

01/23/2004

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

RIGHT NUMBER: 23-55C

NAME AND ADDRESS: VIOLA M DENNING
PO BOX 460
UCON ID 83454

DUANE N DENNING
4084 E 129 N
PO BOX 460
UCON ID 83454

SOURCE: PALISADES CREEK

TRIBUTARY: SNAKE RIVER, SO. FK.

QUANTITY: 0.370 CFS

PRIORITY DATE: 08/20/1890

POINT OF DIVERSION:

T01N R44E S26 NESWSE Within BONNEVILLE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
04/15 10/31

QUANTITY
0.370 CFS

PLACE OF USE: IRRIGATION Within BONNEVILLE County

T01N R44E S35	NWNE	0.6	T01N R44E S35 Lot 4 SWNE	7.3
T01N R44E S35	NENW	2.1	T01N R44E S35 Lot 3 SENW	7.0

17 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: Decreed

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: A23-00055C
Date Received: 9/29/1989
Receipt No: E010898
Received By: CT

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DUANE N. DENNING
Address: P.O. BOX 460
UCON, ID

208-523-4600

83454

AND/OR

Name: VIOLA M. DENNING
Address: P.O. BOX 460
UCON, ID

208-523-4770

83454

2. Date of Priority: AUG 20, 1890

3. Source: PALISADES CREEK

Trib. to: SNAKE RIVER, SOUTH

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
01N	44E	26	SW	SE			BONNEVILLE

5. Description of diverting works:
HEADGATE AND DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.520		

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

A.F.A.

8. Total consumptive use is

65.0 Acre Feet Per Annum.

9. Non-irrigation uses:

A23-00055C

Page 1

Date: 09/29/89

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NOV 07 1992



10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01N	44E	35	NW	NE		IRR	2.0
			SW	NE	4	IRR	12.0
			NE	NW		IRR	3.0
			SE	NW	3	IRR	9.0
						Section Acres	26.0
						Total Acres	26.0

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:
NONE

14. Remarks:

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date:

REXBURG IRR. CO. ET AL
Decree Plaintiff

vs

TETON IRRIGATION CANAL CO. ET
Decree Defendant

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): Viola Densing Date: 9-29-89
_____ Date: _____

State of Idaho)
County of Bonnerville) SS.

Subscribed and sworn (or affirmed) before me this 29th day
of September 19 89

Seal

Carter Fritschle
Notary Public

Residing at _____

My Commission Expires _____

Carter Fritschle, Notary Public
Residing at Eagle, Idaho
My commission Expires March 21, 1994

Water Right No(s). 23.55c

See Attached Photo Page

GPS DATA:

Tag # NO Tag. Location: TIN R. 44E SEC 26 SW SE.

Diversion Data:

Source: palisade CREEK Trib to: SNAKE RIVER.

MOTOR

Make: _____ Model: _____ Hp: _____
SN: _____

PUMP

Make: _____ Model: _____ Disch: _____
SN: _____

NOTES:

THE WATER HAS NOT BEEN USED
FOR MANY YEARS. THE CANAL TO TRANSPORT
WATER WAS FILLED IN THREW DEVELOPMENT.
NEXT TO CANAL.

Field Exam Date: 11-1-03 Agent: NICK OLSON

MEMORANDUM

11 July 2003

To: Files; 23-55 A/B/C/D/E/F, 23-10271

From: A. Ruberry

Subject: Split portions of SRBA claims, as above

On April 22, 2003, a field exam was conducted by A. Ruberry, IWDR. The claimed Point of Diversion SWSWSE Sec. 26, T1N, R44E, was GPD'd and photographed. This claimed Point of Diversion has no structure to control any type of diversion off Palisades Creek; it is in-fact, filled with gravel and about 150' +/- down-ditch (remnant) from the claimed Point of Diversion is also filled and heavily overgrown with vegetation (see photographs).

