

Claim Identification No. A29-04067 *Germer*



CLF

Point of diversion from Papoose Creek 3-15-90



CLF

Drum used to screen debris. 3-15-90

Claim Identification No. A29-04067



CLF 3-15-90

Looking east from S.W. corner of Mr. Germer's property



CLF

Looking south from near the northern edge
(near the Portneuf River) of Mr. Germer's property 3-15-90

11/13/2002

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

RIGHT NUMBER: 29-4067

NAME AND ADDRESS: VIRGIL T GERMER
5268 W PORTNEUF RD
INKOM ID 83245

SOURCE: PAPOOSE CREEK

TRIBUTARY: PORTNEUF RIVER

QUANTITY: 0.220 CFS

RIGHT NOS 29-04067, 29-07658, AND 29-10698 ARE LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 0.22 CFS.

PRIORITY DATE: 04/01/1971

POINT OF DIVERSION:

T07S R35E S23 SWSESE Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
4/01 10/31

QUANTITY
0.220 CFS

PLACE OF USE: IRRIGATION Within BANNOCK County
T07S R35E S23 NESE 11.1

11.1 ACRES TOTAL

RIGHT NOS 29-04067, 29-07658, AND 29-10698 ARE LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 11.1 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

A FINAL PARTIAL DECREE WAS ISSUED FOR THIS RIGHT IN SMITH V.
SCOFFIELD AS PART OF THE SRBA ON NOVEMBER 4, 1992 WITH THE
REMARK SHOWN BELOW:
RIGHTS HAVE ALSO BEEN CLAIMED TO WATER FROM OTHER SOURCES
FOR THE SAME PURPOSE OF USE AT THE SAME PLACE OF USE
DESCRIBED ABOVE, WHICH WILL BE INCLUDED IN A DIRECTORS REPORT
TO BE FILED AT A LATER DATE. ANY WATER RIGHTS RECOMMENDED IN
THE BASIN 29 REPORT FOR THE SAME PURPOSE OF USE AT THE SAME
PLACE OF USE DESCRIBED ABOVE WILL CONTAIN REMARKS LIMITING THE
COMBINED USE OF THIS RIGHT AND THE RIGHTS FROM THE OTHER
SOURCES.

11/12/2002

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

RIGHT NUMBER: 29-4067

NAME AND ADDRESS: VIRGIL T GERMER
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SOURCE: PAPOOSE CREEK

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QUANTITY: 0.220 CFS

PRIORITY DATE: 04/01/1971

POINT OF DIVERSION:

T07S R35E S23 SWSESE Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

4/01 10/31

0.220 CFS

PLACE OF USE:

IRRIGATION Within BANNOCK County

T07S R35E S23 NESE 11.1

11.1 ACRES TOTAL

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

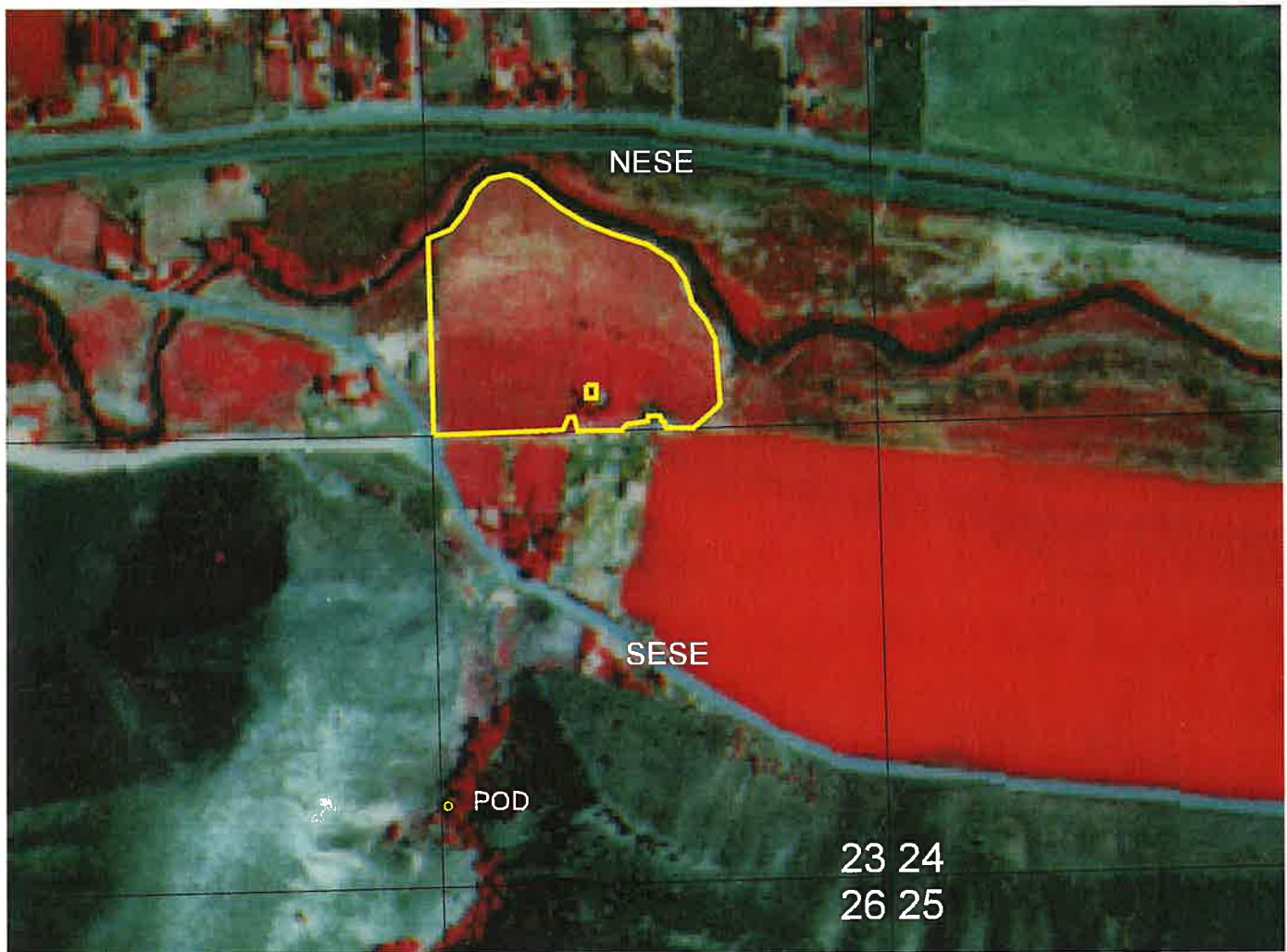
RIGHTS HAVE ALSO BEEN CLAIMED TO WATER FROM OTHER SOURCES FOR THE SAME PURPOSE OF USE AT THE SAME PLACE OF USE DESCRIBED ABOVE, WHICH WILL BE INCLUDED IN A DIRECTORS REPORT TO BE FILED AT A LATER DATE. ANY WATER RIGHTS RECOMMENDED IN THE BASIN 29 REPORT FOR THE SAME PURPOSE OF USE AT THE SAME PLACE OF USE DESCRIBED ABOVE WILL CONTAIN REMARKS LIMITING THE COMBINED USE OF THIS RIGHT AND THE RIGHTS FROM THE OTHER SOURCES.

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

THIS RIGHT IS SUBJECT TO THE COMBINED USE LIMITS SHOWN BELOW:
RIGHT NOS 29-04067, 29-07658, AND 29-10698 ARE LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.22 CFS.
RIGHT NOS 29-04067, 29-07658, AND 29-10698 ARE LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 11.1 ACRES IN A SINGLE IRRIGATION SEASON.

