

10/29/2002

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

RIGHT NUMBER: 29-274E

NAME AND ADDRESS: MARITA WORTHINGTON
832 N MINK CREEK RD
POCATELLO ID 83204

DWIGHT WORTHINGTON
832 N MINK CREEK RD
POCATELLO ID 83204

SOURCE: MINK CREEK

TRIBUTARY: PORTNEUF RIVER

QUANTITY: 0.020 CFS

PRIORITY DATE: 06/17/1902

POINT OF DIVERSION:

T07S R35E S31 SWNE 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	0.020 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 S31 NENE 0.9

0.9 ACRES TOTAL

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

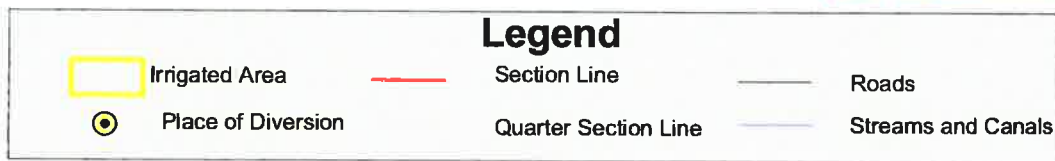
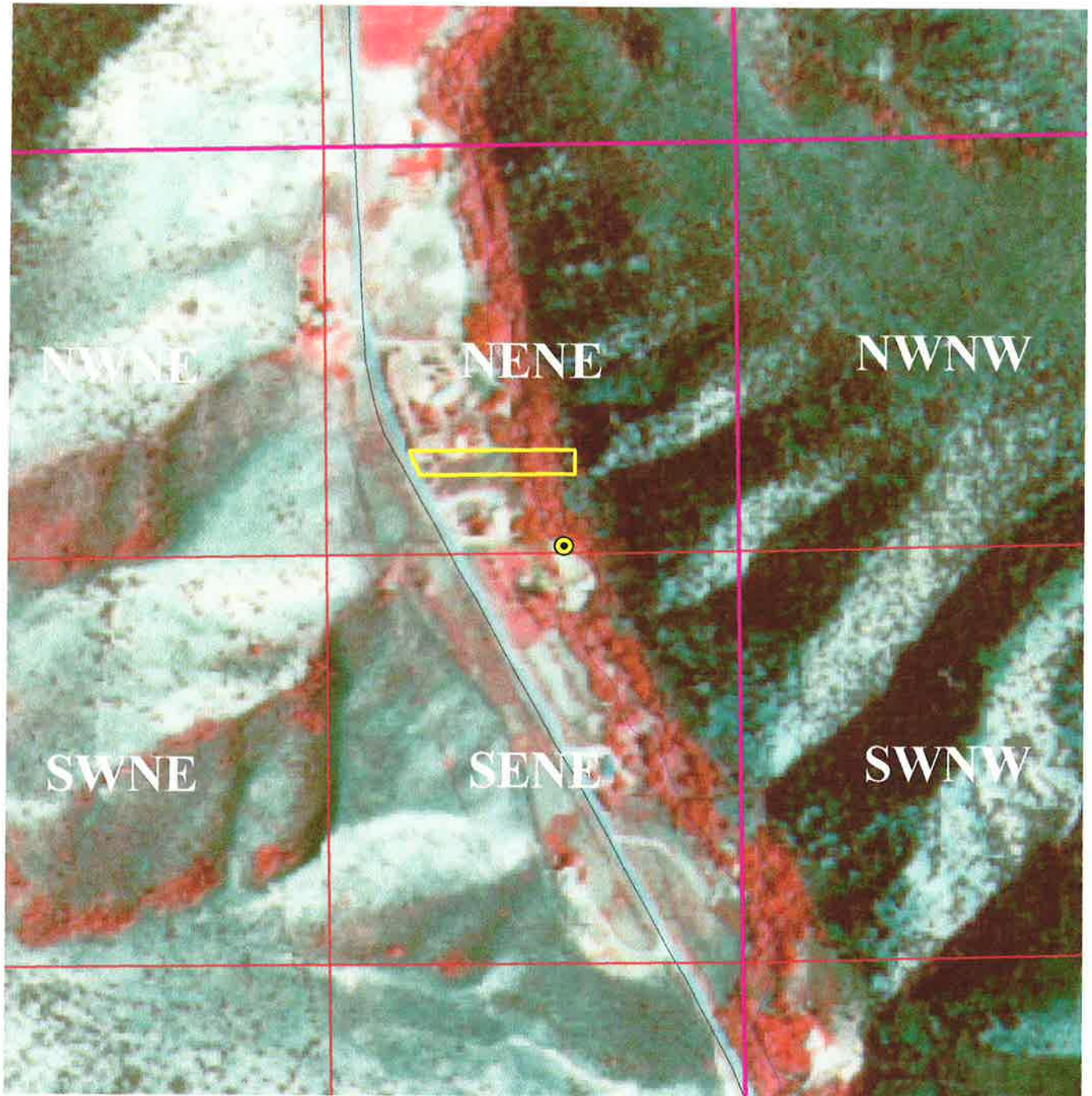
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: Decreed

