

12/16/2002

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

RIGHT NUMBER: 29-13393

NAME AND ADDRESS: JOHN M DUDUNAKE
5406 W OLD HWY 91
POCATELLO ID 83204

SOURCE: BLACKROCK CREEK

TRIBUTARY: PORTNEUF RIVER

QUANTITY: 0.040 CFS

USE OF THIS RIGHT WITH RIGHT NO. 29-02409A IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 0.06 CFS.

PRIORITY DATE: 06/17/1902

POINT OF DIVERSION:

T07S R35E S23 SWNWNE Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

0.040 CFS

PLACE OF USE: IRRIGATION Within BANNOCK County

T07S R35E S23 NWSE 2.0

2 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 29-02409A IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 2.0 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: Decreed

11/15/2002

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

RIGHT NUMBER: 29-13393

NAME AND ADDRESS: JOHN M DUDUNAKE
5406 W OLD HWY 91
POCATELLO ID 83204

SOURCE: BLACKROCK CREEK TRIBUTARY: PORTNEUF RIVER

QUANTITY: 0.040 CFS

PRIORITY DATE: 06/17/1902

POINT OF DIVERSION:
T07S R35E S23 SWNWNE 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	0.040 CFS

PLACE OF USE: IRRIGATION Within BANNOCK County

T07S R35E S23	NWSE	2.0
---------------	------	-----

2 ACRES TOTAL

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

FORFEITED/ABANDONED: This is included for a claim based on a decree or license that is PROPOSED to be disallowed on the basis that the water right no longer exists because forfeiture of the right by nonuse was confirmed and a defense to forfeiture was not confirmed, or because abandonment of the right was confirmed.

FORFEITED/ABANDONED DUE TO NON-USE FROM 1982 TO 1987.

