

04/16/2003

IDAHO DEPARTMENT OF WATER RESOURCES

PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RECEIVED
APR 21 2003
Department of Water Resources
Eastern Region

RIGHT NUMBER: 29-2323

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

SOURCE: SPRING

TRIBUTARY: EAST FORK MINK CREEK

QUANTITY: 0.040 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT FOR DOMESTIC USE SHALL
NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 10/06/1952

POINT OF DIVERSION:

T08S R35E S8 NWNESW Within BANNOCK County Source: SPRING

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	01/01 12/31	0.020 CFS
IRRIGATION	04/01 10/31	0.040 CFS

PLACE OF USE: IRRIGATION Within BANNOCK County

T08S R35E S08 NESW 1.0 T08S R35E S08 NWSW 3.0

DOMESTIC same as IRRIGATION

4 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 29-02257 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 4 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.

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
DOMESTIC USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL
USE.

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.

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: SPRING TRIBUTARY: EAST FORK MINK CREEK
QUANTITY: 0.04 CFS

USE OF THIS RIGHT WITH RIGHT NO. 29-02257 IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 0.07 CFS.

THE QUANTITY OF WATER UNDER THIS RIGHT FOR DOMESTIC USE SHALL NOT
EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 10/06/1952

POINT OF DIVERSION:

T08S R35E S8 NWNESE Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	01/01 12/31	0.020 CFS
IRRIGATION	04/01 10/31	0.040 CFS

PLACE OF USE:

IRRIGATION Within BANNOCK County

T08S R35E S08 NESW 1.0 T08S R35E S08 NWSW 3.0

DOMESTIC same as IRRIGATION

4 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 29-02257 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 4 ACRES WITHIN THE PLACE OF USE
DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

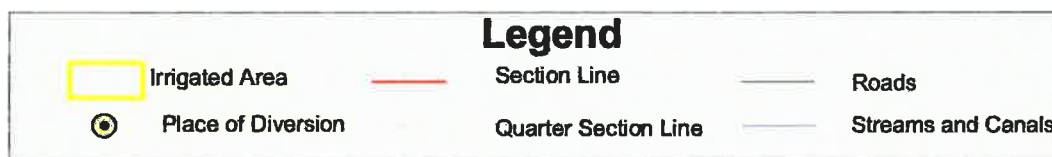
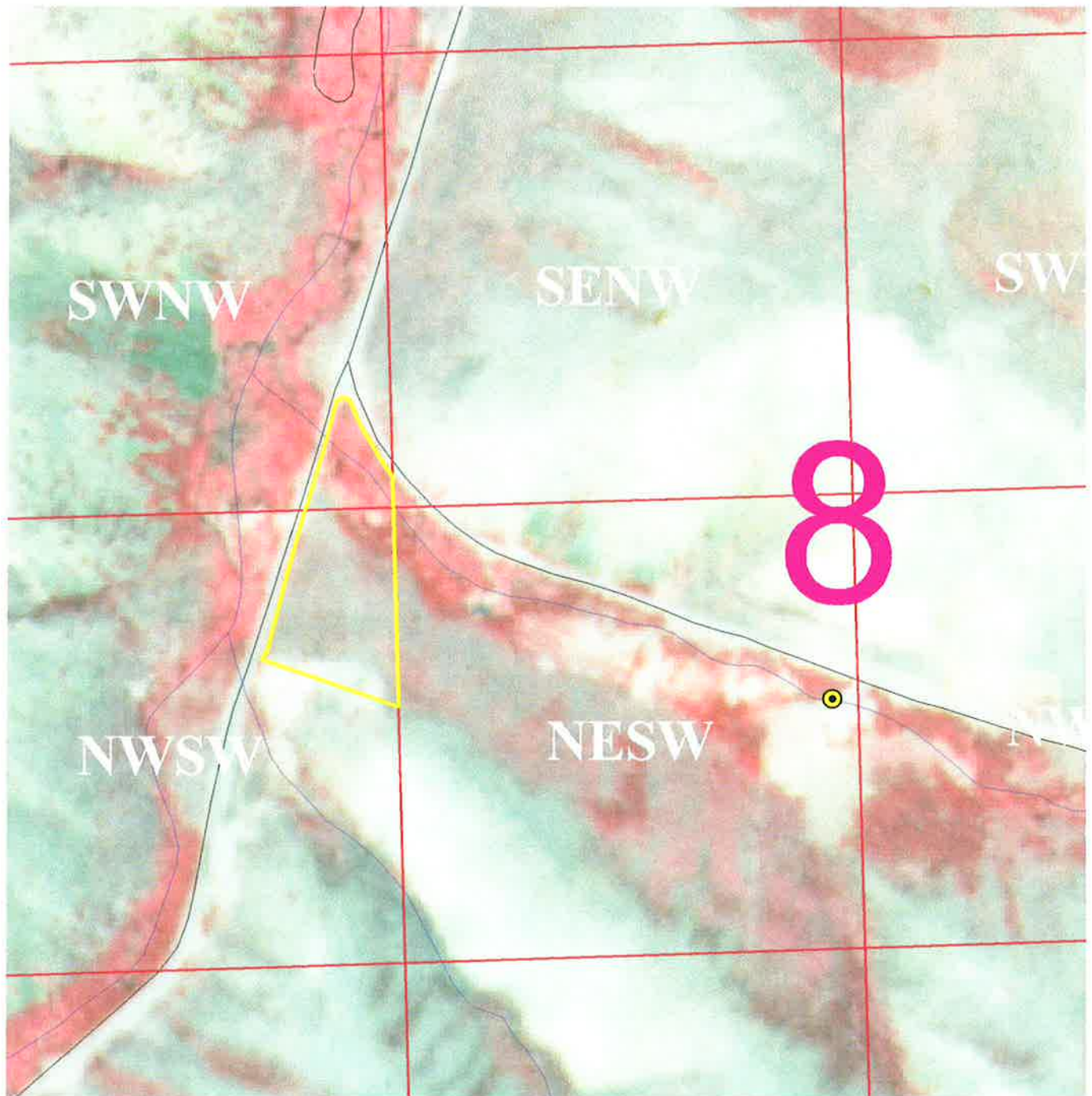
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
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DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
DOMESTIC USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL
USE.

