

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: 29-7238

FERNANDO B GONZALES
2002 BIG SKY RD
POCATELLO ID 83204
Telephone Number: (208)234-2329

IRENE H GONZALES
2002 BIG SKY RD
POCATELLO ID 83204
Telephone Number: (208)234-2329

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

We are investigating whether we might be entitled to an earlier priority date since our property is located on the Fort Hall Indian Reservation.

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: 4-18-03

SIGNATURE:

Please print your name:

Fernando B. Gonzales Irene H. Gonzales
Fernando B. Gonzales, Irene Gonzales

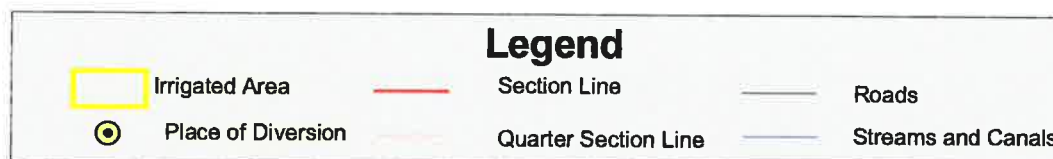
IDWR Regional Office, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402, 2085257161

PROFILED

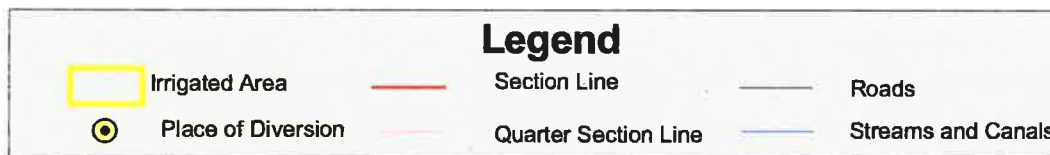
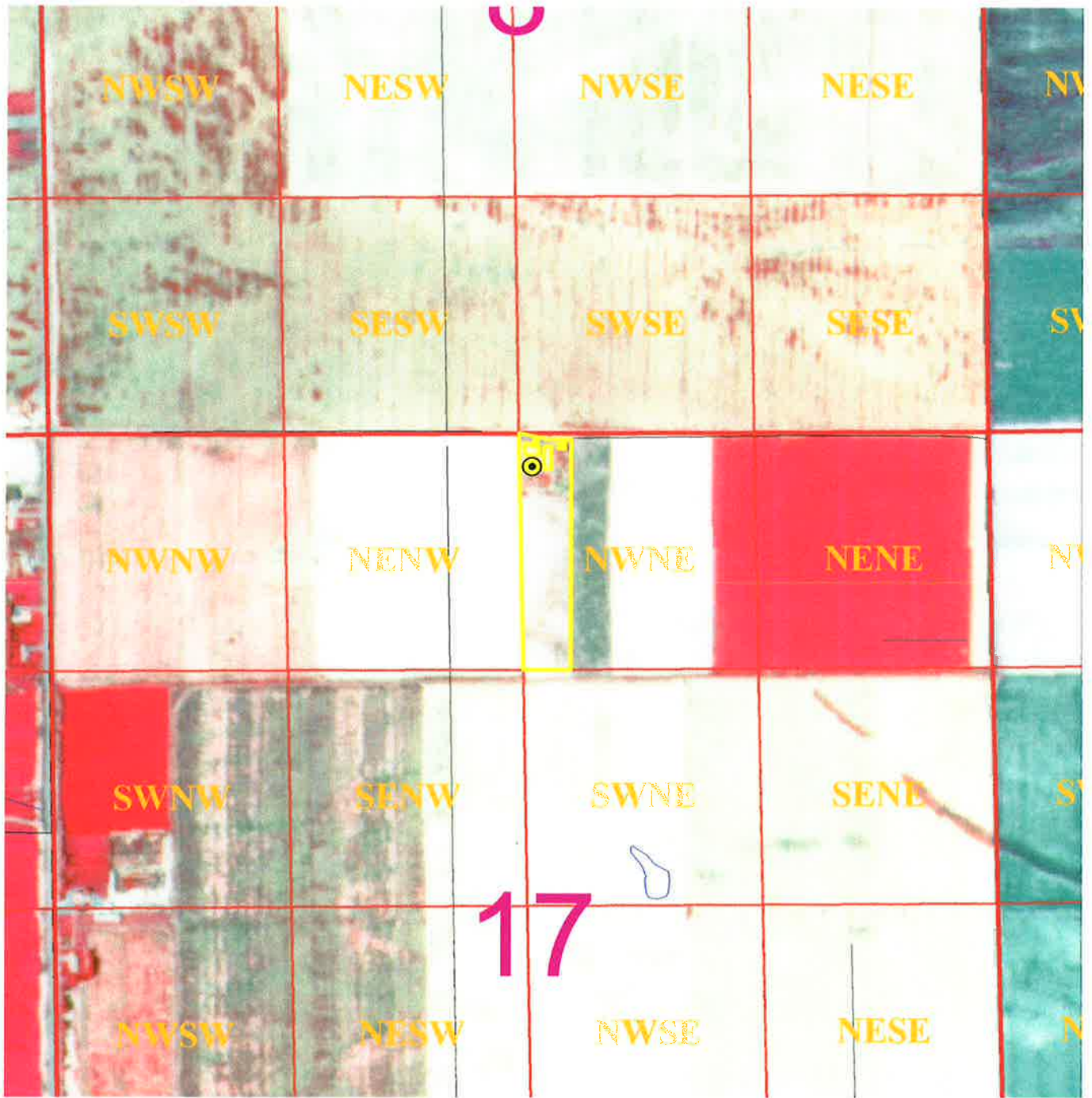
SCANNED

