

11/21/2002

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

RIGHT NUMBER: 29-276B

NAME AND ADDRESS: GAYA M BUSBY
2352 N APPLE LN
POCATELLO ID 83201

JAY B BUSBY
2352 N APPLE LN
POCATELLO ID 83201

SOURCE: MINK CREEK

TRIBUTARY: PORTNEUF RIVER

QUANTITY: 0.020 CFS

PRIORITY DATE: 08/07/1907

POINT OF DIVERSION:

T07S R35E S20 SWNESW Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/01	0.020 CFS

PLACE OF USE: IRRIGATION Within BANNOCK County

T07S R35E S20 NESW 1.1

1.1 ACRES TOTAL

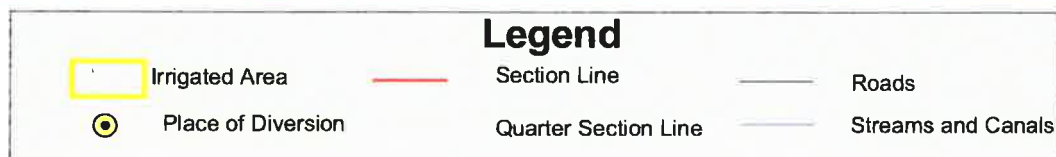
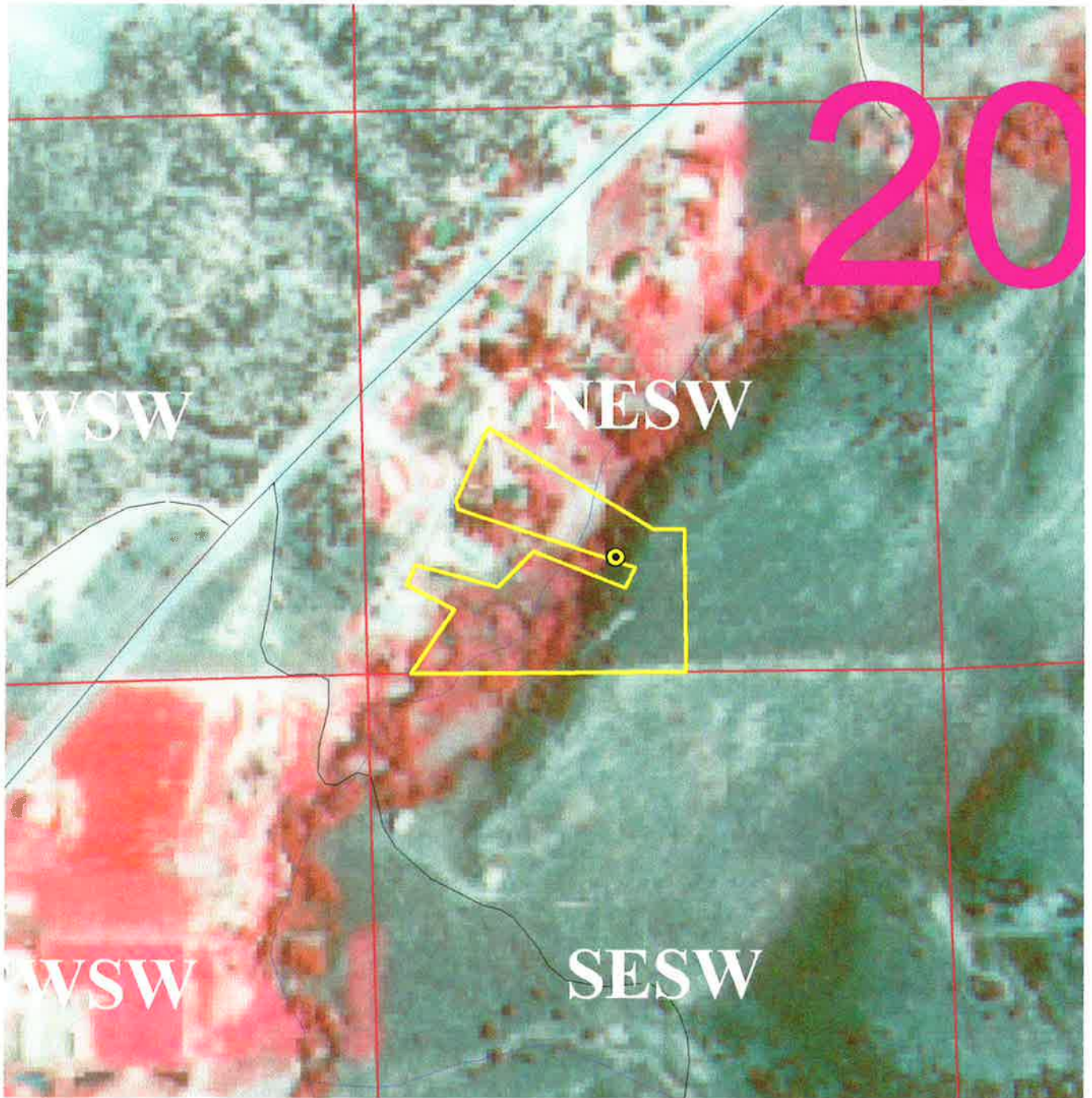
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

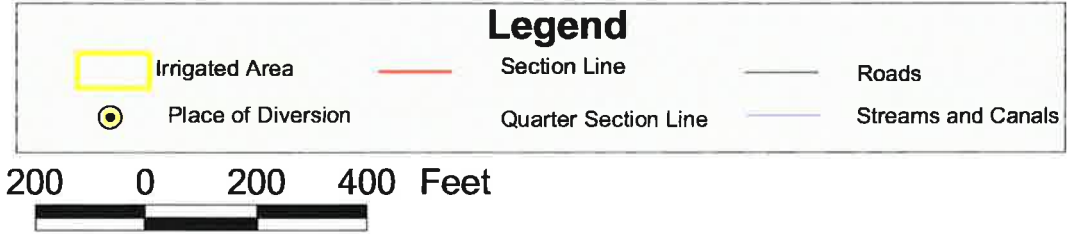
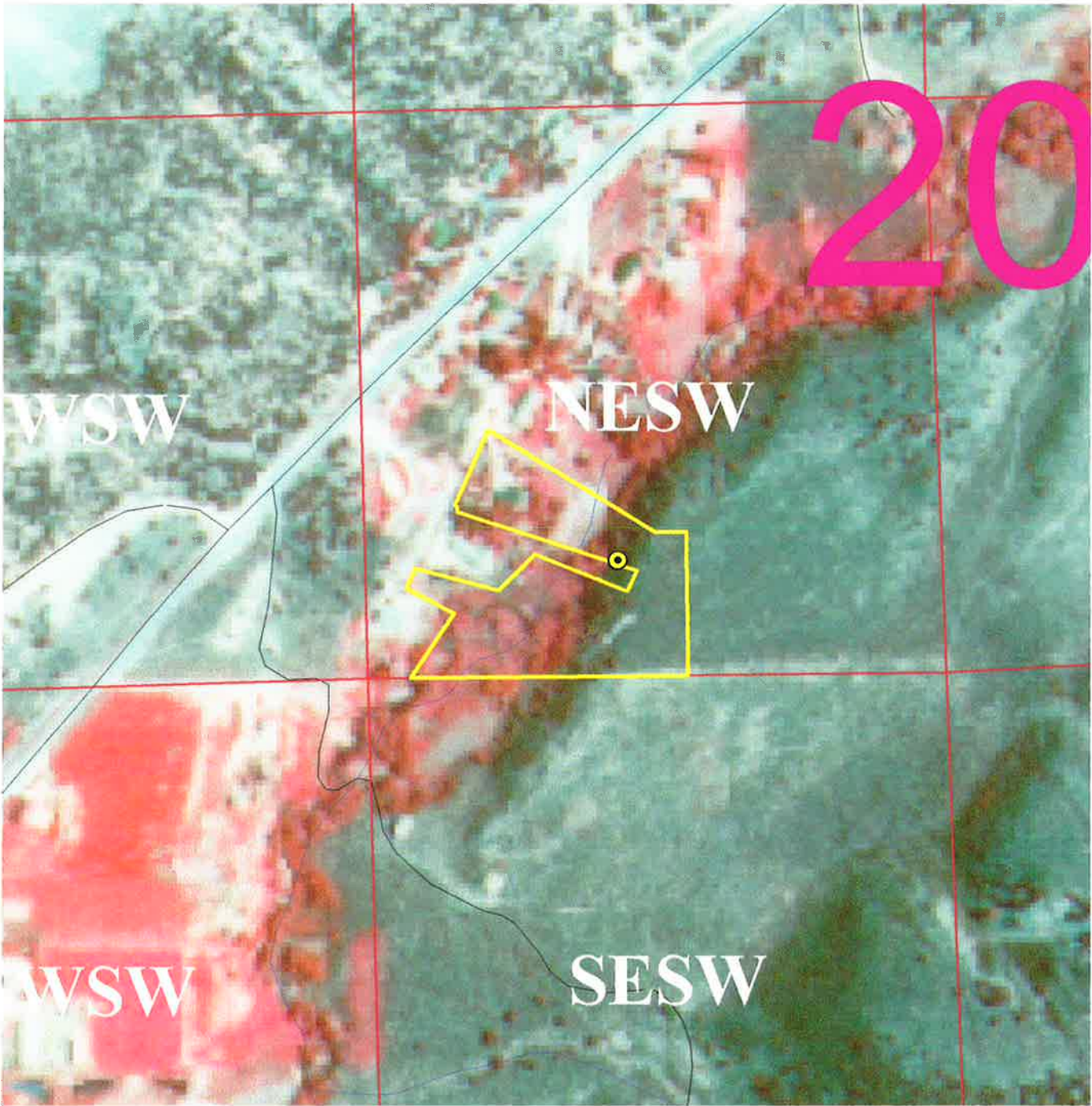
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

