

02/08/2002

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

RIGHT NUMBER: 29-10261
NAME AND ADDRESS: JOHN H DAHLKE
PO BOX 66
INKOM ID 83245
KATHY A DAHLKE
PO BOX 66
INKOM ID 83245

SOURCE: UNNAMED STREAM TRIBUTARY: PORTNEUF RIVER
QUANTITY: 0.12 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 06/18/1902

POINT OF DIVERSION:

T08S R36E S2 NENWE 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	0.120 CFS
STOCKWATER	01/01 12/31	0.020 CFS

PLACE OF USE: IRRIGATION Within BANNOCK County
T08S R36E S02 NWSE 6.0
STOCKWATER Within BANNOCK County
T08S R36E S02 NWSE

6 ACRES TOTAL

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

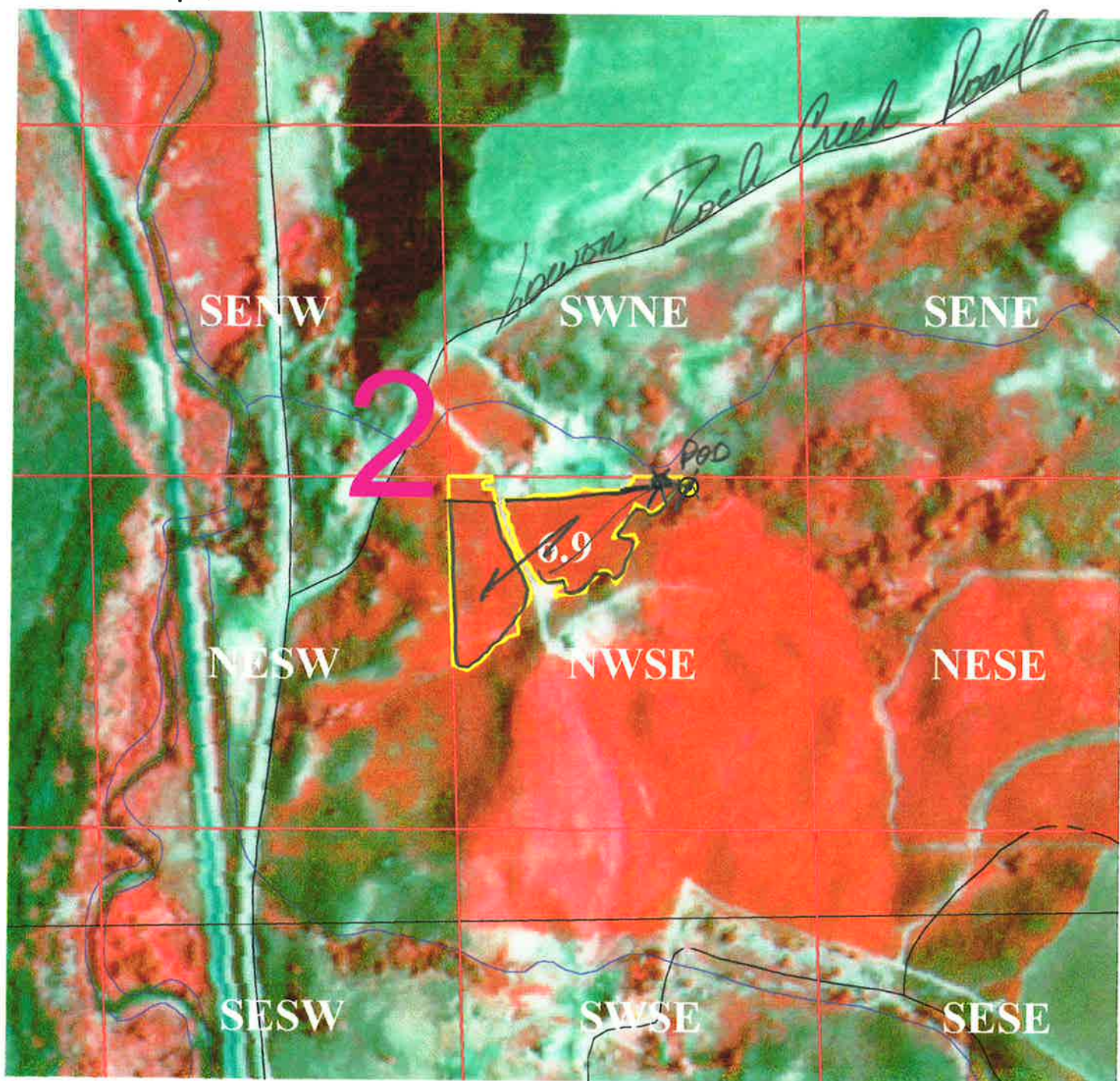
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE. THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: Beneficial Use

