

12/13/2002

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

RIGHT NUMBER: 29-275

NAME AND ADDRESS: MINK CREEK IRRIGATION CORP
2008 N MINK CREEK RD
POCATELLO ID 83204

SOURCE: MINK CREEK

TRIBUTARY: PORTNEUF RIVER

QUANTITY: 1.500 CFS

PRIORITY DATE: 09/07/1904

POINT OF DIVERSION:

T07S R35E S29 NENWNW 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	1.500 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 S19	SESE	2.0	T07S R35E S20	SWSW	29.0
T07S R35E S29	NWNW	29.0	T07S R35E S30	NENE	15.0

75 ACRES TOTAL

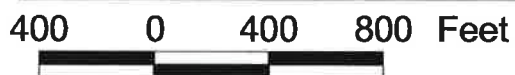
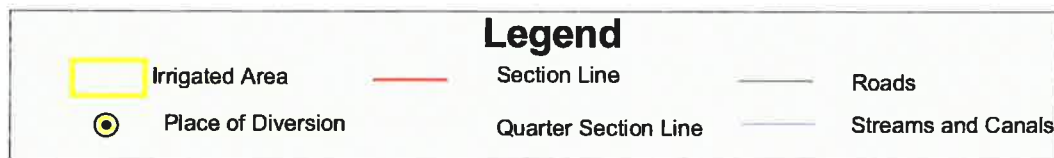
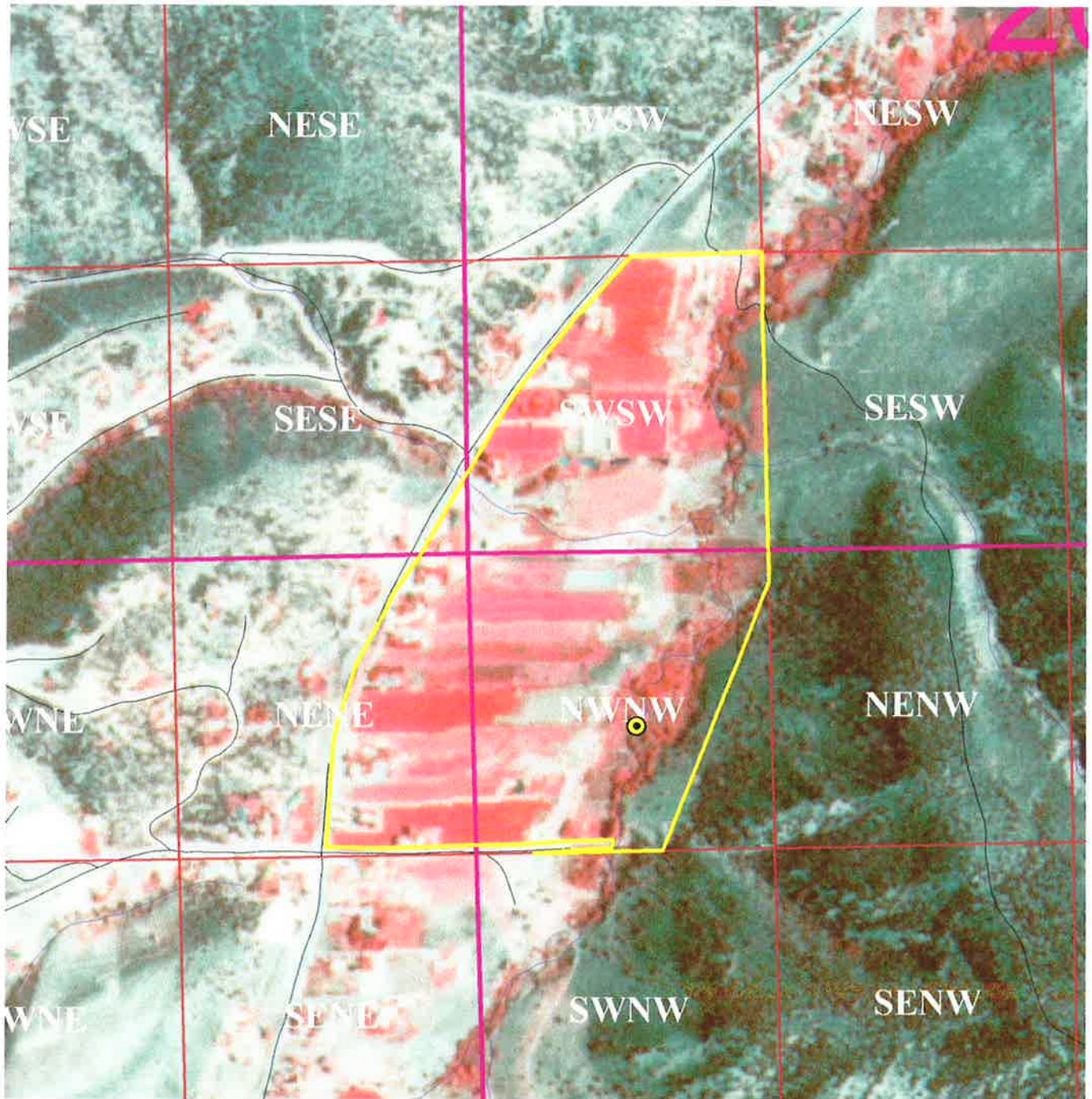
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

