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JAN 17 1990

Department of Water Resources

January 11, 1990

State of Idaho
Departemnt of Water Resource
1301 North Orchard St
Statehouse Mail
Boise, Id 83720

Re: Transfer of Water Right No. 29-2042

Gentlemen,

In regard to the transfer of Water Right No 29-2042, please
cancel this application for transfer.

Sincerely,



L M Bull Jr.

RECEIVED

FEB 13 1990

Transfer No. 3253
Water Right No. 700

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
To Change the Point of Diversion and/or the Place of Use

Name of applicant L. M. or BURNA DEAN BULL Phone 775-4582
Post Office address 5787 West Portneuf Road, Pocatello, ID 83204

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____ (Name)
in case of _____ vs _____
dated in _____ in _____ county of _____
(Name of court)
- b. License No. 29-2042 issued by the Idaho Department of Water Resources
- c. Claim No. _____ on file with the Idaho Department of Water Resources

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant. If the applicant is not the original holder of the water right, explain how it was acquired _____

3. Source of water Martin Canyon tributary to _____

4. Date of priority 5-3-1906

5. Water is used for the following purposes:

amount 0.40 cfs for Irrigation purposes from * Not Listed to _____
amount _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(month/day — both dates inclusive)

6. Total amount of water under right: a. _____ cubic feet per second
b. _____ &/or
_____ acre feet per annum

7. Location of original point of diversion is SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 25
Township 7S Range 35E, B.M., in Bannock County
Additional points of diversion, if any _____

8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
7S	35E	25	10	10															20

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Total number of acres to be irrigated 20

9. Describe any other water rights used for the same purpose as described above None

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of nonuse? No If yes, describe in item D, REMARKS.

B. DESCRIPTION OF PORTION OF RIGHT OWNED BY APPLICANT (If the entire right is owned by the applicant, omit part B).

1. Amount of water: a. _____ cubic feet per second
b. _____ acre feet ^{&/or} per annum
2. Point of diversion _____ ¼ _____ ¼, Section _____ Township _____
Range _____, B.M., _____ County
Additional points _____
3. Place of use: _____

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

Total number of acres to be irrigated _____

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. General Information
- a. Amount of water to be diverted 0.40 c.f.s. &/or _____ acre feet
- b. Description of diverting works Pump in Portneuf River to sprinkler system.
- c. Describe the reasons for the proposed changes We wish to change our P/D from Martin Canyon to the Portneuf River to make water delivery easier since our place of use is adjacent to the Portneuf River.
2. Change in point of diversion
- Point of diversion NE ¼ NE ¼, Section 25 Township 7S
Range 35E, B.M., Bannock County
Additional points _____
3. Change in place of use
- a. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes X No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed change.
- b. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer

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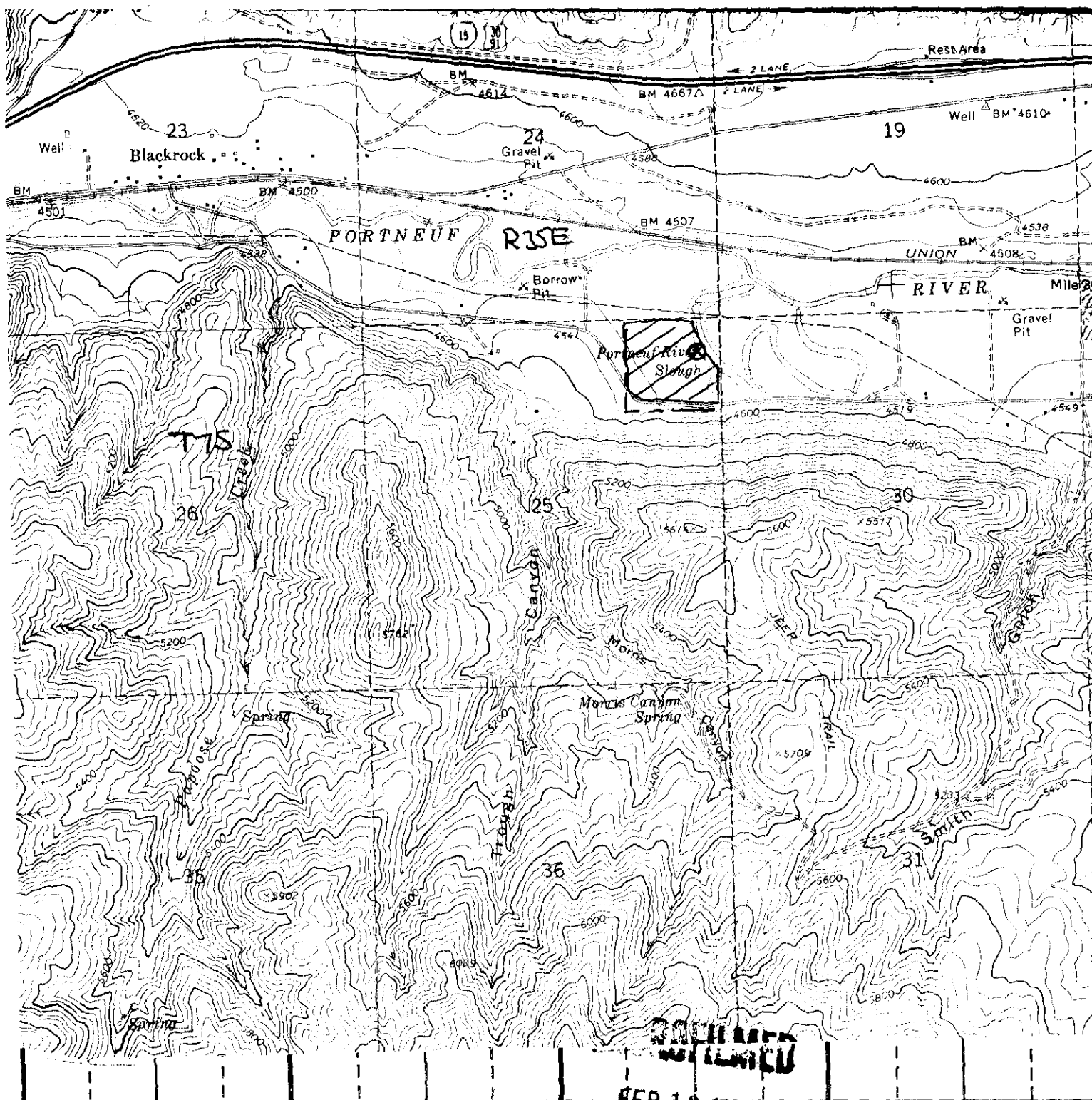
FEB 13 1990

c. Describe the land or place of use to which the right will be transferred:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
7S	35E	25	20																20

Total number of acres to be irrigated 20

4. Describe any other water rights used for the same purpose as described above. None
5. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



SCALE: 1 inch equals 1 mile. Draw plan in ink.

D. REMARKS

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willfull misrepresentations made in this application may result in voiding its approval.

Tom Bull
(Signature of Applicant)

Subscribed and sworn to before me this 2ND day of April, 1986

Richard M. Stuebel
(Notary Public)

My commission expires 6/21/91

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____ and said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19____.

FOR DEPARTMENT USE ONLY

MICROFILMED

Received by CW Date 4-07-86
Prelim. check by HWT Fee 50⁰⁰
Receipted by 1111 #35591 Date 4-18-86
Published in Idaho State Journal
Pub. dates 4/15 + 4/22/1986
Watermaster recommendation requested on NA
_____ rec'd. _____

Protest filed by FEB 13 1990

Copies of protest forwarded by _____
Hearing held by _____ Date _____
Recommended for _____ approval denial
by RDC

WARRANTY DEED

695583

For Value Received TOWN HALL, a single person

the grantor S, do hereby grant, bargain, sell and convey unto

L.M. BULL and BURNA DEAN BULL, husband and wife

whose current address is RT. 3 POETNEUF Rd.
POCATELLO, IDAHO

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

A tract of land in a portion of the N½NE¼ of Section 25, Township 7 South, Range 35 E.B.M., Bannock County, Idaho, more particularly described as follows:

