

01/16/2003

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

RIGHT NUMBER: 29-443B

NAME AND ADDRESS: WILLIAM FRITCH
8427 POCATELLO CREEK RD
POCATELLO ID 83201

BARBARA FRITCH
8427 POCATELLO CREEK RD
POCATELLO ID 83201

SOURCE: NORTH FORK POCATELLO CREEK

TRIBUTARY: POCATELLO CREEK

QUANTITY: 0.020 CFS

PRIORITY DATE: 06/01/1887

POINT OF DIVERSION:

T06S R35E S20 NESWNE Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
04/01 10/31

QUANTITY
0.020 CFS

PLACE OF USE: IRRIGATION Within BANNOCK County

T06S R35E S20 SWNE 1.8

1.8 ACRES TOTAL

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

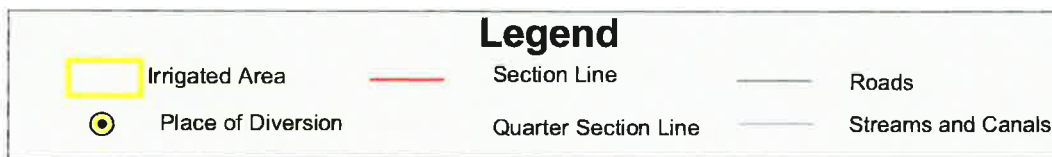
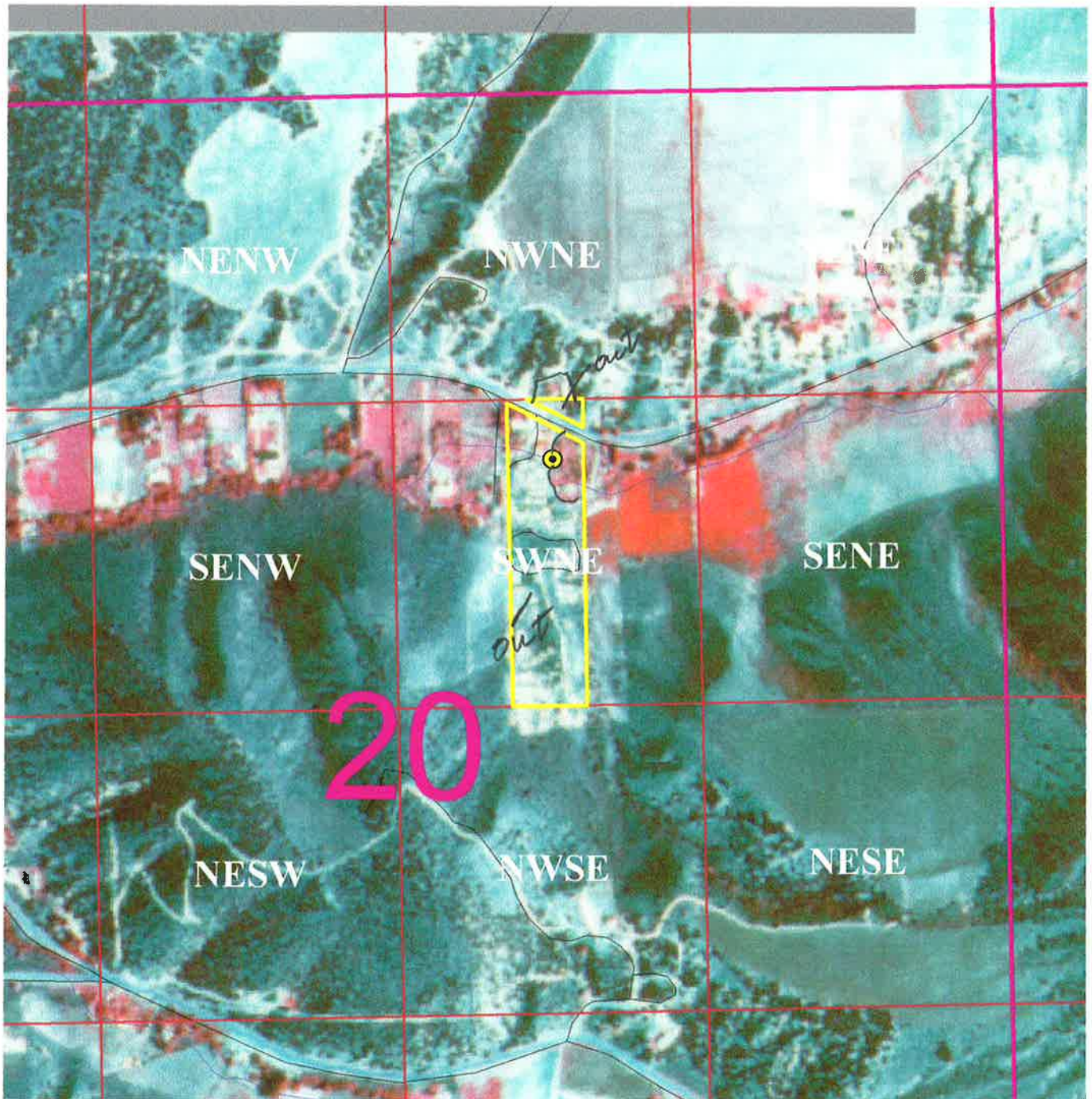
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: Decreed

