

01/09/2003

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

RIGHT NUMBER: 29-4096
NAME AND ADDRESS: NATHANIEL E WHITE
PO BOX 1524
POCATELLO ID 83204

DAVELLA F WHITE
PO BOX 1524
POCATELLO ID 83204

SOURCE: UNNAMED STREAM TRIBUTARY: SINKS
QUANTITY: 0.020 CFS
PRIORITY DATE: 03/14/1922
POINT OF DIVERSION:

T06S R34E S33 NESESE Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

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

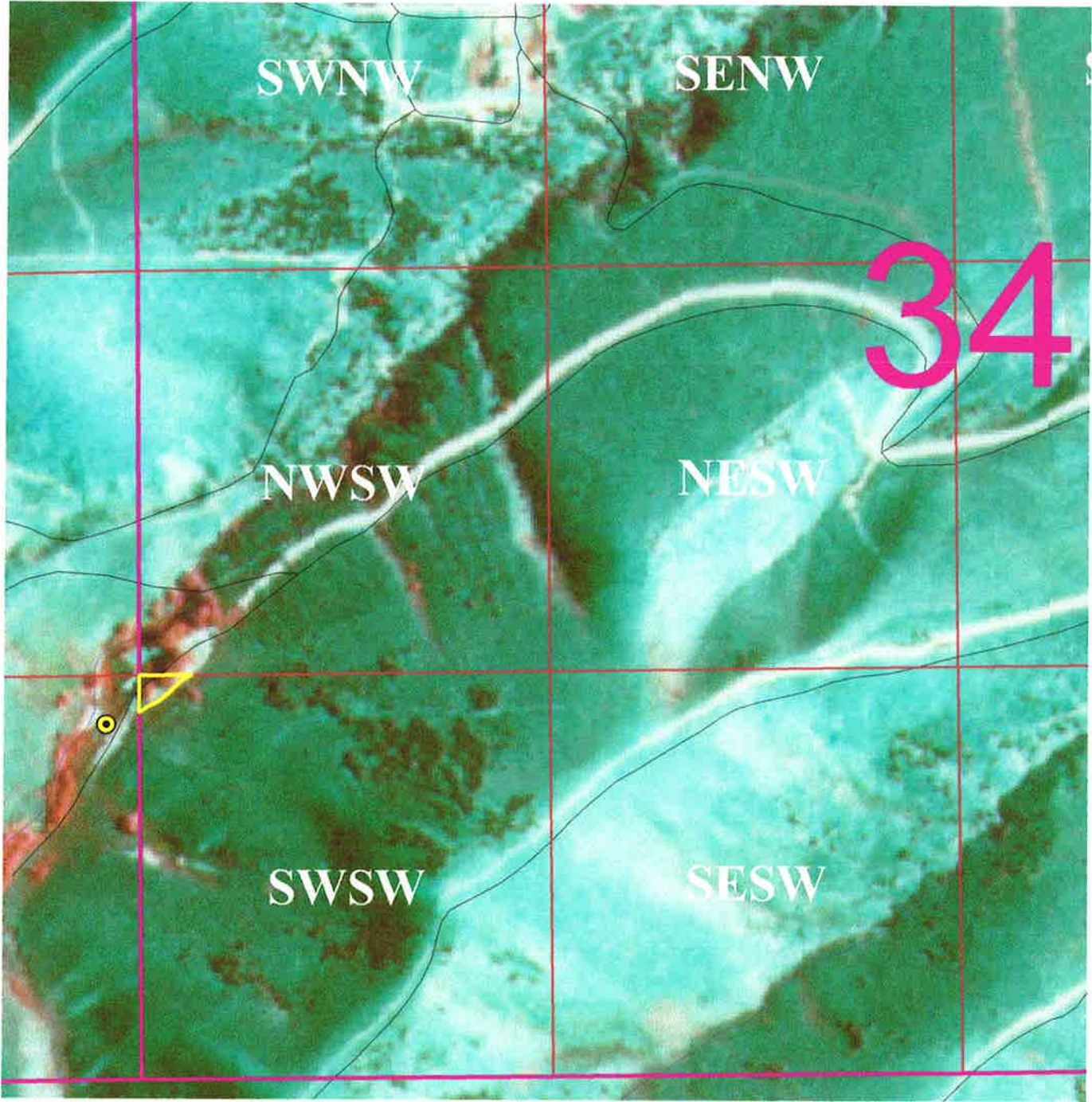
PLACE OF USE: IRRIGATION Within BANNOCK County
T06S R34E S34 SWSW 1.0