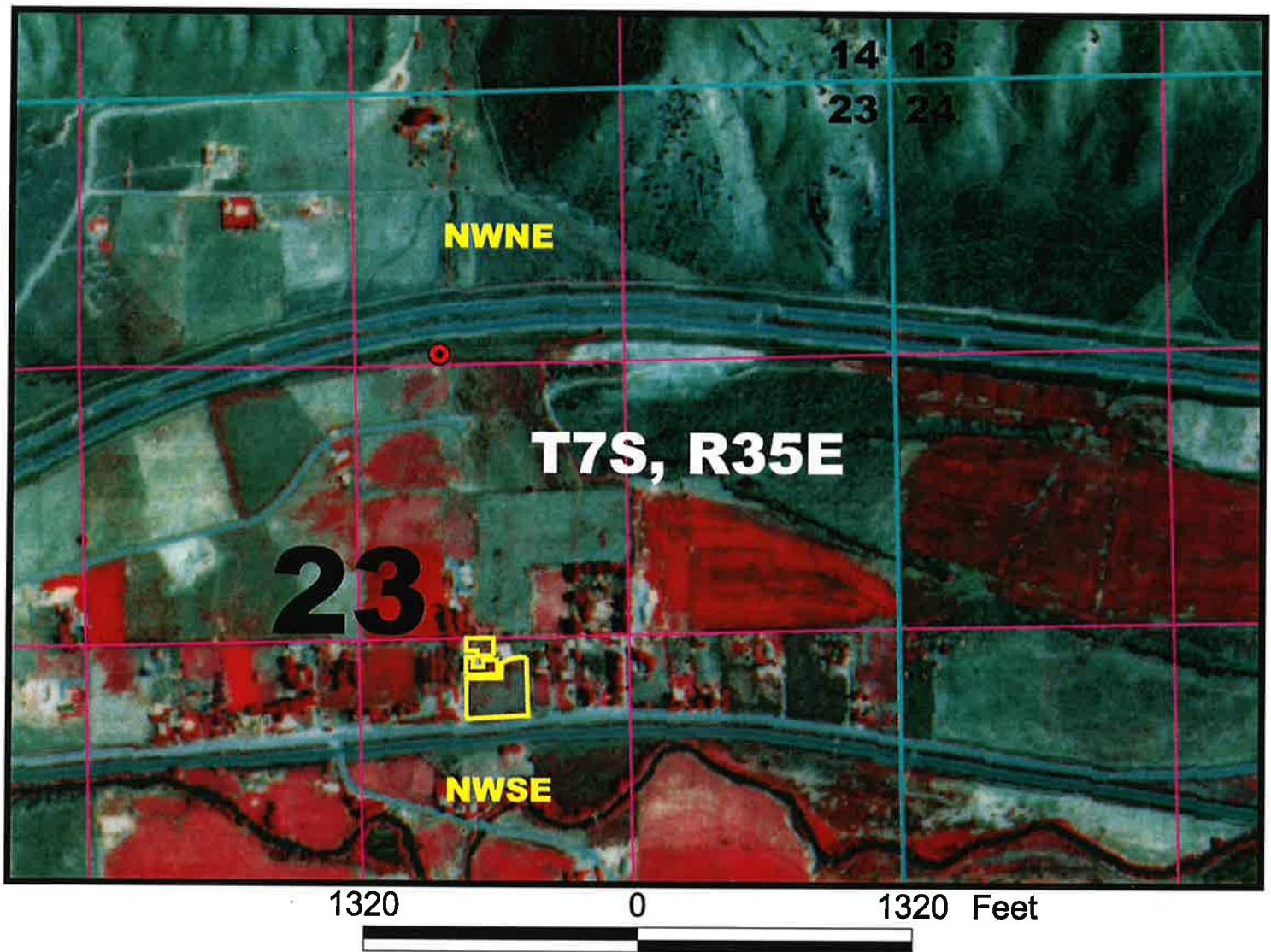
EXPLANATORY MATERIAL: Decreed



STATE OF IDAHO

Department of Water Resources
Eastern Region

Water Right(s): 29-13393



Total Irrigated Acres: 2.0

● 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

11-8-02: Disallow - Forfeited due to non-use

: Claimant stated claimed source not put to B-use on his property. I don't know the last time it was.

12-16-02: In an unrelated conversation with John Rudenaker, He stated that Alderock Creek water was put to beneficial use on his property in 1986. Claim filed in 1990. Recommend



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

September 18, 2002

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

LOGAN & REBECCA ROBINSON
5354 W OLD HWY 91
POCATELLO ID 83204

RE: CHANGE IN OWNERSHIP FOR 29-495C, 29-2409B

Dear Mr. & Mrs. Robinson:

The request for Change in Ownership for a portion of the above-referenced Notice(s) of Claim has been processed with the new Notice(s) reflecting you as one of the claimants.

Since the Change in Ownership involved just a portion of the Notice(s) of Claim, the right was split as follows:

29-495C:

29-13393, 0.13 cfs, 6.4 acres, Dudunake

29-13394, 0.15 cfs, 7.6 acres, Robinson

Enclosed for your records is a typed Notice(s) reflecting your portion of the right. Review the Notice(s) and if you have other corrections or questions, please contact this office.

Respectfully submitted,

Jennifer Crabtree

Technical Records Specialist

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

RECEIVED
MAY 10 2002

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

Department of Water Resources
Eastern Region

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

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
29-00495C					
29-02409B					

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

- A. The appropriate ~~FILING FEE~~ See instructions for fee amounts. No Fee
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION.**
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) are for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) Mark D. OTTERSON and LORI M OTTERSON
4. New Owner/Claimant(s) 5354 W. OLD HWY 91 Pocatello, Idaho 83204
- Name Connector (Check one): ☒ and, ☐ or, ☐ and/or
- New Mailing Address 5354 W. OLD HWY. 91 Pocatello
- City, State and ZIP Code Pocatello, Idaho 83204
- New Telephone Number 208) 775-4590
5. Date you acquired the property August 30, 1986