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

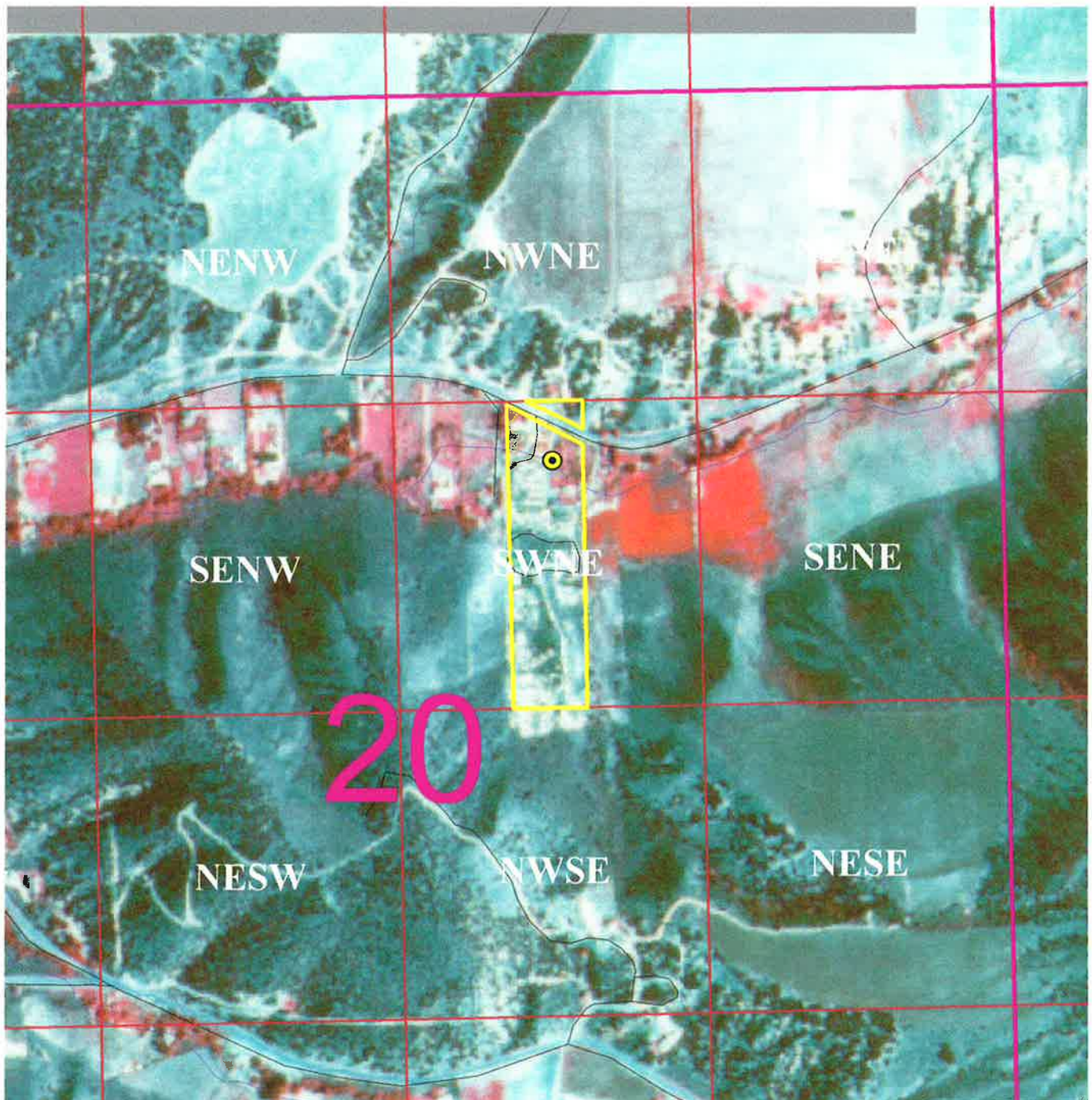
Water Right Claim Number A29-00443B
Township , 6S35E

