

11/15/2002

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

RIGHT NUMBER: 29-2409B
NAME AND ADDRESS: LOGAN D ROBINSON
PO BOX 4356
POCATELLO ID 83205-4356

REBECCA A ROBINSON
PO BOX 4356
POCATELLO ID 83205-4356

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.150 CFS
30.400 AFY

USE OF THIS RIGHT WITH RIGHT NO. 29-13394 IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 0.15 CFS.

PRIORITY DATE: 04/16/1959

POINT OF DIVERSION:

T07S R35E S23 SWSWNE 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	0.150 CFS 30.40 AFY

PLACE OF USE:

IRRIGATION Within BANNOCK County

T07S R35E S23 SWNE 7.6

7.59999990463257 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 29-13394 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 7.6 ACRES IN A SINGLE
IRRIGATION SEASON.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 7.6 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

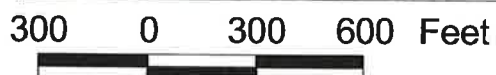
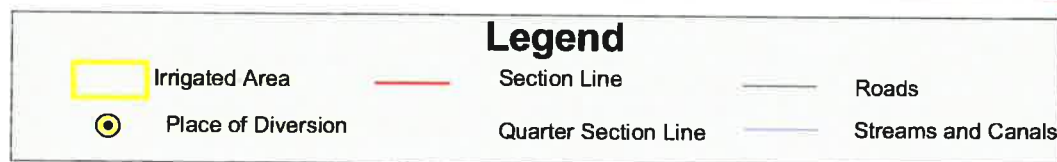
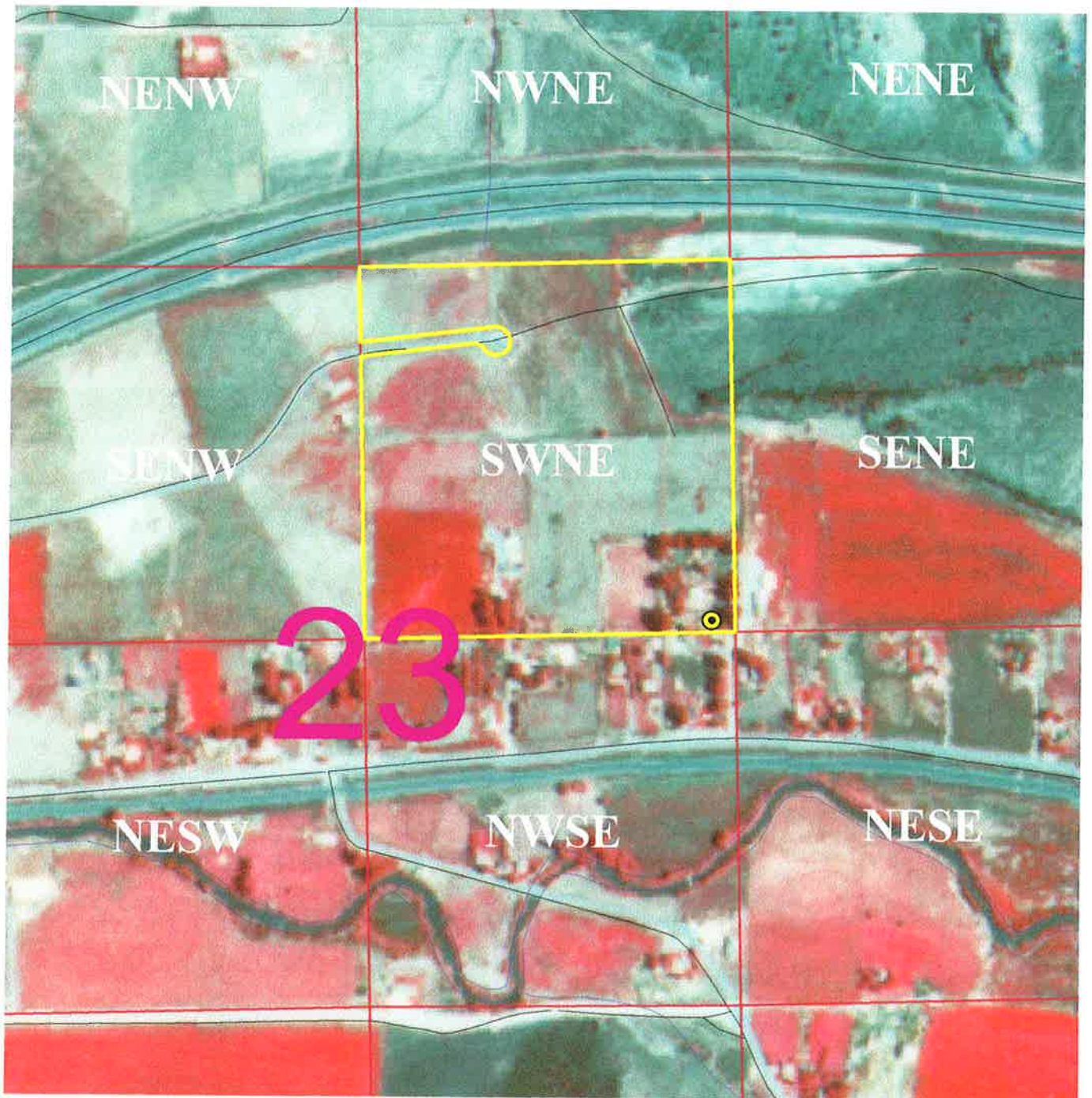
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

