

From: Saxton, Craig
To: ["William Johnston"](#)
Subject: RE: 85-15817
Date: Thursday, June 03, 2021 3:43:00 PM
Attachments: [85-15817 Amended Claim Layout.pdf](#)
[85-15817 Amended Claim \(Johnston\).docx](#)

Mr. Johnston,

I thought I would try contacting you first to discuss elements of claim 85-15817 as we have spoken in the past. However, if it would be more appropriate for me to work with Sharon Johnston, then don't hesitate to let me know and I would be happy to contact her. I just thought I would start with you because I have your e-mail and it makes it easy for me to share documents quickly.

I have started reviewing claim 85-15817 and I have a couple of items/questions I wanted to run past you:

Item 1:

After comparing the claim map provided with 85-15817 (See Pg 4 of https://idwr.idaho.gov/apps/ExtSearch/Docslmages/sz6r01_.PDF), it appears that the claimed Point of Diversion (POD) location and Place of Use (POU) locations are incorrectly described. Both the POD and POU claim the location as being in the SWSW of Section 3. However, when I overlay the Public Land Survey (PLS) lines on the aerial photography, it appears that the POD and 1 home actually are located within the NWSW of section 3. The other home is located within the NESW of section 3. (See attached map.)

In addition, it appears that the well and home located in the NWSW is on parcel RP36N03W036000 which is owned by JOHNSTON SHARON ROSE HOSKINS. This is consistent with the claim.

However, the other home is located in the NESW is on parcel RP36N03W035106 which is owned by HOSKINS CLEARWATER LAND & CATTLE CO TRUST.

Is this accurate? Is the intent of the claim to claim domestic use on both homes? And if it is, is the Claimant, Sharon Johnston, a trustee to HOSKINS CLEARWATER LAND & CATTLE CO TRUST?

I raise this concern because if the court decrees the right in the name of Sharon Johnston, the entirety of that right will belong to Sharon Johnston regardless of if it is used on property owned by another entity (Trust). This could present problems down the road. One solution is to add the name of the trust on the claim as an owner. This could be done through an amended claim. I have attached a draft amended claim to look over. I am purposely sending it in WORD format so it can be altered, but it should help visualize what I am discussing in

Item 1.

Item 2:

The claimed diversion rate for domestic use is 0.13 cfs. IDWR generally uses a standard of

0.02 cfs (18 gallons per minute) for internal use for each home, and 0.02 cfs for the ½ acre of irrigation that can occur as part of the domestic use. So for this right, I would be able to support 0.06 cfs without additional supporting documentation. I was wondering what the basis for the 0.13 cfs (~60 gallons per minute) was and if there was any documentation to support that.

Same question for stockwater use. The claimed diversion rate for stockwatering 50 cows is 0.04 cfs. IDWR standards suggest a diversion rate of [0.02 cfs from 0-50 head of cattle](#). I was wondering what the basis for claiming 0.04 cfs for stockwater?

Please look over the attached documents and then when you get a chance, drop me a line and we can discuss how to move forward.

Respectfully,

Craig L. Saxton
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From: William Johnston [mailto:pastorbjohnston@gmail.com]
Sent: Thursday, April 29, 2021 1:29 PM
To: Saxton, Craig <Craig.Saxton@idwr.idaho.gov>
Subject: Re: 85-15817

Thank you. Attached is the Affidavit of Publication

On Apr 29, 2021, at 12:18 PM, Saxton, Craig <Craig.Saxton@idwr.idaho.gov> wrote:

<http://www.srba.idaho.gov/>

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