

Law Offices
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

KENT W. FOSTER
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KARL R. DECKER
SHAN B. PERRY
DeANNE CASPERSON**
AMELIA A. SHEETS
ROBERT L. HARRIS
DEBORAH S. O'MALLEY

1000 RIVERWALK DRIVE, SUITE 200
P.O. BOX 50130
IDAHO FALLS, IDAHO 83405

TELEPHONE (208) 523-0620
FACSIMILE (208) 523-9518
E-MAIL RHARRIS@HOLDENLEGAL.COM

Arthur W. Holden
(1877-1967)
Robert B. Holden
(1911-1971)
Terry L. Crapo
(1939-1982)
William S. Holden
(1907-1988)

Of Counsel
Fred J. Hahn

RECEIVED

SEP 15 2006

DEPARTMENT OF
WATER RESOURCES

September 14, 2006

**Also Licensed in Missouri & Kansas

Snake River Basin Adjudication Court
Clerk of the Court
PO Box 2707
Twin Falls, ID 83303-2707

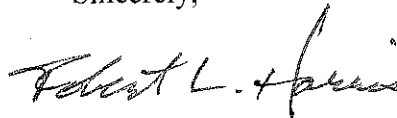
Re: Motion to File Late Notices of Claims

Dear Clerk:

Enclosed for filing are three Motions to File Late Notice of Claims and one copy of each without the Exhibits. Please file the originals, date stamp the copies and return them to this office in the pre-addressed, stamped envelope provided for your convenience.

Thank you for your kind attention to this matter. If you have any questions, please feel free to contact this office at your earliest convenience.

Sincerely,



Robert L. Harris
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

Enclosures

G:\WPDATA\ARLHV\3890 Dixon, Lynn\SRBA ltr 091406 wpd.cdv

COPY

RECEIVED
SEP 15 2006
DEPARTMENT OF
WATER RESOURCES

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

A. Subcase 23-11
(Insert water right number
From the Objection Form)

STANDARD FORM 4

MOTION TO FILE:

☐ LATE NOTICE OF CLAIM

☒ AMENDED NOTICE OF CLAIM

INSTRUCTIONS

This form is used to file a late Notice of Claim or an amendment to a Notice of Claim in a reporting are where the Director's Report has been filed. Forms may be obtained from the SRBA Court, the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form. If you copy or reproduce this form, please copy on both sides with the even number pages upside down.

The water right number for your late or amended claim must be indicated above in the blank space following "Subcase." You must use a **separate form for each** late or amended Notice of Claim.

This form has been adopted by the court in *SRBA Administrative Order 1, Rules of Procedure* (amended Sept. 30, 1996), Section 4, which may be consulted for further information.

By file a *Motion to File a Late Notice of Claim* or a *Motion to File an Amended Notice of Claim*, you certify that it is well-grounded in fact; is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and is not filed for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation.

COPY

√ I have read *SRBA Administrative Order 1, Rules of Procedure* (amended Sept. 30, 1996).

My name is _____

My address is _____

My phone number is: Work _____ Home _____

I am an attorney representing _____ Diamond K., Inc. _____

My name is _____ Robert L. Harris _____

My address is _____ 1000 Riverwalk Dr., Ste. 200; PO Box 50130
_____ Idaho Falls, ID 83405-0130 _____

My phone number is _____ 208-523-0620 _____

MOTION TO FILE A LATE NOTICE OF CLAIM

A Motion to File a Late Notice of Claim will require a hearing before the Presiding Judge.

☐ I did not file a Notice of Claim to the use of water in the SRBA because:

☐ I filed a Notice of Claim and elected to defer judicial proceedings on my domestic or stock watering use. I desire to reinstate my Notice of Claim for domestic or stock watering use.

☐ I am providing a legal and factual documentation for my claimed use of water. You must describe these documents and attach a readable copy. (You do not need to fill this out if you are reinstating a Notice of Claim for domestic or stock watering use, but you **must** attach a copy of you Notice of Claim.)

I have attached:

- ☐ A fully completed Notice of Claim (available from IDWR).
- ☐ A claim filing fee for a domestic and stock watering use. IDWR may charge this fee pursuant to I.C. § 42-1414. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ _____.
- ☐ A claim filing fee and a late claim fee for those claims other than a domestic or stock watering use for which a notice of claim was not filed. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ _____.

Follow these instructions regarding the hearing on this motion.

1. Contact the Clerk of the SRBA Court (208-736-3011) to request a hearing date and time.
2. Fill in the following information:

This motion will be heard on December 19, 2006 at 1:30 p.m.
(Insert Date and Time)
at the SRBA Court courthouse, 253 Third Avenue North, Twin Falls, Idaho.

MOTION TO FILE AN AMENDED NOTICE OF CLAIM

A Motion to File an Amended Notice of Claim may require a hearing before the presiding Judge or Special Master or may be granted by leave of the court or by written consent of the parties and the Idaho Department of Water Resources. Leave to amend a claim shall be freely given when justice so requires.

√ I must amend my Notice of Claim to the use of water in the SRBA because:

See Statement attached to Amended Notice of Claim.

- ☒ I am providing legal and factual documentation to support my amended Notice of Claim. You must describe these documents and attach a readable copy.

I have attached:

- ☒ An amended Notice of Claim (available from IDWR).
- ☐ Payment of the following additional fees required by IDWR:

VERIFICATION

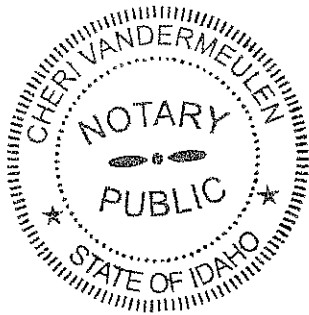
STATE OF IDAHO)
)ss
County of Bonneville)

Robert L. Harris, being first duly sworn, upon oath, deposes and says:

That I am the attorney for the party/claimant filing this motion for late or amended claim and that I have read this motion, know its contents, and believe that the statements are true to the best of my knowledge.

Robert L. Harris
Robert L. Harris

Subscribed and sworn to before me on this 14th day of September, 2006.



Cheri Vandermeulen
Notary Public for Idaho
Residing at: aldano falls
My Commission expires: July 7, 2009

CERTIFICATE OF MAILING

I certify that on this 14th day of September, 2006, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

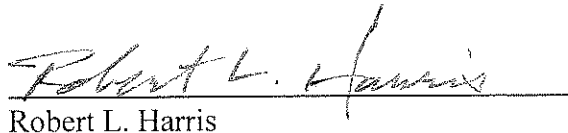
2. Copies to:

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

3. If you are filing an amend Notice of Claim in a subcase being heard before the Presiding Judge or a Special Master, you must serve a copy on all parties to that subcase.



Robert L. Harris

G:\WPDATA\RLH\13890 Dixon, Lynn\Motion to Amend Claim 23-11.wpd

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 23-11

Date Received _____

Receipt Number _____

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

1. Name of Claimant(s) Diamond K, Inc. Phone (801) 364-9262

Mailing Address c/o Lynn Dixon, 311 S. State St. #460, Salt Lake City, UT Zip 84111

2. Date of Priority (Only (1) per claim) August 15, 1893

3. Source of water supply (a) Palisades Creek

which is tributary to (b) Snake River

4.a. Location of existing point of diversion is:

Township 01N Range 44E Section 26, SW 1/4 of SW 1/4 of SE 1/4, Govt. Lot _____,
County of Bonneville

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4 Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well. Concrete headgate to canals and ditches. Water is delivered through the Palisade Canal.

6. Water is claimed for the following purposes: _____ (Both dates are inclusive) (cfs) (acre feet)

For Irrigation purposes from April 1 to November 1 amount 0.024 cfs or _____

7. Total quantity claimed (a) 0.024 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) n/a
10. Description of place of use:
- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
 - If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instruction for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TLS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	44E	21											1						1

Total number of acres irrigated 1

11. In which county(ies) are lands listed above as place of use located? Bonneville
12. Do you own the property listed above as place of use? Yes X No
If your answer is No, describe in Remarks below the authority you have to claim this water right.
13. Describe any other water rights used at the same place and for the same purposes as described above.
23-50D, 23-50E, 23-104 or None ()

14. Remarks:

See Attached Statement and Exhibits

15. Basis of Claim (Check one) Beneficial Use Posted Notice Permit Decree X License
If applicable provide IDWR Water Right Number 23-11
Court District Court of the Sixth Judicial District of Fremont County, Idaho Case Number
Decree Date December 15, 1910 Plaintiff vs Defendant Rexburg Irrigation Co. et al. v. Teton Irr. Co. et al

16. Signature(s)

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s) _____ Date _____

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am PRESIDENT of _____ (Title)

DIAMOND K, INC., that I have signed the foregoing document in the space below as _____ (Organization)

PRESIDENT of DIAMOND K, INC. and that the statements contained in the _____ (Title) _____ (Organization)
foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization PRESIDENT Date 9-12-06

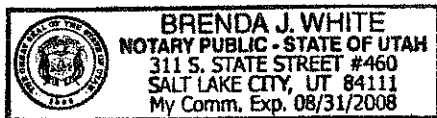
State of ~~Idaho~~ Utah)

DIAMOND K, INC.

) SS.

County of Salt Lake)

Subscribed and sworn (or affirmed) before me this 12 day of Sept., 2006



Notary Public Brenda J. White
Residing at SLC, UT
My Commission Expires 8/31/2008

17. Notice of Appearance:

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

Signature Robert L. Harris

Address P.O. Box 50130 Idaho Falls, ID 83405

Date Sept. 14, 2006

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 23-11

Date Received _____

Receipt Number _____

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

1. Name of Claimant(s) Snake River Estates, LLC. Phone (801) 364-9262

Mailing Address c/o Lynn Dixon, 311 S. State St. #460, Salt Lake City, UT Zip 84111

2. Date of Priority (Only (1) per claim) August 15, 1893

3. Source of water supply (a) Palisades Creek

which is tributary to (b) Snake River

4.a. Location of existing point of diversion is:

Township 01N Range 44E Section 26, SW 1/4 of SW 1/4 of SE 1/4, Govt. Lot _____,
County of Bonneville

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4 Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged
and the depth of each well. Concrete headgate to canals and ditches. Water is delivered through the Palisade Canal.

6. Water is claimed for the following purposes: (Both dates are inclusive) (cfs) (acre feet)

For Irrigation purposes from April 1 to November 1 amount 0.922 cfs or _____

7. Total quantity claimed (a) 0.922 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) n/a

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

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TLS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	44E	21										21.671	16.109						37.78

Total number of acres irrigated 37.78

11. In which county(ies) are lands listed above as place of use located? Bonneville
12. Do you own the property listed above as place of use? Yes X No
If your answer is No, describe in Remarks below the authority you have to claim this water right.
13. Describe any other water rights used at the same place and for the same purposes as described above.
23-50D, 23-50E, 23-104 or None ()

14. Remarks:

See Attached Statement and Exhibits

15. Basis of Claim (Check one) Beneficial Use Posted Notice Permit Decree X License
If applicable provide IDWR Water Right Number 23-11
Court District Court of the Sixth Judicial District of Fremont County, Idaho Case Number
Decree Date December 15, 1910 Plaintiff vs Defendant Rexburg Irrigation Co. et al. v. Teton Irr. Co. et al

16. Signature(s)

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s) _____ Date _____

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am MANAGER of _____ (Title)

SNAKE RIVER ESTATES, L.L.C., that I have signed the foregoing document in the space below as _____ (Organization)

MANAGER of SNAKE RIVER ESTATES, L.L.C. and that the statements contained in the _____ (Title) _____ (Organization)

foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization manager Date 9-12-06

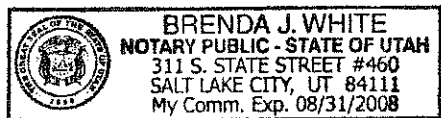
State of ~~Idaho~~ Utah)

SNAKE RIVER ESTATES, L.L.C

) SS.