FA#22511

21
WARRANTY DEED

96014698

For Value Received **MARK D. OTTESON and LORI M. OTTESON, husband and wife**

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

LOGAN ROBINSON and REBECCA A. ROBINSON, husband and wife

whose address is: **5354 WEST OLD HIGHWAY 91, POCATELLO, ID, 83204**
4530 South 5th, Pocatello, Idaho 83204

Hereinafter called the Grantee, the following described premises situated in BANNOCK County, Idaho, to-wit:

SEE ATTACHED LEGAL

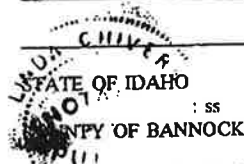
SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: AUGUST 30, 1996

Mark D. Otteson
MARK D. OTTESON

Lori M. Otteson
LORI M. OTTESON



NOTARY SEAL

On This 30TH day of AUGUST, in the year 1996, before me, a Notary Public in and for said State, personally appeared MARK D. OTTESON and LORI M. OTTESON, known or identified to me to be the person(s) whose name(s) ARE subscribed to the within Instrument, and acknowledged to me that THEY executed the same.

NO 96014698

RECORDED AT REQUEST OF
FIRST AMERICAN TITLE
26 AUG 30 PM 4 10

RECEIVED BOOK NO 673
BANNOCK COUNTY IDAHO
LARRY W. CHAN RECORDER
FEE 62 DEPUTY 55

[Signature] Notary Public of Idaho
Residing at POCATELLO
Commission Expires: 2-18-99

002 000

TOGETHER WITH an access right of way easement to the above described property for ingress and egress over the following described parcel: A portion of the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 23, Township 7 South, Range 35 E.B.M., BANNOCK COUNTY, IDAHO, a portion of Lot 8 of the BLACK ROCK SUBDIVISION, more particularly described as follows: A 30 foot strip of land being 15 feet on each side of the following described centerline, to-wit: Commencing at a point that is on the Northernly right of way of Highway US 30 North that is also 275.1 feet South 515.7 feet West of the East 1/16 corner on the latitudinal centerline of said Section 23; thence North 01°32'00" West, 682.00 feet, more or less; thence North 88°00'00" East, 185.4 feet, more or less, to the Westerly boundary of a parcel of land described in legal description #3.

OF BEGINNING. 88°00'00" East 263.42 feet; thence South 2°0' East 330 feet to the TRUE POINT centerline 263.42 feet; thence North 1°30' West 330 feet, thence North said Section 23; thence Westerly along the latitudinal centerline 528.1 feet to the TRUE POINT OF BEGINNING; thence continuing along latitudinal follows: Commencing at the E 1/16 Corner on the latitudinal centerline of South, Range 35 E.B.M., BANNOCK COUNTY, IDAHO, more particularly described as follows: Commencing at the E 1/16 Corner on the latitudinal centerline of said Section 23; thence North 02°00'00" West along the East 1/16 line 330.00 feet; thence South 88°00'00" West 324.00 feet to the TRUE POINT OF BEGINNING; thence continuing South 88°00'00" West 467.52 feet; thence North 01°30' West 49.9 feet; thence North 89°48' East 17 feet; thence North 01°50" West 346.10 feet; thence North 88°00' East 450.52 feet to a point that is North 02°00'00" West 396.00 feet to the TRUE POINT OF BEGINNING.

PARCEL 2: A parcel of land situated in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 23, Township 7 South, Range 35 E.B.M., BANNOCK COUNTY, IDAHO, more particularly described as follows: Commencing at the East 1/16 Corner on the latitudinal centerline of said Section 23; thence North 02°00'00" West along the East 1/16 line 330.00 feet; thence South 88°00'00" West 324.00 feet to the TRUE POINT OF BEGINNING; thence continuing South 88°00'00" West 467.52 feet; thence North 01°30' West 49.9 feet; thence North 89°48' East 17 feet; thence North 01°50" West 346.10 feet; thence North 88°00' East 450.52 feet to a point that is North 02°00'00" West 396.00 feet to the TRUE POINT OF BEGINNING.