EXPLANATORY MATERIAL: License

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

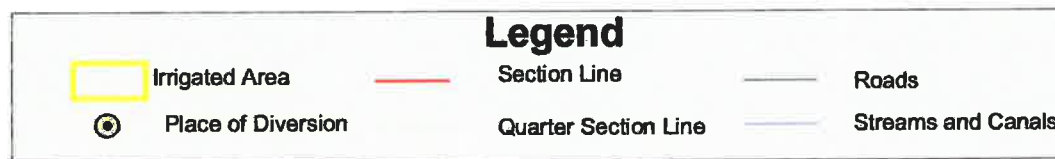
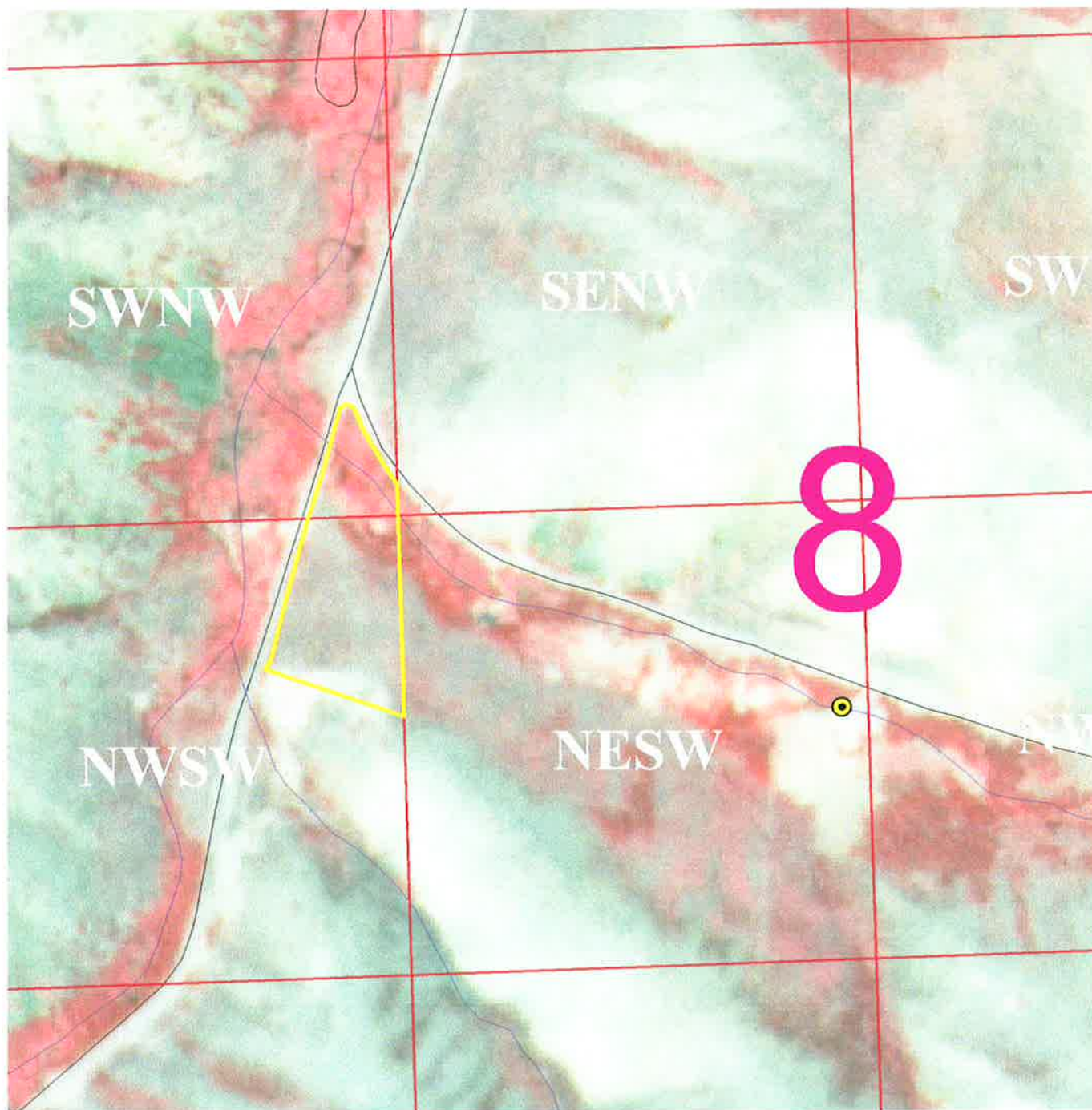
Water Right Claim Number A29-02323
Township , 8S35E

