

08/21/2001

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

RIGHT NUMBER: 29-4207C

NAME AND ADDRESS: KENNETH G PAYNE
ROBERTA B PAYNE
PO BOX 250
INKOM, ID 83245

SOURCE: PORTNEUF RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 0.04 CFS

PRIORITY DATE: 12/31/1930

POINT OF DIVERSION: T07S R35E S23 SWNWSE 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	0.04 CFS

PLACE OF USE:

<u>IRRIGATION Within BANNOCK County</u>			
T07S R35E S23	NESW	0.2	T07S R35E S23 NWSE 1.8

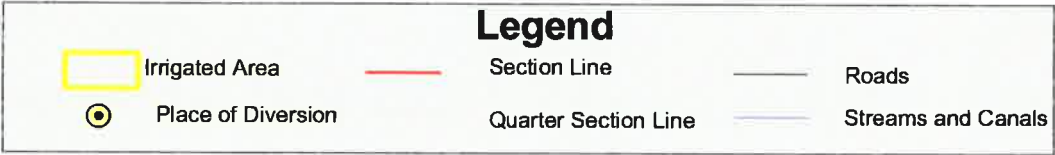
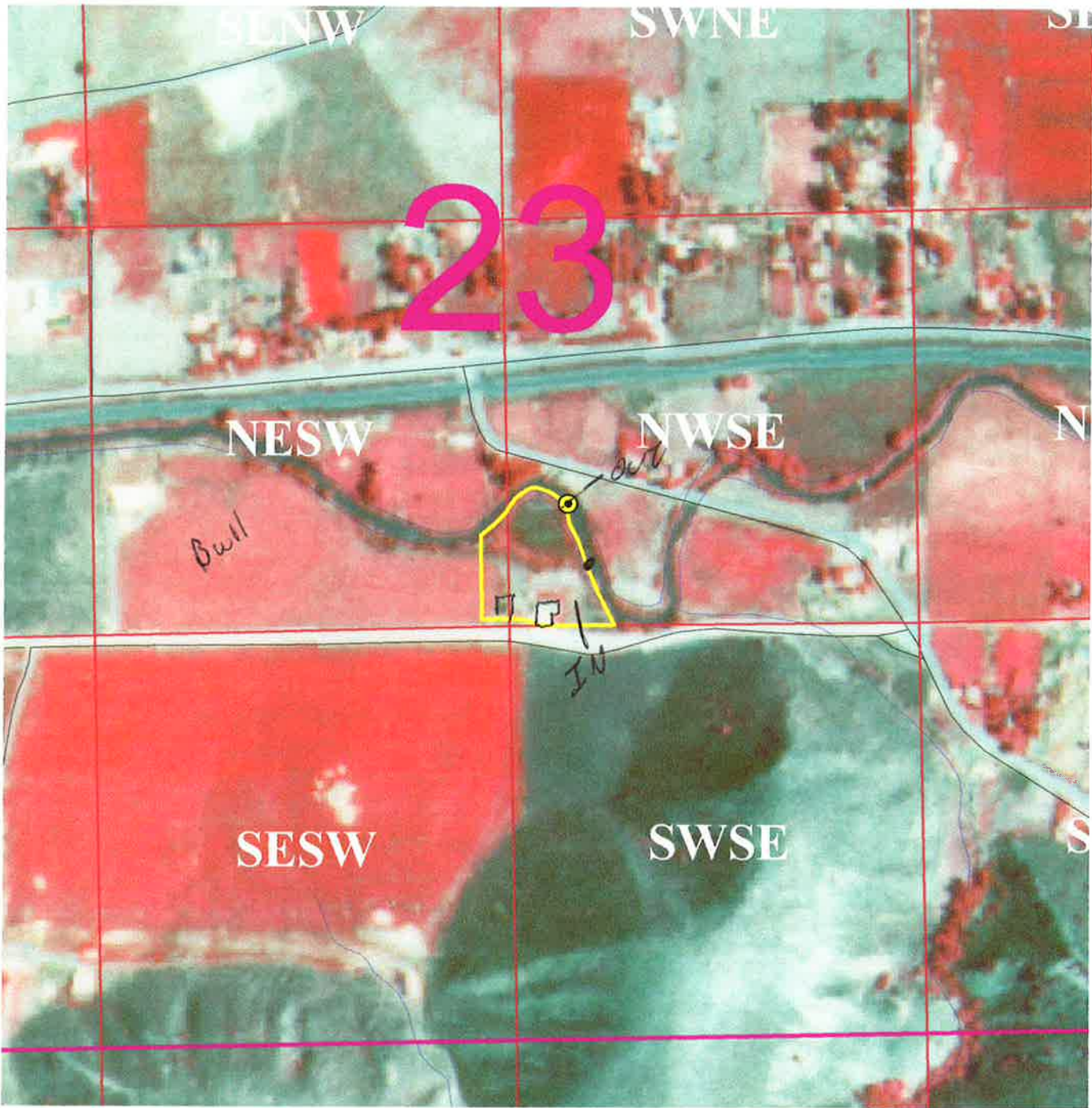
2 ACRES TOTAL

