

03/31/2004

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

RIGHT NUMBER: 23-55E

NAME AND ADDRESS: HARRY J TAYLOR
366 PARK LN
PALISADES ID 83437

BEVERLY JOAN TAYLOR
366 PARK LN
PALISADES ID 83437

SOURCE: PALISADES CREEK

TRIBUTARY: SOUTH FORK SNAKE RIVER

QUANTITY: 0.020 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

0.020 CFS

PLACE OF USE: IRRIGATION Within BONNEVILLE County

T01N R44E S35 NWNE 0.9

0.9 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



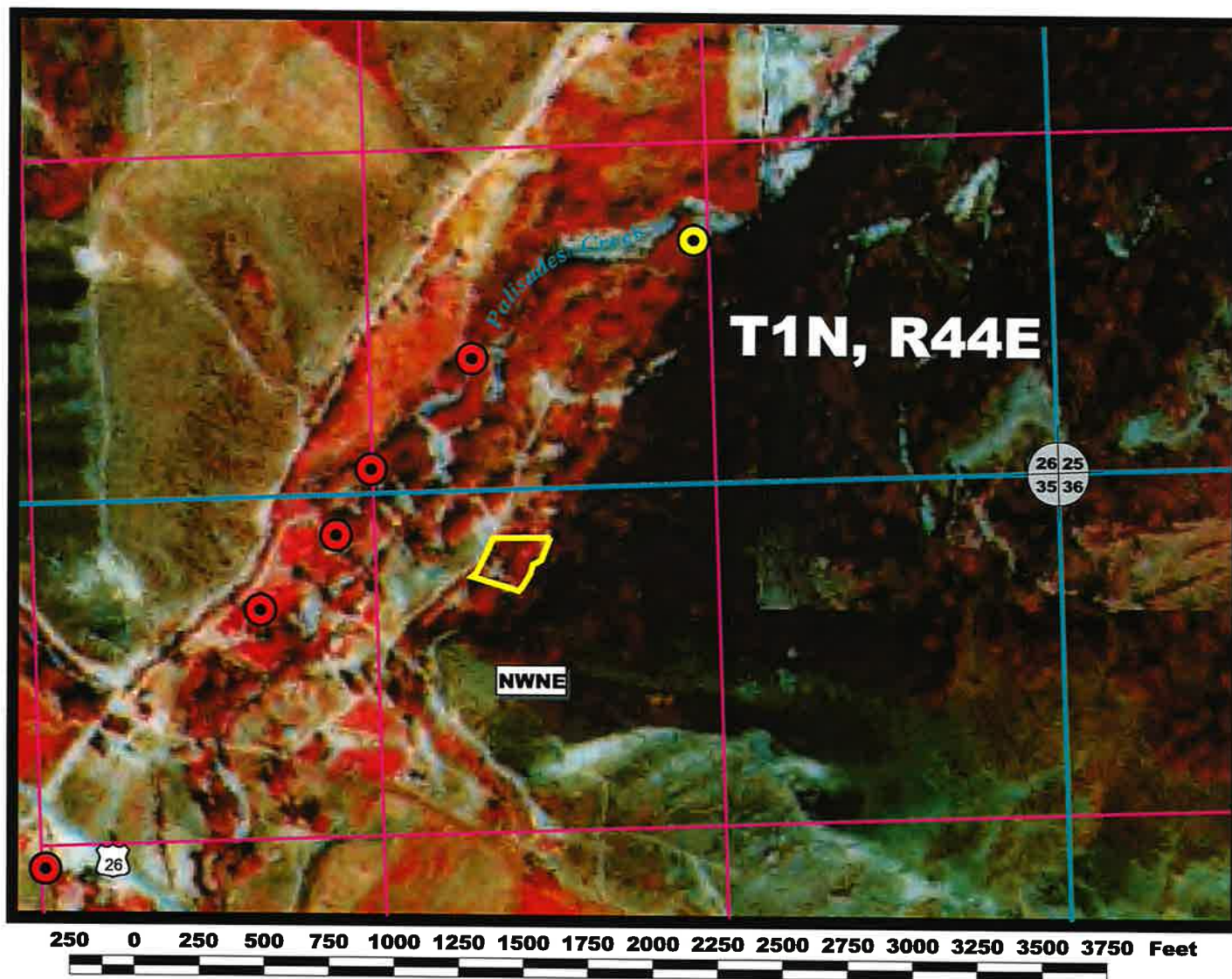
SCANNED
JUN 07 2004

SCANNED

State of Idaho

Department of Water Resources

Eastern Region



Water Right(s):

