

03/11/2002

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

RIGHT NUMBER: 29-146
NAME AND ADDRESS: FAWN A POTTER
PO BOX 212
LAVA HOT SPRINGS ID 83246

BRENDA POTTER
PO BOX 212
LAVA HOT SPRINGS ID 83246

SOURCE: FISH CREEK TRIBUTARY: PORTNEUF RIVER
QUANTITY: 0.25 CFS
PRIORITY DATE: 03/01/1894
POINT OF DIVERSION:
T09S R38E S25 NENWNW Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 09/15	0.250 CFS
THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS APRIL 1 AND MAY CONTINUE TO AS LATE AS OCTOBER 31, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 15 AND AFTER SEPTEMBER 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.		

PLACE OF USE: IRRIGATION Within BANNOCK County
T09S R38E S24 SWSW 0.7 T09S R38E S25 NWNW 11.5

12.2 ACRES TOTAL

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. THE REMAINDER OF THIS RIGHT WAS FORFEITED FOR NON-USE FROM 1980 TO 1987.

EXPLANATORY MATERIAL: Decreed

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
PORTION OF RIGHT FORFEITED/ABANDONED.

SRBA SUBCASE SUMMARY REPORT 29-10488

Return to SRBA Home Page

SRBA SUBCASE SUMMARY REPORT HTML12
05-09-2001

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

Find CC of PD

JUN 06 2001

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

RECEIVED

Ident. Number: A29-00146
Date Received: 3/12/1990
Receipt No: EO1308S
Received By: SS

APR 11 1990

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	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

$\frac{.50}{13M} = 03846$
ck
5 342-22
20
© 0.02/M

A29-00146

Page 1

Date: 03/12/90

MICROFILME

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 $\times 1.02 = 26$

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

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): Fawn A. Potter Date: 3/12/90
Date:

State of Idaho)
County of Bonneville) SS.

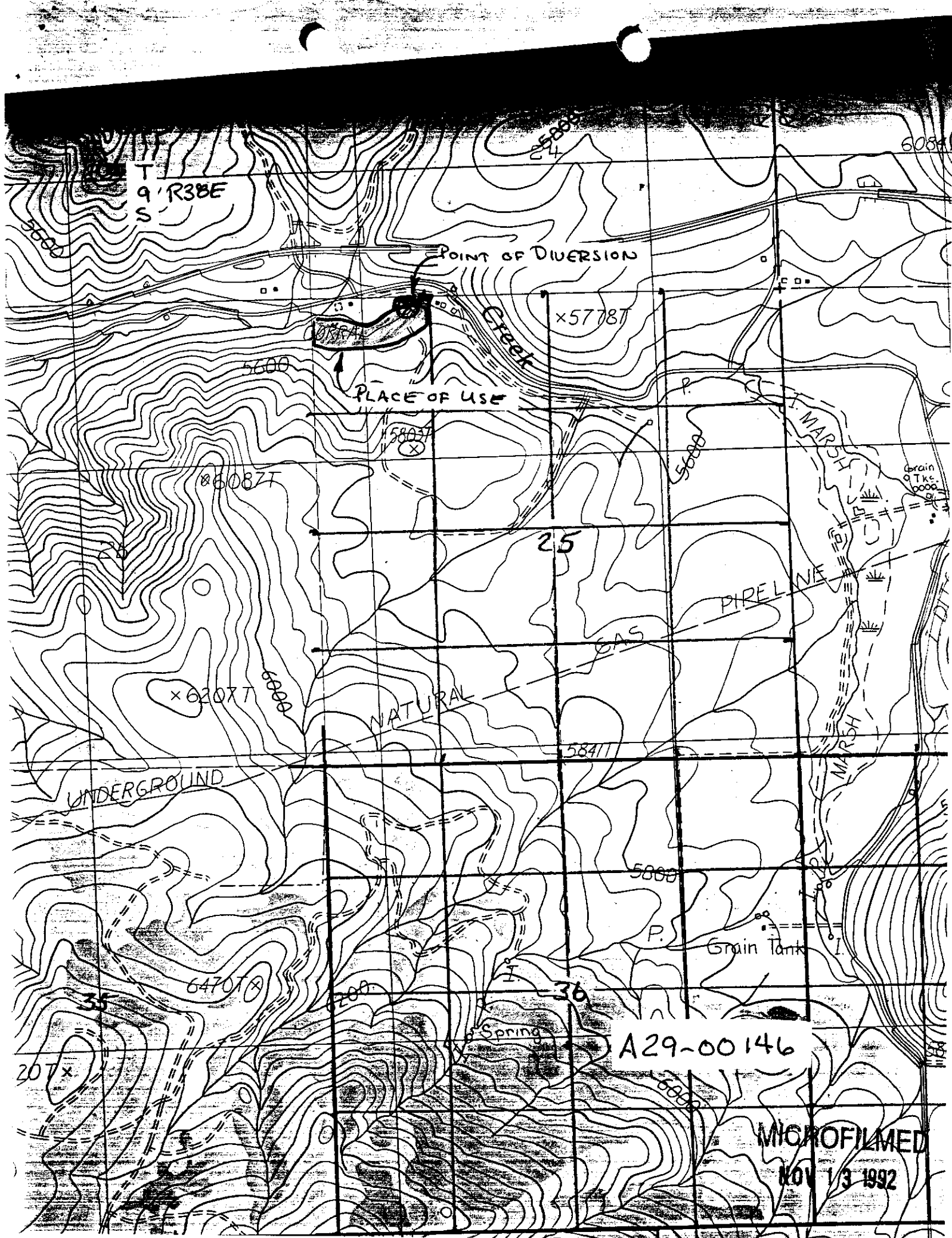
Subscribed and sworn (or affirmed) before me this 12th day

