

12/16/2002

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

RIGHT NUMBER: 29-2042

NAME AND ADDRESS: LM BULL
5787 W PORTNEUF RD
POCATELLO ID 83204

SOURCE: PORTNEUF RIVER SLOUGH TRIBUTARY: PORTNEUF RIVER
RIGHT INCLUDES ACCOMPLISHED CHANGE IN SOURCE PURSUANT TO SECTION
42-1425, IDAHO CODE.

QUANTITY: 0.400 CFS

PRIORITY DATE: 05/03/1906

POINT OF DIVERSION:

T07S R35E S25 NENE 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	0.400 CFS

PLACE OF USE: IRRIGATION Within BANNOCK County

T07S R35E S25 NENE 20.0

20 ACRES TOTAL

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

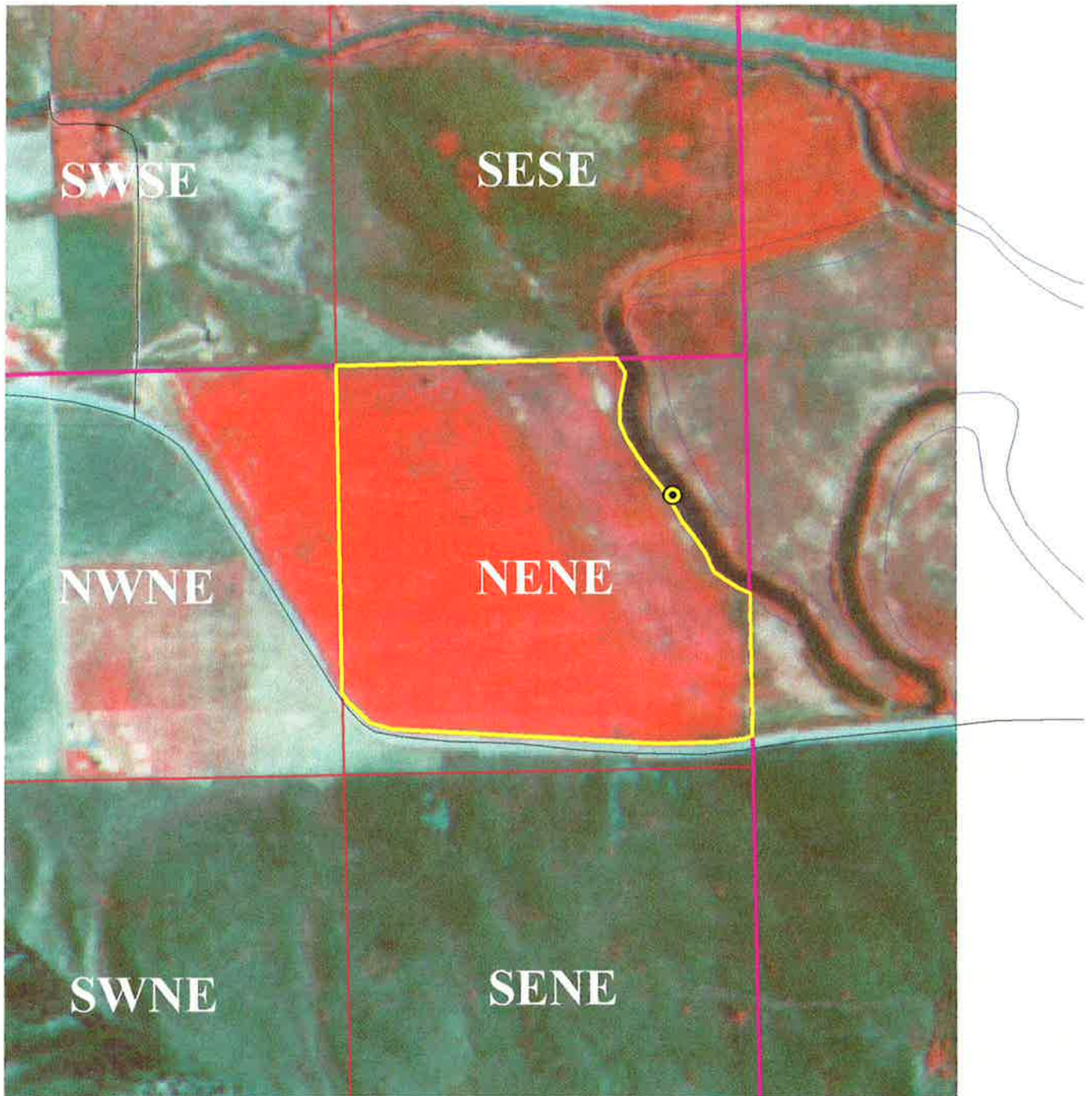
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: License

