

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: A47-00120R
Date Received: 3/30/1989
Receipt No: 5006806
Received By: TW

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DAVID L. BONE
Address: P.O. BOX 74
OAKLEY, UT

84055

801-783-5746 RECEIVED

APR 6 1989

2. Date of Priority: APR 30, 1882

3. Source: ROCK CREEK

Trib. to: SNAKE RIVER
Department of Water Resources
Southern Region Office

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
12S	18E	13	NW	SW			TWIN FALLS

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.060		

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

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
12S	18E	13	NW	SW		IRR	6.0

Section Acres 6.0

Total Acres 6.0

A47-00120R

Page 1

Date: 03/30/89

MICROFILMED

MAR 10 1993

11. Place of use in counties: TWIN FALLS

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

13. Other Water Rights Used:

A47-00151R

14. Remarks:

6 INCHES OF ROCK CREEK WATER DECREED TO LOTS R-33 & R-34.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

Decree Plaintiff

vs

Decree 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: _____

For Individuals:

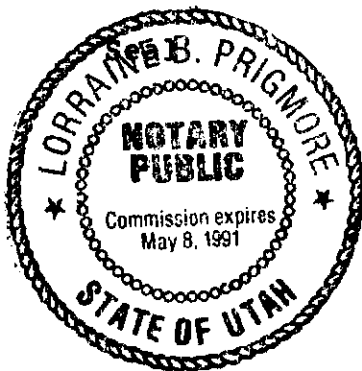
I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): David S Boney Date: 4-3-89

Date: _____

State of ~~Idaho~~ Utah)
County of Salt Lake) SS.

Subscribed and sworn (or affirmed) before me this 3rd day
of April 19 89 Lorraine B. Prigmore
Notary Public



Residing at Davis, CO
My Commission Expires May 8, 1991

sent (CW)

✓

3/30/1989

DAVID L. BONE
P.O. BOX 74
OAKLEY, UT 84055

DEAR MR. BONE:

I HAVE RESEARCHED YOUR WATER RIGHTS AND RECOMMEND THAT YOU ADJUDICATE YOUR DECREED WATER IN ORDER TO KEEP IT. BOB WORSTELL TALKED WITH YOU ON THE PHONE AND ADVISED YOU NOT TO FILE, HOWEVER HE IS UNFAMILIAR WITH THE UPPER ROCK CREEK RANCHES. I HAVE GENERATED THE NECESSARY CLAIMS YOU NEED TO FILE, BASED ON INFORMATION RECEIVED FROM THE VARIOUS LOT OWNERS OF UPPER ROCK CREEK RANCHES.

YOU OWN 3 INCHES OF 1882 WATER AND 3 INCHES OF 1892 WATER. YOU MUST FILE A CLAIM FOR EACH DECREE DATE FOR LOT R-33 & LOT R-34, OR ELSE LOSE THE RIGHTS TO THAT 6 INCHES OF ROCK CREEK WATER. THE FEE BREAKDOWN IS:

	FILING FEE	LATE FEE	ACRES	TOTAL
A47-00120 (1882)	\$50	\$50	3	\$103
A47-00151 (1892)	50	50	3	103

TOTAL DUE

\$206

I HAVE ENCLOSED TWO SETS OF CLAIM COPIES. IF YOU WANT TO KEEP YOUR 6 INCHES OF ROCK CREEK WATER, PLEASE SIGN EACH CLAIM, HAVE NOTARIZED AND RETURN WITH A CHECK FOR \$206. KEEP THE 2ND SET OF COPIES FOR YOUR RECORDS.

I HAVE ALSO ENCLOSED PAMPHLETS EXPLAINING THE ADJUDICATION PROCESS FOR YOUR INFORMATION. IF YOU HAVE ANY QUESTIONS PLEASE NOTIFY ME AT 208-734-3578.

