

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-7145 V1

WATER RIGHT NUMBER: 29-7145 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	EIGHTY ACRES INC C/O RUFUS A LYMAN 4037 N LOWER RD POCATELLO, ID 83204 (208)232-7685

Priority Date: 10/31/1983

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
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	0.200 CFS	11.40 AF
IRRIGATION	04/01 to 11/01	0.290 CFS	63.00 AF
	<u>Total Diversion:</u>	0.290 CFS	74.40 AF

Location of Point(s) of Diversion

GROUND WATER	SE1/4SE1/4	Sec. 8,	Twp 07S,	Rge 35E, 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	
07S	35E	8																X	
07S	35E	9											X						

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	35E	8																8.0	8.0
07S	35E	9											10.0						10.0

Total Acres: 18

IDAHO DEPARTMENT OF WATER RESOURCES

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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. X01 Domestic use is for 19 homeS.
3. X60 Place of use is located within Lots 1-10, Blk. 2 and Lots 1-9, Blk. 3; Eighty Acres Inc. Subdivision.

Remarks: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

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	10/2/2002 9:28:45 AM	rwarner			Active
Priority Date	10/2/2002 9:33:55 AM	rwarner			Active
POD	10/2/2002 9:39:31 AM	rwarner			Active
Source	10/2/2002 9:40:36 AM	rwarner			Active
POU	10/2/2002 10:05:37 AM	rwarner			Active
Use	10/2/2002 10:08:28 AM	rwarner			Active
Season	10/2/2002 10:27:35 AM	rwarner			Active
Quantity	10/2/2002 10:27:37 AM	rwarner			Active
Summary			10/02/2002	rwarner	Active
Use	10/3/2002 1:27:24 PM	rwarner			Active
Summary			10/03/2002	rwarner	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-7145 V1

POU	10/2/2002 10:05:38 AM	rwarnar	(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	10/2/2002 10:08:29 AM	rwarnar	(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?
Season	10/2/2002 10:27:36 AM	rwarnar	(Yes) 1. Is the basis of claim Decree or License?
Quantity	10/2/2002 10:27:37 AM	rwarnar	(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?
POU	10/2/2002 11:48:58 AM	rwarnar	Edited shape boundary
POD	10/2/2002 11:49:34 AM	rwarnar	Edited point location
Use	10/3/2002 1:27:24 PM	rwarnar	(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? (Yes) 13. Is a Purpose of Use remark and/or condition required?
Summary	10/3/2002 1:28:50 PM	rwarnar	(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? (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?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-7145 V1

Summary	10/2/2002 12:13:47 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? (Yes) 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?
Contacts	10/2/2002 9:28:46 AM	rwarner	(No) 1. Do you want to schedule an appointment? Comment for 1: desktop review
Priority Date	10/2/2002 9:33:55 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	10/2/2002 9:39:31 AM	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	10/2/2002 9:40:36 AM	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?

