

01/09/2003

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

RIGHT NUMBER: 29-4267

NAME AND ADDRESS: IRIS BERNIER  
480 E JACKSON RD  
INKOM ID 83245

GORDON L BERNIER  
480 E JACKSON RD  
INKOM ID 83245

SOURCE: SPRING

TRIBUTARY: RAPID CREEK

QUANTITY: 0.010 CFS

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

PRIORITY DATE: 06/01/1949

POINT OF DIVERSION:

T07S R36E S23 SWNWNE Within BANNOCK County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| DOMESTIC              | 01/01 12/31          | 0.010 CFS       |
| IRRIGATION            | 04/01 10/31          | 0.010 CFS       |

PLACE OF USE: DOMESTIC Within BANNOCK County

T07S R36E S23 SENW

IRRIGATION Within BANNOCK County

T07S R36E S23 SENW 1.0

1 ACRES TOTAL

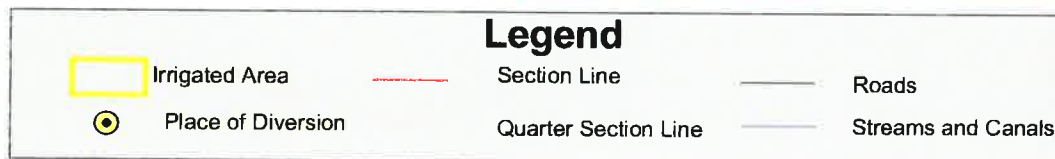
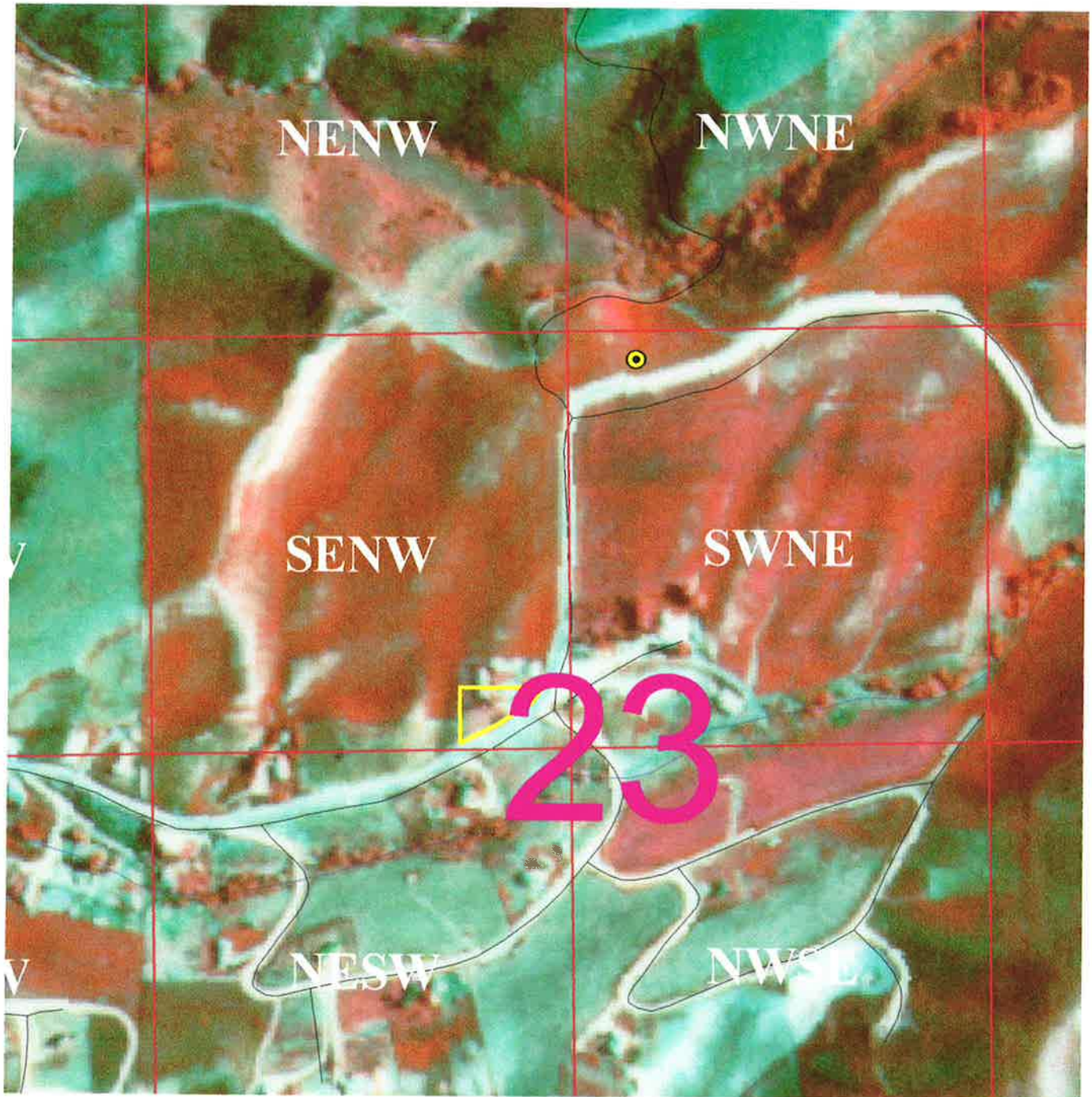
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

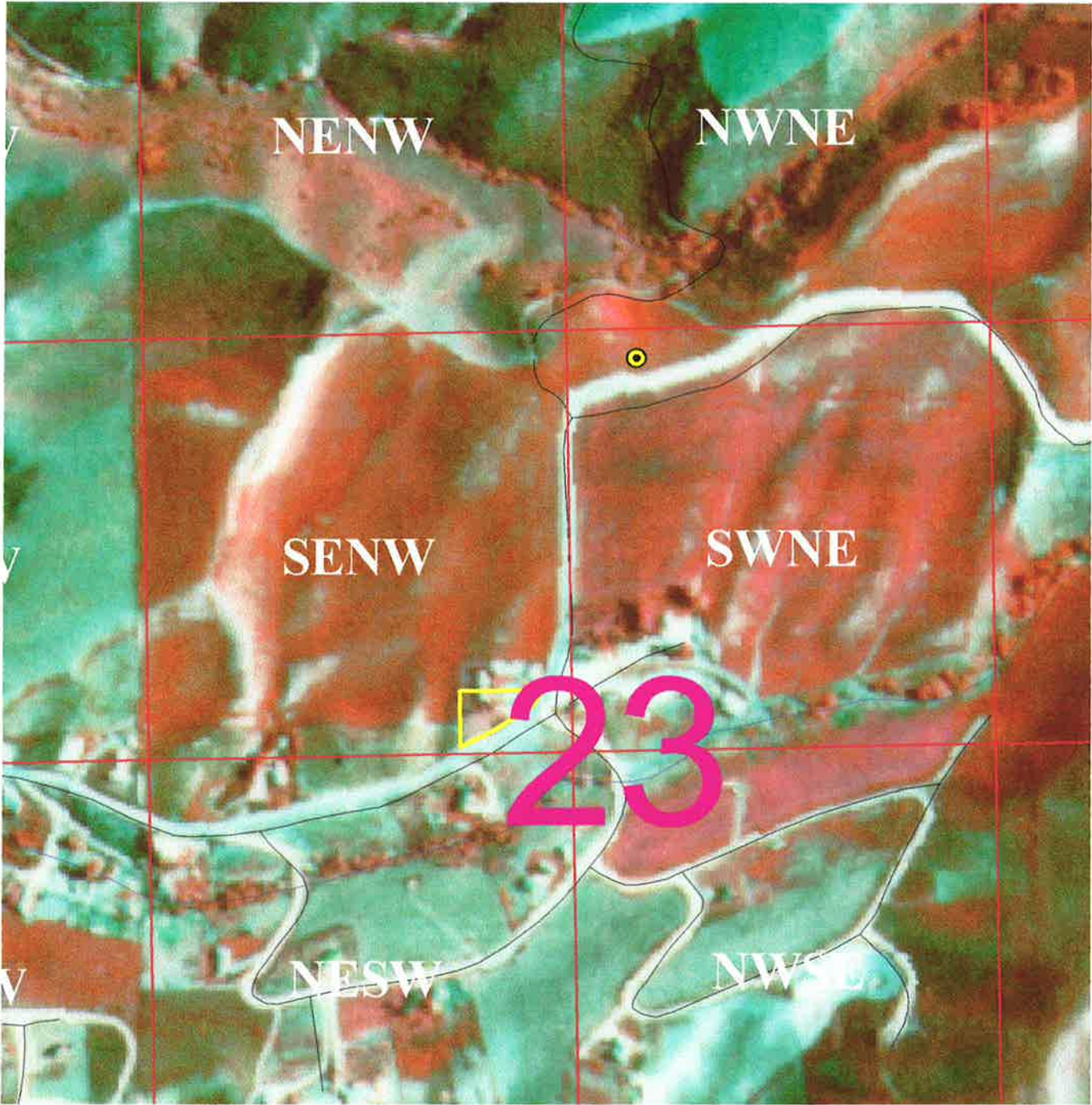
This partial decree is subject to such general provisions necessary for  
the definition of the rights or for the efficient administration of the water  
rights as may be ultimately determined by the Court at a point in time no  
later than the entry of a final unified decree. Section 42-1412(6), Idaho  
Code.

EXPLANATORY MATERIAL:

Water Right Claim Number A29-04267  
Township , 7S36E

09/05/2000





Irrigated Area

Place of Diversion

Section Line

Quarter Section Line

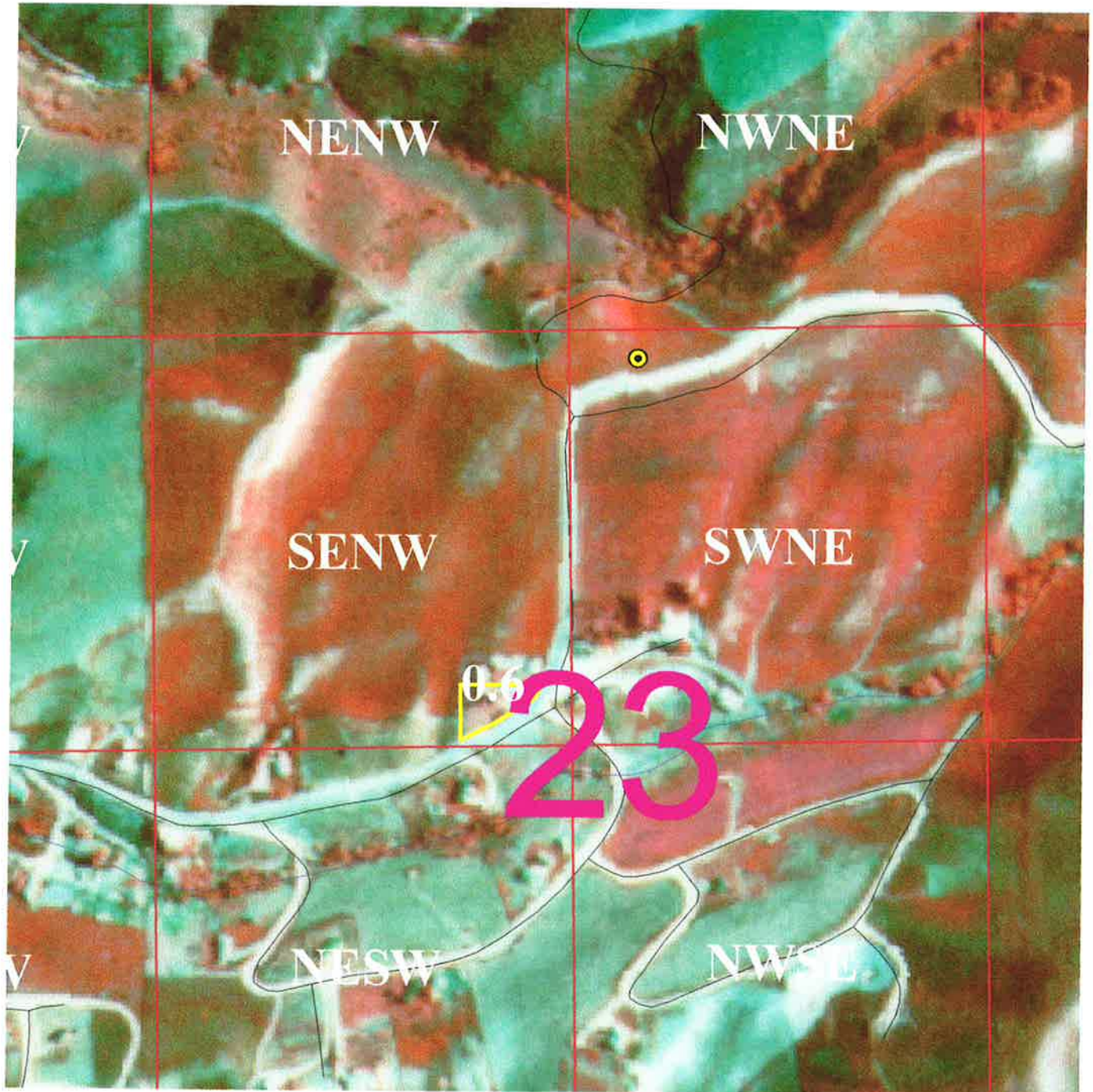
Roads

Streams and Canals



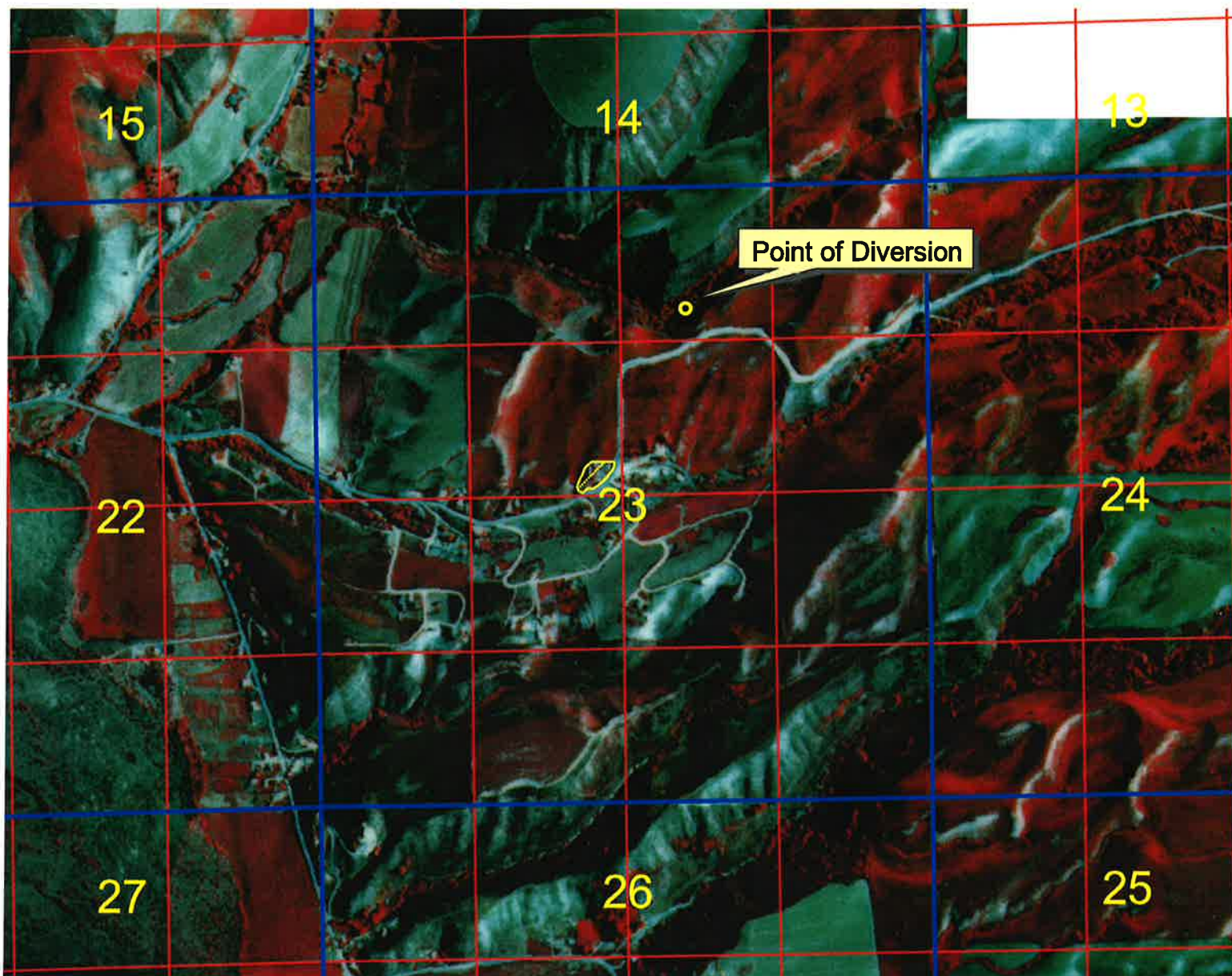
Water Right Claim Number A29-04267  
Township , 7S36E

09/05/2000





State of Idaho  
Department of Water Resources  
Eastern Region  
**Water Right 29-4267**



0.5 0 0.5 1 Miles

1:16000



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

SCANNED

MAR 02 2005

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

RECEIVED

127 2003

02/08/2003

Idaho Department of Water Resources  
Idaho Region

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: 29-4267

IRIS BERNIER  
480 E JACKSON RD  
INKOM ID 83245  
Telephone Number: (208) 775-3712

GORDON L BERNIER  
480 E JACKSON RD  
INKOM ID 83245  
Telephone Number: (208) 775-3712

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: 2-24-03 SIGNATURE: Iris Bernier  
Please print your name: Iris Bernier

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

SCANNED

MAR 02 2005

PROFILED



# IDAHO DEPARTMENT OF WATER RESOURCES

SNAKE RIVER BASIN ADJUDICATION - BASIN 29



RIGHT ID  29  4267   
POD ID  198062  
Quad  Bonneville Peak  
Claim Type  S  
Easting  646123  
Northing  190192  
GPSID  A0011612

## Diversion Description

Pump house.

## Assumptions

Submersible pump, horse power, pressure head, elevation head.

## Invoice #

2000-037-01-0

Phase-0 (No Attention)  
Phase-I (Ready to Go to Field)  
Phase-II (Site Visit - Data Missin)  
Phase-III (Complete w/issues)  
Phase-IV (Total Complete)

## Linked

OD ID 198062 01.JPG

## Photos

OD ID 198062 02.JPG

EPE (ft)

Date (M/D/Y)

Time

Flow Rate (CFS)

0.077504610226320

## Open Channel Flow

☐ Complete one box from both Area and Calculation sections

### Cross Sectional Area

#### ☐ Circular Channel

- ☐ Less than half full  
☐ Half full  
☐ More than half full  
☐ Full

Diameter  0

Depth

#### ☐ Rectangular Channel

Width

Depth

## Flow Calculation

### ☐ Continuity

Velocity  0

#### ☐ Orifice

(Use only for head over a pipe flowing full with free discharge)

Depth of Water above orifice centerline

#### ☐ Weir

(Use only for water flowing freely over weir)

Height of water above nappe

Width of weir

#### ☐ Manning (If used, include photo of representative channel section)

Channel Slope

Channel Description

|                           |      |
|---------------------------|------|
| Concrete lined            | .016 |
| Smooth earth              | .025 |
| Earth                     | .033 |
| Rough bed, weeds on sides | .04  |
| Smooth natural stream     | .033 |
| Rough natural stream      | .1   |

## Pumped System ☒

HP  1.5

Pressure Head (psi)  30

Elevation Head (ft)  50

Motor Mfg

Motor Serial #

Pump Type

Pump Mfg

Pump Serial#

## New Contact Information ☐

New Contact Comments

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JAN 23 2003

Department of Water Resources  
Eastern Region



MAR 02 2005

PROFILE

SCANNED  
JUN 13 2001

Log for claim A29-04267

Spatial Dynamics BTD

9/5/00

| TR             | SEC | QQ   | Acres<br>Claimed | Acres<br>Found | COMMENT        |
|----------------|-----|------|------------------|----------------|----------------|
| 07s36e         | 0   |      | 0                | 0              | POD placement? |
| 07s36e         | 23  | SENW | 1                | 0.6            |                |
| <b>Totals:</b> |     |      | 1                | 0.6            |                |

AJ5809NP  
No. A29-04267

IDAHO DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/18/00  
PAGE: 198

| OWNER<br>CODE | NAME & ADDRESS   | PRIORITY<br>DATE | WATER USE  | USE PERIOD<br>FROM TO | DIVERSION<br>RATE | DIVERSION<br>VOLUME |
|---------------|------------------|------------------|------------|-----------------------|-------------------|---------------------|
| C             | GORDON L BERNIER | 06/01/1949       | IRRIGATION | 03-15 11-15           | 0.010 CFS         |                     |
| C             | IRIS BERNIER     |                  | DOMESTIC   | 01-01 12-31           | 0.010 CFS         |                     |
|               | 480 E JACKSON RD |                  |            |                       |                   |                     |
|               | INKOM ID 83245   |                  |            |                       |                   |                     |
|               | (208) 775-3712   |                  |            |                       |                   |                     |
|               |                  |                  |            | TOTAL DIVERSION:      | 0.010 CFS         |                     |
|               |                  |                  |            | CONSUMPTIVE USE:      |                   | 2.50 AFA            |

Water Source: SPRING

Tributary to: RAPID CREEK

Stage: STATUTORY CLAIM

Point(s) of Diversion: T07S R36E S23 NWSWNE BANNOCK County

Place of use Legal Description for: IRRIGATION

| NE  |     |    |   | NW   |      |      |      | SW |      |      |      | SE   |   |      |      |      |      |   |      |      |      |      |   |             |
|-----|-----|----|---|------|------|------|------|----|------|------|------|------|---|------|------|------|------|---|------|------|------|------|---|-------------|
| T   | R   | S  |   | NENE | NWNE | SWNE | SENE | :  | NENW | NWNW | SWNW | SENW | : | NESW | NWSW | SWSW | SESW | : | NESE | NWSE | SWSE | SESE | : | SUM         |
|     |     |    |   | Lt   | Ac   | Lt   | Ac   |    | Lt   | Ac   | Lt   | Ac   |   | Lt   | Ac   | Lt   | Ac   |   | Lt   | Ac   | Lt   | Ac   |   |             |
| 07S | 36E | 23 | : |      |      |      |      | :  |      |      |      | 01   | : |      |      |      |      | : |      |      |      |      |   | 1.0         |
|     |     |    |   |      |      |      |      |    |      |      |      |      |   |      |      |      |      |   |      |      |      |      |   | TOTAL ACRES |
|     |     |    |   |      |      |      |      |    |      |      |      |      |   |      |      |      |      |   |      |      |      |      |   | 1.0         |

Place of use Legal Description for: DOMESTIC

| NE  |     |    |   | NW   |      |      |      | SW |      |      |      | SE   |   |      |      |      |      |   |      |      |      |      |   |  |
|-----|-----|----|---|------|------|------|------|----|------|------|------|------|---|------|------|------|------|---|------|------|------|------|---|--|
| T   | R   | S  |   | NENE | NWNE | SWNE | SENE | :  | NENW | NWNW | SWNW | SENW | : | NESW | NWSW | SWSW | SESW | : | NESE | NWSE | SWSE | SESE | : |  |
|     |     |    |   | Lt   | Ac   | Lt   | Ac   |    | Lt   | Ac   | Lt   | Ac   |   | Lt   | Ac   | Lt   | Ac   |   | Lt   | Ac   | Lt   | Ac   |   |  |
| 07S | 36E | 23 | : |      |      |      |      | :  |      |      |      | D    | : |      |      |      |      | : |      |      |      |      |   |  |

POU County: BANNOCK

Non-Irrigation Uses: D/SINGLE DOMESTIC HOME

Other Rights: 29-10303

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):  
29-10367 A29-10367

Conditions of Approval:

R04 - Use of water under this water right will be regulated by the  
- watermaster of State Water District No. 29F.

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

Misc: Water District Number: 29F Field Inspection Flag:  
Presumption Flag:

Audit: 02/20/90 WILSON 07/20/94 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 Gordon or Iris Bernier

(Name of Claimant)

Box 9920, Inkom, Idaho 83245

(Mailing Address)

Telephone No. 775-3712

(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) June 1, 1949

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)

Stream

tributary to Rapid Creek

- (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, af)       | (Domestic, Irrigation, Stock, Etc.) | (Both dates inclusive)         |                 |
|----------|-----------------|-------------------------------------|--------------------------------|-----------------|
|          |                 |                                     | (Mo., Day)                     | (Mo., Day)      |
| Quantity | <u>0.01 cfs</u> | Use <u>Domestic</u>                 | Period of Use From <u>1-1</u>  | To <u>12-31</u> |
| Quantity | <u>0.01 cfs</u> | Use <u>Irrigation</u>               | Period of Use From <u>3-15</u> | To <u>11-14</u> |
| Quantity |                 | Use                                 | Period of Use From             | To              |
| Quantity |                 | Use                                 | Period of Use From             | To              |
| Quantity | <u>0.01 cfs</u> | TOTAL QUANTITY USED.                |                                |                 |

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

NW  $\frac{1}{4}$  NE  $\frac{1}{4}$ , Sec. 23 Twp. 7S Rge. 36E 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. Headbox to a 2" pipe 500' long reduces to 1" pipe to domestic home

- (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.      | NE $\frac{1}{4}$ |                  |                  |                  | NW $\frac{1}{4}$ |                  |                  |                  | SW $\frac{1}{4}$ |                  |                  |                  | SE $\frac{1}{4}$ |                  |                  |                  | TOTAL    |
|-----------|------------|-----------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|----------|
|           |            |           | 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 $\frac{1}{4}$ |          |
| <u>7S</u> | <u>36E</u> | <u>23</u> |                  |                  |                  |                  |                  |                  |                  | <u>1</u>         |                  |                  |                  |                  |                  |                  |                  |                  | <u>1</u> |
|           |            |           |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |          |
|           |            |           |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |          |
|           |            |           |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |          |
|           |            |           |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |          |
|           |            |           |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |          |
|           |            |           |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |          |
|           |            |           |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |          |
|           |            |           |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |          |
|           |            |           |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |          |

No. of acres 1

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

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:

RECEIVED  
MAR 08 1995

Department of Water Resources  
Eastern District Office

February 26, 1995

State of Idaho  
Department of Water Resources  
Eastern District Office  
900 N. Skyline Drive  
Idaho Falls, Idaho 83402-1718

To Whom it May Concern:

Regarding water right A29-04267 owned by Gordon Bernier. My husband, Douglas Bennett and I owned the property on which the spring and house are located. In 1945, we piped the water from said spring into the house, now owned by Gordon Bernier, for culinary use and watering stock.

Virginia Bennett Coombs  
Signature  
Feb. 28, 1995  
Date

MICROFILMED  
NOV 13 1995

State of Idaho )

:

County of Bannock )

On this 28 day of February, 1995, before me a  
Notary Public in and for said county and state, personally appeared

Virginia Bennett Coomb known to be the person whose name  
is subscribed to the foregoing instrument and acknowledged to me that  
he/she executed the same.

In witness whereof, I have hereunto set my hand and affixed my  
official seal the day and year in this certificate first above written.

Sherry Helmandollar

Notary Public

Dupont, Idaho

Residing at:

November 1, 1999

My Commission Expires:

MICROFILMED

NOV 13 1996



State of Idaho  
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - FAX: (208) 525-7177

EASTERN REGION

CECIL D. ANDRUS  
GOVERNOR  
R. KEITH HIGGINSON  
DIRECTOR

DATE: JAN. 3, 1995

A29-04267  
GORDON L BERNIER  
IRIS BERNIER  
480 E JACKSON RD  
INKOM ID 83245

**EVIDENCE OF PRIORITY**

Dear Claimant:

The Notice of Claim identified above and or below has been filed in the Snake River Basin Adjudication(SRBA). The notice indicates a water usage of irrigation, or other commercial application that is based on **BENEFICIAL USE**. Water rights of this type are established by the historical use of water, dating back to when the water was first used for the purpose claimed. This date is know as the **PRIORITY DATE**, has not been confimed by a license, Decree, or Permit. For this reason, proof must be provided supporting the priority date. **As the claimant, you are responsible for submitting the necessary proof to support the PRIORITY DATE.**

For your reference, I have provided a printout of your Notice of claim and the pamphlet **EVIDENCE OF PRIORITY**. The pamphlet suggests which documents will fulfill this requirement.

**The IDWR can not recommend the notice be decreed by the court if no evidence of a priority date is submitted.**

Please submit the documentation supporting the priority date by March 31, 1995, referencing the information with the corresponding Water right number. If you have any questions, please contact this office.

Dave Carlson  
Water Right Agent, Adjudications

MICROFILMED  
NOV 13



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: A29-04267  
Date Received: 2/20/1990  
Receipt No: E012108  
Received By: Ku

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: GORDON L. BERNIER 208-775-3712  
Address: 480 EAST JACKSON ROAD  
INKOM, ID 83245  
OR  
Name: IRIS BERNIER 208-775-3712  
Address: 480 EAST JACKSON ROAD  
INKOM, ID 83245

A2904267



2. Date of Priority: JUN 01, 1949

3. Source: SPRING Trib. to: RAPID CREEK

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County  |
|----------|-------|---------|--------|--------|-----|-----|---------|
| 07S      | 36E   | 23      | NW     | SW     | NE  |     | BANNOCK |

5. Description of diverting works:  
HEADBOX MAINLINE TO SINGLE DOMESTIC HOME & 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 | 0.010 |      |        |
| DOMESTIC   | 01/01 | 12/31 | 0.010 |      |        |

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

8. Total consumptive use is 2.5 Acre Feet Per Annum.

9. Non-irrigation uses:  
D/SINGLE DOMESTIC HOME

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 | Lot           | Use    | Acres |
|----------|-------|---------|--------|-----|---------------|--------|-------|
| 07S      | 36E   | 23      | SE     | NW  |               | IRR    | 1.0   |
|          |       |         | SE     | NW  |               | DOMEST |       |
|          |       |         |        |     | Section Acres |        | 1.0   |
|          |       |         |        |     | 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:  
29-10303

