



IDAHO DEPARTMENT OF WATER RESOURCES

SNAKE RIVER BASIN ADJUDICATION - BASIN 29

RIGHT ID 29 12089
POD ID 254827
Quad Pocatello North
Claim Type S
Easting 622928
Northing 204444
GPSID A0011690

Diversion Description

Placed POD ID Tag on SW corner of pump pit. Submersible pump system in pit approx. 100 yards east of road at the end of the driveway.

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

POD ID 254827 01.jpg

Photos

POD ID 254827 02.jpg

EPE (ft)

17

Date (M/D/Y)

10/2/011

Time

14.14

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 0

Depth

☐ Rectangular Channel

Width

Depth

Flow Calculation

☐ Continuity

Velocity 0

☐ 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 1.5

Pressure Head (psi) 30

Elevation Head (ft) 50

Motor Mfg

Motor Serial #

Pump Type Submersible

Pump Mfg

Pump Serial#

New Contact Information ☐

New Contact Comments

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Water Right Claim Number A29-12089
Township , 6S34E

09/27/2000



 Irrigated Area

 Place of Diversion

 Section Line

 Quarter Section Line

 Roads

 Streams and Canals

Legend



Water Right Claim Number A29-12089
Township , 6S34E

09/27/2000



 Irrigated Area

 Place of Diversion

 Section Line

 Quarter Section Line

 Roads

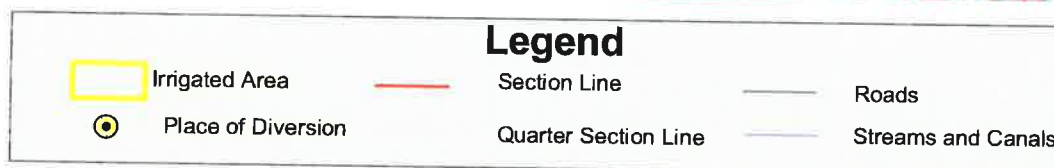
 Streams and Canals

Legend



Water Right Claim Number A29-12089
Township , 6S34E

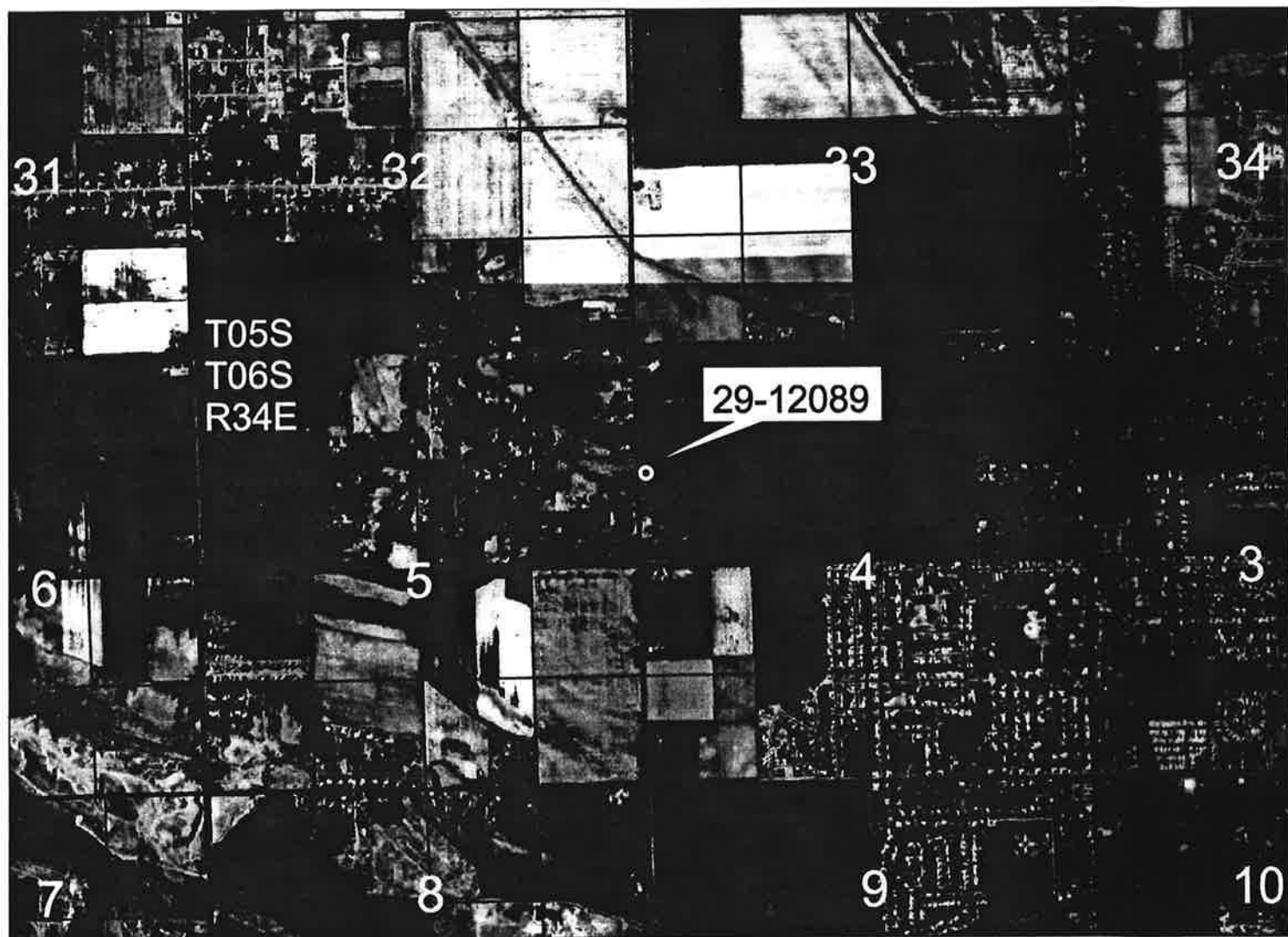
09/27/2000





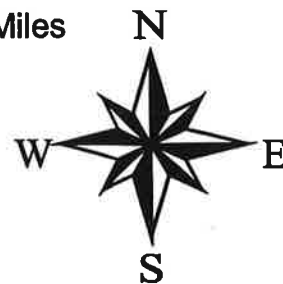
State of Idaho
Department of Water Resources
Eastern Region

Water Right: 29-12089



0.5 0 0.5 1 1.5 Miles

1:24000



○ Point(s) of Diversion
Place of Use

□ Section Lines
□ Quarter Quarter Lines

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

September 13, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

Kim Bodily
11696 N PHILBIN RD
POCATELLO ID 83202

Re: Claim A29-12089

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, 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

Liam Bodily

6/8/01

- 1) Mr Bodily may want attorney present.
- 2) Mr. Bodily believes it is our (IDWR) intent to deprive him of GW or right.
- 3) I explained pre-63 req. for GW beneficial use.
- 4) If Bodily can document use pre-19 Nov 1987, he can apply for pre-moratorium exemption.
- 5) Mr Bodily says he can't get pre-63 documentation because no one is left who remembers.
- 6) I told him w/o documentation I can't recommend, but he can still object & present his story to the judge.
- 7) He said (finally) leave down card him if attorney will be there I said I'd rather come myself.

