

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-10783 V1

WATER RIGHT NUMBER: 29-10783 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	SUSAN A BOSCHETTI 8690 N PARKS RD POCATELLO, ID 83201 (208)232-5771
Original Owner	TERRY J BOSCHETTI 8690 N PARKS RD POCATELLO, ID 83201 (208)232-5771
Original Owner	JOHN WOODWARD 8690 N PARKS RD POCATELLO, ID 83201 (208)234-0210
Original Owner	GRACIE WOODWARD 8690 N PARKS RD POCATELLO, ID 83201 (208)234-0210
Current Owner	CINDY LAWLOR 8690 PARKS RD POCATELLO, ID 83201
Current Owner	GORDON LAWLOR 8690 PARKS RD POCATELLO, ID 83201

Priority Date: 06/12/1974

Basis: Beneficial Use

Status: Disallowed

Source

NORTH FORK POCATELLO CREEK

Tributary

POCATELLO CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	0.100 CFS	
STOCKWATER	04/01 to 10/31	0.020 CFS	
	<u>Total Diversion:</u>	0.100 CFS	

Location of Point(s) of Diversion

NORTH FORK POCATELLO CREEK

NW1/4SW1/4NW1/4

Sec. 20, Twp 06S, Rge 35E, B.M.

BANNOCK County

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S	35E	20							3.4										3.4

Total Acres: 3.4

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-10783 V1

STOCKWATER same as IRRIGATION

Conditions of Approval:

1. P01 **NO LAWFUL APPROPRIATION SHOWN:** There are a number of circumstances in which a claim is proposed to be disallowed on this basis. This is most commonly included for a claim based on beneficial use or posted notice that is PROPOSED to be disallowed because the right claimed is not within an exception to the mandatory permit statute, and beneficial use of water prior to the mandatory permit statute was not confirmed. This is also included where a claim is PROPOSED to be disallowed because the claim is to water that is not public water subject to appropriation. This is also included where a right was determined not to exist in a prior adjudication.

Remarks:

1. General NO LAWFUL APPROPRIATION SHOWN.

Comments:

1. csaxton 2/8/2002 Disallow

Comment: Priority evidence and c/o submitted on 5/21/02, but no amended claim received. Must recommend as disallowed since priority evidence claimed is after the mandatory permit statute for surface water. I have been in contact with claimant on 5 different occasions concerning this matter.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 29-10783

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Original Owner	SUSAN A BOSCHETTI 8690 N PARKS RD POCATELLO, ID 83201 (208)232-5771
Original Owner	TERRY J BOSCHETTI 8690 N PARKS RD POCATELLO, ID 83201 (208)232-5771
Original Owner	JOHN WOODWARD 8690 N PARKS RD POCATELLO, ID 83201 (208)234-0210
Original Owner	GRACIE WOODWARD 8690 N PARKS RD POCATELLO, ID 83201 (208)234-0210
Current Owner	GORDON LAWLOR 8690 PARKS RD POCATELLO, ID 83201
Current Owner	CINDY LAWLOR 8690 PARKS RD POCATELLO, ID 83201

Priority Date: 06/12/1974

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
NORTH FORK POCATELLO CREEK	POCATELLO CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	01/01 to 12/31	0.020 CFS	
IRRIGATION	03/15 to 11/15	0.120 CFS	
	<u>Total Diversion:</u>	0.120 CFS	

Location of Point(s) of Diversion

NORTH FORK POCATELLO CREEK NW1/4SW1/4NW1/4 Sec. 20, Twp 06S, Rge 35E, B.M.
BANNOCK County

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S	35E	20							6.0										6.0

Total Acres: 6

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 29-10783

STOCKWATER same as IRRIGATION

Conditions of Approval:

Remarks:

1. General CHANGED OWNERSHIP 1/25/95/JT
2. Explanatory CHANGED OWNERSHIP PER CLAIMANT REQUEST 7/10/02 (CSAXTON)

Comments:

Bird, Cindy

From: Shaff, Don
Sent: Monday, May 17, 2004 1:12 PM
To: Bird, Cindy
Subject: RE: 29-10783

I agree. Thanks for your interest.

Don Shaff
dshaff@idwr.state.id.us
208-327-7932

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

From: Bird, Cindy
Sent: Monday, May 17, 2004 12:16 PM
To: Shaff, Don
Subject: RE: 29-10783

Don,
From Craig Saxton's response from saturday it doesn't sound like a field exam is needed on this claim.
Cindy