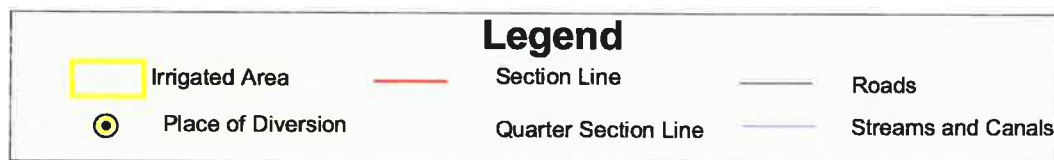
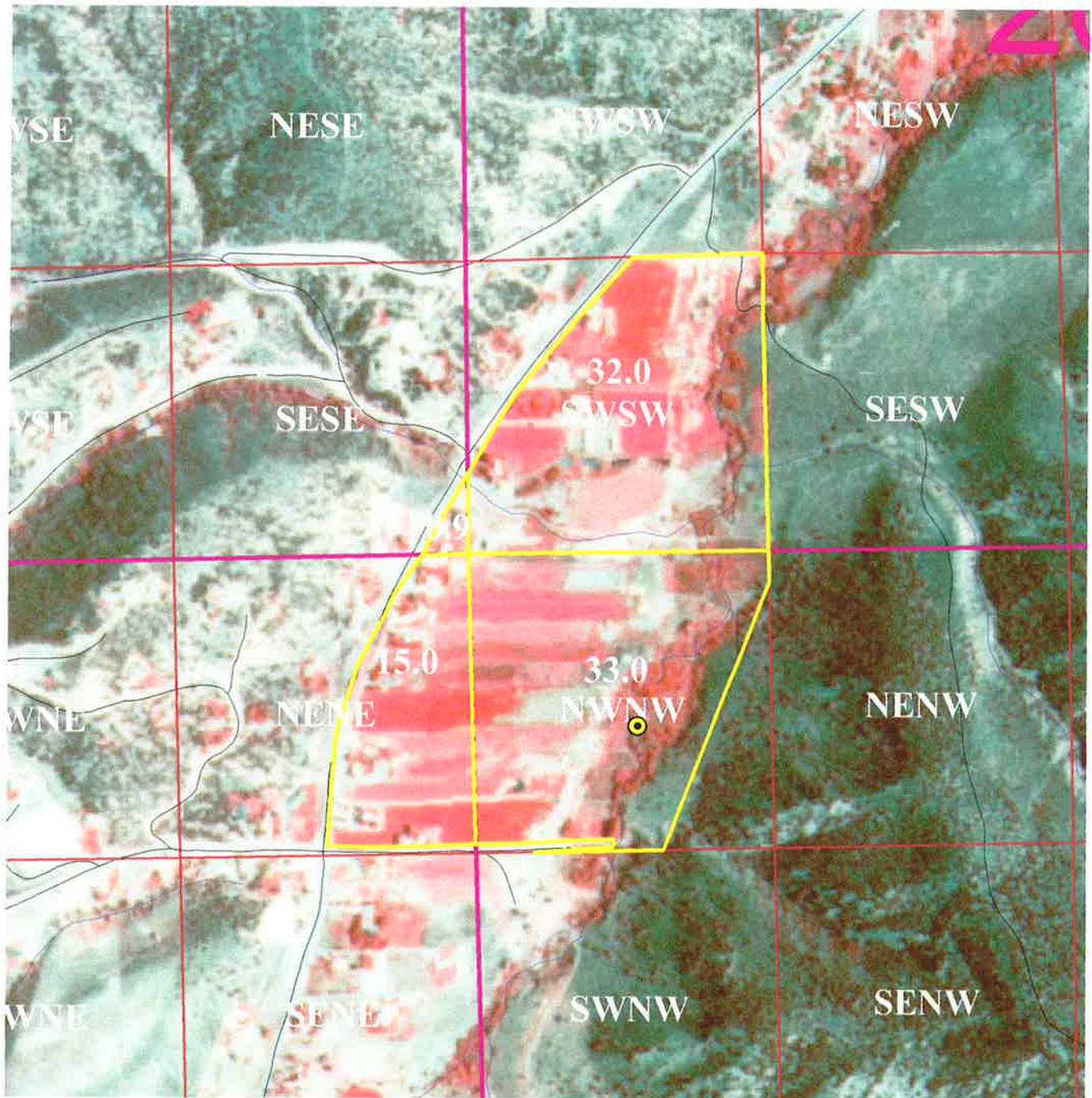
Water Right Claim Number A29-00275
Township , 7S35E

08/23/2000



Water Right Claim Number A29-00275
Township , 7S35E

08/23/2000



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-275 V1

WATER RIGHT NUMBER: 29-275 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	ARTHUR SAY
	, ID
Current Owner	MINK CREEK IRRIGATION CORP
	2008 N MINK CREEK RD
	POCATELLO, ID 83204
	(208)232-0649

Priority Date: 09/07/1904

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	1.500 CFS	
	<u>Total Diversion:</u>	1.500 CFS	

Location of Point(s) of Diversion

MINK CREEK	NE1/4NW1/4NW1/4	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	19																2.0	2.0
07S	35E	20											29.0						29.0
07S	35E	29							29.0										29.0
07S	35E	30	15.0																15.0

Total Acres: 75

Conditions of Approval:

1. 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.

PROFILED

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 29-275 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 12/13/2002 Recommend
Comment: Recommend per TR 1715.

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	12/13/2002 10:52:03 AM	csaxton			Active
Priority Date	12/13/2002 10:59:20 AM	csaxton			Active
POD	12/13/2002 10:59:34 AM	csaxton			Active
Source	12/13/2002 11:04:54 AM	csaxton			Active
POU	12/13/2002 11:05:08 AM	csaxton			Active
Use	12/13/2002 11:09:06 AM	csaxton			Active
Season	12/13/2002 11:09:38 AM	csaxton			Active
Quantity	12/13/2002 11:10:23 AM	csaxton			Active
Summary			12/13/2002	csaxton	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Contacts	12/13/2002 10:52:03 AM	csaxton	(No) 1. Do you want to schedule an appointment? Comment for 1: Field Exam 9/25/02

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-275 V1

POU	12/13/2002 11:08:02 AM	csaxton	Edited PLS
Use	12/13/2002 11:09:06 AM	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?
Priority Date	12/13/2002 10:59:20 AM	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?
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POD	12/13/2002 11:03:15 AM	csaxton	Edited point location
POD	12/13/2002 11:04:25 AM	csaxton	Edited PLS
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POU	12/13/2002 11:07:35 AM	csaxton	Edited shape boundary

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-275 V1

Season	12/13/2002 11:09:38 AM	csaxton	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a Period of Use? (Yes) 5. Can the claimed Period of Use be verified using the water right file? (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? (No) 18. Is a Period of Use remark and/or condition required?
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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

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IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-275 V1

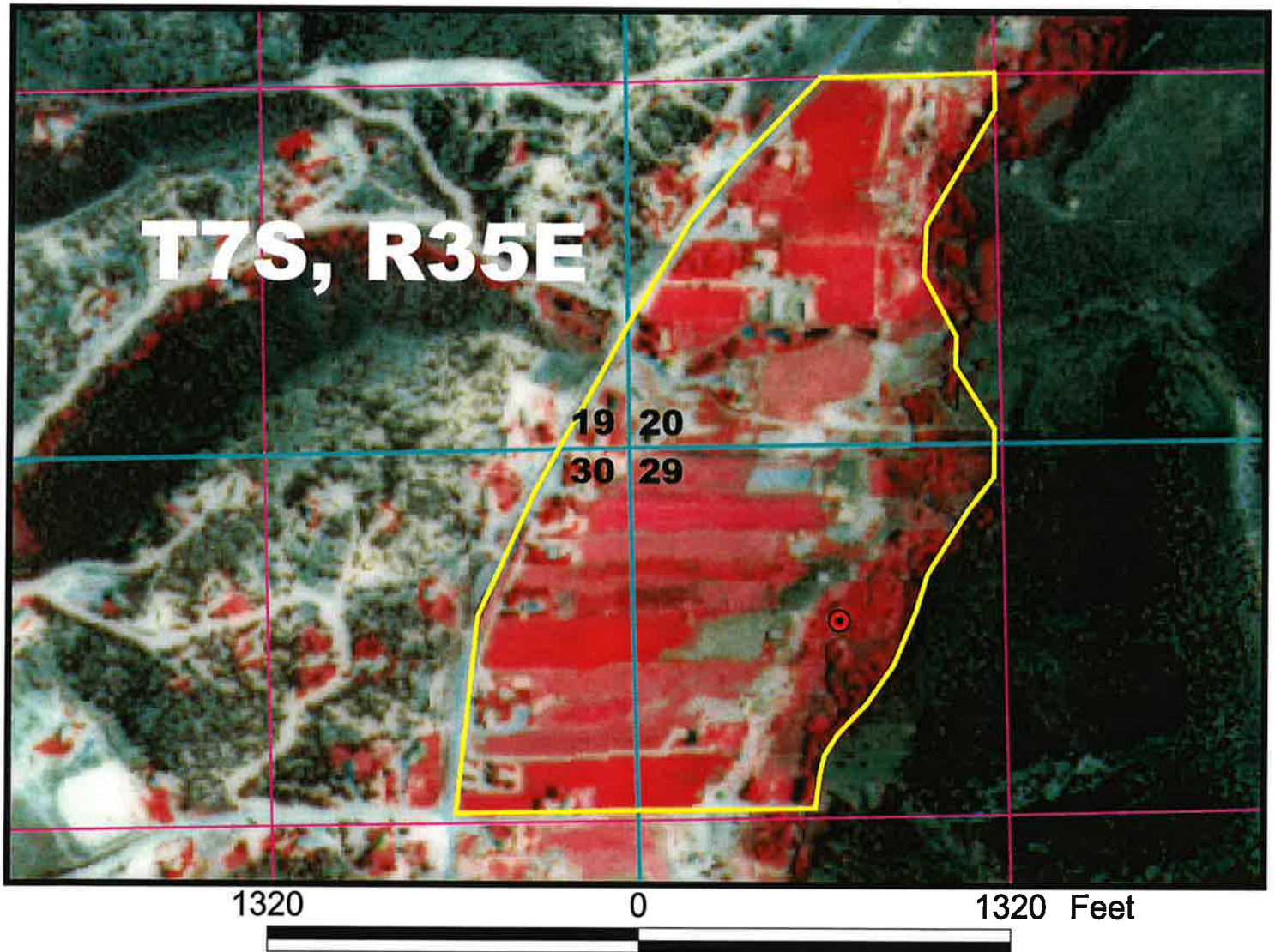
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STATE OF IDAHO

