

03/31/2004

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

RIGHT NUMBER: 23-55F

NAME AND ADDRESS: GREG TAYLOR
1710 ILWACO AVE NE
RENTON WA 98059

CONNIE TAYLOR
1710 ILWACO AVE NE
RENTON WA 98059

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



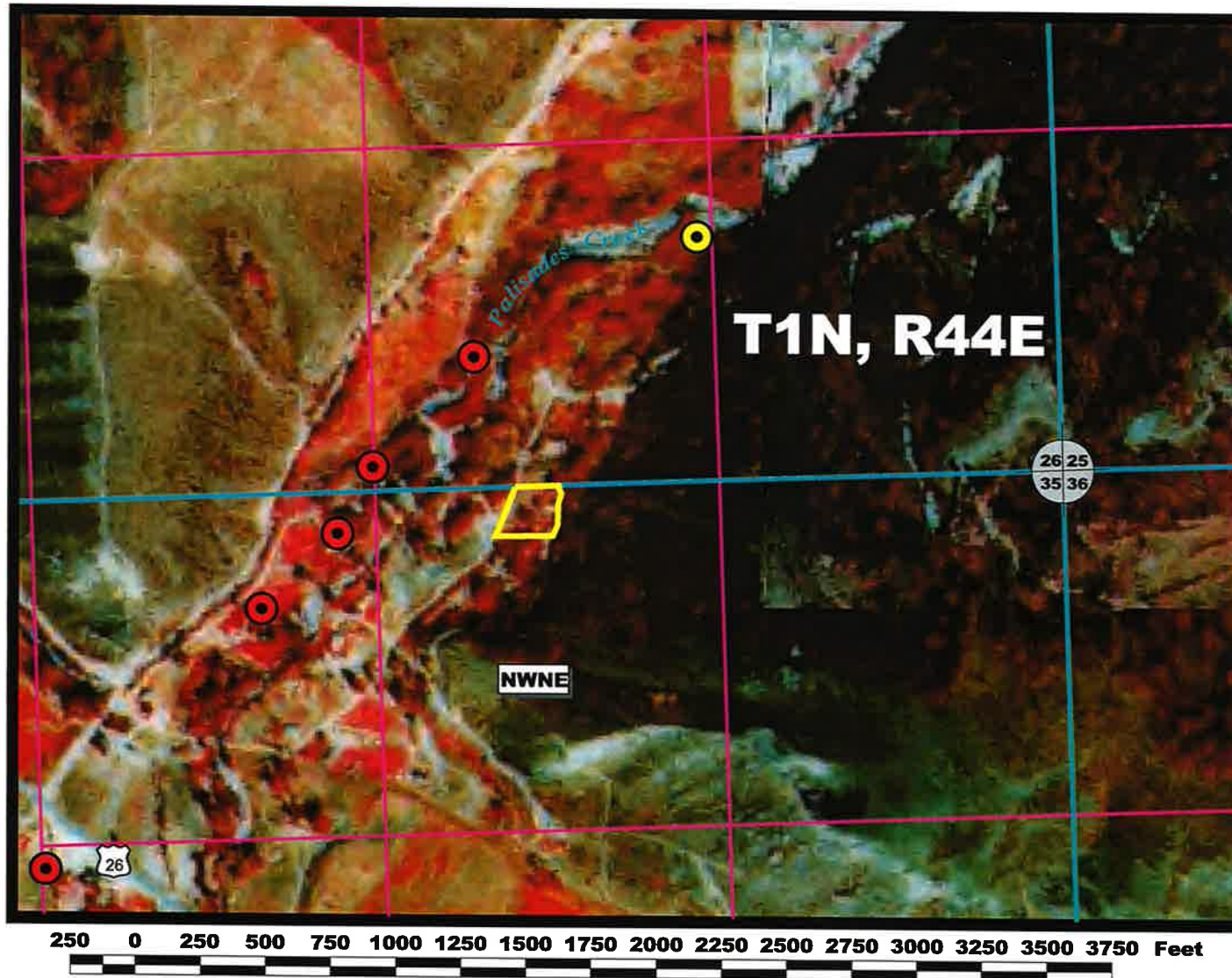
JUL 07 2004

SCANNED

State of Idaho

Department of Water Resources

Eastern Region



Water Right(s):

23-00055F

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

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

4/22/03 THE DIVERSION IS CLOSED BY GRAVEL.

