IDAHO DEPARTMENT OF WATER RESOURCES

PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 23-106B

NAME AND ADDRESS: CAROL E ASHMENT
639 CHAPEL RD
PO BOX 205
IRWIN ID 83428

THERON R ASHMENT
639 CHAPEL RD
PO BOX 205
IRWIN ID 83428

SOURCE: PALISADES CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 3.800 CFS

THIS WATER RIGHT IS INOPERATIVE AT TIMES WHEN THE AMOUNT OF WATER IN PALISADES CREEK IS INSUFFICIENT TO FILL ALL OF THE VALID WATER RIGHTS ON PALISADES CREEK AS DETERMINED BY PRIORITIES BEING FILLED ON THE SOUTH FORK SNAKE RIVER.

USE OF THIS RIGHT WITH RIGHT NO. 23-10857 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 10.2 CFS.

PRIORITY DATE: 05/01/1886

POINT OF DIVERSION:
T01N R44E S26 SWSWSE Within BONNEVILLE County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/15 10/31	3.800 CFS

PLACE OF USE: IRRIGATION Within BONNEVILLE County

T01N R44E S08	NESW	36.0	T01N R44E S08	NWSW	40.0
T01N R44E S08	SWSW	32.0	T01N R44E S08	SESW	38.0
T01N R44E S08	NWSE	26.0	T01N R44E S08	SWSE	25.0

197 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 23-10857 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 197.0 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

USE OF THIS RIGHT IS COMBINED WITH WATER FROM PALISADES IRRIGATION COMPANY.

WATER IS DELIVERED THROUGH THE PALISADES IRRIGATION CANAL SYSTEM.

RIGHT NO. 23-10857 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.

02/04/2004

IDAHO DEPARTMENT OF WATER RESOURCES

PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 23-106B

NAME AND ADDRESS: CAROL E ASHMENT
639 CHAPEL RD
PO BOX 205
IRWIN ID 83428

THERON R ASHMENT
639 CHAPEL RD
PO BOX 205
IRWIN ID 83428

SOURCE: PALISADES CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 3.800 CFS

THIS WATER RIGHT IS INOPERATIVE AT TIMES WHEN THE AMOUNT OF WATER IN PALISADES CREEK IS INSUFFICIENT TO FILL ALL OF THE VALID WATER RIGHTS ON PALISADES CREEK AS DETERMINED BY PRIORITIES BEING FILLED ON THE SOUTH FORK SNAKE RIVER.

USE OF THIS RIGHT WITH RIGHT NO. 23-10857 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 10.2 CFS.

PRIORITY DATE: 05/01/1886

POINT OF DIVERSION:
T01N R44E S26 SWSWSE Within BONNEVILLE County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/15 10/31	3.800 CFS

PLACE OF USE: IRRIGATION Within BONNEVILLE County

T01N R44E S08	NESW	31.0	T01N R44E S08	NWSW	33.0
T01N R44E S08	SWSW	32.0	T01N R44E S08	SESW	38.0
T01N R44E S08	NWSE	24.0	T01N R44E S08	SWSE	24.0

182 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 23-10857 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 182.0 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

USE OF THIS RIGHT IS COMBINED WITH WATER FROM PALISADES IRRIGATION COMPANY.

WATER IS DELIVERED THROUGH THE PALISADES IRRIGATION CANAL SYSTEM.

RIGHT NO. 23-10857 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: A23-00106B
Date Received: 8/23/1989
Receipt No: 0003990
Received By: JPC

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

1. Name: THERON R. ASHMENT 208-483-3823
Address: 639 CHAPEL RD. P.O. BOX 205
IRWIN, ID 83428

AND/OR

Name: CAROL E. ASHMENT 208-483-3823
Address: 639 CHAPEL RD. P.O. BOX 205
IRWIN, ID 83428

A2300106B

2. Date of Priority: MAY 01, 1886

3. Source: PALISADES CREEK Trib. to: SNAKE RIVER

4. Point of Diversion:

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

5. Description of diverting works:
CONCRETE DIV. STRUCTURE IN CREEK TO PALISADES IRR. CO. TO SWAN VA

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	3.800		
STOCKWATER	04/01	11/01	0.070		

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

8. Total consumptive use is 557.5 Acre Feet Per Annum.

9. Non-irrigation uses:
S/ 270 HD. BEEF CATTLE.

MICROFILMED
NOV 07 1992

10. Place of Use:

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
01N	44E	8	NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	35.0
			SE	SW		IRR	39.0
			NW	SE		IRR	34.0
			SW	SE		IRR	35.0
					Section Acres		223.0
					Total Acres		223.0

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:
YES

14. Remarks:
SEE DECREE ABOUT LOW WATER STATUS.
AS PER TRANSFER 533.

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

REXBURG IRRIGATION CANAL
Decree Plaintiff

vs

TETON IRRIGATION CANAL.
Decree Defendant

MICROFILMED
NOV 0 7 1992

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 no 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): Theron R. Ashment Date: 8-23-89

_____ Date: _____

State of Idaho)
) SS.
County of Bonneville)

Subscribed and sworn (or affirmed) before me this 23 day of Aug 19 89

Joe Dale Carter
Notary Public

Seal

Residing at Bois ID

My Commission Expires 6/2/94

MICROFILMED
NOV 07 1992

02/04/2004

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: 23-106B

CAROL E ASHMENT
639 CHAPEL RD
PO BOX 205
IRWIN ID 83428
Telephone Number: (208)483-3823

THERON R ASHMENT
639 CHAPEL RD
PO BOX 205
IRWIN ID 83428
Telephone Number: (208)483-3823

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

CORRECT PLACE OF USE AS INDICATED ON MAP

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: 3-16-04 **SIGNATURE:** Theron Ashment

Please print your name: _____

IDWR Regional Office,

3/18/04 Pod corrected

02/04/2004

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

RIGHT NUMBER: 23-106B

NAME AND ADDRESS: CAROL E ASHMENT
639 CHAPEL RD
PO BOX 205
IRWIN ID 83428

THERON R ASHMENT
639 CHAPEL RD
PO BOX 205
IRWIN ID 83428

SOURCE: PALISADES CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 3.800 CFS

THIS WATER RIGHT IS INOPERATIVE AT TIMES WHEN THE AMOUNT OF WATER IN PALISADES CREEK IS INSUFFICIENT TO FILL ALL OF THE VALID WATER RIGHTS ON PALISADES CREEK AS DETERMINED BY PRIORITIES BEING FILLED ON THE SOUTH FORK SNAKE RIVER.

USE OF THIS RIGHT WITH RIGHT NO. 23-10857 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 10.2 CFS.

PRIORITY DATE: 05/01/1886

POINT OF DIVERSION:
T01N R44E S26 SWSWSE Within BONNEVILLE County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/15 10/31	3.800 CFS

PLACE OF USE: IRRIGATION Within BONNEVILLE County

T01N R44E S08	NESW	31.0	T01N R44E S08	NWSW	33.0
T01N R44E S08	SWSW	32.0	T01N R44E S08	SESW	38.0
T01N R44E S08	NWSE	24.0	T01N R44E S08	SWSE	24.0

182 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 23-10857 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 182.0 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: BASIS OF CLAIM - Decreed

USE OF THIS RIGHT IS COMBINED WITH WATER FROM PALISADES IRRIGATION COMPANY.

