

IDAHO DEPARTMENT OF WATER RESOURCES 01/10/2002
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

Water Right 29-152A

NAME AND ADDRESS: DOUGLAS ALLEY
1533 AMMON
POCATELLO ID 83201

IRIS ALLEY
PO BOX 164
11759 E FISH CK RD
LAVA HOT SPRINGS ID 83246

SOURCE: FISH CREEK TRIBUTARY: PORTNEUF RIVER
QUANTITY: 0.37 CFS
USE OF THIS RIGHT WITH RIGHT NO. 29-152A IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 0.37 CFS.
THIS RIGHT WHEN COMBINED WITH RIGHT NO. 29-152A SHALL PROVIDE NO MORE
THAN .02 CFS PER ACRE.

PRIORITY DATE: 03/01/1889

POINT OF DIVERSION:
T09S R38E S26 NWNWNW Within BANNOCK County
POINT OF DIVERSION IS THE SAME USED FOR FISH CREEK CANAL.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 09/15	0.370 CFS
THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS APRIL 1 AND MAY CONTINUE TO AS LATE AS OCTOBER 31, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 15 AND AFTER SEPTEMBER 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.		

PLACE OF USE: IRRIGATION Within BANNOCK County
T09S R38E S22 Lot 4 NWSE 14.7 T09S R38E S22 SWSE 3.8

13.2 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.

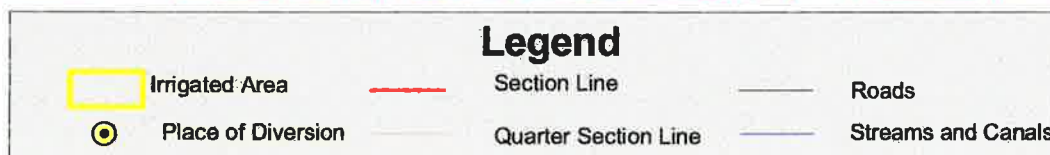
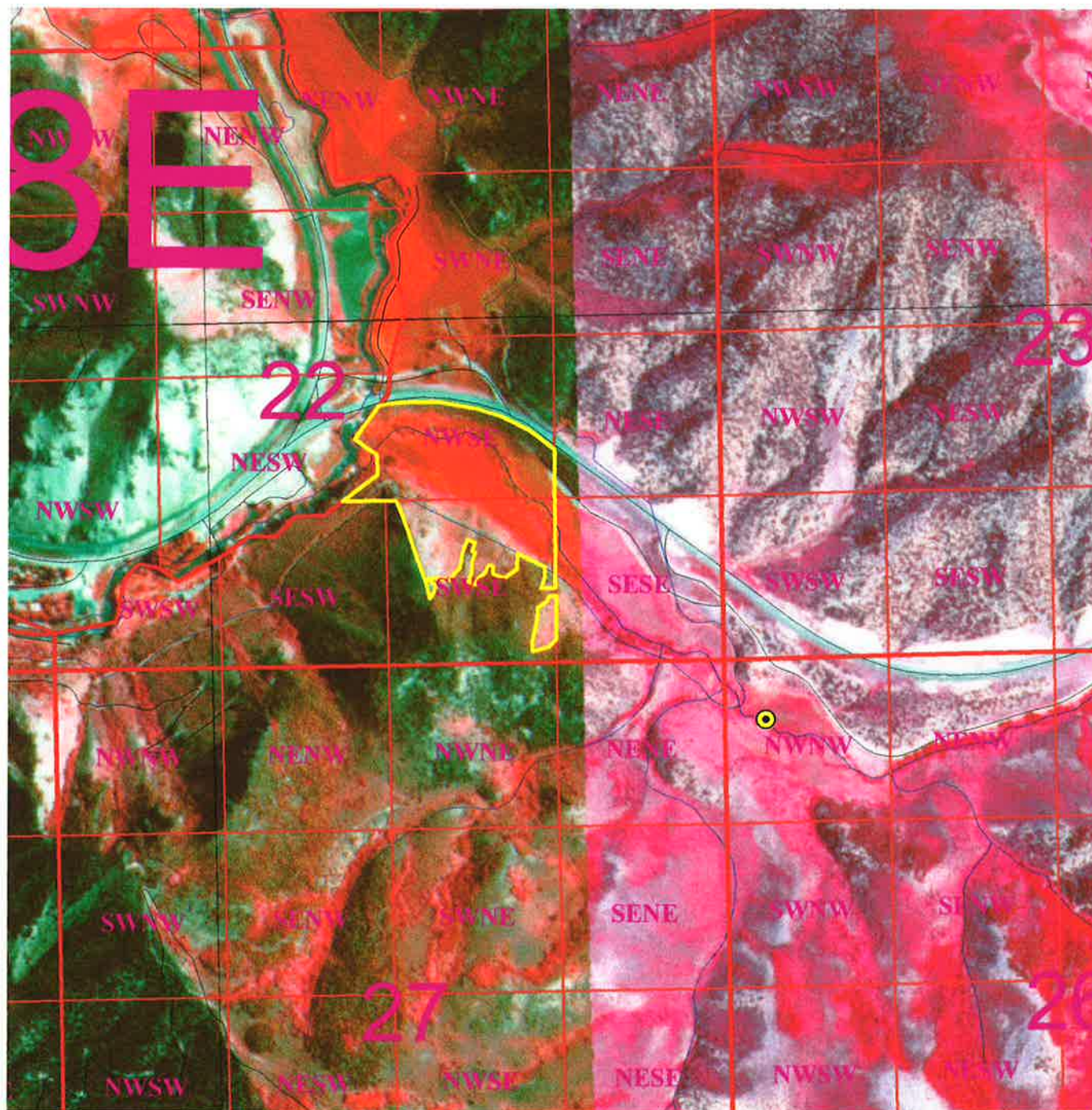
EXPLANATORY MATERIAL: Decreed

