

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 29-13135
Date Received: 11/27/00
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

JODI L GOING Phone: (208) 775-3116

4394 W PORTNEUF RD
PO BOX 2326
POCATELLO ID USA 83206

2. Date of Priority: 09/08/1906

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County
07S	35E	24	SW SE	BANNOCK

5. Description of diverting works:

PUMP & PIPELINE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	0.05	

7. Total Quantity Appropriated is:
0.05 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

A2913135



10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
07S	35E	24	SW	SE	IRRIGATION	2.5
					Section Acres	2.5
					Total Acres	2.5

11. Place of use in counties: BANNOCK

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

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: Statutory Claim

4/10/01

Parent Right 29-04336

- Priority Evidence is Lapsed Permit

Follow up Priority Evidence probably needed

- See 29-13134

22-141 50 SHEETS
22-142 100 SHEETS
22-144 200 SHEETS



APPLICATION FOR PERMIT

To appropriate the Public Waters of the State of Idaho.

1. Name of applicant - JOHN MCMAHON

Postoffice address: P. O. - Pocatello, Bannock.

Idaho.

CANCELLED pursuant to Sec. 1304,
Compiled Statutes of Idaho, by
order of Commissioner of Reclamation
dated MAY 24 1922

2. The quantity of water claimed is one cubic foot per second.

3. Source of water supply - Portneuf River.

County of Bannock.

4. Location of point of diversion on the line between the SE4 of the SE4 and SW4 of the SE4 Sec. 24, Tp. 7 S., R. 35 E.

5. To be used for:

I. Irrigation and domestic use:

(a) Number of acres to be irrigated 50 acres.

(b) In the following legal subdivisions - S2 SE4 and SE4 SW4 Sec.

24, Tp. 7 S., R. 35 E.

6. Estimated cost of works - Two Hundred and twenty-five dollars.

7. Description of Works for Diversion:

I. Kind of works - Dam and ditch.

II. Dimensions of Works:

(a) Height of dam 3 feet, length of dam at top 25 feet, length of dam at bottom 25 feet, material used in construction stone and earth.

(c) Size of headgate, width 12 feet, height 4 feet.

(d) Ditch (flume or pipe) width at bottom 6", width at water line 1 foot, depth of water 1 foot. Average grade per mile is 4 feet. Length of ditch is $\frac{1}{4}$ mile, and it crosses the following quarter sections - S2 SE4 and SE4 SW4 Sec. 24, Tp. 7 S., R. 35 E., to these 3 forties, which are the points of intended use.

8. Time required for the completion of the construction of such work is one year.

9. Time required for the complete application of the water to the proposed use is 3 additional years.

Approval of State Engineer

The number of this permit is 2255.

Date of first receipt of application 9 a. m. September 1, 1906.

Returned to applicant for correction September 1, 1906.

Corrected application received September 6, 1906

- the 3 feet, which are the per-
8. Time required for the completion of the construction of work is one year.
 9. Time required for the complete application of the water to the proposed use is 3 additional years.

Approval of State Engineer

The number of this permit is 1255.

Date of first receipt of application 9 a. m. September 1, 1906.

Returned to applicant for correction September 1, 1906.

Corrected application received September 6, 1906.

Recorded in Book 7, page 2255. Approved September 8, 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:

Work to begin on or before November 7, 1906, and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over

which permit holder has no control.

One-fifth of the work above specified to be completed on or before March 8, 1907.

