

01/23/2004

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

RIGHT NUMBER: 23-55C

NAME AND ADDRESS: VIOLA M DENNING
PO BOX 460
UCON ID 83454

DUANE N DENNING
4084 E 129 N
PO BOX 460
UCON ID 83454

SOURCE: PALISADES CREEK

TRIBUTARY: SNAKE RIVER, SO. FK.

QUANTITY: 0.370 CFS

PRIORITY DATE: 08/20/1890

POINT OF DIVERSION:

T01N R44E S26 NESWSE Within BONNEVILLE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 10/31

0.370 CFS

PLACE OF USE:

IRRIGATION Within BONNEVILLE County

T01N R44E S35	NWNE	0.6	T01N R44E S35 Lot 4 SWNE	7.3
T01N R44E S35	NENW	2.1	T01N R44E S35 Lot 3 SENW	7.0

17 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



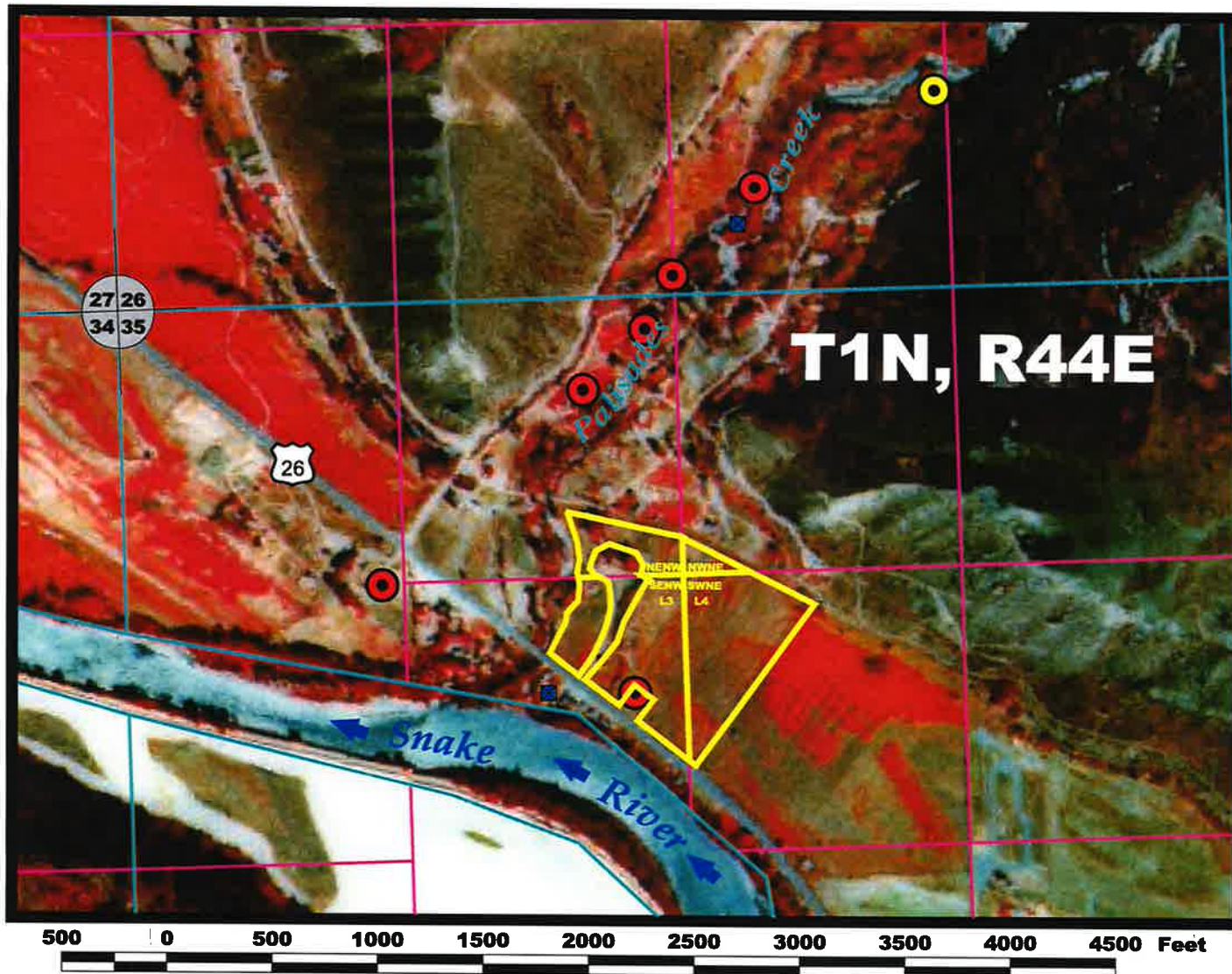
JUL 07 2004

SCANNED

State of Idaho

Department of Water Resources

Eastern Region



Water Right(s):

