

03/17/2003

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

RIGHT NUMBER: 29-350

NAME AND ADDRESS: MAX KAY
PO BOX 44
SWANLAKE ID 83281

ALLEN KAY
PO BOX 44
SWANLAKE ID 83281

SOURCE: MARSH CREEK

TRIBUTARY: PORTNEUF RIVER

QUANTITY: 1.200 CFS

PRIORITY DATE: 08/01/1865

POINT OF DIVERSION:

T12S R38E S17 SESE Within BANNOCK County Source: MARSH CREEK

T12S R38E S20 SWSW Within BANNOCK County Source: MARSH CREEK

T12S R38E S20 SESW Within BANNOCK County Source: MARSH CREEK

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	1.200 CFS

PLACE OF USE: IRRIGATION Within BANNOCK County

T12S R38E S19	SESE	8.0	T12S R38E S20	SWNW	5.0
T12S R38E S20	SESW	35.0	T12S R38E S20	NESW	20.0
T12S R38E S20	NWSW	1.0	T12S R38E S20	SWSW	10.0
T12S R38E S29	NENW	10.0	T12S R38E S29	NWNW	24.0
T12S R38E S29	SWNW	20.0	T12S R38E S29	SESW	5.0
T12S R38E S29	NESW	14.0	T12S R38E S29	NWSW	23.0
T12S R38E S29	SWSW	1.0	T12S R38E S29	SESW	1.0
T12S R38E S30	NENE	1.0			

178 ACRES TOTAL

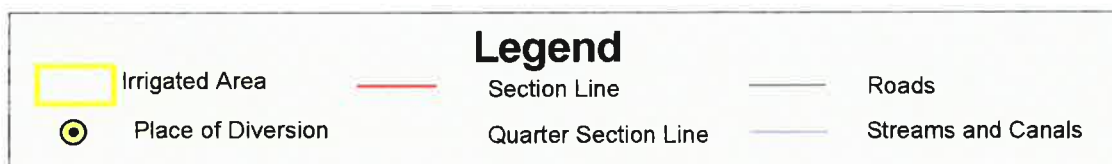
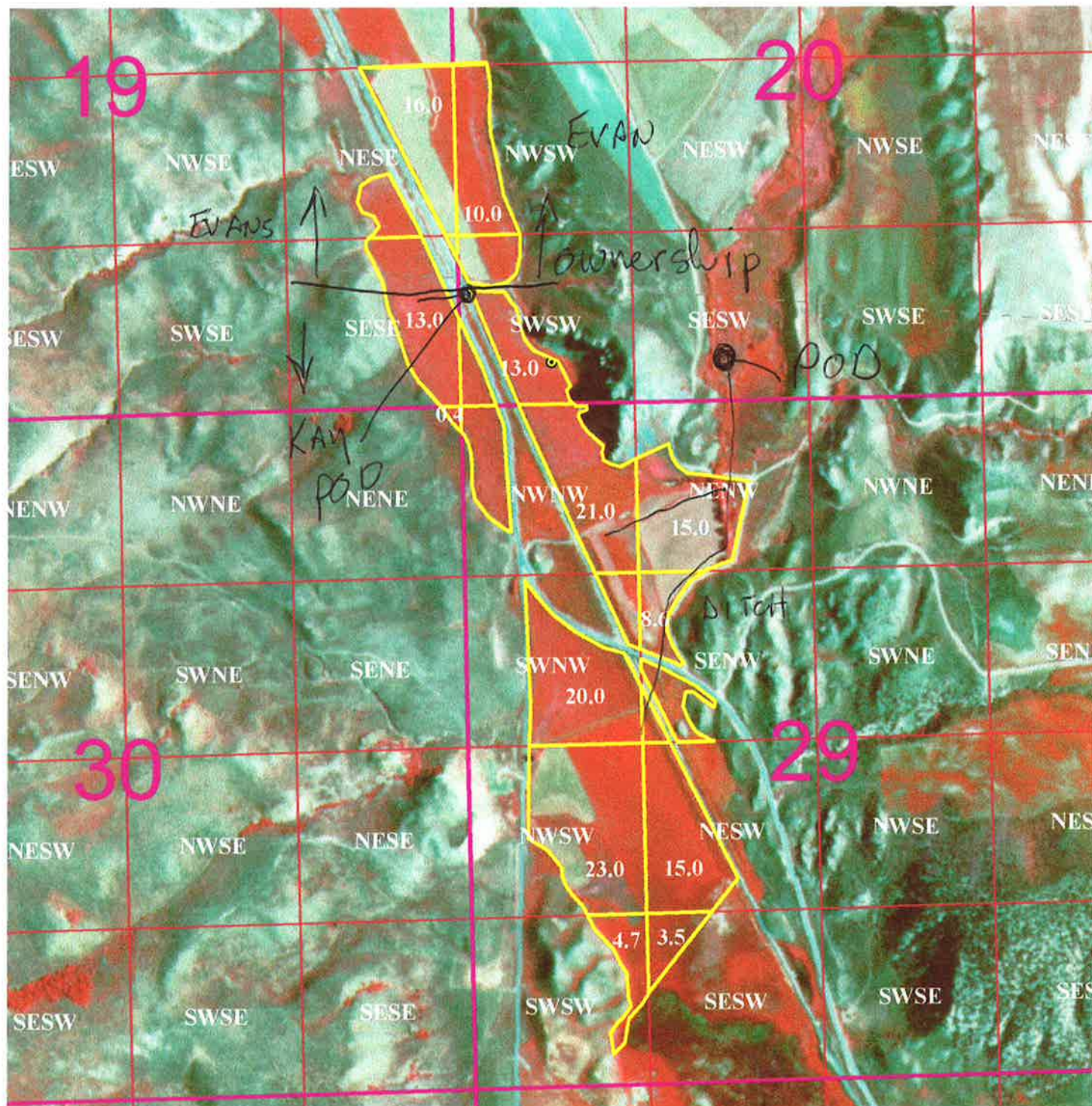
USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 178 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 29-00350, 29-00352

