

IDAHO DEPARTMENT OF WATER RESOURCES RECOMMENDED
WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 29-13266

NAME AND ADDRESS:

NOEL D ANDERSON
9943 POCA TELLO CKEEK RD
POCA TELLO ID 83201

RODONA L ANDERSON
9943 POCA TELLO CKEEK RD
POCA TELLO ID 83201

SOURCE: Source: Tributary:
POCA TELLO CREEK PORTNEUF RIVER

QUANTITY: 0.060 CFS 0.000 AFY

PRIORITY DATE: 06/01/1887

POINT OF DIVERSION:

T06S R34E S13 NESESE Within BANNOCK County

PURPOSE AND PERIOD OF USE:	Purpose of use	Period of use:	Quantity:
	IRRIGATION	03/15 11/15	0.060 CFS

PLACE OF USE: IRRIGATION within BANNOCK County

T06S R35E S18 NWSW Lot 3 1.6

T06S R35E S18 SWSW Lot 4 1.5

~~T06S R35E S18 SWSW Lot 4 3.1~~

3.1 ACRES TOTAL

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

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

~~NO BENEFICIAL USE FOUND.~~

~~NO BENEFICIAL USE FOUND: This is included for a claim based on beneficial use that is PROPOSED to be disallowed because beneficial use of water was not confirmed by IDWRs field examination or by other evidence submitted by the claimant.~~

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-13266 V1

WATER RIGHT NUMBER: 29-13266 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	NOEL D ANDERSON 9943 POCATELLO CK RD POCATELLO, ID 83201 (208) 233-1745
Current Owner	RODONA L ANDERSON 9943 POCATELLO CK RD POCATELLO, ID 83201 (208) 233-1745

Priority Date: 06/01/1887

Basis: Decreed

Status: **Disallowed**

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

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	0.060 CFS	
	<u>Total Diversion:</u>	0.060 CFS	

Location of Point(s) of Diversion

POCATELLO CREEK	NE1/4SE1/4SE1/4	Sec. 13, Twp 06S, Rge 34E, B.M.
BANNOCK County		

Place of UseIRRIGATION Within BANNOCK County

T06S R35E S18 Lot 4 SWSW 3.1

Total Acres: 3.09999990463257

Conditions of Approval:

1. P03 NO BENEFICIAL USE FOUND: This is included for a claim based on beneficial use that is PROPOSED to be disallowed because beneficial use of water was not confirmed by IDWRs field examination or by other evidence submitted by the claimant.

Remarks:

1. General NO BENEFICIAL USE FOUND.

Comments:

1. csaxton 12/3/2001 Disallow

Comment: No beneficial use found in the following photographs: 1987 NAPP, 1985 USGS Orthoquad, 1972 aerial photography, 1992 Terraserver aerial photos

2. csaxton 12/3/2001 POU

Comment: No signs of evidence that the water was moved to the claimed POU prior to 1987

IDAHO DEPARTMENT OF WATER RESOURCES
 Adjudication Recommendation Report 29-13266 V1

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>
Summary	12/3/2001 4:25:30 PM	csaxton	12/3/2001 4:25:30 PM	csaxton	Disallowed

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Contacts	12/3/2001 4:17:08 PM	csaxton	(No) 1. Do you want to schedule an appointment? Comment for 1: Meet with Andersons on 11/6/01
POU	12/3/2001 4:23:02 PM	csaxton	Edited shape boundary
POD	12/3/2001 4:19:48 PM	csaxton	Edited point location
POD	12/3/2001 4:20:16 PM	csaxton	Edited PLS
Summary	12/3/2001 4:25:34 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (No) 4. Is any portion of the claim be recommended? (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?

Noel and Rodona Anderson
9943 Pocatello Creek Road
Pocatello, ID 83201
(208) 233-1745

District Court

Snake River Basin Ajudication

State of Idaho

Notarized Testimony of Elwin Anderson

I, Elwin Anderson, testify that the property located at T06S R35E S18 Lot 4 SWSW a total of 3.1 acres has been irrigated since at least 1945. This property is located to the east of my own property. The point of diversion is T06S R34E S13.

