

02/23/2004

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

RIGHT NUMBER: 23-96B
NAME AND ADDRESS: JEANNE BIDDULPH
2560 S 60 E
IDAHO FALLS ID 83406

EDWIN C BIDDULPH
2560 S 60 E
IDAHO FALLS ID 83406

SOURCE: RAINEY CREEK TRIBUTARY: SOUTH FORK SNAKE RIVER
QUANTITY: 1.860 CFS
PRIORITY DATE: 01/22/1916
POINT OF DIVERSION:

T02N R44E S34 SESWNW 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	1.860 CFS

PLACE OF USE: IRRIGATION Within BONNEVILLE County

T02N R44E S33	NESW	7.1	T02N R44E S33	NESE	29.0
T02N R44E S33	NWSE	27.0	T02N R44E S33	SESE	1.5

64.6 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 23-00022B IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 64.6 ACRES 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

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT
TO SECTION 42-1425, IDAHO CODE.

RIGHT NO. 23-00022B IS ALSO DIVERTED THROUGH POINT OF DIVERSION
DESCRIBED ABOVE.



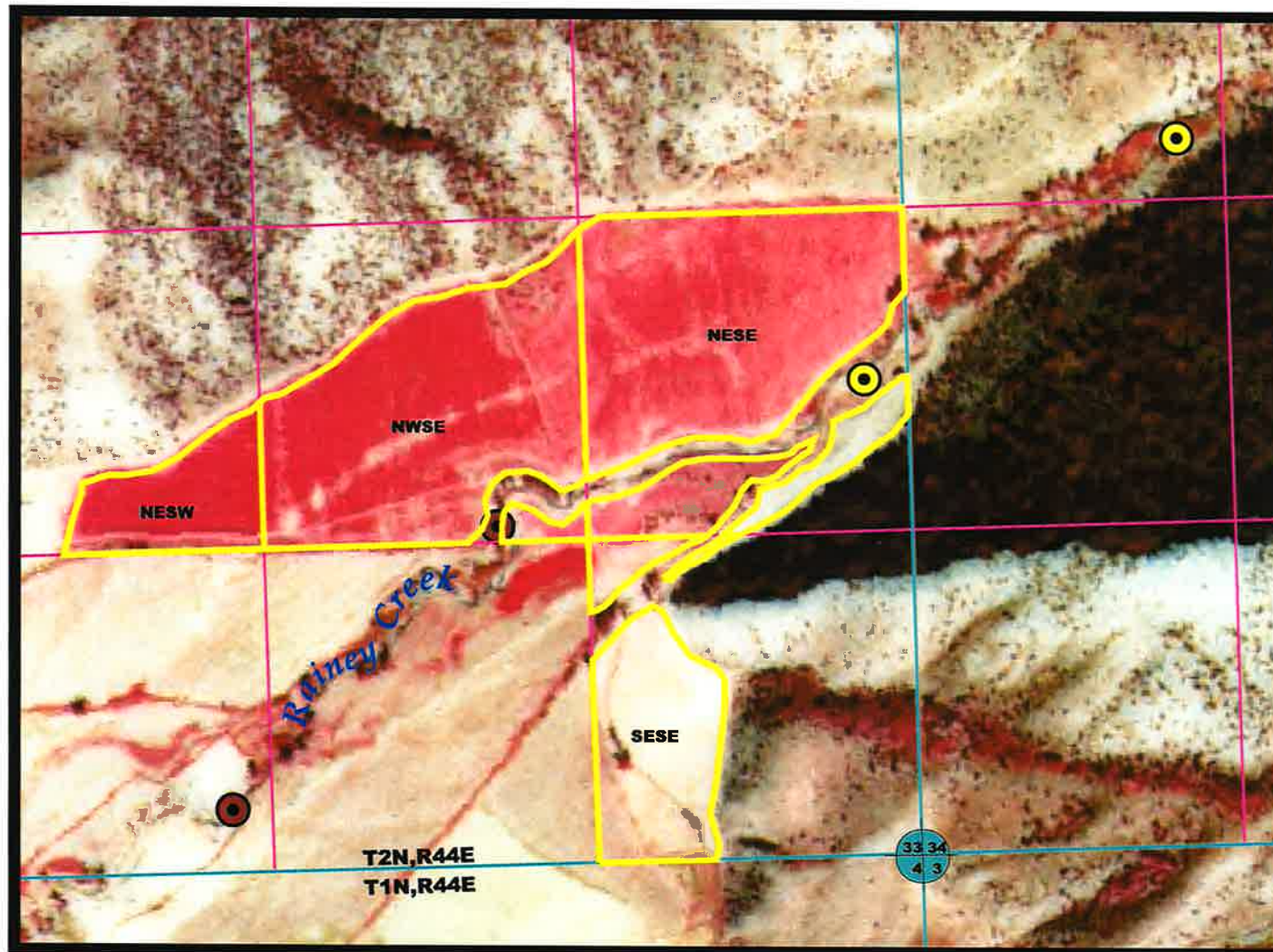
JUL 12 2004

SCANNED

State of Idaho

Department of Water Resources

Eastern Region



Water Right(s):

