

05/22/2003

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

RIGHT NUMBER: 29-13471  
NAME AND ADDRESS: R SCOTT WELLS  
1922 W PORTNEUF RD  
INKOM ID 83245-1606  
SOURCE: INDIAN CREEK TRIBUTARY: PORTNEUF RIVER  
QUANTITY: 3.000 AFY  
PRIORITY DATE: 01/01/1956  
POINT OF DIVERSION:

T07S R36E S28 SENWNW Within BANNOCK County Source: INDIAN CREEK

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u>   | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-------------------------|----------------------|-----------------|
| DIVERSION TO STORAGE    | 04/01 10/31          | 0.271 CFS       |
| IRRIGATION FROM STORAGE | 04/01 10/31          | 3.00 AFY        |
| IRRIGATION STORAGE      | 01/01 12/31          | 3.00 AFY        |
| RECREATION STORAGE      | 01/01 12/31          | 3.00 AFY        |
| AESTHETIC STORAGE       | 01/01 12/31          | 3.00 AFY        |

PLACE OF USE: DIVERSION TO STORAGE Within BANNOCK County  
T07S R36E S28 NWNW  
IRRIGATION FROM STORAGE Within BANNOCK County  
T07S R36E S28 NWNW 14.0  
IRRIGATION STORAGE Within BANNOCK County  
T07S R36E S28 NWNW  
RECREATION STORAGE Within BANNOCK County  
T07S R36E S28 NWNW  
AESTHETIC STORAGE Within BANNOCK County  
T07S R36E S28 NWNW

14 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 29-00604A IS LIMITED TO THE  
IRRIGATION OF A COMBINED TOTAL OF 15.0 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: Beneficial Use

Water Right 29-13471

SCANNED

DEC 22 2004

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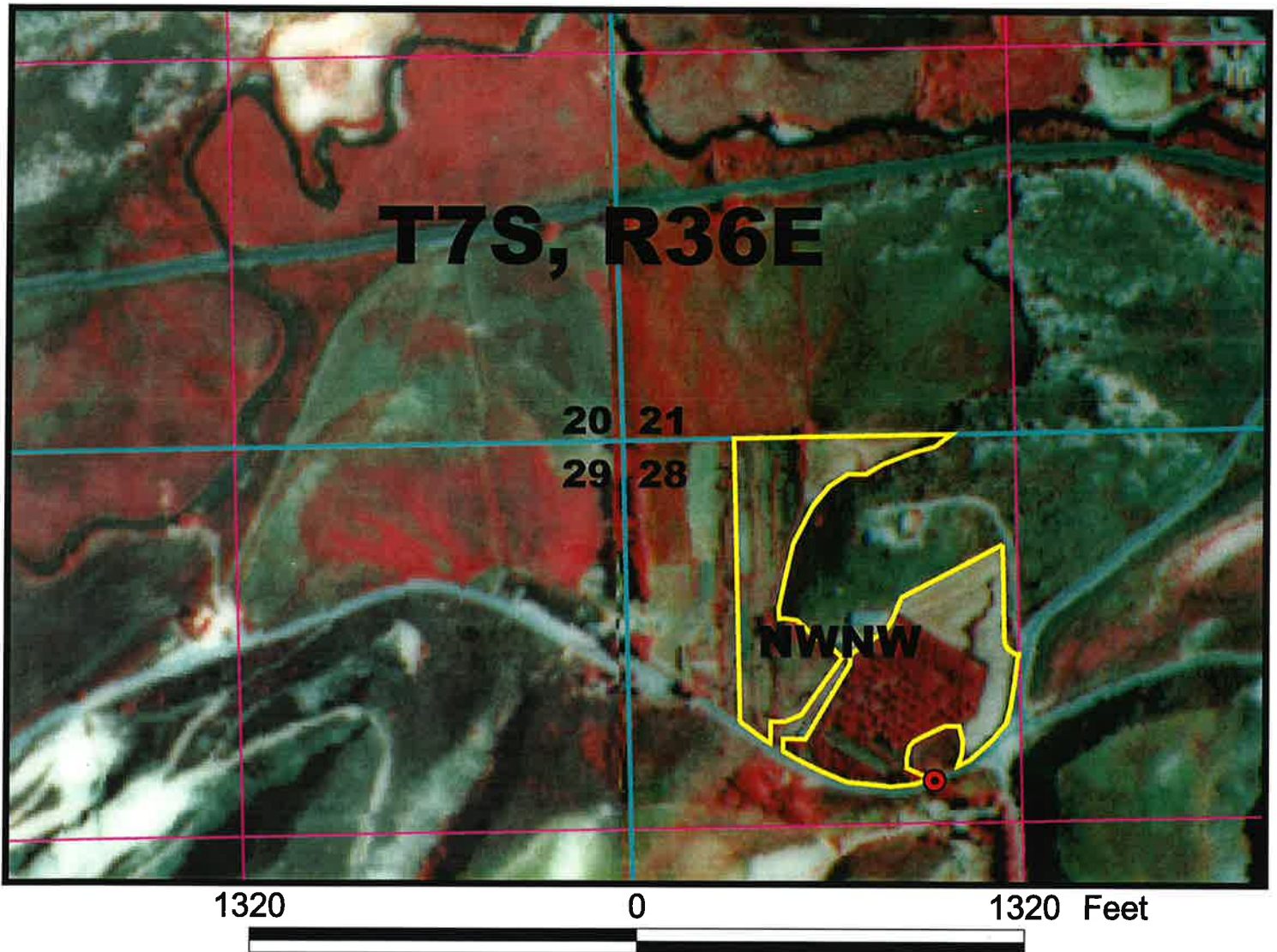
PROFILED



# STATE OF IDAHO

Department of Water Resources  
Eastern Region

## Water Right(s): 29-13471



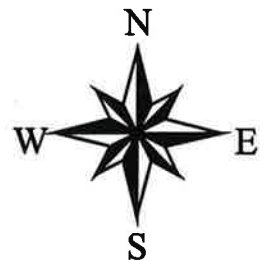
**Total Irrigated Acres: 14.0**

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**PROFILED**

-  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: January 2003

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

RIGHT NUMBER: 29-13471

NAME AND ADDRESS:

BRANDY WELLS  
1922 W PORTNEUF RD  
INKOM ID 83245-1606

R SCOTT WELLS  
1922 W PORTNEUF RD  
INKOM ID 83245-1606

SOURCE:

Source:  
INDIAN CREEK

Tributary:  
PORTNEUF RIVER

QUANTITY:

0.271 CFS  
3.000 AFY

~~0.000 CFS~~

PRIORITY DATE:

01/01/1956

POINT OF DIVERSION:

T07S R36E S28 SENWNW

Within BANNOCK County

PURPOSE AND  
PERIOD OF USE:

| Purpose of use          | Period of use:                               | Quantity:        |
|-------------------------|----------------------------------------------|------------------|
| DIVERSION TO STORAGE    | <u>01/01 12/31</u><br><del>04/01 10/31</del> | 0.271 CFS        |
| <u>AESTHETIC</u>        | <u>01/01 12/31</u>                           | <u>0.271 CFS</u> |
| IRRIGATION STORAGE      | 01/01 12/31                                  | 3.00 AFY         |
| IRRIGATION FROM STORAGE | 04/01 10/31                                  | 3.00 AFY         |
| RECREATION STORAGE      | 01/01 12/31                                  | 3.00 AFY         |
| AESTHETIC STORAGE       | 01/01 12/31                                  | 3.00 AFY         |

The size of the storage pond under this water right is limited to 3 AF.

from storage  
water rights are

A volume of water in addition to the volume described above for irrigation  
may be diverted and used in a single year if at the time of refill senior  
satisfied.

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

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**PLACE OF USE:**        IRRIGATION STORAGE        within BANNOCK County  
                         T07S R36E S28 NWNW  
  
                         IRRIGATION FROM        within BANNOCK County  
                         STORAGE  
                         T07S R36E S28 NWNW 14.0  
  
                         RECREATION        within BANNOCK County  
                         STORAGE  
                         T07S R36E S28 NWNW  
  
                         AESTHETIC        within BANNOCK County  
                         T07S R36E S28 NWNW  
  
                         AESTHETIC STORAGE        within BANNOCK County  
                         T07S R36E S28 NWNW  
  
                         DIVERSION TO        within BANNOCK County  
                         STORAGE  
                         T07S R36E S28 NWNW

14 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 29-00604A IS LIMITED TO THE IRRIGATION  
OF A COMBINED TOTAL OF 15.0 ACRES IN A SINGLE IRRIGATION SEASON.

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

water        This partial decree is subject to such general provisions necessary for  
                 the definition of the rights or for the efficient administration of the  
  
                 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 - Beneficial Use

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

RIGHT NUMBER: 29-13471

NAME AND ADDRESS:

BRANDY WELLS  
1922 W PORTNEUF RD  
INKOM ID 83245-1606

R SCOTT WELLS  
1922 W PORTNEUF RD  
INKOM ID 83245-1606

SOURCE:

Source:  
INDIAN CREEK

Tributary:

PORTNEUF RIVER

QUANTITY:

~~0.000~~ CFS *0.271 cfs.*  
3.000 AFY

PRIORITY DATE: 01/01/1956

POINT OF DIVERSION:

T07S R36E S28 SENWNW

Within BANNOCK County

PURPOSE AND  
PERIOD OF USE:

| Purpose of use          | Period of use:         | Quantity: |
|-------------------------|------------------------|-----------|
| IRRIGATION STORAGE      | 01/01 12/31            | 3.00 AFY  |
| IRRIGATION FROM STORAGE | 04/01 10/31            | 3.00 AFY  |
| RECREATION STORAGE      | 01/01 12/31            | 3.00 AFY  |
| AESTHETIC STORAGE       | 01/01 12/31            | 3.00 AFY  |
| DIVERSION TO STORAGE    | <u>01/01 12/31</u>     | 0.271 CFS |
|                         | <del>04/01 10/31</del> |           |

PLACE OF USE:

IRRIGATION STORAGE within BANNOCK County  
T07S R36E S28 NWNW

IRRIGATION FROM STORAGE within BANNOCK County.  
T07S R36E S28 NWNW 14.0

RECREATION STORAGE within BANNOCK County,  
T07S R36E S28 NWNW

AESTHETIC STORAGE within BANNOCK County,  
T07S R36E S28 NWNW

DIVERSION TO STORAGE within BANNOCK County.  
T07S R36E S28 NWNW

14 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 29-00604A IS LIMITED TO THE IRRIGATION  
OF A COMBINED TOTAL OF 15.0 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 - Beneficial Use

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FILED

## IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-13471 V1

WATER RIGHT NUMBER: 29-13471 V1

|                   |                                                                              |
|-------------------|------------------------------------------------------------------------------|
| <u>Owner Type</u> | <u>Name and Address</u>                                                      |
| Current Owner     | R SCOTT WELLS<br>1922 W PORTNEUF RD<br>INKOM, ID 83245-1606<br>(208)221-6026 |

Priority Date: 01/01/1956  
Basis: Beneficial Use  
Status: Active

|               |                  |
|---------------|------------------|
| <u>Source</u> | <u>Tributary</u> |
| INDIAN CREEK  | PORTNEUF RIVER   |

| <u>Beneficial Use</u>   | <u>From</u> <u>To</u> | <u>Diversion Rate</u> | <u>Annual Volume</u> |
|-------------------------|-----------------------|-----------------------|----------------------|
| DIVERSION TO STORAGE    | 04/01 to 10/31        | 0.271 CFS             |                      |
| IRRIGATION FROM STORAGE | 04/01 to 10/31        |                       | 3.00 AF              |
| IRRIGATION STORAGE      | 01/01 to 12/31        |                       | 3.00 AF              |
| RECREATION STORAGE      | 01/01 to 12/31        |                       | 3.00 AF              |
| AESTHETIC STORAGE       | 01/01 to 12/31        |                       | 3.00 AF              |
| <u>Total Diversion:</u> |                       |                       | 3.00 AF              |

Location of Point(s) of Diversion

|                |                 |                                 |
|----------------|-----------------|---------------------------------|
| INDIAN CREEK   | SE1/4NW1/4NW1/4 | Sec. 28, Twp 07S, Rge 36E, B.M. |
| BANNOCK County |                 |                                 |

Place of Use

DIVERSION TO STORAGE

| Twp | Rge | Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    |        |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | Totals |
| 07S | 36E | 28  |    |    |    |    |    | X  |    |    |    |    |    |    |    |    |    |    |        |

IRRIGATION FROM STORAGE

| Twp | Rge | Sec | NE |    |    |    | NW |    |      |    | SW |    |    |    | SE |    |    |    |        |
|-----|-----|-----|----|----|----|----|----|----|------|----|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE | NW | SW   | SE | NE | NW | SW | SE | NE | NW | SW | SE | Totals |
| 07S | 36E | 28  |    |    |    |    |    |    | 14.0 |    |    |    |    |    |    |    |    |    | 14.0   |

Total Acres: 14

IRRIGATION STORAGE

| Twp | Rge | Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    |        |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | Totals |
| 07S | 36E | 28  |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |

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## IDAHO DEPARTMENT OF WATER RESOURCES

## Adjudication Recommendation Report 29-13471 V1

| 07S 36E 28 | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | Totals |
|------------|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|            |    |    |    |    |    | X  |    |    |    |    |    |    |    |    |    |    |        |

## RECREATION STORAGE

| Twp Rge Sec | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | Totals |
|-------------|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
| 07S 36E 28  |    |    |    |    |    | X  |    |    |    |    |    |    |    |    |    |    |        |

## AESTHETIC STORAGE

| Twp Rge Sec | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | Totals |
|-------------|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
| 07S 36E 28  |    |    |    |    |    | 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.

