

05/27/2009

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

RIGHT NUMBER: 23-11H

NAME AND ADDRESS: SNAKE RIVER ESTATES LLC
C/O LYNN DIXON
311 S STATE STE 460
SALT LAKE CITY UT 84111

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 1.170 CFS

PRIORITY DATE: 08/15/1893

POINT OF DIVERSION:

T01N R44E S21 SESWSW Lot 3 Within BONNEVILLE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 10/31

1.170 CFS

PLACE OF USE: IRRIGATION in BONNEVILLE County

T01N R44E S21	NESW	1.20	T01N R44E S21	NWSW	23.40
T01N R44E S21 Lot 3 SWSW		13.10			

37.7 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.

A measuring device (not totalizing) must be provided at the point where Palisades Creek discharges into Snake River and at the Palisades Canal diversion. The rate of flow diverted under this right shall at no time exceed the rate of flow of Palisades Creek where it discharges into Snake River, nor shall it exceed the rate of flow available at the Palisades Canal diversion located at T01N R44E S26 SWSWSE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

The right holder shall maintain a totalizing measuring device of a type approved by the Department as a part of the diverting works.

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 1.

Use of this right is combined with water from The Palisade Irrigation Co.

The following rights are diverted through point of diversion described above: 1-10554, 1-10555, 23-11F, 23-11G, 23-11H and 23-11284.



Idaho Department of Water Resources

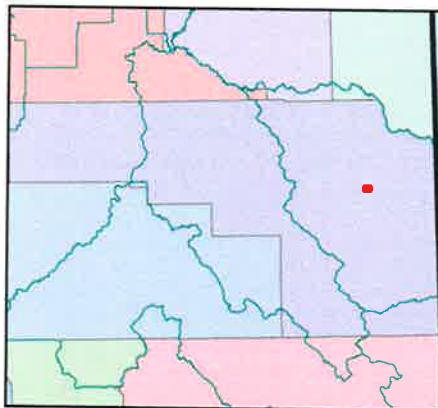
Adjudication Recommendation

23-11H

(IRRIGATION)

