

02/02/2006

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

RIGHT NUMBER: 22-10395
NAME AND ADDRESS: KENDALL E DAVENPORT
1174 N YELLOWSTONE HWY
REXBURG ID 83440

YOLANDA L DAVENPORT
1174 N YELLOWSTONE HWY
REXBURG ID 83440

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.060 CFS
3.50 AFY

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

PRIORITY DATE: 04/01/1947

POINT OF DIVERSION: T06N R40E S17 SENW Within MADISON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	01/01 12/31	0.040 CFS
IRRIGATION	04/01 10/31	0.020 CFS 3.50 AFY

PLACE OF USE: IRRIGATION Within MADISON County

T06N R40E S17 SENW 1.10

DOMESTIC same as IRRIGATION

1.1 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.

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



Department of Water Resources

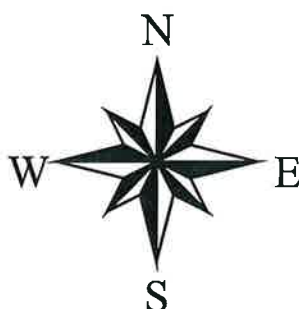
Eastern Region



Claim No.: 22-10395



- Point of Diversion
- 22-10395
- Township/Range
- Sections
- QQ



GIS Place of Use Illustration
1987/88 NAPP Photography
Prepared by: Kristin Moore
Date Prepared: October 2005

09/15/2005

**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: 22-10395

KENDALL E DAVENPORT
1174 N YELLOWSTONE HWY
REXBURG ID 83440
Telephone Number: (208)356-5036

YOLANDA L DAVENPORT
1174 N YELLOWSTONE HWY
REXBURG ID 83440
Telephone Number: (208)356-5036

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: Jan 10, 2006

SIGNATURE:

Kendall E. Davenport Yolanda L Davenport

Please print your name:

