

12/19/2002

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

RIGHT NUMBER: 29-2149

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

SOURCE: SPRING

TRIBUTARY: SINKS

QUANTITY: 0.060 CFS

PRIORITY DATE: 08/14/1912

POINT OF DIVERSION:

T07S R35E S26 NWNWNW Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

0.060 CFS

PLACE OF USE: IRRIGATION Within BANNOCK County

T07S R35E S23 SWSW 3.0

3 ACRES TOTAL

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

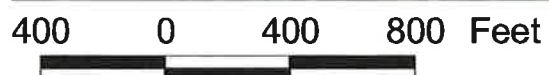
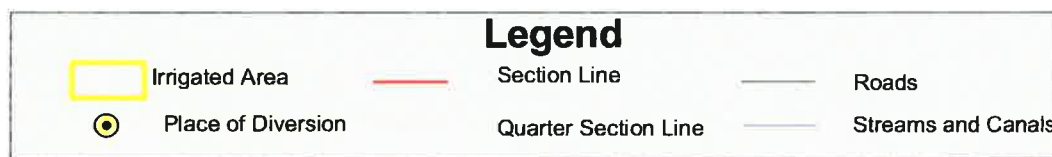
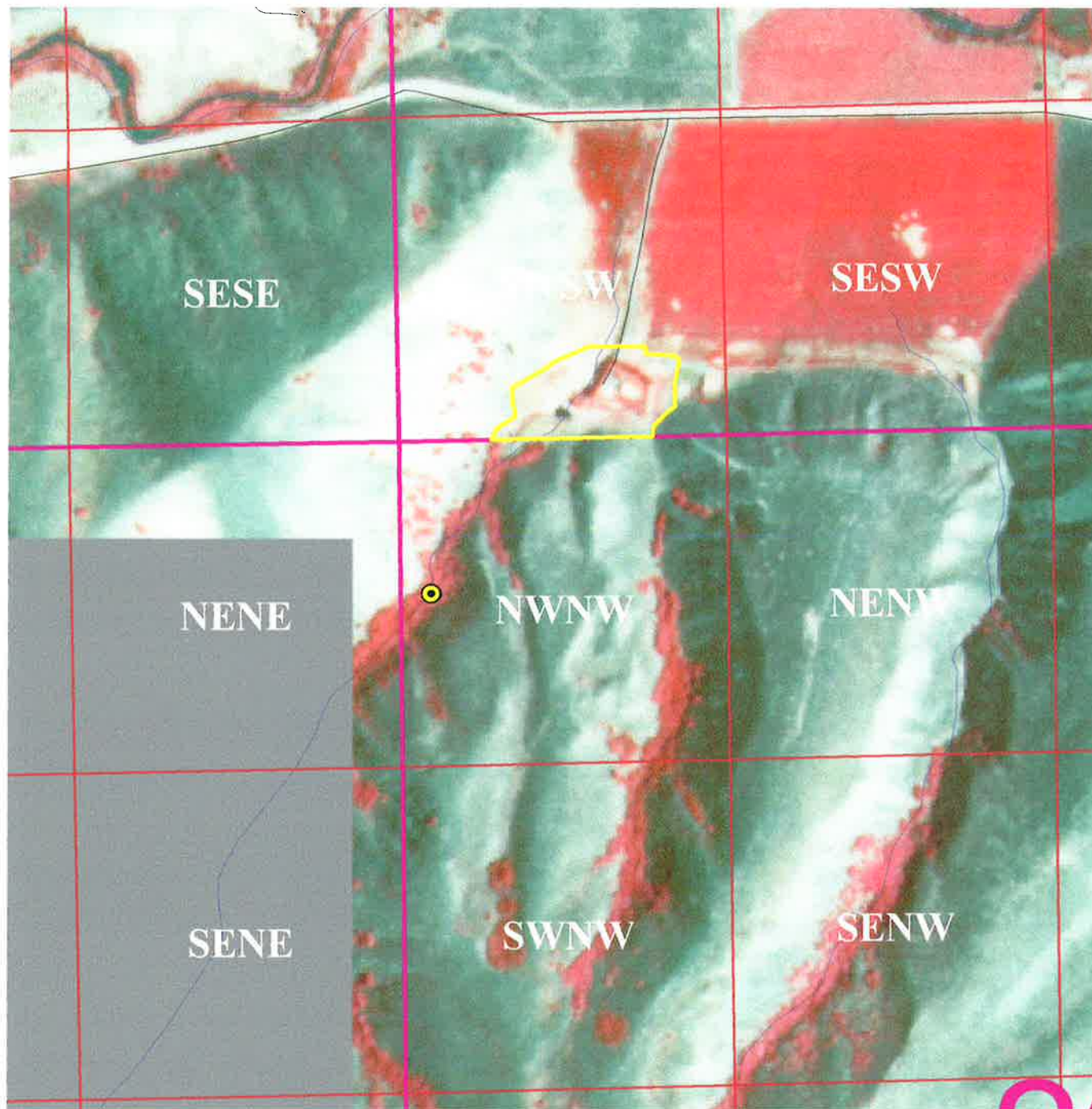
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: License