Department of Water Resources
Eastern Region

Water Right(s): 29-00275

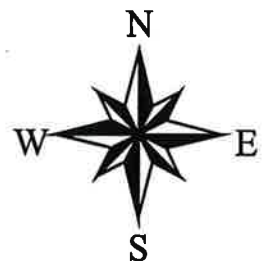


Total Irrigated Acres: 75.0

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: December 2002

8/12/02: No other Claims

8/14/02: Called and left message to Give me a call.

8-26-02: Jim Shaw - President NOW

: Jim Foxes Property is 4-6 Places above Troy's Place

2 15" Hp Pumps. - Go up hill to

(Troy)

Claimant moved there IN 1988 and Has been
In Practice since

Ait Shward - Contact to see the System
Two homes up from Troy

Call: 221-7774 For Troy Knobles

9-9-02: TR 1715 Approved in 1973 changed POO.

9-17-02: WR Report: 075 35E 19 SESE
No acreage listed

9-25-02: Two Pumps into single System
FE

: POO on Fox Property.

1) 2 Grn Pumps
2) Same with
8" outtake line

12-13-02: Recommend Diversion Rate and POO Per TR 1715

: sou 4/15 - 9/15 \$02 Per TR + Decree
Distribution

: Acreage Calculated Per Gis. Diversion Rate Per TR 1715
1.5 cfs or 75 acres. Preserve acreage @ 75 acres.

: This Right has been decreed, Transferred, and an order
Issued In 1999 voided TR Application 3346 - Thus
Almost re-establishing the validity of this right

PROFILED

SCANNED

JUL 14 2005

29-00275

POD

Field Exam: 9/25/02



Looking East at two pumps that feed into a common system. Mink Creek in Background.



Looking East at two pumps that feed into a common system. Mink Creek in background.

PROFILE

SCANNED

JUL 14 2005

City of Pocatello et al

SOURCE Mink Creek & Campbell Creek

PAGE

VS.

WATER DIST. 29-C

COUNTY Blaine

City of Pocatello et al

JUDICIAL DIST. 5

JUDGE O. R. Pava

DATE OF DECREE 6-5-26

RECORDED

IN BOOK NO. 5 AT PAGE NO. 79

FILE NO. 110-1

ENL.	SEC.	DECEDED OWNER	NAME	PRESENT OWNER	AMT. INCHES	PRIORITY	SUBDIV.	SEC.	TWP.	RG.	REMARKS, LAND TO BE IRRIGATED, ETC.	C.T.
22	263		R. B. Smith Est.		10.	2-26-63	center	20	7 S.	35E.	NE 1/4, NW 1/4 SW 1/4 17, SW 1/4 SW 1/4 8 T 7S-R35 E	10.
22	265		Burnham Dairy & Livestock Co.		15.	"	"	"	"	"	SE 1/4 NW 1/4, E 1/4 SW 1/4 17	25.
22	267		Joseph Kurn		5.	"	"	"	"	"	SE 1/4 NW 1/4 18, N 18 A. of SW 1/4 NW 1/4 17	30.
22	268		W. H. Edwards		20.	"	"	"	"	"	N 1/4 NW 1/4 18	50.
22	271		City of Pocatello		161.1	"	At a point 36383 ft. 728.36 ft. from E. corner of Sec. 31.	30	7 S.	35E.	Municipal purposes	211. 1.
22	273		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
22	276		Boona		37.46	"					See Above.	307. 26
22	277		City of Pocatello		29.	10-1-11	See Above.				SE 1/4 NW 1/4, E 1/4 SE 1/4 30, NW 1/4 Sec. 31, T. 7S.-R. 35 E.	305. 20
22	278		James S. Campbell		70.	6-17-02	Mink Creek and Campbell Cr. (E.D. in)	11	7 S.	35E.	See above.	415. 26
22	280		R. B. Smith Est.		44.65	7-21-12	Center	20	7 S.	35E.	See above.	459. 29
22	281		Burnham Dairy and Livestock Co.		47.22	"	"	"	"	"	"	307. 10
22	282		Joseph Kurn		26.98	"	"	"	"	"	See above.	534. 17
22	270		W. H. Edwards		31.53	"	"	"	"	"	"	565. 24
22	275		Arthur Say (SAY)		75.	2-7-04	SE 1/4 SEC 19	19	"	"	SE 1/4 SEC 19, NE 1/4 SEC 30, NW 1/4 29, SW 1/4 20.	610. 24
22	276		W. F. Galloway		20.	2-7-07	SW 1/4 SEC 20	20	"	"	NE 1/4 SEC 19, NW 1/4 SEC 20	660. 24
22	277		J. H. McKinnon		12.	7-10-10	NE 1/4 SEC 31	31	"	"	SE 1/4 NW 1/4, NE 1/4 SEC 31	672. 24
22	278		City of Pocatello		60.9	10-1-17	See Above.				See above.	733. 25

SCANNED JUL 14 2015

PROFILED

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 29-275

WATER RIGHT NUMBER: 29-275

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MINK CREEK IRRIGATION CO C/O RONALD BAIRD RT 2 BOX 565 PRESTON, ID 83263

Priority Date: 09/07/1904

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	1.500 CFS	
	<u>Total Diversion:</u>		1.500 CFS	

Location of Point(s) of Diversion

MINK CREEK	NW1/4NW1/4	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	19																X	
07S	35E	20										X							
07S	35E	29					X												
07S	35E	30	X																

Conditions of Approval:Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 29-275

1. General AS PER TRANS. #1715.
 SEE TRANSFER FOR WATER USERS LIST.
 6-29-87 - APP. FOR TRANSFER FILED BY JACK CHRISTOPHERSON, PROPOSES TO
 CHANGE NATURE OF USE FOR 0.23 CFS FROM IRRIGATION TO DOMESTIC. APPLICANT
 CONTENDS THIS PORTION OF THE RIGHT IS APPURTENANT TO LAND INCLUDED IN
 SUBDIVISION AND SHOULD NOT HAVE BEEN INCLUDED IN TRANSFER 1715.
 8-24-87 - PROTESTANTS OPPOSING TRANSFER APPLICATION ARE JAMES SHAW AND
 BONNIE SHAW REPRESENTED BY F. RANDALL (RANDY) KLINE.

