

IDAHO DEPARTMENT OF WATER RESOURCES 01/07/2002  
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

NAME AND ADDRESS: LINDA M HARRIS  
2121 S BANNOCK HWY  
POCATELLO ID 83204

RONALD HARRIS  
2121 S BANNOCK HWY  
POCATELLO ID 83204

SOURCE: PORTNEUF RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 0.02 CFS

PRIORITY DATE: 10/04/1919

POINT OF DIVERSION:

T07S R34E S1 SENWNW Lot 4 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          | 0.020 CFS       |

PLACE OF USE: IRRIGATION Within BANNOCK County

|      |                          |     |                     |
|------|--------------------------|-----|---------------------|
|      | T07S R34E S01 Lot 3 NENW | 0.6 | T07S R34E S01 Lot 4 |
| NWNW | 0.1                      |     |                     |

0.7 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

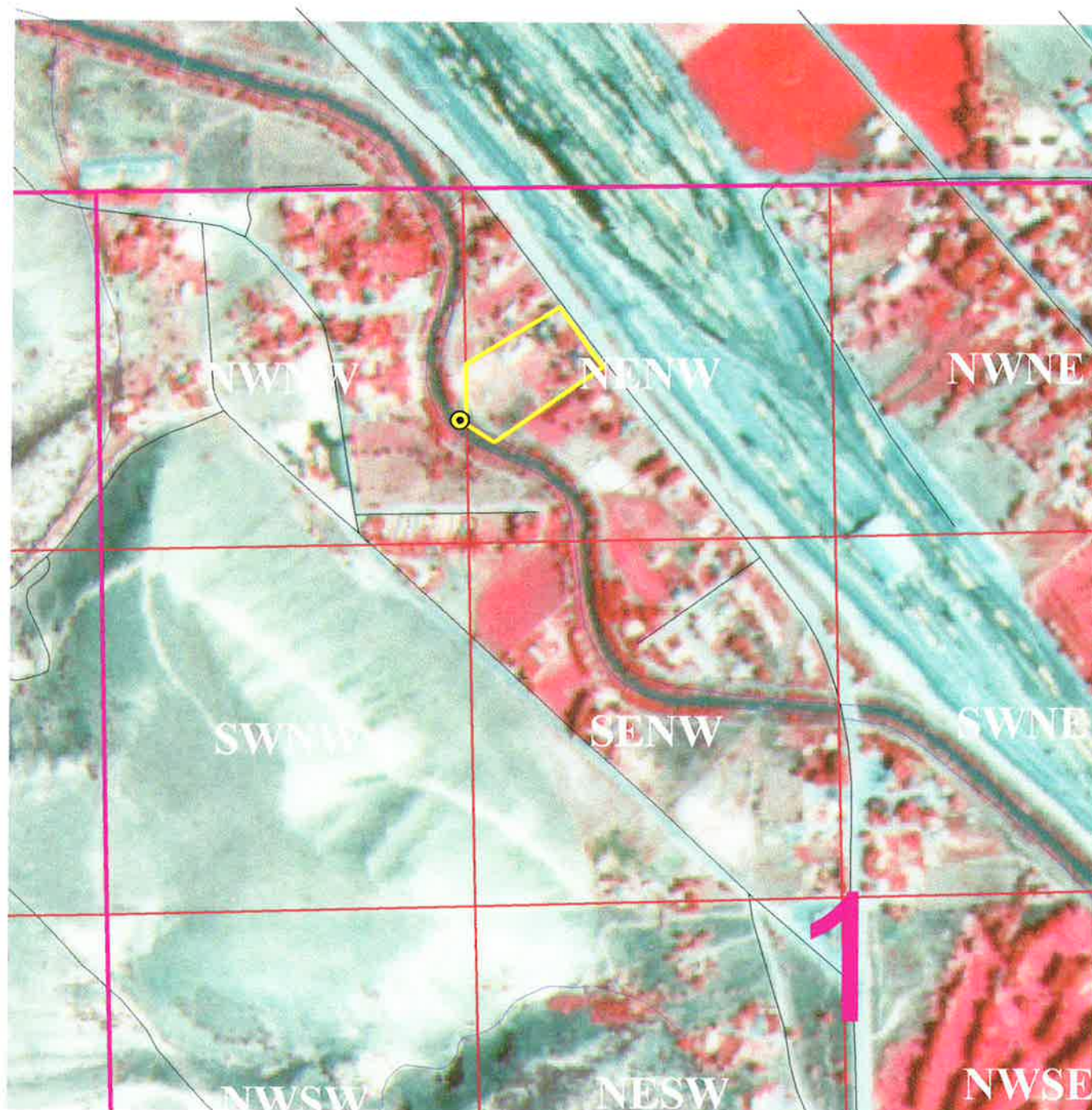
CODE.

EXPLANATORY MATERIAL: 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 A29-02224J  
Township , 7S34E

08/29/2000



300 0 300 600 Feet



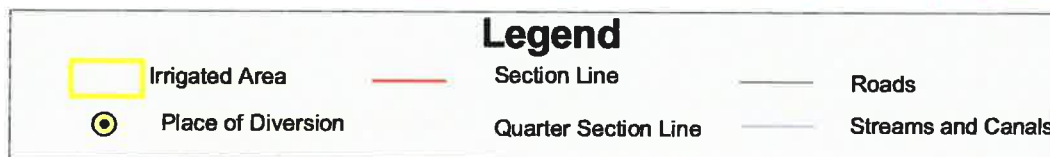
SCANNED

JAN 19 2006

PROFILED

Water Right Claim Number A29-02224J  
Township , 7S34E

08/29/2000



SCANNED  
JAN 19 2006

Water Right Claim Number A29-02224J  
Township , 7S34E

08/29/2000



Irrigated Area

Place of Diversion

Section Line

Quarter Section Line

Roads

Streams and Canals

Legend



SCANNED  
JAN 19 2006

## IDAHO DEPARTMENT OF WATER RESOURCES

## Adjudication Recommendation Report 29-2224J V1

WATER RIGHT NUMBER: 29-2224J V1

| <u>Owner Type</u> | <u>Name and Address</u>                                                      |
|-------------------|------------------------------------------------------------------------------|
| Original Owner    | ROSALIE THOMAS<br>2105 BANNOCK HWY<br>POCATELLO, ID 83204<br>(208)232-7649   |
| Original Owner    | LINDA M HARRIS<br>2121 S BANNOCK HWY<br>POCATELLO, ID 83204<br>(208)232-7376 |
| Original Owner    | RONALD HARRIS<br>2121 S BANNOCK HWY<br>POCATELLO, ID 83204<br>(208)232-7376  |
| Original Owner    | HENRY O LEARY<br><br>POCATELLO, ID 83201                                     |
| Original Owner    | JASPER C THOMAS<br>2121 BANNOCK HWY<br>POCATELLO, ID 83204<br>(208)232-7649  |
| Current Owner     | RUSSELL TIBBITTS<br>2121 BANNOCK HWY<br>POCATELLO, ID 83204<br>(208)251-1021 |

Priority Date: 10/04/1919

Basis: License

Status: Active

Source

PORTNEUF RIVER

Tributary

SNAKE RIVER

Beneficial Use

IRRIGATION

From To

04/01 to 10/31

Diversion Rate

0.020 CFS

Annual VolumeTotal Diversion: 0.020 CFSLocation of Point(s) of Diversion

PORTNEUF RIVER

L4 (SE1/4NW1/4NW1/4)

Sec. 1, Twp 07S, Rge 34E, B.M.

BANNOCK County

Place of Use

IRRIGATION

| Twp | Rge | Sec | NE |    |    |    | NW  |     |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|-----|-----|----|----|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE  | NW  | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 07S | 34E | 1   |    |    |    |    | .6  | .1  |    |    |    |    |    |    |    |    |    |    | .7     |
|     |     |     |    |    |    |    | L 3 | L 4 |    |    |    |    |    |    |    |    |    |    |        |

Total Acres: 0.7

IDAHO DEPARTMENT OF WATER RESOURCES  
Adjudication Recommendation Report 29-2224J V1

Conditions of Approval:

1. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE 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:Comments:

1. csaxton 1/7/2002 POU-C05  
Comment: 0.1 acres recommended in QQ not described in the original license.

