

02/04/2004

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

RIGHT NUMBER: 23-10271
NAME AND ADDRESS: JOSIE BYRD
3854 SWAN VALLEY HWY
PALISADES ID 83428
SOURCE: PALISADES CREEK TRIBUTARY: SNAKE RIVER
QUANTITY: 0.470 CFS
PRIORITY DATE: 08/20/1890
POINT OF DIVERSION:
T01N R44E S26 NWSWSE Within BONNEVILLE County
PURPOSE AND PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	06/01 09/30	0.470 CFS

PLACE OF USE: IRRIGATION Within BONNEVILLE County
T01N R44E S35 Lot 4 SENE 23.0

23 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

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

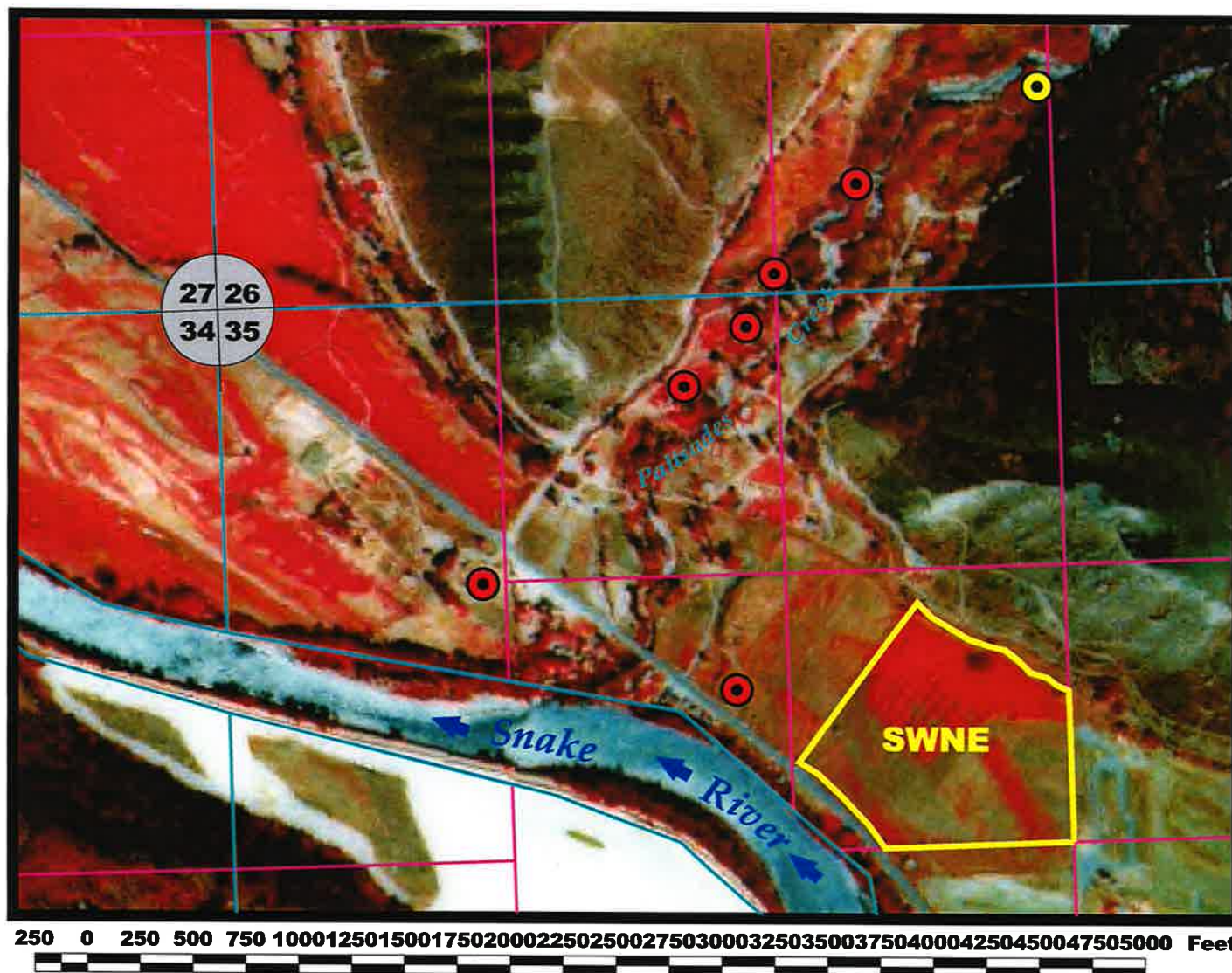
Amono



SCANNED

Department of Water Resources

Eastern Region



23-10271

T1N, R44E

Sec. 35 SWNE

T1N, R44E

Sec. 26 NESWSE

LEGEND



Point of Diversion



Place of Use



Section



Quarter-Quarter



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

Contacts Data Entry Form

Water Right No. 23-10271

Owner Type	Full Name	Address	City	State	Zip	Phone
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Current Owner JOSIE BYRD

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

Current Owner _____

Current Owner _____

Representing Attorney: _____ Phone Number: _____

Accompanied By: PHIL BRADFORD Phone Number: _____Relationship to Claimant: WINTER

Date of Field Exam: _____ Time: _____

Directions to Property (if different from above) and/or update owner information:

THIS IS A DECEAS CLAIM BASED UPON A PORTION OF 23-00055.
"CLAIM STATES A PORTION OF 55C. 23-00055C HAS
ALREADY BEEN CLAIMED." HOWEVER, THERE IS 1.92 CFS
OF 23-00055 THAT IS UNCLAIMED SO THE CLAIM
REMARK APPEARS UNFOUNDED. SEE SPLIT HISTORY ATTACHOO.

1/9/04 Sent Change of Address.FB: POD/POU, Overlap of Rts.

