

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 29-7846

WATER RIGHT NUMBER: 29-7846

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CLARK KELLY 9685 W HEATHER RD POCATELLO, ID 83204 (208)233-7288
Current Owner	TAMARA L KELLY 9685 W HEATHER RD POCATELLO, ID 83204 (208)233-7288

Priority Date: 04/01/1988

Basis: License

Status: Active

SourceTributary

GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	01/01 to 12/31	0.040 CFS	0.60 AF
IRRIGATION	04/01 to 10/31	0.060 CFS	8.00 AF
	<u>Total Diversion:</u>	0.080 CFS	8.60 AF

Location of Point(s) of Diversion

GROUND WATER

SW1/4SE1/4SW1/4

Sec. 18, Twp 07S, Rge 35E, B.M.

BANNOCK County

Place of Use

DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	35E	18												X					

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	
07S	35E	18												2.0					2.0

Total Acres: 2

Conditions of Approval:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 29-7846

1. 041 Irrigation use under this right is authorized only in connection with a domestic use.
2. R68 This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
3. WB5 Domestic use is for 1 home and does not include lawn, garden, landscape, or other types of irrigation.
4. X59 Point of diversion and place of use are located within Lot 8, Blk. 2, Gibson Jack Acres Subdivision.

Remarks:Comments:Dates and Other Information:

Licensed Date: 7/27/2001
Decreed Date:
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector: And/Or
Water District Number:
Generic Max Rate Per Acre: 0.03
Generic Max Volume Per Acre: 4
Decree Defendant:
Decree Plaintiff:
Civil Case Number:
Judicial District:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 29-7846

WATER RIGHT NUMBER: 29-7846

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CLARK KELLY 9685 W HEATHER RD POCATELLO, ID 83204 (208)233-7288
Current Owner	TAMARA L KELLY 9685 W HEATHER RD POCATELLO, ID 83204 (208)233-7288

Priority Date: 04/01/1988

Basis: License

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>
DOMESTIC	01/01 to 12/31	0.040 CFS	0.60 AF
IRRIGATION	04/01 to 10/31	0.060 CFS	8.00 AF
	<u>Total Diversion:</u>	0.080 CFS	8.60 AF

Location of Point(s) of Diversion

GROUND WATER	L4 SW1/4SW1/4SW1/4	Sec. 18, Twp 07S, Rge 35E, B.M.
BANNOCK County		

Place of Use

DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	35E	18											X						
													L 4						

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	
07S	35E	18											2.0						2.0
													L 4						

Total Acres: 2

Conditions of Approval:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 29-7846

1. 041 Irrigation use under this right is authorized only in connection with a domestic use.
2. R68 This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.

Remarks:

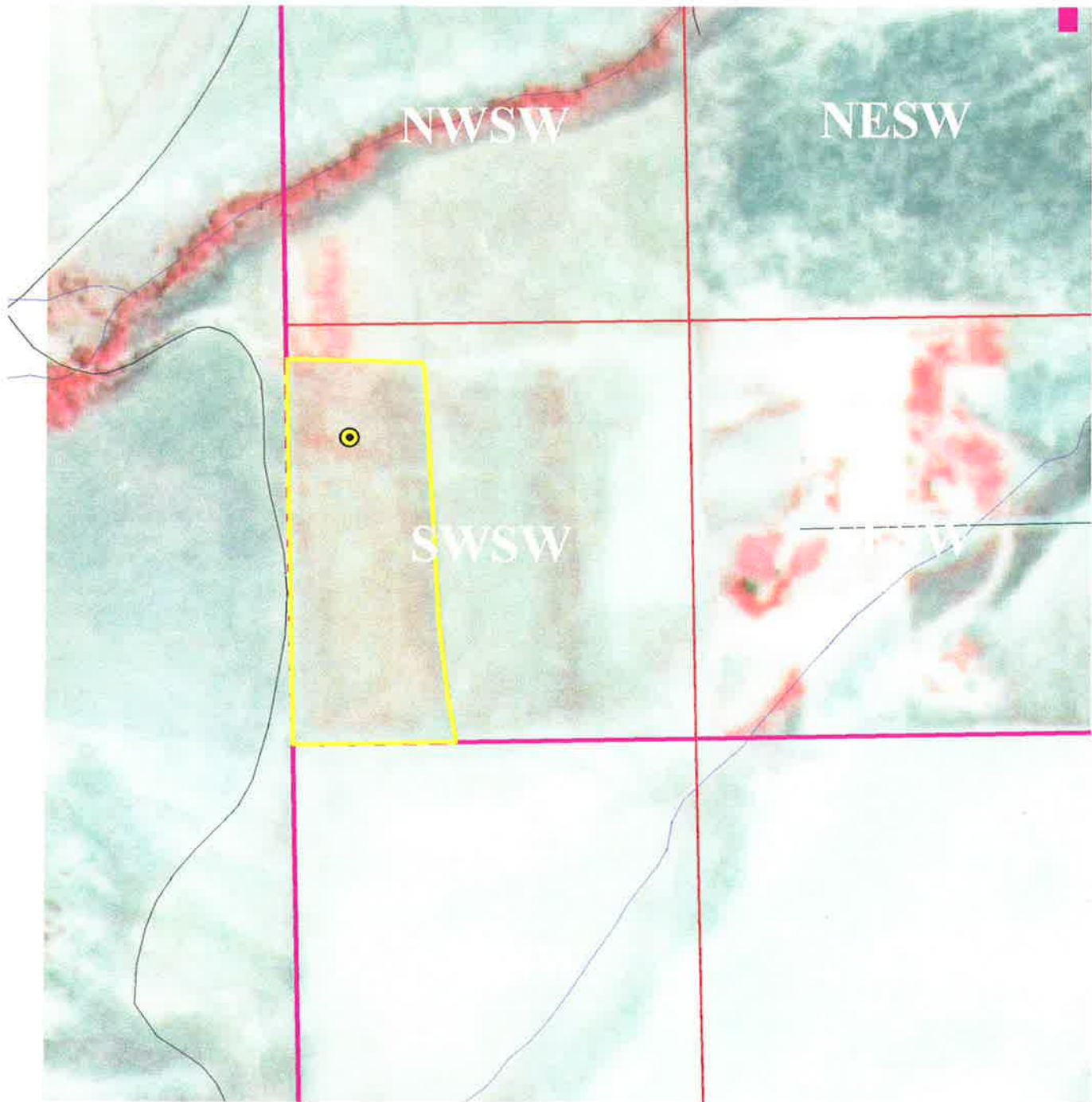
1. General Point of diversion and place of use are located within Lot 8, Blk. 2, Gibson Jack Acres Subdivision.
2. General Domestic use is for 1 home and does not include lawn, garden, landscape, or other types of irrigation.

Comments:Dates and Other Information:

Licensed Date: 7/27/2001
Decreed Date:
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Formal Action Date:
State or Federal:
Owner Name Connector: And/Or
Water District Number:
Generic Max Rate Per Acre: 0.03
Generic Max Volume Per Acre: 4
Decree Defendant:
Decree Plaintiff:
Civil Case Number:
Judicial District:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Water Right Claim Number A29-07846
Townships , 7S35E, 7S34E

09/11/2000

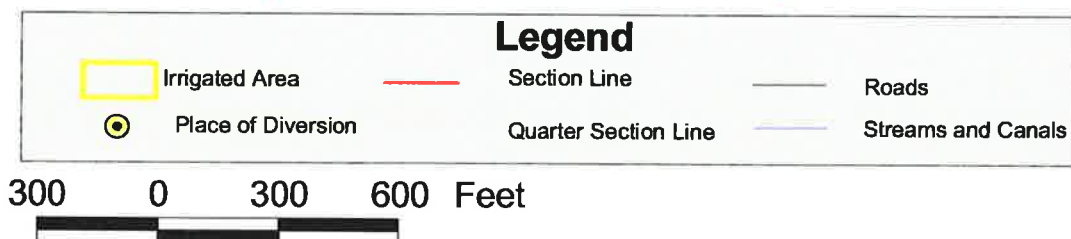


Legend		
	Irrigated Area	 Section Line
	Place of Diversion	 Quarter Section Line
		 Roads
		 Streams and Canals



