

01/30/2004

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

RIGHT NUMBER: 23-51A
NAME AND ADDRESS: JOSIE BYRD
3854 SWAN VALLEY HWY
PALISADES ID 83428
SOURCE: PALISADES CREEK TRIBUTARY: SNAKE RIVER
QUANTITY: 0.240 CFS
PRIORITY DATE: 05/01/1902
POINT OF DIVERSION:
T01N R44E S26 NESWSE 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 S36 NWSW 13.0

13 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: Decreed



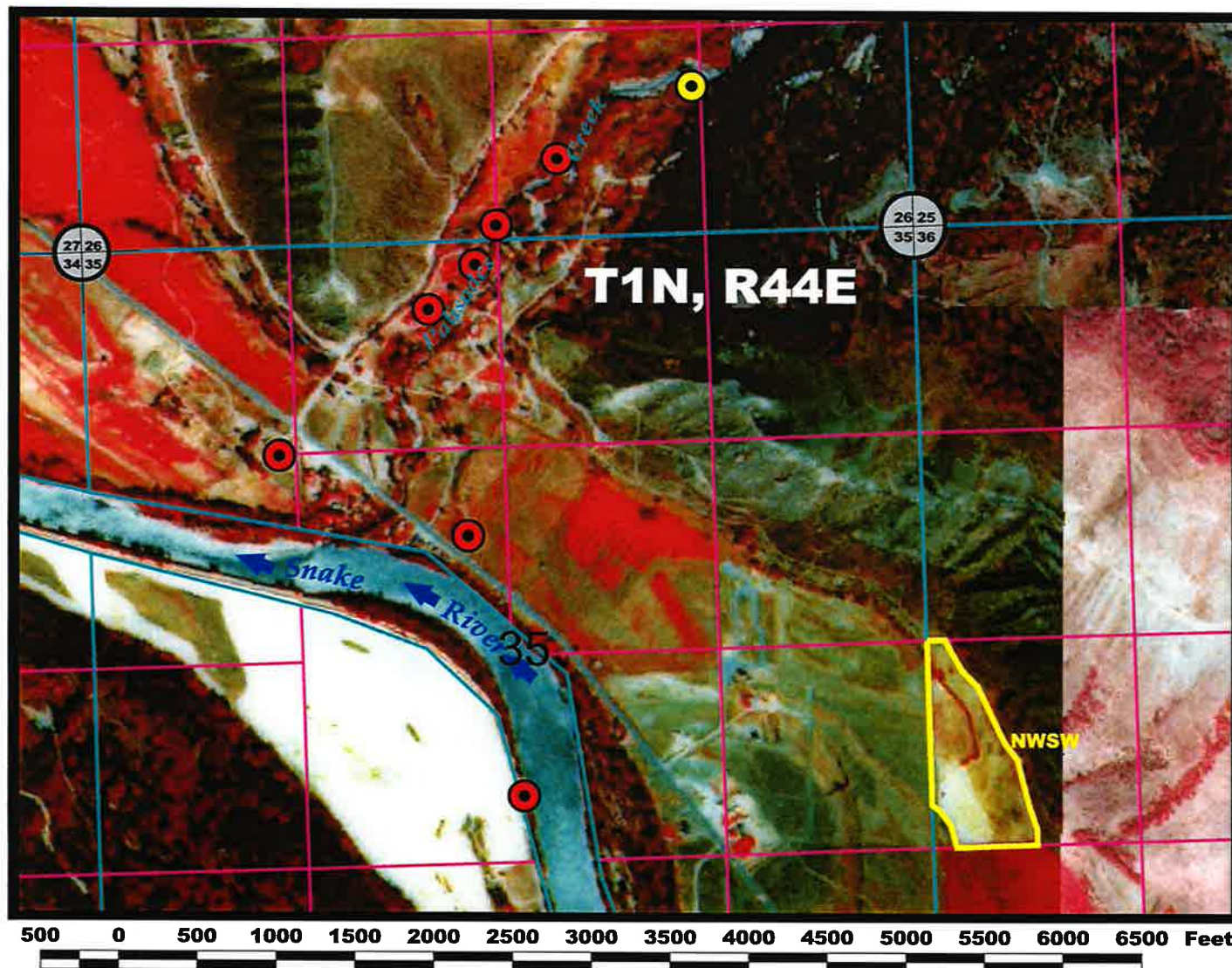
JUL 07 2004

SCANNED

State of Idaho

Department of Water Resources

Eastern Region



Water Right(s):

