

06/18/2001

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

RIGHT NUMBER: 29-2049

NAME AND ADDRESS: MOUNTAIN VIEW FARMS INC
C/O GERALD JOHNSON
9112 W TWO & A HALF MILE RD
POCATELLO, ID 83202-5206

SOURCE: TWO AND A HALF MILE CREEK TRIBUTARY: SINKS

QUANTITY: 2 CFS
350 AFY

PRIORITY DATE: 07/19/1906

POINT OF DIVERSION: T05S R35E S29 SWNWNW 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	2.00 CFS 350.00 AFY

PLACE OF USE:

<u>IRRIGATION Within BANNOCK County</u>					
T05S R35E S30	NENE	20	T05S R35E S30	NWNE	40
T05S R35E S30	SWNE	40			

100 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 29-2371 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 260 ACRES IN A SINGLE
IRRIGATION SEASON.

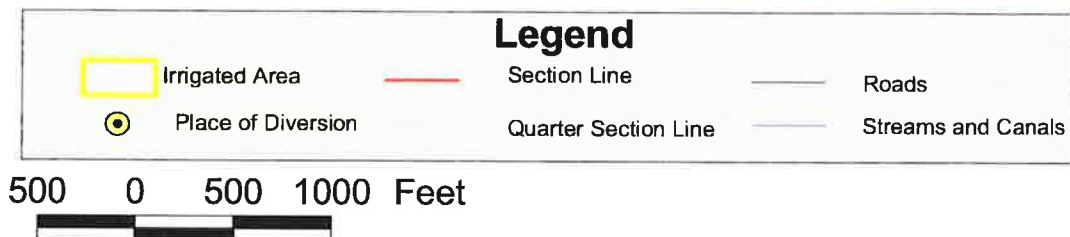
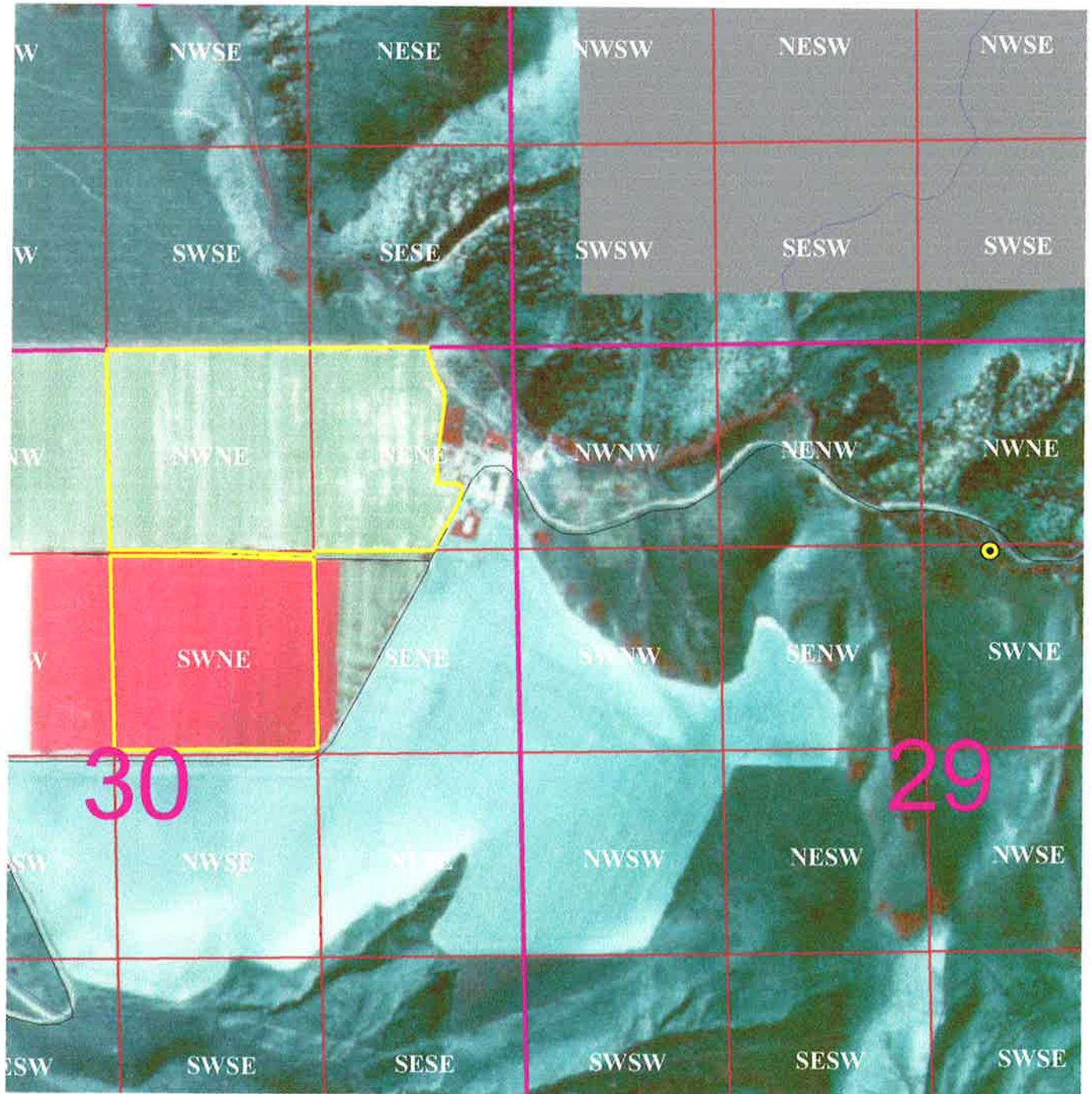
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Water Right Claim Number A29-02049
Township , 5S35E