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: 29  
 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> |
|----------------|---------------------------|-----------------|---------------------------|-----------------|---------------|
| Priority Date  | 1/3/2002 12:01:30 PM      | csaxton         |                           |                 | Active        |
| POD            | 1/3/2002 12:03:18 PM      | csaxton         |                           |                 | Active        |
| Source         | 1/7/2002 8:36:18 AM       | csaxton         |                           |                 | Active        |
| POU            | 1/7/2002 8:36:43 AM       | csaxton         |                           |                 | Active        |
| Use            | 1/7/2002 8:43:22 AM       | csaxton         |                           |                 | Active        |
| Season         | 1/7/2002 8:44:07 AM       | csaxton         |                           |                 | Active        |
| Quantity       | 1/7/2002 8:45:13 AM       | csaxton         |                           |                 | Active        |
| Summary        |                           |                 | 01/07/2002                | csaxton         | Active        |

Verification Log:

| <u>Element</u> | <u>Date Time Stamp</u> | <u>Reviewer</u> | <u>Log text</u> |
|----------------|------------------------|-----------------|-----------------|
|----------------|------------------------|-----------------|-----------------|

## IDAHO DEPARTMENT OF WATER RESOURCES

## Adjudication Recommendation Report 29-2224J V1

|               |                      |         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|---------------|----------------------|---------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| POU           | 1/7/2002 8:36:44 AM  | csaxton | (Yes) 1. Is the basis of this claim a Decree or License?<br>(Yes) 2a. Is the POU required?<br>(Yes) 5. Does the Decree or License have a POU?<br>(Yes) 6. Can the claimed POU be verified using the water right file?<br>(No) 14. Is a POU remark and/or condition required?                                                                                                                                                                                                                                                                                                |
| POU           | 1/7/2002 8:37:52 AM  | csaxton | Edited PLS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| Priority Date | 1/3/2002 12:01:31 PM | csaxton | (No) 1. Should this water use have been included in a later court decree of the water rights from this source?<br>(Yes) 4. Is the basis of claim decree or license?<br>(Yes) 5. Does the decree or license have a Priority Date?<br>(Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ?<br>(Yes) 15. Is the basis of claim coded correctly?<br>(No) 16. Is a Priority Date remark and/or condition required?                                                                                                                                            |
| Source        | 1/7/2002 8:36:18 AM  | csaxton | (Yes) 1. Is the basis of claim Decree or License?<br>(Yes) 4. Does the Decree or License have a source?<br>(Yes) 5. Can the claimed source be verified using the water right file?<br>(No) 11. Is a Source remark and/or condition required?                                                                                                                                                                                                                                                                                                                                |
| POU           | 1/7/2002 8:37:26 AM  | csaxton | Edited shape boundary                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| Use           | 1/7/2002 8:43:22 AM  | csaxton | (Yes) 1. Is the basis of this claim a Decree or License?<br>(Yes) 4. Does the Decree or License have a Purpose of Use?<br>(Yes) 5. Can the claimed Purpose of Use be verified using the water right file?<br>(No) 13. Is a Purpose of Use remark and/or condition required?                                                                                                                                                                                                                                                                                                 |
| Season        | 1/7/2002 8:44:08 AM  | csaxton | (Yes) 1. Is the basis of claim Decree or License?<br>(No) 4. Does the Decree or License have a Period of Use?<br>(No) 6. Is there evidence that there has been a change in the Period of Use?<br>(Yes) 12. Does the file contain all the necessary information to verify the Period of Use?<br>(No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined?<br>(Yes) 15. Is irrigation claimed as a Purpose of Use?<br>(No) 18. Is a Period of Use remark and/or condition required? |

## IDAHO DEPARTMENT OF WATER RESOURCES

## Adjudication Recommendation Report 29-2224J V1

|          |                      |         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|----------|----------------------|---------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| POD      | 1/7/2002 8:45:13 AM  | csaxton | <p>(Yes) 1. Is the basis of this claim a Decree or License?</p> <p>(Yes) 4. Does the Decree or License have a diversion rate and/or volume?</p> <p>(Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file?</p> <p>(No) 8. Does the parent right have an annual diversion volume limit?</p> <p>(No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit?</p> <p>(No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use?</p> <p>(No) 12. Is a Quantity remark or condition required?</p>                                                            |
| Summary  | 1/7/2002 8:48:12 AM  | csaxton | <p>(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice?</p> <p>(No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture?</p> <p>(Yes) 5. Is an additional remark and/or condition required?</p> <p>(Yes) 6. Would you like to view the recommended right?</p> <p>(Yes) 7. Is this a split or combined right?</p> <p>(No) 8. Do you have documents you would like to attach or link to the file?</p> <p>(Yes) 9. Would you like to set the verification date?</p>                                                                            |
| Contacts | 1/3/2002 12:01:11 PM | csaxton | <p>(No) 1. Do you want to schedule an appointment?</p> <p>Comment for 1: Field Exam June 20, 2001 by Billydean Byington.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| POD      | 1/3/2002 12:03:19 PM | csaxton | <p>(Yes) 1. Is the basis of this claim a Decree or License?</p> <p>(Yes) 4. Does the Decree or License have a POD?</p> <p>(No) 5. Can the claimed POD be verified using the water right file?</p> <p>(Yes) 6. Is there evidence that there has been a change in the POD?</p> <p>(Yes) 7. Can the change be verified as an accomplished transfer?</p> <p>(Yes) 9. Does the file contain all the necessary information to verify the POD?</p> <p>(No) 10. Is a POD remark and/or condition required?</p> <p>Description for Question 6 - POD location different than licensed but has been in place since 1955 according to neighbor that owned the property prior to claimant.</p> |
| POD      | 1/3/2002 12:04:04 PM | csaxton | Edited point location                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| POD      | 1/3/2002 12:04:33 PM | csaxton | Edited PLS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |

## IDAHO DEPARTMENT OF WATER RESOURCES

## Adjudication Recommendation Report 29-2224J V1

WATER RIGHT NUMBER: 29-2224J V1

| <u>Owner Type</u> | <u>Name and Address</u>                                                      |
|-------------------|------------------------------------------------------------------------------|
| Original Owner    | ROSALIE THOMAS<br>2105 BANNOCK HWY<br>POCATELLO, ID 83204<br>(208)232-7649   |
| Current Owner     | LINDA M HARRIS<br>2121 S BANNOCK HWY<br>POCATELLO, ID 83204<br>(208)232-7376 |
| Current Owner     | RONALD HARRIS<br>2121 S BANNOCK HWY<br>POCATELLO, ID 83204<br>(208)232-7376  |
| Original Owner    | HENRY O LEARY<br><br>POCATELLO, ID 83201                                     |
| Original Owner    | JASPER C THOMAS<br>2121 BANNOCK HWY<br>POCATELLO, ID 83204<br>(208)232-7649  |

Priority Date: 10/04/1919

Basis: License

Status: Active

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

| <u>Beneficial Use</u> | <u>From</u> <u>To</u>   | <u>Diversion Rate</u> | <u>Annual Volume</u> |
|-----------------------|-------------------------|-----------------------|----------------------|
| IRRIGATION            | 04/01 to 10/31          | 0.020 CFS             |                      |
|                       | <u>Total Diversion:</u> | 0.020 CFS             |                      |

Location of Point(s) of Diversion

|                |                    |         |          |               |
|----------------|--------------------|---------|----------|---------------|
| PORTNEUF RIVER | L4 SE1/4NW1/4NW1/4 | Sec. 1, | Twp 07S, | Rge 34E, B.M. |
| BANNOCK County |                    |         |          |               |

Place of UseIRRIGATION Within BANNOCK County

|                          |     |                          |     |
|--------------------------|-----|--------------------------|-----|
| T07S R34E S01 Lot 3 NENW | 0.6 | T07S R34E S01 Lot 4 NWNW | 0.1 |
| Total Acres: 0.7         |     |                          |     |

Conditions of Approval:

1. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

## IDAHO DEPARTMENT OF WATER RESOURCES

## Adjudication Recommendation Report 29-2224J V1

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:Comments:

1. csaxton 1/7/2002 POU-C05

Comment: 0.1 acres recommended in QQ not described in the original license.

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: AND  
 Water District Number: 29  
 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> |
|----------------|---------------------------|-----------------|---------------------------|-----------------|---------------|
| Priority Date  | 1/3/2002 12:01:30 PM      | csaxton         |                           |                 | Active        |
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| Season         | 1/7/2002 8:44:07 AM       | csaxton         |                           |                 | Active        |
| Quantity       | 1/7/2002 8:45:13 AM       | csaxton         |                           |                 | Active        |
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Verification Log:

| <u>Element</u> | <u>Date Time Stamp</u> | <u>Reviewer</u> | <u>Log text</u>                                                                                                                                                                                                                                                              |
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| POU            | 1/7/2002 8:36:44 AM    | csaxton         | (Yes) 1. Is the basis of this claim a Decree or License?<br>(Yes) 2a. Is the POU required?<br>(Yes) 5. Does the Decree or License have a POU?<br>(Yes) 6. Can the claimed POU be verified using the water right file?<br>(No) 14. Is a POU remark and/or condition required? |

## IDAHO DEPARTMENT OF WATER RESOURCES

## Adjudication Recommendation Report 29-2224J V1

|               |                      |         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
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| POU           | 1/7/2002 8:37:26 AM  | csaxton | Edited shape boundary                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| Use           | 1/7/2002 8:43:22 AM  | csaxton | (Yes) 1. Is the basis of this claim a Decree or License?<br>(Yes) 4. Does the Decree or License have a Purpose of Use?<br>(Yes) 5. Can the claimed Purpose of Use be verified using the water right file?<br>(No) 13. Is a Purpose of Use remark and/or condition required?                                                                                                                                                                                                                                                                                                             |
| Season        | 1/7/2002 8:44:08 AM  | csaxton | (Yes) 1. Is the basis of claim Decree or License?<br>(No) 4. Does the Decree or License have a Period of Use?<br>(No) 6. Is there evidence that there has been a change in the Period of Use?<br>(Yes) 12. Does the file contain all the necessary information to verify the Period of Use?<br>(No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined?<br>(Yes) 15. Is irrigation claimed as a Purpose of Use?<br>(No) 18. Is a Period of Use remark and/or condition required?             |
| POD           | 1/7/2002 8:45:13 AM  | csaxton | (Yes) 1. Is the basis of this claim a Decree or License?<br>(Yes) 4. Does the Decree or License have a diversion rate and/or volume?<br>(Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file?<br>(No) 8. Does the parent right have an annual diversion volume limit?<br>(No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit?<br>(No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use?<br>(No) 12. Is a Quantity remark or condition required? |

