

08/08/2001

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

RIGHT NUMBER: 29-2070

NAME AND ADDRESS: LITTLE RED HEN INC  
C/O THOMAS J MCDEVITT PRES  
PO BOX 4260  
POCATELLO, ID 83205

SOURCE: UNNAMED STREAM TRIBUTARY: JOHNNY CREEK

QUANTITY: 0.12 CFS

PRIORITY DATE: 05/09/1908

POINT OF DIVERSION: T07S R34E S13 NESWSE 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          | 0.12 CFS        |

PLACE OF USE:

| <u>IRRIGATION Within BANNOCK County</u> |      |     |               |      |     |
|-----------------------------------------|------|-----|---------------|------|-----|
| T07S R34E S13                           | NESE | 2.7 | T07S R34E S13 | NWSE | 0.4 |
| T07S R34E S13                           | SWSE | 1.7 | T07S R34E S13 | SESE | 1.2 |

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.

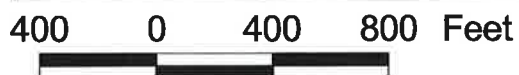
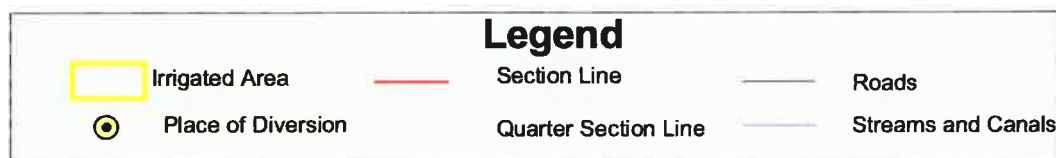
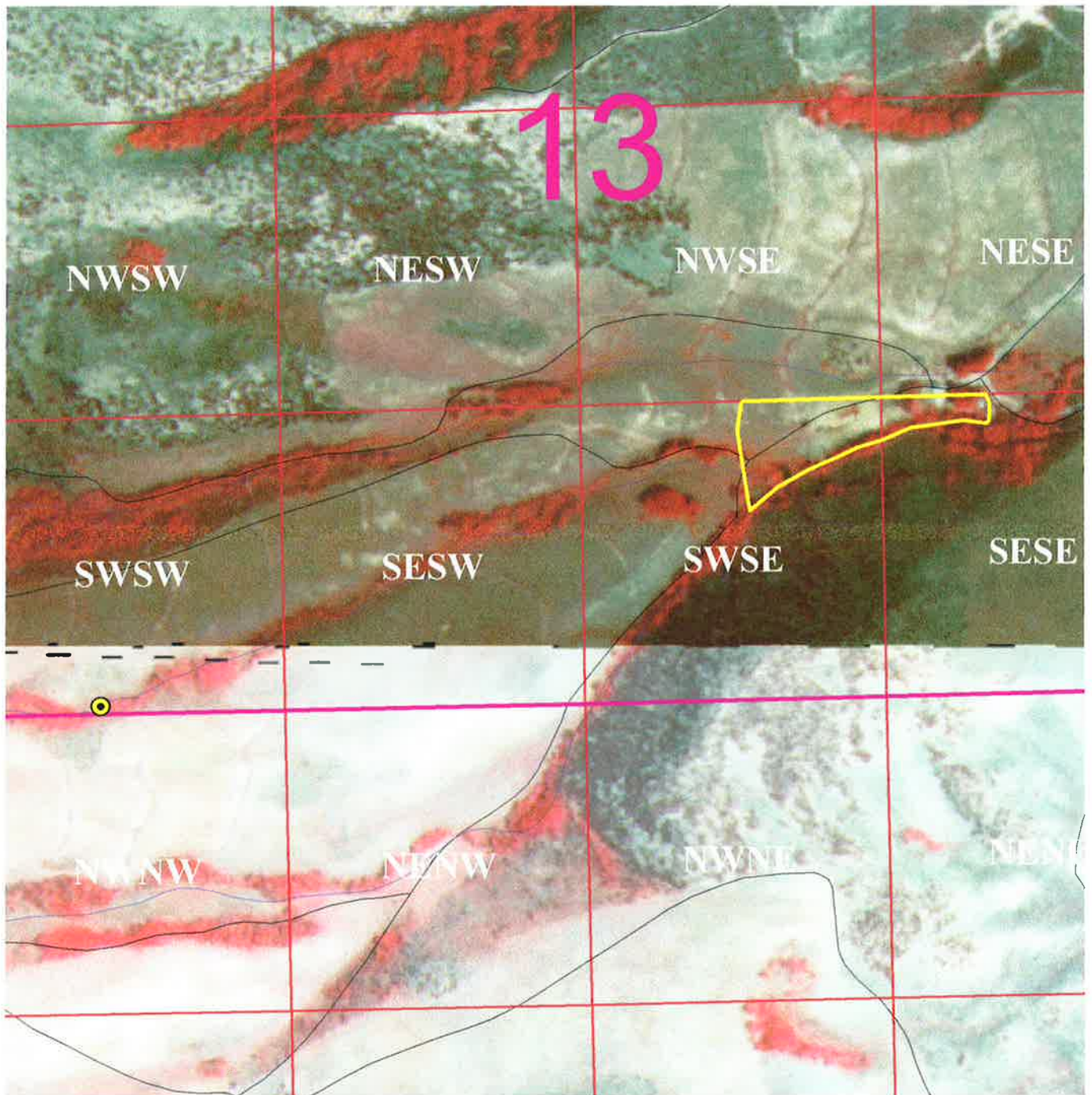
EXPLANATORY MATERIAL: BASIS OF CLAIM - License

