

08/09/2001

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

RIGHT NUMBER: 29-2142

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: 0.14 CFS

PRIORITY DATE: 06/21/1912

POINT OF DIVERSION: T07S R34E S23 LOT 2 SENWNE 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	0.14 CFS

PLACE OF USE:

<u>IRRIGATION Within BANNOCK County</u>				
T07S R34E S13	NESW	1.5	T07S R34E S13	SWSW 3
T07S R34E S13	SESW	2.5		

7 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.

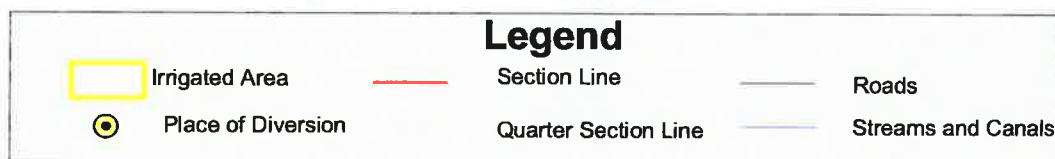
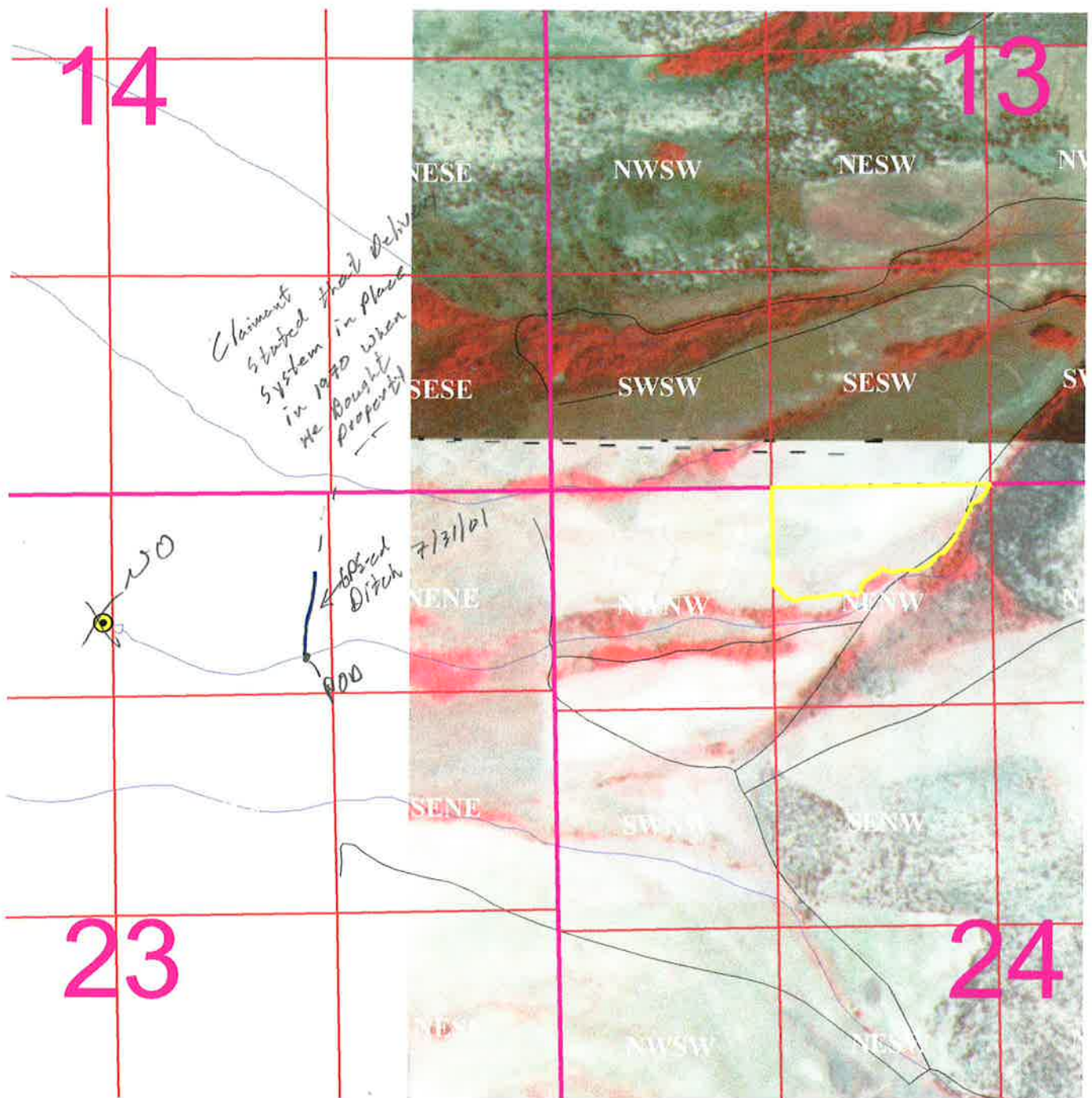
EXPLANATORY MATERIAL: BASIS OF CLAIM - License

