

03/17/2003

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

RIGHT NUMBER: 29-352

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

MAX KAY
PO BOX 44
SWANLAKE ID 83281

SOURCE: MARSH CREEK

TRIBUTARY: PORTNEUF RIVER

QUANTITY: 0.800 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:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

0.800 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

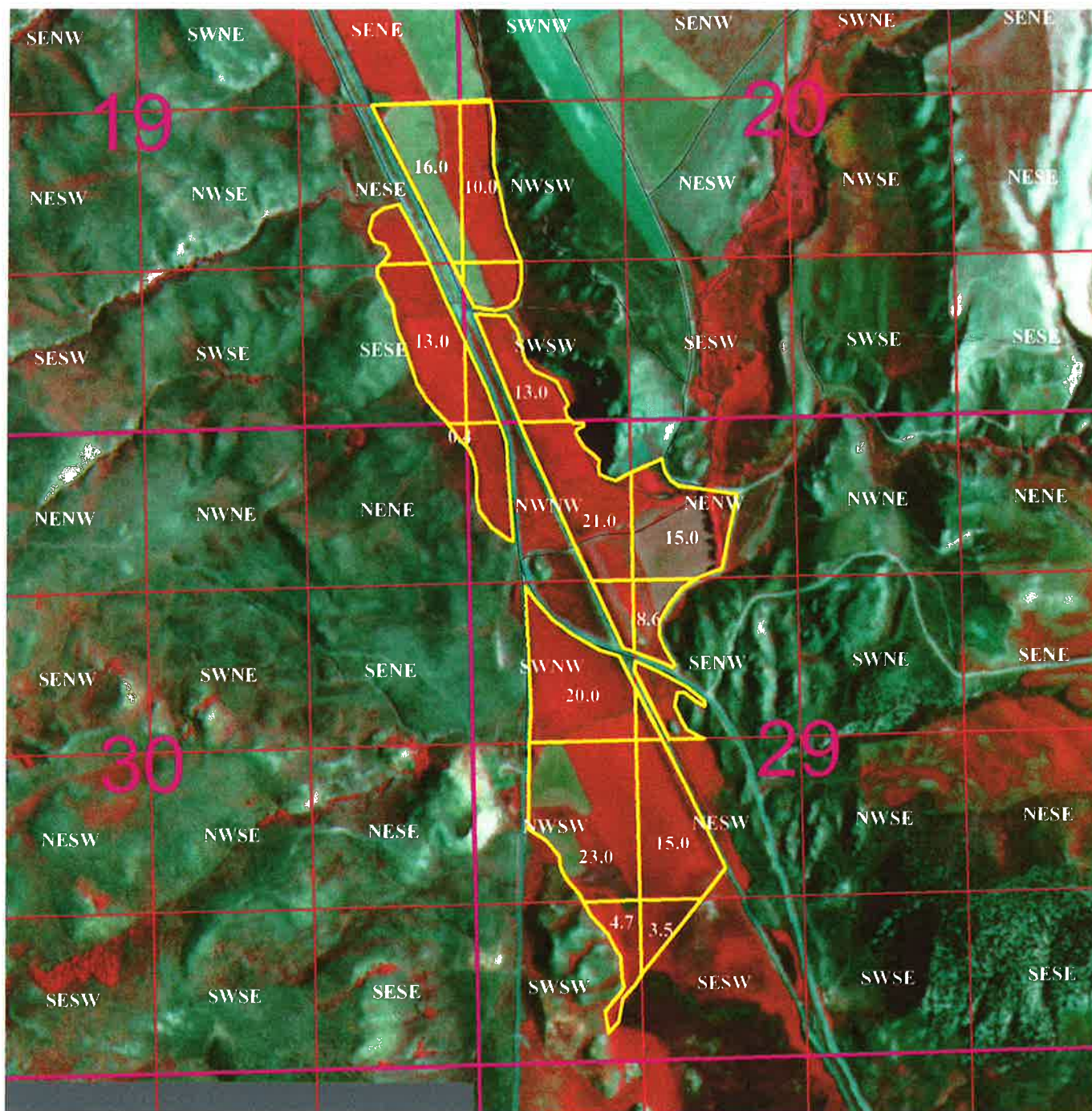
USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 178 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 29-00350, 29-00352

