

12/31/2002

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

---

RIGHT NUMBER: 29-13136

NAME AND ADDRESS: LARRY PACKER  
8675 N PARKS RD  
POCATELLO ID 83201

SOURCE: POCATELLO CREEK                      TRIBUTARY: PORTNEUF RIVER

QUANTITY: 0.030 CFS  
USE OF THIS RIGHT WITH RIGHT NO. 29-13258 IS LIMITED TO A TOTAL COMBINED  
DIVERSION RATE OF 0.08 CFS.

PRIORITY DATE: 06/01/1887

POINT OF DIVERSION:  
T06S R35E S19 NESENE 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          | 0.030 CFS       |

PLACE OF USE: IRRIGATION Within BANNOCK County  
T06S R35E S19                      SENE                      1.3

1.3 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 29-13258 IS LIMITED TO THE  
IRRIGATION OF A COMBINED TOTAL OF 1.3 ACRES IN A SINGLE  
IRRIGATION SEASON.

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: Decreed

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION  
PURSUANT TO SECTION 42-1425, IDAHO CODE.

IDAHO DEPARTMENT OF WATER RESOURCES 11/21/2001  
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

NAME AND ADDRESS: LARRY PACKER  
8675 N PARKS RD  
POCATELLO ID 83201

SOURCE: ~~NORTH FORK~~ POCATELLO CREEK TRIBUTARY: POCATELLO CREEK

QUANTITY: 0.03 CFS

USE OF THIS RIGHT WITH RIGHT NO. 29-13258 IS LIMITED TO A TOTAL COMBINED  
DIVERSION RATE OF 0.08 CFS.

PRIORITY DATE: 06/01/1887

POINT OF DIVERSION:

T06S R35E S19 NESENE 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          | 0.030 CFS       |

PLACE OF USE: IRRIGATION Within BANNOCK County

T06S R35E S19                      SENE                      1.3

1.3 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 29-13258 IS LIMITED TO THE IRRIGATION OF A  
COMBINED TOTAL OF 1.3 ACRES IN A SINGLE IRRIGATION SEASON.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 1.3 ACRES WITHIN THE PLACE OF  
USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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: Decreed

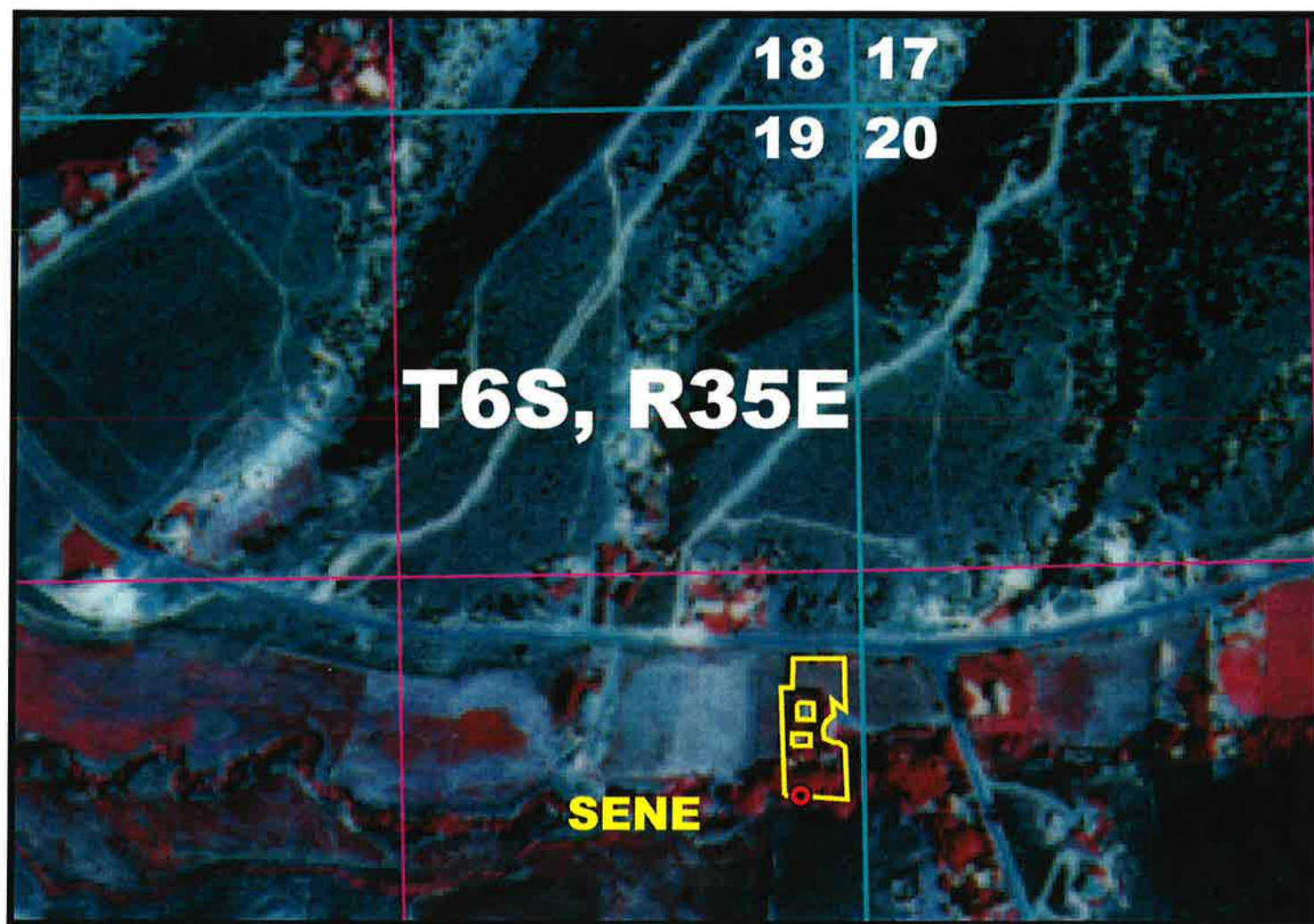
RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION  
PURSUANT TO SECTION 42-1425, IDAHO CODE.



