

06/16/2003

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

RIGHT NUMBER: 29-7268

NAME AND ADDRESS: ROBERT L HURST  
7869 W BUCKSKIN RD  
POCATELLO ID 83201

SOURCE: SOUTH FORK POCATELLO CREEK                      TRIBUTARY: PORTNEUF RIVER

QUANTITY: 0.080 CFS

USE OF THIS RIGHT WITH RIGHT NO. 29-07268 IS LIMITED TO A TOTAL  
COMBINED DIVERSION RATE OF 0.09 CFS.

PRIORITY DATE: 05/09/1975

POINT OF DIVERSION:

T06S R35E S28 SWNNWN Within BANNOCK County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| IRRIGATION            | 05/01 09/30          | 0.060 CFS       |
| STOCKWATER            | 01/01 12/31          | 0.020 CFS       |

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS  
EARLY AS APRIL 1 AND MAY CONTINUE TO AS LATE AS OCTOBER 31,  
PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE  
USE OF WATER BEFORE MAY 1 AND AFTER SEPTEMBER 30 UNDER THIS  
REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO  
SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY  
DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR  
THIS RIGHT.

PLACE OF USE: IRRIGATION Within BANNOCK County

T06S R35E S28                      NWNW                      3.0

STOCKWATER same as IRRIGATION

3 ACRES TOTAL

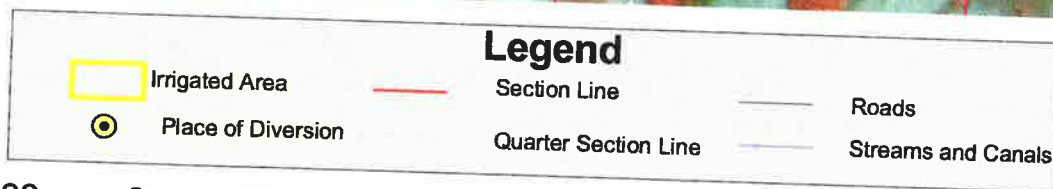
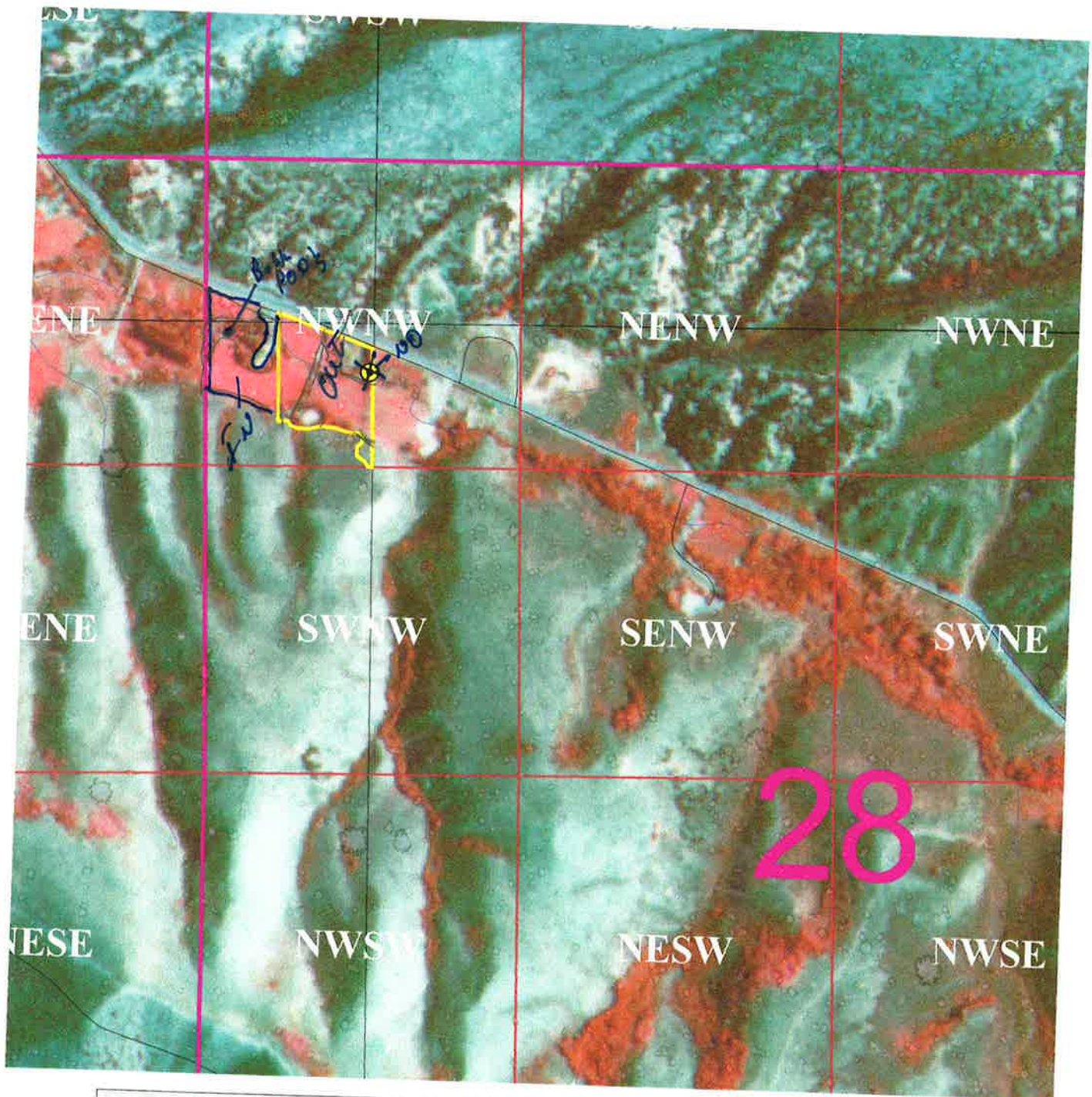
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

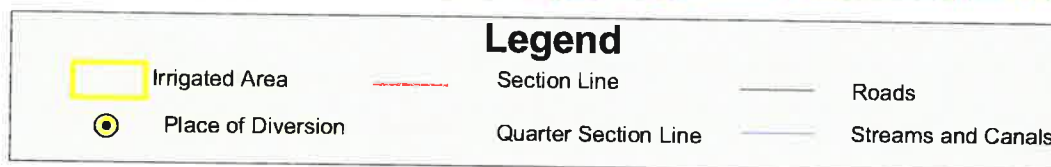
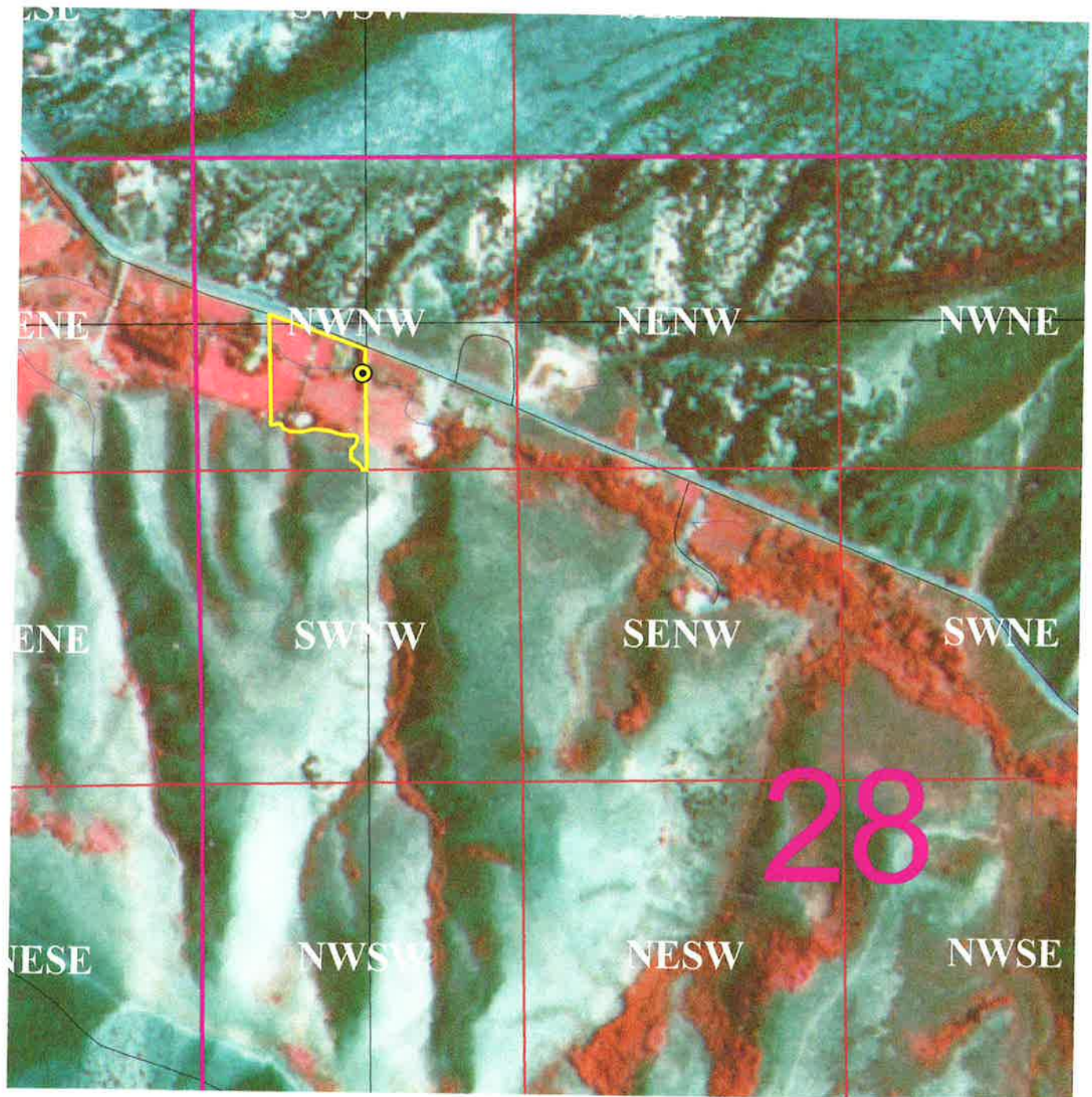
Water Right Claim Number A29-07268  
Township , 6S35E

