

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

02/23/2004

RIGHT NUMBER: 23-22B
NAME AND ADDRESS: EDWIN C BIDDULPH
2560 S 60 E
IDAHO FALLS ID 83406
JEANNE BIDDULPH
2560 S 60 E
IDAHO FALLS ID 83406

SOURCE: RAINEY CREEK

QUANTITY: 1.360 CFS

PRIORITY DATE: 06/06/1892

POINT OF DIVERSION:

T02N R44E S34 SESWNW Within BONNEVILLE County

TRIBUTARY: SOUTH FORK SNAKE RIVER

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
04/15 10/31

QUANTITY
1.360 CFS

PLACE OF USE:

IRRIGATION Within BONNEVILLE County

T02N R44E S33	NESW	7.1	T02N R44E S33	NESE	29.0
T02N R44E S33	NWSE	27.0	T02N R44E S33	SESE	1.5

64.6 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 23-00096B IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 64.6 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 PLACE OF USE PURSUANT
TO SECTION 42-1425, IDAHO CODE.

RIGHT NO. 23-00096B IS ALSO DIVERTED THROUGH POINT OF DIVERSION
DESCRIBED ABOVE.

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

01/08/2004

RIGHT NUMBER: 23-22B
NAME AND ADDRESS: EDWIN C BIDDULPH
2560 S 60 E
IDAHO FALLS ID 83406
JEANNE BIDDULPH
2560 S 60 E
IDAHO FALLS ID 83406

SOURCE: RAINEY CREEK

QUANTITY: 1.360 CFS

TRIBUTARY: SOUTH FORK SNAKE RIVER

USE OF THIS RIGHT WITH RIGHT NO. 23-00096B IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 1.36 CFS.

THIS RIGHT WHEN COMBINED WITH RIGHT NO. 23-00096B SHALL PROVIDE
NO MORE THAN .02 CFS PER ACRE.

PRIORITY DATE: 06/06/1892

POINT OF DIVERSION:

~~T02N R44E S33 SENESE Within BONNEVILLE County~~
T02N R44E S34 SESWNW Within BONNEVILLE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
04/15 10/31

QUANTITY
1.360 CFS

PLACE OF USE:

IRRIGATION Within BONNEVILLE County

T02N R44E S33	NESW	7.1	T02N R44E S33	NESE	29.0
T02N R44E S33	NWSE	27.0	T02N R44E S33	SESE	1.5

64.6 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 23-00096B IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 64.6 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.

THE REMAINDER OF THIS RIGHT WAS FORFEITED FOR NON-USE FROM
1980 to 1989.

EXPLANATORY MATERIAL: Decreed

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

PORTION OF RIGHT FORFEITED/ABANDONED.

RIGHT NO. 23-00096B IS ALSO DIVERTED THROUGH POINT OF DIVERSION
DESCRIBED ABOVE.

Water Right 23-22B

06/17/2003

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

RIGHT NUMBER: 23-22B
NAME AND ADDRESS: EDWIN C BIDDULPH
2560 S 60 E
IDAHO FALLS ID 83406

JEANNE BIDDULPH
2560 S 60 E
IDAHO FALLS ID 83406

SOURCE: RAINEY CREEK TRIBUTARY: SOUTH FORK SNAKE RIVER
QUANTITY: 1.860 CFS
USE OF THIS RIGHT WITH RIGHT NO. 23-00096B IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 1.86 CFS.

THIS RIGHT WHEN COMBINED WITH RIGHT NO. 23-00096B SHALL PROVIDE
NO MORE THAN .02 CFS PER ACRE.

PRIORITY DATE: 06/06/1892

POINT OF DIVERSION:
T02N R44E S33 SENESE Within BONNEVILLE County
T02N R44E S34 SESWNW Within BONNEVILLE County

PURPOSE AND PERIOD OF USE:	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/15 10/31	1.860 CFS

PLACE OF USE:	<u>IRRIGATION Within BONNEVILLE County</u>			
T02N R44E S33	NESW	7.1	T02N R44E S33	NESE 32.0
T02N R44E S33	NWSE	27.0	T02N R44E S33	SESE 12.0

78.1 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 23-00096B IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 70.7 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 PLACE OF USE PURSUANT
TO SECTION 42-1425, IDAHO CODE.

RIGHT NO. 23-00096B IS ALSO DIVERTED THROUGH POINT OF DIVERSION
DESCRIBED ABOVE.

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 23-22B
Date Received: 8/25/1989
Receipt No: X999999
Received By:

AMENDED

AMENDED

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

EDWIN C BIDDULPH Phone: (208)523-0726
2560 S 60 E
IDAHO FALLS ID USA 83406

JEANNE BIDDULPH Phone: (208)523-0726
2560 S 60 E
IDAHO FALLS ID USA 83406

2. Date of Priority: 06/06/1892

3. Source: RAINEY CREEK , RAINEY CREEK Trib. to: SNAKE RIVER SOUTH FORK, SNAKE
RIVER SOUTH FORK

4. Point of Diversion:
Township Range Section 1/4 of 1/4 of 1/4 Lot County Type
02N 44E 34 NE NW SW BONNEVILLE
02N 44E 33 NE NE SE BONNEVILLE R

5. Description of diverting works:
HEADGATE IN STREAM TO DITCH. REDIVERSION PUMP IN DITCH TO MAIN.

6. Water is used for the following purposes:
Purpose From To C.F.S. (or) A.F.A.
IRRIGATION 4/01 11/01 1.86

7. Total Quantity Appropriated is:
1.86 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
02N 44E 33 NE SW IRRIGATION 11
NE SE IRRIGATION 30
NW SE IRRIGATION 28
SE SE IRRIGATION 9
Section Acres 78
Total Acres 78

11. Place of use in counties: BONNEVILLE

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

13. Other Water Rights Used:

14. Remarks:
AMENDED TO CORRECT THE PRIORITY DATE TO JUNE AS THE DECREE READS.

P/D AND P/U INCOMPLETE IN DECREE THIS RIGHT PAID FOR UNDER RECEIPT #E009978

15. Basis of Claim: Decreed

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):

[Signature]

Date: 7 May 2003

Date: _____

State of Idaho

County of BONNEVILLE

) SS.