This field has been used for alfalfa as well as pasture for livestock. There have been intermittent years that this field has not been irrigated. These were during low water years and this field was the last to receive water.

Dated this 13 day of April, 2004

Elwin H. Anderson

Elwin Anderson

SUBSCRIBED AND SWORN to before me this 13 day of April, 2004.



Joe M. Burk
Notary Public for Idaho
Residing at: Boise, ID
Commission Exp: 5/31/08

Noel and Rodona Anderson
9943 Pocatello Creek Road
Pocatello, ID 83201
(208) 233-1745

District Court

Snake River Basin Ajudication

State of Idaho

Notarized Testimony of Dwaine Anderson

I, Dwaine W. Anderson, testify that the property located at T06S R35E S18 Lot 4 SWSW a total of 3.1 acres has been irrigated since at least 1945. The point of diversion is T06S R34E S13.

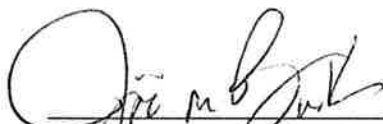
This field has been used for alfalfa as well as pasture for livestock. There have been intermittent years that this field has not been irrigated. These were during low water years and this field was the last to receive water. Water rights were signed over by me when this land was purchased by my son, Noel Anderson. My water right number is 29-2391. Noel has irrigated this land every year since 1994.

Dated this 13 day of April, 2004



Dwaine W. Anderson

SUBSCRIBED AND SWORN to before me this 13 day of April, 2004.



Notary Public for Idaho,
Residing at: Bannock
Commission Exp: 5/31/08

Noel and Rodona Anderson
9943 Pocatello Creek Road
Pocatello, ID 83201
(208) 233-1745

District Court

Snake River Basin Ajudication

State of Idaho

Notarized Testimony of Todd Anderson

I, Todd D. Anderson, testify that the property located at T06S R35E S18 Lot 4 SWSW a total of 3.1 acres has been irrigated ever since I can remember. The point of diversion is T06S R34E S13.

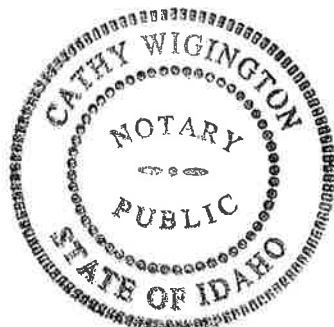
This field has been used for alfalfa as well as pasture for livestock. There have been intermittent years that this field has not been irrigated. These were during low water years and this field was the last to receive water. I testify that Noel has been irrigating this pasture every year since 1994.

Dated this 13 day of April, 2004

Todd D. Anderson

Todd D. Anderson

SUBSCRIBED AND SWORN to before me this 13th day of April, 2004.



Cathy Wigington
Notary Public for Idaho
Residing at: Pocatello, Id
Commission Exp: 7/21/05

RECEIVED

OCT 30 2003

Department of Water Resources
Pocatello Region

RECEIVED

OCT 27 2003

Department of Water Resources

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

A. Subcase 29-13266

(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name:

Noel Anderson

Address:

9943 Pocatello Creek Road
Pocatello, ID 83201

Daytime Phone: (208) 233-1745

Name & Address of Attorney, if any:

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name:

Noel Anderson

Address:

9943 Pocatello Creek Road
Pocatello ID 83201

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**
Should be: _____
2. ☐ **Source**
Should be: _____
3. ☐ **Quantity**
Should be: _____
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Point(s) of Diversion**
Should be: _____
6. ☐ **Instream Flow Description**
Should be: _____
7. ☒ **Purpose(s) of Use**
Should be: Irrigated Acreage
8. ☐ **Period of Year**
Should be: _____
9. ☐ **Place of Use**
Should be: _____

11. **I object because:**

☐ This water right should not exist.

☒ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S): My water rights
were recommended to be disallowed because
no beneficial use was found. However, this acreage
has been irrigated for years from Pocatello Creek using
the existing water right. This acreage is currently for livestock.

F.

VERIFICATION (Must be Completed)

State of Idaho)
County of Bannock)ss.

