

11/27/2002

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

RIGHT NUMBER: 29-276C

NAME AND ADDRESS: DAVID R FISCHER
2446 N MINK CREEK RD
POCATELLO ID 83204

SOURCE: MINK CREEK

TRIBUTARY: PORTNEUF RIVER

QUANTITY: 0.034 CFS

USE OF THIS RIGHT WITH THE IRRIGATION PORTION OF RIGHT NO. 29-07680 IS
LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.038 CFS.

PRIORITY DATE: 08/07/1907

POINT OF DIVERSION:

T07S R35E S20 SENESW 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	0.034 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 S20 NESW 1.7

1.7 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 29-07680 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 1.7 ACRES IN A SINGLE
IRRIGATION SEASON.

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

11/26/2002

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

RIGHT NUMBER: 29-7680

NAME AND ADDRESS: APPLE ACRES SUBDIVISION
C/O DAVID R FISCHEL
2446 N MINK CREEK RD
POCATELLO ID 83204

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.130 CFS
5.900 AFY

USE OF THIS RIGHT WITH RIGHT NO. 29-00276C IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF ~~0.06~~ CFS. *0.038*

USE OF THIS RIGHT WITH RIGHT NO. 29-00276E IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF ~~0.05~~ CFS. *0.028*

USE OF THIS RIGHT FOR IRRIGATION PURPOSES WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.08 CFS. COMBINED RIGHT NOS.: 29-00276C, 29-00267E, 29-07680. *0.086*

PRIORITY DATE: 12/09/1982

POINT OF DIVERSION:

T07S R35E S20 NWNESE Within BANNOCK County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
DOMESTIC	01/01 12/31	0.100 CFS 2.40 AFY
IRRIGATION	03/15 11/15	0.030 CFS 3.50 AFY

Domestic use is for 4 homes.

PLACE OF USE: IRRIGATION Within BANNOCK County
T07S R35E S20 NESW 1.0
DOMESTIC same as IRRIGATION

1 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 29-00276C IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF ~~2.7~~ ACRES IN A SINGLE IRRIGATION SEASON. *1.7*

USE OF THIS RIGHT WITH RIGHT NO. 29-00276E IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF ~~2.0~~ ACRES IN A SINGLE IRRIGATION SEASON. *1.0*

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF ~~3.2~~ ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 29-00276C, 29-00276E, 29-07680. *3.7*

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.

Water Right 29-7680

PROFILED

SCANNED
JUL 15 2005

1

11/26/2002

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

EXPLANATORY MATERIAL: License

PARCEL NO(S): RRAPA000300, RRAPA000400, RRAPA000500,
RRAPA001100.

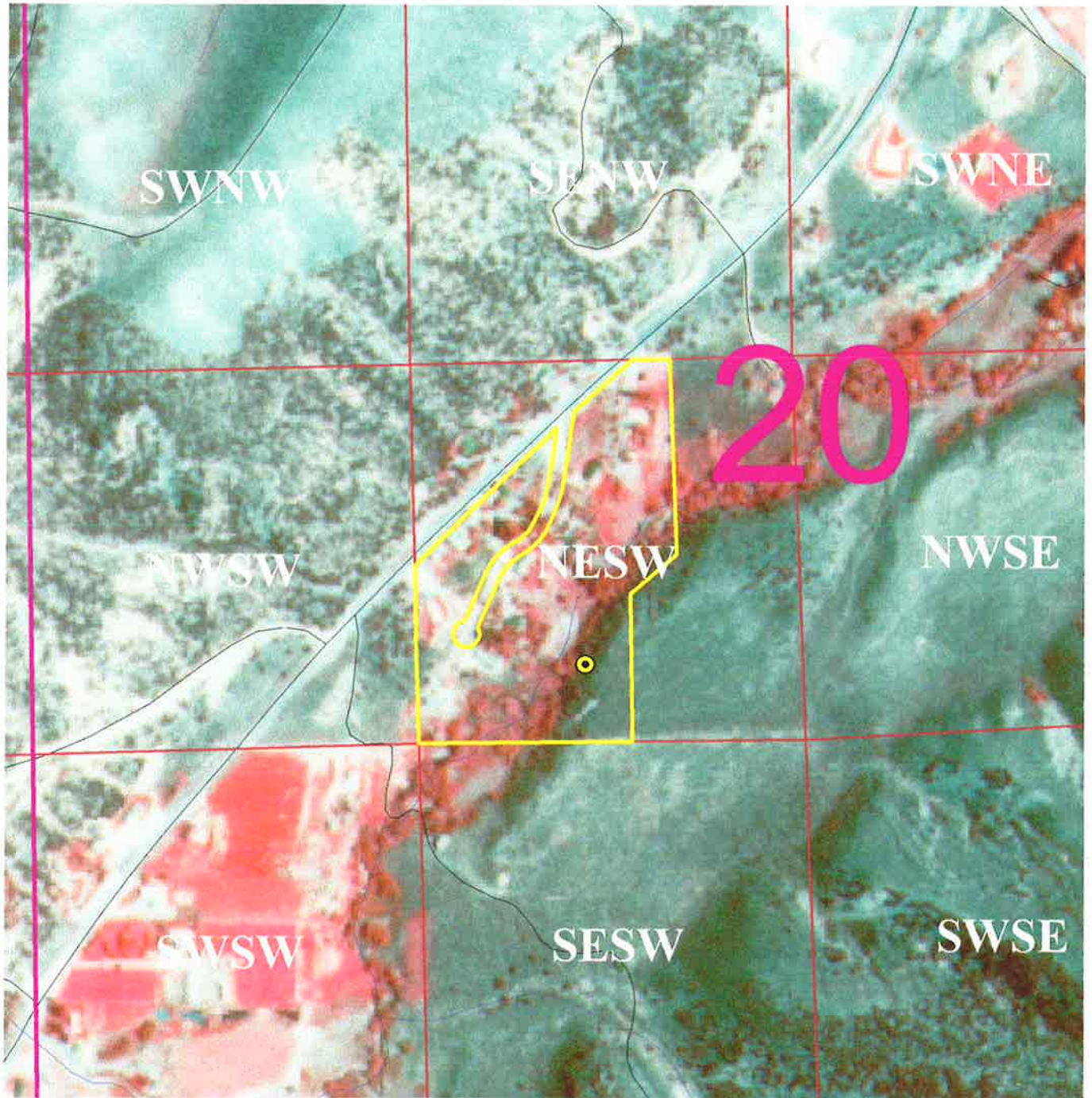
Place of use is located within Lots 1; S5 lot 2 and 3; lot 2 less 5; lot
9; Apple Acres Subdivision.