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

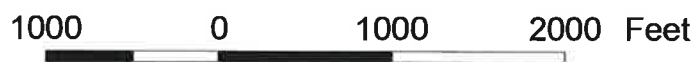
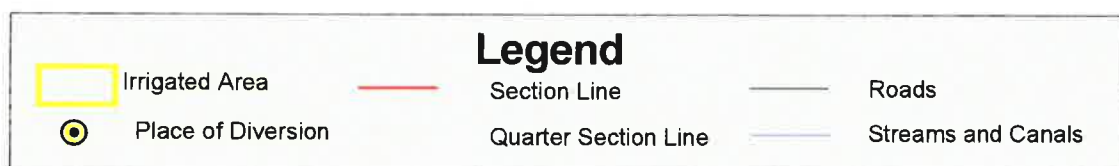
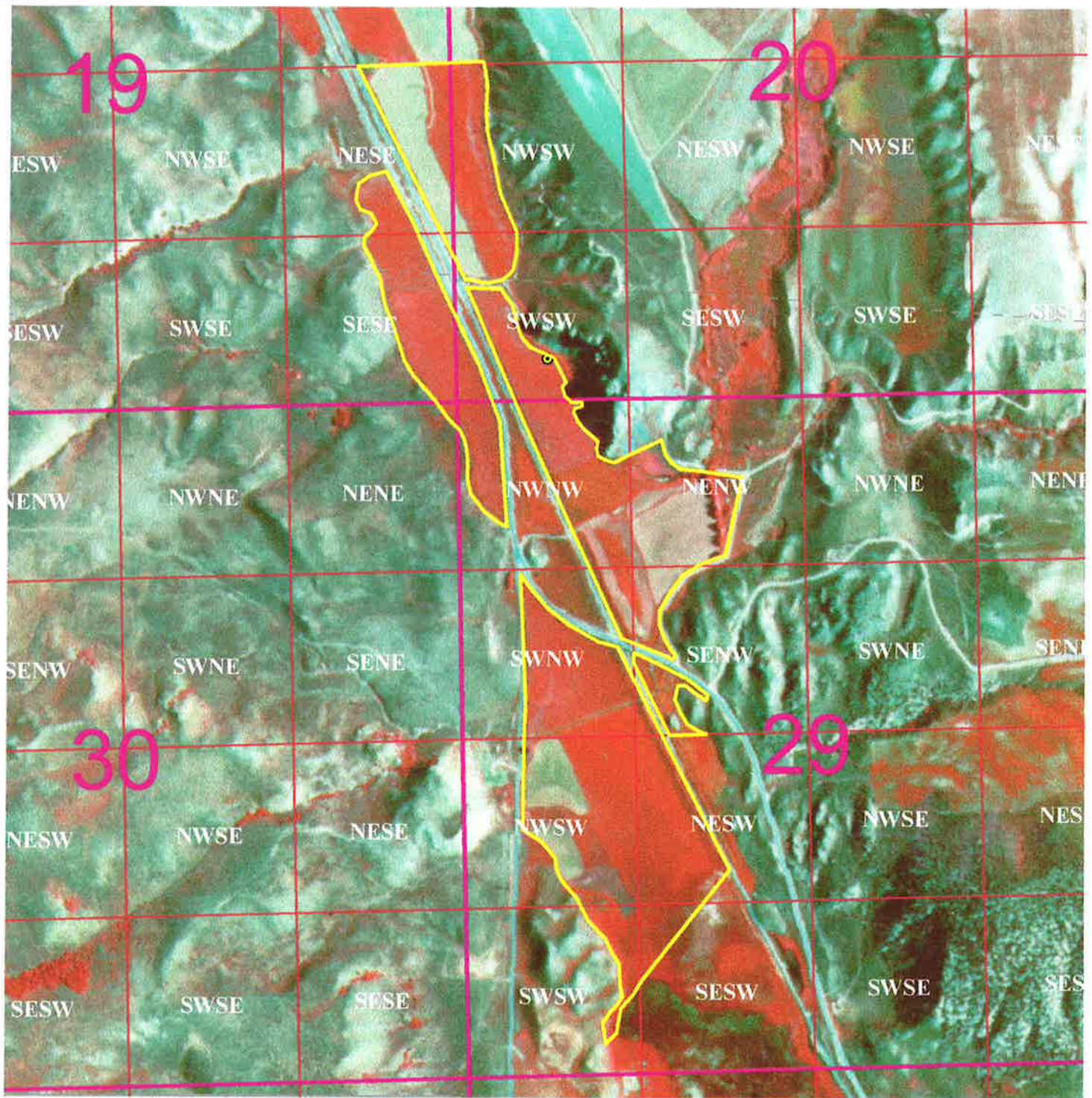
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE
EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE
ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER
THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6),
IDAHO CODE.

