

11/29/2002

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

RIGHT NUMBER: 29-276D

NAME AND ADDRESS: R JOE MYLER
674 TIPPERARY DR
VACAVILLE CA 95688

ALEXIS MYLER
674 TIPPERARY DR
VACAVILLE CA 95688

SOURCE: MINK CREEK

TRIBUTARY: PORTNEUF RIVER

QUANTITY: 0.012 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	04/15 09/15	0.012 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

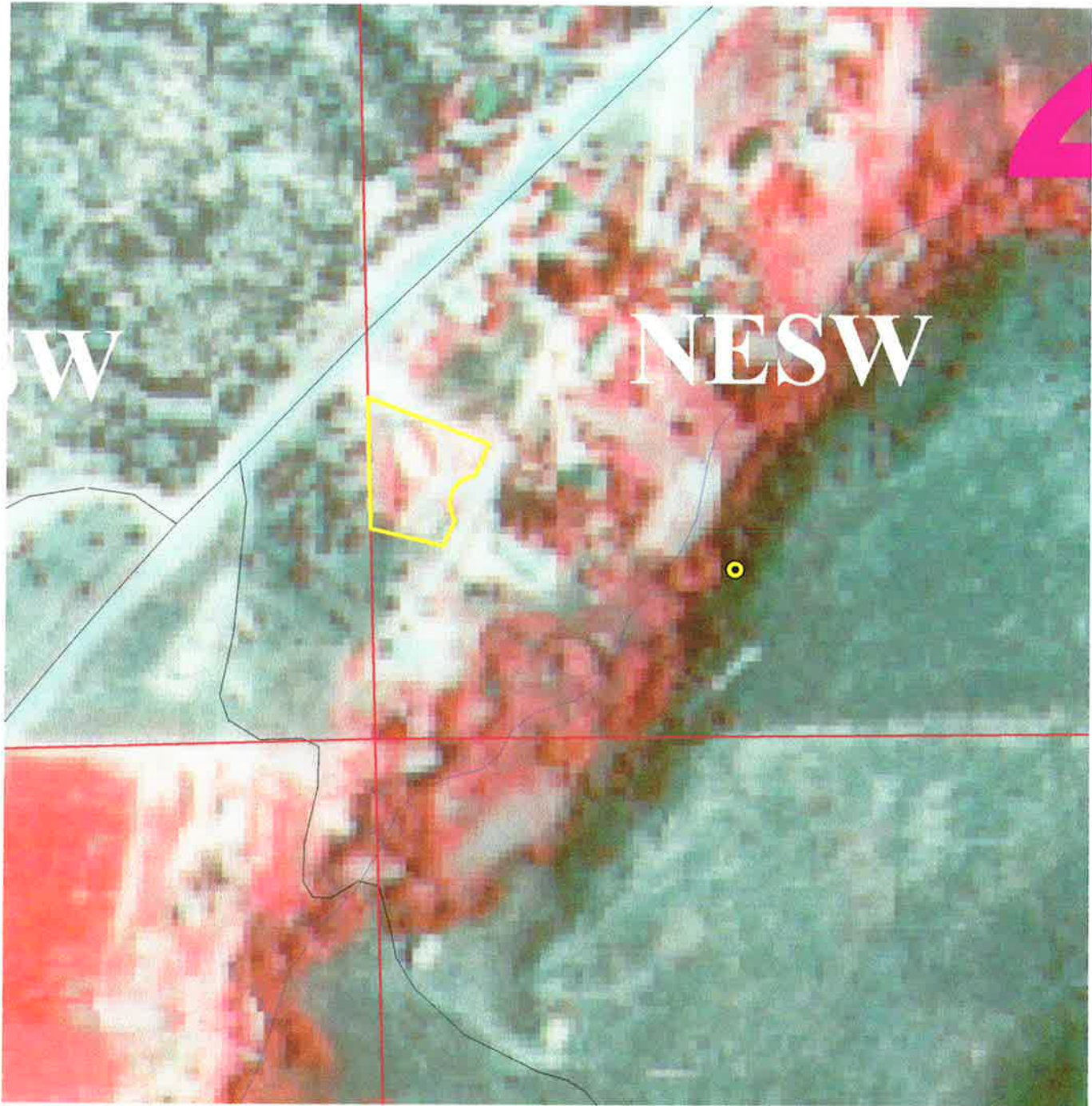