Noel D. Anderson, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Noel D. Anderson
(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: Oct. 22, 2003



Cathy Wigington
Notary Public for Pocatello, Idaho
Residing at: Pocatello, Idaho
My Commission Expires: 7/21/05

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on October 22, 2003, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

Name:

Address:

Noel Anderson

9943 Pocatello Creek Road

Pocatello ID 83201

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

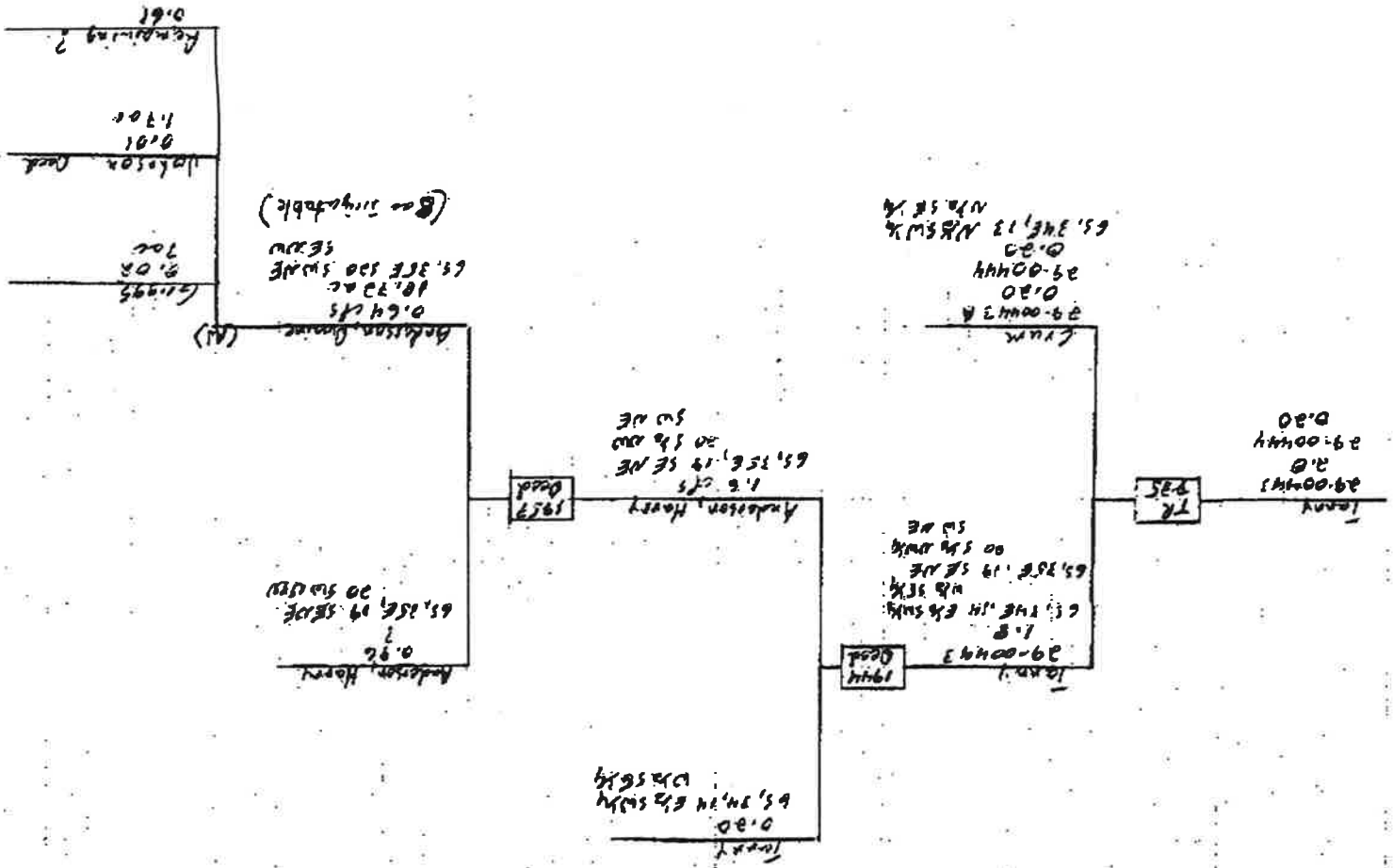
United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