## IDAHO DEPARTMENT OF WATER RESOURCES

## Adjudication Recommendation Report 29-2224J V1

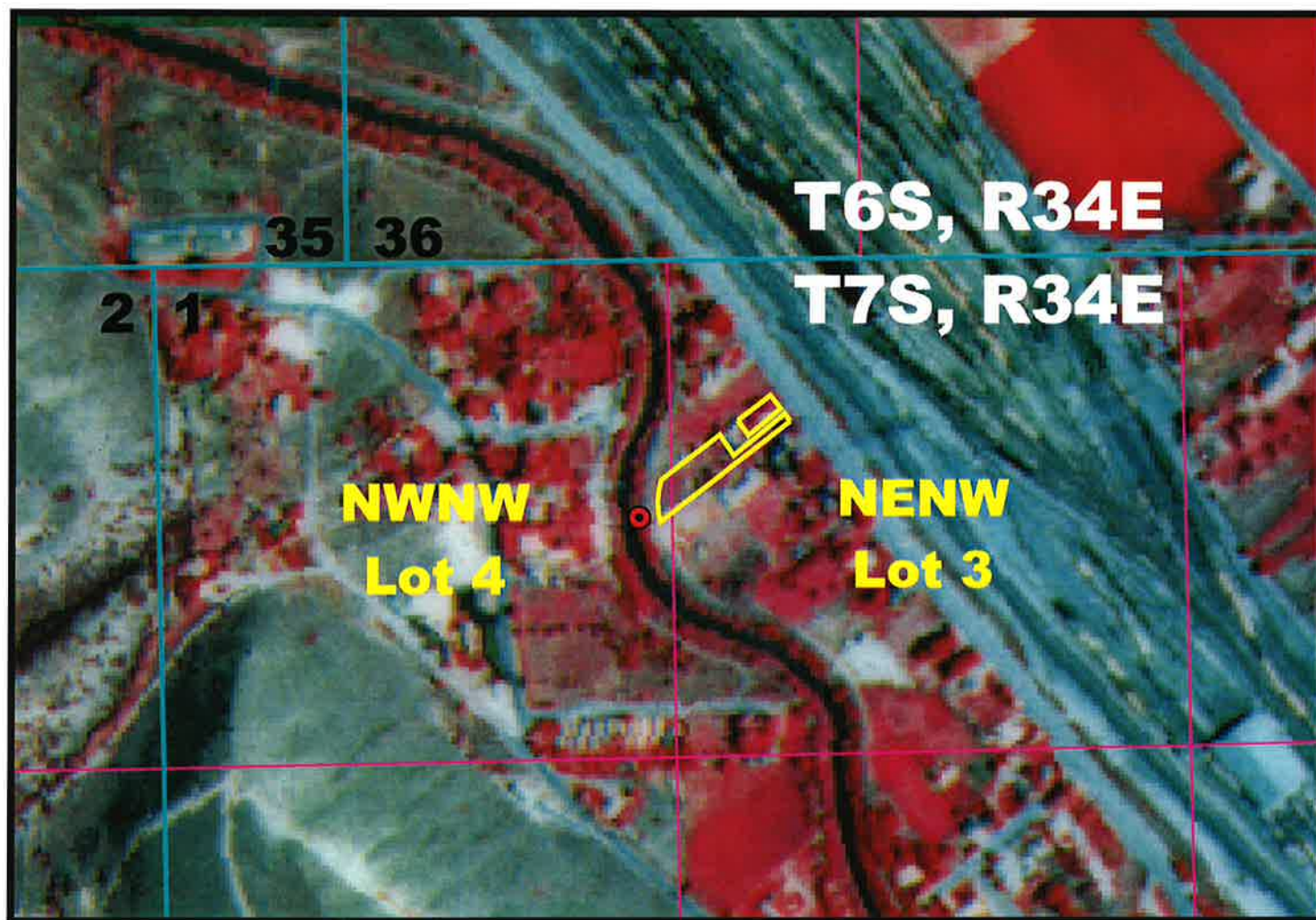
|          |                      |         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|----------|----------------------|---------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Summary  | 1/7/2002 8:48:12 AM  | csaxton | <p>(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice?</p> <p>(No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture?</p> <p>(Yes) 5. Is an additional remark and/or condition required?</p> <p>(Yes) 6. Would you like to view the recommended right?</p> <p>(Yes) 7. Is this a split or combined right?</p> <p>(No) 8. Do you have documents you would like to attach or link to the file?</p> <p>(Yes) 9. Would you like to set the verification date?</p>                                                                            |
| Contacts | 1/3/2002 12:01:11 PM | csaxton | <p>(No) 1. Do you want to schedule an appointment?</p> <p>Comment for 1: Field Exam June 20, 2001 by Billydean Byington.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| POD      | 1/3/2002 12:03:19 PM | csaxton | <p>(Yes) 1. Is the basis of this claim a Decree or License?</p> <p>(Yes) 4. Does the Decree or License have a POD?</p> <p>(No) 5. Can the claimed POD be verified using the water right file?</p> <p>(Yes) 6. Is there evidence that there has been a change in the POD?</p> <p>(Yes) 7. Can the change be verified as an accomplished transfer?</p> <p>(Yes) 9. Does the file contain all the necessary information to verify the POD?</p> <p>(No) 10. Is a POD remark and/or condition required?</p> <p>Description for Question 6 - POD location different than licensed but has been in place since 1955 according to neighbor that owned the property prior to claimant.</p> |
| POD      | 1/3/2002 12:04:04 PM | csaxton | Edited point location                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| POD      | 1/3/2002 12:04:33 PM | csaxton | Edited PLS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |



# STATE OF IDAHO

Department of Water Resources  
Eastern Region

Water Right(s): 29-02224J



1320 0 1320 Feet

**Total Irrigated Acres: 0.7**

● Point(s) of Diversion

□ Place of Use

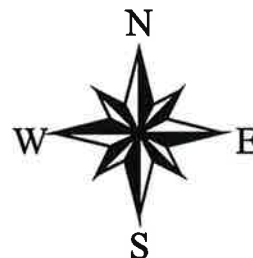
□ Quarter Quarter Lines

□ Section Lines

PROFILED

SCANNED

JAN 19 2006



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

OK per Jen

**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**  
**NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP**

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.  
 Incomplete forms will be returned.

RECEIVED  
 AUG 02 2002  
 Department of Water Resources  
 Eastern Region

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

| Water<br>Right No(s).            | Adjudication<br>Claim No(s). | Split | Water<br>Right No(s). | Adjudication<br>Claim No(s). | Split |
|----------------------------------|------------------------------|-------|-----------------------|------------------------------|-------|
| <i>Partial<br/>deed</i> 29-11486 | 29-2224J                     |       |                       |                              |       |
|                                  |                              |       |                       |                              |       |
|                                  |                              |       |                       |                              |       |
|                                  |                              |       |                       |                              |       |
|                                  |                              |       |                       |                              |       |

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):  
**PLAT OF PROPERTY** or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s)

Ronald Harris, Linda Harris

4. New Owner/Claimant(s)

Russell Tibbatts

Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

2121 Bannock Hwy

City, State and ZIP Code

Pocatello, ID 83201

New Telephone Number

(208) 251-1021

5. Date you acquired the property

5-20-02

PROCESSED

SCANNED  
 JAN 19 2006

## WARRANTY DEED

20210300

For Value Received **LINDA M. HARRIS**, an unmarried person

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

**RUSSELL TIBBITTS**, an unmarried man *RT*whose address is: **2121 SOUTH BANNOCK HIGHWAY, POCATELLO, ID 83204**Hereinafter called the Grantee, the following described premises situated in **Bannock County, Idaho**, to-wit:**TRACT 3, MIRABELLA TRACTS, BANNOCK COUNTY, IDAHO, AS THE SAME APPEARS ON THE OFFICIAL PLAT THEREOF, FILED IN THE OFFICE OF THE COUNTY RECORDER OF BANNOCK COUNTY, IDAHO.**

EXCEPT THEREFROM:

A TRACT OF LAND LOCATED IN THE LOT 4, SECTION 1, TOWNSHIP 7 SOUTH, RANGE 34 EAST, BOISE MERIDIAN, BANNOCK COUNTY, IDAHO AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWESTERLY CORNER OF TRACT 3 MIRABELLA TRACTS, A SUBDIVISION IN BANNOCK COUNTY, WHICH POINT IS ON THE EASTERLY BANK OF THE PORTNEUF RIVER AS IT EXISTS SEPTEMBER 1, 1965; THENCE NORTHEASTERLY ALONG THE NORTHWESTERLY BOUNDARY OF SAID TRACT 3 128.0 FEET, MORE OR LESS, TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF THE PERMANENT RIGHT OF WAY OF THE PORTNEUF RIVER FLOOD CONTROL PROJECT AS SHOWN ON THE CORPS OF ENGINEER'S MAP ON FILE IN THE BANNOCK COUNTY ENGINEER'S OFFICE, WHICH POINT IS ON A CURVE HAVING A RADIUS OF 186.48 FEET AND A CENTRAL ANGLE OF 84°22' AND WHICH POINT LIES SOUTHWESTERLY 5.42 FEET FROM A POINT ON A CURVATURE; THENCE ALONG SAID RIGHT OF WAY LINE ALONG SAID CURVE TO THE LEFT 109.96 FEET TO THE SOUTHEASTERLY BOUNDARY LINE OF SAID TRACT 3; THENCE SOUTHWESTERLY 105.0 FEET ALONG THE SOUTHEASTERLY BOUNDARY OF SAID TRACT 3 TO THE WESTERLY BOUNDARY OF SAID TRACT 3, WHICH IS ALSO THE EASTERLY BANK OF SAID PORTNEUF RIVER; THENCE DOWNSTREAM ALONG SAID EASTERLY BANK FO SAID PORTNEUF RIVER TO THE POINT OF BEGINNING.