SINCERELY,

LORI WHITE
WATER AGENT

MICROFILMED

MAR 10 1993

Log for claim A47-00120R

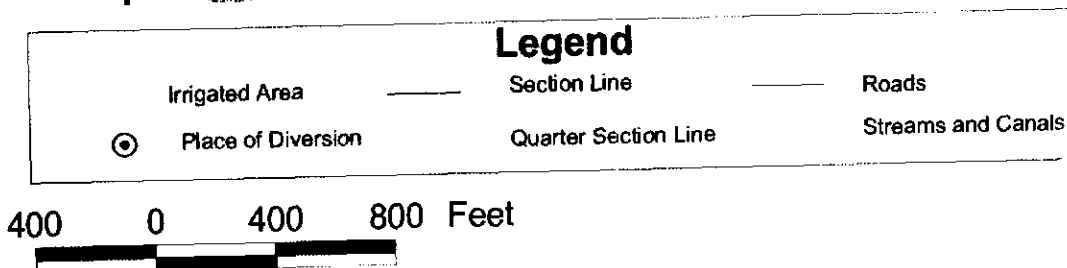
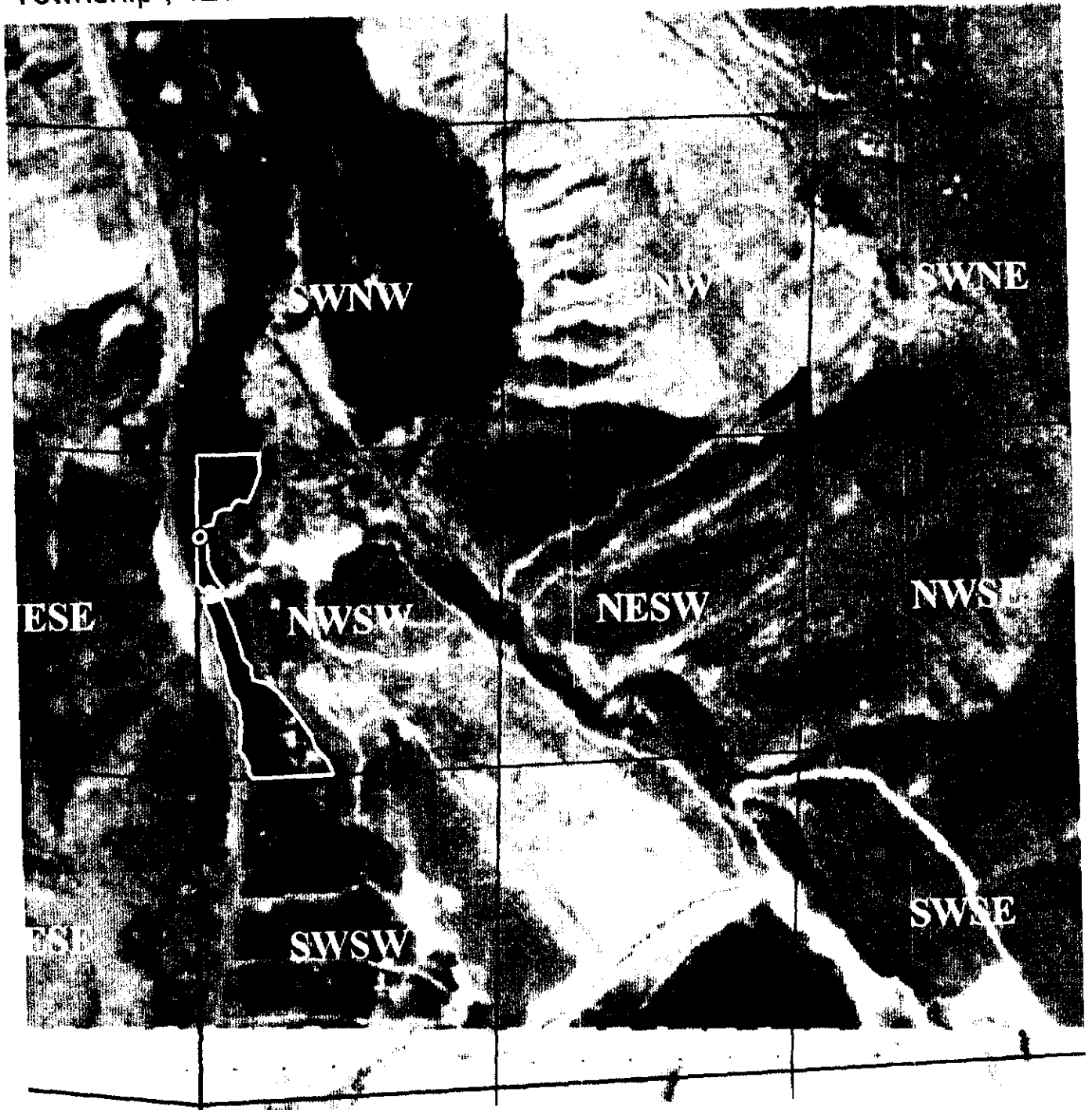
Spatial Dynamics BTD

