

04/16/2003

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

RIGHT NUMBER: 29-2257

NAME AND ADDRESS: KILGORE LIVING TRUST
1502 S MINK CREEK RD
POCATELLO ID 83204

SOURCE: EAST FORK MINK CREEK

TRIBUTARY: MINK CREEK

QUANTITY: 0.070 CFS

PRIORITY DATE: 08/04/1942

POINT OF DIVERSION:

T08S R35E S8 NENWSW Within BANNOCK County Source: MINK CREEK

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.070 CFS

PLACE OF USE: IRRIGATION Within BANNOCK County

T08S R35E S08	NESW	1.0	T08S R35E S08	NWSW	3.0
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4 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 29-02323 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 4 ACRES IN A SINGLE IRRIGATION
SEASON.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 3.5 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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 PLACE OF USE PURSUANT
TO SECTION 42-1425, IDAHO CODE.

RECEIVED
APR 21 2003
Department of Water Resources
Eastern Region

IDAHO DEPARTMENT OF WATER RESOURCES 10/04/2001
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

NAME AND ADDRESS: KILGORE LIVING TRUST
1502 S MINK CREEK RD
POCATELLO ID 83204

SOURCE: EAST FORK MINK CREEK TRIBUTARY: MINK CREEK

QUANTITY: 0.07 CFS

USE OF THIS RIGHT WITH RIGHT NO. 29-02323 IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 0.07 CFS.

PRIORITY DATE: 08/04/1942

POINT OF DIVERSION:

T08S R35E S8 NENWSW 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	0.070 CFS

PLACE OF USE: IRRIGATION Within BANNOCK County

T08S R35E S08	NESW	1.0	T08S R35E S08	NWSW	3.0
---------------	------	-----	---------------	------	-----

4 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 3.5 ACRES WITHIN THE PLACE OF
USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

USE OF THIS RIGHT WITH RIGHT NO. 29-02323 IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 4 ACRES IN A SINGLE IRRIGATION SEASON.

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

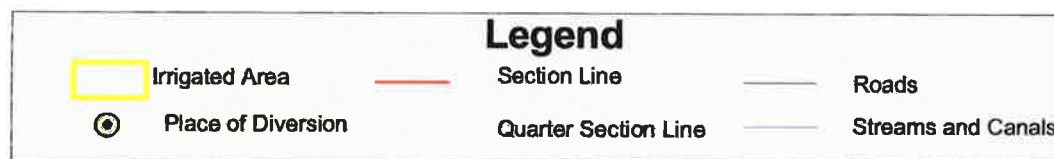
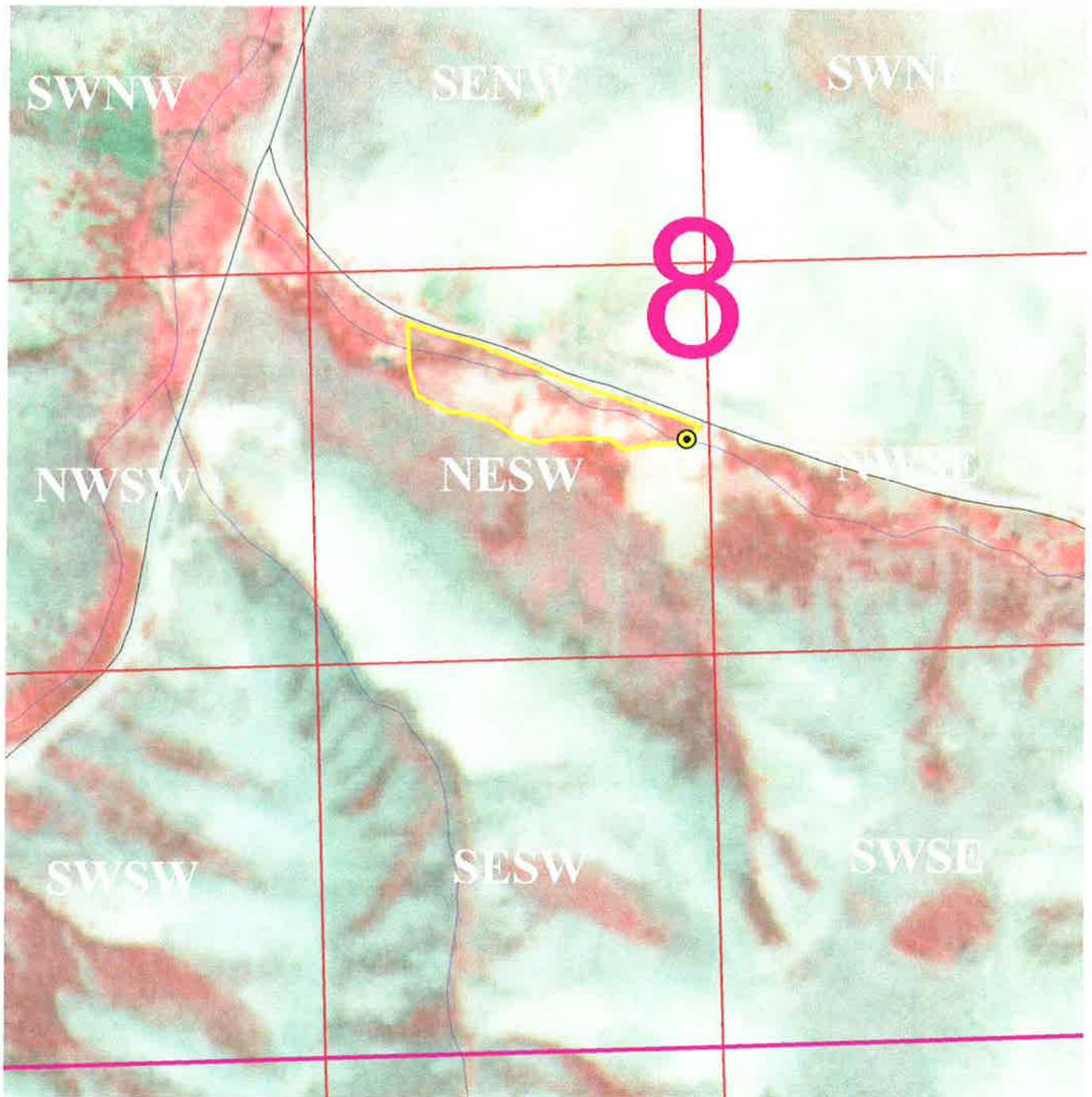
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: License

