

12/05/2002

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

RIGHT NUMBER: 29-11526

NAME AND ADDRESS: LOUISE HOWARD
7688 W PORTNEUF RD
POCATELLO ID 83204

KERT W HOWARD
7688 W PORTNEUF RD
POCATELLO ID 83204

SOURCE: MINK CREEK

TRIBUTARY: PORTNEUF RIVER

QUANTITY: 0.120 CFS

PRIORITY DATE: 04/01/1938

POINT OF DIVERSION:

T07S R35E S20 SWSENE 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

PLACE OF USE: IRRIGATION Within BANNOCK County

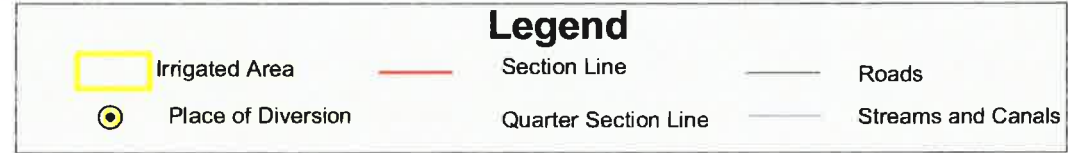
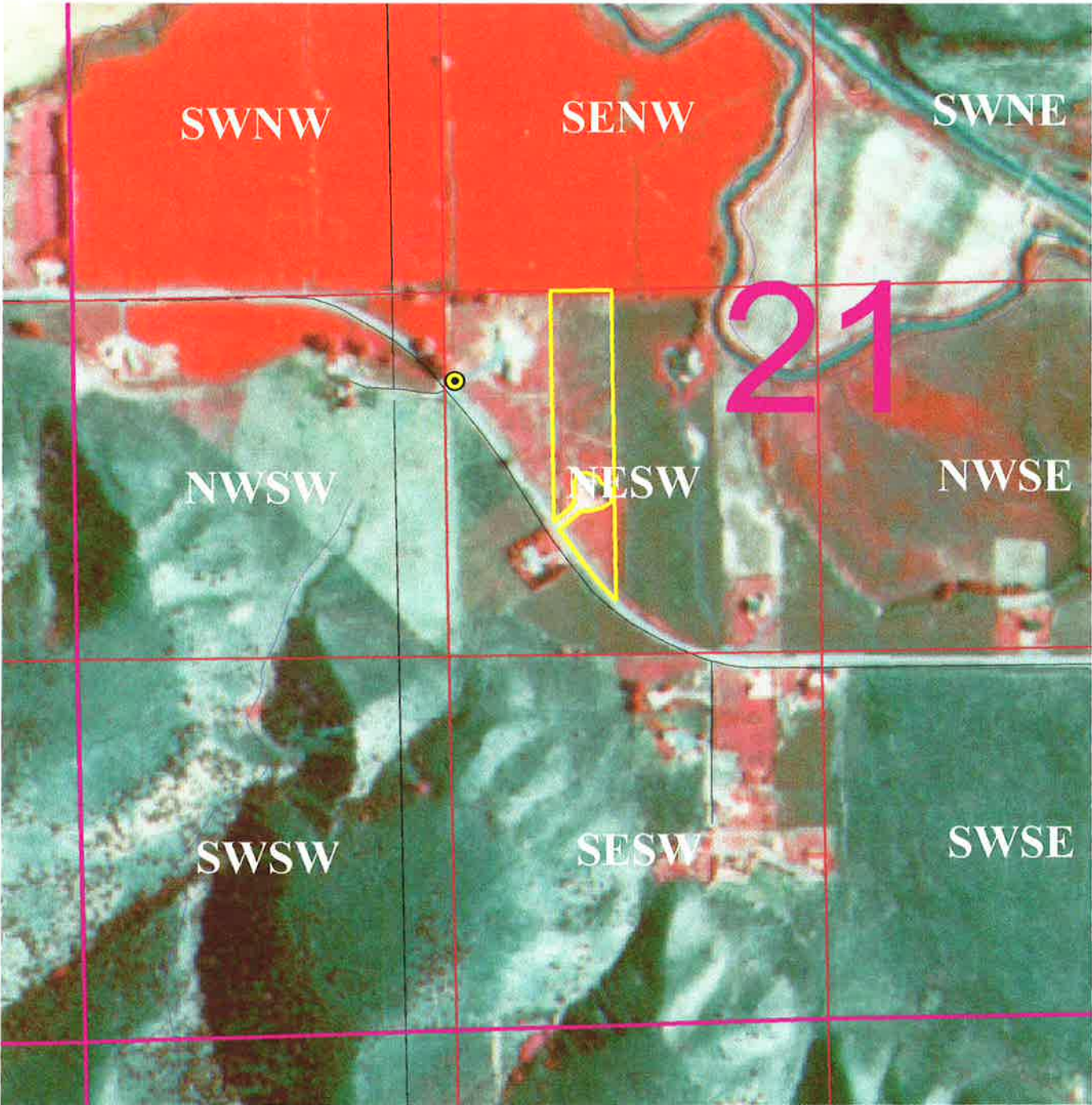
T07S R35E S21 NESW 4.3

