

02/10/2004

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

RIGHT NUMBER: 23-10013

NAME AND ADDRESS: THE LODGE AT PALISADES CREEK
PO BOX 70
IRWIN ID 83428

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.080 CFS

The quantity of water under this right for domestic use shall not exceed 13,000 gallons per day.

PRIORITY DATE: 06/01/1948

POINT OF DIVERSION:
T01N R44E S35 NWSENW Within BONNEVILLE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	01/01 12/31	0.020 CFS
COMMERCIAL	05/15 10/15	0.080 CFS

PLACE OF USE: COMMERCIAL Within BONNEVILLE County

T01N R44E S35 NENW T01N R44E S35 Lot 1 NWNW
DOMESTIC Within BONNEVILLE County
T01N R44E S35 Lot 3 SENW

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 quantity of water decreed for this water right for domestic use is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

SCANNED

JUL 01 2004

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 23-110

WATER RIGHT NUMBER: 23-110

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DENNIS M WEEKS HC 34 BOX 8 IRWIN, ID 83428 (208)483-3535
Current Owner	RUTHANN WEEKS HC 34 BOX 8 IRWIN, ID 83428 (208)483-3535

*Is: Wells (2-?)
into corner E. 1*

Priority Date: 04/01/1917

Basis: Decreed

Status: Parent

<u>Source</u>	<u>Tributary</u>
BURTON SPRING	SNAKE RIVER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	1/01 to 12/31	0.030 CFS	
IRRIGATION	4/01 to 11/01	0.840 CFS	
<u>Total Diversion:</u>		0.870 CFS	

Location of Point(s) of Diversion

BURTON SPRING	NE1/4NE1/4NW1/4	Sec. 35, Twp 01N, Rge 44E, B.M.
BONNEVILLE County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	44E	34	25.7 L 1	3.3	2.0													31.0	
01N	44E	35					3.7 L 1	7.3 L 1										11.0	

Total Acres: 42

STOCKWATER same as IRRIGATIONConditions of Approval:Remarks:

1. General

THE ACRES IN SECTION 35 WERE BASED ON THE WEEKS VS CARLSON DECREE. THESE ACRES WERE DESCRIBED INCORRECTLY. THERE IS 3.7 ACRES IN THE SW NW OF SECTION 35 AND 7.3 ACRES IN THE NW NW. JC-11-27-01.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 23-110

2. General SPLIT RIGHT: SEE RIGHT NOS. 23-11219 AND 23-11220.

Comments:

Dates and Other Information:

Claim Received Date: 9/22/1989

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal: S

Owner Name Connector: OR

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:

02/10/2004

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

RIGHT NUMBER: 23-10013

NAME AND ADDRESS: THE LODGE AT PALISADES CREEK
PO BOX 70
IRWIN ID 83428

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.080 CFS

The quantity of water under this right for domestic use shall not exceed 13,000 gallons per day.

PRIORITY DATE: 06/01/1948

POINT OF DIVERSION:

T01N R44E S35 NWSENE Within BONNEVILLE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

DOMESTIC

01/01 12/31

0.020 CFS

COMMERCIAL

05/15 10/15

0.080 CFS

PLACE OF USE:

DOMESTIC Within BONNEVILLE County

T01N R44E S35 Lot 3 SENW

COMMERCIAL Within BONNEVILLE County

T01N R44E S35 NENW

T01N R44E S35 Lot 1 NWNW

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 quantity of water decreed for this water right for domestic use is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: Beneficial Use

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: A23-10013
Date Received: 9/06/1988
Receipt No: 6002067
Received By: 81

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ROBERT J. JONES 208-483-2362
Address: BOX 136
IRWIN, ID 83428
OR
Name: JANICE C. JONES 208-483-2362
Address: BOX 136
IRWIN, ID 83428

2. Date of Priority: JUN 01, 1948

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
01N	44E	35	NE	SE	NW		BONNEVILLE