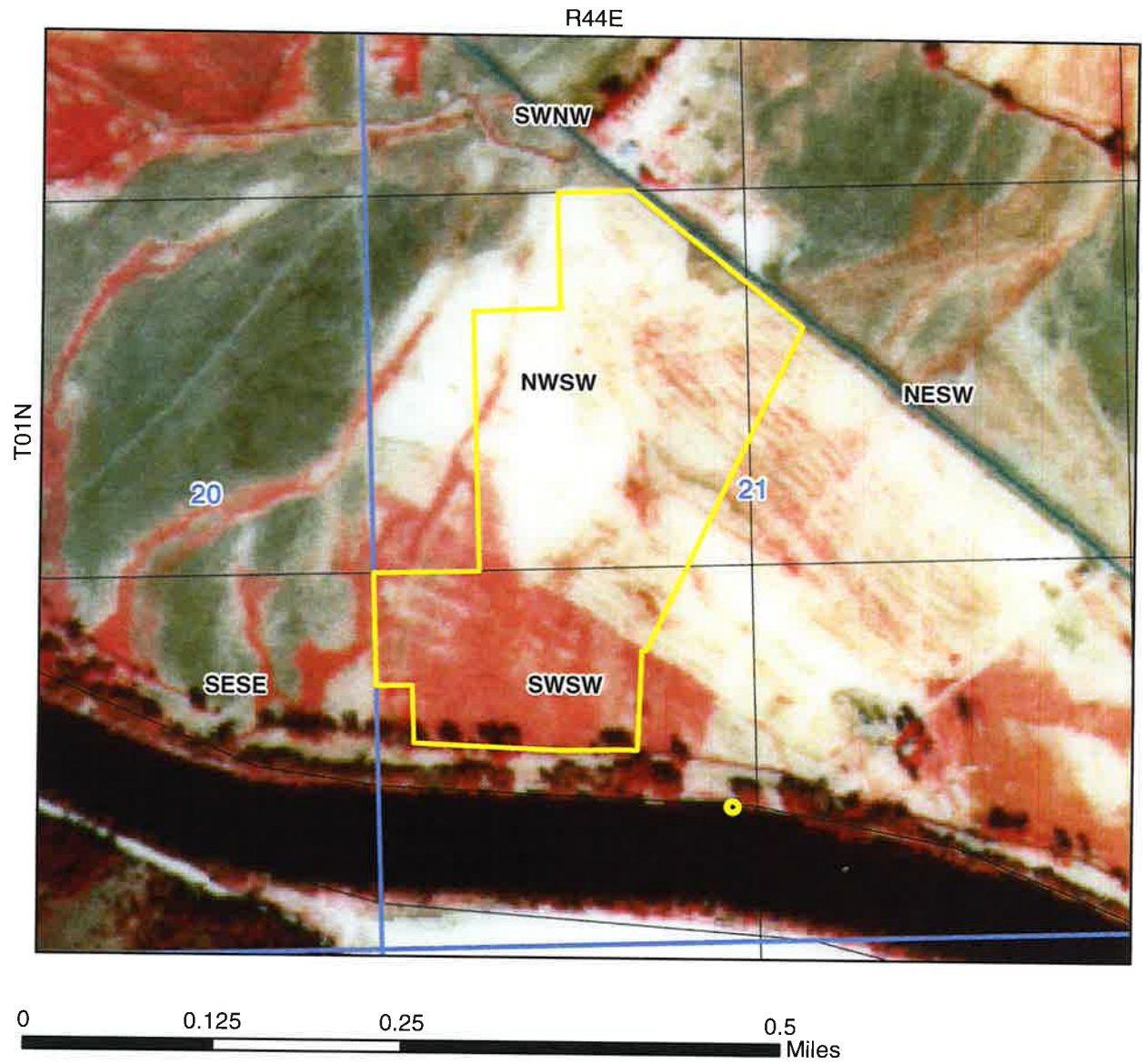
Legend

- Point of Diversion
- Place of Use
- State Outline
- Townships
- PLS Sections
- Quarter Quarters



Bonneville County
IDWR Basin 23

Prepared by Michael Holliday
On May 04, 2009
1987/88 Aerial Photography



RECEIVED

DEC 26 2008

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

DEC 23 2008

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

Subcase: 23-00011

Case No. 39576

ORDER GRANTING MOTION TO FILE
LATE NOTICE OF CLAIM

On September 15, 2006, Diamond K, Inc., Lynn Dixon, and Snake River Estates LLC, by and through counsel, Robert L. Harris, filed a *Motion to File Late Notice of Claim* for the above-captioned water right. After a hearing, attorney Robert L. Harris filed a *Motion to File Amended Notice of Claim* for the above-captioned water right, on behalf of the Daniel W. Richards Family Trust. A hearing on all four *Motions to File Late Notice of Claim* was held on December 19, 2006. No party appeared in opposition to the *Motions*. However, following a review of the file and after hearing comments in open court, the Court referred this matter to a special master to make findings consistent with the I.R.C.P. 55(c) standard.

On August 7, 2008, Special Master Brigitte Bilyeu issued a *Special Master's Report and Recommendation on Motion to File Late Notice of Claim* recommending that the late claim be granted. However, this *Recommendation* only recommended granting the late claim in the name of the Daniel W. Richards Family Trust. This Court then issued an *Order Granting Motion to File Late Notice of Claim* in the name of the Richards Family Trust only. However, the intent was to grant the late claims with respect to all claimants claiming under the 23-00011 claim number. To resolve any ambiguity, the Court is now granting the *Motion to File a Late Notice of Claim* for the three omitted parties: Diamond K, Inc., Lynn Dixon, and Snake River Estates, LLC.

THEREFORE, IT IS ORDERED that the *Motion to File a Late Notice of Claim* for the above-captioned water right is **granted**.

The original Notice of Claim, as well as any attached filing fees, and a copy of this *Order* will be forwarded to the Idaho Department of Water Resources for further action. The Idaho Department of Water Resources can administratively split the claim among the three claimants and report the claims in the forthcoming *Late and Miscellaneous Claims Director's Report* which is issued on an annual basis. This modifies the provisions of *SRBA Administrative Order 1 4d(2)(h)*.

IT IS SO ORDERED.

Dated December 23, 2008.


JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING MOTION TO FILE LATE NOTICE OF CLAIM was mailed on December 23, 2008, with sufficient first-class postage to the following:

DIAMOND K, INC
LYNN DIXON
SNAKE RIVER ESTATES LLC
THE DANIEL W RICHARDS & JUDY K

Represented by:
ROBERT L HARRIS
1000 RIVERWALK DR, STE 200
PO BOX 50130
IDAHO FALLS, ID 83405
Phone: 208-523-0620

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

ORDER

Page 1 12/23/08.

FILE COPY FOR 00087

Deputy Clerk

Julie Murphy

RECEIVED

SEP 18 2006

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

2006 SEP 15 PM 1 02

**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

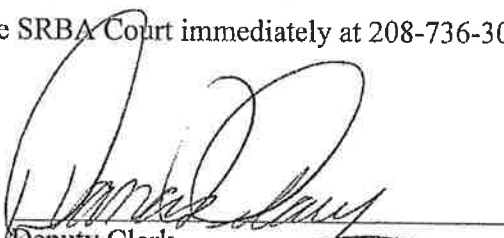
) **Water Right Claim: 23-11**

) **NOTICE SETTING HEARING**
) **ON MOTIONS TO FILE LATE**
) **NOTICE OF CLAIM**

On September 15, 2006, Claimants Lynn Dixon, Diamond K Inc., and Snake River Estates LLC filed separate *Motions to File Late Notice of Claim* for water right 23-11.