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

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

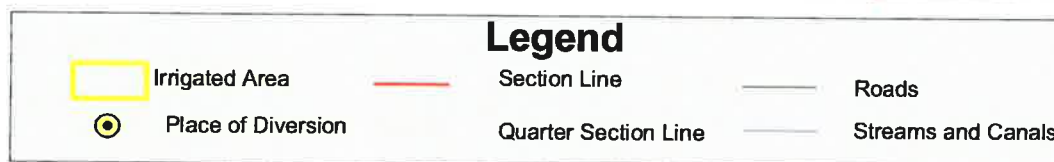
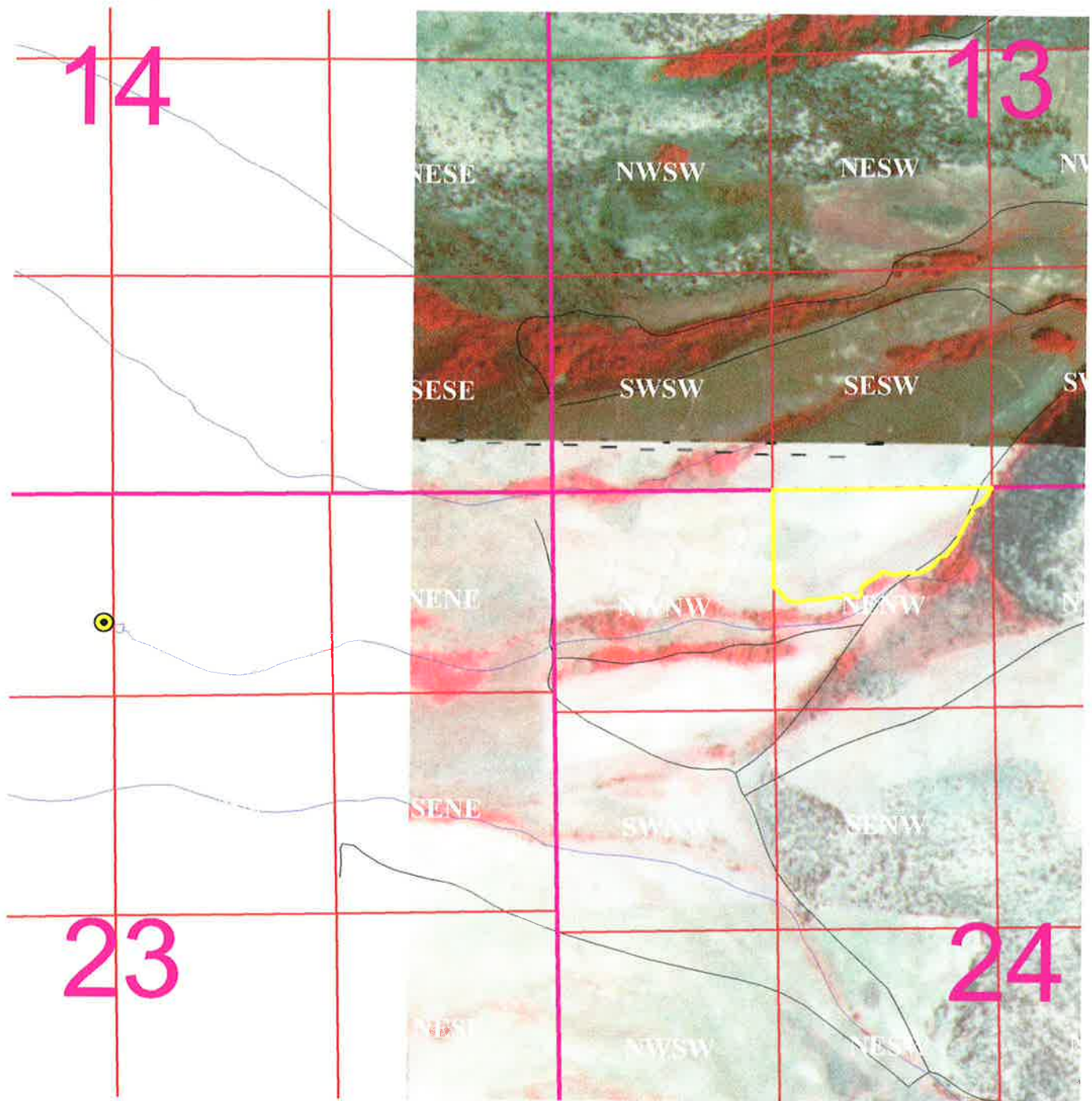
Water Right Claim Number A29-02142
Township , 7S34E