Kendall E. Davenport Yolanda L Davenport

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

RECEIVED
FEB 13 2006
Department of Water Resources
Eastern Region

Claim no. 22-10395

NOTES
Claimant Contact Log

Date

Remarks

Agent initials

10-18-05

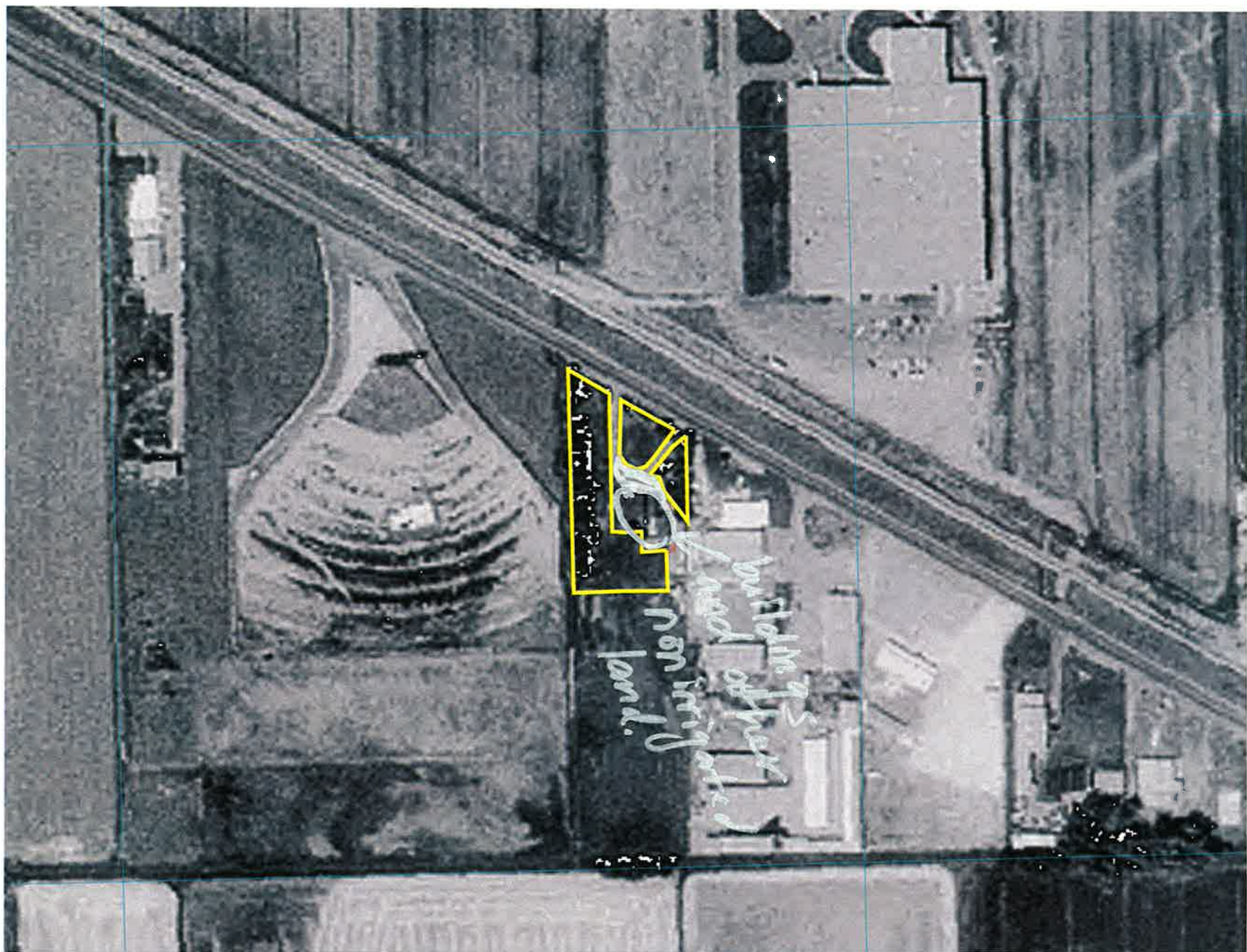
Recently received amended claim from claimant based on information they received from field examiner. Because the recommendation must be based on 1987 conditions, the place of use outlined in field exam cannot be used; it includes an area that was (and partly is still) covered by buildings and driveway. The 1992 Orthophoto also includes these buildings as being present. See underlying photo. Based on the 1987 NAPP Photograph, the total irrigated land include a sum of 1.1 acres, which reflects the original claim made in 1988.

Therefore, recommending 1.1 acres w/ .02 cfs/3.5 AFA for irrigation and .004 cfs/1.2 AFA for domestic, the 1987 conditions.

Field examiner mentions canal water being used in addition to groundwater, but no canal company was mentioned.

If additional property is irrigated since the claim in 1988, it does not count.

KM



22-10395

6N40E

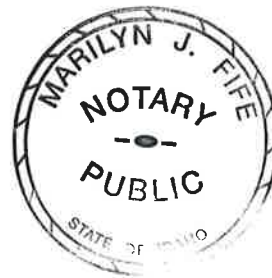
^{R.W.W.}
In 1948 I, Ray Walker, son of Willis Walker, lived about 1 mile south of where Kendall & Yolanda Davenport now live. (1174 N Yellowstone Hwy, Rexburg, ID) I remember Gerry Garvin living on the property. I remember that he had a house, a barn with a corral and some cattle. I remember as a boy seeing the place as I came up to put boards in the ditch for irrigating his dad's farm. I was about 15 years old in 1948 when Gerry had built a house there. The houses built then had their own wells. People back then used water from their wells to water lawns and trees near their houses and to water their animals.

To the best of my knowledge the above information is correct.

Signed Ray W. Walker

Date 7-13-04

Notary Marilyn J. Fife



In 1957 I, Kendall Davenport, moved with my family to what is now 1174 N Yellowstone Hwy. My parents Elmo and May Davenport bought the home and several acres of land from Gerry Garvin.

