

11/10/2006

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

RIGHT NUMBER: 22-13411

NAME AND ADDRESS: ERIK JOHNSON
PO BOX 7836
JACKSON WY 83002

SOURCE: FOX CREEK

TRIBUTARY: TETON RIVER

QUANTITY: 0.040 CFS

PRIORITY DATE: 06/01/1896

POINT OF DIVERSION:
T04N R46E S30 NWSNW Within TETON County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/01 10/31	0.040 CFS
PLACE OF USE:	<u>IRRIGATION in TETON County</u>		
	T04N R45E S26 SWNE	2.00	
	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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

This right is a split from former right 22-562.



Idaho Department of Water Resources

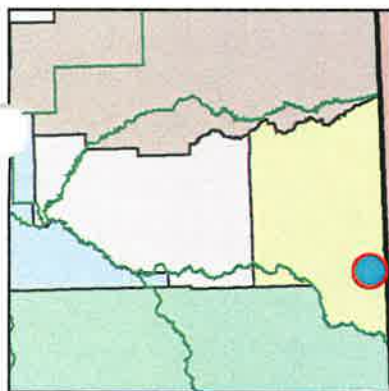
SRBA Recommendation:

22-13411

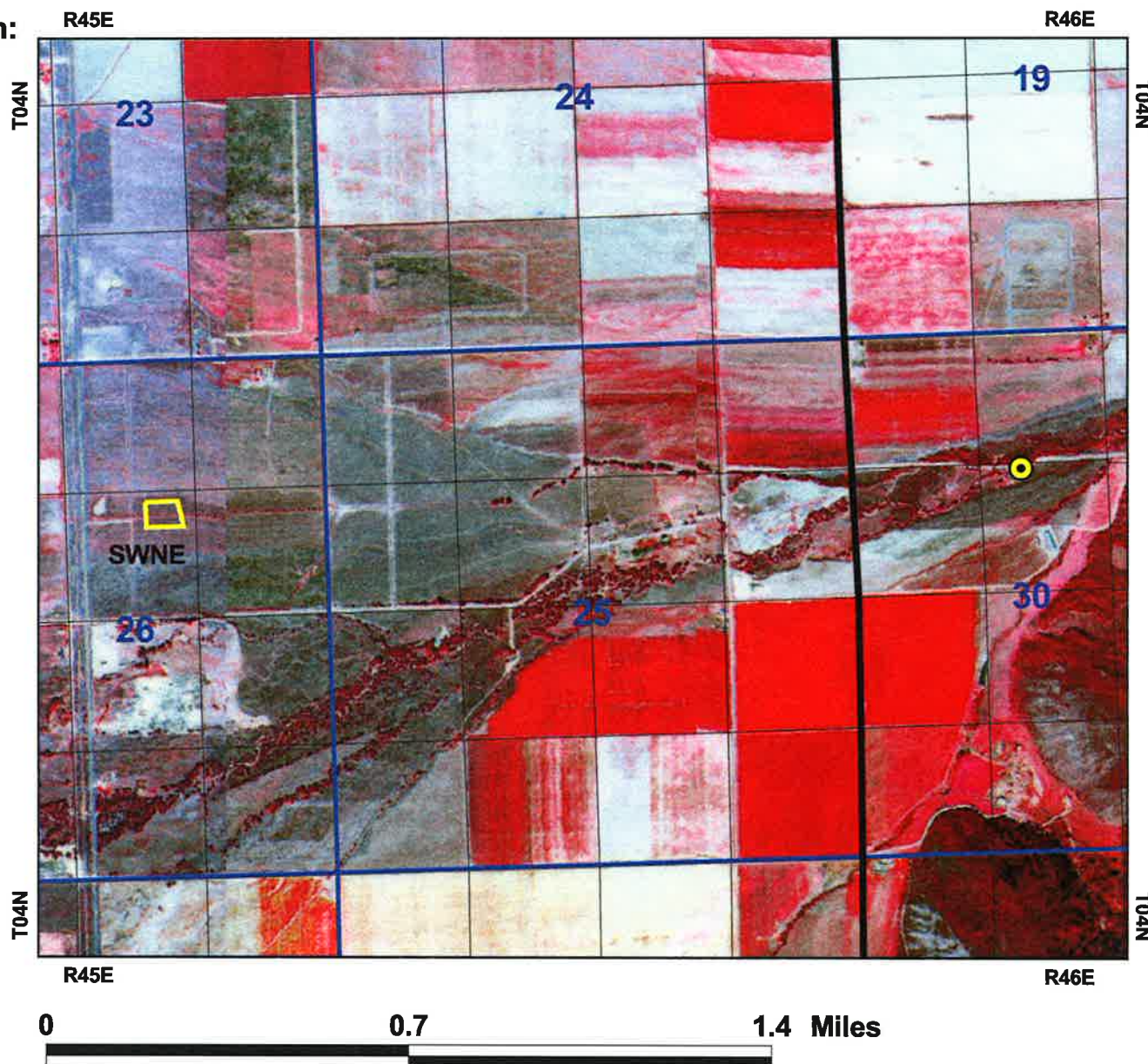
(Irrigation)