08/30/2000



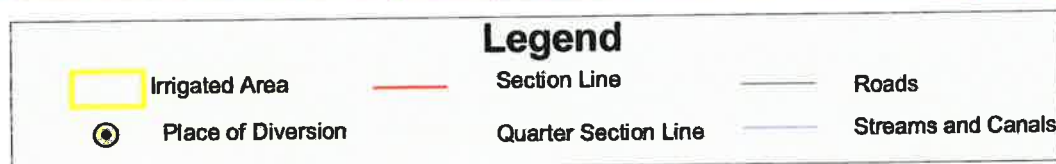
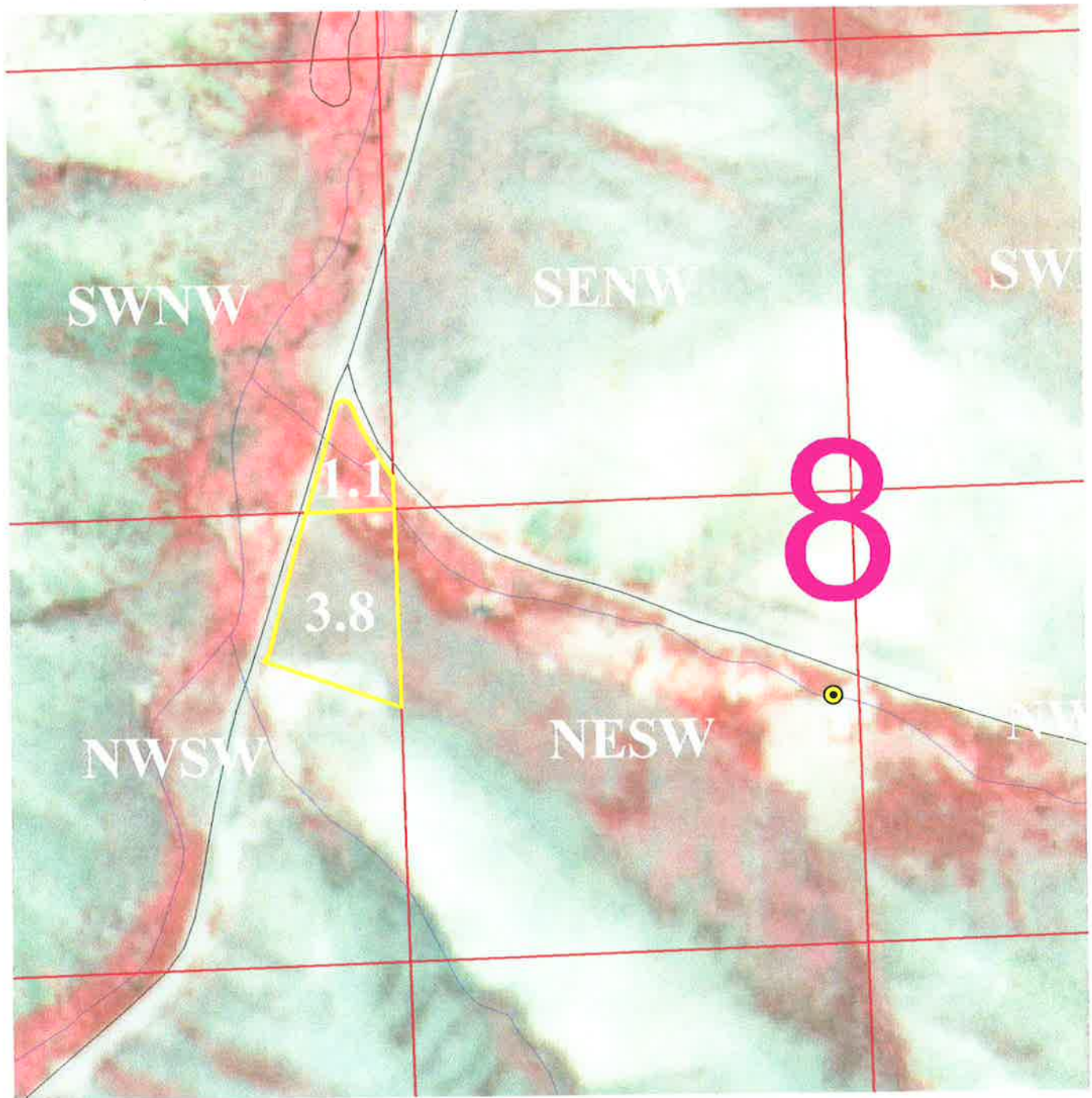
Water Right Claim Number A29-02323
Township , 8S35E

