

12/13/2005

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

RIGHT NUMBER: 21-2041
NAME AND ADDRESS: ROBERT L PEARSON
1331 E 65TH S
IDAHO FALLS ID 83404
SOURCE: ROCK CREEK TRIBUTARY: HENRYS LAKE
QUANTITY: 0.900 CFS
Right Nos. 21-2041 and 21-12958 are limited to a total combined diversion rate of .9 cfs.
PRIORITY DATE: 08/29/1910
POINT OF DIVERSION:

T15N R42E S24 SWSWNW Within FREMONT County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/15	0.900 CFS

PLACE OF USE: IRRIGATION Within FREMONT County

T15N R42E S24	NENW	18.0	T15N R42E S24	NWNW	13.0
T15N R42E S24	SWNW	31.0	T15N R42E S24	SENW	2.8

64.8 ACRES TOTAL

This right is limited to the irrigation of 45 acres within the place of use described above in a single irrigation season.

Right Nos. 21-2041 and 21-12958 are limited to the irrigation of a combined total of 64.8 acres in a single irrigation season.

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

Right No. 21-12958 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.

SCANNED

AUG 10 2001

85-20 X

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: A21-02041

Date Received: 1/04/1989

Receipt No: 8005493

Received By: EMC

Assisted by EMC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ROBERT L. PEARSON 208-522-9589
Address: 1331 E. 65 S.
IDAHO FALLS, ID 83404

2. Date of Priority: AUG 29, 1910

3. Source: ROCK CREEK Trib. to: HENRYS LAKE

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
15N	42E	24	NW	NW	SW		FREMONT
			NW	NW	SW		FREMONT

5. Description of diverting works:
OPEN DITCH WITH PORTABLE DAM.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	0.900		

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

8. Total consumptive use is 67.5 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
15N	42E	24	NE	NW		IRR	15.0
			NW	NW		IRR	15.0
			SW	NW		IRR	10.0

A21-02041

Page 1

Date: 01/04/89

A2102041



MICROFILMED
OCT 20 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
15N	42E	24	SE NW		IRR	5.0
Section Acres						45.0
Total Acres						45.0

11. Place of use in counties: FREMONT

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

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: LICENSE
Water Right Number: 6572

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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1

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): Robert L. Peterson Date: 1/4/89

Date: _____

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 4 day

of January 19 89

Ernest Carlson
Notary Public

Seal

Residing at Elk Falls, ID.