23-00051A

Place of Use: (parts of)
T1N, R44E Sec. 3 NWSW

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

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: January 2004

Contacts Data Entry Form

Water Right No. 23-00051A

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

Current Owner

Josie Byrd

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

Current Owner

Current Owner

Representing Attorney: _____ Phone Number: _____

Accompanied By: _____ Phone Number: _____

Relationship to Claimant: _____

Δ ADDRESS FILED 1/26/04

Date of Field Exam: _____ Time: _____

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

DECEASED UNDER REISBURG TANNING vs TOWN TANNING, AIO. AS: # 227,
TO J. TANNERS. PALISADES CR. 130" (2.6 cfs), MAY 1, 1902.

1/9/04 SENT CHANGE OF ADDRESS - RECEIVED 1/26/04.

FE: 8/19/03 POD. LOOKED AT RIVER PUMP
(QUESTION OF ACCOMPLISHING CHANGE TO POD/SOURCES
SINCE CONDUITANCE DITCH FROM PALISADES CR WAS
CLOSED ABOUT 1985[±]. TX #253 (01-2079) WAS APPROVED
9/18/1961 (SHEEP CR TO RIVER).

Reviewer: _____

Date: _____

SCANNED

JUL 07 2004

Priority Date Data Entry Form

Claim Number: _____

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: 5/1/1902 Claimed Basis: DecreeRecommended Priority Date: 5/1/1902 Recommended Basis: Decree☐ Use Claimed Priority Date and Basis as Recommended Priority Date and Basis

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

Matches Decree23-51A J. BYRD
0.24 cfs ON 13⁰ ac (RECOMMENDED)23-00051
2.6 cfs 5/01/1902
PALISADES CK
POD: UNDEFINED BY DECREE
DOU: TIN R44E SEC 36
SWSW
T1S R45E SEC. 6SPLIT @ SRBAUNCLAIMED PORTION
2.36 cfsReviewer: _____
NWNE(12), NENW(13)
NWNW(14), SENW(16)

Date: _____

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

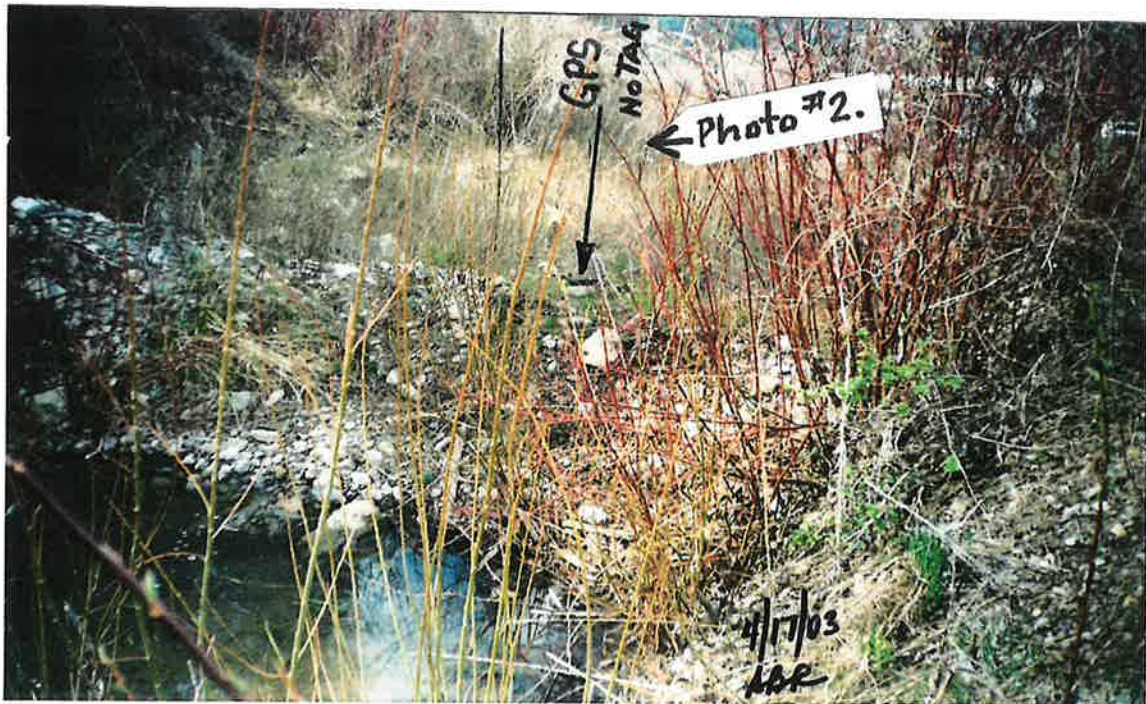


Photo 1. OLD DITCH (NO STRUCTURE) OFF PALISADES CREEK
FOR DELIVERY ON SOUTH OF THE CREEK.