JUN 13 2001

Log for claim A29-07145

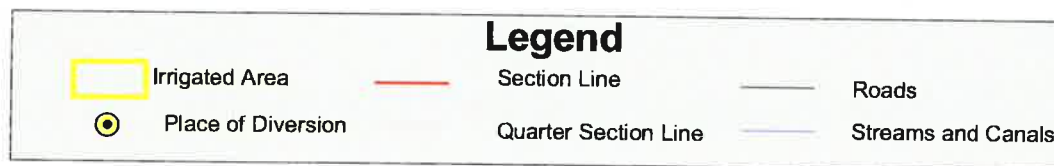
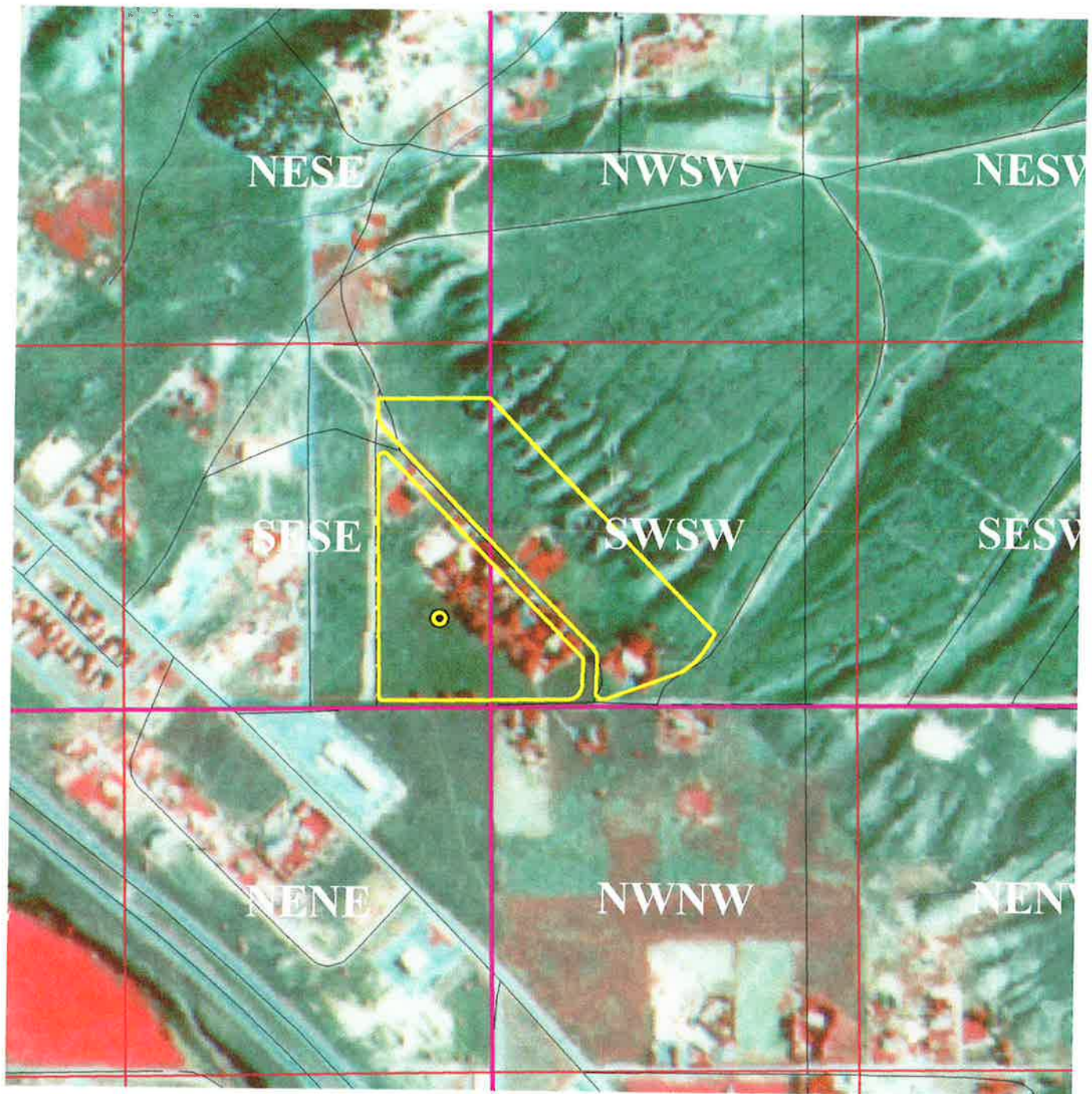
Spatial Dynamics LTD

9/7/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
07s35e	8	SESE	8	9.3	
07s35e	9	SWSW	10	11	
Totals:			18	20.3	