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

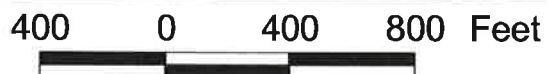
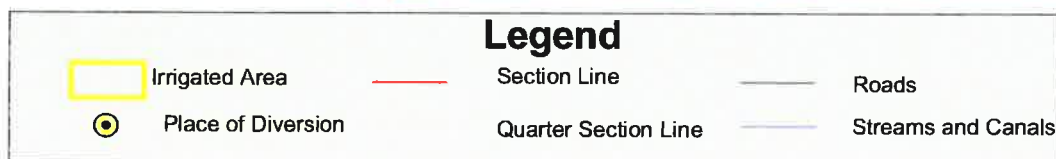
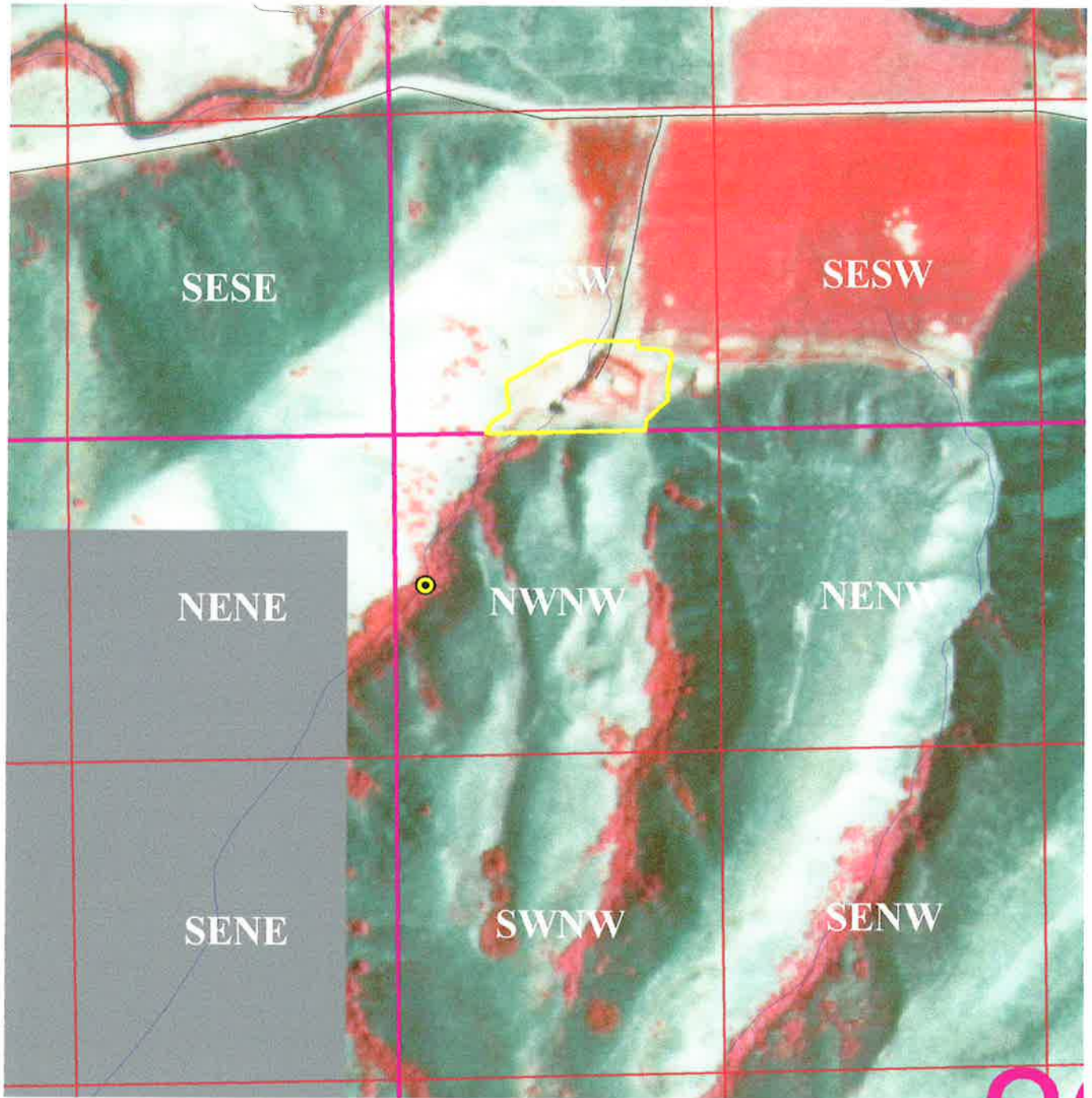
Water Right Claim Number A29-02149
Township , 7S35E