Comments:Dates and Other Information:

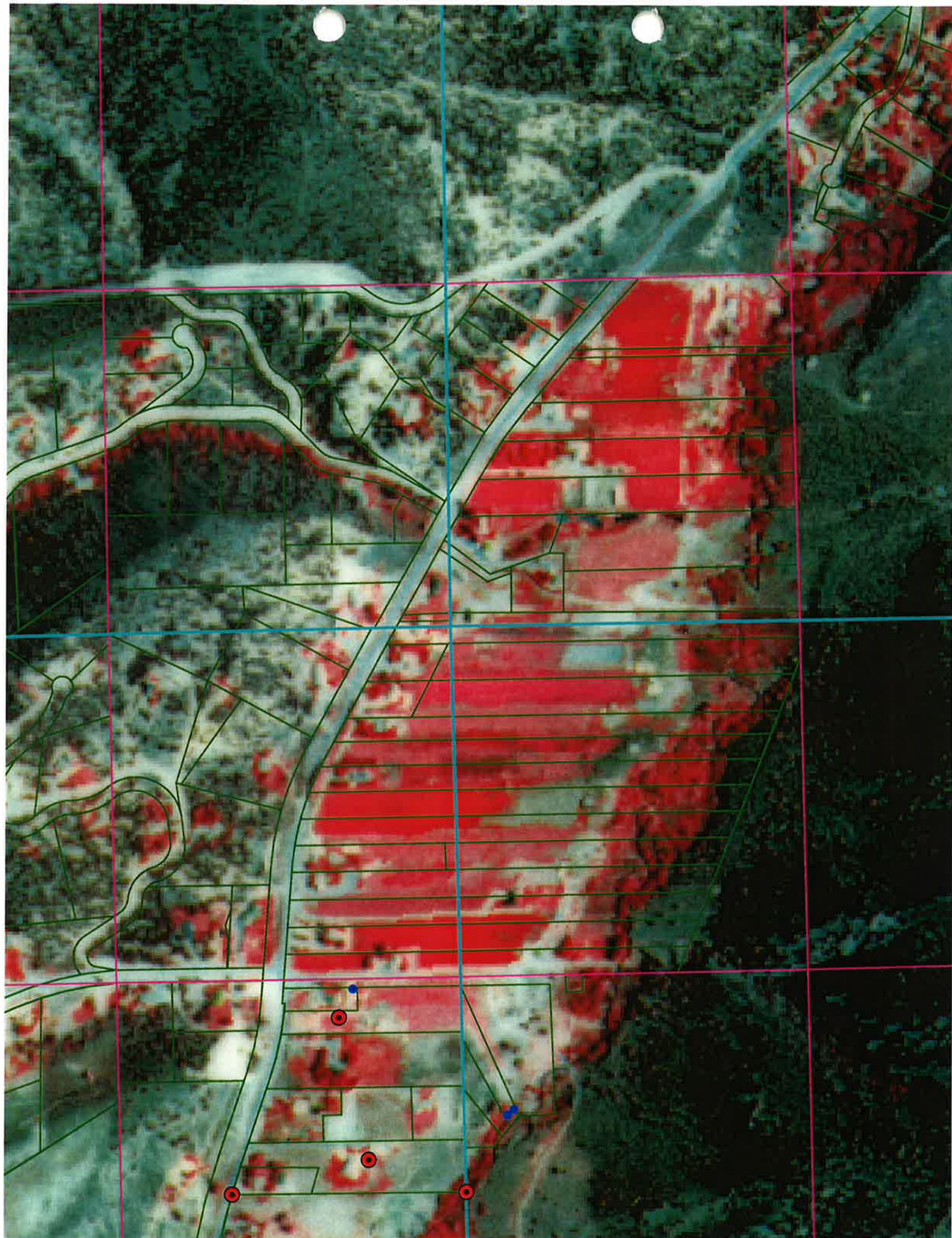
Licensed Date:
 Decreed Date: 6/5/1926
 Water Supply Bank Enrollment Accepted:
 Water Supply Bank Enrollment Removed:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 State or Federal:
 Owner Name Connector:
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per 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

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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29-00275 - Mink Ck Irrigatin Corp



Point of Diversion ?