PROFILED

SCANNED 2
JUL 15 2005

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

08/23/2000

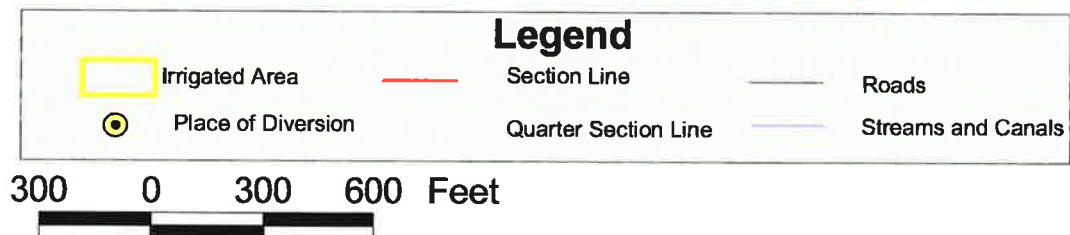
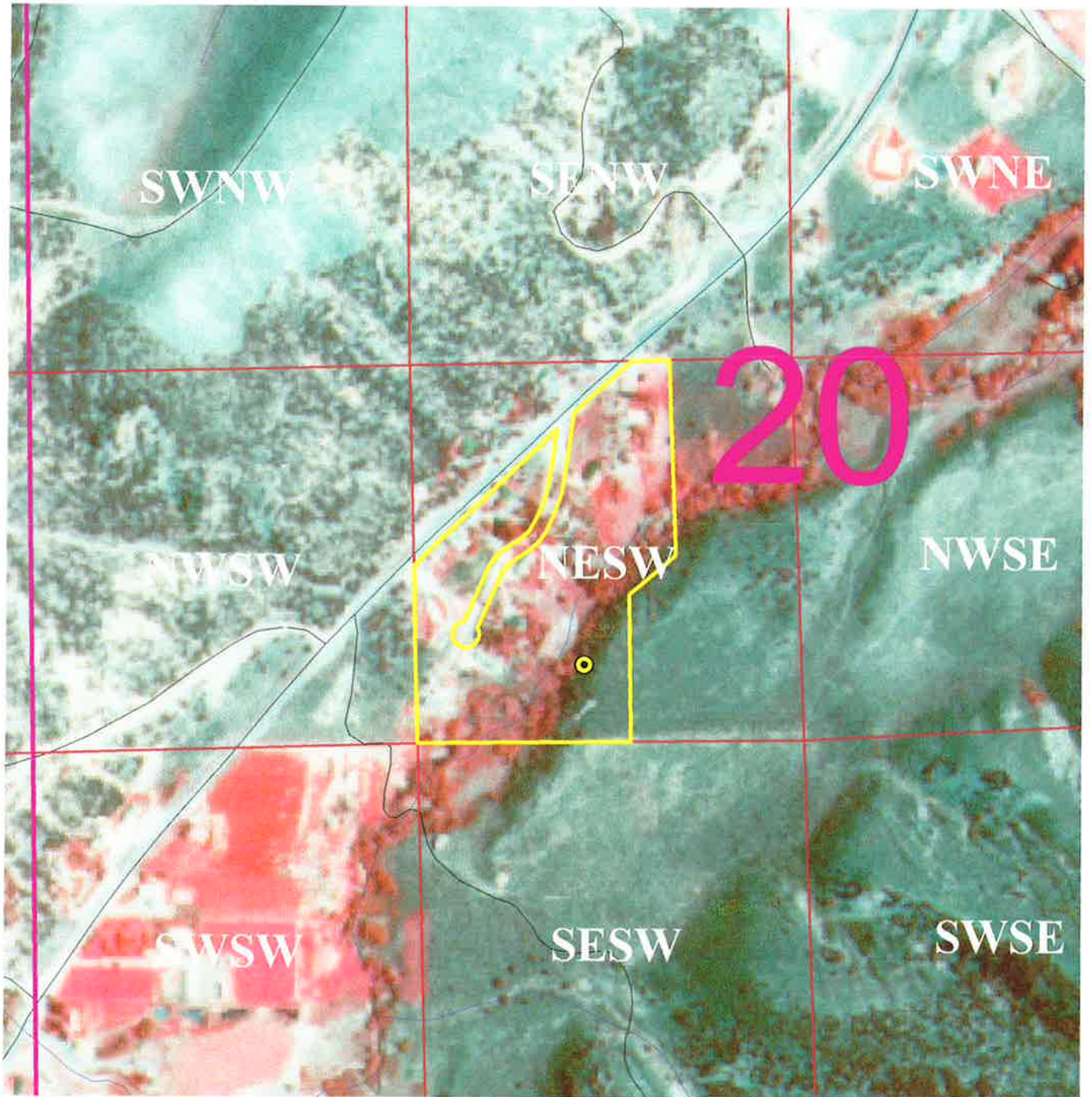