Beginning at the brass cap marking the Northeast corner of Section 25, Township 7 South, Range 35 E.B.M. said brass cap being the true point of beginning; thence South 00°16'01" West, 1237.78 feet along the Easterly line of said Section 25 to a point on the Northerly right of way line of Portneuf Road; thence South 83°19'00" West, 134.80 feet along said Northerly right of way line; thence along a curve to the right a distance of 100.90 feet, said curve having a central angle of 10°33'00", a radius of 547.96 feet, a chord length of 100.75 feet and a chord bearing of South 88°35'30" West; thence North 86°08'00" West, 845.18 feet; thence along a curve to the right a distance of 259.06 feet, said curve having a central angle of 56°46'00" a radius of 261.48 feet, a chord length of 248.60 feet and a chord bearing of North 57°45'00" West; thence North 29°22'00" West, 803.40 feet; thence along a curve to the left a distance of 554.34 feet, said curve having a central angle of 53°07'00" a radius of 597.96 feet, a chord length of 534.70 feet and a chord bearing of North 55°55'30" West; thence North 82°28'00" West, 509.16 feet to a 5/8 inch iron pin marking the North quarter of Section 25; thence South 89°59'54" East, 2635.54 feet along the Northerly line of said Section 25 to the true point of beginning...

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 GranteeS, that they are the owners 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: September 27, 1982

Town Hall
Town Hall

STATE OF IDAHO, COUNTY OF Bannock
On this 27th day of Sept., 1982,
before me, a notary public in and for said State, personally appeared

Town Hall

NOTARY SEAL

known to me to be the person whose name is
subscribed to the within instrument, and acknowledged to
me that he executed the same.

Robert Pool

Notary Public
Idaho

Residing at Pocatello
Comm. Expires Life

695583
NO. 695583
RECORDED AT REQUEST
American Land Title Co.
SEP 29 10 06 AM '82
OFFICIAL RECORD BK NO 384
BANNOCK COUNTY IDAHO
MICROFILMED
FEB 13 1990

Furnished by the AMERICAN LAND TITLE CO.

PROOF OF PUBLICATION

RECEIVED

STATE OF IDAHO
County of Bannock

ss.

APR 28 1986

Sandra K. Herald

Department of Water Resources
Eastern District Office

being first duly sworn on oath deposes and says: That she
was at all times herein mentioned a citizen of the United States of America, more than 21 years of age, and the Principal Clerk of THE IDAHO STATE JOURNAL, a daily newspaper, printed and published at Pocatello, Bannock County, Idaho, and having a general circulation therein.

That the document or notice, a true copy of which is attached, was published in the said IDAHO STATE JOURNAL, on the following dates, to-wit:

<u>April 15</u>	<u>1986</u>	<u>19</u>
<u>April 22</u>	<u>1986</u>	<u>19</u>
<u> </u>	<u>19</u>	<u>19</u>
<u> </u>	<u>19</u>	<u>19</u>
<u> </u>	<u>19</u>	<u>19</u>

That said paper has been continuously and uninterruptedly published in said County for a period of seventy-eight weeks prior to the publication of said notice or advertisement and is a newspaper within the meaning of the laws of Idaho.

Sandra K. Herald

Subscribed and sworn to before me this 25th
day of April, 1986

Jeri L. Larsen

Notary Public, State of Idaho
Residence: Pocatello, Idaho

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FEB 13 1990

PROOF OF PUBLICATION

STATE OF IDAHO
County of Bannock

ss.

APR 7 1986

Department of Water Resources
Eastern District Office

Sandra K. Herald

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

Notice is hereby given that L.M. or Burna Dean Bull, Pocatello, Idaho have applied to the Department of Water Resources for a change in the point of diversion and place of use of the waters of Martin Canyon. The right sought to be changed is evidenced by License No. 29-2042 and is recorded as follows:

AMOUNT: .40 cfs PRIORITY: 5-3-1906
Point of Diversion: SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 25, T. 7S, R. 35 E, B.M., Bannock County.

