

12/31/2002

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

RIGHT NUMBER: 29-13255

NAME AND ADDRESS: TOM F FOLTZ
8627 W POCATELLO CK RD
POCATELLO ID 83201

SOURCE: NORTH FORK POCATELLO CREEK TRIBUTARY: POCATELLO CREEK

QUANTITY: 0.010 CFS

USE OF THIS RIGHT WITH RIGHT NO. 29-13254 IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 0.01 CFS.

USE OF THIS RIGHT WITH RIGHT NO. 29-13257 FOR IRRIGATION PURPOSES IS
LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.03 CFS.

PRIORITY DATE: 06/01/1887

POINT OF DIVERSION:
T06S R35E S20 NESENW 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	0.010 CFS

PLACE OF USE: IRRIGATION Within BANNOCK County
T06S R35E S20 SENW 0.7

0.7 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 29-13257 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 0.7 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 11/27/2001
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

NAME AND ADDRESS: TOM F FOLTZ
8627 W POCATELLO CK RD
POCATELLO ID 83201

SOURCE: NORTH FORK POCATELLO CREEK TRIBUTARY: POCATELLO CREEK

QUANTITY: 0.01 CFS

USE OF THIS RIGHT WITH RIGHT NO. 29-13257 FOR IRRIGATION PURPOSES IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.03 CFS.

USE OF THIS RIGHT WITH RIGHT NO. 29-13254 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.01 CFS.

PRIORITY DATE: 06/01/1887

POINT OF DIVERSION:

T06S R35E S20 NESENW 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	0.010 CFS

PLACE OF USE: IRRIGATION Within BANNOCK County

T06S R35E S20 SENW 0.7

0.7 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 0.7 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

USE OF THIS RIGHT WITH RIGHT NO. 29-13257 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 0.7 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.

NOTICE OF ERROR
REPLY

02/08/2003

Craig

RECEIVED
Department of Water Resources
MAY 1 2003

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

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

Water right number: 29-13255

TOM F FOLTZ
8627 W POCA TELLO CK RD
POCA TELLO ID 83201

RECEIVED
MAR 17 2003
WATER RESOURCES
WESTERN REGION

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

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

DATE:

2/26/03

SIGNATURE:

[Handwritten Signature]

Please print your name:

Tom Foltz

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



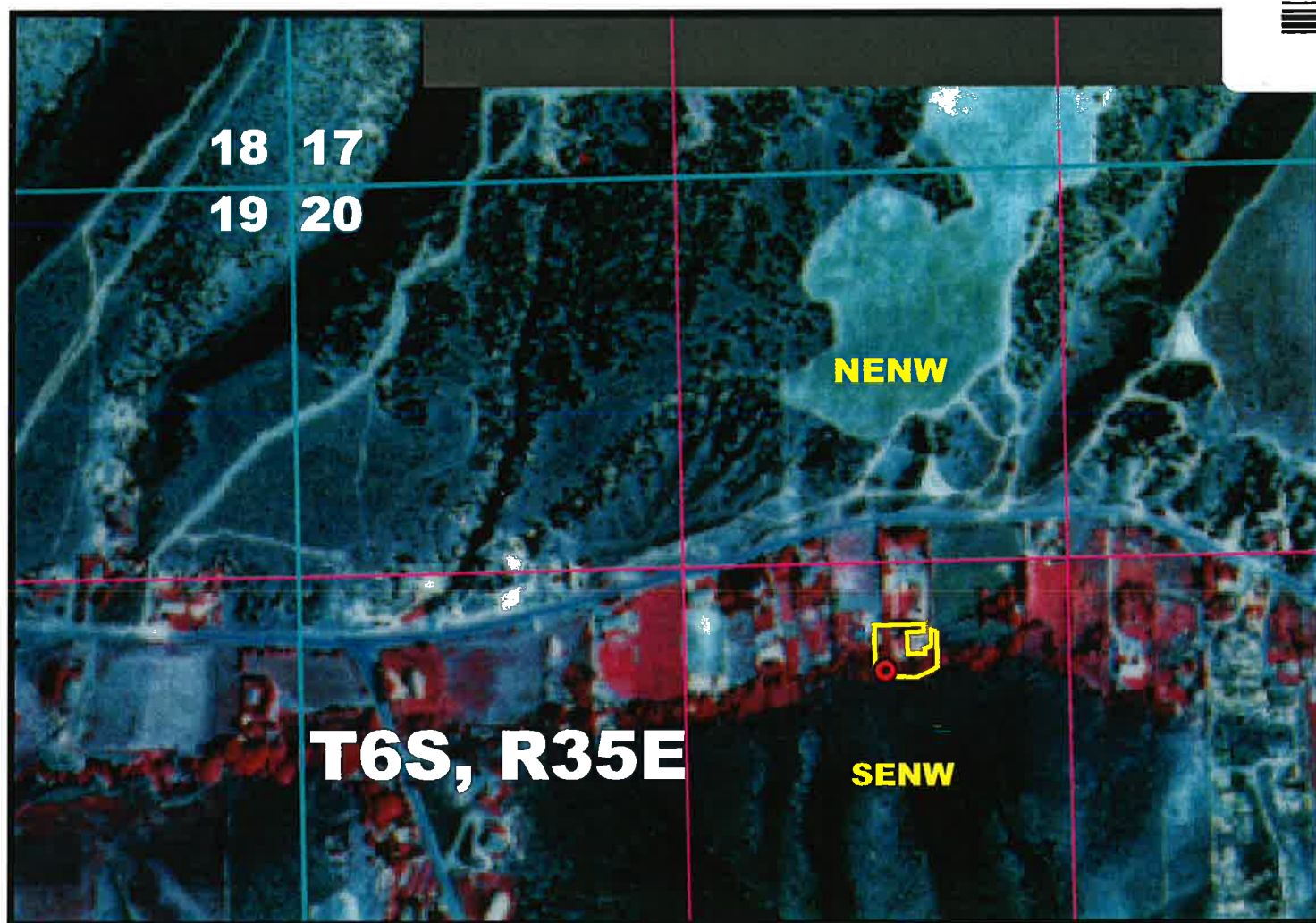
STATE OF IDAHO

Department of Water Resources
Eastern Region

A2913255



Water Right(s): 29-13255



1320 0 1320 Feet

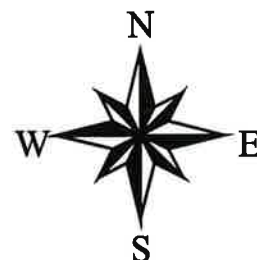
Total Irrigated Acres: 0.7

● 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

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-13255 V1

WATER RIGHT NUMBER: 29-13255 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	TOM F FOLTZ 8627 W POCATELLO CK RD POCATELLO, ID 83201

Priority Date: 06/01/1887

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
NORTH FORK POCATELLO CREEK	POCATELLO CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	0.010 CFS	
	<u>Total Diversion:</u>	0.010 CFS	

Location of Point(s) of Diversion

NORTH FORK POCATELLO CREEK	NE1/4SE1/4NW1/4	Sec. 20, Twp 06S, Rge 35E, B.M.
BANNOCK County		

Place of UseIRRIGATION Within BANNOCK County

T06S R35E S20 SENW 0.7

Total Acres: 0.7

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 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 0.7 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
2. Quantity USE OF THIS RIGHT WITH RIGHT NO. 29-13257 FOR IRRIGATION PURPOSES IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.03 CFS.
3. Quantity USE OF THIS RIGHT WITH RIGHT NO. 29-13254 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.01 CFS.
4. Place of Use - Irrigation USE OF THIS RIGHT WITH RIGHT NO. 29-13257 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 0.7 ACRES IN A SINGLE IRRIGATION SEASON.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 29-13255 V1

Comments:

1. csaxton 11/27/2001 Source

Comment: Source decreed as "the waters of Pocatello Creek". USGS defines source as the North Fork of Pocatello creek.