County of SALT LAKE)

Subscribed and sworn (or affirmed) before me this 12 day of Sept., 2006.



Notary Public Brenda J. White
Residing at SLC, UT
My Commission Expires 8/31/2008

17. Notice of Appearance:

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

Signature Robert L. Harris

Address P.O. Box 50130 Idaho Falls, ID 83405

Date Sept. 14, 2006

STATEMENT

I. INTRODUCTION

For purposes of this particular Amended Notice of Claim, it is important to understand both the water rights history of Water Right No. 23-11 and the SRBA history of this water right. The water right history is set forth below in Section II. The SRBA history is set forth in Section III, and is followed in Section IV by explanation of why this late claim should be allowed. Lastly, to the extent this late claim is allowed, Section V. explains the values claimed by Mr. Dixon in the Amended Notice of Claim for Claimant Lynn Dixon's portion of Water Right No. 23-11. It should be noted that Mr. Dixon is also a member or officer of two entities (Snake River Estates, LLC and Diamond K, Inc.), and will be filing late claims (similar to this claim) on their behalf.

II. WATER RIGHTS HISTORY

In the Rexburg Decree, 1,150 inches of water was decreed to the Baker & Dixon Ditch Company ("Baker & Dixon") for water out of Palisades Creek with a priority date of August 15, 1893. See Exhibit 1. The place of use for each individual within the Baker & Dixon was also included in the Rexburg Decree, and is set forth in Exhibit 2. A map of these properties shaded and labeled on a Metsker's Map from approximately 1940 is included as Exhibit 3. Exhibit No. 4 is an earlier version of a Metsker's Map with the same properties shaded and labeled. Names that appear on both of the 1940 Metsker's Map and the earlier Metsker's Map are important in the discussion below. For purposes of Mr. Dixon's claim, the David H. Burton property (the property formerly owned by Mary E. Neilson, who was listed in the Rexburg Decree) depicted on Exhibit 3, and the Lathen Jacobsen property (a majority portion of which was formerly owned by James Daniels, who was listed in the Rexburg Decree) depicted on Exhibit 4 are the most relevant.

Attached as Exhibits 5 through 8 are copies of relevant portions of different yearly versions of what is commonly known as the "Water District 01 Decree Book" (it has sometimes been referred to as the "Green Book"). For years in District 01, this book was used by the District 01 watermaster in administering water rights in priority. Exhibit 5 is from the 1949 version of the Decree Book;

Exhibit 6 from 1956; Exhibit 7 from 1961; and Exhibit 8 from 1976. For our purposes, the most important of these is Exhibit 8. This particular copy was taken from the SRBA Claim file of Water Right No. 23-10279. As shown on this exhibit, water rights for nine (9) individuals were grouped under the single water right number of 23-11. For purposes of Mr. Dixon's claim, Mr. Dixon owns most of what was formerly the Lathen Jacobsen property. He also owns a portion of the property formerly owned by Dave Burton. As shown on Exhibit 8, the individual portions of Water Right No. 23-11 are clearly set forth: 7.2 cfs for Dave Burton, and 3.46 cfs for Lathen Jacobson.

III. SRBA History

A claim for all portions of Water Right No. 23-11 (22.9 cfs) in addition to Water Right No. 23-10 (5.4 cfs, held in the name of Lucille Baker), both of which have the same priority date, was filed under claim no. 23-11235. The water rights were claimed by a company known as "The Palisade Irrigation Co. Inc." (hereafter "Palisade"). This claim is attached as Exhibit 9.

Palisade is somewhat of a hybrid delivery/canal company. In Idaho, there are typically two classes of delivery or canal companies. In the first type of entity, the company itself owns the water rights and individual shareholders are entitled to a portion of the company's water rights. In this type of entity, the company would be responsible for issues pertaining to its water rights, such as filing claims in the SRBA.

The second type of entity is perhaps best referred to as a "mutual ditch association", or a "carrying company". In this type of entity, the company only owns the ditches, pipes and other infrastructure for water delivery. The water delivered through the ditches are delivered pursuant to individual water rights. In other words, the individual members, not the company itself, own the water rights. In this type of entity, the individual members would be responsible for issues pertaining to its water rights, such as filing claims in the SRBA.

As stated above, Palisade is somewhat of a hybrid entity. Palisade delivers both private rights through its system (similar to a carrying company), and also delivers water diverted pursuant to rights held by the company to its individual shareholders. Both the individual rights and the company rights were delivered through the Palisade Canal.

At some point, it was apparently determined that as to Water Right Nos. 23-10 and 23-11, Palisade would claim all of the water historically delivered through the canal, which would include both the company rights and the individual rights. As a practical matter, such an approach makes sense because both the individual rights and the company rights were treated the same by the company. Further, such an approach seemed prudent when considering the fact that nine (9) individuals used portions of Water Right 23-11. With these claims, however, the company made it clear that it was making the claims on behalf of its members, including Mr. Dixon. For example, on claim 23-10279, the company's claims contain the following language: "This notice of claim is filed by the corporation on behalf of its members of the Palisade Irrigation Company, Inc. whose duty it is to manage and distribute water rights belonging to its various shareholders."

It appears from the record that Idaho Department of Water Resources (IDWR) was not certain as to how it would treat these rights in the adjudication. For example, Exhibit 10 is from IDWR's files on water right 23-11235 (an IDWR Field Exam Form), and it contains the following statement: "There is a question of how the original decreed rts: 23-10 and 11 are held. Are the rights owned privately or are they 100% owned by TPIC. Or, is 23-11 split with the split portions to private owners."

It appears that IDWR eventually decided that 23-11 should not be decreed as a single right, but should be split amongst private owners. See Exhibit 11. In short, the claim should not have been filed by Palisade. The claims should have been filed by individual owners.

IV. REASONS FOR ALLOWING MR. DIXON'S LATE AMENDED CLAIM.

The crux of Mr. Dixon's late claim is simply that he was never notified by IDWR or anyone else that Claim 23-11235 for Water Right No. 23-11 was disallowed. Mr. Dixon was under the impression that Palisade had taken care of the adjudication claims for his water rights for the reasons set forth above. It has recently come to his attention that IDWR disallowed the original claim, which would have included his individual claim. Mr. Dixon did not receive any notification from IDWR or any communication from the company as to the Department's decision to disallow the original claim. From the record, it appears that only Palisade received a Notice of Error document

from IDWR. See Exhibit 12. Mr. Dixon did not receive such a Notice of Error document, or any communication concerning disallowal of 23-11235.

It is unclear why Palisade never notified Mr. Dixon, but there are some potential reasons. For example, on the disallowed claim document for Water Right No. 23-11235, it states that 23-11235 was “recommended as right nos. 23-11234 and 23-11A.” This language is misleading. Based on this language, it is easy to see why Palisade did not state anything on the Notice of Error document it received from IDWR. This language could easily be construed to mean that the 28.3 cfs claimed by the company was recommended as 23-11234 and 23-11A. In actuality, 23-11A is for 1.8 cfs, and 23-11234 is for 2.43 cfs, for a total of 4.42 cfs, an amount much less than the 28.3 cfs originally claimed. Palisade could have very easily determined that the water rights were taken care of, and the totality of its original claim recommended. This did not turn out to be the case.

Mr. Dixon is obviously very concerned about his water rights, and on many occasions, contacted IDWR to determine the status of his rights. For example, attached as Exhibit 13 is a letter from Jim Rush of Rocky Mountain Environmental (this letter was obtained from the SRBA claim file for Water Right 23-61) wherein Mr. Rush indicated that IDWR had intended to hold a meeting to discuss Mr. Dixon’s water rights sometime in November or December of 2003. The letter is evidence that IDWR knew of Mr. Dixon’s interest and concern about his water rights. In addition, it seems that the original claim filed by Palisade containing language that the claims were filed on behalf of the members would have put IDWR on notice that the intent of the claim was to protect the interests of its members.

In addition, prior to 2006, water deliveries continued under the pre-adjudication records of Water District 01. Therefore, neither the company nor the members would have had an opportunity to understand the practical implications of the adjudication recommendations on actual water delivery and would not have been prompted by reductions in delivery to object. Once water amounts were reduced this year, it became evident to the Mr. Dixon that there were problems with his water rights. In short, Mr. Dixon has not unreasonably delayed filing his amended late claim.

It does appear that in most instances IDWR disallowed Palisade claims to private water rights, and instead recommended company claims of company owned rights and recommending private rights claimed by individual shareholders. However, there are some exceptions, specifically

with Water Right No. 23-54 and 23-50D. Claim No. 23-54 was originally filed by the company, but through a change of ownership was recommended as a private right. Claim No. 23-50D appears to have originally been claimed as a private right and eventually was conveyed and recommended to the company.

It appears that 12.66 cfs out of the 28.3 cfs originally claimed by the company have been recommended to individuals. See Exhibit 14. Also, it appears that at least some of the individuals were notified of IDWR's decision not to recommend 23-11 to Palisade, but to recommend it to the individuals. For example, Exhibit 15 is a printout from IDWR's files for Water Right No. 23-11314, a water right owned by Richard I. Clayton. This document was received by IDWR on April 12, 2004. It seems that Mr. Clayton was notified of IDWR's decision, and thereafter filed his claim. It is also important to note from Mr. Clayton's Adjudication Claim Backfile a page that is marked as Exhibit 16. This Water Rights Split History Analysis clearly shows that most of 23-11 remained unclaimed.

Exhibit 17, a claim filed by Jo Ann Weeks, similarly shows a claim filed by her on February 2, 2004. It is unclear why other individuals, including Mr. Dixon, were not notified that individuals needed to file claims for their water rights. Had Mr. Dixon been notified, he would have immediately filed the necessary documents with the SRBA Court.

V. EXPLANATION OF AMOUNTS CLAIMED

To the extent the SRBA court allows Mr. Dixon's late claims, the documents in Exhibit 18 explain the amounts claimed by Mr. Dixon. Mr. Dixon now owns most of what was formerly the Lathen Jacobsen property, and has subdivided parts of the portion of Dave Burton property he now owns. This has complicated the analysis somewhat, but the spreadsheets in Exhibit 18 summarize our analysis of the portion of 23-11 he is entitled to. Also, Exhibit 19 labels those lots Mr. Dixon owns.

As far as exhibits, Exhibit 20 is the final one, and it shows the place of use of the water rights held in the name of Palisade. The property owned by Mr. Dixon is included within its place of use.

It should be noted that Mr. Dixon has used water diverted under 23-11 for pond and aesthetic purposes, which are not presently listed as a beneficial use under 23-11, and intends to file transfer documents once any issues with the SRBA court are sorted out.

Lastly, we expect that other landowners in a situation similar to Mr. Dixon may likewise file late Amended Notices of Claim given the amount of 23-11 that remains unclaimed.

G:\WPDATA\RLH\13890 Dixon, Lynn\Statement_23-11_Dixon wpd.edv

thence N. 80 rods, to beginning, containing 30 acres.