NOTICE IS GIVEN that hearing on the *Motions to File Late Notice of Claim* is set for **Tuesday, December 19, 2006, at 1:30 p.m., at the Snake River Basin Adjudication Courthouse, 253 – 3rd Avenue North, Twin Falls, Idaho.** Parties may participate by telephone by dialing the number 1-918-583-3445 and when prompted entering code 406128. If you have any difficulty connecting to this call, call the SRBA Court immediately at 208-736-3011.

Dated September 15, 2006.


Deputy Clerk
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the **NOTICE SETTING HEARING ON MOTION TO FILE LATE NOTICE OF CLAIM** was mailed on September 15, 2006, with sufficient first-class postage to the following:

Robert L Harris
1000 Riverwalk Dr Ste 200
PO Box 50130
Idaho Falls, ID 83405-0130

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

United States Department of Justice
Environment & Nat'l Resources Div
550 W Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of Attorney General
PO Box 44449
Boise, ID 83711-4449



Deputy Clerk



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

February 4, 2009

ROBERT L HARRIS
HOLDEN KIDWELL HAHN & CRAPO PLLC
PO BOX 50130
IDAHO FALLS ID 83405

RESPONSE DEADLINE
March 4, 2009

RE: Snake River Basin Adjudication (SRBA)
Late Notice of Claim to a Water Right #23-11H
Your Client: Snake River Estates, LLC

Dear Mr. Harris:

The Idaho Department of Water Resources recently received the Motion to File Late Notice of Claim to a Water Right referenced above from the SRBA District Court.

However, before we can proceed, additional filing fees in the amount of \$100.00 are required:

Filing Fee	\$ 50.00
Late Fee	<u>50.00</u>
Balance Due	<u>\$100.00</u>

Please submit the required fees by March 4, 2009. Failure to pay the required fees by this date may result in the dismissal of your client's claim by the SRBA District Court.

Upon receipt of the filing fees, your client's Notice of Claim will be investigated and reported to the Court in a future supplemental Directors Report.

Please contact me at (208) 287-4907 with any questions.

Sincerely,

Monica Van Bussum
Sr. Water Resource Agent
Adjudication Bureau

MVB:ss:state

SCANNED

FEB - 4 2009



Holden Kidwell
Hahn & Crapo P.L.L.C.
LAW OFFICES

RECEIVED

FEB 26 2009

DEPARTMENT OF
WATER RESOURCES

1000 Riverwalk Drive, Suite 200
PO Box 50130
Idaho Falls, Idaho 83405

Tel: (208) 523-0620
Fax: (208) 523-9518
www.holdenlegal.com
E-mail: rharris@holdenlegal.com

February 24, 2009

Monica Van Bussum
Sr. Water Resource Agent
PO Box 83720
Boise, ID 83720-0098

RE: Late Notice of Claim - Water Right No. 23-11H
Snake River Estates

Dear Ms. Van Bussum:

Pursuant to your letter dated February 4, 2009, a copy of which are enclosed for your convenience, we are enclosing our check in the amount of \$100.00 for the filing fee and late fee.

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

Sincerely,

Cheri Vandermeulen
Legal Secretary for Robert L. Harris

Enclosures

G:\WPDATA\RLH\13943 Snake River Estates\Monica Van Bussum ltr 022409.wpd:cdv

Established in 1896

SCANNED
MAR 2 2009



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

February 4, 2009

ROBERT L HARRIS
HOLDEN KIDWELL HAHN & CRAPO PLLC
PO BOX 50130
IDAHO FALLS ID 83405

RESPONSE DEADLINE
March 4, 2009

COPY

RE: Snake River Basin Adjudication (SRBA)
Late Notice of Claim to a Water Right #23-11H
Your Client: Snake River Estates, LLC

Dear Mr. Harris:

The Idaho Department of Water Resources recently received the Motion to File Late Notice of Claim to a Water Right referenced above from the SRBA District Court.

However, before we can proceed, additional filing fees in the amount of \$100.00 are required:

Filing Fee	\$ 50.00
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Balance Due	<u>\$100.00</u>

Please submit the required fees by March 4, 2009. Failure to pay the required fees by this date may result in the dismissal of your client's claim by the SRBA District Court.

Upon receipt of the filing fees, your client's Notice of Claim will be investigated and reported to the Court in a future supplemental Directors Report.

