

11/12/2004

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

RIGHT NUMBER: 25-62
NAME AND ADDRESS: LAVON FERGUSON
11171 N FERGUSON RD
IDAHO FALLS ID 83401

DEAROLD J FERGUSON
11171 N FERGUSON RD
IDAHO FALLS ID 83401

SOURCE: WILLOW CREEK TRIBUTARY: SNAKE RIVER
QUANTITY: 2.900 CFS
The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
PRIORITY DATE: 04/01/1884
POINT OF DIVERSION:

T03N R39E S12 SWSE Within BONNEVILLE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	04/01 10/31	0.020 CFS
IRRIGATION	04/01 10/31	2.900 CFS

PLACE OF USE: IRRIGATION Within BONNEVILLE County

T03N R39E S11	SWSE	33.0	T03N R39E S11	SESE	33.0
T03N R39E S14	NENE	36.0	T03N R39E S14	NWNE	34.0

STOCKWATER same as IRRIGATION

136 ACRES TOTAL

Use of this right with Right No. 25-170 is limited to the irrigation of a combined total of 136 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.

The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: Decreed

Water is delivered through Ferguson Canal.

Stockwater use is for 200 range cattle.

09/13/2004

RMC
MH

**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: 25-62

LAVON FERGUSON
11171 N FERGUSON RD
IDAHO FALLS ID 83401
Telephone Number: (208)522-3127

DEAROLD J FERGUSON
11171 N FERGUSON RD
IDAHO FALLS ID 83401
Telephone Number: (208)522-3127

RECEIVED
OCT 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):

Quantity for use: Our water papers show ownership
of 2.900 IRRIG D.O.T.O CATTLE

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: _____ SIGNATURE: _____

Please print your name: _____

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

PROFILED

SCANNED

OCT 05 2004



Department of Water Resources

Claim No.: 25-00062



0 1320 2640 3960 5280 Feet



PROFILED

SCANNED

SEP 22 2004



- Point of diversion
- Place of use
- Sections
- QQ

GIS Place of Use Illustration
1987/88 NAPP Photography
Prepared by M. Holliday
Date: September 2004

WATER RIGHT NUMBER: 25-62

Priority Date: 04/01/1884
Basis: Deceased
Status: Active

WILLOW CREEK SW1/4SE1/4 Sec. 12, Twp 03N, Rge 39E, B.M.
BONNEVILLE County

[illegible]

Comments:

PROFILED

A25-00062 / A25-00172 Summary 9/18/03

- 1) POB appears to be correct on map but double-check w/ GPS. I couldn't tell how far east we drove to reach it.

GPS 676,629 E 279,947 N
waypoint 62.

- 2) POB appears to be correct on layout. Note my marks. Hillside is currently sprinkled but claimant says it used to be gravity irrigated from Farmers Friend ditch on hillside above, since removed.

- 3) Overlap. These rights are overlapped with Farmers Friend shares.

PROFILED

- 4) Photos. 2 photos of headgate, 1 of pump, one of flume that carries water to N side of creek, 2 of POB.

- 5) Combined diversion rate per acre. Claimants request a Hubble analysis to justify combined diversion rate > 0.02 cfs/acre. This is especially important for the Willow Creek water because it is cut off early in the season. When the

Ownership is correct

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SEP 22 2004

page 2

Summary 9/18/03

Water is available it is important to spread it across as much land as possible to store moisture in the soil profile for later in the season. Claimants state this is deep soil capable of storing significant water.

This is a legitimate agricultural practice for hay and grain (or other deep rooted crops). All the food is in hay and grain this year. I propose recommending the diversion rates supported by the decree w/o limitation.

Byron A. Connor

SCANNED

SEP 22 2004

Water Resources
Field Services
208 663 4667

PROFILED

A25-00062/A25-00170 Field Note

- Mr. Donald Ferguson, Mrs. Ferguson, Kim Ferguson, Maynard POO spot on coast. Beaver? Kim accompanied me to POO.

- Plume comes out to N Side - See photos

- Photos

2 y handgate

GPS 676629 E 279947 N

Waypoint 62

- Pump water hillside / house lawn. Originally watered from Farmer's Pond ditch which was on the hill, now it has been removed.

- Photos

2 of POA, 1 of pump, 1 of plume.

- Claimants request Hubble Analysis for

> 1" / sec - deep soil, water

Cut off early - sharp in soil for later

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SEP 22 2004

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A25-00062 / A25-00170 Contact log

9/11/03 16:45 522-3127

Mrs. Ferguson says Mr. Ferguson
will be there @ 11171 Ferguson 1:30 - 2:30
Road before is 95th North PM approx
Ferguson road ~~road~~ 1/2 mile, go south
about 1 1/2 mile 2 story end of Road.

9/15/03 Mr & Mrs Ferguson

- 1) Map of POA & POD appears correct. See
maps for notation of direction Ditches run.
- 2) Farmers Friend Water also used on this
POA.

SCANNED

SEP 22 2004

PROFILED

August 18, 2003

Dearold J or Lavon Ferguson
11171 N Ferguson Rd
Idaho Falls, ID 83401

Re: Water Right Adjudication Claim(s) A25-00062, A25-00170

Dear Water User:

Idaho Department of Water Resources (IDWR) is reviewing claims to water rights in the Snake River Basin Adjudication in your area. Water Resources Field Services has been retained to do field inspections to aid the Department in making correct recommendations to the court. In the next weeks and months I will be contacting you to make an appointment to look at your diversion works and uses of water.

The main purpose of this visit is to locate and photograph the headgate(s), ditches, and irrigated lands.

I look forward to helping make sure your water right recommendation is correct. Please contact me if there is a particular time that would be convenient for you. You may call in the evenings, or leave a message on the answering machine.

Sincerely,

Bryce A. Contor

PROFILED

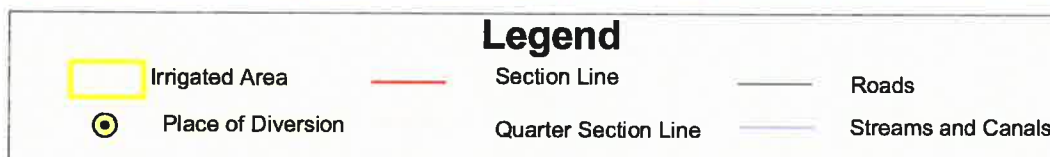
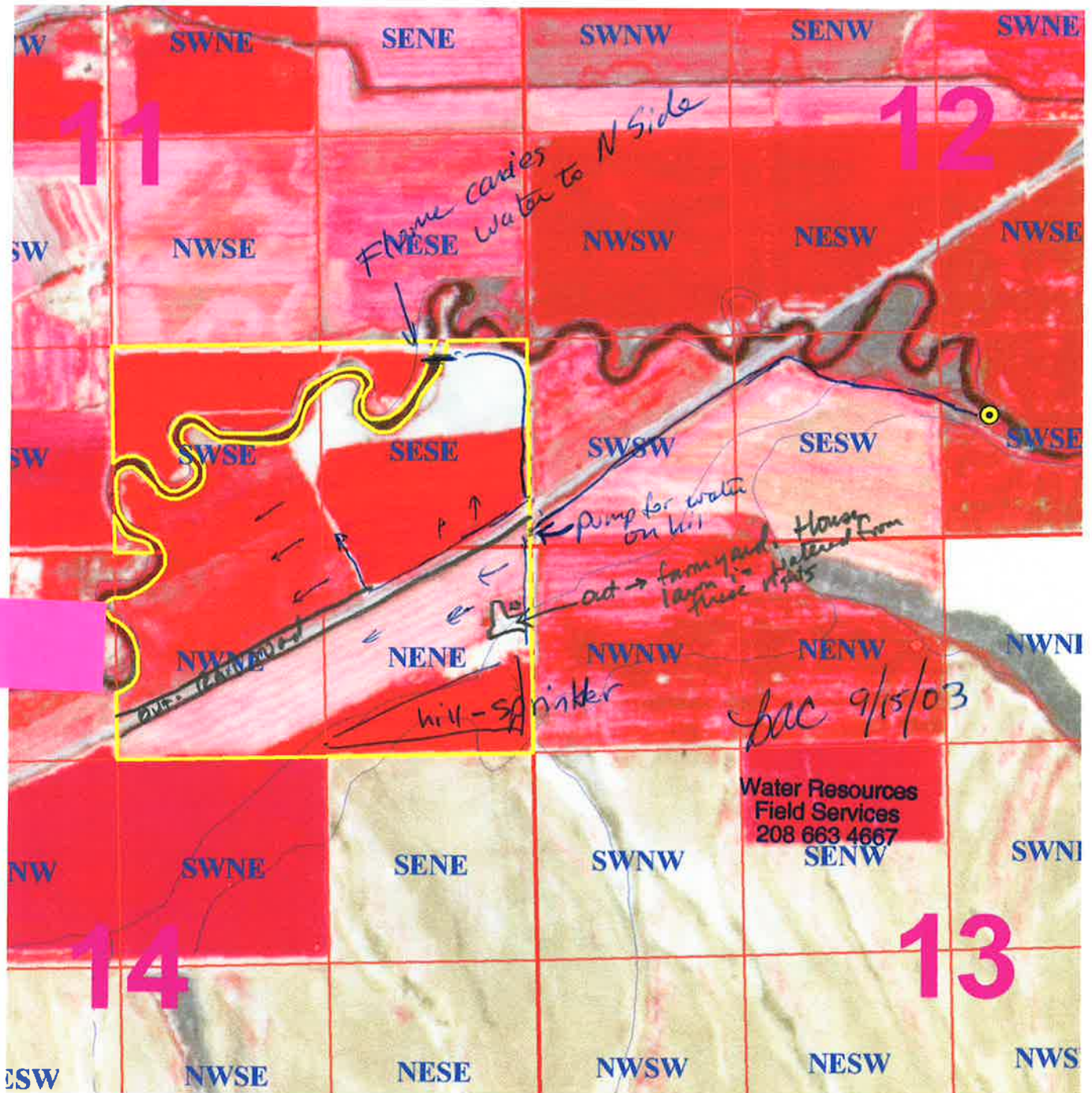
SCANNED

SEP 22 2004

Water Resources
Field Services
208 663 4667

Water Right Claim Number 25-00062
Township , 3N39E

11/27/2000



SPATIAL
DYNAMICS



Stage: DECREED

Audit: 08/29/89 BAUMHOFF 03/29/95 POST-STD

SCANNED

JUL 25 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: A25-00062

Date Received: 8/29/1989

Receipt No: MO04068

Received By: AB

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DEAROLD J. FERGUSON 208-522-3127
Address: 11171 N. FERGUSON RD.
IDAHO FALLS, ID 83401

OR

Name: LAVON FERGUSON 208-522-3127
Address: 11171 N. FERGUSON RD.
IDAHO FALLS, ID 83401

2. Date of Priority: APR 01, 1884

3. Source: WILLOW CREEK Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
03N	39E	12	NW SW SE		BONNEVILLE

5. Description of diverting works:
HEADGATE-DITCHES FLOOD & 15HP PUMP LATERALS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	2.900		
STOCKWATER	04/01	11/01	0.070		

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

8. Total consumptive use is 400.0 Acre Feet Per Annum.

9. Non-irrigation uses:
S/ 200 HEAD CATTLE

A25-00062

Page

8/29/89

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NOV 06 1992



10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
03N	39E	11	SW		SE		STOCK	
			SW		SE		IRR	40.0
			SE		SE		STOCK	
			SE		SE		IRR	40.0
								Section Acres
								80.0
		14	NE		NE		IRR	40.0
			NE		NE		STOCK	
			NW		NE		IRR	40.0
			NW		NE		STOCK	
								Section Acres
								80.0
								Total Acres
								160.0

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:

A25-00170 ALSO USE FARMERS FRIEND IRRIGATION CO. WATER

14. Remarks:

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

EAGLE ROCK & WILLOW CR. WATER
Decree Plaintiff

vs

HENRY KIEFER 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 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.

