

05/22/2003

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

RIGHT NUMBER: 29-604G

NAME AND ADDRESS: CHARLES FITZGIBBONS
PO BOX 94
INKOM ID 83245

JOHANNA FITZGIBBONS
PO BOX 94
INKOM ID 83245

SOURCE: INDIAN CREEK

TRIBUTARY: PORTNEUF RIVER

QUANTITY: 0.004 CFS

PRIORITY DATE: 05/31/1908

POINT OF DIVERSION:

T07S R36E S28 SENWNW Within BANNOCK County Source: INDIAN CREEK

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.004 CFS

PLACE OF USE: IRRIGATION Within BANNOCK County

T07S R36E S28 NWNW 0.2

0.2 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

04/15/2003

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

RIGHT NUMBER: 29-604G
NAME AND ADDRESS: CHARLES FITZGIBBONS
PO BOX 94
INKOM ID 83245

JOHANNA FITZGIBBONS
PO BOX 94
INKOM ID 83245

SOURCE: INDIAN CREEK TRIBUTARY: SINKS

QUANTITY: 0.004 CFS

PRIORITY DATE: 05/31/1908

POINT OF DIVERSION:
T07S R36E S28 SENWNW Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

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IRRIGATION	04/01 10/31	0.004 CFS

PLACE OF USE: IRRIGATION Within BANNOCK County
T07S R36E S28 NWNW 0.2

0.2 ACRES TOTAL

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

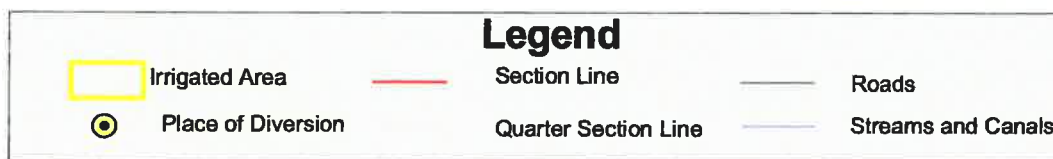
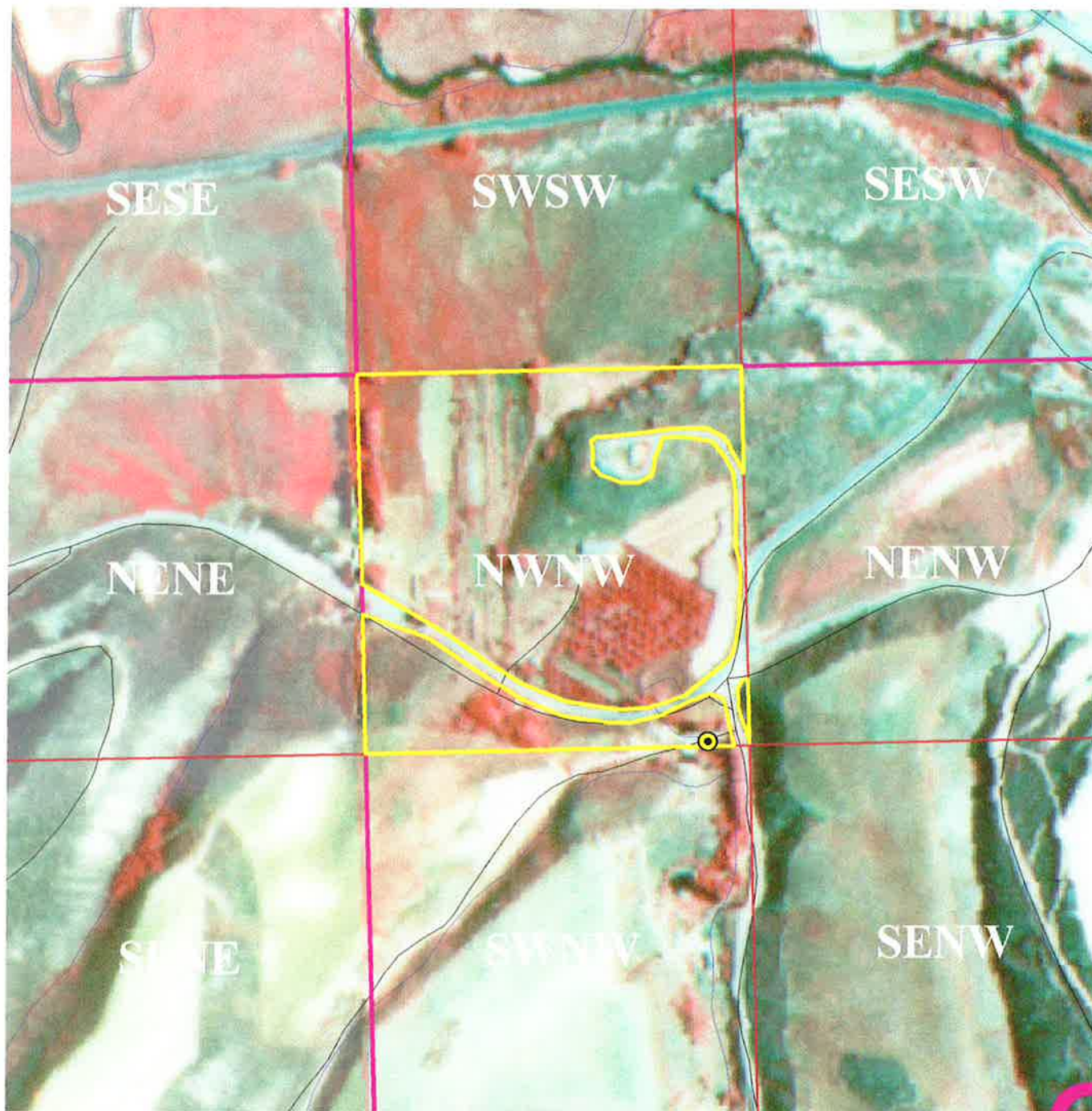
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