08/30/2000



Water Right Claim Number A29-02323
Township , 8S35E

08/30/2000

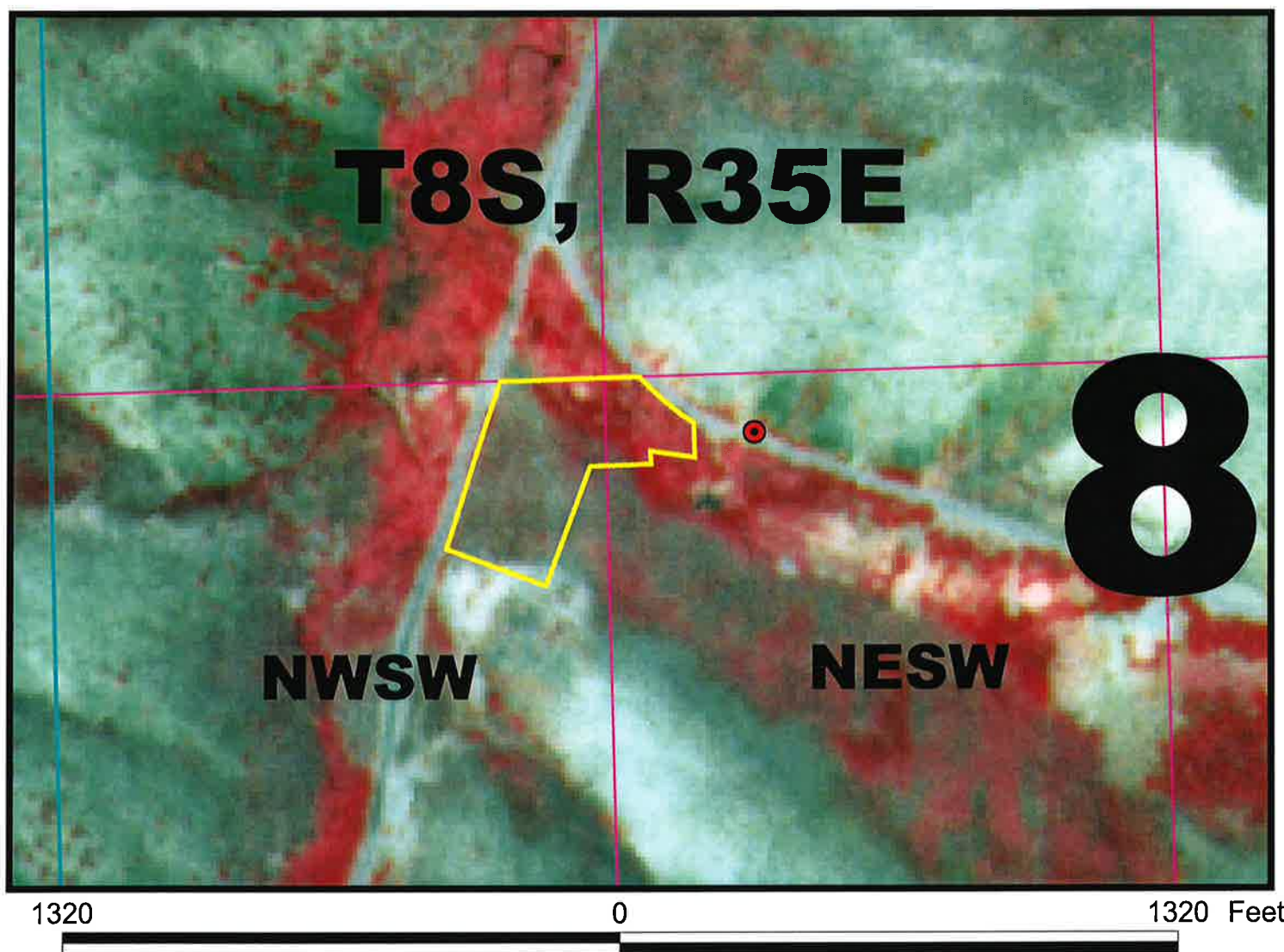




STATE OF IDAHO

Department of Water Resources
Eastern Region

Water Right(s): 29-02323



Total Irrigated Acres: 4.0

● Point(s) of Diversion

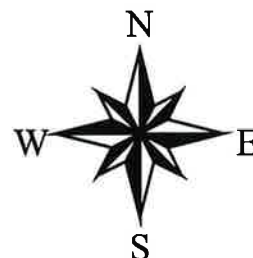
□ Place of Use

□ Quarter Quarter Lines

□ Section Lines

SCANNED

JAN 24 2006



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



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

JAN 24 2006

PROFILED

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: 29-2323

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, 29-2323 and 29-2257, 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 29-2323 (0.4 CFS) and the quantity in 29-2257 (0.07 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 29-2323 has a priority date of 10/06/52 and an amount for irrigation of 0.04 CFS. Right 29-2257 has a priority date of 08/04/42 and an amount for irrigation of 0.07 CFS. These should, therefore, have a combined total of 0.110 CFS.

I AGREE with this proposed recommendation: no changes need to be made.

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

C. Saxton 4-16-03.

PROFILED

SCANNED
JAN 24 2006

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.

SCANNED
JAN 24 2006

RECEIVED
APR 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

JAN 24 2006

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) 478-4349
Feb 6, 1996

SCANNED