Legend		
	Irrigated Area	 Section Line
	Place of Diversion	 Roads
		 Streams and Canals
		 Quarter Section Line



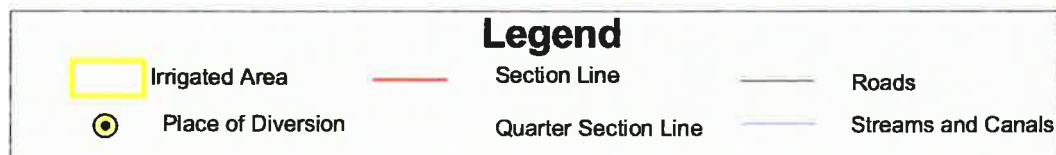
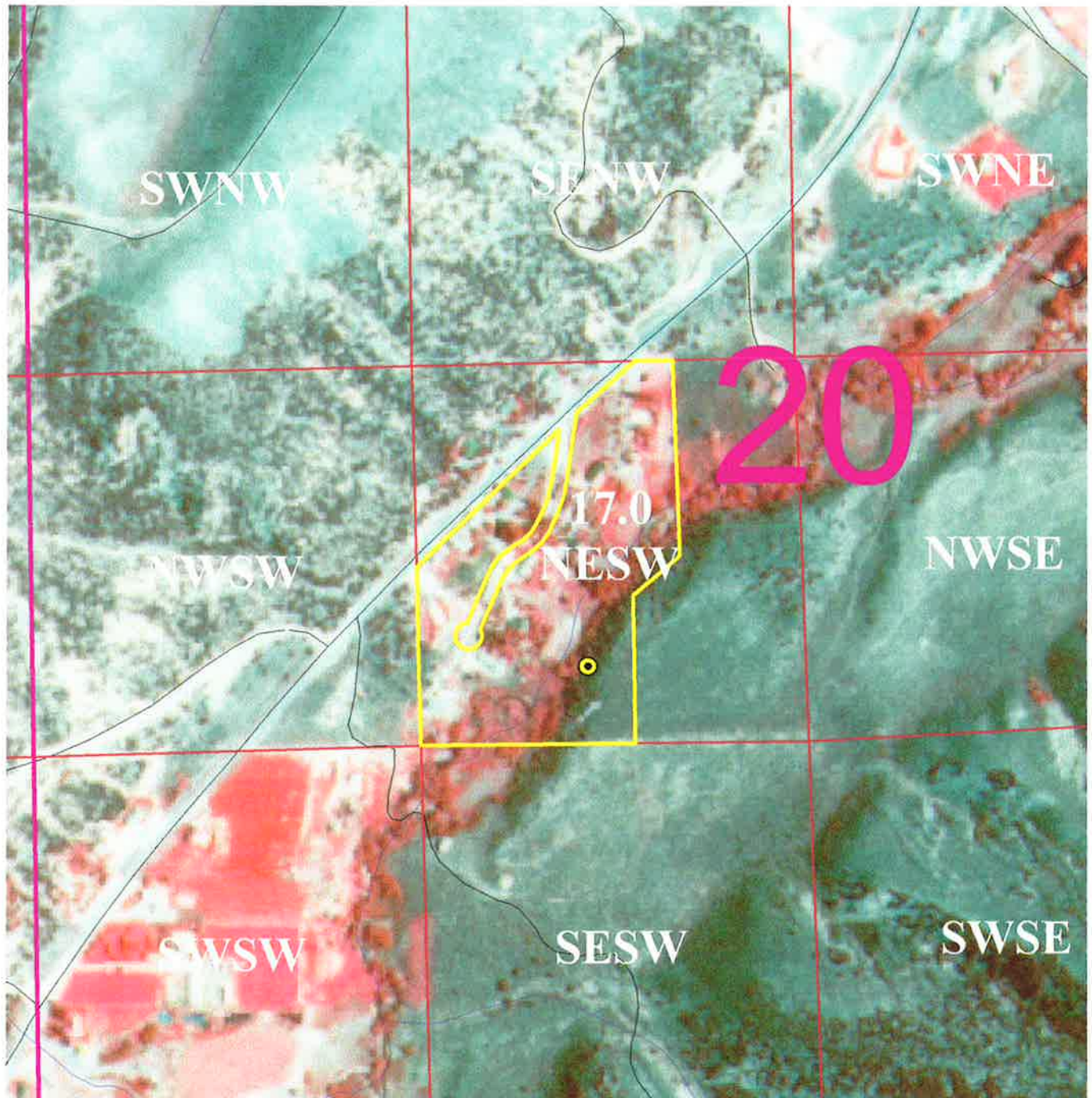
Water Right Claim Number A29-00276C
Township , 7S35E

08/23/2000



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

08/23/2000



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-276C V1

WATER RIGHT NUMBER: 29-276C V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	H F GALLOWAY
	, ZZ
Current Owner	DAVID R FISCHER 2446 N MINK CREEK RD POCATELLO, ID 83204 (208)234-0126

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	04/15 to 09/15	0.03 ~~8~~ CFS	
	<u>Total Diversion:</u>	0.03 ~~8~~ CFS	

Location of Point(s) of Diversion

MINK CREEK	SE1/4NE1/4SW1/4	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																	1.7

Total Acres: 1.7

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:

1. Quantity USE OF THIS RIGHT WITH THE IRRIGATION PORTION OF RIGHT NO. 29-07680 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.038 CFS.
2. Place of Use - Irrigation USE OF THIS RIGHT WITH RIGHT NO. 29-07680 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 1.7 ACRES IN A SINGLE IRRIGATION SEASON.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-276C V1

3. 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 11/27/2002 POU
Comment: Overlap with 29-07680
2. csaxton 11/27/2002 POD
Comment: Decreed POU defined to a 160 acre tract. Recommended POU falls within this tract. No CO3.
3. csaxton 11/27/2002 Parcel #
Comment: PARCEL NO(S): RRAPA000300
4. csaxton 11/27/2002 Lot #
Comment: Place of use is located within Lots 1; Apple Acres Subdivision.