4.3 ACRES TOTAL

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

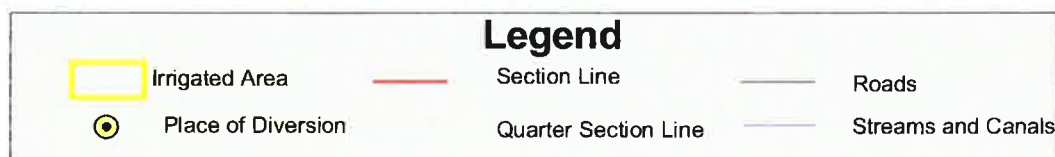
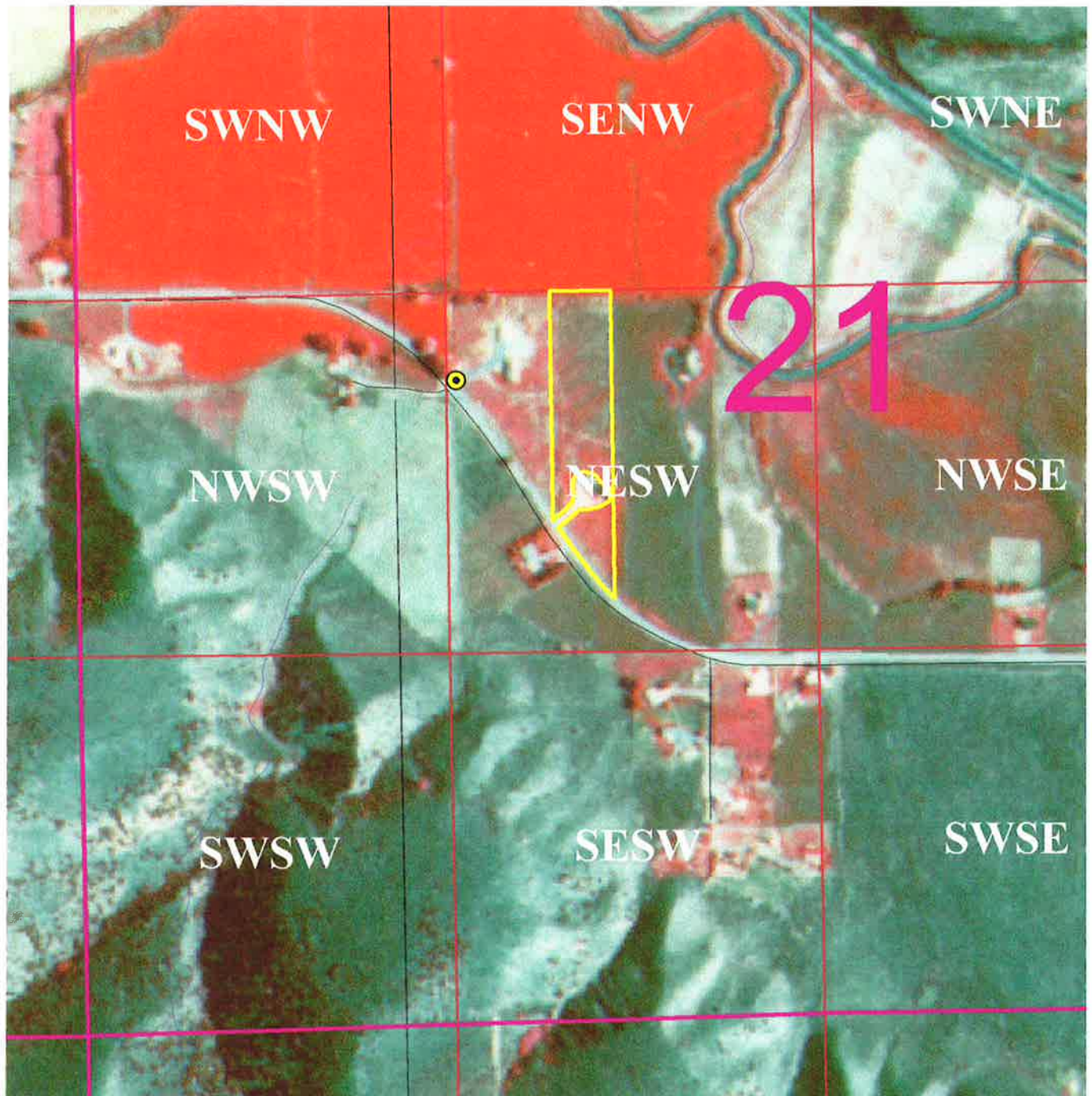
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

