

11/12/2002

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

RIGHT NUMBER: 29-13348

NAME AND ADDRESS: MARGARET MC INTOSH
3960 TECH FARM RD
POCATELLO ID 83204

SOURCE: PORTNEUF RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.026 CFS

PRIORITY DATE: 05/03/1902

POINT OF DIVERSION:

T07S R35E S7 NWSENW Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

0.026 CFS

PLACE OF USE: IRRIGATION Within BANNOCK County

T07S R35E S07 NWNW 1.3

1.3 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.

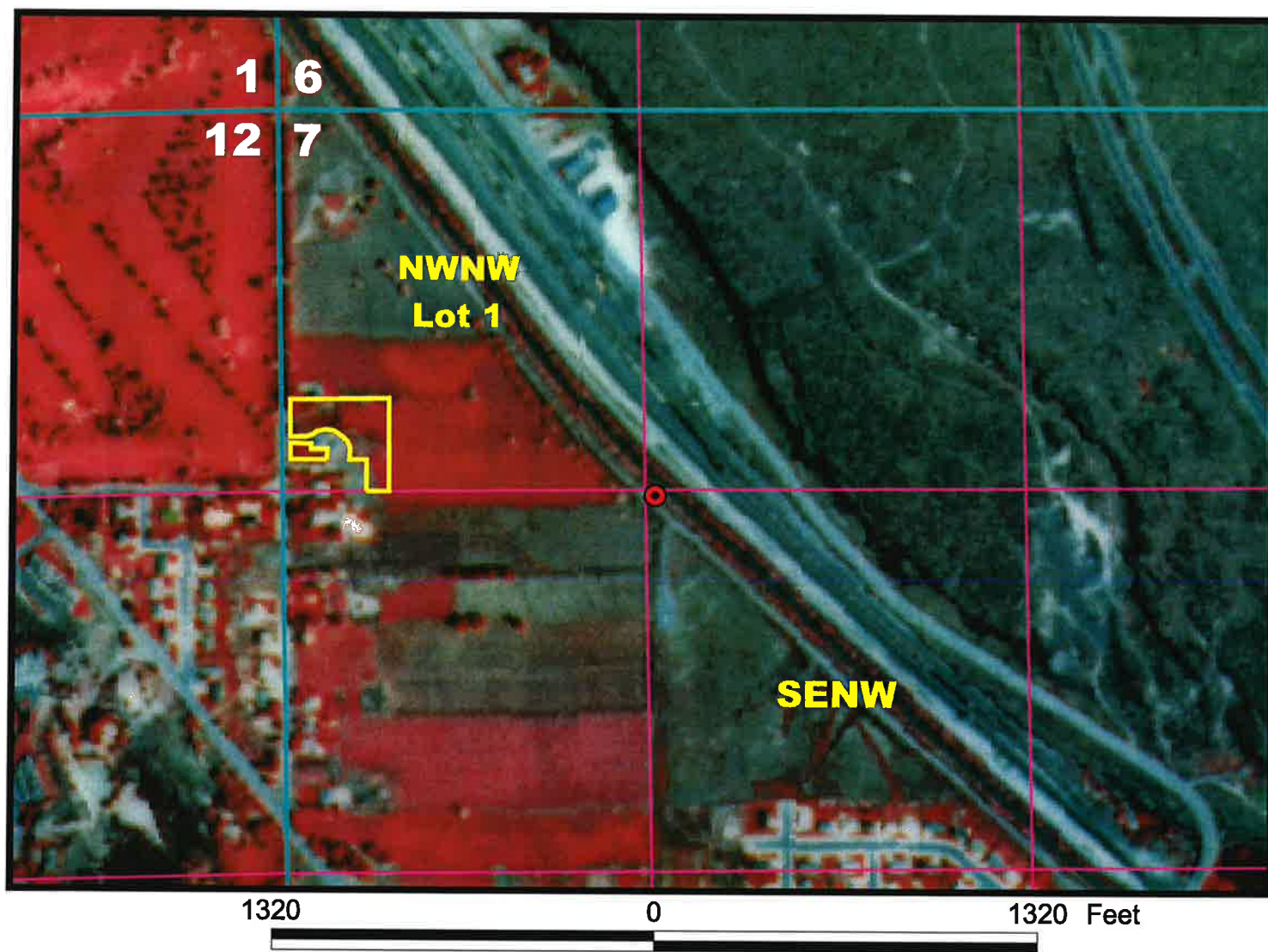
EXPLANATORY MATERIAL: Beneficial Use



STATE OF IDAHO

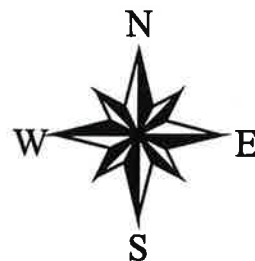
Department of Water Resources
Eastern Region

Water Right(s): 29-13348



Total Irrigated Acres: 1.3

-  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: April 2002

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-13348 V1

WATER RIGHT NUMBER: 29-13348 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MARGARET MC INTOSH 3960 TECH FARM RD POCATELLO, ID 83204 (208)233-1256

Priority Date: 05/03/1902

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
PORTNEUF RIVER	SNAKE 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	0.026 CFS	
	<u>Total Diversion:</u>	0.026 CFS	

Location of Point(s) of Diversion

PORTNEUF RIVER	NW1/4SE1/4NW1/4	Sec. 7, 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	7						1.3											1.3

Total Acres: 1.3

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 29-13348 V1

Comments:

1. csaxton 4/11/2002 Contact Information
Comment: According to City of Pocatello Parcel Data claimants address is 3776 Minuteman Way, Boise, ID 83706.
Change of Address requested.
2. csaxton 4/11/2002 POD
Comment: POD recommended as it existed in 1987.
3. csaxton 8/9/2002 Priority Date
Comment: Priority date recommended as claimed per patent provided by Brad Christensen.

Dates and Other Information:

Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag:
State or Federal: S
Owner Name Connector: OR
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Priority Date	4/11/2002 11:01:42 AM	csaxton			Active
Source	4/11/2002 11:05:02 AM	csaxton			Active
POU	4/11/2002 11:05:32 AM	csaxton			Active
Use	4/11/2002 11:07:27 AM	csaxton			Active