23-00022B,

23-00096B

Place of Use: T2N, R44E

**Sec. 33 (parts of) N2SE,
SESE, NESW**

Point(s) of Diversion: T2N, R44E

Sec. 33 SESE

Sec. 34 SESWNW



LEGEND



Point of Diversion

SESE

Place of Use



Section



Quarter-Quarter

400 0 400 800 1200 1600 2000 2400 2800 3200 3600 4000 Feet

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

Contacts Data Entry Form

Water Right No. 23-96B

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

Current Owner	EDWIN BIDDULPH				523-0720	
---------------	----------------	--	--	--	----------	--

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:

DECREED UNDER PALISADES IRRIG CO. VS LYNN CRANDALL,
01/16/1951 (DECREE 23-H), TO D.H. PETERSON AND J.L. PETERSON,
PRIORITY OF JANUARY 22, 1916, AS 100" (2.0 cfs)

23-00096 IS SPLIT AND CLAIMED AS:

23-00096A, 0.14 cfs on 6 AC.

23-00096B, 1.86 cfs on 78 AC.

2.00 cfs on 84 AC

UNDERCLAIMED ON A.C. => OK

THIS RIGHT IS USED WITH 23-22B.

5/03 NOB MAILED - NOT RETURNED -

CLAIMANT WENT TO PHILLIPS RESERVOIR FOR 3 YEARS

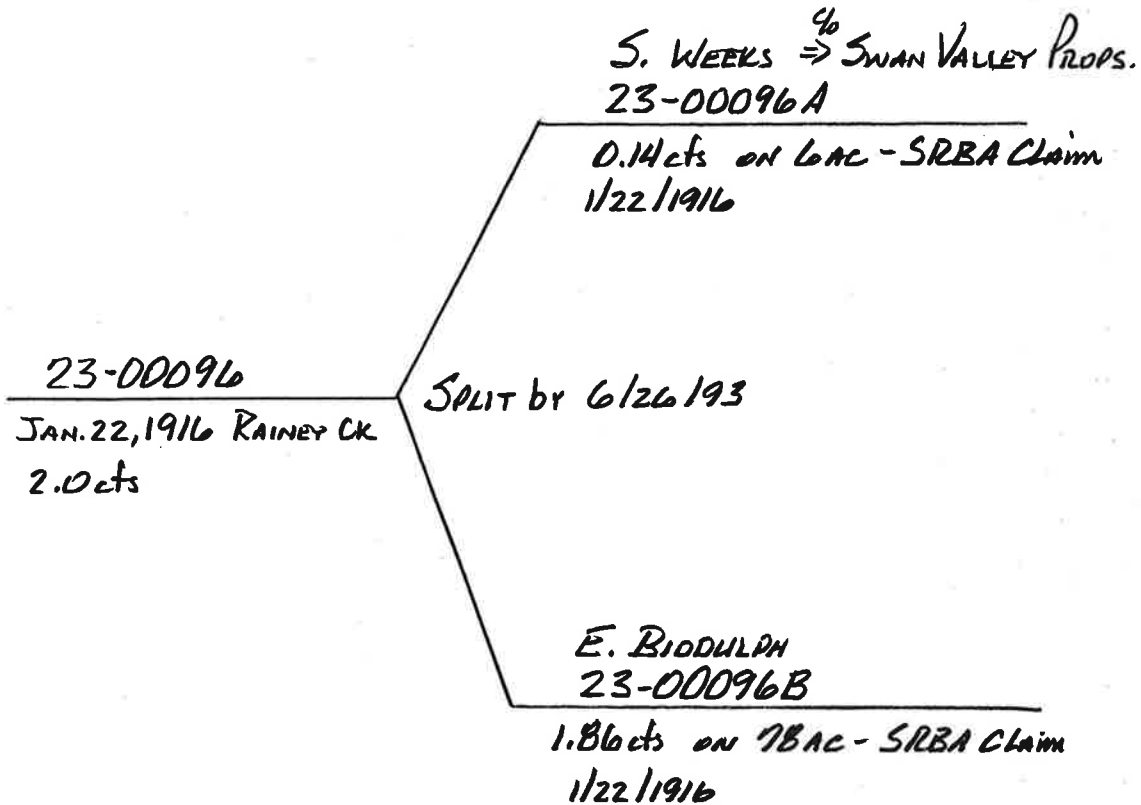
5/9/03 FIXED POLL by NOB.