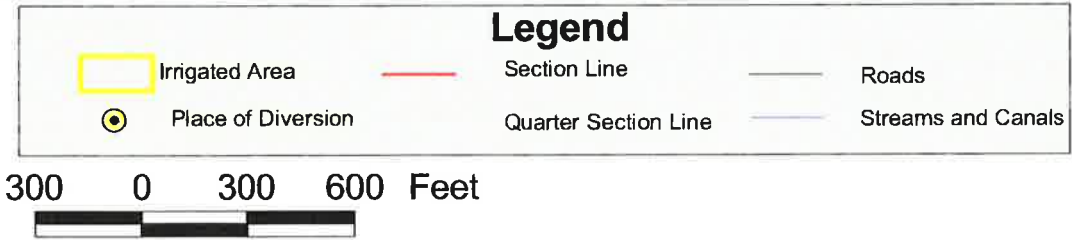
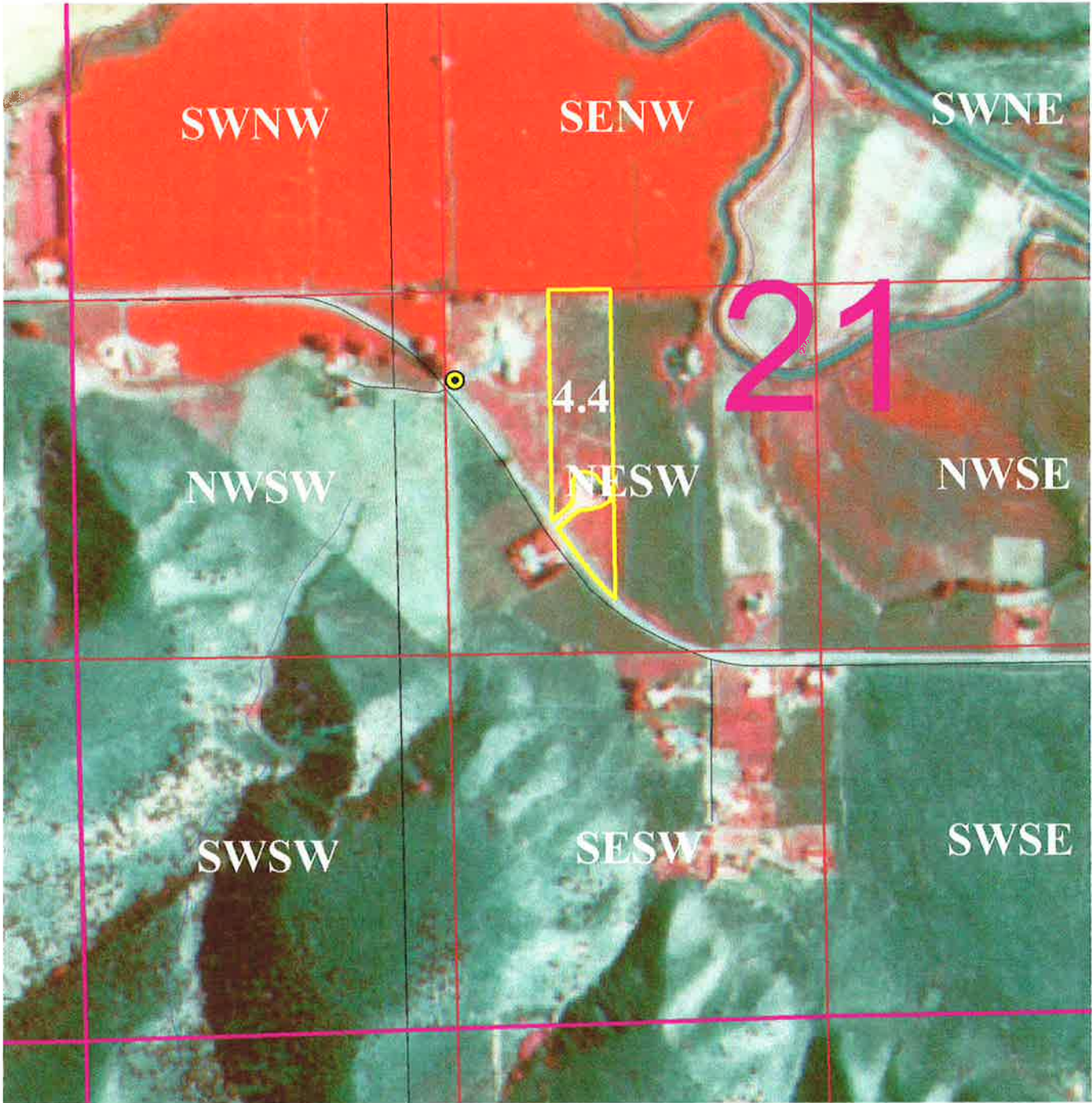
EXPLANATORY MATERIAL: Beneficial Use