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

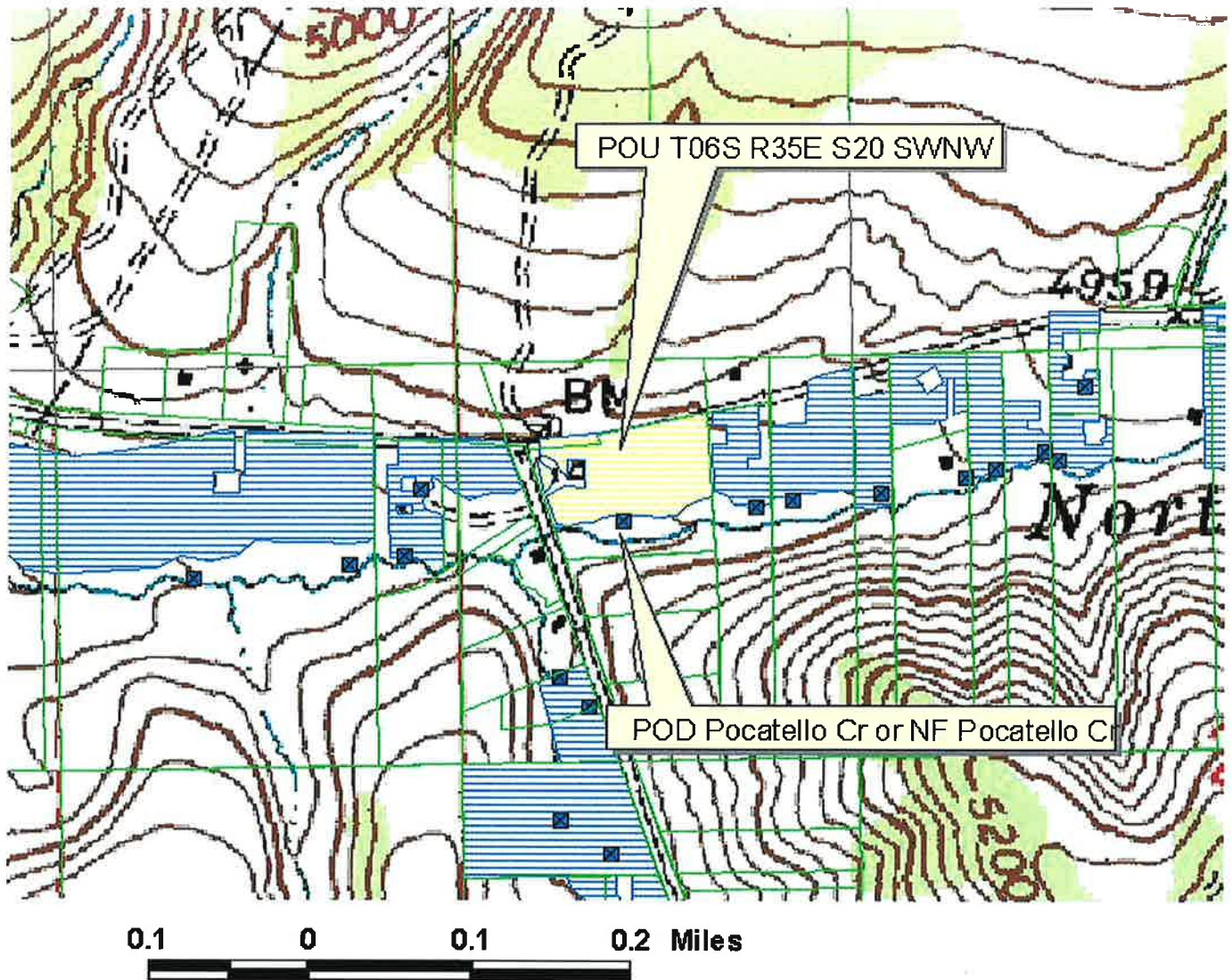
From: Shaff, Don
Sent: Friday, May 14, 2004 5:55 PM
To: Bird, Cindy
Cc: Saxton, Craig; McHugh, Candice
Subject: 29-10783

Cindy, you may be the closest from Eastern to take a look at the delivery system and measure the water for Claim 29-10783. The claimant has submitted proof of priority that may be sufficient. Craig never examined the system apparently. Do you think you could make a side trip to catch this one before the middle of June? Let me know, if this fits your schedule.

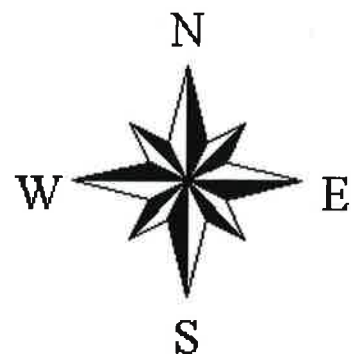
Thanks,
Don Shaff
dshaff@idwr.state.id.us
208-327-7932

29-10783

Gordon Lawlor



- Bannock taxlots
- GCDB06S35E GCDB
- Recommendation POD
- Recommendation POU
- Administrative BasinsAdminbas.shp



Bird, Cindy

From: Saxton, Craig
Sent: Saturday, May 15, 2004 10:51 AM
To: Shaff, Don; Bird, Cindy
Cc: McHugh, Candice
Subject: RE: 29-10783

Hello Everyone,

Just as a head's up to everyone. I did do a field exam on this right. There should be pictures in the file. If not, I am sure I have the information on my hard drive at work (I am home now). The deal with Lawlor is that he wouldn't give me back any of the information I needed. He claimed a priority date that is in violation of the mandatory permit statute. We he couldn't amend the claim to change the priority day to represent a portion of 29-00443 which he probably has right to because he needed to do a change of ownership first.

If you look at the claim folder, I think you will find notes that after he completed the change of ownership, I requested an amended claim. He never sent in an amended claim so I could not recommend the right as valid as it is in violation of the mandatory permit statute.

That being said, I didn't measure the system because the claimed diversion rate is 0.20 cfs or less. I did however take pictures of the system and it is a working system. In addition, if he does amend the claim to represent a portion of decreed right 29-00443, then I think his evidence of use only gives him 1/2 inch. Not 1/2 inch per acre... but 1/2 inch. See affidavit in file from either Dwain or Elwin Anderson, as they were previous owners of the property. It would be to his benefit to just amend the claim to a B-use status with whatever priority he can support, and claim an inch to the acre. But everyone wants that "decreed" right and don't understand that 1/2 inch of water for 5 acres is nothing.

Let me know if you have further questions.

Craig Saxton

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

From: Shaff, Don
To: Bird, Cindy
Cc: Saxton, Craig; McHugh, Candice
Sent: 5/14/2004 5:55 PM
Subject: 29-10783

Cindy, you may be the closest from Eastern to take a look at the delivery system and measure the water for Claim 29-10783. The claimant has submitted proof of priority that may be sufficient. Craig never examined the system apparently. Do you think you could make a side trip to catch this one before the middle of June? Let me know, if this fits your schedule.

Thanks,

Don Shaff

dshaff@idwr.state.id.us

208-327-7932

<<lawlor draft layout 29-10783.jpg>>

07/15/2004

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 29-10783
NAME AND ADDRESS: CINDY LAWLOR
8690 PARKS RD
POCATELLO ID 83201

GORDON LAWLOR
8690 PARKS RD
POCATELLO ID 83201

2004 JUL 19 AM 10:00

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

SOURCE: NORTH FORK POCATELLO CREEK TRIBUTARY: POCATELLO CREEK

QUANTITY: 0.100 CFS
The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

PRIORITY DATE: 06/01/1954

POINT OF DIVERSION: T06S R35E S20 NWSWNW Within BANNOCK County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
<u>IRRIGATION</u>	<u>04/01 10/31</u>	<u>0.100 CFS</u>
<u>STOCKWATER</u>	<u>01/01 12/31</u>	<u>0.020 CFS</u>

PLACE OF USE: IRRIGATION Within BANNOCK County
T06S R35E S20 SWNW 3.4
STOCKWATER same as IRRIGATION
3.4 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.

The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

AMENDED

In Re SRBA)

Case No. 19576)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 29-10783

2004 OCT 15 PM 4:20

FILED
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: CINDY LAWLOR
GORDON LAWLOR
8690 PARKS RD
POCATELLO, ID 83201

SOURCE: NORTH FORK POCATELLO CREEK TRIBUTARY: POCATELLO CREEK

QUANTITY: 0.10 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE SHALL
NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 06/01/1954

POINT OF DIVERSION: T06S R35E S20 NWSNW Within Bannock County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.10 CFS
	Stockwater	01-01 TO 12-31	0.02 CFS

PLACE OF USE: Irrigation Within Bannock County
T06S R35E S20 SWNW 3.4
3.4 Acres Total

Stockwater Within Bannock County
Same as Irrigation

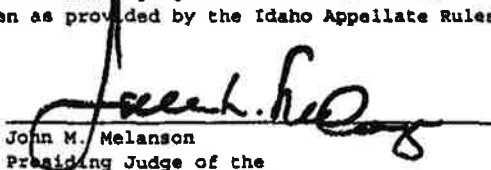
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL
USE.

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.


John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication



IDAHO DEPARTMENT OF WATER RESOURCES

SNAKE RIVER BASIN ADJUDICATION - BASIN 29



RIGHT ID
POD ID
Quad
Claim Type
Easting
Northing
GPSID

Diversions Description

8" submersible pump 50 yards from Park Rd. 60 yards from Pocatello Creek Rd. Located behind house.

Assumptions

Horse power, pressure head, and elevation head.

Invoice #

2000-037-01-0

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

POD ID 202674 01.JPG

Photos

EPE (ft)

Date (M/D/Y)

Time

Flow Rate (CFS)

09-14-01

12:35

0.077504610226320

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

0

☐ 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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RECEIVED
JAN 23 2003



Department of Water Resources
Eastern Region

MAY 21 2004



IDAHO DEPARTMENT OF WATER RESOURCES

SNAKE RIVER BASIN ADJUDICATION - BASIN 29



RIGHT ID 29 10783
POD ID 540054
Quad
Claim Type S
Easting 0
Northing 0
GPSID

Diversion Description

Assumptions

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)

0

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 0

Depth

☐ Rectangular Channel

Width

Depth

Flow Calculation

☐ Continuity

Velocity 0

☐ 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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JAN 23 2009

Department of Water Resources
Eastern Region

INTREPID
Engineering Services, Inc. (IES)
Enabling People and Solutions

10-3-01 : stopped By House - No one Home - Found Pump Anywhere
FE

: Pump Rain-O-Flow

Cornell

SN 10497

HP-?

Pump is old and Bigger than most in this Area

-Send Letter

: GPS Tag : A0009001

11-13-01 : Meeting Set with Lawlor - He Never Showed

11-30-01 : Gordon Lawlor is the Current owner of the
Property Applicable to Claimed POU.

Own 5.2 acres. Claim Needs amended.
Contacted Gordon at least twice and
made an appointment which he didn't show
up for.

If no Contact, must disallow since Priority
date is claimed after Mandatory Permit date
for Surface Water.

If Contact - Recommend 3.5 acres and
if deed - Recommend deeded diversion Rate.
If no deed - Recommend 0.11 cfs.

Shape for POU and POD on my personal
theme.

2/8/02 : 3 different contacts with Claimant. Won't File
C/O or submit Priority Evidence - Recommend
Disallowed.

5-1-02 : Gordon Lawlor called today. He is sending me statement from
Anderson. I told him that he needed to send me
WCO and then Claim needs to be amended.
Called Gordon Back and left message regarding this

6/25/02 : Gordon Called to CK status of his Right
call 241-2642

1-21-03 : No Amended Claim Received



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

July 10, 2002

GORDON & CYNTHIA LAWLOR
7690 N PARKS RD
POCATELLO ID 83201

RE: Amendment of Snake River Basin Adjudication (SRBA) claim 29-10783

Dear Mr. & Mrs. Lawlor:

Per our conversation on July 10, 2002, I am sending you an amended claim. Look over the claim and initial any changes you wish to make. When satisfied, sign the claim in front of a notary and return it to this office.

I am also need the signature page of your change of ownership form signed and returned to me with the \$25 dollar filing fee to change partially decreed right 29-07210.

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

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Craig L. Saxton'.

Craig L. Saxton
Water Resource Agent
Adjudication Bureau

Enclosure(s)

Form 42-248/42-1409(6) July, 2000

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided, if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
	29-07210	PO'd 25 Fee			
	29-10783				

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) are for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) John Woodward / Grace Woodward.
8690 Parks Rd / Pocatello, ID 83201
4. New Owner/Claimant(s) Gordon Lawlor / Cindy Lawlor
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address 8690 Parks Rd / Pocatello, ID 83201
Pocatello, ID 83201
- City, State and ZIP Code
- New Telephone Number (208) 478-1927
5. Date you acquired the property September 1998

WARRANTY DEED

For Value Received **JOHN J. WOODWARD and GRACIE M. WOODWARD, husband and wife**

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

GORDON LAWLOR and CYNTHIA LAWLOR, husband and wife

whose address is: **8690 NORTH PARKS RD., POCATELLO, ID, 83201**

Hereinafter called the Grantee, the following described premises situated in **BANNOCK County, Idaho**, to-wit:

A tract of land in the SW1/4, Section 20, Township 6 South, Range 35 E.B.M., BANNOCK COUNTY, IDAHO, more particularly described as follows:

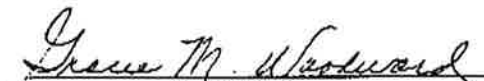
Beginning at the North 1/16 corner on the West line of said Section 20, Township 6 South, Range 35 E.B.M.; thence East 128.88 feet; thence South 17°42' East 277.16 feet, more or less, to the centerline of the Pocatello Creek Road, the TRUE POINT OF BEGINNING; thence South 17°42' East 414.24 feet; thence North 83°50' East 485.89 feet; thence North 00°54'50" West 448.66 feet, more or less, to the centerline of Pocatello Creek Road; thence in a Westerly direction along said centerline a distance of 611.16 feet, more or less, to the TRUE POINT OF BEGINNING.

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: **SEPTEMBER 30, 1998**


JOHN J. WOODWARD


GRACIE M. WOODWARD

STATE OF IDAHO)
COUNTY OF BANNOCK)

On This 30TH day of SEPTEMBER, in the year 1998, before me, a Notary Public in and for said State, personally appeared **JOHN J. WOODWARD and GRACIE M. WOODWARD**, known or identified to me to be the person(s) whose name(s) ARE subscribed to the within Instrument, and acknowledged to me that THEY executed the same.


Notary Public of Idaho
Residing at POCATELLO, ID.
Commission Expires: 2/18/99



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

October 9, 2001

GORDON & CYNTHIA LAWLOR
7690 N PARKS RD
POCATELLO ID 83201

RE: Request for CHANGE IN OWNERSHIP FOR 29-07210, 29-10783 and PRIORITY
EVIDENCE FOR 29-10783. *Second and Final Notice*

Dear Mr. & Mrs. Lawlor:

On April 14, 2001 I sent out a letter requesting completion of a Change in Water Right Ownership and Priority evidence (enclosed).

On May 3, 2001 Gordon and I spoke on the phone. My notes say that you would gather the requested information and make an appointment to meet with me in the office. To-date, no further correspondence has taken place regarding this issue.

For your convenience I am enclosing a copy of your claim, a Notice of Change in Water right Ownership form, and an evidence of priority pamphlet. Note: the requested information is needed in order for the department to make a favorable recommendation to the SRBA court. Please submit the requested documentation by **October 26, 2001**.

Please do not hesitate to contact me at 525-7161 if you have any questions or would like to set up an appointment to discuss this matter.

Respectfully submitted,

Craig L. Saxton
Water Resource Agent
Adjudication Bureau

Enclosure(s)

AFFIDAVIT OF GAYLE ANDERSON

I, Gayle Anderson, state the following:

1. I am a previous owner of T065 R35E S20 SW 1/4 NW 1/4
2. During ownership of this property between 1954 and 1972, we had $\frac{1}{2}$ in. water right on said property.
3. That I have personal knowledge of this property and its history regarding water rights.
4. That prior to my ownership, this property was owned by my father, Mr. Harry Anderson, who purchased it from Mr. John Tanny in the 1940's.
5. That Mr. John Tanny's ownership dated back to approximately 1890.


Gayle Anderson

5/15/02
Date

SRBA

PARTIAL DECREE 29-07210

Issued on 06-15-1998.

This is not an official copy.

Contact IDWR or the Court for a Certified Copy.

Choose Landscape Orientation when printing.

NAME AND ADDRESS:	GRACIE WOODWARD JOHN WOODWARD 8690 N PARKS RD POCATELLO, ID 83201		
SOURCE:	GROUNDWATER		
QUANTITY:	0.04 CFS 1.20 AFY		
	THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED GALLONS PER DAY.		
PRIORITY DATE:	07/12/1974		
POINT OF DIVERSION:	T06S R35E S20	NWSWNW	Within Bannock County
PURPOSE AND PERIOD OF USE:	PURPOSE OF USE Domestic 1 HOME	PERIOD OF USE 01-01 TO 12-31	QUANTIT 0.04 C 1.20 A
PLACE OF USE:	Domestic T06S R35E S20	SWNW	Within Bannock

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NO DETERMINATION OF HISTORICAL BENEFICIAL USE.

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

[Return to SRBA Home Page](#)

Split history for Decreed Right 29-00443

Claimed		Recommend		Deed	
A	Firkins	0.1	0.01	Deeded 1/2 in	Agreed
	5	1.3			
B	Fritch	0.02	0.02	Deeded 1 in per 10 ac	Disagreed but not changing
	10	1.8			
C	Stocking	0.05	0.01	Deeded 1/2 in	No NOE received
	2.5	1.1			
D	Anderson, D	29-13265 (And -D)	0.77	Deeded 1/2 in	No NOE Received
		40.5	5.2		
	Anderson, D	29-13266 (And-N)	0.06		
		52.5	3.1		
E	Johnson	0.17	0.12	Deeded 1/2 in	Agreed
		8.9	5.9		
F	Dixon	0.01	0.01	Need c/o No Deeds Assume 1/2 in per 5 acre plot	No NOE Received
		2	1.7		
G	Anderson, E	0.2	0.03	C05	No NOE Received
		2	1.6		
H	Packer (split)	29-13136 (Packer)	0.05	2/3 of 2 inch	No NOE Received
		1	1.3		
	Packer (split)	29-13137 (Hurley)	0.03		
		2	1		
I	Paul	0.04	0.03	Deed from Tanny-Anderson No 1/2 inch requirement	No NOE Received
		2	1		
J	Smith (split)	29-13254 (Smith)	0.005	Deeded 1/2 to parent	No NOE Received
		1	0.8		
	Smith (split)	29-13255 (Foltz)	0.005		
		1	0.7		
K	Morris	0.01	0.01	No deed received	No NOE Received
		1.5	0.6		
L	Finkelburg	0.01	0.01	Silent to WR	NOE Received Claim needs to be amended
		1	1		
M	Griggs	0.09	0.02	Silent to WR	NOE Received Additional Acreage Requested
		3	3		
N	Travis	1	0.16	8 in deeded	No NOE Received
		30	10.6		

29-00443

2 cfs

29-10783	Lawlor				
		0.12	0	0.1	
		6	0	3.5	
29-13270	Pharris				
		0.06	0.02		
		2	2		
29-12232	Taysom				
		0.02	0.02		
		1.5	1.3		

Disallow

No NOE Received

no deed provided

Silent to WR

Estimated Decreed Acreage = 56 ac
Remaining Diversion Rate For Decreed POU = 1.6

Sum CFS=	1.34
Sum Acre=	51.1

Un-accounted for CFS=	0.26
Un-accounted for Acres=	4.9



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

29-10783

POD

Field Exam 10/3/01

KARL J. DREHER
DIRECTOR



POD. Pocatello creek to the right of the picture. POU on the left of picture. Pump = Rain-O-Flow: Cornell: SN 10497: HP ?: Pump is old and bigger than most seen in this area. (csaxton 10/9/01).



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

29-10783

POD

Field Exam 10/3/01

KARL J. DREHER
DIRECTOR



Intake line for pump drops into Pocatello Creek. POU and pump behind me in picture. (csaxton 10/8/01).



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

29-10783

POU

Field Exam 10/3/01

KARL J. DREHER
DIRECTOR



Looking North at the POU. Hand-lines can be seen. POU in the field doesn't look currently irrigated. Claimant not home during field exam (csaxton 10/9/01)

JUN 15 2001

Conversation Memorandum

Date: May 3, 2001

From: Craig Saxton

Subject: Change of Ownership for 29-07410⁷²¹⁰ and 29-10783 and priority date for 29-10783 *- Domestic*

Spoke with Gordon Lawlor. He confirmed that he is the new owner of the Woodward property and the cooresponding water rights.

We discussed two main topics:

- 1) Change of ownership: He will fill out the Change of ownership form and return it to this office with the \$25 dollar fee for the Decreed right.
- 2) Evidence of Priority. The land was originally owned by the Andersons. Gordon feels he can get an affidavit from the Andersons putting his priority date back before 1971. He will get the information and call and make an appointment to meet with me in the office.

Part of Anderson's

April 25, 2001

GORDON & CYNTHIA LAWLOR
7690 N PARKS RD
POCATELLO ID 83201

RE: CHANGE IN OWNERSHIP FOR 29-07410, 29-04051 AND PRIORITY EVIDENCE
FOR 29-04051

Dear Mr. & Mrs. Lawlor:

The Idaho Department of Water Resources has recently begun its water right review in Basin 29. During my initial review, it has come to my attention that you may have recently purchased the tract of land in Bannock County that is described in adjudication claim 29-10783 and decreed right 29-07410. The property to which I am referring was most recently owned by John & Gracie Woodward. The legal description is as follows:

T06S R35E S20 SW1/4 NW1/4

This property was filed on in the Snake River Basin Adjudication (SRBA), and if, in fact, you now own the property in question, you need to file a "Change in Ownership" with this department in order that we may send all further correspondence to the appropriate owner(s).

Enclosed is a Change in Ownership form. Please fill out the form completely, sign and date it and return it to my attention along with a "copy" of your Warranty Deed and legal description of the property you have purchased.

There is a \$25.00 filing fee to change ownership for the decreed right 29-07410.

In addition, the priority date claimed for 29-10783 was July 12, 1974. This date conflicts with Idaho Code 42-210, concerning the appropriation of surface water. Water uses developed from a surface water source after May 20, 1971 requires filing an application for Permit. If you can provide evidence of use prior to May 20, 1971 we can amend the claim to represent an earlier priority date. If not, then you may submit an Application for Permit. An application form is enclosed with instructions for your use in this matter. We will be happy to proceed with processing the application if you will return the completed forms to our office with the appropriate filing fee.

Please do not hesitate to contact me at 525-7161 if you have any questions.

Respectfully submitted,

Craig L. Saxton
Water Resource Agent
Adjudication Bureau

Enclosure(s)

JANUARY 26, 1995

JOHN AND GRACIE WOODWARD
8690 N PARKS RD
POCATELLO ID 83201

RE: CHANGE IN OWNERSHIP FOR A29-07210, AND A29-10783

Dear Mr. and Mrs. Woodward:

The request for Change in Ownership concerning the Notice(s) of Claim in the above reference has been processed and the Notice(s) modified to reflect you as the new owner.

Enclosed are typed Notices with your name shown as the current owner. Review the forms and if there are other corrections or questions, feel free to contact this office.

If there are no questions or corrections, please keep these Notices for your records.

Respectfully submitted,

Jo Thompson
Adjudication Secretary

Enclosure: Notice of Claim

MICROFILMED
NOV 13 1996



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

DATE OF CLOSING: _____

LEGAL DESCRIPTION OF PROPERTY: Township _____ Range _____
Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____, BM.
Lot _____, Block _____, Subdivision/Townsite _____.
If you have additional legal descriptions, please attach separate sheet.

- [] Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)
- [] Water Right Number(s) Assigned by IDWR: A29-07210, 10783
- [] Name and Address of Former Owner/Claimant(s)(Seller): Boschetti
John & Gracie Woodward
- [] New Owner/Claimant (Purchaser): _____
- [] New Mailing Address: 8690 N. Parks Rd
Pocatello, ID 83201
- [] New Telephone Number: (208) 234 - 0210
- [] Does the change in ownership result in a splitting of the water right owned/claimed? yes no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

copy
warranty
deed

[] Attach proof of ownership, describe proof attached: _____

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

- [] Signature of New Owner/Claimant(s) John Woodward Date 1-29-95
Gracie M. Woodward Date 1-24-95
- [] Signature of Former Owner/Claimant(s): _____ Date _____
_____ Date _____

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: _____ By: _____

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: _____ By: _____

Claim Numbers of Split, if any:

MICROFILMED
NOV 13 1996

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

RECEIVED
JUL 12 2004

Department of Water Resources

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 29-10783
Date Received:
Receipt No: M006374
Received By:

**AMENDED
NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

GORDON LAWLOR Phone: (208)478-1927
OR
CINDY LAWLOR
8690 PARKS RD
POCATELLO ID USA 83201

2. Date of Priority: 06/01/1954

3. Source: POCATELLO CREEK NORTH FORK Trib. to: POCATELLO CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
06S	35E	20	NW SW NW	BANNOCK	

5. Description of diverting works:

PUMP, PIPED TO SPRINKLERS SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	0.12	
STOCKWATER	01/01	12/31	0.02	

7. Total Quantity Appropriated is:
0.12 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
06S	35E	20	SW NW	IRRIGATION	6

Section Acres 6

Total Acres 6

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:

Claim amended in 2004 to adjust priority date for increased diversion of water that augments .01 cfs from Tanney water right in 1925 decree.

15. Basis of Claim: Beneficial Use

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): [Signature] Date: 7/8/04
Date: _____

State of Idaho)
County of Bannock) SS.

Subscribed and sworn (or affirmed) before me this 8th day
of July 2004 [Signature]

Notary Public

Residing at Bannock County ID
My commission Expires 2/15/08



HP LaserJet 3100
Printer/Fax/Copier/Scanner

SEND CONFIRMATION REPORT for
WATER RESOURCES
2083275400
Jul-14-04 3:27PM

Job	Start Time	Usage	Phone Number or ID	Type	Pages	Mode	Status
532	7/14 3:26PM	0'38"	12087362121	Send	2 / 2	EC144	Completed

Total 0'38" Pages Sent: 2 Pages Printed: 0

29-10783

05/20/2004

SCANNED

JUL 13 2004

6

ACTES

INVESTIGATION

SW NM

352 20

066

10

Place of use:

1/4 of 1/4 Lot Use

Range Section

352 20

SW NM

066

8

Total consumptive use:

9

Non-irrigation uses:

10

Total Quantity appropriated in

0.12 CFS

03/15 11/15 0.12

01/01 12/31 0.02

STOCKWATER

IRIGATION

6

Water is used for the following purposes

Press 70 C.F.S.

03/15 11/15 0.12

01/01 12/31 0.02

loc: A.P.A.

5

Description of diverting works

PUMP SIZED TO SPRINKLER SYSTEM

6

Point of Diversion

1/4 of 1/4 of 1/4 Lot County

Range Section

352 20

SW NM

066

7

Source: ROCKWELL CREEK NORTH FORK TRIP CO. ROCKWELL CREEK

8

Date of Priority: 06/01/1954

9

Name of Claimant:

JORDON LAMOR Phone: 2081478-1927

OR

CHERY LAMOR

4640 JAMES RD

ROCKWELL ID USA 83201

10

IN RE THE GENERAL ADJUDICATION

OF RIGHTS TO THE USE OF WATER FROM

THE WYATTE RIVER BASIN WATER SYSTEM

IN THE DISTRICT COURT OF THE FIFTH DISTRICT OF THE STATE OF IDAHO

IN AND FOR THE COUNTY OF TWIN FALLS

CIVIL CASE NUMBER: 39576

29-10783

Ident Number

Date Received:

Receipt No:

4006374

Received By:

RECEIVED

JUL 12 2004

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case 39576

Subcase 29-10783
(Insert water right number)

STANDARD FORM 4

MOTION TO FILE:

☐ LATE NOTICE OF CLAIM

☒ AMENDED NOTICE OF CLAIM

INSTRUCTIONS

This form is used to file a late Notice of Claim or an amendment to a Notice of Claim in a reporting area where the Director's Report has been filed. Forms may be obtained from the SRBA Court, the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form. If you copy or reproduce this form, please copy on both sides with the even-number pages upside down.

The water right number for your late or amended claim must be indicated above in the blank space following "Subcase." You must use a **separate form for each** late or amended Notice of Claim.

This form has been adopted by the court in **SRBA Administrative Order 1, Rules of Procedure** (amended Sept. 30, 1996), Section 4, which may be consulted for further information.

By filing a *Motion to File a Late Notice of Claim* or a *Motion to File an Amended Notice of Claim*, you certify that it is well-grounded in fact; is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and is not filed for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation.

SCANNED
JUN 30 2004

I have attached:

- ☐ A fully completed Notice of Claim (available from IDWR).
- ☐ A claim filing fee for a domestic and stock watering use. IDWR may charge this fee pursuant to I.C. § 42-1414. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ _____.
- ☐ A claim filing fee and a late claim fee for those claims other than a domestic or stock watering use for which a notice of claim was not filed. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ _____.

Follow these instructions regarding the hearing on this motion.

1. Contact the Clerk of the SRBA Court (208-736-3011) to request a hearing date and time.
2. Fill in the following information:

This motion will be heard on _____
(Insert Date and Time)

at the SRBA courthouse, 253 Third Avenue North, Twin Falls, Idaho.

MOTION TO FILE AN AMENDED NOTICE OF CLAIM

A Motion to File an Amended Notice of Claim may require a hearing before the Presiding Judge or Special Master or may be granted by leave of the court or by written consent of the parties and the Idaho Department of Water Resources. Leave to amend a claim shall be freely given when justice so requires.

- ☒ I must amend my Notice of Claim to the use of water in the SRBA because:

the instructions given to me were confusing
and I did not understand what
the notice of claim was — I thought
I had sent in all required documents.

SCANNED
JUN 30 2004

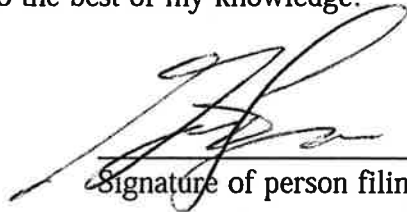
VERIFICATION (Must be completed)

State of IDAHO

County of BANNOCK

GORDON D. LAWLER, being first duly sworn, upon oath, deposes and says:
(Insert name of person filing form)

That I am the party/claimant filing this motion for late or amended claim (as listed on Page 2) as defined by I.C. §§ 42-1401A(1) and (7) or that I am the attorney for the party/claimant filing this motion for late or amended claim and that I have read this motion, know its contents, and believe that the statements are true to the best of my knowledge.



Signature of person filing motion

Attorney signing in representative capacity

Subscribed and sworn to before me on 6/21/04
(Insert Date)




Notary Public for Bannock County, ID
Residing at: Bannock County, ID
My Commission expires: 2/5/08

INSTRUCTIONS FOR MAILING

You must mail this form, including all attachments, to the Clerk of the SRBA Court. **FAX filings will not be accepted by the SRBA Clerk of the Court.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

SCANNED
JUN 30 2004

JUN 30 2004

Department of Water Resources

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 29-10783
Date Received:
Receipt No: M006374
Received By:

**AMENDED
NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

GORDON LAWLOR Phone: (208)478-1927
OR
CINDY LAWLOR
8690 PARKS RD
POCATELLO ID USA 83201

2. Date of Priority: 06/01/1954

3. Source: POCATELLO CREEK NORTH FORK Trib. to: POCATELLO CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
06S	35E	20	NW SW NW	BANNOCK	

5. Description of diverting works:

PUMP, PIPED TO SPRINKLERS SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	0.12	
STOCKWATER	01/01	12/31	0.02	

7. Total Quantity Appropriated is:
0.12 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
06S	35E	20	SW NW	IRRIGATION	6

SCANNED
JUN 30 2004

Section Acres 6

Total Acres 6

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:

Claim amended in 2004 to adjust priority date for increased diversion of water that augments .01 cfs from Tanney water right in 1925 decree.