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

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

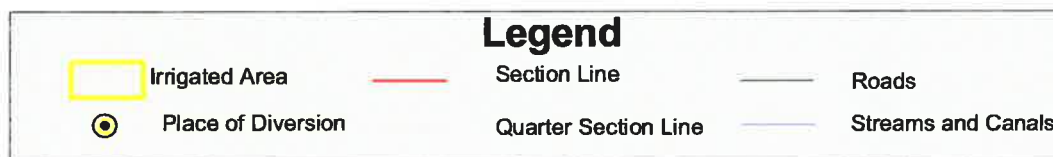
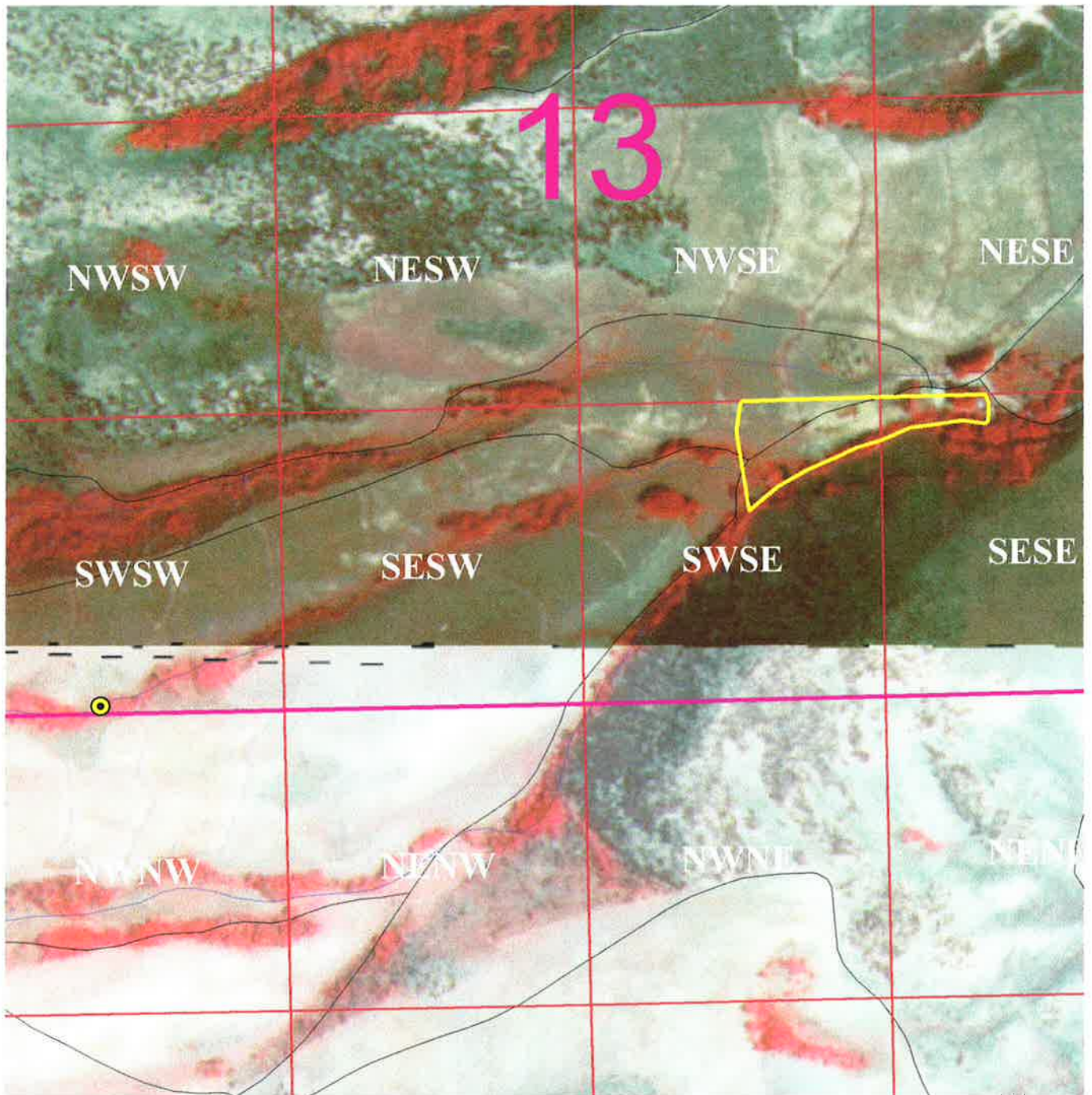
Water Right Claim Number A29-02070  
Township , 7S34E

08/28/2000

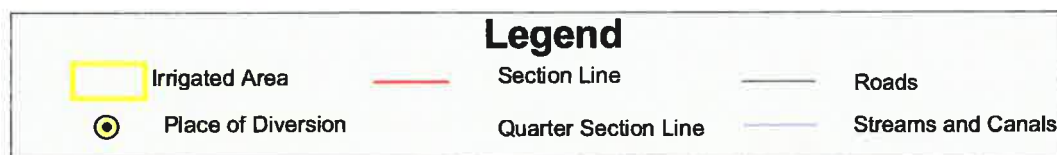
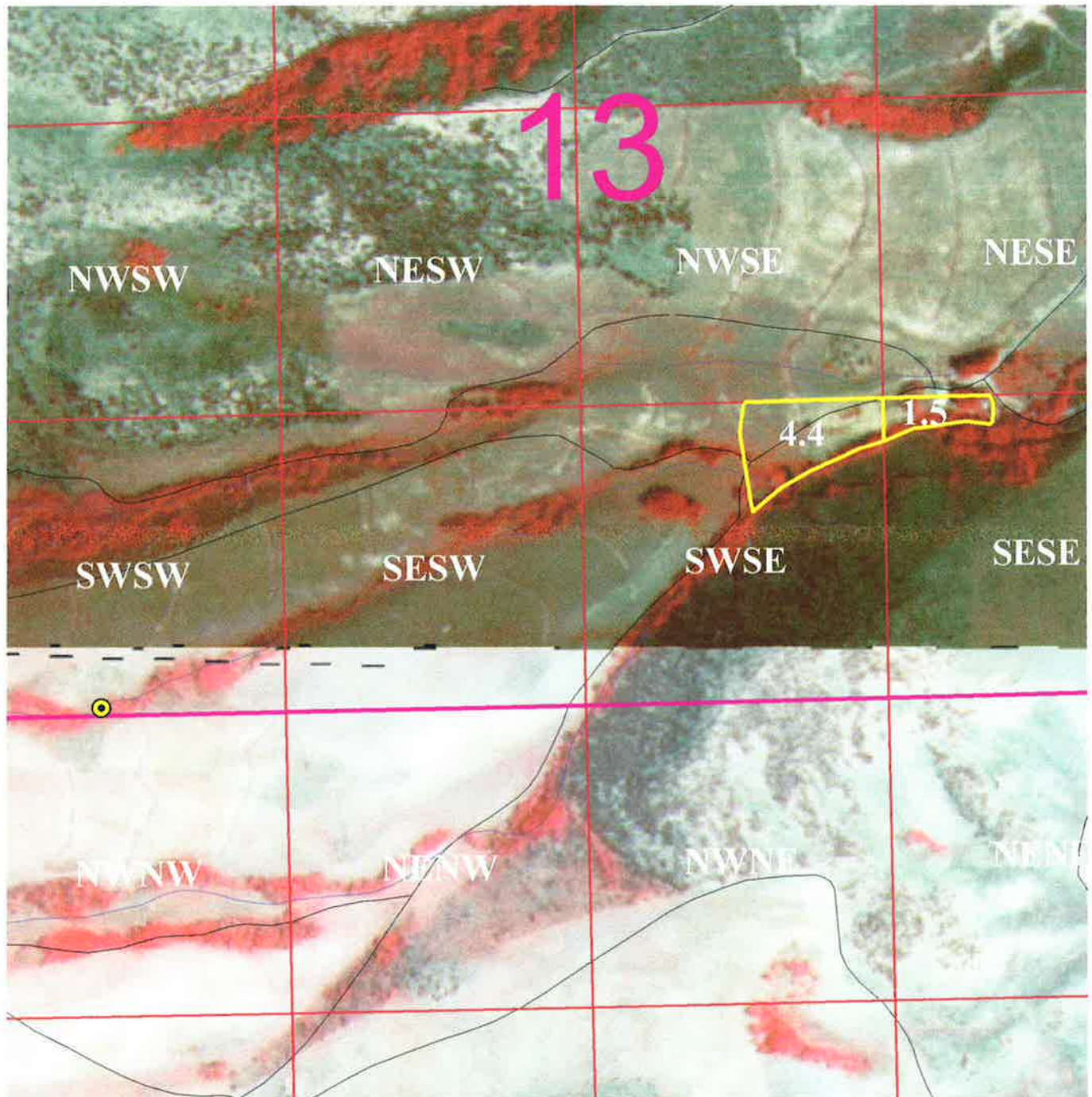