Subscribed and sworn (or affirmed) before me this 7th
of May 2003

ALLAN B. RUBENY

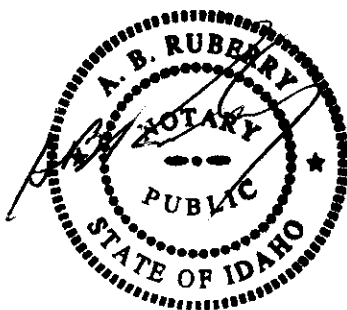
Notary Public

Residing at

JOHN KRAUS RD

My commission Expires

9/23/03



Fork of Snake River	
60 Bernard, Alfred Joseph; Apr. 9, 1889; Rainey Creek	5,000
61 Bernard, Alfred Joseph; Apr. 15, 1889; Rainey Creek	80
62 Barrus, John N.; May 20, 1889; Palisade Creek	160
66 Burton, Hannah; May 20, 1889; Palisade Creek	160
66 Nelson, Anton; May 20, 1889; Palisade Creek	150
67 Liberty Park Irrigation Co.; June 1, 1889; Bannock Jim Slough	180
67 Englis, Charles, and Mrs. L. M.; June 1, 1889; Rainey Creek	1,900
67 Reid Canal Co.; June 1, 1889; South Fork of Snake River	150
67 Lynman Canal Co.; June 1, 1889; South Fork of Snake River	4,000
67 Long Island Irrigation Co.; June 1, 1889; South Fork of Snake River	1,200
67 Sunnydell Irrigation Canal Co.; June 1, 1889; South Fork of Snake River	2,000
67 Olive, O. H.; June 1, 1889; Bannock Jim Slough	1,000
67 Shurtliff, William; June 1, 1889; Rainey Creek	600
67 Schneebly, Julius A.; June 1, 1889; Rainey Creek	150
67 Ruddy Irrigation Canal Co., Ltd.; June 1, 1889; South Fork of Snake River	120
67 Lenroot Canal Co.; June 1, 1889; South Fork of Snake River	1,500
68 Streeter, Howard; June 2, 1889; South Fork of Snake River	300
72 Bernard, Alfred Joseph; June 20, 1889; Rainey Creek	300
76 McGibbon, John; Sept. 1, 1889; Rainey Creek	80
83 Wedekin, George; Apr. 7, 1890; Pritchard Creek	160
84 Yeaman, M. D.; May 1, 1890; Porcupine Creek	60
85 Englis, Charles, and Mrs. L. M.; June 1, 1890; Rainey Creek	150
85 Bitton, W. S.; June 1, 1890; Spring Creek, near Menan	300
86 Burgess Canal & Irrigation Co.; June 10, 1890; South Fork of Snake River	12,000
87 Burrus, John M.; June 30, 1890; Palisade Creek	140
87 Burton, Hannah; June 30, 1890; Palisade Creek	210
89 Harrison Canal & Irrigation Co.; July 12, 1890; South Fork of Snake River	12,000
91 Weeks, Samuel C.; Apr. 20, 1890; Palisade Creek	165
92 McGibbon, John; Sept. 1, 1890; Rainey Creek	80
93 Coates, Dugan O.; June 1, 1891; Bannock Jim Slough	240
98 Texas Slough Irrigating Canal Co.; June 1, 1891; Texas Slough and Bannock Jim Slough	700
98 Bean, Herbert L.; June 1, 1891; Rainey Creek	150
98 Shurtliff, William; June 1, 1891; Rainey Creek	120
98 Island Irrigation Co.; June 1, 1891; South Fork of Snake River	4,500
102 Idaho Canal & Improvement Co.; Dec. 14, 1891; Snake River (Government Reservation Canal)	30,000
104 Weeks, Samuel C.; May 1, 1892; Palisade Creek	40
104 Yeaman, M. D.; May 1, 1892; Deer Creek	60
105 Lowder Canal Co.; June 1, 1892; South Fork of Snake River	1,300
105 Texas Slough Irrigating Canal Co.; June 1, 1892; Texas Slough and Bannock Jim Slough	700
106 Corbett, Harlan; June 6, 1892; Rainey Creek	100
112 Oakden, Robert; June 1, 1893; Rainey Creek	160
112 Texas Slough Irrigating Canal Co.; June 1, 1893; Texas	

Slough and Bannock Jim Slough	
112 Beam, Nellie M.; June 1, 1893; Rainey Creek	700
115 Baker & Dixon Ditch Co.; Aug. 15, 1893; Palisade Creek	80
117 Dilts & Labelle Ditch Co.; June 1, 1894; South Fork of Snake River	1,500
117 Texas Slough Irrigating Canal Co.; June 1, 1894; Texas Slough and Bannock Jim Slough	1,400
122 Harrison Canal & Irrigation Co.; Jan. 9, 1895; South Fork of Snake River	700
124 Enterprise Canal Co.; Mar. 22, 1895; South Fork of Snake River	8,000
126 Schneebly, Julius A.; May 1, 1895; Rainey Creek	6,000
129 Burgess Canal & Irrigation Co.; June 1, 1895; South Fork of Snake River	50
129 Wheat, W. E.; June 1, 1895; Little Sheep Creek and Big Elk Creek	8,000
129 Texas Slough Irrigating Canal Co.; June 1, 1895; Texas Slough and Bannock Jim Slough	1
129 Beam, Charles; June 1, 1895; Rainey Creek	600
141 Corbett, J. N.; May 7, 1896; Rainey Creek	120
142 Meeds, W. A.; May 15, 1896; Rainey Creek	155
154 Corbett, Ira A.; June 1, 1897; Rainey Creek	155
158 Wedekin, R. R.; June 23, 1897; Pritchard Creek	160
160 Beam, Matilda E.; Sept. 19, 1897; Rainey Creek	80
164 Enterprise Canal Co.; Apr. 15, 1898; South Fork of Snake River	3,400
169 McKay, J. W., and William Johnson and Samuel Weeks, Jr.; June 1, 1898; Palisade Creek	160
169 Weeks, Samuel, Jr.; June 1, 1898; Palisade Creek	160
169 Beam, Frank; June 1, 1898; Rainey Creek	40
169 Johnson, William, and J. W. McKay and Samuel Weeks, Jr.; June 1, 1898; Palisade Creek	160
169 Anderson, Otto; June 1, 1898; Bannock Jim Slough	200
171 Caldwell, John T.; June 15, 1898; Rainey Creek	120
171 Caldwell, Charles; June 15, 1898; Rainey Creek	120
172 Spackman, Charles A.; June 30, 1898; Garden Creek and waters from small lake	100
177 Corbett, V. W.; Oct. 24, 1898; Rainey Creek	70
179 Anderson Canal Co.; Nov. 30, 1898; Spring Creek, near Menan	6
184 Weeks, Hurum J.; June 1, 1899; Palisade Creek	50
184 Lenroot Canal Co.; June 1, 1899; South Fork of Snake River	4,300
188 Dixon, Charles S.; July 1, 1899; Rainey Creek	20
190 Ballantyne, Z.; Nov. 14, 1899; Spring Creek, near Menan	120
194 Mattison, B. C., and C. G.; Apr. 30, 1900; South Fork of Snake River	1,000
197 Gibson, Wesley; May 18, 1900; Spring Creek	300
198 DeRome, Peter; May 23, 1900; Indian Creek	100
200 Dixon, Charles S.; June 1, 1900; Rainey Creek	30
200 Lowder Canal Co.; June 1, 1900; South Fork of Snake River	1,300
200 Ruddy Irrigation Canal Co., Ltd.; June 1, 1900; South Fork of Snake River	700
200 Swan Valley Irrigation Co.; June 1, 1900; Palisade Creek	1,800
202 Henry, Mary A.; June 29, 1900; Indian Creek	240
202 Henry, John; June 29, 1900; Indian Creek	200
203 Grove, M. K.; July 5, 1900; Indian Creek	160

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: A23-00022B
Date Received: 8/25/1989
Receipt No: X777777
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: EDWIN C BIDDULPH
Address: 2560 S 60 E
IDAHO FALLS ID

83406

208-523-0726

AND

Name: JEANNE BIDDULPH
Address: 2560 S 60 E
IDAHO FALLS ID

83406

208-523-0726

2. Date of Priority: JUL 6, 1892

3. Source: RAINEY CREEK, UPPER

Trib. to: SNAKE RIVER, SOUTH FORK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
02N	44E	33	NE	NE	SE	R	BONNEVILLE
		34	NE	NW	SW		BONNEVILLE

5. Description of diverting works:
HEADGATE IN STREAM TO DITCH.

REDIVERSION PUMP IN DITCH TO MAIN

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.860		

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

A.F.A.

8. Total consumptive use is 195.0 Acre Feet Per Annum.

9. Non-irrigation uses:
INCIDENTAL STOCKWATERING

MICROFILMED

APR 11 1994

Date: 07/07/93

A2300022B

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02N	44E	33	NE	SW		IRR	11.0
			NE	SE		IRR	30.0
			NW	SE		IRR	28.0
			SE	SE		IRR	9.0
						Section Acres	78.0
						Total Acres	78.0

11. Place of use in counties: BONNEVILLE

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

13. Other Water Rights Used:
23-00096

14. Remarks:
P/D AND P/U INCOMPLETE IN DECREE
THIS RIGHT PAID FOR UNDER RECEIPT #E009978

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 12/16/1910

REXBURG IRRIGATION CO. ET AL
Decree Plaintiff

TETON IRR. CANAL CO. ET AL.
vs Decree Defendant

MICROFILMED

APR 11 1994



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN
January 13, 2004

Edwin C Biddulph
Jeanne Biddulph
2560 S 60 E
Idaho Falls, ID 83406

Re: *SRBA Claim Nos. 23-22B and 23-96B*

Dear Mr. Biddulph:

I am the Deputy Attorney General assigned to represent the Idaho Department of Water Resources in its investigation of water rights in Basin 23. I understand that you have previously reviewed the Department's preliminary recommendation for your water rights, 23-22B and 23-96B. However, additional information has been supplied to the Department concerning your water right.