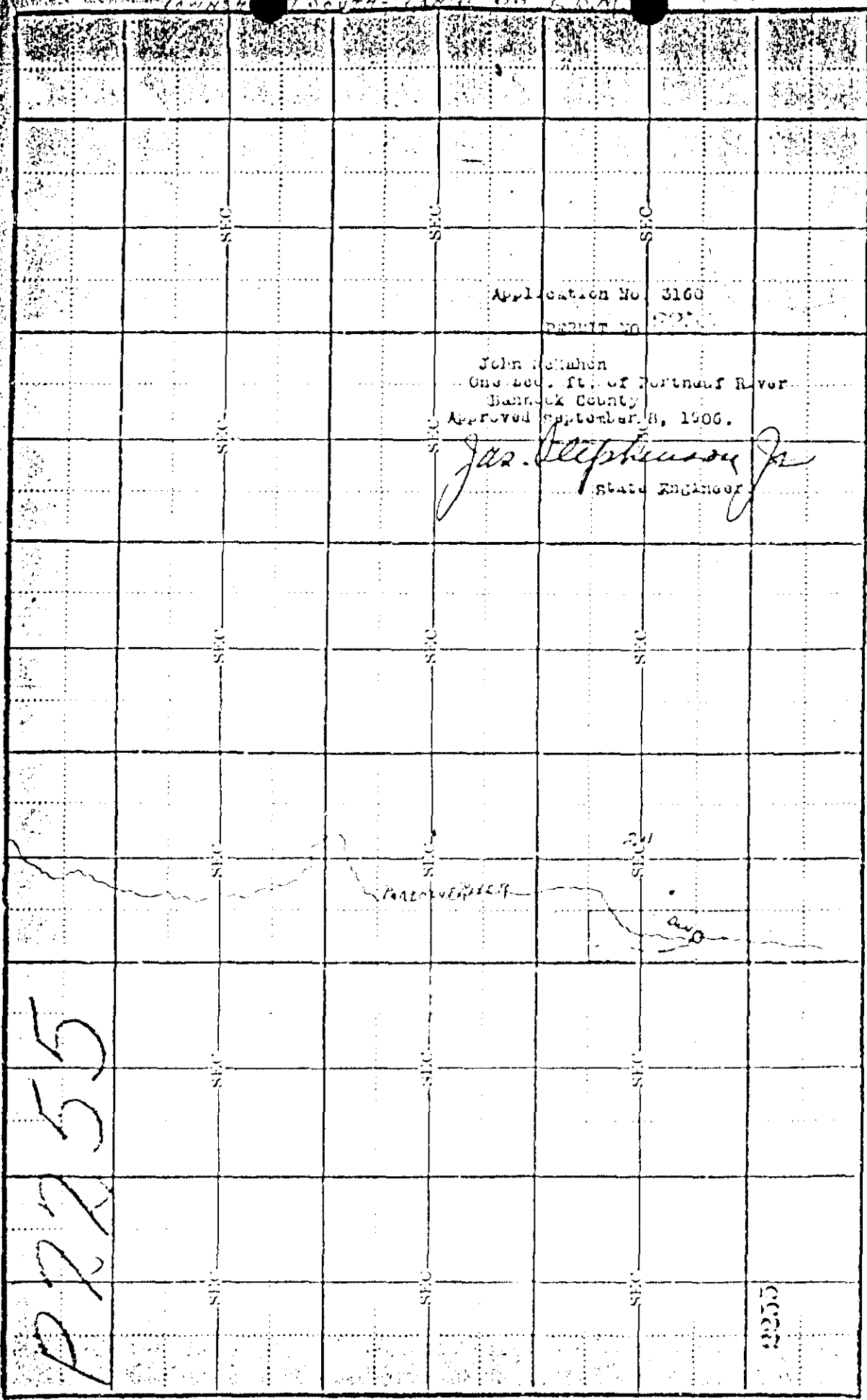
The whole of said work to be completed on or before September 8, 1907.

The time for the proof of beneficial use of water appropriated in accordance herewith, to extend to September 8, 1910.

Witness my hand this 8 day of September, 1906.

Jas. Stephenson, Jr

State Engineer.



Application No 3160
PERMIT NO 2270

John McMahon
One Sec. ft. of Portland River
Barnack County
Approved September 8, 1906.

Jas. Stephenson Jr
State Engineer

P2755

2255

Boise, Idaho, September 20, 1906.

Bannock Abstract Deposit & Trust Co.,

Boise, Idaho.

Gentlemen:-

I enclose herewith the following permits:

No. 2253 in favor of Weber K. Peirce, Loken, Idaho.
No. 2254 in favor of James H. Byington, et al
No. 2255 in favor of John McMahon.

