

IDAHO DEPARTMENT OF WATER RESOURCES 11/21/2001
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

NAME AND ADDRESS: HARVELL FIRKINS
8385 POCATELLO CREEK RD
POCATELLO ID 83201

MARY FIRKINS
8385 POCATELLO CREEK RD
POCATELLO ID 83201

SOURCE: NORTH FORK POCATELLO CREEK TRIBUTARY: POCATELLO CREEK

QUANTITY: 0.01 CFS

PRIORITY DATE: 06/01/1887

POINT OF DIVERSION:

T06S R35E S20 NESWNE Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.010 CFS

PLACE OF USE: IRRIGATION Within BANNOCK County

T06S R35E S20 SWNE 1.3

1.3 ACRES TOTAL

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

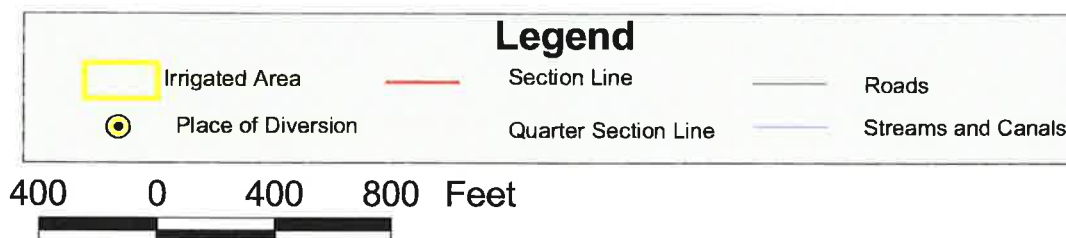
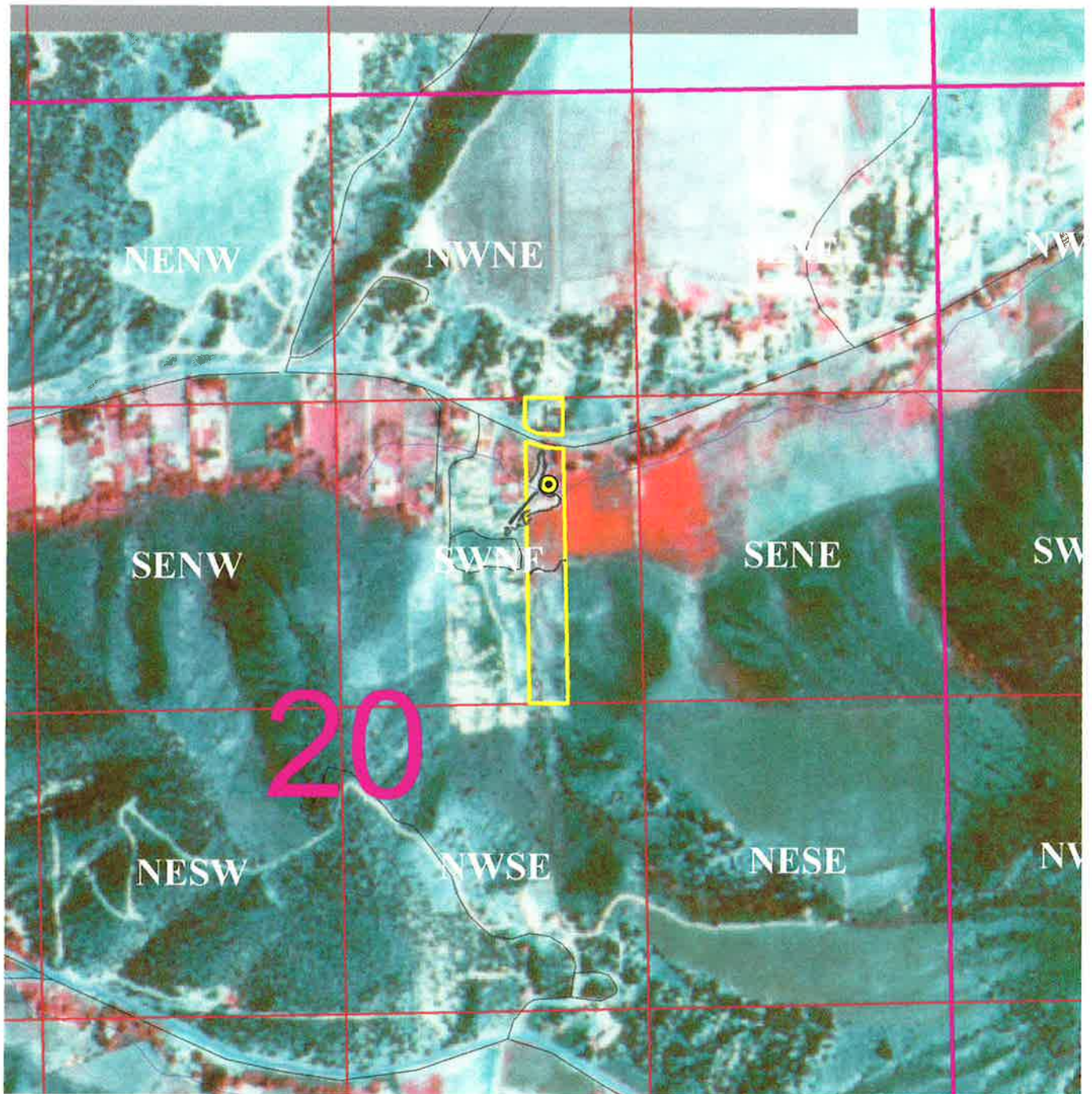
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: Decreed

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
PURSUANT TO SECTION 42-1425, IDAHO CODE.