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
PURSUANT TO SECTION 42-1425, IDAHO CODE.
USE OF WATER UNDER THIS RIGHT IS COMBINED WITH WATERS FROM
DEMPSEY IRRIGATION CO. AND FISH CREEK CANAL.

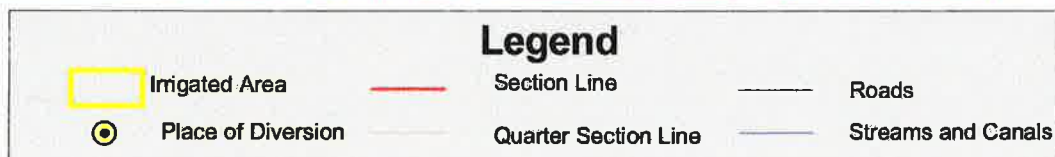
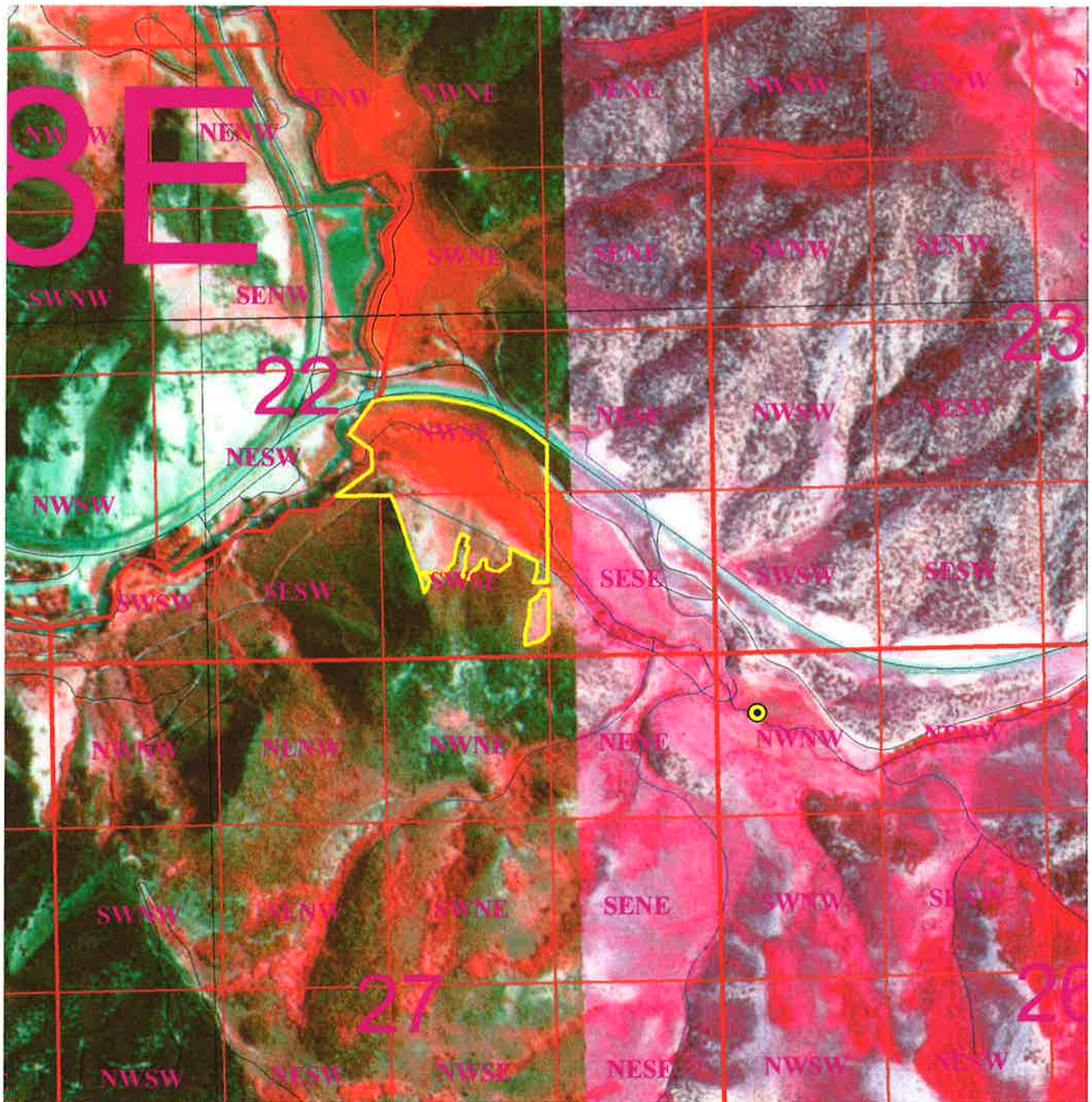
Water Right Claim Number A29-00152A