Remarks:

1. Place of Use USE OF THIS RIGHT WITH RIGHT NO. 29-00604A IS LIMITED TO THE IRRIGATION OF A - Irrigation COMBINED TOTAL OF 15.0 ACRES IN A SINGLE IRRIGATION SEASON.

Comments:

1. csaxton 1/15/2003 Priority  
Comment: Priority good - based on aerial photos submitted by claimant. Recommended at the beginning of the year because Irrigation storage is recommended as year round.
2. csaxton 4/15/2003 Remarks  
Comment: Remarks changed 4/15/03 per NOE for 29-00604A.
3. csaxton 5/21/2003 Purpose of Use  
Comment: Diversion to storage added to recommendation now that it has been determined that Indian Creek is Tributary to the Portneuf River.

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IDAHO DEPARTMENT OF WATER RESOURCES  
Adjudication Recommendation Report 29-13471 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:  
Owner Name Connector:  
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       | 1/15/2003 9:14:07 AM      | csaxton         |                           |                 | Active        |
| Priority Date  | 1/15/2003 9:24:04 AM      | csaxton         |                           |                 | Active        |
| POD            | 1/15/2003 9:24:17 AM      | csaxton         |                           |                 | Active        |
| Source         | 1/15/2003 9:26:02 AM      | csaxton         |                           |                 | Active        |
| POU            | 1/15/2003 9:26:34 AM      | csaxton         |                           |                 | Active        |
| Use            | 1/15/2003 9:29:29 AM      | csaxton         |                           |                 | Active        |
| Season         | 1/15/2003 9:56:47 AM      | csaxton         |                           |                 | Active        |
| Quantity       | 1/15/2003 10:05:36 AM     | csaxton         |                           |                 | Active        |
| Summary        |                           |                 | 01/15/2003                | csaxton         | Active        |

Verification Log:

| <u>Element</u> | <u>Date Time Stamp</u> | <u>Reviewer</u> | <u>Log text</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|----------------|------------------------|-----------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Priority Date  | 1/15/2003 9:24:03 AM   | csaxton         | <p>(No) 1. Should this water use have been included in a later court decree of the water rights from this source?</p> <p>(No) 4. Is the basis of claim decree or license?</p> <p>(No) 7. Is the basis of claim a Application or Permit?</p> <p>(No) 8. Is the basis of claim a posted notice?</p> <p>(No) 9. Is the Priority Date claimed after the date a permit is required for the source and the water use?</p> <p>(Yes) 12. Does the claim file contain sufficient evidence of Priority Date?</p> <p>(Yes) 15. Is the basis of claim coded correctly?</p> <p>(No) 16. Is a Priority Date remark and/or condition required?</p> <p>Description for Question 12/13 - Dated Aerial photos provided by claimant.</p> |

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## IDAHO DEPARTMENT OF WATER RESOURCES

## Adjudication Recommendation Report 29-13471 V1

|          |                       |         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|----------|-----------------------|---------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Source   | 1/15/2003 9:26:02 AM  | csaxton | <p>(No) 1. Is the basis of claim Decree or License?</p> <p>(No) 2. Is the basis of claim an Application or Permit?</p> <p>(No) 6. Is the basis of claim a Posted Notice?</p> <p>(No) 7. Is there evidence that there has been a change in the source?</p> <p>(Yes) 10. Does the file contain all the necessary information to verify the source?</p> <p>(No) 11. Is a Source remark and/or condition required?</p> <p>Description for Question 10 - FE on 8/27/02 for claim 29-00604A.</p>                                                                                                                                                                                                     |
| POU      | 1/15/2003 9:26:33 AM  | csaxton | <p>(No) 1. Is the basis of this claim a Decree or License?</p> <p>(Yes) 2b. Is the POU required?</p> <p>(No) 3. Is the basis of claim a Application or Permit?</p> <p>(No) 7. Is there evidence that there has been a change in the POU?</p> <p>(Yes) 13. Does the file contain all the necessary information to verify the POU?</p> <p>(No) 14. Is a POU remark and/or condition required?</p> <p>Description for Question 13 - FE on 8/27/02 for claim 29-00604A.</p>                                                                                                                                                                                                                        |
| POU      | 1/15/2003 9:58:13 AM  | csaxton | Edited PLS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Quantity | 1/15/2003 10:05:35 AM | csaxton | <p>(No) 1. Is the basis of this claim a Decree or License?</p> <p>(No) 2. Is the basis of this claim a Application or Permit?</p> <p>(No) 6. Is the basis of claim a posted notice?</p> <p>(No) 7. Is a flow measurement required?</p> <p>(Yes) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit?</p> <p>(Yes) 10. Is a irrigation a purpose of use?</p> <p>(No) 12. Is a Quantity remark or condition required?</p> <p>Description for Question 7 - Diversion Rate for Irrigation From Storage taken from 29-00604A.</p> <p>Description for Question 10 - FE for 29-00604A determined that the claimed pond for storage could hold up to 3.5 af.</p> |
| Summary  | 1/15/2003 11:03:16 AM | csaxton | <p>(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice?</p> <p>(Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed?</p> <p>(No) 5. Is an additional remark and/or condition required?</p> <p>(Yes) 6. Would you like to view the recommended right?</p> <p>(No) 7. Is this a split or combined right?</p> <p>(No) 8. Do you have documents you would like to attach or link to the file?</p> <p>(Yes) 9. Would you like to set the verification date?</p>                                                                                                                                                        |

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## IDAHO DEPARTMENT OF WATER RESOURCES