Water Right Claim Number A29-11526
Township , 7S35E

09/13/2000





Craig

02/08/2003

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: 29-11526

LOUISE HOWARD
7688 W PORTNEUF RD
POCATELLO ID 83204
Telephone Number: (208)232-8513

KERT W HOWARD
7688 W PORTNEUF RD
POCATELLO ID 83204
Telephone Number: (208)232-8513

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:

2/21/03

SIGNATURE:

Kert W Howard

Please print your name:

Kert W Howard

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

RECEIVED

FEB 21 2003

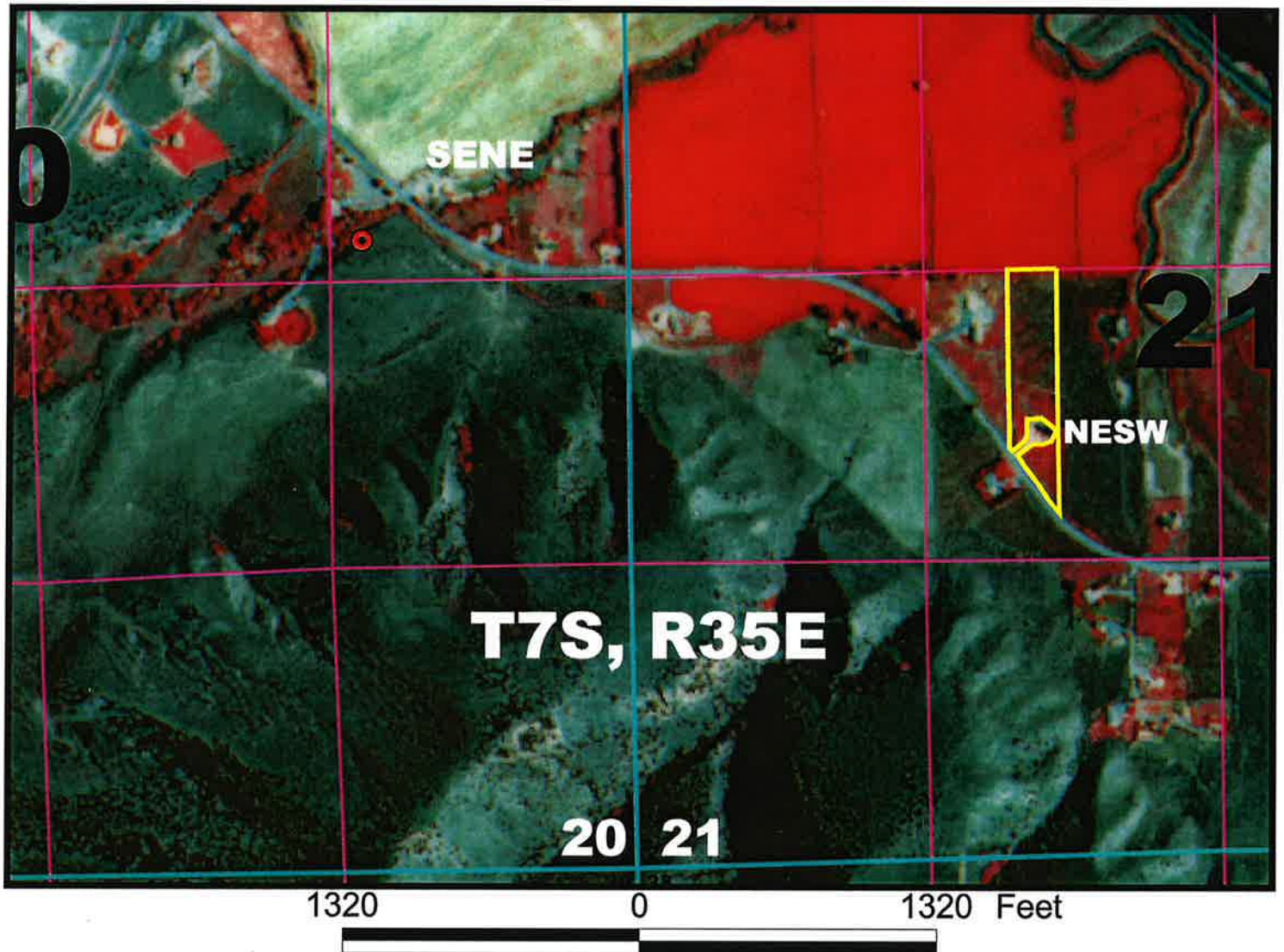
Department of Water Resources
Bureau of Reclamation