08/07/2000

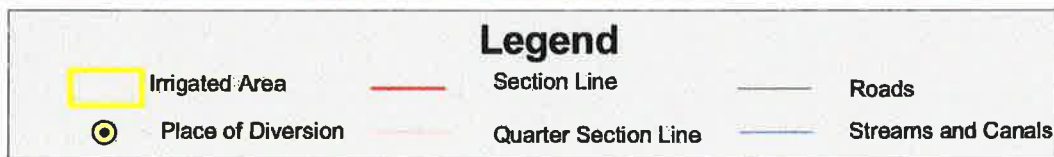
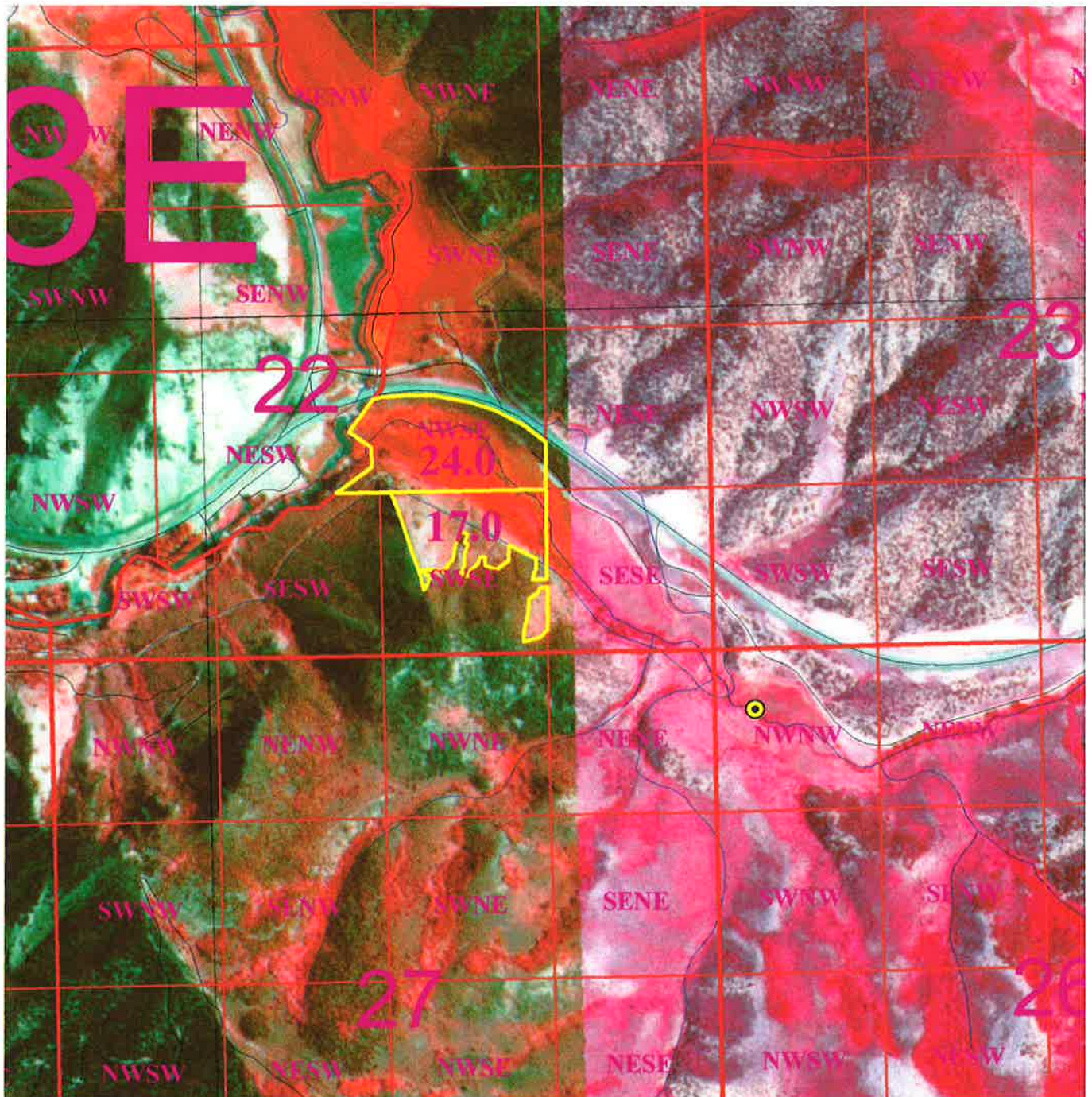
Township , 9S38E