Based on this information, the Department is planning to change its recommendations. The attached document shows what the Department intends to recommend for your water rights to the Snake River Basin Adjudication District Court. Also included are two Notice of Error forms that you can fill out if you disagree with the proposed recommendations. If a resolution is not reached prior to when the Department files its recommendations with the SRBA court, you will have another chance to object to the recommendations.

When the Department files its Director's Report for Basin 23 water rights, you will receive a copy of the Director's Report for your water rights and a Notice that outlines the adjudication process. At that time, if you disagree with the Department's recommendations, you can file an objection as set forth in that Notice. You can expect the Director's Report and Notice to be filed with the SRBA Court sometime this summer.

If you have any further questions concerning this matter, please call me at (208) 327-5404.

Very Truly Yours,

A handwritten signature in cursive script, reading "Candice M. McHugh".

Candice M. McHugh
Deputy Attorney General, IDWR

Enclosures

cc: Allen Ruberry

01/08/2004

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:

Water right number: 23-22B

EDWIN C BIDDULPH

2560 S 60 E

IDAHO FALLS ID 83406

Telephone Number: (208)523-0726

JEANNE BIDDULPH

2560 S 60 E

IDAHO FALLS ID 83406

Telephone Number: (208)523-0726

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

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

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,

01/08/2004

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

RIGHT NUMBER: 23-22B
NAME AND ADDRESS: EDWIN C BIDDULPH
2560 S 60 E
IDAHO FALLS ID 83406

JEANNE BIDDULPH
2560 S 60 E
IDAHO FALLS ID 83406

SOURCE: RAINEY CREEK
TRIBUTARY: SOUTH FORK SNAKE RIVER

QUANTITY: 1.360 CFS
USE OF THIS RIGHT WITH RIGHT NO. 23-00096B IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 1.36 CFS.

THIS RIGHT WHEN COMBINED WITH RIGHT NO. 23-00096B SHALL
PROVIDE NO MORE THAN .02 CFS PER ACRE.

PRIORITY DATE: 06/06/1892

POINT OF DIVERSION:
T02N R44E S33 SENESE Within BONNEVILLE County
T02N R44E S34 SESWNW Within BONNEVILLE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	1.360 CFS

PLACE OF USE: IRRIGATION Within BONNEVILLE County

T02N R44E S33	NESW	7.1	T02N R44E S33	NESE	29.0
T02N R44E S33	NWSE	27.0	T02N R44E S33	SESE	1.5

64.6 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 23-00096B IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 64.6 ACRES IN A SINGLE
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OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for
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Code.

THE REMAINDER OF THIS RIGHT WAS FORFEITED FOR NON-USE FROM
1980 to 1989.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

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

PORTION OF RIGHT FORFEITED/ABANDONED.

RIGHT NO. 23-00096B IS ALSO DIVERTED THROUGH POINT OF DIVERSION
DESCRIBED ABOVE.

Ruberry, Allen

From: McHugh, Candice
Sent: Tuesday, January 06, 2004 2:19 PM
To: Ruberry, Allen
Subject: RE: Basin 23 Recommends

Does this letter work?



Biddulph letter.doc

-----Original Message-----

From: Ruberry, Allen
Sent: Monday, December 29, 2003 8:28 AM
To: McHugh, Candice
Subject: Basin 23 Recommends

If you will recall I sent an e-mail some time ago asking that you send an 'official AG letter' explaining that the recommendation had been changed, despite an early NOE, based on new information. At that time I was awaiting a couple affidavits.

A little history of the claims and recommendations: The claims originated after a Change of Ownership, 6/06/93, splitting 23-00022 and 23-00096. Claimant, Edwin Biddulph, got the B portions. Claims (splits) are for 78.0 acres, overlapping rights.

I conducted a field exam on 5/09/03, visiting the POD's and claimed POU's. POD's are gated structures off Rainey Creek to ditches. On the North a ditch leads to a booster pump then to sprinkler irrigation on hay, on the South a ditch leads around the hill for gravity irrigation of an old orchard and grasses, then on to other users. It is the South side that is the issue. There are lands above the south ditch that Mr. Biddulph alleges were sprinkle irrigated, in the absence of a pump and or sprinkler pipe. During our discussion (in my office) he was admit that the lands above the south ditch had been sprinkle irrigated..... wanting to preserve the water rights I recommended those acres. I made the recommendations and invited Mr. Biddulph to review them early since he was leaving for the Philippine Islands for three years.

After conducting other adjacent field exams and talking to other claimants I find discussion that 'NO' those lands had never been irrigated by any means, even though they are planted grasses. In this same area and above the ditches are the dry farmed lands.

Two of the other claimants referenced above are the Weeks Brothers, Renell and Travis, who have lived and farmed in the Rainey Creek drainage all their lives, as have their ancestors. And, in-fact, farm Mr. Biddulph's other property North of Rainey Creek. Both have told me that the lands in question have never been irrigated so I ask them to file affidavits attesting to this. I have just received the last affidavit and will fax them to you ASAP with a map of the questioned area (if the map don't turnout let me know I'll make a new one and j-peg it in an e-mail).

I am faxing the claims, recommendations and map now to 327-5400.

January 6, 2004

Edwin C Biddulph
Jeanne Biddulph
2560 S 60 E
Idaho Falls, ID 83406

Re: SRBA Claim No. 23-22B and 23-96B

Dear Mr. Biddulph:

I am the Deputy Attorney General assigned to represent the Idaho Department of Water Resources in its investigation of water rights in Basin 23. I understand that you have previously reviewed the Department's preliminary recommendation for your water rights, 23-22B, 23-96B. However, additional information has been supplied to the Department concerning your water right.

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If you have any further questions concerning this matter, please call me at (208) 327-5404.

Very Truly Yours,

Candice M. McHugh
Deputy Attorney General, IDWR

Enclosures

To: Canonic McHugh

12/29/03

From: A Ruben

Subject: 23-00022B, 23-00096B

CONTAINS: 13pgs

1. CLAIMS 23-00022B, 23-00096B
2. RECOMMENDATIONS OF SAME w/ MAP
3. NOB'S OF 23-00022B, 23-00096B
4. AFFIDAVITS OF RENOU AND TRAVIS WOODS
w/ MAP

Ruberry, Allen

To: McHugh, Candice
Subject: Basin 23 Recommends

If you will recall I sent an e-mail some time ago asking that you send an 'official AG letter' explaining that the recommendation had been changed, despite an early NOE, based on new information. At that time I was awaiting a couple affidavits.

A little history of the claims and recommendations: The claims originated after a Change of Ownership, 6/06/93, splitting 23-00022 and 23-00096. Claimant, Edwin Biddulph, got the B portions. Claims (splits) are for 78.0 acres, overlapping rights.

I conducted a field exam on 5/09/03, visiting the POD's and claimed POU's. POD's are gated structures off Rainey Creek to ditches. On the North a ditch leads to a booster pump then to sprinkler irrigation on hay, on the South a ditch leads around the hill for gravity irrigation of an old orchard and grasses, then on to other users. It is the South side that is the issue. There are lands above the south ditch that Mr. Biddulph alleges were sprinkle irrigated, in the absence of a pump and or sprinkler pipe. During our discussion (in my office) he was admit that the lands above the south ditch had been sprinkle irrigated..... wanting to preserve the water rights I recommended those acres. I made the recommendations and invited Mr. Biddulph to review them early since he was leaving for the Philippine Islands for three years.

