

08/19/2002

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

RIGHT NUMBER: 29-2342A  
NAME AND ADDRESS: JACK L WESLING  
2679 N BLACKROCK CANYON RD  
POCATELLO ID 83204  
JOHNIE R WESLING  
2679 N BLACKROCK CANYON RD  
POCATELLO ID 83204

SOURCE: GROUND WATER TRIBUTARY:  
QUANTITY: 0.04 CFS  
4.0 AFY  
PRIORITY DATE: 11/28/1953  
POINT OF DIVERSION:

T07S R35E S23 SENWNW 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          | 0.030 CFS<br>4.00 AFY |

PLACE OF USE: IRRIGATION Within BANNOCK County  
T07S R35E S23 SWNW 1.0

1 ACRES TOTAL

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

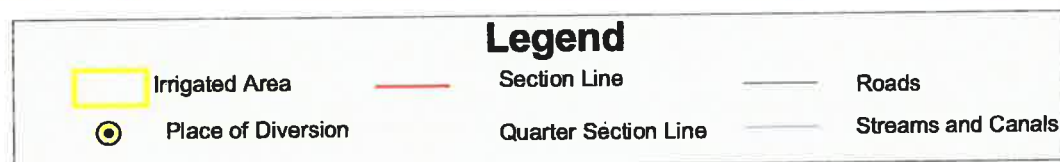
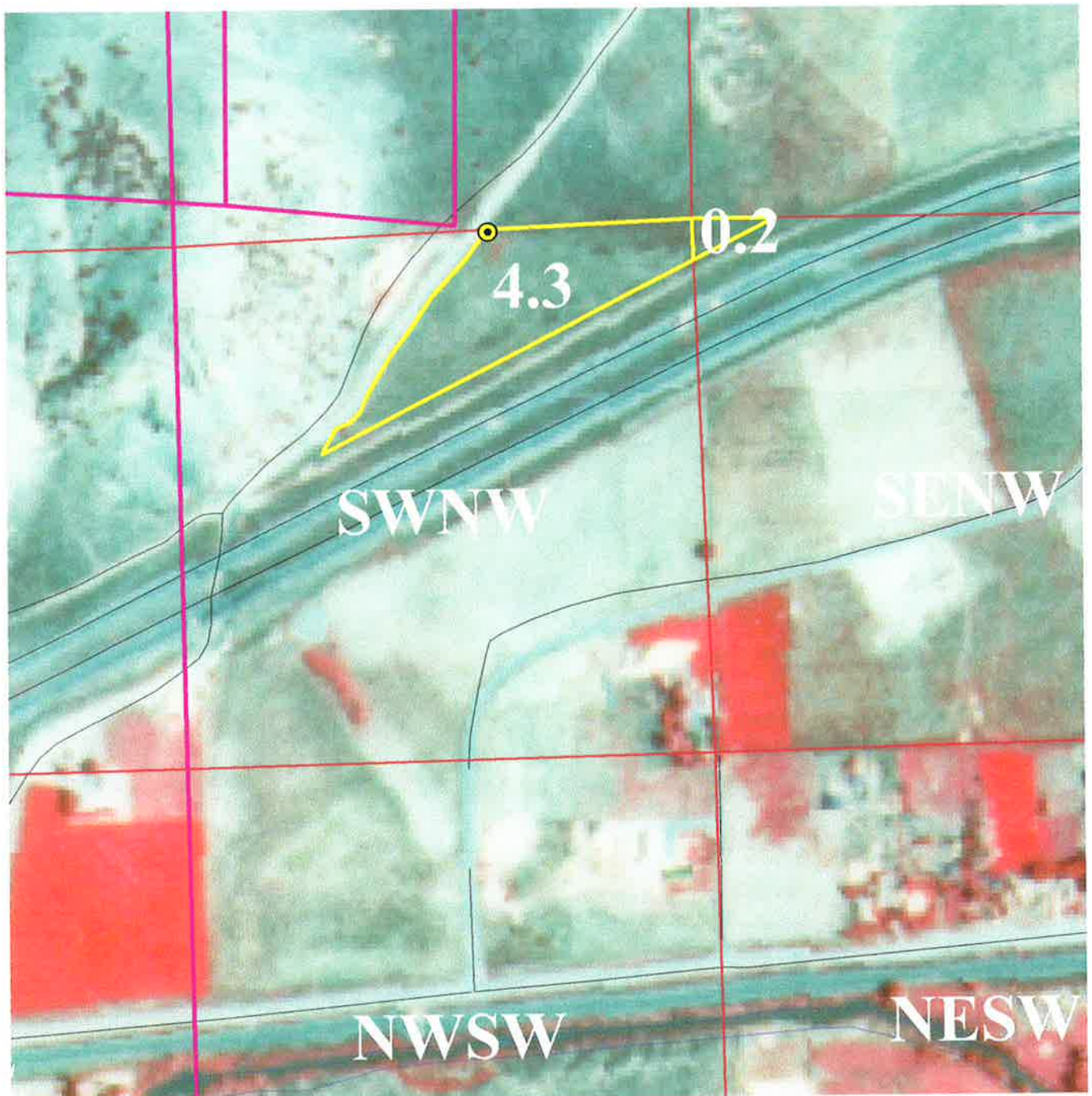
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS  
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT  
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY  
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE  
ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO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

EXPLANATORY MATERIAL: License

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

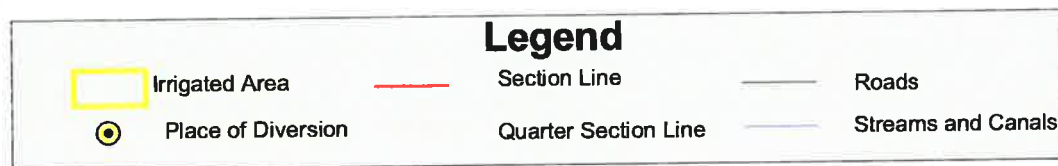
Water Right Claim Number A29-02342A  
Township , 7S35E