ABOUT 150' [±] DOWN-DITCH THE DITCH IS FILLED-IN.

LOCAL RESIDENTS JAY WEEKS AND CHRIS STONER,

BOTH ATTEST TO THE FACT THAT THE DITCH/DIVERSION
HAS NOT BEEN USED IN ABOUT 10 YRS (JAY) AND
17 YRS (CHRIS),

This claim will BE DISALLOWED PURSUANT TO
§42-222(2) I.C.

NOT SO DONE

New Owner

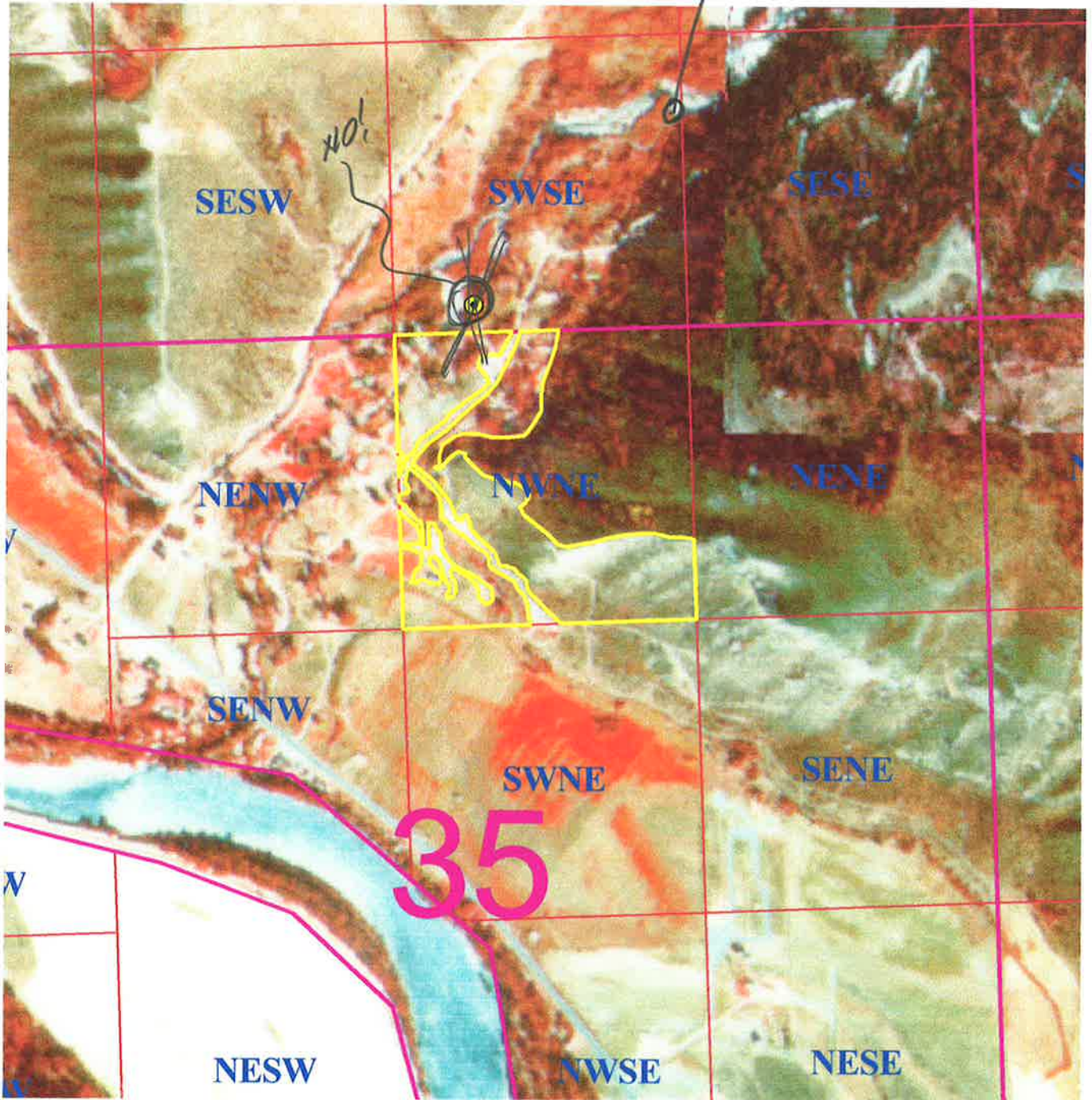
SCANNED

JUL 07 2004

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

05/29/2001

old POD



1/22/03
ABN

Legend

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



BONNEVILLE COUNTY RECORDER

1035441 NOV 21 00 AM 1136

WARRANTY DEED

ATEC

1035441

Order No.: 3030001687 -ML

FOR VALUE RECEIVED

Rex Radford and Vicki Radford, Husband and Wife

the grantor(s), do(es) hereby grant, bargain, sell and convey unto

Gregory L. Taylor and Connie J. Taylor, Husband and Wife

whose current address is

1710 Ilwaco Ave. NE Renton, WA 98059

the grantee(s), the following described premises, in Bonneville County, Idaho, TO WIT:

Lot 1 in Block 4 of Park Lane Addition, according to the official plat thereof, recorded on April 22, 1981 as Instrument No. 605205, filed in Official Records of Bonneville County, Idaho.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee(s), that (s)he is/are the owner(s) in fee simple of said premises; that they are free from all encumbrances Except: Current Year Taxes, conditions, covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record.

And that (s)he will warrant and defend the same from all lawful claims whatsoever.

Dated: 11/03/2000

Rex Radford
Rex Radford

Vicki Radford
Vicki Radford

State of Idaho }
County of Bonneville } ss. MADISON

On this Thursday, Nov. 9th, 2000, before me, a Notary Public in and for said state, personally appeared Rex Radford and Vicki Radford

known or identified to me to be the person(s) whose name(s) subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.

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



Terri Farrer
Notary Public for the State of Idaho
Residing at: **Madsion**
Commission Expires: 1/29/02

