

Ecler

02/18/2003

RECEIVED
FEB 19 2003
Department of Water Resources
Ecler

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.

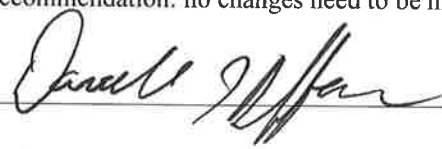
YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: APRIL 21, 2003.

Water right number: 29-10988

IDAHO STATE UNIVERSITY
PO BOX 8137
POCATELLO ID 83209
Telephone Number: (208) 282 8242

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:

X I AGREE with this proposed recommendation: no changes need to be made.

DATE: Feb. 25, 2003 SIGNATURE: 

Please print your name: Darrell Buffaloe, Director of Physical Plant, Idaho State University

IDWR Regional Office, 900 N. Skyline Dr. St. A, Idaho Falls, ID 83402, 208-525-7161

02/18/2003

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

RIGHT NUMBER: 29-10988
NAME AND ADDRESS: IDAHO STATE UNIVERSITY
PO BOX 8137
POCATELLO ID 83209

SOURCE: UNNAMED STREAM

TRIBUTARY: SINKS

QUANTITY: 0.300 CFS
3.00 AFY

PRIORITY DATE: 03/15/1940

POINT OF DIVERSION:
T07S R34E S1 NWSWSE Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
WILDLIFE STORAGE		
DIVERSION TO STORAGE		

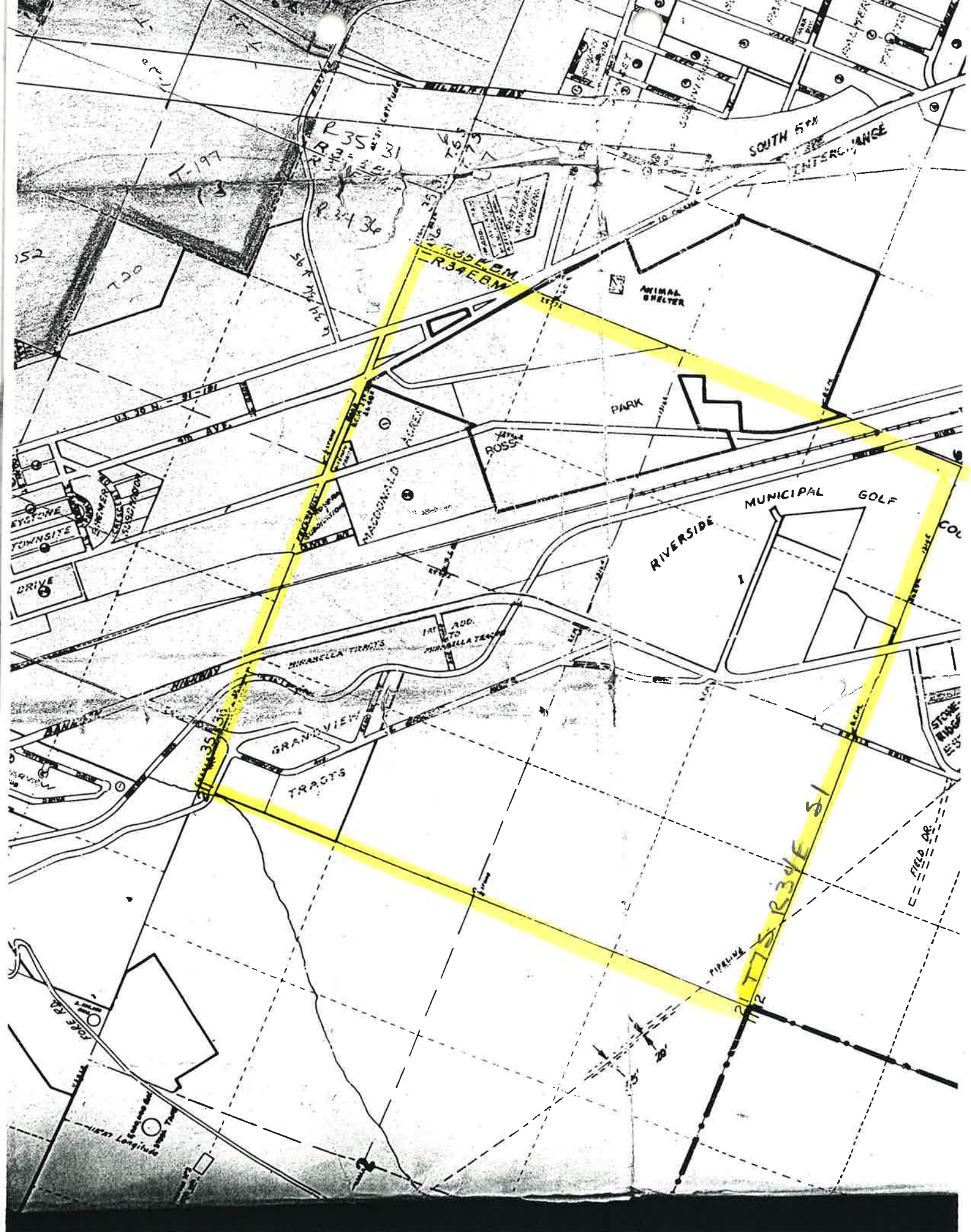
PLACE OF USE: WILDLIFE STORAGE Within BANNOCK County
T07S R34E S01 SWSE
DIVERSION TO STORAGE Within BANNOCK County
T07S R34E S01 SWSE

