

Roger
02/18/2003

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: 29-7308

MONTE YOST
PO BOX 171
BANCROFT ID 83217
Telephone Number: (208)648-7704

SHAUNA YOST
PO BOX 171
BANCROFT ID 83217
Telephone Number: (208)648-7704

RECEIVED
APR 17 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: 3.10.03

SIGNATURE: Monte Yost

Please print your name: Monte Yost

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

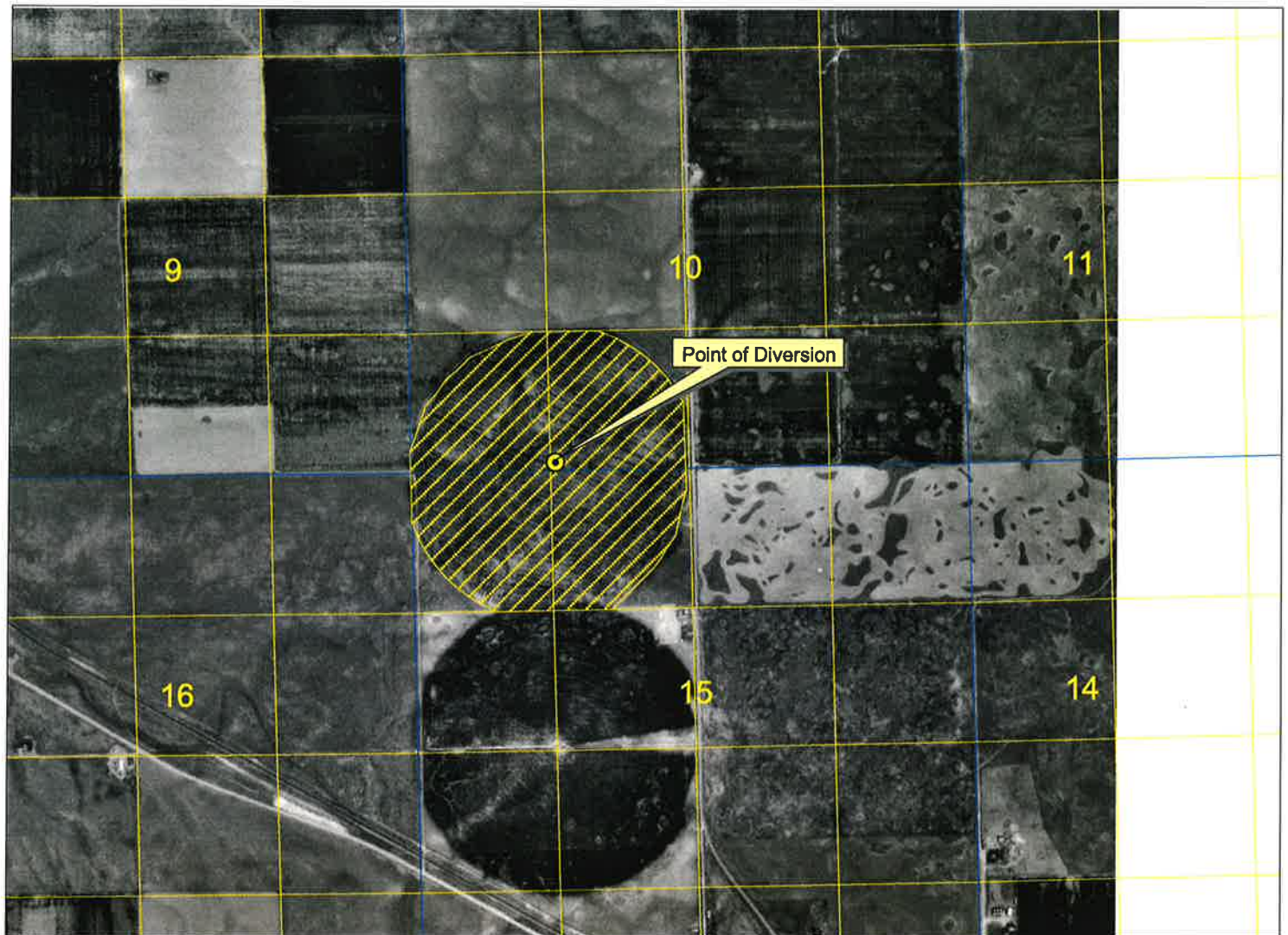
PROFILED

SCANNED
APR 26 2006



State of Idaho
Department of Water Resources
Eastern Region

Claim No.: 29-7308

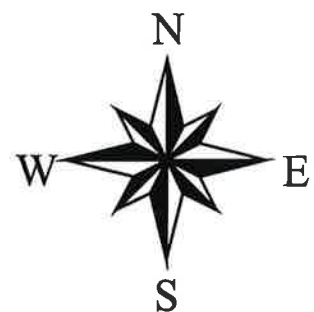


0.3 0 0.3 0.6 Miles

Irrigated Acres = 132

- Well.shp
- Place of use.shp
- Sections
- QQ

PROFILED APR 28 2000



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-7308 V1

WATER RIGHT NUMBER: 29-7308 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MONTE YOST PO BOX 171 BANCROFT, ID 83217 (208)648-7704
Current Owner	SHAUNA YOST PO BOX 171 BANCROFT, ID 83217 (208)648-7704
Original Owner	MILTON L GILBERT PO BOX 28 BANCROFT, ID 83217

Priority Date: 02/20/1976

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/15	to 10/15	2.640 CFS	396.00 AF
	<u>Total Diversion:</u>		2.640 CFS	396.00 AF

Location of Point(s) of Diversion

GROUND WATER	SW1/4SE1/4SW1/4	Sec. 10, Twp 08S, Rge 39E, B.M.
CARIBOU County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	Totals
08S	39E	10	NE NW SW SE	NE NW SW SE	NE NW SW SE	NE NW SW SE	66.0
08S	39E	15		33.0 33.0			66.0

Total Acres: 132

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-7308 V1

1. 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 APRIL 15 AND AFTER OCTOBER 15 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: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: NONE RECEIVED
 State or Federal: S
 Owner Name Connector:
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Contacts	10/15/2002 2:49:12 PM	rwarner			Active
Contacts	10/15/2002 3:03:55 PM	rwarner			Active
Priority Date	10/15/2002 3:05:34 PM	rwarner			Active
POD	10/15/2002 3:44:35 PM	rwarner			Active
Source	10/15/2002 3:45:25 PM	rwarner			Active
POU	10/15/2002 3:46:03 PM	rwarner			Active
Use	10/15/2002 3:46:19 PM	rwarner			Active
Season	10/15/2002 3:46:48 PM	rwarner			Active
Quantity	10/15/2002 3:47:39 PM	rwarner			Active
Summary			10/15/2002	rwarner	Active

Verification Log:

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

Adjudication Recommendation Report 29-7308 V1

Priority Date	10/15/2002 3:05:35 PM	rwarner	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?
Contacts	10/15/2002 2:49:13 PM	rwarner	(No) 1. Do you want to schedule an appointment? Comment for 1: desktop review
Contacts	10/15/2002 3:03:55 PM	rwarner	(No) 1. Do you want to schedule an appointment? Comment for 1: desktop review
POD	10/15/2002 3:44:05 PM	rwarner	Edited point location
POD	10/15/2002 3:44:36 PM	rwarner	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD? (Yes) 5. Can the claimed POD be verified using the water right file? (No) 10. Is a POD remark and/or condition required?
Source	10/15/2002 3:45:26 PM	rwarner	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file? (No) 11. Is a Source remark and/or condition required?
POU	10/15/2002 3:46:03 PM	rwarner	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (Yes) 6. Can the claimed POU be verified using the water right file? (No) 14. Is a POU remark and/or condition required?
Use	10/15/2002 3:46:20 PM	rwarner	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file? (No) 13. Is a Purpose of Use remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-7308 V1

Season	10/15/2002 3:46:49 PM	rwarnar	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a Period of Use? (Yes) 5. Can the claimed Period of Use be verified using the water right file? (Yes) 14. Is irrigation claimed as a Purpose of Use? (No) 16. Is the Period of Use on the decree, license or transfer shorter on either the start date or end date than allowable under current IDWR standards? (No) 18. Is a Period of Use remark and/or condition required?
Quantity	10/15/2002 3:47:39 PM	rwarnar	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file? (Yes) 8. Does the parent right have an annual diversion volume limit? (Yes) 10. Is a irrigation a purpose of use? (No) 12. Is a Quantity remark or condition required? Description for Question 10 - license exam
Summary	10/15/2002 3:48:49 PM	rwarnar	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (No) 5. Is an additional remark and/or condition required? (Yes) 6. Would you like to view the recommended right? (No) 7. Is this a split or combined right? (No) 8. Do you have documents you would like to attach or link to the file? (Yes) 9. Would you like to set the verification date?