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

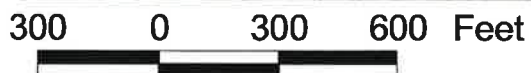
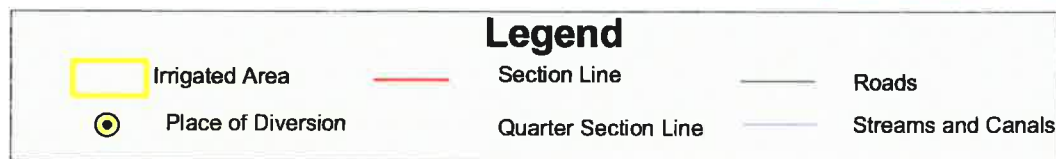
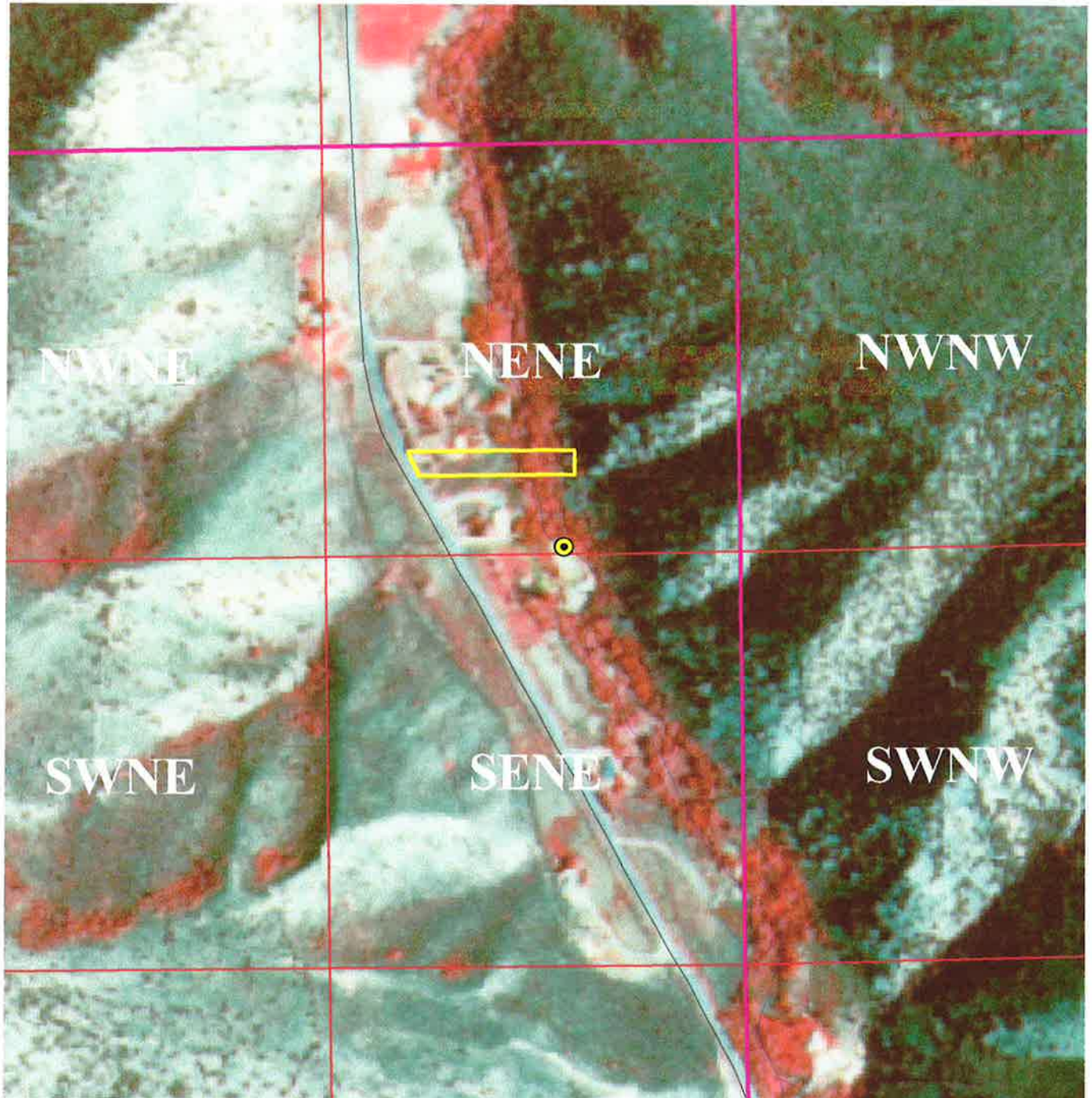
Water Right Claim Number A29-00274E
Township , 7S35E

08/23/2000



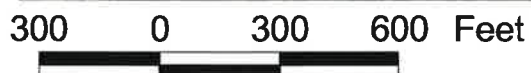
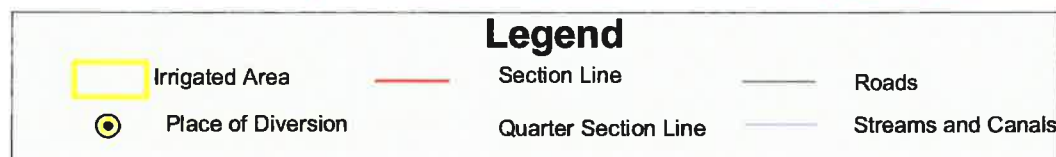
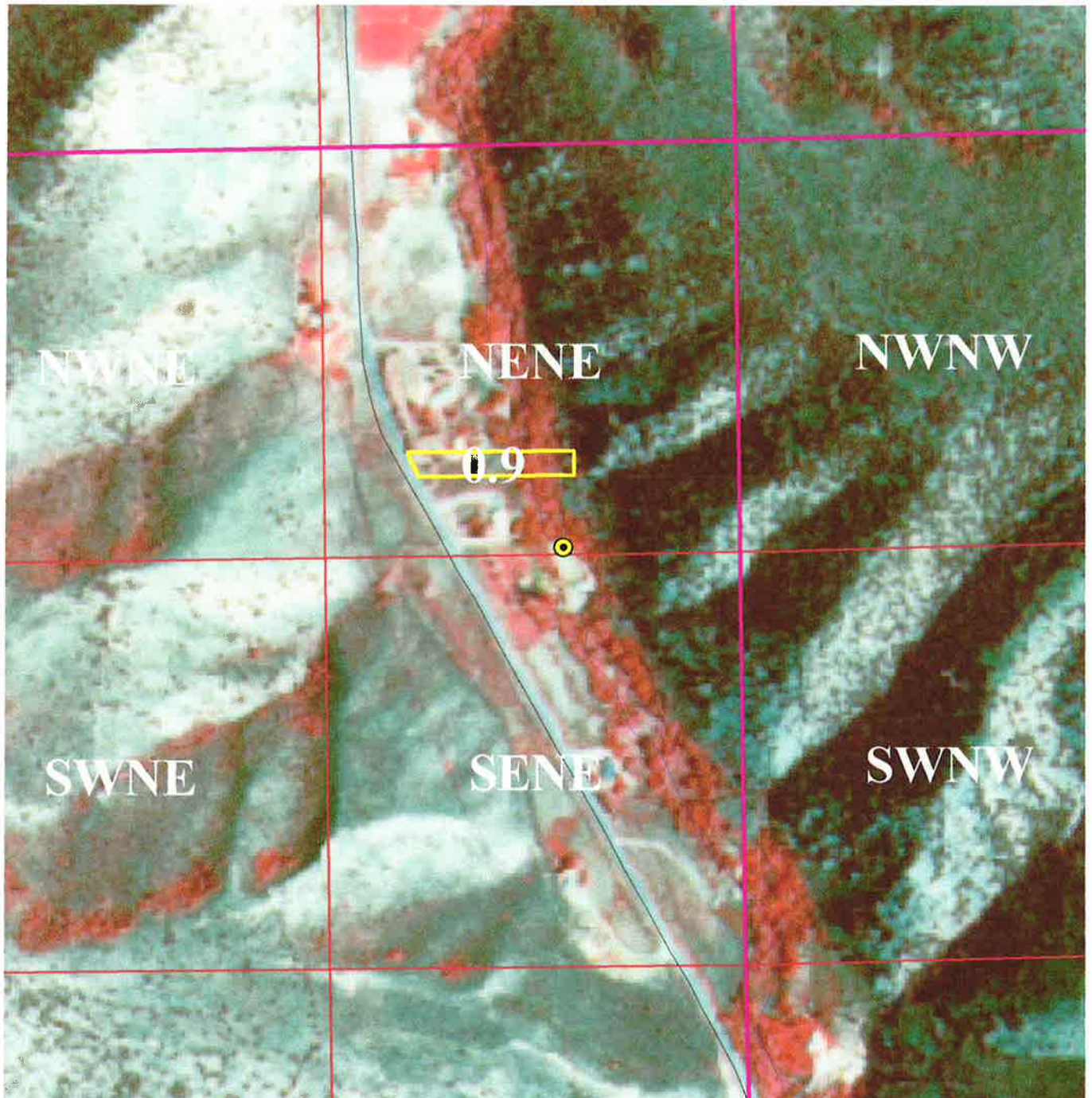
Water Right Claim Number A29-00274E
Township , 7S35E