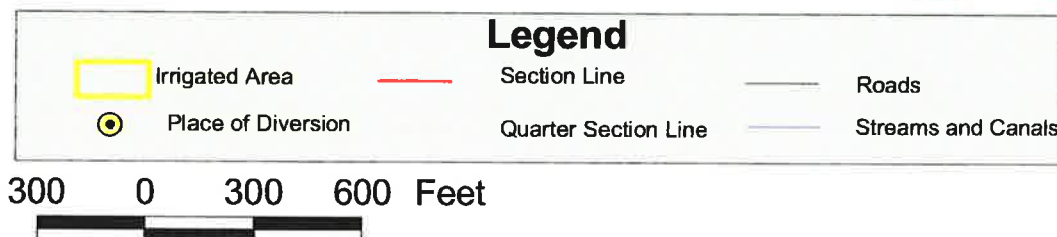
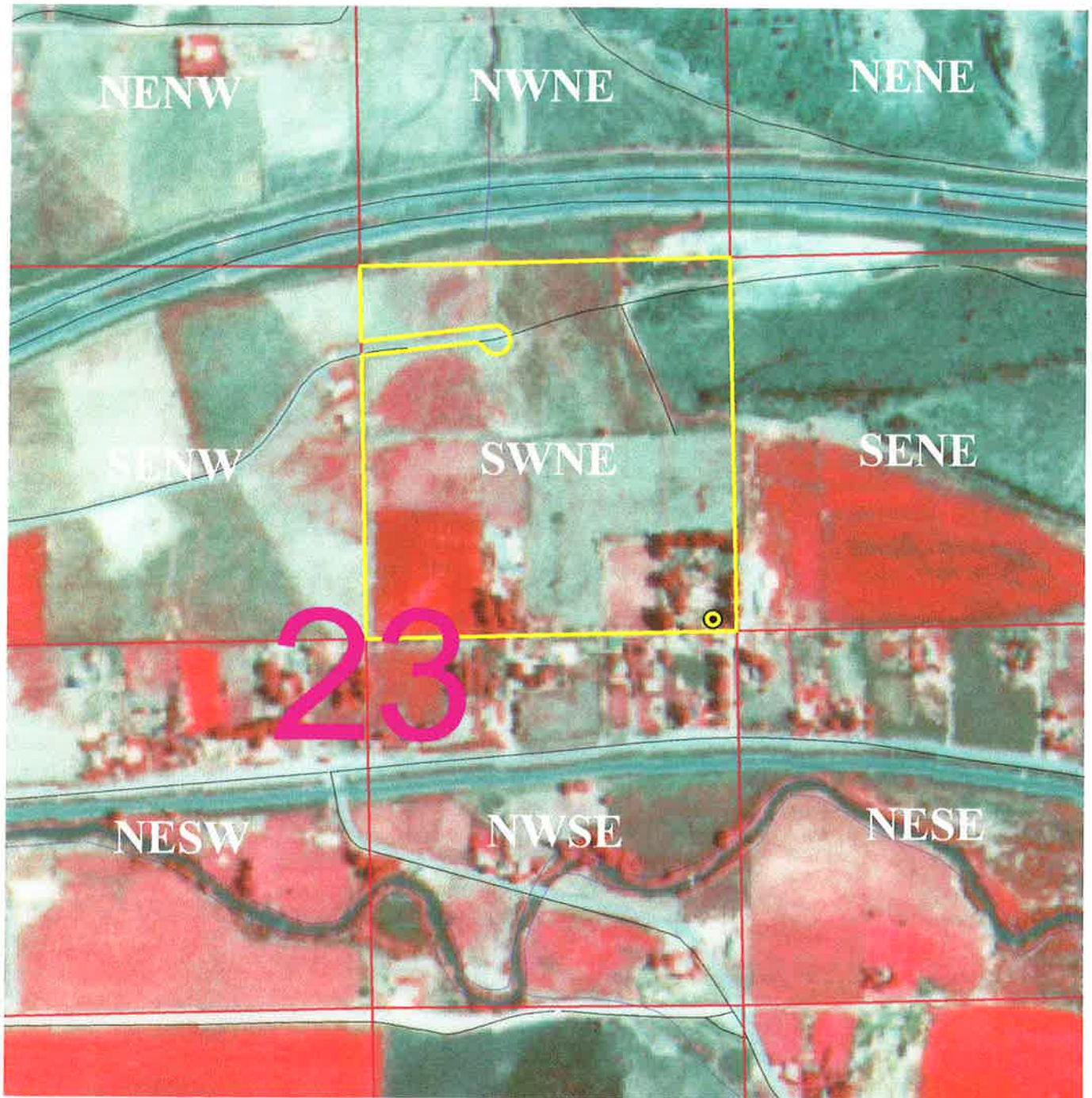
Water Right Claim Number A29-02409B
Township , 7S35E

08/30/2000



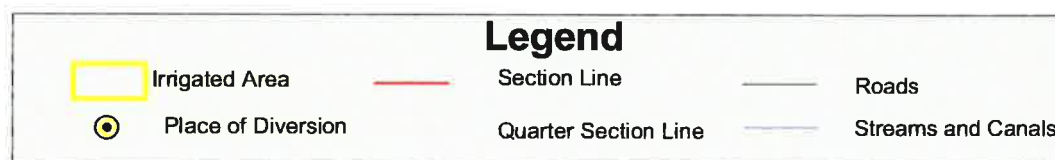
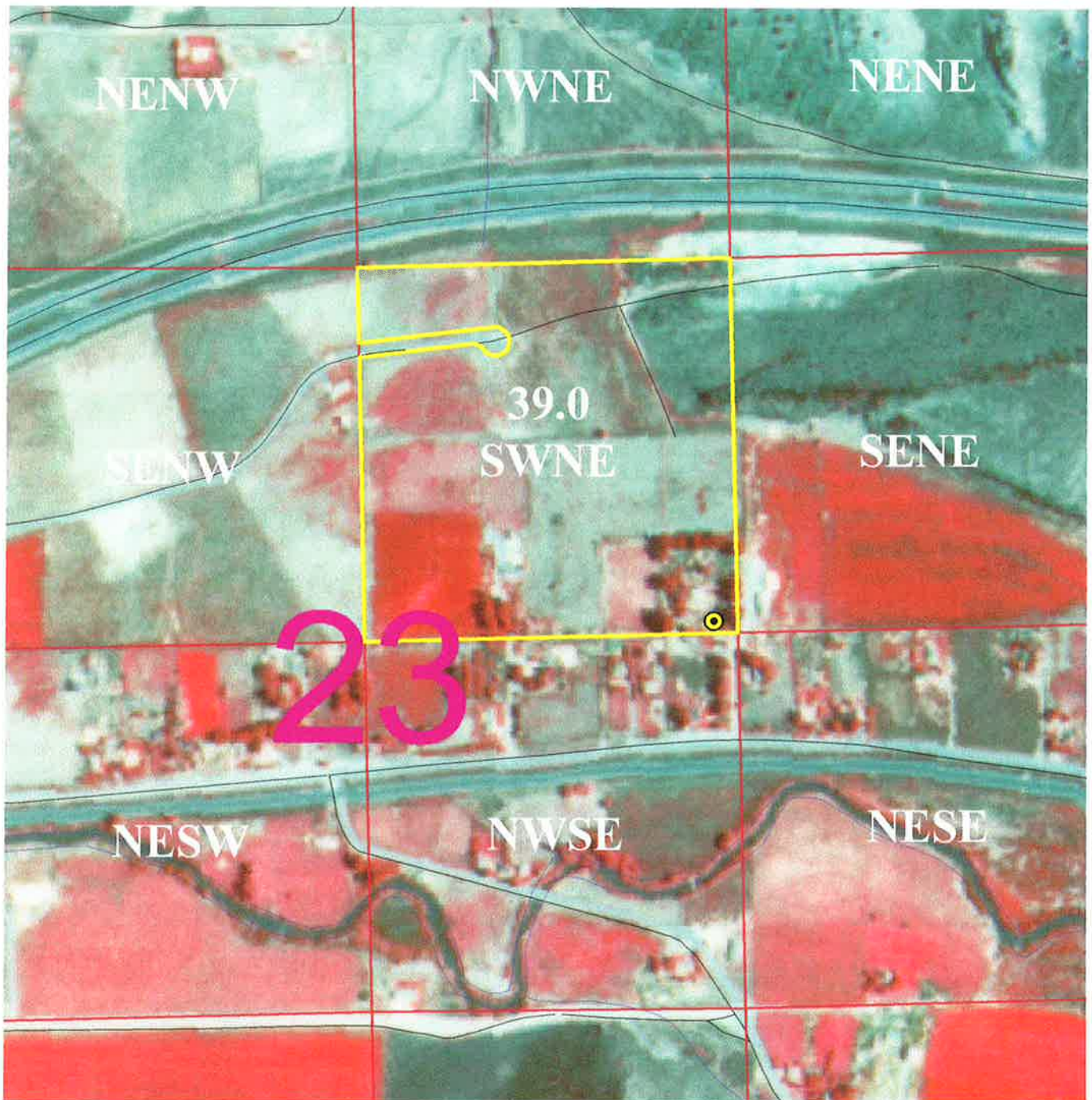
Water Right Claim Number A29-02409B
Township , 7S35E

08/30/2000



Water Right Claim Number A29-02409B
Township , 7S35E

08/30/2000





STATE OF IDAHO

Department of Water Resources
Eastern Region

Water Right(s): 29-02409B



0 1320 Feet

Total Irrigated Acres: 7.6

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



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OCT 11 2007

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



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

September 18, 2002

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

LOGAN & REBECCA ROBINSON
5354 W OLD HWY 91
POCATELLO ID 83204

RE: CHANGE IN OWNERSHIP FOR 29-495C, 29-2409B

Dear Mr. & Mrs. Robinson:

The request for Change in Ownership for a portion of the above-referenced Notice(s) of Claim has been processed with the new Notice(s) reflecting you as one of the claimants.

