

12/05/2002

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

RIGHT NUMBER: 29-13438

NAME AND ADDRESS: DAVID C MUNN
7953 W PORTNEUF RD
POCATELLO ID 83204

SUZANNE MUNN
7953 W PORTNEUF RD
POCATELLO ID 83204

SOURCE: MINK CREEK

TRIBUTARY: PORTNEUF RIVER

QUANTITY: 0.070 CFS

PRIORITY DATE: 04/01/1938

POINT OF DIVERSION:

T07S R35E S20 SWSENE 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	0.070 CFS

PLACE OF USE: IRRIGATION Within BANNOCK County

T07S R35E S21 NWSW 2.2

2.2 ACRES TOTAL

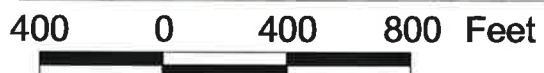
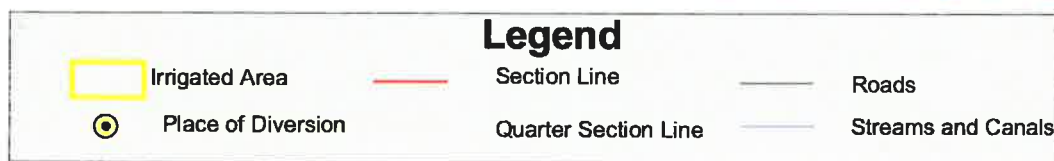
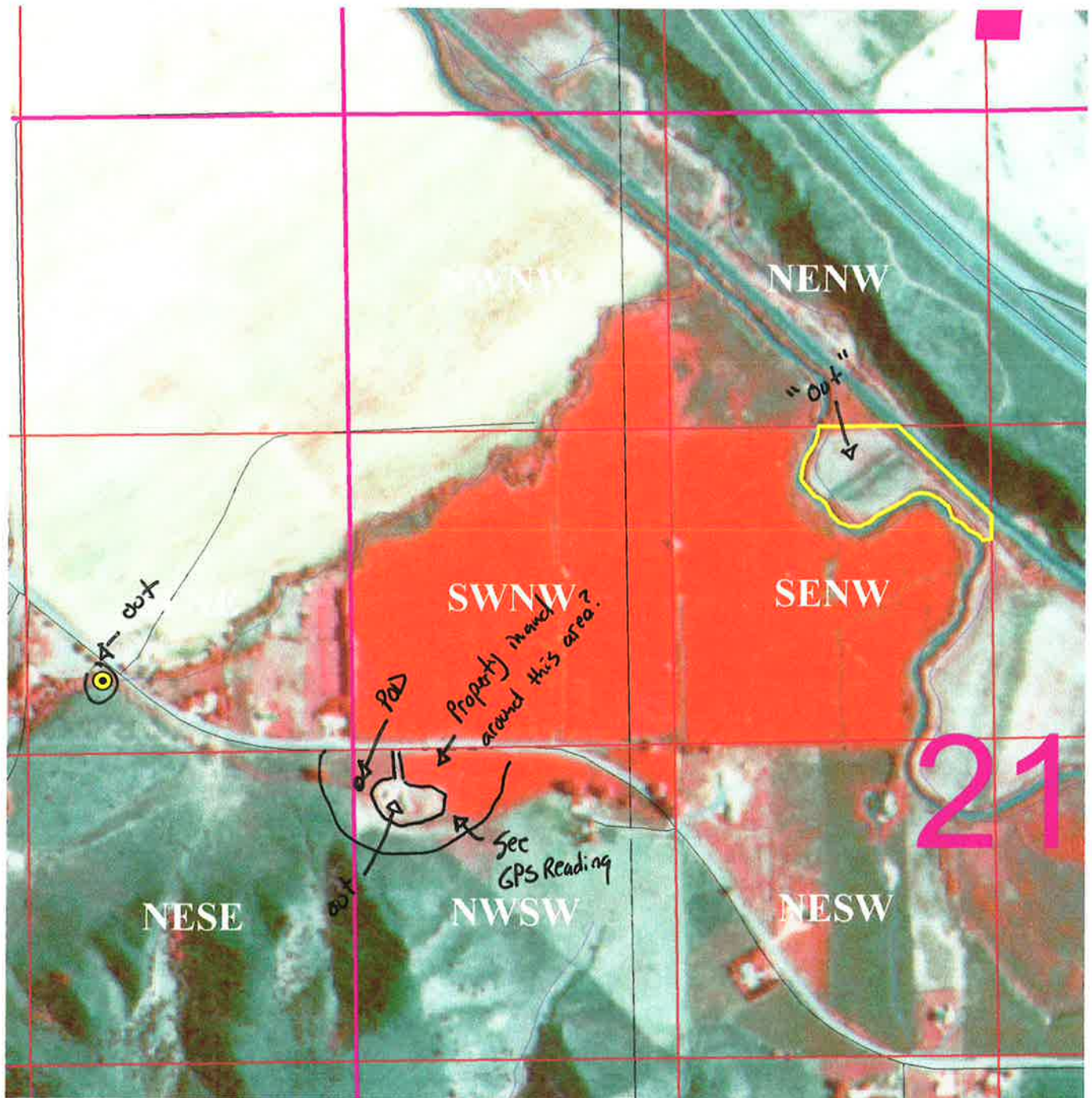
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.