6/8/01
Dyke A. Carter

Kim Bodily A29-12089 238-0426

6/7/01 8:50 AM by msg m
answering machine requesting Mr.
Bodily to call so that we may
discuss why a field exam is
needed.



RONALD D. CARLSON
HYDROGRAPHER

STATE OF ID
EASTERN WATER MEASUREMENT DISTRICT
900 N. SKYLINE DR., SUITE A
IDAHO FALLS, ID 83402
(208) 525-7171 FAX (208) 525-7177

IDWR DIRECTOR
KARL J. DREHER

TREASURER
DEL RAYBOULD

October 6, 1998

ADVISORY COMMITTEE

KEITH KELLER
FIRTH

Kim Gaylen Bodily
11696 N Philbin Rd
Pocatello, ID 83202

LINDEN BUTIKOFER
IDAHO FALLS

NOTICE OF IMPENDING ACTION

DAVID NEF
IDAHO FALLS

Dear Kim Gaylen Bodily:

BRENT CALL
RIGBY

MARK LOVELL
RIGBY

BILL TAYLOR
IDAHO FALLS

KATHRYN MCLAIN
RIGBY

According to our records your 1997 and 1998 assessments for the East ESPA Measurement District are gravely overdue. Since, 1997 was the first year for the billing of assessments for the East ESPA Measurement District, the East ESPA Measurement District has extended a great deal of leeway to district members. However, the district cannot function without all the assessments being paid. So there must be a resolution of your outstanding bills.

Your outstanding assessments are as follows:

1997 \$ 30.25
1998 \$ 30.25

With finance charges accruing of \$ 5.02, for a total due of \$ 65.52. Any assessments that are not paid by October 30, 1998 will be turned over to the Idaho Attorney General's office to start civil action to collect these assessments and/or to cause your diversion to cease. It is not our desire or intent to prevent you from diverting your water right, but according to Idaho Code 42-714 it is within our power to cause your diversion to cease in order to collect the yearly assessments. I have included the portion of Idaho Code below that deals with these issues:

FROM WATER MEASUREMENT
DISTRICT RECORDS

42-714 (In part)

- (3) The district hydrographer is authorized to cause the delivery of water to be withheld or to cause diversions of water to cease by those users who have not paid their pro rata share of the cost of operating the district as levied until such time as the pro rata share of the cost is paid.
- (4) The water measurement district shall have the right to collect any charges due and unpaid, by civil action, the action to be brought in any court of competent jurisdiction, in the name of the district hydrographer to whom such charges are payable, and in addition to the amount found due, together with interest and costs, may also recover such sum as the court may adjudge reasonable as attorney's fees in the action.
- (5) The appropriators or water users may by resolution request the department of water resources to prepare and mail the billings for the collections authorized in this section. The resolution will agree to reimburse to the department the actual cost incurred by the department in preparing and mailing the billings.

If you have any questions or would like to make an appointment to discuss your assessment contact Terry Klipfel, Wendy Murphy, or Ron Carlson at the Eastern Office of the Idaho Department of Water Resources at the above address or call 525-7171.

Respectfully,



Ronald D. Carlson
District Hydrographer & Regional Manager

FROM WATER MEASUREMENT
DISTRICT RECORDS

September 10, 1998

Lewis Rounds
Eastern Water Measurement District
900 N. Skyline Dr., Suite A
Idaho Falls, Idaho 83402

Dear Mr. Rounds,

Thank you for your letter of August 4, 1998. I do appreciate your effort to try to resolve some of these issues. You sound very sincere but you must understand some background on the situation.

The Idaho Department of Water Resources and its employees do not have a very good record with telling the truth or backing any of their promises when it comes to those of us in the Fort Hall Irrigation Project. I do not know how long you have been involved with the Idaho Department of Water Resources, your involvement with the committee of nine, or if you were involved with the 1990 Fort Hall Indian Water Rights Agreement. You state in your letter that "The data gathered will be used to help protect your water", this is strikingly similar to the language used by the State and U.S. when referring to the HKM study on my surface water. In fact in a letter that I received the very same day as yours, the Superintendent of the Bannock-Shoshone tribes in referring to the deletion of almost 60 percent of the land that I am able to irrigate states that it was "Based on information developed by the Idaho Department of Resources". This is the same Idaho Department of Water Resources that assisted in awarding my bought, paid for and recorded water right to the Federal Government without due process or just compensation. So forgive me, but employees of this department have little credibility in this part of the state. In fact when shown mistakes in their own study Jeff Peppersack told me that "I will add back that area but I will delete something else because this is all you are going to get." Between the documents and the tape recordings that I have you wouldn't believe the number and magnitude of the lies that I can prove were told to and about us.

Back to the measurement district. You state in your letter that "The water from the ditch does not have an effect on your well use.". If I can no longer irrigate my land with the surface water (as per the 1990 agreement from information collected by the Department of Water Resources) or in years that we run short on surface water (as per the 1990 agreement) what do I water the land with? As I see it my only option is the well. Add that to the fact that some low rent government lawyer in Portland can simply claim that the water rights of some 4000 people belong to the Federal Government without producing a single document or calling a single witness but backed by the State of Idaho the Idaho

RECEIVED

OCT 01 1998

Department of Water Resources
Eastern Region

FROM WATER MEASUREMENT
DISTRICT RECORDS

Supreme Court awards the water rights to the Federal Government without even being asked the question and you can begin to understand why I am reluctant to provide any information to your department. However, I understand that it is directed by the state legislature and I am willing to comply. But I will not allow those involved in the backroom deal to gain possession of my surface water access to any of my property. Period.

I think that I can show that what happen to the project water was done with foresight and was intentional. I will not willing assist this same group of people with the same attempt on my groundwater. Nor will I finance them in their quest.

I will be most happy to discuss any of this with you as the background takes much more time than I have in this short letter.