INSTRUMENT NO.	1035440
DATE	11-21-00
INST. CODE	205
IMAGED PGS	1
FEE	3.00
STATE OF IDAHO) COUNTY OF BONNEVILLE) ss	
I hereby certify that the within instrument was recorded.	
Recorded Longshore, County Recorder	
By	W. B. Bing
Request of	ATEC
Deputy	

Legal description for Radford property in Swan Valley, Bonneville County, Idaho.

Beginning at a point that is N $89^{\circ} 39' 8''$ E. along the section line 572.02 feet from the north quarter corner of section 35, Township 1 North, Range 44 EBM. Running thence N $89^{\circ} 39' 08''$ E. 229.18 feet; thence S $24^{\circ} 48' 54''$ W. 210.00 feet; thence S $89^{\circ} 39' 08''$ W. 229.18 feet; thence N $24^{\circ} 48' 54''$ E. 210 feet to the point of beginning; containing 1.0 acres.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 23-55F

WATER RIGHT NUMBER: 23-55F

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	REX RADFORD 4490 E 150 N RIGBY, ID 83442 (208)538-7842
Current Owner	VICKI RADFORD 4490 E 150 N RIGBY, ID 83442 (208)538-7842

Priority Date: 08/20/1890

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
PALISADES CREEK	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 10/31	0.030 CFS	
<u>Total Diversion:</u>		0.030 CFS	

Location of Point(s) of Diversion

PALISADES CREEK	SW1/4SW1/4SE1/4	Sec. 26, Twp 01N, Rge 44E, B.M.
BONNEVILLE County		

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		1.0															1.0

Total Acres: 1

Conditions of Approval:Remarks:Comments:

02/23/2004

**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: 23-55F

GREG TAYLOR
1710 ILWACO AVE NE
RENTON WA 98059
Telephone Number: (425)226-9808

CONNIE TAYLOR
1710 ILWACO AVE NE
RENTON WA 98059
Telephone Number: (425)226-9808

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: 5-29-04

SIGNATURE: *Gregory L Taylor*

Please print your name: GREGORY L TAYLOR

Connie J. Taylor
Connie J. Taylor

IDWR Regional Office, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402, 2085257161

3/31/04

(1) where is the Change of Ownership?

