

IDAHO DEPARTMENT OF WATER RESOURCES 11/26/2001
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

NAME AND ADDRESS: STEVEN E FERRO
5470 W SKI VIEW DR
POCATELLO ID 83204

SOURCE: BLACKROCK CREEK TRIBUTARY: PORTNEUF RIVER

QUANTITY: 0.09 CFS

USE OF THIS RIGHT WITH RIGHT NO. 29-13205 IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 0.14 CFS.

PRIORITY DATE: 06/17/1902

POINT OF DIVERSION:

T07S R35E S23 SWNWNE 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	0.090 CFS

PLACE OF USE: IRRIGATION Within BANNOCK County

T07S R35E S23	NWNE	0.5	T07S R35E S23	SWNE	2.1
T07S R35E S23	SENE	1.9			

4.5 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 29-13205 IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 4.5 ACRES IN A SINGLE IRRIGATION SEASON.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 4.5 ACRES WITHIN THE PLACE OF
USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

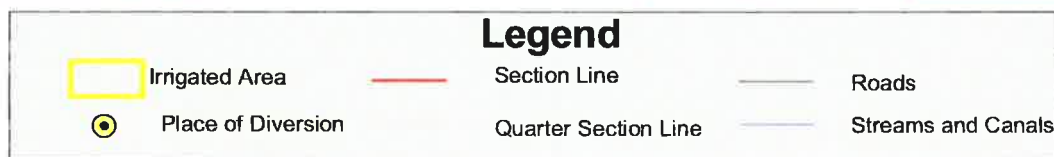
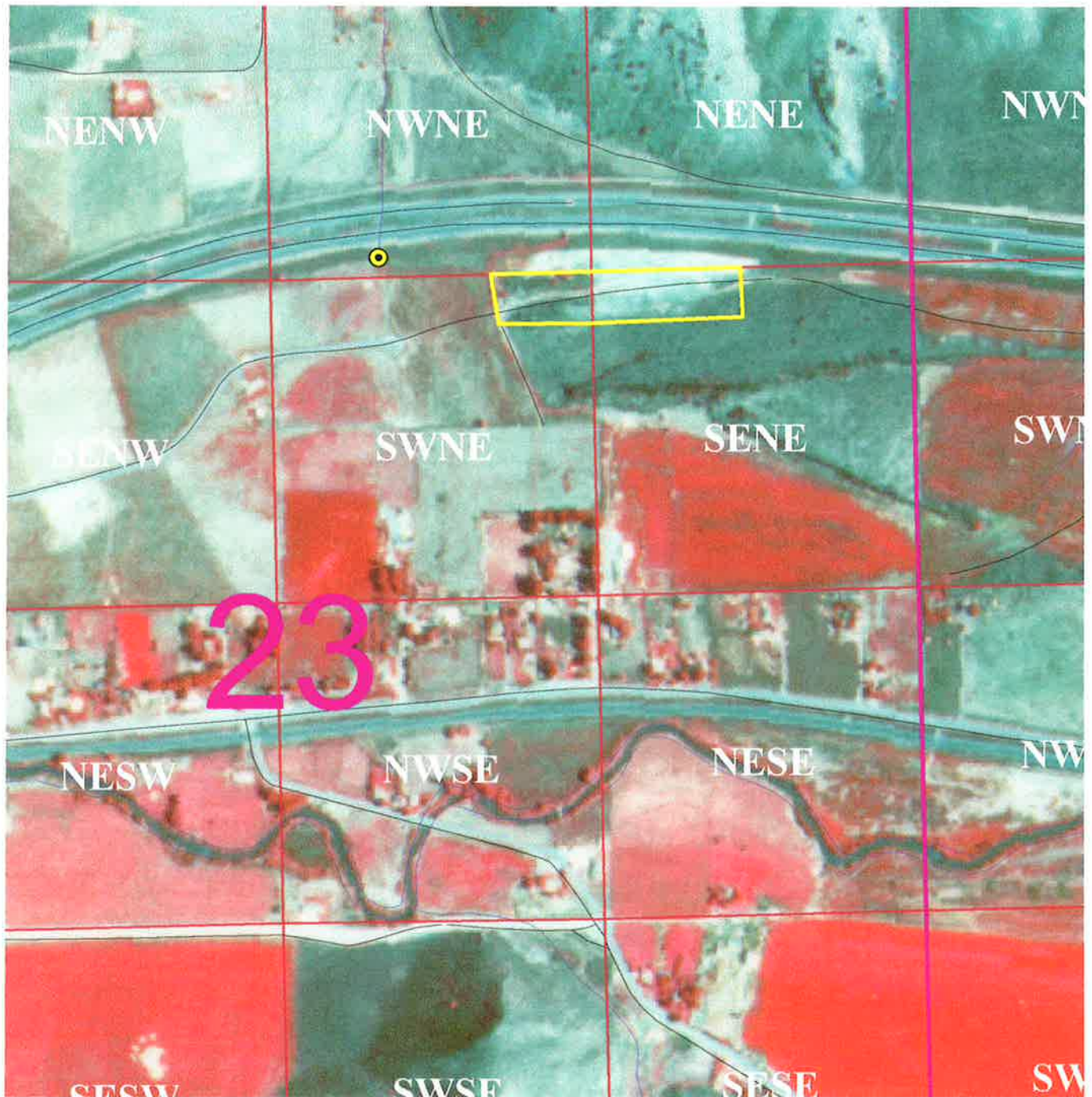
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: Decreed

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT
TO SECTION 42-1425, IDAHO CODE.
SOURCE ALSO KNOWN AS TERRELL CREEK.