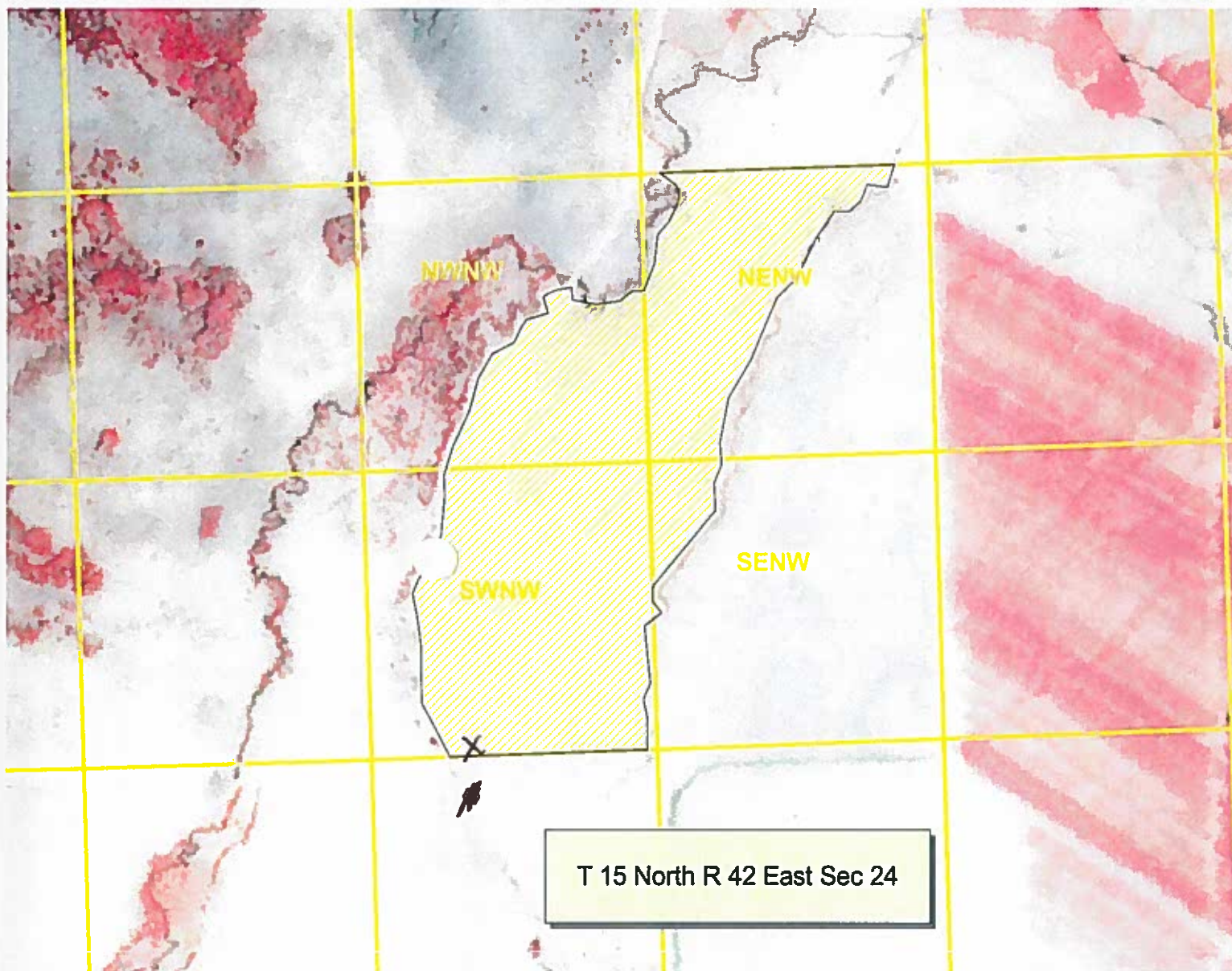
My Commission Expires 14 June 1994



State of Idaho
Department of Water Resources
Eastern Region



Claim Number(s): 21-2041, 21-12958



600 0 600 1200 Feet

- Place of Use
- Points of diversion
- Quarter Quarter

GIS Place of Use Illustration
1987/1988 NAPP photography
Prepared by T. Galbraith
Date: June 2005



06/29/2005

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:

Water right number: 21-2041

ROBERT L PEARSON
1331 E 65TH S
IDAHO FALLS ID 83404
Telephone Number: (208)522-9589