# STATE OF IDAHO

Department of Water Resources  
Eastern Region

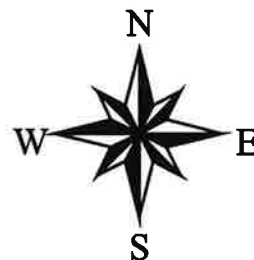
Water Right(s): 29-13136



0 1320 Feet

**Total Irrigated Acres: 1.3**

-  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: November 2001

29-13136

Split history for Decreed Right 29-00443

29-00443  
2 cfs

|   | Claimed           | Recommend                        |
|---|-------------------|----------------------------------|
| A | Firkins           |                                  |
|   | 0.1<br>5          | 0.01<br>1.3                      |
| B | Fritch            |                                  |
|   | 0.02<br>10        | 0.02<br>1.8                      |
| C | Stocking          |                                  |
|   | 0.05<br>2.5       | 0.01<br>1.1                      |
| D | Anderson, D       |                                  |
|   | 1<br>52.5         | 0.83<br>43.6                     |
|   | P Anderson, D     | 29-13265 (And-D)<br>0.77<br>40.5 |
|   | Q Anderson, T     | 29-13266 (And-N)<br>0.06<br>3.1  |
|   | 0.17<br>8.9       | 0.12<br>5.9                      |
| E | Johnson           |                                  |
|   | 0.01<br>2         | 0.01<br>1.7                      |
| F | Dixon             |                                  |
|   | 0.2<br>7          | 0.02<br>2.6                      |
| G | Anderson, E       |                                  |
|   | 0.2<br>2          | 0.03<br>1.6                      |
| H | Packer (split)    |                                  |
|   | 0.08<br>4         | 0.05<br>1                        |
|   | 29-13136 (Packer) | 0.03<br>1.3                      |
|   | 29-13137 (Hurley) | 0.03<br>2                        |
|   | 0.01<br>1         |                                  |
| I | Paul              |                                  |
|   | 0.04              | 0.03                             |

Deed

|                                                        |                            |
|--------------------------------------------------------|----------------------------|
| Deeded 1/2 in                                          | Agreed                     |
| Deeded 1in per 10 ac                                   | Disagreed but not changing |
| Deeded 1/2 in                                          | No NOE received            |
|                                                        | No NOE Received            |
|                                                        | No NOE Received            |
|                                                        | No NOE Received            |
| Deeded 1/2 in                                          | Agreed                     |
| Need c/o<br>No Deeds<br>Assume 1/12 in per 5 acre plot | No NOE Received            |
| Accomplished Change in POU                             | No NOE Received            |
| 2/3 of 2 inch                                          | No NOE Received            |
| 1/3 of 1 inch                                          | No NOE Received            |
| Deed from Tanny-Anderson<br>No 1/2 inch equipment      | No NOE Received            |

|          |               |                           |       |
|----------|---------------|---------------------------|-------|
|          | 2             |                           | 1     |
|          |               | 29-13254 (Smith)          |       |
| J        | Smith (split) | 0.005                     | 0.005 |
|          | 0.01          | 1                         | 0.8   |
|          | 2             | 29-13255 (Foltz)          |       |
|          |               | 0.005                     | 0.005 |
|          |               | 1                         | 0.7   |
| K        | Morris        |                           |       |
|          | 0.01          |                           | 0.01  |
|          | 1.5           |                           | 0.6   |
| L        | Finkelburg    |                           |       |
|          | 0.01          |                           | 0.01  |
|          | 1             |                           | 1     |
| M        | Griggs        |                           |       |
|          | 0.09          |                           | 0.01  |
|          | 3             |                           | 1.5   |
| N        | Travis        |                           |       |
|          | 1             |                           | 0.16  |
|          | 30            |                           | 10.6  |
| 29-10783 | Lawlor        |                           |       |
|          | 0.12          |                           | 0     |
|          | 6             |                           | 0     |
| 29-13270 | Pharris       | Renumbered from 29-00444A |       |
|          | 0.06          |                           | 0.02  |
|          | 2             |                           | 2     |
| 29-12232 | Taysom        |                           |       |
|          | 0.02          |                           | 0.02  |
|          | 1.5           |                           | 1.3   |

Deeded 1/2 to parent *No NOE Received*

Deeded 1/2 to parent *No NOE Received*

No deed received *No NOE Received*

Silent to WR

Silent to WR

8 in deeded *No NOE Received*

Disallow *No NOE Received*

0.1 If Recommended  
3.5

no deed provided

Silent to WR

Sum CFS= 1.33  
Sum Acre= 49.6

Un-accounted for CFS= 0.27  
Un-accounted for Acres= 6.4

Estimated Deeded Acreage = 56 ac  
Remaining Diversion Rate For Deeded POU = 1.6

RECEIVED

NOV 06 2001

Department of Water Resources  
Eastern Region

0658

2-1

1-56852 DD

91012773

DEED

FOR VALUE RECEIVED, the Grantors, Sharon Marie Bell and James N. Beck, as the guardians and conservators of the person and estate of Opal L. Beck, so appointed in Case No. SP-4145 in the Magistrates Division of the Bannock County, Idaho Sixth District Court, hereby grant, bargain, sell, and convey to the Grantees, Larry D. Packer and Tamara Sue Packer, husband and wife, whose address is 8675 N. Park Rd., Pocatello, Idaho 83201, the premises in Bannock County, Idaho described as follows:

BEGINNING AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 19, TOWNSHIP 6 SOUTH, RANGE 35 E.B.M.,; THENCE WEST ALONG THE NORTH BOUNDARY LINE OF SAID SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION A DISTANCE OF 272 FEET; THEN AT RIGHT ANGLES SOUTH A DISTANCE OF 1320 FEET; THEN AT RIGHT ANGLES EAST A DISTANCE OF 272 FEET; THENCE AT RIGHT ANGLES NORTH ALONG THE DIVIDING LINE BETWEEN SECTIONS 19 AND 20 A DISTANCE OF 1320 FEET TO THE POINT OF BEGINNING.

ALSO: BEGINNING AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 20, TOWNSHIP 6 SOUTH, RANGE 35 E.B.M., THENCE SOUTH ALONG THE WEST SECTION LINE OF SAID SECTION 20 A DISTANCE OF 683 FEET; THENCE IN A NORTHEASTERLY DIRECTION A DISTANCE OF 300 FEET, MORE OR LESS, TO THE RIGHT FORK ROAD ON POCATELLO CREEK; THENCE IN A NORTHWESTERLY DIRECTION A DISTANCE OF 581 FEET, MORE OR LESS, TO THE NORTH BOUNDARY LINE; THENCE WEST A DISTANCE OF 50 FEET ALONG THE NORTH BOUNDARY OF THE SAID SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 20, TO THE POINT OF BEGINNING.

TOGETHER WITH WATER AND WATER RIGHTS APPURTENANT THERETO, INCLUDING THE EXISTING WELL, PUMPS, AND IRRIGATION FACILITIES.

TO HAVE AND TO HOLD the said premises, with their appurtenances, to the Grantees, their heirs, and assigns forever. Excepting therefrom taxes for the current and subsequent years, existing easements, rights of way, reservations, and exceptions of record.

Bannock County, Idaho

INSTRUMENT NO. 280469

This Indenture, Made this 9th day of March 1951 in the year of Our Lord One Thousand Nine Hundred and Fifty-one, between

ROYAL D. ANDERSON and EVELYN ANDERSON, husband and wife,

of the County of Bannock, State of Idaho, the parties of the first part, and NEWELL PACKER and ELEANOR MARGARET PACKER, husband and wife,

of the County of Bannock, State of Idaho, the parties of the second part:

WITNESSETH: That the said parties of the first part, for and in consideration of the sum of ONE DOLLAR (\$1.00) and other good and valuable consideration, the receipt whereof is hereby acknowledged, do hereby sell, Grant, Bargain, Sell and Convey and Confirm unto said parties of the second part, and to their heirs and assigns forever: All those certain parcels of land situate, lying and being in the County of Bannock, State of Idaho, bounded and more particularly described as follows, to-wit:

The SE 1/4 of Section 19, Township 6 South, Range 35 East Boise Meridian, EXCEPTING therefrom the East 272 Feet of said SE 1/4, all in Bannock County, State of Idaho, together with 8 inches of water from Pocatello Creek now appurtenant to said land and having heretofore been used thereon.

