

03/11/2002

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

RIGHT NUMBER: 29-146
NAME AND ADDRESS: FAWN A POTTER
PO BOX 212
LAVA HOT SPRINGS ID 83246

BRENDA POTTER
PO BOX 212
LAVA HOT SPRINGS ID 83246

SOURCE: FISH CREEK TRIBUTARY: PORTNEUF RIVER
QUANTITY: 0.25 CFS
PRIORITY DATE: 03/01/1894
POINT OF DIVERSION:
T09S R38E S25 NENWNW Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 09/15	0.250 CFS
THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS APRIL 1 AND MAY CONTINUE TO AS LATE AS OCTOBER 31, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 15 AND AFTER SEPTEMBER 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.		

PLACE OF USE: IRRIGATION Within BANNOCK County
T09S R38E S24 SWSW 0.7 T09S R38E S25 NWNW 11.5

12.2 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. THE REMAINDER OF THIS RIGHT WAS FORFEITED FOR NON-USE FROM 1980 TO 1987.

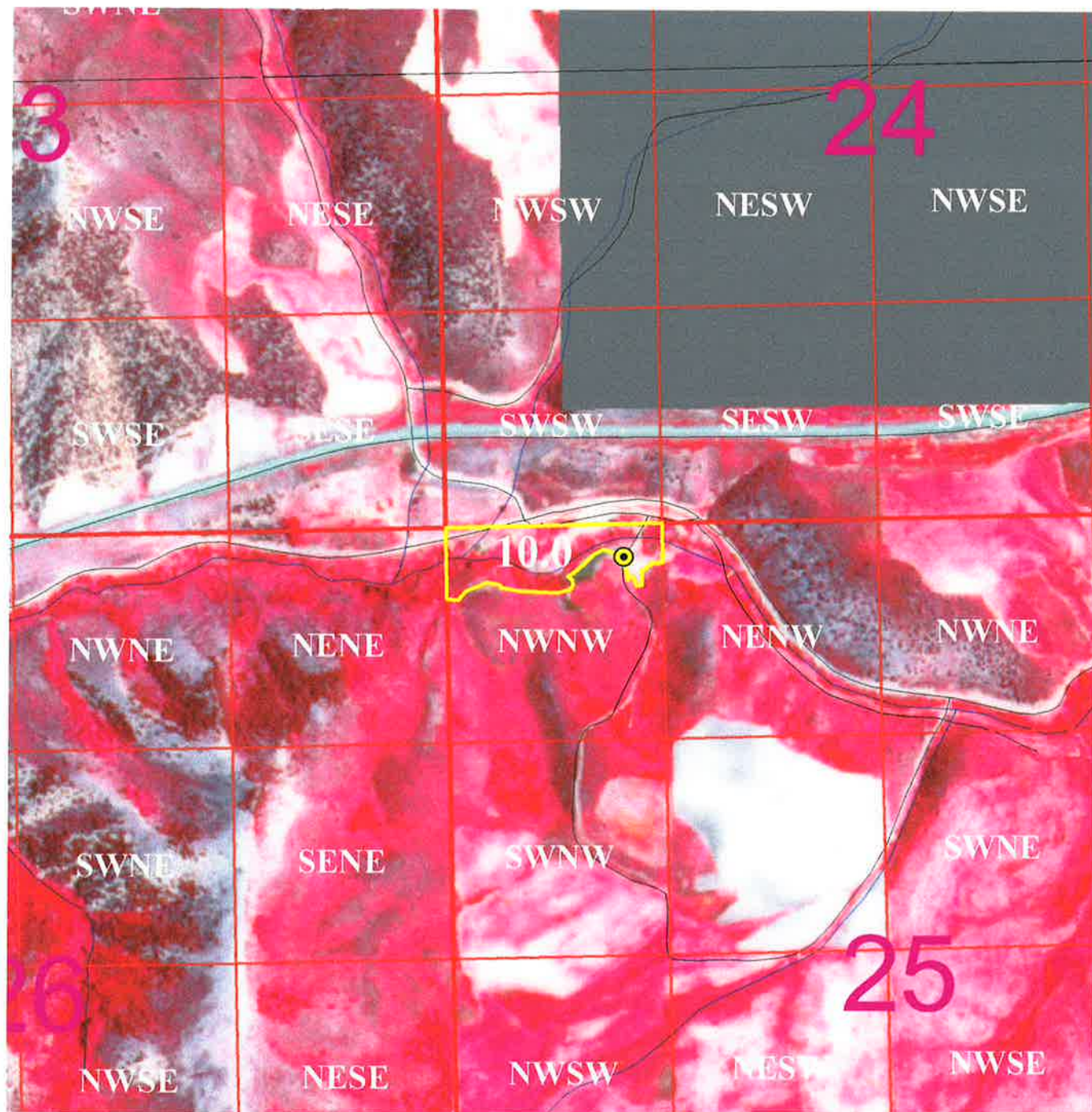
EXPLANATORY MATERIAL: Decreed

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
PORTION OF RIGHT FORFEITED/ABANDONED.

Water Right Claim Number A29-00146

08/04/2000

Township , 9S38E



SRBA

SUBCASE SUMMARY REPORT 29-10488

[Return to SRBA Home Page](#)

SRBA
05-09-2001

SUBCASE SUMMARY REPORT

HTML12

SUBCASE: 29-10488 FILE#: 00000
CLAIMANT: POTTER, FAWN A
STATUS: PD ISSUED