In addition, within the SWNWNWNE of Sec. 35, there is a culvert in the ditch remnant that is crossed by a roadway. A short distance further down ditch the ditch is filled-in.

It is obvious this ditch has not been used due to the heavy growth of vegetation and lack of any type of maintenance. According to local residents, Chris Stoner and Jay Weeks, this ditch has not been used in 10 years (Jay) and 17 years (Chris). Thus, according to Mr. Stoner's statement abandonment of the ditch began in 1986.

Portions of the 23-00055 water right, as listed above, will be recommended as Disallowed pursuant to §42-222 (2) IC. Lands claimed under this water right are not a subject of the Conservation Reserve Program (CRP), as addressed under this statute. 23-00055 originated as a Decreed water right under the Rexburg Irrig. Co. vs Teton Irrig. Co., 1910, as 3.3 cfs from Palisades Creek, 8/20/1890. See attached split history attached; 1.92 cfs of this right is not accounted and unclaimed.

*This claim Recommended due to Running Date.
For future ABANDONMENT CANNOT BE FOUND*

Water Right Split History Analysis

23-00055A R.J. JONES ✓

0.08 cfs

23-55B R.T. HUSKEY ✓

0.15 cfs

23-55C D.N. DENNING ✓

0.52 cfs

23-55D R. HENKEN

0.10 cfs

S.C. WEEKS
23-00055

3.30 cfs 8/20/1890

PALISADES CREEK

23-55E H.J. TAYLOR

0.03 cfs

23-55F R. RADFORD

0.03 cfs

23-10271 J. BYRD ✓

0.47 cfs (CLAIMS PART OF SSC)

23-55? UNCLAIMED / UNACCOUNTED

1.92 cfs

$$\sum_{\text{CLAIMS}} = 1.38 \text{ cfs}$$

Reviewer: ABRDate: 7/7/03

Contacts Data Entry Form

Water Right No. 23-000556

Owner Type	Full Name	Address	City	State	Zip	Phone
------------	-----------	---------	------	-------	-----	-------

Current Owner	DUANE DENNING					
---------------	---------------	--	--	--	--	--

Name connector: and _____, or _____, and/or _____

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:

DECEDED UNDER ROXBURG INNS CO. VS TOTTEN INNS CO. 1910,
AS #91, TO S.C. WEEKS, AUG 20, 1890, PAUSADECK 165".
THIS RIGHT APPEARS TO HAVE BEEN SPLIT SEVERAL TIMES.
SEE ATTACHED SPLIT HISTORY.

FIS INDICATED: POD/POH SOURCE, DELIVERY/SYSTEM

Reviewer: _____

Date: _____

Priority Date Data Entry Form

Claim Number: _____

Water Right Priority Date: _____

Water Right Basis: _____

Claimed Priority Date: Aug 20, 1890Claimed Basis: DESCRIBEDRecommended Priority Date: 8/20/1890Recommended 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:

PRIORITY MATCHES DESCRIBED

Reviewer: _____

Date: _____

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 1N, R 44E, Sec. 26,____,____,____,____ County: BONNSource: PALISADOS CK Tributary: SNAKE RIV. SO. FL AREA

Recommended Point of Diversion: T____, R____, Sec.____,____,____,____ County: _____

Source: _____ Tributary: _____

Use Claimed POD and Source as Recommended POD and Source

Tw	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source
<u>1N</u>	<u>44E</u>	<u>35</u>		<u>NESWSE</u>	<u>BONN</u>	<u>PALISADOS CK</u>

GPS Coordinates: _____

GPS Coordinates: _____

GPS Coordinates: _____

GPS Coordinates: _____

GPS Coordinates: _____

GPS Coordinates: _____

GPS Coordinates: _____

Other rights from this POD? _____

GPS POD - TAG# AD TAG

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

POD NOT ADDRESSD BY DECREE.POD NOT SERVICEABLE - CLOSED FOR MANY YEARS; UNUSED OR UNUSABLE; But NOT FAR ENOUGH BACK FROM FILING DATA TO FIND CONFIRMATION.