Township , 9S38E



Township , 9S38E



**T9S, R38E
SECTION 22**

**NWSE
14.7**

**SWSE
3.8**

Fish Creek and Dempsey-Toponce Canal Systems

**29-00152A
29-00153A
As Amended**

Dempsey-Toponce Canal

Fish Creek





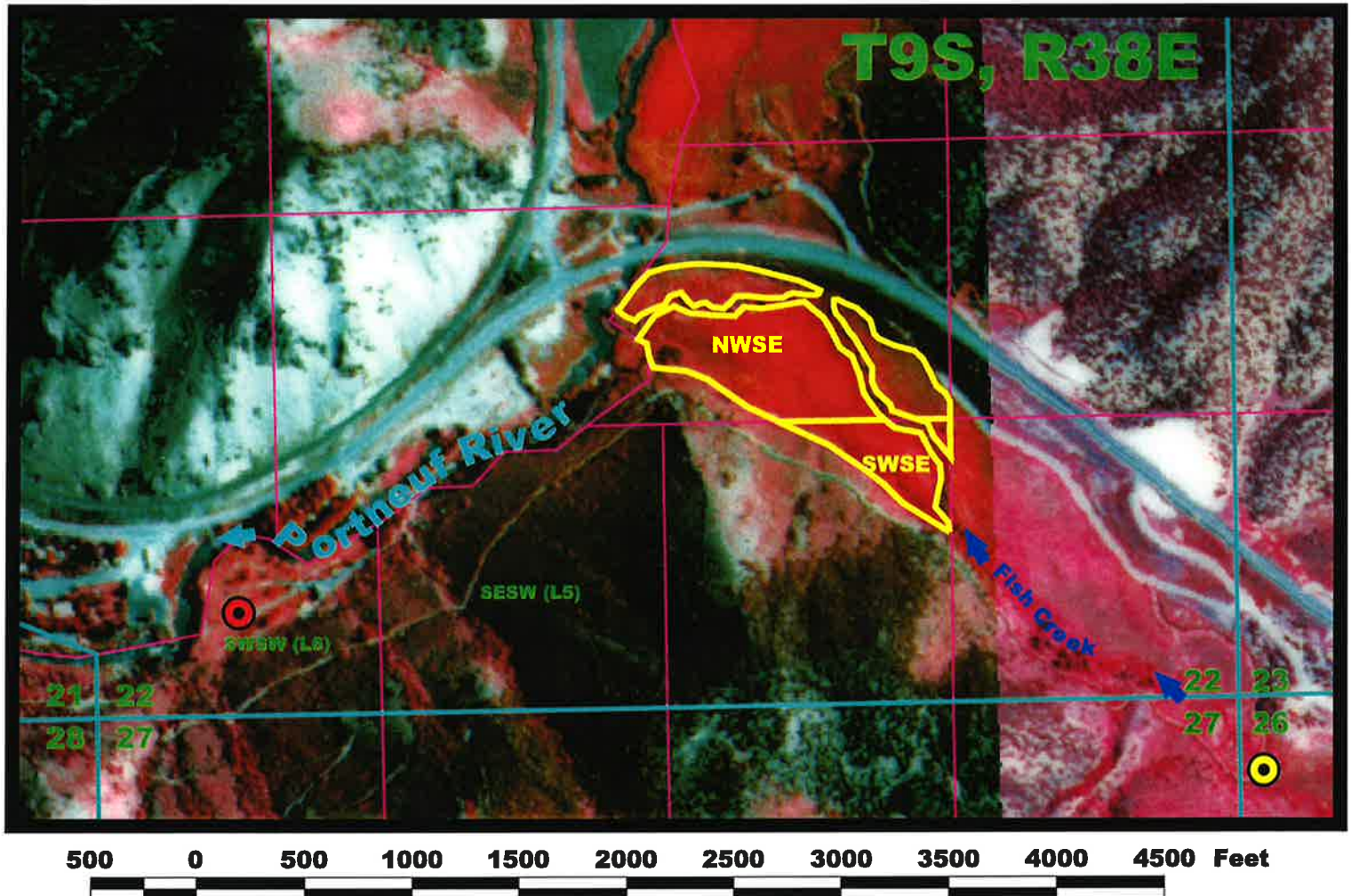
STATE OF IDAHO

Department of Water Resources

Eastern Region

Water Right(s): 29-00152A

29-00153A



LEGEND

-  Place of Use
-  Section
-  Quarter-Quarter
-  Point of Diversion

**Place of Use: T9S, R38E (parts of)
Sec. 22 NWSE (L4), SWSE**

**Point(s) of Diversion: T9S, R38E
Sec. 26 NWNWNW**



GIS Place of Use Illustration
1987/1988 NAPP photography
Prepared by: A. Ruberry
Date: January 2002

SCANNED
JUN 28 2005

29-00152A DECREE (NO PART B FOUND)

29-00152A CLAIMS 0.52 cfs

29-00152 DECREE @ 2.00 cfs

1.48 cfs UNCLAIMED

Do w/ 153A

* NO ADDITIONAL CLAIMS FOUND BY RECORD SEARCH.

