

04/25/2003

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

RIGHT NUMBER: 29-13526

NAME AND ADDRESS: THERESA J ANESTOS  
9589 W POCA TELLO CREEK RD  
POCA TELLO ID 83201

PETER T ANESTOS  
9589 W POCA TELLO CREEK RD  
POCA TELLO ID 83201

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.040 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT FOR DOMESTIC USE SHALL  
NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 04/01/1987

POINT OF DIVERSION:

T06S R35E S18 SWSESW Within BANNOCK County Source: GROUND WATER

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u>       | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------------|----------------------|-----------------|
| DOMESTIC                    | 01/01 12/31          | 0.040 CFS       |
| Domestic use is for 1 home. |                      |                 |

PLACE OF USE: DOMESTIC Within BANNOCK County

T06S R35E S15 SESW

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

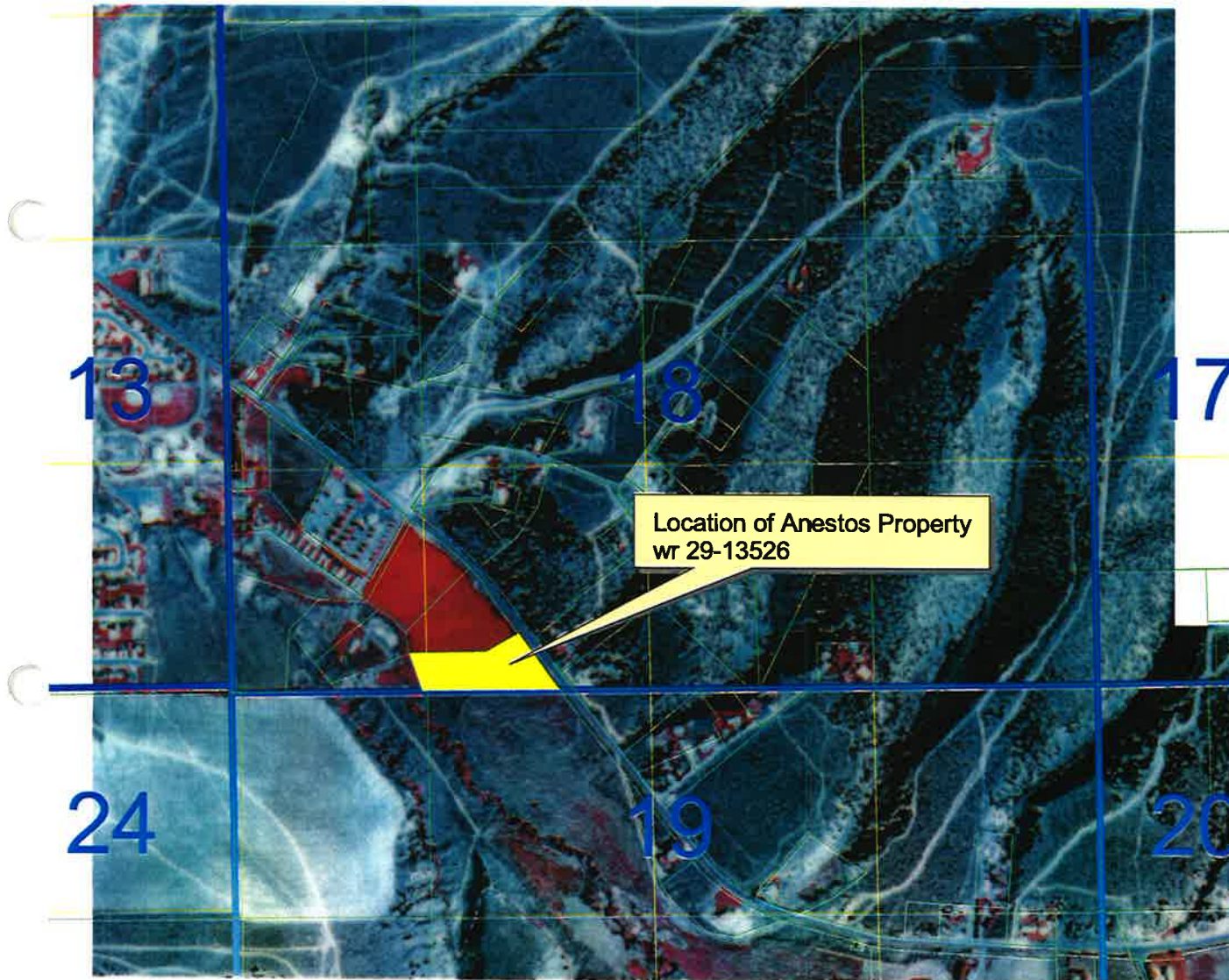
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: Beneficial Use

