

06/11/2003

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

RIGHT NUMBER: 29-2438B

NAME AND ADDRESS: WHITEWATER WATER USERS ASSN
13734 N WHITECLOUD
POCATELLO ID 83202

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.740 CFS
148.000 AFY

PRIORITY DATE: 02/03/1961

POINT OF DIVERSION:

T05S R34E S26 NENE Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
4/01 10/31

QUANTITY
0.740 CFS
148.00 AFY

PLACE OF USE: IRRIGATION Within BANNOCK County

T05S R34E S26	NWNE	3.7	T05S R34E S26	SWNE	26.0
T05S R34E S26	SENE	7.3			

37 ACRES TOTAL

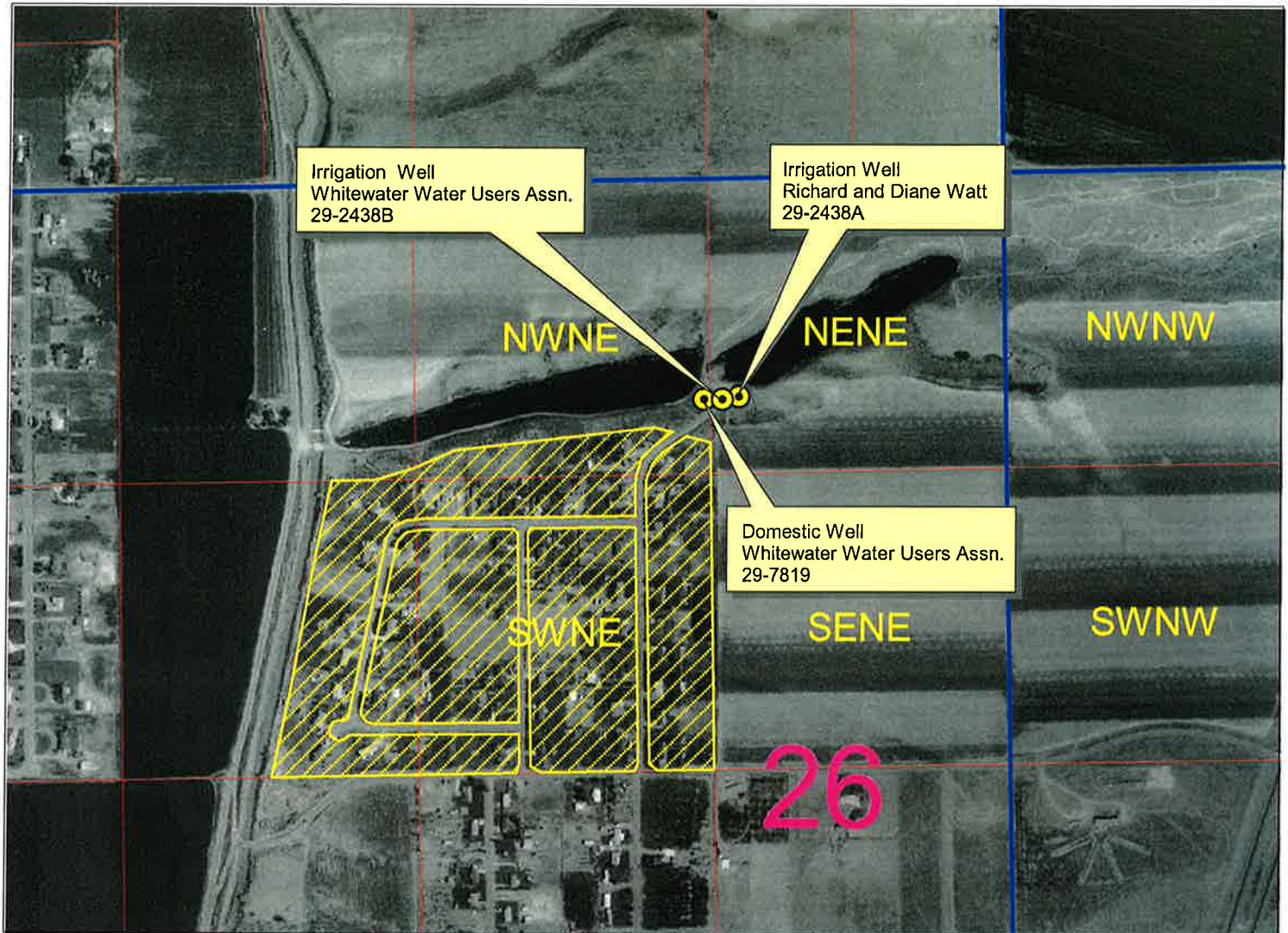
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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



State of Idaho
Department of Water Resources
Eastern Region
Claim No.: 29-2438B



0.1 0 0.1 0.2 Miles



Irrigated Acres = 37
T5S, R34E, Sec 26.