Subject to a mortgage in the original sum of \$2500.00 dated September 28, 1949, and given to Ellen Ivey. That said mortgage is recorded in the office of the County Recorder of Bannock County, Idaho, in Book 81 of Mortgages on Page 565 and was given Instrument No. 268250. That there is an unpaid balance on the principal of said mortgage in the sum of \$2080.85 payable in installments of not less than \$30.00 per month.

That the parties of the second part, by accepting this deed, do hereby assume said mortgage and hereby agree to pay the same in accordance with its terms and as the same may become due.

(U.S.I.R. \$ 8.80 Attached to Deed and Cancelled)

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

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

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hands and seals this 9th day and year first above written.

WITNESSED, SEALED AND DELIVERED IN THE PRESENCE OF

Royal D. Anderson (SEAL)  
Evelyn Anderson (SEAL)

STATE OF IDAHO,

County of BANNOCK

On this 28th day of March, 1951, before me, the undersigned

Notary Public in and for said County and State, personally appeared

ROYAL D. ANDERSON and EVELYN ANDERSON, husband and wife,

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

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

Carl C. Christensen Notary Public  
Residence: Pocatello, Idaho

I hereby certify that this instrument was filed for record at the request of Newell Packer, 624 Yellowstone Ave., Pocatello, Idaho, on this 10th day of March, 1951, at 10:35 minutes past 10 o'clock A. M., in Book 112 of Deeds, Page 100.

By Anna Keefe, Ex-Officio Recorder, Deputy



443A - Deed Nov 10, 1969 Lathram, Willard & Helena

↓  
James. Firkins  
1/2 in  
20. SW 1/4

443B: 1944 Tanny → Anderson, Harry 1.6 cfs

1952 Anderson, Harry → Eliza Smith 1 in - 10 acres, 1887

(?) Firk → Honycutt - same 10 acres 1/2 interest  
Both Firk and Honycutt own 1/2 interest of 10 acres

443C: ② 1990 Sunstine, Doug → Sunstine, Rodger 1/2 in 1884

① 1989 Sunstine, Lyle → Sunstine, Doug 1/2 in 1887

③ 1992 Sunstine, Rodger → McMaster, Tim Silent to WR

④ 1995 McMaster, Tim → Maatee, Rodger  
Collins, Ron Silent to WR

⑤ 1997 Maatee, Rodger → AG. Stockins  
Merzlock, John

443E: 1971 Anderson → Johnson, Frank 1/2 in (part of Duane)

443H: 1991 Beck → Packer Deadend 2 inches in  
Travis' Dead

443I: 1944 Tanny → Anderson, Harry 1.6 cfs

443J: 1955 Thompson, Marvin → Smith 1/2 inch 1897

443K: Nothing

443L: 1944 Clawson, Ethel → Finkelburg Silent to WR

443M: Griggs called and said Dead Silent to WR  
Fall in Duane 0.64 cfs

443N: Packer, Newell → Travis 8 in

29-10783: Nothing

29-00444: Nothing

28-12232:

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

22-141  
22-142  
22-144



A) Finkings  
0.10 cfs  
5 ac

B) Fitch  
0.02 cfs  
10 ac

C) Stocking  
0.05  
2.5

D) Stanley  
1.0 cfs  
52.5 ac

E) Johnson  
0.01  
2 ac

F) Dixon  
0.02 cfs  
7.0 ac

G) Anderson  
0.20 cfs  
2.0 ac

H) Packer  
0.08  
4 ac

I) Paul  
0.04 cfs  
2.0 ac

J) Smith  
0.01  
2 ac

K) Morris  
0.01  
1.5 ac

L) Finkelburg  
0.01  
1 ac

M) Griggs  
0.09 cfs  
3 ac

N) Trevis  
1 cfs  
30 ac

29-12783 (Lawlor)  
0.12  
6 ac

29-22444A  
0.06  
2 ac

29-12232  
0.06

P) Anderson, D  
0.83 cfs  
43.6 ac

Q) Anderson, T  
0.17 cfs  
8.9 ac

29-13136 (Packer)  
0.05 cfs  
2 ac

29-13137 (Hurley)  
0.03 cfs  
2 ac

29-13254 (Smith)  
0.005  
1 ac

29-13255 (Folta)  
0.005  
1 ac

A)  
0.01  
1.3

B)  
0.08  
1 ac

C)  
0.01  
1.10

Should Be 29-00446

Should Be 29-00446

E)  
0.01 cfs  
1.7 ac

F)  
0.02  
2.6 ac

Should Be 29-00446

Packer  
0.03  
1.3 ac

Hurley  
0.01  
1.0

I)  
0.02  
1 ac

29-13254  
0.005  
0.8 ac

29-13255  
0.005  
0.7

K)  
0.01  
0.6 ac

L)  
0.01 cfs  
1 ac

M)  
0.02  
3 ac

N)  
0.76 cfs  
10.4 ac

Lawlor  
0.02  
3.5 ac

Pharris  
0.02  
2 ac

Tyson  
0.02  
2 ac

- Decided 1/2 in

- Deed From Tanny - Anderson  
1 in

- Decided 1/2 in

✓

✓

- Decided 1/2 in

- No Longer Owned

✓

✓ 2 inches

- Gets 1/3 of Packed Wtr

✓ Deed From Tanny - Anderson

- Decided 1/2

- Decided 1/2

✓

- Deed Silent to WR

- Deed Silent to WR

- Deed For 8 in

-

- No Deed Provided

- Letter sent

443A - Deed Nov 10, 1969 Lathrom, Willard & Helena

↓  
James Finkins  
1/2 in  
20. SW NE

443B: 1944 Tanny → Anderson, Harry 1.6 cfs

1958 Anderson, Harry → Eliza Smith 1 in - 10 acres, 1887

(?) Firch → Honycutt - same 10 acres 1/2 interest  
Both Firch and Honycutt own 1/2 interest of 10 acres

443C: ③ 1990 Sumstine, Doug → Sumstine, Rodger 1/2 in 1887

① 1989 Sumstine, Lyle → Sumstine, Doug 1/2 in 1887

③ 1992 Sumstine, Rodger → McMaster, Tim Silent to WR

④ 1995 McMaster, Tim → McAttee, Rodger  
Collins, Roy Silent to WR

⑤ 1997 McAttee, Rodger → A.G. Stockins  
Merzlock, John

443E: 1971 Anderson → Johnson, Frank 1/2 in (Part of Dwaine)

443H: 1991 Beck → Packer Deed 2 inches in  
Travis' Deed

443I: 1944 Tanny → Anderson, Harry 1.6 cfs

443J: 1955 Thompson, Marvin → Smith 1/2 in 1887

443K: Nothing

443L: 1994 Clawson, Ethel → Finkelnburg Silent to WR

443M: Griggs called and said Deed Silent to WR  
Falls in Dwaine 0.64 cfs

443N: Packer, Newell → Travis 8 in

29-10783: Nothing

29-00444A: Nothing

29-12732:

October 26, 2001

Claimants of Decreed Right 29-00443 (split portions: B/G/I/K/L/M/N/P/Q/29-13136)

Re: Request for proof of water right ownership

Dear Claimant:

In reference to the above described water right there have been several claims to portions thereof. At this point the water right for use of Pocatello Creek water for irrigation purposes is over-claimed. To conduct an investigation and recommendation of the portions claimed, proof of water right ownership is required.

