

04/10/2003

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

RIGHT NUMBER: 29-13523

NAME AND ADDRESS: FRANK ROBERT JOHNSON
8551 W POCATELLO CREEK RD
POCATELLO ID 83201

IRENE FERGUS JOHNSON
8551 W POCATELLO CREEK RD
POCATELLO ID 83201

SOURCE: NORTH FORK POCATELLO CREEK

TRIBUTARY: POCATELLO CREEK

QUANTITY: 0.010 CFS

PRIORITY DATE: 06/01/1890

POINT OF DIVERSION:

T06S R35E S20 NESENW Within BANNOCK County Source: POCATELLO CREEK

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.010 CFS

PLACE OF USE: IRRIGATION Within BANNOCK County

T06S R35E S20	NENW	0.4	T06S R35E S20	SENW	1.3
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1.7 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 29-00443E IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 1.7 ACRES IN A SINGLE
IRRIGATION SEASON.

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

This partial decree is subject to such general provisions necessary for
the definition of the rights or for the efficient administration of the water
rights as may be ultimately determined by the Court at a point in time no
later than the entry of a final unified decree. Section 42-1412(6), Idaho
Code.

EXPLANATORY MATERIAL: Decreed

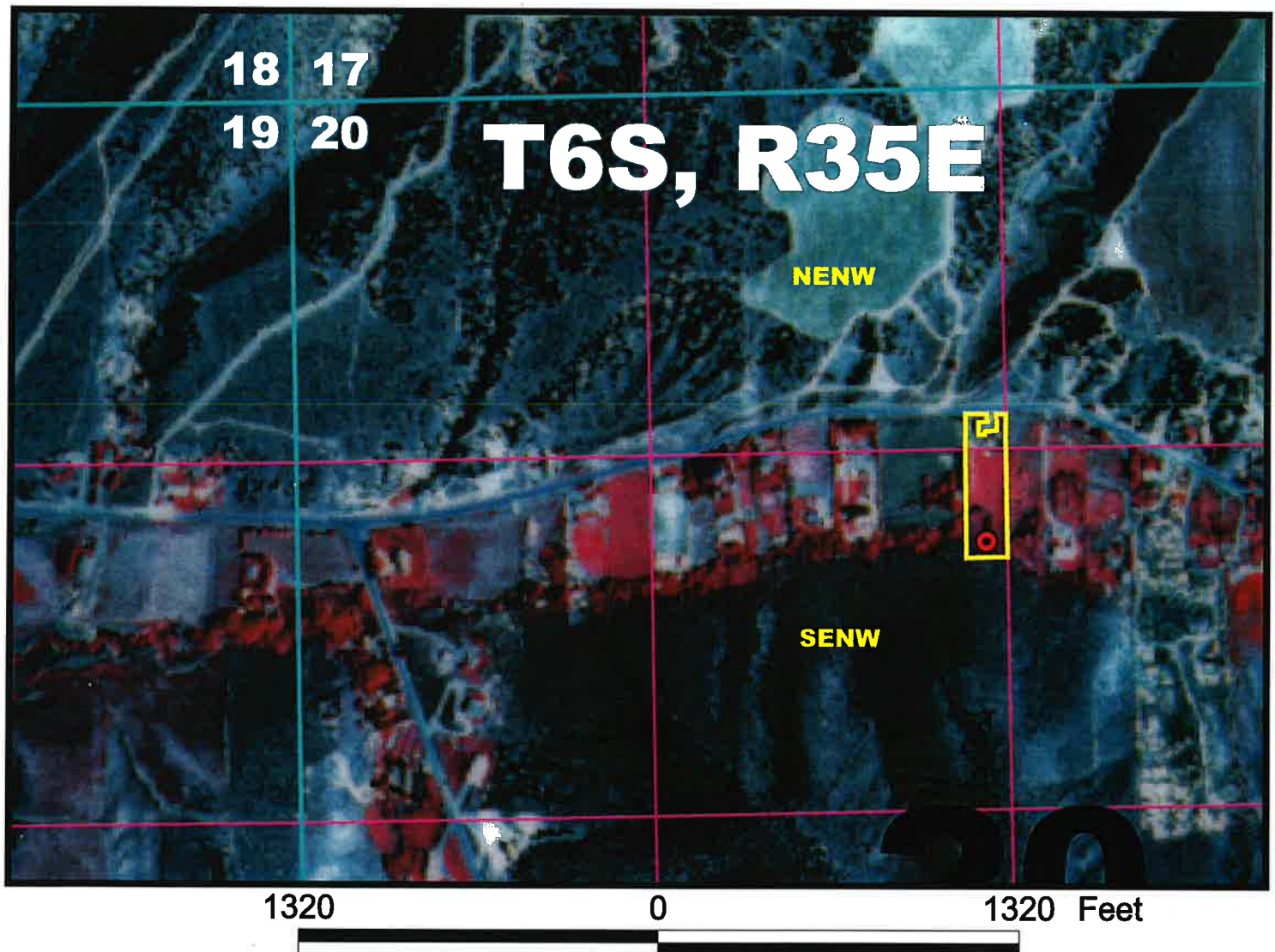
RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
PURSUANT TO SECTION 42-1425, IDAHO CODE.