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

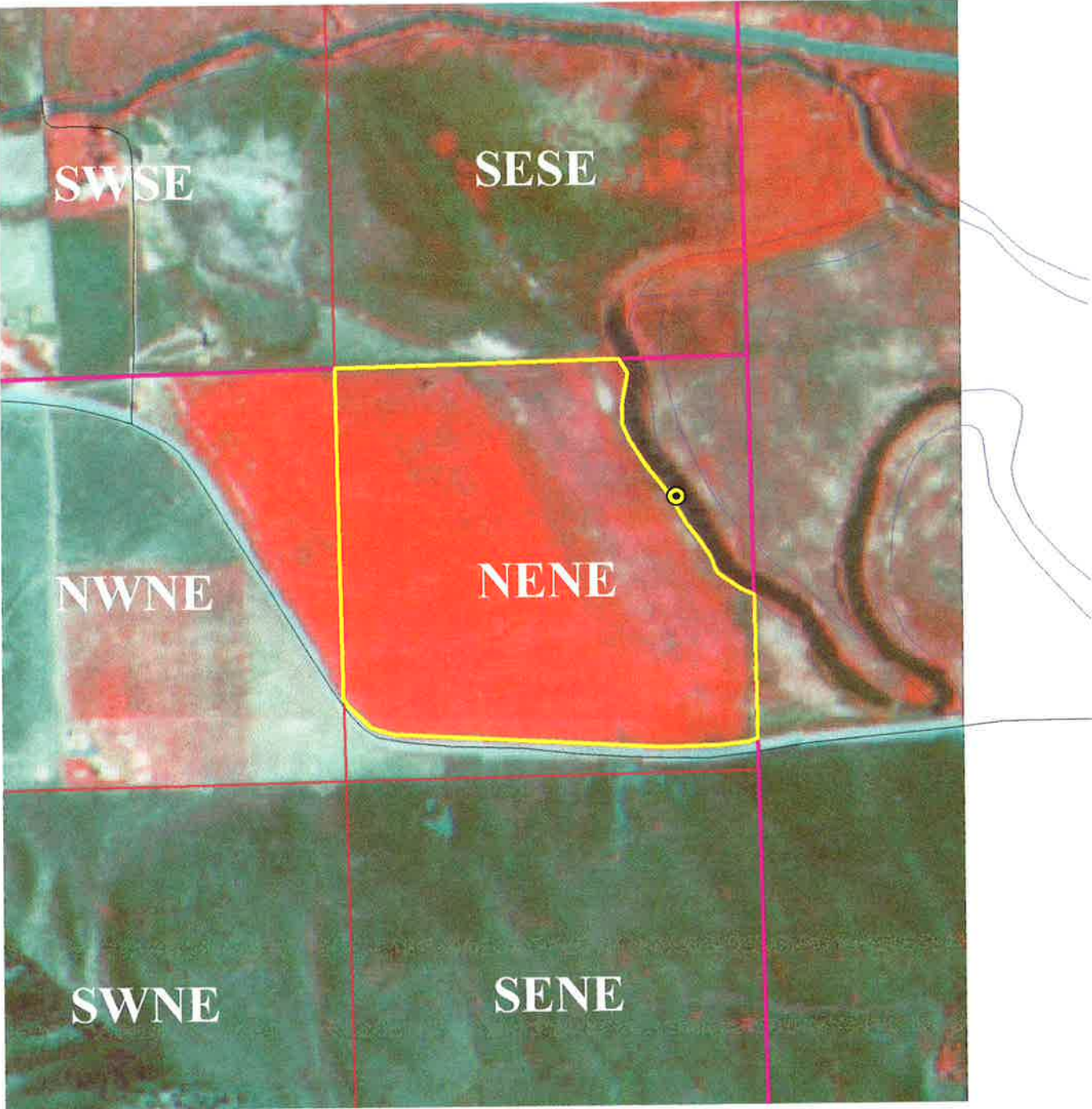
Water Right Claim Number A29-02042
Townships , 7S36E, 7S35E