Please provide a copy of your deed or conveyance instrument to this office by November 8, 2001. **If such proof is not presented a disallowed recommendation could result.**

Thank you for your attention in this important matter. I look forward to your timely response. Please feel free to contact me at the above address/phone number.

Respectfully submitted,

Craig L. Saxton  
Water Resource Agent  
Adjudication Bureau

|     |                                                                           |           |
|-----|---------------------------------------------------------------------------|-----------|
| Cc; | WILLIAM AND BARBARA FRITCH<br>8427 POCATELLO CK RD<br>POCATELLO ID 83201  | 29-00443B |
|     | ELWIN & FERN ANDERSON<br>9222 N ANDERSON LN<br>POCATELLO ID 83201         | 29-00443G |
|     | FO PAUL<br>8825 W POCATELLO CK RD<br>POCATELLO ID 83201                   | 29-00443I |
|     | ALICE MORRIS<br>8655 W POCATELLO CK RD<br>POCATELLO ID 83201              | 29-00443K |
|     | DAVID & LINDA FINKELNBURG<br>8767 W POCATELLO CK RD<br>POCATELLO ID 83201 | 29-00443L |

JOHN GRIGGS  
8521 W POCA TELLO CK RD  
POCA TELLO ID 83210

29-00443M

ANGELO TRAYIS JR  
9103 W POCA TELLO CK RD  
POCA TELLO ID 83201

29-00443N

DWAINE ANDERSON  
9196 ANDERSON LN  
POCA TELLO ID 83201

29-00443P

TODD ANDERSON  
9897 W CLIFFORD DR  
POCA TELLO ID 83201

29-00443Q

LARRY PACKER  
8675 N PARKS RD  
POCA TELLO ID 83201

29-13136

## Bannock County, Idaho

INSTRUMENT No. 283042

WITNESSETH

## This Indenture

Made this 30th day of July, 1951, in the year of Our Lord  
One Thousand Nine Hundred and Fifty-one, between

NEWELL PACKER and ELEANOR MARGARET PACKER, husband and wife,

of Pocatello, County of Bannock, State of Idaho, the parties of the

first part, and ANGELO TRAVIS

of Pocatello, County of Bannock, State of Idaho, the part Y of the

second part:

WITNESSETH: That the said part 1st of the first part, for and in consideration of the sum of

ONE DOLLAR and other good and valuable consideration

DOLLARS,

lawful money of the United States of America, to them in hand paid by the said part Y of the second part, the receipt whereof is hereby acknowledged

Convey and Confirm unto said part Y of the second part, and to his heirs and assigns forever: All that certain lot, piece or parcel of land situate, lying and being in the County of Bannock, State of Idaho, bounded and more particularly described as follows, to-wit:

The SE<sup>1</sup>/<sub>4</sub> of Section 19, Township 6 South, Range 35, East of the Boise Meridian, together with 10 inches of water from Pocatello Creek now appurtenant to said land and having heretofore been used thereon;

SAVE AND EXCEPT therefrom the East 272 feet of said SE<sup>1</sup>/<sub>4</sub>, Section 19, Township 6 South, Range 35, East of the Boise Meridian, together with 2 inches of water from Pocatello Creek now appurtenant to said land and having heretofore been used thereon.

(U.S.I.R. \$15.40 Attached and Cancelled )

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

TO HAVE AND TO HOLD, all and singular the said premises, together with the appurtenances and privileges thereunto incident, unto the said part Y of the second part, and to his heirs and assigns forever. And the said part 1st of the first part, and their heirs and assigns warrant the said premises in the quiet and peaceable possession of the said part Y of the second part, his heirs and assigns against the said part 1st of the first part, and their heirs and against all and every person or persons whomsoever, lawfully claiming or to claim the same, shall and will warrant and by these presents forever defend.

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

SIGNED, SEALED AND DELIVERED IN THE PRESENCE OF

Newell Packer (SEAL)

Eleanor Margaret Packer (SEAL)

(SEAL)

(SEAL)

STATE OF IDAHO,

ss.

County of Bannock

On this 30th day of July, 1951, before me, the undersigned, a Notary Public in and for said County and State, personally appeared

NEWELL PACKER and ELEANOR PACKER, husband and wife,

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

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

(Seal)

Ralph H. Jones, Notary Public

Residence Pocatello, Idaho

I hereby certify that this instrument was filed for record at the request of E.T.A. Co. at 30 minutes past 3 o'clock P.M., this 31 day of July, A.D. 1951. In Book 112 of Deeds at page 520.

Fee, \$1.25

Anna Keefe  
Ex-Officio Recorder.

By Deputy.



## 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

October 26, 2001

DIRK KEMPTHORNE  
GOVERNOR

KARL J. DREHER  
DIRECTOR

Claimants of Decreed Right 29-00443 (split portions: B/G/I/K/L/M/N/P/Q/29-13136)

Re: Request for proof of water right ownership

Dear Claimant:

In reference to the above described water right there have been several claims to portions thereof. At this point the water right for use of Pocatello Creek water for irrigation purposes is over-claimed. To conduct an investigation and recommendation of the portions claimed, proof of water right ownership is required.

Please provide a copy of your deed or conveyance instrument to this office by November 8, 2001. **If such proof is not presented a disallowed recommendation could result.**

Thank you for your attention in this important matter. I look forward to your timely response. Please feel free to contact me at the above address/phone number.

Respectfully submitted,

Craig L. Saxton  
Water Resource Agent  
Adjudication Bureau

Cc; WILLIAM AND BARBARA FRITCH 29-00443B  
8427 POCATELLO CK RD  
POCATELLO ID 83201

ELWIN & FERN ANDERSON 29-00443G  
9222 N ANDERSON LN  
POCATELLO ID 83201

FO PAUL 29-00443I  
8825 W POCATELLO CK RD  
POCATELLO ID 83201

ALICE MORRIS 29-00443K  
8655 W POCATELLO CK RD  
POCATELLO ID 83201

DAVID & LINDA FINKELNBURG 29-00443L  
8767 W POCATELLO CK RD  
POCATELLO ID 83201

**29-13136**

**POD**

**Field Exam 10/02/01**



Looking South. Pump not in place at time of field exam. Claimant said that this was the location of the pump when they moved into the place 9 years ago. Place of use behind me in picture. Pocatello creek dry at time of field exam (csaxton 10/26/01).

**29-13136**

**POD**

**Field Exam 10/02/01**



Looking North. POD is where I am standing to take the picture.