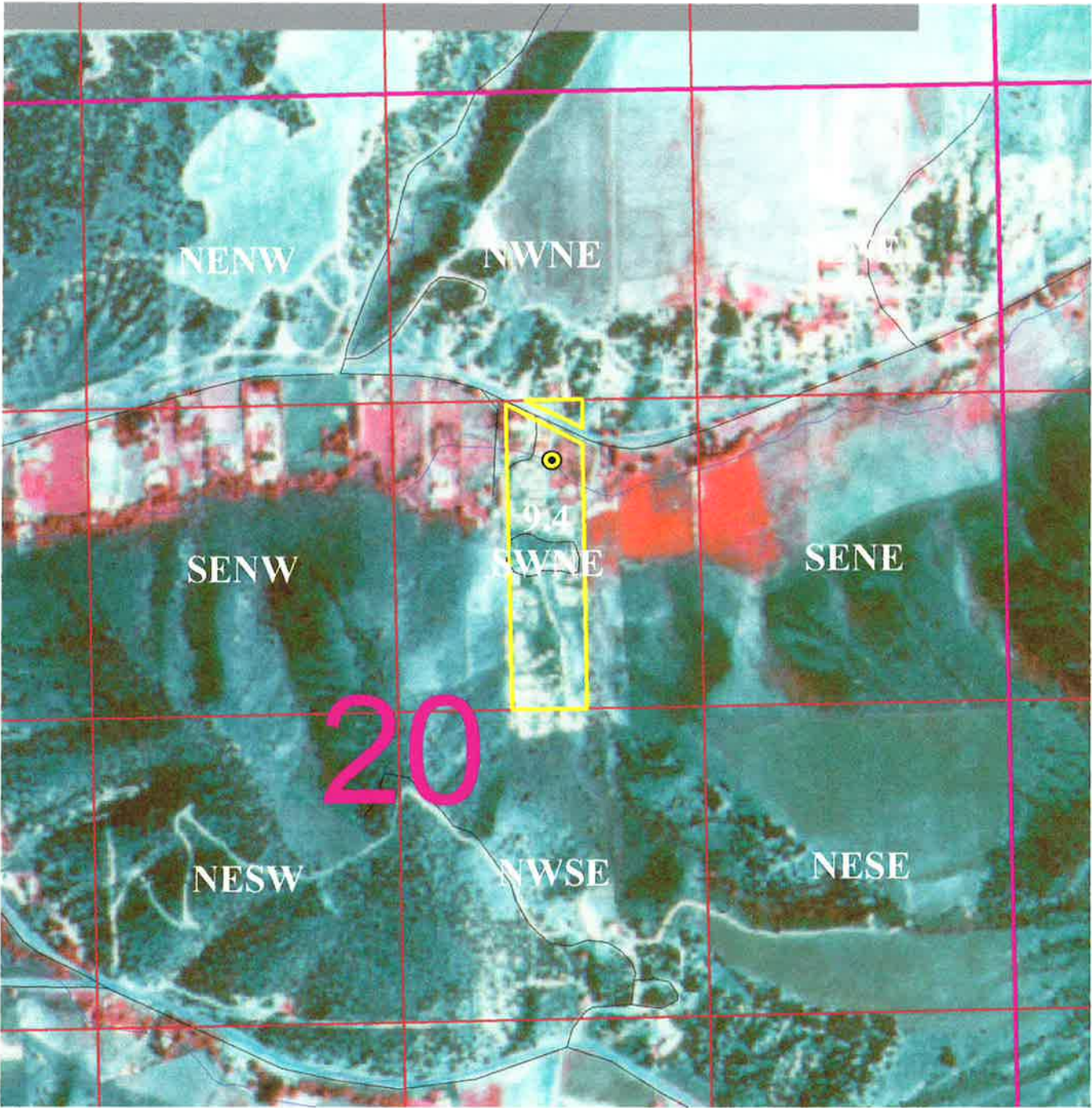
09/15/2000



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

09/15/2000





 Irrigated Area

 Place of Diversion

 Section Line

 Quarter Section Line

 Roads

 Streams and Canals

Legend



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-443B V1

WATER RIGHT NUMBER: 29-443B V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	WILLIAM FRITCH 8427 POCATELLO CREEK RD POCATELLO, ID 83201 (208)233-7076
Original Owner	DWAINE W ANDERSON 9196 ANDERSON LN POCATELLO, ID 83201 (208)233-6540
Current Owner	BARBARA FRITCH 8427 POCATELLO CREEK RD POCATELLO, ID 83201 (208)233-7076
Original Owner	PATRICK S TANEY POCATELLO, ID 83201

Priority Date: 06/01/1887

Basis: Decreed

Status: Active

Source

NORTH FORK POCATELLO CREEK

Tributary

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	0.020 CFS	
	<u>Total Diversion:</u>	0.020 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

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S	35E	20			1.8														1.8

Total Acres: 1.8

Conditions of Approval:

1. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-443B V1

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:Comments:

1. csaxton 1/16/2003 Contacts
Comment: Amended claim sent to claimants to sign in order to add Honeycutts as owners. No amended claim received.
2. csaxton 1/16/2003 POD
Comment: Location of historical POD not defined in decree but based on findings in the field, this is a change in POD.
3. csaxton 1/16/2003 Source
Comment: Source claimed as Pocatello Ck trib to the Portneuf River. Actually N FK Pocatello Ck tributary to Pocatello Ck.

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	1/16/2003 8:52:31 AM	csaxton			Active
Priority Date	1/16/2003 9:00:24 AM	csaxton			Active
POD	1/16/2003 9:11:25 AM	csaxton			Active
Source	1/16/2003 9:16:51 AM	csaxton			Active
POU	1/16/2003 9:17:02 AM	csaxton			Active
Use	1/16/2003 9:21:54 AM	csaxton			Active
Season	1/16/2003 9:22:09 AM	csaxton			Active
Quantity	1/16/2003 9:22:56 AM	csaxton			Active
Summary			01/16/2003	csaxton	Active
POD	1/16/2003 9:30:48 AM	csaxton			Active