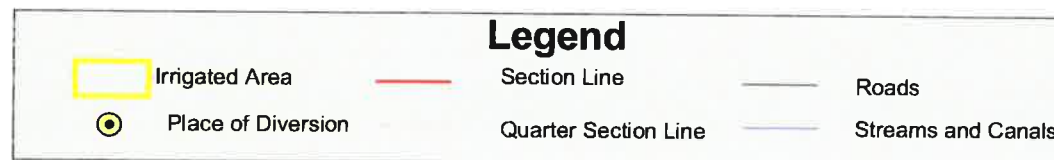
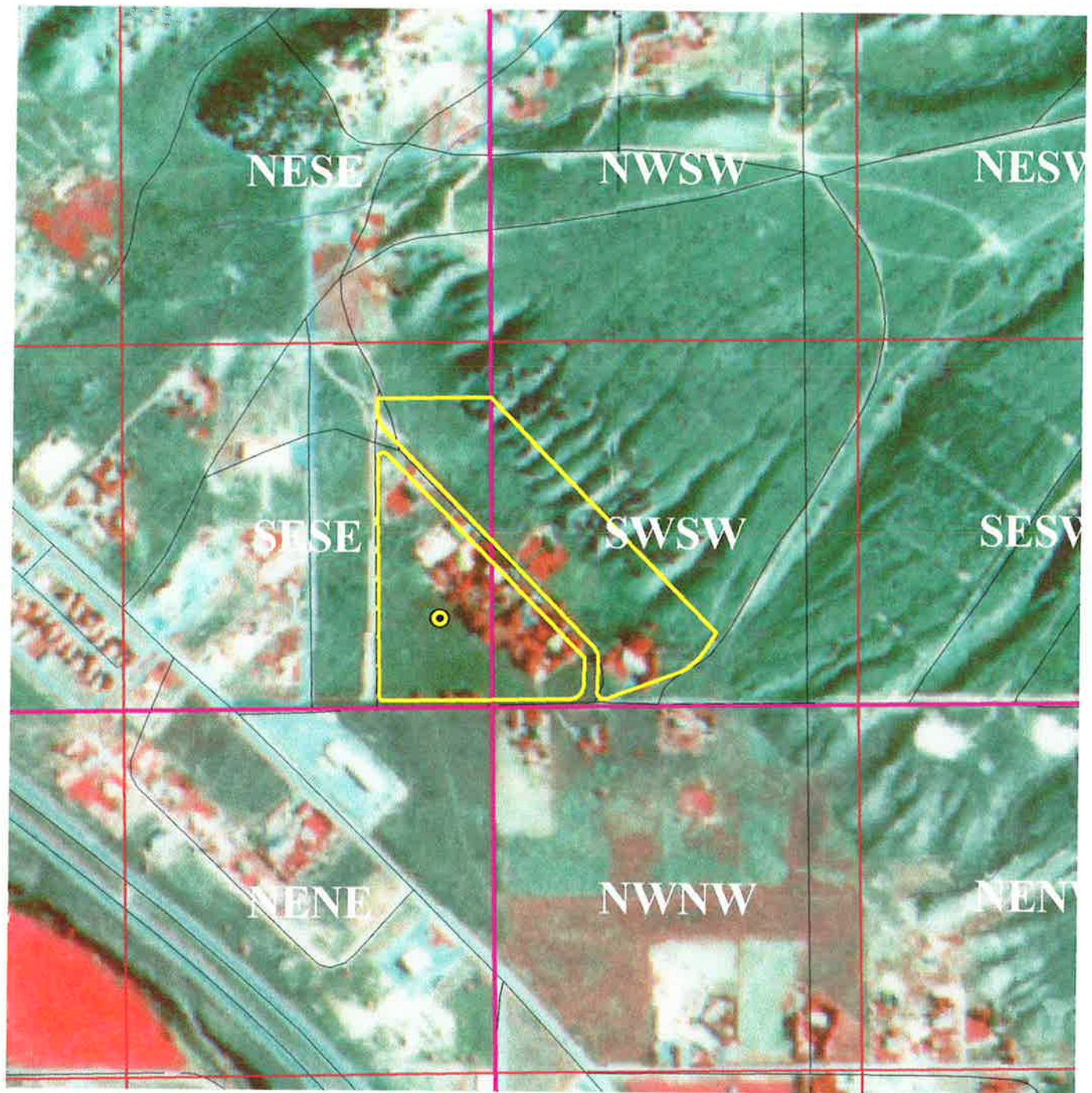
Water Right Claim Number A29-07145
Township , 7S35E