WATER SOURCE: SPRING, FISH CREEK

****** PARTIES INVOLVED ******

FAWN A POTTER	C PRO SE
TERESA J POTTER	C PRO SE

****** ROA ENTRIES ******

06-16-1998 PARTIAL DECREE FILED

06-16-1998

[Return to SRBA Home Page](#)

FIND CC OF PD

IDAHO DEPARTMENT OF WATER RESOURCES RECOMMENDED
WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 29-146

NAME AND ADDRESS:

BRENDA LEA POTTER
PO BOX 212
LAVA HOT SPRINGS ID 83246

FAWN A POTTER
PO BOX 212
LAVA HOT SPRINGS ID 83246

SOURCE: Source: Tributary:
FISH CREEK PORTNEUF RIVER

QUANTITY: 0.272 CFS ~~0.250 CFS~~ 0.000 AFY

PRIORITY DATE: 03/01/1894

POINT OF DIVERSION:
T09S R38E S25 NENWNW Within BANNOCK County

PURPOSE AND PERIOD OF USE:	Purpose of use	Period of use:	Quantity:
	IRRIGATION	04/15 09/15	<u>0.272 CFS</u> ~~0.250 CFS~~

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS APRIL 1 AND MAY CONTINUE TO AS LATE AS OCTOBER 31, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 15 AND AFTER SEPTEMBER 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE:	IRRIGATION	within BANNOCK County
	<u>T09S R38E S24 SWSW 0.6</u>	~~T09S R38E S24 SWSW 0.7~~
	<u>T09S R38E S25 NWNW 13.0</u>	~~T09S R38E S25 NWNW 11.5~~
	<u>13.6 ACRES TOTAL</u>	~~12.2 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.

THE REMAINDER OF THIS RIGHT WAS FORFEITED FOR NON-USE FROM 1980 TO 1987.

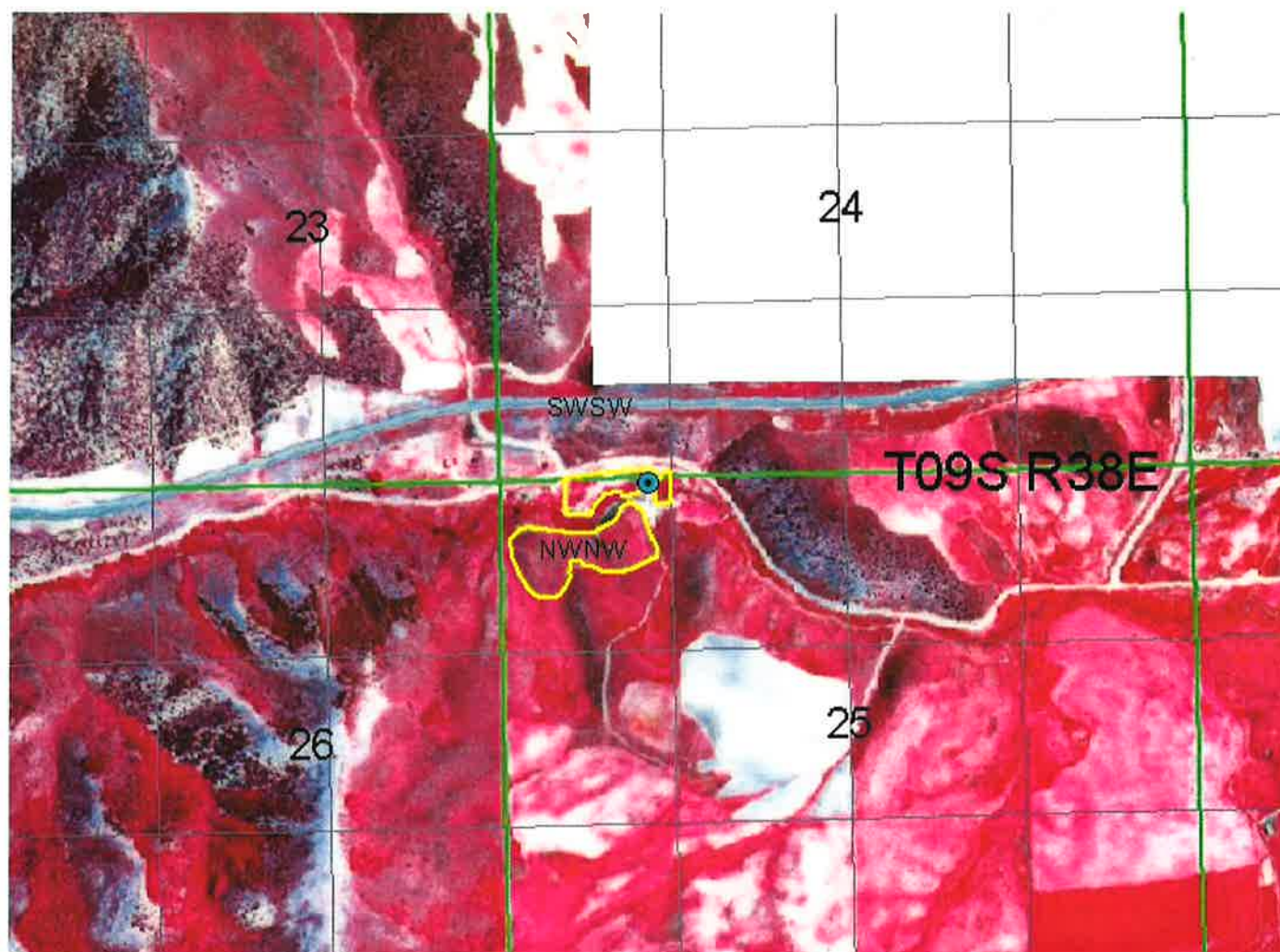
EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.

PORTION OF RIGHT FORFEITED/ABANDONED.

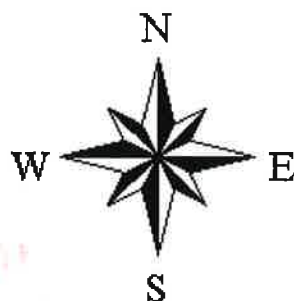
DEPARTMENT OF WATER RESOURCES

Claim No.: 29-146



0 1320 2640 3960 5280 Feet

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



GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: E. Carlsen
Date: July 2004