- Anderson, Mrs. Hogan, NW $\frac{1}{4}$ of Sec. 31, T. 7 N., R. 40 E., B. M., containing 160 acres.
- Anderson, O. H., E $\frac{1}{2}$ of SE $\frac{1}{4}$ of Sec. 31, T. 7 N., R. 40 E., containing 80 acres.
- Anderson, Oscar H., SE $\frac{1}{4}$ of Sec. 31, T. 7 N., R. 40 E., B. M., containing 160 acres.
- Anderson, Otto, Lots 3, 4, 5 and 6, and NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 20, T. 5 N., R. 39 E., B. M., containing 160 acres.
- Andrews, L. W., S $\frac{1}{2}$ of NE $\frac{1}{4}$, SE $\frac{1}{4}$ of NW $\frac{1}{4}$ and Lot 2, Sec. 6, T. 3 N., R. 40 E., B. M.
- Arave, David E., SE $\frac{1}{4}$ of Sec. 19, SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 26, and SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Sec. 23, T. 1 N., R. 38 E., B. M., containing 160 acres.
- Arave, Heber, NE $\frac{1}{4}$ of Sec. 36, T. 1 N., R. 37 E., B. M., containing 160 acres.
- Armstrong, Robert, SE $\frac{1}{4}$ of Sec. 11, E $\frac{1}{2}$ of SW $\frac{1}{4}$ of Sec. 11, S $\frac{1}{2}$ of NE $\frac{1}{4}$ of Sec. 11, T. 2 N., R. 37 E., B. M., containing 320 acres.
- Ashmead, Charles, SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Sec. 12, N $\frac{1}{2}$ of NE $\frac{1}{4}$ and SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Sec. 13, T. 5 N., R. 44 E., B. M., containing 200 acres.
- Avery, Talitha C., SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Sec. 1 and E $\frac{1}{2}$ of SE $\frac{1}{4}$ of Sec. 2, and NE $\frac{1}{4}$ of Sec. 11, T. 7 N., R. 45 E., B. M.

B.

- Bagshaw, Ellen, W $\frac{1}{2}$ of NE $\frac{1}{4}$ and E $\frac{1}{2}$ of SE $\frac{1}{4}$ of Sec. 8, T. 3 N., R. 45 E.

Baker & Dixon Ditch Company.

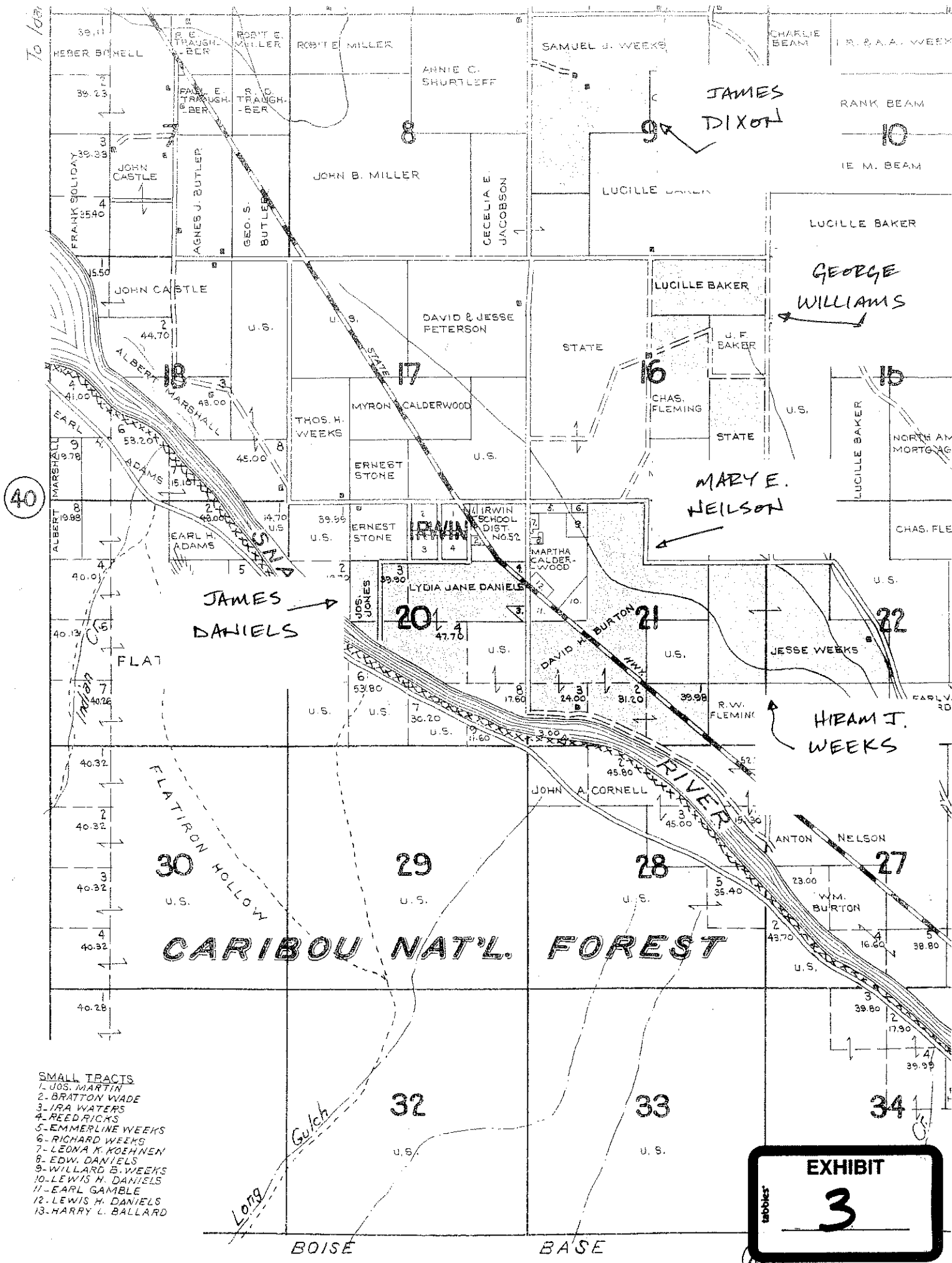
- Daniels, James, S $\frac{1}{2}$ of NE $\frac{1}{4}$ and Lots 3 and 4, Sec. 20, T. 1 N., R. 44 E., B. M., containing 167.60 acres.
- Dixon, James S., W $\frac{1}{2}$ of NW $\frac{1}{4}$, SE $\frac{1}{4}$ of NW $\frac{1}{4}$, NW $\frac{1}{4}$ of SW $\frac{1}{4}$ Sec. 9, T. 1 N., R. 44 E., B. M., containing 160 acres.
- Neilson, Mary E., E $\frac{1}{2}$ of NW $\frac{1}{4}$, SW $\frac{1}{4}$ of NE $\frac{1}{4}$, N $\frac{1}{2}$ of SW $\frac{1}{4}$ and lots 1, 2 and 3, Sec. 21, T. 1 N., R. 44 E., B. M., containing 320 acres.
- Weeks, Hiram J., SE $\frac{1}{4}$ of NE $\frac{1}{4}$ and NE $\frac{1}{4}$ of SE $\frac{1}{4}$ Sec. 21; SW $\frac{1}{4}$ of NW $\frac{1}{4}$ and N $\frac{1}{2}$ of SW $\frac{1}{4}$ Sec. 22, T. 1 N., R. 44 E., B. M.
- Williams, George, W $\frac{1}{2}$ of NE $\frac{1}{4}$, NE $\frac{1}{4}$ of NE $\frac{1}{4}$, NE $\frac{1}{4}$ of SE $\frac{1}{4}$ Sec. 16, T. 1 N., R. 44 E., B. M., containing 160 acres.
- Baker, Joseph D., Lots 1 and 2 and N $\frac{1}{2}$ of SE $\frac{1}{4}$ of Sec. 6, T. 12 N., R. 42 E., B. M., containing 160 acres.
- Baker, Richard L., NW $\frac{1}{4}$ of Sec. 8, T. 12 N., R. 42 E., B. M., containing 160 acres.
- Ballantyne, Z., SW $\frac{1}{4}$ of Sec. 29, T. 5 N., R. 38 E., B. M., containing 160 acres.
- Barnes, Charles W., SE $\frac{1}{4}$ of Sec. 10, T. 3 N., R. 45 E., B. M., containing 160 acres.
- Barney, Walter, unsurveyed NW $\frac{1}{4}$ of Sec. 32, T. 6 N., R. 46 E. B. M., containing 160 acres.
- Barney, Walter W., unsurveyed E $\frac{1}{2}$ of SW $\frac{1}{4}$ and SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 32, T. 6 N., R. 46 E., B. M., containing 160 acres.
- Barrett, Nathan A. (No description given.)
- Barrus, John N., Lots 1 and 4, Sec. 28, SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 21; N $\frac{1}{2}$ of NW $\frac{1}{4}$ of Sec. 27; S $\frac{1}{2}$ of SW $\frac{1}{4}$ of Sec. 22, T. 1 N., R. 44 E., B. M., containing 267 $\frac{1}{2}$ acres.
- Barrus, R. N., W $\frac{1}{2}$ of W $\frac{1}{2}$ of Sec. 14 and E $\frac{1}{2}$ of E $\frac{1}{2}$ of Sec. 15, T. 3 S., R. 34 E., B. M., containing 320 acres.
- Bates, Thomas, NE $\frac{1}{4}$ of Sec. 24, T. 4 N., R. 44 E., B. M., containing 160 acres.
- Baugh, Samuel, Clara and William, Lots 3, 5 and 7, and SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Sec. 2; S $\frac{1}{2}$ of NW $\frac{1}{4}$ and S $\frac{1}{2}$ of NE $\frac{1}{4}$ of Sec. 9, and NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Sec. 10; S $\frac{1}{2}$ of SW $\frac{1}{4}$ (except ten acres in square form in SE corner

of SW $\frac{1}{4}$
ing 442
Bauman, Her
E., B. M.,
Beach, A. W.
38 E., B.
Beahrensme
of Sec. 2
Beam, Charle
E. B. M.
Beam, Frank
Beam, Herbe
NW $\frac{1}{4}$ of
Beam, Matile
R. 44 E.,
Beam, Nellie
NW $\frac{1}{4}$ of
Beard, Jame
of Sec. 1
240 acre
Beasley, Jos
3, Lot 4
Beasley, S.
acres.
Beckstead, V
T. 6 N.,
N. 50 ro
Beezley, Ebo
taining
Beguina, J. V
80 acres
Bell, Joseph
N., R. 4
Belnap, A. V
160 acre
Benton, C.
acres.
Bernard, Al
SE $\frac{1}{4}$ of
36, T. 2
Sec. 5,
Bernston, R
N., R. 4
Bettis, Alice
contain
Bevan, Mar
80 acre
Big Bend I
lands
pleadin
Bigler, Jesse
acres.
Birch, Mary
"Stewa
contain
Bishop, J.
S $\frac{1}{2}$ of
Bishop, Jea
NW $\frac{1}{4}$

EXHIBIT

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tables



- SMALL TRACTS**
1. JES. MARTIN
 2. BRATTON WADE
 3. IRA WATERS
 4. REEDRICKS
 5. EMMERLINE WEEKS
 6. RICHARD WEEKS
 7. LEONA K. KOEHNEN
 8. EDW. DANIELS
 9. WILLARD B. WEEKS
 10. LEWIS H. DANIELS
 11. EARL GAMBLE
 12. LEWIS H. DANIELS
 13. HARRY L. BALLARD