Since the Change in Ownership involved just a portion of the Notice(s) of Claim, the right was split as follows:

29-495C:

29-13393, 0.13 cfs, 6.4 acres, Dudunake

29-13394, 0.15 cfs, 7.6 acres, Robinson

Enclosed for your records is a typed Notice(s) reflecting your portion of the right. Review the Notice(s) and if you have other corrections or questions, please contact this office.

Respectfully submitted,

Jennifer Crabtree

Technical Records Specialist

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OCT 11 2007

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

RECEIVED
MAY 10 2002

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.

Incomplete forms will be returned.

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, 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
29-00495C					
29-02409B					

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

- A. The appropriate ~~FILE FEE~~ See instructions for fee amounts. *No Fee*
- 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) Mark D. OTERSON and LORI M OTERSON
5354 W. OLD HWY 91 Pocatello, Idaho 83204
4. New Owner/Claimant(s) LOCAN D Robinson and Rebecca A Robinson
Name Connector (Check one): ☒ and, ☐ or, ☐ and/or
- New Mailing Address 5354 W. OLD HWY. 91 Pocatello
- City, State and ZIP Code Pocatello, Idaho 83204
- New Telephone Number 208) 775-4590
5. Date you acquired the property August 30, 1986

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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 _____

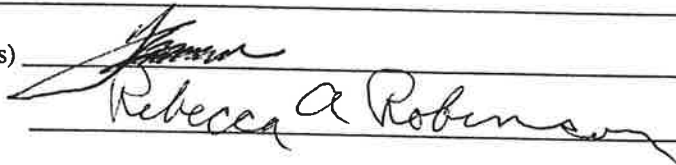
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	

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)



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 _____	Date _____	Fee _____
Received by _____	Date _____	Receipt No. _____
Processed by _____ AJ	Date _____	WR _____ Date _____

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OCT 17 2007

27
WARRANTY DEED

96014698

For Value Received **MARK D. OTTESON and LORI M. OTTESON, husband and wife**

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

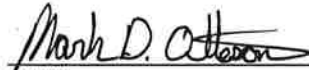
LOGAN ROBINSON and REBECCA A. ROBINSON, husband and wifewhose address is: **5354 WEST OLD HIGHWAY 91, POCATELLO, ID, 83204****4530 South 5th. Pocatello, Idaho 83204**

Hereinafter called the Grantee, the following described premises situated in BANNOCK County, Idaho, to-wit:

SEE ATTACHED LEGAL

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: **AUGUST 30, 1996**
MARK D. OTTESON
LORI M. OTTESON

NOTARY SEAL

On This 30TH day of AUGUST, in the year 1996, before me, a Notary Public in and for said State, personally appeared MARK D. OTTESON and LORI M. OTTESON, known or identified to me to be the person(s) whose name(s) ARE subscribed to the within Instrument, and acknowledged to me that THEY executed the same.

NO **96014698**
RECORDED AT REQUEST OF
FIRST AMERICAN TITLE
26 AUG 30 PM 4 10

OFFICIAL RECORD BOOK NO **673**
BANNOCK COUNTY IDAHO
LARRY W. GAN RECORDER
FREE **60** DEPUTY **SS**


Notary Public of Idaho
Residing at POCATELLO
Commission Expires: 2-18-99SCANNED
OCT 11 2007

22

96014698

PARCEL 1: A parcel of land situated in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 23, Township 7 South, Range 35 E.B.M., BANNOCK COUNTY, IDAHO, more particularly described as follows: Commencing at the East 1/16 Corner on the latitudinal centerline of said Section 23; thence North 02°00'00" West along the East 1/16 line of said Section 23, 330.00 feet to the TRUE POINT OF BEGINNING; thence continuing North 02°00'00" West, 396.00 feet; thence South 88°00'00" West, 324.00 feet; thence South 02°00'00" East, 396.00 feet; thence North 88°00'00" East, 324.00 feet to the POINT OF BEGINNING, which is also on the said East 1/16 line of said Section 23.

ALSO: A parcel of land situated in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 23, Township 7 South, Range 35 E.B.M., BANNOCK COUNTY, IDAHO, more particularly described as follows: Commencing at the East 1/16 Corner on the latitudinal centerline of said Section 23; thence North 02°00'00" West along the East 1/16 line 330.00 feet; thence South 88°00'00" West 324.00 feet to the TRUE POINT OF BEGINNING; thence continuing South 88°00'00" West 467.52 feet; thence North 01°30' West 49.9 feet; Thence North 89°48' East 17 feet; thence North 01°50" West 346.10 feet; thence North 88°00' East 450.52 feet to a point that is North 02°00'00" West 396.00 feet from the TRUE POINT OF BEGINNING; thence South 02°00'00" East 396.00 feet to the TRUE POINT OF BEGINNING.

PARCEL 2: A parcel of land situated in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 23, Township 7 South, Range 35 E.B.M., BANNOCK COUNTY, IDAHO, more particularly described as follows: Commencing at the E 1/16 Corner on the latitudinal centerline of said Section 23; thence Westerly along the latitudinal centerline 528.1 feet to the TRUE POINT OF BEGINNING; thence continuing along latitudinal centerline 263.42 feet; thence North 1°30' West 330 feet, thence North 88°00'00" East 263.42 feet; thence South 2°0' East 330 feet to the TRUE POINT OF BEGINNING.

TOGETHER WITH an access right of way easement to the above described property for ingress and egress over the following described parcel: A portion of the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 23, Township 7 South, Range 35 E.B.M., BANNOCK COUNTY, IDAHO, a portion of Lot 8 of the BLACK ROCK SUBDIVISION, more particularly described as follows: A 30 foot strip of land being 15 feet on each side of the following described centerline, to-wit: Commencing at a point that is on the Northerly right of way of Highway US 30 North that is also 275.1 feet South 515.7 feet West of the East 1/16 corner on the latitudinal centerline of said Section 23; thence North 01°32'00" West, 682.00 feet, more or less; thence North 88°00'00" East, 185.4 feet, more or less, to the Westerly boundary of a parcel of land described in legal description #3.