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

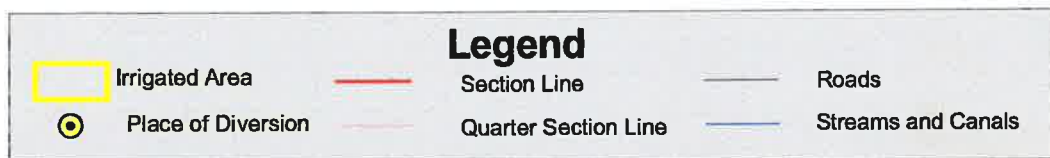
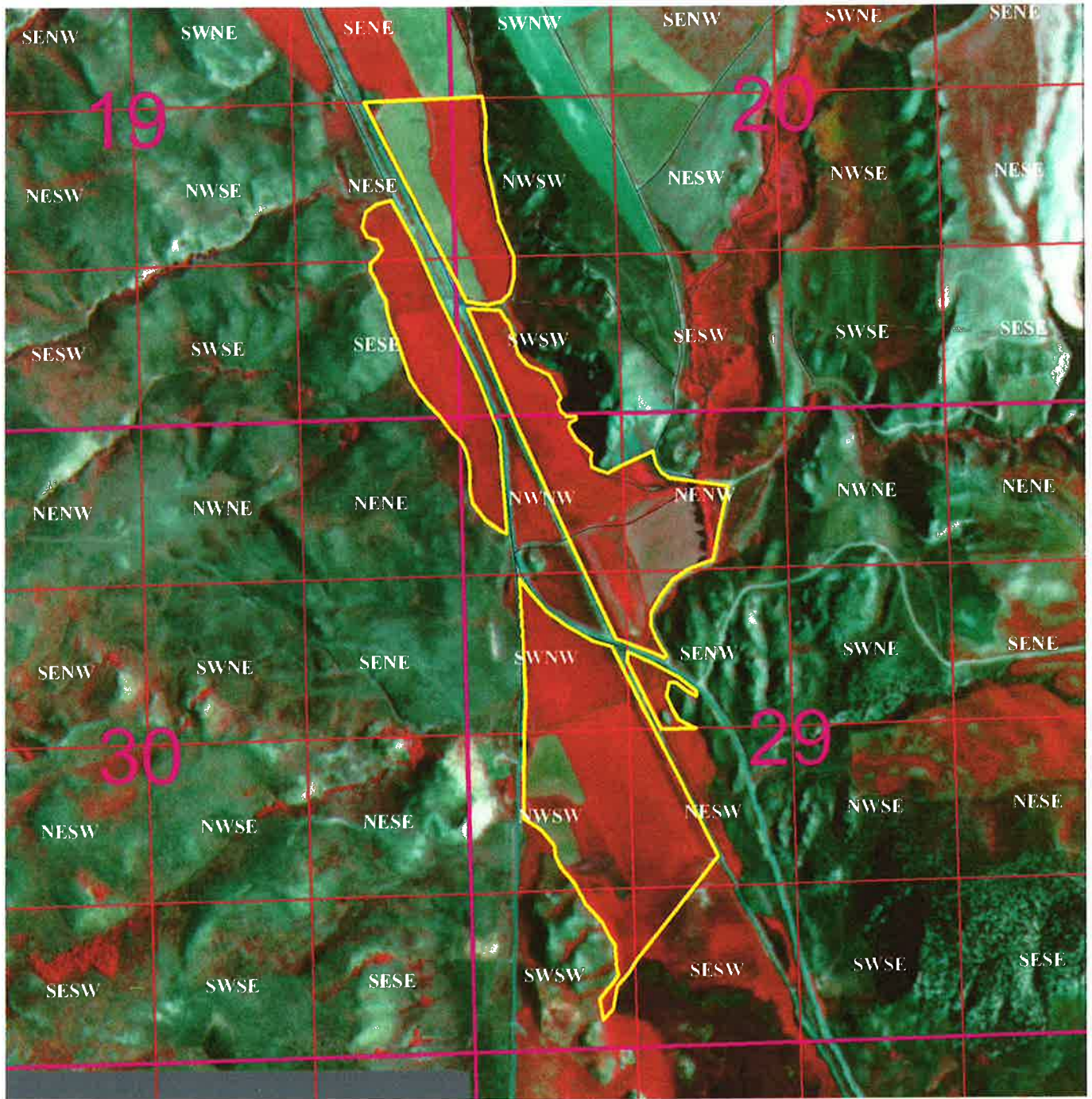
Township , 12S38E



