

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.

RECEIVED

APR 11 1990

CIVIL CASE NUMBER: 39576

Ident. Number: A29-00146
Date Received: 3/12/1990
Receipt No: EQ13085
Received By: SE

Department of Water Resources
Eastern District Office

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: FAWN A. POTTER 208-776-5669
Address: P.O. BOX 632
LAVA HOT SPRINGS, ID 83246
OR
Name: TERESA J. POTTER 208-776-5669
Address: P.O. BOX 632
LAVA HOT SPRINGS, ID 83246

A2900146



2. Date of Priority: MAR 01, 1894

3. Source: FISH CREEK Trib. to: PORTNEUF RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
09S	38E	25	NW	NW			BANNOCK

5. Description of diverting works:
PUMP MAINLINE TO LATERALS FOR FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	09/15	0.500		

7. Total Quantity Appropriated is:
0.500 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 32.5 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A29-00146

Page 1

Date: 03/12/90

MICROFILMED

NOV 13 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09S	38E	25	NW	NW		IRR	13.0
Section Acres							13.0
Total Acres							13.0

11. Place of use in counties: BANNOCK

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

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date:

UNION GRAIN & ELEVATOR CO.
Decree Plaintiff

vs

MCCAMMON DITCH CO. ET. AL.
Decree Defendant

*See W. 1/4 - Woods
to change ownership*

*Visit Mr. Potton
for claims invest.*

*29-146
10488
11441*

*Do with
29-11441*

*CLAIMANT
CONTRACT
REQUIREMENTS.*

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): Laura A Potter Date: 3/12/90

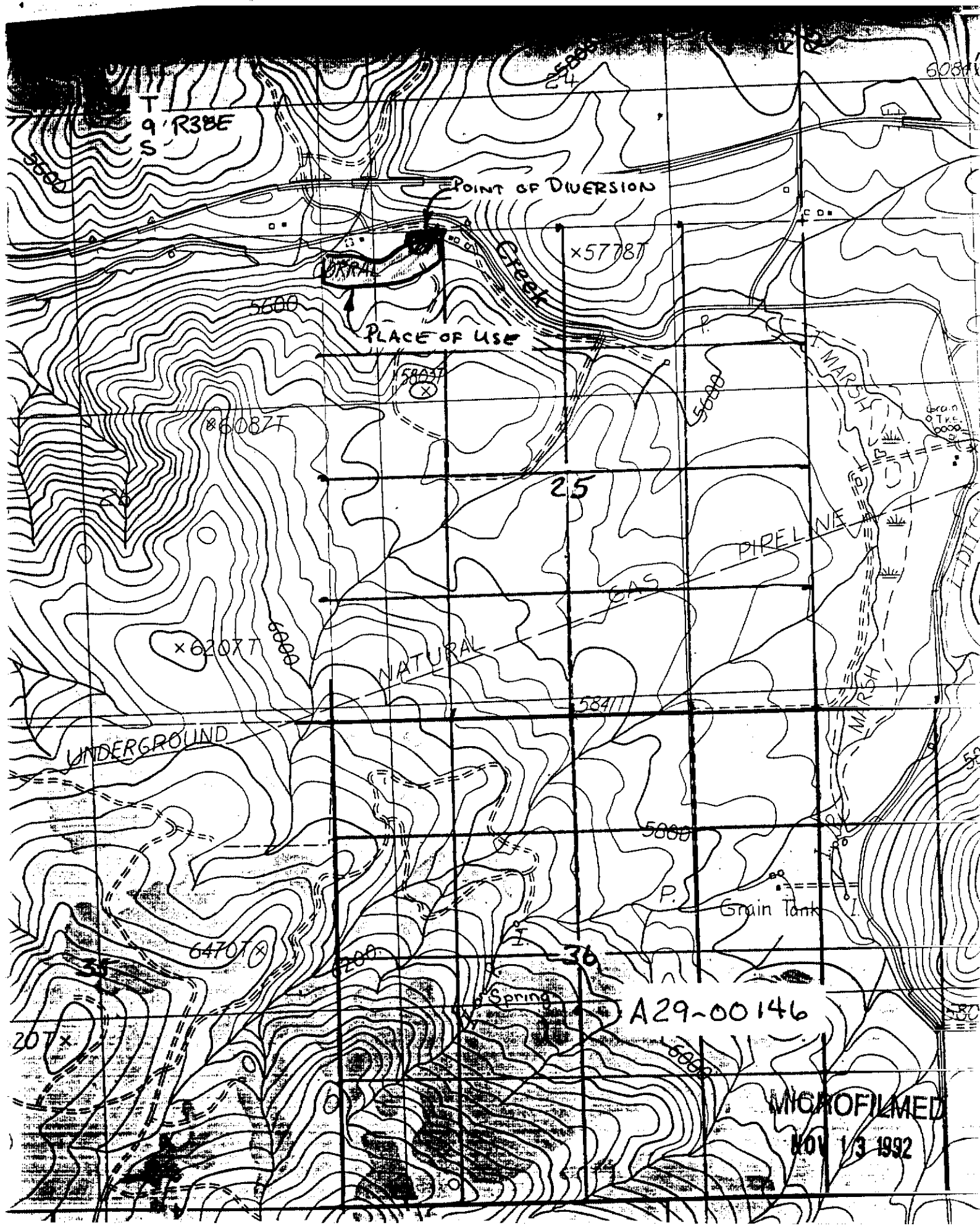
Date: _____

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 12th day
of Mar 19 90 Betty J Thompson
Notary Public

