

04/30/2002

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

RIGHT NUMBER: 29-7392A

NAME AND ADDRESS: NEWELL R JENKINS
PO BOX 218
BANCROFT ID 83217

SOURCE: GROUNDWATER

TRIBUTARY:

QUANTITY: 0.39 CFS
114.0 AFY

PRIORITY DATE: 05/21/1977

POINT OF DIVERSION:

T08S R39E S21 SENWNE Within CARIBOU County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/15	0.390 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 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.

PLACE OF USE: IRRIGATION Within CARIBOU County

T08S R39E S21 NENE 38.0 ✓

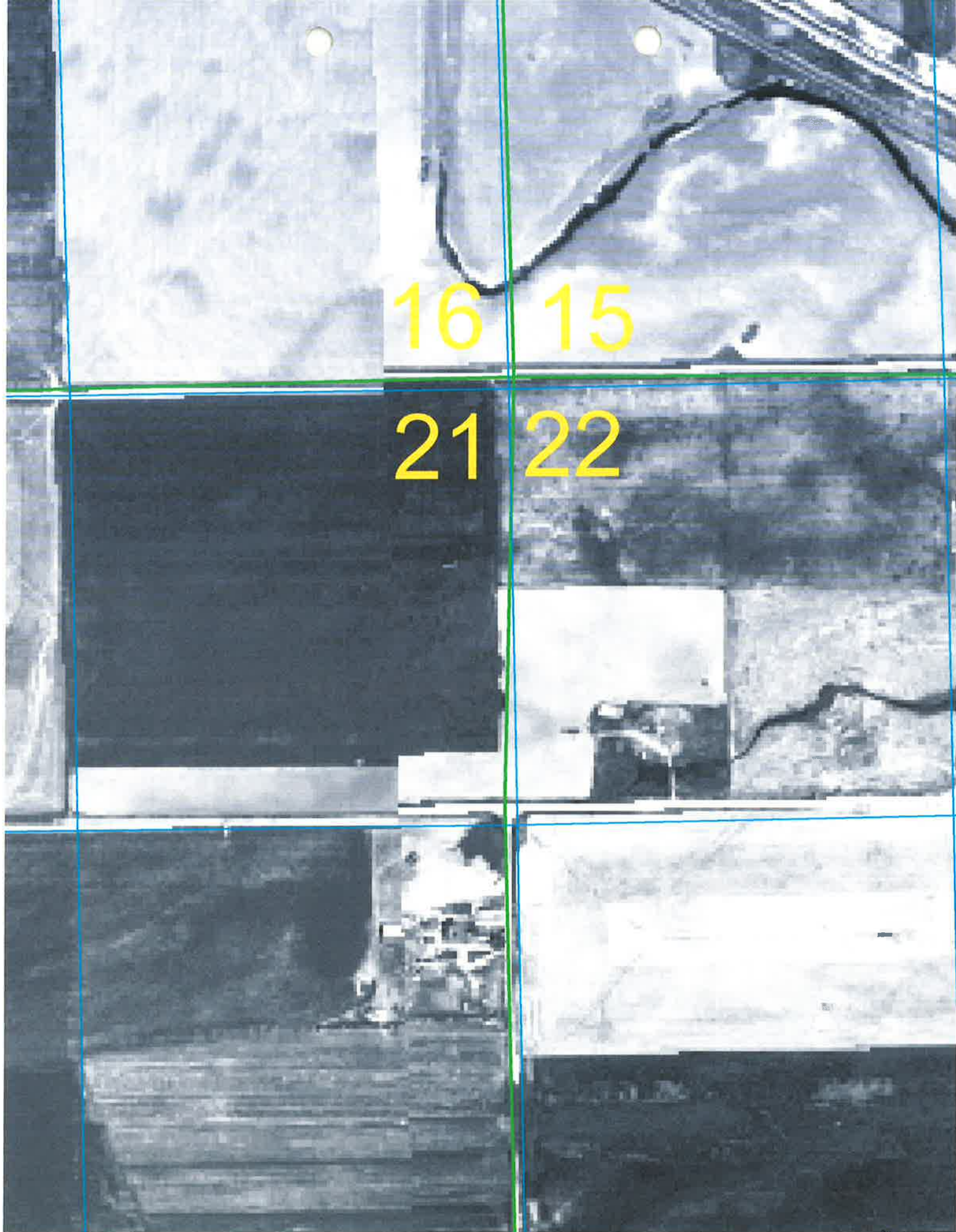
38 ACRES TOTAL

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

The right holder shall use the full allotment of appurtenant surface water rights in conjunction with ground water diverted under this right and shall only divert ground water under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.

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



TOS R39E 1964 imagery.



STATE OF IDAHO

Department of Water Resources
Eastern Region

Water Right(s) 29-7392A



100 0 100 200 Feet

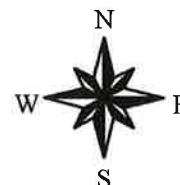


LEGEND

-  Point of Diversion
-  Place of Use
-  STREETS
-  SECTIONS
-  QUATER-QUATERS
-  STREAMS

Place of Use: T8S, R39E
(part of) Section 21

Point of Diversion: T8S, R39E
Sec. 21 SENWNE



GIS Place of Use Illustration
1987/88 NAPP PHOTOGRAPHY
Prepared by C. Bird
Date: April 2002

PROFILED



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

May 21, 2003

Newell R. Jenkins
P.O. Box 218
Bancroft, ID 83217

REF: 29-7392A

Subject: Notice of Error Reply.

Dear Mr. Jenkins:

On your notice of error response there was a note about the additional acreage irrigated in the NWNW of section 22, township 8 south, range 38 east of the Boise Meridian. Stan Wistisen filed the original application for permit in May of 1977 he didn't include the property in section 22. When our field examiner was out in September of 1982 he noted that the land in section 22 was being irrigated.

The Department sent Stan Wistisen an application to amend the permit on July 22, 1986 and again on August 25th and the Department didn't receive a reply so it was not included under the license. I've enclosed both letters for your information.