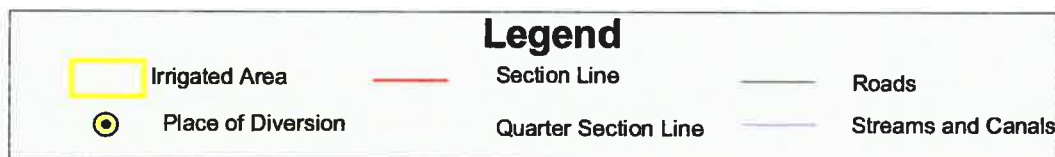
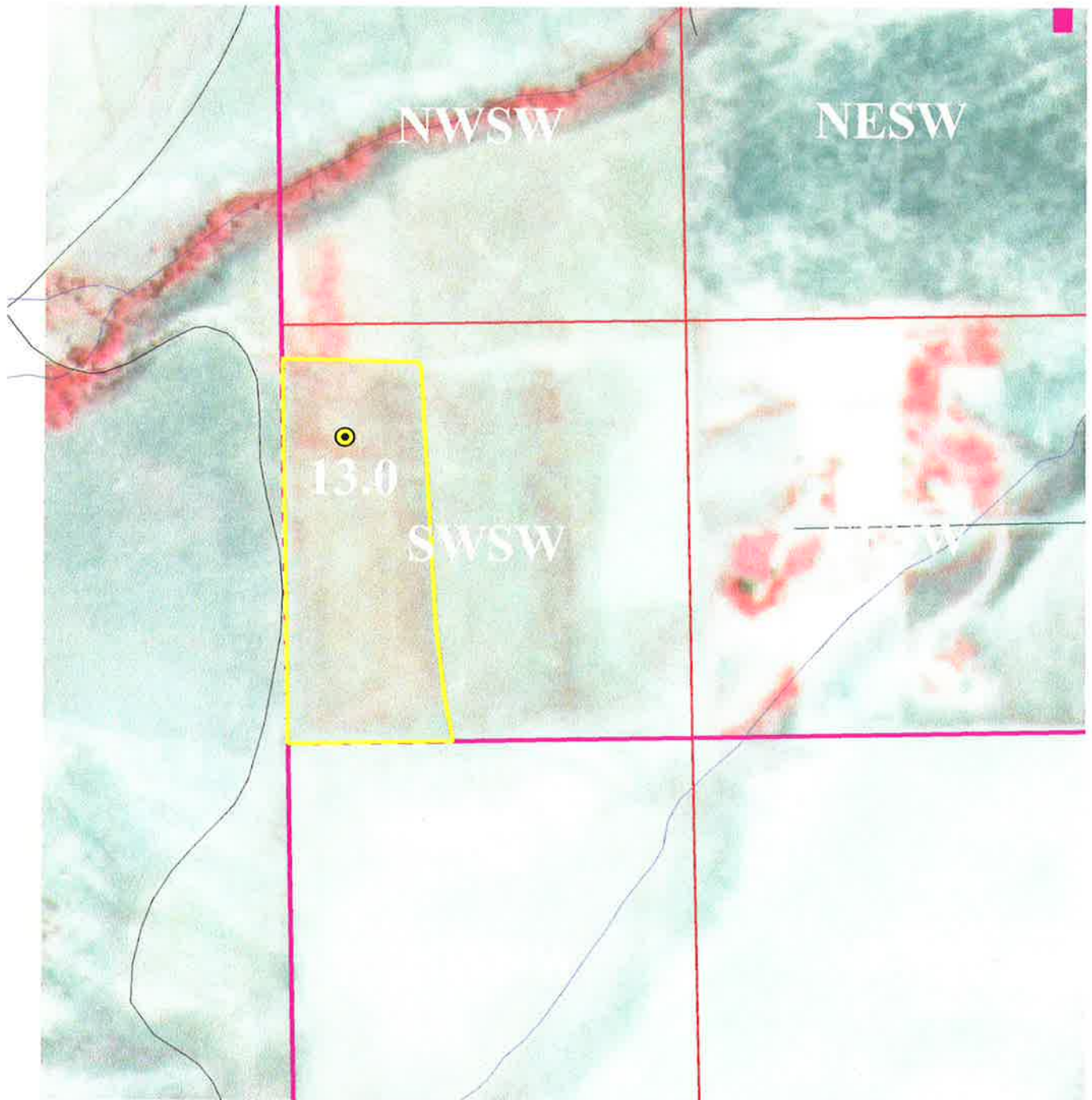
Water Right Claim Number A29-07846
Townships , 7S35E, 7S34E

09/11/2000



Water Right Claim Number A29-07846
Townships , 7S35E, 7S34E

09/11/2000



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: 29-7846

CLARK KELLY
9685 W HEATHER RD
POCATELLO ID 83204
Telephone Number: (208)233-7288

TAMARA L KELLY
9685 W HEATHER RD
POCATELLO ID 83204
Telephone Number: (208)233-7288

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: 4-1-03 SIGNATURE: Clark R Kelly
Please print your name: CLARK R Kelly

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

RECEIVED
APR 16 2003
Department of Water Resources
Eastern Region

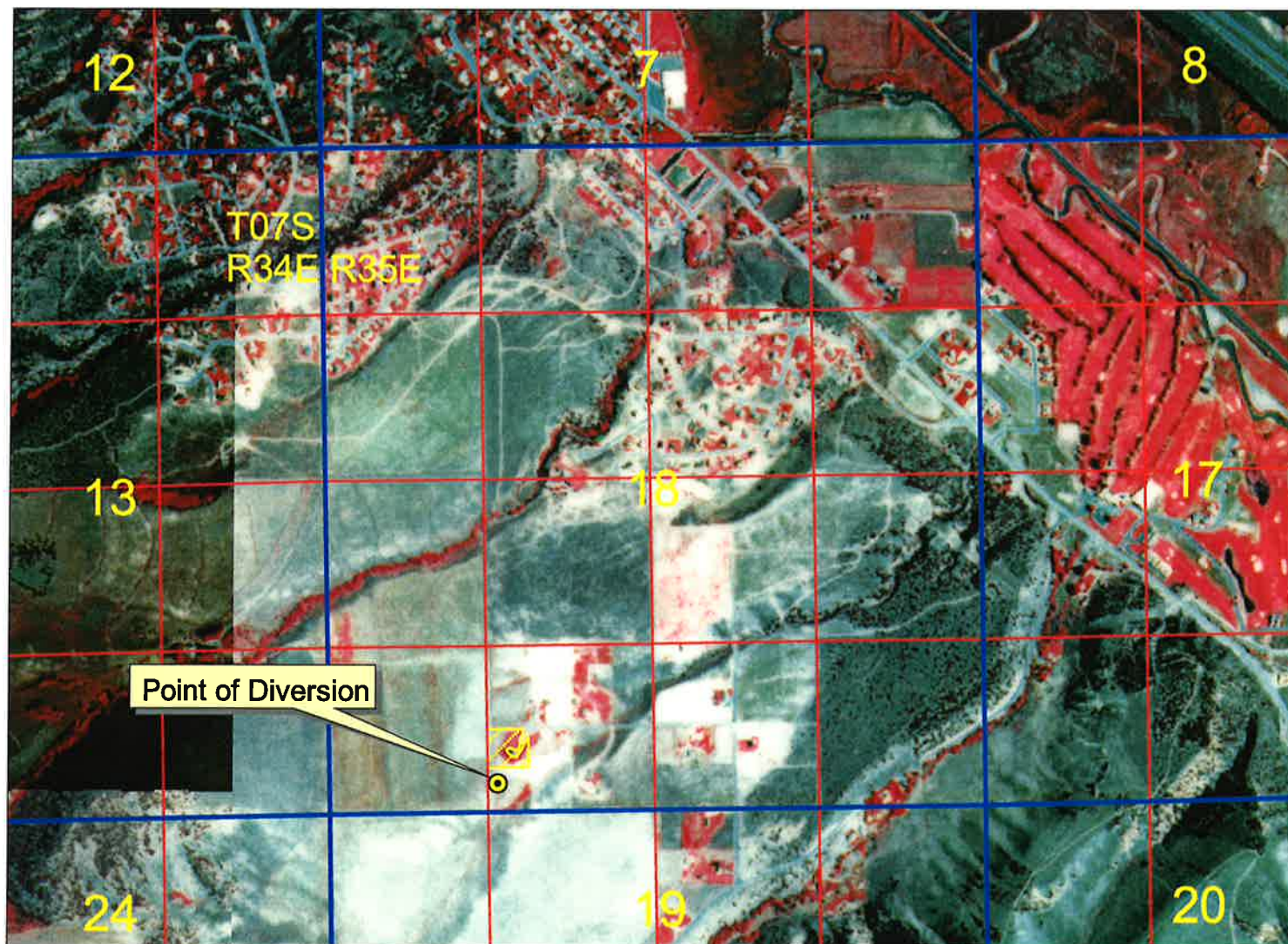
RECEIVED
APR 07 2003
Department of Water Resources
Eastern Region

PROFILE

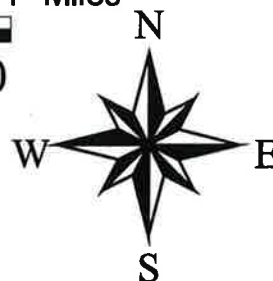
SEARCHED
MAY 11 2003



State of Idaho
Department of Water Resources
Eastern Region
Water Right: 29-7846



1:16000



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

PROFILED

SECTION
MAY 11 2003

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

PROFITED

SCANNED
MAY 11 2003

12-2-02 : License Renewed 8/8/02
Recommend for Renewed License/Claim
: P00 + P04 Shapes Created



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 9, 2002

CLARK KELLY
TAMARA KELLY
9685 W HEATHER RD
POCATELLO ID 83204

RE: Water Right License 29-7846

Dear Water Right Holder:

The Department of Water Resources (IDWR) has issued the enclosed order amending the Water Right License for Water Right 29-7846. The order is a preliminary order issued by the Department pursuant to §67-5243, *Idaho Code*. The water right license issued in connection with the order supersedes the license issued on July 27, 2001. The preliminary order can and will become a final order without further action of the Department unless a party petitions for reconsideration or files an exception and/or brief as further described in the enclosed information sheet.

If you have questions, please contact me at (208) 327-7946.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

Enclosure

Cc: Little Red Hen, Inc.
Dave Tuthill - IDWR Adjudication Bureau

RECEIVED
AUG 29 2002
Department of Water Resources
Eastern Region

RECEIVED

SEP 06 2002

WATER RESOURCES
WESTERN REGION

PROFILED

SCANNED
MAY 11 2003

BEFORE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

RECEIVED
AUG 29 2002
Department of Water Resources
Eastern Region

IN THE MATTER OF PETITION TO
CORRECT WATER RIGHT LICENSE
NO. 29-7846

PRELIMINARY ORDER
CORRECTING LICENSE

RECEIVED
SEP 06 2002
WATER RESOURCES
WESTERN REGION

This matter having come before the Department of Water Resources (Department) as a result of the filing of a petition to correct a water right license, the Department makes the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

1. On April 1, 1988, Clark Kelly and/or Tamara L. Kelly (right holders) applied to the Department for a permit to appropriate 0.13 cubic feet per second of ground water for irrigation and domestic purposes within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 18, Township 7 South, Range 35 East, B. M.
2. On August 3, 1988, the Department approved the Kellys' application as Permit No. 29-7846 (permit).
3. On August 23, 1988, the Department received the right holders' Proof of Beneficial Use statement for the permit.
4. On June 30, 1999, a Department field examiner conducted a field inspection to verify the beneficial use of water developed in connection with the permit. The field examiner reported that the right holders had diverted and beneficially used 0.08 cfs for domestic and irrigation purposes at the location authorized by the permit.
5. On July 27, 2001, the Department issued Water Right License No. 29-7846 (license) to the right holders. The licensed point of diversion is Govt. Lot 4 (SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$), Section 18, Township 7 South, Range 35 East, B. M. The licensed place of use is Govt. Lot 4 (SW $\frac{1}{4}$ SW $\frac{1}{4}$), Section 18, Township 7 South, Range 35 East, B. M.
6. The licensed point of diversion and place of use are also known as Lot 8, Block 2, Gibson Jack Acres Subdivision.
7. While investigating other water rights near Gibson Jack Acres Subdivision, Department field agents discovered that Lot 8, Block 2, Gibson Jack Acres Subdivision, is located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 18, Township 7 South, Range 35 East, Boise Meridian.

