

IDAHO DEPARTMENT OF WATER RESOURCES 11/07/2001
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

NAME AND ADDRESS: LELAND B ARMSTRONG
2321 W ARIMO RD
ARIMO ID 83214

KAREN ARMSTRONG
2321 W ARIMO RD
ARIMO ID 83214

SOURCE: GARDEN CREEK TRIBUTARY: MARSH CREEK

QUANTITY: 0.15 CFS

PRIORITY DATE: 05/01/1904

POINT OF DIVERSION:

T10S R36E S7 NWNE 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	0.150 CFS

PLACE OF USE: IRRIGATION Within BANNOCK County

T10S R36E S05 SWSE 10.0

10 ACRES TOTAL

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 70 ACRES IN A SINGLE IRRIGATION
SEASON. COMBINED RIGHT NOS.: 29-00417A, 29-00418A, 29-02482

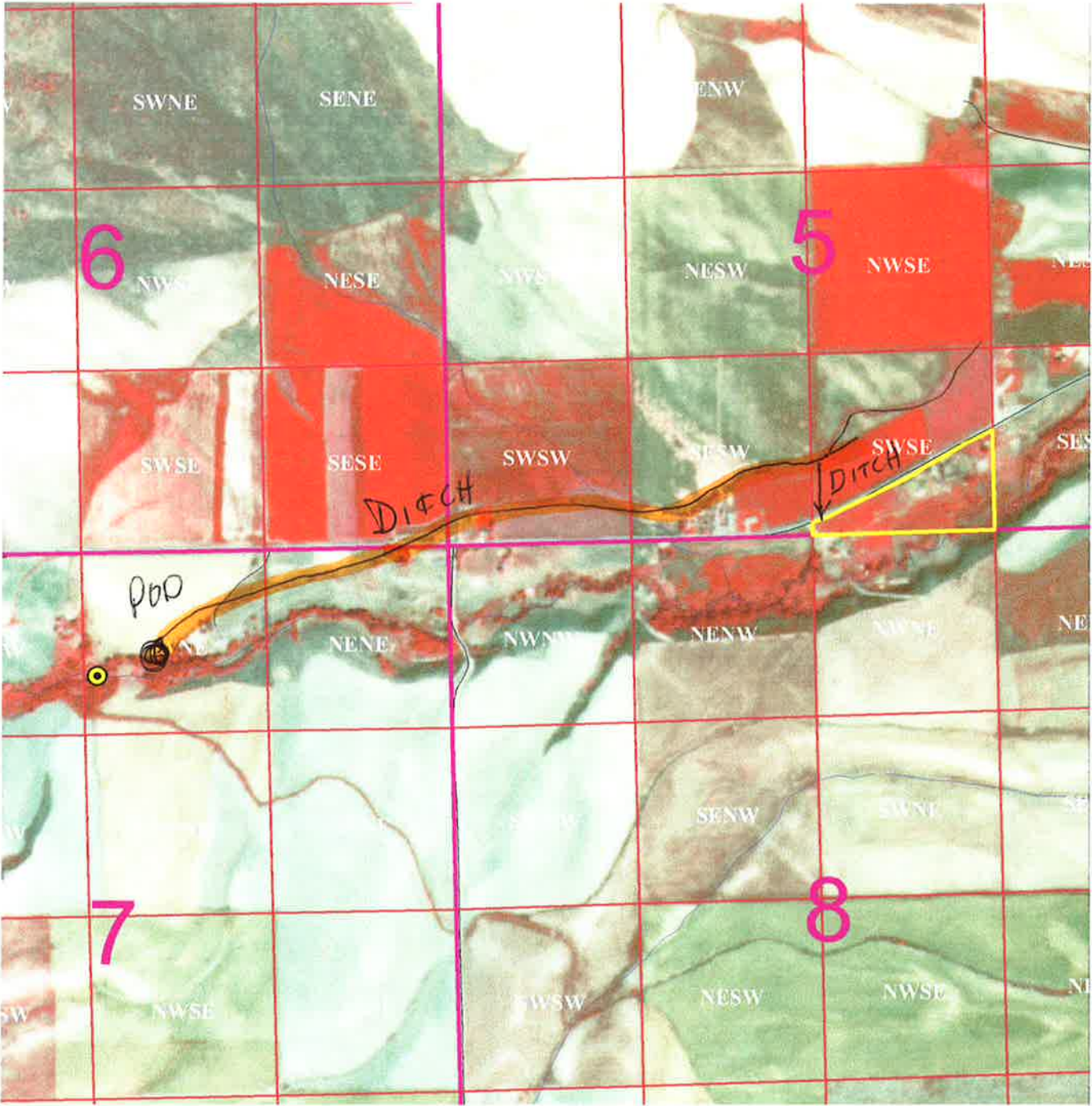
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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 PLACE OF USE PURSUANT
TO SECTION 42-1425, IDAHO CODE.
USE OF WATER UNDER THIS RIGHT IS COMBINED WITH WATER FROM
GARDEN CREEK IRRIGATION CO.

