

IDAHO DEPARTMENT OF WATER RESOURCES 12/03/2001
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

Water Right 29-10625

NAME AND ADDRESS: NOLYN BLAKE JOHNSON
9077 E US HWY 30
LAVA HOT SPRINGS ID 83246

LAVERL A JOHNSON
8453 E OLD OREGON TRAIL RD
LAVA HOT SPRINGS ID 83246

SOURCE: GROUND WATER TRIBUTARY:

QUANTITY: 0.42 CFS
91.0 AFY

PRIORITY DATE: 05/01/1960

POINT OF DIVERSION:
T09S R38E S20 SESW Lot 9 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	0.420 CFS 91.00 AFY

PLACE OF USE: IRRIGATION Within BANNOCK County
T09S R38E S20 Lot 8 SWSW 16.0 T09S R38E S20 Lot 9 SESW 14.0

30 ACRES TOTAL

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

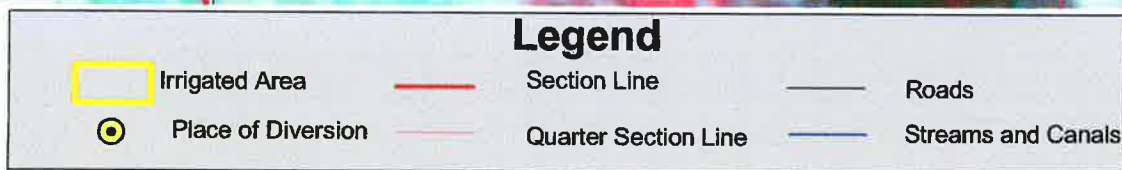
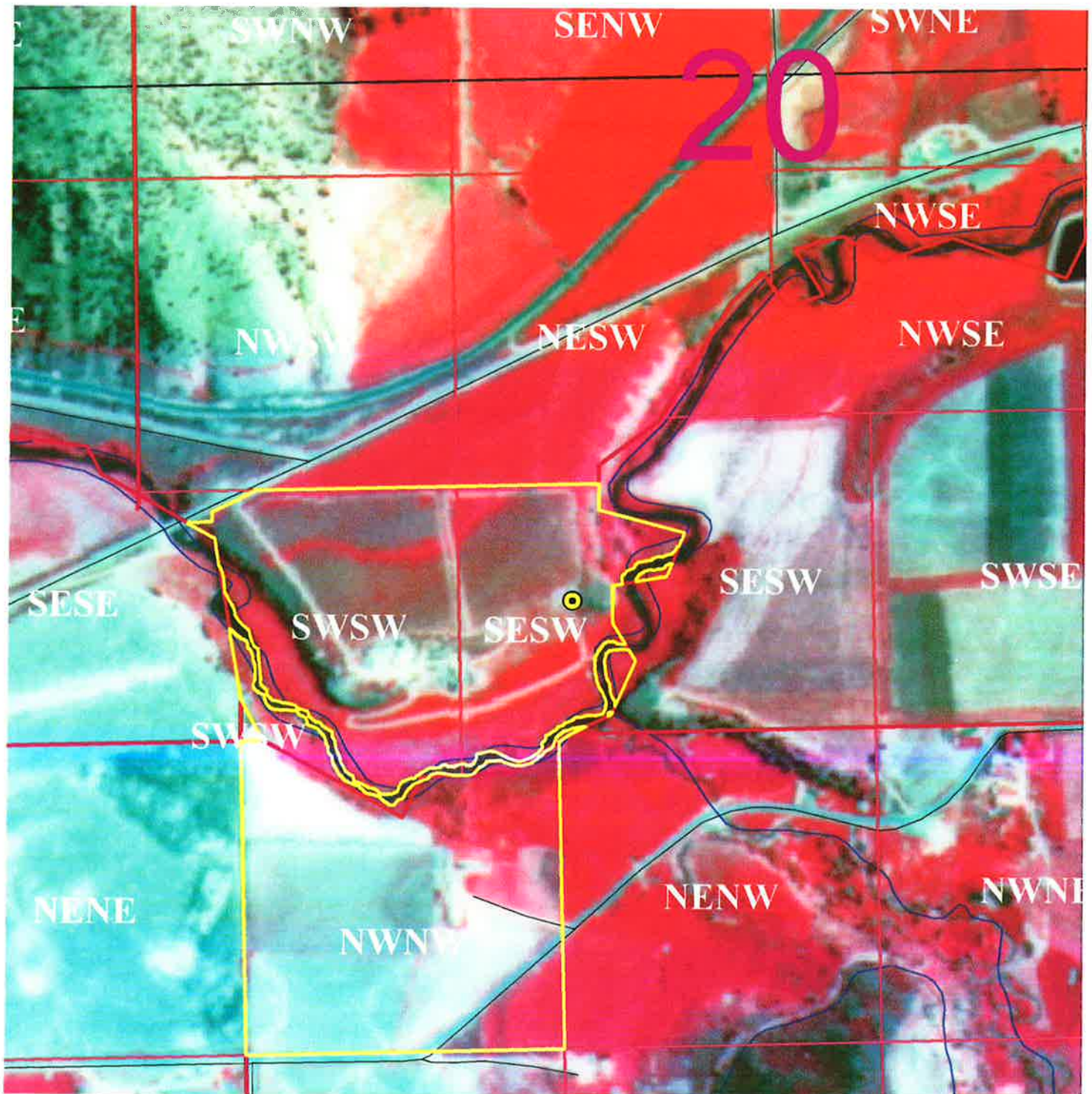
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: Beneficial Use

Water Right Claim Number A29-10625

09/08/2000

Township , 9S38E



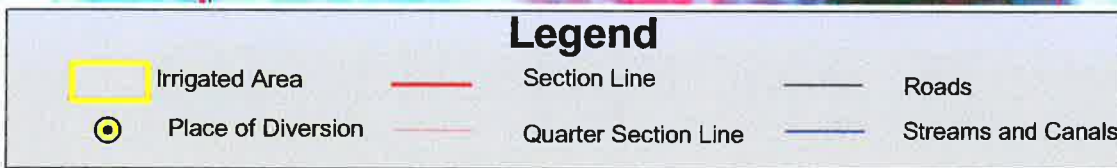
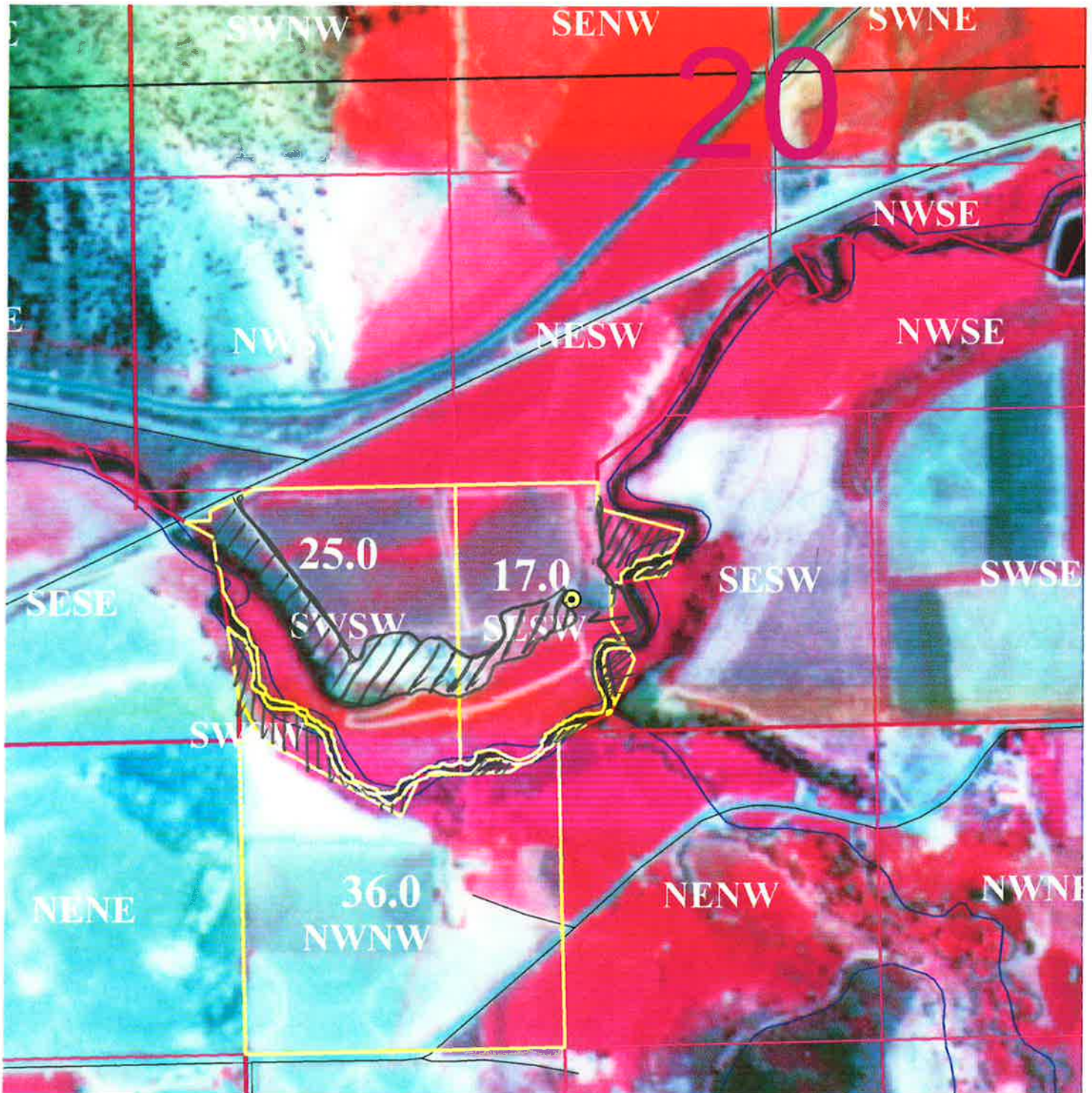
400 0 400 800 Feet



Water Right Claim Number A29-10625

09/08/2000

Township , 9S38E



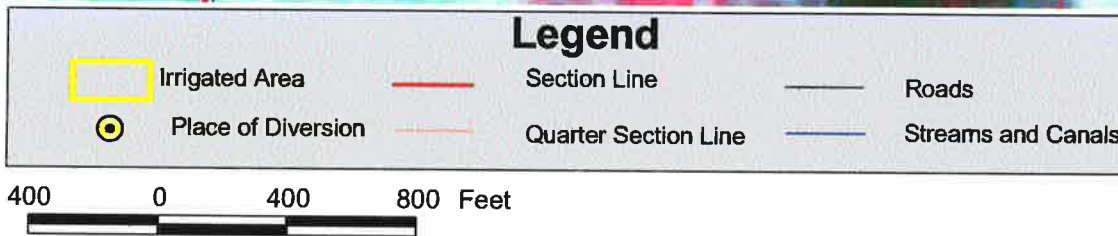
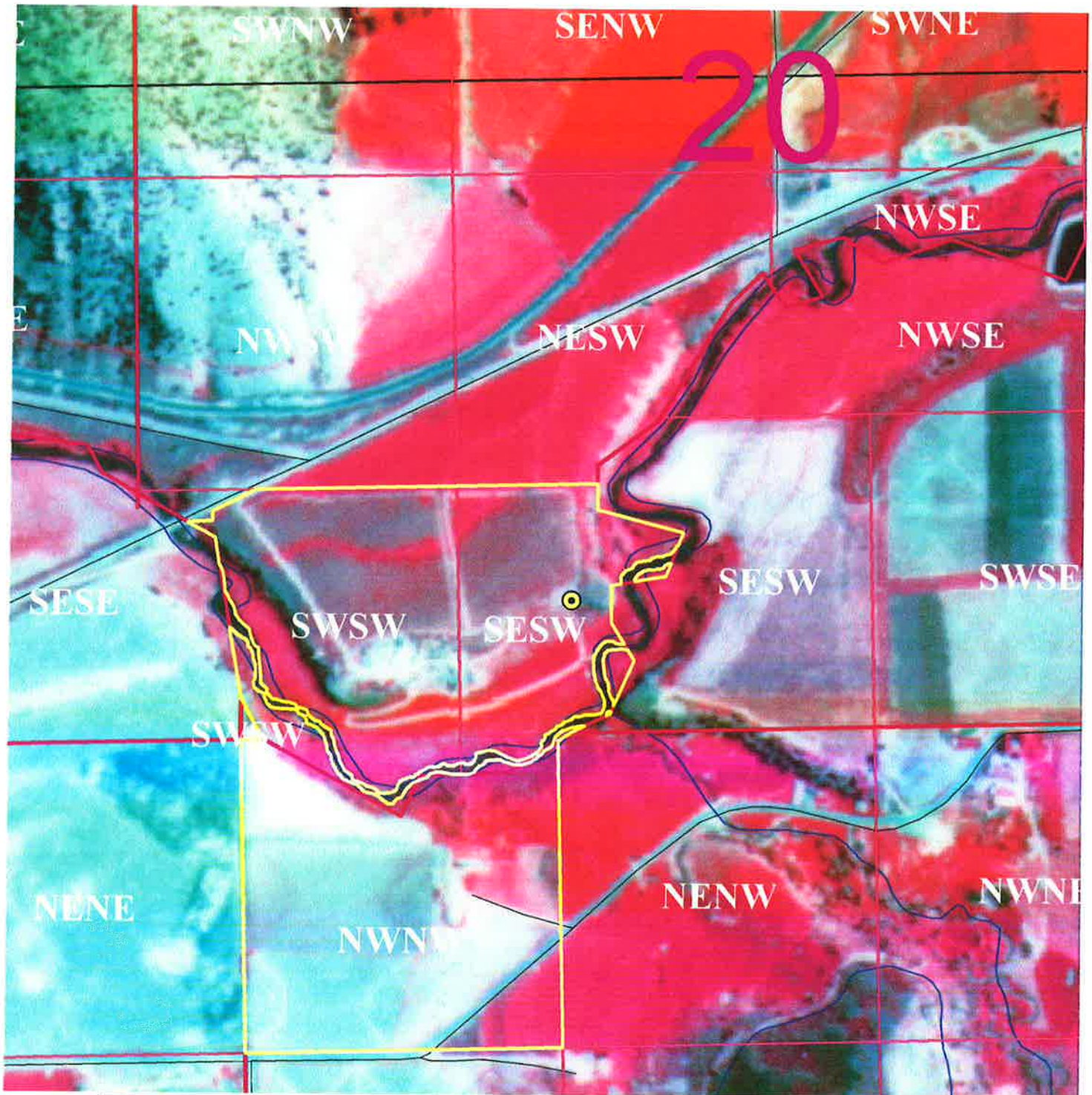
400 0 400 800 Feet



8/16/01
A29-10625

Water Right Claim Number A29-10625
Township , 9S38E

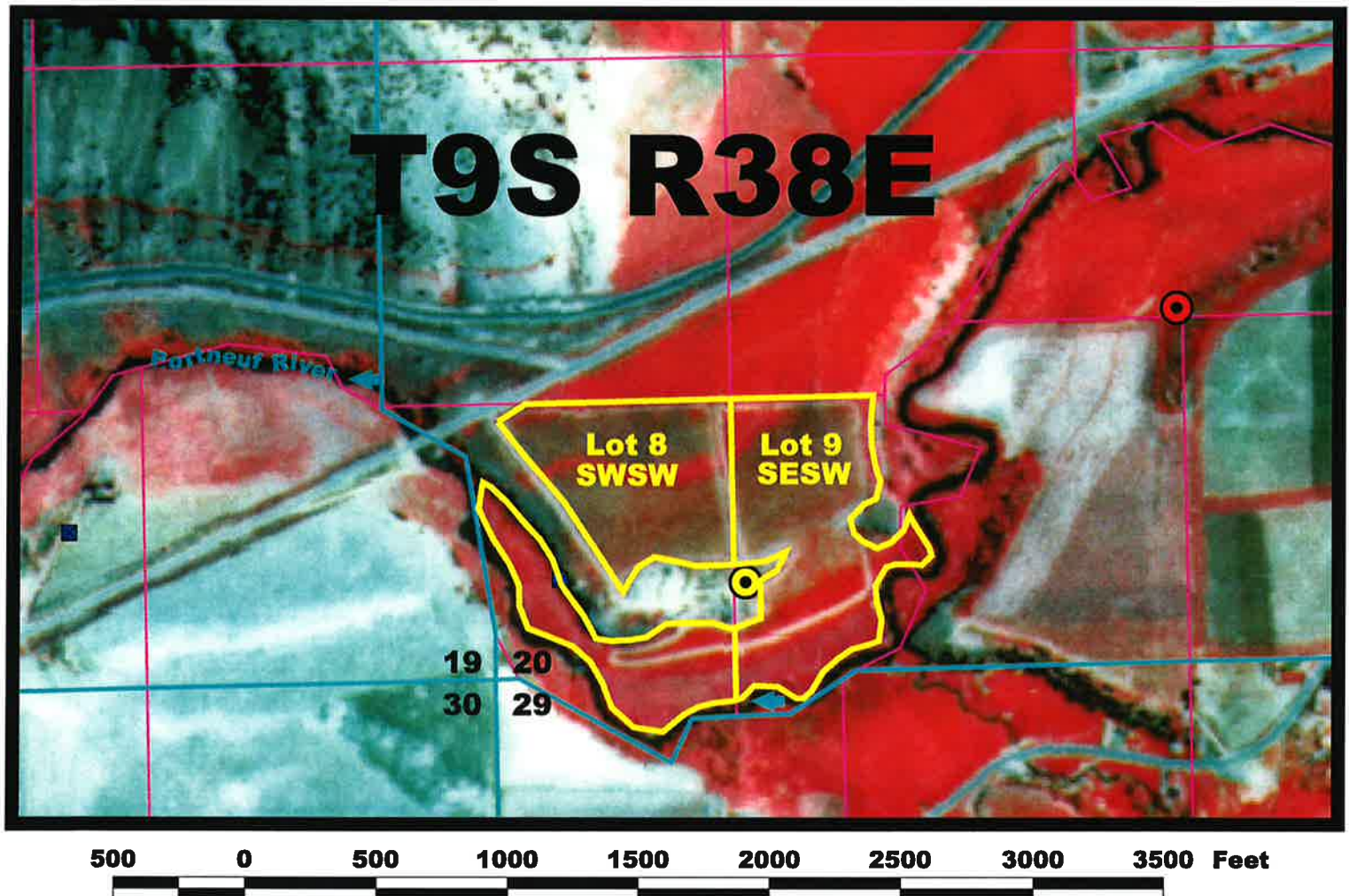
09/08/2000





STATE OF IDAHO
Department of Water Resources
Eastern Region

Water Right(s): 29-10625

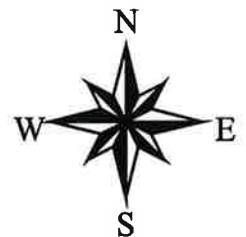


LEGEND

- SESE **Place of Use**
- Section**
- Quarter-Quarter**
- Point of Diversion**

Place of Use: T9S, R38E
(parts of) Sec. 20 SWSW, SESW

Point(s) of Diversion: T9S, R38E
Sec. 20 SESW (lot 9)



GIS Place of Use Illustration
1987/1988 NAPP photography
Prepared by: A. Ruberry
Date: December 2001



IDAHO DEPARTMENT OF WATER RESOURCES

SNAKE RIVER BASIN ADJUDICATION - BASIN 29

RIGHT ID
POD ID
Quad
Claim Type
Easting
Northing
GPSID

Diversion Description

WELL, PUMP, AND SPRINKLER SYSTEM. Motor manufacturer is GE. Pumped system has been winterized. Pump pressure is assumed.

Assumptions

Pressure head and elevation head.

Invoice #

Phase-0 (No Attention)
Phase-I (Ready to Go to Field)
Phase-II (Site Visit - Data Missin
Phase-III (Complete w/issues)
Phase-IV (Total Complete)

Linked
Photos

EPE (ft)

Date (M/D/Y)

Time

Flow Rate (CFS)

5.11551867219917

Open Channel Flow

☐ Complete one box from both Area and Calculation sections

Cross Sectional Area

☐ Circular Channel

- ☐ Less than half full
☐ Half full
☐ More than half full
☐ Full

Diameter

Depth

☐ Rectangular Channel

Width

Depth

Flow Calculation

☐ Continuity

Velocity

☐ Orifice

(Use only for head over a pipe flowing full with free discharge)

Depth of Water above orifice centerline

☐ Weir

(Use only for water flowing freely over weir)

Height of water above nappe

Width of weir

☐ Manning (If used, include photo of representative channel section)

Channel Slope

Channel Description	
Concrete lined	.016
Smooth earth	.025
Earth	.033
Rough bed, weeds on sides	.04
Smooth natural stream	.033
Rough natural stream	.1

Pumped System ☒

HP

Pressure Head (psi)

Elevation Head (ft)

Motor Mfg

Motor Serial #

Pump Type

Pump Mfg

Pump Serial#

New Contact Information ☐

New Contact Comments

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State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

November 20, 2001

La Verl A Johnson
8453 E Old Oregon Trail Rd
Lava Hot Springs ID 83246

RE: EVIDENCE OF PRIORITY FOR A29-10624 and A29-10625

Dear Claimant (s):

The Idaho Department of Water Resources is nearing the end of water rights review in Basin 29. The Notice(s) of Claim identified with the number shown above has been filed in the Snake River Basin Adjudication (SRBA). The Notice of Claim indicates water usage is based on "Beneficial Use". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed, at or on the place of use identified on the Claim. The date the water was first put to beneficial use, known as the priority date, has not been confirmed by License, Decree, or Permit. For this reason, proof must be provided supporting the priority date. **As the claimant, you are responsible for submitting the necessary evidence to support the priority date.**

The above referenced Claims to water rights shows priority dates of July 14, 1961 and May 1, 1960, respectively.

It is important that each element of the Notice of Claim be verified. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

For your reference, I have provided a printout of your Notice of Claim and the pamphlet entitled "**Evidence of Priority**". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. While I encourage you to read the entire pamphlet, I direct your attention to the two sections entitled "**What Kind of Evidence is Required**" and "**Some Examples of Documents Which May Be Evidence of the Priority Date**".

It is our goal to recommend historical water rights within the Snake River Basin as accurately as possible. Field exams to verify other elements of the Notice of Claim have been or soon will be conducted by Department personnel.

In addition to this request, I am enclosing copies of two other letters requesting action with respect to this water right claim, which had no response from your office.

.....
The Department will not recommend the Notice of Claim be decreed by the court if evidence of a priority date is not submitted. The Notice of Claim will be disallowed.
.....

Please submit the documentation supporting the priority date within 30 days of the date of this letter, referencing all documents with the corresponding Claim number. If you have any questions not covered by this letter or the enclosed pamphlet, please feel free to contact this office.

Respectfully submitted,

Cheri Vandermolen

for Allen B. Ruberry
Sr. Water Resource Agent
Adjudication Bureau

cc: File

Enclosure: Brochure on "Evidence of Priority"
Notice(s) of Claim A29-10624, 10625

RECEIVED

NOV 29 2001

Department of Water Resources
Eastern Region

November 28, 2001

Department of Water Resources
900 N Skyline, Suite A
Idaho Falls, Idaho
83402-1718

Allen B. Ruberry
Sr. Water Resource Agent
Adjudication Bureau

RE: EVIDENCE OF PRIORITY FOR A29-10624 and A29-10625

Dear Mr. Ruberry,

In reference of your letter of November 20, 2001 asking for evidence to support the claims for water rights dated July 14, 1961 and May 1, 1960 respectively, I again submit to you affidavits which were submitted in April 1991, as your people requested at that time. If these do not count with you, I have other people lined up to make additional affidavits. I do not understand why (4) four do not satisfy these requirements because they are from "eyeball", hands-on witnesses.

Thank you.

LaVer Johnson

A F F I D A V I T

STATE OF IDAHO)
 : ss
County of Bannock)

JOHN IVAN ANDRUS, JR., after first being duly sworn on oath,
deposes and states as follows:

1. That I am a resident of Lava Hot Springs, Bannock County, Idaho, and have so resided since 1959, when I moved into the Lava Hot Springs valley from Utah; and I became acquainted with LaVerl A. Johnson as one of my neighbors recently after my arrival into the area.

2. That shortly after my arrival, my water was taken from me by the River Master.

3. In discussing this matter with my neighbor, LaVerl A. Johnson, I distinctly remember LaVerl saying that he would rather dig wells to irrigate his lands than fight over surface water.

4. That I observed LaVerl A. Johnson did, in fact, irrigate his lands with sprinkler systems by way of the irrigation wells he dug; that he has done so from year to year since approximately 1960, and that he continues to irrigate his lands in the same manner.

FURTHER SAITH AFFIANT NAUGHT.

DATED this 7 day of April, 1991.

John Ivan Andrus Jr
JOHN IVAN ANDRUS, JR.

SUBSCRIBED AND SWORN TO before me on this 7th day of
April, 1991.



Kathleen M. Polladay
NOTARY PUBLIC FOR IDAHO
Residing at: Pocatello, Idaho
Commission expires: 07/05/92

A F F I D A V I T

STATE OF IDAHO)
 : ss
County of Bannock)

KENNETH ANDRUS, after first being duly sworn on oath, deposes and states as follows:

1. That I am a resident of Lava Hot Springs, Bannock County, Idaho, and have so resided since 1959, when I moved into the Lava Hot Springs valley from Utah; and I became acquainted with LaVerl A. Johnson as one of my neighbors recently after my arrival into the area.

2. That I observed LaVerl A. Johnson irrigated his lands with sprinkler systems by way of irrigation wells; that he has done so from year to year since approximately 1960; and that he continues to irrigate his lands in the same manner.

FURTHER SAITH AFFIANT NAUGHT.

DATED this 7th day of April, 1991.


KENNETH ANDRUS

SUBSCRIBED AND SWORN TO before me on this 17th day of
April, 1991.




NOTARY PUBLIC FOR IDAHO
Residing at: Pocatello, Idaho
Commission expires: 07/05/92

A F F I D A V I T

STATE OF IDAHO)
 : ss
County of Bannock)

JIM ANDRUS, after first being duly sworn on oath, deposes and states as follows:

1. That I am a resident of Lava Hot Springs, Bannock County, Idaho, and have so resided since 1959, when I moved into the Lava Hot Springs valley from Utah; and I became acquainted with LaVerl A. Johnson as one of my neighbors recently after my arrival into the area.

2. That I observed LaVerl A. Johnson irrigated his lands with sprinkler systems by way of irrigation wells; that he has done so from year to year since approximately 1960; and that he continues to irrigate his lands in the same manner.

FURTHER SAITH AFFIANT NAUGHT.

DATED this 7th day of April, 1991.

Jim Andrus
JIM ANDRUS

SUBSCRIBED AND SWORN TO before me on this 7th day of

April, 1991.



Katre M. Holladay
NOTARY PUBLIC FOR IDAHO
Residing at: Pocatello, Idaho
Commission expires: 07/05/92

A F F I D A V I T

STATE OF IDAHO)
 : ss
County of Bannock)

CALVIN MONSON, after first being duly sworn on oath, deposes and states as follows:

1. That I have lived in and around the Lava Hot Springs valley all my life.

2. That I became acquainted with LaVerl A. Johnson in the spring of 1958.

3. That on several occasions since that time, I, being a mechanic, have helped LaVerl A. Johnson start his irrigation pumps during the irrigation seasons.

4. That because of my association with LaVerl A. Johnson throughout the years, I know that he has continuously irrigated his lands from these wells using sprinkler systems from about 1959 to the present time.

FURTHER SAITH AFFIANT NAUGHT.