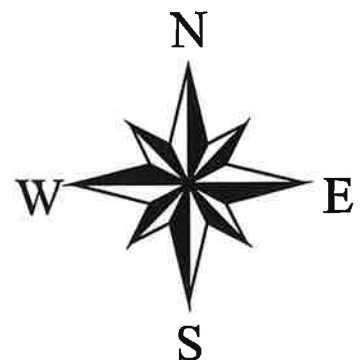
29-4067

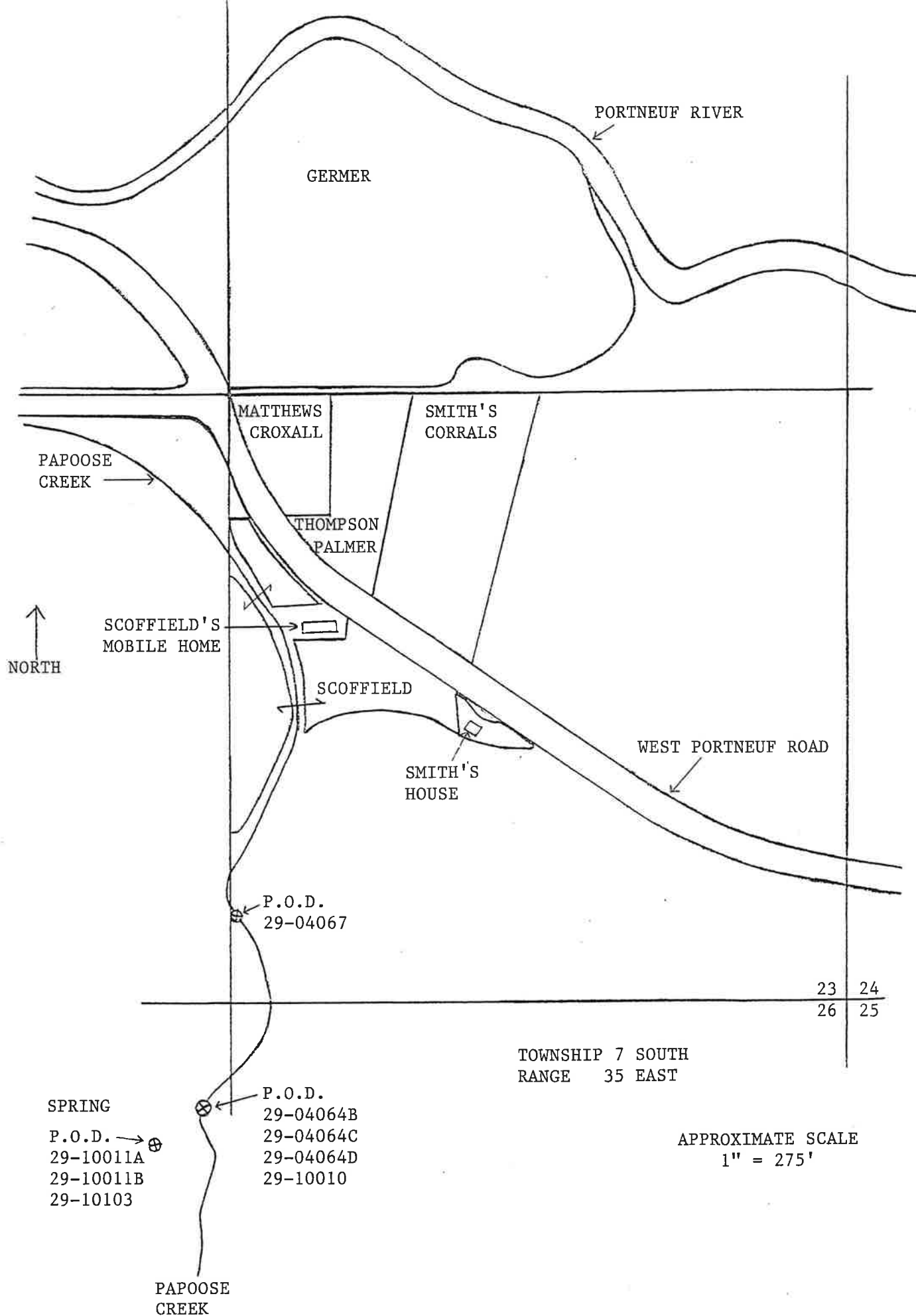


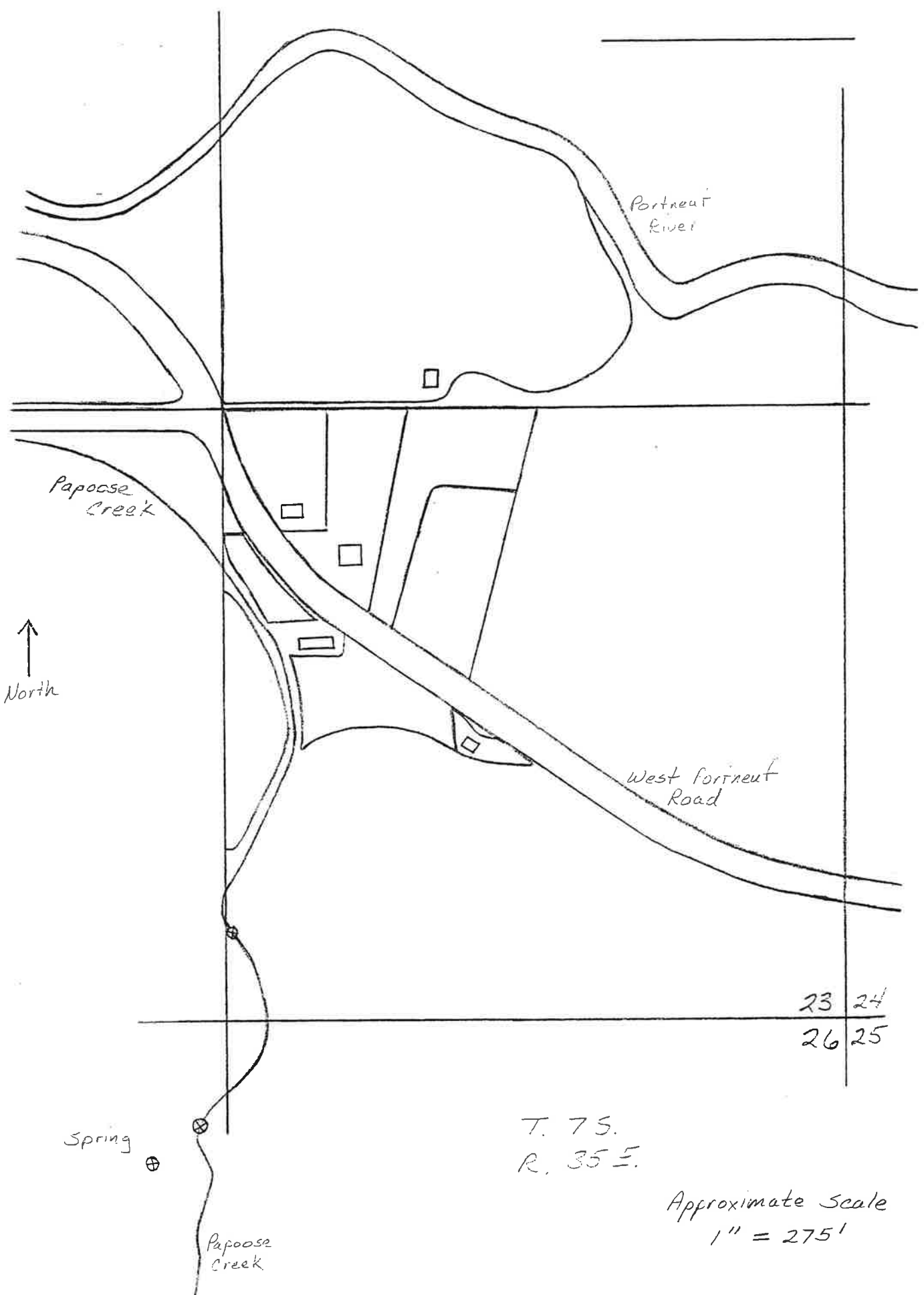
600 0 600 1200 1800 2400 Feet

T07S R35E S23

Map prepared by: Carter Fritschle
Date prepared: 05/10/01
1987-1988 NAPP photography
Idaho Department of Water Resources







RIGHT
NUMBER

R29-04067

NAME & ADDRESS

VIRGIL T. GERMER
5268 W PORTNEUF RD
INKOM ID 83245

PRIORITY
DATE

04/01/1960
4-1-1971

WATER USE

IRRIGATION

USE PERIOD
FROM TO

04-01 10-31

MAXIMUM
DIVERSION

0.22 CFS

STAGE

STATUTORY CLAIM

TOTAL DIVERSION RATE: 0.22 CFS
TOTAL DIVERSION VOLUME: 0.00 AFA

SOURCE: PAPOOSE CREEK

TRIBUTARY: PORTNEUF RIVER

POINT OF DIVERSION:

T07S R35E S23 SWSESE

PLACE OF USE: IRRIGATION

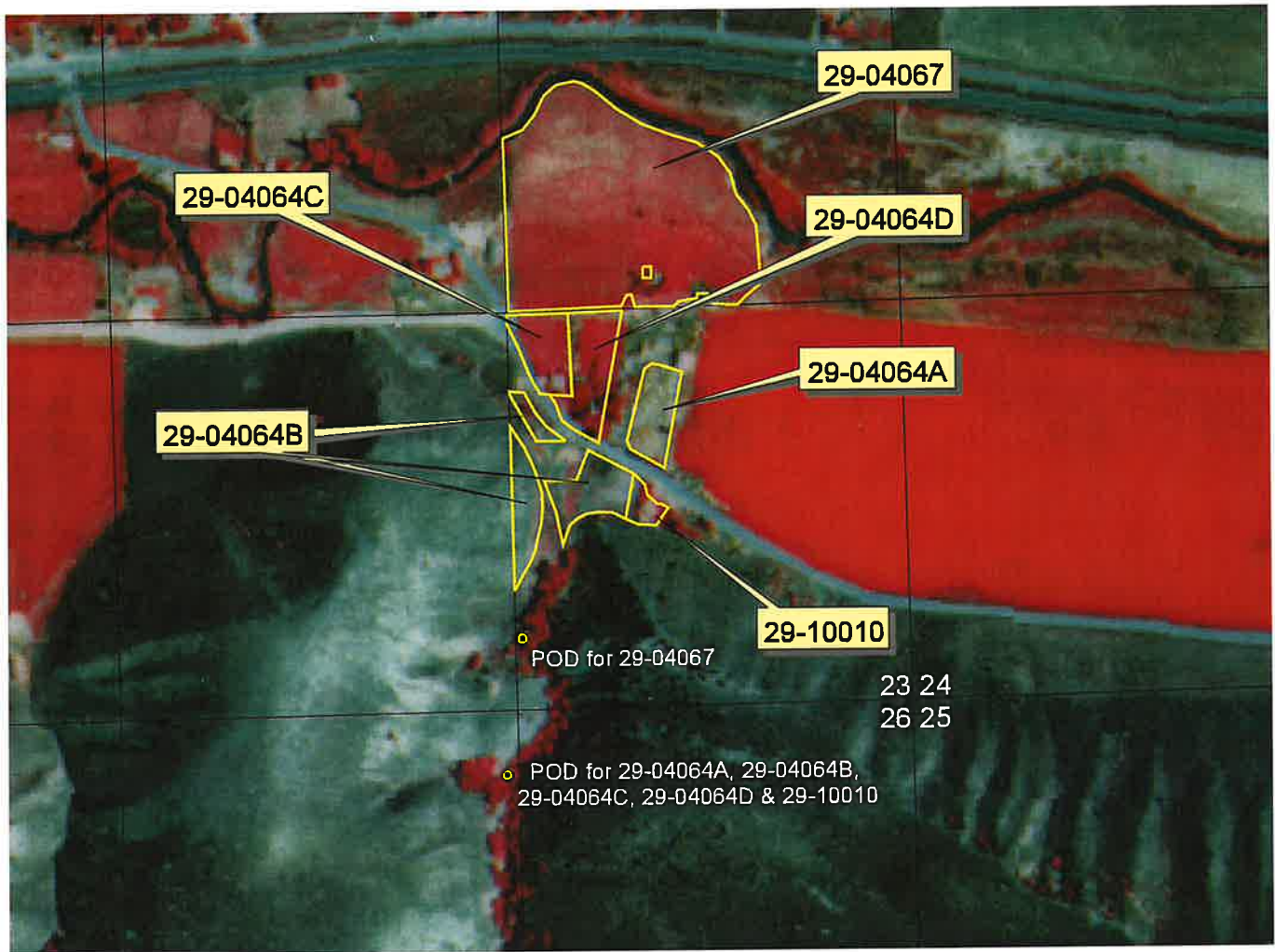
T07S R35E S23 NESE 11.1
11.1 ACRES TOTAL

CONDITIONS OF APPROVAL:

REMARKS: RIGHTS HAVE ALSO BEEN CLAIMED TO WATER FROM OTHER SOURCES FOR THE SAME PURPOSE OF USE AT THE SAME PLACE OF USE DESCRIBED ABOVE, WHICH WILL BE INCLUDED IN A DIRECTOR'S REPORT TO BE FILED AT A LATER DATE. ANY WATER RIGHTS RECOMMENDED IN THE BASIN 29 REPORT FOR THE SAME PURPOSE OF USE AT THE SAME PLACE OF USE DESCRIBED ABOVE WILL CONTAIN REMARKS LIMITING THE COMBINED USE OF THIS RIGHT AND THE RIGHTS FROM THE OTHER SOURCES. THE CONSUMPTIVE USE VOLUME OF THIS RIGHT SHALL NOT EXCEED 33.3 AF IN A SINGLE IRRIGATION SEASON.

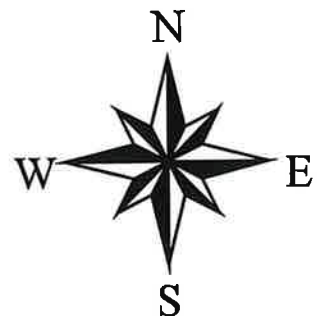
OTHER RIGHTS: 29-07658, 29-10698

Papoose Creek Water Rights



T07S R35E S23 & S26

Map prepared by: Carter Fritschle
Date prepared: 05/10/01
1987-1988 NAPP photography
Idaho Department of Water Resources



Court Report Filing	-	00/00/0000	Field Inspection Made	-	03/15/1990	Civil Case Number	-	39576
Objection Filed Date	-	00/00/0000	Field Inspection Flag	-		Old Case Number	-	
Response Filed Date	-	00/00/0000	Verified Date	-	00/00/0000	Old Judicial District	-	
Claim Received Date	-	01/08/1990	Last Amended Date	-	00/00/0000	Temporary Right	-	P
Proof Due Date	-	00/00/0000	Proof Made Date	-	00/00/0000	Water District	-	
Licensed Date	-	00/00/0000	Receipt Number	-	E011510	Federal/State Indicator	-	S
Claims Tape Error Flg	-		POU Ownership Flag	-	Y	Presumption Flag	-	
Fee Exempt Flag	-		Name Connector	-	OR	Notice of Error Flag	-	

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)

AD/0743NW
(OD-124)

Water Right Number - R29-04067 Prefix Translation: RESEARCH Old (D) Number -

+ - - - - Last Name - - - - + + - - - - First Name - - - - + + - - - - Address - - - - - + + - - - - +

*** C - CURRENT OWNER ***
GERMER

VIRGIL T.

1 - 5268 W PORTNEUF RD

2 -
3 -
City- INKOM
Phone - 208-775-3782

State- ID Zip- 83245

*** A - ATTORNEY ***
LARSEN

REED W.

1 - PO BOX 1391
2 -
3 -
City- POCATELLO
Phone - 208-000-0000

State- ID Zip- 83204

+ - - Priority Date - - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
04/01/1960 15 EASTERN S - STATUTORY CLAIM

+ - - - - Source - - - - + + - - - - Tributary - - - - + + - - - - PORTNEUF RIVER - - - - +
PAPOOSE CREEK

+ - - - - Point of Diversion - - - - - + + - - - - +
Twn Rng Sec Tract Lot RFlg County

07S 35E 23 SW SE SE (5) BANNOCK

+ - - - - Description - - - - - + + - - - - Water Use - - - - - + + - - - - Diversion Rate - - - - - + + - - - - Diversion Volume - - - - - +
Code Period From Period To 0.220 04/01 10/31 0.220

+ - - Total Div. Rate - - - + + - - Total Div. Volume - - - + + - - Total Consumptive Use - - - + + - - KW Usage - - - +
0.220 0.220 0.0

+ - - - - Place of Use - - - - - + + - - - - Description - - - - - + + - - - - County - - - - - +
Twn Rng Sec Tract Lot Acres Code 07S 35E 23 NE SE 11.1 01 IRRIGATION (5) BANNOCK

Total Acres: 11.1

+ - - Diversion Means - HEADGATE TO PIPE, DITCH, PIPE TO SPRINKLER LINE.