JAN 24 2006

T-Downey

PROFIT

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number _____

Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number _____

Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s)
(include title if applicable)

A. Elaine Kelgore
Bruce M. Kelgore

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by _____

Receipted by _____

Processed by _____

Date _____

Date _____

Date _____

Fee _____

Receipt No. _____

WR _____

SCANNED

DATE 4-2000

Elaine Kilgore to Kit & Elaine Living Trust 2/1/96
Kilgore Deed

01397

Parcel 1:

EXHIBIT "A"

96003084

2-1
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, Northwest 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

RECORDING REQUESTED BY

Attorney

AND WHEN RECORDED MAIL TO:

F. William Dorband, Attorney at Law
3182 Old Tunnel Road, Suite C
Lafayette, CA 94549

MAIL TAX STATEMENTS TO:

Bruce M. Kilgore and A. Elaine Kilgore
342 Fenway Drive
Walnut Creek, CA 94598

NO 96003084 96003084

RECORDED AT REQUEST OF
F. William Dorband
96 FEB 27 PM 2 21

OFFICIAL BOOK NO 1159
BANNOCK COUNTY IDAHO
LARRY V CHAN RECORDER
FEE 10.00 DEPUTY RD

Trust Transfer Deed

Grant Deed (Excluded from Reappraisal Under Proposition 13, L.A. Calif. Court Act 13 A31 et. seq.)

The undersigned Grantor(s) declare(s) under penalty of perjury that the following is true and correct:
THERE IS NO CONSIDERATION FOR THIS TRANSFER.

Documentary Tax is \$ NONE

■ There is no Documentary transfer tax due.