EXPLANATORY MATERIAL: Decreed

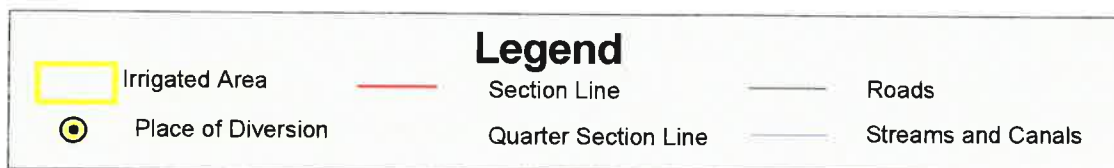
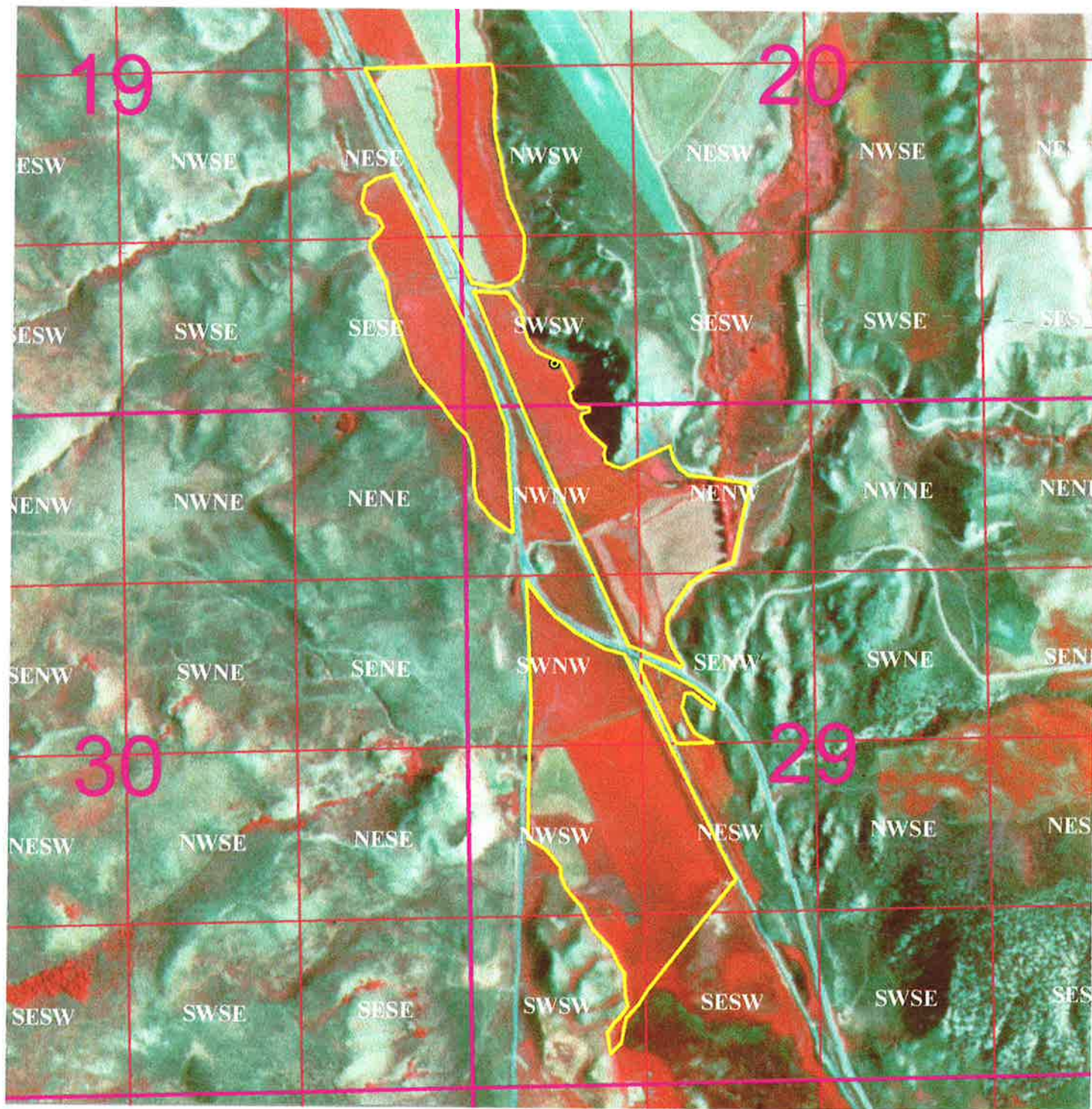
Township, 12S38E



