

IDAHO DEPARTMENT OF WATER RESOURCES 11/29/2001
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

NAME AND ADDRESS: DAVID W FINKELNBURG
8767 W POCATELLO CREEK RD
POCATELLO ID 83201

LINDA M FINKELNBURG
8767 W 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 NWSEW 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 SENW 1.0

1 ACRES TOTAL

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

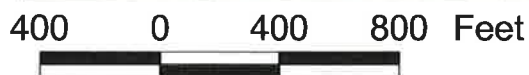
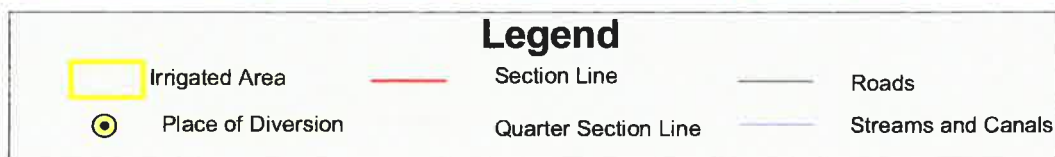
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: Decreed

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

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

631396
199754 1 pro Body
09/15/2000





Irrigated Area

Place of Diversion

Section Line

Quarter Section Line

Roads

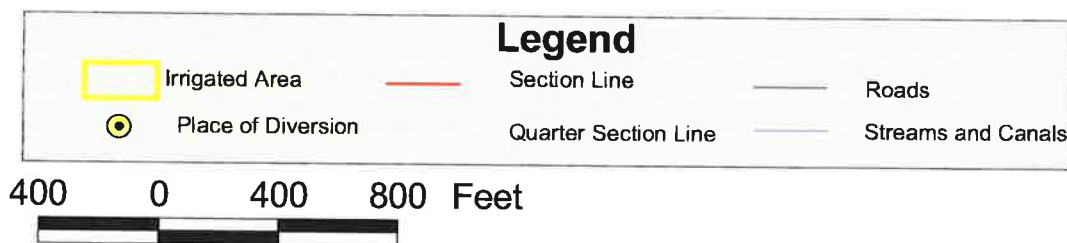
Streams and Canals

Legend



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

09/15/2000



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-443L V1

WATER RIGHT NUMBER: 29-443L V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	ETHEL VIOLA CLAWSON 8767 W POCATELLO CREEK RD POCATELLO, ID 83201 (208)232-8782
Original Owner	MARY TANEY POCATELLO, ID 83201
Original Owner	PATRICK S TANEY POCATELLO, ID 83201
Current Owner	DAVID W FINKELNBURG 8767 W POCATELLO CREEK RD POCATELLO, ID 83201 (208)235-1327
Current Owner	LINDA M FINKELNBURG 8767 W POCATELLO CREEK RD POCATELLO, ID 83201 (208)235-1327

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	0.010 CFS	
	<u>Total Diversion:</u>	0.010 CFS	

Location of Point(s) of DiversionNORTH FORK POCATELLO CREEK
BANNOCK County

NW1/4SE1/4NW1/4

Sec. 20, Twp 06S, Rge 35E, B.M.

Place of UseIRRIGATION Within BANNOCK County

T06S R35E S20 SENW 1.0

Total Acres: 1

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.

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

Remarks:Comments:

1. csaxton 11/28/2001 Source
Comment: Source decreed as "the waters of Pocatello Creek". USGS defines source as the 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:
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	11/29/2001 10:32:11 AM	csaxton			Active
POD	11/29/2001 10:33:43 AM	csaxton			Active
Source	11/29/2001 10:36:19 AM	csaxton			Active
POU	11/29/2001 10:37:27 AM	csaxton			Active
Use	11/29/2001 10:38:15 AM	csaxton			Active
Season	11/29/2001 10:39:12 AM	csaxton			Active
Quantity	11/29/2001 10:43:31 AM	csaxton			Active
Summary	11/29/2001 10:59:46 AM	csaxton	11/29/2001 10:59:46 AM	csaxton	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Contacts	11/29/2001 10:31:14 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 29-443L V1

Priority Date	11/29/2001 10:32:14 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	11/29/2001 10:33:46 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	11/29/2001 10:35:26 AM	csaxton	Edited point location
POU	11/29/2001 10:37:51 AM	csaxton	Edited shape boundary
Source	11/29/2001 10:36:21 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	11/29/2001 10:37:30 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?
Use	11/29/2001 10:38:17 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 29-443L V1