Q: → I. THIS CLAIM STATES ITS CARRIED BY DEMPSEY CANAL w/ POD WHERE CANAL CROSSES RICH CK. IS THIS THE DEMPSEY CANAL - OR IS IT SOME OTHER SYSTEM?

→ DECREE POD IS IN NENW SEC. 26; CLAIMS NWNW SEC 26
VERIFY POD

II. WHAT HAPPENED TO THE REMAINDER OF THIS RIGHT?

BEST CASE ACROSS $\approx (600 \times 40) = 240^2$; CLAIMS 13.2 AC.

DECREE 2.0 cfs; CLAIMS 0.52 cfs (0.52 cfs is overclaimed by 0.256 cfs) $\Rightarrow$ MAKES 1.736 cfs TOTAL UNAPPROPRIATED.
SEC 2 42-202 IC - 0.02 cfs/ac.

NO 5031
MORE AC. OR
REDUCED RT. AS
INDICATED

III. POLE DECREE IN SEC. 15 AND SEC. 22 - CLAIMS ONLY 13.2 AC IN SEC. 22 LOT 4 (NWS) AND SWS.

Q: → WHAT HAPPENED TO LANDS IN SEC. 15? AND, THAT PART OF THE WR'S (SEE II ABOVE)?

C#5 where AMENDED

IV. WHEN THIS RIGHT IS CLAIMED (USOO) w/ 29-00153A (Priority DATE 05/01/1893) ITS USELESS - CONSIDER TOO IT WILL LIKELY BE REDUCED BY ABOUT HALF, UNLESS AMENDED.

V. AMENDED TO CORRECT SOLL, DIV. RATE AND ADD ACROSS FOR DISCUSSION w/ EMS & Doug ALVY 7/11/01.

FILED

SCANNED
JUN 28 2005

29-152A

29-153A

NEED Δ ADDRESS FORM
FOR Iris.

6/26/01 Met Mrs. Iris Avey, Discussed Address correction as.
PO Box 164, 11759 E. Fish Cr Rd, Lava Hot Spgs. ID 83246.

Also, Discussed the need to Amend 153A and 152A to
increase number of ACs to match cfs and additional AC
found during field exam. Both Rts are undetermined
so Amendment is not a problem.

She will have Doug call for Appt. to discuss Amends.

7/11/01 Met w/ Doug and Iris to discuss proposed changes.
They approve to Amend adding AC and correcting
other elements

FILED

SCANNED
JUN 28 2005

Pg 2 of 2

117. COOPER, W. W.
-0152 1889 Mar. 1 2 c.f.s.
-0153 1893 May 1 1.2 c.f.s.

SOURCE: FISH CREEK

POD: SW NW Sec. 26

POU: Lots 1-4, SWS
Sec. 22 and
Lot 3 Sec. 15

Said water to be diverted through a ditch taken out at point which bears South 59 degrees 25 minutes East, 1740 feet from the Northwest corner of Section 26, Township 9 South, Range 38 E.B.M., for the irrigation of Lots 1, 2, 3, and 4, and the Southwest quarter of the Southeast quarter, Section 22, Township 9 South, Range 38 E.B.M., and Lot 3, Section 15, Township 9 South, Range 38 E.B.M.

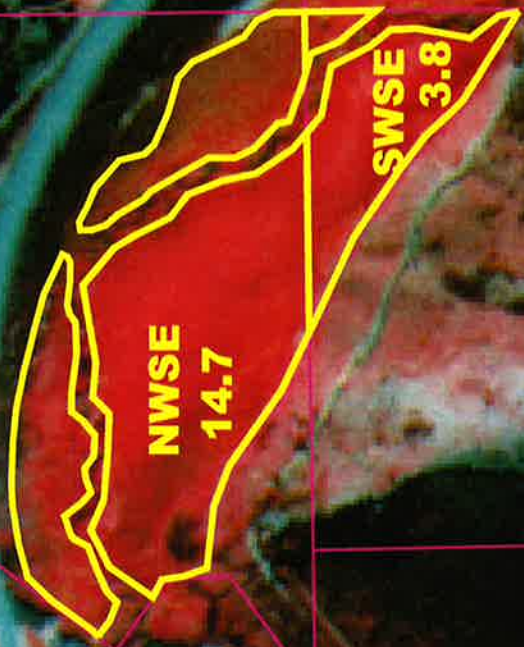
SRBA Claim: 29-00152A (No Part B?)
Claims 0.52 cfs = Reduced to 0.37 cfs
1.63 cfs UNCLAIMED

29-00153A (No Part B?)
Claims 0.52 cfs = Reduced to 0.37 cfs
0.83 cfs UNCLAIMED

SCANNED
JUN 28 2005

PROFILED

T9S, R38E



Fortneut River

Fish Creek

SESW (L5)

SWSW (L6)

22 23

27 26

WR5808NP
(OD-26)

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROOF READING REPORT

05/10/01 13:05:49
Page 1

Water Right Number - 29-00152

Prefix Translation: WATER RIGHT

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***
COOPER

W. W.

1 -
2 -
3 -
City-
Phone -

State- Zip-

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
03/01/1889 *OK* 15 EASTERN *D - DECREE*

+ - - - - Source - - - - + + - - - - - Tributary - - - - - +
FISH CREEK *OK* PORTNEUF RIVER

+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot Rflg County Diversion Name Diversion Rate Diversion No.