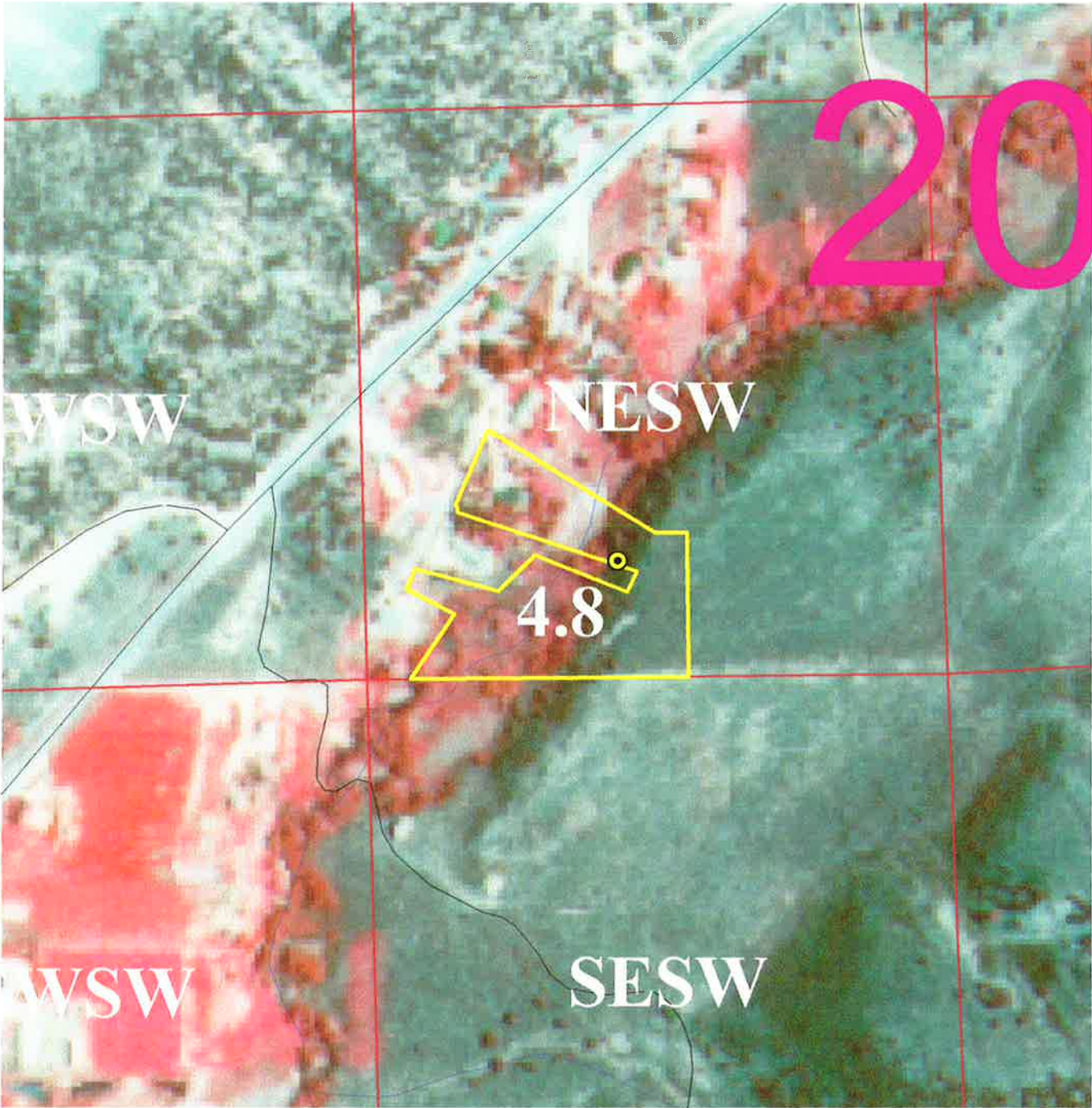
EXPLANATORY MATERIAL: Decreed

Water Right Claim Number A29-00276B
Township , 7S35E

08/23/2000







 Irrigated Area

 Section Line

 Roads

 Place of Diversion

 Quarter Section Line

 Streams and Canals

Legend



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-276B V1

WATER RIGHT NUMBER: 29-276B V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	H F GALLOWAY
	, ZZ
Current Owner	GAYA M BUSBY 2352 N APPLE LN POCATELLO, ID 83201 (208)232-6523
Current Owner	JAY B BUSBY 2352 N APPLE LN POCATELLO, ID 83201 (208)232-6523

Priority Date: 08/07/1907

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	03/15 to 11/01	0.020 CFS	
	<u>Total Diversion:</u>	0.020 CFS	

Location of Point(s) of Diversion

MINK CREEK	SW1/4NE1/4SW1/4	Sec. 20, 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	20									1.1								1.1

Total Acres: 1.1

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.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 29-276B V1

Comments:

1. csaxton 11/21/2002 POD
Comment: Actual location of POD not defined to a 40 acre tract. No C03.
2. csaxton 11/21/2002 Period of Use
Comment: Period of use determined by TR 2032.

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: 29
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	11/21/2002 10:42:13 AM	csaxton			Active
Priority Date	11/21/2002 10:49:52 AM	csaxton			Active
POD	11/21/2002 10:51:34 AM	csaxton			Active
Source	11/21/2002 11:03:33 AM	csaxton			Active
POU	11/21/2002 11:03:49 AM	csaxton			Active
Use	11/21/2002 1:05:03 PM	csaxton			Active
Season	11/21/2002 1:05:20 PM	csaxton			Active
Quantity	11/21/2002 1:09:44 PM	csaxton			Active
Summary			11/21/2002	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 29-276B V1

Summary	11/21/2002 1:33:55 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?
Contacts	11/21/2002 10:42:13 AM	csaxton	(No) 1. Do you want to schedule an appointment? Comment for 1: Field Exam 9/17/02
Priority Date	11/21/2002 10:49:53 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?
POD	11/21/2002 10:51:35 AM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD? (Yes) 5. Can the claimed POD be verified using the water right file? (No) 10. Is a POD remark and/or condition required?
POD	11/21/2002 11:02:27 AM	csaxton	Edited point location
POD	11/21/2002 11:02:39 AM	csaxton	Edited PLS
Source	11/21/2002 11:03:35 AM	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	11/21/2002 11:03:50 AM	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	11/21/2002 11:04:14 AM	csaxton	Edited shape boundary