## Adjudication Recommendation Report 29-13471 V1

|          |                      |         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|----------|----------------------|---------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Use      | 1/15/2003 9:29:28 AM | csaxton | <p>(No) 1. Is the basis of this claim a Decree or License?</p> <p>(No) 2. Is the basis of this claim a Application or Permit?</p> <p>(No) 6. Is there evidence that there has been a change in the Purpose of Use?</p> <p>(Yes) 11. Does the file contain all the necessary information to verify the Water Use?</p> <p>(No) 13. Is a Purpose of Use remark and/or condition required?</p> <p>Description for Question 10,11,12 - FE on 8/27/02 for claim 29-00604A.</p>                                                                                                                                                                                                                                                      |
| Season   | 1/15/2003 9:56:46 AM | csaxton | <p>(No) 1. Is the basis of claim Decree or License?</p> <p>(No) 2. Is the basis of claim a Application or Permit?</p> <p>(No) 6. Is there evidence that there has been a change in the Period of Use?</p> <p>(Yes) 12. Does the file contain all the necessary information to verify the Period of Use?</p> <p>(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?</p> <p>(No) 15. Is irrigation claimed as a Purpose of Use?</p> <p>(No) 18. Is a Period of Use remark and/or condition required?</p> <p>Description for Question 15 - Year round for storage components and irrigation SOU for Irrigation from Storage.</p> |
| POU      | 1/15/2003 9:57:58 AM | csaxton | Edited shape boundary                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| Contacts | 1/15/2003 9:14:06 AM | csaxton | <p>(No) 1. Do you want to schedule an appointment?</p> <p>Comment for 1: Desk top Review. FE for 29-00604A on 8/27/02.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| POD      | 1/15/2003 9:24:54 AM | csaxton | Edited point location                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| POU      | 1/15/2003 9:26:58 AM | csaxton | Edited shape boundary                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| POU      | 1/15/2003 9:27:23 AM | csaxton | Edited PLS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| POD      | 1/15/2003 9:24:16 AM | csaxton | <p>(No) 1. Is the basis of this claim a Decree or License?</p> <p>(No) 2. Is the basis of this claim a Application or Permit?</p> <p>(No) 6. Is there evidence that there has been a change in the POD?</p> <p>(Yes) 9. Does the file contain all the necessary information to verify the POD?</p> <p>(No) 10. Is a POD remark and/or condition required?</p>                                                                                                                                                                                                                                                                                                                                                                 |

SCANNED  
DEC 22 2004  
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22-141 50 SHEETS  
22-142 100 SHEETS  
22-144 200 SHEETS

- Not that familiar where they migrated.
- Never there when they were migrating.
- Both Mr. Roe & Arnold Hall have passed away.
- Doesn't know about wolves allowing water from the reservoir back into the creek.
- Years ago he bailed hay.
- To be honest he doesn't know if water was passing through it. - water in the reservoir.

**FAX COVER SHEET**

January 6, 2005

TO: Candice McHugh, Deputy AG, IDWR Fax: 208-287-6700  
Ernie Carlsen, Idaho Falls IDWR Fax: 208-525-7177

FROM: Jo Beeman's office

FILE NO.: 3025/Scott Wells

MESSAGE: Following is a copy of a letter from Elmer Stanger regarding water right 29-13471.

*The information contained in this facsimile is confidential information or attorney work product or both and is for the exclusive use of the intended recipient listed above. Any reading, disclosure, use or reproduction of this communication other than by the intended recipient is prohibited. If you have received this communication in error, please notify us by collect telephone call immediately and return the communication to us by U. S. Mail.*

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**BEEMAN & ASSOCIATES, P.C.**

409 West Jefferson Street

Boise, Idaho 83702

Phone: (208) 331-0950

Fax: (208) 331-0954

office@beemanlaw.com

To whom it may concern;

This letter is concerning the historic water use on Mr. Wells property. This property and those around it were once owned by Mr. Roe. I have lived within a half-mile of the property since the 1940's and am familiar with the water use.

Since the early 1940's the fields owned by Mr. Roe, West of Indian Creek Road and North of Portneuf Road were flood irrigated by diverting water from Indian Creek, year round.

In the early 1950's a pond was built at the highest elevation in the irrigation system. Mr. Roe would then cycle the creek water through the pond by filling it to capacity then draining it as he alternated the irrigation to each of his fields. Although the pond was not always completely full, the water was cycled between the irrigated fields year round, and the pond always had some water passing through it. The pond on Mr. Wells property is in the same location as when Mr. Roe owned the property.

Elmer H. Stanger 1-4-05  
Signed Date

Elmer H. Stanger  
Printed Name  
Phone number: 775-3637  
Address: 2778 W Portneuf  
Tinhorn, Idaho

Craig

02/18/2003

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: April 21, 2003

Water right number: 29-13471

R SCOTT WELLS  
1922 W PORTNEUF RD  
INKOM ID 83245  
Telephone Number: (208)221-6026

RECEIVED  
APR 28 2003  
Department of Water Resources  
Eastern Region

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

*The 14 acre limit, expanded to 18 acres.*

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

*Change 14 acre to 18 acre.*

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

*See water right 29-604a for more detail.*

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MAY 07 2003

WATER RESOURCES  
WESTERN REGION

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

DATE: *4/18/03*

SIGNATURE: *R. Scott Wells*

Please print your name: *R. Scott Wells*

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

*Additionally I want to be able to divert all of the stream through the pond, allowing the pond overflow to return back to the stream.*

*why?*

- 1. The sediment coming down the stream plugs the intake structure if it is not full open.*
- 2. The sediment plugs the culvert crossing the street.*
- 3. The pond will settle most of the sediment out benefiting downstream users.*

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1-15-03 : No diversion to storage because this is an on-stream storage.

