

02/24/2004

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

RIGHT NUMBER: 23-98B
NAME AND ADDRESS: DEL E WILKINS
PO BOX 96
SWAN VALLEY ID 83449

SOURCE: RAINEY CREEK TRIBUTARY: SOUTH FORK SNAKE RIVER

QUANTITY: 0.210 CFS

PRIORITY DATE: 01/22/1916

POINT OF DIVERSION:
T01N R44E S7 SWNE 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	0.210 CFS

PLACE OF USE: IRRIGATION Within BONNEVILLE County
T01N R44E S06 Lot 6 NWSW 16.0

16 ACRES TOTAL

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 16.0 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 23-00048B, 23-00098B.

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: BASIS OF CLAIM - Decreed

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINTS OF
DIVERSION DESCRIBED ABOVE: 23-00048B, 23-00098B.



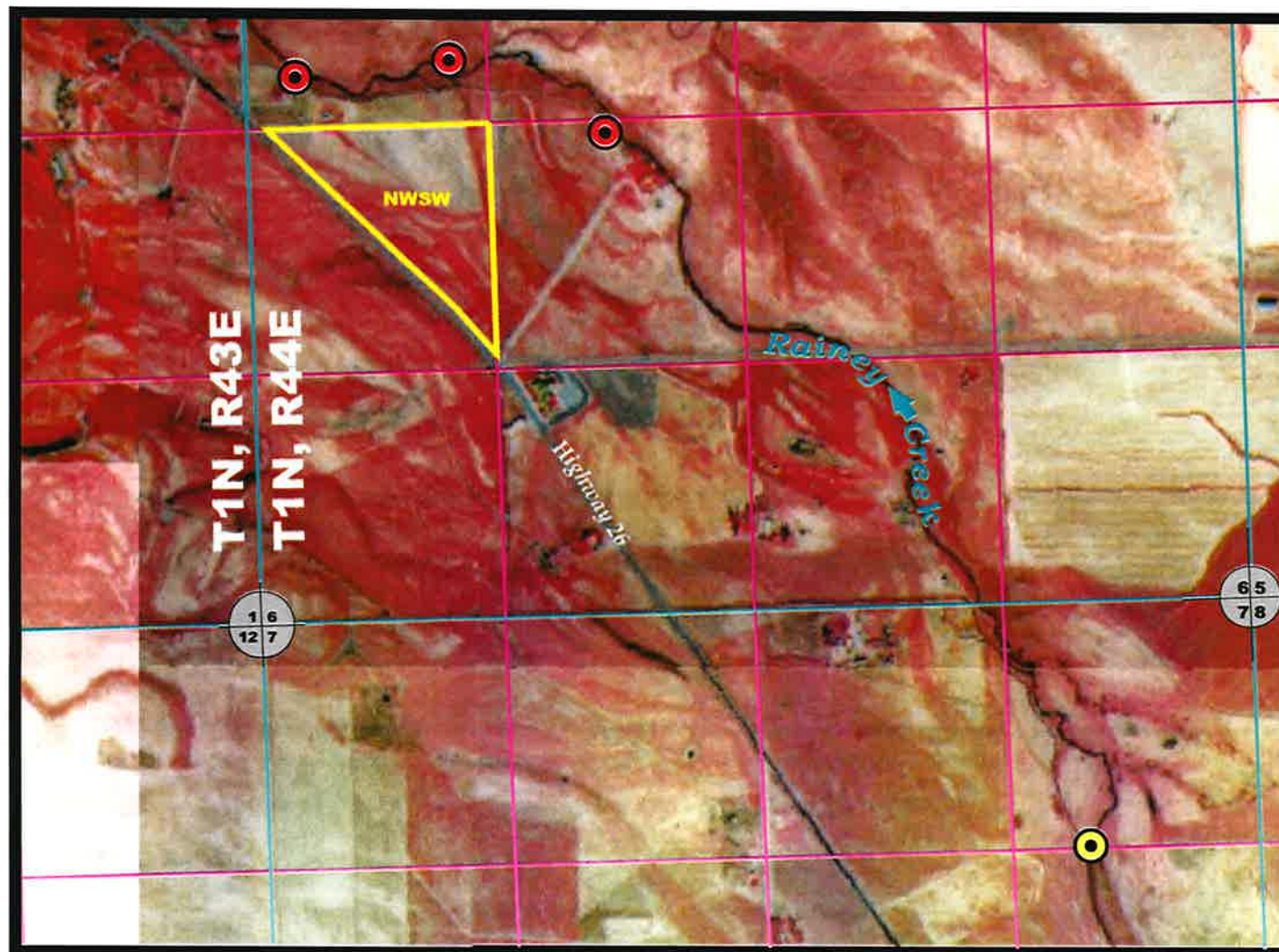
JUL 12 2004

SCANNED

State of Idaho

Department of Water Resources

Eastern Region



500 0 500 1000 1500 2000 2500 3000 3500 4000 4500 5000 Feet

Water Right(s):

23-00048B,
23-00098B

Place of Use: (part of)
T1N, R44E
Sec. 6 NWSW

Point(s) of Diversion:
T1N, R44E
Sec. 7 SWNE



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: December 2003

02/24/2004

**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: 23-98B

DEL E WILKINS

PO BOX 96

SWAN VALLEY ID 83449

Telephone Number: (208)483-4655

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:

X I AGREE with this proposed recommendation; no changes need to be made.

DATE:

3 18 04

SIGNATURE:

Del Wilkins

Please print your name:

Del Wilkins

IDWR Regional Office,

SCANNED
JUL 12 2004

Contacts Data Entry Form

Water Right No. 23-98B

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

Current Owner Doc Wilkins

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 L. CRANDALL, 1951
SEE DECREE EXCERPT AND SPLIT HISTORY ATTACHED.

* REMARK #14: STATES "RIGHT CANNOT BE TRANSFERRED." THIS