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	11/27/2002 9:45:38 AM	csaxton			Active
Priority Date	11/27/2002 9:46:11 AM	csaxton			Active
POD	11/27/2002 9:49:20 AM	csaxton			Active
Source	11/27/2002 9:51:55 AM	csaxton			Active
POU	11/27/2002 9:52:11 AM	csaxton			Active
Use	11/27/2002 9:57:36 AM	csaxton			Active
Season	11/27/2002 9:59:43 AM	csaxton			Active
Quantity	11/27/2002 10:26:08 AM	csaxton			Active
Summary			11/27/2002	csaxton	Active

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-276C V1

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Contacts	11/27/2002 9:45:39 AM	csaxton	(No) 1. Do you want to schedule an appointment? Comment for 1: Field Exam 8/14/02
Priority Date	11/27/2002 9:46:12 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	11/27/2002 9:49:20 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	11/27/2002 9:50:01 AM	csaxton	Edited point location
POD	11/27/2002 9:50:19 AM	csaxton	Edited PLS
Source	11/27/2002 9:51:55 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	11/27/2002 9:52:11 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? (Yes) 14. Is a POU remark and/or condition required?
POU	11/27/2002 9:52:29 AM	csaxton	Edited shape boundary
POU	11/27/2002 9:52:47 AM	csaxton	Edited PLS
Use	11/27/2002 9:57:36 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?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-276C V1

Season	11/27/2002 9:59:43 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? (No) 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	11/27/2002 10:26:08 AM	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?
Summary	11/27/2002 10:43:38 AM	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?



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A • Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

EASTERN REGION

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

October 18, 2007

Jason and Anjanette Chapman
2446 N Mink Creek
Pocatello ID 83204

THE "NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP" FOR 29-276C & 29-7680 HAS BEEN RETURNED FOR THE FOLLOWING ITEM(S):

____ COPY OF DEED, TITLE POLICY, CONTRACT OF SALE, OR OTHER
LEGAL DOCUMENT indicating your ownership of the property and water
rights in question, **

____ LEGAL DESCRIPTION OF PROPERTY

____ PLAT OF PROPERTY OR SURVEY MAP (usually on file with the county)

____ USDA FARM SERVICE AGENCY (formerly ASCS) AERIAL PHOTO with
Irrigated acres outlined and point(s) of diversion clearly marked.

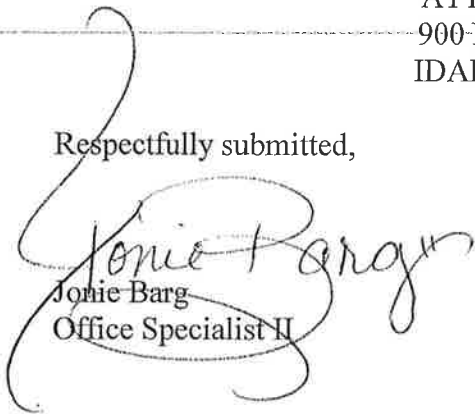
 X FILING FEE OF \$25.00 **PER WATER RIGHT NUMBER**

If you have any questions please contact me or Jennifer Crabtree at (208)525-7161.

PLEASE ENCLOSE THE REQUESTED ITEM(S) AND RESUBMIT THE ENTIRE
PACKET TO OUR IDAHO FALLS OFFICE AT THE ADDRESS BELOW:

ID DEPT OF WATER RESOURCES
EASTERN DISTRICT OFFICE
ATTN JENNIFER CRABTREE
900-N-SKYLINE DR., SUITE A
IDAHO FALLS, ID 83402-1718

Respectfully submitted,


Jonie Barg
Office Specialist II

**Need a total of \$50.00 for you filing fee,
for both the attached Water Rights**

SCANNED

OCT 18 2007

Craig

02/08/2003

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: 29-276C

DAVID R FISCHEL
2446 N MINK CREEK RD
POCATELLO ID 83204
Telephone Number: (208)234-0126

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:

2/20/03

SIGNATURE:

David R. Fischel

Please print your name:

DAVID R. FISCHEL

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

RECEIVED

FEB 28 2003

Department of Water Resources
Eastern Region

SCANNED
JUL 15 2005

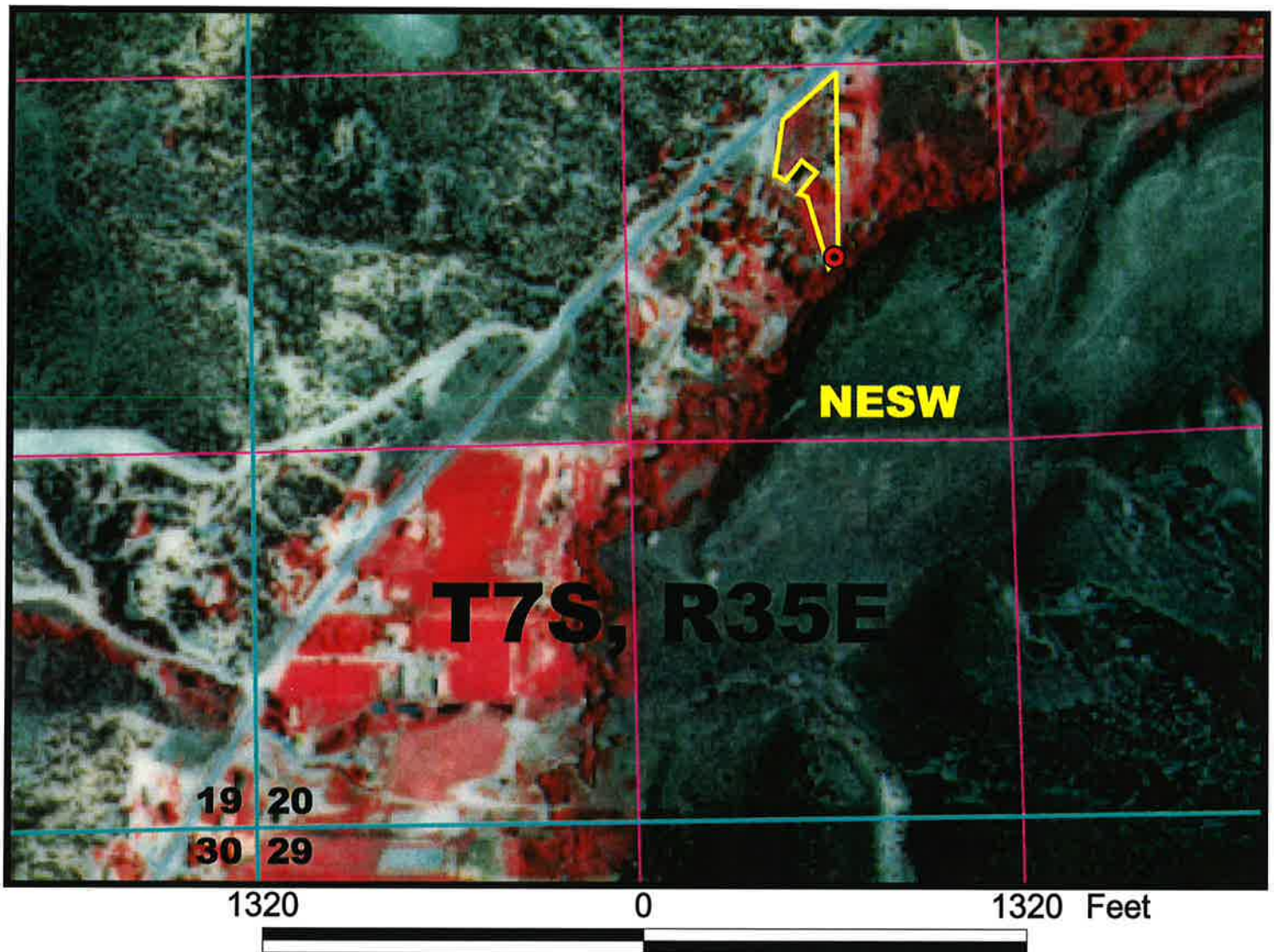
PROFILED



STATE OF IDAHO

Department of Water Resources
Eastern Region

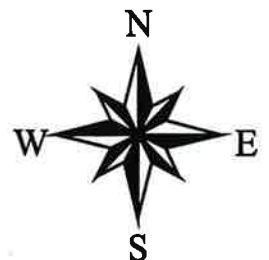
Water Right(s): 29-00276C



Total Irrigated Acres: 1.7

-  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

8-12-02 : no other SRBA Claims

8-14-02 : moved here in 1981 - Has been used continuously
FF

: Irrigate lawn with rainbirds -

: old trees up High showing water did make it to
higher ground Historically

: Pump Info: Wayne
HP: 2

SV: 2013

1) white 2" pvc

2) Black Pump white
Intake - Green outake

3) Garden-House pool

: Melanic: Met with - Wife

11-27-02 : Period of use defined in decree

2-20-03: Claimant called for an interpretation of
what "CPS" meant. She seemed satisfied
when getting off the phone.

SCANNED
JUL 15 2005

PROFILED

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 29-276C

WATER RIGHT NUMBER: 29-276C

Owner Type
Current Owner

Name and Address
DAVID R FISCHER *ok*
2446 N MINK CREEK RD
POCATELLO, ID 83204
(208)234-0126

Priority Date: 08/07/1907 ✓
Basis: Decreed ✓
Status: Active ✓

Source
MINK CREEK ✓

per Decree
4/15 - 9/15

Tributary
PORTNEUF RIVER ✓

Beneficial Use
IRRIGATION ✓

From To Diversion Rate Annual Volume
~~3/15 to 11/15~~ 0.075 CFS
~~0.03~~ *0.03 - 1" per acre*
Total Diversion: ~~0.075 CFS~~
0.03

Location of Point(s) of Diversion
MINK CREEK
BANNOCK County ✓

SE NE1/4SW1/4

Sec. 20, Twp 07S, Rge 35E, B.M.
ok ok ok

Place of Use
IRRIGATION ✓

Twp	Rge	Sec	NE	NW	SW	SE	Totals
07S	35E	20	NE	NW	SW	SE	2.5
							1.7

Total Acres: 2.5 *1.7*

Conditions of Approval:

Remarks:

- General FILED AS A PORTION OF 29-00276A.

Comments:

Dates and Other Information:

Claim Received Date: 3/22/1990
State or Federal: S
Owner Name Connector: OR
Mitigation Plan: False