STATE OF IDAHO

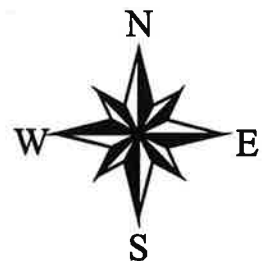
Department of Water Resources
Eastern Region

Water Right(s): 29-00443E & 29-13523



Total Irrigated Acres: 1.7

-  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: March 2003

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-13523 V1

WATER RIGHT NUMBER: 29-13523 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	FRANK ROBERT JOHNSON 8551 W POCATELLO CREEK RD POCATELLO, ID 83201 (208)232-6246
Current Owner	IRENE FERGUS JOHNSON 8551 W POCATELLO CREEK RD POCATELLO, ID 83201 (208)232-6246

Priority Date: 06/01/1890

Basis: Decreed

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>
IRRIGATION	04/01 to 10/31	0.010 CFS	
<u>Total Diversion:</u>		0.010 CFS	

Location of Point(s) of Diversion

NORTH FORK POCATELLO CREEK	NE1/4SE1/4NW1/4	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					.4			1.3									1.7

Total Acres: 1.7

Conditions of Approval:

1. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. 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:

1. Place of Use - Irrigation USE OF THIS RIGHT WITH RIGHT NO. 29-00443E IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 1.7 ACRES IN A SINGLE IRRIGATION SEASON.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 29-13523 V1

Comments:

1. csaxton 4/10/2003 Decreed Right

Comment: This right is for a portion of decreed right 29-00444.

2. csaxton 4/10/2003 Diversion Rate

Comment: Claimants deed reads "Including ½ inch Water rights from Pocatello Creek" Then later references 29-00443 and 29-00444. The deed does not indicate that the claimant only received ½ inch per both rights, but can be read as ½ inch from both 29-00443 and 29-00444. Recommend ½ inch for 29-00444 with not diversion rate limitations with 29-00443.

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:

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	4/10/2003 9:15:05 AM	csaxton			Active
Priority Date	4/10/2003 9:15:45 AM	csaxton			Active
POD	4/10/2003 9:17:37 AM	csaxton			Active
Source	4/10/2003 9:22:00 AM	csaxton			Active
POU	4/10/2003 9:22:37 AM	csaxton			Active
Use	4/10/2003 9:23:36 AM	csaxton			Active
Season	4/10/2003 9:24:08 AM	csaxton			Active
Quantity	4/10/2003 9:24:33 AM	csaxton			Active
Summary			04/10/2003	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 29-13523 V1

Priority Date	4/10/2003 9:15:45 AM	csaxton	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?
Contacts	4/10/2003 9:15:05 AM	csaxton	(No) 1. Do you want to schedule an appointment? Comment for 1: In house review
POD	4/10/2003 9:20:40 AM	csaxton	Edited point location
POD	4/10/2003 9:21:01 AM	csaxton	Edited PLS
POD	4/10/2003 9:17:37 AM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (No) 4. Does the Decree or License have a POD? (Yes) 6. Is there evidence that there has been a change in the POD? (Yes) 7. Can the change be verified as an accomplished transfer? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required? Description for Question 6 - Mr. Johnson moved onto the claimed POU in 1972 and started irrigating from his present POD.
Source	4/10/2003 9:22:00 AM	csaxton	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file? (No) 11. Is a Source remark and/or condition required?
POU	4/10/2003 9:22:37 AM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (Yes) 6. Can the claimed POU be verified using the water right file? (No) 14. Is a POU remark and/or condition required?
POU	4/10/2003 9:23:12 AM	csaxton	Edited shape boundary
Use	4/10/2003 9:23:36 AM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file? (No) 13. Is a Purpose of Use remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-13523 V1

Season	4/10/2003 9:24:08 AM	csaxton	(Yes) 1. Is the basis of claim Decree or License? (No) 4. Does the Decree or License have a Period of Use? (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?
Quantity	4/10/2003 9:24:34 AM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file? (No) 8. Does the parent right have an annual diversion volume limit? (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?
Summary	4/10/2003 9:49:24 AM	csaxton	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (Yes) 5. Is an additional remark and/or condition required? (Yes) 6. Would you like to view the recommended right? (Yes) 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?