■ Transfer to a revocable trust;

■ Transfer to a trust where the trustor or the trustor's spouse is the sole beneficiary;

GRANTOR(S): A. ELAINE KILGORE

hereby GRANT(S) to BRUCE M. KILGORE and A. ELAINE KILGORE, Trustees of the KILGORE LIVING TRUST
DATED FEBRUARY 6, 1996

the following described real property in the County of Bannock, State of Idaho:

FOR LEGAL DESCRIPTION, SEE EXHIBIT "A", ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE.

Dated Feb 6, 1996

A. Elaine Kilgore
A. ELAINE KILGORE

State of California
County of Contra Costa

On 2-6-96, before me, the undersigned Notary Public, personally appeared A. ELAINE KILGORE, personally known to me to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature

F. W. Dorband



29-02257

POD

Field Exam 8/22/01



Looking North. This is the location that the pump diverts water from the East Fork of Mink Creek. Pump location can vary up to 20 ft depending on how deep the creek is at different times. (csaxton 8/28/01).

SCANNED

JAN 24 2006

PROFILED

SCANNED

JUN 11 2001

Log for claim A29-02323

Spatial Dynamics LTD

8/30/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
08s35e	8	SWNW	1	1.1	
08s35e	8	NWSW	3	3.8	
Totals:			4	4.9	

Audit: 09/28/89 CARLSEN 06/16/94 COX 03/29/95 POST-STD

State of Idaho

License and Certificate of Water Right

Water License No. 23140Amount 0.04 second foot

Water District No.

Priority October 6, 1952

THIS IS TO CERTIFY that BISMARCK M. LEHRBAS
 of Pocatello, Idaho, made application for a permit to appropriate the
 public waters of the State of Idaho, dated October 6, 19 52; that Permit No. 23140
 was issued under said application; that Certificate of Completion of works, with a carrying capacity of
0.04 second foot, was issued thereunder on July 15, 19 54, showing that said works
 were completed on the 1st day of August, 19 53; and that on the 1st
 day of August, 19 53,

BISMARCK M. LEHRBAS

of Pocatello, State of Idaho, made proof to the satisfaction of the
 State Reclamation Engineer of Idaho, of the right to use the waters of an un-named
 spring, a tributary of East fork Mink Creek, for the purpose of irrigation and
 domestic use under Use Permit No. 23140 of the Department 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 State Reclamation Engineer of Idaho and entered of record in Volume

9 of Licenses at page 5298, on the 15th day of July, 19 54;

The right hereby confirmed dates from October 6, 19 52;

The Point of Diversion is located

in the NE 1/4 SW 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 0.04 cubic foot per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
8 S.	35 E.	8	SW 1/4 NW 1/4	1	1
			NW 1/4 SW 1/4	1	3
			Number of Acres Actually Irrigated	-	4

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 State Reclamation Engineer, affixed at Boise, Idaho, this

15th day of July, 19 54.

MARK R. KULP

State Reclamation Engineer.

(SEAL)

29- 2323 23140

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

APPLICATION No. 30917
PERMIT No. 23140
DISTRICT No.

L. A. Lehrbas
P.O. Box 1444
Pocatello, Idaho

1. Name of Applicant: BISMARCK M. LEHRBAS

Postoffice address: Pocatello

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:

(b) Treasury stock:

(d) Other resources:

(a) Cash on hand:

(c) Bonds to be issued:

2. Quantity of water claimed: Two inches or 0.04

cubic feet per second.

3. Source of water supply: Un-named spring

which is a tributary of East fork of Mink Creek

4. Location of point of diversion: 970 feet West

feet distant from the center

corner of Section 8, T. 8 S., R. 35 E., B. M., and is in the NE $\frac{1}{4}$ 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 and domestic purposes. (10 gallons daily for domestic purposes—
Balance 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: \$ 250.00

8. Kind of works: Digging ditch, buying and laying pipe.

9. Height of dam

feet; length of dam at top

feet; length of dam at bottom

feet; material used in dam:

10. Size of headgate: Width

feet; height

feet.

11. Ditch: Width at bottom

feet; width at water line

feet; depth of water

feet;

dimensions of flume:

Diameter of pipe 2

inches; length of conduit

700 ft.

miles.

Average grade per mile

feet.

irrigation starts 1953

12. The time required for the completion of such work is 2 days after / years.

13. The time required for the complete application of the water to the proposed use is 2 days

additional years.

14. The land to be irrigated is described in the following tabulation: See remarks.

15. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: None

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

By **L. A. Lehrbas** *Agent.*

Corrected application received: October 15, 1952

MARK R. KULP
State Reclamation Engineer.