ALSO: A parcel of land situated in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 23, Township 7 South, Range 35 E.B.M., BANNOCK COUNTY, IDAHO, more particularly described as follows: Commencing at the East 1/16 Corner on the latitudinal centerline of said Section 23; thence North 02°00'00" West along the East 1/16 line of said Section 23, 330.00 feet to the TRUE POINT OF BEGINNING; thence continuing North 02°00'00" West, 396.00 feet; thence South 88°00'00" West, 324.00 feet; thence South 02°00'00" East, 396.00 feet; thence North 88°00'00" East, 324.00 feet to the POINT OF BEGINNING, which is also on the said East 1/16 line of said Section 23.

PARCEL 1: A parcel of land situated in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 23, Township 7 South, Range 35 E.B.M., BANNOCK COUNTY, IDAHO, more particularly described as follows: Commencing at the East 1/16 Corner on the latitudinal centerline of said Section 23; thence North 02°00'00" West along the East 1/16 line of said

96014698

2-2

Evault

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern District Office
900 N. Skyline Dr.
Idaho Falls, ID 83402-1718

Return Service Requested

RECEIVED
SEP 23 2002

Department of Water Resources
Eastern Region

ROBI354 832042007 1102 02 09/20/02
RETURN TO SENDER
ROBINSON
PO BOX 4356
POCATELLO ID 83205-4356
RETURN TO SENDER



29-2409B
29-13394

Eclerk

02/08/2003

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: 29-13393

JOHN M DUDUNAKE
5406 W OLD HWY 91
POCATELLO ID 83204
Telephone Number: (208)775-3601

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

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

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

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

DATE: 2-21-03

SIGNATURE:

Please print your name:

John M. Dudunake
John M. Dudunake

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

RECEIVED

FEB 28 2003

Department of Water Resources
Eastern Region



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

September 18, 2002

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

JOHN M DUDUNAKE
5406 W OLD HWY 91
POCATELLO ID 83204

RE: CHANGE IN OWNERSHIP FOR 29-495C

Dear Mr. Dudunake:

The request for Change in Ownership for a portion of the above-referenced Notice(s) of Claim has been processed with the new Notice(s) reflecting you as one of the claimants.

Since the Change in Ownership involved just a portion of the Notice(s) of Claim, the right was split as follows:

29-495C:

29-13393, 0.13 cfs, 6.4 acres, Dudunake

29-13394, 0.15 cfs, 7.6 acres, Robinson

Enclosed for your records is a typed Notice(s) reflecting your portion of the right. Review the Notice(s) and if you have other corrections or questions, please contact this office.

Respectfully submitted,

A handwritten signature in cursive script that reads "Jennifer Crabtree".

Jennifer Crabtree

Technical Records Specialist

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

RECEIVED
MAY 10 2002

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

Department of Water Resources
Eastern Region

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

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
<u>29-00495C</u>	_____	_____	_____	_____	_____
<u>29-02409B</u>	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

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

- A. The appropriate ~~FILING FEE~~ See instructions for fee amounts. No Fee
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) are for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) Mark D. OTTERSON and LORI M OTTERSON
5354 W. OGD HWY 91 Pocatello, Idaho 83204
4. New Owner/Claimant(s) Logan D Robinson and Rebecca A Robinson
Name Connector (Check one): ☒ and, ☐ or, ☐ and/or
- New Mailing Address 5354 W. OGD HWY. 91 Pocatello
- City, State and ZIP Code Pocatello, Idaho 83204
- New Telephone Number 208) 775-4590
5. Date you acquired the property August 30, 1986