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

Part of Division in question. Change to X

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

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

___ I AGREE with this proposed recommendation: no changes need to be made.

DATE:

12/13/05

SIGNATURE:

Robert L. Pearson

Please print your name:

ROBERT L. PEARSON

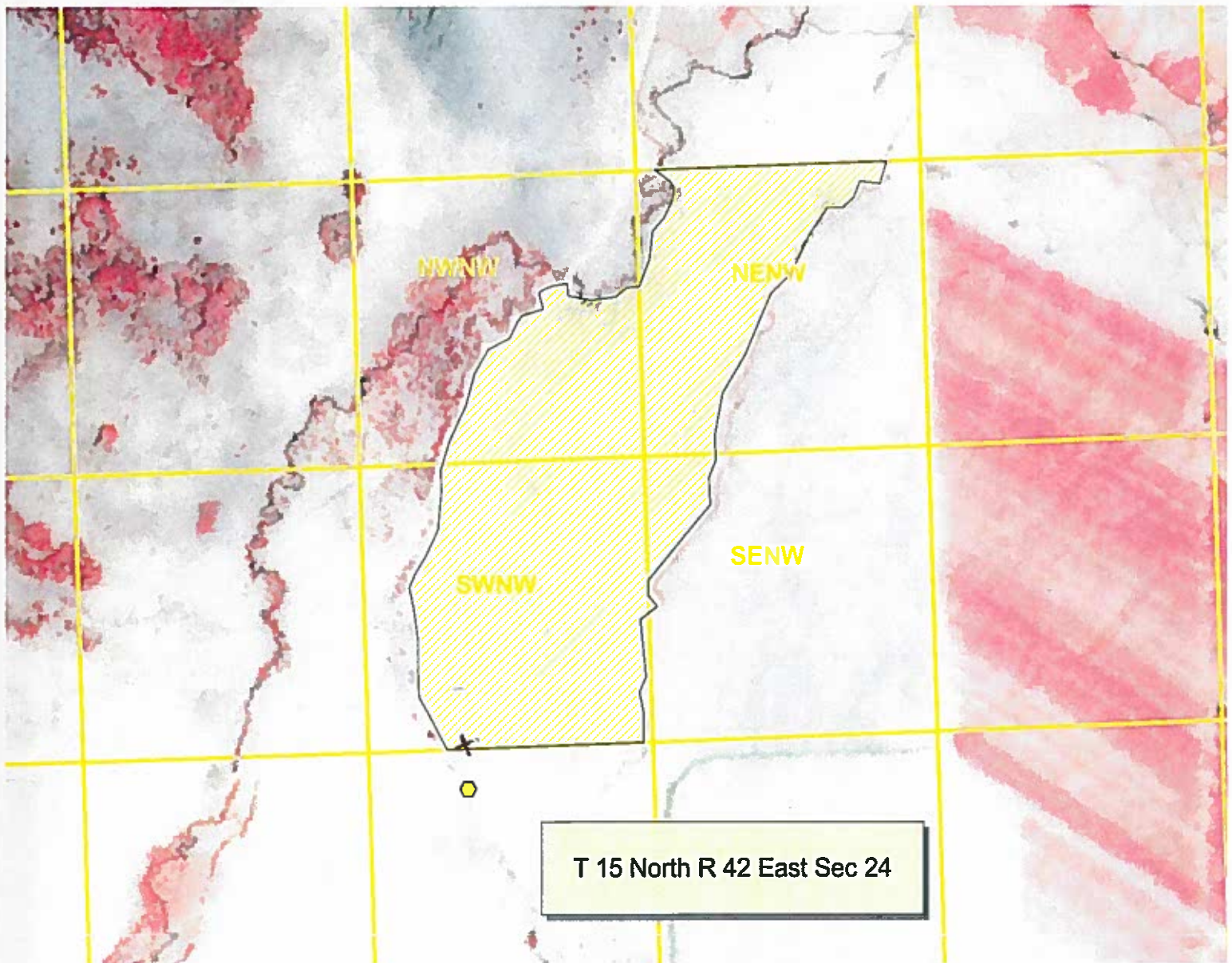
IDWR Regional Office, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402, 2085257161