15. Basis of Claim: Beneficial Use

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): _____ Date: _____

_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this

of _____ 20__

Notary Public

Residing at _____

My commission Expires _____

SCANNED
JUN 30 2004

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-10783 V1

WATER RIGHT NUMBER: 29-10783 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	SUSAN A BOSCHETTI 8690 N PARKS RD POCATELLO, ID 83201 (208)232-5771
Original Owner	TERRY J BOSCHETTI 8690 N PARKS RD POCATELLO, ID 83201 (208)232-5771
Original Owner	JOHN WOODWARD 8690 N PARKS RD POCATELLO, ID 83201 (208)234-0210
Original Owner	GRACIE WOODWARD 8690 N PARKS RD POCATELLO, ID 83201 (208)234-0210
Current Owner	CINDY LAWLOR 8690 PARKS RD POCATELLO, ID 83201
Current Owner	GORDON LAWLOR 8690 PARKS RD POCATELLO, ID 83201

Priority Date: 06/12/1974

Basis: Beneficial Use

Status: **Disallowed**

<u>Source</u>	<u>Tributary</u>
NORTH FORK POCATELLO CREEK	POCATELLO CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	0.100 CFS	
STOCKWATER	04/01 to 10/31	0.020 CFS	
	<u>Total Diversion:</u>	0.100 CFS	

Location of Point(s) of Diversion

NORTH FORK POCATELLO CREEK	NW1/4SW1/4NW1/4	Sec. 20, Twp 06S, Rge 35E, B.M.
BANNOCK County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S	35E	20																	3.4

Total Acres: 3.4

SCANNED

MAY 21 2004

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-10783 V1

STOCKWATER same as IRRIGATIONConditions of Approval:

1. P01 NO LAWFUL APPROPRIATION SHOWN: There are a number of circumstances in which a claim is proposed to be disallowed on this basis. This is most commonly included for a claim based on beneficial use or posted notice that is PROPOSED to be disallowed because the right claimed is not within an exception to the mandatory permit statute, and beneficial use of water prior to the mandatory permit statute was not confirmed. This is also included where a claim is PROPOSED to be disallowed because the claim is to water that is not public water subject to appropriation. This is also included where a right was determined not to exist in a prior adjudication.

Remarks:

1. General NO LAWFUL APPROPRIATION SHOWN.

Comments:

1. csaxton 2/8/2002 Disallow

Comment: Priority evidence and c/o submitted on 5/21/02, but no amended claim received. Must recommend as disallowed since priority evidence claimed is after the mandatory permit statute for surface water. I have been in contact with claimant on 5 different occasions concerning this matter.

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>
POD	2/8/2002 3:43:27 PM	csaxton			Disallowed
Source	2/8/2002 3:48:12 PM	csaxton			Disallowed
POU	2/8/2002 3:48:49 PM	csaxton			Disallowed
Use	2/8/2002 3:52:03 PM	csaxton			Disallowed
Season	2/8/2002 3:53:52 PM	csaxton			Disallowed
Quantity	2/8/2002 3:54:51 PM	csaxton			Disallowed
Summary			02/08/2002	csaxton	Disallowed
Priority Date	2/8/2002 3:57:22 PM	csaxton			Disallowed

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
----------------	------------------------	-----------------	-----------------

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-10783 V1

Contacts	2/8/2002 3:28:09 PM	csaxton	(No) 1. Do you want to schedule an appointment? Comment for 1: Set up appointment with claimant on 11/13/01, he never showed up.
POD	2/8/2002 3:43:27 PM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the POD? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?
POD	2/8/2002 3:47:08 PM	csaxton	Edited point location
Source	2/8/2002 3:48:12 PM	csaxton	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim an Application or Permit? (No) 6. Is the basis of claim a Posted Notice? (No) 7. Is there evidence that there has been a change in the source? (Yes) 10. Does the file contain all the necessary information to verify the source? (No) 11. Is a Source remark and/or condition required? Description for Question 10 - USGS quad map
POU	2/8/2002 3:48:48 PM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (Yes) 2b. Is the POU required? (No) 3. Is the basis of claim a Application or Permit? (No) 7. Is there evidence that there has been a change in the POU? (Yes) 13. Does the file contain all the necessary information to verify the POU? (No) 14. Is a POU remark and/or condition required? Description for Question 13 - Field Exam 10/3/01
POU	2/8/2002 3:50:08 PM	csaxton	Edited shape boundary
POU	2/8/2002 3:50:26 PM	csaxton	Edited PLS
Use	2/8/2002 3:52:03 PM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Purpose of Use? (Yes) 11. Does the file contain all the necessary information to verify the Water Use? (No) 13. Is a Purpose of Use remark and/or condition required? Description for Question 10,11,12 - Field Exam 10/3/01

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-10783 V1

Season	2/8/2002 3:53:52 PM	csaxton	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?
POD	2/8/2002 3:54:51 PM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is the basis of claim a posted notice? (No) 7. Is a flow measurement required? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (No) 12. Is a Quantity remark or condition required? Description for Question 7 - Per David Tuthill, claims for less than 0.20 cfs do not require measurement.
Summary	2/8/2002 3:57:07 PM	csaxton	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (No) 4. Is any portion of the claim be recommended? (No) 5. Is an additional remark and/or condition required? (Yes) 6. Would you like to view the recommended right? (No) 7. Is this a split or combined right? (No) 8. Do you have documents you would like to attach or link to the file? (Yes) 9. Would you like to set the verification date?
Priority Date	2/8/2002 3:57:22 PM	csaxton	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (No) 4. Is the basis of claim decree or license? (No) 7. Is the basis of claim a Application or Permit? (No) 8. Is the basis of claim a posted notice? (Yes) 9. Is the Priority Date claimed after the date a permit is required for the source and the water use? (No) 11. Is the claim for an expansion or enlargement under 42-1416B or 42-1426?