23-00055C

Place of Use: (parts of)

T1N, R44E

Sec. 35 NENW, NWNE,
SENE (L3), SWNE (L4)

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

FROM Carter Fritschle

DATE 9-29-89

TO Adjudication Claim A23-00055C

SUBJECT

The point of diversion and place of use should be verified by field inspection. Mrs. Denning was not precise in locating the point of diversion. A portion of water Nos 23-00056A or 23-00056B may be appurtenant to these lands.

MICROFILMED

NOV 17 1992

SIGNATURE

Water Right No(s).

23-55c

See Attached Photo Page

GPS DATA:

Tag # NO Tag. Location: TIN R. 44E SEC 26 SW SE

Diversion Data:

Source: palisade CREEK Trib to: SNAKE RIVER.

MOTOR

Make: _____ Model: _____ Hp: _____
SN: _____

PUMP

Make: _____ Model: _____ Disch: _____
SN: _____

NOTES:

THE WATER HAS NOT BEEN USED
FOR MANY YEARS. THE CANAL TO TRANSPORT
WATER WAS FILLED IN THREW DEVELOPMENT.
NEXT TO CANAL.

Field Exam Date: 11-1-03 Agent: NICK OLSON

SCANNED

JUL 07 2004

MEMORANDUM

11 July 2003

To: Files; 23-55 A/B/C/D/E/F, 23-10271

From: A. Ruberry

Subject: Split portions of SRBA claims, as above

On April 22, 2003, a field exam was conducted by A. Ruberry, IWDR. The claimed Point of Diversion SWSWSE Sec. 26, T1N, R44E, was GPD'd and photographed. This claimed Point of Diversion has no structure to control any type of diversion off Palisades Creek; it is in-fact, filled with gravel and about 150' +/- down-ditch (remnant) from the claimed Point of Diversion is also filled and heavily overgrown with vegetation (see photographs).

In addition, within the SWNWNWNE of Sec. 35, there is a culvert in the ditch remnant that is crossed by a roadway. A short distance further down ditch the ditch is filled-in.

It is obvious this ditch has not been used due to the heavy growth of vegetation and lack of any type of maintenance. According to local residents, Chris Stoner and Jay Weeks, this ditch has not been used in 10 years (Jay) and 17 years (Chris). Thus, according to Mr. Stoner's statement abandonment of the ditch began in 1986.

Portions of the 23-00055 water right, as listed above, will be recommended as Disallowed pursuant to §42-222 (2) IC. Lands claimed under this water right are not a subject of the Conservation Reserve Program (CRP), as addressed under this statute. 23-00055 originated as a Decreed water right under the Rexburg Irrig. Co. vs Teton Irrig. Co., 1910, as 3.3 cfs from Palisades Creek, 8/20/1890. See attached split history attached; 1.92 cfs of this right is not accounted and unclaimed.

This claim Recommended due to River Pkts.

Forfeiture/ABANDONMENT CANNOT BE FOUND

Water Right Split History Analysis

23-00055A R.J. JONES ✓

0.08 cfs

23-55B R.T. HUSKEY ✓

0.15 cfs

23-55C D.N. DENNING ✓

0.52 cfs

23-55D R. HENKEN

0.10 cfs

S.C. WEEKS

23-00055

3.30 cfs 8/20/1890

PALISADES CREEK

23-55E H.J. TAYLOR

0.03 cfs

23-55F R. RADFORD

0.03 cfs

23-10271 J. BYRD ✓

0.47 cfs (CLAIMS PART OF SSC)

 $\Sigma_{\text{CLAIMS}} = 1.38 \text{ cfs}$

23-55? UNCLAIMED / UNACCOUNTED

1.92 cfs

Reviewer: ABRDate: 7/7/03

Contacts Data Entry Form

Water Right No. 23-000556

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

Current Owner DIANE DENNINGName 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 UNDER ROXBURG TRNG Co. vs TOWN TRNG Co. 1910,
As #91, to S.C. WEEKS, Aug 20, 1890, PALISADES CK 165".
THIS RIGHT APPEARS TO HAVE BEEN SPLIT SEVERAL TIMES.
SEE ATTACHED SPLIT HISTORY.