Reviewer: _____

Date: _____

SCANNED

JUL 21 2004

Priority Date Data Entry Form

Claim Number: _____

Water Right Priority Date: _____ Water Right Basis: _____

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

____ Use Claimed Priority Date and Basis as Recommended Priority Date and Basis

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

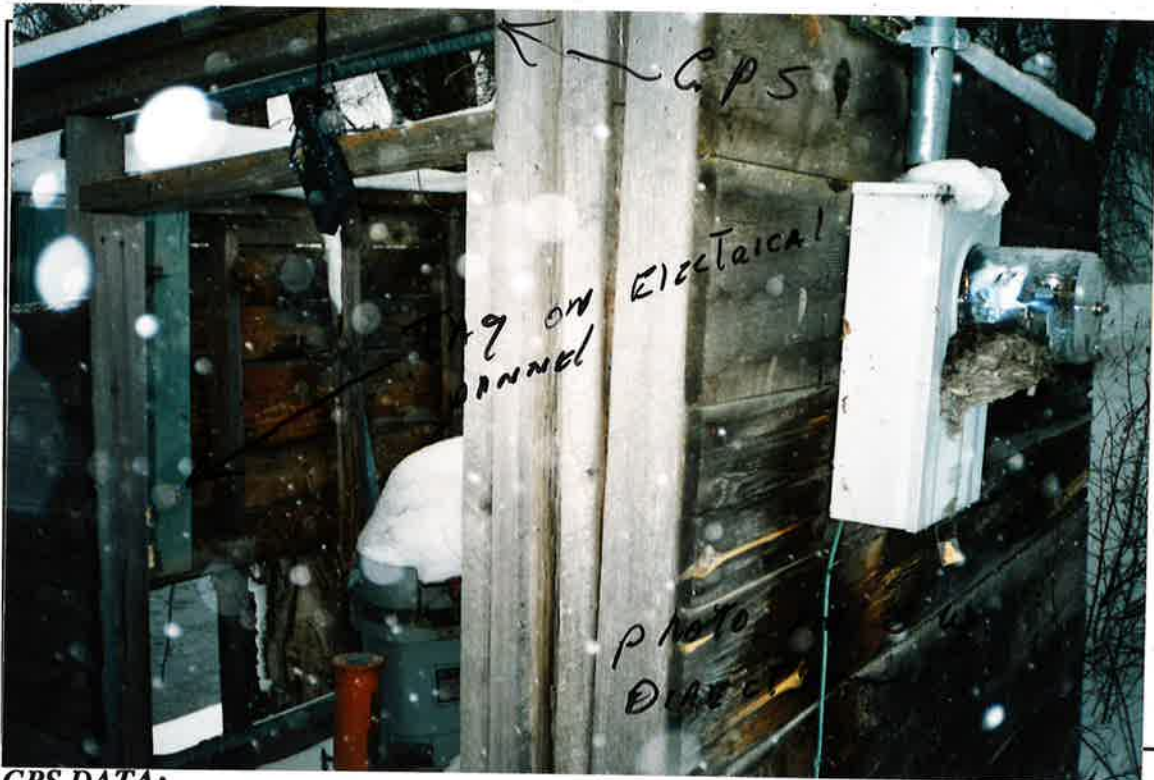
Matches DESCRIBED

Reviewer: _____

Date: _____

Water Right No(s).

01-2079 AND PALISADES STORAGE WATER



GPS DATA:

Tag # A012425 Location: ON ELECTRICAL PANEL

Well Data:

MOTOR

Make: U.S. MOTORS Model: R-3337-00-2720 Hp: 40
SN: _____

PUMP

Make: Berkley Model: _____ Disch: 5"
SN: 2220 464

NOTES:

THE RIGHT FOR THIS PUMP WAS TRANSFERRED FROM
SHEEP CREEK TRAIL (SNAKE RIVER) ALSO PUMPS SOME
PALISADE STORAGE WATER

TX # 235 (9/18/1961)

Field Exam Date: 19 Aug 03 Agent: Nick Olson
28 JAN 04

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



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



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

Point of Diversion and Source Data Entry Form

Claim Number: _____

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

Source: _____ Tributary: _____

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

Source: _____ Tributary: _____

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

Source: _____ Tributary: _____

____ Use Claimed POD and Source as Recommended POD and Source

Tw	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source
1N	44E	26		NW/SE/SE	BONN	PALISADES CK
GPS Coordinates: _____						

GPS Coordinates: _____						

GPS Coordinates: _____						

GPS Coordinates: _____						

GPS Coordinates: _____						

GPS Coordinates: _____						

TRIB TO
SNAPS RIVER SOFR

Other rights from this POD? _____

No GPS TAG

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

POD DESCRIBED IN NOTES FROM FE 8/19/03 IS FOR D1-2079
AND PALISADES STORAGE WATERS.

THIS POD FOR THIS CLAIM (DESCRIBED RT) IS ON AND FROM
PALISADES CK & 503 Photos ATTACHED