CDL RB



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

November 14, 2001

LOGAN ROBINSON
5354 W OLD HWY 91
POCATELLO ID 83204

RE: Notice of Change in Water Right Ownership for 29-00495C and 29-02409B

Dear Mr. Robinson,

On 5/11/01 our office sent you notice that it appears that two Snake River Basin Adjudication (SRBA) claims have been filed for irrigation on property now owned by yourself. 29-00495C claims irrigation from Blackrock creek and 29-02409B claims irrigation from ground water.

At this time our office has received no correspondence from you. For your convenience I am enclosing another Notice of Change in Water Right Ownership form and copies of the two claims in question. If you feel these claims are applicable to your property, please complete the Change of ownership form, and return it to this office as soon as possible.

In addition, please contact me to set up a meeting where we can discuss the particulars of your water use.

Respectfully submitted,

Craig L. Saxton
Water Resource Agent
Adjudication Bureau.

SCANNED

OCT 11 2007

Memorandum

Date: July 13, 2001

From: Craig Saxton

Subject: Dudunake Transfer 29-02409A&B

29-02409 has been split into an A and B portion.

29-02409:	0.26 cfs	18.3 ac	0.014 cfs/acre
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Preliminary Recommendation 29-02409A:	0.06 cfs	2.0 ac	0.03 cfs/acre
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Preliminary Recommendation 29-02409B:	0.15 cfs	7.6 ac	0.02 cfs/acre
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Total	0.21 cfs	9.6 ac	
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Conclusion: CFS and ACREAGE less than originally licensed.

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OCT 11 2007



Photo taken July 15, 1998. Shows Irrigation of
Claimants Property, Csatton



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

May 11, 2001

LOGAN ROBINSON
5354 W OLD HWY 91
POCATELLO ID 83204

RE: CHANGE IN OWNERSHIP FOR A29-02409B

Dear Mr. Robinson:

It has come to our attention that you may have recently purchased a tract of land in Bannock County. The property to which I am referring was most recently owned by Mark Otteson. The legal description is as follows:

T07S R35E S23 SW1/4 NE1/4

This property was filed on in the Snake River Basin Adjudication (SRBA), and we recommend that if, in fact, you now own the property in question, you file a "Change in Ownership" with this department in order that we may send all further correspondence to the appropriate owner(s).

Enclosed is a Change in Ownership form. Please fill out the form completely, sign and date it and return it to my attention along with a "copy" of your Warranty Deed and legal description of the property you have purchased.

If you have any questions regarding this matter, please call 525-7161.

Respectfully submitted,

A handwritten signature in cursive script that reads "Cheri Vandermeulen".

Cheri Vandermeulen
Records Clerk

Enclosure(s)

SCANNED

OCT 11 2007

State of Idaho License and Certificate of Water Right

Water License No. G-27901

Amount 26 cfs

Water District No.

Priority April 16, 1959

THIS IS TO CERTIFY that JOHN M. DUDENAKE
of Pocatello, Idaho

made application for a permit to appropriate the public waters of the State of Idaho dated April 16, 1959 that Permit No. G-27901 was issued under said application; that Certificate of Completion of works with a carrying capacity of 26 second feet was issued thereunder on September 6, 1961, showing that said works were completed on the 10th day of September, 1959; and that on the 10th day of September, 1959, JOHN M. DUDENAKE

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 a well

a tributary of subterranean flow for the purpose of irrigation and domestic use under U.S. Permit No. G-27901 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

11 of Licenses at page 7153 on the 6 day of September, 1961.

The right hereby confirmed dates from April 16, 1959.

The Point of Diversion is located

in the SW 1/4 NE 1/4 Sec. 23, Tp. 7 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 26 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
7 S	35 E		SW 1/4 NE 1/4	18	15.6
			NW 1/4 SE 1/4	2.5	2.5
Total number of acres to be irrigated:					18.3

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 6th day of September, 1961.

/s/ RALPH W. THOMAS
State Reclamation Engineer.

(SEAL)

SCANNED

29 2408

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF ENGINEER

Permit No. 9-27901

This proof is for completion of works and beneficial use in Water District No. _____

1. Name of applicant: JOHN M. DUDENAK
2. Source of water supply: Subterranean from drilled well and power pump
3. Location of point of diversion: Is in the SW 1/4 of Section 23
T. 7 S. R. 35 E. B.M. County of Bannock
4. Describe works as they exist, giving dimensions and capacities of same: Reida sarmagala
7 1/2 HP. 100' Pump. Westinghouse life line starter. Type N. Switch Panel 18'
west on pole. (No base.) Well 5' x 8' deep - 8" x 8' cap. 5 ft. 66' - 4" x 450'
buried steel main 11.6 S. - 1400' of 3' x 45 alum. lateral - 3.5 - 1/2 x 1000'
5. Water is used for: Irrigation and domestic use
6. State whether or not water has been turned into works of diversion: yes.
7. List legal subdivisions 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 other than irrigation):
SW 1/4, NW 1/4, Sec. 23, T. 7 S. R. 35 E. B.M. - 20 1/2 acres

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach?

Remarks: M.V. Dudenak along.Measured by taking pressure reading at various places along system.

This examination was made on the

Rechecked by

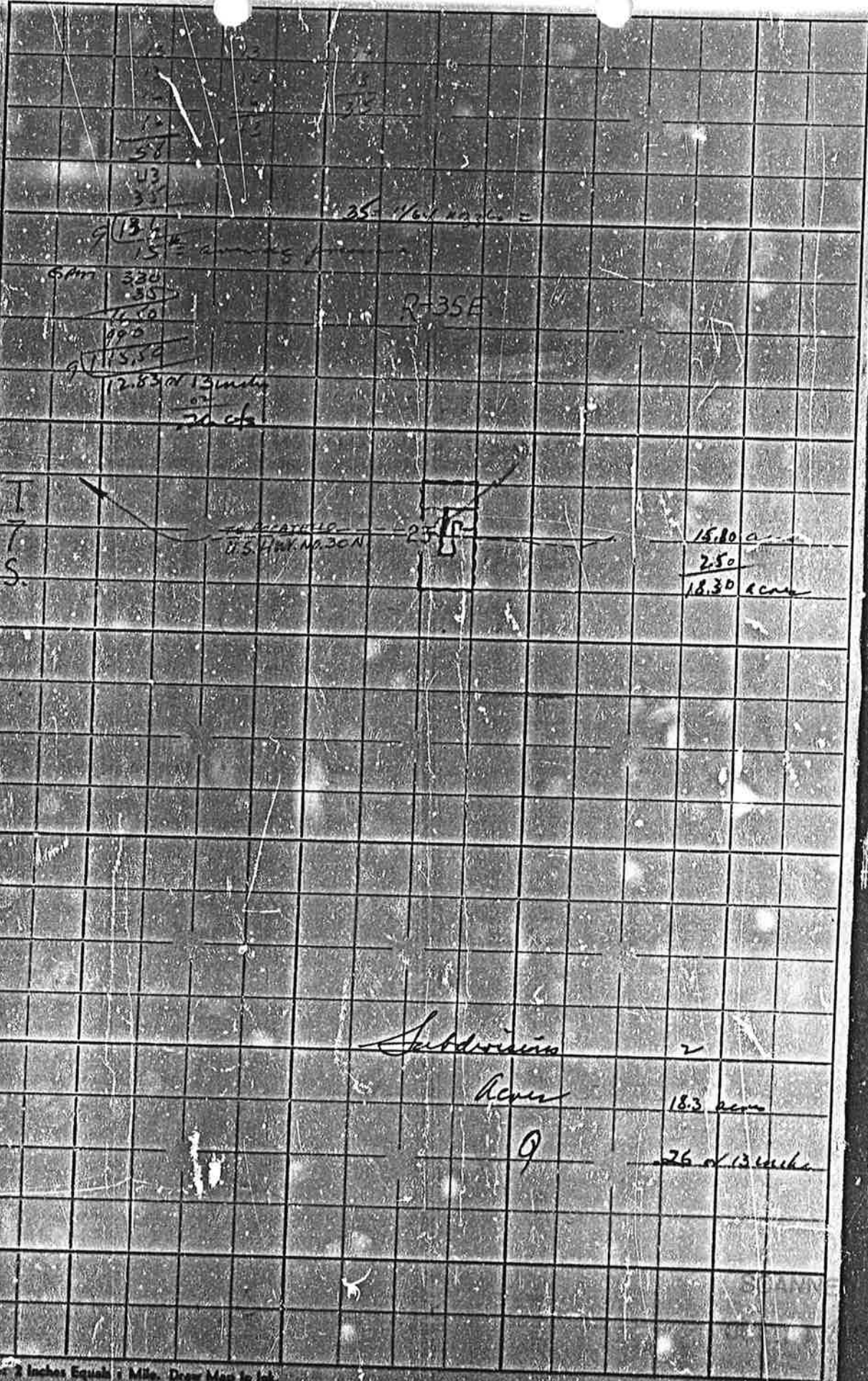
(Signed)