REMARK APPEARS IN THE TEXTURAL VERSION OF THE 1951
DECREE. HOWEVER, THE AG ASSIGNED SAYS CASE LAW
WILL SUPERSEDE THIS REMARK - DO NOT INCLUDE THE
REMARK ON THE RECOMMENDATION. *

Property run by RONALD WEEKSFB: 8/11/03FB INDICATED: DO w/ 23-48B

Reviewer: _____

Date: _____

Priority Date Data Entry Form

Claim Number: _____

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: 1/22/1916 Claimed Basis: DECREEDRecommended Priority Date: 1/22/1916 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:

Matchos DECREED

Reviewer: _____

Date: _____

GPS TAG # A0009501



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
					BONN	RAINIER CK
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						

TRIB TO.
Snake River

Other rights from this POD?

GPS POD TAG# A0009501

HEADGATE
UNDER WHEEL

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

POD NOT SPECIFIED BY DECREE. ORIGINAL RT SPLIT
BY ADJ. - NEW POD - WHEN? Pump or HEADGATE?

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:

POU NOT SPECIFIED BY DECREE. NO TRS OF RECORD. APPARENTLY
SPLIT BY ADJ. w/o Δ OWNERSHIP KNOO.

Q: WHERE IS THE 17⁶ AC w/ THE PROPERTY boundary

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
PRRIG	4/1	11/1	0.21	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Overall Diversion Rate _____ Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
PRRIG	4/15	10/31	0.21	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Overall Diversion Rate _____ Overall Diversion Volume _____

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

SOIL NOT DETERMINED BY DECREE. RECOMMEND 4/15 TO 10/31
PRR DEPT STD.

AC AND Q limits apply, w/ 23-48B.

Reviewer: _____

Date: _____

Log for claim 23-00098B

Spatial Dynamics LTD

6/1/01

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
01n44e	6	NWSW	17.6	37	Indiscernible
Totals:			17.6	37	

#14. REMARKS: RIGHT CANNOT BE TRANSFERRED. SEE DEEDS. ?