1 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: Beneficial Use



Irrigated Area

Place of Diversion

Section Line

Quarter Section Line

Roads

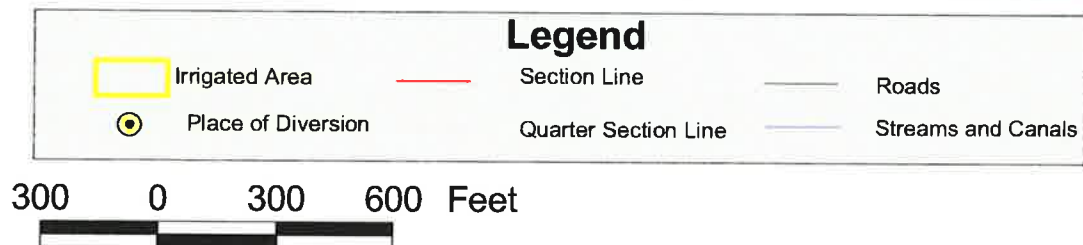
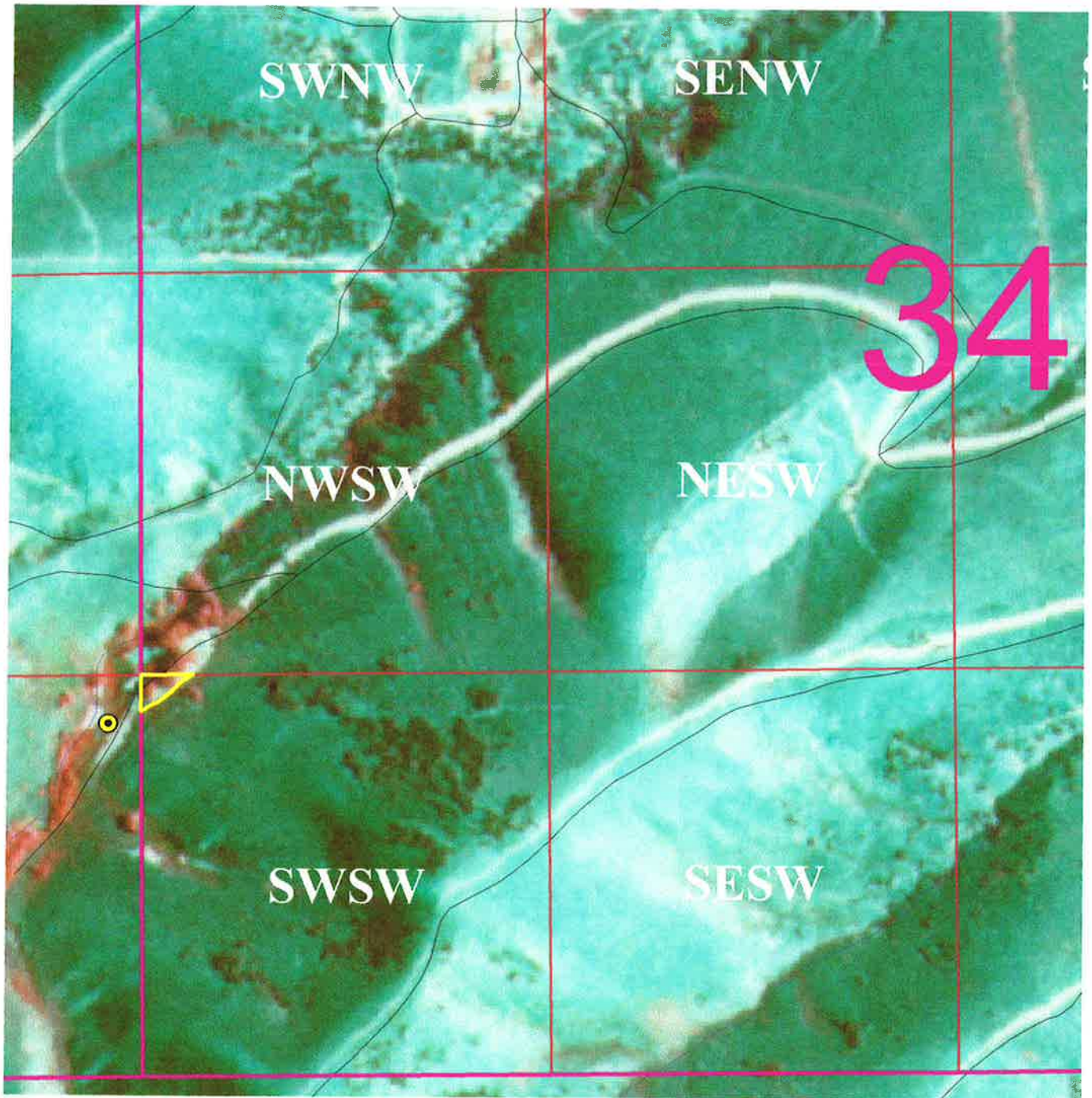
Streams and Canals