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.

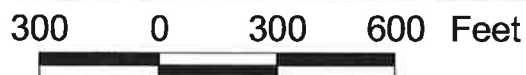
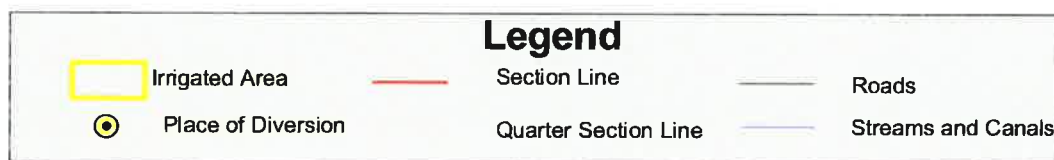
EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

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



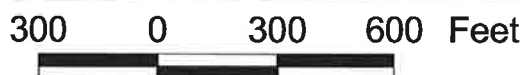
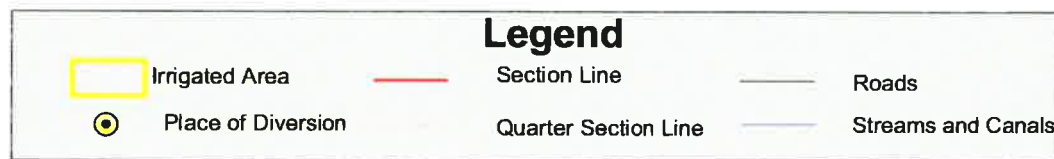
Water Right Claim Number A29-04207C
Township , 7S35E