Inside the house was a well which was put in when the house was built, around 1948. There was an outdoor faucet, located at the front of the house. There was also a faucet just inside the barn and an automatic water trough in the coral which ran off the well too. These were put in when Gerry Garvin built the house barn and coral.

When we moved there, there were two large lawns, and many trees and bushes all around the yard, that Gerry Garvin had planted and was keeping watered. We continued to water these from the well. My family owned the home until they sold it to me and my wife, Yolanda Davenport, in 1965. We also used well water to water the yard and garden with, which was around one to one and one half acres.

To the best of my knowledge the above information is correct.

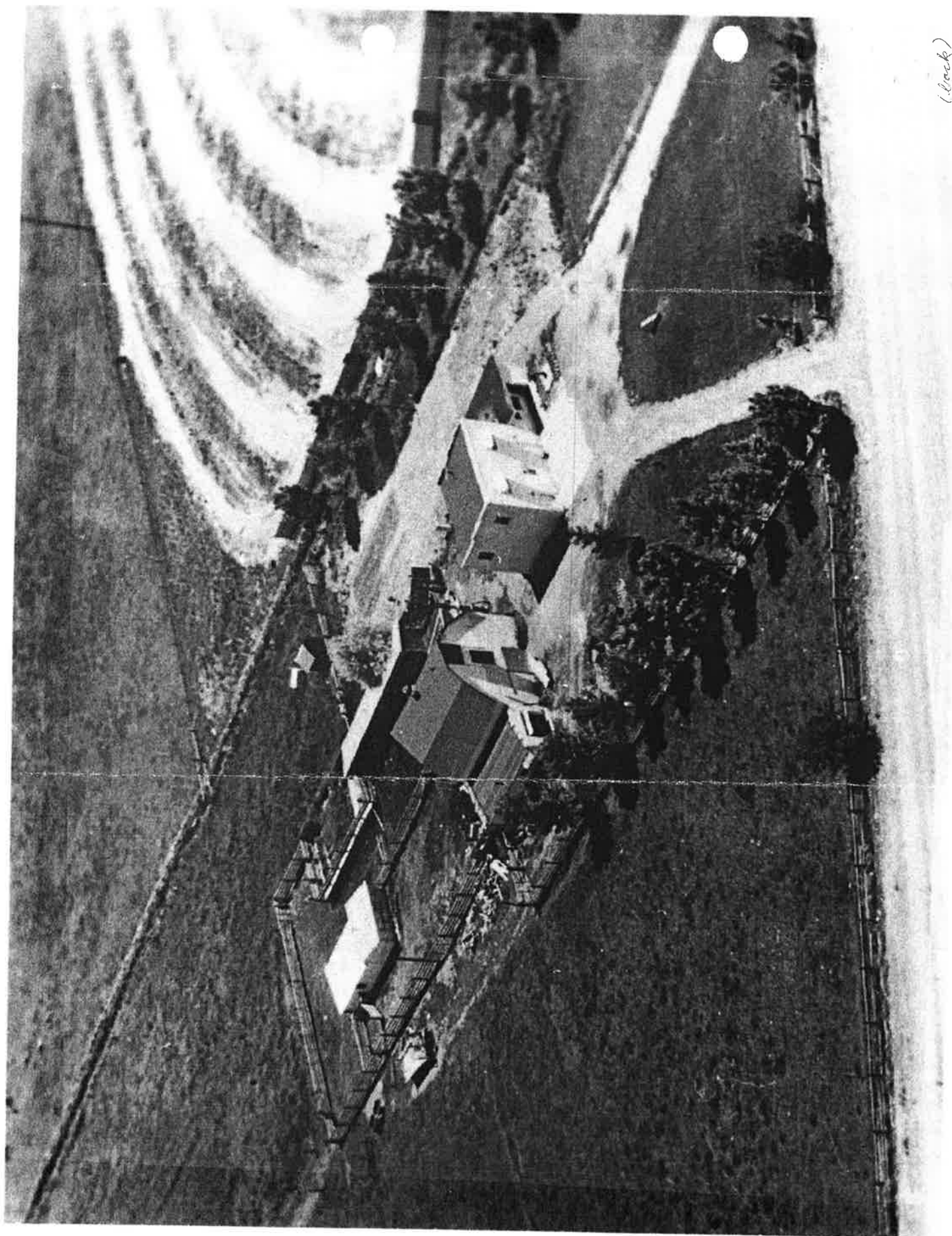
Signed Kendall Davenport

Date July 13, 2004

Notary [Signature] 7-13-04

Notary public for the State of Idaho
Residing in: Rigby, Idaho
my Commission expires: 4-5-07





(Black)

Claim no. A22-10395

Claimant Contact Log

Date Remarks Agent initials