08/23/2000



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

08/23/2000



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-274E V1

WATER RIGHT NUMBER: 29-274E V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MARITA WORTHINGTON 832 N MINK CREEK RD POCATELLO, ID 83204 (208)337-0251
Original Owner	GLENNA WOLLEY 832 N MINK CREEK RD POCATELLO, ID 83204 (208)232-0940
Current Owner	DWIGHT WORTHINGTON 832 N MINK CREEK RD POCATELLO, ID 83204 (208)337-0251

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	0.020 CFS	
	<u>Total Diversion:</u>	0.020 CFS	

Location of Point(s) of Diversion

MINK CREEK	SW1/4NE1/4NE1/4	Sec. 31, 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	31	.9																.9

Total Acres: 0.9

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.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-274E V1

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 POD

Comment: Remarks in claim say that this is the same POD as 29-00274D. This is an error. The two claimed POU's are 3/4 of a mile apart.

2. csaxton 10/29/2002 Source

Comment: Campbell creek is no longer used to irrigate this POU.

Dates and Other Information:

Decreed Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Defendant:
 Plaintiff:
 Civil Case Number:
 Judicial District:
 Notice of Error Flag:
 State or Federal: S
 Owner Name Connector: 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 2:07:00 PM	csaxton			Active
Priority Date	10/29/2002 2:07:56 PM	csaxton			Active
POD	10/29/2002 2:08:17 PM	csaxton			Active
Source	10/29/2002 2:09:19 PM	csaxton			Active
POU	10/29/2002 2:12:09 PM	csaxton			Active
Use	10/29/2002 2:14:28 PM	csaxton			Active
Season	10/29/2002 2:14:52 PM	csaxton			Active
Quantity	10/29/2002 2:15:41 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 29-274E V1

Contacts	10/29/2002 2:07:01 PM	csaxton	(No) 1. Do you want to schedule an appointment?
			Comment for 1: Field exam 8/13/02
Priority Date	10/29/2002 2:07:57 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 2:08:19 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 2:08:42 PM	csaxton	Edited point location
POD	10/29/2002 2:09:03 PM	csaxton	Edited PLS
Source	10/29/2002 2:09:21 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?
POU	10/29/2002 2:12:10 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?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-274E V1

Season	10/29/2002 2:14:54 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? (Yes) 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) 17. Was the Period of Use shortened by a Transfer to a standard Period of Use that is shorter than the current standard Period of Use? (Yes) 18. Is a Period of Use remark and/or condition required?
Quantity	10/29/2002 2:15:43 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?
Summary	10/29/2002 2:17:29 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?
Use	10/29/2002 2:14:29 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?
POU	10/29/2002 2:12:28 PM	csaxton	Edited shape boundary
POU	10/29/2002 2:12:45 PM	csaxton	Edited PLS