Water Right Claim Number A29-02070  
Township , 7S34E

08/28/2000



08/28/2000



400 0 400 800 Feet

## IDAHO DEPARTMENT OF WATER RESOURCES

## Adjudication Recommendation Report 29-2070 V1

WATER RIGHT NUMBER: 29-2070 V1

| <u>Owner Type</u> | <u>Name and Address</u>                                                                                 |
|-------------------|---------------------------------------------------------------------------------------------------------|
| Current Owner     | LITTLE RED HEN INC<br>C/O THOMAS J MCDEVITT PRES<br>PO BOX 4260<br>POCATELLO, ID 83205<br>(208)232-1847 |
| Original Owner    | ALBERT M CHRISTOFFERSON<br><br>POCATELLO, ID 83201                                                      |

Priority Date: 05/09/1908

Basis: License

Status: Active

| <u>Source</u>  | <u>Tributary</u> |
|----------------|------------------|
| UNNAMED STREAM | JOHNNY CREEK     |

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

Location of Point(s) of Diversion

|                |                 |                                 |
|----------------|-----------------|---------------------------------|
| UNNAMED STREAM | NE1/4SW1/4SE1/4 | Sec. 13, Twp 07S, Rge 34E, B.M. |
| BANNOCK County |                 |                                 |

Place of UseIRRIGATION Within BANNOCK County

|                |      |     |               |      |     |
|----------------|------|-----|---------------|------|-----|
| T07S R34E S13  | NESE | 2.7 | T07S R34E S13 | NWSE | 0.4 |
| T07S R34E S13  | SWSE | 1.7 | T07S R34E S13 | SESE | 1.2 |
| 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.
2. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
3. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES  
Adjudication Recommendation Report 29-2070 V1

Comments:

1. csaxton 8/8/01 CRP

Comment: Claimants property was in CRP at time of field exam 7/31/01.

2. csaxton 8/8/01 POD

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

3. csaxton 8/8/01 POU

Comment: Amended claim not requested for QQ change per Claims investigation manual, chapter 8, Section II.B. Paragraph 3.

4. csaxton 8/8/01 POU Diversion

Comment: Water from Mud Springs runs down stream until it enters buried pipe and exits natural stream channel (per claimant conversation 8/8/01)

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: C

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       | 8/8/01 4:35:49 PM         | csaxton         |                           |                 | Active        |
| Contacts       | 8/8/01 4:43:27 PM         | csaxton         |                           |                 | Active        |
| Priority Date  | 8/8/01 4:43:44 PM         | csaxton         |                           |                 | Active        |
| POD            | 8/8/01 4:49:00 PM         | csaxton         |                           |                 | Active        |
| POD            | 8/8/01 4:51:12 PM         | csaxton         |                           |                 | Active        |
| Source         | 8/8/01 4:51:44 PM         | csaxton         |                           |                 | Active        |
| Use            | 8/8/01 4:53:24 PM         | csaxton         |                           |                 | Active        |
| POU            | 8/8/01 4:54:55 PM         | csaxton         |                           |                 | Active        |
| Season         | 8/8/01 4:56:45 PM         | csaxton         |                           |                 | Active        |
| Quantity       | 8/8/01 4:57:51 PM         | csaxton         |                           |                 | Active        |
| Summary        | 8/8/01 5:01:48 PM         | csaxton         | 8/8/01 5:01:48 PM         | csaxton         | Active        |

IDAHO DEPARTMENT OF WATER RESOURCES  
Adjudication Recommendation Report 29-2070 V1

Verification Log:

| <u>Element</u> | <u>Date Time Stamp</u> | <u>Reviewer</u> | <u>Log text</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|----------------|------------------------|-----------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| POU            | 8/8/01 4:55:25 PM      | csaxton         | Edited shape boundary                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| Contacts       | 8/8/01 4:35:44 PM      | csaxton         | 1. Appointment has not been scheduled.<br>Comment for 1: Spoke with Dr. MC Devitt 8/8/01.<br>Field Exam on 7/31/01.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| Contacts       | 8/8/01 4:43:25 PM      | csaxton         | 1. Appointment has not been scheduled.<br>Comment for 1: Spoke with Dr. MC Devitt 8/8/01.<br>Field Exam on 7/31/01.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| POD            | 8/8/01 4:50:38 PM      | csaxton         | Edited point location                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| Source         | 8/8/01 4:51:42 PM      | csaxton         | 1. (NO) The basis is not beneficial use.<br>2. (YES) Parent right has a source.<br>3. (YES) The claimed source can be verified using the water right file.<br>8. (YES) The source is surface water.<br>9. (YES) The source is a standard source.<br>10. (NO) Source remark was not required.<br>11. (NO) Source condition was not required.                                                                                                                                                                                                                                                           |
| POU            | 8/8/01 4:55:52 PM      | csaxton         | Edited PLS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Priority Date  | 8/8/01 4:43:41 PM      | csaxton         | 1. (NO) There has not been a later court decree of the water right(s) from the water source.<br>4. (NO) The basis of claim is not beneficial use.<br>5. (NO) The basis of claim is not a posted notice.<br>6. (YES) Parent right has a priority date.<br>7. (NO) The basis of claim is not an application or permit.<br>12. (YES) The claim is recommended.<br>13. (YES) The claim is coded correctly.<br>14. (NO) Priority remark was not required.<br>15. (NO) Priority condition was not required.                                                                                                 |
| POD            | 8/8/01 4:48:58 PM      | csaxton         | 1. (NO) The basis is not beneficial use.<br>2. (YES) Parent right has a Point of Diversion.<br>3. (NO) The claimed Point of Diversion can not be verified using the water right file.<br>4. (YES) There is evidence that there has been a change in the Point of Diversion.<br>5. (YES) The change can be verified as an accomplished transfer.<br>Comment for 5: Licensed POD incorrectly described.<br>6. (YES) The file contains all the necessary information to verify the POD.<br>8. (NO) Point of Diversion remark was not required.<br>9. (NO) Point of Diversion condition was not required. |