09/21/2000



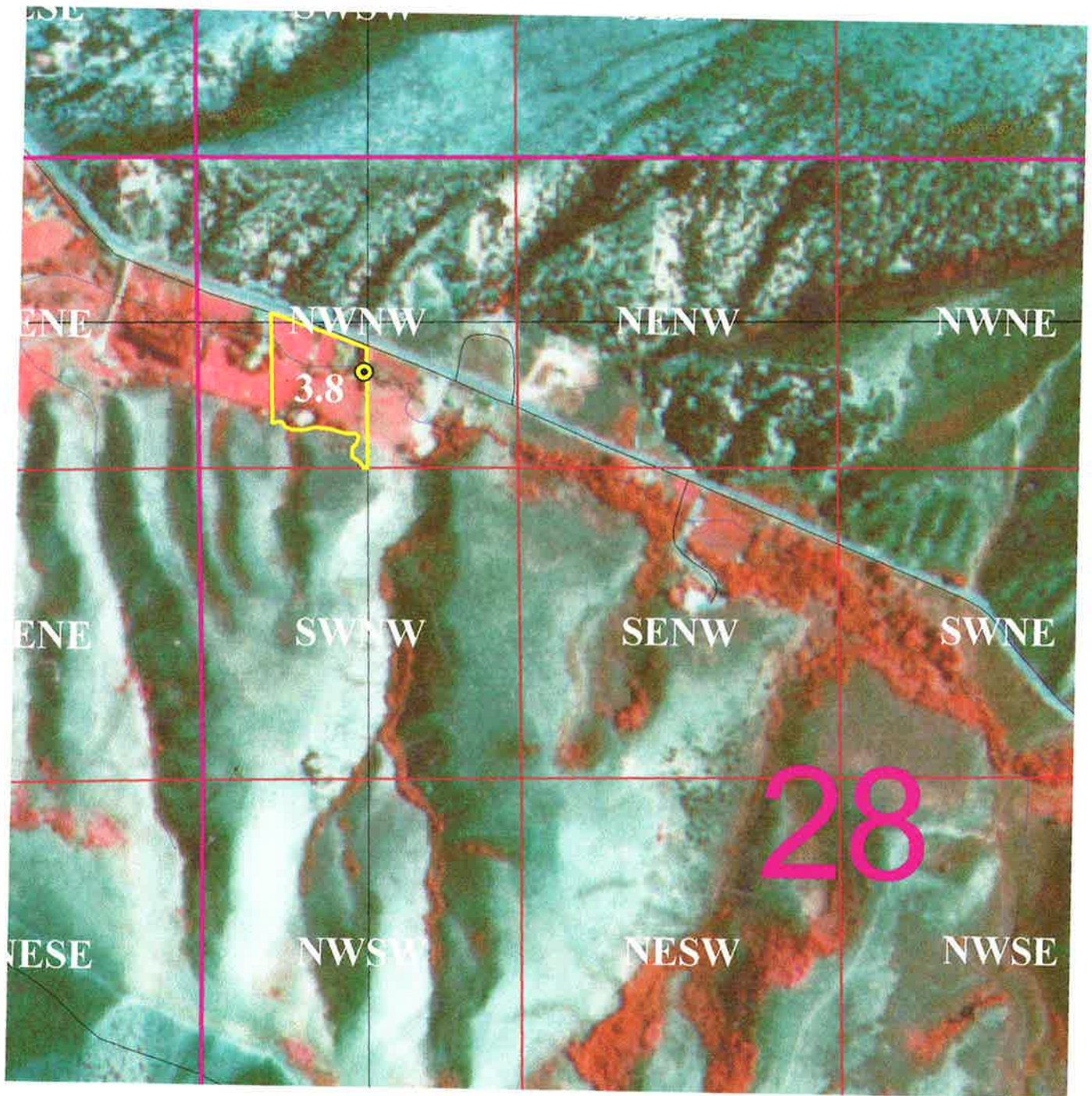
Water Right Claim Number A29-07268  
Township , 6S35E

09/21/2000



Water Right Claim Number A29-07268  
Township , 6S35E

09/21/2000



## IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-7268 V1

WATER RIGHT NUMBER: 29-7268 V1

| <u>Owner Type</u> | <u>Name and Address</u>                                                      |
|-------------------|------------------------------------------------------------------------------|
| Current Owner     | ROBERT L HURST<br>7869 W BUCKSKIN RD<br>POCATELLO, ID 83201<br>(208)233-6707 |
| Original Owner    | LEO B HURST<br>7907 W BUCKSKIN RD<br>POCATELLO, ID 83201<br>(208)232-3604    |

Priority Date: 05/09/1975

Basis: License

Status: Active

Source

SOUTH FORK POCATELLO CREEK

Tributary

PORTNEUF RIVER

| <u>Beneficial Use</u> | <u>From</u> <u>To</u>   | <u>Diversion Rate</u> | <u>Annual Volume</u> |
|-----------------------|-------------------------|-----------------------|----------------------|
| IRRIGATION            | 05/01 to 09/30          | 0.060 CFS             |                      |
| STOCKWATER            | 01/01 to 12/31          | 0.020 CFS             |                      |
|                       | <u>Total Diversion:</u> | 0.080 CFS             |                      |

Location of Point(s) of DiversionSOUTH FORK POCATELLO CREEK  
BANNOCK County

SW1/4NW1/4NW1/4

Sec. 28, Twp 06S, Rge 35E, B.M.

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 |        |
| 06S | 35E | 28  |    |    |    |    |    | 3.0 |    |    |    |    |    |    |    |    |    |    | 3.0    |

Total Acres: 3

STOCKWATER same as IRRIGATIONConditions 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.

Remarks:

1. Quantity USE OF THIS RIGHT WITH RIGHT NO. 29-07268 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.09 CFS.

## IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-7268 V1

2. Purpose of Use THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS APRIL 1 AND MAY CONTINUE TO AS LATE AS OCTOBER 31, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE MAY 1 AND AFTER SEPTEMBER 30 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

Comments:

1. csaxton 7/20/2001 Field Exam  
Comment: Field Exam 5/21/01 -Recommend as licensed.
2. csaxton 7/20/2001 POD  
Comment: POD ON THE SOUTH SIDE OF S. FK POCATELLO CREEK
3. csaxton 6/16/2003 Overlap  
Comment: Overlap with 29-13500.