of Mar 19 90

Betty J. Thompson
Notary Public

Seal

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



A29-00146

MICROFILMED

NOV 13 1992



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

DIRK KEMPTHORNE
GOVERNOR

August 27, 2001

KARL J. DREHER
DIRECTOR

FAWN A POTTER
TERESA J POTTER
PO BOX 212
LAVA HOT SPRINGS ID 83246-0212

RE: CHANGE OF ADDRESS FOR ~~A29-00146~~, A29-10488 AND
A29-11441

Dear Claimant:

It has come to our attention that your address may have recently changed. The address currently recorded on the above referenced water right(s) is as follows:

Fawn A Potter
Teresa J Potter
Po Box 632
Lava Hot Springs ID 83246

We recommend if, in fact, the address in question has been changed, you file a "Change in Address" with this department in order that we may send all further correspondence to the appropriate address.

Enclosed is a Change in Address form. Please fill out the form completely, sign and date it and return it to my attention.

If you have any questions regarding this matter, please call 525-7161.

Respectfully submitted,

Cheri Vandermeulen
Records Clerk

Enclosure(s)

02/13/2 003

NOTICE OF ERROR

REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: April 21, 2003

Water right number: 29-146

FAWN A POTTER

P0 BOX 212

LAVA HOT SPRINGS ID 83246

Telephone Number: (208)776-5669

BRENDA LEA POTTER

P0 BOX 212

LAVA HOT SPRINGS ID 83246

Telephone Number: (208)776-5669

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

A: Quantity

B: Point of Diversion - *POD IS RECOMMENDED PER FE AND DISCUSSION w/ CLAIMANT.*

C: Place of Use - *RECOMMENDED ALL IRRIG LINES AS (1987) ALLOWABLE - A PORTION OF WHICH BELONGS TO LAVA HOT SPRINGS CITY AND NOT ALLOWED TO BE IRRIG.*

D: Other Provisions Necessary for Definitions

2. Describe the changes you wish to make in the proposed recommendation:

A: Retain Original Homestead Patent Claim of .5 cfs.

B: I request to transfer portion of water to adjacent property. - *NEEDS TO FILE TX APPLIC.*

C: Increase amount of irrigated acres. - *SUB 1.0.*

D: Request the remainder of Original Right not to be forfeited for none use.

3. Give a brief explanation as to why you disagree with these portions:

A: The Claim was made in 1989 with the assistance of an IDWR official. I believed I was doing everything correct to retain this Water Right until July of 2001, when the field examiner interviewed me. At this time I requested to use the extra water on adjacent property or be allowed to sell a portion of this water right, but have been denied those options.