Seal

Residing at BETTY J. THOMPSON, NOTARY PUBLIC
RESIDING AT IDAHO FALLS, IDAHO
My Commission Expires MY COMMISSION EXPIRES: 6-30-94



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

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

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

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
	29-00146				
	29-11441				
	29-104088 (PO's)				

2. The following **REQUIRED** information must be submitted with this form: *DIVORCE DECREE, MARITALS CONT. COPIES*

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

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

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

4. New Owner/Claimant(s) _____
Name Connector (Check one): [] and, [] or, [] and/or
- New Mailing Address _____
- City, State and ZIP Code _____
- New Telephone Number () _____
5. Date you acquired the property _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESINSTRUCTIONS FOR FILING
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

This form has been prepared to assist all claimants and owners of water rights to comply with the requirements of Sections 42-248 and 42-1409(6), Idaho Code. All claimants and owners of water rights are required to notify the Department of Water Resources (IDWR) of any change in mailing address or change in ownership of all or part of a water right. In addition, all purchasers of water rights within a pending general adjudication area must inquire whether a notice of claim has been filed and, if not, shall file a notice of claim if necessary.

Separate brochures are available from IDWR describing the adjudication of water rights and the requirement to notify IDWR of changes in ownership. Please contact your nearest IDWR office, or call 1-800-451-4129, if you would like more information or need help completing this form. Please attach additional sheets to the form if you require additional space to describe or explain any of the items on the form.

1. If there are water rights associated with the property, the seller should be able to provide you with the water right or adjudication claim number(s). Please enter the number(s) at **Item 1**. Corresponding water right and adjudication claim numbers should be listed next to each other on the form. You may have purchased only a portion of the water right(s) held by the seller. If so, the water right(s) held by the seller may need to be "split" to provide you your share of each right. Indicate if a split is required by checking in the space provided next to each water right.

If you receive water from a municipal provider, an irrigation district or other water delivery organization, where the water rights are held by the organization, please do not use this form to record a change. You may need to contact the water delivery organization to determine if any action is necessary.

If you or the seller believes there are water rights for the property but the numbers are unknown, you may wish to contact IDWR for assistance in identifying the water rights for the property in question. If adjudication claims for the rights are required and have not been filed, IDWR will so advise you.

2. The information described at **Item 2** is required, since IDWR cannot process the requested change without documentation of ownership. The preferred types of documentation are shown; contact IDWR if you have difficulty obtaining this information. Do not obtain a new survey for purposes of this form before contacting IDWR.
3. Please provide the name and address of the former owner/claimant(s) of the water right(s) at **Item 3**.
4. The name, mailing address, and telephone numbers of the new owner/claimant(s) is entered at **Item 4**. Please indicate the relationship between multiple owners by using the connector "and", "or", or "and/or." If an "and" is used, all parties must sign this form. If an "and/or" or "or" is used, all parties may sign; however, only one of the named parties is required to sign.
5. At **Item 5**, please provide the date the property in question was acquired. This may be the date of "closing" in the case of a real estate transaction or the date of court order for other types of ownership changes.
6. You may have purchased only a portion of the water right(s) held by the seller. If this change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. For each water right requiring a split between owners, fill in the appropriate spaces in the box(es) at **Item 6**. Copy the page as many times as necessary to fully describe each water right after the change. Include documentation as necessary to describe nonstandard agreements or arrangements regarding division of the water right(s). **If the water right(s) will not be split, skip Item 6 and go to Item 7.**
7. The new owner(s) must sign the form in the space(s) provided at **Item 7**. If an "and" connector is used at **Item 4**, all parties must sign this form. If an "and/or" or "or" connector is used, all parties may sign; however, only one of the named parties is required to sign. If someone other than the owner signs the notice, evidence of authority to sign for the owner must be attached. If the new owner is a corporation or other organization, the person signing the notice must be an officer of the corporation or otherwise have authority to sign for the organization and must include their title with the signature.
8. The filing fee is \$25 per water right, except for those water rights which will be divided as a result of the change in ownership. The filing fee for division of a water right is \$100 per water right to be divided. When complete, you should retain a copy and return the original of the form to the IDWR office nearest you:

SRBA

SUBCASE SUMMARY REPORT 29-10488

[Return to SRBA Home Page](#)

SRBA
05-09-2001

SUBCASE SUMMARY REPORT

HTML12

SUBCASE: 29-10488 FILE#: 00000
CLAIMANT: POTTER, FAWN A
STATUS: PD ISSUED
WATER SOURCE: SPRING, FISH CREEK

**** PARTIES INVOLVED ****

FAWN A POTTER	C PRO SE
TERESA J POTTER	C PRO SE

**** ROA ENTRIES ****

06-16-1998 PARTIAL DECREE FILED

06-16-1998

[Return to SRBA Home Page](#)

29-00146 Decree

5/9/01 Chas Mr. Potter (wife) she tells me she is a
now wife (Brown). This claim needs a C/O to
CHANGE NAMES OF WIVES; w/ Divorce Decree and Marriage Cert.