EXPLANATORY MATERIAL: Beneficial Use

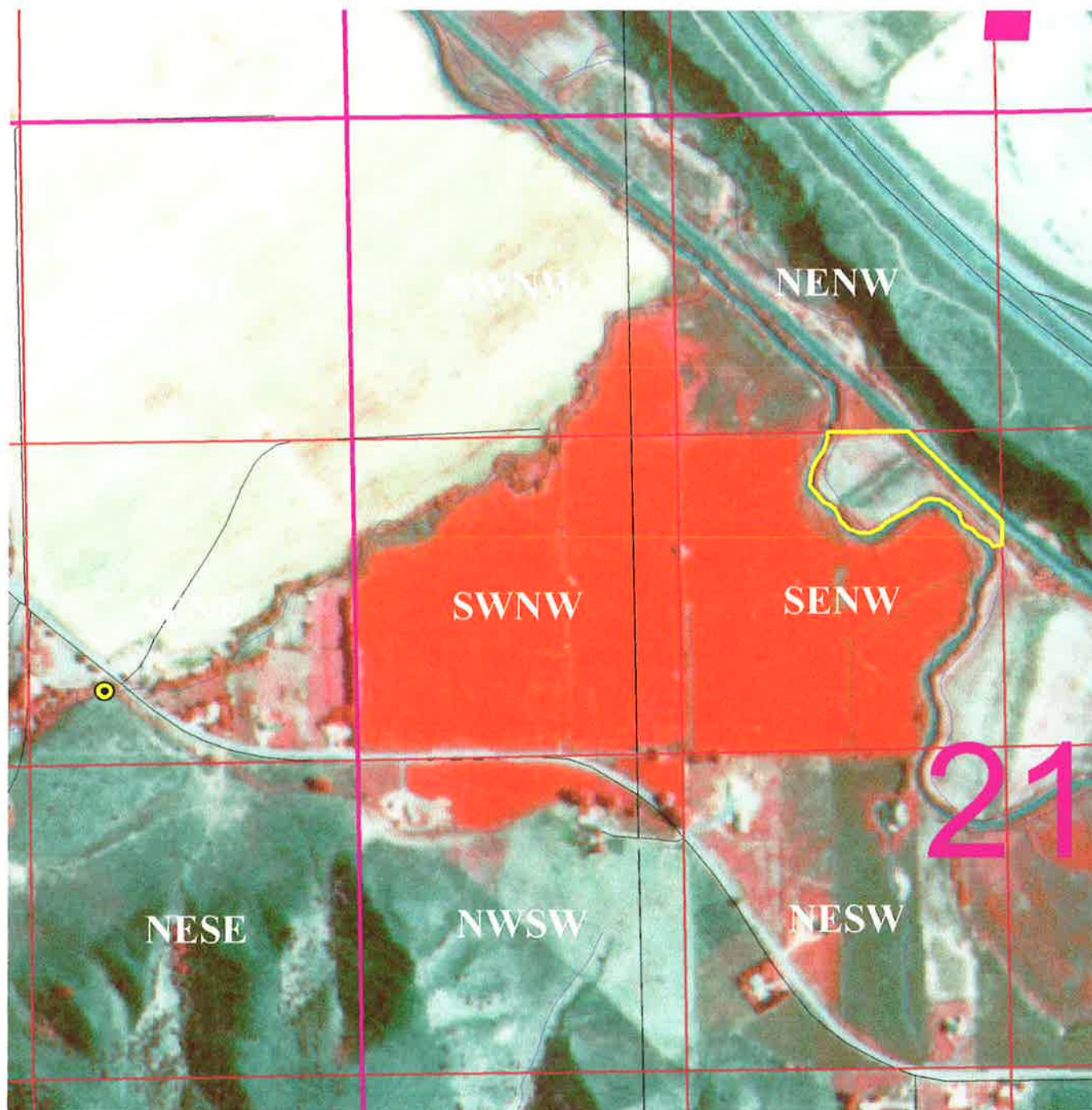
Water Right Claim Number A29-00279A
Township , 7S35E

