EMC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: WILLIAM W. SCHUBERT 208-234-2000
Address: 1646 N. MINK CREEK RD.
POCATELLO, ID 83204

AND/OR

Name: DEBRA ANN SCHUBERT 208-234-2000
Address: 1646 N. MINK CREEK RD.
POCATELLO, ID 83204

2. Date of Priority: JUN 17, 1902

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
07S	35E	30	SE	SE	NE		BANNOCK

5. Description of diverting works:
PUMP IN CREEK, SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	09/15	0.140		

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

A.F.A.

8. Total consumptive use is 17.5 Acre Feet Per Annum.

9. Non-irrigation uses:

A29-00274C

Page 1

Date: 03/28/90

MICROFILMED
NOV 13 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	35E	30	SE	NE		IRR	7.0
Section Acres							7.0
Total Acres							7.0

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:
DOMESTIC AND IRRIGATION WELL

14. Remarks:

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date:

SMITH ADMIN., ET. AL.
Decree Plaintiff

vs

CITY OF POCA TELLO, ET. AL.
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): William W Schubert 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

Carter Fritschle
Notary Public

Seal

Residing at Carter Fritschle, Notary Public
Residing at Eagle, Idaho
My Commission Expires March 21, 1994