02/18/2003

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: April 21, 2003

Water right number: 29-274E

MARITA WORTHINGTON
832 N MINK CREEK RD
POCATELLO ID 83204

Telephone Number: (208) ~~357-0251~~ **232-8672**

DWIGHT WORTHINGTON
832 N MINK CREEK RD
POCATELLO ID 83204

Telephone Number: (208) ~~357-0251~~ **232-8672**

— OK JC
3/21/03

RECEIVED

MAR 24 2003

WATER RESOURCES
WESTERN REGION

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

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: 03-19-03

SIGNATURE: Dwight Worthington

Please print your name: Dwight Worthington

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

PROFILED

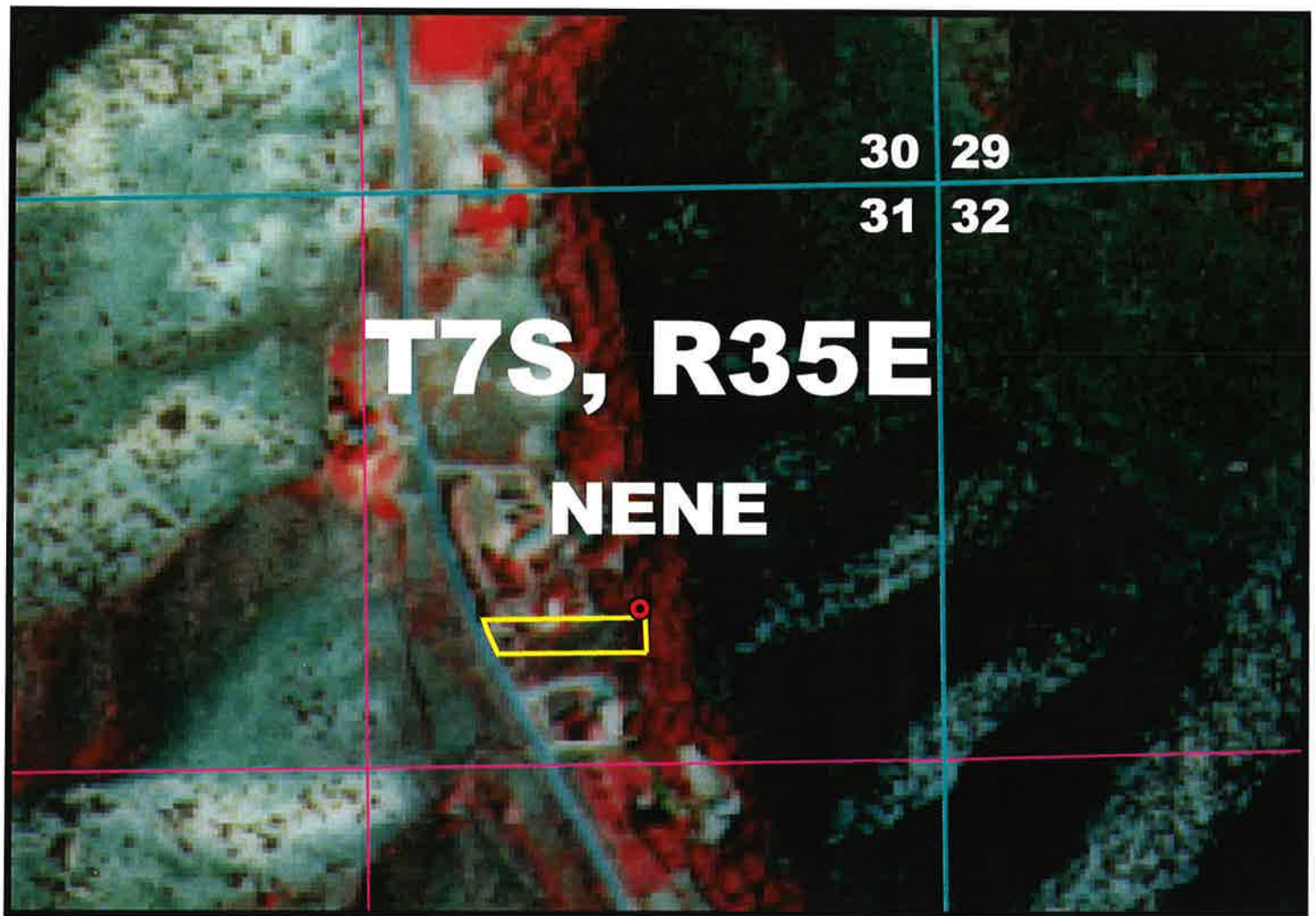
SCANNED
JUL 14 2005



STATE OF IDAHO

Department of Water Resources
Eastern Region

Water Right(s): 29-00274E



0 1320 Feet

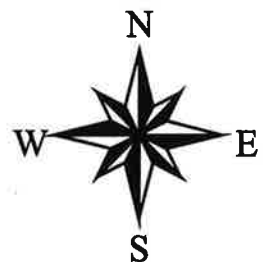
Total Irrigated Acres: 0.9

PROFILED

SCANNED

JUL 14 2005

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



GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: C. Saxton
Date: October 2002

8-11-02 : Domestic 29-10976 PD'd

: Claimant only owns 0.20 acres

8-13-02 : No Claimant Contact
FE

: Pump: GE

HP=1

S/N: WG1020017

: How long POD in place

10/25/02 : F only see 0.9 ac owned. FE Found
0.60 acres.

- 1) Pump - Black
- 2) Black intake
- 2) POD - Wood
- Bridge
- 3) Claimed Able

SCANNED

JUL 14 2005

PROFILED

29-00274E

POD

Field Exam: 8/13/02



Looking East at bridge over creek. Water is diverted just North of the bridge (csaxton).



Looking North at Pump used to divert water to claimed POU. Mink Creek to the Right of the picture. Black ABS line is the intake line (csaxton)

