

10/30/2002

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

RIGHT NUMBER: 29-10805

NAME AND ADDRESS: TYHEE S&N WATER ASSN
13181 N BILLY LN
POCATELLO ID 83202

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.200 CFS
2.800 AFY

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 2,500
GALLONS PER DAY.

PRIORITY DATE: 08/09/1974

POINT OF DIVERSION:

T05S R34E S34 NENENW Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

COMMERCIAL

01/01 12/31

0.040 CFS

2.80 AFY

PLACE OF USE: COMMERCIAL Within BANNOCK County

T05S R34E S34 NENW

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.

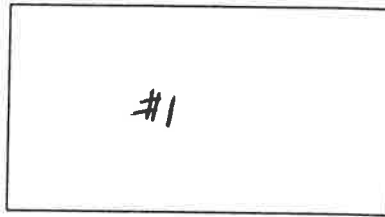
EXPLANATORY MATERIAL: Beneficial Use

WR #: 29-10805

DATE: Arund 7/20/01 7/19/01

GPS File: _____ OR

Northing: _____
Easting: _____



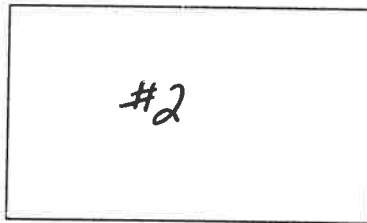
Notes: Pump in Pump house, Located just behind store.

WR #: 29-10805

DATE: _____

GPS File: _____ Or

Northing: _____
Easting: _____



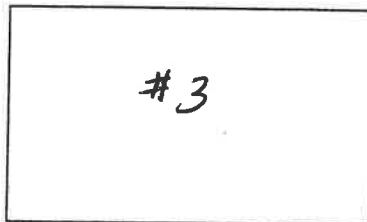
Notes: Lawn on side of store being irrigated. ~~E 300 ft~~

WR #: 29-10805

DATE: _____

GPS File: _____ Or

Northing: _____
Easting: _____



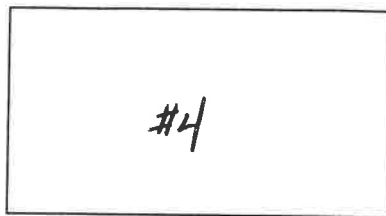
Notes: Facing North, Church that is using well to irrigate.

WR #: _____

DATE: 7/29/01

GPS File: _____ OR

Northing: _____
Easting: _____



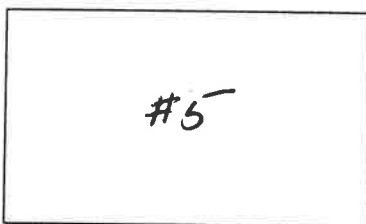
Notes: Facing North South end of Property. store on Left and church
across the street.

WR #: _____

DATE: _____

GPS File: _____ Or

Northing: _____
Easting: _____



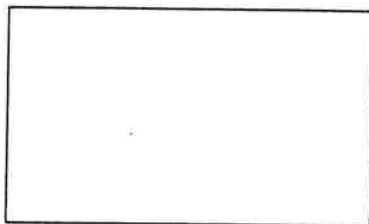
Notes: Facing South, house using well west of PPOD.
(2 houses down)

WR #: _____

DATE: _____

GPS File: _____ Or

Northing: _____
Easting: _____



Notes: _____

COMMUNICATION DOCUMENTATION

Claim No. 29-10805

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent Dean ByingtonDate 7/19/01Contact Person(s) VirginiaNature of Contact Called, set up Appointment with Virginia.

Substance of Communication

* Said that 1 store, 1 church, and 1 house using ~~Pump~~
Well to irrigated

* PoD Located at store. (Behind)

* Don't know the details but, said Health Dept. claims
that well was drilled Aug 9, 1974. Deed states
something else?