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

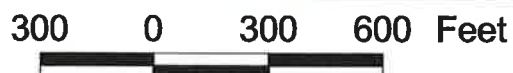
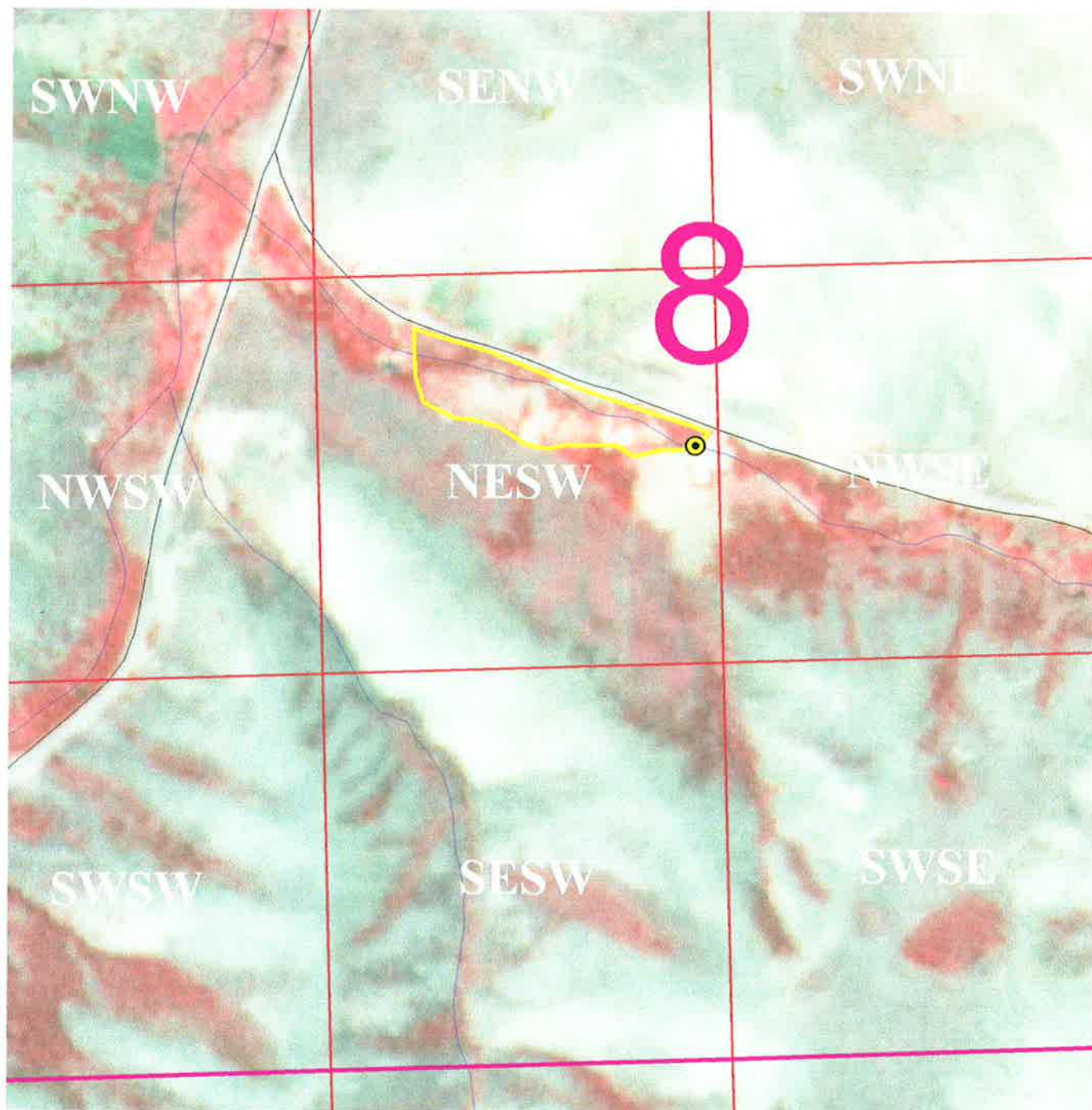
Water Right Claim Number A29-02257
Township , 8S35E