PROFILED

SCANNED

JUL 14 2005

29-00274E

POU

Field Exam: 8/13/02

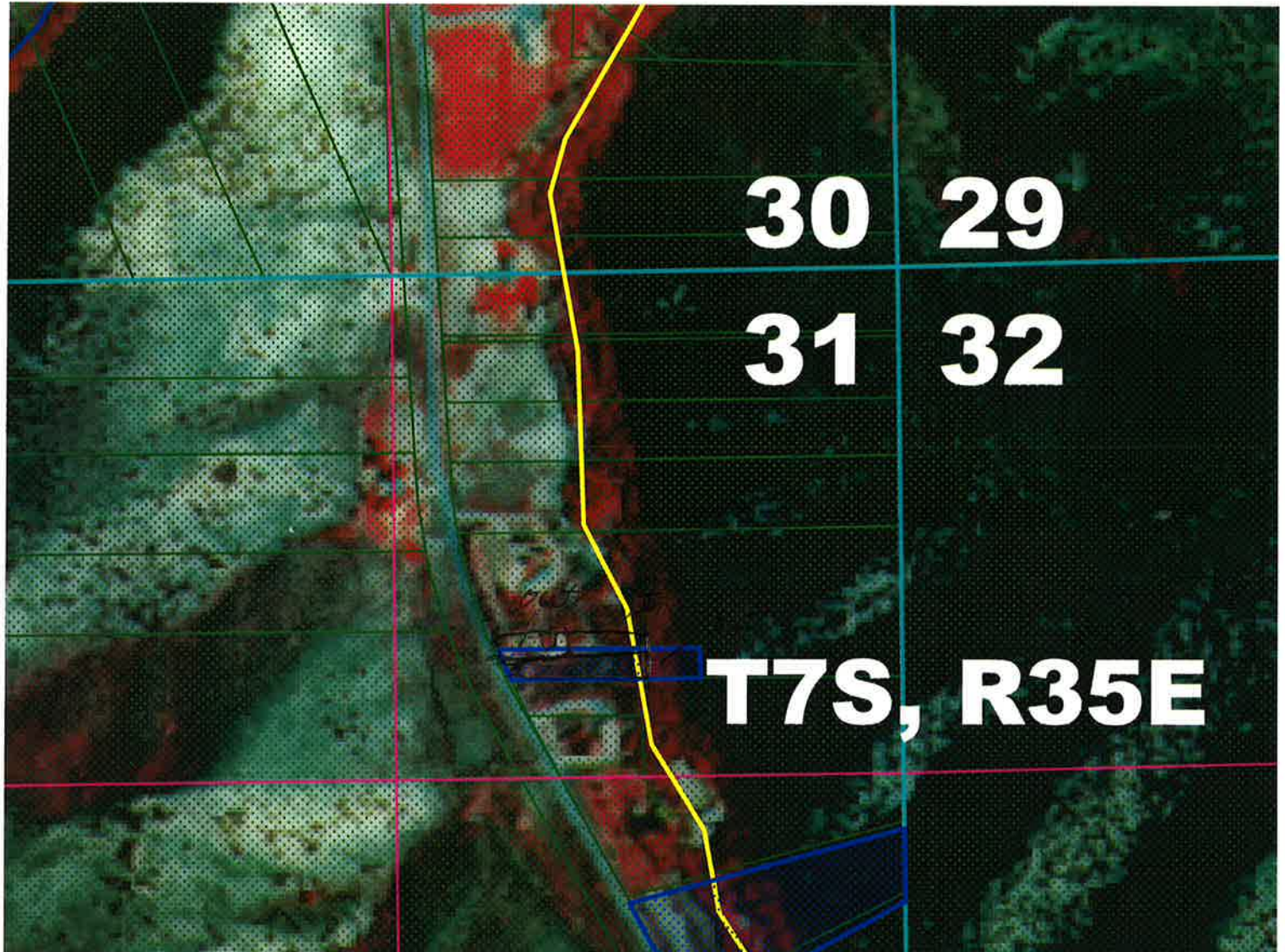


Looking East at claimed POU. Creek at the base of the hill in the background of the picture (csaxton).

PROFILE

**SCANNED
JUL 14 2005**

29-00274E



Point of Diversion

Total Property Acreage: 0.9



Roughly - Claimed Place of Use



Licensed POU - N/A



Bannock Co Tax Lot Data



Section Lines

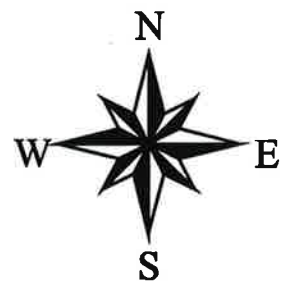


Quarter Quarter Lines

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

JUL 14 2005

SCANNED

PROTECTED

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 29-274E

WATER RIGHT NUMBER: 29-274E

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MARITA WORTHINGTON 832 N MINK CREEK RD POCATELLO, ID 83204 (208)337-0251 <i>OK</i>
Original Owner	GLENNA WOLLEY 832 N MINK CREEK RD POCATELLO, ID 83204 (208)232-0940
Current Owner	DWIGHT WORTHINGTON <i>OK</i> 832 N MINK CREEK RD POCATELLO, ID 83204 (208)337-0251

Priority Date: 06/17/1902 *OK*
 Basis: Decreed *OK*
 Status: Active *OK*

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

<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	0.024 CFS	<i>N/A</i>
	4/15	9/15	0.02	
	<u>Total Diversion:</u>		0.024 CFS 6.02	

Location of Point(s) of Diversion

MINK CREEK *OK*
 BANNOCK County

SE 1/4 NE 1/4 NE 1/4
SW

Sec. 31, Twp 07S, Rge 35E, B.M.

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	31	1.2																1.2

Total Acres: *1.2*
0.9

Conditions of Approval:Remarks:

1. General

SAME PD AS A29-00274D **CHANGE IN OWNERSHIP** 4/2/91/JT

*no - not even close**000's 3/4 of a mile away from
Each other.***PROFILED****SCANNED****JUL 14 2005**

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

Comments:Dates and Other Information:

Claim Received Date: 4/4/1990
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
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>
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Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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PROFILED

SCANNED
JUL 14 2005

Water Right Report 29-274A

WATER RIGHT NUMBER: 29-274A

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JAMES S CAMPBELL
	, ID

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	1.259 CFS	
	<u>Total Diversion:</u>	1.259 CFS	

Location of Point(s) of Diversion

MINK CREEK NW1/4NE1/4 Sec. 31, Twp 07S, Rge 35E, B.M.