Legend

- Point of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters

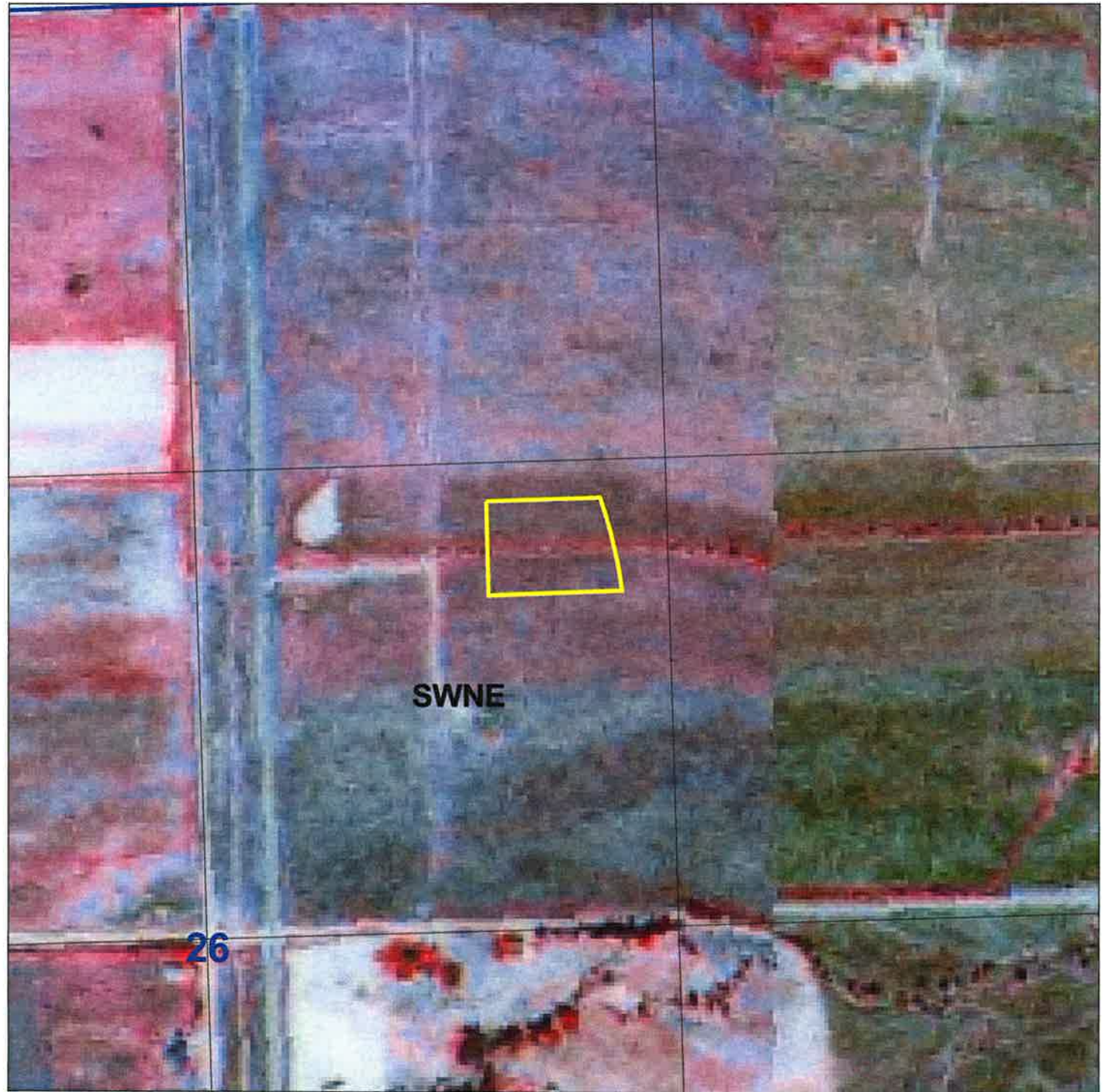


Teton County
IDWR Basin 22



Prepared by T. Galbraith
On Friday, November 10, 2006
1987/88 Aerial Photography

22-13411



11/10/2006

**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: 22-13411

ERIK JOHNSON
PO BOX 7836
JACKSON WY 83002
Telephone Number: (307)413-6868

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

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: 12/8/06 SIGNATURE: 

