

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 BEAR RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 79576

Claim ID: 11-7861Date Received: 11/08/2023Receipt No: 1000657Claim Fee: \$74.00 By: CH

RECEIVED

DEC 08 2023

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

IDWR/Preston

Please type or print clearly

1. Name of claimant(s) John W. and Linda Rowley Phone (208) 852-1773
 Mailing address 2513 E Read Lane Preston Idaho Zip 83263
Street or Box City State
 Email address (optional) johnr@plmw.com
2. Date of priority: (Only one per claim) May / 1 / 1884 (Explain priority date selected in Remarks)
Month/Day/Year (YYYY)
3. Source of water supply (Check one) Ground Water () or Other (☒) (a) Paris Creek
 which is tributary to (b) Bear Lake Outlet
4. a. Location of point of diversion is: Township 14S, Range 43E, Section 10,
S.W. 1/4 of N.W. 1/4, Govt. Lot 2, BM, County of Bear Lake
 Parcel no. _____
 Additional points of diversion, if any: See Remarks (13b)
 If available, GPS Coordinates 42.20867, -111.48364
- b. If instream flow, beginning point of claimed instream flow is:
 Township _____, Range _____, Section _____, _____ 1/4 of _____ 1/4,
 Govt. Lot _____, BM, County of _____
 Ending point is: Township _____, Range _____, Section _____, _____ 1/4 of _____ 1/4,
 Govt. Lot _____, BM, County of _____
5. Description of existing diversion works (dams, reservoirs, ditches, wells, pumps, pipelines, headgates, etc.), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well.
Headgate on Paris Creek diverts water into Fuchs ditch. Fuchs ditch (roughly 2'x2') transports water along North boundry of my property and then back into Paris Creek approximately 2 miles down canyon. Our POU is shown on Google Map attached, and on Water Right License Map attached. Ditch cleaned via back hoe 2022.

JOHN W. ROWLEY

6. Water is claimed for the following purposes:

(dates are inclusive MM-DD) (cfs) (acre-feet)

For Irrigation purposes from 5/1/ to 9/15 amount 1.06 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 1.06 cfs (cfs) and/or (b) _____ (acre-feet)

8. Non-irrigation uses; describe fully (e.g., Domestic: Give number of households served; Stockwater: Type and number of livestock, etc.) _____

9. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14	43E	18							~~12~~	~~28~~									24
									12										
							1		1	22									

Parcel no(s). RP14S43E184200

Total number of acres irrigated 24

10. In which county(ies) are lands listed above as place of use located? Bear Lake County

11. Do you own the property listed above as place of use? Yes (✓) No ()

If your answer is No, describe in Remarks below the authority you have to claim this water right.

12. Describe any other water rights used at the same place and for the same purposes as described above.

_____ or None (✓)

13. Remarks (Include an explanation of the priority date selected):

- ~~a) Priority Date per Proof Report for Water Right 11-7861 attached.~~
- b) POD shown on Proof Report decreed in error per IDWR. See Google Map attached showing correct POD.
GPS coordinates for the correct POD are 42.20867, -111.48364 as shown on Google Map attached.
- ~~c) Original Water Right 11-75 was split into 11-75 and 11-7861 per IDWR letter dated 3/20/2020 attached.~~