BANNOCK County

Place of Use
IRRIGATION

[illegible]

Conditions of Approval:

Remarks:

1. General AS PER TRANS. #252.

Comments:

Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 29-274A

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 A29-00274E

Spatial Dynamics LTD

8/23/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
07s35e	31	NENE	1	0.9	
Totals:			1	0.9	

AJ5809NP
No. A29-00274E

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/18/00
PAGE: 6

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	MARITA WORTHINGTON	06/17/1902	IRRIGATION	03-15 11-15	0.024 CFS	
C	DWIGHT WORTHINGTON					
	832 N MINK CREEK RD			TOTAL DIVERSION:	0.024 CFS	
	POCATELLO ID 83204			CONSUMPTIVE USE:		3.00 AFA
	(208) 337-0251					

Water Source: MINK CREEK

Tributary to: PORTNEUF RIVER

Stage: DECREED

Point(s) of Diversion:

T07S R35E S31

SENE

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	31	: 01	:	:	:	:	:	:	:	:	:	:	1.2		
TOTAL ACRES													1.2			

POU County: BANNOCK

Non-Irrigation Uses: NONE

Other Rights: NONE

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

29-11568 A29-00274H A29-11331 A29-11568

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

A29-00274A A29-00274H A29-11331

Remarks: GEN SAME PD AS A29-00274D

CHANGE IN OWNERSHIP 4/2/91/JT

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:

Presumption Flag:

Audit: 04/02/90 JONES 04/02/91 THOMPSON 04/04/94 THOMPSON 03/29/95 POST-STD

APRIL 2, 1991

DWIGHT WORTHINGTON
832 N MINK CREEK ROAD
POCATELLO ID 83204

RE: CHANGE IN OWNERSHIP FOR NOTICE OF CLAIM

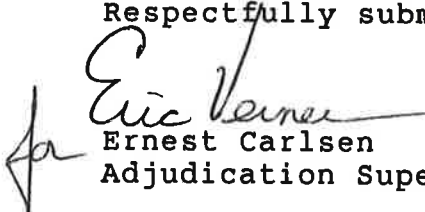
Dear Mr. Worthington:

The request for Change in Ownership concerning Notices of Claim A29-00274E and A29-10946 has been processed and the Notices modified to reflect you as the new owner.

Enclosed are typed Notices with your name shown as the current owner. Review the forms and if there are other corrections or questions, feel free to contact this office.

If there are no questions or corrections, please keep these Notices for your records.

Respectfully submitted,


Ernest Carlsen
Adjudication Supervisor

EC:jt

Enclosure: Printed Notices of Claim

File: P

MICROFILMED

NOV 13 1992

CHANGE IN OWNERSHIP

Page 1

This form is solely for purposes of notifying IDWR of a change in ownership of an adjudication claim.

[] Water Right Number(s): A29-00274E + A29-10946

[] Name and Address of Former Claimant(s): Glenna Wolley

832 N. Mink Creek Rd.

Pocatello Id-83204

[] New Claimant(s): Dwight & Marita Worthington

[] New Mailing Address: ~~1663~~ Kinghorn 832 N. Mink Creek Rd.

Pocatello Id-83204

New Telephone Number: (208) 237-0251

[] Does the change in ownership result in a splitting of the water right claimed? yes L no
If yes, then describe the portion of the water right that is now claimed by the new owner:

[] Attach proof of ownership
Describe proof attached:
(Proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former claimant.)

[] Signature of New Claimant(s): Marita Worthington

Date: 4-2-91

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NOV 13 1992

(OVER, PLEASE)

Beginning at the Northeast corner of the South 1/2 of the Northeast quarter of the Northeast quarter of Section 31, Township 7 South, Range 35 East, Boise Meridian, Bannock County, Idaho; thence Southerly along the East line of said Section, 385 feet to a point; thence at right angles Westerly parallel with the North line of the South 1/2 of the Northeast quarter, Northeast quarter of Section 31 a distance of 1027 feet, more or less; thence Northwesterly following the East right of way line of State Highway No. 38 as designated in Book 77 of Deeds at page 327, a distance of 75 feet on a 4° curve to the right, to the point of beginning of this survey; thence following the East right of way line of State Highway No. 38 as designated in Book 77 of Deeds at page 327, a distance of 25 feet on a 4° curve to the right; thence at right angles in an Easterly direction parallel with the North line of the South 1/2 of the Northeast quarter, Northeast quarter of Section 31, a distance of 5 feet; thence at right angles in a Southerly direction a distance of 18 feet; thence at right angles in an Easterly direction parallel with the North line of the South 1/2 of the Northeast quarter, Northeast quarter of Section 31, a distance of 526 feet; thence Southerly at right angles a distance of 82 feet; thence at right angles in a Westerly direction a distance of 381 feet; thence Northerly at right angles a distance of 75 feet; thence at right angles in a Westerly direction parallel with the North line of the South 1/2 of the Northeast quarter, Northeast quarter of Section 31, a distance of 150 feet, more or less, to the point of beginning of this survey.

AND ALSO: Beginning at the Northeast corner of the South 1/2 of the Northeast quarter of the Northeast quarter of Section 31, Township 7 South, Range 35 East, Boise Meridian, Bannock County, Idaho; thence Southerly along the East line of said Section, 385 feet to a point; thence at right angles Westerly parallel with the North line of the South 1/2 of the Northeast quarter, Northeast quarter of Section 31 a distance of 1027 feet, more or less, to the point of beginning of this survey; thence Northwesterly following the East right of way line of State Highway 38 as designated in Book 77 of Deeds at page 327, a distance of 75 feet on a 4° curve to the right; thence at right angles in an Easterly direction parallel with the North line of the South 1/2 of the Northeast quarter, Northeast quarter, of Section 31, a distance of 150 feet; thence Southerly at right angles a distance of 75 feet; thence at right angles in a Westerly direction a distance of 148 feet, more or less, to the point of beginning of this survey, Bannock County, State of Idaho.

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NOV 13 1992

DW. MW.

WARRANTY DEED

FOR VALUE RECEIVED GLENNA J. WOLLEY, who acquired title as Glenna Jean Myler,
An unmarried person

The Grantor , does hereby grant, bargain, sell and convey unto

B. DWIGHT WORTHINGTON and K. MARITA WORTHINGTON
Husband and wife

The Grantee s, whose address is 832 North Mink Creek Road, Pocatello, Idaho 83204 (property)
(mailing)

the following described premises, to-wit:

LEGALLY DESCRIBED ON EXHIBIT A ATTACHED HERETO AND MADE A PART HEREOF.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee s,
their heirs and assigns forever. And the said Grantor does hereby covenant to
and with the said Grantees, that she is the owner in fee simple of said premises; that said
premises are free from all encumbrances except covenants conditions restrictions and
easements of record and any assessments for the year 1991 which are not
yet due and payable

and that she will warrant and defend the same from all lawful claims whatsoever.