Legend



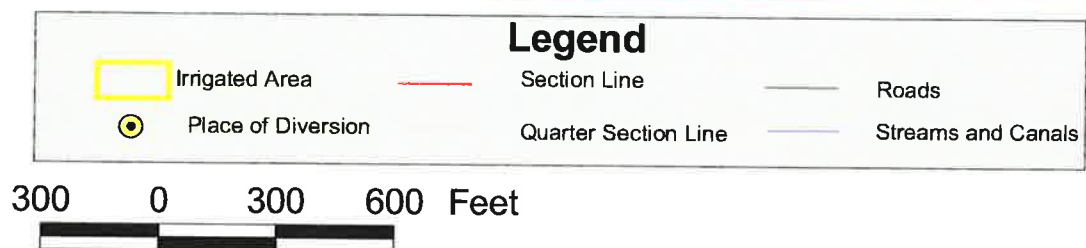
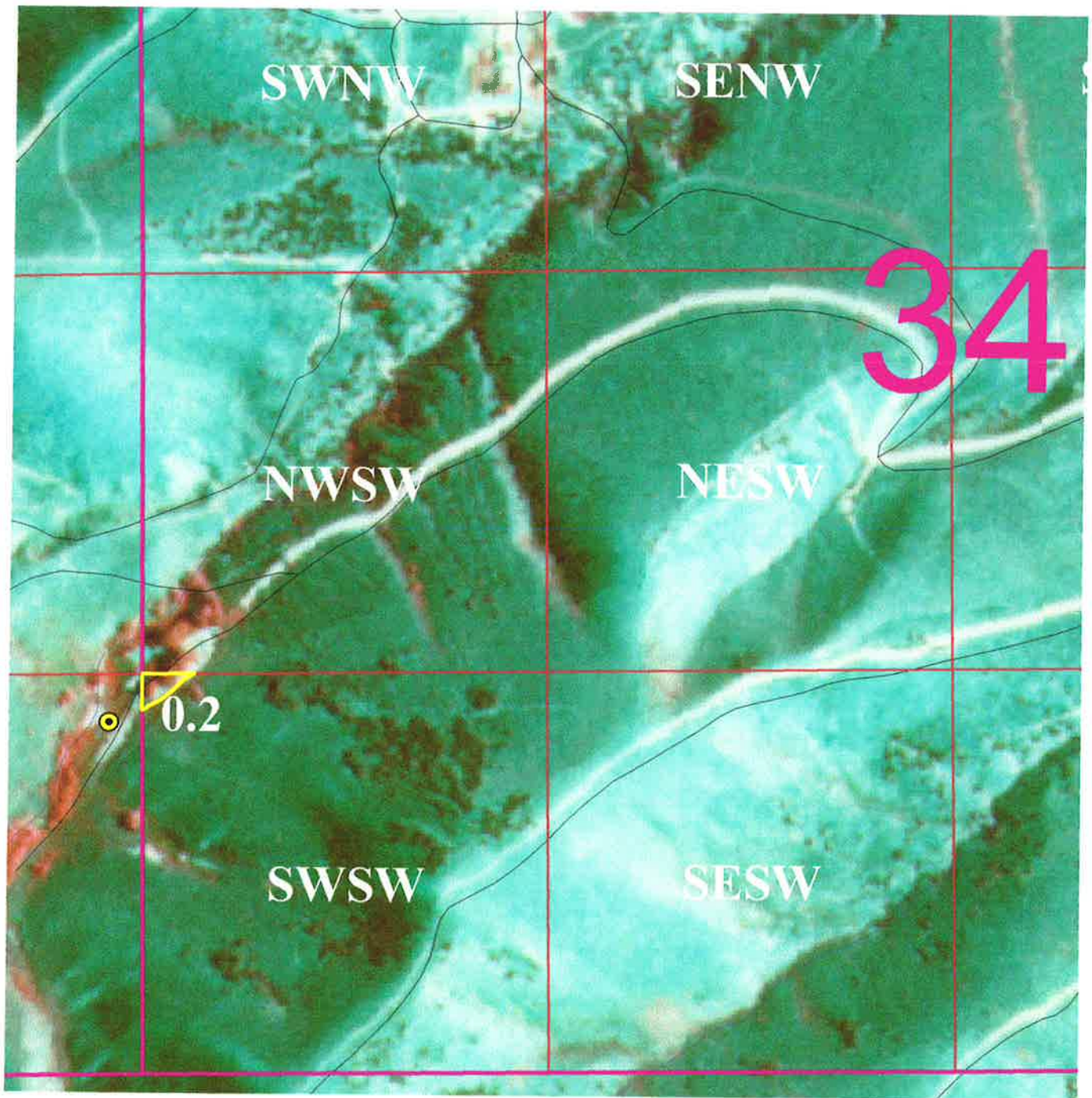
Water Right Claim Number A29-04096
Township , 6S34E

09/20/2000



Water Right Claim Number A29-04096
Township , 6S34E

09/20/2000



02/18/2003

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: 29-4096

NATHANIEL E WHITE
PO BOX 1524
POCATELLO ID 83204
Telephone Number: (208)232-6001

DAVELLA F WHITE
PO BOX 1524
POCATELLO ID 83204
Telephone Number: (208)232-6001

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

Irrigation Period of use - 4/01 10/31
Place of use OKay 1 Acres total is Not OKay

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

Irrigation Period of use changed to 3/22 to indefinite
Place of use (OKay) 1 Acres irrigation is to be changed to 3.5 acres.

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

The water Rights to this property were given to this family by the President of the United States in March of 1922. I cannot let you take this irrigation away on October of 2031. We will continue to keep the water Rights as long as this property remains in the family. It will be necessary to use this stream to

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

DATE: Do NOT SIGNATURE: Agree!

Please print your name: Do Not agree!

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

irrigate 3.5 to 4 acres of property surrounding the homes and outbuildings that currently exist on this property. It will be necessary to irrigate to keep these buildings from being destroyed by range fires.

AS A special note: It is very courteous to notify us that our water Rights are being Stolen!

