

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

07/19/2001

RIGHT NUMBER: 29-7281

NAME AND ADDRESS: D & M WATER ASSN
PO BOX 5315
CHUBBUCK, ID 83202

SOURCE: GROUND WATER

QUANTITY: 0.26 CFS
12 AFY

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 0.66 CFS. COMBINED RIGHT NOS.: 29-
7281, 29-7367, 29-7912.

PRIORITY DATE: 08/04/1975

POINT OF DIVERSION:	T05S R34E S26	NENWNW	Within BANNOCK County
	T05S R34E S26	SESWNW	Within BANNOCK County
	T05S R34E S27	SENESE	Within BANNOCK County
	T05S R34E S27	NESENE	Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC 10 HOMES	01-01 12-31	0.26 CFS 12.00 AFY

PLACE OF USE:

DOMESTIC Within BANNOCK County
T05S R34E S26 NWNW

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

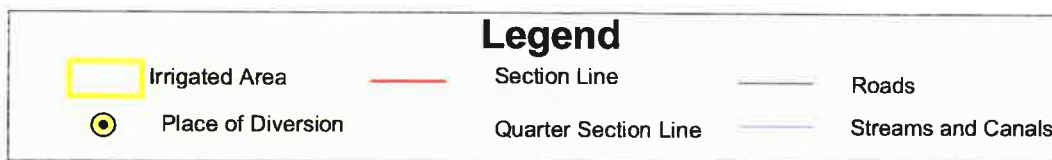
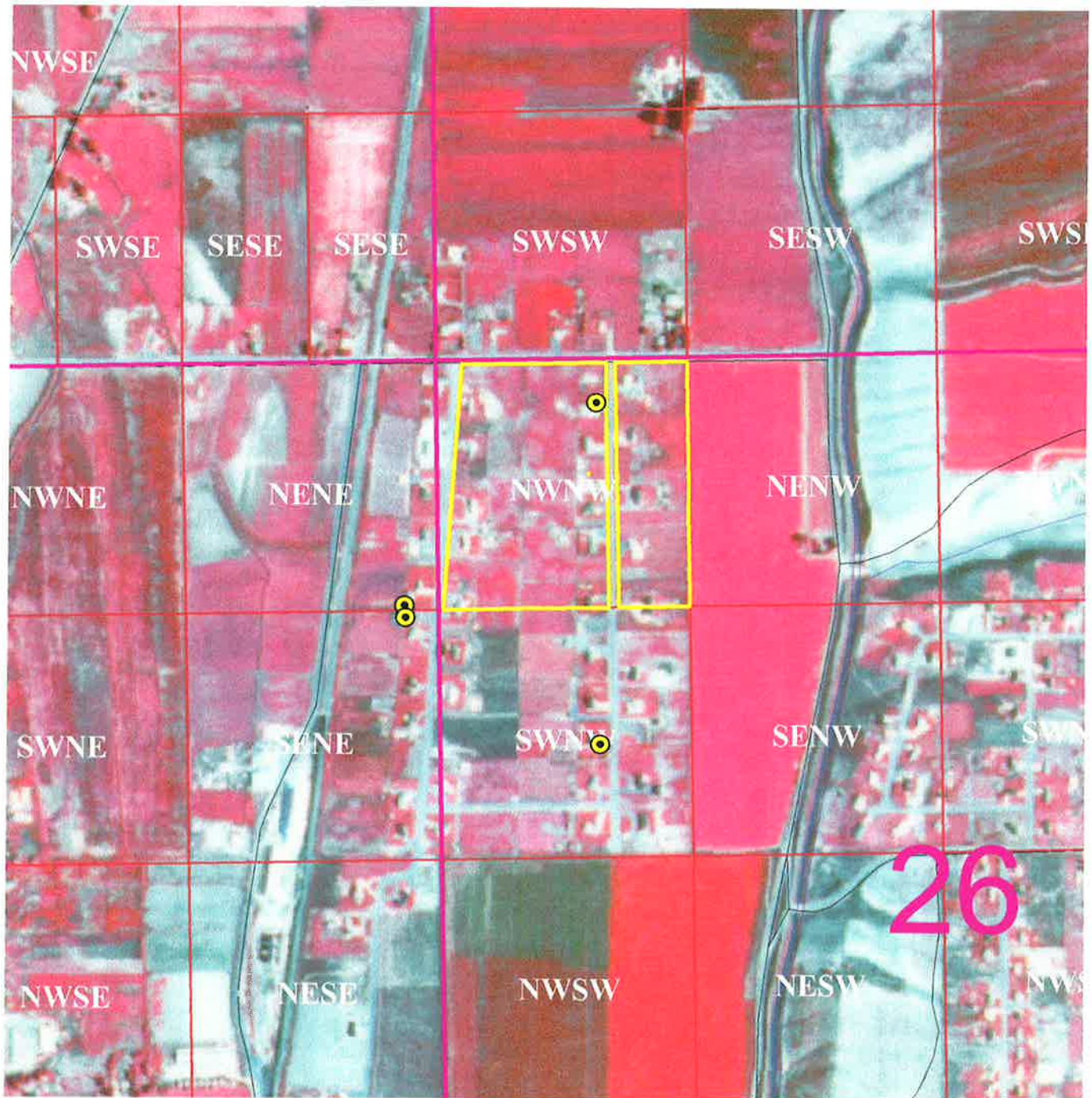
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE
EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE
ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER
THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6),
IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
PURSUANT TO SECTION 42-1425, IDAHO CODE.
RIGHTS 29-7281, 29-7367, 29-7912 COMBINED SERVE A TOTAL OF
40 HOMES LOCATED IN D&M COUNTRY ESTATES
SUBDIVISION IRRIGATION PROVIDED FROM FT HALL IRRIGATION
DISTRICT.

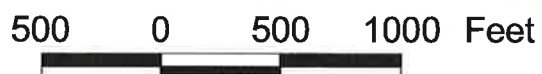
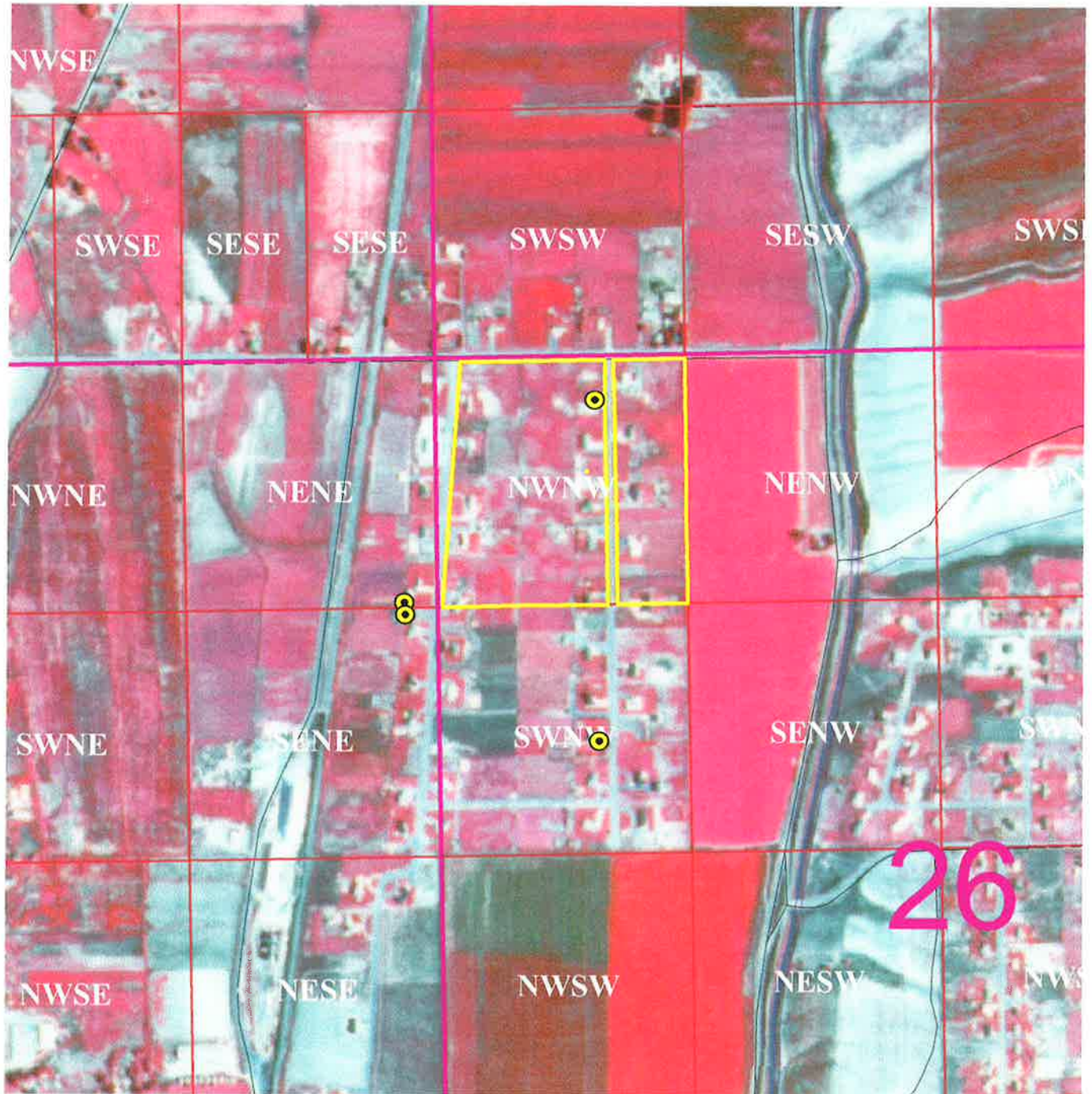
Water Right Claim Number A29-07281
Township , 5S34E