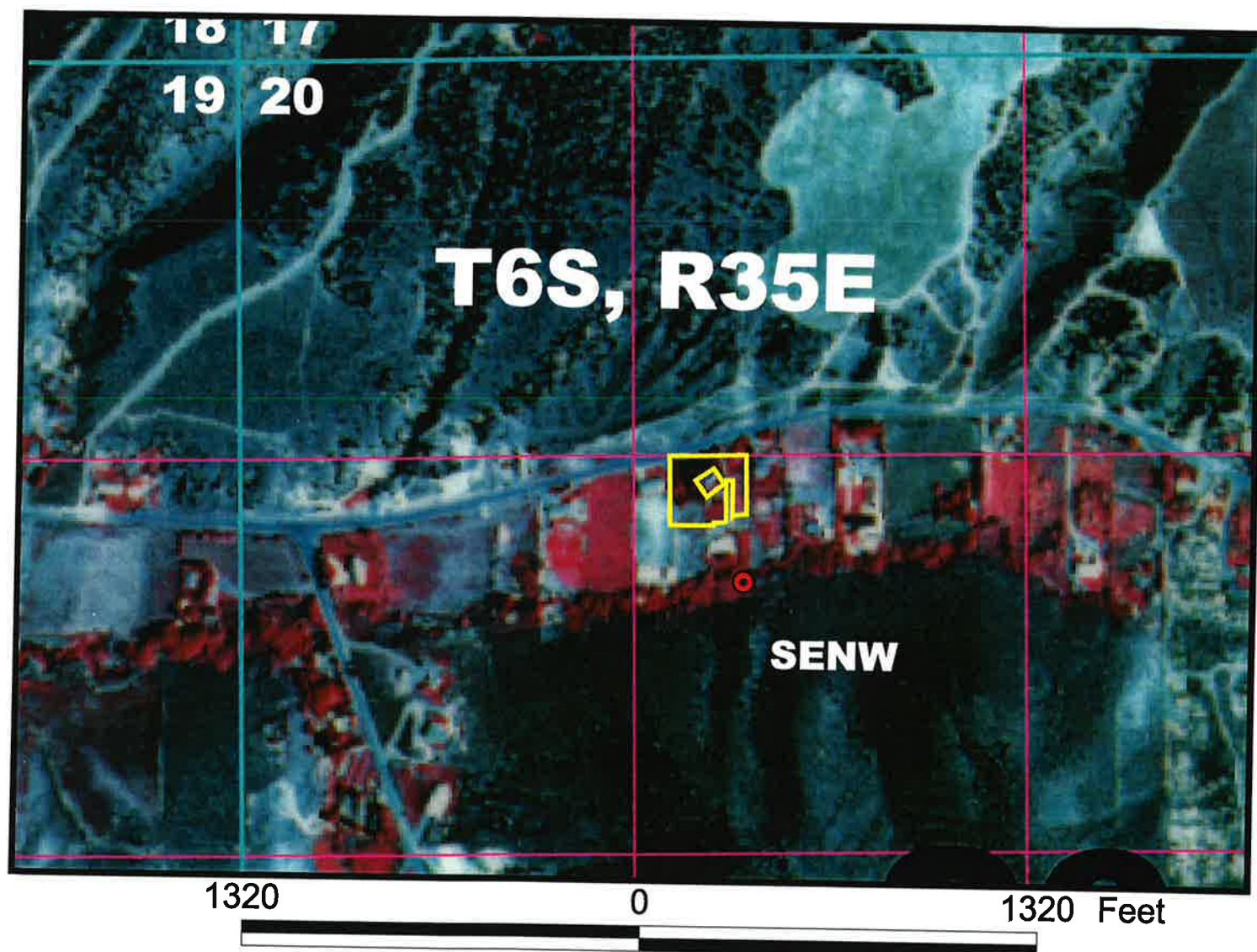
Season	11/29/2001 10:39:15 AM	csaxton	(Yes) 1. Is the basis of claim decree or license? (No) 4. Does the parent right have a Period of Use? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of 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	11/29/2001 10:43:33 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	11/29/2001 10:59:48 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

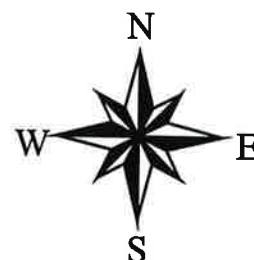
Water Right(s): 29-00443L



Total Irrigated Acres: 1.0

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

PROFILED
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NOV 11 2005



GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: C. Saxton
Date: June 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 11, 2003

DAVID W FINKELNBURG
LINDA M FINKELNBURG
8767 W POCATELLO CK RD
POCATELLO ID 83201

RE: Notice of Error (NOE) for Snake River Basin Adjudication (SRBA) preliminary recommendation 29-00443M

Dear Mr. Griggs,

Our office received the NOE reply you submitted on March 17, 2003. You requested that the recommended acreage be changed from 1 acre to 1.25 acres. The original claim you filed only claimed one acre of irrigation (enclosed). IDWR cannot recommend more than what is claimed.