## IDAHO DEPARTMENT OF WATER RESOURCES

## Adjudication Recommendation Report 29-2070 V1

|        |                   |         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|--------|-------------------|---------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| POD    | 8/8/01 4:51:10 PM | csaxton | <p>1. (NO) The basis is not beneficial use.</p> <p>2. (YES) Parent right has a Point of Diversion.</p> <p>3. (NO) The claimed Point of Diversion can not be verified using the water right file.</p> <p>4. (YES) There is evidence that there has been a change in the Point of Diversion.</p> <p>5. (YES) The change can be verified as an accomplished transfer.</p> <p>Comment for 5: Licensed POD incorrectly described.</p> <p>6. (YES) The file contains all the necessary information to verify the POD.</p> <p>Comment for 6: Field Exam 7/31/01</p> <p>8. (NO) Point of Diversion remark was not required.</p> <p>9. (NO) Point of Diversion condition was not required.</p>      |
| Use    | 8/8/01 4:53:22 PM | csaxton | <p>1. (NO) The basis of claim is not beneficial use.</p> <p>2. (YES) The parent right has a purpose of use.</p> <p>3. (NO) The claimed purpose of Use can not be verified using the water right file.</p> <p>4. (NO) There is not evidence that there has been a change to the purpose of use.</p> <p>9. (YES) The file contains all the necessary information to verify the purpose of use.</p> <p>11. (NO) Purpose of Use remark was not required.</p> <p>12. (NO) Purpose of Use condition was not required.</p>                                                                                                                                                                        |
| POU    | 8/8/01 4:54:53 PM | csaxton | <p>1. (YES) The POU is required.</p> <p>2. (NO) The basis of claim is not beneficial use.</p> <p>3. (YES) The Parent Right has a POU.</p> <p>4. (NO) The claimed POU can not be verified using the water right file.</p> <p>5. (YES) There is evidence that there has been a change in the POU.</p> <p>6. (YES) The change can be verified as an accomplished transfer.</p> <p>Comment for 6: Licensed POU didn't increase, but QQ distribution is different.</p> <p>9. (YES) The file contains all the necessary information to verify the POU.</p> <p>Comment for 9: Field Exam 7/31/01</p> <p>12. (NO) POU remark was not required.</p> <p>13. (NO) POU condition was not required.</p> |
| Season | 8/8/01 4:56:43 PM | csaxton | <p>1. (NO) The basis of claim is not beneficial use.</p> <p>2. (NO) The parent right does not have a period of use.</p> <p>4. (NO) There is not evidence that there has been a change to the period of use.</p> <p>9. (YES) The file contains all the necessary information to verify the period of use.</p> <p>11. (NO) The basis of is not a decree, license, or a transferred beneficial use right that has had the period of use administratively determined.</p> <p>13. (YES) Irrigation is the purposed use.</p> <p>15. (NO) Period of Use remark was not required.</p> <p>16. (NO) Period of Use condition was not required.</p>                                                    |

## IDAHO DEPARTMENT OF WATER RESOURCES

## Adjudication Recommendation Report 29-2070 V1

|          |                   |         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|----------|-------------------|---------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Quantity | 8/8/01 4:57:48 PM | csaxton | <ul style="list-style-type: none"><li>1. (NO) The basis of claim is not beneficial use.</li><li>2. (NO) The basis of claim is not a posted notice.</li><li>3. (YES) The parent right has a diversion rate and/or diversion volume.</li><li>4. (YES) The claimed diversion rate and/or volume can be verified using the water right file.</li><li>6. (NO) The source is not ground water and the purpose of use does not require a diversion volume limit.</li><li>7. (NO) The parent right does not have an annual diversion volume limit.</li><li>9. (NO) Quantity remark was not required.</li><li>10. (NO) Quantity condition was not required.</li></ul>                                                     |
| Summary  | 8/8/01 5:01:45 PM | csaxton | <ul style="list-style-type: none"><li>1. (NO) The basis of the claim is not beneficial use.</li><li>3. (NO) There is no indication that there has been a five year period of continuous nonuse that could result in a recommendation of forfeiture or partial forfeiture.</li><li>5. (NO) General remark was not required.</li><li>6. (NO) Explanatory remark was not required.</li><li>7. (YES) Additional condition was required.</li><li>8. (YES) Wanted to view the recommended right.</li><li>9. (NO) This is not a split right.</li><li>10. (NO) This is not a combined right.</li><li>11. (NO) Documents were not linked or attached to this file.</li><li>12. (YES) Set the verification date.</li></ul> |

02/18/2003

NOTICE OF ERROR  
REPLY

*Craig*

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: 29-2070

LITTLE RED HEN INC  
C/O THOMAS J MCDEVITT PRES  
PO BOX 4260  
POCATELLO ID 83205  
Telephone Number: (208)232-1847

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:

02/21/03

SIGNATURE:

Thomas J. McDevitt

Please print your name:

THOMAS J. McDevitt

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

PROFILED

SCANNED  
DEC 23 2005

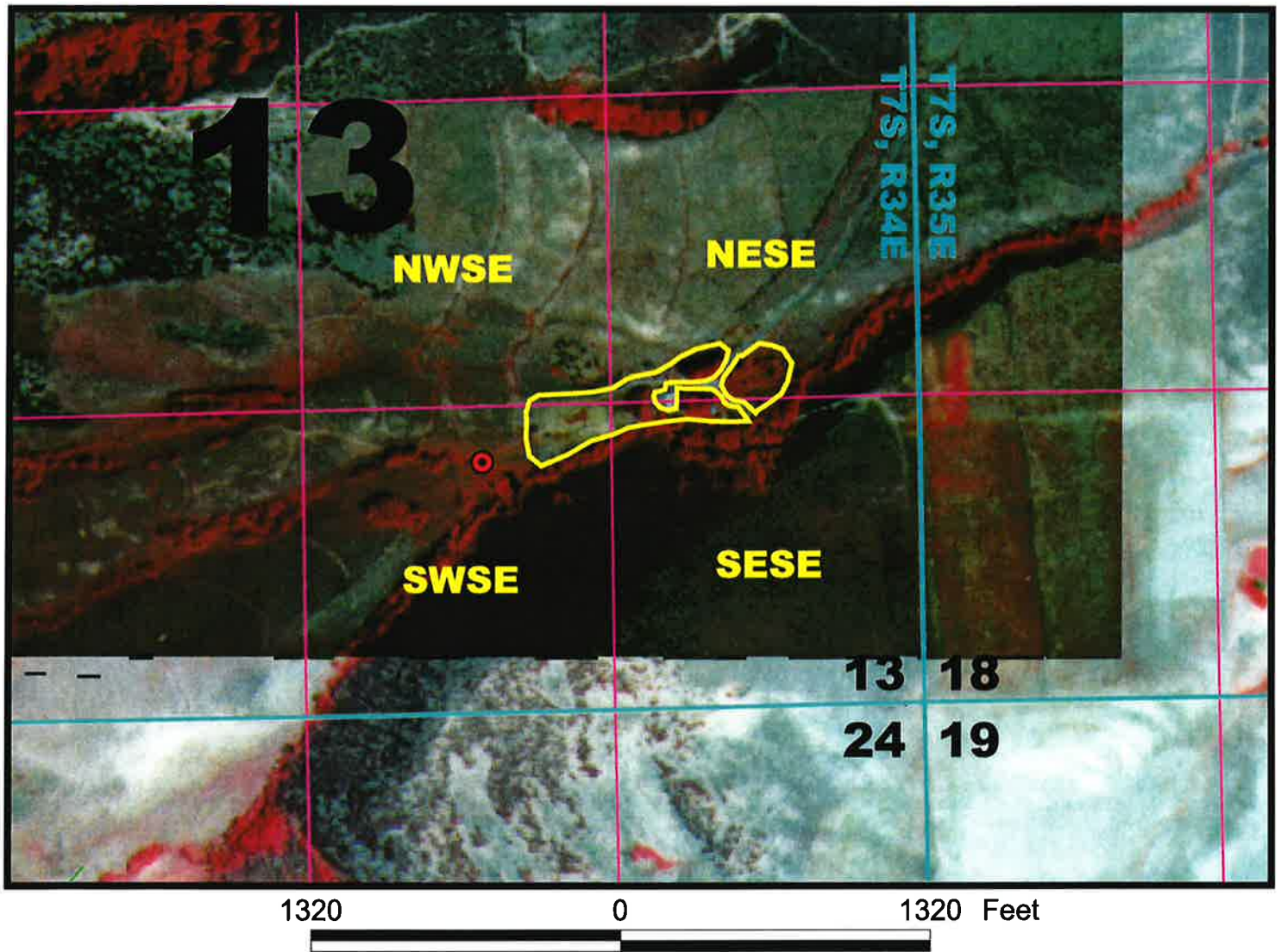
RECEIVED  
FEB 28 2003  
Department of Water Resources  
Eastern Region