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

Water Right No(s). A23 000 514



GPS DATA:

Tag # A012 425 Location: ON ELECTRIC PUMP

Diversion Data:

Source: S. Fork. Snake River Trib to: Snake River

MOTOR

Make: U.S. Motors Model: R. 33.37-0022 Hp: 40
SN: R2038605

PUMP

Make: Berkley Model: NA Disch: 5"
SN: 7220 464

NOTES:

The Right For this pump was Transferred
From Sheep Creek Trib To Snake River
pump Also pulls Palisade Storage Water

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

Point of Diversion and Source Data Entry Form

Claim Number: _____

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

Source: _____ Tributary: _____

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

Source: _____ Tributary: _____

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

Source: _____ Tributary: _____

☐ Use Claimed POD and Source as Recommended POD and Source

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source
1N	44E	26		NESWSE	BONN.	PALISADES CR
GPS Coordinates: _____						

GPS Coordinates: _____						

GPS Coordinates: _____						

GPS Coordinates: _____						

GPS Coordinates: _____						

GPS Coordinates: _____						

TRIB TO
Snake River, So Fr

Other rights from this POD? _____

NO GPS TAG

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

POD NOT ADDRESSSED BY DECREE: DELIVERY IS THROUGH
SOUTH CANAL OF PALISADES CR. POD CLAIMED IS NOT THE
HEADGATE FOR THE DITCH - RATHER IT'S AT TIN, R44E SEC. 26

THIS POD TO THE DITCH HAS NOT BEEN USED IN MANY
YEARS. THE DITCH IS FILLED IN, BUILT OVER, AND DUG OUT.
THIS RIGHT IS UNDELIVERABLE THROUGH THIS DITCH/POD

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

Total Acres _____

Recommended Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total Acres _____

Document how the POU was verified:

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
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Overall Diversion Rate _____

Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Overall Diversion Rate _____