FE INDICATED: POD/POW SOURCE, DELIVERY/SYSTEM

Reviewer: _____

Date: _____

Priority Date Data Entry Form

Claim Number: _____

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: Aug 20, 1890 Claimed Basis: DESCRIBEDRecommended Priority Date: 8/20/1890 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:

PRIORITY MATCHES DESCRIBED

Reviewer: _____

Date: _____

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



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



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

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. 26,____,____,____. County: BONNSource: PALISADOS CK Tributary: SNAKE RIV., SO. FL ALTA

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

Source: _____ Tributary: _____

____ Use Claimed POD and Source as Recommended POD and Source

Tw	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source
<u>1N</u>	<u>44E</u>	<u>35</u>		<u>NESWSE</u>	<u>BONN</u>	<u>PALISADOS CK</u>
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						

THIS TO
SNAKE RIV. SO FL

Other rights from this POD? _____

GPS POD - TAG# AD TAG

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

POD NOT ADDRESSSED BY DECREE.

POD NOT SERVICABLE - CLOSED FOR MANY YEARS; UNUSED OR
UNUSABLE; But not far enough back from filing date to find
CONFIRMATION.

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
1N	44E	35	W ²	N6	BONN		14	Pring.
		35	E ²	NW	"		12	

Total Acres 26

Recommended Place of Use

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

Total Acres 172

Document how the POU was verified:

POU NOT ADDRESSED BY DUCMS SEE GPS

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
Tring	4/1	11/1	0.52	

Overall Diversion Rate _____

Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
Tring	4/15	10/2	0.37	

Overall Diversion Rate _____

Overall Diversion Volume _____

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

Quinn rtr. 23-00055 (3.30 cfs) is split A, B, C, D, E & F.

E_{cts} = 0.91 - 3.30 cfs = 2.39 unclaimed.

17ac @ 0.02 = (0.34 cfs) [Convey loss @ 5%/ac] 1.10 = 0.37 cfs ⁵⁰ _{Recommended}

Reviewer: _____

Date: _____

Log for claim 23-00055C

Spatial Dynamics BTD

5/29/01

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
01n44e	35	NWNE	2	1.5	POD placement?
01n44e	35	SWNE	12	32	Indiscernible
01n44e	35	NENW	3	5	
01n44e	35	SEnw	9	8.7	
Totals:			26	47.2	