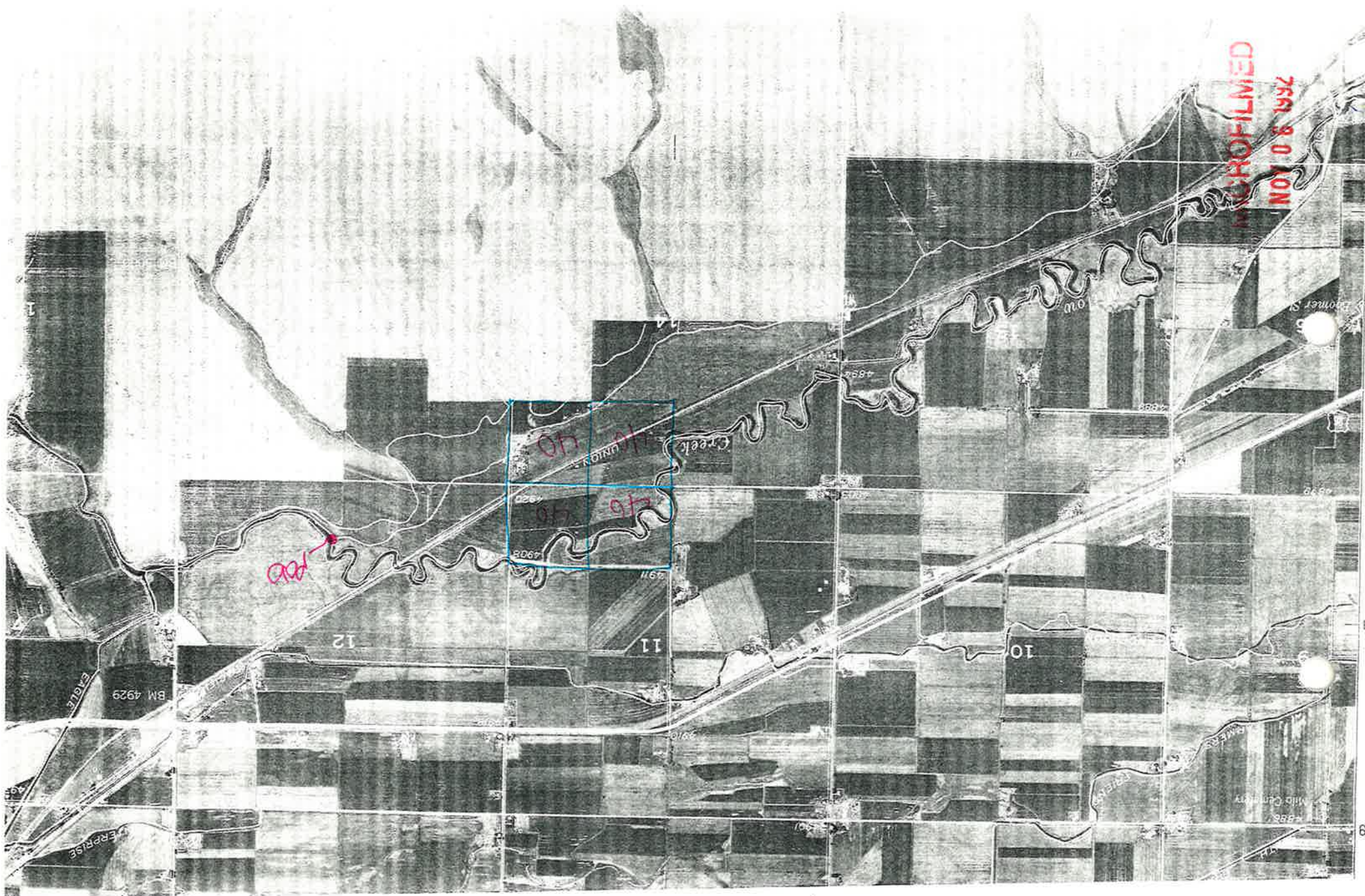
Signature of Claimant(s): *Donald Ferguson* Date: aug 29, 1989
Date: _____

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 29th day
of August 19 89
Anna Baunhoff
Notary Public

Seal

Anna Baunhoff, Notary Public
Residing at Boise, Idaho
My Commission Expires December 7, 1994
My Commission Expires _____



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NOV 08 1992

A25-00120