08/30/2000



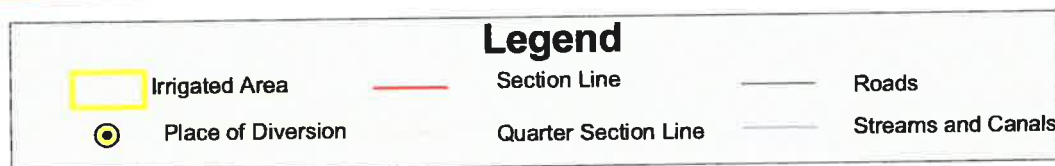
Water Right Claim Number A29-02342A  
Township , 7S35E

08/30/2000



Water Right Claim Number A29-02342A  
Township , 7S35E

08/30/2000



## IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-2342A V1

WATER RIGHT NUMBER: 29-2342A V1

| <u>Owner Type</u> | <u>Name and Address</u>                                                                                 |
|-------------------|---------------------------------------------------------------------------------------------------------|
| Current Owner     | JACK L WESLING<br>2679 N BLACKROCK CANYON RD<br>POCATELLO, ID 83204<br>(208)775-3655                    |
| Original Owner    | EARL J KING                                                                                             |
| Current Owner     | POCATELLO, ID<br>JOHNIE R WESLING<br>2679 N BLACKROCK CANYON RD<br>POCATELLO, ID 83204<br>(208)775-3655 |

Priority Date: 11/28/1953

Basis: License

Status: Active

| <u>Source</u> | <u>Tributary</u> |
|---------------|------------------|
| GROUND WATER  |                  |

| <u>Beneficial Use</u> | <u>From</u> <u>To</u>   | <u>Diversion Rate</u> | <u>Annual Volume</u> |
|-----------------------|-------------------------|-----------------------|----------------------|
| IRRIGATION            | 04/01 to 10/31          | 0.030 CFS             | 4.00 AF              |
|                       | <u>Total Diversion:</u> | 0.040 CFS             | 4.00 AF              |

Location of Point(s) of Diversion

|                |                 |                                 |
|----------------|-----------------|---------------------------------|
| GROUND WATER   | SE1/4NW1/4NW1/4 | Sec. 23, Twp 07S, Rge 35E, B.M. |
| BANNOCK County |                 |                                 |

Place of UseIRRIGATION Within BANNOCK County

T07S R35E S23 SWNW 1.0

Total Acres: 1

Conditions of Approval:

1. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION 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:

IDAHO DEPARTMENT OF WATER RESOURCES  
Adjudication Recommendation Report 29-2342A V1

Comments:

1. csaxton 11/26/2001 Disallow

Comment: Forfeited. Field Exam 5/4/01. POU covered in Sage brush and not currently irrigated. Requested evidence showing use on 2 separate occasions. Claim filed in 1990 and no evidence that POU was irrigated since 1985. 1987 Napp shows no signs of irrigation.

2. csaxton 11/26/2001 POD

Comment: If disallow recommendation over turned. CO3 needs to be added. POD in place since at least 4/20/1983.

3. csaxton 11/26/2001 Disallow Evid

Comment: Steve Ferro stated on 11/19/01 that he tried to buy sprinkler pipe from the claimant when he moved into the area and the claimant had not been irrigating and has not irrigated since that time.

4. csaxton 11/26/2001 ECVR

Comment: Questions not answered, but elements of water right and SDE shapes are data entered in ECVR as would be recommended if not forfeited.

5. csaxton 8/19/2002 Recommend

Comment: 1 acre of irrigation resumed during the irrigation season of 2002. Recommend 1 acre.

6. csaxton 8/19/2002 Diversion Rate

Comment: Right recommended at 1.5 inch per acre since there was additional cfs after the split.

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: AND

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> |
|----------------|---------------------------|-----------------|---------------------------|-----------------|---------------|
| Summary        |                           |                 | 11/26/2001                | csaxton         | Active        |
| Priority Date  | 8/19/2002 3:09:20 PM      | csaxton         |                           |                 | Active        |
| POD            | 8/19/2002 3:11:34 PM      | csaxton         |                           |                 | Active        |
| Source         | 8/19/2002 3:11:55 PM      | csaxton         |                           |                 | Active        |
| POU            | 8/19/2002 3:12:07 PM      | csaxton         |                           |                 | Active        |
| Use            | 8/19/2002 3:13:08 PM      | csaxton         |                           |                 | Active        |
| Season         | 8/19/2002 3:16:34 PM      | csaxton         |                           |                 | Active        |
| Quantity       | 8/19/2002 3:18:11 PM      | csaxton         |                           |                 | Active        |

## IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-2342A V1

Summary

08/19/2002

csaxton

Active

Verification Log:

| <u>Element</u> | <u>Date Time Stamp</u> | <u>Reviewer</u> | <u>Log text</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|----------------|------------------------|-----------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Source         | 8/19/2002 3:11:55 PM   | csaxton         | (Yes) 1. Is the basis of claim Decree or License?<br>(Yes) 4. Does the Decree or License have a source?<br>(Yes) 5. Can the claimed source be verified using the water right file?<br>(No) 11. Is a Source remark and/or condition required?                                                                                                                                                                                                                                                                                                     |
| POU            | 8/19/2002 3:12:08 PM   | csaxton         | (Yes) 1. Is the basis of this claim a Decree or License?<br>(Yes) 2a. Is the POU required?<br>(Yes) 5. Does the Decree or License have a POU?<br>(Yes) 6. Can the claimed POU be verified using the water right file?<br>(No) 14. Is a POU remark and/or condition required?                                                                                                                                                                                                                                                                     |
| POU            | 8/19/2002 3:12:30 PM   | csaxton         | Edited shape boundary                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| POU            | 8/19/2002 3:12:42 PM   | csaxton         | Edited PLS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| Use            | 8/19/2002 3:13:09 PM   | csaxton         | (Yes) 1. Is the basis of this claim a Decree or License?<br>(Yes) 4. Does the Decree or License have a Purpose of Use?<br>(Yes) 5. Can the claimed Purpose of Use be verified using the water right file?<br>(No) 13. Is a Purpose of Use remark and/or condition required?                                                                                                                                                                                                                                                                      |
| Priority Date  | 8/19/2002 3:09:20 PM   | csaxton         | (No) 1. Should this water use have been included in a later court decree of the water rights from this source?<br>(Yes) 4. Is the basis of claim decree or license?<br>(Yes) 5. Does the decree or license have a Priority Date?<br>(Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ?<br>(Yes) 15. Is the basis of claim coded correctly?<br>(No) 16. Is a Priority Date remark and/or condition required?                                                                                                                 |
| POD            | 8/19/2002 3:11:34 PM   | csaxton         | (Yes) 1. Is the basis of this claim a Decree or License?<br>(Yes) 4. Does the Decree or License have a POD?<br>(No) 5. Can the claimed POD be verified using the water right file?<br>(Yes) 6. Is there evidence that there has been a change in the POD?<br>(Yes) 7. Can the change be verified as an accomplished transfer?<br>(Yes) 9. Does the file contain all the necessary information to verify the POD?<br>(No) 10. Is a POD remark and/or condition required?<br>Description for Question 6 - Current POD in place since at least 1983 |