2. csaxton 11/27/2001 Diversion Rate

Comment: Originally the acreage now under claims 29-13254 and 29-13255 was deeded 1/2 inch. Recommended both rights not to exceed 1/2 inch between the two of them in combination.

3. csaxton 11/27/2001 POD

Comment: Claimant put his own pump in place sometime after 1998. Pump is in the same location as original owner Marjorie Smiths pump, but since there are now two, a transfer needs to be filed.

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: OR

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	11/27/2001 2:16:17 PM	csaxton			Active
POD	11/27/2001 2:16:52 PM	csaxton			Active
Source	11/27/2001 2:19:28 PM	csaxton			Active
POU	11/27/2001 2:19:56 PM	csaxton			Active
Use	11/27/2001 2:21:54 PM	csaxton			Active
Season	11/27/2001 2:23:34 PM	csaxton			Active
Quantity	11/27/2001 2:24:09 PM	csaxton			Active
Summary	11/27/2001 2:33:25 PM	csaxton	11/27/2001 2:33:25 PM	csaxton	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Contacts	11/27/2001 2:15:53 PM	csaxton	(No) 1. Do you want to schedule an appointment?

Comment for 1: Field Exam 10/2/01

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-13255 V1

Priority Date	11/27/2001 2:16:17 PM	csaxton	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?
POD	11/27/2001 2:16:52 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (No) 4. Does the parent right have a POD? (Yes) 6. Is there evidence that there has been a change in the POD? (Yes) 7. Can the change be verified as an accomplished transfer? (Yes) 8. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required? 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	11/27/2001 2:17:21 PM	csaxton	Edited point location
Source	11/27/2001 2:19:29 PM	csaxton	(Yes) 1. Is the basis of claim decree or license? (Yes) 4. Does the parent right have a source? (Yes) 5. Can the claimed source be verified using the water right file? (No) 11. Is a Source remark and/or condition required?
POU	11/27/2001 2:19:57 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the parent right have a POU? (Yes) 6. Can the claimed POU be verified using the water right file? (Yes) 14. Is a POU remark and/or condition required?
POU	11/27/2001 2:20:35 PM	csaxton	Edited shape boundary
POU	11/27/2001 2:21:01 PM	csaxton	Edited PLS
Use	11/27/2001 2:21:55 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the parent right have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file? (No) 13. Is a Purpose of Use remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-13255 V1

Season	11/27/2001 2:23:35 PM	csaxton	(Yes) 1. Is the basis of claim decree or license? (No) 4. Does the parent right have a Period of Use? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?
POD	11/27/2001 2:24:10 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the parent right have a diversion rate and/or volume? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file? (No) 8. Does the parent right have an annual diversion volume limit? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (Yes) 12. Is a Quantity remark or condition required?
Summary	11/27/2001 2:33:25 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (Yes) 5. Is an additional remark and/or condition required? (Yes) 6. Would you like to view the recommended right? (Yes) 7. Is this a split or combined right? (No) 8. Do you have documents you would like to attach or link to the file? (Yes) 9. Would you like to set the verification date?

98020014
98020014
RECORDED AT REQUEST OF
PIONEER TITLE
'98 OCT 9 PM 2 10
OFFICIAL RECORD BOOK NO 722
COUNTY IDAHO
LARRY L. DEAN RECORDER
FEE 600 DEPUTY UC

52308 TA-MH

2-1

QUITCLAIM DEED

For Value Received LESLIE FOLTZ

do hereby convey, release, remise and forever quitclaim unto
TOM F. FOLTZ

whose current address is

8627. POCATELLO CREEK ROAD, POCATELLO IDAHO 83201
the following described premises, to-wit:

LEGAL DESCRIPTION "EXHIBIT A" ATTACHED

together with their appurtenances.

Dated: 10-9-98

Leslie Foltz
LESLIE FOLTZ

STATE OF IDAHO, COUNTY OF *Bannock*
On this *9th* day of *October*, 19*98*,
before me, a notary public in and for the said State, per-
sonally appeared

Leslie Foltz

known to me to be the person whose name
subscribed to the within instrument, and acknowledged to
me that *she* executed the same.

Thas M Ayre
Residing at *Chubbuck*, Idaho
Comm. Expires *2-27-2001*



STATE OF IDAHO, COUNTY OF
I hereby certify that this instrument was filed for record at
the request of

minutes past o'clock M.,
day of
in my office, and duly recorded in Book
of Deeds of Page

Ex-Officio Recorder

By Deputy.

Fees \$
Mail to:

INSTRUMENT NO.

29-13255

Split history for Decreed Right 29-00443

	Claimed	Recommend
A	Firkins	
	0.1 5	0.01 1.3
B	Fritch	
	0.02 10	0.02 1.8
C	Stocking	
	0.05 2.5	0.01 1.1
D	Anderson, D	
	1 52.5	0.83 43.6
	P Anderson, D	
	0.77 40.5	0.1 5.2
	29-13265 (And -D)	
	0.06 3.1	0.6 3.1
	29-13266 (And-N)	
	Q Anderson, T	
	0.17 8.9	0.12 5.9
E	Johnson	
	0.01 2	0.01 1.7
F	Dixon	
	0.2 7	0.02 2.6
G	Anderson, E	
	0.2 2	0.03 1.6
H	Packer (split)	
	0.05 1	0.03 1.3
	29-13136 (Packer)	
	0.03 2	0.01 1
	29-13137 (Hurley)	
I	Paul	
	0.04	0.03

Deed

Deeded 1/2 in	Agreed
Deeded 1 in 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 No Deeds 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 No 1/2 inch requirement	No NOE Received

	2	1		
		29-13254 (Smith)		
J	Smith (split)	0.005 1	0.005 0.8	Deeded 1/2 to parent No NOE Received
	0.01 2	29-13255 (Foltz)	0.005 1	Deeded 1/2 to parent No NOE Received
			0.7	
K	Morris			No deed received No NOE Received
	0.01 1.5		0.01 0.6	
L	Finkelburg			Silent to WR
	0.01 1		0.01 1	
M	Griggs			Silent to WR
	0.09 3		0.01 1.5	
N	Travis			8 in deeded No NOE Received
	1 30		0.16 10.6	
29-10783	Lawlor			Disallow 0.1 If Recommended 3.5
	0.12 6		0 0	No NOE Received
29-13270	Pharris	Renumbered from 29-00444A		no deed provided
	0.06 2		0.02 2	
29-12232	Taysom			Silent to WR
	0.02 1.5		0.02 1.3	