09/21/2000



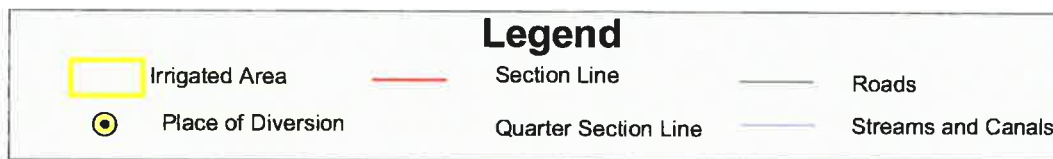
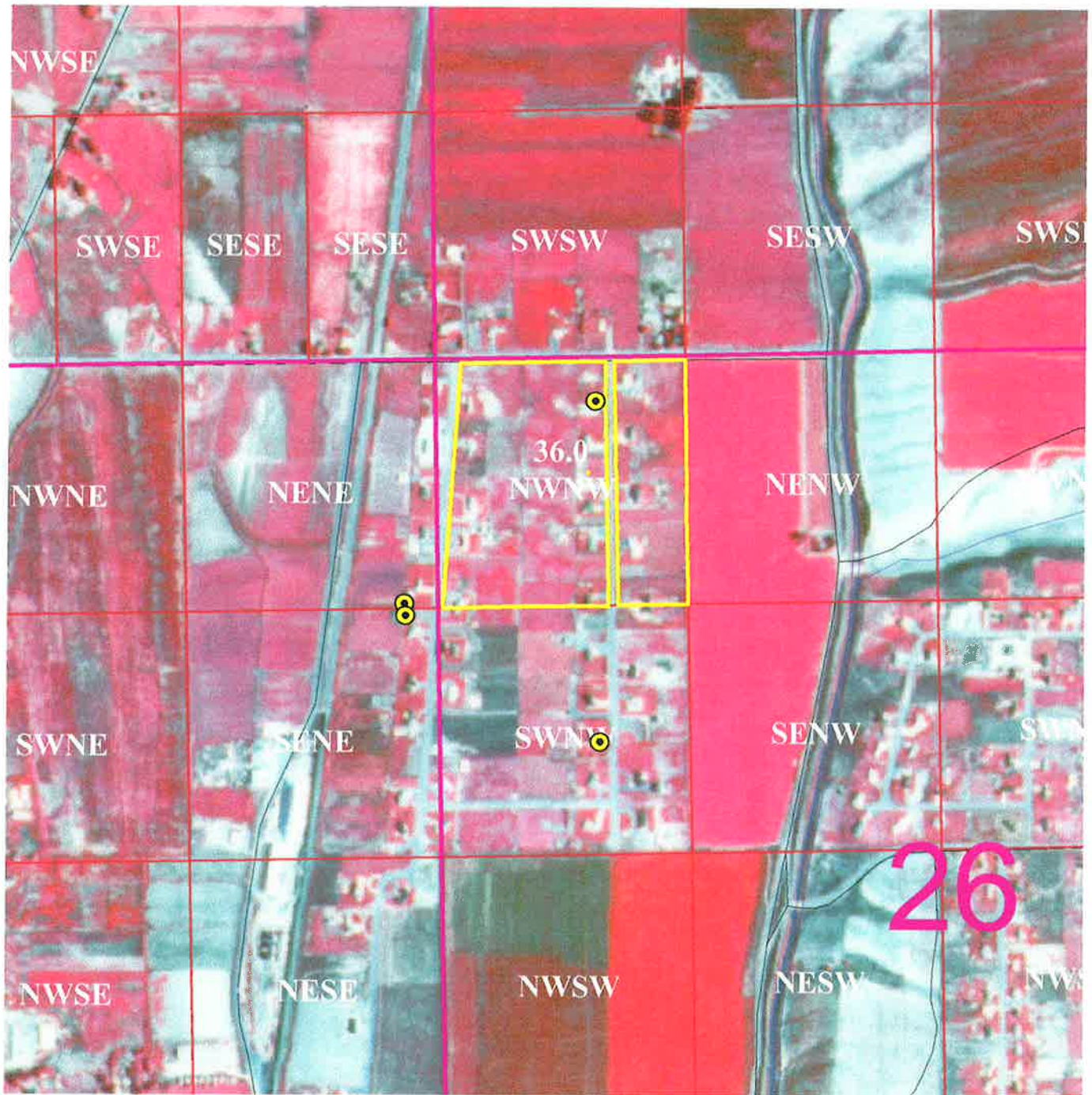
Water Right Claim Number A29-07281
Township , 5S34E

09/21/2000



Water Right Claim Number A29-07281
Township , 5S34E

09/21/2000



May 8, 2003

MR JEFF CARLSON
D & M WATER ASSOCIATION
PO BOX 5315
POCATELLO ID 83202

RE: NOTICE OF ERROR FOR WATER RIGHT CLAIM NO. 29-7281.

Dear Mr. Carlson:

Thank you for taking the opportunity of returning the "notice of error" reply for the above referenced water right. Upon it you crossed out the above referenced adjudication claim number and replaced it with water right number 29-7912. You explained that a new water right was issued on 4/2/1990 and that additional amounts of water should be added.

I have reviewed the necessary data in regards to your concerns and comment the following:

Your concerns are well founded and were already added as remarks into the adjudication recommendation reports 29-7367 and 29-7281. As a courtesy, I have provided you copies of these reports with the remarks highlighted on the second page in yellow. These water rights were obtained in 1975 and 1977 and were subject to the general adjudication (SRBA) that commenced in 1987. Water right 29-7912 was obtained in 1990 after the commencement of the adjudication and therefore was NOT subject to the SRBA. However, both the recommended water rights and the latter water right all took into account their combined association. Hence, the added remarks in all three reports.

If you have any questions regarding this matter, please feel free to call me at 525-7161.

Respectfully submitted,

W. Roger Warner
Adjudication Specialist

Enclosure(s) Copy of Adjudication Recommendation Report 29-7367,
Copy of Adjudication Recommendation Report 29-7281,
Copy of Water Right Report 29-7912,

PROFILED

SCANNED
APR 25 2006

02/18/2003

Paul

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: 29-7367 - 29-7281

D & M WATER ASSN

PO BOX 5315

CHUBBUCK ID 83202

Telephone Number: (208)237-1042

RECEIVED
APR 28 2003
Department of Water Resources
Eastern 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: 4/20/03 SIGNATURE: Jeff Carlson

Please print your name: Jeff Carlson

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

SCANNED

APR 25 2003

PROFILED

02/18/2003

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

RIGHT NUMBER: 29-7281
NAME AND ADDRESS: D & M WATER ASSN
PO BOX 5315
CHUBBUCK ID 83202

RECEIVED
APR 28 2003
Department of Water Resources
Eastern Region

SOURCE: GROUND WATER TRIBUTARY:

QUANTITY: 0.260 CFS
12.00 AFY

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 0.66 CFS. COMBINED RIGHT NOS.: 29-7281,
29-7367, 29-7912.