Yours truly,

State Engineer.

2255

State of Idaho
ENGINEERING DEPARTMENT

BOISE

JAS. STEPHENSON, JR.,
ENGINEER

INSTRUCTIONS

Proof of Completion of Works.

Boise, Idaho,

June 1, 1907.

John McMahon
Pocatello, Idaho.

Dear Sir:

I enclose herewith blank form upon which to give notice that you are prepared and desire to submit proof of completion of works under your Permit No.

This form should be filled out and mailed to the State Engineer at least 60 days before the date upon which proof is to be submitted, which proof MUST be on or before Upon receipt of the blank, properly filled out, notice for publication will be sent to the paper direct from this office, which notice must be published a period of four weeks prior to the date of proof.

The proof may be submitted at any place, convenient to you and two witnesses, where there is a notary public or other officer authorized to administer oaths.

One of the requirements of the law is that an examination of the works constructed shall be made under the authority of the State Engineer. In order to make the expense as light as possible you are requested to furnish the name of a competent engineer, or surveyor, who can do this work for you at a reasonable cost. Upon receipt of name of such engineer or surveyor I will authorize him to make the examination and send me a report on or before the date set for the proof.

The certificate that shall be issued under this proof does not give you a perpetual right to the use of the water for which application was made, as it only confirms the completion of works of a capacity to divert and convey to the place of intended use a certain amount of water. The law requires that another proof be submitted when the water has been fully applied to a beneficial use, at which time license is issued for the amount of water actually in use. Information in regard to this last proof will be furnished on request.

Yours truly,

JAS. STEPHENSON, Jr.,

State Engineer.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

April 14, 1922

Re: Permit No. 2215

To John McInnes,

Postville, Idaho.

It appearing to the Commissioner of Reclamation that the terms and conditions of Permit No. 2215 to appropriate the Public Waters of the State of Idaho, have not been complied with as to proof of completion of work on September 8, 1907

you are hereby notified, in compliance with Sec. 5594, Compiled Statutes of Idaho, that said Permit No. 2215 is hereby held for cancellation.

You are hereby required to show cause before the Commissioner of Reclamation on or before forty days from date of this notice why said Permit should not be cancelled

Said Permit No. 2215 claims the use of 1 cubic feet per second of the waters of Portneuf River with point of diversion located on the E. 1/4 of Sec. 24, T. 3, S. 35 E. and was approved September 8, 1906

In Witness Whereof, I have hereunto set my hand and affixed the seal of my office at Boise, Idaho, this 14th day of April 1922

F. C. JENNINGS
Commissioner of Reclamation.

By

Deputy

2215

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

IN THE MATTER OF CANCELLATION
OF PERMIT TO APPROPRIATE THE
PUBLIC WATERS OF THE STATE OF
IDAHO, No. _____ 2255 _____ } ORDER OF CANCELLATION

WHEREAS, Permit No. _____ 2255 _____ lapsed through failure of the holder to
make proof of completion of works within the time specified in the Permit, to-wit: _____
September 8, 1907 _____ and,

WHEREAS, due notice was given the holder of said Permit that such proof would be due
on the date above mentioned, and,

WHEREAS, on _____ April 14, 1922 _____, notice was sent to the holder of said
Permit to appear before the Commissioner of Reclamation on or before 40 days to show cause why
such Permit should not be cancelled, and,

WHEREAS, the holder of said Permit has failed to comply with the said requirements, and
that no showing has been made as to completion of the works under said Permit:

IT IS, THEREFORE, hereby ordered that Permit No. _____ 2255 _____ be and
the same is hereby cancelled and held for naught.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of
this Department, at Boise, Idaho, this _____ 25th _____ day of _____ 1922 _____


Commissioner of Reclamation.

2255



PACIFIC DEPARTMENT

Aetna Insurance Company

INCORPORATED IN U.S.A.