Noel D Anderson

Signature of Objector or attorney
mailing on Objector's behalf

29-13266

Split History According to Results for 29-00443



443A - Deed Nov 10, 1969 Lathrop, Willard & Helen

↓
James. Perkins
1/2 in
20. SWNE

443B: 1944 Tanny → Anderson, Harry 1.6 cfs

1958 Anderson, Harry → Eliza Smith 1 in - 10 acres, 1987

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

443C: ⑤ 1990 Sunstrom, Doug → Sunstrom, Rodger 1/2 in 1987

① 1989 Sunstrom, Lyle → Sunstrom, Doug 1/2 in 1987

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

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

⑤ 1998 Maatee, Rodger → A.G. Stockins
Merzlock, John

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

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

443I: 1944 Tanny → Anderson, Harry 1.6 cfs

443J: 1955 Thompson, Marvin → Smith 1/2 in 1987

443K: Nothing

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

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

443N: Paetzer, Newell → Travis 8 in

29-10783: Nothing

29-00444: Nothing

28-12232:

50 SHEETS
22-141
22-142 100 SHEETS
22-144 200 SHEETS



04/02/2003

**NOTICE OF ERROR
REPLY**

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

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

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS:

Water right number: 22-13266

WALTER L BYBEE
11477 S SNAKE RIVER RD
REXBURG ID 83440
Telephone Number: (208)356-6156

ZELLA S BYBEE
11477 S SNAKE RIVER RD
REXBURG ID 83440
Telephone Number: (208)356-6156

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: _____ SIGNATURE: _____

Please print your name: _____

IDWR Regional Office,

04/02/2003

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

RIGHT NUMBER: 22-13266

NAME AND ADDRESS: WALTER L BYBEE
11477 S SNAKE RIVER RD
REXBURG ID 83440

ZELLA S BYBEE
11477 S SNAKE RIVER RD
REXBURG ID 83440

SOURCE: UNNAMED STREAM

TRIBUTARY: SNAKE RIVER

QUANTITY: 4.200 CFS

USE OF THIS RIGHT WITH RIGHT NO. 23-11230 IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 4.2 CFS.

THIS RIGHT WHEN COMBINED WITH RIGHT NO. 23-11230 SHALL
PROVIDE NO MORE THAN .02 CFS PER ACRE.

PRIORITY DATE: 05/01/1884

POINT OF DIVERSION:
T04N R40E S23 NESENW Within MADISON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	4.200 CFS

PLACE OF USE: IRRIGATION Within MADISON County

T04N R40E S22	NENE	0.5	T04N R40E S22	NWNE	28.0
T04N R40E S22 Lot 2	SWNE	7.0	T04N R40E S22 Lot 1	SENE	4.0

39.5 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 23-11230 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 39.5 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: BASIS OF CLAIM - Decreed

	2	1
	29-13254 (Smith)	
J	Smith (split)	0.005 1
	0.01	0.005 0.8
	2	29-13255 (Foltz)
		0.005 1
		0.005 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

29-13266

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
		29-13265 (And -D)
		0.77 40.5
		0.1 5.2
D	Anderson, D	
	0.83 43.6	0.06 3.1
		29-13266 (And-N)
		0.06 3.1
		0.6 3.1
	1 52.5	
		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
		29-13136 (Packer)
		0.05 1
		0.03 1.3
H	Packer (split)	
	0.08 4	
		29-13137 (Hurley)
		0.03 2
		0.01 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 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

RIGHT INCLUDES ACCOMPLISHED CHANGE IN SOURCE PURSUANT TO
SECTION 42-1425, IDAHO CODE.

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

WATER IS DELIVERED THROUGH SUNNYDELL CANAL.