PRIORITY DATE: 08/04/1975

POINT OF DIVERSION:

T05S R34E S26 NENWNW Within BANNOCK County
T05S R34E S26 SESWNW Within BANNOCK County
T05S R34E S27 SENENE Within BANNOCK County
T05S R34E S27 NESENE Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	01/01 12/31	0.260 CFS 12.00 AFY

PLACE OF USE: DOMESTIC Within BANNOCK County

T05S R34E S26 NWNW

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: BASIS OF CLAIM - License

RIGHTS 29-7281, 29-7367, 29-7912 COMBINED SERVE A TOTAL OF 40
HOMES LOCATED IN D&M COUNTRY ESTATES

SUBDIVISION IRRIGATION PROVIDED FROM FT HALL IRRIGATION DISTRICT.

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
PURSUANT TO SECTION 42-1425, IDAHO CODE.

SCANNED
APR 25 2006

02/18/2003

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

RIGHT NUMBER: 29-7367
NAME AND ADDRESS: D & M WATER ASSN
PO BOX 5315
CHUBBUCK ID 83202

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.400 CFS
33.60 AFY

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 0.66 CFS. COMBINED RIGHT NOS.: 29-7281,
29-7367, 29-7912.

PRIORITY DATE: 02/07/1977

POINT OF DIVERSION:

T05S R34E S26 NENWNW Within BANNOCK County
T05S R34E S26 SESWNW Within BANNOCK County
T05S R34E S27 SENENE Within BANNOCK County
T05S R34E S27 NESENE Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	01/01 12/31	0.400 CFS 33.60 AFY

PLACE OF USE: DOMESTIC Within BANNOCK County

T05S R34E S26	NWNW	T05S R34E S26	SWNW
T05S R34E S27	NENE	T05S R34E S27	SENE

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: BASIS OF CLAIM - License

RIGHTS 29-7281, 29-7367, 29-7912 COMBINED SERVE A TOTAL OF 40
HOMES LOCATED IN D&M COUNTRY ESTATES.

SUBDIVISION IRRIGATION PROVIDED FROM FT HALL IRRIGATION DISTRICT.

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
PURSUANT TO SECTION 42-1425, IDAHO CODE.

RECEIVED
APR 28 2003
Department of Water Resources
Eastern Region

SCANNED

APR 25 2006

02/18/2003

Paul

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: ~~29-5201~~ 29-07912

D & M WATER ASSN
PO BOX 5315
CHUBBUCK ID 83202
Telephone Number: (208)237-1042

RECEIVED
APR 28 2003
Department of Water Resources
Eastern Region

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

Additional water Right issued 4/2/90

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

ADD 0.16 CFS Irrigation 3/15-11/15
0.04 CFS Domestic 1/1-12/31

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

Additional water Right not listed

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

DATE: 4/20/03

SIGNATURE:

Jeff Carlson

Please print your name:

JEFF CARLSON

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

See attached Permit to appropriate water

SCANNED

APR 25 2003

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 29-07912

RECEIVED
APR 28 2003
Department of Water Resources
Eastern Region

Proposed Priority: April 2, 1990 Maximum Diversion Rate: 0.20 CFS
This is to certify, that D & M WATER ASSN.

P.O. BOX 5315
CHUBBUCK, ID 83202

has applied for a permit to appropriate water from: GROUNDWATER
and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	03/15 to 11/15	0.16 CFS
DOMESTIC	01/01 to 12/31	0.04 CFS
	Totals	0.20 CFS

LOCATION OF POINT(S) OF DIVERSION:

NWNW Sec. 26, Township 05S, Range 34E
SWNW Sec. 26, Township 05S, Range 34E
NENE Sec. 27, Township 05S, Range 34E
SENE Sec. 27, Township 05S, Range 34E
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>
05S	34E	26	SWNW 3			3
		27	NENE 2	SENE 3		5

Total number of acres irrigated: 8

PLACE OF USE: DOMESTIC

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>
05S	34E	26	SWNW
		27	SENE

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before February 1, 1993.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. Permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
5. The rate of diversion of water for irrigation under this permit and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.

SCANNED

APR 25 2003

MEMORANDUM

To: DM Water Association files

A29-7281

A29-7367

Fr: Bryce Center

Date: 7/19/01

Re: Claims Review

1) Very thorough field exam for overlapping post-1987
AT license 29-7912 used for review. Copy
in paper file A29-7281.

2) Note Harold Jones report that additional information
provided by Ft. Hall project - Attached Page "A" -

3) 29-7912 is for 2 licenses, 29-7367 is for
28. There are the 30 lots w/ numbers on the
plot maps in license exams 29-7367 / 29-7912.
Neither clarifies which of the 30 are associated
w/ which right.

4) All 3 rights, either license exam or
application references Ft Hall in. ~~Shaws~~ Shaws,
See also Harold Jones notes / Shala
Court's memo.

PROTECTED

SCANNED

APR 25 2006

D/M Claims memo 7/19/01 p2

- 5) Claims 29-7281 & 29-7367 also claim irrigation use.
- 6) Despite mention of Ft. Hall irr. water, all three licenses were calculated @ value of 1.2 acre feet/yr/household, implying consideration of lawn watering.
- 7) Contractor- GIS appears to match license exam claimed POU's.
- 8) Conclusions

- Recommend all as licensed
volume @ 1.2 af/yr/household
purpose = domestic
- Incorporate appropriate combined remarks from license 29-7912 on the two AS recommendations.
- No layout req. as no irr. component recommended. Generate shapes to match license exam 29-7912

Byron A. Contor
7/19/01

SCANNED
APR 25 2006

07/19/2001

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

WATER RIGHT NO. 29-7281

Comments:

Author	Date	Subject	Comment
bcontor	7/19/2001	Recommendation	See eCVR 29-7367 for detailed explanation.

Dates:

Licensed Date: 06/20/1983
 Claim Received Date: 04/02/1990
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Decreed Date:
 Date Filed with Court:
 Objection Filed Date:
 SF5 Filed:
 Special Master Recom Signed Date:

Element Reviewed/Verified Dates:

Element	Last Review Date	Reviewer	Last Verified Date	Verifier	Status
POD	7/19/2001 4:27:18 PM	bcontor			In Process
Summary	7/19/2001 4:27:07 PM		7/19/2001 4:27:07 PM	bcontor	Complete

Other Information:

Receipt Number(s): M006449
 State or Federal: S
 Owner Name Connector:
 Water District Number:
 Generic Max Rate per Acre:
 Generic Max Volume per Acre:
 Civil Case Number:
 Old Case Number:
 Decree Plaintiff:
 Decree Defendant:
 PresumptionFlag:
 Notice of Error Flag:C
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Cary Act Number:
 Mitigation Plan: False

Verification Log:

Element	Date Time Stamp	Reviewer	Log Text
POD	7/19/2001 4:27:16 PM	bcontor	1. (NO) The basis is not beneficial use. 2. (YES) Parent right has a Point of Diversion. 3. (NO) The claimed Point of Diversion can not be verified using the water right file. 4. (YES) There is evidence that there has been a change in the Point of Diversion. 5. (YES) The change can be verified as an accomplished transfer.
POD	7/19/2001 4:20:26 PM	bcontor	Edited point location
POD	7/19/2001 4:20:03 PM	bcontor	Edited point location
POD	7/19/2001 4:19:45 PM	bcontor	Edited point location
POD	7/19/2001 4:19:26 PM	bcontor	Edited point location

POU	PM	
	7/19/2001 4:21:35	bcontor
	PM	
Summary	7/19/2001 4:27:03	bcontor
	PM	

Edited shape boundary

1. (NO) The basis of the claim is not beneficial use.
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.
5. (NO) General remark was not required.
6. (NO) Explanatory remark was not required.
7. (YES) Additional condition was required.
8. (YES) Wanted to view the recommended right.
9. (NO) This is not a split right.
10. (NO) This is not a combined right.
11. (NO) Documents were not linked or attached to this file.
12. (YES) Set the verification date.