PROFILED

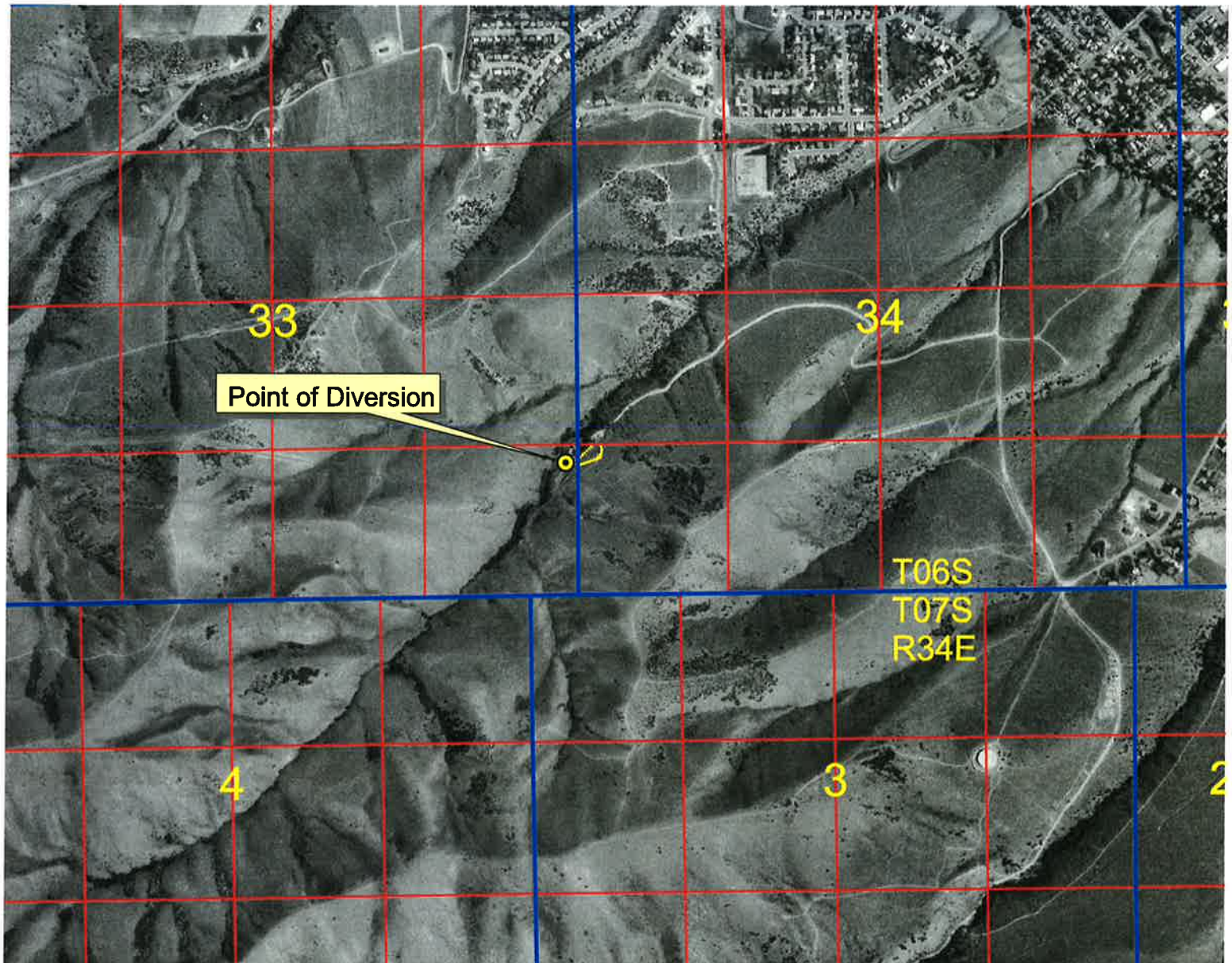
Davella White

MAR 15 2006

RECEIVED
APR 16 2003
Department of Water Resources
Eastern Region
RECEIVED
APR 03 2003
Department of Water Resources
Eastern Region