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - 29-07658, 29-10698

+ - - - - Remarks - - - - - + + - - - - +

RIGHTS HAVE ALSO BEEN CLAIMED TO WATER FROM OTHER SOURCES FOR THE
SAME PURPOSE OF USE AT THE SAME PLACE OF USE DESCRIBED ABOVE,
WHICH WILL BE INCLUDED IN A DIRECTOR'S REPORT TO BE FILED AT A

Ready to verify
CA 12-27-91

Court Report Filing	-	00/00/0000	Field Inspection Made	-	03/15/1990	Civil Case Number	-	3957
Objection Filed Date	-	00/00/0000	Field Inspection Flag	-		Old Case Number	-	
Response Filed Date	-	00/00/0000	Verified Date	-	00/00/0000	Old Judicial District	-	
Claim Received Date	-	01/08/1990	Last Amended Date	-	00/00/0000	Temporary Right	-	P
			Receipt Number	-	E011510	Water District	-	
			POU ownership Flag	-	Y	Federal/State Indicator	-	S
			Name Connector	-	OR	Presumption Flag	-	
				-		Notice of Error Flag	-	

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

14:24:37
11/29/91

PAGE: 12
QUICKLOOK INFORMATION

CLAIM NUMBER: A29-04067

WR ELEMENT	FIELD EXAM Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	VERIFIED BY CODE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE	Y		CA 3-15-90	Y	6	CA 12-9-91	CA 12-10-91	
POINT OF DIV	Y		CA 3-15-90	Y	5			
SOURCE			CA 3-15-90	N	5			
PLACE OF USE	Y		CA 3-15-90	Y	5			
DIV. AMOUNT CFS/VOLUME			CA 10-18-90 CA 4-9-91	Y	5			
CONSUMPTIVE USE	-		CA 3-15-90	Y	5 & 6	CA 12-10-91		
PURPOSES			CA 3-15-90	N	5			
PERIOD OF USE			CA 3-15-90	N	5 & 6	CA 12-10-91		
BASIS OF CLAIM			CA 3-15-90	N	6	CA 12-22-91	CA 12-27-91	
REMARKS						CA 12-22-91	CA 12-27-91	

"VERIFIED BY" CODES

TOPO MAP/ORTHO-PQ = 1
ASCS MAP = 2
WATERMASTER RECORDS = 3
NAPP PHOTOS = 4
FIELD EXAM = 5
OTHER (SEE REMARKS) = 6

THESE CODES ARE USED TO INDICATE HOW THE FIELD EXAMINER VERIFIED THE INFORMATION
USED FOR THIS FIELD EXAMINATION. INDICATED ARE ALL CODES WHICH APPLY.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

14:24:37
11/29/91

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A29-04067

LAST: GERMER
ADDRESS: 5268 W PORTNEUF RD
CITY: INKOM
PHONE NUMBER: 208-775-3782
OWNER CODE: C

FIRST: VIRGIL T.
STATE: ID ZIP: 83245

LAST: LARSEN
ADDRESS: P/O BOX 1391
CITY: POCATELLO
PHONE NUMBER: 208-000-0000
OWNER CODE: A

FIRST: REED W.
STATE: ID ZIP: 83204

FIELD EXAM REQUIRED?
VERIFICATION REQUIRED DUE TO REMARKS?
NO REMARKS IN CLAIM

DATABASE
N
FIELD
EXAMINER

CONTACT PERSON: Reed Larson Attorney
Virgil T. Germer

DATE OF FIELD EXAM: 3/15/90 APPOINTMENT MADE: Y(☒) N(☐)

ACCOMPANIED BY: Virgil Germer

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / REMARKS:

5268 W. Portneut Rd.

PHONE NUMBER: (208) 725-3782

TIME: 1:20 A() P()

PHONE NUMBER: () - -

A. AJ CLAIM: # A29-04067 PRIORITY DATE: 04-01-1945-1960 STAGE: S
B. WR RECORD: # 29-04067 PRIORITY DATE: 05-01-1938 STAGE: S

C. FIELD EXAM REQUIRED?

DUE TO PRIORITY DATE DISCREPANCY? (Y/N) Y
DATABASE Y
FIELD EXAMINER Y

ARE THERE OBVIOUS REASONS TO QUESTION THE PRIORITY DATE CLAIMED? Y(X) N()
IF YES EXPLAIN.

REMARKS:

Evidence of priority supports a 1960 priority date. See
affidavit of D. Grace Palmer dated December 11, 1990.

RECOMMENDED PRIORITY DATE:

4-1-1960

REVIEWED BY

CF

DATE

12-5-91

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A29-04067	07S	35E	23		SE	SE		BANNOCK

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX
NONE

WR RECORDS IN SAME 40 ACRE TRACT
NONE

SOURCE: PAPOOSE CREEK

TRIB: PORTNEUF RIVER

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
29-04067	07S	35E	23		SE	SE		BANNOCK

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX

NONE

A29-10011 NONE
A29-10101
A29-10102

SOURCE: PAPOOSE CREEK

TRIB: PORTNEUF RIVER

C. FIELD EXAM REQUIRED?

DUE TO POD DISCREPANCY? (Y/N)	DUE TO SOURCE DISCREPANCY? (Y/N)	DATABASE	FIELD EXAMINER
		Y N	<u>Y</u> <u>Y</u>

REMARKS:

No other rights use same p.d.

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

TWP. RGE. SEC. 1/4 1/4 LOT

COUNTY

75 35E 23

SW

SE

SE

Bannock

SOURCE: PAPOOSE CREEK

TRIB: PORTNEUF RIVER

REVIEWED BY: CA

DATE: 12-5-91

A. ROOT WATER RIGHT NUMBERS: A29-04067

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
07S	35E	23	NE	SE		GERMER, VIRGIL T.	A29-04067 /13.0	29-04067 /13.0	34.0	11.1	11.1
			NE	SE		Theron, Smith	A29-04065 / 5.0	-			
			NE	SE		SMITH, THERON J.	A29-04156 / 8.0	29-04156 / 7.0			
			NE	SE		BLACKROCK IRRIGATION PROJECT	A29-04425 /12.2	-			
			NE	SE		GERMER, VIRGIL	A29-07658 /13.0	29-07658 /13.0			
			NE	SE		GERMER, VIRGIL	A29-07659 /	29-07659 /			
			NE	SE		PATTERSON, WILLIAM A.	A29-10696 / 2.6	-			
			NE	SE		GERMER, VIRGIL	A29-10698 /13.0	-			
			NE	SE		WALKER, KENT S.		29-04066 / 1.0			
TOTAL ACRES						A29-04067	13.00	13.00	34.00		

ARE IRRIGATED ACRES FOUND IN TRACTS OTHER THAN INDICATED ABOVE, Y() N(X)
IF YES SEE ATTACHED SHEET:

C. FIELD EXAM REQUIRED?

DUE TO POU DISCREPANCY? (Y/N)

DATABASE Y
FIELD EXAMINER N

PRESUMPTION FLAG:

REMARKS:

Overlapping rights A29-07658 and A29-10698 will be determined at a later time.

RECOMMENDATIONS:

TOTAL ACRES: 11.1

REVIEWED BY: At

DATE: 12-5-91

A. AJ CLAIMED USES:

PURPOSES
A29-04067 IRRIGATION

MONTH/DAY
FROM 04-01 TO 11-01

DIVERSION QUANTITY
.260 CFS
.260 CFS

TOTAL DIVERSION RATE/VOLUME CLAIMED

B. WR RECORDED USES:

PURPOSES
29-04067 IRRIGATION

MONTH/DAY
FROM 04-01 TO 11-01

DIVERSION QUANTITY
.260 CFS
.260 CFS

TOTAL DIVERSION RATE/VOLUME CLAIMED

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

DUE TO WATER-USE DISCREPANCY? (Y/N)
DUE TO DIVERSION RATE DISCREPANCY? (Y/N)
DUE TO PERIOD FROM/TO DISCREPANCY? (Y/N)

DATABASE EXAMINER
N N N
N N N

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

RECOMMEND TO WR STANDARDS OR OTHER?

Y(~~X~~) N()
Y(~~X~~) N()

Explain in remarks, below.

REMARKS:

Recommend new standard (4-1 to 10-31)

Y(X) N()

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

AJ TOTAL CLAIMED DIVERSION RATE: 0.260 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 0.260 CFS

*** IF NO or IF STATUTORY CLAIM or BENEFICIAL USE then flow measurement required. ***
** If an amount smaller than the original diversion rate is **
** claimed and an exam is NOT required, explain in remarks. **

FLOW MEASUREMENT REQUIRED?

FIELD
DATABASE EXAMINER
Y X

DUE TO STAGE OR DIVERSION RATE DISCREPANCY? (Y/N)

FLOW MEASUREMENT

MEASUREMENT METHOD Open Channel Pygmy, SEE ATTACHED CALCULATIONS.
meter

B.

C. ARE OTHER WATER RIGHTS USED? Y() N() IF YES COMPLETE OVERLAP REVIEW.

OTHER RIGHTS LISTED IN CLAIM: NONE

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

CLAIM NO.	SOURCE	NAME	DIV. RATE	RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A29-04067	PAPOOSE CREEK	GERMER, VIRGIL T.	0.260	0.020		
A29-04065	PORTNEUF RIVER	THONON, SMITH	1.460	0.020		
A29-04156	PORTNEUF RIVER	SMITH, THERON J.	0.400	0.026		
A29-04425	PORTNEUF RIVER	BLACKROCK IRRIGATION PROJECT	2.000	0.057		
A29-07658	GROUNDWATER	GERMER, VIRGIL	0.150	0.011	45.50	3.50
A29-10696	GROUNDWATER	PATTERSON, WILLIAM A.	0.080	0.030		
A29-10698	PORTNEUF RIVER	GERMER, VIRGIL	0.260	0.020		

LIST ALL RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION.

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A29-07659	STOCKWATER	GERMER, VIRGIL	FROM 01-01 TO 12-31	.020 CFS	.20 AF/A
A29-07659	DOMESTIC	GERMER, VIRGIL	FROM 01-01 TO 12-31	.040 CFS	1.20 AF/A

D.

RATE/VOLUME CALCULATIONS: (IRRIGATION)

1b. CALCULATIONS

1a. IRRIGATION RATE
ACRES 11.1 x 0.02 CFS/ACRE = 0.22 CFS
(Taken from p/u review)

reduce to .02 cfs/ac.

DOES AMOUNT CLAIMED EXCEED 0.02 CFS/ACRE? Y(X) N()

*** IF YES ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y() N() ***

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = AF/A 3.4
ACRES 11.1 x CONSUMPTIVE VOL. AF/A FOR AREA 2.5 =

TOTAL CONSUMPTIVE USE 27.8 AF/A * new standard
33.3

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = AF/A
ACRES x DIVERSION VOL. AF/A FOR AREA =
TOTAL DIVERSION VOLUME AF/A

C.U. will be conditioned with
Portneuf River and groundwater
rights for the same p.o.u.

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y() N(X)

REMARKS: (Include limitations on CONSUMPTIVE USE for combined rights.)

RECOMMENDATIONS:

REC. PURPOSES	REC. PERIOD FROM TO	REC. DIV RATE CFS		REC. DIV VOL. AF/A		REC. CONS. USE	
		DATABASE	EXAMINER	DATABASE	EXAMINER	DATABASE	EXAMINER
IRRIGATION	04-01 11-01 10-31	0.260	0.22			0.0	~~27.8~~ 33.3
		0.260	0.22			0.0	~~27.8~~ 33.3

TOTAL FOR THIS RIGHT

REVIEWED BY: CA

DATE: 12-5-91

CA 12-10-91

will be ~~con~~ in
remarks of
other rights.

A. CHECK ONLY THE FOLLOWING THAT APPLY:

ACCEPTED AS CLAIMED (X)
NEEDS REVIEW ()

OWNERSHIP FORFEIT/ABANDON
ADDITIONAL DIV. AMOUNT

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 29-04067

TOTAL DIVERSION RATE OF WR SPLITS

DATABASE 0.260
EXAMINER 0.260

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A29-04067	0.260	-	-	29-04067	0.260
TOTAL CFS						0.260

DIVERSION RATE REVIEW

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)
IF NO, is the written review sheet attached? (Y/N)

DATABASE Y
FIELD EXAMINER

REMARKS:

The amount of water recommended is greater than the measured flow from Papoose Creek. However, there is evidence that the flows in Papoose Creek have been significantly greater, thereby making this recommended diversion rate feasible

Overlapping water rights A29-07658 & A29-10698

FO7 Other sources... 29 ... Other sources

AUTHENTICATION:

SIGNATURE: Carter Fritschle
DATE: 12-9-91
NAME OF FIELD EXAMINER: Carter Fritschle
TITLE: Sr. W.R. Agent

CLAIM NUMBER: A29-04067

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	VIRGIL T. GERMER 5268 W. PORTNEUF RD. INKOM ID 83245 (208) 775-3782	04/01/1945	IRRIGATION	04-01 11-01	0.26 CFS	
				TOTAL DIVERSION:	0.26 CFS	
Water Source: PAPOOSE CREEK						
Tributary to: PORTNEUF RIVER						
Stage: STATUTORY CLAIM						
Point(s) of Diversion: T07S R35E S23 SESE BANNOCK County						
Place of use Legal Description for: IRRIGATION						
NE NW SW SE NENE NWNW SWNW SENW NESE NWSE SWSE Lt Ac Lt Ac Lt Ac Lt Ac Lt Ac Lt Ac Lt Ac Lt Ac						
T	R	S	:	:	:	SUM
07S	35E	23	:	:	:	
				13	TOTAL ACRES	
					13.0	13.0

Other Rights: NONE

Other Water Rights Listing Overlapping Place(s) of use:

A29-04065	A29-04156	A29-04425	A29-07658	A29-10696	A29-10698
-----------	-----------	-----------	-----------	-----------	-----------

Non-Irrigation Use: NONE

Dates: Exam Made Date: Verified Date:

Misc: Water District Number:

Verified Date:
Field Inspection Flag:
Presumption Flag:

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Claim
Permit No. A29-04067

1. Owner: Virgil T. Germer Phone No. 775-3782

Current Address: 5268 W. Portneuf Rd. Inkom, ID 83245

2. Accompanied by: Virgil Germer EXAM. DATE: 3-15-90

Address: _____ Phone No. _____

Relationship to Permit Holder: Claimant

3. Source: Papoose Creek tributary to Portneuf River

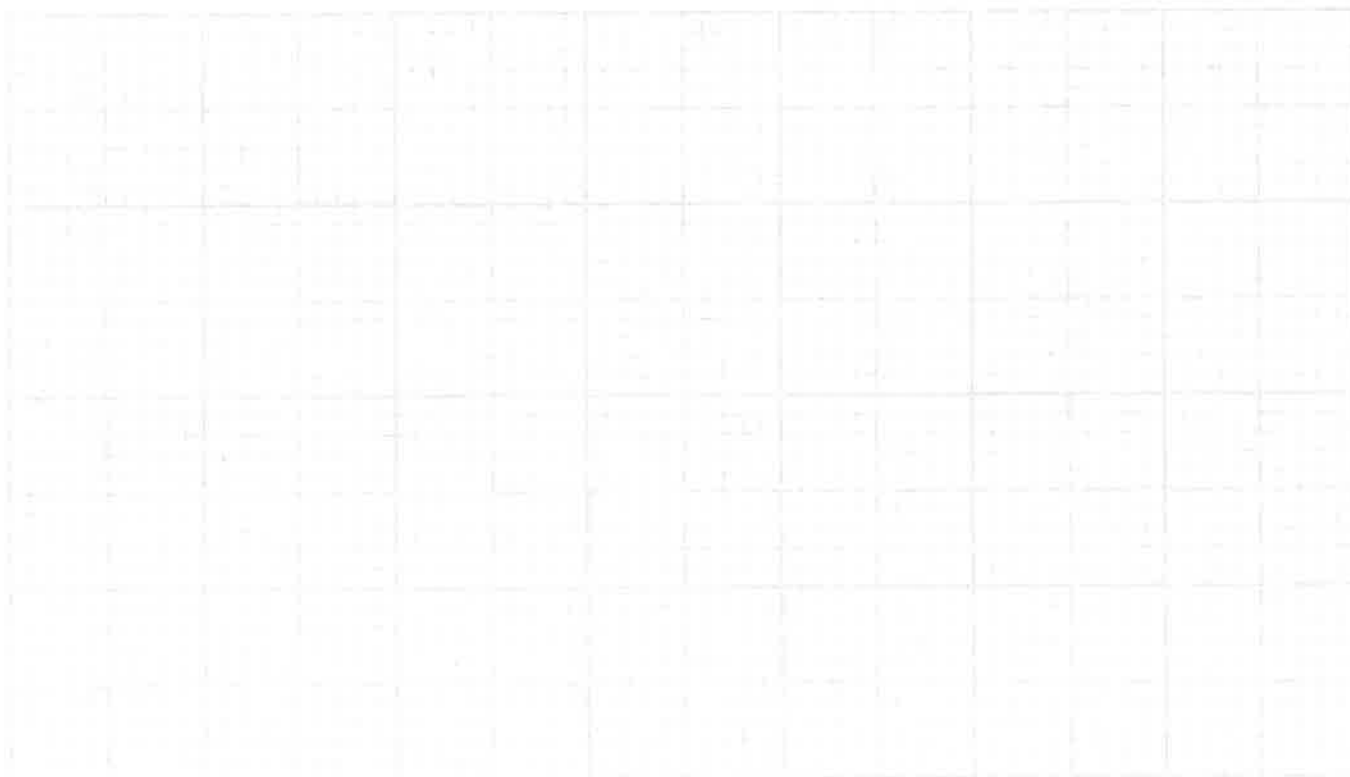
B. OVERLAP REVIEW

1. Other water rights with same place of use: Portneuf River & Groundwater A29-10698
& A29-07658 for irrigation A29-07659 D+S ☒ ^{Proof reports} Copies Attached

2. Other water rights with same point of diversion: none
_____ ☐ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☒ Alternative diagram attached



Scale: 1" = _____.

2. ☒ Copy of U.S.G.S. Quadrangle Attached
Showing location(s) of point(s) of diversion and
place(s) of use (required). ☒ Aerial Photo Attached
(required for irrigation of 10 acres or more).
☒ Photo of Diversion and System Attached
(required for all but single household domestic groundwater, and stockwater).

System Description (continued)

3. **Narrative:** Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)

The system diverts water from Popoase Creek by means of a ^{and} pipeline section, a ditch, another pipe section discharging water into a 55 gallon drum with a trash screen. From the drum the water enters a pipeline to Mr. Gevner's land. The are 13 risers for hand lines to irrigate Mr. Gevner's field and lawn. The same pipeline is used to convey water pumped from the Portneuf River.

☐ See Remarks on page 4 for continuation

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	N/A				

*Code to correspond with No. on map and aerial photo

5. Point(s) of Diversion:

[illegible]

6. Place(s) of Use:

Indicate Method of Determination

[illegible]

Do not use this space

Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. Measurements:

none - system not operating 3-15-90
none - system not operating 10-18-90 Papoose Creek measured.
none - system not operating 4-9-91 Papoose Creek measured.

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

1. Measured Method:

2. Alternate Method for Checking Purposes:

F. PUMP EFFICIENCY DATA (Optional)

Discharge Pressure: _____ psi x 2.31 = _____ ft (1); Dynamic pumping level: _____ ft (2)

Total Head: (1) + (2) = _____ (3) ; Flow rate: _____ cfs (4)

Water HP: (3) x (4) ÷ 8.8 = _____ (5)

Meter Input KW: 3.6 x _____ KH x _____ CTR or _____ MULT x _____ PTR x _____ N/ _____ T = _____ (6)

Meter Input HP: (6) x 1.34 = _____ (7)

Panel Input KW: _____ Ave PF x _____ Ave Volts x _____ Ave Ampsx .001732 = _____ (6)

Panel Input HP: (6) x 1.34 = _____ (7) Efficiency: (5)/(7) x 100 = _____ %

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$ _____

$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$ _____

$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} =$ _____

2. Volume Calculations for Other Uses:

H. REMARKS AND OVERLAP REVIEW ANALYSIS

Mr. Germer can irrigate approximately 10.9 acres of pasture/hay land and approximately 0.2 acres of lawn with this system, for a total of 11.1 acres

1. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use From To	Rate of Diversion Q (cfs)	Annual Volume V (afa)
0.22	4-1	11-1	0.22
0.22	11-1	0.22	0.22

2. Recommended Amendments

- | | | |
|--|--|--------------------------------|
| ☒ Change P.D. as reflected above | ☐ Add P.D. as reflected above | ☐ None |
| ☒ Change P.U. as reflected above | ☐ Add P.U. as reflected above | ☐ Other |

J. AUTHENTICATION

Field Examiner's Name	Carter Fritschle
Signature	<i>Carter Fritschle</i>
Certification Date	
Field Report Preparation Date	3-16-90

K. Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.