Overall Diversion Volume _____

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

Reviewer: _____

Date: _____

Log for claim 23-00051A

Spatial Dynamics CAT

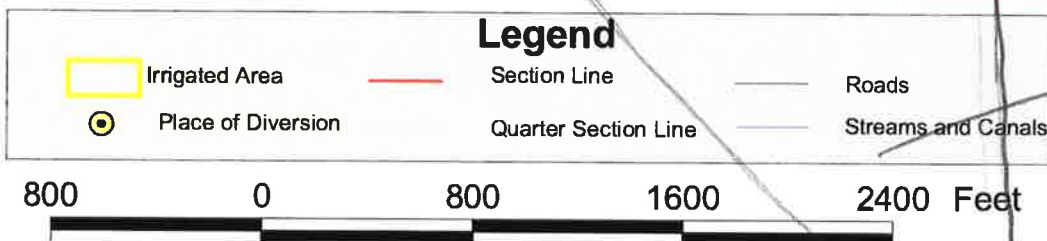
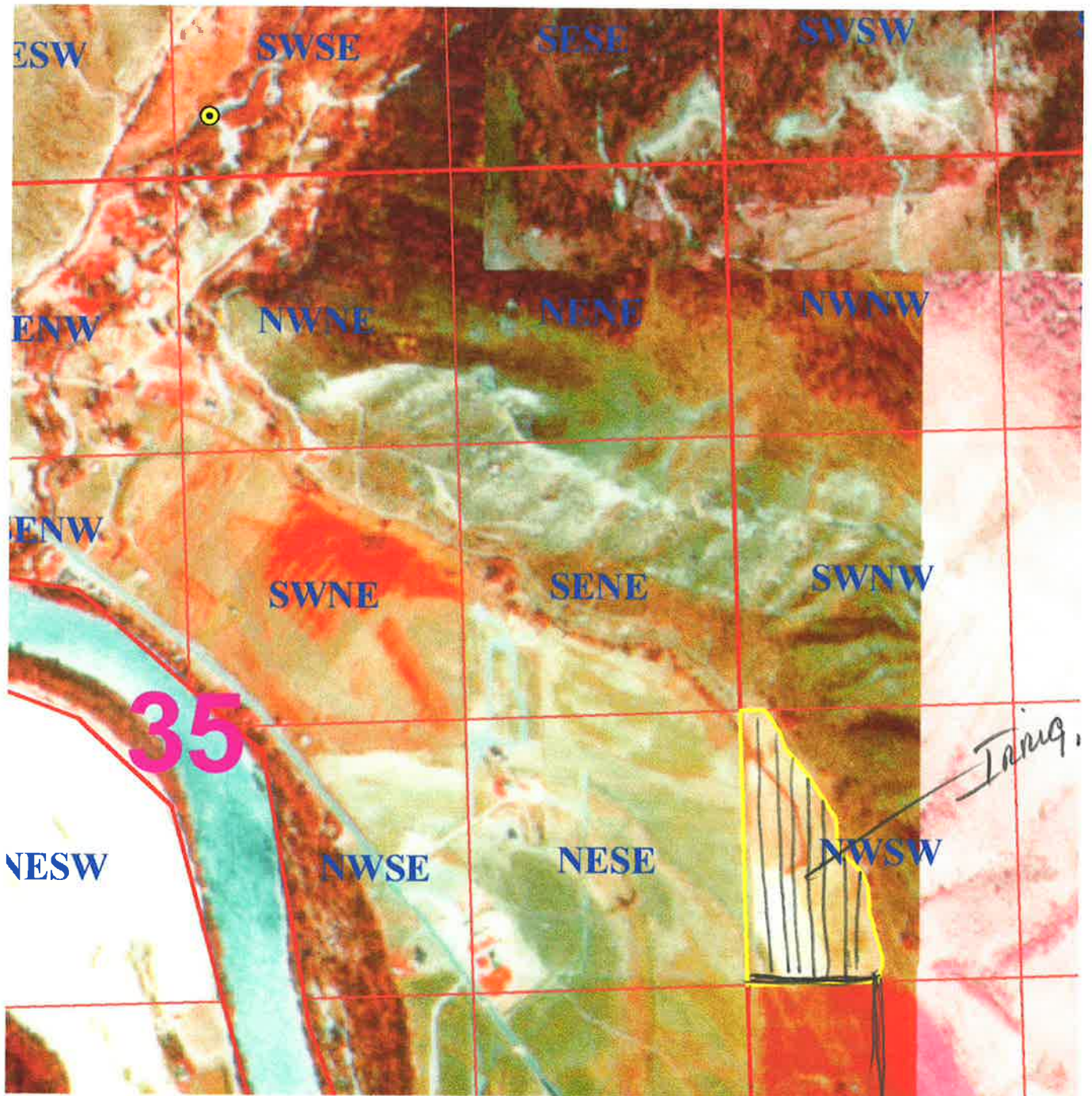
2/22/01

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
01n44e	36	NWSW	14.5	14	
Totals:			14.5	14	

8/19/03 met w/ Rust

Water Right Claim Number 23-00051A
Township , 1N44E

02/22/2001



SPATIAL DYNAMICS

6/19/03

Palisades Storage
and 01-2079
(1912)