08/28/2000



Water Right Claim Number A29-02042
Townships , 7S36E, 7S35E

08/28/2000



 Irrigated Area

 Section Line

 Roads

 Place of Diversion

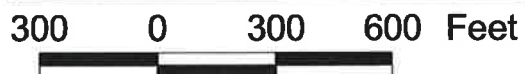
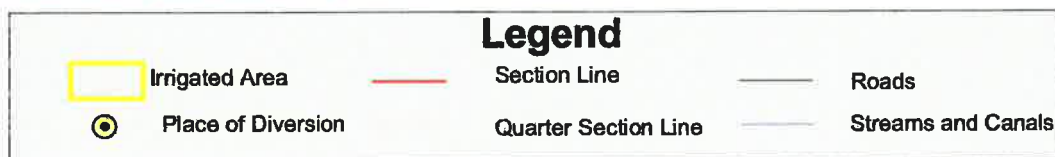
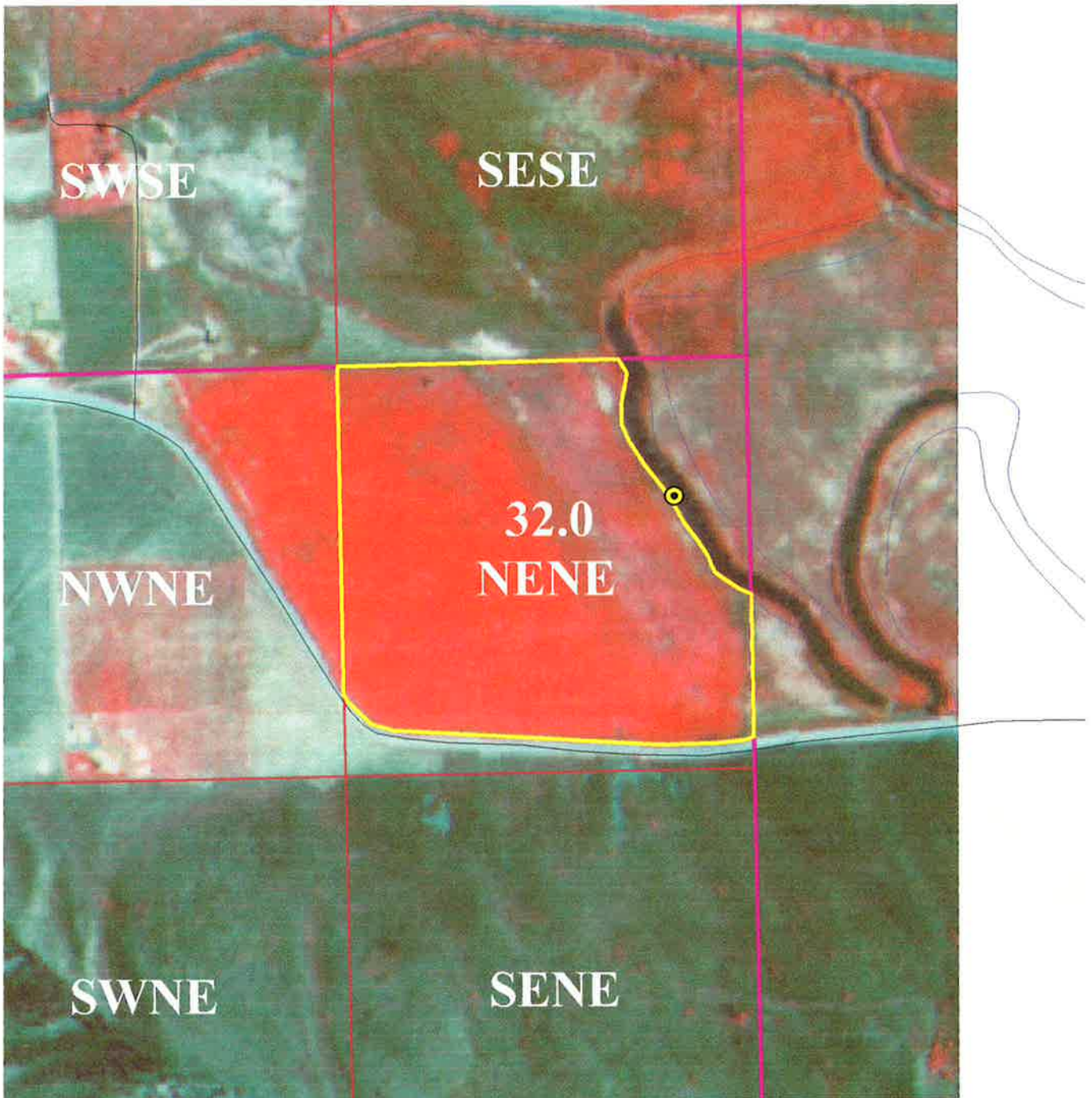
 Quarter Section Line