(2) Recommended w/ all elements As Appropriator

CM

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 RILDS 1998. NO USE BETWEEN
1986 TO 1998.*

*COND/Remark
PO4*

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

J.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: ASRDate: 7/7/03

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

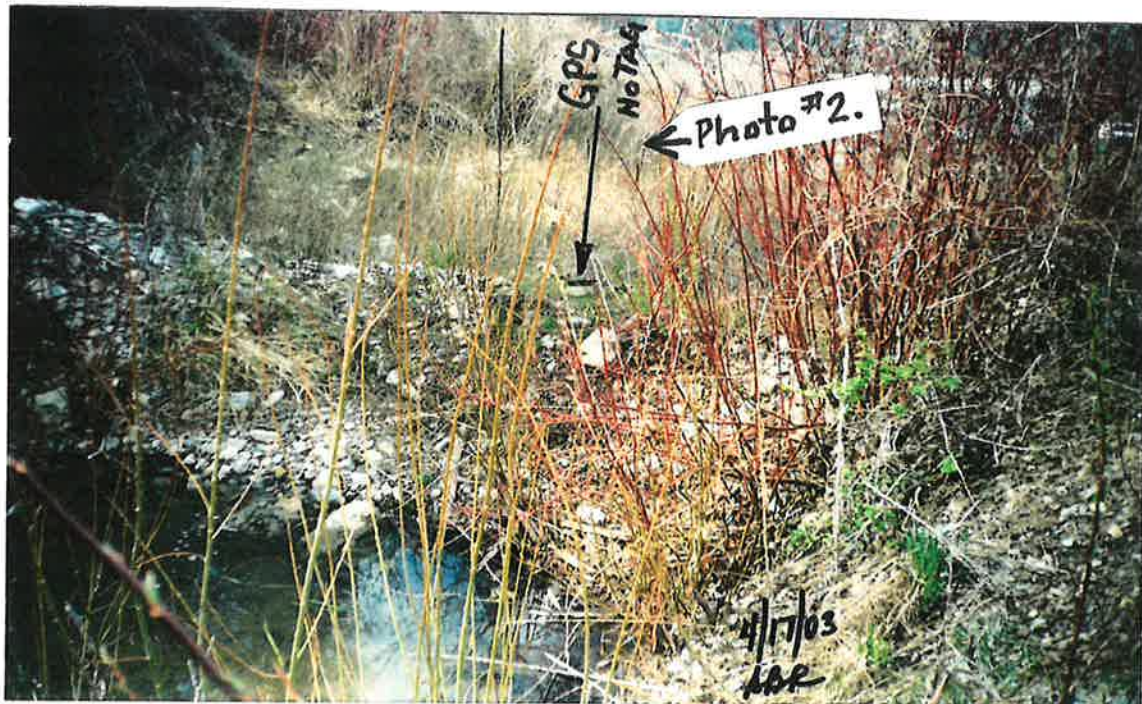


Photo 1. Old DITCH (NO STRUCTURE) OFF PALISADES CREEK
FOR DELIVERY ON SOUTH OF THE CREEK.



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

OK JC 2/23/04

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

RECEIVED

FEB 23 2004

Department of Water Resources
Eastern Region

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided, if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
	23-55F				

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts. 0
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) are for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) Rex Radford
4. New Owner/Claimant(s) Greg Taylor & Connie Taylor
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address 1710 Ilwaco Ave NE
- City, State and ZIP Code Renton, WA 98059
- New Telephone Number (253) 226-9808
5. Date you acquired the property 11-21-2000

changed
 JC
 2/23/04

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number _____

Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number _____

Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	

7. Signature of New Owner(s) or Claimant(s)
(include title if applicable)

[Handwritten Signature] *Connie J. Taylor*

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by _____	Date _____	Fee _____
Received by _____	Date _____	Receipt No. _____
Processed by _____ AJ	Date _____	WR _____ Date _____

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: **A23-00055F**

Date Received: 3/23/1998

Receipt No: E023994

Received By: A.V.

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

1. Name: REX RADFORD 208-538-7842
Address: 4490 E 150 N
RIGBY ID 83442
AND/OR
Name: VICKI RADFORD 208-538-7842
Address: 4490 E 150 N
RIGBY ID 83442

A2300055F



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 DIVERSION 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)

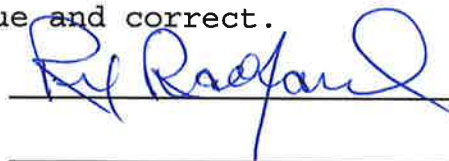
(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do do not wish to receive and pay a small annual fee for monthly copies of the docket sheet.

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):



Date: March 26-98

Date:

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 26 day
of March 19 98 Alma Cook
Notary Public

Seal

Residing at Rigby Id
My Commission Expires 2/26/2002