The water is used to irrigate 20 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 25, T. 7S, R. 35 E, B.M.

TO BE CHANGED AS FOLLOWS

The water will be diverted within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 25, T. 7S, R. 35E, B.M. for the irrigation of 20 acres within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 25, T. 7S, R. 35E, B.M.

Any protest against approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho, 83401, on or before May 5, 1986.

S/A. Kenneth Dunn
Director
April 15, 22, 1986
No. 73

being first duly sworn on oath deposes and says: That she was at all times herein mentioned a citizen of the United States of America, more than 21 years of age, and the Principal Clerk of THE IDAHO STATE JOURNAL, a daily newspaper, printed and published at Pocatello, Bannock County, Idaho, and having a general circulation therein.

That the document or notice, a true copy of which is attached, was published in the said IDAHO STATE JOURNAL, on the following dates, to-wit:

April 15, 1986, 19__

April 22, 1986, 19__

_____, 19__

_____, 19__

_____, 19__

That said paper has been continuously and uninterruptedly published in said County for a period of seventy-eight weeks prior to the publication of said notice or advertisement and is a newspaper within the meaning of the laws of Idaho.

Sandra K. Herald

Subscribed and sworn to before me this 25th

day of April, 1986

John D. [Signature]

Notary Public, State of Idaho

Residence: Pocatello, Idaho

RECORDED

FEB 13 1990

Bannock County *
Martin Canyon *
1/4 sec.ft. *
Irrigation *
Priority 5-3-06 *

S T A T E O F I D A H O
Water License No.1978.

WHEREAS, On the 3 day of May, A. D. 1906, ERASTUS BARNARD, of Inkom, County of Bannock and State of Idaho, duly made application (No.2772) to me for a permit to use one half of one cubic foot per second of the waters of Martin Canyon, County of Bannock, Sate of Idaho, for Irrigation & domestic purposes; and,

WHEREAS, On the 5 day of May, A. D. 1906, Permit No. 1978, was issued to said applicant for the diversion of said water, and providing for the completion of the works of diversion therein described on or before the 5 day of November, A.D.1906, and for the application to beneficial use of said water on or before the 5 day of November,A.D.,1906, and,

WHEREAS, On the 31 day of October, A.D.1906, the holder of said permit duly made proof of the completion of adequate works for the diversion of one half of one cubic foot per second of said waters, as evidenced by my Certificate No.1978, dated April 26,1907, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use one half of one cubic foot per second of water, with date of priority of May 3,1906, and,

WHEREAS, On the 31 day of October, A.D.1906, proof was duly made of the application to beneficial use of 4 tenths of one cubic foot per second of said water;

NOW ,THEREFORE, By virtue of the authority vested in me by the laws of the State of Idaho, I hereby grant and confirm to ERASTUS BARNARD, of Inkom, Idaho, the holder and owner of said Permit No.1978, a perpetual right, dating from May 3,1906, to the use of 4 tenths of one cubic foot per second of the waters of Martin Canyon, in the County of Bannock and State of Idaho, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted ata point S.30° W.530 feet from S.W.Cor. of NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 25, Township 7 South, Range 35 E.B.M., and conducted to and upon (10 acres in NW $\frac{1}{4}$ of NE $\frac{1}{4}$ and 10 acres in NE $\frac{1}{4}$ of NE $\frac{1}{4}$, all in Section 25, Township 7 South, Range 35 East of Boise Meridian, for the purpose of Irrigation and domestic use, subject , however to the laws of the State of Idaho applicable to a license for the use of the waters of the State, and subject, also, to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and the seal of my office at Boise, Idaho,
this 26 day of April, A.D. Nineteen Hundred and seven.

Jas. Stephenson, Jr.
State Engineer.

(SEAL)

Recorded April 26,1907..

29-2042

No. 2772.

A P P L I C A T I O N F O R P E R M I T

To appropriate the Public waters of the state of Idaho.