July 22 day of September 1964

Examiner

27901

John H. Davidson



Scale: 2 inches Equal 1 Mile. Draw Map in ink.

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OCT 11 2007

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern District Office
900 N. Skyline Dr.
Idaho Falls, ID 83402-1718

Return Service Requested

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SEP 23 2002

Department of Water Resources
Eastern Region

1420 U.S. POSTAGE
8912600.600 SEP 18 2002
7874 MAILED FROM ZIP CODE
PB3523901
83402

ROBI354 832042007 1102 02 09/20/02
RETURN TO SENDER
ROBINSON
PO BOX 4356
POCATELLO ID 83205-4356

RETURN TO SENDER

29-2409B

29-13394

02/13/2003

NOTICE OF ERROR
REPLY

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

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

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

Water right number: 29-2409B

LOGAN D ROBINSON
PO BOX 4356
POCATELLO ID 83205-4356

REBECCA A ROBINSON
PO BOX 4356
POCATELLO ID 83205-4356

RECEIVED
JUN 02 2003
Department of Water Resources
Eastern Region

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

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

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

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

DATE:

4/21/03

SIGNATURE:



Please print your name:

Logan Robinson

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

LAW OFFICES

MAGUIRE & KRESS

1414 E. CENTER
P.O. BOX 4758
POCATELLO, IDAHO 83205-4758
TELEPHONE (208) 232-5167
FAX (208) 232-5181
maguire-kress.com

DAVID H. MAGUIRE maguire@maguire-kress.com
DAVID R. KRESS kress@maguire-kress.com
CAROL TIPPI JARMAN tippij@maguire-kress.com

May 19, 2004

Clerk of the Court
Twin Falls County Courthouse
P.O. Box 126
Twin Falls, Idaho 83303-0126

*Re: In Re: SRBA
Case No. 39576
Sub Case Nos. 29-2409B and 29-13623
Our File No. 04-237*

RECEIVED
MAY 27 2004
Department of Water Resources
Eastern Region

Dear Clerk:

Enclosed please find Claimant's Information Provided to IDWR to be filed in the above-referenced matter.

If you have any questions, please do not hesitate to contact my office.

Best Regards,



David R. Kress
MAGUIRE & KRESS

DRK/am
Enclosure
cc: Logan Robinson
IDWR
Roger Warner
kress/robinson/clerk.ltr.1

SCANNED
OCT 11 2007

DAVID R. KRESS, ISB # 4982
MAGUIRE & KRESS
1414 E. Center- P.O. Box 4758
Pocatello, Idaho 83205-4758
Telephone: (208) 232-5167
FAX: (208) 232-5181

RECEIVED
MAY 27 2004
Department of Water Resources
Eastern Region

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

) CASE NO. 39576
)
) SUBCASE NOS.: 29-2409B and 29-13623
)
) **CLAIMANT'S INFORMATION**
) **PROVIDED TO IDWR**
)

To Whom It May Concern:

Enclosed please find an Affidavit of Arnell Jepsen who indicates that the land that is the subject matter of the claim in the above-entitled matter was farmed by him in 1983 and it was irrigated and watered out of a well owned by Leon Manning which was formally referred to as the Hardin well. This well is currently known as the Larsen family well which is located approximately a quarter of a mile away from the property from the land in question.

If the Petitioner is allowed to establish a water right, he would be willing to divert the right from the Larsen well to a well that is currently on his property and adjoining land which is only approximately 75 yards from the land in question. Alternatively, the Claimant would be willing to drill a well on his own property if allowed to divert from the original source.

DATED this 25th day of May, 2004.



David R. Kress
MAGUIRE & KRESS

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on the 25th day of May, 2004 a true and correct copy
of the foregoing document was mailed, postage prepaid to the following named individual:

Director of IDWR
P.O. Box 83720
Boise, Idaho 83720-0098

Roger Warner
Idaho Department of Water Resources
900 N. Skyline Drive
Idaho Falls, Idaho 83402



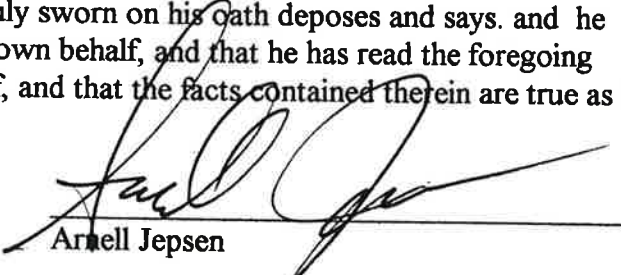
David R. Kress

TO WHO IT MAY CONCERN:

I, Arenll Jepsen farmed the Black Angus ranch in Blackrock during the summer of 1983. During that summer I irrigated from the well on the property owned by Leon Manning. The property had formerly been owed by the Hardins. Mr. Hardin had died and the Mannings had bought the place from Mrs. Hardin. I sprinkled the entire place from the road to the east. I have talked to Logan Robinson about the piece of ground that he presently owns. That property was at that time a part of the Black Angus ranch and I sprinkled that property that year in 1983 and took hay off that property. I sprinkled that property from a main line that came out of the Hardin well. The property where the Hardin well was located is now owned by the Larsen family and is known as the Larsen well.

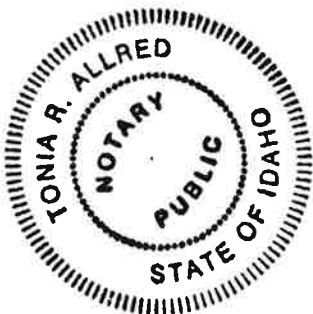
STATE OF IDAHO)
 : SS
County of Bannock)

Arnell Jepsen, being first duly sworn on his oath deposes and says, and he makes this verification for and on his own behalf, and that he has read the foregoing statement knows the contents thereof, and that the facts contained therein are true as he verily believes.