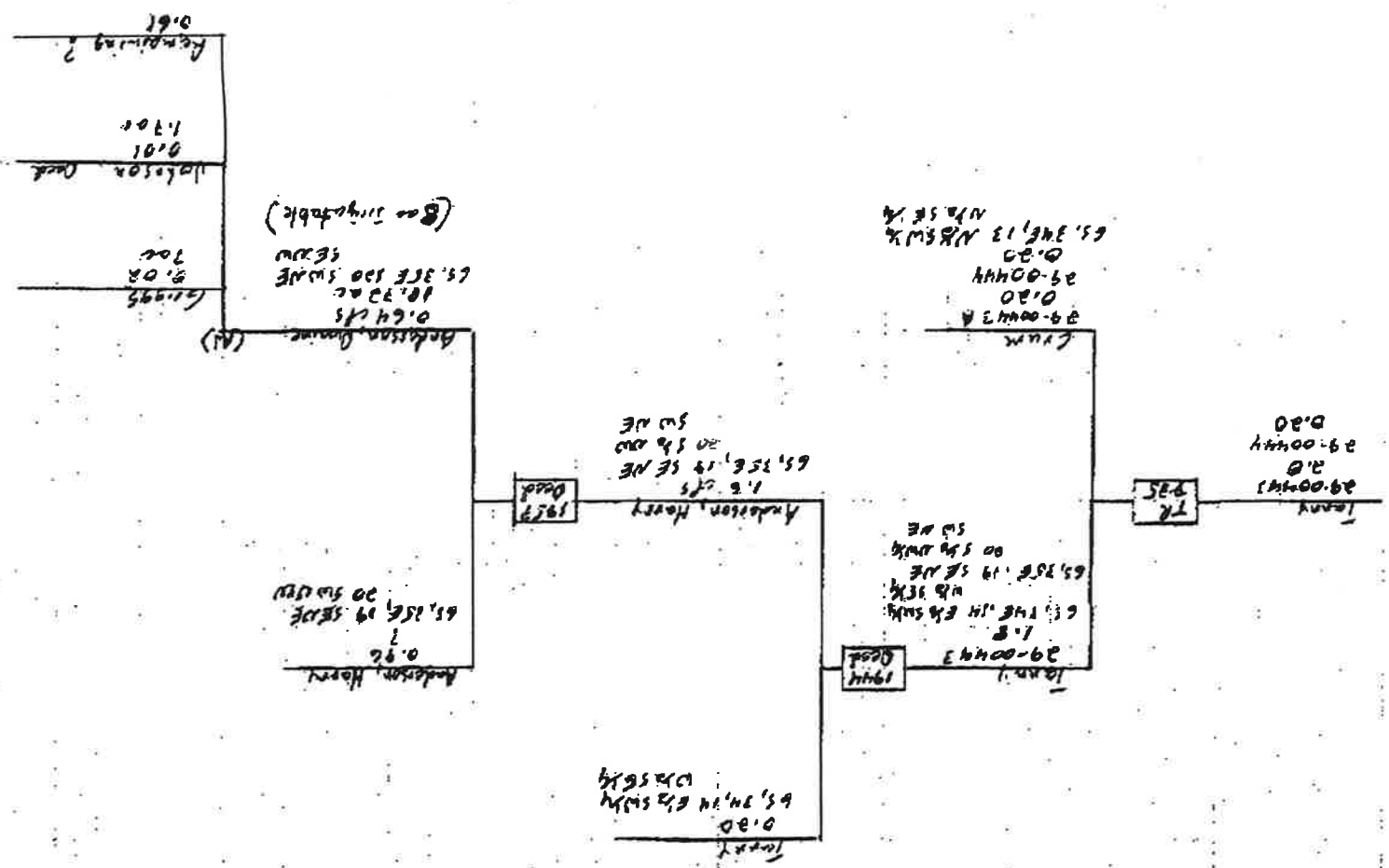
Sum CFS= 1.33
Sum Acre= 49.6

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

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

29-13255

Split History According to Deadl for 29-00443



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

↓
James. Perkins
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

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

443C: ⑤ 1990 Sunstine, Doug → Sunstine, Rodger 1/2 in 1887

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

⑥ 1997 Maatee, Rodger → A.G. Stockins
Merzlock, John

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

443H: 1991 Beck → Paetzer Deeded 2 inches in
Thompson's Deed

443I: 1944 Tanny → Anderson, Harry 1.6 cfs

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

443K: Nothing

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

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

443N: Paetzer, Howell → Tracy's 8 in

29-10783: Nothing

29-00444: Nothing

28-12232:

50 SHEETS
100 SHEETS
200 SHEETS

22-141
22-142
22-144





State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION
November 27, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

MARJORIE E SMITH
8625 W POCA TELLO CK RD
POCA TELLO ID 83201

RE: Amended Change of Ownership of Snake River Basin Adjudication (SRBA) claim
13257

Dear Mrs. Smith,

On October 25, 2001 you were sent notice that a request for Change in Water Right Ownership had been processed for portions of claim 29-00443J and 29-04284.

There was an error in the split. The original claim 29-04284 included domestic use for one household. The entire domestic use portion of the claim should have stayed with your portion of the split. For your records, enclosed is an amended claim including the entire amount originally claimed for domestic purposes.

I apologize for the inconvenience. Please feel free to contact me if you have any questions.

Respectfully submitted,

Craig L. Saxton
Water Resource Agent
Adjudication Bureau

D) Frickins
0.10 cfs
5 ac

E) Fritch
0.02 cfs
10 ac

F) Stockins
0.05
2.5

G) Stacey
1.0 cfs
53.5 ac

H) Johnson
0.01
2 ac

I) Dixon
0.02 cfs
7.0 ac

J) Anderson
0.20 cfs
2.0 ac

K) Packer
0.08
4 ac

L) Paul
0.04 cfs
2.0 ac

M) Smith
0.01
2 ac

N) Morris
0.01
1.5 ac

O) Finkelburg
0.01
1 ac

P) Griggs
0.09 cfs
3 ac

Q) Travis
1 cfs
30 ac

R) 29-12983 (Lawlor)
0.12
6 ac

S) 29-00444A
0.06
2 ac

T) 29-12232
0.02

P) Anderson, D
0.83 cfs
43.6 ac

Q) Anderson, T
0.17 cfs
8.9 ac

29-13136 (Packer)
0.06 cfs
2 ac

29-13137 (Hurley)
0.03 cfs
2 ac

29-13254 (Smith)
0.005
1 ac

29-13255 (Folte)
0.005
1 ac

A)
0.01
1.3

B)
0.08
1 ac

C)
0.01
1.10

D) Should Be 29-00446

E) Should Be 29-00446

F)
0.01 cfs
1.7 ac

G)
0.02
2.6 ac

H) Should Be 29-00446

I) Packer
0.08
1.3 ac

J) Hurley
0.01
1.0

K)
0.02
1 ac

L) 29-13254
0.005
0.8 ac

M) 29-13255
0.005
0.7

N)
0.01
0.6 ac

O)
0.01 cfs
1 ac

P)
0.02
3 ac

Q)
0.16 cfs
10.4 ac

R) Lawlor
0.02
3.5 ac

S) Pharris
0.02
2 ac

T) Taysom
0.02

- Deeded 1/2 in

- Deed From Tunny - Anderson
1 in

- Deeded 1/2 in

✓

✓

- Deeded 1/2 in

- No Longer Owner

✓

✓ 2 inches

- Gets 1/3 of Pipe & Wtr

✓ Deed From Tunny - Anderson

- Deeded 1/2

- Deeded 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. Firkins
1/2 in
20. SW NE

443B: 1944 Tanny → Anderson, Harry 1.6 acs

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

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

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

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

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

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

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

443J: 1944 Tanny → Anderson, Harry 6.6 acs

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

443K: Nothing

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

443M: Griggs called and said Deed Silent to WR
Falls in Dwayne 0.64 acs

443N: Packer, Newell → Travis 8 in

29-10783: Nothing

29-00444: Nothing

29-12732:

29-13254 & 29-13255 POU Field Exam 10/02/01



Looking South. Picture shows intake point from the North Fork of Pocatello creek. POU and Pumps behind me in picture (csaxton 11/27/01).

29-13254 & 29-13255 POU Field Exam 10/02/01



Looking West inside shed. Two pumps. Note that there are two pumps in the same place, but two different points of diversion. Tom put his pump in place in 1998 so a transfer needs to be filed.