Water Right Claim Number A29-00494C
Township , 7S35E

08/25/2000



Water Right Claim Number A29-00494C
Township , 7S35E

08/25/2000



 Irrigated Area

 Section Line

 Roads

 Place of Diversion

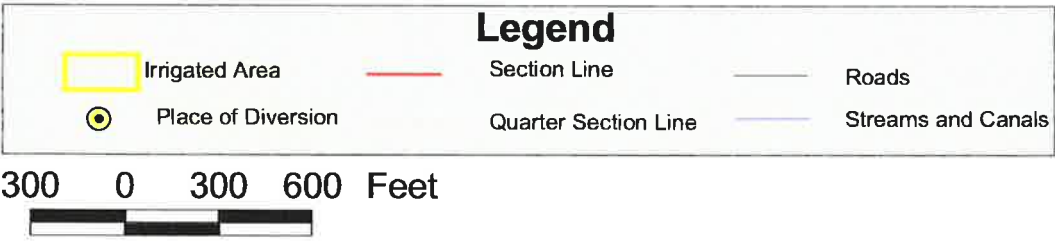
 Quarter Section Line

 Streams and Canals



Water Right Claim Number A29-00494C
Township , 7S35E

08/25/2000



IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 29-494C V1

WATER RIGHT NUMBER: 29-494C V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	THOS F TERRELL
	, ZZ
Current Owner	STEVEN E FERRO 5470 W SKI VIEW DR POCATELLO, ID 83204 (208)775-3631

Priority Date: 06/17/1902
Basis: Decreed
Status: Active

<u>Source</u>	<u>Tributary</u>
BLACKROCK CREEK	PORTNEUF RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	0.090 CFS	
	<u>Total Diversion:</u>	0.090 CFS	

Location of Point(s) of Diversion

BLACKROCK CREEK	SW1/4NW1/4NE1/4	Sec. 23, Twp 07S, Rge 35E, B.M.
BANNOCK County		

Place of Use

IRRIGATION Within BANNOCK County

T07S R35E S23	NWNE	0.5	T07S R35E S23	SWNE	2.1
T07S R35E S23	SENE	1.9			
Total Acres: 4.5					

Conditions of Approval:

1. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. C18 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.

Remarks:

1. Explanatory SOURCE ALSO KNOWN AS TERRELL CREEK.
2. Place of Use - Irrigation USE OF THIS RIGHT WITH RIGHT NO. 29-13205 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 4.5 ACRES IN A SINGLE IRRIGATION SEASON.
3. Place of Use - Irrigation THIS RIGHT IS LIMITED TO THE IRRIGATION OF 4.5 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
4. Quantity USE OF THIS RIGHT WITH RIGHT NO. 29-13205 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.14 CFS.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 29-494C V1

Comments:

1. csaxton 11/9/2001 Diversion Rate

Comment: Splits of 29-00494 all recommended at 0.02 cfs per acre regardless of weather less than 5 acre parcels since splits are part of same original right.

2. csaxton 11/26/2001 Rec Diversion Rate

Comment: Diversion rate for both surface water and ground water recommended a 1 inch per acre for consistency with other splits. However since POU is under 5 acres, combine limitation is set at 1.5 in per acre.

Dates and Other Information:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Defendant:

Plaintiff:

Civil Case Number:

Judicial District:

Notice of Error Flag:

State or Federal: S

Owner Name Connector:

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Priority Date	11/9/2001 11:26:15 AM	csaxton			Active
POD	11/9/2001 11:27:01 AM	csaxton			Active
Source	11/9/2001 11:28:52 AM	csaxton			Active
POU	11/9/2001 11:30:07 AM	csaxton			Active
Use	11/9/2001 11:31:59 AM	csaxton			Active
Season	11/9/2001 11:32:31 AM	csaxton			Active
Quantity	11/9/2001 11:34:11 AM	csaxton			Active
Summary	11/9/2001 11:36:22 AM	csaxton	11/9/2001 11:36:22 AM	csaxton	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POD	11/26/2001 2:08:59 PM	csaxton	Edited point location
Contacts	11/9/2001 11:25:51 AM	csaxton	(No) 1. Do you want to schedule an appointment? Comment for 1: Field Exam 5/30/01

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-494C V1

Priority Date	11/9/2001 11:26:14 AM	csaxton	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?
POD	11/9/2001 11:27:02 AM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the parent right have a POD? (No) 5. Can the claimed POD be verified using the water right file? (Yes) 6. Is there evidence that there has been a change in the POD? (Yes) 7. Can the change be verified as an accomplished transfer? (Yes) 8. Does the file contain all the necessary information to verify the POD? (Yes) 10. Is a POD remark and/or condition required? Description for Question 6 - See Memo in file.
POD	11/9/2001 11:27:24 AM	csaxton	Edited point location
Source	11/9/2001 11:28:53 AM	csaxton	(Yes) 1. Is the basis of claim decree or license? (Yes) 4. Does the parent right have a source? (No) 5. Can the claimed source be verified using the water right file? (No) 7. Is there evidence that there has been a change in the source? (Yes) 10. Does the file contain all the necessary information to verify the source? (No) 11. Is a Source remark and/or condition required? Description for Question 10 - Source decreed as Terrell creek, but USGS name for creek is Blackrock creek.
POU	11/9/2001 11:30:08 AM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the parent right have a POU? (No) 6. Can the claimed POU be verified using the water right file? (Yes) 7. Is there evidence that there has been a change in the POU? (Yes) 8. Can the claim be verified as an accomplished transfer? (Yes) 13. Does the file contain all the necessary information to verify the POU? (No) 14. Is a POU remark and/or condition required? Description for Question 8 - Some irrigation in non-decreed QQ POU Description for Question 13 - NAPP Photography and field exam.
POU	11/9/2001 11:30:21 AM	csaxton	Edited shape boundary

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Adjudication Recommendation Report 29-494C V1