Season	4/11/2002 11:08:13 AM	csaxton			Active
Quantity	4/11/2002 11:09:26 AM	csaxton			Active
Summary			04/11/2002	csaxton	Active
POD	4/11/2002 11:12:19 AM	csaxton			Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POU	4/11/2002 11:05:44 AM	csaxton	Edited shape boundary
POD	4/11/2002 11:06:16 AM	csaxton	Edited point location

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-13348 V1

Priority Date	4/11/2002 11:01:41 AM	csaxton	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (No) 4. Is the basis of claim decree or license? (No) 7. Is the basis of claim a Application or Permit? (No) 8. Is the basis of claim a posted notice? (No) 9. Is the Priority Date claimed after the date a permit is required for the source and the water use? (Yes) 12. Does the claim file contain sufficient evidence of Priority Date? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required? Description for Question 12/13 - Affidavit from neighbor
Source	4/11/2002 11:05:01 AM	csaxton	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim an Application or Permit? (No) 6. Is the basis of claim a Posted Notice? (No) 7. Is there evidence that there has been a change in the source? (Yes) 10. Does the file contain all the necessary information to verify the source? (No) 11. Is a Source remark and/or condition required? Description for Question 10 - Field exam for Parent right 29-04185 on 5/15/01.
POU	4/11/2002 11:05:31 AM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (Yes) 2b. Is the POU required? (No) 3. Is the basis of claim a Application or Permit? (No) 7. Is there evidence that there has been a change in the POU? (Yes) 13. Does the file contain all the necessary information to verify the POU? (No) 14. Is a POU remark and/or condition required? Description for Question 13 - Field exam for Parent right 29-04185 on 5/15/01.
Use	4/11/2002 11:07:26 AM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Purpose of Use? (Yes) 11. Does the file contain all the necessary information to verify the Water Use? (No) 13. Is a Purpose of Use remark and/or condition required? Description for Question 10,11,12 - Field exam for Parent right 29-04185 on 5/15/01.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-13348 V1