SCANNED
MAY 16 2006

Water Right Claim Number A29-00604G
Township , 7S36E

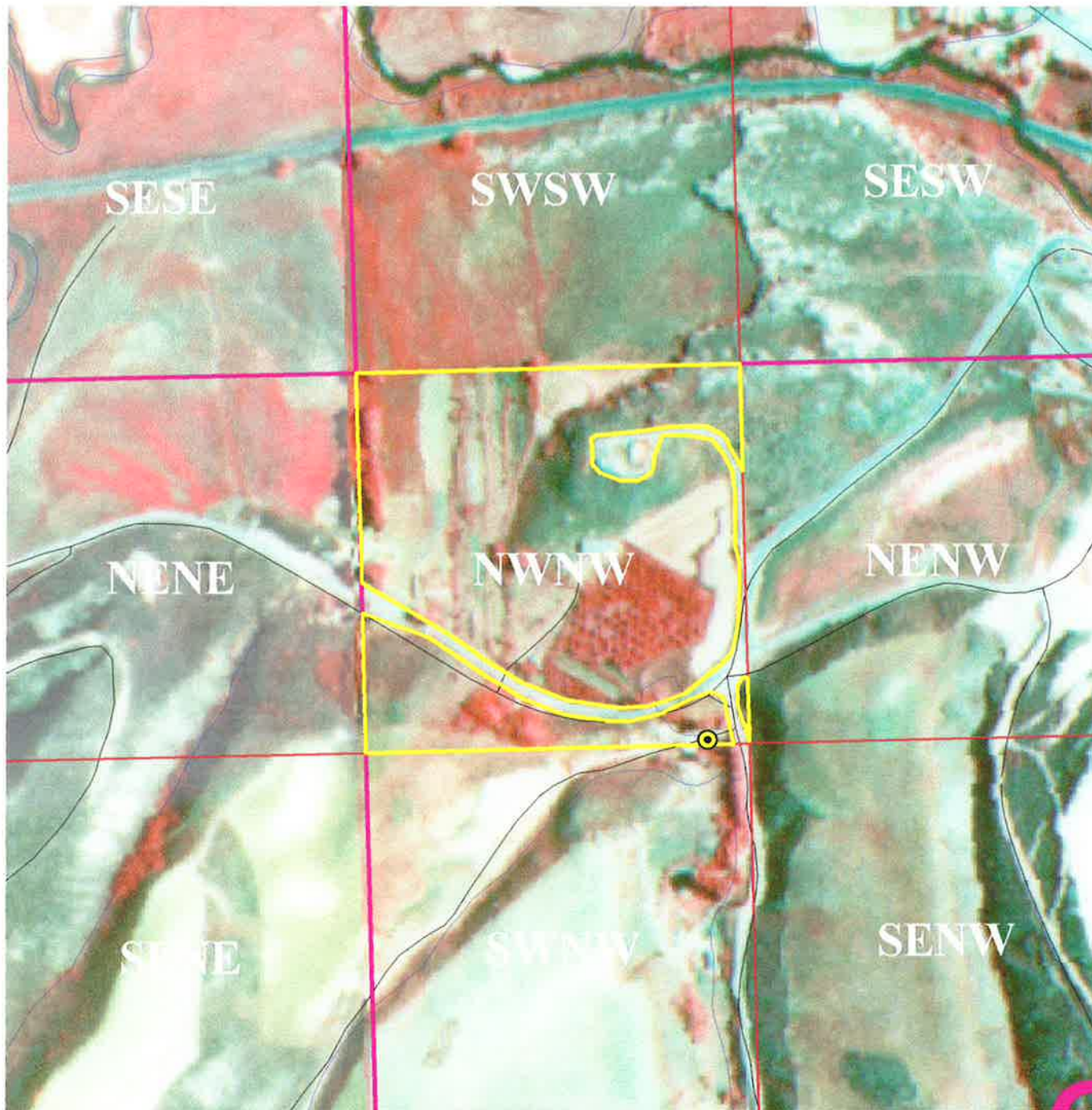
08/28/2000



SCANNED
MAY 16 2006

Water Right Claim Number A29-00604G
Township , 7S36E

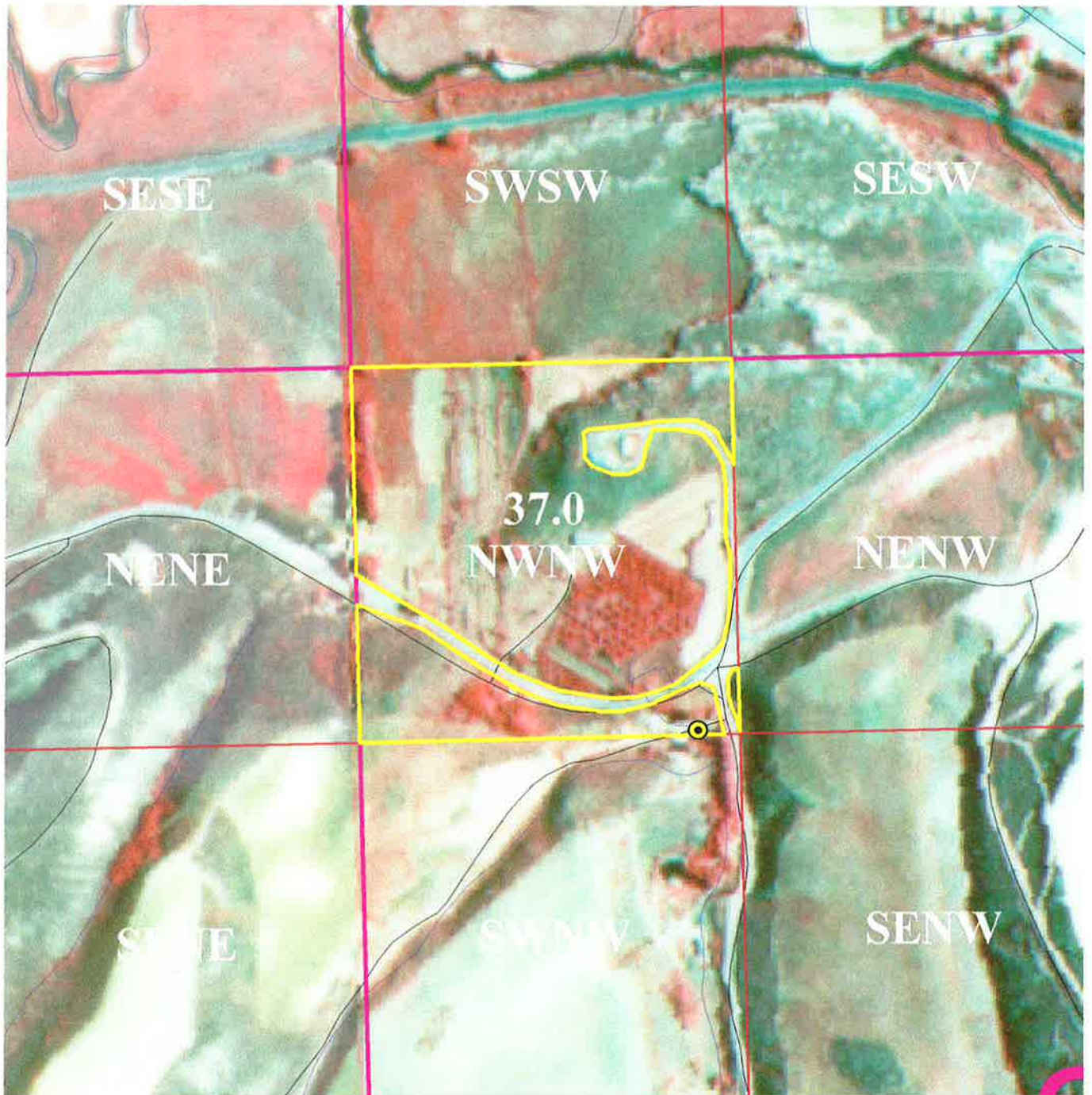
08/28/2000



SCANNED
MAY 16 2006

Water Right Claim Number A29-00604G
Township , 7S36E

08/28/2000



SCAN
MAY 16 2006

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-604G V1

WATER RIGHT NUMBER: 29-604G V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	HAL M DERBIDGE 1750 W PORTNEUF RD INKOM, ID 83245-1605
Original Owner	HELEN S DERBIDGE PO BOX 186 INKOM, ID 83245 (208)775-4941
Current Owner	CHARLES FITZGIBBONS PO BOX 94 INKOM, ID 83245 (208)775-4941
Current Owner	JOHANNA FITZGIBBONS PO BOX 94 INKOM, ID 83245 (208)775-4941

Priority Date: 05/31/1908

Basis: Decreed

Status: Active

Source

INDIAN CREEK

Tributary

PORTNEUF RIVER

Beneficial Use

IRRIGATION

From To

04/01 to 10/31

Diversion Rate

0.004 CFS

Annual VolumeTotal Diversion: 0.004 CFSLocation of Point(s) of Diversion

INDIAN CREEK

SE1/4NW1/4NW1/4

Sec. 28, Twp 07S, Rge 36E, 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	
07S	36E	28						.2											.2

Total Acres: 0.2

Conditions of Approval:

1. 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 29-604G V1

Remarks:Comments:

1. csaxton 12/10/2002 POD
Comment: No POD location defined in Decree.
2. csaxton 12/10/2002 From WR file - Priority date:
Comment: PRIORITY DATE NOT GIVEN IN DECREE, BUT RT. 29-0603 IS SUPERIOR & PRIOR TO DEFENDANTS RTS. 29-0606 THRU 29-0610. (One day prior to priority for 29-00606 thru 29-00610 csaxton)
3. csaxton 12/10/2002 Analysis
Comment: See Excel analysis spreadsheet in file and memorandum.
4. csaxton 12/10/2002 Source
Comment: Source claimed as springs. Springs left off of source since springs seem to feed into Indian Creek and there is no apparent diversion directly from springs.
5. csaxton 5/22/2003 c/o
Comment: Jennifer Crabtree changed ownership from Derbidge to Fitzgibbons on 4/16/03.

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: AND
 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	12/10/2002 1:45:37 PM	csaxton			Active
Priority Date	12/10/2002 1:45:54 PM	csaxton			Active
POD	12/10/2002 1:46:06 PM	csaxton			Active
Source	12/10/2002 1:47:19 PM	csaxton			Active
POU	12/10/2002 1:47:32 PM	csaxton			Active
Use	12/10/2002 1:48:48 PM	csaxton			Active
Season	12/10/2002 1:49:04 PM	csaxton			Active
Quantity	12/10/2002 1:49:55 PM	csaxton			Active
Summary			12/10/2002	csaxton	Active

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 29-604G V1

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Contacts	12/10/2002 1:45:38 PM	csaxton	(No) 1. Do you want to schedule an appointment? Comment for 1: Field Exam 8/27/02