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: May 14, 2002

*Linda M Harris*  
 \_\_\_\_\_  
 LINDA M. HARRIS

STATE OF Georgia  
 ss.  
 COUNTY OF Gwinnett

On this 15<sup>th</sup> day of May, 2002, before me S M. Appley, personally appeared LINDA M. HARRIS, known or identified to me (or proved to me on the oath of a Deputy Notary), to be the person(s) whose name(s) IS subscribed to the within instrument, and acknowledged to me that SHE executed the same.

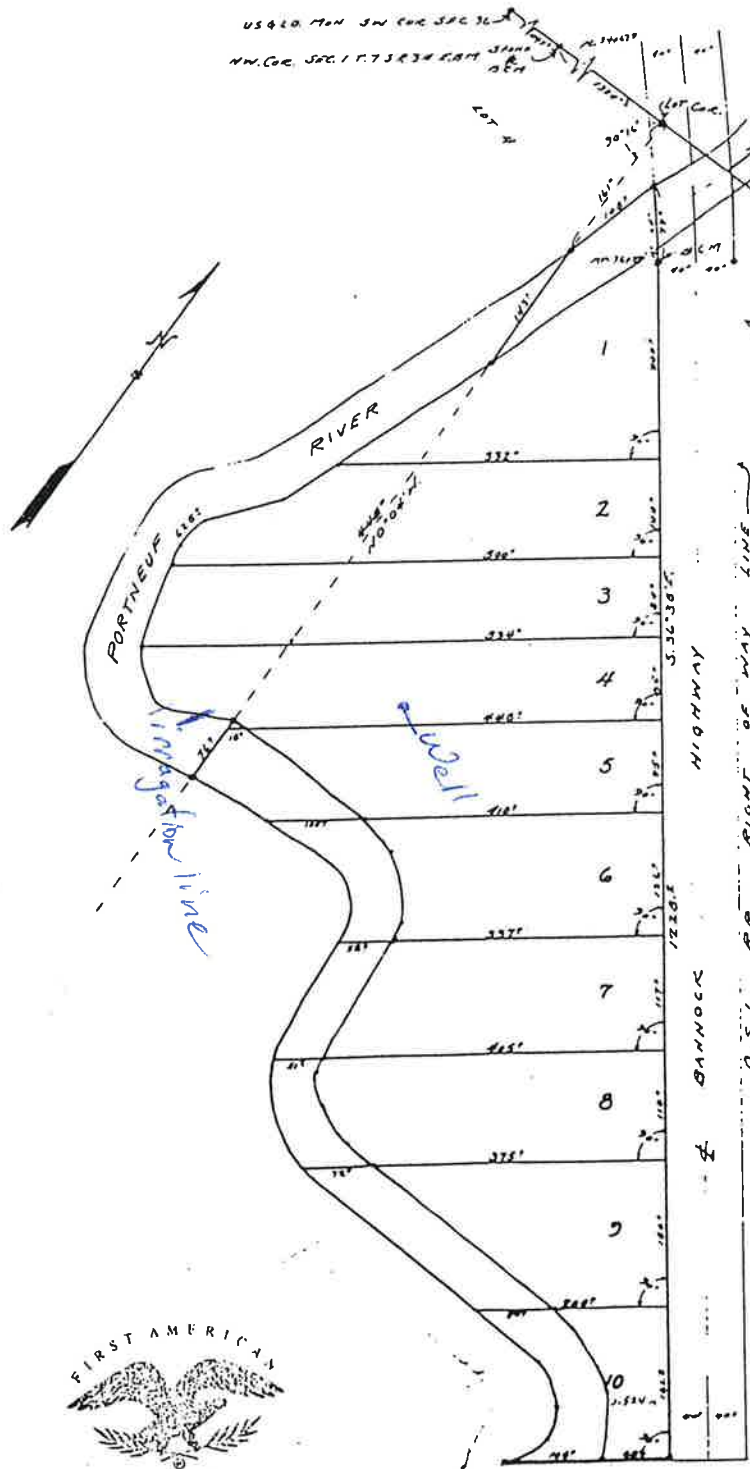
*S M Appley*  
 \_\_\_\_\_  
 Notary Public of Gwinnett  
 Residing at: 3624 Parkview Ct Norcross GA 30092  
 Commission Expires: July 14, 2004

NO. **20210300**  
 Recorded at request of  
**FIRST AMERICAN TITLE**  
 Date: 5/20/02 2:11 P.M.  
 Official Record Book 812  
 Bannock County Recorder  
 Fee: 3.00 Deputy: \$

NOTARY SEAL

# MIRABELLA TRACTS

SUBDIVISION IN LOTS 3 & 4 SEC. 1, T.7S, R.34E, B.M.



THIS SKETCH IS MADE ONLY FOR THE PURPOSE OF ASSISTING IN LOCATING THE PREMISES. THE COMPANY ASSUMES NO LIABILITY FOR ALLEGED LOSS OR DAMAGE WHICH MAY RESULT FROM RELIANCE ON THIS MAP.



TITLE

POCATELLO, IDAHO

SCANNED

JAN 19 2006

While this is a photographic reproduction of the recorded plat, the Company assumes no liability for variations, if any, with a re-survey.

10/28/2002

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

RIGHT NUMBER: 29-2224J

NAME AND ADDRESS: RUSSELL TIBBITTS  
2121 BANNOCK HWY  
POCATELLO ID 83204

SOURCE: PORTNEUF RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.020 CFS

PRIORITY DATE: 10/04/1919

POINT OF DIVERSION:

T07S R34E S1 SENWNW Lot 4 Within BANNOCK County

PURPOSE AND  
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

0.020 CFS

PLACE OF USE:

IRRIGATION Within BANNOCK County

T07S R34E S01 Lot 3 NENW 0.6

T07S R34E S01 Lot 4 NWNW 0.1

0.7 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: 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.

SCANNED  
JAN 19 2005

Split history for Decreed Right 29-02224

| Claimed          |                         | Recommend        |
|------------------|-------------------------|------------------|
| A Strand - PD'd  |                         |                  |
|                  | 0.01<br>Domestic        | 0.01<br>Domestic |
| B Orr            |                         |                  |
|                  | 0.02<br>1               | 0.02<br>0.8      |
| C Honas          |                         |                  |
|                  | 0.02<br>1               | 0.02<br>1        |
| D Worth - PD'd   |                         |                  |
|                  | 0.02<br>Domestic        | 0.02<br>Domestic |
| E Smith          |                         |                  |
|                  | 0.06<br>3               | 0.06<br>3        |
| F Vestal         |                         |                  |
|                  | 0.04<br>2               | 0.04<br>1.2      |
| G Rodemacher     |                         |                  |
|                  | 0.02<br>1               | 0.02<br>0.6      |
| H Holton (split) | L Holton<br>0.01<br>0.5 | 0.01<br>0.3      |
|                  | 0.03<br>1.5             |                  |
|                  | M Thomas<br>0.02<br>1   | 0.05<br>0.5      |
| I Ellis          |                         |                  |
|                  | 0.02<br>1               | 0.02<br>1        |
| J Harris         |                         |                  |
|                  | 0.02<br>1               | 0.02<br>0.7      |
| K Armstrong      |                         |                  |
|                  | 0.08<br>4               | 0.01<br>0.4      |
| N Knecht         |                         |                  |
|                  | 0.03<br>1.3             | 0.03<br>0.9      |
| P Tilly          |                         |                  |
|                  | 0.01<br>0.49            | 0.01<br>0.5      |
| 29-13191 (Blom)  |                         |                  |
|                  | 0.03<br>0.4             | 0.01<br>0.4      |

Disallow

Not in Stone

Licensed Acreage = 44  
Licensed CFS = 0.88

Sum of claimed Acreage = 17.69  
Sum of claimed cfs = 0.41

|           |      |
|-----------|------|
| Sum CFS=  | 0.35 |
| Sum Acre= | 11.3 |

|                         |      |
|-------------------------|------|
| Un-accounted for CFS=   | 0.53 |
| Un-accounted for Acres= | 32.7 |

SCANNED  
JAN 19 2006

PROFESSIONAL

She owned <sup>claimed</sup> property 31 years prior to selling it in 1986. POO always in same location when she owned property

She owned <sup>claim</sup> property 31 years prior to selling it in 1986. POO always in same location when she owned property

|        |                      |          |
|--------|----------------------|----------|
| 3-782  | 500 SHEETS, FILLER   | 5 SQUARE |
| 12-301 | 50 SHEETS EYE-EASE®  | 5 SQUARE |
| 12-362 | 100 SHEETS EYE-EASE® | 5 SQUARE |
| 12-369 | 200 SHEETS EYE-EASE® | 5 SQUARE |
| 12-382 | 100 RECYCLED WHITE   | 5 SQUARE |
| 12-399 | 200 RECYCLED WHITE   | 5 SQUARE |

Larida Inc. U.S.A.