## IDAHO DEPARTMENT OF WATER RESOURCES

## Adjudication Recommendation Report 29-2342A V1

|          |                       |         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|----------|-----------------------|---------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Season   | 8/19/2002 3:16:34 PM  | csaxton | <p>(Yes) 1. Is the basis of claim Decree or License?</p> <p>(No) 4. Does the Decree or License have a Period of Use?</p> <p>(No) 6. Is there evidence that there has been a change in the Period of Use?</p> <p>(Yes) 12. Does the file contain all the necessary information to verify the Period of Use?</p> <p>(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?</p> <p>(Yes) 15. Is irrigation claimed as a Purpose of Use?</p> <p>(No) 18. Is a Period of Use remark and/or condition required?</p>                                         |
| POD      | 8/19/2002 3:18:11 PM  | csaxton | <p>(Yes) 1. Is the basis of this claim a Decree or License?</p> <p>(Yes) 4. Does the Decree or License have a diversion rate and/or volume?</p> <p>(Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file?</p> <p>(No) 8. Does the parent right have an annual diversion volume limit?</p> <p>(Yes) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit?</p> <p>(Yes) 10. Is a irrigation a purpose of use?</p> <p>(No) 12. Is a Quantity remark or condition required?</p> <p>Description for Question 10 - Volume recommended at IDWR standard of 4 af per acre.</p> |
| Summary  | 8/19/2002 3:21:32 PM  | csaxton | <p>(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice?</p> <p>(No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture?</p> <p>(Yes) 5. Is an additional remark and/or condition required?</p> <p>(Yes) 6. Would you like to view the recommended right?</p> <p>(Yes) 7. Is this a split or combined right?</p> <p>(No) 8. Do you have documents you would like to attach or link to the file?</p> <p>(Yes) 9. Would you like to set the verification date?</p>                                             |
| Contacts | 11/26/2001 3:39:45 PM | csaxton | <p>(No) 1. Do you want to schedule an appointment?</p> <p>Comment for 1: Field Exam 5/4/01</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| POU      | 11/26/2001 3:44:12 PM | csaxton | Edited shape boundary                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| POU      | 11/26/2001 3:44:27 PM | csaxton | Edited PLS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| POD      | 11/26/2001 3:45:05 PM | csaxton | Edited point location                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| POD      | 11/26/2001 3:45:39 PM | csaxton | Edited PLS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |

## IDAHO DEPARTMENT OF WATER RESOURCES

## Adjudication Recommendation Report 29-2342A V1

|         |                       |         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|---------|-----------------------|---------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Summary | 11/26/2001 4:18:50 PM | csaxton | (Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice?<br>(Yes) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture?<br>(No) 4. Is any portion of the claim be recommended?<br>(Yes) 5. Is an additional remark and/or condition required?<br>(Yes) 6. Would you like to view the recommended right?<br>(Yes) 7. Is this a split or combined right?<br>(No) 8. Do you have documents you would like to attach or link to the file?<br>(Yes) 9. Would you like to set the verification date? |
|---------|-----------------------|---------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

## IDAHO DEPARTMENT OF WATER RESOURCES

## Adjudication Recommendation Report 29-2342A V1

WATER RIGHT NUMBER: 29-2342A V1

| <u>Owner Type</u> | <u>Name and Address</u>                                                                                 |
|-------------------|---------------------------------------------------------------------------------------------------------|
| Current Owner     | JACK L WESLING<br>2679 N BLACKROCK CANYON RD<br>POCATELLO, ID 83204<br>(208)775-3655                    |
| Original Owner    | EARL J KING                                                                                             |
| Current Owner     | POCATELLO, ID<br>JOHNIE R WESLING<br>2679 N BLACKROCK CANYON RD<br>POCATELLO, ID 83204<br>(208)775-3655 |

Priority Date: 11/28/1953

Basis: License

Status: **Disallowed**

| <u>Source</u> | <u>Tributary</u> |
|---------------|------------------|
| GROUND WATER  |                  |

| <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             | 18.40 AF             |
|                       | <u>Total Diversion:</u> | 0.090 CFS             | 18.40 AF             |

Location of Point(s) of Diversion

|                |                 |                                 |
|----------------|-----------------|---------------------------------|
| GROUND WATER   | SE1/4NW1/4NW1/4 | Sec. 23, Twp 07S, Rge 35E, B.M. |
| BANNOCK County |                 |                                 |

Place of UseIRRIGATION Within BANNOCK County

|                  |      |     |               |      |     |
|------------------|------|-----|---------------|------|-----|
| T07S R35E S23    | SWNW | 4.3 | T07S R35E S23 | SENE | 0.2 |
| Total Acres: 4.5 |      |     |               |      |     |

Conditions of Approval:

1. P04 FORFEITED/ABANDONED: This is included for a claim based on a decree or license that is PROPOSED to be disallowed on the basis that the water right no longer exists because forfeiture of the right by nonuse was confirmed and a defense to forfeiture was not confirmed, or because abandonment of the right was confirmed.