WATER IS DELIVERED THROUGH THE PALISADES IRRIGATION CANAL SYSTEM.

RIGHT NO. 23-10857 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.

Ruberry, Allen

From: Carlsen, Ernie
Sent: Tuesday, January 20, 2004 3:07 PM
To: Ruberry, Allen; McHugh, Candice
Cc: Shaff, Don
Subject: 23-106B and 23-10151, continuation of previous emails between Candice and Allen

Theron Ashment met with me this afternoon to explain how his rights have been administered per transfer 533 and 565 since he purchased the property some thirty years ago. Mr. Ashment stated the natural flow in Palisades Creek historically has been greater than the amount needed for filling rights based on the priorities being filed on the South Fork, Snake River. Consequently there was justification for approving transfers 533 and 565. But because the rights being transferred had priorities earlier than those decreed from Palisades Creek a condition was imposed to protect the original Palisades Creek rights. Essentially the condition gave the transferred rights a floating priority date equal to the most junior priority being delivered on the South Fork and subordinate to valid (deliverable) decreed rights from Palisades Creek. This way the deliverable rights originally decreed from Palisades Creek were given preference and only if there was water still available in the creek would the transferred rights be delivered. The wording in the old "Blue Book" from Water District 01 contains a foot note concerning transfers 533 and 565. It reads: "**Inoperative at times when amount of water in Palisades Creek is insufficient to fill all of the valid rights on Palisades Creek as determined by priorities being filled on main river.**" In the context of the remark I believe "valid rights" refers to rights with priorities being delivered based on the rights existing in Palisades Creek at the time of the transfer.

IDWR Field Exam Form

04/03/2002

Contacts Data Entry Form

Water Right No. 23-106B

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

Current Owner THERON ASHMENT

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:

DECREED UNDER RIGBURG IRRIG CO. VS TETON IRRIG CO., 1910, AS #33, TO J.F. JONES, MAY 1, 1886, FROM FALL CK 200".

TRANSFER #533 IS REFERENCED BY CLAIM. SOME ERROR OR WR NUMBERING EXISTED -?- 21-0069, IS CITED WHICH IS REFERRED BACK TO 23-106. TX #533 MOVES 3.8 cfs TO PALISADES CK.; 0.20 cfs STAYS IN FALL CK AS 23-106A. TX ATTACHED HEREIN WHERETOFORE. SPLIT HISTORY ATTACHED HERETO AND HEREWITH WHATSOEVER.

? USON W/ PALISADES CANAL WATER, ☑ YES ☐ NO

ALL RIGHTS ARE CO MINGLED

AS INDICATED: POU/POD. DELIVERY/SYSTEM. NONCAP RTS. 3 POD FROM PALISADE IRRIGATION CANAL, IRRIGATION DITCH FROM CANAL TO POU APPROX 10 AC. FLOOD IRRIG. THE REMAINDER SPRINKLER

Date: ___

Reviewer: ___

PTO CENTRIFUGAL PUMP FROM NURSE ENGINE

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 23-106

WATER RIGHT NUMBER: 23-106

Owner Type | Name and Address

Priority Date:

Basis:

Status: See Remarks

Source | Tributary

Beneficial Use | From | To | Diversion Rate | Annual Volume

Total Diversion:

Location of Point(s) of Diversion

Place of Use

Conditions of Approval:

Remarks:

1. General SEE RIGHTS 23-0106A AND 23-0106B AS PER TRANSFER 533.

Comments:

ORIGINALLY DECREED, ROXBURG IRRIG CO. & TETON IRRIG CO., 1910, AS #33, TO J.F. JONES, MAY 1, 1886, FROM FALL CK 200".

AS ABOVE, TX #533 SPLIT THE RIGHT TO PARTS A&B. PART B WAS TRANSFERRED TO PALISADES CK. PART A RESIDES IN FALLS CK.

SRBA CLAIMS:

23-106A, 0.20 cfs, JERRY BAGLEY

23-106B, 3.80 cfs, THERON ASHMENT

23-106C, 4.80 cfs, PALISADES IRRIG. CO.

8.80 cfs OVERCLAIMED BY 4.80 cfs

23-106C TO BE DISALLOWED. OWNERSHIP NOT SHOWN. RECOMMENDED AS 23-106A AND 23-106B SHOW ABOVE.

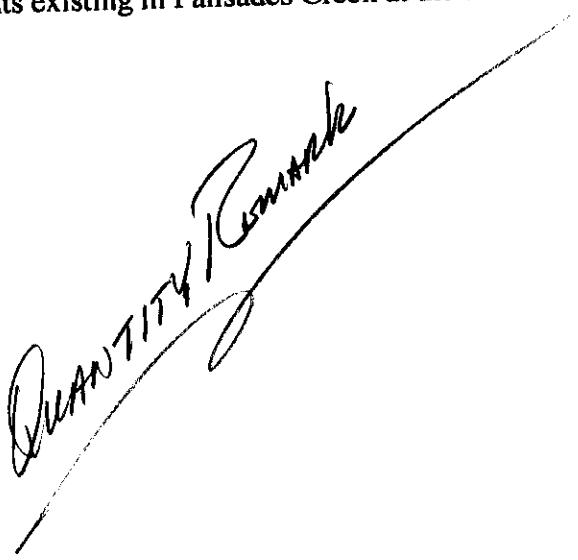
Dates and Other Information:

Licensed Date:
Decreed Date:
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number:
Judicial District:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Ruberry, Allen

From: Carlsen, Ernie
Sent: Tuesday, January 20, 2004 3:07 PM
To: Ruberry, Allen; McHugh, Candice
Cc: Shaff, Don
Subject: 23-106B and 23-10151, continuation of previous emails between Candice and Allen

Theron Ashment met with me this afternoon to explain how his rights have been administered per transfer 533 and 565 since he purchased the property some thirty years ago. Mr. Ashment stated the natural flow in Palisades Creek historically has been greater than the amount needed for filling rights based on the priorities being filed on the South Fork, Snake River. Consequently there was justification for approving transfers 533 and 565. But because the rights being transferred had priorities earlier than those decreed from Palisades Creek a condition was imposed to protect the original Palisades Creek rights. Essentially the condition gave the transferred rights a floating priority date equal to the most junior priority being delivered on the South Fork and subordinate to valid (deliverable) decreed rights from Palisades Creek. This way the deliverable rights originally decreed from Palisades Creek were given preference and only if there was water still available in the creek would the transferred rights be delivered. The wording in the old "Blue Book" from Water District 01 contains a foot note concerning transfers 533 and 565. It reads: **"Inoperative at times when amount of water in Palisades Creek is insufficient to fill all of the valid rights on Palisades Creek as determined by priorities being filled on main river."** In the context of the remark I believe "valid rights" refers to rights with priorities being delivered based on the rights existing in Palisades Creek at the time of the transfer.



Ruberry, Allen

To: McHugh, Candice
Subject: RE: 23-106B

I am just now doing the preliminary review of the claim so I have time for a recommendation. A field exam is also needed.