- WR 29-2438B
- Well Locations
- Sections
- QQ

SCANNED
FEB 09 2006

GIS Place of Use Illustration
1990NAPP PHOTOGRAPHY
Prepared by R. Warner
Date: May, 2003



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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 11, 2003

WHITEWATER WATER USERS ASSOCIATION
C/O RUSSELL D HANSEN
13734 N WHITE CLOUD DR
POCATELLO ID 83202

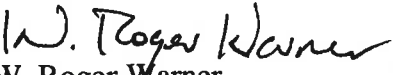
Re: Water right claim no. 29-2438B

Dear Mr. Hansen:

Thank you for returning the water right claim for the above referenced water right. Accordingly, please find attached a preliminary recommendation of a water right for the Snake River Basin Adjudication (SRBA).

If you have any questions in this regard, please feel free to call me at 525-7161.

Sincerely,


W. Roger Warner
Adjudication Agent

Enclosure: Preliminary Recommendation for water right claim no. 29-2438B.

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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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

May 22, 2003

WHITEWATER WATER USERS ASSOCIATION
C/O RUSSELL D HANSEN
13734 N WHITE CLOUD DR
POCATELLO ID 83202

Re: Water right claim no. 29-2438B

Dear Mr. Hansen:

It has come to our attention through processing claims to a water right for the sister water right (29-2438A) to the above referenced right, that water right 29-2438B has not been claimed in the Snake River Basin Adjudication (SRBA). This water right was created by means of Transfer 3290. For your convenience, I have included a copy of Transfer 3290 for your files.

Whitewater Development Co. executed transfer 3290 for the purposes of preserving the capacity of irrigating more than the standard ½ acre of lawn and garden per lot. More specifically, the right allows the irrigation of 37 acres within the service area of your subdivision. Without this water right, each homeowner would be limited to irrigation of up to ½ acre of lawn and garden areas based upon the domestic water right 29-7819.

Currently, we are in the final stages of preparation for a director's report for your area to be sent to the SRBA court in Twin Falls in June 2003. I have prepared a claim form for you to sign in the presence of a Notary Public and return to our office to my attention. There is a \$50.00 filing fee. Failure to file will result in loss of the water right.

If you feel that your irrigation needs are sufficient without this water right, I would ask that you let me know. The owners of the sister water right would likely be happy to recombine it with their water right. Either way, I need a response in short order.

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FEB 09 2006

If you have any questions in this regard, please feel free to call me at 525-7161.

Sincerely,



W. Roger Warner
Adjudication Agent

Cc: Mrs. James D. Hobbs,
Secretary, Whitewater Water Users Assn
13700 N White Cloud Dr
Pocatello, Idaho 83202

Enclosure: Copy of Transfer 3290.
Water right claim no. 29-2438B.
Layout for water right claim 29-2438B.

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FEB 09 2006

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-7819 V1

WATER RIGHT NUMBER: 29-7819 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	WHITEWATER DEVELOPMENT CO 350 N 200 E REXBURG, ID 83440 (208)356-9201
Current Owner	WHITEWATER WATER USERS ASSN 13700 N WHITECLOUDS POCATELLO, ID 83202 (208)237-5284

Priority Date: 09/20/1979

Basis: License

Status: Active

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

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	01/01 to 12/31	2.000 CFS	63.60 AF
<u>Total Diversion:</u>		2.000 CFS	

Location of Point(s) of Diversion

GROUND WATER	SW1/4NE1/4NE1/4	Sec. 26, Twp 05S, Rge 34E, B.M.
BANNOCK County		
GROUND WATER	SE1/4NW1/4NE1/4	Sec. 26, Twp 05S, Rge 34E, B.M.
BANNOCK County		

Place of Use

DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05S	34E	26		X				X											

Conditions of Approval:

- 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:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 29-7819 V1

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:
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

3290

TRANSFER NO.	NAME	AMOUNT C.F.S.	BALANCE C.F.S.	RIGHT NO.
	~~Johnson, Albert M. & Gerald H.~~	~~3.1~~		~~29-2438~~
3290	White Water Development	0.74		29-2438B
	Johnson, Albert M. & Gerald H.	2.36		29-2438A

RECEIVED
MAR 30 1987

Department of Water Resources
Eastern District Office

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From Allocations Transfer Files
Eastern Region IDWR

T 3290 2/19/01 BAC

NOV 13 1986
Department of Water Resources
Eastern District Office

Transfer No. 3290Water Right No. 29-2438

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
To Change the Point of Diversion and/or the Place of Use

Name of applicant White Water Development Co. Phone (208) 356-9201Post Office address 350 North 200 East, Rexburg, Idaho 83440**A. DESCRIPTION OF RIGHT AS RECORDED**

1. Right evidenced by:

a. Decree No. _____ Decreed to _____ (Name)
in case of _____ vs _____dated in _____ in _____ county of _____
(Name of court)b. License No. 29-2438 issued by the Idaho Department of Water Resources

c. Claim No. _____ on file with the Idaho Department of Water Resources

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant. If the applicant not the original holder of the water right, explain how it was acquired Purchase3. Source of water Groundwater tributary to _____4. Date of priority February 3, 1961

5. Water is used for the following purposes:

amount 3.1 cfs for Irrigation purposes from 4-01 to 10-31

amount _____ for _____ purposes from _____ to _____

amount _____ for _____ purposes from _____ to _____
(month/day — both dates inclusive)6. Total amount of water under right: a. 3.1 cubic feet per second
b. 620 &/or acre feet per annum7. Location of original point of diversion is NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 26
Township 5S Range 34E B.M., in Bannock County

Additional points of diversion, if any _____

8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
	34E	26	23	28	40	40	9			15									155

Total number of acres to be irrigated 1559. Describe any other water rights used for the same purpose as described above N/A10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of nonuse? No
If yes, describe in item D. REMARKS

From Allocations Transfer Files
Eastern Region IDWR

B. DESCRIPTION OF PORTION OF RIGHT OWNED BY APPLICANT (If the entire right is owned by the applicant, omit part B).

1. Amount of water: a. 0.74 cubic feet per second &/or
b. 148 acre feet per annum
2. Point of diversion NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 26 Township 5S
Range 34E, B.M., Bannock County
Additional points _____
3. Place of use: _____

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
5S	34E	26		3.7	26					7.3									37

Total number of acres to be irrigated 37

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. General Information

- a. Amount of water to be diverted 0.74 c.f.s. &/or 148 acre feet
- b. Description of diverting works 30 HP submersible pump will pump directly into an existing storage tank. Booster pumps pump into existing culinary water system.
- c. Describe the reasons for the proposed changes Acreage above is under a domestic subdivision. Applicant will use water under this permit to irrigate lawns and gardens within subdivision.

2. Change in point of diversion

- * Point of diversion NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 26 Township 5S
Range 34E, B.M., Bannock County
Additional points *Applicant is drilling a new well within same 40 acres as original licensed well. Original well is currently used to irrigate remaining acreage under old license which is not in subdivision.

1. Change in place of use N/A

- a. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? Yes No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed change.
- b. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer.

From Allocations Transfer Files
Eastern Region IDWR

[illegible]

4. Describe any other water rights used for the same purpose as described above. N/A

-
- From Allocations Transfer Files
Eastern Region IDWR
- *****
- Topographic map showing a proposed diversion point and original well location. The map includes contour lines, a grid, and labels for 'POINT OF DIVERSION', 'ORIGINAL WELL', and 'PLACE OF USE'. A 'WASTEWAY' is also indicated on the left side.

From Allocations Transfer Files
Eastern Region IDWR

For more information, call 1-800-368-5868 or visit www.rockwell.com.

D. REMARKS

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge. I understand that any willfull misrepresentations made in this application may result in voiding its approval.