Aetna Fire Underwriters Department

234 BUSH STREET, SAN FRANCISCO, CALIF.

POCATELLO TITLE & TRUST CO.
220 WEST CENTER STREET

POCATELLO, IDAHO

RECEIVED
JAN 2 1934
DEPARTMENT OF RECLAMATION

December 30, 1933

Hon. R. W. Yarris,
Commissioner of Reclamation,
Boise, Idaho.

Dear Sir:-

Will you kindly advise us at your earliest convenience whether or not you have a record of water license under Permit No. 2255, issued September 8, 1908, by the State Engineer of the State of Idaho. This water right pertains to, among other lands, the Southeast quarter of the Southwest quarter and the South half of the Southeast quarter of Section 24, Township 7 South, Range 35 East of the Boise Meridian, being the property belonging to Mr. Marcus E. Hooker and sold under contract to Arthur J. Barron of Inkom, Idaho.

Should you have a record in your office, we should like to be advised as to just what it consists of. It is just possible that we may want certified copies of these water rights, but will advise you at a later date.

Thanking you for your courtesy herein,
we are

Very truly yours,

BAINOCK TITLE-ABSTRACT COMPANY,

Thos. J. Turner

Secretary.

TJT:V

2255

January 5, 1934

Re: Permit No. 2225
John McMahon

BAINNOCK TITLE-ABSTRACT COMPANY
Mr. Theo. J. Turner, Secretary
Pocatello, Idaho

Dear Sir:

In reply to your letter dated December 30, 1933, we wish to advise you that the above permit, issued to John McMahon on September 8, 1906, for one cubic foot per second of the waters of the PORTNEUY RIVER, was cancelled on May 24, 1922. The order of cancellation was drawn in accordance with the provisions of Section 5594, Idaho Compiled Statutes for the reason that the holder failed to offer proof of completion of works in accordance with the terms of the permit.

Very truly yours,

R. W. FARIS
Commissioner of Reclamation

By _____
Chief Clerk & Office Engr.

PER:G

2225



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

November 27, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

JODI L GOING
4394 W PORTNEUF RD
PO BOX 2326
POCATELLO ID 83206

RE: CHANGE IN OWNERSHIP FOR 29-4336

Dear Ms. Going:

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

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

29-13134, 45.5 acres, 0.91 cfs, Newton
29-13135, 2.5 acres, 0.05 cfs, Going

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

Respectfully submitted,

Jennifer Crabtree
Jennifer Crabtree
Technical Records Specialist

Enclosure

DELOG
JC 8/21/00

RECEIVED

AUG 21 2000

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES Department of Water Resources
Eastern Region
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Water Right No(s): A29-04336
Adjudication Claim No(s): _____

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

A. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water rights or claims in question, **WITH ATTACHED LEGAL DESCRIPTION.**

AND

B. **PLAT OF PROPERTY** or **SURVEY MAP** showing the location of the place of use of the water right(s) or claim(s). (These are usually attached to your deed or on file with the county.)

OR

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

3. Name and Address of Former Owner/Claimant GERALD L. NEWTON
4386 W. PORTNEUF Rd. (PO Box 2326) INKOM, ID 83245

4. New Owner/Claimant(s) Jodi L. Going
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
New Mailing Address 4394 W. Portneuf Rd (P.O. Box 2326) POC, Id. 83204
City, State and ZIP Code INKOM, ID 83245
New Telephone Number (208) 775-3116

5. Date you acquired the property April 28, 00

6. Did you acquire all of the former owner's property? If you did, skip this item and go to item 7. If you acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). Describe in detail your portion of each water right or adjudication claim in the spaces in the box below only if the water right(s) or claim(s) need to be split between owners. If necessary, attach additional pages. If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

Number of acres you irrigate with this water right <u>2.5</u>	Number and type of stock <u>Horses & Cows</u>
Diversion rate in CFS _____	Number of homes you acquired <u>1</u> Other uses _____

7. Signature of New Owner(s) or Claimant(s) Jodi L. Going

Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.

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

chain of title conveyed property from Gerald Newton to Jodi L. Going
no interest