

04/25/2003

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

RIGHT NUMBER: 29-446C

NAME AND ADDRESS: STEPHEN C HURLEY
9737 W POCATELLO CREEK RD
POCATELLO ID 83201

SOURCE: POCATELLO CREEK TRIBUTARY: PORTNEUF RIVER

QUANTITY: 0.080 CFS

PRIORITY DATE: 09/09/1904

POINT OF DIVERSION:

T06S R35E S19 SWSENE Within BANNOCK County Source: POCATELLO CREEK

PURPOSE AND

PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.020 CFS
IRRIGATION	04/01 10/31	0.080 CFS

PLACE OF USE: IRRIGATION Within BANNOCK County

T06S R35E S18 Lot 4 SWSW 2.7 T06S R35E S18 SESW 1.3

STOCKWATER same as IRRIGATION

4 ACRES TOTAL

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

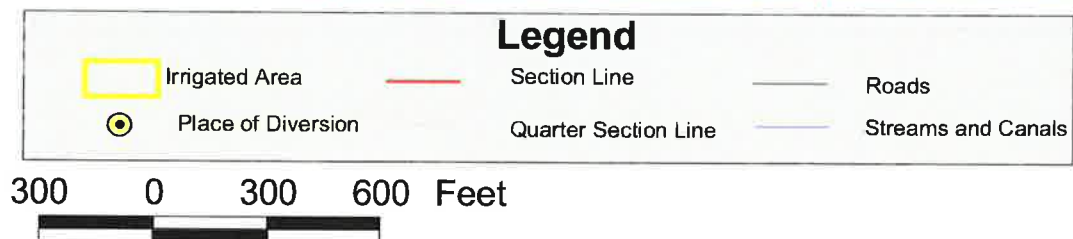
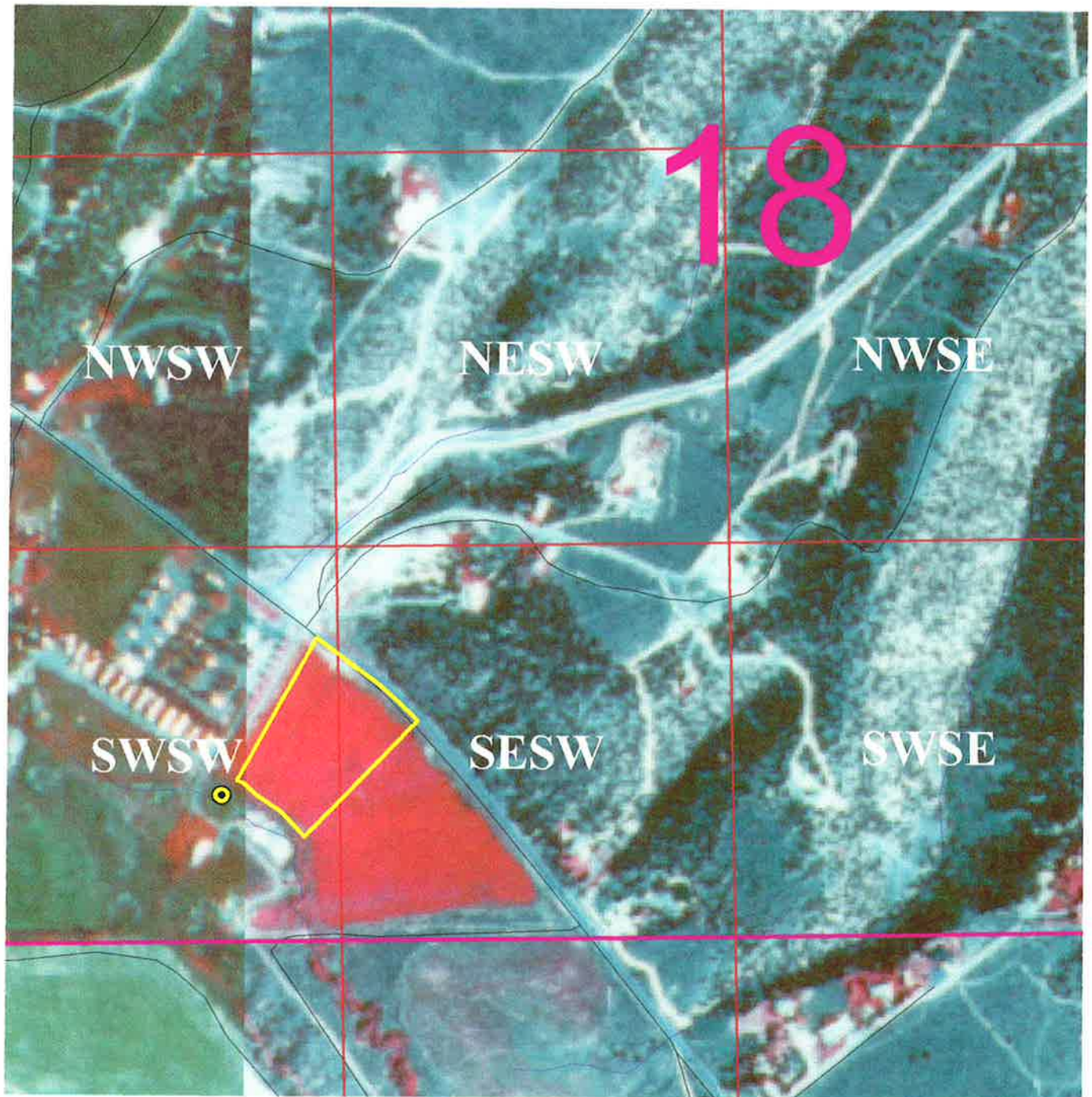
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE
EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE
ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER
THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6),
IDAHO CODE.