8. County records indicate that Govt. Lot 4 (SW $\frac{1}{4}$ SW $\frac{1}{4}$), Section 18, Township 7 South, Range 35 East, Boise Meridian, is actually owned by Little Red Hen, Inc., c/o Dr. Thomas McDevitt.
9. On July 24, 2002, Department staff sent a letter notifying the right holders that the point of diversion and place of use descriptions on the license are incorrect. The Department sent a copy of the letter to Little Red Hen, Inc.
10. On August 6, 2002, the right holders submitted an application to amend the permit (amendment) to show the place of use and point of diversion on water right no. 29-7846 as being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 18, Township 7 South, Range 35 East, B. M.

CONCLUSIONS OF LAW

1. Under Section 42-219, *Idaho Code*, the Department has a statutory obligation to issue a water right license that accurately portrays the extent of beneficial use of water developed in accordance with the permit.
2. When issuing Water Right License 29-7846, the Department incorrectly described the point of diversion and place of use descriptions for the water use developed by the right holders.
3. The Department should approve the amendment to correct the point of diversion and place of use descriptions on the permit.
4. The Department should re-issue the license with the correct point of diversion and place of use descriptions.

ORDER

IT IS HEREBY ORDERED that the application to amend Permit No. 29-7846 is **APPROVED** subject to the conditions of approval listed on the approval document signed on this date in connection with this order.

IT IS FURTHER HEREBY ORDERED that Water Right License No. 29-7846 issued by the Department on July 27, 2001, is **CORRECTED** as set forth in the Amended Water Right License issued on this date in conjunction with this order.

Dated this 8TH day of AUGUST, 2002.


NORMAN C. YOUNG
Administrator, Water Management Division

RECEIVED

SEP 06 2002

Page 1

WATER RESOURCES
WESTERN REGIONState of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT(For Licensing Purposes)
WATER RIGHT NO. 29-07846

RECEIVED

AUG - 6 2002

Department of Water Resources

Date of Priority: April 01, 1988

Maximum Diversion Rate: 0.08 CFS

Maximum Diversion Volume: 8.6 AF

Comes now CLARK KELLY
9685 W HEATHER RD
POCATELLO ID 83204

And/Or

TAMARA L KELLY
9685 W HEATHER RD
POCATELLO ID 83204

and represents to the Director of the Idaho Department of Water Resources that he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 29-07846, and requests that the permit be changed as follows:

Source: GROUND WATER

BENEFICIAL USE	PERIOD OF USE	RATE OF DIVERSION	ANNUAL VOLUME
DOMESTIC	01/01 to 12/31	0.04 CFS	0.6 AF
IRRIGATION	04/01 to 10/31	0.06 CFS	8.0 AF

LOCATION OF POINT(S) OF DIVERSION:GROUND WATER SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 18, Twp 7S, Rge 35E, B.M BANNOCK CountyPLACE OF USE: DOMESTIC

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S 35E 18												X					

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	
07S 35E 18												2.0					2.0

Total Acres: 2

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk. Signed this 2 day of AUGUST, 2002


(Signature)

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 29-07846

RECEIVED
AUG 29 2002
Department of Water Resources
Eastern Region

.....
FOR DEPARTMENT USE ONLY
Preliminary check by SWK Fee 50.00 Received by JM # 063825 Date AUG - 6 2002

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, Karl J. Dreher, of the Department of Water Resources hereby approve the
above Application for Amendment for Permit No. 29-07846 with the following:

CONDITIONS OF APPROVAL

1. Point of diversion and place of use are located within Lot 8, Blk. 2, Gibson Jack Acres Subdivision.
2. Domestic use is for 1 home and does not include lawn, garden, landscape, or other types of irrigation.
3. Irrigation use under this right is authorized only in connection with a domestic use.
4. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.

Witness my hand this 8TH day of AUGUST, 2002.


Acting for KARL J. DREHER
Director

RECEIVED
MAY 1 1 2002

RECEIVED

SEP 06 2002

WATER RESOURCES
WESTERN REGION

State of Idaho

Department of Water Resources

RECEIVED
AUG 29 2002
Department of Water Resources
Eastern Region

AMENDED

Water Right License

AMENDED

WATER RIGHT NO. 29-07846

Priority: April 1, 1988

Maximum Diversion Rate: 0.08 CFS

Maximum Diversion Volume: 8.6 AF

It is hereby certified that CLARK KELLY And/Or TAMARA L KELLY
9685 W HEATHER RD
POCATELLO ID 83204 have complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated April 1, 1988; and have
submitted Proof of Beneficial Use on August 23, 1988. An examination indicates that the works have a
diversion capacity of 0.08 cfs of water from:

SOURCE

GROUND WATER

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
DOMESTIC	01/01 to 12/31	0.04 CFS	0.6 AF
IRRIGATION	04/01 to 10/31	0.06 CFS	8.0 AF

LOCATION OF POINT(S) OF DIVERSION:GROUND WATER SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 18, Twp 07S, Rge 35E, B.M BANNOCK CountyPLACE OF USE: IRRIGATION

Twp Rge Sec	NE	NW	SW	SE	Totals
07S 35E 18	NE NW SW SE	NE NW SW SE	NE NW SW SE	NE NW SW SE	2.0

Total Acres: 2

PLACE OF USE: DOMESTIC --Same as IrrigationCONDITIONS OF APPROVAL

1. Point of diversion and place of use are located within Lot 8, Blk. 2, Gibson Jack Acres Subdivision.
2. Domestic use is for 1 home and does not include lawn, garden, landscape, or other types of irrigation.
3. Irrigation use under this right is authorized only in connection with a domestic use.
4. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.

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 used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this 8TH day of AUGUST, 2002.

Acting for

KARL J. DREHER
Director



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

July 24, 2002

CLARK KELLY
TAMARA L KELLY
9685 W HEATHER RD
POCATELLO ID 83204

RECEIVED

JUL 26 2002

WATER RESOURCES
WESTERN REGION

RE: Water Right License 29-7846

Dear Mr. and Mrs. Kelly:

On July 27, 2001, the Department of Water Resources (IDWR) issued Water Right License 29-7846 to you for domestic and irrigation use within Lot 8, Block 2, Gibson Jack Acres Subdivision. It has recently come to our attention that there is an error on the license that must be corrected.

When your application for permit was filed in 1988, you indicated that your place of use and point of diversion would be located within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 18, Township 7 South, Range 35 East, Boise Meridian. IDWR granted the permit, and you submitted a proof of beneficial use statement later in 1988. In June of 1999 an IDWR field examiner visited your property to verify the water use established in accordance with your permit. The field examiner reported that your point of diversion and place of use were established as permitted, and IDWR issued your license authorizing the diversion and use of water within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 18, Township 7 South, Range 35 East, Boise Meridian. While investigating other water right claims in the area, however, IDWR field agents discovered that Lot 8, Block 2, Gibson Jack Acres Subdivision, is located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 18, Township 7 South, Range 35 East, Boise Meridian. County records indicate that the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 18, Township 7 South, Range 35 East, Boise Meridian, is actually owned by Little Red Hen, Inc., c/o Dr. Thomas McDevitt.

I have enclosed a number of items for you to review in connection with this matter. They are:

- A photocopy of your application for permit.
- A computer-generated map depicting the location of your parcel in relation to the licensed point of diversion and place of use.
- An Application for Amendment of Permit form with the correct place of use and point of diversion descriptions.

Changes that do not increase the authorized use of water under a permit can be requested and approved in accordance with Section 42-211, *Idaho Code*. Because your actual point of diversion and place of use are different than requested and permitted, before a revised license can

Clark and Tamara Kelly
July 24, 2002
Page 2

be issued your permit must be amended to depict your water use as it was actually developed. If you concur with IDWR's conclusion that your water right license is not accurate and must be revised, please sign the Application for Amendment of Permit form and submit it to IDWR with the \$50.00 filing fee within 14 days. When the amendment form has been submitted, IDWR will prepare an order revising water right license.

If you have any questions, please call me at 208-327-7946, or email me at skeen@idwr.state.id.us.

Sincerely,



Shelley Walter Keen
Water Rights Supervisor

Enclosure

cc: Little Red Hen, Inc.
Dave Tuthill – IDWR Adjudication Bureau

RECEIVED

APR 25 2002

WATER RESOURCES
WESTERN REGION

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 29-07846

Priority: April 01, 1988

Maximum Diversion Rate: 0.08 CFS

Maximum Diversion Volume: 8.6 AF

It is hereby certified that CLARK KELLY And/Or TAMARA L KELLY
9685 W HEATHER RD
POCATELLO ID 83204 has complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated April 01, 1988; and has
submitted Proof of Beneficial Use on August 23, 1988. An examination indicates that the works have a
diversion capacity of 0.08 cfs of water from:

SOURCE

GROUND WATER

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
DOMESTIC	01/01 to 12/31	0.04 CFS	0.6 AF
IRRIGATION	04/01 to 10/31	0.06 CFS	8.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER L4 SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 18, Twp 07S, Rge 35E, B.M., BANNOCK County

PLACE OF USE: DOMESTIC

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S 35E 18											X						
											L 4						

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	
07S 35E 18											2.0						2.0
											L 4						

Total Acres: 2

CONDITIONS OF APPROVAL

1. Point of diversion and place of use are located within Lot 8, Blk. 2, Gibson Jack Acres Subdivision.
2. Domestic use is for 1 home and does not include lawn, garden, landscape, or other types of irrigation.

MICROFILMED

OCT 02 2001

SCANNED

MAY 11 2006

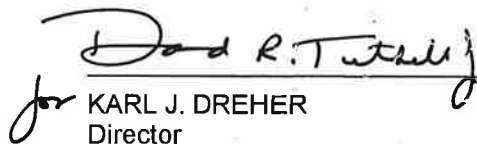
State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 29-07846

3. Irrigation use under this right is authorized only in connection with a domestic use.
4. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.

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 used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this 27th day of July, 2001.


for KARL J. DREHER
Director

SCANNED

MAY 11 2003

MICROFILMED

OCT 02 2001

Digital OrthoPhoto Quadrangle Image

The image you are viewing is 800 pixels wide by 600 pixels high. Each pixel represents 1 by 1 meters of earth. This image was extracted from a Color Infra-Red (CIR) digital orthophoto quadrangle provided by the USGS.