Documentation of Ownership of the Current Place of Use

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?

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       | 7/20/2001 11:45:43 AM     | csaxton         |                           |                 | Active        |
| Priority Date  | 7/20/2001 11:45:56 AM     | csaxton         |                           |                 | Active        |
| POD            | 7/20/2001 11:46:20 AM     | csaxton         |                           |                 | Active        |
| Source         | 7/20/2001 11:48:08 AM     | csaxton         |                           |                 | Active        |
| Use            | 7/20/2001 11:48:25 AM     | csaxton         |                           |                 | Active        |
| POU            | 7/20/2001 11:48:43 AM     | csaxton         |                           |                 | Active        |
| Season         | 7/20/2001 11:51:55 AM     | csaxton         |                           |                 | Active        |

## IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-7268 V1

|          |                       |         |        |
|----------|-----------------------|---------|--------|
| Quantity | 7/20/2001 11:53:22 AM | csaxton | Active |
| Summary  |                       |         |        |
|          | 07/20/2001            | csaxton | Active |

Verification Log:

| <u>Element</u> | <u>Date Time Stamp</u> | <u>Reviewer</u> | <u>Log text</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|----------------|------------------------|-----------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Use            | 7/20/2001 11:48:23 AM  | csaxton         | 1. (NO) The basis of claim is not beneficial use.<br>2. (YES) The parent right has a purpose of use.<br>3. (YES) The claimed purpose of Use can be verified using the water right file.<br>11. (NO) Purpose of Use remark was not required.<br>12. (NO) Purpose of Use condition was not required.                                                                                                                                                                                                                                                                        |
| POU            | 7/20/2001 11:49:29 AM  | csaxton         | Edited shape boundary                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Contacts       | 7/20/2001 11:45:42 AM  | csaxton         | 1. Appointment has not been scheduled.<br>Comment for 1: Field Exam 5/21/01.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| POD            | 7/20/2001 11:46:18 AM  | csaxton         | 1. (NO) The basis is not beneficial use.<br>2. (YES) Parent right has a Point of Diversion.<br>3. (YES) The claimed Point of Diversion can be verified using the water right file.<br>8. (NO) Point of Diversion remark was not required.<br>9. (NO) Point of Diversion condition was not required.                                                                                                                                                                                                                                                                       |
| POD            | 7/20/2001 11:47:19 AM  | csaxton         | Edited point location                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Source         | 7/20/2001 11:48:07 AM  | csaxton         | 1. (NO) The basis is not beneficial use.<br>2. (YES) Parent right has a source.<br>3. (YES) The claimed source can be verified using the water right file.<br>8. (YES) The source is surface water.<br>9. (YES) The source is a standard source.<br>10. (NO) Source remark was not required.<br>11. (NO) Source condition was not required.                                                                                                                                                                                                                               |
| Quantity       | 7/20/2001 11:53:20 AM  | csaxton         | 1. (NO) The basis of claim is not beneficial use.<br>2. (NO) The basis of claim is not a posted notice.<br>3. (YES) The parent right has a diversion rate and/or diversion volume.<br>4. (YES) The claimed diversion rate and/or volume can be verified using the water right file.<br>6. (NO) The source is not ground water and the purpose of use does not require a diversion volume limit.<br>7. (NO) The parent right does not have an annual diversion volume limit.<br>9. (NO) Quantity remark was not required.<br>10. (NO) Quantity condition was not required. |

## IDAHO DEPARTMENT OF WATER RESOURCES

## Adjudication Recommendation Report 29-7268 V1

|               |                       |         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|---------------|-----------------------|---------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Summary       | 7/20/2001 11:56:50 AM | csaxton | 1. (NO) The basis of the claim is not beneficial use.<br>3. (NO) There is no indication that there has been a five year period of continuous nonuse that could result in a recommendation of forfeiture or partial forfeiture.<br>5. (NO) General remark was not required.<br>6. (NO) Explanatory remark was not required.<br>7. (YES) Additional condition was required.<br>8. (YES) Wanted to view the recommended right.<br>9. (NO) This is not a split right.<br>10. (NO) This is not a combined right.<br>11. (NO) Documents were not linked or attached to this file.<br>12. (YES) Set the verification date. |
| POU           | 7/20/2001 11:48:42 AM | csaxton | 1. (YES) The POU is required.<br>2. (NO) The basis of claim is not beneficial use.<br>3. (YES) The Parent Right has a POU.<br>4. (YES) The claimed POU can be verified using the water right file.<br>12. (NO) POU remark was not required.<br>13. (NO) POU condition was not required.                                                                                                                                                                                                                                                                                                                             |
| Priority Date | 7/20/2001 11:45:55 AM | csaxton | 1. (NO) There has not been a later court decree of the water right(s) from the water source.<br>4. (NO) The basis of claim is not beneficial use.<br>5. (NO) The basis of claim is not a posted notice.<br>6. (YES) Parent right has a priority date.<br>7. (NO) The basis of claim is not an application or permit.<br>12. (YES) The claim is recommended.<br>14. (NO) Priority remark was not required.<br>15. (NO) Priority condition was not required.                                                                                                                                                          |
| Season        | 7/20/2001 11:51:54 AM | csaxton | 1. (NO) The basis of claim is not beneficial use.<br>2. (YES) The parent right has a period of use.<br>3. (YES) The claimed Period of Use can be verified using the water right file.<br>12. (YES) Irrigation is the purposed use.<br>14. (YES) The period of use on the decree, license or transfer is shorter on either the start or end date than allowable under IDWR's current standard.<br>15. (YES) Period of Use remark was required.<br>16. (NO) Period of Use condition was not required.                                                                                                                 |

02/08/2003

*Craig*

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: 29-7268

ROBERT L HURST  
7869 W BUCKSKIN RD  
POCATELLO ID 83201  
Telephone Number: (208)233-6707

RECEIVED

MAR 17 2003

WATER RESOURCES  
WESTERN REGION

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

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

☒ I AGREE with this proposed recommendation: no changes need to be made.