Season	4/11/2002 11:08:12 AM	csaxton	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?
POD	4/11/2002 11:09:25 AM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is the basis of claim a posted notice? (No) 7. Is a flow measurement required? (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	4/11/2002 11:11:50 AM	csaxton	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (Yes) 5. Is an additional remark and/or condition required? (Yes) 6. Would you like to view the recommended right? (Yes) 7. Is this a split or combined right? (No) 8. Do you have documents you would like to attach or link to the file? (Yes) 9. Would you like to set the verification date?
Contacts	4/11/2002 11:01:00 AM	csaxton	(No) 1. Do you want to schedule an appointment? Comment for 1: Field exam for parent right 29-04185 on 5/15/01.
POD	4/11/2002 11:12:18 AM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the POD? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?

RECEIVED

APR 24 2002

WATER RESOURCES
WESTERN REGION

United States of America,

to

Susie Gibson

PATENT

Dated: April 17, 1916
Filed: November 15, 1926
at 4:12 P.M.
Instrument No: 127387
Recorded: Book 55 Deed
Record Page 435

Recites:

That schedule of allotments approved by Secretary of Interior has been deposited in General Land Office, whereby it appears that Susie Gibson, Indian of Fort Hall Reservation, has been allotted following described land:

Lots one and two of Section Seven in Township Seven South of Range thirty-five East of Boise Meridian, Idaho, containing seventy-six and fifty-six hundredths acres, according to Official Plat of Survey of said land returned to General Land Office by Surveyor General.

In consideration of premises, and in accordance with provisions of Act of Congress of February 23, 1889 (25 Stat., 688), does give and grant unto said Susie Gibson and to her heirs, lands above described.

With provision that title hereby acquired shall not be subject to alienation, lease or incumbrance, either by voluntary conveyance of Grantee or her heirs, or by judgment, order or decree of any Court, or subject to taxation of any character, but shall be and remain inalienable and not subject to taxation for period of twenty-five years, and until such time hereafter as President may see fit to remove restriction.

And there is reserved from lands hereby granted, right of way thereon for ditches or canals constructed by authority of United States.

This patent is issued in lieu of one dated May 3, 1902.

(United States General
Land Office Seal)

Recorded Patent Number 525090

By President Woodrow Wilson,
By M.P. LeRoy, Secretary

L. Q. C. Lamar, Recorder of
General Land Office.

Pocatello, Idaho,
January 30, 1937.

I Harmon F. Raymond and wife Ella M. Raymond
herewith sell our half interest in water pump located on the
acreage sold to E. W. Christensen in which my brother holds
the other half interest.

Harmon F. Raymond
Ella M. Raymond.

MICROFILMED

NOV 13 1996

i-06-1995

Dear Mr. Dave Carlson,

In answer to your letter dated Jan. 3, 1995. I have reserched the Abstract of Title to said property, and submit the following information.

I hope this will help you set a PRIORITY DATE.

Page 3-April 17, 1916 United States of America to Susie Gibson (Fort Hall Indian)

September 18, 1926 Susie Gibson sold to W.F.Kasiska

November 23, 1926 W.F.Kasiska sold to D.L.Pope

Page 21-July 14, 1930 D.L.Pope sold to Harmon F Raymond

Page 17- See Theo J. Turner's Affidavit

Page 23- January ²⁶~~30~~, 1937 Harmon F Raymond sold to E.W.Christensen

In 1956 E.W. Christensen's widow sold to W.J. Christensen.

January 30, 1937 See letter= Harmond F. Raymond sold to ^{E.W. W.J.C.}~~W.J.~~ Christensen half interest in pump, which I remember as an irragation pump in river.