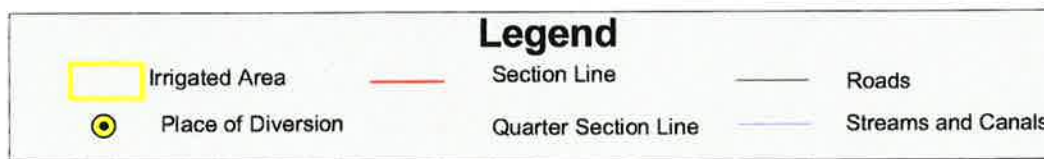
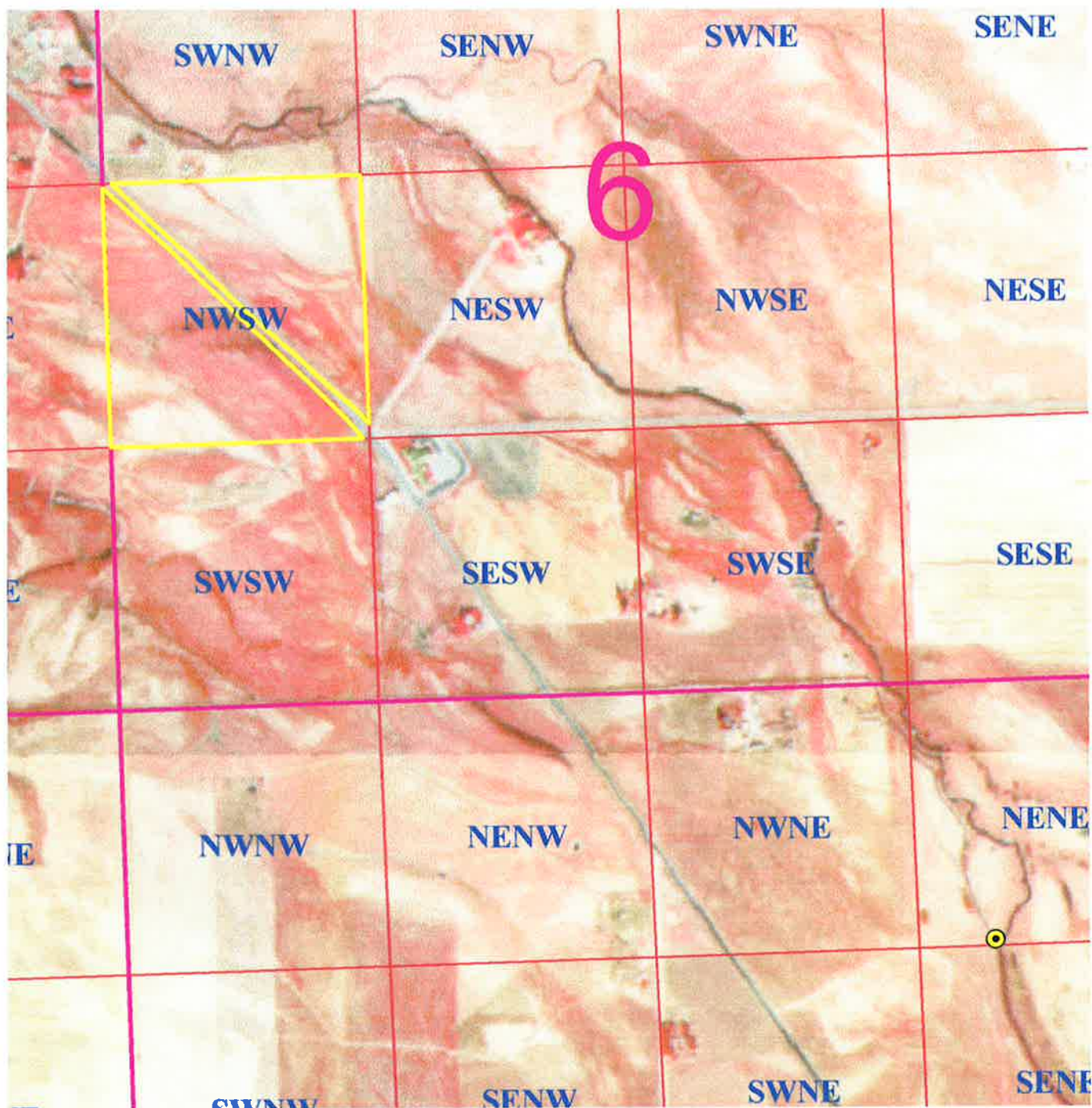
PETE ALI'S OFFER

CASE LAW ALLOWS

REMARK NOT VSOP.

Water Right Claim Number 23-00098B
Township , 1N44E

06/01/2001



SPATIAL
DYNAMICS

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 23-98

WATER RIGHT NUMBER: 23-98

Owner Type Name and Address
Current Owner WEEKS BROTHERS
 , ZZ

Priority Date: 01/22/1916
Basis: Decreed
Status: Active

Source Tributary
RAINEY CREEK SOUTH FORK SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	/ to /			
IRRIGATION	/ to /		2.700 CFS	
<u>Total Diversion:</u>			2.700 CFS	

Location of Point(s) of Diversion
RAINEY 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	43E	1													X	X	X	X	

DOMESTIC same as IRRIGATION

Conditions of Approval:

Remarks:

1. General P/D NOT GIVEN IN DECREE.
 P/U INCOMPLETE.
 RIGHT CANNOT BE TRANSFERRED. SEE DECREE.

Comments:

Dates and Other Information:

Per AG's office
CASE LAW ALLOWS
REMARK NOT USED.

rights shall immediately lapse and become void and of no effect.

III.

It is further considered, adjudged and decreed by the Court that the plaintiffs are entitled to a summary decree and adjudication of the waters of Snake River and its tributaries with date of priority of January 22, 1916.

<u>Plaintiffs</u>	<u>Amount of Miners Inches</u>	<u>Amount of Second Feet</u>
The Palisade Irrigation Company	4890	97.8
J. L. Higham	120	2.4
Richard A. Beam	360	7.2
Ivan Weeks	160	3.2
Thomas M. Weeks	200	4.
John B. Miller	240	4.8
Shurtleff Bros.	880	17.6
Elizabeth Beam	150	3.
David H. Peterson and Jess L. Peterson	100	2.00
Henry Goettsche	312	6.24
Weeks Bros.	135	2.7
Luther Smith	160	3.2
M. E. Toliver	800	16.
Harry Bitton	160	3.2
Francis Stoltenberg	210	4.2
Joe Kruse	120	2.4
Henry McCabe	150	3.

IV.

Further ordered, adjudged and decreed that the plaintiffs have the right to divert and use said quantity of water with the said priority date subject, however, to the terms of the said decree of December 16th, 1910, and said decree of June 25th, 1929, for use for irrigation and domestic purposes upon the following described lands, to-wit:

23-0098 It is further Ordered, Adjudged and Decreed that the plaintiff, Weeks, Bros., a partnership, has the right to divert from Lower Rainey Creek and use said quantity of water with the said priority date for irrigating and domestic purposes upon the following described lands, to-wit:

Southeast Quarter (SE $\frac{1}{4}$), Section One (1), Township One (1) North, Range Forty-three (43), East of the Boise Meridian.

23-0099 It is further Ordered, Adjudged and Decreed that the plaintiff, Luther Smith, has the right to divert from Lower Rainey Creek and use said quantity of water with the said priority date for irrigating and domestic purposes upon the following described lands, to-wit:

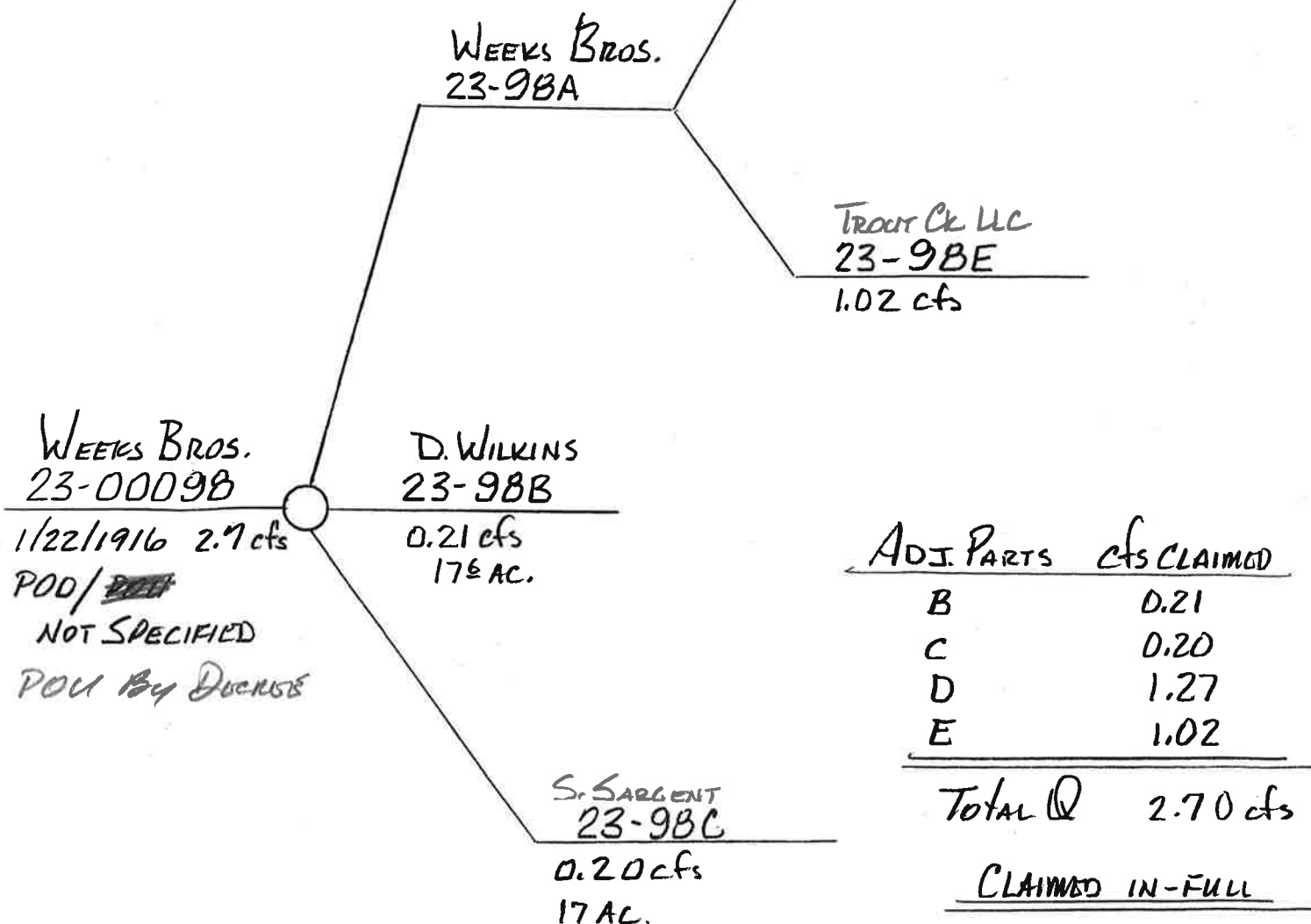
North Half of the Northwest Quarter one (1), Section One (1), Township Quarter of the Southeast Quarter (3 acre, Section Thirty-five (35), Tow Half of the Southwest Quarter (S $\frac{1}{2}$ SW
*EXCERPT FROM DECREE 23-H
 PALISADES IRRIG. VS L. CRANDALL
 1/16/1951, JUDGEMENT PARAG.
 III AND IV.*

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 23-98

Dates and Other Information:

Licensed Date:
 Decreed Date: 1/16/1951
 Water Supply Bank Enrollment Accepted:
 Water Supply Bank Enrollment Removed:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 State or Federal:
 Owner Name Connector:
 Water District Number: 01
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Decree Defendant: Lynn Crandall
 Decree Plaintiff: Hal Rasmussen, et al
 Civil Case Number:
 Judicial District: Ninth District
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False