31 May 05 356-5036 8:45 PM msg on machine

1 Jun 05 356-5036 11:45 AM msg, fr. Ms. Davenport - please call
left msg suggesting various times

Please change my mailing address to:
1174 N Yellowstone Hwy
Rexburg, ID 83440

Holanda Davenport
Hendall Davenport

DDP

Contacts Data Entry Form

Claim Number: A22-10395

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

Current Owner: _____ Phone No.: _____

Current Owner: _____ Phone No.: _____

Current Owner: _____ Phone No.: _____

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

Representing Attorney: _____ Phone No.: _____

Accompanied By: _____ Phone No.: _____

Relationship to Claimant: _____ Date of Field Exam: _____

Discussion of right origin and split history. Questions and problems.Note Request for address on contact log

Reviewer: _____ Date: _____

Priority Date Data Entry Form

Claim Number: A22-10395

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: _____ Claimed Basis: _____

Recommended Priority Date: _____ Recommended Basis: _____

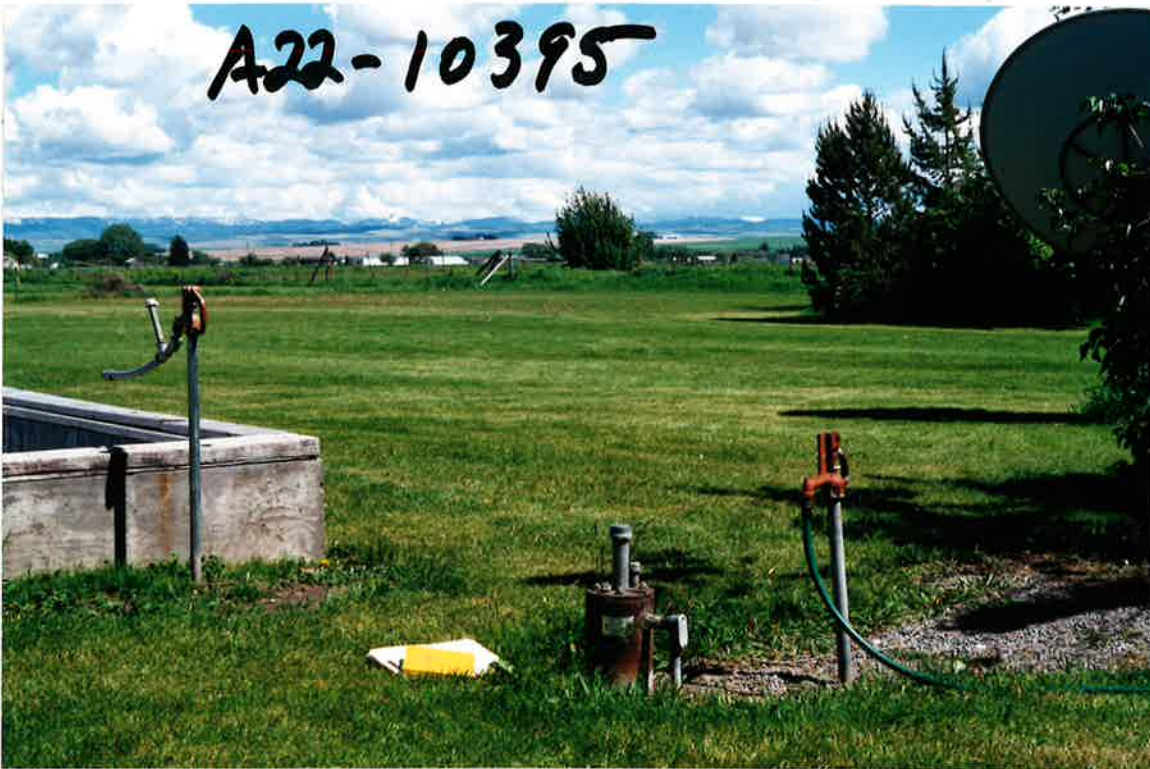
Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