 Streams and Canals



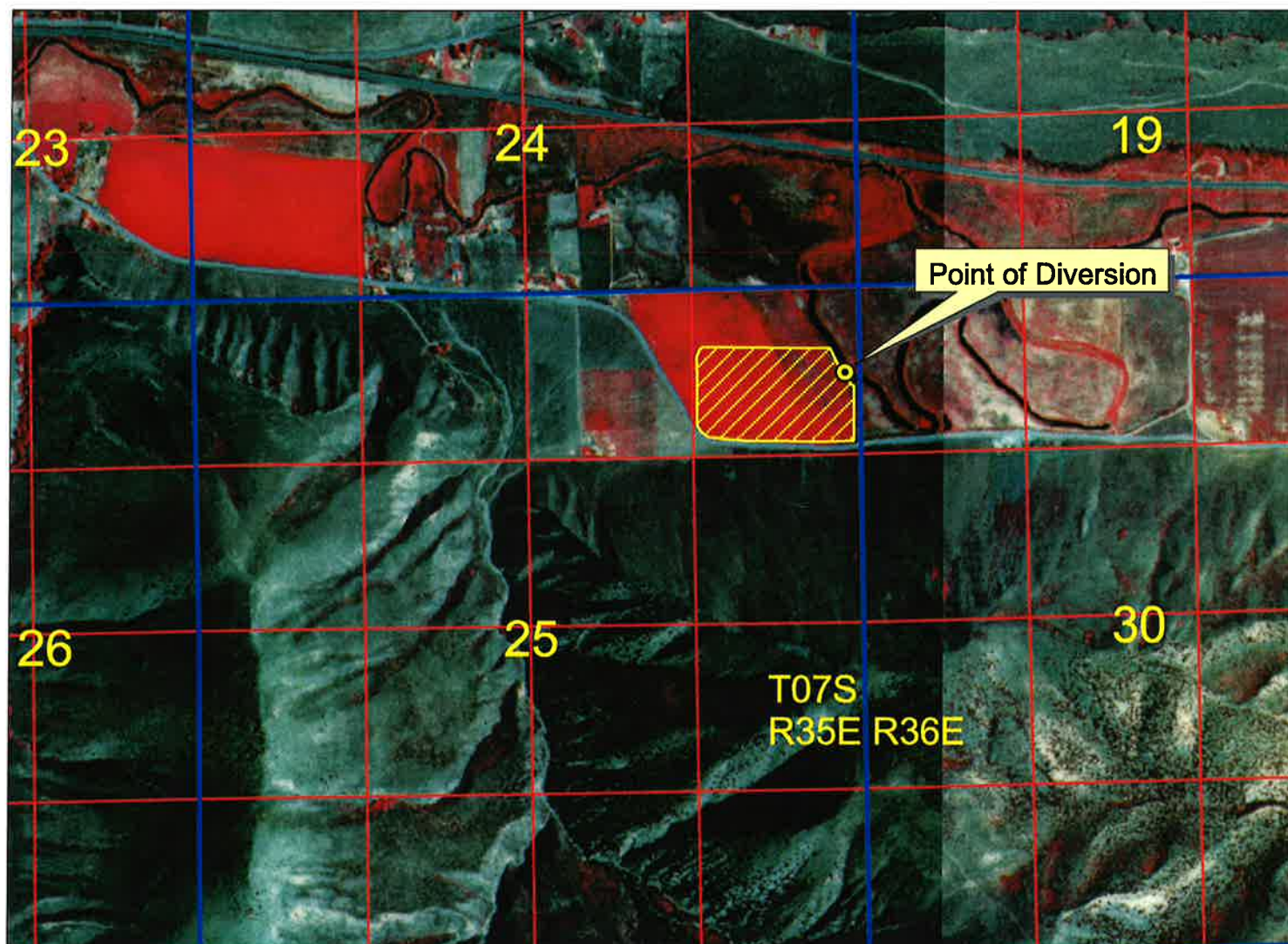
Water Right Claim Number A29-02042
Townships , 7S36E, 7S35E