08/23/2000



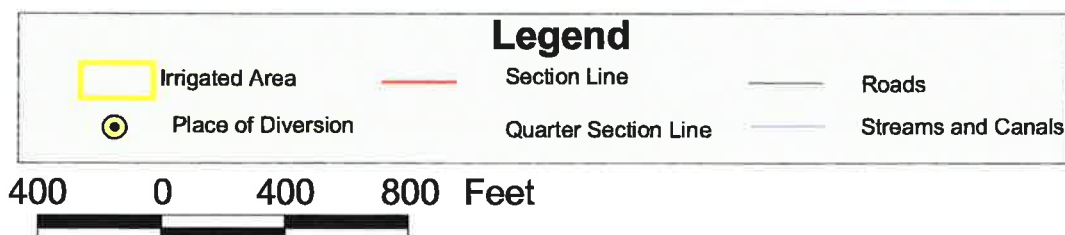
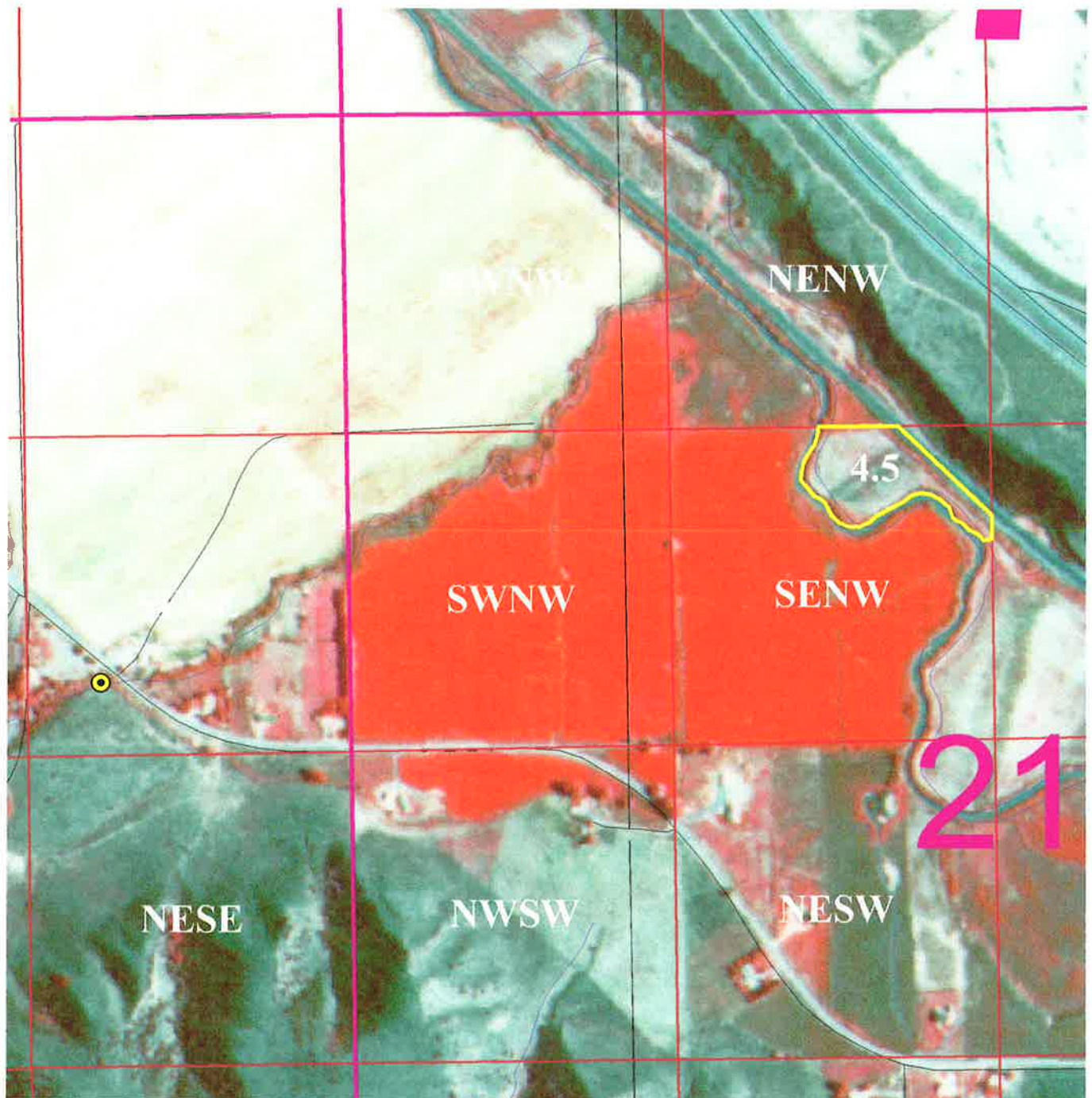
Water Right Claim Number A29-00279A
Township , 7S35E

