

12/23/2002

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

RIGHT NUMBER: 29-615F
NAME AND ADDRESS: KEVIN HALL
2043 N HONEYSUCKLE LN
INKOM ID 83245
SOURCE: PORTNEUF RIVER TRIBUTARY: SNAKE RIVER
QUANTITY: 0.120 CFS
PRIORITY DATE: 04/01/1868
POINT OF DIVERSION:
T07S R36E S19 SESESE 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	0.120 CFS

PLACE OF USE: IRRIGATION Within BANNOCK County
T07S R36E S19 SESE 6.0

6 ACRES TOTAL

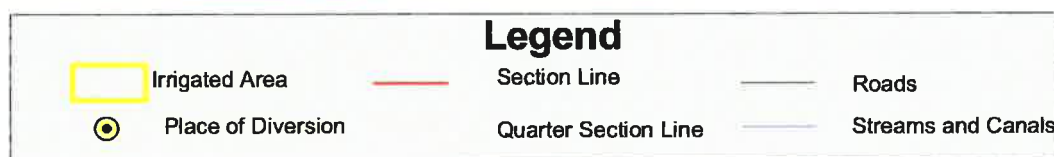
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

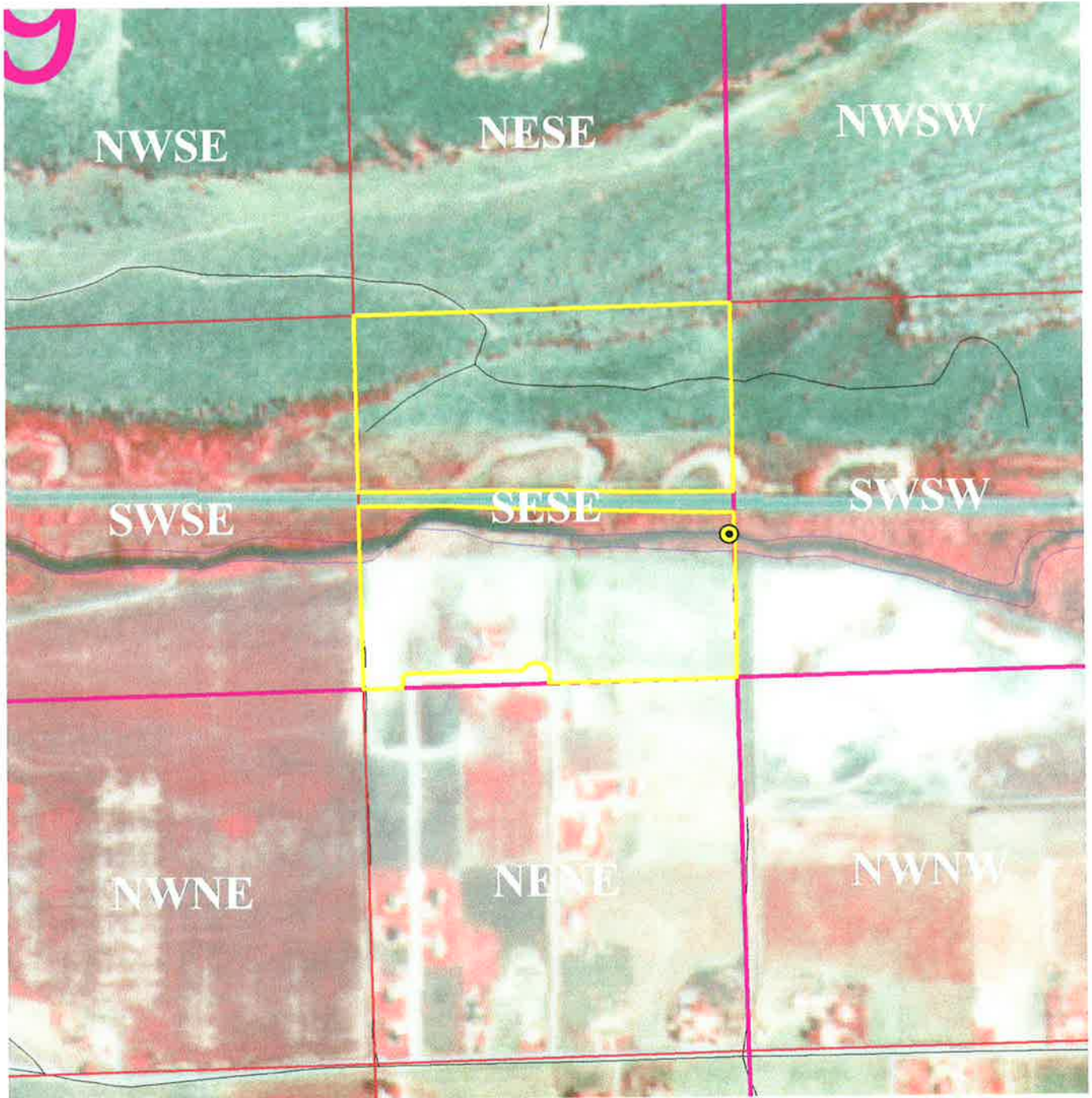
Water Right Claim Number A29-00615F
Township , 7S36E

08/28/2000



Water Right Claim Number A29-00615F
Township , 7S36E

08/28/2000



300 0 300 600 Feet



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-615F V1

WATER RIGHT NUMBER: 29-615F V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	LEO A LISH 3038 W PORTNEUF RD BOX 4600 INKOM, ID 83245 (208)775-3388
Original Owner	FLORA B LISH 3038 W PORTNEUF RD BOX 4600 INKOM, ID 83245 (208)775-3388
Current Owner	KEVIN HALL 2043 N HONEYSUCKLE LN INKOM, ID 83245 (208)775-4548

Priority Date: 04/01/1868

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
PORTNEUF RIVER	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	0.120 CFS	
	<u>Total Diversion:</u>	0.120 CFS	

Location of Point(s) of Diversion

PORTNEUF RIVER	SE1/4SE1/4SE1/4	Sec. 19, 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	19																6.0	6.0

Total Acres: 6

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 29-615F V1

Comments:

1. csaxton 12/23/2002 Recommend
 Comment: Per claimant statement - recommend as valid.