CLAIM NO. 29 - 10805

IDWR SUPPLEMENTAL CLAIM VERIFICATION REPORT
FOR DOCUMENTING CHANGES TO CVR

1. ☒ NAME - No change

☐ NEW OWNER: _____

(SUPPORTING DOCUMENTATION REQUIRED - ATTACH COPY)

☒ ADDRESS - No change

☐ NEW ADDRESS: _____

2. ☒ SOURCE - No change

☐ CHANGE - New source and/or tributary is: _____

3. ☐ QUANTITY - No change

☐ CHANGE - New amounts: _____ CFS and/or _____ AFY

4. ☐ PRIORITY DATE - No change

☐ CHANGE - Priority date to: _____

(EVIDENCE OF PRIORITY REQUIRED - ATTACH COPY)

5. ☒ POINT OF DIVERSION - No Change

☐ CHANGE - New point of diversion is: T _____, R _____, S _____, _____ 1/4, _____ 1/4, _____ 1/4

When *del* = _____

T _____, R _____, S _____, _____ 1/4, _____ 1/4, _____ 1/4

(LOCATION OF POD(S) SHOULD BE SHOWN ON MAP)

6. ☐ PURPOSE AND PERIOD OF USE - No change

☐ CHANGE New purpose of use

New period of use

New amount(s)

_____ from _____ to _____ cfs _____ af

_____ from _____ to _____ cfs _____ af

_____ from _____ to _____ cfs _____ af

7. ☒ PLACE OF USE - No change

☐ CHANGE New place(s) of use: (LOCATION(S) AND ACRES SHOULD ALSO BE SHOWN ON MAP)

T	R	S	N E				N W				S W				S E				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

REMARKS _____

CONDITIONS _____

Reviewer _____

Date

7/19/01

MEMORANDUM

To: 29-10805
Fr: Bryce Contor
Date: 9/20/2001

Re: Evidence of Priority

Bob Meline is a new officer of the newly merged Tyhee S & N Water Association. He called with questions regarding the September 13 letter.

I sent him a copy of the "evidence of priority" pamphlet and discussed the kinds of evidence he might look for. He will contact the developers and find out what he can.

Smart as I am, I didn't get his phone number. But his mailing address is

13371 N Moonglow
Pocatello 83202



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

September 13, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

Tyhee S & N Water Association
13181 N BILLY LN
POCATELLO ID 83202

Re: Claim A29-10805

Dear Water User:

Last spring I wrote you requesting additional information or documentation of the use of this water right. I need this information to make an accurate recommendation to the court in the Snake River Basin Adjudication. Because this right has never been confirmed by a court decree or a department investigation, I need documentation that the water uses were developed prior to March 25, 1963 (ground water source) or May 20, 1971 (surface water source).

Please refer to the letter and pamphlet sent last spring (copies enclosed), and provide documentation. Remember that affidavits must clearly identify "first person" knowledge (I did..., I saw...) and clearly state when the use of water was first seen by the person.

Feel free to contact me or my supervisor Ernest Carlsen if you have questions.

Sincerely,

Bryce A. Contor
Senior Water Resource Agent



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

August 8, 2001

TYHEE S&N WATER ASSN
13181 N BILLY LN
POCATELLO ID 83202

RE: CHANGE IN OWNERSHIP FOR A29-07549 AND A29-10805

Dear Claimant:

The request for Change in Ownership concerning the Notice(s) of Claim in the above reference has been processed and the Notice(s) modified to reflect you as the new owner(s).

Enclosed is a copy of the Notice(s) of Claim, with your name shown as the current owner. Review the forms and if there are other corrections or questions, feel free to contact this office.

If there are no questions or corrections, please keep this Notice for your records.

Respectfully submitted,

Cheri Vandermeulen
Records Clerk

Enclosure: Notice(s) of Claim

DELOG BC 8/6/01
OK BAC 8/8/01
RECEIVED
AUG 06 2001
Department of Water Resources
Eastern Region

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided, if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
San Water	A29-07549				
Tyler Estates Water	A29-10805				

2. The following **REQUIRED** information must be submitted with this form:

A. The appropriate **FILING FEE**. See instructions for fee amounts.

☒ B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.