Then secondly, this land wasn't claimed in the Bancroft-Lund Adjudication, civil case number 2919. This was a general adjudication that required any valid irrigation claims to be filed on in the adjudication. The final decree was issued in 1992, which is after the beginning of the Snake River Basin Adjudication in 1987. Since it was not claimed in the prior adjudication we cannot recommend it in this adjudication because it has been forfeited in the Bancroft-Lund Adjudication. The property in section 22 cannot be irrigated from this source.

SCOTT
APR 26 2003

PROFILED

If you have any question please feel free to contract me at 547-3993.

Sincerely;

Cindy E. Bird
Adjudication Bureau

Enclosure: Letter dated July 22, 1986
Letter dated August 25, 1986

CC: Stanley Wistisen



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

July 22, 1986

RE: Permit No. 29-7392

Stanley Wistisen
Box 116
Bancroft, ID 83217

Dear Permit Holder(s):

The above referenced water right is in the process of being licensed. However, before a license can be issued, your permit must be amended to correspond with the findings of the Department's field examiner.

The enclosed application for amendment contains all of the information that will be included on the license when it is issued. Please review carefully and if you concur, sign the amendment and return with the \$20.00 filing fee within 30 days.

If you do not concur with these findings or if you have any questions, please contact us within the 30-day period.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

SCANNED

APR 28 2000

August 25, 1986

RE: Permit No. 29-7392

Stanley Wistisen
Box 116
Bancroft, ID 83217

Dear Permit Holder:

On July 22, 1986, we forwarded to you an Amendment for Water Permit so that you could amend your permit to correspond with the findings of the Department's field examiner.

As of this date, we have not received this amendment.

If we do not receive the amendment within fifteen (15) days, we will issue a Water Right License which reduces the amount that could have been allowable to you.

Since the license will be a permanent water right your prompt attention to this matter will be appreciated.