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-276B V1

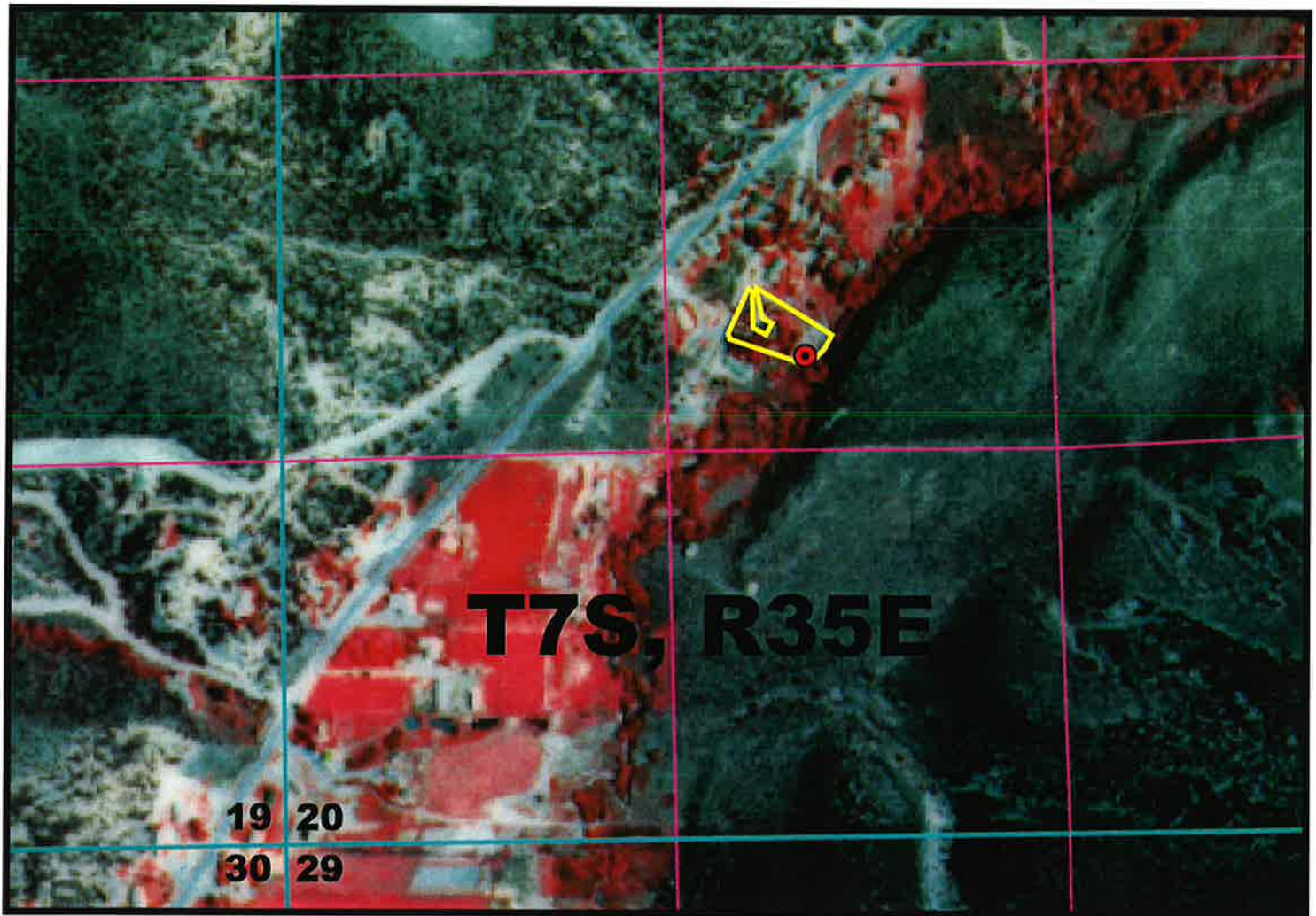
POU	11/21/2002 1:03:46 PM	csaxton	Edited shape boundary
Use	11/21/2002 1:05:04 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file? (No) 13. Is a Purpose of Use remark and/or condition required?
POU	11/21/2002 1:04:05 PM	csaxton	Edited PLS
Season	11/21/2002 1:05:21 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? (No) 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) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?
Quantity	11/21/2002 1:09:45 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? (Yes) 12. Is a Quantity remark or condition required?



STATE OF IDAHO

Department of Water Resources
Eastern Region

Water Right(s): 29-00276B



1320

0

1320 Feet

Total Irrigated Acres: 1.1



Point(s) of Diversion



Place of Use



Quarter Quarter Lines



Section Lines

PROFILED

SCANNED

JUL 15 2005



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

RECEIVED

FEB 27 2003

02/08/2003

NOTICE OF ERROR
REPLY

Department of Water Resources
Idaho Falls, ID

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: 29-276B

GAYA M BUSBY
2352 N APPLE LN
POCATELLO ID 83201
Telephone Number: (208)232-6523

JAY B BUSBY
2352 N APPLE LN
POCATELLO ID 83201
Telephone Number: (208)232-6523

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: 2-22-03

SIGNATURE: Jay B. Busby

Please print your name: JAY B. Busby

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

SCANNED
JUL 15 2005

PROFILED

8-12-02: 29-2547 Permit Lapsed

8-14-02: No one home:
FE

: No sign of recent Irrigation. However did find pipe
of old Black Pipe. might have been Irrigated. Send letter

: Look Like Irrigated From domestic
But I don't see the well

: Send letter

- 1) Black Pipe Rite
- 2) Garden w/ Gray Tractor
- 3) Lawn + House
- 4) Black Iron line in fence

8-20-02: Called and left message to give me a call.

9-17-02: Did Field Exam for 29-002760 and discovered that
FE POB is the same for this Right.

11-21-02: 29-07923 - Permit Prod Due 7/1/1992 Not needed
to be filed on in AV - SROA.

Period of use defined by TR 8032

SCANNED
JUL 15 2005

PROFILED

Split history for Decreed Right 29-00276

		WR	Claimed	Recommend
29-00276 0.4 22	TR 2032	29-00274A Galloway	29-00276C Fishcel	
		0.24	0.075	0.03
		not specified	2.5	1.7
		so ... 15.4		
			29-00276D Myler	
		29-00276B	0.02	0.01
			1	0.6
			29-00276E Hickman	
		0.13	0.03	0.02
		6.6	1.5	1
			29-00276B Busby	
			0.13	0.02
			6.6	1.1
		Sum of claimed CFS =	0.255	Sum CFS= 0.08
		Sum of claimed Acreage =	11.6	Sum Acre= 4.4
				Un-accounted for CFS= 0.32
				Un-accounted for Acres= 17.6

PROFILE

SCANNED
JUL 15 2005

29-00276B

POU

Field Exam: 8/14/02



Looking North at what looks like a garden on claimed POU (csaxton).



Looking West at claimed POU (csaxton).

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SCANNED
JUL 15 2005

29-00276B

System

Field Exam: 8/14/02



Looking South at pile of old pipe that looks like it could have been part of an irrigation system (csaxton).



Looking SE at what appears to be an irrigation hose that might supply water to the claimed POU (csaxton).

PROFILE

SCANNED
JUL 15 2005

29-00276B

POU

Field Exam: 9/17/02



Looking North at claimed POU (csaxton).

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**SCANNED
JUL 15 2005**

29-00276B

POD

Field Exam: 9/17/02



Looking at point where pump is placed when in place. Mink Creek to left of picture. POU behind me in picture. Ditch seen in the middle of picture (csaxton).