DATE: 2/28/03

SIGNATURE: Robert L Hurst

Please print your name: Robert L Hurst

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

PROFILED

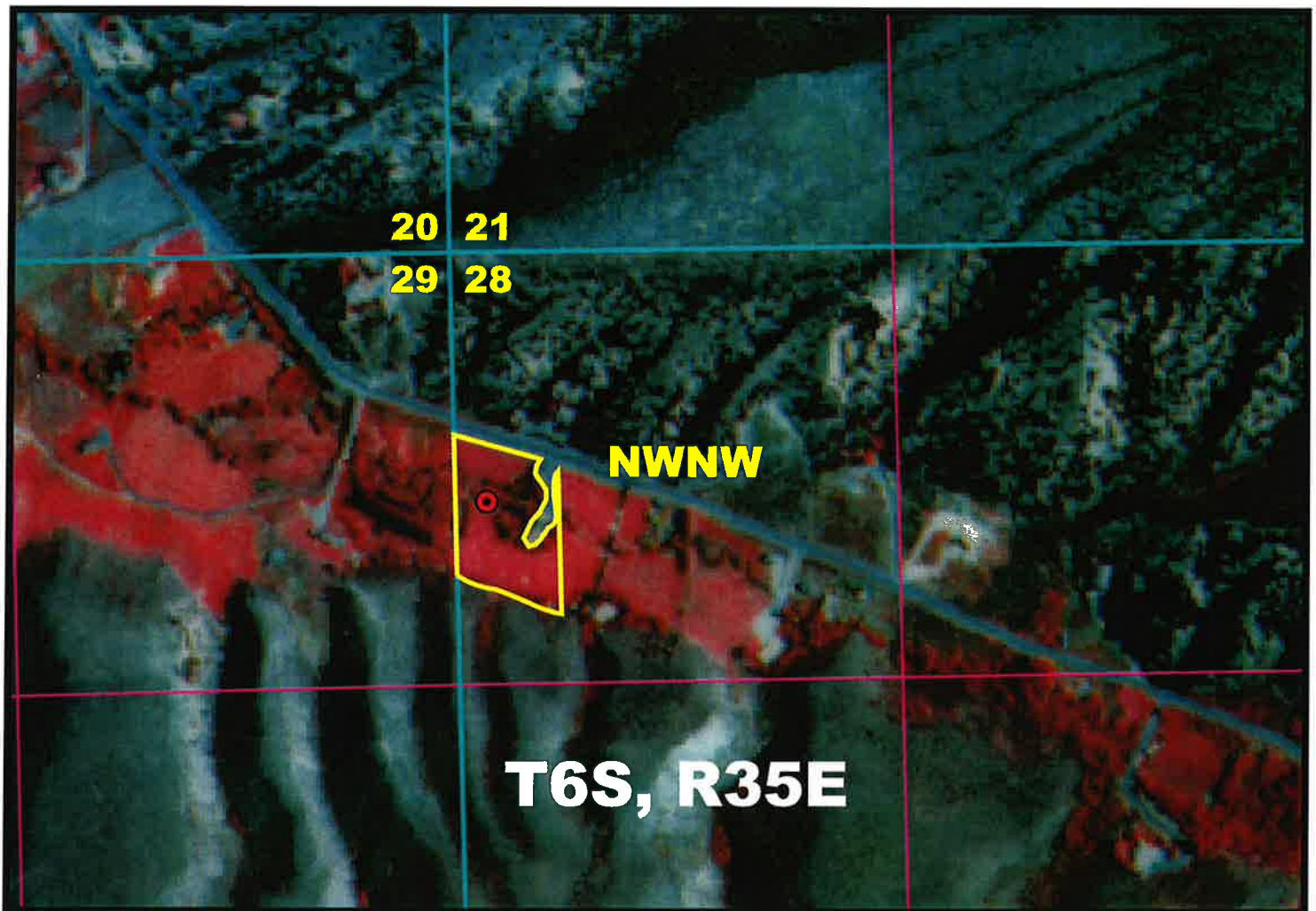
SCANNED  
APR 21 2003



# STATE OF IDAHO

Department of Water Resources  
Eastern Region

Water Right(s): 29-07268



0 1320 Feet

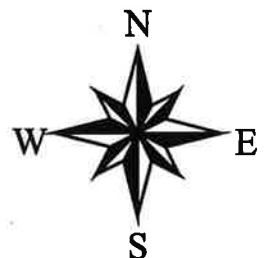
**Total Irrigated Acres: 3.0**

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

PROFILED

SCANNED

APR 21 2006



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

5-20-03: Field Exam Conducted for 29-07517 states "Same Source - different System". From this I conclude that at least as of 9-13-1985 both 29-07517 and 29-07268 were diverted from the main channel of the S. Fork of Pocahontas Creek.

29-07517 was licensed for S. Fork of Pocahontas Ck with no objection.

Now it appears that claimant diverts from pond mostly supplied by springs.

looks like change in source probably changed after 1987 but I don't know for sure.

In order to recommend change in source for 29-07268 and 29-07517 claimant must show change in source prior to Nov 1987 or title transfer.

6-18-03: Sent claimant copy of revised Rec

PROFILED

SCANNED

APR 21 2006

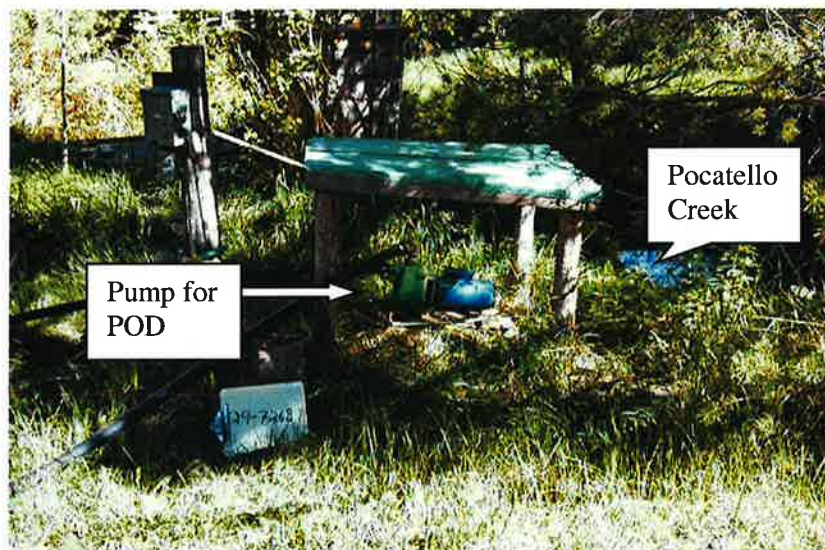
**WR #: 29-07268**

**DATE: 5/21/01**

GPS File: N/A (pinpointed on map)

OR

Northing: \_\_\_\_\_  
Easting: \_\_\_\_\_



Pump that irrigates Leo's old place. Looking NW. Pocatello Creek in background.

**WR #: 29-07268**

**DATE: 5/21/01**

GPS File: N/A (pinpointed on Map)

Or

Northing: \_\_\_\_\_  
Easting: \_\_\_\_\_



Pump that irrigates Leo's old place. Looking NW. Pocatello Creek in background.

| TR      | SEC | QQ   | Acres<br>Claimed | Acres<br>Found | COMMENT |
|---------|-----|------|------------------|----------------|---------|
| 06s35e  | 28  | NWNW | 3                | 3.8            |         |
| Totals: |     |      | 3                | 3.8            |         |

GPS = 7268-1 = NW Fence corner

7268 2 = North of POD 150 FT

Brother in law : Bob Bert

5/16/01 ⇒ 9:00 am Monday morning Apt

5/21/01 Both points of diversion on Leo's old place

- Two Pictures taken @ Each POD
- Leo's Right POD inside Pump house
- Bob's Pod in open
- Filled out c/o for Domestic @ Leo's old Place

5/22/01 Shp made. POD = 3 ac

AJ5809NP  
No. A29-07268

IDAHO DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/24/00  
PAGE: 102

| OWNER<br>CODE    | NAME & ADDRESS                                                               | PRIORITY<br>DATE | WATER USE                | USE PERIOD<br>FROM TO      | DIVERSION<br>RATE      | DIVERSION<br>VOLUME |
|------------------|------------------------------------------------------------------------------|------------------|--------------------------|----------------------------|------------------------|---------------------|
| C                | ROBERT L HURST<br>7869 W BUCKSKIN RD<br>POCATELLO ID 83201<br>(208) 233-4690 | 05/09/1975       | IRRIGATION<br>STOCKWATER | 03-01 11-15<br>01-01 12-31 | 0.060 CFS<br>0.020 CFS |                     |
| TOTAL DIVERSION: |                                                                              |                  |                          |                            | 0.080 CFS              |                     |
| CONSUMPTIVE USE: |                                                                              |                  |                          |                            |                        | 7.50 AFA            |

Water Source: POCATELLO CREEK, SOUTH FORK

Tributary to: PORTNEUF RIVER

Stage: LICENSE

Point(s) of Diversion: T06S R35E S28

NWNW

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   | Lt   | Ac   | Lt          | Ac  | :   |
| 06S | 35E | 28 | : |      |      |      |      | :  |      |      |      |      | :  |      |      |      |      | :  |      |      |      |      |             | :   | 3.0 |
|     |     |    |   |      |      |      |      |    |      |      |      |      |    |      |      |      |      |    |      |      |      |      | TOTAL ACRES | 3.0 |     |

Place of use Legal Description for: STOCKWATER

| 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   | Lt   | Ac   | Lt | Ac | : |
| 06S | 35E | 28 | : |      |      |      |      | :  |      |      |      |      | :  |      |      |      |      | :  |      |      |      |      |    | :  |   |
|     |     |    |   |      |      |      |      |    |      |      |      |      |    |      |      |      |      |    |      |      |      |      | S  |    |   |

POU County: BANNOCK

Non-Irrigation Uses: S/10 MIXED LIVESTOCK

Other Rights: A29-07055

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

29-07055 29-07058 A29-00448A A29-00448B A29-00454A A29-00454B A29-07002 A29-07055 A29-07058 A29-07517

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

A29-00448 A29-00448A A29-00449 A29-00454 A29-00454A A29-07002 A29-07517

Remarks: GEN CHANGED OWNERSHIP PER REQUEST/JH/7-28-98

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:  
Presumption Flag:

Audit: 01/29/90 MEYER 07/26/94 THOMPSON 03/29/95 POST-STD 07/28/98 JHOAGLAN

State of Idaho  
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 29-7268 Priority May 9, 1975 Amount 0.08 cfs

THIS IS TO CERTIFY, that Leo B. Hurst  
of Pocatello, Idaho, has complied with the terms and conditions of Permit  
No. 29-7268 issued pursuant to Application for Permit dated May 9, 1975  
and has submitted proof to the Department of Water Resources on September 11, 1979  
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 0.08 cfs of water from Pocatello Creek, South Fork  
tributary to Portneuf River, 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>May 1</u> to <u>September 30</u>    | at <u>0.06</u> cfs and | <u>10.5</u> acre feet |
| <u>Stockwater</u> | from <u>January 1</u> to <u>December 31</u> | at <u>0.02</u> cfs and | <u>0.2</u> acre feet  |
|                   | from _____ to _____                         | at _____ cfs and       |                       |

(both dates inclusive)

Subject, however, to the condition that no more than 0.08 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  
10.7 acre feet per year, said waters to be diverted within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ , Section 28, Twp.  
6S, Rge. 35E in the County of Bannock

Description and location of place of use:

| Twp. | Range | Sec. | NE $\frac{1}{4}$ |                  |                  |                  | NW $\frac{1}{4}$ |                  |                  |                  | SW $\frac{1}{4}$ |                  |                  |                  | SE $\frac{1}{4}$ |                  |                  |                  | Totals |
|------|-------|------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|--------|
|      |       |      | 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 $\frac{1}{4}$ |        |
| 6S   | 35E   | 28   |                  |                  |                  |                  | 3                |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  | 3      |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |

Total number of acres irrigated 3

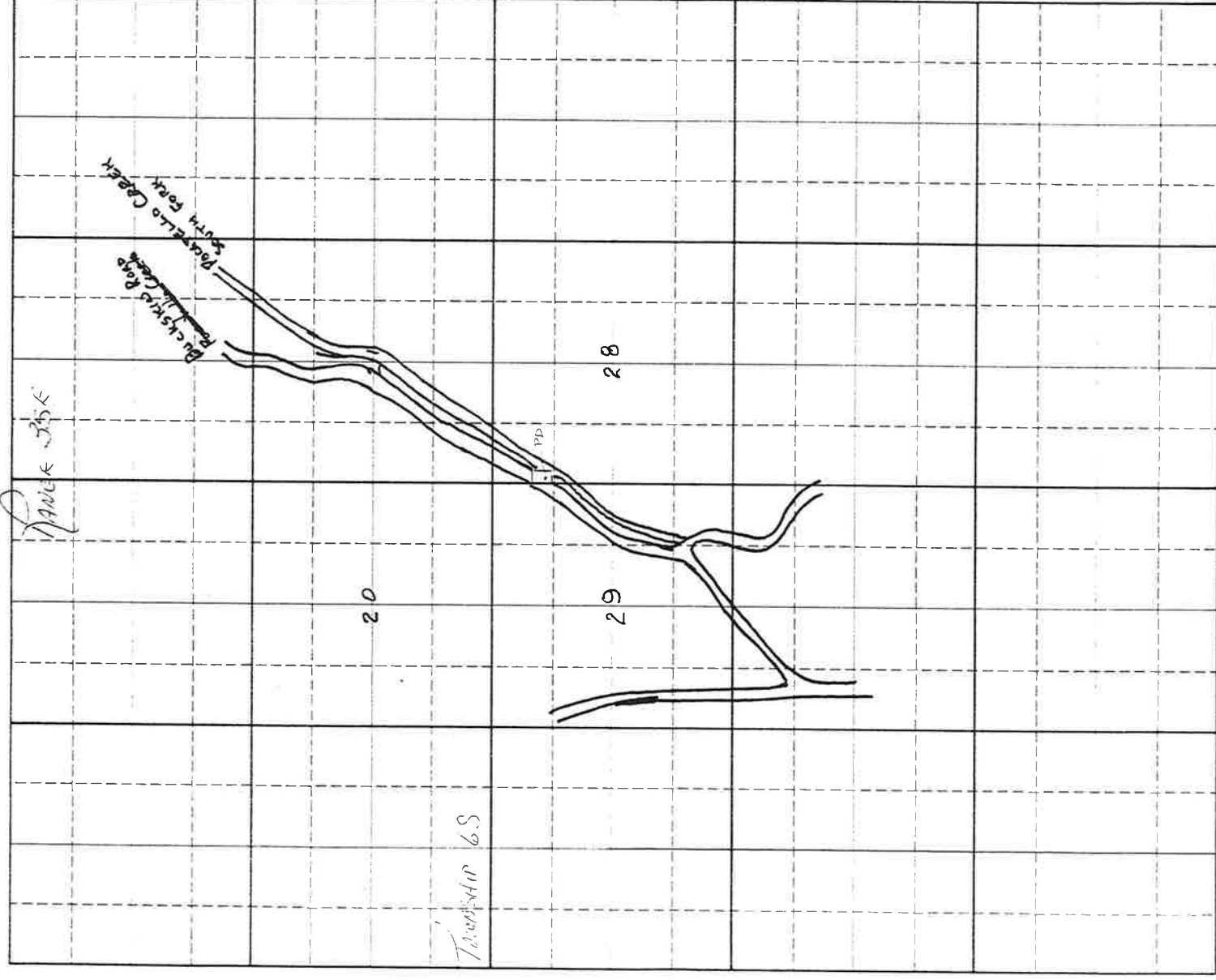
NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

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 25 day of  
January, 19 82.

Director

- 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.

Leo B. Burch  
(Applicant)

Identification No. 29 7268

Application No. \_\_\_\_\_

**STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES**

**APPROVED**

**APPLICATION FOR PERMIT**

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

1. Name of applicant Leo B. Hurst Phone: 233-3604  
post office address Buckskin Road, Pocatello, Idaho

2. Source of water supply South Fork Pocatello Creek which is a tributary of Portneuf River

3. a. Location of point of diversion is NW  $\frac{1}{4}$  of NW  $\frac{1}{4}$  of Section 28 Township 6S  
Range 35E B.M. Bannock County; additional points of diversion if any: \_\_\_\_\_

b. If water is not consumed, it will be discharged into South Fork Pocatello Creek at a point in NW  $\frac{1}{4}$  of NW  $\frac{1}{4}$  of Section 28 Township 6S Range 35E B.M. \_\_\_\_\_

4. Water will be used for the following purposes:

Amount 0.06 for Irrigation purpose from May 1 to Sept. 30 (both dates inclusive)  
(cfs or acre-feet per annum)

Amount 0.02 for Stock purpose from May 1 to Dec. 31 (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. 0.08 cubic feet per second and/or

b. \_\_\_\_\_ acre feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Pump, pipeline and sprinkler system

b. Height of storage dam 2 feet, active reservoir capacity \_\_\_\_\_ acre feet; total reservoir capacity \_\_\_\_\_ acre feet, materials used in storage dam: \_\_\_\_\_

Period of year during which storage will occur MAY 1 to SEPT 30 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 5 years.

b. Estimated construction cost is \$ 50<sup>00</sup>

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 NW  $\frac{1}{4}$  of Section 28 Township 6S  
Range 35E 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 8 horses