B: I own over 300 acres here and know losing such a valuable asset will adversely affect the value of my property.

C: Increasing my total irrigated acres to 26 would allow me to retain this asset.

D: My father transferred the point of diversion during the 1960's. At this time we began pumping and piping water instead of ditch irrigation, increasing our efficiency and decreasing water loss. If we would have realized that this would cause forfeiture, we would have increased our beneficial use. In 1989 and again in 1990 I visited the IDWR Office in Idaho Falls, concerned for this Water Right and was told everything was ok and that I was not in jeopardy of losing this Water Right.

☐ I AGREE with this proposed recommendation; no changes need to be made.

DATE: 04-17-03

SIGNATURE: Fawn A Potter

Please print your name: Fawn A Potter

IDWR Regional Office, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402, 2085257161

4/30/03 No Action. SUB NOTES - ASR

RECEIVED
APR 25 2003

Department of Water Resources
Eastern Region

29-00146 DECREED

5/9/01 Called Mr. Potter (wife) she tells me she is a
now wife (Brenda). This claim needs a C/O to
CHANGE NAMES OF WIVES; w/ DIVORCE DECREE AND MARRIAGE CERT.

Done - C/O IN FILE 29-11441.

- ① Originally, DECREED w/ POD IN NW/NE S25
CLAIMS POD IN NW/NW Sec. 25 C/O 3 when 1969?

DECREED DEFINES NOTES & BEINGS DESCRIPTION TO POD'S.

- ② POD DEFINED AS: W²NW, N²SW Sec. 25 95/385. BEST
CASE ACRES IS 160[±]

CLAIMS 13[±] AC. w/ NW/NEW Sec. 25

- ③ APPEARS TO CLAIM OVERLAPPING WITH 29-11441 (8[±] AC). SOURCE
IS LINDAMOO SPRINGS @ 0.16 (.02 cts/AC). Priority 03/01/1894 → NO.

- ④ 29-146 CLAIMS 0.50 ON 13[±] ACRES (AS 0.0385 cts/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 DECREED (ORIGINAL 29 JUNE 1921, AMENDED 6 AUGUST
1932). THEREFORE, PRIORITY DATE ADVANCEMENT IS ZERO ON 11441.

- Q → ⑤ 29-146 CLAIMS AS 0.50 ON 13[±] AC WILL LIKELY BE REDUCED
TO 0.26 cts. 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. AVAILABILITY OF WATER f/ KASHCK!

- Q → ⑥ 29-146 AS CLAIMED @ 0.50 cts ON 13[±] AC w/ NW/NEW Sec 2
BUT DECREED FOR (BEST CASE) 160[±] AC - what happens to it.

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 through 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.

7-0148

113. G. PARKINS
IDAHO CONFERENCE OF THE

Said water to be diverted through the Fish

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 - - - + + - - - Diversion Name - - - + + - - - Diversion Rate - - - + + - - - Diversion No. - - - +

Twn Rng Sec Tract Lot RFlg County (5) BANNOCK *Claims: 525 Newms* *CP3 when*

+ - - - - Description - - - + + - - - Water Use - - - + + - - - Diversion Rate - - - + + - - - Diversion Volume - - - +

Code 01 - IRRIGATION *OK* Period From Period To 04/15 *OK* 09/15 0.500 *OK*

+ - - Total Div. Rate - - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
0.500 0.0

+ - - - - Tract Rng Sec Tract Lot Acres Code Description County

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

+ - - - - Diversion Means - *Best Case 1600 AC Claims: 525 Newms 137 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

29-10498 - PD'D

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	

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, P.O. Box 83720
Boise, Idaho 83720-0098
Return Service Requested