Secretary of State.

LICENSE ISSUED FOR Pg. 0.04 REC. FT. 5298

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 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.
6. Give general characteristics of soils, topography, and crops raised.

Bismarck M. Lehrbas
Box 1444, Pocatello, Idaho

Permit No. 23140

Examination for Completion of Works and
Beneficial Use

County Bannock

27 x 2 1/2 ft. for 4 ft.
390 x 1 1/4
450' = 450' from road to
to bridge in track
12' last.
400' from road to
trees 177'

See map of 1900, 1901
1902, 1903, 1904

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. 23110

REPORT ON PROOF OF Completion of Works and Beneficial Use

BISMARCK M. LEHRBAS, Box 1144, Pocatello, Idaho

not efs
work

2-7/2 . 2"

1/8 inch

2.455

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-2323 V1

WATER RIGHT NUMBER: 29-2323 V1

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

Priority Date: 10/06/1952

Basis: License

Status: Active

Source

SPRING

Tributary

EAST FORK MINK CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	01/01 to 12/31	0.020 CFS	
IRRIGATION	04/01 to 10/31	0.040 CFS	
	<u>Total Diversion:</u>	0.040 CFS	

Location of Point(s) of Diversion

SPRING	NW1/4NE1/4SW1/4	Sec. 8, Twp 08S, Rge 35E, B.M.
BANNOCK County		

Place of UseIRRIGATION Within BANNOCK County

T08S R35E S08 NESW 1.0 T08S R35E S08 NWSW 3.0

Total Acres: 4

DOMESTIC same as IRRIGATIONConditions of Approval:

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

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-2323 V1

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.
4. N10 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR DOMESTIC USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
5. N12 THE QUANTITY OF WATER UNDER THIS RIGHT FOR DOMESTIC USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Remarks:

1. Place of Use - Irrigation USE OF THIS RIGHT WITH RIGHT NO. 29-02257 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 4 ACRES IN A SINGLE IRRIGATION SEASON.
2. Place of Use - Irrigation THIS RIGHT IS LIMITED TO THE IRRIGATION OF 4 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
3. Quantity USE OF THIS RIGHT WITH RIGHT NO. 29-02257 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: C
 State or Federal: S
 Owner Name Connector: OR
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Contacts	8/28/01 3:32:53 PM	csaxton			Active
Priority Date	8/28/01 3:33:11 PM	csaxton			Active
POD	8/28/01 3:35:06 PM	csaxton			Active
Source	8/28/01 3:36:27 PM	csaxton			Active
POU	8/28/01 3:38:53 PM	csaxton			Active
Use	8/28/01 3:40:50 PM	csaxton			Active
Season	8/28/01 3:41:27 PM	csaxton			Active
Quantity	8/28/01 3:42:39 PM	csaxton			Active

Summary

8/28/01 4:09:31 PM

csaxton

8/28/01 4:09:31 PM csaxton

Active

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 29-2323 V1

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Contacts	8/28/01 3:32:51 PM	csaxton	1. Appointment has not been scheduled. Comment for 1: Field Exam 8/22/01
POD	8/28/01 3:35:03 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 3:34:33 PM	csaxton	Edited point location
Source	8/28/01 3:36:26 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 3:38:51 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.
Priority Date	8/28/01 3:33:08 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. 13. (YES) The claim is coded correctly. 14. (NO) Priority remark was not required.
POU	8/28/01 3:38:29 PM	csaxton	Edited shape boundary
POU	8/28/01 3:38:53 PM	csaxton	Edited PLS
Use	8/28/01 3:40:48 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.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-2323 V1

Season	8/28/01 3:41:24 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 3:42:36 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.
Summary	8/28/01 4:09:30 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.
POU	8/28/01 4:56:09 PM	csaxton	Edited shape boundary
POU	8/30/01 8:57:58 AM	csaxton	Edited shape boundary
POU	8/30/01 8:59:50 AM	csaxton	Edited shape boundary

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: A29-02323
Date Received: 9/28/1989
Receipt No: E010856
Received By: Ene

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: EUGENE W. GRANT
Address: 737 W. WHITMAN
POCATELLO, ID

208-232-2004

83201

OR

Name: A. ELAINE GRANT KILGORE
Address: 737 W. WHITMAN
POCATELLO, ID

83201

A2902323

2. Date of Priority: OCT 06, 1952

3. Source: SPRING

Trib. to: MINK CREEK, EAST FC

4. Point of Diversion:

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

5. Description of diverting works:
PIPELINE AND SPRINKLER SYSTEM.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.040		
DOMESTIC	01/01	12/31	0.020		

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

A.F.A.