09/18/2000







Paul

02/18/2003

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: 29-2049

MOUNTAIN VIEW FARMS INC
C/O GERALD JOHNSON
9112 W 2 1/2 MILE RD
POCATELLO ID 83202-5206
Telephone Number: (208)237-1885

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:

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

DATE:

3-7-03

SIGNATURE:

Gerald Johnson

Please print your name:

Gerald Johnson

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

PROFILED

SCANNED
DEC 23 2005

06/18/2001

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

WATER RIGHT NO. 29-2049

Owner Type Name and Address
Current Owner MOUNTAIN VIEW FARMS INC
C/O GERALD JOHNSON
9112 W TWO & A HALF MILE RD
POCATELLO, ID 83202-5206
(208)237-1885

Original Owner JAMES J WEATHERMAN
POCATELLO, ID 83201

Priority Date: 07/19/1906
Basis: License
Status: Active

Source
TWO AND A HALF MILE CREEK

Tributary to
SINKS

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/01	10/31	2 CFS	350 AFA	
Total Diversion			2 CFS	350 AFA	

Location of Point(s) of Diversion:

TWO AND A HALF MILE CREEK SWNWNW Sec. 29 Township 05S Range 35E BANNOCK County

IRRIGATION Use:
Acre Limit: 100

Place(s) of use:

Place of Use Legal Description: IRRIGATION

BANNOCK County

<u>Townshi</u>	<u>Rang</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
05S	35E	30		NENE	20		NWNE	40		SWNE	40			

Total Acres: 100

Conditions of Approval:

- 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:

- Place of Use - Irrigation USE OF THIS RIGHT WITH RIGHT NO. 29-2371 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 260 ACRES IN A SINGLE IRRIGATION SEASON.

Comments:

SCANNED

DEC 23 2005

Author	Date	Subject	Comment
PSKAGGS	5/21/2001	Transferred Right	This is now a approved transfer, transfer number 68555
bcontor	6/18/2001	PPU	Phone interview with claimant indicates PPU with GW right 29-2371 would not be appropriate.
bcontor	6/18/2001	Recommendation	Transfer sought change in POD. Other elements claimed as licensed and as verified by GIS. No further analysis required.
bcontor	6/18/2001	Priority Date	Adjusted to match license. Claimed 7/28/1906, recommended 7/16/1906.
bcontor	6/18/2001	POD on GIS	Located by PLS description as no better data were available.
bcontor	6/18/2001	Volume	Volume added per formal transfer even though this is surface source.