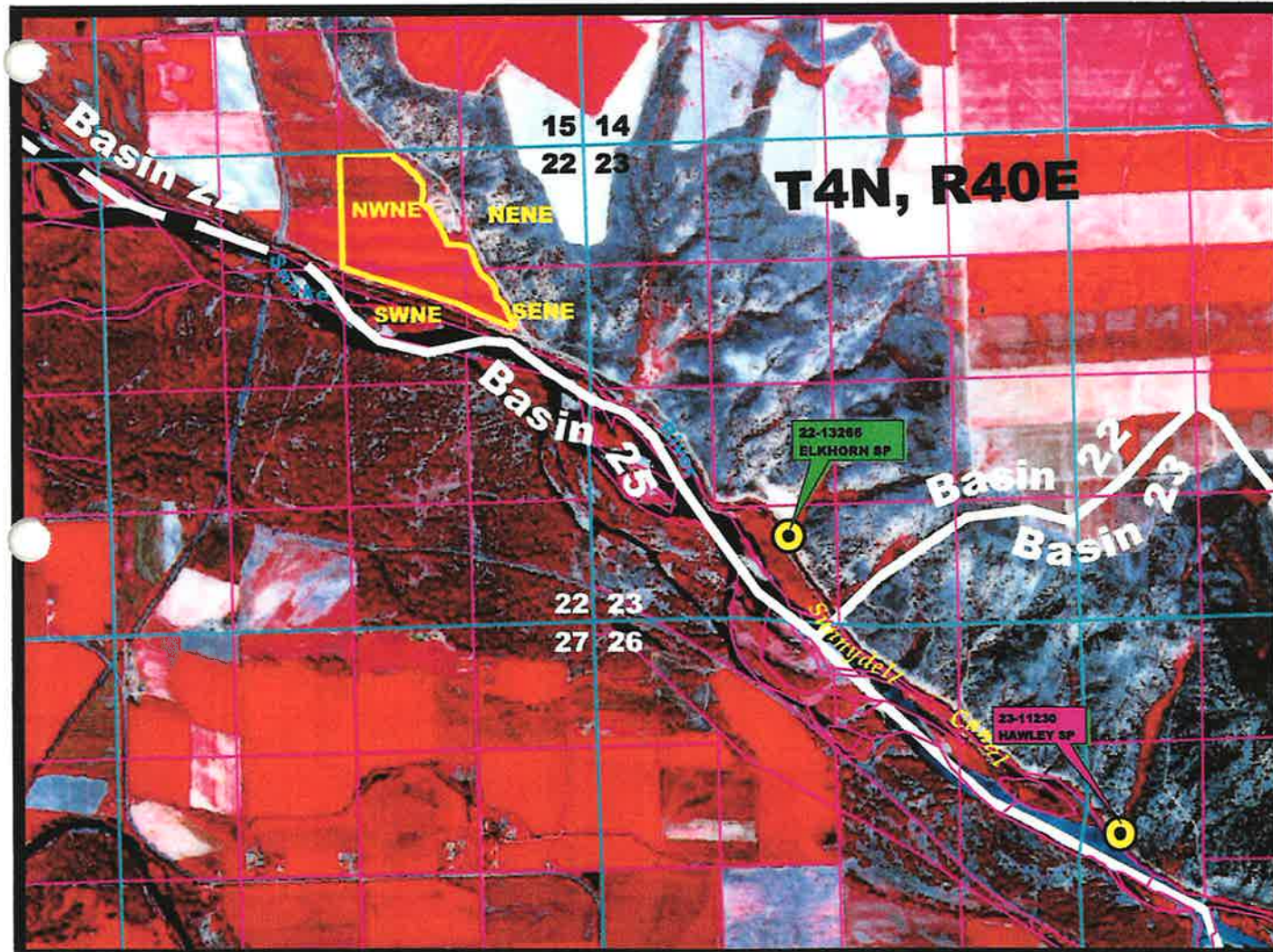
THIS RIGHT IS A SPLIT FROM FORMER RIGHT 23-10010. ALSO SEE
23-11230.