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

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POU	1/16/2003 9:17:03 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?
Contacts	1/16/2003 8:52:32 AM	csaxton	(No) 1. Do you want to schedule an appointment? Comment for 1: Claimant contact 12/4/01
Priority Date	1/16/2003 9:00:26 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	1/16/2003 9:11:26 AM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (No) 4. Does the Decree or License have a POD? (No) 6. Is there evidence that there has been a change in the POD? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?
POD	1/16/2003 9:12:26 AM	csaxton	Edited point location
POD	1/16/2003 9:14:13 AM	csaxton	Edited PLS
Source	1/16/2003 9:16:52 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	1/16/2003 9:18:42 AM	csaxton	Edited shape boundary
POU	1/16/2003 9:18:57 AM	csaxton	Edited PLS
Use	1/16/2003 9:21:55 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 29-443B V1

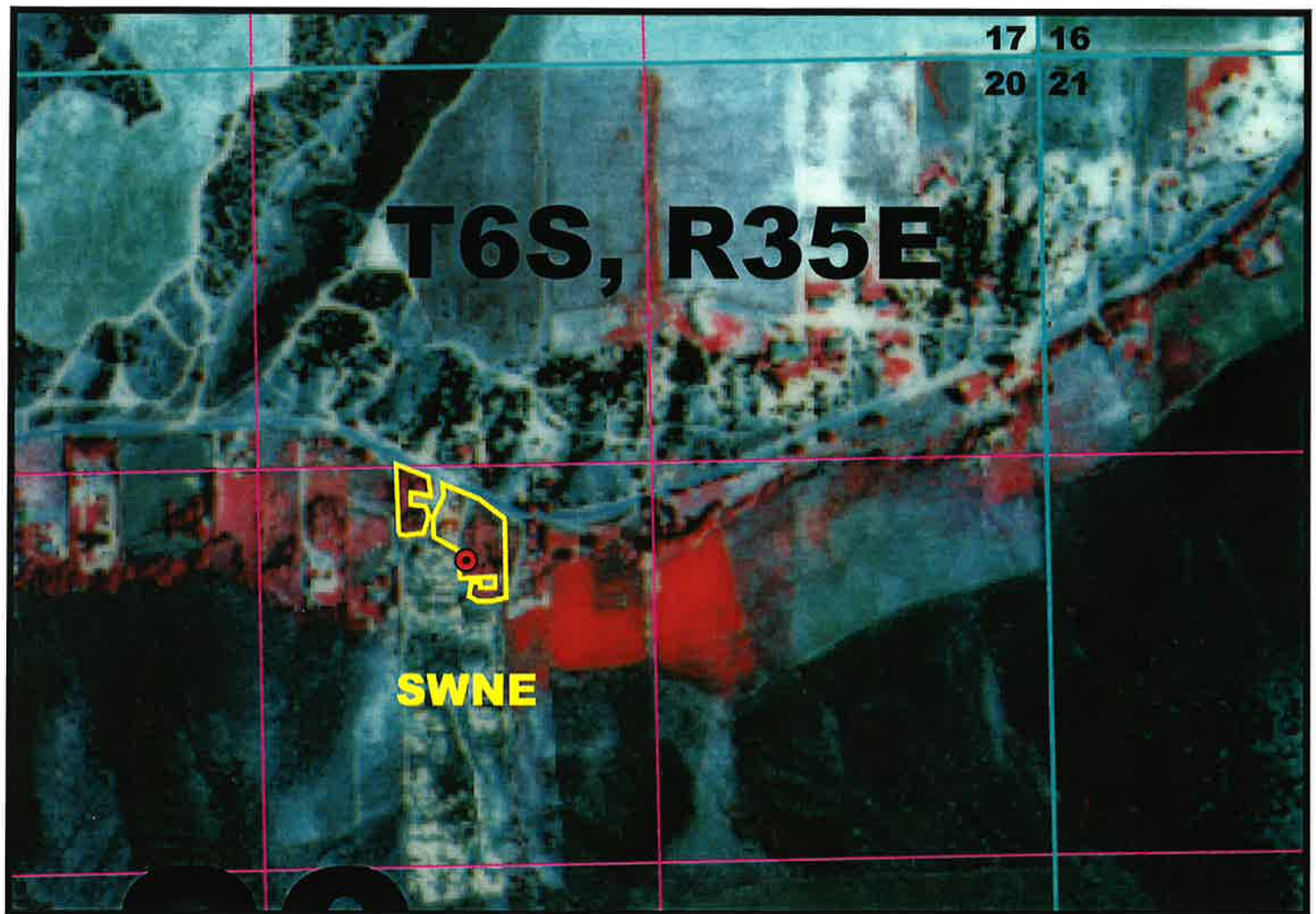
Season	1/16/2003 9:22:09 AM	csaxton	(Yes) 1. Is the basis of claim Decree or License? (No) 4. Does the Decree or License have a Period of Use? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period 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?
Quantity	1/16/2003 9:22:57 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	1/16/2003 9:24:16 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? (No) 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?
POD	1/16/2003 9:30:49 AM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD? (No) 5. Can the claimed POD be verified using the water right file? (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) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?