500 0 500 1000 1500 Feet



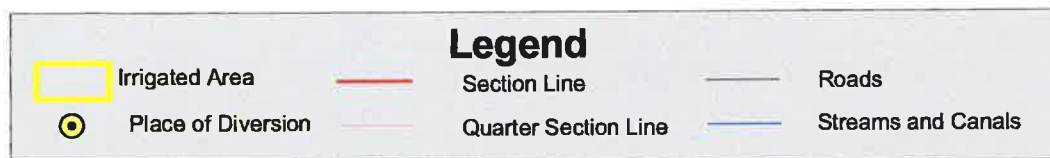
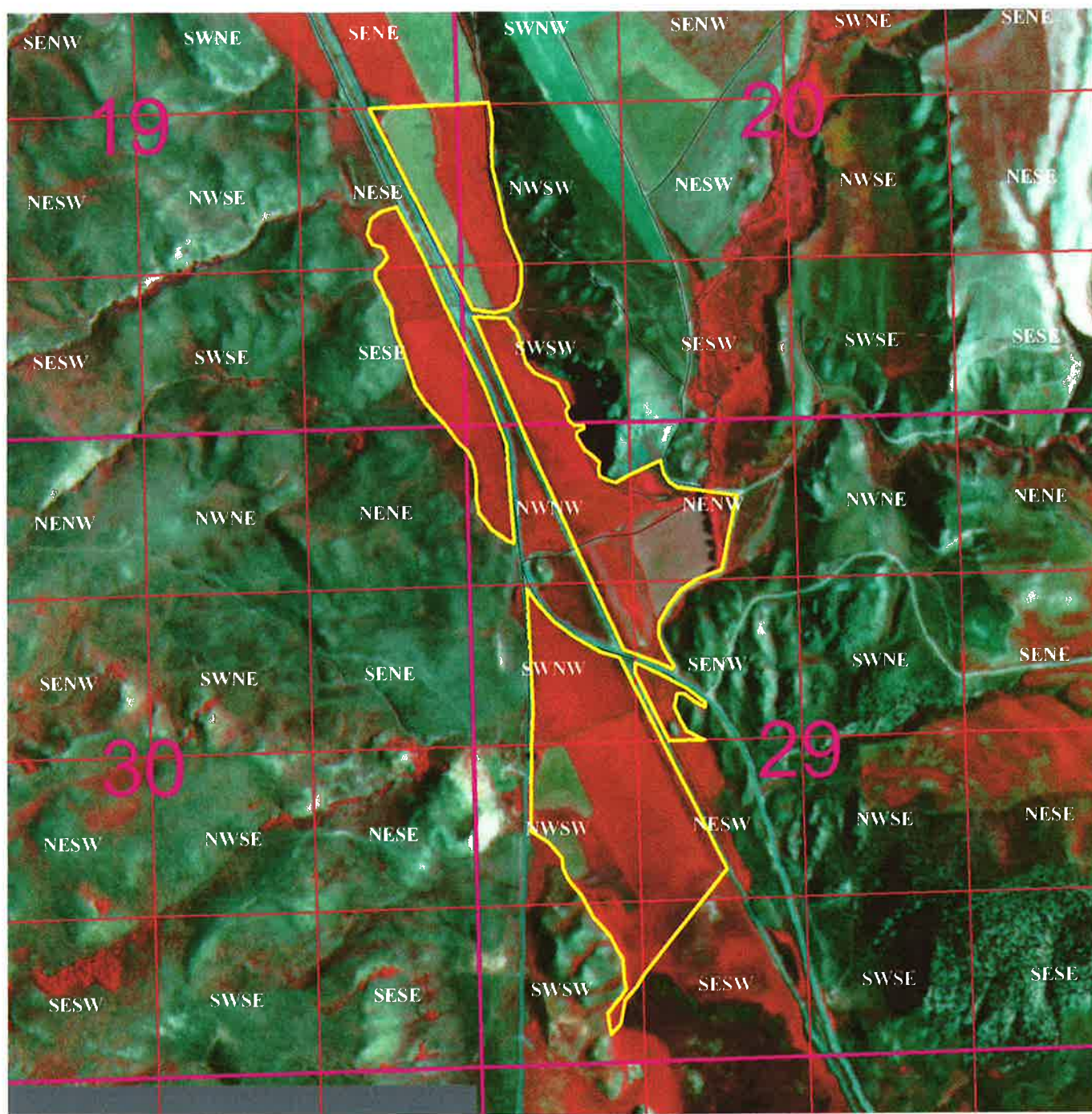
Township , 12S38E