08/29/2000



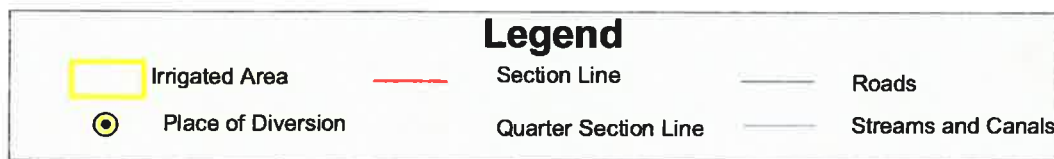
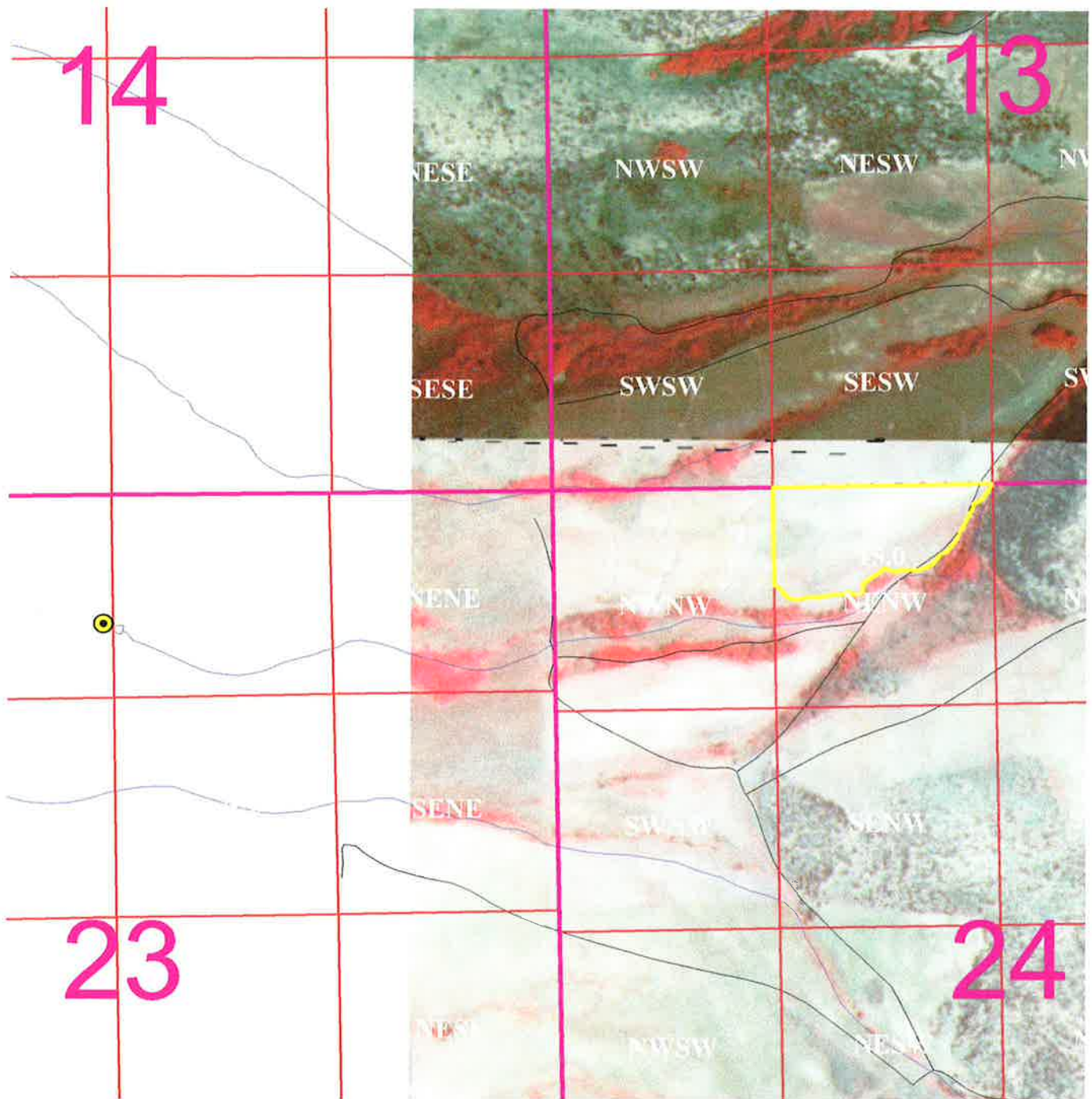
Water Right Claim Number A29-02142
Township , 7S34E

08/29/2000



Water Right Claim Number A29-02142
Township , 7S34E

08/29/2000



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-2142 V1

WATER RIGHT NUMBER: 29-2142 V1

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

Priority Date: 06/21/1912

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	0.140 CFS	
	<u>Total Diversion:</u>		0.140 CFS	

Location of Point(s) of Diversion

UNNAMED STREAM	L2 SE1/4NW1/4NE1/4	Sec. 23, Twp 07S, Rge 34E, B.M.
BANNOCK County		

Place of UseIRRIGATION Within BANNOCK County

T07S R34E S13	NESW	1.5	T07S R34E S13	SWSW	3.0
T07S R34E S13	SESW	2.5			
Total Acres: 7					

Conditions of Approval:

1. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
3. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 29-2142 V1

Comments:

1. csaxton 8/9/01 POD

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

2. csaxton 8/9/01 POU

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

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:
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	8/9/01 9:40:00 AM	csaxton			Active
Priority Date	8/9/01 9:40:23 AM	csaxton			Active
POD	8/9/01 9:45:10 AM	csaxton			Active
Source	8/9/01 10:16:05 AM	csaxton			Active
POU	8/9/01 10:23:47 AM	csaxton			Active
Source	8/9/01 10:26:33 AM	csaxton			Active
Use	8/9/01 10:26:44 AM	csaxton			Active
Season	8/9/01 10:27:21 AM	csaxton			Active
Quantity	8/9/01 10:28:53 AM	csaxton			Active
Summary	8/9/01 10:41:27 AM	csaxton	8/9/01 10:41:27 AM	csaxton	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Contacts	8/9/01 9:39:57 AM	csaxton	1. Appointment has not been scheduled. Comment for 1: Last conversation with Claimant was 8/8/01. Field Exam 7/31/01.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-2142 V1

Priority Date	8/9/01 9:40:14 AM	csaxton	1. (NO) There has not been a later court decree of the water right(s) from the water source. 4. (NO) The basis of claim is not beneficial use. 5. (NO) The basis of claim is not a posted notice. 6. (YES) Parent right has a priority date. 7. (NO) The basis of claim is not an application or permit. 12. (YES) The claim is recommended. 13. (YES) The claim is coded correctly. 14. (NO) Priority remark was not required.
POD	8/9/01 9:45:08 AM	csaxton	1. (NO) The basis is not beneficial use. 2. (YES) Parent right has a Point of Diversion. 3. (NO) The claimed Point of Diversion can not be verified using the water right file. 4. (YES) There is evidence that there has been a change in the Point of Diversion. 5. (YES) The change can be verified as an accomplished transfer. Comment for 5: POD was in current location when claimant bought property in 1970. 6. (YES) The file contains all the necessary information to verify the POD. Comment for 6: GPS, Field Exam 7/31/01 8. (NO) Point of Diversion remark was not required. 9. (NO) Point of Diversion condition was not required.
POD	8/9/01 9:46:36 AM	csaxton	Edited point location
POD	8/9/01 9:46:50 AM	csaxton	Edited point location
POD	8/9/01 9:47:10 AM	csaxton	Edited point location
POD	8/9/01 9:48:15 AM	csaxton	Edited point location
POD	8/9/01 10:13:24 AM	csaxton	Edited point location
POD	8/9/01 10:13:43 AM	csaxton	Edited PLS
Source	8/9/01 10:16:03 AM	csaxton	1. (NO) The basis is not beneficial use. 2. (YES) Parent right has a source. 3. (NO) The claimed source can not be verified using the water right file. 4. (YES) There is evidence that there has been a change in the Source. 5. (YES) The change can be verified as an accomplished transfer. Comment for 5: Current source in place in 1970 when claimant bought property. 7. (YES) The file contains all of the necessary information to verify the source. Comment for 7: Field Exam 8. (YES) The source is surface water. 9. (YES) The source is a standard source. 10. (NO) Source remark was not required. 11. (NO) Source condition was not required.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-2142 V1