STATE OF IDAHO

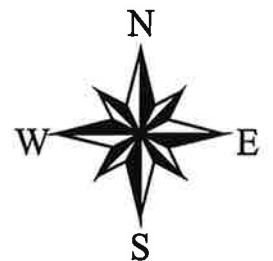
Department of Water Resources
Eastern Region

Water Right(s): 29-11526



Total Irrigated Acres: 4.3

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



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

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-11526 V1

WATER RIGHT NUMBER: 29-11526 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	LOUISE HOWARD 7688 W PORTNEUF RD POCATELLO, ID 83204 (208)232-8513
Current Owner	KERT W HOWARD 7688 W PORTNEUF RD POCATELLO, ID 83204 (208)232-8513

Priority Date: 04/01/1938

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
MINK CREEK	PORTNEUF RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	0.120 CFS	
	<u>Total Diversion:</u>	0.120 CFS	

Location of Point(s) of Diversion

MINK CREEK	SW1/4SE1/4NE1/4	Sec. 20, Twp 07S, Rge 35E, B.M.
BANNOCK County		

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	21																	4.3

Total Acres: 4.3

Conditions of Approval:

1. C18 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.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 29-11526 V1

Comments:

1. csaxton 12/5/2002 POU

Comment: Claimed POU is within and old Indian allotment according to Shoshone-Bannock Tribe info. But, claimed POU was not described in the Mink Creek Decree. Not enough evidence was provided to show that Mink Creek water was used on the claimed POU within a "Reasonable" amount of time after the ownership of the property went from Indian ownership to Non-Indian ownership.

Dates and Other Information:

Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag:
State or Federal: S
Owner Name Connector: AND
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Contacts	12/5/2002 1:06:41 PM	csaxton			Active
Priority Date	12/5/2002 1:08:07 PM	csaxton			Active
POD	12/5/2002 1:09:27 PM	csaxton			Active
Source	12/5/2002 1:09:49 PM	csaxton			Active
POU	12/5/2002 1:10:14 PM	csaxton			Active
Use	12/5/2002 1:12:19 PM	csaxton			Active
Season	12/5/2002 1:12:37 PM	csaxton			Active
Quantity	12/5/2002 1:13:57 PM	csaxton			Active
Summary			12/05/2002	csaxton	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Contacts	12/5/2002 1:06:41 PM	csaxton	(No) 1. Do you want to schedule an appointment? Comment for 1: FE 9/25/02
POD	12/5/2002 1:08:31 PM	csaxton	Edited point location
POU	12/5/2002 1:10:31 PM	csaxton	Edited shape boundary
POU	12/5/2002 1:10:51 PM	csaxton	Edited PLS

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-11526 V1

Priority Date	12/5/2002 1:08:06 PM	csaxton	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (No) 4. Is the basis of claim decree or license? (No) 7. Is the basis of claim a Application or Permit? (No) 8. Is the basis of claim a posted notice? (No) 9. Is the Priority Date claimed after the date a permit is required for the source and the water use? (Yes) 12. Does the claim file contain sufficient evidence of Priority Date? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required? Description for Question 12/13 - Per statement from Neighbor Wilma Munn.
POD	12/5/2002 1:08:59 PM	csaxton	Edited PLS
POD	12/5/2002 1:09:26 PM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the POD? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?
Source	12/5/2002 1:09:48 PM	csaxton	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim an Application or Permit? (No) 6. Is the basis of claim a Posted Notice? (No) 7. Is there evidence that there has been a change in the source? (Yes) 10. Does the file contain all the necessary information to verify the source? (No) 11. Is a Source remark and/or condition required? Description for Question 10 - FE 9/25/02
POU	12/5/2002 1:10:14 PM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (Yes) 2b. Is the POU required? (No) 3. Is the basis of claim a Application or Permit? (No) 7. Is there evidence that there has been a change in the POU? (Yes) 13. Does the file contain all the necessary information to verify the POU? (No) 14. Is a POU remark and/or condition required? Description for Question 13 - FE 9/25/02

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-11526 V1

Use	12/5/2002 1:12:18 PM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Purpose of Use? (Yes) 11. Does the file contain all the necessary information to verify the Water Use? (No) 13. Is a Purpose of Use remark and/or condition required? Description for Question 10,11,12 - Field Exam 9/25/02
Season	12/5/2002 1:12:36 PM	csaxton	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?
Quantity	12/5/2002 1:13:56 PM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is the basis of claim a posted notice? (No) 7. Is a flow measurement required? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (No) 12. Is a Quantity remark or condition required? Description for Question 7 - Per David Tuthill, Claims for 0.20 cfs or less do not require measurement.
Summary	12/5/2002 1:15:16 PM	csaxton	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (No) 5. Is an additional remark and/or condition required? (Yes) 6. Would you like to view the recommended right? (No) 7. Is this a split or combined right? (No) 8. Do you have documents you would like to attach or link to the file? (Yes) 9. Would you like to set the verification date?

