

IDAHO DEPARTMENT OF WATER RESOURCES 10/18/2001
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

NAME AND ADDRESS: JOHN M EVANS
26704 S RED ROCK RD
DOWNEY ID 83234

SOURCE: MARSH CREEK TRIBUTARY: PORTNEUF RIVER
QUANTITY: 0.30 CFS
PRIORITY DATE: 09/05/1879
POINT OF DIVERSION:

T12S R38E S17 SESE Within BANNOCK County
T12S R38E S18 SWSE Within BANNOCK County
T12S R38E S18 SWSE Within BANNOCK County
T12S R38E S19 NWNE Within BANNOCK County
T12S R38E S20 SWSW Within BANNOCK County
T12S R38E S20 SWSW Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.300 CFS

PLACE OF USE: IRRIGATION Within BANNOCK County

T12S R38E S17	SWSW	9.0	T12S R38E S18	SENE	2.0
T12S R38E S18	NESW	34.0	T12S R38E S18 Lot 3	NWSW	17.0
T12S R38E S18	SESW	18.0	T12S R38E S18	NWSE	12.0
T12S R38E S18	SWSE	28.0	T12S R38E S18	SESE	1.0
T12S R38E S19	NENE	18.0	T12S R38E S19	NWNE	29.0
T12S R38E S19	SWNE	7.4	T12S R38E S19	SENE	31.0
T12S R38E S19	NESE	15.0	T12S R38E S19	SESE	3.6
T12S R38E S20	NENW	11.0	T12S R38E S20	NWNW	10.0
T12S R38E S20	SWNW	2.5	T12S R38E S20	NWSW	9.5
T12S R38E S20	SWSW	4.0			

262 ACRES TOTAL

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 262 ACRES IN A SINGLE IRRIGATION
SEASON. COMBINED RIGHT NOS.: 29-00349, 29-00351, 29-00356, 29-00357

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.

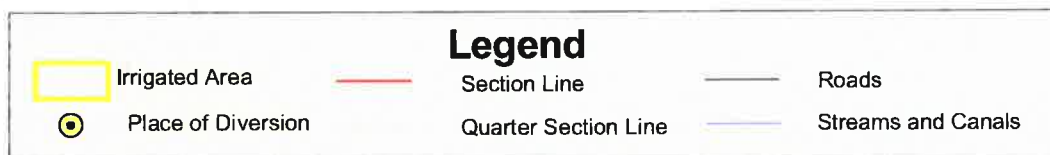
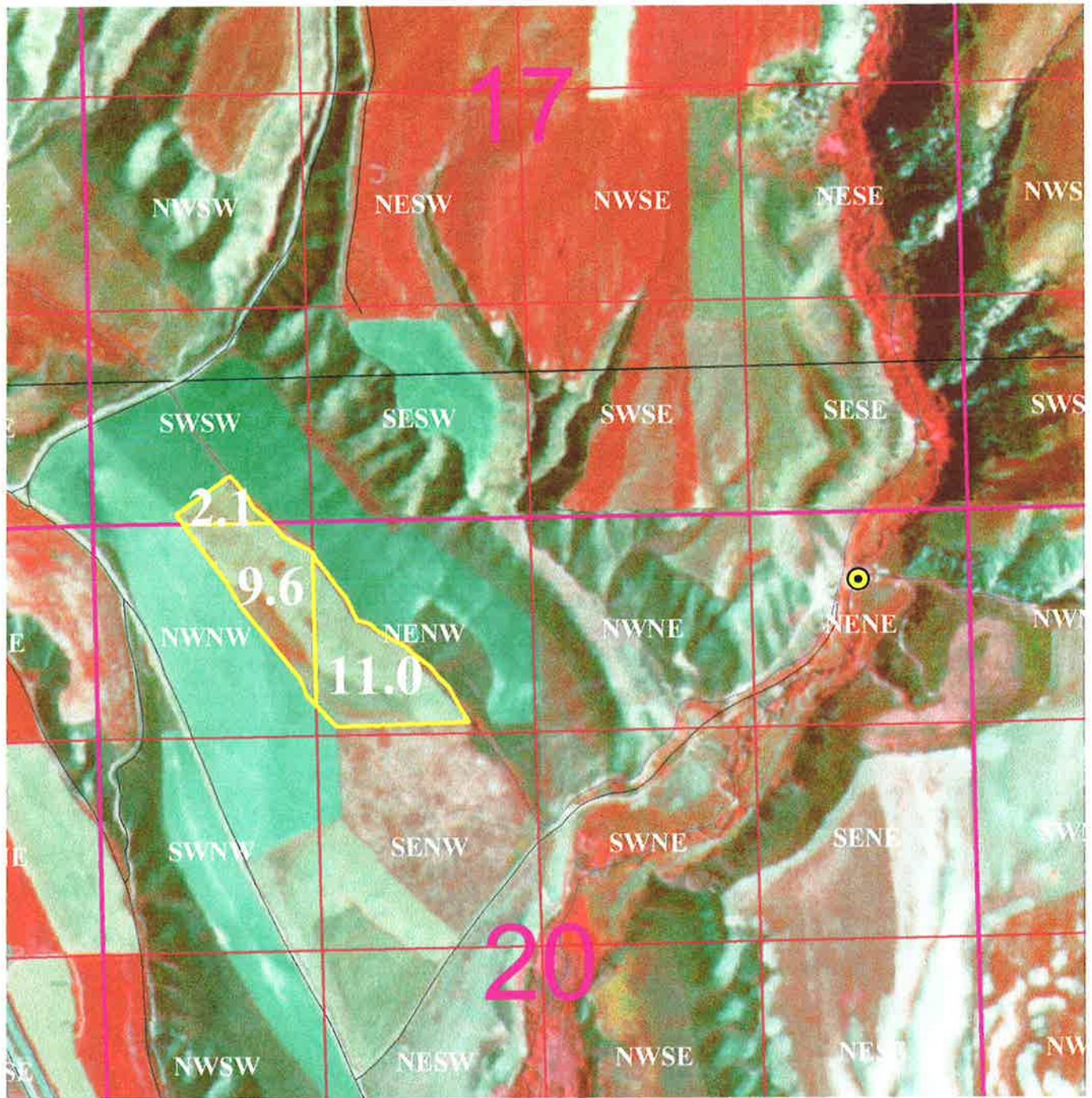
EXPLANATORY MATERIAL: Decreed