08/28/2000



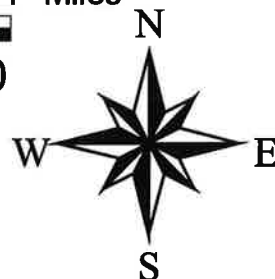


State of Idaho
Department of Water Resources
Eastern Region
Water Right 29-02042



0.5 0 0.5 1 Miles

1:16000



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

PROFILED
SCANNED
DEC 20 2005

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

02/08/2003

Craft

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: 29-2042

LM BULL
5787 W PORTNEUF RD
POCATELLO ID 83204
Telephone Number: (208) 775-4582

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: 2-28-2003 SIGNATURE: *LM Bull*
Please print your name: L.M. Bull

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

SCANNED
DEC 20 2005

RECEIVED
FEB 1 2003

SCANNED

JUN 13 2001

Log for claim A29-02042

Spatial Dynamics LTD

8/28/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
07s35e	25	NENE	20	32	
Totals:			20	32	

Memorandum

TO: FILE **A29-02042**

February 21, 2001

FROM: Keith C. Wilson

RE: Withdrawn Transfer # 3253/29-02042

It appears that was attempted in 1986 by Transfer #3253/29-02042 appears to be reflected in the SRBA Claim 29-02042.

See the attached memos from H.W. Jones dated August 29, 1986, and from Ron Carlson dated September 9, 1986.



Keith C. Wilson

Senior Resource Agent

MEMO

TO: File No. Application for Transfer No. 29-2042

FROM: Ron Carlson

DATE: September 9, 1986

I believe there are at least two problems associated with this application for transfer.

First, it appears that there has been a long period of non-use of this right. This may be because of the undependable water supplies from Martin Canyon or perhaps the inconvenience of getting water from the source. Issues of abandonment and forfeiture do arise.

Second, it is not clear that water from Martin Canyon is tributary to the Portneuf. By moving a 1906 right from Martin Canyon to the Portneuf, there would be an enlargement in the use of water under this right and would effect water supplies to present water users on the Snake River.

I would recommend that the applicant, rather than attempting this transfer, should apply for a permit and establish their proper position on the priority system.

RECEIVED

FEB 13 1990

INTER-DEPARTMENT MEMO — 1

DATE August 29, 1986

FROM H. W. Jones
TO Ron Carlson
SUBJECT Transfer 3253/29-2042

On August 28, 1986, I met with Larry Bull and he showed me the drainage he calls Martin Canyon. This was a dry wash at this time and is intermittent as far as flows. Generally water comes down this drainage only during the spring of the year.

MICROFILMED

FEB 13 1990

H. W. Jones
SIGNATURE

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
To Change the Point of Diversion and/or the Place of Use

Name of applicant L. M. or BURNA DEAN BULL Phone 775-4582
 Post Office address 5787 West Portneuf Road, Pocatello, ID 83204

A. DESCRIPTION OF RIGHT AS RECORDED**1. Right evidenced by:**

- a. Decree No. _____ Decreed to _____ (Name)
 in case of _____ vs _____
 dated in _____ in _____ county of _____
 (Name of court)
- b. License No. 29-2042 issued by the Idaho Department of Water Resources
- c. Claim No. _____ on file with the Idaho Department of Water Resources

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant. If the applicant is not the original holder of the water right, explain how it was acquired

3. Source of water Martin Canyon tributary to _____
4. Date of priority 5-3-1906

5. Water is used for the following purposes:

amount 0.40 cfs for Irrigation purposes from * Not Listed to _____
 amount _____ for _____ purposes from _____ to _____
 amount _____ for _____ purposes from _____ to _____
 (month/day — both dates inclusive)

6. Total amount of water under right: a. _____ cubic feet per second
 &/or
 b. _____ acre feet per annum
7. Location of original point of diversion is SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 25
 Township 7S Range 35E, B.M., in Bannock County
 Additional points of diversion, if any _____

8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
7S	35E	25	10	10															20

MICROFILMED

FEB 13 1990

Total number of acres to be irrigated 20**9. Describe any other water rights used for the same purpose as described above** None**10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of nonuse?** No If yes, describe in item D, REMARKS.