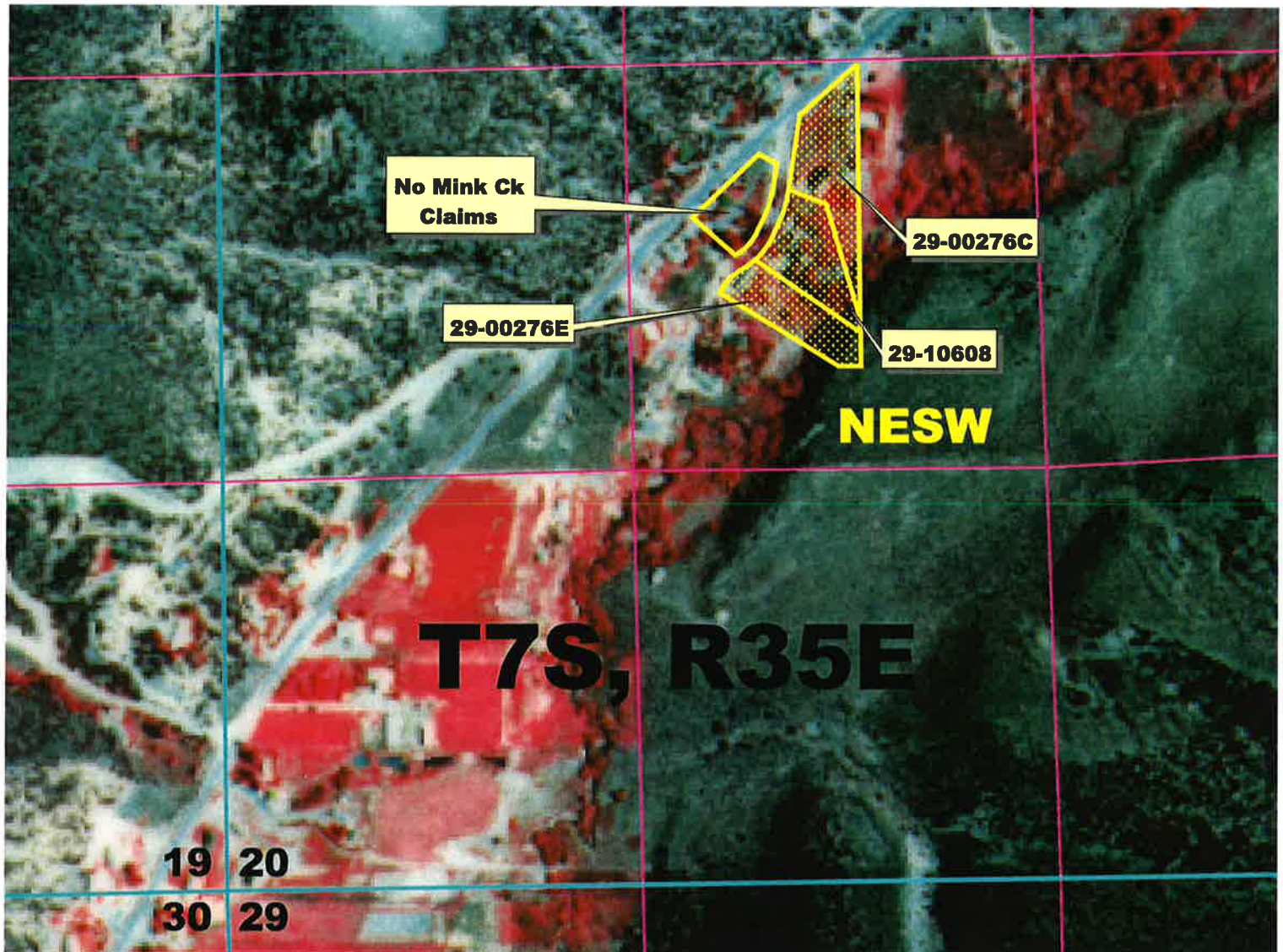
SCANNED

JUL 15 2005

PROFILE

Overlap map of 29-00276C, 29-00276E 29-10608 and 29-07680.

Reference Map



Point of Diversion

Irrigated Acres:



Licensed Parcels/POU for Ground water



Parcels with Mink Creek water Overlap



Bannock Co Tax Lot Data - N/A



Section Lines

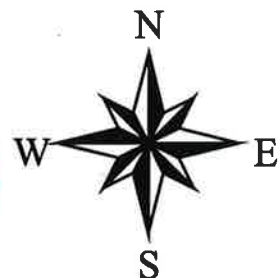


Quarter Quarter Lines

PROFILED

SCANNED

JUL 15 2005



Prepared By: Craig Saxton
November 2002

Split history for Decreed Right 29-00276

WR		Claimed	Recommend
29-00276 0.4 22	TR 2032	29-00274A Galloway 0.24 not specified so ... 15.4	29-00276C Fishcel 0.075 2.5
		29-00276D Myler 0.02 1	
	29-00276B 0.13 6.6	29-00276E Hickman 0.03 1.5	
		29-10608 Crist 0.1 2	
		29-00276B Busby 0.13 6.6	
	Sum of claimed CFS = 0.355		Sum CFS= 0.11
	Sum of claimed Acreage = 13.6		Sum Acre= 5.6
			Un-accounted for CFS= 0.29
			Un-accounted for Acres= 16.4

PROFILE

SCANNED
JUL 15 2005

29-00276C

POD

Field Exam: 8/14/02



Looking at POD pump. White PVC is the intake line (csaxton).



Looking East at white PVC intake line and POD (saxton).