Please contact me at (208) 287-4907 with any questions.

Sincerely,

Monica Van Bussum
Sr. Water Resource Agent
Adjudication Bureau

MVB:ss:state

SCANNED
MAR 2 2009

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

KENT W. FOSTER
ROBERT E. FARNAM
WILLIAM D. FALER
CHARLES A. HOMER
GARY L. MEIKLE
DONALD L. HARRIS
DALE W. STORER
MARIE T. TYLER
FREDERICK J. HAHN, III
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

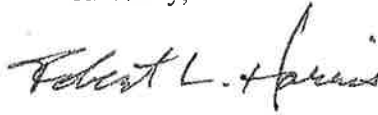
Re: Motion to File Late Notices of Claims

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\AKLHV13890 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 area 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 Snake River Estates, LLC

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: Idaho Falls
My Commission expires: July 7, 2009

CERTIFICATE OF MAILING

I certify that on this 10th 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

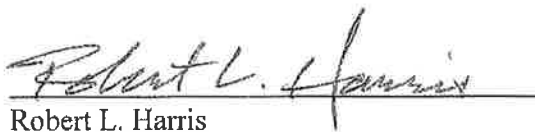
2. Copies to:

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, Snake River.wpd

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

Andrews, Heber, and Robert, the Farmers' Friend Canal Company.

Andrus, Robert, The Farmers' Friend Canal Company.

Ashmead, Charles, 100 inches, June 1, 1895, Teton Creek.

Asbury, G. C. (Disclaim any interest.)

Avery, Mrs. J. (See Talitha C. Avery.)

Avery, Talitha C., 160 inches, June 1, 1896, Trail Creek.

B.

Bagshaw, Ellen, 30 inches, Aug. 15, 1900, Pine Creek.

Baker & Dixon Ditch Company, 1,150 inches, Aug. 15, 1893, Palisade Creek.

Baker, Joseph D., 120 inches, June 1, 1903, Sheridan Creek.

Baker, Richard L., 100 inches, June 1, 1903, Sheridan Creek and Bishop Slough.

Ballantyne, Martha J. (See Z. Ballantyne.)

Ballantyne, Z., 160 inches, June 1, 1884, Spring Creek, near Menan.

Ballantyne, Z., 120 inches, Nov. 14, 1899, Spring Creek, near Menan.

Barnes, Charles W., The Farmers' Friend Canal Company.

Barnes, Thomas H., The Farmers' Friend Canal Company.

Barney, Walter, 160 inches, June 1, 1891, South Leigh Creek.

Barney, Walter W., 120 inches, June 1, 1896, South Leigh Creek.

Barrett, C. H., The Farmers' Friend Canal Company.

Barrett, E. C., The Farmers' Friend Canal Company.

Barrett, Nathan A., 160 inches, May 11, 1900, Driggs Springs and waters from swamp.

Barrus, John N., 160 inches, May 20, 1889, Palisade Creek.

Barrus, John N., 140 inches, June 30, 1890, Palisade Creek.

Barrus, R. N., Watson Slough Irrigation Company.

Bates, Thomas, 140 inches, May 3, 1889, Mahogany Creek.

Beam, Charles, 120 inches, June 1, 1895, Rainey Creek.

Beam, Frank, 40 inches, June 1, 1898, Rainey Creek.

Beam, Herbert L., 150 inches, June 1, 1891, Rainey Creek.

Beam, Matilda E., 80 inches, Sept. 19, 1897, Rainey Creek.

Beam, Nellie M., 80 inches, June 1, 1893, Rainey Creek.

Beard, James T., 200 inches, Apr. 1, 1896, Teton River.

Beasley, Joseph, 70 inches, June 1, 1899, Teton River. Also springs on ranch.

Beckstrand, Charley, Enterprise Canal Company.

Beckstrom, Niels, The Sunnydell Irrigation Company.

Beezley, Ebenezer, and J., 80 inches, June 1, 1889, Fox Creek.

Beezley, Ebenezer, and J., 80 inches, June 1, 1890, Fox Creek.

Bell, Joseph, 260 inches, Sept. 26, 1889, Fall River.

Belnap, A. W., North Salem Agricultural & Milling Canal Company.

Bernard, Alfred Joseph, 160 inches, Apr. 15, 1889, Rainey Creek.

Bernard, Alfred Joseph, 80 inches, June 20, 1889, Rainey Creek.

Bernard, Alfred Joseph, 80 inches, Apr. 9, 1889, Rainey Creek.

Bernston, Richard, 160 inches, June 1, 1899, Badger Creek.

Bess, O. C., The Farmers' Friend Canal Company.

Bettis, Alice, and Joseph, 80 inches, May 1, 1893, Trail Creek.