If you have any questions please contact us as soon as possible.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

SCANNED

APR 28 2016

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: 29-7392B

STANLEY WISTISEN
PO BOX 116
BANCROFT ID 83217
Telephone Number: (208) 648-7647

KATHLEEN WISTISEN
PO BOX 116
BANCROFT ID 83217
Telephone Number: (208) 648-7647

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: 4/21/03 SIGNATURE: Stanley Wistisen
Please print your name: Stanley Wistisen

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

29-7392 A
In 1972 I started running Newell R. Jenkins
land which was also irrigated. (NWNW sec 22)
TB 39E 9ac. - In 1988, Harold Jones noted
that this additional ground was being irrigated,
but apparently, I didn't pick up on his
request.

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SCANNED
APR 26 2006

Bird, Cindy

From: Carlsen, Ernie
Sent: Thursday, February 28, 2002 9:31 AM
To: Bird, Cindy
Subject: RE: cond/remarks on approved license

Cindy

My recommendation is to carry forward condition 800 as Explanatory but don't include R30.

Ernie

-----Original Message-----

From: Bird, Cindy
Sent: Wednesday, February 27, 2002 4:04 PM
To: Carlsen, Ernie
Subject: cond/remarks on approved license

Hi Ernie,

Approved license 29-7392 had several remarks and conditions for the approval of the license.

Do I need to add the remarks concerning the use of the surface water and when combined no more than 0.02cfs per acre nor more than 3.5 afa for the lands?

Thanks
cindy

The only Condition I could find the delt with
the use of surface water first is.
General Condition 065

PROTECTED

SCANNED
APR 28 2006

Bird, Cindy

From: Bird, Cindy
Sent: Monday, February 11, 2002 4:18 PM
To: McHugh, Candice; Carlsen, Ernie
Subject: Another Bancroft-Lund Claim

*Application
- Ing. Report.*

29-7392

2/19/02

Hi Candice and Ernie,
Another Bancroft-Lund Claim: A29-7392.

➤ The license was approved by the department in January 1994 for 1.65 cfs and 162 acres. The 38 acres in the NENE of section 21 isn't owned by Stan Wistisen and wasn't owned by him in prior to 1987.

In the Bancroft-Lund Adjudication Stan Wistisen claimed 3.44 cfs and 172 acres, the 40 acres in the NENE of section 21 is not owned by Stanley Wistisen. Stan rents the 40 acres from the owner of the property.

In the SRBA Stan Wistisen has claimed 3.44 cfs on 172 acres, 40 which he doesn't own.

1. Which diversion rate/acre do I base the SRBA claim on?
2. Does the owner of the 40 acres in the NENE need to file an SRBA claim on his land to retain the water right? The land has continued to be irrigated from the renter of the property.

How has this occurred that these licenses are being approved on land that is not owned by the person? I have several of these. Would the license stay with the property when the renter leaves or can the renter transfer the water someplace else if they leave?

thanks
cindy

Per Ernie + Candice 2/19/02.

#17 finding - if permit - not decreed.

- guided by ownership.

** appurtenant to the land*

*they would need - Stan Wistisen can't transfer the water without
Newell Jenkins permission.*

- per 1994 license. (basis).

*- a leasee can file for a water right on property that they
are working but once the W/R is perfected the W/R stays with the
property.*

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 29-07392

Priority: May 21, 1977

Maximum Diversion Rate: 1.65 CFS
Maximum Diversion Volume: 567.0 AF

This is to certify, that STANLEY WISTISEN
PO BOX 116
BANCROFT ID 83217

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated May 5, 1977; and has submitted Proof of Beneficial Use on June 17, 1982. An examination indicates that the works have a diversion capacity of 1.650 cfs of water from a GROUNDWATER source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/15 to 10/15	1.65 CFS	567.0 AF

LOCATION OF POINT(S) OF DIVERSION:

NWNE, Sec. 21, Township 08S, Range 39E
CARIBOU 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>
08S	39E	16	SESW 35	SWSE 39		74
		21	NENE 38	NWNE 35	NENW 15	88

Total number of acres irrigated: 162

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right limited to the amount that can actually be beneficially use used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for the lands above.
6. The right holder shall use the full allotment of his surface water right, to the extent it is available, in conjunction with groundwater diverted pursuant to this right.