(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: \_\_\_\_\_

**RECORDED**



R 35B

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6  
5

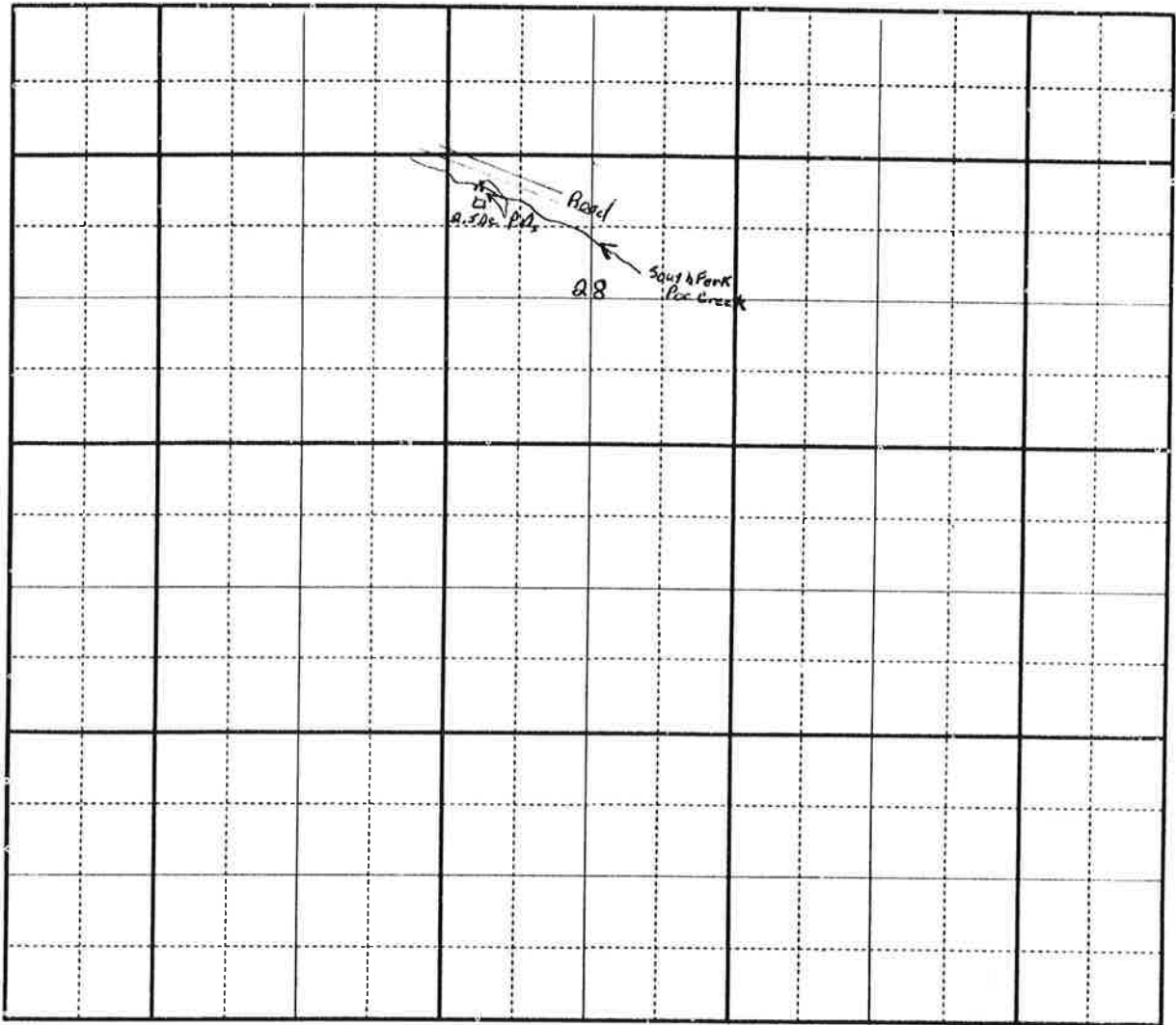
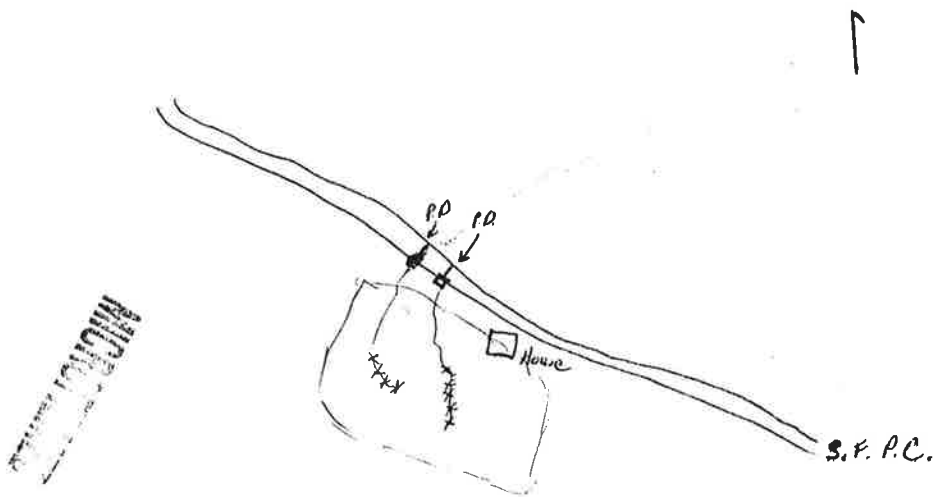


Diagram of System



DATE OF EXAM May 5, 80

ACREAGE Found 2.5 Ac Recommended 2.5 Ac Round to 3 acres

Irrigation Requirement 3.5 Ac Ft/Ac

USE .06  
Irrigation Q = .05 c.f.s. V = 8.8 10.50k AF/Ann. from May 1 to Sept 30  
Domestic Q = — c.f.s. V = — AF/Ann. from — to —  
Livestock Q = .02 c.f.s. V = .2 AF/Ann. from Jan 1 to Dec 31  
.08 10.7

Is water co-mingled? yes — no X

Name source: N/a  
twp. — N/S, Rge — E/W, B.M., Sec. —, Sub. — 1/4 — 1/4 — County —

Exchange? yes — no X County —

Name source exchanged with: N/a  
twp. — N/S, Rge — E/W, B.M., Sec. —, Sub. — 1/4 — 1/4 — County —

Point of injection: N/a  
twp. — N/S, Rge — E/W, B.M., Sec. —, Sub. — 1/4 — 1/4 — County —

Point of exchange: N/a  
twp. — N/S, Rge — E/W, B.M., Sec. —, Sub. — 1/4 — 1/4 — County —

Total Q measured .076 cfs Method of measurement Rain Bird pressure gauge

Total Q recommended .07 cfs Meter No. — Type — Condition Good

Total V recommended 9 AF/Ann. 10.7 AP

Recommended Amendments:

P.D. —  
Place of Use —  
Other —  
None Allow .02 cfs/Ac  
3 Ac x .02 = .06 cfs

MEASUREMENT CALCULATION:

Wagner single phase induction motor 3/4 hp  
8 in # 48-6180-17 Hand pump 3/4 in # 48491  
1 1/4 inch plastic line to sprinkler 5- 5/32 inch nozzle average psi 36  
4.37 gpm x 5 nozzles = 21.85 gpm  
21.85 gpm x 12.13 gpm = 264.9 gpm = .076 cfs  
2.5 ac x 35 AF/Ac = 8.75 AF/Ac  
.07 cfs x 1.9835 = .139 gpm  
1/4 inch x 3.5 = 10.5  
capacity

SYSTEM DESCRIPTION:

Two centrifugal pumps divert water from the South Fork Potomac  
Creed from small pump was excavated on the bank. 1 1/4 inch plastic  
line brings water to sprinkler heads.

REMARKS:

System shown and described by. Leo B. Hurst.  
No Aerial photo available at the time.  
Map of 8 town are submitted  
Allow .02 AF/Ac as per  
Stockdale of

Examiner's Signature John D. Carlson Date Dec 7, 81  
Checked by H. W. Jones Date 12-18-81  
Approved by Religion Date 1/11/82

Jim  
1/12/82



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

PHILIP E. BATT  
GOVERNOR

KARL J. DREHER  
DIRECTOR

July 28, 1998

ROBERT L HURST  
7869 W BUCKSKIN RD  
POCATELLO ID 83201

RE: NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP  
NOTICE OF CLAIM TO A WATER RIGHT A29-07268

Dear Mr. Hurst:

The request for Change of Water Right Ownership concerning the above-referenced Notice of Claim has been processed and the Department's records updated to reflect you as the new claimant.

The enclosed report shows this change along with the elements of the water right being claimed. Please review this report and contact this office if there are corrections or questions.

Please keep this report for your records.