Dated: March 28, 1991

Glenna J. Wolley

STATE OF IDAHO, COUNTY OF BANNOCK

On this 1st day of April, 1991,
before me, a notary public in and for said State, personally appeared

Glenna J. Wolley

known to me to be the person whose name is
subscribed to the within instrument, and acknowledged to me
that she executed the same.

Notary Public

Residing at Chubbuck
Comm. Expires 7-6-94

, Idaho

STATE OF IDAHO, COUNTY OF

I hereby certify that this instrument was filed for record at the
request of

at minutes past o'clock m.,
this day of
19, in my office, and duly recorded in Book
of Deeds at page

Ex-Officio Recorder

By

Deputy

Fees \$
Mail to:

PIONEER TITLE COMPANY
OF BANNOCK COUNTY
Pocatello, Idaho - 208-233-9595

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 Arreabic foot 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 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 7S, 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

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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:

.....X.....X.....

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 RM.* and thereafter conduct same to the above described land through the *To be pumped* ditch, as per map appended. *from Mink Creek*

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.

Wm H E McKee

Applicant.

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

George F Phillips

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*

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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 Mattheis</u>
<u>Willard W. Elliman</u>	<u>J. Anderson</u>
<u>Tom Chaney</u>	<u>E. R. Chaney</u>
<u>Naomi Stanger</u>	
<u>Red P. Freckleton</u>	
<u>W. Wood</u>	
<u>O. G. Myler</u>	
<u>J. V. Frazier</u>	

100-300000-100

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 77

JUDICIAL DIST 5

JUDGE O. R. Dunn

DATE OF DECREE 6-5-26

RECORDED

IN BOOK NO 5 AT PAGE NO 78

FILE NO 434

P.N.	DN	DECREED OWNER	NAME	PRESENT OWNER	AMT. INCHES	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, SE 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 NE 1/4 18, 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. 729.345 from E. corner S. 18-35-24 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		Toams			37.46	"		See Above.	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 1/4 NE 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			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. Calloway			20.	8-7-07	SE 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 NW 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

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 4 NE 4 Sec. 30, T. 7S, R. 35E.

Through what ditch will it be conducted after transfer? Water 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,

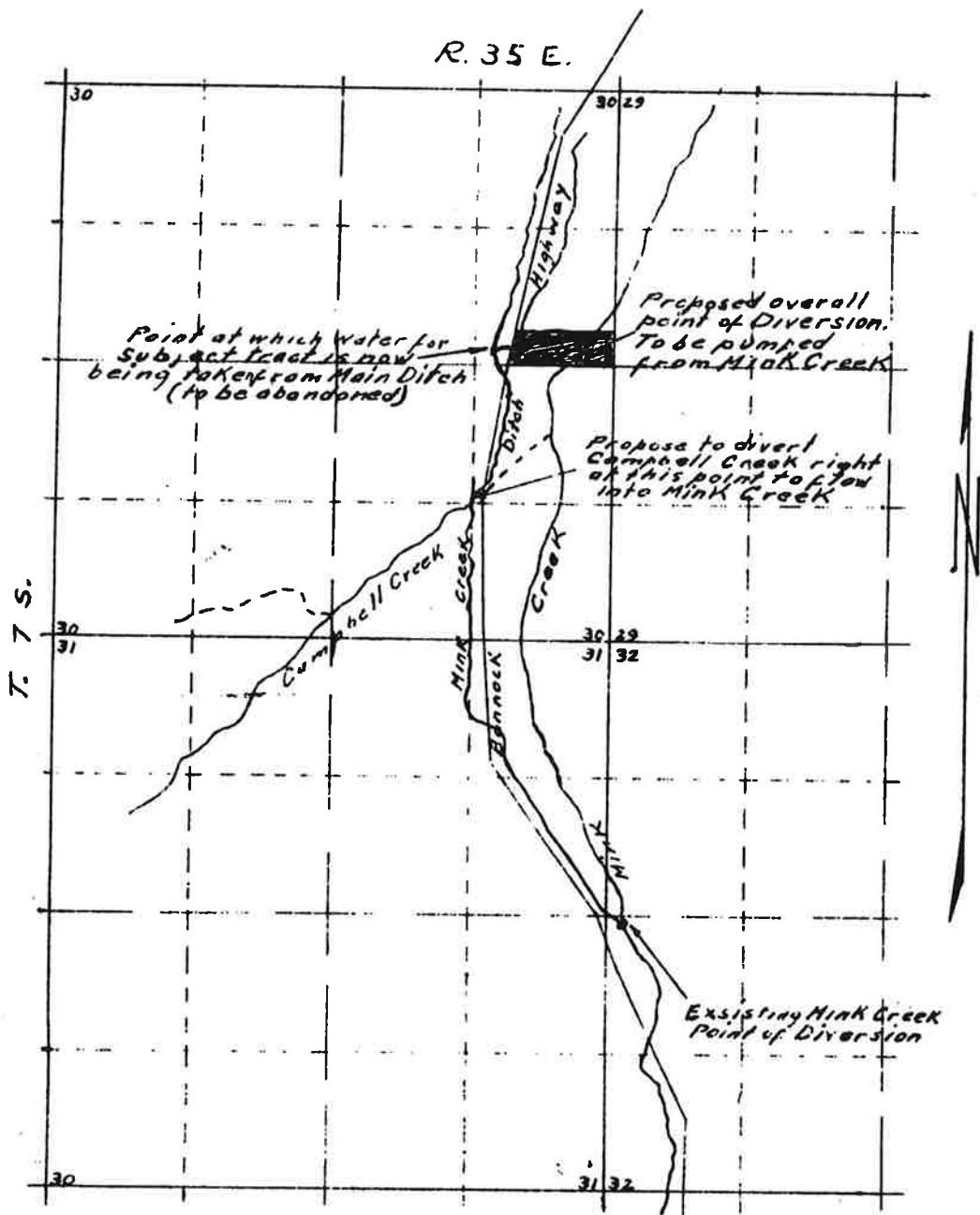
County of Bannock ss.