APR 20 2003

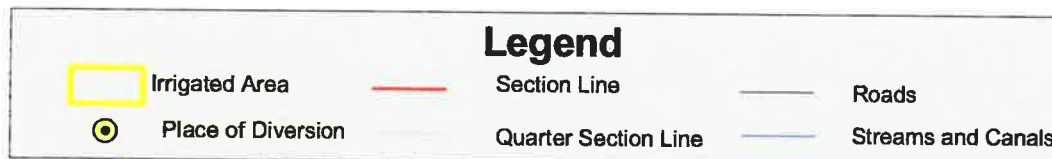
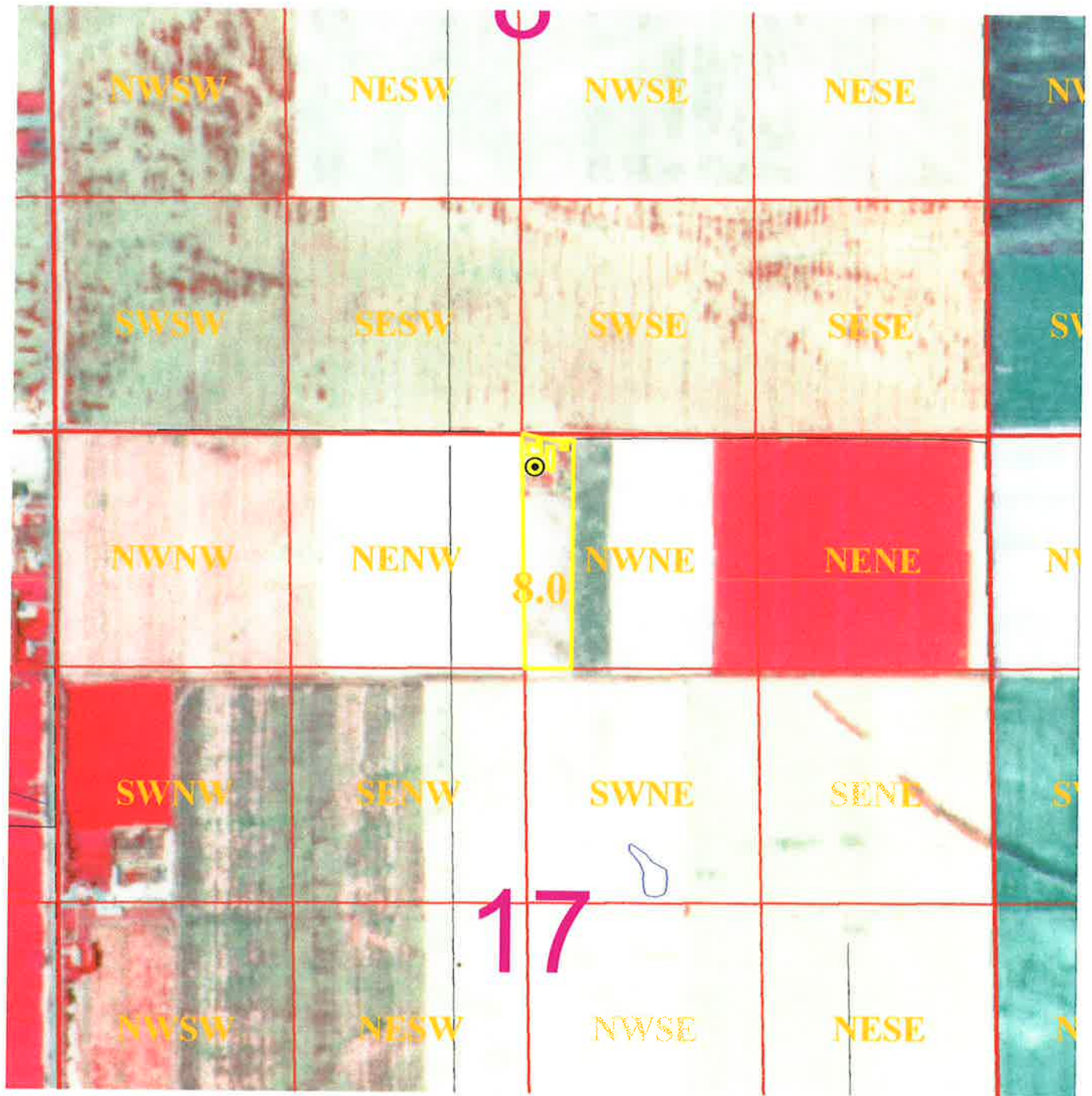
Township , 6S33E



Township , 6S33E



Township , 6S33E



RECEIVED

JUL 08 2003

Department of Water Resources
Eastern Region

GARY L. COOPER
REED W. LARSEN
RON KERL
JAMES P. PRICE
M. ANTHONY SASSER
E. W. "SKIP" CARTER
JAMES D. RUCHTI

COOPER & LARSEN

151 NORTH 3rd AVE. - STE. 210
P.O. BOX 4229
POCATELLO, ID 83205-4229

TELEPHONE (208) 235-1145
FAX (208) 235-1182

Attorneys at Law

July 7, 2003

Department of Water Resources
Attn: Ernest Carlsen, Water Rights Supervisor
900 North Skyline Drive, Suite A
Idaho Falls, Idaho 83402-1718

Re: Fernando and Irene Gonzales
Water Right Nos. 29-7984 and 29-7238

Dear Mr. Carlsen:

On April 20, 2003, I sent you a letter indicating that Fernando and Irene Gonzales were investigating the chain of title to their land to determine if they are the first non-Indians to own it. The Gonzaleses were interested in getting an earlier priority date for their rights.

You will find enclosed a copy of a patent deed, dated March 23, 1916, whereby the United States of America deeded the northeast quarter of Section 17, Township 6 South, Range 33 East to Jean L. Cutler, who is identified as "an Indian of the Fort Hall Indian Reservation." The Gonzaleses' property is located within the parcel deeded to Jean Cutler.

Also enclosed is a Certificate of Competency which was recorded in Bannock County on May 8, 1952 and in Power County on April 19, 1956. The description of the property in the opening paragraph includes the parcel now owned by the Gonzaleses. In the Certificate, Earl E. Cutler is named as one of several heirs of Jean Cutler. By virtue of the Certificate, Earl Cutler is given authority by the Bureau of Indian Affairs to sell and convey the land described in the Certificate. Earl Cutler's status as an Indian is shown on the enclosed Allotment Card, which shows his I.I.M. No. as C-68.

The Gonzaleses purchased their property from Earl Cutler. The conveyances are evidenced by Warranty Deeds, dated May 10, 1974 and May 10, 1976, copies of which are enclosed.

PROFILED

SCANNED
APR 20 2006

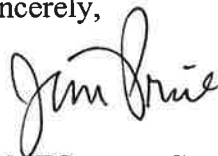
July 7, 2003

Page 2

Earl Cutler is deceased. According to the Gonzaleses, at the time they purchased the property, Mr. Cutler was using a small pump to get water from the well for culinary purposes and to irrigate a small parcel of land. Within a couple years after the Gonzaleses purchased the property, they installed a larger pump and expanded the use of the water to irrigate a number of acres, as claimed in their water rights. They were the first non-Indians to develop and use the water in the manner it is being used today.