Bonneville Co. Assessor
Ownership Plat

27 26
34 35

26

T1N, R44E

DENNING, VIOLA M

% WADSWORTH ESTATE

LEDBETTER, GENEVIEVE

DENNING, VIOLA M

DENNING, VIOLA M

DENNING, VIOLA M

DENNING, VIOLA M

Snake

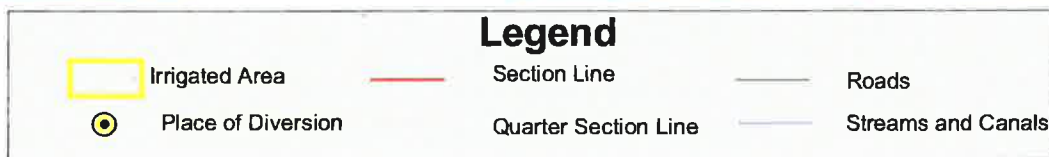
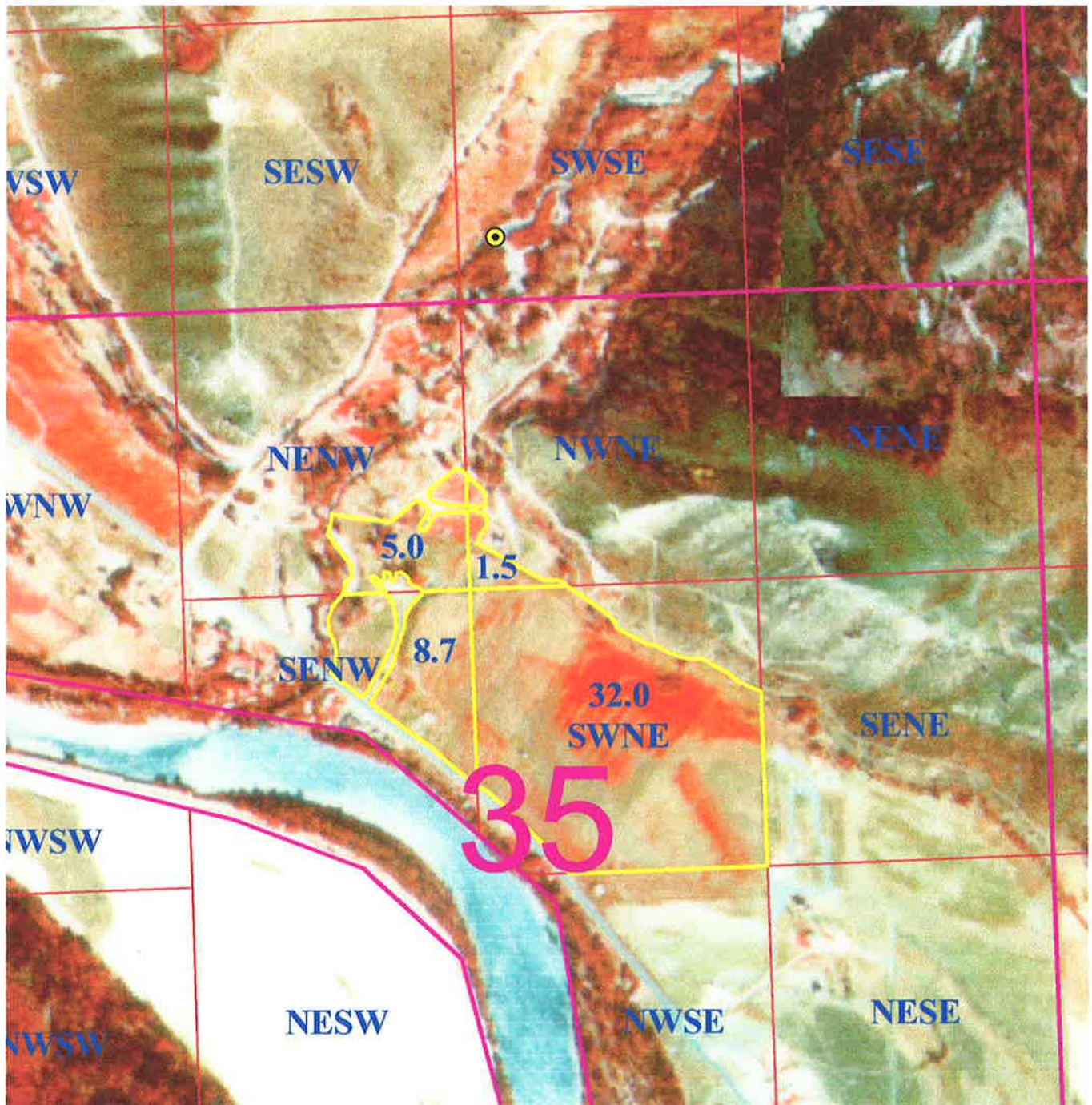
River

Creek

Patisades

Water Right Claim Number 23-00055C
Township , 1N44E

05/29/2001



500 0 500 1000 Feet



SPATIAL
DYNAMICS

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 23-55

WATER RIGHT NUMBER: 23-55

Owner Type Name and Address
 Current Owner SAMUEL C WEEKS
 , ZZ

Priority Date: 08/20/1890

Basis: Decreed

Status: Active

Source Tributary
 PALISADES CREEK SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	/ to /	3.300 CFS	
	<u>Total Diversion:</u>	3.300 CFS	

Location of Point(s) of Diversion
 PALISADES 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	44E	35	X		X	X				X		X	X	X	X	X	X	X	X
					L 4				L 3			L 5							

Conditions of Approval:Remarks:

1. General P/D AND P/U INCOMPLETE.
 AC. IRR. = 162.26.

Comments:Dates and Other Information:

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: A23-00055C
Date Received: 9/29/1989
Receipt No: E010898
Received By: CT

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DUANE N. DENNING 208-523-4600
Address: P.O. BOX 460
UCON, ID 83454
AND/OR
Name: VIOLA M. DENNING 208-523-4770
Address: P.O. BOX 460
UCON, ID 83454

A2300055C

2. Date of Priority: AUG 20, 1890

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	26	SW	SE			BONNEVILLE

5. Description of diverting works:
HEADGATE AND DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.520		

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

8. Total consumptive use is 65.0 Acre Feet Per Annum.

9. Non-irrigation uses:

A23-00055C

Page 1

Date: 09/29/89

MICROFILMED
NOV 07 1992

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
01N	44E	35	NW		NE		IRR	2.0
			SW		NE	4	IRR	12.0
			NE		NW		IRR	3.0
			SE		NW	3	IRR	9.0
							Section Acres	26.0
							Total Acres	26.0

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:
NONE

14. Remarks:

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date:

REXBURG IRR. CO. ET AL
Decree Plaintiff

vs

TETON IRRIGATION CANAL CO. ET
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 _____ 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): Viola Denning Date: 9-29-89
_____ Date: _____

State of Idaho)
County of Bonnerville) SS.