C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or SURVEY MAP clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) are for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the PLAT OF PROPERTY or SURVEY MAP.

3. Name and Address of Former Owner/Claimant(s)

Tyler Estates Water Assoc.
San Water Assoc.

4. New Owner/Claimant(s)

Tyler San Water Assoc.

Name Connector (Check one): [] and, [] or, [] and/or

New Mailing Address

13181 N. Billy Lane

City, State and ZIP Code

Reynolds Idaho 83202

New Telephone Number

208) 238-1844

5. Date you acquired the property

SCANNED
MAY 16 2001



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

May 2
~~April 4, 2001~~

Tyhee Enterprises Water System
Community Well
12527 W. Tyhee Road
Pocatello, Idaho 83202

Aug. 9 1974

Re: Adjudication Claim 29-10805

Health Dept.

Dear Water User:

Attached is a copy of an Adjudication Claim for a water right near American Falls or Pocatello, Idaho. This claim is based upon "beneficial use." This means that the underlying water right was perfected by the original user simply developing a diversion and using the right. This was completely legal and appropriate up until March 25, 1963, for ground water uses, or up until May 20, 1971 for surface water uses. However, this method of perfecting a water right did not result in a paper record of the water right with the department.

In order to recommend your adjudication claim to the court, I need you to supply "evidence of priority" and "evidence of beneficial use." The enclosed pamphlet describes some typical sources that may be used. If an affidavit is used, it must clearly show that the person making the affidavit personally observed the water use. The more detail the affidavit gives, indicating dates, circumstances, amounts and details of water use, the better. As I review the documentation provided, my standard will be:

The documentation should tend to indicate that diversion works were in place and had adequate capacity for the claimed use. The documentation should also tend to indicate that water was applied to the claimed beneficial use on the claimed place of use.

Please review these documents, and provide documentation of the historical use of this right. Feel free to call me if you have questions. You should be able to reach me Thursday or Friday mornings.

Sincerely,

Bryce A. Contor
Senior Water Resource Agent

From: DWR03::SSHerman 4-OCT-1996 12:49:23.59
To: DWR70::ECARLSEN
CC: SSHerman
Subj: A29-07549 JOINED W/A29-10805

HI ERNIE! IN RESPONSE TO ONE OF MY ADDRESS CHANGE LETTERS, THE PRESIDENT OF THE WATER USERS ASSOCIATION (A29-07549) CALLED ME THIS MORNING. WHILE WE WERE TALKING, HE TOLD ME THEIR ASS'N AND TYHEE'S (A29-10805) HAD MERGED AND THE WATER SYSTEMS WERE PHYSICALLY JOINED. THE PRESIDENT OF THE WATER USERS ASSN IS THAYNE SMEDLEY, AT 208/236-2190. IT SOUNDS AS IF HE'S A PROF AT THE UNIVERSITY, BECAUSE SOMEONE IN THE BACKGROUND CALLED HIM "DR.", WHICH I WAS DOING ALSO, OUT OF RESPECT, WHEN HE ASKED ME TO CALL HIM "THAYNE". I SENT HIM A PROFILE REPORT OF A29-07549, TWO O-CHANGE FORMS (ONE FOR THE OTHER PERSON THEY'RE JOINED WITH) AND INFORMATION SHEET NO. 42-1400A (2/95) (AS USUAL). WE TALKED FOR ABOUT 35 MINUTES, WHILE I ANSWERED AS MANY QUESTIONS AS I COULD.

I TOLD HIM HIS REGION OFFICE WAS YOURS, AND THAT I WOULD LET YOU KNOW ABOUT THE JOINING OF THE TWO WATER SYSTEMS. APPARENTLY, TYHEE IS FOR MANY MORE HOMES THAN THE OTHER HIS IS. ALSO, THE CHURCH IS NOT THERE ANY LONGER, SO SMEDLEY THINKS THEY MUST USE LESS WATER.