Dates:

Licensed Date: 08/01/1979
 Claim Received Date: 04/09/1990
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Decreed Date:
 Date Filed with Court:
 Objection Filed Date:
 SF5 Filed:
 Special Master Recom Signed Date:

Element Reviewed/Verified Dates:

Element	Last Review Date	Reviewer	Last Verified Date	Verifier	Status
Summary	6/18/2001 3:31:13 PM		6/18/2001 3:31:13 PM	bcontor	Complete

Other Information:

Receipt Number(s): E012980
 State or Federal:
 Owner Name Connector:
 Water District Number: 01
 Generic Max Rate per Acre: 0.02
 Generic Max Volume per Acre: 3.5
 Civil Case Number:
 Old Case Number:
 Decree Plaintiff:
 Decree Defendant:
 PresumptionFlag:
 Notice of Error Flag:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Cary Act Number:
 Mitigation Plan: False

Verification Log:

Element	Date Time Stamp	Reviewer	Log Text
POD	6/18/2001 3:24:00 PM	bcontor	Edited point location
POU	6/18/2001 3:26:55 PM	bcontor	Edited shape boundary
Summary	6/18/2001 3:31:11 PM	bcontor	1. (NO) The basis of the claim is not beneficial use. 3. (NO) There is no indication that there has been a five year period of continuous nonuse that could result in a recommendation of forfeiture or partial forfeiture. 5. (YES) General remark was required. 6. (NO) Explanatory remark was not required. 7. (NO) Additional condition was not required. 8. (YES) Wanted to view the recommended right. 9. (NO) This is not a split right. 10. (NO) This is not a combined right. 11. (NO) Documents were not linked or attached to this file.

12. (YES) Set the verification date.

MEMORANDUM

To: 29-2049
29-2162
29-2371
29-13180
Fr: Bryce A. Contor
Date: 6/18/2001

Bryce

Re: Phone conversation with Mr. Johnson

Today I talked with Mr. Johnson on the phone about several issues:

1. Transfer of POD. Harold Jones indicates that this transfer application has completed the advertising period without protest and has been sent to Boise for processing. He expects it to be considered within six months.
2. POU for 29-2162. This water is used uphill (east) of the ranch buildings, as claimed and licensed.
3. Permissible Place of Use for 29-2049 and 29-2371. Mr. Johnson indicates this would not be appropriate, as there is no common distribution system. The GW can be applied to the entire place as licensed and claimed, but the SW only is applied where licensed on the approximately 100 acres.
4. Continued use of enlargement 29-13180. This practice continues, though not every year.

From in-office interview: Pond volume $\approx$ 4 acre-feet.

This is $<$ 24 hrs diversion; storage component not needed for WR.

BAC 6/18/01

PROFILED

SCANNED
DEC 23 2005

MAY 10 2001

Log for claim A29-02049

Spatial Dynamics LTD

9/18/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
05s35e	30	NENE	20	26	
05s35e	30	NWNE	40	40	
05s35e	30	SWNE	40	38	
Totals:			100	104	

AJ5809NP
No. A29-02049

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/24/00
PAGE: 36

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	MOUNTAIN VIEW FARMS INC C/O GERALD JOHNSON 9112 W TWO AND A HALF MILE RD POCATELLO ID 83202 (208) 237-1885	07/28/1906	IRRIGATION	04-01 11-01	2.000 CFS	
					TOTAL DIVERSION:	2.000 CFS
					CONSUMPTIVE USE:	250.00 AFA

Water Source: TWO AND A HALF MILE CREEK

Tributary to: SINKS

Stage: LICENSE

Point(s) of Diversion:

T05S R35E S29

NWSWNE

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	
05S	35E	30	:	20		40		40												:	100.0	
																				:	100.0	
																				:	TOTAL ACRES	100.0

POU County: BANNOCK

Non-Irrigation Uses: INCIDENTAL STOCKWATERING OF 100 HEAD OF RANGE CATTLE

Other Rights: 29-02371

Other Water Rights Listing Overlapping Place(s) of Use:
A29-02371 A29-07431

Remarks: GEN LIC. INCORRECTLY DESCRIBES SOURCE AS TWO AND ONE HALF CK.

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number: 01

Field Inspection Flag:
Presumption Flag:

Audit: 04/11/90 VERNER 06/02/94 COX 03/29/95 POST-STD

County: Bannock
Stream: Two & one half Creek
Amount: 2 sec. ft.
Use: Irr. & Dom.
Priority: July 28, 1906.