Respectfully yours,

Jennifer Hoagland  
Technical Records Specialist

Enclosure

DELOG DC 7/27/98  
Robert L. Hurst  
7869 West Buckskin Road  
Pocatello, Idaho 83201  
12 July, 1998

Dave Carlson  
Idaho Department of Water Resources  
900 North Skyline Drive  
Suite A  
Idaho Falls, Idaho 83402

RECEIVED

JUL 27 1998

Department of Water Resources  
Eastern Region

Mr. Carlson,

I spoke with you on the phone a couple of weeks ago about the water right for my parents property, Leo B. Hurst at 7907 West Buckskin Road. They transferred the property to me on 12 March, 1993. I am currently the owner of that property.

I request that you transfer the water right to me.

You stated that I should mail you a copy of the warrantee deed. The people at the court house in Pocatello (Bannock County) provided me with a copy of the Quick Claim Deed, believing that this is the document you would need. I have enclosed with the Quick Claim Deed, a copy of the water right for the ground water. There is also a water right for the surface water. Please let me know if you need anything further to process this request. I can be reached at (208) 233-4690 extension 6530 during the day.

Thank you very much

*Robert L. Hurst*

Robert L. Hurst

*change*

*→ 29 - 07055 - pd*

*A 29 - 07268*

C925

## QUITCLAIM DEED

For Value Received

LEO B. HURST, JR.  
AND MARIE C. HURSTdo hereby convey, release, remise and forever quit claim unto  
ROBERT L. HURST

93003112

whose current address is

7869 WEST BUCKSKIN RD.  
POCATELLO ID 83101the following described premises, to-wit: Atract of land in the NW1/4 NW1/4, section 28,  
Township 6 south, range 35 E. B. M., Bannock County, Idaho, more particularly  
described as follows:

Beginning at the northwest corner of section 28, Township 6 south, Range 35  
E. B. M.; thence south 89°39' east along the north line of said Section 28,  
1,220.6 feet, more or less, to the west 1/16 corner of said Section 28; thence  
south 0°16' west along the west 1/16 line of said Section 28 1,083.22 feet,  
more or less, to the southerly right of way line of Buckskin Road; thence north  
67°43' west along said southerly right of way line 621.39 feet to the point of curv-  
ature of a curve to the left having a radius of 3,725.76 feet; thence north-  
westerly along said curve on said right of way line 32.65 feet to the true point  
of beginning; thence continuing along said curve on said right of way line,  
140.75 feet to the point of tangency of said curve; thence north 70°23' west  
along said southerly right of way line 272.32 feet; thence south 0°16' west,  
619.88 feet, more or less, to the north 1/16 line of said Section 28; thence  
south 89°39' east along said north 1/16 line 389.00 feet; thence north 0°16' east,  
481.00 feet, more or less, to the true point of beginning...

And a parcel of land in NW1/4 NW1/4 of Section 28, Township 6 south, Rang 35  
E.B.M., Bannock County, Idaho, more particularly described as follows:

Beginning at the northwest corner of said Section 28; thence south 0°21' east  
along the west line of said Section 28, 678.07 feet, more or less, to the true  
point of beginning; thence continuing south 0°21' east, 194.39 feet, more or less  
to a point on the west line of said NW1/4 NW1/4; thence north 89°39' east, 100.00  
feet; thence north 0°21' west 194.39 feet; thence south 89°39' west, 100.00  
feet more or less, to the true point of beginning.

together with their appurtenances.

Dated: 12 March 1997

Leo B. Hurst, Jr.

Marie C. Hurst

Robert L. Hurst 3/12/97

STATE OF IDAHO, COUNTY OF

On this 12 day of March, 1997,  
before me, a notary public in and for said State, personally  
appearedLeo B. Hurst, Jr., Marie  
Hurst, and Robert L. Hurstknown to me to be the persons whose names  
subscribed to the within instrument, and acknowledged to  
me that executed the same.Residing at 7869 West Buckskin Rd.,  
Pocatello, Idaho  
Comm. Expires 12-23-97Notary Public  
IdahoNO. 93003112  
Leo Hurst, Jr.  
93 MAR 12 P2:15582  
3.00 WY. DS. CO

NOTARY SEAL

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

## WATER RIGHT LICENSE

THIS IS TO CERTIFY, that Leo B. Hurst

Total number of acres irrigated 3

DO NOT FILM

82.

*[Signature]*  
Director

R. 1

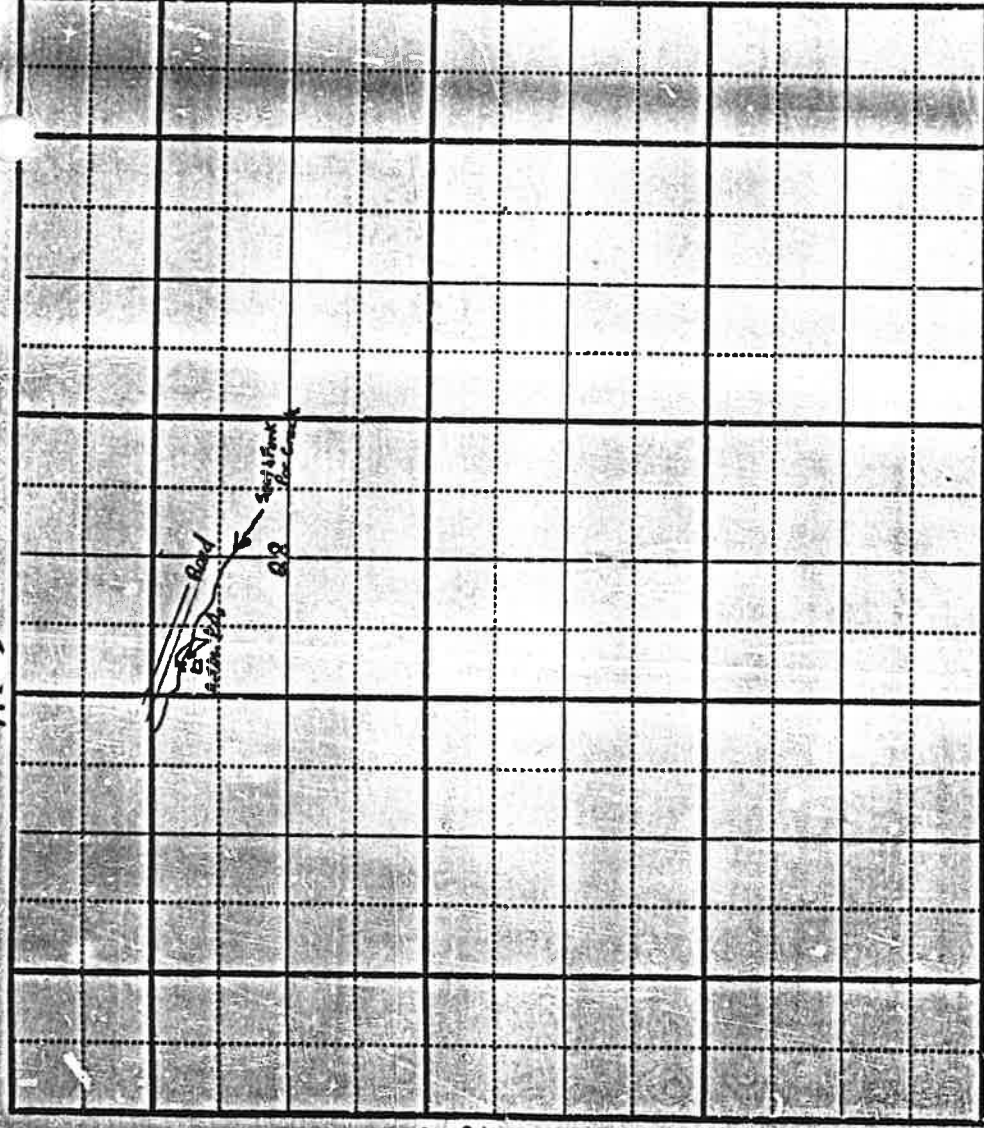
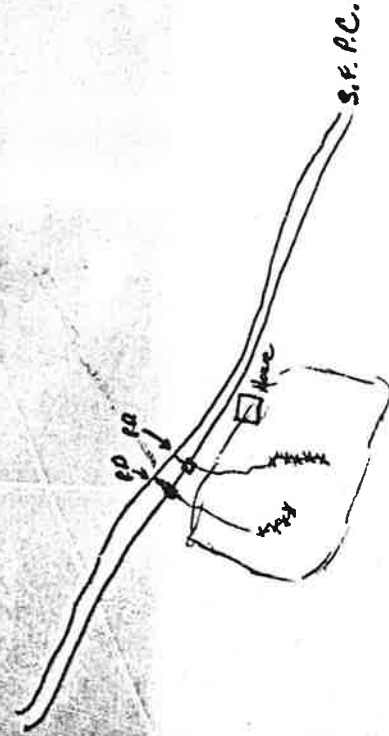


Diagram of System

1



DO NOT FILM



DATE OF EXAM May 5, 80

ACREAGE

Found

2.5 Ac

Recommended

2.5 Ac

Irrigation Requirement

3.5

Ac Ft/Ac

USE

Irrigation Q = .06 c.f.s.