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

9. Non-irrigation uses:
D/ ONE HOME.

A29-02323

Page 1

Date: 09/28/89

MICROFILMED
NOV 13 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
08S	35E	8	SW	NW		IRR	1.0
			NW	SW		IRR	3.0
						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

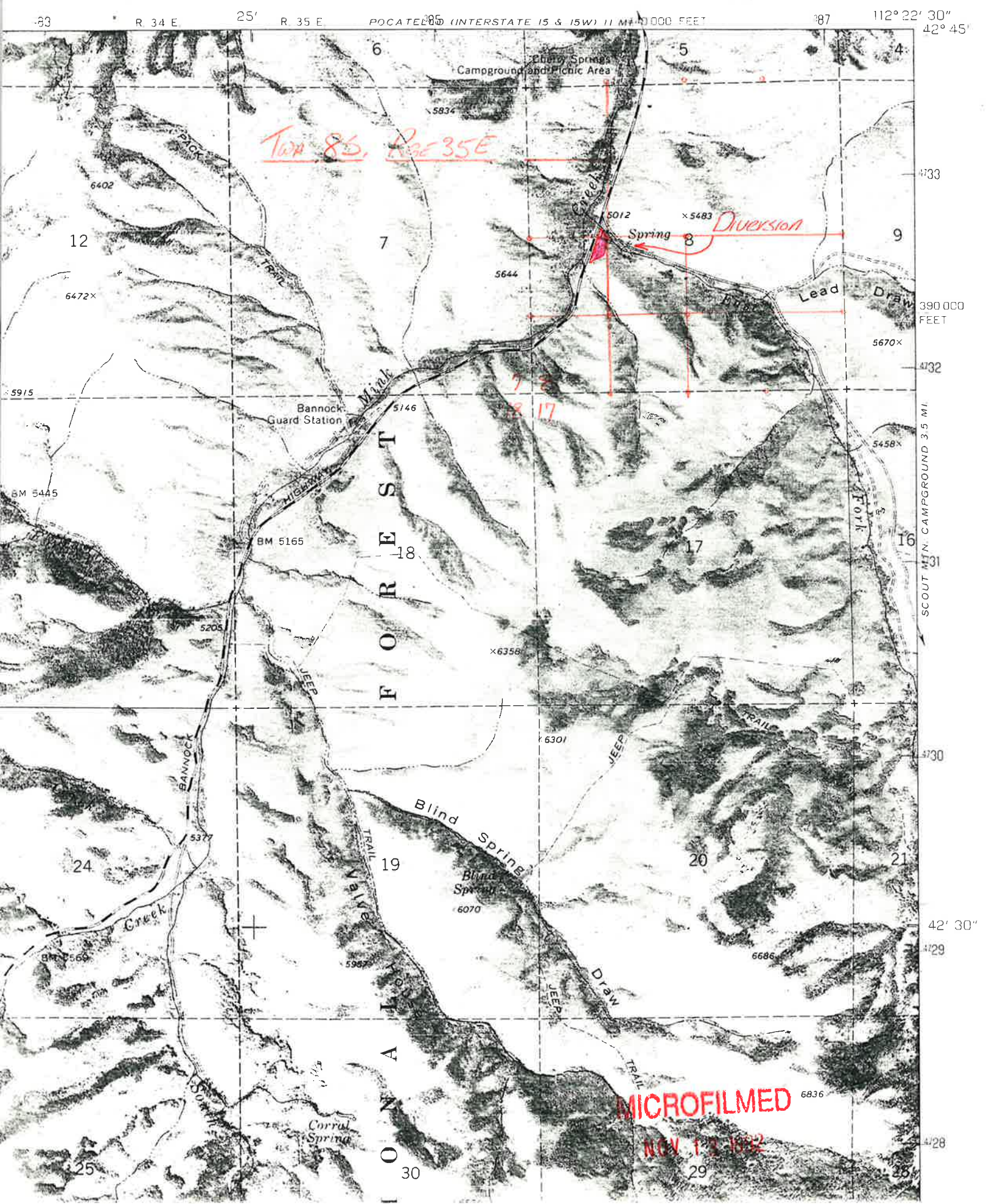
13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: LICENSE
Water Right Number: 23140

R34E R35E

CLIFTON CREEK ORTHOPHOTOQUAD
IDAHO



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 Bonneville) SS.

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



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