

IDAHO DEPARTMENT OF WATER RESOURCES 11/26/2001
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

NAME AND ADDRESS: JOHN HURLEY
11826 ROAD 27-1
DOLORES CO 81323

NANCY HURLEY
11826 ROAD 27-1
DOLORES CO 81323

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.03 CFS
4.0 AFY

USE OF THIS RIGHT WITH RIGHT NO. 29-13137 IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 0.03 CFS.

PRIORITY DATE: 12/31/1957

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 4.00 AFY

PLACE OF USE: IRRIGATION Within BANNOCK County

T06S R35E S19 SENE 0.2 T06S R35E S20 SWNW 0.8

1 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 29-13137 IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 1.0 ACRES IN A SINGLE IRRIGATION SEASON.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 1.0 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: Beneficial Use



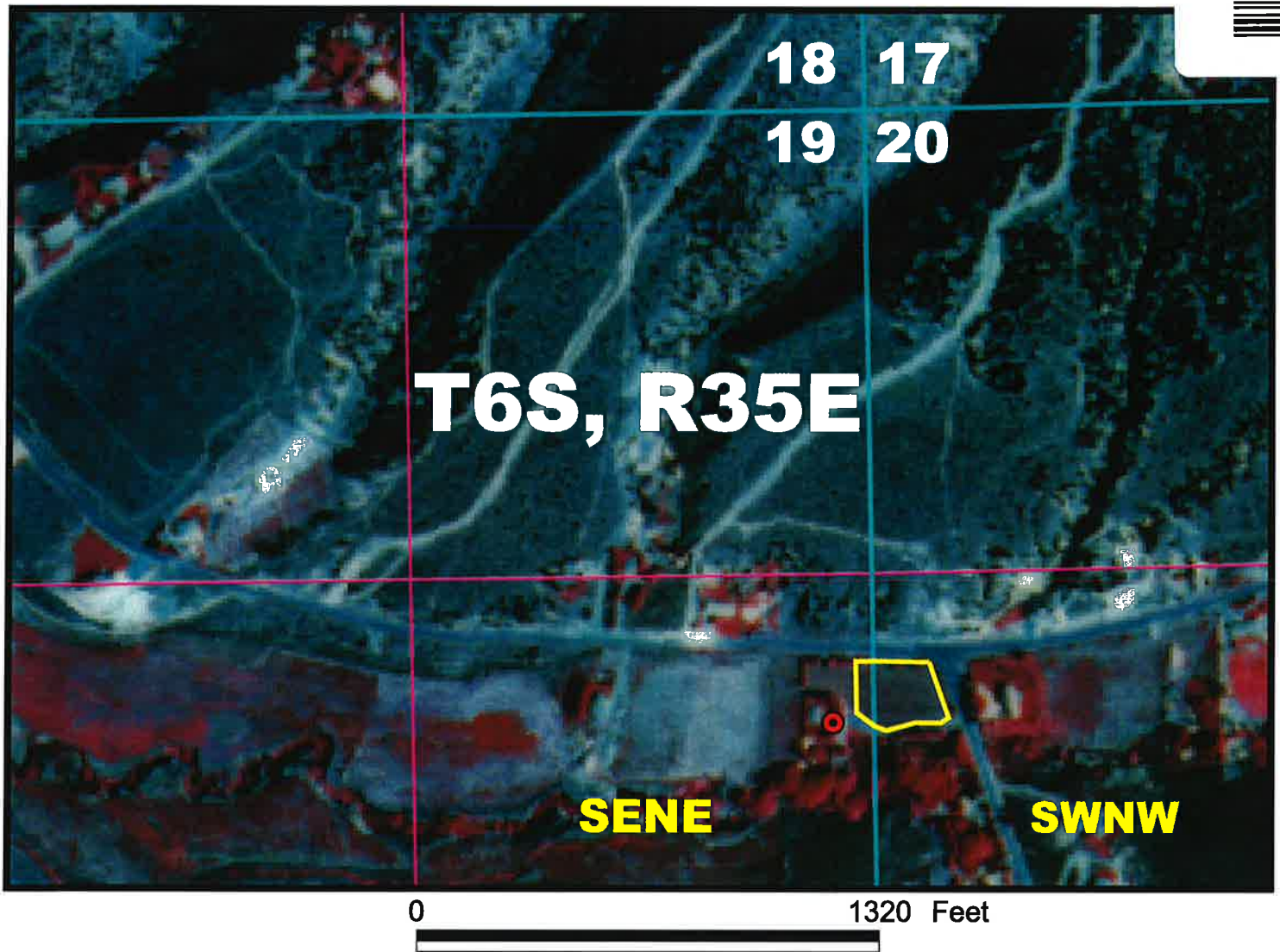
STATE OF IDAHO

Department of Water Resources
Eastern Region

A2913259

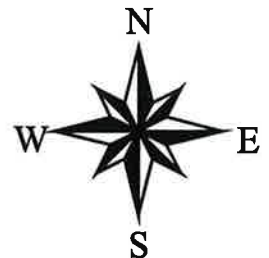


Water Right(s): 29-13259



Total Irrigated Acres: 1.0

-  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 29-13259 V1

WATER RIGHT NUMBER: 29-13259 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JOHN HURLEY 11826 ROAD 27-1 DOLORES, CO 81323 (970) 564-0853
Current Owner	NANCY HURLEY 11826 ROAD 27-1 DOLORES, CO 81323 (970) 564-0853

Priority Date: 12/31/1957

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
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GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	0.030 CFS	4.00 AF
	<u>Total Diversion:</u>	0.030 CFS	4.00 AF

Location of Point(s) of Diversion

GROUND WATER	NE1/4SE1/4NE1/4	Sec. 19, Twp 06S, Rge 35E, B.M.
BANNOCK County		

Place of UseIRRIGATION Within BANNOCK County

T06S R35E S19	SENE 0.2	T06S R35E S20	SWNW 0.8
Total Acres: 1			

Conditions of Approval:

1. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

Remarks:

1. Place of Use - Irrigation USE OF THIS RIGHT WITH RIGHT NO. 29-13137 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 1.0 ACRES IN A SINGLE IRRIGATION SEASON.
2. Place of Use - Irrigation THIS RIGHT IS LIMITED TO THE IRRIGATION OF 1.0 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
3. Quantity USE OF THIS RIGHT WITH RIGHT NO. 29-13137 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.03 CFS.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-13259 V1

Comments:

1. csaxton 11/26/2001 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.

2. csaxton 11/26/2001 POD

Comment: Recommended POD as it existed in 1987. Since that time property has been split. Hurleys will have to file a transfer in order to use a new will if land is developed.