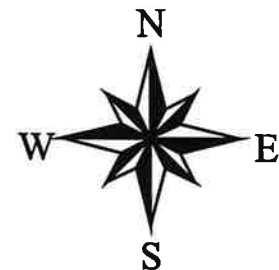
Parcel No: R3851009928

# 29-13526



0.3 0 0.3 0.6 Miles

Bannock taxlots  
Sections  
QQ



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

**RIGHT NUMBER:** 29-13526

**NAME AND ADDRESS:** PETER T ANESTOS  
9589 W POCATELLO CREEK RD  
POCATELLO ID 83201  
  
THERESA J ANESTOS  
9589 W POCATELLO CREEK RD  
POCATELLO ID 83201

**SOURCE:** Source: Tributary:  
GROUND WATER

**QUANTITY:** 0.040 CFS  
THE QUANTITY OF WATER UNDER THIS RIGHT FOR DOMESTIC USE SHALL  
NOT EXCEED 13,000 GALLONS PER DAY.

**PRIORITY DATE:** 04/01/1987

**POINT OF DIVERSION:** T06S R35E S18 SWSESW  
Within BANNOCK County

| <b>PURPOSE AND<br/>PERIOD OF USE:</b> | Purpose of use | Period of use: | Quantity: |
|---------------------------------------|----------------|----------------|-----------|
|                                       | DOMESTIC       | 01/01 12/31    | 0.040 CFS |

Domestic use is for 1 home.

**PLACE OF USE:** DOMESTIC within BANNOCK County  
~~T06S R35E S15 SESEW~~  
T06S R35E S18 SESEW

**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.

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

**EXPLANATORY MATERIAL:** BASIS OF CLAIM - Beneficial Use  
Parcel No: R3851009928



State of Idaho

**DEPARTMENT OF WATER RESOURCES**

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

April 25, 2003

PETER T ANESTOS  
THERESA JA ANESTOS  
9589 W POCATELLO CK RD  
POCATELLO ID 83201

RE: Recommendations For Snake River Basin Adjudication (SRBA) claims 29-13525 and 29-13526.

Dear Mr. and Ms. Anestos,

The Idaho Dept. of Water Resources reviewed SRBA claims 29-13525 and 29-13526. Enclosed are preliminary recommendations for the claims.

As previously discussed, for irrigation claim 29-13525 you claimed 1.5 inches per acre. I stated over a conference call with Ms. Anestos and Roger Warner that it would not hurt to claim 1.5 inches per acre but I would have to review the files to see if I could recommend that amount. After reviewing the files and the Pocatello Creek decree, evidence indicates that the intent of the decree was to assign a duty of water as 1 inch per acre as reflected in the recommendation.

Please look over the recommendations and if satisfied, no further action needs to be taken. You will be notified by the SRBA court at the time the Directors report is issued.

Please feel free to contact me with any questions.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Craig L. Saxton'.