I did change the map to remove your house and add irrigated ground to the SW portion of your property that you indicated should be included.

If this recommendation is still unsatisfactory to you, the first thing you will need to do is amend your claim to show the acreage that you feel is representative of your irrigated ground. For your convenience, I am sending you a copy of an unsigned claim. Initial any changes you wish to make on the claim and sign it in front of a notary. When completed, return it to this office **by June 16, 2003**. If received by this date I will re-review the evidence and see if a change in the recommendation can be supported.

You will be notified by the SRBA court at the time the directors report is issued. If you still disagree with the recommendation, you will have a chance to object and be heard by the SRBA court.

Respectfully submitted,

Craig L. Saxton
Sr. Water Resource Agent
Adjudication Bureau

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02/08/2003

Craig

NOTICE OF ERROR
REPLY

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: 29-443L

DAVID W FINKELNBURG
8767 W POCA TELLO CREEK RD
POCA TELLO ID 83201
Telephone Number: (208)235-1327

LINDA M FINKELNBURG
8767 W POCA TELLO CREEK RD
POCA TELLO ID 83201
Telephone Number: (208)235-1327

RECEIVED

MAR 17 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):

TOTAL IRRIGATED ACRES

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

WE ESTIMATE THE TOTAL IRRIGATED ACRES IS
CLOSER TO 1 1/4 ACRES, NOT THE 1.0 RECOMMENDED.

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

The map is inaccurate as drawn in - excludes the
south west corner & northeast corner - both sprinklered.

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

DATE: 3-3-03

SIGNATURE:

David Finkelburg, Linda Finkelburg

Please print your name:

DAVID FINKELNBURG LINDA FINKELNBURG

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

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13-782	500 SHEETS, FILLER	5 SQUARE
42-381	50 SHEETS EYE-EASE	5 SQUARE
42-382	100 SHEETS EYE-EASE	5 SQUARE
42-389	200 SHEETS EYE-EASE	5 SQUARE
42-392	100 RECYCLED WHITE	5 SQUARE
42-399	200 RECYCLED WHITE	5 SQUARE

Made In U.S.A.

Hamlin says uses 6W for $\frac{1}{2}$ ac of irrigation.
Says he doesn't use it for Home, but is going to
plum it into his home.

10/29/01: Spoke with Linda about getting me a deed showing she had right to use Pocafello Creek Water.

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PROFILE

Split history for Decreed Right 29-00443

Claimed		Recommend	Deed	
A	Firkins		Deeded 1/2 in	Agreed
	0.1 5	0.01 1.3		
B	Fritch		Deeded 1in per 10 ac	Disagreed but not changing
	0.02 10	0.02 1.8		
C	Stocking		Deeded 1/2 in	No NOE received
	0.05 2.5	0.01 1.1		
D	29-13265 (And -D)			No NOE Received
	P Anderson, D	0.77 40.5	0.1 5.2	
	Anderson, D	0.83 43.6		No NOE Received
	29-13266 (And-N)			
29-00443 2 cfs	1 52.5	0.06 3.1	0.6 3.1	No NOE Received
	Q Anderson, T			No NOE Received
E				
	0.17 8.9	0.12 5.9		
F	Johnson		Deeded 1/2 in	Agreed
	0.01 2	0.01 1.7		
G	Dixon		Need c/o No Deeds Assume 1/2 in per 5 acre plot	No NOE Received
	0.2 7	0.02 2.6		
H	Anderson, E		C05	No NOE Received
	0.2 2	0.03 1.6		
I	29-13136 (Packer)		2/3 of 2 inch	No NOE Received
	Packer (split)	0.05 1	0.03 1.3	
	0.08 4			
	29-13137 (Hurley)		1/3 of 1 inch	No NOE Received
J				
	0.03 2	0.01 1		
K	Paul		Deed from Tanny-Anderson No 1/2 inch requirement	No NOE Received
	0.04 2	0.03 1		
L	29-13254 (Smith)		Deeded 1/2 to parent	No NOE Received
	Smith (split)	0.005 1	0.005 0.8	
	0.01 2			
	29-13255 (Foltz)		Deeded 1/2 to parent	No NOE Received
M				
	0.005 1	0.005 0.7		
N	Morris		No deed received	No NOE Received
	0.01 1.5	0.01 0.6		
O	Finkelnburg		Silent to WR	NOE Received Claim needs to be amended
	0.01 1	0.01 1		
P	Griggs		Silent to WR	NOE Received Additional Acreage Requested
	0.09 3	0.02 3		
Q	Travis		8 in deeded	No NOE Received
	1 30	0.16 10.6		