Tom's pump information:

Magnetek

8-177822-01

HP: 2

SN: BN4-264

Black ABS discharge pipe

Marjorie's Pump information:

Wayne

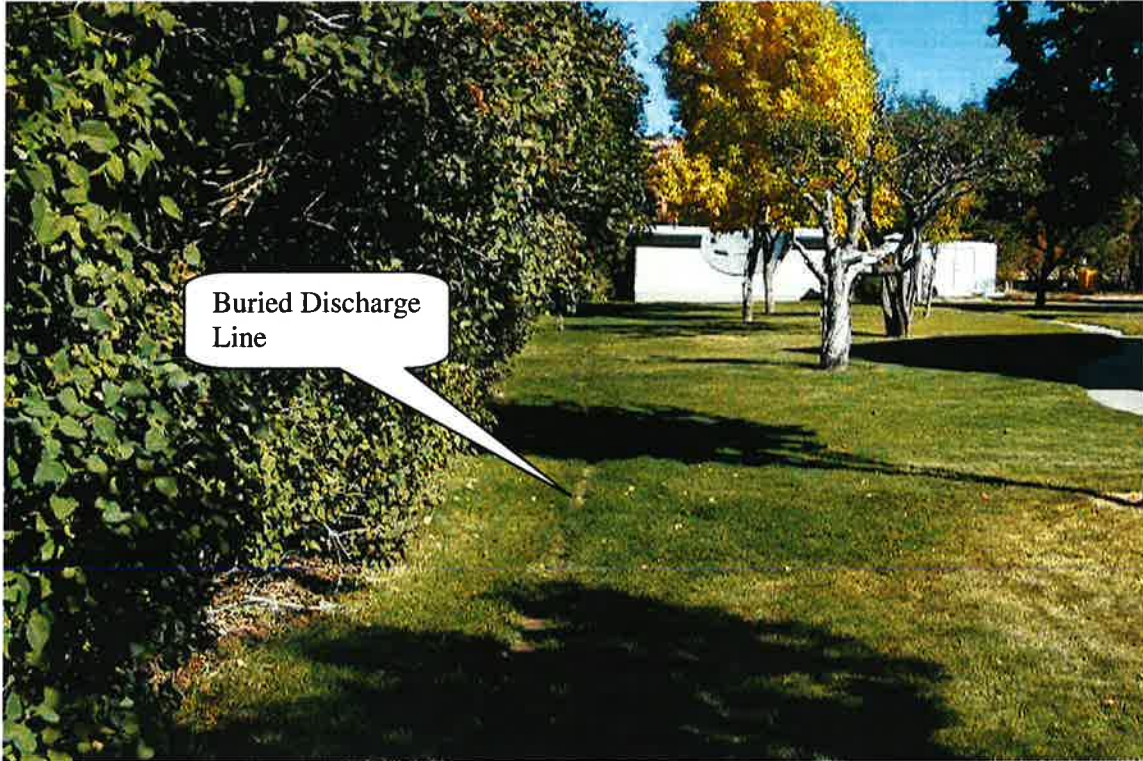
HP: 2

SN: 3982

White PVC discharge pipe.

(csaxton 11/27/01).

29-13254 & 29-13255 POU Field Exam 10/02/01



Looking North. This shows the irrigated land to the west of Tom's home. Marjorie's property is in the background of the picture (csaxton 11/27/01).

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Find

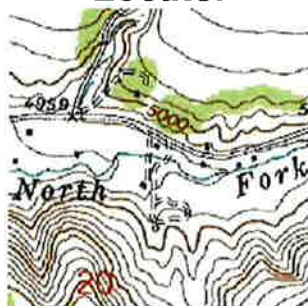
go

Image Size: Small Medium Large

Advanced Find

Style: Relief Topo Image

Locator



Other Imagery:

[USGS Topo Map](#)[01 Jul 1980](#)

HomeAdvisor Links:

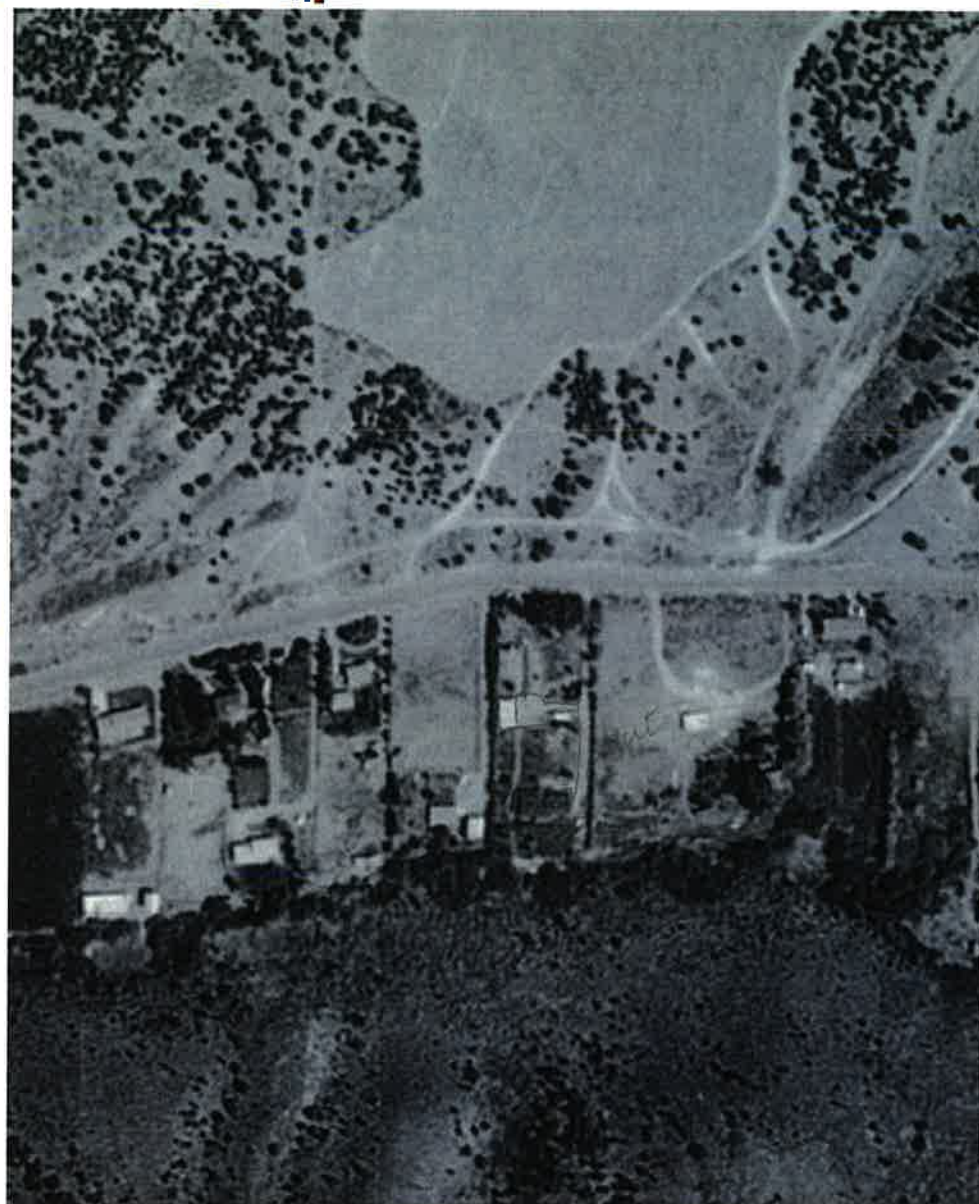
[Homes for sale in 83201](#)[Homes for sale in 83204](#)[Schools, Crime and](#)[Demographics for 83201](#)[Schools, Crime and](#)[Demographics for 83204](#)

Encarta Articles:

[Pocatello](#)**Pocatello, Idaho, United States** 07 Jun

Zoom

1m





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

October 25, 2001

TOM F FOLTZ
8627 W POCATELLO CREEKRD
POCATELLO ID 83201

RE: CHANGE IN OWNERSHIP FOR A29-00443J AND A29-04284.

Dear Mr. Foltz:

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:

29-13254: 0.01 CFS, 1 ACRE, SMITH
29-13255: 0.01 CFS, 1 ACRE, FOLTZ

29-13256: 0.02 CFS, 1 ACRE, SMITH
29-13257: 0.02 CFS, 1 ACRE, FOLTZ

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,

Cheri Vandermeulen
Records Clerk

Enclosure(s)

DELOG CS
5/18/01
65-06-Done

RECEIVED
MAY 18 2001

Department of Water Resources
Eastern Region

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

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

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

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
29-443J	29-443J	___			
29-4284	29-4284	___			

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) SMITH, MELVIN D
8627 W POCATELLO CREEK RD POCATELLO, ID 83201
4. New Owner/Claimant(s) FOLTZ, TOM F
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or (None)
- New Mailing Address SAME AS ABOVE.
- City, State and ZIP Code SAME.
- New Telephone Number (208) 232-0790
5. Date you acquired the property 10/9/98



A Pioneer Company

PIONEER TITLE COMPANY
OF BANNOCK COUNTY

135 North Arthur Avenue / P.O. Box 1057 / Pocatello, Idaho 83204 / Telephone (208) 233-9595
FAX (208) 234-0621

Tom F. Foltz
8627 Pocatello Creek Road
Pocatello, ID 83201

October 19, 1998

Re: File No. 52308A-MH
Policy No. SV 2791744

Dear Mr. Foltz,

Enclosed is your Original Recorded Warranty Deed and Title Insurance Policy. These documents contain important information about the property that you have just purchased. The Warranty Deed will need to be taken to the County Assessors Office to apply for the homeowner's exemption. The policy is your guarantee of ownership, please read it and retain it with your other valuable papers.