1. Name of applicant - ERASTUS BARNARD
Postoffice address: P.O. - Inkom
County - Bannock.
2. The quantity of water claimed is one-half cubic foot per second
3. Source of water supply - Flood waters from Martin Canyon, Bannock County.
4. Location of point of diversion - N.W. Corner SW4 NE4 sec. 25, Tp. 7 S., R. 35 E.
5. To be used for:
 - I. Irrigation and domestic use:
 - (a) Number of acres to be irrigated twenty-five acres.
 - (b) In the following legal subdivisions - N2 NE4 Sec. 25, Tp. 7 S., R. 35 E.
6. Estimated cost of works - \$150.00 - completed now.
7. Description of Works for Diversion:
 - I. Kind of works - Ditch only.
 - II. Dimensions of Works:
 - (d) Ditch (flume or pipe) width at bottom 2 feet, width at water line 2½ feet, depth of water four feet. Average grade per rod is 3/4 foot. Length of ditch is three fourths mile, and it crosses the following quarter sections - SW4 NE4 & N2 NE4 sec. 25, to N2 NE4 Sec. 25, Tp. 7 S., R. 35 E., which is the point of intended use.
8. Time required for the completion of the construction of such work is - now completed.
9. Time required for the complete application of the water to the proposed use is - applied now. Wants to make both proofs about October, 1906.

Approval of state Engineer

The number of this permit is 1978.

date of first receipt of application May 3, 1906.

recorded in Book 6, page 1978. Approved May 5, 1906.

This is to certify that I have examined the within application for a permit to appropriate the public waters of the state of Idaho and hereby grant the same, subject to the following limitations and conditions:

One-fifth of the work above specified to be completed on or before August 5, 1906.

~~The whole of said work to be completed on or before November 5, 1906.~~

The time for the proof of beneficial use of water appropriated in accordance herewith, to extend to November 5, 1906.

Witness my hand this 5 day of May, 1906.

Jas. Stephenson, Jr.

state Engineer.

Work to begin on or before July 4, 1906, and to continue diligently and uninterruptedly.

ruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.

Notice of proof of completion and notice of beneficial use mailed applicant May 17, 1906.
 Notices received Sept. 22, 1906, fixing October 31st, 1906, as date of proof and Pocatello, Idaho, as place of proof.
 Mr. Munn, of Pocatello, requested to examine the works and so notified Sept. 22, 1906.
 Notice for publication mailed Pocatello Tribune Sept. 22, 1906, and Deposition blanks for holder and witnesses mailed applicant Sept. 22, 1906.
 Depositions of holder and witnesses received No. 3, 1906. Affidavit of publication and fees received No. 3, 1906. Report of Engineer received April 26, 1907.
 All papers being in and satisfactory Certificate of Completion and License were duly issued this 26th day of April, 1907.

Permit No. 1978.

CERTIFICATE OF COMPLETION OF WORKS.

To All Whom it May Concern:

This is to certify that ERASTUS BARNARD, of Inkom, County of Bannock, and State of Idaho, the holder of Permit No. 1978, issued upon Application No. 2772, bearing date of priority of May 3, 1906, authorizing the diversion of one-half of one second foot of the waters from Martin Canyon, County of Bannock, State of Idaho, for Irrigation & domestic purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use one-half of one second-foot of the waters from Martin Canyon; that the point of diversion of said waters is at a point S.30° W. 530 feet from South-west corner of North-west quarter (NW $\frac{1}{4}$) of North-east quarter (NE $\frac{1}{4}$) Section 25, Township 7 South, Range 35 East of Boise Meridian; and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: North-half of North-east quarter (N $\frac{1}{2}$ of NE $\frac{1}{4}$) Section 25, Township 7 South, Range 35 East of Boise Meridian.

Witness my hand this 26 day of April, A. D. 1907.

License issued for 4/10 second feet

B. 145

Jas. Stephenson, Jr.

State Engineer of the State of Idaho



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

January 19, 1990

RE: Application for Transfer of Water Right No. 29-2042

L.M. Bull
5787 W. Portneuf Rd.
Pocatello, ID 83204

Dear Mr. Bull:

We acknowledge receipt of the correspondence withdrawing the above referenced application for transfer.

The application for transfer will be of no further force or effect.