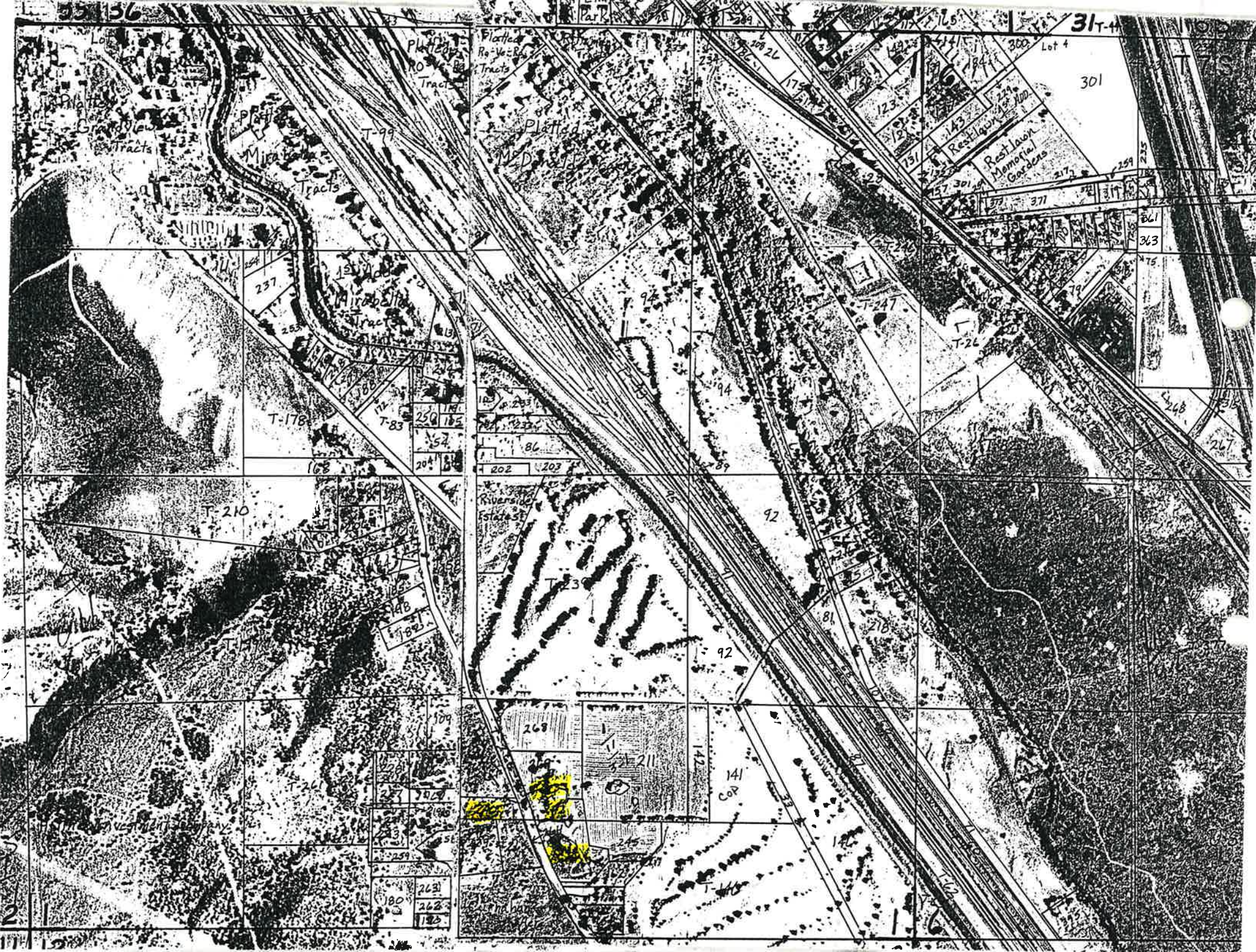
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

RECOMMENDED AS RIGHT NO. 29-04177B.