Name of claimant(s) _____

Claim ID _____

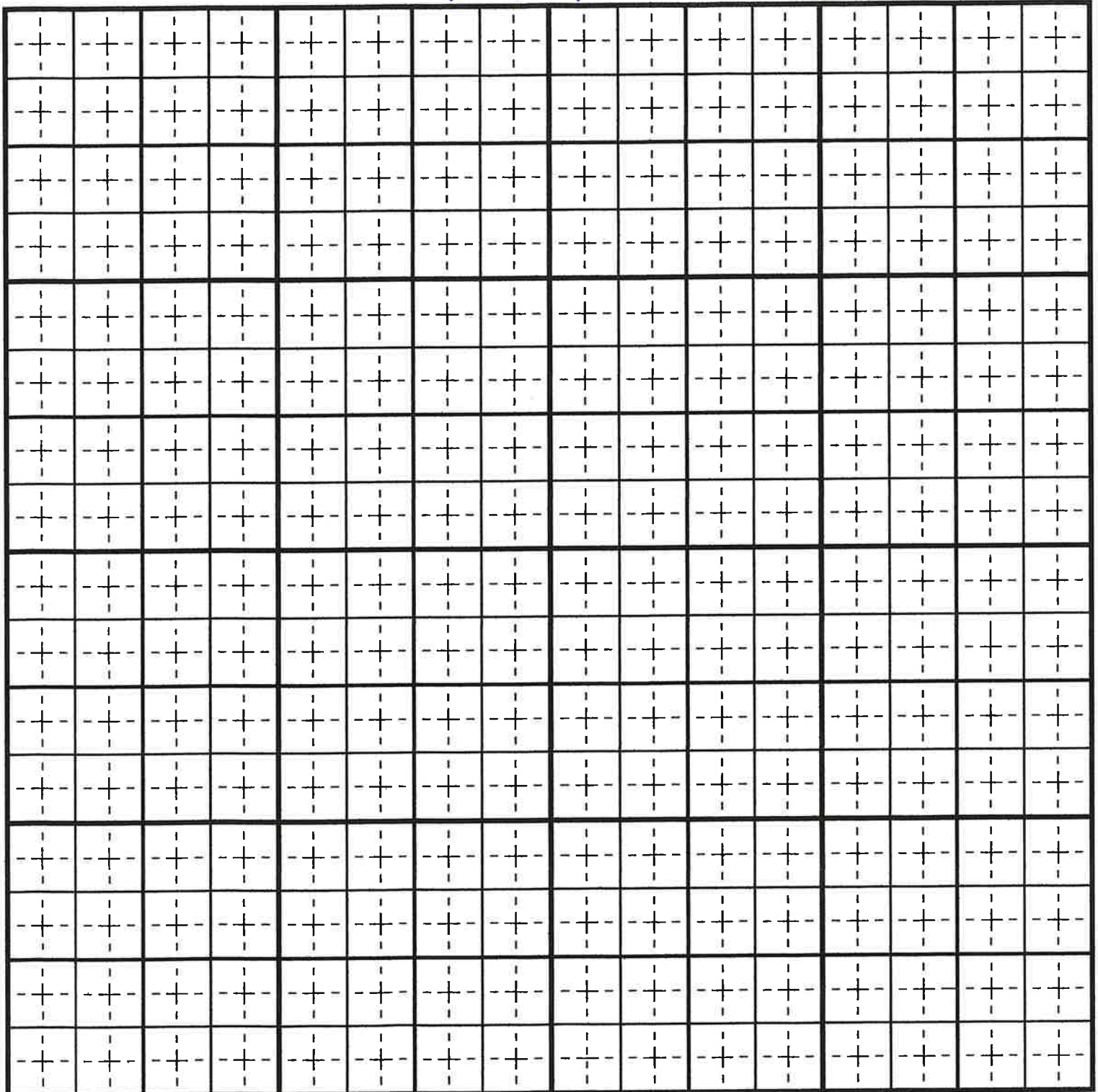
JOHN W. ROWLEY

Map of Project: Attach aerial photograph or topographic map showing clearly the point of diversion, place of use, section number, township, and range number, unless unavailable. Otherwise sketch the elements above on the grid below.

Scale: 2 inches equals 1 mile

SEE THE FOLLOWING ATTACHED MAPS:

- 1) WATER RIGHT LICENSE 11-7861
- 2) Google Map - FUCH DITCH; POD; POLD



Name of claimant(s) _____

Claim ID _____

John W. Rowley

14. Basis of claim (Check one) Beneficial Use () Posted Notice () License (~~XX~~) Permit () Decree (✓)

Court _____ Decree Date _____ Plaintiff v. Defendant _____

If applicable provide IDWR Water Right Number 11-7861

15. **Signature(s)**

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notices in the Bear River Basin Water System Adjudication."

(b.) I/We do (~~XX~~) do not (✓) wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 5

For Individuals: I/We do solemnly swear or affirm under penalty of perjury that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) John W. Rowley Date: 11/27/2023

Linda Rowley Date: 11/27/2023

For Organizations: I do solemnly swear or affirm under penalty of perjury that I am, and that I have signed the foregoing document in the space below as the

_____ of _____
Agent's title (Please print) Name of organization (Please print)

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____ Date _____

Printed Name of Authorized Agent _____

16. **Notice of Appearance:**

Notice is hereby given that I, (please print) _____, will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____ Date _____

Address _____

Name of claimant(s) John W. and Linda Rowley Claim ID _____

John W. Rowley



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region • 900 N SKYLINE DR STE A • IDAHO FALLS, ID 83402-1718
Phone: (208)525-7161 • Fax: (208)525-7177 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

March 20, 2020

JOHN W ROWLEY
2513 E READ LN
PRESTON ID 83263-5297

Re: Change in Water Right Ownership: 11-75 (Split into 11-75 and 11-7861),

Dear Water Right Holder(s):

The Department of Water Resources (Department) acknowledges the receipt of correspondence changing ownership of a portion of the above referenced water right(s) to you. The Department has modified its records based on the information received and has enclosed a computer-generated report for you.