Property Acreage: N/A



Claimed Place of Use - N/A



Claimant Property Boundary



Bannock Co Tax Lot Data



Section Lines

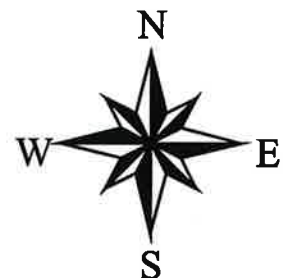


Quarter Quarter Lines

PROFILED

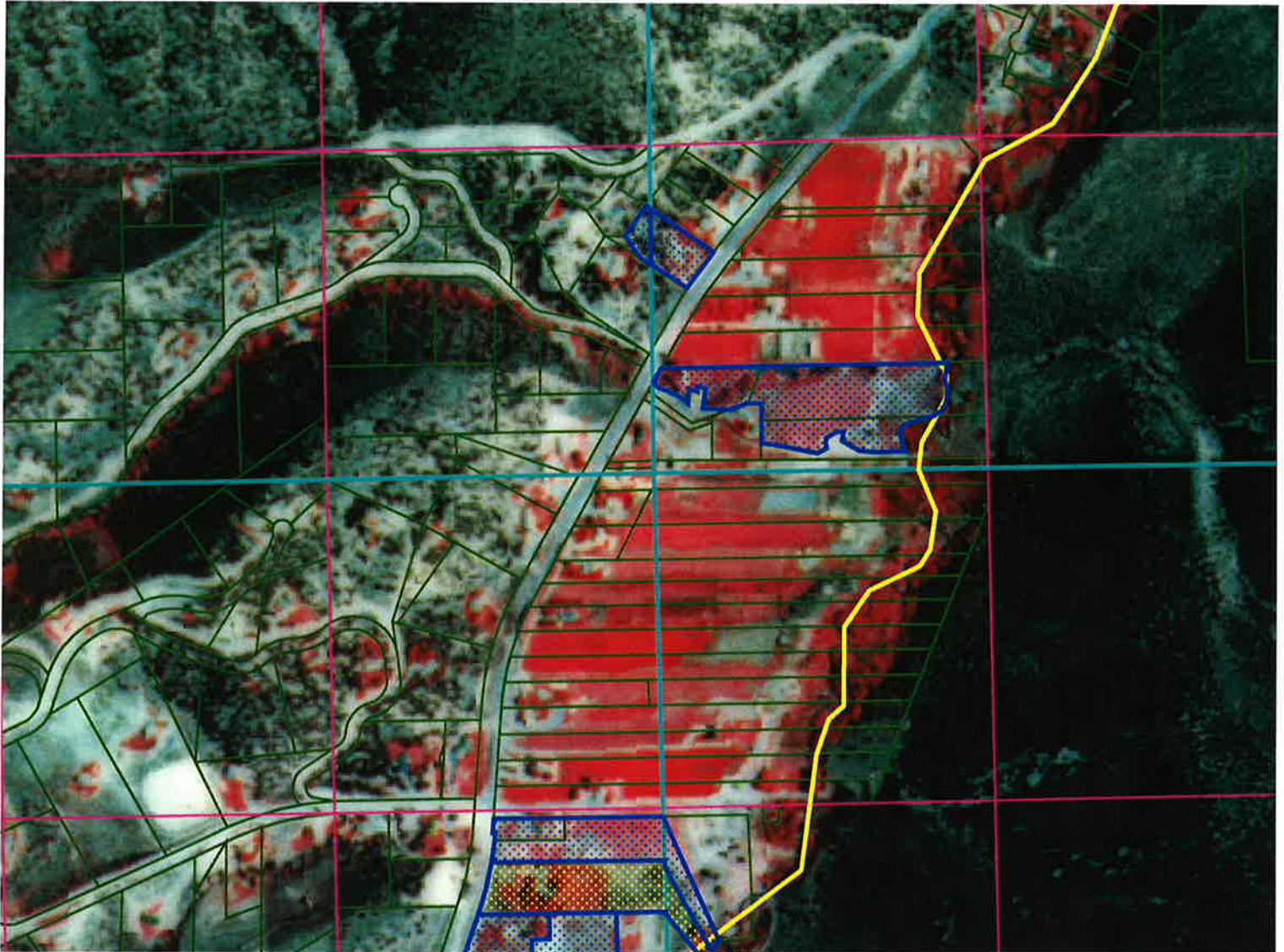
SCANNED

JUL 14 2005



Prepared By: Craig Saxton
September 2002

29-00275



Point of Diversion

Total Property Acreage:



Roughly - Claimed Place of Use



Licensed POU - N/A



Bannock Co Tax Lot Data



Section Lines

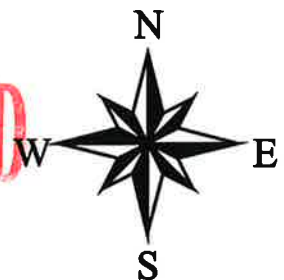


Quarter Quarter Lines

PROFILED

SCANNED

JUL 14 2005



**Prepared By: Craig Saxton
August 2002**

SCANNED

JUN 11 2001

Log for claim A29-00275

Spatial Dynamics LTD

8/23/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
07s35e	19	SESE	2	0.9	
07s35e	20	SWSW	32	32	
07s35e	29	NWNW	36	33	
07s35e	30	NENE	18	15	
Totals:			88	80.9	

BEFORE THE DEPARTMENT OF WATER RESOURCES

COPY

OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR TRANSFER NO. 3348 IN)
THE NAME OF JACK CHRISTOPHERSON)

PRELIMINARY ORDER

This matter having come before the Idaho Department of Water Resources (department), the department makes the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. On June 16, 1987, Jack Christopherson (applicant) filed Application for Transfer #3348 with the department proposing to change the nature of use and the source for 0.23 cfs of decree No 29-00275.
2. Application for Transfer #3348 was advertised in the Idaho State Journal on Aug 6 and 13, 1987. On August 18, 1987, a protest was received on behalf of Dr. and Mrs. Jim Shaw.
3. On Nov 16, 1987, a prehearing conference was held on this matter in Pocatello, Id, but no resolution was reached. Based on the applicant's request on Jan 8, 1988, the hearing was delayed for up to one year.
4. On Jan 20, 1992, Randall Kline, Attorney for the Protestant sent a letter of inquiry to the department inquiring as to the status of transfer #3348. He was advised that an adjudication claim was filed on that portion of Decree #29-00275 in the name of Mink Creek Utility Association. Since that time the Utility Association has withdrawn that claim.
5. The only adjudication claim now on record as of July 13, 1999, is in the name of Mink Creek Irrigation Corporation.

MICROFILMED

SEP 21 1999

6. On Jan 16, 1996, the department corresponded with Mr. Christopherson and advised him that the Mink Creek Utility Association had no interest in pursuing transfer #3348. A transfer withdrawal form was included for Mr. Christopherson's use. However, no withdrawal was made and no hearing date was requested.
7. On Jan 12, 1998, the department sent the applicant a Notice of Intent to Void Transfer #3348. The applicant was initially given 30 days to respond. After a phone call from the applicant that response time was extended to 60 days.
8. On May 11, 1998 a letter was received from the applicant requesting a hearing date which was later changed to an informal meeting request with the protestant. No resolution was agreed upon by the parties.

CONCLUSIONS OF LAW

1. Section 42-204, Idaho Code, provides in pertinent part as follows:

If the application is returned to the applicant or the department shall request additional information and the applicant fails to return the corrected application or to supply the needed information within thirty (30) days, the department may void the record of said application and notify the applicant of such action.
2. The applicant has not responded to the department and has not provided the information requested.
3. The department should void the record of the application pursuant to Section 42-204, Idaho Code.

ORDER

IT IS THEREFORE, HEREBY ORDERED that Application for Transfer No. 3348 in the name of Jack Christopherson is **VOIDED** pursuant to the provisions of Section 42-204, Idaho Code.

Dated this 26th day of July, 1999.


Regional Supervisor

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

COPY

IN THE MATTER OF APPLICATION)
FOR TRANSFER NO. 3348 IN)
THE NAME OF JACK CHRISTOPHERSON)

PRELIMINARY ORDER

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5. The only adjudication claim now on record as of April 23, 1998, is in the name of Mink Creek Irrigation Corporation.

6. On Jan 16, 1996, the department corresponded with Mr. Christopherson and advised him that the Mink Creek Utility Association had no interest in pursuing transfer #3348. A transfer withdrawal form was included for Mr. Christopherson's use. However, no withdrawal was made and no hearing date was requested.
7. On Jan 12, 1997, the department sent the applicant a Notice of Intent to Void Transfer #3348. The applicant was initially given 30 days to respond. After a phone call from the applicant that response time was extended to 60 days. As of this date, April 23, 1998, no response has been received.