Reviewer: _____

Date: _____

SCANNED
JUL 12 2004

Water Right Split History Analysis



Reviewer: _____

Date: _____

Priority Date Data Entry Form

Claim Number: _____

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: JAN. 22, 1916 Claimed Basis: DECREEDRecommended Priority Date: 01/22/1916 Recommended Basis: DECREED☐ 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 DECREE

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 2N, R 44E, Sec. 34, NE, NW, SW. County: BONN.Source: RAINY CK Tributary: SNAKE RIVER

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>2N</u>	<u>44E</u>	<u>34</u>		<u>SESWNW</u>	<u>BONN.</u>	<u>RAINY CK</u>
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						

Cp3

Other rights from this POD? _____

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

POD NOT DEFINED BY DECREES

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
2N	44E	33	NESW		BONN.			IRRIG.
			NESE					
			NWSE					
			SESE					

Total Acres 64⁶ ac by GPS

Document how the POU was verified:

Ac BY GIS, POU AC NOT DEFINED BY DECREE, POU BY
QQ IS CLAIMED AS DECREE.

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
FRING	4/1	11/1	1.86	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Overall Diversion Rate _____ Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
FRING	4/15	10/31	1.36	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Overall Diversion Rate 1.86 Overall Diversion Volume _____

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

RECOMM DUPT. STO SOU AS 4/15 TO 10/31.

~~Q based on 0.02 c/s/ac @ 64" ac + 1105 convey loss = 1.36~~ NOT REDUCED

Reviewer: _____

Date: _____



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN
January 13, 2004

Edwin C Biddulph
Jeanne Biddulph
2560 S 60 E
Idaho Falls, ID 83406

Re: SRBA Claim Nos. 23-22B and 23-96B

Dear Mr. Biddulph:

I am the Deputy Attorney General assigned to represent the Idaho Department of Water Resources in its investigation of water rights in Basin 23. I understand that you have previously reviewed the Department's preliminary recommendation for your water rights, 23-22B and 23-96B. However, additional information has been supplied to the Department concerning your water right.

Based on this information, the Department is planning to change its recommendations. The attached document shows what the Department intends to recommend for your water rights to the Snake River Basin Adjudication District Court. Also included are two Notice of Error forms that you can fill out if you disagree with the proposed recommendations. If a resolution is not reached prior to when the Department files its recommendations with the SRBA court, you will have another chance to object to the recommendations.

When the Department files its Director's Report for Basin 23 water rights, you will receive a copy of the Director's Report for your water rights and a Notice that outlines the adjudication process. At that time, if you disagree with the Department's recommendations, you can file an objection as set forth in that Notice. You can expect the Director's Report and Notice to be filed with the SRBA Court sometime this summer.

If you have any further questions concerning this matter, please call me at (208) 327-5404.

Very Truly Yours,

A handwritten signature in cursive script, appearing to read "Candice M. McHugh".

Candice M. McHugh
Deputy Attorney General, IDWR

Enclosures

cc: Allen Ruberry

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: 23-96B

JEANNE BIDDULPH

2560 S 60 E

IDAHO FALLS ID 83406

Telephone Number: (208)523-0726

EDWIN C BIDDULPH

2560 S 60 E

IDAHO FALLS ID 83406

Telephone Number: (208)523-0726

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:

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

DATE: _____ SIGNATURE: _____

Please print your name: _____

IDWR Regional Office,

06/17/2003

**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: 23-96B

JEANNE BIDDULPH
2560 S 60 E
IDAHO FALLS ID 83406
Telephone Number: (208)523-0726

EDWIN C BIDDULPH
2560 S 60 E
IDAHO FALLS ID 83406
Telephone Number: (208)523-0726

RECEIVED

JUN 23 2003

Department of Water Resources
Eastern Region

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

Use of this right should be for 78.1 Acres per irrigation season

2. Describe the changes you wish to make in the proposed recommendation:

Substitute 78.1 Acres for the 70.7 Acres

3. Give a brief explanation as to why you disagree with these portions:

It's not correct. Allen Ruberry said he would correct it but asked me to send this for the record.

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

DATE: _____ SIGNATURE: Ed Biddulph

Please print your name: ED BIDDULPH

IDWR Regional Office,

Log for claim 23-00096B

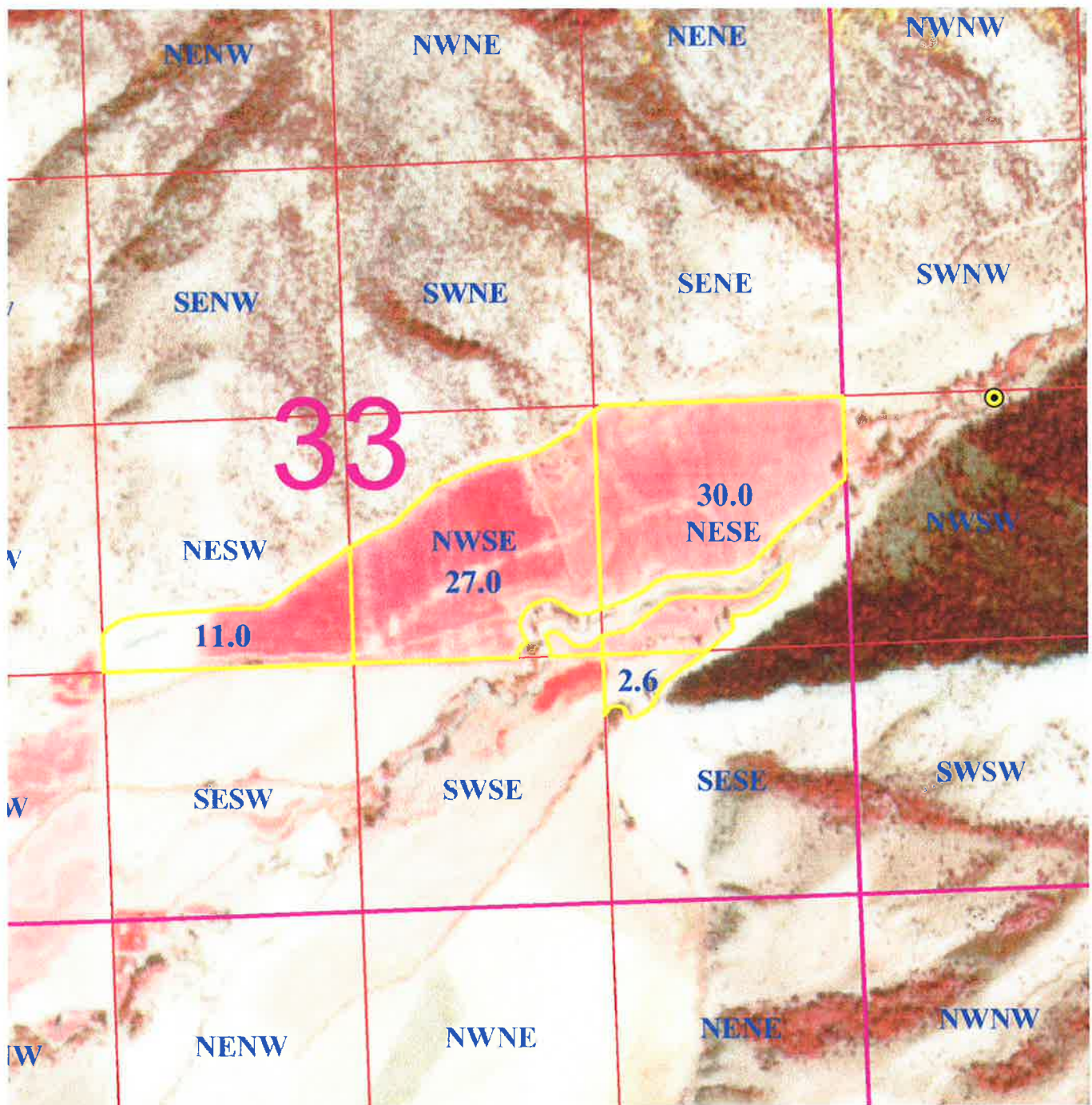
Spatial Dynamics LTD

6/1/01

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
02n44e	33	NESW	11	11	
02n44e	33	NESE	30	30	
02n44e	33	NWSE	28	27	
02n44e	33	SESE	9	2.6	
Totals:			78	70.6	

Water Right Claim Number 23-00096B
Township , 2N44E

06/01/2001



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





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

JULY 7, 1993

EDWIN C BIDDULPH
2560 S 60 E
IDAHO FALLS ID 83406

RE: CHANGE IN OWNERSHIP FOR A23-00096 AND A23-00022

Dear Mr. Biddulph:

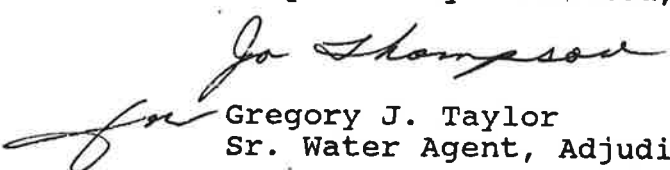
The request for Change in Ownership concerning the Notice(s) of Claim in the above reference has been processed and the Notice(s) have been split as follows:

RUTH AND STEVE WEEKS: A23-00096A, .14 CFS, 6 ACRES
EDWIN BIDDULPH: A23-00096B, 1.86 CFS, 78 ACRES

RUTH AND STEVE WEEKS: A23-00022A, .14 CFS, 6 ACRES
EDWIN BIDDULPH: A23-00022B, 1.86 CFS, 78 ACRES

Enclosed for your records are typed Notices reflecting your portion of the rights. Review these Notices and if there are other corrections or questions, feel free to contact this office (525-7161).

Respectfully submitted,


Gregory J. Taylor
Sr. Water Agent, Adjudications

GT:jt

Enclosure: Notices of Claim

cc: Steve Weeks/copies of claims

File: P

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APR 11 1994

POOR ORIGINAL



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

RECEIVED

Please print or type

(see instructions on back of page)

JUL - 6 1993

DATE OF CLOSING: June 17, 1992Department of Water Resources
Eastern District OfficeLEGAL DESCRIPTION OF PROPERTY: Township 2N Range 44
Section _____, 1/4 of _____ 1/4 of _____ 1/4 Govt. Lot _____, BM.

Lot _____, Block _____, Subdivision/Townsite _____

If you have additional legal descriptions, please attach separate sheet.

SEE ATTACHED LEGAL
DESCRIPTION on deed

☐ 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)

☐ Water Right Number(s)
Assigned by IDWR:

A23-00022; A23-00096

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

Steven J. and Ruth Weeks, h & wP.O. Box 25Swan Valley, Idaho 83449

☐ New Owner/Claimant
(Purchaser):

Edwin C. and Jeanne Biddulph

☐ New Mailing Address:

2560 So. 60th EIdaho Falls, Ida. 83406

☐ New Telephone Number:

(208) 523-0726

☒ 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:

NE SW 11 Acres and SE SE 9 acres.NE SE 30 AcresNW SE 28 Acrestotal 78

☐ Attach proof of
ownership, describe
proof attached:

Warranty deed - N/A

(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)

Ed Biddulph
Jeanne BiddulphDate 6/26/93Date 6-26-93

☐ Signature of Former
Owner/Claimant(s):

Steven J. Weeks
Ruth WeeksDate 6-26-93Date 6-26-93

(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

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: A23-00096B
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: EDWIN C BIDDULPH
Address: 2560 S 60 E
IDAHO FALLS ID

83406

208-523-0726

AND

Name: JEANNE BIDDULPH
Address: 2560 S 60 E
IDAHO FALLS ID

83406

208-523-0726

A2300096B



2. Date of Priority: JAN 22, 1916

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
02N	44E	34	NE	NW	SW		BONNEVILLE

5. Description of diverting works:
HEADGATE IN STREAM TO DITCH. REDIVERSION PUMP INTO SPRINKLER SYS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.860		

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

8. Total consumptive use is 195.0 Acre Feet Per Annum.

9. Non-irrigation uses:
INCIDENTAL STOCKWATERING

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APR 11 1994

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02N	44E	33	NE	SW		IRR	11.0
			NE	SE		IRR	30.0
			NW	SE		IRR	28.0
			SE	SE		IRR	9.0

Section Acres 78.0

Total Acres 78.0

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:
23-00022

14. Remarks:

RIGHT CANNOT BE TRANSFERRED. SEE DECREE.
THIS RIGHT PAID FOR UNDER RECEIPT #E009978

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 1/16/1951

PALISADE IRR. CO., ET AL.

Decree Plaintiff

LYNN CRANDALL.

vs Decree Defendant

MICROFILMED

APR 11 1994