Transfers Changing POD _____

Reviewer: _____

Date: _____

TRIP TO
SNAKE RIV. SO. FL

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
1N	44E	35	W ²	N6	BONN		14	PAVING
		35	E ²	NW	"		12	

Total Acres 26⁰

Recommended Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total Acres 17⁰

Document how the POU was verified:

POU NOT ADDRESSED BY DUCANUS 508 GPS

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
<i>Truss</i>	<i>4/1</i>	<i>4/1</i>	<i>0.52</i>	

Overall Diversion Rate _____ Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
<i>Truss</i>	<i>4/15</i>	<i>10/3</i>	<i>0.37</i>	

Overall Diversion Rate _____ Overall Diversion Volume _____

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

Quinnan ret. 23-00055 (3.30 cfs) is SPLIT A, B, C, D, E & F.
E_{cts} = 0.91 - 3.30 cfs = 2.39 UNCLAIMED.
17AC @ 0.02 = (0.34 cfs) [Convey Loss @ 5%/AC] 1.10 = 0.37 cfs ⁵⁰ _{Recommended}

Reviewer: _____

Date: _____

Water Right Report 23-55

Dates and Other Information:

Log for claim 23-00055C

Spatial Dynamics LTD

5/29/01

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
01n44e	35	NWNE	2	1.5	POD placement?
01n44e	35	SWNE	12	32	Indiscernible
01n44e	35	NENW	3	5	
01n44e	35	SENE	9	8.7	
Totals:			26	47.2	

FROM Carter Fritschle

DATE 9-29-89

TO Adjudication Claim A23-00055C

SUBJECT

The point of diversion and place of use should be verified by field inspection. The Mrs. Denning was not precise in locating the point of diversion. A portion of water Nos 23-00056A or 23-00056B may be appurtenant to these lands.