9-23-02: 29-11525 Dom + Stock PD'd From Well

- : Intrepid doctor is Garbage... Yet again
- : How does Mink Ck water Reach Claimants Property?
- : How do we justify 1869 Priority

9-25-02 : 2 yrs ago last time it was used

FE

Wilma Munn - ^{knows history} Dela - Johnson ^{knows history} owned Property before claimant owned Property

- : Bought Property 20 yrs ago and was using water @ that time.
- : 1939 - Wilma Munn confirmed water use
- : Entered Into Sprinkler system around house
Back area was Irrigated by Flood and Sprinkler

12-5-02

: Claimed POA is within an old Indian Allotment according to Shoshone-Bannock Trib info. But: Claimed POA was not described in the Mink Creek decree.

- : Not enough evidence was provided to show that Mink Creek water was used on Claimed POA within a "Reasonable" amount of time after the ownership of the property went from Indian ownership to Non-Indian ownership.

: Treat as Abuse claim.

: Priority 4-1-1968 Based on Wilma Munn's statement

if looking @ field with sprinkler heads

2) Black PVC 1 1/2 inch line

3) Concrete culvert

4) Where old ditch runs

5) old ditch w/ Wilma Munn's house in bk ground

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 29-11526

WATER RIGHT NUMBER: 29-11526

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	LOUISE HOWARD ✓ 7688 W PORTNEUF RD POCATELLO, ID 83204 (208)232-8513
Current Owner	KERT W HOWARD ✓ 7688 W PORTNEUF RD POCATELLO, ID 83204 (208)232-8513

Priority Date: ~~02/26/1869~~ 4-1-1938 - Per Wilma Mann

Basis: Beneficial Use ✓

Status: Active ✓

<u>Source</u>	<u>Tributary</u>
MINK CREEK ✓	PORTNEUF RIVER ✓

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION ✓	3/15	11/15	0.120 CFS	
	4/1	10/31		
	<u>Total Diversion:</u>		0.120 CFS	- OK @ 1.5" / acre

Location of Point(s) of Diversion

MINK CREEK ✓	NW 1/4 NE 1/4 SW 1/4	Sec. 21, Twp 07S, Rge 35E, B.M.
BANNOCK County ✓	SW SE NE	20

Place of Use

IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	Totals
07S	35E	21	NE NW SW SE	NE NW SW SE	NE NW SW SE	NE NW SW SE	5.0
					5.0		5.0
					4.3		4.3

Total Acres: 5 4.3

Conditions of Approval:Remarks:Comments:Dates and Other Information:

Claim Received Date: 4/19/1990
 State or Federal: S
 Owner Name Connector: AND
 Mitigation Plan: False

29-11526

POD

Field Exam: 9/25/02



Looking West at POD where water is diverted from the main channel of Mink Ck to ditch system.



Looking West at POD where water is diverted from the main channel of Mink Ck to ditch system.

29-11526

POU

Field Exam: 9/25/02



Looking North at claimed POU. Sprinkler on a post can be seen in picture.



Looking West at ditch that conveyed Mink Creek water to claimed POU.

29-11526

System

Field Exam: 9/25/02



Looking at what is a now filled in culvert that carried water from Mink creek to the claimed POU.



Looking West. Old ditch used to run on north side of the road to bring water to claimed POU.



IDAHO DEPARTMENT OF WATER RESOURCES

SNAKE RIVER BASIN ADJUDICATION - BASIN 29



RIGHT ID
POD ID
Quad
Claim Type
Easting
Northing
GPSID

Diversion Description

Placed GPSID Tag on casing. 6" casing with submersible pump.

Assumptions

Horse power, pressure head, and elevation head.