After conducting other adjacent field exams and talking to other claimants I find discussion that 'NO' those lands had never been irrigated by any means, even though they are planted grasses. In this same area and above the ditches are the dry farmed lands.

Two of the other claimants referenced above are the Weeks Brothers, Renell and Travis, who have lived and farmed in the Rainey Creek drainage all their lives, as have their ancestors. And, in-fact, farm Mr. Biddulph's other property North of Rainey Creek. Both have told me that the lands in question have never been irrigated so I ask them to file affidavits attesting to this. I have just received the last affidavit and will fax them to you ASAP with a map of the questioned area (if the map don't turnout let me know I'll make a new one and j-peg it in an e-mail).

I am faxing the claims, recommendations and map now to 327-5400.

RECEIVED

JAN 16 2004

Department of Water Resources
Eastern Region

AFFIDAVIT

I am Steve Weeks, a long time resident and property owner in Swan Valley, Idaho. My current residence is 45785 County Rd #16, Cope, Colorado 80812. This affidavit attests to my personal knowledge of the agriculture and irrigation practices in and around the Rainey Creek drainage within Swan Valley.

My family and I have farmed in this area for many years, as have other family members, and it is my personal knowledge that the property now owned by Edwin C. Biddulph, at the uppermost farmable region on Rainey Creek drainage, specifically, the small areas on the West facing hillside and the narrow strip south of the conveyance ditches traversing the hillside have never been irrigated by any means. These areas are specifically described as parts of SESE and NESE Section 33, T2N, R44E, BM (see the attached photomap).

I make this statement on 1-12-04, 2004.

Steve Weeks
Steve Weeks

State of Colorado)
County of Yuma) SS.

Subscribed and sworn (or affirmed) before me this 12 day of Jan., 2004.

Notary Public
Residing at Bank of Colorado
My Commission Expires My Commission expires Sept. 7. 2005

SEAL

RECEIVED
DEC 22 2003

Department of Water Resources
Eastern Region

AFFIDAVIT

I am Renell Weeks, a life long resident and property owner in Swan Valley, Idaho. This affidavit attests to my personal knowledge of the agriculture and irrigation practices in and around the Rainey Creek drainage within Swan Valley.

My brother and I have farmed in this area for many years, as have our family members, and it is my personal knowledge that the property now owned by Edwin C. Biddulph, at the uppermost farmable region on Rainey Creek drainage, specifically, the small areas on the West facing hillside and the narrow strip south of the conveyance ditches traversing the hillside have never been irrigated by any means. These areas are specifically described as parts of SESE and NESE Section 33, T2N, R44E, BM (see the attached photomap).

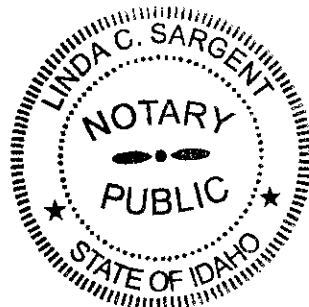
I make this statement on 19 Dec, 2003.

Renell Weeks
Renell Weeks

State of Idaho)
County of Laramie) SS.

Subscribed and sworn (or affirmed) before me this 19th day of Dec, 2003.

Linda C. Sargent
Notary Public
Residing at Swan Valley, ID
My Commission Expires 11/3/06



SEAL

RECEIVED

DEC 11 2003

AFFIDAVIT

Department of Water Resources
Eastern Region

I am Travis Weeks, a life long resident and property owner in Swan Valley, Idaho. This affidavit attests to my personal knowledge of the agriculture and irrigation practices in and around the Rainey Creek drainage within Swan Valley.

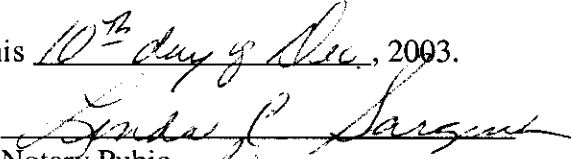
My brother and I have farmed in this area for many years, as have our family members, and it is my personal knowledge that the property now owned by Edwin C. Biddulph, at the uppermost farmable region on Rainey Creek drainage, specifically, the small areas on the West facing hillside and the narrow strip south of the conveyance ditches traversing the hillside have never been irrigated by any means. These areas are specifically described as parts of SESE and NESE Section 33, T2N, R44E, BM (see the attached photomap).

I make this statement on 12-10, 2003.

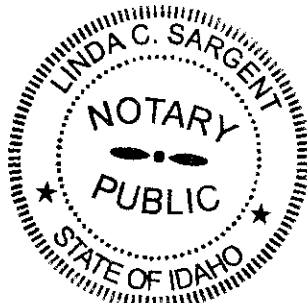

Travis Weeks

State of Idaho)
County of Booneville) SS.

Subscribed and sworn (or affirmed) before me this 10th day of Dec., 2003.


Notary Public

Residing at Swan Valley, Id
My Commission Expires 11/3/06



SEAL

06/17/2003

**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:

Water right number: 23-22B

EDWIN C BIDDULPH
2560 S 60 E
IDAHO FALLS ID 83406
Telephone Number: (208)523-0726

JEANNE BIDDULPH
2560 S 60 E
IDAHO FALLS ID 83406
Telephone Number: (208)523-0726

RECEIVED

JUN 23 2003

Department of Water Resources
Eastern Region

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

Use of this right should be for 78.1 Acres per irrigation season

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

Substitute 78.1 Acres for the 70.7 Acres

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

It's not correct. Allen Ruberry said he would correct it but asked me to send this for the record

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

DATE: _____

SIGNATURE: _____

Please print your name: _____

ED BIDDULPH

IDWR Regional Office,

Point of Diversion and Source Data Entry Form

Claim Number: _____

Water Right Point of Diversion: T _____, R _____, Sec. _____, _____, _____, _____ County: _____

Source: _____ Tributary: _____

Claimed Point of Diversion: T 2N, R 44E, Sec. 33 NE NE SE 34 NE NW SW County: BOON.

Source: _____ Tributary: _____

Recommended Point of Diversion: T _____, R _____, Sec. _____, _____, _____, _____ County: _____

Source: _____ Tributary: _____

____ Use Claimed POD and Source as Recommended POD and Source

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source
<u>2N</u>	<u>44E</u>	<u>33</u>		<u>SENESE</u>	<u>BOON</u>	<u>RAINY CK</u>
GPS Coordinates: _____						
		<u>34</u>		<u>SESWNW</u>	<u>"</u>	<u>"</u>
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						

TRIB. TO
SNAKE RIV. SO
FW

Other rights from this POD? _____

Document how the POD and Source were verified and/or Pump and Motor data:

DEGREE DOES NOT SPECIFY A POD. POD'S CLAIMED ARE
CORRECTED

COMBINED Use Limits
w/ 23-96B.
POLLAC & Q

CONDITION:
CPS

REMARK

Transfers Changing POD _____

Reviewer: _____

Date: _____

Contacts Data Entry Form

Water Right No. 23-0022B

Owner Type	Full Name	Address	City	State	Zip	Phone
Current Owner	EDWIN BIDDULPH					
Name connector: and						
Current Owner						
Current Owner						

Representing Attorney: _____ Phone Number: _____

Accompanied By: _____ Phone Number: _____

Relationship to Claimant: _____

Date of Field Exam: _____ Time: _____

Directions to Property (if different from above) and/or update owner information:

DECEED UNDER REXBURG PAVING CO. VS TETON PAVING CO., 1910
AS #106, TO HARLAN CORBETT, JUNE 6, 1892 @ 100" (2 cfs).