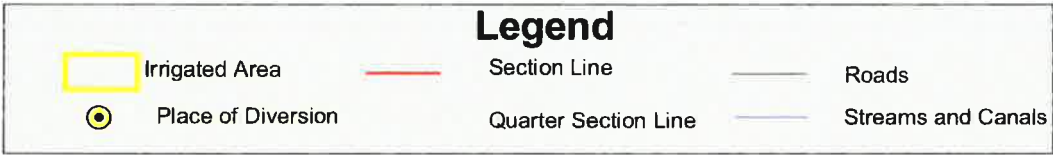
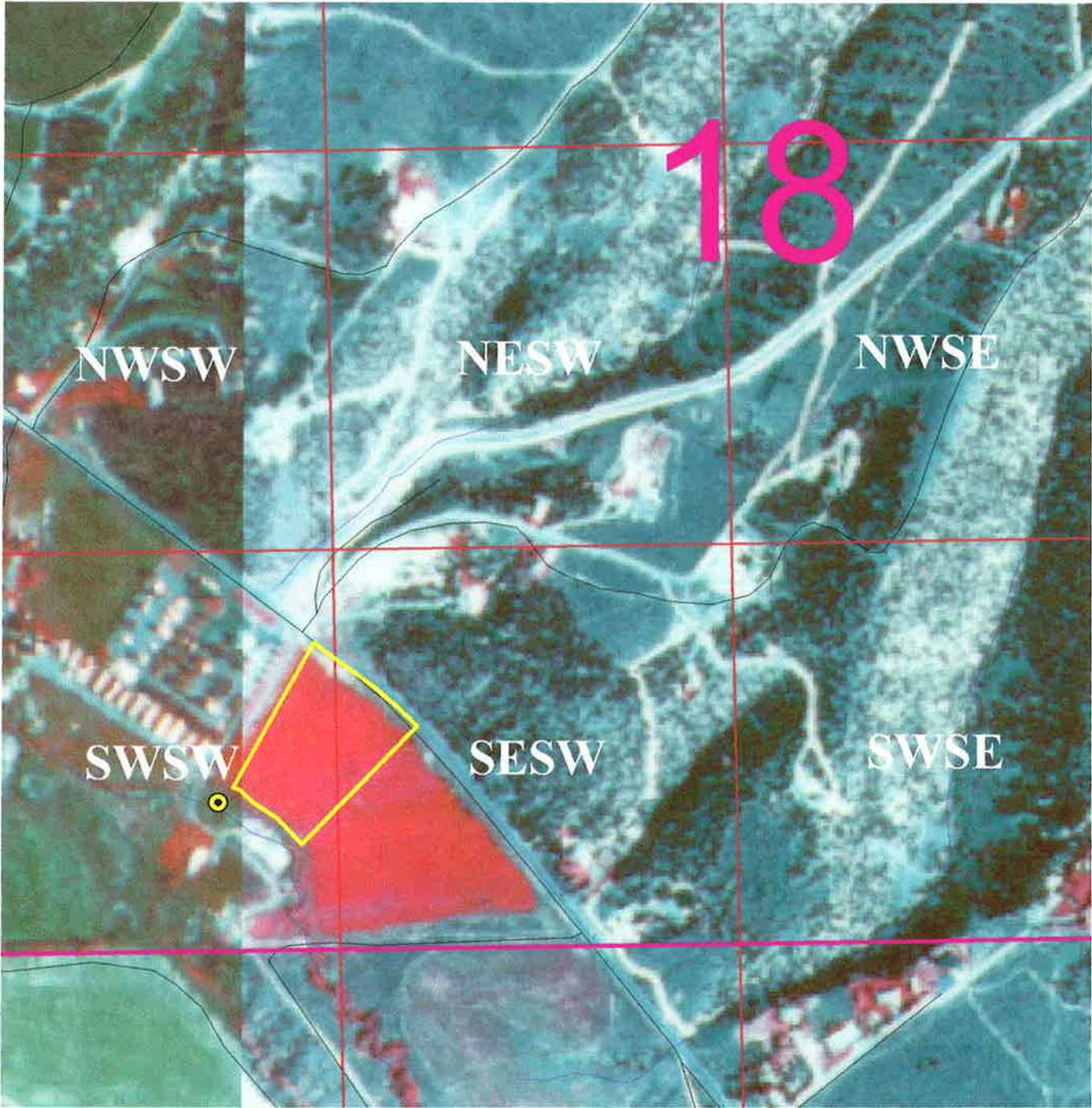
EXPLANATORY MATERIAL: Decreed

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

Water Right Claim Number A29-00446C
Township , 6S35E

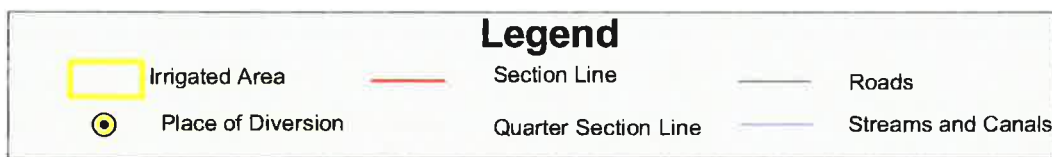
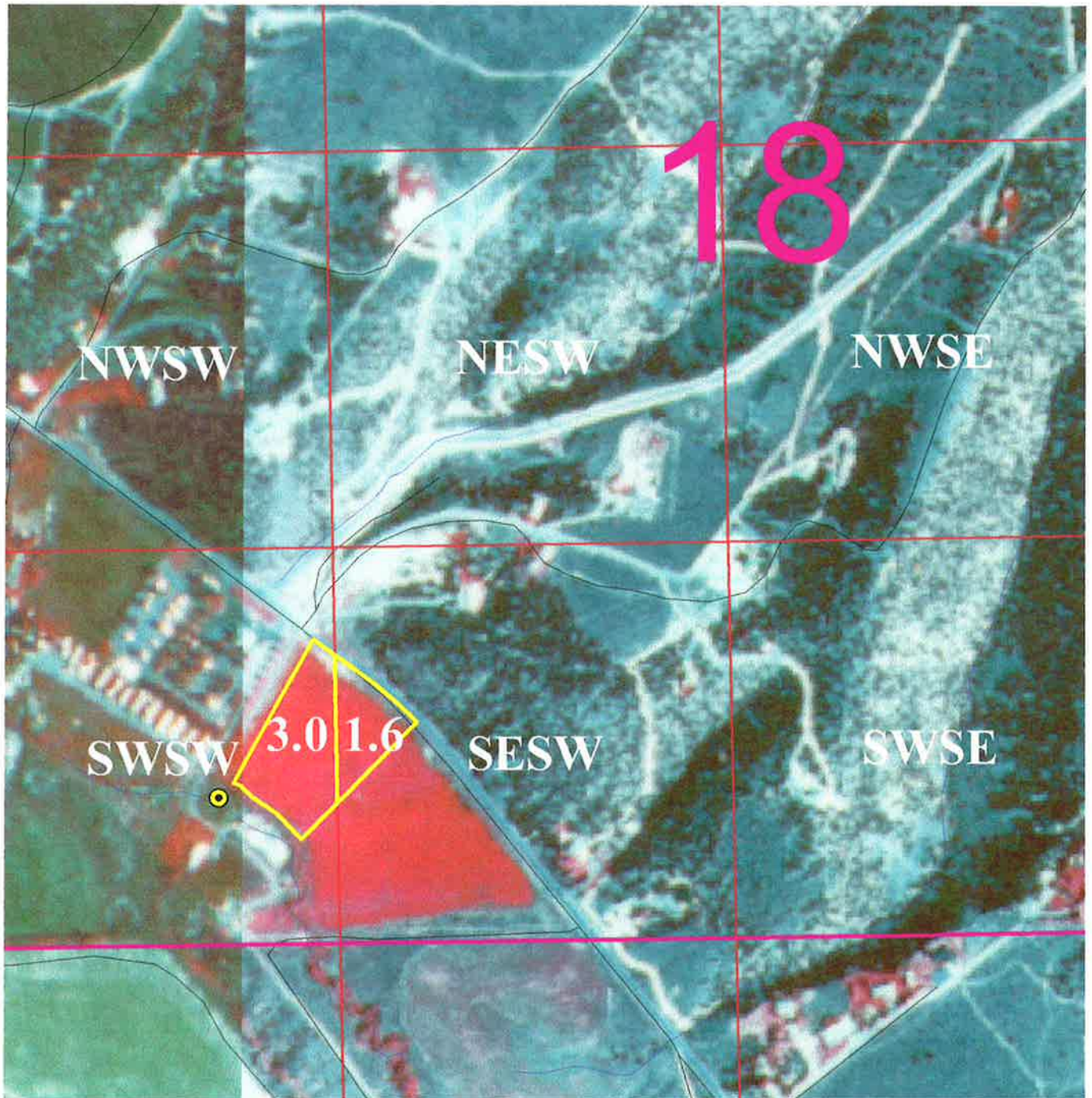
09/18/2000





