

10/29/2002

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

RIGHT NUMBER: 29-274D

NAME AND ADDRESS: DIANE L PHILLIPS
1762 N MINK CREEK RD
POCATELLO ID 83201

ROGER N PHILLIPS
1762 N MINK CREEK RD
POCATELLO ID 83204

SOURCE: MINK CREEK

TRIBUTARY: PORTNEUF RIVER

QUANTITY: 0.060 CFS

PRIORITY DATE: 06/17/1902

POINT OF DIVERSION:

T07S R35E S29 NWSNW 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	0.060 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 S29	SWNW	0.6	T07S R35E S30	SENE	2.4
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3 ACRES TOTAL

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

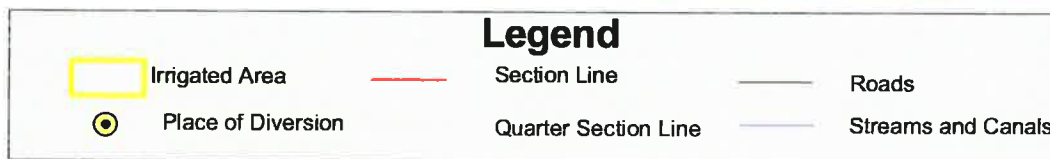
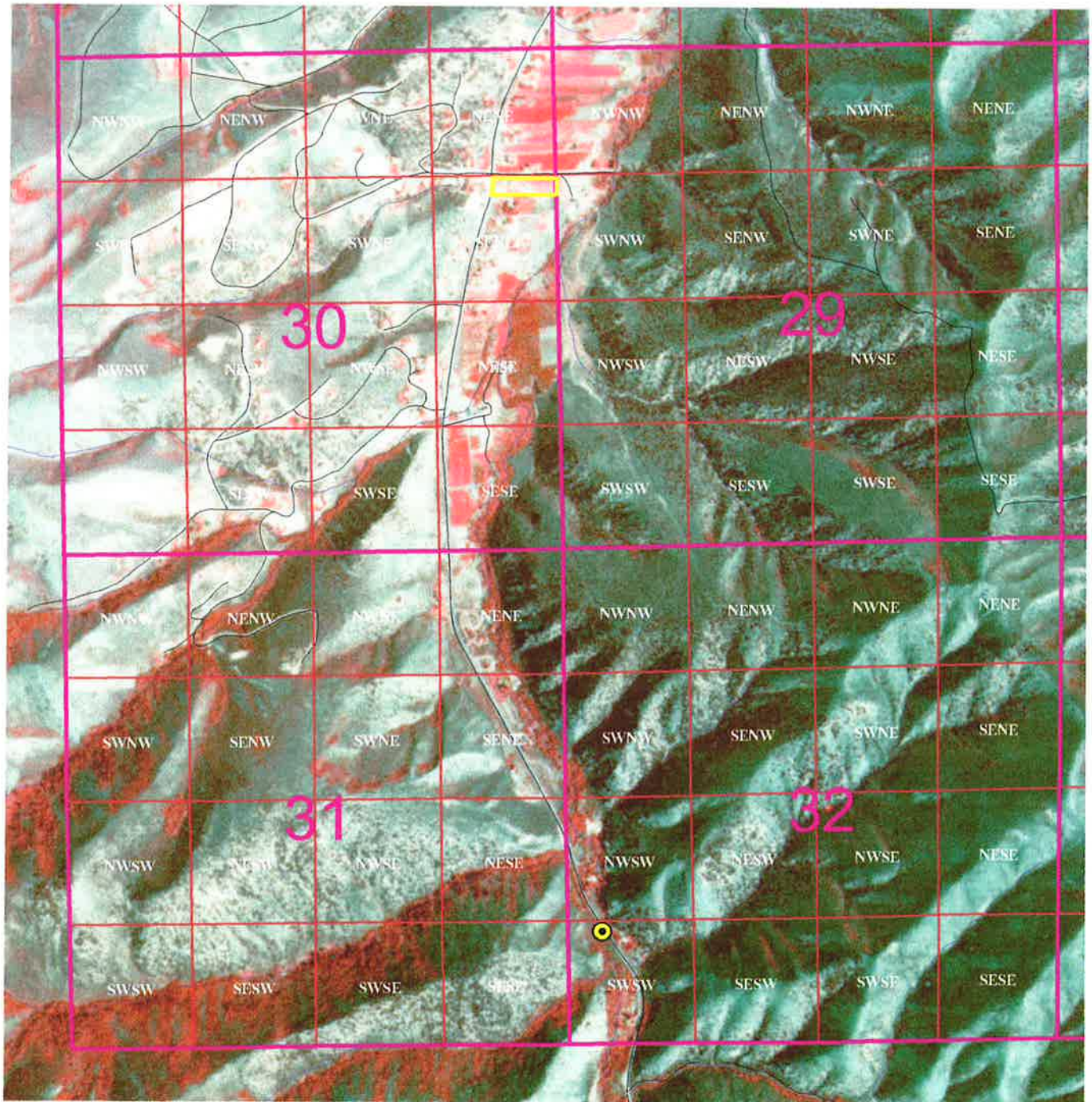
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: Decreed