5. Description of diverting works:
TWO INTERCONNECTED WELLS SUPPLY WATER TO TRIALOR COURT, RESTURANT

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
COMMERCIAL	05/01	10/31	0.080		
COMMERCIAL	11/01	04/30	0.040		
DOMESTIC	01/01	12/31	0.020		

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

A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC ONE HOME/COMMER. 22 UNIT TRAILOR COURT & RESTAURANT

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01N	44E	35	NE	NW	3	COMMER	
			SE	NW		COMMER	
			SE	NW		DOMEST	

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:
IRR. RIGHTS FROM PALISADES

14. Remarks:
KNOWN AS PALISADES LODGE.

15. Basis of Claim: BENEFICIAL USE

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 x wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1

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): *Robert J. Jones* Date: 9-8-88
Date:

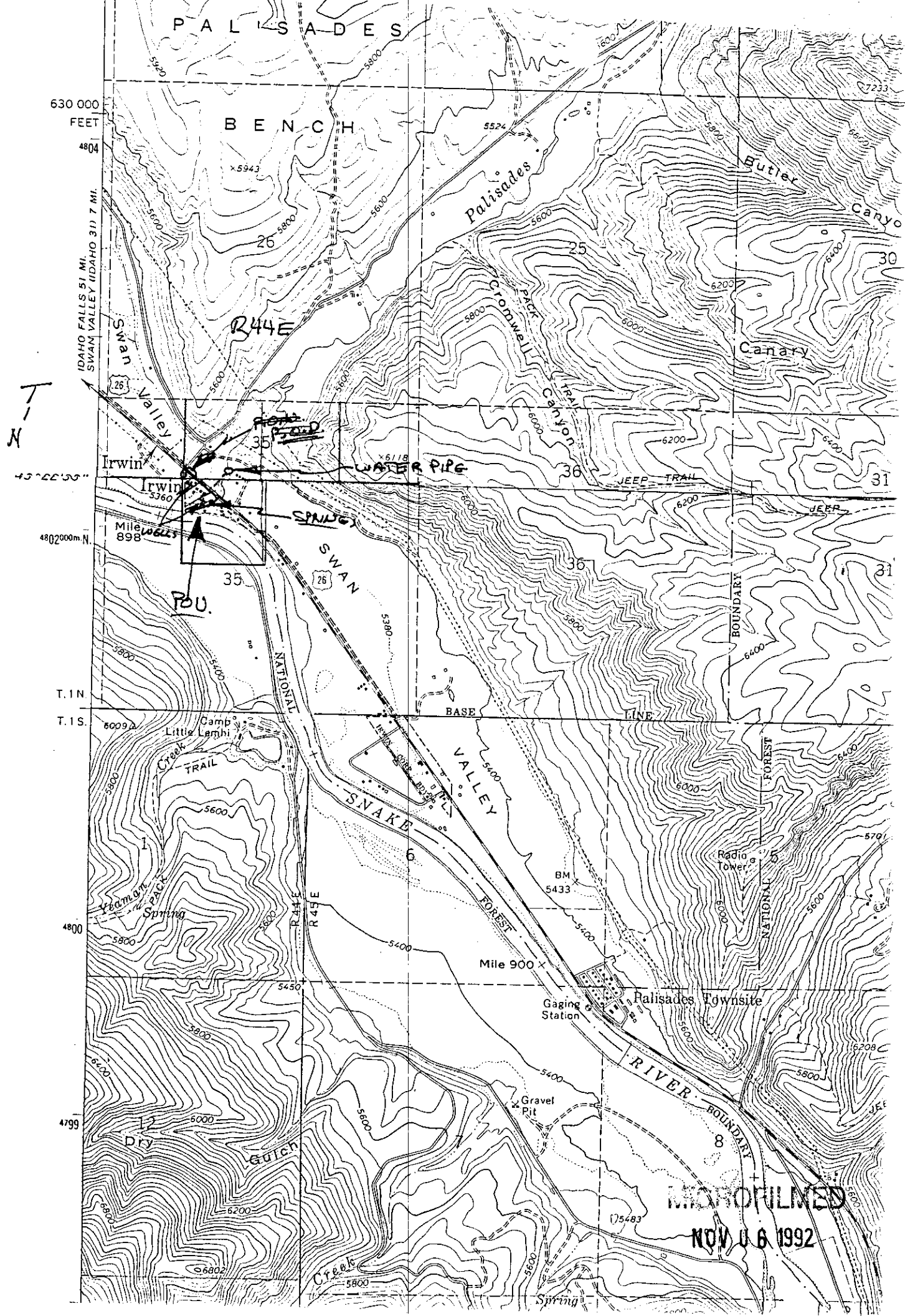
State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 8 day
of Sept. 19 88