River

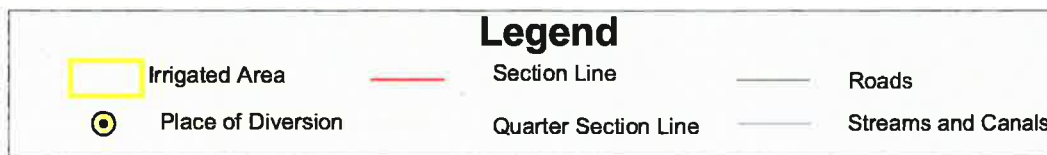
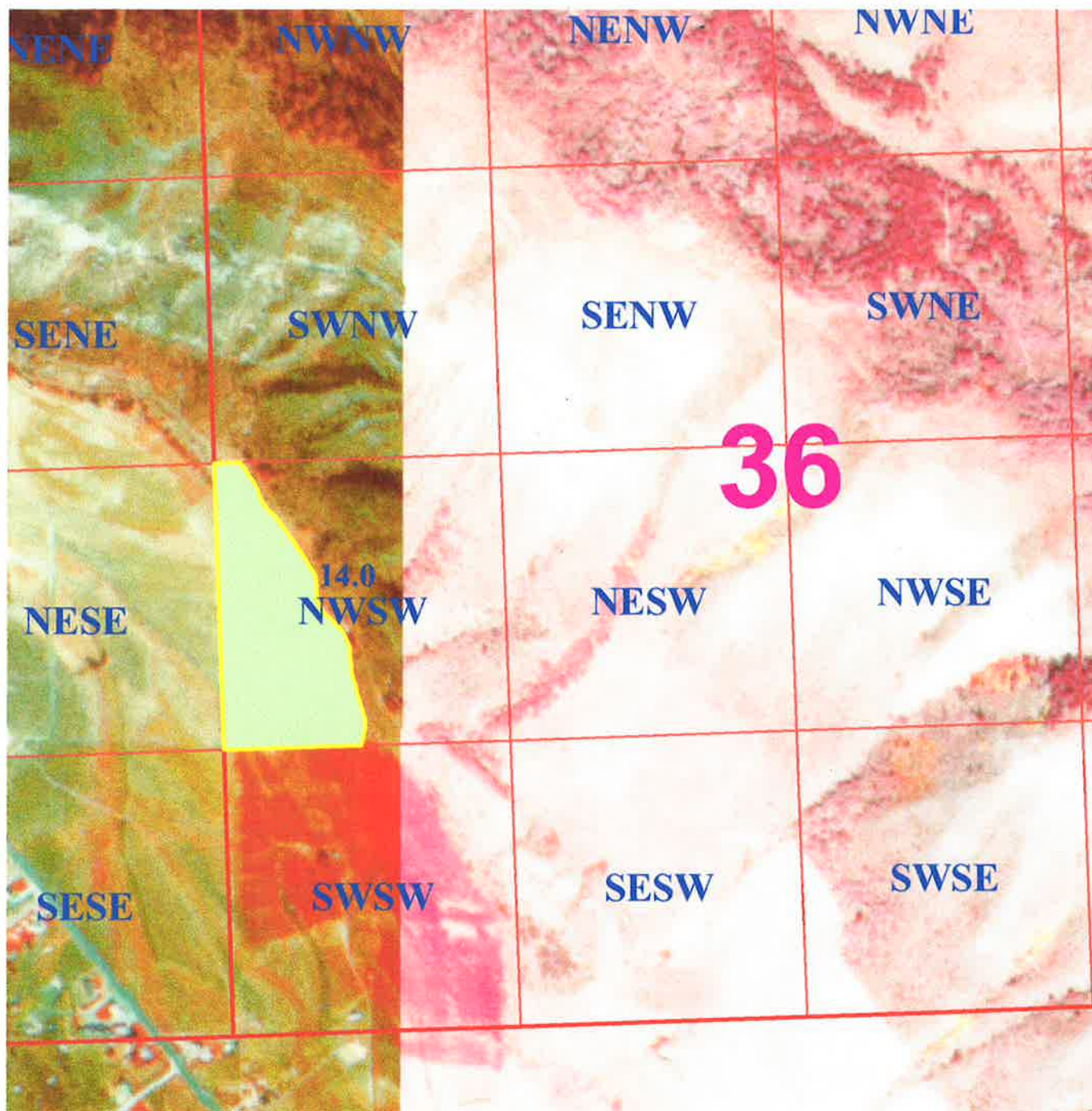
THE DAM
STORE

01/14?



Water Right Claim Number 23-00051A
Township , 1N44E

02/22/2001



SPATIAL
DYNAMICS

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JAN 26 2004

Department of Water Resources
Eastern Region

CHANGE IN ADDRESS

This form can be used to notify the Department
of a change in address for Department records
(Please print or type)

23-00051A

23-10271

[] Name(s):

JOSIE BYRD

[] Old Mailing Address:

P.O. Box 762

PALISADES ID 83437

[] New Mailing Address:

3854 SWAN VALLEY Hwy

PALISADES ID 83428

Telephone Number:

Summer
(208) ~~783-2774~~

Winter - Don't know
4559151

[] Signature(s)

(must be signed by all
individuals listed unless
you have authority to sign
on their behalf)

Josie Byrd

owner

(include your title if on behalf of company or organization)

Date:

When complete, please mail or FAX this form to the IDWR office nearest you:

IDWR Northern Region
1910 Northwest Blvd., Suite 210
Coeur d'Alene, ID 83814-2615
FAX: (208) 769-1454

IDWR Western Region
2735 Airport Way
Boise, ID 83705-5082
FAX: (208) 334-2348

IDWR Eastern Region
900 N. Skyline Dr., Suite A
Idaho Falls, ID 83402-1718
FAX: (208) 525-7177

IDWR Southern Region
1341 Fillmore St., Suite 200
Twin Falls, ID 83301-3380
FAX: (208) 736-3037



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

February 28, 2003

Dear Claimant in the Snake River Basin Adjudication (SRBA):

About 12 years ago you or your predecessor filed with the Idaho Department of Water Resources a claim to water rights in the Snake River Basin. The investigation phase of this process is now focused on your area, Basin 23.

You are invited to attend a public meeting to be held on March 10 at 2:00 p.m. in the Swan Valley Elementary School Gymnasium, 3389 Swan Valley Hwy, Irwin. The purpose of this meeting is for (1) the Department to update you on how the adjudication process works, and (2) for you, the claimant, to express concerns or discuss problems relating to water delivery in your area. This will help us to understand from an historical perspective the use and delivery of your water right.

Throughout this summer our adjudication staff, primarily from our Eastern Regional Office but also at times from Boise, will be contacting various water users in Basin 23. We ask for your cooperation in this process – the better we understand your water rights the better chance of you receiving an accurate decree from the SRBA Court that fully describes your water rights.

This investigation effort is being conducted by an experienced and successful staff. During recent years, this staff has accurately investigated and reported water rights in neighboring basins, including the Big Lost River, the Little Lost River, Birch Creek, Camas Creek and Portneuf River.

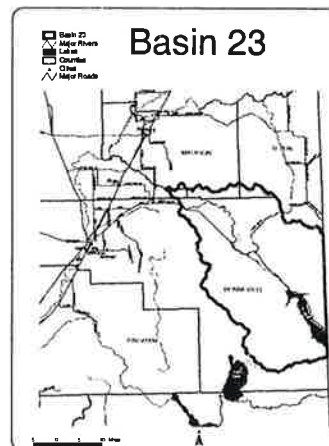
Please contact the Idaho Falls Office with any questions.

Sincerely,

Ernest Carlsen
Adjudication Supervisor, Eastern Region

Enclosures: Information Brochure

~~DISCLOSED~~
563 Notes IN
23-10271



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 1-2079

WATER RIGHT NUMBER: 1-2079

Owner Type Name and Address
 Current Owner BYRD
 PO BOX 762
 PALISADES, ID 83437
 (208)483-2774
 Current Owner JOSIE BYRD
 3854 SWAN VALLEY HWY
 PALISADES, ID 83428
 (208)483-2774

Priority Date: 12/09/1912

Basis: License

Status: Active

Source
 SNAKE RIVER

Tributary
 COLUMBIA RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/15 to 10/15	3.600 CFS	
<u>Total Diversion:</u>		3.600 CFS	

Location of Point(s) of Diversion

SNAKE RIVER

SE1/4NW1/4

Sec. 6, Twp 01S, Rge 45E, B.M.

BONNEVILLE County

Place of Use
 IRRIGATION

*Tx # 253 CHANGED THIS FROM SHEEP CK TO
 SNAKE RIVER. 9/18/1961.*

** Did Tx also Δ source or
 just POD AS EXCHANGE?*

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S	45E	5									20.0	30.0							50.0
01S	45E	6													40.0	24.0		31.0	95.0
																L 7		L 12	
01S	45E	7	5.0																5.0
			L 1																
01S	45E	8							30.0										30.0
									L 1										

Total Acres: 180

Conditions of Approval:

*THIS PUMP ALSO PULLS PALISADES
 STORAGE WATER.*

Remarks:

SEE TX #253 ATTACH

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

In the Matter of the Application of)

PAUL L. BYRD
of
Palisades, Idaho)

ORDER GRANTING CHANGE
OF POINT OF DIVERSION
NO. 253

For a Change of Point of Diversion
from Sheep Creek to Snake River,
Bonneville County, Idaho.)

WHEREAS, on May 16, 1961, in the Department of Reclamation of the State of Idaho, at Boise, Idaho, this application of Paul L. Byrd of Palisades, Idaho, for a change of point of diversion from Sheep Creek to Snake River, came on regularly for hearing, pursuant to the published notice, in due and statutory form; and,

WHEREAS, no protest has been filed against the application, and the evidence filed by the applicant, with the application, shows that the ditch or canal belonging to the applicant has been destroyed by construction in connection with the Palisades Dam, and that a more economical use of the water will be obtained by such change, and that no other water user will be injured thereby;

NOW, THEREFORE, IT IS HEREBY ORDERED, that the said application be, and the same is HEREBY GRANTED, and that a Certificate of Change of Point of Diversion be issued to the applicant herein, as provided by the laws of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Reclamation of the State of Idaho, to be hereunto affixed at Boise, Idaho, this 18th day of September, 1961.

RALPH W. THOMAS
Deputy State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

CERTIFICATE NO. 253 OF AUTHORIZED CHANGE IN POINT OF DIVERSION OF
LICENSED WATER RIGHT

THIS IS TO CERTIFY That Paul L. Byrd of Palisades, Idaho, is the owner of 3.6 cubic feet per second of the waters of Sheep Creek Bonneville County, Idaho, said water right being by virtue of License No. 8948 issued to Mabel Tolman, said license bearing date of February 11, 1918, with priority of December 9, 1912, and being appurtenant to the following described lands, to-wit:

NW $\frac{1}{4}$ SW $\frac{1}{4}$, 20 acres; SW $\frac{1}{4}$ SW $\frac{1}{4}$, 30 acres;
Section 5; Lot 7, 24.10 acres;
Lot 12, 31.20 acres; NE $\frac{1}{4}$ SE $\frac{1}{4}$, 40 acres;
Section 6; Lot 1, 4.80 acres, Section 7; Lot 1, 29.60 acres, Section 8, all in Township 1 South, Range 45 E. B. M.,

That said license has been entered in the records of the Department of Reclamation of the State of Idaho in Volume 5 of Licenses at Page 2259, thereof;

That the said Paul L. Byrd of Palisades, Idaho, has become the owner of said water right by means conveyance, and by virtue of said License No. 8948;

And that now, upon the application of Paul L. Byrd, of Palisades, Idaho, for Certificate of Change of Point of Diversion of 3.6 cubic feet per second of the waters of Sheep Creek made before the State Reclamation Engineer of the State of Idaho, and said application having been granted, the right to change said point of diversion is HEREBY GRANTED;

That said change of point of diversion will not modify in effect said water right or place of use;

Said water is to be limited at any given time to an amount actually needed and beneficially used, and shall not exceed the following amount, to-wit:

3.6 cubic feet per second with priority
of December 9, 1912;

That said water right is appurtenant to the following described lands:

NW $\frac{1}{4}$ SW $\frac{1}{4}$, 20 acres; SW $\frac{1}{4}$ SW $\frac{1}{4}$, 30 acres,
Section 5; Lot 7, 24.10 acres,
Lot 12, 31.20 acres; NE $\frac{1}{4}$ SE $\frac{1}{4}$, 40 acres,
Section 6; Lot 1, 4.80 acres, Section 7; Lot 1, 29.60 acres, Section 8, all in Township 1 South, Range 45 E.B.M.,

That the water right hereby described has heretofore been diverted from Sheep Creek with point of diversion $N44^{\circ}$ East, 4418' from the SW corner of the SE $\frac{1}{4}$, Section 5, Township 1 South, Range 45 E. B. M.,

That the water right hereby described will hereafter be diverted from Snake River in the SE $\frac{1}{4}$ of Section 6, Township 1 South, Range 45 E. B. M., by pumping direct from Snake River.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed at Boise, Idaho, this 18th day of September, 1961.

RALPH W. THOMAS
Deputy State Reclamation Engineer

#65

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: A23-00051A
Date Received: 7/10/1989
Receipt No: M003861
Received By: HWO

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

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

2. Date of Priority: MAY 01, 1902

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
01N	44E	~~35~~ 26	SW	SE			BONNEVILLE

5. Description of diverting works:
DITCH TO FLOOD IRRIG.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	0.240		

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

8. Total consumptive use is 36.3 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01N	44E	36	NW	SW		IRR	14.5
Section Acres							14.5

A23-00051A

Page 1

Date: 07/10/89

MICROFILMED
NOV 07 1992

A2300051A



10. Place of Use: Continued

Total Acres 14.5

11. Place of use in counties: BONNEVILLE

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

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date: 12/16/1910

REXBURG IRRIG.