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 29-10783
Date Received: 3/27/1990
Receipt No: M006374
Received By:

AMENDED

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

GORDON LAWLOR Phone: (208) 478-1927

8690 PARKS RD
POCATELLO ID USA 83201

CINDY LAWLOR Phone: (208) 478-1927

8690 PARKS RD
POCATELLO ID USA 83201

2. Date of Priority: 06/1/1887

3. Source: POCATELLO CREEK NORTH FORK Trib. to: POCATELLO CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot			County	Type
06S	35E	20	NW	SW	NW	BANNOCK	

5. Description of diverting works:

PUMP, PIPED TO SPRINKLERS SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	0.01	
STOCKWATER	01/01	12/31	0.01	

7. Total Quantity Appropriated is:
0.01 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
06S	35E	20	SW	NW	IRRIGATION	3.4
Section Acres						3.4
Total Acres						3.4

11. Place of use in counties: BANNOCK

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

13. Other Water Rights Used:

29-07210

14. Remarks:

CHANGED OWNERSHIP PER CLAIMANT REQUEST 7/10/02 (CSAXTON)

CHANGED OWNERSHIP 1/25/95/JT

15. Basis of Claim: Decreed

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): _____ Date: _____

_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this
of _____ 20 _____

Notary Public

Residing at _____

My commission Expires _____

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 29-10783
Date Received: 3/27/1990
Receipt No: M006374
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

GORDON LAWLOR Phone: (208) 478-1927

8690 PARKS RD
POCATELLO ID USA 83201

CINDY LAWLOR Phone: (208) 478-1927

8690 PARKS RD
POCATELLO ID USA 83201

2. Date of Priority: 06/12/1974

3. Source: POCATELLO CREEK NORTH FORK Trib. to: POCATELLO CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot			County	Type
06S	35E	20	NW	SW	NW	BANNOCK	

5. Description of diverting works:

PUMP, PIPED TO SPRINKLERS SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	0.12	
STOCKWATER	01/01	12/31	0.02	

7. Total Quantity Appropriated is:
0.12 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
06S	35E	20	SW	NW	IRRIGATION	6
Section Acres						6
Total Acres						6

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:

CHANGED OWNERSHIP PER CLAIMANT REQUEST 7/10/02 (CSAXTON)

CHANGED OWNERSHIP 1/25/95/JT

15. Basis of Claim: Beneficial Use

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): _____ Date: _____

_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this

of _____ 20 _____

Notary Public

Residing at _____

My commission Expires _____

AJ5809NP
No. A29-10783

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 02/11/02
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	JOHN WOODWARD	07/12/1974	IRRIGATION	03-15 11-15	0.120 CFS	
C	GRACIE WOODWARD		STOCKWATER	01-01 12-31	0.020 CFS	
	8690 N PARKS RD					
	POCATELLO ID 83201					
	(208) 234-0210					
				TOTAL DIVERSION:	0.120 CFS	
				CONSUMPTIVE USE:		15.00 AFA

Water Source: POCATELLO CREEK
NORTH FORK

Tributary to: PORTNEUF RIVER
POCATELLO CREEK

Stage: BENEFICIAL USE

Point(s) of Diversion: T06S R35E S20 NWSWNW BANNOCK County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE				
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM
06S	35E	20	:																	6.0
																			TOTAL ACRES	6.0

Place of use Legal Description for: STOCKWATER

				NE				NW				SW				SE				
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
06S	35E	20	:																	

POU County: BANNOCK

Non-Irrigation Uses: S, 4 HEAD CATTLE OR HORSES

Other Rights: LICENSE A29-07210

Remarks: GEN CHANGED OWNERSHIP 1/25/95/JT

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

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

Audit: 03/27/90 HAUMANN 08/04/94 THOMPSON 01/25/95 JTHOMPSON 03/29/95 POST-STD
06/01/00 CVANDERM

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: A29-10783
Date Received: 3/27/1990
Receipt No: M006374
Received By: _____

**COPY FOR
YOUR FILES**

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

**COPY FOR
YOUR FILES**

1. Name: JOHN WOODWARD
Address: 8690 N PARKS RD
POCATELLO ID 83201
AND/OR
Name: GRACIE WOODWARD
Address: 8690 N PARKS RD
POCATELLO ID 83201
208-234-0210
208-234-0210
2. Date of Priority: JUL 12, 1974
3. Source: POCATELLO CREEK
NORTH FORK
Trib. to:
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
06S	35E	20	NW	SW	NW		BANNOCK
5. Description of diverting works:
PUMP, PIPED TO SPRINKLERS SYSTEM
6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	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:
S, 4 HEAD CATTLE OR HORSES

MICROFILMED

NOV 13 1996

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06S	35E	20	SW	NW		STOCK IRR	6.0
					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:
LICENSE A29-07210

14. Remarks:
CHANGED OWNERSHIP 1/25/95/JT

15. Basis of Claim: BENEFICIAL USE

MICROFILMED
NOV 13 1996

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: A29-10783
Date Received: 3/27/1990
Receipt No: M006374
Received By: AWA

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: TERRY J. BOSCHETTI 208-232-5771
Address: 8690 NO. PARKS RD.
POCATELLO, ID 83201

AND/OR

Name: SUSAN A. BOSCHETTI 208-232-5771
Address: 8690 NO. PARKS RD.
POCATELLO, ID 83201

2. Date of Priority: JUL 12, 1974

3. Source: POCATELLO CREEK Trib. to:
NORTH FORK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
06S	35E	20	NW	SW	NW		BANNOCK

5. Description of diverting works:
PUMP, PIPED TO SPRINKLERS SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	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:
S, 4 HEAD CATTLE OR HORSES

A29-10783

Page 1

Date: 03/27/90

MICROFILMED

NOV 16 1992

A2910783



10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06S	35E	20	SW	NW		STOCK IRR	6.0
						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:
LICENSE A29-07210

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

(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.

NOV 16 1992