POU	8/9/01 10:23:41 AM	csaxton	1. (YES) The POU is required. 2. (NO) The basis of claim is not beneficial use. 3. (YES) The Parent Right has a POU. 4. (NO) The claimed POU can not be verified using the water right file. 5. (YES) There is evidence that there has been a change in the POU. 6. (YES) The change can be verified as an accomplished transfer. Comment for 6: Place of use in place at time claimant purchased the property in 1970. 9. (YES) The file contains all the necessary information to verify the POU. Comment for 9: Claimant interview. 12. (NO) POU remark was not required. 13. (NO) POU condition was not required.
POU	8/9/01 10:24:29 AM	csaxton	Edited shape boundary
POU	8/9/01 10:24:58 AM	csaxton	Edited PLS
Source	8/9/01 10:26:31 AM	csaxton	1. (NO) The basis is not beneficial use. 2. (YES) Parent right has a source. 3. (NO) The claimed source can not be verified using the water right file. 4. (YES) There is evidence that there has been a change in the Source. 5. (YES) The change can be verified as an accomplished transfer. Comment for 5: Source incorrectly described as Mud springs. 7. (YES) The file contains all of the necessary information to verify the source. Comment for 7: Field Exam 8. (YES) The source is surface water. 9. (YES) The source is a standard source. 10. (NO) Source remark was not required. 11. (NO) Source condition was not required.
Use	8/9/01 10:26:43 AM	csaxton	1. (NO) The basis of claim is not beneficial use. 2. (YES) The parent right has a purpose of use. 3. (YES) The claimed purpose of Use can be verified using the water right file. 11. (NO) Purpose of Use remark was not required. 12. (NO) Purpose of Use condition was not required.
Season	8/9/01 10:27:19 AM	csaxton	1. (NO) The basis of claim is not beneficial use. 2. (NO) The parent right does not have a period of use. 4. (NO) There is not evidence that there has been a change to the period of use. 9. (YES) The file contains all the necessary information to verify the period of use. 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. 13. (YES) Irrigation is the purposed use. 15. (NO) Period of Use remark was not required. 16. (NO) Period of Use condition was not required.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-2142 V1

Quantity	8/9/01 10:28:51 AM	csaxton	1. (NO) The basis of claim is not beneficial use. 2. (NO) The basis of claim is not a posted notice. 3. (YES) The parent right has a diversion rate and/or diversion volume. 4. (YES) The claimed diversion rate and/or volume can be verified using the water right file. 6. (NO) The source is not ground water and the purpose of use does not require a diversion volume limit. 7. (NO) The parent right does not have an annual diversion volume limit. 9. (NO) Quantity remark was not required. 10. (NO) Quantity condition was not required.
Summary	8/9/01 10:41:25 AM	csaxton	1. (NO) The basis of the claim is not beneficial use. 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. 5. (NO) General remark was not required. 6. (NO) Explanatory remark was not required. 7. (YES) Additional condition was required. 8. (YES) Wanted to view the recommended right. 9. (NO) This is not a split right. 10. (NO) This is not a combined right. 11. (NO) Documents were not linked or attached to this file. 12. (YES) Set the verification date.

*Craig
Sutton*

02/18/2003

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: 29-2142

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: 02/21/2003

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

RECEIVED
12/18/03
Department of Water Resources
Eastern Region

PROFILED

SCANNED

DEC 28 2005

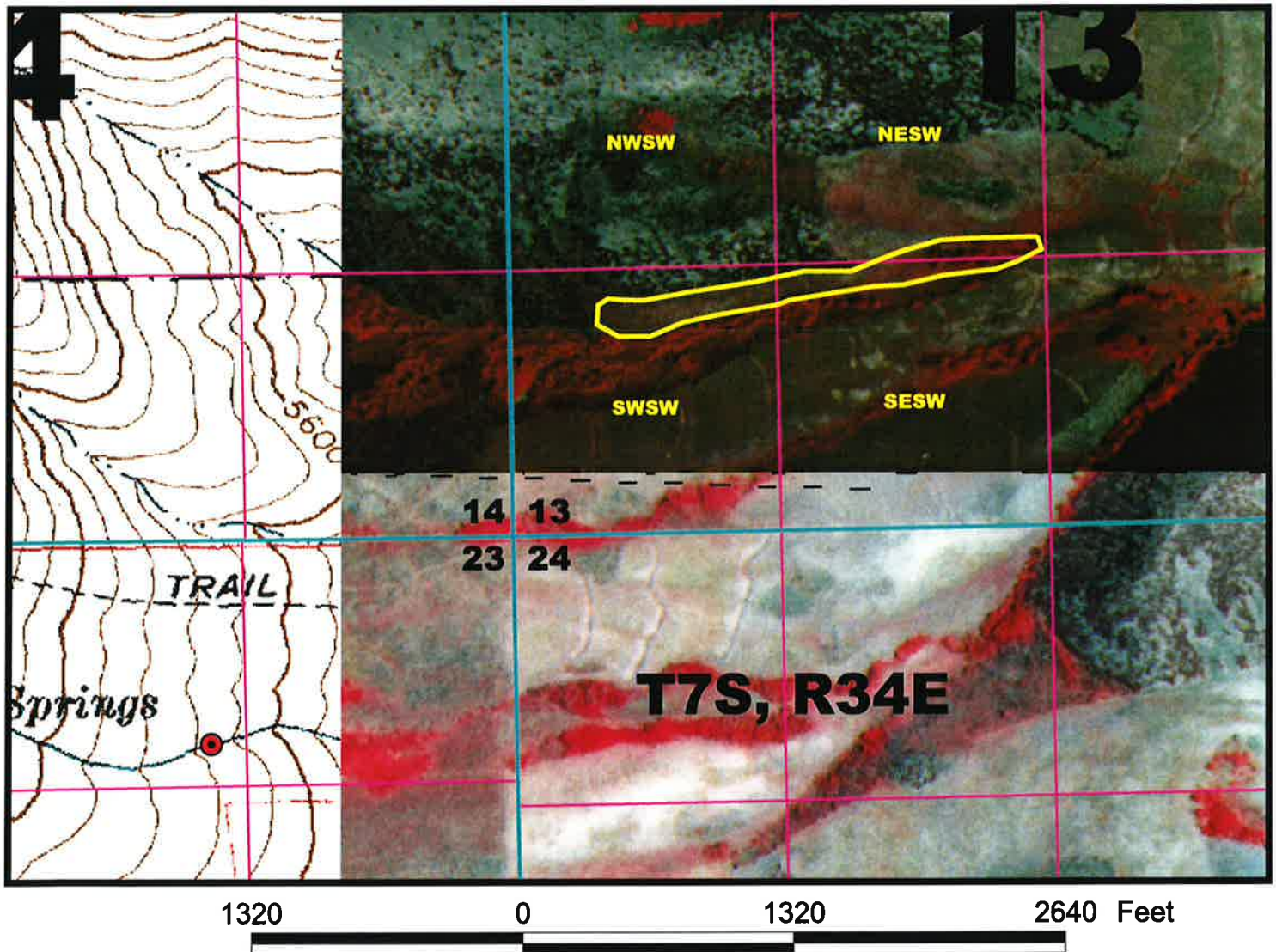
RECEIVED
FEB 28 2003
Department of Water Resources
Eastern Region