Thank you for your interest.

Sincerely,



Kim G. Bodily

FROM WATER MEASUREMENT
DISTRICT RECORDS

NAME_1	KIM GAYLEN BODILY	CRPP0D9		CONTACT	
		PRIOR DA	4-2-1111	COMMEN	
		RECNO	200587		
NAME_2	11696 N PHILBIN RD	ADRES_ID	30	SITE_VISI	
		SURF_FL		INV_NAM	
ADDRESS		DIV_RATE	0.14	EXAMINE	
		UNITS	CFS	SITE_TAG	
ADDRESS		STG	J		
		TOTL_AC	7		
CITY	POCATELLO	USES	01.04.43		
ST	ID	POD	06S 34E 4 NWSWNW		
ZIP	83202				
PHONE	2082380426				
WRNUMB	A2912089				
OWN	C				
REGPOD9	1				

uses Irrigation 01 0.14 cfs from 3/1 to 10/15
 Stock 04 0.020 cfs from 1/1 to 12/31
 Domestic 43 0.020 cfs from 1/1 to 12/31

1 home stock water 10 cows

7 acres 06S 34E 4 SWNW Blaine County
 Fort Hall Irrigation, Lot 3, Block 1 Mantain - Larson estate

Township 5.30

Bodilyki @ d25, k12, id, us

AS claim would be done 1/1 2000 or 2001

Theoretical

 FROM WATER MEASUREMENT
 DISTRICT RECORDS

FROM WATER MEASUREMENT
DISTRICT RECORDS

37.66 acres per cfs
4.15 af/acre

Water System - all water in Snake River Basin

T. 6 S. V. 4 E. 1/4 - 697 cfs (Cir. 1981)

Walton Right - water right claim awarded by a court based on the decision in Colville Commission

Greys Lake means the storage facility used to store water for the benefit of the Fort Hall Indian Irrigation project

State of Idaho pursuant to Idaho Code 42-1406A allows court to assign

1990 agreement for Fort Hall Indian Irrigation

lump sum in Portland claiming 4000 cfs ~ 40

Can no longer irrigate land with surface water as per 1990 agreement from into collected by IDWR

surface irrigation

Bannock-Shoshone tribes agreement sent letter

HKM study on surface water

FROM WATER MEASUREMENT
DISTRICT RECORDS

Because of cost to maintain and operating a
reservoir for storage for irrigation purposes
the district was forced to repair and
storage for 200,000
Judge Hubert appended lines from column
got fired and became higher hills of a group in area
never shot ground water off near Pocatello



RONALD D. CARLSON
HYDROGRAPHER

STATE OF IDAHO
EASTERN WATER MEASUREMENT DISTRICT
900 N. SKYLINE DR., SUITE A
IDAHO FALLS, ID 83402
(208) 525-7171 FAX (208) 525-7177

IDWR DIRECTOR
KARL J. DREHER

TREASURER
DEL RAYBOULD

ADVISORY COMMITTEE

KEITH KELLER
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DAVID NEF
IDAHO FALLS

BRENT CALL
RIGBY

MARK LOVELL
RIGBY

BILL TAYLOR
IDAHO FALLS

KATHRYN MCLAIN
RIGBY

To: Kim G. Bodily
11696 N. Philbin
Pocatello, Idaho 83202

From: Eastern Water Measurement District
Lewis Rounds
900 N. Skyline Dr., Suite A
Idaho Falls, Idaho 83402

Dear Mr. Bodily,

Enclosed is a copy of your adjudication claim. I made two copies so you could keep one for yourself. The person who is scheduled to review and approve your claim for the well is Greg Taylor from this office. Basin 29 where you are is not scheduled for field exams until the year 2000 so your claim will not be decreed until the year 2001. Greg said that if you take one of the copies of the claim and cross out every place that it says seven acres, write five acres next to it and initial each place then sign it in front of a notary and have the notary sign it and send it back in that he can make the changes for you. I think that you will find that Greg is a much better person to work with than the other people that you have talked to in Boise. If you file a amended claim and decide to change it back before the claim has been decreed that is possible but you will probably have to come in to do it. If you want to talk to Greg he can be reached at 525-7171.

I know that you are busy but, if we could get this done before Oct 30 it would really help. I have already pulled your file for the measurement district and the moment that we get the amended claim from you, I will make sure that you are taken out of the district.

Please don't hesitate to call me at home if you have any questions or call the office during the day and if I am not here tell them when would be a good time for me to call you back.

Thank you for your help. If you have any questions please call me at 525-7171 or you could call me at home at 528-6601. You can also E-Mail me at home at lewisr@ida.net.

Thanks Again for your cooperation,
Lewis Rounds

FROM WATER MEASUREMENT
DISTRICT RECORDS

Revised 10/10/1998

Leah Reynolds
Eastern Water Measurement District
900 W. Division Dr. Suite A
Idaho Falls, Idaho 83403

Dear Mr. Reynolds:

Thank you for your letter of August 4, 1998. I do appreciate your effort to try to resolve some of these issues. You sound very sincere but you must understand some background on the situation.

The Idaho Department of Water Resources and it's employees do not have a very good record with telling the truth or backing any of their promises when it comes to those of us in the Fort Hall Irrigation Project. I do not know how long you have been involved with the Idaho Department of Water Resources, your involvement with the committee of nine, or if you were involved with the 1990 Fort Hall Indian Water Rights Agreement. You state in your letter that "The data gathered will be used to help protect your water", this is strikingly similar to the language used by the State and U.S. when referring to the HKM study on my surface water. In fact in a letter that I received the very same day as yours, the Superintendent of the Pannock-Shoshone tribes in referring to the deletion of almost 60 percent of the land that I am able to irrigate states that it was "Based on information developed by the Idaho Department of Resources". This is the same Idaho Department of Water Resources that assisted in awarding my bought, paid for and recorded waterright to the Federal Government without due process or just compensation. So forgive me, but employees of this department have little credibility in this part of the state. In fact when shown mistakes in their own study Jeff Peppersack told me that "I will add back that area but I will delete something else because this is all you are going to get." Between the documents and the tape recordings that I have you wouldn't believe the number and magnitude of the lies that I can prove were told to and about us.

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FROM WATER MEASUREMENT
DISTRICT RECORDS

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OCT 01 1998

Department of Water Resources

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I will be most happy to discuss any of this with you as the background takes much more time than I have in this short letter.

Thank you for your interest.