Front yard. Looking South East (csaxton 10/26/01).

## Memorandum

Date: 10/26/01

From: Craig L. Saxton

Subject: Forfeiture question

### 29-04367 – Groundwater

Groundwater used over the entire 4 acre parcel owned by Opal Beck per affidavit from Dwaine Anderson Signed 5/7/01. Affidavit doesn't speak of last time used. Claim filed in 1990. Shading on 1985 USGS orthoquad maps indicate irrigation of 4 acres. Based on statement from Dwaine Anderson and 1985 orthoquad maps, recommend entire parcel as irrigated from well.

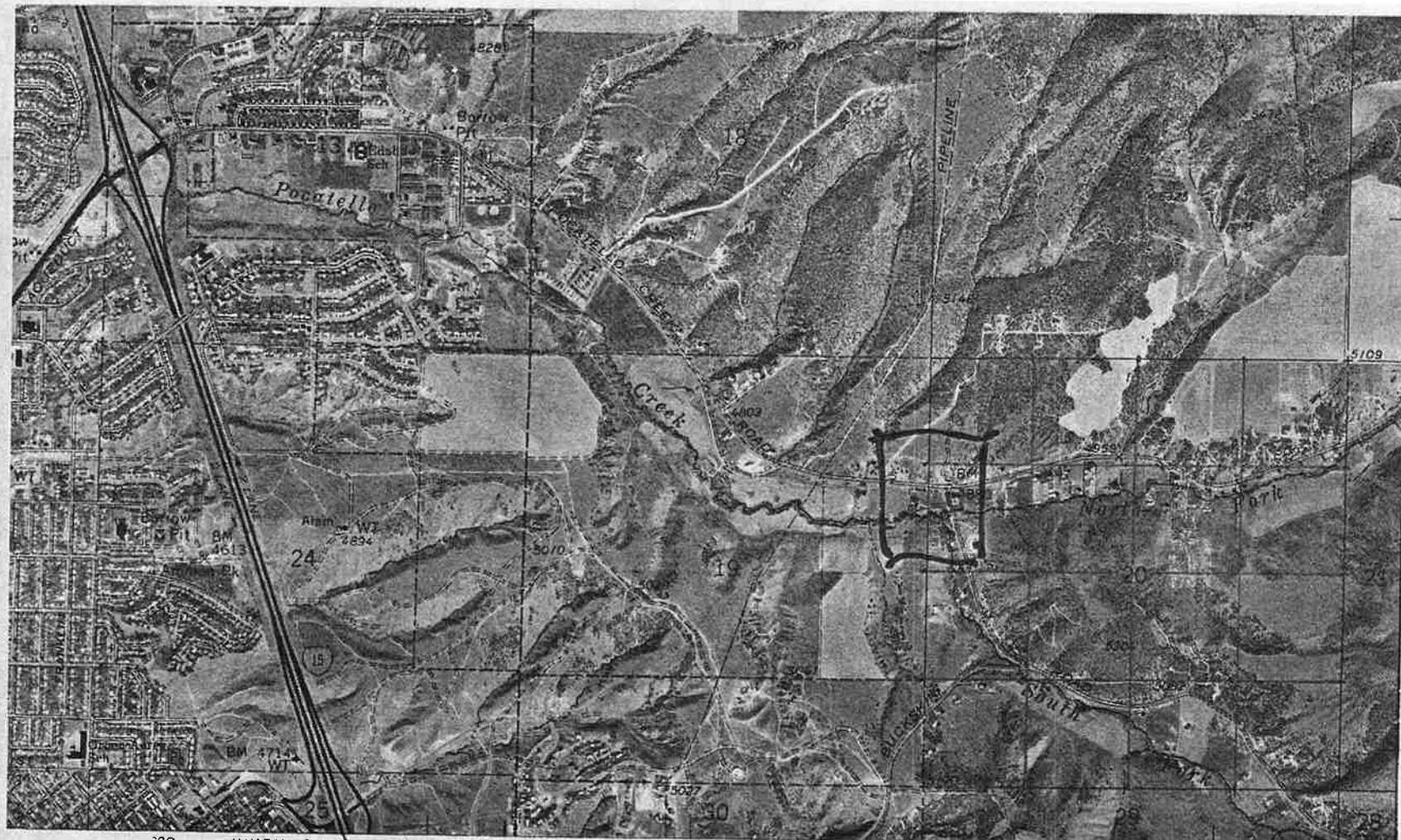
In addition, based on Dwaine Anderson's statement, groundwater right should be split giving John Hurley a portion of the ground water claim.

### 29-13137 and 29-13136

Original claim 29-00443H (filed in 1990) split when Packer sold a portion of the property to Hurley in 2000. In conversation with Tammy Packer during field exam on 10-2-01, she said the Pocatello Creek water hasn't been used in the 9 years they have owned the property. She did say that there was a pump in place when they moved in 9 years ago and that Opals son would help her irrigate the place with Pocatello creek water. Tammy said that there was alfalfa growing when they moved in.

I called Dwaine Anderson (Brother of original claimant Opal Beck) on 10/25/01 to inquire of the last time the parcel was irrigated from Pocatello Creek. He said that they would sprinkle they place from time to time but didn't give me an exact date.

Based on the above information I don't believe forfeiture is an issue for my recommendation.



R35E

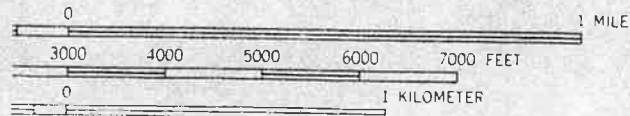
4749

T6S

4748000N

112° 22' 30"

SCALE 1:24 000



POCATELLO NORTH, ID.

N4252.5 - W11222.5-7.5

1985

NATIONAL MAP ACCURACY STANDARDS  
AL SURVEY, MENLO PARK, CALIF. 94025

ese Maps Can Be Obtained  
le Blue Print, Boise Idaho



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

SCANNED

JUN 19 2001

EASTERN REGION

DIRK KEMPTHORNE  
GOVERNOR

KARL J. DREHER  
DIRECTOR

November 28, 2000

LARRY PACKER  
8675 N PARKS RD  
POCATELLO ID 83201

RE: CHANGE IN OWNERSHIP FOR 29-443H

Dear Mr. Packer:

The request for Change in Ownership for a portion of the above-referenced Notice(s) of Claim has been processed with the new Notice(s) reflecting you as one of the claimants.

Since the Change in Ownership involved just a portion of the Notice(s) of Claim, the right was split as follows:

29-13136, 0.05 CFS ON 2 ACRES, PACKER  
29-13137, 0.03 CFS ON 2 ACRES, HURLEY

Enclosed for your records is a typed Notice(s) reflecting your portion of the right. Review the Notice(s) and if you have other corrections or questions, please contact this office.