Water Right Claim Number A29-10261

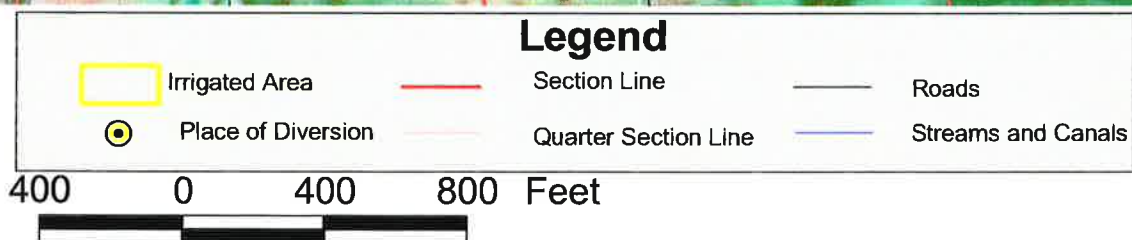
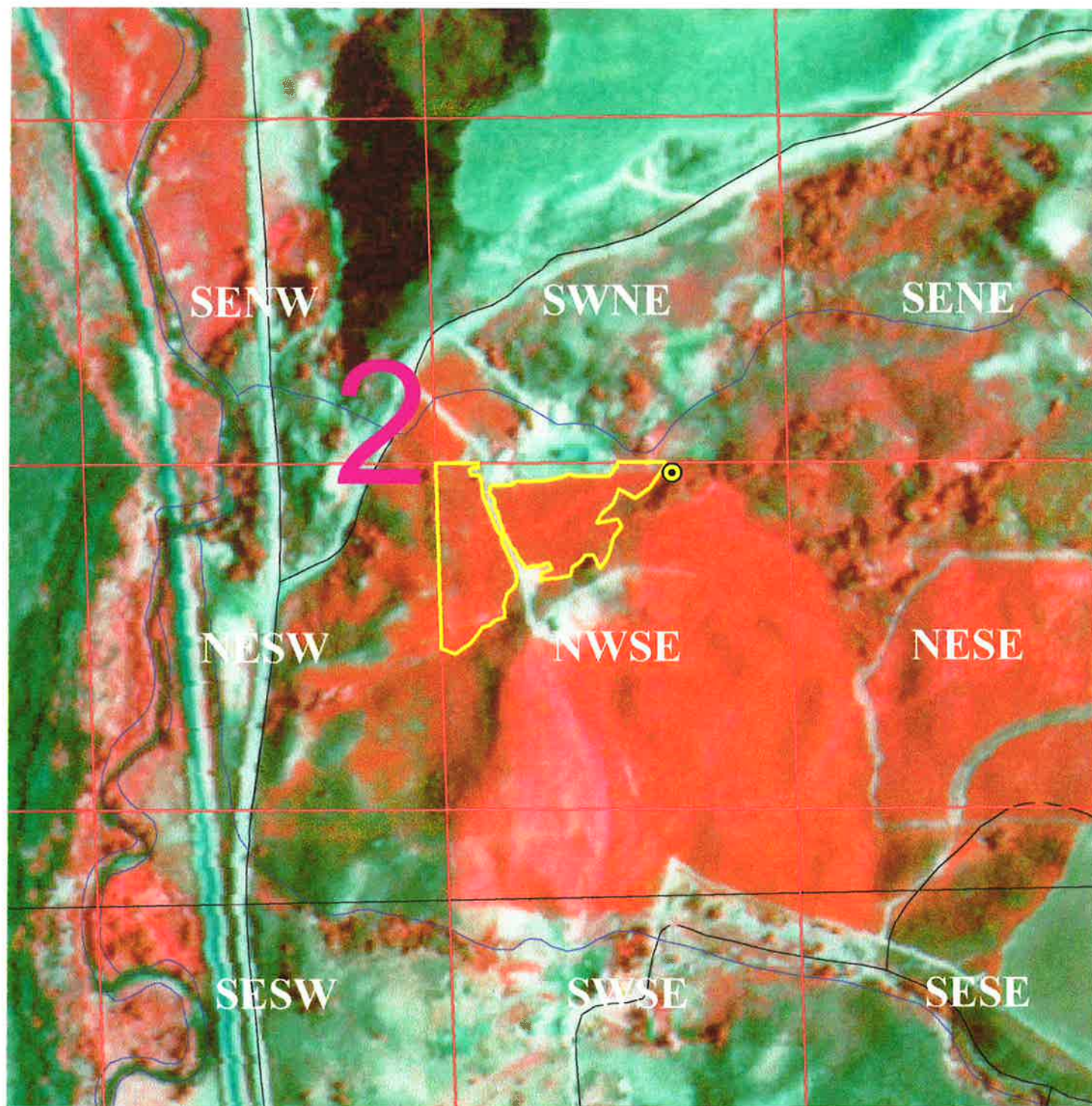
08/23/2000