Township , 10S36E



 Irrigated Area

 Section Line

 Roads

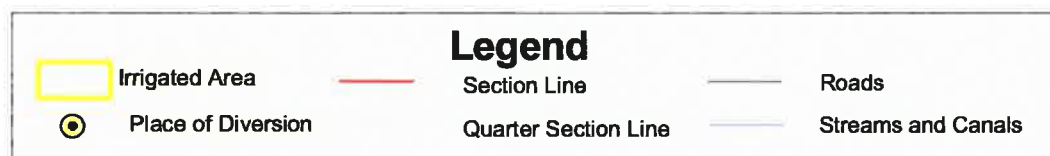
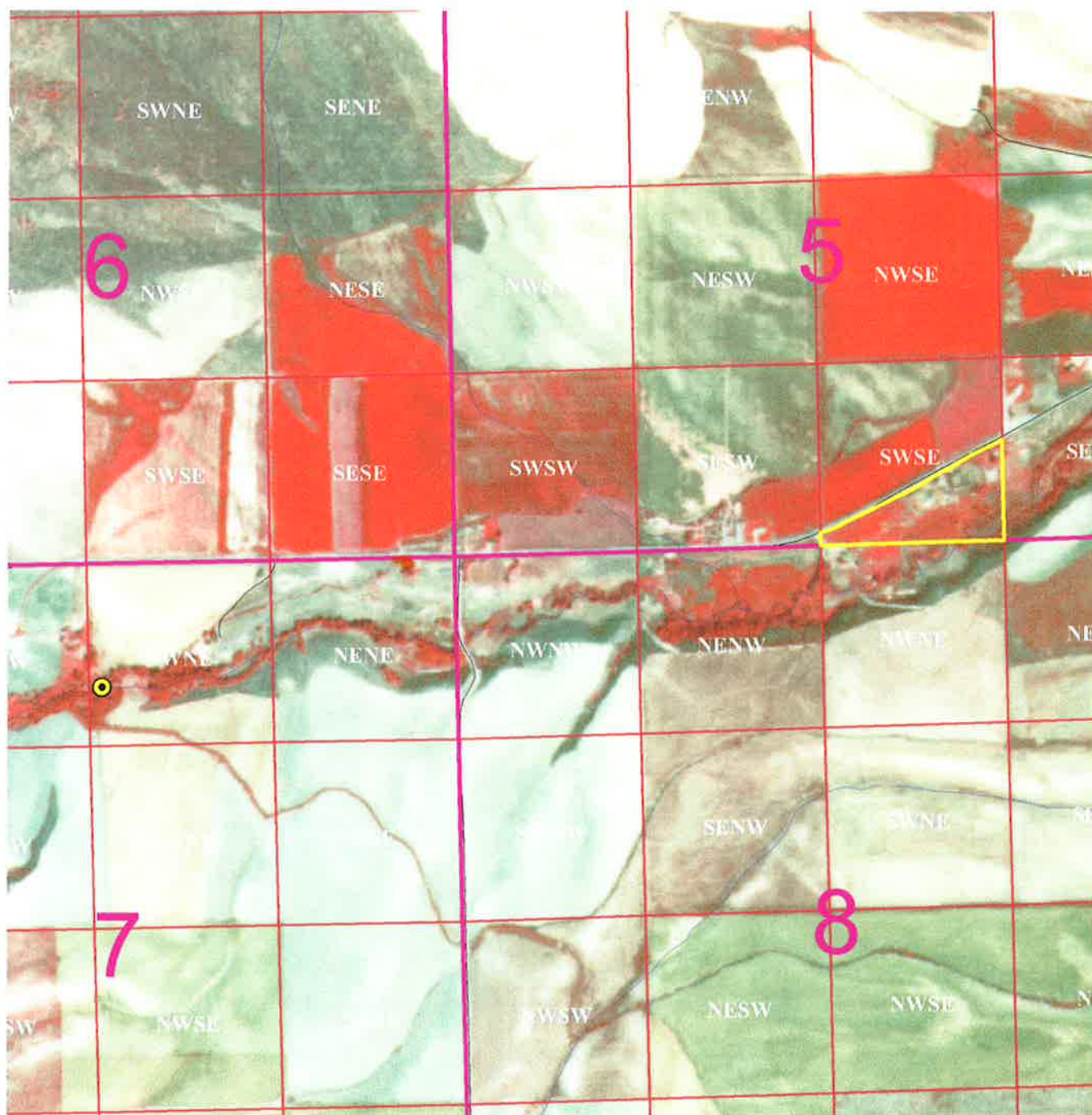
 Place of Diversion