EXHIBIT
3

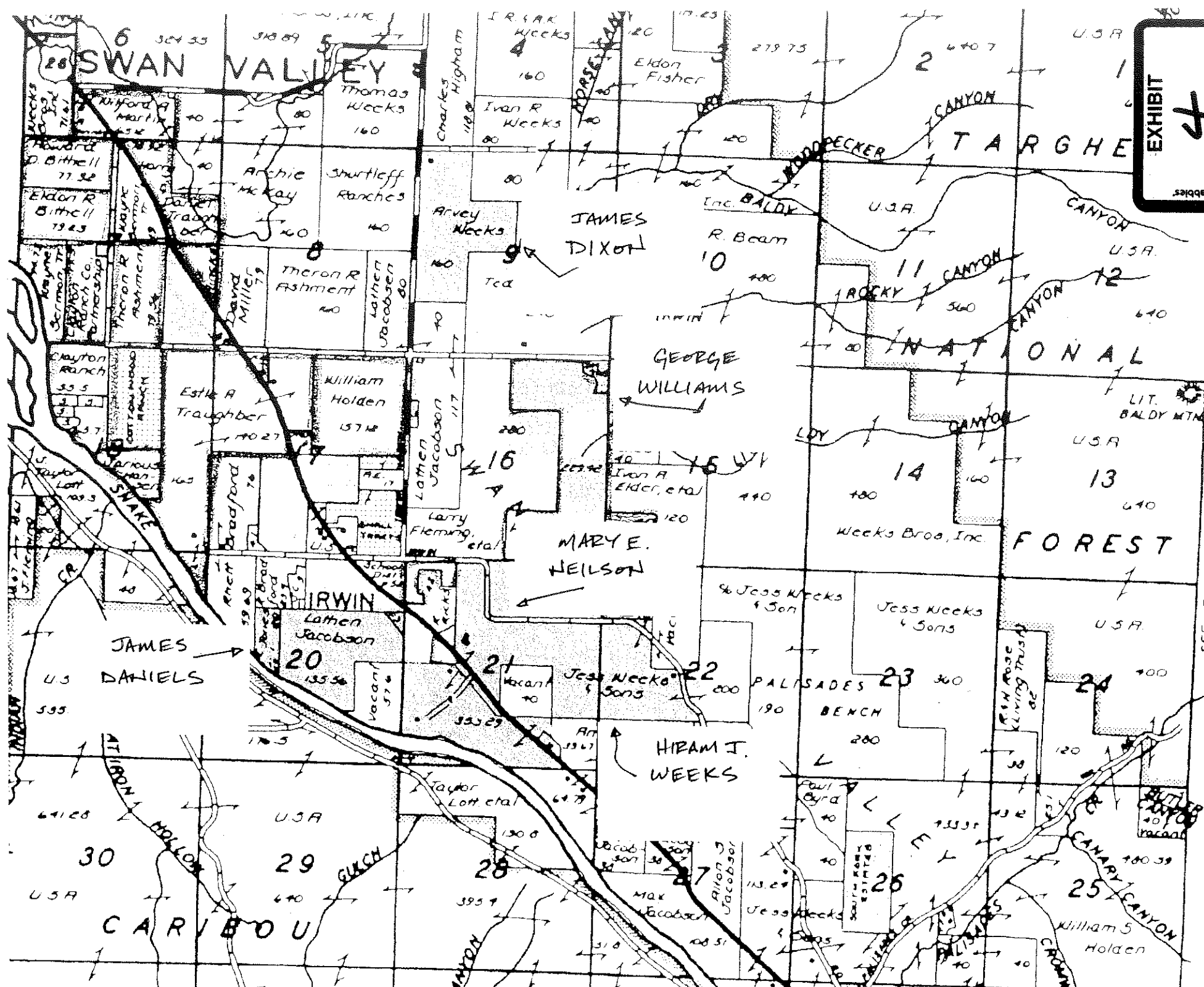


EXHIBIT
4
tabbles

SEE PAGE 39

PALISADE CREEK (cont'd)

<u>Date</u>	<u>Name</u>	<u>Amount</u> (Sec.-ft.)	<u>Accum.</u> <u>Total</u> (Sec.-ft.)
<u>Palisade Canal</u>			
June 1, 1885	*R. Fleming (Tr. #565A)	1.0	1.0
May 1, 1886	*J. Miller (Tr. #533)	3.8	4.8
June 1, 1886	*R. Fleming (Tr. #565)	1.0	5.8
May 20, 1889	R. Fleming (J. N. Barrus)	3.2	9.0
May 20, 1889	Hannah Burton	3.0	12.0
May 20, 1889	Anton Nelson	3.6	15.6
June 30, 1890	R. Fleming (J. N. Barrus)	2.8	18.4
June 30, 1890	Hannah Burton	4.2	22.6
May 1, 1892	Abram Weeks (Tr. #388, #746, S. C. Weeks)	0.2	22.8
Aug. 15, 1893	Dave Burton (Baker & Dixon)	7.2	
Aug. 15, 1893	L. Jacobsen (Baker & Dixon)	3.46	
Aug. 15, 1893	I. Waters (Baker & Dixon)	0.04	
Aug. 15, 1893	Joe Jones (Baker & Dixon)	0.44	
Aug. 15, 1893	Reed Ricks (Baker & Dixon)	0.06	
Aug. 15, 1893	Jesse Weeks (Baker & Dixon)	4.50	
Aug. 15, 1893	Chas. Fleming (Baker & Dixon)	1.80	
Aug. 15, 1893	Sam Weeks (Baker & Dixon)	3.60	
Aug. 15, 1893	Lucille Baker (Baker & Dixon)	1.80	
Aug. 15, 1893	Lucille Baker (Supp.)	5.40	51.1
June 1, 1898	W. McKay	3.2	54.3
June 1, 1898	J. Miller (Samuel Weeks, Jr.)	3.2	57.5
June 1, 1898	J. Miller (Johnson, McKay & Weeks)	3.2	60.7
June 1, 1899	Earnest Stone (Hyrum J. Weeks)	1.0	61.7
June 1, 1900	Swan Valley Irrig. Co.	32.4	94.1
June 1, 1901	Peter Burney	0.8	94.9
Total Palisade Creek			101.40

*Inoperative at times when amount of water in Palisade Creek is insufficient to fill all of the valid rights on Palisade Creek as determined by priorities being filled on main river.

Note: Of the Baker and Dixon 1893 decree of 23.0 s.f. there is 0.10 s.f. not accounted for. Of the Swan Valley Irrig. original 1900 decree 3.6 sec.-ft. transferred to Snake River - change in point of diversion #199.

UPPER RAINEY CREEK
(above sinks)

Apr. 9, 1889	Nellie M. Beam (A. J. Bernard, Tr. #438)	1.6	1.6
Apr. 15, 1889	S. J. Weeks (A. J. Bernard, Tr. 383, 383A)	1.6	3.2
Apr. 15, 1889	John Miller (A. J. Bernard)	1.6	4.8
June 1, 1889	Mrs. Shurtliff (Wm. Shurtliff)	3.0	7.8
June 1, 1889	Mrs. Shurtliff (J. A. Schneebly)	2.4	10.2

EXHIBIT

tabbles

5

BIG ELK CREEK

<u>Date</u>	<u>Name</u>	<u>Amount</u> (Sec.-ft.)
June 1, 1895	Mrs. Fannie Wheat (W. E. Wheat) (includes Little Sheep Cr.)	3.0
June 30, 1903	Sam Dennis (E. F. Nickerson)	2.0
July 2, 1903	Oliver Jacobsen (E. F. Still) Permit #128	3.2
Total		8.2

BEAR CREEK

June 1, 1890	Henry Hill (Supp.)	3.6
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PORCUPINE CREEK

May 1, 1890	M. D. Yeamen	1.2
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YEAMEN (DEER) CREEK

May 1, 1892	M. D. Yeamen	1.2
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PALISADE CREEK

	<u>Amount</u>	<u>Accum.</u> <u>Total</u>
<u>Wheat & Tanner Ditch</u>		
May 1, 1902 James Tanner	2.6	
<u>Weeks Ditch</u>		
Aug. 20, 1890 Art Weeks (S. C. Weeks)	1.65	
Aug. 20, 1890 Abram Weeks (S. C. Weeks)	1.65	
May 1, 1892 Art Weeks (S. C. Weeks)	.40	
May 1, 1892 Abram Weeks (S. C. Weeks)	.20	
<u>Palisade Canal</u>		
June 1, 1885 *R. Fleming (Tr. #565A)	1.0	1.0
May 1, 1886 *J. Miller (Tr. #533)	3.8	4.8
June 1, 1886 *R. Fleming (Tr. #565)	1.0	5.8
May 20, 1889 R. Fleming (J. N. Barrus)	3.2	9.0
May 20, 1889 Hannah Burton (see Tr. #536)	3.0	12.0
May 20, 1889 Anton Nelson	3.6	15.6
June 30, 1890 R. Fleming (J. N. Barrus)	2.8	18.4
June 30, 1890 Hannah Burton (see Tr. #536)	4.2	22.6
May 1, 1892 Abram Weeks (Tr. #388, #746, S. C. Weeks)	0.2	22.8
Aug. 15, 1893 Dave Burton (Baker & Dixon)	7.2	
Aug. 15, 1893 L. Jacobsen (Baker & Dixon)	3.46	
Aug. 15, 1893 I. Waters (Baker & Dixon)	0.04	
Aug. 15, 1893 Joe Jones (Baker & Dixon)	0.44	
Aug. 15, 1893 Reed Ricks (Baker & Dixon)	0.06	
Aug. 15, 1893 Jesse Weeks (Baker & Dixon)	4.50	

EXHIBIT

6

PALISADE CREEK (cont'd)

<u>Date</u>	<u>Name</u>	<u>Amount</u> (Sec.-ft.)	<u>Accum.</u> <u>Total</u> (Sec.-ft.)
<u>Palisade Canal (cont'd)</u>			
Aug. 15, 1893	Chas. Fleming (Baker & Dixon)	1.80	
Aug. 15, 1893	Sam Weeks (Baker & Dixon)	3.60	
Aug. 15, 1893	Lucille Baker (Baker & Dixon)	1.80	
Aug. 15, 1893	Lucille Baker (Supp.)	5.40	51.1
June 1, 1898	W. McKay	3.2	54.3
June 1, 1898	J. Miller (Samuel Weeks, Jr.)	3.2	57.5
June 1, 1898	J. Miller (Johnson, McKay & Weeks)	3.2	60.7
June 1, 1899	Earnest Stone (Hyrum J. Weeks)	1.0	61.7
June 1, 1900	Swan Valley Irrig. Co.	32.4	94.1
June 1, 1901	Peter Burney	0.8	94.9
Jan. 22, 1916	Palisades Irr. Co. (Supp.)	97.8	192.70

*Inoperative at times when amount of water in Palisades Creek is insufficient to fill all of the valid rights on Palisade Creek as determined by priorities being filled on main river.

Note: Of the Baker and Dixon 1893 decree of 23.0 s.f. there is 0.10 s.f. not accounted for. Of the Swan Valley Irrig. original 1900 decree 3.6 sec.-ft. transferred to Snake River - change in point of diversion #199. See 1940 Swan Valley regulation record for Swan Valley Irr. Co. individual rights.