: Priority Good

: Irrigation storage year round

: Irrigation From storage during Irr sou  
Diversion Rate recommended same as 29-00604A

5-21-03 : Recommendation changed to add diversion to storage now that it has been determined that Indian Creek is tied to Portneuf

SCANNED

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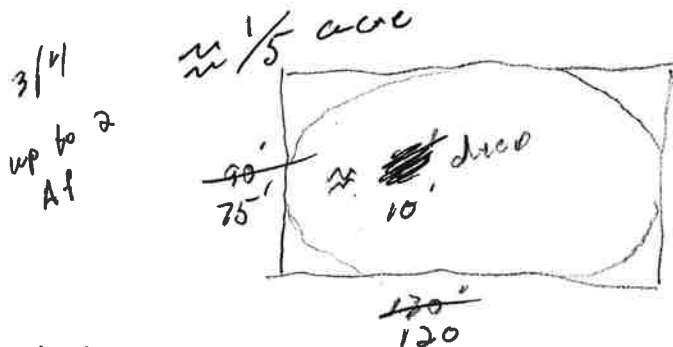
PROFILED

# FE Info From 2900604A Applicable to this Claim

8-26-02: Within Decreed POU or Indian lot 14

29-11208 - Domestic PD'd Fur Well

8-27-02: per Hal Rebaris Headgate in place for  
FE long time. Pond size doubled



- 1) Pond - E
- 2) Pond - W
- 3) Pond N
- 4) Pond S
- 5) W Yard
- 6) Bi-Headgate
- 7) 1" Black Pipe 1  
dry Field

Pond size

- 8) Ditch Headgate  
yellow Flowers
- 9) Orchard
- 10) Flood to Sink

: POU #2: Pump; Race

Pump Into Fenced

i HeadGate for creek - Cement splits creek flow to divert  
w/side claimed POU. Ditch runs North and  
can Flood Irrigate the west side of Property

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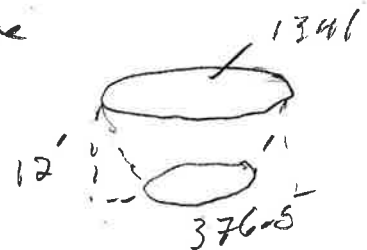
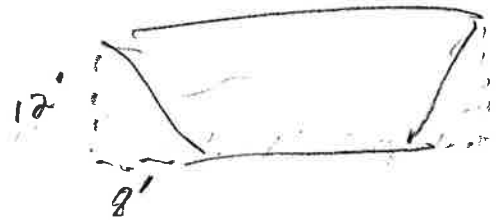
PROFILED

F Examiners: Lewis Rowles  
Craig Saxton

8-28-02: Scott Wells :  
FE

: Calculations for Pond  
Capacity:

BM →  
: NW Corner Concrete Headgate  
BM = 4' 6 3/4"



| Station | Reading      |
|---------|--------------|
| BM      | = 4' 6 3/4"  |
| 0       | = 4' 10 1/4" |
| 90°     | = 4' 1 3/4"  |
| 180°    | = 4' 2.0"    |
| 310°    | = 4' 9 3/4"  |
| 400°    | = 6' 1"      |

Approx ⇒  
corners

Note = 420' to tree from Station "0"  
23' From BM to Tree + Roughly 2' Thru Tree  
Inside Ramp = 8" or 3' 10' below lowest Point

For site = new setup = 6"

: main Bottom of Channel ≈ 8" to

2' 1/2" deeper at deep points

⇒ Average of 9' deep for new setup

SO: Average of 12'

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Circumference: 420  
23  
9

452 = Circumference

Note: @ 0.425  
At allowable  
" 0.80 At

Slope Horiz Rise  
Inside 1 to 1 1/2  
outside 3/4 to 1

steepest and tallest

Wheel was 4' from Inside of Pond. so actual

TOP Circ = 420.8  
Surface Area = 14495.6  
Lower Surface Area = 11280.3

154655.4 Ft<sup>3</sup> ≈ 3.5 Af  
To very top

**R. Scott Wells**

dba **Portneuf Valley Farms**

1922 West Portneuf Road  
Inkom, Idaho 83245

RECEIVED  
JAN 08 2003  
Department of Water Resources  
Eastern Region

January 3, 2003

Harold Jones  
Water Right Supervisor  
900 North Skyline Drive, Ste A  
Idaho Falls, ID 83402-1718

Subject: Pond Near Indian Creek

Dear Mr. Jones:

As a follow-up to your letter to me dated August 30, 2002. I enclose an SRBA beneficial use claim for a pond on my property along Indian Creek near Inkom. The pond has been in place since at least the 1950's, as demonstrated by the attached aerial photos from 1956, 1964, 1978, 1987, and 1998. The pond is also shown on the USGS Inkom 7.5-minute quadrangle map that is based on a 1969 aerial photo with 1971 field check.

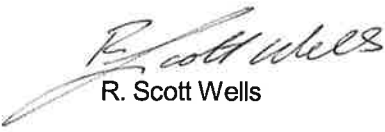
The pond covers a total area of approximately 0.3 acres. Maximum depth is approximately 13 feet. The pond is used for irrigation storage purposes during summer months and for year-round aesthetic and recreational purposes. Estimated capacity is 3 acre feet.

Your letter mentioned that the pond seems to have recently been expanded. Actually the pond was not expanded in area, but was simply dredged to remove sediment that had accumulated over the past several years. Due to the high sediment load in Indian Creek and the relatively small capacity of the pond, sediment must be removed on a regular basis.

A \$142 check for the filing fee (\$50 flat fee, \$50 late fee and \$42 cfs fee) is enclosed. Please contact me with any questions regarding the claim.

Also, in the course of reviewing my water rights on the IDWR website I noticed that my irrigation water right (29-604A) has been recommended in the SRBA for 0.246 cfs and 14 acres rather than the claimed amount of 0.42 and 21 acres. Can you send me a copy of the data used to support the recommended reduction of this water right?