Water Right Claim Number A29-00446C
Township , 6S35E

09/18/2000



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-446C V1

WATER RIGHT NUMBER: 29-446C V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	VERNIE HOPPER
	, ZZ
Original Owner	THOMAS J SKOOG 9589 N POCA TELLO CREEK RD POCA TELLO, ID 83201 (208)232-5434
Original Owner	JANET M SKOOG 9589 N POCA TELLO CREEK RD POCA TELLO, ID 83201 (208)232-5434
Current Owner	STEPHEN C HURLEY 9737 W POCA TELLO CREEK RD POCA TELLO, ID 83201 (208)232-4626
Original Owner	THOMAS HOPPER
	, ZZ

Priority Date: 09/09/1904

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
POCA TELLO CREEK	PORTNEUF RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	04/01 to 10/31 11/1 to 12/31	0.020 CFS	
IRRIGATION	04/01 to 10/31	0.080 CFS	
<u>Total Diversion:</u>		0.080 CFS	

Location of Point(s) of Diversion

POCA TELLO CREEK	SW1/4SE1/4NE1/4	Sec. 19, Twp 06S, Rge 35E, B.M.
BANNOCK County		

Place of UseIRRIGATION Within BANNOCK County

T06S R35E S18 Lot 4 SWSW 2.7 T06S R35E S18 SESW 1.3

Total Acres: 4

STOCKWATER same as IRRIGATIONConditions of Approval:

1. ~~C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.~~ *NO CS 4/24/03*
2. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-446C V1

3. 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 12/4/2001 POD - Rec

Comment: Recommend POD is not what is currently used. Location of POD determined from map provided by claimant Anderson, Dwain who use to irrigate the claimed POU.

2. csaxton 12/4/2001 POD

Comment: Amended claim not requested for QQ change for POD per Claims investigation manual, chapter 5, Section I.B. Paragraph 3.

3. csaxton 12/4/2001 Split Right

Comment: Right 29-00446 under claimed by 1.20 cfs.

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	12/4/2001 4:10:21 PM	csaxton			Active
POD	12/4/2001 4:11:11 PM	csaxton			Active
Source	12/4/2001 4:12:37 PM	csaxton			Active
POU	12/4/2001 4:13:35 PM	csaxton			Active
Use	12/4/2001 4:15:20 PM	csaxton			Active
Season	12/4/2001 4:16:34 PM	csaxton			Active
Quantity	12/4/2001 4:17:23 PM	csaxton			Active
Summary	12/4/2001 4:20:42 PM	csaxton	12/4/2001 4:20:42 PM	csaxton	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-446C V1

Contacts	12/4/2001 4:09:54 PM	csaxton	(No) 1. Do you want to schedule an appointment? Comment for 1: Field Exam 10/2/01
Priority Date	12/4/2001 4:10:23 PM	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	12/4/2001 4:11:13 PM	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 - Conversation with the Andersons and Angelo Trayis indicate that the original POD was located T6S, R35E, Section 20. Exact location not known.
POD	12/4/2001 4:11:27 PM	csaxton	Edited point location
POD	12/4/2001 4:12:10 PM	csaxton	Edited PLS
Source	12/4/2001 4:12:39 PM	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	12/4/2001 4:13:37 PM	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? (No) 6. Can the claimed POU be verified using the water right file? (Yes) 7. Is there evidence that there has been a change in the POU? (Yes) 8. Can the claim be verified as an accomplished transfer? (Yes) 13. Does the file contain all the necessary information to verify the POU? (No) 14. Is a POU remark and/or condition required? Description for Question 8 - Portion of claimed POU not in Decreed POU. Description for Question 13 - 1987 NAPP photography
POU	12/4/2001 4:13:52 PM	csaxton	Edited shape boundary