State of Idaho

DEPARTMENT OF WATER RESOURCES

15 West Center Street, Soda Springs, ID 83276

Phone: (208) 547-3993 Fax: (208) 547-3939 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

December 27, 2001

A29-7308, A29-7324
Monte Yost
P.O. Box 171
Bancroft, ID 83217

REF: Snake River Basin Adjudication (SRBA)

SUBJECT: CRP Contract

Dear Claimant(s);

The Idaho Department of Water Resources has recently begun its water right review in Basin 29. The Notice(s) of Claim identified with the number shown above in the "address" label has been filed in the Snake River Basin Adjudication (SRBA).

It is our goal to recommend historical water rights within the Snake River Basin as accurately as possible. A field examination to verify items in the Notice will be conducted by Department personnel as soon as the weather permits. I was able to visit some of you this year before the snow arrived. While waiting for the weather to cooperate again I would like to collect some of the necessary documentation needed to recommend your claim to the SRBA court. The statute (42-104) requires the water be put to beneficial use to have a valid water right. One exception to the statute is if the land has been put into CRP. But evidence must be submitted to the Department of Water Resources to retain the water right otherwise the water right will not be recommended to the SRBA court.

If you have previously irrigated land that has been put into CRP, I would appreciate it if you could send me a copy of the contract when the land was put into CRP for my records, by **March 1, 2002**. **If you do not have any land in CRP please disregard this notice.** With no response from you, we will assume that you do not have any land in CRP. You may contact either the Farm Service Agency (FSA) or Natural Resource Conservation Service (NRCS) in Soda Springs at 547-4396 for a copy of the contract.

PROFILED
- 1 -

SCANNED
APR 26 2002

Please feel free to contact me in Soda at (208) 547-3993 if you have any additional questions. Have a safe and happy holiday.

Sincerely;

A handwritten signature in cursive script that reads "Cindy E. Bird".

Cindy E. Bird
Adjudication Bureau

SCANNED

APR 28 2006

WR5809NP
No. 29-07308

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 07/27/01
PAGE: 2

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	MILTON L GILBERT PO BOX 28 BANCROFT ID 83217	02/20/1976	IRRIGATION	04/15 10/15	2.640 CFS	396.00 AFA
TOTAL DIVERSION:					2.640 CFS	396.00 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: DECREED

Point(s) of Diversion: T08S R39E S10 SESW

CARIBOU 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		
08S	39E	10	:					:					:			33	33	:					:	66.0
08S	39E	15	:					:	33	33			:					:					:	66.0
TOTAL ACRES																							132.0	

Pou County: CARIBOU

Dates:	App. Received:	Priority Date:	02/20/1976
	Proof Due Date:	Proof Made Date:	
	Exam Made Date:	Exam Sent to S.O.:	
	Licensed Date:		

Misc:	Water District Number:	Field Exam Fee:
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Audit:	04/23/85	05/22/88	CONVERT	03/12/96	PRODMGR
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IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 29-7308

WATER RIGHT NUMBER: 29-7308

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MILTON L GILBERT PO BOX 28 BANCROFT, ID 83217

Priority Date: 02/20/1976

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/15 to 10/15	2.640 CFS	396.00 AF
	<u>Total Diversion:</u>	2.640 CFS	396.00 AF

Location of Point(s) of Diversion

GROUND WATER	SE1/4SW1/4	Sec. 10, Twp 08S, Rge 39E, B.M.
CARIBOU County		

Place of UseIRRIGATION Within CARIBOU County

T08S R39E S10	SWSW 33.0	T08S R39E S10	SESW 33.0
T08S R39E S15	NENW 33.0	T08S R39E S15	NWNW 33.0
Total Acres: 132			

Conditions of Approval:Remarks:Comments:Dates and Other Information:

IDAHO DEPARTMENT
RECOMMENDED WATER RIGHTSTER RESOURCES
RED UNDER STATE LAWDATE: NOV-12-1991
PAGE: A-63

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
SOURCE: GROUNDWATER						
29-07305	RAOUL WISTISEN P.O. BOX 157 BANCROFT ID 83217	02/02/1976	IRRIGATION	04-15 10-15	4.68 972.0	CFS AFY LICENSE
					TOTAL QUANTITY:	4.68 972.0 CFS AFY
					CONSUMPTIVE USE:	810.0 AFY
POINT OF DIVERSION: T08S R39E S04						
PLACE OF USE: IRRIGATION						
T08S R39E S04						
SWNE 17.0 SENE 8.0 SENW 25.0 NESW 40.0						
SWSW 38.0 SESW 39.0 NESE 39.0 NWSE 40.0						
SWSE 39.0 SESE 39.0						
324.0 ACRES TOTAL						
REMARKS: THE MAXIMUM COMBINED RATE OF DIVERSION UNDER THIS RIGHT AND RIGHT 29-07041 SHALL NOT EXCEED 4.68 CFS.						
29-07308	MILTON L. GILBERT P.O. BOX 28 BANCROFT ID 83217	02/20/1976	IRRIGATION	04-15 10-15	2.64 396.0	CFS AFY LICENSE
					TOTAL QUANTITY:	2.64 396.0 CFS AFY
					CONSUMPTIVE USE:	330.0 AFY
POINT OF DIVERSION: T08S R39E S10						
PLACE OF USE: IRRIGATION						
T08S R39E S10						
S15						
132.0 ACRES TOTAL						
SWSW 33.0 SENE 33.0						
NENW 33.0 NWNW 33.0						

MEMORANDUM

RECEIVED
OCT 05 1998

Department of Water Resources
Eastern Region

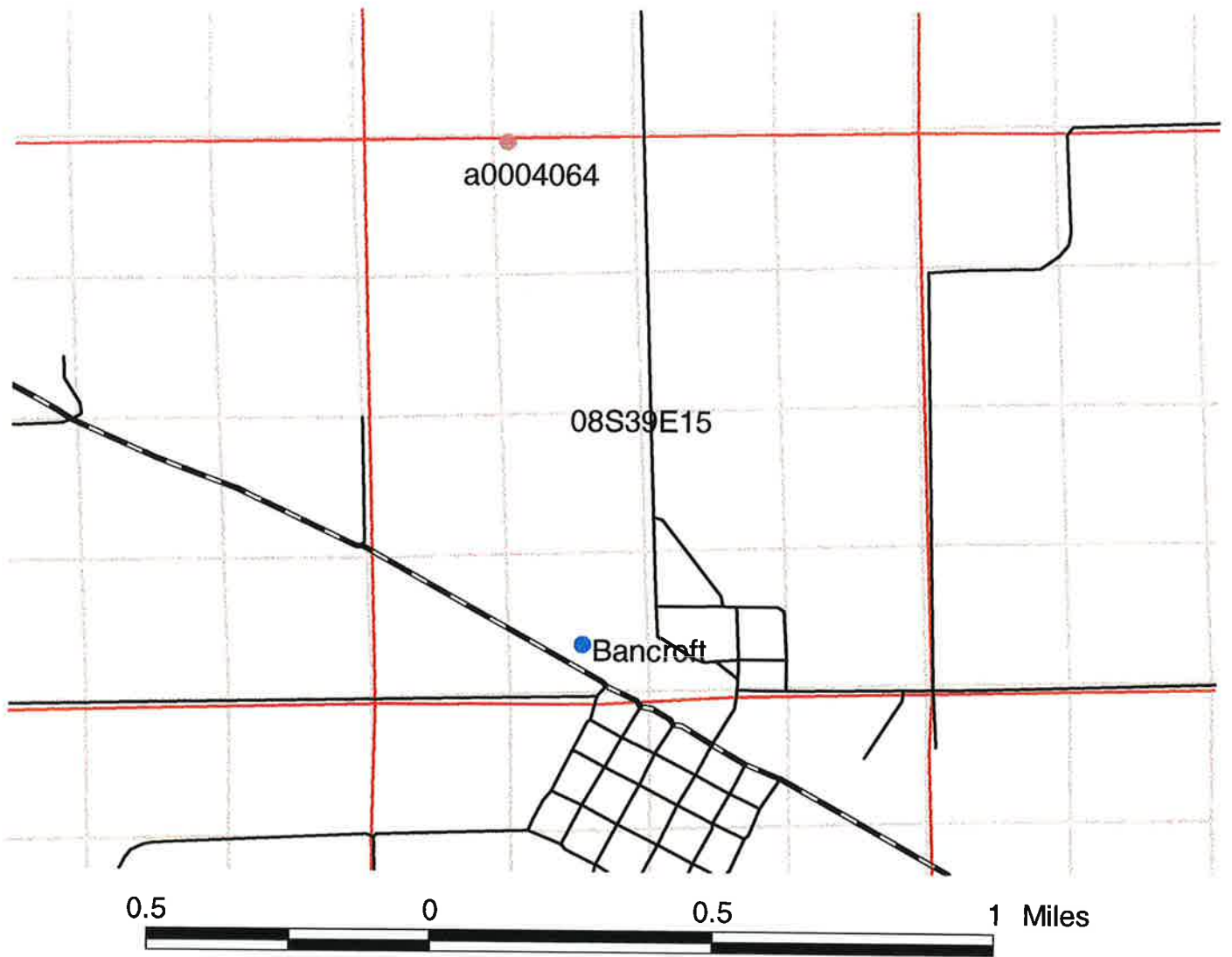
To: Claim file, water measurement file, 29-07308
From: Scott King *SK*
Date: October 1, 1998