FA#22511

21
WARRANTY DEED

96014698

For Value Received **MARK D. OTTESON and LORI M. OTTESON, husband and wife**

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

LOGAN ROBINSON and REBECCA A. ROBINSON, husband and wife

whose address is: **5354 WEST OLD HIGHWAY 91, POCATELLO, ID, 83204**

4530 South 5th. Pocatello, Idaho 83204

Hereinafter called the Grantee, the following described premises situated in BANNOCK County, Idaho, to-wit:

SEE ATTACHED LEGAL

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: **AUGUST 30, 1996**



MARK D. OTTESON



LORI M. OTTESON



NOTARY SEAL

On This 30TH day of AUGUST, in the year 1996, before me, a Notary Public in and for said State, personally appeared MARK D. OTTESON and LORI M. OTTESON, known or identified to me to be the person(s) whose name(s) ARE subscribed to the within Instrument, and acknowledged to me that THEY executed the same.

NO **96014698**
RECORDED AT REQUEST OF
FIRST AMERICAN TITLE
26 AUG 30 PM 4 10



Residing at POCATELLO
Commission Expires: 2-18-99

ORIGINAL RECORD BOOK NO **673**
BANNOCK COUNTY IDAHO
LARRY V. GAN RECORDER.
FEE **6.00** DEPUTY **SS**

22

96014698

PARCEL 1: A parcel of land situated in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 23, Township 7 South, Range 35 E.B.M., BANNOCK COUNTY, IDAHO, more particularly described as follows: Commencing at the East 1/16 Corner on the latitudinal centerline of said Section 23; thence North 02°00'00" West along the East 1/16 line of said Section 23, 330.00 feet to the TRUE POINT OF BEGINNING; thence continuing North 02°00'00" West, 396.00 feet; thence South 88°00'00" West, 324.00 feet; thence South 02°00'00" East, 396.00 feet; thence North 88°00'00" East, 324.00 feet to the POINT OF BEGINNING, which is also on the said East 1/16 line of said Section 23.

ALSO: A parcel of land situated in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 23, Township 7 South, Range 35 E.B.M., BANNOCK COUNTY, IDAHO, more particularly described as follows: Commencing at the East 1/16 Corner on the latitudinal centerline of said Section 23; thence North 02°00'00" West along the East 1/16 line 330.00 feet; thence South 88°00'00" West 324.00 feet to the TRUE POINT OF BEGINNING; thence continuing South 88°00'00" West 467.52 feet; thence North 01°30' West 49.9 feet; Thence North 89°48' East 17 feet; thence North 01°50" West 346.10 feet; thence North 88°00' East 450.52 feet to a point that is North 02°00'00" West 396.00 feet from the TRUE POINT OF BEGINNING; thence South 02°00'00" East 396.00 feet to the TRUE POINT OF BEGINNING.

PARCEL 2: A parcel of land situated in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 23, Township 7 South, Range 35 E.B.M., BANNOCK COUNTY, IDAHO, more particularly described as follows: Commencing at the E 1/16 Corner on the latitudinal centerline of said Section 23; thence Westerly along the latitudinal centerline 528.1 feet to the TRUE POINT OF BEGINNING; thence continuing along latitudinal centerline 263.42 feet; thence North 1°30' West 330 feet, thence North 88°00'00" East 263.42 feet; thence South 2°0' East 330 feet to the TRUE POINT OF BEGINNING.

TOGETHER WITH an access right of way easement to the above described property for ingress and egress over the following described parcel: A portion of the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 23, Township 7 South, Range 35 E.B.M., BANNOCK COUNTY, IDAHO, a portion of Lot 8 of the BLACK ROCK SUBDIVISION, more particularly described as follows: A 30 foot strip of land being 15 feet on each side of the following described centerline, to-wit: Commencing at a point that is on the Northerly right of way of Highway US 30 North that is also 275.1 feet South 515.7 feet West of the East 1/16 corner on the latitudinal centerline of said Section 23; thence North 01°32'00" West, 682.00 feet, more or less; thence North 88°00'00" East, 185.4 feet, more or less, to the Westerly boundary of a parcel of land described in legal description #3.