T07S R35E S20 NESW 0.6

0.6 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



 Irrigated Area

 Section Line

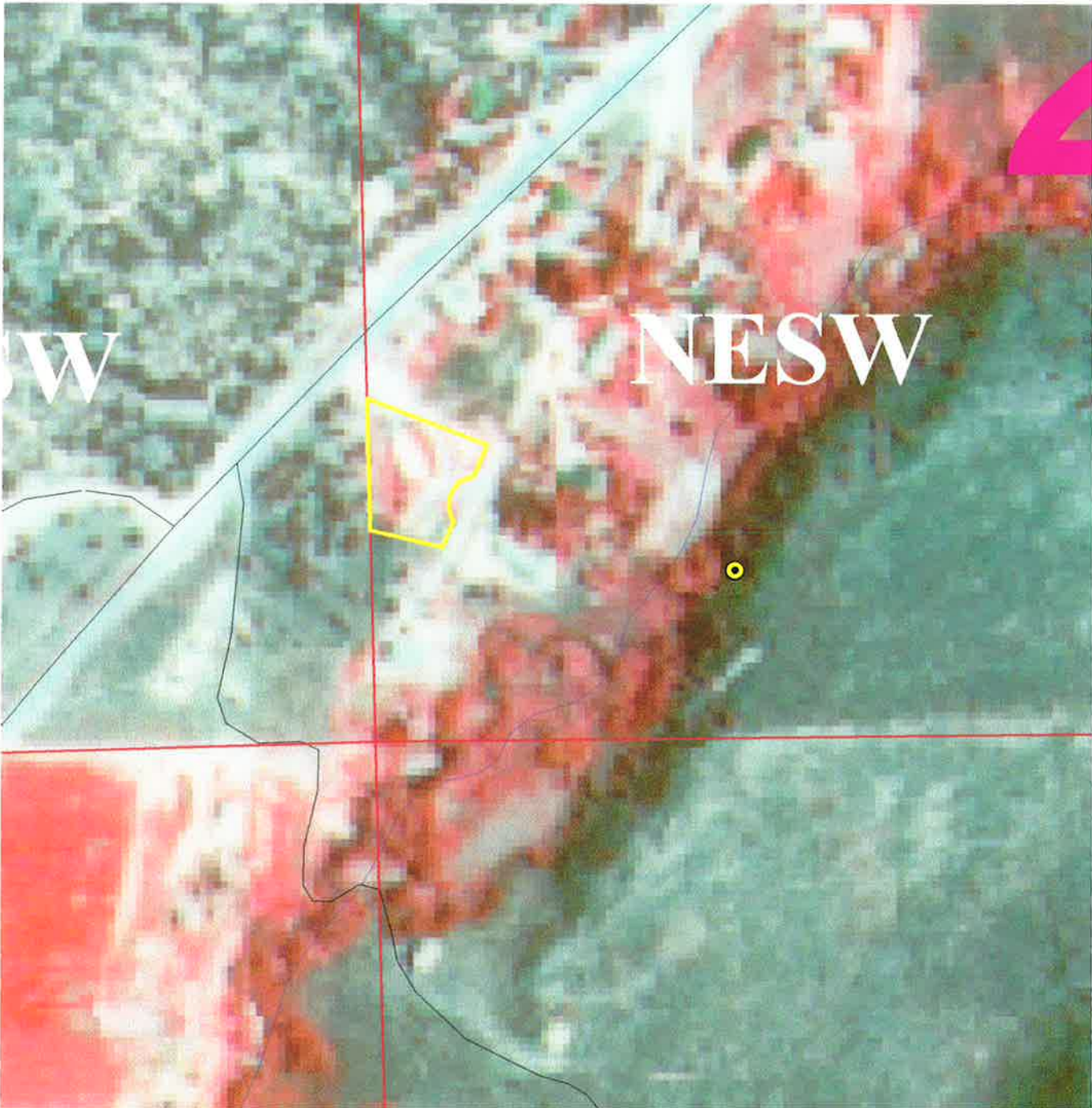
 Roads

 Place of Diversion

 Quarter Section Line

 Streams and Canals





 Irrigated Area

 Section Line

 Roads

 Place of Diversion

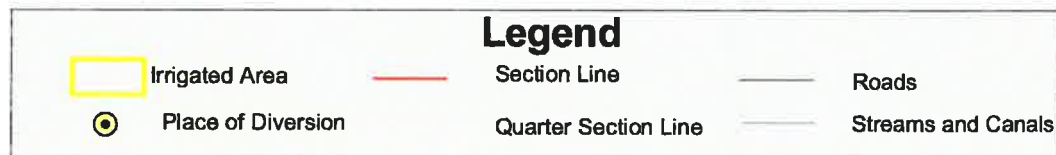
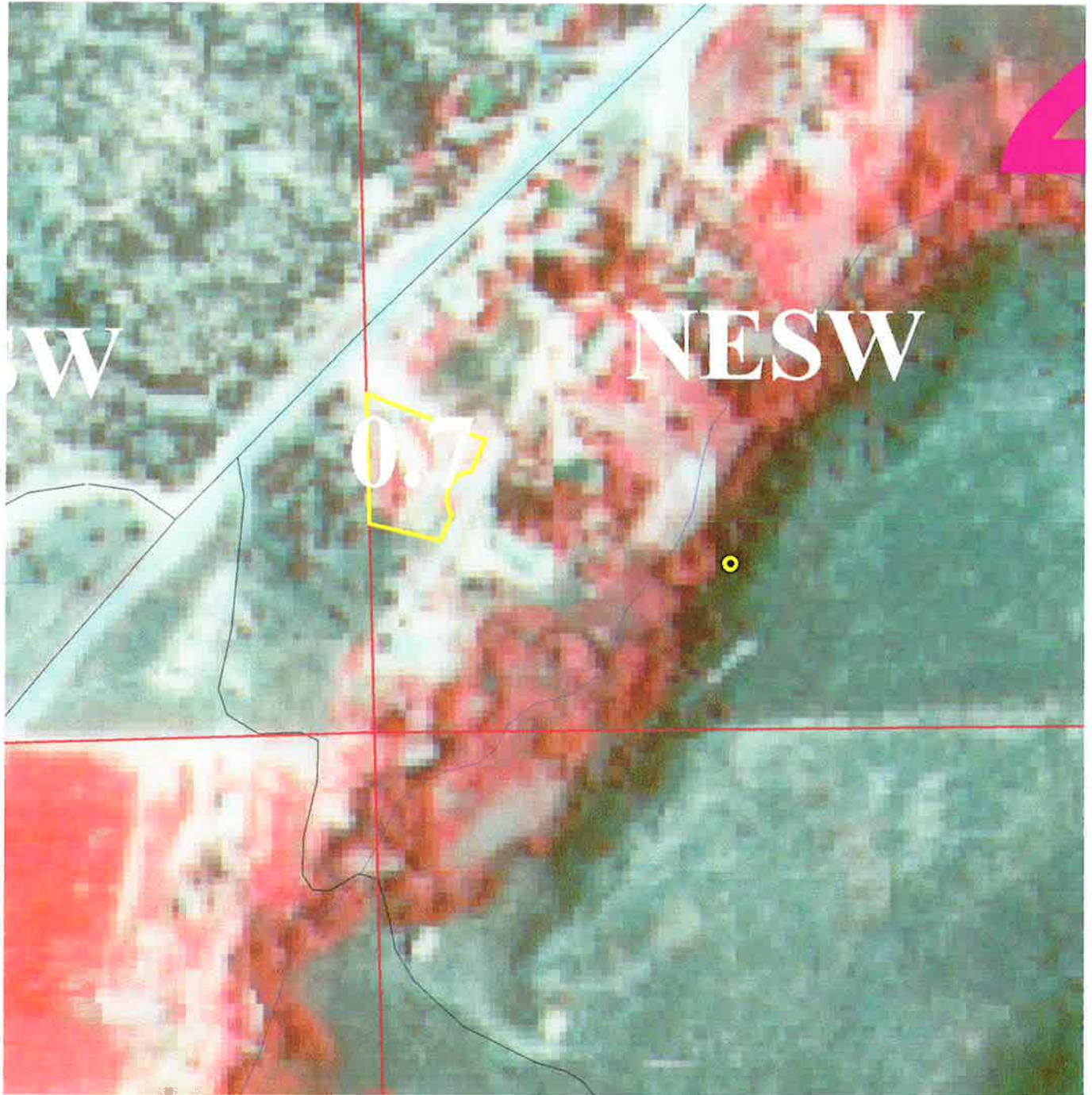
 Quarter Section Line