Sincerely,



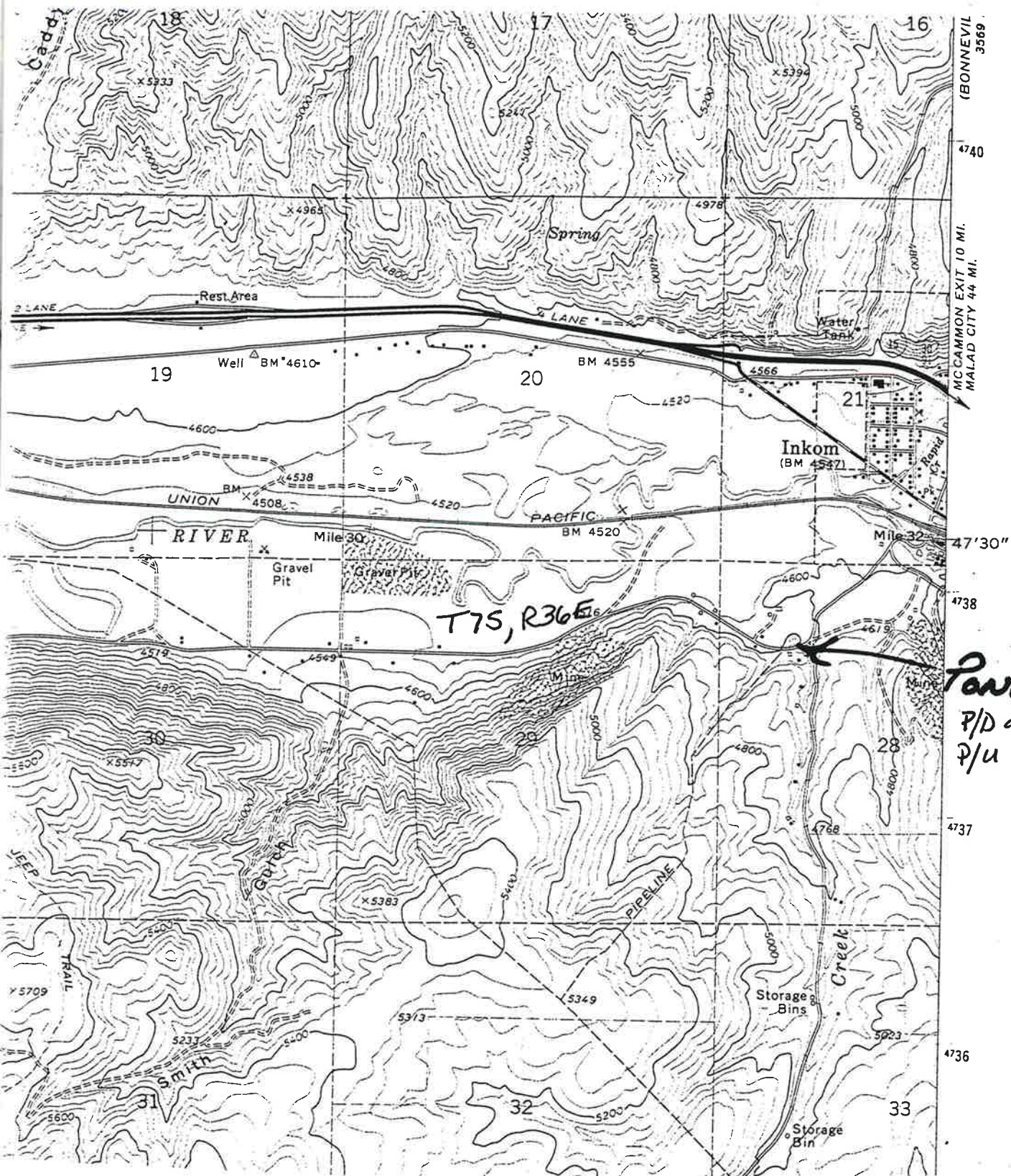
R. Scott Wells

Cc: Jo Beeman  
Terry Scanlan

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Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals ~~1 mile~~ 4000 feet

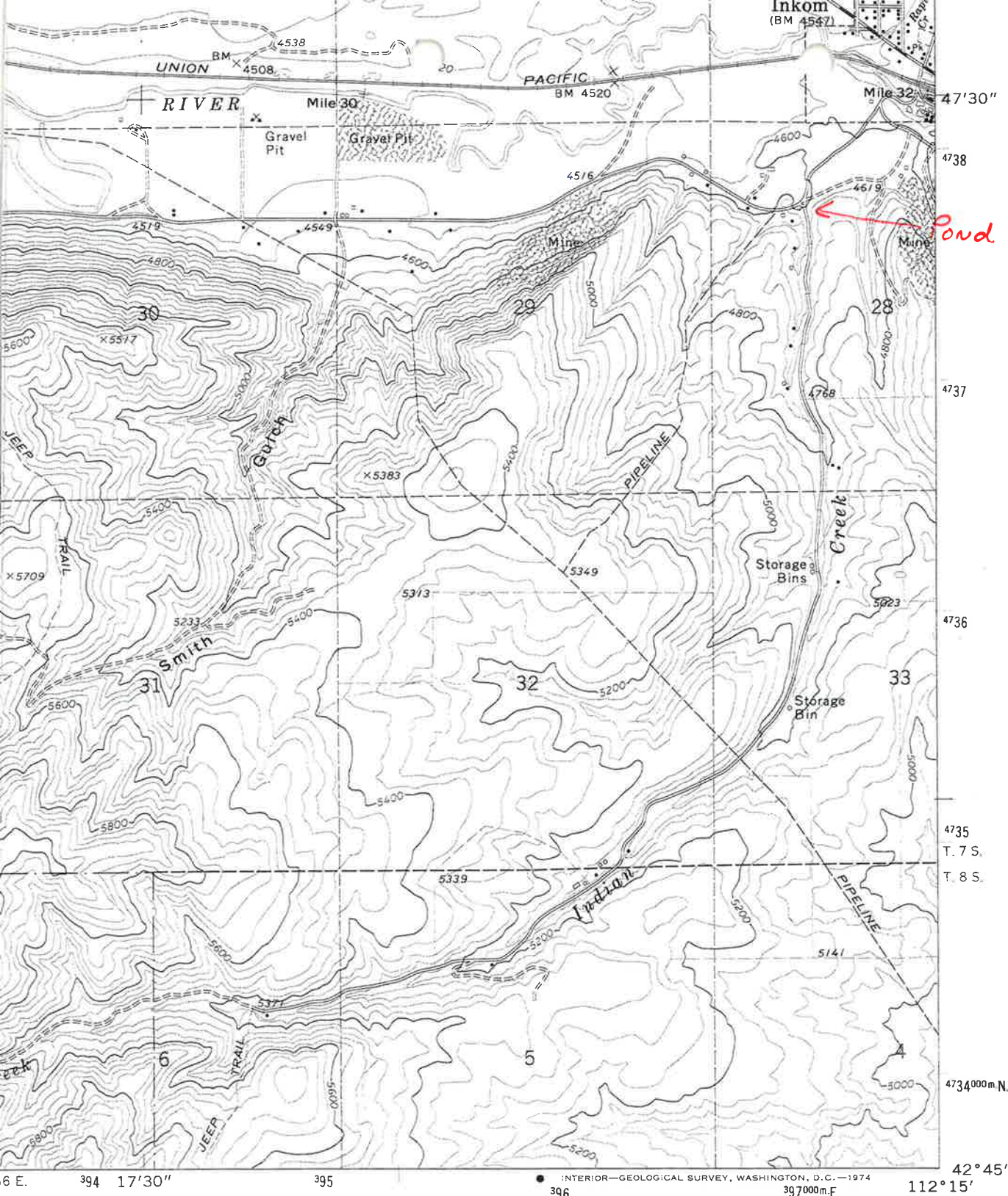


Last Name Wells

Ident No. \_\_\_\_\_

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Copies: White-State, Yellow-Claimant