09/05/2000



Water Right Claim Number A29-04207C
Township , 7S35E

09/05/2000

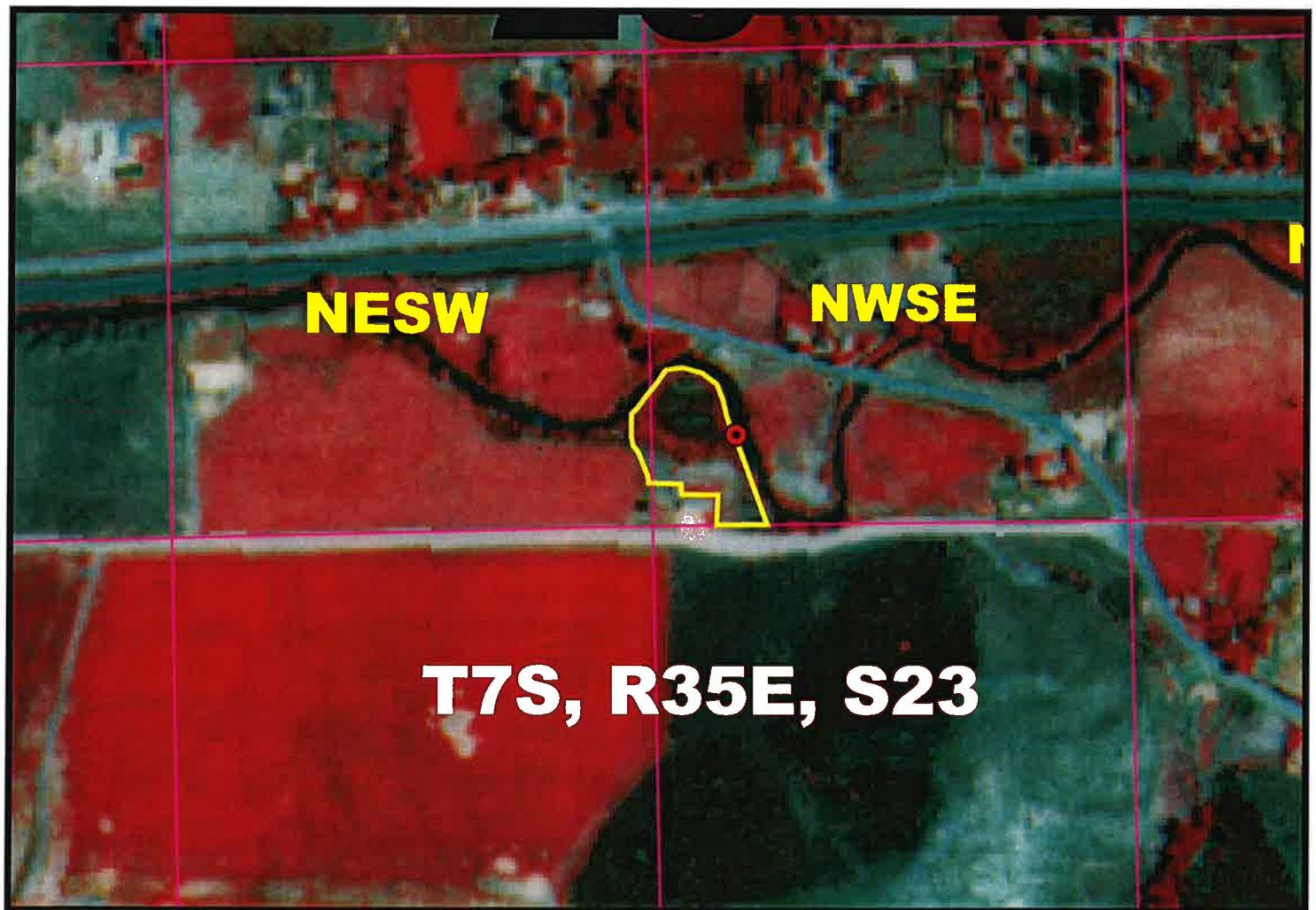




STATE OF IDAHO

Department of Water Resources
Eastern Region

Water Right(s): 29-04207C



1320 0 1320 Feet

Total Irrigated Acres: 2.0

● Point(s) of Diversion

□ Place of Use

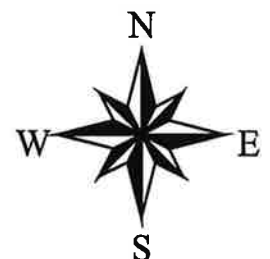
□ Quarter Quarter Lines

□ Section Lines

PROFILED

SCANNED

MAR 09 2005



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

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 29-4207C V1

WATER RIGHT NUMBER: 29-4207C V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ROBERTA B PAYNE PO BOX 250 INKOM, ID 83245 (208)775-4976
Current Owner	KENNETH G PAYNE PO BOX 250 INKOM, ID 83245 (208)775-4976

Priority Date: 12/31/1930

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
PORTNEUF RIVER	SNAKE RIVER

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

Location of Point(s) of Diversion

PORTNEUF RIVER	SW1/4NW1/4SE1/4	Sec. 23, Twp 07S, Rge 35E, B.M.
BANNOCK County		

Place of Use

IRRIGATION Within BANNOCK County

T07S R35E S23	NESW 0.2	T07S R35E S23	NWSE 1.8
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Total Acres: 2

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

Remarks:

Comments:

1. csaxton 8/21/01 Split Right
Comment: 29-04207 claimed as A, B, and C portions.

Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-4207C 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: C
 State or Federal: S
 Owner Name Connector: AND
 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	8/21/01 2:36:39 PM	csaxton			Active
Priority Date	8/21/01 2:37:06 PM	csaxton			Active
POD	8/21/01 2:38:51 PM	csaxton			Active
Source	8/21/01 2:41:38 PM	csaxton			Active
POU	8/21/01 2:42:05 PM	csaxton			Active
Use	8/21/01 2:46:10 PM	csaxton			Active
Season	8/21/01 2:46:31 PM	csaxton			Active
Quantity	8/21/01 2:48:15 PM	csaxton			Active
Summary	8/21/01 2:50:37 PM	csaxton	8/21/01 2:50:37 PM	csaxton	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Source	8/21/01 2:41:36 PM	csaxton	1. (YES) The basis is beneficial use. 4. (NO) There is not evidence that there has been a change in the Source. 7. (YES) The file contains all of the necessary information to verify the source. Comment for 7: Field Exam 8/15/01 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.
Season	8/21/01 2:46:28 PM	csaxton	1. (YES) The basis of claim is beneficial 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.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-4207C V1

Quantity	8/21/01 2:48:13 PM	csaxton	1. (YES) The basis of claim is beneficial use. 5. (NO) A flow measurement was not required. Comment for 5: Per David Tuthill - no measurement required for claims of less than 0.20 cfs. 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. (NO) Quantity remark was not required. 10. (NO) Quantity condition was not required.
Summary	8/21/01 2:50:35 PM	csaxton	1. (YES) The basis of the claim is beneficial use. 2. (YES) All the water being used for all the purposes is being claimed and to the extent it was claimed. 5. (NO) General remark was not required. 6. (NO) Explanatory remark was not required. 7. (NO) Additional condition was not 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.
Contacts	8/21/01 2:36:37 PM	csaxton	1. Appointment has not been scheduled. Comment for 1: Field exam 8/15/01.
Priority Date	8/21/01 2:36:55 PM	csaxton	1. (NO) There has not been a later court decree of the water right(s) from the water source. 4. (YES) The basis of claim is beneficial use. 4b. (NO) The priority date was not claimed after the date a permit was required for the source and water use. 10. (YES) The claim file contains sufficient evidence of priority date. 12. (YES) The claim is recommended. 13. (YES) The claim is coded correctly. 14. (NO) Priority remark was not required. 15. (NO) Priority condition was not required.
POD	8/21/01 2:38:49 PM	csaxton	1. (YES) The basis is beneficial use. 4. (YES) There is evidence that there has been a change in the Point of Diversion. 5. (YES) The change can be verified as an accomplished transfer. Comment for 5: Claimant bought property in 1981 and added his own pump - per claimant statement. 6. (YES) The file contains all the necessary information to verify the POD. Comment for 6: Field Exam 8/15/01 8. (NO) Point of Diversion remark was not required. 9. (NO) Point of Diversion condition was not required.
POD	8/21/01 2:39:22 PM	csaxton	Edited point location
POD	8/21/01 2:39:45 PM	csaxton	Edited PLS