23-00055E

Place of Use: (part of)

T1N, R44E

Sec. 25 NWNE

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: March 2004

Log for claim 23-00055E

Spatial Dynamics BTD

5/29/01

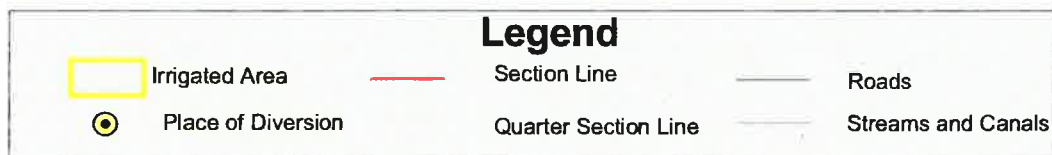
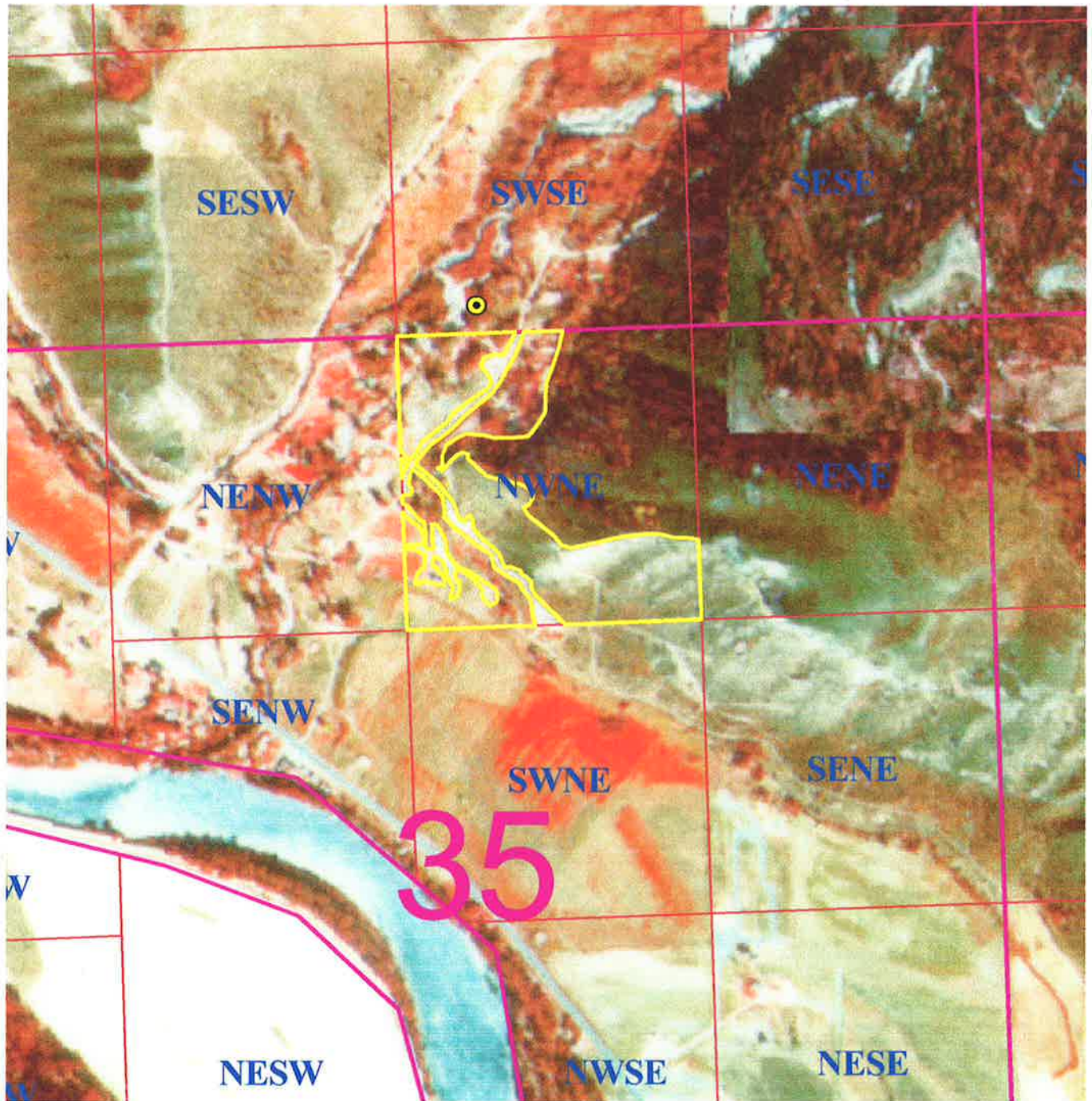
TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
01n44e	35	NWNE	1	21	Indiscernible
Totals:			1	21	