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-446C V1

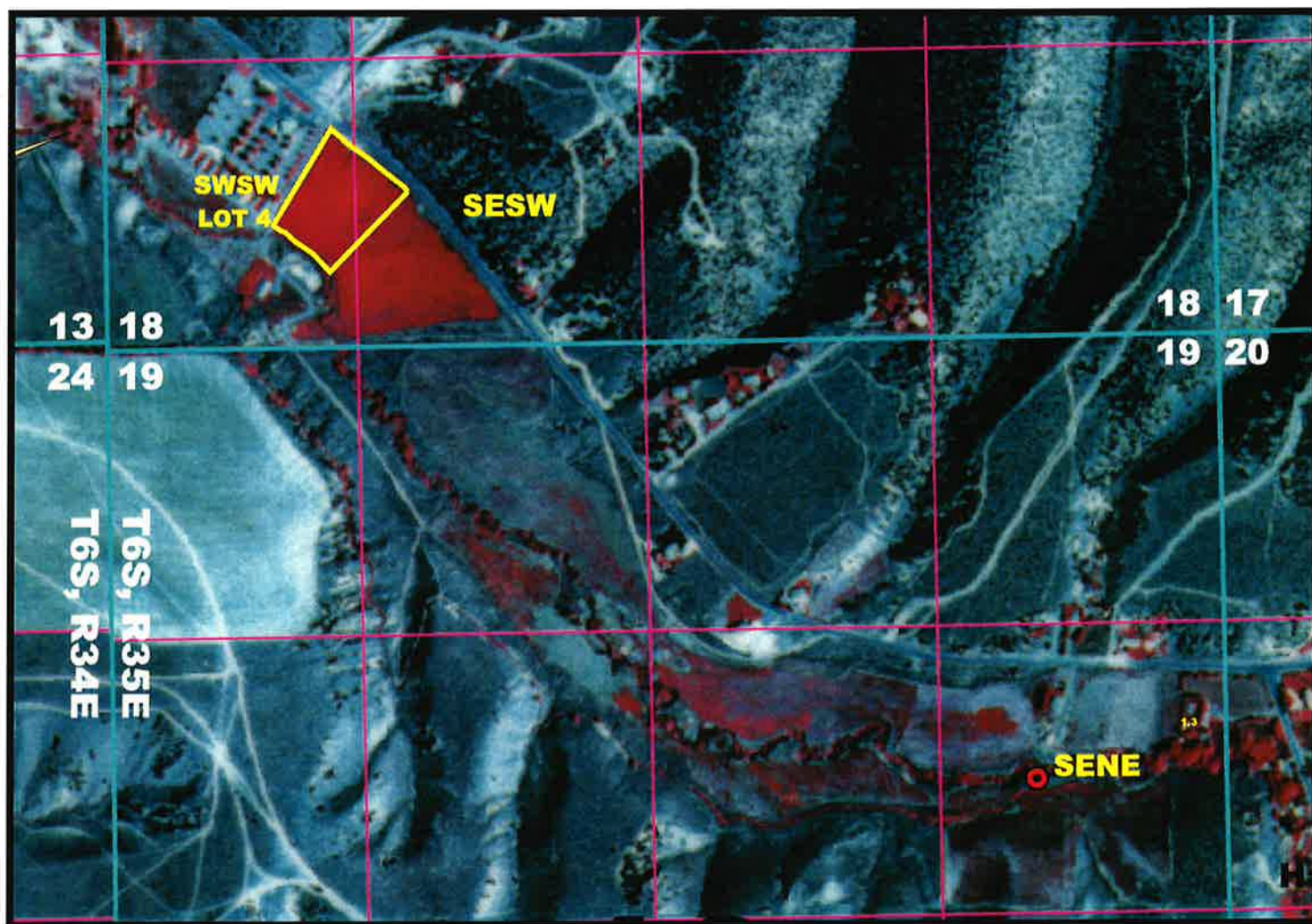
POU	12/4/2001 4:14:14 PM	csaxton	Edited PLS
Use	12/4/2001 4:15:22 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the parent right have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file? (No) 13. Is a Purpose of Use remark and/or condition required?
Season	12/4/2001 4:16:36 PM	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	12/4/2001 4:17:25 PM	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	12/4/2001 4:20:44 PM	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): 29-00446C



1320 0 1320 Feet

Total Irrigated Acres: 4.0



Point(s) of Diversion



Place of Use

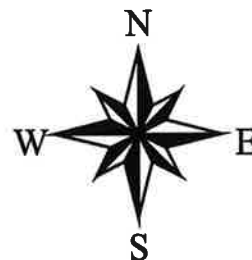


Quarter Quarter Lines



Section Lines

SCANNED
NOV 16 2005
PROFILED



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



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

April 25, 2003

STEPHEN C HURLEY
9737 W POCATELLO CK RD
POCATELLO ID 83201

RE: Amendment of Snake River Basin Adjudication (SRBA) claim 29-00446C

Dear Mr. Hurly,

In February of 2003 the Idaho Dept. of Water Resources sent out preliminary recommendation for SRBA claims filed in Basin 29. Claim 29-00446C was included in Basin 29. At that time IDWR requested the claimants to submit a Notice of Error reply to inform the department if an error was made on the recommendation for their water right claim.

IDWR did not receive a notice of error reply specifically related to your water right, however, we did receive a notice of error replay from one of your neighbors that claimed a portion of the same Decreed right that you did (Larry Foulkrod).

Mr. Foulkrod felt that the following language should not be included on his water right recommendation:

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

I reviewed the file and feel that this language should be removed from Mr. Foulkrod's right, which in turn means it should be removed from yours.

In addition, I originally recommended the season of use for stockwater as 4/1 to 10/31. After reviewing the decree, I feel I can change the recommended season of use for stockwatering purposes to year round use as claimed. That change has been made on the recommendation.

I am enclosing a copy of the amended preliminary recommendation for 29-00446C. Please look over the recommendation and if it looks satisfactory, no further action needs to be taken. The SRBA court will notify you at the time the Directors report is issued.

Respectfully submitted,

Craig L. Saxton
Sr. Water Resource Agent
Adjudication Bureau

PROFILED

SCANNED
NOV 16 2005



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

December 4, 2001

STEPHEN HURLEY
9737 W POCATELLO CK RD
POCATELLO ID 83201

RE: Transfer to Change Point of Diversion Needed for 29-00446C

Dear Mr. Hurly,

The Idaho Dept. of Water Resources has been in the process of reviewing the Snake River Basin Adjudication (SRBA) claims in your area. During my review of your water right I have determined that a transfer to change you point of diversion needs to be filed.

The SRBA court requires us to make our water right recommendations based on how the water right existed on November 19, 1987. My research indicates that your property was irrigated from a ditch that carried water along the south side of Pocatello creek. In 1988, Tom Skoog bought the property and changed the point of diversion to its current location on the SE corner of your property.

Since this change occurred after November 19, 1987, I must recommend the point of diversion for your right as being in the historical location (map enclosed).

In order to change your point of diversion from the historical location to it's current location, a transfer needs to be filed.

For your convenience, I am enclosing an application for Transfer of a Water Right. You might wish to wait until the recommendations for basin 29 are sent to Directors report so the other elements of the water right can be accurately described on the transfer.

Please feel free to contact this office if you have any questions.

Respectfully submitted,

Craig L. Saxton
Water Resource Agent
Adjudication Bureau

PROFILED

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NOV 16 2005

Need to find out
When POB IN Place.
Called Todd Anderson
To Gather Info.