# PROFILE

SCANNED  
JAN 19 2006

## COMMUNICATION DOCUMENTATION

Claim No. 29-2224J

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent Dean Byington Date \_\_\_\_\_Contact Person(s) Linda HarrisNature of Contact Called and set up Appointment

Substance of Communication \_\_\_\_\_

\* Linda said her husband died in April, 2001 and Pump has electrical problems. Has not used pump since April.

\* Currently using well to irrigate field and lawn.

\* Planning on fixing pump and will be using it in near future.

PROFILED

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JAN 19 2006

CLAIM NO. 29 - 22245

IDWR SUPPLEMENTAL CLAIM VERIFICATION REPORT  
FOR DOCUMENTING CHANGES TO CVR

1. ☒ NAME - No change  
☐ NEW OWNER: \_\_\_\_\_  
 (SUPPORTING DOCUMENTATION REQUIRED - ATTACH COPY)  
☒ ADDRESS - No change  
☐ NEW ADDRESS: \_\_\_\_\_

2. ☒ SOURCE - No change  
☐ CHANGE - New source and/or tributary is: \_\_\_\_\_

3. ☐ QUANTITY - No change  
☐ CHANGE - New amounts: \_\_\_\_\_ CFS and/or \_\_\_\_\_ AFY

4. ☐ PRIORITY DATE - No change  
☐ CHANGE - Priority date to: \_\_\_\_\_  
 (EVIDENCE OF PRIORITY REQUIRED - ATTACH COPY)

5. ☐ POINT OF DIVERSION - No Change  
☒ CHANGE - New point of diversion is: T \_\_\_\_\_, R \_\_\_\_\_, S \_\_\_\_\_, \_\_\_\_\_ 1/4, \_\_\_\_\_ 1/4, \_\_\_\_\_ 1/4  
*check 6PS*  
*When 1st =* \_\_\_\_\_ T \_\_\_\_\_, R \_\_\_\_\_, S \_\_\_\_\_, \_\_\_\_\_ 1/4, \_\_\_\_\_ 1/4, \_\_\_\_\_ 1/4  
 (LOCATION OF POD(S) SHOULD BE SHOWN ON MAP)

6. ☐ PURPOSE AND PERIOD OF USE - No change  
☐ CHANGE New purpose of use \_\_\_\_\_ New period of use \_\_\_\_\_ New amount(s) \_\_\_\_\_  
 \_\_\_\_\_ from \_\_\_\_\_ to \_\_\_\_\_ cfs \_\_\_\_\_ af  
 \_\_\_\_\_ from \_\_\_\_\_ to \_\_\_\_\_ cfs \_\_\_\_\_ af  
 \_\_\_\_\_ from \_\_\_\_\_ to \_\_\_\_\_ cfs \_\_\_\_\_ af

7. ☒ PLACE OF USE - No change  
☐ CHANGE New place(s) of use: (LOCATION(S) AND ACRES SHOULD ALSO BE SHOWN ON MAP)

| T | R | S | N E |    |    |    | N W |    |    |    | S W |    |    |    | S E |    |    |    | TOTAL |
|---|---|---|-----|----|----|----|-----|----|----|----|-----|----|----|----|-----|----|----|----|-------|
|   |   |   | NE  | NW | SW | SE | NE  | NW | SW | SE | NE  | NW | SW | SE | NE  | NW | SW | SE |       |
|   |   |   |     |    |    |    |     |    |    |    |     |    |    |    |     |    |    |    |       |
|   |   |   |     |    |    |    |     |    |    |    |     |    |    |    |     |    |    |    |       |
|   |   |   |     |    |    |    |     |    |    |    |     |    |    |    |     |    |    |    |       |

REMARKS \_\_\_\_\_

CONDITIONS \_\_\_\_\_

Reviewer \_\_\_\_\_ Date \_\_\_\_\_

03/19/98

PROFILED

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JAN 19 2006

WR# 29-2224J

Date: 6-18/22-01



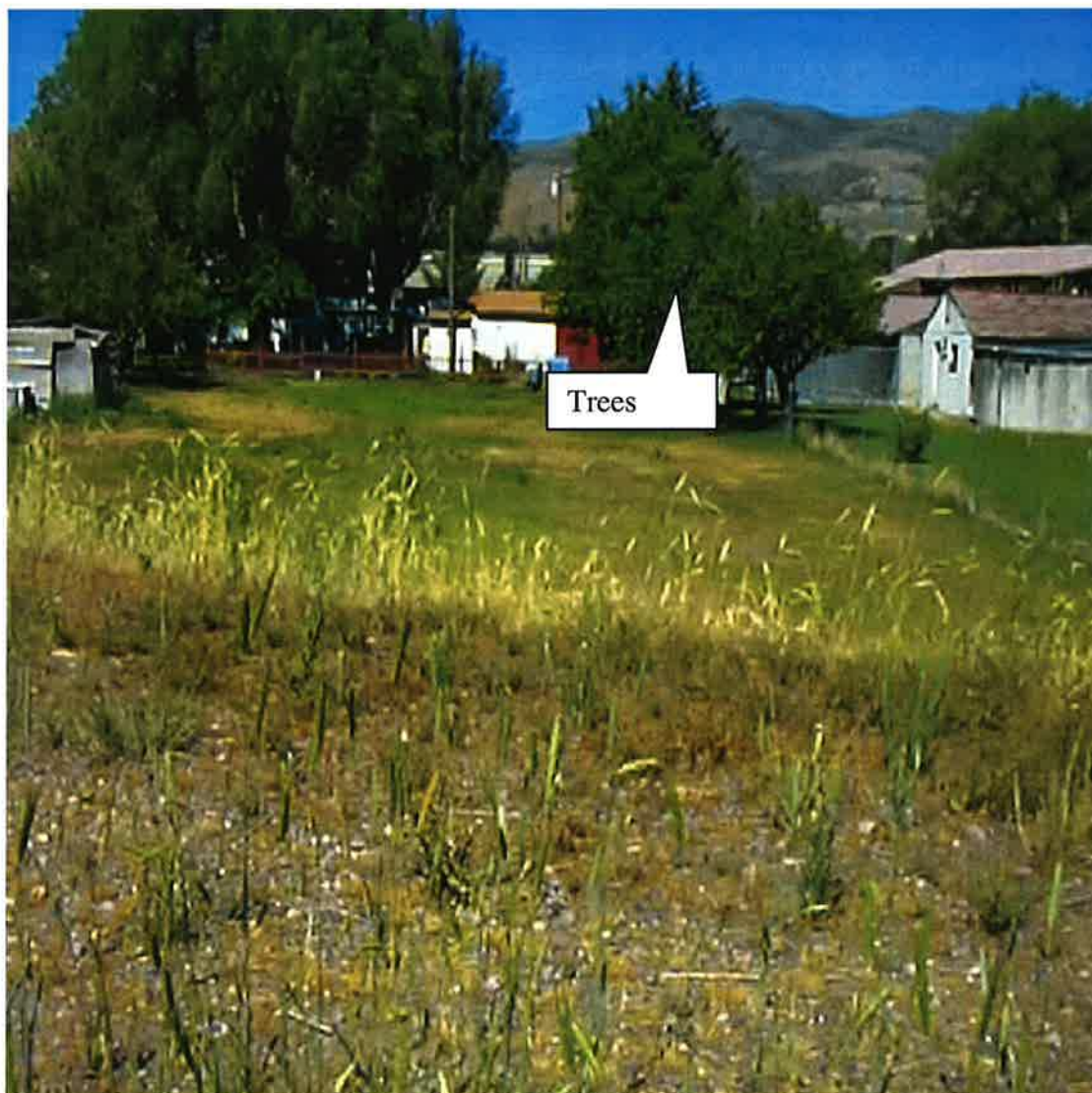
**Notes:** Pump with black hose coming out of the top.

PROFILED

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JAN 19 2006

**WR# 29-2224J**

**Date: 6-18/22-01**



**Notes:** Facing North, East. Field being irrigated. Trees on right side of property.

SCANNED  
JAN 19 2006

WR# 29-2224J

Date: 6-18/22-01



**Notes:** Facing South, West. Black hose going into river.

SCANNED  
JAN 19 2006

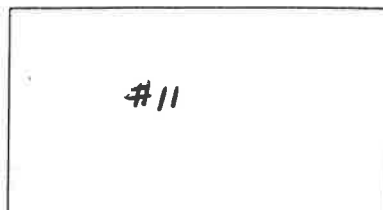
WR #: 29-2224J

DATE: \_\_\_\_\_

GPS File: 2224J OR

Northing: \_\_\_\_\_

Easting: \_\_\_\_\_



Notes: Pump.