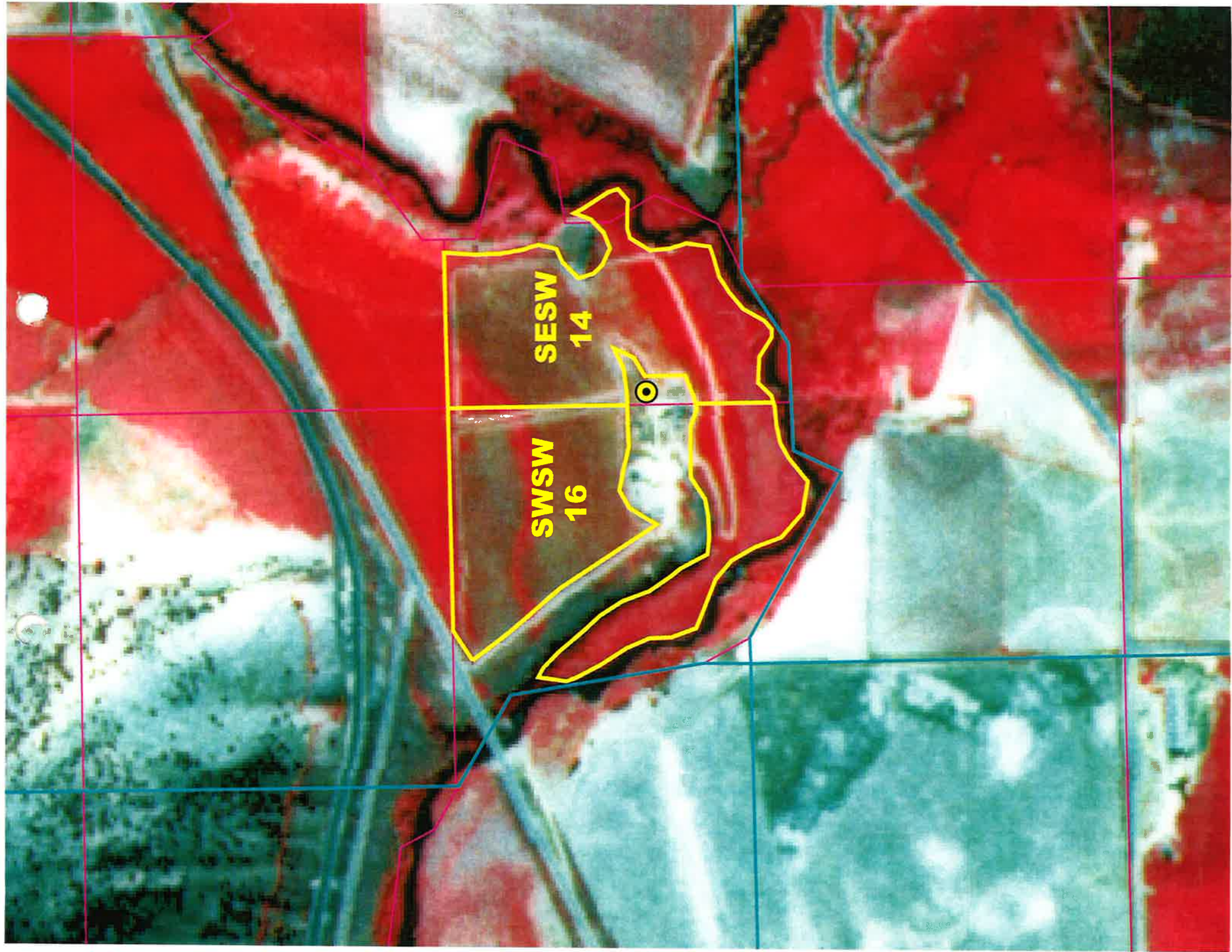
DATED this 7th day of April, 1991.

Calvin Monson
CALVIN MONSON

SUBSCRIBED AND SWORN TO before me on this 7th day of April, 1991.



Kate M. Holladay
NOTARY PUBLIC FOR IDAHO
Residing at: Pocatello, Idaho
Commission expires: 07/05/92



MAY 18 2001

Log for claim A29-10625

Spatial Dynamics PJM

9/11/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
09s38e	20	SWSW	21	25	Indiscernible
09s38e	20	SESW	7	17	Indiscernible
09s38e	29	NWNW	3	36	Indiscernible
Totals:			31	78	

8/16/01 Visited Mr. JOHNSON, TUNNO RRD/POLL.