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

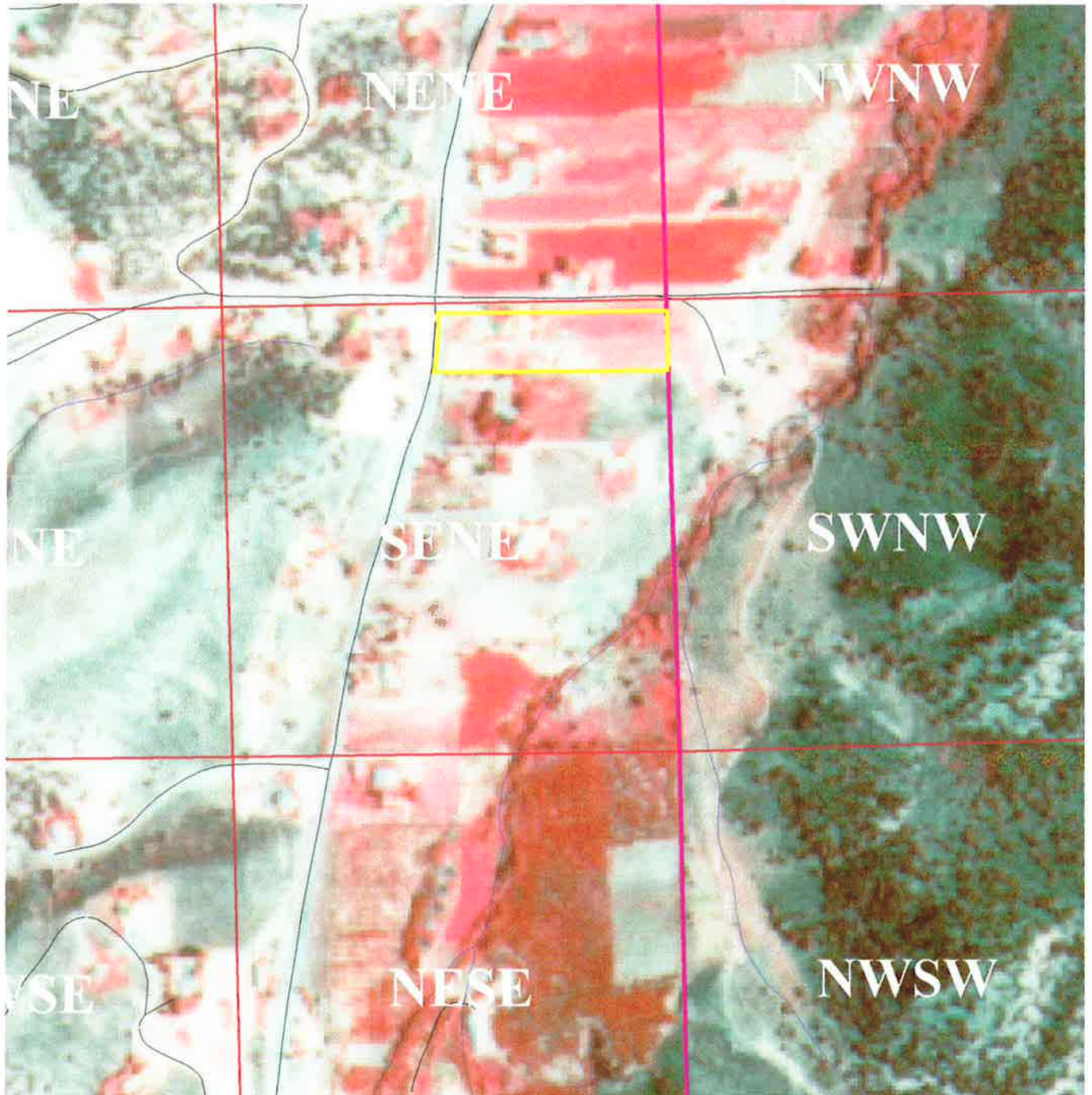
Water Right Claim Number A29-00274D
Township , 7S35E