10/11/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
12s18e	13	NWSW	6	4.9	
Totals:			6	4.9	

10/11/2000

Water Right Claim Number A47-00120R and A47-00151R
Township , 12S18E



10/11/2000

Water Right Claim Number A47-00120R and A47-00151R
Township , 12S18E

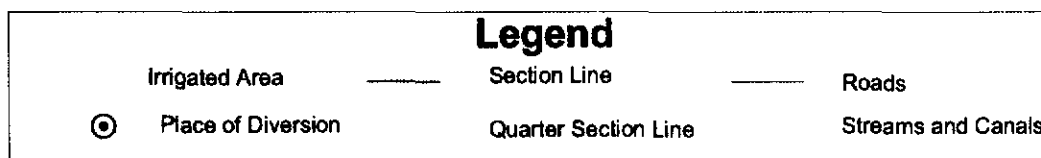
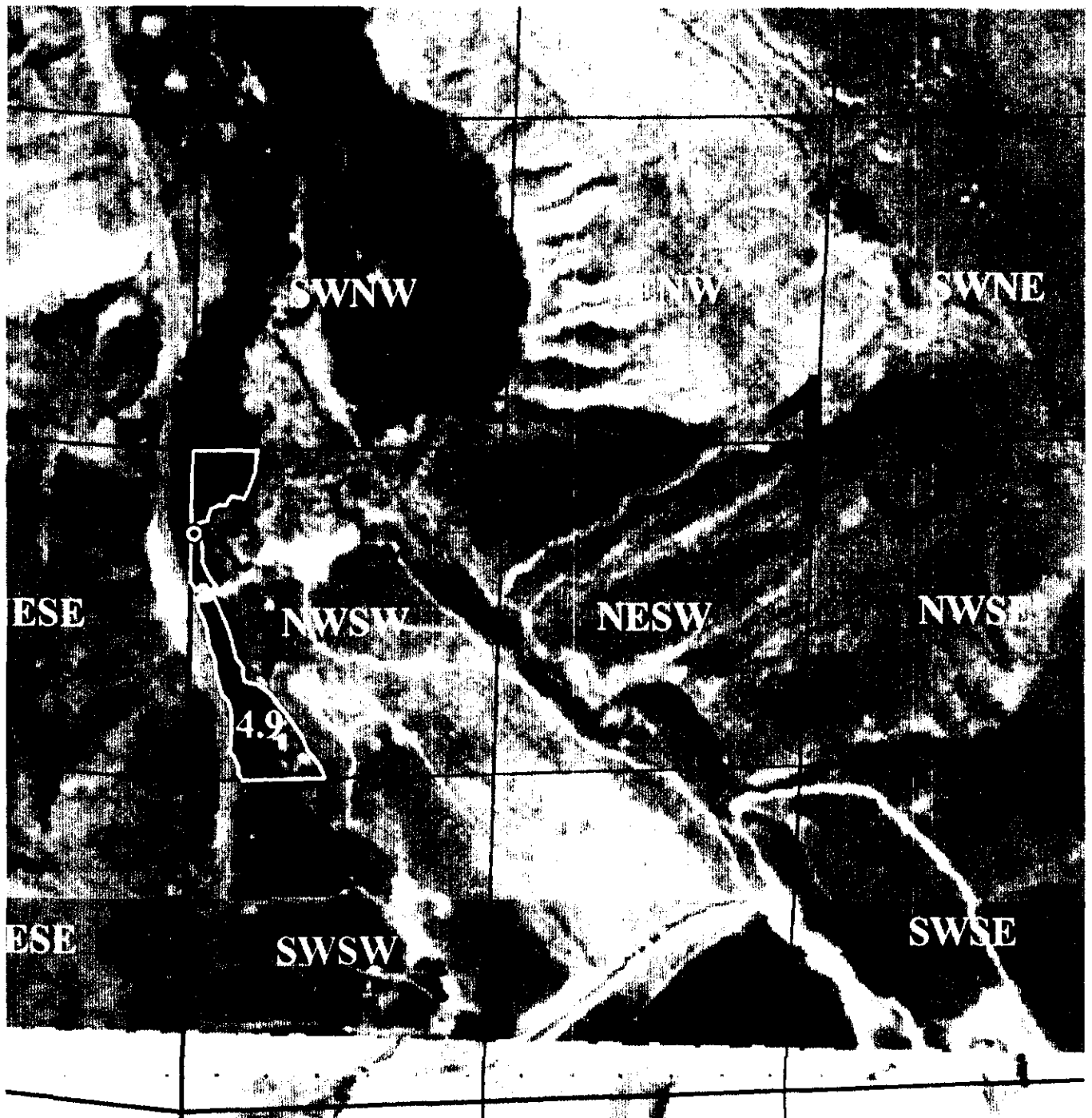