SPLIT AND CLAIMED AS:23-00022A, 0.14 cfs, 6 AC; STEVE WEEKS 0.0233 cfs/ac23-00022B, 1.86 cfs, 78 AC; ED BIDDULPH 0.0238 cfs/ac2.00 cfs, 84 AC → 0.0238 cfs/ac.THIS RIGHT IS USED WITH 23-96B.5/9/03 Fixed POU BY NOEAMENDED TO CORRECT PRIORITY DATE.FE INDICATED: 4/17/03 POD'S POU.

Reviewer: _____

Date: _____

Priority Date Data Entry Form

Claim Number: _____

Water Right Priority Date: JUNE 6, 1892 Water Right Basis: DECREEDClaimed Priority Date: JULY 6, 1892 Claimed Basis: DECREED

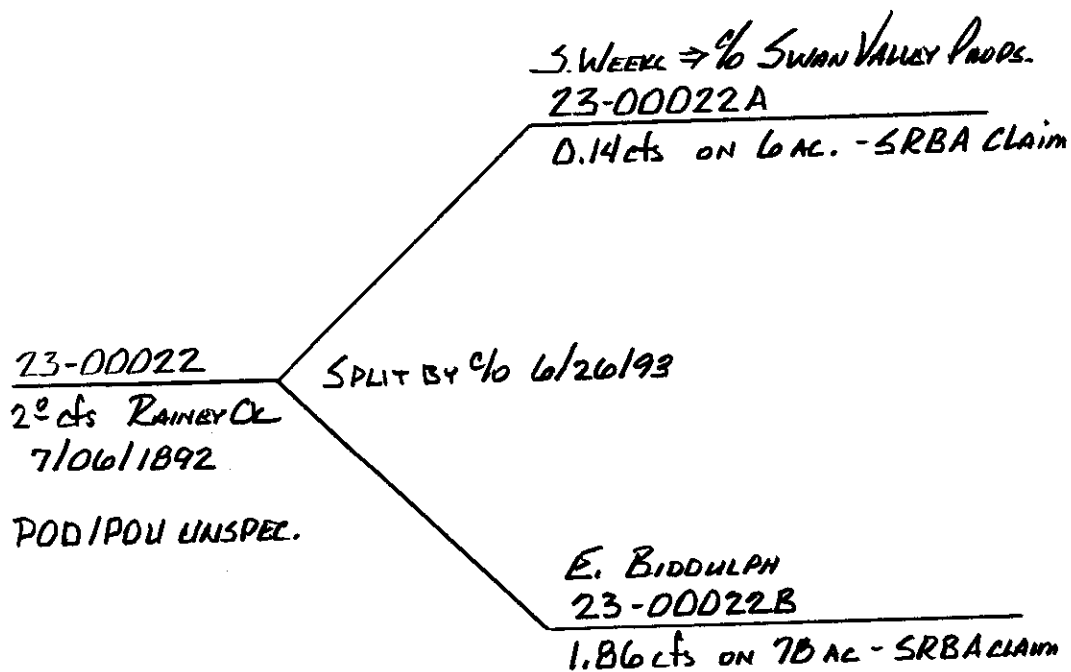
Recommended Priority Date: _____ Recommended Basis: _____

☐ Use Claimed Priority Date and Basis as Recommended Priority Date and Basis

Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

DECREED AS JUNE 6, 1892. CLAIMS JULY 6, 1892Q: why give up 1 month of Priority? ERROR?5/06/03 SPOKE TO MR. BIDDULPH ABOUT THE PRIORITY DATE
DIFFERENCE - HE WAS NOT AWARE OF THE DIFFERENCE (ERROR)
SO HE WILL DROP BY TO AMEND THE CLAIM.5/7/03 MR. BIDDULPH WAS IN TO DISCUSS AND AMEND
THIS CLAIM TO CORRECT THE PRIORITY DATE AS
DISCUSSED ABOVE.

Water Right Split History Analysis



Reviewer: _____

Date: _____

Place Of Use Data Entry Form

Claim Number: _____

_____ Use Claimed POU as Recommended POU

Claimed Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
			NESW				11	
			NESE				30	
			NWSE				28	
			SESE				9	

Total Acres 78

Recommended Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
2N	44E	33	NESW		BONNI			Irrig.
			NESE					
			NWSE					
			SESE					

Total Acres 64¹ x

Document how the POU was verified:

AC BY GIS - AFFIDAVITS OF RONALD & TANNIS WOODS ATTEST
 TO NO IRRIGATION ON CERTAIN PORTIONS OF CLAIMED POU.
 THORNTON, DIE BASED ON CROPS/AC X 58' AC + COUNTRY LOSS
 REMOVED IS LOST TO PRAIRIE TAKEOVER 1980-1989.
 CLAIM FILED IN 1989 by BIDOUAN - CO FILED IN 1993 by BIDOUAN? HOW? WHY?

Transfers Changing POU _____

Reviewer: _____

Date: _____

Period of Use and Quantity Data Entry Form

Claim Number: _____

☐ Use Claimed Period of Use and Quantity as Recommended Period of Use and Quantity

Water Right Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Overall Diversion Rate _____ Overall Diversion Volume _____

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
<u>Irrig.</u>	<u>4/1</u>	<u>11/1</u>	<u>1.86</u>	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Overall Diversion Rate _____ Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
<u>Irrig.</u>	<u>4/15</u>	<u>10/31</u>	<u>1.36</u>	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Overall Diversion Rate 1.22 Overall Diversion Volume _____

Document how the Period of Use and/or Diversion Rate were verified:

RECOMM. DEPT STD SOU AS 4/15 TO 10/31.

BASED ON GPS = $64^0 \text{ ac} \times 0.02 \text{ cfs/ac} = 1.29 \times 1.05 (\text{conversion}) = 1.36$

1.86
- 1.22

.50 lost
cfs

Reviewer: _____

Date: _____



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - FAX: (208) 525-7177

EASTERN REGION

JULY 7, 1993

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

EDWIN C BIDDULPH
2560 S 60 E
IDAHO FALLS ID 83406

RE: CHANGE IN OWNERSHIP FOR A23-00096 AND A23-00022

Dear Mr. Biddulph:

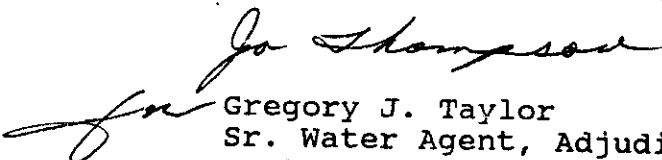
The request for Change in Ownership concerning the Notice(s) of Claim in the above reference has been processed and the Notice(s) have been split as follows:

RUTH AND STEVE WEEKS: A23-00096A, .14 CFS, 6 ACRES
EDWIN BIDDULPH: A23-00096B, 1.86 CFS, 78 ACRES

RUTH AND STEVE WEEKS: A23-00022A, .14 CFS, 6 ACRES
EDWIN BIDDULPH: A23-00022B, 1.86 CFS, 78 ACRES

Enclosed for your records are typed Notices reflecting your portion of the rights. Review these Notices and if there are other corrections or questions, feel free to contact this office (525-7161).

Respectfully submitted,


Gregory J. Taylor
Sr. Water Agent, Adjudications

GT:jt

Enclosure: Notices of Claim

cc: Steve Weeks/copies of claims

File: P

MICROFILMED

APR 11 1994

GEORGE C. PETERSEN, JR.
REED L. MOSS
WM. CHARLES CARR
SCOTT P. ESKELSON
STEPHEN D. HALL

PETERSEN, MOSS, OLSEN, CARR,
ESKELSON & HALL

Attorneys at Law
485 "E" Street
Idaho Falls, Idaho 83402
(208) 523-4650

DENNIS M. OLSEN
(1930-1985)
FAX NO.
(208) 524-3391

July 1, 1993

Idaho Department of Water Resources
900 N. Skyline Drive
Idaho Falls, ID 83402
Attn: Eric Verner

RECEIVED

JUL - 6 1993

Department of Water Resources
Eastern District Office

RE: Water Right Nos. A23-00022; and A23-00096

Dear Eric:

Enclosed herewith will be the original of the "new property owner notice of change of water right ownership" which the Idaho Department of Water Resources has requested on the transfer of lands and water rights between Steve and Ruth Weeks and Edwin and Jeanne Biddulph.

As shown thereon, the Weeks have sold off the water rights pertaining to 78 acres but have retained the water rights to six acres which they have retained in the SW 1/4 SW 1/4 and SE 1/4 SW 1/4 of Section 33, Township 2 North, Range 44, E.B.M. I am forwarding copies of this instrument to Dr. Biddulph as directed by the document itself.

Also enclosed will be "Amended Notice of Claim to Water Right" which has been signed by Steven and Ruth Weeks as the former claimants and Edwin and Jeanne Biddulph as the current claimants correcting the township in number 10 on page 2 from 1 North to 2 North, which is the correct township, thus amending the original filing of 8/25/89 to the correct lands involved.

Thank you very much for all the good help you gave me in helping to locate the other water claim and getting this amendment taken care of to correct that inadvertent original filing.

Best regards,

PETERSEN, MOSS, OLSEN, CARR,
ESKELSON & HALL

Reed L. Moss
Reed L. Moss

MICROFILMED

APR 11 1994

RLM/kjb

Enc.

cc. Steven Weeks (w/enc.)
Edwin Biddulph (w/enc.)



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

RECEIVED

Please print or type

(see instructions on back of page)

JUL - 6 1993

DATE OF CLOSING: June 17, 1992Department of Water Resources
Eastern District Office

LEGAL DESCRIPTION OF PROPERTY: Township 2N Range 44
 Section _____, 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____, BM.
 Lot _____, Block _____, Subdivision/Townsite _____

If you have additional legal descriptions, please attach separate sheet. SEE ATTACHED LEGAL DESCRIPTION on deed

[] Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

[] Water Right Number(s)
Assigned by IDWR: A23-00022; A23-00096

[] Name and Address of Former Owner/Claimant(s)(Seller): Steven J. and Ruth Weeks, h & w

[] New Owner/Claimant (Purchaser): P.O. Box 25
Swan Valley, Idaho 83449

[] New Mailing Address: Edwin C and Jeanne Biddulph
2560 So. 60th E.
Idaho Falls, Ida 83406

[] New Telephone Number: (208) 523-0726

☒ Does the change in ownership result in a splitting of the water right owned/claimed? X yes no
 If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

NE SW 11 Acres and SE SE 9 acres.
NE SE 30 Acres
NW SE 28 Acres total 78

[] Attach proof of ownership, describe proof attached: Warranty deed - N/A

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

[] Signature of New Owner/Claimant(s): Ed Biddulph Date 6/26/93
Jeanne Biddulph Date 6-26-93
 [] Signature of Former Owner/Claimant(s): Steven J. Weeks Date 6-26-93
Ruth Weeks Date 6-26-93

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry
Date: _____ By: _____

Further Action Needed:

Further Action Taken
Date: _____ By: _____Final Review and Data-Entry
Date: _____ By: _____

Claim Numbers of Split, if any:

MICROFILMED

APR 11 1994

Original to be mailed to Idaho Department of Water Resources
 Copies to Former Owner and New Owner

Log for claim 23-00022B

Spatial Dynamics CAT

2/12/01

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
02n44e	33	NESW	11	11	
02n44e	33	NESE	30	30	
02n44e	33	NWSE	28	27	
02n44e	33	SESE	9	2.6	Indiscernible
Totals:			78	70.6	



State of Idaho

Department of Water Resources

Eastern Region



Water Right(s):