Ray Walker affidavit supports 1947 BAC 3 Jun 05

Reviewer: _____

Date: _____

Water Right No(s). A22-10395



GPS DATA:

Tag # A0013637 Location: Well Casing

Diversion Data:

Source: GW Trib to: _____

MOTOR

Make: Franklin Model: 2801084915 Hp: 1
SN: _____

PUMP

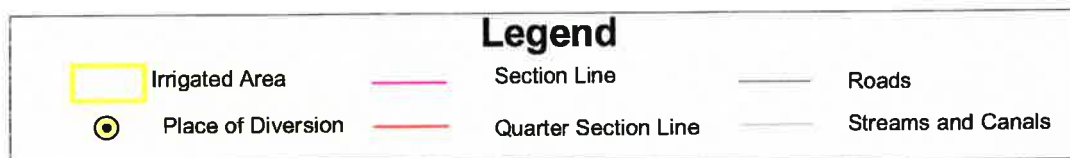
Make: submersible Model: _____ Disch: _____
SN: _____

NOTES:

Field Exam Date: 2 Jun 05 Agent: Bac

Water Right Claim Number 22-10395
Township , 6N40E

07/12/2001



Point of Diversion and Source Data Entry Form

Claim Number: A22-10395Water Right Point(s) of diversion and Source.

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

Source: _____ Tributary to: _____

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

Source: _____ Tributary to: _____

Claimed Point(s) of Diversion and Source.

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

Recommended Point(s) of Diversion and Source.

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

Other rights from this POD? _____

Transfers Pending or approved: _____

Document how the POD and Source were verified:GN 40E 17 NESE NWGPS waypoint 16, 2679213E 140758N ID#83Bac 3 Jan 05

Reviewer: _____ Date: _____

Place Of Use Data Entry Form

Claim Number: A22-10395

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

Total acres _____

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

Total acres _____

Pending or approved Transfers: _____

Overlapping rights: Canal shares overlap part of irrigation.

Document how the POU was verified:

I found 1.1 acres of irrigation only from the well, plus 1.0 acres irrigated both with well water and canal water. I mailed an amended claim to claimants.

Waypoint 17, 2679279E 1407839N is the SE corner of the lands that receive well water. This does not plot properly in GIS it should be even with the back fence of the drive-in theater. Waypoint 19, 2679250E 1407800N is the approximate SE corner of lands irr. only from well. Claimants have torn down the barn and enlarged the house. Mr. Davenport states this resulted

Reviewer: _____ Date: _____

in no net gain in irr. area. Mrs. Davenport asserts that parts of the bare area south of the barn in the 1950s/1960s photo are the garden, but that the photo was taken too early in the spring to show plants. BAC 3 June 05

Season of Use and Quantity Data Entry Form

Claim Number: A22-10395Water 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