08/23/2000



Township , 7S35E

08/23/2000

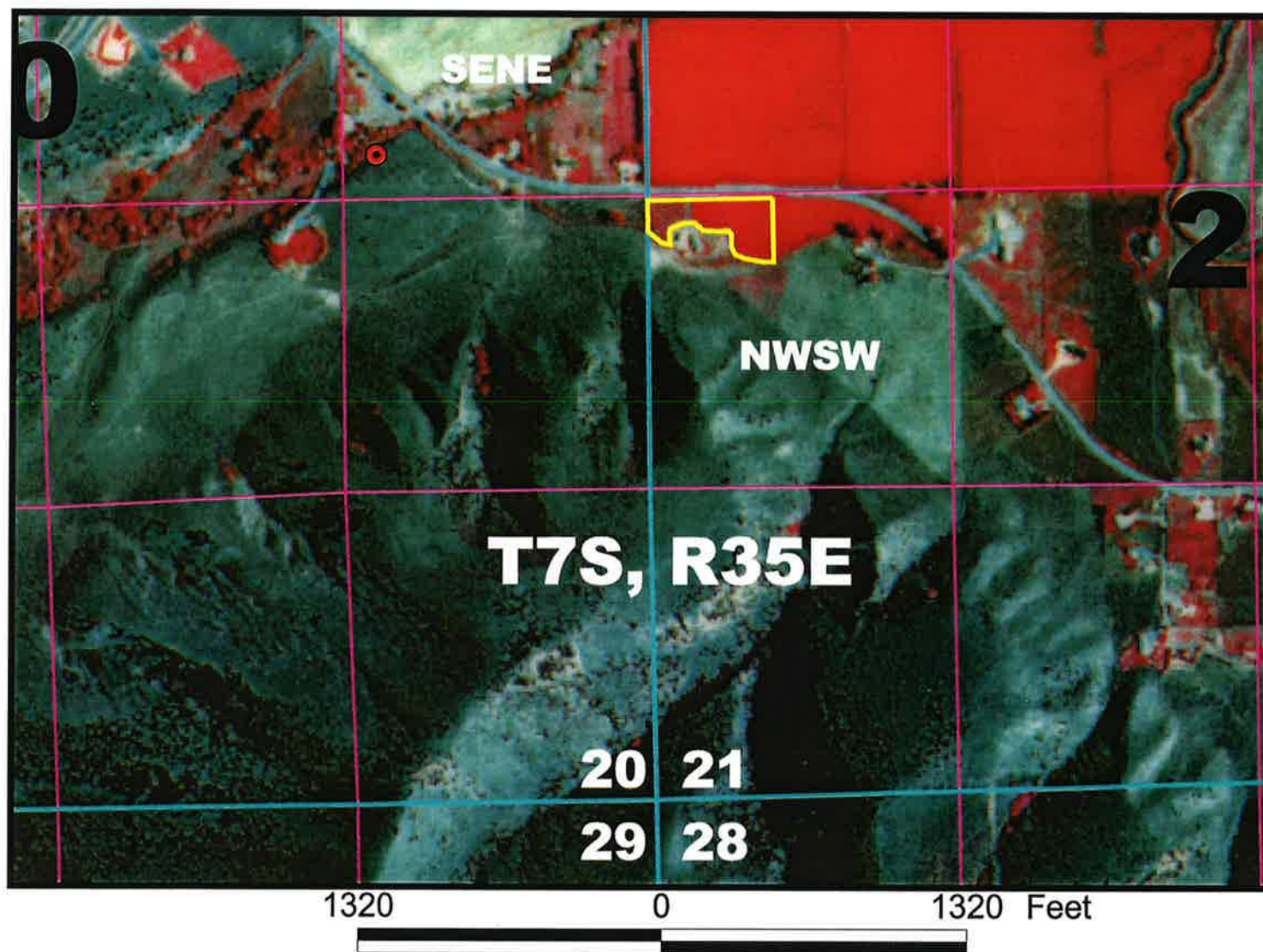




STATE OF IDAHO

Department of Water Resources
Eastern Region

Water Right(s): 29-13438



Total Irrigated Acres: 2.2

- 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: December 2002

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-13438 V1

WATER RIGHT NUMBER: 29-13438 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DAVID C MUNN 7953 W PORTNEUF RD POCATELLO, ID 83204 (208)234-0136
Current Owner	SUZANNE MUNN 7953 W PORTNEUF RD POCATELLO, ID 83204 (208)234-0136

Priority Date: 04/01/1938

Basis: Beneficial Use

Status: Active

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

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	0.070 CFS	
	<u>Total Diversion:</u>	0.070 CFS	

Location of Point(s) of Diversion

MINK CREEK	SW1/4SE1/4NE1/4	Sec. 20, Twp 07S, Rge 35E, B.M.
BANNOCK County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	35E	21																	2.2

Total Acres: 2.2

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:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 29-13438 V1

Comments:

1. csaxton 12/5/2002 Priority Date

Comment: This right renumbered from 29-00279A. Claim based on decreed right on an old Indian allotment. However, claimed POU is not on an old Indian allotment according to information provided by Shoshone-Bannock Tribes. In addition, Mink Ck decree does not list claimed POU as decreed irrigated ground. Renumbered and treated as a beneficial use claim.