[Signature]
Notary Public

Seal

Residing at Idaho Falls, Id.
My Commission Expires 22 Aug 1994



MICROFILMED
NOV 06 1992

02/10/2004

**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: 23-10013

THE LODGE AT PALISADES CREEK

PO BOX 70

IRWIN ID 83428

Telephone Number: (208)483-2222

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: 24 MAR 04 SIGNATURE: Stan Klassen

Please print your name: STAN KLASSEN

IDWR Regional Office,

SCANNED

MAR 04 2004

KARL
RECEIVED
MAR 29 2004

Department of Water Resources

Thursday, March 25, 2004

RECEIVED
JUL 12 2004
Department of Water Resources
Eastern Region

Dear Mr. Dreher:

I have to admit, I don't understand our water rights situation even after spending a lot of time with Allen Ruberry.

I wish you could be of more assistance to what we need to do.

Sincerely,

Stan Klassen

Stan Klassen, Manager
The Lodge at Palisades Creek
Post Office Box 70
Irwin, Idaho 83428
208-483-2222

3/30/04 JCT Stan claim - trawling until
(none) (307) 733-3644 end of August. run
→ (307) 690-3640 - 3/30/04 talked to asst mgr. run
NOV-mail

SCANNED

000 000 2004

Contacts Data Entry Form

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

Current Owner _____ ROBT. JONES

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

Current Owner _____ Go to: The Look at Palisades Creek 11/21/03

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:

BU claim:

X 2/04/04 Stan Klassen made appt to visit to discuss Amovos
and Road Docs. Also QOR Filing - HE DID NOT
show - Recommended as claimant & FB.

4/14/03 FB, WOLB AND LISO

10/2/03 Met w/ Stan Klassen, Mgr. discussed some potential
amovements

FB: Pelli's, P.O. System

Reviewer: _____

Date: _____

Priority Date Data Entry Form

Claim Number: _____

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: 6/01/1948 Claimed Basis: BURecommended Priority Date: 6/01/1948 Recommended Basis: BU☐ 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:

Dom & Commercial BU < 0.20

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. 35, NE SE NW, County: BONNSource: GW 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>1N</u>	<u>44E</u>	<u>35</u>		<u>NWSENW</u>	<u>BONN</u>	<u>GW</u>
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						

Other rights from this POD? _____

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

WELL SERVICES: OFFICE, RESTAURANT, & CARRIAGE &
LAUNDROMAT (NON-PUBLIC)
CLAIM MAP AND FIELD EXAM PUT WELL IN NWSENW/Sec.35