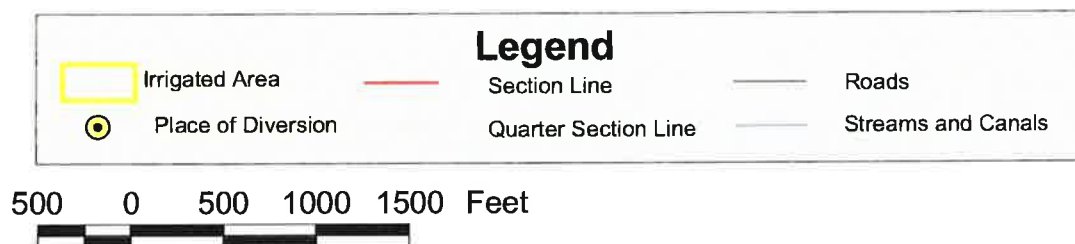
RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
PURSUANT TO SECTION 42-1425, IDAHO CODE.
RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT
TO SECTION 42-1425, IDAHO CODE.

30
1.20
80
20

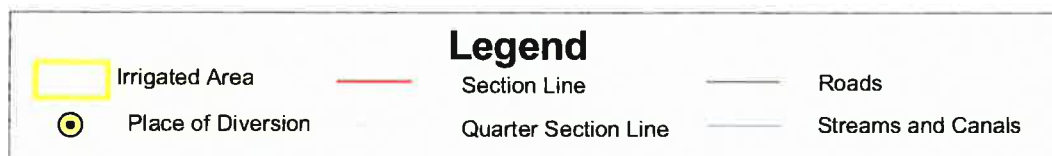
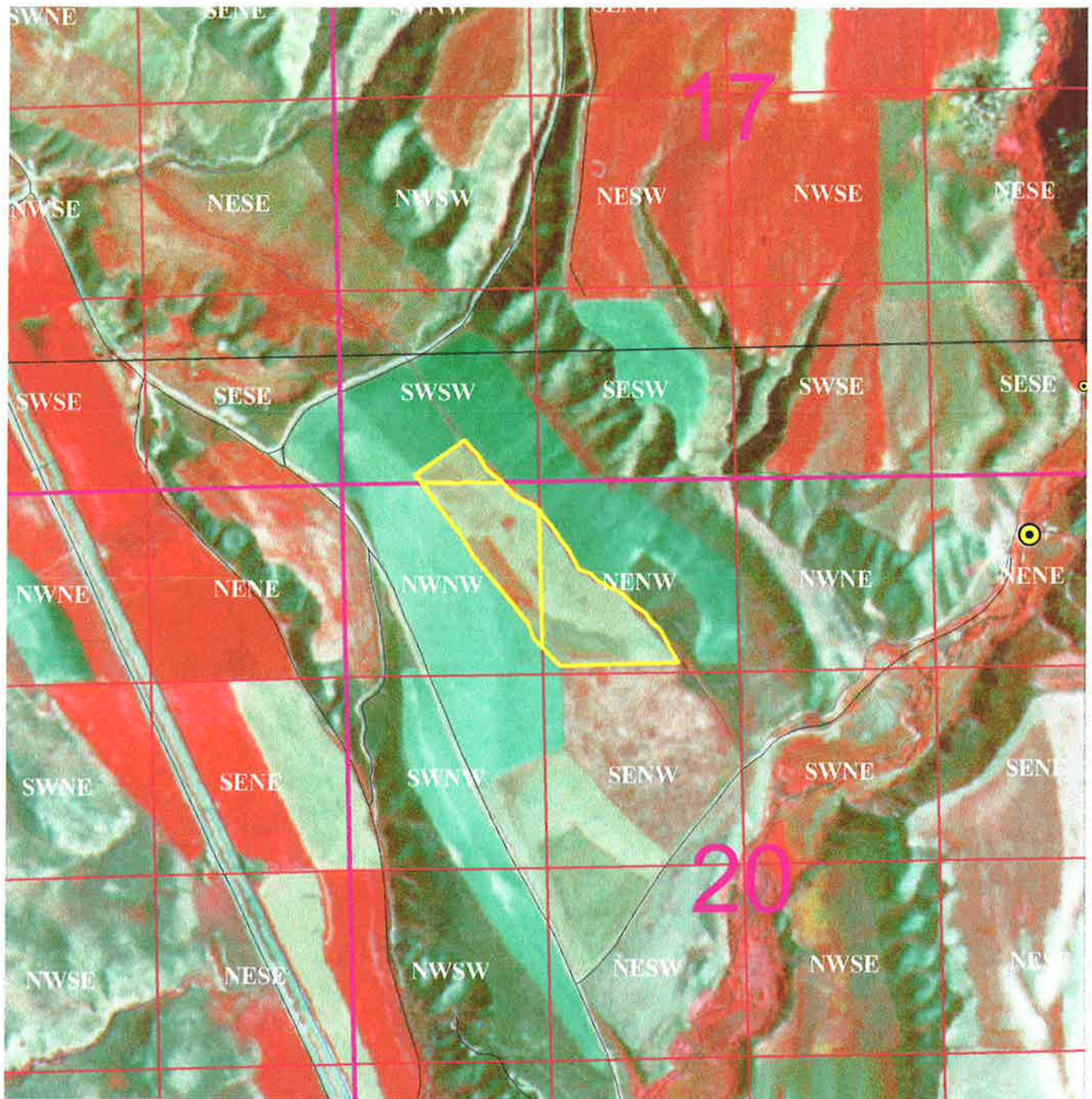
2.50