Based upon the foregoing, the Gonzaleses request that the priority date of their water rights date back to the establishment of the Fort Hall Indian Reservation. If additional information is necessary, or if our office can be of further assistance, please call me.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jim Price".

JAMES P. PRICE

JPP:mn

Enclosures

98-353

SCANNED

APR 21 2003

RECEIVED

JUL 08 2006

Department of Water Resources
Eastern Region

4-1067.

496326.
37106-13. I.O.

61½ A.

The United States of America,

TO all to whom these presents shall come, Greeting:

WHEREAS, a schedule of allotments approved by the Secretary of the Interior has been deposited in the General Land Office, whereby it appears that Jean L. Cutler,

an Indian of the Fort Hall Reservation, has been allotted the following-described land:

The east half of the southeast quarter of the southeast quarter of Section twenty-two in Township five south of Range thirty-four east and the northeast quarter of Section seventeen in Township six south of Range thirty-three east of the Boise Meridian, Idaho, containing one hundred eighty 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 the UNITED STATES OF AMERICA, in consideration of the premises, and in accordance with the provisions of the Act of Congress of February 23, 1889 (25 Stat., 688), HAS GIVEN AND GRANTED, and by these presents DOES GIVE AND GRANT, unto the said

Jean L. Cutler

and to her heirs, the lands above described; TO HAVE AND TO HOLD the same, together with all the rights, privileges, immunities, and appurtenances, of whatsoever nature, thereunto belonging, unto the said Jean L. Cutler

and to her heirs forever, with the provision that the title hereby acquired shall not be subject to alienation, lease, or incumbrance, either by voluntary conveyance of the grantee or her heirs, or by the judgment, order, or decree of any court, or subject to taxation of any character, but shall be and remain inalienable and not subject to taxation for the period of twenty-five years, and until such time thereafter as the President may see fit to remove the restriction. 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,

Woodrow Wilson

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, at the City of Washington, the TWENTY-THIRD

day of MARCH in the year of our Lord one thousand nine hundred and SIXTEEN and of the Independence of the

United States the one hundred and FORTIETH.

By the President: *Woodrow Wilson*

By *W. O. Leary* Secretary.

6-100a

J. P. Suman
Recorder of the General Land Office.

RECORDED; Patent Number

520422

SCANNED
APR 20 2006

INDEXED

INDEXED

0678 # 106

Instrument No

State of Idaho, } ss.
County of Power } I hereby
certify that this instrument was filed
for record at the request of

Ann Crawley

Filed at 5 minutes past
4 o'clock P M., this 19
day of April 1966 and record-
ed in book 107 of 107
at 107

C. W. Adams
Recorder

Deputy

Fee 150

AT REQUEST OF
FEE \$ 1.25
DEPUTY

RECORDS OF BANNOCK COUNTY
STATE OF IDAHO
RECORDER
Ann Kelle
10661 593

113

RECEPTION
FEE BOOK
RECORDED
GROUP READ
INDEXED

CLERK, RECORDER & RECORDER
BANNOCK COUNTY, IDAHO
1962 MAY-8 PM 3:47

RECORDED
281882

SOANUTR

APR 20 1966

CERTIFICATE OF COMPETENCY

Allotment No. 61-1/2A

DESCRIPTION: East Half Southeast Quarter SouthEast Quarter Section Twenty-Two, Township Five South, Range Thirty-Four East, B.M., (E/2 SE/4 SE/4 Sec. 22, T. 5 S., R. 34 E., B.M.) and North Half Northeast Quarter Section Seventeen, Township Six South, Range Thirty-Three East, B.M., (N/2 NE/4 Sec. 17, T. 6 S., R. 33 E., B.M.);

The total acreage in the above-described land is One Hundred (100) acres, being all of Allotment No. 61-1/2A except that portion sold to the War Department by condemnation proceedings, date filed March 12, 1943, described as the South Half Northeast Quarter Section Seventeen, Township Six South, Range Thirty-Three East, B.M. (S/2 NE/4 Sec. 17, T. 6 S., R. 33 E., B.M.,) in Power County, Idaho, containing Eighty (80) acres, more or less.

WHEREAS, Andrew F. Cutler, Charles Girard Cutler, Earl E. Cutler, Homer Martin Cutler, Irene C. Crawley, John R. Cutler, Joseph S. Cutler, L. A. Cutler, Maggie Mae Cutler Cates, and Parley Elvin Cutler, heirs of Jean L. Cutler, deceased Fort Hall allottee No. 61-1/2A, have made application for the issuance of a Certificate of Competency under the provisions of Section 1 of the Act of Congress approved June 25, 1910 (36 Stat. L. 855) as Amended; and

WHEREAS, upon the investigation, consideration, and examination of the request, Andrew F. Cutler; Charles Girard Cutler; Earl E. Cutler; Homer Martin Cutler; Irene C. Crawley; John R. Cutler; Joseph S. Cutler; L. A. Cutler, ✓ Maggie Mae Cutler Cates; and Parley Elvin Cutler have been found to be fully competent and capable of transacting their own business and caring for their own individual affairs;

NOW, THEREFORE, pursuant to authority delegated to the Area Director by Order No. 551 of the Commissioner of Indian Affairs, dated March 29, 1951 (16 F.R. 2939), he does hereby issue to Andrew F. Cutler, Charles Girard Cutler, Earl E. Cutler, Homer Martin Cutler, Irene C. Crawley, John R. Cutler, Joseph S. Cutler, L. A. Cutler, Maggie Mae Cutler Cates, and Parley Elvin Cutler this Certificate of Competency, and does hereby invest them with full power and authority to sell and convey any or all lands above described.

This Certificate of Competency will become effective thirty days from the date hereof.

Done at the Bureau of Indian Affairs, Portland Area Office, Portland, Oregon, this 11th day of September 1951.