500 0 500 1000 1500 Feet



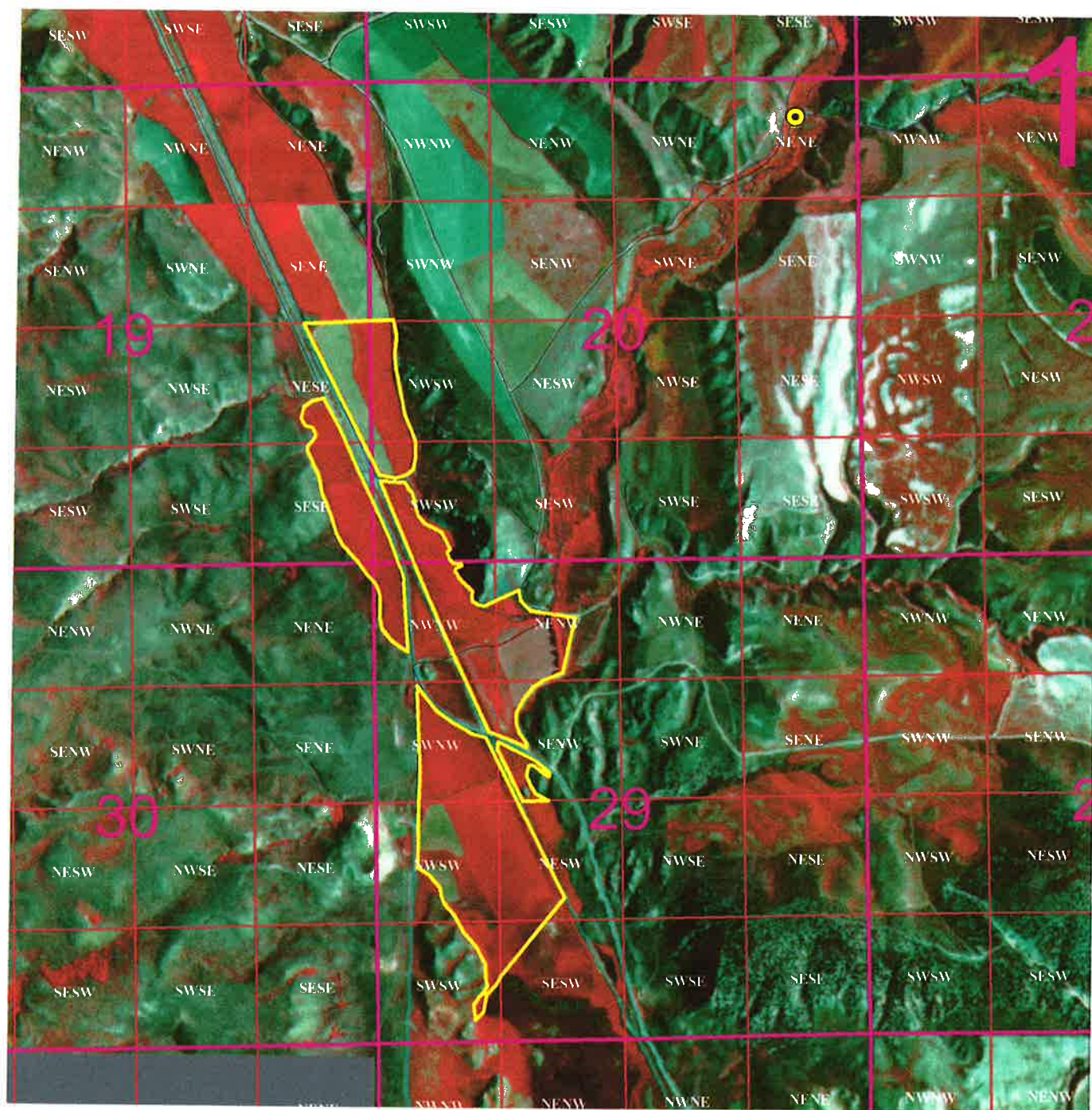
Township , 12S38E



500 0 500 1000 1500 Feet



Township , 12S38E



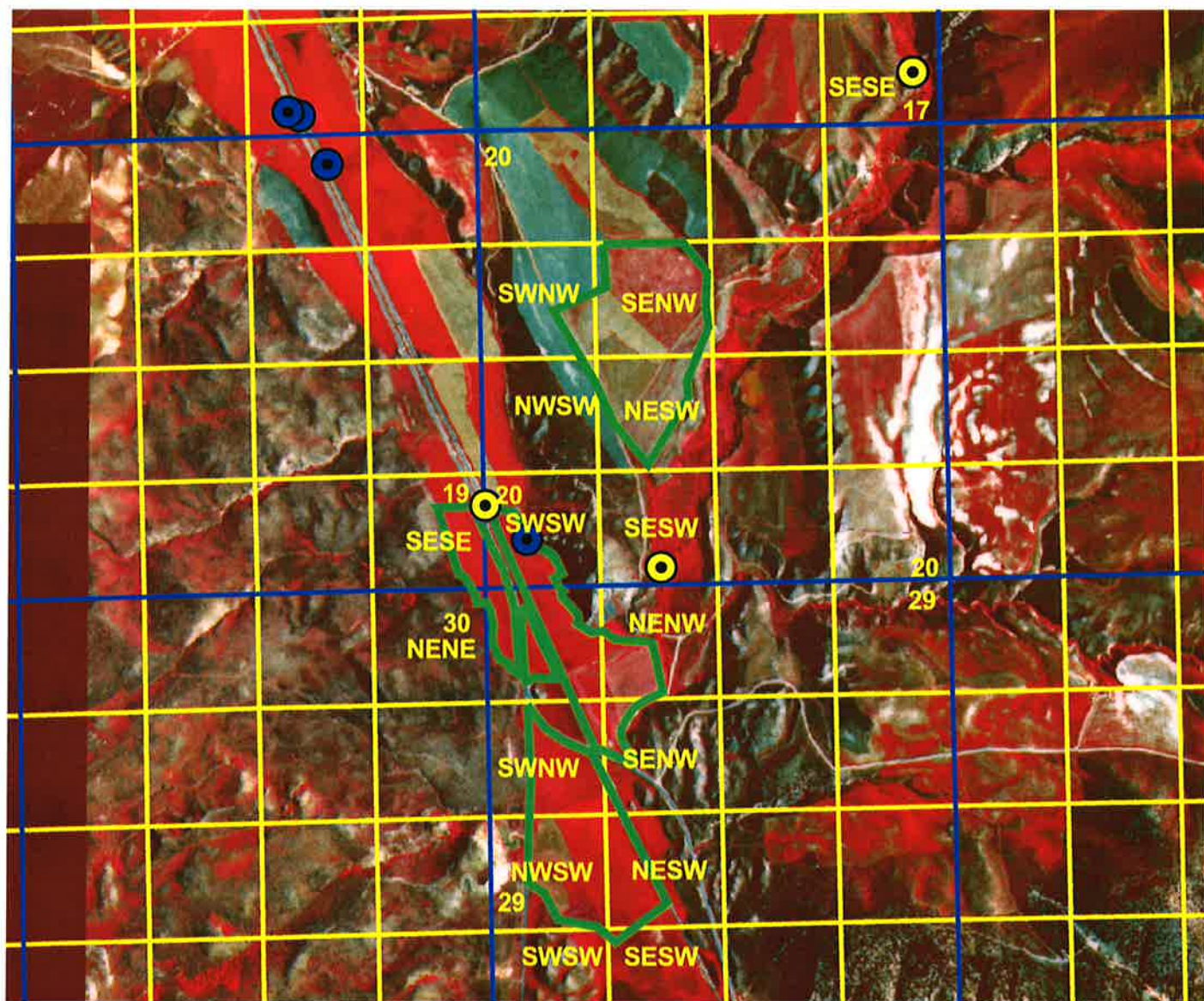
700 0 700 1400 2100 Feet



IDAHO DEPARTMENT OF WATER RESOURCES

29-00350, 29-00352

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



ACRES IRRIGATED- 178



POINT OF DIVERSION



PLACE OF USE

PROFILED
SCANNED

NOV 02 2005

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

SCANNED

JUN 06 2001

Log for claim A29-00352

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	NENE	0	0	POD placement? / Indiscernible
12s38e	20	NENE	0	0	POD placement? / Indiscernible
12s38e	20	NENE	0	0	POD placement? / Indiscernible
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	
12s38e	30	NENE	3	0.4	
Totals:			162	163.2	

AJ5809NP
No. A29-00352

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 04/24/00
PAGE: 27

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	ALLEN KAY P O BOX 44 SWAN LAKE ID 83281 (208) 897-5527	08/01/1865	IRRIGATION	04-01 11-01	0.800 CFS	
				TOTAL DIVERSION: CONSUMPTIVE USE:	0.800 CFS	368.00 AFA

C MAX KAY
P O BOX 44
SWAN LAKE ID 83281