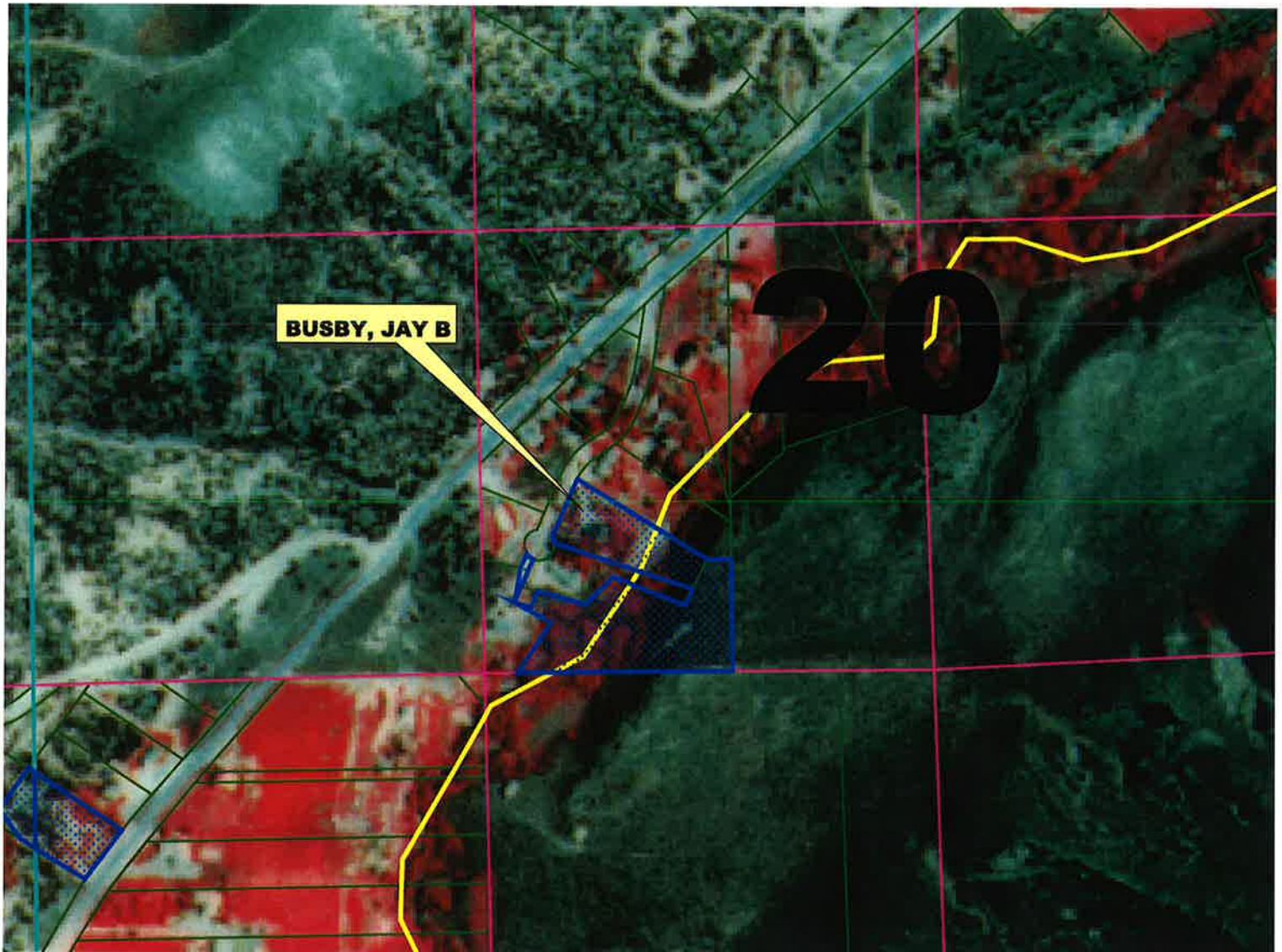
Looking East at POD. Claimed POU behind me in picture (csaxton).

PROFILED

SCANNED

JUL 15 2005

29-00276B



Point of Diversion

Total Property Acreage: 4.78



Roughly - Claimed Place of Use



Licensed POU - N/A



Bannock Co Tax Lot Data



Section Lines

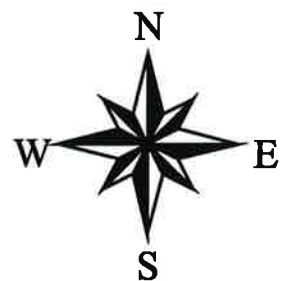


Quarter Quarter Lines

PROFILED

SCANNED

JUL 15 2005



Prepared By: Craig Saxton
August 2002

SCANNED

JUN 11 2001

Log for claim A29-00276B

Spatial Dynamics LTD

8/23/00

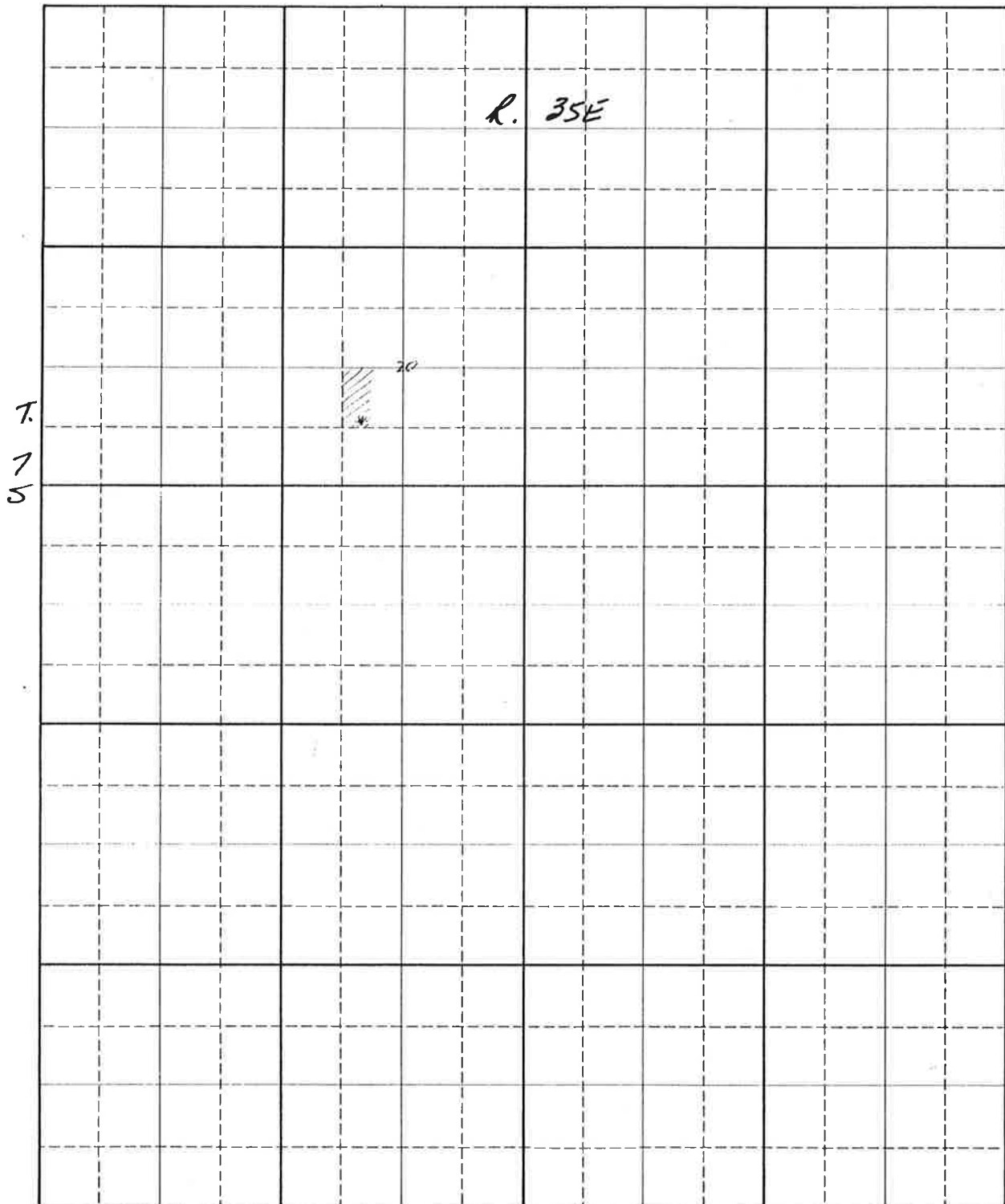
TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
07s35e	20	NESW	6.6	4.8	
Totals:			6.6	4.8	

TRANSFER NO.	NAME	AMOUNT C.F.S.	BALANCE C.F.S.	RIGHT NO.
	Galloway, H. F.	0.40		29-0276
2032	Busby, Jay	0.13		29-0276B
	Galloway, H. F.	0.27		29-0276A

T
R
A
N
S
F
E
R



- b. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



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

MICROFILMED

MAY 07 1987

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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

Name of applicant Jay Bussby Phone 232-6523Post office address 450 Mink Creek Road, Pocatello, Idaho 83201**A. DESCRIPTION OF RIGHT AS RECORDED****1. Right evidenced by:**a. Decree to H. F. Galloway (Decree No. 29-0276)

(Name)

in case of Sam B. Smith et al vs City of Pocatello, et aldated June 5, 1926 in 5th Judicial Dist. county of Bannock

(Name of court)

b. License No. _____ issued by the Idaho Department of Water Resources

c. Claim No. _____ on file with the Idaho Department of Water Resources

2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenantJay Bussby purchased land from Elvis O. Hart & Dorothy C. Hart, who purchased land from H. F. Galloway**3. Source of water** Mink Creek, tributary to Portneuf River**4. Date of priority** Aug. 7, 1907**5. Water is used for the following purposes:**amount 0.40 for Irrigation purposes from March 15 to Nov. 1

amount _____ for _____ purposes from _____ to _____

amount _____ for _____ purposes from _____ to _____

(month/day - both dates inclusive)