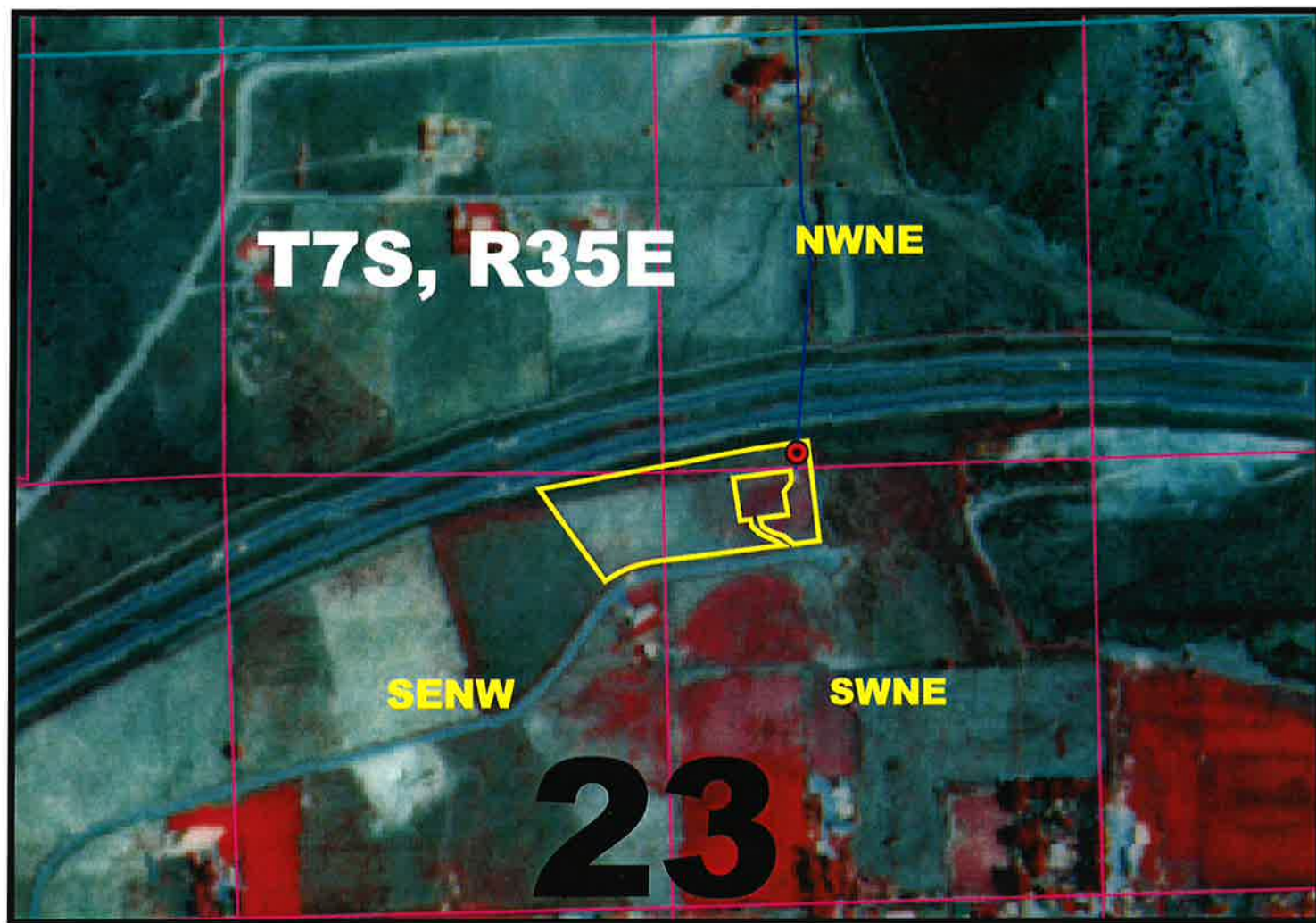
POU	11/9/2001 11:31:25 AM	csaxton	Edited PLS
Use	11/9/2001 11:32:00 AM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the parent right have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file? (No) 13. Is a Purpose of Use remark and/or condition required?
Season	11/9/2001 11:32:32 AM	csaxton	(Yes) 1. Is the basis of claim decree or license? (No) 4. Does the parent right have a Period of Use? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?
Summary	11/9/2001 11:36:23 AM	csaxton	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (Yes) 5. Is an additional remark and/or condition required? (Yes) 6. Would you like to view the recommended right? (Yes) 7. Is this a split or combined right? (No) 8. Do you have documents you would like to attach or link to the file? (Yes) 9. Would you like to set the verification date?
POD	11/9/2001 11:34:12 AM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (No) 4. Does the parent right have a diversion rate and/or volume? (No) 7. Is a flow measurement required? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (No) 12. Is a Quantity remark or condition required? Description for Question 7 - Decree defined diversion rate as two-thirds of creek. Recommend 1 in per acre.



STATE OF IDAHO

Department of Water Resources
Eastern Region

Water Right(s): 29-00494C



1320

0

1320 Feet

Total Irrigated Acres: 4.5



Point(s) of Diversion



Place of Use



Quarter Quarter Lines

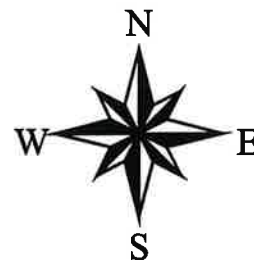


Section Lines

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GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: C. Saxton
Date: November 2001

7/25/01: Recommend 4.5 ac
? diversion Rate

POD: 5cc GPS

Priority: 6/17/1902

11/7/01: Recommend this Right. If Steve Piles GW claim
limiting factors for diversion Rate and acreage will
need to be filed

: Claimed 0.03 cfs favor. Since Right split among several
different Rights - Recommend same diversion Rate of 0.02 cfs/ac

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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

October 31, 2001

STEVEN E FERRO
5470 W SKI VIEW DR
POCATELLO ID 83204

RE: Snake River Basin Adjudication Claim (SRBA) for 29-13205

Dear Steve,

Over the summer we have spoke about several options on how to file on your well (see copy of letter dating June 21, 2001). My last correspondence with you was on July 16, 2001 (letter enclosed). I believe you were planning on filing a claim based on historical use dating back to 1956.

If you are still planning on pursuing an irrigation right from your well, you need to submit the paper work along with the filing fees **as soon as possible**. I am transferring to the Boise office on January 2 and I think it would be best to file while I can work with you and am familiar with your water use.

Please feel free to contact me at 525-7161 with any questions.

