

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

08/31/2001

RIGHT NUMBER: 29-10280

NAME AND ADDRESS: JOHN NEWPORT
JUDY NEWPORT
4798 BAILEY RD
ARBON, ID 83212

SOURCE: KNOX CANYON CREEK TRIBUTARY: BANNOCK CREEK

QUANTITY: 7.3 CFS

PRIORITY DATE: 07/24/1897

POINT OF DIVERSION: T10S R32E S36 NWSESE Within POWER County
T10S R33E S23 SWNWSW Within POWER County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04-01 10-31	7.30 CFS

PLACE OF USE:

<u>IRRIGATION Within POWER County</u>					
T10S R33E S22	NESE	39	T10S R33E S22	NWSE	40
T10S R33E S22	SWSE	29	T10S R33E S22	SESE	37
T10S R33E S23	SWNW	38	T10S R33E S23	NWSW	40
T10S R33E S23	SWSW	39	T10S R33E S28	SESW	7
T10S R33E S28	NESE	23	T10S R33E S28	SWSE	31
T10S R33E S28	SESE	40	T10S R33E S33	NENE	40
T10S R33E S33	NWNE	40	T10S R33E S33	SWNE	40
T10S R33E S33	SENE	40	T10S R33E S33	NENW	39
T10S R33E S33	NWNW	26	T10S R33E S33	SWNW	40
T10S R33E S33	SENW	40			

668 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 365 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION
SEASON.

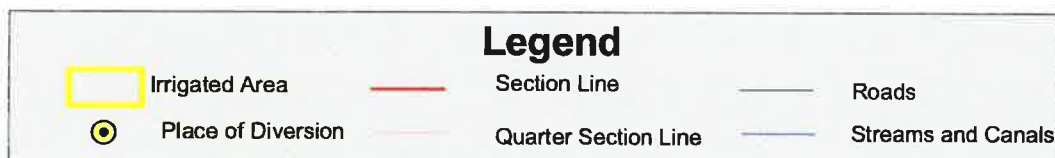
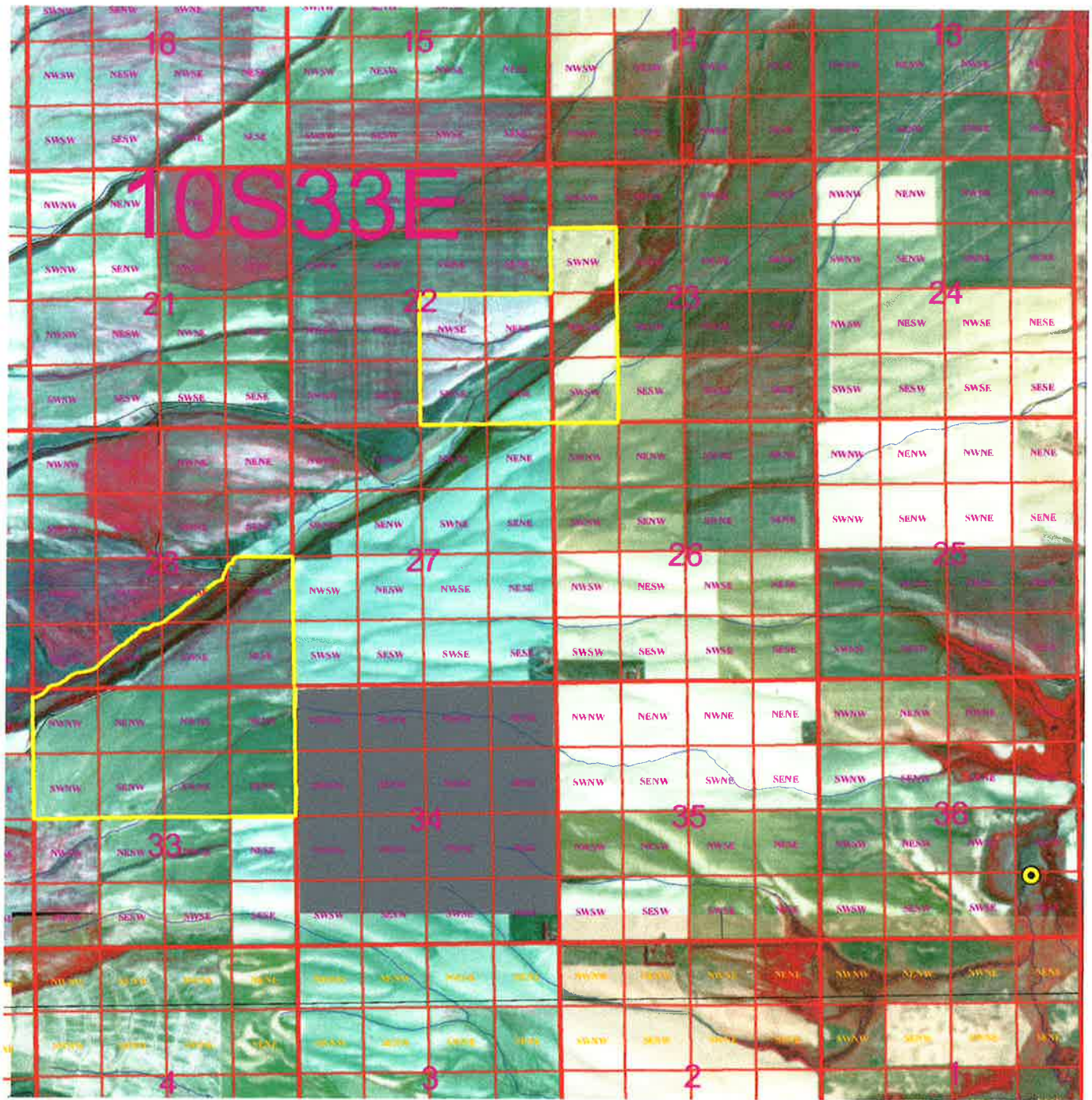
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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: BASIS OF CLAIM - Decreed

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

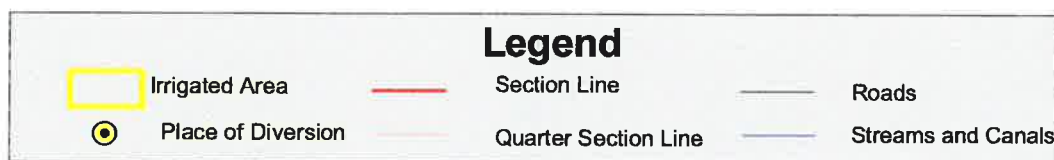
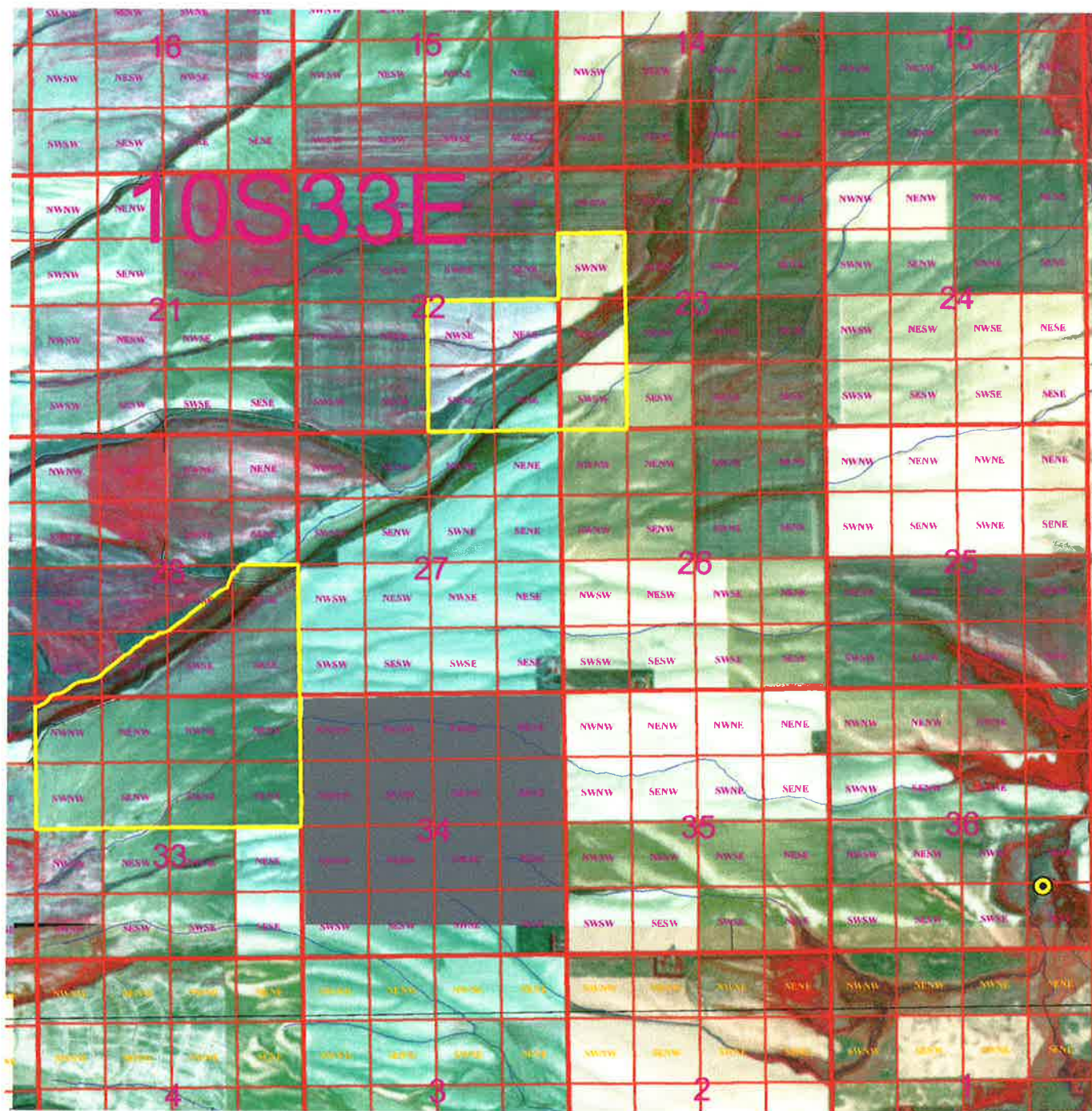
Township , 10S33E



2000 0 2000 4000 Feet



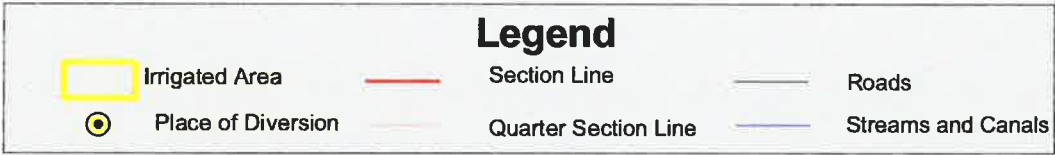
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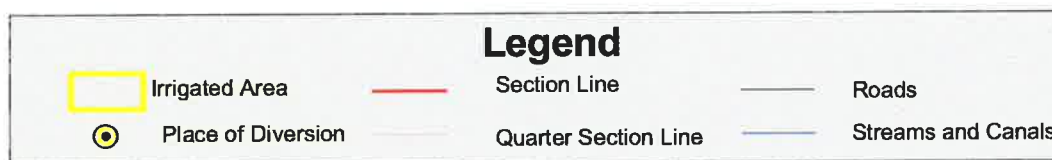
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Township , 10S33E