Township , 8S36E



Water Right Claim Number A29-10261
Township , 8S36E

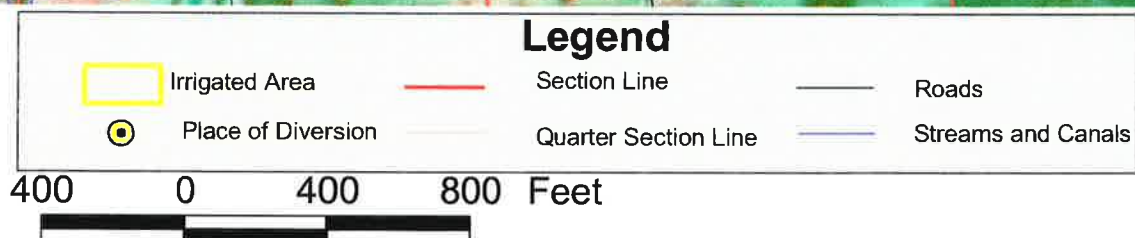
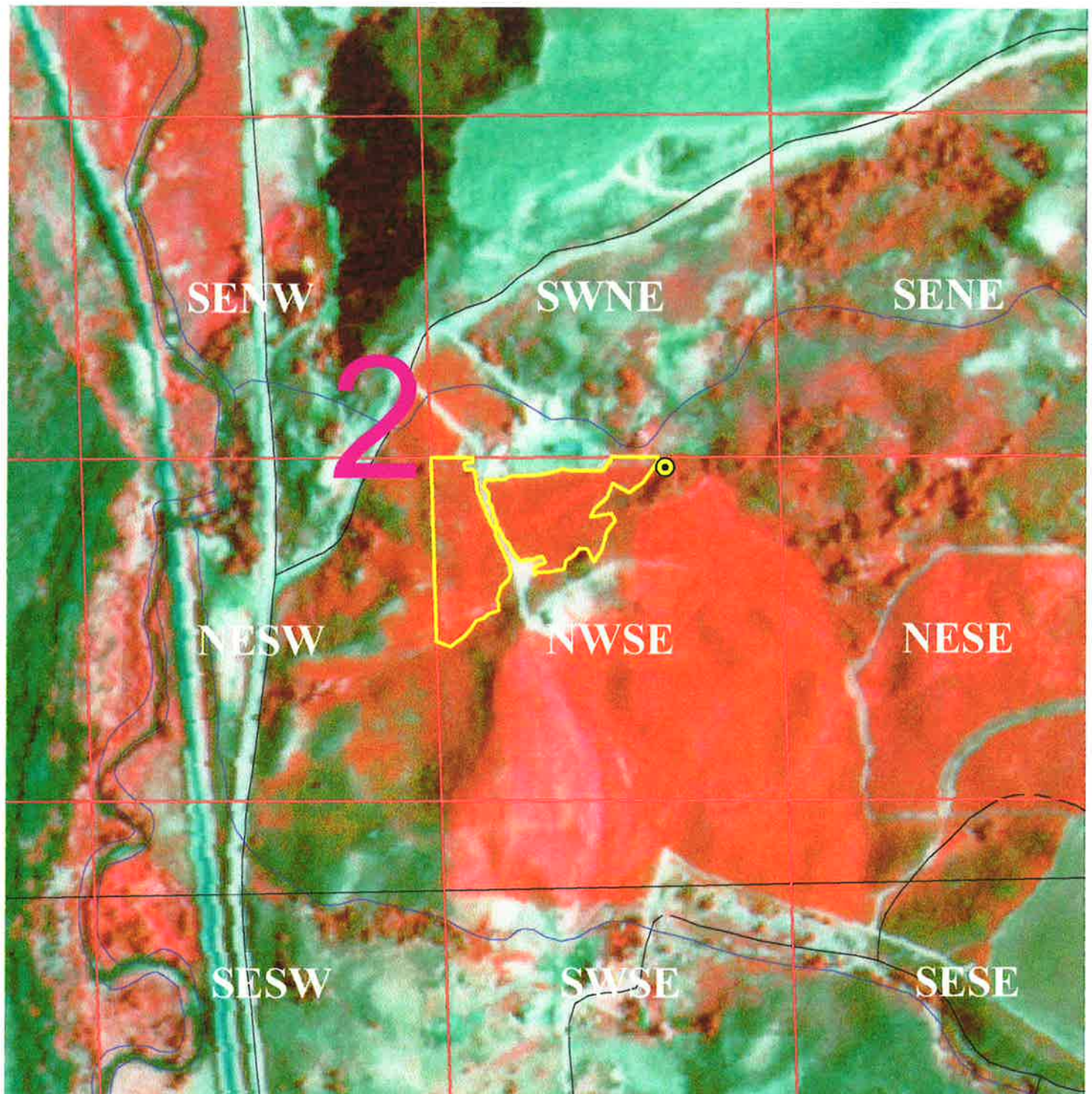
08/23/2000