V = 8.8

10.50k

AF/Ann. from

May 1

to

Sept 30

Domestic Q = .02 c.f.s.

V = .2

AF/Ann. from

Jan 1

to

Dec 31

Livestock Q = .08 c.f.s.

V = 10.7

AF/Ann. from

Jan 1

to

Dec 31

Is water co-mingled? yes no

Name source

M/a

twp

N/S, Rge

EW, B.M., Sec

Sub

1/4

1/4

Exchange? yes no

County

Name source exchanged with

N/a

twp

N/S, Rge

EW, B.M., Sec

Sub

1/4

1/4

Point of injection

N/a

twp

N/S, Rge

EW, B.M., Sec

Sub

1/4

1/4

Point of exchange

N/a

twp

N/S, Rge

EW, B.M., Sec

Sub

1/4

1/4

Total Q measured

.076 cfs

Method of measurement

Rain bird pressure gauge

Total Q recommended

.076 cfs

Meter No

Type

Condition

Good

Total V recommended

9 AF/Ann. 10.7k

Recommended Amendments:

P.D.

Place of Use

Other

None

Allow .02 cfs/ac

3 AC x .02 = .06 cfs

MEASUREMENT CALCULATION:

4.37 gpm x 5 ft = 21.85 gpm  
21.85 gpm x 1.48 = 32.34 gpm  
32.34 gpm x 1.48 = 47.86 gpm  
47.86 gpm x 1.48 = 70.83 gpm  
70.83 gpm x 1.48 = 104.83 gpm  
104.83 gpm x 1.48 = 155.15 gpm  
155.15 gpm x 1.48 = 229.62 gpm  
229.62 gpm x 1.48 = 339.84 gpm  
339.84 gpm x 1.48 = 502.96 gpm  
502.96 gpm x 1.48 = 744.38 gpm  
744.38 gpm x 1.48 = 1101.68 gpm  
1101.68 gpm x 1.48 = 1630.49 gpm  
1630.49 gpm x 1.48 = 2413.13 gpm  
2413.13 gpm x 1.48 = 3571.43 gpm  
3571.43 gpm x 1.48 = 5285.71 gpm  
5285.71 gpm x 1.48 = 7822.86 gpm  
7822.86 gpm x 1.48 = 11577.83 gpm  
11577.83 gpm x 1.48 = 17135.19 gpm  
17135.19 gpm x 1.48 = 25359.98 gpm  
25359.98 gpm x 1.48 = 37532.77 gpm  
37532.77 gpm x 1.48 = 55448.50 gpm  
55448.50 gpm x 1.48 = 82063.78 gpm  
82063.78 gpm x 1.48 = 121454.39 gpm  
121454.39 gpm x 1.48 = 179752.50 gpm  
179752.50 gpm x 1.48 = 266032.70 gpm  
266032.70 gpm x 1.48 = 393728.39 gpm  
393728.39 gpm x 1.48 = 581518.01 gpm  
581518.01 gpm x 1.48 = 860646.66 gpm  
860646.66 gpm x 1.48 = 1273757.06 gpm  
1273757.06 gpm x 1.48 = 1885150.45 gpm  
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2789922.67 gpm x 1.48 = 4129085.55 gpm  
4129085.55 gpm x 1.48 = 6111046.61 gpm  
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9044349.00 gpm x 1.48 = 13385636.52 gpm  
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788390786434921498494819443.72 gpm x 1.48 = 1166818363923683817772332776.70 gpm  
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3782585407620886811027614216.85 gpm x 1.48 = 5598226403278912480340869040.94 gpm  
5598226403278912480340869040.94 gpm x 1.48 = 8285375076852

JUN 15 2001

# 333  
X

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: A29-07268  
Date Received: 1/29/1990  
Receipt No: E011956  
Received By: \_\_\_\_\_

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: LEO B. HURST  
Address: 7907 W. BUCKSKIN RD.  
POCATELLO, ID

208-232-3604

83201

2. Date of Priority: MAY 09, 1975

3. Source: POCATELLO CREEK, SOUTH FORK Trib. to: PORTNEUF RIVER

4. Point of Diversion:

|          |       |         |        |        |     |     |         |
|----------|-------|---------|--------|--------|-----|-----|---------|
| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County  |
| 06S      | 35E   | 28      |        | NW     | NW  |     | BANNOCK |

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

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 03/01 | 11/15 | 0.060  |      |        |
| STOCKWATER | 01/01 | 12/31 | 0.020  |      |        |

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

A.F.A.

8. Total consumptive use is 7.5 Acre Feet Per Annum.

9. Non-irrigation uses:  
S/10 MIXED LIVESTOCK

10. Place of Use:

|          |       |         |        |     |     |       |       |
|----------|-------|---------|--------|-----|-----|-------|-------|
| Township | Range | Section | 1/4 of | 1/4 | Lot | Use   | Acres |
| 06S      | 35E   | 28      |        | NW  | NW  | IRR   | 3.0   |
|          |       |         |        | NW  | NW  | STOCK |       |

Section Acres 3.0

A29-07268

Page 1

Date: 01/29/90

MICROFILMED  
NOV 13 1992

A2907268



10. Place of Use: Continued

Total Acres 3.0

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:  
A29-07055

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 X 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): x Leo B Idumb Date: 29 Jan 1990  
\_\_\_\_\_  
Date: \_\_\_\_\_

State of Idaho )  
County of Bonneville ) SS.

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

[Signature]  
Notary Public

Seal

Residing at Travo Falls  
My Commission Expires 9-12-94

AJ0749NP  
No. A29-07268

IDAHO DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM PROFILE REPORT  
(REGIONAL)

DATE: 07/28/98  
PAGE: 1

| OWNER<br>CODE                        | NAME & ADDRESS                                                               | PRIORITY<br>DATE | WATER USE                | USE PERIOD<br>FROM TO      | DIVERSION<br>RATE    | DIVERSION<br>VOLUME |
|--------------------------------------|------------------------------------------------------------------------------|------------------|--------------------------|----------------------------|----------------------|---------------------|
| C                                    | ROBERT L HURST<br>7869 W BUCKSKIN RD<br>POCATELLO ID 83201<br>(208) 233-4690 | 05/09/1975       | IRRIGATION<br>STOCKWATER | 03-01 11-15<br>01-01 12-31 | 0.06 CFS<br>0.02 CFS |                     |
| TOTAL DIVERSION:<br>CONSUMPTIVE USE: |                                                                              |                  |                          |                            | 0.08 CFS             | 7.50 AFA            |

Water Source: POCATELLO CREEK, SOUTH FORK

Tributary to: PORTNEUF RIVER

Stage: LICENSE

Point(s) of Diversion:

T06S R35E S28

NWNW

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 | Lt | Ac | SUM         |     |
| 06S | 35E | 28 | : |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |             |     |
|     |     |    |   |    |    |    |    | 03 |    |    |    |    |    |    |    |    |    |    |    |             |     |
|     |     |    |   |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | TOTAL ACRES | 3.0 |

Place of use Legal Description for: STOCKWATER

|     |     |    |   | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    |  |  |
|-----|-----|----|---|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--|--|
| T   | R   | S  | : | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac |  |  |
| 06S | 35E | 28 | : |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |  |  |
|     |     |    |   |    |    |    |    | S  |    |    |    |    |    |    |    |    |    |    |    |  |  |
|     |     |    |   |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |  |  |

POU County: BANNOCK

-Non-Irrigation Uses: S/10 MIXED LIVESTOCK

Other Rights: A29-07055

Remarks: GEN CHANGED OWNERSHIP PER REQUEST/JH/7-28-98

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:  
Presumption Flag: