

04/08/2003

**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: 23-7088

JOHN REMSBURG

499 VALLEY

IDAHO FALLS ID 83401

Telephone Number: (208) 523-5614

RECEIVED

MAR 12 2004

Department of Water Resources
Eastern Region

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: 03-04-04

SIGNATURE:

John Remsburg

Please print your name:

JOHN REMSBURG

IDWR Regional Office,

04/08/2003

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

RIGHT NUMBER: 23-7088
NAME AND ADDRESS: JOHN REMSBURG
499 VALLEY
IDAHO FALLS ID 83401

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.090 CFS
16.80 AFY

PRIORITY DATE: 10/27/1982

POINT OF DIVERSION:
T02S R46E S28 NWSENE Within BONNEVILLE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	1/01 12/31	0.080 CFS 1.80 AFY
IRRIGATION	4/01 11/01	0.090 CFS 15.00 AFY

PLACE OF USE: IRRIGATION Within BONNEVILLE County

T02S R46E S28 SWNE 2.3 T02S R46E S28 SENE 2.7

DOMESTIC Within BONNEVILLE County

T02S R46E S28 SWNE T02S R46E S28 SENE

5 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.

PROPERTY IS ALSO KNOWN AS LOTS 21-26, BLOCK 4, BONNEVILLE COUNTY SSUBDIVISION.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

04/08/2003

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

RIGHT NUMBER: 23-7088

NAME AND ADDRESS: JOHN REMSBURG
499 VALLEY
IDAHO FALLS ID 83401

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.090 CFS
16.800 AFY

PRIORITY DATE: 10/27/1982

POINT OF DIVERSION:

T02S R46E S28 NWSENE Within BONNEVILLE County Source: GROUND WATER

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	1/01 12/31	0.080 CFS 1.80 AFY
IRRIGATION	4/01 11/01	0.090 CFS 15.00 AFY

PLACE OF USE: DOMESTIC Within BONNEVILLE County

T02S R46E S28 SWNE T02S R46E S28 SENE

IRRIGATION Within BONNEVILLE County

T02S R46E S28 SWNE 2.3 T02S R46E S28 SENE 2.7

5 ACRES TOTAL

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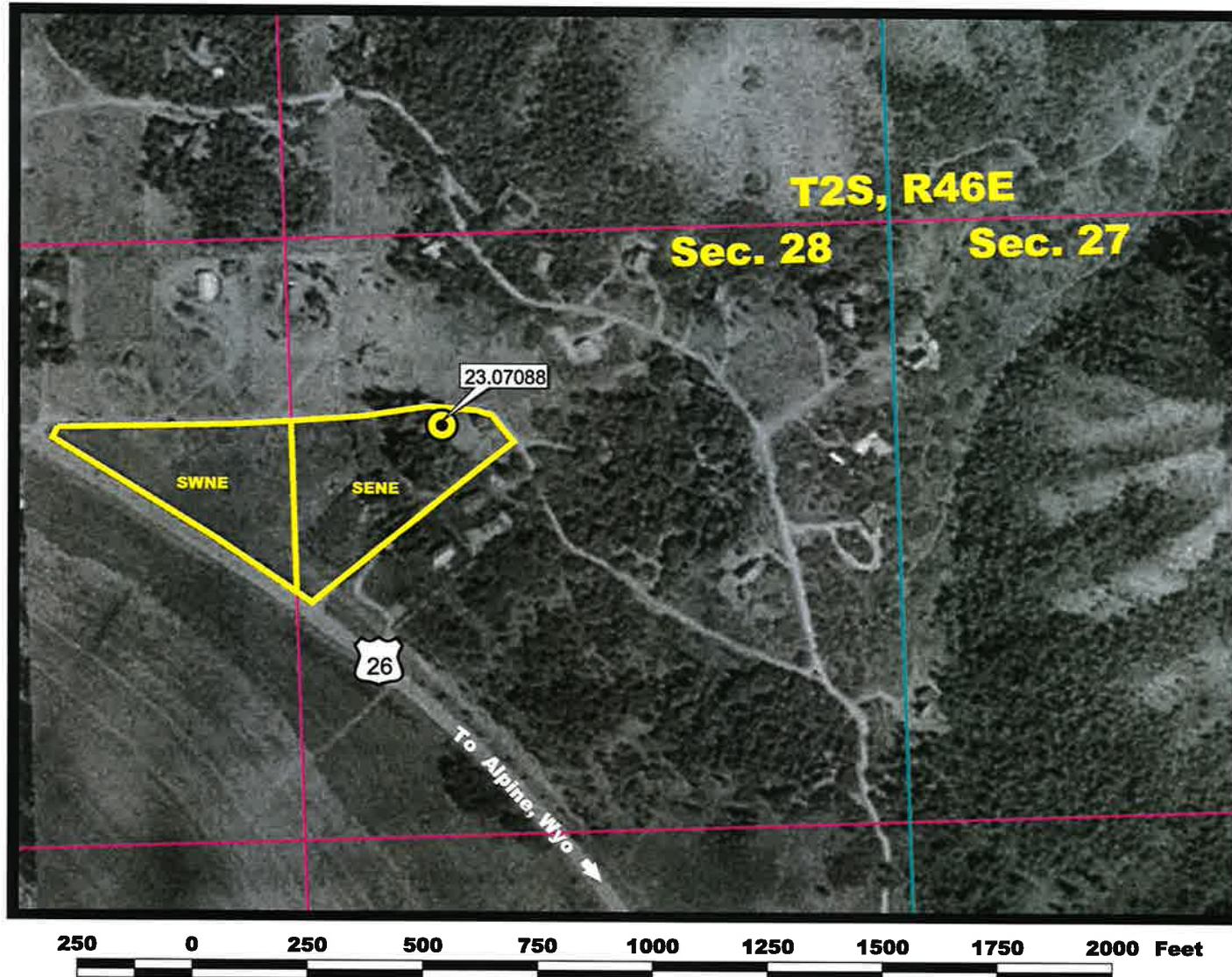