[illegible]

Total number of acres to be irrigated

-
- Topographic map of the Portneuf River area. The map shows contour lines indicating elevation, with major peaks around 5700 feet. Key features include the Portneuf River, Union River, and various landmarks such as Blackrock, Gravel Pit, Borrow Pit, Moose Spring, Moose Canyon Spring, Smith, and Gatch. A shaded area is labeled 'Portneuf River Slough'. The map is overlaid with a grid and includes a scale bar at the bottom.

~~FEB 13 1990~~

2000: ~~unpublished manuscript~~ manuscript in file

STATE OF IDAHO

Water License No.1978.

WHEREAS, On the 3 day of May, A. D. 1906, ERASTUS BARNARD, of Inkom, County of Bannock and State of Idaho, duly made application (No.2772) to me for a permit to use one half of one cubic foot per second of the waters of Martin Canyon, County of Bannock, State of Idaho, for Irrigation & domestic purposes; and,

WHEREAS, On the 5 day of May, A. D. 1906, Permit No. 1978, was issued to said applicant for the diversion of said water, and providing for the completion of the works of diversion therein described on or before the 5 day of November, A.D.1906, and for the application to beneficial use of said water on or before the 5 day of November, A.D.,1906, and,

WHEREAS, On the 31 day of October, A.D.1906, the holder of said permit duly made proof of the completion of adequate works for the diversion of one half of one cubic foot per second of said waters, as evidenced by my Certificate No.1978, dated April 26,1907, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use one half of one cubic foot per second of water, with date of priority of May 3,1906, and,

WHEREAS, On the 31 day of October, A.D.1906, proof was duly made of the application to beneficial use of 4 tenths of one cubic foot per second of said water;

NOW, THEREFORE, By virtue of the authority vested in me by the laws of the State of Idaho, I hereby grant and confirm to ERASTUS BARNARD, of Inkom, Idaho, the holder and owner, of said Permit No.1978, a perpetual right, dating from May 3,1906, to the use of 4 tenths of one cubic foot per second of the waters of Martin Canyon, in the County of Bannock and State of Idaho, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at a point S.30° W.530 feet from S.V.Cor. of NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 25, Township 7 South, Range 35 E.B.M., and conducted to and upon (10 acres in NW $\frac{1}{4}$ of NE $\frac{1}{4}$ and 10 acres in NE $\frac{1}{4}$ of NE $\frac{1}{4}$, all in Section 25, Township 7 South, Range 35 East of Boise Meridian, for the purpose of Irrigation and domestic use, subject, however to the laws of the State of Idaho applicable to a license for the use of the waters of the State, and subject, also, to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and the seal of my office at Boise, Idaho,
this 26 day of April, A.D. Nineteen Hundred and seven.

Jas. Stephenson, Jr.

State Engineer.

(SEAL)

Recorded April 26,1907..

20 1042

A P P L I C A T I O N F O R P E R M I T

To appropriate the Public waters of the State of Idaho.

1. Name of applicant - ERASTUS BARNARD
 Postoffice address: P.O. - Inkorn
 County - Bannock.
2. The quantity of water claimed is one-half cubic foot per second
3. Source of water supply - Flood waters from Martin Canyon, Bannock County.
4. Location of point of diversion - N.W. Corner SW4 NE4 sec. 25, Tp. 7 S., R. 35 E.
5. To be used for:
 - I. Irrigation and domestic use:
 - (a) Number of acres to be irrigated twenty-five acres.
 - (b) In the following legal subdivisions - N2 NE4 Sec. 25, Tp. 7 S., R. 35 E.
6. Estimated cost of works - \$150.00 - completed now.
7. Description of Works for Diversion:
 - I. Kind of works - Ditch only.
 - II. Dimensions of Works:
 - (d) Ditch (flume or pipe) width at bottom 2 feet, width at water line 2½ feet, depth of water four feet. Average grade per rod is ¾ foot. Length of ditch is three fourths mile, and it crosses the following quarter sections - SW4 NE4 & N2 NE4 sec. 25, to N2 NE4 sec. 25, Tp. 7 S., R. 35 E., which is the point of intended use.
8. Time required for the completion of the construction of such work is - now completed.
9. Time required for the complete application of the water to the proposed use is - applied now. Wants to make both proofs about October, 1906.

Approval of State Engineer

The number of this permit is 1978.

Date of first receipt of application May 3, 1906.

Recorded in Book 6, page 1978. Approved May 5, 1906.