Sincerely,



Kim G. Bodily

FROM WATER MEASUREMENT
DISTRICT RECORDS



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
ALAN G. LANCE

April 24, 1998

Kim Gaylen Bodily
11696 N. Philbin Rd.
Pocatello, ID 83202

RE: Past Due Water Measurement District Assessments for 1997

Dear Ms. Bodily

The Idaho Department of Water Resources (IDWR) and the East ESPA Water Measurement District have referred the above matter to the Office of the Attorney General requesting that all necessary legal action be commenced to collect past due 1997 assessments.

As I am sure you are aware Section 42-714, Idaho Code, provides authority for the water measurement district hydrographer to shut off the water diversions of those users who have not paid their measurement district assessments. In addition, the measurement district, through the Attorney General, may instigate a civil action against those users with unpaid assessments to collect the amount due plus costs and attorney fees.

The measurement district hydrographer certainly does not wish to shut off water diversions, nor is it the wish of the measurement district to force these small collection matters into litigation. However, the measurement district will proceed to initiate all steps necessary to assure that all water users pay their share of the district's expenses. The past due assessments at issue in this letter are for the 1997 season. Expect assessments for the 1998 season to be mailed out shortly.

Therefore, the purpose of this letter is to provide you with a final opportunity to pay or make arrangements to pay your past due assessment in the amount of \$30.25, before this office commences legal action to collect the past due sums. **Please remit payment to the measurement district no later than June 1, 1998.**

Send payments to:

**East ESPA Water Measurement District
900 No. Skyline Dr., Suite A
Idaho Falls, ID 83402-1718**

FROM WATER MEASUREMENT
DISTRICT RECORDS

Natural Resources Division - Water Resources Unit
1301 North Orchard St., Boise, Idaho 83706-2237
Telephone: (208) 327-7920, Legal FAX: (208) 327-7866
FAX: (208) 327-5100



RONALD D. CARLSON
HYDROGRAPHER

STATE OF IDAHO
EASTERN WATER MEASUREMENT DISTRICT
900 N. SKYLINE DR., SUITE A
IDAHO FALLS, ID 83402
(208) 525-7171 FAX (208) 525-7177

IDWR DIRECTOR
KARL J. DREHER

TREASURER
DEL RAYBOULD

ADVISORY COMMITTEE

KEITH KELLER
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IDAHO FALLS

DAVID NEF
IDAHO FALLS

BRENT CALL
RIGBY

MARK LOVELL
RIGBY

BILL TAYLOR
IDAHO FALLS

KATHRYN MCLAIN
RIGBY

To: Kim G. Bodily
11696 N. Philbin
Pocatello, Idaho 83202

From: Eastern Water Measurement District
Lewis Rounds
900 N. Skyline Dr. , Suite A
Idaho Falls, Idaho 83402

Dear Mr. Bodily,

My Name is Lewis Rounds, I have worked for the Water Measurement District since May of this year 1998. I am writing to you because I am the person that is responsible for the measurement of all water use in the Eastern Water Measurement District. I have read the correspondence between you and Ron Carlson and understand your concerns. I would like the opportunity to explain to you what the Water Measurement District is about and how I believe that we can make things easier for you. The Water Measurement Districts were established by the State of Idaho a couple of years ago to measure water use throughout the state. The data gathered will be used to help protect your water by showing that Idaho water is used in the State of Idaho and should not be sold to other states. The measurements taken and the yearly records will also be used to help the State get a better understanding of where water is drawn from the aquifer and how the aquifer works. This information will help the people at Idaho Department of Water Resources determine the best locations for aquifer recharge if that ever becomes necessary.

When the State of Idaho created the law that established the water measurement districts, it was determined that wells with diversion rates of 0.24 cubic feet per second or under and less than five acres would not be required to join the measurement district. The requirements were made to prevent personal home wells and people who use comparatively little water from having to install meters on their wells. The people not required to be in the water measurement district will be accounted for by assuming that all water from the water right is used every year.

In your case the water right for your well is 0.14 cubic feet per second with seven acres of irrigation. It is the seven acres of irrigation that has required you to be in the water measurement

FROM WATER MEASUREMENT
DISTRICT RECORDS



RONALD D. CARLSON
HYDROGRAPHER

STATE OF IDAHO
EASTERN WATER MEASUREMENT DISTRICT
900 N. SKYLINE DR., SUITE A
IDAHO FALLS, ID 83402
(208) 525-7171 FAX (208) 525-7177

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GARK LOVELL
RIGBY

BILL TAYLOR
IDAHO FALLS

KATHRYN MCLAIN
RIGBY

district. When your water right was established it was customary to include all lands that may or may not be irrigated. Because of these new laws, it is now beneficial to report only the ground irrigated from the well. The water from the ditch does not have an effect on your well use. If we can show that there is less than five acres irrigated from the well, it is available for you to amend your water right to show the actual acres and remove you from the responsibility of the water measurement district.

I understand your need to protect your water right and would like to help. I realize this is an inconvenience but it is necessary to satisfy the requirements set forth by the State of Idaho.

Thank you for your help. If you have any questions please call me at 525-7171 or you could call me at home at 528-6601.

Thanks Again for your cooperation,
Lewis Rounds

FROM WATER MEASUREMENT
DISTRICT RECORDS

July 28, 1998

RECEIVED
JUL 31 1998
Department of Water Resources
Eastern Region

Ronald D. Carlson
Eastern Water Measurement District
900 N. Skyline Dr., Suite A
Idaho Falls, Idaho 83402

Dear Mr. Carlson,

I can't tell you how much I enjoyed your letter of May 18, 1998. However, it sadden me to read, I don't know what bothered me the most, that a grown man doesn't know who employees him or that the watermaster of the upper Snake River doesn't have a clue what is going on around him.

First, according to my notes of the committee of nine annual meeting held on March 3, 1998 in your own review of your service you state that the watermaster position was established by the committee of nine in 1978. The committee of nine roster which includes: the committee board, advisors, attorneys and secretary also includes the watermaster with your name listed under that office. When Del Raybould gave the committee financial report at the Pocatello airport on February 19, 1998 he listed \$158,000 under salaries. That is alot of money for an organization the according to you "employ no one", don't you think? Lastly, I think that if you check the the committee of nine budget that there is money budgeted for the "watermaster". Now if I am misinformed on all of these, I apoligize, but even you would have a hard time disputing that you "work" for the committee of nine.