3. csaxton 11/26/2001 POU

Comment: POU has not been irrigated in 9 years.

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	11/26/2001 11:12:05 AM	csaxton			Active
POD	11/26/2001 11:12:34 AM	csaxton			Active
Source	11/26/2001 11:14:44 AM	csaxton			Active
POU	11/26/2001 11:15:46 AM	csaxton			Active
Use	11/26/2001 11:19:04 AM	csaxton			Active
Season	11/26/2001 11:19:45 AM	csaxton			Active
Quantity	11/26/2001 11:21:44 AM	csaxton			Active
Summary	11/26/2001 11:25:16 AM	csaxton	11/26/2001 11:25:16 AM	csaxton	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Contacts	11/26/2001 11:10:03 AM	csaxton	(No) 1. Do you want to schedule an appointment?

Comment for 1: Field Exam 10/2/01

IDAHO DEPARTMENT OF WATER RESOURCES

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Priority Date	11/26/2001 11:12:05 AM	csaxton	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (No) 4. Is the basis of claim decree or license? (No) 7. Is the basis of claim a Application or Permit? (No) 8. Is the basis of claim a posted notice? (No) 9. Is the Priority Date claimed after the date a permit is required for the source and the water use? (Yes) 12. Does the claim file contain sufficient evidence of Priority Date? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required? Description for Question 12/13 - Affidavit from Dwaine Anderson
POD	11/26/2001 11:12:35 AM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the POD? (Yes) 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 8 - Field Exam 10/2/01
POD	11/26/2001 11:13:24 AM	csaxton	Edited point location
POD	11/26/2001 11:14:08 AM	csaxton	Edited PLS
Source	11/26/2001 11:14:44 AM	csaxton	(No) 1. Is the basis of claim decree or license? (No) 2. Is the basis of claim an Application or Permit? (No) 6. Is the basis of claim a Posted Notice? (No) 7. Is there evidence that there has been a change in the source? (Yes) 10. Does the file contain all the necessary information to verify the source? (No) 11. Is a Source remark and/or condition required? Description for Question 10 - Field Exam 10/2/01
POU	11/26/2001 11:15:46 AM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (Yes) 2b. Is the POU required? (No) 3. Is the basis of claim a Application or Permit? (No) 7. Is there evidence that there has been a change in the POU? (Yes) 13. Does the file contain all the necessary information to verify the POU? (Yes) 14. Is a POU remark and/or condition required? Description for Question 13 - NAPP photography and field exam 10/2/01
POU	11/26/2001 11:16:00 AM	csaxton	Edited shape boundary
POU	11/26/2001 11:16:19 AM	csaxton	Edited PLS