Sincerely,


W.J. Christensen

RECEIVED

JAN 09 1995

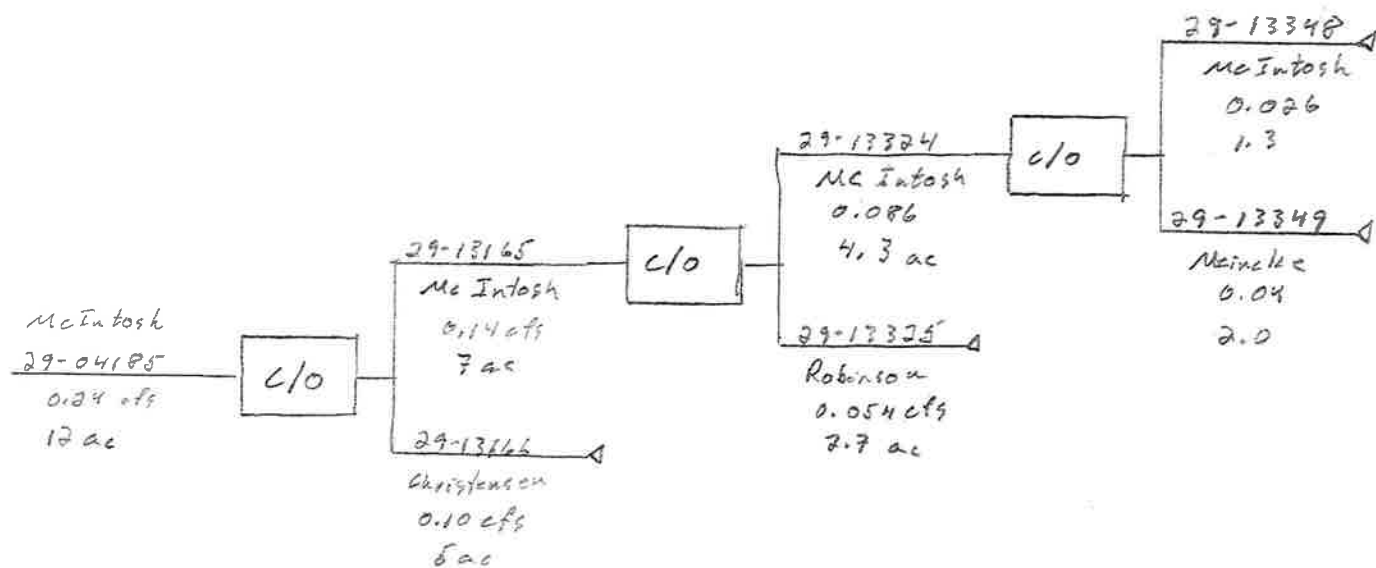
Department of Water Resources
Eastern District Office

MICROFILMED

NOV 13 1990

Split History for 29-04185

1/2 of Splits = Parent Claim



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

RECEIVED

APR 01 2002

WATER RESOURCES
WESTERN REGION

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
	29-13165				
	29-13324 - CS OK				

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate ~~FILING FEE~~ See instructions for fee amounts. *N/A*
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION.**
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or SURVEY MAP clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).
OR
If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the PLAT OF PROPERTY or SURVEY MAP.

3. Name and Address of Former Owner/Claimant(s)

H L + Margaret McIntosh
3960 Tech Farm Rd, Pocatello ID 83204

4. New Owner/Claimant(s)

ELIZABETH J. MEINCKE

Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

3900 TECH FARM ROAD

City, State and ZIP Code

POCATELLO ID 83204

New Telephone Number

(208) 317-3349

5. Date you acquired the property

AUGUST 6, 1993

6. *N/A* If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) Elizabeth J Meincke
(include title if applicable)

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by <u>DB</u>	Date <u>4.1.02</u>	Fee _____
Received by _____	Date _____	Receipt No. _____
Processed by _____	AJ Date _____	WR _____ Date _____

2-1
Warranty Deed 93012642

For Value Received

MARGARET G. MC INTOSH, AA SINGLE PERSON

the grantor , do hereby grant, bargain, sell and convey unto
 DEL W. MEINCKE AND ELIZABETH J. MEINCKE, HUSBAND AND WIFE.

whose current address is
 3900 TECH FARM ROAD, POCA TELLO, ID 83204

the grantee , the following described premises, in BANNOCK County Idaho, to wit:

SEE ATTACHED EXHIBIT "A"

SUBJECT TO: ALL existing patent reservations, easements, rights of way, protective covenants, zoning ordinances and applicable building codes, laws and regulations.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee , heirs and assigns forever. And the said Grantor do hereby covenant to and with the said Grantee , that he the owner in fee simple of said premises; that they are free from all incumbrances

and that he will warrant and defend the same from all lawful claims whatsoever.