SCANNED

JUN 14 2001

PAGE 2

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 29-07392

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this 22ND
day of JANUARY, 1994.


R. Keith Higginson, Director

WATER RIGHTS RECOMMENDED BASED ON ADMINISTRATIVE PROCEEDING AFTER 6/16/1980 (cont.)

NUMBER	STATUS (1980)	ADMINISTRATIVE PROCEEDING
13-07261	Permit	License issued
29-07102	Permit	License issued
29-07253	Permit	License issued
29-07264	Permit	License issued
29-07305	Permit	License issued
29-07308	Permit	License issued
29-07309	Permit	Permit lapsed
29-07324	Permit	License issued
29-07352A	Permit	License issued
29-07352B	Permit	License issued
29-07358	Permit	License issued
29-07365	Permit	License issued
29-07366	Permit	Permit lapsed
29-07387	Permit	License issued
29-07394	Permit	License issued
29-07395	Permit	Permit lapsed
29-07396	Permit	Permit lapsed
29-07397	Permit	Permit lapsed
29-07398	Permit	Permit lapsed

IDAHO DEPARTMENT OF RESOURCES
 RECOMMENDED WATER RIGHTS ACQUISITION UNDER STATE LAW

DATE: NOV-12-1991

PAGE: A-70

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
SOURCE: GROUNDWATER						
29-07394	WISTISEN LIVESTOCK CO. P.O. BOX 157 BANCROFT ID 83217	05/13/1977	IRRIGATION	04-15 10-15	.98	CFS
			STOCKWATER	01-01 12-31	219.0	AFY
					.1	CFS
					6.7	AFY
			TOTAL QUANTITY:		.98	CFS
			CONSUMPTIVE USE:		225.7	AFY
					182.5	AFY
	NON-IRRIGATION-USES:					
	STOCK, 500 RANGE					
	POINT OF DIVERSION:					
	T08S R39E S14	SWSW				
	PLACE OF USE: IRRIGATION					
	T08S R39E S14	SWSW 34.0	SESW 39.0			
	73.0 ACRES TOTAL					
	PLACE OF USE: STOCKWATER					
	SAME AS OTHER USE					
29-07392	STANLEY WISTISEN P.O. BOX 116 BANCROFT ID 83217	05/21/1977	IRRIGATION	04-15 10-15	3.44	CFS
						PERMIT
			TOTAL QUANTITY:		3.44	CFS
	POINT OF DIVERSION:					
	T08S R39E S21	NWNE				
	PLACE OF USE: IRRIGATION					
	T08S R39E S16	SESW 35.0	SWSE 40.0			
	S21	NENE 40.0	NWNE 40.0	NENW 17.0		
	172.0 ACRES TOTAL					
	REMARKS: THIS RIGHT IS CONDITIONED UPON COMPLETION OF THE APPROPRIATION					
	IN ACCORDANCE WITH THE STATUTORY PROCEDURE FOR APPROPRIATION					
	OF WATER RIGHTS. THIS RIGHT REMAINS SUBJECT TO ALL CONDITIONS					
	SET FORTH IN THE PERMIT UPON WHICH THIS RIGHT IS BASED, AND WILL					
	BE SUBJECT TO ALL CONDITIONS SET FORTH IN THE LICENSE ISSUED BY					
	IDWR UPON COMPLETION OF THE STATUTORY APPROPRIATION PROCESS.					