STATE OF IDAHO

Department of Water Resources
Eastern Region

Water Right(s): 29-00443B



1320 0 1320 Feet

Total Irrigated Acres: 1.8

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

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NOV 09 2005



GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: C. Saxton
Date: January 2003



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

June 3, 2003

WILLIAM FRITCH
BARBARA FRITCH
8427 POCATELLO CK RD
POCATELLO ID 83201

RE: Notice of Error Reply for Snake River Basin (SRBA) preliminary recommendation
29-00443B

Dear Mr. and Ms. Fritch,

The Idaho Dept. of Water Resources received your notice of error reply requesting that the preliminary recommendation for 29-00443B reflect 10 acres of irrigation. During our meeting on 12/4/01 we discussed the recommended acreage and I felt that I could only support 1.8 acres of irrigation under this right.

If you still feel this assessment is incorrect, you will be notified the time the directors report is issued and will have a chance to object and be heard by the SRBA court.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Craig L. Saxton'.

Craig L. Saxton
Sr. Water Resource Agent
Adjudication Bureau

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RECEIVED

FEB 27 2003

Department of Water Resources
Eastern Region

02/08/2003

NOTICE OF ERROR
REPLY

Craig

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: 29-443B

WILLIAM FRITCH
8427 POCATELLO CREEK RD
POCATELLO ID 83201
Telephone Number: (208)233-7076

BARBARA FRITCH
8427 POCATELLO CREEK RD
POCATELLO ID 83201
Telephone Number: (208)233-7076

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

The amount of acreage should be for 10 acres not 1.8 -

2. Describe the changes you wish to make in the proposed recommendation:

Place of use &
T06S R35E SWNE 10.0
10.0 acres total

3. Give a brief explanation as to why you disagree with these portions:

☐ I AGREE with this proposed recommendation: no changes need to be made.

DATE: 2-20-03

SIGNATURE:

Barbara J. Fritch

Please print your name:

Barbara J. Fritch

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

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FEB 27 2003

02/08/2003

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

Department of Water Resources
Eastern Region

RIGHT NUMBER: 29-443B
NAME AND ADDRESS: WILLIAM FRITCH
8427 POCATELLO CREEK RD
POCATELLO ID 83201
BARBARA FRITCH
8427 POCATELLO CREEK RD
POCATELLO ID 83201

SOURCE: NORTH FORK POCATELLO CREEK TRIBUTARY: POCATELLO CREEK

QUANTITY: 0.020 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	0.020 CFS

PLACE OF USE: IRRIGATION Within BANNOCK County
T06S R35E S20 SWNE ~~1.0~~ 10.0

10.0 ~~1.0~~ 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: BASIS OF CLAIM - Decreed
RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
PURSUANT TO SECTION 42-1425, IDAHO CODE.

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Claimed		Recommend	
A	Firkins	0.1 5	0.01 1.3
B	Fritch	0.02 10	0.02 1.8
C	Stocking	0.05 2.5	0.01 1.1
D	Anderson, D	29-13265 (And -D)	0.77 40.5
		29-13266 (And-N)	0.1 5.2
			0.06 3.1
			0.6 3.1
		0.83 43.6	
		0.17 8.9	0.12 5.9
E	Johnson	0.01 2	0.01 1.7
F	Dixon	0.2 7	0.02 2.6
G	Anderson, E	0.2 2	0.03 1.6
H	Packer (split)	29-13136 (Packer)	0.03 1.3
		29-13137 (Hurley)	0.01 1
			0.03 2
I	Paul	0.04 2	0.03 1
J	Smith (split)	29-13254 (Smith)	0.005 0.8
		29-13255 (Foltz)	0.005 0.7
			0.005 1
K	Morris	0.01 1.5	0.01 0.6
L	Finkelnburg	0.01 1	0.01 1
M	Griggs	0.09 3	0.02 3
N	Travis	1 30	0.16 10.6

Deeded	
Deeded 1/2 in	Agreed
Deeded 1 in per 10 ac	Disagreed but not changing
Deeded 1/2 in	No NOE received
	No NOE Received
	No NOE Received
	No NOE Received
Deeded 1/2 in	Agreed
Need c/o No Deeds Assume 1/2 in per 5 acre plot	No NOE Received
C05	No NOE Received
2/3 of 2 inch	No NOE Received
1/3 of 1 inch	No NOE Received
Deed from Tanny-Anderson No 1/2 inch requirement	No NOE Received
Deeded 1/2 to parent	No NOE Received
Deeded 1/2 to parent	No NOE Received
No deed received	No NOE Received
Silent to WR	NOE Received Claim needs to be amended
Silent to WR	NOE Received Additional Acreage Requested
8 in deeded	No NOE Received

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29-10783	Lawlor			
		0.12	0	0.1
		6	0	3.5
29-13270	Pharris	Renumbered from 29-00444A		
		0.06	0.02	
		2	2	
29-12232	Taysom			
		0.02	0.02	
		1.5	1.3	

Disallow

No NOE Received

no deed provided

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

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PROFITABLE

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1-16-03 : 250 Signed awarded claim Received

Amended Claim Abot Soignad - They will have it signed by the Fritches and read it in

Met with Jeff and Vicki Honeycutt. We spoke about recommended acres and I figure I could support 18 acres based on some irrigated property I didn't know they watered.