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

WATER RIGHT NO. 29-7912

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	D & M WATER ASSN PO BOX 5315 CHUBBUCK, ID 83202 (208)237-1042

Priority Date: 04/02/1990
Basis: License
Status: Active

Source Tributary to
GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
DOMESTIC	1/01	12/31	0.04 CFS	2.4 AFA	
Total Diversion			0.04 CFS	2.4 AFA	

Location of Point(s) of Diversion:

GROUND WATER	NWNW	Sec. 26	Township 05S	Range 34E	BANNOCK County
GROUND WATER	SWNW	Sec. 26	Township 05S	Range 34E	BANNOCK County
GROUND WATER	NENE	Sec. 27	Township 05S	Range 34E	BANNOCK County
GROUND WATER	SENE	Sec. 27	Township 05S	Range 34E	BANNOCK County

Licensed Diversion Capacity: 0.66

Place(s) of use:

Place of Use Legal Description: DOMESTIC

BANNOCK County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
05S	34E	26		NWNW			SWNW							
		27		NENE			SENE							

Conditions of Approval:

1. 048 The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
2. 049 The Director retains jurisdiction of the right to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.

Remarks:

1. General Rights 29-07281, 29-07367, and 29-07912 when combined shall not exceed a total diversion rate of 0.66 cfs. Domestic use under this right is for 2 homes. Rights 29-07281, 29-07367 and 29-07912 combined serve a total of 40 homes located in D & M Country Estates.

Dates:

This overlapping license post-dates adjudication; no claim required. Included in file for exam in ds.
Bac 7/19/01

Water Right 29-7912

Licensed Date: 12/31/1998
Decreed Date:
Permit Proof Due Date: 2/1/1993
Permit Proof Made Date: 12/31/1992
Permit Approved Date: 2/22/1991
Permit Moratorium Expiration Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Application Received Date: 04/02/1990
Protest Deadline Date:
Number of Protests:0

Other Information:

Receipt Number(s): M006449
State or Federal:
Owner Name Connector:
Water District Number:
Generic Max Rate per Acre:
Generic Max Volume per Acre:
Civil Case Number:
Old Case Number:
Decree Plaintiff:
Decree Defendant:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False

State of Idaho
Department of Water Resources
Water Right License
WATER RIGHT NO. 29-07912

Priority: April 2, 1990

Maximum Diversion Rate:
Maximum Diversion Volume:

0.04 CFS
2.4 AF

This is to certify, that D & M WATER ASSN
PO BOX 5315
CHUBBUCK ID 83202

has complied with the terms and conditions
of the permit, issued pursuant to Application for Permit dated April 2, 1990; and
has submitted Proof of Beneficial Use on December 31, 1992. An examination indicates
that the works have a diversion capacity of 0.660 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>
DOMESTIC	01/01 to 12/31	0.04 CFS	2.4 AF

LOCATION OF POINT(S) OF DIVERSION:

NWNW , Sec. 26, Township 05S, Range 34E
SWNW , Sec. 26, Township 05S, Range 34E
NENE , Sec. 27, Township 05S, Range 34E
SENE , Sec. 27, Township 05S, Range 34E
BANNOCK County

PLACE OF USE: DOMESTIC

TWN RGE SEC

05S 34E 26
27

NWNW
NENE

SWNW
SENE

CONDITIONS OF APPROVAL AND REMARKS

1. The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
2. The Director retains jurisdiction of the right to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
3. Rights 29-07281, 29-07367, and 29-07912 when combined shall not exceed a total diversion rate of 0.66 cfs.
4. Domestic use under this right is for 2 homes.
5. Rights 29-07281, 29-07367 and 29-07912 combined serve a total of 40 homes located in D & M Country Estates.

Eastern Region WR Microfilm

DO NOT MICROFILM
From WR License File Microfiche

29-7412 7/19/01 Bac

State of Idaho
Department of Water Resources

Water Right License

WATER RIGHT NO. 29-07912

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Signed and sealed this 31st day of December, 1976.


Acting for KARL J. DREHER, Director

DO NOT MICROFILM
From WR License File Microfiche

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

FEB 06 1997

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 29-771

1. Owner: DDM Water Association Phone No. 208-1-1142

Current Address: P.O. Box 5207

2. Accompanied by: Gail R. Evidson EXAM DATE: 5/21/96

Address: 13540 Greenwood Lane, P.O. Box 5207 Phone No. 208-1-1142

Relationship to Permit Holder: Representative

3. Source: Greenwood tributary to _____

B. OVERLAP REVIEW

1. Other water rights with the same place of use: Reservation and Share (TAR) in 1367, 29-7261

2. Other water rights with the same point of diversion: 29-7347, 29-7261

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
#1			NW	NW	26	5S	34E	Bannock	01'
#2			SW	NW	26	5S	34E	Bannock	" "
#3			NE	NE	27	5S	34E	Bannock	" "
#4			SE	NE	27	5S	34E	Bannock	" "

2. Place(s) of Use:

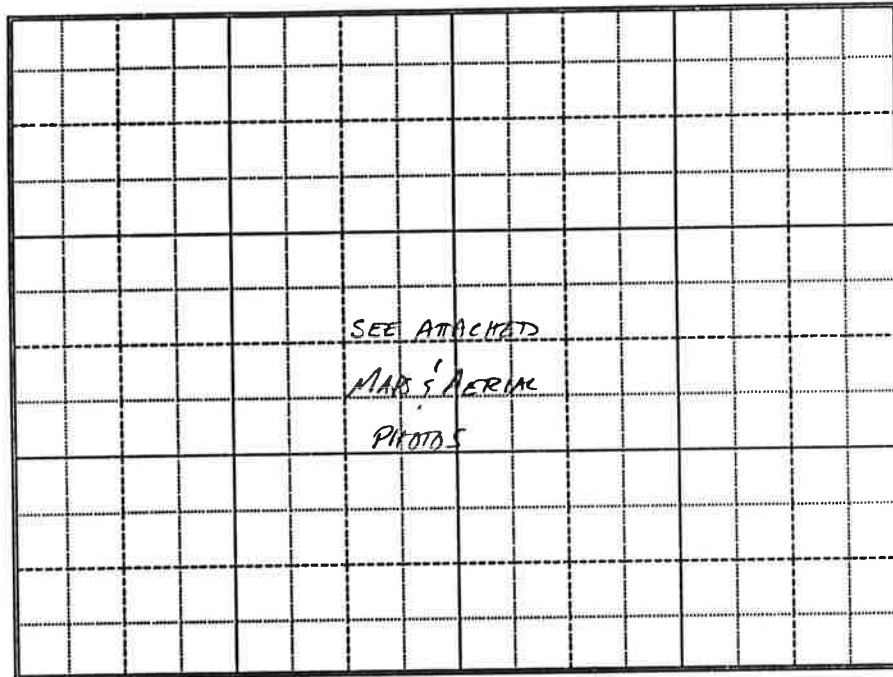
Indicate Method of Determination

Indicate Method of Determination

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05S	34E	26					D	D											3
		26						J											
5S	34E	27	D			D													5
		27	~~2~~			J													8

DO NOT MICROFILM
From WR License File Microfiche

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate well size/ditch size/pipe Id. as applicable.



Scale: 1" = _____

____ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

____ Aerial Photo Attached (required for irrigation of 10+ acres)

____ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
Morgan #4	Franklin	1.5		Grundfos	1350100-6
* Wells #1, 2 & 3	Franklin Electric	5*	-	Grundfos	-

*Code to correspond with No. on map and aerial photo

* SEE ATTACHED PAGE "A"

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
Pressure Gauge					0-160	

2. Measurements: PSI 65 @ 100 GPM

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E. NARRATIVE/REMARKS/COMMENTS

There are 4 pumps serving D.M. Country Estates for domestic use (38 homes; 2 in process) There was a proof of beneficial use filed/shimmed on 12/3/92. Permit # 29-7912. Extent of use for 2 domestic and 2 irrigation. A well was drilled in July 1988 (10 HP pump; #5165 - this well is known as Macleod #4) Well #4 was added to the other pumps to enhance system. I talked with James Erickson, President of D.M. Water Association, on 6/20/94 at 8:45 AM. He informed me that when he filed the proof of beneficial use for the new well he was told to fill up two homes to be built in the future. One of the homes is in the process of being built now and one will be in the near future. It is important to understand that this well does not serve 2 homes it is a system with three other wells to provide water to be served. D.M. Country Estates is a whole it is to stand together with all pumps working together just to estimate - the 10 HP pump known as #4 does not serve 2 homes it is part of the system serving all of D.M. Country Estates.