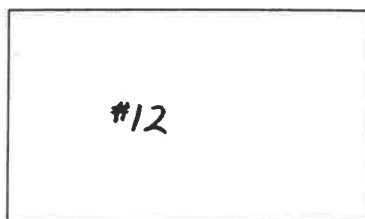
WR #: 29-2224J

DATE: \_\_\_\_\_

GPS File: 25-2224J Or

Northing: \_\_\_\_\_

Easting: \_\_\_\_\_



Notes: Facing North, East, Field being irrigated

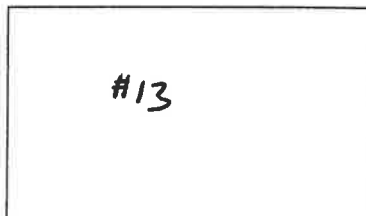
WR #: 29-2224J

DATE: \_\_\_\_\_

GPS File: 2224J Or

Northing: \_\_\_\_\_

Easting: \_\_\_\_\_



Notes: Facing South, West, ~~How~~ Hose going into River.

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JAN 19 2006

Log for claim A29-02224J

Spatial Dynamics LTD

8/29/00

| TR             | SEC | QQ   | Acres<br>Claimed | Acres<br>Found | COMMENT |
|----------------|-----|------|------------------|----------------|---------|
| 07s34e         | 1   | NENW | 1                | 3              |         |
| <b>Totals:</b> |     |      | 1                | 3              |         |

 **SPATIAL  
DYNAMICS**

JAN 19 2006

AJ5809NP  
No. A29-02224J

IDAHO DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/18/00  
PAGE: 125

| OWNER<br>CODE | NAME & ADDRESS     | PRIORITY<br>DATE | WATER USE  | USE PERIOD<br>FROM TO | DIVERSION<br>RATE | DIVERSION<br>VOLUME |
|---------------|--------------------|------------------|------------|-----------------------|-------------------|---------------------|
| C             | RONALD HARRIS      | 10/04/1919       | IRRIGATION | 03-15 11-15           | 0.020 CFS         |                     |
| C             | LINDA M HARRIS     |                  |            |                       |                   |                     |
|               | 2121 S BANNOCK HWY |                  |            | TOTAL DIVERSION:      | 0.020 CFS         |                     |
|               | POCATELLO ID 83204 |                  |            | CONSUMPTIVE USE:      |                   | 2.50 AFA            |
|               | (208) 232-7376     |                  |            |                       |                   |                     |

Water Source: PORTNEUF RIVER

Tributary to: SNAKE RIVER

Stage: LICENSE

Point(s) of Diversion: T07S R34E S01 Lot04( NWNW)

BANNOCK County

Place of use Legal Description for: IRRIGATION

| NE  |     |   |                           | NW |      |       |      | SW   |   |      |      | SE   |      |   |      |      |      |      |             |     |
|-----|-----|---|---------------------------|----|------|-------|------|------|---|------|------|------|------|---|------|------|------|------|-------------|-----|
| T   | R   | S | : Lt Ac Lt Ac Lt Ac Lt Ac | :  | NENW | NWNW  | SWNW | SENW | : | NESW | NWSW | SWSW | SESW | : | NESE | NWSE | SWSE | SESE | :           | SUM |
| 07S | 34E | 1 | :                         |    | :    | 03-01 |      |      | : |      |      |      |      | : |      |      |      |      | :           | 1.0 |
|     |     |   |                           |    |      |       |      |      |   |      |      |      |      |   |      |      |      |      | TOTAL ACRES | 1.0 |

POU County: BANNOCK

Non-Irrigation Uses: N/A

Other Rights: DOMESTIC WELL.

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):

|            |           |           |           |           |           |           |           |           |            |
|------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|------------|
| 29-04015   | 29-04289  | 29-10671  | 29-10723  | 29-10856  | 29-10870  | 29-11039  | 29-11350  | 29-12143  | A29-02224L |
| A29-02224M | A29-04015 | A29-04289 | A29-04335 | A29-10645 | A29-10671 | A29-10705 | A29-10723 | A29-10856 | A29-11039  |
| A29-11350  | A29-12143 | R29-10705 |           |           |           |           |           |           |            |

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

A29-02224 A29-02224B A29-02224H A29-02224L A29-02224M A29-02224N A29-04288

Remarks: GEN THIS NOTICE OF CLAIM IS A SPLIT OF 29-02224.  
P/D IS ON LINE BETWEEN LOT 4 AND LOT3 OF SEC. 1, T7S, R34E.  
\*\*CHANGED OWNERSHIP 8/16/95/JT/GT\*\*

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

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

Audit: 04/19/90 MEYER 06/02/94 COX 03/29/95 POST-STD 08/16/95 JTHOMPSON



**State of Idaho**  
**DEPARTMENT OF WATER RESOURCES**

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

**EASTERN REGION**

AUGUST 16, 1995

**PHILIP E. BATT**  
GOVERNOR

**KARL J. DREHER**  
DIRECTOR

RONALD HARRIS  
2121 S BANNOCK HWY  
POCATELLO ID 83204

RE: CHANGE IN OWNERSHIP FOR A29-02224J, A29-11486

Dear Mr. Harris:

The request for Change in Ownership concerning the Notice(s) of Claim in the above reference has been processed and the Notice(s) modified to reflect you as the new owner.

Enclosed are typed Notices with your name shown as the current owner. Review the forms and if there are other corrections or questions, feel free to contact this office.

**If there are no questions or corrections, please keep these Notices for your records.**

Respectfully submitted,

Jo Thompson  
Adjudication Secretary

Enclosure: Notice of Claim

PROVIDED

SCANNED  
JAN 19 2006

MICROFILMED  
NOV 14 1996



# NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

DATE OF CLOSING: \_\_\_\_\_

LEGAL DESCRIPTION OF PROPERTY: Township \_\_\_\_\_ Range \_\_\_\_\_  
Section \_\_\_\_\_, 1/4 of \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4, Govt. Lot \_\_\_\_\_, BM.  
Lot \_\_\_\_\_, Block \_\_\_\_\_, Subdivision/Townsite \_\_\_\_\_  
If you have additional legal descriptions, please attach separate sheet.

☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

☐ Water Right Number(s)  
Assigned by IDWR: A29-02224J ; A29-11486 - R -

☐ Name and Address of Former Owner/Claimant(s)(Seller): Jasper Thomas  
2121 Bannock Hwy  
POCATELLO ID 83402

☒ New Owner/Claimant (Purchaser): RONALD AND LINDA M. HARRIS

☒ New Mailing Address: 2121 S. BANNOCK HWY  
POCATELLO ID 83204

☒ New Telephone Number: (208) 232 - 7376

☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes ☒ no  
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

☒ Attach proof of ownership, describe proof attached: \_\_\_\_\_

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

☒ Signature of New Owner/Claimant(s) R.M. Harris Date 8-14-95  
Linda M. Harris Date 8-14-95

☐ Signature of Former Owner/Claimant(s): \_\_\_\_\_ Date \_\_\_\_\_  
\_\_\_\_\_ Date \_\_\_\_\_

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:  
Initial Review and Data-Entry  
Date: \_\_\_\_\_ By: \_\_\_\_\_  
Further Action Needed:  
Further Action Taken  
Date: \_\_\_\_\_ By: \_\_\_\_\_  
Final Review and Data-Entry  
Date: \_\_\_\_\_ By: \_\_\_\_\_  
Claim Numbers of Split, if any:

PROFILED  
SCANNED  
JAN 19 2006

RECEIVED  
AUG 16 1995  
AUG 14 1995  
Department of Water Resources  
Eastern District Office

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

# Warranty Deed 95007563

For Value Received

J.C. THOMAS AND ROSALIE THOMAS, HUSBAND AND WIFE

the grantor s, do hereby grant, bargain, sell and convey unto

RONALD M. HARRIS AND LINDA M. HARRIS, HUSBAND AND WIFE

whose current address is

2121 BANNOCK HIGHWAY, POCA TELLO IDAHO, 83204

the grantee S, the following described premises, in BANNOCK County Idaho, to wit:

SEE ATTACHED EXHIBIT "A"

THIS DEED IS BEING RECORDED TO CLARIFY THE LEGAL DESCRIPTION OF DEED RECORDED NOVEMBER 21, 1994, BOOK NO. 629, AS INSTRUMENT NO. 94020895.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee S THEIR heirs and assigns forever. And the said GrantorS do hereby covenant to and with the said Grantee S, that T he Y the owner S in fee simple of said premises; that they are free from all incumbrances

and that T heY will warrant and defend the same from all lawful claims whatsoever.

Dated: MAY 30, 1995

J.C. Thomas  
J.C. THOMAS

Rosalie Thomas  
ROSALIE THOMAS

STATE OF IDAHO, COUNTY OF BANNOCK  
On this 30<sup>th</sup> day of May, 19 95  
before me, a notary public in and for said State, personally appeared

J.C. THOMAS AND ROSALIE THOMAS

known to me to be the person S whose names ARE subscribed to the within instrument, and acknowledged to me that THEY executed the same.