08/23/2000



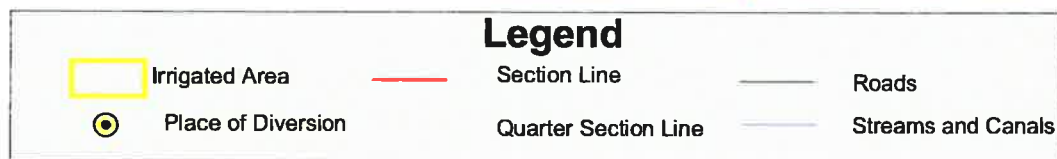
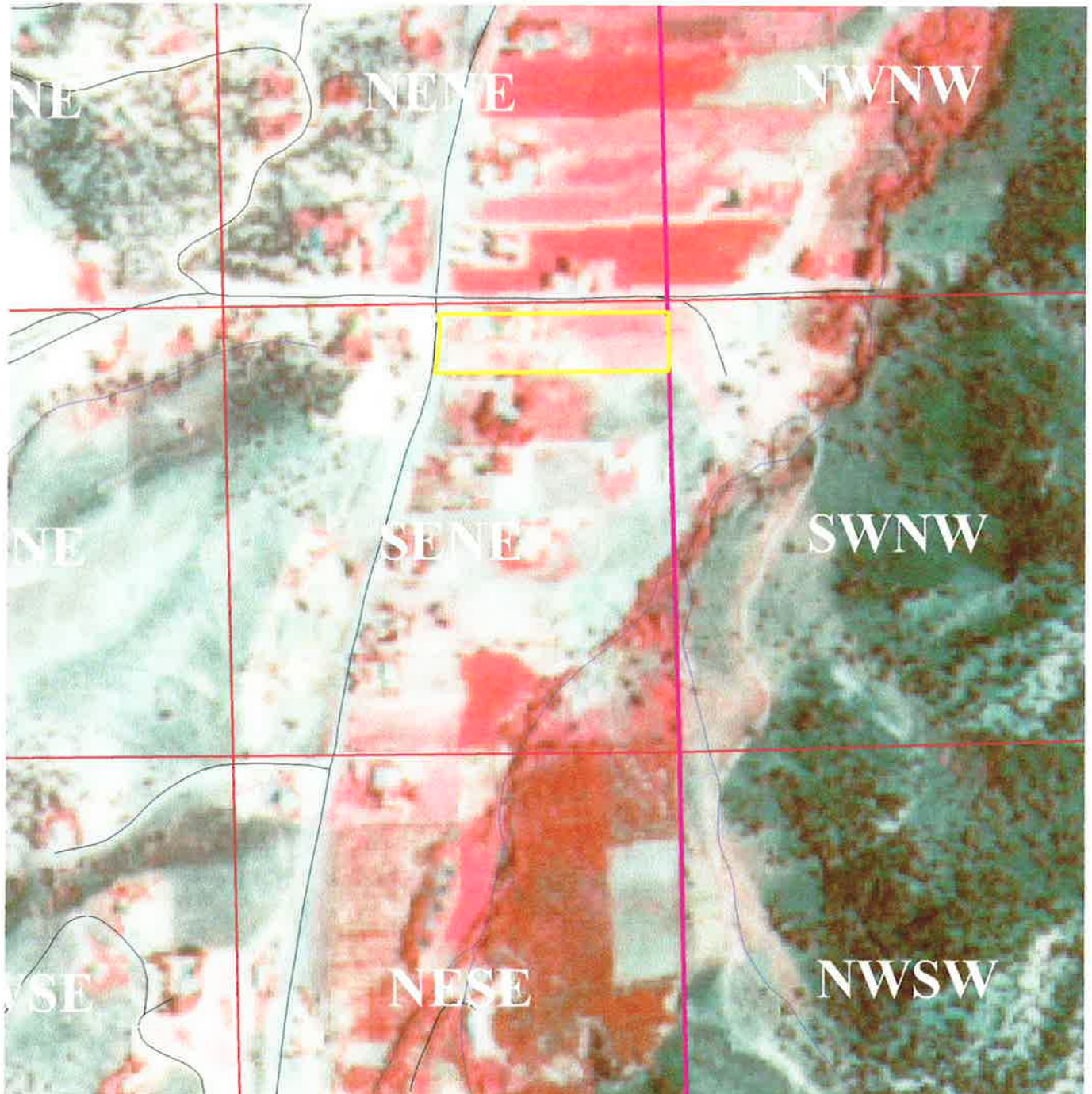
Water Right Claim Number A29-00274D
Township , 7S35E

08/23/2000



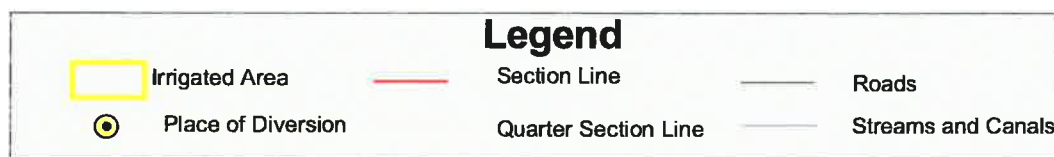
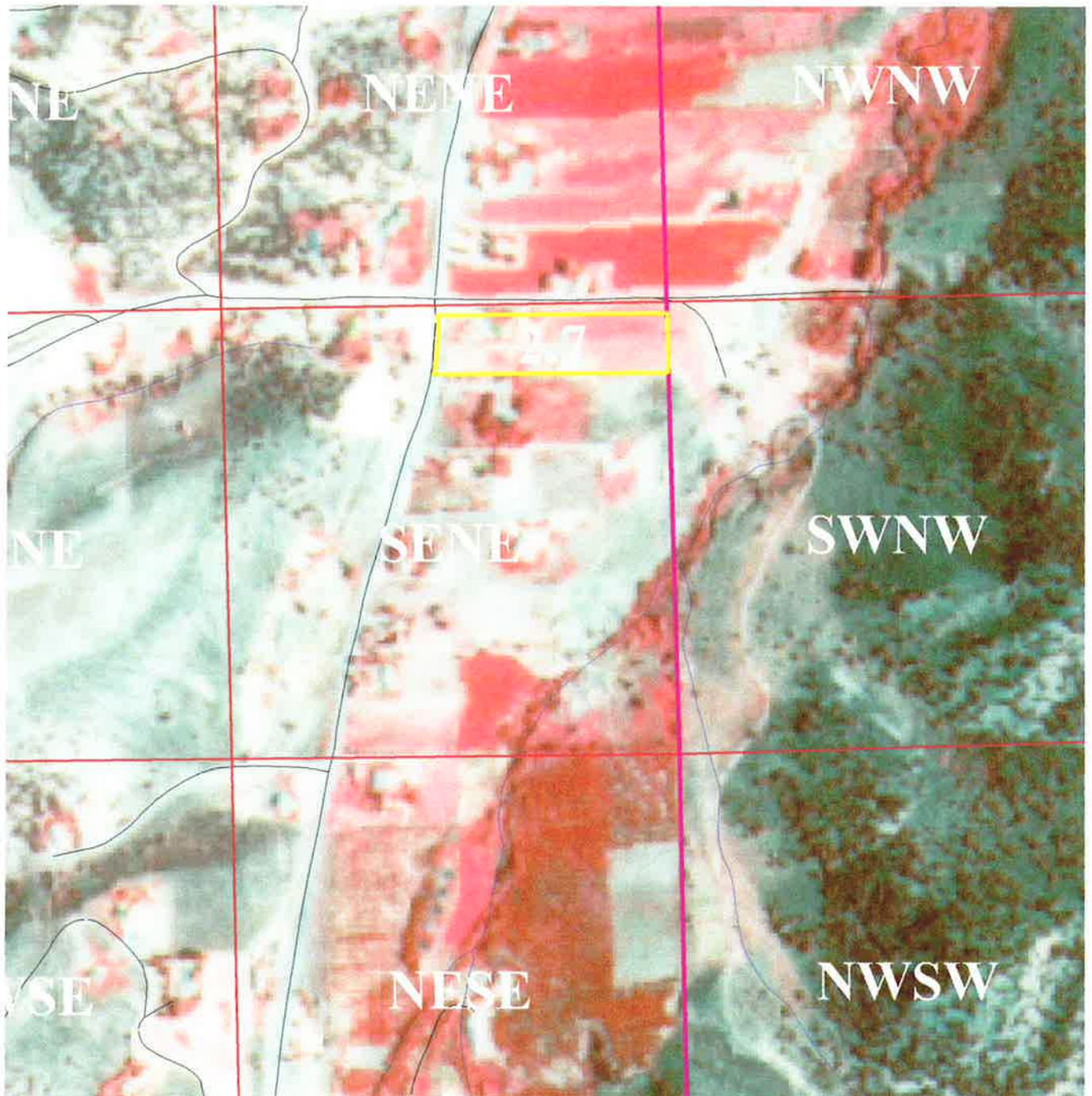
Water Right Claim Number A29-00274D
Township , 7S35E

