

02/07/2002

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

RIGHT NUMBER: 29-13268
NAME AND ADDRESS: GERALD L NEWTON
PO BOX 489
INKOM ID 83245

MARY R NEWTON
PO BOX 489
INKOM ID 83245

SOURCE: PORTNEUF RIVER
PORTNEUF RIVER SLOUGH
TRIBUTARY: SNAKE RIVER
TRIBUTARY: PORTNEUF RIVER

QUANTITY: 0.75 CFS

PRIORITY DATE: 10/31/1912

POINT OF DIVERSION:

T07S R35E S24 NWSESE Within BANNOCK County
T07S R35E S24 SESESE 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	0.750 CFS

PLACE OF USE: IRRIGATION Within BANNOCK County

T07S R35E S24	SWSE	8.4	T07S R35E S24	SESE	29.0
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37.4 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.

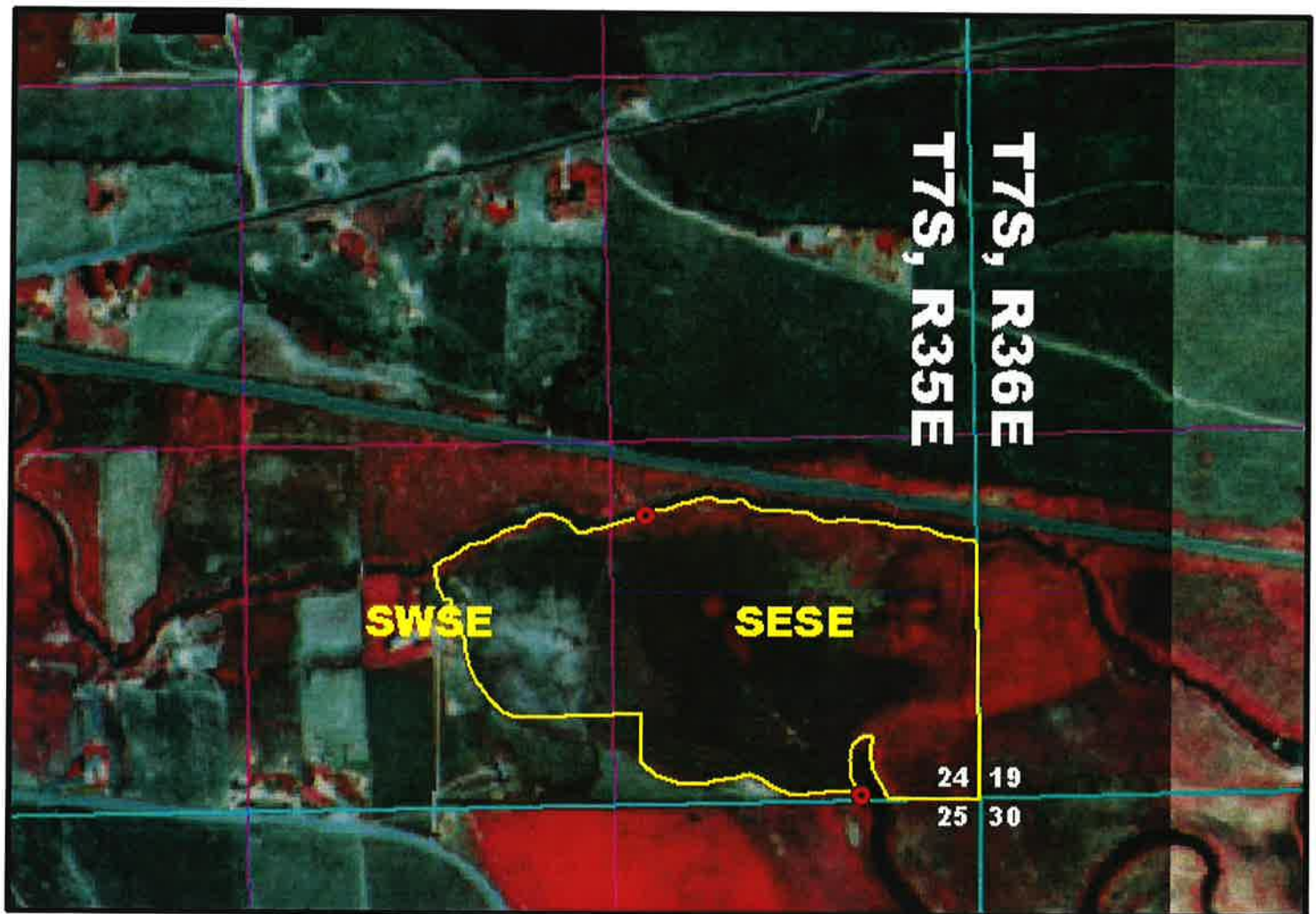
EXPLANATORY MATERIAL: Beneficial Use



STATE OF IDAHO

Department of Water Resources
Eastern Region

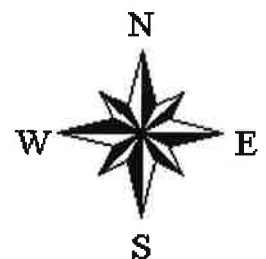
Water Right(s): 29-13268



1320 0 1320 Feet

Total Irrigated Acres: 37.4

-  Point(s) of Diversion
-  Place of Use
-  Quarter Quarter Lines
-  Section Lines



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

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-13268 V1

WATER RIGHT NUMBER: 29-13268 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	GERALD L NEWTON PO BOX 489 INKOM, ID 83245 (208)775-3163
Current Owner	MARY R NEWTON PO BOX 489 INKOM, ID 83245 (208)775-3163
Original Owner	CAROL L BAGLEY RT 2 BOX 4170 INKOM, ID 83245
Original Owner	GERALD L NEWTON 71 RIVERSIDE DR POCATELLO, ID 83204 (208)233-7724

Priority Date: 10/31/1912

Basis: Beneficial Use

Status: Active

SourcePORTNEUF RIVER
PORTNEUF RIVER SLOUGHTributarySNAKE RIVER
PORTNEUF RIVERBeneficial Use

IRRIGATION

From To

04/01 to 10/31

Diversion Rate

0.750 CFS

Annual VolumeTotal Diversion: 0.750 CFSLocation of Point(s) of Diversion

PORTNEUF RIVER BANNOCK County	NW1/4SE1/4SE1/4	Sec. 24, Twp 07S, Rge 35E, B.M.
PORTNEUF RIVER SLOUGH BANNOCK County	SE1/4SE1/4SE1/4	Sec. 24, Twp 07S, Rge 35E, B.M.

Place of UseIRRIGATION Within BANNOCK County

T07S R35E S24	SWSE	8.4	T07S R35E S24	SESE	29.0
Total Acres: 37.4					

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.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 29-13268 V1

Comments:

1. csaxton 2/7/2002 POU

Comment: 29-13267, 29-13268, and 29-13269 amended for a PPU. However, systems are separate so recommended as individual rights with separate POU.

2. csaxton 2/7/2002 Priority Date

Comment: Original claim for this property claimed a priority date of 9/8/1906. I created an amended claim for claimant with priority date of 12/31/1912 based on priority evidence that supported only the year. Per claims investigation hand book, on beneficial use claims guidance is not to recommend a priority date outside of the season of use.

Recommending priority date of 10/31/1912 without amended claim since this was an error on my part.

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>
Priority Date	2/7/2002 11:29:52 AM	csaxton			Active
POD	2/7/2002 11:33:51 AM	csaxton			Active
Source	2/7/2002 11:38:03 AM	csaxton			Active
POU	2/7/2002 11:38:46 AM	csaxton			Active
Use	2/7/2002 11:43:16 AM	csaxton			Active
Season	2/7/2002 11:43:58 AM	csaxton			Active
Quantity	2/7/2002 11:45:24 AM	csaxton			Active
Summary	2/7/2002 11:48:20 AM	csaxton	2/7/2002 11:48:20 AM	csaxton	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-13268 V1

POU	2/7/2002 11:38:48 AM	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 9/13/01
Contacts	2/7/2002 11:27:19 AM	csaxton	(No) 1. Do you want to schedule an appointment? Comment for 1: Field Exam 9-13-01
Contacts	2/7/2002 11:28:18 AM	csaxton	(No) 1. Do you want to schedule an appointment? Comment for 1: Field Exam 9-13-01
POD	2/7/2002 11:33:53 AM	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?
Priority Date	2/7/2002 11:29:54 AM	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 - Notarized statement from neighbor.
POD	2/7/2002 11:34:55 AM	csaxton	Edited point location
POD	2/7/2002 11:35:13 AM	csaxton	Edited PLS
POD	2/7/2002 11:35:38 AM	csaxton	Edited point location

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-13268 V1

Source	2/7/2002 11:38:04 AM	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 - Field exam 9/13/01
POU	2/7/2002 11:40:37 AM	csaxton	Edited shape boundary
POU	2/7/2002 11:41:18 AM	csaxton	Edited PLS
Use	2/7/2002 11:43:17 AM	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 9/13/01
Season	2/7/2002 11:44:00 AM	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	2/7/2002 11:45:26 AM	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? (Yes) 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 - Theoretical calculation based on data provided by claimant in December of 2001.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-13268 V1

Summary	2/7/2002 11:48:21 AM	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?
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2-7-01 : Measurement Calculations based on conversation with claimant
In December 2001

29-13267

System = 2 Hp pump, 6 sprinkler heads, lift 6-8 Ft

29-13269

System = 10 hp Single Phase 200 GPM
40 sprinkler heads
6-8 Ft lift
60 PSI
Rainbird

$$@ \frac{(5 \text{ gpm})(40 \text{ heads})}{(448)} = 0.45 \text{ cfs} > \text{claimed}$$

29-13268

System = 40 hp 90 sprinkler heads
55-60 PSI
8-10' lift
Rainbird

$$@ \frac{(5 \text{ gpm})(90 \text{ heads})}{(448)} = 1.0 \text{ cfs} > \text{claimed}$$



IDAHO DEPARTMENT OF WATER RESOURCES

SNAKE RIVER BASIN ADJUDICATION - BASIN 29

RIGHT ID 29 13134
POD ID 517929
Quad _____
Claim Type L
Easting _____ 0
Northing _____ 0
GPSID _____

Diversion Description

PUMP & PIPELINE

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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INTREPID

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

November 26, 2001

To whom it may concern

I have witnessed the use of water on the land north of the Portneuf River on Gerold Newton's property at 4386 W. Portneuf Rd. Inkom since about 1954. The water was taken out of the river west of the present Newton property. The ground was owned by Arthur Barron at the time I first witnessed the use of water on that property. The dam was at that time on this property.