(208) 897-5518

Water Source: MARSH CREEK

Tributary to: PORTNEUF RIVER

Stage: DECREED

Point(s) of Diversion: T12S R38E S20 NENE

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		
12S	38E	19	:					:					:					:	13			12	:	25.0
12S	38E	20	:					:					:		10	13		:					:	23.0
12S	38E	29	:					:	10	15	20	05	:	13	25	04	04	:					:	96.0
12S	38E	30	:	03				:					:					:					:	3.0
																						TOTAL ACRES		147.0

POU County: BANNOCK

Non-Irrigation Uses: STOCKWATER, 100 CATTLE.

Other Rights: A29-00350

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
A29-00350

Other Water Rights Listing Overlapping Place(s) of Use:
A29-00349

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

Remarks: GEN THE AREA IS CUT UP BY SEVERAL ROADS, THE RAILROAD, AND MARSH
CREEK. IT SHOULD BE FIELD INSPECTED TO DETERMINE THE ACTUAL NUMBE
R OF IRRIGATED ACRES.

Dates: Exam Made Date: Verified Date: 12/09/1985 Objection Filed Date:

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

AJ5809NP
No. A29-00352

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 04/24/00
PAGE: 28

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

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: A29-00352
Date Received: 4/26/1990
Receipt No: E013878
Received By: DMJ

\$100

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ALLEN KAY 208-897-5527
Address: P O BOX 44
SWAN LAKE, ID 83281
OR
Name: MAX KAY 208-897-5518
Address: P O BOX 44
SWAN LAKE, ID 83281

A2900352



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	0.800		

7. Total Quantity Appropriated is:
0.800 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.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
12S	38E	19	NE	SE		IRR	13.0
			SE	SE		IRR	12.0
			Section Acres				25.0
		20	NW	SW		IRR	10.0
			SW	SW		IRR	13.0
			Section Acres				23.0
		29	NE	NW		IRR	10.0
			NW	NW		IRR	15.0
			SW	NW		IRR	20.0
			SE	NW		IRR	5.0
			NE	SW		IRR	13.0
			NW	SW		IRR	25.0
			SW	SW		IRR	4.0
			SE	SW		IRR	4.0
			Section Acres				96.0
		30	NE	NE		IRR	3.0
			Section Acres				3.0
			Total Acres				147.0

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:
A29-00350

14. Remarks:

THE AREA IS CUT UP BY SEVERAL ROADS, THE RAILROAD, AND MARSH CREEK. IT SHOULD BE FIELD INSPECTED TO DETERMINE THE ACTUAL NUMBER OF IRRIGATED ACRES.

