

Wydell Johnson came to the office today to discuss late claim 1-71F. On 12/29/2006 Ernie Carlsen assisted the claimant in the preparation of the claim. On 1/8/2007 the claimant filed a motion to file late notice of claim. The court granted the motion and forwarded the claim to IDWR on 4/19/2007. Claim 1-71F was disallowed in the Director's Report filed in November 2007 because water right 1-71 had already been fully recommended between claims 1-71B, 1-71C, 1-71D, 1-71E, and 1-10022.

Right 1-71 was originally decreed in the Rexburg decree to Frederick Hatfield. The right was for 3.20 cfs and the place of use was the north half of the NE quarter of section 30. Transfer 819 moved 1.60 cfs off the NWNE quarter leaving it with high water rights only. Transfer 819 left 1.60 cfs on the NENE quarter.

Upon further investigation into the history of this right, I have discovered additional information that may have an impact on the allocation of right 1-71. It appears that Mr. Johnson may have a legitimate claim to 0.80 cfs of this right based on my conversation with him and the additional information I gleaned through my research. However this 0.80 cfs has already been recommended (or partially decreed) to Gene Scott, Table Rock Development, and Table Rock Irrigation Association.

Prior to Transfer 819, apparently an unrecorded transfer took place. The 1936 Water District 36 book shows 0.80 cfs of the Hatfield right delivered to the Steele ditch. The books from 1942 through 2002 show 0.80 cfs of the Hatfield right delivered to the Cheney ditch. Some handwritten notes in the 1942 book show that in 1921, 0.80 cfs of the Hatfield right was moved from the Kite and Nord to the Steele, then to the Cheney by verbal orders of Rulen Johnson (former owner was Durant).

During our meeting today, I asked Wydell to tell me what he knew about the history of the irrigation of the land that appeared on his claim. He told me that his grandfather, King Durant, irrigated the claimed acreage via the Steele and Cheney ditches from the 1940's through the 1960's. Wydell indicated that water in the ditch was shared with another water user, R. Dewayne Scott. Some time in the 1960's he stopped using those ditches because it was difficult to get the water down the over 2 miles of ditches. Wydell said that there was an agreement at that time to get the water delivered via the Rudy Canal, and that this land is still irrigated today from the Rudy. Mr. Johnson stated that the claimed place of use has been irrigated with wheellines for the past 4 or 5 years.

Although the land described in claim 1-71F is located within the decreed place of use, the water district records show delivery of this right through the Cheney Canal, and the claimant says that he is getting this water via the Rudy Canal.

If 1-71F is recommended to the claimant, the following claims would need to be disallowed since they are competing claims with this right: 1-71B, 1-71C, and 1-71E. Also the following rights would require adjustments to their combined acreage remarks: 1-35B, 1-35C, 1-35E, 1-177A, 1-177C, 1-177D, 1-10017, 1-10470, and 1-10494.