SCANNED
JUL 16 2004

State of Idaho

Department of Water Resources

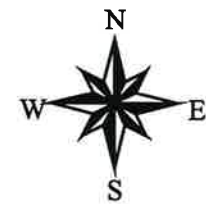
Eastern Region



Water Right(s):
23-7088

Place of Use: T2SN, R46E
(parts of) Sec.28 S2NE ,

Point(s) of Diversion: T2S, R46E
Sec. 28 NWSENE



LEGEND

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

GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: A. Ruberry
Date: April 2003

23-7088

Recommended as Claimed

CLAIMED AS LICONS00

ADD REMARK: AKA Lots 21-26, Block 4, Bonnaville C. Sub



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 28, 2003

Dear Claimant in the Snake River Basin Adjudication (SRBA):

About 12 years ago you or your predecessor filed with the Idaho Department of Water Resources a claim to water rights in the Snake River Basin. The investigation phase of this process is now focused on your area, Basin 23.

You are invited to attend a **public meeting to be held on March 10 at 2:00 p.m. in the Swan Valley Elementary School Gymnasium, 3389 Swan Valley Hwy, Irwin.** The purpose of this meeting is for (1) the Department to update you on how the adjudication process works, and (2) for you, the claimant, to express concerns or discuss problems relating to water delivery in your area. This will help us to understand from an historical perspective the use and delivery of your water right.

Throughout this summer our adjudication staff, primarily from our Eastern Regional Office but also at times from Boise, will be contacting various water users in Basin 23. We ask for your cooperation in this process – the better we understand your water rights the better chance of you receiving an accurate decree from the SRBA Court that fully describes your water rights.

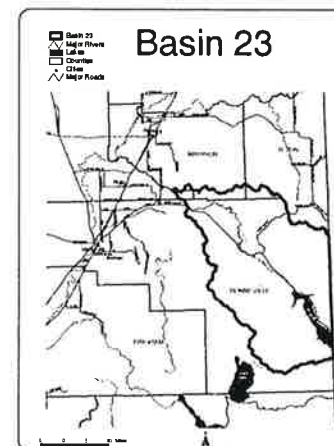
This investigation effort is being conducted by an experienced and successful staff. During recent years, this staff has accurately investigated and reported water rights in neighboring basins, including the Big Lost River, the Little Lost River, Birch Creek, Camas Creek and Portneuf River.

Please contact the Idaho Falls Office with any questions.

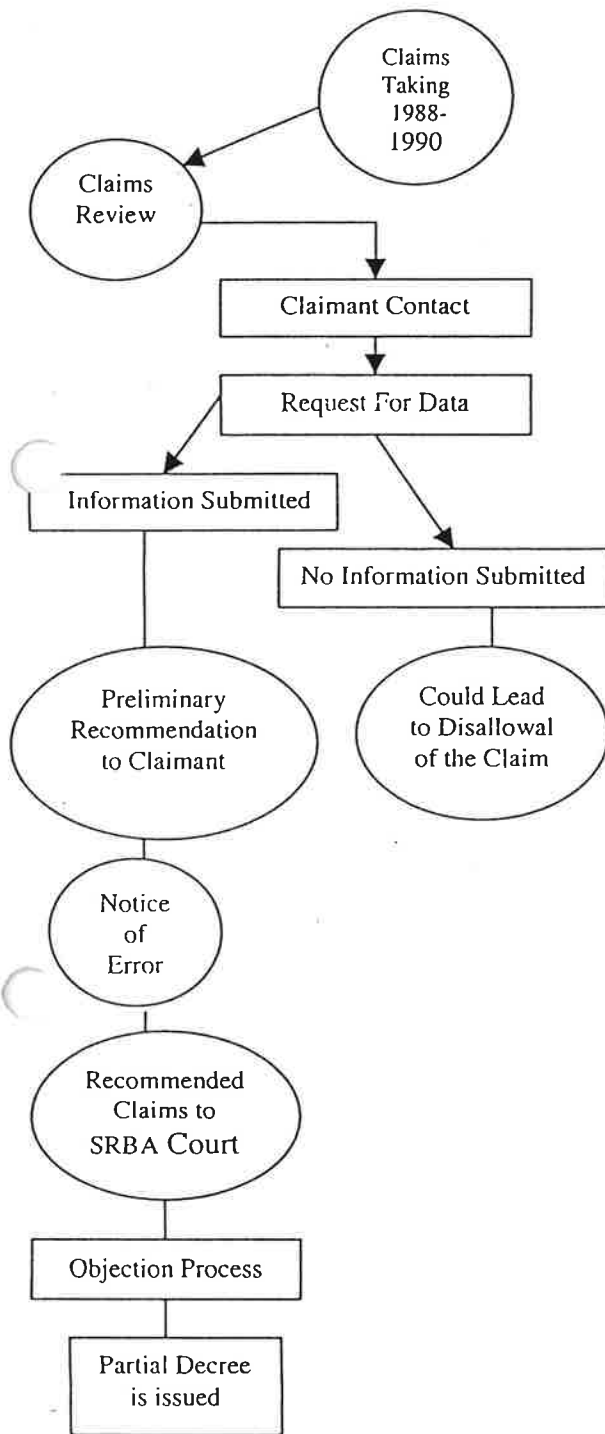
Sincerely,

Ernest Carlsen
Adjudication Supervisor, Eastern Region

Enclosures: Information Brochure



SCANNED
JUL 16 2004



Questions and Answers:

Q: Why now? I adjudicated my water rights in 1989.

A. You filed your claims in 1989. Now we are investigating those claims to make accurate recommendations to the Fifth District Court.

Q: If I furnish more information will you take away my water right?

A. The State does not want your water right. We ask for additional information so that we may make accurate recommendations of Beneficial Uses of the water rights. Our schedule is very tight – we need the info ASAP.

Q: How much more money do you want?

A. You paid for your claim in 1989, or so. There might be additional fees only in extenuating circumstances, such as additional acres or new claims.

Q: How come you want me to file another claim?

A. If we suggest you file additional claims it means we have found

additional uses of water to which you may be entitled, or we have identified additional acres.

Q: What about my Domestic well and Stockwater?

A. There is no statutory requirement to file either; but IDWR accepts your Domestic and/or Stockwater claims.

The Tools We Use:

In the evaluation of water right claims and preparation of recommendations the adjudication staff utilize:

- State-of-the-art computer technology.
- High resolution 1987 NAPP photography to identify the place of use.
- Global Positioning System (GPS) used to pin-point points of diversion or detail significant features.
- Prior decrees, licenses and transfers.
- Water measurements for claims based on beneficial use.
- Watermaster records
- Historical records
- Claimant input and participation

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 23-07088

Priority: October 27, 1982 Amount: 0.09 CFS 16.8 AFA

This is to certify, that ARTS VACATION HOMES
C/O ARTHUR B. JOHNSON
1075 STANGER
IDAHO FALLS, ID 83401

has complied with the terms and conditions of the permit issued pursuant to Application for Permit dated October 27, 1982, and has submitted proof to the Department of Water Resources on May 16, 1985, that water has been applied to a beneficial use; an examination by the Department indicates that the works have a diversion capacity of .090 cfs of water from a GROUNDWATER source and that a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>VOLUME</u>
IRRIGATION	04/01 to 11/01	0.09 CFS	15.0 AFA
DOMESTIC	01/01 to 12/31	0.08 CFS	1.8 AFA
	Totals	0.09 CFS	16.8 AFA

LOCATION OF POINT OF DIVERSION(S): SENE, Sec. 28, Township 02S, Range 46E
BONNEVILLE County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
02S	46E	28	SWNE 3	SENE 2		5

Total number of acres irrigated: 5

PLACE OF USE: DOMESTIC, same as IRRIGATION use

CONDITIONS/REMARKS:

1. The right to the use of water hereby confirmed is limited to the amount which can actually be beneficially used and is restricted and appurtenant to the lands or place of use and to the purpose herein described, as provided by the laws of Idaho.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
4. Domestic use is for 3 homes.
5. Place of use also known as Lots 21-26, Block 4, Bonneville County Subdivision.

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MAR 03 1989

WATER RIGHT LICENSE

WATER RIGHT NO. 23-07088

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this 17th
day of FEBRUARY, 19 89.

Acting for the Director

Norman C. Young

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MAR 03 1989

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

To appropriate the public waters of the State of Idaho

1. Name of applicant Arts Vacation Homes, Phone 522-6314 work
c/o Arthur B. Johnson 523-1781 Home
Post office address 1075 Stanger, Idaho Falls, Idaho 83401

2. Source of water supply Groundwater which is a tributary of _____

3. Location of point of diversion is SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 28 Township 2S

Range 46E B.M. Bonneville County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 0.08 for Domestic purposes from 1-1 to 12-31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount .10 for Irrigation purposes from 4-1 to 11-1 (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:

a. .18 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Well with 2h.p. to distribution
lines to 3 homes and sprinkler system

b. Height of storage dam _____ feet, active reservoir capacity _____ acre-feet; total reservoir
capacity _____ acre-feet, materials used in storage dam: _____

Period of year when water will be diverted to storage _____ to _____ inclusive.
(Month/Day) (Month/Day)

c. Proposed well diameter is 6 inches; proposed depth of well is 105 feet.

7. Time required for the completion of the works and application of the water to the proposed beneficial
use is 1 years (minimum 1 year - maximum 5 years).

8. Description of proposed uses:

a. If water is not for irrigation:

(1) Give the place of use of water: S $\frac{1}{2}$ $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 28 Township 2S
Range 46E B.M.

(2) Amount of power to be generated: _____ horsepower under _____ feet of head.

(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be
supplied with domestic water 3.

(5) If water is to be used for other purposes describe: _____

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

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
2S	46E	28			2.5	2.5													5

Total number of acres to be irrigated 5

c. Describe any other water rights used for the same purposes as described above. Claim to a water right for domestic use from Hincks Spring