Dates and Other Information:

Decreed Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Defendant:
 Plaintiff:
 Civil Case Number:
 Judicial District:
 Notice of Error Flag:
 State or Federal: S
 Owner Name Connector: OR
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Contacts	12/23/2002 3:39:08 PM	csaxton			Active
Priority Date	12/23/2002 3:39:41 PM	csaxton			Active
POD	12/23/2002 3:40:00 PM	csaxton			Active
Source	12/23/2002 3:41:28 PM	csaxton			Active
POU	12/23/2002 3:41:43 PM	csaxton			Active
Use	12/23/2002 3:42:48 PM	csaxton			Active
Season	12/23/2002 3:43:21 PM	csaxton			Active
Quantity	12/23/2002 3:44:08 PM	csaxton			Active
Summary			12/23/2002	csaxton	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Contacts	12/23/2002 3:39:09 PM	csaxton	(No) 1. Do you want to schedule an appointment?

Comment for 1: FE 9/24/02

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-615F V1

POD	12/23/2002 3:40:00 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?
Priority Date	12/23/2002 3:39:41 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	12/23/2002 3:40:26 PM	csaxton	Edited point location
POD	12/23/2002 3:40:54 PM	csaxton	Edited PLS
Source	12/23/2002 3:41:28 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	12/23/2002 3:41:44 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	12/23/2002 3:41:56 PM	csaxton	Edited shape boundary
Use	12/23/2002 3:42:48 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (No) 4. Does the Decree or License have a Purpose of Use? (No) 6. Is there evidence that there has been a change in the Purpose of Use? (No) 11. Does the file contain all the necessary information to verify the Water Use? (No) 13. Is a Purpose of Use remark and/or condition required? Description for Question 10,11,12 - Statement from Claimant.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-615F V1

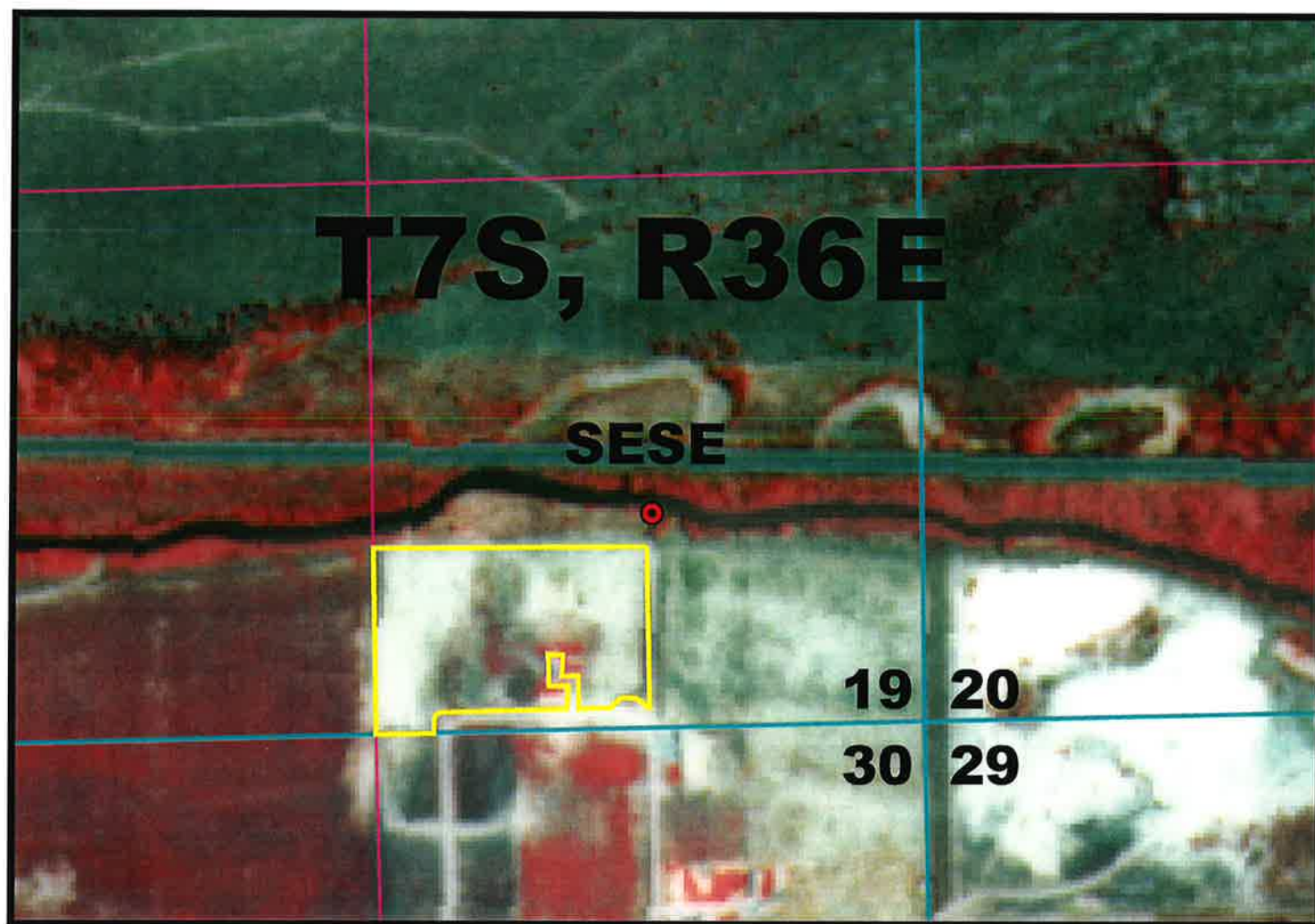
Season	12/23/2002 3:43:22 PM	csaxton	(Yes) 1. Is the basis of claim Decree or License? (No) 4. Does the Decree or License have a Period of Use? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period 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? (No) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required? Description for Question 15 - IDWR standard for the area.
Quantity	12/23/2002 3:44:09 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? (No) 12. Is a Quantity remark or condition required?
Summary	12/23/2002 3:45:27 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): 29-00615F

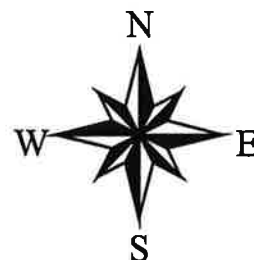


0 1320 Feet

Total Irrigated Acres: 6.0

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

SCANNED
DEC 15 2005



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

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: 29-615F

KEVIN HALL

2043 N HONEYSUCKLE LN

INKOM ID 83245

Telephone Number: (208) 775-4548

RECEIVED

MAR 10 2003

WATER RESOURCES
WESTERN REGION

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

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

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

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

DATE: 3.3.03

SIGNATURE:

Kevin A. Hall

Please print your name:

KEVIN D. HALL

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

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PROTECTED

12-23-00 : Based on claimant statement and the fact that this is a decreed right, Recommend.