A complete and permanent file of the records concerning your transaction will be maintained in our office under the assigned Policy and File number. These records will assure prompt processing of future work and save much valuable time should you wish to sell or obtain a loan on your property.

We appreciate the opportunity of serving you and will be glad to assist you in any way in regard to your future escrow or title service needs.

Sincerely,

Marie Hunter
Asst. Vice President

"THANK YOU" for the privilege of serving you. Please remember to designate Pioneer Title Company in your next title or escrow closing transaction.

Owner's Policy

American Land Title Association Owner's Policy 10-17-92



Policy Number **SV 2791744**

SUBJECT TO THE EXCLUSIONS FROM COVERAGE, THE EXCEPTIONS FROM COVERAGE CONTAINED IN SCHEDULE B AND THE CONDITIONS AND STIPULATIONS,

OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY, a Minnesota corporation, herein called the Company,

insures, as of Date of Policy shown in Schedule A, against loss or damage, not exceeding the Amount of Insurance stated in Schedule A, sustained or incurred by the insured by reason of:

1. Title to the estate or interest described in Schedule A being vested other than as stated therein;
2. Any defect in or lien or encumbrance on the title;
3. Unmarketability of the title;
4. Lack of a right of access to and from the land.

The Company will also pay the costs, attorneys' fees and expenses incurred in defense of the title, as insured, but only to the extent provided in the Conditions and Stipulations.

IN WITNESS WHEREOF, the said Old Republic National Title Insurance Company has caused its corporate name and seal to be hereunto affixed by its duly authorized officers as of the date shown in Schedule A, the policy to be valid when countersigned by an authorized officer or agent of the Company.

EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses which arise by reason of:

1. (a) Any law, ordinance or governmental regulation (including, but not limited to, building and zoning laws, ordinances, or regulations) restricting, regulating, prohibiting or relating to (i) the occupancy, use, or enjoyment of the land; (ii) the character, dimensions or location of any improvement now or hereafter erected on the land; (iii) a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part; or (iv) environmental protection, or the effect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
- (b) Any governmental police power not excluded by (a) above, except to the extent that a notice of the exercise thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
2. Rights of eminent domain unless notice of the exercise thereof has been recorded in the public records at Date of Policy, but not excluding from coverage any taking which has occurred prior to Date of Policy which would be binding on the rights of a purchaser for value without knowledge.
3. Defects, liens, encumbrances, adverse claims, or other matters:
 - (a) created, suffered, assumed or agreed to by the insured claimant;
 - (b) not known to the Company, not recorded in the public records at Date of Policy, but known to the insured claimant and not disclosed in writing to the Company by the insured claimant prior to the date the insured claimant became an insured under this policy;
 - (c) resulting in no loss or damage to the insured claimant;
 - (d) attaching or created subsequent to Date of Policy; or
 - (e) resulting in loss or damage which would not have been sustained if the insured claimant had paid value for the estate or interest insured by this policy.
4. Any claim, which arises out of the transaction vesting in the insured the estate or interest insured by this policy, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that is based on:
 - (a) the transaction creating the estate or interest insured by this policy being deemed a fraudulent conveyance or fraudulent transfer; or
 - (b) the transaction creating the estate or interest insured by this policy being deemed a preferential transfer except where the preferential transfer results from the failure:
 - (i) to timely record the instrument of transfer; or
 - (ii) of such recordation to impart notice to a purchaser for value or a judgment or lien creditor.

Issued through the Office of:

PIONEER TITLE COMPANY of Bannock County

135 N. Arthur - P.O. Box 1057
Pocatello, ID., 83204
(208) 233-9595

Authorized Signatory

OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

A Stock Company

400 Second Avenue South, Minneapolis, Minnesota 55401

(612) 371-1111

By

President

Attest

Secretary

Agent#	State	County	Prop	Tran	Issue Amt.	Reissue Tran	Code	Amt.	Code	nt.	Code	Amt.	Simultaneous Issue#
11007	11	005	1	010	\$			\$		\$		\$	#MM 2833648

OWNERS POLICY
SCHEDULE A

File No: 52308

Policy No.: SV 2791744

Amount: \$171,500.00

Premium: \$ 771.00

1. Policy Date: October 9, 1998, as of 2:11 p.m.

2. Name of Insured:
Tom F. Foltz

3. The estate or interest in the land described herein and which is covered by this policy is:
Fee Simple

4. Title to the estate or interest covered by this policy at the date hereof is vested in
Tom F. Foltz, a married person dealing with his sole and separate property

5. The land referred to in this policy is situated in the County of Bannock, State of Idaho, and is described as follows:
See Exhibit A attached to and made a part hereof.

Policy No. SV 2791744

52308

This policy does not insure against loss or damage by reason of the following:

STANDARD EXCEPTIONS

- (a) Rights or claims of parties in possession not shown by the public records.
- (b) Easements, or claims of easements, not shown by the public records.
- (c) Encroachments, overlaps, boundary line disputes, or other matters which would be disclosed by an accurate survey or inspection of the premises.
- (d) Any lien, or right to a lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
- (e) Unpatented mining claims; reservations or exceptions in patents or in acts authorizing the issuance thereof; water rights, claims or title to water.
- (f) Any service, installation or connection charge for sewer, water or electricity.
- (g) General taxes not now payable; matters relating to special levies or assessments, if any, preceding the same becoming a lien.

SPECIAL EXCEPTIONS

1. General taxes for the year 1998, which are liens, are not yet due and payable.

2. Covenant to bear the cost of the construction, maintenance or repair of the improvement herein named, easement for which was granted over location herein described.

Recorded: July 3, 1985

Instrument No.: 752621

Improvement: Ingress and egress and the right to install sewer

Location: Easement as described in legal description

Policy No. SV 2791744

52308

3. Covenant to bear equal share of the cost of the maintenance or repair of the improvement herein named, easement for which was granted over location herein described.

Recorded: July 3, 1985

Instrument No.: 752620

Improvement: Well

Location: Property North and adjacent

4. An easement containing certain terms, conditions and provisions affecting a portion of said premises and for the purposes stated herein and for any incidental purposes.

For: Power lines and incidental purposes

In Favor of: Idaho Power Company

Recorded: April 17, 1948

Instrument No.: Book 103 of Deeds, page 112

5. A Deed of Trust to secure an indebtedness of \$151,500.00, and any other amounts payable under the terms thereof.

Dated: October 9, 1998

Grantor: Tom F. Foltz, a married man, as his sole and separate property

Trustee: Pioneer Title Company of Bannock County

Beneficiary: FT Mortgage Companies dba Mortgage Resources

Recorded: October 9, 1998

Instrument No.: 98020015

Escrow #: 52308TA - M-L

98020013

Approved by: 

2-1

WARRANTY DEED

FOR VALUE RECEIVED, MELVIN D. SMITH, AN UNMARRIED PERSON

the Grantor(s), do(es) hereby grant, bargain, sell, and convey unto TOM F. FOLTZ, A MARRIED PERSON
DEALING WITH HIS SOLE AND SEPARATE PROPERTY

the Grantee(s), whose address is 8627 POCATELLO CREEK ROAD, POCATELLO, ID 83201
(Mailing Address), 8627 POCATELLO CREEK ROAD, POCATELLO, ID 83201 (Property Address),
the following described premises, situated in BANNOCK County, Idaho:

LEGAL DESCRIPTION "EXHIBIT A" ATTACHED

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s) and Grantee(s) heirs, successors, and assigns forever. The Grantor(s) do(es) hereby covenant and warrant to and with the Grantee(s) that the Grantor(s) is/are the owner(s) in fee simple of such premises; that such premises are free from all encumbrances, EXCEPT those to which this conveyance is expressly made subject; those set forth in Pioneer Title Company Title of Bannock County, Commitment No. 52308TA, dated September 05, 1998; those made, suffered, assumed, or created by the Grantee(s); reservations, restrictions, dedications, covenants, easements of record or use; rights of parties in possession, encroachments, overlaps, boundary-line disputes, or other matters that would be disclosed by an accurate survey or inspection of the property; rights-of-way and agreements, if any, of record; general taxes and assessments (including irrigation and utility assessments, if any, for the current year) that are not yet due and payable; and that the Grantor(s) will warrant and defend the same from all lawful claims whatsoever.