STATE OF IDAHO

Department of Water Resources
Eastern Region

Water Right(s): 29-02142



Total Irrigated Acres: 7.0

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

PROFILED
SCANNED
DEC 28 2005

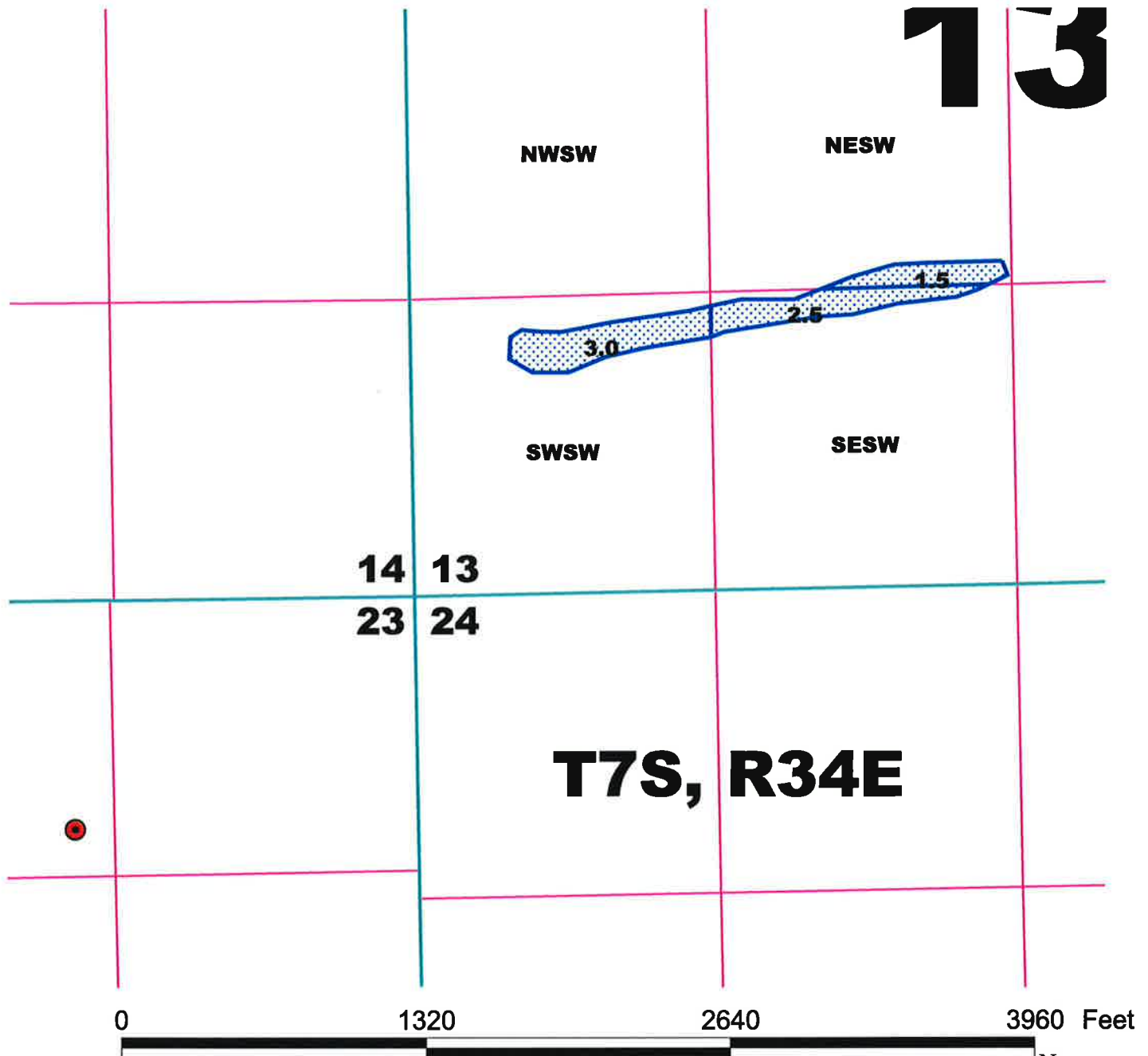


GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: C. Saxton
Date: July 2001

Little Red Hen Inc.