Township , 11S36E





Township , 11S36E



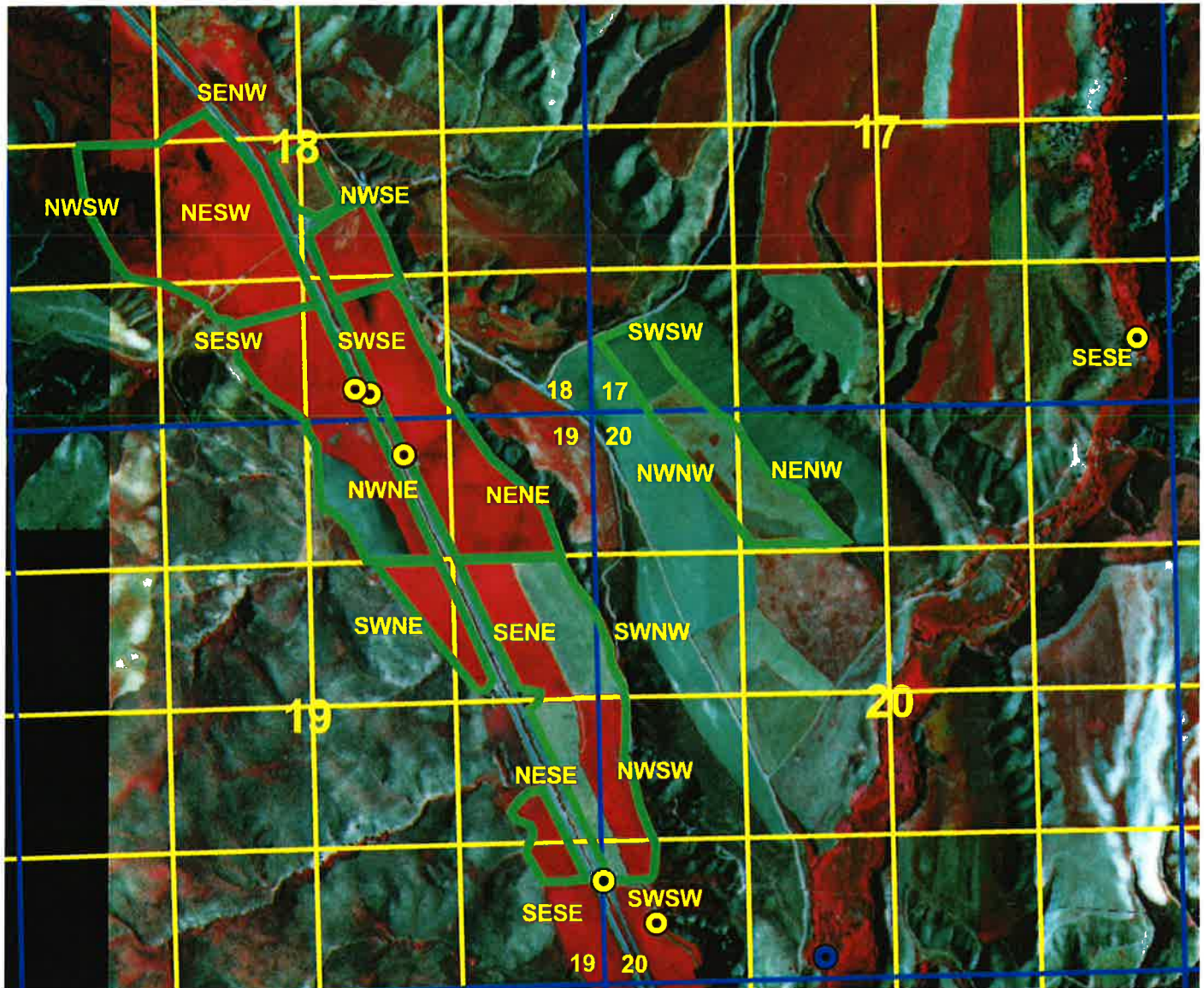
500 0 500 1000 1500 Feet



IDAHO DEPARTMENT OF WATER RESOURCES

29-00357

T12S, R38E SEC 17,18,19,20



SCANNED

ACRES IRRIGATED- 262



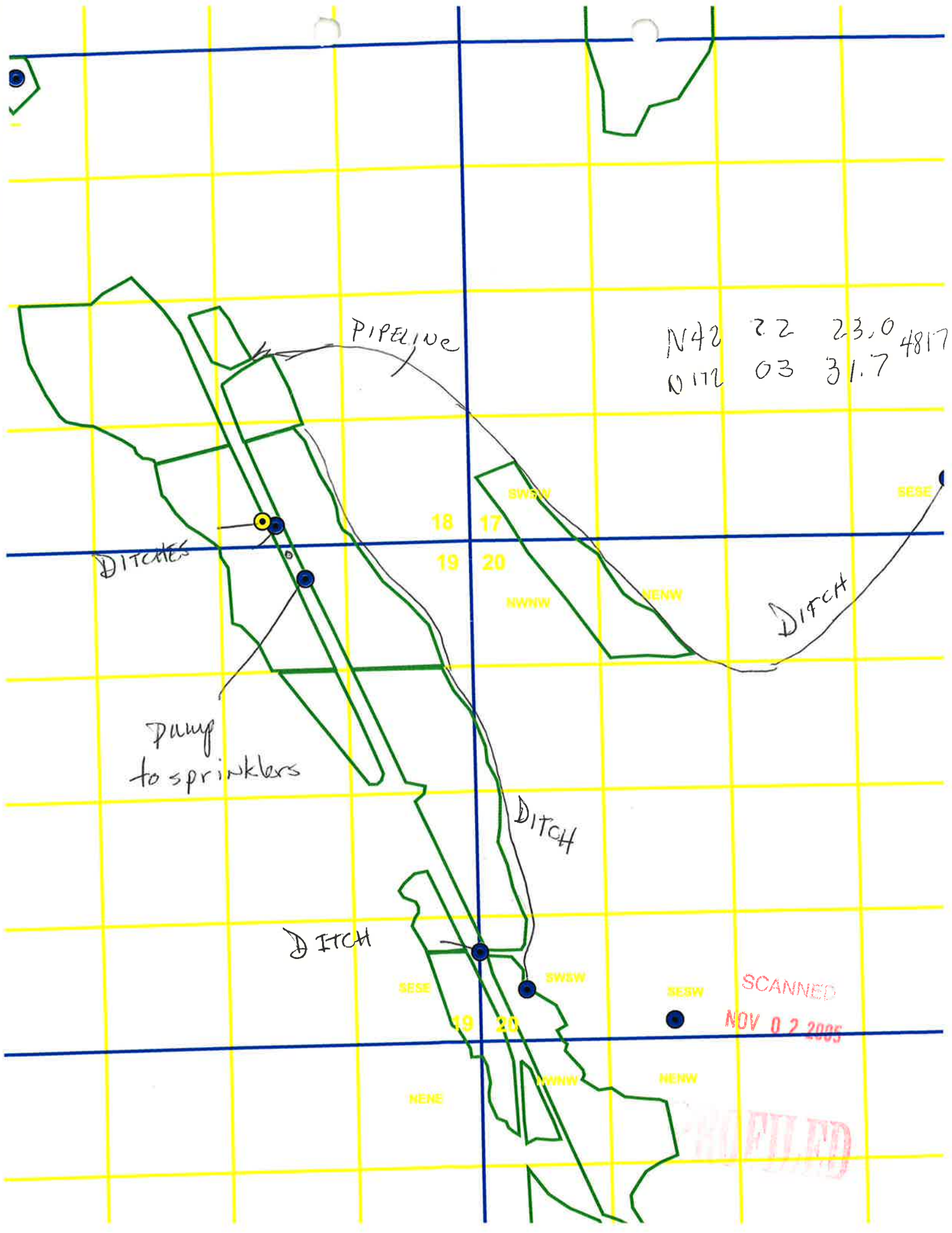
POINT OF DIVERSION



PLACE OF USE

SCANNED
NOV 02 2005

GIS: PLACE OF USE
POINT OF DIVERSION
1987/1988 NAPP PHOTOS
DAVE CARLSON



N42	22	23.0	4817
0112	03	31.7	

18 17
19 20

DITCH

DITCH

DITCH

SCANNED
NOV 02 2005

FILED

JUN 04 2001

Log for claim A29-00357

Spatial Dynamics TWB

7/11/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
12s38e	17	SWSW	7	2.1	
12s38e	20	NENW	9	11	
12s38e	20	NWNW	14	9.6	
Totals:			30	22.7	

N42 22 26.6 (4)
W112 01 56.9 (57.0)
4968

10/2001 - DCARLSON

This right is used in combination with other Marsh Crk rights 29-349, 351, 356 on the lower flat by the highway and on this 30 acre bench area. This is the only water right that was used on the bench area. The other Marsh Crk rights weren't used on the 30 acre bench.