DATED this 09 day of October, 1998.


MELVIN D. SMITH

STATE OF IDAHO

County of BANNOCK

} ss

On this 09 day of October, 19 98, before me, the undersigned, personally appeared MELVIN D. SMITH known or identified to me to be the person(s) whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

EXHIBIT A

Commencing at a point 1326.3 feet South and 1303.4 feet East of the Northwest corner of Section 20, Township 6 South, Range 35 East of the Boise Meridian, Bannock County, Idaho; thence North 89°46' East a distance of 653.00 feet to the Northwest corner of a parcel of land conveyed to Melvin Smith and Marjorie Smith, described in instrument no. 384616 of the official records of the County of Bannock;

thence South 00°05' East along the West boundary line of said Smith property described in instrument no. 384616, a distance of 206.14 feet, to the true point of beginning; thence continuing South 00°05' East along the fence line, a distance of 1,113.57 feet, more or less, to the center line of said Section; thence North 89°55' East a distance of 214.05 feet, more or less,

to the East boundary line of the Smith property described in instrument no. 773074; thence North 00°05' West along said East boundary line, a distance of 1396.41 feet, more or less, to the Southerly right of way line of Pocatello Creek Road; thence along the Southerly line of said road South 88°48'30" West a distance of 41.21 feet; thence South a distance of 281.05 feet, thence South 89°55' West a distance of 172.85 feet, more or less, to the true point of beginning.

Together with an easement for ingress and egress over and across the following described property:

Commencing at a point 1326.3 feet South and 1303.4 feet East of the Northwest corner of Section 20, Township 6 South, Range 35 East of the Boise Meridian, Bannock County, Idaho; thence North 89°46' East a distance of 653.00 feet to the Northwest corner of a parcel of land conveyed to Melvin Smith and Marjorie Smith, described in instrument no. 384616 of the official records of the County of Bannock;

thence South 00°05' East along the West boundary line of said Smith property described in instrument no. 384616, a distance of 206.14 feet; thence North 89°55' East a distance of 114.03 feet to the true point of beginning;

thence continuing North 89°55' East a distance of 58.79 feet, to the East boundary line of said Smith property described in instrument no. 384616; thence North 00°05' West along said East boundary line 289.84 feet to the Southerly right of way line of Pocatello Creek Road; thence South 88°39'05" West along said right of way line a distance of 58.79 feet; thence South 00°05' East a distance of 288.74 feet to the true point of beginning.

EXHIBIT A

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Pocatello Creek Road

EASEMENT

41.22

172.85

well

1113.5'

1396.41

214.05

SE1/4, NW1/4, SECTION 20, TOWNSHIP 6 SOUTH, RANGE 35 E.B.M.

Commencing at a point 1326.3 feet South and 1303.4 feet East of the Northwest corner of Section 20, Township 6 South, Range 35 East of the Boise Meridian, Bannock County, Idaho; thence North $89^{\circ}46'$ East a distance of 653.00 feet to the Northwest corner of a parcel of land conveyed to Melvin Smith and Marjorie Smith, described in instrument no. 384616 of the official records of the County of Bannock;

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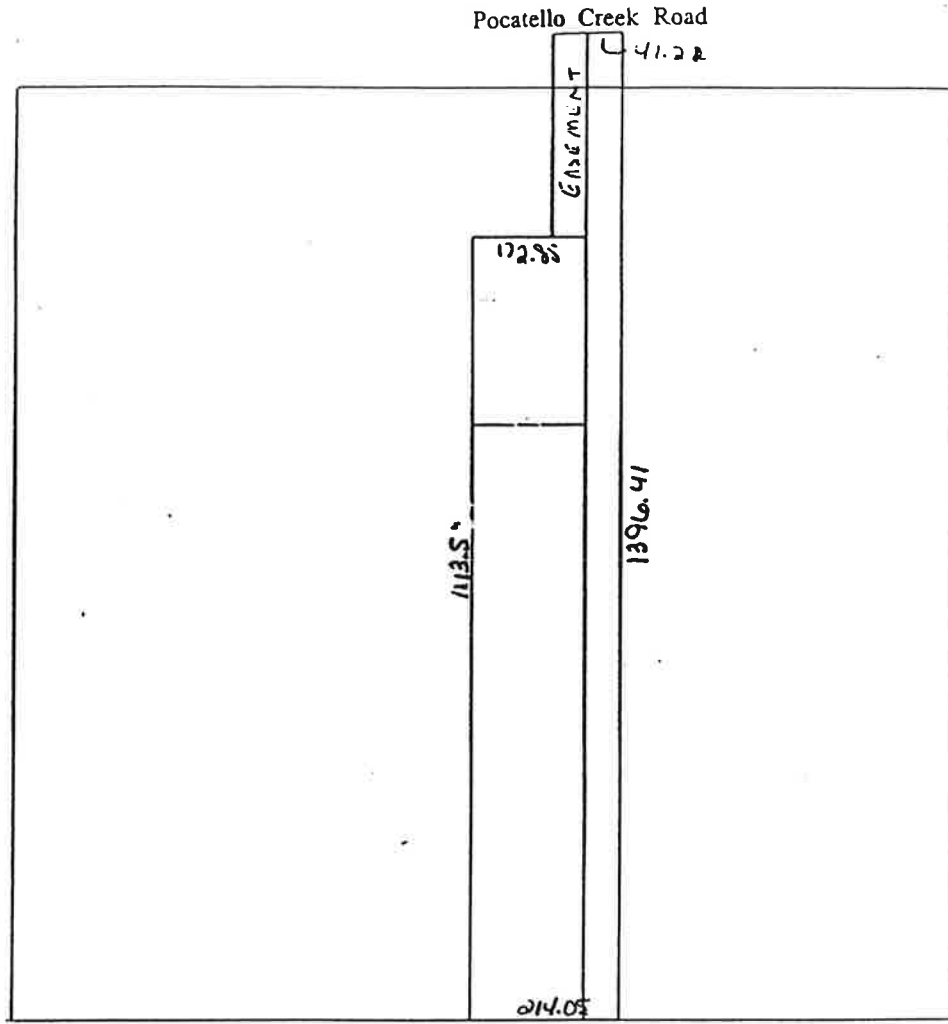
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41
N