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	12/5/2002 5:11:56 PM	csaxton			Active
Priority Date	12/5/2002 5:12:39 PM	csaxton			Active
POD	12/5/2002 5:13:27 PM	csaxton			Active
Source	12/5/2002 5:13:45 PM	csaxton			Active
POU	12/5/2002 5:14:08 PM	csaxton			Active
Use	12/5/2002 5:15:24 PM	csaxton			Active
Season	12/5/2002 5:16:56 PM	csaxton			Active
Quantity	12/5/2002 5:17:32 PM	csaxton			Active
Summary			12/05/2002	csaxton	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POD	12/5/2002 5:12:52 PM	csaxton	Edited point location
POD	12/5/2002 5:13:11 PM	csaxton	Edited PLS

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-13438 V1

POD	12/5/2002 5:13:27 PM	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) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?
POU	12/5/2002 5:14:22 PM	csaxton	Edited shape boundary
POU	12/5/2002 5:14:38 PM	csaxton	Edited PLS
Use	12/5/2002 5:15:24 PM	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?
Contacts	12/5/2002 5:11:57 PM	csaxton	(No) 1. Do you want to schedule an appointment? Comment for 1: Field Exam 9/25/02
Priority Date	12/5/2002 5:12:40 PM	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 - Statement for Wilma Munn
Source	12/5/2002 5:13:45 PM	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 9/25/02

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-13438 V1

POU	12/5/2002 5:14:09 PM	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? (No) 14. Is a POU remark and/or condition required? Description for Question 13 - Napp photography
Season	12/5/2002 5:16:57 PM	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?
Quantity	12/5/2002 5:17:33 PM	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? (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? (No) 12. Is a Quantity remark or condition required? Description for Question 7 - Per David Tuthill, claims for 0.20 cfs or less do not require measurement.
Summary	12/5/2002 5:21:06 PM	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? (No) 5. Is an additional remark and/or condition required? (Yes) 6. Would you like to view the recommended right? (No) 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?

12-5-02 : Claim Renumbered because research indicates that Claimed POW is not part of a mine CK decreed Right.

: This claim (29-00279A before re-numbered) claimed a portion of mine CK decreed right 29-00279. Decreed Right 29-00279 defines use dating back to 1869 stating property owned by the Big Elk Allotment and Toane Allotment lands are applicable to this Right.

: But Claimed POW is not on any old Indian allotments per data provided by Shoshone-Bannock tribes.

: Decree doesn't define Claimed POW as decreed Irrigated Ground.

: Until evidence is provided that the Claimed POW is old Indian land or irrigated Ground per the mine Creek Decree - Treat as B-use Claim.

: Priority : 4/1/1938 - Per Wilma Mann

: Diversion Rate Recommended @ $1\frac{1}{2}$ " or acre

: POW Determined per GIS = 2.2ac

29-13438

POD

Field Exam: 9/25/02



Looking West at POD where water is diverted from the main channel of Mink Ck to ditch system.



Looking West at POD where water is diverted from the main channel of Mink Ck to ditch system.

Saxton, Craig

From: Saxton, Craig
Sent: Tuesday, December 03, 2002 2:45 PM
To: Carlsen, Ernie
Subject: More Indian allotment
Hey Ernie,

It just never gets easier does it. Anyway. I have two claims for use of Mink creek water that claim 2/26/1869 priority.

29-00279A and 29-10923

Although 29-10923 says it is based on B-use, it seems that both are based on decreed right 29-0279 (or 29-00278).

The decree reads as follows:

"It is further decreed that the parties hereto shall permit sufficient water to flow through their respective head gates during the irrigation season to furnish 58.71 inches (29-00278) to Big Elk Allotment, and 37.46 (29-00279) to the Toane Allotment, with priority of February 26, 1869, and an additional inch of water for each additional acre added to the present irrigated area which the same is in Indian ownership, which area at the date herof is 97.17 acres."

I found:

29-00279A: 2.8 acres
29-10923: 2.2 acres

Napp shows irrigation and I have seen the delivery system and it could make it to the property. I know the location of the POD.

Questions:

Can you check the map of the old Indian allotments and confirm that T7S, R35E, S21, NWSW is located on an old allotment since the decree doesn't list a legal description.

If so, can I go ahead and recommend these rights with a 1869 priority since evidence seems to indicate use?

Thanks for your guidance.

Craig S.