Legend		
Irrigated Area	Section Line	Roads
Place of Diversion	Quarter Section Line	Streams and Canals



10/11/2000

Water Right Claim Number A47-00120R and A47-00151R
Township , 12S18E



AJ5809NP
No. A47-00120R

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 10/03/00
PAGE: 22

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	DAVID L BONE PO BOX 74 OAKLEY UT 84055 (801) 783-5746	04/30/1882	IRRIGATION	03-15 11-15	0.060 CFS	
TOTAL DIVERSION:					0.060 CFS	

Water Source: ROCK CREEK

Tributary to: SNAKE RIVER

Stage: DECREED

Point(s) of Diversion:

T12S R18E S13

NWSW

TWIN FALLS County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
12S	18E	13	:																	:	6.0
TOTAL ACRES																				6.0	

POU County: TWIN FALLS

Other Rights: A47-00151R

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):

47-14038 A47-00119 A47-00120B A47-00151B A47-00151R A47-00154 A47-00177B A47-00177D A47-00177E A47-00177F
A47-00177G A47-14038 A47-16640B A47-16640D A47-16640E A47-16640F A47-16640G

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

A47-00120B A47-00151B A47-00151R

Remarks: GEN 6 INCHES OF ROCK CREEK WATER DECREED TO LOTS R-33 & R-34.

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:

Presumption Flag:

Audit: 03/30/89 WHITE 03/30/95 POST-STD

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 4856
WATER RIGHT NO(S). ~~47-00120R~~ 47-00151R

This is to certify that: ROBERT A JOHNSON
IVA L JOHNSON
2544 ROCK CREEK RD
HANSEN ID 83334

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 47-00120R :			
IRRIGATION	04/01 to 10/31	0.03 CFS	8.0 AF
Priority: 04/30/1882			
Right No. 47-00151R :			
IRRIGATION	04/01 to 10/31	0.03 CFS	8.0 AF
Priority: 03/14/1892			
	TOTAL:	0.06 CFS	* 8.0 AF