09/07/2000



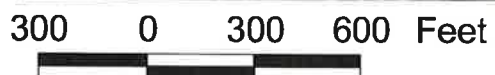
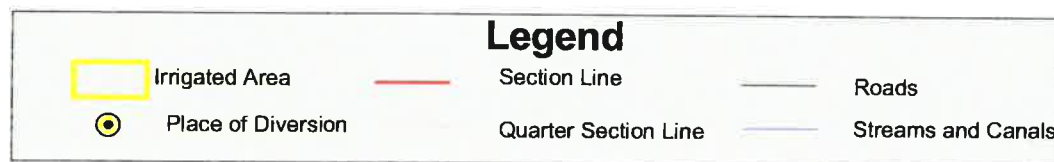
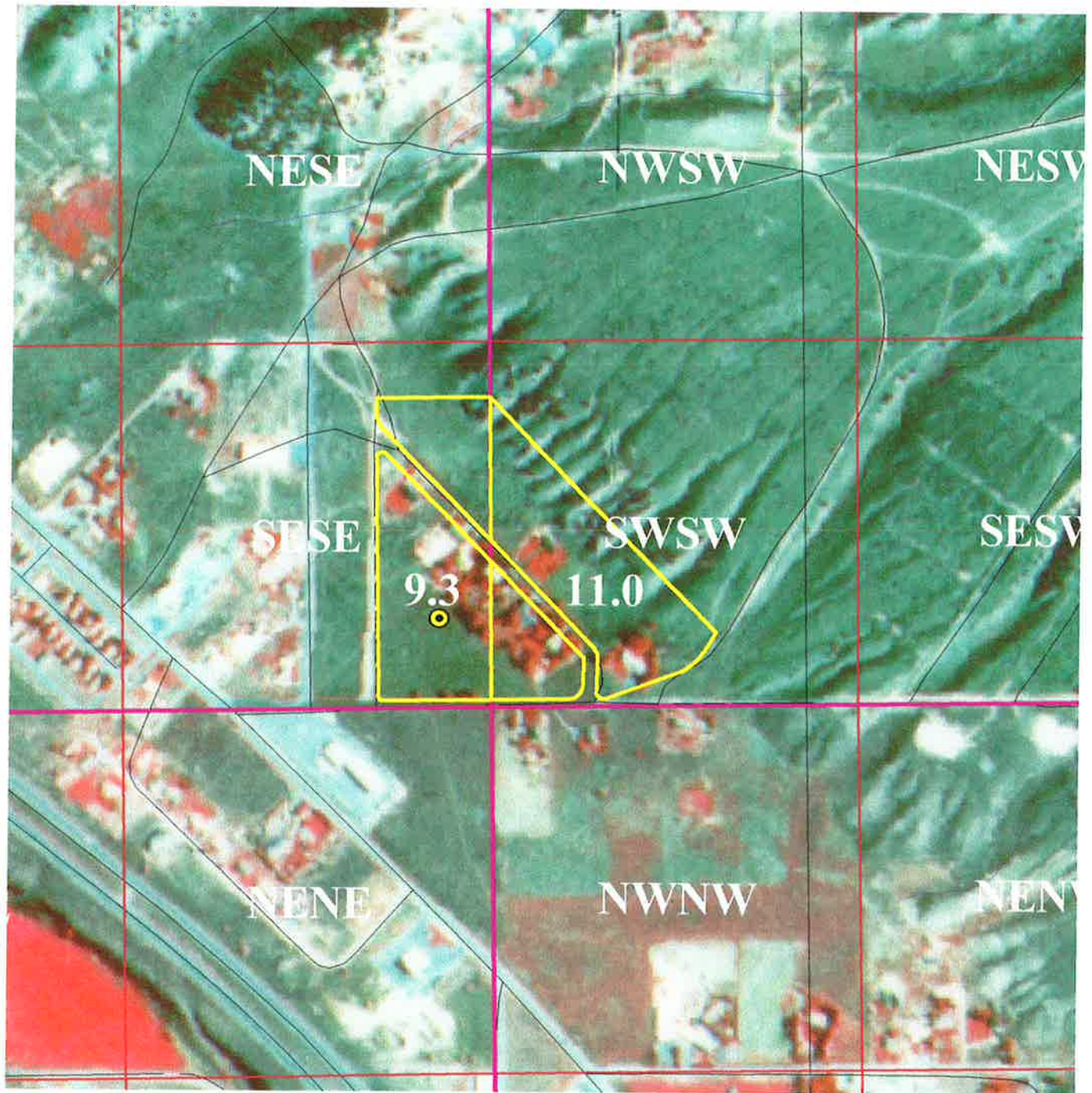
Water Right Claim Number A29-07145
Township , 7S35E