CONCLUSIONS OF LAW

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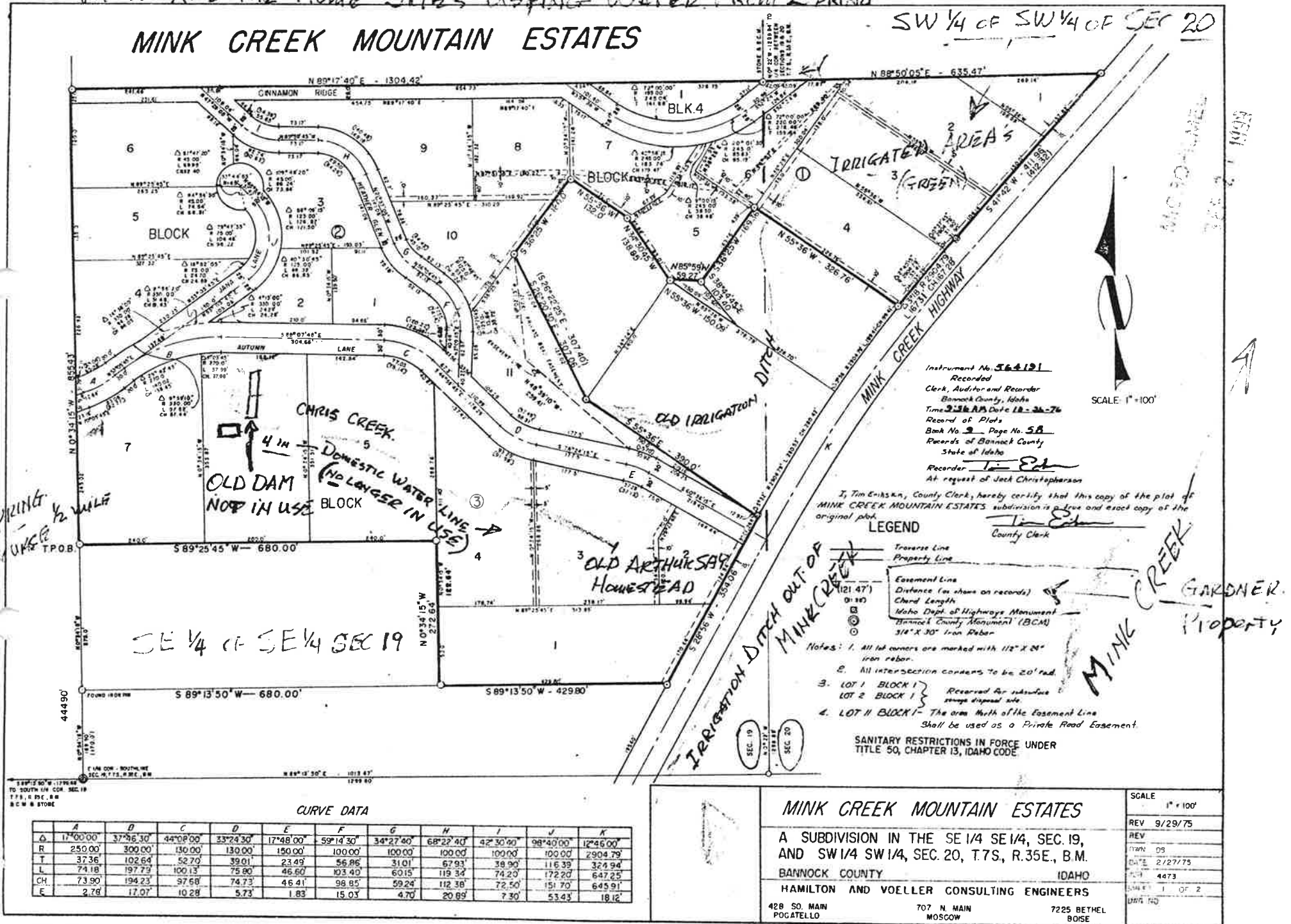
Dated this 23rd day of April, 1998.


Regional Supervisor

THESE ARE THE HOME SITES USING WATER FROM SPRING

MINK CREEK MOUNTAIN ESTATES

SW 1/4 OF SW 1/4 OF SEC 20



While this is a scale reproduction of the recorded plat, this company assumes no liability for variations, if any, with a re-survey.

Diverson Ditch

0010

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

255-7691

Name of applicant Jack T. Christopherson Phone (602) 964-9040Post Office address 1022 East Sorenson, Mesa, Arizona**A. PURPOSE OF TRANSFER**

1. ☒ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use
☒ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes A subdivision now exists on applicants property
and changing the p/d to a spring above the homes will allow the subdivision to store
and use water for domestic use and abandon the old irrigation use and Mink Creek
point of diversion.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

- | 1. Right Number | Priority | Amount
(cfs/ac-ft) | Nature
of Use | Period of Use |
|-----------------|----------------|-----------------------|------------------|----------------------------|
| <u>29-2075B</u> | <u>9-07-04</u> | <u>0.23</u> | <u>Domestic</u> | <u>1-1</u> to <u>12-31</u> |
| _____ | _____ | _____ | _____ | _____ to _____ |
| _____ | _____ | _____ | _____ | _____ to _____ |
| _____ | _____ | _____ | _____ | _____ to _____ |
2. Total amount of water being transferred 0.23 cubic feet per second and/or 14.4 acre-feet per annum.
3. Source of water Spring tributary to Mink Creek
4. Point(s) of Diversion: _____

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	SW	NE	NW	30	7S	35E	Bannock	

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
7S	35E	19															D/2	D/20	
		20											D/2						

Total acres _____

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No

If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount 0.23cfs for Irrigation purposes from 4/15 to 9/15
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	SE	NE	NW	30	7S	35E	Bannock	

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
7S	35E	19																D/2D/20	
		20											D/2						

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount 1.27 cfs for Irrigation purposes from 4/15 to 9/15
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	--	NW	NW	29	7S	35E	Bannock	

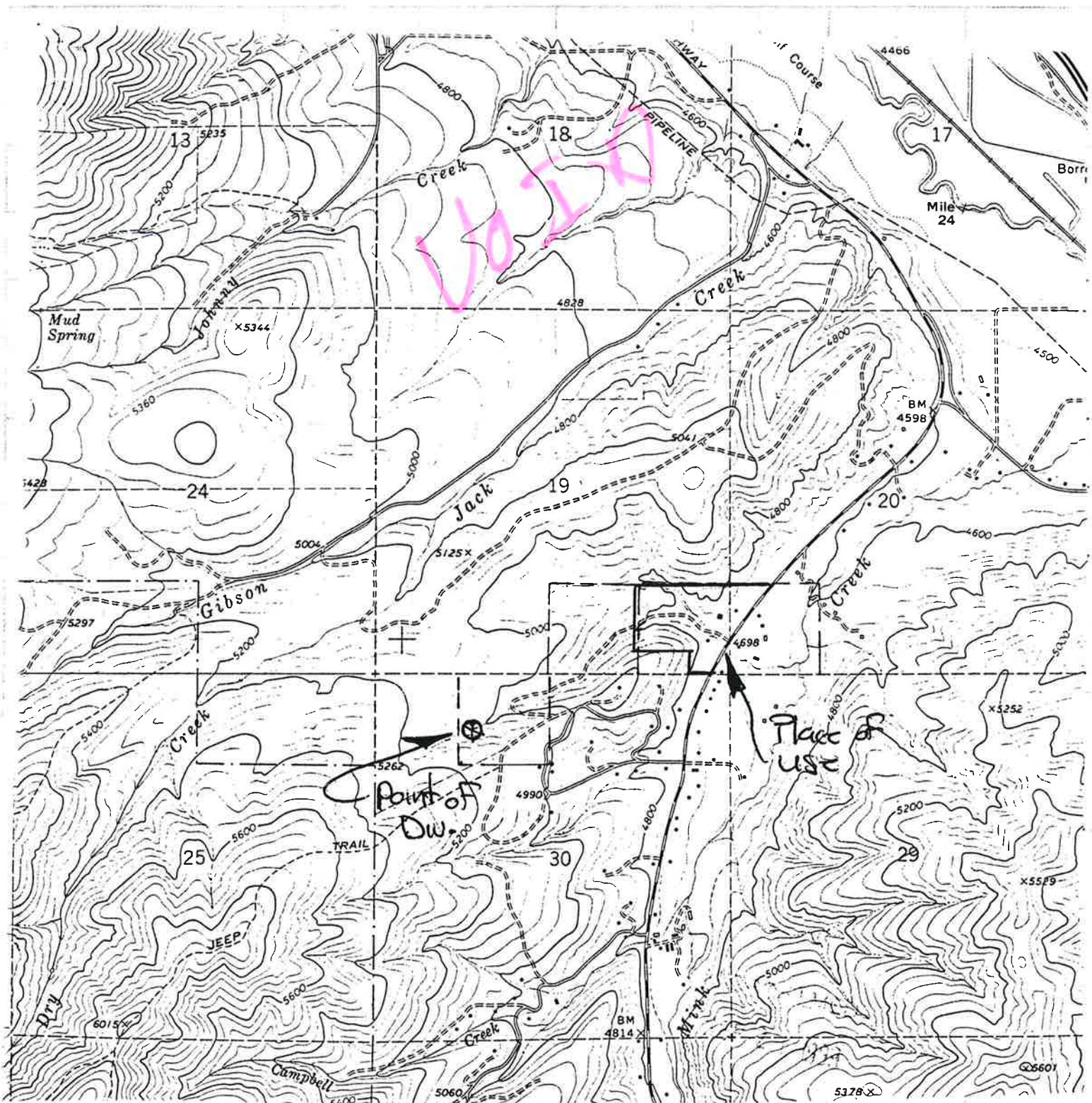
3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
7S	35E	19																*	
		20											*						
		29						*											
		30	*																