INTERIOR—GEOLOGICAL SURVEY, WASHINGTON, D.C.—1974  
396 397000m.E. 112°15'

ROAD CLASSIFICATION

- Primary highway, hard surface
- Secondary highway, hard surface
- Light-duty road, hard or improved surface
- Unimproved road
- U. S. Route
- State Route

**PROFILED**

**INKOMA, IDAHO**  
SE/4 POCATELLO 15' QUADRANGLE  
N4245—W11215/7.5

1971

AMS 3569 IV SE—SERIES V893

FSA-441  
(03-12-02)U.S. DEPARTMENT OF AGRICULTURE  
FARM SERVICE AGENCY

## REQUEST FOR AERIAL PHOTOGRAPHY

See Page 2 for Privacy Act and Public Burden Statement

## 1. NAME

Scott Wells

## 2. ADDRESS (STREET ADDRESS)

1922 W. Portneuf Rd.

## 3. ADDRESS (PO BOX)

## 4. CITY, STATE, ZIP+4

Inkom, Idaho 83245

## 5. CONTACT NAME

Scott Wells

## 6. TELEPHONE NUMBER

(801) 232-9630

## 7. FAX NUMBER

(801) 565-1252

## 8. E-MAIL ADDRESS

swells@wetcousa.com

## 9. IF

KNOWN:

## A. CUSTOMER CODE

## B. AGENCY CODE

## C. PURCHASE ORDER (PO) NUMBER

## 10. CREDIT CARD NUMBER

5424 1803 3777 0561

## 11. EXP. DATE (MM/YY)

11/04

## 12. TOTAL REPRODUCTIONS

5

## 13. AMOUNT REMITTED / PO AMOUNT

\$ 80.00

## PHOTOGRAPHY DATA SECTION (See Page 2 for Ordering Information)

## 14. STATE OR REGION

Idaho

## 15. SPECIAL INSTRUCTIONS

## 16. COUNTY (OR FOREST AREA)

Bannock

## 17. Exposure Number(s) Please list consecutively by roll and exposure number.

| SIZE AND TYPE<br>REPRODUCTIONS<br>A | QUAN.<br>EACH<br>B | YEAR<br>C | SYMBOL<br>D | ROLL NO.<br>E | EXPOSURE(S)<br>(RANGE(S))<br>F | SHIFT<br>G | 18. CUSTOMERS<br>CHECK ALL THAT APPLY             |
|-------------------------------------|--------------------|-----------|-------------|---------------|--------------------------------|------------|---------------------------------------------------|
| 1" 6x6                              |                    | 78        | 1600S       | 178           | 56                             | A          | <input type="checkbox"/> Crops / Fields           |
| 1" 330                              |                    | 64        | CXV         | 4D1           | 186p                           | EC         | <input type="checkbox"/> Field Lines              |
| 1" 380                              |                    | 56        | CXV         | 4R            | 91                             | EC         | <input type="checkbox"/> Soils / Drainage         |
| 1" 6x6                              |                    | 68        | NAPP        | 1077          | 308                            | A          | <input type="checkbox"/> Tree Typing / Counting   |
| 1" 6x6                              |                    | 87        | NAPP        | 378           | 125                            | A          | <input type="checkbox"/> Vegetation Typing        |
|                                     |                    |           |             |               |                                |            | <input type="checkbox"/> Habitat Delineation      |
|                                     |                    |           |             |               |                                |            | <input type="checkbox"/> Litigation / Court Case  |
|                                     |                    |           |             |               |                                |            | <input type="checkbox"/> Digitizing / G.I.S.      |
|                                     |                    |           |             |               |                                |            | <input type="checkbox"/> Publication              |
|                                     |                    |           |             |               |                                |            | <input type="checkbox"/> Wall Display             |
|                                     |                    |           |             |               |                                |            | <input type="checkbox"/> Environmental Assessment |
|                                     |                    |           |             |               |                                |            | <input type="checkbox"/> Riparian Study           |
|                                     |                    |           |             |               |                                |            | <input type="checkbox"/> Hunting / Fishing        |
|                                     |                    |           |             |               |                                |            | <input type="checkbox"/> Education                |
|                                     |                    |           |             |               |                                |            | <input type="checkbox"/> Remote Sensing           |
|                                     |                    |           |             |               |                                |            | <input type="checkbox"/> Visual Aid               |
|                                     |                    |           |             |               |                                |            | <input type="checkbox"/> Tax Assessment           |
|                                     |                    |           |             |               |                                |            | <input type="checkbox"/> Geology                  |
|                                     |                    |           |             |               |                                |            | <input type="checkbox"/> Other: _____             |

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DEC 22 2004

Address Order for  
Photography or  
Information to:SALES SECTION  
USDA FSA AERIAL PHOTOGRAPHY FIELD OFFICE  
2222 WEST 2300 SOUTH  
SALT LAKE CITY UT 84119-2020TELEPHONE: 801-975-3503  
TDD: 801-975-3502  
FAX: 801-975-3532  
E-MAIL: sales@apfo.usda.gov  
WEBSITE: http://www.apfo.usda.gov

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PROFILED



1964  
CXV-4DD-186  
1"-330'

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DEC 22 2004

PROFILED

1978

16005-178-56

1"-660'

← Road.

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PROFILED

1987

NAAPP-378-125

17-660

Red Pond

DEC 1987  
PROFILED

1956  
CNV-4R-91-EC  
1" = 330'

← Pond

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DEC 22 2004

PROFILED

PROFILED

DEC 22 2004

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1998  
NAPP-10677-  
1"-660'208

29-00604A

POD

Field Exam: 8/27/02



Looking NW at POD for all Indian Creek rights with a POU south of W Portneuf RD.  
(csaxton).

SCANNED  
DEC 22 2004  
PROFILED

**29-00604A**

**POND Field Exam: 8/27/02**



Looking South at pond. Indian Ck flows underneath the W. Portneuf RD into a headgate that can be used to divert water East, West, or into the pond (csaxton).



Looking North at pond. Claimed POU contains orchard and the top of the trees can be seen in this picture just above the bank of the pond (csaxton).

**PROFILED**

29-00604A

POND Field Exam: 8/27/02



Looking NW at pond (csaxton).



Looking NE at pond (csaxton).