23-00022B,

23-00096B

Place of Use: T2N, R44E
Sec. 33 (parts of) N2SE,
SESE, NESW

Point(s) of Diversion: T2N, R44E
Sec. 33 SENESE
Sec. 34 SESWNW



LEGEND



Point of Diversion



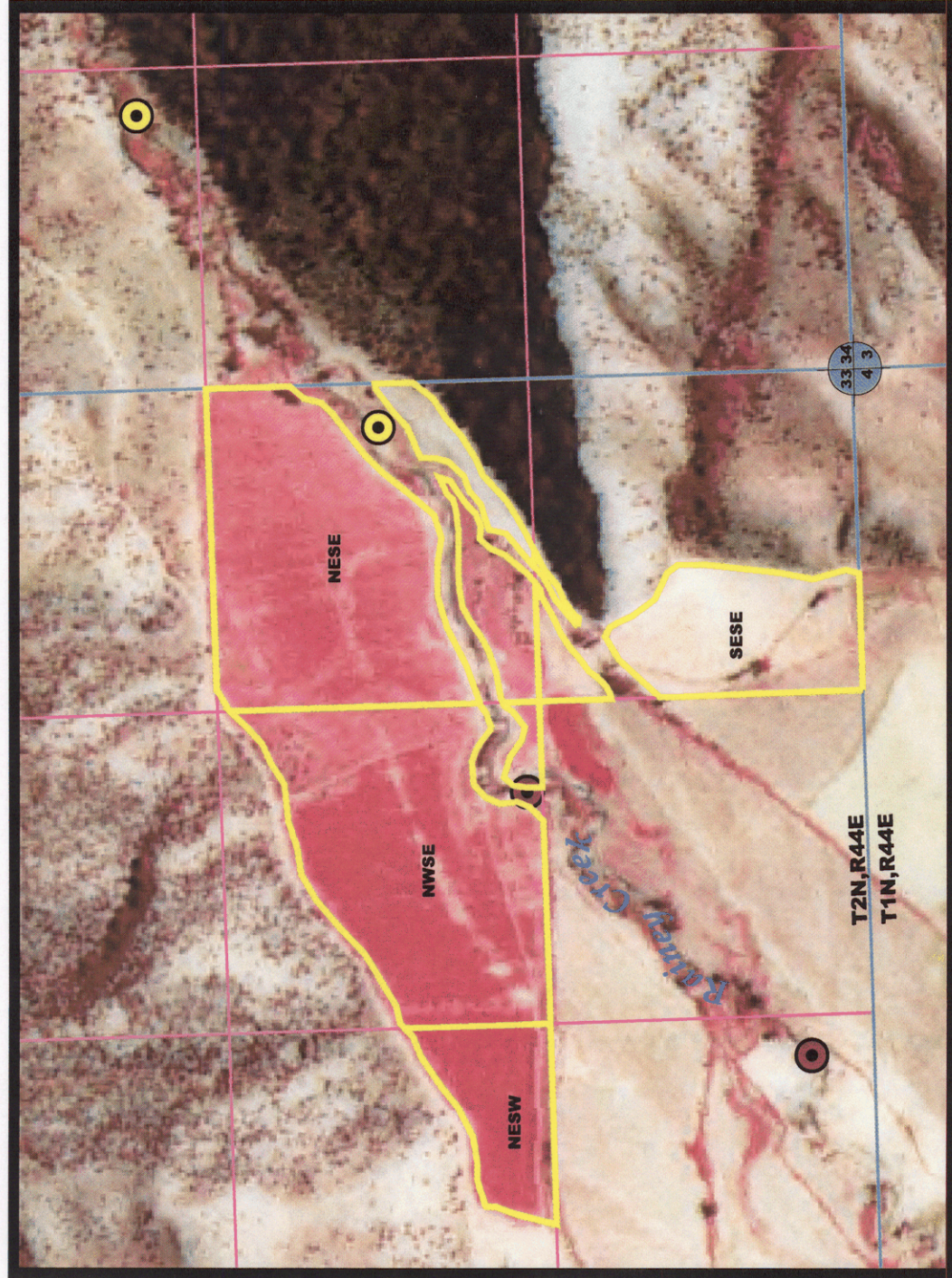
SESE
Place of Use



Section



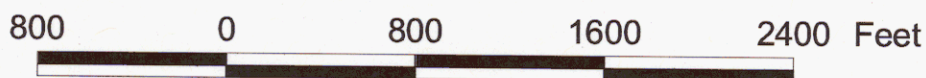
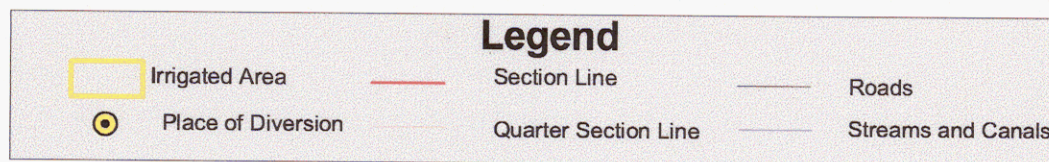
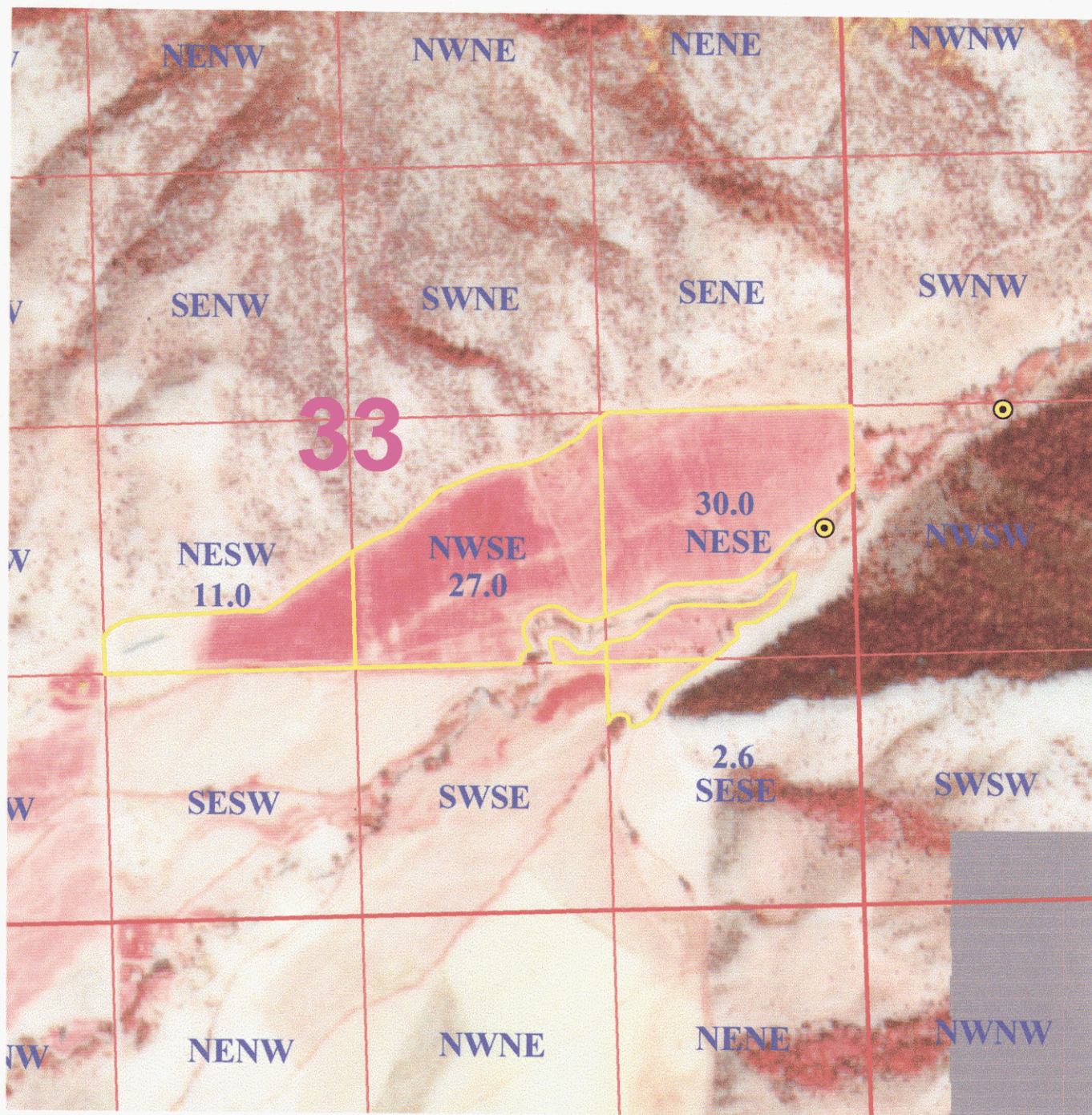
Quarter-Quarter



400 0 400 800 1200 1600 2000 2400 2800 3200 3600 4000 Feet

Water Right Claim Number 23-00022B
Township , 2N44E

02/12/2001

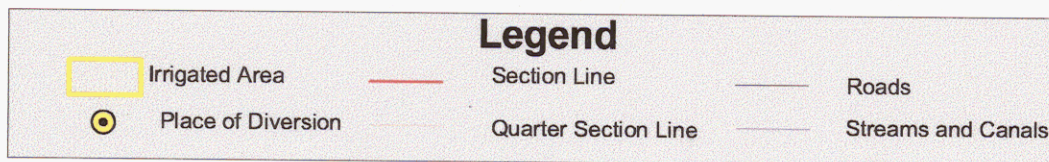
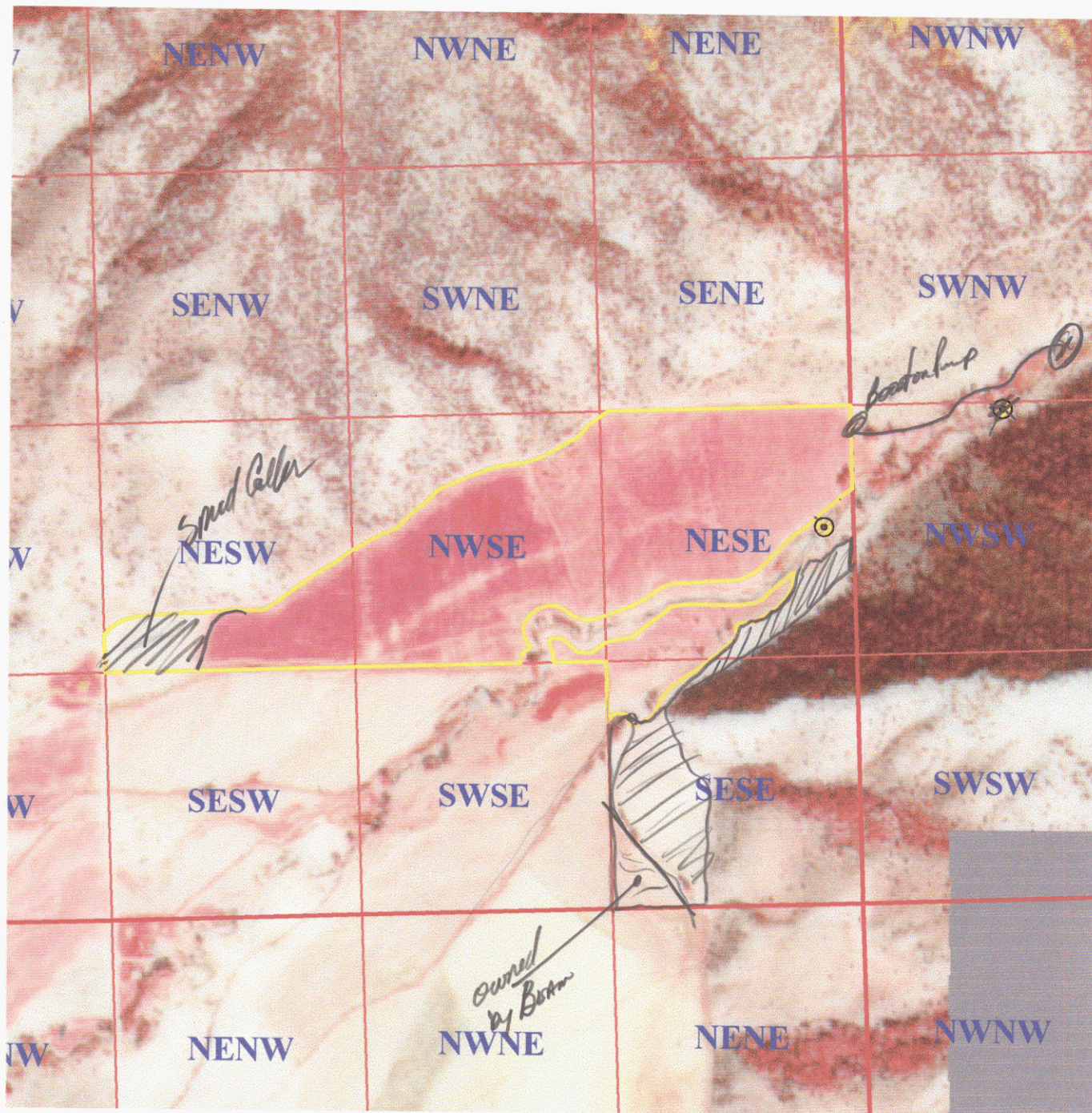