The image was photographed on 23 Aug 1998 by the National Aerial Photography Program and digitized by the USGS DOQ Program on 13 Nov 2000

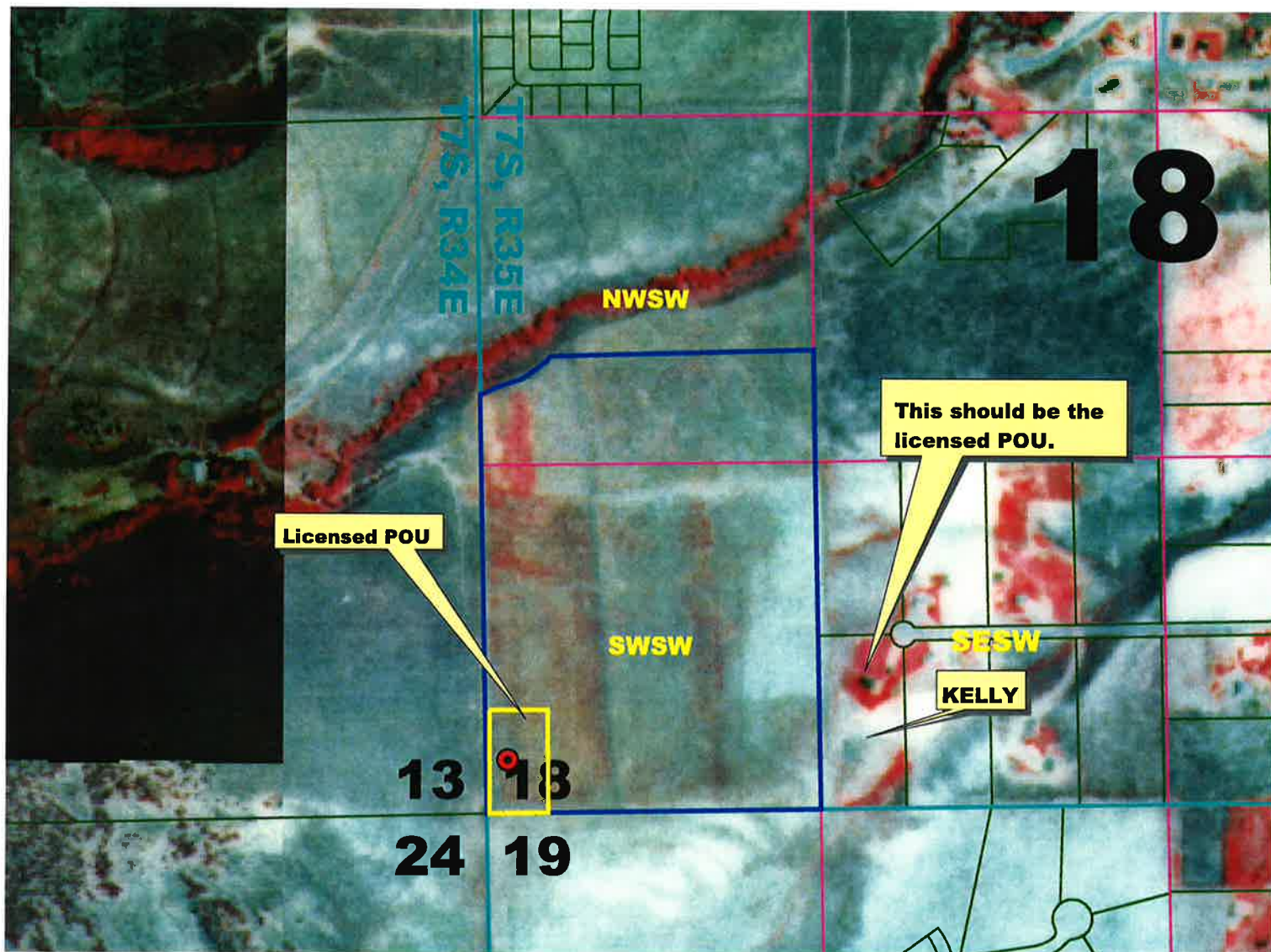
The USGS DOQ below is projected in Universal Transverse Mercator (UTM) Zone 12 on the North American datum of 1983



29-07846

SCANNED
MAY 11 2000

Assumed Error in Licensing for 29-07846 Kelly, Clark



Point of Diversion

Total Irrigated Acreage: 2.0



POU - 29-04244 - In CRP



Bannock CoTax Lot/Property Boundary



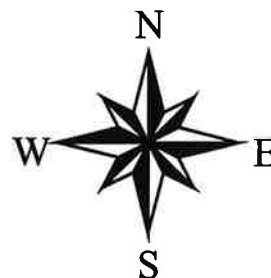
Licensed Irrigated Place of Use



Section Lines



Quarter Quarter Lines



SCANNED

MAY 11 2000

Prepared By: Craig Saxton
April 2002

Saxton, Craig

From: Saxton, Craig
Sent: Wednesday, April 24, 2002 11:06 AM
To: Tuthill, Dave
Cc: Shurte, Jan; Carlsen, Ernie
Subject: Error in Licensing of 29-07846

Hello Dave,

Per Adjudication Memo #41 and as discussed in a Western Region AJ meeting, it is my understanding that guidance on the below issue should be sent directly to you. CC'd to Jan and Ernie.

29-07846 is an irrigation right SE of Pocatello. The Field exam was done on 7/19/99 and was licensed in 2001. The permitted and licensed POU and POD are in the SWSW of T7S, R35E, S.18. However, Bannock county parcel data indicate that the owners of the license don't own property in the above legal description.

In addition, AJ field exam on 7/31/2001 preformed by myself, confirms that the SWSW of S.18 is owned by Little Red Hen Inc. (C/O Dr. Thomas McDevitt) and is irrigated under right 29-04244. All information I have gathered indicate that 29-07846 should have been licensed in in the SESW. See attached JPG.



29-07846.jpg



29-07846
License.RTF

I spoke with Kay Walker this morning. I am informed that there isn't much that can be done about this issue on the Allocations side short of the claimant filing a transfer.

I have requested that Keith Wilson send me the GPS coordinates taken during the Field exam in 1999 to confirm that the location of the POD is actually in the SESW.

Adjudication Memo #41 states, "...the adjudication staff should request the Water Allocation Bureau Chief to reconsider the license or transfer. This request should be routed through the Adjudication Bureau Chief...". Thus, I am informing you of this issue.

Until such time that this is reviewed by Allocations, I need some guidance on how to recommend the SRBA claim.

Thank you,

Craig Saxton

PROFILED

SCANNED
MAY 11 2006

Saxton, Craig

From: Wilson, Keith
Sent: Wednesday, April 24, 2002 11:34 AM
To: Saxton, Craig
Subject: RE: 29-07846

Craig,

All that I can find on 29-7846 is the license and a copy of the usgs quad with the P/U & P/D in SWSW, S18, T7S, R35E. I did not find any GPS file associated with 29-7846. About all I can say is that the complete file is in the state office. You could go to the vault and see if there is anything there that would help you (Well at least deal with this issue.).

I looked in ArcView and I agree it appears that the place of use should be in the SESW S18, T7S, R35E (using 1987 naap aerial)

Keith

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

From: Saxton, Craig
Sent: Wednesday, April 24, 2002 10:06 AM
To: Wilson, Keith
Subject: 29-07846

Hey Keith,

How are things in IF? Not too bad on this side of the state.

I got an issue. 29-07846 is an irrigation right. Licensed in 2001. Field Exam in 7/19/99. The permitted and licensed POU and POD are in the SWSW of T7S, R35E, S. 18. However, Bannock county parcel data indicate that the owners of the license don't own property in the above legal description. In fact, I think it should have been licensed in the SESW. See attached JPG.

<< File: 29-07846.jpg >>

I spoke with Kay Walker this morning. Sounds like there isn't much that can be done about this issue on the Allocations side short of filing a transfer. I am looking into what the AJ side can do.

Now to my point: Do you have the field exam GPS coordinates taken for this field exam. I would like to confirm that the field examiner did take the POD location in the SESW. Plus, having that coordinate will help me make my AJ recommendation assuming I can correct this error.

Much appreciated.

Craig

SCANNED

MAY 11 2006

Saxton, Craig

From: Saxton, Craig
Sent: Wednesday, April 24, 2002 10:06 AM
To: Wilson, Keith
Subject: 29-07846

Hey Keith,

How are things in IF? Not too bad on this side of the state.

I got an issue. 29-07846 is an irrigation right. Licensed in 2001. Field Exam in 7/19/99. The permitted and licensed POU and POD are in the SWSW of T7S, R35E, S. 18. However, Bannock county parcel data indicate that the owners of the license don't own property in the above legal description. In fact, I think it should have been licensed in the SESW. See attached JPG.



29-07846.jpg

I spoke with Kay Walker this morning. Sounds like there isn't much that can be done about this issue on the Allocations side short of filing a transfer. I am looking into what the AJ side can do.

Now to my point: Do you have the field exam GPS coordinates taken for this field exam. I would like to confirm that the field examiner did take the POD location in the SESW. Plus, having that coordinate will help me make my AJ recommendation assuming I can correct this error.

Much appreciated.

Craig

SCANNED

MAY 11 2005

SCANNED

JUN 13 2001

Log for claim A29-07846

Spatial Dynamics LTD

9/11/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
07s35e	18	SWSW	3	13	POD placement? / Indiscernible
Totals:			3	13	

AJ5809NP
No. A29-07846

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/18/00
PAGE: 268

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	CLARK KELLY	04/01/1988	IRRIGATION	03-15 11-15	0.090 CFS	
C	TAMARA L KELLY		DOMESTIC	01-01 12-31	0.040 CFS	
	9685 W HEATHER RD					
	POCATELLO ID 83204					
	(208) 233-7288					
				TOTAL DIVERSION:	0.130 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: PERMIT

Point(s) of Diversion: T07S R35E S18 Lot04(SWSW)

BANNOCK County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE				
NENE NWNE SWNE SENE				NENW NWNW SWNW SENW				NESW NWSW SWSW SESW				NESE NWSE SWSE SESE				
T	R	S	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	SUM		
07S	35E	18	:	:	:	:	:	04-03	:	:	:	:	:	3.0		
TOTAL ACRES													3.0			

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

POU County: BANNOCK

Non-Irrigation Uses: DOMESTIC (4 PEOPLE); LIVESTOCK (2 HORSES)

Other Rights: NONE

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

A29-04244

Conditions of Approval:

- 041 - Irrigation use under this right is authorized only in connection with a domestic use.