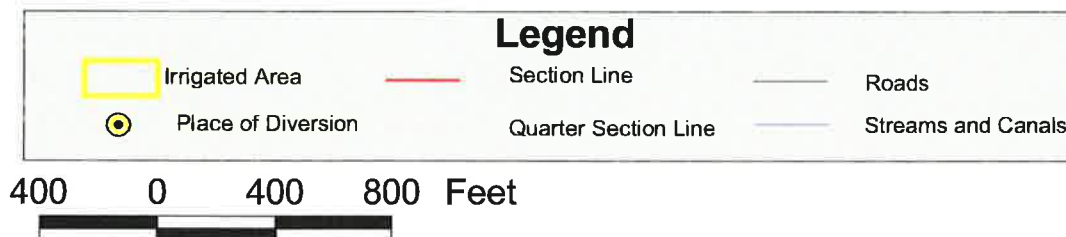
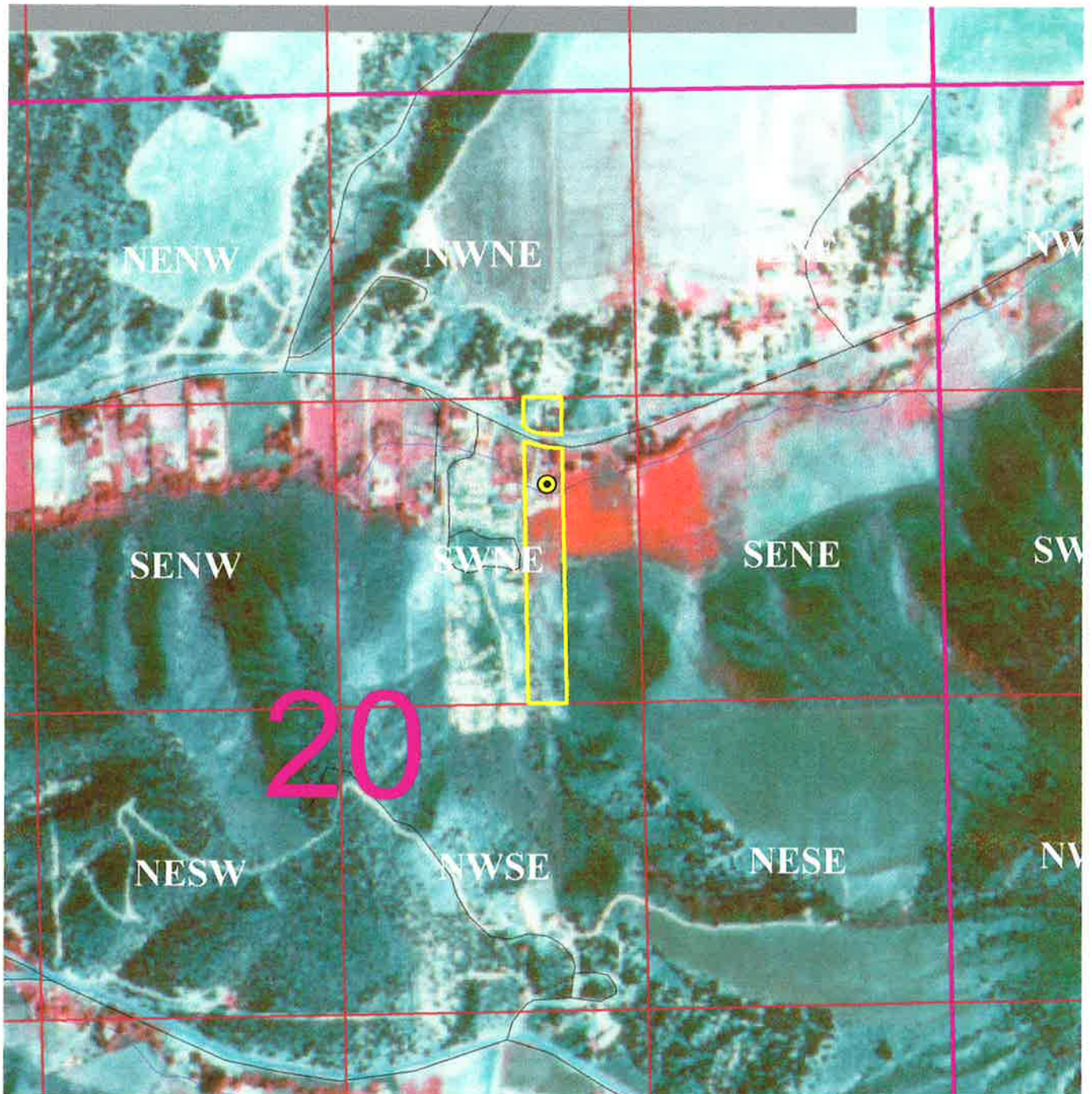
Water Right Claim Number A29-00443A
Township , 6S35E