Budford Garner  
Notary Public  
Residing at POCA TELLO  
Comm. Expires AUGUST 23, 1998

95007563

NO. 95007563  
BEST OF  
AMERICAN LAND TITLE CO.  
'95 MAY 31 AM 112

OFFICE  
BOOK NO. 641  
PAGE 212  
EE 800

BOOK NO. 641  
PAGE 212  
EE 800

SCANNED

JAN 15 2000

MICROFILMED

NOV 14 1996

2-2  
EXHIBIT A

95007563

TRACT 3, MIRABELLA TRACTS, BANNOCK COUNTY, IDAHO, AS THE SAME APPEARS ON THE OFFICIAL PLAT THEREOF, FILED IN THE OFFICE OF THE COUNTY RECORDER OF BANNOCK COUNTY, IDAHO, EXCEPT THEREFROM: A TRACT OF LAND LOCATED IN LOT 4, SECTION 1, TOWNSHIP 7 SOUTH, RANGE 34 EAST, BOISE MERIDIAN, AND DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWESTERLY CORNER OF TRACT 3 MIRABELLA TRACTS, A SUBDIVISION IN BANNOCK COUNTY, WHICH POINT IS ON THE EASTERLY BANK OF THE PORTNEUF RIVER AS IT EXISTS SEPTEMBER 1, 1965, THENCE NORTHEASTERLY ALONG THE NORTHWESTERLY BOUNDARY OF SAID TRACT 3, 128.0 FEET, MORE OR LESS, TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF THE PERMANENT RIGHT OF WAY OF THE PORTNEUF RIVER FLOOD CONTROL PROJECT AS SHOWN ON THE CORPS OF ENGINEER'S MAP ON FILE IN THE BANNOCK COUNTY ENGINEERS OFFICE, WHICH POINT IS ON A CURVE HAVING A RADIUS OF 186.48 FEET AND A CENTRAL ANGLE OF  $84^{\circ}22'$  AND WHICH POINT LIES SOUTHWESTERLY 5.42 FEET FROM A POINT ON CURVATURE. THENCE ALONG SAID RIGHT WAY LINE, ALONG SAID CURVE TO THE LEFT, 109.96 FEET TO THE SOUTHEASTERLY BOUNDARY LINE OF SAID TRACT 3, THENCE SOUTHWESTERLY 105.0 FEET ALONG THE SOUTHEASTERLY BOUNDARY OF SAID TACT 3, TO THE WESTERLY BOUNDARY OF SAID TRACT 3, WHICH IS ALSO THE EASTERLY BANK OF SAID PORTNEUF RIVER. THENCE DOWNSTREAM ALONG SAID EASTERLY BANK OF SAID PORTNEUF RIVER TO THE POINT OF BEGINNING.

SCANNED

JAN 19 2006

MICROFILMED  
NOV 14 1996

# License and Certificate of Water Right

Water License No. 14352

Water District No. 17-D

Amount 0.88 sec. per

Priority 10-4-19

THIS IS TO CERTIFY that

HENRY O'LEARY

of Pocatello, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated October 4, 1919; that Permit No. 14352 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 1.35 second foot, was issued thereunder on September 30, 1921, showing that said works were completed on the 20th day of September, 1921; and that on the 30th day of October, 1922,

HENRY O'LEARY

of Pocatello, State of Idaho, made proof to the satisfaction of the Commissioner of Reclamation, of Idaho, of the right to use the waters of Portneuf River, a tributary of Snake River, for the purpose of irrigation, under Use Permit No. 14352 of the Commissioner of Reclamation, and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the Commissioner of Reclamation of Idaho and entered of record in Volume 1 of Licenses, at page 3007, on the 13th day of November, 1922; The right hereby confirmed dates from October 4, 1919;

The Point of Diversion is located

in the 33rd NW 1/4 Sec. 3, Tp. 7 S., R. 34 E., B. M. County of Blaine.

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 0.88 cubic feet per second.

Description and location of use:

| Twp. | Range | Sec. | Portion of Tract | No. Acres Described in Permit | No. Acres Actually Irrigated |
|------|-------|------|------------------|-------------------------------|------------------------------|
| 33   | 34 E. | 1    | 28 1/2 NW 1/4    | 39                            | 23                           |
|      |       |      | Lot 3            | 19                            | 13                           |
|      |       |      | 34 1/2 NE 1/4    | 9                             | 6                            |
|      |       |      |                  |                               | Total 44                     |

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described as provided by the laws of Idaho.

WITNESS the seal and signature of the Commissioner of Reclamation, affixed at Boise, Idaho, this 13th day of November, 1922.

W. J. SWENDSEN.

Commissioner of Reclamation.

(SEAL)

# REPORT OF ENGINEER

This proof is for Beneficial Use

In Water District No. 17-D

1. State name of applicant and number of permit: Henry O'Leary - Permit No. 14352

2. State source of water supply: Portneuf River

3. Location of point of diversion: SE 1/4 Sec. 1, Twp. 7 S., R. 34 E., B.M.

4. Describe works as they exist, giving dimensions and capacities of same:

4" Fairbanks-Morse Pump and 5 h. p. motor, capacity 2-1/2 s. f.

5-1/2" Fairbanks-Morse Pump and 10 h. p. motor, capacity 4 s. f.

3/4 mi. of ditch, 1-1/2 ft. bottom, 8" deep.

No control works and pumps from Portneuf River.

5. State whether or not water has been turned into works of diversion: Yes.

6. Give exact location of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if for other than irrigation) SE 1/4, NE 1/4 and SW 1/4, Sec. 1, Twp. 7 S., R. 34 E., B.M.

Lot 2, 12 A.

Lot 4, 65 A.

SE 1/4 NW 1/4 26 A.

SW 1/4, NE 1/4 6 A. (overflow lands, cultivated but not watered.)

SE 1/4 NW 1/4 4 A.

7. Submit map on enclosed plat, showing location and details of above description.

8. How many parties conduct water in this system? One.

9. Give names and amount of each right:

Henry O'Leary, as above.

10. What large stream would the water here appropriated finally reach? Snake River.

11. Describe the various tributaries en route, from point of diversion to the principal drainage stream: Portneuf into Snake River.

Remarks:

This examination was made on the 21<sup>st</sup> day of September,

1922.

(Signed) *Chas. W. Edwards*

Examiner.

14352

OVER

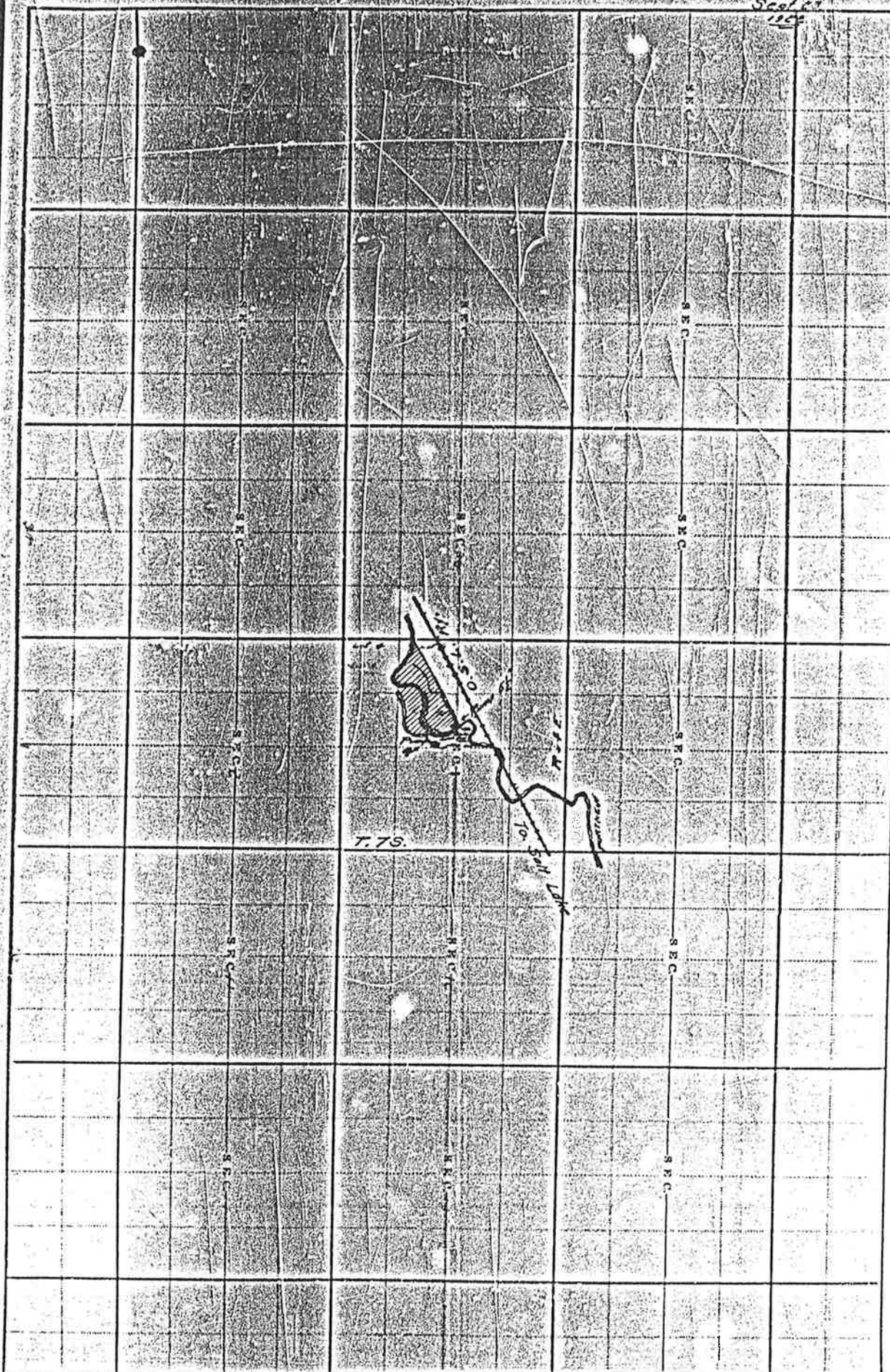
NAME OF APPLICANT *Henry O'Leary*

Permit No 14352

E.W.H.