08/30/2000



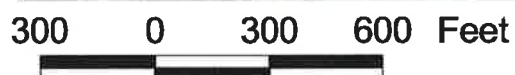
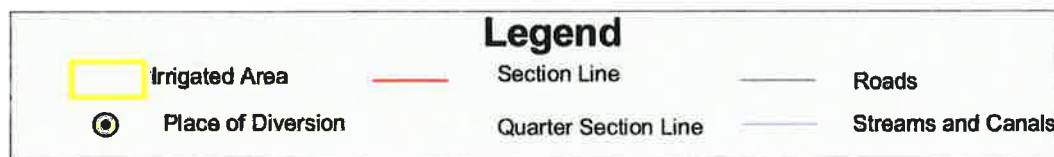
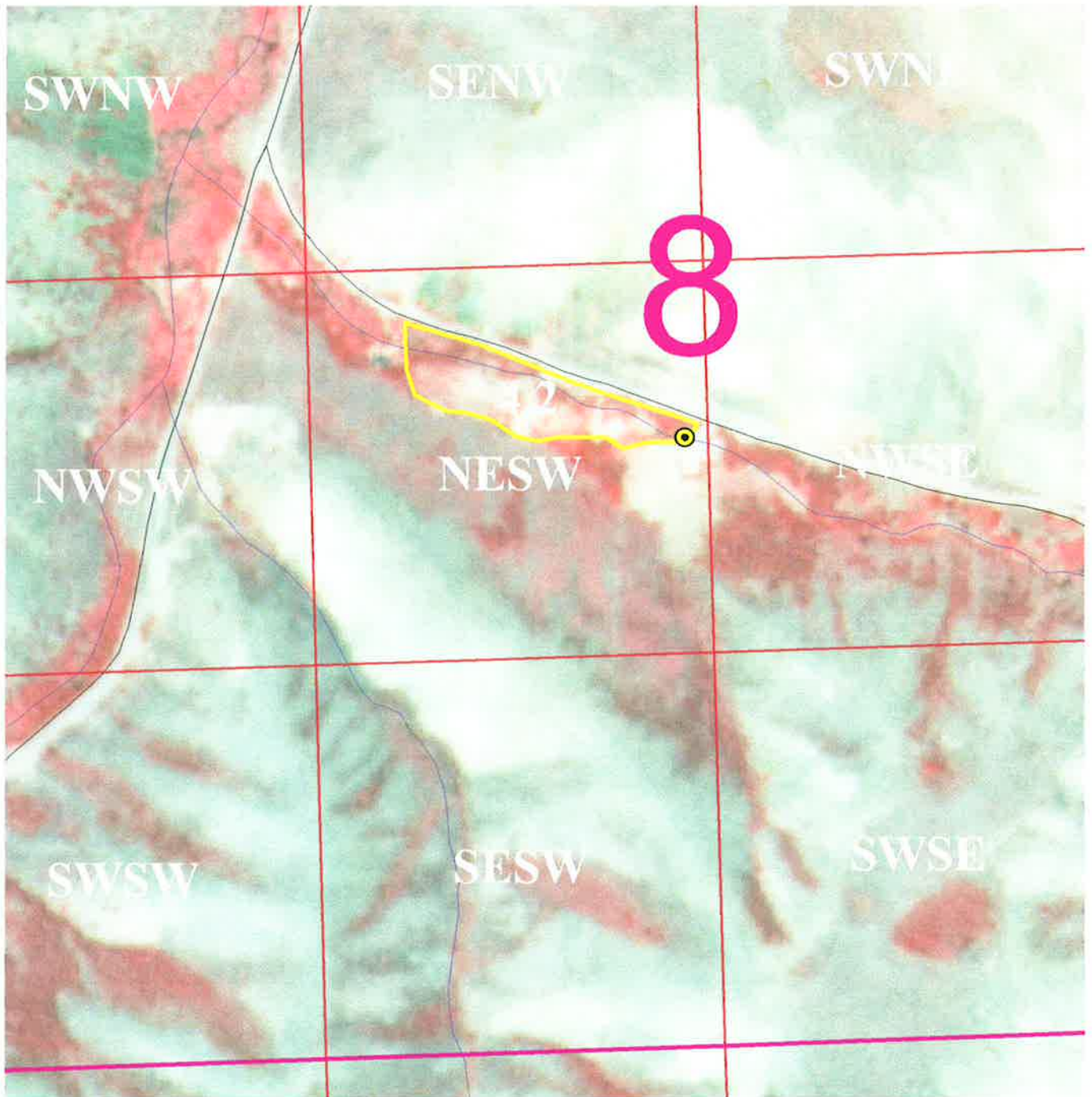
Water Right Claim Number A29-02257
Township , 8S35E

08/30/2000



Water Right Claim Number A29-02257
Township , 8S35E

08/30/2000



IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 29-2257 V1

WATER RIGHT NUMBER: 29-2257 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	A ELAINE GRANT KILGORE 737 W WHITMAN POCATELLO, ID 83201 (208)232-2004
Original Owner	EUGENE W GRANT 737 W WHITMAN POCATELLO, ID 83201 (208)232-2004
Trustee	ELAINE KILGORE 1502 S MINK CREEK RD POCATELLO, ID 83204 (208)478-4349
Trustee	BRUCE M KILGORE 1502 S MINK CREEK RD POCATELLO, ID 83204 (208)478-4349
Current Owner	KILGORE LIVING TRUST 1502 S MINK CREEK RD POCATELLO, ID 83204 (208)478-4349