08/23/2000



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

08/23/2000



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-274D V1

WATER RIGHT NUMBER: 29-274D V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	JAMES S CAMPBELL
	, ID
Current Owner	DIANE L PHILLIPS
	1762 N MINK CREEK RD
	POCATELLO, ID 83201
	(208)233-7187
Current Owner	ROGER N PHILLIPS
	1762 N MINK CREEK RD
	POCATELLO, ID 83204
	(208)233-7187

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	04/15	to 09/15	0.060 CFS	
	<u>Total Diversion:</u>		0.060 CFS	

Location of Point(s) of Diversion

MINK CREEK	NW1/4SW1/4NW1/4	Sec. 29, 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	29							.6										.6
07S	35E	30				2.4													2.4

Total Acres: 3

Conditions of Approval:

1. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. 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.

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

Remarks:

1. Purpose of Use 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.

Comments:

1. csaxton 10/29/2002 Source
Comment: Water from Campbell Creek is no longer directly diverted to irrigate this right.

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	10/29/2002 1:17:57 PM	csaxton			Active
Priority Date	10/29/2002 1:18:35 PM	csaxton			Active
POD	10/29/2002 1:18:53 PM	csaxton			Active
Source	10/29/2002 1:20:29 PM	csaxton			Active
POU	10/29/2002 1:21:31 PM	csaxton			Active
Use	10/29/2002 1:23:58 PM	csaxton			Active
Season	10/29/2002 1:24:21 PM	csaxton			Active
Quantity	10/29/2002 1:26:16 PM	csaxton			Active
Summary			10/29/2002	csaxton	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-274D V1

Summary	10/29/2002 1:33:34 PM	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?
POD	10/29/2002 1:20:13 PM	csaxton	Edited PLS
Source	10/29/2002 1:20:30 PM	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?
Contacts	10/29/2002 1:17:59 PM	csaxton	(No) 1. Do you want to schedule an appointment? Comment for 1: Field Exam 8/13/02
Priority Date	10/29/2002 1:18:36 PM	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?
POD	10/29/2002 1:18:54 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD? (No) 5. Can the claimed POD be verified using the water right file? (Yes) 6. Is there evidence that there has been a change in the POD? (Yes) 7. Can the change be verified as an accomplished transfer? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?
POD	10/29/2002 1:19:30 PM	csaxton	Edited point location