CLAIM NO. 29 - 279A

IDWR SUPPLEMENTAL CLAIM VERIFICATION REPORT
FOR DOCUMENTING CHANGES TO CVR

1. ☒ NAME - No change
☐ NEW OWNER: _____
 (SUPPORTING DOCUMENTATION REQUIRED - ATTACH COPY)
☒ ADDRESS - No change
☐ NEW ADDRESS: _____

2. ☒ SOURCE - No change
☐ CHANGE - New source and/or tributary is: _____

3. ☐ QUANTITY - No change
☐ CHANGE - New amounts: _____ CFS and/or _____ AFY

4. ☐ PRIORITY DATE - No change
☐ CHANGE - Priority date to: _____
 (EVIDENCE OF PRIORITY REQUIRED - ATTACH COPY)

5. ☐ POINT OF DIVERSION - No Change
☒ CHANGE - New point of diversion is: T _____, R _____, S _____, _____ 1/4, _____ 1/4, _____ 1/4
See map.
When 1st = _____
 T _____, R _____, S _____, _____ 1/4, _____ 1/4, _____ 1/4
 (LOCATION OF POD(S) SHOULD BE SHOWN ON MAP)

6. ☐ PURPOSE AND PERIOD OF USE - No change
☐ CHANGE New purpose of use _____ New period of use _____ New amount(s) _____
 _____ from _____ to _____ cfs _____ af
 _____ from _____ to _____ cfs _____ af
 _____ from _____ to _____ cfs _____ af

7. ☐ PLACE OF USE - No change
☐ CHANGE New place(s) of use: (LOCATION(S) AND ACRES SHOULD ALSO BE SHOWN ON MAP)

T	R	S	N E				N W				S W				S E				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

REMARKS _____

CONDITIONS _____

Reviewer _____ Date _____

03/19/98

COMMUNICATION DOCUMENTATION

Claim No. 29-279A

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent Dean Byington Date _____Contact Person(s) David DunnNature of Contact Drove to his houseSubstance of Communication Talked about how accurate the map was.He told me that the map was wrong (see map for corrections)* POD on property* POD Mink Creek.* Mink Creek used to irrigate pasture.

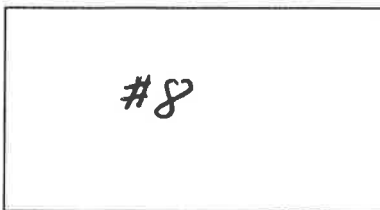
WR #: 29-279A

DATE: _____

GPS File: 279A OR

Northing: _____

Easting: _____



Notes: Mink Creek, Flowing into Pasture.

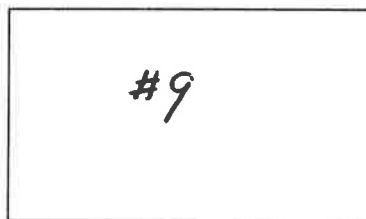
WR #: 29-279A

DATE: _____

GPS File: 279A Or

Northing: _____

Easting: _____



Notes: Irrigated Pasture, Facing East.

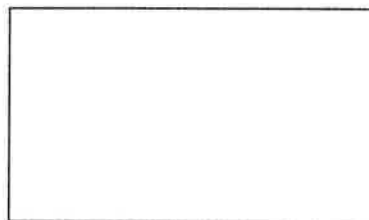
WR #: _____

DATE: _____

GPS File: _____ Or

Northing: _____

Easting: _____



Notes: _____

WR# 29-279A

Date: 6-4/8-01



Notes: Mink Creek flowing into pasture. White fence in background. POU, behind me.

WR# 29-279A

Date: 64/8-01



Notes: Irrigated pasture, facing East.

SCANNED

JUN 15 2001

Log for claim A29-00279A

Spatial Dynamics LTD

8/23/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
07s35e	21	SENW	3.5	4.5	
Totals:			3.5	4.5	

* Talked to David, said that map was wrong, so I made changes on the map.
Took GPS points to make sure.