State of Idaho
Department of Water Resources
Eastern Region
Water Right 29-4096



0.5 0 0.5 1 Miles

1:16000



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

PROFILED

SCANNED

MAR 10 2006

GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: P. Meyer
Date: January 2003

SCANNED

JUN 13 2001

Log for claim A29-04096

Spatial Dynamics LTD

9/20/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
06s34e	34	SWSW	1	0.2	
Totals:			1	0.2	

AJ5809NP

IDAHO DEPARTMENT OF WATER RESOURCES

DATE: 05/24/00

PAGE: 68

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	NATHANIEL E WHITE	03/14/1922	IRRIGATION	03-15 11-15	0.020 CFS	
C	DAVELLA F WHITE					
	PO BOX 1524					
	POCATELLO ID 83204					
	(208) 232-6001					
				TOTAL DIVERSION:	0.020 CFS	
				CONSUMPTIVE USE:		2.50 AFA

Tributary to: SINKS

Stage: STATUTORY CLAIM

Point(s) of Diversion: T06S R34E S33 NESESE

BANNOCK County

Place of use Legal Description for: IRRIGATION

[illegible]

POU County: BANNOCK

Other Rights: NONE.

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
A29-12623

Other Water Rights Listing Overlapping Place(s) of Use:
A29-04095

Dates:	Exam Made Date:	Verified Date:	Objection Filed Date:
Misc:	Water District Number:	Field Inspection Flag: Presumption Flag:	
Audit:	04/04/88 MCC 05/18/88 NOYES	07/19/94 THOMPSON	03/29/95 POST-STD

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Nathaniel E. White

(Name of Claimant)

P. O. Box 1524, Pocatello, Idaho 83201

Telephone No. 232-6001

(Mailing Address)

(Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

- (1) Date of priority: (When was the water first applied to a beneficial use) March 14, 1922

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)

Unnamed Stream tributary to Sinks

- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

	(cfs, gpd, AFA)	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
			(Mo., Day)	(Mo., Day)
Quantity	<u>0.02 cfs</u>	Use <u>Irrigation</u>	Period of Use From <u>3/15</u>	To <u>11/15</u>
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To

- (4) 0.02 cfs TOTAL QUANTITY USED.

(cfs, gpd, AFA)

- (5) A) Point of diversion: (Location of point where water is diverted from its source)

SE ¼ SE ¼, Sec. 33 Twp. 6S Rge. 34E B.M., County of Bannock

Additional points of diversion:

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. storage reservoir, earthen dam, pump, mainline, sprinkler system

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
6S	34E	34											1						1

No. of acres 1

- B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

NOTE: Include here the type and number of stock watered:

- (7) If you are claiming water as a member of an organization, list name of organization:

blackfoot 022176.

The United States of America,

To all to whom these presents shall come, Greeting:

WHEREAS, a Certificate of the Register of the Land Office at Blackfoot, Idaho, has been deposited in the General Land Office, whereby it appears that, pursuant to the Act of Congress of May 20, 1862, "To Secure Homesteads to Actual Settlers on the Public Domain," and the acts supplemental thereto, the claim of William J. White has been established and duly consummated, in conformity to law, for the southwest quarter of the southwest quarter of Section thirty-four in Township six south of Range thirty-four east of the Boise Meridian, Idaho, containing forty acres,

according to the Official Plat of the Survey of the said Land, returned to the GENERAL LAND OFFICE by the Surveyor-General;

NOW KNOW YE, That there is, therefore, granted by the UNITED STATES unto the said claimant the tract of Land above described, TO HAVE AND TO HOLD the said tract of Land, with the appurtenances thereof, unto the said claimant and to the heirs and assigns of the said claimant forever, subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts; and there is reserved from the lands hereby granted a right of way thereon for ditches or canals constructed by the authority of the United States.