4-10-03: See Notes and Data in 29-00443E



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

April 14, 2003

FRANK ROBERT JOHNSON
IRENE FERGUS JOHNSON
8551 W POCATELLO CK RD
POCATELLO ID 83201

RE: Changes in Recommended shape for Place of Use for Snake River Basin
Adjudication (SRBA) claims 29-00443E and 29-13523.

Dear Mr. and Ms. Johnson,

Enclosed is a copy of a new layout showing the updated boundary of the recommended place of use for SRBA recommendations 29-00443E and 29-13523. Due to previous rounding and the fact that the additional ground we added was so small, total irrigated acreage did not change.

I did not include additional copies of the recommendations because they did not change.

Respectfully submitted,

A handwritten signature in cursive script, reading 'Craig L. Saxton'.

Craig L. Saxton
Sr. Water Resource Agent
Adjudication Bureau



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

April 10, 2003

FRANK ROBERT JOHNSON
IRENE FERGUS JOHNSON
8551 W POCATELLO CK RD
POCATELLO ID 83201

RE: Recommendations for Snake River Basin Adjudication (SRBA) claim 29-00443E
and 29-13523.

Dear Mr. and Ms. Johnson,

Enclosed is the preliminary recommendation for claim 29-13523 (a portion of decreed
right 29-00444.

I also had to add a remark to 29-00443E so I am enclosing a new copy of that preliminary
recommendation.

The remark added just says that both of these rights are used on the same ground and
between the two rights cannot exceed the 1.7 acres you irrigate. This remark is a
standard remark and is used to prevent a misunderstanding that you might irrigate a total
of 3.4 acres.

Look over these recommendations and feel free to contact me if you have further
questions. If everything looks satisfactory, no further action needs to be taken. The
SRBA court will notify you when the final directors report is sent out.

Respectfully submitted,

Craig L. Saxton
Sr. Water Resource Agent
Adjudication Bureau

Idaho Department of Water Resources Receipt

Receipt ID W030264

Payment Amount \$50.00 Date Received 3/27/2003 10:50:08 AM Region Western Status
Payment Type Check Check Number 6621

Payer JOHNSON, FRANK AND IRENE
Comment New SRBA claim 29-13523.

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$50.00	ADJUDICATION FILING FEE	0337	42503	1155	

Signature Line (Dept. Representative)

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

RECEIVED

MAR 26 2003

WATER RESOURCES
WESTERN REGION

Ident. Number 29-13523
Date Received: 3/27/03
Receipt No: W030264
Received By: CS

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

FRANK ROBERT JOHNSON Phone: (208)232-6246

8551 W POCATELLO CREEK RD
POCATELLO ID USA 83201

IRENE FERGUS JOHNSON Phone: (208)232-6246

8551 W POCATELLO CREEK RD
POCATELLO ID USA 83201

2. Date of Priority: 06/01/1890

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

4. Point of Diversion:

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

5. Description of diverting works:

PUMP TO PIPE AND SPRINKLER SYSTEM AND FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	10/31	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	SE	NW	IRRIGATION	1.3
			NE	NW	IRRIGATION	0.4
					Section Acres	1.7
					Total Acres	1.7

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:

29-00443E, 29-10000

14. Remarks:

THIS RIGHT IS CLAIMED AS A PORTION OF DECREED RIGHT 29-00444

15. Basis of Claim: Decreed

16. Signature(s)

Frank R. Johnson

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

Number of attachments: 2

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): Frank L. Johnson Date: 3-24-03
Deere F. Johnson Date: 3-24-03

State of Idaho)
County of Bannock) SS.

Subscribed and sworn (or affirmed) before me this 24th
of March 2003

Cathy Wington
Notary Public

Residing at Pocatello, Id.

My commission Expires 7/21/05