09S 38E 26 *NE NW ?* (5) BANNOCK *CLAIMS NWNW Sec. 26 cp3 where ?*

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume

01 - IRRIGATION *OK* 04/15 *09/15* *2.000 ? CLAIMS 0.52 cfs*

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
2.000 0.0

+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County

09S	38E	15	SE SW	3	<i>NOT CLAIMED</i>	01	IRRIGATION	(5) BANNOCK
09S	38E	22	NW NE	1	<i>BY THIS RT.</i>	01	IRRIGATION	(5) BANNOCK
09S	38E	22	SW NE	3		01	IRRIGATION	(5) BANNOCK
09S	38E	22	NE NW	2		01	IRRIGATION	(5) BANNOCK
09S	38E	22	NW SE	4	<i>11.7</i>	01	IRRIGATION	(5) BANNOCK
09S	38E	22	SW SE		<i>1.5</i>	01	IRRIGATION	(5) BANNOCK

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - - - Remarks - - - - - +

GEN P/U INCOMPLETE.

+ - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers found.

*Notes: Right claimed by Dempsey Canal.
w/ 29-00153A.*

JUN 28 2005

SCANNED

PROVIDE

D. Alley
29-00152A,
29-00153A

T9S, R38E

Flak

Home

Creek

22

23

27

26

6/21/01

ARAR

JUN 08 2001

Log for claim A29-00152A

Spatial Dynamics AMH

8/7/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
09s38e	22	NWSE	11	24	
09s38e	22	SWSE	1	17	Permissible place of use?
Totals:			12	41	

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 29-152A
Date Received: 4/23/1990
Receipt No: E013558
Received By:

AMENDED

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

DOUGLAS ALLEY Phone: (208)233-1387

1533 AMMON
POCATELLO ID USA 83201

IRIS ALLEY Phone:

PO BOX 164
11759 E FISH CK RD
LAVA HOT SPRINGS ID USA 83246

2. Date of Priority: 03/01/1889

3. Source: FISH CREEK Trib. to: PORTNEUF RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
09S	38E	26	NW NW NW	BANNOCK	

5. Description of diverting works:

GRAVITY FLOW MAINLINE TO PLACE OF USE (FROM CANAL SYSTEM). POD IS SAME AS THE
FISH CREEK CANAL DIVERSION.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/15	09/15	0.37	

7. Total Quantity Appropriated is:
0.37 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

FILED

SCANNED
JUN 28 2005

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres	
09S	38E	22	NW	SE	4	IRRIGATION	14.7
			SW	SE		IRRIGATION	3.8
						Section Acres	18.5
						Total Acres	18.5

11. Place of use in counties: BANNOCK

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

POD IS WHERE DEMPSEY CANAL CROSSES FISH CREEK. DEMPSEY CANAL/FISH CREEK CANAL CARRIES THIS RIGHT. THIS CLAIM WAS AMENDED TO CORRECT THE DIV. RATE, SOU AND ADD ACRES.

15. Basis of Claim: Decreed

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.

PROFILE

SCANNED
JUN 28 2005

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): *Jris J. Alley* Date: *7/16/2001*
_____ Date: _____

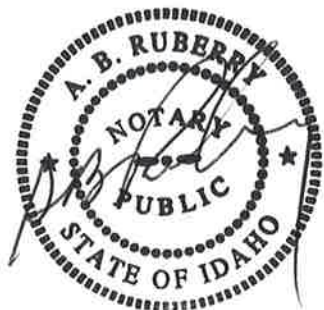
State of Idaho)
County of *BONNIVILLE*) SS.

Subscribed and sworn (or affirmed) before me this *16th*
of *July* 20*01* *A. B. Ruberry*

Notary Public

Residing at *PO BOX 1418 BO*

My commission Expires *9/23/03*



PROFILE

SCANNED
JUN 28 2005

JUN 08 2001

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: **A29-00152A**
Date Received: 4/23/1990
Receipt No: E013558
Received By: _____

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

1. Name: DOUGLAS ALLEY 208-233-1387
Address: 1533 AMMON
POCATELLO ID 83201

Name: IRIS ALLEY 208-233-1387
Address: PO BOX 4405
POCATELLO ID 83205

2. Date of Priority: MAR 1, 1889

3. Source: FISH CREEK Trib. to: PORTNEUF RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
09S	38E	26	NW	NW			BANNOCK

5. Description of diverting works:
GRAVITY FLOW MAINLINE TO PLACE OF USE

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 32.5 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

MICROFILMED
NOV 13 1996

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09S	38E	22	NW	SE	4	IRR	11.7
			SW	SE		IRR	1.5

Section Acres 13.2

Total Acres 13.2

11. Place of use in counties: BANNOCK

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
A29-00153

14. Remarks:

p.d. IS WHERE DEMPSEY CANAL CROSSES
FISH CREEK. DEMPSEY CANAL CARRIES THIS RIGHT.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 8/ 6/1932

UNION GRAIN & ELEVATOR CO.