IN TESTIMONY WHEREOF, I, Warren G. Harding,

President of the United States of America, have caused these letters to be made Patent, and the seal of the General Land Office to be hereunto affixed.

GIVEN under my hand, in the District of Columbia, the FOURTEENTH day of MARCH In the year of our Lord one thousand nine hundred and TWENTY-TWO and of the Independence of the United States, the one hundred and FORTY-SIXTH.

By the President

By

Warren G. Harding
Viola B. Hughes Secretary
W. P. LeRoy
 Recorder of the General Land Office

White
12959 and 12979 West White Road
(Extension of West Clark)
Pocatello, ID 83204

Statement as Evidence of Priority

RECEIVED
MAY 3 1994

Department of Water Resources
Eastern District Office

RE: White Springs Water Rights
Claim #29 4095 and #20 4096

To: Idaho Department of Water (or whomever it may concern)

From: Nina Isham
3975 Pine Street
Boise, ID 83703
(208)387-0245

Date: January, 1994

I grew up with my parents, four sisters, and two brothers on 40 acres west of Pocatello, currently known as the property at the end of West White Road. In my childhood, the property was better known as the Maple Leaf Dairy. My parents obtained a deed of ownership for the 40 acres on West White Road on March 14, 1922, from President Taft, after they had fulfilled the homestead requirements. Part of this requirement was that a water source be developed in order to help establish property improvement. The water that was used for the household, barns, the dairy, livestock and crops was obtained from the canyon springs that are west of the property (SE 1/4 Section 33 and SW 1/4 Section 34).

In fact, in 1922, my brothers, Nathaniel "Todda" and William "Bill" dug the original trenches and ran the first pipe from the springs to the primary dwelling at the time. My family also diverted part of the water from all of the springs to a holding pond--that we created--which was used for irrigation and watering animals.

NOV 13 1996

POOR ORIGINAL

Nina Isham
Evidence of Priority, White Springs
Page 2

Therefore, I have first-hand knowledge and I actually witnessed (or participated in) the improvements made on the property and the beneficial use made of the water sources that are included under Water Rights Claim Numbers 29 4095 and 29 4096.

When another house was added in the early 1930s, the same water source was used for this second house that had been used for the original dairy barn--from the aforementioned springs. Currently, the water from the springs is still being used by the two houses for domestic use, as well as for irrigation, watering purposes, and fire protection for the property.

° If additional information or clarification is needed, please contact me.

Signature

Date

Notary Public

Date

NOV 13 1996

EVIDENCE OF PRIORITY

Evidence of priority can be established in many ways. Tax records, aerial photos, power bills and affidavits are a few examples of evidence that can be submitted.

If an affidavit is used for evidence of priority the least amount of info. that is needed is as follows:

- 1) From whom is the affidavit
- 2) How the person who signed the affidavit can be contacted (Phone # and/or address).
- 3) When the water was first used; this date should be as specific as possible (month/day/year). 03/14/22
- 4) The basis of the information; how this person has knowledge of the date and use. Example: "I lived next to Mr. Smith when he began using water from Willow Creek to irrigate 40 acres in the SW 1/4 of section 2 in 1936."

* The more information that the affidavit has on the date and use, the better the evidence for support.

Irrigation SE 1/4, Sect 33
use SW 1/4 Sect 34
TWP

Domestic SE 1/4 Sect 33 ~~SW 1/4~~
use SW 1/4 Sect 34

For (2) homes

NOV 13 1950

White
12059 West White Road
Pocatello, ID 83204

RECEIVED
MAY 3 1994

Department of Water Resources
Eastern District Office

Statement as Evidence of Priority

RE: White Springs Water Rights
Claim Numbers #29 4095 and #20 4096

To: Idaho Department of Water (or whomever it may concern)

From: William White
24 Hillcrest
Pocatello, ID 83204
(208)233-2568

Date: January, 1994

My family lived on the property that has been previously known as Maple Leaf Dairy. My parents gained ownership of the 40 acres where this Dairy was located (currently referred to as the property at the end of West White Road) on March 14, 1922, and the water that was used for houses, barns, the dairy, livestock and crops was obtained from the canyon springs that are directly above the property (SE 1/4 Section 33 and SW 1/4 Section 34).