State of Idaho
Department of Water Resources
Eastern Region



Claim Number(s): 21-2041, 21-12958



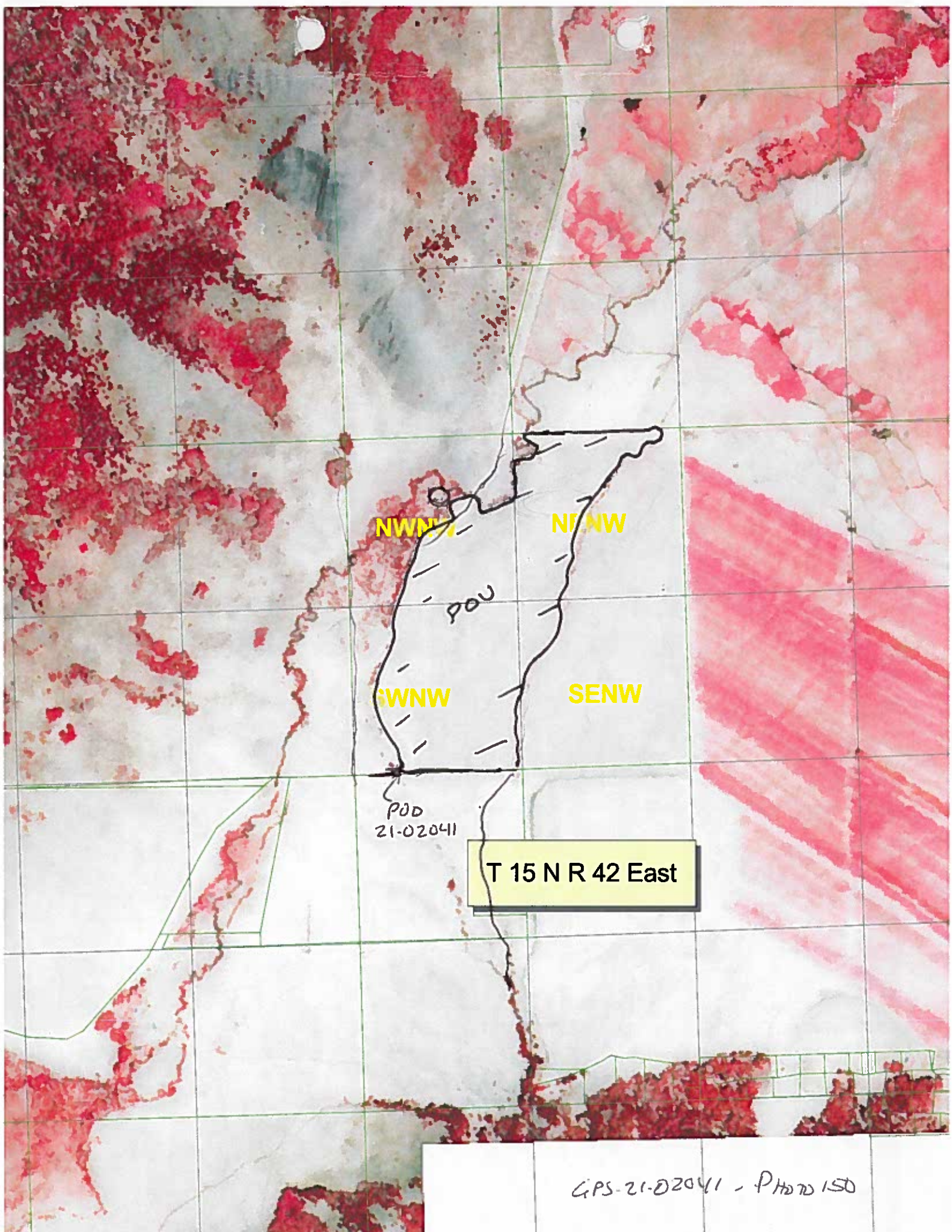
T 15 North R 42 East Sec 24

600 0 600 1200 Feet

- Place of Use
- Points of diversion
- Quarter Quarter

GIS Place of Use Illustration
1987/1988 NAPP photography
Prepared by T. Galbraith
Date: June 2005





NWNW

NE NW

POU

SWNW

SE NW

POD
21-02041

T 15 N R 42 East

GPS-21-02041 - PHOTO 150

County: Fremont
Stream: Rock Creek
Amount: 9/10 of 1 sec.ft.
Use: Irrigation
Priority: 8-29-1910

STATE OF IDAHO

Water License No. 6572

WHEREAS, On the 29th day of August, A. D. 1910, Roy Robbins,

of Lake, County of Fremont, State of Idaho, duly made application (No. 9487) to me for a permit to use 3.2 cubic feet per second of the waters of Rock Creek, County of Fremont, State of Idaho, for irrigation and domestic purposes, and,

WHEREAS, On the 10th day of September, A. D. 1910, Permit No. 6572 was issued to said applicant for the diversion of said water and providing for the completion of the works of diversion therein described on or before the 10th day of September, A. D. 1912, and for the application to beneficial use of said water on or before the 10th day of September, A. D. 1914, and,

WHEREAS, On the 7th day of September, A. D. 1912, Roy Robbins,

the holder of said permit, duly made proof of the completion of adequate works for the diversion of 3.2 cubic feet per second of said waters, as evidenced by my Certificate No. 6572, dated September 21, 1912, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 3.2 cubic feet per second of said water, with date of priority of August 29, 1910, and

WHEREAS, On the 8th day of September, A. D. 1914, Roy Robbins,

the holder of said permit, duly made proof of the application to beneficial use of 9/10 of 1 cubic foot per second of said water:

NOW, THEREFORE, By virtue of authority vested in me by the laws of the State of Idaho, I hereby grant and confirm to

Roy Robbins

of Lake, County of Fremont, State of Idaho, the holder and owner of said Permit No. 6572, a perpetual right, dating from August 29, 1910, to the use of 9/10 of 1 cubic foot per second of the waters of Rock Creek,

In the County of Fremont and State of Idaho, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted in the NW $\frac{1}{4}$ of SW $\frac{1}{4}$, Sec. 24, T. 15 N., R. 42 E.B.M.,

and conducted to and upon 45 acres, divided as follows: 10 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$; 5 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$; 15 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ and 15 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, all in Sec. 24, T. 15 N., R. 42 E.B.M.,

for the purpose of irrigation and domestic use, subject, however, to the laws of the State of Idaho, applicable to a license for the use of the waters of the State, and subject, also, to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source or supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and the seal of my office at Boise, Idaho, this 25th day of January, A. D. nineteen hundred and fifteen.

Herbert Wing,

(Seal)

Acting State Engineer

21 211

Contacts Data Entry Form

Claim Number: 21-02041

Owner Type	Full Name	Address	City	State	Zip
------------	-----------	---------	------	-------	-----

Current Owner: _____ Phone No.: _____

Current Owner: _____ Phone No.: _____

Current Owner: _____ Phone No.: _____

Name connector: and _____, or _____, and/or _____.

Representing Attorney: _____ Phone No.: _____

Accompanied By: _____ Phone No.: _____

Relationship to Claimant: _____ Date of Field Exam: _____

Discussion of right origin and split history. Questions and problems.