09/15/2000



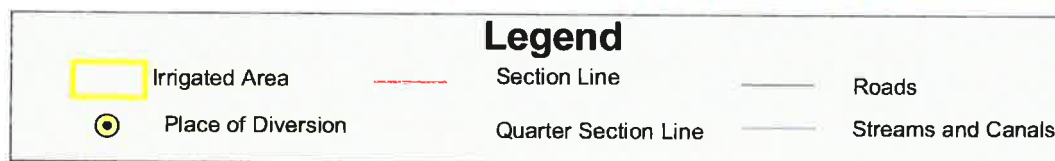
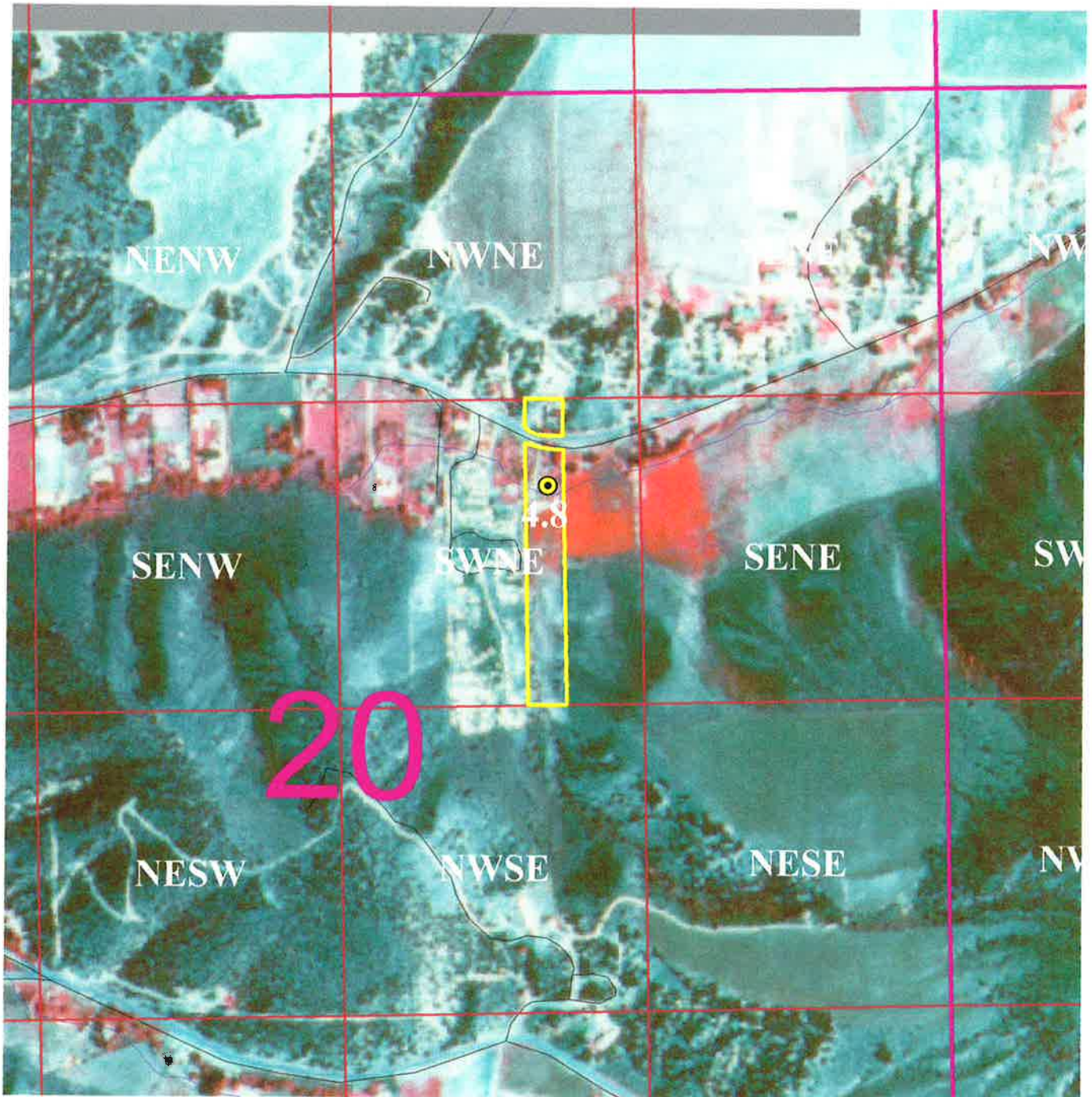
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Water Right Claim Number A29-00443A
Township , 6S35E

09/15/2000



IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 29-443A V1

WATER RIGHT NUMBER: 29-443A V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	PATRICK S TANEY POCATELLO, ID 83201
Original Owner	DWAINE ANDERSON 9196 ANDERSON LN POCATELLO, ID 83201 (208)233-6540
Current Owner	HARVELL FIRKINS 8385 POCATELLO CREEK RD POCATELLO, ID 83201 (208)233-4260
Current Owner	MARY FIRKINS 8385 POCATELLO CREEK RD POCATELLO, ID 83201 (208)233-4260

Priority Date: 06/01/1887

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
NORTH FORK POCATELLO CREEK	POCATELLO CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	0.010 CFS	
	<u>Total Diversion:</u>	0.010 CFS	

Location of Point(s) of Diversion

NORTH FORK POCATELLO CREEK	NE1/4SW1/4NE1/4	Sec. 20, Twp 06S, Rge 35E, B.M.
BANNOCK County		

Place of Use

IRRIGATION Within BANNOCK County

T06S R35E S20 SWNE 1.3

Total Acres: 1.29999995231628

Conditions of Approval:

1. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 29-443A V1

Comments:

1. csaxton 11/21/2001 Diversion Rate

Comment: Diversion Rate based on deed.

2. csaxton 11/21/2001 Source

Comment: Decreed source says, "waters of Pocatello Creek" . USGS defines source as North Fork of Pocatello Creek.

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>
Priority Date	11/21/2001 10:27:56 AM	csaxton			Active
POD	11/21/2001 10:33:03 AM	csaxton			Active
Source	11/21/2001 10:38:56 AM	csaxton			Active
POU	11/21/2001 10:40:18 AM	csaxton			Active
Use	11/21/2001 10:41:15 AM	csaxton			Active
Season	11/21/2001 10:41:50 AM	csaxton			Active
Quantity	11/21/2001 10:42:33 AM	csaxton			Active
Summary	11/21/2001 10:45:52 AM	csaxton	11/21/2001 10:45:52 AM	csaxton	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Contacts	11/21/2001 10:27:25 AM	csaxton	(No) 1. Do you want to schedule an appointment?
			Comment for 1: Field Exam 9/24/01

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-443A V1

Priority Date	11/21/2001 10:27:58 AM	csaxton	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?
POD	11/21/2001 10:33:05 AM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (No) 4. Does the parent right have a POD? (Yes) 6. Is there evidence that there has been a change in the POD? (Yes) 7. Can the change be verified as an accomplished transfer? (Yes) 8. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required? Description for Question 6 - Location of old POD not spoken about in decree, however from field investigation it was located in NWNW Section 20, T6S, R35E
POD	11/21/2001 10:37:31 AM	csaxton	Edited point location
POD	11/21/2001 10:38:25 AM	csaxton	Edited PLS
Source	11/21/2001 10:38:58 AM	csaxton	(Yes) 1. Is the basis of claim decree or license? (Yes) 4. Does the parent right have a source? (Yes) 5. Can the claimed source be verified using the water right file? (No) 11. Is a Source remark and/or condition required?
POU	11/21/2001 10:40:19 AM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the parent right have a POU? (Yes) 6. Can the claimed POU be verified using the water right file? (No) 14. Is a POU remark and/or condition required?
POU	11/21/2001 10:40:36 AM	csaxton	Edited shape boundary
POU	11/21/2001 10:40:52 AM	csaxton	Edited PLS
Use	11/21/2001 10:41:16 AM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the parent right 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 29-443A V1