PROFILED

SCANNED
JUL 15 2005

29-00276C

POU

Field Exam: 8/14/02

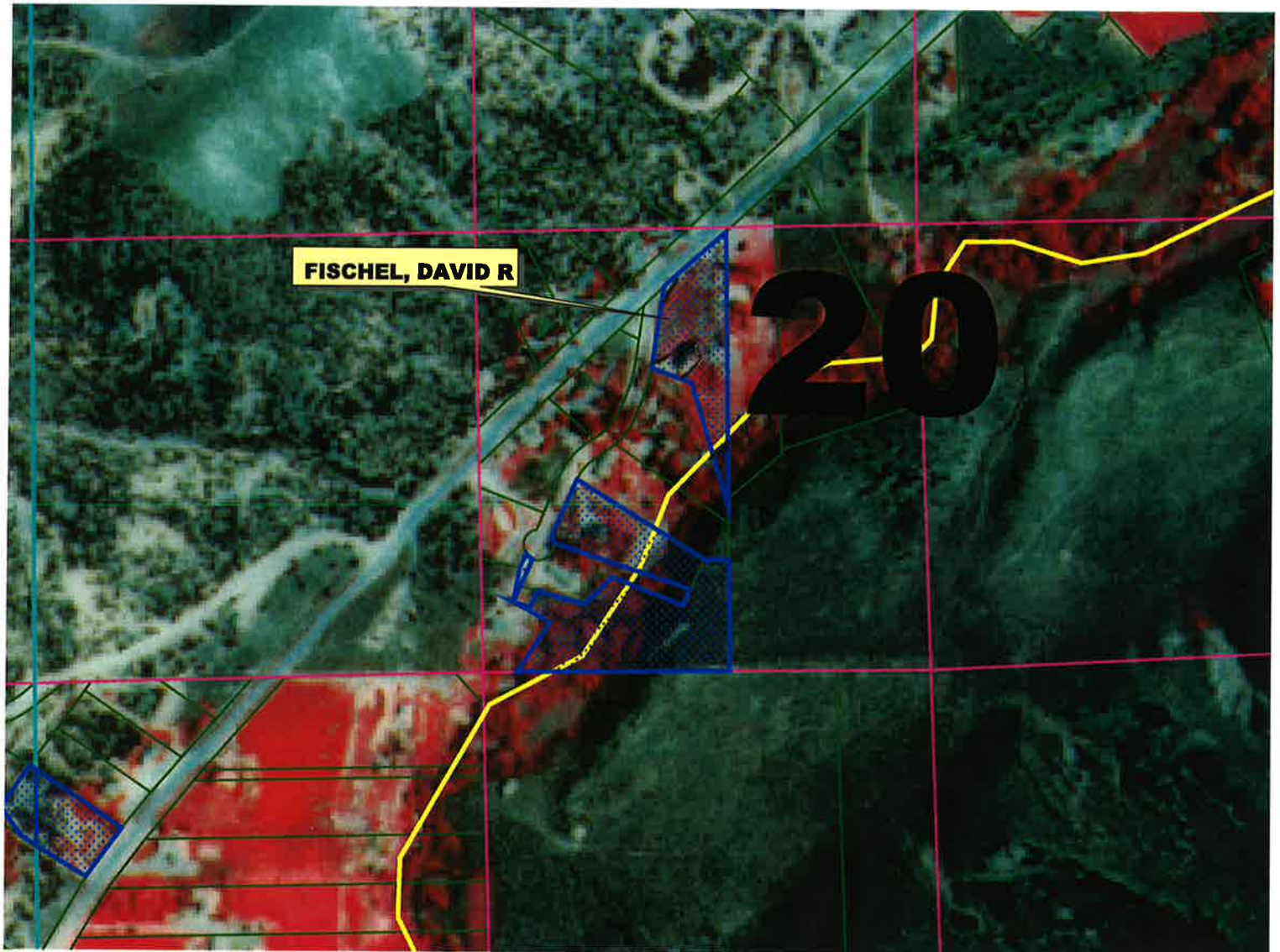


Looking East at claimed POU (csaxton).

PROFILED

**SCANNED
JUL 15 2005**

29-00276C



Point of Diversion

Total Property Acreage: 2.06



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 A29-00276C

Spatial Dynamics LTD

8/23/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
07s35e	20	NESW	2.5	17	Indiscernible
Totals:			2.5	17	

AJ5809NP
No. A29-00276C

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/18/00
PAGE: 13

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	DAVID R FISCHEL 2446 N MINK CREEK POCATELLO ID 83204 (208) 234-0126	08/07/1907	IRRIGATION	03-15 11-15	0.075 CFS	
TOTAL DIVERSION:					0.075 CFS	
CONSUMPTIVE USE:						8.70 AFA

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		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM
07S	35E	20	:																	2.5
TOTAL ACRES																			2.5	

POU County: BANNOCK

Non-Irrigation Uses: NONE

Other Rights: 29-07680

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

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

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

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

Remarks: GEN FILED AS A PORTION OF 29-00276A.

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

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

Audit: 03/22/90 VERNER 04/04/94 THOMPSON 03/29/95 POST-STD

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: A29-00276C
Date Received: 3/22/1990
Receipt No: EO12499
Received By: SW

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DAVID R. FISCHEL 208-234-0126
Address: 2446 N. MINK CREEK
POCATELLO, ID 83204

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:
2.5" SUCTION PIPE IN CK. 2HP ELECTIR PUMP. 1.5" PIPE TO SPRINK.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.075		

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

8. Total consumptive use is 8.7 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	20		NE	SW	IRR	2.5
						Section Acres	2.5

A29-00276C

Page 1

Date: 03/22/90



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10. Place of Use: Continued

Total Acres 2.5

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:
29-07680

14. Remarks:
FILED AS A PORTION OF 29-00276A.

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): _____ 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

Ident. Number

A2A-00276C

Date Received

3-12-90

Receipt Number

E012499

MAR 22 1990

Department of Water Resources
Eastern District Office

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

MAR 12 1990

Department of Water Resources
Eastern District Office

Please type or print clearly

1. Name of Claimant (s) DAVID R. FISCHER Phone (208) 234-0126Mailing Address 2446 NORTH MINK CREEK, LOCATELLO Zip 832042. Date of Priority (Only one (1) per claim) 4/15/19073. Source of water supply (a) MINK CREEK
which is tributary to (b) PORTNEUF RIVER4. a. Location of existing point of diversion is: Township 7S Range 35E Section 20,
1/4 of NE 1/4 of SW 1/4, Govt. Lot, B.M., County of BANNOCKAdditional points of diversion if any:

b. If instream flow, beginning point of claimed instream flow is:

Township 7S Range 35E Section 20, 1/4 of NE 1/4 of SW 1/4,Govt. Lot B.M., County of BANNOCKending point is: Township 7S Range 35E Section 20, 1/4 of NE 1/4 of SW 1/4, Govt. Lot B.M., County of BANNOCK

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. 2 1/2" SUCTION PIPE IN CREEK.
2 HP ELECTRIC PUMP. 1 1/2" PIPE, LEADING TO 1"
PIPES WHICH DELIVER WATER TO RAINBIRD SPRINKLERS
AND/OR HOSE BIBS.