CDE RB

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-13393 V1

WATER RIGHT NUMBER: 29-13393 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	ANDREW CIBULKA
	, ZZ
Current Owner	JOHN M DUDUNAKE 5406 W OLD HWY 91 POCATELLO, ID 83204 (208)775-3601

Priority Date: 06/17/1902

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BLACKROCK 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	0.040 CFS	
	<u>Total Diversion:</u>	0.040 CFS	

Location of Point(s) of Diversion

BLACKROCK CREEK	SW1/4NW1/4NE1/4	Sec. 23, 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	23															2.0		2.0

Total Acres: 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:

1. Quantity USE OF THIS RIGHT WITH RIGHT NO. 29-02409A IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.06 CFS.
2. Place of Use - Irrigation USE OF THIS RIGHT WITH RIGHT NO. 29-02409A IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 2.0 ACRES IN A SINGLE IRRIGATION SEASON.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 29-13393 V1

Comments:

1. csaxton 12/16/2002 Recommendation
Comment: Claimant stated in phone conversation on 12/16/02 that Blackrock Creek water was put to beneficial use on his property in 1986. Recommend.
2. csaxton 12/16/2002 Source
Comment: Source also known as Terrell ck

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:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Summary			09/18/2002	jcrabtre	Active
Contacts	11/8/2002 1:13:54 PM	csaxton			Active
Summary			11/08/2002	csaxton	Active
Contacts	12/16/2002 2:55:51 PM	csaxton			Active
POD	12/16/2002 3:05:56 PM	csaxton			Active
Source	12/16/2002 3:08:21 PM	csaxton			Active
POU	12/16/2002 3:09:59 PM	csaxton			Active
Priority Date	12/16/2002 3:10:26 PM	csaxton			Active
Use	12/16/2002 3:10:48 PM	csaxton			Active
Season	12/16/2002 3:11:20 PM	csaxton			Active
Quantity	12/16/2002 3:11:39 PM	csaxton			Active
Summary			12/16/2002	csaxton	Active
POD	12/16/2002 3:14:43 PM	csaxton			Active
POU	12/16/2002 3:14:44 PM	csaxton			Active
Source	12/16/2002 3:14:44 PM	csaxton			Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-13393 V1

Contacts	11/8/2002 1:13:53 PM	csaxton	(No) 1. Do you want to schedule an appointment?
Summary	11/8/2002 1:34:19 PM	csaxton	Comment for 1: Met with claimant on 6/12/01 (Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (No) 4. Is any portion of the claim be recommended? (Yes) 5. Is an additional remark and/or condition required? (Yes) 6. Would you like to view the recommended right? (Yes) 7. Is this a split or combined right? (No) 8. Do you have documents you would like to attach or link to the file? (Yes) 9. Would you like to set the verification date?
Contacts	12/16/2002 2:55:50 PM	csaxton	(No) 1. Do you want to schedule an appointment? Comment for 1: conversation with claimant 12/16/02
POD	12/16/2002 3:05:55 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?
POD	12/16/2002 3:07:14 PM	csaxton	Edited point location
POU	12/16/2002 3:09:08 PM	csaxton	Edited shape boundary
POD	12/16/2002 3:07:33 PM	csaxton	Edited PLS
Source	12/16/2002 3:08:20 PM	csaxton	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file? (No) 11. Is a Source remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-13393 V1

POU	12/16/2002 3:09:58 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (No) 6. Can the claimed POU be verified using the water right file? (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 and claimant contact.
Priority Date	12/16/2002 3:10:25 PM	csaxton	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?
Use	12/16/2002 3:10:48 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file? (No) 13. Is a Purpose of Use remark and/or condition required?
Season	12/16/2002 3:11:19 PM	csaxton	(Yes) 1. Is the basis of claim Decree or License? (No) 4. Does the Decree or License have a Period of Use? (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?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-13393 V1