SCANNED

DEC 22 2004

PROFILED

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 29-13471  
Date Received: 1/8/2003  
Receipt No:  
Received By:

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

2913471



1. Name of Claimant(s)

R SCOTT WELLS Phone: (208)221-6026  
1922 W PORTNEUF RD  
INKOM ID USA 83245

2. Date of Priority: 01/01/1956

3. Source: INDIAN CREEK Trib. to: SINKS

4. Point of Diversion:

| Township | Range | Section | 1/4 of 1/4 of 1/4 Lot | County  | Type |
|----------|-------|---------|-----------------------|---------|------|
| 07S      | 36E   | 28      | SE NW NW              | BANNOCK |      |

5. Description of diverting works:

EXCAVATED POND, HEADGATE FROM INDIAN CREEK

*24' x 10' x 5'*  
*was unimproved*

6. Water is used for the following purposes:

| Purpose              | From  | To    | C.F.S. | (or) A.F.A |
|----------------------|-------|-------|--------|------------|
| IRRIGATION STORAGE   | 01/01 | 12/31 |        | 3          |
| RECREATION STORAGE   | 01/01 | 12/31 |        | 3          |
| AESTHETIC STORAGE    | 01/01 | 12/31 |        | 3          |
| DIVERSION TO STORAGE | 01/01 | 12/31 | 0.42   |            |

*7 no* *No because on-stream flow*

7. Total Quantity Appropriated is:  
0.42 C.F.S. and/or 3 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

| Township | Range | Section | 1/4 of 1/4 Lot | Use                | Acres |
|----------|-------|---------|----------------|--------------------|-------|
| 07S      | 36E   | 28      | NW NW          | IRRIGATION STORAGE |       |

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NW  
NW

NW  
NW

RECREATION STORAGE  
AESTHETIC STORAGE

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:

USE IS FOR RECREATION

DIVERSION TO STORAGE RATE BASED ON RATE CLAIMED FOR IRRIGATION WATER RIGHT 29-604A. WATER IS PUMPED FROM POND FOR IRRIGATION UNDER WATER RIGHT 29-604A.

15. Basis of Claim: Beneficial Use

SCANNED  
DEC 22 2004  
PROFILED

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 29-13471Date Received 1-8-03Receipt Number E0 28415

NOTICE OF CLAIM  
TO A  
WATER RIGHT  
ACQUIRED UNDER STATE LAW

RECEIVED  
JAN 08 2003  
Department of Water Resources  
Eastern Region

Please type or print clearly

1. Name of Claimant (s) R. Scott Wells Phone (208) 221-6026Mailing Address 1922 West Portneuf Road, Inkom, ID Zip 832452. Date of Priority (Only one (1) per claim) January 01, 19563. Source of water supply (a) Indian Creek  
which is tributary to (b) sinks4. a. Location of existing point of diversion is: Township 7 S Range 36 E Section 28,  
SE 1/4 of NW 1/4 of NW 1/4, Govt. Lot, B.M., County of Bannock

Additional points of diversion if any: \_\_\_\_\_

b. If instream flow, beginning point of claimed instream flow is:

Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_, \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4,

Govt. Lot \_\_\_\_\_ B.M., County of \_\_\_\_\_

ending point is: Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_, \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4 of  
\_\_\_\_\_ 1/4, Govt. Lot \_\_\_\_\_ B.M., County of \_\_\_\_\_

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, 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. excavated pond with surface  
area of approximately 0.3 acres and maximum depth of 13 feet, headgate  
from Indian Creek. Water is pumped from the pond for irrigation under  
water right 29-604A.

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6. Water is claimed for the following purposes:

(both dates are inclusive) (cfs) (acre feet)

For diversion to storage purposes from 1/1 to 12/31 amount 0.42 or \_\_\_\_\_

For irrigation storage purposes from 1/1 to 12/31 amount \_\_\_\_\_ or 3.0

For recreation storage purposes from 1/1 to 12/31 amount \_\_\_\_\_ or 3.0

For aesthetic storage purposes from 1/1 to 12/31 amount \_\_\_\_\_ or 3.0

7. Total quantity claimed (a) 0.42 cfs (cfs) and/or (b) 3.0 (acre feet)

8. Total consumptive use claimed is \_\_\_\_\_ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) recreation use includes fishing

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

| TWP                                                                                 | RNG | SEC | NE 1/4 |       |       |       | NW 1/4 |       |       |       | SW 1/4 |       |       |       | SE 1/4 |       |       |       | Totals |
|-------------------------------------------------------------------------------------|-----|-----|--------|-------|-------|-------|--------|-------|-------|-------|--------|-------|-------|-------|--------|-------|-------|-------|--------|
|                                                                                     |     |     | NE1/4  | NW1/4 | SW1/4 | SE1/4 | NE1/4  | NW1/4 | SW1/4 | SE1/4 | NE1/4  | NW1/4 | SW1/4 | SE1/4 | NE1/4  | NW1/4 | SW1/4 | SE1/4 |        |
| 7S                                                                                  | 36E | 28  |        |       |       |       | J, R   |       |       |       |        |       |       |       |        |       |       |       |        |
|                                                                                     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|                                                                                     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|                                                                                     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
| Place of use for irrigation storage is same as for aesthetic (J) and recreation (R) |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|                                                                                     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|                                                                                     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |

Total number of acres irrigated \_\_\_\_\_

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 X 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.  
\_\_\_\_\_ or None (X )

14. Remarks: Diversion to storage rate based on rate claimed for irrigation  
water right 29-604A. Water is pumped from pond for irrigation under  
water right 29-604A.

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DEC 22 2004

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

Copies: White-State, Yellow-Claimant  
**PROFILED**

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice ☐ Inse ☐ Permit ☐  
Decree ☐

If applicable provide IDWR Water Right Number \_\_\_\_\_  
Court \_\_\_\_\_ Case Number \_\_\_\_\_ Decree Date \_\_\_\_\_  
Plaintiff vs Defendant \_\_\_\_\_

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

Signature of Claimant (s) Brandy Wells Date 1-6-03

[Signature] Date 1-6-03

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

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 \_\_\_\_\_

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

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

County of Bannock ) SS.

Subscribed and sworn (or affirmed) before me this Brandy Wells <sup>6th</sup> day of January 2003



Notary Public [Signature]

Residing at Java Hot Springs, Id.

My Commission Expires 8/21/08

Please Print Name Tom McBride

17. Notice of Appearance:

Notice is hereby given that I, \_\_\_\_\_ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature \_\_\_\_\_

Address \_\_\_\_\_

Date \_\_\_\_\_

Last Name Wells Ident. Number \_\_\_\_\_

Copies White-State, Yellow-Claimant

SCANNED  
DEC 22 2004  
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