Craig L. Saxton  
Sr. Water Resource Agent  
Adjudication Bureau

## IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-13526 V1

WATER RIGHT NUMBER: 29-13526 V1

| <u>Owner Type</u> | <u>Name and Address</u>                                                                   |
|-------------------|-------------------------------------------------------------------------------------------|
| Current Owner     | THERESA J ANESTOS<br>9589 W POCA TELLO CREEK RD<br>POCA TELLO, ID 83201<br>(208) 232-8994 |
| Current Owner     | PETER T ANESTOS<br>9589 W POCA TELLO CREEK RD<br>POCA TELLO, ID 83201<br>(208) 232-8994   |

Priority Date: 04/01/1987

Basis: Beneficial Use

Status: Active

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

| <u>Beneficial Use</u>   | <u>From</u> <u>To</u> | <u>Diversion Rate</u> | <u>Annual Volume</u> |
|-------------------------|-----------------------|-----------------------|----------------------|
| DOMESTIC                | 01/01 to 12/31        | 0.040 CFS             |                      |
| <u>Total Diversion:</u> |                       | 0.040 CFS             |                      |

Location of Point(s) of Diversion

|                |                 |                                 |
|----------------|-----------------|---------------------------------|
| GROUND WATER   | SW1/4SE1/4SW1/4 | Sec. 18, Twp 06S, Rge 35E, B.M. |
| BANNOCK County |                 |                                 |

Place of Use

DOMESTIC

| Twp | Rge | Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 06S | 35E | 15  |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | X      |

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.
2. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
3. N12 THE QUANTITY OF WATER UNDER THIS RIGHT FOR DOMESTIC USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.
4. X01 Domestic use is for 1 home.

Remarks:

## IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-13526 V1

1. Explanatory Parcel No: R3851009928

Comments: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:  
 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> |
|----------------|---------------------------|-----------------|---------------------------|-----------------|---------------|
| Contacts       | 4/25/2003 12:58:35 PM     | csaxton         |                           |                 | Active        |
| Summary        |                           |                 | 04/25/2003                | csaxton         | Active        |

Verification Log:

| <u>Element</u> | <u>Date Time Stamp</u> | <u>Reviewer</u> | <u>Log text</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|----------------|------------------------|-----------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Contacts       | 4/25/2003 12:58:35 PM  | csaxton         | (No) 1. Do you want to schedule an appointment?<br><br>Comment for 1: Desktop review                                                                                                                                                                                                                                                                                                                                                                                                                      |
| POU            | 4/25/2003 1:00:25 PM   | csaxton         | Edited shape boundary                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| POD            | 4/25/2003 12:59:46 PM  | csaxton         | Edited point location                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Summary        | 4/25/2003 1:05:13 PM   | csaxton         | (No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice?<br>(Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed?<br>(Yes) 5. Is an additional remark and/or condition required?<br>(Yes) 6. Would you like to view the recommended right?<br>(No) 7. Is this a split or combined right?<br>(No) 8. Do you have documents you would like to attach or link to the file?<br>(Yes) 9. Would you like to set the verification date? |

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 29-13526  
Date Received: 4/17/2003  
Receipt No:  
Received By:

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

THERESA J ANESTOS Phone: (208) 232-8994

9589 W POCA TELLO CREEK RD  
POCA TELLO ID USA 83201

PETER T ANESTOS Phone: (208) 232-8994

9589 W POCA TELLO CREEK RD  
POCA TELLO ID USA 83201

2. Date of Priority: 04/01/1987

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   | 18      | SW SE SW              | BANNOCK |      |

5. Description of diverting works:

One Domestic Well

6. Water is used for the following purposes:

| Purpose  | From  | To    | C.F.S. | (or) A.F.A |
|----------|-------|-------|--------|------------|
| DOMESTIC | 01/01 | 12/31 | 0.04   |            |

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

8. Total consumptive use:

9. Non-irrigation uses:  
Number of homes: 1

10. Place of use:

| Township | Range | Section | 1/4 of 1/4 | Lot | Use      | Acres |
|----------|-------|---------|------------|-----|----------|-------|
| 06S      | 35E   | 15      | SE         | SW  | DOMESTIC |       |

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: 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.