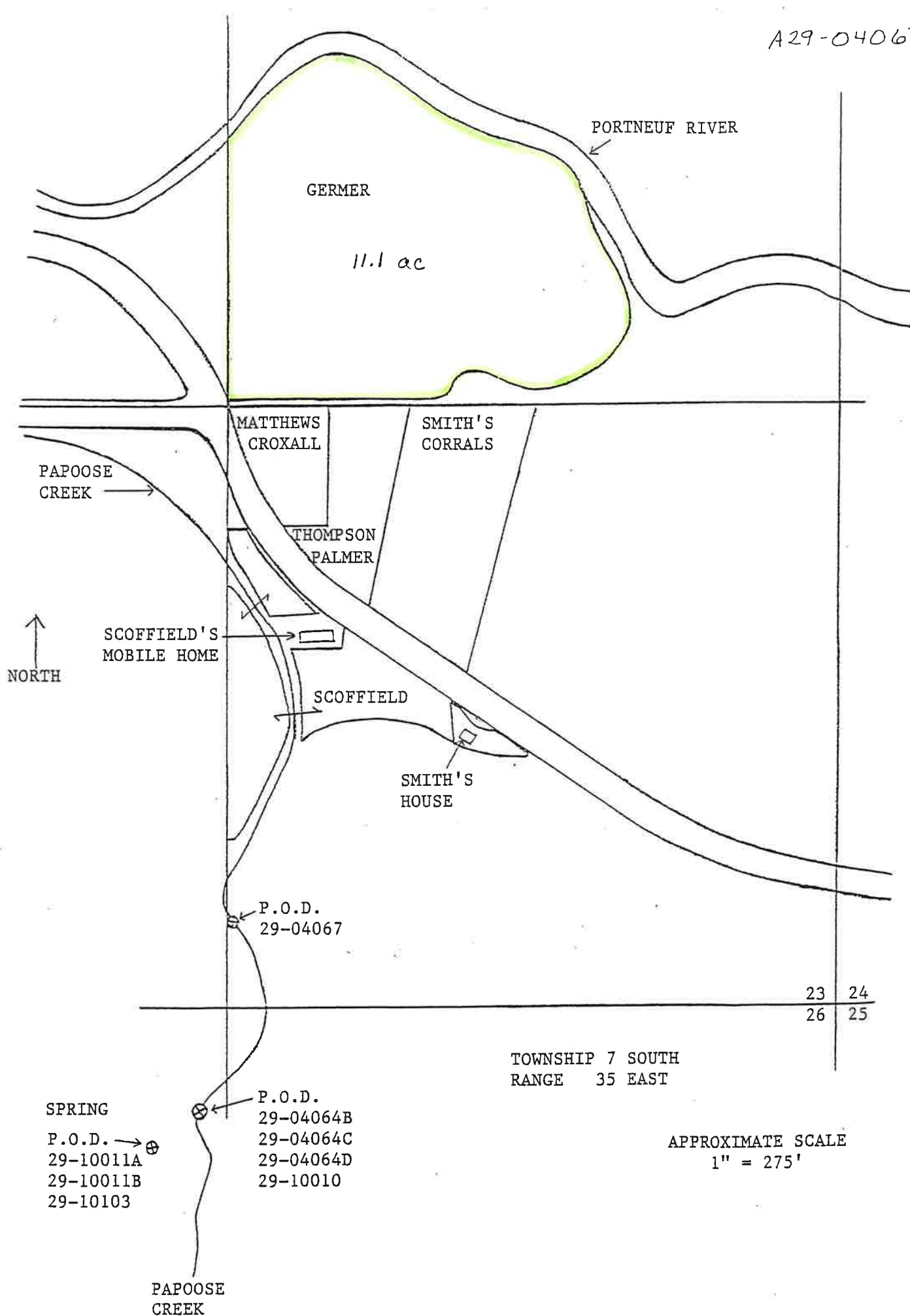
CONSTANT SEAL

CLAIMANT(S): Virgil T. Germer

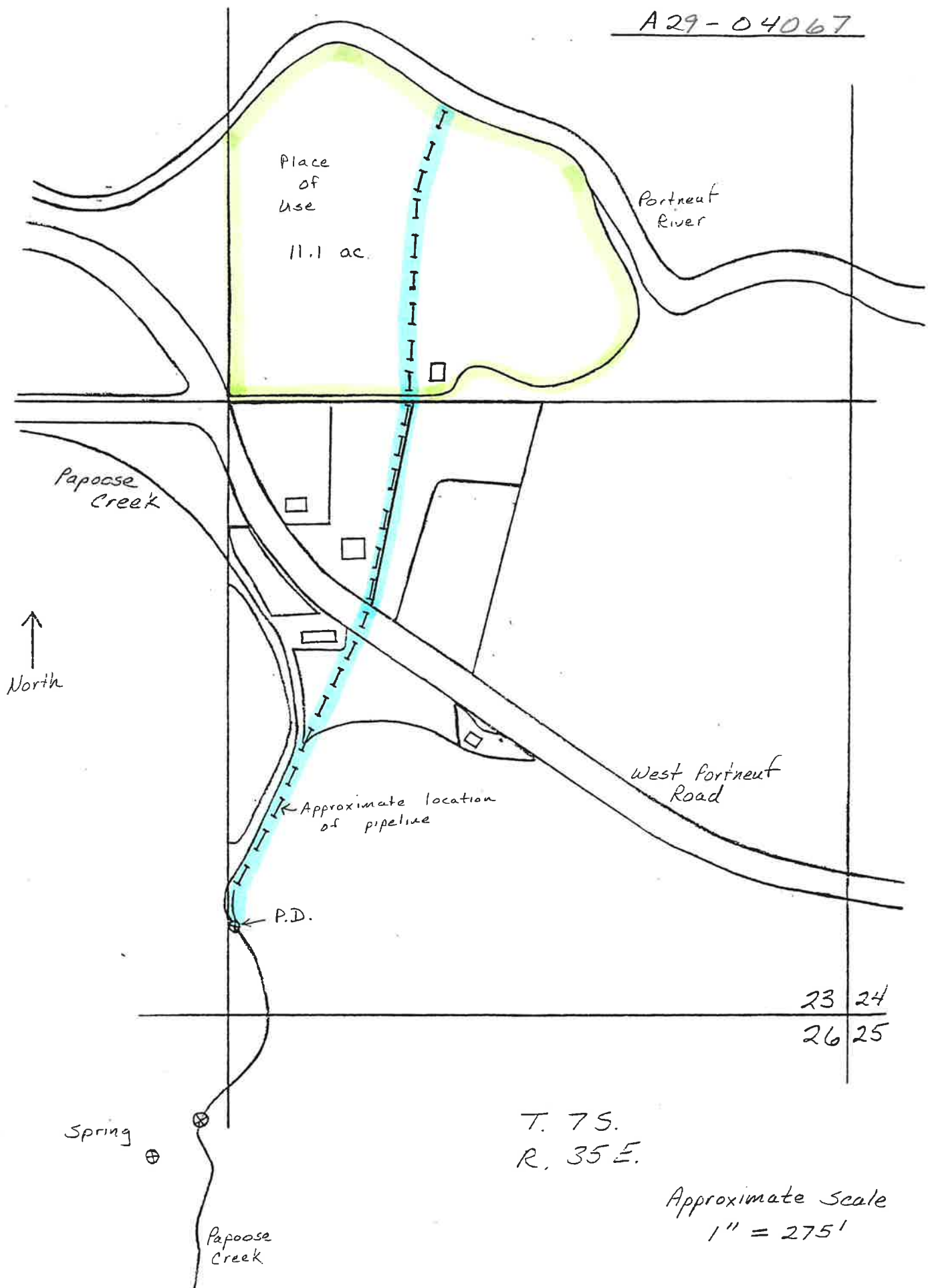
ANALYSIS OF THE WATER USE

The point of diversion for this system may have been the original point of the diversion for all of the lands H. Martin Palmer irrigated from Papoose Creek. Also, the remains of an old ditch bank running from east to west are visible in Mr. Germer's field. It would appear that the southern portion of the field (that portion above the old ditch) was irrigated with Papoose Creek water, and the northern portion of the field (that portion below the old ditch) was irrigated from the Portneuf River. It appears that only after the pressurized sprinkler system was installed and the pump from the river relocated to its present location that the entire field could be irrigated from either source. Therefore, there may be more than one water right from Papoose Creek for the irrigation of these lands. (There may also be more than one water right for the irrigation from the river.) Mr. Germer had not filed any claims for water rights from the Portneuf River at the time of the field inspection, however claim A29-10698 appears to be for the water right from the river. Mr. Germer can also pump groundwater into this system (W.R.# 29-07658) for irrigation and fire protection.





A 29 - 04067

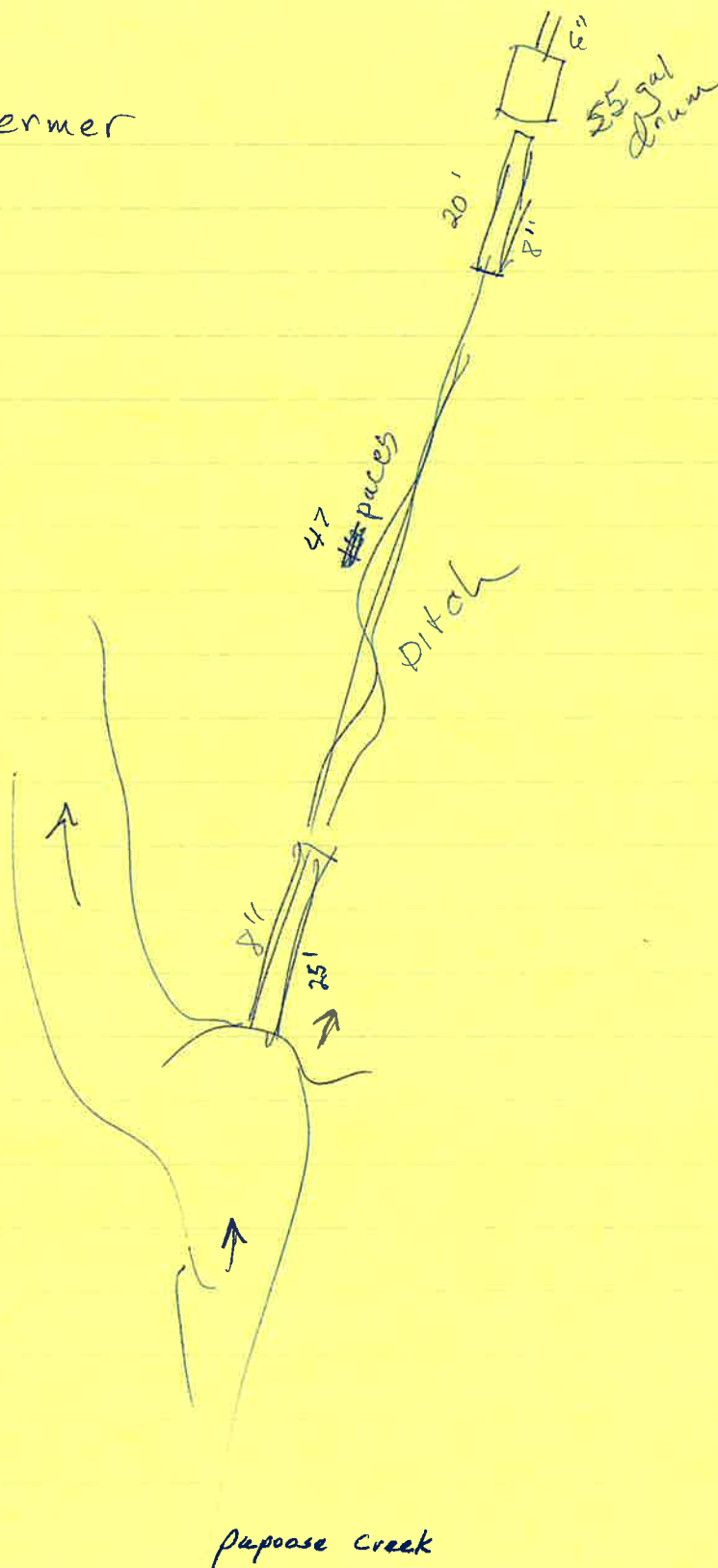


A29-04067

3-15-90

Germer

↑
North



Papoase Creek

RECEIVED
DEC 13 1990

Reed W. Larsen
RACINE, OLSON, NYE, COOPER
& BUDGE, CHARTERED
P.O. Box 1391 - Center Plaza
Pocatello, ID 83204-1391
Telephone: (208) 232-6101

Department of Water Resources

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 Drainage Basin
Water System,

Case Nos. 39576
41798

The State of Idaho, ex rel.
R. Keith Higginson in his official
capacity as director of the Idaho
Department of Water Resources,

Petitioner,

vs.

United States; State of Idaho; and
all unknown claimants to the use
of water from the Snake River
Drainage Basin Water System,

Respondents.

THERON J. SMITH and CARMA B.
SMITH, husband and wife,

Plaintiffs,

vs.

JAY SCOFFIELD and TARA SCOFFIELD,
husband and wife; GRACE PALMER, a
single person; BILLIE JEANNE
CROXALL, a single person; VIRGIL T.)

AFFIDAVIT OF
D. GRACE PALMER

AFFIDAVIT OF D. GRACE PALMER - 1

GERMER and LAURA GERMER, husband)
and wife; KEITH HIGGINSON, director)
of the Idaho Department of Water)
Resources, and JOHN DOES I, II,)
III and IV,)

Defendants.)

STATE OF IDAHO)
:ss
County of Bannock)

D. GRACE PALMER being first duly sworn deposes on oath and states as follows:

1. That I am a resident of Bannock County, Idaho, with personal knowledge and competent to testify as to the facts set forth below.

2. That I was contacted by Virgil Germer in regard to water rights, and what dates water had been put to beneficial use on property my late husband and I sold to Mr. Germer.

3. Attached as Exhibit "A" and incorporated herein by reference is my handwritten statement which accurately sets forth the appropriate priority dates for Mr. Germer's property. There has been water used on the 13 acres since 1940. Water from Papoose Creek has been used on the property now owned by Mr. Germer since 1960. Mr. Germer's property has had the right to use excess water from Papoose Creek from 1960 to the present.

FURTHER SAITH YOUR AFFIANT NAUGHT.

DATED this 11 day of December, 1990.

D. Grace Palmer
D. GRACE PALMER

SUBSCRIBED AND SWORN to before me on this 11 day of
December, 1990.

(SEAL)

[Signature]
NOTARY PUBLIC FOR IDAHO
Residing at: Pocatello, Idaho
My Commission Expires: 4-17-93

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on the 12 day of December, 1990, a
true, correct and complete copy of the foregoing was mailed,
postage prepaid, to the following:

Thomas J. Holmes
P.O. Box 967
Pocatello, ID 83204

Isaac McDougall
P.O. Box 4048
Pocatello, ID 83205

Billie Jeanne Croxall
5230 W. Portneuf Road
Inkom, ID 83245

Grace Palmer
5208 W. Portneuf Road
Inkom, ID 83245

Jim Jones
Attorney General
Statehouse, Room 210
Boise, ID 83720

Peter C. Monson
U.S. Attorney
Land & Natural Resources Div.
Indian Resources Section
P.O. Box 44378
Washington, D.C. 20026

A. Lynne Krogh-Hampe
Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, ID 83720

[Signature]

STAGE

STATUTOKI CLANN

TRIBUTARY: PORTNEUF RIVER

REMARKS :

SESE

```

PLACE OF USE:  IRRIGATION
T07S R35E S23      NESE 13.0
  12.0 ACRES TOTAL

```

EXHIBIT "A"

from Portney River to bridge this land since that time. We also owned land joining on the south which was original Indian land where we used the water from Popoave Creek. In the year 1960 we installed a gravity flow irrigation pipe to carry the water from Popoave Creek thru conveying the water any excess water was let run on down to the 13 acres. all excess water has been used here from 1960 to 1990.

B. Alice Parker

Dec 4, 1998

Norway Public
State of Idaho
Infectious
Communicable Disease

117-03

Water Right Number - A29-10698

Adj. Flag Translation: Adjudication Temporary Work Area

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - -

*** C - CURRENT OWNER ***
GERMER

VIRGIL

1 - 5268 W. PORTNEUF RD.
2 -
3 -

State- ID Zip- 832450000

GERMER

LAURA

City- INKOM
Phone - 208-775-3782
1 - 5268 W. PORTNEUF RD.
2 -
3 -

State- ID Zip- 832450000

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
06/10/1928 15 ERROR IN REGION J - BENEFICIAL USE

PORTNEUF RIVER

Snake River

+ - - - - Source - - - - - + - - - - - Tributary - - - - - + - - - - -
Twn Rng Sec Tract Lot Rply County Point of Diversion - - - - - Stream Index (Blank if no Index Code)

07S 35E 23 NE SE (5) BANNOCK

+ - - - - Code Description Period From Period To Water Use Diversion Rate Diversion Volume

01 - IRRIGATION

03/15

11/15

0.260

+ - - Total Div. Rate - + - - Total Div. Volume - + - - Total Div. Capacity - + - - Total Consumptive Use - + - - KW Usage - +
0.260 32.5

+ - - - - Twn Rng Sec Tract Lot Acres Place of Use Code Description County

07S 35E 23 NE SE

13.0

01 IRRIGATION

(5) BANNOCK

Total Acres: 13.0

+ - - Diversion Means - PUMP TO SPRINKLER SYSTEM

+ - - Non-Irrigation Use - NONE

+ - - Other Rights for same use - 29-07658, 04067

+ - - - - Remarks - - - - -
No Remarks found.

+ - - - - - Old Water Right Numbers - - - - -
No Old Water Right Numbers found.

10/12/90 17:19:10

Adj. flag translation: Adjudication Temporary Work Area

R30 - This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for the lands above.

-	+ - - +
-	- Decree Defendant - - +
-	+ - Decree Date - +
+	00 / 00 / 0000

- - Comments - -
No Comments Found

90 DCARLSON

Adjudication Rights Dates and Flags Area									
Court Report Filing	00/00/0000	Field Inspection Made	00/00/0000	Civil Case Number	39576				
Objection Filed Date	00/00/0000	Field Inspection Flag		Old Case Number					
Response Filed Date	00/00/0000	Verified Date	00/00/0000	Old Judicial District					
Claim Received Date	03/22/1990	Last Amended Date	00/00/0000	Temporary Right	P				
Claims Tape Error Flag		Receipt Number	E012494	Water District					
Fee Exempt Flag		POU Ownership Flag	Y	Federal/State Indicator	S				
		Name Connector		Presumption Flag					

Old (D) Number -

```
+ - - - - - Address - - - - - +
```

State- ID Zip- 832450000

State- ID Zip- 832450000

```

+ - - - Status - - -

```

Tributary - - - - -

Stream Index (Blank if no Index Code)

(5) BANNOCK

Diversion Rate Diversion Volume

0.150	45.50
0.150	
0.150	

32.5

County

(5) БАННОCK

13.0

WELL, PUMP TO SPRINKLER SYSTEM

- NONE

Use - 29-04067, 10698

No Remarks found.

No Old Water Right Numbers found.