RT from this POD NOT USED SINCE ~1985.

Transfers Changing POD _____

Reviewer: _____

Date: _____

Place Of Use Data Entry Form

Claim Number: _____

_____ Use Claimed POU as Recommended POU

Claimed Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
1N	44E	35	SWNB					IRRIG

Total Acres _____

Recommended Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
1N	44E	35	SWNB		BOND			IRRIG.

Total Acres _____ 230 by 685

Document how the POU was verified:

ERROR OF CLAIM - JOSIE BYRD OWNS NO PROPERTY IN THE
 SWNB SEC. 35 - SWNB IS OWNED BY CLAIMANT AND SO RECOMMENDED.

Why NOT more ACRES? i.e. NWSB?

Overlap w/ 01-2079 AND PALISADES STORAGE WATER.

Transfers Changing POU _____

Reviewer: _____

Date: _____

Period of Use and Quantity Data Entry Form

Claim Number: _____

☐ Use Claimed Period of Use and Quantity as Recommended Period of Use and Quantity

Water Right Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____

Overall Diversion Volume _____

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
Paris	6/1	9/30	0.47	

Overall Diversion Rate _____

Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
Paris	6/1	9/30	0.46	

Overall Diversion Rate _____

Overall Diversion Volume _____

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

CLAIMS SOL OTHER THAN DORT STD - Why? Amend
TO 4/1 TO 10/31?

Reviewer: _____

Date: _____

MEMORANDUM

11 July 2003

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

From: A. Ruberry

Subject: Split portions of SRBA claims, as above

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

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

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

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

Water Right Split History Analysis

23-00055A R.J. JONES ✓

0.08 cfs

23-55B R.T. HUSKEY ✓

0.15 cfs

23-55C D.N. DENNING ✓

0.52 cfs

23-55D R. HENKEN -

0.10 cfs

23-55E H.J. TAYLOR -

0.03 cfs

23-55F R. RADFORD -

0.03 cfs

23-10271 J. BYRD ✓

0.47 cfs (CLAIMS PART OF SSC.)