: Claimant has attempted to use water to beneficial use and has. Recommend as a valid WR since I can't prove that water hasn't been put to Beneficial use

: Recommend

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DEC 16 2002

WATER RESOURCES
WESTERN REGION

Dear Mr. Saxton,

We received your letter and we were very disheartened by your news to revoke our entitled water rights. We feel that we are very good stewards of the Portneuf River. We have lived at the residence for 18 years and feel that we have been responsible land owners and have tried to respect the river as well. The acreage that we have is all in pasture and trees. We have not allowed overgrazing and breakdown of the banks. We have allowed people access through our property so that they can enjoy fishing, floating (in boats and tubes) as well as dog training etc.

We would like you to reconsider your decision. After Kevin's conversation with you we remembered some things that might be important. We talked with some neighbors about the property and they helped the previous owner seed the property. They then installed the underground water irrigation line when they extended Honeysuckle Lane to our property. They did this so that they could still irrigate our piece of property as well as the property across the street. One of your contentions was that we had no pipe on our property. We were not sure if you knew that we do indeed have a mainline on our property that extends over 500 feet. It is not visible unless you know where to look but it is there. We dug through our old records and when we bought the property we worked off some of the down payment. On this document you can see pipe moving, pump valve and labor on pump to show it had been irrigated.

One of your other contentions was that we had not recently used the river for 15 years. In 1991 we did a project in conjunction with the Idaho Fish and Game and Pheasants Forever. We had planted 4 rows of trees down at the edge of the river as a shelter belt for birds. We planted Austrian pine, Red Cedar, Nanking Cherries and Blue Spruce. Over several years the muskrats destroyed the shelter belt and we moved the project to other parts of the property because we could not keep up with the replanting. The second document shows drip irrigation that we used a portable pump. These trees were also watered by hand using buckets from the river and siphon hoses as well. Kevin had forgotten to mention this since the project is not visible at that spot any longer. This should satisfy the 15 year usage issue shouldn't it?

We have desired to put in an irrigation system over the last decade but either we did not own any horses or we were blessed with a year of good rainfall, so one was not installed. We had actually discussed with the neighbor of going in together and fixing an old pump and starting up our system but we felt like we should use our water right as conservative as possible being that we have been in a drought. We feel that we were being very responsible and thoughtful in our water usage. We were not wasting the resource when it was scarce and saved it for a farmer who depended on it so much. We also felt that the wildlife deserves and depends on a healthy river. We had no idea that we would lose our water rights by being conservative and responsible with them.

Thank you for listening to us and we are glad to clear up any questions you had. With these documented facts there should not be any question about our ability to maintain our current water rights.

Thank You,

Kevin D. and Janis Hall

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WATER RESOURCES
WESTERN REGION

DOWN PAYMENT

Cash Downpayment-4-3-84.....	\$1,000.00
Interest @ 9.5% to 4-3-85.....	95.00
Septic Tank.....	377.20
Gravel.....	305.92
Backhoe.....	384.70
Pipe (Sewer & Water).....	439.00
Diesel Fuel.....	25.00
Plowing, Planting & Discing.....	250.00
Pump Valve.....	25.00
Labor on Pump.....	65.00
Pipe moving.....	29.25
Labor on fence.....	178.75
Labor on road.....	94.25
Swathing.....	15.00
Baling.....	25.00
Labor to Jeff on fence.....	58.50
Interest from 8-13-84 thru 7-15-85 @9.5%....	208.32
Labor to Jeff on fence.....	84.50
Labor to Rick on fence.....	37.38
Labor to Dean on fence.....	194.35
Clips.....	7.00
Posts.....	59.28
Tractor.....	150.00
Balance of down payment paid to Evergreen.....	522.87

\$4,631.27

Less hay monies owed by Larsen

-137.62

Less Cash payment 4-30-85

-600.00

Total Due.....\$3,893.65

*land expense
sewer & fence*

H-2814.36

*pd cash
8/1/85
Dean Larsen*

SCANNED

DEC 15 2005

#1
EDG Irrigation
6100 West Broadway
Idaho Falls, Idaho 83402

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DEC 16 2002

WATER RESOURCES
WESTERN REGION

BILL TO: Kevin Hall
2043 Honeysuckle
Inkom, Idaho, 83245

SHIP TO: Kevin Hall
2043 Honeysuckle
Inkom, Idaho, 83245

***** INVOICE *****

Date of Invoice: 09/5/91

QUANTITY	DESCRIPTION	UNIT PRICE	AMOUNT
3500 Feet	Header Tape, 8mil	\$.10/ft	\$350.00
750 Feet	Drip Tube, (.125 inch)	\$.10/ft	\$75.00
200 Feet	Feeder Tube (.375 inch)	\$.08/ft	\$16.00
115	Emitters, 1/2 GPH	\$.35	\$40.25
15	Drip Elbow Junctions	\$3.75	\$56.25
5	Drip T Junctions	\$3.75	<u>\$18.75</u>
Sub Total:			\$556.25
Idaho State Sales Tax:			\$27.81
Total:			\$584.06
Thank You For Your Purchase			

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91-16-015

HIP Agree. No.

775-6548

Telephone No.