 Quarter Section Line

 Streams and Canals



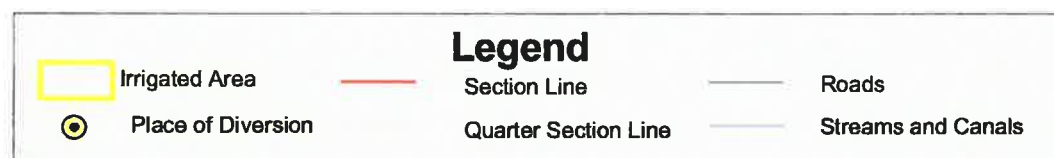
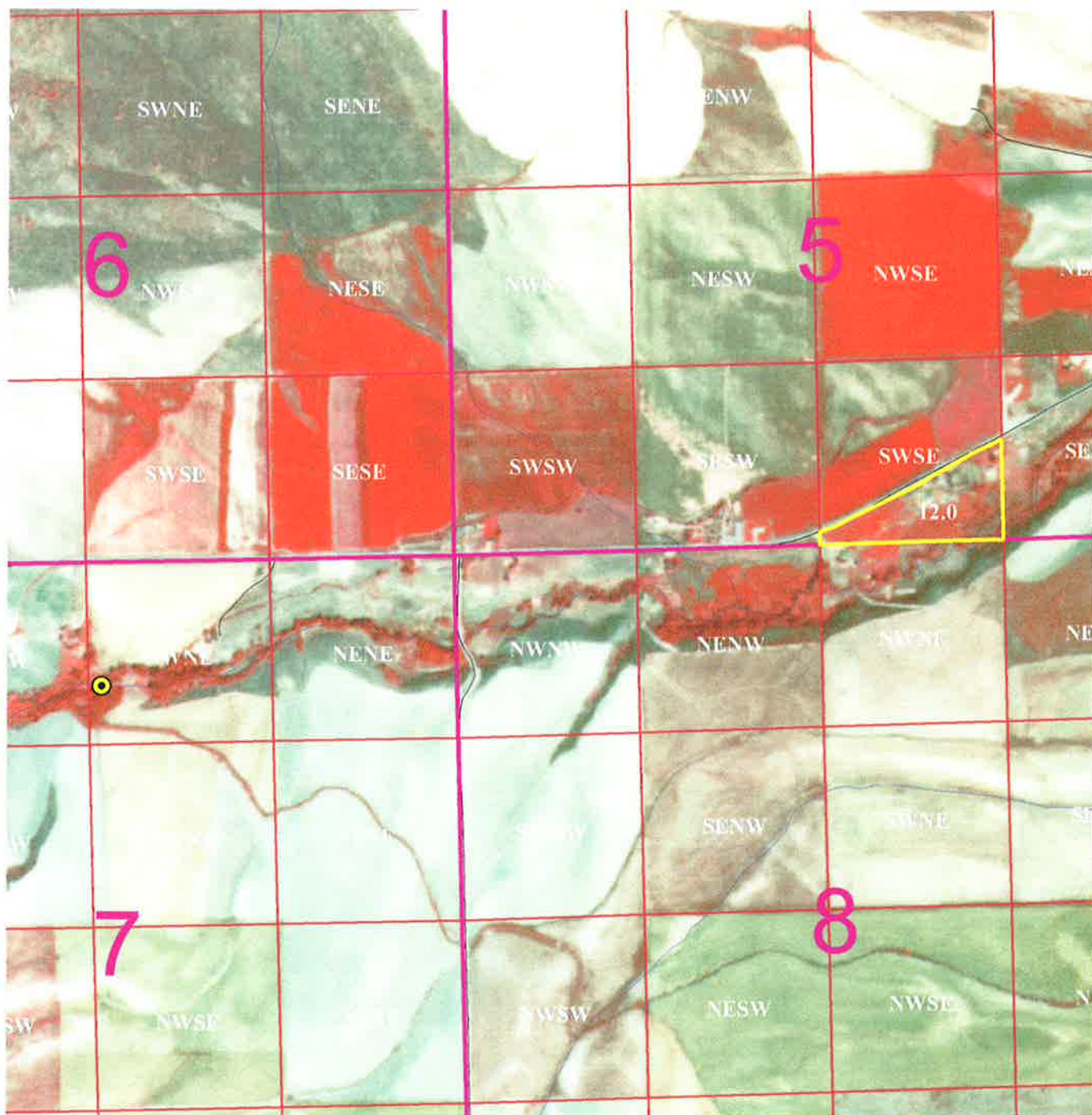
Township , 10S36E