Respectfully submitted,

Jennifer Crabtree  
Technical Records Specialist

Enclosure

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

DELOG JC  
9/25/00

RECEIVED

SEP 25 2000

Department of Water Resources  
Eastern Region

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

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

| Water<br>Right No(s). | Adjudication<br>Claim No(s). | Split | Water<br>Right No(s). | Adjudication<br>Claim No(s). | Split |
|-----------------------|------------------------------|-------|-----------------------|------------------------------|-------|
| A29-00443H            |                              |       |                       |                              |       |
| SPLIT OFF 1/3         |                              |       |                       |                              |       |
|                       |                              |       |                       |                              |       |
|                       |                              |       |                       |                              |       |
|                       |                              |       |                       |                              |       |
|                       |                              |       |                       |                              |       |

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

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):  
**PLAT OF PROPERTY** or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

**OR**

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

3. Name and Address of Former Owner/Claimant(s) LARRY & TAMARA PACKER (208) 234-2363  
8675 N PARKS RD, POCATELLO ID 83201
4. New Owner/Claimant(s) JOHN & NANCY HURLEY  
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address 11826 ROAD 27.1
- City, State and ZIP Code POLORES, CO 81323
- New Telephone Number (970) 564-0853 WORK (505) 368-7103
5. Date you acquired the property 3/26/2000

P31029

2-11  
**WARRANTY DEED**

For Value Received LARRY D. PACKER and TAMARA SUE PACKER, Husband and Wife

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

JOHN THOMAS HURLEY and NANCY RUTH HURLEY, Husband and Wife

whose address is: 1115 Ridgcrest Gallup, NM 87301

Hereinafter called the Grantee, the following described premises situated in BANNOCK County, ID, to-wit:

A TRACT OF LAND LOCATED IN SECTION 19 AND 20, T. 6 S., R. 35 E., B.M., BEING A PORTION OF DEED NUMBER 91012773 IN BANNOCK COUNTY, IDAHO, DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST ¼ CORNER OF SECTION 19 BEING MARKED BY A BANNOCK COUNTY MONUMENT RECORDING NUMBER 650978;

THENCE N 0°02'17" E (BASIS OF BEARINGS AS PER RECORDING NUMBER 705510) ALONG THE EAST LINE OF SECTION 19, A DISTANCE OF 670.61 FEET TO THE SOUTH PROPERTY LINE OF THE REMAINDER OF DEED NUMBER 91012773;

THENCE S 56°53'00" W., ALONG THE SOUTH L LINE OF THE REMAINDER OF DEED NUMBER 91012773, A DISTANCE OF 59.72 FEET AND A ½

INCH IRON REBAR, THE TRUE POINT OF BEGINNING;

THENCE N 0°02'17" E, PARALLEL AND 50.00 FEET FROM THE EAST LINE OF SECTION 19, A DISTANCE OF 430.01 FEET TO THE CENTER OF POCATELLO CREEK ROAD AND A ½ INCH IRON REBAR;

THENCE S 85°36'02" E, ALONG THE CENTER OF POCATELLO CREEK ROAD, A DISTANCE OF 217.35 FEET TO THE INTERSECTION OF THE WEST RIGHT-OF-WAY LINE OF PARKS ROAD AND A ½ INCH IRON REBAR;

THENCE S 18°13'45" E ALONG THE WEST RIGHT-OF-WAY LINE OF PARKS ROAD, A DISTANCE OF 235.55 FEET TO A ½ INCH IRON REBAR AND THE SOUTHEAST CORNER OF THE REMAINDER OF DEED NUMBER 91012773;

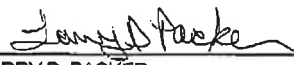
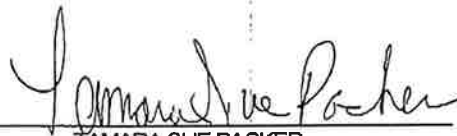
THENCE S 56°53'00" W, ALONG THE SOUTH LINE OF SAID PROPERTY A DISTANCE OF 347.06 FEET, TO THE TRUE POINT OF BEGINNING.

SEE ATTACHED RESTRICTIONS

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

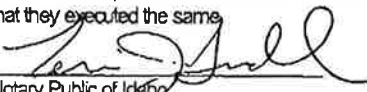
Dated: March 26, 2000

  
LARRY D. PACKER  
TAMARA SUE PACKER

STATE OF Idaho

COUNTY OF BANNOCK

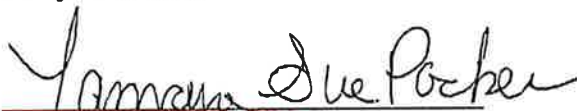
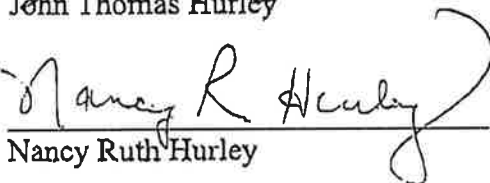
On this 27th day of March, 2000, before me, a Notary Public in and for said State, personally appeared LARRY D. PACKER and TAMARA SUE PACKER, known or identified to me to be the person(s) whose name(s) are subscribed to the within Instrument, and acknowledged to me that they executed the same.

  
Notary Public of Idaho  
Residing at: POCATELLO, ID  
Commission Expires: 04/28/05TERRI J. SMALL  
NOTARY PUBLIC  
STATE OF IDAHONO. 004933  
20004933  
RECORDED AT REQUEST OF  
FIRST AMERICAN TITLE  
2000 MAR 30 PM 3 49  
OFFICIAL RECORD BOOK NO 756  
BANNOCK COUNTY IDAHO  
LARRY W CHAN RECORDER  
FEE 6.00 DEPUTY RM