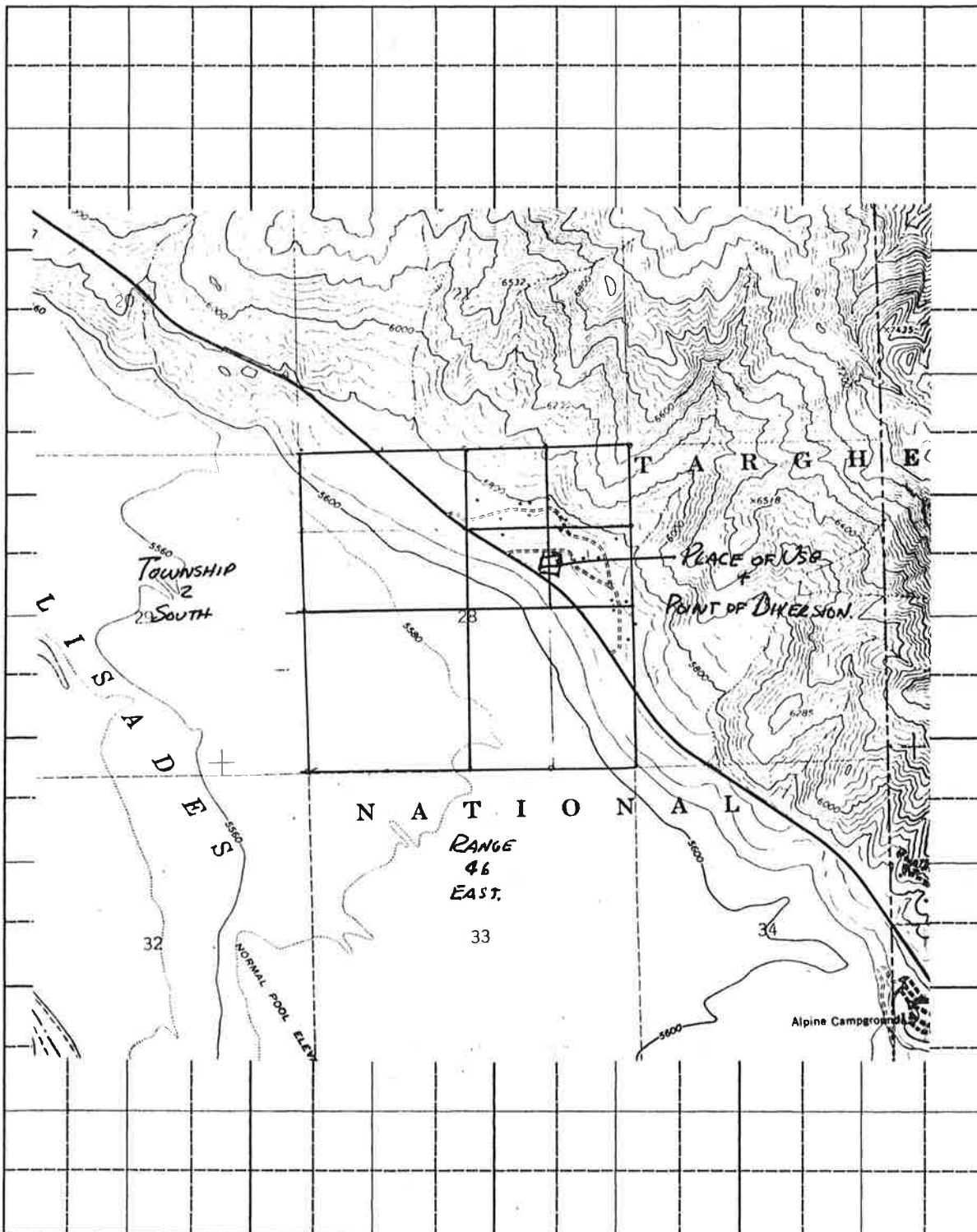
9. a. Who owns the property at the point of diversion Applicant

b. Who owns the land to be irrigated or place of use Applicant

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing _____

10. Remarks Water is used for irrigation and domestic on lots 21, 22, 23, 24, 25, & 26, Block 4 of Arts Vacation Homes Subdivision. Arts Vacation Homes is a division of Royal Vacation Homes

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



Scale: 2 Inches equal 1 mile.

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Arthur B. Johnson
(Applicant)

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Proposed Priority 10/27/82

MICROFILMED

Received by SM Date 10/27/82 Time 11:28
Preliminary check by Kew Fee \$ 30⁰⁰
Received by CW Date 10-27-82 # 22555
Publication prepared by BP Date 11/3/82
Published in Post Register
Publication dates 11/11 & 11/18/82
Publication approved CW Date 11-30-82
Protests filed by: none

Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial by EMC Kew

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 23-7088, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:
 - a. SUBJECT TO ALL PRIOR WATER RIGHTS.
 - b. Proof of construction of works and application of water to beneficial use shall be submitted on or before July 1, 19 86.
 - c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
 - d. Other:

Witness my hand this 19th day of June, 1985.

J. Glen Saylor
Chief, Operations Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

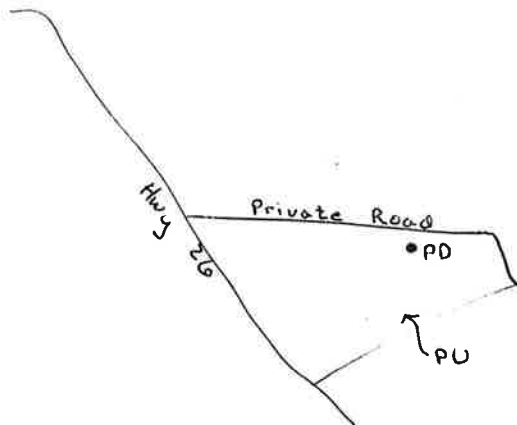
Permit No. 23-7088
522-6314 work
Phone No. 523-1781 home
1. Owner: Art's Vacation Homes
c/o Arthur B. Johnson
Current Address: 1075 Stanger, Idaho Falls, ID 83401
2. Accompanied by: unaccompanied EXAM. DATE: 8/6/87
Address: _____ Phone No. _____
Relationship to Permit Holder: _____
3. Source: groundwater tributary to N/A

B. OVERLAP REVIEW

1. Other water rights with same place of use: claims on Hincks springs - see attached overlaps listing ☐ Copies Attached
2. Other water rights with same point of diversion: no ☐ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached



Scale: 1" = No Scale

2. ☒ Copy of U.S.G.S. Quadrangle Attached
Showing location(s) of point(s) of diversion and
place(s) of use (required). ☐ Aerial Photo Attached
(required for irrigation of 10 acres or more).
☒ Photo of Diversion and System Attached
(required for all but single household domestic groundwater, and stockwater).