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-4207C V1

POU	8/21/01 2:42:03 PM	csaxton	1. (YES) The POU is required. 2. (YES) The basis of claim is beneficial use. 5. (NO) There is no evidence that there has been a change in the POU. 9. (YES) The file contains all the necessary information to verify the POU. Comment for 9: Field Exam 8/15/01 12. (NO) POU remark was not required. 13. (NO) POU condition was not required.
POU	8/21/01 2:42:17 PM	csaxton	Edited shape boundary
POU	8/21/01 2:42:44 PM	csaxton	Edited PLS
Use	8/21/01 2:46:08 PM	csaxton	1. (YES) The basis of claim is beneficial use. 4. (NO) There is not evidence that there has been a change to the purpose of use. 9. (YES) The file contains all the necessary information to verify the purpose of use. 11. (NO) Purpose of Use remark was not required. 12. (NO) Purpose of Use condition was not required.

02/13/2003

NOTICE OF ERROR
REPLY

Craig

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: 29-4207C

ROBERTA B PAYNE
PO BOX 250
INKOM ID 83245
Telephone Number: (208) 775-4976

KENNETH G PAYNE
PO BOX 250
INKOM ID 83245
Telephone Number: (208) 775-4976

RECEIVED
APR 03 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: 03-27-03

SIGNATURE:

Kenneth G. Payne

Please print your name:

Kenneth G. Payne

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

PROFIT

SCANNED

MAR 09 2005

Memorandum

Date: August 21, 2001

From: Craig L Saxton

Subject: 29-04207(A,B,C)

*Field Exam
8/15/01*

POU – Recommend three rights totaling 17.1 acres of irrigation in the NESW and NWSE.

POD - Statutory claim mentions two points of diversion to irrigate both sides of river. C portion of right was bought in 1981 and that is when the additional POD was put in place. In addition, Kenneth Payne said that historically they used two pumps to irrigate both sides of the river. So Kenneth's is the only addition.

Priority Date – 12-31-1930 based on affidavit.

Diversion Rate – 0.3 cfs for 17.1 acres is 0.0175 per acre

Diversion Vol – N/A

SOU – IDWR Standard

PROFILED

SCANNED
MAR 09 2005

29-04207C

POD

Field Exam 8/15/01



Looking East. Pump was not in place at time of field exam. However, this is the location that the claimant says he places the pump when it is working. Irrigated POU is behind me in picture (csaxton 8/21/01).

PROFILED

SCANNED
MAR 09 2005

29-04207B

POD

Field Exam 8/15/01



Looking East. Pump was not in place at time of field exam. However, this is the location that the claimant says he places the pump when it is working. Irrigated POU is behind me in picture (csaxton 8/21/01).

PROFILED

SCANNED
MAR 09 2005

JUN 13 2001

Log for claim A29-04207C

Spatial Dynamics BTd

9/5/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
07s35e	23	NESW	1	0.6	
07s35e	23	NWSE	1	2.3	
Totals:			2	2.9	

5492 W. Portneuf Rd ~ Physical Address

PROFILED

SCANNED

MAR 22 2006

 SPATIAL
DYNAMICS

AJ5809NP
No. A29-04207C

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/18/00
PAGE: 193

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	KENNETH G PAYNE	06/01/1930	IRRIGATION	03-15 11-15	0.060 CFS	
C	ROBERTA B PAYNE					
	PO BOX 250					
	INKOM ID 83245					
	(208) 775-4976					
				TOTAL DIVERSION:	0.060 CFS	
				CONSUMPTIVE USE:		5.00 AFA

Water Source: PORTNEUF RIVER

Tributary to: SNAKE RIVER

Stage: BENEFICIAL USE

Point(s) of Diversion: T07S R35E S23 SWNWSE BANNOCK County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE				
NENE NWNE SWNE SENE				NENW NWNW SWNW SENW				NESW NWSW SWSW SESW				NESE NWSE SWSE SESE				
T	R	S	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	SUM		
07S	35E	23	:	:	:	01	:	:	01	:	:	01	:	2.0		
													TOTAL ACRES	2.0		