STATE OF IDAHO

Water License No. 2149

WHEREAS, On the 19th day of July, A. D. 1906,
James J. Weatherman

of Pocatello, County of Bannock, State of Idaho, duly made application
(No. 3024) to me for a permit to use 2.4 cubic feet per second of the waters of Two
and One Half Creek,

County of Bannock, State of Idaho, for Irrigation and Domestic purposes, and,

WHEREAS, On the 28th day of July, A. D. 1906, Permit No. 2149 was issued
to said applicant for the diversion of said water and providing for the completion of the works of diversion
therein described on or before the 28th day of July, A. D. 1911, and for the application to ben-
eficial use of said water on or before the 28th day of July, A. D. 1915, and,

WHEREAS, On the 28th day of July, A. D. 1911,
James J. Weatherman

the holder of said permit, duly made proof of the completion of adequate works for the diversion of
2.4 cubic feet per second of said waters, as evidenced by my Certificate No. 2149
dated August 22, 1911, confirming the completion of works of sufficient capacity for diverting and
conveying to the place of intended use 2.4 cubic feet per second of said water,
with date of priority of July 19, 1906, and

WHEREAS, On the 10th day of June, A. D. 1915,
James J. Weatherman

the holder of said permit, duly made proof of the application to beneficial use of two (2) cubic
feet per second of said water:

NOW, THEREFORE, By virtue of authority vested in me by the laws of the State of Idaho, I
hereby grant and confirm to James J. Weatherman

of Pocatello, County of Bannock, State of Idaho, the holder and owner
of said Permit No. 2149, a perpetual right, dating from July 28, 1906
to the use of two (2) cubic feet per second of the waters of Two and one Half Creek,

in the County of Bannock and State of Idaho, or so much thereof as may be necessary for the
purposes hereinbelow mentioned, to be diverted at a point in the SW $\frac{1}{4}$ of NE $\frac{1}{4}$ Sec. 29, T.
5 S., R. 35 E.B.M.

and conducted to and upon 100 acres, as follows: 20 acres in NE $\frac{1}{4}$ of NE $\frac{1}{4}$, 40 acres in
NW $\frac{1}{4}$ of NE $\frac{1}{4}$; and 40 acres in SW $\frac{1}{4}$ of NE $\frac{1}{4}$ Sec. 30, T. 5 S., R. 35 E.B.M.

for the purpose of Irrigation and domestic use, subject, however, to the laws of the
State of Idaho, applicable to a license for the use of the waters of the State, and subject, also, to the local
or community customs, rules and regulations which have been or may be adopted from time to time by
a majority of the users from a common source or supply, canal or lateral from which such water may
be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and the seal of my office at Boise, Idaho, this 16th day of September
A. D. nineteen hundred and Fifteen.

J.H. Smith.

(Seal)

State Engineer:

29-2047

No. 3024.

A P P L I C A T I O N F O R P E R M I T

29-2049

To Appropriate the Public Waters of the State of Idaho.

1. Name of applicant - JAMES J. WEATHERMAN

Postoffice address: P. O. - Pocatello.

County - Bannock.

2. The quantity of water claimed is 2.4 cubic feet per second.

3. Source of water supply - Two & One Half Creek.

County of Bannock.

4. Location of point of diversion - P. D. SW4 NE4 Sec. 29, Reservoir in NE4 SE4 Sec. 28, T. 5 S., R. 35 E.

5. To be used for:

I. Irrigation and domestic use:

(a) Number of acres to be irrigated 120 acres.

(b) In the following legal subdivisions - N2 NE4 & SW4 NE4 Sec. 30,
T. 5 S., R. 35 E.

6. Estimated cost of works - \$1000.00

7. Description of works for diversion:

I. Kind of works - Reservoir, Dam & Ditch.

II. Dimensions of works:

(a) Height of dam 25.50 feet, length of dam at top 485 feet, length of dam at bottom 3 feet, material used in construction - earth, discharge of stone & concrete 1' x 1'.

(b) Capacity of reservoir 20 acre-feet.

(c) Size of headgate, width 1.5 feet, height 1.5 feet.