Decree Plaintiff

vs

TETON IRRIG CANAL

Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not X 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): X Josie Byrd Date: X 7-10-89

Date: _____

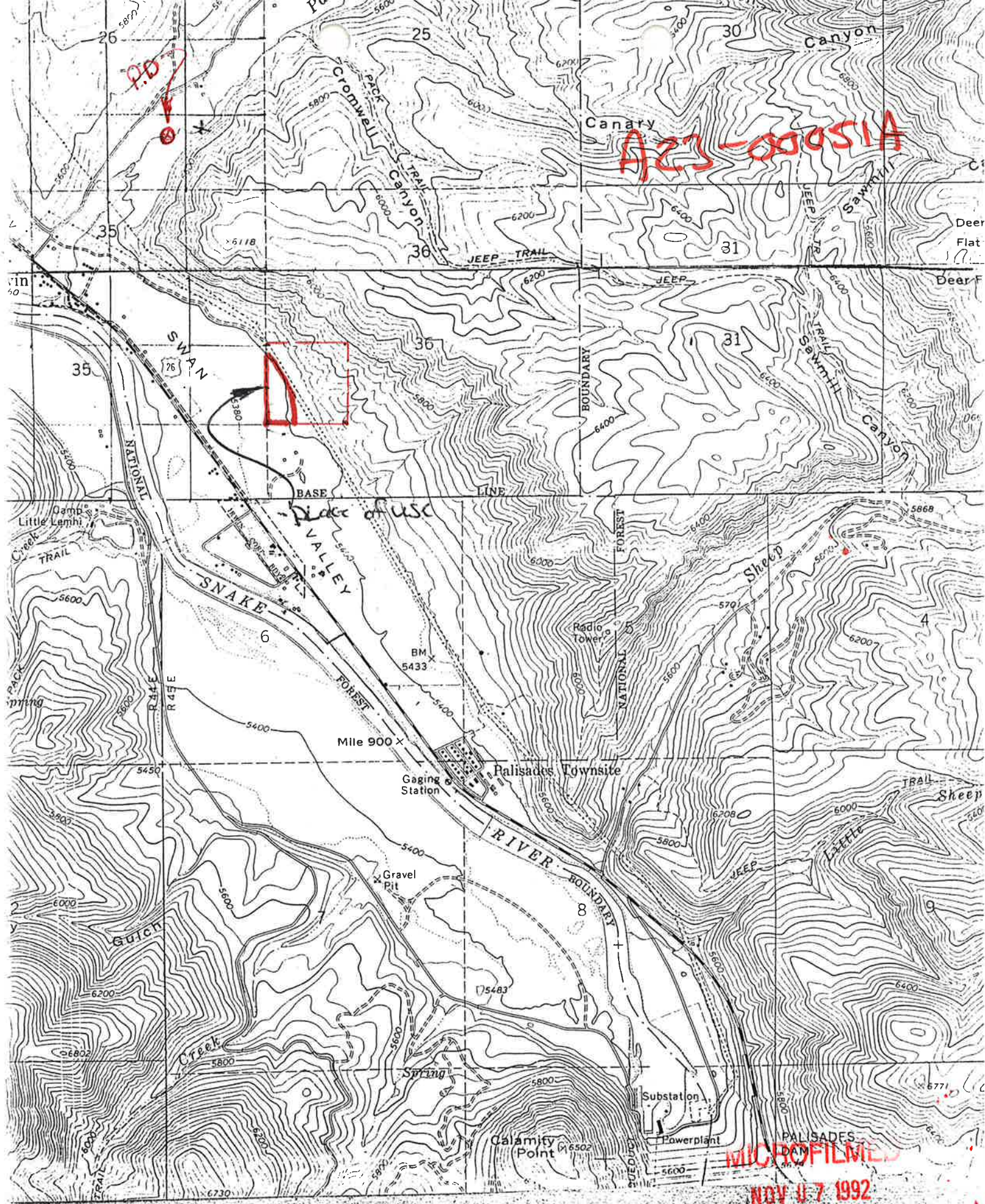
State of Idaho)
County of Bonneville) SS.

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

Seal

Betty J. Thompson
Notary Public

Residing at _____
My Commission Expires _____
MY COMMISSION EXPIRES 4-30-94



A23-00051A

BASE

MICROFILMED

NOV 17 1992