The Portland Area Office Recording
Volume 1 Page 2 Line 1
File No. PHX

Amos Thompson
Area Director *TEK*

SCANNED

APR 20 2003

INDEXED

COMPARED

RECORDED

287883

1952 MAY 30 PM 3:43

CLERK AND RECORDER
BANK COUNTY, IDAHO

Instrument No _____

State of Idaho, } ss.
County of Power } I hereby
certify that this instrument was filed
for record at the request of

Gene Crawley

Filed at 0 minutes past

4 o'clock P M., this 19th

day of April 1956 and record-

ed in book 94 of Miss

at p. 656

Swadams

Recorder

By _____ Deputy

Fee 1.00

RECEIVED
FEE PAID
RECORDED
PROOF MADE
INDEXED

159
RECORDS OF BANK COUNTY
STATE OF IDAHO

RECORDER

DEPUTY

SEE \$ 1
REQUEST OF

12-1 # 81100

APR 20 1956

RECORDED

ALLOTMENT CARD

Allotment No. 61-1/2-A

Original Allottee Jean L. Cutler

Legal Description E/2 SE/4 SE/4 Sec. 22, T 5 S, R 34 E; and NE/4 Sec. 17,
FREE WATER

TEARS: T 6 S, R 33 E B M

939-940

180 Acres

STATE OF OWNERSHIP

C-57

Original (x)

Probate No. 17974-46

Heirship ()

Relinquished-in lieu ()

Certificate of Competency 9-11-51

Fractional Owners

I.I.M. No.	Al. No.	Name	ID or An. Number	Share
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Note- 5th NE^{1/4} Sec 17 6533 sold to U.S. War Department
by Condemnation Proceedings.

C-78	41	Maggie Martin Cutler	mother	1/2
------	----	----------------------	--------	-----

C-75	Unal.-NE*	Andrew O. Cutler	father	5-18-47
------	-----------	------------------	--------	---------

Heir of Andrew O. Cutler, Probate State Court-2-2-50
 Instrument No. 68290

C-78	41	*Maggie Martin Cutler	Wife	All of 1/2 or
------	----	-----------------------	------	---------------

Heirs of Maggie Martin Cutler, Probate 23168-49 & State Probate 7/1

C-65		Andrew F. Cutler	Son	1/10
------	--	------------------	-----	------

C-60		Maggie May Cutler Cates	Daughter	1/10
------	--	-------------------------	----------	------

C-55		Homer Martin Cutler	Son	1/10
------	--	---------------------	-----	------

C-53		Charles Girard Cutler	Son	1/10
------	--	-----------------------	-----	------

C-74		Joseph S. Cutler	Son	1/10
------	--	------------------	-----	------

C-68		Earl E. Cutler	Son	1/10
------	--	----------------	-----	------

C-66		Leonard A. Cutler	Son	1/10
------	--	-------------------	-----	------

C-71		Mary Irene Cutler Crawley	Daughter	1/10
------	--	---------------------------	----------	------

C-62		Parley Elvin Cutler	Son	1/10
------	--	---------------------	-----	------

C-58		John Robert Cutler	Grandson	1/10
------	--	--------------------	----------	------

Certificate of Competency issued 9-11-51 for that portion remaining
 in restricted status, described as E/2 SE/4 SE/4 Section 22, T. 5 S, R. 34 E., B.M.
 and N/2 NE/4 Section 17, T 6 S, R. 33 E., B.M., Idaho, containing 100 acres

APR 20 2006

WARRANTY DEED

For Value Received

EARL E. CUTLER and SARAH J. CUTLER, husband and wife
the grantors, do hereby grant, bargain, sell and convey unto

FERNANDO GONZALES and IRENE GONZALES, husband and wife

whose current address is *408 W. 1st, Pocatello, Idaho*

the grantees, the following described premises, in Bannock.....County Idaho, to wit:

BEGINNING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SECTION 17, TOWNSHIP 6 SOUTH, RANGE 33, E. B. M., POWER COUNTY, IDAHO, THENCE ALONG THE SECTION LINE IN AN EASTERLY DIRECTION 264 FEET; THENCE SOUTH 1320 FEET; THENCE WEST 264 FEET; THENCE NORTH 1320 FEET TO THE POINT OF BEGINNING. EXCEPT, BEGINNING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SECTION 17, TOWNSHIP 6 SOUTH, RANGE 33 E. B. M., THENCE ALONG THE SECTION LINE IN AN EASTERLY DIRECTION 130 FEET; THENCE SOUTH 335.57 FEET; THENCE WEST 130 FEET TO THE POINT OF BEGINNING...

335.57

STATE OF IDAHO
COUNTY OF POWER

I hereby certify that the foregoing instrument is a full, true and correct copy of the original on file in the office of the undersigned Clerk of the District Court, of the Sixth Judicial District of Idaho, for Power County.

CHRISTINE STEINLICHT

By *Marjorie Scholte*
DEPUTY CLERK

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises; that they are free from all incumbrances

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: May 10, 1974

Earl E. Cutler
Earl E. Cutler

Sarah J. Cutler
Sarah J. Cutler

STATE OF IDAHO, COUNTY OF Bannock

On this *10th* day of *May*, 1974, before me, a notary public in and for said State, personally appeared

Earl E. Cutler & Sarah J. Cutler, h&w

known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

Robert R. Blach
Notary Public

Residing at Pocatello, Idaho
Comm. Expires *12-24-74*

Instrument No. *103628*

State of Idaho
County Power

I hereby certify that this instrument was filed for record at the request of

Filed at *2:24* o'clock *P.* M., this *13th* day of *May*, 1974, and indexed instrument *103628* in Drawer *73*

Helen Hall, Recorder

By *Christine Steinlicht*
DEPUTY

Furnished by the AMERICAN LAND TITLE CO., Pocatello, Idaho

APR 20 2006

WARRANTY DEED

For Value Received

EARL E. CUTLER AND SARAH J. CUTLER, HUSBAND & WIFE

the grantors, do hereby grant, bargain, sell and convey unto

FERNANDO GONZALES AND IRENE GONZALES, HUSBAND & WIFE

408 North 7th, Pocatello, Idaho

the grantees, the following described premises, in.....Power.....County Idaho, to wit:

BEGINNING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER
OF SECTION 17, TOWNSHIP 6 SOUTH, RANGE 33 E.B.M., POWER COUNTY, IDAHO,
THENCE ALONG THE SECTION LINE IN AN EASTERLY DIRECTION 130 FEET, THENCE
SOUTH PARALLEL TO THE MERIDIONAL CENTERLINE OF SAID SECTION 335.5 FEET
THENCE WEST PARALLEL WITH THE NORTH SECTION LINE OF SAID SECTION 17,
130 FEET, THENCE NORTH ALONG THE MERIDIONAL CENTERLINE 335.5 FEET
TO THE POINT OF BEGINNING...

STATE OF IDAHO
COUNTY OF POWER

} ss.

I hereby certify that the foregoing instrument is a full, true
and correct copy of the original on file in the office of the under-
signed Clerk of the District Court, of the Sixth Judicial District of
Idaho, for Power County.