Water Right Claim Number A29-10261

08/23/2000

Township , 8S36E





NWSE

T8S, R36E



2 1

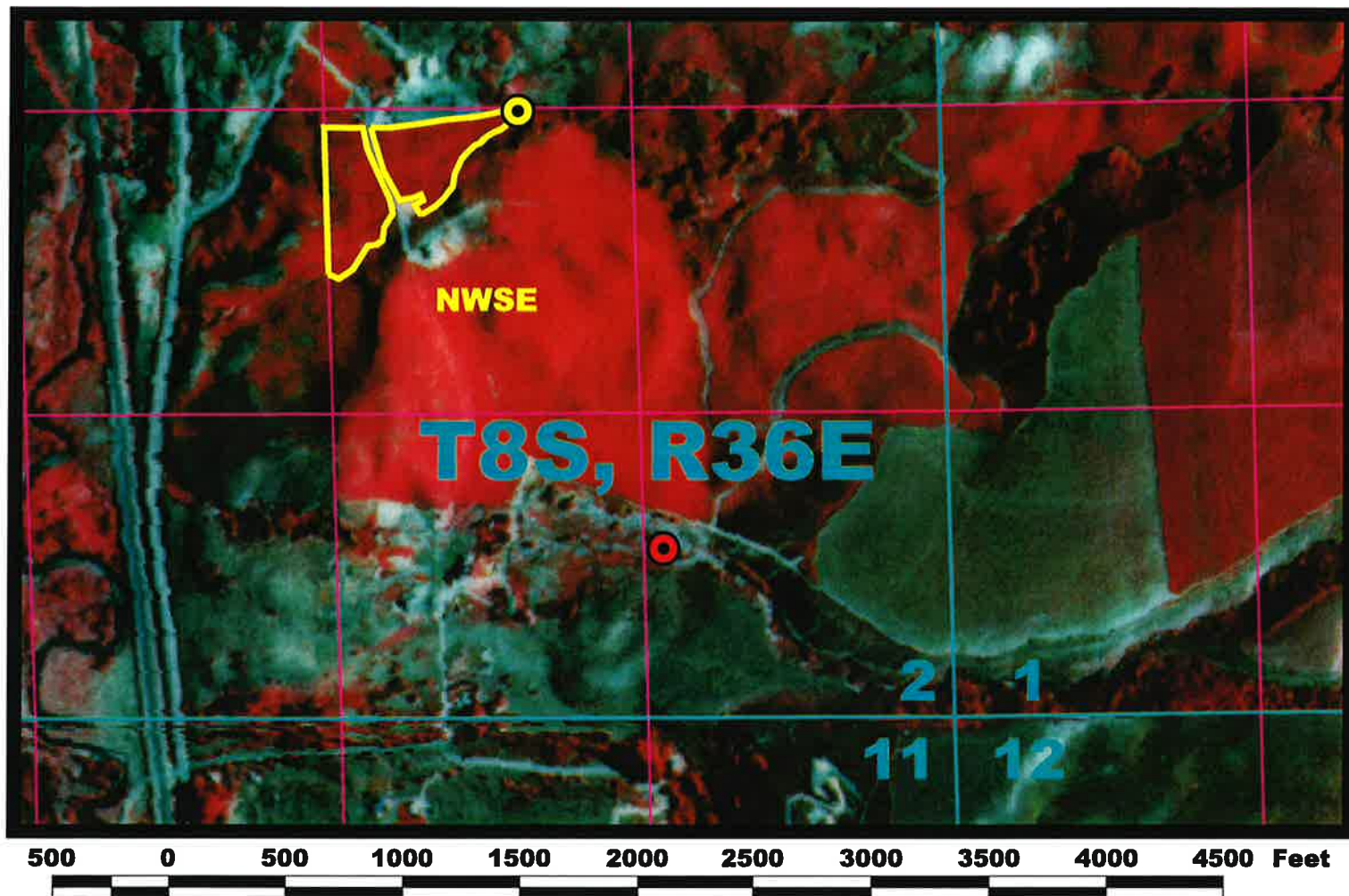
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STATE OF IDAHO