500 0 500 1000 Feet



Township , 10S36E



500 0 500 1000 Feet



02/08/2003

NOTICE OF ERROR
REPLY

Dave

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: 29-418A

LELAND B ARMSTRONG
2321 W ARIMO RD
ARIMO ID 83214
Telephone Number: (208)254-3445

KAREN ARMSTRONG
2321 W ARIMO RD
ARIMO ID 83214
Telephone Number: (208)254-3445

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:

RECEIVED
APR 17 2003
Department of Water Resources
Eastern Region

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

DATE: 3-3-03 SIGNATURE: Leland Armstrong
Please print your name: Leland ARMSTRONG

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

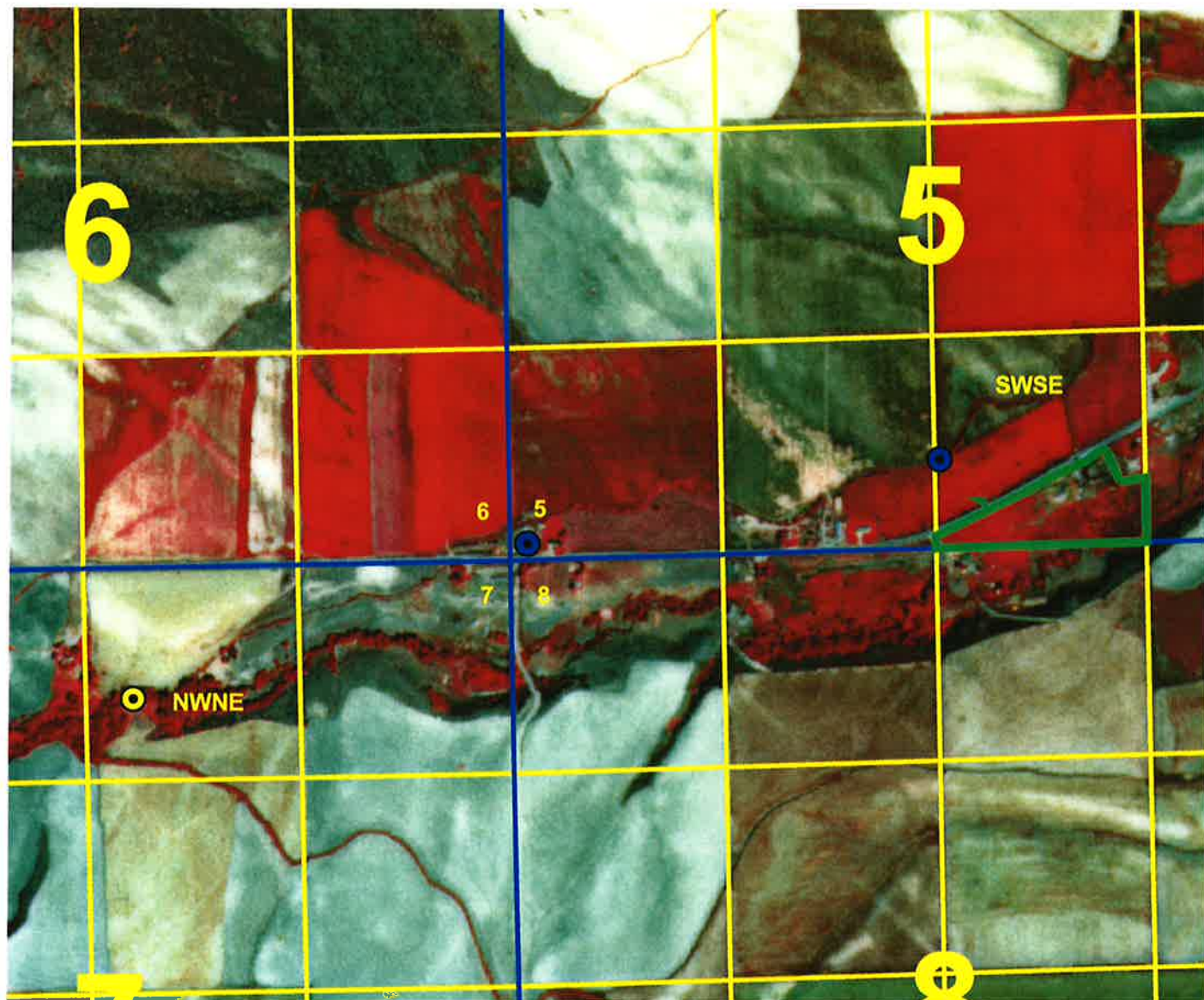
SCANNED
NOV 04 2005

PROFILED

IDAHO DEPARTMENT OF WATER RESOURCES

29-00417A, 29-00418A

T10S, R36E SEC. 4,5



ACRES IRRIGATED- 10



POINT OF DIVERSION



PLACE OF USE

SCANNED

NOV 04 2003

GIS: PLACE OF USE

POINT OF DIVERSION

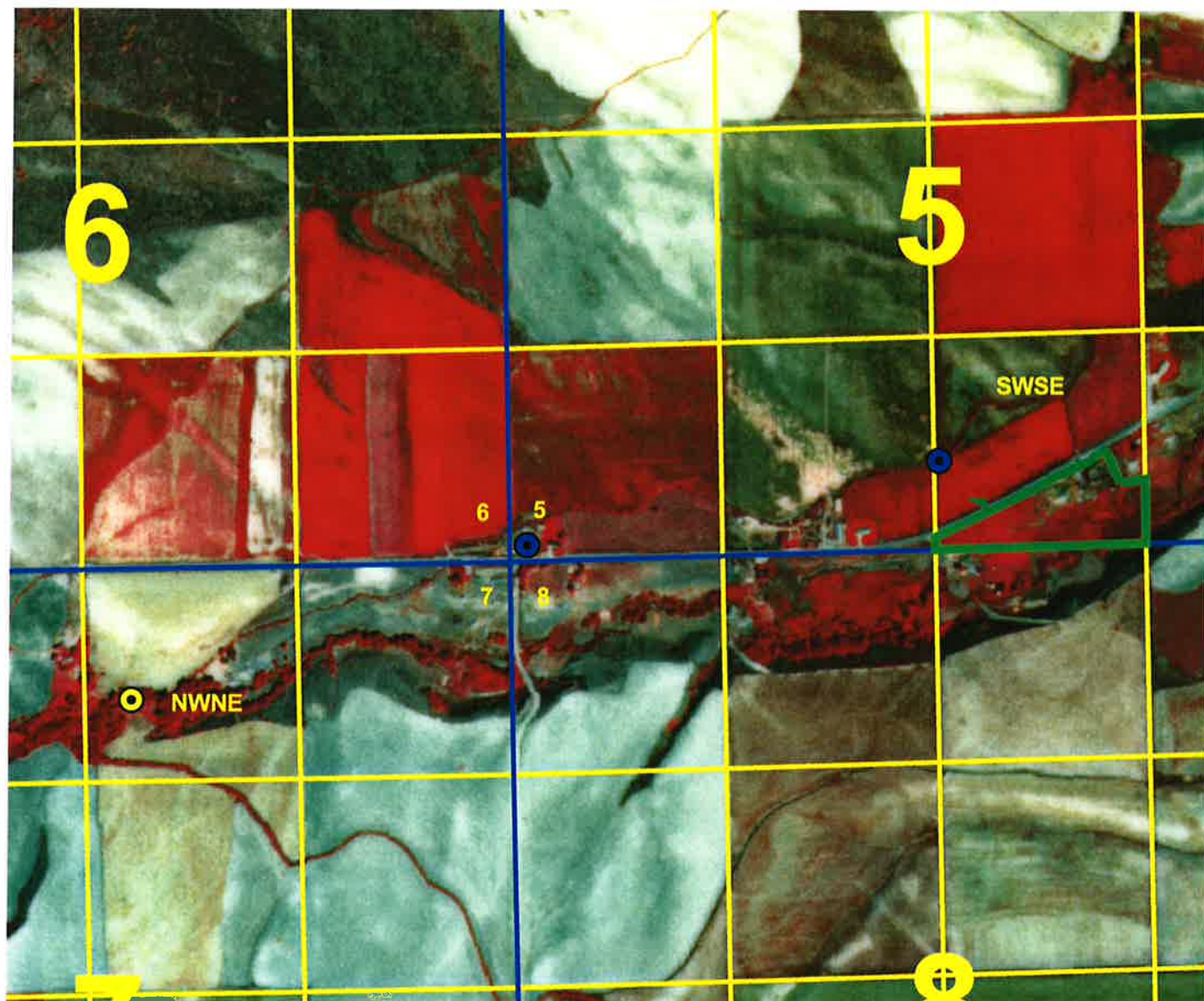
1987/1988 NAPP PHOTOS

DAVE CARLSON

IDAHO DEPARTMENT OF WATER RESOURCES

29-00417A, 29-00418A

T10S, R36E SEC. 4,5



ACRES IRRIGATED- 10



POINT OF DIVERSION



PLACE OF USE

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

3398 of May, 1900, and one second foot of water to date from the 1st day of May, 1904, to be used on the North half of the S. E. 1/4 and the South half of the N. E. 1/4 Sec. 15, Township 10 South of Range 36 E. B. M.

29 0399 To James Chatterton, three-fourths second foot of water to date from the 1st day of May, 1900, and one second foot of water to date from the 1st day of May, 1904, to be used on the S. W. 1/4 of Sec. 15, Township 10 South of Range 36 E. B. M.