Sept 23

1952



SCALE: 2 INCHES EQUALS 1 MILE. DRAW PLAN IN INK.

14352

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: **A29-02224J**  
Date Received: 4/19/1990  
Receipt No: E013331  
Received By: \_\_\_\_\_

**COPY FOR  
YOUR FILES**

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

**COPY FOR  
YOUR FILES**

|          |                                          |              |
|----------|------------------------------------------|--------------|
| 1. Name: | RONALD HARRIS                            | 208-232-7376 |
| Address: | 2121 S BANNOCK HWY<br>POCATELLO ID 83204 |              |
| AND/OR   |                                          |              |
| Name:    | LINDA M HARRIS                           | 208-232-7376 |
| Address: | 2121 S BANNOCK HWY<br>POCATELLO ID 83204 |              |

2. Date of Priority: OCT 4, 1919

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

4. Point of Diversion:

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

5. Description of diverting works:  
PUMP IN RIVER TO PLACE OF USE FOR IRRIGATION.

6. Water is used for the following purposes:

|            |       |       |       |      |        |
|------------|-------|-------|-------|------|--------|
| Purpose    | From  | To    | C.F.S | (or) | A.F.A. |
| IRRIGATION | 03/15 | 11/15 | 0.020 |      |        |

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

8. Total consumptive use is 2.5 Acre Feet Per Annum.

9. Non-irrigation uses:  
N/A

SCANNED

JAN 19 2006

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10. Place of Use:

| Township      | Range | Section | 1/4 of 1/4 | Lot | Use | Acres |
|---------------|-------|---------|------------|-----|-----|-------|
| 07S           | 34E   | 1       | NE NW      | 3   | IRR | 1.0   |
| Section Acres |       |         |            |     |     | 1.0   |
| Total Acres   |       |         |            |     |     | 1.0   |

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:  
DOMESTIC WELL.

14. Remarks:

THIS NOTICE OF CLAIM IS A SPLIT OF 29-02224.  
P/D IS ON LINE BETWEEN LOT 4 AND LOT3 OF SEC. 1, T7S, R34E.  
\*\*CHANGED OWNERSHIP 8/16/95/JT/GT\*\*

15. Basis of Claim: LICENSE

Water Right Number: 14352

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: A29-02224J  
Date Received: 4/19/1990  
Receipt No: E013331  
Received By: DM

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: JASPER C. THOMAS 208-232-7649  
Address: 2121 BANNOCK HIWAY  
POCATELLO, ID 83204  
OR  
Name: ROSALIE THOMAS 208-232-7649  
Address: 2121 BANNOCK HIWAY  
POCATELLO, ID 83204

2. Date of Priority: OCT 04, 1919

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

4. Point of Diversion:

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

5. Description of diverting works:  
PUMP IN RIVER TO PLACE OF USE FOR IRRIGATION.

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 03/15 | 11/15 | 0.020  |      |        |

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

8. Total consumptive use is 2.5 Acre Feet Per Annum.

9. Non-irrigation uses:  
N/A

A2902224J



PROFILED

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JAN 19 2006

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NOV 13 1992

10. Place of Use:

| Township      | Range | Section | 1/4 of 1/4 | Lot | Use | Acres |
|---------------|-------|---------|------------|-----|-----|-------|
| 07S           | 34E   | 1       | NE NW      | 3   | IRR | 1.0   |
| Section Acres |       |         |            |     |     | 1.0   |
| Total Acres   |       |         |            |     |     | 1.0   |

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:  
DOMESTIC WELL.

14. Remarks:

THIS NOTICE OF CLAIM IS A SPLIT OF 29-02224.

P/D IS ON LINE BETWEEN LOT 4 AND LOT3 OF SEC. 1, T7S, R34E.

15. Basis of Claim: LICENSE  
Water Right Number: 14352

16.. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do        do not        wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments:                     

**For Individuals:**

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): X J C Sharrow Date: 19 APR-90  
Date:                     

State of Idaho )  
County of BONNEVILLE ) SS.

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

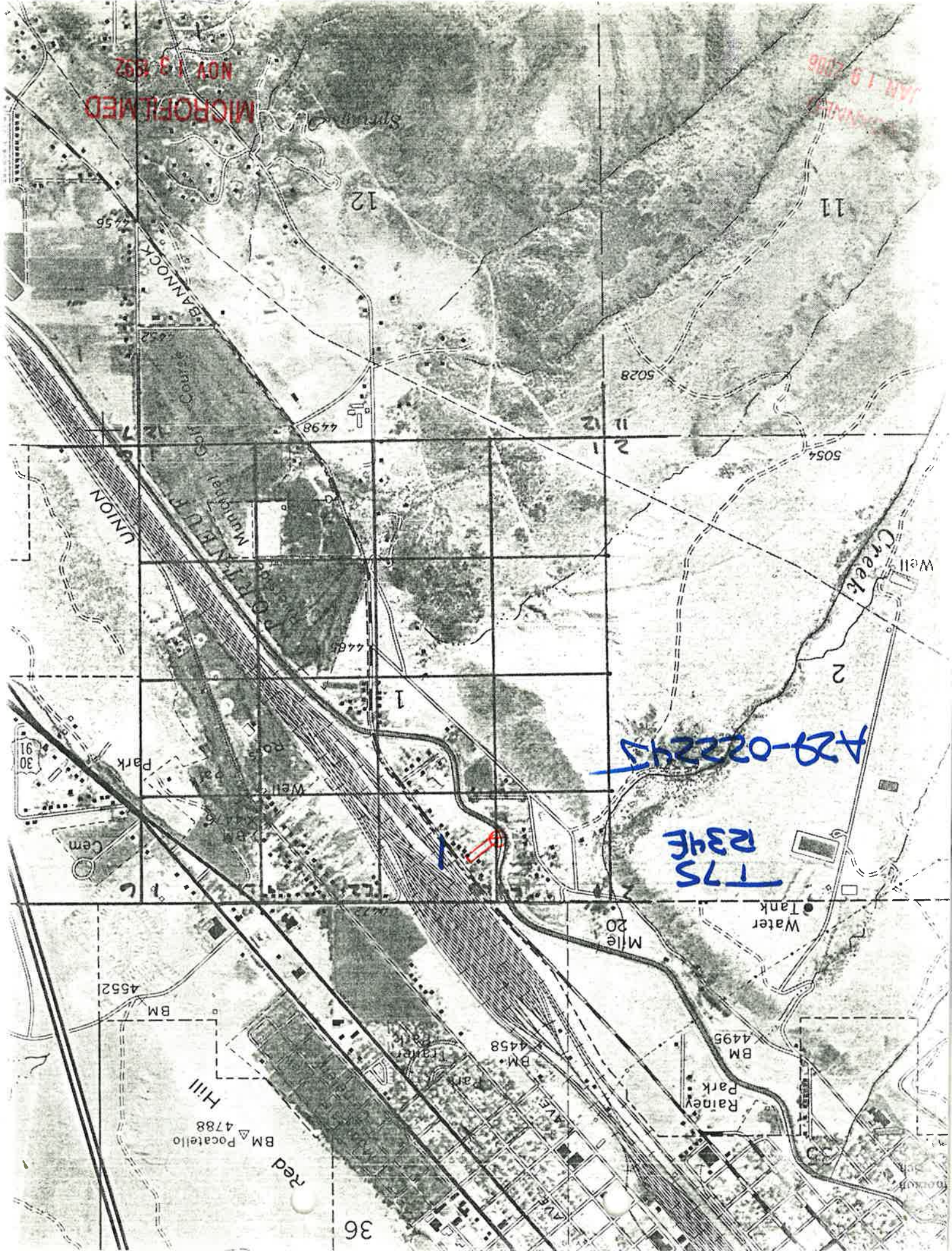
[Signature]  
Notary Public

Seal

Residing at IDAHO FALLS  
My Commission Expires 9-12-94

MICROFILMED  
NOV 13 1992

JAN 19 2006



A29-02243

T75  
R34E

Red Hill  
BM Pocatello 4788

Rainey Park  
BM 4495

Water Tank

Mile 20

BM 4458

BM 4552