Priority Date	12/10/2002 1:45:55 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? (No) 5. Does the decree or license have a Priority Date? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?
POD	12/10/2002 1:46:06 PM	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	12/10/2002 1:46:43 PM	csaxton	Edited point location
POD	12/10/2002 1:47:00 PM	csaxton	Edited PLS
Source	12/10/2002 1:47:19 PM	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	12/10/2002 1:47:33 PM	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?
POU	12/10/2002 1:47:51 PM	csaxton	Edited shape boundary
POU	12/10/2002 1:48:14 PM	csaxton	Edited shape boundary
POU	12/10/2002 1:48:28 PM	csaxton	Edited PLS
Use	12/10/2002 1:48:49 PM	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 29-604G V1

Season	12/10/2002 1:49:05 PM	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	12/10/2002 1:49:55 PM	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? (Yes) 12. Is a Quantity remark or condition required?
Summary	12/10/2002 1:51:27 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? (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?



STATE OF IDAHO

Department of Water Resources
Eastern Region

Water Right(s): 29-00604G



Total Irrigated Acres: 0.20

● Point(s) of Diversion

□ Place of Use

□ Quarter Quarter Lines

□ Section Lines



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SCANNED
MAY 16 2006

GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: C. Saxton
Date: December 2002

Memorandum

Date: June 12, 2003

To: File

From: Craig L. Saxton

Subject: Diversion rate break down splits of decreed right 29-00604 and Source.

Diversion Rate:

This right was divided by calculating the total irrigated acreage within Indian allotment #14 and then proportioning out the water accordingly. The diversion rate per acre for users of 29-00604 came to 0.018 cfs per acre.

One week before the deadline for the directors report for Basin 29 was issued. It was discovered that 29-12528 claimed 0.06 cfs based on 29-00604 and was partially decreed by the SRBA court on 6/24/1998. This right was not originally included in the proportionate split.

Thus, the result would be that the recommendation for split portions for 29-00604 is 0.06 cfs greater than the decreed diversion rate.

However, 29-00604C was recommended as disallowed. Despite that this claim was disallowed, the appropriate diversion rate was included in the proportioning of the right. Otherwise stated, I held out 0.054 cfs for this claim in case proof could be shown that this was a valid water right. At this time, no evidence has been provided.