(d) Ditch (Natural channel to P. D.) width at bottom 1.5 feet, width at water line 3 feet, depth of water 1 foot. Average grade per mile is 25 feet. Length of ditch is 1 mile, and it crosses the following quarter sections - N2 Sec. 29, T. 5 S., R. 35 E., to NE4 Sec. 30, T. 5 S., R. 35 E. B. M., which is the point of intended use

8. Time required for the completion of the construction of such work is 5 years.

9. Time required for the complete application of the water to the proposed use is 4 additional years.

Remarks:

This application is for permit in lieu of Permit No. 826, which is hereby surrendered on condition that this application be granted.

Approval of State Engineer.

The number of this permit is 2149.

Date of first receipt of application 9 a. m. July 19, 1906.

ject to the following limitations and conditions:

Work to begin on or before September 26, 1906, and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before January 28, 1909.

The whole of said work to be completed on or before July 28, 1911.

The time for the proof of beneficial use of water appropriated in accordance herewith, to extend to July 28, 1915.

Witness my hand this 28 day of July, 1906.

Jas. Stephenson, Jr.

State Engineer.

Notice of proof of completion of works received May 22, 1911, fixing July 28, 1911, as date and Pocatello as place of proof.

Publication notice mailed the Pocatello Tribune, June 20, 1911.

Deposition blanks mailed applicant June 20, 1911

Water commissioner notified June 21, 1911, to make examination of works .

Depositions and fees received July 29, 1911

Affidavit of publication received July 31, 1911

Report of water commissioner received August 17, 1911.

Certificate issued August 22, 1911.

Permit No. 2149

CERTIFICATE OF COMPLETION OF WORKS.

To All Whom it May Concern:

This is to certify that JAMES J. WEATHERMAN, of Pocatello, County of Bannock, and State of Idaho, the holder of Permit No. 2149, Issued upon application No. 3024, bearing date of priority of July 19, 1906, authorizing the diversion of 2.4 second feet of the waters of TWO AND ONE-HALF CREEK, County of Bannock, State of Idaho, for irrigation and domestic purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use two and four-tenths second-feet of the waters of TWO AND ONE-HALF CREEK, that the point of diversion of said waters is in the Southwest quarter of the Northeast quarter (SW4 NE4), section 29, Township 5 South, Range 35 East Boise Meridian, and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: North half of the Northeast quarter (N2 NE4), Southwest quarter of the Northeast quarter (SW4 NE4), section 30, Township 5 South, Range 35 East of Boise Meridian.

Witness my hand this 22nd day of August, A. D. 1911.

A. E. Robinson,

State Engineer of the

State of Idaho

License issued for 2 second feet

P. 1862

MAY 10 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: A29-02049

Date Received: 4/09/1990

Receipt No: 6012980

Received By: ES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MOUNTAIN VIEW FARMS, INC. 208-237-1885
Address: C/O GERALD JOHNSON
9112 W. TWO AND A HALF MILE RD
POCATELLO, ID 83202

2. Date of Priority: JUL 28, 1906

3. Source: TWO AND A HALF MILE CREEK Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05S	35E	29	NW	SW	NE		BANNOCK

5. Description of diverting works:
HEADGATE IN STREAM TO DITCH. FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	2.000		

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

8. Total consumptive use is 250.0 Acre Feet Per Annum.

9. Non-irrigation uses:
INCIDENTAL STOCKWATERING OF 100 HEAD OF RANGE CATTLE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05S	35E	30	NE	NE		IRR	20.0
			NW	NE		IRR	40.0

A29-02049

Page 1

Date: 04/09/90

MICROFILMED

NOV 13 1992



10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
05S	35E	30	SW NE		IRR	40.0
Section Acres						100.0
Total Acres						100.0

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:
29-02371

14. Remarks:
LIC. INCORRECTLY DESCRIBES SOURCE AS TWO AND ONE HALF CK.

15. Basis of Claim: LICENSE
Water Right Number: 2149

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 not wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1

For Organizations:

I do solemnly swear or affirm that I am President of MT View Farms inc. that I have signed the foregoing

Title

document in the space below as President of

Title

MT View Farms inc. and that the statements contained in the foregoing document are true and correct.

Lerald Johnson
Signature of Authorized Agent

President - MT View Farms inc.
Title and Organization

April 9 1990
Date

State of Idaho)

County of Sonneville) SS.