Priority Date: 08/04/1942

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
EAST FORK MINK CREEK	MINK 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	0.070 CFS	
	<u>Total Diversion:</u>	0.070 CFS	

Location of Point(s) of Diversion

EAST FORK MINK CREEK	NE1/4NW1/4SW1/4	Sec. 8, Twp 08S, Rge 35E, B.M.
BANNOCK County		

Place of Use

IRRIGATION Within BANNOCK County

T08S R35E S08	NESW	1.0	T08S R35E S08	NWSW	3.0
Total Acres: 4					

Conditions of Approval:

1. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-2257 V1

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

Remarks:

1. Place of Use - Irrigation THIS RIGHT IS LIMITED TO THE IRRIGATION OF 3.5 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
2. Place of Use - Irrigation USE OF THIS RIGHT WITH RIGHT NO. 29-02323 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 4 ACRES IN A SINGLE IRRIGATION SEASON.
3. Quantity USE OF THIS RIGHT WITH RIGHT NO. 29-02323 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.07 CFS.

Comments: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: OR
 Water District Number: 29C
 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	8/28/01 1:23:37 PM	csaxton			Active
POD	8/28/01 1:26:10 PM	csaxton			Active
Priority Date	8/28/01 1:31:40 PM	csaxton			Active
Source	8/28/01 1:32:31 PM	csaxton			Active
POU	8/28/01 1:36:56 PM	csaxton			Active
Use	8/28/01 2:02:10 PM	csaxton			Active
Season	8/28/01 2:03:23 PM	csaxton			Active
Quantity	8/28/01 2:05:27 PM	csaxton			Active
Summary	8/28/01 3:30:04 PM	csaxton	8/28/01 3:30:04 PM	csaxton	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Contacts	8/28/01 1:23:32 PM	csaxton	1. Appointment has not been scheduled. Comment for 1: Field Exam 8/22/01

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-2257 V1

Summary	8/28/01 3:30:00 PM	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.
POD	8/28/01 1:26:07 PM	csaxton	1. (NO) The basis is not beneficial use. 2. (YES) Parent right has a Point of Diversion. 3. (YES) The claimed Point of Diversion can be verified using the water right file. 8. (NO) Point of Diversion remark was not required. 9. (NO) Point of Diversion condition was not required.
POD	8/28/01 1:29:10 PM	csaxton	Edited point location
Priority Date	8/28/01 1:31:38 PM	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. 14. (NO) Priority remark was not required. 15. (NO) Priority condition was not required.
Source	8/28/01 1:32:29 PM	csaxton	1. (NO) The basis is not beneficial use. 2. (YES) Parent right has a source. 3. (YES) The claimed source can be verified using the water right file. 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.
POU	8/28/01 1:36:55 PM	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. (YES) The claimed POU can be verified using the water right file. 12. (YES) POU remark was required. 13. (NO) POU condition was not required.
POU	8/28/01 1:57:51 PM	csaxton	Edited shape boundary
POU	8/28/01 1:58:28 PM	csaxton	Edited PLS