Remarks:

1. General FORFEITED/ABANDONED DUE TO NON-USE FROM 1985 TO 1990.

IDAHO DEPARTMENT OF WATER RESOURCES  
Adjudication Recommendation Report 29-2342A V1

Comments:

1. csaxton 11/26/2001 Disallow

Comment: Forfeited. Field Exam 5/4/01. POU covered in Sage brush and not currently irrigated. Requested evidence showing use on 2 seperate occasions. Claim filed in 1990 and no evidence that POU was irrigated since 1985. 1987 Napp shows no signs of irrigation.

2. csaxton 11/26/2001 POD

Comment: If disallow recommendation over turned. CO3 needs to be added. POD in place since at least 4/20/1983.

3. csaxton 11/26/2001 Disallow Evid

Comment: Steve Ferro stated on 11/19/01 that he tried to buy sprinkler pipe from the claimant when he moved into the area and the claimant had not been irrigating and has not irrigated since that time.

4. csaxton 11/26/2001 ECVR

Comment: Questions not answered, but elements of water right and SDE shapes are data entered in ECVR as would be recommended if not forfeited.

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: AND

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> |
|----------------|---------------------------|-----------------|---------------------------|-----------------|---------------|
| Summary        | 11/26/2001 4:18:49 PM     | csaxton         | 11/26/2001 4:18:49 PM     | csaxton         | Disallowed    |

Verification Log:

| <u>Element</u> | <u>Date Time Stamp</u> | <u>Reviewer</u> | <u>Log text</u>                                                                         |
|----------------|------------------------|-----------------|-----------------------------------------------------------------------------------------|
| Contacts       | 11/26/2001 3:39:45 PM  | csaxton         | (No) 1. Do you want to schedule an appointment?<br><br>Comment for 1: Field Exam 5/4/01 |
| POU            | 11/26/2001 3:44:12 PM  | csaxton         | Edited shape boundary                                                                   |
| POU            | 11/26/2001 3:44:27 PM  | csaxton         | Edited PLS                                                                              |
| POD            | 11/26/2001 3:45:05 PM  | csaxton         | Edited point location                                                                   |
| POD            | 11/26/2001 3:45:39 PM  | csaxton         | Edited PLS                                                                              |

## IDAHO DEPARTMENT OF WATER RESOURCES

## Adjudication Recommendation Report 29-2342A V1

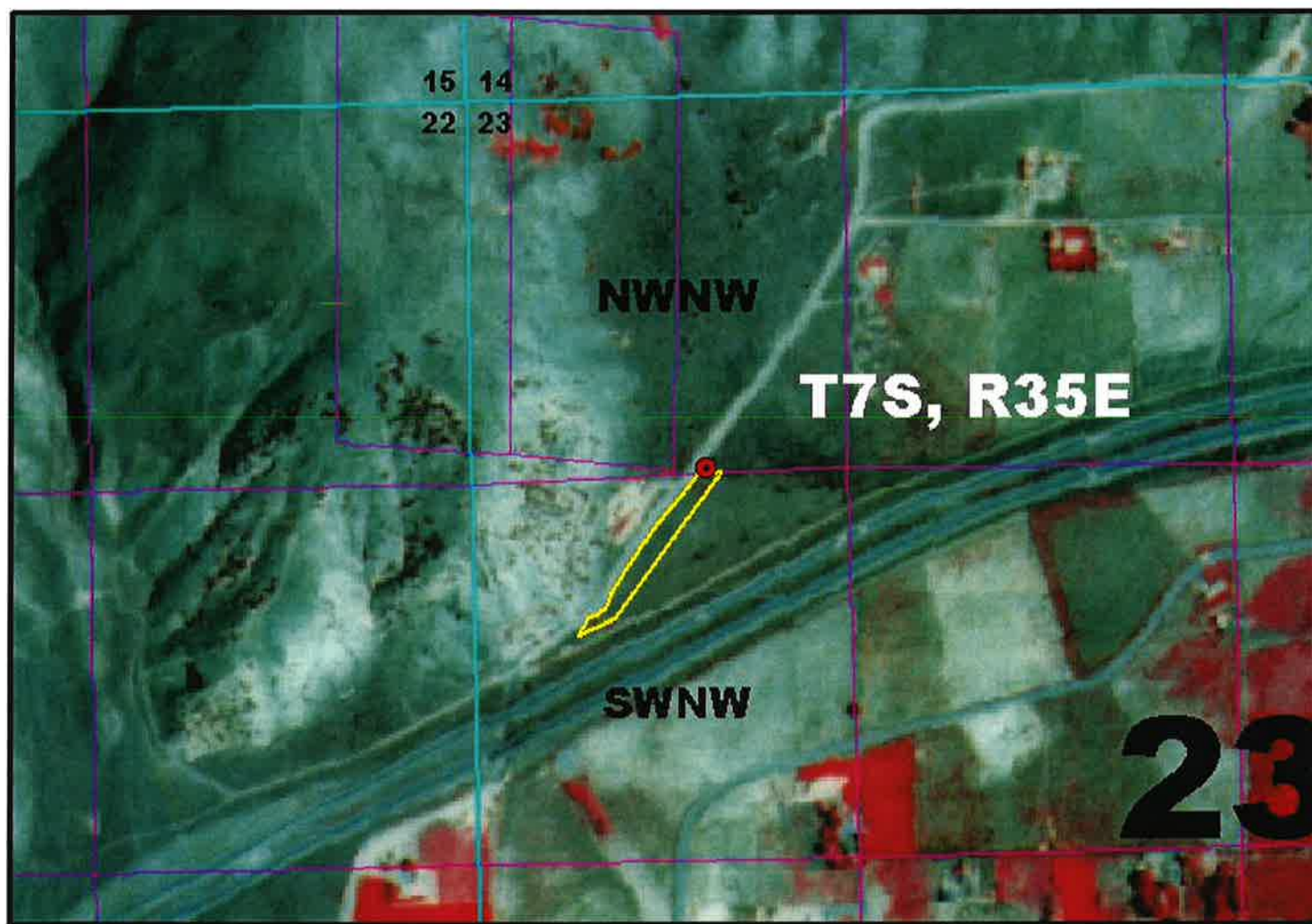
|         |                       |         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|---------|-----------------------|---------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Summary | 11/26/2001 4:18:50 PM | csaxton | (Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice?<br>(Yes) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture?<br>(No) 4. Is any portion of the claim be recommended?<br>(Yes) 5. Is an additional remark and/or condition required?<br>(Yes) 6. Would you like to view the recommended right?<br>(Yes) 7. Is this a split or combined right?<br>(No) 8. Do you have documents you would like to attach or link to the file?<br>(Yes) 9. Would you like to set the verification date? |
|---------|-----------------------|---------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|