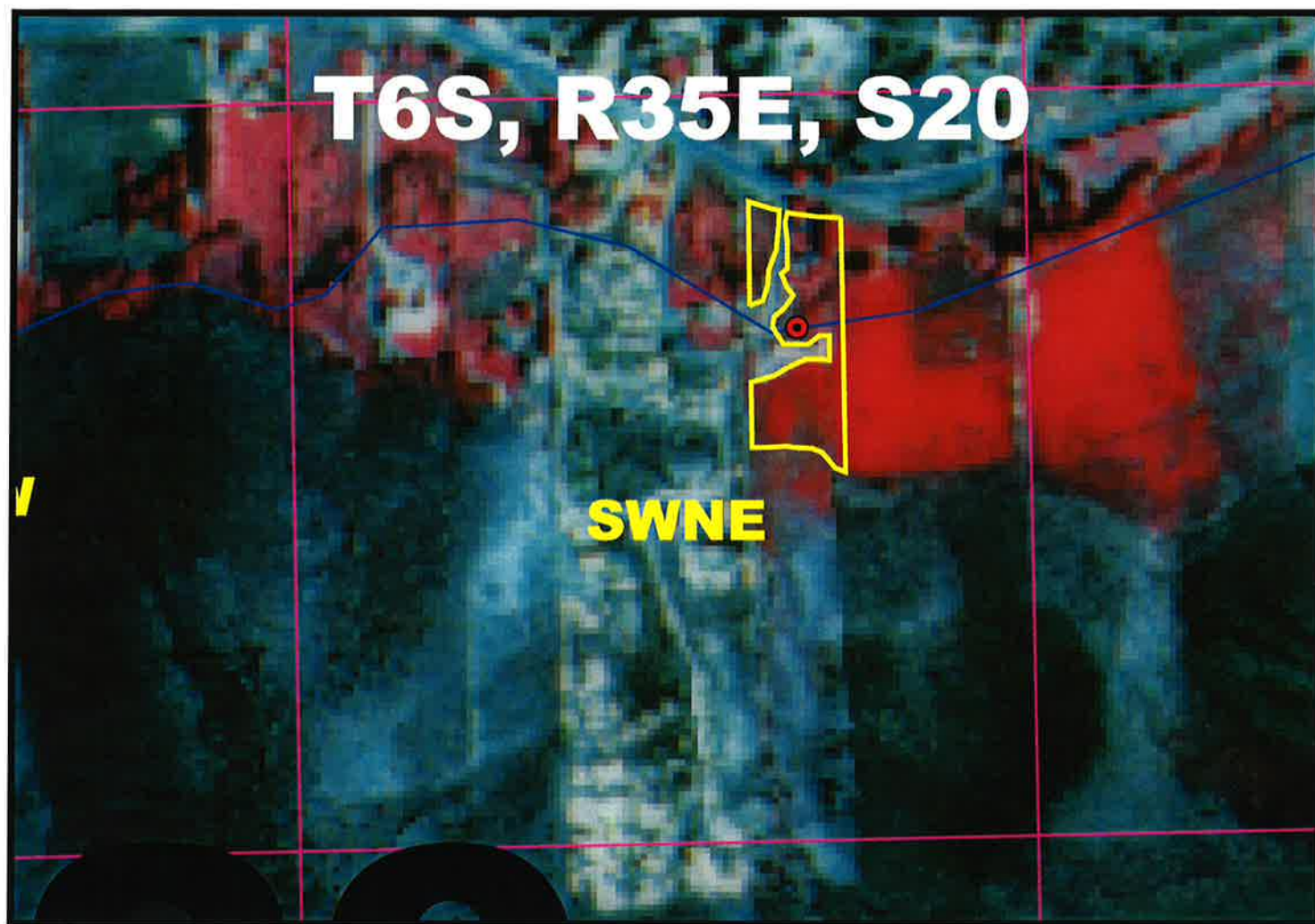
Season	11/21/2001 10:41:51 AM	csaxton	(Yes) 1. Is the basis of claim decree or license? (No) 4. Does the parent right have a Period of Use? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?
POD	11/21/2001 10:42:35 AM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the parent right 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	11/21/2001 10:45:54 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
Eastern Region

Water Right(s): 29-00443A

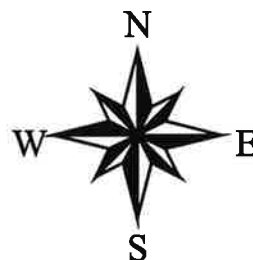


0 1320 Feet

Total Irrigated Acres: 1.3

-  Point(s) of Diversion
-  Place of Use
-  Quarter Quarter Lines
-  Section Lines

PROFILED
SCANNED
NOV 09 2005



GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: C. Saxton
Date: November 2001

02/08/2003

NOTICE OF ERROR
REPLY

Chad

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: 29-443A

HARVELL FIRKINS
8385 POCATELLO CREEK RD
POCATELLO ID 83201
Telephone Number: (208)233-4260

MARY FIRKINS
8385 POCATELLO CREEK RD
POCATELLO ID 83201
Telephone Number: (208)233-4260

RECEIVED
APR 17 2003
Department of Water Resources
Eastern Region
RECEIVED
APR 21 2003
WATER RESOURCES
WESTERN REGION

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: 4-7-2003 SIGNATURE: Mary Anne Firkins
Please print your name: MARY Anne Firkins

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

SCANNED
NOV 09 2005

PROFILED

9-24-01 : Stopped By House. Neighbor said she works ^{every}
until 3:30 every day. Mentioned that she hasn't
used Potomac Creek water for long time

Note: This is the Property With the "Beware of Dog"
Sign

Didnt Have a chance to GPS Pump, but location is
as Indicated on Clarin file.

: POW = Per Napp Photo

: POB = C#3 - Pinpoint on map. No GAS.

9-25-01 : Tried to call. No one Home.