Transfers Changing POD _____

Reviewer: _____

Date: _____

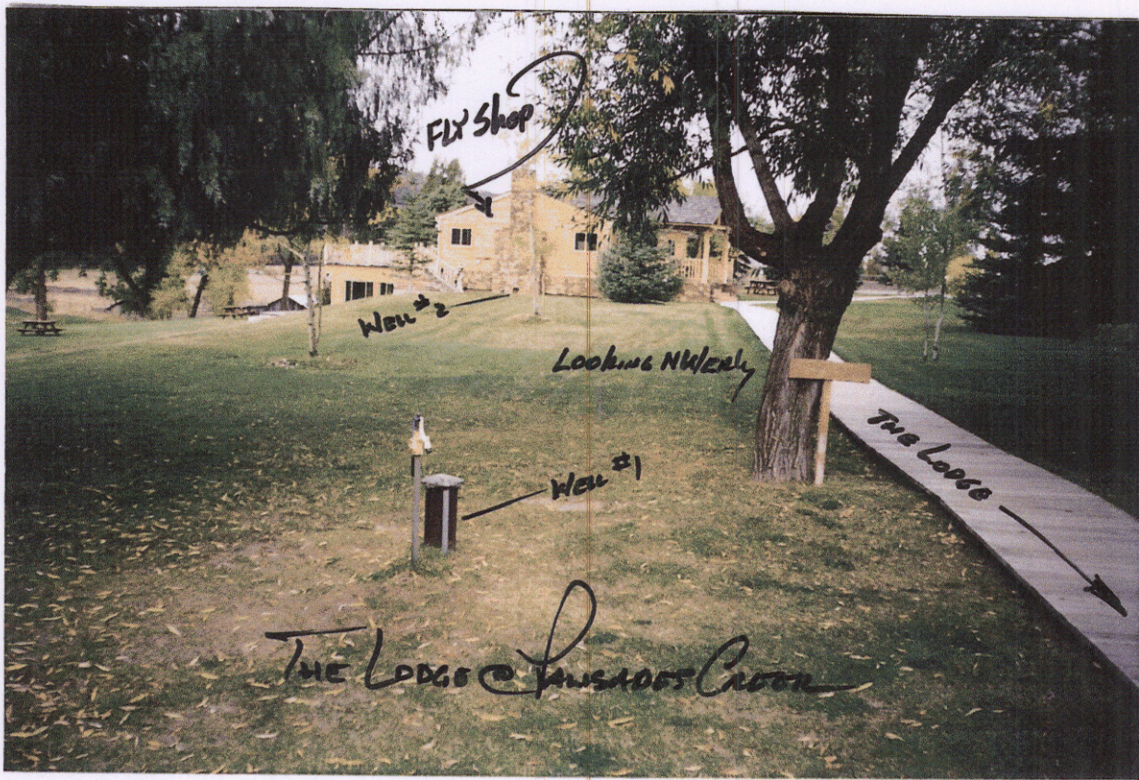


Photo #2. SHOWS PROXIMITY OF WELLS #1 & #2.