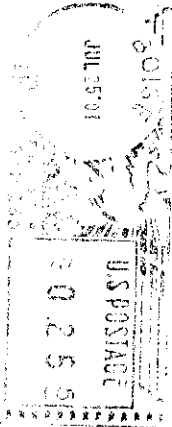
29-146
104889d
11441

AUG - 6 2001

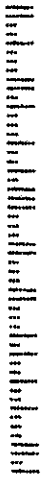
Department of Water Resources

FAWN A POTTER
PO BOX 632
LAVA HOT SPRINGS, ID 83246
Teresa J. Potter

REGISTERED
FIRST CLASS



POSTAGE TO SENDER
RETURN TO SENDER
POSTER, FAWN
PO BOX 632
LAVA HOT SPRINGS ID 83246-0212

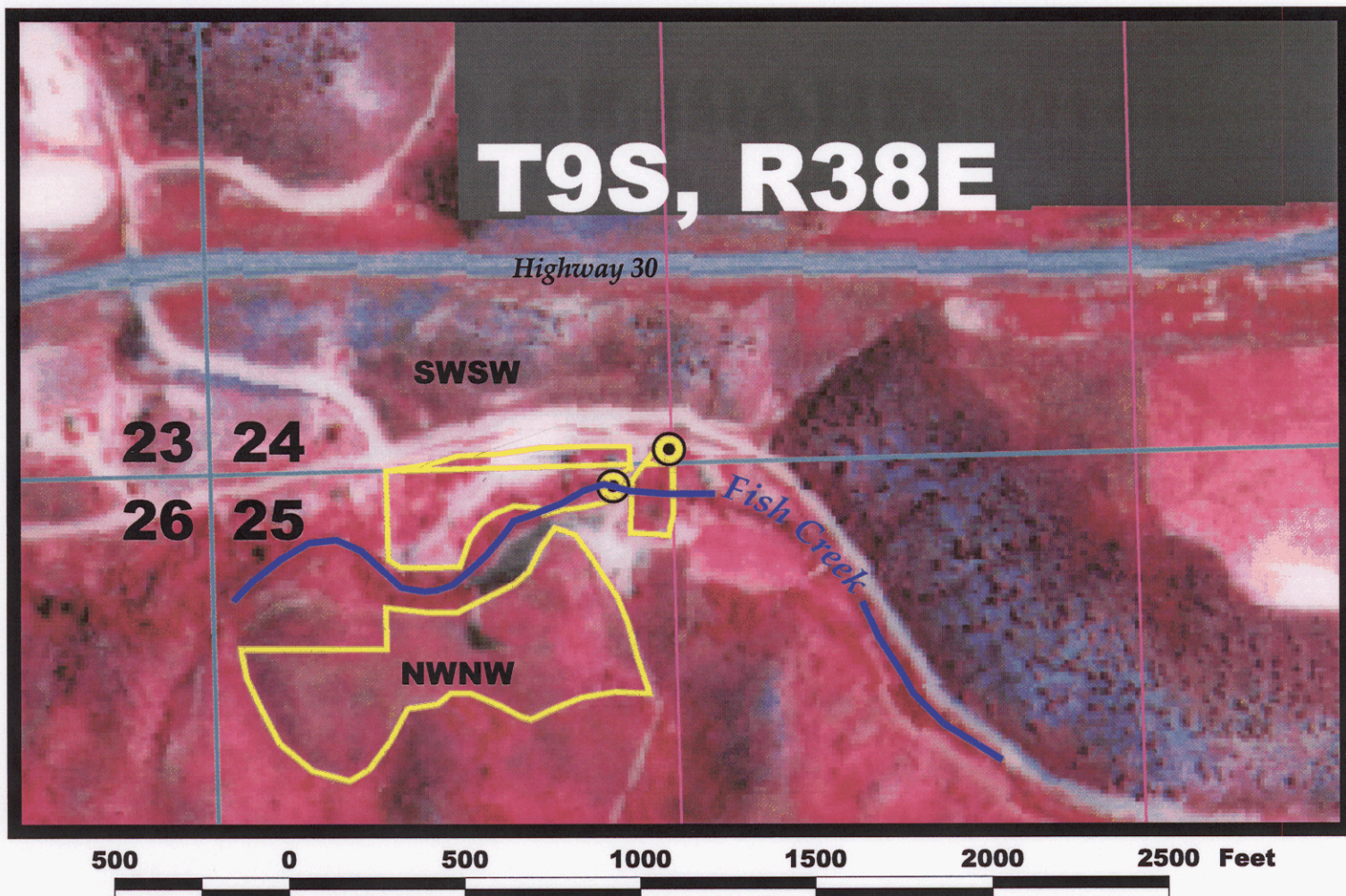




STATE OF IDAHO

Department of Water Resources