-----Original Message-----
From: McHugh, Candice
Sent: Thursday, July 10, 2003 3:19 PM
To: Ruberry, Allen
Subject: RE: 23-106B

First take is yes, this makes the 1886 water right the most junior on Palisades Creek (or at least junior to those that existed at the time transfer was approved). This condition should be part of the recommendation but I think we should consider re-wording it to something we are used to seeing. I'll have to think about the re-wording and would like to review the transfer file to confirm my conclusions here. I'll get back to you with a reworked remark.

-----Original Message-----
From: Ruberry, Allen
Sent: Thursday, July 10, 2003 3:14 PM
To: McHugh, Candice
Subject: 23-106B

This right originated as a right from Fall Ck., May 1, 1886, in B23. Then Tx # 533 (1934) split the right to A and B. Part A, 0.20 cfs stayed in Fall Creek. Part B, 3.80 cfs was moved to Palisades Creek. Priority date stayed at 1886. However, the Tx has a clause in it that is troublesome, as; **PROVIDED: that this Certificate of Transfer shall be temporarily inoperative at any time when the amount of water flowing in Palisades Creek shall be insufficient to fill all of the valid water rights now existing on said Palisades Creek.**

Now, my question is..... with an 1886 priority date it is senior to any right on Palisades Ck. (except 23-00035, 1885). Any other irrigation right , same source, goes from 1889 on up. So, with the above language does that make this a junior right? If so, should the above language become a part of the recommendation? The claim references; 14. Remarks: "See decree about low water status".
As per transfer #533.

IDWR Field Exam Form

04/03/2002

Priority Date Data Entry Form

Claim Number: _____

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: May 01, 1886 Claimed Basis: Decreed

Recommended Priority Date: May 1, 1886 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:

Claimed Priority date matches Decree and TX #533.

This TX has the Provision: ⇒ Remark

PROVIDED: That this Certificate of Transfer shall be temporarily inoperative at any time when the amount of water flowing in Palisades Creek shall be insufficient to fill all of the valid water rights now existing on said Palisades Ck.

Reviewer: _____ Date: _____

IDWR Field Exam Form

04/03/2002

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, SW, SW, SE. County: BONN.

Source: PALISADES CK Tributary: SNAKE RIVER

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

Source: _____ Tributary: SNAKE RIVER, SO. FK.

____ Use Claimed POD and Source as Recommended POD and Source

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source

GPS Coordinates: _____

GPS Coordinates: _____

GPS Coordinates: _____

GPS Coordinates: _____

GPS Coordinates: _____

GPS Coordinates: _____

GPS Coordinates: _____

Other rights from this POD? GPS TAG # A00009534 ON HANDWHEEL FRAME

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

TK # 533 DEFINES PALISADES CK POD AS: SE¼ SEC. 26 T1N R44E.

THIS RIGHT IS CARRIED BY THE PALISADES IRRIG CO. CANAL ⟹ REMARK

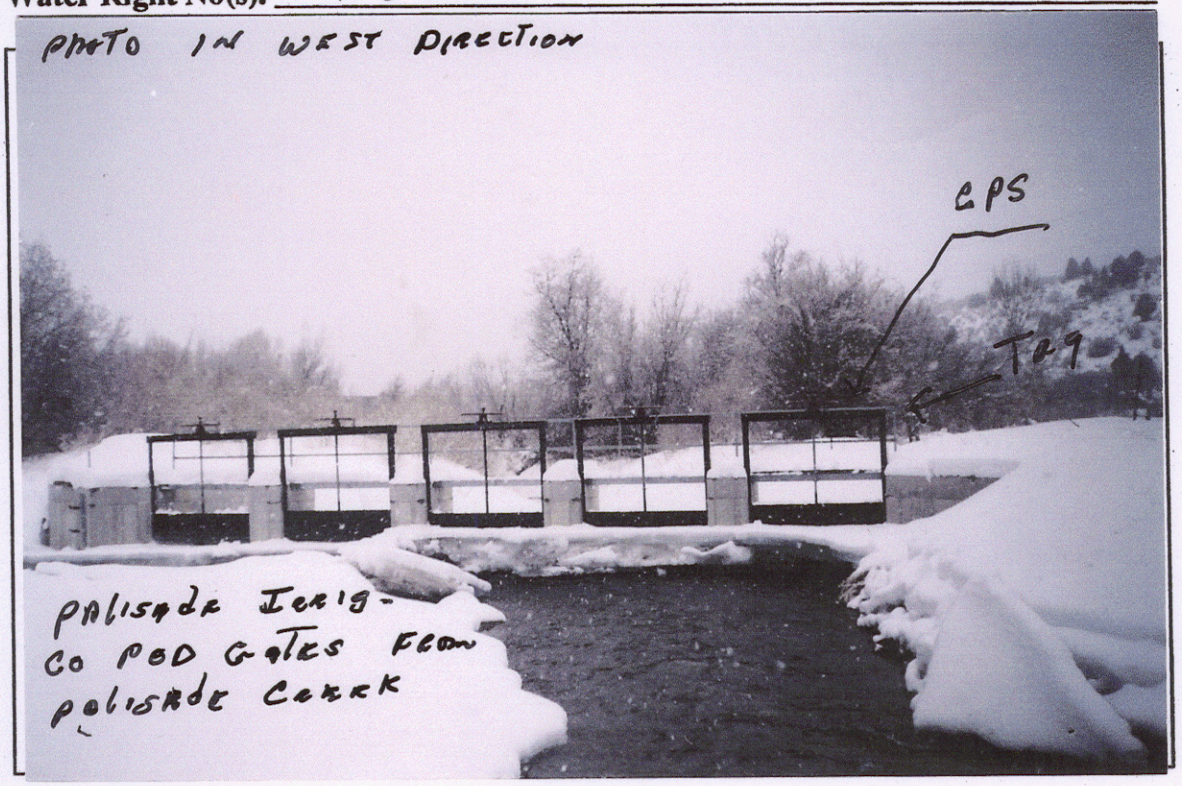
CANAL DIVERSION OFF PALISADES CK IS LOCATED AT:

SWSWSE SEC. 26 T1N R44E.

Transfers Changing POD _____

Reviewer: _____ Date: _____

Water Right No(s). A2300104



GPS DATA:

Tag # A0009534 Location: ON END OF #1 GATE

Diversion Data:

Source: Palisade Creek Trib to: Snake River

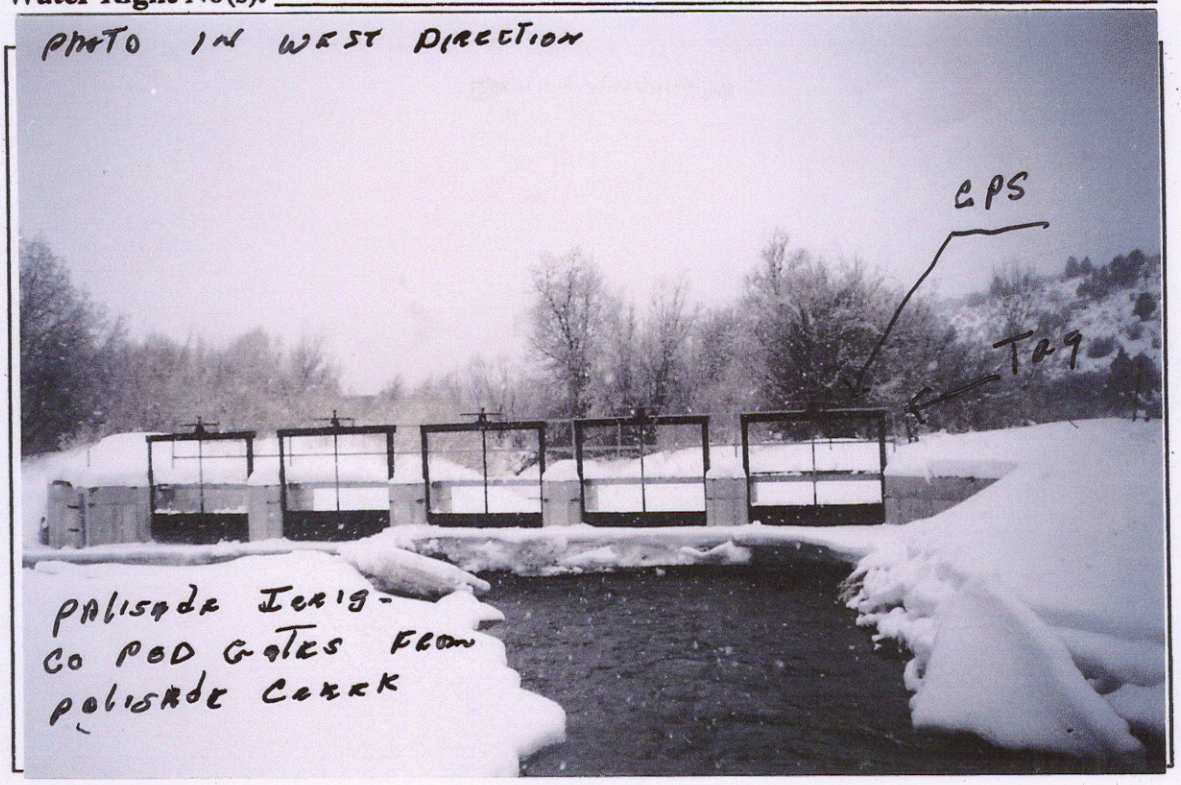
MOTOR
Make: N.A. Model: _____ Hp: _____
SN: _____

PUMP
Make: NA Model: _____ Disch: _____
SN: _____

NOTES:
GPS + TAG ARE ON #1 GATE AS PHOTO SHOWS. NORTH GATE

Field Exam Date: 28 JAN 2004 Agent: Nick Olson

Water Right No(s). A2300104



GPS DATA:

Tag # A0009534 Location: ON END OF #1 GATE

Diversion Data:

Source: Palisade Creek Trib to: Snake River

MOTOR
Make: N.A. Model: _____ Hp: _____
SN: _____

PUMP
Make: NA Model: _____ Disch: _____
SN: _____

NOTES:
GPS + TAG ARE ON #1 GATE AS
photo Shows. NORTH GATE

Field Exam Date: 28 JAN 2004 Agent: Nick Olson

IDWR Field Exam Form

04/03/2002

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

Total Acres _____

Recommended Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
1N	44E	8	SW				154.0	
			W2SE				69.0	

Total Acres 182.0 BY GBS

Document how the POU was verified:

Tx #533 DEFINES POU AS: SW4 and W2SE4 Sec. 8 T1N R44E - SO CLAIMED, SO RECOMMENDED.

Transfers Changing POU _____

Reviewer: _____

Date: _____

IDWR Field Exam Form

04/03/2002

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
Irrig	4/1	11/01	3.80	
Stockwater	4/1	11/01	0.07	

Overall Diversion Rate 3.8 Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
Irrig.	4/15	10/31	3.80	

Overall Diversion Rate 3.80 Overall Diversion Volume _____

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

STOCKWATER IS NOT DIRECTED BY DECREE OR TX #533. INCIDENTAL STOCK WATERING IS ACCEPTABLE, BUT, NOT SO RECOMMENDED.

SOIL NOT DEFINED BY DECREE OR TX #533. RECOMMEND 4/15 TO 10/31 PER DEPT. STD.

Reviewer: _____ Date: _____

situate, lying and being in the County of Bonneville, State of Idaho, said water to be limited at any given time to an amount actually needed and beneficially used for such purposes and shall not exceed the following amount, to-wit:

5.8 cubic feet per second dated May 1, 1888

THE WATER RIGHT hereby transferred has heretofore been diverted from said FALL CREEK at a point in the

NE¼ NE¼ Sec. 9, T. 1 N., R. 43 E.

and conducted to the first above described lands through privately owned ditches, and will hereafter be diverted from PALISADE CREEK at a point in the

SE¼ of Sec. 26, T. 1 N., R. 44 E., B. M.

and conducted to the last above described lands through the canal known as the Palisade Irrigation Company's Canal.

PROVIDED: That this Certificate of Transfer shall be temporarily inoperative at any time when the amount of water flowing in Palisade Creek shall be insufficient to fill all of the valid water rights now existing on said Palisade Creek.

THAT IN ADDITION to the foregoing right, the last above stated lands have appurtenant to them a right to the use of 6.4 cubic feet per second of the waters of PALISADE CREEK with a priority of June 1, 1898, such water being a Flood Right only, is not ample, generally, to mature a crop.

THAT The right to the use of the water aforesaid, hereby confirmed, is restricted to the lands or place of use last above described, as provided by the laws of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the Department of Reclamation of the State of Idaho to be hereunto affixed at Boise, Idaho, this twenty-eighth day of May, 1954.

R. W. FARIS
Commissioner of Reclamation

By Hans R. Coffin
Director of Water Resources

#28

23-0044	Johnson, William and C. F. McKay and Samuel Cole, Jr.	160 inches. June 1, 1898.	Palisade Creek.
22 0353	Johnson, A. F.	56 inches. June 1, 1896.	Trail Creek.
	Johnston, James.		(See Woodmansee-Johnston Ditch.)
22 0351	Johnston, James T.	40 inches. June 1, 1901.	Moody Creek. (To be reduced to 20 inches after June 20th of each year.)
	Johnston, Hugh St C		(See Woodmansee-Johnston Ditch.)
22 0355	Jones, Benjamin	20 inches. June 1, 1889.	Trail Creek.
22 0356	Jones, Benjamin	140 inches. June 1, 1893.	Trail Creek.
21 0066	Jones, Edward L.	140 inches. June 1, 1898.	Canyon Creek.
21 0067	Jones, Edward L.	50 inches. June 1, 1898.	Little Spring.
21 0068	Jones, Edward L.	250 inches. June 1, 1900.	Thompson Spring.
21 0069	Jones, John F.	200 inches. May 1, 1886.	Fall Creek.
23-0067	Jones, Joan F.	150 inches. May 1, 1888.	Indian Creek.
22 0357	Jones, Joshua	100 inches. Oct. 28, 1897.	Trail Creek.
35-0050	Jones, T. L.	200 inches. Apr. 22, 1895.	Boone Creek.
	Jordon, F. W.		The Farmers' Friend Canal Company.
	Jordan, James H.		The Farmers' Friend Canal Company.
	Jordan, Robert T.		The Farmers' Friend Canal Company.
	Judd, Sanford F.		The Farmers' Friend Canal Company.

K.