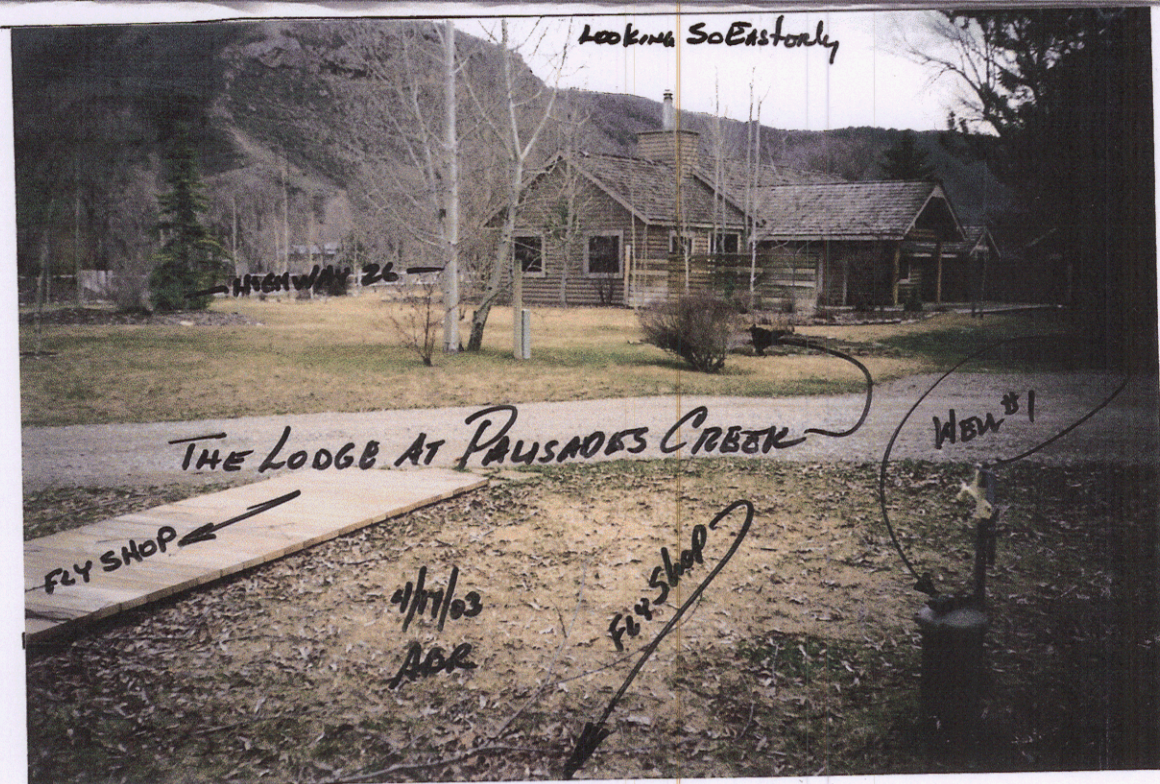


Photo #1. SHOWS
WELL #1 IN RELATION
TO THE LODGE &
BLDG.

Well #2 is
23-4062

Well #1 is
23-10013

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	35	NW	NW	Benton	1		Comm
			NW	NW				Comm
			SE	NW		3		Domest

Total Acres _____

Document how the POU was verified:

Well: 8 COLUMNS, LOGO Restaurant, OFFICE & LAUNDRY.

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
Commercial	5/01	10/31	0.08	
Commercial	11/01	04/30	0.04	
Domestic	1/1	12/31	0.02	

Overall Diversion Rate _____ Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
Commercial	5/15	10/15	0.08	
Domestic	1/1	12/31	0.02	

Overall Diversion Rate 0.08 Overall Diversion Volume _____

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

MANAGER - STAN KLASSON, STATES COMMERCIAL USE IS
5/15 TO 10/15 - SO RECOMMENDED

Reviewer: _____

Date: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Attn: A Ruberry
Rec'd IDWR
11/21/03, ASR

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided, if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
23-10013					

2. The following **REQUIRED** information must be submitted with this form:

- ☒ A. The appropriate **FILING FEE**. See instructions for fee amounts.
- ☒ B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- ☒ C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) are for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) ROBERT OR JANICE - JONES
BOX 136 IRWIN, IDAHO 83428
4. New Owner/Claimant(s) THE LODGE AT PALISADES CREEK
 Name Connector (Check one): [] and, [] or, [] and/or
- New Mailing Address P.O. BOX 70
- City, State and ZIP Code IRWIN, IDAHO 83428
- New Telephone Number (208) 483-2222
5. Date you acquired the property _____

6. **If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7.** If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) _____
(include title if applicable) _____
Stan Klassen, Manager
The Lodge at Palisades Creek

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by _____	Date _____	Fee _____
Received by _____	Date _____	Receipt No. _____
Processed by _____ AJ	Date _____	WR _____ Date _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

INSTRUCTIONS FOR FILING
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

This form has been prepared to assist all claimants and owners of water rights to comply with the requirements of Sections 42-248 and 42-1409(6), Idaho Code. All claimants and owners of water rights are required to notify the Department of Water Resources (IDWR) of any change in mailing address or change in ownership of all or part of a water right. In addition, all purchasers of water rights within a pending general adjudication area must inquire whether a notice of claim has been filed and, if not, shall file a notice of claim if necessary.

Separate brochures are available from IDWR describing the adjudication of water rights and the requirement to notify IDWR of changes in ownership. Please contact your nearest IDWR office, or call 1-800-451-4129, if you would like more information or need help completing this form. Please attach additional sheets to the form if you require additional space to describe or explain any of the items on the form.