Eastern Region

**Water Right(s): 29-00146,
29-11441**



LEGEND

-  **SESE** Place of Use
-  Section
-  Quarter-Quarter
-  Point of Diversion

**Place of Use: T9S, R38E
(parts of) Secs. 24 SWSW,
Sec. 25 NWNW**

**Point(s) of Diversion: T9S, R38E
Sec. 25 NENWNW**

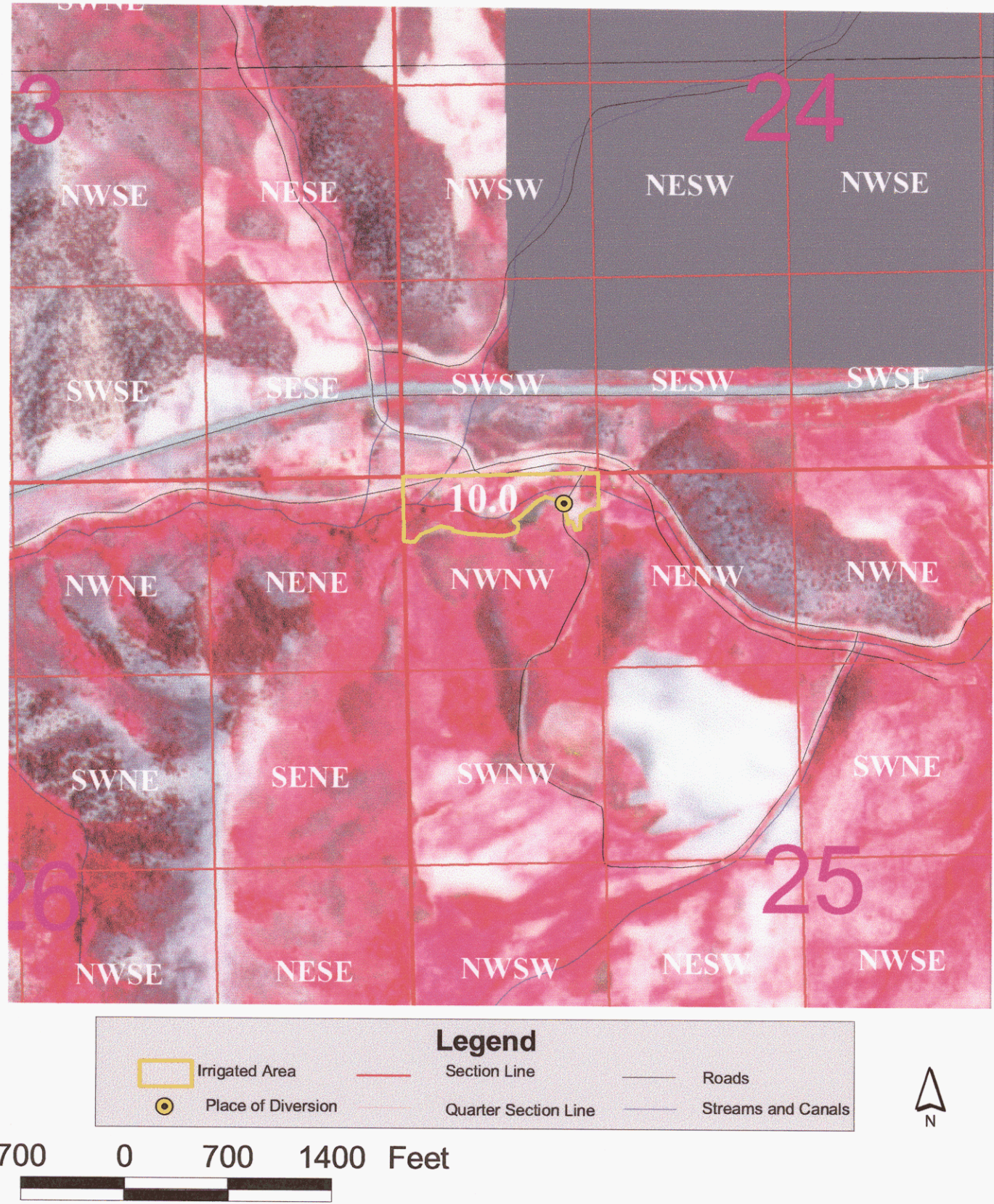


GIS Place of Use Illustration
1987/1988 NAPP photography
Prepared by: A. Ruberry
Date: March 2002