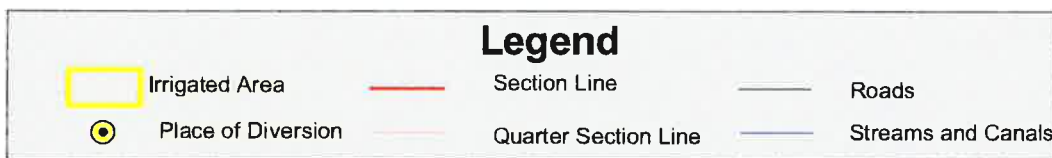
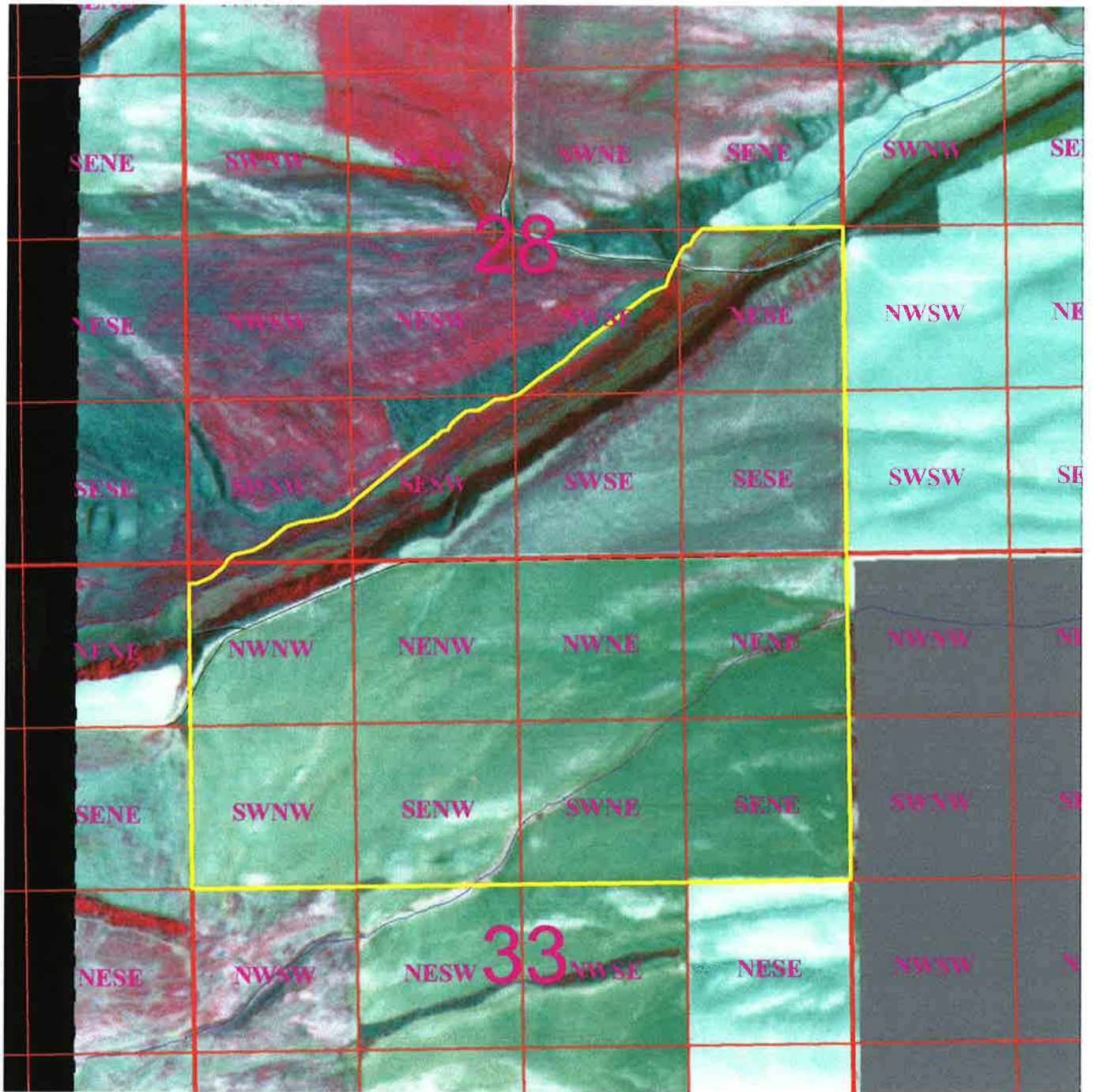
Township , 10S33E



900 0 900 1800 Feet



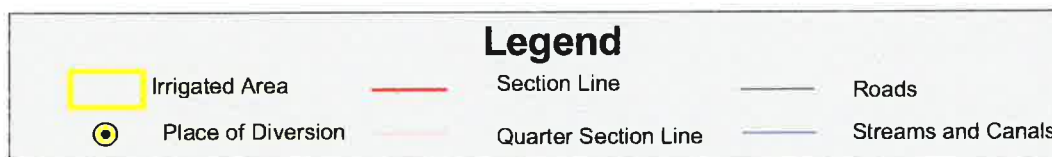
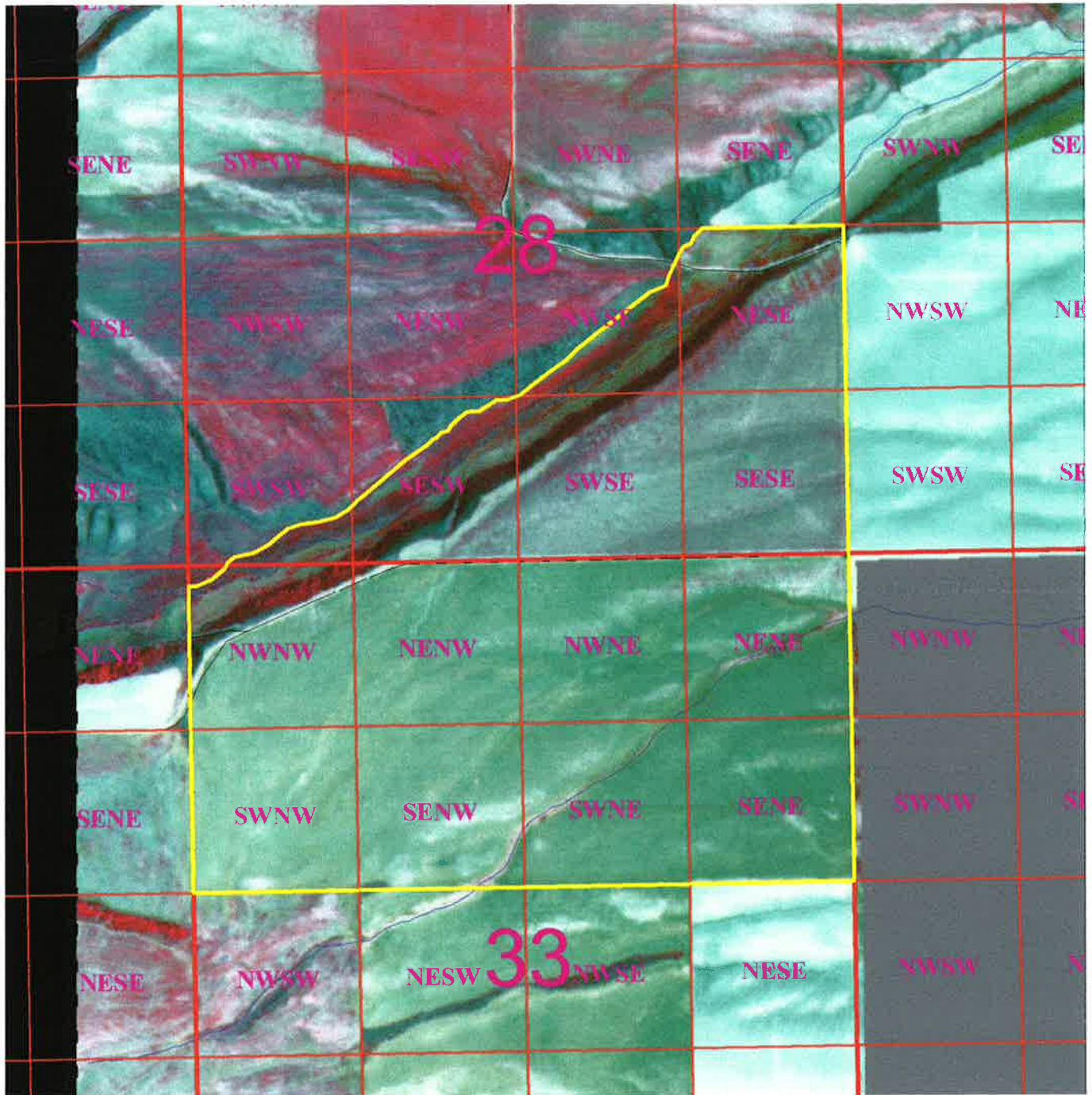
Township , 10S33E



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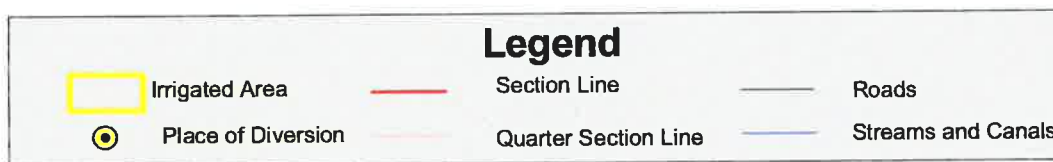
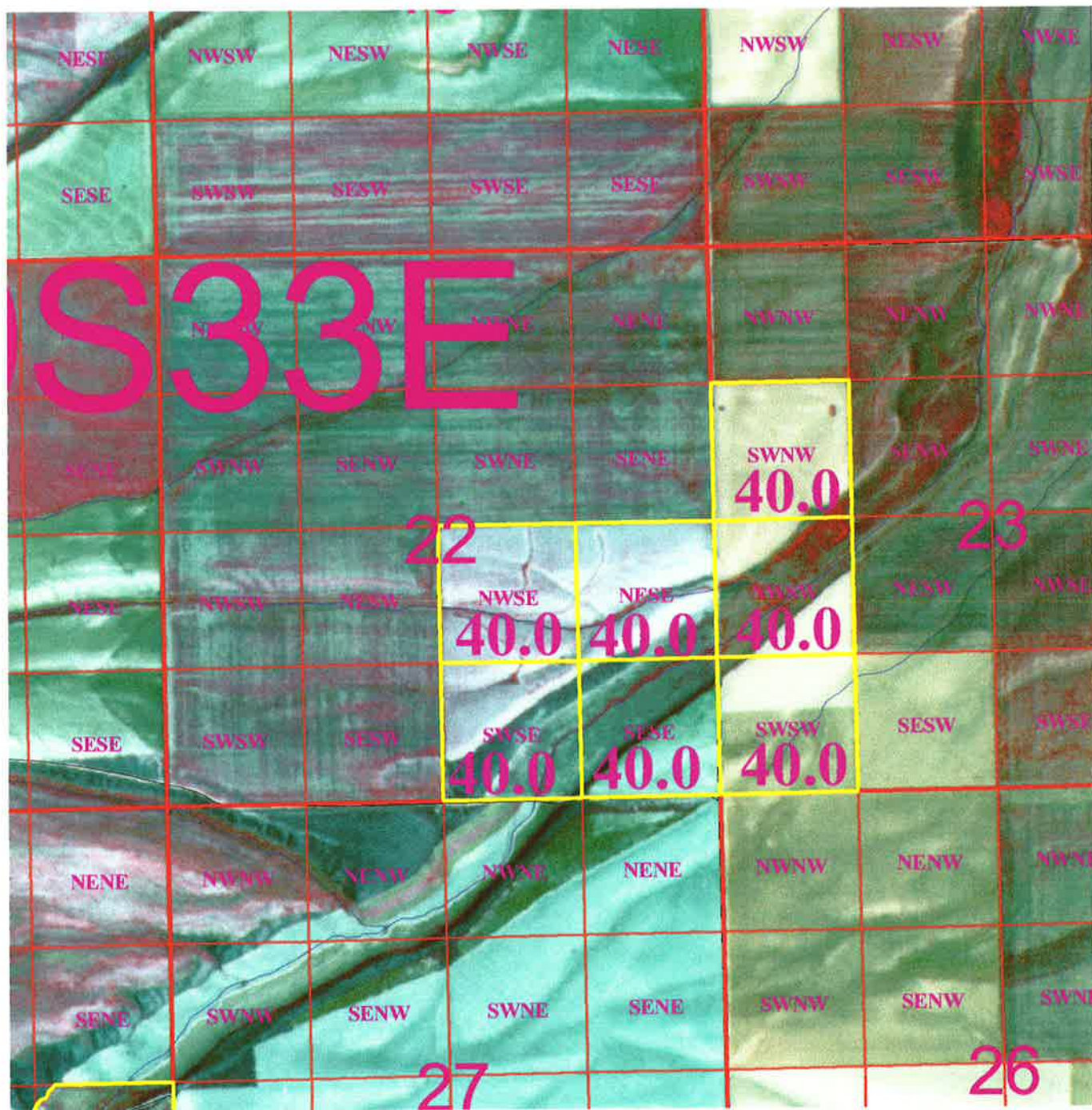
Township , 10S33E