CHRISTINE STEINLICH

By

Maurice Scholts

DEPUTY CLERK

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees,
their heirs and assigns forever. And the said Grantors do hereby covenant to and
with the said Grantees, that they the owners in fee simple of said premises; that they are free
from all incumbrances, except taxes and easements that appear of record.

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: May 10, 1976

STATE OF IDAHO, COUNTY OF Bannock
On this 10th day of May 1976
before me, a notary public in and for said State, personally
appeared

EARL E. CUTLER & SARAH J. CUTLER
HUSBAND & WIFE

Known to me to be the persons whose names are
subscribed to the within instrument, and whose names are
correctly stated, and that they executed the same.

Residing at

Pocatello

Idaho

Comm. Expires

12 31 77

RECEIVED

10-235

Additional Cash Fee
11.44
A 12.00
May 16 1976
100235
#3

Recorded by the Bannock Co. Clerk 1976 05 10

SCA 100

APR 20 1977

RECEIVED

JUL 08 2011

496326.
37106-13. I.O.

Department of Water Resources
Eastern Region

4-1067.

61½ A.

The United States of America,

To all to whom these presents shall come, Greeting:

WHEREAS, a schedule of allotments approved by the Secretary of the Interior has been deposited in the General Land Office, whereby it appears that Jean L. Cutler,

an Indian of the Fort Hall Reservation, has been allotted the following-described land:

The east half of the southeast quarter of the southeast quarter of Section twenty-two in Township five south of Range thirty-four east and the northeast quarter of Section seventeen in Township six south of Range thirty-three east of the Boise Meridian, Idaho, containing one hundred eighty 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 the UNITED STATES OF AMERICA, in consideration of the premises, and in accordance with the provisions of the Act of Congress of February 23, 1889 (25 Stat., 688), HAS GIVEN AND GRANTED, and by these presents DOES GIVE AND GRANT, unto the said

Jean L. Cutler

and to her heirs, the lands above described; TO HAVE AND TO HOLD the same, together with all the rights, privileges, immunities, and appurtenances, of whatsoever nature, thereunto belonging, unto the said Jean L. Cutler

and to her heirs forever, with the provision that the title hereby acquired shall not be subject to alienation, lease, or incumbrance, either by voluntary conveyance of the grantee or her heirs, or by the judgment, order, or decree of any court, or subject to taxation of any character, but shall be and remain inalienable and not subject to taxation for the period of twenty-five years, and until such time thereafter as the President may see fit to remove the restriction. 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,

Woodrow Wilson

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, at the City of Washington, the TWENTY-THIRD

day of

MARCH

In the year of our Lord one thousand

nine hundred and

SIXTEEN

and of the Independence of the

United States the one hundred and

FORTIETH.

By the President:

Woodrow Wilson

By

W. D. Leary

Secretary.

J. D. Laman

Recorder of the General Land Office.

RECORDED; Patent Number 520422

INDEXED
FILED

0678 # 206

Instrument No _____
State of Idaho, } ss. I hereby
County of Power } certify that this instrument was filed
for record at the request of

Gene Crowley
Filed at 5 minutes past
4 o'clock P. M., this 1966
day of April 19 5 and record-
ed in book 401 of Carthage
at 401
C. W. Adams
Recorder

By _____
Deputy
Jul 150

AT REQUEST OF
FEE \$ 1.25
DEPUTY
RECORDER
Anna Kelle
STATE OF IDAHO
RECORDS OF BANNOCK COUNTY
Book 593
113

RECEPTION
FEE BOOK
RECORDED
INDEXED

RECORDED
281882
1952 MAY-8 PM 3:47
CLERK, ANNOTOR & RECORDER
BANNOCK COUNTY, IDAHO

GARY L. COOPER
REED W. LARSEN
JAMES P. PRICE
M. ANTHONY SASSER
E. W. "SKIP" CARTER
JAMES D. RUCHTI

COOPER & LARSEN

151 NORTH 3rd AVE. - STE. 210
P.O. BOX 4229
POCATELLO, ID 83205-4229

TELEPHONE (208) 235-1145
FAX (208) 235-1182

Attorneys at Law

April 20, 2003

By facsimile (208) 525-7177
Original to follow by mail

Department of Water Resources
Attn: Ernest Carlsen, Water Rights Supervisor
900 North Skyline Drive, Suite A
Idaho Falls, Idaho 83402-1718

Re: Fernando and Irene Gonzales
Water Right Nos. 29-7984 and 29-7238

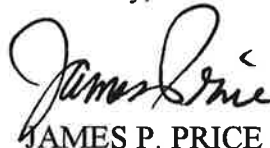
Dear Mr. Carlsen:

Please find enclosed Notice of Error Replies for the water rights identified above. The Gonzales are investigating the chain of title to their land to determine whether they may be entitled to an earlier priority date. The Gonzales believe that their land is Indian allotment land and that they are the first non-Indians to own it.

In your absence last week, I spoke with Candice McHugh in Boise who was very helpful in explaining the process and requirements to get an earlier priority date. She indicated that supporting documentation does not need to be submitted with the Notice of Error Reply. The Gonzales will, however, get that documentation to you as soon as possible.

Please accept this letter as notification that our office represents the Gonzales and would like to receive a copy of any notice or correspondence sent by IDWR to them.