08/29/2000



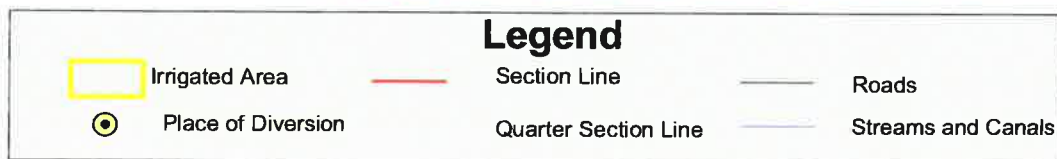
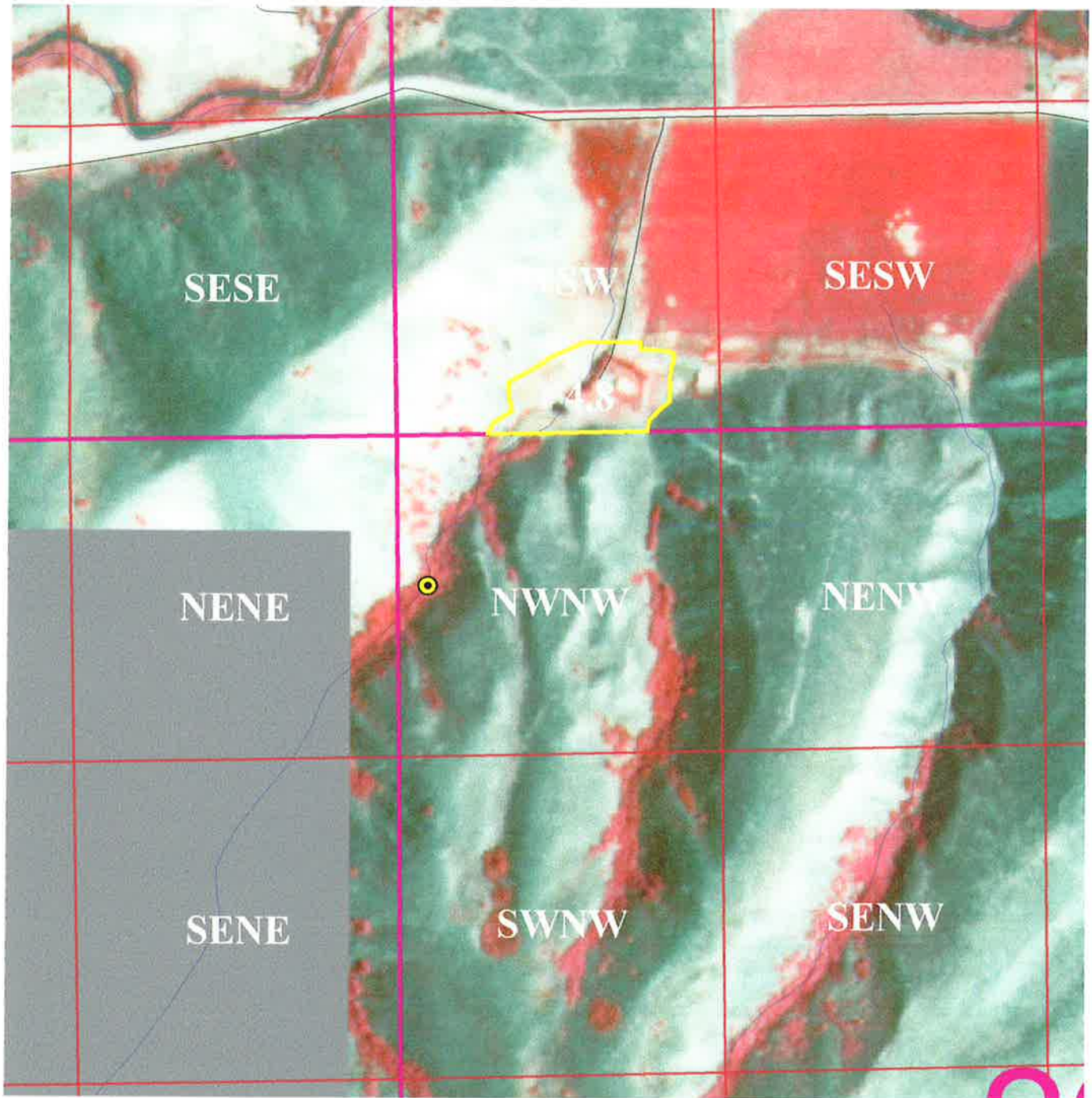
Water Right Claim Number A29-02149
Township , 7S35E