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

↓
James Forkins
1/2 in
20. SW NE

443B: 1944 Tanny → Anderson, Harry 1.6 acs

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

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

443C: ⑧ 1992 Sumstine, Doug → Sumstine, Rodger 1/2 in 1887

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

③ 1982 Sumstine, Rodger → McMaster, Tim silent to WR

④ 1995 McMaster, Tim → Meatee, Rodger
Collins, Roy silent to WR

⑤ 1997 Meatee, Rodger → A.G. Stockins
Merzlock, John

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

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

443J: 1944 Tanny → Anderson, Harry 6.6 acs

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

443K: Nothing

443L: 1994 Clawson, Ethel → Finkelburg silent to WR

443M: Griggs called and said Deed silent to WR
Falls in Duaine 0.64 acs

443N: Packer, Newell → Travis 8 in

29-10783: Nothing

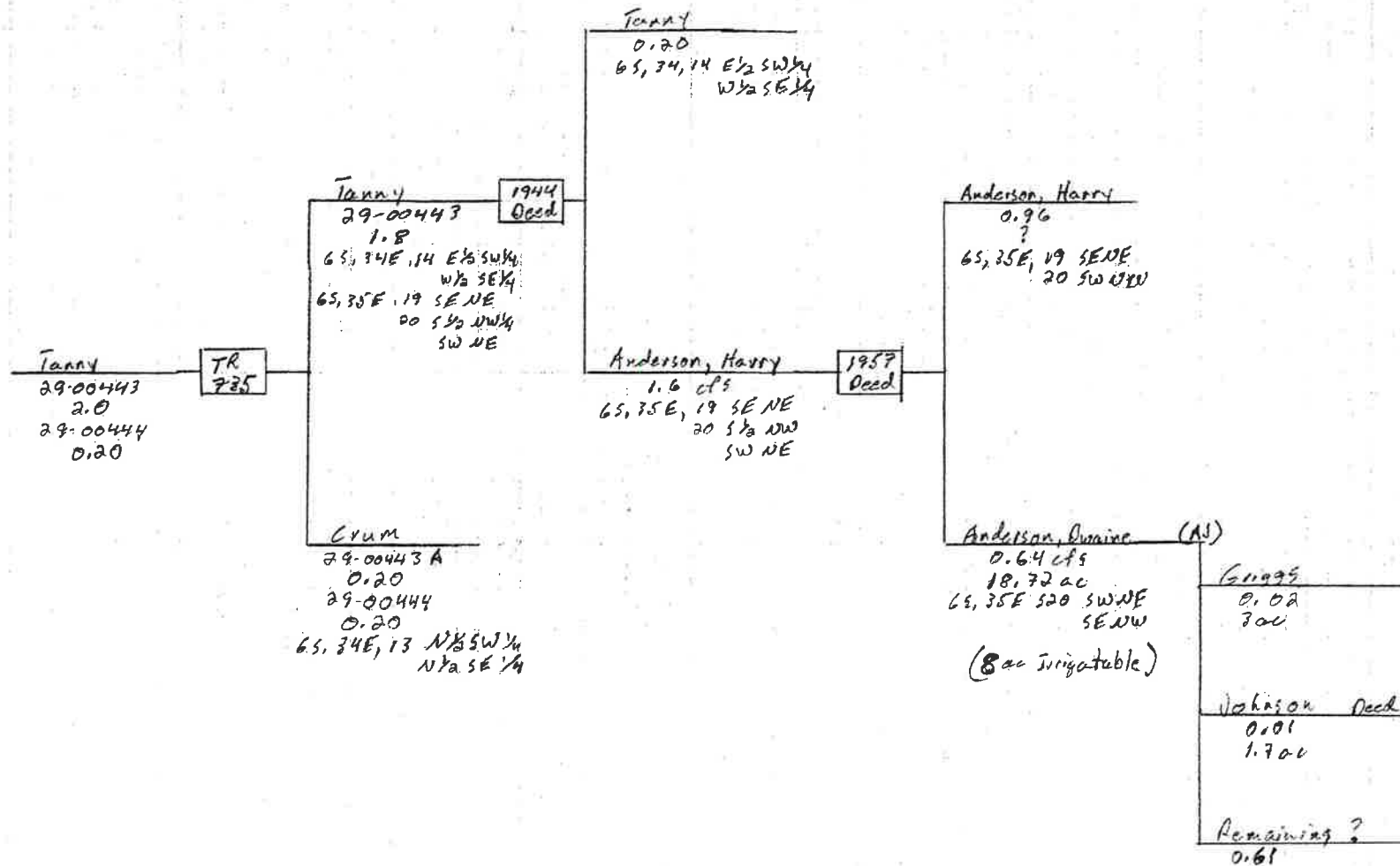
29-00444A: Nothing

29-12232:

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Split History According to Deeds for 29-00443