POU County: BANNOCK

Other Rights: NONE

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

29-10604	29-10673	29-11273	29-11280	29-11454	29-11619	29-11726	29-12068	29-12144	A29-04066
A29-04425	A29-10094	A29-10604	A29-10673	A29-11232	A29-11273	A29-11280	A29-11454	A29-11619	A29-11726
A29-12067	A29-12068	A29-12144							

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

A29-02409 A29-02409A A29-04066 A29-04207 A29-04207A A29-04207B A29-04425 A29-04468 A29-10447 A29-10802
A29-11232

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

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

Audit: 04/25/90 ESRBA 07/20/94 THOMPSON 03/29/95 POST-STD

CLAIM TO A WATER RIGHT



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 Russell E. & OF Tressa Davis

Telephone No. 775-3657

(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:

- follows:
- (1) Date of priority: (When was the water first applied to a beneficial use) June 1, 1930

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)

tributary to Snake River

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

(Both dates inclusive)

(Mo., Day)

(Mon., Day)

(cls, gpd, AFA)

(Domestic, Irrigation, Stock, Etc.)

Period of Use From 4/1 To 11/1

Quantity 0.30 cfs

Use Irrigation

Period of Use From 1/1 To 12/31

Quantity

Use Stockwater

Period of Use From 1/1/80 To 12/31/80

Quantity

Use

Period of Use From: _____ To: _____

Quantity

Use, 12

Period of Use From _____ To _____
Period of Use From _____ To _____

Quantity

Use _____

Period of Use From _____ To _____

- | | | |
|-----|------|---------------------|
| (4) | 0.32 | TOTAL QUANTITY USED |
|-----|------|---------------------|

1cfs. god. AFA)

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

NE 1/4 SW 1/4 Sec 23 Twp 7S Rge. 35E B.M., County of Bannock

Additional points of diversion: 0 (two points)

- 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. Pump with pipeline to sprinkler system. Formerly flood irrigated.

- (5) 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.