SCANNED

JUN 29 2005



STATE OF IDAHO

Department of Water Resources
Eastern Region

**Water Right(s): 29-00146,
29-11441**

T9S, R38E

Highway 30

SWSW

23 24
26 25

NWNW

Fish Creek

500 0 500 1000 1500 2000 2500 Feet

LEGEND

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

Place of Use: T9S, R38E
(parts of) Secs. 24 SWSW,
Sec. 25 NWNW

Point(s) of Diversion: T9S, R38E
Sec. 25 NENWNW

SCANNED
JUN 24 2004



GIS Place of Use Illustration
1987/1988 NAPP photography
Prepared by: A. Ruberry
Date: March 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

August 27, 2001

FAWN A POTTER
TERESA J POTTER
PO BOX 212
LAVA HOT SPRINGS ID 83246-0212

RE: CHANGE OF ADDRESS FOR A29-00146, A29-10488 AND
A29-11441

Dear Claimant:

It has come to our attention that your address may have recently changed. The address currently recorded on the above referenced water right(s) is as follows:

Fawn A Potter
Teresa J Potter
Po Box 632
Lava Hot Springs ID 83246

We recommend if, in fact, the address in question has been changed, you file a "Change in Address" with this department in order that we may send all further correspondence to the appropriate address.

Enclosed is a Change in Address form. Please fill out the form completely, sign and date it and return it to my attention.

If you have any questions regarding this matter, please call 525-7161.

Respectfully submitted,

Cheri Vandermeulen
Records Clerk

Enclosure(s)

SCANNED
JUN 24 2004

02/13/2 003

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: April 21, 2003

Water right number: 29-146

FAWN A POTTER

P0 BOX 212

LAVA HOT SPRINGS ID 83246

Telephone Number: (208)776-5669

BRENDA LEA POTTER

P0 BOX 212

LAVA HOT SPRINGS ID 83246

Telephone Number: (208)776-5669

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

A: Quantity

B: Point of Diversion - *POD IS RECOMMENDED PER FE AND DISCUSSION w/ CLAIMANT.*

C: Place of Use - *RECOMMENDED ALL IRRIG LANDS AS (1987) ALLOWABLE - A POD*

D: Other Provisions Necessary for Definitions

PORTION OF WHICH BELONGS TO LAVA HOT SPRINGS CITY AND NOT ALLOWED TO BE IRRIG.

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

A: Retain Original Homestead Patent Claim of .5 cfs.

B: I request to transfer portion of water to adjacent property. - *NEEDS TO FILE TX APPLIC.*

C: Increase amount of irrigated acres. - *505 I.C.*

D: Request the remainder of Original Right not to be forfeited for none use.

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

A: The Claim was made in 1989 with the assistance of an IDWR official. I believed I was doing everything correct to retain this Water Right until July of 2001, when the field examiner interviewed me. At this time I requested to use the extra water on adjacent property or be allowed to sell a portion of this water right, but have been denied those options.

B: I own over 300 acres here and know losing such a valuable asset will adversely affect the value of my property.

C: Increasing my total irrigated acres to 26 would allow me to retain this asset.

D: My father transferred the point of diversion during the 1960's. At this time we began pumping and piping water instead of ditch irrigation, increasing our efficiency and decreasing water loss. If we would have realized that this would cause forfeiture, we would have increased our beneficial use. In 1989 and again in 1990 I visited the IDWR Office in Idaho Falls, concerned for this Water Right and was told everything was ok and that I was not in jeopardy of losing this Water Right.

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

DATE: 04-17-03

SIGNATURE: Fawn A Potter

Please print your name: Fawn A Potter

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

4/30/03 No Action. SOB NOTES - ASR

RECEIVED
APR 25 2003
Department of Water Resources
Eastern Region

29-00146 DECEASED

5/9/01 CAUSD Mr. Potter (WIFE) she tells me she is a
NOW WIFE (BROWN). This claim needs a C/O to
CHANGE NAMES OF WIVES; w/ DIVORCE DECREE AND MARRIAGE CONT.

Done C/O IN FILE 29-11441.

- ① ORIGINALLY, DECEASED w/ POD IN NW/4 SEC 25
CLAIMS POD IN NW/4 SEC 25 C/O 3 when 1969

DECEASED DEFINES NOTES & BOUNDS DESCRIPTION TO POD'S.

- ② POD DEFINED AS: W²NW, N²SW SEC. 25 95/300. BEST
CASE ACRES IS 160²

CLAIMS 13² AC. W/1 NW/4 SEC. 25

- ③ APPEARS TO CLAIM OVERLAPPING WITH 29-11441 (8² AC), SOURCE
IS UNWAMOD SPRINGS @ 0.16 (.02 cts/AC). PRIORITY 03/01/1894 → NO.

- ④ 29-146 CLAIMS 0.50 ON 13² ACRES (AS 0.0385 cts/AC). WITH
THE OVERLAP OF 29-11441 DISTRIBUTION IS WAY TOO HIGH. NOW
CONSIDER THE PRIORITY DATES. 29-11441 NEEDS EVIDENCE OF
PRIORITY. HOWEVER, 29-11441, A BU CLAIM, CANNOT HAVE A
PRIORITY PRE DATING THE DECEASED (ORIGINAL 29 JUNE 1921, AMENDED 6 AUGUST
1932). THEREFORE, PRIORITY DATE ADVANCEMENT IS TIED ON 11441.

- Q → ⑤ 29-146 CLAIMS AS 0.50 ON 13² AC WILL LIKELY BE REDUCED
TO 0.26 cts. PRIORITY OF 1894 IS BETTER THAN WHATEVER CAN BE
DETERMINED FOR 29-11441. THEREFORE, THE QUESTION ARISES:
WHAT GOOD IS 29-11441? 29-146 WILL COVER THE LANDS
@ 0.02 WITH A BETTER PRIORITY. AVAILABILITY OF NOTES of KISH CK!

- Q → ⑥ 29-146 AS CLAIMED @ 0.50 cts ON 13² AC W/1 NW/4 SEC 25
BUT DECEASED FOR (BEST CASE) 160² AC - WHAT HAPPENS TO OTHER LANDS?

7-0146

111. Wight, L. S.
1894 Mar. 1. .5 c.f.s.

Said water to be diverted through a ditch taken out South 31 ~~degrees~~ 30 minutes East, 1580 feet from the North quarter corner, Section 25, Township 9 South, Range 38 E.B.M.; also through another ditch taken out South 13 degrees East, 1210 feet from the North quarter corner of said Section 25, for the irrigation of the West half of the Northwest quarter, and the North half of the Southwest quarter, Section 25, Township 9 South, Range 38 E.B.M.

9-0147

112. FISH CREEK IRRIGATING
COMPANY.
1893 Mar. 1. 6 c.f.s.

Said water to be diverted thriugh a ditch taken out North 74 degrees West, 900 feet from the Northeast corner of Section 27, Township 9 South, Range 38 E.B.M., for the irrigation of Lots 1, 2, 3, Section 21, Lot 6, Section 22, the Northeast quarter of the Northwest quarter, Section 28, Township 9 South, Range 38 E.B.M. Lot 1, the Southeast quarter of the Southeast quarter, Section 20, Lot 4, the Southwest quarter of the Southwest quarter, Section 21, Township 9 South, Range 38 E.B.M. Lot 3, Section 20, the Northeast quarter of the Northwest quarter, Section 29, Township 9 South, Range 38 E.B.M. (Northeast quarter of the Northwest quarter being Government Lot 1). The Northwest quarter of the Northwest quarter, Section 28, the North half of the Northeast quarter, Section 29, Township 9 South, Range 38 East E.B.M.

7-0148

G. Perkins
113. IDAHO CONFERENCE OF THE

Said water to be diverted through the Fish

WR5808NP
(00-26)

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROOF READING REPORT

04/06/01 08:21:14

Page 1

Water Right Number - 29-00146

Prefix Translation: WATER RIGHT

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***
WIGHT

L. S.

1 -
2 -
3 -
City-
Phone -

State- Zip-

+ - - Priority Date - - +
03/01/1894 *on*

+ - - - Region - - - +
15 EASTERN

+ - - - Stage - - - +
D - DECREED

+ - - - Status - - - +

+ - - - - Source - - - - - +
FISH CREEK *on*

+ - - - - Tributary - - - - - +
PORTNEUF RIVER

+ - - - - Point of Diversion - - - - - +
TwN Rng Sec Tract Lot RFlg County Diversion Name Diversion Rate Diversion No.