CURRENT OWNERSHIP IS OK AS SHOWN ON CLAIM
IP ADDRESS IS 3515 HENRY'S LK. RD.

POD finished

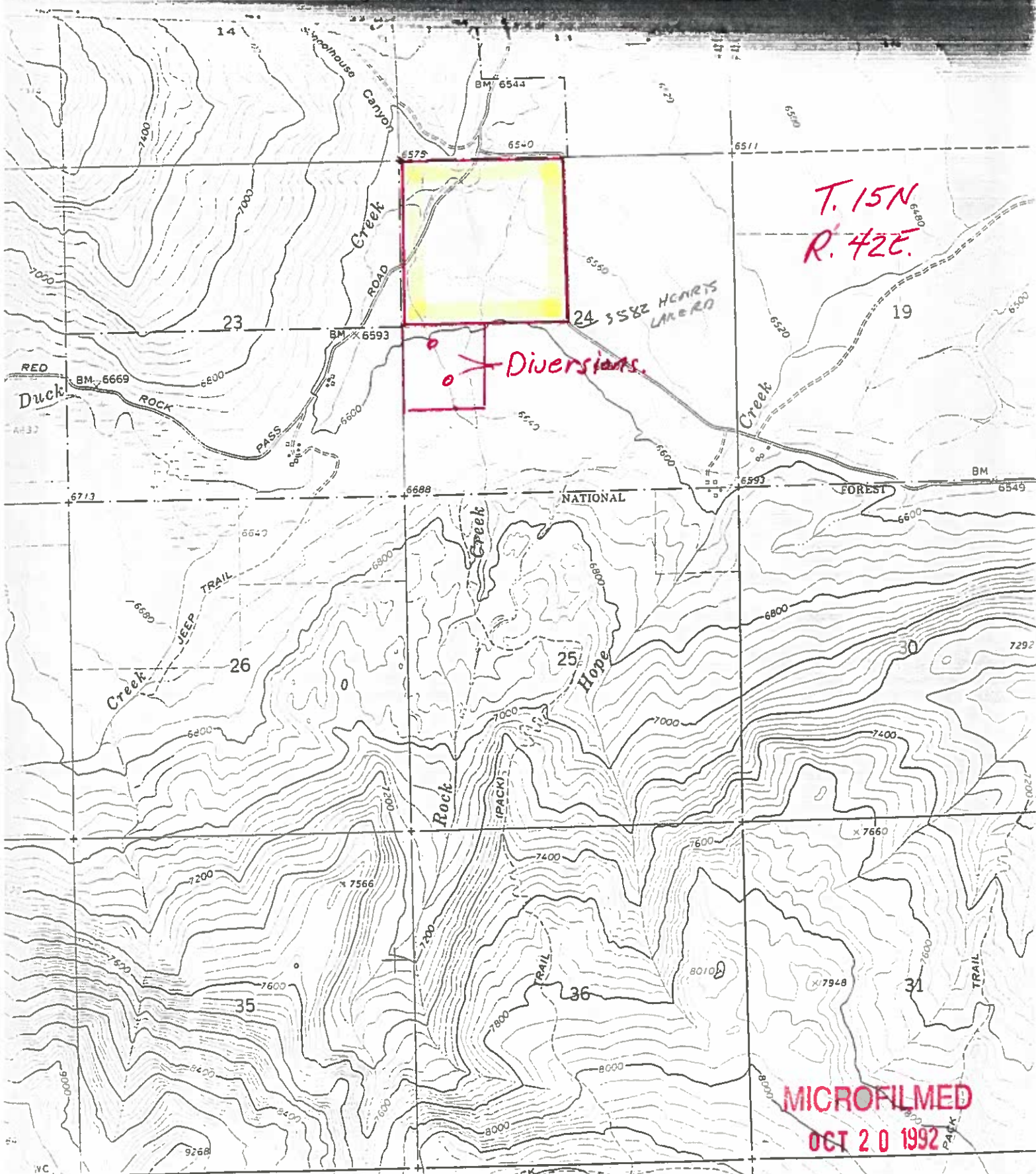
Need Quantity
POD

Reviewer: _____ Date: _____

Claimant Contact Log

Agent initials

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

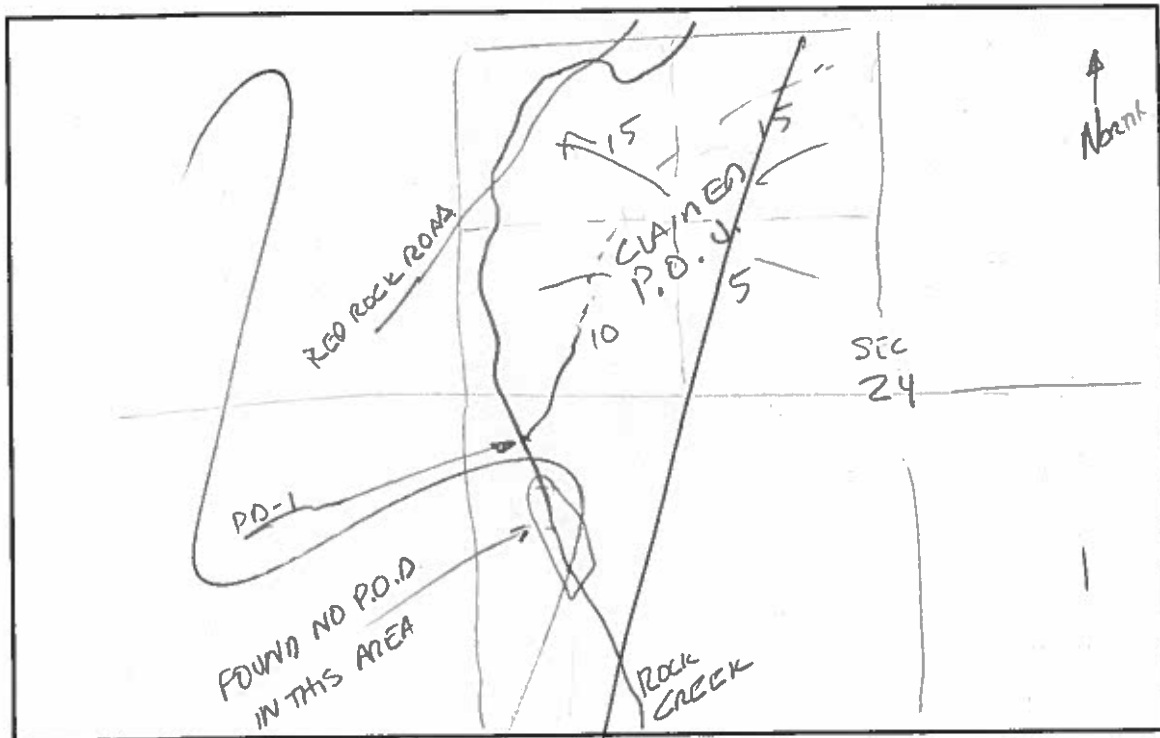


T. 15N
R. 42E

Diversions

MICROFILMED
OCT 20 1992

Water Right No(s). 21-02041



GPS DATA:

Tag # _____ Location: _____

Diversion Data:

Source: ROCK CK Trib to: Duck Cr

MOTOR

Make: NA Model: _____ Hp: _____

SN: _____

PUMP

Make: NA Model: _____ Disch: _____

SN: _____

NOTES:

PD-1 - Photos 100-0200 / 100-0201 } PD #1
GPS-008 - 701844 / 393205 }
PD-2 - Photos - 100-202; GPS-009: 702069 / 392774
- This is possibly not the correct P.O. for THIS RIGHT

Field Exam Date: 12-1-04 Agent: STEVE McGERMID

PD-1 GPS Correction 2701844 / 1492992
" " " 2702069 / 1492561
PD-2

Claim Number: 21-0421

Water Right Point(s) of diversion and Source.

Water Right Point of Diversion: T 15N R 42E Sec. 24 _____, NW, SW County: TREMONT

Source: Rock Cr Tributary to: Duck Cr

Water Right Point of Diversion: T _____, R _____, Sec. _____, _____, _____, _____ County: _____

Source: _____ Tributary to: _____

Claimed Point(s) of Diversion and Source.

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source	Tributary to
15N	42E	24		NW SW	FREMONT	Rock Crk	Duck Crk

-2 POINTS-

Recommended Point(s) of Diversion and Source.