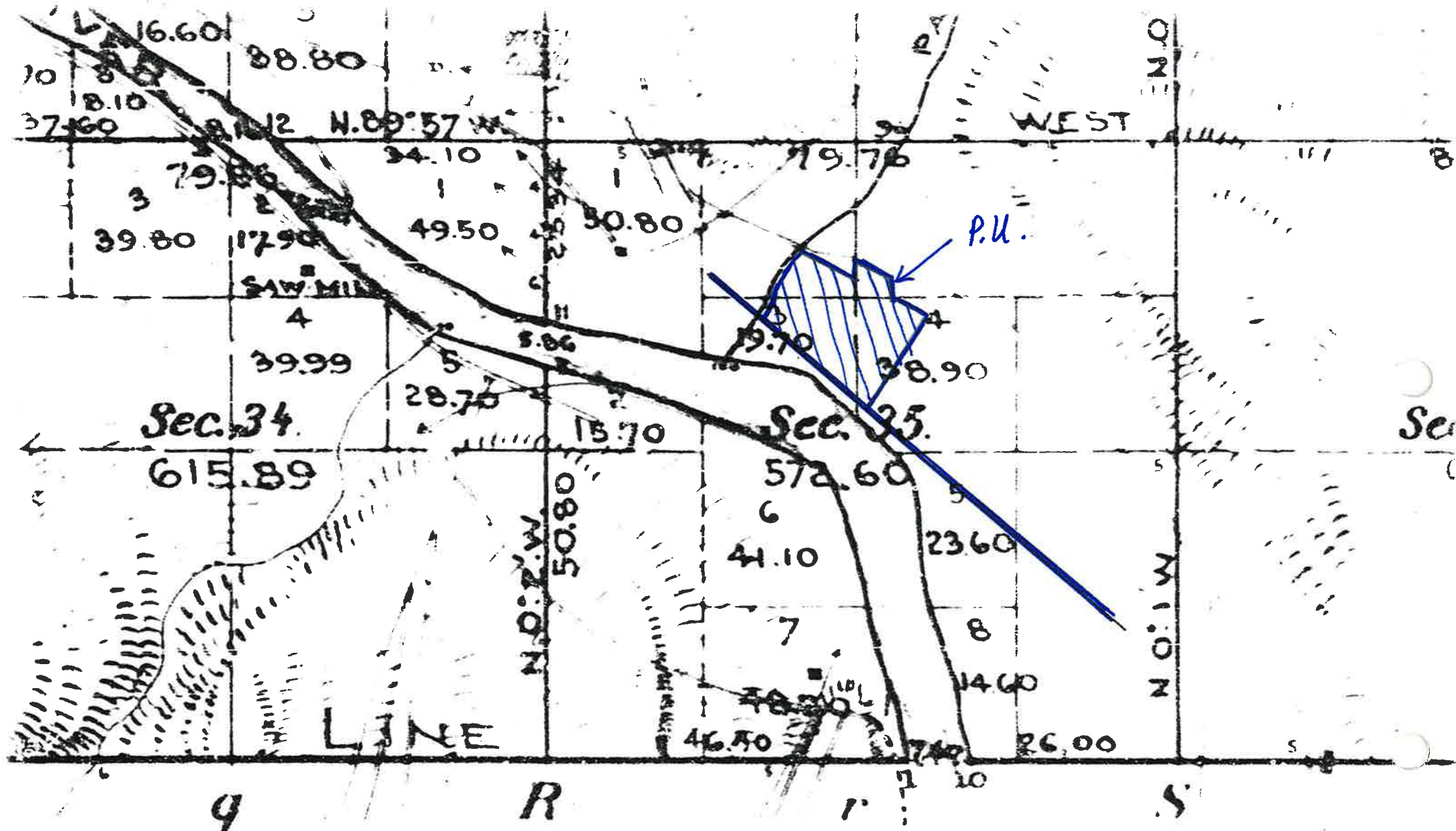
Subscribed and sworn (or affirmed) before me this 29th day
of September 19 89 Carter Fritschle
Notary Public

Seal

Residing at _____

My Commission Expires _____

Carter Fritschle, Notary Public
Residing at Eagle, Idaho
My commission Expires March 21, 1994



66

Scale 1" = 40'

66
NOV 17 1992
MICROFILMED
reclamation

T 44 N R 44 E
The above Map of Township
Boise
A23-00055C
Henderson