Please print your name: ERIK JOHNSON

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

#55

~~1-0811~~ 21 0127 ✓
Uden, Ernest W.

U.
75 inches. June 1, 1902. Southwest Fork of
Elk Creek.

~~1-0811~~ 22 0562 ✓
Vail, J. R.

V.
160 inches. June 1, 1896. Fox Creek.

~~1-0811~~ 22 0563 ✓
Vail, W. C.

120 inches. June 1, 1897. Fox Creek.

~~1-0811~~ 22 0564 ✓
Vail, W. C.

100 inches. June 1, 1897. Fox Creek.

~~1-0811~~ 22 0565 ✓
VanLeuven, William

160 inches. June 15, 1897. South Leigh Creek.

~~1-0811~~ 22 0566 ✓
Victor Townsite.

(To Nahum Curtis,
Davis Cheney and
Edwin Rice
Trustees.)

320 inches. June 1, 1896. Trail Creek.

~~1-0811~~ 22 0567 ✓
Waddell, Mrs. L. E.

W.
200 inches. Sept. 1, 1891. Teton Creek.

~~1-0811~~ 22 0568 ✓
Wagstaff, A. J.

The Farmers' Friend
Canal Company.

~~1-0811~~ 22 0569 ✓
Wait, F. A.

160 inches. May 25, 1898. Leigh Creek.

~~1-0811~~ 22 0570 ✓
Wakeman, Herman

240 inches. July 1, 1886. Myers Creek.

~~1-0811~~ 22 0571 ✓
Walker, F. E.

Parsons Ditch Company.

~~1-0811~~ 22 0572 ✓
Wall, George L.

80 inches. Oct. 15, 1900. Wall Springs.

~~1-0811~~ 22 0573 ✓
Wall, George L.

40 inches. Aug. 20, 1901. Tom Creek.

~~1-0811~~ 22 0574 ✓
Wallace, H. A.

40 inches. Jan. 18, 1904. North Leigh Creek,
or Spring Creek.

~~1-0811~~ 22 0575 ✓
Walters, William

332 inches. Apr. 1, 1898. Teton River (Stewart
& Walters ditch),
(Joint appropriation
with Mons H. Anderson.

~~1-0811~~ 22 0576 ✓
Walters, William

168 inches. June 1, 1898. Teton River (Stewart
& Walters ditch),
(Joint appropriation
with Mons H. Anderson.

~~1-0811~~ 22 0577 ✓
Walton, Dania

120 inches. June 1, 1896. Darby Creek.

~~1-0811~~ 22 0578 ✓
Walton, D. O.

20 inches. June 1, 1889. Darby Creek. #41

~~1-0811~~ 22 0579 ✓
Walton, D. O.

140 inches. June 1, 1890. Darby Creek. #43

~~1-0811~~ 22 0580 ✓
Wallace, H. A.

100 inches. June 1, 1892. Paradise Springs.

~~1-0811~~ 22 0581 ✓
Walters, William

140 inches. May 1, 1888. Boone Creek.

~~1-0811~~ 22 0582 ✓
Walton, Dania

Roxana Canal
Company.

~~1-0811~~ 22 0583 ✓
Walton, D. O.

~~1-0811~~ 22 0584 ✓
Walton, D. O.

~~1-0811~~ 22 0585 ✓
Walton, D. O.

~~1-0811~~ 22 0586 ✓
Walton, D. O.

~~1-0811~~ 22 0587 ✓
Walton, D. O.

~~1-0811~~ 22 0588 ✓
Walton, D. O.

~~1-0811~~ 22 0589 ✓
Walton, D. O.

~~1-0811~~ 22 0590 ✓
Walton, D. O.

~~1-0811~~ 22 0591 ✓
Walton, D. O.

~~1-0811~~ 22 0592 ✓
Walton, D. O.