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DEC 16 2002

WATER RESOURCES
WESTERN REGIONIDAHO DEPARTMENT OF FISH AND GAME
HABITAT IMPROVEMENT PROGRAM
COOPERATIVE AGREEMENT

This agreement entered into this 23 day of April, 1991,
between the Idaho Department of Fish and Game (hereafter the Department)
and Kevin Hall (hereafter the Cooperator)
residing at 2043 N. Honesuckle Idaho 83245 in
Bannock County, Idaho, is made in reference to the following facts:

RECITALS

A. Idaho Code Sections 36-409 and 36-414 authorizes the Department to sell upland game and migratory waterfowl stamps and permits and associated artwork to provide funds for enhancing habitat for waterfowl, pheasant, quail, chukar partridge, and gray partridge.

B. The Department will enhance habitat for these species by reimbursing some or all of the costs incurred by persons who cooperate with the Department in improving habitat on their property under the Habitat Improvement Program.

C. Cooperator is a person cooperating with the Department under the Habitat Improvement Program. The lands on which the Cooperator is improving habitat are described or depicted on Exhibit A hereto. These lands are located in Bannock County and owned by Kevin Hall.

NOW THEREFORE, in consideration of the recitals stated above, the parties agree as follows:

AGREEMENT

A. To accomplish the following project (see Exhibit A):

Plant and maintain replacement trees (agreement 90-13-011)
26 N. Honesuckle 29 March 1991

B. The Department will reimburse Cooperator for the following costs,
not to exceed \$ 38⁰⁰: 25% of cost of trees



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

October 1, 2002

KEVIN HALL
2043 N HONEYSUCKLE LN
INKOM ID 83245

Subject: Snake river Basin Adjudication (SRBA) claim 29-00615F.

Dear Mr. Hall,

We spoke on October 1, 2002 concerning SRBA claim 29-00615F. In our conversation you stated that you had purchased the property in 1984 and had never put Portneuf River water to beneficial use. You also indicated that the previous owners were not irrigating from the Portneuf River when you bought the property and that at least part of your property was part of a gravel pit.

Based on this information and the information gathered from my field exam on September 24, 2002, I cannot make a favorable recommendation on this claim to the SRBA court.

For your convenience, I have enclosed a Request for Withdrawal of Claim form in the event that you would wish to withdraw claim 29-00615F and remove yourself as a party to the Snake River Basin Adjudication.

Please feel free to contact me if you have any questions.

Respectfully submitted,

Craig L. Saxton
Sr. Water Resource Agent
Adjudication Bureau

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PROFILED

CONVERSATIONAL MEMORANDUM

Date: October 1, 2002

From: Craig L. Saxton

Subject: 29-00615F

I called Kevin Hall at 2:45 pm concerning SRBA claim 29-00615F. The purpose of the call was to inform Mr. Hall that during a field exam on 9/24/02 I did not see any signs that Portneuf river water could be put to beneficial use or had been for some time. I told Mr. Hall that in order for me to make a positive recommendation to the court, he needed to provide me with evidence of the last time water was put to beneficial use.

Mr. Hall said he purchased the property in 1984 and had never put Portneuf River water to beneficial use. I asked him if the previous owners were irrigating from the river when he moved there and he said they were not.

Mr. Hall said that his portion of the property used to be part of the gravel pit, and even though there is a header from the 4 inch buried line on the corner of his property, water hadn't been used. He thought that when they put in the line they just put headers on all the properties.

I confirmed that the mailing address was correct and informed Mr. Hall that with this information I could not make a favorable recommendation to the SRBA court. He would have a chance to object if he obtained different information.

Send withdraw form. If not withdrawn, recommend as disallowed due to forfeiture from 1984 to 2002.

FILED

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9-12-02 : Doesn't Look irrigated in Aerial Photography

9-24-02 : POW GPS ID = 615
FE Tractor Pic too

: Not sure Extent of Irrigation

1) Rider in Fence Corner
2) Claimed POW w/
Brown Horse/mule
In Picture
3) Open Brown
Field - Claimed POW

10-1-02 : Called ^{Home} and was told to call cell #
241-5327.

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29-00615F

POD

Field Exam: 9/24/02



Looking North at location where water is diverted from the Portneuf according to claimant.



Looking West at tractor used to power pump to irrigate claimed POU according to claimant. Portneuf to the left of picture.

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DEC 15 2005**

29-00615F

POU

Field Exam: 9/24/02



Looking NW at claimed POU to the West side of the claimants property.



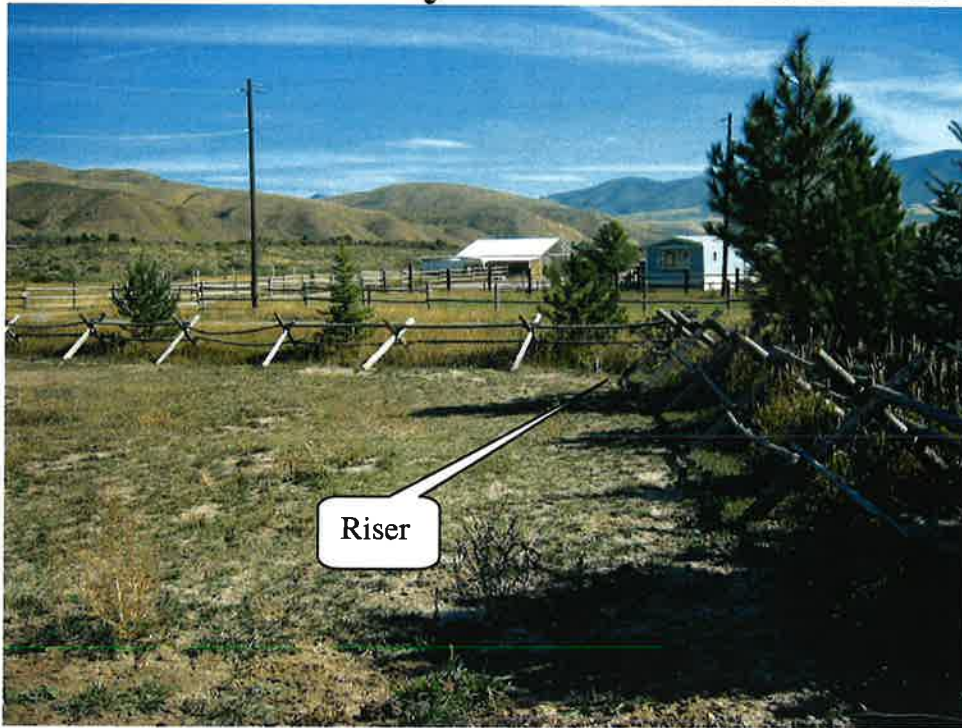
Looking North at claimed POU. Visible historical riser to the right of the picture.