Township , 12S38E



Township, 12S38E



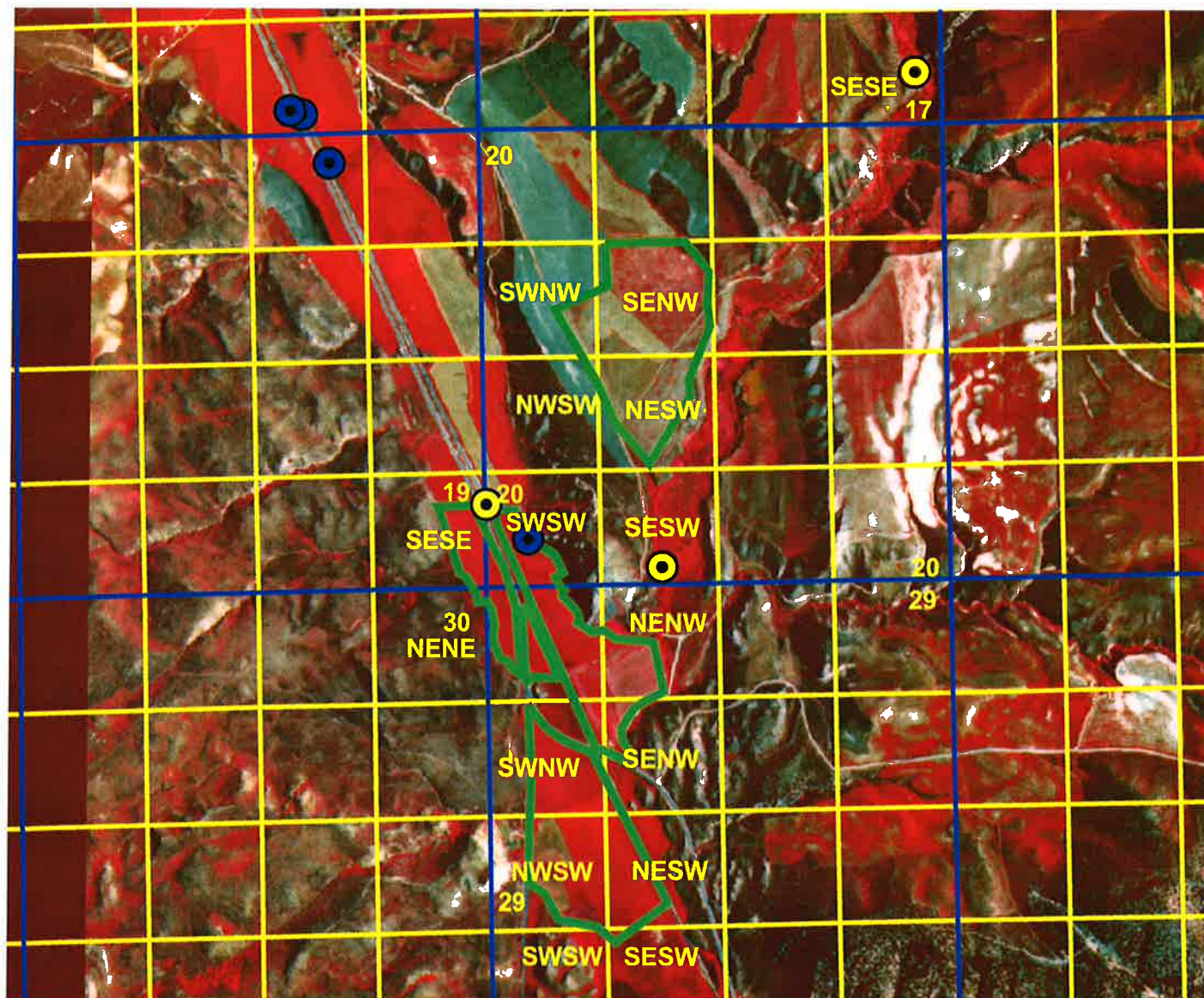
1000 0 1000 2000 Feet



IDAHO DEPARTMENT OF WATER RESOURCES

29-00350, 29-00352

T12S, R38E SEC. 19, 20, 29, 30



PROFILED

ACRES IRRIGATED- 178



POINT OF DIVERSION



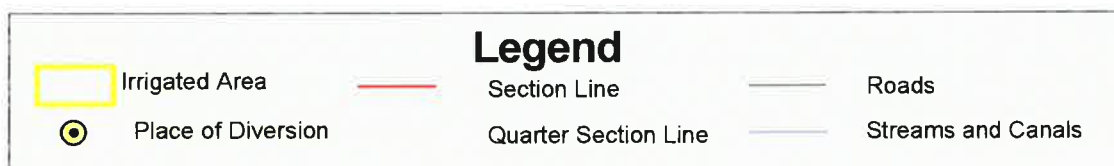
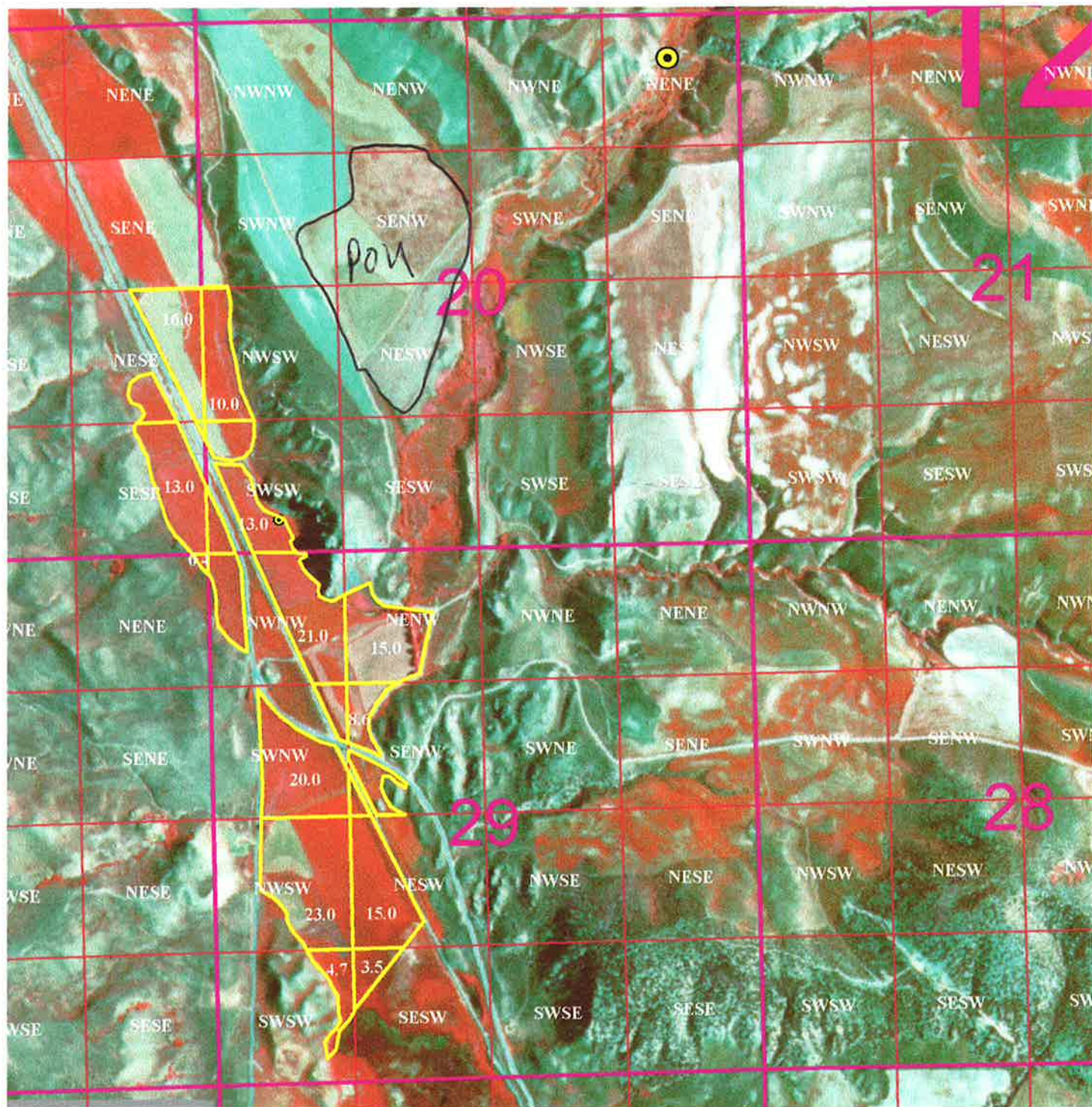
PLACE OF USE