In fact, when I was a young man in 1922, my brother, Nathaniel and me dug the original trenches and ran the first pipe from the springs to the primary dwelling at the time, and also to a holding pond that was used for irrigation and watering animals. So, I have first-hand knowledge and experience about the improvements made on the property and the beneficial use made of the water under Water Rights Claim Numbers 29 4095 and 29 4096.

When another house was added in the early 1930s, the same water source was used that had been used for the original dairy barn, from the aforementioned springs.

NOV 13 1994

POOR ORIGINAL

William White
Evidence of Priority, White Springs
Page 2

Currently, the water from the springs is still being used by the two houses for domestic use, as well as for irrigation, watering purposes, and fire protection for the property.

If additional information or clarification is needed, please contact me.

William A White
Signature

Feb. 1-94
Date

Subscribed and sworn before me this 1st day of Feb. 1994.

Kathy R. Standley
Notary Public

2/1/94
Date

The springs were used from 1922
My Family Homesteaded the Forty Acres in 1915
we lived and developed a dairy - Built a house &
Dairies using the water from the springs all that time
My brother & I piped the water over a Quarter Mile
to a tank above the house, to put water in the house
& barns. That left enough water in creek for
cattle & gardens & trees.

As you know cattle are great Tolerators of springs
making water used below unfit for humans.

The land is in a narrow steep Canyon

NOV 13 1998

EVIDENCE OF PRIORITY

Evidence of priority can be established in many ways. Tax records, aerial photos, power bills and affidavits are a few examples of evidence that can be submitted.

If an affidavit is used for evidence of priority the least amount of info. that is needed is as follows:

- 1) From whom is the affidavit
 - 2) How the person who signed the affidavit can be contacted (Phone # and/or address).
 - 3) When the water was first used; this date should be as specific as possible (month/day/year). 03/14/22
 - 4) The basis of the information; how this person has knowledge of the date and use. Example: "I lived next to Mr. Smith when he began using water from Willow Creek to irrigate 40 acres in the SW 1/4 of section 2 in 1936."
- * The more information that the affidavit has on the date and use, the better the evidence for support.

Irrigation SE 1/4, Sect 33,
use SW 1/4 Sect 34,
TWP

Domestic SE 1/4 Sect 33 ~~SE 1/4~~
use SW 1/4 Sec 34

For (2) homes

MICROFILMED

NOV 13 1980

JUN 13 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: A29-04096
Date Received: 4/04/1988
Receipt No: E000061

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: NATHANIEL E. WHITE 208-232-6001
Address: P. O. BOX 1524
POCATELLO, ID 83204
OR
Name: DAVELLA F. WHITE 208-232-6001
Address: P. O. BOX 1524
POCATELLO, ID 83204



2. Date of Priority: MAR 14, 1922

3. Source: UNNAMED STREAM Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06S	34E	33	NE	SE	SE		BANNOCK

5. Description of diverting works:
EARTH-FILL DAM, PUMP, PIPELINE, 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	0.020		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06S	34E	34	SW	SW		IRR	1.0
Section Acres							1.0

A29-04096

Page 1

Date: 04/04/88

MICROFILMED
NOV 13 1992

10. Place of Use: Continued

Total Acres 1.0

11. Place of use in counties: BANNOCK

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
NONE.

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM
Water Right Number:

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): Nathaniel E. White Date: 4-4-88

Date: _____

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 4th day
of April 19 88 Colleen Gray
Notary Public

Seal

Residing at Idaho Falls

My Commission Expires 5/29/1991