UPPER RAINEY CREEK
(above sinks)

Apr. 9, 1889	Nellie M. Beam (A. J. Bernard, Tr. #488, Tr. #860)	1.6	1.6
Apr. 15, 1889	S. J. Weeks (A. J. Bernard, Tr. 383, 383A)	1.6	3.2
Apr. 15, 1889	John Miller (A. J. Bernard)	1.6	4.8
June 1, 1889	Mrs. Shurtliff (Wm. Shurtliff)	3.0	7.8
June 1, 1889	Mrs. Shurtliff (J.A.Schneebly)	2.4	10.2
June 20, 1889	John Miller (A. J. Bernard)	0.8	11.0
June 20, 1889	S. J. Weeks (A. J. Bernard)	.8	11.8
Sept. 1, 1889	S. J. Weeks (John McGibbon, Tr. #439)	3.2	15.0
June 1, 1890	Henry Goettsche (Chas. & Mrs. Englis, Tr. #489)	1.94	16.94
Sept. 1, 1890	Nellie M. Beam (John McGibbon, Tr. #419, #860)	1.60	18.54
June 1, 1891	Elizabeth Beam (H. L. Beam)	3.0	21.54
June 1, 1891	Mrs. Shurtliff (Wm. Shurtliff)	2.4	23.94
July 6, 1892	Harlan Corbett	2.0	25.94
June 1, 1893	Nellie M. Beam	1.6	27.54
May 1, 1895	Mrs. Shurtliff (J.A.Schneebly)	1.0	28.54
June 1, 1895	Nellie M. Beam (Chas. Beam)	2.4	30.94

Minor Tributaries Alpine to Heise
(Arranged in downstream order)

WILLIAMS CREEK

<u>Date</u>	<u>Name</u>	<u>Amount</u> (Sec.-ft)
May 1, 1928	Floyd Bagley (Supp.)	2.2

INDIAN CREEK

July 5, 1900	D. Worth Smith (Supp.)	5.0
Aug. 4, 1917	Richard T. Smith (Lisc. 13129)	.5
Total		5.5

SHEEP CREEK

Dec. 9, 1912	Paul Byrd (Mabel Tollman) Lisc. 8948	3.6
June 5, 1957	E. C. Perry (Permit 26952)	.1
Total		3.7

PORCUPINE CREEK

May 1, 1890	M. D. Yeamen	1.2
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YEAMEN (DEER) CREEK

May 1, 1892	M. D. Yeamen	1.2
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PALISADE CREEK

	<u>Amount</u>	<u>Accum.</u> <u>Total</u>
<u>Wheat & Tanner Ditch</u>		
May 1, 1902	James Tanner	2.6

Weeks Ditch

Aug. 20, 1890	Art Weeks (S. C. Weeks)	1.65	
Aug. 20, 1890	Abram Weeks (S. C. Weeks)	1.65	
May 1, 1892	Art Weeks (S. C. Weeks)	.40	
May 1, 1892	Abram Weeks (S. C. Weeks)	.40	4.10
	(Tr. #388,746)		

Palisade Canal

June 1, 1885	*R. Fleming (Tr. #565A)	1.0	1.0
May 1, 1886	*J. Miller (Tr. #533)	3.8	4.8
June 1, 1886	*R. Fleming (Tr. #565)	1.0	5.8
May 20, 1889	R. Fleming (J. N. Barrus)	3.2	9.0
May 20, 1889	Hannah Burton (See Tr. #536)	3.0	12.0
May 20, 1889	*Anton Nelson	3.6	15.6
June 30, 1890	*R. Fleming (J. N. Barrus)	2.8	18.4
June 30, 1890	Hannah Burton (See Tr. #536)	4.2	22.6
Aug. 15, 1893	Dave Burton (Baker & Dixon)	7.2	
Aug. 15, 1893	L. Jacobsen (Baker & Dixon)	3.46	
Aug. 15, 1893	I. Waters (Baker & Dixon)	0.04	

EXHIBIT

7

tabbles

PALISADE CREEK - continued

Date		<u>Amount</u>	<u>Accum. Total</u>
<u>Palisade Canal - continued</u>			
Aug. 15, 1893	Joe Jones (Baker & Dixon)	0.44	
Aug. 15, 1893	Reed Ricks (Baker & Dixon)	0.06	
Aug. 15, 1893	Jesse Weeks (Baker & Dixon)	4.50	
Aug. 15, 1893	Chas. Fleming (Baker & Dixon)	1.80	
Aug. 15, 1893	Sam Weeks (Baker & Dixon)	3.60	
Aug. 15, 1893	Lucille Baker (Baker & Dixon)	1.80	
Aug. 15, 1893	Lucille Baker (Supp.)	5.40	50.9
June 1, 1898	W. McKay	3.2	
June 1, 1898	J. Miller (Samuel Weeks, Jr.)	3.2	
June 1, 1898	J. Miller (Johnson, McKay & Weeks)	3.2	60.5
June 1, 1899	Earnest Stone (Hyrum J. Weeks)	1.0	61.5
June 1, 1900	Swan Valley Irrig. Co. (CPD 199, 236, 248)	26.4	87.9
June 1, 1901	Peter Burney	0.8	88.7
May 15, 1908	Thomas Weeks (Lisc. 3790)	3.2	91.9
Apr. 17, 1914	Milo Ford (Lisc. 10130)	0.4	92.3
Oct. 23, 1914	Milo Ford (Lisc. 10130)	.8	93.1
Jan. 22, 1916	Palisades Irr. Co. (Supp.)	97.8	190.9

*Inoperative at times when amount of water in Palisades Creek is insufficient to fill all of the valid rights on Palisade Creek as determined by priorities being filled on main river.

Note: Of the Baker and Dixon 1893 decree of 23.0 s.f. there is 0.10 s.f. not accounted for. Of the Swan Valley Irrig. original 1900 decree 9.6 s.f. transferred to Snake River - change in point of diversion #199, 236, 248. See 1940 Swan Valley regulation record for Swan Valley Irr. Co. individual rights.

UPPER RAINEY CREEK

(above sinks)

Apr. 9, 1889	Nellie M. Beam (A.J. Bernard, Tr. #488, Tr. #860)	1.6	1.6
Apr. 15, 1889	S. J. Weeks (A. J. Bernard, Tr. 383, 383A)	1.6	
Apr. 15, 1889	John Miller (A. J. Bernard)	1.6	4.8
June 1, 1889	Mrs. Shurtliff (Wm. Shurtliff)	3.0	
June 1, 1889	Mrs. Shurtliff (J.A. Schneebly)	2.4	10.2
June 20, 1889	John Miller (A. J. Bernard)	0.8	
June 20, 1889	S. J. Weeks (A. J. Bernard)	.8	11.8
Sept. 1, 1889	S.J. Weeks (John McGibbon, Tr. 439)	3.2	15.0
June 1, 1890	Henry Goettsche (Chas. & Mrs. Englis, Tr. #489)	1.94	16.94
Sept. 1, 1890	Nellie M. Beam (John McGibbon, Tr. #419, #860)	1.60	18.54
June 1, 1891	Elizabeth Beam (H. L. Beam)	3.0	21.54
June 1, 1891	Mrs. Shurtliff (Wm. Shurtliff)	2.4	23.94
July 6, 1892	Harlan Corbett	2.0	25.94
June 1, 1893	Nellie M. Beam	1.6	27.54
May 1, 1895	Mrs. Shurtliff (J.A. Schneebly)	1.0	28.54

Minor Tributary: Alpine to Heise (continued)
Listed in Downs Team Order

From Claim File
A23-10279

Minor Tr
Listed i

Party or Canal	Date	Decreed Amount in Sec.-ft.	Accumulated Total	
<u>Palisade Creek-continued-</u> (12)				
<u>Palisade Canal</u>				
01-0035 R. Fleming (TR 565A)	June 1, 1885*	1.0	1.0	Richard
J. Miller (TR 533)	May 1, 1886*	3.8	4.8	TR 4
01-0115 R. Fleming (TR 565)	June 1, 1886*	1.0	5.8	S. J. W.
23-0012 R. Fleming (J. N. Barrus)	May 20, 1889	3.2		TR 3
23-0061 Hannah Burton (TR 536)	May 20, 1889	3.0	12.0	John Mi
" 7536 Anton Nelson	May 20, 1889	3.6	15.6	
23-0075 R. Fleming (J. N. Barrus)	June 30, 1890	2.8		Mrs. Sh
23-0062 Hannah Burton (TR 536)	June 30, 1890	4.2	22.6	Mrs. Sh
- 7536 Dave Burton (Baker & Dixon)	Aug. 15, 1893	7.2		John Mi
→ L. Jacobson (Baker & Dixon)	Aug. 15, 1893	3.46		S. J. W.
I. Waters (Baker & Dixon)	Aug. 15, 1893	0.04		S. J. W.
Joe Jones (Baker & Dixon)	Aug. 15, 1893	0.44		TR 4
Reed Ricks (Baker & Dixon)	Aug. 15, 1893	0.06	22.9	Henry G
→ Jesse Weeks (Baker & Dixon)	Aug. 15, 1893	4.5		TR 4
• Charles Fleming	Aug. 15, 1893	1.8		Richard
Sam Weeks (Baker & Dixon)	Aug. 15, 1893	3.6		TR 4
Lucille Baker (Baker & Dixon)	Aug. 15, 1893	1.8		Elizabeth
23-0010 Lucille Baker (Suppl)	Aug. 15, 1893	5.4	50.9	Mrs. Sh
23-0074 W. McKay (206 1/2 cfs)	June 1, 1898	3.2		Harlan
23-0057 J. Miller (Samuel Weeks, Jr.)	June 1, 1898	3.2		Nellie
23-0044 J. Miller (Johnson, McKay & Weeks)	June 1, 1898	3.2	60.5	Mrs. Sh
23-0054 Ernest Stone (Hyrum J. Weeks)	June 1, 1899	1.0	61.5	Nellie
23-0050 Swan Valley Irrigation Co. CPD 199, 236, 248	June 1, 1900	26.4	87.9	Henry G
23-0072 Peter Burney	June 1, 1901	0.8	88.7	Robert
23-2015 Thomas Weeks (Lisc. 3790)	May 15, 1908	3.2	91.9	TR 3
Milo Ford (Lisc. 10130)	Apr. 17, 1914	0.4	92.3	S. J. W.
23-2021 Milo Ford (Lisc. 10130)	Oct. 23, 1914	0.8	93.1	Nellie
Palisades Irrigation Co (Supp)	Jan. 22, 1916	97.8	190.9	Nellie
Total for Palisade Creek			197.6	J. L. F.

*Inoperative at times when amount of water in Palisades Creek is insufficient to fill all of the valid rights on Palisade Creek as determined by priority being filled on main river.

Note: Of the Baker and Dixon 1893 decree of 23.0 cfs, there is 0.10 cfs accounted for. Of the Swan Valley Irrig. original 1900 decree, 9.6 cfs transferred to Snake River - change in point of diversion No. 199, 236, See 1940 Swan Valley regulation record for Swan Valley Irrigation Co. and rights.