Invoice

2000-037-01-0

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)

0.077504610226320

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

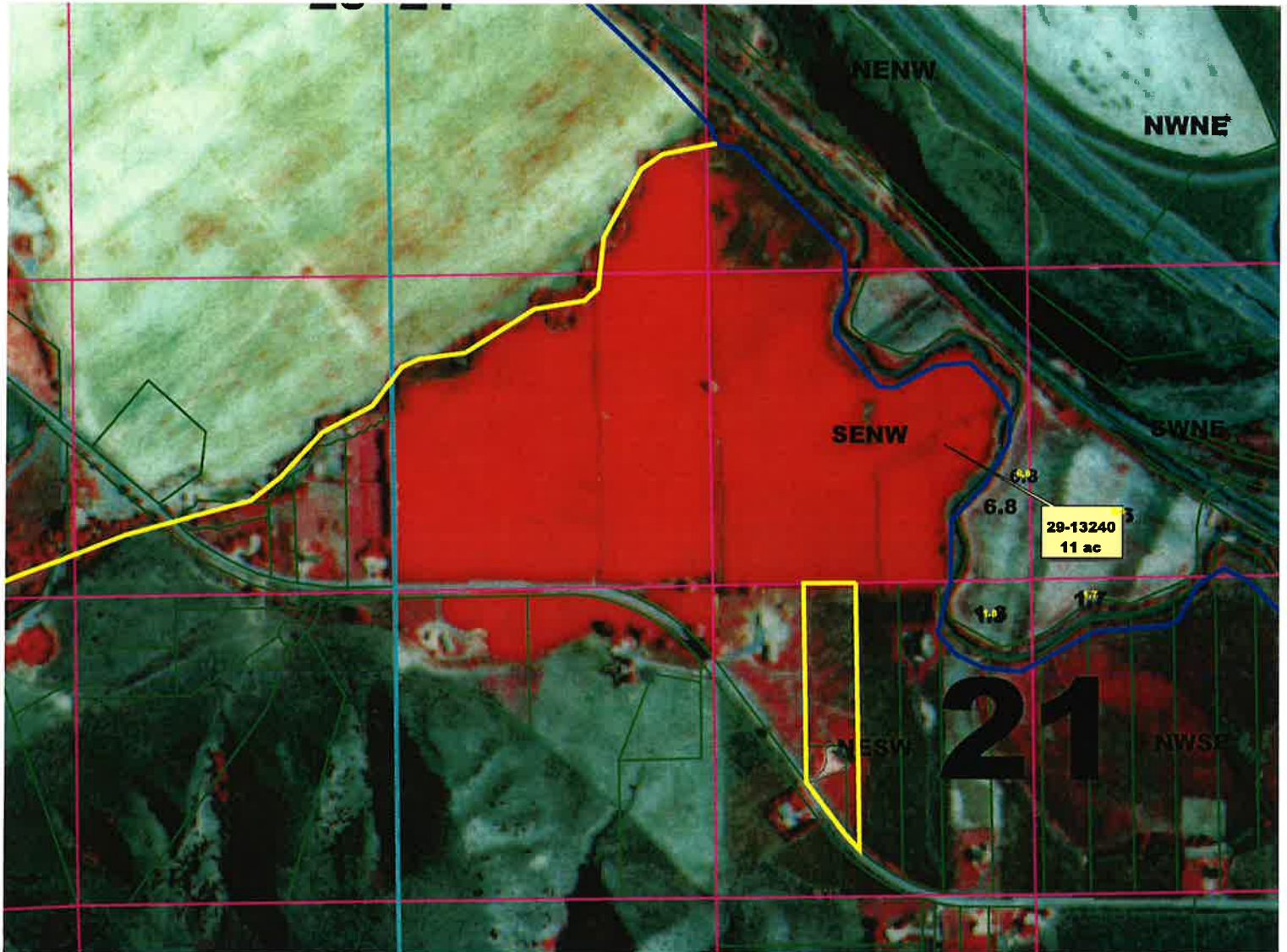
Pump Serial#

New Contact Information ☐

New Contact Comments

This Form and the associated query are the exclusive intellectual property of Intrepid Engineering Services, and may not be copied, modified, or distributed without the express written consent of Intrepid Engineering Serviv, Inc.

29-11526 - Howard



Point of Diversion



Claimed POU - N/A



Property Boundary



Bannock Co Tax Lot Data

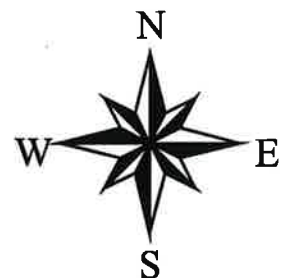


Section Lines



Quarter Quarter Lines

Property Acreage: 4.8



Prepared By: Craig Saxton
September 2002

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USGS 11 km SE of Pocatello, Idaho, United States 15 Jul 1998



Image courtesy of the U.S. Geological Survey

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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 20, 2001

29-11562
KENT W HOWARD
LOUISE HOWARD
7688 W PORTNEUF RD
POCATELLO ID 83204

RE: EVIDENCE OF PRIORITY

Dear Claimant (s):

The Idaho Department of Water Resources has recently begun its water right review in Basin 29. The Notice(s) of Claim identified with the number shown above in the "address" label and at the "end" of this letter has been filed in the Snake River Basin Adjudication (SRBA). The Notice 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 Notice. The date the water was first put to use, known as the priority date, has not been confirmed by a 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.