Respectfully submitted,

Craig L. Saxton
Water Resource Agent
Adjudication Bureau

PROFILE

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June 21, 2001

STEVEN E FERRO
5470 W SKI VIEW DR
POCATELLO ID 83204

RE: Irrigation from Ground Water Well

Dear Steve,

Based on the evidence you found proving your well was drilled on August 5, 1986, I see two options to secure a water right from your well.

Option 1:

-File a Snake River Basin Adjudication Claim. This claim would be based on the historical practice of irrigating your land from ground water that was originally diverted from what is now Mr. Larsen's well. The priority date I would suggest you claim would be July 13, 1956. This date was taken from the historical field exam, where the IDWR examiner noted irrigation on your property, but did not include it in the license since the land was not described in the original permit. The risers that are still on your property would support the historical use too.

Since the well was in place prior to November 19, 1987 no transfer will need to be filed.

Fee: \$104.50

Advantages:

-Early priority date.

Dis-advantages:

-The recommendation will be up for objection. An outside party could make a strong argument for Forfeiture of the right. You could get tied up in the SRBA court. Any court case would be between you and the Plaintiff. My roll in a dispute is only to present the facts I found.

-In addition, based on the 1987 photography, only about 2.5 acres of irrigation can be confirmed. For me to support groundwater irrigation of approximately 4.5 acres (this excludes your home, driveway, shop) I need a signed statement from you of when you have irrigated from the well, and the extent of the irrigation. Based on our conversation, you told me that you have irrigated the entire parcel on occasion. I will need a statement of what you told me in the file.

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Option 2:

-File an Application for Permit. Despite the current ground water moratorium, if the well was in place prior to November 19, 1987, permit applications can still be accepted. A new application would give you a 2001 priority date.

-Fee: \$100.00

Advantages:

-The forfeiture statute is no longer an issue. The permit would be advertised to the public and a possibility for an objection could take place. This process would be considered the development of a new water right that started prior to the commencement of the SRBA.

Dis-advantages:

-2001 priority date

Results:

My opinion is that filing the Application for Permit would be probably the simplest route to perfect an irrigation water right from your well. However, this is your decision. I am enclosing both and Adjudication Claim Form and an Application for permit form.

I have taken the liberty of completing a portion of the information on both the Adjudication Claim Form and an Application for permit form. In addition to irrigation, I included domestic use since I couldn't find a water right for domestic use. You aren't required to file on domestic use, but since you are going through the steps, I think it is a good idea to include it. Please initial any changes you wish to make on the areas of the forms that I completed.

I am also including a map of what I think is your irrigated place of use that can be used for the map requirement on either form.

With whichever form you choose to submit, please include the evidence we spoke about on the phone that shows that your well was in place and in use prior to November 19, 1987, and the appropriate filing fee.

Lastly:

Adjudication Claim 29-00494C is your irrigation claim from Terrell Creek. Enclosed is an amended claim that includes the NWNE as part of the irrigated place of use. The claim needs to be amended in order for me to recommend irrigation in the NWNE. Please sign the claim in front of a notary and return it to me as soon as possible. The total acreage was left at 5 acres, but most likely will be cut down to exclude the structures on your property. There is no fee for this amendment.

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I realize I just dropped a lot of information on you all at once and that water rights can get confusing. However, I am encouraged that we are getting the necessary details worked out in order to secure your water rights for the future.

As always, feel free to contact me at (208) 525-7161 if you have any questions.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Craig L. Saxton", with a long horizontal flourish extending to the right.

Craig L. Saxton
Water Resource Agent
Adjudication Bureau

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Craig Gaxton

Split History of 09-00494

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PROPOSED

Claim		Recommended	
A) Branson	0.38 cfs	J) Branson, Lynn	0.11
	19 ac		5 ac
B) Porter	0.30	K) Branson, Sandra	0.29
	16 ac		14 ac
C) Ferris	0.15 ac	L) Disallow	0.07
	5 ac		3.5
D) Hull	0.10	M) Disallow	0.09
	6 ac		4.5
E) Higley	0.10	N) Disallow	0.10
	6 ac		4.7 ac
F) Keifsgyler	0.10	O) Disallow	0.09
	6 ac		4.5 ac
G) Scott	0.10	P) Disallow	0.09
	5 ac		4.6
H) Butler	0.10 cfs	Q) Disallow	0.05
	5 ac		2.3
I) P.K.H. / Smith	0.38	R) Disallow	0.38
	19 ac		15.0

Memorandum

Date: August 24, 2001

From: Craig L. Saxton

Subject: Blackrock Creek

POD - USGS name for the stream is Blackrock. Also known as Terrell Creek. Natural stream channel is in question. Placing point of diversion for all rights south of I15 SWNWNE section 23. This is within what the USGS defines as the historical natural channel.

Note: All users of Blackrock creek water have not been able to use the water in the past couple years due to low flows.

SOU – Not defined in Decree. Set to IDWR Standard

Diversion rate – Decree defines diversion rate as $1/3^{\text{rd}}$ and $2/3^{\text{rd}}$ s. All rights from Black Rock have same priority so diversion rate recommended for rights is based on what is claimed and the acreage irrigated.

POU – Based on field exam and property size.

Diversion Volume – N/A

Priority – Defined in decree.

10/17/01

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Memorandum

Date: 11/26/01

From: Craig L. Saxton

Subject: POD for Blackrock Creek Rights

Natural stream channel for Blackrock creek in question.

Creek flows south from the hills and reaches a point just North of I-15. At this point the creek can continue under I-15 and then flow west along the top of Blackrock Creek Subdivision, or flow to the East along the highway for about ¼ mile and then flow under the I-15 and down the East side of Bailey's property.

The USGS quad does not indicate either direction as the natural stream flow and just stops as if indicating the stream sinks when it reaches Steve Ferro's property just south of I-15.

At the point the natural flow reaches Steve Ferro's property there are signs of old diversion works that could send the water to the East, West, or South. To the west the water used to enter a pipe that ran through Bailey's property and then entered ditches that could take it to the Phillips. However since Bailey's bought the place in 1994 the pipe was removed and water was diverted North of I-15 through the path described above.