23-55? UNCLAIMED / UNACCOUNTED

1.92 cfs

The Leaga AT Palisades Ck

Recommended To Hershey

Chair's Storage

- Disallowed

- Disallowed

- Disallowed

Recommended

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

J.C. WEEKS
 23-00055
 3.30 cfs 8/20/1890
 PALISADES CREEK

Reviewer: ASRDate: 7/7/03

23-10271 DISCLOSED

I. STATES THIS CLAIM IS BASED ON A PART OF 23-00055.

II 4/22/03 - POO WAS VISITED. IT IS BLOCKED BY A LOAD OF GRAVEL/DIRT. ALSO, ABOUT 150' DOWN DITCH THE DITCH IS FILLED-IN.

III CHRIS STONOR AND JAY WEEKS BOTH ATTEST THAT THIS POO/DITCH HAVE NOT BEEN USED IN MANY YEARS; CHRIS SAYS 17 YRS, JAY SAYS 12 YRS.

IV DISCLOSED - 842-222(2) IC NO! FILING DATE CAN'T MAKE SENSE. 1989.

8/19/03 FE: AL THURBERG & NICK OLSON - GPS TAG # ADP12425 ON PANEL

McCORMICK FLOW METER NOT WORKING - PUMP IS RUNNING

THIS FOR AN OI RIGHT AND STORAGE.

MOTOR: HOLLOWSHAFT U.S. MOTORS. 40HP, MODEL R-3337-00-272-D
SN: R2038605

Pump: Berkley, 5" DISCH., SN: 7220464

NOTE: SUPPOSEDLY THIS RT WAS MOVED TO SNAKE RIVER. WHEN WAS THERE A TX THAT ALLOWED THIS? IT NO? NOT! 506 01-2079

DIRECTIONS: IRWIN ID. TAKE ARMUTT DR. TO CORNER W/ SUNSET DR. PARK - LOOK TO SW FOR POWER POLE - GO THERE TO PUMP

SEE ATTACHED PHOTO

River Pump

4/11/1989

SRBA CLAIMS RECEIVING CHECKLIST #2

A23-10271

CLAIMANT'S NAME BYRDCLAIM ENT. NO. A23-00055CDATE RECEIVED 7/10/89

CK # _____

AMOUNT \$ _____

YES NO Required Info?

1. Is the name and address complete with zip code? X
2. Is a priority date entered? X
- Is the priority date acceptable in view of mandatory filing dates?
See Adjudication Memos #1 and #4 to determine if a Permit is required. X

3. (a) Is a source entered? X

- x (b) Is a tributary to entered? (if required) N/A X

4. Is the legal description of the p.d. sufficient? X

5. Is there a description of the diverting works? X

6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. X

Is the period of use included? X

Is a quantity claimed for each use? X

7. Is a total quantity claimed entered? X

- x 8. If required is a consumptive use entered? N/A X

- x Is the consumptive use correct? N/A X

9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. N/A X

10. Is (are) the place(s) of use and purpose(s) indicated? X

11. Is (are) the county(ies) entered? X

12. Is the ownership of p.u. checked? X

- x 13. Are other water rights listed or "none" indicated? X

14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) N/A X

15. Is the basis of the claim indicated? X

- x 16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) N/A X

17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block. X

18. Has the claim been signed, sealed, and dated by a notary? X

19. Was this claim filed on time, or was an extension granted? X

20. Is the fee enclosed correct? Exempt X

- x 21. If this claim is based on an existing water right, has the identification number been entered? N/A X

22. Should this claim be data entered? X

Claim checked by: TODate: 7/26/89

Claim must be returned to claimant:

(Yes) X (No)

Claimant must be notified of modifications:

(Yes) X (No)