900 0 900 1800 Feet



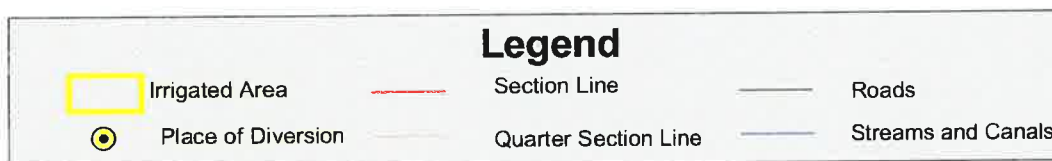
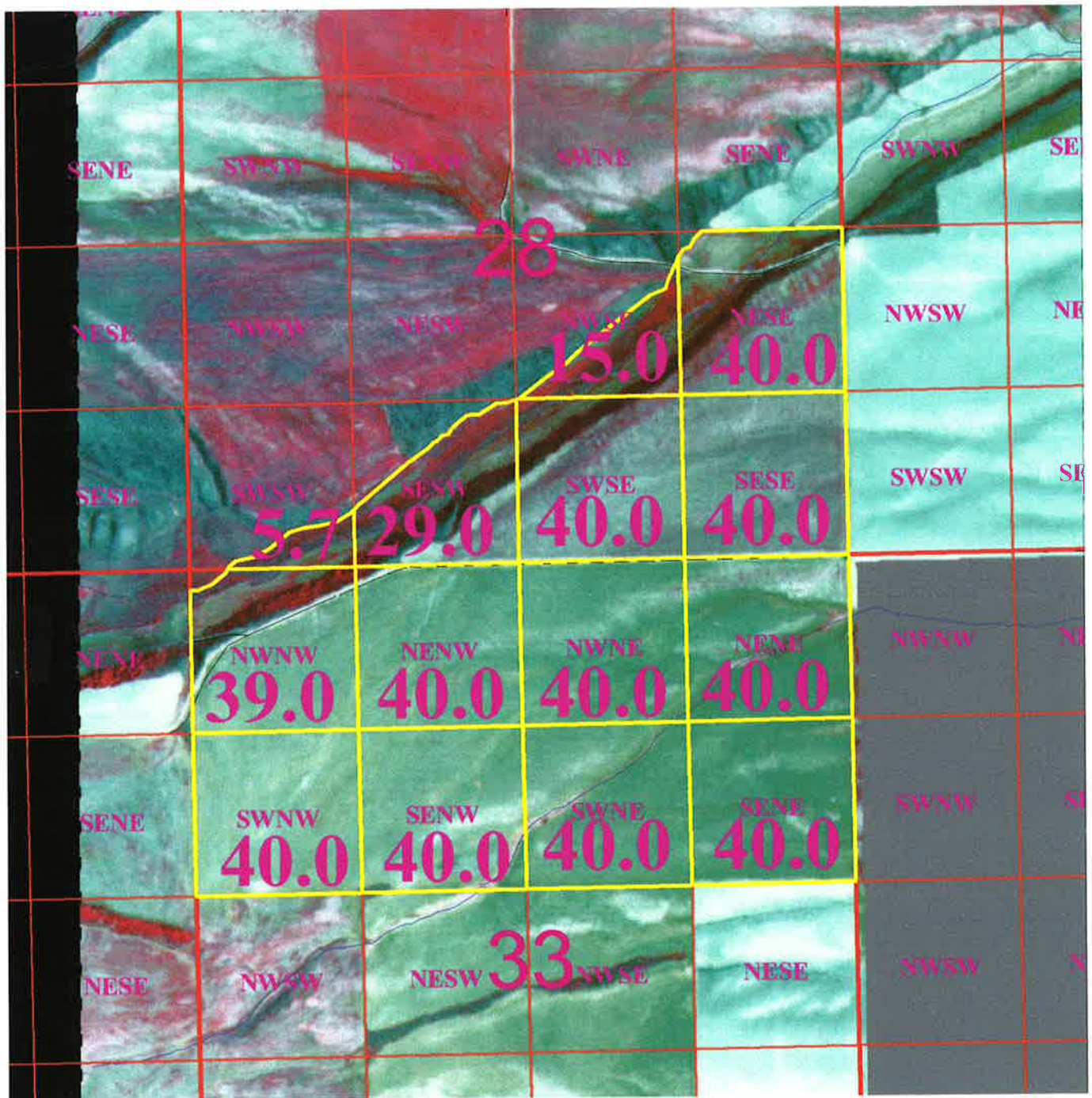
Township , 10S33E



900 0 900 1800 Feet



Township , 10S33E



900 0 900 1800 Feet



Idaho Department of Water Resources

Water Right 29-10280

Lower Place of Use



- Point of Diversion - This Right
- Point of Diversion - Other Rights
- Place of Use - This Right
- Place of Use - Other Rights
- Township
- Section
- Quarter-quarter Section

Township 10S Range 33E

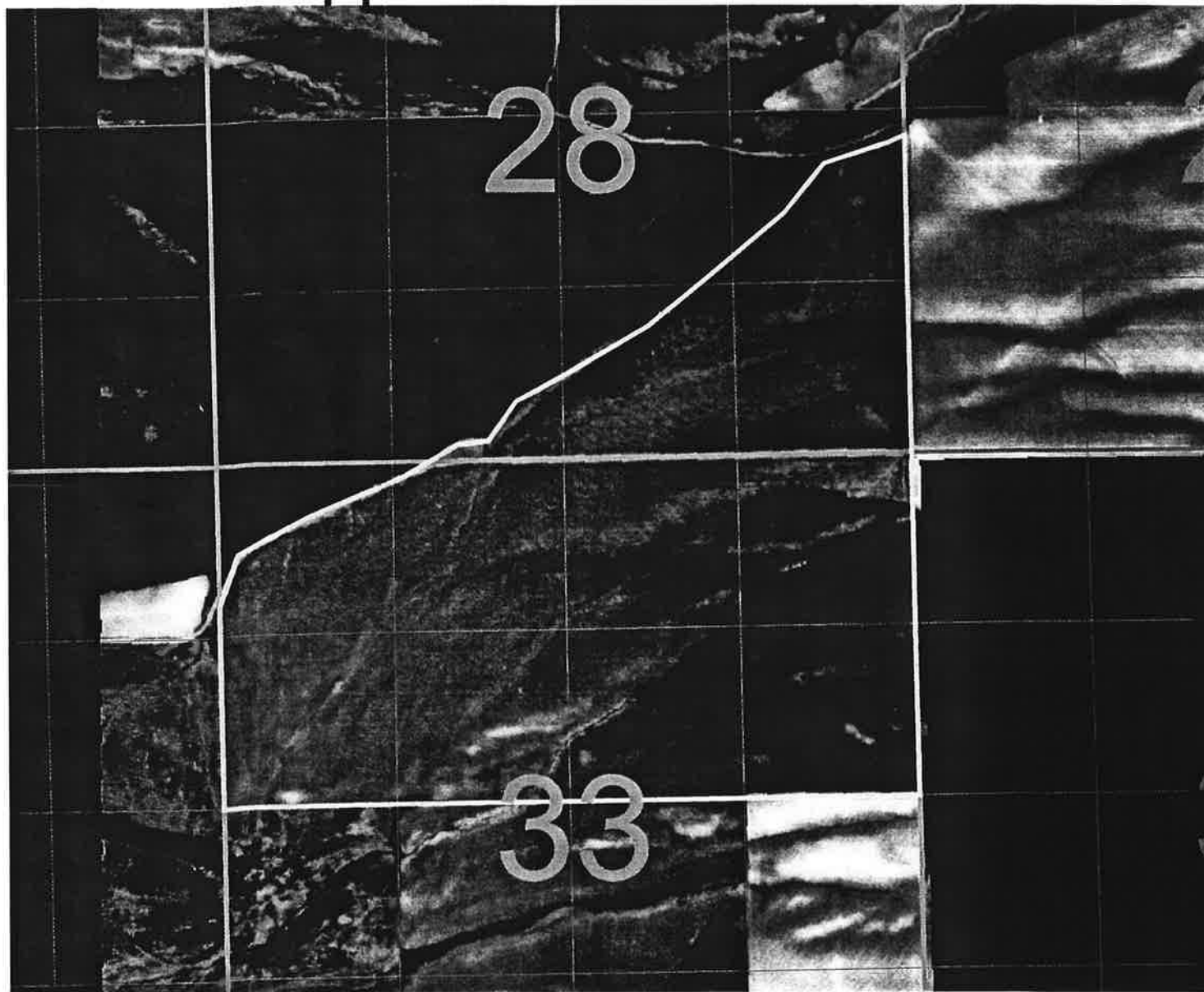


Prepared from 1987/1988 NAPP photography by B. Contor, 8/2001.

Idaho Department of Water Resources

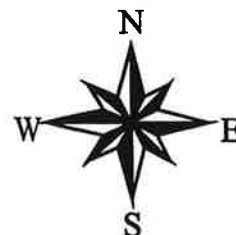
Water Right 29-10280

Upper Place of Use



500 0 500 Feet

- ⊙ Point of Diversion - This Right
- Point of Diversion - Other Rights
- Place of Use - This Right
- Place of Use - Other Rights
- ▬ Township
- ▬ Section
- ▬ Quarter-quarter Section



Township 10S Range 33E

Prepared from 1987/1988 NAPP photography by B. Contor, 8/2001.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 29-10280 V1

WATER RIGHT NUMBER: 29-10280 V1

Comments:

1. bcontor 8/31/2001 Decree

Comment: Decree did not enjoin all users nor did it specify all elements of right. However documentation reviewed with claimant supports recommendation, as well as recommendations 29-10504 through 29-10507.

2. bcontor 8/31/2001 Limitation

Comment: See file for memo on PPU and combined use limitation.

3. bcontor 8/31/2001 Non-use

Comment: Exam tends to indicate non-use but not sufficient to find forfeiture. Recommendation is based on evidence of due diligence through mid-1980s (claim filed 1990) to restore water lost through damaged ditch.

4. bcontor 8/31/2001 Priority date

Comment: Good evidence for decreed priority date, see file notes.

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: C

State or Federal: S

Owner Name Connector: OR

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>
Contacts	8/31/2001 3:53:30 PM	bcontor			Active
Priority Date	8/31/2001 3:54:06 PM	bcontor			Active
POD	8/31/2001 4:06:06 PM	bcontor			Active
POD	8/31/2001 4:06:35 PM	bcontor			Active
Source	8/31/2001 4:07:25 PM	bcontor			Active
POU	8/31/2001 4:16:05 PM	bcontor			Active
Use	8/31/2001 4:16:46 PM	bcontor			Active
Season	8/31/2001 4:18:13 PM	bcontor			Active

MEMORANDUM

To: 29-10280
Fr: Bryce Contor
Date: 8/31/01

Re: Pou

Documentation Mr. Newport showed me & his childhood recollections indicate development of a canal company, but exact extent of irrigation is unknown. Memo of 8/30 suggested possibility of Pou large enough for less than 0.02/acre but this is unlikely because original distribution system was gravity flooding. Reasonable assumption would be 0.02/acre or 0.03/acre.

Diversion rate analysis indicates 7.3 cfs for Newport portion. $7.3 \text{ cfs} / 0.03 \text{ cfs/acre} = 243 \text{ acres}$. $7.3 \text{ cfs} / 0.02 \text{ cfs/acre} = 365 \text{ acres}$.

Current practice per attached GIS $\approx$ 87 acres. Note indication of gravity irr on hill.

PDU 8/31/01 p2

Note also indications of non-use, but insufficient to find forfeiture.

In light of the above, and in light of the historic old ditch Mr. Newport affirms served the upper place, I propose recommending the claimed PDU with a "combined limitation" of 365 acres, which seems to be the most practically irrigable under historic practice.

Note that Mr. Newport told me of owning $1\frac{1}{2}$ miles hard pipe ($\frac{1.5}{.25} \times 32 = 192$ joints) plus a 55-joint and 45-joint wheel line. Depending on nozzle size, 160 acres requires 132 (4 lines) to 192 (6 lines) joints.

$$\frac{(192 + 55 + 45)}{132} \times 160 = 354 \text{ acres}$$

$$\frac{(192 + 55 + 45)}{192} \times 160 = 243 \text{ acres}$$

Motor is 300 cu. propane-powered Ford Industrial, I estimate 100 hp max. (Gasoline Oliver 1750 tractor developed 85 hp on 283 cu in.).

POA 8/31/01 p 3

$$\frac{100 \text{ hp} \times 60\% \text{ efficiency} \times 3960}{(15 \text{ ft friction} + 60 \text{ psi} \times 2.31)} \approx 1550 \text{ gpm}$$

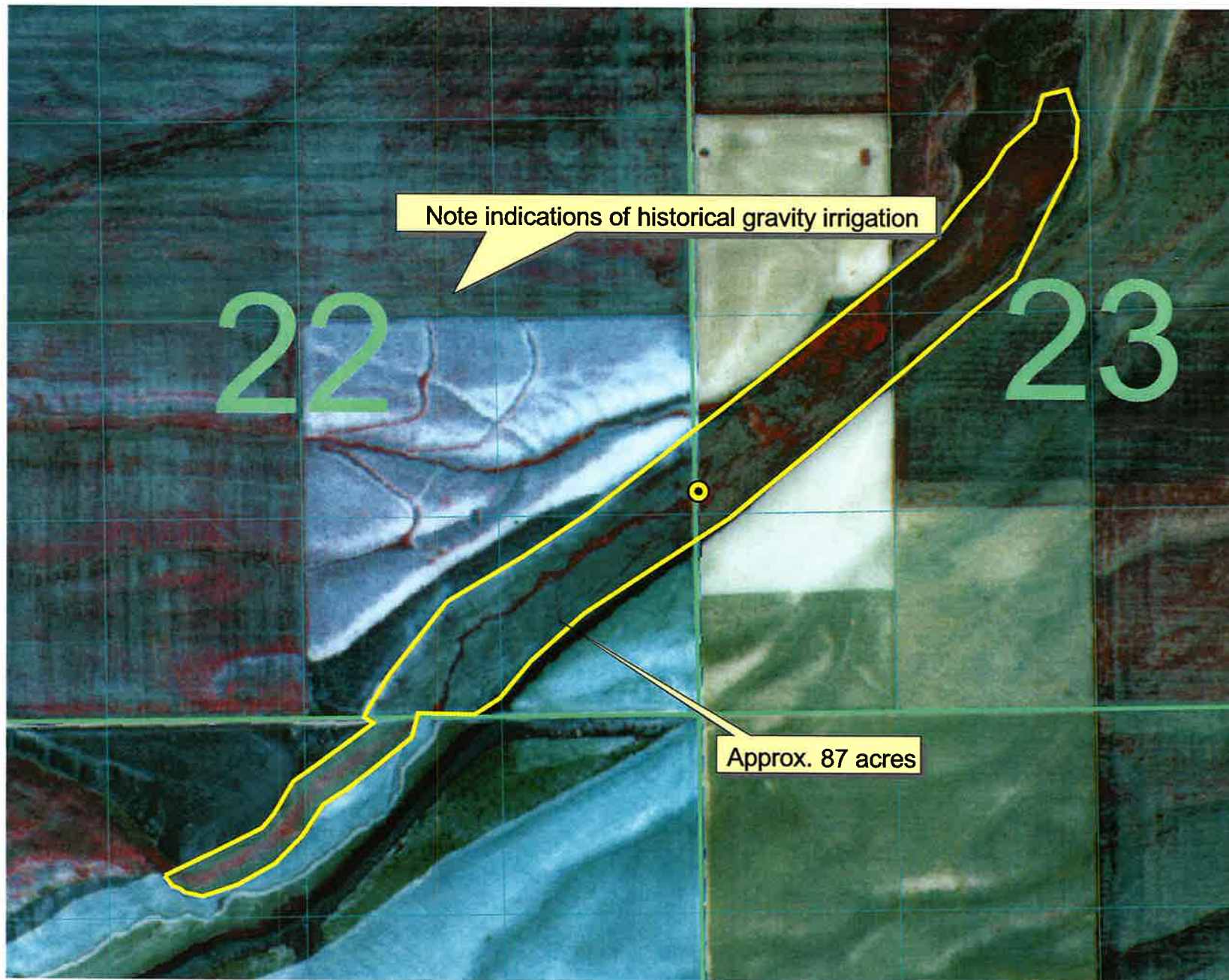
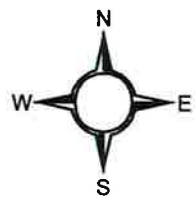
$$\frac{1550 \text{ gpm}}{5 \text{ gpm/bird}} \approx 316 \text{ birds}$$