Sincerely,


JIM JOHNSON
Water Rights Supervisor

JJ:sc

UNRECORDED
FEB 13 1990

MEMORANDUM

TO: Water Right No. 29-2042, Transfer File in the Name of
Larry Bull
FROM: Gary Spackman *Gary*
DATE: January 8, 1990

On January 3, 1990, Larry Bull called me and stated that he wished to withdraw the transfer that has been filed. He stated that the ditch from which he diverts water has been called Martin Creek over the years. The water is diverted from the Portneuf River into the delivery ditch. He stated that he will send me a letter requesting withdrawal of the transfer. He also stated that he would try to clarify the water right at the time he files an adjudication claim.

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FEB 13 1990



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

December 13, 1989

L.M. & Burna Dean Bull
5787 West Portneuf Road
Pocatello, ID 83204

RE: Transfer of Water Right No. 29-2042 Proposing Change of
Point of Diversion from Martin Creek to Portneuf River

NOTICE OF INTENT TO VOID THE APPLICATION FOR TRANSFER

Dear Mr. & Mrs. Bull:

In April, 1986, you filed an application for transfer with the Department of Water Resources, seeking to move a point of diversion originally diverting water from Martin Creek to the Portneuf River. We requested information from you regarding past use of water from Martin Creek, and the availability of water from Martin Creek. This information was requested in September of 1986, October of 1988, and subsequently in May of 1989. You have yet to submit the information.

Please consider this letter notice that the Department will void your application for transfer if you have not submitted the information requested within thirty (30) days of the date of this notice. The application for transfer will be voided by order of the Department.

Respectfully,

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

cc. Eastern Region

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FEB 13 1990

CONV. ATION MEMORANDUM

Date 12-19-89 File # 29-2042

NAME OF PARTY Larry Bull

EMPLOYEE Kay Walker

RE _____

Mr. Bull will be
 sending in copies
 that describes history
 of this source - Martin
 Ck. is actually a camel
 named after a Mr.
 Martin - source has
 not been changed...
 He just is trying to
 clarify it for records.



State of Idaho

DEPARTMENT OF WATER RESOURCES

(208) 327-7900

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - [REDACTED]

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

May 4, 1989

L.M. and Burna Dean Bull
5787 W. Portneuf Road
Pocatello, Idaho 83204

RE: Transfer of water right no. 29-2042 proposing change of
point of diversion from Martin Creek to Portneuf River

Dear Mr. & Mrs. Bull:

We have corresponded with you about a proposed transfer to pump water out of the Portneuf River instead of from Martin Creek. Concern was expressed in past correspondence about nonuse of the water. There is also a concern about more water being diverted from the Portneuf River than has ever been diverted or is available from Martin Creek.

This letter is a final request for you to submit information regarding past use of water from Martin Creek. If you desire to pursue this transfer further, please submit a summary of years that water was diverted from Martin Creek, and any period of the year when water was not available for diversion from Martin Creek.

Sincerely,

Gary Spackman, Manager
Water Right Permits Section

GS:ds

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FEB 13 1990

RECEIVED

OCT 31 1988

October 27, 1988

Department of Water Resources

Larry Bull, Jr.
5787 W. Portneuf Road
Pocatello, Idaho 83204

State of Idaho
Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, Idaho 83772

RE: Application of Transfer of Water
Right NO. 29-2042

Attn: Jim Johnson

Dear Mr. Johnson,

Please do not cancel the transfer application. Use has been established for more than three years and was actively used in 1986, 1987 and 1988.

I would request that the transfer be held on file until all water rights are reconsidered in 1990 for Bannock County. At that time we can correct the water right for that piece of property.

If you need any additional information, please contact me.

Sincerely,



Larry Bull, Jr.

RECEIVED

FEB 13 1990



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 334-7900

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

October 14, 1988

RE: Application for Transfer of Water Right No. 29-2042

L. M. or Burna Dean Bull
5787 W. Portneuf Rd.
Pocatello, ID 83204

Dear Mr. and Mrs. Bull:

On September 17, 1986 the Department sent you a letter requesting information why the transfer application you filed on Rt. 29-2042 should not be cancelled based upon non-use for a period greater than 5 years.