# STATE OF IDAHO

Department of Water Resources  
Eastern Region

## Water Right(s): 29-02342A



0 1320 Feet

**Total Irrigated Acres: 1.0**

● Point(s) of Diversion

□ Place of Use

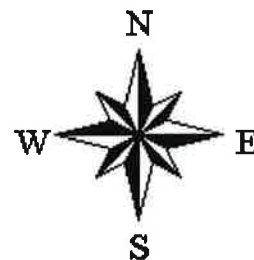
□ Quarter Quarter Lines

□ Section Lines

**PROFILED**

**SCANNED**

**JAN 27 2006**



GIS Place of Use Illustration  
1987/1988 NAPP Photography  
Prepared by: C. Saxton  
Date: August 2002

**29-02342A**

**POU**

**Field Exam: 8/13/02**



Looking South. A portion of the claimed POU was resumed during the irrigation season of 2002. Picture shows the irrigated POU. Boundary between sagebrush and pasture ground shows the line between irrigated/cultivated ground and what is not irrigated (csaxton).

**PROFILED**

**SCANNED**  
**JAN 27 2006**

## Memorandum

Date: November 26, 2001

From: Craig L. Saxton

Subject: 29-02342A

1987 NAPP does not show irrigation.

1976 USGS Orthoquads do not show signs of irrigation

Field Exam on 5/4/01 – no present irrigation. POU covered with sagebrush.

Tried to contact claimant on May 18, 2001. No contact.

Found out from the neighbors that Claimant passed so sent correspondence to claimant's son on 9/17/01. No contact.

In a conversation with neighbor Steve Ferro on 11/19/01 he stated that when he moved into his current residence in 1986 he tried to purchase the sprinkler pipe since it wasn't being used and no irrigation took place. Steve confirmed that the claimed POU had sagebrush on it in 1986 and hasn't been irrigated since that time.

Claim filed on 4/3/1990, and I don't have any evidence of beneficial use of water on or after 4/3/1985.

Disallow

**PROFILED**

SCANNED  
JAN 27 2006

September 17, 2001

RODNEY WESLING  
VAEANN WESLING  
5621 W SKI VIEW DR  
POCATELLO ID 83204

RE: Snake River Basin Adjudication Claim (SRBA) 29-02342A

Dear Rodney and Vaeann,

I am writing in concern to SRBA claim 29-02342A filed by Jack Wesling. I have been working in the Blackrock area and it has come to my attention that Jack passed earlier this spring and you're his relation. I am sorry for your loss.

Earlier this spring I sent some correspondence to Jack that was never responded to. Below is the body of the letter I sent to Jack. If you are the executor of his estate, I would encourage you to file a change of ownership (enclosed) to put the claim in the appropriate name and to send me the information requested below.

\*\*\*\*\*

The Idaho Department of Water Resources has recently begun its water right review in Basin 29. During my initial review of your claim, I noticed that the land claimed doesn't appear to have been irrigated in 1987 at the start of the SRBA and currently is not irrigated. In an on site inspection I found the groundwater well sprinkler pipe indicating that the claimed place of use had historically been irrigated.

I need to know when the place of use was last irrigated. Please provide me with documentation of the last time the well water was used to irrigate the place of use described on the claim. Preferred documentation would be power records or a notarized statement from someone with first hand knowledge of when the land was last irrigated. Please return the documentation to this office as soon as possible.

\*\*\*\*\*

I apologize for the timing of this letter, however, deadlines are drawing near and I need the above information in order to make a positive recommendation on this water right. Please feel free to contact me at 525-7161 if you have any questions.

**PROFILED**

**SCANNED**  
**JAN 27 2006**

Respectfully Submitted,

Craig L. Saxton  
Water Resource Agent  
Adjudication Bureau

SCANNED  
JAN 27 2006



JUN 15 2001

May 18, 2001

JACK WESLING  
JOHNIE WESLING  
2679 N BLACKROCK CANYON RD  
POCATELLO ID 83204

RE: Snake River Basin Adjudication Claim 29-02342A

Dear Mr. and Mrs. Wesling,

The Idaho Department of Water Resources has recently begun its water right review in Basin 29. During my initial review of your claim, I noticed that the land claimed doesn't appear to have been irrigated in 1987 at the start of the SRBA and currently is not irrigated. In an on site inspection I found the groundwater well sprinkler pipe indicating that the claimed place of use had historically been irrigated.

I need to know when the place of use was last irrigated. Please provide me with documentation of the last time the well water was used to irrigate the place of use described on the claim. Preferred documentation would be power records or a notarized statement from someone with first hand knowledge of when the land was last irrigated. Please return the documentation to this office as soon as possible.

Please feel free to contact me at 525-7161 if you have any questions.

Respectfully Submitted,

Craig L. Saxton  
Water Resource Agent  
Adjudication Bureau

5/18/01 Tried to Call Jack, but Not Home

5/21/01 Jack Wesling died Very Recently according to  
Larry Porter - His son lives In Black Rock  
Subdivision. Contact in a month if No Response  
from son.