Bevan, Maria, 80 inches, Apr. 6, 1901, Swamp Creek.

Bigler, Jesse E., 320 inches, May 1, 1893, Moody Creek; to be reduced to 160 inches after June 20th in each year.

Bigler, Mark S., Good Luck Canal Company and Pioneer Ditch Company.

Birch, Mary H., Admx. Estate of Thomas Birch, deceased, Pioneer Ditch Company.

Birch, Mary H., Admx. Estate of Samuel Stewart, deceased; and

Birch, Mary H. (See Stewart, Samuel deceased, Mary H. Birch, Admx.)

Bird, Martin L., F. W. Garner and Geo. A. Pincock, 444 inches, March 1, 1884, Pincock-Garner Ditch.

Bird, Martin L., F. W. Garner and Geo. A. Pincock, 800 inches, April 1, 1898, Pincock-Garner Ditch.

Bishop, J. B., 300 inches, May 10, 1889, Sheridan Creek.

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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. 45 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. 25, 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 167.00 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.

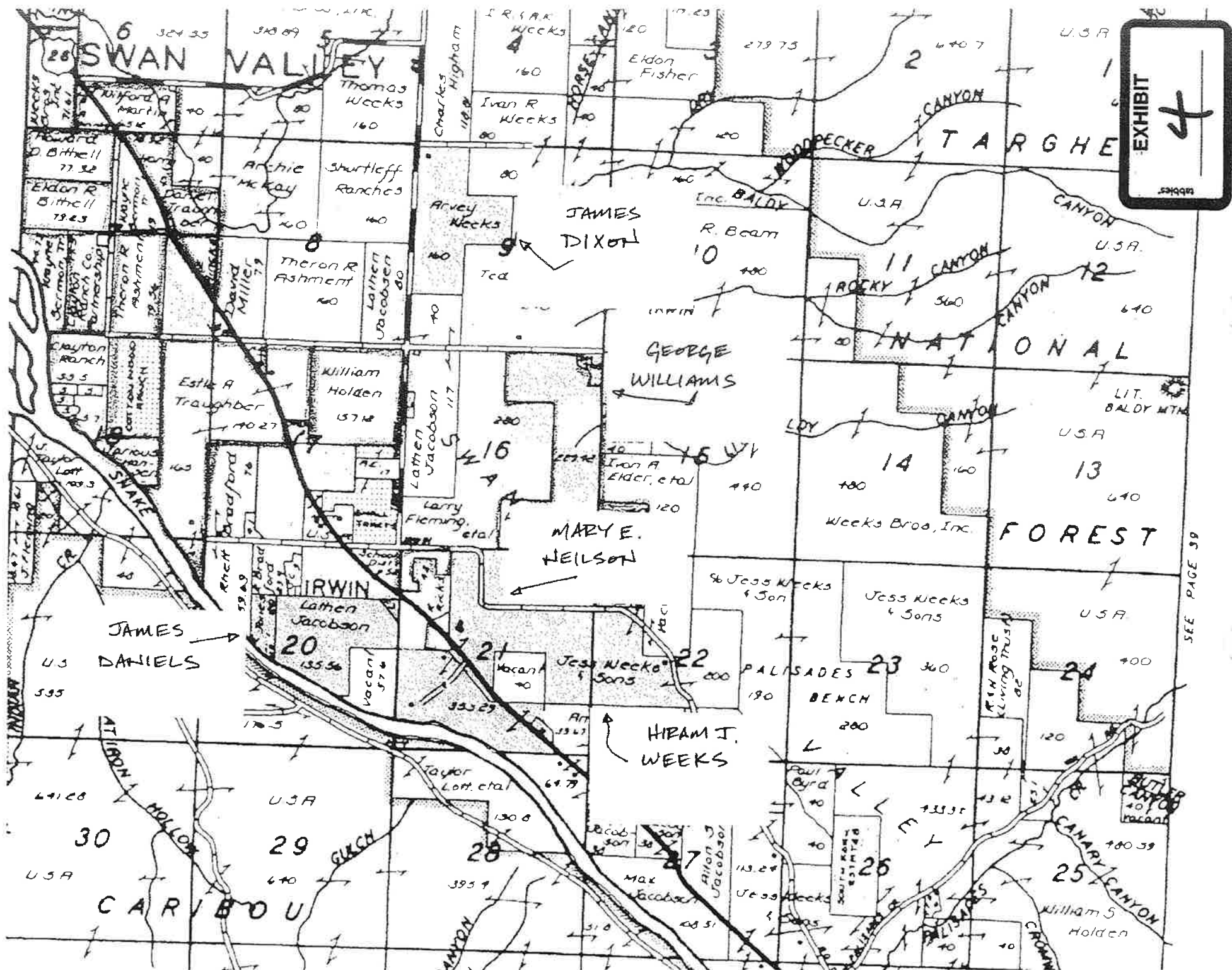
Bates, Thomas, NE $\frac{1}{4}$ of Sec. 24, T. 4 N., R. 44 E., B. M., containing 160 acres.