AMENDED CLAIM FOR LOWER HIGHWAY FLAT

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 29-357
Date Received: 4/10/1990
Receipt No: E012994
Received By:

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

1. Name of Claimant(s)

JOHN M EVANS Phone: (208)897-5973

26704 S BACK RED ROCK RD
DOWNEY ID USA 83234

2. Date of Priority: 09/05/1879

3. Source: MARSH CREEK , MARSH CREEK , MARSH CREEK Trib. to: PORTNEUF RIVER ,
PORTNEUF RIVER , PORTNEUF RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
12S	38E	18	NW NE	BANNOCK	
12S	38E	17	SE SE SE	BANNOCK	
12S	38E	20	SW SW	BANNOCK	

5. Description of diverting works:

HEAD GATE TO DITCH TO FLOOD OR PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	0.3	

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

SCANNED
NOV 02 2005

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
12S	38E	17	SW	SW		IRRIGATION	7
						Section Acres	7
12S	38E	18	SW	NW		IRRIGATION	8
			SE	NW		IRRIGATION	4
			NE	SW		IRRIGATION	28
			SE	SW		IRRIGATION	6
			NW	SE		IRRIGATION	15
						Section Acres	61
12S	38E	19	SW	NE		IRRIGATION	8
			SE	NE		IRRIGATION	37
			NE	SE		IRRIGATION	18
			SE	SE		IRRIGATION	4
						Section Acres	67
12S	38E	20	SW	NW		IRRIGATION	2
			NW	SW		IRRIGATION	8
			SW	SW		IRRIGATION	7
			NE	NW		IRRIGATION	9
			NW	NW		IRRIGATION	14
						Section Acres	40
						Total Acres	175

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:

14. Remarks:

See remarks for additional conditions of approval.

15. Basis of Claim: Decreed

16. Signature(s)

PROFILED

10/01/2001

SCANNED
NOV 02 2005

(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): J. Morgan Evans Date: 10-17-01

Date:

State of Idaho)
County of Bannock) SS.

Subscribed and sworn (or affirmed) before me this
of Oct 10 2001

Dave Carlson

Notary Public

Residing at Rigby, Id

My commission Expires 2/26/2002



PROFILED

SCANNED
NOV 02 2005

JUN 04 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 29-357
Date Received: 4/10/90
Receipt No: E012994
Received By:

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

1. Name of Claimant(s)

JOHN M EVANS Phone: (208)897-5973

26704 S BACK RED ROCK RD
DOWNEY ID USA 83234

2. Date of Priority: 09/05/1879

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
12S	38E	17	SE SE SE	BANNOCK	

5. Description of diverting works:

HEAD GATE TO DITCH TO FLOOD OR PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	0.3	

7. Total Quantity Appropriated is:
0.3 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
12S	38E	17	SW SW	IRRIGATION	7
Section Acres					7

12S	38E	20	NE	NW	IRRIGATION	9
			NW	NW	IRRIGATION	14
					Section Acres	23
					Total Acres	30

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:

14. Remarks:

See remarks for additional conditions of approval.

15. Basis of Claim: Decreed

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): _____ Date: _____

_____ Date:

State of Idaho)
) SS.
 County of _____)

Subscribed and sworn (or affirmed) before me this

of _____ 20__

Notary Public

Residing at _____

My commission Expires _____

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 ⁸⁰

Ident. Number: A29-00357
Date Received: 4/10/1990
Receipt No: E 012994
Received By: HWS

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JOHN M. EVANS 208-897-5973
Address: 26704 S. BACK RED ROCK RD
DOWNEY, ID 83234

2. Date of Priority: SEP 05, 1879

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
12S	38E	17	SE	SE	SE		BANNOCK

5. Description of diverting works:
HEAD GATE TO DITCH TO FLOOD OR PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.300		

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

8. Total consumptive use is 75.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
12S	38E	17	SW	SW	7	IRR	
		20	NE	NW	9	IRR	
			NW	NW	14	IRR	

A29-00357

Page

1

Date: 04/10/90

MICROFILMED
NOV 13 1992

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: 3/30/1896

LIBERTY HUNT, ET AL.
Decree Plaintiff

vs

CHAS. THORNTON, 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): *John M. Evans* Date: 4-10-90

Date: _____

State of Idaho)
County of Bonneville) ss.