HE'S RETURNING MY LETTER, SIGNED, WITH THE ADDRESS CORRECTION, WHICH I WILL 4WARD TO SHARLA FOR THE FILE, AS USUAL. HOPE THIS INFO IS OF USE TO YOU AND YOUR FIELD AGENTS.

HAVE A LOVELY W/E, ERNIE.
...SAL

MICROFILMED
NOV 14 1996

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 29-10805
Date Received: 3/27/1990
Receipt No: M006389
Received By:

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

1. Name of Claimant(s)

TYHEE S&N WATER ASSN Phone: (208) 238-1844

13181 N BILLY LN
POCATELLO ID USA 83202

2. Date of Priority: 03/15/1934

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
05S	34E	34	NE NE NW	BANNOCK	

5. Description of diverting works:

WELL, 185' DEEP, 10" CASING, 3HP PUMP PIPED TO DISTRIBUTION SYSTEM.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
COMMERCIAL	1/01	12/31	0.2	

7. Total Quantity Appropriated is:
0.2 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
05S	34E	34	NE NW	COMMERCIAL	

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:

ASSOCIATION OPERATES SYSTEM

15. Basis of Claim: Beneficial Use

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 29-10805
Date Received: 3/27/1990
Receipt No: M006389
Received By:

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

1. Name of Claimant(s)

TYHEE S&N WATER ASSN Phone: (208) 238-1844

13181 N BILLY LN
POCATELLO ID USA 83202

2. Date of Priority: 03/15/1934

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
05S	34E	34	NE NE NW	BANNOCK	

5. Description of diverting works:

WELL, 185' DEEP, 10" CASING, 3HP PUMP PIPED TO DISTRIBUTION SYSTEM.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
COMMERCIAL	1/01	12/31	0.2	

7. Total Quantity Appropriated is:
0.2 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
05S	34E	34	NE NW	COMMERCIAL	

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:

ASSOCIATION OPERATES SYSTEM

15. Basis of Claim: Beneficial Use

MAY 16 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: A29-10805
Date Received: 3/27/1990
Receipt No: M006389
Received By: R. W. H.

523-5892

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: TYHEE ENTERPRISES WATER SYSTEM
Address: COMMUNITY WELL
12527 W. TYHEE RD.
POCATELLO, ID 83202

208-237-1772

237-0444

A2910805



2. Date of Priority: MAR 15, 1934

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

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

5. Description of diverting works:
WELL, 185' DEEP, 10" CASING, 3HP PUMP PIPED TO DISTRIBUTION SYSTEM.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
COMMERCIAL	01/01	12/31	0.200		

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

A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
D, ~~X~~ HOMES, 1 STORE, ~~X~~ BUSINESS

10. Place of Use: 1 Church

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05S	34E	34	NE	NW		COMMER	

11. Place of use in counties: BANNOCK

A29-10805

Page 1

Date: 03/27/90

MICROFILMED

NOV 16 1992

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
FORT HALL IRRIGATION

14. Remarks:
ASSOCIATION OPERATES SYSTEM

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: 1

For Organizations:

I do solemnly swear or affirm that I am Manager of
Lyhee Enterprises Water System Title
Organization, that I have signed the foregoing

document in the space below as Manager of
Title

Lyhee Enterprises Water System and that the statements contained in the
Organization foregoing document are true and correct.

Norman A. Rogers
Signature of Authorized Agent

Manager Lyhee Enterprises Water System
Title and Organization

3-27-90

Date

State of Idaho)
County of Bannock) SS.