# Split History 29-02342

WR 29-02342  
0.88 cfs  
52.32 ac

AJ  
Claims

A) Welling

0.12 cfs  
6 ac

B) Larsen

0.135  
8 ac

C) Renumbered to 29-13229 - this claim is not a portion of  
29-02342

D) Porter

0.28 cfs  
14 ac

$\Sigma$  cfs = 0.535 cfs  
 $\Sigma$  acreage = 28 ac

\*  $\Sigma$  of Splits < Parent Right  
Right is underclaimed

Craig Saxton 9/17/01

| TR             | SEC | QQ   | Acres<br>Claimed | Acres<br>Found | COMMENT |
|----------------|-----|------|------------------|----------------|---------|
| 07s35e         | 23  | SWNW | 5                | 4.3            |         |
| 07s35e         | 23  | SENW | 0.5              | 0.2            |         |
| <b>Totals:</b> |     |      | 5.5              | 4.5            |         |

5/4/01 Stopped By Jack Westlings Home - Job there

Found well and stacked sprinkler pipe.  
Power Box shows tag that says

Job Identification:

To be Placed on Job Site at Panel location on temporary Service  
at time Electrical Work starts

owner: Jack Westling

Tag # 1432771 Date: 4-20-1983

- Looking at Sage Brush and amount of Grass Growing b/w  
sprinkler pipe, I would guess this place hasn't been irrigated  
for  $\approx$  10 years. Possible Abandonment.
- Try to Contact Claimant to find out last time Irrigated.
- If Recommended C&S APOD in 1993.

Power  
1985 or more Recent - Recommended

A006 / Power consumption / IP

serial #  
meter Brand

| Made in U.S.A.       |        |
|----------------------|--------|
| 5 SQUARE             | 42-399 |
| 200 RECYCLED WHITE   | 42-392 |
| 5 SQUARE             | 42-389 |
| 200 SHEETS EYE-EASE® | 42-382 |
| 5 SQUARE             | 42-381 |
| 500 SHEETS EYE-EASE® | 43-782 |
| 5 SQUARE             |        |

0.12 cfs  
6 AL

WR side not split

0.135 cfs  
8 AC

original POW

CFS + Acrycage underclaimed

0.88 cfs  
52 ac

0.10 cfs  
5 ac

not original for

0.28 cf  
14 ac

Original POU

**29-02342A**

**Field Exam 5/4/01**



29-02342A Power box installed in 1983. Looking East.



29-02342A. Well. Looking South. Claimed POU south of pump. Note the sagebrush.



29-02342A Power box installed in 1983. Looking East.



29-02342A. Well. Looking South. Irrigated Field south of pump.



29-02342A. Sprinkler pipe. Well is East of Pipe. Picture View is looking West.

AJ5809NP  
No. A29-02342A

IDAHO DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/18/00  
PAGE: 139

| OWNER<br>CODE | NAME & ADDRESS             | PRIORITY<br>DATE | WATER USE  | USE PERIOD<br>FROM TO | DIVERSION<br>RATE | DIVERSION<br>VOLUME |
|---------------|----------------------------|------------------|------------|-----------------------|-------------------|---------------------|
| C             | JOHNIE R WESLING           | 11/28/1953       | IRRIGATION | 04-01 11-01           | 0.120 CFS         |                     |
| C             | JACK L WESLING             |                  |            |                       |                   |                     |
|               | 2679 N BLACKROCK CANYON RD |                  |            |                       |                   |                     |
|               | POCATELLO ID 83204         |                  |            | TOTAL DIVERSION:      | 0.120 CFS         |                     |
|               | (208) 775-3655             |                  |            | CONSUMPTIVE USE:      |                   | 15.00 AFA           |

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T07S R35E S23 NWSWNW

BANNOCK County

Place of use Legal Description for: IRRIGATION

| NE                  |     |    |                           | NW                        |                           |                           |                           | SW                        |                           |                           |                           | SE                        |                           |     |  |  |
|---------------------|-----|----|---------------------------|---------------------------|---------------------------|---------------------------|---------------------------|---------------------------|---------------------------|---------------------------|---------------------------|---------------------------|---------------------------|-----|--|--|
| NENE NWNE SWNE SENE |     |    |                           | NENW NWNW SWNW SENW       |                           |                           |                           | NESW NWSW SWSW SESW       |                           |                           |                           | NESE NWSE SWSE SESE       |                           |     |  |  |
| T                   | R   | S  | : Lt Ac Lt Ac Lt Ac Lt Ac | : Lt Ac Lt Ac Lt Ac Lt Ac | : Lt Ac Lt Ac Lt Ac Lt Ac | : Lt Ac Lt Ac Lt Ac Lt Ac | : Lt Ac Lt Ac Lt Ac Lt Ac | : Lt Ac Lt Ac Lt Ac Lt Ac | : Lt Ac Lt Ac Lt Ac Lt Ac | : Lt Ac Lt Ac Lt Ac Lt Ac | : Lt Ac Lt Ac Lt Ac Lt Ac | : Lt Ac Lt Ac Lt Ac Lt Ac | : Lt Ac Lt Ac Lt Ac Lt Ac | SUM |  |  |
| 07S                 | 35E | 23 | :                         | :                         | 05                        | .5                        | :                         | :                         | :                         | :                         | :                         | :                         | :                         | 6.0 |  |  |
|                     |     |    |                           |                           |                           |                           |                           |                           |                           |                           |                           |                           | TOTAL ACRES               | 6.0 |  |  |

POU County: BANNOCK

Other Rights: NONE

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

29-10979 29-11157 A29-00494B A29-02342D A29-10094 A29-10979 A29-11157

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

A29-00494 A29-00494B A29-00494C A29-00494D A29-00494E A29-00494F A29-00494G A29-02342 A29-02342B A29-02342C  
A29-02342D A29-11387 A29-12067

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

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

Audit: 04/03/90 MOBILE2 06/22/94 COX 03/29/95 POST-STD

# State of Idaho

## License and Certificate of Water Right

Water License No. G-24591

Amount .88 second foot

Water District No. \_\_\_\_\_

Priority November 28, 1953

THIS IS TO CERTIFY that EARL J. KING

of Pocatello, Idaho

made application for a permit to appropriate the public waters of the State of Idaho, dated November 28, 19 53; that Permit No. G-24591 was issued under said application; that Certificate of Completion of works, with a carrying capacity of .88 second foot, was issued thereunder on August 23, 19 56, showing that said works were completed on the 29th day of November, 19 55; and that on the 29th day of November, 19 55,

EARL J. KING

of Pocatello, State of Idaho

made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of a well

~~near Pocatello~~ (subterranean flow), for the purpose of irrigation

under Use Permit No. G-24591 of the Department of Reclamation and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume

9 of Licenses at page 5775, on the 23rd day of August, 19 56;

The right hereby confirmed dates from November 28, 19 53;

The Point of Diversion is located

in the SW 1/4 NW 1/4 Sec. 23, Tp. 7 S., R. 35 E., B. M. Bannock County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed .88 cubic feet per second.