SCANNED

JUL 07 2004

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

05/29/2001



400 0 400 800 Feet



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: 23-55E

HARRY JOSEPH TAYLOR

366 PARK LN

PALISADES ID 83428

Telephone Number: (208)483-2208

BEVERLY TAYLOR

366 PARK LN

PALISADES ID 83428

Telephone Number: (208)483-2208

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

Change disallowed Recommendation

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: 3-29-04

SIGNATURE: *Harry J. Taylor*

Please print your name: _____

IDWR Regional Office,

3/31/04 Recommend w/ all elements as recommended

PH

Dennis Bitton
1705 Mountainview Drive
McCammon, ID 83250

17 March 2004

To Whom It May Concern:

I was water master for the Swan Valley area, which included Palisades Creek, from 1976 to 1999. I can attest that water was run down the ditch that was headgated on the east side of Palisade Creek and ran through property belonging to Harry J. Taylor, Greg L. Taylor and Raymond Henken from 1976 until 1997. All of these individuals were allowed to divert or pump water from the ditch in all the years before 1997 because my understanding was they had purchased the appropriate portion of water rights when they purchased the property. The water was used virtually every year until 1997 when the flooding changed several headgate conditions.

If you have any questions concerning this matter please contact me at one of the following phone numbers: home: (208) 254-9821; cell (208) 317-1447.

Sincerely

A handwritten signature in cursive script that reads "Dennis Bitton". The signature is written in dark ink and is positioned below the word "Sincerely".

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.

*Disallowed: Claim filed 1998. No use between
1986 and 1998,*

*Pono/Rmh
POY*

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.)

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

23-55? UNCLAIMED / UNACCOUNTED

1.92 cfs

Reviewer: ASRDate: 7/7/03

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



Photo 1. Old ditch (no structure) off Pausaors 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.

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: **A23-00055E**
Date Received: 3/ 5/1998
Receipt No: E023974
Received By: A.S.

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



1. Name: HARRY JOSEPH TAYLOR 208-483-2208
Address: 366 PARK LN
PALISADES ID 83428
OR
Name: BEVERLY TAYLOR 208-483-2208
Address: 366 PARK LN
PALISADES ID 83428

2. Date of Priority: AUG 20, 1890

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

4. Point of Diversion:

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

5. Description of diverting works:
CREEK DIVERSON TO DITCH/ FLOOD IRR

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	10/31	0.030		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01N	44E	35	NW	NE		IRR	1.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	1.0
					Total Acres	1.0

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:

14. Remarks:

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

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): Harry J. Taylor Date: 3-23-98

Date: _____

State of Idaho)
County of Booneville) SS.

Subscribed and sworn (or affirmed) before me this 23 day
of March 19 98

[Signature]
Notary Public

Seal

Residing at Rogers, Id
My Commission Expires 2/26/2002