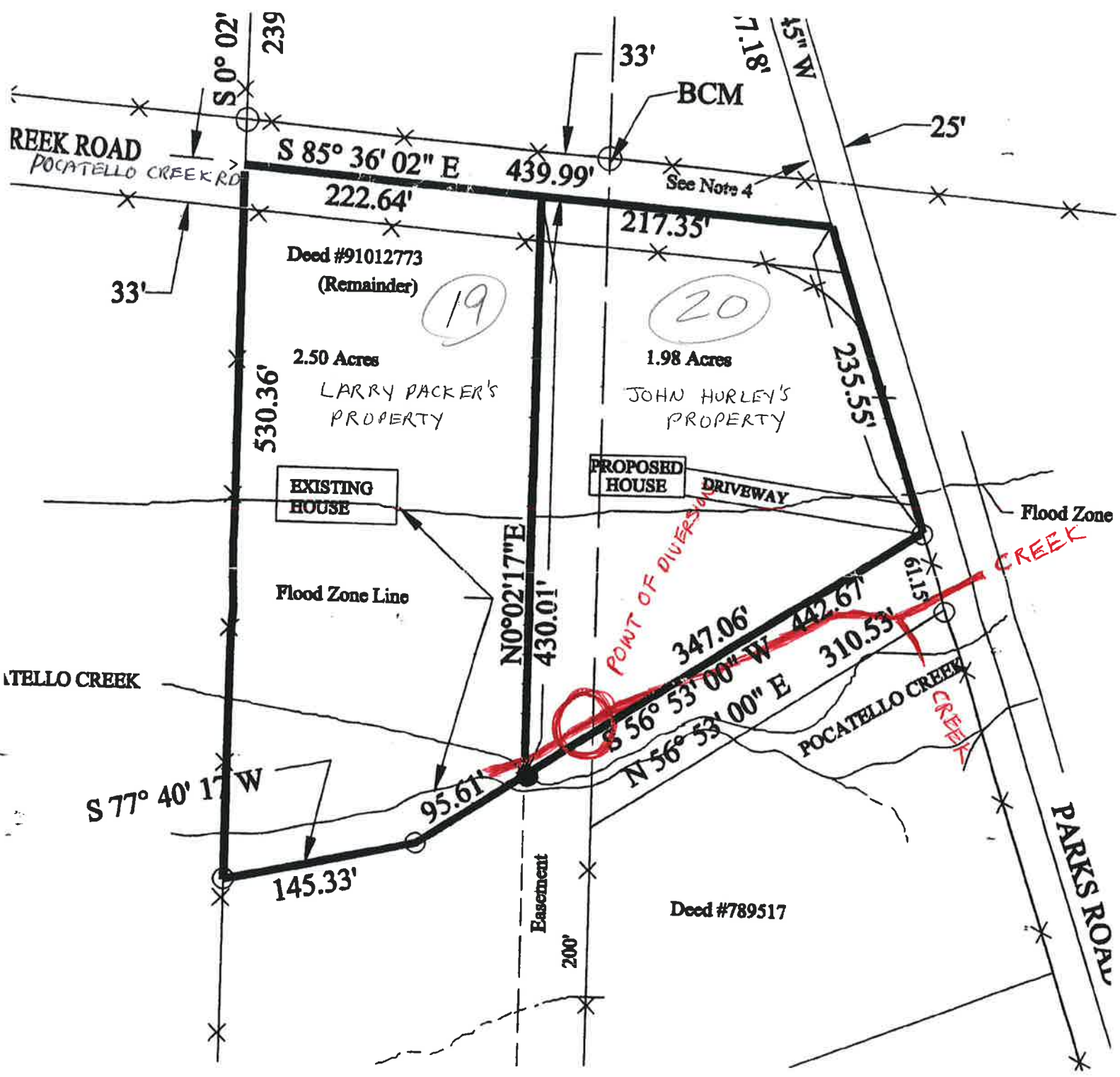
20004933

ATTACHMENT TO WARRANTY DEED  
PACKER TO HURLEY

1. Only site built home of 1600 square feet or more, excluding basement may be built on property. A two car garage or larger must also be built with home.
2. One-third of Pocatello Creek Water rights now owned by seller will be included with sale of said property.

  
Larry D. Packer  
Tamara Sue Packer  
John Thomas Hurley  
Nancy Ruth Hurley

March 27, 2000

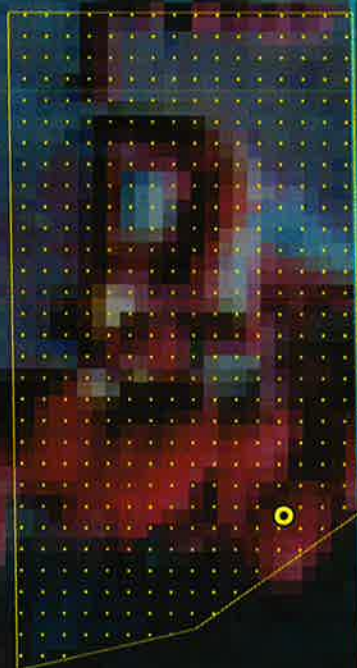


2.50  
1.98  
4.48

T6S  
R35E  
19

SENE

29-13136



T6S  
R35E  
20

SWNW

## IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-13136 V1

WATER RIGHT NUMBER: 29-13136 V1

| <u>Owner Type</u> | <u>Name and Address</u>                                                 |
|-------------------|-------------------------------------------------------------------------|
| Current Owner     | LARRY PACKER<br>8675 N PARKS RD<br>POCATELLO, ID 83201<br>(208)234-2363 |
| Original Owner    | L OPAL BECK<br>8675 N PARKS RD<br>POCATELLO, ID 83201<br>(208)232-6103  |
| Original Owner    | PATRICK S TANEY<br><br>POCATELLO, ID 83201                              |

Priority Date: 06/01/1887

Basis: Decreed

Status: Active

SourceTributary

NORTH FORK POCATELLO CREEK

POCATELLO CREEK

Beneficial Use

From To

Diversion RateAnnual Volume

IRRIGATION

04/01 to 10/31

0.030 CFS

Total Diversion: 0.030 CFSLocation of Point(s) of DiversionNORTH FORK POCATELLO CREEK  
BANNOCK County

NE1/4SE1/4NE1/4

Sec. 19, Twp 06S, Rge 35E, B.M.

Place of UseIRRIGATION Within BANNOCK County

T06S R35E S19 SENE 1.3

Total Acres: 1.29999995231628

Conditions of Approval:

1. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. 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:

1. Place of Use - Irrigation USE OF THIS RIGHT WITH RIGHT NO. 29-13258 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 1.3 ACRES IN A SINGLE IRRIGATION SEASON.
2. Place of Use - Irrigation THIS RIGHT IS LIMITED TO THE IRRIGATION OF 1.3 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

## IDAHO DEPARTMENT OF WATER RESOURCES

## Adjudication Recommendation Report 29-13136 V1

3. Quantity USE OF THIS RIGHT WITH RIGHT NO. 29-13258 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.08 CFS.

Comments:

1. csaxton 11/21/2001 POU

Comment: While in meeting with Todd Anderson on 11/6/01, confirmed that when his aunt Opal Beck owned the place before the Packers and the Hurleys, the entire property was irrigated from the creek.

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:  
 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> |
|----------------|---------------------------|-----------------|---------------------------|-----------------|---------------|
| Priority Date  | 11/21/2001 3:21:11 PM     | csaxton         |                           |                 | Active        |
| POD            | 11/21/2001 3:23:55 PM     | csaxton         |                           |                 | Active        |
| Source         | 11/21/2001 3:27:24 PM     | csaxton         |                           |                 | Active        |
| POU            | 11/21/2001 3:28:06 PM     | csaxton         |                           |                 | Active        |
| Use            | 11/21/2001 3:29:26 PM     | csaxton         |                           |                 | Active        |
| Season         | 11/21/2001 3:30:01 PM     | csaxton         |                           |                 | Active        |
| Quantity       | 11/21/2001 3:30:56 PM     | csaxton         |                           |                 | Active        |
| Summary        | 11/21/2001 3:36:02 PM     | csaxton         | 11/21/2001 3:36:02 PM     | csaxton         | Active        |

Verification Log:

| <u>Element</u> | <u>Date Time Stamp</u> | <u>Reviewer</u> | <u>Log text</u>                                 |
|----------------|------------------------|-----------------|-------------------------------------------------|
| Contacts       | 11/21/2001 3:20:42 PM  | csaxton         | (No) 1. Do you want to schedule an appointment? |
|                |                        |                 | Comment for 1: Field Exam 10/2/01               |
| POD            | 11/21/2001 3:24:13 PM  | csaxton         | Edited point location                           |
| POD            | 11/21/2001 3:26:24 PM  | csaxton         | Edited point location                           |