# STATE OF IDAHO

Department of Water Resources  
Eastern Region

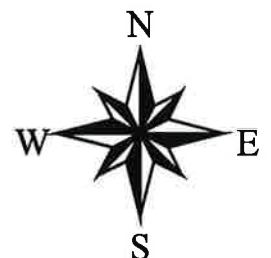
Water Right(s): 29-02070



**Total Irrigated Acres: 6.0**

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

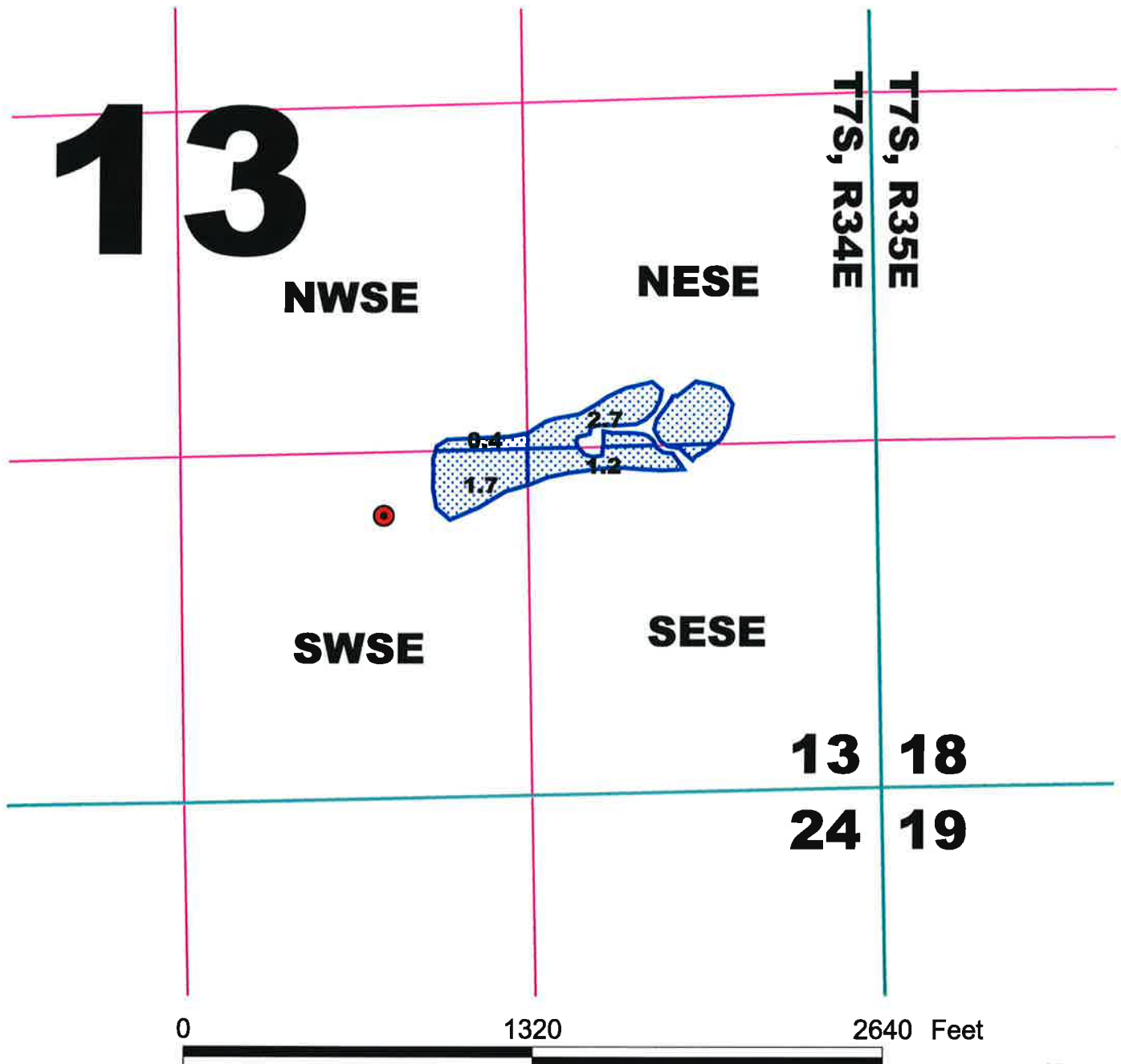
SCANNED  
DEC 23 2005  
PROFILING



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

# Little Red Hen Inc.

WR No(s): 29-02070



PROFILED

SCANNED  
Total Irrigated Acres: 6.0

DEC 23 2005



Acreage Distribution

Prepared By: Craig Saxton  
August 2001

August 6, 2001

LITTLE RED HEN INC  
C/O THOMAS J MCDEVITT PRES  
PO BOX 4260  
POCATELLO ID 83205

RE: Snake River Basin Adjudication (SRBA) Claims 29-02070, 29-02110, 29-02129, 29-02142, and 29-04244

Dear Dr. McDevitt,

I gathered some good information during my field exam on Tuesday 7/31/01. Thank you for taking the time to make arrangements for the gate to be unlocked. I believe I am gaining a better understanding of the historical water use.

I still have a couple remaining issues to work through concerning your water rights.

**29-02142:**

29-02142 is the right that you said irrigates the orchard. However, the place of use for this right was originally licensed for the same land as 29-02129 and 29-02110 (see green area on enclosed map and enclosed original license). You said in a previous meeting that the water irrigated the orchard when you acquired the property in 1970. Is this correct? And if it is, I am still unsure how the water gets to the orchard.

I found an old ditch (see POD location on map) that might have taken the water to the orchard, but it would have had to cross two different drainages.

I think you mentioned during a previous conversation that the water is diverted directly from the spring and then conveyed in a ditch to the orchard. Is this correct or was it diverted from the stream at the point represented on the enclosed map. I just wanted you to confirm, either by phone or mail, that the water can make it from the springs that supply Johnny Creek to the orchard.

**29-04244:**

This is the claim for Johnny Creek water to irrigate the 50 acres SE of the cabin. Enclosed is the priority evidence you provided in 1995. My question is which part of this evidence supports the 1908 priority date claimed?

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SCANNED  
DEC 23 2005

**29-02070:**

For the irrigation around your cabin, do you pump directly from the pond, or do you take the water out of Johnny creek?

**Conclusion:**

Please look over the enclosed maps. Feel free to make any changes you feel necessary in order to more accurately describe your water rights. I think we are getting close to answering all of the questions I have had concerning your water use.