RECOMMENDED AS RIGHT NO. 29-04177B: This is included for a claim that is PROPOSED to be disallowed because the right claimed is recommended pursuant to another right. The remark indicates the water right number of the OTHER right that is proposed to be recommended. If you are not mailed a notice of the recommendation of the OTHER right, then the OTHER right is recommended in another claimants name.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use





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=====+=====+=====+=====+=====+=====+=====+=====+=====+=====+
IPM201 | PARCEL MASTER HISTORY INQUIRY | [2002] | [INQUIRY ] | [02/21/03]
=====+=====+=====+=====+=====+=====+=====+=====+=====+=====+
Parcel No [RPCPP117802 ] Status [ ] Legal Description
Owner Name [BAKER, CHERI LEONARD ] [S1-T7S-R34E ]
Address 1 [478 FILMORE AVE ] [TR SW4SE4 TAX 240 0.90 AC ]
Address 2 [ ] [TR N2SW4SE4 TAX 242 1.26 AC ]
Address 3 [ ] [TR SW4SE4 TAX 244 2.24 AC ]
Address 4 [ ] [COUNT PROP IN POCA ]
City [POCATELLO ] St [ID] [ ]
Zip [832013811] Comment
Property House Dr Street [CONTIG RPCPP119604 ]
Address [000000] [ ] [ ] [ ]
Property Type [RS] Deed Number [94002928 ]
Code Area [000100] Old Deed No [20111094 ]
Bank Code [ ] Previous No [RPCPP117800 ]
LL [00] SM [00] Next Parcel [ ] Homeowner's [ ]
Last Signed [ ]
CB Code [ ] Hardship Flag [ ]
CB Amount [ .00] Hardship Pct [ .00]
--- Urban Renewal ----- Assr CB Amount [ .00]
Code [ ] Base [ ] Appr area [04 ] Geo area [ ]
=====+=====+=====+=====+=====+=====+=====+=====+=====+=====+

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IDENTIFICATION TECHNICAL INST ISO

THRO J TURNER

JUN 11 2001

Saxton, Craig

From: Fritschle, Carter
Sent: Tuesday, June 05, 2001 1:17 PM
To: Saxton, Craig
Cc: Spencer, Nick
Subject: RE: 29-04177A&B

Hi Craig,

This was a private adjudication that was brought into the SRBA. All of the issues have been settled, and I thought Hurlbutt was suppose to issue the partial decree right after the trial was vacated in March of 1993. The ISU claim should be disallowed. The reason the basis is decree, is that the claims were filed based on a posted notice. The claimants supplied an abstract of the property, and no one noticed a reference to a decree of the water rights in all of the paper work. I obtained a copy of the decree from Bannock County, and that is what we based our recommendations on. Nick has most of the paperwork for this subcase, but I can prepare the shape for the SDE layer. I assume these will need to be listed in the Basin 29 report. I will copy this to Nick in case there are any special instructions.

Carter

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

From: Saxton, Craig
Sent: Tuesday, June 05, 2001 12:54 PM
To: Fritschle, Carter
Subject: 29-04177A&B

Hey Carter,

I came across two claims that you created a recommendation on in 1992(?) 29-04117A and 29-04117B. The status of both of these says Decreed, but they have not been Partially decreed in the SRBA court. I am just wondering if there was a prior decree on the source, or if there is some information you could share as to why recommendations were already created.

The twist (as there always is) is that I have another claim 29-10988 from ISU. The claim looks like use from the same pond as the 4000 numbers. I called ISU and they say they don't own the land anymore, they gave it back to the original owners. The original owners are the same owners as 29-04117A and 29-04117B Kenneth and Harriet Lundburg.

So what I am trying to figure out is whether 29-10988 is a valid claim anymore.