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
ROCK CREEK	SNAKE RIVER

LOCATION OF POINT(S) OF DIVERSION: SWNW , Sec. 24, Township 12S, Range 18E
TWIN FALLS County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
12S	18E	24	SWNW 2		2
Total number of acres irrigated:					2

CONDITIONS OF APPROVAL AND REMARKS

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 470.
2. A measuring device and lockable controlling works of a type approved by this Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

MICROFILMED
JAN 23 1997

TRANSFER NO. 4856
WATER RIGHT NO(S). 47-00120R/47-00151R

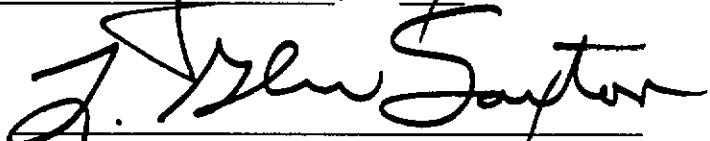
CONDITIONS OF APPROVAL AND REMARKS

3. This right when combined with all other rights shall provide no more than .03 cfs per acre nor more than 4.0 afa per acre for the lands above.
4. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
5. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
6. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
- * 7. Right Nos. 47-00120R and 47-00151R in combination shall not exceed a total diversion rate of 0.06 cfs, a total annual diversion volume of 8.0 af, and the irrigation of 2.0 acres.
8. Place of use is located in Lot R-52, Upper Rock Creek Ranches.

Dated this 17 day of

January

, 1997.


Chief, Water Alloc. Bureau

MICROFILMED
JAN 23 1997

Total acres _____

PART 1

6. General Information:

a. Description of diversion system Pump in Rock Creek, mainline to sprinklers.

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or N/A contracts? _____ Yes _____ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

N/A

d. Remarks:

Property is Lot ^{R-}52 of Rock Creek Ranch Sub.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19 _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 47-00120N Decreed to P M Niles
in case of A. D. Norton Et AL vs. Patrick Garrity Et AL
dated 3-19-1892 in Fourth District county of Cassia
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. Several up to 4/98 which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice

☒ Warranty Deed

☒ Other Distribution document

3. Source of water Rock Creek tributary to Sage River

4. Date or priority 4-30-1882

5. Water is used for the following purpose:

amount 0.76 cfs for Irrig. purposes from 3-15 to 11-15
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 0.76 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NW	SW	24	12S	18E	Twin Falls	West ditch
		SW	SW	"	"	"	"	East ditch

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
12S	18E	13										11	4						15
		24						25	7.5										32.5

Total acres 47.5

9. Describe any other water rights used for the same purpose as described above 47-00151N

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

Unknown If yes, describe As far as we know, our portion of this right has not gone unused for five consecutive years.

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount 0.0266 cfs for Irrig. purposes from 3-15 to 11-15
 (cfs/ac-ft) _____ for _____ purposes from _____ to _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____ for _____ purposes from _____ to _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____ for _____ purposes from _____ to _____

2. Point(s) of Diversion: Same as 2.A.1.

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NW	SW	24	125	18E	Twin Falls	Hedgate & west ditch

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
125	18E	24							2										2

Total acres 2

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount 0.7334 cfs for Irrig. purposes from 3-15 to 11-15
 (cfs/ac-ft) _____ for _____ purposes from _____ to _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____ for _____ purposes from _____ to _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____ for _____ purposes from _____ to _____

2. Point(s) of Diversion: Same as 2.A.1.

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
125	18E	13										11	4						15
		24						25	5.5										30.5

Total acres 45.5

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 47-00151N Decreed to Albert Jones
in case of A.D. Norton Et AL vs. Nephi Larson Et AL
dated 3-10-1904 in Fourth District county of Cassia
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. Several up to 4198 which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice

☒ Warranty Deed

☒ Other Distribution document

3. Source of water Rock Creek tributary to Snoke River

4. Date or priority 3-14-1892

5. Water is used for the following purpose:

amount 0.76 cfs for Irrig. purposes from 3-15 to 11-15
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 0.76 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NW	SW	24	12S	18E	Twin Falls	West ditch
		SW	SW	"	"	"	"	East ditch

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
12S	18E	13										11	4						15
		24						25	7.5										32.5

Total acres 47.5

9. Describe any other water rights used for the same purpose as described above

47-00120N

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

Unknown If yes, describe As far as we know, our portion of this right has not gone unused for five consecutive years.