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho and hereby grant the same, subject to the following limitations and conditions:

#

One-fifth of the work above specified to be completed on or before August 5, 1906.

The whole of said work to be completed on or before November 5, 1906.

The time for the proof of beneficial use of water appropriated in accordance herewith, to extend to November 5, 1906.

Witness my hand this 5 day of May, 1906.

Jas. Stephenson, Jr.

State Engineer.

Work to begin on or before July 4, 1906, and to continue diligently and uninterruptedly.

ruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.

Notice of proof of completion and notice of beneficial use mailed applicant May 17, 1906. Notices received Sept. 22, 1906, fixing October 31st, 1906, as date of proof and Pocatello, Idaho, as place of proof.

Mr. Mann, of Pocatello, requested to examine the works and so notified Sept. 22, 1906. Notice for publication mailed Pocatello Tribune Sept. 22, 1906, and Deposition blanks for holder and witnesses mailed applicant Sept. 22, 1906.

Depositions of holder and witnesses received No. 3, 1906. Affidavit of publication and fees received No. 3, 1906. Report of Engineer received April 26, 1907.

All papers being in and satisfactory Certificate of Completion and License were duly issued this 26th day of April, 1907.

Permit No. 1978.

CERTIFICATE OF COMPLETION OF WORKS.

To All Whom it May Concern:

This is to certify that ERASTUS BARNARD, of Inkom, County of Bannock, and State of Idaho, the holder of Permit No. 1978, issued upon Application No. 2772, bearing date of priority of May 3, 1906, authorizing the diversion of one-half of one second foot of the waters from Martin Canyon, County of Bannock, State of Idaho, for Irrigation & domestic purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use one-half of one second-foot of the waters from Martin Canyon; that the point of diversion of said waters is at a point S.30° W.530 feet from South-west corner of North-west quarter (NW $\frac{1}{4}$) of North-east quarter (NE $\frac{1}{4}$) Section 25, Township 7 South, Range 35 East of Boise Meridian; and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: North-half of North-east quarter (N $\frac{1}{2}$ of NE $\frac{1}{4}$) Section 25, Township 7 South, Range 35 East of Boise Meridian.

Witness my hand this 26 day of April, A. D. 1907.

License issued for ^{4/10} ~~one~~ second feet
6.145

Jas. Stephenson, Jr.

State Engineer of the State of Idaho.

AJ5809NP
No. A29-02042

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/18/00
PAGE: 106

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	LM BULL 5787 W PORTNEUF RD POCATELLO ID 83204 (208) 775-4582	05/03/1906	IRRIGATION	04-01 11-01	0.400 CFS	
TOTAL DIVERSION:					0.400 CFS	
CONSUMPTIVE USE:						50.00 AFA

Water Source: PORTNEUF RIVER

Tributary to: SNAKE RIVER

Stage: LICENSE

Point(s) of Diversion:

T07S R35E S25

NENE

BANNOCK County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE										
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
07S	35E	25	:	20										:							:	20.0
																					TOTAL ACRES	20.0

POU County: BANNOCK

Non-Irrigation Uses: NONE

Other Rights: NONE

Remarks: GEN LIC. DESCRIBES SOURCE AS MARTIN CANYON.
APPLIC. CONTENDS SOURCE IS AN ARM OF THE PORTNEUF RIVER.

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

Misc: Water District Number: 29H Field Inspection Flag:
Presumption Flag:

Audit: 03/15/90 JONES 06/02/94 COX 03/29/95 POST-STD

SEPTEMBER 15, 1992

L M BULL
5787 W PORTNEUF ROAD
POCATELLO ID 83204

RE: NOTARY PUBLIC'S SEAL AND NOTARY/A29-02042

Dear Mr. Bull:

While doing the initial comparison between computer generated Notices and hard copy Notices filed by claimants in Basin 29, it has come to our attention that a signed and notarized copy of your notice is not in our files.

Although a Notice of Claim to your water right has been data entered in our computer system, it is necessary that we have a signed and notarized Notice before we can process the Notice and make recommendations to the court.

I have enclosed for your convenience a typed Notice of Claim that must be signed in the presence of a Notary and returned to this department within 10 days (September 29, 1992). If the signed Notice is not returned by this date, this office will initiate procedures for refunding the filing fee paid in conjunction with the Notice of Claim form you submitted for the Snake River Basin Adjudication (SRBA). The effect of this action will be to remove this Notice from the Department's records.