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-13259 V1

Use	11/26/2001 11:19:05 AM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Purpose of Use? (Yes) 11. Does the file contain all the necessary information to verify the Water Use? (No) 13. Is a Purpose of Use remark and/or condition required? Description for Question 10,11,12 - Field Exam 10/2/01
Season	11/26/2001 11:19:46 AM	csaxton	(No) 1. Is the basis of claim decree or license? (No) 2. Is the basis of claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?
Summary	11/26/2001 11:25:17 AM	csaxton	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (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?
POD	11/26/2001 11:21:44 AM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is the basis of claim a posted notice? (No) 7. Is a flow measurement required? (Yes) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (Yes) 10. Is a irrigation a purpose of use? (Yes) 12. Is a Quantity remark or condition required? Description for Question 7 - Per David Tuthill, claims under 0.20 cfs do not require measurement. Description for Question 10 - IDWR standard for the area.



IDAHO DEPARTMENT OF WATER RESOURCES

SNAKE RIVER BASIN ADJUDICATION - BASIN 29

Claim # 304708

POD ID 203571

Claim Type S

Easting 630835

Northing 199719

GPSID A0011678

Div. Capacity (CFS)

Quad Pocatello North

Linked Photos

Invoice #

2000-037-01-02

Phase

Phase-IV (Total Complete)

Township Range Section

Diversion Description

Pumped system located about 40 yards from Pocatello Creek Road, and about 70 yards from Parks Road.

Pumped System ☒

Pump Sys Efficiency assumed

Motor Size (HP)

Pressure at Pump

Depth from Centerline of Pump to Surface

Motor Serial #

Pump Type

Pump Manufact

Hours on Meter

KW hrs used

Measuring EQ.

Pump Serial#

Maximum Calculated flowrate (CFS)

Other

Open Channel Flow ☐

Cross Section Area ft^2

Mannings N

Hydraulic Radius ft

Slope

Maximum calculated flowrate (CFS)

New Contact Information ☐

New First Name

New Last Name

New Phone#

New FAX#

New Street

New City-St-Zip

New Country

New Contact Comments

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Prepared By: Intrepid Engineering Services, Inc.



INTREPID

Engineering Services, Inc. (IES)

Enabling People and Solutions



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 26, 2001

LARRY PACKER
8675 N PARKS RD
POCATELLO ID 83201

RE: CHANGE IN OWNERSHIP FOR 29-04367

Dear Mr. Packer,

A request for Chang in Ownership for a portion of water right 29-00443H was received September 25, 2000. The change was made and notice was mailed to you November 28, 2000.

During my review of Snake River Basin Adjudication (SRBA) claims, I discovered that a portion of claim 29-04367 (the ground water claim) is applicable to Mr. Hurley's property and should have been split as well.

I have processed this change and am sending you a copy of the notice of claims that reflect your portion of the original right.

Please feel free to contact me at 525-7161 if you have any questions.

Respectfully submitted,

Craig L. Saxton
Water Resource Agent
Adjudication Bureau

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.