Well is a GAS ENGINE DRIVEN 90° DRWD

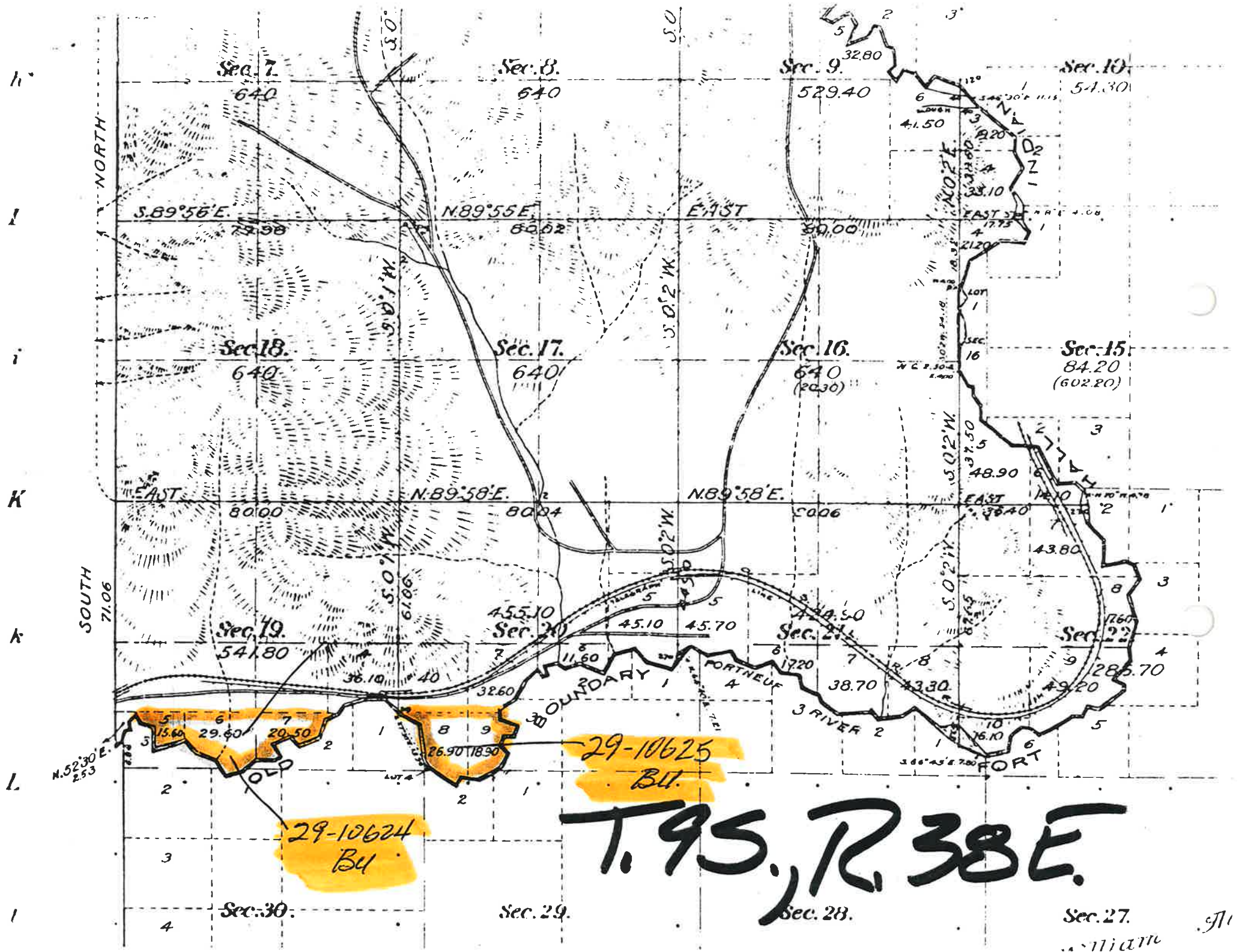
GPS: 0660909; 0170512 TAG ID # A0011602

Some changes to POLL ACRES. No irrig in Sec. 29
(IT'S ACROSS RIVER)

MEASURES RRD.

30 ac x .02 30 ac
0.60 cfs 3.5
✓ Objects claimed 105
✓ Claims 91⁰ AFA





MAY 18 2001

X

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: A29-10625
Date Received: 3/19/1990
Receipt No: 5012427
Received By: EMC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: NOLYN BLAKE JOHNSON 208-776-5436
Address: 9077 E. U.S. HWY. 30
LAVA HOT SPRINGS, ID 83246
OR
Name: LA VERL A. JOHNSON 208-776-5326
Address: 8453 E. OLD OREGON TRAIL RD.
LAVA HOT SPRINGS, ID 83246

A2910625



2. Date of Priority: MAY 01, 1960

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
09S	38E	20	SE	SW		9	BANNOCK

5. Description of diverting works:
WELL, PUMP AND SPRINKLER SYSTEM.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.420		91.00

7. Total Quantity Appropriated is:
0.420 C.F.S. (and/or) 91.00 A.F.A.

8. Total consumptive use is 77.5 Acre Feet Per Annum.

9. Non-irrigation uses:

A29-10625

Page 1

Date: 03/19/90

MICROFILMED
NOV 16 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09S	38E	20	SW	SW	8	IRR	21.0
			SE	SW	9	IRR	7.0
						Section Acres	28.0
		29	NW	NW	2	IRR	3.0
						Section Acres	3.0
						Total Acres	31.0

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:

14. Remarks:

TWENTY SIX ACRES OF THIS LAND WAS COVERED UNDER LICENSE 29-02417. BUT WE HAVE ALWAYS IRRIGATED THE 31 ACRES. THEREFORE, THE PRIORITY DATE FOR THIS NOTICE IS THE DATE COMPLETION OF WORKS WAS FILED RATHER THAN THE PRIORITY FOR THE LICENSE WHICH WAS EARLIER.

15. Basis of Claim: BENEFICIAL USE

Water Right Number: 28171

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): L. Van R. Johnson Date: 3/19/90

Date: _____

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 19 day
of March 19 90.

Ernest Carlson
Notary Public



Residing at 1110 S. 1st St.
My Commission Expires 6-14-1994

R37E R38E

LAVA

7.5 MIN