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SIGNATURE

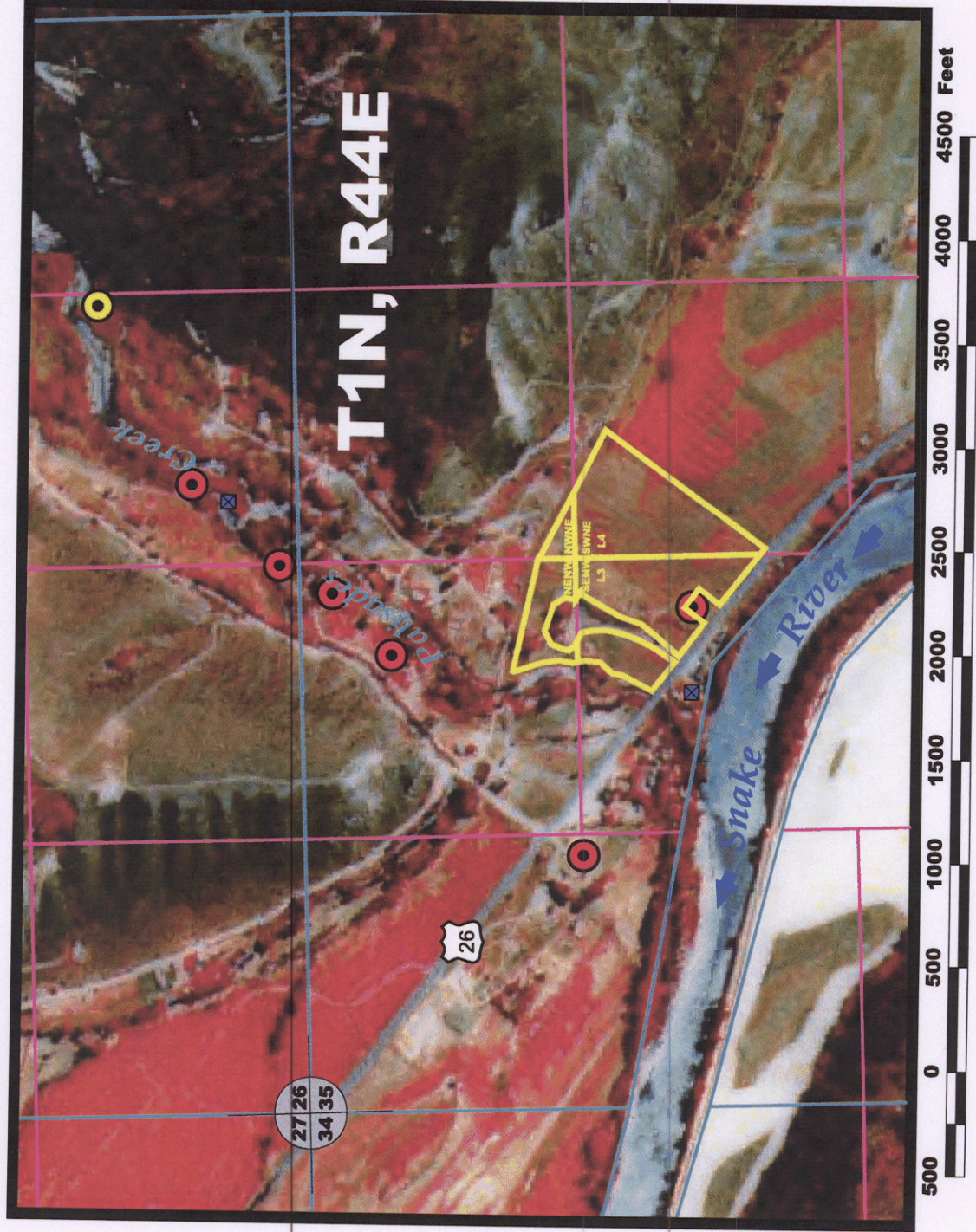
Carter



State of Idaho

Department of Water Resources

Eastern Region



Water Right(s):

23-00055C

Place of Use: (parts of)

T1N, R44E

**Sec. 35 NENW, NWNE,
SESW (L3), SWNE (L4)**

Point(s) of Diversion:

T1N, R44E

Sec. 26 NESWSE

LEGEND



Point of Diversion



SESE



Place of Use



Section

Quarter-Quarter

Bonneville Co. Assessor
Ownership Plat

27 26
34 35

26

T1N, R44E

DENNING, VIOLA M

% WADSWORTH ESTATE

LEDBETTER, GENEVIEVE

DENNING, VIOLA M

DENNING, VIOLA M

DENNING, VIOLA M

DENNING, VIOLA M

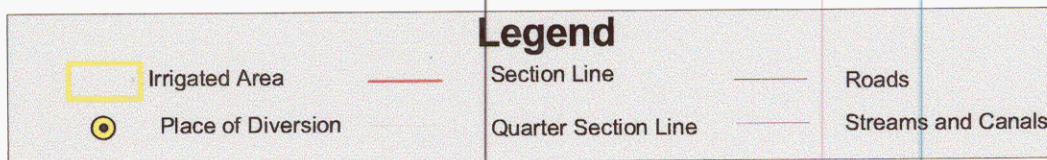
Snake
River

Creek

Polisades

Water Right Claim Number 23-00055C
Township , 1N44E

05/29/2001



SPATIAL
DYNAMICS

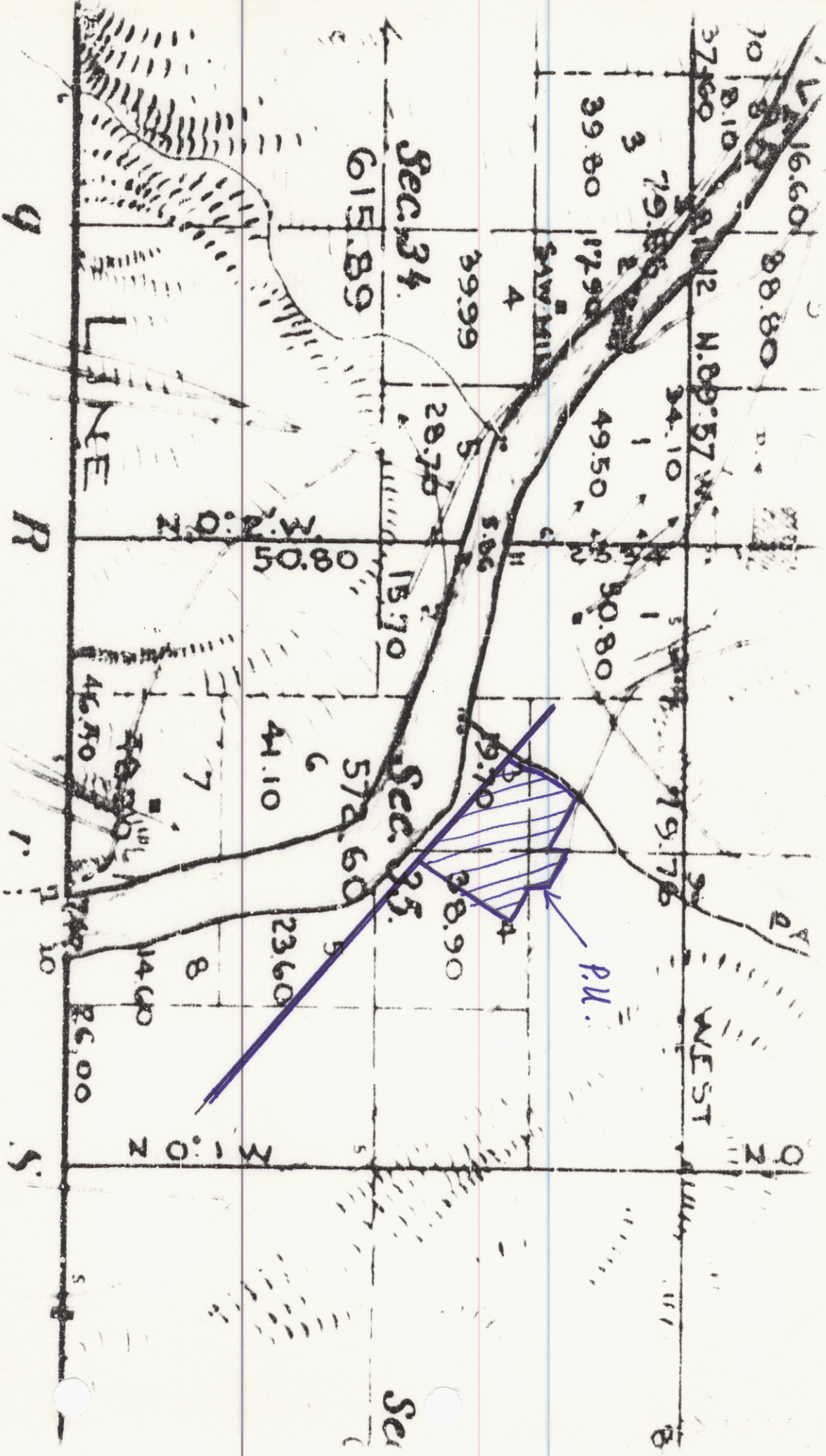
PHOTOS TAKEN 4/22/03
BY: A. RUSSELL



Photo 1. OLD DITCH (NO STRUCTURE) OFF PALISADES CREEK
FOR DELIVERY ON SOUTH OF THE CREEK.



Photo 2. SHOWS A PLACE BEHIND THE BLOCKAGE OFF THE
CREEK. OBVIOUSLY THERE HAS BEEN NO MAINTENANCE
AND NO DELIVERY FOR A LONG TIME.



66

MICROFILMED

NOV 7 1992

examination

T 1N R 44E

The above map of Township
A23-00055C Boise, Idaho