Recommend the POD for all rights south of I-15 at the junction point just South of I-15 where the USGS quad shows the end of the stream and historically that was how the water made it to the properties to the South East side of the subdivision.

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FIRST DIVISION,

EDWARD J. TURNER, *Commissioner.*

COVE, IDAHO.

1903.

DECREED WATER RIGHTS

Terrel or Black Rock Creek, Bannock County

DECREE.

In the District Court of the Fifth Judicial District of the
State of Idaho, in and for Bannock County.

Thos. F. Terrell, Plaintiff,

vs.

*Andrew Cibulka, James Stranger, W. O. Priest and J. T.
Holcomb, Defendants.*

This cause came regularly on for trial on this the 22nd day of June, 1903, before the Court without a jury, a jury being expressly waived, D. W. Standrod and Thos. F. Terrell, Esqs., appearing for the plaintiff and Messrs Reeves & Boyd appearing as attorneys for the defendant Andrew Cibulka; and it appearing to the Court that the defendants James Stranger and W. O. Priest were regularly and duly served with summons in the above entitled cause, and having failed to appear, answer or demur within the time allowed by law or at all, and the time allowed by law for such appearance having expired, the default of said defendants, James Stranger and W. O. Priest was duly entered according to law; and it further appearing to the Court that the plaintiff, Thos. F. Terrell, and the defendant Andrew Cibulka, on the 16th day of June, 1903, made and entered into an agreement in writing compromising their rights and thereby settling all matters of dispute, and consenting to a decree in this

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and neither shall have any preference or priority over the other.

That the plaintiff, Thos. F. Terrell, by virtue of said stipulation and agreement, is awarded and adjudged a right-of-way five feet in width upon each side of the center line of his ditch as now located and established, through the lands of said defendant, Andrew Cibulka, for the purpose of maintaining and repairing such ditch.

That the defendants James Stanger and W. O. Priest, and each of them and their agents and servants, be and they are each, perpetually enjoined and restrained from in any manner, whatsoever, molesting or interfering with the free flow of the waters of said stream, and from asserting any right or claim thereto; and the plaintiff, Thos. F. Terrell, and the defendant, Andrew Cibulka, and each of them, and their agents, servants and employees be and they are hereby each ~~perpetually~~ restrained and enjoined from in any manner whatsoever, molesting or interfering with the free and uninterrupted flow of the waters of said stream, except as herein decreed, fixed and adjudged to said respective parties by this decree.

That the plaintiff and the defendants, Andrew Cibulka pay and bear the costs of this suit in proportion to their respective rights in the waters of said stream.

Done in open District Court on this the 22nd day of June, 1903.

ALFRED BUDGE.

Judge of said District Court.

State of Idaho, County of Bannock, ss.

I, E. G. Gallet, Clerk of the District Court, Ex-Officio Auditor and Recorder of Bannock County, Idaho, do hereby certify that the within and foregoing is a full, true and correct copy of the original water decree as shown by the records of my office.

Witness my hand and official seal this 26th day of June, 1903.

(Seal.)

E. G. GALLET,

Clerk District Court, Ex-Officio Auditor and Recorder.

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DEC 05 2005

cause in conformity to such agreement, which said agreement is filed herein, and has been adopted by the Court as a part of its findings of fact, and ordered to be made a part of the judgment roll; and the evidence of the plaintiff and said defendant Andrew Cibulka having been offered, submitted and considered; and the Court having made, signed and filed its written findings of fact and conclusions of law herein; and being fully advised in the premises;

29-0494 Now, Therefore, in virtue of the law and the findings of fact and conclusions of law as aforesaid, it is ordered, adjudged and decreed, that the plaintiff, Thos. F. Terrell have the use and benefit and the continuous and uninterrupted flow of two-thirds of all the waters of Terrell Creek or Black Rock Creek, for agricultural, domestic and stock purposes; and two-thirds of any and all water that may be stored therefrom by reservoiring the same; and two-thirds of any increase in the flow of said stream by the improvement of its channel or source of supply.

29-0495 That the defendant Andrew Cibulka have the use and benefit and the continuous and uninterrupted flow of one-third of all the waters of said stream for agricultural, domestic and stock purposes; and one-third of any and all water that may be stored therefrom by reservoiring the same; and one-third of any increase in the flow of said stream by the improvement of its channel or source of supply.

That the labor and costs of reservoiring and improving said stream shall be borne by said plaintiff and said defendant in the proportion of their respective rights in said water; before any work in that respect is done by either party, it must be upon reasonable notice to the other, and if either party fails to contribute his share of the labor and expense of such reservoiring and improvement, the party so making such reservoirs and improvements shall have the individual and exclusive use of such increase until the other party shall have made a fair contribution of his part of such labor and expense so made and incurred.