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

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SEE PAGE 99

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. Schneeby)	2.4	10.2

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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. E. 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	

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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> (cont'd)			
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	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)	.40	4.10
	(Tr. #388,746)		
<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
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	

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PALISADE CREEK - continued

Date		<u>Amount</u>	<u>Accum. Total</u>
<u>Palisade Canal</u> - continued			
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
AB-10279

Minor Tr
Listed in

Party or Canal	Date	Decreed Amount in Sec.-ft.	Accumulated Total	
<u>Palisade Creek-continued-</u>				
<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	9.0	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	18.4	
23-0062 Hannah Burton (TR 536)	June 30, 1890	4.2	22.6	Mrs. Sh
Dave Burton (Baker & Dixon)	Aug. 15, 1893	7.2	29.8	Mrs. Sh
L. Jacobson (Baker & Dixon)	Aug. 15, 1893	3.46	33.26	John Mi
I. Waters (Baker & Dixon)	Aug. 15, 1893	0.04	33.30	S. J. W
Joe Jones (Baker & Dixon)	Aug. 15, 1893	0.44	33.74	S. J. W
Reed Ricks (Baker & Dixon)	Aug. 15, 1893	0.06	33.80	TR 4
Jesse Weeks (Baker & Dixon)	Aug. 15, 1893	4.5	38.30	Henry G
Charles Fleming	Aug. 15, 1893	1.8	39.10	TR 4
Sam Weeks (Baker & Dixon)	Aug. 15, 1893	3.6	42.70	Richard
Lucille Baker (Baker & Dixon)	Aug. 15, 1893	1.8	44.50	TR 4
Lucille Baker (Suppl)	Aug. 15, 1893	5.4	50.9	Elizabeth
23-0010 W. McKay	June 1, 1898	3.2	54.1	Mrs. Sh
23-0074 J. Miller (Samuel Weeks, Jr.)	June 1, 1898	3.2	57.3	Harlan
23-0057 J. Miller (Johnson, McKay & Weeks)	June 1, 1898	3.2	60.5	Nellie
23-0044 Ernest Stone (Hyrum J. Weeks)	June 1, 1899	1.0	61.5	Mrs. Sh
23-0050 Swan Valley Irrigation Co.	June 1, 1900	26.4	87.9	Nellie
CPD 199, 236, 248	June 1, 1901	0.8	88.7	Henry G
23-0073 Peter Burney	May 15, 1908	3.2	91.9	Robert
23-0015 Thomas Weeks (Lisc. 3790)	Apr. 17, 1914	0.4	92.3	TR 3
Milo Ford (Lisc. 10130)	Oct. 23, 1914	0.8	93.1	S. J. W
23-0021 Milo Ford (Lisc. 10130)	Jan. 22, 1916	97.8	190.9	Nellie
Palisades Irrigation Co (Supp)				Nellie
				J. L. F
				Mrs. Sh
				Henry G
				Charles
				Charles
				J. L. F
				R. A. F
				Ivan W
				T. M. W
				J. B. F
				Shurtl
				Elizab
				D. H.
				Henry
				Arvie
				F. Sto
				W. A.
Total for Palisade Creek			197.6	

*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"

**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	



[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	

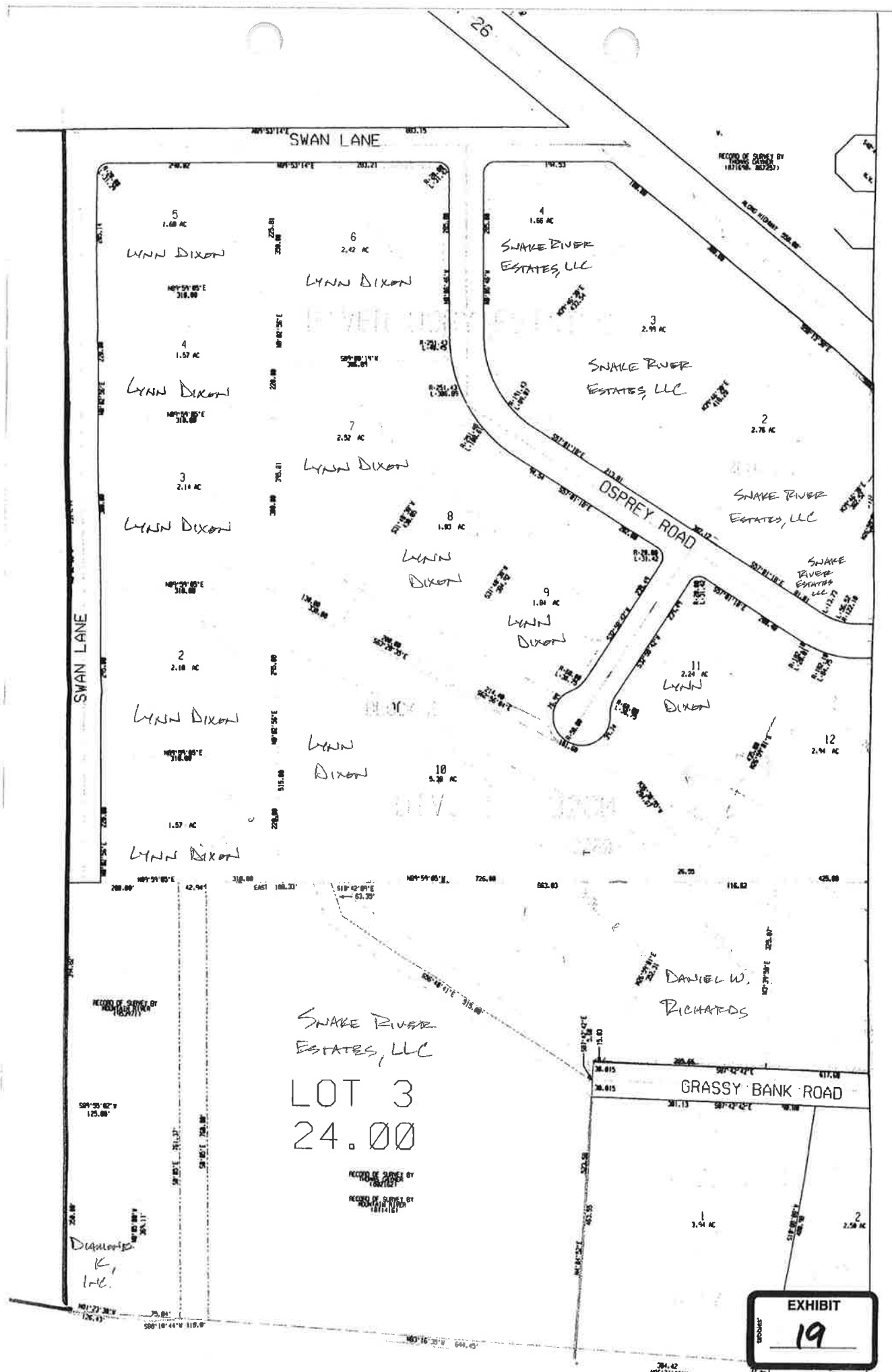
Lathen Jacobsen Parcel				
Total Acres	Portion of W.R. 23-11 appurtenant to L. Jacobsen Parcel	cfs per acre	Acres of former L. Jacobsen Parcel owned by Lynn Dixon	Total cfs claimed
167.6	3.46	0.021	127.667	2.64

COMMENTS:

The total acres were calculated according to the map at Exhibits 3 and 4. The total place of use originally decreed to James Danieis 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