$$\frac{1550 \text{ gpm}}{7 \text{ gpm/bird}} = 222 \text{ birds}$$

Note that this covers the range of demand
sprinklers owned ($192 + 55 + 45 \approx 300$)
and that the claimed range of sprinklers
meets any proposed cover.

George A. Carter
8/31/01

Approximate POU at time of field inspection.
29-10280

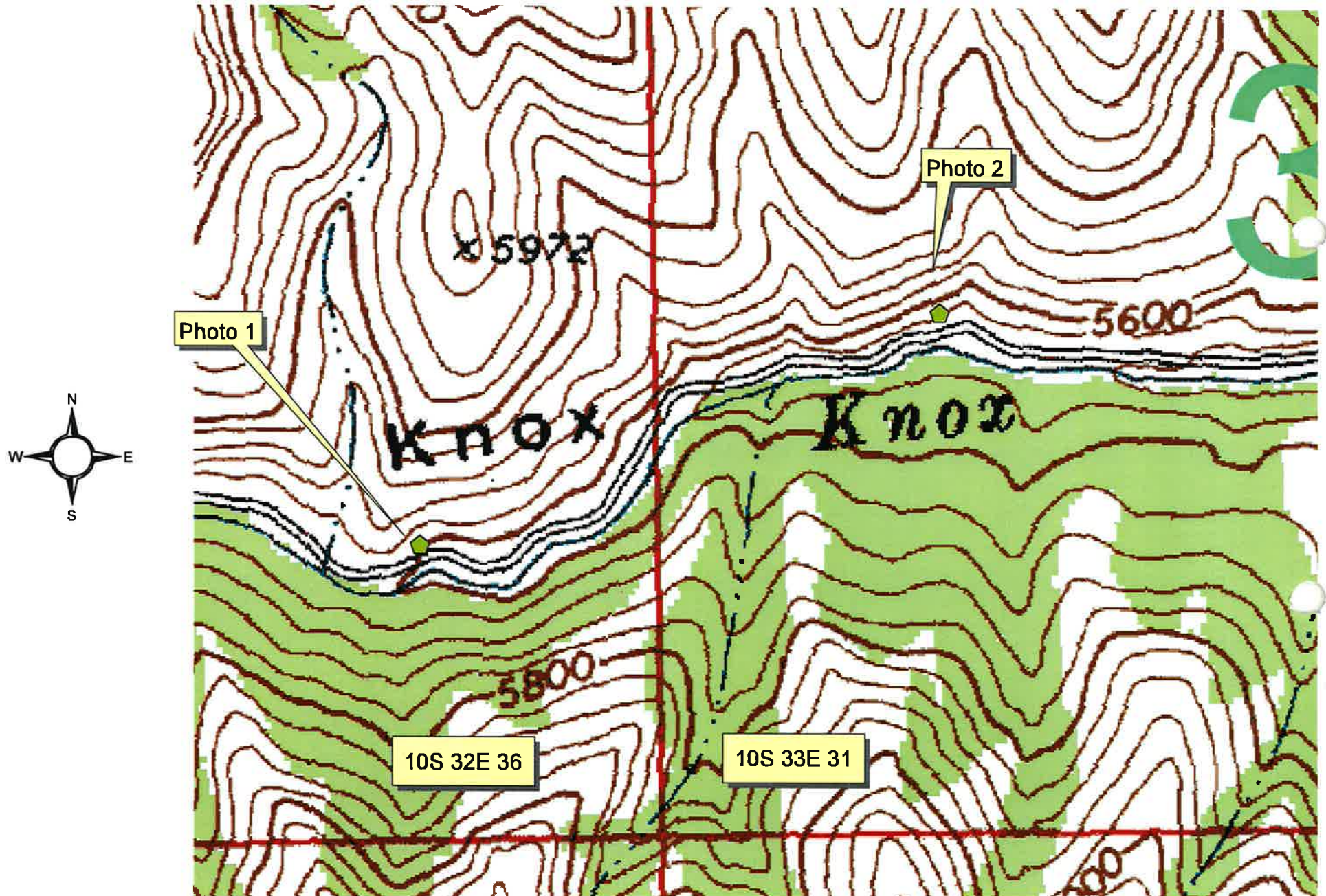


GPS and Photo Locations

Claims 29-10280, 29-10504 through 29-10507

Field work 8/25/2001

10S 32E 36 and 10S 33E 31



Photos of Knox Canyon Creek field inspection

Claims 29-10280, 29-10504, 29-10505, 29-10506, 29-10507.

Photos by B. Contor 8/25/2001, accompanied by John Newport

Write-up 8/31/2001 by B. Contor. Only page 1 included with 29-10504 through 29-10507.

Photo 1, GPS site 603. Inlet of pipe in canyon. This is the point listed as POD for claims 29-10504 through 29-10507. Looking downstream (east).



Photo 2, GPS site 603. Outlet of pipe in canyon. This point was the high elevation selected to define POU for 29-10504 through 29-10507 based on quad-map contours



Photos of Knox Canyon Creek field inspection
Claims 29-10280, 29-10504, 29-10505, 29-10506, 29-10507.
Photos by B. Contor 8/25/2001, accompanied by John Newport
Write-up 8/31/2001 by B. Contor. Only page 1 included with 29-10504 through
29-10507.

Photo 3. Lower POD for 29-10280. GPS site 602. Looking NE at gearhead and
motor.



Photo 4. Creek channel and pump, looking NE



MEMORANDUM

Tas Knox Creek Canyon Rights
Fri Bryce Center
Date: 8/30/01

To: Pou and Division Rate

1) Pou - Bailey.

GPS site @ end of pipe was point Mr.
Newport identified as location where
Baileys began irrigation. This corresponds
nicely to upper end of claimed 40.
From this point I made a shape analysis
all lands of equal or lower elevation,
then divided the shape into 1/4 hrs
per claims.

2) Pou - Newport.

See separate memo.

3) Division Rate.

SCS analysis in 29-10280 -

Per Division (see spec) p 2

Preliminary Design Report 8/23/83

says "Normal Fully flow in Knox Creek (5 g/s)"

Springtime flow after beginning of in season
could be higher. However 5-16-79 design
short points to planned design capacity of
4.16 g/s. (for proposed system not yet built).

Collet is 18" culvert w/ fall of

approx 40' (crosses one contour interval)

and length of about 2,300 ft (615

measure tool). With air vents in place,

assume pipe runs 16" deep. From 1959

Bethlehem Steel chart @ 16" depth, $Q_T = 68.92$.

$$S = \frac{40}{2300} = 0.017$$

$$Q = S^{1/2} \times Q_T = (0.017^{1/2})(68.92) = (.13)(68.92) = 9.1 \text{ g/s}$$

Because the design papers reflected July flows
and/or not at the farm, I take a ^{2x1.5+1m} pipelive
capacity as Q to be appropriate.

Desire appertions as follows: Newport 64?

Pou / Diversion Rate 8/30/01 p3

Bailey 20% Fredrickson 17%. Documents in file indicate Newport has purchased Fredrickson interest. This combines to Newport 81%, Bailey 20%. As this sums to more than 100% I take Newport @ 80% & Bailey @ 20%.

$$80\% \times 9.1 \text{ ft}^3/\text{s} = 7.3 \text{ ft}^3/\text{s}$$

$$9.1 \text{ ft}^3/\text{s} - 7.3 \text{ ft}^3/\text{s} = 1.8 \text{ ft}^3/\text{s}$$

~~Since this is an area where dry farming is possible, even an application of 0.01 cts/acre would be beneficial. $\frac{7.3}{.01} \approx 730$ acres possible under Newport.~~

Bailey claims Σ is less than 1.8 so this is also adequate to meet their claims.

Byce A. Couton 8/30/01

~~NO~~ - flood irr.
Need more reasonable calculation!

Contor, Bryce

From: Contor, Bryce
Sent: Saturday, August 25, 2001 7:20
To: McHugh, Candice
Cc: Music, Vicky
Subject: Newport/Bailey/McNabb

An update for you. This was the goofy decree which did not quantify the rights and for which I decided to ask for evidence of priority since it did not enjoin all claimants.

1. Lots of evidence to support the decreed priority date, including posted notices (which don't include legal descriptions 'cause they pre-date the survey, but which reference landmarks adequately to establish location) and canal company organization documents and various transactions over the years indicating continued existence.
2. 1980's SCS study on a proposed pipeline establishes a quantity which Newport agreed could be used as a basis for calculating the splits of the diversion rate. The only other remaining parties are the Bailey heirs, all absentee owners. One of the Bailey heirs told me on the phone that "Newport could show me everything" so I expect them to buy this approach.
3. Evidence of continued use of Newport's portion is shaky. If push came to shove I don't really have enough evidence to verify use, but neither do I have enough to assert forfeiture. Claimed irrigation continued up through 1978, when the old ditch was damaged by BLM moving a road. The new ditch had significantly more losses than historic and acreage was reduced. Use continues, but not to the original and claimed extent. Lots of documentation of a large expenditure on a pipeline in 1984 in an effort to continue and reclaim original use, claims were signed in 1990 (six years, not five. Bummer). I'd like to recommend apparent early 1980's acreage based on some kind of a "due diligence" theory in the years immediately preceding claim signing, since I don't have enough evidence to recommend forfeiture. I made sure Newport understood the concept of forfeiture and the box I was in.

4. Bailey's use appears to be minimal, but Newport showed me the POU and asserted strongly that Bailey heirs still do use the water on their turn and spread it out to beneficial use. The place of use is just a grass-and-sagebrush canyon floor but could be reasonably construed irrigable.
-

Newport fold work 8/25/01

1) Documents reviewed w/ Mr. Newport

a) Article of Incorporation of Banner Valley Dr.

- Identifies source as Knox Creek

- Recorded 3/2/1895 - Overla County

- Note "Book B p 202 top"

p 203

b) Possession Claim of John Williams

5/8/1893 Book B page 132

identifies location w/ respect to

another possession claim (Hugh McGettlin?)

but no legal as this particular survey

c) Postal Notice Lewis & Charles Bowen

8/28/1893 Spring #2 South of Knox

"Canyon"

"as" under "pressure"

"p 300" (book B?)

d) Postal notice John Williams

Spring #3 Banner County

location refers to Possession claim

216 index claim

p 282 (Book B?)

5/18/1893

Newport #2 8/25/01

e) Minutes 10/7/1950 - handwritten pencil

Joe Newport

Oruel Davis

Charles Allard

Melvin Bailey

Minutes 1966

Dispute w/ Oravango

Col Shaw

Barley, Allard, Neal, Newport

g) Minutes 6/24/1977

Newport's purchase of shares

McNabb claim to spring - permission from Davies

SCS study for gravity pipe

h) letter on Fed. Land Bank letter board

from H. DeYoung, Tax Adjuster, to

Bannock Valley Tr 10/15/1930

Land Bank holds shares, requests info.

i) letter on Fed. Land Bank letter board 11/22/1945 -

loan paid in full, Land Bank has

no further interest

j) Notarized hand-written sale of shares for

Ward to Allard 2/3/950.

k) Share Book - details shares 1974

Barleys & Newport

l) BLM Special use for right way -

- letter from Ellison to BLM 11/23/1978

- instructions

- no copy of permit/consent

Newport P 3 8/25/01

m) SCS letter 5/9/80 measured 0.056 cfs
@ Right fork spring.
n) Mullaney - attorney - 8/28/81 letter
to John Newport

- State land easement
- Phil Cassier letter re: Newport v.
McNabb

o) BLM letter - right of way appears to
be approved 3/28/1983
p) BLM receipt for processing fee 11/10/1982
q) Several letters to/from State Lands
re: easement 3/1981 - 6/1981

r) "Water Rights" envelope

re exception to 29-4486
BLM permit 29-7447

claim 29-10250

s) Copy of stipulation Case 6428

13) McNabb 4.3 minutes letter

2) a) John Newport 64%

b) Vernal Bailey 20%

c) Fredrickson - 17%

d) Leo & Gina Newport 0%

t) "July 1996" hand written on color
polaroid photo of spindles runway
red & yellow orange/pumps

Newport # 8/25/01

2) Mr Newport asserts all the valley from
Arbon Spire to where we irrigated at one
time - ditches still exist in some places.