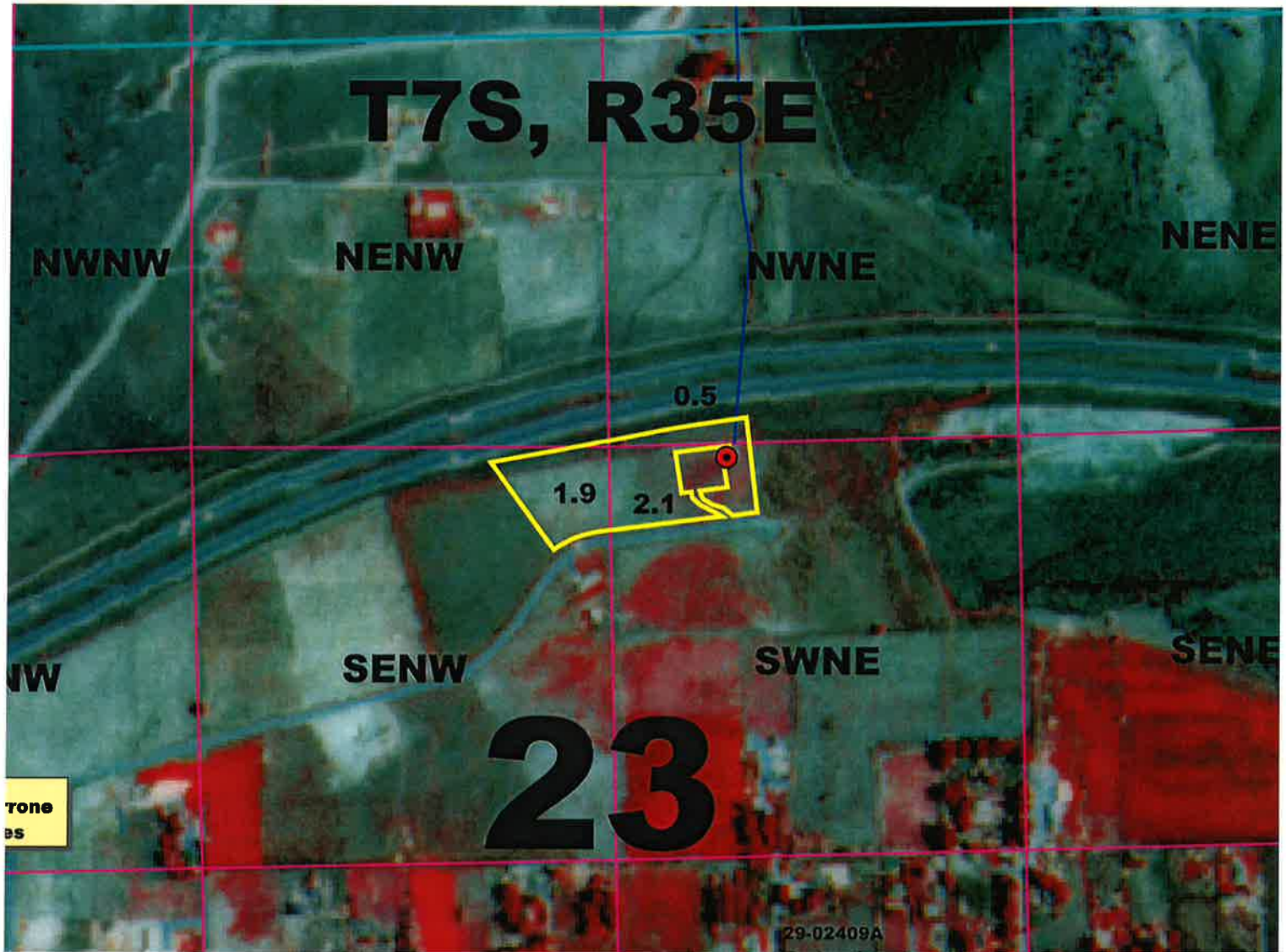
That the rights of the plaintiff, Thos. F. Terrell, and the defendant, Andrew Cibulka, shall be of equal dignity,

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Steven Ferro

Place of Use - Groundwater



Point of Diversion



Place of Use



Taxlot Boundaries

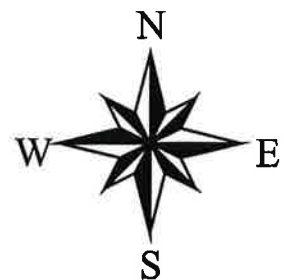


Section Lines



Quarter Quarter Lines

Irrigated Acreage: 4.5



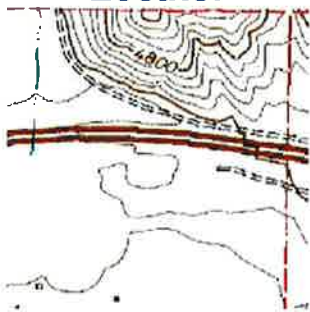
Prepared By: Craig Saxton
June 2001

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Locator

**13 km SE of Pocatello, Idaho, United States** 15 Jul**Zoom** 1m 

Other Imagery:

[USGS Topo Map](#)

01 Jul 1980

HomeAdvisor Links:

[Homes for sale in 83201](#)[Homes for sale in 83204](#)[Homes for sale in 83245](#)[Schools, Crime and](#)[Demographics for 83201](#)[Schools, Crime and](#)[Demographics for 83204](#)[Schools, Crime and](#)[Demographics for 83245](#)

Encarta Articles:

[Pocatello](#)

WR #: Historical Riser

DATE: 6/12/01

GPS File: N/A

OR

Northings: _____

Easting: _____



Looking North. Historical Riser on the north of Steve Ferro's property. This riser and others in the field show that this area has been historically irrigated. Field examiner report done on July 13, 1956 indicates Steve Ferro's property was irrigated at that time from well now owned by Mr. Larsen. Picture taken by Craig Saxton.