9-24-01: Talked to Neighbor - said Smith's live on N. side of Road. They use well water. I cannot see how they use the Pocatello c/c water for Irrigation. Saw roughly an acre of Irrigation on Property

9-25-01: Called and left message. Have them call Back Questions: Is the land I saw Irrigated their property? Does Pocatello creek water make it to N side of Hwy?.

13-782	500 SHEETS, FILLER	\$ SQUARE
42-361	50 SHEETS, EYE EASE	\$ SQUARE
42-362	100 SHEETS, EYE EASE	\$ SQUARE
42-363	200 SHEETS, EYE EASE	\$ SQUARE
42-362	100 SHEETS, EYE EASE	\$ SQUARE
42-362	200 RECYCLED WHITE	\$ SQUARE
42-399	200 RECYCLED WHITE	\$ SQUARE

Made in U.S.A.

Digital OrthoPhoto Quadrangle Image

The image you are viewing is 800 pixels wide by 600 pixels high. Each pixel represents 1 by 1 meters of earth. This image was extracted from a Color Infra-Red (CIR) digital orthophoto quadrangle provided by the USGS.

The image was photographed on 07 Jun 1992 by the National Aerial Photography Program and digitized by the USGS DOQ Program on 14 Apr 1998.

The USGS DOQ below is projected in Universal Transverse Mercator (UTM) Zone 12 on the North American datum of 1983.



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State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

November 21, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

WILLIAM FRITCH
BARBARA FIRTCH
8427 POCATELLO CK RD
POCATELLO ID 83201

RE: Amendment of Snake River Basin Adjudication (SRBA) claim 29-00443B

Dear Mr. and Mrs. Firtch,

Enclosed is the amended claim we spoke about on the phone. Please look over the claim an initial any changes you wish to make. When satisfied, sign the claim in front of a notary and return it to this office as soon as possible.

In addition, we spoke about how my evidence at this point only indicates beneficial use of water on 1 irrigated acre. 1987 NAPP photography, which shows irrigated ground in red, and 1992 TERRASERVER aerial photography does not indicate signs of additional irrigated acreage (enclosed).

Idaho code 42-222 states that after 5 years of continuous non-use of a water right, the right is subject to forfeiture.

If you feel this assessment is incorrect you need to provide evidence that Pocatello creek water has been continuously put to beneficial use on additional acreage.

Please feel free to contact me with any questions.

Respectfully submitted,

Craig L. Saxton
Water Resource Agent
Adjudication Bureau

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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 29-443B
Date Received: 2/23/1990
Receipt No: E012137
Received By:

AMENDED

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

BARBARA FRITCH Phone: (208)233-7076

8427 POCA TELLO CREEK RD
POCA TELLO ID USA 83201

WILLIAM FRITCH Phone: (208)233-7076

8427 POCA TELLO CREEK RD
POCA TELLO ID USA 83201

VICKIE HONEYCUTT Phone:

8427 POCA TELLO CK RD
POCA TELLO ID USA 83201

JEFF HONEYCUTT Phone:

8427 POCA TELLO CK RD
POCA TELLO ID USA 83201

2. Date of Priority: 06/01/1887

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	Type
06S	35E	20	NE SW NE	BANNOCK	

5. Description of diverting works:

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PUMP IN STREAM TO PLASTIC PIPE LINE TO SPRINKLERS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	0.02	

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
06S	35E	20	SW	NE	IRRIGATION	10
Section Acres						10
Total Acres						10

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:

CLAIM AMENDED TO ADD OWNERS WITH HALF INTEREST IN PROPERTY (CSAXTON 11/21/01).
UNPLATED SUBDIVISION.

15. Basis of Claim: Decreed

16. Signature(s)

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(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this
of _____ 20_____

Notary Public

Residing at _____

My commission Expires _____

PROFILED

11/21/2001

SCANNED
NOV 09 2005

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NOV 06 2001

Department of Water Resources
Eastern Region

WILLIAM & BARBARA FRITCH
CLAIMANTS OF DECREED WATER RIGHT
8418 W. POCA TELLO CREEK RD
POCA TELLO, ID 83201

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
900 N. SKYLINE DR., SUITE A
IDAHO FALLS, ID 83402-1718

11/03/2001

Dear Mr. Saxton,

Here are copies of the water rights on our property, as you can see our water right goes back to June 1, 1887. It also states that it was decreed again in 1925 to the Taneys.

I hope this takes care of your need for proof.

Regards,

Barbara Fritch

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SCANNED

NOV 09 2005



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

October 26, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

Claimants of Decreed Right 29-00443 (split portions: B/G/I/K/L/M/N/P/Q/29-13136)

Re: Request for proof of water right ownership

Dear Claimant:

In reference to the above described water right there have been several claims to portions thereof. At this point the water right for use of Pocatello Creek water for irrigation purposes is over-claimed. To conduct an investigation and recommendation of the portions claimed, proof of water right ownership is required.

Please provide a copy of your deed or conveyance instrument to this office by November 8, 2001. If such proof is not presented a disallowed recommendation could result.

Thank you for your attention in this important matter. I look forward to your timely response. Please feel free to contact me at the above address/phone number.

