

02/23/2004

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

RIGHT NUMBER: 23-22B
NAME AND ADDRESS: EDWIN C BIDDULPH
2560 S 60 E
IDAHO FALLS ID 83406

JEANNE BIDDULPH
2560 S 60 E
IDAHO FALLS ID 83406

SOURCE: RAINEY CREEK TRIBUTARY: SOUTH FORK SNAKE RIVER
QUANTITY: 1.360 CFS
PRIORITY DATE: 06/06/1892
POINT OF DIVERSION:

T02N R44E S34 SESWNW 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	1.360 CFS

PLACE OF USE: IRRIGATION Within BONNEVILLE County

T02N R44E S33	NESW	7.1	T02N R44E S33	NESE	29.0
T02N R44E S33	NWSE	27.0	T02N R44E S33	SESE	1.5

64.6 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 23-00096B IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 64.6 ACRES IN A SINGLE
IRRIGATION SEASON.

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.

RIGHT NO. 23-00096B IS ALSO DIVERTED THROUGH POINT OF DIVERSION
DESCRIBED ABOVE.



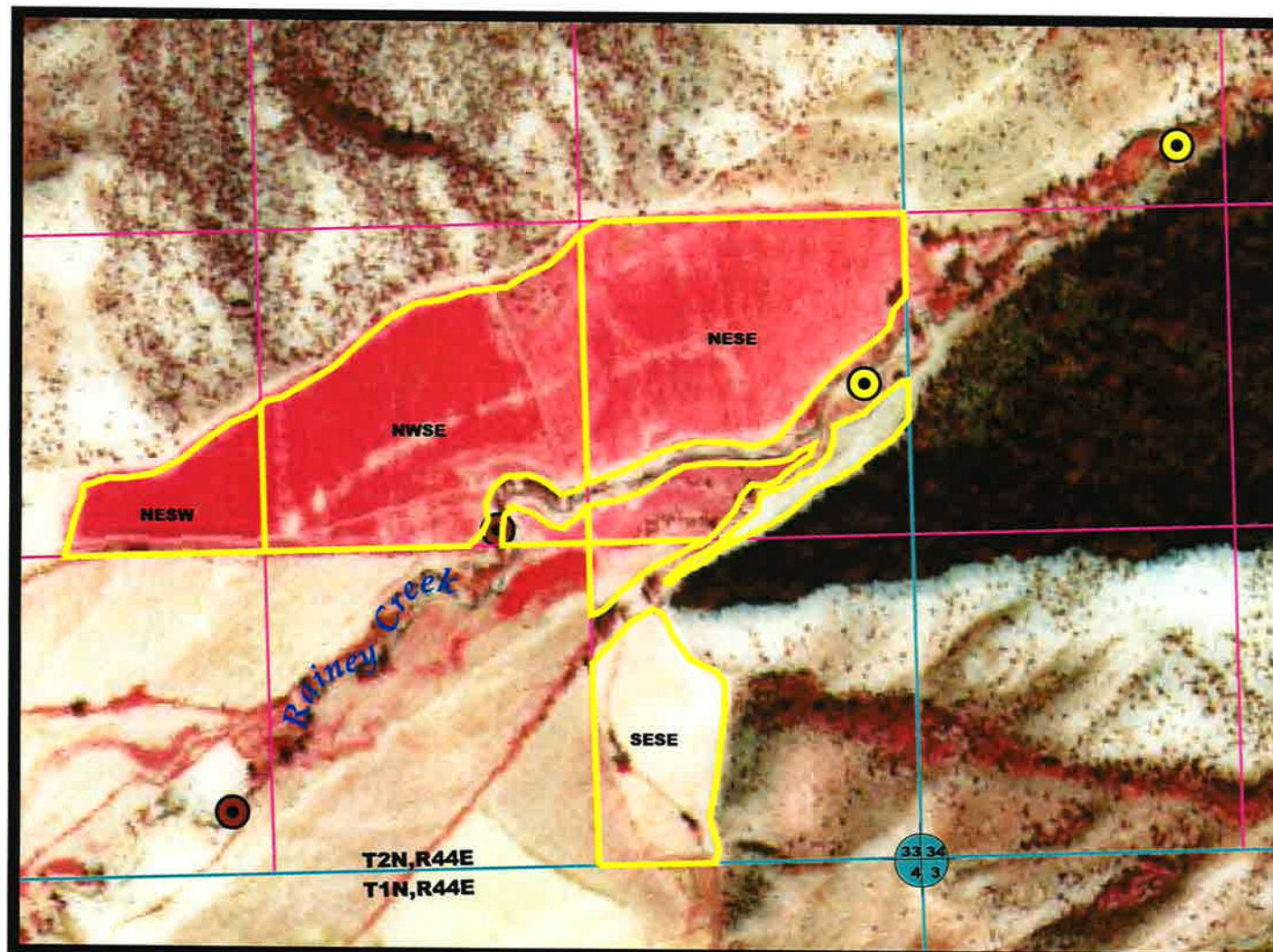
State of Idaho

Department of Water Resources

Eastern Region

JUL 06 2004

SCANNED



Water Right(s):

23-00022B,
23-00096B

Place of Use: T2N, R44E
Sec. 33 (parts of) N2SE,
SESE, NESW

Point(s) of Diversion: T2N, R44E
Sec. 33 SENESE
Sec. 34 SESWNW



LEGEND

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

400 0 400 800 1200 1600 2000 2400 2800 3200 3600 4000 Feet

GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: A. Ruberry
Date: June 2003

Contacts Data Entry Form

Water Right No. 23-0022B

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

Current Owner: EDWIN BIDDULPH

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

Current Owner: _____

Current Owner: _____

Representing Attorney: _____ Phone Number: _____

Accompanied By: _____ Phone Number: _____

Relationship to Claimant: _____

Date of Field Exam: _____ Time: _____

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

DECREE UNDER REXBURG PRINC. CO. VS TETON PRINC. CO., 1910
AS #106, TO HARLAN CORBETT, JUNE 6, 1892 @ 100" (2 cfs).

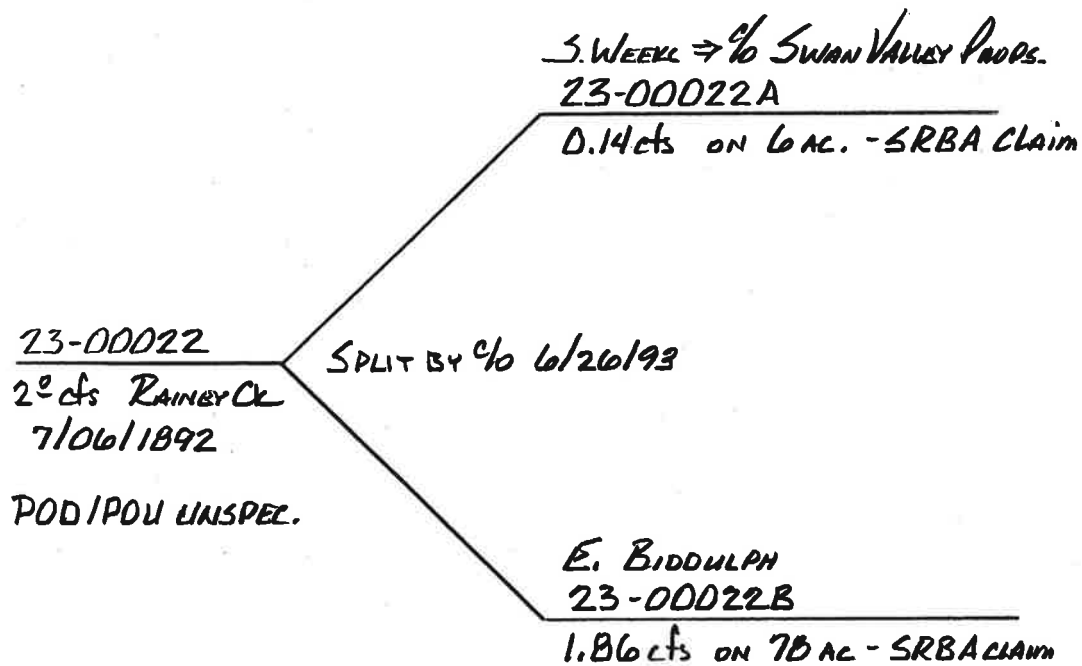
SPLIT AND CLAIMED AS:23-00022A, 0.14 cfs, 6 AC; STEVE WEEKS 0.0233 cfs/AC23-00022B, 1.86 cfs, 78 AC; ED BIDDULPH 0.0238 cfs/AC2.00 cfs, 84 AC $\Rightarrow$ 0.0238 cfs/AC.THIS RIGHT IS USED WITH 23-96B.5/9/03 FIXED POW BY NOEAMENDED TO CORRECT PRIORITY DATE.FE INDICATED: 4/17/03 POD'S. POW.

SCANNED
JUL 06 2004

Reviewer: _____

Date: _____

Water Right Split History Analysis



Reviewer: _____

Date: _____



Priority Date Data Entry Form

Claim Number: _____

Water Right Priority Date: JUNE 6, 1892 Water Right Basis: DECREEDClaimed Priority Date: JULY 6, 1892 Claimed Basis: DECREED

Recommended Priority Date: _____ Recommended Basis: _____

☐ 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:

DECREED AS JUNE 6, 1892. CLAIMED JULY 6, 1892
CP: why give up 1 month of Priority? ERROR?
5/06/03 SPOKE TO MR. BIDDULPH ABOUT THE PRIORITY DATE
DIFFERENCE - HE WAS NOT AWARE OF THIS DIFFERENCE (ERROR)
SO HE WUL DROP BY TO AMEND THE CLAIM.

5/7/03 MR. BIDDULPH WAS IN TO DISCUSS AND AMEND
THIS CLAIM TO CORRECT THE PRIORITY DATE AS
DISCUSSED ABOVE.



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 2N, R 44E, Sec. 33 NE NE SE NE NW SW. County: BONN.

Source: _____ Tributary: _____

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

Source: _____ Tributary: _____

____ Use Claimed POD and Source as Recommended POD and Source

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source
<u>2N</u>	<u>44E</u>	<u>33</u>		<u>SENESE</u>	<u>BONN</u>	<u>RAINY CK</u>
GPS Coordinates: _____						
		<u>34</u>		<u>SESWNW</u>	<u>"</u>	<u>"</u>
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						

TRIB. TO
SNAKE RIV. ^{SO} _{FW}

Other rights from this POD? _____

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

DEGREE DOES NOT SPECIFY A POD. PODS CLAIMED ARE
CORRECTED

CONDITION:
CFS

REMARK

COMBINED Use Limits
w/ 23-96B.
POLLAC & Q

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
			NESW				11	
			NESE				30	
			NWSE				28	
			SESE				9	
Total Acres							78	

Recommended Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
2N	44E	33	NESW		BONN.			Agg.
			NESE					
			NWSE					
			SESE					
Total Acres							64 ² X	

Document how the POU was verified:

AC BY GIS - AFFIDAVITS OF RONALD & TANNIS WOODS ATtest
 to NO IRRIGATION ON CERTAIN PORTIONS OF CLAIMED POU.
 THORNTON, DIE BASED ON 0.02 cfs/AC X 58' AC + CONVEY LOSS
 REMAINED IS LOST TO PANKIN TOXICOMIX 1980-1989.
 CLAIM FILED IN 1989 by BIDDONIAH - to FILED IN 1993 by BIDDONIAH? HOW? WHY?

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
Irrig	4/1	11/1	1.86	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Overall Diversion Rate _____ Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
Irrig	4/15	10/31	1.36	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Overall Diversion Rate 1.22 Overall Diversion Volume _____

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

RECOMM. DEPT STD SOU AS 4/15 TO 10/31.
BASED ON GPS = 64⁰ AC X 0.02 cfs/AC = 1.29 X 1.05 (conversion) = 1.36

1.86
- 1.22

.50 lost cfs

Reviewer: _____

Date: _____

Log for claim 23-00022B

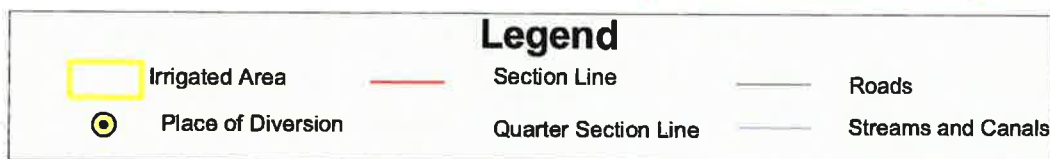
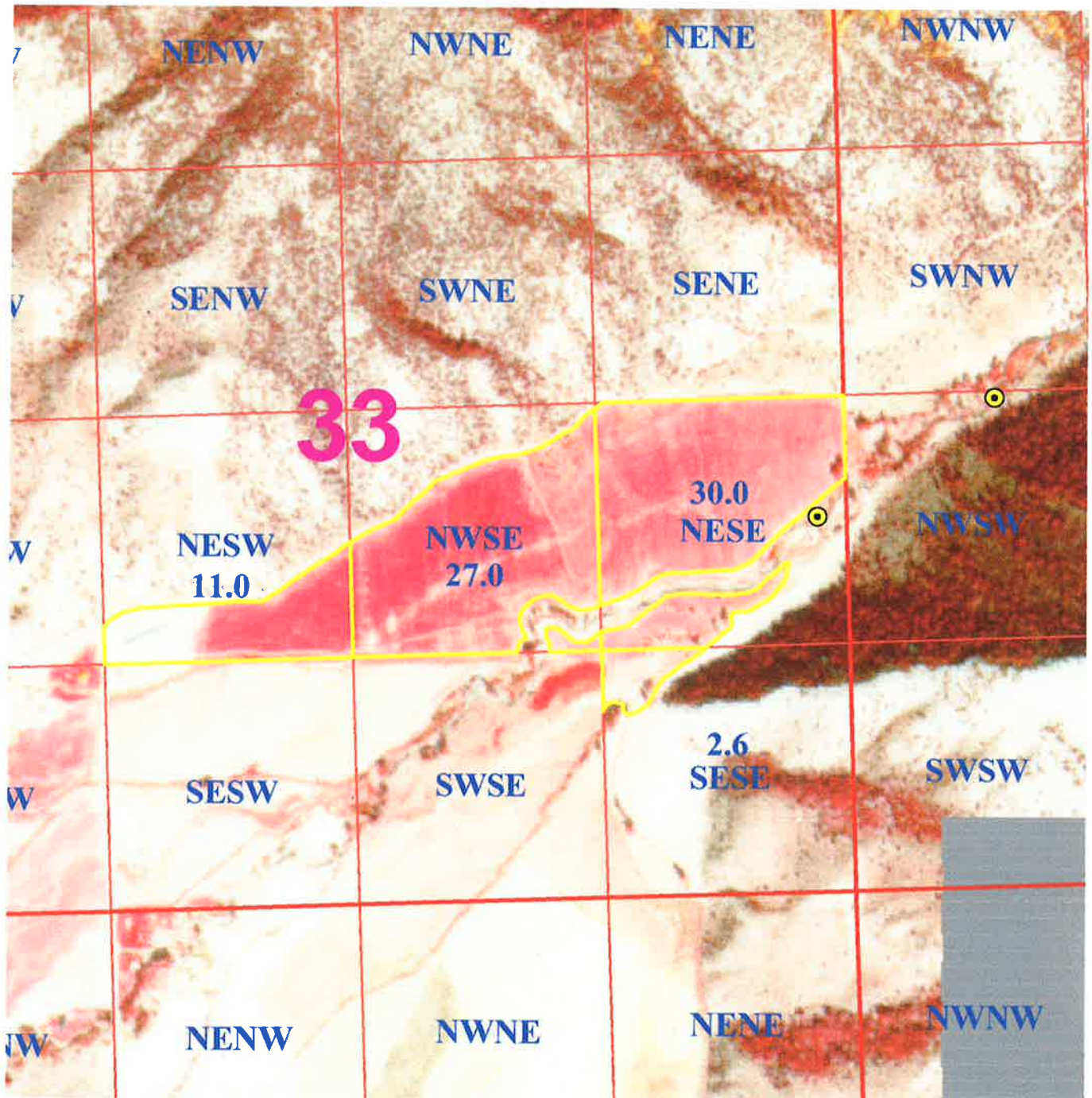
Spatial Dynamics CAT

2/12/01

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
02n44e	33	NESW	11	11	
02n44e	33	NESE	30	30	
02n44e	33	NWSE	28	27	
02n44e	33	SESE	9	2.6	Indiscernible
Totals:			78	70.6	

Water Right Claim Number 23-00022B
Township , 2N44E

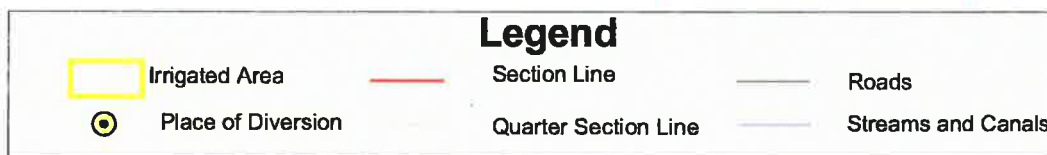
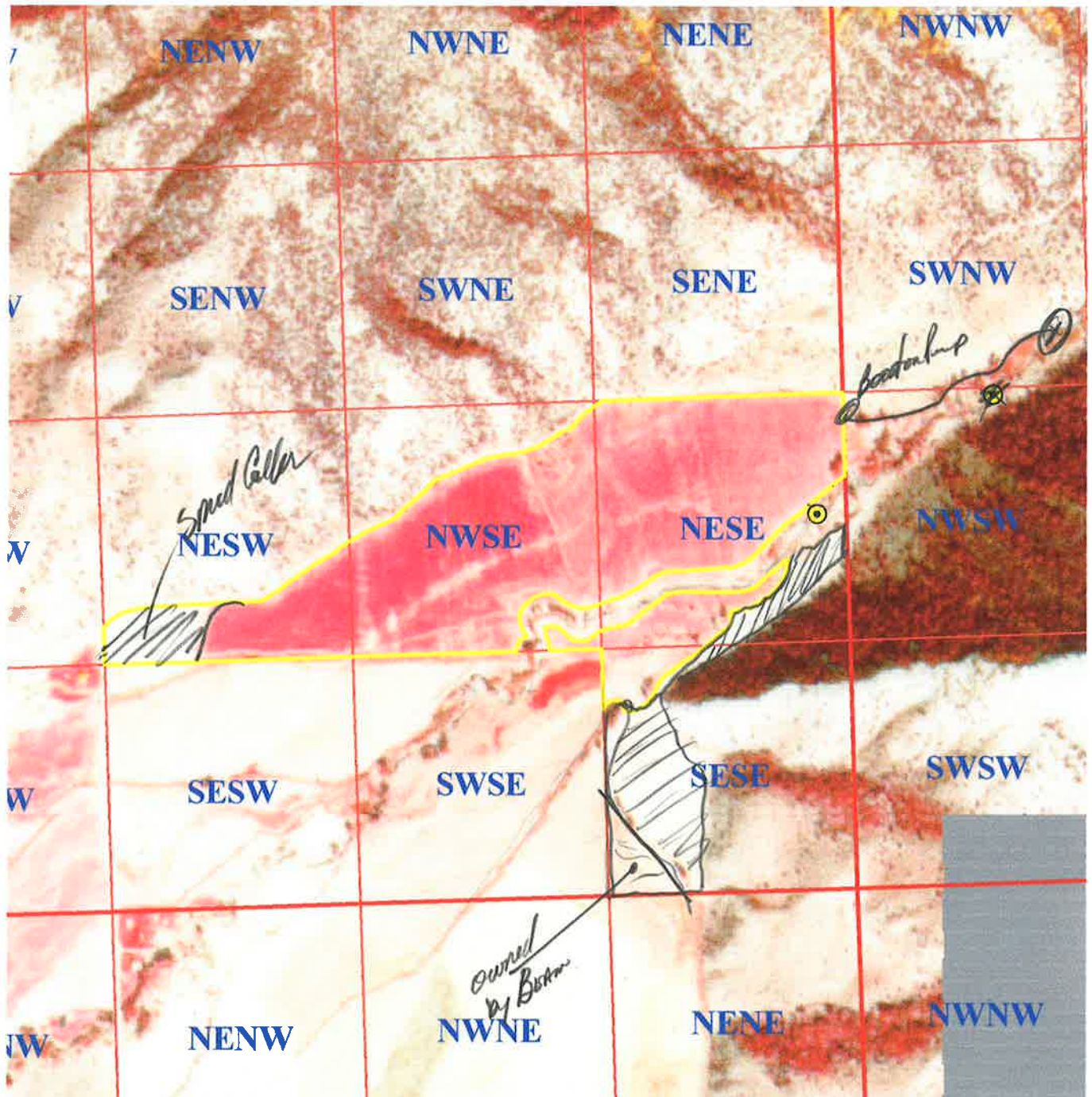
02/12/2001



SPATIAL
DYNAMICS

Water Right Claim Number 23-00022B
Township , 2N44E

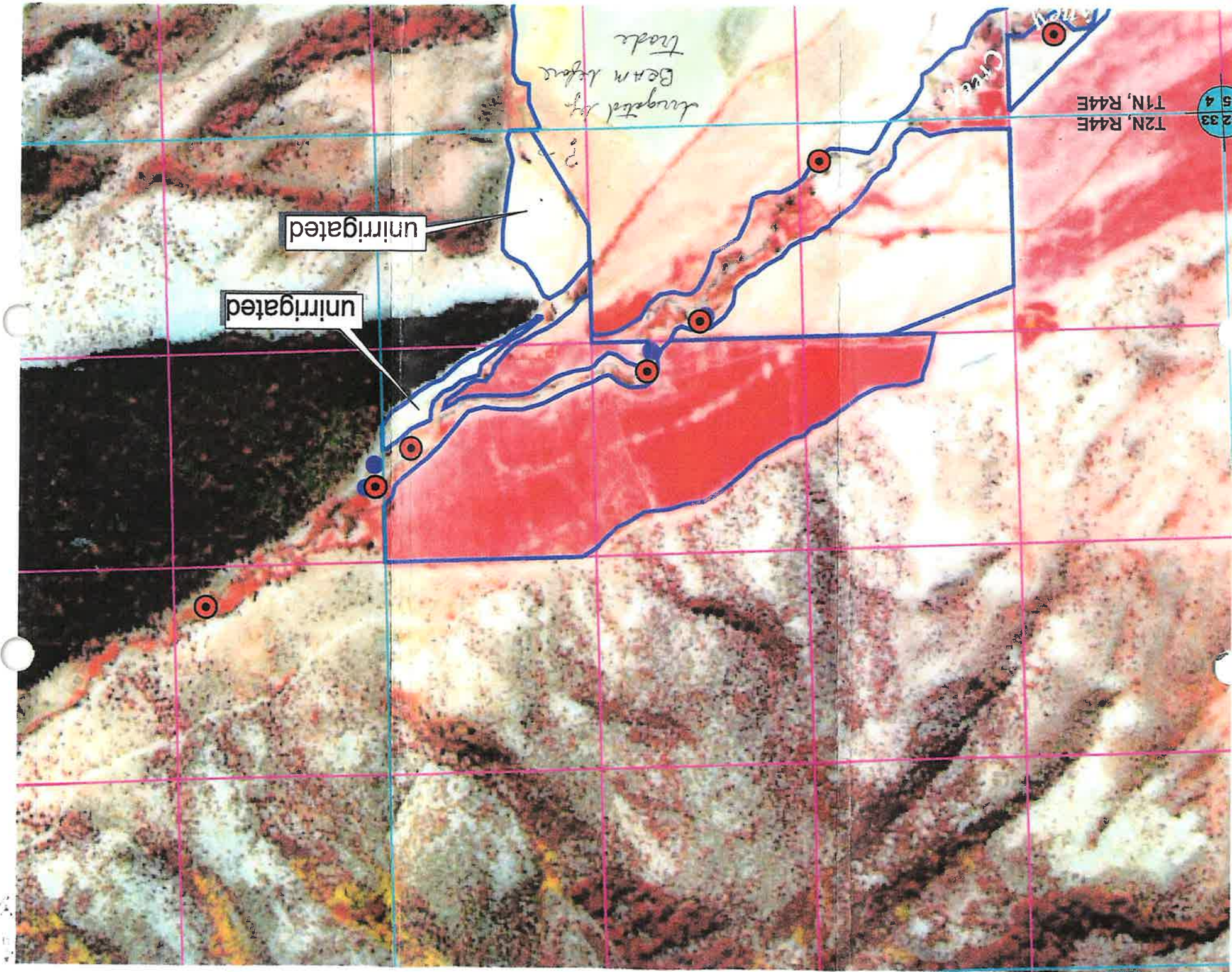
02/12/2001



800 0 800 1600 2400 Feet

SPATIAL
DYNAMICS







State of Idaho
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - FAX: (208) 525-7177

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

JULY 7, 1993

EDWIN C BIDDULPH
2560 S 60 E
IDAHO FALLS ID 83406

RE: CHANGE IN OWNERSHIP FOR A23-00096 AND A23-00022

Dear Mr. Biddulph:

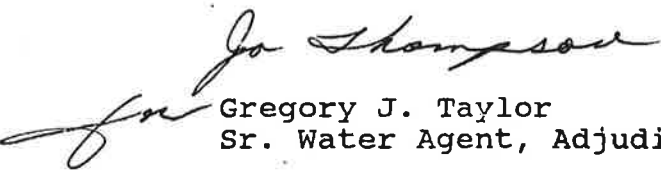
The request for Change in Ownership concerning the Notice(s) of Claim in the above reference has been processed and the Notice(s) have been split as follows:

RUTH AND STEVE WEEKS: A23-00096A, .14 CFS, 6 ACRES
EDWIN BIDDULPH: A23-00096B, 1.86 CFS, 78 ACRES

RUTH AND STEVE WEEKS: A23-00022A, .14 CFS, 6 ACRES
EDWIN BIDDULPH: A23-00022B, 1.86 CFS, 78 ACRES

Enclosed for your records are typed Notices reflecting your portion of the rights. Review these Notices and if there are other corrections or questions, feel free to contact this office (525-7161).

Respectfully submitted,


Gregory J. Taylor
Sr. Water Agent, Adjudications

GT:jt

Enclosure: Notices of Claim

cc: Steve Weeks/copies of claims

File: P

MICROFILMED

APR 11 1994

GEORGE C. PETERSEN, JR.
REED L. MOSS
WM. CHARLES CARR
SCOTT P. ESKELSON
STEPHEN D. HALL

PETERSEN, MOSS, OLSEN, CARR,
ESKELSON & HALL

Attorneys at Law
485 "E" Street
Idaho Falls, Idaho 83402
(208) 523-4650

DENNIS M. OLSEN
(1930-1985)
FAX NO.
(208) 524-3391

July 1, 1993

Idaho Department of Water Resources
900 N. Skyline Drive
Idaho Falls, ID 83402
Attn: Eric Verner

RECEIVED

JUL - 6 1993

Department of Water Resources
Eastern District Office

RE: Water Right Nos. A23-00022; and A23-00096

Dear Eric:

Enclosed herewith will be the original of the "new property owner notice of change of water right ownership" which the Idaho Department of Water Resources has requested on the transfer of lands and water rights between Steve and Ruth Weeks and Edwin and Jeanne Biddulph.

As shown thereon, the Weeks have sold off the water rights pertaining to 78 acres but have retained the water rights to six acres which they have retained in the SW 1/4 SW 1/4 and SE 1/4 SW 1/4 of Section 33, Township 2 North, Range 44, E.B.M. I am forwarding copies of this instrument to Dr. Biddulph as directed by the document itself.

Also enclosed will be "Amended Notice of Claim to Water Right" which has been signed by Steven and Ruth Weeks as the former claimants and Edwin and Jeanne Biddulph as the current claimants correcting the township in number 10 on page 2 from 1 North to 2 North, which is the correct township, thus amending the original filing of 8/25/89 to the correct lands involved.

Thank you very much for all the good help you gave me in helping to locate the other water claim and getting this amendment taken care of to correct that inadvertent original filing.

Best regards,

PETERSEN, MOSS, OLSEN, CARR,
ESKELSON & HALL

Reed L. Moss
Reed L. Moss

MICROFILMED
APR 11 1994

RLM/kjb

Enc.

cc. Steven Weeks (w/enc.)
Edwin Biddulph (w/enc.)



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

RECEIVED

Please print or type
(see instructions on back of page)

JUL - 6 1993

DATE OF CLOSING: June 17, 1992Department of Water Resources
Eastern District Office

LEGAL DESCRIPTION OF PROPERTY: Township 2N Range 44
Section _____, 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____, BM.

Lot _____, Block _____, Subdivision/Townsite _____

If you have additional legal descriptions, please attach separate sheet.

SEE ATTACHED LEGAL
DESCRIPTION on w/deed

[] Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

[] Water Right Number(s)
Assigned by IDWR:

A23-00022; A23-00096

[] Name and Address of Former
Owner/Claimant(s)(Seller):

Steven J. and Ruth Weeks, h & wP.O. Box 25Swan Valley, Idaho 83449

[] New Owner/Claimant
(Purchaser):

Edwin C and Jeanne Biddulph

[] New Mailing Address:

2560 So. 60th EIdaho Falls, Ida. 83406

[] New Telephone Number:

(208) 523-0726

☒ Does the change in ownership result in a splitting of the water right owned/claimed? ☒ yes ☐ no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

NE SW 11 Acres and SE SE 9 acres.NE SE 30 AcresNW SE 28 Acrestotal 78

[] Attach proof of
ownership, describe
proof attached:

Warranty deed - N/A

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

[] Signature of New
Owner/Claimant(s)

Ed BiddulphDate 6/26/93Jeanne BiddulphDate 6-26-93

[] Signature of Former
Owner/Claimant(s):

Steven J. WeeksDate 6-26-93Ruth WeeksDate 6-26-93

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: _____ By: _____

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: _____ By: _____

Claim Numbers of Split, if any:

MICROFILMED

APR 11 1994

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WARDEN
January 13, 2004

Edwin C Biddulph
Jeanne Biddulph
2560 S 60 E
Idaho Falls, ID 83406

Re: SRBA Claim Nos. 23-22B and 23-96B

Dear Mr. Biddulph:

I am the Deputy Attorney General assigned to represent the Idaho Department of Water Resources in its investigation of water rights in Basin 23. I understand that you have previously reviewed the Department's preliminary recommendation for your water rights, 23-22B and 23-96B. However, additional information has been supplied to the Department concerning your water right.

Based on this information, the Department is planning to change its recommendations. The attached document shows what the Department intends to recommend for your water rights to the Snake River Basin Adjudication District Court. Also included are two Notice of Error forms that you can fill out if you disagree with the proposed recommendations. If a resolution is not reached prior to when the Department files its recommendations with the SRBA court, you will have another chance to object to the recommendations.

When the Department files its Director's Report for Basin 23 water rights, you will receive a copy of the Director's Report for your water rights and a Notice that outlines the adjudication process. At that time, if you disagree with the Department's recommendations, you can file an objection as set forth in that Notice. You can expect the Director's Report and Notice to be filed with the SRBA Court sometime this summer.

If you have any further questions concerning this matter, please call me at (208) 327-5404.

Very Truly Yours,

A handwritten signature in cursive script, reading "Candice M. McHugh", is written over the typed name.

Candice M. McHugh
Deputy Attorney General, IDWR

Enclosures

cc: Allen Ruberry

01/08/2004

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS:

Water right number: 23-22B

EDWIN C BIDDULPH

2560 S 60 E

IDAHO FALLS ID 83406

Telephone Number: (208)523-0726

JEANNE BIDDULPH

2560 S 60 E

IDAHO FALLS ID 83406

Telephone Number: (208)523-0726

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

___ I AGREE with this proposed recommendation: no changes need to be made.

DATE: _____ SIGNATURE: _____

Please print your name: _____

IDWR Regional Office,

Ruberry, Allen

From: McHugh, Candice
Sent: Tuesday, January 06, 2004 2:19 PM
To: Ruberry, Allen
Subject: RE: Basin 23 Recommends

Does this letter work?



Biddulph letter.doc

-----Original Message-----

From: Ruberry, Allen
Sent: Monday, December 29, 2003 8:28 AM
To: McHugh, Candice
Subject: Basin 23 Recommends

If you will recall I sent an e-mail some time ago asking that you send an 'official AG letter' explaining that the recommendation had been changed, despite an early NOE, based on new information. At that time I was awaiting a couple affidavits.

A little history of the claims and recommendations: The claims originated after a Change of Ownership, 6/06/93, splitting 23-00022 and 23-00096. Claimant, Edwin Biddulph, got the B portions. Claims (splits) are for 78.0 acres, overlapping rights.

I conducted a filed exam on 5/09/03, visiting the POD's and claimed POU's. POD's are gated structures off Rainey Creek to ditches. On the North a ditch leads to a booster pump then to sprinkler irrigation on hay, on the South a ditch leads around the hill for gravity irrigation of an old orchard and grasses, then on to other users. It is the South side that is the issue. There are lands above the south ditch that Mr. Biddulph alleges were sprinkle irrigated, in the absence of a pump and or sprinkler pipe. During our discussion (in my office) he was admit that the lands above the south ditch had been sprinkle irrigated..... wanting to preserve the water rights I recommended those acres. I made the recommendations and invited Mr. Biddulph to review them early since he was leaving for the Philippine Islands for three years.

After conducting other adjacent field exams and talking to other claimants I find discussion that 'NO' those lands had never been irrigated by any means, even though they are planted grasses. In this same area and above the ditches are the dry farmed lands.

Two of the other claimants referenced above are the Weeks Brothers, Renell and Travis, who have lived and farmed in the Rainey Creek drainage all their lives, as have their ancestors. And, in-fact, farm Mr. Biddulph's other property North of Rainey Creek. Both have told me that the lands in question have never been irrigated so I ask them to file affidavits attesting to this. I have just received the last affidavit and will fax them to you ASAP with a map of the questioned area (if the map don't turnout let me know I'll make a new one and j-peg it in an e-mail).

I am faxing the claims, recommendations and map now to 327-5400.

January 6, 2004

Edwin C Biddulph
Jeanne Biddulph
2560 S 60 E
Idaho Falls, ID 83406

Re: SRBA Claim No. 23-22B and 23-96B

Dear Mr. Biddulph:

I am the Deputy Attorney General assigned to represent the Idaho Department of Water Resources in its investigation of water rights in Basin 23. I understand that you have previously reviewed the Department's preliminary recommendation for your water rights, 23-22B, 23-96B. However, additional information has been supplied to the Department concerning your water right.

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If you have any further questions concerning this matter, please call me at (208) 327-5404.

Very Truly Yours,

Candice M. McHugh
Deputy Attorney General, IDWR

Enclosures

12/29/03

To: Canonic McHugh

From: A Ruberry

Subject: 23-00022B, 23-00096B

CONTAINS: 13pgs

1. CLAIMS 23-00022B, 23-00096B
2. RECOMMENDATIONS OF SAME w/ MAP
3. NOE'S OF 23-00022B, 23-00096B
4. AFFIDAVITS OF RENOLD AND TRAVIS WOODS
w/ MAP

Ruberry, Allen

To: McHugh, Candice
Subject: Basin 23 Recommends

If you will recall I sent an e-mail some time ago asking that you send an 'official AG letter' explaining that the recommendation had been changed, despite an early NOE, based on new information. At that time I was awaiting a couple affidavits.

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After conducting other adjacent field exams and talking to other claimants I find discussion that 'NO' those lands had never been irrigated by any means, even though they are planted grasses. In this same area and above the ditches are the dry farmed lands.

Two of the other claimants referenced above are the Weeks Brothers, Renell and Travis, who have lived and farmed in the Rainey Creek drainage all their lives, as have their ancestors. And, in-fact, farm Mr. Biddulph's other property North of Rainey Creek. Both have told me that the lands in question have never been irrigated so I ask them to file affidavits attesting to this. I have just received the last affidavit and will fax them to you ASAP with a map of the questioned area (if the map don't turnout let me know I'll make a new one and j-peg it in an e-mail).

I am faxing the claims, recommendations and map now to 327-5400.

RECEIVED

JAN 16 2004

Department of Water Resources
Eastern Region

AFFIDAVIT

I am Steve Weeks, a long time resident and property owner in Swan Valley, Idaho. My current residence is 45785 County Rd #16, Cope, Colorado 80812. This affidavit attests to my personal knowledge of the agriculture and irrigation practices in and around the Rainey Creek drainage within Swan Valley.

My family and I have farmed in this area for many years, as have other family members, and it is my personal knowledge that the property now owned by Edwin C. Biddulph, at the uppermost farmable region on Rainey Creek drainage, specifically, the small areas on the West facing hillside and the narrow strip south of the conveyance ditches traversing the hillside have never been irrigated by any means. These areas are specifically described as parts of SESE and NESE Section 33, T2N, R44E, BM (see the attached photomap).

I make this statement on 1-12-04, 2004.

Steve Weeks
Steve Weeks

State of Colorado)
) SS.
County of Yuma)

Subscribed and sworn (or affirmed) before me this 12 day of Jan., 2004.

Notary Public
Residing at Bank of Colorado
My Commission Expires

My Commission expires Sept. 7. 2005

SEAL

RECEIVED

DEC 22 2003

Department of Water Resources
Eastern Region

AFFIDAVIT

I am Renell Weeks, a life long resident and property owner in Swan Valley, Idaho. This affidavit attests to my personal knowledge of the agriculture and irrigation practices in and around the Rainey Creek drainage within Swan Valley.

My brother and I have farmed in this area for many years, as have our family members, and it is my personal knowledge that the property now owned by Edwin C. Biddulph, at the uppermost farmable region on Rainey Creek drainage, specifically, the small areas on the West facing hillside and the narrow strip south of the conveyance ditches traversing the hillside have never been irrigated by any means. These areas are specifically described as parts of SESE and NESE Section 33, T2N, R44E, BM (see the attached photomap).

I make this statement on 19 Dec, 2003.

Renell Weeks
Renell Weeks

State of Idaho)
County of Bannock) SS.

Subscribed and sworn (or affirmed) before me this 19th day of Dec, 2003.

Linda C. Sargent
Notary Public

Residing at Swan Valley, ID

My Commission Expires 11/3/06



SEAL

RECEIVED

DEC 11 2003

AFFIDAVIT

Department of Water Resources
Eastern Region

I am Travis Weeks, a life long resident and property owner in Swan Valley, Idaho. This affidavit attests to my personal knowledge of the agriculture and irrigation practices in and around the Rainey Creek drainage within Swan Valley.

My brother and I have farmed in this area for many years, as have our family members, and it is my personal knowledge that the property now owned by Edwin C. Biddulph, at the uppermost farmable region on Rainey Creek drainage, specifically, the small areas on the West facing hillside and the narrow strip south of the conveyance ditches traversing the hillside have never been irrigated by any means. These areas are specifically described as parts of SESE and NESE Section 33, T2N, R44E, BM (see the attached photomap).

I make this statement on 12-10, 2003.

[Signature]
Travis Weeks

State of Idaho)
) SS.
County of Bonneville)

Subscribed and sworn (or affirmed) before me this 10th day of Dec., 2003.

[Signature]
Notary Public

Residing at Swan Valley, Id

My Commission Expires 11/3/06



SEAL

06/17/2003

**NOTICE OF ERROR
REPLY**

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS:

Water right number: 23-22B

EDWIN C BIDDULPH
2560 S 60 E
IDAHO FALLS ID 83406
Telephone Number: (208)523-0726

JEANNE BIDDULPH
2560 S 60 E
IDAHO FALLS ID 83406
Telephone Number: (208)523-0726

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JUN 23 2003

Department of Water Resources
Eastern Region

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

Use of this right should be for 78.1 Acres per irrigation season

2. Describe the changes you wish to make in the proposed recommendation:

Substitute 78.1 Acres for the 70.7 Acres

3. Give a brief explanation as to why you disagree with these portions:

It's not correct. Allen Ruberry said he would correct it but asked me to send this for the record

☐ I AGREE with this proposed recommendation, no changes need to be made.

DATE: _____

SIGNATURE: _____

Please print your name: _____

ED BIDDULPH

IDWR Regional Office,

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 23-22B
Date Received: 8/25/1989
Receipt No: X999999
Received By:

AMENDED

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

EDWIN C BIDDULPH Phone: (208)523-0726
2560 S 60 E
IDAHO FALLS ID USA 83406

JEANNE BIDDULPH Phone: (208)523-0726
2560 S 60 E
IDAHO FALLS ID USA 83406

2. Date of Priority: 06/06/1892

3. Source: RAINEY CREEK , RAINEY CREEK Trib. to: SNAKE RIVER SOUTH FORK, SNAKE
RIVER SOUTH FORK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
02N	44E	34	NE NW SW	BONNEVILLE	
02N	44E	33	NE NE SE	BONNEVILLE	R

5. Description of diverting works:

HEADGATE IN STREAM TO DITCH. REDIVERSION PUMP IN DITCH TO MAIN.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	1.86	

7. Total Quantity Appropriated is:
1.86 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
02N	44E	33	NE SW	IRRIGATION	11
			NE SE	IRRIGATION	30
			NW SE	IRRIGATION	28
			SE SE	IRRIGATION	9
				Section Acres	78
				Total Acres	78

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:

AMENDED TO CORRECT THE PRIORITY DATE TO JUNE AS THE DECREE READS.

P/D AND P/U INCOMPLETE IN DECREE THIS RIGHT PAID FOR UNDER RECEIPT #E009978

15. Basis of Claim: Decreed

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s):

Ed Biddle

Date: 7 May 2003

Date: _____

State of Idaho

County of

BONNEVILLE

) SS.

Subscribed and sworn (or affirmed) before me this

7th

of May 2003

A. B. RUBENY

Notary Public

Residing at

EDRANO KAUS RD

My commission Expires

9/23/03



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: A23-00022B
Date Received: 8/25/1989
Receipt No: X777777
Received By: _____

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name: EDWIN C BIDDULPH
Address: 2560 S 60 E
IDAHO FALLS ID

208-523-0726

83406

AND

Name: JEANNE BIDDULPH
Address: 2560 S 60 E
IDAHO FALLS ID

208-523-0726

83406

2. Date of Priority: JUL 6, 1892

3. Source: RAINEY CREEK, UPPER Trib. to: SNAKE RIVER, SOUTH FORK

4. Point of Diversion:

Township	Range	Section	1/4	of	1/4	of	1/4	Lot	County
02N	44E	33	NE		NE		SE	R	BONNEVILLE
		34	NE		NW		SW		BONNEVILLE

5. Description of diverting works:

HEADGATE IN STREAM TO DITCH. REDIVERSION PUMP IN DITCH TO MAIN

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.860		

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

A.F.A.

8. Total consumptive use is 195.0 Acre Feet Per Annum.

9. Non-irrigation uses:
INCIDENTAL STOCKWATERING

A2300022B



MICROFILMED

APR 11 1994

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02N	44E	33	NE	SW		IRR	11.0
			NE	SE		IRR	30.0
			NW	SE		IRR	28.0
			SE	SE		IRR	9.0
						Section Acres	78.0
						Total Acres	78.0

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:
23-00096

14. Remarks:
P/D AND P/U INCOMPLETE IN DECREE
THIS RIGHT PAID FOR UNDER RECEIPT #E009978

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 12/16/1910

REXBURG IRRIGATION CO. ET AL
Decree Plaintiff

TETON IRR. CANAL CO. ET AL.
vs Decree Defendant

MICROFILMED
APR 11 1994