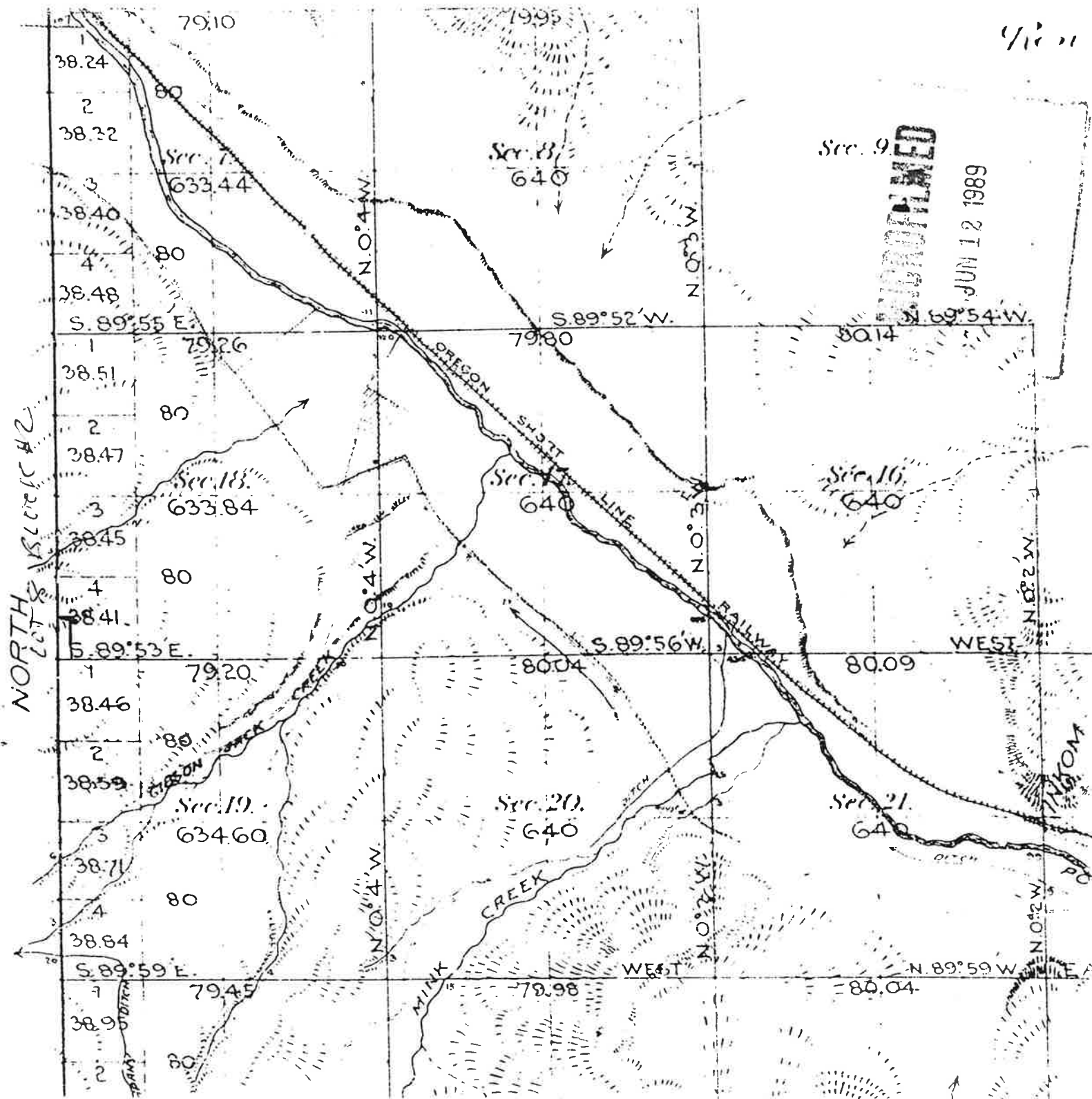
Remarks: GEN P/U ALSO KNOWN AS LOT 8, BLK. 2, GIBSON JACK ACRES SUBDIVISION.
DOMESTIC WATER ESTAB. 9-2-85. SEE PERMIT #29-7846. 7-1-89
PROOF FEE \$50. PD. BUT NOT YET INSPECTED.

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

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

Audit: 05/17/90 THOMPSON 07/29/94 THOMPSON 03/29/95 POST-STD 04/13/00 CVANDERM

T75
R
35E



This is a detailed topographic map of the Indian Hills area in Montana. The map features the Pacific River flowing through the center, with Indian Hills School and a gravel pit located nearby. To the west, the Bannock River is visible. The map includes numerous contour lines indicating elevation, with labels such as 4400, 4600, 4800, and 5000. Key landmarks include a drive-in theater, a golf course, a footbridge, and several creeks (Jack Creek, Mud Spring, and Gibson). The map also shows a highway, a pipeline, and a mile marker. Handwritten annotations in black ink are present, including 'T7S', 'R35E', and 'LOT 8 BLCC #2'. A north arrow is located in the upper left corner. The map is divided into sections by a grid, with section numbers 12, 13, 17, 18, 19, and 20 visible.

Jun 12 1989

X Non R. Kelly
(Applicant)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

APPROVED

1. Name of applicant Clark and/or Tamara L. Kelly Phone (208) 233-7288
Post office address 9685 W. Heather Rd., Pocatello, ID 83204

2. Source of water supply Groundwater which is a tributary of _____

3. Location of point of diversion is _____ 1/4 of SW 1/4 of SW 1/4, Govt. Lot #4
Sec. 18 Township 7S Range 35E B.M. Bannock County; additional
points of diversion if any: This is subdivision lot 8 of Gibson Jack Acres

4. Water will be used for the following purposes:

Amount 0.09 for Irrigation purposes from 3/15 to 11/15 (both dates inclusive)
(cfs or acre-feet per annum)

Amount 0.04 for Domestic purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a) 0.13 and/or (b) _____
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. well/pump with 1 1/2" line 300' across
property.

b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet; period of year when water will be diverted to storage:
_____ to _____ inclusive.

c. Proposed well diameter is 6 inches; proposed depth of well is 200 feet.

d. Is ground water with a temperature of greater than 90°F being sought? NO

7. Time required for the completion of the works and application of the water to the proposed beneficial use is
1 years (minimum 1 year).

RECORDED

JUN 17 1985



State of Idaho

DEPARTMENT OF WATER RESOURCES

150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 - (208) 525-7161

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

April 20, 1990

Clark Kelly
9685 W Heather Rd.
Pocatello, ID 83204

RE: Notice of Claim A29-07846

Dear Mr. Kelly:

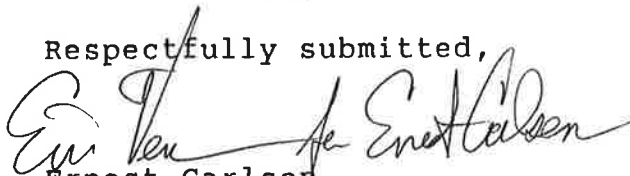
The Idaho Department of Water Resources (IDWR) is returning your Notice of Claim to a Water Right, along with your check (#3242 in the amount of \$25.00) because of insufficient information and/or fees. All items on the forms must be completed and fees submitted before the IDWR can process the notice.

Please correct the items identified below and return the notice and filing fee to the IDWR within 30 days of the date of this letter. If the corrected notice is not returned within the 30 days, the notice will be subject to an additional late fee.

The information claimed on the notice you submitted does not agree with the water right as licensed. Enclosed is a typed Notice of Claim form with the licensed information and a copy of the Water Right license. To correct the notice previously submitted, please sign, notarize, and return the typed Notice of Claim to the IDWR. The fee is \$50.00 for the Notice of Claim, plus \$1.00/per acre irrigated, for a total of \$53.00.

If you wish to make an appointment to discuss the corrections, please call the IDWR at (208) 525-7161.

Respectfully submitted,


Ernest Carlsson
Adjudication Supervisor

EC:jt

Enclosure

CRIC
Ref'd 5-15-90

MICROFILMED
RECEIVED
NOV 13 1990

MAY 17 1990

Department of Water Resources
Eastern District Office

RECEIVED

AUG 8 1988

COPY COPY

STATE OF IDAHO

Ident. No. 297846

DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

Department of Water Resources
Eastern District Office

To appropriate the public waters of the State of Idaho

APPROVED

1. Name of applicant Clark and/or Tamara L. Kelly Phone (208) 233-7288

Post office address 9685 W. Heather Rd., Pocatello, ID 83204

2. Source of water supply Groundwater which is a tributary of _____

3. Location of point of diversion is _____ 1/4 of SW 1/4 of SW 1/4, Govt. Lot #4

Sec. 18 Township 7S Range 35E B.M. Bannock County; additional

points of diversion if any: This is subdivision lot 8 of Gibson Jack Acres

4. Water will be used for the following purposes:

Amount 0.09 for Irrigation purposes from 3/15 to 11/15 (both dates inclusive)
(cfs or acre-feet per annum)

Amount 0.04 for Domestic purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a) 0.13 and/or (b) _____
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. well/pump with 1 1/2" line 300' across
property.

DO NOT FILM

b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet; period of year when water will be diverted to storage:
_____ to _____ inclusive.

c. Proposed well diameter is 6 inches; proposed depth of well is 200 feet.

d. Is ground water with a temperature of greater than 90°F being sought? NO

7. Time required for the completion of the works and application of the water to the proposed beneficial use is
1 years (minimum 1 year).

COPY

COPY

8. Description of proposed uses (if irrigation only, go to item 9):

- a. Hydropower; show total feet of head and proposed capacity in KW. _____
- b. Stockwatering; list number and kind of livestock. _____
- c. Municipal; show name of municipality. _____
- d. Domestic; show number of households. one
- e. Other; describe fully. _____

9. 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 the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
7S	35E	18											3						3
													L-4						

Total number of acres to be irrigated 3

10. Describe any other water rights used for the same purposes as described above. None

11. a. Who owns the property at the point of diversion? Applicant

b. Who owns the land to be irrigated or place of use? Applicant

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. _____

12. Remarks: Domestic water established 9-2-85 and wish to irrigate nursery trees & flowers by sprinkler and drip irrigation

Received by dg Date 4-1-88 Time 3pm Preliminary check by HWT
Fee \$ 30⁰⁰ Receipted by dg # E000068 Date 4-6-88
Publication prepared by dg Date 4-27-88 Published in ID State Jnl
Publication approved dg Date 5-17-88

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 29-7846, and said application is hereby APPROVED.