Respectfully submitted,

Craig L. Saxton
Water Resource Agent
Adjudication Bureau

Cc; WILLIAM AND BARBARA FRITCH 8427 POCATELLO CK RD POCATELLO ID 83201	29-00443B
ELWIN & FERN ANDERSON 9222 N ANDERSON LN POCATELLO ID 83201	29-00443G
FO PAUL 8825 W POCATELLO CK RD POCATELLO ID 83201	29-00443I
ALICE MORRIS 8655 W POCATELLO CK RD POCATELLO ID 83201	29-00443K
DAVID & LINDA FINKELNBURG 8767 W POCATELLO CK RD POCATELLO ID 83201	29-00443L

SCANNED
NOV 09 2005

INSTRUMENT NO. 231084

JAMES A. SOYB, POCA TELLO, IDAHO 2349

~~NOTARIAL CERTIFICATE~~

This Indenture, Made this 6th day of April in the year of Our Lord
One Thousand Nine Hundred and forty-four, between John J. Taney and Alvina M. Taney,
 husband and wife, of Pocatello, County of Bannock, State of Idaho, the parties of the
 first part, and Harry E. Anderson and Ethel Anderson, husband and wife,
 of Pocatello, County of Bannock, State of Idaho, the part of the
 second part:

WITNESSETH: That the said party of the first part, for and in consideration of the sum of
Seven Thousand and no/100 (\$7,000.00) DOLLARS,
 lawful money of the United States of America, to them in hand paid by the said parties of the second part, the receipt
 whereof is hereby acknowledged by these presents, Grant, Bargain, Sell and Convey and Confirm unto said parties of the second part, and to their
 heirs and assigns forever: All that certain lot, piece or parcel of land situate, lying and

being in the County of Bannock, State of Idaho, bounded and more particularly described as follows, to-wit:

The Southeast quarter of the Northwest quarter and the Southwest quarter of
 the Northeast quarter of Section Twenty in Township Six South of Range
 Thirty-five East of the Boise Meridian, in Idaho, containing 80 acres; and

The Southwest quarter of the Northwest quarter of Section Twenty (20), and
 the Southeast quarter of the Northeast quarter of Section Nineteen (19),
 Township six (6) South, Range Thirty-five (35) East of the Boise Meridian,
 in Idaho, containing 80 acres, according to the official plat of the survey
 of the said lands, returned to the General Land Office by the Surveyor
 General;

ALSO 1.6 cubic feet of water per second of time or 80 miners inches of
 Pocatello Creek and its tributaries, with priority as of June 1, 1887,
 as set out in that certain Decree in the case of Patrick S. Taney and
 Mary Taney, his wife, against H. S. Woodland, et al., issued out of the
 District Court of the United States in and for the District of Idaho,
 Eastern Division, dated April 1, 1925, and recorded in Book 8 of Judgments,
 at page 210 of the records of Bannock County, together with all ditches,
 flumes, reservoirs, aqueducts, or other works used for the diversion,
 storage or distribution of said waters or in conveying same to, upon, or
 over said lands, or any part or parcel thereof.

(\$7.70 I.R.S. attached to Deed and cancelled)

Together with, all and singular, the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the
 rents, issues and profits thereof:

TO HAVE AND TO HOLD, all and singular the said premises, together with the appurtenances and privileges thereunto incident, unto
 the said parties of the second part, and to their heirs and assigns forever. And the said parties of the first part,
 and their heirs warrant the said premises in the quiet and peaceable possession of the said parties of the second part,
 their heirs and assigns against the said parties of the first part, and their heirs and against all and every
 person or persons whomsoever, lawfully claiming or to claim the same, shall and will warrant and by these presents forever defend.

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hands and seals
 the day and year first above written.

SIGNED, SEALED AND DELIVERED IN THE PRESENCE OF

John J. Taney (SEAL)

Alvina M. Taney (SEAL)

(SEAL)

(SEAL)

STATE OF IDAHO,

County of Bannock, ss.

On this 6th day of April, in the year 1944, before me, R. D. Merrill
 a Notary Public in and for said County and State, personally appeared John J. Taney and Alvina M. Taney,
 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 the certificate first above written.

My Comm Expires
 (SEAL) Aug. 2nd 1945

SCANNED

R. D. Merrill
 Notary Public
 Residence Pocatello, Idaho.

PROFILED NOV 09 2005

WARRANTY DEED

96003050

For Value Received William Fritch and Barbara Fritch, husband and wife.

the grantor's, do hereby grant, bargain, sell and convey unto Jeff Honeycutt and Vicki Honeycutt, husband and wife

whose current address is 8409 W. Pocatello Creek Road

the grantee, the following described premises, in Bannock County Idaho, to wit:

A one-half undivided interest in the following described property:

Township 6 South, Range 35 East, Boise Meridian, in Bannock County, Idaho

Section 20: a tract in the SW NE described as:

Beginning at a point on the North 1/16 line of said Section 20, which point is 495 feet Westerly from the Northeast 1/16 corner of said Section 29; thence Westerly along the said 1/16 line 330 feet: thence along Southerly parallel to the East 1/16 line of said section 20, 1320 feet, more or less, to the latitudinal center line of said Section 20: thence Easterly along said latitudinal center line 330 feet, thence Northerly parallel to the East 1/16 line of said Section 20, 1320 feet, more or less, to the point of beginning, together with the water rights from Pocatello Creek.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor do hereby covenant to and with the said Grantee, that he the owner in fee simple of said premises; that they are free from all incumbrances

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

Dated:

William Fritch
Barbara J. Fritch

PROFILED

SCANNED

NOV 09 2005

Memorandum

Date: October 3, 2001

Subject: Potential Illegal Damming of Pocatello Creek

From: Craig L. Saxton

On October 3, 2001 I drove to the site of what I felt was an illegal damming of Pocatello creek and took pictures.