Respectfully submitted,

Craig L. Saxton  
Water Resource Agent  
Adjudication Bureau

SCANNED  
DEC 23 2005

29-02070

7/31/01



This shows intermittent pipeline within an unnamed stream which source of the stream is Mud Springs. The pipeline runs right down the bottom of the stream in several different sections. Therefor, recommended POD will be at location water is diverted from the unnamed stream (source) – not Mud Springs.

SCANNED

DEC 23 2005

PROFILED

IDAHO DEPARTMENT OF WATER RESOURCES  
Water Right Report

WATER RIGHT NO. 29-2070

Owner Type  
Current OwnerName and Address  
ALBERT M CHRISTOFFERSON  
POCATELLO, ID 83201

Little Rock Run

Priority Date: 05/09/1908 ✓  
Basis: License ✓  
Status: Active ✓Source  
UNNAMED STREAMTributary to  
JOHNNY CREEK

| Beneficial Use | From | To    | Diversion Rate | Volume | Subuse Code |
|----------------|------|-------|----------------|--------|-------------|
| IRRIGATION     | 4/1  | 10/31 | 0.12 CFS ✓     |        |             |
| DOMESTIC       | 1    | 1     |                |        |             |

Total Diversion

0.12 CFS OK

Location of Point(s) of Diversion:

UNNAMED STREAM ✓ SWSW ✓ Sec. 13 ✓ Township 07S ✓ Range 34E ✓ BANNOCK County

IRRIGATION Use: ✓

Acre Limit: 6

Place(s) of use:

Place of Use Legal Description: IRRIGATION

BANNOCK County

| Township | Range | Section | Lot | Tract | Acres | Lot | Tract | Acres | Lot | Tract | Acres | Lot | Tract | Acres |
|----------|-------|---------|-----|-------|-------|-----|-------|-------|-----|-------|-------|-----|-------|-------|
| 07S      | 34E   | 13      |     | SWSE  | 1.7   |     | SESE  | 1.2   |     | WSE   | 0.11  |     | NESE  | 2.7   |

Place of Use Legal Description: DOMESTIC same as IRRIGATION

Total Acres: 6 ✓

C18  
C45  
C42

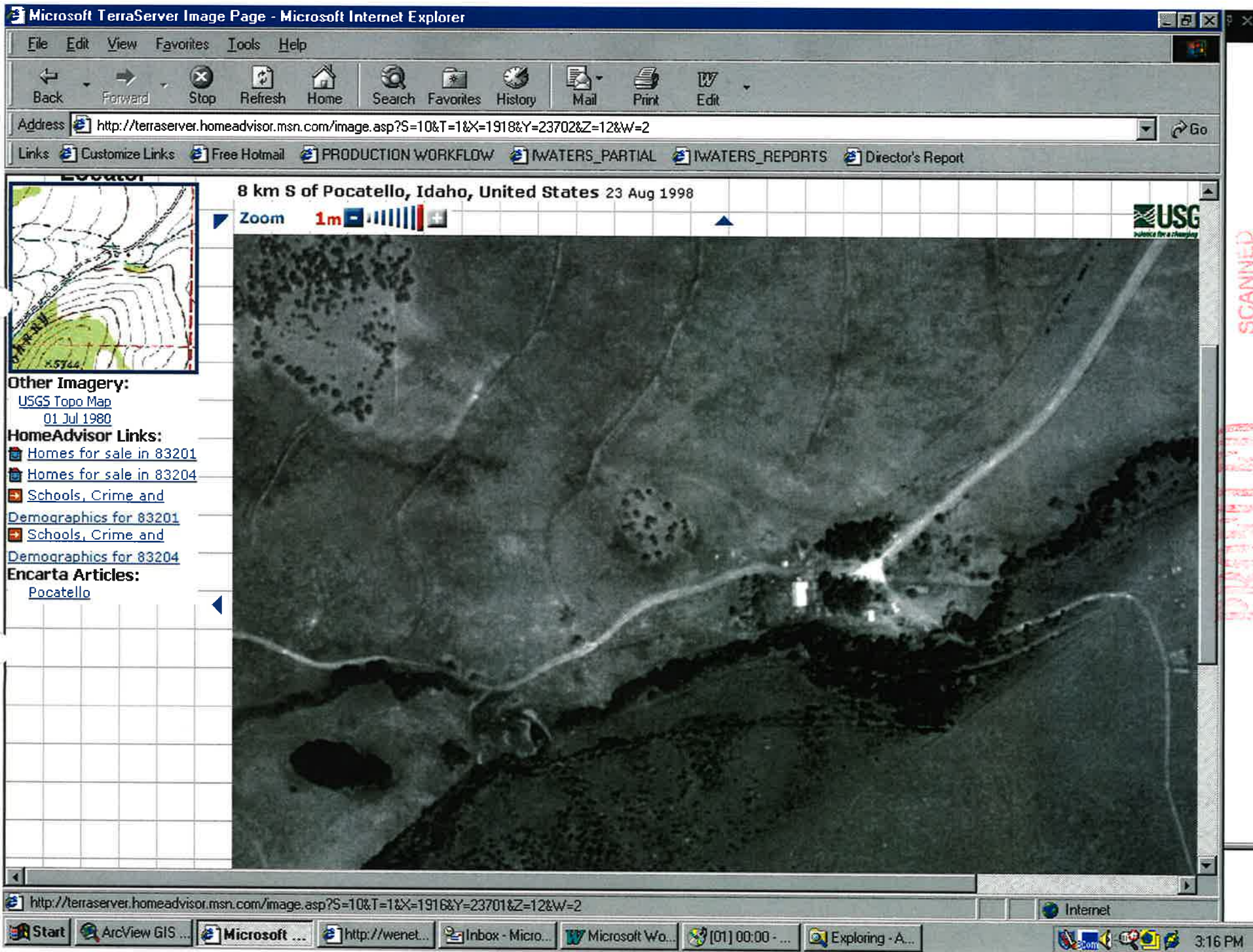
Dates:

Licensed Date: 08/14/1979  
Decreed Date:  
Permit Proof Due Date:  
Permit Proof Made Date:  
Permit Approved Date:  
Permit Moratorium Expiration Date:  
Enlargement Use Priority Date:  
Enlargement Statute Priority Date:  
Application Received Date:  
Protest Deadline Date:  
Number of Protests: 0Receipt Number(s):  
State or Federal:  
Owner Name Connector:  
Water District Number:  
Generic Max Rate per Acre:  
Generic Max Volume per Acre:  
Civil Case Number:  
Old Case Number:  
Decree Plaintiff:  
Decree Defendant:  
Swan Falls Trust or Nontrust:  
Swan Falls Dismissed:  
DLE Act Number:  
Cary Act Number:  
Mitigation Plan: False

Other Information:

PROFILED

SCANNED  
DEC 23 2005



SCANNED  
DEC 23 2005

ENCARTA



# 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

July 13, 2001

DIRK KEMPTHORNE  
GOVERNOR

KARL J. DREHER  
DIRECTOR

LITTLE RED HEN INC  
C/O THOMAS J MCDEVITT  
PO BOX 4260  
POCATELLO ID 83205

RE: Snake River Basin Adjudication (SRBA) Claims 29-02070, 29-02110, 29-02129, 29-02142,  
and 29-04244.