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NOV 05 2001

Department of Water Resources
Eastern Region

FA # 19076

1992

WARRANTY DEED

94017159

For Value Received ETHEL VIOLA CLAWSON, AN UNMARRIED PERSON

FIRST AMERICAN TITLE

'94 SET 22 P307

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

DAVID W. FINKELNBURG and LINDA M. FINKELNBURG, husband and wife

whose address is: 8767 W. POCATELLO CREEK ROAD, POCATELLO, ID, 83201

Hereinafter called the Grantee, the following described premises situated in BANNOCK County, Idaho, to-wit:

A tract of land located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 20, Township 6 South, Range 35 East, BOISE MERIDIAN, BANNOCK COUNTY, IDAHO, more particularly described as follows:

Commencing at a Brass Cap Monument marking the West $\frac{1}{4}$ corner of said Section 20; thence 89°52'49" East along the Latitudinal Center line a distance of 1420.53 feet to a $\frac{1}{2}$ " Iron pin marking the Southwest corner of the tract of land shown as Parcel B Record of Survey filed as Instrument No. 650981; thence N 00°15'10" E 1012.47 feet to the TRUE POINT OF BEGINNING; thence continuing 00°15'10" E 315.00 feet to a point on the North 1/16 line, being 125' East of the Northwest 1/16 corner of said Section; thence N 89°47'45" E 254.30 feet to a $\frac{1}{4}$ " pin tagged L.S. 771; thence S 00°37'23" W 250.00 feet to a $\frac{1}{4}$ " pin tagged L.S. 771; thence S 75°23'41" W 261.42 feet, more or less to the TRUE POINT OF BEGINNING. The same being Parcel A on Record of Survey filed as Instrument No. 650981.

SUBJECT To all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: SEPTEMBER 20, 1994

Ethel Viola Clawson

ETHEL VIOLA CLAWSON

STATE OF IDAHO)

COUNTY OF BANNOCK)

On this 20TH day of SEPTEMBER, in the year 1994, before me, a Notary Public in and for said State, personally appeared ETHEL VIOLA CLAWSON, known or identified to me to be the person(s) whose name(s) ARE subscribed to the within instrument, and acknowledged to me that THEY executed the same.



Ethel Viola Clawson

Residing at POCATELLO, ID.
Commission Expires: 02-18-99

October 26, 2001

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

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JOHN GRIGGS
8521 W POCA TELLO CK RD
POCA TELLO ID 83210

29-00443M

ANGELO TRAYIS JR
9103 W POCA TELLO CK RD
POCA TELLO ID 83201

29-00443N

DWAINE ANDERSON
9196 ANDERSON LN
POCA TELLO ID 83201

29-00443P

TODD ANDERSON
9897 W CLIFFORD DR
POCA TELLO ID 83201

29-00443Q

LARRY PACKER
8675 N PARKS RD
POCA TELLO ID 83201

29-13136

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NOV 11 2005

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 USGS DOQ below is projected in Universal Transverse Mercator (UTM) Zone 12 on the North American datum of 1983. The latitude and longitude in degrees, minutes, and seconds and the UTM coordinates in meters are shown for each image tile.



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Historical Ditch

Taken 10/3/01



Historical Point of diversion that diverted water to the ditch that carried water to the north side of the North Fork of Pocatello Creek.

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NOV 11 2005

PROFILED

Historical Ditch

Taken 10/3/01



Looking East. Signs of the old historical Ditch that carried water to the north side of Pocatello creek to flood irrigate down to as far as Angelo Trayis' place.

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NOV 11 2005

Historical Ditch

Taken 10/3/01



Looking West



Looking East

PROFILED

SCANNED
NOV 11 2005

29-00443L

POD

Field Exam 9/24/01



Small pump located under white metal half dome cover. Location of pump actually on the Hamlin property. Looking South (csaxton 9/26/01).

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NOV 11 2005

29-00443L

POU

Field Exam 9/24/01



Looking West. Irrigated field when water is running in Pocatello Creek. Picture shows sprinkler head. POD to the left of the picture. Home and lawn to the right of the picture. Picture taken from the driveway that connects the Finkelnburg and Hamlin properties (csaxton 9/26/01).

PROFILE

**SCANNED
NOV 11 2005**

SCANNED

JUN 19 2001

Log for claim A29-00443L

Spatial Dynamics LTD

9/15/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
06s35e	20	SENW	1	1.4	
Totals:			1	1.4	

AJ5809NP
No. A29-00443L

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/24/00
PAGE: 12

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Audit: 04/20/90 WILSON 06/01/94 COX 10/03/94 JTHOMPSO 03/29/95 POST-STD

AJ5809NP
No. A29-00443L

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/24/00
PAGE: 11

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	LINDA M FINKELNBURG	06/01/1887	IRRIGATION	03-15 11-15	0.010 CFS	
C	DAVID W FINKELNBURG					
	8767 W POCATELLO CREEK RD					
	POCATELLO ID 83201			TOTAL DIVERSION:	0.010 CFS	
	(208) 235-1327			CONSUMPTIVE USE:		2.50 AFA