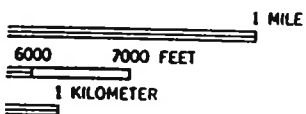
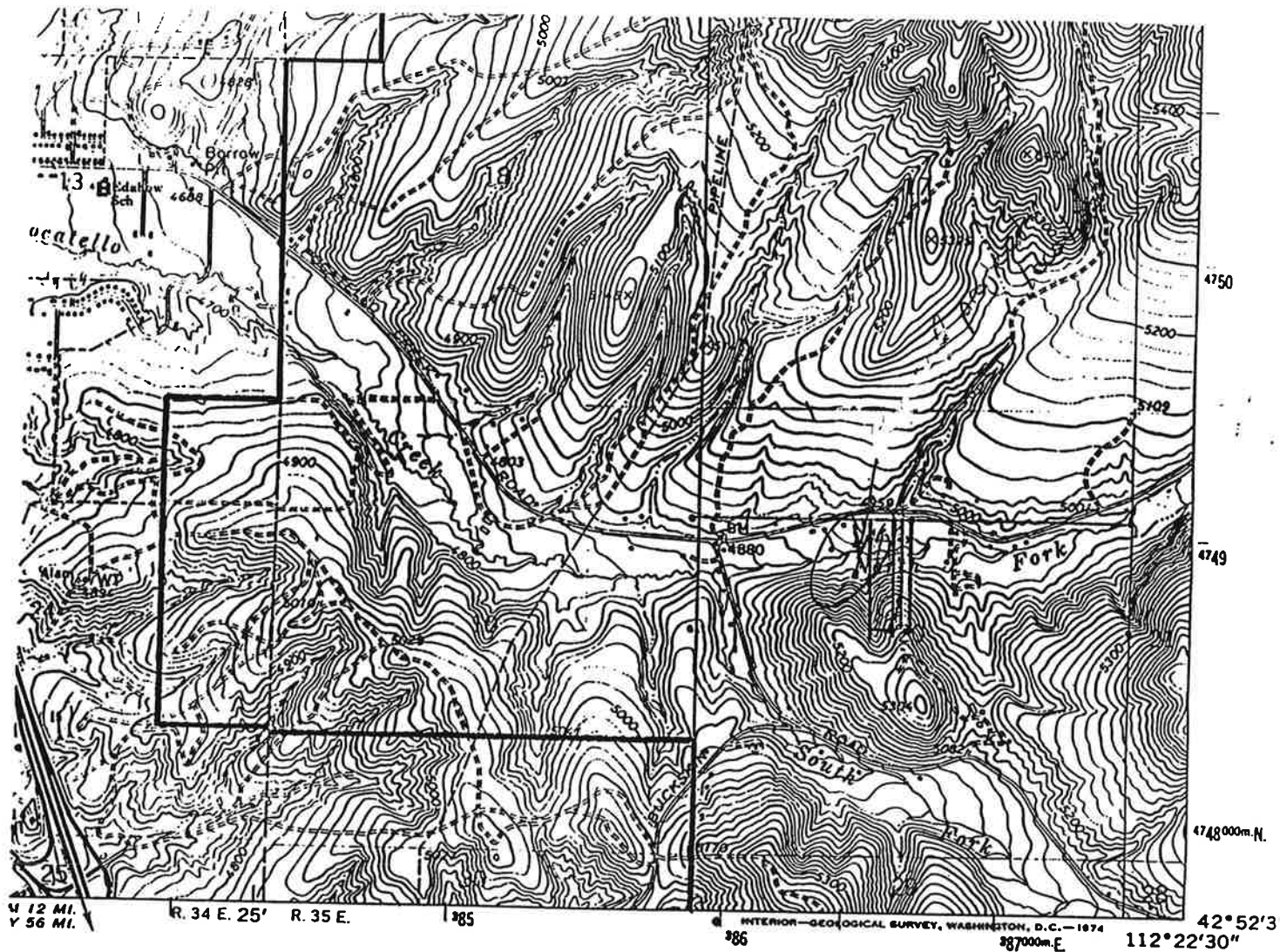


MAP

SE1/4, NW1/4, SECTION 20, TOWNSHIP 6 SOUTH, RANGE 35 E.B.M.

IN Pocatello Creek
IN/NEAR Pocatello, ID
BANNOCK COUNTY,
DATE: 4/8/99 SHEET 3 OF 6
APPLICATION BY:
Tom Foltz

↑
N



STANDARDS
WASHINGTON, D. C. 20242
AVAILABLE ON REQUEST

ROAD CLASSIFICATION

Primary highway, hard surface	Light-duty road, hard or improved surface
Secondary highway, hard surface	Unimproved road

○ Interstate Route □ U. S. Route ○ State Route

POCATELLO NORTH, IDAHO
NW/4 POCATELLO 15' QUADRANGLE
N4252.5-W11222.5/7.5

1971

AMS 3

IN POCATELLO CREEK
IN/NEAR POCATELLO, IDAHO
BANNOCK COUNTY,
DATE: 4/8/99 SHEET 1
APPLICATION BY:
TOM FOETZ

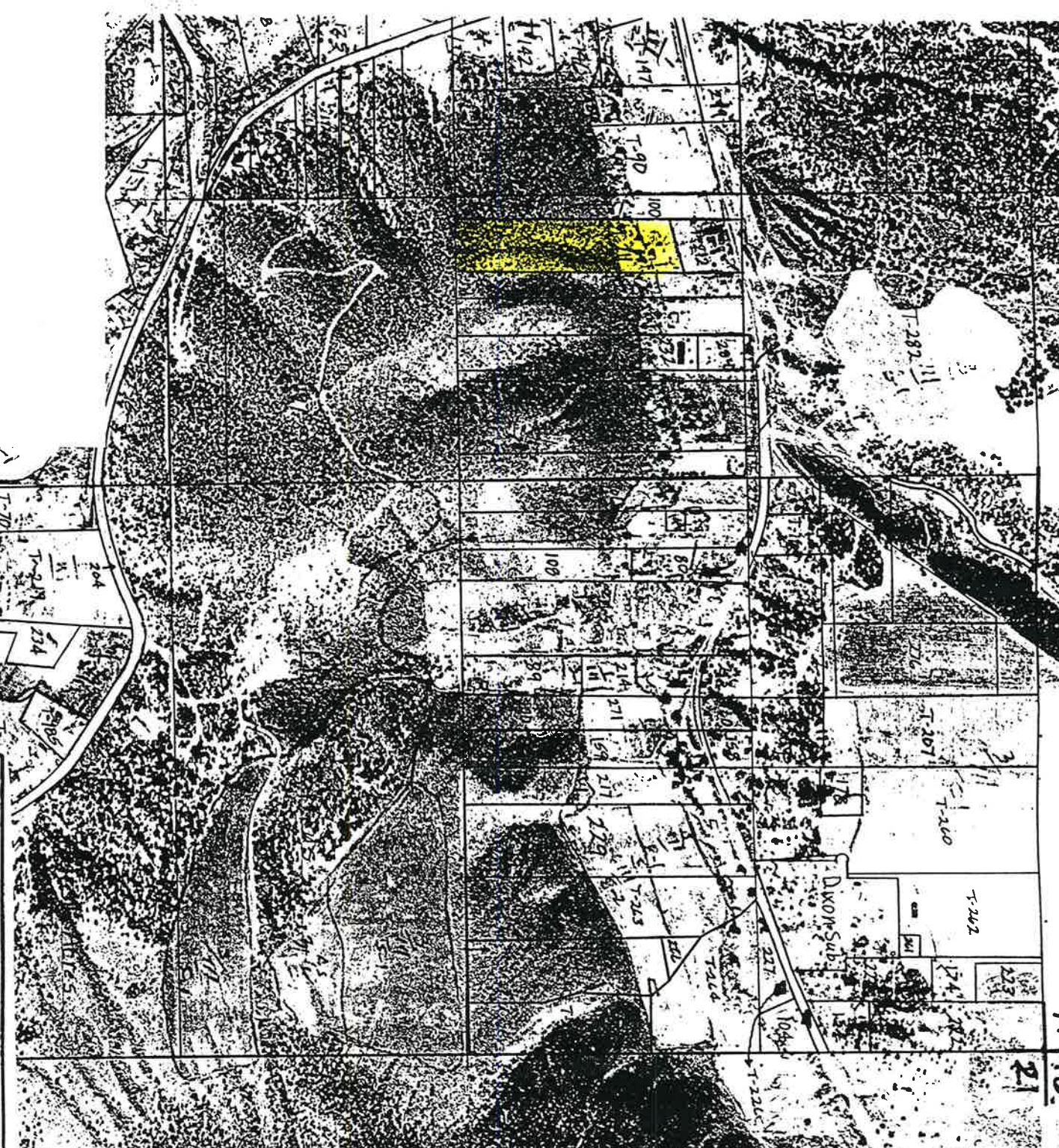
Identifying location: App. 5 miles east of parks rd.