3) Mr Newport agrees w/ Contractors findings -
Illustrated pole was irrigated in 2000, part
of year - has been dry last 3 years.
Mr Newport remembers flood irrigating
down to Highway w/ Dad as a small
child.

4) Field Work - Pump site

6 y1 Ford Power engine

19861-C-3-HH

300 6

30061-6003-C OPT. 7A

Jaeger! Shot-coupled VT 617 70090

GPS Waypoint 602 2 photos
617048
160534

5) Mr. Newport says - 55 birds N

45 birds S

+ 1 1/2 mile heading

Newport p 5 8/25/01

- 6) Lower end of pipe line on Deemed Bailey property
photo of end of pipe
Newport 603 610960
157356

- 7) Upper end of pipeline
photo of structure
Newport 604 610362
157089

- 8) Deemed Bailey was water when
available - dam in ditch, water
w/ Newport

- 9) Pipeline drawings 1984 - SCS drawing

- 10) Copy of water in field notebook 1978
re: Blumather moved causing water loss

- 11) Assignment & Shares

- Fredrickson → Newport
Allard → Newport (1980)
12) Phil Kassia letter 7/30/1981 requests
Judgement be modified to domestic

Newport p 6 8/25/01

elements of CWR per 92-1410.

13) Copy of Easement document for State - 2/83

14) SCS Worksheet 5/16/79 $Q \approx 4.16 \text{ cfs}$

15) SCS Calculation sheet 8/29/83
 $Q = 3.34 \text{ cfs}$

16) Letter from Eliason to Vernal Bailey re: easement

17) Easement No 1067 (1087) State Dept lands
1951 for data - Knox Creek

18) 1978 letter to BLM of Eliason referring
1966 suit between Bearmead Valley &
Eliason (McNess's predecessor) did not
go to trial.

19) May 1978 letter from Izaak Walton Academy
referred to 25-2447

20) Jan 1978 letter from Izaak Walton Academy
referred to 25-4083

21) May 8 1984 letter State Dept lands

22) amendment to lease.

Newport p 7 8/25/01

Doyce A. Contor 8/25/01

8/17/2001

Dear Water Users:

Tentatively I plan to come to Arbon on Wednesday, August 29, to look at place of use of a number of irrigation claims.

If you would like to meet with me while I look at your place of use under the Knox Canyon Creek claims, please e-mail me at bcontor@idwr.state.id.us or call at 525-7161.

Thank you,

Bryce A. Contor

Bryce A. Contor

Senior Water Resource Agent

LOW VALUE 

1810 PB3523907

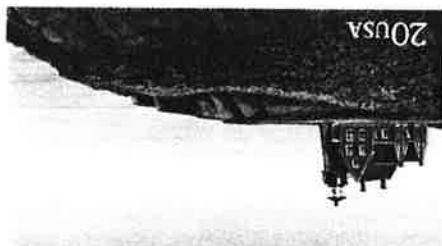
8930 \$00.010 AUG 17 2001

0558 MAILED FROM ZIP CODE 83402

ARBON ID 83212

4798 BAILEY ROAD

JOHN AND JUDY NEWPORT



900 N SKYLINE STE A
IDAHO FALLS ID 83402



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

August 16, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

JOHN AND JUDY NEWPORT
4798 BAILEY ROAD
ARBON ID 83212

Re: Adjudication Claim A29-10280

Dear Water Users:

In 1990 you filed an adjudication claim for use of the waters of Knox Canyon Creek, based upon a 1981 court case between yourselves and other water users, and Mr. and Mrs. McNabb. This case was what we call a "private" decree. It defined the relationship between yourselves and the other plaintiffs and McNabbs, but it did not define the relationship of your water rights to other rights on Knox Canyon Creek or rights on streams to which Knox Canyon is tributary.

Because of this, I need documentation from you to help me make an accurate recommendation to the Snake River Basin Adjudication Court. As I wrote to you last spring, I need you to provide documentation that indicates when your beneficial use of water from Knox Canyon Creek began, and the extent of the original beneficial use. The enclosed pamphlet describes possible sources of documentation.

Please call me, write, or e-mail to bcontor@idwr.state.id.us if you have questions.

Sincerely,

A handwritten signature in cursive script that reads 'Bryce A. Contor'. The signature is written in dark ink and is positioned above the printed name.

Bryce A. Contor
Senior Water Resource Agent

Contor, Bryce

From: Contor, Bryce
Sent: Wednesday, August 15, 2001 11:48 AM
To: Music, Vicky
Cc: McHugh, Candice
Subject: RE: Newport v McNabb & Ft Hall DR

Thanks, I just now have gotten around to looking at these.

Candice, since there are other users on the stream that were not parties to the suit, should I treat the quantity the same as I'm treating the priority – that is, review the evidence as if it were a beneficial use claim?

Thanks, Bryce.

-----Original Message-----

From: Music, Vicky
Sent: Monday, August 13, 2001 5:04 PM
To: Contor, Bryce; 'bcontor@hotmail.com'
Subject: Newport v McNabb & Ft Hall DR

Hey, Bryce. Firstly, I am forwarding a copy of the Ft Hall Director's Report to Eastern, so it should be available for you in a couple of days. Secondly, attached is a memo and table re the Newport v McNabb issue that I prepared for Candice and that she thought you would find informative. If you want copies of the pleadings [name for the legal docs - complaint, stip, etc] let me know and I will send them to you. Later.

<< File: Newport v McNabb MEMO.doc >> << File: Newport v McNabb table.doc >>

Vicky Music
Paralegal - IDWR
327-7928

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MAY 16 2001



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

John or Judy Newport
4798 Bailey Road
Arbon, Idaho 83212

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

Re: Adjudication Claim 29-10280

Dear Water Users:

In 1990 you filed an adjudication claim for a water right on Knox Canyon Creek in Power county. A copy is attached for your convenience. My job now is to review this claim and others in the area, and make recommendations to the Snake River Basin Adjudication Court.

Your claim was based on a 1981 court decree issued by Justice Arthur P. Oliver. The decree adopted a stipulated agreement that had been reached between the parties. It is valuable evidence that helps define your water right in relationship to the water rights of the other parties.

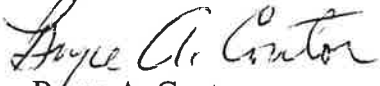
The decree, however, was not a "general" decree. I did not include all the water users on Knox Canyon Creek, nor all the users on Bannock Creek to which Knox Canyon Creek is tributary. Because of this, it cannot define the relationship of your water right to the water rights of these other users.

To make an accurate recommendation on your water right, I need additional documentation to describe the priority date and the extent of the original beneficial use. The enclosed pamphlet describes some sources that may be used to document your right. If an affidavit is used, it needs to clearly state that the person making the affidavit *personally* saw the beneficial use, and the earliest date they saw it. The more details the person can give, the better. Helpful details include anything the person remembers about the amount of water used, the number of acres, the general location, and circumstances that verify the date and details. As I review the documentation, my standard will be:

The documentation should tend to indicate that diversion works were in place and had adequate capacity to deliver the claimed amount of water. It should also tend to indicate that the claimed quantity of water was actually applied to the claimed place of use for the claimed beneficial use.

Please review this information and provide me with additional documentation. Later this summer I will contact you to do a field inspection of your system and place of use. Please call me if you have questions or concerns.

Sincerely,

A handwritten signature in cursive script, appearing to read "Bryce A. Contor".

Bryce A. Contor
Senior Water Resource Agent

Log for claim A29-10280

Spatial Dynamics AMH

7/18/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
10s33e	22	NESE	40	40	
10s33e	22	NWSE	40	40	
10s33e	22	SWSE	40	40	
10s33e	22	SESE	40	40	
10s33e	23	SWNW	40	40	
10s33e	23	NWSW	40	40	
10s33e	23	SWSW	40	40	
10s33e	28	SWSW	12	5.7	
10s33e	28	SESW	30	29	
10s33e	28	NESE	39	40	
10s33e	28	NWSE	15	15	
10s33e	28	SWSE	40	40	
10s33e	28	SESE	40	40	
10s33e	33	NENE	40	40	
10s33e	33	NWNE	40	40	
10s33e	33	SWNE	40	40	
10s33e	33	SENE	40	40	
10s33e	33	NENW	40	40	
10s33e	33	NWNW	38	39	
10s33e	33	SWNW	40	40	
10s33e	33	SENW	40	40	
Totals:			774	768.7	

AJ5809NP
No. A29-10280

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/23/00
PAGE: 83

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	JUDY NEWPORT	07/24/1897	IRRIGATION	03-15 11-15	15.480 CFS	
C	JOHN NEWPORT					
	4798 BAILEY RD					
	ARBON ID 83212			TOTAL DIVERSION:	15.480 CFS	
	(208) 335-2281			CONSUMPTIVE USE:		2322.00 AFA

Water Source: KNOX CREEK

Tributary to: BANNOCK CREEK

Stage: DECREED

Point(s) of Diversion:

T10S R32E S36

NWSESE

POWER County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE																									
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM																	
			:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:																		
10S	33E	22	:					:					:					:	40	40	40	40	:	160.0																	
10S	33E	23	:					:			40		:		40	40		:					:	120.0																	
10S	33E	28	:					:					:		12	30		:	39	15	40	40	:	176.0																	
10S	33E	33	:	40		40		:	40	38	40	40	:					:					:	318.0																	
																					TOTAL ACRES		:	774.0																	

POU County: POWER

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

A29-10504 A29-10505 A29-10506 A29-10507

Remarks: GEN BASED UPON DECREE ISSUED IN CASE NO. 6428 I THE 6TH JUDICAIL DIST COURT, POWER COUNTY, JOHN & JUDY NEWPORT, ET AL VS. JOHN & JOY MCNABB ON MARCH 3, 1981. RIGHT WAS NOT FOUND RECORDED IN IDWR RECORDS AT TIME FILING WAS MADE.
*PLACE OF USE FOR THIS CLAIM WAS AMENDED FROM 96 ACRES TO 774 ACRES. ADDITIONAL ACREAGE PAID FOR UNDER RECEIPT #E022784.
DIVERSION RATE WAS ALSO AMENDED TO 1"/ACRE. GJT 11-21-96.

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

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

Audit: 01/31/90 VERNER 08/01/94 THOMPSON 03/29/95 POST-STD 11/29/96 GTAYLOR
04/12/00 CVANDERM



State of Idaho
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

November 21, 1996

JOHN OR JUDY NEWPORT
4798 BAILEY RD
ARBON ID 83212

Re: Amended Notice of Claim No. A29-10280.

Dear Mr. & Mrs. Newport:

Please find enclosed amended Notice of Claim No. A29-10280. The Notice was amended to reflect the changes as we discussed 11-20-96.

Please review the Notice for accuracy. If you agree with the claim, simply sign in the presence of a Notary Public and return to my attention with a check for \$678.00. The \$678.00 is for the additional 678 acres not paid for when the original claim was filed for 96 acres.

If you do not agree with any portion of the claim, make the necessary changes on the form, initial each change, and then return it to me as above.

Please do not hesitate to contact this office if you have any questions regarding this matter.

Sincerely,

Gregory J. Taylor
Sr. Water Agent, Adjudications

Enclosures: Notice of Claim No. A29-10280.

ASSIGNMENT OF WATER RIGHT

COMES NOW Kenton Fredrickson and Betty Fredrickson, husband and wife, and hereby transfer, grant and assign unto John Newport and Judy Newport, husband and wife, all their right, title and interest in and to the following described property:

11 1/2 shares of Bannock Valley Irrigation Co., which shares represent Seventeen per cent (17%) of the water arising and flowing from the North Fork of Knox Canyon Creek, which water right has a priority of July 24, 1897.

Said transfer is absolute and for good and valuable consideration and is effective the 9th day of March, 1981.

DATED this 22 day of Dec , 1989 .

Kenton G. Fredrickson
KENTON FREDRICKSON

Betty Fredrickson
BETTY FREDRICKSON

STATE OF IDAHO)
SS
COUNTY OF Franklin

On this 22 day of December 1989 . before me, a notary public in and for said State, personally appeared KENTON FREDRICKSON and BETTY FREDRICKSON, known to me to be the persons whose names are subscribed to the within instrument, an acknowledged to me that they executed the same.