Your letter has enabled me to better understand how a man in your position could be so far off on what has happened around him. The "tragic misunderstandings" that you speak about are, in this case, not limited to you. Let me present you with the relevant facts, not those told to me by my employer. I own the water right that was taken from me and given over to the federal government. That is not even disputable. I have documents since 1907 and signed by everyone from the President of the United States to those representing the United States Congress that say, the water right was intended to be sold, was sold, was paid for, and was recorded. Have you ever bothered to look at those documents or did the committee tell you that they did not exist? You could read them for yourself.

You say that they "subsequently established a water accounting process that gives you exactly what you would have gotten from the Snake River prior to the agreement." You fail to mention the loss of 100,000 acres feet of storage water. Certainly the watermaster understands the significance of storage water. But how does it to me

FROM WATER MEASUREMENT
DISTRICT RECORDS

[illegible]

as of yet I haven't seen it. I am sure that the committee
wouldn't approve of your education, but maybe you could read
them in secret. The fact remains that you represent people
and may have even been involved yourself in the
"negotiations" that gave away something that is undeniably
mine without any right to do so, and I do not intend to let
you do the same with my groundwater.

In the future may I suggest that you do some actual research
before you write on a subject about which you are so
obviously limited.

Sincerely,



Kim G. Bodily
Water right owner

11696 N. Philbri
Pocatello, Idaho
83202

FROM WATER MEASUREMENT
DISTRICT RECORDS



RONALD D. CARLSON
HYDROGRAPHER

STATE OF IDAHO
EASTERN WATER MEASUREMENT DISTRICT
900 N. SKYLINE DR., SUITE A
IDAHO FALLS, ID 83402
(208) 525-7171 FAX (208) 525-7177

IDWR DIRECTOR
KARL J. DREHER

May 18, 1998

TREASURER
DEL RAYBOULD

ADVISORY COMMITTEE

Mr. Kim G. Bodily
11696 N Philbin Road
Pocatello, ID. 82303

KEITH KELLER
FIRTH

Dear Mr. Bodily:

LINDEN BUTIKOFER
IDAHO FALLS

I have enclosed a copy of the note you returned in March of 1998 on your Water Measurement District billing. In your note you indicate your intention to not pay your assessment to the Eastern Water Measurement District. Before we proceed with further action to collect this bill I wanted to respond to your note.

DAVID NEF
IDAHO FALLS

BRENT CALL
RIGBY

In my opinion your comments represent a tragic misunderstanding of how you, and others in your area, were impacted by the Fort Hall water rights settlement. I suspect this tragedy is best quantified by the attorney's fees that have been paid by non-Indian water users in the Fort Hall project. It never ceases to amaze me how people can waste their resources and physical and emotional energy on lawyers and litigation and never bother to find out how they were, or will be injured. Just for your information here are the relevant facts:

MARK LOVELL
RIGBY

BILL TAYLOR
IDAHO FALLS

KATHRYN MCLAIN
RIGBY

By any standard, the Committee of Nine did an outstanding job of negotiating a settlement of the Sho-Ban reserved water rights claims. There was no way that the State of Idaho or other water users were going to concede the existence of a reserved water right appurtenant to the non-Tribal lands served by the Fort Hall project. However, the Committee of Nine was committed to a "no injury settlement" for all non-Indian water users. The Committee of Nine did not give away anything you were entitled to, and Water District 1 has subsequently established a water accounting process that gives you exactly what you would have gotten from the Snake River prior to the agreement. The fact is the process we will use will, for water distribution purposes, make no distinction between Indian and non-Indian water users. Consequently you will be much less subject to shortage in the future than you have been in the past. Your right has, in fact, been improved by the Fort Hall settlement. If there are operational changes affecting the internal management within the Fort Hall project, the State of Idaho, Committee of Nine and the Watermaster have no control of that process.

* FROM WATER MEASUREMENT *
* DISTRICT RECORDS *

As the only recognized representatives of area water users, The Committee of Nine was determined to be the best entity to represent the interests of all water users in the negotiations with the federal government and Indian Tribes. By any standard they did an outstanding job of negotiating an agreement that saved the state and water users untold millions of dollars and years of litigation.

The Committee of Nine is the group elected by the water users of Water District 1 to serve as water user representatives and advisors to the Watermaster. I am not employed by the Committee of Nine. They, in fact, employ no one.

Mitigation Inc. the organization that was formed to assure mitigation of impacts of the Fort Hall Indian water rights agreement has scheduled its annual stockholders meeting for 7:00 p.m. May 28, at the Jefferson County Courthouse in Rigby, Idaho. I would encourage you and others from your area to attend this meeting.

Very truly yours,



Ronald D. Carlson
Watermaster/District Hydrographer

FROM WATER MEASUREMENT
DISTRICT RECORDS

East ESPA Water Measurement District
900 N. Skyline Dr.
Idaho Falls, ID 83402

Statement

DATE

12/22/97

BILL TO

KIM GAYLEN BODILY
30
11696 N PHILBIN RD
POCATELLO ID 83202

RECEIVED

MAR 10 1998

Department of Water Resources
Eastern Region

AMOUNT DUE

AMOUNT ENC.

\$30.25

DATE

DESCRIPTION

AMOUNT

BALANCE

10/20/97

Balance forward

3-7-98

30.25

As I have written you before; some members of your board work for people who were instrumental in the Fort Hall Water Agreement. This agreement gave away portions of my surface water by people who had no right to give this water away. I will not now or ever let employees of this committee of nine on my property or near my ground water. Nor will I pay fees so that this obvious conflict of interest can be continued. As the lawsuit is soon to be filed which will include some of your board you will not be receiving any fee from me until you ~~keep~~ keep up your office.

Kevin Brooks

CURRENT

1-30 DAYS PAST
DUE

31-60 DAYS PAST
DUE

61-90 DAYS PAST
DUE

OVER 90 DAYS
PAST DUE

AMOUNT DUE

0.00

0.00

0.00

0.00

30.25

\$30.25

FROM WATER MEASUREMENT
DISTRICT RECORDS

03/28/98

ID# 30

EAST WATER MEASUREMENT DISTRICT
1998 ANNUAL ASSESSMENT NOTICETO: KIM GAYLEN BODILY
11696 N PHILBIN RD
POCATELLO ID 83202

Water Right Number	Name	W R CFS	CRP Flag	Billing CFS
A29-12089	BODILY, KIM GAYLEN	0.140		0.140

Total Water Right Billing Diversion Rate: 0.140 CFS
 Pro-rate cost factor = \$37.50 per cfs
 (1) Assessed pro-rate cost: \$ 5.25

Total number of CRP Diversions: 0 Total number of regular diversions: 1
 (2) Total number of CRP Diversions x 100 + no. of reg. diversions x \$25: \$ 25.00

Total 1998 assessment (1) + (2):	\$ 30.25
----------------------------------	----------

PLEASE REMIT PAYMENT ON OR BEFORE MAY 1, 1998

Assessments not paid by MAY 1 shall bear interest from the due date until paid at the rate of eight percent (8%) per annum.