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29-00615F

System

Field Exam: 9/24/02



Looking East at claimed POU and historical riser.

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Split history for Decreed Right 29-00615

		Claimed	Recommend
Kulp ? 29-00615 1.6 Decree Silent	29-00615A	Dunne	
		0.24 12	
	29-00615C	Hair	DISALLOW
		0.1 5	
	29-00615D	Petersen	
		0.1 5	0.1 5
	29-00615B	Lish	DISALLOW
		1.25 49	
	29-00615E	Lish	
		1.6 55	
	29-00615F	Hall	
		0.15 6	0.12 6
	29-10818	Richard	
		0.2 10	0.15 7.6

Claimed as B-use
Should be part of this decree
Amended claim solicited

Sum of claimed CFS =	1.6
Sum of claimed Acreage =	65

Sum CFS=	0.37
Sum Acre=	18.6

Un-accounted for CFS=	1.23
Un-accounted for Acres=	46.4

SCANNED
DEC 15 2005

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 29-615

WATER RIGHT NUMBER: 29-615

Owner Type Name and Address

Current Owner LEO A LISH

, ID

Priority Date: 06/01/1868

Basis: Decreed

Status: Active

Source

PORTNEUF RIVER

Tributary

SNAKE RIVER

Beneficial Use

IRRIGATION

From To

/ to /

Diversion Rate

1.600 CFS

Annual VolumeTotal Diversion: 1.600 CFSLocation of Point(s) of Diversion

PORTNEUF RIVER

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	19																	X
07S	36E	30	X																

Conditions of Approval:Remarks:

- General Point of Diversion not given in decree.

Comments:Dates and Other Information:

Licensed Date:

Decreed Date: 10/7/1957

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:

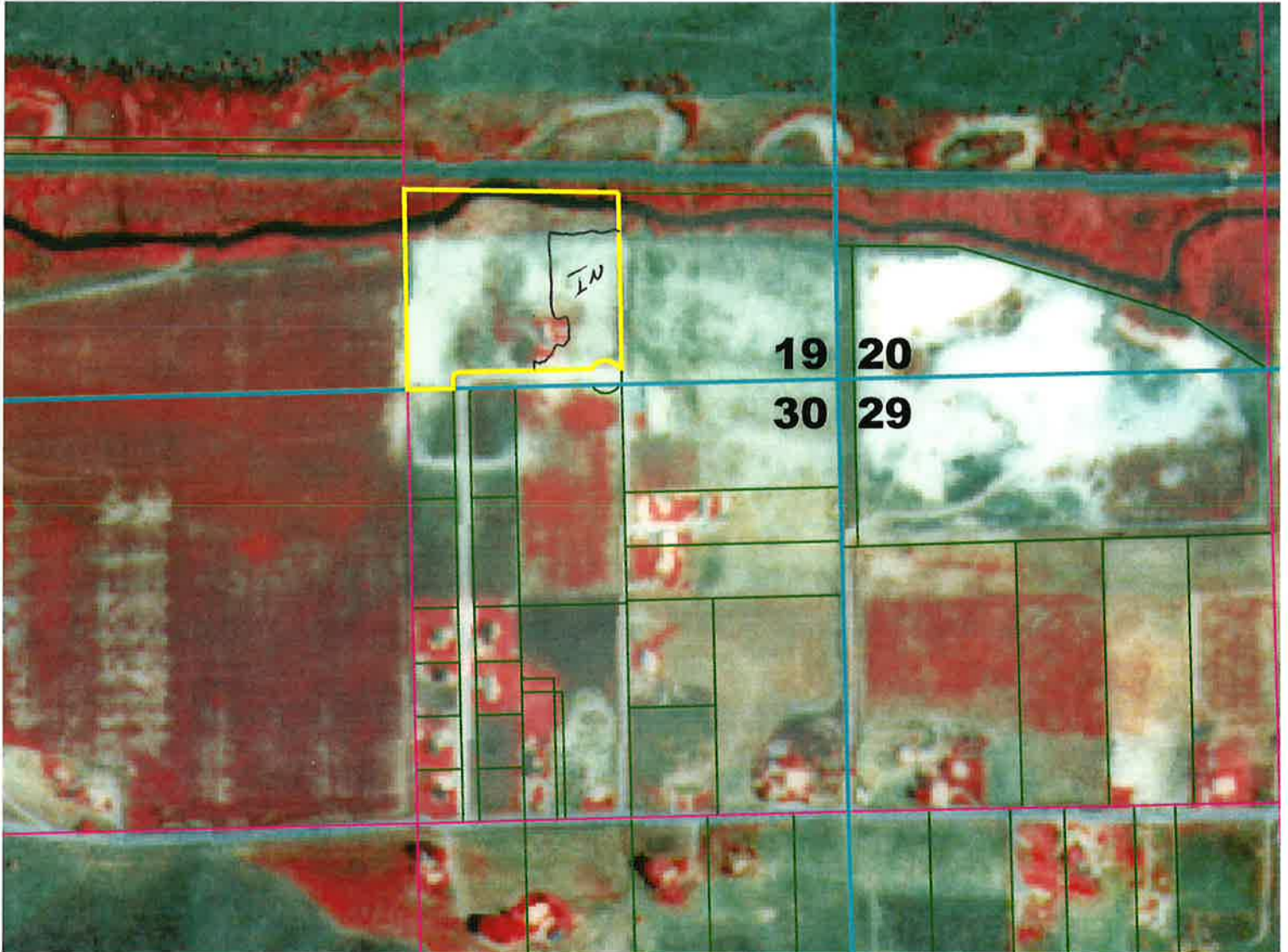
Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