6. Total amount of water under right: a. 0.40 cubic feet per secondb. _____ &/or
acre feet per annum**7. Location of original point of diversion is** _____ $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 20Township 7S Range 35E, B.M., in Bannock County

Additional points of diversion, if any _____

8. Lands 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 $\frac{1}{4}$	
7S	35E	20									X					X			

MICROFILMED

MAY 07 1981

Total number of acres to be irrigated _____

Transfer No. 2032Water Right No. 29-0276STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESAMENDED APPLICATION FOR TRANSFER OF WATER RIGHT AMENDED
To Change the Point of Diversion and/or the Place of UseName of applicant JAY BUSBY Phone 232-6523
Post Office address 2352 Apple Lane, Pocatello, ID 83201

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 29-0276 Decreed to H. F. Galloway (Name)
in case of Sam B. Smith, et al. vs City of Pocatello, et al.
dated in June 5, 1926 in 5th Judicial Dist. county of Bannock
(Name of court)
- b. License No. _____ issued by the Idaho Department of Water Resources
- c. Claim No. _____ on file with the Idaho Department of Water Resources

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant. If the applicant is not the original holder of the water right, explain how it was acquired _____

3. Source of water Mink Creek tributary to Portneuf River4. Date of priority August 7, 1907

5. Water is used for the following purposes:

amount 0.40 cfs for Irrigation purposes from March 15 to Nov. 1
amount _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(month/day — both dates inclusive)

6. Total amount of water under right: a. ~~0.04~~ 0.40 cubic feet per second
&/or
b. _____ acre feet per annum

7. Location of original point of diversion is _____ % of SW % of Section 20
Township 7S Range 35E, B.M., in Bannock County
Additional points of diversion, if any _____

8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
7S	35E	20									X					X			

Total number of acres to be irrigated _____

9. Describe any other water rights used for the same purpose as described above N/A

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of nonuse? No If yes, describe in item D, REMARKS.

B. DESCRIPTION OF PORTION OF RIGHT OWNED BY APPLICANT (If the entire right is owned by the applicant, omit part B).

1. Amount of water: a. 0.13 cubic feet per second
&/or
b. _____ acre feet per annum
2. Point of diversion _____ $\frac{1}{4}$ SW $\frac{1}{4}$, Section 20 Township 7S
Range 35E, B.M., Bannock County
Additional points _____

3. 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 $\frac{1}{4}$	
7S	35E	20									6.6								6.6

Total number of acres to be irrigated _____

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. General Information

- a. Amount of water to be diverted 0.13 c.f.s. &/or _____ acre feet
- b. Description of diverting works portable pump and sprinkler system

- c. Describe the reasons for the proposed changes Road to new subdivision cuts across diversion ditch that was previously used. New point of diversion will allow continued use of water right appurtenant to Lots 4 & 6 of Apple Acres Subdivision.

2. Change in point of diversion

Point of diversion NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 20 Township 7S
Range 35E, B.M., Bannock County
Additional points More specifically, diversion will be located on Lot 4, Apple Acres Subdivision.

3. Change in place of use

- a. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? Yes X No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed change.
- b. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer
This application does not represent a change in the place of use under right 29-0276.

MICROFILMED

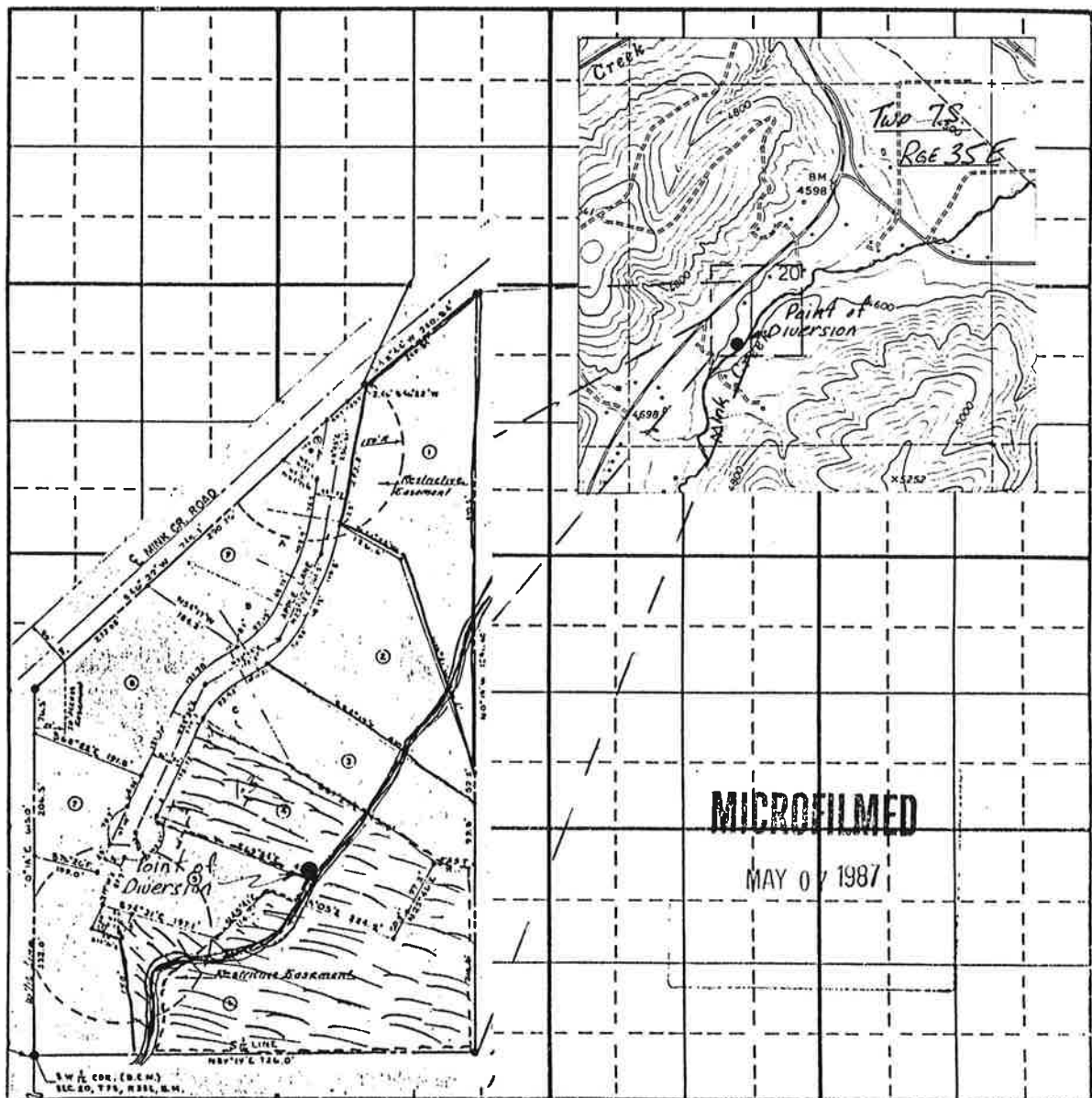
MAY 07 1981

c. Describe the uses or place of use to which the right will be transferred:

TWP.	RANGE	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	20								6.6									6.6

Total number of acres to be irrigated 6.6

4. Describe any other water rights used for the same purpose as described above. None
5. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



D. REMARKS

Having contacted Claude Roberts, President of Mink Creek Water Assn., he assures me there will be no problems that he knows of.

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willfull misrepresentations made in this application may result in voiding its approval.

Jay D. Busby
(Signature of Applicant)

Subscribed and sworn to before me this 10th day of December, 19 86

Linda Tobias
(Notary Public)

My commission expires 10/87

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 29-0276B and said application is hereby APPROVED, subject to the following limitations and conditions:

Witness my hand this 22nd day of April, 19 87

A. Glen Saylor
Chief, Operations Bureau

FOR DEPARTMENT USE ONLY

MICROFILMED

Received by <u>PCW</u>	Date <u>12-11-86</u>	Protest filed by <u>MAY 07 1987</u>
Prelim. check by _____	Fee <u>11.11</u>	
Received by _____	Date _____	
Published in _____	Copies of protest forwarded by _____	
Pub. dates _____	Hearing held by _____	Date _____
Watermaster recommendation requested on _____	Recommended for <u>approval</u>	denial
_____ rec'd.	by <u>REC Jim GS</u>	

AJ5809NP
No. A29-00276B

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/18/00
PAGE: 12

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	GAYA M BUSBY	08/07/1907	IRRIGATION	03-15 11-15	0.130 CFS	
C	JAY B BUSBY					
	2352 N APPLE LN			TOTAL DIVERSION:	0.130 CFS	
	POCATELLO ID 83201			CONSUMPTIVE USE:		16.50 AFA
	(208) 232-6523					

Water Source: MINK CREEK

Tributary to: PORTNEUF RIVER

Stage: DECREED

Point(s) of Diversion: T07S R35E S20 NESW BANNOCK County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE												
T	R	S		NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM
				Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		
07S	35E	20	:					:					:	06				:						6.6
																							TOTAL ACRES	6.6

POU County: BANNOCK

Non-Irrigation Uses: NONE

Other Rights: NONE

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

29-10926 29-12500 A29-00276C A29-00276D A29-00276E A29-02508 A29-07680 A29-10926 A29-12500

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

A29-00276A A29-00276C A29-00276D A29-00276E A29-02508 A29-07680

Conditions of Approval:

R04 - Use of water under this water right will be regulated by the
- watermaster of State Water District No. 29.