Department of Water Resources
Eastern Region

Water Right(s): 29-10261

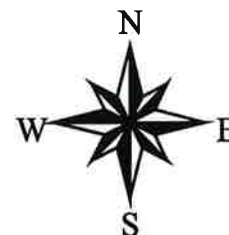


LEGEND

-  Place of Use
-  Section
-  Quarter-Quarter
-  Point of Diversion

Place of Use: T8S, R36E
(parts of) Sec. 2 NWSE

Point(s) of Diversion: T8S, R36E
Sec. 2 NENWSE



GIS Place of Use Illustration
1987/1988 NAPP photography
Prepared by: A. Ruberry
Date: February 2002

Claim #

A29-10261

John H. Dahlke

Kathy A. Dahlke

RECEIVED

DEC 05 2001

Department of Water Resources
Eastern Region

WARRANTY DEED

THIS INDENTURE, made this 28th day of February, in the year of our Lord Our Thousand Nine Hundred and Sixty Two, between AMOS B. CHASE and CAROL D. CHASE, husband and wife, of Pocatello, Bannock County, Idaho, parties of the first part, and WILMER L. DAHLKE and BONNIE JEAN DAHLKE, husband and wife of Pocatello, Bannock County, Idaho, parties of the second part:

WITNESSETH:

That the said parties of the first part, for and in consideration of TEN DOLLARS (\$10.00) and other valuable consideration, lawful money of the United States of America, to them in hand paid by the said parties of the second part, the receipt whereof is hereby acknowledged, do by these presents, Grant, Bargain, Sell and Convey and Confirm unto said parties of the second part, and to their heirs and assigns forever; All that certain lot, piece or parcel of land situate, lying and being in the County of Bannock, State of Idaho, bounded and more particularly described as follows, to-wit:

Township 8 South, Range 36 East, Boise Meridian, Bannock County, Idaho.

Section 1: Lots 1 and 2, SW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$

Section 2: N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$

Also, Beginning at the Northeast corner of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 2, and running thence South 52 rods; thence West 80 rods; thence North 52 rods; thence East 80 rods to the place of beginning. . .

TOGETHER with any and all water, water rights, irrigation ditches belonging or in anywise appertaining thereto, and especially including an undivided one-half interest in and to a right to use the water of Rock Creek in said Bannock County, to the extent or amount of 10 cubic feet per second acquired under and by virtue of that certain Water Application dated June 18, 1902 which is found of record in Book 2 of Water Locations at Page 137 of the Records of Bannock County, Idaho; also, the right to use of the water of that certain unnamed stream in Bannock County, to the extent or amount of 3 cubic feet per second of time acquired by the predecessors of the grantors, under and by virtue of that certain notice of Water Application dated June 27, 1902 and which is found of record in Book 2 of Water Locations at Page 183 of the Records of Bannock County, Idaho

RESERVING, HOWEVER, to the said grantors, their heirs and assigns, an undivided one-half interest in and to that certain spring located near the easterly boundary line of the SE $\frac{1}{4}$ of Section 2, Township 8 South, Range 36 East, Boise Meridian, together with the water system, includ-

378757

ing water line and storage tank which was originally installed for the Onyx School, it being understood that both the grantors and the grantees are to maintain the said spring and water system, each paying one-half of the cost of said maintenance, together with the right of ingress and egress on the part of the said grantors for the purpose of repairing, maintaining and cleaning the said spring, storage tank and water line.

SUBJECT to that certain mortgage executed by Amos B. Chase and Carol D. Chase, husband and wife, and Wilmer L. Dahlke and Bonnie Jean Dahlke, husband and wife, to the Equitable Life Assurance Society of the United States dated April 7, 1961, recorded April 13, 1961 in Book 159 as Filing No. 367462, Records of Bannock County, Idaho, and given to secure the original sum of \$20,000.00 and interest, which said mortgage the said grantees assume and agree to pay.

SUBJECT, also, to all taxes due or to become due, or assessed against said premises.

TOGETHER with all and singular, the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the rents, issues and profits thereof.

TO HAVE AND TO HOLD, all and singular, the said premises, together with the appurtenances and privileges thereunto incident unto the said parties of the second part, their heirs and assigns forever, and the said parties of the first part and their heirs warrant the said premises in the quiet and peaceable possession of the said parties of the second part, their heirs and assigns against the said parties of the first part and their heirs, and against all and every person or persons whomsoever, lawfully claiming or to claim the same, and shall and will warrant and by these presents forever defend.

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hands and seals the day and year first above written.

Amos B. Chase

Carol D. Chase

2 - 3

378757

STATE OF IDAHO)
 : ss.
County of Bannock)

On this 28th day of February, 1962, before me, the undersigned, a Notary Public in and for said County and State, personally appeared AMOS B. CHASE and CAROL D. CHASE, husband and wife, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.