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

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before July 1, 19 89.

c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.

d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.

e. Other: Irrigation use under this permit is authorized only in connection with a domestic use.

Witness my hand this 3rd day of August, 1988.


Director

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 29-07846

Priority: April 01, 1988

Maximum Diversion Rate: 0.08 CFS

Maximum Diversion Volume: 8.6 AF

It is hereby certified that **CLARK KELLY And/Or TAMARA L KELLY**
9685 W HEATHER RD

W P E A T N E R R U

POCATELLO ID 83204

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated April 01, 1988; and has submitted Proof of Beneficial Use on August 23, 1988. An examination indicates that the works have a diversion capacity of 0.08 cfs of water from:

SOURCE

GROUND WATER

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
DOMESTIC	01/01 to 12/31	0.04 CFS	0.6 AF
IRRIGATION	04/01 to 10/31	0.06 CFS	8.0 AF

LOCATION OF POINT(S) OF DIVERSION:GROUND WATER L4 SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 18, Twp 07S, Rge 35E, B.M., BANNOCK County**PLACE OF USE:** DOMESTIC

Twp Rge Sec	NE				NW				SW				SE				Totals
07S 35E 18	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
											X						
											L 4						

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
07S 35E 18	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
											2.0						2.0
											L 4						

Total Acres: 2

CONDITIONS OF APPROVAL

- Point of diversion and place of use are located within Lot 8, Blk. 2, Gibson Jack Acres Subdivision.
- Domestic use is for 1 home and does not include lawn, garden, landscape, or other types of irrigation.

Post-it® Fax Note	7671	Date	4-24	# of pages	2
To	Craig Saxton	From	Kay		
Co./Dept.	Western	Co.			
Phone #		Phone #			
Fax #		Fax #			

MICROFILMED

OCT 02 2001

Page 2

State of Idaho

Department of Water Resources

Water Right License

WATER RIGHT NO. 29-07846

3. Irrigation use under this right is authorized only in connection with a domestic use.
4. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more

than 4.0 afa per acre at the field headgate for irrigation of the lands above.

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 used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this 27th day of July, 2001.

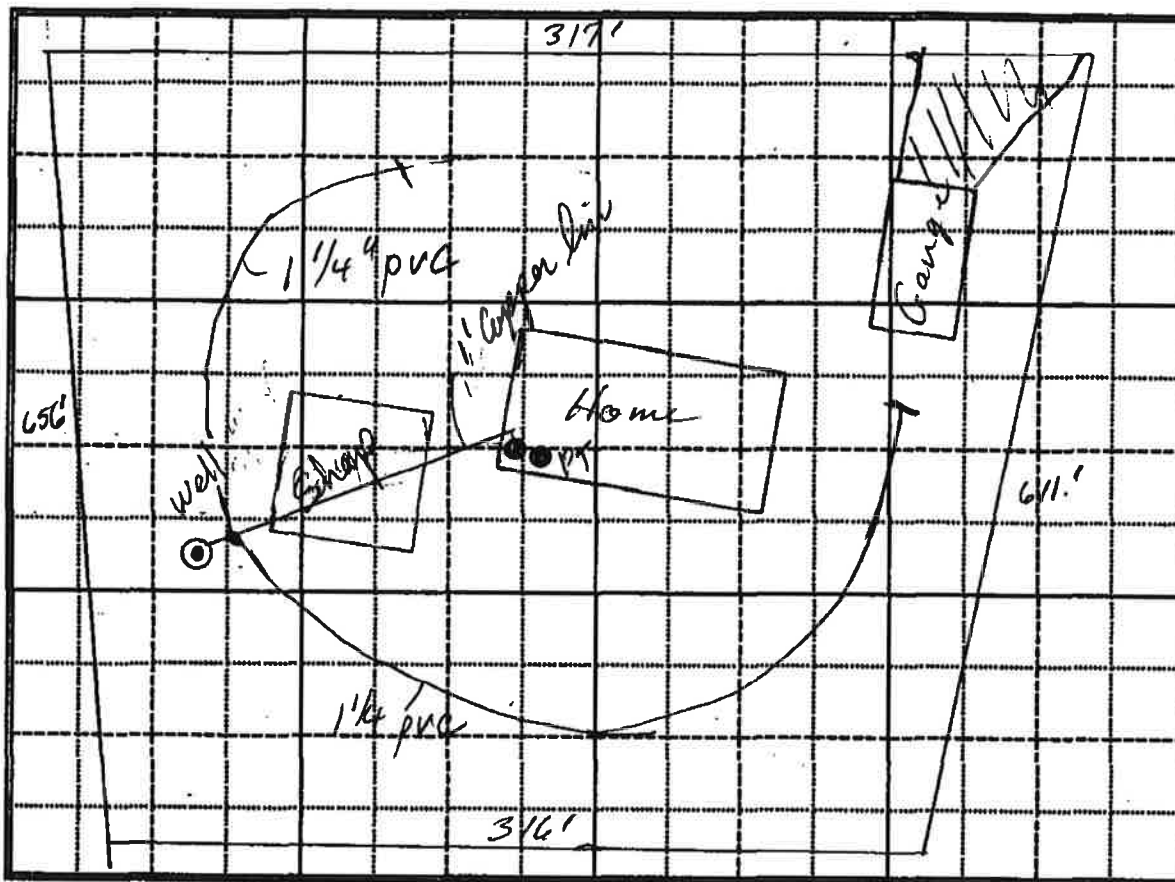

for David R. Tuttle
KARL J. DREHER
Director

MICROFILMED

OCT 02 2001

[illegible]

3. Delivery System Diagram: Indicate all major components and distances between components. Indicate well size/ditch size/pipe I.D. 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
	Grundfos	3	T8529M306	Franklin	

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

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. Measurements: Pump lower than 188

E. NARRATIVE/REMARKS/COMMENTS

The well pumps to the home where two pressure tanks are located through a 1" copper line. 1 1/2" PVC pipe Tee's off at the well and forms a house shoe around the home. All of the lawn, garden and orchard is watered from this house shoe. The pump controls and pressure switch is located in the basement of the home with the pressure tanks. The well will supply only enough water to cover about 2 acres of the property

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

F. FLOW CALCULATIONS

____ Additional Computation Sheets Attached

Measured Method:

*Theoretical Q = 0.08 cfs***G. VOLUME CALCULATIONS****1. Volume Calculations for Irrigation:**

$$V_{LR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 200 (4) = 8$$

$$V_{DR} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 0.04 (214) 1.9835 = 16.9$$

$$V = \text{Smaller of } V_{LR} \text{ and } V_{DR} = 8.0$$

2. Volume Calculations for Other Uses:**H. RECOMMENDATIONS****1. Recommended Amounts**

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afs)
	From	To		
<i>Irrigation</i>	<i>3/15</i>	<i>11/15</i>	<i>0.04</i>	<i>8.0</i>
<i>Domestic</i>	<i>1/1</i>	<i>12/31</i>	<i>0.04</i>	<i>1.2</i>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Totals:			<i>0.08</i>	<i>9.2</i>

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

KEITH C WILSON 2/2/2001

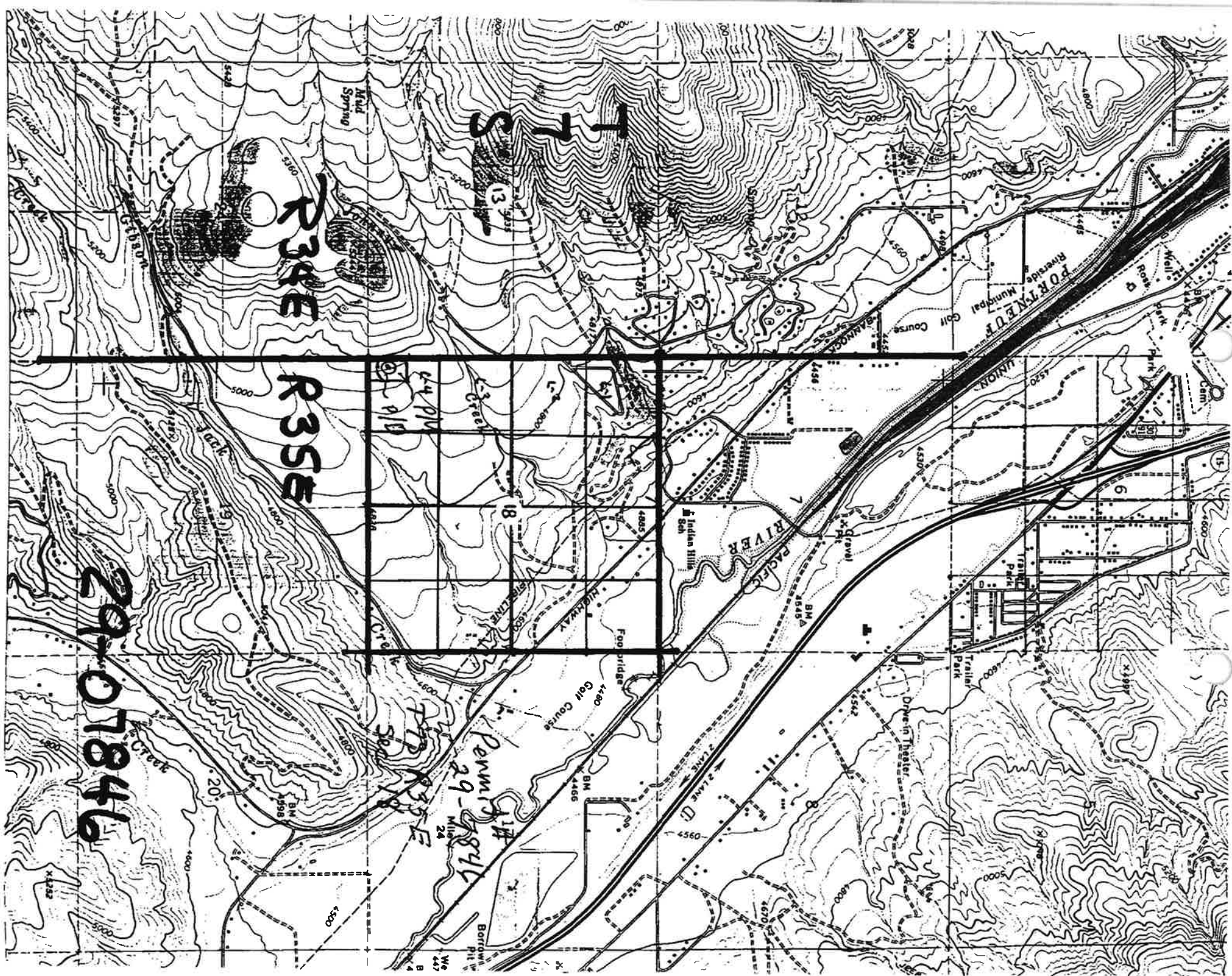
Date

Lee L Simmons 7/19/99

Reviewer _____

Date _____

SEAL



THEORETICAL PUMP FLOW CALCULATIONS

Formula:

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

$$Hp = \text{Horsepower} = \underline{3}$$

$$Eff = \text{Efficiency} = \underline{70\%} \quad (\text{Usually } 70\%)$$

$$\text{Lift: (Static Level + Assumed Draw down)}$$

$$\text{Static Water Level} = \underline{\hspace{2cm}} \text{ ft.}$$

$$\text{Assumed Draw down} = + \underline{\hspace{2cm}} \text{ ft.}$$

$$\text{Lift} = \underline{\approx 140} \text{ according to owner}$$

OR

$$\text{Measured Dynamic Water Level} = \underline{\hspace{2cm}} \text{ ft.}$$

$$psi = \text{Operating Pressure} = \underline{35} \text{ psi}$$

$$Q_{cfs} = \left[\frac{3}{Hp} \times 8.814 \times \frac{0.70}{Eff} \right] + \left[\frac{140}{Lift} + \left(\frac{35}{psi} \times 2.308 \right) \right]$$

$$Q_{cfs} = [\underline{18.5}] + [\underline{220.78}]$$

$$Q_{cfs} = \underline{0.08} \text{ cfs}$$

PERMIT NO. 29-07846



View showing the North side of the place at ase

Photo page 1 of 3

Permit # 29-7846



Pressure tanks, Pressure Switch are located in the Basement at the home on the West side

Permit # 29-1896

Photo Page 2 of 3



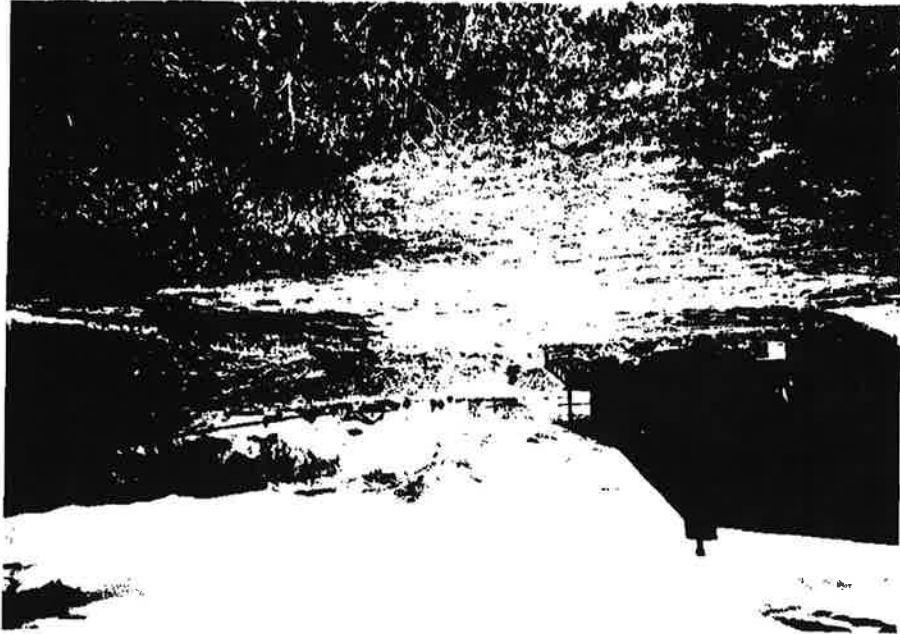
Looking North at the well site and home

well

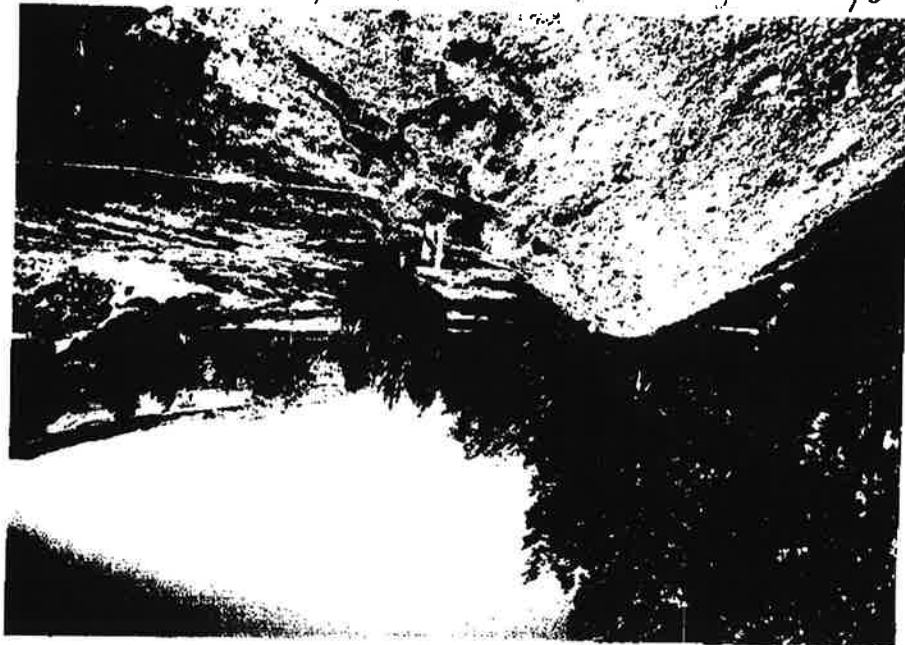
Permit # 29-7846

Place of use looking East from the
South West corner of property

Photo 3 of 3



Place of use looking North from South
West corner of property



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 29-7846
Date Received: 5/17/1990
Receipt No: E014592
Received By:

AMENDED

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

CLARK KELLY Phone: (208)233-7288

9685 W HEATHER RD
POCATELLO ID USA 83204

TAMARA L KELLY Phone: (208)233-7288

9685 W HEATHER RD
POCATELLO ID USA 83204

2. Date of Priority: 04/01/1988

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
07S	35E	18	SW SE SW	BANNOCK	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	10/31	0.06	8
DOMESTIC	01/01	12/31	0.04	0.6

7. Total Quantity Appropriated is:
0.08 C.F.S. and/or 8.6 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
07S	35E	18	SE	SW	IRRIGATION	2
					Section Acres	2
					Total Acres	2

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:

14. Remarks:

Claim amended per approval of amended license on 8/8/02 (csaxton 12/2/02)

P/U ALSO KNOWN AS LOT 8, BLK. 2, GIBSON JACK ACRES SUBDIVISION. DOMESTIC WATER ESTAB. 9-2-85. SEE PERMIT #29-7846. 7-1-89 PROOF FEE \$50. PD. BUT NOT YET INSPECTED.

Irrigation use under this right is authorized only in connection with a domestic use.

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.

12/10/2002

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

RIGHT NUMBER: 29-7846
NAME AND ADDRESS: CLARK KELLY
9685 W HEATHER RD
POCATELLO ID 83204

TAMARA L KELLY
9685 W HEATHER RD
POCATELLO ID 83204

SOURCE: GROUND WATER TRIBUTARY:
QUANTITY: 0.080 CFS
8.600 AFY
PRIORITY DATE: 04/01/1988
POINT OF DIVERSION:

T07S R35E S18 SWSESW Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.060 CFS 8.00 AFY
DOMESTIC	01/01 12/31	0.040 CFS 0.60 AFY

PLACE OF USE: IRRIGATION Within BANNOCK County
T07S R35E S18 SESW 2.0
DOMESTIC same as IRRIGATION

2 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

JUN 13 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: A29-07846
Date Received: 4/20/1990 J.M.
Receipt No: EO 14592/90
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CLARK KELLY 208-233-7288
Address: 9685 W. HEATHER RD.
POCATELLO, ID 83204-0000

Name: TAMARA L. KELLY 208-233-7288
Address: 9685 W. HEATHER RD.
POCATELLO, ID 83204-0000

2. Date of Priority: APR 01, 1988

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07S	35E	18	SW	SW		4	BANNOCK

5. Description of diverting works:
WELL WITH PUMP TO PIPELINE. 1 1/4" LINE, 300' ACROSS PROPERTY.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.090		
DOMESTIC	01/01	12/31	0.040		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC (4 PEOPLE); LIVESTOCK (2 HORSES)

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	35E	18	SW	SW	4	IRR	3.0
Section Acres							3.0
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:
NONE

14. Remarks:

P/U ALSO KNOWN AS LOT 8, BLK. 2, GIBSON JACK ACRES SUBDIVISION.
DOMESTIC WATER ESTAB. 9-2-85. SEE PERMIT #29-7846. 7-1-89
PROOF FEE \$50. PD. BUT NOT YET INSPECTED.

15. Basis of Claim: PERMIT

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): Damara L Kelly Date: 5-15-90
Clark Kelly J Date: 5-15-90

State of Idaho)
County of Blaine) SS.