Overall Diversion Rate _____

Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____

Overall Diversion Volume _____

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

No record of original pump size. Claim < 0.20 gpm. Bac

Reviewer: _____

Date: _____

June 4, 2004

**KENDALL OR YOLANDA DAVENPORT
1174 YELLOWSTONE HWY
REXBURG ID 83440**

RE: EVIDENCE OF PRIORITY FOR SRBA WATER RIGHT CLAIM 22-10395

Dear Claimant (s):

The Idaho Department of Water Resources is nearing the end of water rights review in Basin 22, the Teton River drainage. The Notice(s) of Claim identified with the number shown above has been filed in the Snake River Basin Adjudication (SRBA). The Notice of Claim indicates water usage is based on "Beneficial Use". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed, at or on the place of use identified on the Claim. The date the water was first put to beneficial use, known as the priority date, has not been confirmed by License, Decree, or Permit. For this reason, proof must be provided supporting the priority date. **As the claimant, you are responsible for submitting the necessary proof to support the priority date.**

Your claim, as referenced above, claims a Priority Date of APR 1 1945, from GROUNDWATER.

It is important that each element of the Notice of Claim be verified. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

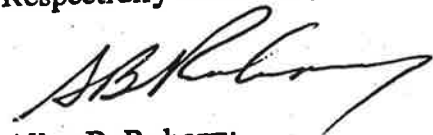
For your reference, I have provided a printout of your Notice of Claim and the pamphlet entitled "**Evidence of Priority**". The pamphlet describes the types of evidence which are acceptable and suggests which documents will fulfill this requirement. While I encourage you to read the entire pamphlet, I direct your attention to the two sections entitled "**What Kind of Evidence is Required**" and "**Some Examples of Documents Which May Be Evidence of the Priority Date**". **PLEASE READ THE ENCLOSED PAMPHLET.**

It is our goal to recommend historical water rights within the Snake River Basin as accurately as possible. Field exams to verify other elements of the Notice of Claim have been or soon will be conducted by Department personnel.

.....
**The Department will not recommend the Notice of Claim be decreed by the court if
evidence of a priority date is not submitted. The Notice of Claim will be disallowed.**
.....

Please submit documentation supporting the priority date within 30 days of the date of —
this letter, referencing all documents with the corresponding claim number. If you
have any questions not covered by this letter or the enclosed pamphlet, please feel free to
contact this office.

Respectfully submitted,



Allen B. Ruberry
Sr. Water Resource Agent
Adjudication Bureau

cc: File

Enclosure: Brochure on "Evidence of Priority"

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 22-10395
Date Received: 8/1/1988
Receipt No: M000637
Received By:

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name of Claimant(s)

KENDALL E DAVENPORT Phone: (208)356-5036
1174 N YELLOWSTONE HWY
REXBURG ID USA 83440

YOLANDA L DAVENPORT Phone: (208)356-5036
1174 N YELLOWSTONE HWY
REXBURG ID USA 83440

2. Date of Priority: 04/01/1945

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
06N	40E	17	NE SE NW	MADISON	

5. Description of diverting works:

WELL WITH SUBMERSIBLE PUMP TO PRESSURE TANK, HOME, AND SPRINKLER SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	0.06	
DOMESTIC	01/01	12/31	0.05	

7. Total Quantity Appropriated is:
0.06 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
06N	40E	17	SE	NE		DOMESTIC	
			SE	NE		IRRIGATION	2.1
						Section Acres	2.1
						Total Acres	2.1

11. Place of use in counties: MADISON

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

13. Other Water Rights Used:

14. Remarks:

PRIORITY DATE IS BEST ESTIMATE.