SPATIAL
DYNAMICS



Water Right Claim Number 23-00022B
Township, 2N44E

02/12/2001

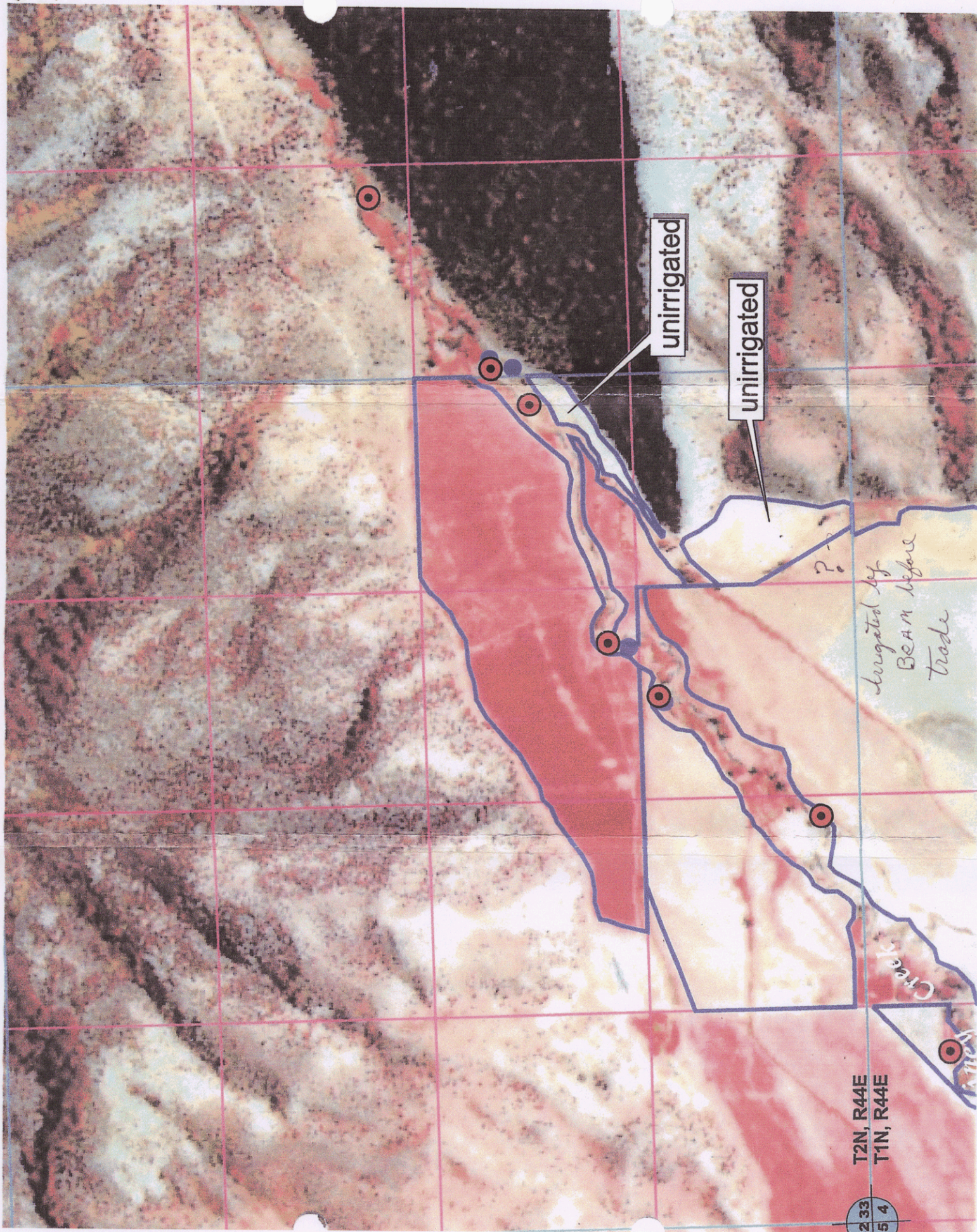


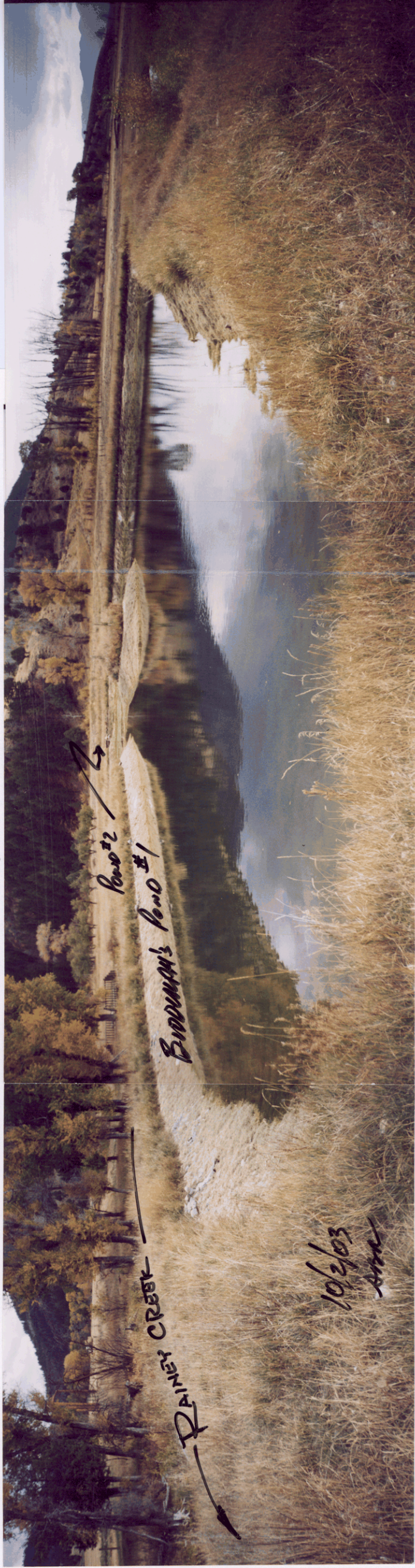
800 0 800 1600 2400 Feet

SPATIAL
DYNAMICS



9/12/03
AM





RAINIER CREEK

BROADWATER'S POND #1

Pond #2

10/2/03
sm