29 0401 To George Glover, three-fourths second foot of water to date from the 1st day of May, 1902, and one second foot of water to date from the 1st day of May, 1904, to be used on the S. E. 1/4 of Sec. 33, Township 9, South of Range 36 E. B. M.

29 0403 To George J. Allen, three-fourths second foot of water to date from the 1st day of May, 1896, and one second foot of water to date from the 1st day of May, 1904, to be used upon the N. E. 1/4 of the N. W. 1/4 of Sec. 5; also the West half of the N. W. 1/4 of Sec. 5, Township 10 South of Range 36 E. B. M.

29 0405 To William C. Smith, three-fourths second foot of water to date from the 1st day of May, 1895 and one second foot of water to date from the 1st day of May 1904, to be used on the East half of the N. W. 1/4 of Sec. 7, Township 10 South of Range 36 E. B. M.

29 0407 To J. W. Stinger, three-fourths second foot of water to date from the 1st day of May, 1898 and one second foot of water to date from the 1st day of May, 1904, to be used on lots three and four in sec. 4, and lots one and two in Sec. 5, Township 10 South of Range 36 E. B. M.

29 0409 To George A. Smith, three-fourths second foot of water to date from the 1st day of May, 1891, and one second foot of water to date from the 1st day of May, 1904, to be used on the East half of the S. W. 1/4 and the east half of the N. W. 1/4 of Sec. 10, Township 10 South of Range 36 E. B. M.

29 0411 To J. H. Curtis, three-eighths of second foot of water to date from the 1st day of May, 1894, and three-eighths second foot of water to date from the 1st day of

29 0412 May, 1901, and one second foot of water to date from the 1st day of May, 1904, to be used on the East half of the N. E. 1/4 of Sec. 7, Township 10 South of Range 36 E. B. M.