Description and location of use:

| Twp.                                     | Range | Sec. | Forty-acre Tract | No. Acres<br>Described in Permit | No. Acres<br>Actually Irrigated |
|------------------------------------------|-------|------|------------------|----------------------------------|---------------------------------|
| 7 S.                                     | 35 E. | 23   | SW 1/4 NW 1/4    | 35                               | .38                             |
|                                          |       |      | NW 1/4 SW 1/4    | 15                               | <u>14.32</u>                    |
| Total Number of Acres Actually Irrigated |       |      |                  |                                  | -- 52.32                        |

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this

23rd day of August, 19 56.

(SEAL)

MARK R. KULP

State Reclamation Engineer.

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION  
BOISE, IDAHO  
REPORT OF ENGINEER

Permit No. G-24591

This proof is for Completion of Works & Beneficial Use In Water District No. ....

1. Name of applicant: Earl J. King, Route 1, South, Pocatello, Idaho
2. Source of water supply: Subterranean from a well
3. Location of point of diversion: Is in the NW 1/4 SW 1/4 of Section 23  
T. 7 S. R. 35 E. County of Bannock
4. Describe works as they exist, giving dimensions and capacities of same: Well is 72' deep by 14" diameter cased 35', H=22', Lift=29'. Wastingshouse 30 hp Motor. Fairbanks Morse Turbine, Serial No. PS 2469. Deliver through a 6" pipe into an 8" main to the fields by sprinkler system.
5. Water is used for: Irrigation
6. State whether or not water has been turned into works of diversion: Yes
7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):  
NW 1/4 SW 1/4 and SW 1/4 NW 1/4 Section 23;  
Twp. 7 South, Range 35 East, B. M.  
See the map

(Submit map on attached plat, showing location and details of above description.)

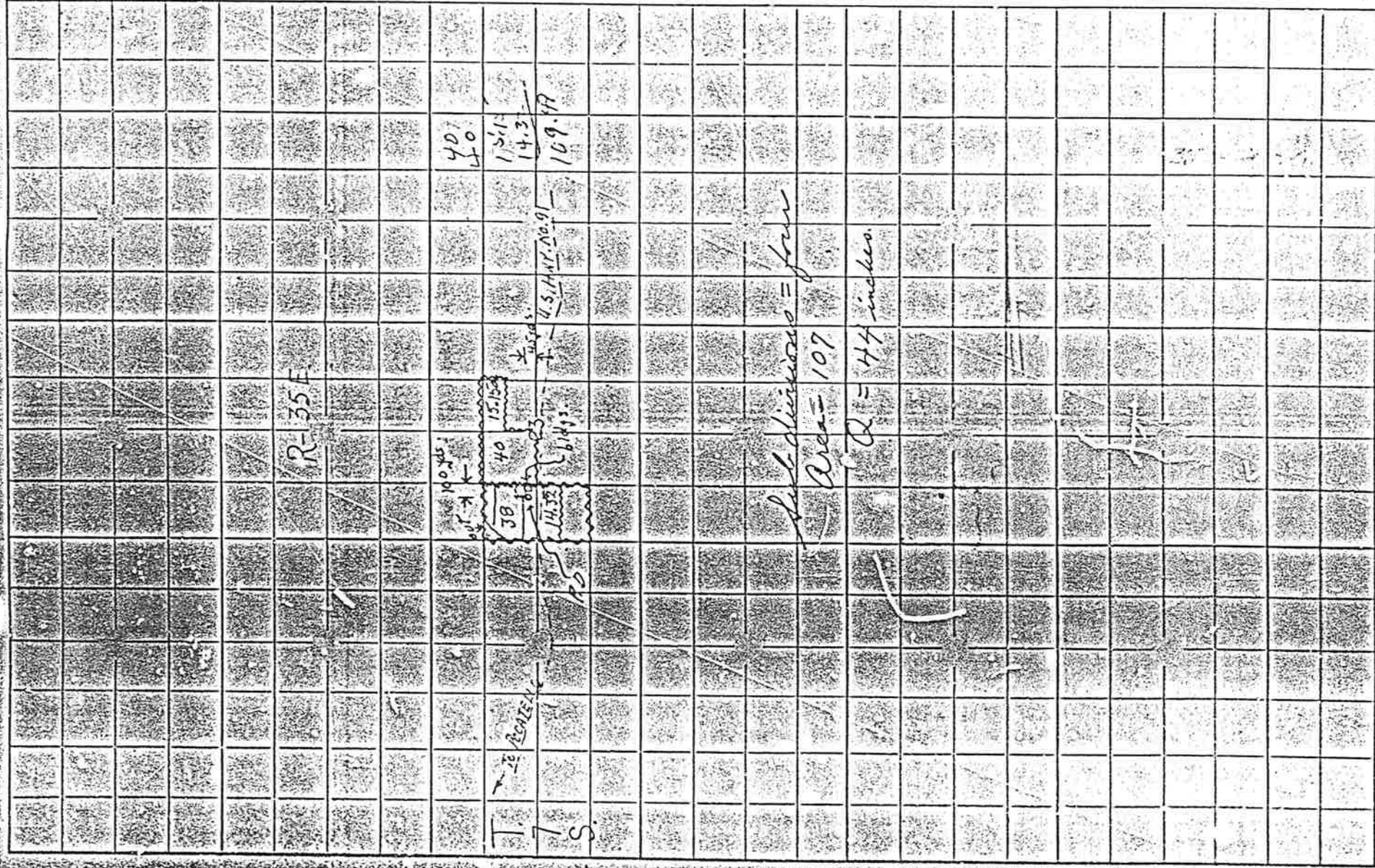
8. What large stream would the water here appropriated finally reach?...

Remarks: 50 sprinkler heads operating today, nozzle sizes are all mixed up, may have 2 3/8 nozzles on one head.

This examination was made on the 13 day of July, 1936

G-24591

(Signed) E. H. Humphrey Examiner.