Decree Plaintiff

MCCAMMON DITCH CO. ET. AL.

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: _____

MICROFILMED

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

Renumbered - A29-00152A

Ident. Number: A29-00152A

Date Received: 4/23/1990

Receipt No: E013558

Received By: ALJ

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: IRIS ALLEY 208-233-1387
Address: P.O. BOX 4405
POCATELLO, ID 83205

Name: DOUGLAS ALLEY 208-233-1387
Address: 1533 AMMON
POCATELLO, ID 83201

2. Date of Priority: MAR 01, 1889

3. Source: FISH CREEK Trib. to: PORTNEUF RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
09S	38E	26	NW	NW			BANNOCK

5. Description of diverting works:
GRAVITY FLOW MAINLINE TO PLACE OF USE

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 32.5 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09S	38E	22	NW	SE	4	IRR	11.7
			SW	SE		IRR	1.5

Section Acres 13.2

Total Acres 13.2

11. Place of use in counties: BANNOCK

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
A29-00153

14. Remarks:

p.d. IS WHERE DEMPSEY CANAL CROSSES
FISH CREEK. DEMPSEY CANAL CARRIES THIS RIGHT.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 8/06/1932

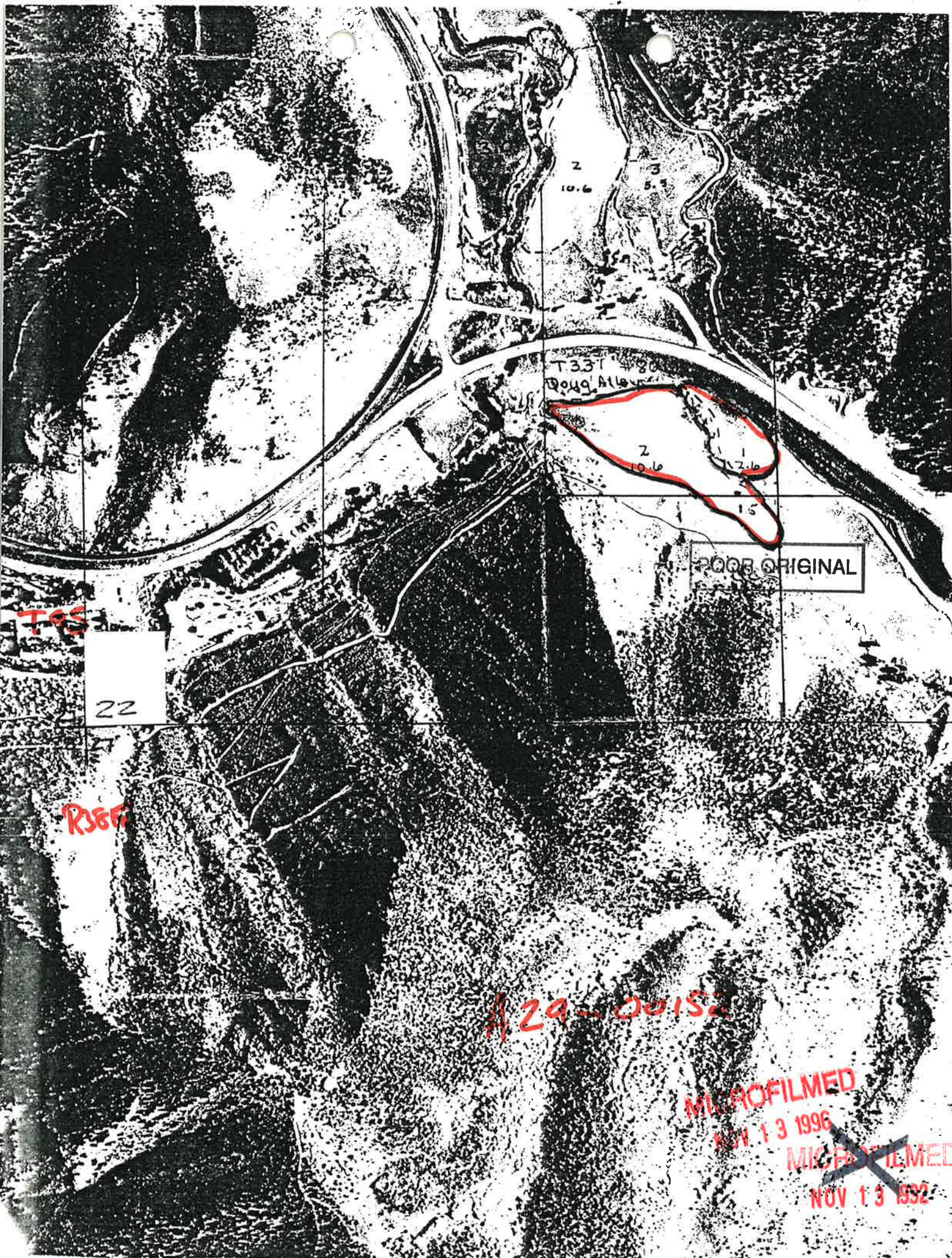
UNION GRAIN & ELEVATOR CO.
Decree Plaintiff

vs

MCCAMMON DITCH CO. ET. AL.
Decree Defendant

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~~MICROFILMED~~
MICROFILMED NOV 13 1992
NOV 13 1996