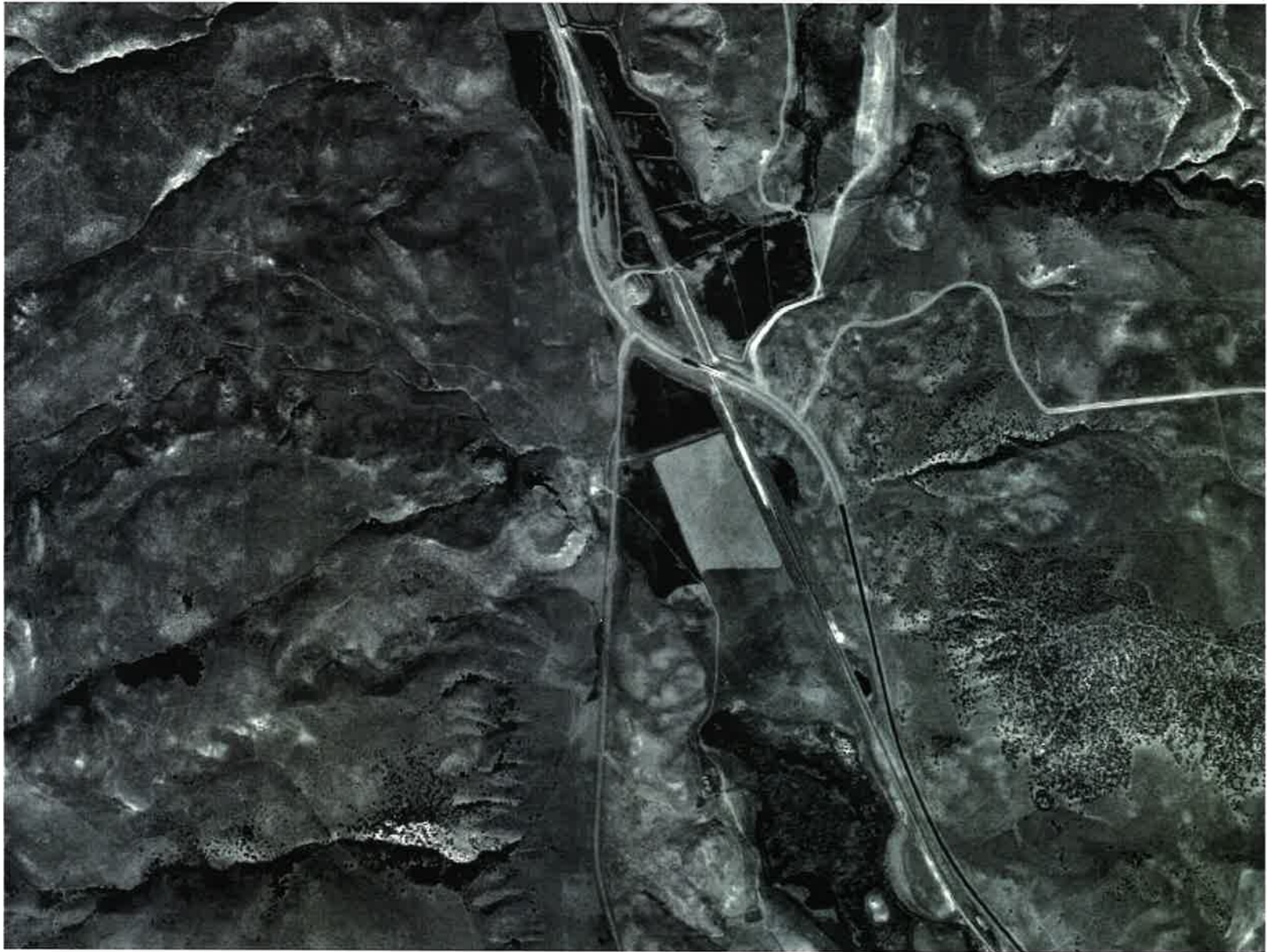
SCANNED

NOV 02 2005

**GIS: PLACE OF USE
POINT OF DIVERSION
1987/1988 NAPP PHOTOS
DAVE CARLSON**

Township , 12S38E





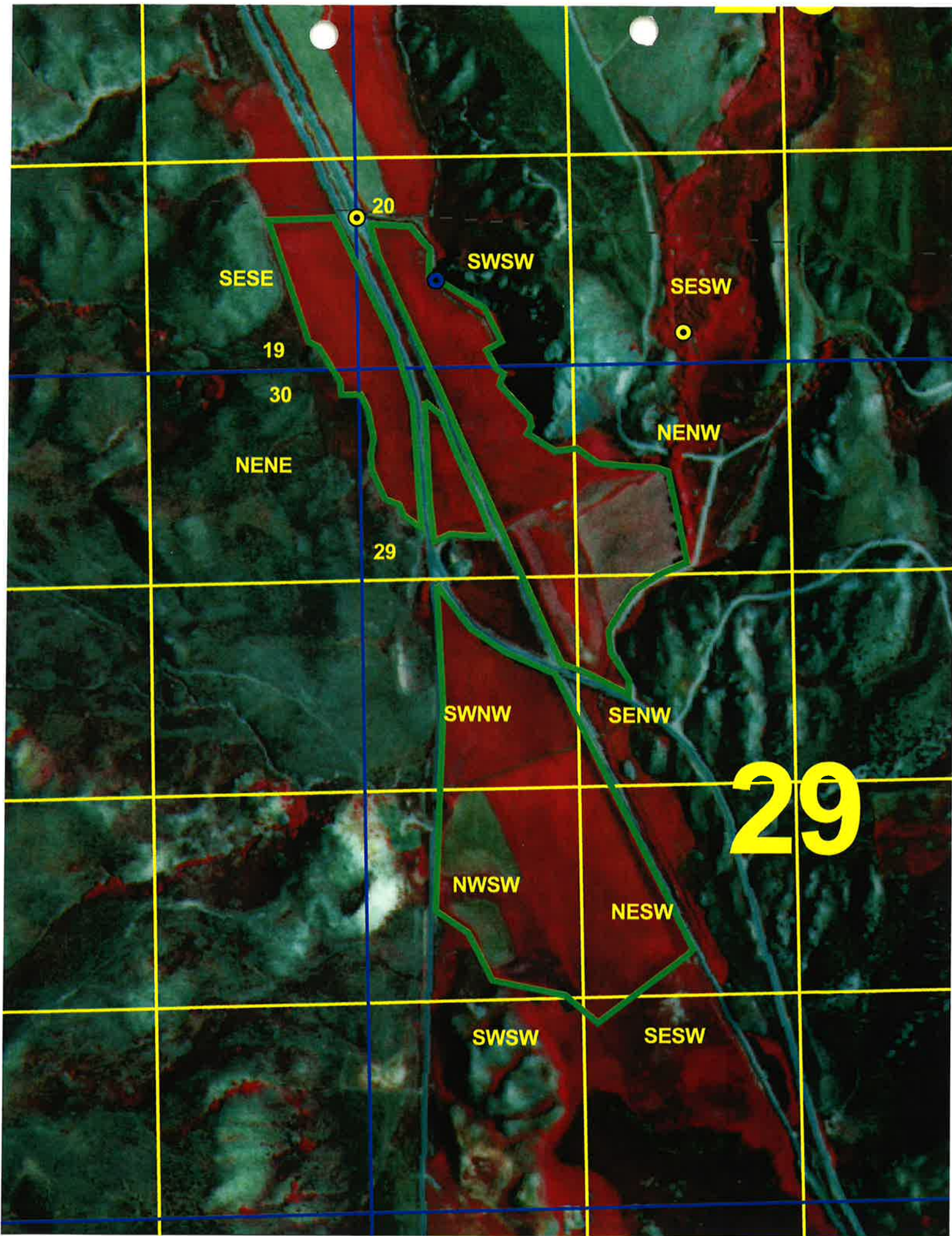
SCANNED
NOV 02 2005

117

PROFIT

0 0.5Km 0 0.25Mi

Image courtesy of the US Geological Survey.



JUN 04 2001

Log for claim A29-00350

Spatial Dynamics TWB

5/15/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
12s38e	19	NESE	13	16	
12s38e	19	SESE	12	13	
12s38e	20	NWSW	10	10	
12s38e	20	SWSW	13	13	
12s38e	29	NENW	10	15	
12s38e	29	NWNW	15	21	
12s38e	29	SWNW	20	20	
12s38e	29	SENW	20	8.6	
12s38e	29	NESW	13	15	
12s38e	29	NWSW	25	23	
12s38e	29	SWSW	4	4.7	
12s38e	29	SESW	4	3.5	
Totals:			159	162.8	

pod

N42 21 30.6

W112 02 37.1

Two pods

4853

Ditches to flood

AJ5809NP
No. A29-00350

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 04/24/00
PAGE: 25

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	MAX KAY PO BOX 44 SWAN LAKE ID 83281 (208) 897-5518	08/01/1865	IRRIGATION	04-01 11-01	1.200 CFS	
TOTAL DIVERSION: CONSUMPTIVE USE:					1.200 CFS	368.00 AFA

C ALLEN KAY
PO BOX 44
SWAN LAKE ID 83281
(208) 897-5527

Water Source: MARSH CREEK

Tributary to: PORTNEUF RIVER

Stage: DECREED

Point(s) of Diversion: T12S R38E S20 NENE

BANNOCK County

POU County:

Non-Irrigation Uses: STOCKWATER, 100 CATTLE

Other Rights: A29-00352

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
A29-00352

Conditions of Approval:
016 - See remarks for additional conditions of approval.