F3

↑ N

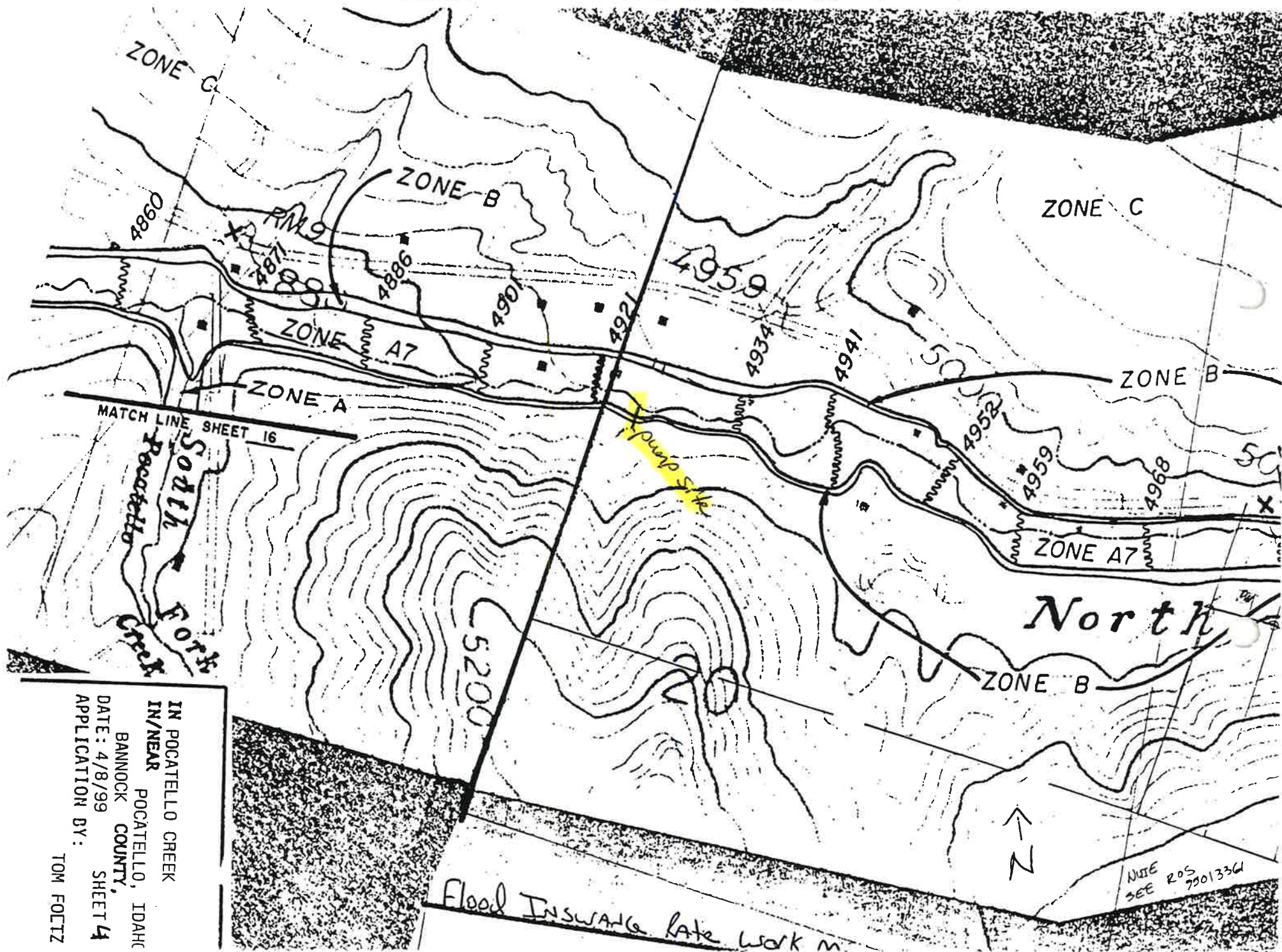
17 16

21

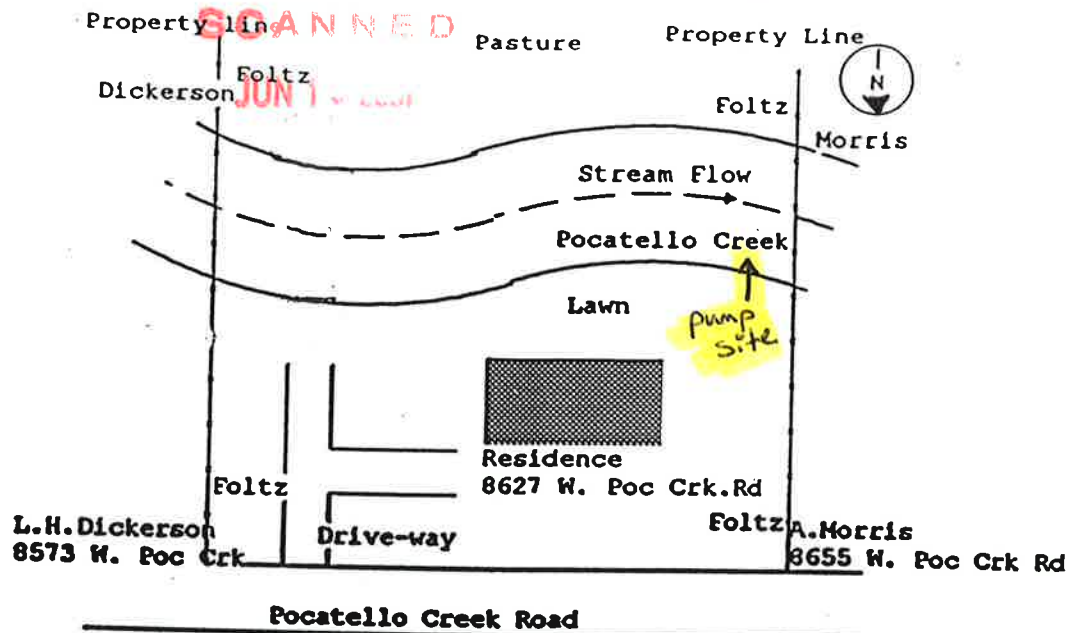


Section 20 T2p6 South
Range 35 East
S3 4 NW 4

IN POCAATELLO CREEK
IN/NEAR POCAATELLO, IDAHO
BANNOCK COUNTY,
DATE: 4/8/99 SHEET 2 OF 6
APPLICATION BY: TOM FOLTZ



IN POCATELLO CREEK
IN/NEAR POCATELLO, IDAHO
BANNOCK COUNTY,
DATE: 4/8/99 SHEET 4
APPLICATION BY: TOM FOLTZ



Not to Scale

IN POCATELLO CREEK
IN/NEAR POCATELLO, IDAH
BANNOCK COUNTY,
DATE: 4/8/99 SHEET 6
APPLICATION BY:
TOM FOLTZ

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 29-13255
Date Received: 10/25/2001
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

TOM F FOLTZ Phone: (208) 232-0790

8627 W POCA TELLO CK RD
POCA TELLO ID USA 83201

2. Date of Priority: 06/01/1887

3. Source: POCA TELLO CREEK Trib. to: PORTNEUF RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
06S	35E	20	NE SE NW	BANNOCK	

5. Description of diverting works:

PUMP TO PIPE AND SPRINKLER SYSTEM AND FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/15	11/15	0.01	

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
06S	35E	20	SE	NW	IRRIGATION	1
					Section Acres	1
					Total Acres	1

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:

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 29-00443J.

USE OF THIS RIGHT WITH RIGHT NO. 29-013254 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.01 CFS.

15. Basis of Claim: Decreed

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.