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

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): Jais Bernier Date: 2-20-90  
\_\_\_\_\_  
Date: \_\_\_\_\_

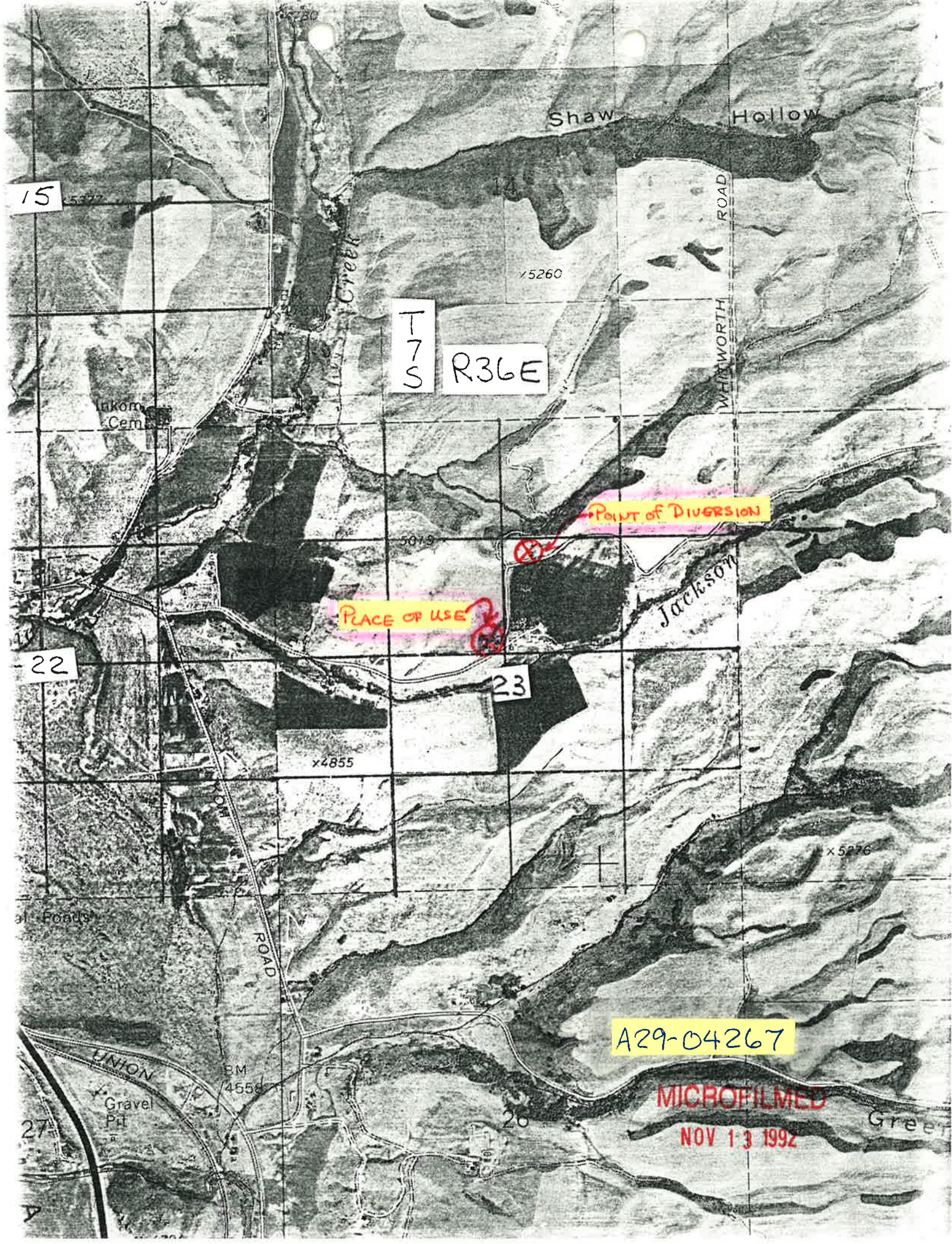
State of Idaho )  
County of Bonneville ) SS.

Subscribed and sworn (or affirmed) before me this 20 day  
of Feb 19 90

Betty J. Thompson  
Notary Public



Residing at BETTY J. THOMPSON, NOTARY PUBLIC  
RESIDING AT IDAHO FALLS, IDAHO  
My Commission Expires 6-30-94



15

T  
7  
S

R36E

POINT OF DIVERSION

PLACE OF USE

22

23

A29-04267

MICROFILMED  
NOV 13 1992