Well log Shows Domestic
Drilled in 1988.

↓

- Todd Confirmed
Well in 1988 and before
that used Gravity
Irrigation for Property

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NOV 16 2005

12-4-01: PPD Same as 29-0446 C. GPS and Point
Location Taken on 10/2/01.
GPS A0009008

13-792 50 SHEETS, FILER 5 SQUARE
42-381 50 SHEETS, FILER 5 SQUARE
42-382 100 SHEETS, FILER 5 SQUARE
42-383 100 SHEETS, FILER 5 SQUARE
42-384 100 SHEETS, FILER 5 SQUARE
42-385 100 SHEETS, FILER 5 SQUARE
42-386 100 SHEETS, FILER 5 SQUARE
42-387 100 SHEETS, FILER 5 SQUARE
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42-396 100 SHEETS, FILER 5 SQUARE
42-397 100 SHEETS, FILER 5 SQUARE
42-398 100 SHEETS, FILER 5 SQUARE
42-399 100 SHEETS, FILER 5 SQUARE
42-400 100 SHEETS, FILER 5 SQUARE
Made in U.S.A.



SCANNED
NOV 16 2005

PROTECTED

Memorandum

Date: November 6, 2001

From: Craig L. Saxton

Subject: Meeting with Dwaine Anderson and discussion of historical water use.

Today I met with Dwaine, Todd, and Noel Anderson to discuss their claims. In the discussion I asked them how the property claimed under rights 29-00446B and 29-00446C were historically irrigated.

Dwaine stated that there were two ditches that irrigated the high points on the north and south side of Pocatello creek. In the 1950's only the ditch on the south side of the road was used. Water was diverted from what is now the Packers place and run along the south hills to a high field just South of the Anderson's current POU. Then the water was diverted and gravity feed into sprinkler lines that irrigated the POU claimed under 29-00446B and 29-00446C. A 1970 aerial photo was provided showing the ditch on the South side of the creek. The ditch on the North side of the creek has been destroyed by the Pocatello creek road.

In the late 1970's, pumps were put in place to irrigate the fields.

1988

12/4/01 - Recommend POD on Trayo's Property.

PROFILED

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NOV 16 2005

29-00446B

POD

Field Exam 10/02/01



Looking South. Point of diversion that serves both 29-00446B and 29-00446C (csaxton 12/04/01).

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NOV 16 2005

29-00446B

POND

Field Exam 10/02/01



Looking South. Motor location. POU is to the left of the picture (csaxton 12/4/01).

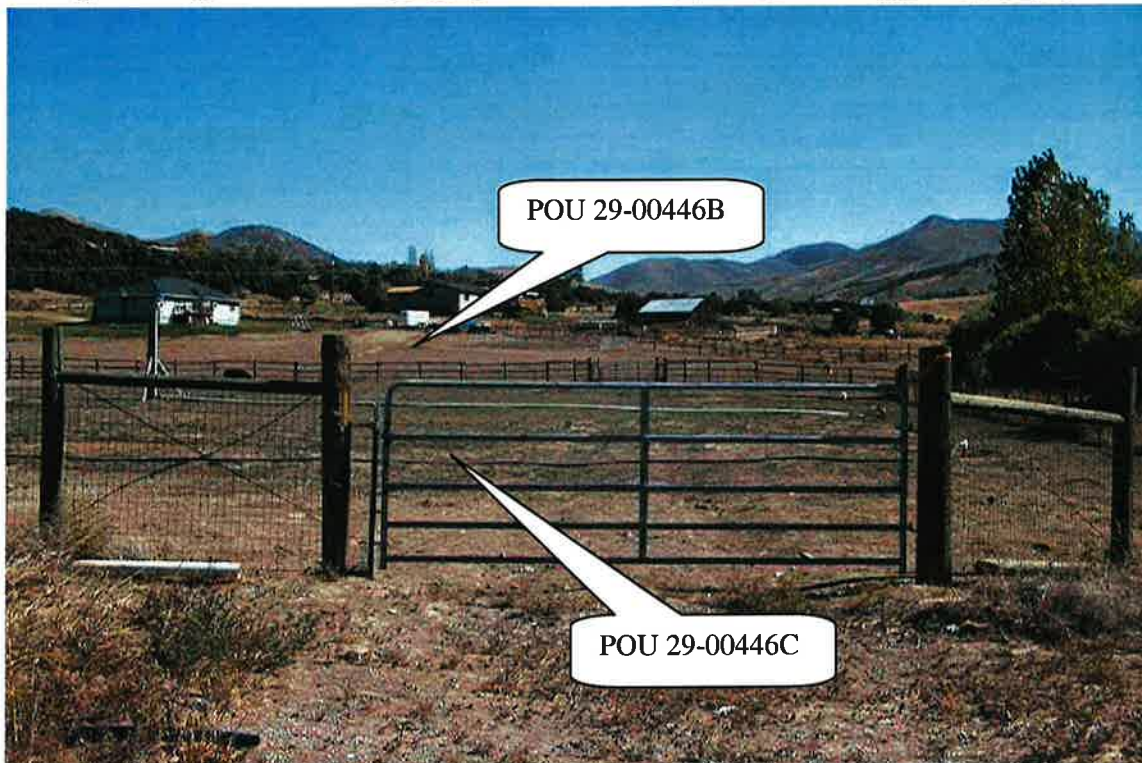
PROFILED

SCANNED
NOV 16 2005

29-00446B

POU

Field Exam 10/02/01



Looking East at POD for both 29-00446B and 29-00446C. POD to the right of picture (csaxton 12/4/01).