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 29-7392A
Date Received: 2/20/2002
Receipt No:
Received By:

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

NEWELL R JENKINS Phone: (208) 648-7752

PO BOX 218
BANCROFT ID USA 83217

2. Date of Priority: 05/05/1977

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
08S	39E	21	SE NW NE	CARIBOU	

5. Description of diverting works:

WELL 16" CASING, 200' DEEP, TURBINE PUMP, SPRINKLERS WHEELLINE.

6. Water is used for the following purposes:

Purpose
IRRIGATION

From To C.F.S. (or) A.F.A.
04/15 10/15 0.8 0.38

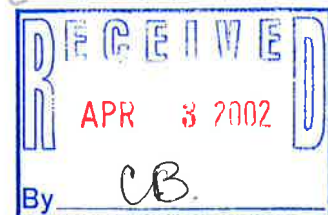
7. Total Quantity Appropriated is:

0.8 C.F.S.
0.38

8. Total consumptive use:

9. Non-irrigation uses:

Number of homes: 1



10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
08S	39E	21	NE	NE	IRRIGATION	~~40~~ 38
Section Acres						~~40~~
Total Acres						~~40~~ 38

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: Decreed

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 29-7392 A
Date Received 2-20-02
Receipt Number E0 27465
CK# 7198 #50
2/13/02

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Newell Robert Jenkins Phone (208) 648-7752
Mailing Address PO Box 218 Bancroft, ID. Zip 83217.
2. Date of Priority (Only one (1) per claim) May 5, 1977.
3. Source of water supply (a) Ground water.
which is tributary to (b) _____
4. a. Location of existing point of diversion is: Township 8S Range 39E Section 21,
SE 1/4 of NW 1/4 of NE 1/4, Govt. Lot, _____ B.M., County of Caribou.
Additional points of diversion if any: _____
b. If instream flow, beginning point of claimed instream flow is:
Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,
Govt. Lot _____ B.M., County of _____
ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____
_____ 1/4, Govt. Lot _____ B.M., County of _____
5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. Well 16" Casing, 200'
deep, Turbine pump, sprinklers, wheelline.

PROFILED

SCANNED
APR 28 2006

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 4/15 to 10/15 amount 0.80 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.80 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 100 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) no

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
8S	39E	21	40																40

Total number of acres irrigated 40

11. In which county (ies) are lands listed above as place of use located? Caribou.

12. Do you own the property listed above as place of use? Yes ☒ No ☐
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
West Branch of Last Chance Canal (150 shares) or None ()

14. Remarks: This was originally filed on by Stan Wistisen but Stan doesn't own this 40 acres.

Last Name Ken Kins Ident No. A29-7392

Copies: White - State, Yellow - Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____
Decree X
If applicable provide IDWR Water Right Number 29-7392
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

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 1

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true
and correct.

Signature of Claimant (s) Denell Robert Jenkins Date 12 Feb 02

Date _____

For Organizations: I do solemnly swear or affirm that I am _____ Title _____
of _____, that I have signed the foregoing
Organization
document in the space below as _____ of _____
Title Organization
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____
Title and Organization _____ Date _____

State of Idaho/or _____)
County of Bannock) SS.

Subscribed and sworn (or affirmed) before me this 12th day of February 19 2002.



Notary Public Cindy E Bird
Residing at Lava Hot Springs.
My Commission Expires 5-1-2007.

Please Print Name

17. Notice of Appearance
Notice is hereby given that I, _____ will be acting as attorney at law on behalf
of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above
should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

Last Name Jenkins Ident. Number A29-7392

SCANNED

APR 28 2006

Copies White-State, Yellow-Claimant

Scale: 2 inches equals 1 mile

85 39E Sec. 21.

A 20x20 grid of graph paper with dashed lines for tracing. The grid is divided into four quadrants by a vertical line at column 10 and a horizontal line at row 10. Handwritten annotations include '21' in the lower-left quadrant and 'POD' in the upper-right quadrant.

Last Name

Last Name Jenkins

Ident No.

Ident No. A29-7392.

Copies: White-State, Yellow-Claimant



SEE PAGE 15

Caribou County, Idaho

APR 28 2055