Scale: 2 inches equals 1 mile. Draw Map in ink.

801571

JUN 15 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: A29-02342A

Date Received: 4/03/1990

Receipt No: M006452

Received By: CY

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: JACK L. WESLING 208-775-3655  
Address: 2679 N. BLACKROCK CANYON RD.  
POCATELLO, ID 83204

AND/OR

Name: JOHNIE R. WESLING 208-775-3655  
Address: 2679 N. BLACKROCK CANYON RD.  
POCATELLO, ID 83204

2. Date of Priority: NOV 28, 1953

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

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

5. Description of diverting works:  
WELL, 8" CASING, 149' DEEP, 7.5 HP SUBMERSIBLE PUMP, SPRINKLERS

6. Water is used for the following purposes:

|            |       |       |        |      |        |
|------------|-------|-------|--------|------|--------|
| Purpose    | From  | To    | C.F.S. | (or) | A.F.A. |
| IRRIGATION | 04/01 | 11/01 | 0.120  |      |        |

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

8. Total consumptive use is 15.0 Acre Feet Per Annum.

9. Non-irrigation uses:

A29-02342A

Page 1

Date: 04/03/90

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NOV 13 1992

A2902342A



10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use           | Acres |
|----------|-------|---------|--------|-----|-----|---------------|-------|
| 07S      | 35E   | 23      | SW     | NW  |     | IRR           | 5.5   |
|          |       |         | SE     | NW  |     | IRR           | 0.5   |
|          |       |         |        |     |     | Section Acres | 6.0   |
|          |       |         |        |     |     | Total Acres   | 6.0   |

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:

15. Basis of Claim: LICENSE  
Water Right Number: 24591

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: -1-

**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): Jack L. Kesting Date: April 3, 1990  
\_\_\_\_\_  
Date: \_\_\_\_\_

State of Idaho )  
County of Bannock ) SS.

Subscribed and sworn (or affirmed) before me this 3<sup>rd</sup> day  
of April 19 90

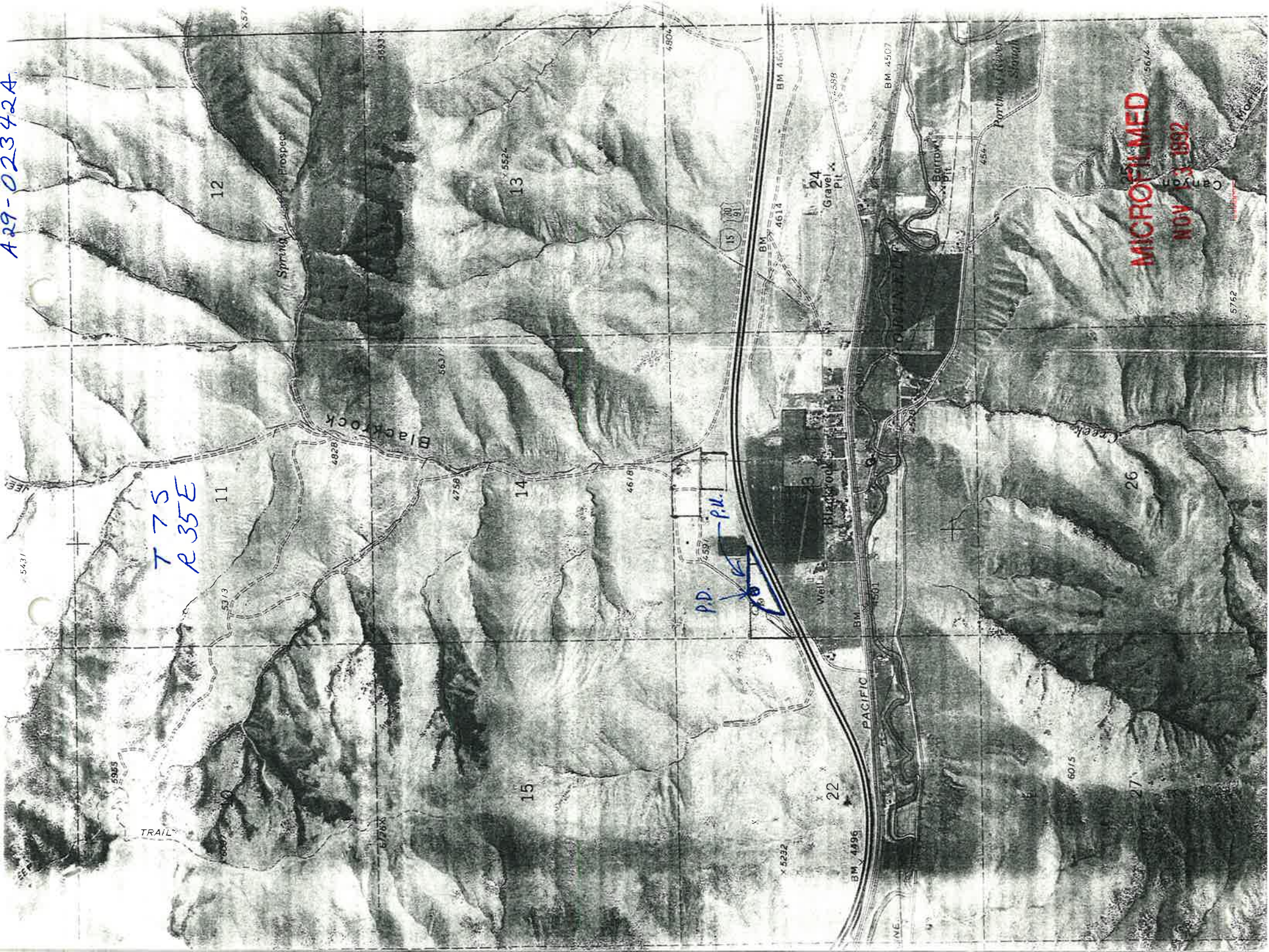
Carter Fritschle  
Notary Public

Seal

Residing at Carter Fritschle, Notary Public  
Residing at Eagle, Idaho  
My Commission Expires My commission Expires March 21, 1994

A29-02342A

T 7 S  
R 35 E



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NOV 13 1992