So:

Total decreed diversion rate for 29-00604 = 0.80 cfs

If all claims were recommended, total recommended diversion rate would = 0.86 cfs

However, since 29-00604C was disallowed, the actual total recommended diversion rate = 0.806.

This right is over recommended by 0.006 cfs. Due to possible rounding error, the fact that this is such a small diversion rate, and the short time line, I did not re-proportion the diversion rate among the users.

If the claimant of 29-00604C files an objection, the diversion rate will have to be re-evaluated for all split portions of 29-00604 and all diversion rate recommendations will most likely need to be reduced.

Source:

IDWR paralegal Vicky Music found that the "decision" in U.S. v. Skeem and it specifically says that Indian creek during high water carries considerable volume of water and is continuous from its source to the Portneuf but that after approximately May 1 it ceases to flow past 1 mile from its source.

Source Recommended as Indian Creek Tributary to the Portneuf River.

PROFILE

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MAY 16 2006

Split history for Decreed Right 29-00603 & 604

WR

Claimed

Recommend

29-00603 0.4	29-00603A Gilbert	29-00603A Gilbert	Deed Silent	0.14 15	Not On Decreed POU Karlson says this is Gilberts Diversion Rate Calc for 14 ac
	0.2 15	0.2 15			
	29-10522 Karlson(?)	29-13122 Karlson	Approx 1/2 " hand written	0.513 35.2	POU 14 & 17 good
	0.2 (603) 0.67 (604) 52.5	0.72 43.1			
29-00604 0.8		29-13123 Burton	Approx 1/2 " hand written	0.049 5.2	POU 17 claimed water from 14 & 17
		0.08 5.2			
		29-13124 Rendace	Approx 1/2 " hand written	0.04 4.2	POU 17 claimed water from 14 & 17
		0.07 4.2			
	29-00604A Wells	29-00604A Wells	Conversation notes say he gets %52 of 604	0.271 15	POU 14 Good
	0.42 21	0.42 21			
	29-00604B Whitworth	29-00604E Hahn	Deed Silent	0.021 1.2	POU 14 Good
	0.07 3.5	0.05 2.5			
		29-00604F Anderson	Deed Silent	Disallow	Covered by 29-00604C
		0.02 1			
	29-00604C Anderson	29-00604C Anderson	Deed Silent	0.054 3	Disallow Not enough evidence of use so far POU 14 Good
	0.075 3	0.075 3			
	29-00604D Spencer Renumbered	29-13464 Spencer	Deed Silent	0.108 8.8	Referred to 29-13464 POU 14 & 17 CO5
	0.235 12	0.235 12			
	29-00604G Derbidge	29-00604G Derbidge	No Deed in File	0.004 0.2	POU 14 Good
	0.02 0.5	0.02 0.5			
	29-12528 Hahn		Domestid Partial Decreed	0.06 Domestic	Partially Decreed
	0.06 Domestic	0.06 Domestic			

Sum Rec CFS=	1.26
Sum Rec Acre=	87.8

Un-accounted for CFS=	-0.06
Un-accounted for Acres=	N/A

* Both Rights over claimed. Decree doesn't mention duty of water. No claims deeds show deeded water.
 Since 29-00604D is disallowed, actual total recommended diversion rate is 0.806 cfs
 This right is over recommended by 0.006 cfs

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MAY 16 2000

Allotment 14: 29-00604	Allotment 17: 29-00603
------------------------	------------------------

Sum CFS & Acreage
for Rights

	1		13
	21		10
	2.9		2.1
	3		3
	0.4		4.2
	15		2.1
	0.2		2.2
	0.8	Not Recommended	5.9
0.8	44.3	0.4	42.5

Per Acre =	0.018059	0.00941176
------------	----------	------------

	Acreage	CFS		Acreage	CFS
29-00603A	1	0.018		13	0.122
29-00604A	15	0.271			
29-00604C	3	0.054			
29-00604D 29-13464 (renumbered)	2.9	0.052		5.9	0.056
29-00604E	1.2	0.022			
		0.021 actual			
29-00604F DISALLOW					
29-00604G	0.2	0.004			
29-13122	21	0.379		14.2	0.134
29-13123				5.2	0.049
29-13124				4.2	0.040
29-12528	Domestic	0.060			
Total Acres	44.3	0.860		42.5	0.400

CFS	Acreage
0.140	14
0.271	15
0.054	3
0.108	8.8
0.022	1.2
0.021 Actual	
0.004	0.2
0.513	35.2
0.049	5.2
0.040	4.2
0.060	Domestic
1.260	86.8

Since 29-00604D is disallowed, actual total recommended diversion rate is 0.806 cfs
This right is over recommended by 0.006 cfs

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MAY 15 2006

Memorandum

Analysis of Decreed rights 29-00603 and 29-00604 (Indian Creek)

This right was over claimed. Deeds do not show ownership of water.

How right was divided and recommended to respective claimants:

29-00603 was decreed to Indian allotment NO:17

29-00604 was decreed to Indian allotment NO: 14

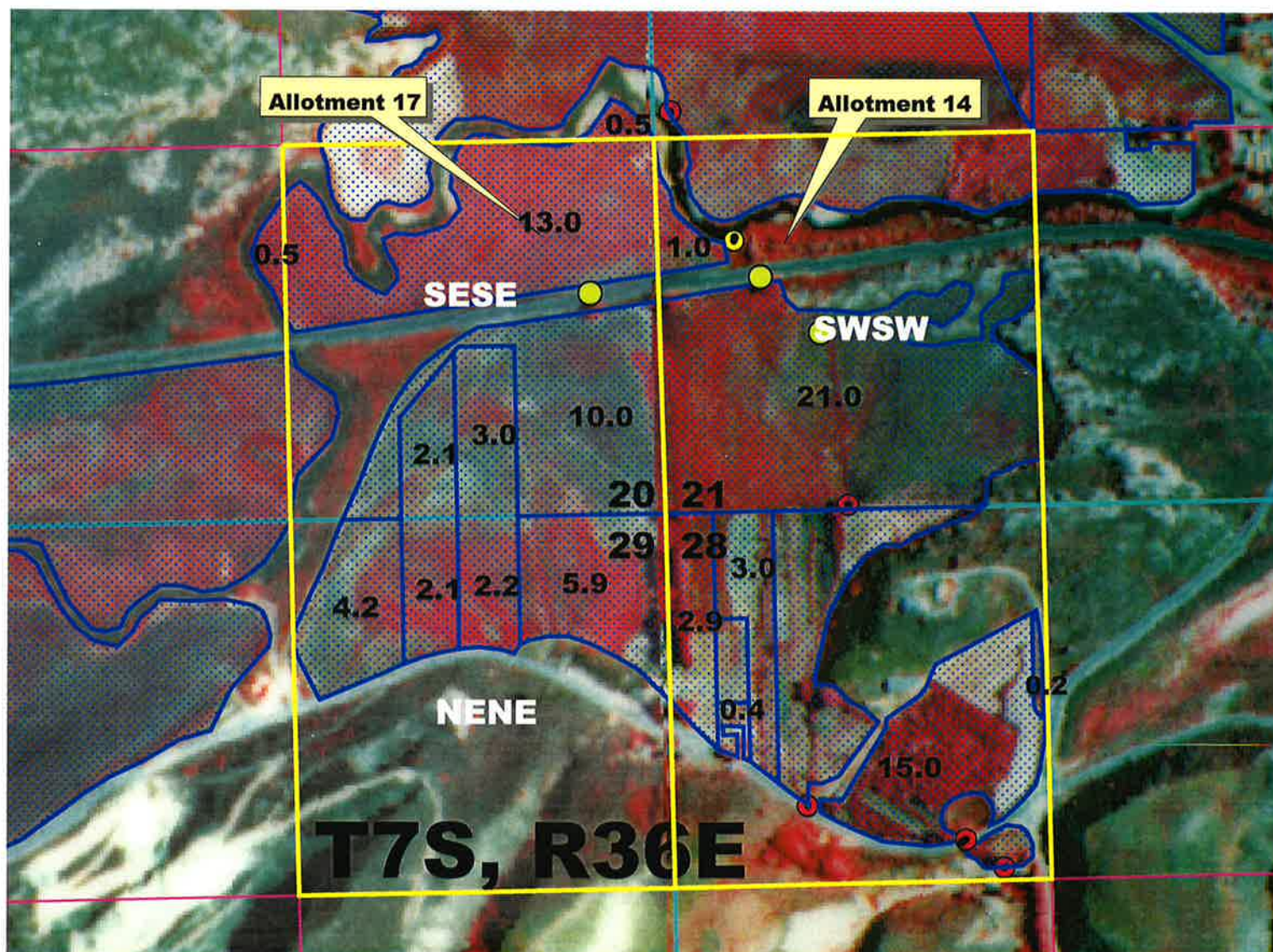
POU that would be recommended for respective claims was calculated. Diversion rate was then proportioned out equally to users with POU within the Decreed POU.

If claimant claimed water decreed for allotment 14 and they only had a POU in allotment 17, the proportionate amount of recommended diversion rate was only taken from allotment 14 since there is no evidence of accomplished transfer.

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MAY 16 2006

Recommended POU map for splits of 29-00603 and 29-00604



Point of Diversion - N/A

Total Acres:



City of Pocatello Tax Lot Data



Recommended POU



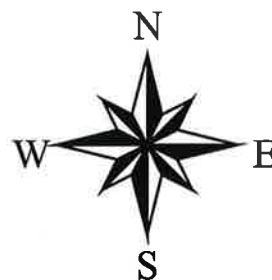
Indian Allotment Boundary N/A



Section Lines



Quarter Quarter Lines



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MAY 16 2006

Prepared By: Craig Saxton
April 2003

8-26-02: Claimed in Decreed POU.

: 29-7282 Domestic - Not Claimed in SRBA and
Needs to be to remain Valid.

8-27-02: Irrigate 18 Evergreen trees from Ditch that runs
FE on the West side of the trees. Same POU as
Scott Wells. Has been 2 yrs since trees Irrigated

: Helen Derbridge Passed away

: said Neighbor Scott Wells is
digging a pond out that was there
historically, but now is at least
twice as big.

- 1) Distance shot at Trees
- 2) ditch to Trees
- 3) Diversion in ditch #1
- 4) " " " 2
- 5) concrete Headgate

3-31-03: Got a call from Mr. Fitzgivers (spelling?). He is
son-in-law of Hal. Hal passed away recently.
Wanted to know what this all meant. I explained
and he seemed satisfied. He is filing a C/O.

5-22-03: Source Changed to Indian Creek fork to the Portneuf.

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MAY 16 2006

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

OK JC 416-03

RECEIVED

APR 10 2003

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.

Department of Water Resources
Eastern Region

Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided, if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
	29-6046				

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) are for ten or more acres of irrigation, you must submit a **USDA Farm Service Agency AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former
Owner/Claimant(s)

Hal M. DERBIDGE
P.O. Box 186 (1750 W Portneuf Rd) 83245

4. New Owner/Claimant(s)

BOROM, ELWOOD CHARLES & JOHANNA FITZGIBBONS
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

P.O. Box 94 (1750 W. PORTNEUF RD)

City, State and ZIP Code

INKOM, IDAHO 83245

New Telephone Number

(208) 775-4941

5. Date you acquired the property

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MAY 16 2006

Gift Deed

This is a gift deed of a residence located at 1750 W. Portneuf Rd., Inkom, Bannock County, Idaho, more particularly described as follows:

Parcel 1:

That portion of the NW1/4NW1/4, Section 28, Township 7 South, Range 36 East, Boise Meridian, Bannock County, Idaho, described as follows:

Beginning at the Northeast corner of said NW1/4NW1/4; thence along the North line of the said NW1/4NW1/4, South 89° 59'30" West, 215.36 feet; thence South 61° 37'30" West, 578.93 feet; thence South 0° 00'30" East, 285.08 feet; thence North 89° 59'30" East, 324.34 feet; thence North 63° 01'30" East, 440.87 feet, more or less, to the East line of said NW1/4NW1/4; thence along said East line, North 1° 11'30" East, 360.56 feet, more or less to the Point of Beginning.