The Palisade Irrigation Co Inc Service Area Boundary

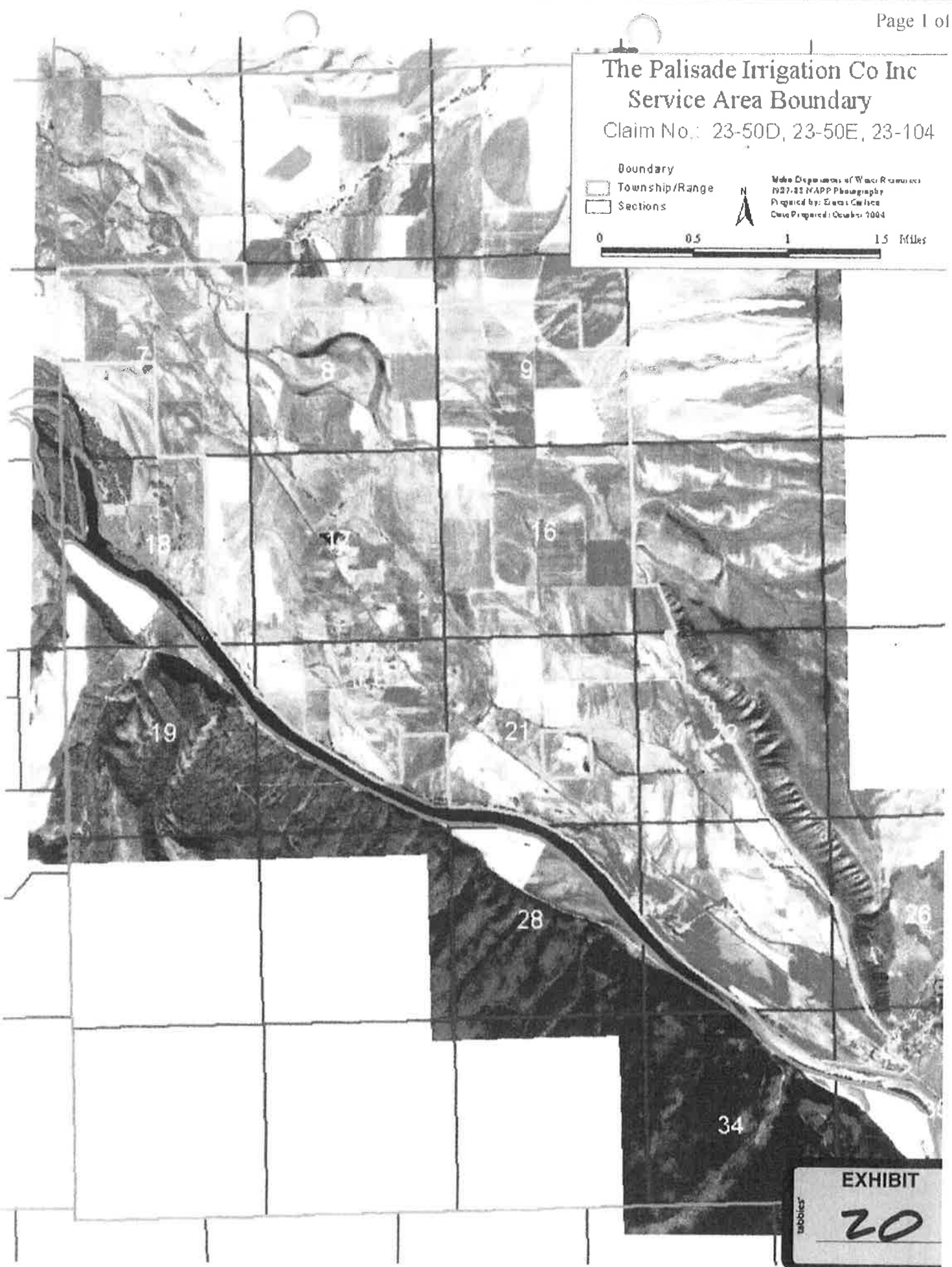
Claim No.: 23-50D, 23-50E, 23-104

- Boundary
- Township/Range
- Sections



Note: Depositions of Water Resources
1927-23 NAPP Photography
Prepared by: Ernest C. Lewis
Date Prepared: December 1900

0 0.5 1 1.5 Miles



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 full (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

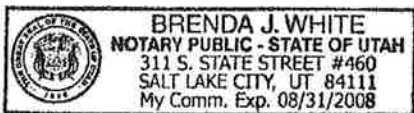
State of ~~Idaho~~ Utah

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

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 23-11H

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() _____

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

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

3. Source of water supply (a) Snake River

which is tributary to (b) Columbia River

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

Township 1N Range 44E Section 21, SE 1/4 of SW 1/4 of SW 1/4, Govt. Lot _____,

County of BONNEVILLE

Parcel (PIN) No. _____

Additional points of diversion if any: _____

If Available, GPS Coordinates: _____

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. Pump

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

For Irrigation purposes from 04/15 to 10/31 amount 1.170 cfs or _____

7. Total quantity claimed (a) 1.170 (cfs) and/or (b) _____ (acre feet)

8. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

9. 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 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	
1N	44E	21									1.2	23.4	L3- 13.1						37.7

Parcel (PIN) No(s). _____

Total number of acres irrigated 37.7

10. In which county(ies) are lands listed above as place of use located? BONNEVILLE

11. Do you own the property listed above as place of use? Yes ☒ No ☐
If your answer is No, describe in Remarks below the authority you have to claim this water right.

12. Describe any other water rights used at the same place and for the same purposes as described above.
_____ or None (☒)

13. Remarks:

Use of this right is combined with water from The Palisades Irrigation Co.

14. Basis of Claim (Check one) Beneficial Use ☐ Posted Notice ☐ Permit ☐ Decree ☒ 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

15. 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 Organizations: I do solemnly swear or affirm under penalty of perjury that I am attorney of Snake River Estates, LLC, that I have signed the foregoing document in the space below as attorney of Snake River Estates, LLC, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent Robert L. [Signature]

Title and Organization Attorney, Snake River Estate, LLC Date May 12, 2009

Last Name Snake River Estates, LLC Ident. Number 23-11H