 FROM WATER MEASUREMENT
 DISTRICT RECORDS

(keep this portion for your records)

(detach here and return with payment)

PLEASE REMIT PAYMENT ON OR BEFORE

MAY 1, 1998 PAYABLE TO:

EAST ESPA WATER MEASUREMENT DISTRICT
900 N SKYLINE DR STE A
IDAHO FALLS ID 83402-1718

Number of diversions: 1
 Total billing diversion rate: 0.140 CFS
 Total assessment: \$ 30.25

ID# 30

KIM GAYLEN BODILY
11696 N PHILBIN RD

Address correction requested

POCATELLO ID 83202

Page No. 1

03/04/97

ID# 30

KIM GAYLEN BODILY

11696 N PHILBIN RD

POCATELLO ID 83202

EAST ESPA WATER MEASUREMENT DISTRICT

1997 ANNUAL ASSESSMENT NOTICE

Water Right

NumberName

Priority

DateStage

Diversion

Rate (cfs) Units

A29-12089

BODILY, KIM GAYLEN

06/02/1911

J

0.140 CFS

Total Water Right Diversion Rate:

0.140 CFS

Pro-rate cost factor = \$37.50 per cfs

(1) Assessed pro-rate cost: \$ 5.25

Total number of diversions: 1

(2) Total number of diversions x \$25: \$ 25.00

Total 1997 assessment (1) + (2): \$ 30.25

PLEASE REMIT PAYMENT ON OR BEFORE APRIL 1, 1997

Assessments not paid by April 1 shall bear interest from the due date until paid at the rate of eight percent (8%) per annum.

Personnel from the measurement district will be contacting you and collecting information about your pumping system or diversion works. Your assistance and cooperation are not only appreciated but are essential in containing costs.

We have carefully tried to describe your points of diversion and flow rates authorized water rights without duplication or error. If you feel there is a mistake, please contact the water measurement district office at (208) 525-7171.

FROM WATER MEASUREMENT
DISTRICT RECORDS

(keep this portion for your records)

(detach here and return with payment)

PLEASE REMIT PAYMENT ON OR BEFORE

APRIL 1, 1997 PAYABLE TO:

EAST ESPA WATER MEASUREMENT DISTRICT

900 N SKYLINE DR STE A

IDAHO FALLS ID 83402-1718

Number of diversions: 1

Total diversion rate: 0.140 CFS

Total assessment: \$ 30.25

30

KIM GAYLEN BODILY

11696 N PHILBIN RD

POCATELLO ID 83202

Address correction requested

EAST ESPA WATER MEASUREMENT DISTRICT
1997 ANNUAL ASSESSMENT NOTICE

ID# 30
TO: KIM GAYLEN BODILY
11696 N PHILBIN RD
POCATELLO ID 83202

Records of the Idaho Department of Water Resources show that you own or have an interest in the following 1 well(s) or point(s) of diversion:

06S 34E 4 NWSWNW

The measurement district has calculated your total 1997 assessment as follows:

- 1) a flat charge of twenty-five dollars (\$25.00) per year for each diversion that is required to be measured and reported, plus;
- 2) a pro rata share of \$37.50 per cfs, based upon the recorded diversion rate for each water right.

The total charge for your diversions listed above and your pro rata cost is summarized on page 1 of this notice. Keep this page for your records.

FROM WATER MEASUREMENT
DISTRICT RECORDS

East ESPA Water Measurement District
900 N. Skyline Dr.
Idaho Falls, ID 83402

Statement

DATE

9/19/97

BILL TO

KIM GAYLEN BODILY

30

11696 N Philkin Rd.
Pocatello 83202-5308

RECEIVED

SEP 23 1997

Department of Water Resources
Eastern Region

DATE	DESCRIPTION	AMOUNT DUE	AMOUNT ENC.
		\$30.25	
07/04/97	Balance forward		30.25

done!

FROM WATER MEASUREMENT
DISTRICT RECORDS

CURRENT	1-30 DAYS PAST DUE	31-60 DAYS PAST DUE	61-90 DAYS PAST DUE	OVER 90 DAYS PAST DUE	AMOUNT DUE
0.00	0.00	0.00	0.00	30.25	\$30.25

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
GOVERNORKARL J. DREHER
DIRECTOR

May 2, 2001

Kim Gaylen Bodily
11696 N. Philbin Road
Pocatello, Idaho 83202

Re: Adjudication Claim 29-12089

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.

Also attached is a copy of the documentation you provided in 1995 to establish the priority date. This is probably enough to base a recommendation for stockwater and domestic use upon, but not for the irrigation. I realize you've already tried, and given us what you found at that time. In order to recommend your irrigation use to the court, I need more documentation. The enclosed pamphlet describes some typical sources that may be used. One source that may help is the Farm Service Agency, formerly the Agricultural Stabilization and Conservation Service. The local office should be able to put you in contact with the archives in Salt Lake. An aerial photo from before 1963 may be enough to show that your parcel was irrigated. Please contact them soon; the turn-around time is quite long.

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,

A handwritten signature in cursive script that reads "Bryce A. Contor".

Bryce A. Contor
Senior Water Resource Agent

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
06s34e	4	SWNW	5	13	POD placement? / Indiscernible
Totals:			5	13	

5/21/01

* Called Kim Batily (man) Left message.

* Kim called me back and said that somebody (greg) came out 1998, already checked well.

* I said, I would let Bryce know and look further into it.

