

02/24/2004

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

RIGHT NUMBER: 23-48B
NAME AND ADDRESS: DEL E WILKINS
PO BOX 96
SWAN VALLEY ID 83449
SOURCE: RAINEY CREEK TRIBUTARY: SOUTH FORK SNAKE RIVER
QUANTITY: 0.240 CFS
PRIORITY DATE: 06/01/1893
POINT OF DIVERSION:
T01N R44E S7 SWNE NE Within BONNEVILLE County
PURPOSE AND PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	0.240 CFS

PLACE OF USE: IRRIGATION Within BONNEVILLE County
T01N R44E S06 Lot 6 NWSW 16.0

16 ACRES TOTAL

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 16.0 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 23-00048B, 23-00098B.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 12.0 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE 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

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINTS OF
DIVERSION DESCRIBED ABOVE: 23-00048B, 23-00098B.



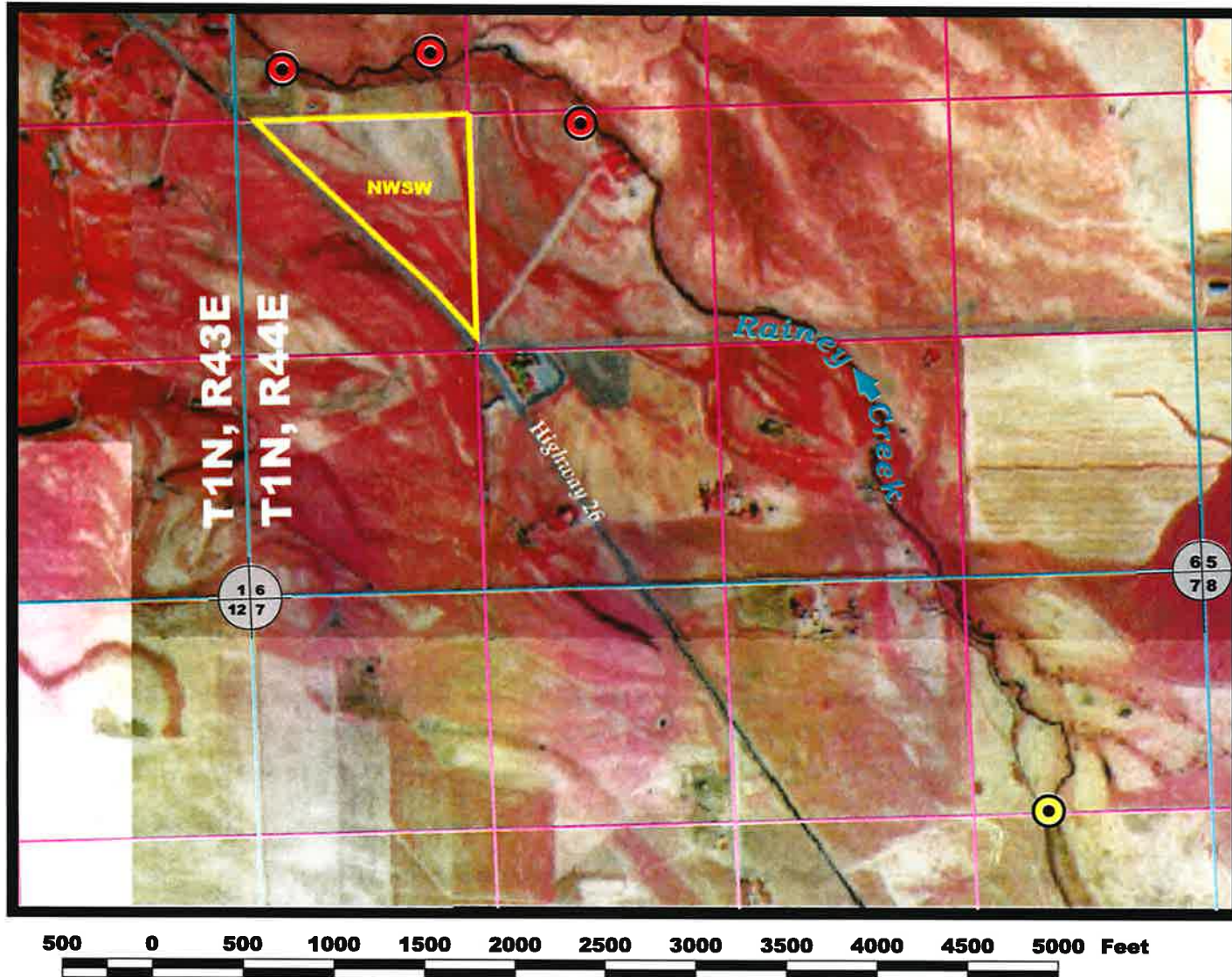
JUL 07 2004

SCANNED

State of Idaho

Department of Water Resources

Eastern Region



Water Right(s):

23-00048B,
23-00098B

Place of Use: (part of)
T1N, R44E
Sec. 6 NWSW

Point(s) of Diversion:
T1N, R44E
Sec. 7 SWNE



LEGEND

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

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

Contacts Data Entry Form

Water Right No. 23-48B

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

Current Owner DEB E WILKINS

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:

↓ DECEDED LANDOR ROXBURG Irrig Co. vs Teton Irrig Co. 1910.
AS #112, TO ROBT OAKDEN, PALISADES CR. 6/1/1893. SEE SPLIT HISTORY.

FB INDICATED: POU/POO, system/dormancy, overlap of Rts.

POU OWNERSHIP IS A QUESTION.

Reviewer: _____

Date: _____

SCANNED

JUL 07 2004

Priority Date Data Entry Form

Claim Number: _____

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: 6/1/1893 Claimed Basis: DECREEDRecommended Priority Date: 6/1/1893 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:

CLAIM MATCHES DECREED

Reviewer: _____

Date: _____

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 1N, R 44E, Sec. 7, SW, NE, NE County: BONNI.Source: RAINY CK, LOWER Tributary: SNAKE RIVER, SO. FK ok

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>RAINY CK</u>
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						

Other rights from this POD? GPS TAG #

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

USGS QUAD RECOGNIZES RAINY CK (NO LOWER PORTION)
RECOMMEND RAINY CK TRIB TO SNAKE RIVER, SO. FK.
FB: POD INDICATED - CLAIMANT'S MAP SHOWS NO POD.

Transfers Changing POD _____

Reviewer: _____

Date: _____

Place Of Use Data Entry Form

Claim Number: _____

_____ Use Claimed POU as Recommended POU

Claimed Place of Use

Tw	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
1N	44E	6	N	W	Bonn		17 ⁶	Ag

Total Acres _____

Recommended Place of Use

Tw	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
1N	44E	6	N	W				Ag

Total Acres _____

Document how the POU was verified:

POU NOT ADDRESSSED BY DECRET. NO TX'S OF RECORD.

Q: WHERE IS CLAIMED POU w/ OWNERSHIP BOUNDARY?

CLAIMANT'S MAP DON'T MATCH CLAIMED POU. ALSO BONN CO. OWNER
PLAT DOES NOT SHOW COMPLETE OWNERSHIP OF CLAIMED POU.

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
<i>Permit</i>	<i>4/01</i>	<i>11/01</i>	<i>0.24</i>	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Overall Diversion Rate _____ Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
<i>Permit</i>	<i>4/15</i>	<i>10/31</i>	<i>0.24</i>	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Overall Diversion Rate *0.24* Overall Diversion Volume _____

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

SOUL NOT ADDRESSED BY DECREE. I/SO DEPT STD 4/15 TO 10/31.

*CLAIMS 0.24 ON 17⁶ AC. - DECREE AND 842-220, 202 I.C. SPECIFY
0.02 cfs/AC i.e. 0.24/0.02 = 12 AC - PPH w/ 23-98B.*

AC AND Q LIMITS APPLY w/ 23-98B.

Remarks

Reviewer: _____

Date: _____

02/24/2004

**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: 23-48B

DEL E WILKINS

PO BOX 96

SWAN VALLEY ID 83449

Telephone Number: (208)483-4655

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:

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

DATE:

3 18 04

SIGNATURE:

Del Wilkins

Please print your name:

Del Wilkins

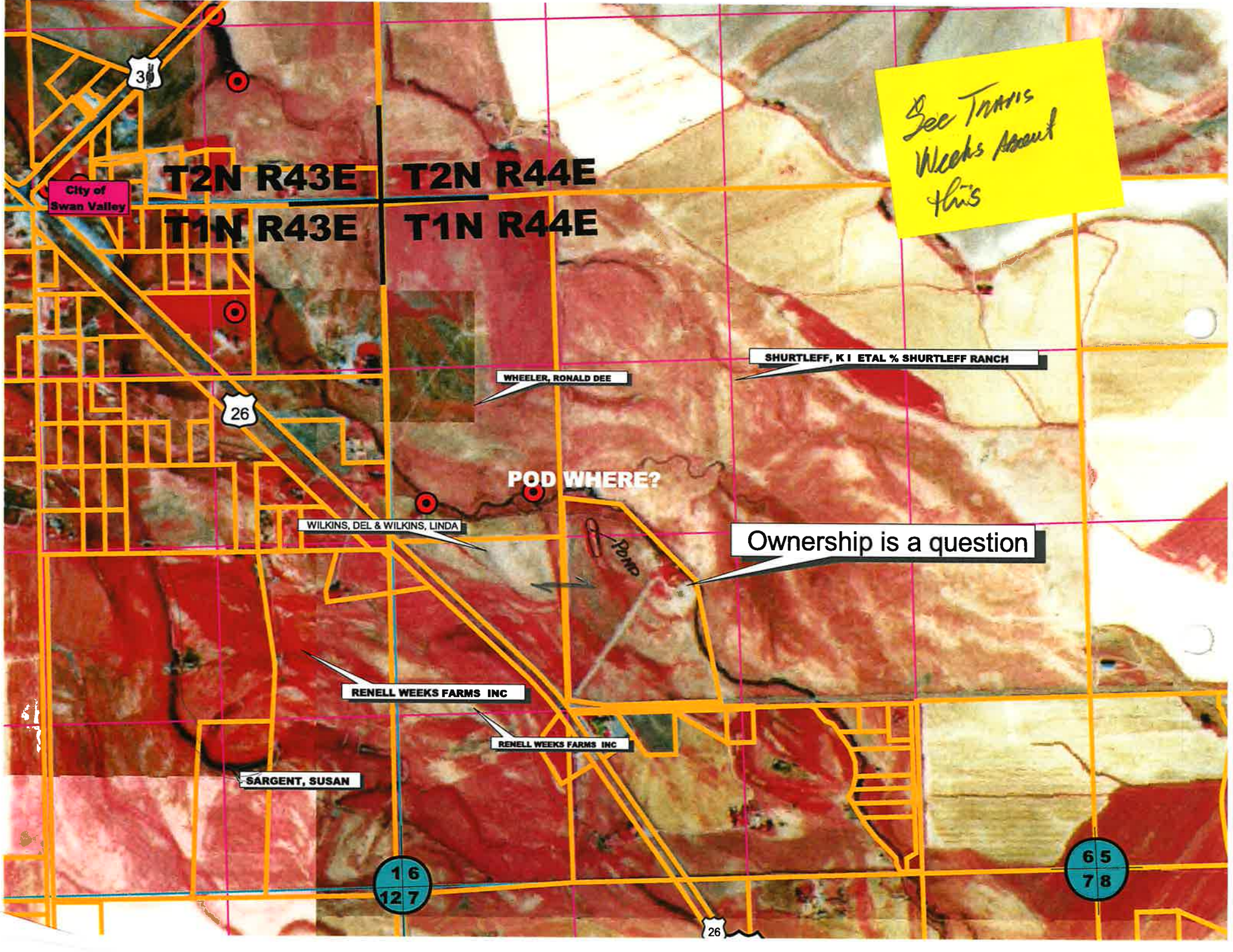
IDWR Regional Office,

Log for claim 23-00048B

Spatial Dynamics CAT

2/21/01

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
01n44e	6	NWSW	17.6	18	
Totals:			17.6	18	



T2N R43E

T2N R44E

T1N R43E

T1N R44E

See Travis
Weeks About
this

City of
Swan Valley

SHURTLEFF, K I ETAL % SHURTLEFF RANCH

WHEELER, RONALD DEE

26

WILKINS, DEL & WILKINS, LINDA

POD WHERE?

Ownership is a question

RENELL WEEKS FARMS INC

RENELL WEEKS FARMS INC

SARGENT, SUSAN

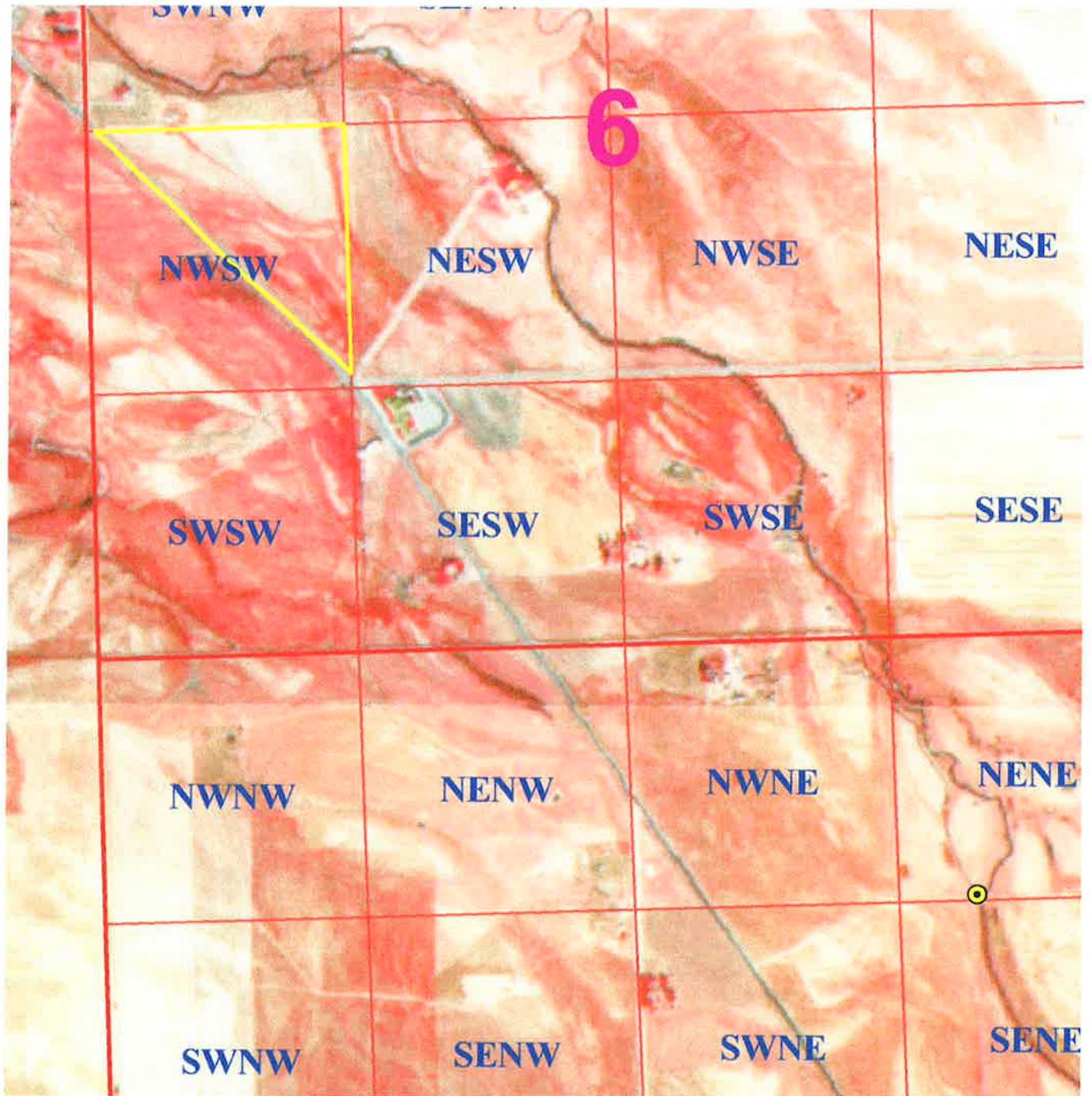
16
127

65
78

26

Water Right Claim Number 23-00048B
Township , 1N44E

02/21/2001



Legend					
	Irrigated Area		Section Line		Roads
	Place of Diversion		Quarter Section Line		Streams and Canals





State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

December 12, 2003

CERTIFIED MAIL

Mr. Del Wilkins
P.O. Box 96
Swan Valley, Idaho 83449-0096

Re: Show Cause for water right for Pond.

Dear Mr. Wilkins:

It has been reported that you have built a pond on your property and that you are diverting water from Ann Griffel's private ditch to fill and maintain the water level in the pond. It is our understanding that you have water rights 23-48B and 23-98B, both of which are for irrigation but are not for storage. In order for the pond to be filled, you must have a water right for this purpose. For your convenience, I have included a map/layout of the lands in question.

We request you to show cause on or before January 30, 2004 why a notice of violation of the laws of the State of Idaho should not be issued to you seeking civil penalties and a cessation of diversion activities.

I look forward to your response. You may call me at (208) 525-7161 if you wish to discuss the matter.

Sincerely,

W. Roger Warner
Water Rights Supervisor – Eastern Region

Enclosure: Layout

WATER RIGHT NUMBER: 23-48

Priority Date: 06/01/1893
Basis: Decease
Status: Active

<u>Source</u>	<u>Tributary</u>
RAINEY CREEK	SOUTH FORK SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	/	to /	3.200 CFS	
		Total Diversion:	3.200 CFS	

Location of Point(s) of Diversion
RAINEY CREEK

Place of Use
IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	43E	1									X								
01N	44E	6									X				X X X X				ERROR

Conditions of Approval:

Remarks:

1. General P/D AND P/U INCOMPLETE.

Comments:

SEE SPLIT HISTORY ATTACHED

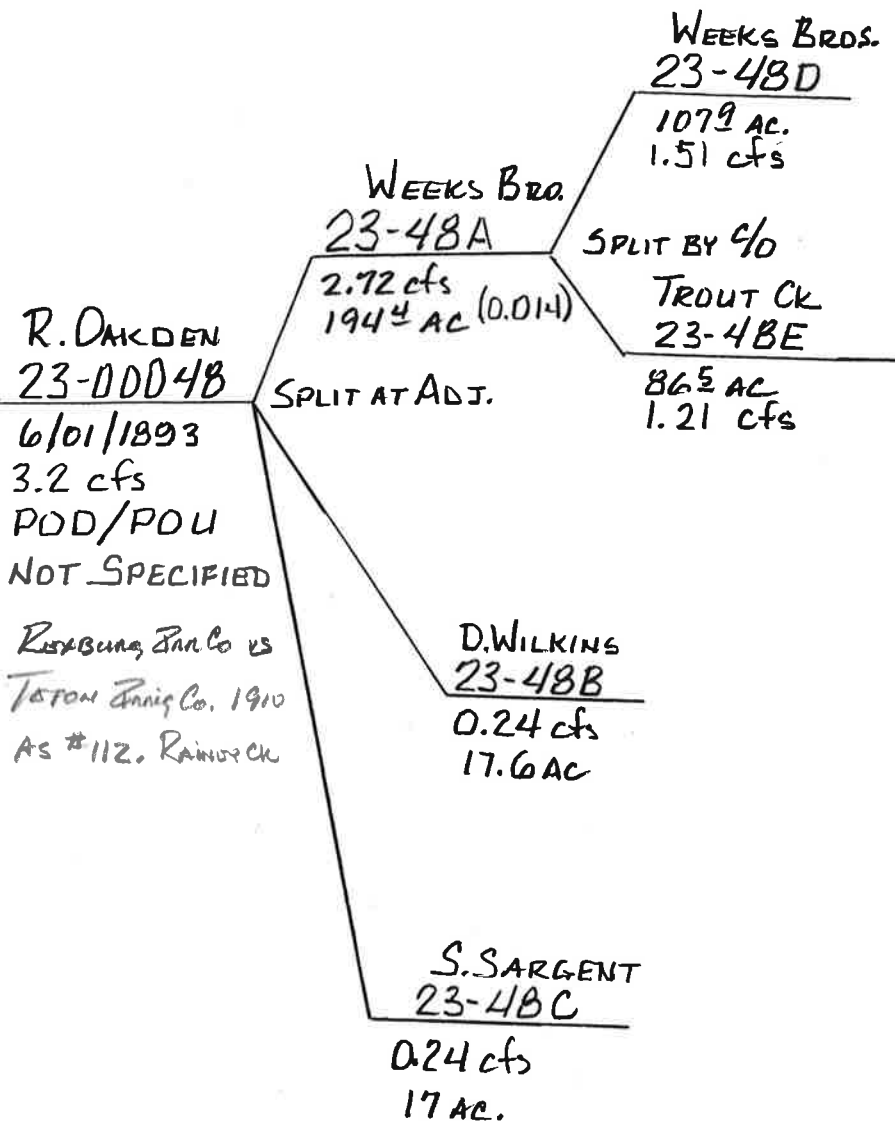
Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 23-48

Dates and Other Information:

Licensed Date:
 Decreed Date: 12/16/1910
 Water Supply Bank Enrollment Accepted:
 Water Supply Bank Enrollment Removed:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 State or Federal:
 Owner Name Connector:
 Water District Number: 01
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Decree Defendant: Teton Irrigation Canal Co, et al
 Decree Plaintiff: Rexburg Irrigation Co
 Civil Case Number:
 Judicial District: Sixth District
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False



ADJ PARTS	Cfs CLAIMED
B.	0.24
C.	0.24
D.	1.51
E.	1.21
TOTAL Q: 3.2 cfs	
<u>CLAIMED IN-FULL</u>	



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

FEBRUARY 24, 1994

DEL E WILKINS
PO BOX 96
SWAN VALLEY ID 83449

RE: CHANGE IN OWNERSHIP FOR A23-00048 AND A23-00098

Dear Mr. Wilkins:

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:

A23-00048A..WEEKS..2.96 CFS.. 211.4 ACRES
A23-00048B..WILKINS..0.24CFS..17.6 ACRES

A23-00098A..WEEKS..2.49 CFS..211.4 ACRES
A23-00098B..WILKINS..0.21 CFS..17.6 ACRES

Enclosed are "copies" of the water rights with your name shown as the current owner. Review the Notices and if there are other corrections or questions, feel free to contact this office (525-7161).

Respectfully submitted,

for *Jo Thompson*
Gregory J. Taylor
Sr. Water Agent, Adjudications

GT:jt

Enclosure: Notice(s) of Claim

cc: Copies of remaining rights/Weeks Brothers

MICROFILMED

APR 11 1994



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

DATE OF CLOSING: _____

LEGAL DESCRIPTION OF PROPERTY: Township 1N Range 43E
Section 6, — 1/4 of NW 1/4 of SW 1/4, Govt. Lot —, BM.
Lot —, Block, —, Subdivision/Townsite —
If you have additional legal descriptions, please attach separate sheet.

FEB 17 1994

☐ 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) Eastern District Office

☒ Water Right Number(s)
Assigned by IDWR: A 23-00048, A23-00098

☐ Name and Address of Former
Owner/Claimant(s)(Seller): Weeks Bros.

P.O. Box 25

Swan Valley, ID

Department of Water Resources
Eastern District Office

☐ New Owner/Claimant
(Purchaser): Del D. E. Wilkins

☐ New Mailing Address: Box 96 Swan Valley, ID 83449

☐ New Telephone Number: (208) 483-4655

☐ 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:

NW SW of Sect 6 for 17.6 acres

☐ Attach proof of
ownership, describe
proof attached: _____

(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)

Del E. Wilkins

Date 2/21/94

Date _____

☐ Signature of Former
Owner/Claimant(s):

Date _____

Date _____

(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:

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APR 11 1994

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

EXHIBIT A

From the Northwest Corner of Section 6, Township 1 North, Range 44 East, Boise Meridian, Bonneville County, Idaho, run South 00°04' West 2570.03 feet and South 45°00' East 79.10 feet to the True Point of Beginning; running thence South 89°56'20" East 1235.61 feet, thence South 00°02'10" East 1315.00 feet, thence North 32°48' West 77.03 feet to a point of curve, thence 412.20 feet along the arc of said curve to the left, said curve having a radius of 1949.76 feet, intersection angle of 12°22', thence North 45°10' West 1312.10 feet to the True Point of Beginning.
Excepting therefrom State Highway 26.

RECEIVED
FEB 17 1994

Department of Water Resources
Eastern District Office

A23 - 00048 3.20 cfs
229 acres = .0140 cfs/acre

-25 cfs

00098

.0118 cfs/acre

.21

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APR 11 1994

12-16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100

CORPORATION DEED

867996

For Value Received

RENELL WEEKS FARMS, INC.

a corporation duly organized and existing under the laws of the State of Idaho, grantor, does hereby Grant, Bargain, Sell and Convey unto

DEL WILKINS AND LINDA WILKINS

whose current address is

151 RAINEY CREEK ROAD SWAN VALLEY ID 83449

the following described real estate, to-wit:

SEE ATTACHED EXHIBIT "A"

94 JAN 4 PM 4 17

BONNEVILLE COUNTY
RECORDER

867996

TOGETHER WITH: .5/10 SECOND FOOT OF LOWER RAINEY CREEK WATER RIGHTS DATED JUNE 1, 1893. ALSO, TOGETHER ALL MINERAL AND MINERAL RIGHTS APPURTENANT THERETO.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee s their heirs and assigns forever.

IN WITNESS WHEREOF, the Grantor, pursuant to a resolution of its Board of Directors has caused its corporate name to be hereunto subscribed by its President and its corporate seal to be affixed by its Secretary this

JANUARY 4, 1994

By *Renell Weeks*

RENELL WEEKS
PRESIDENT.

ATTEST:

SECRETARY.

STATE OF IDAHO, COUNTY OF BONNEVILLE

ON THIS 4TH day of JANUARY, 1994, before me, a notary public in and for said State, personally appeared

RENELL WEEKS, known to me to be the President of the corporation that executed this instrument or the persons who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

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

James A. 3144
Notary Public
Residing at IDAHO FALLS, Idaho
Comm. Expires 07/06/99

INSTRUMENT NO.	867996
DATE	1-4-94
INST. CODE	235
SICKE NO.	9423-21
SEE	6.00
STATE OF IDAHO) COUNTY OF BONNEVILLE) ss	
I hereby certify that the within instrument was recorded.	
Ronald Langmore, County Recorder	
By	<i>Ruth Avery</i> Deputy
Request of	

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: **A23-00048B**
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: DEL E WILKINS
Address: PO BOX 96
SWAN VALLEY ID 83449 208-483-4655
2. Date of Priority: JUN 1, 1893
3. Source: RAINEY CREEK, LOWER Trib. to: SNAKE RIVER, SOUTH FORK
4. Point of Diversion:
- | Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County |
|----------|-------|---------|--------|--------|--------|-----|------------|
| 01N | 44E | 7 | SW | NE | NE | | BONNEVILLE |
5. Description of diverting works:
HEADGATE IN STREAM TO DITCHES FOR FLOOD IRRIGATION
6. Water is used for the following purposes:
- | Purpose | From | To | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| IRRIGATION | 04/01 | 11/01 | 0.240 | | |
7. Total Quantity Appropriated is:
0.240 C.F.S. (and/or) A.F.A.
8. Total consumptive use is 44.0 Acre Feet Per Annum.
9. Non-irrigation uses:
INCIDENTAL STOCKWATERING
10. Place of Use:
- | Township | Range | Section | 1/4 of | 1/4 of | Lot | Use | Acres |
|----------|-------|---------|--------|--------|-----|-----|-------|
| 01N | 44E | 6 | NW | SW | | IRR | 17.6 |

A2300048B



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10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	17.6
					Total Acres	17.6

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:
A23-00098B

14. Remarks:

P/D AND P/U INCOMPLETE IN DECREE.
APPEARS TO BE ERROR IN DESCRIPTION IN DECREE. SHOULD BE SE1/4
OF SECTION 1 RATHER THAN SW1/4 AS INDICATED.
* THIS RIGHT PAID FOR UNDER RECEIPT #E009979. CHANGE IN OWNERSHIP
2-24-94 GJT

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 12/16/1910

REXBURG IRR. CO ET AL
Decree Plaintiff

TETON IRRIGATION CANAL CO. ET
vs Decree Defendant

MICROFILMED
APR 11 1994