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-2257 V1

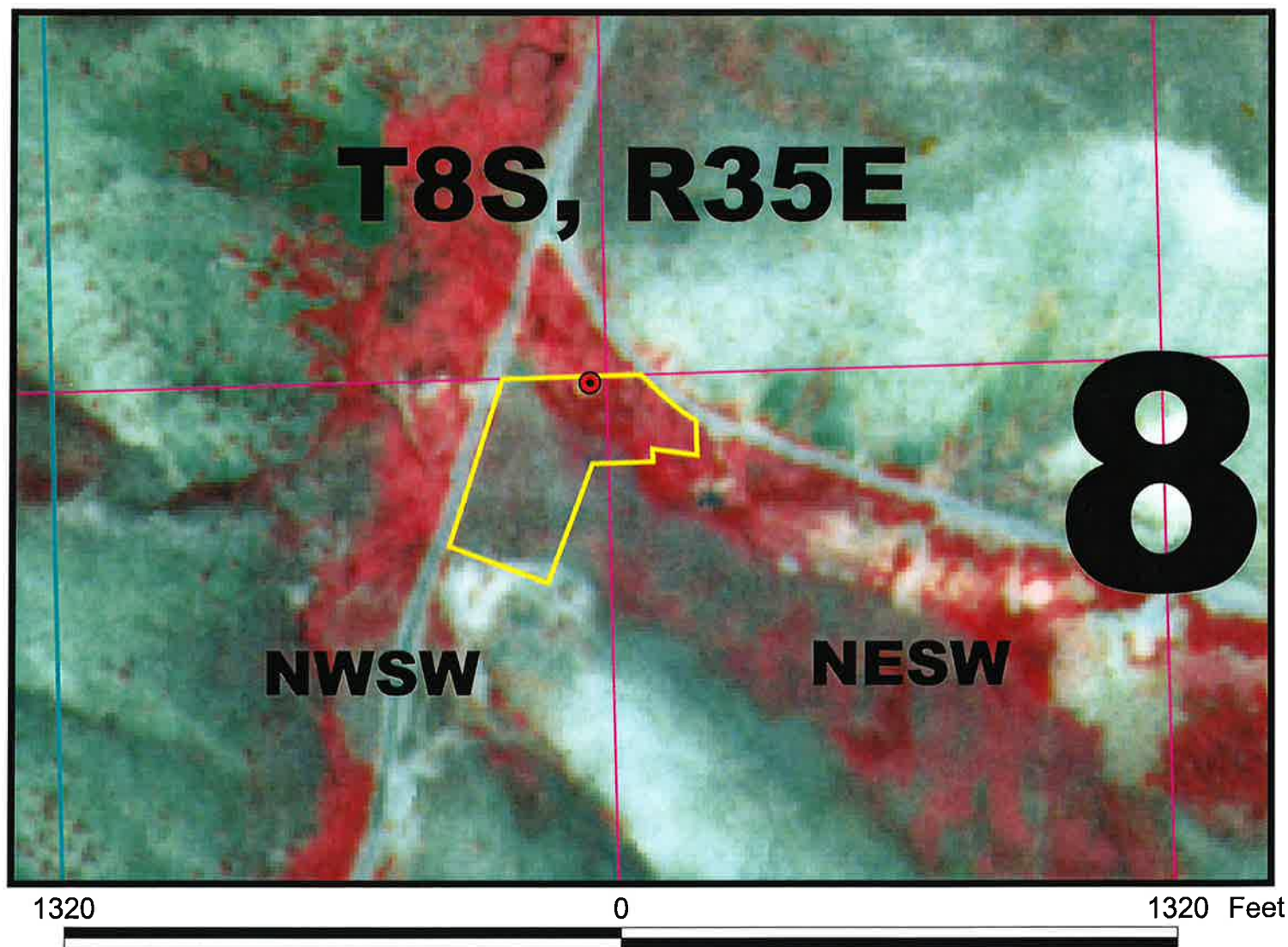
Use	8/28/01 2:02:09 PM	csaxton	1. (NO) The basis of claim is not beneficial use. 2. (YES) The parent right has a purpose of use. 3. (YES) The claimed purpose of Use can be verified using the water right file. 11. (NO) Purpose of Use remark was not required. 12. (NO) Purpose of Use condition was not required.
Season	8/28/01 2:03:22 PM	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.
Quantity	8/28/01 2:05:25 PM	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. (YES) Quantity remark was required. 10. (NO) Quantity condition was not required.
POU	8/28/01 3:19:16 PM	csaxton	Edited shape boundary
POU	8/28/01 3:19:40 PM	csaxton	Edited PLS
POU	8/28/01 4:50:51 PM	csaxton	Edited shape boundary
POU	8/30/01 9:02:01 AM	csaxton	Edited shape boundary



STATE OF IDAHO

Department of Water Resources
Eastern Region

Water Right(s): 29-02257



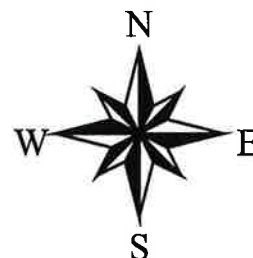
Total Irrigated Acres: 4.0

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

PROFILED

SCANNED

DEC 30 2005



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

Craig

02/08/2003

NOTICE OF ERROR
REPLY

RECEIVED
APR 21 2003
Department of Water Resources
Eastern Region

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: 29-2257

KILGORE LIVING TRUST
1502 S MINK CREEK RD
POCATELLO ID 83204
Telephone Number: (208)478-4349

- Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source): We disagree in the portion of the proposed recommendation that results in a total irrigation quantity of 0.07 CFS. We disagree with your combining the two water rights, 29-2257 and 29-02323, resulting in less quantity of water allowed for irrigation, and in effect loss of a water right.
- Describe the changes you wish to make in the proposed recommendation:
We urge that the quantity in 29-2257 (0.07 CFS) and the quantity in 29-02323 (0.4 CFS) be added for a total of 0.11 CFS rather than be limited to a total of 0.07 CFS or 0.08 CFS;
- Give a brief explanation as to why you disagree with these portions:
We feel that each historical water right was established on its own merits. Right 29-2257 has a priority date of 08/04/92 and an amount for irrigation of 0.070 CFS. Right 29-2323 has a priority date of 10/06/52 and an amount for irrigation of 0.040 CFS. These should therefore have a combined total of 0.110 CFS.

DATE: 4/10/03 SIGNATURE: Bruce M. Kilgore Elaine Kilgore
Please print your name: Bruce M. Kilgore Elaine Kilgore

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

OK Changes made
limiting remark for
diversion Rate removed
CSaxton 4-16-03

PROFILED

SCANNED
DEC 30 2005



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 16, 2003

RECEIVED
APR 21 2003
Department of Water Resources
Eastern Region

KILGORE LIVING TRUST
1502 S MINK CK RD
POCATELLO ID 83204

RE: Notice of Error Reply for Snake River Basin Adjudication (SRBA) claims 29-02257, 29-02323, and 29-13244

Dear Mr. and Ms. Kilgore,

I received your notice of error (NOE) reply on April 15, 2003. Per our discussion on April 9, 2003 and reviewing your NOE, I feel I can remove the diversion rate limitation all together.

After a discussion with my supervisor it was brought to my attention that IDWR allows up to 1 ½ inches per acre for irrigation rights where the irrigated place of use is 5 acres or less. Between your spring and creek right we recommended 4 acres.