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MAY 93 1989

System Description (continued)

3. **Narrative:** Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)

2 hp submersible pump / well with lines to 6 lots
(3 homes built) and sprinkler system for lawns
and grassy lots; swl = 80'

☐ See Remarks on page 4 for continuation

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size

*Code to correspond with No. on map and aerial photo

5. **Point(s) of Diversion:**

Ident. No.	Gov't. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
			SE	NE	28	2S	46 E	Bonneville	USGS / plat

6. **Place(s) of Use:**

Indicate Method of Determination USGS / plat

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	
2S	46 E	28			3	2													

Do not use this space

H. REMARKS AND OVERVIEW ANALYSIS

Plan of Use is Lots 21, 22, 23, 24, 25 & 26
of Bonner County Subdivision 'Royal Vacation Homes'

I. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Domestic	1/1	12/31	.08	1.8
Irrigation	4/1	11/1	.10 .08	15
Totals:			.08 .18 cfs	16.8 afa

2. Recommended Amendments

- ☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☐ None
☒ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other

J. AUTHENTICATION

Field Examiner's Name Carol Slaughterbeck
 Signature Carol Slaughterbeck
 Certification Date 9-30-1987
 Field Report Preparation Date 8/10/87

Steve McCarroll

CONSULTANT SEAL

K. Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.

JDM 1/10/89

MICROFILMED

MAR 03 1989



State of Idaho

DEPARTMENT OF WATER RESOURCES

150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 - (208) 525-7161

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

Date: June 22, 1989

John Remsburg
499 Valley
Idaho Falls, ID 83401

RE: Water Right Claim Returned

Dear Mr. Remsburg:

The Idaho Department of Water Resources (IDWR) is returning your check #8499 (\$50.00) and Notice of Claim to a Water Right because of insufficient information and/or fees. All items on the claim forms must be correctly completed and fees submitted before the IDWR can process the claim.

Please correct the items identified below and return the forms to the IDWR within 30 days of the date of this letter. Failure to return the corrected claims within the 30-day period may result in an assessment of an additional \$50.00 late-fee for each claim.

- Wrong form filed: The green "short form" you submitted is only for Domestic/Stockwater uses for less than 13,000 gallons per day with up to 1/2 acre of irrigation.
- Insufficient Fee: The filing fee for a Notice of Claim with irrigation is \$50.00 plus \$1.00 per acre.

I have typed a Notice of Claim from the information previously submitted. Please sign the typed form (Item #16) and return it to the IDWR with the \$55.00 filing fee. Your signature must be notarized.

If you have any questions, please call Tony Olenichak, Water Rights Agent, at (208)-525-7161.