Old (D) Number -

```
+-----+
| Address |
+-----+
```

State- ID Zip- 832450000

LAURA

City- INKOM State- ID Zip- 832450000
Phone -

15 ERROR IN REGION

Stream Index (Blank if no Index Code)

075 35E 23 NE SE (5) BANNOCK

Period From	Period To	Diversion Rate	Diversion Volume
1/1/2020	12/31/2020	0.0000	0.0000
1/1/2021	12/31/2021	0.0000	0.0000
1/1/2022	12/31/2022	0.0000	0.0000
1/1/2023	12/31/2023	0.0000	0.0000
1/1/2024	12/31/2024	0.0000	0.0000
1/1/2025	12/31/2025	0.0000	0.0000
1/1/2026	12/31/2026	0.0000	0.0000
1/1/2027	12/31/2027	0.0000	0.0000
1/1/2028	12/31/2028	0.0000	0.0000
1/1/2029	12/31/2029	0.0000	0.0000
1/1/2030	12/31/2030	0.0000	0.0000
1/1/2031	12/31/2031	0.0000	0.0000
1/1/2032	12/31/2032	0.0000	0.0000
1/1/2033	12/31/2033	0.0000	0.0000
1/1/2034	12/31/2034	0.0000	0.0000
1/1/2035	12/31/2035	0.0000	0.0000
1/1/2036	12/31/2036	0.0000	0.0000
1/1/2037	12/31/2037	0.0000	0.0000
1/1/2038	12/31/2038	0.0000	0.0000
1/1/2039	12/31/2039	0.0000	0.0000
1/1/2040	12/31/2040	0.0000	0.0000
1/1/2041	12/31/2041	0.0000	0.0000
1/1/2042	12/31/2042	0.0000	0.0000
1/1/2043	12/31/2043	0.0000	0.0000
1/1/2044	12/31/2044	0.0000	0.0000
1/1/2045	12/31/2045	0.0000	0.0000
1/1/2046	12/31/2046	0.0000	0.0000
1/1/2047	12/31/2047	0.0000	0.0000
1/1/2048	12/31/2048	0.0000	0.0000
1/1/2049	12/31/2049	0.0000	0.0000
1/1/2050	12/31/2050	0.0000	0.0000
1/1/2051	12/31/2051	0.0000	0.0000
1/1/2052	12/31/2052	0.0000	0.0000
1/1/2053	12/31/2053	0.0000	0.0000
1/1/2054	12/31/2054	0.0000	0.0000
1/1/2055	12/31/2055	0.0000	0.0000
1/1/2056	12/31/2056	0.0000	0.0000
1/1/2057	12/31/2057	0.0000	0.0000
1/1/2058	12/31/2058	0.0000	0.0000
1/1/2059	12/31/2059	0.0000	0.0000
1/1/2060	12/31/2060	0.0000	0.0000
1/1/2061	12/31/2061	0.0000	0.0000
1/1/2062	12/31/2062	0.0000	0.0000
1/1/2063	12/31/2063	0.0000	0.0000
1/1/2064	12/31/2064	0.0000	0.0000
1/1/2065	12/31/2065	0.0000	0.0000
1/1/2066	12/31/2066	0.0000	0.0000
1/1/2067	12/31/2067	0.0000	0.0000
1/1/2068	12/31/2068	0.0000	0.0000
1/1/2069	12/31/2069	0.0000	0.0000
1/1/2070	12/31/2070	0.0000	0.0000
1/1/2071	12/31/2071	0.0000	0.0000
1/1/2072	12/31/2072	0.0000	0.0000
1/1/2073	12/31/2073	0.0000	0.0000
1/1/2074	12/31/2074	0.0000	0.0000
1/1/2075	12/31/2075	0.0000	0.0000
1/1/2076	12/31/2076	0.0000	0.0000
1/1/2077	12/31/2077	0.0000	0.0000
1/1/2078	12/31/2078	0.0000	0.0000
1/1/2079	12/31/2079	0.0000	0.0000
1/1/2080	12/31/2080	0.0000	0.0000
1/1/2081	12/31/2081	0.0000	0.0000
1/1/2082	12/31/2082	0.0000	0.0000
1/1/2083	12/31/2083	0.0000	0.0000
1/1/2084	12/31/2084	0.0000	0.0000
1/1/2085	12/31/2085	0.0000	0.0000
1/1/2086			

01/01
01/0112/31
12/31

0.020
0.040

0-20
1-20

1.40

Acres

12 12

SE

04	STOCKWATER
43	DOMESTIC

(5) BANNOCK

Total Acres:

+ - - Diversion Means - 'WELL' PUMP TO HOME AND STOCK TROUGHS

- Non-Irrigation Use - D / ONE HOME S / UP TO 10 CATTLE AND 3 HORSES

+ - - Other Rights for Jan: Use - NONE

Domestic use is for 1 home.

Remarks

[illegible]

Water Right Number - A29-04067

Adj. Flag Translation: Adjudication Temporary Work Area

Old (D) Number -

*** C - CURRENT OWNER ***
GERMER
Last Name - + First Name - + Address - +
VIRGIL T.
1 - 5268 W. PORTNEUF RD.
2 -
3 -
City- INKOM
Phone - 208-775-3782
State- ID Zip- 83245

*** A - ATTORNEY ***
X LARSEN
REED W.
1 - P.O. BOX 1391
2 -
3 -
City- POCATELLO
Phone - 208-000-0000
State- ID Zip- 83204

+ - Priority Date - + 15 - Region - +
04/01/1945
+ - Source - +
PAPOOSE CREEK
+ - Tributary - +
PORTNEUF RIVER

+ - Twn Rng Sec Tract Lot Rflg County Point of Diversion - Stream Index (Blank if no Index Code)
07S 35E 23 SE SE (5) BANNOCK

+ - Code Description Period From Period To Water Use Diversion Rate Diversion Volume
01 - IRRIGATION 04/01 11/01
0.260

+ - Total Div. Rate - + Total Div. Volume - + Total Div. Capacity - + Total Consumptive Use - + KW Usage - +
0.260

+ - Twn Rng Sec Tract Lot Acres Code Description County
07S 35E 23 NE SE 13.0 01 IRRIGATION (5) BANNOCK

Total Acres: 13.0

+ - Diversion Means - HEADGATE TO PIPE/DITCH/PIPE TO SPRINKLER LINE
+ - Non-Irrigation Use - NONE
+ - Other Rights for Same Use - NONE
+ - Remarks -
No Remarks found.

Water right number - A29-04067 Adj. flag translation: Adjudication Temporary Work Area

+ - - - - - Old Water Right Numbers - - - - - +
+ - - - - - Old Water Right Numbers - - - - - +
+ - - - - - No Old Water Right Numbers found. - - - - - +

+ - - - - - Conditions of Approval - - - - - +
+ - - - - - No Conditions of Approval found. - - - - - +

+ - - - - - Decree Plaintiff - - - + + - - - Decree Defendant - - - + + - - - Decree Date - +
00/00/0000

+ - - Audit Fields - 01/08/90 VERNER

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 00/00/0000	Old Judicial District	-
Claim Received Date	- 01/08/1990	Last Amended Date	- 00/00/0000	Temporary Right	- P
Claims Tape Error Flg	-	Receipt Number	- E011510	Water District	-
Fee Exempt Flag	-	POU Ownership Flag	- Y	Federal/State Indicator	- S
Name Connector	- OR			Presumption Flag	-

3-13-90

Virgil T. Germer 775-3782 A29-04067

5268 W. Portneuf Rd. Appt. at 1:00 p.m.
on Thurs. 3-15-90

Busy 9:10 A.M. 10-17-90

Busy 9:40 A.M. 10-17-90

system is shut off CA 10-17-90

3-13-90

Night T. Gerner

775-3785

438-0407

2508 W. Portview Rd.
on Thurs. 3-12-90

Appt. at 1:00 pm



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

Date: March 7, 1990

Virgil T. Germer
5268 W. Portneuf Road
Inkom, ID 83245

Identification no. A29-04067

RE: Field examination of a water right claimed in the Snake River
Basin Adjudication

Dear Claimant:

We are planning to conduct water right field examinations in the vicinity of your water right claim on March 14 and 15, 1990. A field examination is needed to verify your water use.

The field examiner will be visiting your property to obtain information necessary for the verification process. If you, or someone with knowledge of your water system could be available at the time of the field examination, it would be appreciated.

You will be contacted by telephone to schedule a time for the field examination. If you have any questions regarding the field examination, you may contact this office at (208) 327-7862.

Sincerely,

A handwritten signature in cursive script, reading 'Carter Fritschle'.

Carter Fritschle
Senior Water Resource Agent
Adjudication Bureau



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

Date: March 7, 1990

Reed W. Larson
Attorney at Law
P.O. Box 1391
Pocatello, ID 83204

Identification no. A29-04067

RE: Field examination of a water right claimed in the Snake
River Basin Adjudication

Dear Mr. Larson:

We are planning to conduct water right field examinations in the vicinity of your client's water right claim on March 14 and 15, 1990. A field examination is needed to verify the water use. The field examiner will be visiting your client's property to obtain information necessary for the verification process.

A copy of the letter sent to your client is enclosed. If you wish to be present with your client at the time of the field examination, or if you have any questions regarding the field examination, you may contact this office at (208) 327-7862.

Sincerely,

Carter Fritschle
Carter Fritschle
Senior Water Resource Agent
Adjudication Bureau

Enclosure:

Copy of letter to client

MEMO

TO: File
FROM: Lynne Krogh-Hampe
DATE: February 12, 1990
RE: Smith v. Scoffield

I. CLAIMS (to Papoose Creek or spring trib to Papoose Creek)

A. Smith

A29-4064A* 1889, .04 cfs to irr 1.8 A (shows lot N of rd.)
A29-10011 1945, .02 cfs for D/1, S/100 (shows same lot, source
spring)
A29-10010 1969, .02 cfs to irr 1 A (shows lot S of rd.)
Also has two claims (A29-4156 and A29-4215) from Portneuf River
for irr of lands in different section.
Also has one claim (A29-4065) from Portneuf River for irr of same
lands as A29-4064A.

B. Scoffield

A29-4064B* 1889, .164 cfs for irr of 8.2 A, plus incidental
stock
A29-10103 1927, .02 cfs for D/1 (source spring)

C. Croxall

A29-4064C* 1889, .022 cfs for irr of 1.1 A
Also has one claim (A29-10101) from GW for D/1

D. Palmer

A29-4064D* 1889, .031 cfs for irr of 1.5 A
Also has one claim (A29-10102) from GW for D/1

E. Germer

A29-4067 1945, .260 cfs for irr of 13 A

*These claims are all part of one statutory claim for which there
are assignments in IDWR files.

II. Notes

The report on these parties claims will include only the claims to Papoose Creek and the spring tributary to Papoose Creek.

The first step is to do the field work to review the claims, and to provide a fairly detailed report of the results of the field work, including a diagram (from which a map can later be made if necessary) of the diversion works and uses of water.

We also need to get some supporting information on the priority dates claimed, since they all have a basis of beneficial use or statutory claim. A29-10010 and 10103 qualify as small D&S which would normally come under the proposed policy that no supporting information is required for the priority date, but here, all the claims are small and we know there is a current dispute so we probably ought to seek supporting information as to all of them. Note that the statutory claim is evidence of the priority date only as of the date the claim was filed (8/30/76 for 29-4067, and 5/3/76 for 29-4064).

A29-4064A, A29-4064B, A29-4064C and A29-4064D are portions of A29-4064 that are claimed consistent with the assignments in IDWR files. A29-4064E, which is the remainder that was not conveyed away, was not claimed, and this should be checked out. A29-4067 is claimed consistent with the statutory claim, except that a later priority date is claimed in the adj claim.

Form No. 42-1409 (2) a 1/86

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 A29-04067Date Received 1/5/90Receipt Number EQ 11510

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW



Please type or print clearly

- Name of Claimant (s) Virgil T. Germer Phone (208) 775-3782
Mailing Address 5268 W. Portneuf Rd. Inkom Zip 83245
- Date of Priority (Only one (1) per claim) April 1, 1945
- Source of water supply (a) Papoose Creek
which is tributary to (b) Portneuf River
- a. Location of existing point of diversion is: Township 7S Range 35E Section 23,
1/4 of SE 1/4 of SE 1/4, Govt. Lot, B.M., County of Bannock
Additional points of diversion if any: _____
- b. If instream flow, beginning point of claimed instream flow is:
Township 8S Range 35E Section 23, 1/4 of 1/4 of 1/4,
Govt. Lot _____ B.M., County of Bannock
ending point is: Township 7S Range 35E Section 23, NE 1/4 of SE 1/4 of
SE 1/4, Govt. Lot B.M., County of Bannock
- Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. Diverted into 8 inch pipe for
approximately 15 feet; then to ditch for approximately 300 feet;
then into 8 inch pipe for approximately 12 feet; then into a 54
gallon barrel for screening; and then into 6 inch pipeline gravity,
but sufficient to pressurize and finally flow into 4 inch hand
line sprinkler.

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from April 1 to Nov. 1 amount .26 or 13

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .26 (cfs) and/or (b) 13 (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-Irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

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

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

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
<u>7S</u>	<u>35E</u>	<u>23</u>																	

Total number of acres irrigated 1311. In which county (ies) are lands listed above as place of use located? Bannock12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.

