

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-7128 V1

WATER RIGHT NUMBER: 29-7128 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DAVID L WISE 115 S 15TH POCATELLO, ID 83201 (208)234-0012
Original Owner	GALE B NEVILLE RT 3 BOX 365 JOHNNY CREEK RD POCATELLO, ID 83201
Current Owner	SHARON B KATZ-WISE 115 S 15TH POCATELLO, ID 83201 (208)234-0012

Priority Date: 05/15/1973

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
CEDAR LAKE CREEK	CEDAR LAKE

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 11/01	0.075 CFS	
	<u>Total Diversion:</u>	0.075 CFS	5.25 AF

Location of Point(s) of Diversion

CEDAR LAKE CREEK	SE1/4NW1/4SE1/4	Sec. 12, Twp 07S, Rge 34E, 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	34E	12																	1.5
																			1.5

Total Acres: 1.5

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:

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Comments:

1. rwarner 10/30/2002 diversion rate change

Comment: Claimant has license to irrigate 2.0 acres of which only 1.5 acres has ever been irrigated. Recommend 1.5 acres at a diversion rate of 0.075

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: 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	10/1/2002 9:37:31 AM	rwarner			Active
Priority Date	10/1/2002 9:39:22 AM	rwarner			Active
POD	10/1/2002 5:16:49 PM	rwarner			Active
Source	10/1/2002 5:17:18 PM	rwarner			Active
POU	10/1/2002 5:19:42 PM	rwarner			Active
Use	10/1/2002 5:21:08 PM	rwarner			Active
Season	10/1/2002 5:22:06 PM	rwarner			Active
Quantity	10/1/2002 5:25:09 PM	rwarner			Active
Summary			10/01/2002	rwarner	Active
Summary			10/02/2002	rwarner	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POU	10/1/2002 5:03:20 PM	rwarner	Edited shape boundary
Contacts	10/1/2002 9:37:30 AM	rwarner	(No) 1. Do you want to schedule an appointment? Comment for 1: desktop review

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Priority Date	10/1/2002 9:39:21 AM	rwarner	(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	10/1/2002 5:02:32 PM	rwarner	Edited point location
POU	10/1/2002 5:04:39 PM	rwarner	Edited PLS
POD	10/1/2002 5:16:51 PM	rwarner	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License 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?
Source	10/1/2002 5:17:20 PM	rwarner	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License 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	10/1/2002 5:19:44 PM	rwarner	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License 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?
Use	10/1/2002 5:21:10 PM	rwarner	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License 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?
Quantity	10/1/2002 5:25:11 PM	rwarner	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file?