Dated:

August 6, 1993

Margaret McIntosh

MARGARET G. MC INTOSH



STATE OF IDAHO, COUNTY OF BANNOCK
 On this 6TH day of AUGUST, 1993,
 before me, a notary public in and for said State, personally appeared

MARGARET G. MC INTOSH

known to me to be the personS whose name S ARE
 subscribed to the within instrument, and acknowledged to me that
 THEY executed the same.

Karl L. Park
 Notary Public

Residing at POCA TELLO
 Comm. Expires 03/29/99

93012642
 NO. RECORDED AT REC
AMERICAN LAND TITLE CO.
 '93 AUG -9 P2:14

OFFICIAL RECORD
 BANNOCK COUN
 LARRY W. GHAN
 FEE 3.00 DEF

593
net

2-2
EXHIBIT A

93012642

A TRACT OF LAND IN THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 7, TOWNSHIP 7 SOUTH, RANGE 35 EAST, BOISE MERIDIAN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST QUARTER CORNER (THE SOUTHWEST CORNER OF LOT 2) OF SECTION 7, TOWNSHIP 7 SOUTH, RANGE 35 EAST, BOISE MERIDIAN; THENCE NORTH ALONG THE WEST LINE OF SECTION 7 FOR A DISTANCE OF 1576.70 FEET; THENCE SOUTH $89^{\circ}27'26''$ EAST PARALLEL WITH THE LATITUDINAL CENTERLINE OF SECTION 7 (THE SOUTH LINE OF LOT 2) FOR A DISTANCE OF 33.00 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING SOUTH $89^{\circ}27'26''$ EAST FOR A DISTANCE OF 894.27 FEET TO A POINT TO AN EXISTING FENCE LINE; THENCE NORTH $36^{\circ}21'31''$ WEST ALONG AN EXISTING FENCE (THE APPROXIMATE WEST LINE OF THE PORTNEUF RIVER FLOOD CONTROL LEVEE) FOR A DISTANCE OF 131.30 FEET; THENCE NORTH $89^{\circ}27'26''$ WEST PARALLEL WITH THE LATITUDINAL CENTERLINE OF SECTION 7 (THE SOUTH LINE OF LOT 2) FOR A DISTANCE OF 816.43 FEET TO A POINT IN THE WEST BOUNDARY OF THE LAND DESCRIBED IN INSTRUMENT 485053; THENCE SOUTH ALONG THE EAST SIDE OF TECH FARM ROAD, PARALLEL WITH AND 33 FEET EAST OF THE WEST LINE OF SECTION 7, FOR A DISTANCE OF 105.00 FEET TO THE POINT OF BEGINNING.

THE EASTERLY BOUNDARY OF THE AFORE DESCRIBED TRACT IS TO EXTEND EAST TO COINCIDE WITH THE EAST BANK OF THE PORTNEUF RIVER AS IT EXISTED PRIOR TO THE CONSTRUCTION OF THE FLOOD CONTROL LEVEE, THE EAST BOUNDARY OF THE LAND DESCRIBED IN INSTRUMENT 425556.

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 29-13348
Date Received: 4/9/2002
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

MARGARET MC INTOSH Phone: (208)233-1256

3960 TECH FARM RD
POCATELLO ID USA 83204

2. Date of Priority: 04/01/1902

3. Source: PORTNEUF RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
07S	35E	7	NW NW 1	BANNOCK	

5. Description of diverting works:

PUMP & SPRINKLER SYSTEM.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	0.026	

7. Total Quantity Appropriated is:
0.026 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	7	NW	NW	IRRIGATION	1.3
					Section Acres	1.3
					Total Acres	1.3

11. Place of use in counties: BANNOCK

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 29-13324.

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.

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): _____ Date: _____

_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this

of _____ 20__

Notary Public

Residing at _____

My commission Expires _____