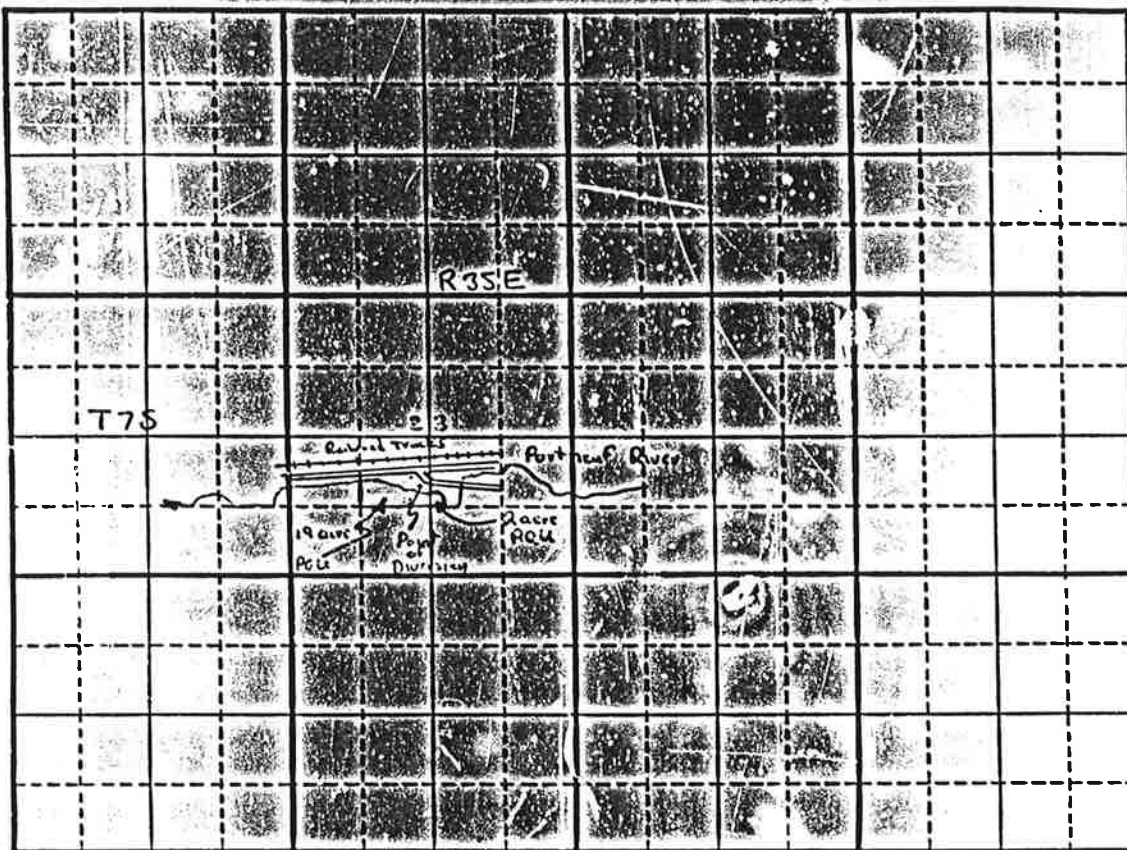
[illegible]No. of acres 21

- 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: Approx. 20 head range cattle

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

(8) Remarks



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho

County of Bannock

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Theresa Hayes
Russell F. Davis
(Claimant)

Sworn to before me this 23 day of October, 1981.

R. Basil Bowen
Notary Public
Residing at Lakem, Idaho

My commission expires August 1984

Reported by HUS

FOR DEPARTMENT USE ONLY

Received by RU

Date 10-26-81

Exception filed by:

Forwarded to

Date

Prelim. check by HUS

Date 10-26-81

claimant by:

\$30.00 fee received by CW

Date 9-16-81

#19074

Published in Idaho State Journal

Dates 10-5 and 11-17-81

0.32
2100

lot is only 12.5 ac
Actual = 100 ac

3 Average Claimed = 18.4 $\Rightarrow$ under Claimed
3 Cfs Claimed = 0.31 $\Rightarrow$ under Claimed

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: A29-04207C

Date Received: 4/25/1990

Receipt No: E013637

Received By: RR

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: KENNETH G. PAYNE 208-775-4976
Address: P.O. BOX 250
INKOM, ID 83245

AND/OR

Name: ROBERTA B. PAYNE 208-775-4976
Address: P.O. BOX 250
INKOM, ID 83245

2. Date of Priority: JUN 01, 1930

3. Source: PORTNEUF RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

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

5. Description of diverting works:
PORTABLE PUMP, PIPELINE, SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.060		

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

8. Total consumptive use is 5.0 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	NE	SW		IRR	1.0

A29-04207C

Page 1

Date: 04/25/90

MICROFILMED

NOV 13 1992

SCANNED

MAR 22 2006

PROFILED

A2904207C



10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
07S	35E	23	NW SE		IRR	1.0
Section Acres						2.0
Total Acres						2.0

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: BENEFICIAL USE

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: 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): X Kenneth G Payne Date: X 4-25-90

Date: _____

State of Idaho

County of Bonner) SS.

Subscribed and sworn (or affirmed) before me this 25th day

of April 19 90.

Helen Harrington
Notary Public

Seal

Residing at

Helen Harrington, Notary Public

My Commission Expires Residing at Boise, Idaho

My Commission Expires December 1, 1994

[illegible]

0.19 cfs
13.4 ac

lot is only 12.5 ac

0.06
3 ac

Σ Average Claimed = 18.4 $\Rightarrow$ over Claimed
 Σ CFS Claimed = 0.31 $\Rightarrow$ under Claimed

Davis
29-4207

0.32
15ac

0.06
2ac