WR No(s): 29-02142

13



COPIED

SCANNED
Total Irrigated Acres: 7.0

DEC 28 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?

PROFILED

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DEC 20 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

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

WATER RIGHT NO. 29-2142

Owner Type
Current Owner

Name and Address
LEO HURST
POCATELLO, ID

- Little Red Hen

Priority Date:
Basis:
Status:

06/21/1912 - OK
License
Active

Source
MUD SPRINGS

Tributary to

Beneficial Use
IRRIGATION
DOMESTIC

From	To	Diversion Rate	Volume	Subuse Code
4/1	10/31	0.14 CFS		
1	1			

Total Diversion

0.14 CFS

Good N/A

Location of Point(s) of Diversion:

MUD SPRINGS

Spring

SE 1/4 NW Lt 3

Sec. 23

Township 07S

Range 34E

BANNOCK County

IRRIGATION Use:

Acre Limit: 7

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	24		NENW	7									
		13		SWSW	3		SESW	2.5		NESEW	1.5			

Place of Use Legal Description: DOMESTIC same as IRRIGATION

Total Acres: 7

Good

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: 0

C18

C05

= In place 1970

C02

= no mud springs

Other Information:

Receipt Number(s):
State or Federal:

PROFILED

SCANNED

DEC 28 2005

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

SCANNED
DEC 28 2005

7/19/01 met with Dr. McDevitt.

6/5 change in POA. Current POA different
than licensed, But was in place in 1970
when Claimant Acquired Property

SCANNED
DEC 28 2005

ROUTED

JUN 11 2001

Log for claim A29-02142

Spatial Dynamics LTD

8/29/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
07s34e	24	NENW	7	15	Indiscernible
Totals:			7	15	

Orchard



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

County: Bannock
Stream: Mud Springs
Amount: 7/50 sec.
Use: Irrigation
Priority: 6-21-12

STATE OF IDAHO

Water License No. 8448

WHEREAS, On the 21st day of June, A. D. 1912, Leo Hurst

of Pocatello, County of Bannock, State of Idaho, duly made application (No. 12649) to me for a permit to use one (1) cubic foot per second of the waters of Mud Springs

County of Bannock, State of Idaho, for irrigation and domestic purposes, and,

WHEREAS, On the 27th day of July, A. D. 1912, Permit No. 8448 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 27th day of January, A. D. 1913, and for the application to beneficial use of said water on or before the 27th day of January, A. D. 1913, and,

WHEREAS, On the 7th day of October, A. D. 1912, the time for completion of works and beneficial use of water under said permit was extended to the 27th day of January, A. D. 1914, and,

WHEREAS, On the 20th day of December, A. D. 1913, the time for completion of works and beneficial use of water under said permit was extended to the 27th day of July, A. D. 1914, and,

and WHEREAS, On the 25th day of July, A. D. 1914, Leo Hurst

the holder of said permit, duly made proof of the completion of adequate works for the diversion of 7/50 of 1 cubic foot per second of said waters, as evidenced by my Certificate No. 8448 dated April 10, 1915, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 7/50 of 1 cubic foot per second of said water with date of priority of June 21, 1912, and

WHEREAS, On the 25th day of July, A. D. 1914, Leo Hurst

the holder of said permit, duly made proof of the application to beneficial use of 7/50 of 1 cubic feet 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

Leo Hurst

of Pocatello, County of Bannock, State of Idaho, the holder and owner of said Permit No. 8448, a perpetual right, dating from June 21, 1912, to the use of 7/50 of 1 cubic foot per second of the waters of Mud Springs

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 in Lot 3, Sec. 23, T. 7 S., R. 34 E.B.M., approximately 700 ft. south and 100 ft. west of north quarter corner of said Sec. 23,

and conducted to and upon 7 acres in the NE¹/₄ of NW¹/₄, Sec. 24, T. 7 S., R. 34 E.B.M.,

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 10th day of April, A. D. nineteen hundred and fifteen.

J. H. Smith,

(Seal)

State Engineer:

201 2142

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

1. Name of applicant: Leo Hurst

Postoffice address: Pocatello

County: Bannock

State: Idaho

I. If applicant is a corporation, give (a) Date and place of incorporation

(b) The amount of capital stock:

(c) The amount paid in:

(d) Names and addresses of directors:

II. The financial resources of the applicant are: (a) Cash on hand:

(b) Treasury stock:

(c) Bonds to be issued:

(d) Other resources:

2. The quantity of water claimed is 1 cubic feet per second.

3. Source of water supply: Mud Springs

4. Location of point of diversion: Lot 2 and SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 23, T. 7 S. R. 34 E. B. M.

5. To be used for: Domestic and Irrigation

County of Bannock

I. Irrigation and domestic use: (a) Amount of land to be irrigated: 50 acres.

(b) In the following legal subdivisions: NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 24, Twp. 7 S. R. 34 E. B. M. also the SE $\frac{1}{4}$ NW $\frac{1}{4}$ same section, township and range.

II. Mining, milling, power, manufacturing, transportation or other purposes:

[a] At what point:

[b] Amount of power to be generated:

H. P. under

ft. head

[c] Is water to be returned to any stream?
return:

(d) If so, name stream and locate point of

6. Estimated cost of works: \$20.00

7. Description of works for diversion:

I. Kind of works: ditch

II. Dimensions of works: [a] Height of dam feet, length of dam at top feet,
length of dam at bottom feet. Material used in construction:

[b] Capacity of reservoir acre feet. [c] Size of headgate, width feet,

Height feet. (d) Conduit ditch width at bottom 2/3 foot feet,

width at water line 5/6 foot feet, depth of water 1/8 foot feet, diameter of pipe

inches, average grade per mile is

feet. Length of conduit is 1 miles,

and it crosses the following quarter sections: NE $\frac{1}{4}$ Section 23, and NW $\frac{1}{4}$ Section 24, Twp. 7 South, Range 34 E. B. M.