Sincerely,



JAMES P. PRICE

JPP:mn

RECEIVED

APR 22 2003

Department of Water Resources
Eastern Region

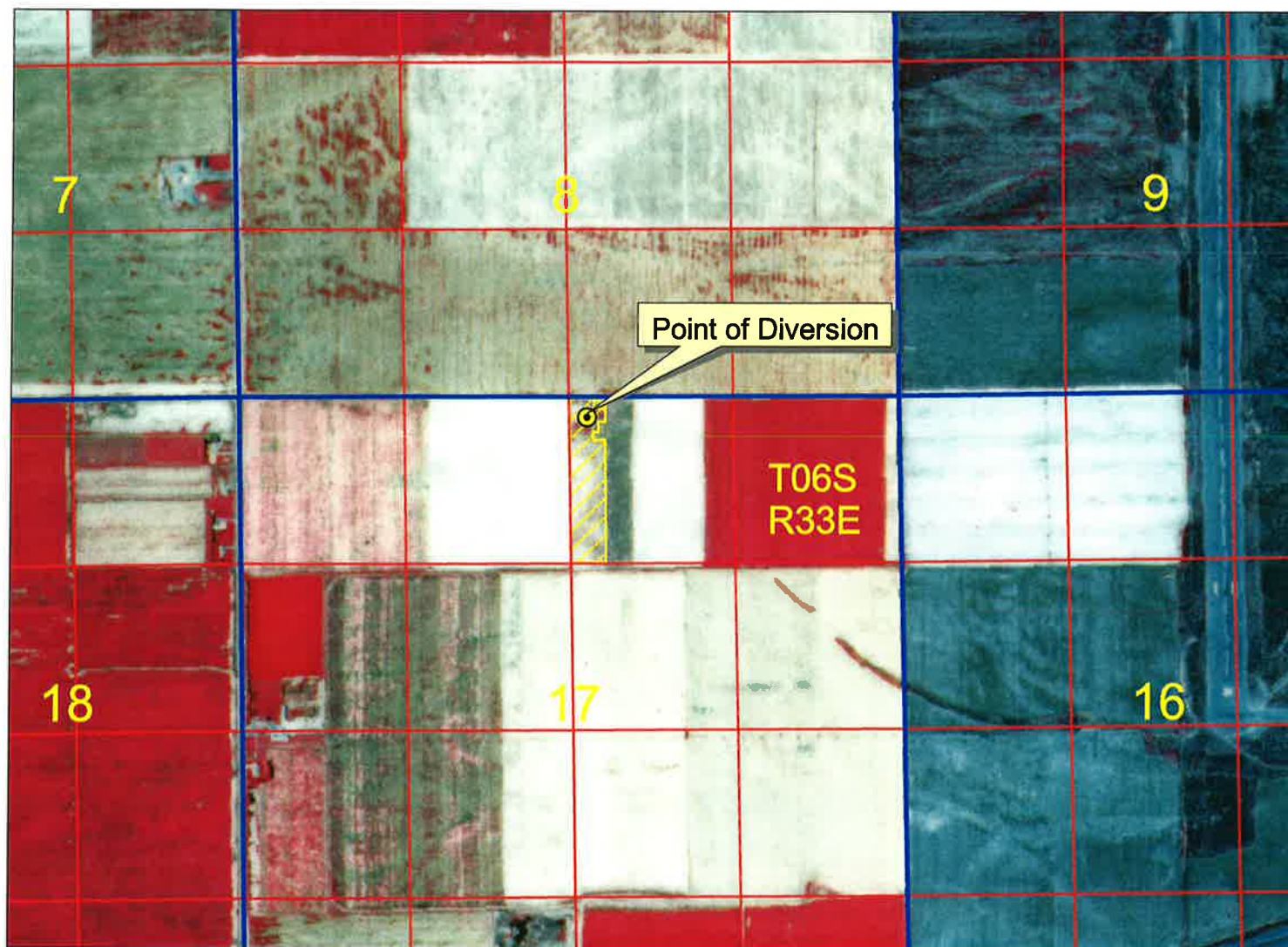
SCANNED

APR 20 2003



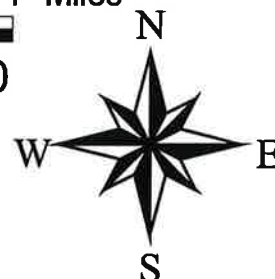
State of Idaho
Department of Water Resources
Eastern Region

Water Rights: 29-7238, 29-7984



0.5 0 0.5 1 Miles

1:16000



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

SCANNED

APR 20 2003

PROFILED

GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: P. Meyer
Date: August 2002

08/19/2002

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

RIGHT NUMBER: 29-7238

NAME AND ADDRESS: FERNANDO B GONZALES
2002 BIG SKY RD
POCATELLO ID 83204

IRENE H GONZALES
2002 BIG SKY RD
POCATELLO ID 83204

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.11 CFS

USE OF THIS RIGHT WITH RIGHT NO. 29-07984 IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 0.14 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION
VOLUME OF 32 AF AND THE IRRIGATION OF 8 ACRES.

PRIORITY DATE: 10/31/1974

POINT OF DIVERSION:

T06S R33E S17 NWNWNE Within POWER County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 11/01	0.110 CFS
DOMESTIC	01/01 12/31	0.040 CFS

PLACE OF USE: IRRIGATION Within POWER County

T06S R33E S17 NWNE 8.0

DOMESTIC same as IRRIGATION

8 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: License

Contor, Bryce

From: Contor, Bryce

Sent: Thursday, September 20, 2001 4:22 PM

To: Wilson, Keith; Curtis, Sharla

Cc: Meyer, Paul

Subject: 29-7984

From the AJ investigation it looks like this permit overlaps license 29-7238. The paper work I see doesn't seem to reference the overlap...

PROFILED

SCANNED
APR 20 2006

9/20/2001

MAY 14 2001

Log for claim A29-07238

Spatial Dynamics AMH

7/17/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
06s33e	17	NWNE	8	8	
Totals:			8	8	

AJ5809NP
No. A29-07238

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/23/00
PAGE: 56

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	FERNANDO B GONZALES	10/31/1974	IRRIGATION	04-01 11-01	0.110 CFS	28.00 AFA
C	IRENE H GONZALES		DOMESTIC	01-01 12-31	0.040 CFS	1.20 AFA
	2002 BIG SKY RD					
	POCATELLO ID 83204					
	(208) 234-2329			TOTAL DIVERSION:	0.110 CFS	29.20 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion:

T06S R33E S17

NWNE

POWER 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	Lt	Ac	:	SUM
06S	33E	17	:			08														:	8.0
																				TOTAL ACRES	8.0

Place of use location for DOMESTIC is the same location as described for: IRRIGATION

POU County: POWER

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
29-10911 A29-07984 A29-10911

Other Water Rights Listing Overlapping Place(s) of Use:
A29-07575 A29-07984

Dates:	Exam Made Date:	Verified Date:	Objection Filed Date:
Misc:	Water District Number:	Field Inspection Flag:	
		Presumption Flag:	
Audit:	04/07/98 GTAYLOR		

MICROFILMED

CONDITIONS OF APPROVAL

- a. 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.
- b. The right to the use of the water hereby confirmed is restricted and appurtenant to lands or place of use herein described, and is subject to all prior water rights, as provided by the laws of Idaho.
- c. Any water right confirmed in this license for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this license and shall not give rise to any right or claim against any future rights to the use of water other than hydropower, within the State of Idaho initiated later in time than the priority of this license.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 7TH day of AUGUST, 19 86.