PROFILED

SCANNED
NOV 09 2005

Split history for Decreed Right 29-00443

Claimed		Recommend	Deed			
A	Firkins	0.1	0.01	Deeded 1/2 in	Agreed	
	5	1.3				
B	Fritch	0.02	0.02	Deeded 1 in per 10 ac	Disagreed but not changing	
	10	1.8				
C	Stocking	0.05	0.01	Deeded 1/2 in	No NOE received	
	2.5	1.1				
D	Anderson, D	29-13265 (And -D)	0.77	0.1	No NOE Received	
		40.5	5.2			
	Anderson, D	0.83			No NOE Received	
		43.6	29-13266 (And-N)	0.06		0.6
29-00443	1		0.06	0.6	No NOE Received	
		52.5	3.1	3.1		
2	cfs	Q Anderson, T	0.17	0.12	No NOE Received	
		8.9	5.9			
E	Johnson	0.01	0.01	Deeded 1/2 in	Agreed	
	2	1.7				
F	Dixon	0.2	0.02	Need c/o No Deeds Assume 1/2 in per 5 acre plot	No NOE Received	
	7	2.6				
G	Anderson, E	0.2	0.03	C05	No NOE Received	
	2	1.6				
H	Packer (split)	29-13136 (Packer)	0.05	0.03	2/3 of 2 inch	No NOE Received
		1	1.3			
	0.08	29-13137 (Hurley)	0.03	0.01	1/3 of 1 inch	No NOE Received
			2	1		
I	Paul	0.04	0.03	Deed from Tanny-Anderson No 1/2 inch requirement	No NOE Received	
	2	1				
J	Smith (split)	29-13254 (Smith)	0.005	0.005	Deeded 1/2 to parent	No NOE Received
		1	0.8			
	0.01	29-13255 (Foltz)	0.005	0.005	Deeded 1/2 to parent	No NOE Received
			1	0.7		
K	Morris	0.01	0.01	No deed received	No NOE Received	
	1.5	0.6				
L	Finkelnburg	0.01	0.01	Silent to WR	NOE Received Claim needs to be amended	
	1	1				
M	Griggs	0.09	0.02	Silent to WR	NOE Received Additional Acreage Requested	
	3	3				
N	Trayis	1	0.16	8 in deeded	No NOE Received	
	30	10.6				

29-00443

2 cfs

29-13265 (And -D)

29-13266 (And-N)

29-13136 (Packer)

29-13137 (Hurley)

29-13254 (Smith)

29-13255 (Foltz)

SCANNED

NOV 09 2005

RECEIVED

SCANNED
NOV 09 2005

29-10783 Lawlor

0.12	0	0.1
6	0	3.5

Disallow

No NOE Received

29-13270 Pharris

Renumbered from 29-00444A

0.06	0.02
2	2

no deed provided

29-12232 Taysom

0.02	0.02
1.5	1.3

Silent to WR

Estimated Decreed Acreage = 56 ac
Remaining Diversion Rate For Decreed POU = 1.6

Sum CFS=	1.34
Sum Acre=	51.1

Un-accounted for CFS=	0.26
Un-accounted for Acres=	4.9

NOTIFIED

SCANNED
NOV 09 2005

443A - Deed Nov 10, 1969 Kathron, Willard & Helena

↓
James. Forkins
1/2 in
20. SW NE

443B: 1944 Tanny → Anderson, Harry 1.6 cfs

1958 Anderson, Harry → Eliza Smith 1 in - 10 acres, 1887

(?) Firch → Honycutt - same 10 acres 1/2 interest
Both Firch and Honycutt own 1/2 interest of 10 acres

443C: ① 1992 Sumstine, Doug → Sumstine, Rodger 1/2 in 1887

② 1989 Sumstine, Lyle → Sumstine, Doug 1/2 in 1887

③ 1992 Sumstine, Rodger → McMaster, Tim Silent to WR

④ 1995 McMaster, Tim → McAtee, Rodger
Collins, Roy Silent to WR

⑤ 1997 McAtee, Rodger → A.G. Stockings
Merzlock, John

443E: 1971 Anderson → Johnson, Frank 1/2 in (Part of Dwayne)

443H: 1991 Beck → Packer Deeded 2 inches in
Travis' Deed

443I: 1944 Tanny → Anderson, Harry 6.6 cfs

443J: 1955 Thompson, Marvin → Smith 1/2 inch 1887

443K: Nothing

443L: 1944 Clawson, Ethel → Finkelburg Silent to WR

443M: Griggs called and said dead silent to WR
Falls in Dwayne 0.64 cfs

443N: Packer, Newell → Travis 8 in

29-10783: Nothing

29-00444A: Nothing

29-12232?

JUN 19 2001

Log for claim A29-00443A

Spatial Dynamics LTD

9/15/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
06s35e	20	SWNE	5	4.8	
Totals:			5	4.8	

POU: Claimed within original decreed POU

POD: unknown

Ownership History → Tancy → Tancy
2.0 1.8

→ Grim → ? → Lathrom → Finkins
0.20 ? 0.01

29-00443

AJ Side

BR - Side
not split

J) Smith	0.01 cfs	2 ac
K) Morris	0.01 cfs	1.5 ac
L) Finkelnburg	0.01 cfs	1 ac
M) Wright	0.09 cfs	3 acres
N) Taylor's	1 cfs	38 acres

124.5 total ac
Claimed

~ 0.60

Totals 2.64 cfs
Over Claimed
Note: If Reduce "G" + "N" to an 1" / acre
total cfs = 2.10 cfs

A) Finkins	0.10 cfs	5 ac
B) Fritch	0.02 cfs	10 ac
C) Slocking	0.05 cfs	2.5 ac
D) Stacey	10 cfs	53.5 ac
E) Johnson	0.01	2.0 ac
F) Dixon	0.02 cfs	7.0 ac
G) Anderson	0.20 cfs ~ 0.06	2.0 ac
H) Fackler	0.08 cfs	1 ac
I) Paul	0.04 cfs	0.0 ac