Remarks: GEN THIS CLAIM IS SPLIT UP BY SEVERAL ROADS, THE RAILROAD, AND MARSH
CREEK. IT SHOULD BE FIELD INSPECTED TO DETERMINE THE ACTUAL ACRES
IRRIGATED.

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

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

Audit: 04/28/90 DUNN 05/01/90 BODELL 05/24/94 COX 03/29/95 POST-STD

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 29-350
Date Received: 4/26/1990
Receipt No: E013878
Received By:

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

MAX KAY Phone: (208)897-5518

PO BOX 44
SWANLAKE ID USA 83281

ALLEN KAY Phone: (208)897-5527

PO BOX 44
SWANLAKE ID USA 83281

2. Date of Priority: 08/01/1865

3. Source: MARSH CREEK Trib. to: PORTNEUF RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
12S	38E	20	NE NE	BANNOCK	

5. Description of diverting works:

HEADGATE AND DITCH.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	1.2	

7. Total Quantity Appropriated is:
1.2 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

FILED

SCANNED

NOV 02 2005

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
12S	38E	19	SE	SE	IRRIGATION	8
					Section Acres	8
12S	38E	20	SE	NW	IRRIGATION	35
			SW	SW	IRRIGATION	10
			SW	NW	IRRIGATION	5
			NW	SW	IRRIGATION	1
			NE	SW	IRRIGATION	20
					Section Acres	71
12S	38E	29	NE	NW	IRRIGATION	10
			NW	NW	IRRIGATION	24
			SW	NW	IRRIGATION	20
			NE	SW	IRRIGATION	14
			NW	SW	IRRIGATION	23
			SW	SW	IRRIGATION	1
			SE	SW	IRRIGATION	1
			SE	NW	IRRIGATION	5
					Section Acres	98
12S	38E	30	NE	NE	IRRIGATION	1
					Section Acres	1
					Total Acres	178

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:

14. Remarks:

THIS CLAIM IS SPLIT UP BY SEVERAL ROADS, THE RAILROAD, AND MARSH CREEK. IT SHOULD BE FIELD INSPECTED TO DETERMINE THE ACTUAL ACRES IRRIGATED.

See remarks for additional conditions of approval.

15. Basis of Claim: Decreed

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): Alan Kay Date: 3-17-3

Date:

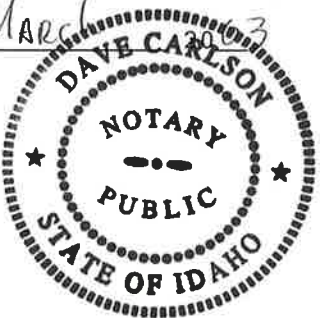
State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this

17

of

March



Dave Carlson

Notary Public

Residing at Rigby, Id

My commission Expires 2/26/2008

PROFILED

SCANNED

NOV 02 2005

JUN 04 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: A29-00350

Date Received: 4/26/1990

Receipt No: E013878

Received By: DMD

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MAX KAY 208-897-5518
Address: P.O. BOX 44
SWAN LAKE, ID 83281

OR

Name: ALLEN KAY 208-897-5527
Address: P.O. BOX 44
SWAN LAKE, ID 83281

2. Date of Priority: AUG 01, 1865

3. Source: MARSH CREEK Trib. to: PORTNEUF RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
12S	38E	20	NE	NE			BANNOCK

5. Description of diverting works:
HEADGATE AND DITCH.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.200		

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

8. Total consumptive use is 368.0 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER, 100 CATTLE

A2900350



10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
12S	38E	19	NE	SE		STOC S	13.0
			SE	SE		STOC S	12.0
			Section Acres				25.0
		20	NW	SW		STOC S	10.0
			SW	SW		STOC S	13.0
			Section Acres				23.0
		29	NE	NW		STOC S	10.0
			NW	NW		STOC S	15.0
			SW	NW		STOC S	20.0
			SE	NW		STOC S	20.0
			NE	SW		STOC S	13.0
			NW	SW		STOC S	25.0
			SW	SW		STOC S	4.0
			SE	SW		STOC S	4.0
			Section Acres				111.0
		30	NE	NE		STOC S	3.0
			Section Acres				3.0
			Total Acres				162.0

11. Place of use in counties: ADA

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
A29-00352

14. Remarks:

THIS CLAIM IS SPLIT UP BY SEVERAL ROADS, THE RAILROAD, AND MARSH CREEK. IT SHOULD BE FIELD INSPECTED TO DETERMINE THE ACTUAL ACRES IRRIGATED.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

LIBERTY HUNT, ET AL.

Decree Plaintiff

vs

CHAS. THORNTON, 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):

May Kay

Date:

4/26/90

Date:

State of Idaho

County of

Bonneville

)
) SS.
)

Subscribed and sworn (or affirmed) before me this 26th day

of Apr 19 90

Betty J. Thompson
Notary Public

Seal

Residing at

RESIDING AT IDAHO FALLS, IDAHO

My Commission Expires

MY COMMISSION EXPIRES: 6-30-94

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NUMBER
A29-00350	12S	38E	20		NE	NE			BANNOCK		
OTHER AJ CLAIMS WITH SAME AJ POD				WR RECORDS IN SAME 40 ACRE TRACT							
A PREFIX				R PREFIX							
A29-00352				NONE				NONE			

SOURCE: MARSH CREEK

TRIB: PORTNEUF RIVER

B. WR POINT OF DIVERSION AND SOURCE:

2900350 THERE IS NO POD ASSOCIATED WITH THIS WATER RIGHT NUMBER

SOURCE: MARSH CREEK

TRIB: PORTNEUF RIVER

C. IS THE CLAIMED POD WITHIN THE SAME 40 ACRE TRACT THAT IS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y() N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POD, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