2
10.6

3
5.5

T33T 480
Doug Allen

2
10.6

1
2.6

15

POOR ORIGINAL

T33

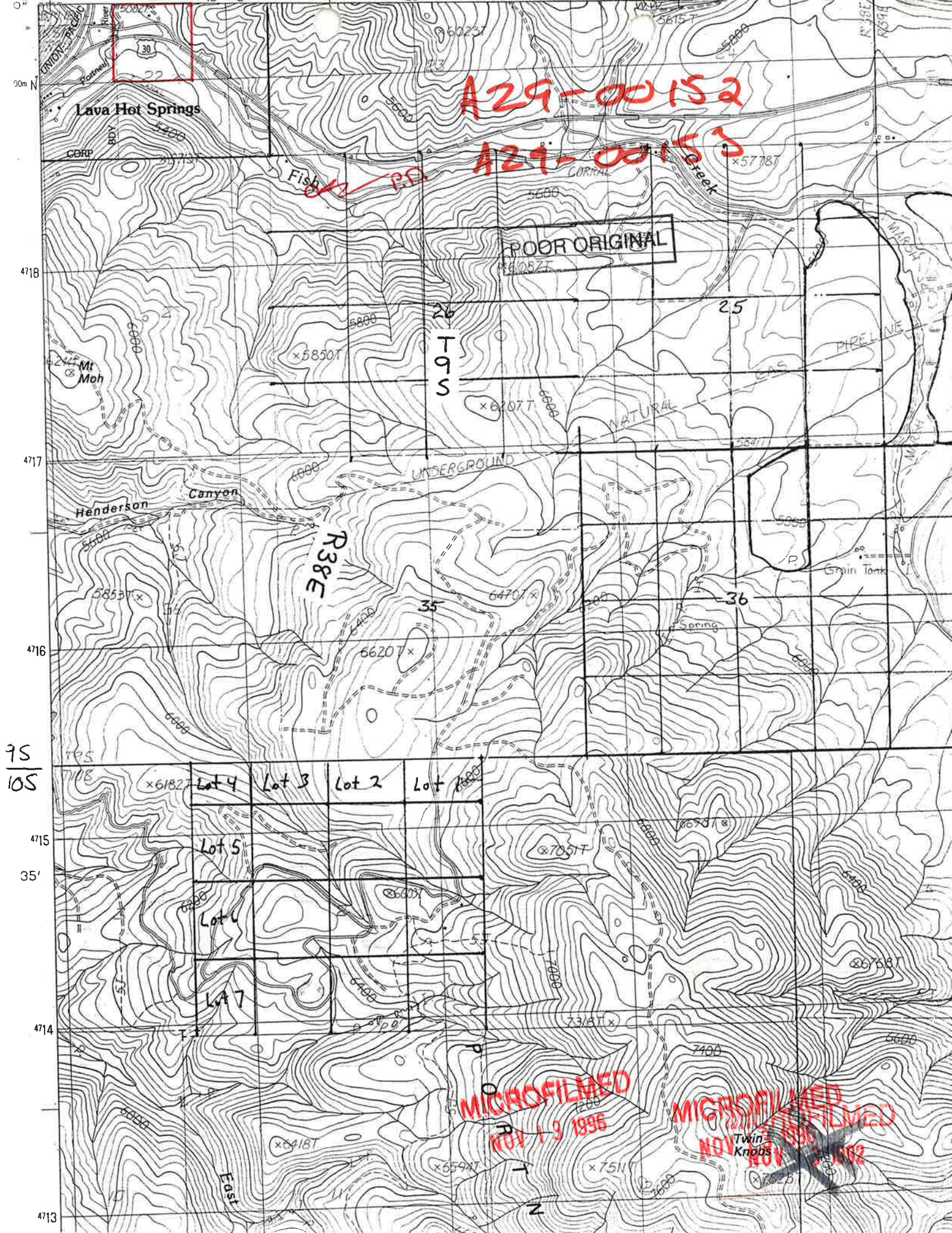
22

R38F

A29-00152

MICROFILMED
NOV 13 1996

~~MICROFILMED~~
NOV 13 1992



A29-00152

A29-00153

POOR ORIGINAL

T
9
S

R38E

75
105

Lot 4	Lot 3	Lot 2	Lot 1
Lot 5			
Lot 6			
Lot 7			

MICROFILMED
NOV 13 1996

MICROFILMED
NOV 13 1996