15. Basis of Claim: 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 A22-10395

Date Received 6/8/05

Receipt Number E030966

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

1. Claimant Kendall E. Davenport and/or
Yolanda L. Davenport
1174 N Yellowstone Highway
Rexburg ID 83440

2. Date of Priority April 1, 1945

3. Source of water (a) Ground water
which is tributary to (b)

4. a. Location of points of diversion:

Township	Range	Section	QQQ	Diversion Name
06N	40E	17	NESENW	

5. Description of existing diversion works: Well with submersible pump to pressure tank, home, and sprinkler system

RECEIVED
JUN 08 2005

Department of Water Resources
Eastern Region

6. Water is claimed for the following purposes:

Purpose	Start Date	End Date	cfs	acre feet/year
Domestic	1/1	12/31	0.05	
Irrigation	4/1	11/01	0.06	

7. Total quantity claimed (a) 0.06 (cfs) and/or (b) (acre feet per year)

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

9. Non-irrigation uses: Domestic use in one home and art studio.

10. Description of place of use

Township 6N Range 40E Section 17

NE				NW				SW				SE				
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Total
			D													
			2.1													2.1

Total number of acres irrigated: 2.1

11. Irrigated lands are located in county(s) of: Madison

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

13. Describe any other water rights used at the same place and for the same purposes as described above:

1.1 acres marked in green on attached map are irrigated only by the well. An additional 1.0 acre marked in yellow is irrigated with canal water when available and with well water between water turns, and early and late in the season.

14. Remarks. This claim is amended to include the acreage found during the Adjudication field exam. This is not a change from the water use originally claimed, but simply reflects better aerial photography now available. Diversion rate is adjusted to match acreage.

Map of project: Please see attached

15: Basis of Claim: Beneficial Use

IDWR water right number
 Court Case Number Decree Date
 Plaintiff vs Defendant

A22-10395 Amended Claim



USDA 2004 NAIP photography
(georeferenced by Water Resources Field Services)



● Point of Diversion

A22-10395_amended.shp

Partial GW Irrigation (1 acre)

Full GW Irrigation (1.1 acres)

Gcdb_qq.shp

Illustration prepared by
Water Resources Field Services
208 681 9100

16: Signatures

Number of attachments: one map

Signature of Claimant(s) Kendall Davenport Date June 6, 2005
Yolanda Davenport Date June 6, 2005

State of Idaho/or _____)
County of Madison) SS.

Subscribed and sworn (or affirmed) before me this 6th day of June 2005



Notary Public [Signature]
Residing at Rigby
My Commission Expires 4-5-07

Idaho Department of Water Resources Receipt

Receipt ID E030966

Payment Amount Date Received Region Status
Payment Type Check Number

Payer
Comment

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$1.10	ADJUDICATION FILING FEE	0337		43503	1155


Signature Line (Dept. Representative)



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: A22-10395
Date Received: 8/01/1988
Receipt No: M000637
Received By: ARM

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: KENDALL E. DAVENPORT
Address: ~~770 N. HIWAY 33~~ look for
REXBURG, ID envelope 83440 208-356-5036

A2210395



AND/OR
Name: YOLANDA L. DAVENPORT
Address: ~~770 N. HIWAY 33~~
REXBURG, ID 83440 208-356-5036

2. Date of Priority: APR 01, 1945

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
06N	40E	17		SE	NW		MADISON

5. Description of diverting works:
WELL AND PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.050		
IRRIGATION	04/01	11/01	0.020		

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

8. Total consumptive use is 2.5 Acre Feet Per Annum.

9. Non-irrigation uses:
D/ONE HOME WITH LARGE LAWN

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
06N	40E	17	SE SE	NW NW	IRR DOMEST	1.0
Section Acres						1.0
Total Acres						1.0

11. Place of use in counties: MADISON

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

13. Other Water Rights Used:
NONE

14. Remarks:
PRIORITY DATE IS BEST ESTIMATE.

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 ☒ 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): Holanda L. Davenport Date: Aug 1, 1988

Date: _____

State of Idaho)
County of Madison) SS.

Subscribed and sworn (or affirmed) before me this 1 day

of Aug. 19 88

Seal

John Dale Carlson
Notary Public

Residing at Bain Id

My Commission Expires 6/3/94