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount 0.0266 cfs for Irrig. purposes from 3-15 to 11-15
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____
2. Point(s) of Diversion: Same as 2.A.2

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NW	SW	24	125	18E	Twin Falls	Herdgate & west ditch

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
125	18E	24							2										2

Total acres 2

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

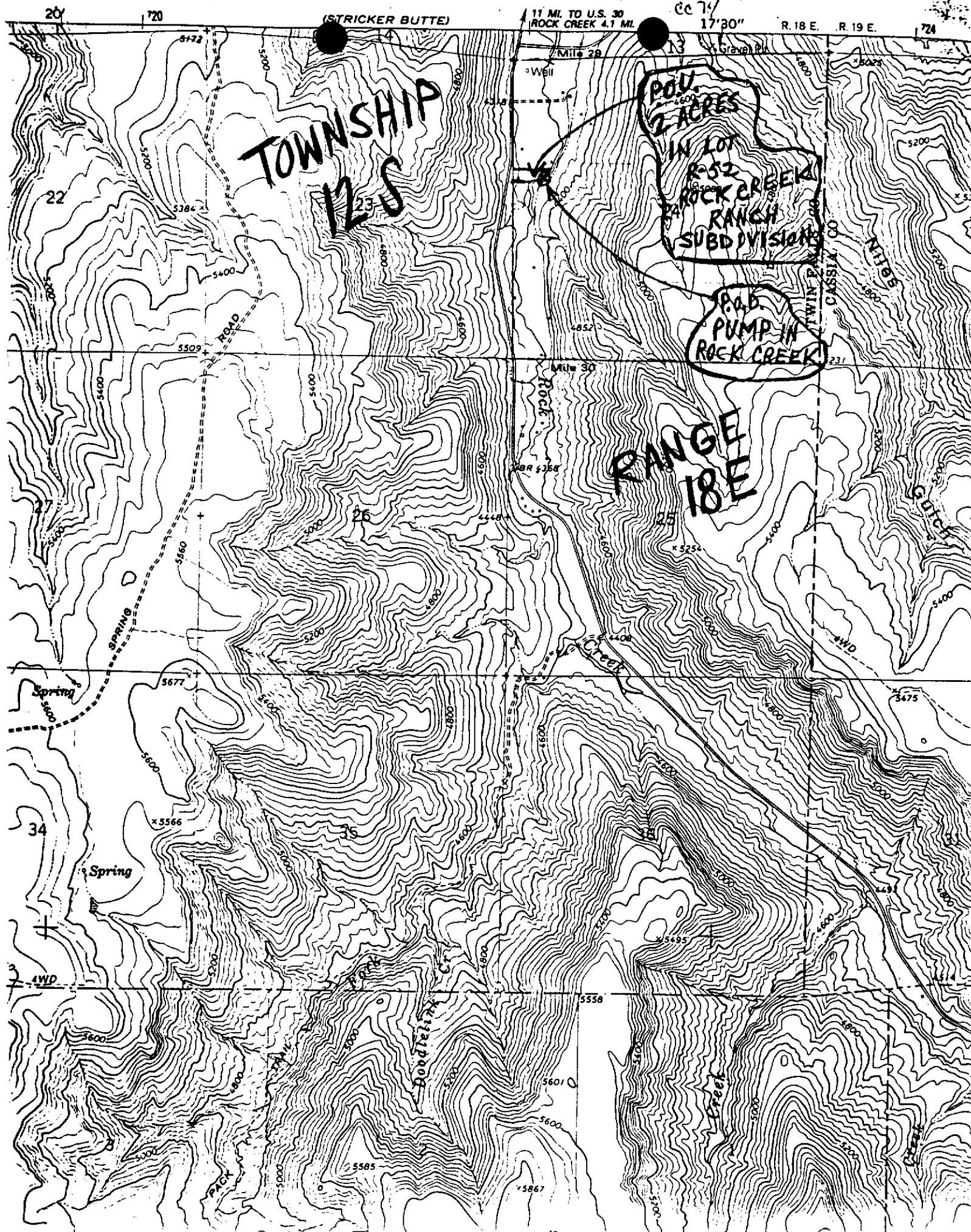
1. amount 0.7334 cfs for Irrig. purposes from 3-15 to 11-15
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____
2. Point(s) of Diversion: Same as 2.A.1.