Subscribed and sworn (or affirmed) before me this 9 day

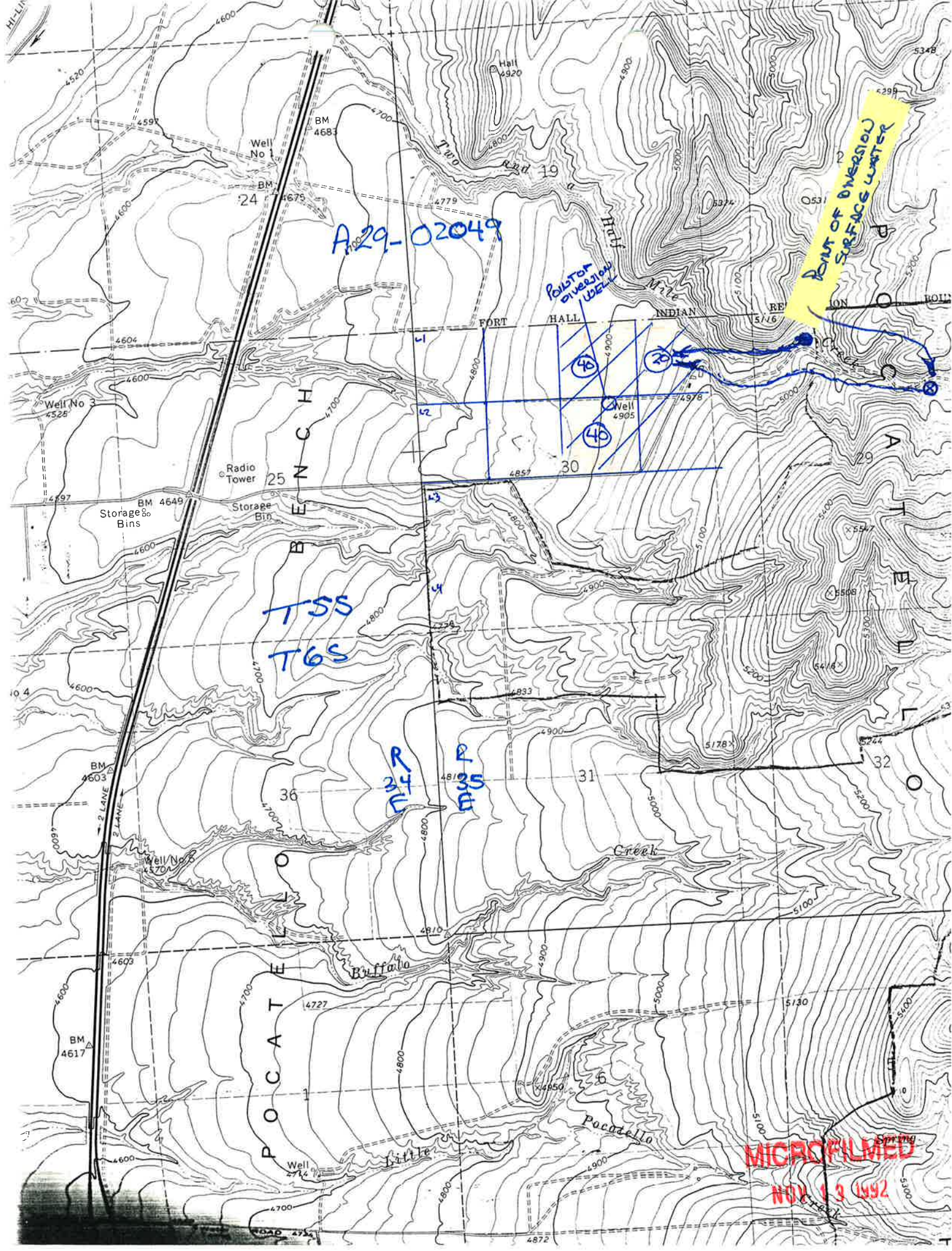
of April 19 90

[Signature]
Notary Public

Seal

Residing at RESIDING AT IDAHO FALLS, IDAHO
MY COMMISSION EXPIRES 8-22-1994

My Commission Expires _____



A29-02049

POLYMER OVERFLOW WELL

POINT OF OVERFLOW SURFACE WATER

TSS
T6S

PACATELLO
PACATELLO

MICROFILMED
NOV 13 1992