Quantity	12/16/2002 3:11:38 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file? (No) 8. Does the parent right have an annual diversion volume limit? (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? (Yes) 12. Is a Quantity remark or condition required?
Summary	12/16/2002 3:13:59 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (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?
POD	12/16/2002 3:14:42 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License?
POU	12/16/2002 3:14:43 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? Description for Question 13 - NAPP and claimant contact.
Source	12/16/2002 3:14:44 PM	csaxton	(Yes) 1. Is the basis of claim Decree or License?
Summary	9/18/2002 10:07:13 AM	jcrabtre	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-13393 V1

WATER RIGHT NUMBER: 29-13393 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	ANDREW CIBULKA
	, ZZ
Current Owner	JOHN M DUDUNAKE 5406 W OLD HWY 91 POCATELLO, ID 83204 (208)775-3601

Priority Date: 06/17/1902

Basis: Decreed

Status: **Disallowed**

<u>Source</u>	<u>Tributary</u>
BLACKROCK 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	0.040 CFS	
	<u>Total Diversion:</u>	0.040 CFS	

Location of Point(s) of Diversion

BLACKROCK CREEK	SW1/4NW1/4NE1/4	Sec. 23, 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	23															2.0		2.0

Total Acres: 2

Conditions of Approval:

1. P04 FORFEITED/ABANDONED: This is included for a claim based on a decree or license that is PROPOSED to be disallowed on the basis that the water right no longer exists because forfeiture of the right by nonuse was confirmed and a defense to forfeiture was not confirmed, or because abandonment of the right was confirmed.

Remarks:

1. General FORFEITED/ABANDONED DUE TO NON-USE FROM 1982 TO 1987.

Comments:

1. csaxton 11/8/2002 Disallow
Comment: Claimant stated on 6/12/01 that he does not use Blackrock creek water for irrigation of his property.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 29-13393 V1

Dates and Other Information:

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

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Summary			09/18/2002	jcrabtre	Disallowed
Contacts	11/8/2002 1:13:54 PM	csaxton			Disallowed
Summary			11/08/2002	csaxton	Disallowed

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Contacts	11/8/2002 1:13:53 PM	csaxton	(No) 1. Do you want to schedule an appointment? Comment for 1: Met with claimant on 6/12/01
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Summary	9/18/2002 10:07:13 AM	jcrabtre	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 29-13393

WATER RIGHT NUMBER: 29-13393

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	ANDREW CIBULKA
	, ZZ
Current Owner	JOHN M DUDUNAKE 5406 W OLD HWY 91 POCATELLO, ID 83204 (208)775-3601

Priority Date: 06/17/1902

Basis: Decreed

Status: Active

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

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	0.130 CFS	
	<u>Total Diversion:</u>	0.130 CFS	

Location of Point(s) of Diversion

TERRELL CREEK	SW1/4NE1/4	Sec. 23, 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	23			6.4														6.4

Total Acres: 6.4

Conditions of Approval:Remarks:

1. Explanatory THIS RIGHT IS A SPLIT FROM FORMER RIGHT 29-495C.

Comments:Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 29-13393

Dates and Other Information:

Claim Received Date: 9/18/2002

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal: S

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

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 29-13393
Date Received: 9/18/2002
Receipt No:
Received By:

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

JOHN M DUDUNAKE Phone: (208)775-3601
5406 W OLD HWY 91
POCATELLO ID USA 83204

2. Date of Priority: 06/17/1902

3. Source: TERRELL 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	23	SW NE	BANNOCK	

5. Description of diverting works:

HEADGATE TO DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	0.13	

7. Total Quantity Appropriated is:
0.13 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	23	SW NE	IRRIGATION	6.4
Section Acres					6.4

A2913393



Total Acres 6.4

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 29-495C.

15. Basis of Claim: Decreed