08/29/2000



Water Right Claim Number A29-02149
Township , 7S35E

08/29/2000



02/08/2003

Craig

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: April 21, 2003

Water right number: 29-2149

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

PROFILED

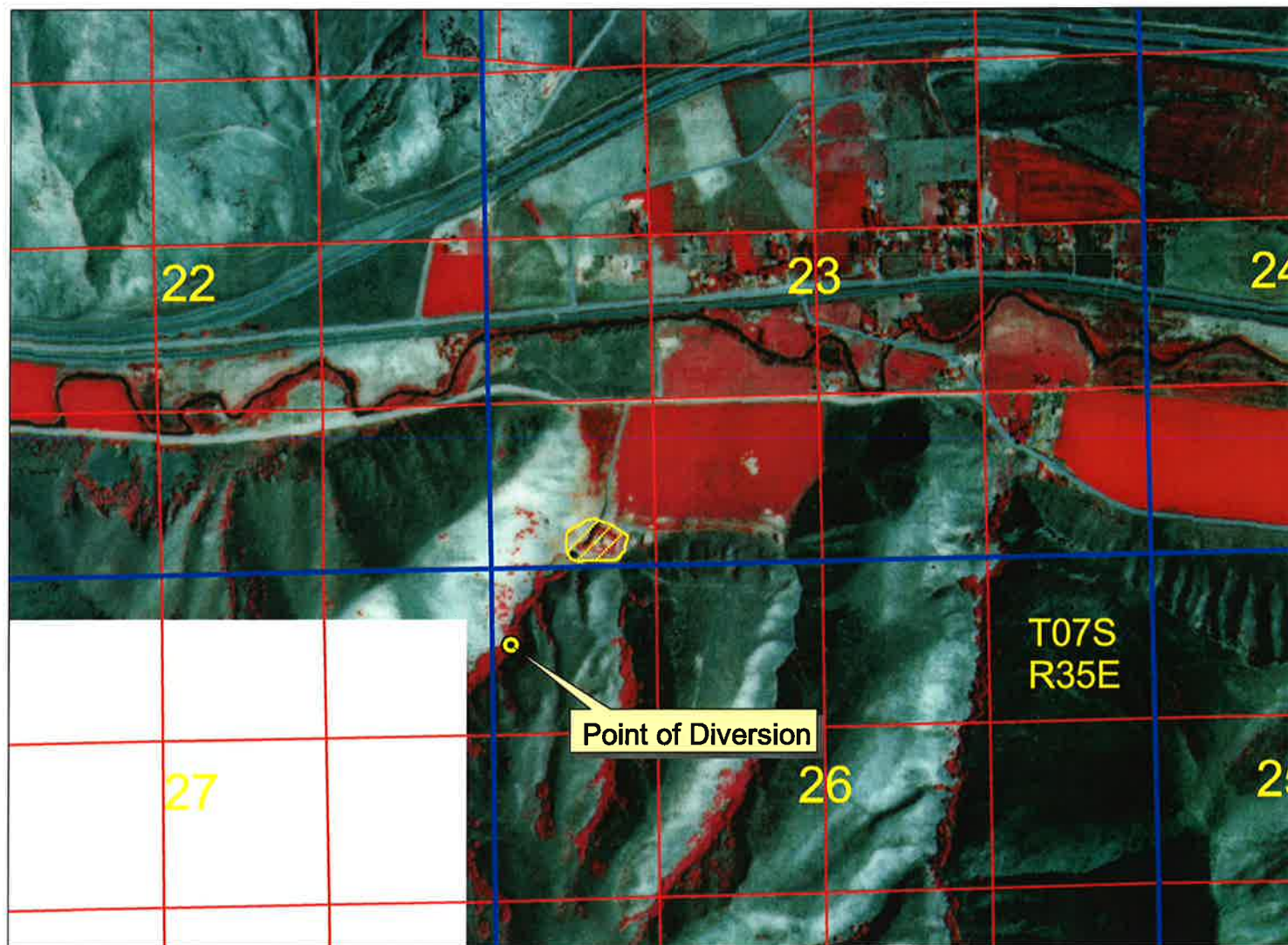
RECEIVED
DEC 11 2003
IDWR REGIONAL OFFICE
IDAHO FALLS, ID

SCANNED

DEC 28 2005

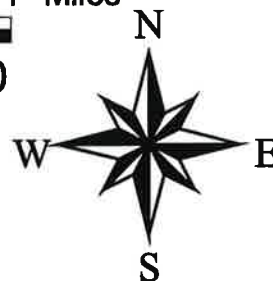


State of Idaho
Department of Water Resources
Eastern Region
Water Right 29-2149



0.5 0 0.5 1 Miles

1:16000



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

PROFILED

SCANNED

DEC 28 2005

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

JUN 13 2001

Log for claim A29-02149

Spatial Dynamics LTD

8/29/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
07s35e	23	SWSW	3	4.8	
Totals:			3	4.8	

AJ5809NP
No. A29-02149

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/18/00
PAGE: 115

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	08/14/1912	IRRIGATION	04-01 11-01	0.060 CFS	
TOTAL DIVERSION:					0.060 CFS	

Water Source: SPRING

Tributary to: SINKS

Stage: LICENSE

Point(s) of Diversion: T07S R35E S26 NWNW BANNOCK County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE										
NENE NWNE SWNE SENE				NENW NWNW SWNW SENW				NESW NWSW SWSW SESW				NESE NWSE SWSE SESE										
T	R	S		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM		