09/07/2000



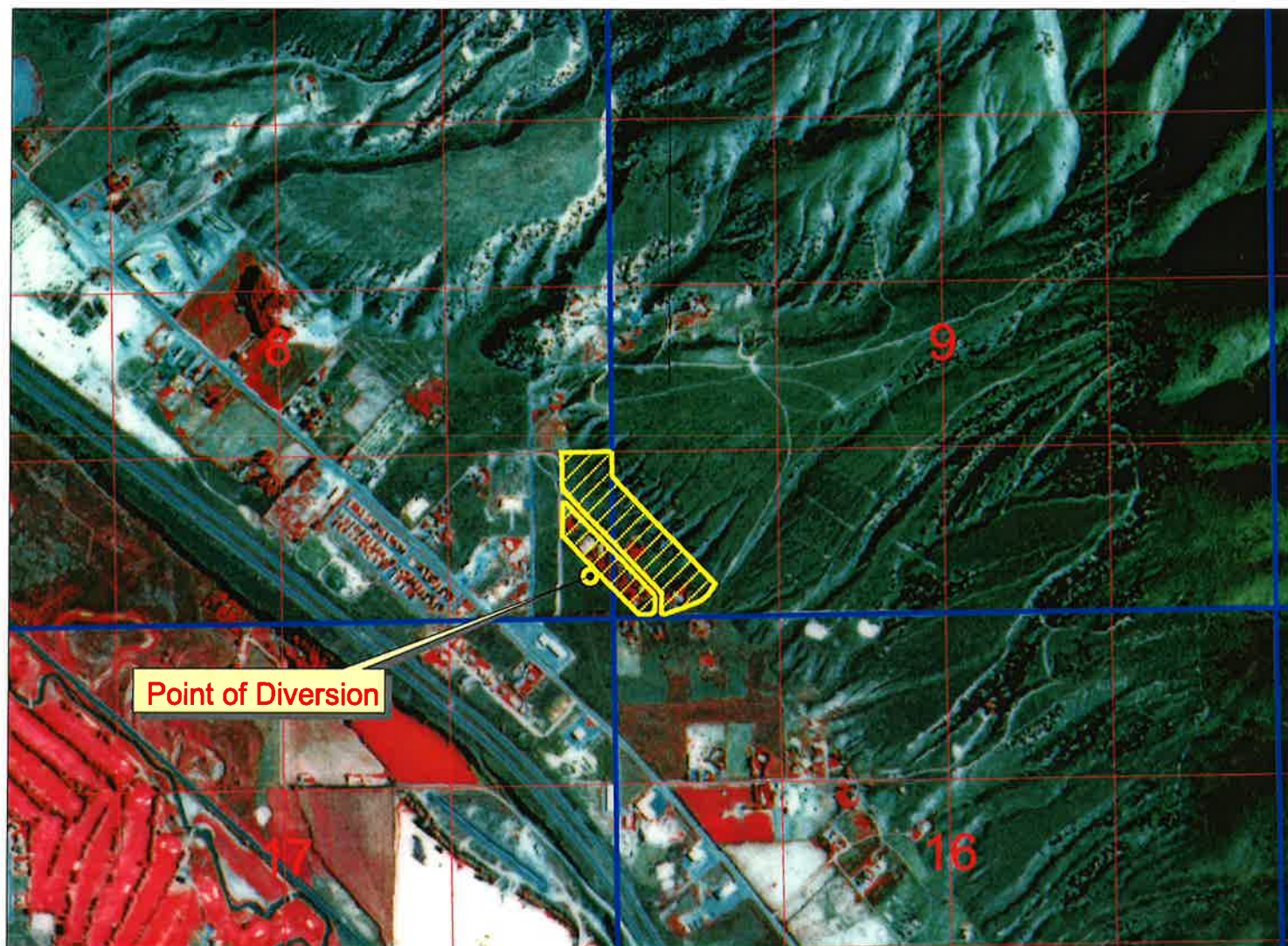
Water Right Claim Number A29-07145
Township , 7S35E