Remarks: GEN TRANSFER #2032

P/U AKA LOTS 5 & 6 APPLE ACRES SUBDIVISION

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

Misc: Water District Number: 29 Field Inspection Flag:
Presumption Flag:

Audit: 02/27/90 WILSON 04/04/94 THOMPSON 03/29/95 POST-STD 04/12/00 CVANDERM

TRANSFER NO.	NAME	AMOUNT C.F.S.	BALANCE C.F.S.	RIGHT NO.
	Galloway, H. F.	0.40		29-0276
2032	Busby, Jay	0.13		29-0276B
	Galloway, H. F.	0.27		29-0276A

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MICROFILMED
 MAY 07 1987

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AMENDED

APPLICATION FOR TRANSFER OF WATER RIGHT

AMENDED

To Change the Point of Diversion and/or the Place of Use

APPROVED

Name of applicant JAY BUSBY Phone 232-6523
Post Office address 2352 Apple Lane, Pocatello, ID 83201

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 29-0276 Decreed to H.F. Galloway
(Name)
in case of Sam B. Smith, et al. vs City of Pocatello, et al.
dated in June 5, 1926 in 5th Judicial Dist. county of Bannock
(Name of court)
- b. License No. _____ issued by the Idaho Department of Water Resources
- c. Claim No. _____ on file with the Idaho Department of Water Resources

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant. If the applicant is not the original holder of the water right, explain how it was acquired _____

3. Source of water Mink Creek tributary to Portneuf River
4. Date of priority August 7, 1907

5. Water is used for the following purposes:

amount 0.40 cfs for Irrigation purposes from March 15 to Nov. 1
amount _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(month/day — both dates inclusive)

6. Total amount of water under right: a. ~~0.04~~ 0.40 ^{1/4} cubic feet per second
&/or
b. _____ acre feet per annum
7. Location of original point of diversion is _____ % of SW % of Section 20
Township 7S Range 35E, B.M., in Bannock County
Additional points of diversion, if any _____

8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
<u>7S</u>	<u>35E</u>	<u>20</u>									X					X			

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MAY 07 1987

Total number of acres to be irrigated _____

9. Describe any other water rights used for the same purpose as described above N/A

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of nonuse? No If yes, describe in Item D, REMARKS.

B. DESCRIPTION OF PORTION OF RIGHT OWNED BY APPLICANT (If the entire right is owned by the applicant, omit part B).

1. Amount of water: a. 0.13 cubic feet per second &/or
b. _____ acre feet per annum
2. Point of diversion _____ 1/4 SW 1/4, Section 20 Township 7S
Range 35E, B.M., Bannock County
Additional points _____

3. Place of use:

TWP.	RANGE	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	20									6.6								6.6

Total number of acres to be irrigated _____

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. General Information

- a. Amount of water to be diverted 0.13 c.f.s. &/or _____ acre feet
- b. Description of diverting works portable pump and sprinkler system
- c. Describe the reasons for the proposed changes Road to new subdivision cuts across diversion ditch that was previously used. New point of diversion will allow continued use of water right appurtenant to Lots 4 & 6 of Apple Acres Subdivision.

2. Change in point of diversion

Point of diversion NE 1/4 SW 1/4, Section 20 Township 7S
Range 35E, B.M., Bannock County
Additional points More specifically, diversion will be located on Lot 4, Apple Acres Subdivision.

3. Change in place of use

- a. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? Yes X No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed change.
- b. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer
This application does not represent a change in the place of use under right 29-0276.

MICROFILMED

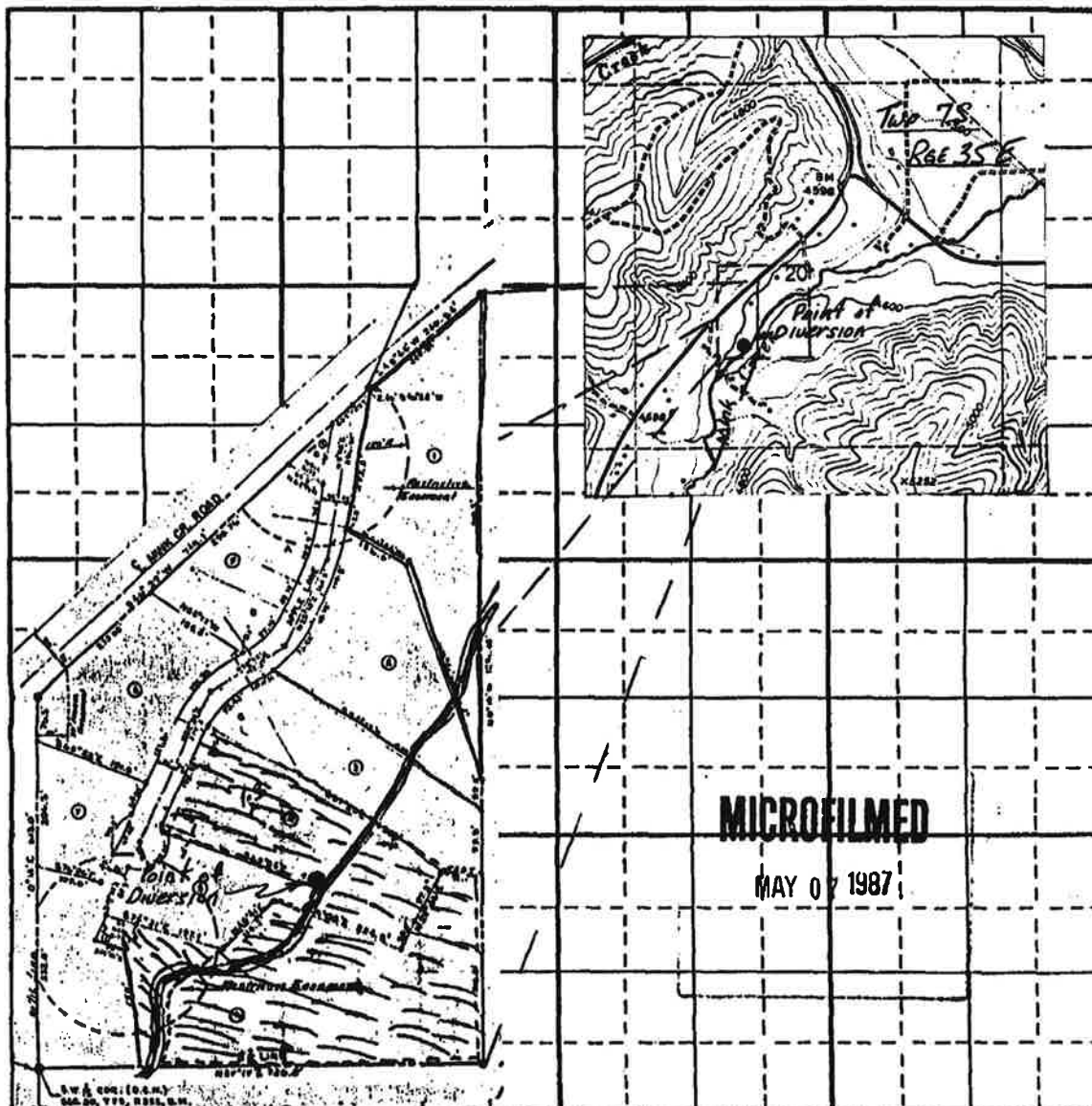
MAY 07 1981

c. Describe the lands or place of use to which the right will be transferred:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
7S	35E	20									6.6								6.6

Total number of acres to be irrigated 6.6

4. Describe any other water rights used for the same purpose as described above. None
5. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



D. REMARKS

Having contacted Claude Roberts, President of Mink Creek Water Assn., he assures me there will be no problems that he knows of.