Dear Mr. McDevitt,

I am enclosing a map that shows a compilation of the irrigated land you claimed, along with the location of the points of diversion associated with each claim. After our discussion on July 12, 2001, I don't feel totally confident that the claims accurately describe your water use. Please look over the map and see if you agree.

If you don't feel that your claims accurately describe your water use, I think that it would be beneficial to set up an appointment here in our office where we could sit down and go through these claims one by one and ensure that I understand your irrigation system.

It is important that I understand your irrigation so I can make an accurate recommendation to the SRBA court.

Please give me a call at your convenience to discuss this matter.

Respectfully Submitted,

Craig L. Saxton  
Water Resource Agent  
Adjudication Bureau

PROFILED

SCANNED  
DEC 23 2005

JUN 11 2001

Log for claim A29-02070

Spatial Dynamics BTD

8/28/00

| TR             | SEC | QQ   | Acres<br>Claimed | Acres<br>Found | COMMENT |
|----------------|-----|------|------------------|----------------|---------|
| 07s34e         | 13  | SWSE | 5                | 4.4            |         |
| 07s34e         | 13  | SESE | 1                | 1.5            |         |
| <b>Totals:</b> |     |      | 6                | 5.9            |         |

Unnamed Stream  
Bannock County  
.12 of 1 second foot  
Irrigation and domestic use  
Priority 5-9-1908  
\*\*\*\*\*

S T A T E \_ O F \_ I D A H O

Water License No. 3651  
-----

WHEREAS, On the 9th day of May, A.D. 1908, ALBERT M. CHRISTOFFERSON, of Pocatello, County of Bannock, State of Idaho, duly made application ( No. 5171,) to me for a permit to use .4 of 1 cubic foot per second of the waters of an UNNAMED STREAM, County of Bannock, State of Idaho, for irrigation and domestic purposes; and

WHEREAS, On the 16th day of May, A.D. 1908 , Permit No. 3651, 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 16th day of May, A.D. 1909, and for the application to beneficial use of said water on or before the 16th day of May, A.D. 1910, and

WHEREAS, On the 12th day of April, A.D. 1909, ALBERT M. CHRISTOFFERSON, the holder of said permit duly made proof of the completion of adequate works for the diversion of .4 of 1 cubic foot per second of said waters, as evidenced by my Certificate No. 3651, dated July 9, 1909, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use .4 of 1 cubic foot per second of said waters, with date of priority of May 9, 1908, and

WHEREAS, On the 16th day of May, A.D. 1910, ALBERT M. CHRISTOFFERSON, the holder of said permit duly made proof of the application to beneficial use of .12 of 1 cubic foot per second of said water:

NOW, THEREFORE, By virtue of authority vested in me by the laws of the State of Idaho, I hereby grant and confirm to ALBERT M. CHRISTOFFERSON, of Pocatello, County of Bannock, State of Idaho, the holder and owner of said Permit No. 3651, a perpetual right, dating from May 9, 1908, to the use of .12 of 1 cubic foot per second of the waters of an UNNAMED STREAM, 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 about the middle of the southwest quarter of southwest quarter ( SW $\frac{1}{4}$  SW $\frac{1}{4}$  ) of section 13, township 7 South of Range 34 East of the Boise Meridian, and conducted to and upon ( 5 acres in the southwest quarter of southeast quarter ( SW $\frac{1}{4}$  SE $\frac{1}{4}$  ) and 1 acre in southeast quarter of southeast quarter ( SE $\frac{1}{4}$  SE $\frac{1}{4}$  ) of section 13, Township 7 South of Range 34 East of the 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 second day of September, A.D. Nineteen hundred and ten.

(SEAL)

D.G. Martin  
State Engineer

Recorded September 2, 1910.

29 2070

# APPLICATION FOR PERMIT

## To Appropriate the Public Waters of the State of Idaho

1. Name of applicant: Albert M. Christofferson

Postoffice address: Pocatello,

County: Bannock State: Idaho

2. The quantity of water claimed is  $2/5$  cubic foot per second.

3. Source of water supply: Unnamed stream.

County of Bannock.

4. Location of point of diversion: at a point about the middle of SW4 SW4 Sec. 13 Tp. 7 S. R. 34 N. E. 11

5. To be used for:

I. Irrigation and domestic use:

(a) Amount of land to be irrigated: 20 acres.

(b) In the following legal subdivisions: SW4 SW4 & SE4 SW4 Sec. 13 Tp. 7 S. R. 34 N. E. 11.

6. Estimated cost of works: Fifty dollars.

7. Description of works for diversion:

I. Kind of works: Dam and ditch.

II. Dimensions of works:

(a) Height of dam 2 feet, length of dam at top 10 feet, length of dam at bottom 6 feet.

Material used in construction: earth

(d) Conduit ditch, width at bottom 1 foot, width at water line .... feet, depth of water

$1/3$  feet. Average grade per mile is 100 feet. Length of conduit is  $\frac{1}{2}$  miles, and

it crosses the following quarter sections: SW4 SW4 & SE4 SW4 Sec. 13 Tp. 7 S. R. 34

N. E. 11. to land described in 5 I (b) above which is the point of intended use.

8. Time required for the completion of the construction of such work is 1 year.

9. Time required for the complete application of the water to the proposed use is 1 additional year.

BE IT KNOWN That the undersigned hereby makes application for a permit to appropriate the public waters of the State of Idaho as herein set forth.

Albert M. Christofferson,

Applicant.

By---R. Rinearsen....Agent.

The number of the permit is 3651.

Date of first receipt of application 9.00 a.m. May 9, 1908.

Recorded in Book 10 Page 3651 Approved May 16, 1908.

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:

Work to begin on or before July 15, 1908, and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit has no control.

One-fifth of the work above specified to be completed on or before November 16, 1908.

The whole of said work to be completed on or before May 16, 1909.

The time for proof of beneficial use of water appropriated in accordance herewith, to extend to May 16, 1910.

Witness my hand this sixteenth day of May, 1908.

Jas Stephenson, Jr.,

State Engineer.

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# A F F I D A V I T

STATE OF IDAHO )  
 ) SS.  
COUNTY OF BANNOCK )

Albert M. Christofferson on lawful agency being duly sworn, says:

I am the identical Albert M. Christofferson, of Pocatello, County of Bannock, and State of Idaho, who made application for Permit to appropriate the waters of a unnamed stream in the County of Bannock, State of Idaho, and that on the 16th day of May 1908, Permit No. 3651 was issued:

That the point of diversion has not been changed, but that an error was made in the description of the said point of diversion in the application for said Permit No. 3651:

That the lands are the same as was intended to be covered in the application for said Permit No. 3651, but, an error was made in describing the land intended to be irrigated in said application for Permit:

That since I made said application for Permit, I have had the lands surveyed by a competent surveyor, and have also, had the exact point of diversion located and that the land described and point of diversion are as set out in the proof of completion works made by me on April 12, 1909:

And that this permit does not interfere with any other right on said unnamed stream, and that the land intended to be irrigated is described as being the S2 SE4 section thirteen (13) T. 7 N. R. 34 E. B.M.