09/07/2000

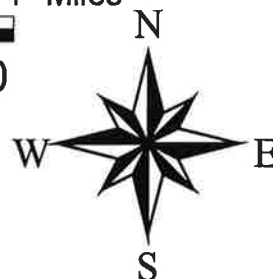




State of Idaho
Department of Water Resources
Eastern Region
WR 29-7145



1:16000



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

PROFILE

SCANNED
APR 19 2005

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

AJ5809NP
No. A29-07145

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/18/00
PAGE: 247

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	EIGHTY ACRES INC C/O RUFUS A LYMAN 4037 N LOWER RD POCATELLO ID 83204 (208) 232-7685	10/31/1983	IRRIGATION DOMESTIC	04-01 11-01 01-01 12-31	0.290 CFS 0.200 CFS	
TOTAL DIVERSION:					0.290 CFS	
CONSUMPTIVE USE:						45.00 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T07S R35E S08 SESE BANNOCK County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE							
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
07S	35E	8	:															08	8.0
07S	35E	9	:																10.0
TOTAL ACRES																		18.0	

Place of use Legal Description for: DOMESTIC

NE				NW				SW				SE							
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	
07S	35E	8	:																
07S	35E	9	:																

POU County: BANNOCK

Non-Irrigation Uses: DOMESTIC, 19 HOMES

Other Rights: NONE

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

29-10295 29-11519 29-12504 A29-10295 A29-11519 A29-12226 A29-12504 A29-13089 R29-12226

Remarks: GEN DOMESTIC USE IS FOR 19 LOTS ALSO KNOWN AS LOTS 1-10, BLOCK 2 &
LOTS 1-9, BLOCK 3, EIGHTY ACRES INC. SUBDIVISION.

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

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

Audit: 04/02/90 THOMPSON 07/25/94 THOMPSON 03/29/95 POST-STD

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 29-07145

Priority: October 31, 1983 Maximum Diversion Rate: 0.29 CFS
Maximum Diversion Volume:¹ 74.4 AF

This is to certify, that EIGHTY ACRES INC.

C/O R. A. LYMAN
4037 N. LOWER RD.
POCATELLO, ID 83204

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated July 13, 1973; and has submitted Proof of Beneficial Use on October 31, 1983. An examination indicates that the works have a diversion capacity of .290 cfs of water from a **GROUNDWATER** source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 11/01	0.29 CFS	63.0 AF
DOMESTIC	01/01 to 12/31	0.20 CFS	11.4 AF
	Totals	0.29 CFS	74.4 AF

LOCATION OF POINT(S) OF DIVERSION:

SESE , Sec. 8, Township 07S, Range 35E
BANNOCK County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
07S	35E	8	SESE	8		8
		9	SWSW	10		10

Total number of acres irrigated: 18

PLACE OF USE: DOMESTIC, same as IRRIGATION use

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The right to use water confirmed by this license is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to reflect cropping patterns or acceptable standards of water delivery efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. Domestic use is for 19 lots also known as Lots 1-19, Block 26

MICROFILMED

JUL 17 1989

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 29-07145

CONDITIONS/REMARKS:

Lots 1-9, Block 3, Eighty Acres Inc. Subdivision.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this 5th
day of July, 1989.