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-274D V1

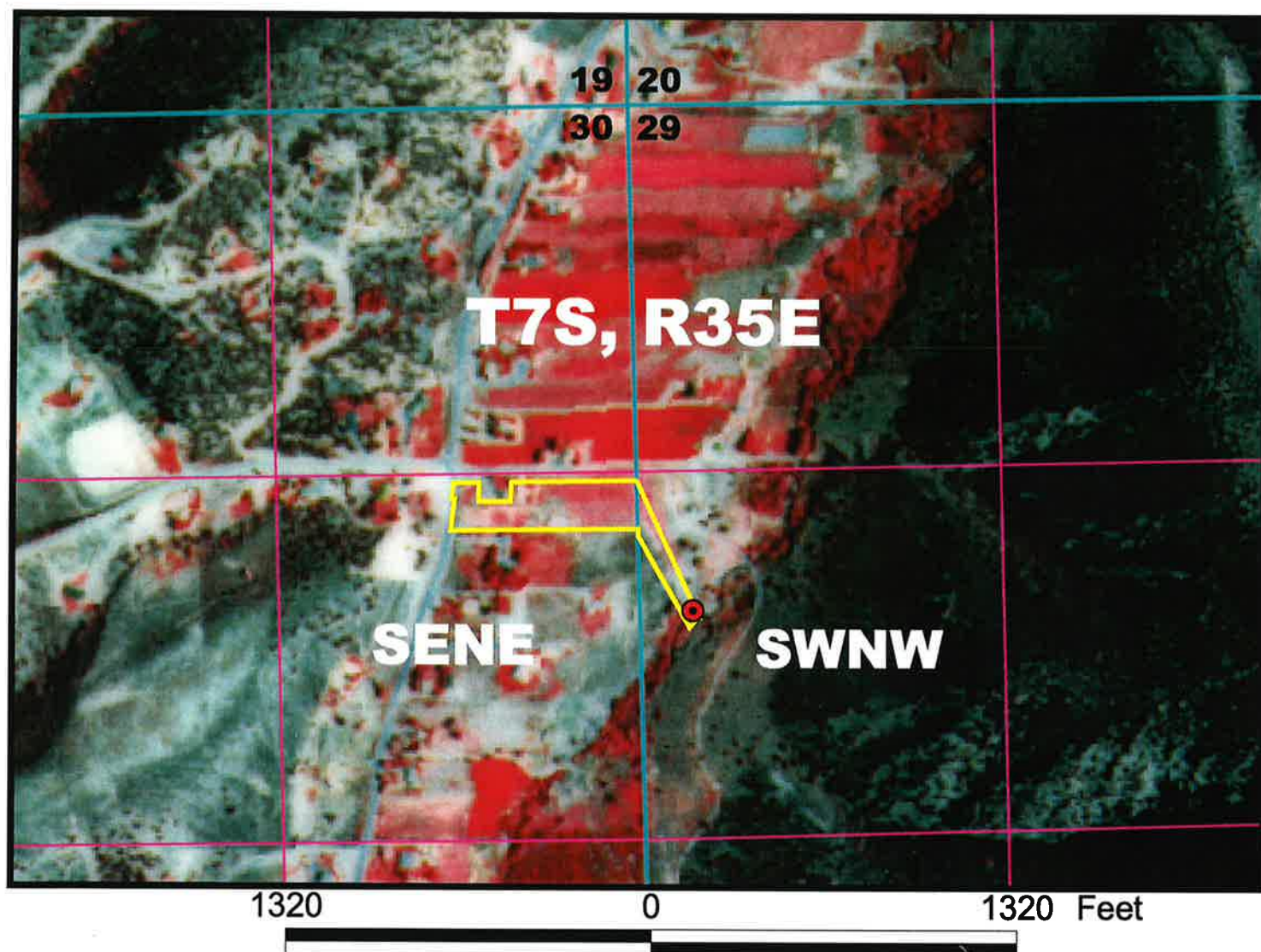
POU	10/29/2002 1:21:33 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (Yes) 6. Can the claimed POU be verified using the water right file? (No) 14. Is a POU remark and/or condition required?
POU	10/29/2002 1:22:10 PM	csaxton	Edited shape boundary
POU	10/29/2002 1:22:27 PM	csaxton	Edited PLS
Use	10/29/2002 1:23:59 PM	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	10/29/2002 1:24:22 PM	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? (Yes) 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) 14. Is irrigation claimed as a Purpose of Use? (No) 16. Is the Period of Use on the decree, license or transfer shorter on either the start date or end date than allowable under current IDWR standards? (Yes) 18. Is a Period of Use remark and/or condition required?
Quantity	10/29/2002 1:26:17 PM	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? (No) 12. Is a Quantity remark or condition required?



STATE OF IDAHO

Department of Water Resources
Eastern Region

Water Right(s): 29-00274D



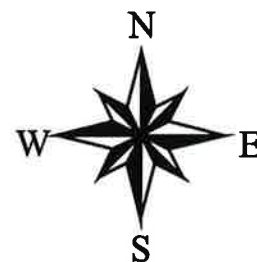
Total Irrigated Acres: 3.0

-  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: October 2002

8-11-02 : Domestic 29-11044- PD'L

: NCO Needs to be sent: Philip V Leavitt Jr
1762 N Mink Cr Rd
Pocatello ID 83204-7257
no phone # in Book

8-13-02 : Knocked on door and no one home 1) Irr Rock side Hill
FE 2) Pump - Gray 20
open shed

: Found Pump: Baldor
HP810

3) South Horses + POA
4) W Horse + POA

: When was POD In Place?

: looks like most of the Property is Irrigated From Creek

: Stock Not Claimed

: send letter- Questions: POD in place?

: Is area around House Irrigated w/creek Water

10/25/02 : Rec as claimed

PROFILED

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

August 19, 2002

PHILIP N LEAVITT
1762 N MINK CK RD
POCATELLO ID 83204-7257

RE: Notice of Change in Water Right Ownership for Snake River Basin Adjudication
(SRBA) claim 29-00274D

Dear Mr. Leavitt:

It has come to our attention that you may have recently purchased a tract of land in Bannock County. According to our records, the property to which I am referring to was most recently owned by Roger and Diane Phillips. The legal description is as follows:

T07S R35E S30 SE1/4 NE1/4

This property was filed on in the Snake River Basin Adjudication (SRBA). IDWR is currently in the processing of reviewing the Adjudication claims in basin 29, and will submit a Directors Report in September of 2002. We recommend that if, in fact, you now own the property in question, you file a "Change in Ownership" with this department in order that we may send all further correspondence to the appropriate owner(s).

Enclosed is a Change in Ownership form. Please fill out the form completely, sign and date it and return it to my attention along with a "copy" of your Warranty Deed and legal description of the property you have purchased.

In addition, when submitting the Notice of Change in Water Right ownership, please provide a short statement stating how long the pump or point of diversion has been in it's current location, and whether Mink Creek water is used to irrigate the lawn around your home, or is just used for the pasture.