① Originally, Decree w/ POD in NW/NE S25
claims POD in NW/NE Sec. 25 C/O 3 when
Decree defines Mates & Browns description to POD's.

② POD DEFINED AS: W2NW, N2SW Sec. 25 95/300. Best
case acres is 160².

Claims 13² ac. w/ NW/NE Sec. 25 — C/O 5 when

③ Appears to claim overlapping with 29-11441 (8² ac.) source
is unnamed Springs @ 0.16 (.02 ac). Priority 03/01/1894 → NO.

④ 29-146 claims 0.50 on 13² acres (As 0.0385 ac). With
the overlap of 29-11441 distribution is way too high. Now
consider the Priority Dates. 29-11441 needs evidence of
Priority. However, 29-11441, a BU claim, cannot have a
Priority. Pre-dating the Decree (original 29 June 1921, Amended 6 August
1932). Therefore, Priority Date Advancement is denied.

Q→

⑤ 29-146 claims as 0.50 on 13² ac will likely be reduced
to 0.26 ac. Priority of 1894 is better than whatever can be
determined for 29-11441. Therefore, the question arises:
What good is 29-11441? 29-146 will cover the lands
@ 0.02 with a better priority.

Q→

⑥ 29-146 as claimed @ 0.50 ac on 13² ac w/ NW/NE Sec 25
But Decree for (Best case) 160² ac — what happens to other lands

Water Right Number - 29-00146

Prefix Translation: WATER RIGHT

Old (D) Number -

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

*** C - CURRENT OWNER ***
WIGHT

L. S.

1 -
2 -
3 -
City-
Phone -

State- Zip-

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
03/01/1894 *OK* 15 EASTERN *D - DECREED*+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
FISH CREEK *OK* PORTNEUF RIVER+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County Diversion Name Diversion Rate Diversion No.

09S 38E 25 NW NE (5) BANNOCK

*Claims: 525 NW NW**CP3 when*+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume01 - IRRIGATION *OK*04/15 *OK* 09/150.500 *OK*+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
0.500 0.0+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County

09S	38E	25	NW NW			01	IRRIGATION	(5) BANNOCK
09S	38E	25	SW NW			01	IRRIGATION	(5) BANNOCK
09S	38E	25	NE SW			01	IRRIGATION	(5) BANNOCK
09S	38E	25	NW SW			01	IRRIGATION	(5) BANNOCK

+ - - Diversion Means -

*BEST CASE 160° AC**Claims: 525 NW NW 13° AC**CP5*

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

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

GEN P/U INCOMPLETE.

+ - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers found.+ - - - - Conditions of Approval - - - - - +
No Conditions of Approval found.*Also: D/s claims
29-11441**29-10488 - PD'D*

7-0146

111. Wight, L. S.
1894 Mar. 1. .5 c.f.s.

Said water to be diverted through a ditch taken out South 31 degrees 30 minutes East, 1580 feet from the North quarter corner, Section 25, Township 9 South, Range 38 E.B.M.; also through another ditch taken out South 13 degrees East, 1210 feet from the North quarter corner of said Section 25, for the irrigation of the West half of the Northwest quarter, and the North half of the Southwest quarter, Section 25, Township 9 South, Range 38 E.B.M.

9-0147

112. FISH CREEK IRRIGATING
COMPANY.
1893 Mar. 1. 6 c.f.s.

said water to be diverted thriugh a ditch taken out North 74 degrees West, 900 feet from the Northeast corner of Section 27, Township 9 South, Range 38 E.B.M., for the irrigation of Lots 1, 2, 3, Section 21, Lot 6, Section 22, the Northeast quarter of the Northwest quarter, Section 28, Township 9 South, Range 38 E.B.M. Lot 1, the Southeast quarter of the Southeast quarter, Section 20, Lot 4, the Southwest quarter of the Southwest quarter, Section 21, Township 9 South, Range 38 E.B.M. Lot 3, Section 20, the Northeast quarter of the Northwest quarter, Section 29, Township 9 South, Range 38 E.B.M. (Northeast quarter of the Northwest quarter being Government Lot 1). The Northwest quarter of the Northwest quarter, Section 28, the North half of the Northeast quarter, Section 29, Township 9 South, Range 38 East E.B.M.

1-0148

113. IDAHO CONFERENCE OF THE

G. PERKINS

Said water to be diverted through the Fish

Log for claim A29-00146

Spatial Dynamics AMH

8/4/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
09s38e	25	NWNW	13	10	
Totals:			13	10	