RECEIVED

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

APR 21 2003

IN RE THE GENERAL ADJUDICATION  
OF RIGHTS TO THE USE OF WATER FROM  
THE SNAKE RIVER BASIN WATER SYSTEMCIVIL CASE NUMBER: 39576  
Identification No. 29-13526  
Date Received 4-17-03  
Receipt Number E028678WATER RESOURCES  
WESTERN REGIONNOTICE OF CLAIM  
TO A  
WATER RIGHT  
ACQUIRED UNDER STATE LAW  
For Domestic and/or Stockwater Purposes  
Where Daily Use is less than 13,000 gallons per day.

Filing Fee \$25

Please type or print clearly

- Name of Claimant (s) TERESA J. and/or PETER T. ANESTOS Phone (208) 232-8994  
Mailing Address 9589 W. POCA TELLO CREEK RD. zip 83201
- Date of Priority (Only one per claim) July 1 1987 Month/Day/Year
- Source of water supply (Check one) ☒ Groundwater or Other ( ) (a) \_\_\_\_\_  
which is tributary to (b) \_\_\_\_\_ Name or kind of source
- Location of point of diversion is: Township T06S Range R35E  
Section 18, SW 1/4 of SE 1/4 of SW 1/4, Govt. Lot \_\_\_\_\_, BM.,  
County of \_\_\_\_\_  
Additional points of diversion if any: \_\_\_\_\_
- Description of existing diversion works (Ditches, Wells, Pumps, Pipelines, Headgate Etc.), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well. One domestic well
- Water is claimed for the following: (limited to Domestic and/or Stockwater only. See Instructions.)  
For Domestic purposes from 01/01 to 12/31 amount 0.04 (cfs)  
(Both dates are inclusive)  
For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_
- Total quantity claimed 0.04 (cfs)
- Total consumptive use claimed is de minimus
- Non-irrigation uses. Describe fully. (Domestic: give number of households served if single ownership; Stockwater: Type and Number of livestock) one home

10. Place of use is: Township: T06 S Range R 35 E  
Section 18, SE 1/4 of SW 1/4, Govt. Lot \_\_\_\_\_, B.M.,  
for (Circle One) Domestic Stock Domestic and Stock  
Additional places of use, if any \_\_\_\_\_

11. In which county (ies) are lands listed above as place of use located? Bannock

12. Do you own the property listed above as place of use? Yes ☒ No \_\_\_\_\_  
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.  
( ) None or 29-13525 (new claim in SRBA)

14. Remarks: \_\_\_\_\_

15. Basis of Claim (Circle One) Beneficial Use Posted Notice License Permit Decree

Court \_\_\_\_\_ Decree Date \_\_\_\_\_ Plaintiff vs Defendant \_\_\_\_\_

If applicable provide IDWR Water Right Number \_\_\_\_\_

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understood 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 do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) [Signature] Date 4-17-03

\_\_\_\_\_ Date \_\_\_\_\_

For Organizations: I do solemnly swear or affirm that I am \_\_\_\_\_

of \_\_\_\_\_, that I have signed the foregoing  
Organization  
document in the space below as \_\_\_\_\_ of \_\_\_\_\_  
Title Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent \_\_\_\_\_ Date \_\_\_\_\_

Title and Organization \_\_\_\_\_

State of Idaho/or \_\_\_\_\_ )

County of \_\_\_\_\_ )

SS.

## NOTARIZATION REQUIRED FOR EACH CLAIM

Subscribed and sworn (or affirmed) before me this 17<sup>th</sup> day of April 2003

Notary Public Jennifer Crabtree

Residing at Idaho Falls Id

My Commission Expires 9/23/03

Last Name \_\_\_\_\_ Ident No. \_\_\_\_\_

Copies: White-State, Yellow-Claimant