Water Right Claim Number A29-00146

08/04/2000

Township , 9S38E



T9S, R38E

23 24

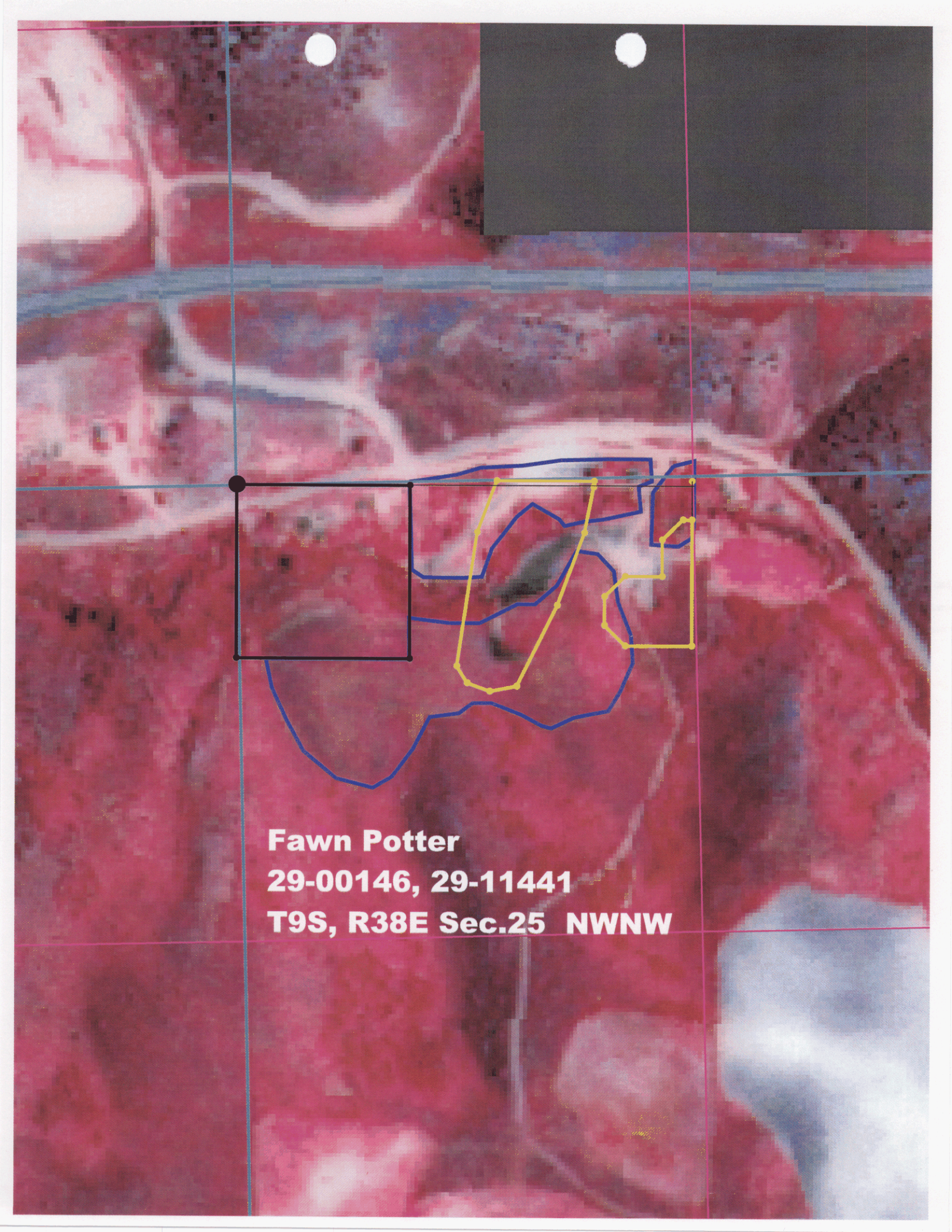
26 25

SWSW
0.680

NWNW
11.494

Fish Creek





Fawn Potter
29-00146, 29-11441
T9S, R38E Sec.25 NWNW