State of Idaho

Department of Water Resources

Eastern Region



750 0 750 1500 2250 3000 3750 4500 5250 6000 6750 7500 8250 9000 9750 10500 11250 Feet

Water Right(s):
23-11230, 22-13266

Place of Use: T4N, R40E
Sec. 22 (parts of) NE

Point(s) of Diversion: T4N, R40E
Sec. 23 NESESW (Elkhorn Sp)
Sec. 25 SWSWNW (Hawley Sp)



LEGEND

-  Point of Diversion
-  SESE Place of Use
-  Section
-  Quarter-Quarter

GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: A. Ruberry
Date: March 2003

Memorandum

Date: December 3, 2001

From: Craig L. Saxton

Subject: Split history of 29-00443

Acreage Issue:

In the 60's and 70's the Anderson family started selling off property that was originally covered by an 1887 Tanny right. When the Andersons started selling off the property under the Tanny right they deeded ½ inch of water to 5-acre tracks they were selling. According to Dwain Anderson, the intention was to move the 1887 Tanny right and start using it on the Hopper ground to the West of the original POU.

Within the original Tanny POU, I estimated 49 irrigatable acres.

1972 aerial photography shows the Andersons irrigating a 14.6-acre field.

In 1988 Anderson sold a major portion of the irrigated land to Skoog. This note is important because 2 to 3 years before this sale, the Andersons stopped irrigating a field high on the bench and started irrigating down lower around the current POU. 1985 USGS Orthoquad maps indicated irrigation at that time.

1987 NAPP shows 12.7 acres of irrigation being recommended. This leaves 1.9 acres unaccounted for.

With this information, we can conclude that there was an accomplished change in POU and POD prior to 1987. Irrigated acres do not exceed acreage irrigated in 1972.

Entire Split Results:

Sum of split recommendation acres is 44 acres.

The result of this is that the sum of the acreage and diversion rate being recommended under the Tanny right 29-00443, is less than that decreed. Thus, no enlargement of the right.

Noel Anderson (29-13266):

None of the following show signs of irrigation on the property now owned by Noel Anderson: 1987 NAPP, 1985 USGS Orthoquad, 1972 aerial photography, 1992 Terraserver aerial photos. Cannot recommend as irrigated POU.

Split history for Decreed Right 29-00443

Claimed	Recommend	Deed
A Firkins		Deeded 1/2 in
0.1	0.01	
5	1.3	
B Fritch		Deeded 1in per 10 ac
0.02	0.02	
10	1	
C Stocking		Deeded 1/2 in
0.05	0.01	
2.5	1.1	
	29-13265 (And -D)	
	0.77	0.1
P Anderson, D	40.5	5.2
0.83		
D Anderson, D (split)	43.6	
	29-13266 (And-N)	
1	0.06	0
52.5	3.1	0
		0.06
		3.1
Q Anderson, T		
	0.17	0.12
	8.9	5.9
E Johnson		Deeded 1/2 in
0.01	0.01	
2	1.7	
F Dixon		Need c/o
0.2	0.02	No Deeds
7	2.6	
G Anderson, E		
0.2		0.03
2		1.6
	29-13136 (Packer)	
	0.05	0.03
H Packer (split)	1	1.3
0.08		
4	29-13137 (Hurley)	
	0.03	0.01
	2	1
I Paul		Deed from Tanny-Anderson
0.04	0.03	
2	1	
	29-13254 (Smith)	
	0.005	0.005
J Smith (split)	1	0.8
0.01		
2	29-13255 (Foltz)	
	0.005	0.005
	1	0.7
K Morris		Waiting
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 Trayis		
	1	0.16
	30	10.4
29-10783 (Lawlor)		
	0.12	0.02
	6	3.5
29-00444A Renumbered to 29-13270		
	0.06	0.02
	2	2
29-12232		
	0.06	0.02
	1.5	0.9