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:

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

MICROFILMED

Name of Applicant Mrs. H. E. McKee



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: A29-00274E
Date Received: 4/ 4/1990
Receipt No: E012824
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DWIGHT WORTHINGTON 208-337-0251
Address: 832 N MINK CREEK ROAD
POCATELLO, ID 83204

AND/OR

Name: MARITA WORTHINGTON 208-337-0251
Address: 832 N MINK CREEK ROAD
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	Lot	County
07S	35E	31	SE	NE	NE		BANNOCK

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

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.024		

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

8. Total consumptive use is 3.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
07S	35E	31	NE NE		IRR	1.2
Section Acres						1.2
Total Acres						1.2

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:
NONE

14. Remarks:
SAME PD AS A29-00274D
CHANGE IN OWNERSHIP 4/2/91/JT

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 6/ 5/1926

SMITH, ET AL.

Decree Plaintiff

vs

CITY OF POCA TELLO

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): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day

of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

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

APR 4 1990

Department of Water Resources
Eastern District Office

Ident. Number: A29-00274E
Date Received: 4/02/1990
Receipt No: E012824
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ~~GLENNA WOLLEY~~ *Worthington* 40 208-232-0940
Address: 832 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	31	SE	NE	NE		BANNOCK

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

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.024		

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

8. Total consumptive use is 3.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
07S	35E	31	NE	NE		IRR	1.2

Section Acres 1.2

A29-00274E

Page 1

Date: 04/02/90

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NOV 13 1992

A2900274E



10. Place of Use: Continued

Total Acres 1.2

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:
NONE

14. Remarks:
SAME PD AS A29-00274D

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date: 6/05/1926

SMITH, ET AL.

Decree Plaintiff

vs

CITY OF POCA TELLO

Decree Defendant

MICROFILMED

NOV 13 1992

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): *Gloria Walley* Date: April 3, 1990

Date: _____

State of Idaho)
County of Bannock) SS.

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

Gloria Dopita
Notary Public

Seal

Residing at Docatello, Idaho
My Commission Expires Nov. 1, 1995

Bannock County
ASSESSORS OFFICE

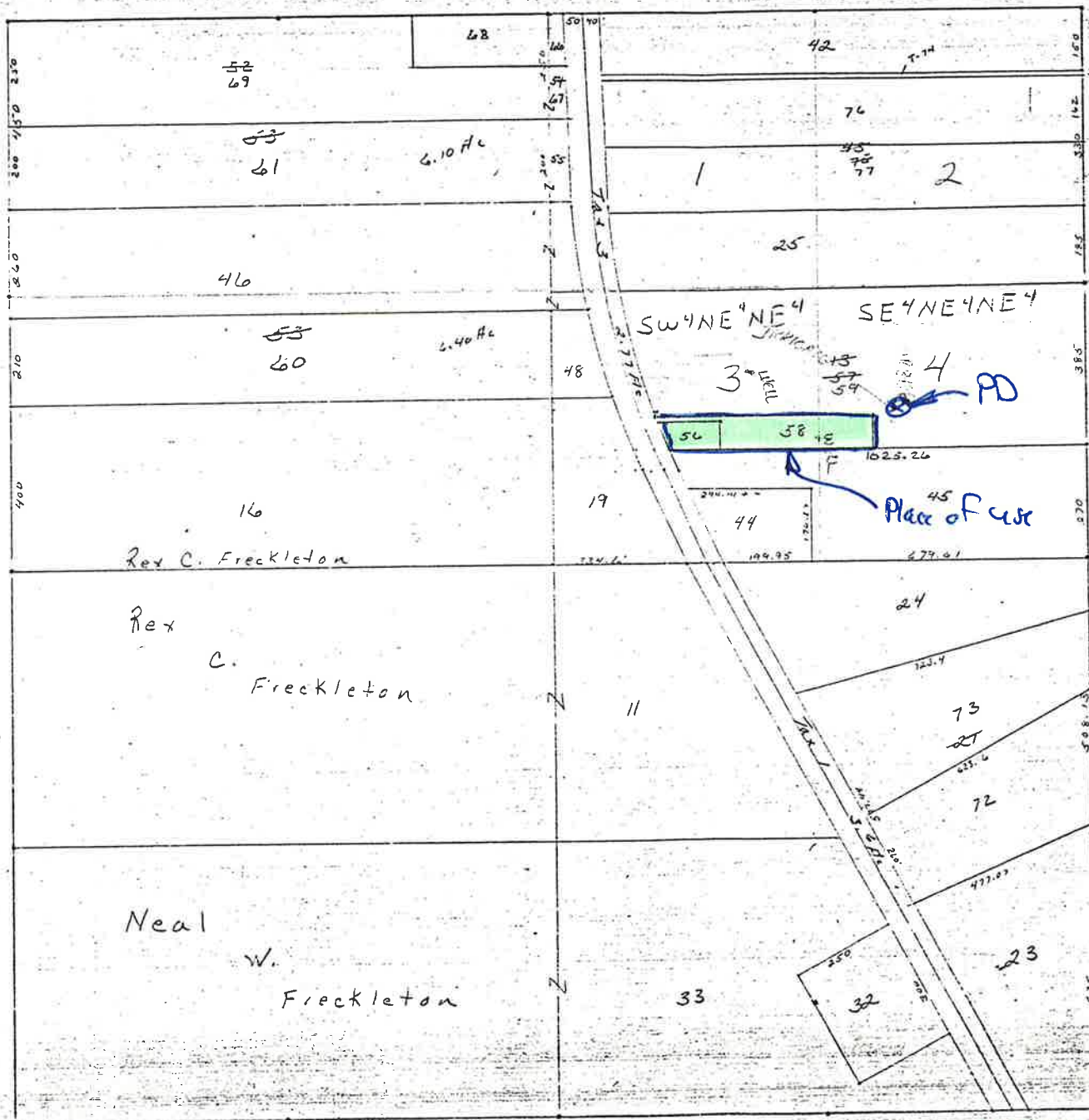
SECTION PLAT

SCALE 1" = 30.0

NE⁴ SECTION 31

TOWNSHIP 7 S.

RANGE 35 E. B.M.



WILSON, LILLIAN

NOV 13 1992