 Streams and Canals



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

08/23/2000



100 0 100 200 Feet



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-276D V1

WATER RIGHT NUMBER: 29-276D V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	R JOE MYLER 674 TIPPERARY DR VACAVILLE, CA 95688 (707)446-4882
Current Owner	ALEXIS MYLER 674 TIPPERARY DR VACAVILLE, CA 95688 (707)446-4882

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	0.012 CFS	
	<u>Total Diversion:</u>	0.012 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																	.6

Total Acres: 0.6

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. 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.

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

Comments:

1. csaxton 11/29/2002 POD

Comment: Decreed location of POD defined to a 160 acre tract. Recommended POD within the defined 160 acre tract. No C03.

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	11/29/2002 8:13:38 AM	csaxton			Active
Priority Date	11/29/2002 8:14:14 AM	csaxton			Active
POD	11/29/2002 8:14:29 AM	csaxton			Active
Source	11/29/2002 8:15:33 AM	csaxton			Active
POU	11/29/2002 8:15:44 AM	csaxton			Active
Use	11/29/2002 8:23:21 AM	csaxton			Active
Season	11/29/2002 8:24:53 AM	csaxton			Active
Quantity	11/29/2002 8:25:30 AM	csaxton			Active
Summary			11/29/2002	csaxton	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Priority Date	11/29/2002 8:14:13 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?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-276D V1

POD	11/29/2002 8:14:28 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	11/29/2002 8:14:56 AM	csaxton	Edited point location
POD	11/29/2002 8:15:13 AM	csaxton	Edited PLS
Source	11/29/2002 8:15:32 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	11/29/2002 8:15:43 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	11/29/2002 8:15:56 AM	csaxton	Edited shape boundary
POU	11/29/2002 8:17:06 AM	csaxton	Edited PLS
Use	11/29/2002 8:23:20 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 29-276D V1

Season	11/29/2002 8:24:52 AM	csaxton	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a Period of Use? (No) 5. Can the claimed Period of Use be verified using the water right file? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (Yes) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 14. Is irrigation claimed as a Purpose of Use? (Yes) 16. Is the Period of Use on the decree, license or transfer shorter on either the start date or end date than allowable under current IDWR standards? (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	11/29/2002 8:25:30 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? (No) 12. Is a Quantity remark or condition required?
Summary	11/29/2002 8:27:37 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?
Contacts	11/29/2002 8:13:37 AM	csaxton	(No) 1. Do you want to schedule an appointment?