Water Source: POCATELLO CREEK

Tributary to: PORTNEUF RIVER

Stage: DECREED

Point(s) of Diversion: T06S R35E S20 SENW

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	:																	1.0
																			TOTAL ACRES	1.0

POU County: BANNOCK

Non-Irrigation Uses: NONE

Other Rights: NONE

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
29-11559 A29-00443E A29-00443J A29-00443K A29-04284 A29-11559 A29-12232

Other Water Rights Listing Overlapping Place(s) of Use:
A29-00443 A29-00443E A29-00443J A29-00443K A29-00444 A29-04284 A29-12232

Remarks: GEN THIS RIGHT WAS SPLIT AND CLAIMED AS FOLLOWS:
A29-00443A FIRKINS 0.01 CFS
A29-00443B FRITCH 0.02 CFS
A29-00443C SUMSTINE 0.05 CFS
A29-00443D ANDERSON 1.0 CFS
A29-00443E JOHNSON 0.01 CFS
A29-00443F DIXON .02 CFS.
A29-00443G SKINNER. .04 CFS.
A29-00443H OPAL 0.08 CFS
A29-00443I PAUL 0.04 CFS
A29-00443J MARJORIE SMITH, 0.01 CFS. EMC 04-16-90
A29-00443K
A29-00443L CLAWSON, ETHEL VIOLA 0.01 CFS KCW 04-19-1990

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

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

OCTOBER 3, 1994

DAVID W FINKELNBURG
8767 W POCA TELLO CREEK RD
POCA TELLO ID 83201

RE: CHANGE IN OWNERSHIP FOR A29-11559 AND A29-00443L

Dear Mr. Finkelburg:

The request for Change in Ownership concerning the Notice(s) of Claim in the above reference has been processed and the Notice(s) modified to reflect you as the new owner.

Enclosed are typed Notices with your name shown as the current owner. Review the forms and if there are other corrections or questions, feel free to contact this office.

If there are no questions or corrections, please keep these Notices for your records.

Respectfully submitted,


Jo Thompson
Adjudication Secretary

Enclosure: Notice of Claim

MICROFILMED

NOV 14 1994

Form 42-1409(7)



NEW PROPERTY OWNER
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type

(see instructions on back of page)

RECEIVED
OCT 6 1994
Department of Water Resources
Eastern District Office

DATE OF CLOSING: Sept. 20, 1994

LEGAL DESCRIPTION OF PROPERTY: Township 6 S Range 35 E
Section 20, SE 1/4 of NW 1/4 of Govt. Lot, BM.
Lot , Block, , Subdivision/Townsite .
If you have additional legal descriptions, please attach separate sheet.

- [] Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)
- [] Water Right Number(s) DOMESTIC A29-11559
Assigned by IDWR: IRRIGATION A29-004430 L 10-3-94/90
- [] Name and Address of Former Owner/Claimant(s)(Seller):
- [] New Owner/Claimant (Purchaser): DAVID W. & LINDA M. FINKELNBURG
- [] New Mailing Address: 8767 WEST POCATELLO CREEK ROAD
POCATELLO, ID 83201
- [] New Telephone Number: (208) 235 - 1327
- [] Does the change in ownership result in a splitting of the water right owned/claimed? yes ☒ no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

- [] Attach proof of ownership, describe proof attached:

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

- [] Signature of New Owner/Claimant(s) David W. Finkelburg Date 4-20-94
Linda M. Finkelburg by David W. Finkelburg, Attorney in Fact
- [] Signature of Former Owner/Claimant(s): Ethel Viola Clawson Date 9-20-94

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:
Initial Review and Data-Entry
Date: _____ By: _____
Further Action Needed:
Further Action Taken
Date: _____ By: _____
Final Review and Data-Entry
Date: _____ By: _____

MICROFILMED
NOV 13 1996

SD-0604-2 Township: 06S			Range: 35E		Section: 20		Tract: SENW		Lot:	
S	L		STATE	O	S	Max # Records	144			
E	O	Water	Name	W	T	Priority	Use			
L	Tract	T	Right No.	Last, First	N	AC	G	Date	Code	Desc
---	---	---	---	---	---	---	---	---	---	---
---	SENW		A29-00443	SPLIT RIGHT	C			06/01/1887	01	IRR
---				TANEY, PATRICK S	O				04	STOCK
---									43	DOMEST
---	SENW		A29-00443J	SMITH, MARJORIE E	C	2	D	06/01/1887	01	IRR
---				SMITH, MELVIN D	C					
---	SENW		A29-00443K	MORRIS, VINCENT	C	1	D	06/01/1887	01	IRR
---				MORRIS, ALICE	C					
---	SENW		A29-00443L	TANEY, MARY	O	1	D	06/01/1887	01	IRR
---				TANEY, PATRICK S	O					
---				CLAWSON, ETHEL VIOLA	C					
---	SENW		A29-00444	TANEY, PATRICK S	O			06/01/1890	01	IRR
---				TANEY, MARY	O				04	STOCK
---				SPLIT RIGHT	C				43	DOMEST
---	SENW		A29-04284	SMITH, MARJORIE E	C	2	S	07/01/1955	01	IRR
---				SMITH, MELVIN D	C				43	DOMEST