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willfull misrepresentations made in this application may result in volding its approval.

Jay D. Dushy
(Signature of Applicant)

Subscribed and sworn to before me this 10th day of December, 19 86

Linda Tobias
(Notary Public)

My commission expires 10/87

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 29-0276B
and said application is hereby APPROVED, subject to the following limitations and conditions:

Witness my hand this 22nd day of April, 19 87

A. Glen Saylor
Chief, Operations Bureau

FOR DEPARTMENT USE ONLY

MICROFILMED

Received by <u>OW</u>	Date <u>12-11-86</u>	Protest filed by <u>MAY 07 1987</u>
Prelim. check by _____	Fee <u>N.A.</u>	_____
Received by _____	Date _____	_____
Published in _____	Copies of protest forwarded by _____	_____
Pub. dates _____	Hearing held by _____	Date _____
Watermaster recommendation requested on _____	Recommended for <u>approval</u>	denial
_____ rec'd. _____	by <u>RDC Jim C.S.</u>	_____

RECEIVED

JAN 10 1977

Department of Water Resources
Eastern District Office

January 6, 1977

Idaho Department of Water Resources
1515 Lincoln Road
Idaho Falls, Idaho 83401

Attn: Mr. R. Keith Higginson, Director

REF: Notice of proposed change
of water right # 29-0276

Dear Mr. Higginson:

At this time we wish to protest against approval of the above referenced proposed water right change #29-0276.

The gentleman requesting this change is a general contractor who is presently filling this land to full capacity with homes.

We, as a group, are concerned with his putting this water right back into use at all, because as recent as his right is (1907) this will make him the first one cut off, which will happen about June or July.

Presently, there is not enough water to go around all summer long. We have some farmers who have the earliest rights, when the creek gets low they shut us down and try to do the best they can with what water is left. We understand this and are in fact just completing the installation of a soil conservation service engineered pumping project to help increase better utilization of this water on our eighty eight (88) acres. We have financed thru the Farmers Home Administration. We are installing flow meters and a weir to measure and make sure we only get what we have rights to. Is this gentleman willing to do the same?

We protest for the following reasons:

- (1) We feel that we are going to have problems with this gentleman and the people who live on his land. The reason being, to the best of our knowledge these people have had little or no experience in irrigation matters. Since his right is the latest (1907), in June or July when the ditch rider has to turn their water off, there is liable to be some misunderstandings.
- (2) If he intends on putting in one central pump, will he give the control of it to the ditch rider and abide by his decisions as we all have to?

MICROFILMED

MAY 07 1987

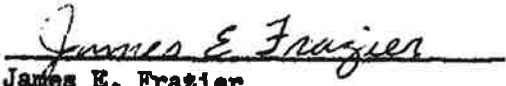
January 6, 1977

- (3) We are afraid he is going to let everyone in his housing project drop pumps in the creek, and if he does, how will the ditch rider control all these people?
- (4) This right has not been used in the last twenty seven (27) years that we are sure of and the old ditches were in a bad state of neglect then, so there is no telling just how long it was used before then.
- (5) Since the water has not been used in all this time we would like to know if he has an environmental impact statement on file with you as to what effect the sudden extra burden on Mink Creek will have on the environment.
- (6) We would like to challenge, not only his point of diversion request, but his right to the water at all, after all these years.

Yours truly,


Neil Gardner

President, Mink Creek Irrigation Corp.


James E. Frazier
Frazier Fruit Farm

MICROFILMED

MAY 07 1967

CC; Harry Williams
Sec. Tres.

Application No. 29-0276

Total number of acres to be irrigated

B. DESCRIPTION OF PORTION OF RIGHT FOR WHICH THE CHANGE IS REQUESTED (If the entire right is requested changed, omit part B)

1. Amount of water: a. _____ cubic feet per second &/or
b. _____ acre feet per annum
2. Point of diversion _____ ¼ _____ ¼, Section _____ Township _____
Range _____, B.M., _____ County _____
Additional points _____
3. Place of use:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Change in point of diversion
 - a. Amount of water to be diverted 0.40 c.f.s. &/or _____ acre feet
 - b. Point(s) of diversion NE ¼ SW ¼, Section 20 Township 7S
Range 35E, B.M., Bannock County _____
Additional points _____
 - c. Description of diverting works pump, pipe and sprinkler system
 - d. Describe the reasons for applying for a change in the point(s) of diversion _____
Road to new subdivision cuts across diversion ditch that was previously used.

2. Change in place of use

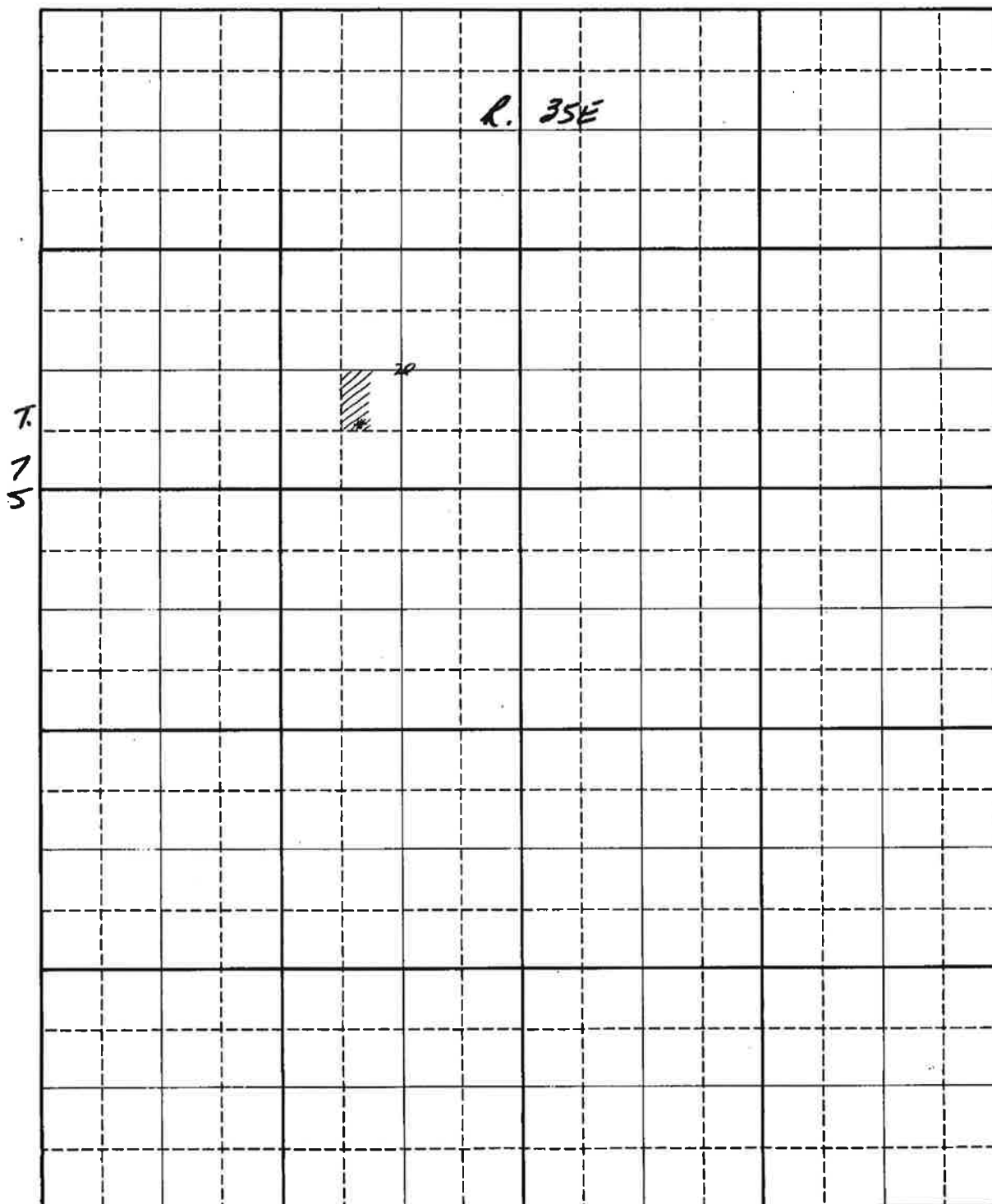
- a. Describe the lands or place of use to which the right will be transferred:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
7S	35E	20									22								22

RECORDED
MAY 07 1981

Total number of acres to be irrigated 22

- b. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



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

MICROFILMED

MAY 07 1987

3. Remarks _____

I hereby assert that no one will be injured by such change and the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

Jay B. Brubaker
(Signature of applicant)

Subscribed and sworn to before me this 14 day of December, 1976

John C. Gashenauer
(Notary public)
Portland, Idaho

My commission expires Feb 9, 1980

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____,
and said application is hereby _____.

