

03/18/2004

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

RIGHT NUMBER: 23-11305
NAME AND ADDRESS: CLYDE WEEKS
PO BOX 152
IRWIN ID 83428
SOURCE: PALISADES CREEK TRIBUTARY: SOUTH FORK SNAKE RIVER
QUANTITY: 0.440 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	0.440 CFS

PLACE OF USE: IRRIGATION Within BONNEVILLE County

T01N R44E S22	NESW 17.0	T01N R44E S22	NWSE 2.0
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19 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

WATER IS DELIVERED THROUGH THE PALISADES IRRIGATION CANAL .

THIS RIGHT IS A SPLIT FROM FORMER RIGHT23-00011B.

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

A2311305





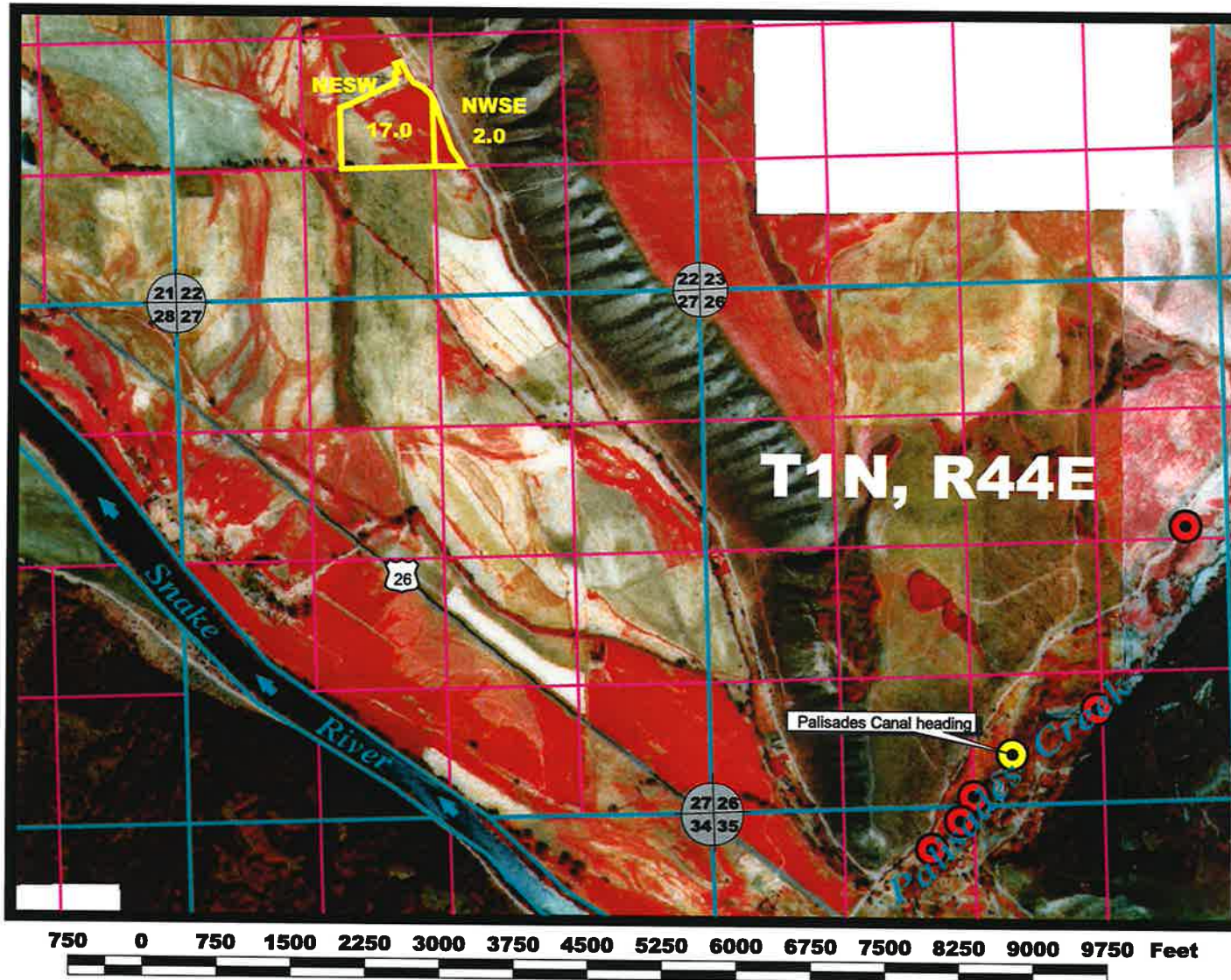
JUL 26 2004

SCANNED

State of Idaho

Department of Water Resources

Eastern Region



Water Right(s):
23-11305

Place of Use: (parts of)
T1N, R44E
Sec. 22 NESW, NWSE

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

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

LEGEND

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



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

Water Right Number 22-11305

Recommended as Claimed

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

NOTES:

This is a portion of 23-00011 (Balcon & Dixon
Ditch Rt.)