8. The time required for the completion of the construction of such work is 1/2 years.

9. Time required for the complete application of the water to the proposed use is no additional years.

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.

Leo Hurst..... Applicant.

By ... Wm. H. Jackson, Jr.....Agent.
W.

Date of first receipt at office of State Engineer 9.00 a.m. June 21, 1912.

Returned to applicant for correction June 24, 1912.

Corrected application received June 27, 1912.

APPROVAL OF STATE ENGINEER.

The number of this permit is 8448

Recorded in Book 27

Page 8448

Approved July 27, 1912.

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 approve the same, subject to the following limitations and conditions:

Bond in the sum of _____ to be filed on or before _____

Work to begin on or before September 25, 1912, and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before October 27, 1912.

The whole of said work to be completed on or before January 27, 1913.

Beneficial use of water appropriated in accordance herewith, to be made on or before January 27, 1913.

Witness my hand this 27th day of July, 1912.

A. B. Robinson,
State Engineer.

Remarks:

The water herein applied for will be diverted through my ditch from point of diversion to a point near the SE corner of SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 23, T. 7 S. R. 34 E. B. M. from where it will follow a natural channel in a northeasterly direction to a point about 300 feet west of the western boundary line of the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 24, Twp. and Range as above; from which point it will be carried in another ditch to the place of intended use as mentioned herein.

The springs applied for are located upon land in Government ownership.

EXTENSION OF TIME.

On proper request of the holder of the above permit, I have this 7th day of October, A.D. 1912, extended the time for the completion of the work thereunder to the 27th day of January, A.D. 1914.

A. E. Robinson,
State Engineer.

TIP

On proper request of the holder of the above numbered permit, I have this 20th day of December, 1913, extended the time for completion of works thereunder to the 27th day of July, 1914.

F. P. King,
State Engineer.

Recorded by
Checked by

STATE OF IDAHO,)
)ss.
County of Bannock.)

Leo Hurst, being first duly sworn, upon his oath, deposes and says:

That he is the owner of a Permit water right appurtenant ot the following described land, to-wit: E $\frac{1}{2}$ NW $\frac{1}{4}$, Section 24, T. 7 South, Range 34 E.B.M.

That he is the owner and holder of Permit to appropriate the public waters of the Stat of Idaho No. 8448.

That he intends to change the point of diversion as described in said Permit, to the following described point:

Lot 3, and approximately 700 feet south and 100 feet west of north quarter corner of section 23.

That such change will be made for the following reasons, towit: for the reason that the point as shown in the original permit was incorrect and this change is necessary to make the record agree with the actual location.

That no one will be injured by such change and that deponent will make such change at his own risk.

And further deponent saith not.

Leo Hurst.

Subscribed and sworn to before methis 14th day of January, 1915.

Wm. H. Jackson, Jr.,

Notary Public.

(SEAL)

My commission expires January 2d, 1919.

Received and filed for record in the office of the State Engineer at Boise, Idaho, at 9.00 a.m. Mar. 22, 1915.

J. H. Smith,

State Engineer.

CB

Permit No. 8448

CERTIFICATE OF COMPLETION OF WORKS.

To All Whom It May Concern:

This is to certify that Leo Hurst, of Pocatello, County of Bannock and State of Idaho, the holder of Permit No. 8448, issued upon Application No. 12649, bearing date of priority of June 21, 1912, authorizing the diversion of one (1) second foot of the waters of Mud Springs, 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 7/50 of 1 second foot of the waters of Mud Springs; that the point of diversion of said waters is at a point in Lot 3, Sec. 23, T. 7 S., R. 34 E.B.M., approximately 700 ft. south and 100 ft. west of the north quarter corner of said Sec. 23, and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: Northeast quarter of Northwest quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$), Sec. 24, T. 7 S., R. 34 E.B.M., containing about 7 acres.

Witness my hand this 10th day of April, A.D.1915.

State Engineer of the State of Idaho.

License issued for 7/50 second foot

REPORT OF ENGINEER

1. State name of applicant and number of permit: Leo Hurst Per. No 8448
 2. State source of water supply: Mud Springs
 3. Location of point of diversion: N.E. 1/4 NW 1/4 Sec 23 T 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:

They Are

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

- (a) Width of conduit at bottom: 9 inches
 (b) Width at water line: 14 "
 (c) Depth of water: 6 "
 (d) Grade per mile: About 50'
 (e) Capacity of ditch: 1 second feet.

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

It has, to capacity

7. Give exact location of lands to be irrigated. Give exact number of acres under cultivation in each forty acre tract: 7 Acres NE 1/4 NW 1/4 Sec 24 T 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: Mr Hurst has Sold the above claim to
Mr J. A. Rawson of Pocatello.
At the time of examination, title had not passed.

Note - Location of Source of Water Supply has been
changed by actual Survey by Mr W.P. Havenor, from
NW 1/4 of NE 1/4 to N.E. 1/4 of N.W. 1/4 Sec 23.

Examined Sept 18 - 1914

J. G. Burtz

STATE OF IDAHO,

County of _____

} ss.