29-00615F - Hall



Point of Diversion

Property Acreage: 5.0



Claimed POU - N/A



Property Boundary



Bannock Co Tax Lot Data



Section Lines

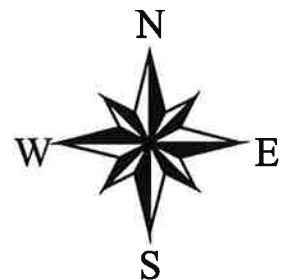


Quarter Quarter Lines

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Prepared By: Craig Saxton
September 2002

[Send To Printer](#)

[Back To TerraServer](#)

USGS 3 km W of Inkom, Idaho, United States 15 Jul 1998



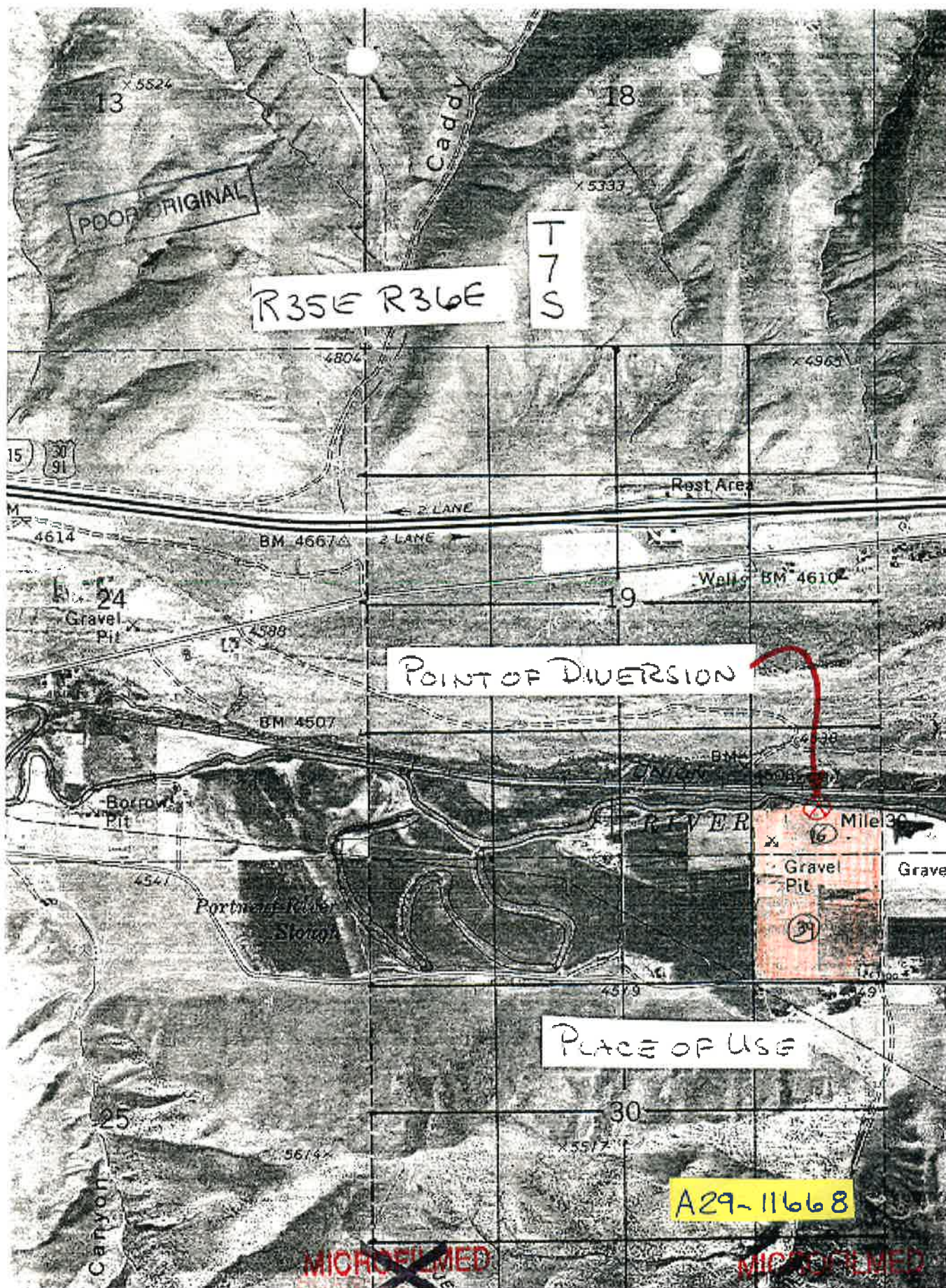
Image courtesy of the U.S. Geological Survey

SCANNED

More Useful Everyday

DEC 15 2005

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DEC 15 2005

ADD: CLM

A29-00614 9/78

FILED BY LEE & LARAYNE NOKES
~~WATKINS~~ FROM PORTNEUF R.

~~XXXXXXXXXX~~

1/82

FILED 19178

2-1

Narah Revaney
1956 APR 30 AM 11:27
CLERK, AUDITOR & RECORDER

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO
IN AND FOR THE COUNTY OF LANMOCK

LEE D. NOKES,

Plaintiff,

-vs-

MARK A. KULP, state reclamation engineer, and to all other persons unknown, claiming any rights, title, estate, lien, or interest in or to the water of the Portneuf River, County of Lanmock, State of Idaho, adverse to the plaintiff's ownership, or any cloud upon plaintiff's title thereto,

Defendants,

POOR ORIGINAL

DECEASE

11/28/90 A29-00614
MAY BE A COPY OF
DECREE IN CLAIM FINX
ALREADY, BUT HERE IS
ONE, IF NOT.
ALSO ATTACHED IS
COPY OF MINK CR.
DIST. USERS AGREED
USE PTS. NOT DECREE O.
FOR WHATEVER PURPOSES.