29-13136 (Fackler)	0.05 cfs	2 ac
29-13137 (Havley)	0.63 cfs	0 ac

P) Anderson, Quisenberry	0.83 cfs	43.6 ac
Q) Todd Anderson	0.17 cfs	8.9 ac

changed POA to
Eliminate
65, 34E, 23, NWSE
Added N/A of 5.2
Sect 13

Taney	29-00443	0.0 cfs	~ 360 ac
TR 735			

AJ5809NP
No. A29-00443A

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/24/00
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	HARVELL FIRKINS	06/01/1887	IRRIGATION	03-15 11-15	0.010 CFS	
C	MARY FIRKINS					
	8385 POCATELLO CREEK RD			TOTAL DIVERSION:	0.010 CFS	
	POCATELLO ID 83201			CONSUMPTIVE USE:		15.00 AFA
	(208) 233-4260					

Water Source: POCATELLO CREEK

Tributary to: PORTNEUF RIVER

Stage: DECREED

Point(s) of Diversion:

T06S R35E S20

NESWNE

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
06S	35E	20	:				05													:	5.0
																				TOTAL ACRES	5.0

POU County: BANNOCK

Non-Irrigation Uses: INCIDENTAL STOCKWATERING FOR 10 HOGS, 2 HORSES, 60 CHICKENS

Other Rights: NONE

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
A29-00443B A29-00443F

Other Water Rights Listing Overlapping Place(s) of Use:
A29-00443 A29-00443B A29-00443M A29-00444

Remarks: GEN NOT PLATED SUBDIVISION.

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:

Presumption Flag: D

Audit: 02/23/90 VERNER 06/01/94 COX 03/29/95 POST-STD

TRANSFER NO.	NAME	AMOUNT C.F.S.	BALANCE C.F.S.	RIGHT NO.
--------------	------	------------------	-------------------	--------------

	Taney, Patrick S. & Mary	2.0		29-0443
735	Crum, Robert, Walter & Peter	0.2	1.8	29-0443A

T

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A

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COPY

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

In the Matter of the Application of)
ROBERT CRUM)
WALTER CRUM)
PETER CRUM)
OF Pocatello, Idaho)
For a Transfer of Water Right, in Water)
District No. 36, Bannock County, Idaho)

ORDER GRANTING TRANSFER
No. 735

WHEREAS, On the 8th day of July, 1948, at the Department of Reclamation of the State of Idaho, at Boise, Idaho, this matter of an application of ROBERT CRUM, WALTER CRUM, AND PETER CRUM, of Pocatello, Idaho, for a transfer of water right, came on regularly for hearing, pursuant to the published notice, in due and statutory form; and,

WHEREAS, No protest was filed against the application, and the evidence filed by the applicant, with the application, shows that the water will be put to a higher and more beneficial use, and that no one will be injured thereby;

NOW, THEREFORE, IT IS HEREBY ORDERED That the said application be, and the same is HEREBY GRANTED, and that a Certificate of Transfer be issued to the applicant herein, as provided by the laws of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand, and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed, at Boise, Idaho, this 17th day of February, A.D. 1949.

Mark R. Kulp

MARK R. KULP
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

CERTIFICATE OF WATER RIGHT
Transferred Right No. 735

THIS IS TO CERTIFY THAT ROBERT CRUM, WALTER CRUM, AND PETER CRUM, of Pocatello, Idaho, are the owners of and using certain water rights in Pocatello Creek as follows: .2 cubic foot per second with priority of June 1, 1889, and .2 cubic foot per second with priority of June 1, 1890, said water rights being decreed to P. S. Taney and Mary Taney by Judge Frank S. Dietrich, of the U. S. District Court for the State of Idaho, Eastern Division, in the case of

Patrick S. Taney, et al

Plaintiff,

vs.

H. S. Woodland, et al

Defendants.

said decree bearing date of April 1, 1925 and being appurtenant to the following described lands, to-wit:

NW $\frac{1}{4}$ NE $\frac{1}{4}$ SECTION 23
Twp. 6 S., Rge. 34 E. B.M.

That said decree has been entered in the records of the Department of Reclamation of the State of Idaho, in Volume 8 of Decrees, beginning at Page 17 thereof.

That said Robert Crum, Walter Crum, and Peter Crum have become the owners of said water right through mesne conveyance.

And that now, upon the application of Robert Crum, Walter Crum, and Peter Crum, of Pocatello, Idaho, for the transfer of .4 cubic foot per second of said water right made before the State Reclamation Engineer of the State of Idaho, and said application having been granted, the right to the use of .4 cubic foot per second of the waters of Pocatello Creek upon the above described lands is hereby abandoned, and the lands to be irrigated under such right, and to which the water right HEREBY CONFIRMED shall become appurtenant, by this certificate, for irrigation and domestic purposes, are described as follows, to-wit:

N $\frac{1}{2}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ Sec. 13
Twp. 6 S., Rge. 34, E., B.M.

That the said water is to be limited at any given time to an amount actually needed and beneficially used for such purposes, and shall not exceed the following amount, to-wit:

.8 cubic feet per second, with priority of June 1, 1887, and
.2 " " " " " " " " June 1, 1890

That the water right hereby transferred has heretofore been conducted from Pocatello Creek to the first above described lands with point of diversion in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 14, Township 6 South, Range 34 East, B.M.

That the water right hereby transferred will hereafter be conducted to the last above described land with three points of diversion located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 13, Township 6 South, Range 34 East, B.M.

That the right to the use of the water sforessid, hereby confirmed, is restricted to the lands or place of use last above described, as provided by the laws of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand, and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed, at Boise, Idaho, this 17th day of February, A.D. 1949

Mark R. Kulp

MARK R. KULP
State Reclamation Engineer

IN THE DISTRICT COURT OF THE UNITED STATES, IN AND FOR
THE DISTRICT OF IDAHO, EASTERN DIVISION

PATRICK S. TANEY and MARY TANEY,
his wife,

Plaintiffs,

vs

H. B. WOODLAND and LOUISE J. WOOD-
LAND, his wife, GRACE M. PERRY,
LOCATELLO REALTY COMPANY, a cor-
poration, C. W. GRAY INVESTMENT
Company, a corporation, THOMAS
HOPPER and VERNIE HOPPER, his wife,
ROBERT CRUM and KATIE CRUM, his wife.

Defendants.