Inspection of our file shows that no response to this request has been received.

Please be advised that if we do not hear from you on or before November 1, 1988, the Department will proceed with denying the transfer application.

If you have any questions on this matter, we encourage you to contact us.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

MICROFILMED

FEB 13 1990



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

September 17, 1986

RE: Water Right No. 29-2042

L. M. or Burna Dean Bull
5787 W. Portneuf Rd.
Pocatello, ID 83204

Dear Mr. and Mrs. ^{Bull}~~Dean~~:

The Department is in receipt of your Application for Transfer of the above referenced water right. A recommendation has been received to deny the proposed change on the basis that water from Martin Canyon has not been used for irrigation and is therefore lost because of abandonment or forfeiture.

If you believe the right has not been lost, please provide proof or information which can confirm its use. Please provide this information on or before October 20, 1986. If we do not hear from you, the Department will proceed with denying the application for transfer.

If you have any questions on this matter, please let us know.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

MICROFILMED

FEB 15 1990

MEMORANDUM

TO: Gary
FROM: Jim *Jim*
DATE: August 19, 1986
RE: Application for Transfer on Rt. 29-2042

In reviewing this application and after discussing alternatives, my recommendation is as follows:

Before we process under the provisions of 42-222, determine if transfer with source change should be accepted. If yes, then we need to establish why the transfer should be denied.

I understand, in talking to Skip, that Ron feels more water will be diverted from the Portneuf River than from Martin Canyon, which according to the USGS map is actually Trough Canyon.

To my knowledge, we have no information concerning water flow in Martin Canyon (Trough Canyon). Therefore, we do not know how much water has traditionally been diverted.

In the past the Department has approved transfers with source changes like this by requiring measuring devices on the source to record water flow and then limiting the diversion from the new source to the flow occurring from the original source.

As a secondary comment, I suggest that when the regional supervisor recommends a water right transaction for denial, the file be fully documented supporting the reason for such action.

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FEB 13 1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

42-277

INITIAL REVIEW BY: HWS

1. Right number 29-2042 Applicant La Ma Bull
2. Type of right: ☐ Decree ☒ License ☐ Claim
3. Purpose of transfer: ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Other _____

- (4) Check:
- a. ☒ Source ☒ Priority ☒ Amount ☒ Purpose ☒ Period of use
- b. ☒ Description of original point of diversion.
- c. ☒ Description of original place of use.

5. Amount of land &/or water transferred:
- a. ☒ All of right.
- b. ☐ Part of right (NOTE! Part B should be filled in only if part of the right is owned by the applicant).
- c. ☒ Check description of point(s) of diversion.
- d. ☒ Check description of place of use.
- e. ☒ Check map (shows p.d. and p.u. after transfer).
- f. ☒ Check for correct signature, notarization, and fee.
- g. ☒ Check proof of ownership of right &/or land from which water is transferred.
- h. ☒ Check for expansion in use of right. Comments _____
- i. ☒ Check for existing water rights from same source, on land water is being transferred to.
Right number(s) _____
- j. ☒ Is use within a Watermaster District? ☐ Yes ☒ No
If yes, what district? _____

FINAL PROCESSING REVIEW BY: _____

1. Watermaster recommendation requested on NA Received on _____
2. Is transfer published correctly? ☒ Yes ☐ No
3. Protest received? ☐ Yes ☒ No

5/5/86

RECOMMENDED ACTION

1. ☐ Approve
2. ☒ Deny
3. Conditions* _____

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SEP 15 1986

Department of Water Resources

4. By RDC Date 5/14/86

Jim 7-4-89

* All uses within Watermaster Districts require special conditions.

Department of Water Resources

receipt letter sent 4/14 Copy to Roberta 4/15

MEMO

TO: File No. Application for Transfer No. 29-2042
FROM: Ron Carlson 
DATE: September 9, 1986

I believe there are at least two problems associated with this application for transfer.

First, it appears that there has been a long period of non-use of this right. This may be because of the undependable water supplies from Martin Canyon or perhaps the inconvenience of getting water from the source. Issues of abandonment and forfeiture do arise.