1. If there are water rights associated with the property, **the seller should be able to provide you with the water right or adjudication claim number(s).** Please enter the number(s) at **Item 1**. Corresponding water right and adjudication claim numbers should be listed next to each other on the form. You may have purchased only a portion of the water right(s) held by the seller. If so, the water right(s) held by the seller may need to be "split" to provide you your share of each right. Indicate if a split is required by checking in the space provided next to each water right.

If you receive water from a municipal provider, an irrigation district or other water delivery organization, where the water rights are held by the organization, please do not use this form to record a change. You may need to contact the water delivery organization to determine if any action is necessary.

If you or the seller believes there are water rights for the property but the numbers are unknown, you may wish to contact IDWR for assistance in identifying the water rights for the property in question. If adjudication claims for the rights are required and have not been filed, IDWR will so advise you.

2. The information described at **Item 2** is required, since IDWR cannot process the requested change without documentation of ownership. The preferred types of documentation are shown; contact IDWR if you have difficulty obtaining this information. Do not obtain a new survey for purposes of this form before contacting IDWR.
3. Please provide the name and address of the former owner/claimant(s) of the water right(s) at **Item 3**.
4. The name, mailing address, and telephone numbers of the new owner/claimant(s) is entered at **Item 4**. Please indicate the relationship between multiple owners by using the connector "and", "or", or "and/or." If an "and" is used, all parties must sign this form. If an "and/or" or "or" is used, all parties may sign; however, only one of the named parties is required to sign.
5. At **Item 5**, please provide the date the property in question was acquired. This may be the date of "closing" in the case of a real estate transaction or the date of court order for other types of ownership changes.
6. You may have purchased only a portion of the water right(s) held by the seller. If this change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. For each water right requiring a split between owners, fill in the appropriate spaces in the box(es) at **Item 6**. Copy the page as many times as necessary to fully describe each water right after the change. Include documentation as necessary to describe nonstandard agreements or arrangements regarding division of the water right(s). **If the water right(s) will not be split, skip Item 6 and go to Item 7.**
7. The new owner(s) must sign the form in the space(s) provided at **Item 7**. If an "and" connector is used at Item 4, all parties must sign this form. If an "and/or" or "or" connector is used, all parties may sign; however, only one of the named parties is required to sign. If someone other than the owner signs the notice, evidence of authority to sign for the owner must be attached. If the new owner is a corporation or other organization, the person signing the notice must be an officer of the corporation or otherwise have authority to sign for the organization and must include their title with the signature.
8. The filing fee is \$25 per water right, except for those water rights which will be divided as a result of the change in ownership. The filing fee for division of a water right is \$100 per water right to be divided. When complete, you should retain a copy and return the original of the form to the IDWR office nearest you:

8/01/03

PMO100 - PARCEL MASTER INQUIRY

12:05:03

PARCEL: RP D00000354359 A F1=SL

F9=MS F10=S.

F17=DD

F24=LD

LODGE AT PALISADES CREEK INC
% KINSELLA, DALE F ESQ

C/O GREENGERG, GLUSKER

1900 AV OF THE STARS 21ST FL

LOS ANGELES CA 90067

3720 SWAN VALLEY HWY 83428

X for parcel comments

CAT	RY	QUANTITY	UN	VALUE	HO
21	2003	4400	AC	93915	
42	2003			318050	

TOTALS 4400 411965

ENTER NEXT

PARCEL NUMBER RP A
FKeys: F2=TX F3=Exit F5=SS F6=Nm F7=LG
F8=CT F13=TM F18=HS F20=SrcH F22=EU

LEGAL DESCRIPTION

4.4 A NW COR SE1/4 NW1/4,
SEC 35, T 1N, R 44

LODGE AT PALISADES CREEK

ProVal Area Number 1

CODE AREA 6-0000 OWNER CD

PARC TYPE SV LOC CODE

EFFDATE 1041989 EXPDATE

PREV PARCEL

MRKT	HO	EXMP	CB	MRKT	OTHER

BONNEVILLE COUNTY TAX RECORD
SUBMITTED BY STAN KLASSEN,
PROPERTY MANAGER.

Recvd 11/21/03
EDWR - ABL