1. Approval of said application is subject to the following limitations and conditions:

2. Denial of said application is for the following reasons: _____

Witness my hand this _____ day of _____, 19 _____

MICROFILMED

FOR DEPARTMENT USE ONLY MAY 07 1981

Received by CW Date 12-15-76

Prelim. check by EMC Fee \$30.00

Received by CW Date 12-16-76

Published in Idaho State Journal #4467

Pub. dates Dec 23 & 30, 1976

Watermaster recommendation requested on N.A.
_____ rec'd. _____

Protest filed by with drawn
Whit's Creek Irrigation

Copies of protest forwarded by CW 1-10-77

Hearing held by _____ Date _____

Recommended for _____ approval _____ denial
by _____

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 29-276

WATER RIGHT NUMBER: 29-276

Owner Type Name and Address

Current Owner JAY BUSSBY

Original Owner , ZZ
H F GALLOWAY

, ZZ

Priority Date: 08/07/1907

Basis: Decreed

Status: Active

Source

MINK CREEK

Tributary

PORTNEUF RIVER

Beneficial Use

IRRIGATION

From To

3/15 to 11/15

Diversion Rate

0.400 CFS

Annual VolumeTotal Diversion: 0.400 CFSLocation of Point(s) of Diversion

MINK CREEK

NE1/4SW1/4

Sec. 20, 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	20									22.0								22.0

Total Acres: 22

Conditions of Approval:Remarks:

1. General AS PER TRANS #2032.

Comments:Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 29-276

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

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 29-276B

WATER RIGHT NUMBER: 29-276B

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JAY BUSBY 2352 APPLE LANE POCATELLO, ID 83201
Original Owner	H F GALLOWAY , ZZ

Priority Date: 08/07/1907

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	3/15 to 11/15	0.130 CFS	
	<u>Total Diversion:</u>	0.130 CFS	

Location of Point(s) of Diversion

MINK CREEK	NE1/4SW1/4	Sec. 20, 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 20									7.0								7.0

Total Acres: 7

Conditions of Approval:Remarks:Comments:Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 29-276B

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

Water Right Report 29-276A

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	H F GALLOWAY , ZZ

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

<u>Location of Point(s) of Diversion</u>		
MINK CREEK	NE1/4SW1/4	Sec. 20, Twp 07S, Rge 35E, B.M.
BANNOCK County		

Twp	Rge	Sec	NE				NW				SW				SE				
			<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>Totals</u>
07S	35E	20									X					X			

Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 29-276A

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

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: A29-00276B
Date Received: 2/27/1990
Receipt No: E012169
Received By: Kew

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JAY B. BUSBY 208-232-6523
Address: 2352 NORTH APPLE LANE
POCATELLO, ID 83201-0000
OR
Name: GAYA M. BUSBY 208-232-6523
Address: 2352 NORTH APPLE LANE
POCATELLO, ID 83201

A2900276B



2. Date of Priority: AUG 07, 1907

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	20	NE	SW			BANNOCK

5. Description of diverting works:
PUMP MAINLINE TO LATERALS WITH SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.130		

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

8. Total consumptive use is 16.5 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A29-00276B

Page 1

Date: 02/27/90

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NOV 13 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	35E	20	NE	SW		IRR	6.6
Section Acres							6.6
Total Acres							6.6

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:

TRANSFER #2032

P/U AKA LOTS 5 & 6 APPLE ACRES SUBDIVISION

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

SAM B. SMITH, ET. AL.

Decree Plaintiff

vs

CITY OF POCA TELLO, ET. AL.

Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not ☒ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): Jay L. Dusby Date: Feb 26 - 90
Date: _____

State of Idaho)
County of Bonneville) SS.

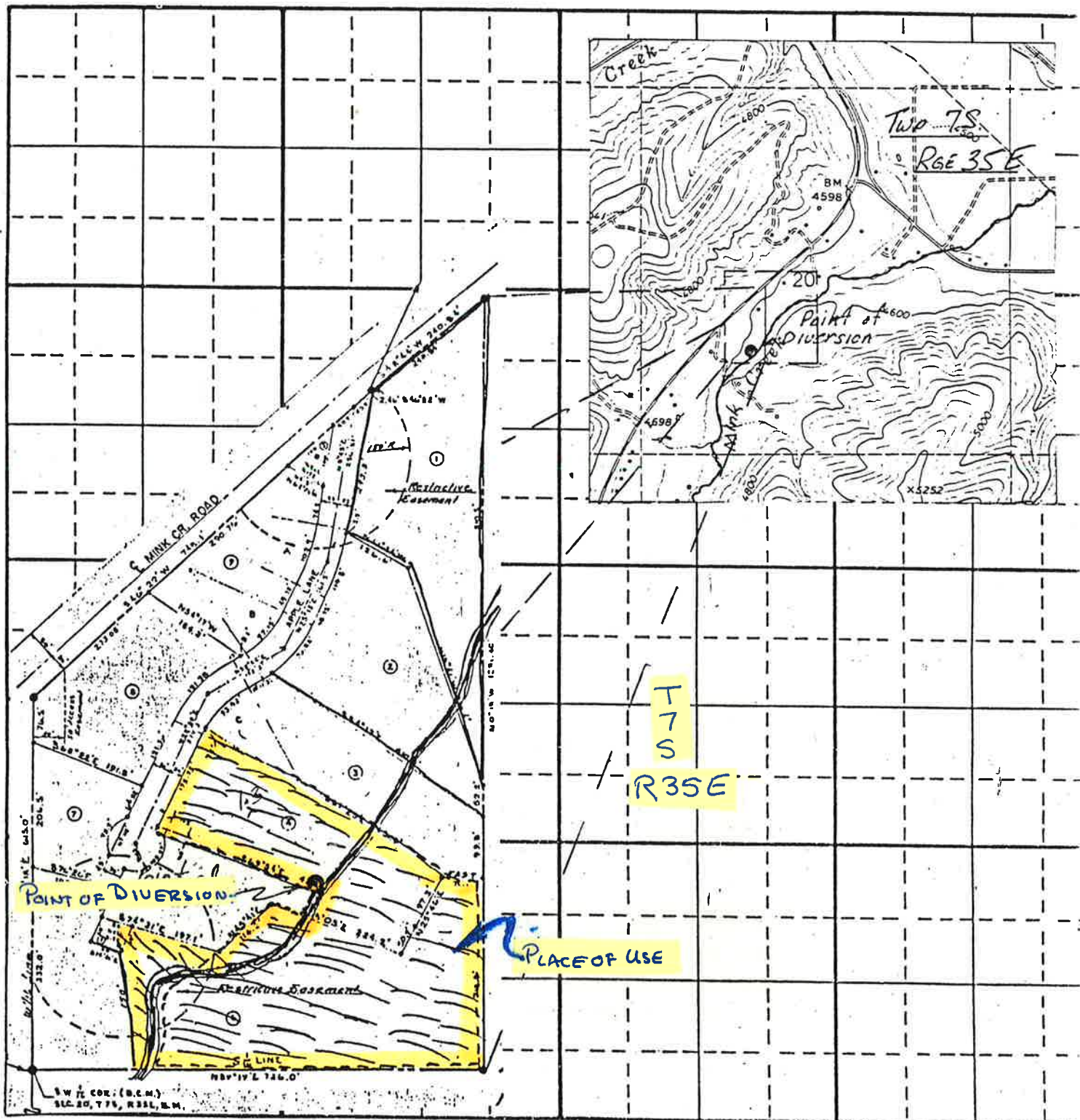
Subscribed and sworn (or affirmed) before me this 26th day
of Feb 19 90

Betty J. Thompson
Notary Public

Seal

BETTY J. THOMPSON, NOTARY PUBLIC
Residing at RESIDING AT IDAHO FALLS, IDAHO
My Commission Expires MY COMMISSION EXPIRES: 6-30-94

4. Describe any other water rights used for the same purpose as described above. None
5. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



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

A29-60276B MICROFILMED

NOV 13 1992