From WLDI "Green Book"



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 23-11235
Date Received: 7/11/2003
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

THE PALISADE IRRIGATION CO INC Phone: (208)483-3361
45785 COUNTY RD 16
COPE CO USA 80812-9516

2. Date of Priority: 08/15/1893

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	Type
01N	44E	26	SW NE NW	BONNEVILLE	

5. Description of diverting works:

CONCRETE HEADGATE ON PALISADES CRK/ CANALS AND DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	28.3	

7. Total Quantity Appropriated is:
28.3 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
01N	44E	9	NW NW	IRRIGATION	40
			SW NW	IRRIGATION	40
			SE NW	IRRIGATION	40
			NE SW	IRRIGATION	40



			NW	SW	IRRIGATION	40
			SW	SW	IRRIGATION	40
			SE	SW	IRRIGATION	40
			NE	SE	IRRIGATION	40
			NW	SE	IRRIGATION	40
			SW	SE	IRRIGATION	40
			SE	SE	IRRIGATION	40
					Section Acres	440
01N	44E	15	SW	SW	IRRIGATION	40
					Section Acres	40
01N	44E	16	NW	NW	IRRIGATION	40
			SW	NW	IRRIGATION	40
			NW	SW	IRRIGATION	40
					Section Acres	120
01N	44E	20	SW	NE	IRRIGATION	40
			SE	NE	IRRIGATION	37
			SE	NW	IRRIGATION	20
			NE	SW	IRRIGATION	7
			NW	SE	IRRIGATION	32
					Section Acres	136
01N	44E	21	SW	SW	IRRIGATION	25
			SE	SW	IRRIGATION	32
			SW	SE	IRRIGATION	40
			SW	NE	IRRIGATION	40
			SE	NE	IRRIGATION	40
			NE	NW	IRRIGATION	30
			NW	NW	IRRIGATION	37
			SE	NW	IRRIGATION	40
			NE	SW	IRRIGATION	40
			NW	SW	IRRIGATION	40
			SW	NW	IRRIGATION	5
					Section Acres	369
01N	44E	22	NW	NW	IRRIGATION	40
			SE	NW	IRRIGATION	40
			NW	SW	IRRIGATION	40
			NE	SW	IRRIGATION	40
					Section Acres	160
					Total Acres	1265

11. Place of use in counties: BONNEVILLE

12. Do you own the property listed above as place of use? No

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: Decreed

Contacts Data Entry Form

Water Right No. 23-11235

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

Current Owner THE PALISADES TRIG CO. (TPIC)

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:

THIS RIGHT IS A RESULT OF SPLITTING (DUE TO 40)
OF 29-10279. SEE SPLIT HISTORY ATTACHED.
BASED ON DECEASED Rts 23-10 AND 23-11 (PARTS OF EACH)

THERE IS A QUESTION OF HOW THE ORIGINAL DECEASED
Rts: 23-10 AND 11 ARE HELD. ARE THE RIGHTS OWNED
PRIVATELY OR ARE THEY 100% OWNED BY TPIC. OR,
IS 23-11 SPLIT WITH THE SPLIT PORTIONS TO PRIVATE
OWNERS.

DISALLOWED: 23-10 (part) BELONGS TO T. CHIDO UNDER 23-11234
23-11A (part) BELONGS TO PALISADES TRIG CO. #1

Reviewer: _____

Date: _____

EXHIBIT

tabbles

10

01/26/2004

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

RIGHT NUMBER: 23-11235 **DISALLOWED**

NAME AND ADDRESS: THE PALISADE IRRIGATION CO INC
45785 COUNTY RD 16
COPE CO 80812-9516

SOURCE:

QUANTITY: 0.000 CFS

PRIORITY DATE: 08/15/1893

POINT OF DIVERSION:

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
04/01 11/01

QUANTITY

PLACE OF USE:

1265 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

RECOMMENDED AS RIGHT NOS. 23-11234 AND 23-11A: This is included for a claim that is PROPOSED to be disallowed because the right claimed is recommended pursuant to another right. The remark indicates the water right number of the OTHER right that is proposed to be recommended. If you are not mailed a notice of the recommendation of the OTHER right, then the OTHER right is recommended in another claimant's name.

RECOMMENDED AS RIGHT NOS. 23-11234 AND 23-11A.

EXPLANATORY MATERIAL: Decreed



02/19/2004

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: 23-11235

THE PALISADE IRRIGATION CO INC

RHETT BRADFORD PRESIDENT

PO BOX 37

IRWIN ID 83428

Telephone Number: (208)483-3424

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.

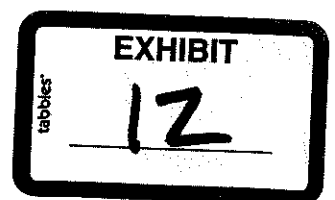
DATE: 3/18/04

SIGNATURE:



Please print your name: _____

IDWR Regional Office, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402, 2085257161



FACSIMILE



Rocky Mountain
ENVIRONMENTAL
ASSOCIATES, INC.

745-7979

TO: Mr. Jim Bernard
River Bend Estates LLC
3894 E 200 N, Rigby ID 83442

SUBJ. Lynn Dixon property in Swan Valley

RMEA 03-0082

cc: Mr. Roger Warner
Mr. Tony Olenichak
Mr Allen Ruberry, Idaho Department of Water Resources

Unless otherwise indicated, HARD COPY WILL NOT FOLLOW

November 10, 2003

Jim:

I met recently with Mr. Allen Ruberry, Idaho Department of Water Resources [IDWR], regarding the proposed *recovery wells*. Please allow me to bring you up to date and to recommend a course of action.

1. Mr. Ruberry expressed some surprise about Water Right Nos. 23-11235 and 23-10281. Allen seemed to imply that these rights had not been submitted to the Water Master in Twin Falls for adjudication.
2. Mr. Ruberry said that he was working on field verifications of water rights in Swan Valley and on Palisade Creek in 2003 and would be finished in late 2003.
3. Mr. Ruberry suggested that Mr. Dixon, you, and I meet with him at IDWR in late November or early December. At that time, Mr. Ruberry would have more information about water rights in Swan Valley.
4. In the meantime, Allan suggested that we "hold tight" until then.

I suggest we plan a meeting at IDWR in early December when Mr. Dixon is in Idaho.

Jim

Page 1 of 1 Total Pages
C:\jim 2003\2003 COMPLETED PROJECTS\03 0082
Lynn Dixon Swan Valley\Fax 11 10 03 about SRBA
for Lynn Dixon.wpd

from James Rush
Rocky Mountain Environmental SM
482 Constitution, Idaho Falls, ID 83402
[208] 524-2353 [208] 524-1795 Fax
jrush@rockymountainenvironmental.com

SPENCER WARNER
483-2250 Home
313-7028 Cell

EXHIBIT

13

tabbles

IDWR Water Right and Adjudication Search

Note: This search tool identifies active water rights and active transfers. If you want to search both active and inactive water rights, please check the box below.

☐ Search for both active and inactive water right records.

Search Results

Type of Query

USAGE INSTRUCTION

☒ All SRBA & Water Rights

SRBA

☐ Claims

☐ Recommendations

☐ Both

Water Rights

☐ Applications

☐ Permits

☐ Decrees, Licenses and Statutory Claims

☐ Transfers

☐ All of the above

Basin

Who

What

When

Where

Clear

Search

Help

Query parameters:

basinFrom = 23

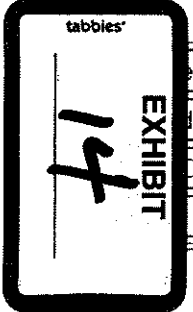
PriorityDateFrom = 08/15/1893

PriorityDateTo = 08/15/1893

Source = Palisades Creek

Search for: active Records

Information for type: Claim

	Record	Basin	Sequence	Suffix	Version	Basis	Status	Priority Date	Diversion Rate	Source List	Water Uses	Owner List
	1	23	11235			Decreed	Active	1893-08-15	28.3	PALISADES CREEK	IRRIGATION	THE PALISADE IRRIGATION CO INC (Current)

Information for type: Statutory Claim, Decree and License

	Record	Basin	Sequence	Suffix	Version	Basis	Status	Priority Date	Diversion Rate	Source List	Water Uses	Owner List
Details Related Documents General Provision	2	23	11	A		Decreed	Active	1893-08-15	1.8	PALISADES CREEK	IRRIGATION	BALL, ROGER H (Current)
Details Related Documents General Provision	3	23	10169			Decreed	Active	1893-08-15	2.6	PALISADES CREEK	IRRIGATION	BALL, ROGER H (Current)
Details Related Documents General Provision	4	23	11222			Decreed	Active	1893-08-15	0.11	PALISADES CREEK	IRRIGATION	WILKINS, CRISTIN (Current)
Details Related Documents General Provision	5	23	11234			Decreed	Active	1893-08-15	2.43	PALISADES CREEK	IRRIGATION	CHIODO, TONY (Current)
Details Related Documents General Provision	6	23	11265			Decreed	Active	1893-08-15	2.66	PALISADES CREEK	IRRIGATION	WEEKS, RUTH (Current); WEEKS, SPENCER (Current); WEEKS, STEVE (Current)
Details Related Documents General Provision	7	23	11305			Decreed	Active	1893-08-15	0.44	PALISADES CREEK	IRRIGATION	WEEKS, CLYDE (Current)
Details Related Documents	8	23	11306			Decreed	Active	1893-08-15	1.2	PALISADES CREEK	IRRIGATION	THOMPSON, KRISTIN L (Current); THOMPSON,

General Provision													TOMMY N (Current)
Details	9	23	11314			Decreed	Active	1893-08-15	0.96	PALISADES CREEK	IRRIGATION	CLAYTON, RICHARD I (Current)	
Related Documents													
General Provision													
Details	10	23	11315			Decreed	Active	1893-08-15	0.46	PALISADES CREEK	IRRIGATION	SWEET, ROBERT (Current)	
Related Documents													
General Provision													

Number of records = 10

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 23-11314
Date Received: 4/12/2004
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

RICHARD I CLAYTON Phone: (208)525-9153
PO BOX 1887
IDAHO FALLS ID USA 83403

2. Date of Priority: 08/15/1893

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

4. Point of Diversion:

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

5. Description of diverting works:

POD AND DELIVERY SAME AS PALISADES IRRIG CANAL

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/15	10/31	0.96	

7. Total Quantity Appropriated is:
0.96 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
----------	-------	---------	----------------	-----	-------



01N	44E	9	NW	SE	IRRIGATION	21.5
			SW	SE	IRRIGATION	5.8
			SE	SE	IRRIGATION	12.8
			NE	SE	IRRIGATION	1.2
					Section Acres	41.3
					Total Acres	41.3

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:

THIS CLAIM IS A PORTION OF THE BAKER DIXON DICTH RIGHT 23-00011.

15. Basis of Claim: Decreed

FEE \$ 142.00

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 23-11314
Date Received: 4/12/2004
Receipt No: E029864
Received By: JC

TEMPORARY

TEMPORARY

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

MAY 18 2004

Department of Water Resources
Eastern Region

1. Name of Claimant(s)

RICHARD I CLAYTON Phone: (208)525-9153
PO BOX 1887
IDAHO FALLS ID USA 83403

2. Date of Priority: 08/15/1893

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

4. Point of Diversion:
Township Range Section 1/4 of 1/4 of 1/4 Lot County Type
01N 44E 26 SW SW SE BONNEVILLE

5. Description of diverting works:
POD AND DELIVERY SAME AS PALISADES IRRIG CANAL

6. Water is used for the following purposes:
Purpose From To C.F.S. (or) A.F.A.
IRRIGATION 04/15 10/31 0.96

7. Total Quantity Appropriated is:
0.96 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
01N 44E 9 NW SE IRRIGATION 21.5
SW SE IRRIGATION 5.8
SE SE IRRIGATION 12.8
NE SE IRRIGATION 1.2
Section Acres 41.3
Total Acres 41.3

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:
THIS CLAIM IS A PORTION OF THE BAKER DIXON DICTH RIGHT 23-00011.