Doris Bayley

NOTARY PUBLIC for Idaho
Residing at Pocatello, Idaho

378757
NO
RECORDED AT REQUEST OF
B.T.Co.
APR 6 3 30 PM '62
OFFICIAL RECORD BK. NO. 167
BANNOCK COUNTY, IDAHO
SARAH DEWANEY, RECORDER
FEE \$2.80 DEED -fc-

W. L. Dahlke and Bonnie Jean Dahlke, husband and wife.

do hereby convey, release, remise and forever quit claim unto John H. Dahlke and Kathy Dahlke, husband and wife,

whose current address is 574 E. Upper Rock Creek Rd, Inkom, Idaho

the following described premises, to-wit:

A parcel of land located in the SE $\frac{1}{4}$ of Section 2, Township 8 South, Range 36 East, Boise Meridian, and more particularly described as follows:

Commencing at the center quarter corner of said Section 2; thence South 0°08'56" West along the Meridianal centerline of said section 61.75 feet; thence North 89°43'38" East 16.22 feet to the Point of Beginning; thence South 0°08'56" West 776.65 feet; thence North 72°45'57" East 417.37 feet; thence North 72°48'57" East 333.61 feet; thence North 6°28'35" East 301.51 feet; thence North 25°11'54" East 286.23 feet; thence South 89°43'48" West 871.21 feet to the point of Beginning. Bannock County, Idaho

together with their appurtenances.

Dated,

W. L. Dahlke

Bonnie Jean Dahlke

STATE OF IDAHO, COUNTY OF *Bannock*
On this *29* day of *May*, 1986,
before me, a notary public in and for said State, personally
appeared *W. L. Dahlke*

and
Bonnie Jean Dahlke

known to me to be the persons whose names
subscribed to the within instrument, and acknowledged to
me that *They* executed the same.

NO. **772711**
RECORDER AT REQUEST OF
Bonnie Dahlke
'86 MAY 30 A9:46
OFFICIAL RECORDING NO. *444*
BANNOCK COUNTY, IDAHO
LARRY W. GRIFFIN, RECORDER
FEE *2.00* DEPUTY *jc*



IDAHO DEPARTMENT OF WATER RESOURCES

SNAKE RIVER BASIN ADJUDICATION - BASIN 29



RIGHT ID
POD ID
Quad
Claim Type
Easting
Northing
GPSID

Diversion Description

Assumptions

Invoice #

Phase-0 (No Attention)
Phase-I (Ready to Go to Field)
Phase-II (Site Visit - Data Missin
Phase-III (Complete w/issues)
Phase-IV (Total Complete)

Linked
Photos

EPE (ft)

Date (M/D/Y)

Time

Flow Rate (CFS)

0

Open Channel Flow

☐ Complete one box from both Area and Calculation sections

Cross Sectional Area

☐ Circular Channel

- ☐ Less than half full
☐ Half full
☐ More than half full
☐ Full

Diameter

Depth

☐ Rectangular Channel

Width

Depth

Flow Calculation

☐ Continuity

Velocity

☐ Orifice

(Use only for head over a pipe flowing full with free discharge)

Depth of Water
above orifice
centerline

☐ Weir

(Use only for water flowing freely over weir)

Height of water
above nappe

Width of weir

☐ Manning (If used, include photo of representative channel section)

Channel Slope

Channel
Description

Concrete lined	.016
Smooth earth	.025
Earth	.033
Rough bed, weeds on sides	.04
Smooth natural stream	.033
Rough natural stream	.1

Pumped System

☐

HP

Pressure Head (psi)

Elevation Head (ft)

Motor Mfg

Motor Serial #

Pump Type

Pump Mfg

Pump Serial#

New Contact Information

☐

New Contact Comments

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State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

November 19, 2001

John H Dahlke
P.O. Box 66
Inkom ID 83245

RE: EVIDENCE OF PRIORITY FOR A29-10261

Dear Claimant (s):

The Idaho Department of Water Resources is nearing the end of water rights review in Basin 29. The Notice(s) of Claim identified with the number shown above has been filed in the Snake River Basin Adjudication (SRBA). The Notice of Claim indicates water usage is based on "Beneficial Use". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed, at or on the place of use identified on the Claim. The date the water was first put to beneficial use, known as the priority date, has not been confirmed by License, Decree, or Permit. For this reason, proof must be provided supporting the priority date. **As the claimant, you are responsible for submitting the necessary proof to support the priority date.**

Evidence of priority has been submitted by Mr. Bill Dahlke that supports a 1986 date. However, your claimed priority date is June 18, 1902. If you intend to pursue the 1902 date supporting evidence is required.