It is important that each element of the Notice be substantiated. 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 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 items of the Notice have been or soon will be conducted by Department personnel.

.....
The Department can not recommend the Notice be decreed by the court if no evidence of a priority date is submitted.
.....

Please submit the documentation supporting the priority date by June 22, 2001, referencing all documents with the corresponding Notice number. If you have any questions not covered by this letter or the enclosed pamphlet, please feel free to contact me at 525-7161.

Respectfully submitted,



Craig L. Saxton
Water Resource Agent
Adjudication Bureau

Enclosure: Brochure on "Evidence of Priority"
 Notice of Claim 29-11562

Log for claim A29-11526

Spatial Dynamics LTD

9/13/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
07s35e	21	NESW	5	4.4	
Totals:			5	4.4	

AJ5809NP
No. A29-11526

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/18/00
PAGE: 328

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	KERT W HOWARD	02/26/1869	IRRIGATION	03-15 11-15	0.120 CFS	
C	LOUISE HOWARD					
	7688 W PORTNEUF RD					
	POCATELLO ID 83204			TOTAL DIVERSION:	0.120 CFS	
	(208) 232-8513			CONSUMPTIVE USE:		15.00 AFA

Water Source: MINK CREEK

Tributary to: PORTNEUF RIVER

Stage: BENEFICIAL USE

Point(s) of Diversion: T07S R35E S21 NWNESE BANNOCK County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE														
T	R	S		NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM		
				Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	
07S	35E	21	:					:						:	05				:						:	5.0
																							TOTAL ACRES	5.0		

POU County: BANNOCK

Non-Irrigation Uses: NONE

Other Rights: NONE

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
29-10897 29-11525 A29-02462A A29-07605 A29-10897 A29-11525

Other Water Rights Listing Overlapping Place(s) of Use:
A29-02462 A29-02462A A29-02462B A29-04215 A29-07605 A29-10898 A29-11604

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

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

Audit: 08/12/93 THOMPSON 03/29/95 POST-STD

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: **A29-11526**
Date Received: 8/12/1993
Receipt No: E013389
Received By: _____

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

1. Name: KERT W HOWARD 208-232-8513
Address: 7688 W PORTNEUF RD
POCATELLO ID 83204

AND/OR

Name: LOUISE HOWARD 208-232-8513
Address: 7688 W PORTNEUF RD
POCATELLO ID 83204

2. Date of Priority: FEB 26, 1869

3. Source: MINK CREEK Trib. to: PORTNEUF RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
07S	35E	21	NW	NE	SW		BANNOCK

5. Description of diverting works:
HEADGATE, DITCH, GRAVITY 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		

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

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

9. Non-irrigation uses:
NONE

MICROFILMED

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	35E	21	NE	SW		IRR	5.0
Section Acres							5.0
Total Acres							5.0

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): _____ Date: _____
_____ Date: _____

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

My Commission Expires _____

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

A29-11526

Date Received

4-19-90

Receipt Number

E013389

NOTICE OF CLAIM
TO A
WATER RIGHT

RECEIVED

APR 19 1990

ACQUIRED UNDER STATE LAW

Department of Water Resources
Eastern District Office

Please type or print clearly

1. Name of Claimant (s) Kert W and/or Louise Howard Phone (208) 232-8513Mailing Address 7688 W. Portneuf Rd, Pocatello, Idaho Zip 832042. Date of Priority (Only one (1) per claim) Feb 26, 18693. Source of water supply (a) Mink Creek
which is tributary to (b) Portneuf River4. a. Location of existing point of diversion is: Township 7S Range 35E Section 21,NW 1/4 of NE 1/4 of SW 1/4, Govt. Lot, _____ B.M., County of Bannock

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township 7S Range 35E Section 21, _____ 1/4 of _____ 1/4 of _____

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. Headgate, Ditch, Gravity Irrigation

A291526



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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 .12 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .12 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 15 acre feet per annum.

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

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>7S</u>	<u>35</u>	<u>21</u>									<u>X</u>								<u>5</u>

Total number of acres irrigated 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 ☒ 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.
Portneuf River or None ()

14. Remarks:

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Last Name _____ Ident No. _____

Copies: White -State, Yellow-Claimant

Scale: 2 inches equals 1 mile

See Attached Aerial View

[illegible]

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Last Name _____ Ident No. _____

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice _____ License _____ Permit _____
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 _____ 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) _____

Date 4-18-90

Date 4-18-90

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 Bannock) SS.

Subscribed and sworn (or affirmed) before me this 19 day of April 19 90

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 _____

Address _____

Date _____

Last Name _____ Ident. Number _____

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Copies White-State, Yellow-Claimant