09S 38E 25 NW NE (5) BANNOCK

Claims: 525 NW NW

C#3 when ?

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume

01 - IRRIGATION *on*

04/15 *on* 09/15

0.500 *on*

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
0.500 0.0

+ - - - - Place of Use - - - - - +
TwN Rng Sec Tract Lot Acres Code Description County

09S	38E	25	NW NW			01	IRRIGATION	(5) BANNOCK
09S	38E	25	SW NW			01	IRRIGATION	(5) BANNOCK
09S	38E	25	NE SW			01	IRRIGATION	(5) BANNOCK
09S	38E	25	NW SW			01	IRRIGATION	(5) BANNOCK

+ - - Diversion Means -

Best Case 160⁰ ac

Claims: 525 NW NW 13⁰ ac

C#5

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - - - Remarks - - - - - +

GEN P/U INCOMPLETE.

+ - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers found.

+ - - - - Conditions of Approval - - - - - +
No Conditions of Approval found.

*Also: D/S claims
29-11441*

29-10488 - PD'D

Log for claim A29-00146

Spatial Dynamics AMH

8/4/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
09s38e	25	NWNW	13	10	
Totals:			13	10	

T9S, R38E

23 24

26 25

SWSW
0.680

NWNW
11.494

Fish Creek





Fawn Potter
29-00146, 29-11441
T9S, R38E Sec.25 NWNW

JUN 06 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

RECEIVED

APR 11 1990

Ident. Number: A29-00146
Date Received: 3/12/1990
Receipt No: EOI308S
Received By: SS

Department of Water Resources
Eastern District Office

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: FAWN A. POTTER 208-776-5669
Address: P.O. BOX 632
LAVA HOT SPRINGS, ID 83246

OR
Name: TERESA J. POTTER 208-776-5669
Address: P.O. BOX 632
LAVA HOT SPRINGS, ID 83246

2. Date of Priority: MAR 01, 1894

3. Source: FISH CREEK Trib. to: PORTNEUF RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
09S	38E	25		NW	NW		BANNOCK

5. Description of diverting works:
PUMP MAINLINE TO LATERALS FOR FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	09/15	0.500		

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

8. Total consumptive use is 32.5 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

$\frac{.50}{13\%} = 0.3846$
 $\frac{.50}{13\%} = 0.3846$
 $\frac{.50}{13\%} = 0.3846$
 $\frac{.50}{13\%} = 0.3846$
 $\frac{.50}{13\%} = 0.3846$
 $\frac{.50}{13\%} = 0.3846$
 $\frac{.50}{13\%} = 0.3846$
 $\frac{.50}{13\%} = 0.3846$
 $\frac{.50}{13\%} = 0.3846$
 $\frac{.50}{13\%} = 0.3846$

A29-00146

Page 1

Date: 03/12/90

MICROFILME

NOV 13 1992

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
09S	38E	25	NW NW		IRR	13.0
Section Acres						13.0
Total Acres						13.0 X 102 = 26

11. Place of use in counties: BANNOCK

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

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date:

UNION GRAIN & ELEVATOR CO.
Decree Plaintiff

vs

MCCAMMON DITCH CO. 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 _____ 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): Fawn A Potter Date: 3/12/90

Date: _____

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 12th day
of Mar 19 90

Betty J Thompson
Notary Public

Seal

BETTY J. THOMPSON, NOTARY PUBLIC
Residing at RESIDING AT IDAHO FALLS, IDAHO
My Commission Expires MY COMMISSION EXPIRES: 6-30-94

T
9 R38E
S

POINT OF DIVERSION

x5778T

PLACE OF USE

x5803T

x6087T

25

PIPELINE

GAS

NATURAL

x6207T

UNDERGROUND

58411

5000

Grain Tank

6470T

Spring

36

A29-00146

MICROFILMED

NOV 13 1992