* Wells #1, 2, 3 are 5 hp (#51 - 65 psi)

* Well-pump #4 on permit 29-7912 is located in SENE section 27, T05S, R34E.

NOTE: 10 homes under 29-7281, 28 homes under 29-7367, remaining 2 homes covered under this permit.

REMARKS CONTINUED TO ATTACHED PAGE A

Have conditions of permit approval been met? ☒ yes ☐ no

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Additional Computation Sheets Attached

Theoretical System

суммарн $Q = Q_{H_2O} + Q_p + Q_z + Q_i = 0.22 + 0.34 = 0.57$

1. Volume Calculations for Irrigation:

$$V_{IR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = \text{Gross } 4 - 32 \text{ cfs}$$

$$V_{DR} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 0.11(144) \times 1.9835 = 6.17 \text{ ac}$$

$V = \text{Smaller of } V_{IR} \text{ and } V_{OR} = 32.60 \text{ V}$

2. Volume Calculations for Other Uses:

$V_{D_{on}} = 2.4 \text{ ch}$

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (af)
	From	To		
<u>Domestic (2 units)</u>	<u>01/01</u>	<u>12/31</u>	<u>0.64</u>	<u>2.4 af</u>
<u>IRRIGATION</u>	<u>4/1</u>	<u>10/31</u>	<u>0.16</u>	<u>32 af</u>
Totals:			<u>0.20</u>	<u>34.4</u>

2. 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

I. AUTHENTICATION

Field Examiner's Name Steve Garrison Date 5 JUN 96

Reviewer _____ Date _____

SEAL

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ATTACHED PAGE 'A'

E. NARRATIVE/REMARKS/COMMENTS (CONT.)

Well #	Motor	Hp	Pump	S/N or dist. charge
#1	Franklin Electric Model # 2821139310	5	Grundfos	Model # 75550-8
#2	FRANKLIN Electric Model # 2821138110	5hp	GRUNDOS	Model # 75550-8
#3	FRANKLIN Electric Model # 2821138110	5hp	GRUNDOS	Model # 7550-8

* When licenses 29-07367, 29-07381 + 29-07912 are
naturally used in combination as a system actual
cfs should be limited to cfs for 40 hours.
GARY Erickson told me that lots are running with
ft. Hall surface water shows as even at 10-35-95
running thru it. 2/6/95 10-35-95

of permit approval been met? ☒ yes ☐ no

29-7912

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THEORETICAL PUMP FLOW CALCULATIONS

Formula: $Q_{cf} = [(Hp)(8.814)(Eff)] + [Lift + (psi \times 2.308)]$

SYSTEM: #1, 2, 3

Hp = Horsepower = 5
 Eff = Efficiency = 0.7 (Usually 70%)
 Lift: (Static Level + Assumed Draw down)
 Static Water Level = 70 ft.
 Assumed Draw down = + 50 ft.
 Lift = 120

OR

Measured Dynamic Water Level = 65 ft.

psi = Operating Pressure = _____ psi

$$Q_{cf} = \left[\frac{5}{Hp} \times 8.814 \times \frac{0.7}{eff} \right] + \left[\frac{120}{Lift} + \left(\frac{65}{psi} \times 2.308 \right) \right]$$

$$Q_{cf} = [30.849] + [270.02] \times 0.1141 \times 3 \text{ pumps} = 0.341$$

$Q_{cf} = 0.34$ cfs SYSTEM 1, 2, 3

SYSTEM: #4

Hp = Horsepower = 10
 Eff = Efficiency = .7 (Usually 70%)
 Lift: (Static Level + Assumed Draw down)
 Static Water Level = 70 ft.
 Assumed Draw down = + 50 ft.
 Lift = 120

OR

Measured Dynamic Water Level = _____ ft.

psi = Operating Pressure = 65 psi

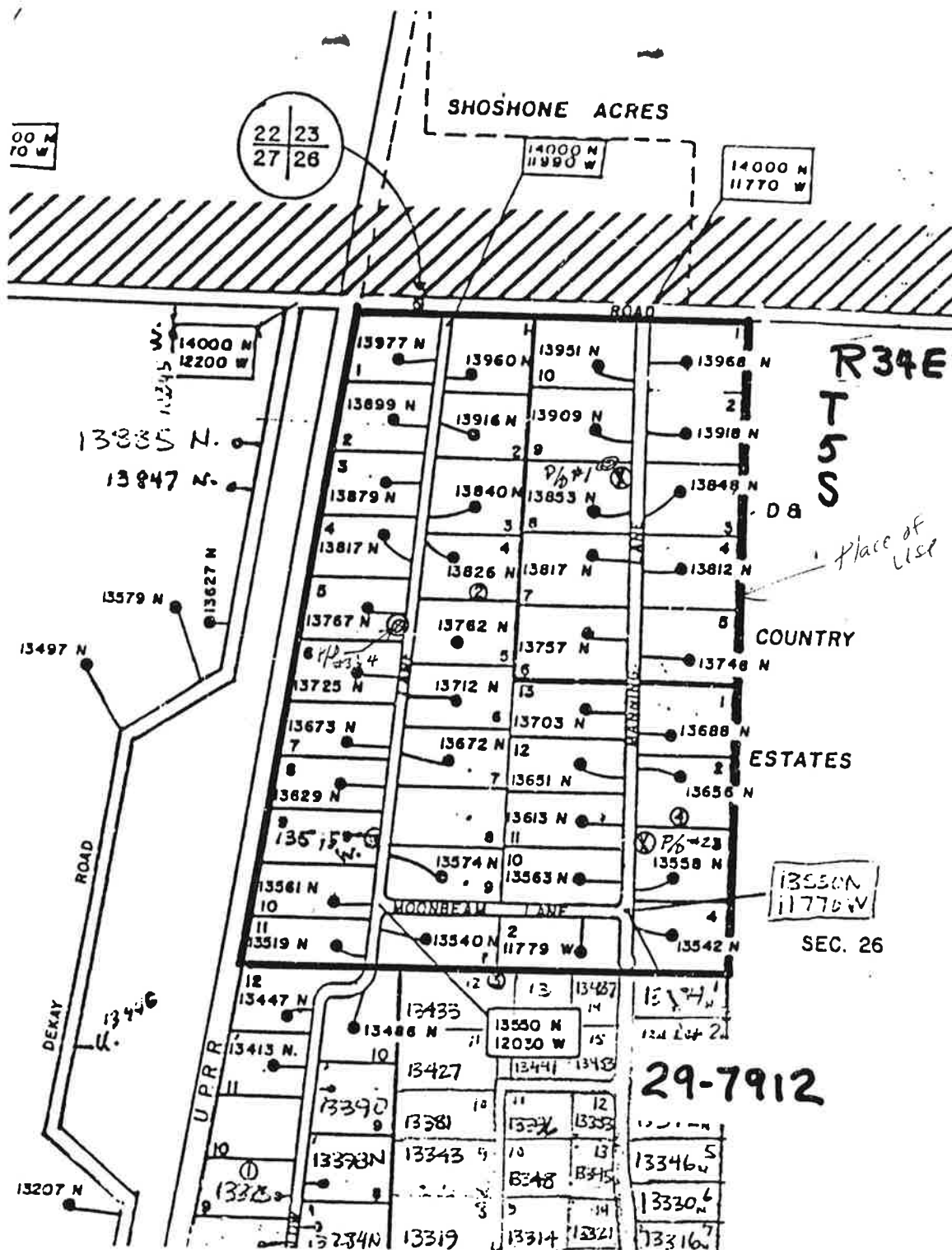
$$Q_{cf} = \left[\frac{10}{Hp} \times 8.814 \times \frac{.7}{eff} \right] + \left[\frac{120}{Lift} + \left(\frac{65}{psi} \times 2.308 \right) \right]$$