Parcel 2:

That portion of the NW1/4NW1/4, Section 28, Township 7 South, Range 36 East, Boise Meridian, Bannock County, Idaho, described as follows:

Beginning at a point on the East line of said NW1/4NW1/4, that is South 1° 11'30" West, 360.56 feet from the Northeast corner of said NW1/4NW1/4; thence South 1° 11'30" West, 350.00 feet, more or less, to the Indian Creek Road; thence South 3° 40'30" West, 50.00 feet; thence on a curve to the right with radius of 50.00 feet and a central angle of 87° 32', for a distance of 76.39 feet; thence North 1° 11'30" East, 323.14 feet; thence North 63° 01'30" East, 56.76 feet, more or less, to the Point of Beginning.

Grantors are Hal and Helen S. Derbidge. The Grantee is Helen Johanna Fitzgibbons, whose address is 677 Foster, Idaho Falls, Bonneville County, Idaho. Grantors grant the foregoing real estate to grantee as her sole and separate property, reserving a life estate in the foregoing property to continue until both of the grantors are deceased. When the grantors are deceased, the grantee may file with the Clerk of Bannock County, an affidavit verifying Grantors' death with copies of the decedents' death certificates attached. At that time, the life estate will automatically terminate with no further proceedings.

The Grantee shall not do anything to interfere with or prevent the grantors quiet enjoyment of the life estate.

Taxes & Insurance: The Grantors shall be responsible for insuring the residence with a standard home owner's policy naming the grantors as the insured providing the proceeds shall be paid to the grantors and the grantee. Grantors shall also be responsible for paying all real estate taxes incurred on the property.

SCANNED

MAY 16 2006

Disclaimer of Warranties: The real property gifted herein is without any warranty of any type or nature including but not limited to warranties of title and merchantability.

Effective Date: This agreement shall take effect on the date that this deed is signed.

Heirs and Successors: This gift shall be binding upon the Grantor's heirs, assigns and successors.

This gift is given with love and affection to the grantee, our daughter, for the unselfish care she has provided to us for the past several years (cooking, cleaning, preparing foods and meals, yard care, house maintenance, improvements, reconstruction of the premises).

DATED this 22nd day of January, 2001

Hal M. Derbidge
HAL DERBIDGE

Helen S. Derbidge
HELEN DERBIDGE

SCANNED

MAY 16 2006

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: 29-604G

HAL M DERBIDGE
PO BOX 186
INKOM ID 83245

HELEN S DERBIDGE
PO BOX 186
INKOM ID 83245
Telephone Number: (208) 775-4941

RECEIVED

APR 10 2003

Department of Water Resources
Eastern Region

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

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

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

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

DATE: 07 April 2003

SIGNATURE: *Charles Fitzgibbons*

Please print your name: CHARLES FITZGIBBONS

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

SCANNED

MAY 16 2006

PROFILED

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-604G V1

WATER RIGHT NUMBER: 29-604G V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	HAL M DERBIDGE PO BOX 186 INKOM, ID 83245
Current Owner	HELEN S DERBIDGE PO BOX 186 INKOM, ID 83245 (208)775-4941

Priority Date: 05/31/1908

Basis: Decreed

Status: Active

Source

INDIAN CREEK

Tributary~~SINKS~~ PortneufBeneficial Use

IRRIGATION

From To

04/01 to 10/31

Diversion Rate

0.004 CFS

Annual VolumeTotal Diversion:

0.004 CFS

Location of Point(s) of Diversion

INDIAN CREEK

SE1/4NW1/4NW1/4

Sec. 28, Twp 07S, Rge 36E, 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	
07S	36E	28						.2											.2

Total Acres: 0.2

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 29-604G V1

Comments:

1. csaxton 12/10/2002 POD

Comment: ~~USGS quad shows that natural stream channel of Indian Creek stops on Wells property. Historically the~~
POD went to Portneuf river. Recommend POD on Wells property for all users for rights downstream of wells property,
or north of Portneuf RD. No POD location defined in Decree.

2. csaxton 12/10/2002 From WR file - Priority date:

Comment: PRIORITY DATE NOT GIVEN IN DECREE, BUT RT. 29-0603 IS SUPERIOR & PRIOR TO DEFENDANTS
RTS. 29-0606 THRU 29-0610. (One day prior to priority for 29-00606 thru 29-00610 csaxton)

3. csaxton 12/10/2002 Analysis

Comment: See Excel analysis spreadsheet in file and memorandum.

4. csaxton 12/10/2002 Source

Comment: Source claimed as springs. Springs left off of source since springs seem to feed into Indian Creek and
there is no apparent diversion directly from springs.

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: AND

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	12/10/2002 1:45:37 PM	csaxton			Active
Priority Date	12/10/2002 1:45:54 PM	csaxton			Active
POD	12/10/2002 1:46:06 PM	csaxton			Active
Source	12/10/2002 1:47:19 PM	csaxton			Active
POU	12/10/2002 1:47:32 PM	csaxton			Active
Use	12/10/2002 1:48:48 PM	csaxton			Active
Season	12/10/2002 1:49:04 PM	csaxton			Active
Quantity	12/10/2002 1:49:55 PM	csaxton			Active
Summary			12/10/2002	csaxton	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
----------------	------------------------	-----------------	-----------------

29-00604G - Derbidge



Point of Diversion



Claimed Place of Use



Claimant Property Boundary



Bannock Co Tax Lot Data



Section Lines



Quarter Quarter Lines

Property Acreage: 7.2

PROFILED

SCANNED
MAY 16 2006

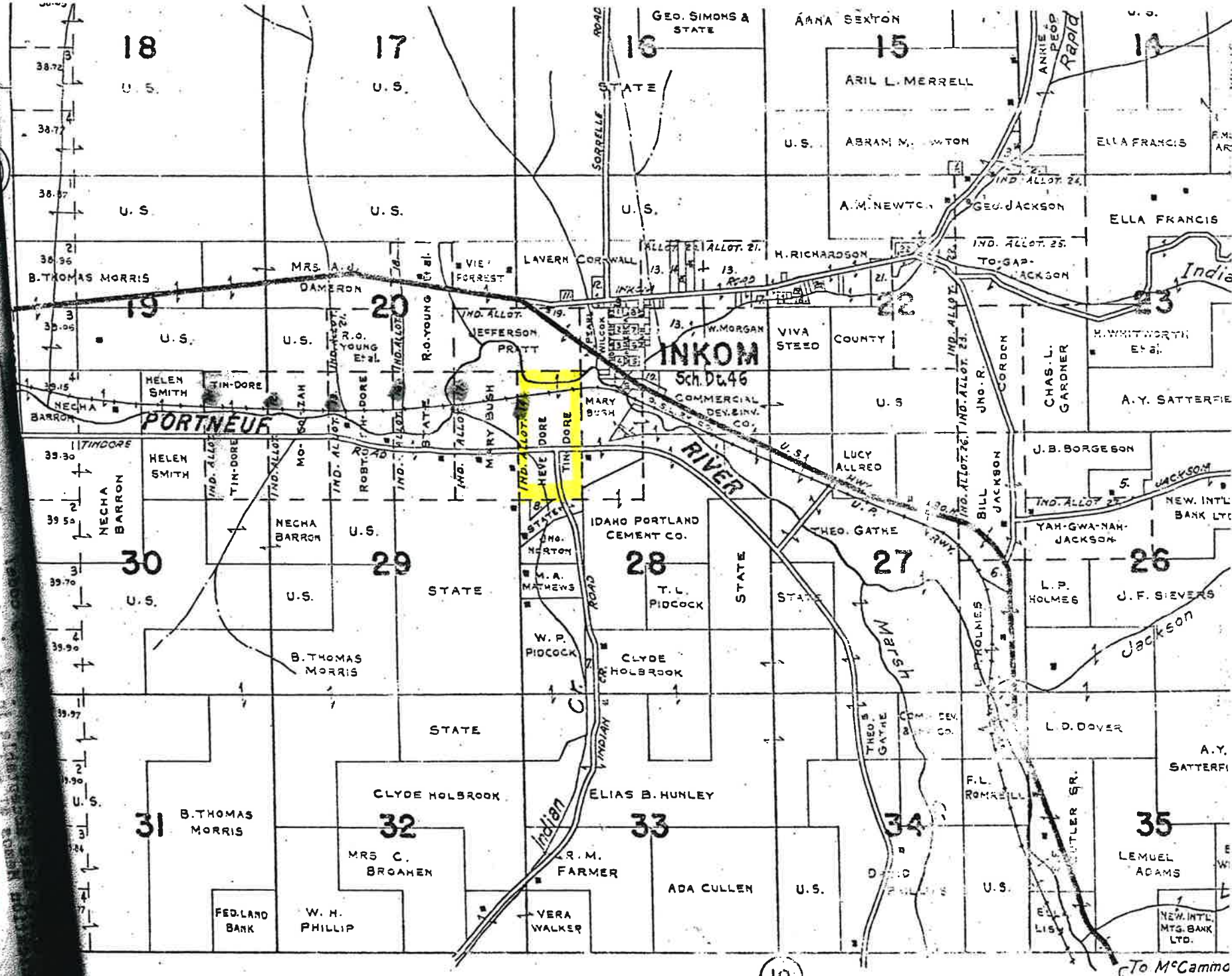


Prepared By: Craig Saxton
August 2002

SCANNED

MAY 16 2006

PROFILE



29-00604G

POD

Field Exam: 8/27/02



Looking NW at POD for all Indian Creek rights with a POU south of W Portneuf RD. Water is diverted to the right of picture to irrigate claimants Trees (csaxton).



Looking East from claimants home to the trees that he irrigates with Indian Creek water (csaxton).

PROFILED

SCANNED
MAY 16 2006

29-00604G

POD

Field Exam: 8/27/02



Looking North at flood irrigation ditch that waters the Evergreen trees (csaxton).



Looking at flood irrigation ditch and dam. Irrigated POU behind me in picture (csaxton).

SCANNED

MAY 16 2006

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 29-7282

WATER RIGHT NUMBER: 29-7282

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	HAL M DERBIDGE PO BOX 186 INKOM, ID 83245
Current Owner	HELEN S DERBIDGE PO BOX 186 INKOM, ID 83245

Priority Date: 08/06/1975

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	1/01 to 12/31	0.020 CFS	0.60 AF
	<u>Total Diversion:</u>	0.020 CFS	0.60 AF

Location of Point(s) of Diversion

GROUND WATER	NW1/4NW1/4	Sec. 28, Twp 07S, Rge 36E, B.M.
BANNOCK County		

Place of Use

DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	36E	28						X											

Conditions of Approval:Remarks:Comments:Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 29-7282

Dates and Other Information:

Licensed Date: 4/19/1982

Decreed Date:

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

RECEIVED

MAY 10 2001

CHANGE IN ADDRESS

Department of Water Resources
Eastern Region

This form is solely for purposes of notifying IDWR of a change in address of an adjudication claim.

[] Water Right Number(s): 29-6046

[] Old Mailing Address: HAL & HELEN DERBIDGE

1750 W. PORTNEUF RD.

INKOM ID. 83245

[] New Mailing Address: HAL & HELEN DERBIDGE

P.O. BOX 186

INKOM ID. 83245

[] Telephone Number: 208-775-4941

[] Signature of Claimant: _____

[] Date: MAY 9, 2001

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: _____

FILED

SCANNED

MAY 16 2006

Craig

MAY 11, 2001

DEAR MR. AND MRS. DERBIDGE:

WATER RIGHT NUMBER A29-00604 G HAS BEEN CHANGED TO REFLECT
THE ADDRESS ON THE FRONT OF THIS CARD.

IF YOU HAVE ANY QUESTIONS FEEL FREE TO CONTACT THIS OFFICE.

RESPECTFULLY SUBMITTED,

Cheri Vandermeulen

CHERI VANDERMEULEN
RECORDS CLERK



HAL & HELEN DERBIDGE
PO BOX 186
INKOM ID 83245

SCANNED

MAY 16 2006



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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

May 3, 2001

HAL & HELEN DERBIDGE
PO BOX 186
INKOM ID 83245

RE: CHANGE OF ADDRESS FOR A29-00604G

Dear Mr. Derbidge:

It has come to our attention that your address may have recently changed. The address currently recorded on the above referenced water right(s) is as follows:

Hal & Helen Derbidge
1750 W Portneuf Rd
Inkom ID 83245

We recommend if, in fact, the address in question has been changed, you file a "Change in Address" with this department in order that we may send all further correspondence to the appropriate address.

Enclosed is a Change in Address form. Please fill out the form completely, sign and date it and return it to my attention.

If you have any questions regarding this matter, please call 525-7161.