Subscribed and sworn (or affirmed) before me this 10th day
of Apr 19 90

Betty J. Thompson
Notary Public

Seal

Residing at _____
RESIDING AT IDAHO FALLS, IDAHO
My Commission Expires 6-30-94

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP. RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NUMBER
A29-00357	12S 38E	17	SE	SE	SE			BANNOCK		
OTHER AJ CLAIMS WITH SAME AJ POD			WR RECORDS IN SAME 40 ACRE TRACT							
A PREFIX			R PREFIX							
NONE			NONE			NONE				

SOURCE: MARSH CREEK

TRIB: PORTNEUF RIVER

B. WR POINT OF DIVERSION AND SOURCE:

2900357 THERE IS NO POD ASSOCIATED WITH THIS WATER RIGHT NUMBER

SOURCE: MARSH CREEK

TRIB: PORTNEUF RIVER

C. IS THE CLAIMED POD WITHIN THE SAME 40 ACRE TRACT THAT IS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y() N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POD, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

D. CAN THE CLAIMED POD BE VERIFIED USING THE WATER RIGHT FILE OR GPS DATA? N/A() Y() N()

E. SHOULD THE CLAIMED POD BE VERIFIED BY FIELD EXAM? Y() N()

F. IS THE CLAIMED SOURCE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y() N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN SOURCE, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

G. CAN THE CLAIMED SOURCE BE VERIFIED USING THE WATER RIGHT FILE? Y() N()

H. SHOULD THE CLAIMED SOURCE BE VERIFIED BY FIELD EXAM? Y() N()

I. HOW WAS THE POD AND SOURCE VERIFIED?

LICENSING FIELD EXAM (DATE OF FIELD EXAM) Y() N()

AJ FIELD EXAM (DATE OF FIELD EXAM NAME OF EXAMINER) Y() N()

OTHER (DESCRIBE IN NOTES BELOW)

NOTES: _____

=====

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE: CHECK HERE IF RECOMMENDED AS CLAIMED (___)

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NBR
12S	38E	17	SE	SE	SE			BANNOCK		
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____

SOURCE: MARSH CREEK

TRIB: PORTNEUF RIVER

REVIEWED BY: _____ DATE: _____

=====

SYSTEM DESCRIPTION: DESCRIBED BELOW (___), SEE LICENSE FILE (___), OR SEE ATTACHMENT (___)

A. ROOT WATER RIGHT NUMBERS: A29-00357

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
12S	38E	17	SW	SW	7	EVANS, JOHN M	A29-00357 /	- /	5.0		
12S	38E	20	NE	NW	9	EVANS, JOHN M	A29-00357 /	- /	13.0		
12S	38E	20	NW	NW	14	EVANS, JOHN M	A29-00357 /	- /	26.0		

ADDITIONAL POU FOUND

TOTAL ACRES

A29-00357

44.00

POU COUNTY: BANNOCK

C. IS WATER USAGE FOUND IN TRACTS OTHER THAN THOSE CLAIMED?

Y() N()

* IF YES, ARE THESE TRACTS LISTED ABOVE (), OR ARE THEY LISTED ON AN ATTACHED SHEET ()

LIST OF ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE

NO CLAIMS FOUND WITH SAME POU AND IRRIGATION USAGE

NO RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION

D. ARE OTHER WATER RIGHTS USED FOR THE SAME PURPOSE?

Y() N()

* IF YES, COMPLETE OVERLAP REVIEW:

OTHER RIGHTS LISTED IN CLAIM: NONE

E. IS THE CLAIMED POU THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A() Y() N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POU, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

F. CAN THE CLAIMED POU BE VERIFIED USING THE WATER RIGHT FILE AND AVAILABLE AERIAL PHOTOS?

N/A() Y() N()

AJ5809NP
No. A29-00357

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 04/24/00
PAGE: 29

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	JOHN M EVANS 26704 S BACK RED ROCK RD DOWNEY ID 83234 (208) 897-5973	09/05/1879	IRRIGATION	04-01 11-01	0.300 CFS	
TOTAL DIVERSION:					0.300 CFS	
CONSUMPTIVE USE:						75.00 AFA

Water Source: MARSH CREEK

Tributary to: PORTNEUF RIVER

Stage: DECREED

Point(s) of Diversion: T12S R38E S17 SESESE

BANNOCK County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE												
T	R	S		NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM
				Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		
12S	38E	17	:					:					:					:						
12S	38E	20	:					:	09-I	14-I			:			07-I		:						

POU County: BANNOCK

Non-Irrigation Uses: NONE

Other Rights: NONE

Conditions of Approval:

016 - See remarks for additional conditions of approval.

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number: 29H

Field Inspection Flag:

Presumption Flag:

Audit: 04/10/90 JONES 05/24/94 COX 03/29/95 POST-STD

E R38E

OXF

P.D. 7

412

413

414 2' 30"

415

540 000 FEET