It is important that each element of the Notice of Claim be verified. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

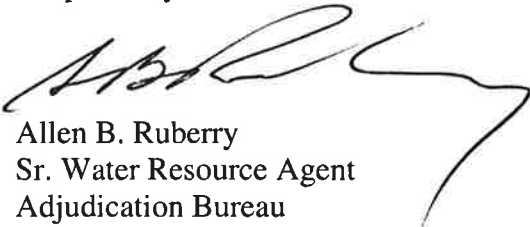
For your reference, I have provided a printout of your Notice of Claim and the pamphlet entitled "**Evidence of Priority**". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. While I encourage you to read the entire pamphlet, I direct your attention to the two sections entitled "**What Kind of Evidence is Required**" and "**Some Examples of Documents Which May Be Evidence of the Priority Date**".

It is our goal to recommend historical water rights within the Snake River Basin as accurately as possible. Field exams to verify other elements of the Notice of Claim have been or soon will be conducted by Department personnel.

.....
The Department will not recommend the Notice of Claim be decreed by the court if evidence of a priority date is not submitted. The Notice of Claim will be disallowed.
.....

Please submit the documentation supporting the priority date within 30 days of the date of this letter, referencing all documents with the corresponding Claim number. If you have any questions not covered by this letter or the enclosed pamphlet, please feel free to contact this office.

Respectfully submitted,



Allen B. Ruberry
Sr. Water Resource Agent
Adjudication Bureau

cc: File

Enclosure: Brochure on "Evidence of Priority"
Notice(s) of Claim A29-10261

SCANNED

MAY 18 2001

Log for claim A29-10261

Spatial Dynamics PJM

8/23/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
08s36e	2	NWSE	6	6.9	
Totals:			6	6.9	

1. Priority BASED ON WARRANTY DOOD LANGUAGE
CLAIMED AS RECOMMENDED —



OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	KATHY A DAHLKE	06/18/1902	IRRIGATION	03-15 11-15	0.120 CFS	
C	JOHN H DAHLKE PO BOX 66 INKOM ID 83245 (208) 775-3463		STOCKWATER	01-01 12-31	0.020 CFS	
				TOTAL DIVERSION:	0.140 CFS	
				CONSUMPTIVE USE:		15.00 AFA

Water Source: UNNAMED STREAM

Tributary to: PORTNEUF RIVER

Stage: BENEFICIAL USE

Point(s) of Diversion:

T08S R36E S02

NWSE

BANNOCK County

Place of use Legal Description for: IRRIGATION

[illegible]

Place of use Legal Description for: STOCKWATER

								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
08S	36E	2	:									:									:									:								
			:									:									:																	
			:									:									:	S																

POU County: BANNOCK

Non-Irrigation Uses: S/10 HORSES

Other Rights: NONE

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

A29-04106 A29-04107 A29-04140 A29-04141

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:

Presumption Flag:

Audit: 01/29/90 WILSON 08/01/94 THOMPSON 03/29/95 POST-STD

SCANNED

MAY 18 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: A29-10261
Date Received: 1/29/1990
Receipt No: E011869
Received By: Kaw

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JOHN H. DAHLKE 208-775-3463
Address: P.O. BOX 66
INKOM, ID 83245
OR
Name: KATHY A. DAHLKE 208-775-3463
Address: P.O. BOX 66
INKOM, ID 83245

A2910261



2. Date of Priority: JUN 18, 1902

3. Source: UNNAMED STREAM Trib. to: PORTNEUF RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
08S	36E	2	NW	SE			BANNOCK

5. Description of diverting works:
HEADGATE TO DITCH FOR FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.120		
STOCKWATER	01/01	12/31	0.020		

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

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

9. Non-irrigation uses:
S/10 HORSES

A29-10261

Page 1

Date: 01/29/90

MICROFILMED
NOV 16 1992

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
08S	36E	2	NW	SE	STOCK	
			NW	SE	IRR	6.0
					Section Acres	6.0
					Total Acres	6.0

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:

15. Basis of Claim: BENEFICIAL USE

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): John H. Dahlke Date: Jan 29, 1990