~~OK~~

This matter coming on for hearing at chambers in Pocatello, Lanmock County, Idaho, before the Honorable John A. Carver, District Judge, sitting without a jury, the plaintiff being present in person and represented by his attorney, Callis A. Caldwell of Caldwell & Whittier, and the defendant, Mark A. Kulp, having filed a disclaimer, and not being present and the other defendants and each of them coming not but making default herein and by reason of such default of the defendants, having waived the making of findings of fact and conclusion of law, and it appearing to the court that due and proper service has been made herein and that each and all of the defendants has been served in the matter as provided by the statutes of the State of Idaho and that proof of service as to each of the defendants has been made herein, and on motion of counsel to the court that an entry of default be made, previously made herein and a part of the file hereof and the court being fully advised in the premises,

IT IS ORDERED, ADJUDGED, AND DECREED, that judgment in the within same is hereby rendered in favor of the plaintiff and against the defendants and each of them, and,

IT IS FURTHER ORDERED, ADJUDGED AND DECREED,

LAW OFFICE OF
CRAWFORD & WHITTIER
CARLSON BUILDING
POCATELLO, IDAHO

PROFILER

SCANNED

DEC 15 2005

MICROFILMED
NOV 13 1986

MICROFILMED
NOV 13 1982

POOR ORIGINAL

FILED 19120

2-1

1956 APR 30 AM 11 27

CLERK, AUDITOR & RECORDER

BANK OF IDAHO

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO

IN AND FOR THE COUNTY OF BANNOCK

LEE D. NOKES,

Plaintiff,

-vs-

MARK R. KULP, state reclamation engineer, and to all other persons unknown, claiming any rights, title, estate, lien, or interest in or to the water of the Portneuf River, County of Bannock, State of Idaho, adverse to the plaintiff's ownership, or any cloud upon plaintiff's title thereto,

Defendants,

DECREE

This matter coming on for hearing at chambers in Pocatello, Bannock County, Idaho, before the Honorable John A. Carver, District Judge, sitting without a jury, the plaintiff being present in person and represented by his attorney, Callis A. Caldwell of Caldwell & Whittier, and the defendant Mark R. Kulp, having filed a disclaimer, and not being present and the other defendants and each of them coming not but making default herein and by reason of such default/each of the defendants, having waived the making of findings of fact and conclusion of law, and it appearing to the court that due and proper service has been made herein and that each and all of the defendants has been served in the matter as provided by the statutes of the State of Idaho and that proof of service as to each of the defendants has been made herein, and it further appearing to the court that an entry of default has been previously made herein and a part of the file hereof and the court being fully advised in the premises,

IT IS ORDERED, ADJUDGED, AND DECREED, that judgment be and the same is hereby rendered in favor of the plaintiff and against the defendants and each of them, and,

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the plaintiff is

MICROFILMED

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POOR ORIGINAL

the owner in fee simple of eighty minors inches of water of the Portneuf
river and that said plaintiff by virtue of his predecessors and interest
did receive said eighty minors inches of water by virtue of the Fort Briggs
Treaty of 1868 and ratified by congress in 1869 and was received by virtue
of his ownership in fee simple of the following described land, to-wit:

The S $\frac{1}{2}$ of the SW $\frac{1}{4}$ of Section 20; and the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$
of Section 21, Township 7 South, Range 36 East, containing
approximately 10 acres, the above land being in the County
of Lemhi, State of Idaho.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the defendants
and each and all of them have no right, title, or interest in or to said
water or any part or portion thereof, and

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that title to the
above-described water be and the same is quieted in the said plaintiff.

DATED this 30th day of April, 1956.

STATE OF IDAHO }
County of Bannock }

I hereby certify that the foregoing is a full, true and
correct copy of an instrument as the same now remains
on file and of record in my office.
WITNESS my hand and official seal hereto affixed

this 28th day of April A.D. 1989
LARRY W. GHAN, CLERK OF THE DISTRICT COURT
EX-OFFICIO AUDITOR AND RECORDER

By Deputy Sandra Hill

John A. Carver
JOHN A. CARVER
DISTRICT JUDGE

AN OFFICE OF
BILL & W. H. H. H.
OF SAN FRANCISCO
CALIFORNIA

SCANNED

DEC 15 2005

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NOV 13 1996 NOV 13 1992

TWENTIETH ANNUAL WATER MEETING
MINK CREEK WATER DISTRICT #29-C

March 4, 1974

POOR ORIGIN

Name of Water Users	Priority of Right	Amount of Right In Sec. Feet	Est. No. of Days Right is Good	No. of 24 Hour Sec. Ft.
City Development Corp.	1869	0.50	152	76.0
Joseph Munn (Grace Munn)	1869	0.06	152	9.1
W. H. Edwards (Ann Sherburne)	1869	0.23	152	35.0
Jay P. Merkley	1869	0.12	152	25.8
Calvin A. Munn (Big Elk)	1869	0.16	152	69.9
City of Pocatello	1869	3.222	152	489.7
Troy Sluder	1869	0.174	152	108.5
A. M. Johnson (Toane)	1869	0.7492	152	113.9
J. V. Frazier	1902	1.40	90	126.0
City of Pocatello	1901	0.56	90	50.4
City Development Corp.	1902	1.837	90	165.3
Grace Munn	1902	0.5396	90	48.6
Ann Sherburne	1902	0.6306	90	56.8
R. L. Andrews	1904	1.50	30	45.0
Lola Hart	1907	0.20	30	6.0
Ethel Fishburn	1907	2.20	30	6.0
Lee Richardson	1910	0.24	30	7.2
City of Pocatello	1917	1.214	30	36.4

The following rights are claimed but have not been fixed by any decree. However, it was the opinion of the majority of the following owners that they should be assessed one-half of the rate for payment of the budget.

Name of Water Users	Priority of Right	Amount of Right In Sec. Feet	Est. No. of Days Right is Good	No. of 24 Hour Sec. Ft.
Edvin J. Bullock	1937	2.30	30	69.0
Calvin Munn	1938	0.14	30	4.2
A. M. Johnson	1937	0.20	30	6.0
Lola A. Hart	1932	0.10	30	3.0
E. P. Say	1926	1.74	30	52.2

The above list of water users and tabulation of votes were established in the fifth annual water meeting, March 5, 1959, and have been carried forth each year in the minutes of the Mink Creek Water District #29-C meetings.