So instead of changing the limiting remark for diversion rate to 0.11 cfs, I just removed it completely because it is not necessary. This means you can use the full 0.07 cfs licensed from the East Fork of Mink Creek and the full 0.04 cfs licensed from the spring at the same time totaling 0.11 cfs on your four acres.

I hope this satisfies your concerns.

Please feel free to contact me with any questions. If the recommendations look satisfactory, no further action needs to be taken. You will be notified by the SRBA court at the time the directors report is issued.

Respectfully submitted,

Craig L. Saxton
Sr. Water Resource Agent
Adjudication Bureau

Enclosure(s)

SCANNED

DEC 30 2005

RECEIVED
APR 15 2003
WATER RESOURCES
WESTERN REGION

April 10, 2003
1502 South Mink Creek Road
Pocatello, Idaho 83204

RECEIVED
APR 21 2003
Department of Water Resources
Eastern Region

Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705 Attn: Craig Saxton

Dear Craig:

Confirming our phone conversation with you on April 9, 2003, we have enclosed our comments on the 3 Notices of Error that relate to our three water rights, 29-2257, 29-02323, and 29-13244. As we noted in that conversation, our primary concern is that this administrative process may result in loss of a part of our historic water rights for our property in the Mink Creek area in T08S R35E S8, NENWSW, within Bannock County. As my wife, Elaine, particularly argued by phone, this does not seem reasonable in that two of these rights (29-2257 and 29-02323) have been in our family since 1942 and 1952 respectively and the water has been used to irrigate our property for many years.

We hope you will be able to work with us to satisfactorily settle this matter in the near future. Thank you for your consideration of this request. You can reach us at (208) 448-4349 or cell (208) 241-3633 or email: bekilgore@aol.com.

Sincerely,

Bruce M. Kilgore Elaine Kilgore

Bruce M. Kilgore and Elaine Kilgore

P. S. Because we do not have a typewriter—just a computer printer—I am enclosing the wording we used, in the event that my handwriting on the two “Notice of Error” forms is not very clear.

SCANMED
DEC 30 2005

RECEIVED
AUG 21 2003
Department of Water Resources
Eastern Region

Draft wording for Water Resources "Notice of Error" replies to 29-2257 and 29-02323:

1. Describe the portion of the proposed recommendation with which you disagree:

We disagree in the portion of the proposed recommendation that results in a total irrigation quantity of 0.07 CFS. We disagree with your combining the two water rights, 29-2257 and 29-02323, resulting in less quantity of water allowed for irrigation, and in effect, loss of a water right.

2. Describe the changes you wish to make in the proposed recommendation:

We urge that the quantity in 29-2257 (0.07 CFS) and the quantity in 29-02323 (0.4 CFS) be added for a total of 0.11 CFS rather than be limited to a total of 0.07 CFS or 0.08 CFS.

3. Give a brief explanation as to why you disagree with these portions:

We feel that each historical water right was established on its own merits. Right 29-2257 has a priority date of 08/04/42 and an amount for irrigation of 0.070 CFS. Right 29-2323 has a priority date of 10/06/52 and an amount for irrigation of 0.040 CFS. These should therefore have a combined total of 0.110 CFS.

SCANNED
DEC 30 2005

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.

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, 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 Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
29-02257					
29-02323					

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

- A. The appropriate **FILING FEE**. See instructions for fee amounts. *N/A*
- 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) are 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)

4. New Owner/Claimant(s)

Trustees: Bruce M. Kilgore
Kilgore Living Trust *Elaine Kilgore*
 Name Connector (Check one): [] and, [] or, [] and/or

New Mailing Address

City, State and ZIP Code

New Telephone Number

5. Date you acquired the property

1502 S. Mink Creek Rd
Pocatello ID 83204
(208) 478-4347
Feb 6, 1996

PROVIDED

SCANNED
DEC 30 2005

Deed
Elaine Kilgore to Rive Living Trust
Kilgore

01397

EXHIBIT "A"

96003084

Parcel 1:

22

That portion of the SW1/4 of Section 8 Township 8 South, Range 35 East, Boise Meridian, Bannock County, Idaho, described as follows:

Beginning at the intersection of the East line of State Highway Route No. 38 known as Bannock Highway, as it now exists, with the North line of said SW1/4; thence along said north line, East to the Northeast corner of the land described in the deed to Fred H. Bolinger and Dorothy C. Bolinger, husband and wife, recorded August 22, 1946, in Book 98 of Deeds, page 95, records of Bannock County, Idaho, thence at right angles, South 208 feet; thence at right angles West to said Easterly line of Bannock Highway; thence in a Northerly direction along the Easterly line of said Bannock Highway, 220 feet, more or less, to Place of Beginning.

Parcel 2:

That portion of the SW1/4 of Section 8 Township 8 South, Range 35 East, Boise Meridian, Bannock County, Idaho described as follows:

Beginning at the intersection of the East line of State Highway No. 38 known as Bannock Highway with the North line of said SW1/4; thence along said North line, East 370 feet to the true Place of Beginning; thence continuing along said North line, East 995 feet, more or less to the Northeast corner of said SW1/4; thence along the East line of said SW1/4; South 518 feet, more or less, to the Northerly line of the East Fork of Mink Creek Road; thence along the Northerly line of said last mentioned road; Northwesterly 1050 feet, more or less, to a point on a line that bears South at right angles to the true Place of Beginning; thence North 185 feet, more or less, to the true Place of Beginning...