07S 35E 23 :												03								3.0		
																			TOTAL ACRES		3.0	

POU County: BANNOCK

Non-Irrigation Uses: NONE

Other Rights: NONE

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

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

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

2949
County, Bannock.
Stream: Unnamed Spring.
Amount: 3/50 of 1 sec. ft.
Use: irrigation.
Priority: August 14, 1912.

STATE OF IDAHO

Water License No. 8617

WHEREAS, On the 14th day of August, A. D. 1912,
John K. Thomas,

of Pocatello, County of Bannock, State of Idaho, duly made application
(No. 12968) to me for a permit to use 2/5 of 1 cubic foot per second of the waters of an
unnamed spring,

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

WHEREAS, On the 24th day of August, A. D. 1912, Permit No. 8617 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 24th day of August, A. D. 1914, and for the application to ben-
eficial use of said water on or before the 24th day of August, A. D. 1914, and,

WHEREAS, On the 29th day of September, A. D. 1913,
John K. Thomas

the holder of said permit, duly made proof of the completion of adequate works for the diversion of
2/5 of 1 cubic foot per second of said waters, as evidenced by my Certificate No. 8617
dated December 8, 1913, confirming the completion of works of sufficient capacity for diverting and
conveying to the place of intended use 2/5 of 1 cubic foot per second of said water,
with date of priority of August 14, 1912, and

WHEREAS, On the 29th day of September, A. D. 1913,
John K. Thomas

the holder of said permit, duly made proof of the application to beneficial use of 3/50 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 John K. Thomas

of Pocatello, County of Bannock, State of Idaho, the holder and owner
of said Permit No. 8617, a perpetual right, dating from August 14, 1912
to the use of 3/50 of 1 cubic foot per second of the waters of an unnamed spring,

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 in the NE $\frac{1}{4}$ of NE $\frac{1}{4}$, Sec. 27, T.
7 S., R. 35 E. B. M.,

and conducted to and upon about 3 acres in the SW $\frac{1}{4}$ of SW $\frac{1}{4}$, Sec. 23, T. 7 S., R. 35
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 8th day of December,
A. D., nineteen hundred and thirteen.

F. P. KING,

(Seal)

State Engineer.

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

1. Name of applicant: John K. Thomas.

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 2/5 cubic feet per second.

3. Source of water supply: Unnamed spring

4. Location of point of diversion: NE 1/4 NE 1/4 Section 27, Township 7 South, R. 35 E. B. M.

County of Bannock

5. To be used for: Irrigation and domestic

I. Irrigation and domestic use: (a) Amount of land to be irrigated: 20 acres.

(b) In the following legal subdivisions: SW 1/4 SW 1/4 Section 23, Township 7 South, Range 35 E. B. M.

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: \$125.00

7. Description of works for diversion:

I. Kind of works: ditch and pipes

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: earth

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

Height feet. (d) Conduit ditch width at bottom 1 feet,

width at water line 24 feet, depth of water 6 in. feet, diameter of pipe

1 1/2 inches, average grade per mile is - feet. Length of conduit is 1/2 miles,
and it crosses the following quarter sections: NE 1/4 NW 1/4 Section 27, and the SW 1/4 SW 1/4, Section
23, Township 7 South, Range 35 E. B. M.

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

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

John K. Thomas..... Applicant.

By

Agent.

Date of first receipt at office of Engineer 9.00 a.m. August 14, 1912

Returned to applicant for correction

Corrected application received

APPROVAL OF STATE ENGINEER.

The number of this permit is 8617

Recorded in Book 28 Page 8617 Approved August 24, 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 October 23, 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 August 24, 1913

The whole of said work to be completed on or before August 24, 1914.

Beneficial use of water appropriated in accordance herewith, to be made on or before August 24, 1914.

Witness my hand this 24th day of August, 1912.