Garold B. Fisher
Notary Public
Residing at: Clifton, Idaho
My Commission Expires 1-16-94

MICROFILMED
NOV 16 1992

P R E L I M I N A R Y
D E S I G N R E P O R T

JOB: John Newport
PROJECT: Gravity Sprinkler System Mainline
LOCATION: Knox Canyon Creek Power County, Idaho
AUTHORITY: PL-46 (PY-83 ACP)
ENGR. JOB CLASS: Class V Code 442

Summary: Knox Canyon Creek is a spring fed stream during irrigation season. These springs are located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 35 T 10 S R 32 E on the right fork of Knox Creek. Left Fork does not contribute irrigation water.

On an average water year Knox Creek loses a large part of it's flow in the reach of stream below ~~the~~ confluence of left and right Forks. The major water loss, according to Mr. Newport, occurs in the E $\frac{1}{2}$ of Section 36 and the West $\frac{1}{2}$ of Section 31 which is one-half mile to one mile downstream from left Fork.

No measurements are on file to support a valid estimate of water loss. Visual observations have noted water losses which varied from 30% to 100% of streamflow depending on the amount of water flowing.

Description of Project: 720 acres were proposed by Mr Newport for irrigation. Crop rotation specified is 50% alfalfa and 50% fall grain. Peak irrigation period is during July and would require 4138 GPM (9.2 cfs). Average GPM/Ac is 5.75.

Lands selected for irrigation are in two blocks. The upstream block includes the N $\frac{1}{2}$ Section 33 and the land in Section 28 south of Knox Creek, both units in T 10 S R 33 E. This unit totals about 440 acres. The downstream unit includes the SE $\frac{1}{4}$ Section 22 and the South three forty acre units in the W $\frac{1}{2}$ W $\frac{1}{2}$ of Section 23 both units in T 10 S R 33 E. This unit totals about 280 acres.

The upstream unit is about 160 feet higher in elevation than the downstream unit.

Preliminary Design Objectives:

The primary objective of this preliminary design was to determine the amount of water necessary to fully irrigate 720 acres of alfalfa and grain. The flow required is 9.2 cfs which exceeds the normal July flow in Knox Creek. The normal July flow in Knox Creek is estimated to be 5 cfs.

A secondary objective was to determine the relative elevations along the proposed mainline route to determine static head and pipe pressure ratings. In this design the pipe inlet is located at the junction of left and right Forks. Mr. Newport says there is usually water lost to seepage below this point. Economically it may not be feasible to come this high up the creek, however.

MICROFILMED

NOV 16 1992

Basis for Preliminary Design:

This preliminary design was based on basic data supplied by Mr. Newport. SCS design criteria included standards 442 and 430 FF and the Idaho Irrigation Guide. Topographic data was taken from Bannock Peak and Pauline 7½ minute Quad sheets.

Preliminary Design Conclusions:

1. A gravity sprinkler system in Knox Canyon would provide ample pressure for irrigating alfalfa and grain.
2. The normal July flow in Knox Creek (5 cfs) will fully irrigate 390 acres of alfalfa and grain.
3. The diversion structure should be capable of passing 65 cfs flood flow as well as screening the pipeline design flow.
4. Pipe pressure rating shall be selected to meet static and dynamic operating conditions which exist depending on which acreage Mr. Newport chooses to irrigate.
5. Final design shall include all appurtenances required to protect the mainline from high pressure, air entrapment and physical hazards which exist along the mainline route.
6. Owner shall concur in location of mainline route.

Prepared by *Dale M. Schlader* Date 8-23-83
Civil Engineer

Concurred by *James R. Halvaker* Date 8/23/83
District Cons.

Concurred by _____ Date _____
Owner

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NOV 16 1992

7-9-81

John Newport,

On June 9, 1981 measurements of

water flow were taken in Knox Creek
to try make a determination of water
loss between to selected points.

The measurements were taken with
a 3 foot Cipolatti weir.

The first site was taken at the
forks, just above the culvert.

At this point the measurement was
3.7 cfs, however, due to water leakage
around and under the weir the
estimated water flow was 4.0 cfs.

The second site was just upstream
from the old diversion structure in
the stream, (approx. 2000' downstream).

The measured water flow at this point
was 2.72 cfs. Very little leakage around
the weir was apparent. The estimated
flow at this point was 2.8 cfs.

Water loss between the two points
was approximately 30%.

Clayton Eubank Soil Cons. Tech.

Law Offices
Lyle D. Eliassen



P.O. Box 168 or 202 Idaho Street
American Falls, Idaho 83211
(208) 226-5138 or (208) 226-5538

DO NOT FILM

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF POWER

JOHN NEWPORT and JUDY NEWPORT,
HUSBAND AND WIFE, VERNAL BAILEY
and BLANCHE BAILEY, husband and wife,
KENTON FREDRICKSON and BETTY FREDRICKSON,
husband and wife, LEE NEWPORT and GINA
NEWPORT, husband and wife,

Plaintiff,s

vs
JOHN MC NABB and JOY MC NABB,
husband and wife,

Defendants.

Case No. 6428

JUDGMENT

THE ABOVE ENTITLED matter came on for hearing in April 30, 1980,
before the Honorable Arthur P. Oliver, District Judge, sitting without a jury;
plaintiffs were present and were represented by Lyle D. Eliassen, attorney at
law and defendants were present and were represented by Lamont Jones, attorney
at law; following plaintiff's evidence, the parties represented to the court
that a settlement had been reached; and based upon written stipulation filed with
the court, and good cause appearing therefore;

IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT:

1. That defendants John B. McNabb and Joy McNabb, their heirs,
successors and assigns, are the owners of and are entitled to, a water right con-
sisting of the continuous flow of 4.3 miner's inches of water from the mouth of .086 cfs
the main spring leaving Knox Canyon Creek located in the North Fork of Knox Canyon,
Power County, Idaho, the point of diversion being the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 35, Township
10 South, Range 32 E.B.M.
2. The said water right shall include the right to use said water
for domestic, stock water and irrigation purposes upon lands in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of
said Section 35 in the same manner as said water has been used in the past.
3. That such water shall, at all times, be diverted from the mouth
of said spring through a pipe not larger than 6 inches in diameter, which shall

then be reduced to a 1 3/4 inch diameter pipe, which shall allow no greater continuous flow than said 4.3 miner's inches, and said water right of defendant shall be of equal priority with the water rights of plaintiffs.

4. All the rest, residue and remainder of the water arising and flowing from the North Fork of Knox Canyon Creek is vested and quieted and decreed to belong to the plaintiffs herein in the following manner with a priority of July 24, 1897.

- a. John Newport and Judy Newport 64%
- b. Vernal Bailey and Blanche Bailey 20%
- c. Kenton Fredrickson and Betty Fredrickson 17%
- d. Lee Newport and Gina Newport 0%

5. Plaintiff shall have all rights to the early spring runoff water from the South Fork of Knox Canyon Creek and any water which shall enter the North Fork of Knox Canyon Creek during the irrigation season.

6. Defendant shall have the right to any spring water arising in the South Fork of Knox Canyon Creek for stock watering purposes.

7. Plaintiffs herein, their heirs, successors and assigns, shall at all times have access, easement and right of way upon the existing unimproved road across the land of defendants through and within the canyon containing the North Fork of Knox Canyon Creek in order to keep, maintain and protect water rights of plaintiffs herein. Defendants herein shall not interfere with plaintiff's access therefor.

8. Each party shall bear their own costs.

THIS DECREE shall be binding upon the parties, their heirs, successors and assigns.

DATED this 9 day of March, 1981.

Arthur T. Oliver
DISTRICT JUDGE

STATE OF IDAHO } ss.
COUNTY OF POWER }
I, Arthur T. Oliver Clerk of the District Court
of Power County, Idaho do hereby certify that the
above and foregoing is a full, true and correct copy
of the original Judgment

ee the same coming before me in this office.
In Witness Whereof I have hereunto set my hand
and affixed my official seal this 9 day of

March 1981
Arthur T. Oliver
Clerk
By Marlene V. Orches

WATER DISCHARGE AND VELOCITY FACTORS CORRUGATED STEEL ROUND PIPE

V = Velocity of discharge, ft per sec
Q = Rate of discharge, cu ft per sec
 $s = \text{Slope} = \frac{\text{drop}}{\text{distance}}$

* Factors for V and Q, are V_1 and Q_1 respectively, and were computed as follows: $V_1 = V/s^{1/2}$, and $Q_1 = Q/s^{1/2}$.

TABLE
B

Depth (d) in.	*Factors	Diameter of Pipe, in.																		
		8	10	12	15	18	21	24	30	36	42	48	54	60	66	72	78	84	90	96
1	V_1	9.89	9.98	10.03	10.09	10.12	10.15	10.17	10.20	10.21	10.23	10.24	10.24	10.25	10.25	10.26	10.26	10.26	10.27	10.28
	Q_1	0.249	0.283	0.314	0.354	0.391	0.424	0.455	0.512	0.563	0.609	0.653	0.693	0.731	0.768	0.803	0.836	0.868	0.899	0.932
2	V_1	15.02	15.30	15.48	15.66	15.78	15.86	15.92	16.01	16.07	16.11	16.14	16.16	16.18	16.20	16.21	16.22	16.23	16.24	16.25
	Q_1	1.025	1.188	1.332	1.523	1.693	1.848	1.991	2.250	2.482	2.695	2.892	3.076	3.250	3.415	3.573	3.723	3.868	4.008	4.143
3	V_1	18.72	19.30	19.68	20.04	20.28	20.45	20.58	20.75	20.87	20.95	21.01	21.06	21.09	21.13	21.15	21.17	21.19	21.21	21.22
	Q_1	2.238	2.656	3.021	3.502	3.926	4.311	4.664	5.301	5.871	6.390	6.870	7.319	7.742	8.144	8.526	8.892	9.243	9.582	9.907
4	V_1	21.43	22.44	23.07	23.69	24.08	24.36	24.57	24.86	25.04	25.18	25.28	25.35	25.42	25.47	25.51	25.54	25.57	25.60	25.62
	Q_1	3.740	4.571	5.287	6.223	7.042	7.780	8.456	9.671	10.75	11.74	12.64	13.49	14.29	15.04	15.76	16.45	17.11	17.75	18.36
5	V_1	23.29	24.67	25.84	26.77	27.37	27.78	28.09	28.31	28.79	28.98	29.13	29.24	29.33	29.41	29.47	29.52	29.56	29.60	29.63
	Q_1	5.345	6.782	8.005	9.587	10.96	12.19	13.32	15.33	17.12	18.73	20.23	21.62	22.92	24.16	25.34	26.46	27.54	28.58	29.58
6	V_1	24.29	26.67	28.08	29.40	30.23	30.81	31.23	31.82	32.20	32.46	32.66	32.82	32.94	33.04	33.12	33.19	33.25	33.30	33.35
	Q_1	6.821	9.112	11.03	13.48	15.69	17.47	19.18	22.24	24.93	27.37	29.61	31.70	33.66	35.51	37.28	38.96	40.58	42.13	43.62
7	V_1	24.27	27.85	29.83	31.62	32.74	33.50	34.07	34.83	35.33	35.68	35.94	36.14	36.30	36.43	36.54	36.63	36.71	36.77	36.83
	Q_1	7.860	11.36	14.19	17.76	20.81	23.51	25.97	30.32	34.15	37.61	40.78	43.73	46.49	49.11	51.59	53.96	56.23	58.41	60.52
8	V_1	21.43	28.34	31.08	33.46	34.92	35.91	36.62	37.60	38.23	38.67	39.00	39.26	39.46	39.62	39.76	39.87	39.97	40.05	40.13
	Q_1	7.481	13.26	17.28	22.27	26.50	30.22	33.57	39.51	44.72	49.40	53.69	57.68	61.41	64.93	68.27	71.46	74.51	77.45	80.28
9	V_1	27.96	31.83	34.95	36.80	38.04	38.94	39.40	40.15	40.93	41.47	41.88	42.19	42.43	42.63	42.80	42.94	43.06	43.16	43.25
	Q_1	14.46	20.11	26.87	32.51	37.39	41.90	46.02	53.56	60.70	67.43	73.67	79.51	84.95	90.00	94.67	99.06	103.18	107.05	110.70
10	V_1	24.87	31.99	36.07	38.39	39.93	41.03	42.50	43.44	44.10	44.59	44.96	45.26	45.50	45.70	45.87	46.01	46.13	46.24	46.34
	Q_1	13.56	22.37	31.35	38.71	45.11	50.83	56.07	65.87	74.61	82.34	89.07	94.81	100.55	106.30	112.05	117.80	123.55	129.30	135.05
11	V_1	31.36	36.81	39.70	41.58	42.90	44.67	45.79	46.67	47.99	48.58	49.58	50.10	50.50	50.83	51.11	51.34	51.53	51.70	51.85
	Q_1	23.65	35.50	44.92	53.03	60.25	72.95	83.78	93.54	102.4	110.6	118.3	125.5	132.4	138.9	145.1	151.3	157.5	163.7	169.8
12	V_1	26.08	33.65	37.14	40.73	42.99	44.58	46.67	47.99	48.58	49.58	50.10	50.50	50.83	51.11	51.34	51.53	51.70	51.85	51.95
	Q_1	22.06	30.99	36.97	42.92	50.97	61.15	70.02	85.57	98.98	110.9	121.8	131.8	141.2	150.0	158.3	166.2	173.8	181.0	188.0
13	V_1	36.97	41.77	46.06	48.06	49.48	51.15	52.06	53.76	55.22	56.16	56.93	57.53	58.02	58.43	58.77	59.06	59.30	59.52	59.72
	Q_1	41.77	56.66	69.09	80.01	88.01	98.90	112.7	132.1	149.9	170.7	188.4	205.2	220.9	235.5	249.3	262.5	275.0	287.0	298.6
14	V_1	38.08	43.01	46.17	48.14	49.54	51.15	52.06	53.76	55.22	56.16	56.93	57.53	58.02	58.43	58.77	59.06	59.30	59.52	59.72
	Q_1	43.01	61.75	76.89	90.08	100.1	112.7	127.0	145.9	168.2	191.9	213.2	232.7	250.9	267.9	283.9	299.2	313.7	327.6	340.9
15	V_1	32.59	39.99	44.92	46.85	48.24	49.84	50.73	52.44	53.76	55.22	56.16	56.93	57.53	58.02	58.43	58.77	59.06	59.30	59.52
	Q_1	39.99	55.97	68.91	80.29	88.91	100.1	112.7	132.1	149.9	170.7	188.4	205.2	220.9	235.5	249.3	262.5	275.0	287.0	298.6
16	V_1	41.52	46.31	49.34	51.12	52.44	54.15	55.06	56.76	58.22	59.16	59.93	60.53	61.02	61.43	61.77	62.06	62.30	62.52	62.72
	Q_1	68.92	91.07	109.8	127.0	141.4	156.0	168.2	187.1	214.5	238.1	261.6	282.5	302.1	320.5	338.7	354.7	370.7	386.0	401.3
17	V_1	40.46	46.49	50.04	51.77	53.09	54.80	55.71	57.41	58.74	60.02	60.99	61.75	62.36	62.87	63.31	63.65	63.96	64.23	64.48
	Q_1	69.93	96.98	119.1	135.5	150.2	165.0	178.6	199.8	226.0	251.9	276.0	298.5	319.4	338.7	356.4	372.6	388.3	403.5	418.1
18	V_1	36.80	43.34	47.03	48.81	50.13	51.84	52.75	54.45	55.78	57.06	58.34	59.62	60.90	62.18	63.46	64.74	66.02	67.30	68.58
	Q_1	65.03	101.7	127.7	142.1	155.0	167.5	179.6	199.8	226.0	251.9	276.0	298.5	319.4	338.7	356.4	372.6	388.3	403.5	418.1
19	V_1	45.77	50.78	54.45	56.23	57.55	59.26	60.17	61.87	63.20	64.48	65.76	67.04	68.32	69.60	70.88	72.16	73.44	74.72	76.00
	Q_1	104.8	135.5	165.0	185.0	205.2	225.4	245.6	265.8	286.0	306.2	326.4	346.6	366.8	387.0	407.2	427.4	447.6	467.8	488.0
20	V_1	44.57	50.79	54.45	56.23	57.55	59.26	60.17	61.87	63.20	64.48	65.76	67.04	68.32	69.60	70.88	72.16	73.44	74.72	76.00
	Q_1	105.3	142.1	171.6	191.9	212.2	232.5	252.8	273.1	293.4	313.7	334.0	354.3	374.6	394.9	415.2	435.5	455.8	476.1	496.4
21	V_1	40.78	47.98	51.67	53.45	54.77	56.48	57.39	59.09	60.42	61.70	63.00	64.30	65.60	66.90	68.20	69.50	70.80	72.10	73.40
	Q_1	98.09	147.1	181.4	201.7	222.0	242.3	262.6	282.9	303.2	323.5	343.8	364.1	384.4	404.7	425.0	445.3	465.6	485.9	506.2
22	V_1	49.78	54.45	58.14	60.00	61.32	63.03	63.94	65.64	66.97	68.25	69.53	70.81	72.09	73.37	74.65	75.93	77.21	78.49	79.77
	Q_1	150.2	225.4	273.1	304.7	336.3	367.9	399.5	431.1	462.7	494.3	525.9	557.5	589.1	620.7	652.3	683.9	715.5	747.1	778.7
23	V_1	48.48	54.45	58.14	60.00	61.32	63.03	63.94	65.64	66.97	68.25	69.53	70.81	72.09	73.37	74.65	75.93	77.21	78.49	79.77
	Q_1	150.1	237.4	285.2	323.7	362.2	400.7	439.2	477.7	516.2	554.7	593.2	631.7	670.2	708.7	747.2	785.7	824.2	862.7	901.2
24	V_1	44.58	50.79	54.45	56.23	57.55	59.26	60.17	61.87	63.20	64.48	65.76	67.04	68.32	69.60	70.88	72.16	73.44	74.72	76.00
	Q_1	140.0	205.2	248.2	282.9	317.6	352.3	387.0	421.7	456.4	491.1	525.8	560.5	595.2	629.9	664.6	699.3	734.0		