If you have any questions regarding this matter, please call 334-2190.

Respectfully submitted,

Craig L. Saxton
Water Resource Agent
Enclosure(s)

PROFILED

SCANNED

JUL 14 2005

29-00274D

POD

Field Exam: 8/13/02



Looking at POD. Mink creek to the right of the picture. POU to the left of the picture (csaxton).



Looking SW. Irrigated pasture land. POD behind me in picture (csaxton).

PROFILE

SCANNED

JUL 14 2005

29-00274D

POU

Field Exam: 8/13/02



Looking South at claimed POU (csaxton).



Looking West at claimed POU. Note irrigation line at the base of the wire fence (csaxton).

PROFILE

SCANNED

JUL 14 2005

29-00274D



Point of Diversion

Total Property Acreage: 3.4



Roughly - Claimed Place of Use



Licensed POU - N/A



Bannock Co Tax Lot Data



Section Lines

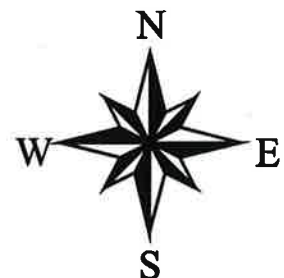


Quarter Quarter Lines

PROFILED

SCANNED

JUL 14 2005



Prepared By: Craig Saxton
August 2002

Split history for Decreed Right 29-00274

		Claimed	Recommend
29-00274 1.4 Decree Silent	29-00274A Campbell	29-00274C Schubert	Disallow
	1.259	0.14	
	?	7	
		29-00274D Phillips	
		0.06	0.06
		3	3
	29-00274B McKee	29-00274E Worthington	
	0.141	0.024	0.02
	7	1.2	0.9
		29-00274F Schiebe	
		0.08	0.07
		4	3.6
		29-00274G Wood	
		0.08	0.01
		2	0.3
		29-00274H Grewing	
		0.17	0.03
		8.7	1.6
		29-00274I Matkin, GK	
		0.19	0.11
		10	5.3
		29-00274J Holte	
		0.04	0.04
		2	2
		29-11331 Matkin, Jeff	
		1.5	0.33
		27	16.5
		29-11334 Matkin, Jeff	Disallow
		0.1	Recommended under
		5	29-11331
		29-11345 Fisher, Michael	
		0.07	0.06
		3.5	3.2

Sum of claimed CFS = 2.454
Sum of claimed Acreage = 73.4

Sum CFS=	0.73
Sum Acre=	36.4

Un-accounted for CFS= 0.67
Un-accounted for Acres= N/A

PROFILED

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JUL 14 2005

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 29-274D

WATER RIGHT NUMBER: 29-274D

Owner Type Name and Address
Original Owner JAMES S CAMPBELL

Current Owner , ID
DIANE L PHILLIPS *OK*
1762 N MINK CREEK RD
POCATELLO, ID 83201
(208)233-7187

Current Owner ROGER N PHILLIPS *OK*
1762 N MINK CREEK RD
POCATELLO, ID 83204
(208)233-7187

Priority Date: 06/17/1902 *OK*

Basis: Decreed *OK*

Status: Active *OK*

Source Tributary
MINK CREEK *OK* PORTNEUF RIVER *OK*

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION <i>OK</i>	3/15	11/15	0.060 CFS <i>OK</i>	
	4/15	9/15		
	<u>Total Diversion:</u>		0.060 CFS <i>OK</i>	

Location of Point(s) of Diversion

MINK CREEK *OK* ~~NW1/4SW1/4SW1/4~~ Sec. ~~32~~ *29*, Twp 07S, Rge 35E, B.M.
BANNOCK County NW SW NW

Place of Use

IRRIGATION

Twp	Rge	Sec	NE	NW	SE	SW	NE	NW	SE	SW	NE	NW	SE	SW	NE	NW	SE	Totals
07S	35E	30			2.4													3.0
Total Acres: 3																		

Conditions of Approval:

Remarks:

1. General

AS PER TRANS. #252.

THIS SPLIT OF 29-00247 IS CLAIMED BY THIS CLAIMANT FOR 3 ACRES OF IRRIGATION FOR LANDS OWNED BY HIM THAT WERE ORIGINALLY DEC-EED. THE RATE OF FLOW CLAIMED IS ONE MINERS INCH PER ACRE.

PROFILED

SCANNED

JUL 14 2005

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 29-274D

Comments:

Dates and Other Information:

Claim Received Date: 4/3/1990
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
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

PROFILED

SCANNED
JUL 14 2005

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				
			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: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 A29-00274D

Spatial Dynamics LTD

8/23/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
07s35e	30	SENE	3	2.7	
Totals:			3	2.7	

AJ5809NP
No. A29-00274D

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/18/00
PAGE: 5

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	DIANE L PHILLIPS	06/17/1902	IRRIGATION	03-15 11-15	0.060 CFS	
C	ROGER N PHILLIPS					
	1762 N MINK CREEK RD					
	POCATELLO ID 83201			TOTAL DIVERSION:	0.060 CFS	
	(208) 233-7187			CONSUMPTIVE USE:		7.50 AFA

Water Source: MINK CREEK

Tributary to: PORTNEUF RIVER

Stage: DECREED

Point(s) of Diversion: T07S R35E S32 NWSWSW 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	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	SUM		
07S	35E	30	:	03	:	:	:	:	:	:	:	:	:	3.0		
TOTAL ACRES													3.0			

POU County: BANNOCK

Non-Irrigation Uses: STOCKWATER INCIDENTAL TO IRRIGATION

Other Rights: N/A

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

29-04172 29-10726 A29-04172 A29-10726 A29-10843

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

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

Remarks: GEN AS PER TRANS. #252.