Arnell Jepsen

SUBSCRIBED AND SWORN TO before me this the 6 day of ^{May}~~April~~,
2004.


NOTARY PUBLIC FOR IDAHO, residing
at Pocatello, Idaho
expires 2-7-09



SCANNED
OCT 11 2007

JUN 15 2001

Log for claim A29-02409B

Spatial Dynamics BTD

8/30/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
07s35e	23	SWNE	8.5	39	POD placement?/Indiscernible
Totals:			8.5	39	

5/10/01 NCO to Logan Robinson - Given to Cheri 5/11/01
 5354 W Old Hwy 91
 Pocatello, ID 83204

29-7720 { June 2001 Spoke with Mark. He was going to find
 out how long it had been since the place
 was last irrigated.

AJ5809NP
No. A29-02409B

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/18/00
PAGE: 153

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	MARK OTTESON 5354 W OLD HWY 91 POCATELLO ID 83204 (208) 775-3166	04/16/1959	IRRIGATION	03-15 11-15	0.170 CFS	
TOTAL DIVERSION:					0.170 CFS	
CONSUMPTIVE USE:						26.20 AFA
Water Source: GROUNDWATER		Tributary to:		Stage: LICENSE		

AJ5809NP
No. A29-02409B

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/18/00
PAGE: 154

Point(s) of Diversion: T07S R35E S23 SWNE 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	:	SUM			
07S 35E 23 :				08				:					:					:					:					:	8.5
																								TOTAL ACRES	8.5				

POU County: BANNOCK

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

29-10901 29-11555 A29-00495C A29-02409A A29-10094 A29-10901 A29-11555

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

A29-00494 A29-00494A A29-00494C A29-00494H A29-00494J A29-00495C A29-02409 A29-10802

Remarks: GEN PAID # E013090
THIS RIGHT WAS AMENDED 4-17-95 TO REFLECT 1" PER ACRE.

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

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

Audit: 10/27/92 DCARLSON 03/29/95 POST-STD 04/17/95 GTAYLOR

NOVEMBER 19, 1992

MARK OTTESON
5004 REDFISH
CHUBBUCK ID 83202

RE: CHANGE IN OWNERSHIP FOR PORTION OF A29-02409

The request for Change in Ownership concerning the Notice of Claim in the above reference has been processed and the Notice split into two separate portions.

Enclosed is a "copy" of your portion of the water right with a new water right number assigned for your portion of A29-02409.

Since you purchased 8.5 acres of land from John M. Dudunake, the above mentioned water right **A29-02409** has been split into **A29-02409A** and **A29-02409B**. A29-02409B gives you 0.13 cfs for 8.5 acres and A29-02409A with 0.13 cfs on 2 acres is the remaining portion belonging to Mr. Dudunake.

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 this Notice for your records.

Respectfully submitted,

Dave Carlson
Water Rights Agent, Adjudication

DC:jt

Enclosure: A29-02409B

cc: John M Dudunake/copy of A29-02409A/copy of letter

MICROFILMED
DEC 09 1992



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

RECEIVED

DATE OF CLOSING: _____

OCT 26 1992

LEGAL DESCRIPTION OF PROPERTY: Township 7S Range 3SE Department of Water Resources
Section 23, 1/4 of SW 1/4 of NE 1/4, Govt. Lot _____, ERM District Office
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: _____

A29-02409

☐ Name and Address of Former
Owner/Claimant(s)(Seller): _____

John Dudunake

5406 W. Old Hwy 91

Pocatello, ID

☐ New Owner/Claimant
(Purchaser): _____

Mark Otterson

☐ New Mailing Address: _____

5004 Redfish

Poc Chubbuck, ID 83202

☐ New Telephone Number: _____

(208) 238-1712

☐ 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:

8.5 acrs in SWNE Sect. 23 T7S R3SE (Irrigation only)

☐ 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): _____

Mark Otterson

Date 10-21-92

☐ Signature of Former
Owner/Claimant(s): _____

John M. Otterson

Date 10-21-92

John M. Otterson

Date 10-17-92

John M. Otterson

Date 10/16/92

(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:

MICROFILMED

DEC 09 1992

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

1-5888300

Parcel # RCAPCO 7400

21 Warranty Deed

92015987

For Value Received JOHN M. DUDUNAKE AND JUNE M. DUDUNAKE, HUSBAND AND WIFE, also known as JOHN M. DUDUNAKE AND JUNE M. DUDUNAKE, HUSBAND AND WIFE.

the grantor, do hereby grant, bargain, sell and convey unto MARK D. OTTESON AND LORI M. OTTESON, HUSBAND AND WIFE.

whose current address is
5004 REDFISH
Chubbuck, ID 83202

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

SEE ATTACHED EXHIBIT 'A'

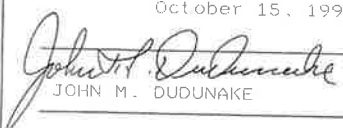
SUBJECT TO: All existing patent reservations, easements, rights of way, protective covenants, zoning ordinances and applicable building codes, laws and regulations.

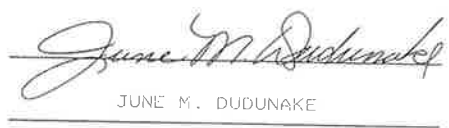
TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor do hereby covenant to and with the said Grantee, that he the owner in fee simple of said premises; that they are free from all incumbrances

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

Dated:

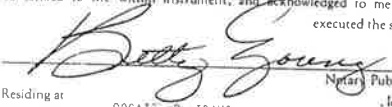
October 15, 1992


JOHN M. DUDUNAKE


JUNE M. DUDUNAKE

STATE OF IDAHO, COUNTY OF Bannock
On this 15th day of October, 1992
before me, a notary public in and for said county, personally appeared

JOHN M. DUDUNAKE
JUNE M. DUDUNAKE
known to me to be the person whose name
subscribed to the within instrument, and acknowledged to me that
executed the same.


Betty Young
Notary Public
Residing at
Comm. Expires: 01/14/98

92015987
AMERICAN LAND TITLE CO.
'92 OCT 15 P2:06
573
6.00

Division of the AMERICAN LAND TITLE COMPANY, INC.

2-2

92015987

EXHIBIT A

PARCEL 1: A PARCEL OF LAND SITUATED IN THE SW $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 23, TOWNSHIP 7 SOUTH, RANGE 35, E.B.M., BANNOCK COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE EAST 1/16 CORNER ON THE LATITUDINAL CENTERLINE OF SAID SECTION 23; THENCE NORTH 02°00'00" WEST ALONG THE EAST 1/16 LINE OF SAID SECTION 23, 330.00 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING NORTH 02°00'00" WEST, 396.00 FEET; THENCE SOUTH 88°00'00" WEST, 324.00 FEET; THENCE SOUTH 02°00'00" EAST, 396.00 FEET; THENCE NORTH 88°00'00" EAST, 324.00 FEET TO THE POINT OF BEGINNING, WHICH IS ALSO ON THE SAID EAST 1/16 LINE OF SAID SECTION 23...

