

06/11/2003

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

RIGHT NUMBER: 29-10877

NAME AND ADDRESS: LINDA AMES
3485 JOHNNY CREEK RD
POCATELLO ID 83204

LARRY AMES
3485 JOHNNY CREEK RD
POCATELLO ID 83204

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.040 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 2,500
GALLONS PER DAY.

PRIORITY DATE: 12/31/1948

POINT OF DIVERSION:

T07S R34E S12 NWNWNE Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

DOMESTIC

01/01 12/31

0.040 CFS

Domestic use is for 1 home.

PLACE OF USE: DOMESTIC Within BANNOCK County

T07S R34E S12 NWNE

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 IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: Beneficial Use

Parcel #: RPCPP127600

Commercial use for Ceramics Business

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-10877 V1

WATER RIGHT NUMBER: 29-10877 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	LINDA AMES 3485 JOHNNY CREEK RD POCATELLO, ID 83204 (208)232-0807
Current Owner	LARRY AMES 3485 JOHNNY CREEK RD POCATELLO, ID 83204 (208)232-0807

Priority Date: 12/31/1948

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
---------------	------------------

GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	01/01 to 12/31	0.040 CFS	
	<u>Total Diversion:</u>	0.040 CFS	

Location of Point(s) of Diversion

GROUND WATER	NW1/4NW1/4NE1/4	Sec. 12, Twp 07S, Rge 34E, B.M.
BANNOCK County		

Place of Use

DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	34E	12																	
				X															

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2. N06 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 2,500 GALLONS PER DAY.
3. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
4. X01 Domestic use is for 1 home.

Remarks:

1. Explanatory Parcel #: RPCPP127600

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 29-10877 V1

2. Explanatory Commercial use for Ceramics Business

Comments:

1. csaxton 12/3/2002 Priority

Comment: No priority evidence for commercial. Recommend under domestic definition "B" even though claimant paid \$52.

2. csaxton 12/3/2002 POD

Comment: POD location not identified in the field. Property is in NWNWNE section 12. Recommend POD within that legal.

3. csaxton 6/11/2003 NOE

Comment: NOE stated priority date incorrect. An amended claim was solicited and received. Recommend new priority date.

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: 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	12/3/2002 1:52:53 PM	csaxton			Active
Priority Date	12/3/2002 1:53:39 PM	csaxton			Active
POD	12/3/2002 1:53:52 PM	csaxton			Active
Source	12/3/2002 1:56:06 PM	csaxton			Active
POU	12/3/2002 1:56:34 PM	csaxton			Active
Use	12/3/2002 1:58:33 PM	csaxton			Active
Season	12/3/2002 1:59:12 PM	csaxton			Active
Quantity	12/3/2002 2:00:21 PM	csaxton			Active
Summary			12/03/2002	csaxton	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Contacts	12/3/2002 1:52:52 PM	csaxton	(No) 1. Do you want to schedule an appointment?
			Comment for 1: Desktop Review

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-10877 V1

Priority Date	12/3/2002 1:53:38 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? (No) 9. Is the Priority Date claimed after the date a permit is required for the source and the water use? (Yes) 12. Does the claim file contain sufficient evidence of Priority Date? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required? Description for Question 12/13 - No priority Evidence required for Domestic Definition B
POD	12/3/2002 1:53:52 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	12/3/2002 1:54:31 PM	csaxton	Edited point location
Summary	12/3/2002 3:58:36 PM	csaxton	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (Yes) 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?
Source	12/3/2002 1:56:05 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 - Desktop Review

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-10877 V1

POU	12/3/2002 1:56:34 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 - Bannock County Tax lot data.
POU	12/3/2002 1:56:58 PM	csaxton	Edited shape boundary
Use	12/3/2002 1:58:33 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 - Desktop Review
Season	12/3/2002 1:59:11 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? (No) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required? Description for Question 15 - IDWR standard for Domestic - year round.
Quantity	12/3/2002 2:00:20 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? (Yes) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 10. Is a irrigation a purpose of use? (No) 12. Is a Quantity remark or condition required? Description for Question 7 - De-minimus Description for Question 10 - Limited to under 2500 gpd per domestic definition B



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

June 3, 2003

LARRY AMES
LINDA AMES
3485 JOHNNY CK RD
POCATELLO ID 83204

RE: Notice of Error Reply for Snake River Basin Adjudication (SRBA) preliminary recommendation 29-10877.

Dear Mr. and Ms. Ames,

The Idaho Dept. of Water Resources received your notice of error (NOE) reply on March 24, 2003. I am sorry it has taken so long to get back to you.

In the NOE you stated that the priority date for preliminary recommendation 29-10877 should reflect a 1948 priority date rather than 1958.

I do not see an issue with making this change other than the fact that you originally claimed a 1958 priority date. In order for IDWR to be able to recommend the 1948 priority, the claim needs to be amended.

For your convenience I am enclosing an amended claim. Since you did not make note of a month and day for the priority I just amended the claim to reflect 12/31/1948. However, if you feel this is inaccurate, just cross that out and fill in the date you feel appropriate, and initial next to the date.

Please look over the claim, initial any changes you wish to make. When satisfied, sign the claim in front of a notary and return it to this office by **June 16, 2003**.

I will send you an updated version of the preliminary recommendation when completed.

Please feel free to contact me with any questions.

Respectfully submitted,

Craig L. Saxton
Sr. Water Resource Agent
Adjudication Bureau

02/08/2003

Craig

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: April 21, 2003

Water right number: 29-10877

LINDA AMES
3485 JOHNNY CREEK RD
POCATELLO ID 83204
Telephone Number: (208)232-0807

LARRY AMES
3485 JOHNNY CREEK RD
POCATELLO ID 83204
Telephone Number: (208)232-0807

RECEIVED

MAR 24 2003

WATER RESOURCES
WESTERN REGION

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

After researching this date I found the well was drilled in 1948. We moved there in 1958. Just wanted

2. Describe the changes you wish to make in the proposed recommendation:

this to be correct.

3. Give a brief explanation as to why you disagree with these portions:

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

DATE: _____ SIGNATURE: _____

Please print your name: _____

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

Everything else is correct on the preliminary Recommendation

*Thank you
Linda Ames
Craig*

RECEIVED
MAR 17 2003
Department of Water Resources
Idaho Falls, ID 83402

SCANNED

JUN 15 2001

↳ Rescan

4/9/01

No priority Evidence - Not sure if it is necessary

↳ 6/6/01 spoke with Ernie and priority Evidence not needed. This commercial use falls under category of Domestic → Recommend as Domestic

7-16-02 : Recommend as Domestic per "B"

Parcel RPP127600

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 29-10877

WATER RIGHT NUMBER: 29-10877

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	LINDA AMES ✓ 3485 JOHNNY CREEK RD POCATELLO, ID 83204 (208)232-0807
Current Owner	LARRY AMES ✓ 3485 JOHNNY CREEK RD POCATELLO, ID 83204 (208)232-0807

Priority Date: 08/10/1958 ✓
 Basis: Beneficial Use ✓
 Status: Active ✓

<u>Source</u>	<u>Tributary</u>
GROUND WATER ✓	

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	1/01 to 12/31	0.040 CFS	~~0.040~~
~~COMMERCIAL~~	~~1/01 to 12/31~~	~~0.020 CFS~~	

Total Diversion: ~~0.060 CFS~~
 0.40

<u>Location of Point(s) of Diversion</u>		
GROUND WATER ✓	✓ ✓ ✓ NW1/4NW1/4NE1/4	✓ ✓ Sec. 12, Twp 07S, Rge 34E, B.M.
BANNOCK County ✓		

Place of Use
DOMESTIC Within BANNOCK County
 T07S R34E S12 NWNE

~~COMMERCIAL Within BANNOCK County~~ NO
~~T07S R34E S12 NWNE~~

Conditions of Approval:

Commercial use for Ceramics Business
 x01 - Dam 1 home
 Parcel RPCPP127600

Remarks:

1. General THIS RIGHT WAS ORIGINALLY ESTABLISHED AS ENTIRELY DOMESTIC USE. THE BUILDING INWHICH THE BUSINESS IS LOCATED HAS ALWAYS BEEN PLUMBED AND WATER HAS BEEN USED THERE FOR VARIOUS ENTERPRISES. IN 1983 THE CURRENT BUSINESS, MOUNTAINSIDE CREATIONS, WAS OPENED. THIS USE IS FOR NO MORE WATER THAT WAS USED PREVIOUSLY. THE ONLY DIFFERENCE IS THAT AN ACTUAL "BUSINESS" IS HOUSED IN THE BUILDING.

Comments:Dates and Other Information:

Claim Received Date: 3/29/1990
 State or Federal: S
 Owner Name Connector: OR

~ Limited to 2500 GPD N/A
 ~ not N/A

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 29-10877
Date Received: 3/29/1990
Receipt No: M006429
Received By:

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name of Claimant(s)

LINDA AMES Phone: (208)232-0807

3485 JOHNNY CREEK RD
POCATELLO ID USA 83204

LARRY AMES Phone: (208)232-0807

3485 JOHNNY CREEK RD
POCATELLO ID USA 83204

2. Date of Priority: 12/31/1948

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
07S	34E	12	NW NW NE	BANNOCK	

5. Description of diverting works:

WELL 150' DEEP, 6" CASING, 1/2HP PUMP PIPED TO HOUSE & BUILDING

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
COMMERCIAL	1/01	12/31	0.02	
DOMESTIC	1/01	12/31	0.04	

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

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JUN 11 2003
WATER RESOURCES
WESTERN REGION

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
07S	34E	12	NW	NE	DOMESTIC	
			NW	NE	COMMERCIAL	

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:

THIS RIGHT WAS ORIGINALLY ESTABLISHED AS ENTIRELY DOMESTIC USE. THE BUILDING INWHICH THE BUSINESS IS LOCATED HAS ALWAYS BEEN PLUMBED AND WATER HAS BEEN USED THERE FOR VARIOUS ENTERPRISES.

IN 1983 THE CURRENT BUSINESS, MOUNTAINSIDE CREATIONS, WAS OPENED. THIS USE IS FOR NO MORE WATER THAT WAS USED PREVIOUSLY. THE ONLY DIFFERENCE IS THAT AN ACTUAL "BUSINESS" IS HOUSED IN THE BUILDING.

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):

Linda Agnew
Carol J. Agnew

Date:

6-9-03

Date:

6-9-03

State of Idaho

County of

Bannock

SS.

Subscribed and sworn (or affirmed) before me this

of 6-9 2003

Jordan A. [Signature]
Notary Public

Residing at

Pocatello

My commission Expires

1/20/07

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02/08/2003

Craig

NOTICE OF ERROR
REPLY

JUN 11 2003

WATER RESOURCES
WESTERN REGION

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: April 21, 2003

Water right number: 29-10877

LINDA AMES
3485 JOHNNY CREEK RD
POCATELLO ID 83204
Telephone Number: (208)232-0807

LARRY AMES
3485 JOHNNY CREEK RD
POCATELLO ID 83204
Telephone Number: (208)232-0807

RECEIVED

MAR 24 2003

WATER RESOURCES
WESTERN REGION

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

After researching this date I found the well was drilled in 1948. We moved there in 1958. Just wanted

2. Describe the changes you wish to make in the proposed recommendation:

this to be correct.

3. Give a brief explanation as to why you disagree with these portions:

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

DATE: _____ SIGNATURE: _____

Please print your name: _____

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

Everything else is correct on the preliminary Recommendation

*Thank you
Linda Ames
Craig Ames*

JUN 15 2001

#5280

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: A29-10877
Date Received: 3/29/1990
Receipt No: m006429
Received By: AB

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: LARRY AMES
Address: 3485 JOHNNY CREEK RD.
POCATELLO, ID 83204 208-232-0807
OR
Name: LINDA AMES
Address: 3485 JOHNNY CREEK RD.
POCATELLO, ID 83204 208-232-0807

A2910877



2. Date of Priority: AUG 10, 1958

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
07S	34E	12	NW	NW	NE		BANNOCK

5. Description of diverting works:
WELL 150' DEEP, 6" CASING, 1/2HP PUMP PIPED TO HOUSE & BUILDING

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.040		
COMMERCIAL	01/01	12/31	0.020		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
D/ ONE HOUSEHOLD; C/ CERAMICS BUSINESS

A29-10877

Page 1

Date: 03/29/90

MICROFILMED

NOV 16 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	34E	12	NW	NE		DOMEST	
			NW	NE		COMMER	

11. Place of use in counties: BANNOCK

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

13. Other Water Rights Used:
NONE

14. Remarks:

THIS RIGHT WAS ORIGINALLY ESTABLISHED AS ENTIRELY DOMESTIC USE. THE BUILDING INWHICH THE BUSINESS IS LOCATED HAS ALWAYS BEEN PLUMBED AND WATER HAS BEEN USED THERE FOR VARIOUS ENTERPRISES. IN 1983 THE CURRENT BUSINESS, MOUNTAINSIDE CREATIONS, WAS OPENED. THIS USE IS FOR NO MORE WATER THAT WAS USED PREVIOUSLY. THE ONLY DIFFERENCE IS THAT AN ACTUAL "BUSINESS" IS HOUSED IN THE BUILDING.

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): Linda Ames Date: 3-29-90

Date: _____

State of Idaho)
County of Bennecke) SS.

Subscribed and sworn (or affirmed) before me this 29th day
of March 1990

Anna Baumhoff
Notary Public

Seal

Residing at Anna Baumhoff, Notary Public
Residing at Boise, Idaho
My Commission Expires December 7, 1994