From unsolicited conversations with concerned downstream users, I am informed that the person responsible for damming the stream is Ethal and Matt Honeycutt. Matt has passed and Ethal's son-in-law helps her run the place. I don't know the name of the son.

Despite the information from the neighbors, tax lot information indicates property owner being:

William and Barbara Jo Fritch
8418 W Pocatello Ck Rd
Pocatello ID, 83201

Adjudication Claim 29-00443B was filed for:

William and Barbara Fritch
8427 Pocatello Ck Rd
Pocatello Id 83201

I tried to contact the Fritch's on 9/25/01 to discuss their SRBA Claim. I left a message on the phone and received no response.

Initial review of 29-00443B indicates POU within original Decreed POU. 1987 NAPP shows maximum irrigated acres of 1 acre. No additional evidence of ownership of a portion of right 29-00443 was provided with the claim. At this time, a recommendation for the right cannot be confirmed based on a need to research the other split portions. However, at this time, I feel that there is some water right associated with the property.

The issue of ownership of this land vs. who is responsible for the damming of the stream is still unresolved.

Mother of Jeff
Jeff Honeycutt
8409 Poc Ck Rd
Has Water Right
Weeds plucked culvert
will clean out

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PROTECTED

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PROTECTED



PROFITED

NOV 0 9 2005

SCANNED



IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 29-443

WATER RIGHT NUMBER: 29-443

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MARY TANEY
	, ID
Current Owner	PATRICK S TANEY
	, ZZ

Priority Date: 06/01/1887

Basis: Decreed

Status: Active

Source

POCATELLO CREEK

Tributary

PORTNEUF RIVER

Beneficial Use

IRRIGATION
STOCKWATER
DOMESTIC

From To

/ to /
/ to /
/ to /

Diversion Rate

2.000 CFS

Annual VolumeTotal Diversion: 2.000 CFSLocation of Point(s) of Diversion

POCATELLO CREEK

Place of UseIRRIGATION Within BANNOCK County

T06S R34E S14	NESW	T06S R34E S14	SESW
T06S R34E S14	NWSE	T06S R34E S14	SWSE
T06S R34E S23	NWNE	T06S R35E S19	SENE
T06S R35E S20	SWNE	T06S R35E S20	SWNW
T06S R35E S20	SENW		

STOCKWATER same as IRRIGATIONDOMESTIC same as IRRIGATIONConditions of Approval:Remarks:

1. General P/D & P/U INCOMPLETE.

Comments:Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 29-443

Dates and Other Information:

Licensed Date:
Decreed Date: 4/1/1925
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

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>
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Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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JUN 19 2001

Log for claim A29-00443B

Spatial Dynamics LTD

9/15/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
06s35e	20	SWNE	10	9.4	
Totals:			10	9.4	

AJ5809NP
No. A29-00443B

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/24/00
PAGE: 2

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	BARBARA FRITCH	06/01/1887	IRRIGATION	03-15 11-15	0.020 CFS	
C	WILLIAM FRITCH					
	8427 POCATELLO CREEK RD			TOTAL DIVERSION:	0.020 CFS	
	POCATELLO ID 83201			CONSUMPTIVE USE:		20.00 AFA
	(208) 233-7076					

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	:					10												:	10.0
																				TOTAL ACRES	10.0

POU County: BANNOCK

Non-Irrigation Uses: 50 HOGS, 10 SHEEP, 3 HORSES - INCIDENTAL STOCKWATERING

Other Rights: NONE

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

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

Remarks: GEN UNPLATED 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

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: A29-00443B
Date Received: 11/15/1989
Receipt No: EO12137
Received By: ESJ

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: WILLIAM FRITCH 208-233-7076
Address: 8427 POCATELLO CK. RD.
POCATELLO, ID 83201

OR
Name: BARBARA FRITCH 208-233-7076
Address: 8427 POCATELLO CK. RD.
POCATELLO, ID 83201

2. Date of Priority: JUN 01, 1887

3. Source: POCATELLO 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:
PUMP IN STREAM TO PLASTIC PIPE LINE 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 20.0 Acre Feet Per Annum.

9. Non-irrigation uses:
50 HOGS, 10 SHEEP, 3 HORSES - INCIDENTAL STOCKWATERING

A29-00443B

Page 1

Date: 02/23/90

A2900443B



MICROFILMED

NOV 13 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06S	35E	20	SW	NE		IRR	10.0
Section Acres							10.0
Total Acres							10.0

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:
UNPLATED 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 x 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): Barbara Litch Date: 2-23-90

Date: _____

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 23 day

of February 19 90

Seal

[Signature]
Notary Public

Residing at Shilo Falls, Id.

My Commission Expires 22 Aug 1994

NOV 09 2005
SCANNED

PROTECTED