Note: Property is broken up into different sections that are fenced. Did not know ~~what~~ which ~~field~~ ~~was~~ his.
Field's were

AJ5809NP
No. A29-12089

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/24/00
PAGE: 176

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	KIM GAYLEN BODILY 11696 N PHILBIN RD POCATELLO ID 83202 (208) 238-0426	06/02/1911	IRRIGATION STOCKWATER DOMESTIC	03-01 10-15 01-01 12-31 01-01 12-31	0.140 CFS 0.020 CFS 0.020 CFS	
TOTAL DIVERSION:					0.140 CFS	
CONSUMPTIVE USE:						17.50 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: BENEFICIAL USE

Point(s) of Diversion: T06S R34E S04 NWSWNW

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		
06S	34E	4	:					:					:					:						5.0
TOTAL ACRES																							5.0	

Place of use Legal Description for: STOCKWATER

NE				NW				SW				SE												
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	
				Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		
06S	34E	4	:					:					:					:						

Place of use Legal Description for: DOMESTIC

NE				NW				SW				SE												
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	
				Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		
06S	34E	4	:					:					:					:						

POU County: BANNOCK

Non-Irrigation Uses: DOMESTIC, 1 HOME; STOCKWATER, 10 COWS

Remarks: GEN FT HALL IRR. LOT 3, BLOCK 1 MARTIN-LARSON ESTATES

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

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

Audit: 06/05/92 THOMPSON 09/15/94 JTHOMPSON 03/29/95 POST-STD 10/28/98 GTAYLOR

07/15/94

COMMUNICATION DOCUMENTATION

Claim No.: A29-12089

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: Don Shaff 

Date: 06/06/95

Contact Person(s): Kim Bodily, Claimant

Nature of Contact: Telephone Call from Mr. Bodily

Substance of Communication: Mr. Bodily had questions about Federal law claims and the Ft. Hall Project. His questions initially centered in determining whether a claim was based on Federal law or on State law. I explained the basis of claim terms in the Abstract of non-consumptive claims based on Federal Law and the Fort Hall Agreement as a key to answering his question. Mr. Bodily asked whether the water right(s) for the Ft. Hall Project were based on State law or Federal law or a combination of the two. I asked Mr. Bodily to seek an answer to the Ft. Hall Project water right(s) from David Shaw as one person more familiar than me with the specific descriptions of those water rights. Lastly, Mr. Bodily asked questions as to the records of the water rights prior to the SRBA for claims based on Federal law. I responded the claim sets forth the Federal statutes for a reservation that support the claim presented, and prior to the Adjudication no record of the water right based on Federal law was made with the State of Idaho. I added those water rights based on State law other than beneficial use rights were part of the records of the state prior to the SRBA.

cc: D. Shaw

RECEIVED
MICROFILMED
JUN 09 1995
NOV 14 1996
Department of Water Resources
Eastern District Office

IRC101

RESIDENTIAL PROPERTY INQUIRY
INQUIRY

1995 02/10/95

PARCEL NO. RRMN000300 SHEET NO. 01 DELETE CODE CODE AREA 003300
 OWNER NAME BODILY, KIM G LEGAL TRACT 3 7.0 AC
 ADDRESS 11696 N PHILBIN RD DESC MARTIN-LARSEN TRACTS

LOCATION POCATELLO ID
000000 COMM
 CLASS 3 MISCELLANEOUS DATA
 YR BUILT 1940 USE CODE 371200 MKT GRADE 2
 DT OCC YR RMDLD EFF AGE 53
 % COMPLETE 1.00 PHOTO #
 (Y OR N) VALUES SUMMARY
 COMPUTED BY JB DATE 061593 PRE-BUILT? RESID 32367
 APPRAISER DRC DATE 041493 BLDG PERMIT? GARAGE 3346
 ASSESSOR DATE UNDER CONSTRU? CARPORT
 REINSPECTION DATE OTH IMP 3960
 TOTAL 39673
 PURCH PRICE DATE
 PURCH PRICE DATE
 PURCH PRICE DATE
 NEXT PARCEL & SHEET

NEW REFRESH 3 13 INQUIRY EXIT
 INQUIRY SCREEN CN B INQUIRY
 16:12 CAPS

This is from the county court House. This is a far back as their records go on this house. But I know it is older than that. I am unable to find anyone with records that go back any further. And I have check with every one I can think of.

This is the original home site for this area, so there are also no "old timers" around that have been here before this place, that I am aware of. This is the original farm and well. I own the farmyard + 7 acres. With no records available I am not sure how I can prove my priority date.

MICROFILMED

NOV 14 1995

APR 3 1995

Department of Water Resources
 Eastern District Office



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - FAX: (208) 525-7177

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

DATE: JAN. 3, 1995

A29-12089
KIM GAYLEN BODILY
11696 N PHILBIN RD

POCATELLO ID 83202

EVIDENCE OF PRIORITY

Dear Claimant:

The Notice of Claim identified above and or below has been filed in the Snake River Basin Adjudication(SRBA). The notice indicates a water usage of irrigation, or other commercial application that is based on **BENEFICIAL USE**. Water rights of this type are established by the historical use of water, dating back to when the water was first used for the purpose claimed. This date is know as the **PRIORITY DATE**, has not been confimed 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**.

For your reference, I have provided a printout of your Notice of claim and the pamphlet **EVIDENCE OF PRIORITY**. The pamphlet suggests which documents will fulfill this requirement.

The IDWR 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 March 31, 1995, referencing the information with the corresponding Water right number. If you have any questions, please contact this office.

Dave Carlson
Water Right Agent, Adjudications

MICROFILMED
NOV 14 1996

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	KIM GAYLEN BODILY 11696 N PHILBIN RD POCATELLO ID 83202 (208) 238-0426	06/02/1911	IRRIGATION STOCKWATER DOMESTIC	03-01 10-15 01-01 12-31 01-01 12-31	0.14 CFS 0.02 CFS 0.02 CFS	
TOTAL DIVERSION:					0.14 CFS	
CONSUMPTIVE USE:						17.50 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: BENEFICIAL USE

Point(s) of Diversion: T06S R34E S04

NWSWNW

BANNOCK County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE				
T	R	S		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM
06S	34E	4	:													7.0
															TOTAL ACRES	7.0

Place of use Legal Description for: STOCKWATER

NE				NW				SW				SE				
T	R	S		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
06S	34E	4	:													

Place of use Legal Description for: DOMESTIC

NE				NW				SW				SE				
T	R	S		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
06S	34E	4	:													

POU County: BANNOCK

Non-Irrigation Uses: DOMESTIC, 1 HOME; STOCKWATER, 10 COWS

Other Rights: NONE

Remarks: FT HALL IRR. LOT 3, BLOCK 1 MARTIN-LARSON ESTATES

Dates: Exam Made Date:

Verified Date:

Misc: Water District Number:

Field Inspection Flag:
Presumption Flag:

MICROFILMED
NOV 14 1990

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

May 8, 1990

Kim Gaylen Bodily
11696 North Philbin Rd.
Pocatello, ID 83202

RE: Notice of Claim

Dear Mr. Bodily:

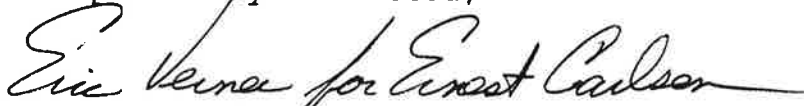
The Idaho Department of Water Resources (IDWR) is returning your Notice of Claim to a Water Right because of insufficient fees. Your check no. 1016 in the amount of \$50.00 is also enclosed. All fees must be submitted before the IDWR can process the Notice.