TOGETHER with all water and water rights appurtenant thereto...

Parcel No. R4059-000-600

01396

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SCANNED

DEC 30 2005

PROFILED

29-02323

POD

Field Exam 8/22/01



Looking North. Spring is located on the North side of The East Fork of Mink Creek road. Concrete structure captures spring water. Water enters a pipe system that runs under the road to the south side (csaxton 8/28/01).

PROFILED

SCANNED
DEC 30 2005

29-02323

PIPE

Field Exam 8/22/01



Looking North. Am standing in the center of POU on south side of East fork of Mink creek rd. Spring is located NE of here. This shows pipeline that brings spring water to POU. (csaxton 8/28/01).

PROFILED

SCANNED
DEC 30 2005

29-02323

PIPE

Field Exam 8/22/01



Standing on South side of the East fork of Mink Creek. This shows the pipe system that the spring water flows into. Hookups for hoses to distribute water to POU. (csaxton 8/28/01).

JUN 11 2001

Log for claim A29-02257

Spatial Dynamics LTD

8/30/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
08s35e	8	NESW	4	4.2	
Totals:			4	4.2	

Bruce + Elaine Kilgore

Larabius

HM 478-4349

cell 251-3633

AJ5809NP
No. A29-02257

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/18/00
PAGE: 131

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	EUGENE W GRANT	08/04/1942	IRRIGATION	03-15 11-15	0.070 CFS	
C	A ELAINE GRANT KILGORE					
	737 W WHITMAN					
	POCATELLO ID 83201			TOTAL DIVERSION:	0.070 CFS	
	(208) 232-2004			CONSUMPTIVE USE:		10.00 AFA

Water Source: MINK CREEK, EAST FORK

Tributary to: MINK CREEK

Stage: LICENSE

Point(s) of Diversion:

T08S R35E S08

NESW

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	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	SUM		
08S	35E	8	:	:	:	04	:	:	:	:	:	:	:	4.0		
TOTAL ACRES													4.0			

POU County: BANNOCK

Non-Irrigation Uses: NONE

Other Rights: NONE

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

29-11060 A29-02323 A29-02327 A29-04442 A29-10060 A29-11060

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

A29-02327 A29-04442 A29-10060

Remarks: GEN AC. IRR. = 3.5.

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number: 29C

Field Inspection Flag:

Presumption Flag:

Audit: 09/28/89 CARLSEN 06/02/94 COX 03/29/95 POST-STD

License and Certificate of Water Right

Water License No. 19340
 Water District No. _____

Amount .07 second foot
 Priority August 4, 1942

THIS IS TO CERTIFY that LOUIS A. LEHRBAS
 of Pocatello, Idaho, made application for a permit to appropriate the
 public waters of the State of Idaho, dated August 4, 1942; that Permit No. 19340
 was issued under said application; that Certificate of Completion of works, with a carrying capacity of
0.1 second feet, was issued thereunder on September 30, 1942, showing that said works
 were completed on the 28th day of September, 1942; and that on the 5th
 day of November, 1942,

LOUIS A. LEHRBAS

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 East Fork of
Mink Creek, a tributary of Mink Creek, for the purpose of irrigation
under Use Permit No. 19340 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~~ ^{State Reclamation Engineer} of Idaho and entered of record in Volume 7
 of Licenses, at page 4191, on the 29th day of January, 1944;

The right hereby confirmed dates from August 4, 1942;

The Point of Diversion is located
 in the SW $\frac{1}{4}$ Sec. 8, Tp. 8 S., R. 35 E., B. M. Bannock County

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 .07
 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
<u>8 S.</u>	<u>35 E.</u>	<u>8</u>	<u>SW $\frac{1}{4}$</u>	<u>3 $\frac{1}{2}$</u>	<u>3 $\frac{1}{2}$</u>

P/D & P/U determined
 by review of
 the field exam.
 kw
 3-7-85

use of the water aforesaid hereby confirmed is restricted to the lands or place of use
 provided by the laws of Idaho.

Witness the seal and signature of the Commissioner of Reclamation, affixed at Boise, Idaho,
 this 29th day of January, 1944

(SEAL)

JAMES SPOFFORD

Commissioner of Reclamation
State Reclamation Engineer

283 8255

APPLICATION FOR PERMIT TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO

29-2257

Application No. 26834
Permit No. **19340**
District No.

1. Name of Applicant: LOUIS A. LEHRBOS
Postoffice address: Pocatello P.O. Box 1441 County: Bannock State: Idaho
 - I. If applicant is a corporation, give:
 - (a) Date and place of incorporation:
 - (b) Amount of capital stock:
 - (c) 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. Quantity of water claimed: 0.1 cubic feet per second.
3. Source of water supply: East Fork of Mink Creek which is a tributary of Mink Creek
4. Location of point of diversion: feet distant from the corner of Section 8, T. 8 S., R. 35 E., B. M., and is the SW $\frac{1}{4}$ of Section 8, T. 8 S., R. 35 E., B. M., County of Bannock
5. Water is to be used for: Irrigation
6. If for mining, milling, power or manufacturing purposes, give:
 - (a) Point of use of water: feet distant from corner of Section T., R., B. M., in the of Section, T., R., B. M.
 - (b) Amount of power generated: H. P., under feet head.
 - (c) Water is to be returned to at a point feet distant from the corner of Section, T., R., B. M., in the of Section, T., R., B. M.
7. Estimated cost of works: \$ 40.00
8. Kind of works: Ditch 1600 feet long.
9. Height of dam 4 feet; length of dam at top 8 feet; length of dam at bottom 8 feet; material used in dam: Rock and Dirt
10. Size of headgate: Width 12" feet; height 12" feet
11. Ditch: Width at bottom 8" feet; width at water line 15" feet; depth of water 4" feet; dimensions of flume: Diameter of pipe inches; length of conduit miles. Average grade per mile feet.
12. The time required for the completion of such work is Completed years.
13. The time required for the complete application of the water to the proposed use is None additional years.
14. The land to be irrigated is described in the following tabulation: See remarks.