$$Q_{cf} = [61.698] + [270.02]$$

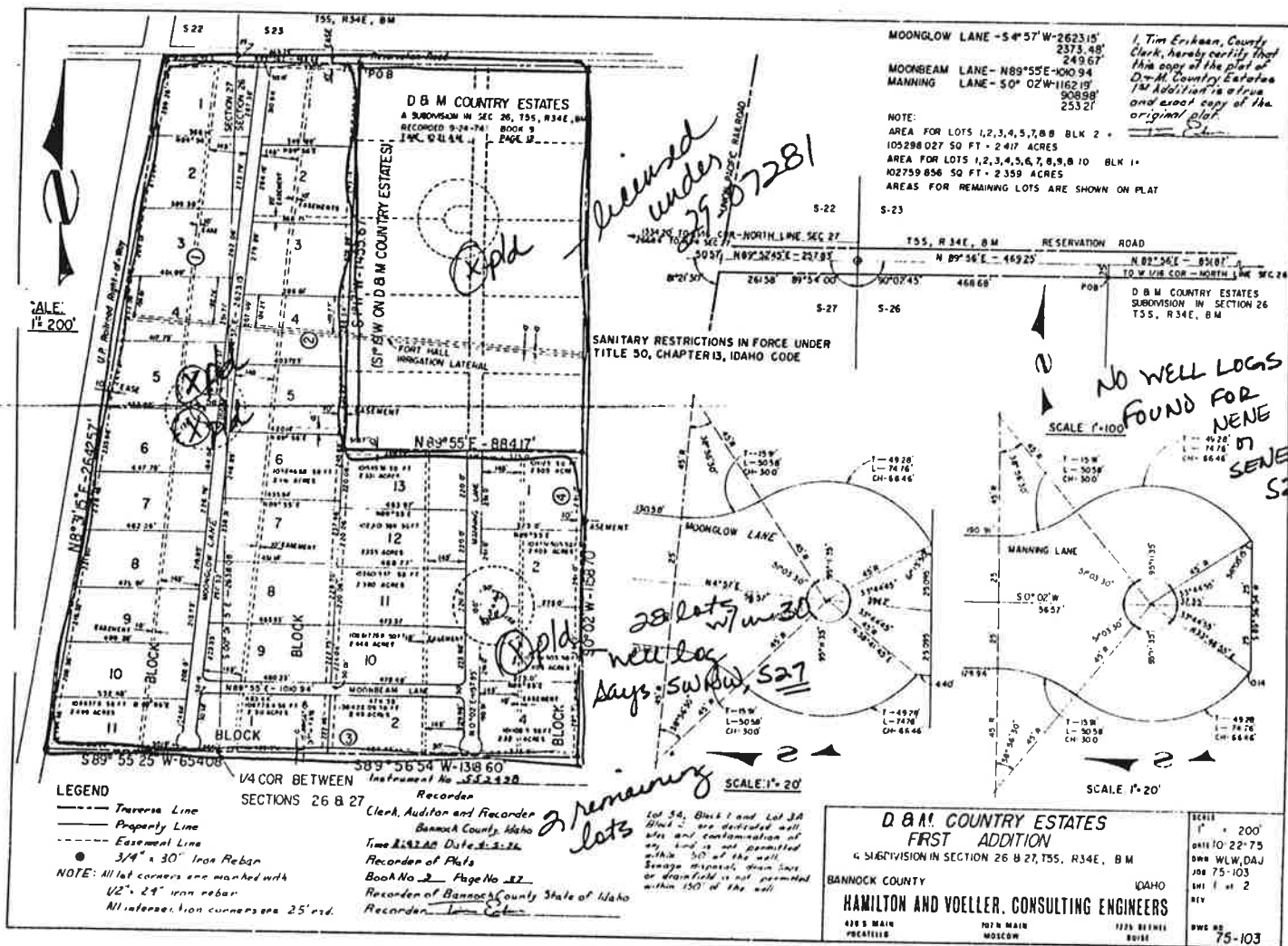
$Q_{cf} = 0.23$ cfs SYSTEM #4

PERMIT NO. 29-7912

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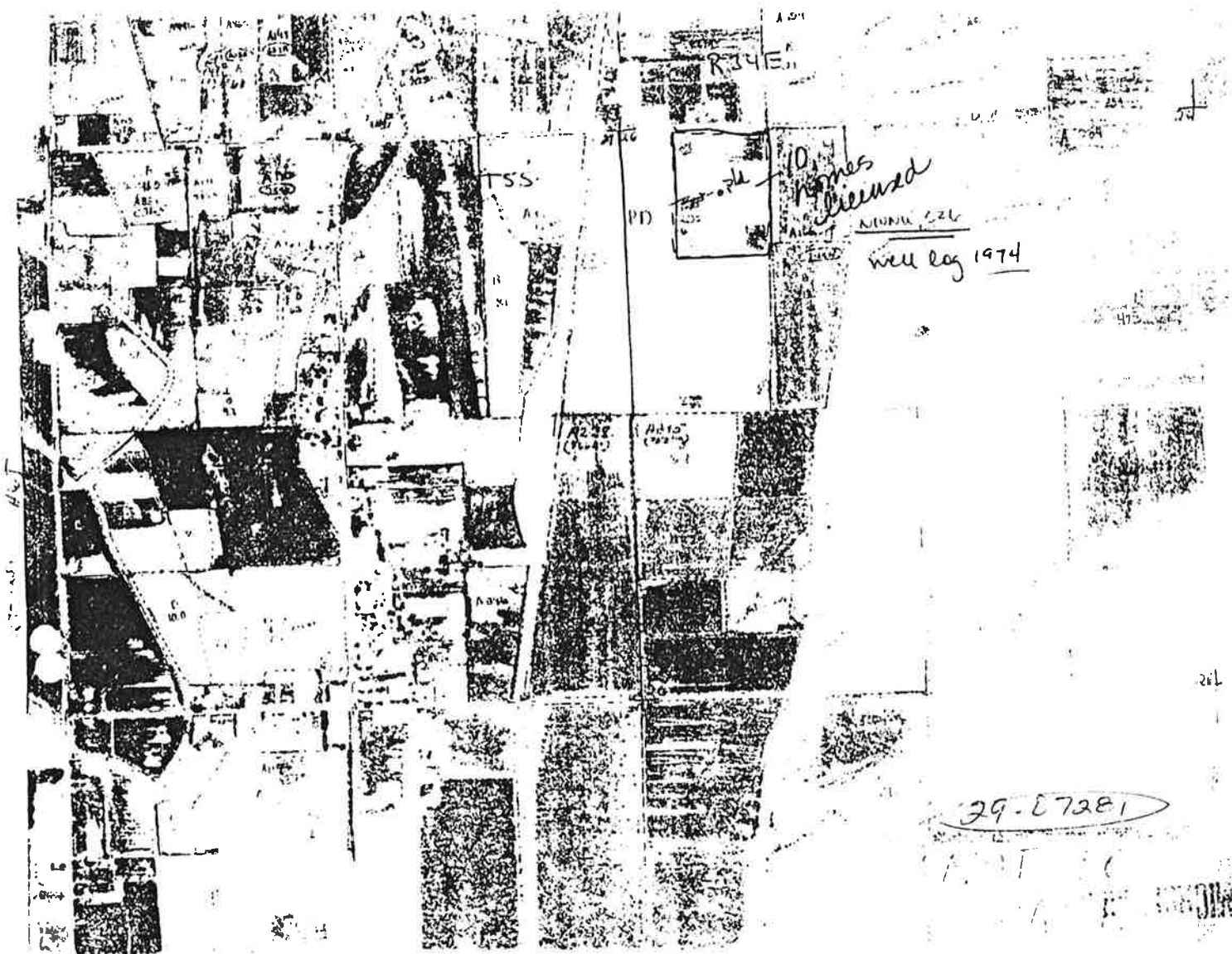


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MEMORANDUM

TO: File 29-07912

FROM: Sharla

DATE: October 20, 1998

RE: Recommendation Adjustment(s)

The adjustments to licensing recommendations for Permit 29-07912 are as follows:

H. RECOMMENDATIONS			
Domestic	1/1 - 12/31	0.04 cfs	2.4 afa

Two previous rights, 29-07281 and 29-07367, were licensed for 38 lots within the 40 lots of the subdivision. From the exam and map in file 29-07281, it was easy to determine that it covered the 10 lots in the northeast corner of the subdivision (the lots which are unnumbered on the attached map). When 29-07367 was licensed, it was licensed for 28 lots, but it is impossible to determine which two lots out of the 30 lots remaining were uncovered. The exam for 29-07912 is unclear as to which two lots are the remaining ones to be licensed. For this reason, the place of use being listed is for all four $\frac{1}{4}$'s and a remark will list domestic use for 2 homes (rate and volume allowed accordingly) and when combined with the other two rights will cover all 40 lots of the subdivision.