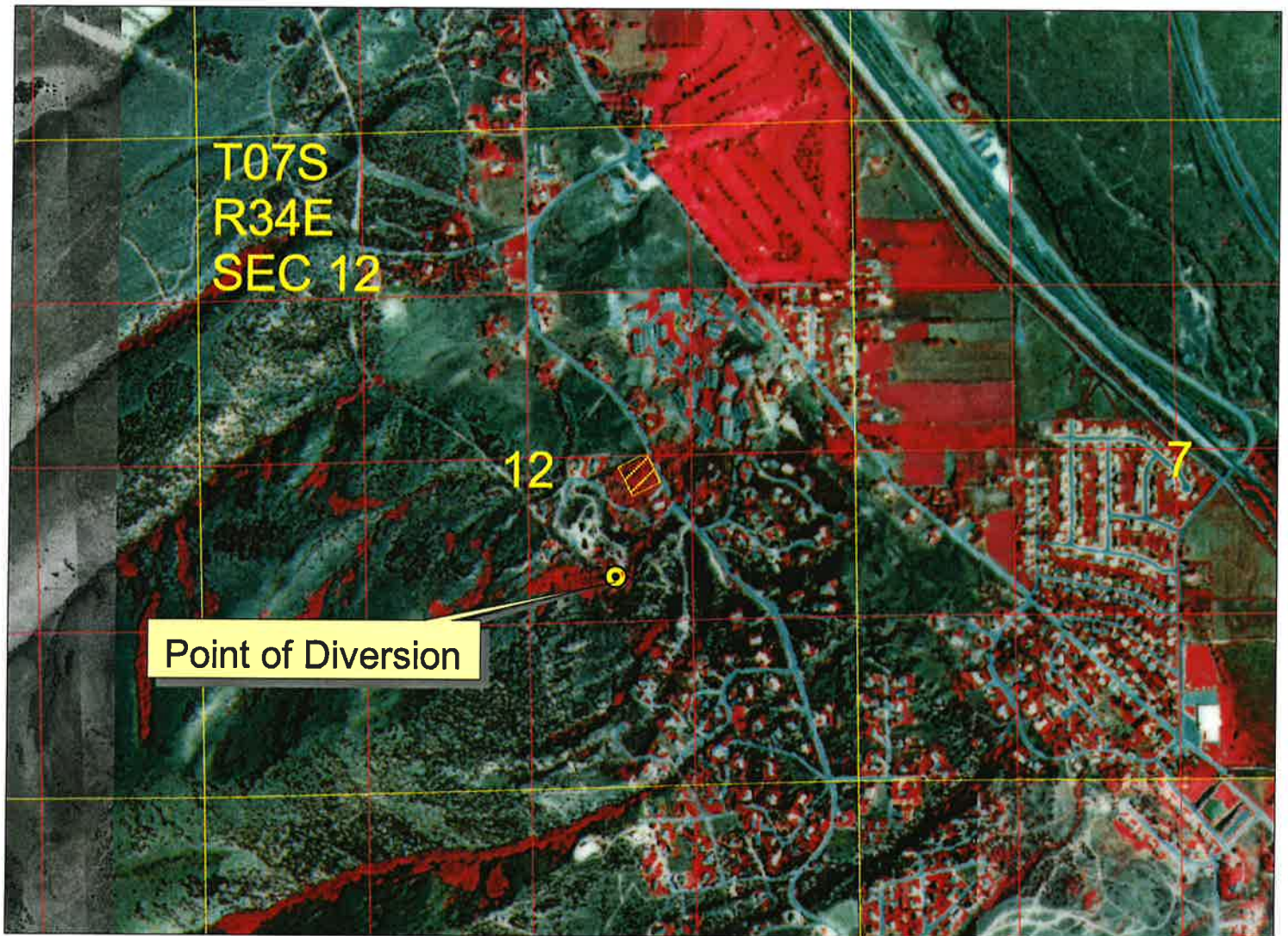
IDAHO DEPARTMENT OF WATER RESOURCES

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Season	10/1/2002 5:22:08 PM	rwarner	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a Period of Use? (Yes) 5. Can the claimed Period of Use be verified using the water right file? (Yes) 14. Is irrigation claimed as a Purpose of Use? (No) 16. Is the Period of Use on the decree, license or transfer shorter on either the start date or end date than allowable under current IDWR standards? (No) 18. Is a Period of Use remark and/or condition required?
Summary	10/1/2002 5:33:30 PM	rwarner	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (Yes) 5. Is an additional remark and/or condition required? (No) 6. Would you like to view the recommended right? (No) 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?
Summary	10/2/2002 9:01:32 AM	rwarner	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (Yes) 5. Is an additional remark and/or condition required? (Yes) 6. Would you like to view the recommended right? (No) 7. Is this a split or combined right?

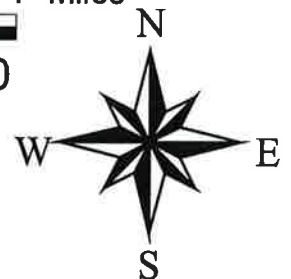


State of Idaho
Department of Water Resources
Eastern Region
WR 29-7128



0.5 0 0.5 1 Miles

1:16000



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

PROFILED
SCANNED
APR 14 2006

GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: R. Warner
Date: October 2002

DATE: 05/18/00
PAGE: 246

Audit: 03/29/90 MOBILE2 07/25/94 THOMPSON 03/29/95 POST-STD

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 29-7128 Priority May 15, 1973 Amount 0.10 cfs

THIS IS TO CERTIFY, that GALE B. NEVILLE
of American Falls, Idaho, has complied with the terms and conditions of Permit
No. 29-7128 issued pursuant to Application for Permit dated May 15, 1973,
and has submitted proof to the Department of Water Resources on June 25, 1976,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 0.10 cfs of water from Cedar Lake Creek,
tributary to Cedar Lake, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Irrigation</u>	from <u>April 1</u> to <u>November 1</u>	at <u>0.10</u> cfs and <u>7</u> acre feet	
	from _____ to _____	at _____ cfs and _____	
	from _____ to _____	at _____ cfs and _____	

(both dates inclusive)

Subject, however, to the condition that no more than 0.10 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
7 acre feet per year, said waters to be diverted within the NW 1/4, Sec. 12, Twp. 7S,
Rge. 34E, B. M. in the County of Bannock

Description and location of place of use:

Twp.	Range	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
7S	34E	12																	2

Total number of acres irrigated 2

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 20 day of
February, 19 79.


Director

MICROFILMED

RECEIVED

TOTAL ACREAGE 2

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.

SEE ATTACHED PLAT ATTACHED HERETO											
R 34 E											
T 7 S											
12											
* Point of diversion AND PLACE OF USE											
DCY 5/17/73											

Scale: 2 inches equal 1 mile

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Gale B. Neville
(Applicant)

Identification No. 29 7128
Application No. _____

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
APPLICATION FOR PERMIT

APPROVED

To appropriate the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

1. Name of applicant Gale B. Neville,
post office address American Falls, Idaho 83211
2. Source of water supply Cedar Lake Creek which is a tributary of Cedar Lake
3. a. Location of point of diversion is Lot # 7, Block # 1, Cedar Lake Subdivision
Bannock County, Idaho (in NW 1/4 of Section 12 T7S, R34E. B.M. _____)
Range _____ B.M. _____ County; additional points of diversion if any: _____
None
- b. If water is not consumed, it will be discharged into Cedar Lake Creek at a point in NW 1/4 of SE 1/4 of Section 12 Township 7S Range 34E B.M. _____
4. Water will be used for the following purposes:
Amount 0.2 cfs for irrigation purpose from Apr 1 to Nov 1 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
a. 0.2 cubic feet per second and/or
b. omit acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. Headgate and ditch in north-
westerly corner of Lot # 7 in Block # 1 of the Cedar Lake Subdivision

b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir capacity _____ acre feet, materials used in storage dam: _____
Period of year during which storage will occur _____ to _____ inclusive.
(Mo. Day) (Mo. Day)
c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use is 3 years.
b. Estimated construction cost is \$ 100.00
8. Description of proposed uses:
a. If water is **not** for irrigation:
(1) Give the place of use of water: _____ 1/4 of _____ 1/4 of Section _____ Township _____
Range _____ B.M. _____
(2) Amount of power to be generated: _____ hp under _____ feet of head.
(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be supplied with domestic water _____.
(5) If water is to be used for other purposes describe: _____

29 7128

Golf course 7 barn
 that night

31 Jan. 6th and 6th morning

lost with

10 to 100000 per hour

this " to golf course

myself have to school

1000 " barn

1/2 mi - small white house in field

2000 lb

7500 lb/basket 5 gal/can

$$\begin{array}{r} 4.7 \\ 14.5 \text{ gpm} \\ \underline{3.6} \\ 6.5 \\ \underline{6.5} \end{array}$$

$$\begin{array}{r} 1.02 \\ .074 \\ \hline .0902 \end{array} \quad .0902 \times 2.2 = .1984$$