Marc J. Barron
3440 W. Portneuf Rd.
Inkom ID 83245

Marc J. Barron

STATE OF IDAHO, COUNTY OF Bannock
On this 29th day of Nov., 19-2001
before me, a notary public in and for said State, personally
appeared

Marc J. Barron

known to me to be the person whose name is
subscribed to the within instrument, and acknowledged to
me that he executed the same.

Gary E. Brown

Notary Public

Residing at Pocatello, Idaho
Comm. Expires 7-15-05

GARY E. BROWN
Notary Public
State of Idaho

INSTRUMENT No.

March 27, 1995

To whom it may concern:

Regarding the water right (A29-04099) on property, (township 07S. range 36E. section 19 and township 07S. range 36E. section 30), Maren Haze Barron and Marc Barron 3438 W. Portneuf Rd., Inkom, Idaho).

I Rizdon Barron a life long resident of Inkom, 95 years, and former owner of the property witnessed use of water from the Portneuf on this property with my own eyes in the year 1912. The water was used by Joshua Munn. The water may have been used prior but I have no clear knowledge of it


Rizdon Barron
3231 W. Portneuf Rd.
Inkom ID 83245

RIZDON BARRON CAME
before THIS 27 DAY OF
MARCH 1995.


NOTARY PUBLIC

at: 216 W. WHITMAN
POCAHELLO, ID 8320

MY COMMISSION EXPIRES:
JUNE 18, 1999

Marc J. Barron
3440 W. Portneuf Road
Inkom Idaho 83245
208-775-3562

To whom it may concern:

I have witnessed the use of water for irrigation on the ground now owned by Gerold Newton at 4386 W. Portneuf Road, Inkom Idaho out of the Portneuf River since 1954.

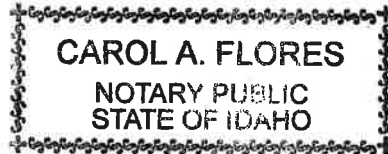
The ground east of his house was flood irrigated for many years until the sprinklers were used. The ground south of the house on the hill has been sprinkled as long as I can remember.

I am enclosing a letter from Risdon W. Barron that I received from him in 1995 as to the water rights we applied for. In talking to him he stated the water we use was diverted from the Portneuf River on ground now owned by Elmer Stanger and the ditch ran through our farm when we used water and continued to the ground now owned by Mr. Newton. The ground east of Mr. Newton's house was irrigated out of that ditch since at least 1912.

Marc J. Barron

Marc J. Barron

Carol A. Flores
Notary Public



Residing *Pocatello, Id.*

My Commission Expires 7-17-2004

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 29-13268
Date Received: 11/27/2000
Receipt No: E012896
Received By: +
E027296

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

NOV 23 2001

Department of Water Resources
Eastern Region

1. Name of Claimant(s)

GERALD L NEWTON Phone: (208) 775-3163

PO BOX 489
INKOM ID USA 83245

MARY R NEWTON Phone: (208) 775-3163

PO BOX 489
INKOM ID USA 83245

2. Date of Priority: 12/31/1912

3. Source: PORTNEUF RIVER, PORTNEUF RIVER SLOUGH Trib. to: SNAKE RIVER, PORTNEUF
RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
07S	35E	24	NW SE SE	BANNOCK	
07S	35E	24	SE SE SE	BANNOCK	

5. Description of diverting works:

PUMP & PIPELINE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	0.75	

7. Total Quantity Appropriated is:
0.75 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
07S	35E	24	SW	SE	IRRIGATION	25
			SE	SE	IRRIGATION	30
			NW	SE	IRRIGATION	2
			SE	SW	IRRIGATION	4
Section Acres						61.0
Total Acres						61.0

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:

THIS RIGHT IS LIMITED TO 37.4 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE.

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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

David K. Newton

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): Gerald A. Newton Date: 11-21-01

Mary Newton Date: 11-21-01

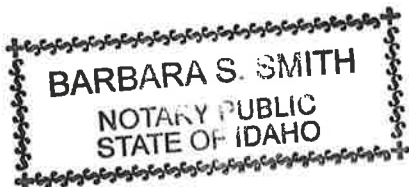
State of Idaho)

County of Bannock) SS.

Subscribed and sworn (or affirmed) before me this

of Nov 21 2001 Barbara S. Smith

Notary Public



Residing at Idaho

My commission Expires 5/22/03