Receipt Prepared by: _____

Claim data entered by: _____

Sent to claimant by: _____

Date: _____

Date: _____

Date: _____

Checked by: _____

Date: _____

Comments: _____

MICROFILMED

NOV 16 1989

Log for claim 23-10271

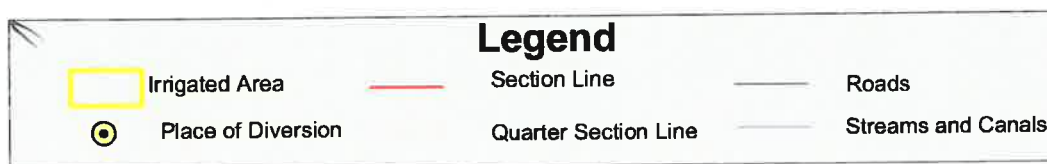
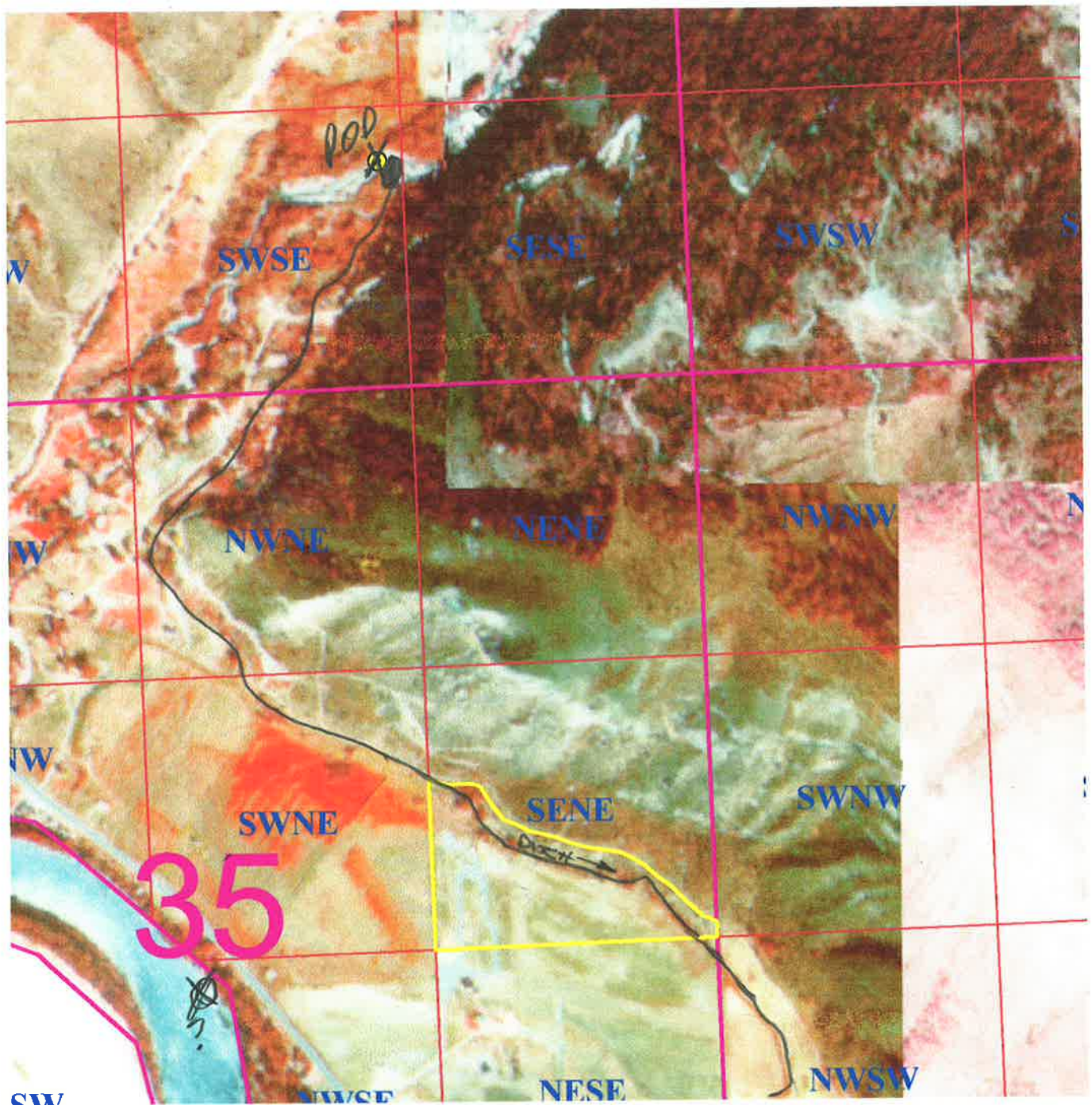
Spatial Dynamics BTD