I will keep your Notice of Claim in my office until September 29, 1992. If we have not heard from you, the refund process will be initiated.

MICROFILMED
NOV 13 1992

I am sorry for any inconvenience. Please do not hesitate to contact this office if you have any questions regarding this matter (525-7161).

Respectfully submitted,

Gregory J. Taylor
Sr. Water Agent, Adjudications

GT:jt

Enclosure: Notice of Claim A29-02042

File: TIC

MICROFILMED
NOV 13 1992



MICROFILMED
NOV 13 1992

Bannock County
Martin Canyon
2,800 ft.
Irrigation
Priority 5-3-06

STATE OF IDAHO

Water License No. 1978.

THEREAS, On the 3 day of May, A. D. 1906, ERASTUS BARNARD, of Inkom, County of Bannock and State of Idaho, duly made application (No. 2772) to me for a permit to use one half of one cubic foot per second of the waters of Martin Canyon, County of Bannock, State of Idaho, for irrigation and domestic purposes; and,

WHEREAS, On the 5 day of May, A. D. 1906, Permit No. 1978, was issued to said applicant for the diversion of said water, and providing for the completion of the works of diversion therein described on or before the 5 day of November, A.D. 1906, and for the application to be beneficial use of said water on or before the 5 day of November, A.D. 1906, and,

THEREAS, On the 31 day of October, A.D. 1906, the holder of said permit duly made proof of the completion of adequate works for the diversion of one half of one cubic foot per second of said waters, as evidenced by my Certificate, No. 1978, dated April 26, 1907, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use one half of one cubic foot per second of water, with date of priority of May 3, 1906, and,

THEREAS, On the 31 day of October, A.D. 1906, proof was duly made of the application to beneficial use of 4 tenths of one cubic foot per second of said water;

NOW, THEREFORE, By virtue of the authority vested in me by the laws of the State of Idaho, I hereby grant and confirm to ERASTUS BARNARD, of Inkom, Idaho, the holder and owner, of said Permit No. 1978, a perpetual right, dating from May 3, 1906, to the use of 4 tenths of one cubic foot per second of the waters of Martin Canyon, in the County of Bannock and State of Idaho, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at a point S. 30° W. 530 feet from S. W. Cor. of NW 1/4 NE 1/4 Section 25, Township 7 South, Range 35 E.B.M., and conducted to and upon 10 acres in NW 1/4 of NE 1/4 and 10 acres in NE 1/4 of NE 1/4, all in Section 25, Township 7 South, Range 35 East of Boise Meridian, for the purpose of irrigation and domestic use, subject, however to the laws of the State of Idaho applicable to a license for the use of the waters of the State, and subject, also, to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, usual or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and the seal of my office at Boise, Idaho, this 26 day of April, A.D. Nineteen Hundred and seven.

Joe. Stephenson, Jr.

State Engineer

(SEAL)

Recorded April 26, 1907.

MICROFILMED

NOV 13 1992

22 2042

SCANNED

JUN 13 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

RECEIVED

SEP 18 1992

Ident. Number: A29-02042
Date Received: 4/ 5/1990
Receipt No: E012849
Received By: _____

Department of Water Resources
Eastern District Office

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

1. Name: L.M. BULL
Address: 5787 W. PORTNEUF RD.
POCATELLO ID 83204 208-775-4582

2. Date of Priority: MAY 3, 1906

3. Source: PORTNEUF RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07S	35E	25		NE	NE		BANNOCK

5. Description of diverting works:
PUMP IN RIVER TO SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.400		

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

8. Total consumptive use is 50.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	35E	25		NE	NE	IRR	20.0



MICROFILMED

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	20.0
					Total Acres	20.0

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:
LIC. DESCRIBES SOURCE AS MARTIN CANYON.
APPLIC. CONTENDS SOURCE IS AN ARM OF THE PORTNEUF RIVER.

15. Basis of Claim: LICENSE

Water Right Number: 1978

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): *Lm Bull* Date: 9-17-92

Date: _____

MICROFILMED

NOV 13 1992

State of Idaho

County of Bamock) SS.

Subscribed and sworn (or affirmed) before me this 17th day
of September 19 92

Debbie Mense
Notary Public

Seal

Residing at Pocatello, ID.

My Commission Expires 11/22/96

G9A

A29-02042

T
75

NOT TO SCALE

FEB
1989

G9A

R3SE

MICROFILMED

NOV 13 1992