Recommended as Claimed - All elements RIT.

QUITCLAIM DEED

ORIGINAL

1. Date

September 26, 2003

2. Parties

Transferor: Wanda Weeks, a widow, the surviving spouse of Walter J. Weeks, deceased.

Current address:

356 North 4500 East,
Rigby, ID 83442

Transferee: WALTER CLYDE WEEKS and JEANNETTE MILLER, Co-Personal Representatives of the estate of Walter J. Weeks, deceased

Current address:

c/o Stephen J. McGrath, Esq.
McGrath, Meacham, Smith & Seamons
P. O. Box 50731
Idaho Falls, ID 83405-0731

3. Property

Transferred interest: Any interest the Transferor may claim as the surviving spouse of Walter J. Weeks, deceased, including but not limited to any right, title or interest she may have acquired by virtue of that certain quitclaim deed executed by Walter Weeks as the transferor to Walter Weeks and Wanda D. Weeks, husband and wife, on March 16, 1999 recorded as Bonneville County Instrument number 991722 on March 17, 1999..

Idaho County: Bonneville

Description:

Township 1 North, Range 44 E.B.M., Bonneville County, Idaho
Section 22

NE¼

N½SE¼ lying East of Old Irwin Road

SE¼SE¼ lying above Ledge of Rocks

NE¼SW¼ lying North and East of Old Irwin Road

SW¼SE¼ lying above Ledge of Rocks

SCANNED

JUL 26 2004

Section 23

W $\frac{1}{2}$ NW $\frac{1}{4}$
S $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$
SW $\frac{1}{4}$
SW $\frac{1}{4}$ SE $\frac{1}{4}$

Section 26

NW $\frac{1}{4}$ NW $\frac{1}{4}$ lying above Ledge of Rocks
SW $\frac{1}{4}$ NW $\frac{1}{4}$ lying above Ledge of Rocks

Together with all improvements, water, water rights, ditches, ditch rights, easements, tenements, hereditaments, appurtenances, reversions, remainders, rents, issues, and profits including but not limited to an access easement beginning at the intersection of the Palisades Campground Road and the South Boundary of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 26, running thence Northerly through the NW $\frac{1}{4}$ SE $\frac{1}{4}$ and the NE $\frac{1}{4}$, of said Section 26 to the North Boundary of said Section 26.

Reservations:

None

Subject to:

All taxes for the year 2003 and prior years

4. Consideration

Ten dollars and other good and valuable consideration receipt of which is acknowledged.

5. Quitclaim

For the consideration stated, transferor remises, releases, and forever quitclaims to transferee the transferred interest in the property described in this deed.

6. Warranties

None.

7. Construction

In construing this deed, and where the context so requires, the singular includes the plural and the masculine, the feminine and the neuter.

Wanda Weeks

Wanda Weeks

(Who is also known as Wanda D. Weeks)

STATE OF IDAHO

Ss

County of Jefferson

On September 26, 2003, before me, Kelly Thompson, an Idaho Notary Public, personally appeared Wanda Weeks, known or identified to me to be the person who executed the instrument and acknowledged to me she executed the same.

In witness, I have set my hand and affixed my official seal the day and year in this certificate first above written.

Kelly Thompson

Notary Public for Idaho

Residing at: Rigby

Commission expires: March 12, 2007



QUITCLAIM DEED

WALTER CLYDE WEEKS and JEANNETTE MILLER, Co-Personal Representative of the Estate of WALTER J. WEEKS, Deceased, GRANTOR for good and a valuable consideration, the receipt and sufficiency of which is hereby acknowledged, does hereby REMISE, RELEASE and forever QUITCLAIM, unto WALTER CLYDE WEEKS and CAROL WEEKS, Husband and Wife, whose mailing address is 1825 Old Irwin Road, Irwin, ID 83428, County of BONNEVILLE, State of Idaho as GRANTEE, and to grantee's heirs and assigns forever, all of the following described real property situated in BONNEVILLE County, State of Idaho:

Beginning at the Northwest Corner of Section 22, Township 1 North, Range 44 East of the Boise Meridian; running thence South 00°01'04" East along the Section line 2648.99 feet to the West Quarter Corner of said Section 22; thence North 89°56'45" East along the East-West Center Section line of said Section 22 a distance of 2407.21 feet; thence South 26°20'49" East 162.32 feet to the True Point of Beginning; running thence South 30°27'04" East 350.39 feet; thence South 02°36'53" East 234.98 feet; thence South 71°49'41" West 925.15 feet; thence North 02°36'53" West 467.58 feet; thence North 68°37'27" East 454.44 feet; thence North 56°18'32" East 347.18 feet to the True Point of Beginning.

Subject To: existing County road Right of Way and easements of record.

TOGETHER with all improvements, water, water rights, ditches, ditch rights, easements, tenements, hereditaments and appurtenances thereto.

IN WITNESS WHEREOF, Grantor has hereunto subscribed his name to this instrument this 3rd day of October, 2003.