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
125	18E	13									11	4							15
		24							25	5.5									30.5

Total acres 45.5



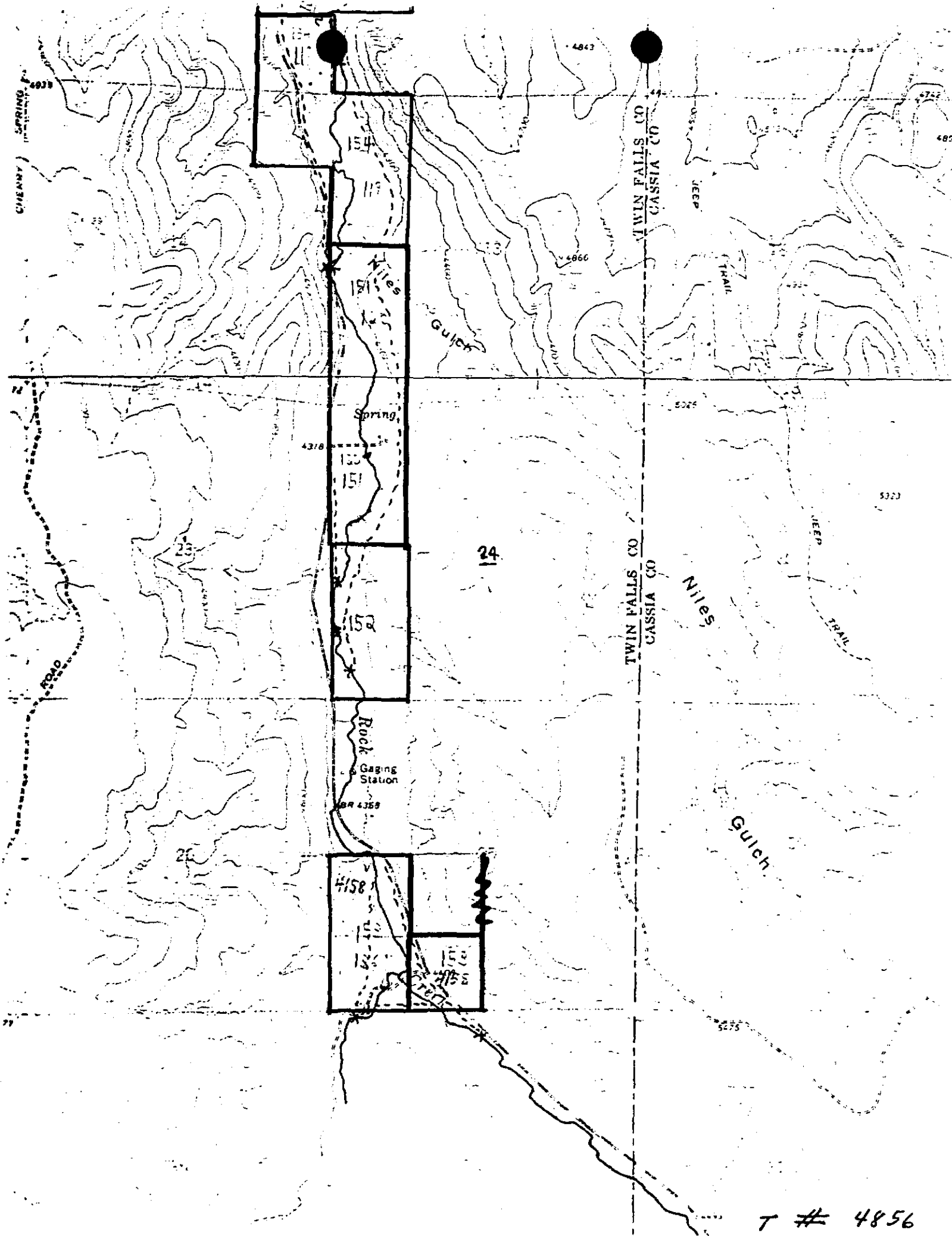
R-47

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R-5

2P1U

441-E
E-351



T # 4856
P. 9 m 10

PART 3

B. CHANGES IN NATURE OF USE

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
				to
				to

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

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

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

Robert A. Johnson - Ana L. Johnson
(Signature of Applicant)

Subscribed and sworn to before me this 2nd day of April, 19 96.

J. F. Stanton
(Notary Public)

My commission expires 10-25-2000

FOR DEPARTMENT USE ONLY

Transfer contains 10 pages and 2 attachments

Received by J. F. Stanton Date 4-2-96 Protest filed by _____

Prelim. check by C.S. Fee \$100.50/8980

Received by QA Date 4-2-96

Published in Times News Copies of protest forwarded by _____

Pub. dates 7/4 & 7/11/96 Hearing held by _____ Date _____

Watermaster recommendation requested on 6/18/96 Recommended for ☐ approval ☐ denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____

RECEIVED

APR 02 1996

Department of Water Resources
Southern Region

MEMORANDUM

TO: Johnson Transfer (47-00120 & 47-00151) File

FROM: Corey Skinner *CS*

DATE: June 14, 1996

SUBJECT: Staff Review

The enclosed transfer, filed by Robert &/or Iva Johnson, seeks to change the point of diversion (to a pump in Rock Creek) and split off their portions of rights 47-00120N and 47-00151N. The transfer appears to be pretty straightforward. However, minor problems may exist with SRBA claims and forfeiture issues.