22 0358	Kay, Joseph.	140 inches. June 1, 1895.	Trail Creek.
25-0227	Keefer, W. H.	160 inches. May 28, 1884.	Willow Creek.
	Keeler, B. F.		Watson Slough Irrigation Company.
	Kjelin, Carl		The Sunny Dell Irrigation Canal Company.
22 0359	Kimball, Archie R.	160 inches. June 1, 1895.	Trail Creek.
22 0360	Kimball, H. H. and A. L.	140 inches. June 1, 1898.	Fox Creek.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

In The Matter of The Application of)
)
WALDEMAR OLSEN)
) ORDER GRANTING TRANSFER
For a Transfer of Water, County of)
Fremont.)

WHEREAS, On the 28th day of May, 1934, at the Department of Reclamation of the State of Idaho, the matter of the Application of WALDEMAR OLSEN for a Transfer of Water Right came on regularly for hearing, pursuant to the published notice; and

WHEREAS, No protest has been filed against the said application and the evidence filed by the applicant with the said application shows that a greater duty of water would result by reason of the transfer and that no one would be injured thereby;

NOW, THEREFORE, IT IS HEREBY ORDERED, That the said application be, and the same is, HEREBY GRANTED and that a certificate of Transfer of Water Right be issued the applicant herein, as provided by the laws of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the Department of Reclamation of the State of Idaho to be affixed at Boise, Idaho, this 28th day of May, 1934.

R. W. FARIS
Commissioner of Reclamation

By _____
Director of Water Resources

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
Certificate of Water Right
Transferred Right No. 533

#33 BY REXBURG VS TETON 1910

THIS IS TO CERTIFY, That WALDEMAR OLSEN is the owner of and using, a certain water right bearing date of priority of May 1, 1886, for 4.0 cubic feet per second of the waters of FALL CREEK, tributary to the South Fork of the Snake River, County of Bonneville, State of Idaho, decreed to John F. Jones, by decree of Judge J. M. Stevens of the sixth Judicial District of the State of Idaho, in and for the County of Fremont, in the case of:

REXBURG IRRIGATION CO., et al vs. TETON IRRIGATION CANAL CO., et al

said decree bearing date of December 10, 1910, for the purpose of irrigating the following described lands, situate, lying and being in WATER DISTRICT No. 36, in the County of Bonneville, State of Idaho, to-wit:

S½SW¼ Sec. 5, NE¼NE¼ Sec. 8, NW¼NW¼ Sec. 10,
T. 1 N., R. 43 E., B. M.

AND THAT Said decree has been entered in the Records of the Department of Reclamation of the State of Idaho in Book 3 of Decrees at Page 450.

THAT THE Said WALDEMAR OLSEN has become the owner of said land and said water right by the purchase thereof.

THAT, NOW, Upon the application of WALDEMAR OLSEN for a transfer of 3.8 cubic feet per second of said water made before the Commissioner of Reclamation of the State of Idaho, and said application having been granted, subject to the provisions hereinafter stated, the right to the use of

3.8 cubic feet per second of the waters of Fall Creek

upon the lands above described is hereby ABANDONED and the lands to be irrigated under such right, and to which the water right hereby confirmed shall become appurtenant by the certificate, for irrigation and domestic purposes, is described as follows:

SW¼ and W½SE¼ Sec. 8, T. 1. N., R. 44 E., B. M.

NO, WRONG #

21 0069

RECEIVED
1934
DEPARTMENT OF RECLAMATION

Application For Transfer of Water Right

STATE OF IDAHO,
County of Bonneville } ss.

Waldeman Olsen, being first duly sworn, deposes and says:

That his name is Waldeman Olsen; that he is of lawful age, a citizen of the United States and of the State of Idaho, and that his postoffice address is Star Route, Ririe, Idaho

That he is the owner and using a certain water right, bearing date of priority of May 1 1886, for 4.0 cubic feet per second of the waters of Fall Creek County of Bonneville, State of Idaho, decreed to John F. Jones by decree of Judge, J. M. Stevens of the 6th Judicial District of the State of Idaho, in and for the County of Fremont, in the case of Rexburg Irr. Co vs. Teton Irr. Co., said decree bearing date of Dec. 16. 1910 (or obtained by virtue of License No.....issued by the State Engineer of the State of Idaho, dated....., 19....., bearing date of priority of....., 19.....) for the purpose of irrigating the following described lands situate, lying and being in Water District No. 36 in the County of Bonneville and State of Idaho, to-wit:

S½ SW¼ Sec 3; NE¼ NE¼ Sec 9 and NW¼ NW¼ Sec 10, T 1N, R 43 E.

.....and is the person (or representative of the corporation) to whom such right so issued, or has become the owner thereof in the following manner, i. e. by purchase as per abstract of title of said water right hereto attached and made a part of this statement:

(2) That said waters are now diverted from said stream in the NE¼ NE¼ Sec 9 of Section 9, Township 1N, Range 43 E, B. M., and conducted to the above described lands through private ditch as per map herewith and of this affidavit made a part;

That affiant and petitioner desires to abandon the use of 3.0 cubic feet per second of said water upon the above described land, and to convey and use same upon the following tract, situate, lying and being in the County of Bonneville and State of Idaho, to-wit:

(1) SW¼ and W½ SE¼ Sec 8, T. 1 N., R. 44 E

That his reasons for desiring to make such transfer are as follows: Land to which it is proposed to transfer water will raise more crops than land on which it is now decreed.

That he intends to divert and convey said 3.8 second feet of water to the tract of land last above described in the following manner, to-wit:

By diversion from Palisade Creek through the Palisade Irr. Co. ditch

as set forth upon the map herewith; and that no one will be injured by such transfer.

WHEREFOR, Affiant and Petitioner prays that the Commissioner of Reclamation of the State of Idaho issue to him the proper certificate authorizing such transfer, in accordance with the provisions of Section 5582 of the Idaho Compiled Statutes.

Waldemar, Olsen,
Applicant

Subscribed and sworn to before me this 19th day of April A. D. 1934

Lynn Crandall Watermaster

APPLICANT WILL ANSWER THE FOLLOWING QUESTIONS:

From what stream is the water diverted? Fall Creek

Where is the diversion point located? NE¼ Sec 9 - 1N - 43E

Through what ditch is it now conducted? Private ditch

How much land is now irrigated by the water sought to be transferred? 100 acres

Give the description: Part of S½SW¼ Sec 3 ; NE¼NE¼ Sec 9 ; NW¼NW¼ Sec 10 T1N R43E

What is the total amount of water in inches, or second feet, dedicated to said land? 200 inches

What kind of crops are being raised? pasture & wild hay

How much water per acre is now required to irrigate said land? 2 inches per acre

What will be the effect on the land now irrigated, if the use of water on it is discontinued? Will be used for pasture

(3) Give location of new point of diversion, if change is to be made SE¼ Sec 26 T1N R44E.

Through what ditch will it be conducted after transfer? Palisade Irr. Co. Ditch from Palisade Creek

How much water will be required per acre to irrigate the land to which this water is transferred? 1½" per acre

Do you claim any other water right for the land from which you seek to abandon the use of this water?

If so, give amount, date and source No

Is there now any other water right for the land to which you seek to make this transfer? If so, give amount, date and source 320" June 1. 1898 which is floodwater right only

Signed Waldemar, Olsen,
Applicant.

STATE OF IDAHO,
County of ..... } ss.