Albert M. Christofferson

Subscribed and sworn to, before me this 15th day of May 1909.

Ezra J. Merrill  
Notary Public.

(SEAL)

Received and filed for record in the office of the State Engineer at Boise, Idaho, at

9.00 a.m. May 20, 1909.

Jas. Stephenson, Jr.  
State Engineer.

Blank notice of proof of completion of works mailed applicant, Feb. 1, 1909.

Notice received March 9, 1909, mailing April 12, 1909 as date and Pocatello, Idaho as place of proof.

Notice for publication mailed Pocatello Tribune, March 9, 1909.

Deposition blanks mailed applicant March 9, 1909.

W. A. Gamms authorized March 17, 1909 to make examination of works.

Affidavit of publication received April 14, 1909.

Report of engineer received April 16, 1909.

Deposition of holder and witnesses and fees received April 2, 1909.

Affidavit as to point of diversion and lands irrigated received May 20, 1909.

Certificate issued July 9th, 1909.

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PERMIT NO. 3651.

CERTIFICATE OF COMPLETION OF WORKS.

To All Whom it May Concern:

This is to certify that Albert M. Christofferson, of Pocatello, County of Bannock and State of Idaho, the holder of Permit No. 3651, issued upon application No. 5171 bearing date of priority of May 9, 1908, authorizing the diversion of .4 of 1 second foot of the waters of an un-named stream, County of Bannock, State of Idaho for irrigation and 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 .4 of 1 second-foot of the waters of an un-named stream; that the point of Diversion of said waters is at a point in the Southeast quarter of the Southwest quarter (SE $\frac{1}{4}$  SW $\frac{1}{4}$ ) of Section 13, Township 7 South, Range 34 East Boise Meridian; and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: The Southwest quarter of the Southeast quarter (SW $\frac{1}{4}$  SE $\frac{1}{4}$ ) and Southeast quarter of the Southeast quarter (SE $\frac{1}{4}$  SE $\frac{1}{4}$ ) of Section 13, Township 7 South Range 34 East, Boise Meridian.

Witness my hand this ninth day of July, A.D.1909.

Jas Stephenson, Jr.

State Engineer of the State of Idaho.

License issued for 12 100 second feet

RECEIVED

AUG 18 1910

## Report of Engineer

OFFICE OF STATE ENGINEER

1. State name of applicant and number of permit: Albert Christofferson - Permit 3651
2. State source of water supply: Unnamed stream
3. Location of point of diversion: SW 1/4 Sec. 13, Tp. 7 S., R. 34 E.B.M.

4. State whether or not the works of diversion are *fully* completed and in accordance with terms of permit: yes

5. Describe works as they exist, giving dimensions of same as follows:

- (a) Width of conduit at bottom: 1 foot
- (b) Width at water line: 1.5
- (c) Depth of water: .5
- (d) Grade per mile: 1.00

6. State whether or not water has been turned into works of diversion and if so, to what extent:

There is now about 1/10 of one second foot of water in ditch. There has been more earlier in season.

7. Give exact location of lands to be irrigated. Give exact number of acres under cultivation in each forty acre tract:

S 2 of SW 1/4 Sec 13 Tp 7 S R 34 E B.M.  
about 5 acres in SW 1/4 of SE 4 and 1 acre  
in SE 4 of SW 1/4 Sec 13 Tp 7 S R 34 E.

8. Submit map on enclosed plat, source of supply, point of diversion, route of ditch or ditches and cross hatch lands to be irrigated.

Remarks:

STATE OF IDAHO,

County of.....

ss.

H. Webster  
Water Commissioner  
1st Div.

....., being first duly sworn, deposes and says that the statements contained in the within report are correct to the best of his knowledge and belief.

Subscribed and sworn to before me this..... day of..... 190.....

My Commission Expires.....

Notary Public.

3651



DATE: 05/18/00  
PAGE: 107

**Stage: LICENSE**

**Audit:** 04/13/89 VERNER 06/02/94 COX 03/29/95 POST-STD

JUN 1 1 2001

56<sup>92</sup>

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: A29-02070

Date Received: 4/13/1989

Receipt No: 6006832

Received By: SA

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: LITTLE RED HEN, INC. 208-232-1847  
Address: C/O THOMAS J. MCDEVITT, PRES.  
P.O. BOX 4260  
POCATELLO, ID 83205

2. Date of Priority: MAY 09, 1908

3. Source: UNNAMED STREAM Trib. to: JOHNNY CREEK

4. Point of Diversion:

|          |       |         |        |        |     |     |         |
|----------|-------|---------|--------|--------|-----|-----|---------|
| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County  |
| 07S      | 34E   | 13      | SW     | SW     | SW  |     | BANNOCK |

5. Description of diverting works:  
PIPELINE FROM SPRING TO SPRINKLERS TO IRR. PASTURE

6. Water is used for the following purposes:

|            |       |       |       |      |        |
|------------|-------|-------|-------|------|--------|
| Purpose    | From  | To    | C.F.S | (or) | A.F.A. |
| IRRIGATION | 03/15 | 11/15 | 0.120 |      |        |

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

8. Total consumptive use is 18.0 Acre Feet Per Annum.

9. Non-irrigation uses:  
INCIDENTAL STOCKWATERING OF 50 RANGE CATTLE

10. Place of Use:

|          |       |         |        |     |     |     |       |
|----------|-------|---------|--------|-----|-----|-----|-------|
| Township | Range | Section | 1/4 of | 1/4 | Lot | Use | Acres |
| 07S      | 34E   | 13      | SW     | SE  |     | IRR | 5.0   |
|          |       |         | SE     | SE  |     | IRR | 1.0   |

Section Acres 6.0

A29-02070

Page 1

Date: 04/13/89

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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:  
NONE

14. Remarks:

15. Basis of Claim: LICENSE  
Water Right Number: 3651

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   y   wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments:       1      

For Organizations:

I do solemnly swear or affirm that I am President of  
Little Red Hen Co. Title  
Organization, that I have signed the foregoing  
document in the space below as President of  
Little Red Hen Co. Title  
Organization and that the statements contained in the  
foregoing document are true and correct.

Thomas J. McPherson  
Signature of Authorized Agent

President, Little Red Hen Co.  
Title and Organization

13 April 1989  
Date

State of Idaho )  
County of Bonneville ) SS.

Subscribed and sworn (or affirmed) before me this 13 day  
of April 19 89

[Signature]  
Notary Public

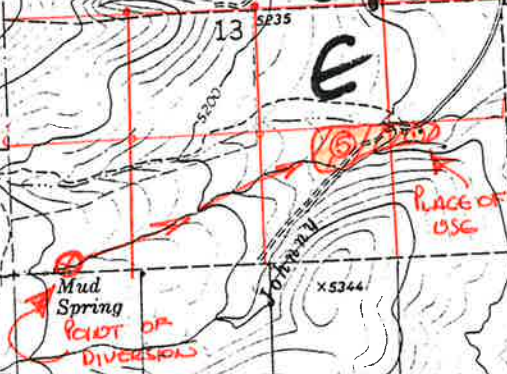
Seal

Residing at 2405 Felt Rd

My Commission Expires 22 Aug 1994

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R  
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R35E

A29-02070

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