Acting for the Director

Norman C. Gung

51
P.

Identification No. 29 7238

Application No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

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

1. Name of applicant Fernando B. &/or Irene H. Gonzales Phone: 232-1916
post office address 408 North Seventh Street, Pocatello, Idaho
2. Source of water supply ground water which is a tributary of _____
3. a. Location of point of diversion is NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 17 Township 6S
Range 33E B.M. Power County; additional points of diversion if any: _____

- b. If water is not consumed, it will be discharged into _____ at a point in _____ $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____
4. Water will be used for the following purposes:
Amount 0.04 for Domestic purpose from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 0.16 for Irrig. 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. 0.20 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. Well, pump and sprinkler 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 8 inches; proposed depth of well is 200 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 \$ 8,000.00.
8. Description of proposed uses:
a. If water is **not** for irrigation:
(1) Give the place of use of water: NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 17 Township 6S
Range 33E 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 one.
(5) If water is to be used for other purposes describe: _____

RECEIVED

Proposed Priority 10-31-1974

Received by MB Date 10-31-74 Time 2:30 p.m.

Preliminary check by RDC Fee \$ 10.⁰⁰

Receipted by MB Date 10-31-74 # 13125

Publication prepared by EW Date 11/1/74

Published in Lawrence County Press

Publication dates 11/1 + 11/2/74

Publication approved EW Date 11-18-74

Priority reduced to _____ Reason _____

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by W JDE

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 29-7238, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before December 1, 19 79.
- c. Other: _____

2. Denial of said application is for the following reasons: _____

Witness my hand this 3 day of December 19 74.


Director

RECEIVED

SEP 21 1984

State of Idaho
DEPARTMENT OF WATER RESOURCES
WATER RIGHT BENEFICIAL USE FIELD REPORT

29-7238

Permit No.

Department of Water Resources

CONTACT WITH PERMIT HOLDER

	DATE	INITIALS	REMARKS
☐ Appointment letter mailed:			
☐ Telephone call made (List Telephone No. used)			
☐ Appointment scheduled for: (Date, time, location)			

EXAMINATION

Date 7-22-83 Accompanied by Mrs. Gonzales Total Q measured 0.11 cfs ^{irrig. only}
 Source Groundwater Tributary to _____ Supp. annubar measurement sheet used? _____
 If source is surface water, estimate total flow of source _____
 Methods of measurement Pitot Gauge Meets permit requirements? _____

Measurement calculations: 21psi, 5/32N, 15birds = 3.34 gpm x 15b = 50.1 gpm or 0.11 cfs ✓
 Domestic - allow 0.04 cfs + 1.2 af ✓ $V = 0.11 \times 1.9835 \times 214 = 46.7 \text{ AF}$
 Irrig - 8 acres x 0.02 cfs = 0.16 cfs ✓ $V = 8 \text{ acres} \times 3.5 \text{ af/yr} = 28 \text{ af}$ ✓
Am't limited by capacity

WELL DIV. NO.	HP	MOTOR MAKE	MOTOR SERIAL NO.	PUMP MAKE	PUMP SERIAL NO.	MEASURING DEVICE TYPE	CONDITION OF MEAS. DEVICE	REMARKS
	5	NA	NA	NA				

System Description well/pump (submerged) with line to house and sprinkler line.

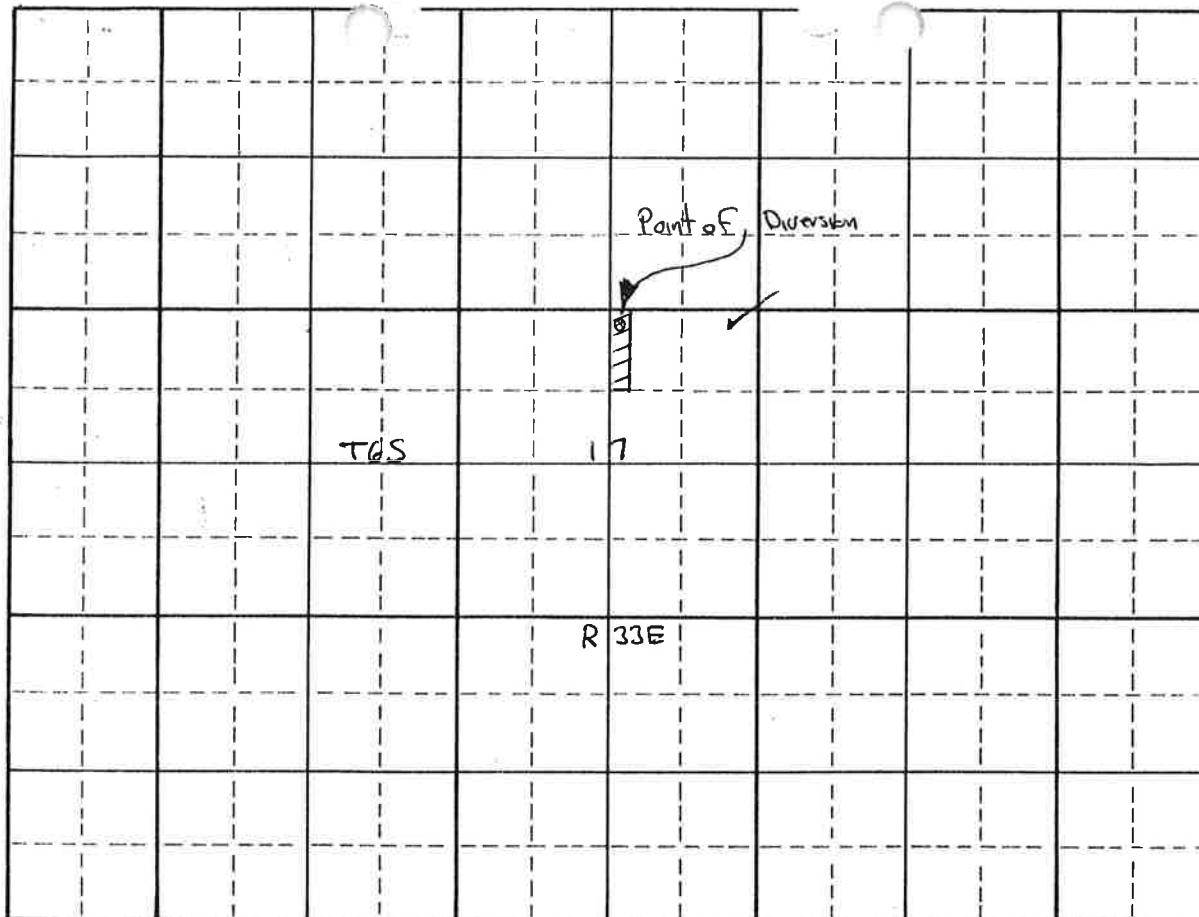
Code with map on reverse side. Disregard code if only one.