The transfer application lists two acres as being irrigated with the Johnsons' portion of 47-00120N and 47-00151N in Lot R-52 of Rock Creek Ranch Subdivision. The Johnson's adjudication claims, A47-00151M and A47-00120V, each list four acres of irrigation. In addition, many water rights in this area are subject to forfeiture due to their diversion works and delivery systems being washed out in 1984 and never being replaced. Yesterday, with these issues in mind, I visited the Johnsons' property that is involved with this transfer.

Upon arrival, I noted that around 2 acres of the Johnsons' property was irrigated. This irrigated area, consisting of lawn and trees, exists from around the Johnsons' home to the west edge of Rock Creek. I also observed a pump in Rock Creek and an irrigation system that consisted of buried pipelines, sprinkler heads, and nozzles that allowed garden hose(s) to be attached to the pipelines. Mr. Johnson told me that they had bought the property a couple of years ago and the system was already present. Based on my observations in the field, and Mr. Johnson's story, I concluded that the present system had been in place for a few years. This conclusion leads me to believe that clear and convincing evidence of forfeiture would be difficult to obtain, if it even exists. Therefore, it appears that forfeiture is not an issue in this particular transfer.

With regards to the discrepancy in acres between the transfer application and the Johnson's adjudication claims, I believe that the transfer application is correct and that two acres are actually, and will be, irrigated. The Johnson's lot, R-52, is five acres in size and much of it lies east of Rock Creek on an obviously unirrigated hillside. The department may want to have the Johnson's amend their adjudication claims before the transfer is approved, or approve their transfer and recommend their adjudication claims for 2 acres of irrigation. This would insure consistency in both the allocations and adjudication records.

The attached photos show the property involved with this transfer.

T # 4856