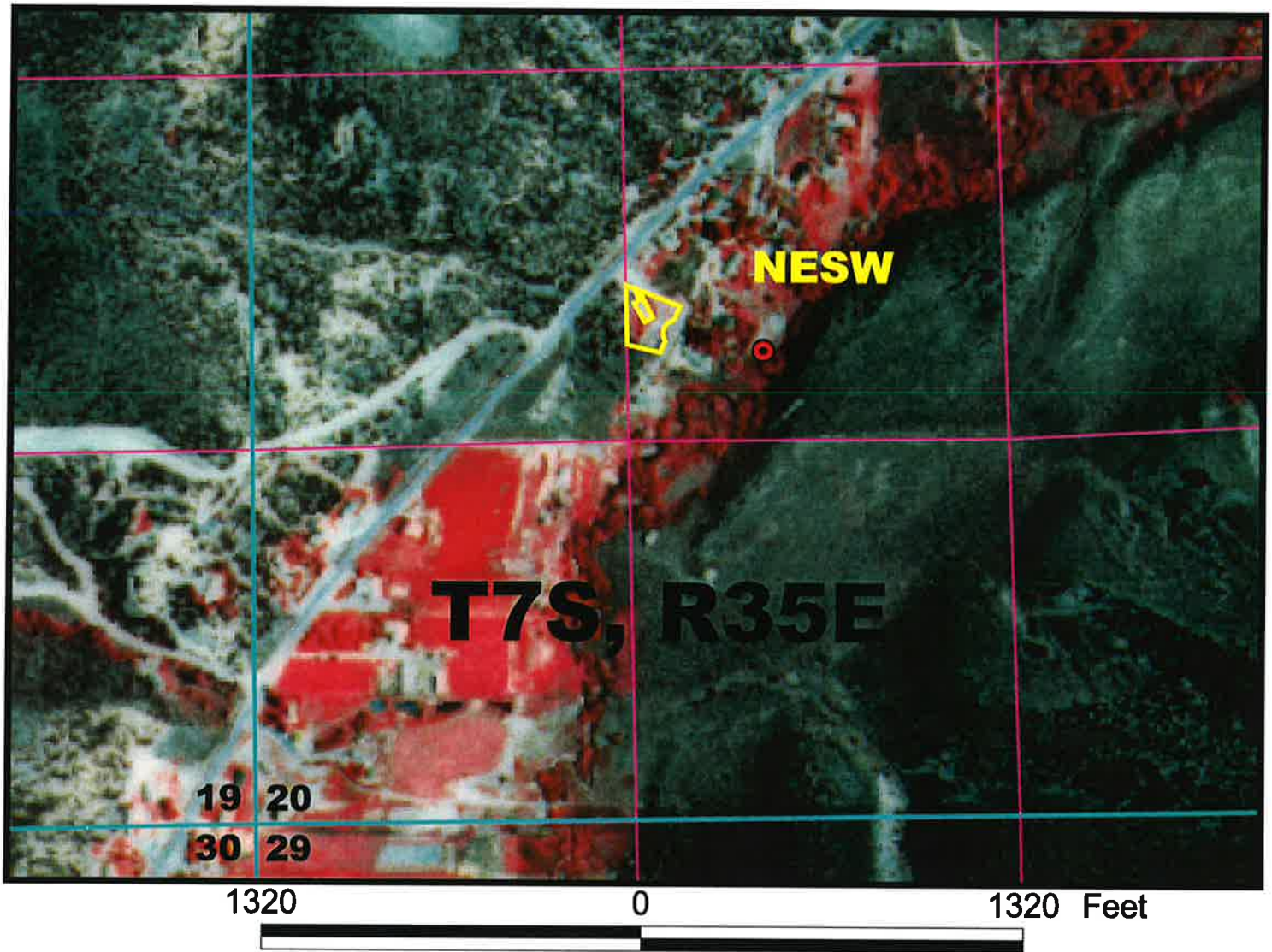
Comment for 1: FE 9/17/02



STATE OF IDAHO

Department of Water Resources
Eastern Region

Water Right(s): 29-10608



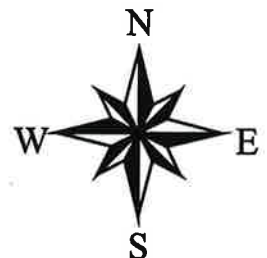
Total Irrigated Acres: 0.6

-  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: Domestic 29-10276 PO'd GW right

: Physical Address: 2344 N Mink CK Rd
Pocatello ID 83204-7208

Lot 7 Apple Acres

8-14-02: stopped by home and no one there.

FE

No sign of diversion works able to divert water
from Mink Creek.

: send letter. - Done

9-9-02: Mrs Myler called and said they use water
she will call back to set up an appointment
for next week.

9-16-02: Alexis Myler called and we will meet on
Tuesday 9/17/02 @ 1:00. She asked that
I give a call when I arrive in town.

9/17/02 233-7180 - Per Phone Book in Pocatello - Stated
FE a Joe Myler.

: Mail Copy of affidavit to Charment

: Pump for Mylers place also. Used this
year since Early July used on Rybars place
: use spring - for Rybars place

: Water - Mink Creek - used when High Water
Good

: PO'd same as 29-00276 B on Busby Place.

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JUL 15 2005

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	0.034
		not specified	2.5	1.7
		so ... 15.4		
			29-00276D Myler	
		29-00276B	0.02	0.012
			1	0.6
			29-00276E Hickman	
		0.13	0.03	0.02
		6.6	1.5	1
			29-10608 Crist	
			0.1	0.024
			2	1.2
			29-00276B Busby	
			0.13	0.02
			6.6	1.1

Sum of claimed CFS =
Sum of claimed Acreage =

0.355
13.6

Sum CFS=
Sum Acre=

0.11
5.6

Un-accounted for CFS=
Un-accounted for Acres=

0.29
16.4

PROFILED

SCANNED
JUL 15 2005

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

WATER RIGHT NUMBER: 29-276D

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	R JOE MYLER <i>OK</i> 674 TIPPERARY DR VACAVILLE, CA 95688 (707)446-4882
Current Owner	ALEXIS MYLER <i>OK</i> 674 TIPPERARY DR VACAVILLE, CA 95688 (707)446-4882

Priority Date: 08/07/1907 *OK*

Basis: Decreed *OK*

Status: Active *OK*

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

per decree

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION <i>✓</i>	3/15 to 11/15		0.020 CFS	
	<i>4/15 9/15</i>		<i>0.012</i>	
	<u>Total Diversion:</u>		<i>0.020 CFS</i>	
			<i>0.012</i>	

Location of Point(s) of Diversion

MINK CREEK *✓* *SW* 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
07S	35E	20	<i>1.0</i>	<i>0.6</i>			<i>1.0 0.6</i>

Total Acres: *0.6*

Conditions of Approval: *5/02*

Remarks:

- General USED ON SUBDIVISION LOT # 7

Comments:

Dates and Other Information:

Claim Received Date: 4/2/1990
State or Federal: S
Owner Name Connector: OR
Mitigation Plan: False

SCANNED

JUL 15 2005

PROFILED

29-00276D

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).