A. E. Robinson,
State Engineer.

Remarks:

- #1. The Spring herein applied for is located on Government land
- #2. I intend to let the water run down through the natural channel a short distance and then divert it through a ditch on to my land. The point of diversion is on government land.
- #3. The point of diversion and spring shown on the enclosed map are very much higher than the land upon which I will use the water and I am not able to give the exact grade per mile that these works will have.

Recorded by 603
Checked by 613

Proof of Completion of Works made September 29, 1913.

Certificate of Completion issued December 8, 1913.

Permit No. 8617.

CERTIFICATE OF COMPLETION OF WORKS.

To All Whom It May Concern:

This is to certify that John K. Thomas of Pocatello, County of Bannock, and State of Idaho, the holder of Permit No. 8617, issued upon Application No. 12968, bearing date of priority of August 14, 1912, authorizing the diversion of $2/5$ of 1 second foot of the waters of an unnamed spring, 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 $2/5$ of 1 second-foot of the waters of an unnamed spring; that the point of diversion of said waters is at a point in the NE $\frac{1}{4}$ of NE $\frac{1}{4}$, Sec. 27, T. 7 S., R. 35 E. B. M., and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: 20 acres in the SW $\frac{1}{4}$ of SW $\frac{1}{4}$, Sec. 23, T. 7 S., R. 35 E. B. M.

Witness my hand this 8th day of December, A. D. 1913.

F. P. KING,

State Engineer of the State of Idaho.

License issued for 2/50 second foot

REPORT OF ENGINEER

8617

1. State name of applicant and number of permit: John K. Thomas
 2. State source of water supply: Spring and seepage
 3. Location of point of diversion: N.E. 4th Sec. 27 T. 75. N. 35 E.

DEC - 5 1913

4. State whether or not the works of diversion are fully completed and in accordance with terms of permit: ditch and pipes as per permit

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

- (a) Width of conduit at bottom: 1 ft
 (b) Width at water line: 1 1/2 ft.
 (c) Depth of water: 1/2" to 1"
 (d) Grade per mile: 9 to 10 ft per 100' - 285.7 ft fall to house from spring
 (e) Capacity of ditch: 10" second feet.

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

7. Give exact location of lands to be irrigated. Give exact number of acres under cultivation in each forty acre tract: 2 3/4 A in SW 4 SW 4 Sec. 23

2 3/4 A in S.E. 4 SW 4 Sec 23. cultivated
lands adjoining and marked on plat.
Water to be used on S 1/2 SW 4 Sec 23
all T. 75. N. 35 E. B. M.

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: Head works are of earth and liable
to damage by excessive rains etc
There is about a flow of 10 gal
per min. now. In the spring indications
are that flow is much stronger and
is perhaps 4 or 5 times as strong and
seepage water flow is kept clear of it
E. J. Jerey

STATE OF IDAHO,

County of Bannock } ss.