Any insight you may have on this issue would be greatly appreciated.

c



22-141 50 SHEETS
22-142 100 SHEETS
22-144 200 SHEETS

6/5/01 Contacted ISU. said the pond ownership

was returned to

Kennith + Harriet Lundberg

2350 Banrock Hwy

Pocatello Id 83204

(208) 233-4446

4/5/1989

SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME Idaho State University CLAIM IDENT. NO. A29-10988DATE RECEIVED 5-2-90 CR # C016641 AMOUNT \$ 242.00

- | | YES | NO | Required Info? |
|--|-------------------------------------|-------------------------------------|----------------|
| 1. Is the name and address complete with zip code? <u>2 claims</u> | ☒ | ☐ | * |
| 2. Is a priority date entered? | ☒ | ☐ | * |
| Is the priority date acceptable in view of mandatory filing dates? | ☒ | ☐ | * |
| See Adjudication Memos #1 and #4 to determine if a Permit is required. | ☒ | ☐ | |
| 3. (a) Is a source entered? | ☒ | ☐ | * |
| (b) Is a tributary to entered? (if required) N/A | ☒ | ☐ | |
| 4. Is the legal description of the p.d. sufficient? | ☒ | ☐ | * |
| 5. Is there a description of the diverting works? | ☒ | ☐ | |
| 6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. | ☒ | ☐ | * |
| Is the period of use included? | ☒ | ☐ | |
| Is a quantity claimed for each use? | ☒ | ☐ | * |
| 7. Is a total quantity claimed entered? | ☒ | ☐ | |
| 8. If required is a consumptive use entered? N/A | ☒ | ☐ | |
| Is the consumptive use correct? N/A | ☒ | ☐ | |
| 9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. N/A | ☒ | ☐ | * |
| 10. Is (are) the place(s) of use and purpose(s) indicated? | ☒ | ☐ | * |
| 11. Is (are) the county(ies) entered? | ☒ | ☐ | |
| 12. Is the ownership of p.u. checked? | ☒ | ☐ | |
| 13. Are other water rights listed or "none" indicated? | ☒ | ☐ | |
| 14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) N/A | ☒ | ☐ | |
| 15. Is the basis of the claim indicated? | ☒ | ☐ | |
| 16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) N/A | ☒ | ☒ | |
| 17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block. | ☒ | ☐ | * |
| 18. Has the claim been signed, sealed, and dated by a notary? | ☒ | ☐ | * |
| 19. Was this claim filed on time, or was an extension granted? | ☒ | ☐ | * |
| 20. Is the fee enclosed correct? Exempt | ☒ | ☐ | * |
| 21. If this claim is based on an existing water right, has the identification number been entered? N/A | ☒ | ☐ | |
| 22. Should this claim be data entered? | ☒ | ☐ | |

Claim checked by: CADate: 5-31-90Claim must be returned to claimant: (Yes) / (No)Claimant must be notified of modifications: (Yes) / (No)
 Receipt Prepared by: _____
 Claim data entered by: _____
 Sent to claimant by: _____

Date: _____

Date: _____

Date: _____

Checked by: _____

Date: _____

Comments: Need original claimPhone conversation requestedoriginal claim on 5-31-90. Claim postmarked 6-1-90

MICROFILMED

NOV 18 1992

811222

EAST PARCEL 812218

A 3.5 acre parcel of land situated in the southwest quarter southeast quarter of Section 1, Township 7 South, Range 34 East, Boise Meridian, Bannock County, Idaho, being a portion of the lands of Kenneth G. and Harriet L. Lundburg described as Instruments 329464 and 650923, records of Bannock County, Idaho, more particularly described as follows:

Commencing at a Bannock County Brass Cap Monument marking the South 1/4 corner of Section 1, Township 7 South, Range 34 East, Boise Meridian; thence

North 359.26 feet (recorded as North 360 feet) to an uninscribed brass cap monument; thence

North 00°07'03" West 300.38 feet (recorded as North 300 feet) to a Bannock County Brass Cap Monument marking the northwest corner of the land described in Instrument 737248 and the southwest corner of the land described in instrument 416957; thence

Continuing North 00°07'03" West along the westerly line of the lands described in Instrument 416957 a distance of 125.09 feet; thence

South 89°56'12" East ^{65.18}~~659.18~~ feet to a point marked with a 1/2-inch by 24-inch iron pin, the POINT OF BEGINNING; thence

North 00°19'19" West 57.12 feet to a point marked with a 1/2-inch by 24-inch iron pin; thence

North 87°25'40" West along an existing fence 38.32 feet to a point marked with a 1/2-inch by 24-inch iron pin; thence

Continuing along the existing fence for the following six (6) courses:

- (1) South 48°48'15" West 23.97 feet to a point marked with a 1/2-inch by 24-inch iron pin; thence
- (2) South 66°56'02" West 60.58 feet to a point marked with a 1/2-inch by 24-inch iron pin; thence

MICROFILMED

NOV 16 1992

JUN 11 2001

2x

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: A29-10988

Date Received: 4/03/1990

Receipt No: 0016641

Received By:

RECEIVED
JUN 4 1990

Department of Water Resources NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: IDAHO STATE UNIVERSITY
Address: P.O. BOX 8137
POCATELLO, ID

83209

208-236-4002

(208) 282-4002

2. Date of Priority: MAR 15, 1940

3. Source: UNNAMED STREAM

Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07S	34E	1	NW	SW	SE		BANNOCK

5. Description of diverting works:

DITCH FROM UNNAMED STREAM TO POND 1 ACRE PLUS IN AREA.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
WILDLIFE STORAGE	01/01	12/31			3.00
DIVERSION TO STORAGE	01/01	12/31	0.300		

7. Total Quantity Appropriated is:

0.300 C.F.S. (and/or) 3.00 A.F.A.

8. Total Consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

DIV.TO STOR. & STOR.OF 3.0 AF FR.01/01 TO 12/31 FOR W/L.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	34E	1	SW	SE		WILD S	
			SW	SE		DIV S	

A29-10988

Page 1

Date: 04/03/90

A2910988



MICROFILMED
NOV 16 1992

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:

N/A

14. Remarks:

THIS RT. IS CLAIMED FOR WILDLIFE USE AND FOR RESEARCH PURPOSES ON A 1 ACRE-PLUS SIZED POND WHICH WAS DONATED TO THE INSTITUTION BY HARRIET LUNDBERG.

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 X do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 2

For Organizations:

I do solemnly swear or affirm that I am Director of Physical Plant of

Title

Idaho State University, that I have signed the foregoing

Organization

document in the space below as Director of Physical Plant of

Title

Idaho State University and that the statements contained in the

Organization

foregoing document are true and correct.

Darrell B

Darrell B. Baffale
Signature of Authorized Agent

Director of Physical Plant
Idaho State University
Title and Organization

April 3, 1990
Date

South Bannock Hwy
Harriet Lundberg

State of Idaho

County of BANNOCK)
) SS.

Subscribed and sworn (or affirmed) before me this 3rd day

of APR 19 90

[Signature]
Notary Public

Seal

Residing at BOISE, ID

My Commission Expires 11/08/1994

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

WATER RIGHT NO. 29-10988

<u>Owner Type</u> Current Owner	<u>Name and Address</u> IDAHO STATE UNIVERSITY PO BOX 8137 POCATELLO, ID 83209 (208)236-4002
------------------------------------	--

Priority Date: 03/15/1940

Basis:

Status: **Disallowed**

Source
UNNAMED STREAM

Tributary to
SINKS

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
WILDLIFE STORAGE	1/01	12/31		3 AFA	
DIVERSION TO STORAGE	1/01	12/31	0.3 CFS		
Total Diversion			0.3 CFS	3 AFA	

Location of Point(s) of Diversion:

UNNAMED STREAM NWSWSE Sec. 01 Township 07S Range 34E BANNOCK County

Place(s) of use:

Place of Use Legal Description: WILDLIFE STORAGE BANNOCK County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
07S	34E	1		SWSE										

Place of Use Legal Description: DIVERSION TO STORAGE BANNOCK County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
07S	34E	1		SWSE										

Conditions of Approval:

1. P06 RECOMMENDED AS RIGHT NO. 29-04177B: This is included for a claim that is PROPOSED to be disallowed because the right claimed is recommended pursuant to another right. The remark indicates the water right number of the OTHER right that is proposed to be recommended. If you are not mailed a notice of the recommendation of the OTHER right, then the OTHER right is recommended in another claimant's name.

Remarks:

1. General RECOMMENDED AS RIGHT NO. 29-04177B.

Comments:

<u>Author</u>	<u>Date</u>	<u>Subject</u>	<u>Comment</u>
FRITSCHL	1/23/92	COPIED FROM REMARKS	THIS RT. IS CLAIMED FOR WILDLIFE USE AND FOR RESEARCH PURPOSES ON A 1 ACRE-PLUS SIZED POND WHICH WAS DONATED TO THE INSTITUTION BY HARRIET LUNDBERG.

Dates:

Licensed Date:
Claim Received Date: 05/02/1990
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Decreed Date:
Date Filed with Court:
Objection Filed Date:
SF5 Filed:
Special Master Recom Signed Date:

Other Information:

Receipt Number(s): C016641
State or Federal: S
Owner Name Connector:
Water District Number:
Generic Max Rate per Acre:
Generic Max Volume per Acre:
Civil Case Number:
Old Case Number:
Decree Plaintiff:
Decree Defendant:
PresumptionFlag:
Notice of Error Flag:NONE RECEIVED
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False

T7SR34E
Sec 1