..... and .....

being first duly sworn, each for himself, and not one for the other, deposes and says: That he is a citizen of the United States and of the State of Idaho, residing at .....

that he is a user of water from ....., in Water District No. .....

County of ....., State of Idaho; that he has read or heard read the foregoing affidavit and petition of ..... and is familiar with its allegations and with the water right and lands therein mentioned and described and is not in any way interested in either, nor in any way related to said petitioner; that the statements and allegations therein made are true of his own knowledge; and that no one will be injured by the granting of the certificate authorizing the transfer therein petitioned.

.....

.....

Subscribed and sworn to before me this ..... day of .....

A. D. 19.....

.....

.....

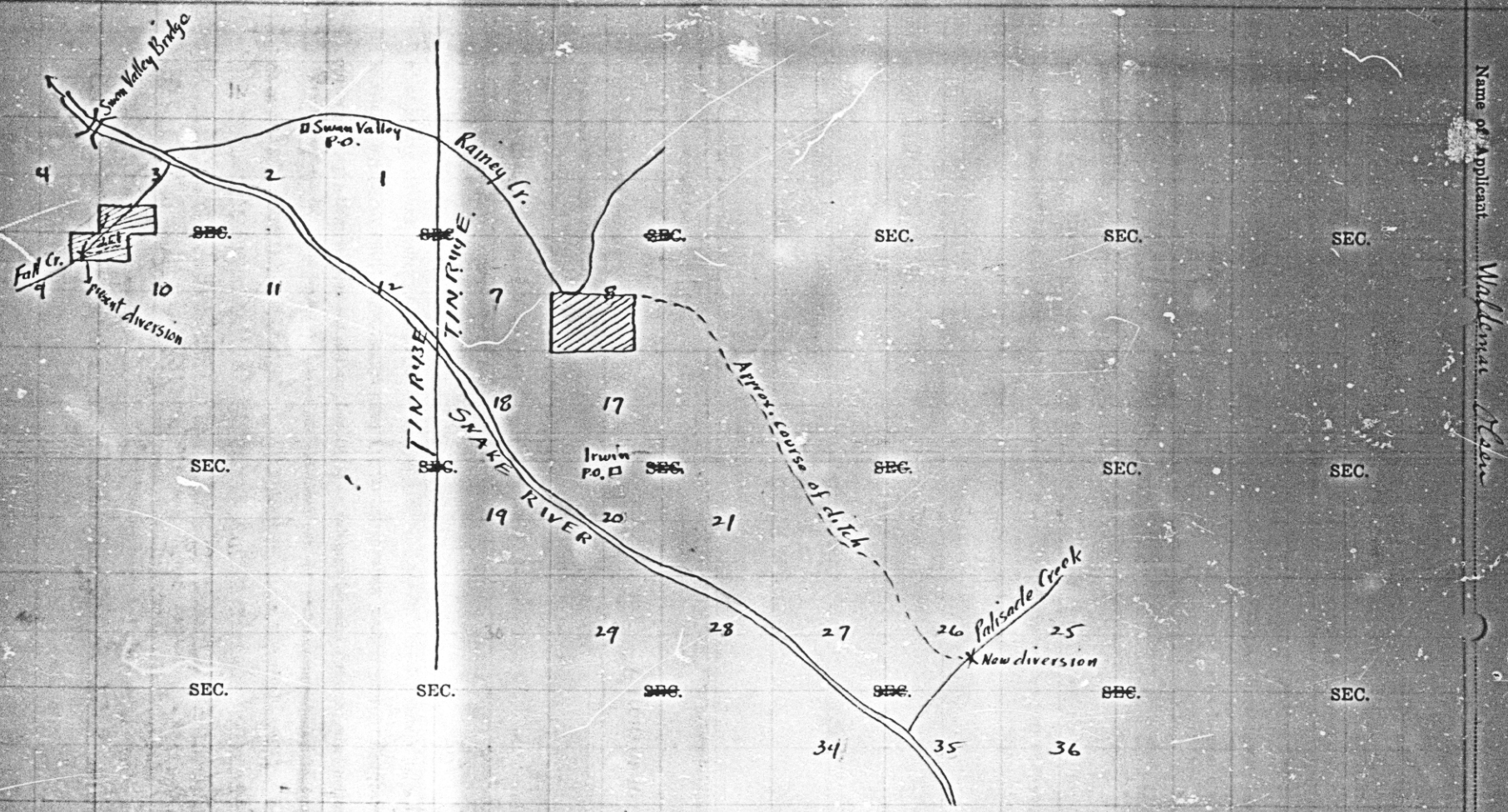
STATE OF IDAHO,
County of Idaho } ss.

I, Lynn Crandall, Watermaster of Snake River Water District No. 36, County of Bannock, State of Idaho, whose postoffice address is Idaho Falls, have read or heard read the foregoing affidavit and petition of Waldemar Olsen, and, of my own knowledge, believe the same to be true as to all matters therein alleged, and that no one will be injured by the transfer prayed to be authorized; and I hereby endorse my approval of said petition, and request that the Commissioner of Reclamation issue the certificate of transfer as petitioned; ~~or (do not approve of the issuance of the certificate of transfer prayed for)~~ for the following reasons: higher use of water will result from transfer. Certificate of transfer should contain a provision that transfer will be temporarily inoperative any time the flow of Palisade Creek is insufficient to fill valid rights now existing on Palisade Creek. The creek has always had a surplus of water discharging into Snake up until now but if the seasons get dried it might not have at some future date.

Lynn Crandall
Watermaster Dist. No. 36

Dated at Idaho Falls, Idaho, this 19 day of April, 19 37.

Name of Applicant Waldman Ditch



Scale: 1 Inches—1 Mile. Draw Map in Ink.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 21-69

WATER RIGHT NUMBER: 21-69

Owner Type Name and Address

Priority Date:

Basis:

Status: See Remarks

Source Tributary

Beneficial Use From To Diversion Rate Annual Volume

Total Diversion:

Location of Point(s) of Diversion

Place of Use

Conditions of Approval:

Remarks:

1. General SEE RT. 23-0106.

Comments:

Dates and Other Information:

Licensed Date:
Decreed Date:
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number:
Judicial District:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

WR0723NP
(OD-26)

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT CLAIMS PROOF READING REPORT

08/23/89 13:56:14
Page 1

Water Right Number - 23-00106B Adj. Flag Translation: Standard Water Right Number Old (D) Number -

Last Name	First Name	Address
*** C - CURRENT OWNER *** OLSEN	WALDEMAR	1 - 2 - 3 - City- State- Zip- Phone -
*** O - ORIGINAL OWNER *** JONES	JOHN F.	1 - 2 - 3 - City- State- Zip- Phone -

Priority Date	Region	Stage	Status
05/01/1886	15	D - DECREED	

Source: PALISADES CREEK Tributary: SNAKE RIVER

Point of Diversion

Twn	Rng	Sec	Tract	Lot	RFlg	County	Stream Index (Blank if no Index Code)
01N	44E	26	NE SE			(19) BONNEVILLE	

Water Use

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
01	IRRIGATION			3.800	
43	DOMESTIC				

Total Div. Rate	Total Div. Volume	Total Div. Capacity	Total Consumptive Use	KW Usage
3.800				

Place of Use

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
01N	44E	8	NE SW			01	IRRIGATION	(19) BONNEVILLE
01N	44E	8	NW SW			01	IRRIGATION	(19) BONNEVILLE
01N	44E	8	SW SW			01	IRRIGATION	(19) BONNEVILLE
01N	44E	8	SE SW			01	IRRIGATION	(19) BONNEVILLE
01N	44E	8	NW SE			01	IRRIGATION	(19) BONNEVILLE
01N	44E	8	SW SE			01	IRRIGATION	(19) BONNEVILLE

Total Acres:

Diversion Means -

Non-Irrigation Use -

MICROFILMED
NOV 07 1997

Water right number - 23-00106B Adj. flag translation: Standard Water Right Number

+ - Remarks - +

SEE DECREE ABOUT LOW WATER STATUS.
AS PER TRANSFER 533.
P/D AND P/U INCOMPLETE.

+ - Conditions of Approval - +

No Conditions of Approval found.

+ - - - - Decree Plaintiff - - - - +
REXBURG IRRIGATION CANAL

+ - - - - Decree Defendant - - - - +
TETON IRRIGATION CANAL.

+ - - Decree Date - - +
12/16/1910

+ - - Audit Fields - 07/15/85 05/22/88 CONVERT

+ - Water Rights Dates and Flags Area - +

Proof Due Date	- 00/00/0000	Field Exam Made	- 00/00/0000	Field Exam Fee	-
Approved/Denied	- 00/00/0000	Protested Date	- 00/00/0000	Swan Falls	-
Proof Made Date	- 00/00/0000	Hearing Date	- 00/00/0000	Temporary Right	- P
Start Work Date	- 00/00/0000	Verified Date	- 07/15/1985	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	- 01
Licensed Date	- 00/00/0000	Appl Received	- 00/00/0000	Transfer/Amended	- P
Decree Date	- 12/16/1910				

MICROFILMED
NOV 07 1992

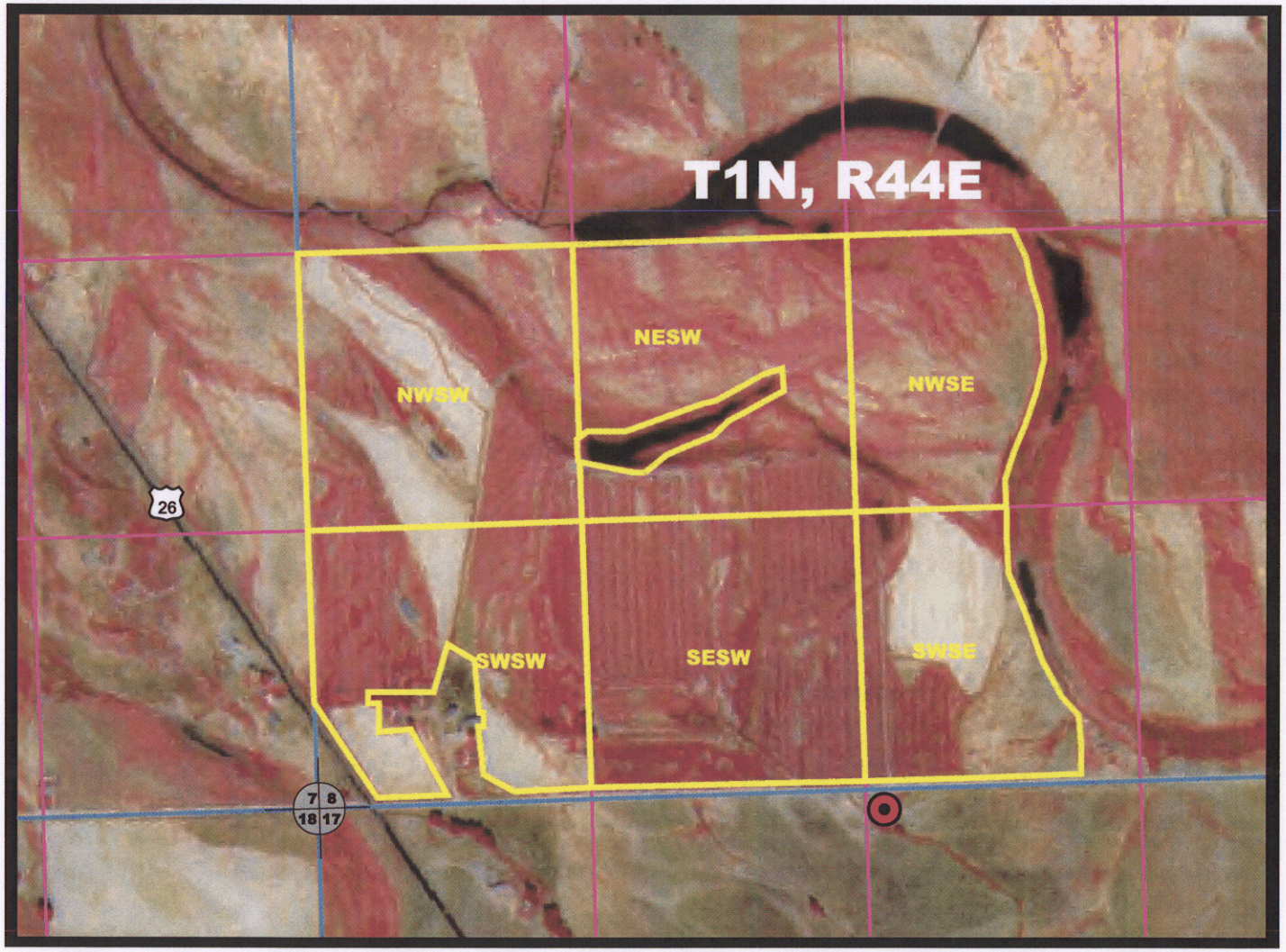
Log for claim 23-00106B **Spatial Dynamics BTD** **6/1/01**

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
01n44e	8	NESW	40	38	
01n44e	8	NWSW	40	39	
01n44e	8	SWSW	35	37	
01n44e	8	SESW	39	38	
01n44e	8	NWSE	34	31	
01n44e	8	SWSE	35	32	
Totals:			223	215	

State of Idaho

Department of Water Resources

Eastern Region



Water Right(s):