~~1-0811~~ 22 0593 ✓
Walton, D. O.

~~1-0811~~ 22 0594 ✓
Walton, D. O.

~~1-0811~~ 22 0595 ✓
Walton, D. O.

~~1-0811~~ 22 0596 ✓
Walton, D. O.

~~1-0811~~ 22 0597 ✓
Walton, D. O.

~~1-0811~~ 22 0598 ✓
Walton, D. O.

~~1-0811~~ 22 0599 ✓
Walton, D. O.

~~1-0811~~ 22 0600 ✓
Walton, D. O.

~~1-0811~~ 22 0601 ✓
Walton, D. O.

~~1-0811~~ 22 0602 ✓
Walton, D. O.

~~1-0811~~ 22 0603 ✓
Walton, D. O.

~~1-0811~~ 22 0604 ✓
Walton, D. O.

~~1-0811~~ 22 0605 ✓
Walton, D. O.

~~1-0811~~ 22 0606 ✓
Walton, D. O.

~~1-0811~~ 22 0607 ✓
Walton, D. O.

~~1-0811~~ 22 0608 ✓
Walton, D. O.

~~1-0811~~ 22 0609 ✓
Walton, D. O.

Trude, W. S.
and D. P.

E $\frac{1}{2}$ of SW $\frac{1}{4}$, N $\frac{1}{2}$ of SE $\frac{1}{4}$, SE $\frac{1}{4}$ of NW $\frac{1}{4}$,
and S $\frac{1}{2}$ of NE $\frac{1}{4}$ of Sec. 33, T. 13, N.,
R 42 E. B. M.,

Twin Grove Canal
and Irrigation
Company, The

20,000 acres of land belonging to the stock-
holders and patrons of said company, the
description of said land and the names
of said stockholders and patrons not
being given in the pleadings of said
company.

Twin Grove Irrig-
ation Company.

Lands of stockholders of said company, the de-
scription of said lands and the names of
said stockholders not being given in the
pleadings of said company.

Uden, Ernest W.

SW $\frac{1}{4}$ of Sec. 14, T. 13, N. R., 43 E., B. M.,

v.

Vail, H. J.

W $\frac{1}{2}$ of SW $\frac{1}{4}$ of Sec. 25, and E $\frac{1}{2}$ of SE $\frac{1}{4}$ of
Sec. 26, T. 4 N., R., 45 E. B. M., contain-
ing 160 acres.

Vail, J. R.

NE $\frac{1}{4}$ of Sec. 26, T. 4 N. R., 45 E. B. M.,
containing 160 acres.

Vail, W. C.

SE $\frac{1}{4}$ of Sec. 20, T. 4 N., R., 45 E., B. M.
containing 160 acres.

Vail, W. J.

SE $\frac{1}{4}$ of Sec. 20, T. 4 N. R., 45 E., B. M.,
containing 160 acres.

Vance, James S. NW $\frac{1}{4}$ of Sec. 4, T. 3 N. R., 38 E. B. M., con-
taining 160 acres.

Vance, L. A.

N $\frac{1}{2}$ of SW $\frac{1}{4}$ of Sec. 28, and N $\frac{1}{2}$ of SE $\frac{1}{4}$ of Sec.
29, T. 3, N. R., 38 E. B. M., containing
160 acres.

Vanleuven, William

E $\frac{1}{2}$ of SE $\frac{1}{4}$ and Lots 6 and 7 of Sec. 6, T. 5-45
Sec. 12, T. 5 N., R., 44 E., B. M.,

Claim no. 22-13411

Claimant Contact Log

Date Remarks Agent initials

8/8/06
DD

Made contact by phone with Crip Johnson
He indicated that he is using the water as
claimed at POU.

part of 22-562

Water Right No(s). _____

GPS DATA:

Tag # 40812259 Location: On top of north headgate wing

Diversion Data:

Source: Fox Creek Trib to: Teton River

MOTOR

Make: _____ Model: _____ Hp: _____
SN: _____

PUMP

Make: _____ Model: _____ Disch: _____
SN: _____

NOTES:

Field Exam Date: 8/8/06 Agent: DD

Point of Diversion and Source Data Entry Form

Claim Number: _____

Water Right Point(s) of diversion and Source.

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

Source: _____ Tributary to: _____

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

Recommended Point(s) of Diversion and Source.