Respectfully submitted,

Cheri Vandermeulen
Cheri Vandermeulen
Records Clerk

Enclosure(s)

SCANNED
MAY 18 2001

PROFILE

SCANNED

JUN 11 2001

Log for claim A29-00604G

Spatial Dynamics LTD

8/28/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
07s36e	28	NWNW	0.5	37	Indiscernible
Totals:			0.5	37	

PROFILED

SCANNED
MAY 16 2006

 SPATIAL
DYNAMICS

Stage: DECREED

Audit: 10/16/98 GTAYLOR

JUN 11 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: **A29-00604G**
Date Received: 6/18/1990
Receipt No: E024535
Received By: SS

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

1. Name: HAL DERBIDGE 208-775-4941
Address: 1750 W PORTNEUF RD
INKOM ID 83245

AND/OR

Name: HELEN DERBIDGE 208-775-4941
Address: 1750 W PORTNEUF RD
INKOM ID 83245

2. Date of Priority: MAY 31, 1908

3. Source: INDIAN CREEK SPRINGS Trib. to: SINKS
INDIAN CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
07S	36E	28	SW	NW	NW		BANNOCK

5. Description of diverting works:
HEADGATES IN STREAM TO DITCHES.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	0.020		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

A2900604G



10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
07S	36E	28	NW NW		IRR	0.5
Section Acres						0.5
Total Acres						0.5

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:

P/D & P/U NOT LISTED IN DECREE.
P/U WITHIN ALLOTMENT NO. 14 OF FORT HALL INDIAN RESERVATION HELD
IN TRUST BY U.S. FOR HEVEDORE TINDORE.
PRIORITY DATE NOT GIVEN IN DECREE, BUT RT. 29-0604 IS SUPERIOR &
PRIOR TO DEFENDANTS RTS. 29-0606 THRU 29-0610.
SOURCES ARE INDIAN CK., TRIB. SINKS: ALL SPRINGS ARISING IN AND
ADJACENT TO THE BED OR CHANNEL OF INDIAN CREEK.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

UNITED STATES OF AMERICA, ET.
Decree Plaintiff

C. S. SKEEM, ET. AL.
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.

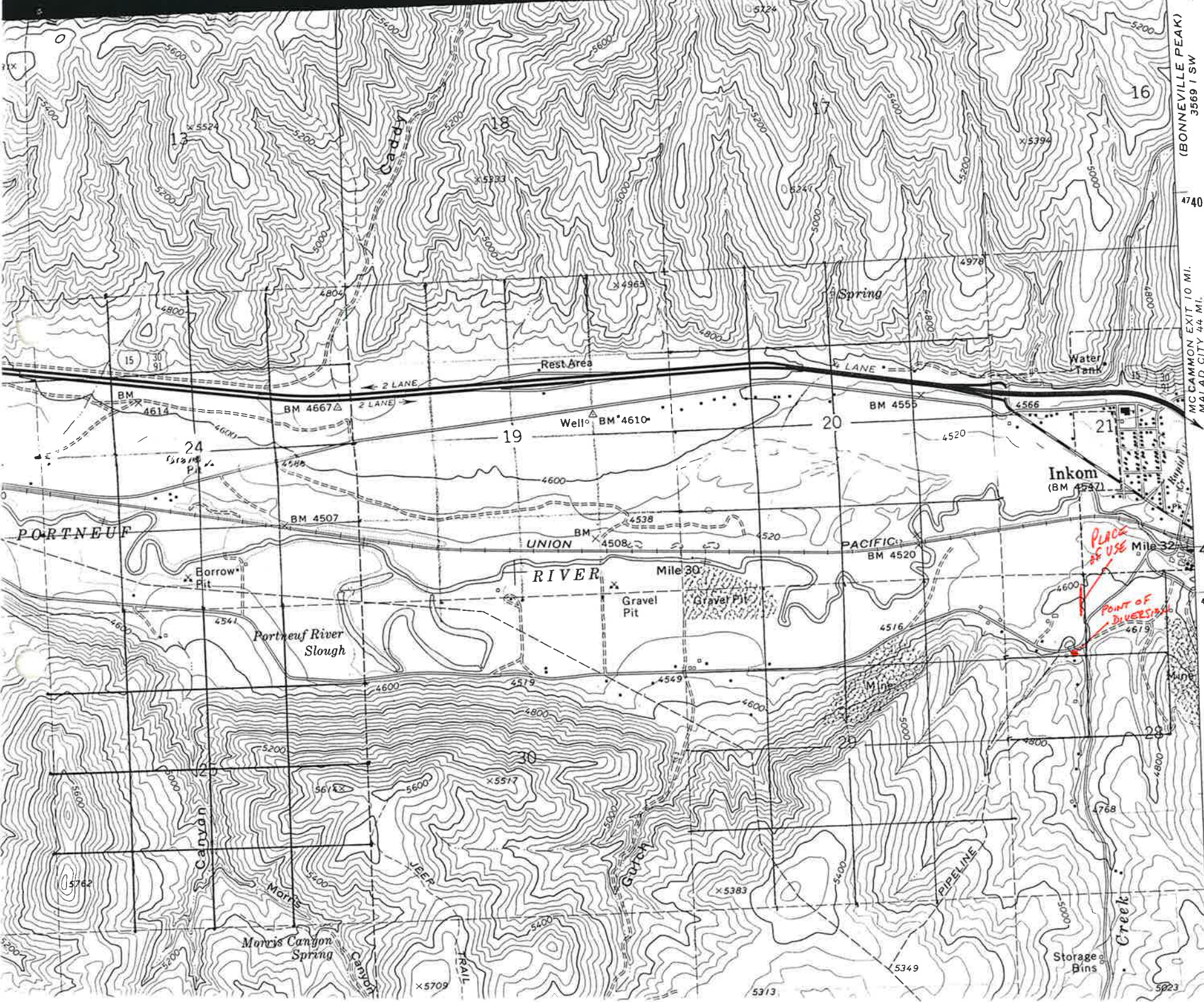
Signature of Claimant(s): *Rob M. Darbridge* Date: *10/14/98*
Date: _____

State of Idaho)
County of BONNEVILLE) SS.

Subscribed and sworn (or affirmed) before me this *14th* day
of *October* 19 *98*
Gregory J. Taylor
Notary Public



Residing at *Idaho Falls*
My Commission Expires *4-28-2004*



(BONNEVILLE PEAK)
3569' SW
MCCAMMON EXIT 10 MI.
MALAD CITY 44 MI.

T
9
R36E