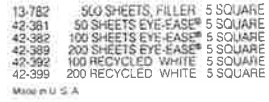
PROTECTED

SCANNED
NOV 16 2005

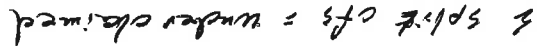




17 16
20 21



501.1 H-370.1 29-00416



SCANNED
NOV 16 2005

FORWARD WHITE COPY TO WATER RESOURCES

SCANNED

JUN 19 2001

Log for claim A29-00446C

Spatial Dynamics LTD

9/18/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
06s35e	18	SWSW	4	3	
06s35e	18	SESW	0	1.6	
Totals:			4	4.6	

AJ5809NP
No. A29-00446C

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/24/00
PAGE: 19

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	STEPHEN HURLEY 9737 W POCATELLO CREEK RD POCATELLO ID 83201 (208) 785-8509	09/09/1904	IRRIGATION STOCKWATER	03-15 11-15 01-01 12-31	0.080 CFS 0.020 CFS	
TOTAL DIVERSION:					0.080 CFS	

Water Source: POCATELLO CREEK

Tributary to: PORTNEUF RIVER

Stage: DECREED

Point(s) of Diversion:

T06S R35E S18 Lot04(SESWSW)

BANNOCK County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE								
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM
			:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	
06S	35E	18	:					:					:					:					:	4.0
TOTAL ACRES																							4.0	

Place of use Legal Description for: STOCKWATER

				NE				NW				SW				SE								
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	
			:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	
06S	35E	18	:					:					:					:					:	

POU County: BANNOCK

Non-Irrigation Uses: 3 HORSES

Other Rights: NONE

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
A29-00446B

Other Water Rights Listing Overlapping Place(s) of Use:
A29-00443D A29-00443P A29-00443Q A29-00443R A29-00446 A29-00446A A29-00446B

Remarks: GEN THIS IS FILED AS PORTION OF 29-00446 NOW OWNED BY CLAIMANT WHO
HAS PURCHASED A PORTION OF THE PROPERTY UNDER THE ORIGINAL
DECREED PLACE OF USE. CLAIMING 1 MINERS INCH PER ACRE.

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

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

Audit: 01/15/99 SVANHOFF



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr. Ste. A, Idaho Falls, Idaho 83402

Phone: (208) 525-7171 FAX: (208) 525-7177 www.idwr.state.id.us/idwr/idwrhome.htm

January 12, 1999

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

STEPHEN & ROMA HURLEY
9737 W POCATELLO CREEK RD
POCATELLO ID 83201

RE: CHANGE IN OWNERSHIP FOR A29-00446A

Dear Mr. and Mrs. Hurley:

The request for Change in Ownership for a portion of the above-referenced Notice(s) of Claim has been processed with the new Notice(s) reflecting you as one of the claimants.

Since the Change in Ownership involved just a portion of the Notice(s) of Claim, the right was split as follows:

A29-00446B, 0.12 cfs on 6 acres, Skoog
A29-00446C, 0.08 cfs on 4 acres, Hurley

Enclosed for your records is a typed Notice(s) reflecting your portion of the right. Review the Notice(s) and if you have other corrections or questions, please contact this office.

Respectfully submitted,

Jennifer Hoagland
Technical Records Specialist

Enclosure

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page.

Incomplete forms will be returned.

1. Water Right Number(s) AJ0749NP
Adjudication Claim Number(s) A29-00446A
2. The following **REQUIRED** information must be submitted with this form.
 - A. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE**, or other legal document indicating your ownership of the property and water rights or claims in question, **WITH ATTACHED LEGAL DESCRIPTION**.
AND
 - B. **PLAT OF PROPERTY or SURVEY MAP** for parcel of ten acres or less. (These are usually on file with the county.)
OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) **AERIAL PHOTO** with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant(s) THOMAS J. SKOOG AND JANET M SKOOG
UNKNOWN ADDRESS
4. New Owner/Claimant(s) STEPHEN C HURLEY AND ROMA J. HURLEY
Name connector (Check one): ☐ AND, ☐ OR, ☐ AND/OR
New Mailing Address 9737 W. POCA TELLO CRK RD. POCA TELLO ID 83201
City, State and ZIP Code _____
New Telephone Number (208) 232 - 4626 WORK 785-8509
5. Date you acquired the property JUNE 3, 1994
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.
Number of acres actually irrigated SEE ATTACHED LETTER Number and type of stock _____
Diversion rate in CFS _____ Number of homes _____ Other uses _____
cubic feet per second
If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
7. Signature of New Owner/Claimant(s) Stephen C Hurley Date April 27, 1998
Roma J Hurley Date 4/27/98
8. For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

(6)

Warranty Deed

94010284

3-1

For Value Received

THOMAS J. SKOOG AND JANET M. SKOOG, HUSBAND AND WIFE

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

STEPHEN C. HURLEY AND ROMA J. HURLEY, HUSBAND AND WIFE

whose current address is

8895 N. DEWALL LANE, POCATELLO IDAHO, 83201

the grantee, the following described premises, in BANNOCK

County Idaho, to wit:

SEE EXHIBIT "A" ATTACHED HERETO

THIS AMENDS, CORRECTS, AND REPLACES WARRANTY DEED RECORDED MAY 3, 1994 AS INSTRUMENT NO. 94007846

THE GRANTEES AGREE TO SHARE EQUALLY WITH THE OWNERS OF PARCELS 1 & 2 OF SKOOG PROPERTY, THE OPERATIONS AND MAINTENANCE COST OF A PUMP AND MAIN LINE FOR PURPOSES OF IRRIGATION FROM WATER RIGHTS OF POCATELLO CREEK LOCATED AT SOUTH WEST CORNER OF PARCEL 3 OF SAID PROPERTY.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee S, heirs and assigns forever. And the said Grantor do hereby covenant to and with the said Grantee S, that The Y 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:

Thomas J. Skoog
THOMAS J. SKOOG

Janet M. Skoog
JANET M. SKOOG

1-2870 582 \$875

535-7033
Roma J
have been
to County

STATE OF IDAHO, COUNTY OF BANNOCK
On this 3RD day of JUNE, 1994
before me, a notary public in and for said State, personally appeared

THOMAS J. SKOOG
JANET M. SKOOG

NOT

known to me to be the personS whose nameS ARE
subscribed to the within instrument, and acknowledged to me that
THEY executed the same.

Karl Paul
Notary Public

Residing at POCATELLO, Idaho
Comm. Expires 3-29-99

94010284

NO. RECORDED AT REQUEST OF
AMERICAN LAND TITLE CO.
'94 JUN -3 P4:23

OFFICIAL RECORD BOOK NO. 616
BANNOCK COUNTY IDAHO
LARRY M. CHAN RECORDER
EE. G. DEPUTY

EXHIBIT "A"