The capacity for 29-07281 (shown as well #1 in 29-07912) listed by the examiner using a theoretical calculation was 0.26 cfs; the capacity for 29-07367 (shown as wells 2 and 4 in 29-07912) listed by the examiner using a theoretical calculation was 0.60 cfs. Both calculations were based on an operating pressure of 30-35 psi, 1 5hp pump and 2 $7\frac{1}{2}$ hp pumps. The proof of beneficial use form for 29-07912 and the examiner's calculation indicates operating pressure of 65 psi from 3 5hp pumps and 1 10hp pump. In a telephone conversation on November 10 with Gary Erickson (representative of the water association who accompanied field examiner), Gary said that the 2 pumps that were originally thought to be $7\frac{1}{2}$ hp were only 5hp. This information was learned when the pumps were pulled for repair several years ago. Gary further stated that the pumps turn on when the pressure drops to 40 psi and operate at 65 psi. All four wells very rarely operate at the same time even in the summer when usage is highest. Fort Hall Irrigation surface water is used for irrigation of pastures, etc. above and beyond the $\frac{1}{2}$ acre lawn allowed with each home from groundwater. I told him that theoretical calculations for the wells comes out to be a total of 0.65 cfs (the capacity of 0.66 cfs from the two previous rights will be used) and he

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Page 2

agreed with the figure. Theoretical calculations using 65 psi and pumping levels from wells logs and examiner information yields the following:

5hp/65 psi/65' pumping level = 0.14 cfs
5 hp/65 psi/85' pumping level = 0.13 cfs
5 hp/65 psi/120' pumping level = 0.11 cfs
10 hp/65 psi/75' pumping level = 0.27 cfs
TOTAL = 0.65 cfs

See hand-written notes from Harold Jones concerning the way the SRBA will be recommending the overlapping rights and explaining the use of surface water for all irrigation. This license will list domestic use only with volume calculated at 1.2 af/home

Exam Date: June 5, 1996
Examiner: Steven Garrison

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MAY 14 2001

Log for claim A29-07281

Spatial Dynamics LTD

9/21/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
05s34e	26	NWNW	5	36	Indiscernible
Totals:			5	36	

AJ5809NP
No. A29-07281

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/24/00
PAGE: 103

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	D & M WATER ASSN PO BOX 5315 CHUBBUCK ID 83202 (208) 237-1042	08/04/1975	IRRIGATION DOMESTIC	03-15 11-15 01-01 12-31	0.150 CFS 0.150 CFS	
TOTAL DIVERSION: CONSUMPTIVE USE:					0.260 CFS	15.00 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion:	T05S R34E S26 S27	NENWNW SENE	SESWNW NESE	BANNOCK County 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		
05S	34E	26	:					:			05		:					:						5.0
TOTAL ACRES																							5.0	

Place of use Legal Description for: DOMESTIC

NE				NW				SW				SE												
T	R	S		NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	
				Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		
05S	34E	26	:					:			D		:					:						

POU County: BANNOCK

Non-Irrigation Uses: DOMESTIC, 10 HOMES

Other Rights: 29-07367, FORT HALL IRRIGATION

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
A29-07367 R29-12885

Other Water Rights Listing Overlapping Place(s) of Use:
A29-07367

Remarks: GEN THE PLACE OF USE IS WITHIN THE SERVICE AREA OF D & M WATER ASSN.

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

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

Audit: 04/02/90 MOBILE2 07/26/94 THOMPSON 03/29/95 POST-STD

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 29-7281 Priority August 4, 1975 Amount 0.26

THIS IS TO CERTIFY, that D & M Country Estates
of Pocatello, Idaho, has complied with the terms and conditions of Permit
No. 29-7281 issued pursuant to Application for Permit dated August 4, 1975
and has submitted proof to the Department of Water Resources on August 18, 1980
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 0.26 cfs of water from a groundwater source
tributary to _____, 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>Domestic</u> <u>(10 units)</u>	from <u>January 1</u> to <u>December 31</u>	at <u>0.26</u> cfs and	<u>12.0</u> acre feet
	from _____ to _____	at _____ cfs and	_____
	from _____ to _____	at _____ cfs and	_____

(both dates inclusive)

Subject, however, to the condition that no more than 0.26 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
12.0 acre feet per year, said waters to be diverted within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 26
Twn 5S, Rge 34E 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 $\frac{1}{4}$	
5S	34E	26					X												

Total number of acres irrigated _____

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.

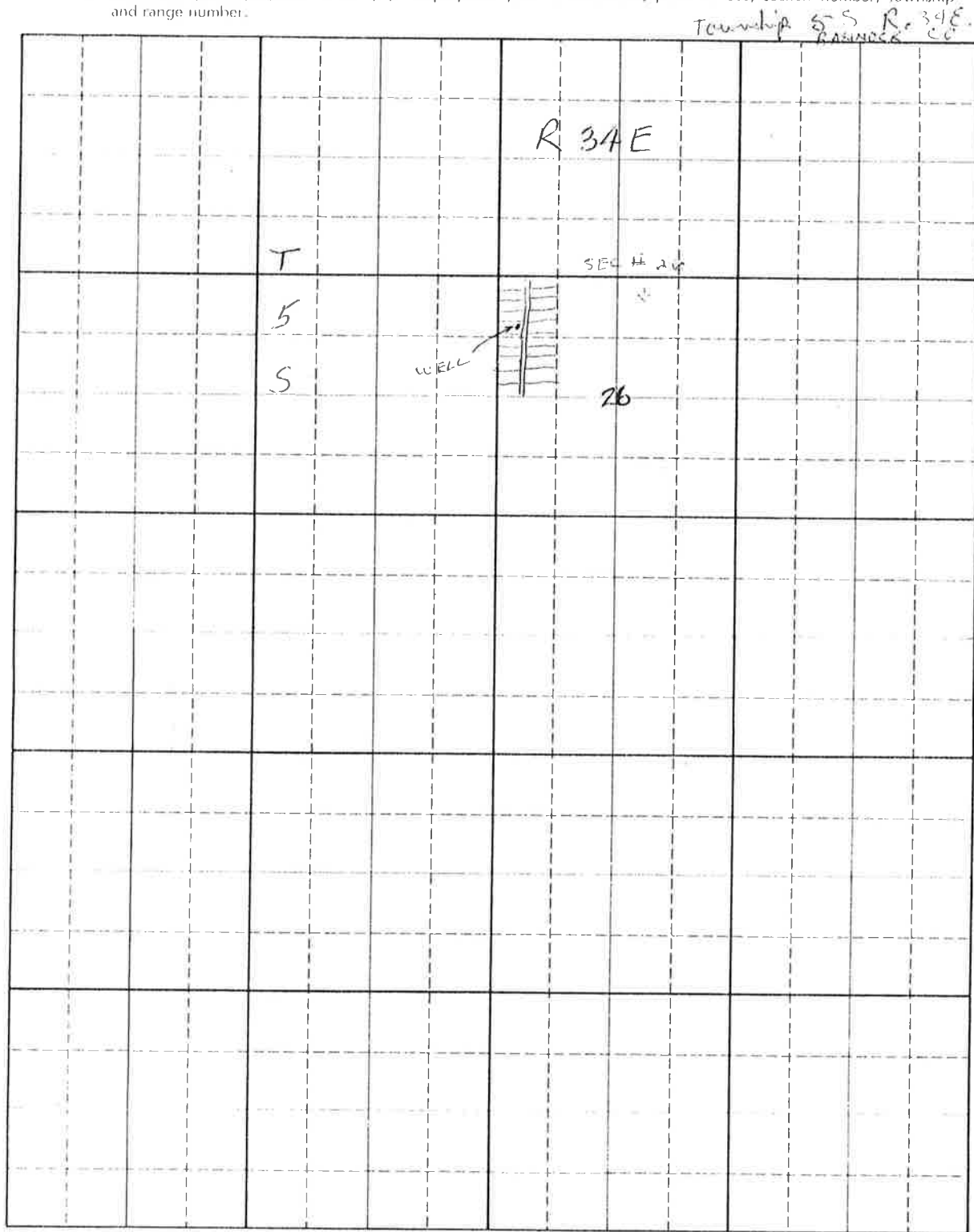
The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 19 day of
March, 19 82.