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:

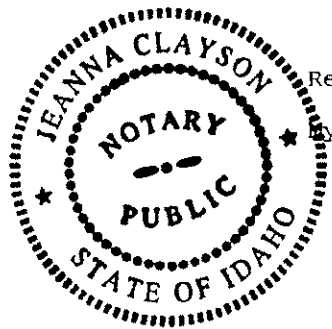
I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): BANK OF COMMERCE, TRUSTEE Date: MAY 14 2004

Sharon Gallman Date:

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 14th
of May 2004 *Jeanna Clayson*



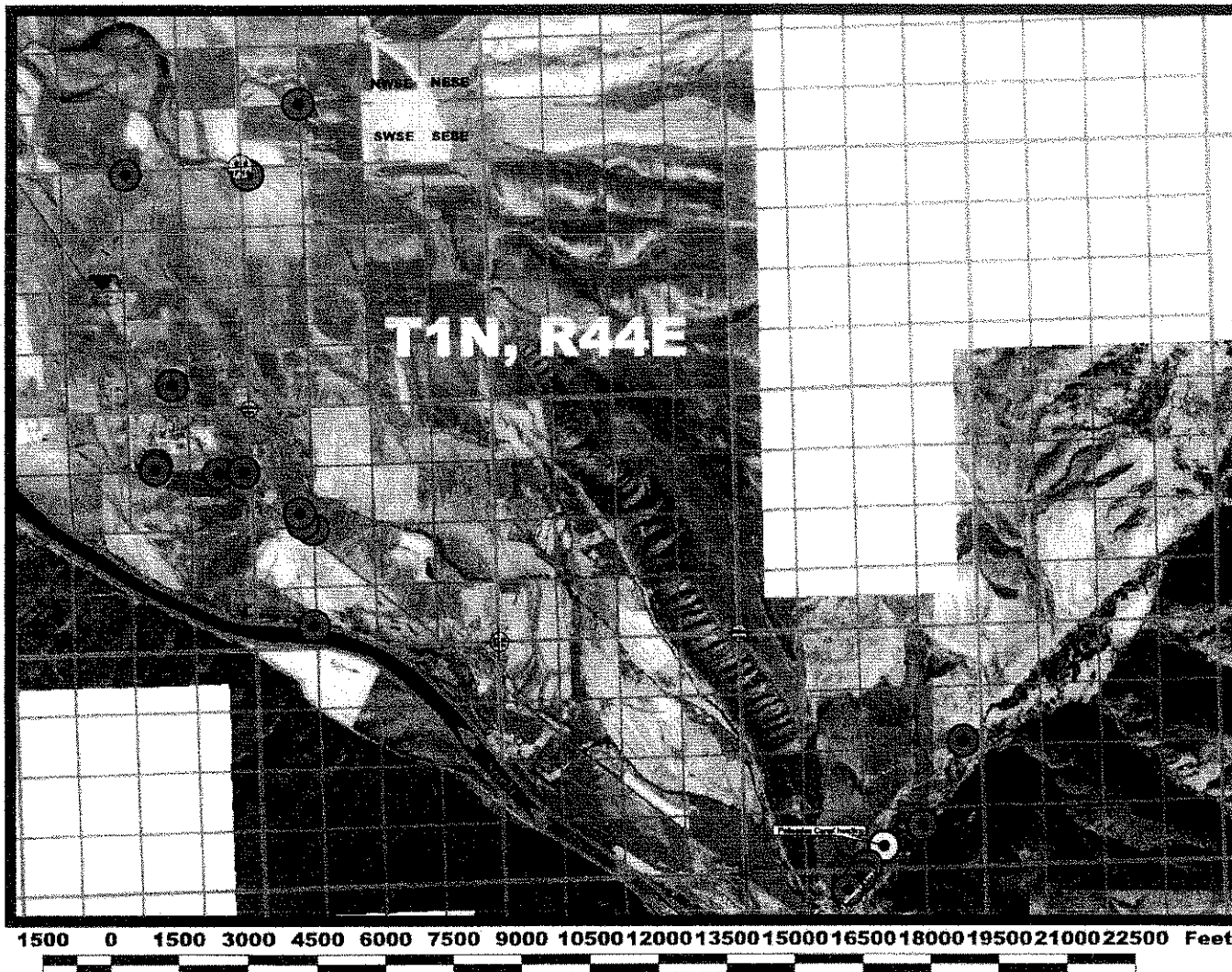
Notary Public
Residing at Idaho Falls, ID
My commission Expires 05-08-09



State of Idaho

Department of Water Resources

Eastern Region



Water Right(s):
23-11314

Place of Use: (parts of)
T1N, R44E
Sec. 9 SE

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

**NOTE: Delivery through Palisades
Irrigation canal system.**

LEGEND



Point of Diversion

SESE

Place of Use

Section

Section

Quarter-Quarter

Quarter-Quarter



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

Water Right Split History Analysis

(C. Fleming) % to 10/3/03

R. Ball Annuity Trust #1

23-00011A claim

1.80 cfs 8/15/1893

CLAIMED

POU: E¹NW, SWNE, E¹SW, SWSW, NWSE ≈ 239° AC

* DELIVERY THROUGH PALISADES RAIL CANAL

ENLARGED CLAIM 23-11271 : 80 AC

ALL DELIVERED THROUGH
PALISADES RAIL CANALBaker Dixon Ditch Co.
23-0001123.0 cfs 8/15/1893
PALISADES CK

POD: NOT SPECIFIED

TRAIL NAME	TRAIL NAME	TRAIL NAME	TRAIL NAME	TRAIL NAME	TRAIL NAME
TRAIL NAME 001	TRAIL NAME 002	TRAIL NAME 003	TRAIL NAME 004	TRAIL NAME 005	TRAIL NAME 006
TRAIL NAME 007	TRAIL NAME 008	TRAIL NAME 009	TRAIL NAME 010	TRAIL NAME 011	TRAIL NAME 012
TRAIL NAME 013	TRAIL NAME 014	TRAIL NAME 015	TRAIL NAME 016	TRAIL NAME 017	TRAIL NAME 018
TRAIL NAME 019	TRAIL NAME 020	TRAIL NAME 021	TRAIL NAME 022	TRAIL NAME 023	TRAIL NAME 024
TRAIL NAME 025	TRAIL NAME 026	TRAIL NAME 027	TRAIL NAME 028	TRAIL NAME 029	TRAIL NAME 030
TRAIL NAME 031	TRAIL NAME 032	TRAIL NAME 033	TRAIL NAME 034	TRAIL NAME 035	TRAIL NAME 036
TRAIL NAME 037	TRAIL NAME 038	TRAIL NAME 039	TRAIL NAME 040	TRAIL NAME 041	TRAIL NAME 042
TRAIL NAME 043	TRAIL NAME 044	TRAIL NAME 045	TRAIL NAME 046	TRAIL NAME 047	TRAIL NAME 048
TRAIL NAME 049	TRAIL NAME 050	TRAIL NAME 051	TRAIL NAME 052	TRAIL NAME 053	TRAIL NAME 054
TRAIL NAME 055	TRAIL NAME 056	TRAIL NAME 057	TRAIL NAME 058	TRAIL NAME 059	TRAIL NAME 060

25000

DELIVERY THROUGH THE
PALISADES RAIL CANAL

23-11265 Jo Ann Weeks

2.66 cfs 8/15/1893

SEC. 9 TIN RIVER

POU: S¹NW, NW1/4, NW1/4, NW1/4 ≈ 115° AC

* DELIVERY THROUGH PALISADES RAIL CANAL

23-00011B JESS WEEKS SONS

NO SRBA CLAIM

SPLIT OFF BY TR #2559

2.45 cfs ON 105 AC = 0.0233 cfs/AC
Δ'S POD AND SOURCE TO SNAKE RIVERUNCLAIMED ? 15²⁵ cfs ⇒ *SHAW & ROSS % to R. Ball Annuity Trust #1
23-10169* 2.6 cfs 6/01/1898 AMENDED TO 8/15/1893
POU: PART OF TIN RIVER SECS. 15, 16, 21, & 222.6 cfs ÷ 0.0233 = 111¹³ AC POU w/ 23-00074

ENLARGED CLAIM 23-11272 : AC.

* COMBINED USE LIMITS APPLY
23-74, 23-00011ATHOMAS WEEKS
23-11266

0.46 cfs SNAKE RIVER

8/15/1893

POU: TIN RIVER

SEC. 21

SESW (L2) 16°

SWSE (L1) 43°

203°

POD: SNAKE RIVER

SEC. 21

SESW (L3)

WADE FLEMING
23-112840.21 cfs SNAKE RIVER
8/15/1893

POU: SEC. 21 (PT) SWSE (L1)

TIN RIVER

POD: SEC. 21 SESWSW (L3)

SEC. 28 CLAIMED IN ERROR

UNCLAIMED 1.76 cfs

23-11305 CLYDE WEEKS

0.44 cfs ON 19° AC

POU: TIN RIVER

SEC. 22 NESW, NWSE

POD: PALISADES RAIL CANAL HANDING
DELIVERY THROUGH CANAL SYSTEM

23-11306 TOM THOMPSON

1.20 cfs ON 51¹³ AC

POU: TIN RIVER SEC. 22

NWSE, SWNW, NESW

POD: DELIVERY THROUGH PALISADES RAIL CANAL

23-11314 D. CLAYTON

0.96 cfs ON 41¹³ AC

POU: (PART OF) SEC. 9 TIN RIVER

POD: DELIVERY THROUGH PALISADES CANAL

23-11315 R. SWART

0.46 cfs ON 19.6 AC

POU: SWSW SEC. 9 TIN RIVER

POD: DELIVERY THROUGH PALISADES CANAL

12¹⁹ cfs UNCLAIMED

Reviewed:

* 25000' x 40m/100 = 1000 AC

23.0 cfs = 0.0233 cfs/AC
1000 AC

Water Right Number 23-11314

Recommended as Claimed

☐ Claimed as Beneficial Use, ☐ Claimed as Licensed, ☒ Claimed as Decreed
AS SPLIT

NOTES:

- ① A SPLIT OF 23-00011, BAKER DIXON DITCH.
- ② POOL & DELIVERY THRU PALISADES CANAL
- ③ USE OF PALISADES CANAL SHARES

Recommended as Claimed

05/25/2004

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

RIGHT NUMBER: 23-11314
NAME AND ADDRESS: RICHARD I CLAYTON
PO BOX 1887
IDAHO FALLS ID 83403
SOURCE: PALISADES CREEK TRIBUTARY: SOUTH FORK SNAKE RIVER
QUANTITY: 0.960 CFS
PRIORITY DATE: 08/15/1893
POINT OF DIVERSION:
T01N R44E S26 SWSWSE 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	0.960 CFS

PLACE OF USE: IRRIGATION Within BONNEVILLE County

T01N R44E S09	NESE	1.2	T01N R44E S09	NWSE	21.5
T01N R44E S09	SWSE	5.8	T01N R44E S09	SESE	12.8

41.3 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

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

WATER IS DELIVERED THROUGH PALISADES IRRIGATION CANAL SYSTEM.