29 0414 To A. M. Curtis, three-eighths second foot of water to date from the 1st day of May, 1894 and three-eighths second foot of water to date from the 1st day of May

29 0415 1901, and one second foot of water to date from the 1st day of May 1904, to be used on the West half of the N. E. 1/4 Sec. 7, Township 10, South of Range 36 E. B. M.

29 0417 To Nannie B. Rollison, three-fourths second foot of water to date from the 1st day of May, 1887 and one second foot of water to date from the 1st day of May, 1904 to be used on the S. E. 1/4 and the North half of the S. W. 1/4 and the S. E. 1/4 of the N. W. 1/4 of Sec. 4, Township 10 South of Range 36 E. B. M.

29 0419 To William P. Burton, three-fourths second foot of water to date from the 1st day of May, 1895 and one second foot of water to date from the 1st day of May 1904, to be used on the North half of the S. E. 1/4 and the East half of the S. W. 1/4 of Sec. 8, Township 10 South of Range 36 E. B. M.

29 0421 To John B. Chedgzy, three-fourths second foot of water to date from the 1st day of May, 1891 and one second foot of water to date from the 1st day of May, 1904 to be used on the N. E. 1/4 of Sec. 9, Township 10, South of Range 36 E. B. M.

29 0423 To William H. Allen, three-fourths second foot of water to date from the 1st day of May 1903 and one second foot of water to date from the 1st day of May, 1904, to be used on the S. E. 1/4 of the S. E. 1/4 of Sec. 31 and the S. W. 1/4 of the S. W. 1/4 Sec. 32 in Township 9, South of Range 36 E. B. M.

29 0425 To Laura T. Toler, three-eighths second foot of water to date from the 1st day of May, 1895 and one-half second foot of water to date from the 1st day of May 1904, to be used on the North half of the S. W. 1/4 of Sec. 9, Township 10 South of Range 36 E. B. M.