56' Domestic well for household purposes; 100' well for fire or None ()
protection, livestock; irrigation.

14. Remarks:

See attached Assignment of Claim from Mrs. Martin Palmer to Virgil T. or
Laura GermerLast Name Germer Ident No. 29-4067

Copies: White -State, Yellow-Claimant

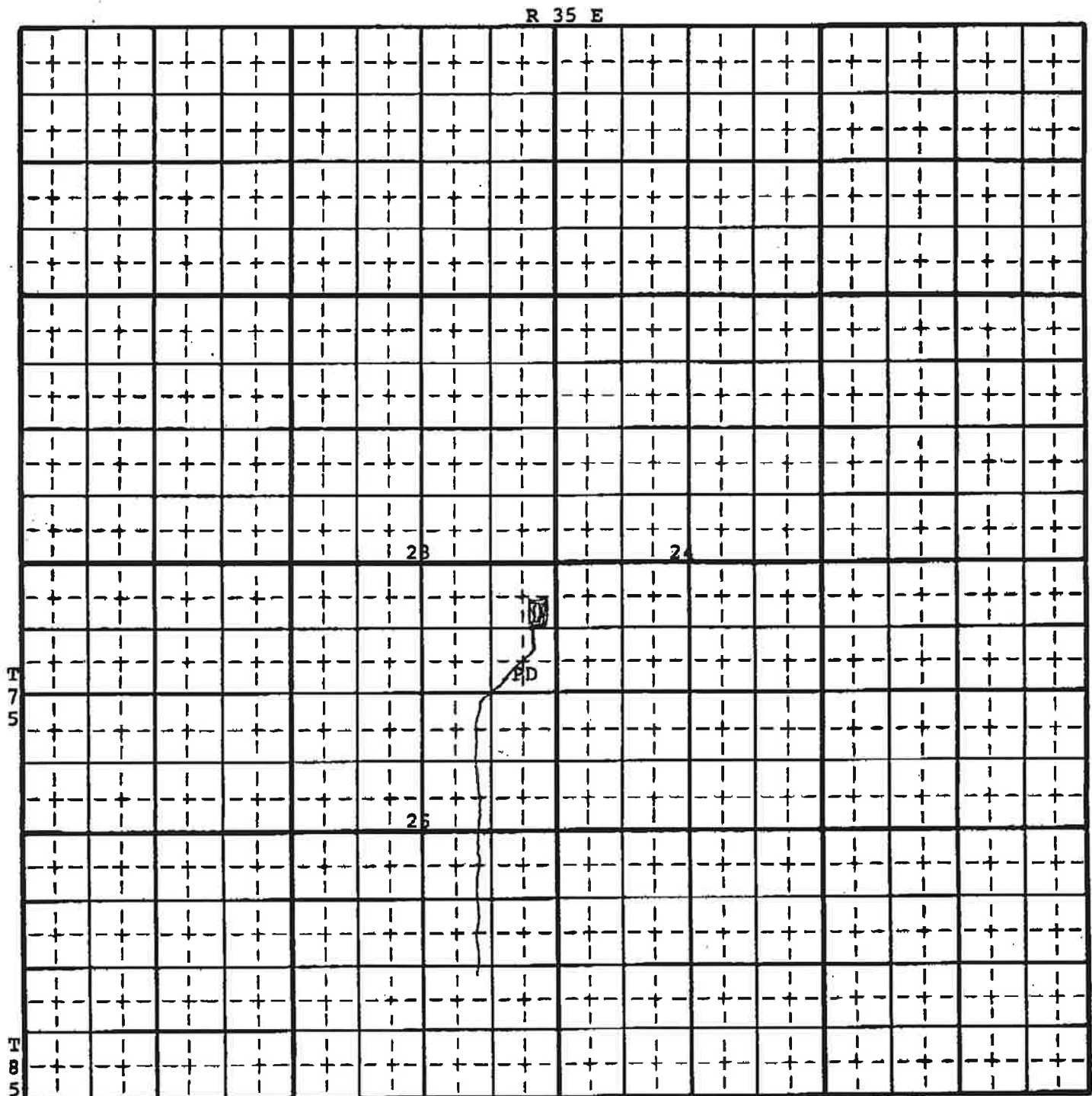
TO: BOISE

JUL-22-'92 WED 13:10 ID:IDWR EASTERN REGION TEL NO:(208) 525-7177

#946 P03

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

Scale: 2 inches equals 1 mile



Last Name Germer

Ident No. 29-4067

Copies: White-Stats, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice _____ License _____ Permit _____
 Decree _____
 If applicable provide IDWR Water Right Number _____
 Court _____ Case Number _____ Decree Date _____
 Plaintiff vs Defendant _____

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments 4

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

Signature of Claimant (s)

Vigil J. GermerDate 12-7-89Darius B. GermerDate 12-7-89

For Organizations: I do solemnly swear or affirm that I am _____

Title

of _____, that I have signed the foregoing

Organization

document in the space below as _____

Title

Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____

Date _____

State of Idaho/or _____)

SS.

County of Bannock)

Subscribed and sworn (or affirmed) before me this _____

7day of December19 89

SEAL

Notary Public Reed W. LarsenResiding at Pocatello, IdahoMy Commission Expires 1991

Please Print Name

17. Notice of Appearance:

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

Signature Reed W. LarsenAddress P.O. Box 1391 Pocatello, Id 83204Date 12/7/89Last Name GermerIdent. Number 29-4067

Copies White-State, Yellow-Claimant

Water Right Number - A29-04067

Prefix Translation: ADJUDICATION CLAIM

Old (D) Number -

*** C - CURRENT OWNER ***
GERNER
VIRGIL T.
1 - 5268 W. PORTNEUF RD.
2 -
3 -
City- INKOM
Phone - 208-775-3782
State- ID Zip- 83245

*** A - ATTORNEY ***
LARSEN

REED W.

1 - P.O. BOX 1391
2 -
3 -
City- POCAHELLO
Phone - 208-000-0000
State- ID Zip- 83204

Priority Date - - - +
04/01/1945 1960 15 EASTERN + - - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +

Source - - - - - +
PAPPOSE CREEK + - - - - Tributary - - - - -
PORTNEUF RIVER

TwN Rng Sec Tract Lot Rflg County Point of Diversion - - - - - Stream Index (Blank if no Index Code) - - - - -

07S 35E 23 SE SE (5) BANNOCK

Code Description Period From Period To Water Use Diversion Rate Diversion Volume
01 - IRRIGATION 04/01 11/01 0.260 0.22 cfs

Total Div. Rate - + - - - Total Div. Volume - + - - - Total Div. Capacity - + - - - Total Consumptive Use - + - - - KW Usage - +
0.260 0.22 cfs 0.0

TwN Rng Sec Tract Lot Acres Code Description County
07S 35E 23 NE SE 13.0 01 IRRIGATION (5) BANNOCK

Total Acres: 13.0 141 acres

+ - - - - Diversion Means - HEADGATE TO PIPE/DITCH/PIPE TO SPRINKLER LINE

+ - - - - Non-Irrigation Use - NONE

+ - - - - Other Rights for Same Use - NONE

Remarks
No Remarks found.

Old Water Right Numbers
No Old Water Right Numbers found.

Prefix Translation: ADJUDICATION CLAIM

+ - - - Decree Plaintiff - - +	+ - - - Decree Defendant - - +	+ - Decree Date - +
		00/00/0000

++ - - Audit Fields - 01/08/90 VERNER

+ + + + + - Comments - - - - -
+ + + + + No Comments Found

+-----+ Adjudication Rights Dates and Flags Area -----+

Court Report Filing	-	00/00/0000	Field Inspection Made	-	00/00/0000	Civil Case Number	-	39576
Objection Filed Date	-	00/00/0000	Field Inspection Flag	-		Old Case Number	-	
Response Filed Date	-	00/00/0000	Verified Date	-	00/00/0000	Old Judicial District	-	
Claim Received Date	-	01/08/1990	Last Amended Date	-	00/00/0000	Temporary Right	-	P
Proof Due Date	-	00/00/0000	Proof Made Date	-	00/00/0000	Water District	-	
Licensed Date	-	00/00/0000	Receipt Number	-	E011510	Federal/State Indicator	-	S
Claims Tape Error Flag	-		POU Ownership Flag	-	Y	Presumption Flag	-	
Fee Exempt Flag	-		Name Connector	-	OR	Notice of Error Flag	-	

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	MAXIMUM DIVERSION	STAGE
--------------	----------------	---------------	-----------	--------------------	-------------------	-------

A29-04067	VIRGIL T. GERMER 5268 W. PORTNEUF RD. INKOM ID 83245	04/01/1945 ↓ 1940	IRRIGATION	04-01 11-01	0.26 CFS	STATUTORY CLAIM
-----------	--	-------------------------	------------	-------------	----------	-----------------

REED W. LARSEN
P.O. BOX 1391
POCATELLO ID 83204

according to Lynne

1960

0.26 CFS TOTAL
0.00 AFA TOTAL

TRIBUTARY: PORTNEUF RIVER

SOURCE: PAPOOSE CREEK
OTHER RIGHTS: NONE
CONDITIONS OF APPROVAL:

REMARKS:

POINT OF DIVERSION: SESE
T07S R35E S23

PLACE OF USE: IRRIGATION
T07S R35E S23
13.0 ACRES TOTAL

NESE 13.0 OK

SW 1/4 SE 1/4 SE 1/4

- priority date should be 1940
- source OK
- POD - make more accurate
- POW OK

Carter found 11.1 acres irrigated

should be limited to .222 cfs / 1940



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

November 20, 1990

Reed W. Larson
Attorney at Law
P.O. Box 1391
Pocatello, Idaho 83204

RE: Evidence of priority date for Notice of Claim to a Water
Right filed in the Snake River Basin Adjudication (SRBA);
claim number A29-04067

Dear Mr. Larson:

The Notice of Claim to a Water Right referenced above has been filed in the SRBA in the name of your client, Virgil Germer. The claim indicates the water usage is based on beneficial use. Beneficial use rights are established by the historical use of water, dating back to when water was first used for the purpose claimed. The date the water was first put to use, known as the priority date, has not been confirmed by a license, decree or permit. Please note that certain beneficial use rights are identified as "Statutory Claims". A Statutory Claim is a beneficial use right that was recorded with the Department, but was not confirmed. Since the priority date of a beneficial use water right cannot be confirmed by a field examination, proof must be provided supporting the priority date.

A printout of your client's claim is enclosed for your reference, as well as the pamphlet entitled "Evidence of Priority". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. While I encourage you to read all of the pamphlet, I direct your attention to the two sections entitled "What Kind of Evidence is Required" and "Some Examples of Documents Which May Be Evidence of the Priority Date".

It is the goal of the Department to recommend the historical water rights within the Snake River Basin as accurately as possible. A field examination to verify other items of the claim has been conducted. Since the Department cannot confirm the priority date the way other elements of the water right are confirmed by field examination we are asking for evidence of the priority shown on the Notice to make the record complete before recommending a beneficial use water right to the court.

Reed W. Larson
Page 2

The Department will not recommend the claims be decreed by the court as claimed if no evidence of a priority date is submitted.

Please submit the required evidence supporting the priority date to the address shown below by December 20, 1990, referencing all documents with the corresponding claim number. If you have any questions not covered by this letter or the enclosed pamphlet, please contact this office.

Sincerely,



Carter Fritschle
Senior Water Resource Agent
Adjudication Bureau

Please submit documents to:

Idaho Department of Water Resources
Adjudication Bureau
1301 N. Orchard
Boise, ID 83706-2237

Enclosures:

"Evidence of Priority"
"Adj. Listing of Water Rights"

AJ5807NP
(OD-117)

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	USE PERIOD		MAXIMUM DIVERSION	STAGE
			FROM	TO		
A29-04067	VIRGIL T. GERMER 5268 W. PORTNEUF RD. INKOM ID 83245	04/01/1945 IRRIGATION	04-01	11-01	0.26 CFS	STATUTORY CLAIM

TRIBUTARY: PORTNEUF RIVER

SOURCE: PAPOOSE CREEK
OTHER RIGHTS: NONE
CONDITIONS OF APPROVAL:

REMARKS:

POINT OF DIVERSION:
T07S R35E S23 SESE

PLACE OF USE: IRRIGATION
T07S R35E S23 NESE 13.0
13.0 ACRES TOTAL

0.26 CFS TOTAL
0.00 AFA TOTAL

9. The decree entered in a general adjudication is binding on all parties and conclusive as to the nature and extent of the water rights of all parties, including all unknown parties. Idaho Code § 42-1420.

Conclusions as to Water Rights

1. The rights of the named parties to this action are recommended to be decreed as described in the List of Recommended Water Rights, attached hereto and incorporated by reference herein.

2. Information available to IDWR was not sufficient to support a finding that water from Papoose Creek has been beneficially used on the place of use claimed under Claim No. 29-04064A, which claim is therefore recommended for disallowal.