15. (a) Is reservoir to be used? ☐ No ☐ Yes ☐ If so, fill in (b) and (c) below.
 (b) Name of Reservoir and number of Storage Permit:
 (c) Date of filing of Application for Storage Permit and Name of Applicant:

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

LOUIS A. LEHRBOS /s/ :
Applicant.

By

Agent.

Date of first receipt at Department of Reclamation: August 4, 1942 11:00 A. M.

Returned to applicant for correction:

Corrected application received:

APPROVAL OF COMMISSIONER OF RECLAMATION

The number of this permit is **19240**

Recorded in Book 70 Page 15310 Approved August 5, 1942.

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 _____

Work to begin on or before October 5, 1942.

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 shall be specified to be completed by the end of the first month.

One-fifth of the work above specified to be completed on or before October 15, 1942. The whole of said work to be completed on or before November 15, 1942.

The whole of said work to be completed on or before November 5, 1942.

Beneficial use of water appropriated in accordance herewith, to be made on or before November 5, 1942.

Witness my hand this 5th day of August, 1942.

E. V. BERG /s/
Commissioner of Reclamation.

IN TESTIMONY WHEREOF, We CHASE A. CLARK Governor of the State of Idaho, and GEORGE H. CURTIS
Secretary of State of the State of Idaho, have caused this instrument to be executed in the name of the State of Idaho, and have
caused the Great Seal of the State of Idaho to be hereunto affixed, this day of 19

Countersigned:

STATE OF IDAHO

(SEAL

By
George H. Curtis

Secretary of State.

By

Chase A. Clark

Governor.

Remarks:

14.

Twp.	Range	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
8	35	8									3½								
PERMIT NO. 19340 CERTIFICATE OF COMPLETION OF WORKS TO ALL WHOM IT MAY CONCERN: This is to certify that LOUIS A. LEHRBOE, of Pocatello, County of Bannock, and State of Idaho, the second feet of the waters of East Fork of Mink Creek, County of Bannock State of Idaho for Irrigation purposes complied with the provisions of the laws of the State of Idaho relating to proof of completion of the works out and described in said Permit; that said works are adequate for diverting and conveying to the place of second feet of the waters East Fork of Mink Creek that the point of diversion of said waters is in the SW¼, S. Range 35 E. B. M. and that the lands proposed to be irrigated by the use of said water are described as Fr. SE¼ SW¼ Section 8, Township 8 S. Range 35 E. B. M. Approximately 3½ acres. Witness my hand this 30th, day of September, A. D. 1942. Completion of Works proof made, September 28, 1942 Certificate of Completion of Works issued Sept. 30, 1942 E. V. Berg Commissioner of Reclamation																			
160000 ISSUED FOR 07 SEC. FT. P. 4191																			

Permit No. 193 40

Examination for Beneficial Use

County Bannock,

Louis A. Lehrbas,
222 West Gould St.
Pocatello, Idaho.

INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion and accurately plat same.
 2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
 3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
 4. If any unusual conditions are discovered, make a plain statement of them under remarks.
 5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.
-

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. 19340

REPORT ON PROOF OF Beneficial Use,

*H. H.
0.01 2-8-20
1929*

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: A29-02257
Date Received: 9/28/1989
Receipt No: E010856
Received By: EMC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: EUGENE W. GRANT 208-232-2004
Address: 737 W. WHITMAN
POCATELLO, ID 83201

OR
Name: A. ELAINE GRANT KILGORE 208-232-2004
Address: 737 W. WHITMAN
POCATELLO, ID 83201

2. Date of Priority: AUG 04, 1942

3. Source: MINK CREEK, EAST FORK Trib. to: MINK CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
08S	35E	8	NE	SW			BANNOCK

5. Description of diverting works:
HEADGATE, OPEN DITCH .

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.070		

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

8. Total consumptive use is 10.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A29-02257

Page 1

Date: 09/28/89

A2902257



MICROFILMED

NOV 13 1992

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
08S	35E	8	NE SW		IRR	4.0
Section Acres						4.0
Total Acres						4.0

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:
AC. IRR. = 3.5.

15. Basis of Claim: LICENSE
Water Right Number: 19340

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 Individuals:

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

Signature of Claimant(s): A Elaine Grant Kilgore Date: 9-28-89

Date: _____

State of Idaho)
County of Bonnerille) SS.

Subscribed and sworn (or affirmed) before me this 28 day
of Sept 19 89
Ernest Carlsson
Notary Public



Residing at Shilo Falls, ID
My Commission Expires 6-14-1994

CLIFTON CREEK ORTHOPHOTOQUAD
IDAHO