(Enter=Continue)

(GOLD7=This Query)

(Menu _____)

MICROFILMED

NOV 13 1996

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: **A29-00443L**
Date Received: 4/19/1990
Receipt No: E013409
Received By: _____

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name: DAVID W FINKELNBURG 208-235-1327
Address: 8767 W POCATELLO CREEK RD
POCATELLO ID 83201
AND
Name: LINDA M FINKELNBURG 208-235-1327
Address: 8767 W POCATELLO CREEK RD
POCATELLO ID 83201

2. Date of Priority: JUN 1, 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	SE	NW			BANNOCK

5. Description of diverting works:
PUMP MAINLINE TO LATERALS WITH 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 2.5 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

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NOV 14 1990

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06S	35E	20	SE	NW		IRR	1.0
Section Acres							1.0
Total Acres							1.0

11. Place of use in counties: BANNOCK

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

13. Other Water Rights Used:
NONE

14. Remarks:

THIS RIGHT WAS SPLIT AND CLAIMED AS FOLLOWS:

A29-00443A FIRKINS 0.01 CFS

A29-00443B FRITCH 0.02 CFS

A29-00443C SUMSTINE 0.05 CFS

A29-00443D ANDERSON 1.0 CFS

A29-00443E JOHNSON 0.01 CFS

A29-00443F DIXON .02 CFS.

A29-00443G SKINNER. .04 CFS.

A29-00443H OPAL 0.08 CFS

A29-00443I PAUL 0.04 CFS

A29-00443J MARJORIE SMITH, 0.01 CFS. EMC 04-16-90

A29-00443K

A29-00443L CLAWSON, ETHEL VIOLA 0.01 CFS KCW 04-19-1990

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

PATRICK S. TANEY, ET. AL.

Decree Plaintiff

H. S. WOODLAND, ET. AL.

vs Decree Defendant

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: A29-00443L
Date Received: 4/19/1990
Receipt No: E013409
Received By: Kaw

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ETHEL VIOLA CLAWSON 208-232-8782
Address: 8767 WEST POCATELLO CREEK ROAD
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	SE	NW			BANNOCK

5. Description of diverting works:
PUMP MAINLINE TO LATERALS WITH 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 2.5 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06S	35E	20	SE	NW		IRR	1.0
Section Acres							1.0

A29-00443L

Page 1

Date: 04/19/90

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NOV 13 1992

A2900443L



10. Place of Use: Continued

Total Acres 1.0

11. Place of use in counties: BANNOCK

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

13. Other Water Rights Used:
NONE

14. Remarks:

THIS RIGHT WAS SPLIT AND CLAIMED AS FOLLOWS:

A29-00443A FIRKINS 0.01 CFS

A29-00443B FRITCH 0.02 CFS

A29-00443C SUMSTINE 0.05 CFS

A29-00443D ANDERSON 1.0 CFS

A29-00443E JOHNSON 0.01 CFS

A29-00443F DIXON .02 CFS.

A29-00443G SKINNER. .04 CFS.

A29-00443H OPAL 0.08 CFS

A29-00443I PAUL 0.04 CFS

A29-00443J MARJORIE SMITH, 0.01 CFS. EMC 04-16-90

A29-00443K

A29-00443L CLAWSON, ETHEL VIOLA 0.01 CFS KCW 04-19-1990

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: _____

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): Ethel Vista Clawson Date: 4-19-1990

Date: _____

State of Idaho)
County of Bonneville) SS.