Sincerely,

Ernest Carlsen
Adjudication Supervisor

Enclosure

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NOV 10 1992

Log for claim 23-07088

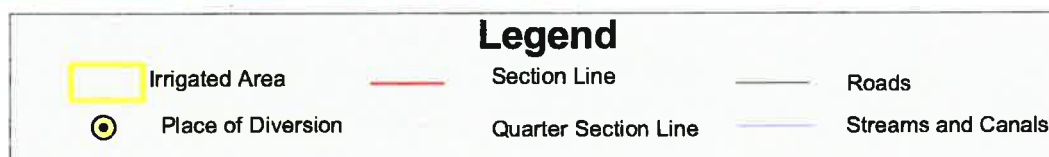
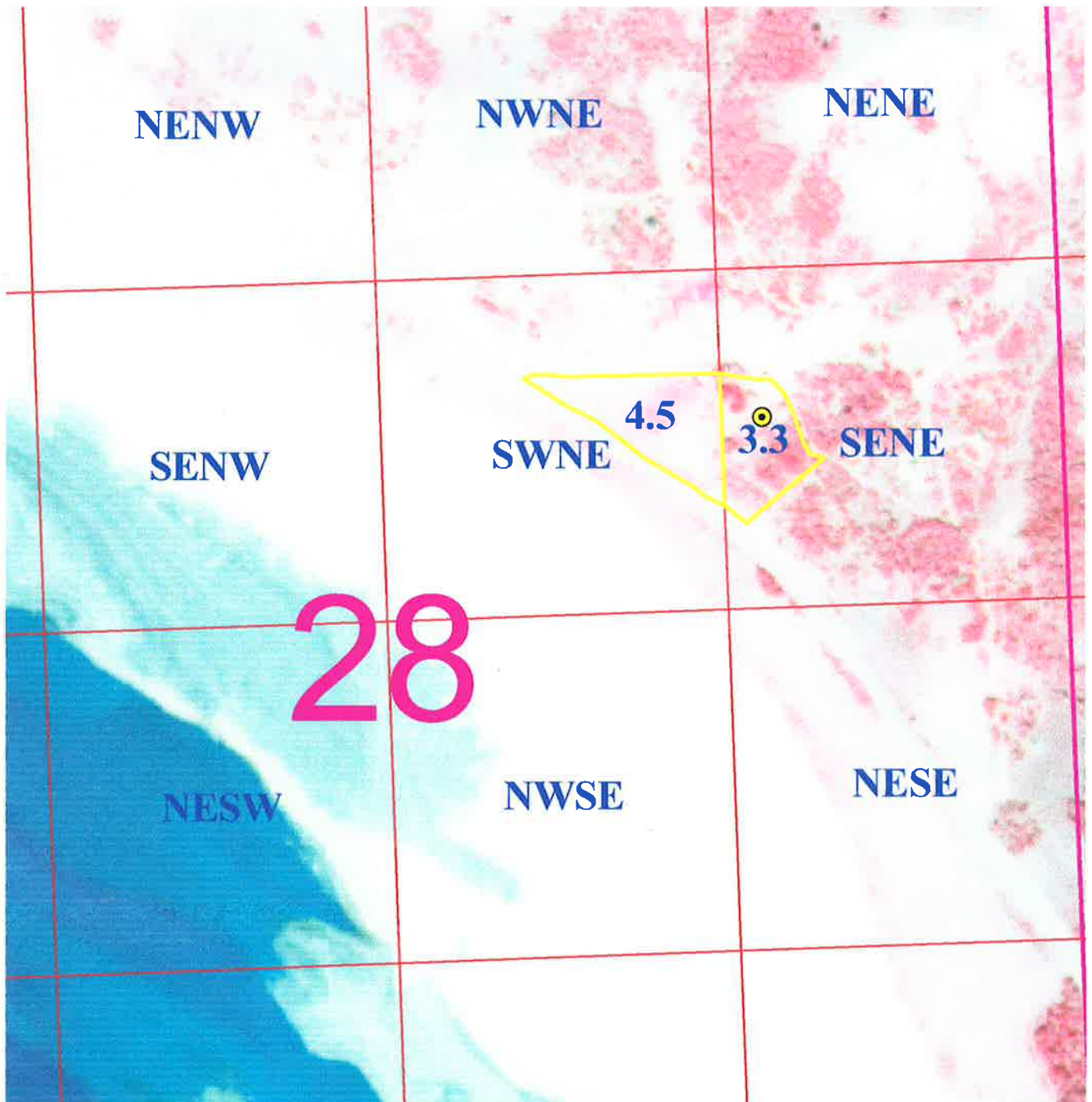
Spatial Dynamics BTD

6/12/01

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
02s46e	28	SWNE	3	4.5	
02s46e	28	SENE	2	3.3	Indiscernible
Totals:			5	7.8	

Water Right Claim Number 23-07088
Township , 2S46E

06/12/2001



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

Ident. Number: A23-07088
Date Received: 6/22/1989
Receipt No: E009311/St.
Received By: _____

JUN 21 1989

Department of Water Resources
Eastern District Office

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JOHN REMSBURG 208-523-5614
Address: 499 VALLEY
IDAHO FALLS, ID 83401

2. Date of Priority: OCT 27, 1982

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
02S	46E	28		SE	NE		BONNEVILLE

5. Description of diverting works:
WELL, 108' DEEP, 6" CASING, 2 HP SUBMERSIBLE PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.090		15.00
DOMESTIC	01/01	12/31	0.080		1.80

7. Total Quantity Appropriated is:
0.090 C.F.S. (and/or) 16.80 A.F.A.

8. Total consumptive use is 12.5 Acre Feet Per Annum.

9. Non-irrigation uses:
D/3 HOUSES

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02S	46E	28	SW	NE		IRR	3.0
			SW	NE		DOMEST	