No. 428

DECREE

This cause having heretofore come regularly on to be heard in open court, P. C. O'Malley and J. Downing appearing as attorneys for the plaintiffs, A. L. Merrill and K. D. Merrill as attorneys for defendants H. B. Woodland and Louise J. Woodland, his wife, Anderson and Jettory attorneys for defendants Thomas Hopper and Vernie Hopper, his wife, and Robert Crum and Katie Crum, his wife, and Peterson and Coffin attorneys for the defendants Grace M. Perry, Locatello Realty Company, a corporation, and C. W. Gray Investment Company, a corporation, and these last three defendants having, by written stipulation of all parties and consent of the court, adopted as their answer the answer (as amended) of the defendants H. B. and Louise J. Woodland, and evidence having been introduced upon behalf of each of the parties, and after argument the cause having been submitted for decision; now upon consideration,

IT IS ORDERED, ADJUDGED AND DECREED, that said parties are the owners of the rights to use and are entitled to divert and use at all times when they have need for irrigation, stock and domestic purposes, the waters of Locatello Creek, (a small stream flowing in a westerly direction, a short distance northerly from the City of Locatello in Pannock County, Idaho, the same being a tributary of northern River) in amounts as follows, the dignity of said several rights depending upon and being in the order of the dates hereinafter named, priority of date importing superiority of right;

The plaintiffs, PATRICK S. TANEY and MARY TANEY, his wife, TWO (2) ACRES PER PER SECOND, dating from JUNE 1., 1887, and TWO-TENTHS (2/10) OF AN ACRE PER PER SECOND, dating from JUNE 1, 1890, for such uses as and in connection with the Southeast quarter of the Northeast quarter (SE 1/4) of Section Nineteen (19), the South half of the Northeast quarter (SE 1/2) and Southwest quarter of the Northeast quarter of Section Twenty (20), Township Six (6) South, Range Thirty-five (35) East Boise Meridian; and East half of the Southeast quarter (E 1/2) and East half of the Southwest quarter (E 1/2 SW 1/4) of Section Fourteen (14), and Northwest quarter of the Northeast quarter (NW 1/4) of Section Twenty-three (23), Township Six (6) South, Range Thirty-four (34) East Boise Meridian.

RECORDED

Application for Transfer of Water Right

STATE OF IDAHO.

County of.....**BANNOCK**

SS.

Robert Crum, Walter Crum, and Peter Crum, being first duly sworn, depose and say:
 That ~~the~~ ^{their} names ~~are~~ Robert Crum, Walter Crum, and ~~/~~ ^{and} Peter Crum; that ~~the~~ ^{they} are of lawful age, a citizens
 of the United States and of the State of Idaho, and that ~~the~~ ^{their} postoffice address is

Pocatello, Idaho

That ~~xxx~~ ^{they are} the owners and using a certain water right bearing date of priority of June 1, 1887, June 1, 1890,
for .4 cubic feet per second of the waters of Pocatello Creek
County of Bannock, State of Idaho, decreed to P. S. Taney and Mary Taney
by decree of Judge, Alfred Budge of the Fifth Judicial District of the State of
Idaho, in and for the County of Bannock, in the case of Lavetta et al.

1887 A. Cnum et al. said decree bearing date of June 4, 1907

By virtue of decree of Frank S. Dietrich, U. S. District Judge for the District of Idaho, Eastern Division, in the case of Taney et ux. vs. Olland et al, filed May 14, 1925.

of....., 19.....) for the purpose of irrigating the following described lands situate, lying and being in water District No. in the County of and State of Idaho, to-wit:

The Northwest Quarter of the Northwest Quarter of Section 23, Township 6 South, Range 34, East of the Boise Meridian.

.....and is the person (or representative of
the corporation) to whom such right so issued, or has become the owner thereof in the following manner, i. e.
Warranty Deed dated Jan. 6, 1931, Taney & Wife to Undersigned-Bk.65 Deeds, Pg.84
Warranty Deed dated Mar. 27, 1945, Conlin & Wife to Undersigned-Bk.93 Deeds,
Pg. 34, all in Bannock County Records.

as per abstract of title of said water right hereto attached and made a part of this statement:

That said waters ~~now~~^{have been} diverted from said stream in the Southeast Quarter of Southeast Quarter of Section 14, Township 6 South, Range 34 E., B. M., and conducted to the above described lands through a private ditch as per map herewith and of this affidavit made a part;

That said and petitioner desires to abandon the use of 4.....cubic feet per second
of said water upon the above described land, and to convey and use same upon the following tract, situate,
lying and being in the County of Bannock..... and State of Idaho, to-wit:
North Half of the Southwest Quarter and the North Half of the Southeast
Quarter, Section 13, Township 6 South, Range 34, E. B. M.

That his reasons for desiring to make such transfer are as follows: They have purchased the water for use on land belonging to them, have used the same for several years thereon and desire transfer of record.

WARRANTY DEED

679932

For Value Received

WILLARD J. LATHROM and HELENA A. LATHROM,
husband and wife,

the grantors , do hereby grant, bargain, sell and convey unto

JAMES FIRKINS and ARDITH FIRKINS, husband and wife,
Pocatello Cr. Road - Pocatello, Idaho 83501
the grantees , the following described premises, in Bannock County, Idaho, to-wit:

A tract of land in the SW1/4 NE1/4, Section 20, Township 6 South, Range 35, EBM more particularly described as follows:
Beginning at a point on the North 1/16 line of said Section 20, 330 feet West of the Northeast 1/16 corner of said Section; thence Westerly along said North 1/16 line 165 feet; thence Southerly parallel to said East 1/16 line, 1320 feet, more or less, to the latitudinal center line of said Section 20; thence Easterly along said latitudinal center line of said Section 20, 165 feet; thence Northerly parallel to said East 1/16 line, 1320 feet, more or less to the point of beginning.

Together with 1/2 inch of water per second of the water of Pocatello Creek and its tributaries and priorities, said water dating from June 1, 1887, and also all ditch, flumes, reservoirs used for the storage or distributing of water necessary to be used to cover the same. Over and upon the land herein described or any part or parcel thereof.

Together with all and singular, the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees , their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees , that they are the owners in fee simple of said premises; that they are free from all encumbrances except none.