Twp	Rge	Sec	Gov Lot	QQ of QQ of Q	County	Source	Tributary to
15N	42E	24		NW-SW	FREMONT	Rock Cr	Duck Cr

Other rights from this POD? _____

Transfers Pending or approved: NONE

Document how the POD and Source were verified:

P.O.D. INSPECTED / ON 12-01-04

Reviewer: SJA Date: 12-4-04

Date: 12-4-04

Place Of Use Data Entry Form

Claim Number: 21-02041

Claimed Place Of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
15N	42E	24	NE	NW	FREMONT		15	Irr
			NW	NW			15	
			SW	NW			10	
			SE	NW			5	

Total acres 45

Recommended Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
15N	42E	24	NE	NW				*
			NW	NW				
			SW	NW				
			SE	NW				

Total acres _____

Pending or approved Transfers: _____

Overlapping rights: NONE

Document how the POU was verified:

PHOTO OF P.O.U. 110-0203 -

* THIS LAND DOES NOT APPEAR TO IRRIGATED. THERE ARE 1
DITCHES THAT MEANDER THROUGH THE PROPERTY. THESE
MAY BE USED DURING RUNOFF TO IRRIGATE THE LAND.
GIVEN THE CURRENT CONDITIONS (~6" SNOW COVER) IT IS
DIFFICULT TO DISCERN IRRIGATED LANDS FROM NON-IRR. LANDS.

Reviewer: SHM Date: 12-1-04

Priority Date Data Entry Form

Claim Number: 21-02041

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: AUG 29, 1910 Claimed Basis: LICENSE 21-2041Recommended Priority Date: AUG 29, 1910 Recommended Basis: " "

Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

LICENSE #21-2041 IS ATTACHED TO THIS ALC.Reviewer: SPMDate: 12-1-04

County: Fremont
Stream: Rock Creek
Amount: 9/10 of 1 sec.ft.
Use: Irrigation
Priority: 8-29-1910

STATE OF IDAHO

Water License No. 6572

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WHEREAS, On the 10th day of September, A. D. 1910, Permit No. 6572 was issued to said applicant for the diversion of said water and providing for the completion of the works of diversion therein described on or before the 10th day of September, A. D. 1912, and for the application to beneficial use of said water on or before the 10th day of September, A. D. 1914, and,

WHEREAS, On the 7th day of September, A. D. 1912, Roy Robbins,

the holder of said permit, duly made proof of the completion of adequate works for the diversion of 3.2 cubic feet per second of said waters, as evidenced by my Certificate No. 6572, dated September 21, 1912, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 3.2 cubic feet per second of said water, with date of priority of August 29, 1910, and

WHEREAS, On the 8th day of September, A. D. 1914, Roy Robbins,

the holder of said permit, duly made proof of the application to beneficial use of 9/10 of 1 cubic foot per second of said water:

NOW, THEREFORE, By virtue of authority vested in me by the laws of the State of Idaho, I hereby grant and confirm to

Roy Robbins

of Lake, County of Fremont, State of Idaho, the holder and owner of said Permit No. 6572, a perpetual right, dating from August 29, 1910, to the use of 9/10 of 1 cubic foot per second of the waters of Rock Creek,

in the County of Fremont and State of Idaho, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted in the NW $\frac{1}{4}$ of SW $\frac{1}{4}$, Sec. 24, T. 15 N., R. 42 E.B.M.,

and conducted to and upon 45 acres, divided as follows: 10 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$; 5 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$; 15 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ and 15 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, all in Sec. 24, T. 15 N., R. 42 E.B.M.,

for the purpose of irrigation and domestic use, subject, however, to the laws of the State of Idaho, applicable to a license for the use of the waters of the State, and subject, also, to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source or supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and the seal of my office at Boise, Idaho, this 25th day of January, A. D. nineteen hundred and fifteen.

Herbert Wing,

(Seal)

Acting State Engineer.

21 211

REPORT OF ENGINEER

1. State name of applicant and number of permit: Ray Robbier 16572
2. State source of water supply: Rock Creek
3. Location of point of diversion: n.w. 1/4 of the S.W. 1/4 of Sec 24, Township 15 N Range 42 E B.M.
4. State whether or not the works of diversion are fully completed and in accordance with terms of permit: yes
5. Describe works as they exist, giving dimensions of same as follows:
- (a) Width of conduit at bottom: 2 feet
 - (b) Width at water line: 3 feet
 - (c) Depth of water: 1 foot
 - (d) Grade per mile: 4 in to the Rod
 - (e) Capacity of ditch: 3.2 seconds feet second feet.
6. State whether or not water has been turned into works of diversion and if so, to what extent: they have to full extent
7. Give exact location of lands to be irrigated. Give exact number of acres under cultivation in each forty acre tract: n.w. 1/4 of Sec 24, 10 acres in the S.W. 1/4, 5 acres in S.E. 1/4, 15 acres in the N.W. 1/4, and 15 acres in the N.E. 1/4.
8. Submit map on enclosed plat, source of supply, point of diversion, route of ditch or ditches and cross hatch lands to be irrigated.

Remarks:

Ed. Staley

STATE OF IDAHO,

County of Franklin } ss.