Acting for *Norman C. Young*
R. Keith Higginson, Director

MICROFILMED

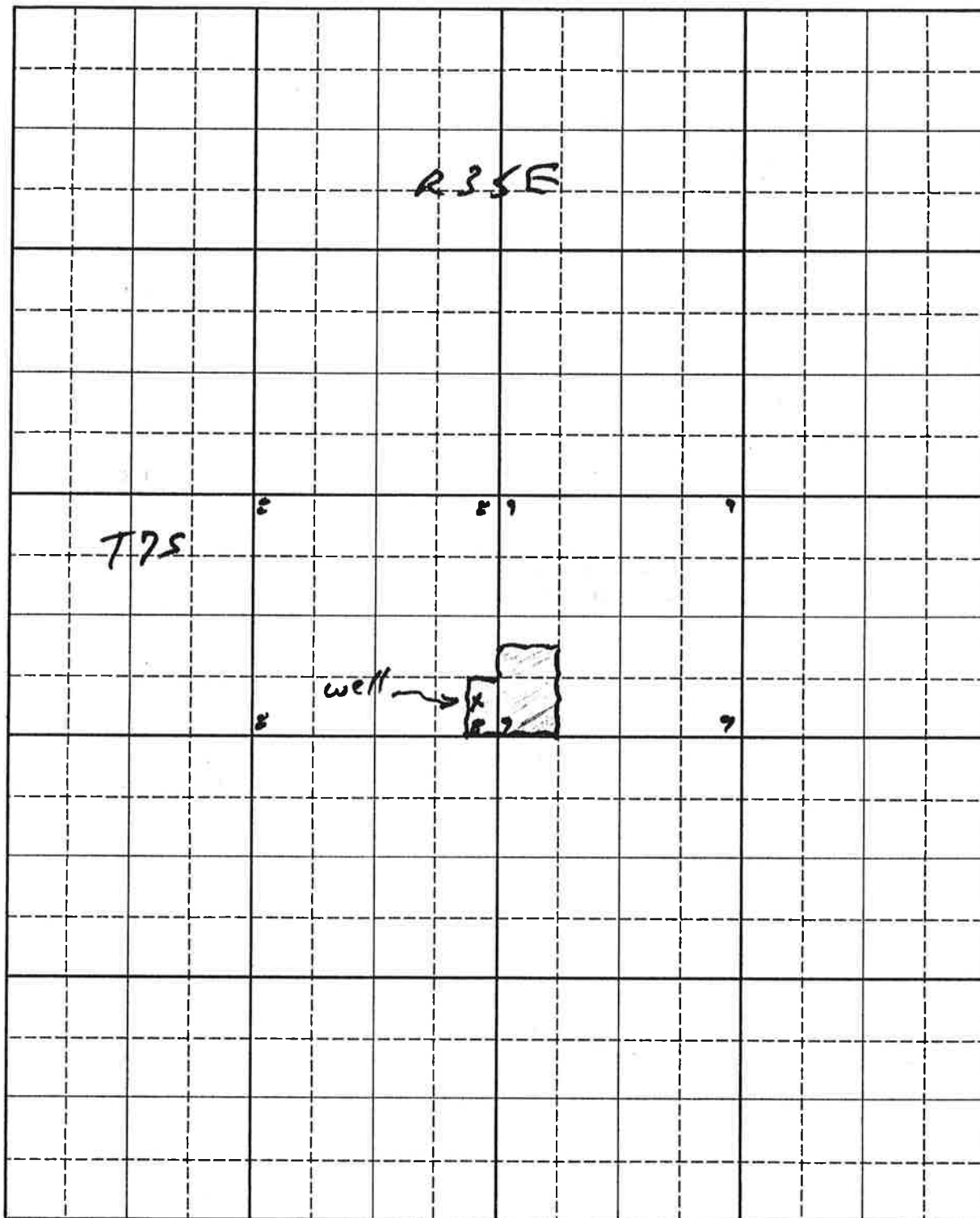
JUL 17 1989

Permit No. 29-7145

Phone No. 232-7685

- [illegible]

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



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.

Eighty Acres, Inc.

BY
(Applicant)

Secretary, Treasurer

29-7145

Identification No. 29 7145

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 Eighty Acres, Inc. BY R. A. Lyman
post office address Rt. #3, Box 259, Pocatello, Idaho
2. Source of water supply ground water which is a tributary of _____
3. a. Location of point of diversion is ^(2 points) SE 1/4 of SE 1/4 of Section 8 Township 7S
Range 35E B.M. Bannock County; additional points of diversion if any: _____
- b. If water is not consumed, it will be discharged into _____ at a point in _____ 1/4
of _____ 1/4 of Section _____ Township _____ Range _____ B.M. _____
4. Water will be used for the following purposes:
Amount 1.0 for domestic purpose from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 1.0 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)
5. Total quantity to be appropriated:
a. 1.0 cubic feet per second ~~and/or~~
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. Deep wells, turbine pumps, electric motors, 39,000 gal. storage reservoir, distribution system
- 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 10 inches; proposed depth of well is 175 feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 years.
b. Estimated construction cost is \$ 50,000.00.
8. Description of proposed uses: Same as Item 8b
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 Eighty Acres, Inc., Subdiv., or number of families to be supplied with domestic water 30.
(5) If water is to be used for other purposes describe: _____

29-7145

JUN 13 2001

\$ 88.00

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: A29-07145