RECOMMENDED AMOUNTS

USE	Irrigation requirement =	Q (cfs)	V (afa)	FROM	TO
<u>Domestic</u> ✓ (one unit)	<u>3.5</u> ✓ ^{214 days}	<u>0.04</u> ✓	<u>1.2</u> ✓	<u>1-1</u> ✓	<u>12-31</u> ✓
<u>Irrigation</u> ✓		<u>0.11</u> ✓	<u>28.0</u> ✓	<u>4-1</u> ✓	<u>11-1</u> ✓
	Total	<u>0.11</u> ✓	<u>29.2</u> ✓		

Remarks No overlapping licenses ✓
P/D overlap per VAX: none.

UNRECORDED



SCHEMATIC DIAGRAM OF SYSTEM

(Include distance from pump to measuring device, if applicable.)



House

Submersed pump

Point(s) of diversion: ✓ NW 1/4 NE 1/4 Sect. 17 T6S R33E

Place(s) of Use ✓

TWP.	RGE.	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	
6S	33E	17		8															8 ✓

Recommended Amendments:

☐ Change P.D. as reflected above

☐ Add P.D. as reflected above

☒ None

☐ Change P.U. as reflected above

☐ Add P.U. as reflected above

☐ Other

Examiner's Signature

Checked by

Approved by

H.W. Jones
Keith Wilson
H. Walker

Date

Date

Date

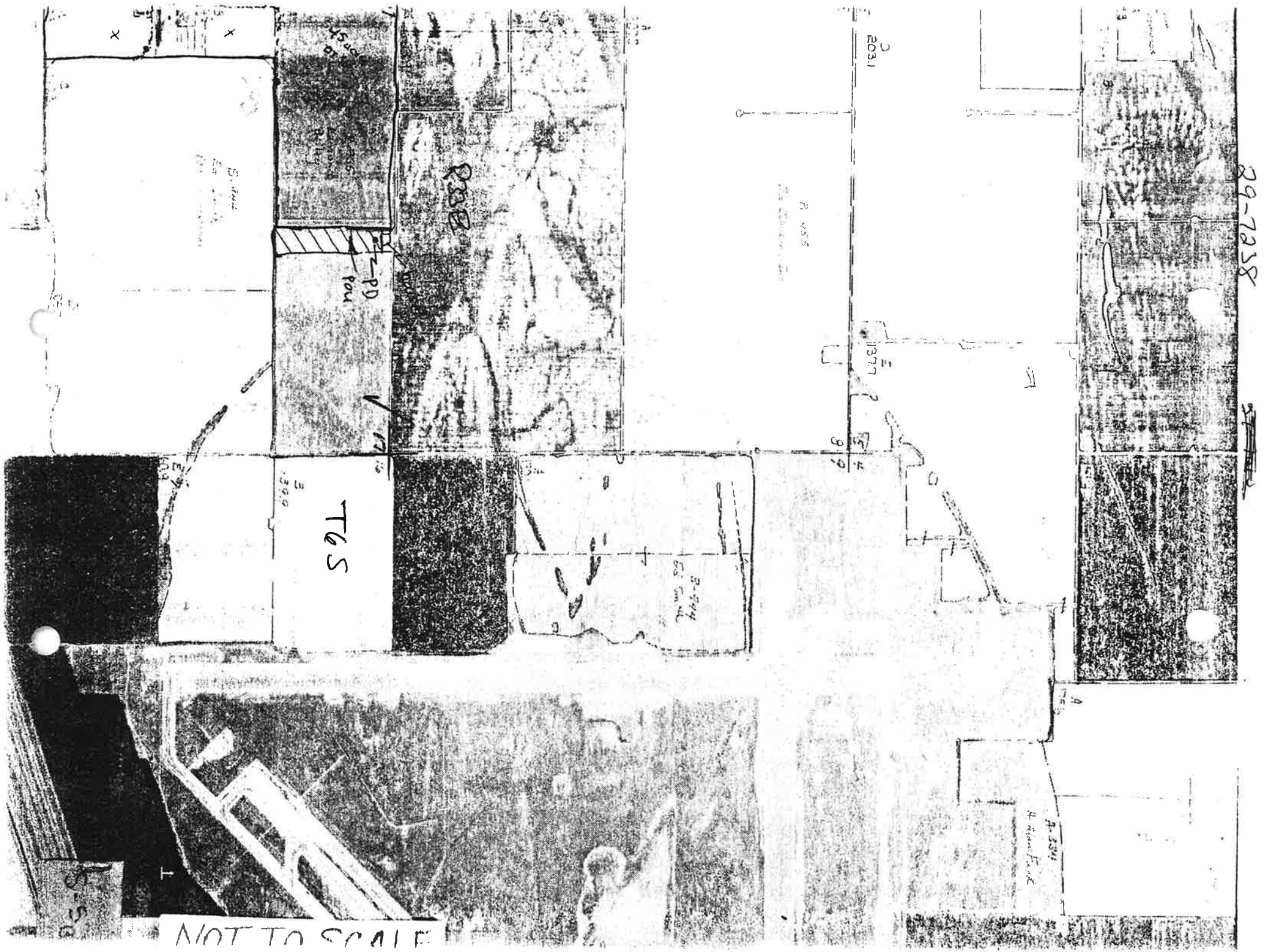
April 30 1984

19 Sept 1984

6-25-86

RECORDED

29-7258



NOT TO SCALE

MAY 14 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: A29-07238

Date Received: 4/ 6/1998

Receipt No: E024028

Received By: A.S.

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: FERNANDO B GONZALES 208-234-2329
Address: 2002 BIG SKY RD
POCATELLO ID 83204

AND/OR

Name: IRENE H GONZALES 208-234-2329
Address: 2002 BIG SKY RD
POCATELLO ID 83204

A2907238



2. Date of Priority: OCT 31, 1974

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06S	33E	17	NW	NE			POWER

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.110		28.00
DOMESTIC	01/01	12/31	0.040		1.20

7. Total Quantity Appropriated is:

0.110 C.F.S. (and/or) 29.20 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	33E	17	NW NE		IRR	8.0
Section Acres						8.0
Total Acres						8.0

11. Place of use in counties: POWER

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

13. Other Water Rights Used:

14. Remarks:

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: _____

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): Fernando B. Gonzalez Date: 4-6-98

Date: _____

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 6th day
of April 19 98

Jennifer Hoagland
Notary Public



Residing at Idaho Falls Id

My Commission Expires 9/23/03