Managing Partner

Clayton F. Ferguson
(Signature of Applicant)

Subscribed and sworn to before me this 6 day of November, 19 86

Diane Siddaway
(Notary Public)

My commission expires Jan 1988

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 29-24388 and said application is hereby APPROVED, subject to the following limitations and conditions:

I place my hand this 24th day of March, 19 87

J. Glen Saylor
Chief, Operations Bureau

From Allocations Transfer Files
Eastern Region IDWR

FOR DEPARTMENT USE ONLY

by MD Date 11-10-86 Protest filed by _____
Prelim. check by MD Fee \$50
Received by MD Date 11-14-86
Published in Tellico State Journal
NOC 1-1 + 1-3-1987
Pub. dates 12-4 + 12-11-1986
Watermaster recommendation requested on 11/11
rec'd. _____
Copies of protest forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial
by RDC Jim GS

RECEIVED
JUN 09 2003
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 THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 29-2438B
Date Received: 5/1/1990
Receipt No: X999999
Received By: E 02 P858

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

208 237 2804
WHITEWATER WATER USERS ASSN Phone: (208) 237-5284
13734 N. Whitecloud
13700 N WHITECLOUDS
POCATELLO ID USA 83202

2. Date of Priority: 02/03/1961

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
05S	34E	26	NE NE	BANNOCK	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	10/31	0.74	148

7. Total Quantity Appropriated is:
0.74 C.F.S. and/or 148 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
05S	34E	26	NW NE	IRRIGATION	4
			SW NE	IRRIGATION	26
			SE NW	IRRIGATION	7
Section Acres					37
Total Acres					37

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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:

TRANS. 3290.
SPLIT RIGHT A29-02438 TO MAKE A29-02438A AND A29-02438B.

15. Basis of Claim: License

SCANNED

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 do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 44

For Organizations:

I do solemnly swear or affirm that I am System operator of

White water subdivision water users that I have signed the foregoing
Organization

document in the space below as System operator of

White water subdivision water users and that the statements contained in the
Organization
foregoing document are true and correct.

Russell Ham
Signature of Authorized Agent

System operator
Title and Organization

5-29-03
Date

State of Idaho

County of Bannock) SS.

Subscribed and sworn (or affirmed) before me this 29th
of May 2003

William Golay
Notary Public

Residing at Pocatello

My commission Expires 10/20/07



SCANNED

FEB 09 2006

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)

Water Right Number - A29-024388

Prefix Translation: ADJUDICATION CLAIM

Old (D) Number - 29402

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***
COMBINED RIGHT

1 -
2 -
3 -
City- X State- ID Zip- 0
Phone - 208-000-0000

*** O - ORIGINAL OWNER ***
JOHNSON

ALBERT M

1 -
2 -
3 -
City- X State- ID Zip- 0
Phone - 208-000-0000

WHITE WATER DEVELOPMENT CO

1 - 350 N 200 E
2 -
3 -
City- REXBURG State- ID Zip- 83440
Phone - 208-000-0000

JOHNSON

GERALD R

1 -
2 -
3 -
City- X State- ID Zip- 0
Phone - 208-000-0000

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - - +
02/03/1961 15 EASTERN Z - SEE REMARKS

+ - - - - Source - - - - + + - - - - - Tributary - - - - - +
GROUNDWATER
COMBINED RIGHT

+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County
05S 34E 26 NE NE (5) BANNOCK

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 04/01 10/31 0.740 148.00

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
0.740 148.00 0.0

+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
05S 34E 26 NW NE 4.0 01 IRRIGATION (5) BANNOCK
05S 34E 26 SW NE 26.0 01 IRRIGATION (5) BANNOCK
05S 34E 26 SE NW 7.0 01 IRRIGATION (5) BANNOCK

Total Acres: 37.0

Prefix Translation: ADJUDICATION CLAIM

+ - - Other Rights for Same Use -

Court Report Filing	-	00/00/0000	Field Inspection Made	-	00/00/0000	Civil Case Number	-	39576
Objection Filed Date	-	00/00/0000	Field Inspection Flag	-		Old Case Number	-	
Response Filed Date	-	00/00/0000	Verified Date	-	00/00/0000	Old Judicial District	-	
Claim Received Date	-	05/01/1990	Last Amended Date	-	00/00/0000	Temporary Right	-	P
			Receipt Number	-	X777777	Water District	-	
			POU Ownership Flag	-	Y	Federal/State Indicator	-	S
			Name Connector	-		Presumption Flag	-	
						Notice of Error Flag	-	