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

Betty J. Thompson
Notary Public

Seal

Residing at BETTY J. THOMPSON, NOTARY PUBLIC

My Commission Expires RESIDING AT IDAHO FALLS, IDAHO
MY COMMISSION EXPIRES

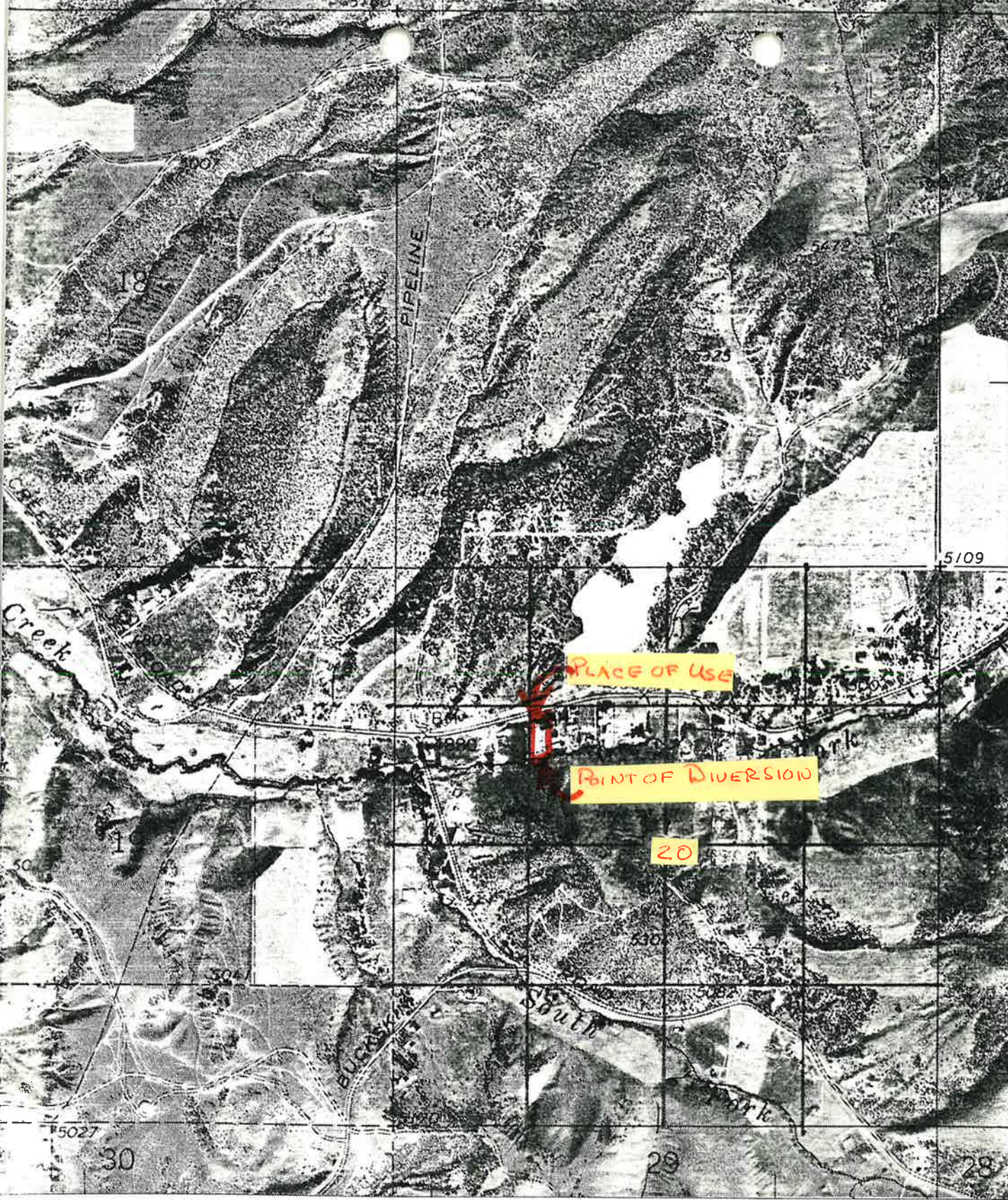
29-00443

AJ Side

WR - Side
not split

Taney 29-00443 2.0 cfs ≈ 360 ac changed POB to Eliminate 6S, 34E, 23, NWNE Added N 1/2 of 5 1/2 Sect 13	TR 735	A) Finkins	0.10 cfs 5 ac	P) Anderson, Duwaine	0.83 cfs 43.6 ac
		B) Fretch	0.02 cfs 10 ac	Q) Todd Anderson	0.17 cfs 8.9 ac
		C) Stocking	0.05 cfs 2.5 ac		
		D) Stacey	6.0 cfs 52.5 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	29-13136 (Packer)	0.05 cfs 2 ac
		H) Packer	0.08 cfs 4 ac	29-13137 (Hurley)	0.03 cfs 2 ac
		I) Paul	0.04 cfs 2.0 ac		
		J) Smith	0.01 cfs 2 ac		
		K) Morris	0.01 cfs 1.5 ac		
		L) Finkelnburg	0.01 cfs 1 ac		
		M) Griggs	0.09 cfs 3 acres		
		N) Travis	1 cfs 30 acres		≈ 0.60

Totals 2.64 cfs
over ClaimedNote: If reduce "G" + "N" to an 1"/acre
total cfs = 2.10 cfs



4751
4750
5109
R35E
4749
T
6
S
4748000N
42° 52'
112° 22' 30"

A29- 004436 MICROFILMED
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