29 0427 To E. R. Kendall, three-sixteenths second foot of water to date from the 1st day of May, 1895, and one-fourth second foot of water to date from the 1st day of May, 1904, to be used on the S. E. 1/4 of the S. E. 1/4 of Sec. 9, Township 10 South of Range 36 E. B. M.

29 0429 To Truman Rowe, one and three-fourths second foot of water to date from the 1st day of May, 1904, to be used on lots one and two in Sec. 4, Township 10, South of Range 36 E. B. M.

All of the above described lands being in Bannock County, State of Idaho.

It is further adjudged and decreed that the plaintiff and any of its stockholders, and any or all of said defendants, who are adjudged to be entitled to the use of any of the waters of said stream or any of its tributaries thereto or may pool or unite the waters so decreed to them and use the same jointly or alternately.

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
10s36e	5	SWSE	10	12	
Totals:			10	12	

40
 Decree
 Acres
 Decreed to
 $\frac{(29-417)}{(29-418)}$.75 CFS $\boxed{280} \text{ AC}$
 1.00 CFS $\boxed{280} \text{ AC}$

Armstrong has 40ac of original POW

$$29-417A = \frac{40}{280} (.75) = .11 \text{ CFS}$$

$$29-418A = \frac{40}{280} (1.00) = .15 \text{ CFS}$$

$$.26 \text{ CFS}$$

AJ5809NP
No. A29-00418A

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 04/27/00
PAGE: 52

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	LELAND B ARMSTRONG	05/01/1904	IRRIGATION	03-15 11-15	0.330 CFS	
C	KAREN ARMSTRONG 2321 W ARIMO RD ARIMO ID 83214 (208) 254-3445				0.330 CFS	25.00 AFA
				TOTAL DIVERSION: CONSUMPTIVE USE:		

Water Source: GARDEN CREEK

Tributary to: MARSH CREEK

Stage: DECREED

Point(s) of Diversion:

T10S R36E S07

NWNE

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	Lt	Ac	:	---
10S	36E	5	:					:					:					:					:		
																							10		10.0
																							TOTAL ACRES		10.0

POU County: BANNOCK

Non-Irrigation Uses: S/20 CATTLE.

Other Rights: A29-00417A

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):

29-11704	29-11705	A29-00362	A29-00374	A29-00375	A29-00376	A29-00377	A29-00383A	A29-00383B	A29-00384
A29-00387	A29-00388	A29-00389	A29-00390	A29-00409	A29-00410	A29-00414	A29-00415	A29-00416	A29-00417A
A29-00417B	A29-00418B	A29-10642	A29-11704	A29-11705					

Other Water Rights Listing Overlapping Place(s) of Use:

A29-00362 A29-00417A A29-02482

Remarks: GEN THIS RIGHT IS A PORTION OF 29-00418.

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:

Presumption Flag: C

Audit: 04/03/90 MEYER 06/01/94 COX 03/29/95 POST-STD

MAY 22 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: A29-00418A
Date Received: 4/03/1990
Receipt No: E012763
Received By: *[Signature]*

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: LELAND B. ARMSTRONG 208-254-3445
Address: 2321 WEST ARIMO ROAD
ARIMO, ID 83214
OR
Name: KAREN ARMSTRONG 208-254-3445
Address: 2321 WEST ARIMO ROAD
ARIMO, ID 83214

A2900418A



2. Date of Priority: MAY 01, 1904

3. Source: GARDEN CREEK Trib. to: MARSH CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
10S	36E	7	NW	NE			BANNOCK

5. Description of diverting works:
HEADGATE TO DITCH TO PLACE OF USE.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.330		

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

8. Total consumptive use is 25.0 Acre Feet Per Annum.

9. Non-irrigation uses:
S/20 CATTLE.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
10S	36E	5	SW	SE		IRR	10.0
Section Acres							10.0
Total Acres							10.0

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:
A29-00417A

14. Remarks:
THIS RIGHT IS A PORTION OF 29-00418.

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

GARDEN CREEK IRRIGATION CO.
Decree Plaintiff

vs

THOMAS E. WOLVERTON, 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): Leland B. Armstrong Date: 4-3-1990

Date: _____

State of Idaho)
County of BOISEVILLE) SS.