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 *Bannock*) SS.

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

Seal

 Betty J. Thompson
Notary Public

Residing at BETTY J. THOMPSON, NOTARY PUBLIC
My Commission Expires RESIDING AT IDAHO FALLS, IDAHO
 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
A29-00352	12S	38E	20		NE	NE			BANNOCK		

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
A29-00350 NONE

WR RECORDS IN SAME 40 ACRE TRACT
NONE

SOURCE: MARSH CREEK

TRIB: PORTNEUF RIVER

B. WR POINT OF DIVERSION AND SOURCE:

2900352 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)

paid
247
-100 claims
247

NOTES: _____

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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: _____

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

A. ROOT WATER RIGHT NUMBERS: A29-00352

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, ALLEN	A29-00352 / 13.0	- /		38.0	
			NE	SE		EVANS, JOHN M	A29-00349 / 18.0	- /			
			NE	SE		KAY, MAX	A29-00350 / 13.0	- /			
12S	38E	19	SE	SE		KAY, ALLEN	A29-00352 / 12.0	- /		24.0	
			SE	SE		EVANS, JOHN M	A29-00349 / 4.0	- /			
			SE	SE		KAY, MAX	A29-00350 / 12.0	- /			
12S	38E	20	NW	SW		KAY, ALLEN	A29-00352 / 10.0	- /		12.0	
			NW	SW		EVANS, JOHN M	A29-00349 / 8.0	- /			
			NW	SW		KAY, MAX	A29-00350 / 10.0	- /			
12S	38E	20	SW	SW		KAY, ALLEN	A29-00352 / 13.0	- /		13.0	
			SW	SW		EVANS, JOHN M	A29-00349 / 7.0	- /			
			SW	SW		KAY, MAX	A29-00350 / 13.0	- /			
12S	38E	29	NE	NW		KAY, ALLEN	A29-00352 / 10.0	- /		13.0	
			NE	NW		KAY, MAX	A29-00350 / 10.0	- /			
12S	38E	29	NW	NW		KAY, ALLEN	A29-00352 / 15.0	- /		30.0	
			NW	NW		KAY, MAX	A29-00350 / 15.0	- /			
12S	38E	29	SW	NW		KAY, ALLEN	A29-00352 / 20.0	- /		27.0	
			SW	NW		KAY, MAX	A29-00350 / 20.0	- /			
12S	38E	29	SE	NW		KAY, ALLEN	A29-00352 / 5.0	- /		3.0	
			SE	NW		KAY, MAX	A29-00350 / 20.0	- /			
12S	38E	29	NE	SW		KAY, ALLEN	A29-00352 / 13.0	- /		9.0	
			NE	SW		KAY, MAX	A29-00350 / 13.0	- /			
12S	38E	29	NW	SW		KAY, ALLEN	A29-00352 / 25.0	- /		35.0	
			NW	SW		KAY, MAX	A29-00350 / 25.0	- /			
12S	38E	29	SW	SW		KAY, ALLEN	A29-00352 / 4.0	- /		26.0	
			SW	SW		KAY, MAX	A29-00350 / 4.0	- /			
12S	38E	29	SE	SW		KAY, ALLEN	A29-00352 / 4.0	- /		26.0	
			SE	SW		KAY, MAX	A29-00350 / 4.0	- /			
12S	38E	30	NE	NE		KAY, ALLEN	A29-00352 / 3.0	- /		2.0	
			NE	NE		KAY, MAX	A29-00350 / 3.0	- /			

ADDITIONAL POU FOUND

TOTAL ACRES

A29-00352

147.00

258.00

POU COUNTY: BANNOCK

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
A29-00352	MARSH CREEK	KAY, ALLEN	0.800	0.005		
A29-00349	MARSH CREEK	EVANS, JOHN M	1.200	0.008		

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: A29-00350

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()

7E R38E T12S

12

13

14

2' 30"

15

540 000



MICROFILMED
NOV 13 1957