D. CAN THE CLAIMED POD BE VERIFIED USING THE WATER RIGHT FILE OR GPS DATA? N/A() Y() N()

E. SHOULD THE CLAIMED POD BE VERIFIED BY FIELD EXAM? Y() N()

F. IS THE CLAIMED SOURCE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y() N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN SOURCE, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

G. CAN THE CLAIMED SOURCE BE VERIFIED USING THE WATER RIGHT FILE? Y() N()

H. SHOULD THE CLAIMED SOURCE BE VERIFIED BY FIELD EXAM? Y() N()

I. HOW WAS THE POD AND SOURCE VERIFIED?

LICENSING FIELD EXAM (DATE OF FIELD EXAM) Y() N()

AJ FIELD EXAM (DATE OF FIELD EXAM) NAME OF EXAMINER) Y() N()

OTHER (DESCRIBE IN NOTES BELOW)

NOTES: _____

=====

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE: CHECK HERE IF RECOMMENDED AS CLAIMED (___)

TWP. 12S	RGE. 38E	SEC. 20	1/4	1/4 NE	1/4 NE	LOT	POD FLAG	COUNTY BANNOCK	DIVERSION NAME	DIVERSION NBR
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____

SOURCE: MARSH CREEK

TRIB: PORTNEUF RIVER

REVIEWED BY: _____ DATE: _____

=====

SYSTEM DESCRIPTION: DESCRIBED BELOW (___), SEE LICENSE FILE (___), OR SEE ATTACHMENT (___)

A. ROOT WATER RIGHT NUMBERS: A29-00350

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
12S	38E	19	NE	SE		KAY, MAX	A29-00350 / 13.0	- /			
			NE	SE		KAY, ALLEN	A29-00352 / 13.0	- /			
			NE	SE		EVANS, JOHN M	A29-00349 / 18.0	- /			
12S	38E	19	SE	SE		KAY, MAX	A29-00350 / 12.0	- /			
			SE	SE		KAY, ALLEN	A29-00352 / 12.0	- /			
			SE	SE		EVANS, JOHN M	A29-00349 / 4.0	- /			
12S	38E	20	NW	SW		KAY, MAX	A29-00350 / 10.0	- /			
			NW	SW		KAY, ALLEN	A29-00352 / 10.0	- /			
			NW	SW		EVANS, JOHN M	A29-00349 / 8.0	- /			
12S	38E	20	SW	SW		KAY, MAX	A29-00350 / 13.0	- /			
			SW	SW		KAY, ALLEN	A29-00352 / 13.0	- /			
			SW	SW		EVANS, JOHN M	A29-00349 / 7.0	- /			
12S	38E	29	NE	NW		KAY, MAX	A29-00350 / 10.0	- /			
			NE	NW		KAY, ALLEN	A29-00352 / 10.0	- /			
12S	38E	29	NW	NW		KAY, MAX	A29-00350 / 15.0	- /			
			NW	NW		KAY, ALLEN	A29-00352 / 15.0	- /			
12S	38E	29	SW	NW		KAY, MAX	A29-00350 / 20.0	- /			
			SW	NW		KAY, ALLEN	A29-00352 / 20.0	- /			
12S	38E	29	SE	NW		KAY, MAX	A29-00350 / 20.0	- /			
			SE	NW		KAY, ALLEN	A29-00352 / 5.0	- /			
12S	38E	29	NE	SW		KAY, MAX	A29-00350 / 13.0	- /			
			NE	SW		KAY, ALLEN	A29-00352 / 13.0	- /			
12S	38E	29	NW	SW		KAY, MAX	A29-00350 / 25.0	- /			
			NW	SW		KAY, ALLEN	A29-00352 / 25.0	- /			
12S	38E	29	SW	SW		KAY, MAX	A29-00350 / 4.0	- /			
			SW	SW		KAY, ALLEN	A29-00352 / 4.0	- /			
12S	38E	29	SE	SW		KAY, MAX	A29-00350 / 4.0	- /			
			SE	SW		KAY, ALLEN	A29-00352 / 4.0	- /			
12S	38E	30	NE	NE		KAY, MAX	A29-00350 / 3.0	- /			
			NE	NE		KAY, ALLEN	A29-00352 / 3.0	- /			

ADDITIONAL POU FOUND

TOTAL ACRES

A29-00350

162.00

POU COUNTY: ADA

C. IS WATER USAGE FOUND IN TRACTS OTHER THAN THOSE CLAIMED?

Y() N()

* IF YES, ARE THESE TRACTS LISTED ABOVE (), OR ARE THEY LISTED ON AN ATTACHED SHEET ()

LIST OF ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE

CLAIM NO.	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A29-00350	MARSH CREEK	KAY, MAX	1.200	0.007		
A29-00349	MARSH CREEK	EVANS, JOHN M	1.200	0.008		
A29-00352	MARSH CREEK	KAY, ALLEN	0.800	0.005		

NO RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION

D. ARE OTHER WATER RIGHTS USED FOR THE SAME PURPOSE?

Y() N()

* IF YES, COMPLETE OVERLAP REVIEW:

OTHER RIGHTS LISTED IN CLAIM: A29-00352

E. IS THE CLAIMED POU THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A() Y() N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POU, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

F. CAN THE CLAIMED POU BE VERIFIED USING THE WATER RIGHT FILE AND AVAILABLE AERIAL PHOTOS?

N/A() Y() N()

G. SHOULD THE CLAIMED POU BE VERIFIED BY FIELD EXAM?

Y() N()

H. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE OF THIS RIGHT, OR ANY PORTION OF THIS RIGHT?

Y() N()

NOV 13 1992

C