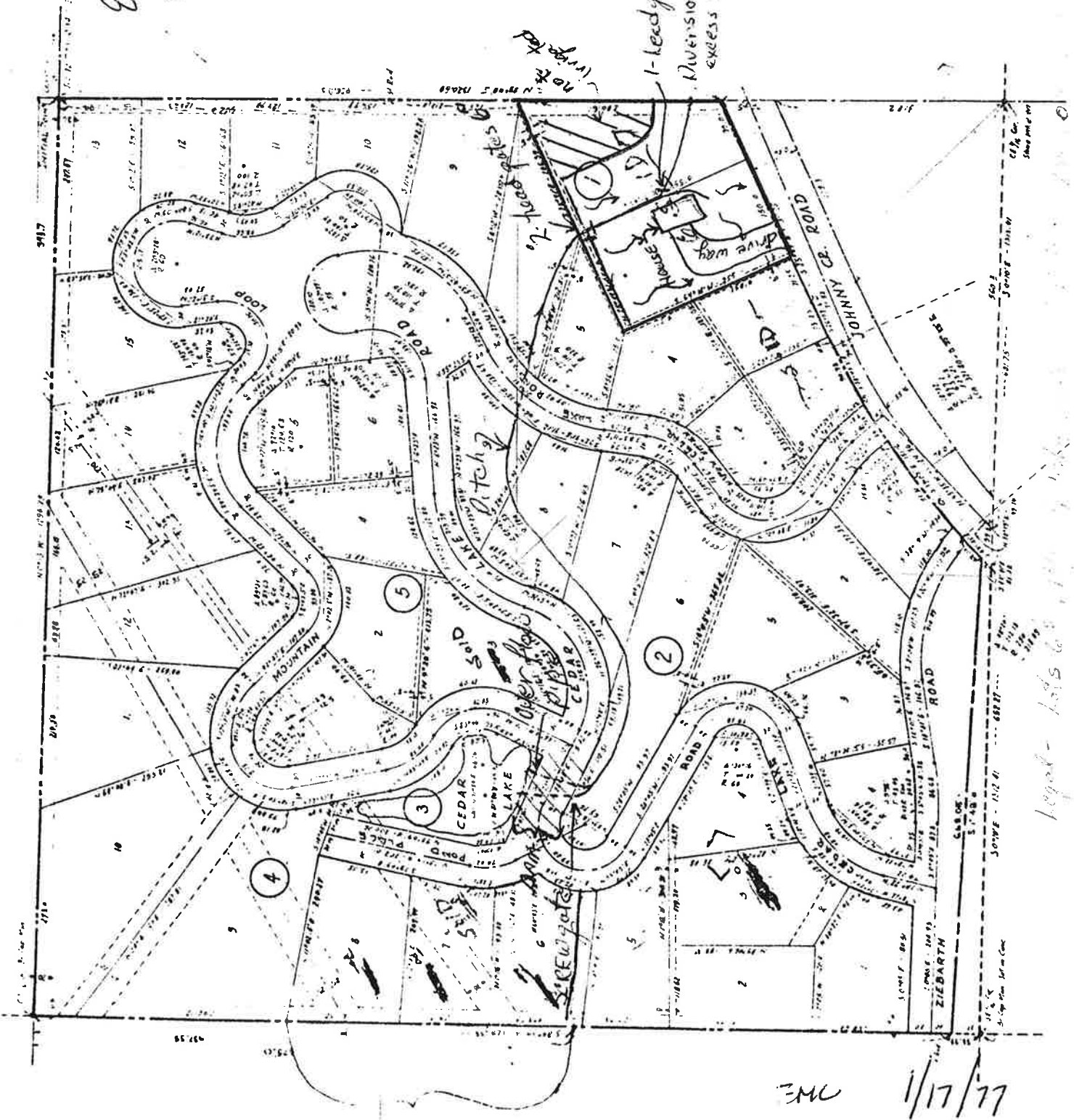
CEDAR LAKE SUBDIVISION
A SUBDIVISION IN NW 1/4 SE 1/4 SEC. 12, T7S, R. 34E, B14.
BANNOCK COUNTY, IDAHO

While this map is a photographic reproduction of that on file in either the recorder's or surveyor's office, the Company assumes no liability for variation, if any, with another or re-survey.



*EMC 1976
22 July*

*1-headgate.6"
diversion for
excess water.*



EMC 1/17/77

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: A29-07128
Date Received: 3/27/1990
Receipt No: M006432
Received By: CA

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DAVID L. WISE 208-234-0012
Address: 115 S. 15TH
POCATELLO, ID 83201

AND/OR

Name: SHARON B. KATZ-WISE 208-234-0012
Address: 115 S. 15TH
POCATELLO, ID 83201

2. Date of Priority: MAY 15, 1973

3. Source: CEDAR LAKE CREEK Trib. to: CEDAR LAKE

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
07S	34E	12	SE	NW	SE		BANNOCK

5. Description of diverting works:
DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.100		

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

8. Total consumptive use is 5.0 Acre Feet Per Annum.

9. Non-irrigation uses:

A29-07128

Page 1

Date: 03/29/90

A2907128



MICROFILMED

NOV 13 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	34E	12	NW	SE		IRR	2.0
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:

14. Remarks:

ALTERNATE PHONE NO. 232-0714

15. Basis of Claim: LICENSE

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): Shawn B. Katz-Wise Date: 3-29-90

Date: _____

State of Idaho)
County of Bannock) SS.

Subscribed and sworn (or affirmed) before me this 29th day
of March 19 90

Carter Fritschle
Notary Public

Seal

Residing at Carter Fritschle, Notary Public
Residing at Eagle, Idaho
My Commission Expires March 21, 1994