E. J. Jerey, 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.

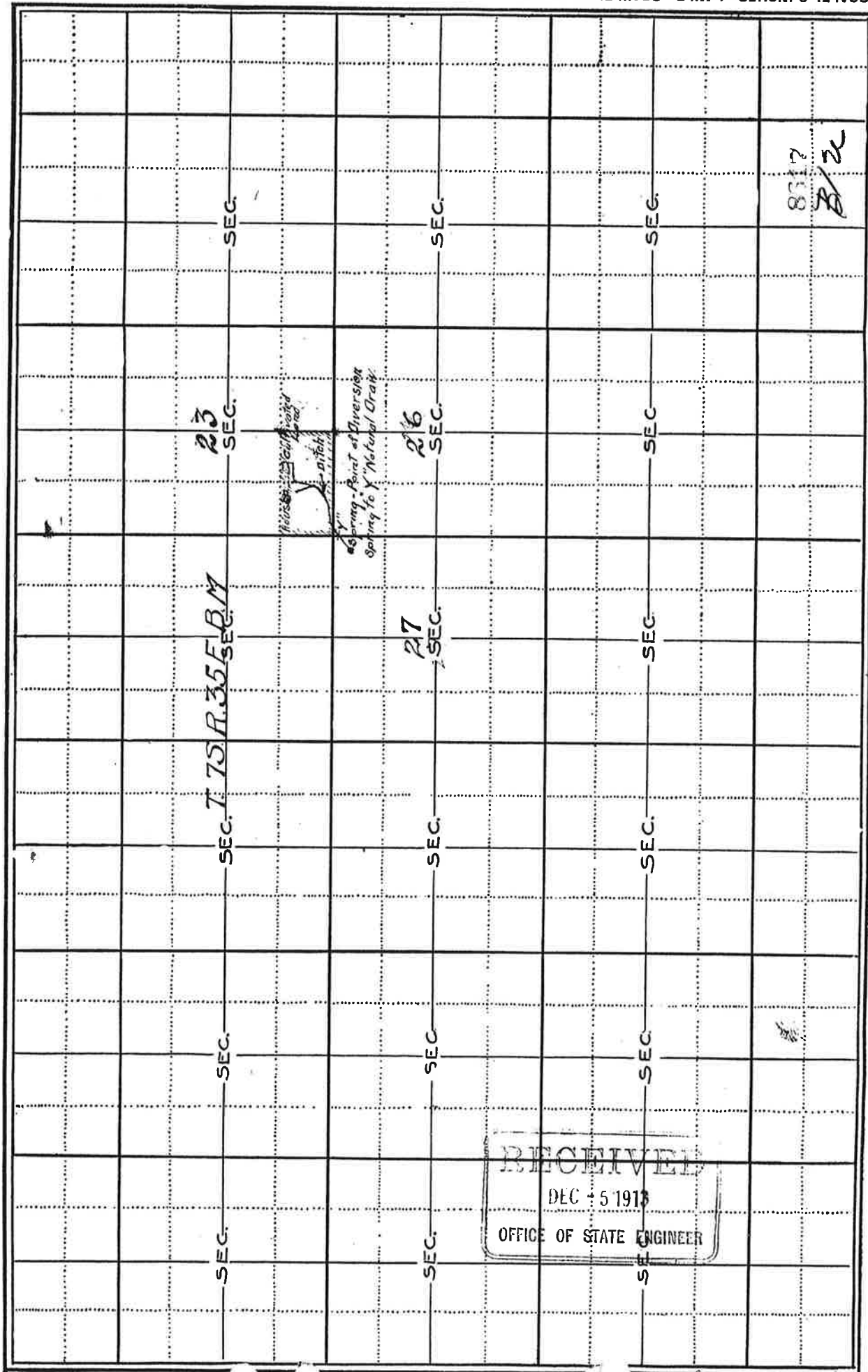
Subscribed and sworn to before me this 3rd day of Dec 1913.

My Commission Expires Jan 11 - 1915

E. J. Jerey
Notary Public.

8617

B/2



Name of Applicant *John A. Thomas*

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
APR 05 1990

Ident. Number: A29-02149
Date Received: 3/15/1990
Receipt No: E012849/90
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 208-775-4582
Address: 5787 W. PORTNEUF RD.
POCATELLO, ID 83204

2. Date of Priority: AUG 14, 1912

3. Source: SPRING Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07S	35E	26	NW	NW			BANNOCK

5. Description of diverting works:
PIPELINE TO POND THEN PUMP TO IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.060		

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

8. Total consumptive use is 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	23	SW	SW		IRR	3.0

Section Acres 3.0

A29-02149

Page 1

Date: 03/15/90

MICROFILMED

NOV 13 1992

A2902149



10. Place of Use: Continued

Total Acres 3.0

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: 8617

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: _____

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): Jim Bull Date: 3-28-90

Date: _____

State of Idaho)
County of Bannock) SS.

Subscribed and sworn (or affirmed) before me this 28 day
of March 19 90

Nancy Esquivel
Notary Public

Seal

Residing at Locatello Idaho
My Commission Expires 1-12-96