The Notice you submitted: one irrigation at \$50.00 plus \$1.00/acre (7 acres) brings the total amount due to \$57.00.

Please return the Notice and correct filing fee to the IDWR by June 8, 1990. If the Notice, along with the correct filing fee is not returned by then, the Notice will be subject to an additional late fee.

If you have any questions, please feel free to call the IDWR at (208) 525-7161.

Respectfully submitted,



Ernest Carlsson
Adjudication Supervisor

EC:bb

Enclosure

KIM G. BODILY		1016
11696 N. PHILBIN RD. 238-0426		
POCATELLO, ID 83202		
PAY TO THE ORDER OF <u>Idaho Dept of Water Resources</u>		April 26 1990 92-15581 1241 81
<u>Fifty and 00/100</u>		\$ 50.00
		DOLLARS
 Key Bank of Idaho Pocatello Westwood Office P.O. Box 3019 Pocatello, Idaho 83208		
MEMO		
		
⑈ 124101555⑈ 111236 6⑈ 1016		

MICROFILMED
NOV 16 1992

SCANNED
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: **A29-12089**
Date Received: 5/30/1990
Receipt No: E014706
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: KIM GAYLEN BODILY
Address: 11696 N PHILBIN RD
POCATELLO ID 83202 208-238-0426

2. Date of Priority: JUN 2, 1911

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06S	34E	4	NW	SW	NW		BANNOCK

5. Description of diverting works:
WELL AND PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/01	10/15	0.140		
STOCKWATER	01/01	12/31	0.020		
DOMESTIC	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 17.5 Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC, 1 HOME; STOCKWATER, 10 COWS

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06S	34E	4	SW	NW		DOMEST	
			SW	NW		IRR	5.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06S	34E	4	SW	NW		STOCK	
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:

14. Remarks:

FT HALL IRR. LOT 3, BLOCK 1 MARTIN-LARSON ESTATES

15. Basis of Claim: BENEFICIAL USE

OCT 26 1998

Department of Water Resources
Eastern RegionIN 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 SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A29-12089
Date Received: 5/30/1990
Receipt No: E014706
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: KIM GAYLEN BODILY 208-238-0426
Address: 11696 N PHILBIN RD
POCATELLO ID 83202

2. Date of Priority: JUN 2, 1911

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
06S	34E	4	NW	SW	NW		BANNOCK

5. Description of diverting works:
WELL AND PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/01	10/15	0.140		
STOCKWATER	01/01	12/31	0.020		
DOMESTIC	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 17.5 Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC, 1 HOME; STOCKWATER, 10 COWS

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
06S	34E	4	SW	NW		IRR	8.0
			SW	NW		STOCK	5.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06S	34E	4	SW	NW		DOMEST	

Section Acres

Total Acres

5.0 163
7.0
7.0
5.0 163

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~~ *None*

14. Remarks:

FT HALL IRR. LOT 3, BLOCK 1 MARTIN-LARSON ESTATES

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): *Kim C. S. S. S.* Date: 10-16-98

Date: _____

State of Idaho)
County of BANNOCIL) SS.

Subscribed and sworn (or affirmed) before me this 16TH day
of October 19 98

Seal

Cynthia A. Brangher
Notary Public

Residing at Pocatello Idaho

My Commission Expires 3-5-04
030922530059 082396

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: A29-12089
Date Received: 6/ 5/1992
Receipt No: E014706
Received By: _____

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

1. Name: KIM GAYLEN BODILY 208-238-0426
Address: 11696 NORTH PHILBIN ROAD
POCATELLO ID 83202

2. Date of Priority: JUN 2, 1911

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
06S	34E	4	NW	SW	NW		BANNOCK

5. Description of diverting works:
WELL AND PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/01	10/15	0.140		
STOCKWATER	01/01	12/31	0.020		
DOMESTIC	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 17.5 Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC, 1 HOME; STOCKWATER, 10 COWS

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
06S	34E	4	SW	NW		IRR	7.0
			SW	NW		STOCK	

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
06S	34E	4	SW NW		DOMEST	

Section Acres 7.0

Total Acres 7.0

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:
FT HALL IRR. LOT 3, BLOCK 1 MARTIN-LARSON ESTATES

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: _____

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

NO LATE FEE IF RECEIVED
BY June 8, 1990 BBIN 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: 39576Ident. Number A29-12089Date Received 4-30-90Receipt Number E014706/90RECEIVED
MAY 30 1990Department of Water Resources
Eastern District OfficeNOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

APR 30 1990

Department of Water Resources
Eastern District Office

Please type or print clearly

1. Name of Claimant (s) Kim Gaylen Bodily Phone (208) 238-0426Mailing Address 11696 North Philbin Road, Pocatello, Idaho Zip 832022. Date of Priority (Only one (1) per claim) 6-2-113. Source of water supply (a) ground water
which is tributary to (b) _____4. a. Location of existing point of diversion is: Township 6S Range 34E Section 4,
NW 1/4 of SW 1/4 of NW 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 _____ 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 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

A2912089



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NOV 16 1992

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Domestic purposes from 1-1 to 12-31 amount .02 or _____

For Live stock purposes from 1-1 to 12-31 amount .02 or _____

For irrigation purposes from 3-1 to 10-15 amount .14 or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .14 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 17.5 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) 1 house / 10 cows

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>6S</u>	<u>34E</u>	<u>4</u>						<u>7</u>											<u>7</u>

Total number of acres irrigated 7

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.
Fort Hall Irrigation or None ()

14. Remarks: Lot 3, Block 1 Martin-Larsen Estates

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NOV 16 1992

Last Name _____ Ident No. _____

Copies: White -State, Yellow-Claimant

Scale: 2 inches equals 1 mile

[illegible]

NOV 16 1992

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 1

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

Signature of Claimant (s) Kim B. Boddy Date 4-2-90

Date _____

For Organizations: I do solemnly swear or affirm that I am _____ Title _____

of _____ Organization _____, that I have signed the foregoing

document in the space below as _____ Title _____ of _____ 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 24th day of April 19 90

SEAL

Notary Public Marion A. Drier

Residing at Pocatello, Id.

My Commission Expires October 1992

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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NOV 16 1992

Copies White-State, Yellow-Claimant

NOV 16 1992
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