Director

OK Jim
2/8/82

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



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.

[Signature]
(Applicant)

Identification No. 29 7281

Application No. _____

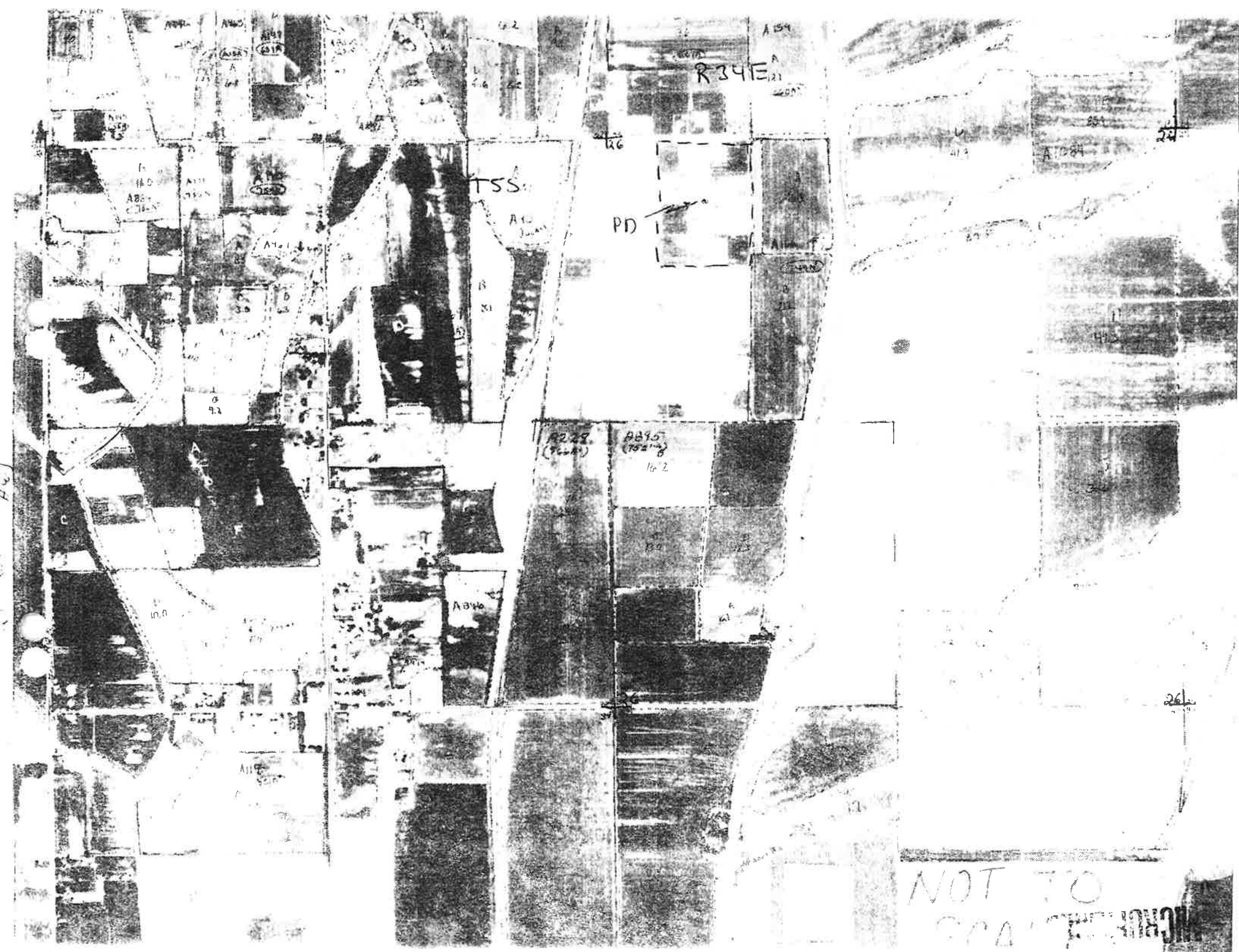
STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

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

1. Name of applicant D&M COUNTRY ESTATES Phone: 289 7623
post office address RT #2 N. MAMING LAKE, POCATELLO, IDAHO
2. Source of water supply WELL NW ^{which is a tributary of} per telecon 8/6/75 LMS
3. a. Location of point of diversion is SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 26 Township S S
Range 34 E B.M. BONNOCK 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 0.40 for DOMESTIC purpose from JAN. 1 to DIC 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
a. 0.40 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 & pressure 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 _____ 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 \$ 10,000.
8. Description of proposed uses:
a. If water is **not** for irrigation: W 1/2 ^{Per telecon 8/6/75 LMS}
(1) Give the place of use of water: SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 26 Township S S
Range 34 E B.M. Bonner County
(2) Amount of power to be generated: NONE hp under _____ feet of head.
(3) List number of each kind of livestock to be watered NONE
(4) Name of municipality to be served D&M COUNTRY ESTATE, or number of families to be supplied with domestic water 10
(5) If water is to be used for other purposes describe: NONE



R34E

TSS

PD

A228

A295

102

A396

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: A29-07281

Date Received: 6/28/1988

Receipt No: MO06449

Received By: CA

MO06449

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: D & M WATER ASSN.
Address: P.O BOX 5315
CHUBBUCK, ID

208-237-1042

83202

2. Date of Priority: AUG 04, 1975

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
05S	34E	26	NE	NW	NW		BANNOCK
			SE	SW	NW		BANNOCK
		27	SE	NE	NE		BANNOCK
			NE	SE	NE		BANNOCK

5. Description of diverting works:
4 WELLS, PUMPS, PIPELINES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.150		
IRRIGATION	03/15	11/15	0.150		

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

A.F.A.

8. Total consumptive use is 15.0 Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC, 10 HOMES

A29-07281

Page 1

Date: 04/02/90

MICROFILMED

NOV 13 1992

A2907281



10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05S	34E	26	NW	NW		DOMEST	
			NW	NW		IRR	5.0
						Section Acres	5.0
						Total Acres	5.0

11. Place of use in counties: BANNOCK

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:
29-07367, FORT HALL IRRIGATION

14. Remarks:
THE PLACE OF USE IS WITHIN THE SERVICE AREA OF D & M WATER ASSN.

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 Organizations:

I do solemnly swear or affirm that I am BOARD MEMBER of
Title
D & M WATER ASSN., that I have signed the foregoing
Organization
document in the space below as BOARD MEMBER of
Title
D & M WATER ASSN. and that the statements contained in the
Organization
foregoing document are true and correct.

Sally B. Erickson
Signature of Authorized Agent
D & M Water Assn.
Title and Organization
April 2, 1990
Date

State of Idaho)
County of Bannock) SS.

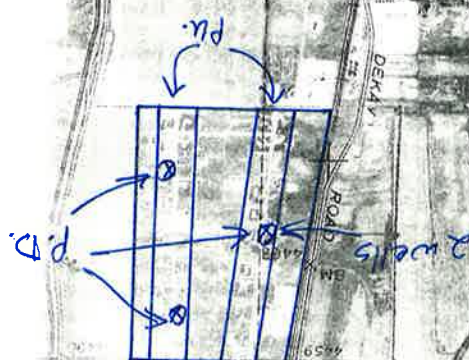
Subscribed and sworn (or affirmed) before me this 2nd day
of April 19 90

Carter Fritschle
Notary Public

Seal

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

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429 + 0 - 281