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JUL 15 2005

PROFILED

29-00276D

Ditch

Field Exam: 9/17/02



Looking West at drainage ditch coming from above the property. Could be historical ditch (csaxton).



Looking south at historical ditch that could have irrigated the claimed POU (csaxton).

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SCANNED
JUL 15 2005

29-00276D

POU

Field Exam: 9/17/02



Looking West at claimed POU. Irrigation occurs around lawn according to claimant (csaxton).

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**SCANNED
JUL 15 2005**

9-17-02

To Whom it may concern,

We, the undersigned purchased our property at Mink Creek, in Pocatello, Idaho in 1973 and used the irrigation (water rights) from Mink Creek from that time continuously thru 1988. Since that time water has been used for irrigation purposes for our property when available, depending of creek water conditions and levels.

Our property has never had a period of 5 year of continuous non-use.

For my self
Alexis Myer

State of Idaho

County of Bonneville

Subscribed and sworn before me this 17th day of September, 2002

SCANNED

JUL 15 2005

PROFILED





State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 22, 2002

R JOE MYLER
ALEXIS MYLER
674 TIPPERARY
VACAVILLE CA 95688

RE: Snake River Basin Adjudication (SRBA) claim 29-00276D

Dear Mr. and Ms. Myler:

The Idaho Dept. of Water Resources is currently in the process of reviewing SRBA claims in your area. On 4/02/90, you filed a claim for use of Mink Creek water for irrigation of 1 acre.

I stopped by the property on August 14, 2002 to conduct a filed exam concerning your SRBA claim. I did not see any signs that Mink Creek water is being used for irrigation purposes claimed.

At this time I do not have enough evidence to make a positive recommendation for this claim to the SRBA court. If you feel this assessment is inaccurate, please feel free to contact me so we can further discuss the details of your claim.