ALSO: A PARCEL OF LAND SITUATED IN THE SW $\frac{1}{4}$ NE $\frac{1}{4}$ SECTION 23, TOWNSHIP 7 SOUTH, RANGE 35 E.B.M., BANNOCK COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE EAST 1/16 CORNER ON THE LATITUDINAL CENTERLINE OF SAID SECTION 23; THENCE NORTH 02°00'00" WEST ALONG THE EAST 1/16 LINE 330.00 FEET; THENCE SOUTH 88°00'00" WEST 324.00 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING SOUTH 88°00'00" WEST 467.52 FEET; THENCE NORTH 01°30' WEST 49.9 FEET; THENCE NORTH 89°48' EAST 17 FEET; THENCE NORTH 01°50' WEST 346.10 FEET; THENCE NORTH 88°00' EAST 450.52 FEET TO A POINT THAT IS NORTH 02°00'00" WEST 396.00 FEET FROM THE TRUE POINT OF BEGINNING; THENCE SOUTH 02°00'00" EAST 396.00 FEET TO THE TRUE POINT OF BEGINNING.

PARCEL 2:

A PARCEL OF LAND SITUATED IN THE SW $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 23, TOWNSHIP 7 SOUTH, RANGE 35 E.B.M., BANNOCK COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE E 1/16 CORNER ON THE LATITUDINAL CENTERLINE OF SAID SECTION 23; THENCE WESTERLY ALONG THE LATITUDINAL CENTERLINE 528.1 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING ALONG LATITUDINAL CENTERLINE 263.42 FEET; THENCE NORTH 1°30' WEST 330 FEET, THENCE NORTH 88°00'00" EAST 263.42 FEET; THENCE SOUTH 2°0' EAST 330 FEET TO THE TRUE POINT OF BEGINNING.

TOGETHER WITH AN ACCESS RIGHT OF WAY EASEMENT TO THE ABOVE DESCRIBED PROPERTY FOR INGRESS AND EGRESS OVER THE FOLLOWING DESCRIBED PARCEL: A PORTION OF THE SW $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 23, TOWNSHIP 7 SOUTH, RANGE 35 E.B.M., BANNOCK COUNTY, IDAHO, AND A PORTION OF LOT 8 OF THE BLACK ROCK SUBDIVISION, MORE PARTICULARLY DESCRIBED AS FOLLOWS: A 30 FOOT STRIP OF LAND BEING 15 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE, TO-WIT: COMMENCING AT A POINT THAT IS ON THE NORTHERLY RIGHT OF WAY OF HIGHWAY US 30 NORTH THAT IS ALSO 275.1 FEET SOUTH 515.7 FEET WEST OF THE EAST 1/16 CORNER ON THE LATITUDINAL CENTERLINE OF SAID SECTION 23; THENCE NORTH 01°32'00" WEST, 682.00 FEET, MORE OR LESS; THENCE NORTH 88°00'00" EAST, 185.4 FEET, MORE OR LESS, TO THE WESTERLY BOUNDARY OF A PARCEL OF LAND DESCRIBED IN LEGAL DESCRIPTION

21
Warranty Deed 92015989

For Value Received JOHN M. DUDENAKE AND JUNE M. DUDENAKE, ALSO KNOWN AS
JOHN M. DUDUNAKE AND JUNE M. DUDENAKE, HUSBAND AND WIFE.

the grantor do hereby grant, bargain, sell and convey unto
MARK O. OTTESON AND LORI M. OTTESON, HUSBAND AND WIFE,

whose current address is
5004 REDFISH
Chubbuck, ID 83202

the grantee, the following described premises, in BANNOCK County Idaho, to wit:
SEE ATTACHED EXHIBIT 'A' PARCEL 3

SUBJECT TO: ALL existing patent reservations, easements, rights of way, protective covenants, zoning
ordinances and applicable building codes, laws and regulations.

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

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

Dated: October 15, 1992


JOHN M. DUDUNAKE


JUNE M. DUDUNAKE

STATE OF IDAHO, COUNTY OF Bannock
On this 15th day of Oct., 1992
before me, a notary public in and for said county, personally appeared
NOTARY SEAL

JOHN M. DUDUNAKE
JUNE M. DUDUNAKE
known to me to be the person whose name
subscribed to the within instrument, and acknowledged to me that
executed the same.


Notary Public
Residing at POCATELLO, IDAHO
Comm. Expires 01/14/98

NO. 92015989

RECORDED
AMERICAN LAND TITLE CO.
'92 OCT 15 P2:08

573
600

2-2
EXHIBIT A

92015989

PARCEL 3:

A PARCEL OF LAND SITUATED IN THE NE $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 23, TOWNSHIP 7 SOUTH, RANGE 35 E.B.M., BANNOCK COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED TO-WIT: COMMENCING AT THE NORTH 1/16 CORNER OF THE EAST LINE OF SAID SECTION 23; THENCE SOUTH 87°49'00" WEST ALONG THE NORTH 1/16 LINE OF SAID SECTION 23, 700.5 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 01°48'00" WEST, 48.83 FEET TO THE SOUTHERLY RIGHT OF WAY OF INTERSTATE HIGHWAY #15; THENCE NORTH 83°59'40" WEST ALONG SAID RIGHT

OF WAY 73.51 FEET; THENCE ALONG SAID RIGHT OF WAY ALONG A CURVE CONCAVE TO THE LEFT AN ARC LENGTH OF 907.93 FEET A CENTRAL ANGLE OF 09°19'24" AND RADIUS OF 5579.58 FEET; THENCE SOUTH 01°48'00" EAST, 314.98 FEET; THENCE NORTH 87°49'00" EAST, 978.34 FEET; THENCE NORTH 01°48'00" WEST, 200.00 FEET TO THE TRUE POINT OF BEGINNING.

TOGETHER WITH AN ACCESS RIGHT OF WAY EASEMENT TO THE ABOVE DESCRIBED PROPERTY FOR INGRESS AND EGRESS OVER THE FOLLOWING DESCRIBED PARCEL: A PORTION OF THE SW $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 23, TOWNSHIP 7 SOUTH, RANGE 35 E.B.M., BANNOCK COUNTY, IDAHO, AND A PORTION OF LOT 8 OF THE BLACK ROCK SUBDIVISION, MORE PARTICULARLY DESCRIBED AS FOLLOWS: A 30 FOOT STRIP OF LAND BEING 15 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE, TO-WIT: COMMENCING AT A POINT THAT IS ON THE NORTHERLY RIGHT OF WAY OF HIGHWAY US 30 NORTH THAT IS ALSO 275.1 FEET SOUTH 515.7 FEET WEST OF THE EAST 1/16 CORNER ON THE LATITUDINAL CENTERLINE OF SAID SECTION 23; THENCE NORTH 01°32'00" WEST, 682.00 FEET, MORE OR LESS; THENCE NORTH 88°00'00" EAST, 185.4 FEET, MORE OR LESS, TO THE WESTERLY BOUNDARY OF A PARCEL OF LAND DESCRIBED IN LEGAL DESCRIPTION #2.