* Irrigating from Mink Creek into Pasture

* GPS Property Points

{ 279A-1 }
{ 279A-2 }

Audit: 04/11/90 DCARLSON 06/19/90 DUNN 04/04/94 THOMPSON 03/29/95 POST-STD

AJ5809NP
No. A29-00279A

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/18/00
PAGE: 19

Audit: 01/10/96 ENORQUES

April 9, 1998

Idaho Department of Water
Receives
150 Sharp, Suite #15
Shale Falls, Idaho 83402

Dear Sirs:
My land has been irrigated from
Truck Creek prior to 1948 by Alston A.
Bair. My father, Calvin A. Bair,
bought the land April 9, 1948, and
irrigated continuously. A decree of water
usage in this land was also recorded
by Calvin A. Bair at Bonanza County
on October 18, 1956. When it changed to
my name in 1986, I continued to
irrigate as well.

I am seeking water rights from
the same allotment. Enclosed, you will
find a disclaimer from a party at
the same allotment, Scott Hodge,
allocating his rights to me. He has
right to 5" for his 5 acres.
By further documentation is needed,
or if you have any questions please contact
me.

David C. Bair
7953 W. Fortleaf Rd.
Pocatello, Idaho 83204
234-0136

NOV 13 1992
MICROFILMED

David C. Bair

RECEIVED

APR 10 1990

Department of Water Resources
Eastern District Office

DISCLAIMER

I C. Scott Hobday disclaim any right, title, or interest in water right 29-0279 decreed in the case of Smith vs. City of Pocatello done in District Court on the 5th day of June 1926. Said right was decreed to the Toane Allotment with 37.46 inches of water. That allotment is located in the NWSE and NESW of Sec. 21, T. 7S, R. 35E. A portion of this right is appurtenant to my property in the NWSE of Sec. 21, T. 7S, R. 35E.

Scott Hobday
(Signature)

Subscribed and sworn to before me this 30th day of MARCH-1990

Billie F. Palmer
(Notary Public)

My commission expires 07-24-94

*Water right #292462 from Portneut
filed 7/2/62 - by Albert Johnson
for all Riverview Ranchettes each
entitled to 1/13 of original right*

MICROFILMED

NOV 13 1992

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 29-13438
Date Received: 4/10/1990
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

DAVID C MUNN
7953 W PORTNEUF RD
POCATELLO ID USA 83204

Phone: (208)234-0136

SUZANNE MUNN
7953 W PORTNEUF RD
POCATELLO ID USA 83204

Phone: (208)234-0136

2. Date of Priority: 02/26/1869

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot			County	Type
07S	35E	20	SW	SE	NE	BANNOCK	

5. Description of diverting works:

Mink Creek Ditch to flood irrigation

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	0.07	

7. Total Quantity Appropriated is:
0.07 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
07S	35E	21	NW	SW	IRRIGATION	3.5
					Section Acres	3.5
					Total Acres	3.5

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

JUN 15 2001

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Renumbered To: A29-13438

Ident. Number: A29-00279A

Date Received: 4/10/1990

Receipt No: E013059

Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DAVID C. MUNN 208-234-0136
Address: 7953 W. PORTNEUF RD
POCATELLO, ID 83204

OR

Name: SUZANNE MUNN 208-234-0136
Address: 7953 W. PORTNEUF RD
POCATELLO, ID 83204

2. Date of Priority: FEB 26, 1869

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
07S	35E	20	SW SE NE		BANNOCK

5. Description of diverting works:
MINK CRK DITCH TO FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.070		

7. Total Quantity Appropriated is:
0.070 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 10.5 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
07S	35E	21	NW SW		IRR	3.5
Section Acres						3.5
Total Acres						3.5

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:
NONE

14. Remarks:

DECREE PROVIDES FOR ADDITIONAL INCH OF WATER FOR EACH NEW ACRE
IRRIGATED WHILE P/U IS UNDER INDIAN OWNERSHIP.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

SMITH ADMIN., ET. AL.
Decree Plaintiff

vs

CITY OF POCATELLO, ET. AL.
Decree Defendant