Total acres _____ See Remarks

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



SCALE: 2 inches equal 1 mile. Draw plan in ink.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

APPROVED

APPLICATION FOR TRANSFER OF WATER RIGHT
To Change the Point of Diversion and/or the Place of Use

1. Name of Right Holder Members of Mink Creek Irrigation Corporation (See Exhibit "A", attached)
Post office address c/o Neil Gardner, Mink Creek Road, Pocatello, Idaho
2. Right obtained by:
 - a. Decree to Arthur Say (SAY) in Case of Sam B. Smith, et. al.
vs. City of Pocatello (Name)
(Name of Court)
Dated 6-5-26 in District
Court. County of Bannock 29-0275
 - b. License No. issued by the State of Idaho, Department of Reclamation.
3. Source of water Mink Creek tributary to Portneuf
(Name of stream or source)
4. Date of Priority 9-7-04
5. Amount of water a. 1.1/2 c.f.s. and/or 75 miners inches
b. acre feet/annum
6. Water is used for pasture irrigation from April 15 to September 15
(Month, Day) (Month, Day)
7. Original location of point of diversion is SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 19,
Township 7 South, Range 35 East, B.M., in Bannock County;;
~~ADDITIONAL POINT OF DIVERSION~~ which is the decreed point of diversion but
which water is actually diverted to an irrigation canal at SW $\frac{1}{4}$ SW $\frac{1}{4}$,
Section 32, Township 7 South, Range 35 East B.M.

8. Lands presently irrigated or place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
7 S.	35 E.	19																X	

(See Exhibit "B" hereto attached)

Total number of acres presently irrigated

9. If applicant was not original holder of this right explain how it was acquired: _____

Rights acquired by transfer from Arthur Say

10. CHANGE IN POINT OF DIVERSION

a. Quantity to be diverted at new point: 1.1/2 c.f.s. and/or 75 min. inches acre feet

b. New point of diversion: NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 29, Township 7
South, Range 35 E., B.M.

c. Description of method of diversion and conveyance from new points of diversion: _____
Pumped from creek through pipes to irrigation ditch for distribution
or sprinkling system

d. Is water to be conveyed to the lands previously irrigated? Yes X No _____

If not, the place of use should be changed below.

e. Describe the reasons for applying for a change in the point of diversion:

The present point of diversion is several miles upstream and travels
through irrigation ditch that goes across roads through private
property and presents hazards during time of irrigation. The new
point of diversion would eliminate this water transportation
through the ditch.

f. Do you intend to make the transfer permanent? Yes

g. Do you intend to abandon completely the old point of diversion? Yes

h. Indicate on the above plat the new point of diversion and lands to be irrigated. (See Exhibit "B")

11. CHANGE IN PLACE OF USE

a. Describe the new lands on which you wish to use your right. No new lands

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
<u>75</u>	<u>35</u>	<u>79</u>																<u>X</u>	
		<u>28</u>											<u>X</u>						
		<u>29</u>					<u>X</u>												
		<u>30</u>	<u>X</u>																

*Per
Sherla*

Total number of acres to be irrigated _____

Audit: 03/13/90 WILSON 04/04/94 THOMPSON 03/29/95 POST-STD

February 4, 1992

F. Randall Kline
PO Box 397
Pocatello, ID 83204

Mr. Kline:

I received your letter of January 20, 1992 referencing the application for transfer made by Jack Christoperson on a portion of water right 29-0275. Currently, Mink Creek Utility Association, Inc. has filed a claim in the SRBA on that portion of Right 29-0275 identified in the application for transfer.

Section 42-1416A, Idaho Code states in part that; (1) If any person entitled to the use of water has made a change in point of diversion, place of use or nature of use of all or part of the water... prior to entry of an order commencing a general adjudication pursuant to Section 42-1408, Idaho Code, and the person entitled to the use of water has not complied with the requirements of sections 42-108 and 42-222, Idaho Code, regarding such changes, the following shall apply:

(a) the water right may be claimed in the general adjudication as changed and an application for change of the water right is not required to be filed pursuant to section 42-222, Idaho Code...

It appears that the use of the water for domestic purposes from the spring took place prior to November 19, 1987 which is the date of the order commencing a general adjudication for the Snake River basin. I am inclined at this point to recommend that this claim be handled through the District Court and the SRBA.

A findings of fact, recommendation and protest ability would evolve when Basin 29 comes up for review. I have talked to our adjudication staff and they feel this is a viable way to handle the claim.

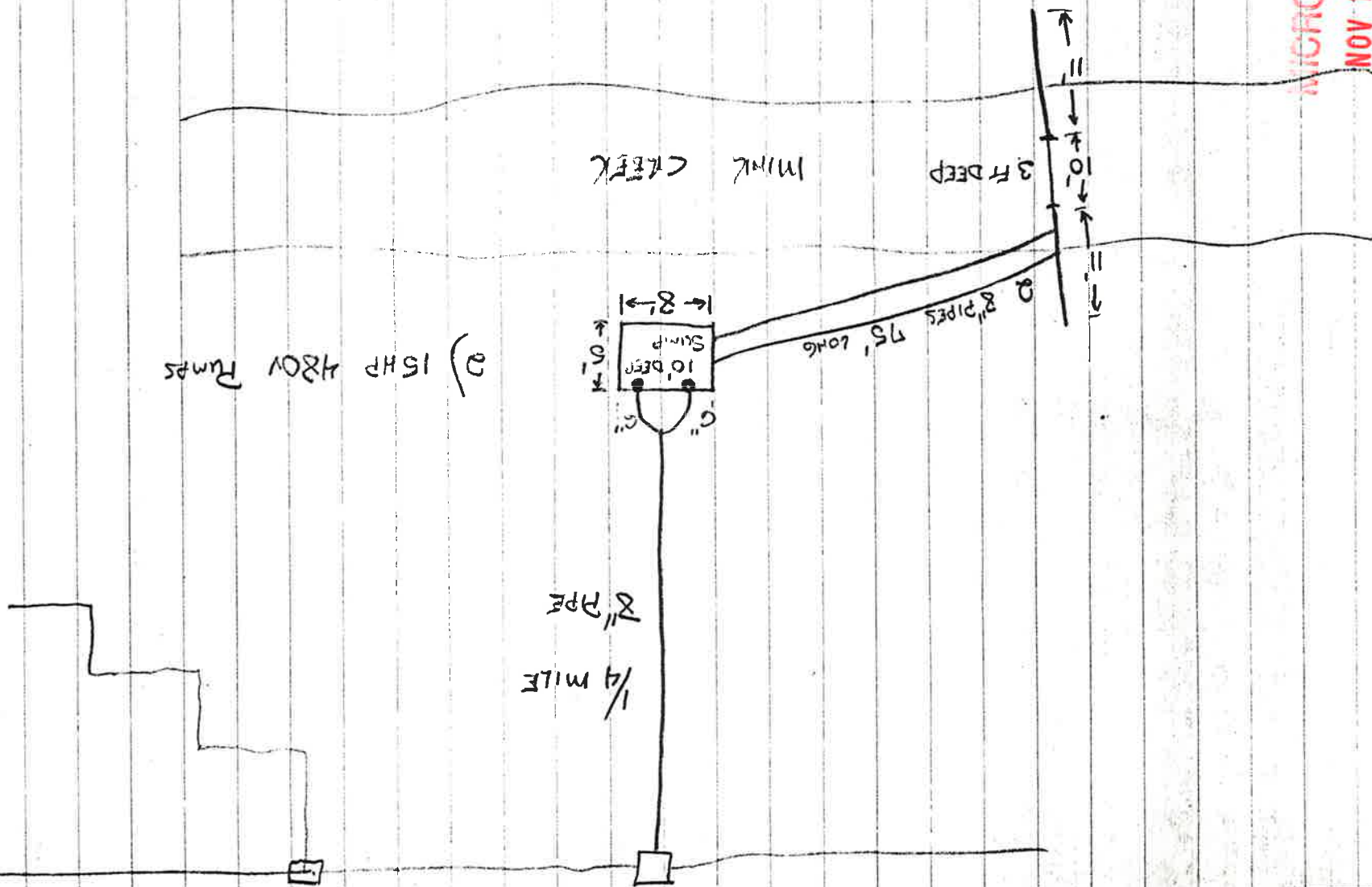
If you have any questions about this, please give me a call.