Subject: Location discrepancy

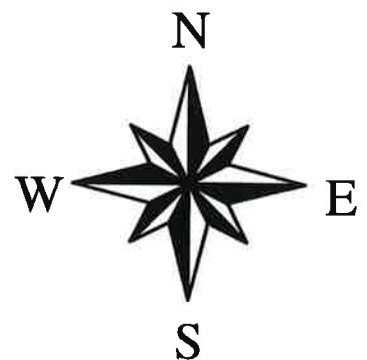
When Tim Luke was in the field locating this diversion with g.p.s. on June 5, 1996, he noted that the actual location may be different than that indicated on the water right. The attached map does indeed indicate that the diversion may be located in the NWNENW, T08S R39E S15. The water right indicates the diversion is located in SESW of Section 10.

Two section line coverages are shown on the map. The diversion is 27 feet south of the "PLSS" coverage, and 58 feet south of "Caribqq" from GCDB coverage for section 10 and 15 line boundary. It is 129 feet east of the NWNW and NENW quarter-quarter Caribqq GCDB boundary.

Per Mike Ciscell, both PLSS and GCDB coverages are accurate to about +/- 40 feet. I expect this g.p.s. data location to be accurate to about 15 feet. Therefore, there is a good likelihood that the diversion is in Section 15, but without more intensive survey work, I cannot guarantee that it is.



- A0004064.txt
- Cities.shp
- Sodards.shp
- -99999
- 173
- 174
- Tandr.shp
- Plss.shp
- Caribqq



MAY 7 2001

Claim 50⁰⁰
Acres 132⁰⁰
182⁰⁰

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: A29-07308
Date Received: 1/24/1990
Receipt No: 8011849
Received By: EMC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MONTE YOST
Address: P.O. BOX 171
BANCROFT, ID 83217 208-648-7704
OR
Name: SHAUNA YOST
Address: P.O. BOX 171
BANCROFT, ID 83217 208-648-7704

A2907308



2. Date of Priority: FEB 20, 1976

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
08S	39E	10	SW	SE	SW		CARIBOU

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

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	2.640		396.00

7. Total Quantity Appropriated is:
2.640 C.F.S. (and/or) 396.00 A.F.A.

8. Total consumptive use is 330.0 Acre Feet Per Annum.

9. Non-irrigation uses:

A29-07308

Page 1

Date: 01/24/90

MICROFILMED
NOV 13 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
08S	39E	10	SW	SW		IRR	33.0
			SE	SW		IRR	33.0
			Section Acres				66.0
		15	NE	NW		IRR	33.0
			NW	NW		IRR	33.0
			Section Acres				66.0
			Total Acres				132.0

11. Place of use in counties: CARIBOU

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): *Monte Yates* Date: 1-24-90

Date: _____

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 24 day
of Jan 19 90

Ernest Carlsen
Notary Public



Residing at *Idaho Falls, ID*
My Commission Expires 6-14-1994