WR #: Blackrock Historical Irrigation

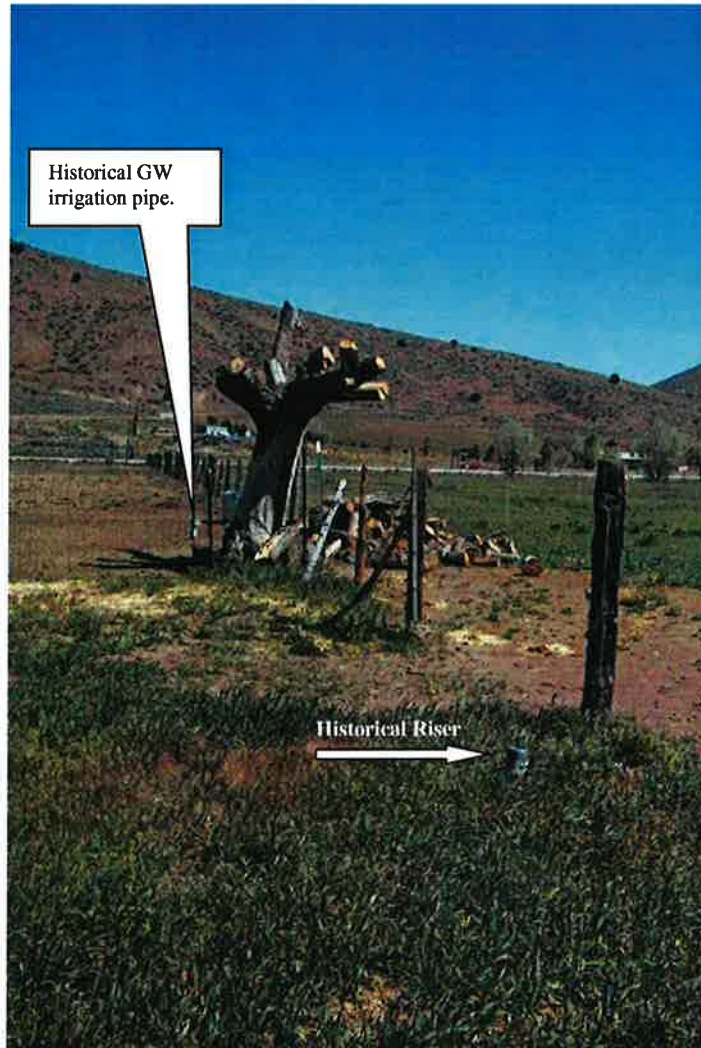
GPS File: N/A

OR

DATE: 5/21/01

Northing: _____

Easting: _____



Looking North. Picture shows historical risers from buried pipe that was used to irrigate field originally from well located on Larsen's land. Larsen's Property located south of Picture.

I-15 in background of the picture.

WR #: Blackrock Historical Irrigation

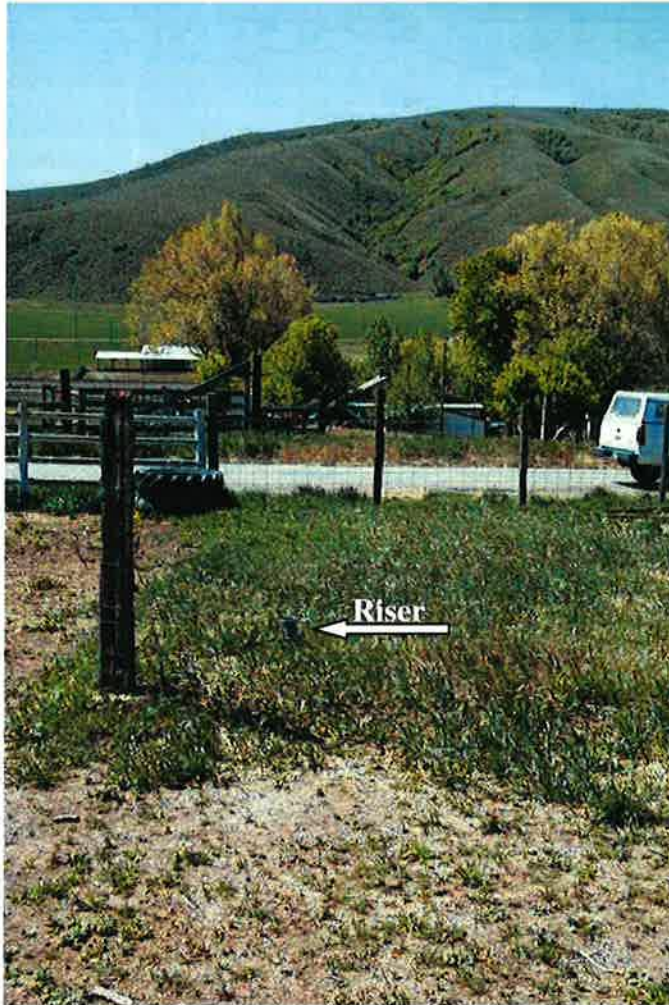
DATE: 5/21/01

GPS File: N/A

Or

Northing: _____

Easting: _____



Looking South at Mr. Larsen' property.
Picture taken from Mr. Scott's property.
Picture shows histoical riser used to
irrigate land from well on Mr. Larsen's
land. Road in back ground is Ski View
Drive. I-15 behind me in picture.

WR #: Terrell Creek Channel

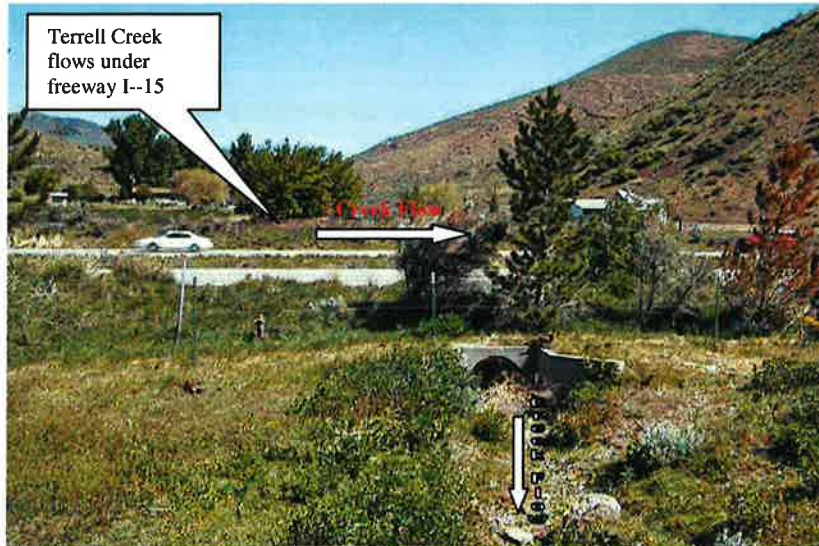
DATE: 5/21/01

GPS File: N/A

OR

Northing: _____

Easting: _____



Looking North. Flow enters culvert near Trees on the other side of I-15 and flows under freeway emerging on Ferro's place, then curves to the Left (West) and follows the freeway.

Creek flow can also flow East before it flows under the freeway.

WR #: Terrell Creek Channel

DATE: 5/21/01

GPS File: N/A

Or

Northing: _____

Easting: _____



Looking West from Mr. Ferro's Property. Shows Terrel creek channel and Point of diversion on Mr. Ferro's property. Mr. Ferro's home at Left of picture and I-15 at right. Bottom of Picture is bend in ditch where channel goes north under the freeway. Picture taken south of I-15.