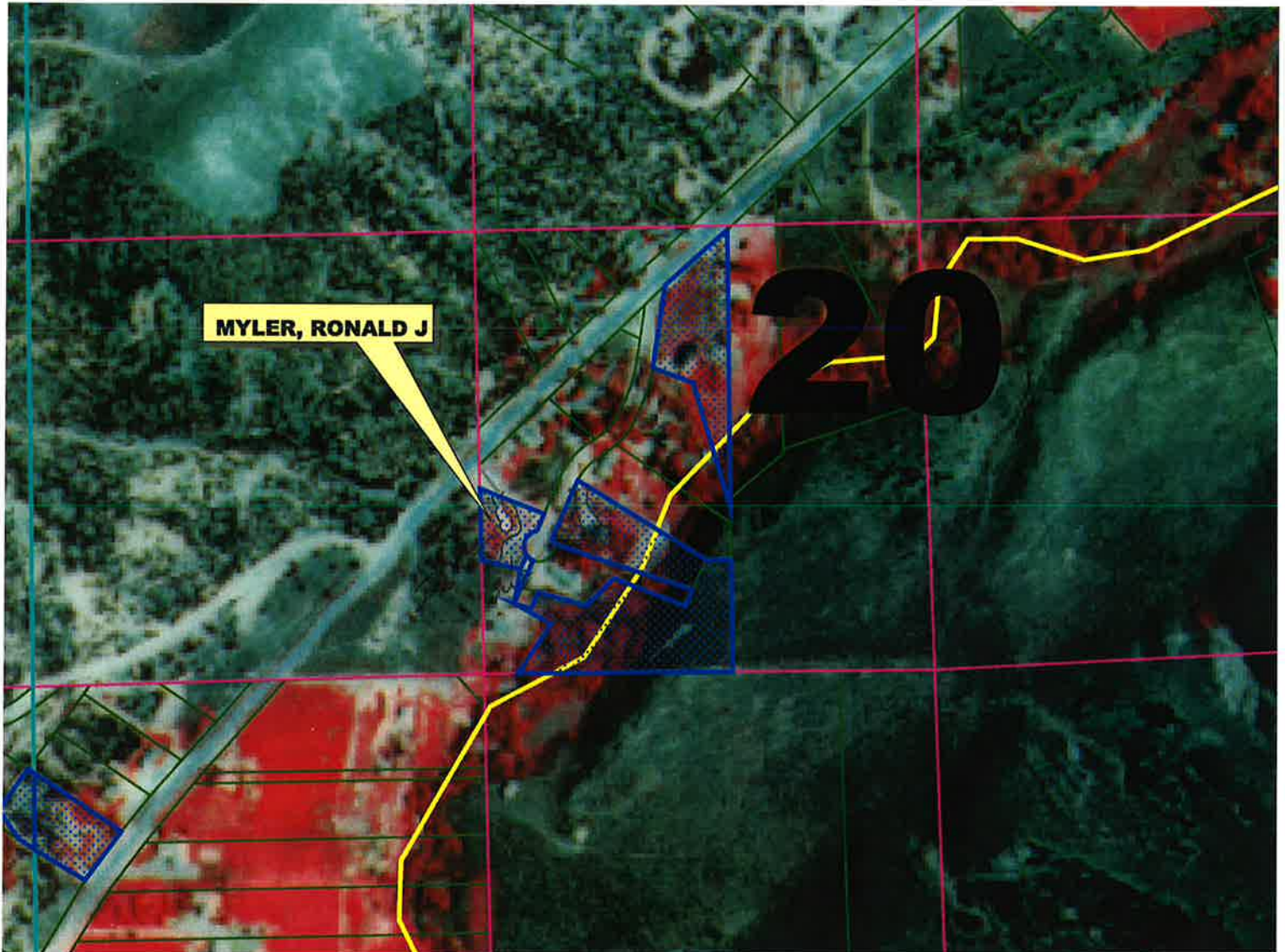
Respectfully submitted,

Craig L. Saxton
Sr. Water Resource Agent
Adjudication Bureau

SCANNED
JUL 15 2005

PROFILED

29-00276D



Point of Diversion

Total Property Acreage: 0.65



Roughly - Claimed Place of Use



Licensed POU - N/A



Bannock Co Tax Lot Data



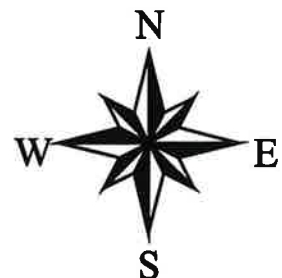
Section Lines



Quarter Quarter Lines

PROFILE

**SCANNED
JUL 15 2005**



**Prepared By: Craig Saxton
August 2002**

JUN 11 2001

Log for claim A29-00276D

Spatial Dynamics LTD

8/23/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
07s35e	20	NESW	1	0.7	
Totals:			1	0.7	

AJ5809NP
No. A29-00276D

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/18/00
PAGE: 14

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	R JOE MYLER	08/07/1907	IRRIGATION	03-15 11-15	0.020 CFS	
C	ALEXIS MYLER					
	674 TIPPERARY DR			TOTAL DIVERSION:	0.020 CFS	
	VACAVILLE CA 95688			CONSUMPTIVE USE:		2.50 AFA
	(707) 446-4882					

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	:					:					:	01				:						1.0
																							TOTAL ACRES	1.0

POU County: BANNOCK

Non-Irrigation Uses: NONE

Other Rights: A29-10926 FOR DOMESTIC WELL

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

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

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

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

Remarks: GEN USED ON SUBDIVISION LOT # 7

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

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

Audit: 04/02/90 JONES 04/04/94 THOMPSON 03/29/95 POST-STD 04/13/00 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

T
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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. 0.40 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			

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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 _____ $\frac{1}{4}$ 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 $\frac{1}{4}$	
<u>7S</u>	<u>35E</u>	<u>20</u>									<u>6.6</u>								<u>6.6</u>