Subscribed and sworn (or affirmed) before me this 3 day
of April 19 90

[Signature]
Notary Public

Seal

Residing at Idaho Falls
My Commission Expires 7-12-94

A. ROOT WATER RIGHT NUMBERS: A29-00418A
A29-00418B
A29-00418C

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
10S	36E	5	SW	SE		ARMSTRONG, LELAND B	A29-00418A / 10.0	- /			39.0
			SW	SE		BISHARD, FREDDIE JACK	A29-10621 /	- /			
			SW	SE		ARMSTRONG, LELAND B	A29-11021 /	- /			
			SW	SE		ARMSTRONG, LELAND B	A29-11022 /	- /			
			SW	SE		ARMSTRONG, LELAND B	29-11022 /	- /			
			SW	SE		ARMSTRONG, LELAND B	A29-02482 / 37.0	29-02482 / 37.0			
			SW	SE		GARDEN CREEK IRRIGATION CO	A29-00362 / 40.0	- /			
			SW	SE		ARMSTRONG, LELAND B	A29-00417A / 10.0	- /			
			SW	SE		BISHARD, FREDDIE JACK	29-10621 /	- /			
			SW	SE		ARMSTRONG, LELAND B	29-11021 /	- /			
			SW	SE		WHEATLEY, STEPHEN M.		29-07187 /			

ADDITIONAL POU FOUND

TOTAL ACRES	A29-00418A	10.00	39.00
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POU COUNTY: BANNOCK

A. CHECK ONLY THE FOLLOWING THAT APPLY:

	ACCEPTED AS CLAIMED	NEEDS REVIEW
OWNERSHIP _____	()	()
FORFEIT/ABANDON _____	()	()
ADDITIONAL DIV. AMOUNT _____	()	()

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 29-00418

TOTAL DIVERSION RATE OF WR SPLITS	DATABASE 1.000	EXAMINER _____	CFS
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SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A29-00418A	0.330	-	-	29-00418	1.000
-	A29-00418B	0.330	-	-	-	-
-	A29-00418C	1.000	-	-	-	-
TOTAL CFS		1.660				1.000

DIVERSION RATE REVIEW

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)
IF NO, IS THE WRITTEN REVIEW DESCRIBED BELOW () OR SEE ATTACHMENT ()?

DATABASE	FIELD EXAMINER
N	Y() N()

NOTES:

AUTHENTICATION:

SIGNATURE: _____ DATE: _____

NAME OF FIELD EXAMINER: _____ TITLE: _____

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

CLAIM NO.	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A29-00418A	GARDEN CREEK	ARMSTRONG, LELAND B	0.330	0.033		
A29-00362	GARDEN CREEK	GARDEN CREEK IRRIGATION CO	4.000	0.005		
A29-00417A	GARDEN CREEK	ARMSTRONG, LELAND B	0.250	0.025		
A29-02482	GROUNDWATER	ARMSTRONG, LELAND B	0.980	0.014		

LIST ALL RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION.

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A29-10621	DOMESTIC	BISHARD, FREDDIE JACK	FROM 01-01 TO 12-31	0.040 CFS	
A29-10621	STOCKWATER	BISHARD, FREDDIE JACK	FROM 01-01 TO 12-31	0.020 CFS	
A29-11021	STOCKWATER	ARMSTRONG, LELAND B	FROM 01-01 TO 12-31	0.030 CFS	
A29-11021	DOMESTIC	ARMSTRONG, LELAND B	FROM 01-01 TO 12-31	0.040 CFS	
A29-11022	STOCKWATER	ARMSTRONG, LELAND B	FROM 01-01 TO 12-31	0.030 CFS	
29-11022	STOCKWATER	ARMSTRONG, LELAND B	FROM 01-01 TO 12-31	0.030 CFS	
29-10621	DOMESTIC	BISHARD, FREDDIE JACK	FROM 01-01 TO 12-31	0.040 CFS	
29-10621	STOCKWATER	BISHARD, FREDDIE JACK	FROM 01-01 TO 12-31	0.020 CFS	
29-11021	STOCKWATER	ARMSTRONG, LELAND B	FROM 01-01 TO 12-31	0.030 CFS	
29-11021	DOMESTIC	ARMSTRONG, LELAND B	FROM 01-01 TO 12-31	0.040 CFS	

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

Y() N()

* IF YES, COMPLETE OVERLAP REVIEW:

OTHER RIGHTS LISTED IN CLAIM: A29-00417A

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()

G. SHOULD THE CLAIMED POU BE VERIFIED BY FIELD EXAM?

Y() N()

H. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE OF THIS RIGHT, OR ANY PORTION OF THIS RIGHT?

Y() N()

340 000
FEET

33
Creek

4716

T9S
T10S
R36E

A29-00418A

4714

4713

MICROFILMED
NOV 13 1992