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: 10 November 1969

Willard J. Lathrom
Helena A. Lathrom

STATE OF IDAHO)
County of Bannock) ss

On this 10 day of November, 1969, before me, a Notary Public in and for said State, personally appeared WILLARD J. LATHROM and HELENA A. LATHROM, husband and wife,
known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

NOTARY SEAL

679932

RECORDED AT REQUEST OF

James Firkins

Dec 7 11 42 AM '81

Notary Public for Idaho

Residing at: Pocatello, Idaho

STATE OF IDAHO,

County of

Bannock

} ss.

Walter Hansen and *Wm. Butts*

being first duly sworn, each for himself, and not one for the other, deposes and says: That he is a citizen of the United States and of the State of Idaho, residing at

that he is a user of water from, in Water District No.

County of, State of Idaho; that he has read or heard read the foregoing affidavit and petition of

and is familiar with its allegations and with the water right and lands therein mentioned and described and is not in any way interested in either, nor in any way related to said petitioner; that the statements and allegations therein made are true of his own knowledge; and that no one will be injured by the granting of the certificate authorizing the transfer therein petitioned.

Walter Hansen
Wm Butts

Wm. C. Angeles
W. T. Shapett

Subscribed and sworn to before me this

25th

day of

March

A. D. 19*28*

B. J. McPherson
Notary Public

STATE OF IDAHO,

County of

} ss.

Wm. Watermaster

I, Watermaster of

Water District No., County of, State of Idaho, whose postoffice address is

have read or heard read the foregoing affidavit and petition of, and, of my own knowledge, believe the same to be true as to all matters therein alleged, and that no one will be injured by the transfer prayed to be authorized; and I hereby endorse my approval of said petition, and request that the Commissioner of Reclamation issue the certificate of transfer as petitioned; or (do not approve of the issuance of the certificate of transfer prayed for) for the following reasons:

Watermaster Dist. No.

Dated at, Idaho, this, day of, 19

That he intends to divert and convey said.....4.....second feet of water to the tract

of land last above described in the following manner to-wit:

By virtue of private ditches entirely on their own land with diversion points as follows: First and lower diversion point located at a point upon said Pocatello Creek from which the Southwest corner of the Northwest Quarter of the Southwest Quarter of Section 13, Township 6 South, Range 34, E. B. M., is 1,500 feet South, 65° West;

The second and middle diversion point is and shall be at a point upon the said Pocatello Creek from which the Southeast Corner of the Northeast Quarter of the Southeast Quarter of Section 13, is 2,000 feet South, 83° East;

The third diversion point is at a point upon the said Pocatello from which the said Southeast Corner of the Northeast Quarter of the Southeast Quarter of said Section 13, is 1,000 feet South, 86° East.

5582 of the Idaho Compiled Statutes.

Subscribed and sworn to before me this

A. D. 19 48

Robert Crum

Applicant. Nd

day of

March

Notary Public.

APPLICANT WILL ANSWER THE FOLLOWING QUESTIONS:

From what stream is the water now diverted? Pocatello Creek-Tributary of Portneuf River
Where is the diversion point now located? At a point on Pocatello Creek 650 ft. North, 25° East from the Southwest Corner of Southeast Quarter of Southeast Quarter, Sec. 14, Twp. 6 So., R. 34, E. B. M.
Through what ditch is it now conducted? Private

How much land is now irrigated by the water sought to be transferred? 40 acres

Give the description Northwest Quarter of the Northeast Quarter of Section 23, Township 6 South, Range 34, East of the Boise Meridian.

What is the total amount of water in inches, or second feet, dedicated to said land? Unknown

What kind of crops are being raised? Hay and Grain

How much water per acre is now required to irrigate said land? One inch or more

What will be the effect on the land now irrigated, if the use of water on it is discontinued? The owners must either use other water belonging to them or use the land for

grazing.
1000 ft. So., 86° E. from So. 1/16 corner Sec. 13; 2000 ft. So., 83° E. from
Give location of new point of diversion, if change is to be made So. 1/16 corner Sec. 13; 1500 ft. So., 65° W. from So. 1/16 corner Sec. 14.
Through what ditch will it be conducted after transfer? Private

How much water will be required per acre to irrigate the land to which this water is transferred?

One inch or more per acre

Do you claim any other water right for the land from which you seek to abandon the use of this water?

No

If so, give amount, date and source

Is there now any other water right for the land to which you seek to make this transfer? If so, give amount,

date and source Yes- One cubic foot per second- Dated September 14, 1904-

Source- Pocatello Creek, District Court Decree

Signed

Robert Crum

Applicant.

Stallin Crum

Peter Crum

JUN 19 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: A29-00443A

Date Received: 11/15/1989

Receipt No: EO12126Received By: Ed

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: HARVELL FIRKINS 208-233-4260
Address: 8385 POCA TELLO CK. RD.
POCA TELLO, ID 83201

OR

Name: MARY FIRKINS 208-233-4260
Address: 8385 POCA TELLO CK. RD.
POCA TELLO, ID 83201

2. Date of Priority: JUN 01, 1887

3. Source: POCA TELLO CREEK Trib. to: PORTNEUF RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06S	35E	20	NE	SW	NE		BANNOCK

5. Description of diverting works:

3HP PUMP WITH 2" DISCHARGE. PLASTIC MAIN 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	0.010		

7. Total Quantity Appropriated is:

0.010 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 15.0 Acre Feet Per Annum.

9. Non-irrigation uses:

INCIDENTAL STOCKWATERING FOR 10 HOGS, 2 HORSES, 60 CHICKENS

A29-00443A

Page 1

Date: 02/23/90

A2900443A



MICROFILMED

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10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06S	35E	20	SW	NE		IRR	5.0
Section Acres							5.0
Total Acres							5.0

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:
NONE

14. Remarks:
NOT PLATED SUBDIVISION.

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date:

PATRICK S. TANEY, ET. AL.
Decree Plaintiff

vs

H. S. WOODLAND, 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: 2

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): Maryann Larkin Date: 2-23-1990

Date: _____

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 23 day
of February 19 90

[Signature]
Notary Public

Seal

Residing at Salida Falls, Co.
My Commission Expires 22 Aug 1994