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

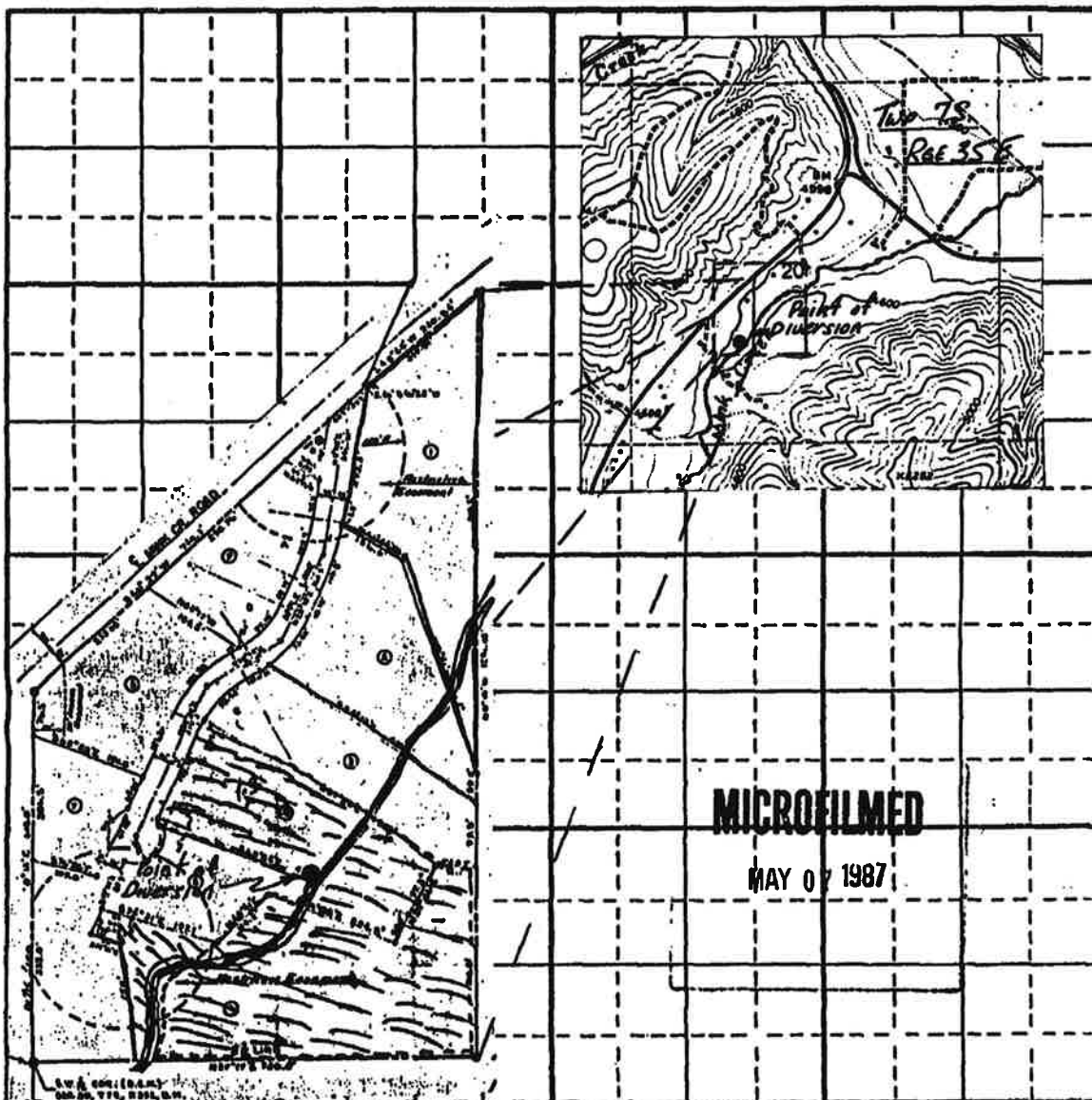
MAY 07 1981

c. Describe the use 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.



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

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 Saxton
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>U.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 G.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

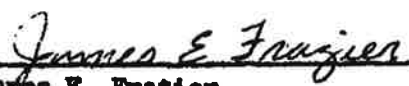
January 6, 1977

- (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.

Transfer No. _____

Application No. 29-0276

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 232-6523
 Post 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 al
 dated 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 appurtenant

Jay 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 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			

MICROFILMED
 MAY 07 1967

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 _____ 1/4 _____ 1/4, Section _____ Township _____
Range _____, B.M., _____ 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	

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 1/4 SW 1/4, 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

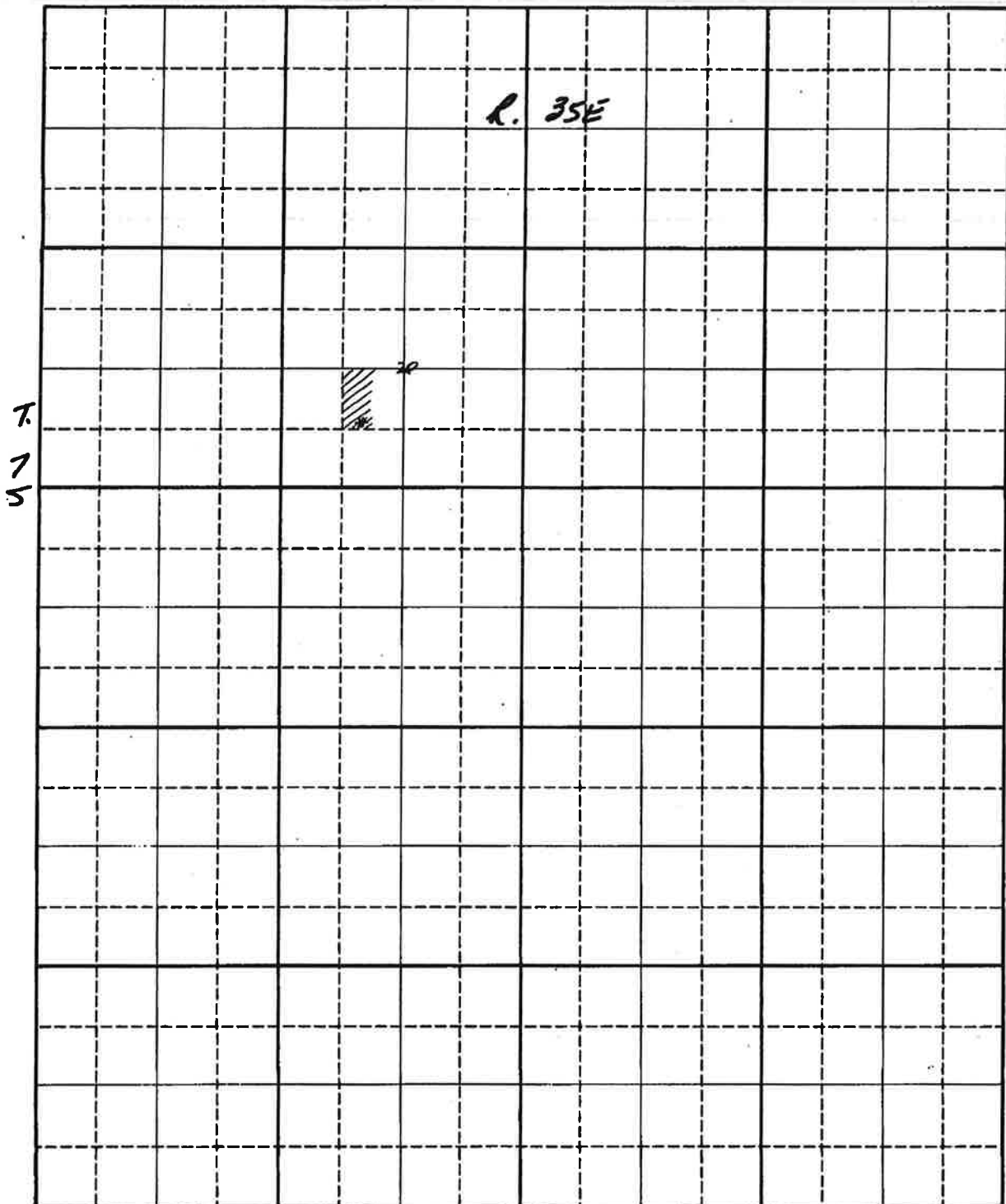
- a. Describe the lands or place of use to which the right will be transferred:

TWP.	RANGE	SEC.	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									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. Busby
(Signature of applicant)

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

John C. Gashman
(Notary public)
Pocatello, 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

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JAY BUSSBY
	, ZZ
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	0.400 CFS	
	<u>Total Diversion:</u>		0.400 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				Totals
07S	35E	20	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	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				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
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

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 29-276A

WATER RIGHT NUMBER: 29-276A

<u>Owner Type</u>	<u>Name and Address</u>
Current 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	0.270 CFS	
	<u>Total Diversion:</u>		0.270 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									X					X			

Conditions of Approval:Remarks:Comments: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

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: A29-00276D
Date Received: 4/02/1990
Receipt No: B01272T
Received By: ALW

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: R. JOE MYLER 707-446-4882
Address: 674 TIPPERARY 95688
VACAVILLE, CA
OR
Name: ALEXIS MYLER 707-446-4882
Address: 674 TIPPERARY 95688
VACAVILLE, CA

A2900276D



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 IN CREEK TO SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.020		

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

8. Total consumptive use is 2.5 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A29-00276D

Page 1

Date: 04/02/90

MICROFILMED

NOV 13 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	35E	20	NE	SW		IRR	1.0
Section Acres							1.0
Total Acres							1.0

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:
A29-10926 FOR DOMESTIC WELL

14. Remarks:
USED ON SUBDIVISION LOT # 7

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

SMITH, ET AL.

Decree Plaintiff

vs

CITY OF POCA TELLO

Decree Defendant

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 X 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): R. Joe Myhr Date: 4-2-90
Date: _____

State of Idaho)
County of Bonneville) SS.

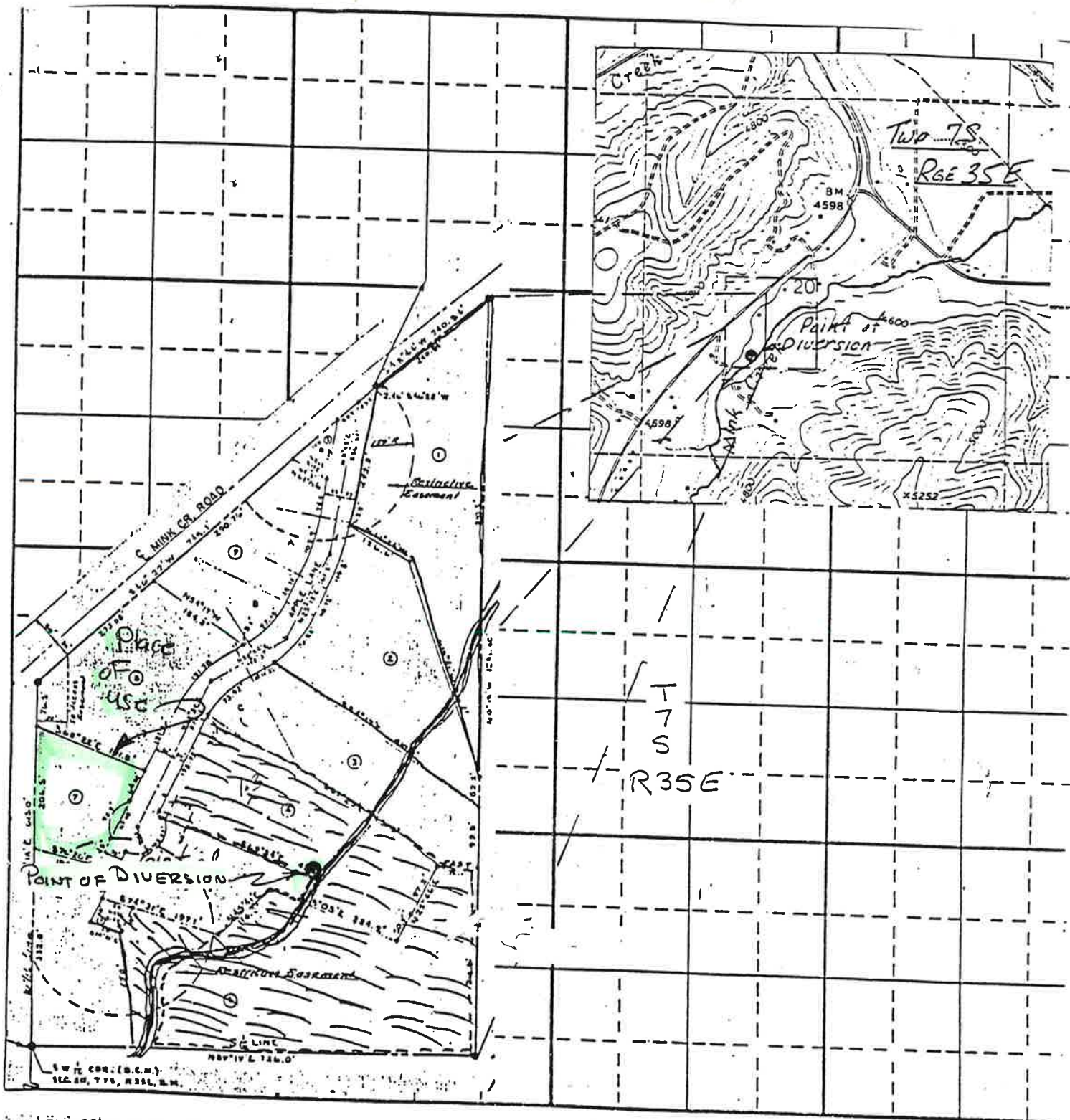
Subscribed and sworn (or affirmed) before me this 2nd day

of Apr 19 90

Betty J. Thompson
Notary Public

Seal

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



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

A29-00276 D

MICROFILMED
NOV 13 1992