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 23-00011.

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 23-11265

Date Received: 2/2/2004

Receipt No:

Received By:

ED29505

2/2/04 ABR

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

JO ANN WEEKS Phone: (970) 357-4399
45785 COUNTRY RD #16
COPE ID USA 80812

2. Date of Priority: 08/15/1893

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

4. Point of Diversion:

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

5. Description of diverting works:

DIVERSION OFF PALISADES CREEK. SAME POD AS THE PALISADES IRRIGATION CO. CANAL
SYSTEM. PRIVATE RIGHT CARRIED BY THE CANAL.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/15	10/31	4.63	

7. Total Quantity Appropriated is:

4.63 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
01N	44E	9	NW SW	IRRIGATION	39.3
			SW NW	IRRIGATION	39.3
			SE NW	IRRIGATION	26.8
			NW NW	IRRIGATION	10.4
				Section Acres	115.8
				Total Acres	115.8

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:

THIS CLAIM IS A SPLIT PORTION OF THE BAKER & DIXON DITCH CO. RIGHT 23-00011.

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): Steve Weeks P.O.A. Date: 2-2-04

Date: _____

State of Idaho)
County of BONNOVILLE) SS.

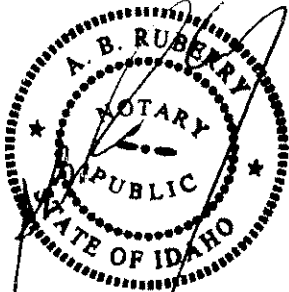
Subscribed and sworn (or affirmed) before me this 2nd
of February 2004

ALLAN B. RUBERRY

Notary Public

Residing at BOONE FOLS RD

My commission Expires 9/23/09



**LOTS LOCATED WITHIN 56 ACRES OF PROPERTY
FORMERLY OWNED BY JESS WEEKS AND DAVID H. BURTON**

Owner	Bonneville County Tax ID Number	Detailed Description	Acres	Comments
Lynn Dixon	RPD3280002001O	Lot 1, Block 2, River Dory Estates	1.57	
Lynn Dixon	RPD3280002002O	Lot 2, Block 2, River Dory Estates	2.1	
Lynn Dixon	RPD3280002003O	Lot 3, Block 2, River Dory Estates	2.14	
Lynn Dixon	RPD3280002004O	Lot 4, Block 2, River Dory Estates	1.57	
Lynn Dixon	RPD3280002005O	Lot 5, Block 2, River Dory Estates	1.6	
Lynn Dixon	RPD3280002006O	Lot 6, Block 2, River Dory Estates	2.42	
		TOTAL	11.4	
Owner	Bonneville County Tax ID Number	Detailed Description	Acres	
Snake River Estates, LLC	RPD000216006		16.109	
Snake River Estates, LLC	RPD32800001002O	Lot 2, Block 1, River Dory Estates	2.76	
Snake River Estates, LLC	RPD32800001003O	Lot 3, Block 1, River Dory Estates	2.99	
Snake River Estates, LLC	RPD32800001004O	Lot 4, Block 1, River Dory Estates	1.66	
Snake River Estates, LLC	RPD3280001001B		0.46	19,824 sq. ft. parcel.
Snake River Estates, LLC	RPD3280002007O	Lot 7, Block 2, River Dory Estates	2.52	
Snake River Estates, LLC	RPD3280002008O	Lot 8, Block 2, River Dory Estates	1.83	
Snake River Estates, LLC	RPD3280002009O	Lot 9, Block 2, River Dory Estates	1.84	
Snake River Estates, LLC	RPD3280002010O	Lot 10, Block 2, River Dory Estates	5.38	
Snake River Estates, LLC	RPD3280002011O	Lot 11, Block 2, River Dory Estates	2.24	
		TOTAL	37.78	
Owner	Bonneville County Tax ID Number	Detailed Description River Dory Estates	Acres	
Diamond K, Inc.	PRD00000216171		1	
		TOTAL	1	

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18

EXHIBIT

[illegible]

ALLOCATION OF DAVID BURTON PORTION OF WATER RIGHT NO. 23-11				
Diversion Amount (cfs)	Total Place of Use Acres owned by Dave Burton	cfs per acre		
7.2	295.18	0.024		The acreage for the total place of use for the Burton portion of 23-11 was calculated from Exhibit 3 (200+24+31.2+39.98 = 295.18).
SRBA Claim Amount				
Claimant	Acres Owned by Claimant	cfs per acre	Total cfs claimed	
Lynn Dixon	18.22	0.024	0.444	
Snake River Estates, LLC	37.78	0.024	0.922	
Diamond K, Inc.	1	0.024	0.024	

Lathen Jacobsen Parcel				
Total Acres	Portion of W.R. 23-11 appurtenant to L. Jacobsen Parcel	cfs per acre	Acres of former L. Jacobsen Parcel owned by Lynn Dixon	Total cfs claimed
167.6	3.46	0.021	127.667	2.64

COMMENTS:

The total acres were calculated according to the map at Exhibits 3 and 4. The total place of use originally decreed to James Daniels is 167.6 acres (39.90 (Lot 3) + 47.70 (Lot 4) + 80 (S1/2 NE1/2 of Sec. 20) = 167.6). Based on the 3.46 cfs decreed for 167.6 acres, this amounts to .021 cfs per acre. This amount is consistent with the .024 cfs per acre for the Burton property. Thus, in looking at Exhibit 4, it appears that Lathen Jacobsen owned the property listed in his name and owned the property due west of his property, which is labeled as being held in the name of Forest Bradford.

The acre amount owned by Lynn Dixon was obtained from Bonneville County. He owns Parcel No. RP01N44E201201.

SUMMARY

Claimant	Amount of 23-11 claimed from Burton Property (cfs)	Amount of 23-11 claimed from Jacobsen Property (cfs)	TOTAL (cfs)
Lynn Dixon	0.44	2.64	3.08
Snake River Estates, LLC	0.92	0	0.92
Diamond K, Inc.	0.02	0	0.02

SWAN LANE

5
1.68 AC
LYNN DIXON

4
1.57 AC

3
2.14 AC
LYNN DIXON

2
2.10 AC

1
1.57 AC
LYNN DIXON

6
2.42 AC
LYNN DIXON

7
2.32 AC

8
1.83 AC
LYNN DIXON

9
1.84 AC
LYNN DIXON

10
5.38 AC
LYNN DIXON

11
2.24 AC
LYNN DIXON

12
2.94 AC

4
1.66 AC
SNAKE RIVER
ESTATES, LLC

3
2.99 AC

2
2.76 AC
SNAKE RIVER
ESTATES, LLC

SNAKE RIVER
ESTATES, LLC

SNAKE RIVER
ESTATES, LLC

SNAKE RIVER
ESTATES, LLC

11
2.24 AC
LYNN DIXON

12
2.94 AC

LOT 3
24.00

SNAKE RIVER
ESTATES, LLC

LOT 3
24.00

RECORD OF SURVEY BY
JANUARY 1978
1811.183

RECORD OF SURVEY BY
JANUARY 1978
1811.183

GRASSY BANK ROAD

1
2.94 AC

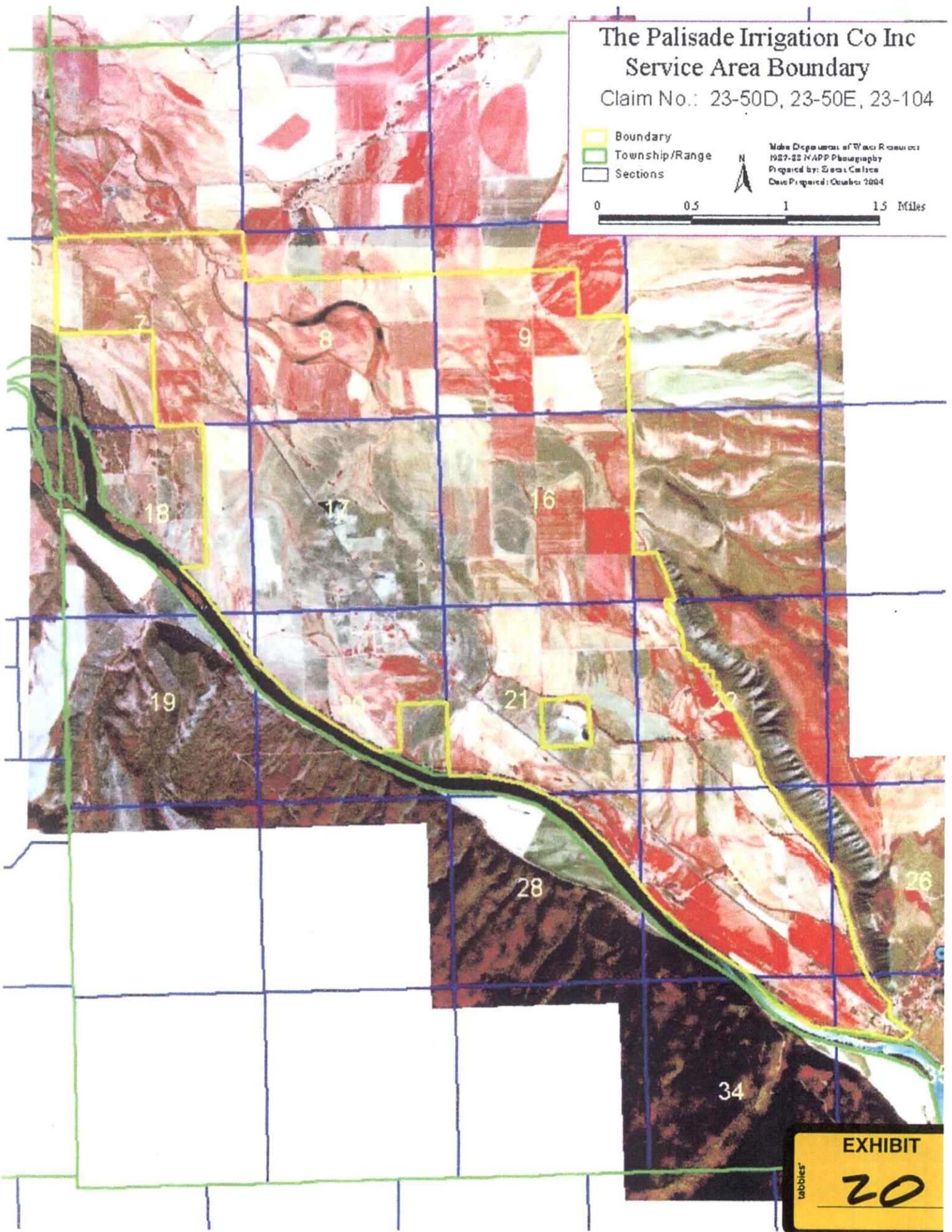
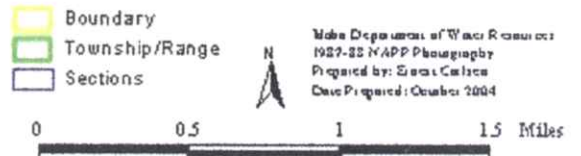
2
2.58 AC

RECORD OF SURVEY BY
JANUARY 1978
1811.183

RECORD OF SURVEY BY
JANUARY 1978
1811.183

RECORD OF SURVEY BY
JANUARY 1978
1811.183

The Palisade Irrigation Co Inc Service Area Boundary Claim No.: 23-50D, 23-50E, 23-104



EXHIBIT

20

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