Silent to WR

Silent to WR

8 in

Waiting

no deed provided

waiting

Sum CFS=	0.4	0.25
Sum Acre=	32.4	12.7

Un-accounted for CFS=	1.2	0.95
Un-accounted for Acres=	16.6	3.9

Estimated Decreed Acreage = 49 ac

Remaining Diversion Rate For Decreed POU = 1.6



Anderson, Noel

29-13266

No signs of irrigation



0 1320 Feet

Claimed Irrigated Acres: 3.1



Acreage Distribution

Prepared By: Craig Saxton
October 2001



Terraserver 1992



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

November 6, 2001

KARL J. DREHER
DIRECTOR

NOEL ANDERSON
9943 POCA TELLO CK RD
POCA TELLO ID 83201

RE: Split of Snake River Basin Adjudication (SRBA) claim 29-00443P

Dear Mr. Anderson,

After our meeting on November 6, 2001, I split SRBA claim 29-00443P to reflect the portion of the original claim that is applicable to lands now belonging to yourself. The right was split as follows:

29-13265: 0.77 CFS: 40.5 AC: ANDERSON_DWAIN E
29-13266: 0.06 CFS: 3.10 AC: ANDERSON_NOEL

Enclosed is a copy for your records. Please note that per our discussion in my office, my recommendation to the SRBA court might differ from the enclosed claim.

Please feel free to contact me if you have any questions.

Respectfully submitted,

Craig L. Saxton
Water Resource Agent
Adjudication Bureau

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
	29-00443 P				

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.

Name and Address of Former
Owner/Claimant(s)

Dwaine W. Anderson
9196 Anderson Lane Pocatello, ID 83201

New Owner/Claimant(s)

Noel D. Anderson Rodona L. Anderson

Name Connector (Check one): [] and, [] or, [] and/or

New Mailing Address

9943 Pocatello Creek Road

City, State and ZIP Code

Pocatello ID 83201

New Telephone Number

(208) 233-1745

Date you acquired the property

11/24/93

93019857

Form A298

QUITCLAIM DEED

THIS QUITCLAIM DEED, Executed this 24 day of November, 1993

first party, to Dwaine W. and Renee G. Anderson

whose post office address is 9196 Anderson Lane, Pocatello, Idaho 83201

to second party: Noel D. or Rodona L. Anderson

whose post office address is 811 South Cole Road, Boise, Idaho 83709

WITNESSETH, That the said first party, for good consideration and for the sum of Dollars (\$1,000.00) paid by the said second party, the receipt whereof is hereby acknowledged, does hereby remise, release and quitclaim unto the said second party forever, all the right, title, interest and claim which the said first party has in and to the following described parcel of land, and improvements and appurtenances thereto in the County of Bannock, State of Idaho to wit: A tract of land in the southwest quarter of Section 18, Township 6 South, Range 35 East, Boise Meridian, described as follows: Commencing at the southwest corner of Section 18, Township 6 South, Range 35 East, Boise Meridian; thence North 00°23' East along the west line of Section 18 for a distance of 966.82 feet; thence South 89°37' East for a distance of 421 feet, more or less, to the southwest corner of the KOA Campground property, the TRUE POINT OF BEGINNING; thence North 30°21' East along the said KOA property for a distance of 450 feet to and intersection with the southerly right of way line of Pocatello Creek Road; thence North 51°37' West along the said right of way line for a distance of 450 feet, more or less, to the northeast corner of the Elwin Anderson property; thence South 07°03' West along the Elwin Anderson property and the southerly extension thereof, for a distance of 521.7 feet; thence South 51°37' East for a distance of 242 feet, more or less, to the point of beginning.

NO. 93019857



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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: 29-13266
Date Received: 11/6/2001
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

NOEL D ANDERSON Phone: (208) 233-1745

9943 POCATELLO CK RD
POCATELLO ID USA 83201

RODONA L ANDERSON Phone: (208) 233-1745

9943 POCATELLO CK 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	Type
06S	35E	19	SE NE	BANNOCK	

5. Description of diverting works:

HEADGATE TO DITCH TO GRAVITY LINES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	0.06	

7. Total Quantity Appropriated is:

0.06 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	18	SW SW	4	IRRIGATION	3.1
Section Acres						3.1
Total Acres						3.1

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 29-00443P.

THIS RIGHT SPLIT BY C/O PER CLAIMANT REQUEST (CSAXTON 11/6/01)

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.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____

Date: _____

State of Idaho)
) SS.
County of _____)

Subscribed and sworn (or affirmed) before me this

of _____ 20____

Notary Public

Residing at _____

My commission Expires _____