Ed. Staley, being first duly sworn, deposes and says that the statements contained in the within report are correct to the best of his knowledge and belief.

Subscribed and sworn to before me this 18th day of Jan 1917

My Commission Expires

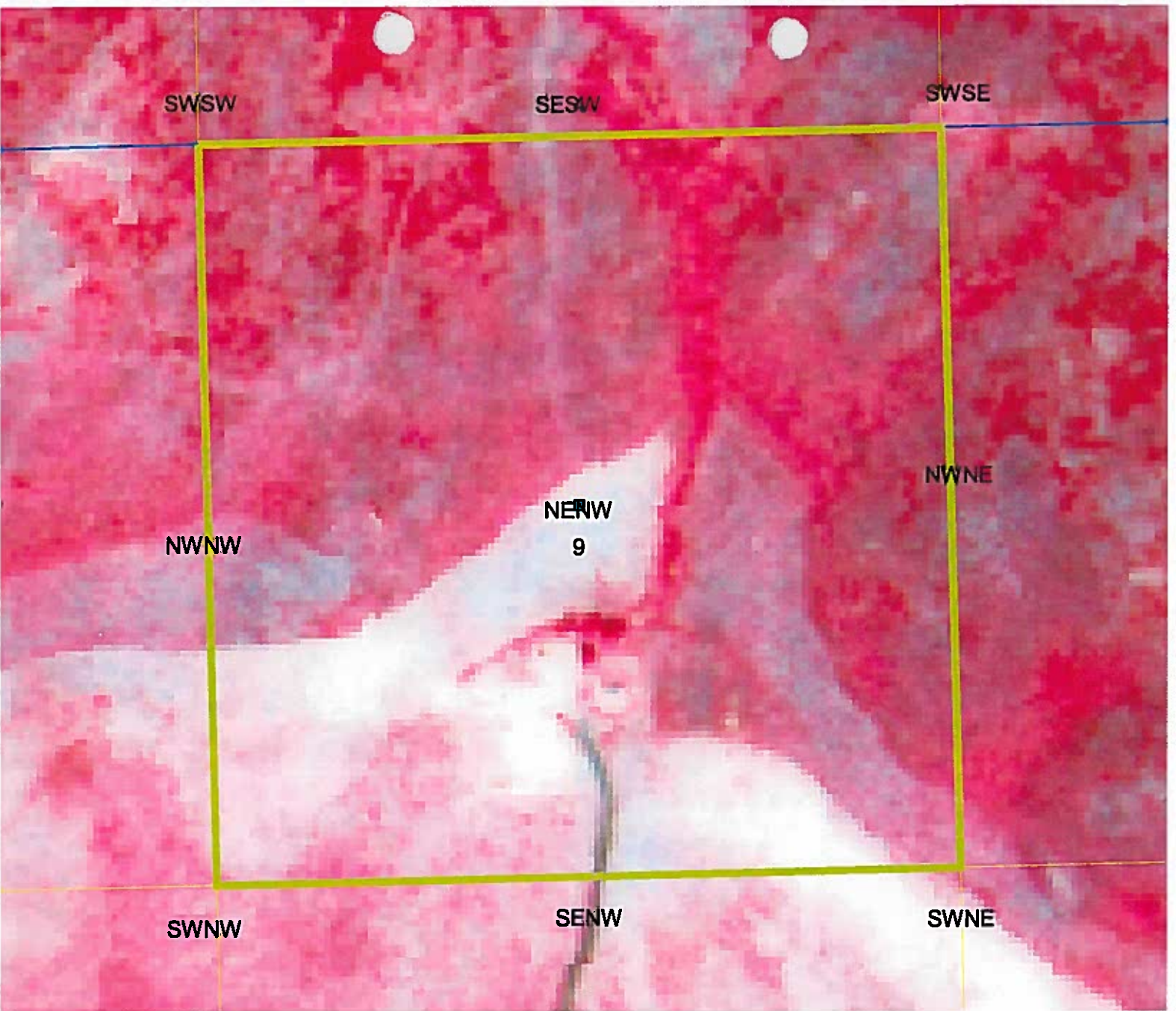
Apr 23 1917

Notary Public.

6572

[illegible]

Printed and for sale by the Statesman Shop, Boise, Idaho



21-02041
T15N R42E

Claim No. 21-2041

Document Checklist

☒ Copy License/Decree

☐ Copy Transfer _____

☒ Copy Licensing Field Exam

☐ Check if Ownership/Address Change is Required _____

☐ Generate, mail and file "Evidence of Priority" letter _____

☒ Generate Arcview Map