THIS SPLIT OF 29-00247 IS CLAIMED BY THIS CLAIMANT FOR 3 ACRES
OF IRRIGATION FOR LANDS OWNED BY HIM THAT WERE ORIGINALLY DEC-
EED. THE RATE OF FLOW CLAIMED IS ONE MINERS INCH PER ACRE.

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

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

Audit: 04/03/90 MOBILE3 04/04/94 THOMPSON 03/29/95 POST-STD

B

Form 20

Copy

RECEIVED

JUN 6 1961

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 ~~he~~ ^{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 linch per acre cubic feet 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. 7 S., R. 35 E. B.M.
(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 man-
ner, 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 7 S., Range 35 E., B. M., and con-
ducted 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 cubic feet per second
in place of use
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

McKee

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 *S.E. 1/4 of NE 1/4 of Section 30*, Township *7S*, Range *35E* *R.M.* 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.

May H E McKee

Applicant.

Subscribed and sworn to before me this *1st* day of *June*, 19*61*

George F. Phelps

Notary Public.

APPLICANT WILL ANSWER THE FOLLOWING QUESTIONS:

From what stream is the water diverted? *Mink Creek and Campbell 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

RECEIVED
1961

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 Mr H E McKee in Mink Creek in Bannock County, Idaho.

<u>Odell J. Maden</u>	<u>225 Mattheu</u>
<u>Willard H. Ellison</u>	<u>J. Anderson</u>
<u>Ken Chaney</u>	<u>E. R. Chaney</u>
<u>Naomi Stanger</u>	
<u>W. L. P. Fickett</u>	
<u>W. Wood</u>	
<u>O. G. Myler</u>	
<u>J. V. Frazier</u>	

TITLE
OF
CASE

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

SOURCE Mink Creek & Campbell Creek

WATER DIST 17-D

COUNTY Bannock

PAGE

JUDICIAL DIST 5

JUDGE Q. R. Dunn

DATE OF DECREE 6-5-26

RECORDED

IN BOOK NO 5 AT PAGE NO 78

FILE NO 434

PN.	DN	DECREE OWNER	NAME	PRESENT OWNER	AMT. INCHES	PRIORITY	DIVERSION SUBDIV SEC TWR AG	REMARKS, LAND TO BE IRRIGATED, ETC	CT.
1		T. B. Smith Est.			10.	2-26-69	center 20 7 S. 35E	NW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, 17, SW $\frac{1}{4}$ SE $\frac{1}{4}$ 8 T 7S-R35 E	10.
1		Elkhorn Dairy & Livestock Co.			15.	"	" " " "	SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ 17	25.
1		Joseph Munn			5.	"	" " " "	SE $\frac{1}{4}$ NE $\frac{1}{4}$ 16, N 18 A. of SW $\frac{1}{4}$ NW $\frac{1}{4}$ 17	30.
1		Wm. H. Edwards			20.	"	" " " "	NE $\frac{1}{4}$ NE $\frac{1}{4}$ 18	50.
1		City of Pocatello			161.1	"	At a point 30383 W. 728.348 from E. corner S. 12-35-34 E.	Municipal purposes	211. 1
1		Big Elk Indian Allotment			59.71	"		Plus one additional inch of water for each additional acre added to the present irrigated area which is 97.17 acres.	269. 8
1		Toams			57.46	"			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 NW $\frac{1}{4}$ NE $\frac{1}{4}$, S. 31-73-35E.)	See. 31-T. 7S.-R. 35 E.	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			51.53	"	" " " "	" "	565. 64
5		Arthur Say (SAY)			75.	9-7-04	SE $\frac{1}{4}$ SE $\frac{1}{4}$ 19	SE $\frac{1}{4}$ SE $\frac{1}{4}$ 19, NE $\frac{1}{4}$ NE $\frac{1}{4}$ 30, NW $\frac{1}{4}$ NW $\frac{1}{4}$ 29, SW $\frac{1}{4}$ SW $\frac{1}{4}$ 20.	640. 64
6		H. F. Calloway			20.	8-7-07	SW $\frac{1}{4}$ 20	NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, 20	660. 64
7		J. H. McKinnon			12.	7-10-10	SW $\frac{1}{4}$ 31	S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, 31	672. 64
8		City of Pocatello			60.9	10-1-17	See Above.	See above.	733. 54

LEGEND P.N. - PRIORITY NUMBER

DN. - DECREE NUMBER

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. 75, R. 35 E.

Through what ditch will it be conducted after transfer? Taba 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