Subscribed and sworn (or affirmed) before me this 15th day

of May 19 90

Seal

Ronald West
Notary Public

Residing at Prattville

My Commission Expires 10-17-94

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEMCIVIL CASE NUMBER: 39576
Ident. Number A29-07846
Date Received P.M. 4-19-90
Receipt Number _____

RECEIVED

MAY 17 1990

Department of Water Resources
Eastern District OfficeNOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Sec

Permit # 29-7846

RECEIVED

APR 20 1990

Department of Water Resources
Eastern District Office

Please type or print clearly

1. Name of Claimant (s) CLARK AND/OR TAMARA L. KELLY Phone (208) 233-7288
Mailing Address 9685 W. Heather Rd. Pocatello, ID Zip 83204
2. Date of Priority (Only one (1) per claim) Domestic Water ESTABLISHED 9-2-85 & wish to irrigate nursery trees & flowers by sprinkler & drip irrigation
3. Source of water supply (a) GROUNDWATER
which is tributary to (b) _____
4. a. Location of existing point of diversion is: Township 7S Range 3SE Section 18,
_____ 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot, #4 B.M., County of Bannock
Additional points of diversion if any: This is subdivision lot 8 of Gibson Jack Acres
- b. If instream flow, beginning point of claimed instream flow is:
Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____
Govt. Lot _____ B.M., County of _____
ending point is: Township _____ Range _____ Section _____, _____ 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/pump with 1 1/4' line 300' across property

A2907846



MICROFILMED

NOV 19 1992

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For IRRIGATION purposes from 3-15 to 11-15 amount 0.09 or _____

For Domestic purposes from 1-1 to 12-31 amount 0.04 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.13 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 3.618 = 9 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Domestic (4 people) livestock (2 horse; 2 horses)

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	
<u>75</u>	<u>35E</u>	<u>18</u>											<u>3</u>						<u>3</u>
													<u>2.4</u>						

Total number of acres irrigated 3 (of 5)

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

12. Do you own the property listed above as place of use? Yes X 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. _____ or None (X)

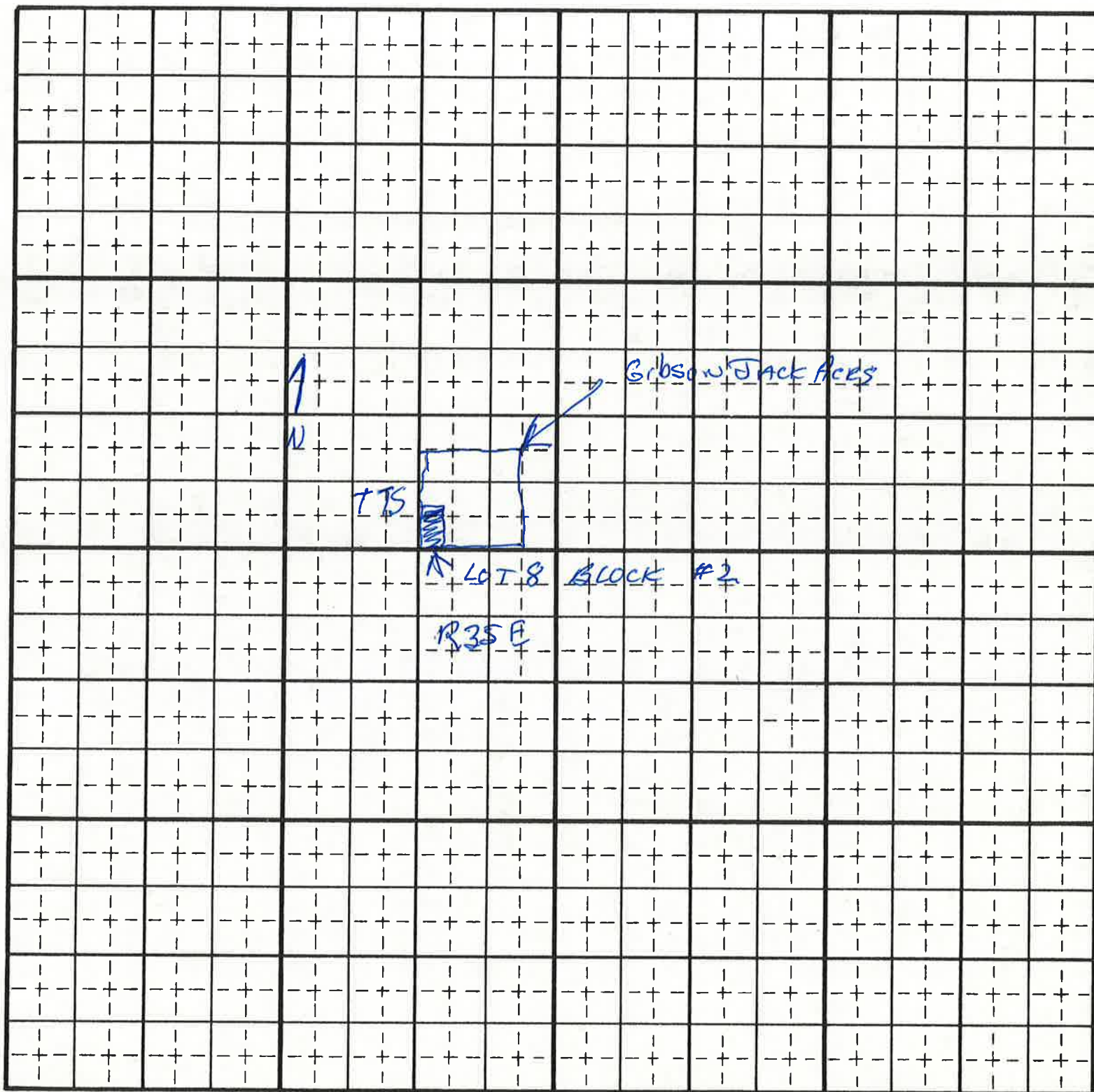
14. Remarks: Domestic Water established 9-2-85 &
wish to irrigate nursery trees & flower
by sprinkler and drip irrigation.
Also wish to water 4-livestock
See permit # 29-7846 7-1-89 - proof fee
\$500 paid but not yet inspected

Last Name Kelly Ident No. 29-7846

Copies: White -State, Yellow-Claimant

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

Scale: 2 inches equals 1 mile



MICROFILMED

NOV 13 1992

Last Name

Kelly

Ident No.

29-7846

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License X Permit 29-07846
Decree _____
If applicable provide IDWR Water Right Number _____
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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments _____

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

Signature of Claimant (s) Clark R Kelly Date 4-19-90

x Tamara L Kelly Date 4-19-90

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 _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day of _____ 19 _____

SEAL

Notary Public _____

Residing at _____

My Commission Expires _____

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 Clark R Kelly

Address 9685 Heather Rd. Pocatello, ID Enc. \$25.00

Date 4-19-90

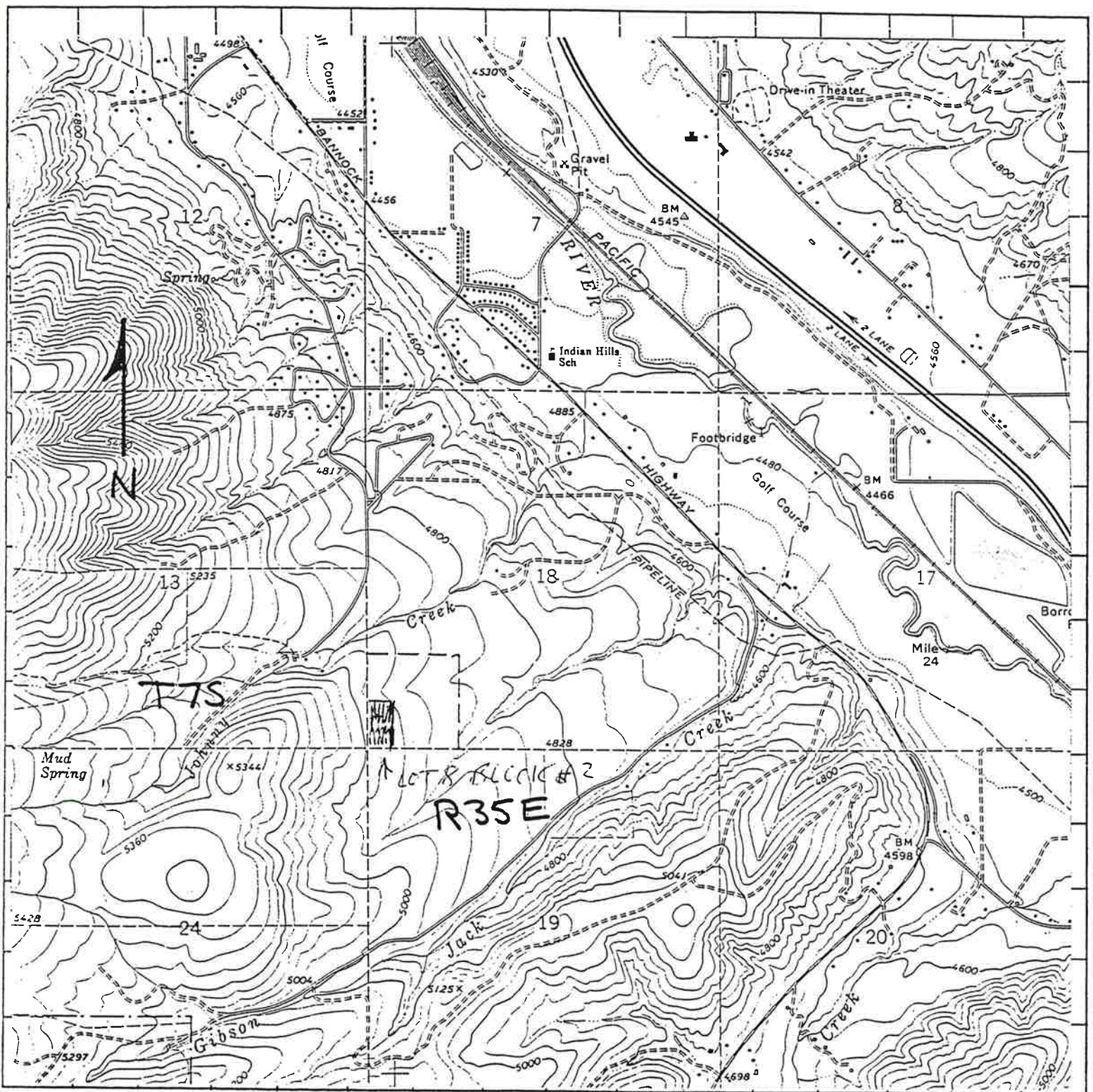
MICROFILMED

NOV 13 1992

Last Name Kelly Ident. Number 29-07846

Copies White-State, Yellow-Claimant

13. 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.

Wm R. Kelly
(Applicant)

MICROFILMED

NOV 13 1992