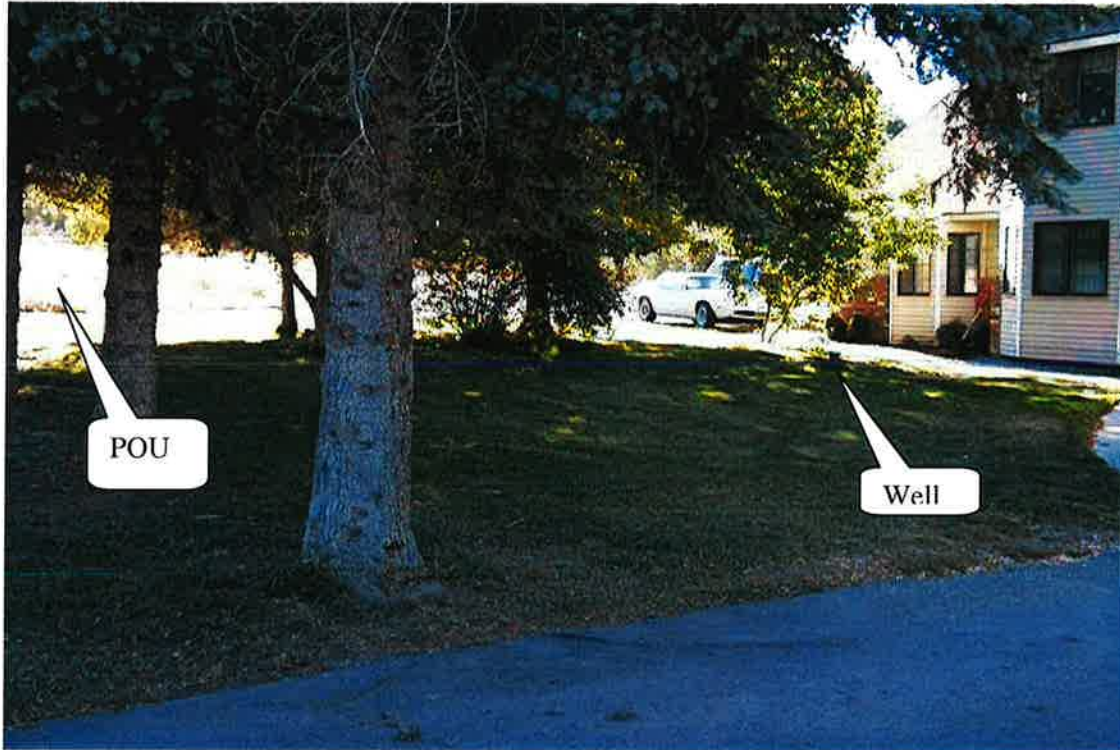
I called Dwaine Anderson (Brother of original claimant Opal Beck) on 10/25/01 to inquire of the last time the parcel was irrigated from Pocatello Creek. He said that they would sprinkle they place from time to time but didn't give me an exact date.

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

29-13259

POD

Field Exam 10/02/01



Looking South-East. Well in front of the house. Irrigated place of use to the left of picture. Lawn is not irrigated place of use under this right. (csaxton 10/26/01).

29-13259

POU

Field Exam 10/02/01



Looking South East. Brown vegetation shows historically irrigated POU. Statement from Tammy Packer is that the POU hasn't been irrigated in the 9 years they have lived there. See memo in file for explanation why forfeiture is not being recommended (csaxton 10/26/01).

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 29-13259
Date Received: 10/26/2001
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

JOHN HURLEY Phone: (970) 564-0853

11826 ROAD 27-1
DOLORES CO USA 81323

NANCY HURLEY Phone: (970) 564-0853

11826 ROAD 27-1
DOLORES CO USA 81323

2. Date of Priority: 07/01/1957

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

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

5. Description of diverting works:

WELL, PUMP & SPRINKLER SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	0.04	

7. Total Quantity Appropriated is:

0.04 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	SW	NW	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:

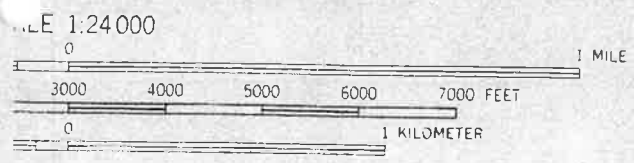
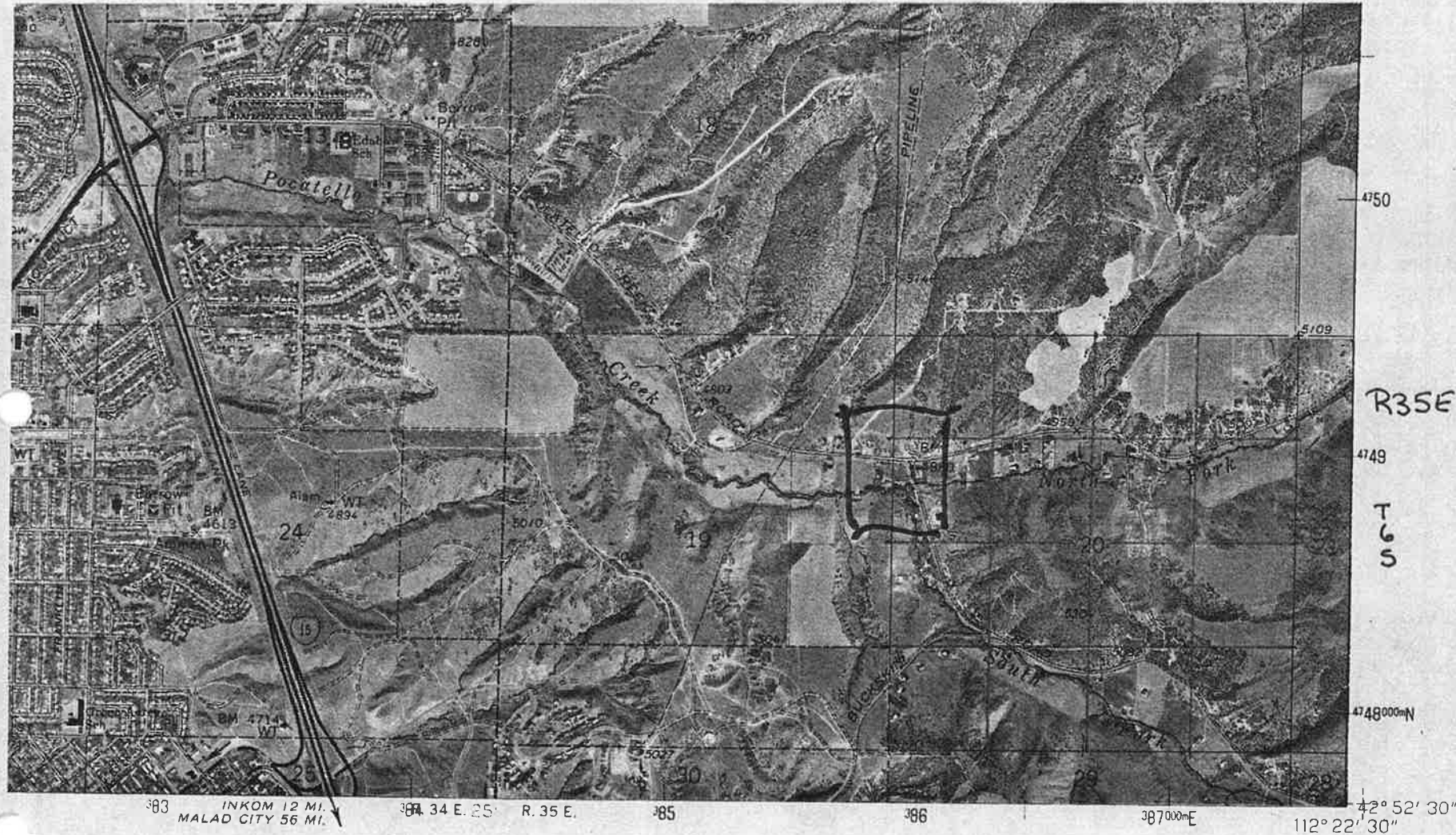
THIS RIGHT IS A SPLIT FROM FORMER RIGHT 29-04367.

CHANGE OF OWNERSHIP RECEIVED 9-25-2000 FROM JOHN AND NANCY HURLEY REQUESTING SPLIT OF RIGHT 29-00443H. A PORTION OF GROUND WATER RIGHT 29-04367 IS APPLICABLE TO HURLEYS PROPERTY BUT WAS OVERLOOKED. RIGHT SPLIT TO PLACE A PORTION OF 29-04367 IN THE HURLEYS NAME (CSAXTON 10-26-01).

15. Basis of Claim: Beneficial Use

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.



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



POCATELLO NORTH, ID.
N4252.5—W11222.5 7.5

1985

ese Maps Can Be Obtained
le Blue Print, Boise Idaho