A23-07088

Page 1

Date: 06/22/89

MICROFILMED
NOV 10 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
02S	46E	28	SE SE	NE NE	IRR DOMEST	2.0
Section Acres						5.0
Total Acres						5.0

11. Place of use in counties: BONNEVILLE

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

13. Other Water Rights Used:
NONE

14. Remarks:
Place of use also known as Lots 21-26, Block 4, Bonneville
County Subdivision.

15. Basis of Claim: LICENSE

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): John Remsburg Date: 6-26-89
Date:

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 26th day

of June 19 89

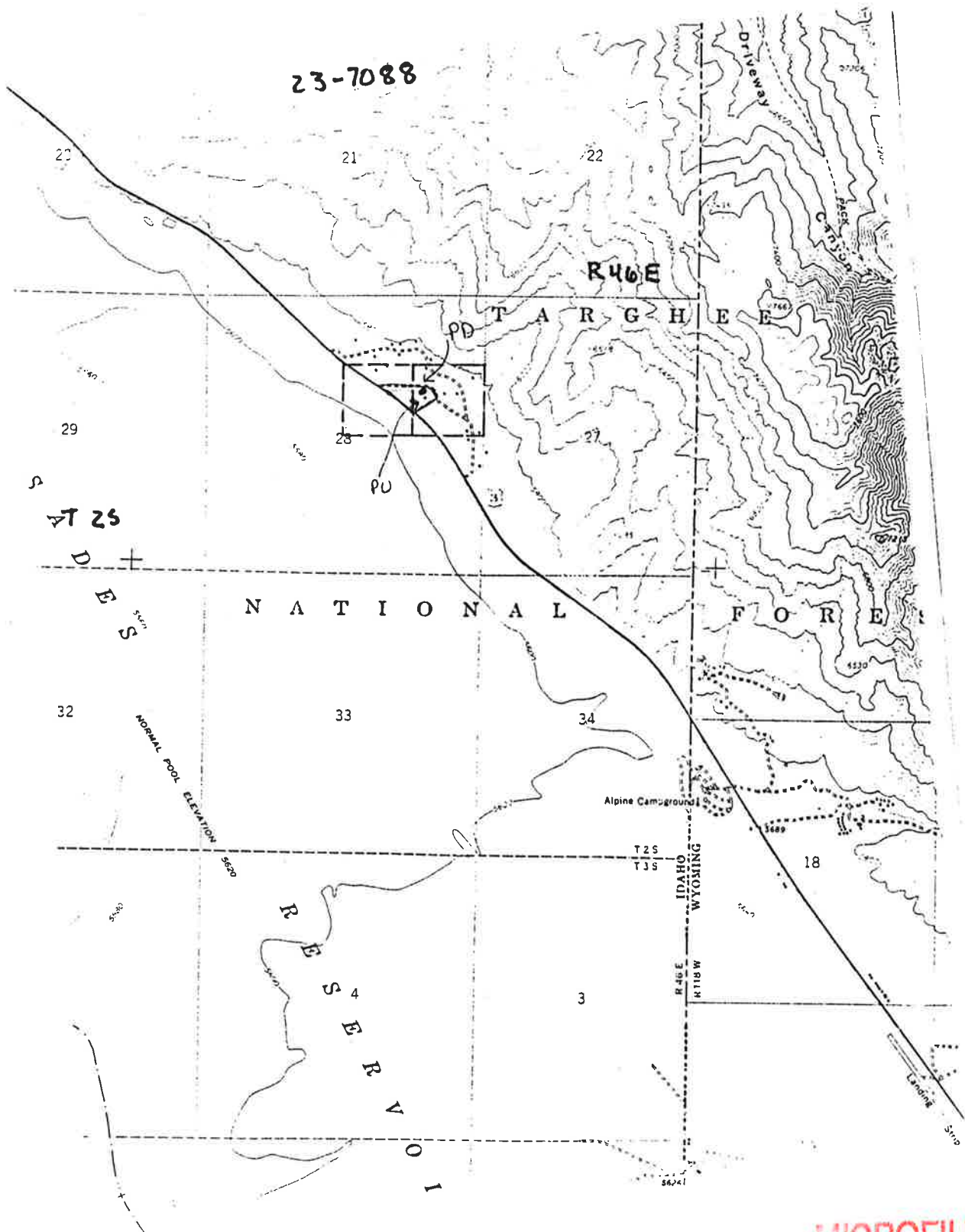
Charlotte Dyer
Notary Public

Seal

Residing at Idaho Falls

My Commission Expires 11-16-93

23-7088



MICROFILMED
NOV 10 1992