Sincerely,

HAROLD W. JONES
Water Rights Supervisor

MICROFILMED
NOV 13 1992

MICROFILMED
NOV 13 1992



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: A29-00275
Date Received: 3/13/1990
Receipt No: E012327
Received By: Kew

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MINK CREEK IRRIGATION CORP. 208-232-0649
Address: 2008 NORTH MINK CREEK ROAD
POCATELLO, ID 83204

2. Date of Priority: SEP 07, 1904

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	29	NW	NW			BANNOCK

5. Description of diverting works:
DIVERSION DAM PUMPS TO MAINLINE FOR OPEN DISCHARGE TO DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.500		

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

8. Total consumptive use is 220.0 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	19	SE	SE		IRR	2.0

Section Acres 2.0

A29-00275

Page 1

Date: 03/13/90

MICROFILMED

NOV 13 1992



10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	35E	20	SW	SW		IRR	32.0
						Section Acres	32.0
		29	NW	NW		IRR	36.0
						Section Acres	36.0
		30	NE	NE		IRR	18.0
						Section Acres	18.0
						Total Acres	88.0

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:
NONE

14. Remarks:
TRANS. #1715 SEE TRANSFER FOR WATER USERS LIST.

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 Organizations:

I do solemnly swear or affirm that I am PRESIDENT of _____ Title

MINK CREEK IRRIGATION CORP. , that I have signed the foregoing Organization document in the space below as PRES. Title of

MINK CREEK IRRIGATION CORP. and that the statements contained in the Organization foregoing document are true and correct.

TROY D. KROBLICK
Signature of Authorized Agent

PRESIDENT OF MINK CREEK IRRIGATION CORP.
Title and Organization

3/13/90
Date

State of Idaho)
County of Bonneville) SS.

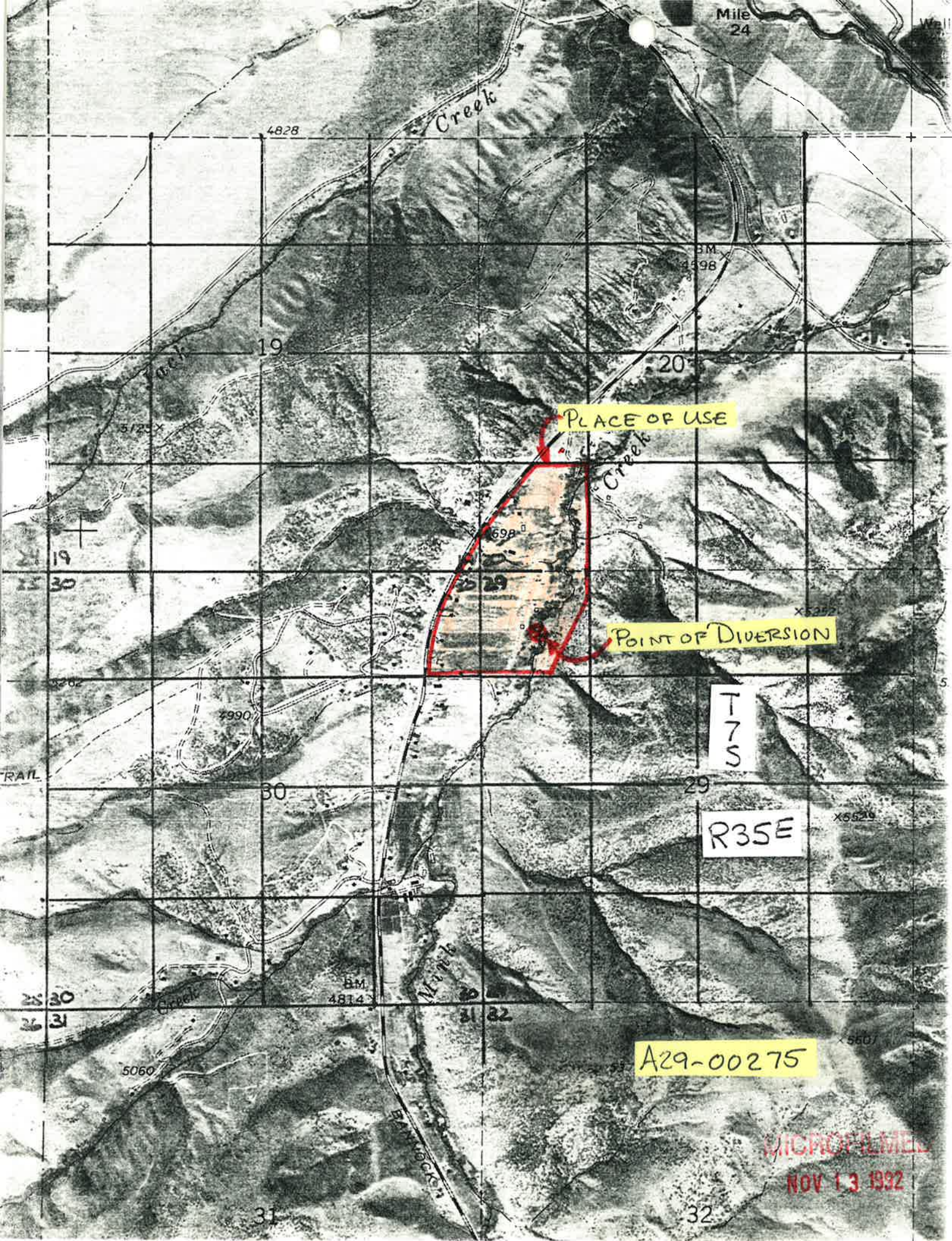
Subscribed and sworn (or affirmed) before me this 13 day
of Mar 19 90

Betty J. Thompson
Notary Public



Residing at BETTY J. THOMPSON, NOTARY PUBLIC
RESIDING AT BLANK FALLS, IDAHO

My Commission Expires MY COMMISSION EXPIRES: 6-30-94



Mile
24

Creek

4828

BM
4598

19

20

PLACE OF USE

POINT OF DIVERSION

T
7
S

R35E

A29-00275

MICROFILMED
NOV 13 1992