Date Received: 3/26/1990 3/30/90

Receipt No: E012649

Received By: SV

RECEIVED

MAR 30 1990

Department of Water Resources
Eastern District Office

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: EIGHTY ACRES INC.
Address: C/O RUFUS A. LYMAN
4037 N. LOWER RD.
POCATELLO, ID

208-232-7685

83204

2. Date of Priority: OCT 31, 1983

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07S	35E	8	SE	SE			BANNOCK

5. Description of diverting works:
WELL AND PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.290		
DOMESTIC	01/01	12/31	0.200		

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

A.F.A.

8. Total consumptive use is 45.0 Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC, 19 HOMES

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	35E	8	SE	SE		IRR	8.0

A29-07145

Page 1

Date: 03/26/90

MICROFILMED

NOV 13 1992

A2907145



10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	35E	8	SE	SE		DOMEST	
						Section Acres	8.0
		9	SW	SW		IRR	10.0
			SW	SW		DOMEST	
						Section Acres	10.0
						Total Acres	18.0

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:

DOMESTIC USE IS FOR 19 LOTS ALSO KNOWN AS LOTS 1-10, BLOCK 2 & LOTS 1-9, BLOCK 3, EIGHTY ACRES INC. SUBDIVISION.

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: 0

For Organizations:

I do solemnly swear or affirm that I am Secretary - Treasurer of Eighty Acres, Inc, that I have signed the foregoing document in the space below as Secretary - Treasurer of Eighty Acres, Inc and that the statements contained in the foregoing document are true and correct.

Rufus A. Lyman
Signature of Authorized Agent

Secy - treas. Eighty Acres, Inc
Title and Organization

Mar 28, 1990
Date

State of Idaho)
County of Bannock) SS.

Subscribed and sworn (or affirmed) before me this 28 day
of March 19 90

Joseph H. Hubers
Notary Public

Seal

Residing at Bannock County
My Commission Expires 1/12/95