Second, it is not clear that water from Martin Canyon is tributary to the Portneuf. By moving a 1906 right from Martin Canyon to the Portneuf, there would be an enlargement in the use of water under this right and would effect water supplies to present water users on the Snake River.

I would recommend that the applicant, rather than attempting this transfer, should apply for a permit and establish their proper position on the priority system.

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FEB 13 1990

INTER-DEPARTMENT MEMO — 1

FROM H. W. Jones

TO Ron Carlson

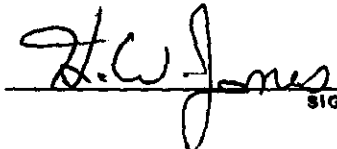
SUBJECT Transfer 3253/29-2042

DATE August 29, 1986

On August 28, 1986, I met with Larry Bull and he showed me the drainage he calls Martin Canyon. This was a dry wash at this time and is intermittent as far as flows. Generally, water comes down this drainage only during the spring of the year.

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FEB 13 1990


SIGNATURE

April 22, 1986

L. M. or Burne Dean Bull
5787 West Portneuf Road
Pocatello, Idaho 83204

Dear Mr. & Mrs. Bull:

Attached herewith is departmental receipt No. 35591 in
the amount of \$50.00 for Transfer Application 29-2042.

Sincerely,

Michele Davis
Office Secretary

Attachment

RECEIVED

FEB 13 1990

April 11, 1986

L. M. or Burne Dean Bull
5787 West Portneuf Road
Pocatello, Idaho 83204

Re: Application for Transfer No.29-2042

Dear Transfer Applicant:

The Department of Water Resources acknowledges receipt of your application for transfer. The transfer identification numbers are 29-2042. Please refer to this number in all further correspondence.

This office is currently in the process of advertising the transfer in The Idaho State Journal. The transfer will be published for two weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the transfer is protested, you will be sent a copy of the protest. The protest must be resolved before the transfer is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

If the transfer is not protested, it will be forwarded to our state office in about five weeks. State office personnel will conduct a complete review prior to final processing of the transfer and will notify you of the outcome of this review. When the transfer is approved, you will be sent a copy. A typical processing time for an unprotested transfer is about eight weeks.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,

Ernest Carlsen
Assistant Regional Supervisor

EC/md

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FEB 13 1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

APRIL 9, 1986

Idaho State Journal
P. O. Box 431
Pocatello, Idaho 83201

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billings to this office before MAY 5, 1986.

Yours truly,

RONALD D. CARLSON
Supervisor
Eastern Region

Encl.

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FEB 13 1990

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

Notice is hereby given that L. M. or Burna Dean Bull, Pocatello, Idaho have applied to the Department of Water Resources for a change in the point of diversion and place of use of the waters of Martin Canyon. The right sought to be changed is evidenced by License No. 29-2042 and is recorded as follows:

AMOUNT: .40 cfs PRIORITY: 5/3/1906

Point of Diversion: SE1/4NW1/4, Sec. 25, T. 7S, R. 35E, B.M., Bannock County.

The water is used to irrigate 20 acres in the N1/2NE1/4, Sec. 25, T. 7S, R. 35E, B.M.

TO BE CHANGED AS FOLLOWS

The water will be diverted within the NE1/4NE1/4, Sec. 25, T. 7S, R. 35E, B.M. for the irrigation of 20 acres within the NE1/4NE1/4, Sec. 25, T. 7S, R. 35E, B.M.

Any protest against approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho, 83401, on or before May 5, 1986.

A. Kenneth Dunn

Director

Published 4/17 and 4/28/86

RECEIVED

FEB 13 1990



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

150 Shoup — Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

July 18, 1985

L. M. Bull
5787 West Portneuf Road
Pocatello, ID 83204

Dear Larry:

Enclosed is your application for transfer. Please review it and if everything seems correct sign and have it notarized and return it to this office with a fee of \$50.00.

Sincerely,

HAROLD W. JONES
Senior Resource Agent

HWJ/ct

Enclosure

RECEIVED

FEB 13 1990