WALTER CLYDE WEEKS, Co-Personal Representative


JEANNETTE MILLER, Co-Personal Representative

STATE OF IDAHO

COUNTY OF BONNEVILLE

} SS

On this 3rd day of October, 2003, before me, the undersigned, a Notary Public in and for the State, personally appeared WALTER CLYDE WEEKS and JEANNETTE MILLER, known or identified to me to be the persons whose names are subscribed to the within instrument as Co-Personal Representatives of the Estate of WALTER J. WEEKS, Deceased and acknowledged to me that they executed the same as such Co-Personal Representatives..

IN WITNESS WHEREOF, I have set my hand and affixed my official seal the day and year first above written.




Notary Public in and for said County and State
Residing at: Idaho Falls, Idaho
Commission Exp.: 06/14/2008

NESW

17.0

NWSE

2.0

829628

21 22
28 27

22 23
27 26

T1N, R44E

26

S
nake

R
iver

Palisades Canal heading

27 26
34 35

Palisades Creek

Water Right Split History Analysis

(R. FLEMING) Co TO 12/03/03

R. Bau ANNUITY TRUST #1

23-00011A *claim*

1.80 cfs B/15/11893

POU: E²NW, SWNE, E²SW, SWSW, NWSE =

* DELIVERY THROUGH PALISADES BRG

ENLARG... CLAIM: 23-112

ALL DELIVERED THROUGH
PALISADES BRG. CANAL

Baker Dixon Ditch Co.

23-00011

23.0 cfs B/15/11893

PALISADES CK

POD: NOT SPECIFIED

claim
23-11265 J

2.66 ~~4.63~~ cfs

POU:

* D

Place of Use

OPERATION WITH BONNEVILLE County

TDIN P44E 808	NWNE	TDIN P
TDIN P44E 808	SENE	TD
TDIN P44E 810	NENE	
TDIN P44E 810	SWNE	
TDIN P44E 820	SWNE	
TDIN P44E 820 L& 3 SEP		
TDIN P44E 881	SE	
TDIN P44E 881		
TDIN P44E 8		
TDIN P4		
TDIP		

**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

Subcase No. 23-11305

STANDARD FORM 5

STIPULATED ELEMENTS OF A
WATER RIGHT

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT:

Clyde Weeks

OBJECTOR:

United States on behalf of the
Bureau of Land Management

Clyde Weeks

Date

Larry A. Brown

Attorney for Objector

Date

STANDARD FORM 5 -23-11305

IDWR Concurrence:

 10/26/04
Ernie Carlsen Date
IDWR Adjudication Supervisor

Candice McHugh Date
Deputy Attorney General
Attorney for IDWR

CERTIFICATE OF MAILING

I certify that on _____, 2004, 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, Idaho 83303-2707

2. Copies to:

USDI BLM
Represented by:
US Department of Justice
Environment & Natl' Resources
550 West Fort Street, MSC O33
Boise, ID 83724

Clyde Weeks
PO Box 152
Irwin, ID 83428

Director of IDWR
PO Box 83720
Boise, ID 83720-0098

Signature of person or attorney mailing the form

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 23-11305

NAME AND ADDRESS: CLYDE WEEKS
PO BOX 152
IRWIN ID 83428

SOURCE: PALISADES CREEK

TRIBUTARY: SOUTH FORK SNAKE RIVER

QUANTITY: 0.440 CFS

PRIORITY DATE: 08/15/1893

POINT OF
DIVERSION: T01N R44E S26 SWSWSE Within BONNEVILLE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 10/31

0.440 CFS

PLACE OF USE: IRRIGATION Within BONNEVILLE County

T01N R44E S22

NESW

17.0

T01N R44E S22

NWSE

2.0

19 ACRES TOTAL

PLACE OF USE DOES NOT INCLUDE FEDERAL PUBLIC LANDS

EMC

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

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

WATER IS DELIVERED THROUGH THE PALISADES IRRIGATION CANAL .

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

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

ORIGINAL CLAIM
SENT TO COURT

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 23-11305
Date Received: 3/18/2004
Receipt No:
Received By: *ED 29628*
ABR

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

1. Name of Claimant(s)

CLYDE WEEKS Phone: (208) 483-3002

PO BOX 152
IRWIN ID USA 83428

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:

PALISADES CANAL HEADING. DELIVERY THROUGH THE CANAL SYSTEM.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/15	10/31	0.44	

7. Total Quantity Appropriated is:
0.44 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	22	NE SW	IRRIGATION	17
			NW SE	IRRIGATION	2

Section Acres 19

Total Acres 19

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 RIGHT IS USED WITH PALISADES STORAGE WATER AND PALISADES IRRIGATION SHARES. DELIVERY THROUGH THE CANAL SYSTEM.

THIS RIGHT IS A PORTION OF 23-00011 (BAKER & DIXON DITCH)

15. Basis of Claim:

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 not wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1 map

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): [Signature] Date: 3-18-04

Date:

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 18th
of March 2004

[Signature]

Notary Public

Residing at [Signature]

My commission Expires 9/23/09