A TRACT OF LAND IN THE SOUTHWEST QUARTER OF SECTION 18, TOWNSHIP 6 SOUTH, RANGE 35 EAST, BOISE MERIDIAN. DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SECTION 18, TOWNSHIP 6 SOUTH, RANGE 35 EAST, BOISE MERIDIAN; THENCE SOUTH $89^{\circ}56'00''$ EAST ALONG THE SOUTH LINE OF SECTION 18, FOR A DISTANCE OF 1126.83 FEET TO THE SOUTHWEST CORNER OF THE LAND DEPICTED ON THE RECORD OF SURVEY MAP RECORDED IN THE RECORDS OF BANNOCK COUNTY AS INSTRUMENT 814914; THENCE NORTH $18^{\circ}34'55''$ WEST ALONG THE WEST BOUNDARY OF THE SAID LAND, FOR A DISTANCE OF 240.12 FEET; THENCE CONTINUING ALONG THE SAID WEST BOUNDARY NORTH $08^{\circ}57'31''$ WEST FOR A DISTANCE OF 123.96 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING ALONG THE SAID WEST BOUNDARY FOR THE NEXT FOUR (4) COURSES:

- (1) NORTH $43^{\circ}46'35''$ WEST FOR A DISTANCE OF 111.59 FEET; THENCE
- (2) NORTH $56^{\circ}44'57''$ WEST FOR A DISTANCE OF 90.64 FEET; THENCE
- (3) NORTH $48^{\circ}06'57''$ WEST FOR A DISTANCE OF 69.80 FEET; THENCE
- (4) NORTH $86^{\circ}40'49''$ WEST FOR A DISTANCE OF 23.59 FEET TO THE NORTHWEST CORNER OF THE SAID LAND; THENCE

NORTH $30^{\circ}31'56''$ EAST ALONG THE NORTH BOUNDARY OF THE SAID LAND, THE SAME BEING THE SOUTH RIGHT OF WAY LINE OF CLIFFORD DRIVE, FOR A DISTANCE OF 552.01 FEET TO AN INTERSECTION WITH THE WEST RIGHT OF WAY LINE OF POCATELLO CREEK ROAD; THENCE SOUTH $51^{\circ}26'04''$ EAST ALONG THE WEST RIGHT OF WAY LINE OF POCATELLO CREEK ROAD FOR A DISTANCE OF 217.86 FEET TO A POINT OF CURVATURE; THENCE SOUTH EASTERLY FOLLOWING THE SAID RIGHT OF WAY LINE, ALONG A 1396.88 FOOT RADIUS CURVE, CONCAVE TO THE SOUTHWEST, THROUGH A CENTRAL ANGLE OF $08^{\circ}52'32''$ FOR AN ARC DISTANCE OF 216.39 FEET; THENCE SOUTH $45^{\circ}45'18''$ WEST FOR A DISTANCE OF 530.95 FEET TO THE POINT OF BEGINNING.

DESCRIPTION FOR TOM SKOOG
Parcel 3

A tract of land in the southwest quarter of Section 18, Township 6 South, Range 35 East, Boise Meridian, described as follows:

Commencing at the southwest corner of Section 18, Township 6 South, Range 35 East, Boise Meridian; thence

South $89^{\circ}56'00''$ East along the south line of Section 18, for a distance of 1126.83 feet to the southwest corner of the land depicted on the Record of Survey Map recorded in the records of Bannock County as instrument 814914; thence

North $18^{\circ}34'55''$ West along the west boundary of the said land, for a distance of 240.12 feet; thence

Continuing along the said west boundary, North $08^{\circ}57'31''$ West for a distance of 123.96 feet, to the **TRUE POINT OF BEGINNING**; thence

Continuing along the said west boundary for the next four (4) courses:

- (1) North $43^{\circ}46'35''$ West for a distance of 111.59 feet; thence
- (2) North $56^{\circ}44'57''$ West for a distance of 90.64 feet; thence
- (3) North $48^{\circ}06'57''$ West for a distance of 69.80 feet; thence
- (4) North $86^{\circ}40'49''$ West for a distance of 23.59 feet to the northwest corner of the said land; thence

North $30^{\circ}31'56''$ East along the north boundary of the said land, the same being the south right of way line of Clifford Drive, for a distance of 552.01 feet to an intersection with the west right of way line of Pocatello Creek Road; thence

South $51^{\circ}26'04''$ East along the west right of way line of Pocatello Creek Road for a distance of 217.86 feet to a point of curvature; thence

South easterly following the said right of way line, along a 1396.88 foot radius curve, concave to the southwest, through a central angle of $08^{\circ}52'32''$, for an arc distance of 216.39 feet; thence

South $45^{\circ}45'18''$ West for a distance of 530.95 feet to the point of beginning.

Comprising 4.44 acres, more or less.

RETAINING THERE FROM:

An access and utility easement, over, across, and under the west end of the afore described tract, said easement being described as follows:

Commencing at the southwest corner of Section 18, Township 6 South, Range 35 East, Boise Meridian; thence

South $89^{\circ}56'00''$ East along the south line of Section 18, for a distance of 1126.83 feet to the southwest corner of the land depicted on the Record of Survey Map recorded in the records of Bannock County as instrument 814914; thence

3-3

94010284

North $18^{\circ}34'55''$ West along the west boundary of the said land, for a distance of 240.12 feet; thence

Continuing along the said west boundary, North $08^{\circ}57'31''$ West for a distance of 123.96 feet, to the **TRUE POINT OF BEGINNING**; thence

Continuing along the said west boundary for the next four (4) courses:

- (1) North $43^{\circ}46'35''$ West for a distance of 111.59 feet; thence
- (2) North $56^{\circ}44'57''$ West for a distance of 90.64 feet; thence
- (3) North $48^{\circ}06'57''$ West for a distance of 69.80 feet; thence
- (4) North $86^{\circ}40'49''$ West for a distance of 23.59 feet to the northwest corner of the said land; thence

North $30^{\circ}31'56''$ East along the north boundary of the said land, the same being the south right of way line of Clifford Drive, for a distance of 95.90; thence

South $33^{\circ}17'25''$ East for a distance of 108.53 feet; thence

South $49^{\circ}34'38''$ East for a distance of 206.65 feet to an intersection with the southeasterly boundary of the afore described tract; thence