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source	Tributary to

Other rights from this POD? _____

Transfers Pending or approved: _____

Document how the POD and Source were verified:

8/8/06
DO

POD is actually the headgate for the Fox Central Canal that is located in NWNW of Sec 30 of T4N R46E. Mr. Johnson diverts out of the canal at Sec 26 SWNE. The headgate in Sec. 30 diverts water out of Fox Creek. It is a concrete structure with boards used to divert the water and control the flow.

Reviewer: _____ Date: _____

Place Of Use Data Entry Form

Claim Number: _____

Claimed Place Of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total acres _____

Recommended Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total acres _____

Pending or approved Transfers: _____

Overlapping rights: _____

Document how the POU was verified:

8/8/06
DO
Mr. Johnson uses a small pump placed directly in the canal to irrigate trees and lawn and pasture for this 2 acres. The pump will run 2 nozzles or sprinklers.

Reviewer: _____ Date: _____

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 22-13411
Date Received: 8/16/2005
Receipt No:
Received By:

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

ERIK JOHNSON Phone: (307)413-6868
PO BOX 7836
JACKSON WY USA 83002

2. Date of Priority: 06/01/1896

3. Source: FOX CREEK Trib. to: TETON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
04N	45E	26	NE SW NE	TETON	

5. Description of diverting works:

DUAL 16 INCH PLATE STYLE DIVERSION GATE. CONCRETE CONSTRUCTION WITH WOOD
SECTIONAL GATES.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	10/01	0.04	

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
04N	45E	26	SW NE	IRRIGATION	2
Section Acres					2

Total Acres 2

11. Place of use in counties: TETON

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

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: Beneficial Use

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

22-13411

Date Received

8-16-05

Receipt Number

E031186

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

AUG 01 2005

Department of Water Resources
Eastern Region

Please type or print clearly

1. Name of Claimant (s) ERIK JOHNSON Phone (307) 413 6868
Mailing Address PO BOX 7836 JACKSON WYO Zip 83002

2. Date of Priority (Only one (1) per claim) 1896 06/01

3. Source of water supply (a) FOX CREEK
which is tributary to (b) TETON RIVER

4. a. Location of existing point of diversion is: Township 04N Range 45E Section 26,
NE 1/4 of SW 1/4 of NE 1/4, Govt. Lot, _____ B.M., County of TETON

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. DUAL 16" PLATE STYLE DIVERSION
GATE. CONCRETE CONSTRUCTION WITH WOOD SECTIONAL GATES

RECEIVED

AUG 16 2005

Department of Water Resources
Eastern Region

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For IRRIGATION purposes from 04-01 to 10-01 amount 1.02 or _____

For IRRIGATION purposes from 04-01 to 10-01 amount 1.02 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 1.04 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
<u>04N</u>	<u>45E</u>	<u>26</u>			<u>2.0</u>														

Total number of acres irrigated 2.0

11. In which county (ies) are lands listed above as place of use located? TETON

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
WATER RIGHT # 22-12165, 22-562A or None ()