## IDAHO DEPARTMENT OF WATER RESOURCES

## Adjudication Recommendation Report 29-13136 V1

|               |                       |         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|---------------|-----------------------|---------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Source        | 11/21/2001 3:27:26 PM | csaxton | (Yes) 1. Is the basis of claim decree or license?<br>(Yes) 4. Does the parent right have a source?<br>(Yes) 5. Can the claimed source be verified using the water right file?<br>(No) 11. Is a Source remark and/or condition required?                                                                                                                                                                                                                                                                                                                  |
| POU           | 11/21/2001 3:28:08 PM | csaxton | (Yes) 1. Is the basis of this claim a Decree or License?<br>(Yes) 2a. Is the POU required?<br>(Yes) 5. Does the parent right have a POU?<br>(Yes) 6. Can the claimed POU be verified using the water right file?<br>(Yes) 14. Is a POU remark and/or condition required?                                                                                                                                                                                                                                                                                 |
| Priority Date | 11/21/2001 3:21:13 PM | csaxton | (No) 1. Should this water use have been included in a later court decree of the water rights from this source?<br>(Yes) 4. Is the basis of claim decree or license?<br>(Yes) 5. Does the decree or license have a Priority Date?<br>(Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ?<br>(Yes) 15. Is the basis of claim coded correctly?<br>(No) 16. Is a Priority Date remark and/or condition required?                                                                                                                         |
| POD           | 11/21/2001 3:23:57 PM | csaxton | (Yes) 1. Is the basis of this claim a Decree or License?<br>(No) 4. Does the parent right have a POD?<br>(Yes) 6. Is there evidence that there has been a change in the POD?<br>(Yes) 7. Can the change be verified as an accomplished transfer?<br>(Yes) 8. Does the file contain all the necessary information to verify the POD?<br>(No) 10. Is a POD remark and/or condition required?<br>Description for Question 6 - Location of old POD not spoken about in decree, however from field investigation it was located in NWNW Section 20, T6S, R35E |
| POD           | 11/21/2001 3:26:40 PM | csaxton | Edited point location                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| POD           | 11/21/2001 3:26:57 PM | csaxton | Edited PLS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| POU           | 11/21/2001 3:28:22 PM | csaxton | Edited shape boundary                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| POU           | 11/21/2001 3:28:44 PM | csaxton | Edited PLS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| Use           | 11/21/2001 3:29:28 PM | csaxton | (Yes) 1. Is the basis of this claim a Decree or License?<br>(Yes) 4. Does the parent right have a Purpose of Use?<br>(Yes) 5. Can the claimed Purpose of Use be verified using the water right file?<br>(No) 13. Is a Purpose of Use remark and/or condition required?                                                                                                                                                                                                                                                                                   |

## IDAHO DEPARTMENT OF WATER RESOURCES

## Adjudication Recommendation Report 29-13136 V1

|         |                       |         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|---------|-----------------------|---------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Season  | 11/21/2001 3:30:03 PM | csaxton | <p>(Yes) 1. Is the basis of claim decree or license?</p> <p>(No) 4. Does the parent right have a Period of Use?</p> <p>(No) 6. Is there evidence that there has been a change in the Period of Use?</p> <p>(Yes) 12. Does the file contain all the necessary information to verify the Period of Use?</p> <p>(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?</p> <p>(Yes) 15. Is irrigation claimed as a Purpose of Use?</p> <p>(No) 18. Is a Period of Use remark and/or condition required?</p>              |
| POD     | 11/21/2001 3:30:58 PM | csaxton | <p>(Yes) 1. Is the basis of this claim a Decree or License?</p> <p>(Yes) 4. Does the parent right have a diversion rate and/or volume?</p> <p>(Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file?</p> <p>(No) 8. Does the parent right have an annual diversion volume limit?</p> <p>(No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit?</p> <p>(No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use?</p> <p>(Yes) 12. Is a Quantity remark or condition required?</p> |
| Summary | 11/21/2001 3:36:04 PM | csaxton | <p>(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice?</p> <p>(No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture?</p> <p>(Yes) 5. Is an additional remark and/or condition required?</p> <p>(Yes) 6. Would you like to view the recommended right?</p> <p>(Yes) 7. Is this a split or combined right?</p> <p>(No) 8. Do you have documents you would like to attach or link to the file?</p> <p>(Yes) 9. Would you like to set the verification date?</p>             |

JUN 19 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 29-13136  
Date Received: 11/28/00  
Receipt No:  
Received By:

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

LARRY PACKER Phone: (208)234-2363

8675 N PARKS RD  
POCATELLO ID USA 83201

2. Date of Priority: 06/01/1887

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

4. Point of Diversion:

| Township | Range | Section | 1/4 of 1/4 of 1/4 Lot | County  |
|----------|-------|---------|-----------------------|---------|
| 06S      | 35E   | 19      | SE NE                 | BANNOCK |

5. Description of diverting works:

PUMP TO SPRINKLER SYSTEM

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) A.F.A |
|------------|-------|-------|--------|------------|
| IRRIGATION | 03/15 | 11/15 | 0.05   |            |

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

8. Total consumptive use:

9. Non-irrigation uses:

A2913136



10. Place of use:

| Township | Range | Section | 1/4 of 1/4 | Lot | Use           | Acres |
|----------|-------|---------|------------|-----|---------------|-------|
| 06S      | 35E   | 19      | SE         | NE  | IRRIGATION    | 2     |
|          |       |         |            |     | Section Acres | 2     |
|          |       |         |            |     | Total Acres   | 2     |

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:

15. Basis of Claim: Decreed

29-00443

AJ Side

A) Finkins

0.10 cfs  
5 ac

B) Fortch

0.02 cfs  
10 ac

C) Stocking

0.05 cfs  
2.5 ac

D) Stacey

6.0 cfs  
52.5 ac

E) Johnson

0.01  
2.0 ac

F) Dixon

0.02 cfs  
7.0 ac

G) Anderson

0.20 cfs  $\approx 0.06$   
2.0 ac

H) Packer

0.08 cfs  
4 ac

I) Paul

0.04 cfs  
2.0 ac

P) Anderson, Duane

0.83 cfs  
43.6 ac

Q) Todd Anderson

0.17 cfs  
8.9 ac

J) Smith

0.01 cfs  
2 ac

K) Morris

0.01 cfs  
1.5 ac

L) Finkelnburg

0.01 cfs  
1 ac

M) Griggs

0.09 cfs  
3 acres

N) Travis

1 cfs  $\approx 0.60$   
30 acresWR - Side  
not splitTaney  
29-00443  
2.0 cfs  
 $\approx 360$  ac

TR 735

changed POB to  
Eliminate  
65, 34E, 23, NWNE  
Added N/4 of 5/4  
Sect 13

Totals 2.64 cfs  
over Claimed

Note: If Reduce "G" + "N" to an 1"/acre  
total cfs = 2.10 cfs