Your portion of each water right(s) has a specified point of diversion, nature of use and place of use. If you plan to change the authorized point of diversion, nature of use, or place of use, including adding a new point of diversion, you must file an Application for Transfer of Water Right. If you do not plan to change any elements of your water right, then no further action is required at this time.

The portion of the water right retained by the original right holder retains the original water right number. The Department is sending the original right holder a copy of this letter and a computer-generated report showing the changes to the original water right.

Updating the ownership record for a water right does not reconfirm the validity of the right. When processing a Notice of Change in Water Right Ownership, the Department does not review the history of water use to determine if the right has been forfeited or deliberately abandoned through five years or more of non-use. To read more about water right forfeiture, including how to protect a water right from forfeiture, please see Idaho Code §§ 42-222 and 42-223.

Please note, water right owners are required to report any change of water right ownership and any change of mailing address to the Department within 120 days of the change. Reporting forms are available from any office of the Department, or from the Department's website.

If you have any questions concerning the enclosed information, please contact me at (208) 497-3787.

Sincerely,


Jonie Barg
Technical Records Specialist 1

Enclosure(s)

cc: Water District 11E

John W. Rowley

IDAHO DEPARTMENT OF WATER RESOURCES

3/20/2020

Proof Report

Water Right 11-75 *Before Split*

Owner Type **Name and Address**
 Current Owner HENRY FUCHS
 ZZ

Priority Date: 5/1/1884**Basis:** Decreed**Status:** Active

Source
 PARIS CREEK

Tributary
 BEAR LAKE OUTLET

Beneficial Use
 IRRIGATION

From **To** **Diversion Rate**
 05/01 09/15 2.170 CFS
Total Diversion 2.170 CFS

Volume**Source and Point(s) of Diversion**

PARIS CREEK

L2()

Sec. 10, Twp 14S, Rge 43E, BEAR LAKE County

Place Of Use

IRRIGATION within BEAR LAKE County

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14S	43E	17						6.2											6.2
14S	43E	18	5.0	0.8	1.8	4.2			8.6	22.6									42.8
									L2										

POU Total Acres: 49.0

Conditions of Approval:

- Decreed POD in error. POD in Lot 2, Sec 18, T14S, R43E.

Comments:

- jcefalo 5/2/2018 Updated POU
 POU updated using aerial photos and gps locations for ditches. Decree describes 83 irrigated acres. Two ditches (one on north side of Paris Creek, one on south side) are visible in aerial photos. Irrigable acres between ditches and creek channel add up to exactly 83 acres.
- jcefalo 5/2/2018 Error in POD
 Decreed point of diversion (Lot 2, Sec 10, T14S, R43E) is in error. There are no government lots in Section 10. Further, Section 10 is two miles downstream of the decreed place of use. Ditches supplying water to the decreed place of use divert from Paris Creek in Lot 2, Sec 18, T14S, R43E.

John W. Rowley

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

3/20/2020

Water Right 11-7861

Owner Type **Name and Address**
Current Owner JOHN W ROWLEY
 2513 E READ LN
 PRESTON, ID 83263-5297
 (208) 852-1773

Current Owner LINDA ROWLEY
 2513 E READ LN
 PRESTON, ID 83263-5297
 (208) 852-1773

Priority Date: 5/1/1884

Basis: Decreed

Status: Active

Source
PARIS CREEK

Tributary
BEAR LAKE OUTLET

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	05/01	09/15	1.060 CFS	
	Total Diversion		1.060 CFS	

Source and Point(s) of Diversion

PARIS CREEK L2() Sec. 10, Twp 14S, Rge 43E, BEAR LAKE County

Place Of Use

IRRIGATION within BEAR LAKE County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14S	43E	18							1.4	22.6									24.0
									L2										

POU Total Acres: 24.0

Conditions of Approval:

1. Decreed POD in error. POD in Lot 2, Sec 18, T14S, R43E.

Comments:

1. j barg 3/20/2020 Ownership Change
water right 11-75 was split into 11-75 and 11-7861.
2. j barg 3/20/2020 POU
Updated Shape

John W. Rowley

State of Idaho
Department of Water Resources
Water Right License
11-7861



- Point of Diversion
- Place Of Use Boundary
- ▬ Townships
- ▬ PLS Sections
- ▬ Quarter Quarters

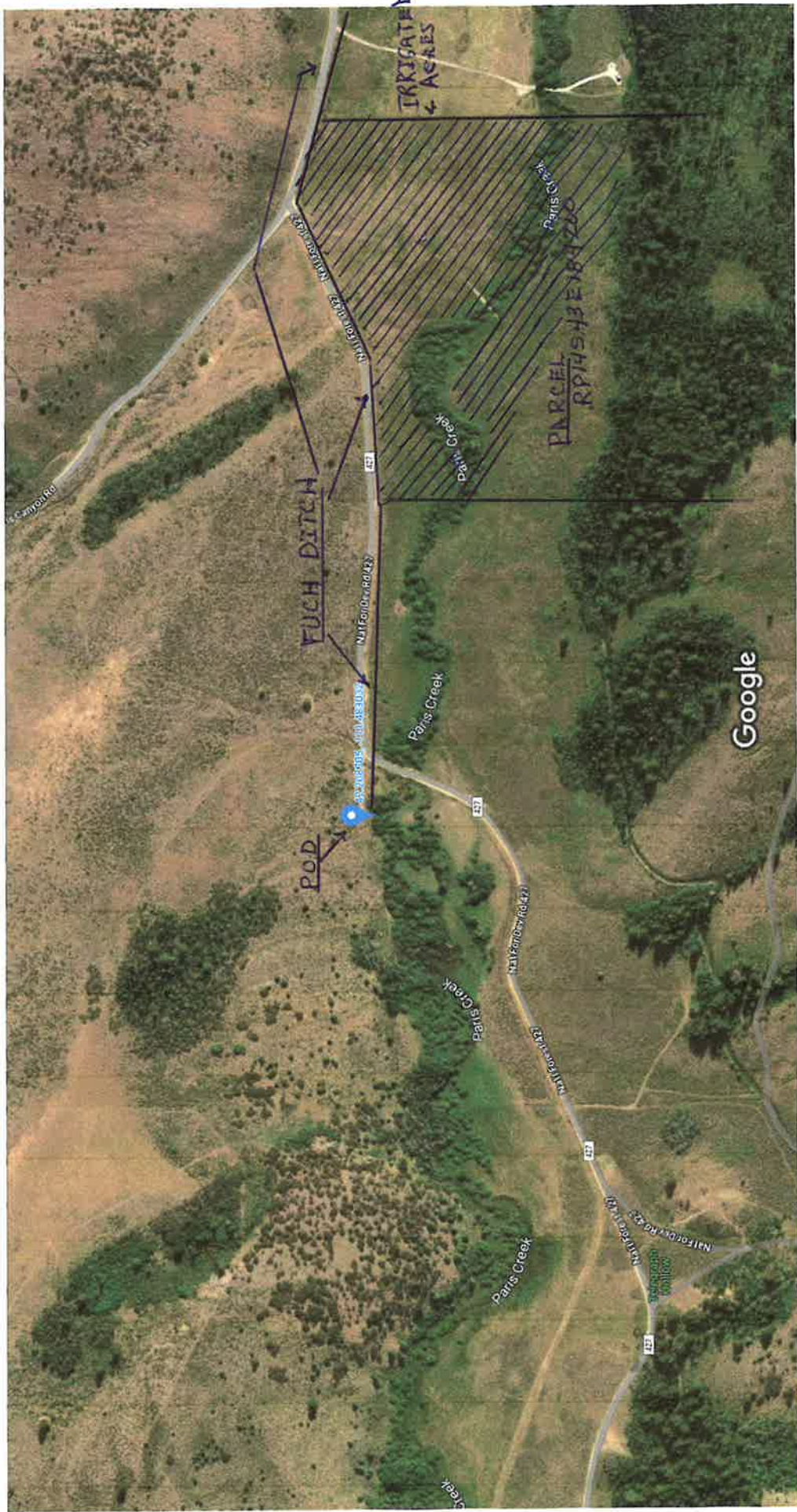
0 0.5 1 2 Miles



Rowley

John W. Rowley

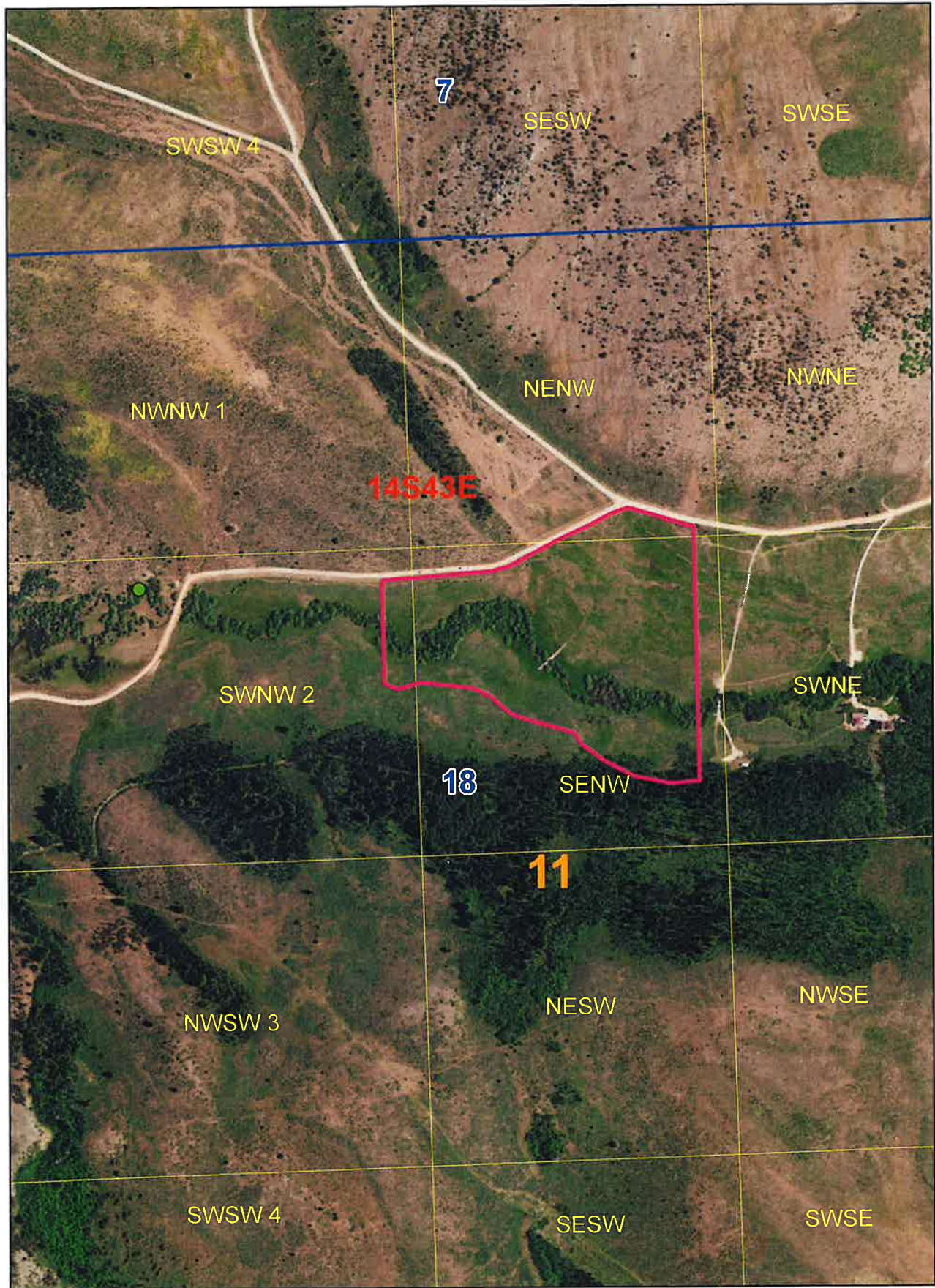
Google Maps



Imagery ©2023 Airbus, CNES / Airbus, Maxar Technologies, USDA/FPAC/GEO, Map data ©2023 200 ft

Rowley

BRBA Claim 11-7861



Point of Diversion: ●

Place of Use: —

0 187.5 375 750 1,125 1,500 Feet