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

FEBRUARY 24, 1994

DEL E WILKINS
PO BOX 96
SWAN VALLEY ID 83449

RE: CHANGE IN OWNERSHIP FOR A23-00048 AND A23-00098

Dear Mr. Wilkins:

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:

A23-00048A..WEEKS..2.96 CFS.. 211.4 ACRES
A23-00048B..WILKINS..0.24CFS..17.6 ACRES

A23-00098A..WEEKS..2.49 CFS..211.4 ACRES
A23-00098B..WILKINS..0.21 CFS..17.6 ACRES

Enclosed are "copies" of the water rights with your name shown as the current owner. Review the Notices and if there are other corrections or questions, feel free to contact this office (525-7161).

Respectfully submitted,

for *Gregory J. Taylor*
Gregory J. Taylor
Sr. Water Agent, Adjudications

GT:jt

Enclosure: Notice(s) of Claim

cc: Copies of remaining rights/Weeks Brothers

MICROFILMED

APR 11 1994



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

POOR ORIGINAL

DATE OF CLOSING: _____

LEGAL DESCRIPTION OF PROPERTY: Township 1N Range 43E
Section 6, — 1/4 of NW 1/4 of SW 1/4, Govt. Lot — BM. —
Lot —, Block —, Subdivision/Townsite —
If you have additional legal descriptions, please attach separate sheet.

FEB 17 1994

☐ Served Only by a Public Service Water Supply (all water is received from a city or county who maintains water supply system, owns the water right, and bills the customer on a regular basis) ☐ Department of Water Resources Eastern District Office

☒ Water Right Number(s)
Assigned by IDWR: A 23-00048, A23-00098

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

P.O. Box 25

FEB 23 1994

☐ New Owner/Claimant
(Purchaser): Swan Valley, ID

Delbert E. Wilkins

Department of Water Resources
Eastern District Office

☐ New Mailing Address: Box 96 Swan Valley, ID 83449

☐ New Telephone Number: (208) 483-4655

☐ 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:

NW SW of Sect 6 for 17.6 acres

☐ Attach proof of
ownership, describe
proof attached: _____

(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): Delbert E. Wilkins

Date 2/21/94

Date _____

☐ Signature of Former
Owner/Claimant(s): _____

Date _____

Date _____

(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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Original to be mailed to Idaho Department of Water Resources **APR 11 1994**
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: **A23-00098B**
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: DEL E WILKINS 208-483-4655
Address: PO BOX 96
SWAN VALLEY ID 83449
2. Date of Priority: JAN 22, 1916
3. Source: RAINEY CREEK, LOWER Trib. to: SNAKE RIVER, SOUTH FORK
4. Point of Diversion:
- | Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County |
|----------|-------|---------|--------|--------|--------|-----|------------|
| 01N | 44E | 7 | SW | NE | NE | | BONNEVILLE |
5. Description of diverting works:
HEADGATE IN STREAM TO DITCHES FOR FLOOD IRRIGATION.
6. Water is used for the following purposes:
- | Purpose | From | To | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| IRRIGATION | 04/01 | 11/01 | 0.210 | | |
7. Total Quantity Appropriated is:
0.210 C.F.S. (and/or) A.F.A.
8. Total consumptive use is 44.0 Acre Feet Per Annum.
9. Non-irrigation uses:
INCIDENTAL STOCKWATERING
10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
01N	44E	6	NW	SW		IRR	17.6

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APR 11 1994

A2300098B



10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	17.6
					Total Acres	17.6

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:
A23-00048B,

14. Remarks:

RIGHT CANNOT BE TRANSFERRED. SEE DECREE.

* THIS RIGHT PAID FOR UNDER RECEIPT #E009979. CHANGE IN OWNERSHIP
2-24-94 GJT

*AG SAYS
DOES CASE LAW
ALLOW THIS.*

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: ¹⁶ 1/12/1951

PALISADE IRR. CO., ET AL.
Decree Plaintiff

LYNN CRANDALL.
vs Decree Defendant

MICROFILMED

APR 11 1994