Approved:

John E. Motheral
John E. Motheral, Chairman

Attest:

Gary E. Thornton
Gary E. Thornton, Secretary

207/90

SCANNED

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FILED 1 28

1956 APR 30 AM 11:27

CLERK, AUDITOR & RECORDER

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO

IN AND FOR THE COUNTY OF BANNOCK

LEE D. NOKES,

Plaintiff,

-vs-

MARK R. KULP, state reclamation engineer, and to all other persons unknown, claiming any rights, title, estate, lien, or interest in or to the water of the Portneuf River, County of Bannock, State of Idaho, adverse to the plaintiffs ownership, or any cloud upon plaintiff's title thereto,

Defendants,

RECEIVED JAN 18 1990

Department of Water Resources

DECREE

POOR ORIGINAL

This matter coming on for hearing at chambers in Pocatello, Bannock County, Idaho, before the Honorable John A. Cerver, District Judge, sitting without a jury, the plaintiff being present in person and represented by his attorney, Callis A. Caldwell of Caldwell & Whittier, and the defendant Mark R. Kulp, having filed a disclaimer, and not being present and the other defendants and each of them coming not but making default herein and by reason of such default/each of the defendants, having waived the making of findings of fact and conclusion of law, and it appearing to the court that due and proper service had been made herein and that each and all of the defendants has been served in the matter as provided by the statutes of the State of Idaho and that proof of service as to each of the defendants has been made herein, and it further appearing to the court that an entry of default has been previously made herein and a part of the file hereof and the court being fully advised in the premises,

IT IS ORDERED, ADJUDGED, AND DECREED, that judgment be and the same is hereby rendered in favor of the plaintiff and against the defendants and each of them, and,

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the plaintiff is

OFFICES OF
C. L. & WHITTIER
NORTH BUILDING
POCATELLO, IDAHO

SCANNED
DEC 15 2005

2-2 19.8

the owner in fee simple of eighty miners inches of water of the Portneuf River and that said plaintiff by virtue of his predecessors and interest did receive said eighty miners inches of water by virtue of the Fort Brigger Treaty of 1868 and ratified by congress in 1869 and was received by virtue of his ownership in fee simple of the following described land, to-wit:

29-00614

The SW₄ of the SW₄ of Section 20; and the NW₄ of the NW₄ of Section 29, Township 7 South, Range 36 EEM, containing approximately 50 acres, the above land being in the County of Bannock, State of Idaho.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the defendants and each and all of them have no right, title, or interest in or to said water or any part or portion thereof, and

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that title to the above-described water be and the same is quieted in the said plaintiff.

DATED this 30th day of April, 1956.

STATE OF IDAHO }
County of Bannock }

I hereby certify that the foregoing is a full, true and correct copy of an instrument as the same now remains on file and of record in my office.

WITNESS my hand and official seal hereto affixed

this 28th day of April A.D. 19 56
LARRY W. GHAN, CLERK OF THE DISTRICT COURT
EX-OFFICIO AUDITOR AND RECORDER

By Deputy

Sandra Hill

John A. Carver
JOHN A. CARVER
DISTRICT JUDGE

POOR ORIGINAL

SCANNED

JUN 11 2001

Log for claim A29-00615F

Spatial Dynamics LTD

8/28/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
07s36e	19	SESE	6	38	Indiscernible
Totals:			6	38	

Stage: DECREED

Audit: 05/10/95 GTAYLOR



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

DATE OF CLOSING: _____

LEGAL DESCRIPTION OF PROPERTY: Township 07S Range 36E
Section 17, 1/4 of SE 1/4 of SE 1/4, Govt. Lot _____, BM.
Lot 3R, Block, 2, Subdivision/Townsite Evergreen acreage #2
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)
Assigned by IDWR: A29-00615B
- ☐ Name and Address of Former Owner/Claimant(s)(Seller): LISH
- ☐ New Owner/Claimant (Purchaser): Kevin Hall
- ☐ New Mailing Address: 2043 N. Honeysuckle Ln.
Tukom IL 83245
- ☐ New Telephone Number: (208) 775-4548(H) 234-5423(W)
- ☐ 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:
We will split C/O but it has consequently been
subfiled. This form was completed by LTH.
using letter and map.
LTH.
- ☐ Attach proof of ownership, describe proof attached: Subdivision Plat Map
(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) _____ Date _____
_____ Date _____
- ☐ Signature of Former Owner/Claimant(s): _____ Date _____
_____ Date _____

(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: _____

Claim Numbers of Split, if any:

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NOV 14 1996

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - FAX: (208) 525-7177

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

MAY 11, 1995

KEVIN HALL
2043 N HONEYSUCKLE LN
INKOM ID 83245

RE: CHANGE IN OWNERSHIP FOR A29-00615B

Dear Mr. Hall:

The request for Change in Ownership for a portion of the above referenced Notice(s) of Claim has been processed with new Notice(s) being generated to reflect 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:

A29-00615F, Kevin Hall, 0.15 cfs; 6 acres
A29-00615E, Leo Lish, 1.25 cfs; 49 acres

Enclosed for your records is a typed Notice(s) reflecting your portion of the right. Review the Notice(s) and if there are other corrections or questions, feel free to contact this office.

Respectfully submitted,

Jo Thompson
Adjudications Secretary

Enclosure:

cc: Leo Lish/copy claim/letter

MICROFILMED
NOV 14 1995

SCANNED

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: **A29-00615F**
Date Received: 4/24/1990
Receipt No: X777777
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILE

1. Name: KEVIN HALL
Address: 2043 N HONEYSUCKLE LN
INKOM ID

208-775-4548

83245

2. Date of Priority: JUN 1, 1868

3. Source: PORTNEUF RIVER

Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
07S	36E	19	SE	SE	SE		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	0.150		

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

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

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
07S	36E	19	SE	SE		IRR	6.0

Section Acres

6.0

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NOV 14 1996

10. Place of Use: Continued

Total Acres 6.0

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:

14. Remarks:

THIS RIGHT PAID FOR UNDER RECEIPT #E013574. CHANGE IN OWNERSHIP
5-10-95 GJT.

15. Basis of Claim: DECREED

Case Number:

Court : FIFTH

Decree date: 10/ 7/1957

LEO A. LISH

Decree Plaintiff

MARK R. KULP

vs Decree Defendant