Subscribed and sworn (or affirmed) before me this 27 day

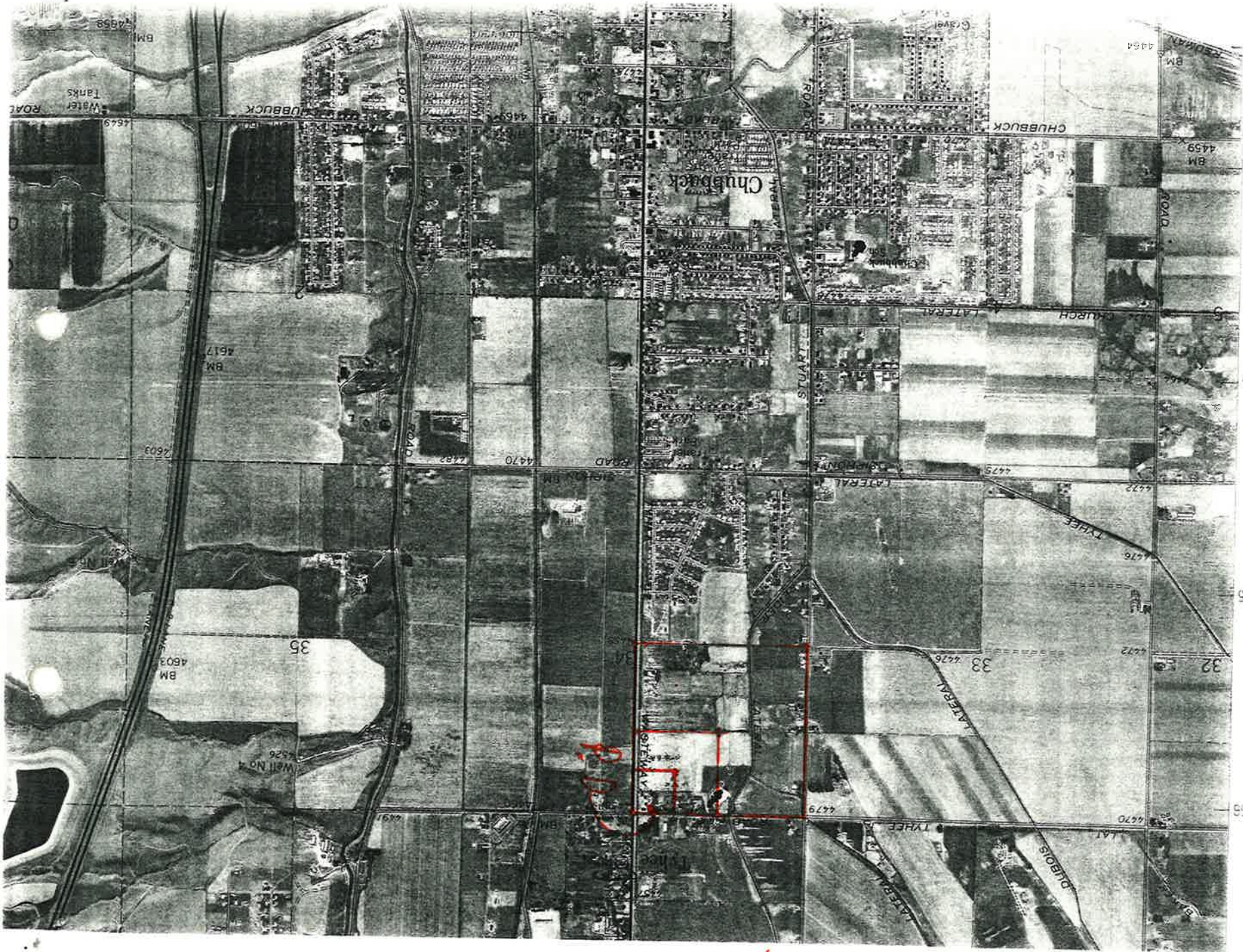
of March 19 90

Seal

John Dal Canto
Notary Public

Residing at Boise Id

My Commission Expires 4/2/94



T55 R34E Sec. 34
NE, NE, NW

MICROFILMED

NOV 16 1992

SS
SS