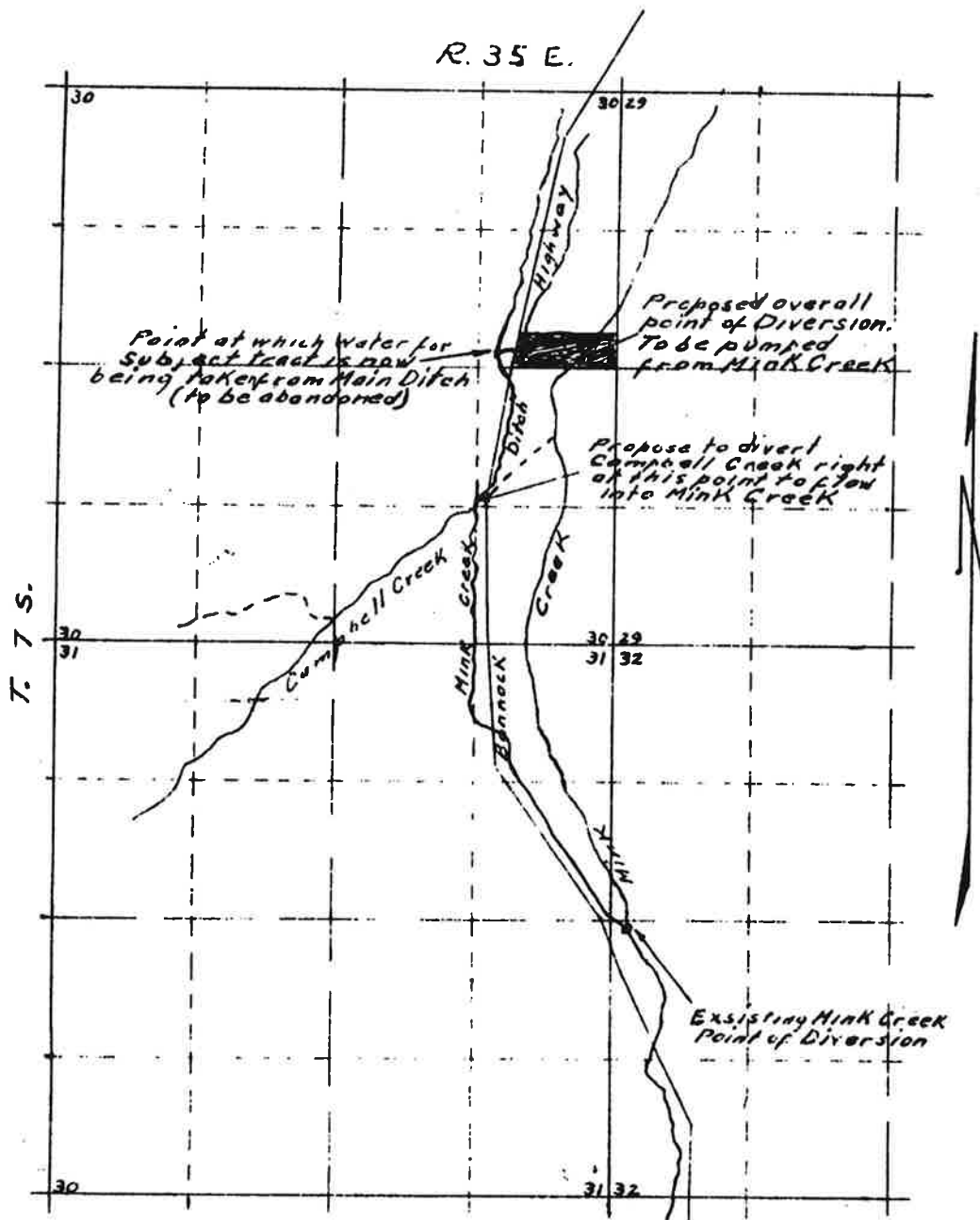
Water District No. 17-D, County of Bannock, State of Idaho, whose postoffice address is Pocatello, Idaho,

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.

RECORDED



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: A29-00274D

Date Received: 3/28/1990

Receipt No: MOJ 6470Received By: [Signature]

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DIANE L. PHILLIPS 208-233-7187
Address: 1762 N. MINK CREEK ROAD
POCATELLO, ID 83201

OR

Name: ROGER N. PHILLIPS 208-233-7187
Address: 1762 N. MINK CREEK ROAD
POCATELLO, ID 83201

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	32	NW	SW	SW		BANNOCK

5. Description of diverting works:
DIV. & DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.060		

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

8. Total consumptive use is 7.5 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER INCIDENTAL TO IRRIGATION

A29-00274D

Page 1

Date: 04/03/90

A2900274D



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10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	35E	30	SE	NE		IRR	3.0
Section Acres							3.0
Total Acres							3.0

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:
N/A

14. Remarks:

AS PER TRANS. #252.

THIS SPLIT OF 29-00247 IS CLAIMED BY THIS CLAIMANT FOR 3 ACRES OF IRRIGATION FOR LANDS OWNED BY HIM THAT WERE ORIGINALLY DECREEED. THE RATE OF FLOW CLAIMED IS ONE MINERS INCH PER ACRE.

15. Basis of Claim: DECREEED

Case Number:

Court :

Decree date:

SMITH ADMIN., ET. AL.
Decree Plaintiff

vs

CITY OF POCA TELLO, ET. AL.
Decree Defendant

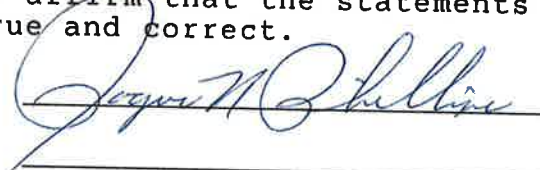
16. Signature(s)

(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: 1

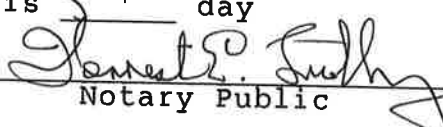
For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s):  Date: 4/3/90
Date: _____

State of Idaho)
County of BANNOCK) SS.

Subscribed and sworn (or affirmed) before me this 3rd day
of APR. 19 90


Notary Public

Seal

Residing at BOISE, ID
My Commission Expires 11/08/1994



T 7S - R 35E
SECS 32 & 30

MICROFILMED
NOV 13 1992