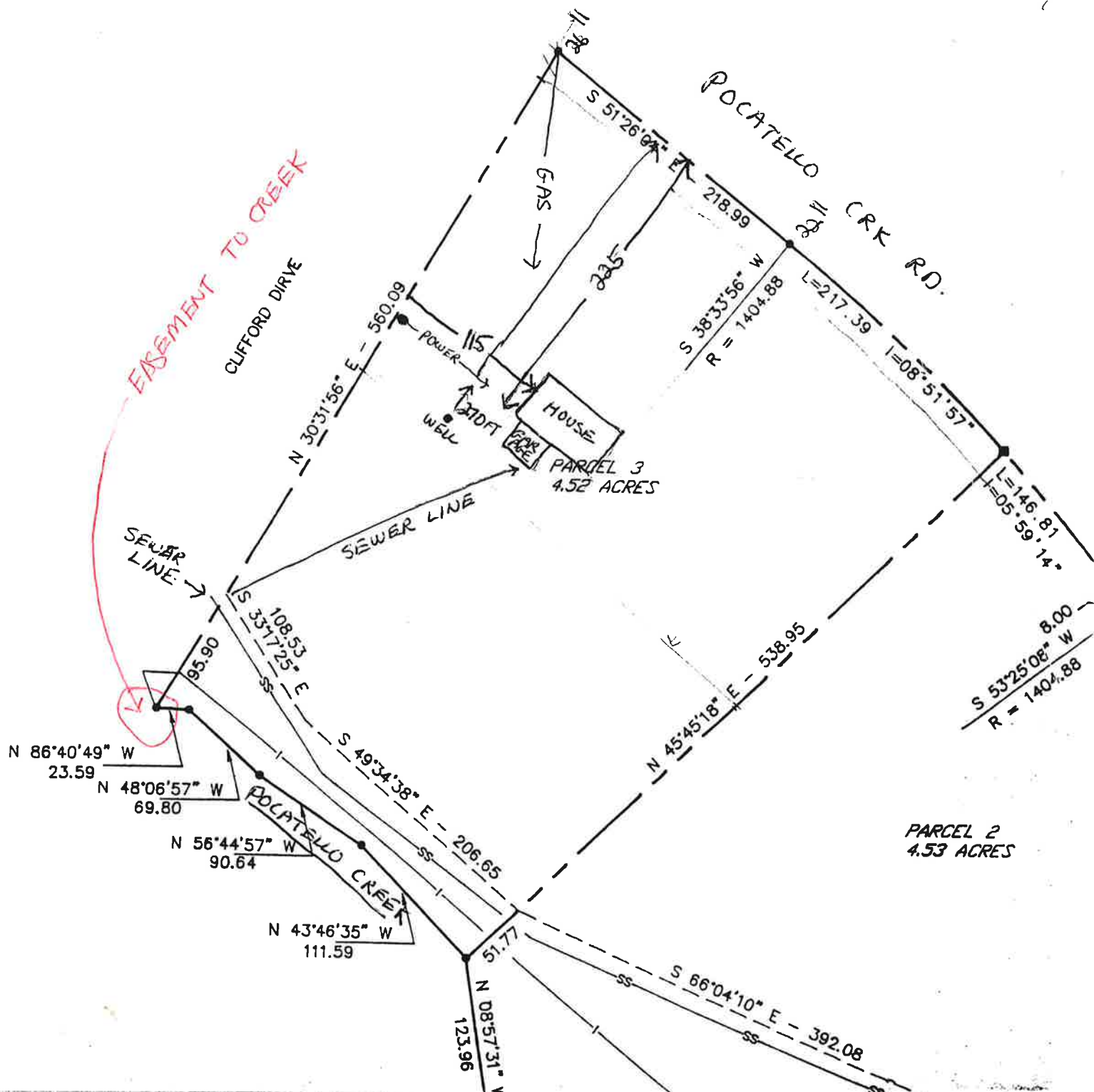
South $45^{\circ}45'18''$ West for a distance of 51.77 feet to the point of beginning.

April 29, 1994
Job No. 93026-2A

INITIALS



STEVEN + ROMA HURLEY



9737 W. Pocatello Crk. Rd.
Pocatello, ID 83201

State of Idaho
Idaho Department of Water Resources

April 27, 1998

Dear Sirs:

This letter is in regards to a water right on Pocatello Creek. The numbers are AJ0749NP and A29-00446A.

Thomas and Janet Skoog divided their twelve (or more) acres into three parcels. Mr. Skoog included a covenant on all deeds stipulating that all three new owners are to share, operate and maintain the established water right that originates from Pocatello Creek (on a neighbor's land). An easement for access to the creek is located at the southwest corner of my property (parcel 3). A three inch pipe carries water to parcels one and two.

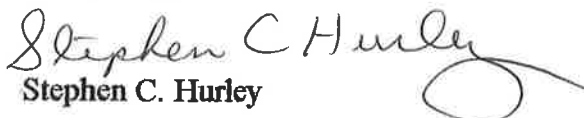
Each property is fenced for livestock. I presently have two llamas, two pigs, a goat, and a donkey. The other owners plan to put livestock on their property in the future. I plan to irrigate a majority of my parcel.

There is one home on each parcel. Each owner is in the process of applying for a water right for a domestic well. My application is enclosed in the same envelope with this letter. (I forwarded application forms to the other two owners.)

Since access to the creek is in only one place, a power pole and pump is maintained at that location, a covenant binds all owners, and easements have been established for all parcel owners to maintain their access across the other owners property, I would like to apply for one water right to cover all three parcels.

If this application can not apply for all three parcels then please complete it for just my parcel and send me forms with instructions so that I can give them to my neighbors. Please feel free to call me at 785-8509 during the mornings if you have any questions.

Yours truly,


Stephen C. Hurley

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: **A29-00446C**
Date Received: 3/20/1990
Receipt No: E012450
Received By: _____

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

1. Name: STEPHEN HURLEY 208-785-8509
Address: 9737 W POCATELLO CREEK RD
POCATELLO ID 83201

2. Date of Priority: SEP 9, 1904

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	18	SE	SW	SW	4	BANNOCK

5. Description of diverting works:
7.5HP PUMP IN STREAM TO WHEEL LINE.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.080		
STOCKWATER	01/01	12/31	0.020		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
3 HORSES

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06S	35E	18	SW	SW	4	STOCK	
			SW	SW	4	IRR	4.0

A2900446C



10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	4.0
					Total Acres	4.0

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 IS FILED AS PORTION OF 29-00446 NOW OWNED BY CLAIMANT WHO HAS PURCHASED A PORTION OF THE PROPERTY UNDER THE ORIGINAL DECREED PLACE OF USE. CLAIMING 1 MINERS INCH PER ACRE.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 4/ 1/1925

PATRICK S. TANEY, ET. AL.

Decree Plaintiff

H. S. WOODLAND

vs

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): _____ Date: _____
_____ Date: _____

State of Idaho)
) SS.
County of _____)

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

17. Notice of Appearance:

Notice is hereby given that I, _____ will be
_____ Print Name
acting as attorney at law on behalf of the claimant signing above, and that
all notices required by law to be mailed by the director to the claimant
signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

DATE: 02/11/98
PAGE: 1

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