Idaho
K. Hasfurth 5-16-79

Newport Group Pipeline

American Falls F.O.

Preliminary Pipeline Design

1

GIVEN:

Arbon Valley Location

This project proposes that a gravity pipeline will convey water from Knox Canyon to be delivered to livestock troughs and cropland. There is a possible need for a recreation area water tap also.

Presently the Knox Canyon water travels through a seep area where much of the stream disappears. This pipeline would prevent this water loss.

The gravity pressure in the line would eliminate a diesel-powered pump on Newport's land at the lower end of the system. Cropland will be sprinkle-irrigated.

This pipeline would cross both private and public (BLM) lands — some of the needed easements have been obtained at this time from discussion with John Newport.

FIND:

Design the pipeline for estimating cost and feasibility of the project.

ASSUMED Design Criteria:

Use lengths and elevations from USGS 7.5' Quadrangle "Bannock Peak" and "Pauline"

John Newport — 280 crop acres

D.T. (Sod) Williams — 150 cattle; 1000 sheep

Kenton Frederickson (Newport operator) — 25 crop acres

Vernal Bailey — 40 acres non-cropland
(Possibly 20 acres of this to be
LDS Church recreation area)

Idaho
KWH

5-16-79

Newport Group Pipeline

American Falls F.O.

Pipeline Flow Requirements

2

Cropland

USE Idaho Irr. Guide Climatic Area III

ASSUME 50% Alfalfa, 50% Grain; 65% Efficiency
4-ft Root Zone; 2.1 in/ft AWHC

Irr. Guide
Table III c

July Monthly C.U.	Grain - 5.04"	2.52
	Alfalfa - 6.51"	3.26
	Weighted	5.78"

$$\text{Max. Net Irrigation} = 4(2.1)(0.50) = 4.2"$$

$$\text{Check Peak Daily C.U.} = .034(5.78)^{1.09}(4.2)^{-0.09} = 0.202 \text{ in/day}$$

$$\text{Irrigation Frequency} = \frac{4.2}{.202} = 20.8 \text{ days max.}$$

$$\text{Total Crop Acres} = 280 + 25 = 305 \text{ acres}$$

operate
23 hrs/day

$$Q = \frac{453(305)(4.2)}{20.8(23)(0.65)} = \underline{1866 \text{ gpm}} \quad 6.12 \text{ gpm/acre}$$

Livestock

From Engineering Field Manual Table 12-2

Cattle - use 14 gal/head per day

Sheep - use 2 gal/head per day

1440 min/day

$$Q_{\text{cattle}} = \frac{150(14) \text{ gal/day}}{1440 \text{ min/day}} = 1.46 \text{ gpm}$$

$$Q_{\text{sheep}} = \frac{1000(2)}{1440} = 1.39 \text{ gpm}$$

$$Q = 1.46 + 1.39 = \underline{2.85 \text{ gpm}} \Rightarrow \text{USE } 4 \text{ gpm}$$

Consider other water needs are negligible

$$\text{TOTAL } Q = 1866 + 4 = \underline{1870 \text{ gpm}} \text{ or } 4.16 \text{ cfs}$$

MICROFILMED
NOV 16 1992

Department of Water Resources
Eastern District Office

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: A29-10280
Date Received: 1/31/1990
Receipt No: E011914-EO 22784
Received By: AT

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: JUDY NEWPORT 208-335-2281
Address: 4798 BAILEY RD
ARBON ID 83212

OR

Name: JOHN NEWPORT 208-335-2281
Address: 4798 BAILEY RD
ARBON ID 83212

2. Date of Priority: JUL 24, 1897

3. Source: KNOX CANYON CREEK Trib. to: BANNOCK CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
10S	32E	36	NW	SE	SE		POWER

5. Description of diverting works:
HEADBOX IN STREAM TO GRAVITY FLOW PIPELINE/FLOOD & SPRINKLE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	15.480		

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

8. Total consumptive use is 2322.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
10S	33E	22	NE	SE		IRR	40.0

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
10S	33E	22	NW		SE		IRR	40.0
			SW		SE		IRR	40.0
			SE		SE		IRR	40.0
			Section Acres 160.0					
		23	SW		NW		IRR	40.0
			NW		SW		IRR	40.0
			SW		SW		IRR	40.0
			Section Acres 120.0					
		28	SW		SW		IRR	12.0
			SE		SW		IRR	30.0
			NE		SE		IRR	39.0
			NW		SE		IRR	15.0
			SW		SE		IRR	40.0
			SE		SE		IRR	40.0
			Section Acres 176.0					
		33	NE		NE		IRR	40.0
			NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			NE		NW		IRR	40.0
			NW		NW		IRR	38.0
			SW		NW		IRR	40.0
			SE		NW		IRR	40.0
			Section Acres 318.0					
			Total Acres 774.0					

11. Place of use in counties: POWER

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:

14. Remarks:

BASED UPON DECREE ISSUED IN CASE NO. 6428 I THE 6TH JUDICAIL DIST COURT, POWER COUNTY, JOHN & JUDY NEWPORT, ET AL VS. JOHN & JOY MCNABB ON MARCH 3, 1981. RIGHT WAS NOT FOUND RECORDED IN IDWR RECORDS AT TIME FILING WAS MADE.

14. Remarks: Continued

*PLACE OF USE FOR THIS CLAIM WAS AMENDED FROM 96 ACRES TO 774 ACRES. ADDITIONAL ACREAGE PAID FOR UNDER RECEIPT # E022784. DIVERSION RATE WAS ALSO AMENDED TO 1"/ACRE. GJT 11-21-96.

15. Basis of Claim: DECREED

Case Number: 6428

Court : 6TH

Decree date: 3/ 9/1981

NEWPORT, ET AL

Decree Plaintiff

MCNABB

vs

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:

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):

Judy Newport
John Newport

Date: 11-26-96

Date: 11-26-96

State of Idaho)

County of Power)

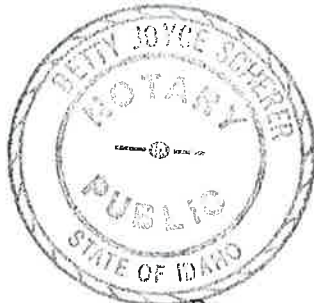
SS.

Subscribed and sworn (or affirmed) before me this 26 day

of November 19 96

Betty Joyce Scherer
Notary Public

Seal



Residing at Am Falls ID

My Commission Expires 12-12-2000

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: A29-10280
Date Received: 1/31/1990
Receipt No: 601714
Received By: EW

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JOHN NEWPORT 208-335-2281
Address: 4798 BAILEY RD.
ARBON, ID 83212
OR
Name: JUDY NEWPORT 208-335-2281
Address: 4798 BAILEY RD.
ARBON, ID 83212

A2910280



2. Date of Priority: JUL 24, 1897

3. Source: KNOX CANYON CREEK Trib. to: BANNOCK CREEK

4. Point of Diversion:

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10S	32E	36	NW	SE	SE		POWER

5. Description of diverting works:
HEADBOX IN STREAM TO GRAVITY FLOW PIPELINE/FLOOD & SPRINKLE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.920		

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

8. Total consumptive use is 288.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A29-10280

Page 1

Date: 01/31/90

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10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
10S	33E	22	NE	SE		IRR	8.0
			SW	SE		IRR	16.0
			SE	SE		IRR	20.0
			Section Acres				44.0
		23	NW	SW		IRR	22.0
			SW	SW		IRR	2.0
			Section Acres				24.0
		28	SW	SW		IRR	5.0
			SE	SW		IRR	6.0
			NE	SE		IRR	8.0
			NW	SE		IRR	4.0
			Section Acres				23.0
		33	NE	NW		IRR	5.0
			Section Acres				5.0
			Total Acres				96.0

11. Place of use in counties: POWER

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
NONE

14. Remarks:

BASED UPON DECREE ISSUED IN CASE NO. 6428 I THE 6TH JUDICAIL DIST COURT, POWER COUNTY, JOHN & JUDY NEWPORT, ET AL VS. JOHN & JOY MCNABB ON MARCH 3, 1981. RIGHT WAS NOT FOUND RECORDED IN IDWR RECORDS AT TIME FILING WAS MADE.