_____, 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 _____ 191_____

My Commission Expires _____

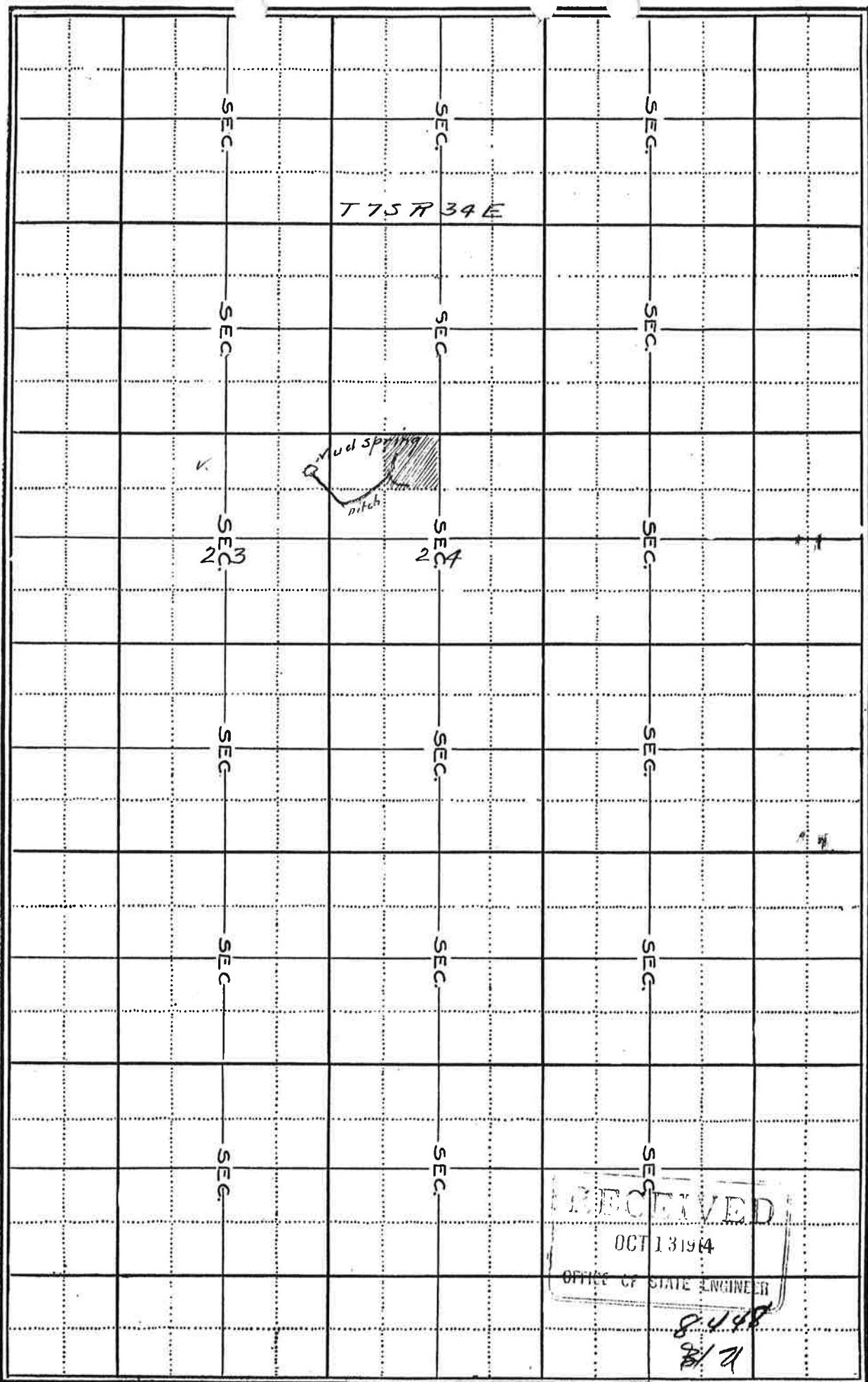
Notary Public.

RECEIVED

OCT 13 1914

OFFICE OF STATE ENGINEER

8448
 8/22



RECEIVED
OCT 13 1944
OFFICE OF STATE ENGINEER
8948
2/2

AJ5809NP
No. A29-02142

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/18/00
PAGE: 114

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	LITTLE RED HEN INC C/O THOMAS J MCDEVITT PRES PO BOX 4260 POCATELLO ID 83205 (208) 232-1847	06/21/1912	IRRIGATION	03-15 11-05	0.140 CFS	
TOTAL DIVERSION:					0.140 CFS	
CONSUMPTIVE USE:						21.00 AFA

Water Source: SPRINGS

Tributary to: JOHNNY CREEK

Stage: LICENSE

Point(s) of Diversion: T07S R34E S23 Lot03(NENENW)

BANNOCK County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE														
T	R	S		NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM		
				Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	
07S	34E	24	:					:					:					:							:	7.0
																							TOTAL ACRES	7.0		

POU County: BANNOCK

Non-Irrigation Uses: INCIDENTAL STOCKWATERING OF 50 HEAD CATTLE

Other Rights: 29-02110, 02129

Other Water Rights Listing Overlapping Place(s) of Use:

A29-02110 A29-02129

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:

Presumption Flag:

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

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: A29-02142
Date Received: 4/13/1989
Receipt No: 6006832
Received By: Ed

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: JUN 21, 1912

3. Source: SPRINGS Trib. to: JOHNNY CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07S	34E	23	NE	NE	NW	3	BANNOCK

5. Description of diverting works:
SPRING FLOW COLLECTED INTO DITCHES FOR FLOOD IRRIGATION.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/05	0.140		

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

8. Total consumptive use is 21.0 Acre Feet Per Annum.

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

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	34E	24	NE	NW		IRR	7.0
						Section Acres	7.0

A29-02142

Page 1

Date: 04/13/89

A2902142



MICROFILMED
NOV 13 1992

10. Place of Use: Continued

Total Acres 7.0

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:
 29-02110, 02129

14. Remarks:

15. Basis of Claim: LICENSE
 Water Right Number: 8448

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 X 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, Inc., that I have signed the foregoing document in the space below as President of Little Red Hen, Inc. and that the statements contained in the foregoing document are true and correct.

Thomas J. P. [Signature]
Signature of Authorized Agent

Pres. Little Red Hen, Inc.
Title and Organization

4-13-89

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 Snake Falls, B.

My Commission Expires 22 Aug 1994

R
34
E

T7S

R35E

A29-02142

MICROFILMED

NOV 13 1992

Spring

Mud Spring

Gibson

Gibson Mtn

Indian Hills Sch

Footbr

Highway

PIPELINE

Creek

Creek

Jack

Creek

Creek

BANNOCK

x534