WR #: Terrell Creek Channel

DATE: 5/21/01

GPS File: N/A

Or

Northing: _____

Easting: _____



Looking East. Freeway at right of Picture. Pic shows Terrell Creek Channel. Picture taken at West boundary of Mr. Ferro's property.

JUN 19 2001

Log for claim A29-00494C

Spatial Dynamics LTD

8/25/00

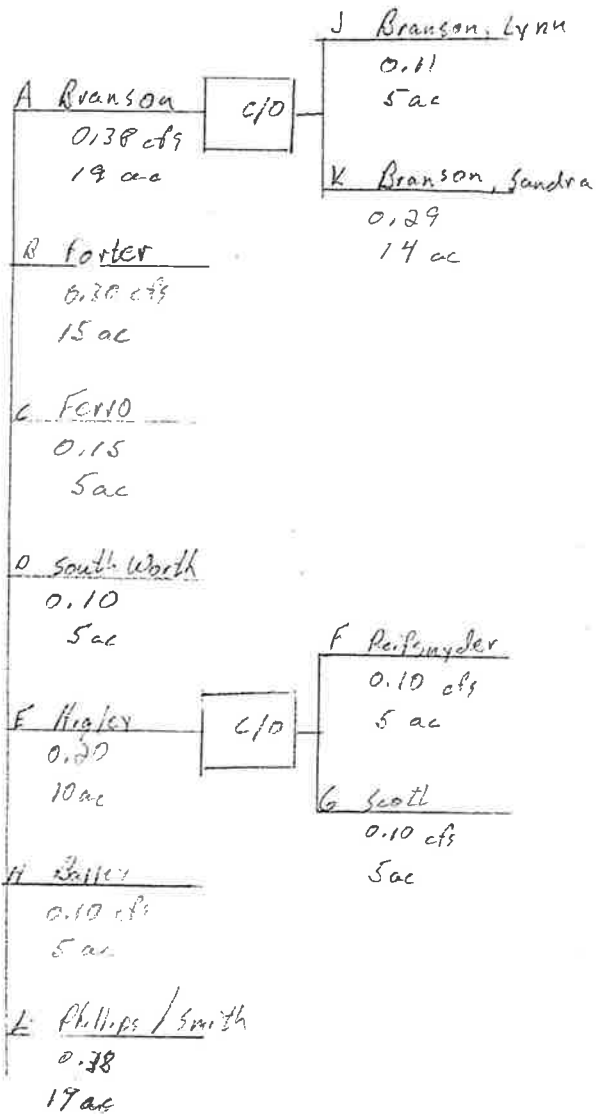
TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
07s35e	23	SWNE	4	1.9	
07s35e	23	SENE	1	2.9	
Totals:			5	4.8	

5/30/01 ≈ 1987 = Flooded and Plugged in culvert of original channel
Channel for Terrel Creek that flows South of
Ferro's place

- Steve Bought Property in 1985
- Baities moved in six years ago and sprinkled
their property with GW
- Southworth has been there since before Steve
She owns two lots and uses Ground Water on
Her place
- No way to get Terrel Creek water to lands
South of Northern Lots.
- Steve uses GW for Pasture and Land
Steve uses pump in ditch. Attempted
Flood irr from time to time from Terrel Creek
- Irrigation Pipe covers entire span of Property.

6/20/00 L Steve Called and Found drilling Receipt
showing well was drilled Aug 5, 1986.

29-00494



Torrell
? cfs
0.150 ac



AJ5809NP
No. A29-00494C

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/18/00
PAGE: 74

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	STEVEN E FERRO 5470 W SKI VIEW DR POCATELLO ID 83204 (208) 775-3631	06/17/1902	IRRIGATION	03-15 11-15	0.150 CFS	
TOTAL DIVERSION:					0.150 CFS	
CONSUMPTIVE USE:						12.50 AFA

Water Source: TERRELL CREEK

Tributary to: PORTNEUF RIVER

Stage: DECREED

Point(s) of Diversion: T07S R35E S23 SWNWNE BANNOCK County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE										
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
07S	35E	23	:			04	:					01	:									5.0
TOTAL ACRES																					5.0	

POU County: BANNOCK

Other Rights: NONE

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
A29-00494F A29-00494G A29-10094

Other Water Rights Listing Overlapping Place(s) of Use:
A29-00494 A29-00494A A29-00494D A29-00494E A29-00494G A29-00494H A29-00494J A29-00495C A29-02342A A29-02342C
A29-02409 A29-02409B A29-10802 A29-11387 A29-12067

Remarks: GEN SOURCE AKA BLACK ROCK CREEK.

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

Audit: 04/26/90 ESRBA 06/01/94 COX 03/29/95 POST-STD 04/12/00 CVANDERM

JUN 19 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: A29-00494C

Date Received: 4/25/1990

Receipt No: E013682

Received By: KAT

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: STEVEN E. FERRO 208-775-3631
Address: 5470 W. SKI VIEW DRIVE
POCATELLO, ID 83204

2. Date of Priority: JUN 17, 1902

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07S	35E	23	SW	NW	NE		BANNOCK

5. Description of diverting works:
DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.150		

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

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

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	35E	23	SW	NE		IRR	4.0
			SE	NW		IRR	1.0

A29-00494C

Page 1

Date: 04/25/90

MICROFILMED

NOV 13 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	5.0
					Total Acres	5.0

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:
NONE

14. Remarks:
SOURCE AKA BLACK ROCK CREEK.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

THOS. F. TERRELL
Decree Plaintiff

vs

ANDREW CIBULKA, 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: 2

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): X Steve Fano Date: X 4/25/90

Date: _____

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 25th day
of April 19 90

John Harrington
Notary Public

Seal

Residing at Helen Harrington, Notary Public
Residing at Boise, Idaho
My Commission Expires December 1, 1994

R35E R36E

T
7
S

POINT OF DIVERSION

PLACE OF USE

MICROFILMED

NOV 13 1992
Forth
Mine