15. Basis of Claim: DECREED

Case Number: 6428

Court : 6TH

Decree date: 3/09/1981

NEWPORT, ET AL

Decree Plaintiff

vs

MCNABB

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: 7

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): John Newport Date: 1-31-90
Date: _____

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 31 day

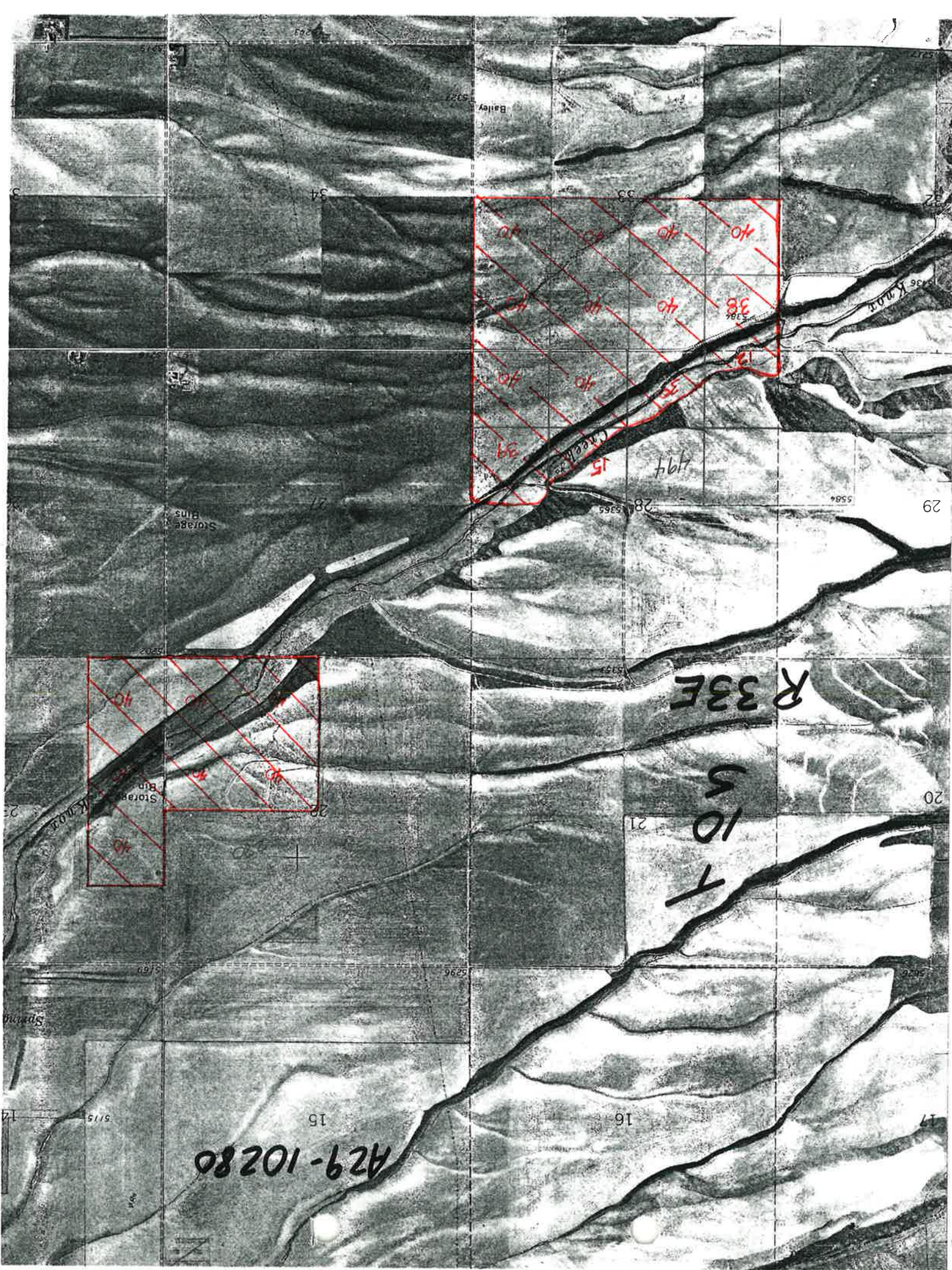
of January 19 90

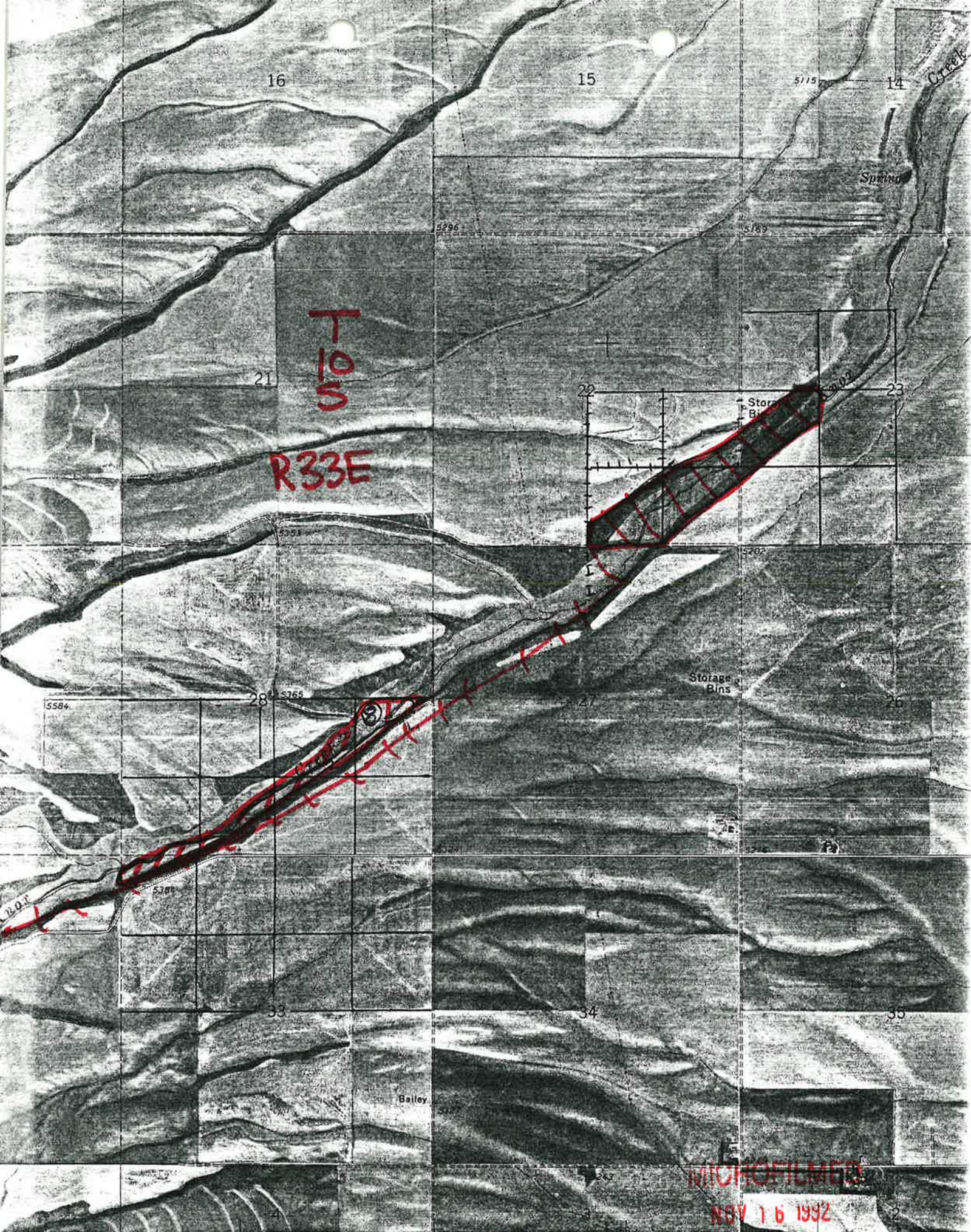
Seal

[Signature]
Notary Public

Residing at Idaho Falls, Id.

My Commission Expires 22 Aug 1994





T10S

R33E



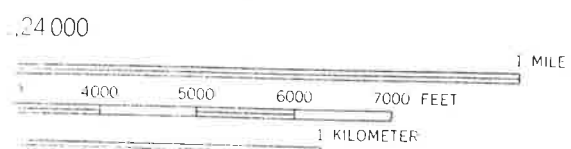
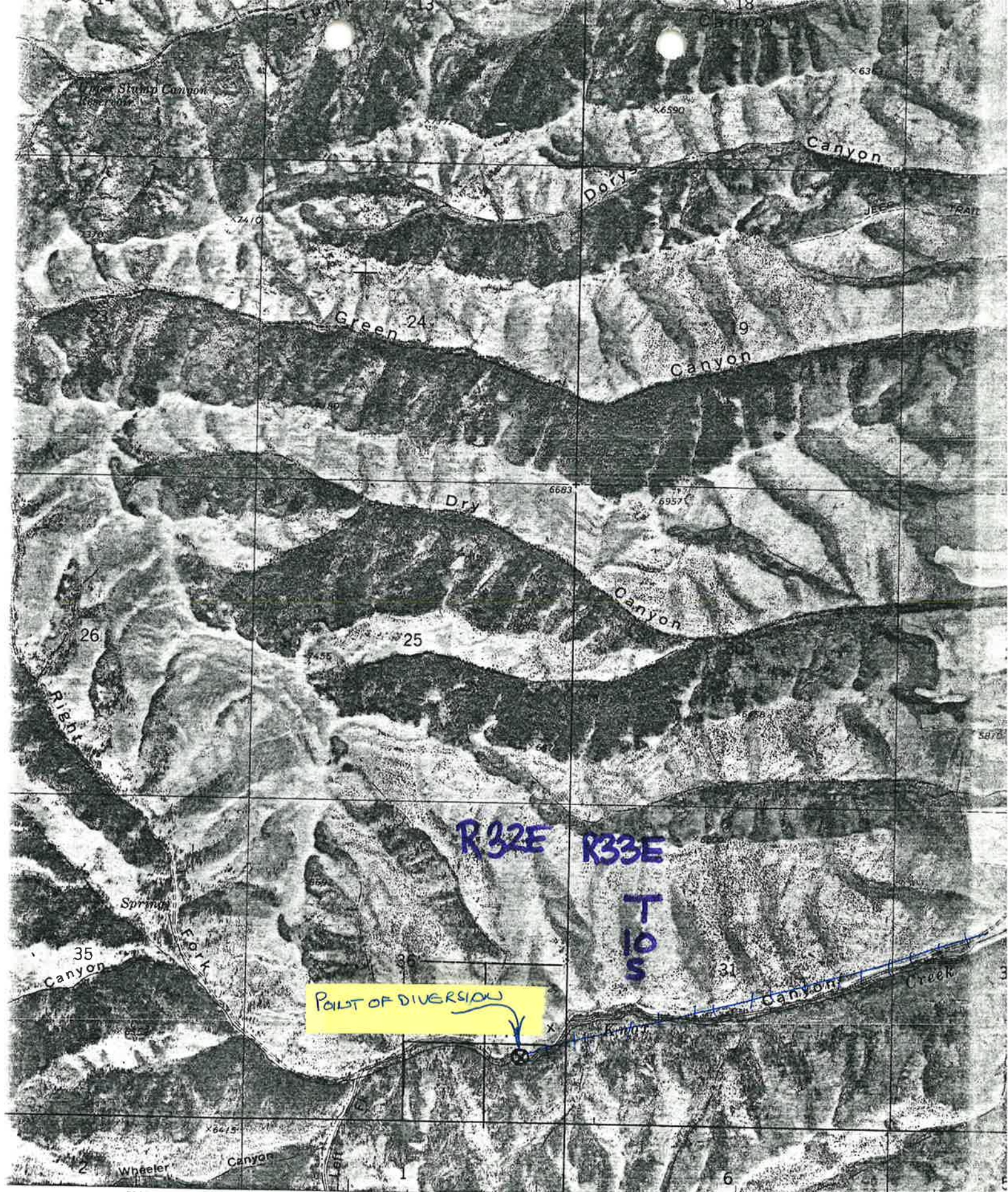
Storage Bins

Bailey

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NOV 16 1992

A29-10280



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NOV 16 1992

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CRP
87-234

CRP
87-234

CRP
87-143
[48]

#229
Purdy
Investments

#956
Montz
Evans

CRP
27-145

2- 61.2

400
97-141
132

3-764

CRP
87-145
13

hel CWP
4- 77-123
188.4

Monte & Terre
Evans

#276
Rocking
"N"
Ranch

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See
U-21

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NOV 16 1992



R 32 E

R 33 E

R 33 E

POINT OF
DIVERSION

STATE LANDS

BLM
LAND

BEGIN PROJ.

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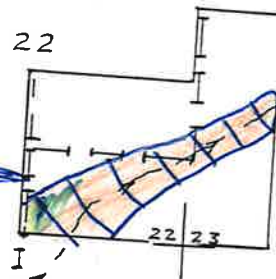
PLACE OF USE

28

27

KNOX CANYON ROAD

TRACED FROM PAULINE ID. QUADRANGLE



JOHN NEWPORT
LAYOUT MAP

POWER SCD

PAULINE ID.

U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

Designed	Date	Approved by
	12-83	<i>Pauline J. [Signature]</i>
Drawn	<i>H.L.F.</i>	Title
		S.C. ENGINEER
Traced		
Checked		
	Sheet	Drawing No.
	No. 1	
	of 5	

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NOV 16 1992

36 | 31

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32 + 33