6/14/01

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
01n44e	35	SENE	23	14	
Totals:			23	14	

Water Right Claim Number 23-10271
Township , 1N44E

06/14/2001



500 0 500 1000 Feet



SPATIAL
DYNAMICS

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A23-10271
Date Received: 7/10/1989
Receipt No: M003861
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JOSEE BYRD 208-483-2774
Address: P.O. BOX 762
PALISADES, ID 83437

2. Date of Priority: AUG 20, 1890

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

4. Point of Diversion:

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

5. Description of diverting works:
LOWER SOUTH DITCH ON PALISADES CREEK.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	06/01	09/30	0.470		

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

8. Total consumptive use is 57.5 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01N	44E	35	SE	NE	4	IRR	23.0
Section Acres							23.0

10. Place of Use: Continued

Total Acres 23.0

11. Place of use in counties: BONNEVILLE

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

13. Other Water Rights Used:
NONE

14. Remarks:

LOWER PALISADES CREEK DITCH. [DITCH] HAS ITS DIVERSION ON
S[OUTH] SIDE OF PALISADES CREEK & IS THE LAST DITCH ON S[OUTH]
SIDE OF PALISADES CREEK BEFORE IT MERGES WITH SNAKE RIVER.

*** MEMO TO THE FILE *** 11/14/89 PRM

THIS CLAIM IS BASED ON DECREED WATER RIGHT 23-00055C. A23-00055C
HAS ALREADY BEEN CLAIMED.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

REXBURG IRR. CO. ET AL
Decree Plaintiff

vs

TETON IRRIGATION CANAL CO. ET
Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): _____ Date: _____

_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

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: 223-10271
Ident. Number 39576
Date Received 7-10-89
Receipt Number 1003861

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) JOSEE BYRD Phone (208) 4832774
Mailing Address PO BOX 762 PALISADES IDA Zip 83437

2. Date of Priority (Only one (1) per claim) 8-20-1890

3. Source of water supply (a) PALISADES CR
which is tributary to (b) SNAKE RIVER

4. a. Location of existing point of diversion is: Township 1N Range 44E Section 26,
_____ 1/4 of SW 1/4 of SE 1/4, Govt. Lot, _____ B.M., County of BONNEVILLE

Additional points of diversion if any: _____

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

Township 1N Range 44 Section 35, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of BONNEVILLE

ending point is: Township 1N Range 44 Section 35, _____ 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. LOWER - SOUTH ditch

ON PALISADES CREEK -

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For IRRIGATION purposes from 6-1 to 9-30 amount 0.47 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.47 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 57.5 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) None

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
<u>1N</u>	<u>14E</u>	<u>35</u>			<u>X</u>	<u>23</u>													<u>23</u>
						<u>L-4</u>													

Total number of acres irrigated 23

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.
_____ or None (X)

14. Remarks: LOWER PALISADES CR ditch. has its
DIVERSION- ON S SIDE OF PALISADE CR. & L
THE LAST ditch ON S SIDE. OF PALISADE CR.
BEFORE IT MERGES WITH- SNAKE RIVER

MICROFILMED

NOV 06 1992

Last Name _____ Ident No. _____

Copies: White -State, Yellow-Claimant

15. Basis of Claim (check one) ~~Beneficial Use~~ ☒ Posted Notice _____ License _____ Permit _____

Decree ☒

If applicable provide IDWR Water Right Number 23-00055

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant _____

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not ☒ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments _____

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

Signature of Claimant (s) + Josie Byrd Date 7-10-89

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am _____

Title

of _____, that I have signed the foregoing

Organization

document in the space below as _____ of _____

Title

Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or _____)

County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 10th day of July 19 89

SEAL

Notary Public Betty J. Thompson

Residing at _____

BETTY J. THOMPSON, NOTARY PUBLIC

My Commission Expires _____

RESIDING AT IDAHO FALLS, IDAHO
MY COMMISSION EXPIRES: 6-30-94

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ 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 _____

Address _____

Date _____

Last Name _____ Ident. Number _____

MICROFILMED

NOV 6 1992

Copies White-State, Yellow-Claimant