3. Information available to IDWR supports a conclusion that .04 cfs of water from Papoose Creek was appropriated by beneficial use commencing in 1927, and is used for irrigation of two acres. This appropriation is designated 29-⁰4064B and is more fully described in the List of Recommended Water Rights.

4. Information available to IDWR supports a conclusion that .02 cfs of water from Papoose Creek was appropriated by beneficial use commencing in 1927, and is used for irrigation of .07 acres. This appropriation is designated 29-⁰4064C and is more fully described in the List of Recommended Water Rights.

5. Information available to IDWR supports a conclusion that .03 cfs of water from Papoose Creek was appropriated by beneficial use commencing in 1927, and is used for irrigation of 1.3 acres. This appropriation is designated 29-⁰4064D and is more fully described in the List of Recommended Water Rights.

6. Information available to IDWR supports a conclusion that .22 cfs of water from Papoose Creek was appropriated by beneficial use commencing in 1960, and is used for irrigation of 11.1 acres. This appropriation is designated 29-4067⁶ and is more fully described in the List of Recommended Water Rights.

7. Information available to IDWR supports a conclusion that .02 cfs of water from Papoose Creek was appropriated by beneficial use commencing in 1969, and is used for outdoor domestic use for one home or less than 1/2 acre. This appropriation is designated 29-10010 and is more fully described in the List of Recommended Water Rights.

8. Information available to IDWR supports a conclusion that .02 cfs of water from the unnamed spring has been applied by beneficial use commencing in 1969, for stockwater and indoor use for one home. This appropriation is designated 29-10011 and is more fully described in the List of Recommended Water Rights.

9. Although information available to IDWR indicates that water from the unnamed spring may have been used for domestic purposes commencing in 1970 on the place of use described in claim No. 29-10103, any right established thereby has been forfeited by a continuous period of nonuse in excess of five years.

10. Rights recommended in the List of Recommended Water Rights include all rights of named parties to waters of Papoose Creek and the unnamed spring tributary to Papoose Creek.

*see
Baker v. Smith
for Scottfield's
claim at
1970*

*I am concerned
about "partially" listing
the water rights in the
findings, again in the
conclusions and a third listing
in "List of Recommended ..."
which is being decreed? if there
is a discrepancy which is correct
Is all this appropriate for
a Director's Report?*

*recommended
but
with
1970
prior*

Responses Smith v. Scottfield

Scottfield objections:

✓ #10 Scottfield objects to priority -

¹²¹⁻¹⁰¹⁰³
~~response~~ Scottfield's doctrine was entered in 1976 (?) and did not
resume again until 1985. ~~the~~

~~Scottfield has not claimed Palmer's water rights (so no change
in place of use, has taken place [42-1416(a)])~~

~~Scottfield~~
1970 priority date - ~~trailer was moved onto the property & hooked
up to Cistern~~
B.J. Crowell ¹²¹⁻¹⁰¹⁰³ pp 35-36

Scottfield has not claimed Palmer's water rights - no change in
place of use has taken place → ^{therefore} Scottfield cannot benefit from
Palmer's earlier priority date. / No forfeiture in 1976-83 b/c _____ (?)

~~Conclusion: But Scottfield's claim Palmer's doctrine water right was conveyed w/ the
property - was it? (see objection #10)~~

✓ #13 Field exam ^{on 3/15/10} supports recommendation of 2 acres. Insufficient evidence
to support claimant's assertion of 3.8 acres.
~~- field exam & vegetation system not set up to measure more than
2 acres~~
~~- NHA's photo dated 8-11-80 indicates 1.8 irrigated acreage~~

deny

2000
11/11/11

10/11/11
10/11/11

10/11/11 10/11/11 10/11/11 10/11/11 10/11/11

10/11/11 10/11/11 10/11/11 10/11/11 10/11/11

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10/11/11 10/11/11 10/11/11 10/11/11 10/11/11

10/11/11

already

✓ #16 Papoose Ck - I think that this is essentially a priority later dispute. The overlapping claim from the Portmout tower has not been addressed and is not subject to this litigation. (when the Portmout note is recommended there will be a conditional use limitation)
claim #29-04067 (Gomer) remains

deny

It is irrelevant that there may or may not be enough water in Papoose Creek to support claim no. 29-04067 it will be served when water is available based on its priority.

29-04067 is 4th in priority on Papoose Ck and is only Sr. to claim no 29-10010

Scaffell exhibit #C does show that "All reserve" w/ water rights from Papoose Ck, but this only pertains to those water rights which the Palmers had at the time of the conveyance. The Gomers 29-10010 (Smith) did not divert the water to his lands until 1969. ~~Palmers~~ Gomers received "excess water" from Papoose Ck since 1960

✓ #19 #29-100113 (Cistern water to Smith home) is plumbed in to the Smith home. It is a backup water source to his home which he has not been abandoned or forfeited....

✓ #20 - Note: perhaps we should reconsider this + allow for a change in place of use from Palmers house at a 11th priority date.

see Smith objection to #20
1970

the

the first thing I noticed when I stepped out of the car was the smell of the sea. It was a salty, fresh scent that I had never experienced before. The sun was shining brightly, and the waves were crashing against the shore. I felt a sense of freedom and adventure as I walked along the beach.

The sand was soft and warm under my feet. I looked out at the vast expanse of the ocean, where the horizon line met the sky. A few seagulls were flying overhead, and the sound of their wings added to the peaceful atmosphere. I took a deep breath, savoring the salty air. This was exactly what I needed.

I walked for miles, not caring where I was going. The only thing on my mind was the feeling of the sand between my toes and the gentle breeze on my face. I had heard that the beach was beautiful, but I didn't realize how much I would love it. It was a perfect escape from the busy world I left behind.

As the sun began to set, the sky turned a beautiful shade of orange and pink. The waves continued to crash, and the seagulls were still flying. I sat on the sand, watching the sunset. It was a truly magical experience, and I knew that I would never forget it.

The beach was a perfect place to relax and unwind. I had heard that the water was cold, but it was just what I needed to cool off. I swam for hours, enjoying the gentle waves. The sun was still shining, and the air was warm. It was a perfect day, and I was lucky to be here.

Smith objections

✓ #12 in light of new information (affidavit of Wayne Taysom) we recommend
have no .02 CFS ~~1927~~ (cancel the disallow)

insufficient info to admit or deny the use prior to this time.
At the time of field exam... (claim was for irrigation only)

recommendation for denial
was based on field exams
conducted in 1968 at which
time there was no irrigation
current irrigation

✓ #13
Scottell
1970
(renew)

There seems to be good evidence that this should
have the later priority date - ask Carter
Re Field exam supports the use, Palmers affidavit supported
the priority date - looks sufficient info to admit or deny the allegations
in the Smith & Gower objections and no indication
of recent irrigation

Mathews
1960?
(pipette
work in)

Priority date info is conflicting (in evidence file) vs affidavits of Ron Gunder, Morris Dwyer,
Marvin Munne, + LeRoy Bowden (submitted to Smith objection #4)

also photo submitted is not clear enough to
base a decision - we are ordering original
but it won't arrive in time - if it is we will have
to change recommendation
Grace Palmer stated of Dec 4, 1990

Photographic evidence shows land under irrigation ~~in 1980, 1976, + 1977~~

Prior to 1980 - not enough evidence to show some of water
(fapose or spring?) I suggest that we explain the evidentiary problems + stick
w/ present recommendation until further evidence
is provided...

Save us
#13
in the Smith
objections

✓ #20 1927 or 1970 or ~~1983~~?
1983?
reply to
see n Scottell objection

No intervening rts after 1970 so 1970 is ok.

Scottell is already Jr. and only has the rt to whatever water
Smith (Sr.) does not put to beneficial use

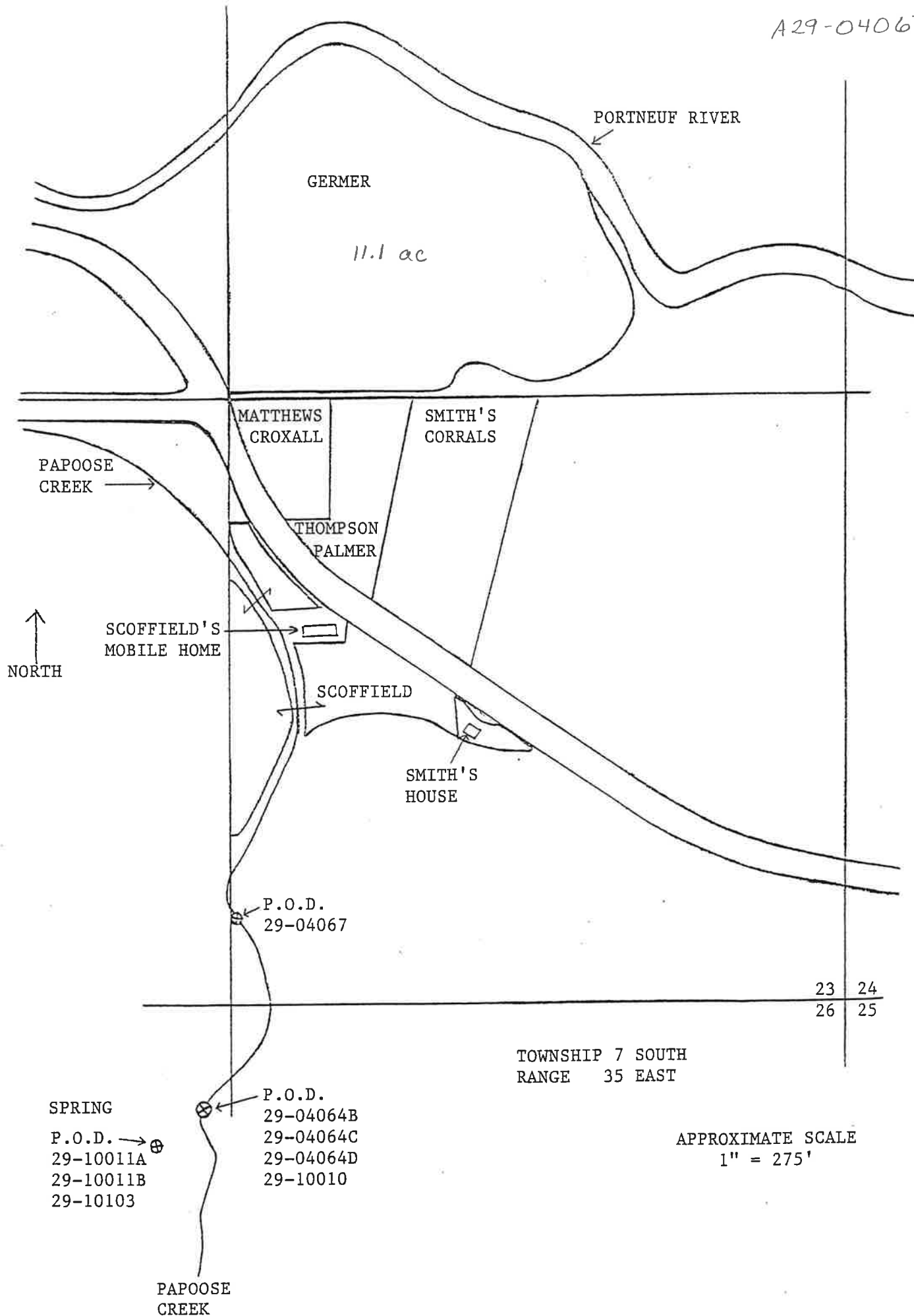
* Smith cannot waste the water → can only fill the trough (+ back up to his house)

OK w/ Lyric - can we keep the rt 1970 since no intervening
use or do we have to bump them to 1983 → if we
bump them to 1983 we have trouble w/ the mandatory permit statute

Germe objections

✓ #13 ~~see~~ previous responses.

see Smith 13



AJ0722NP
(OD-22)

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS BY POINT OF DIVERSION

DATE: 03/06/90
PAGE: 1

TWP	RNG	SECT	TRACT	LOT	WATER USE CODE	WATER RIGHT NO.	LAST NAME	O	STG	PRIORITY DATE	WATER SOURCE
07S	35E	23	1\4 1\4 1\4	43		A29-10094	AGUILAR (DECEASED)	C	J	05/31/1964	GROUNDWATER
							AGUILAR	C			
07S	35E	23		01		A29-04065	TERRON	C	S	04/01/1926	PORTNEUF RIVER
							AGUILAR	C			
07S	35E	23		01		A29-04156	SMITH	C	S	05/01/1904	PORTNEUF RIVER
							AGUILAR	C			
07S	35E	23		01		A29-04067	GERMER	C	S	04/01/1945	PAPOOSE CREEK
							LARSEN	A			
07S	35E	23		43		A29-10101	CROXALL	C	J	08/31/1958	GROUNDWATER
							LARSEN	A			
07S	35E	23		43		A29-10102	PALMER	C	J	07/14/1980	GROUNDWATER
							LARSEN	A			
07S	35E	23		43,04		A29-10011	SMITH	C	J	04/01/1945	SPRING
							LARSEN	A			