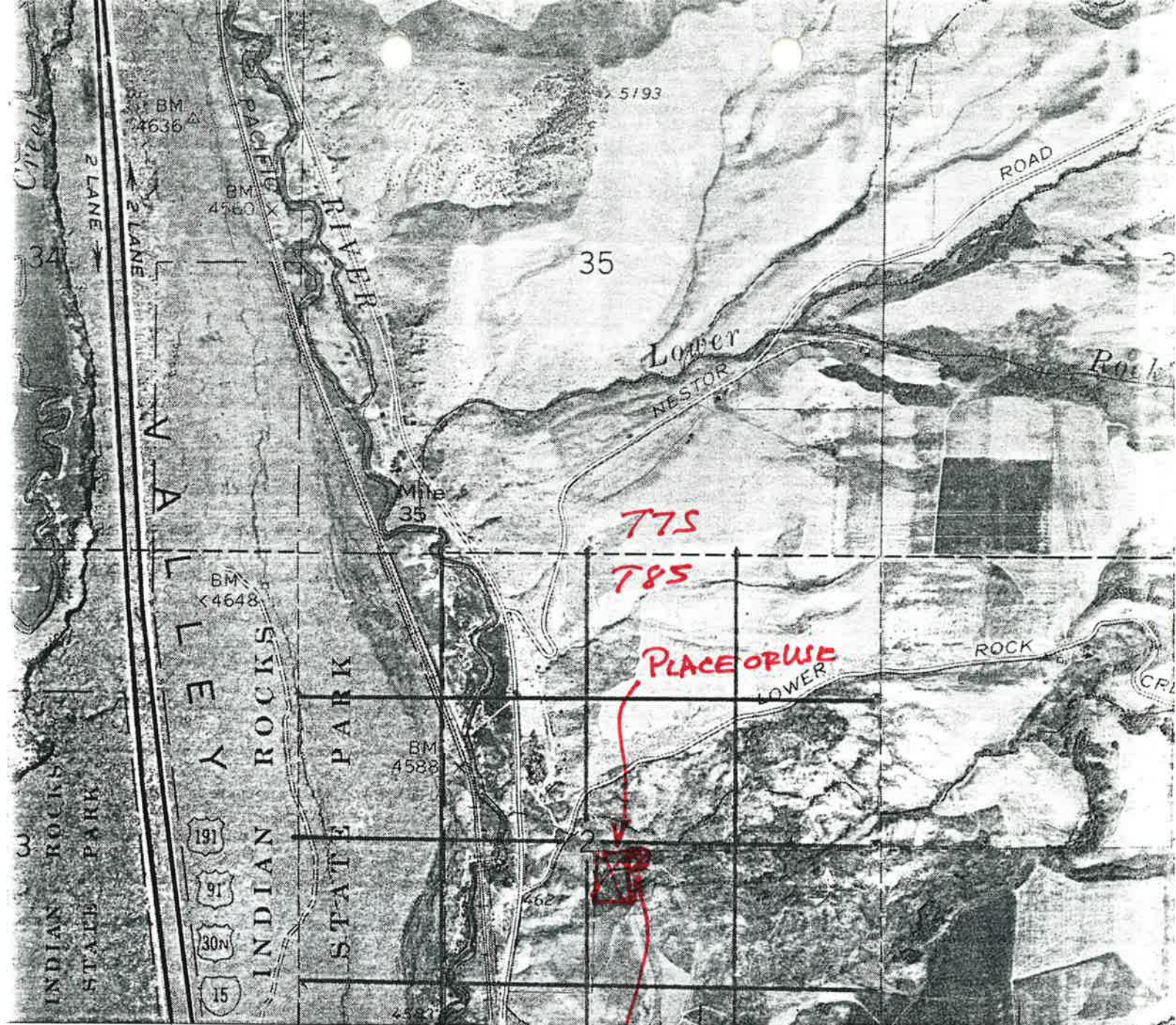
Date: _____

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 29th day
of January 19 90
Cecelia Wray
Notary Public

Seal

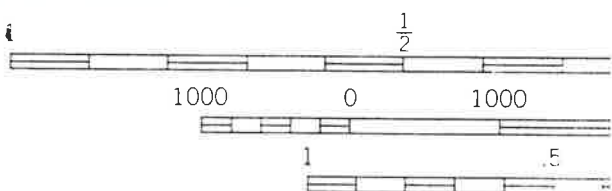
Residing at Idaho Falls
My Commission Expires 5/29/1991



U.S. 30N INTERCHANGE 6 MI.
PRESTON 48 MI.

12' 30" 402

POINT OF DIVERSION



NORTH

A29-102 MICROFILMED

NOV 16 1992

THIS MAP COMPLIES
FOR SALE BY U. S. GEO

Department of Water Resources pursuant to
of claims and objections in the Snake

Dear Department of Water Resources.

This is in regard to the priority date for John H. Dahlke, claim number A29-10261. I

Bill Dahlke neighbor and previous owner testify that John H. Dahlke has used the water from T8S R36E S02 water source unnamed stream for irrigation from and stock use from the time of his ownership May 30, 1986. The original Grandfather date was 1902, and I used the water from the time of my ownership until the time of selling.

I testify to this being the truth on this day March 16, 1986;

x Bill Dahlke

x John Dahlke

Barbara S Smith

MICROFILMED

NOV 13 1986