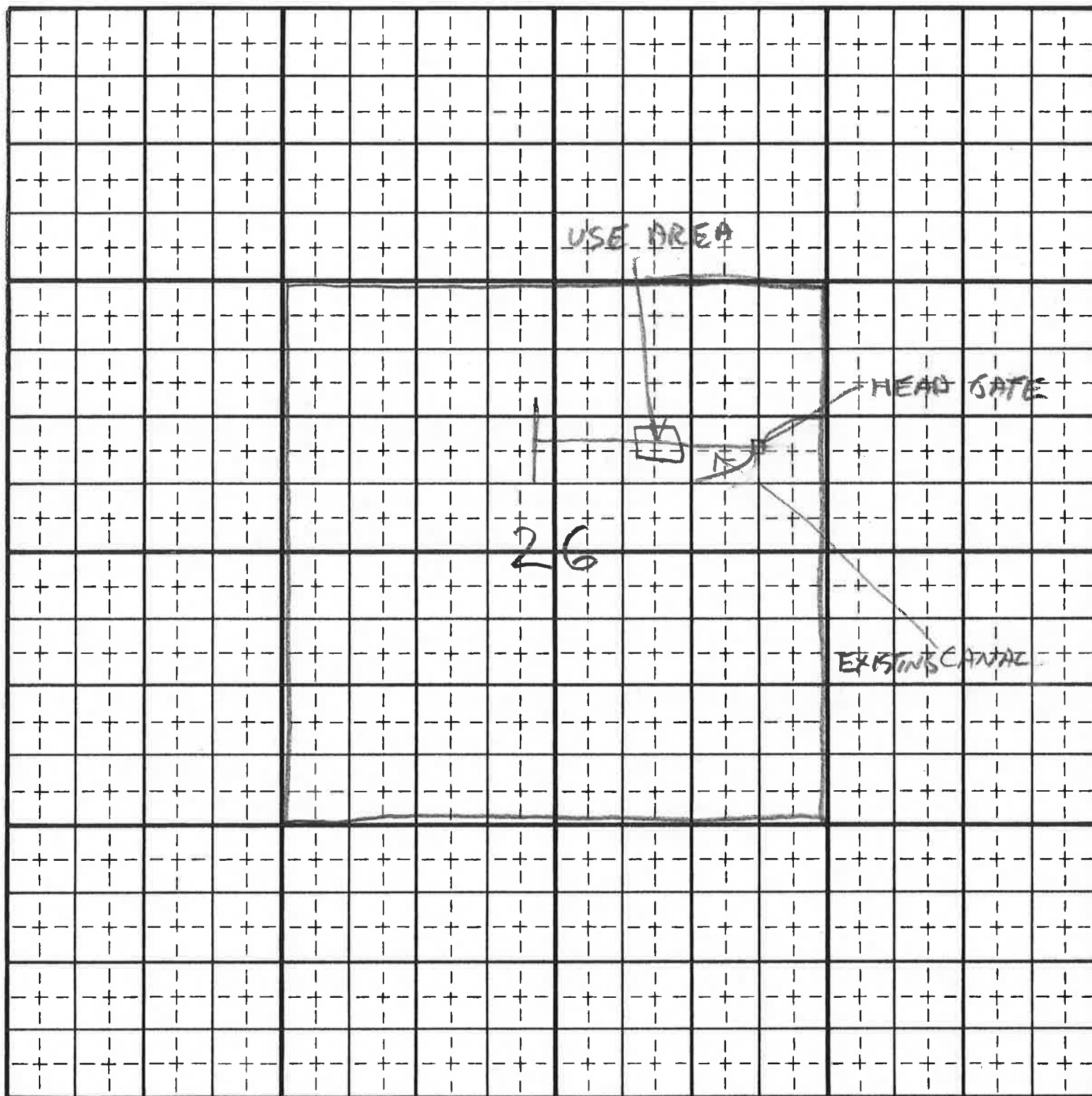
14. Remarks:

Last Name JOHNSON Ident No. _____

Copies: White -State, Yellow-Claimant

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile



SEC 26, T04N, R45E

Last Name JOHNSON Ident No. _____

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use X Posted Notice _____ License _____ Permit _____

Decree _____

If applicable provide IDWR Water Right Number 22-562

Court _____ Case Number _____ Decree Date _____

Plaintiff vs 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 2

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) [Signature] Date 8/15/05

Date _____

For Organizations: I do solemnly swear or affirm that I am _____

Title _____

of _____, that I have signed the foregoing

Organization

document in the space below as _____ of _____

Title

Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or Wyoming)

County of Teton) SS.

Subscribed and sworn (or affirmed) before me this 15th day of August 15 2005



Notary Public Gerri Kittrell

Residing at Lincoln County

My Commission Expires Feb 10, 2009

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

Last Name JOHNSON Ident. Number _____

Copies White-State, Yellow-Claimant



SEC 26, T04N, R45E

Source FOX CREEK **Owner(s)** VAIL

<u>Basin</u>	<u>Sequence</u>	<u>Suffix</u>	<u>Basis</u>	<u>Priority Date</u>	<u>Rate(cfs)</u>	<u>Water Use(s)</u>	<u>Owner(s)</u>	<u>Source Table</u>
22	12164		Decreed	1889-06-01	9.2	IRRIGATION	FOX CREEK CANAL CO (Current)	wrAdjudicationClaim
22	12165		Decreed	1897-06-01	11.2	IRRIGATION	FOX CREEK CANAL CO (Current)	wrAdjudicationClaim
22	562		Decreed	1896-06-01	3.2	IRRIGATION	VAIL, J R (Current)	wrWaterRight
22	563		Decreed	1897-06-01	2.4	IRRIGATION	VAIL, W C (Current)	wrWaterRight
22	564		Decreed	1897-06-01	2	IRRIGATION	VAIL, W C (Current)	wrWaterRight