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 29-2409B
Date Received: 4/12/1990
Receipt No: X999999
Received By:

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

1. Name of Claimant(s)

LOGAN D ROBINSON Phone: (208)775-4590
5354 W OLD HWY 91
POCATELLO ID USA 83204

REBECCA A ROBINSON Phone: (208)775-4590
5354 W OLD HWY 91
POCATELLO ID USA 83204

2. Date of Priority: 04/16/1959

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
07S	35E	23	SW NE	BANNOCK	

5. Description of diverting works:

WELL/PUMP 84' DEEP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	0.17	

7. Total Quantity Appropriated is:
0.17 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
----------	-------	---------	----------------	-----	-------

07S	35E	23	SW	NE	IRRIGATION	8.5
					Section Acres	8.5
					Total Acres	8.5

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:

14. Remarks:

PAID # E013090 THIS RIGHT WAS AMENDED 4-17-95 TO REFLECT 1" PER ACRE.

15. Basis of Claim: License

IDAHO DEPARTMENT OF WATER RESOURCES 11/14/2001
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

NAME AND ADDRESS: MARK D OTTESON
2830 N BLACKROCK CANYON RD
POCATELLO ID 83204

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.15 CFS
30.4 AFY

PRIORITY DATE: 04/16/1959

POINT OF DIVERSION:

T07S R35E S23 SWSWNE 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	0.150 CFS 30.40 AFY

PLACE OF USE: IRRIGATION Within BANNOCK County

T07S R35E S23 SWNE 7.6

7.6 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

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-2409B V1

WATER RIGHT NUMBER: 29-2409B V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	JOHN M DUDUNAKE 5406 W OLD HWY 91 POCATELLO, ID 83204 (208)775-3601
Current Owner	MARK D OTTESON 2830 N BLACKROCK CANYON RD POCATELLO, ID 83204 (208)775-3173

Priority Date: 04/16/1959

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	0.150 CFS	30.40 AF
	<u>Total Diversion:</u>	0.150 CFS	30.40 AF

Location of Point(s) of Diversion

GROUND WATER	SW1/4SW1/4NE1/4	Sec. 23, Twp 07S, Rge 35E, B.M.
BANNOCK County		

Place of UseIRRIGATION Within BANNOCK County

T07S R35E S23 SWNE 7.6

Total Acres: 7.59999990463257

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.

Remarks:Comments:

1. csaxton 11/14/2001 NCO

Comment: This right should be in the name of Logan Robinson but have not received any reply from my attempts to contact him.

2. csaxton 11/14/2001 POD

Comment: Location of POD confirmed through conversation with original owner John Dudunake

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 29-2409B V1

Dates and Other Information:

Decreed Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Defendant:
 Plaintiff:
 Civil Case Number:
 Judicial District:
 Notice of Error Flag:
 State or Federal: S
 Owner Name Connector:
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Priority Date	11/14/2001 10:16:04 AM	csaxton			Active
POD	11/14/2001 10:16:38 AM	csaxton			Active
Source	11/14/2001 10:19:33 AM	csaxton			Active
POU	11/14/2001 10:19:58 AM	csaxton			Active
Use	11/14/2001 10:21:55 AM	csaxton			Active
Season	11/14/2001 10:22:59 AM	csaxton			Active
Quantity	11/14/2001 10:24:51 AM	csaxton			Active
Summary	11/14/2001 10:55:05 AM	csaxton	11/14/2001 10:55:05 AM	csaxton	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Contacts	11/14/2001 10:15:45 AM	csaxton	(No) 1. Do you want to schedule an appointment? Comment for 1: Attempted to contact owner of the property without success. Recommendation based on conversation with original owner of the right John Dudunake.
POU	11/14/2001 10:21:24 AM	csaxton	Edited PLS
Priority Date	11/14/2001 10:16:05 AM	csaxton	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?
POD	11/14/2001 10:17:50 AM	csaxton	Edited point location

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-2409B V1

Source	11/14/2001 10:19:35 AM	csaxton	(Yes) 1. Is the basis of claim decree or license? (Yes) 4. Does the parent right have a source? (Yes) 5. Can the claimed source be verified using the water right file? (No) 11. Is a Source remark and/or condition required?
POU	11/14/2001 10:21:05 AM	csaxton	Edited shape boundary
Use	11/14/2001 10:21:56 AM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the parent right have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file? (No) 13. Is a Purpose of Use remark and/or condition required?
Season	11/14/2001 10:22:59 AM	csaxton	(Yes) 1. Is the basis of claim decree or license? (No) 4. Does the parent right have a Period of Use? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (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? (Yes) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?
POD	11/14/2001 10:24:52 AM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the parent right have a diversion rate and/or volume? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file? (No) 8. Does the parent right have an annual diversion volume limit? (Yes) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (Yes) 10. Is a irrigation a purpose of use? (No) 12. Is a Quantity remark or condition required? Description for Question 10 - IDWR standard for the area of 4af/acre.
Summary	11/14/2001 10:55:05 AM	csaxton	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (Yes) 4. Is any portion of the claim be recommended? (Yes) 5. Is an additional remark and/or condition required? (Yes) 6. Would you like to view the recommended right? (Yes) 7. Is this a split or combined right? (No) 8. Do you have documents you would like to attach or link to the file? (Yes) 9. Would you like to set the verification date?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-2409B V1

POD	11/14/2001 10:16:39 AM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the parent right have a POD? (Yes) 5. Can the claimed POD be verified using the water right file? (No) 10. Is a POD remark and/or condition required?
POD	11/14/2001 10:18:18 AM	csaxton	Edited PLS
POU	11/14/2001 10:19:59 AM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the parent right have a POU? (Yes) 6. Can the claimed POU be verified using the water right file? (No) 14. Is a POU remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 29-2409B

WATER RIGHT NUMBER: 29-2409B

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	JOHN M DUDUNAKE 5406 W OLD HWY 91 POCATELLO, ID 83204 (208)775-3601
Current Owner	MARK D OTTESON 2830 N BLACKROCK CANYON RD POCATELLO, ID 83204 (208)775-3173

Priority Date: 04/16/1959

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	0.170 CFS	
	<u>Total Diversion:</u>	0.170 CFS	

Location of Point(s) of Diversion

GROUND WATER	SW1/4NE1/4	Sec. 23, Twp 07S, Rge 35E, 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	35E	23			8.5														8.5

Total Acres: 8.5

Conditions of Approval:Remarks:

- General PAID # E013090 THIS RIGHT WAS AMENDED 4-17-95 TO REFLECT 1" PER ACRE.

Comments:Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 29-2409B

Dates and Other Information:

Claim Received Date: 4/12/1990

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal: S

Owner Name Connector:

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

SCANNED

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: A29-02409B

Date Received: 4/12/1990

Receipt No: X777777

Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MARK OTTESON
Address: 5004 REDFISH
CHUBBUCK ID

208-238-1712

83202

2. Date of Priority: APR 16, 1959

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
07S	35E	23	SW	NE			BANNOCK

5. Description of diverting works:
WELL/PUMP 84' DEEP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.130		

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

A.F.A.

8. Total consumptive use is 26.2 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
07S	35E	23	SW	NE		IRR	8.5

Section Acres 8.5

Total Acres 8.5

A29-02409B

Page 1

Date: 10/27/92

MICROFILMED
DEC 09 1992

A2902409B



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:

14. Remarks:

PAID # E013090

15. Basis of Claim: LICENSE

Water Right Number: 27901

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): _____ Date: _____

_____ Date: _____

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

MICROFILMED

DEC 09 1992