23-00106B,
23-10857

Place of Use: (parts of)
T1N, R44E
Sec. 8 SW, W2SE

Point(s) of Diversion:
T1N, R44E
Sec. 26 SWSWSE

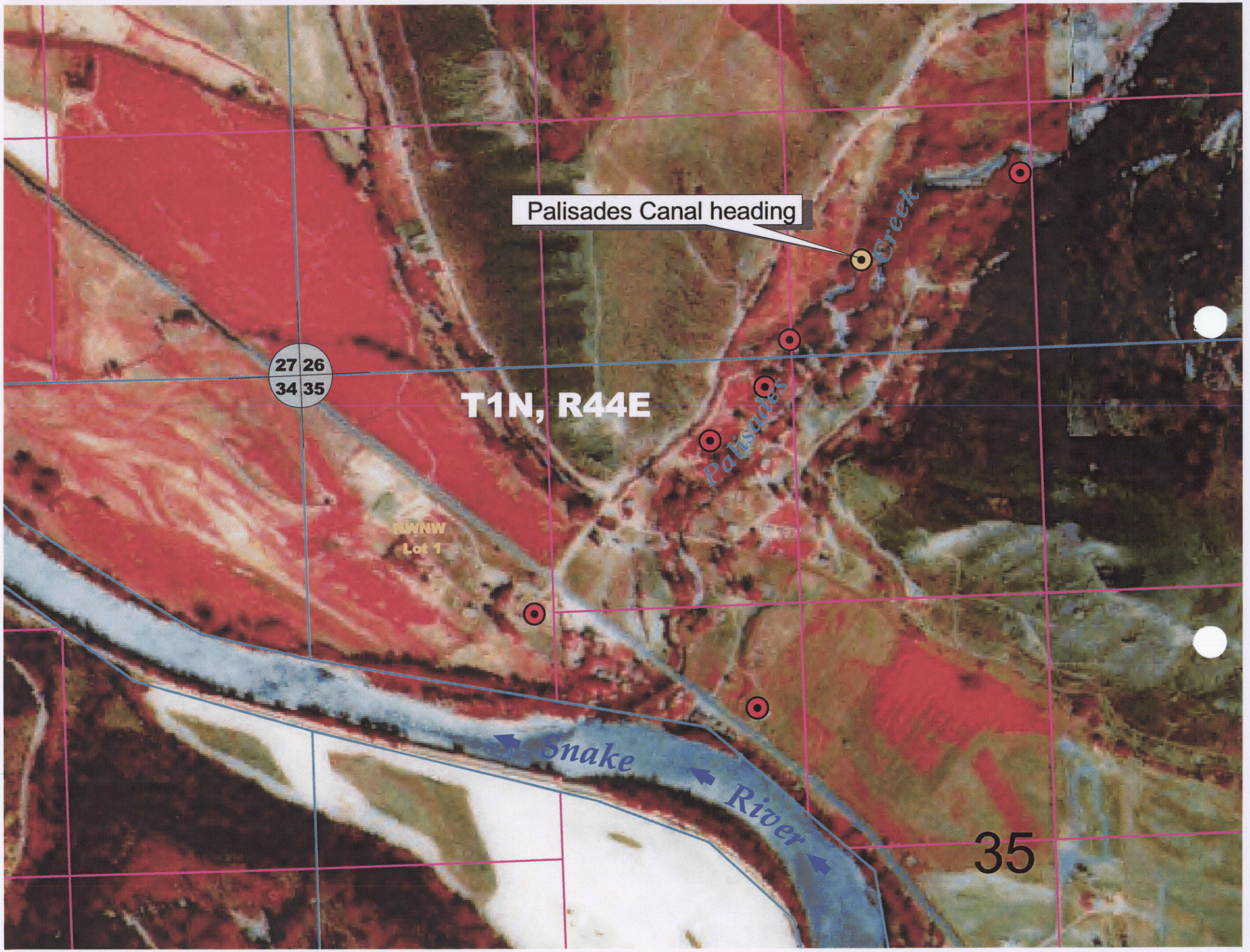
NOTE: Delivery is through The Palisades Irrig. Co. Canal system

LEGEND

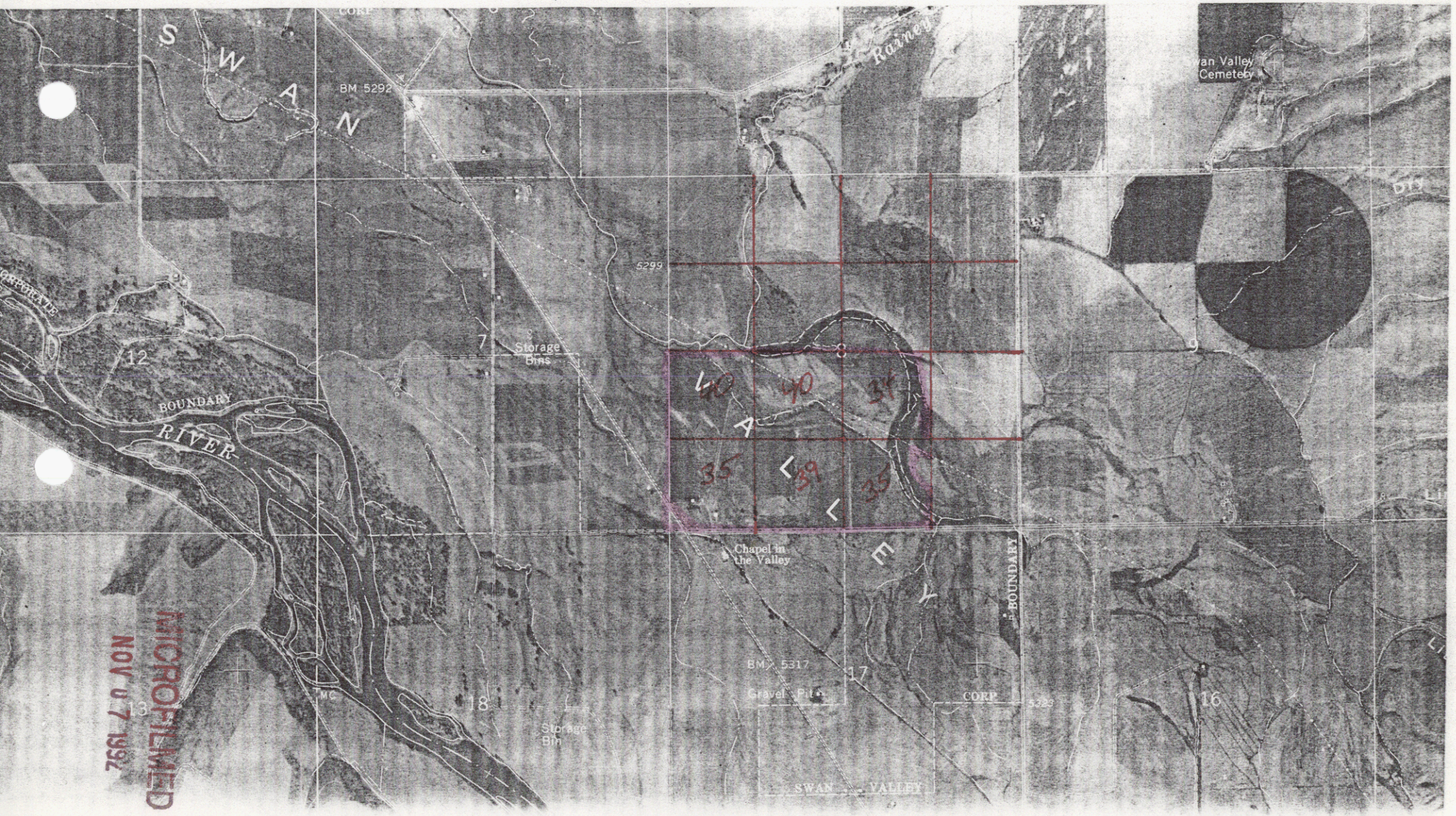
- Point of Diversion
- SESE — Place of Use
- Section
- Quarter-Quarter

N

GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: A. Ruberry
Date: March 2004


Palisades Canal heading
Creek
27 26
34 35
T1N, R44E
Palisades
NWNW
Lot 1
Snake River
35

T 1 N
44 E
8



MICROFILMED
NOV 07 1992

Water Right Claim Number 23-00106B

06/01/2001

Township , 1N44E