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6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For IRRIGATION purposes from 3/15 to 11/15 amount .075 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .075 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 8.75 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) NONE

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
7S	35E	20									2 1/2								2 1/2

Total number of acres irrigated 2 1/2

11. In which county (ies) are lands listed above as place of use located? BANNOCK

12. Do you own the property listed above as place of use? Yes ☒ No ☐
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
APPLE ACRES WELL #1 PERMIT # 29-7680 or None ()

14. Remarks:

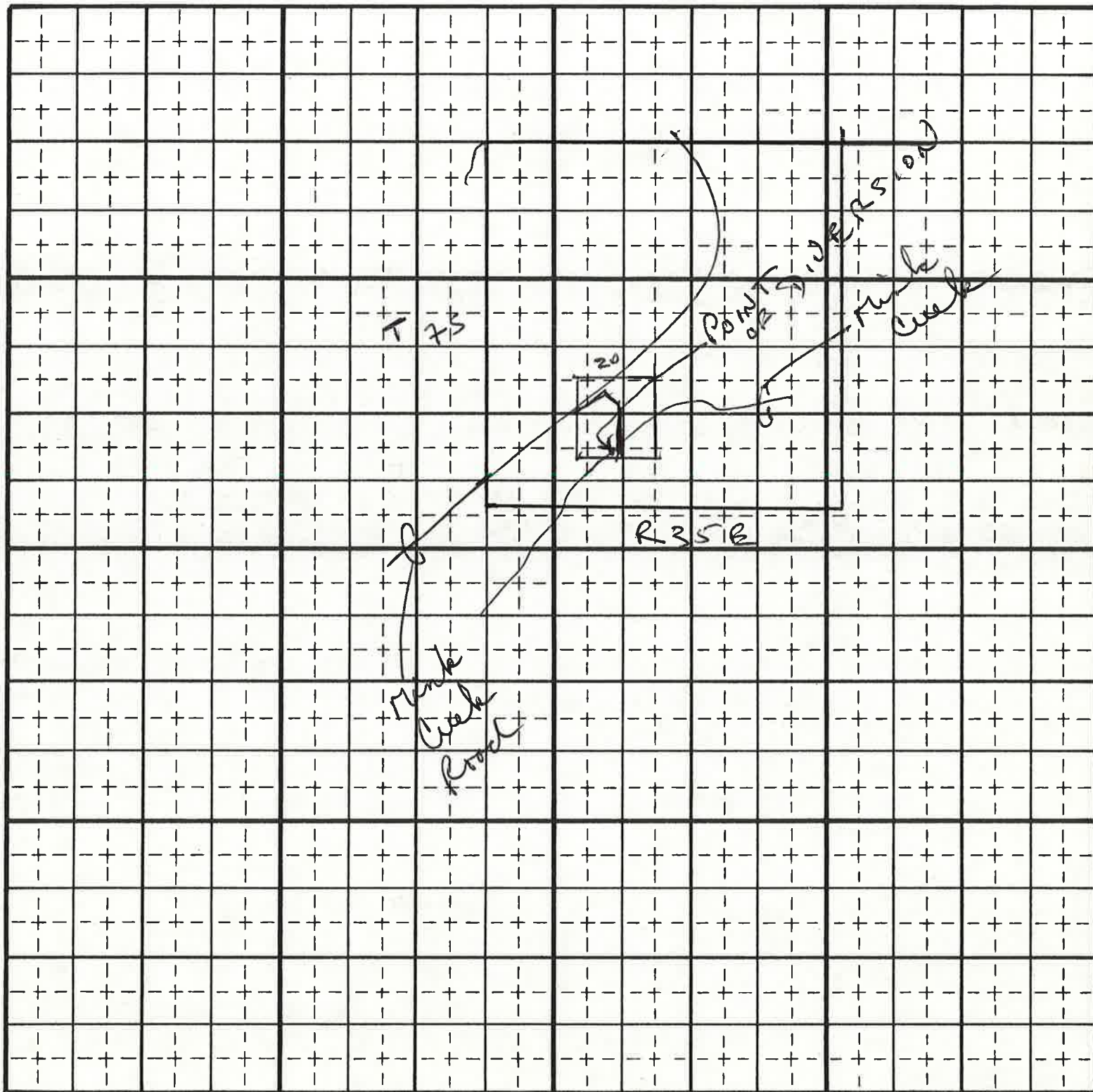
MICROFILMED
NOV 13 1992

Last Name FISCHEL Ident No. _____

Copies: White -State, Yellow-Claimant

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile



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NOV 13 1992

Last Name

FISCHEL

Ident No.

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice ☐ License ☐ Permit ☐
Decree ☒

If applicable provide IDWR Water Right Number _____

Court JUDGMENT BOOK 20 Case Number RIGHT # 8 Decree Date 1907

Plaintiff vs Defendant SHER BURNER VS. SMITH ET AL.
BANNOCK COUNTY

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

Signature of Claimant (s) David R. Fischer Date 3/3/90

Date _____

For Organizations: I do solemnly swear or affirm that I am _____

Title

of _____, that I have signed the foregoing
Organization

document in the space below as _____ of _____
Title Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or _____)

County of Bannock) SS.

Subscribed and sworn (or affirmed) before me this 5th day of March 19 90

SEAL

Notary Public Sharon Honek

Residing at Locatello

My Commission Expires 6-8-94

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

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NOV 13 1992

Last Name _____ Ident. Number _____

Copies White-State, Yellow-Claimant