

09/13/2002

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

RIGHT NUMBER: 29-158C

NAME AND ADDRESS: SHIRLEY ROWSELL
10694 S DEMPSEY CREEK RD
LAVA HOT SPRINGS ID 83246-1528

SOURCE: DEMPSEY CREEK

TRIBUTARY: PORTNEUF RIVER

QUANTITY: 0.03 CFS

PRIORITY DATE: 04/01/1880

POINT OF DIVERSION:

T09S R38E S33 NWNESW Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 09/15	0.030 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: T09S R38E S28 NWSW 1.5

1.5 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.

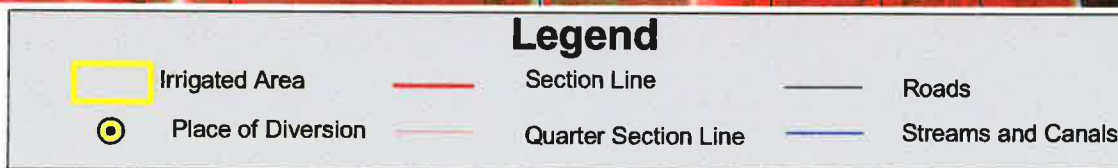
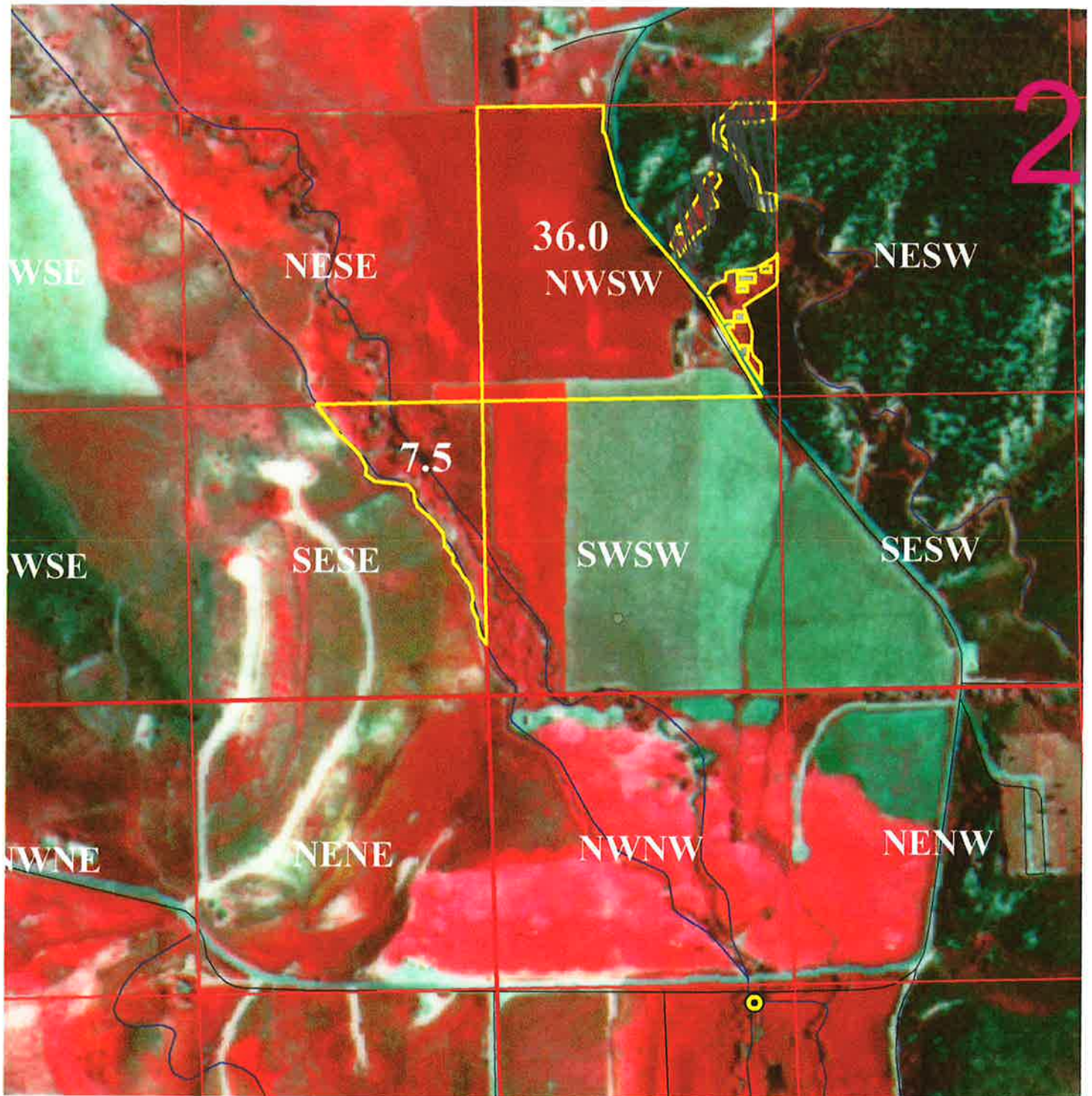
EXPLANATORY MATERIAL: Decreed

DELIVERY THROUGH THE TILLOTSON PIPELINE.

Water Right Claim Number A29-00158C

09/13/2000

Township , 9S38E



1000 0 1000 2000 Feet

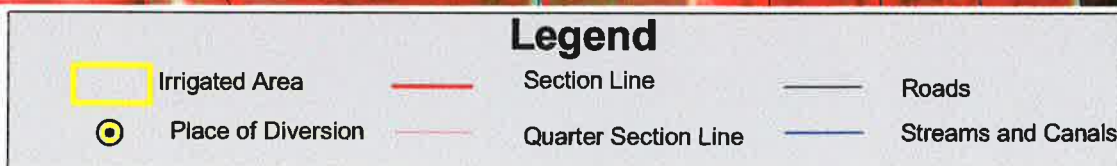
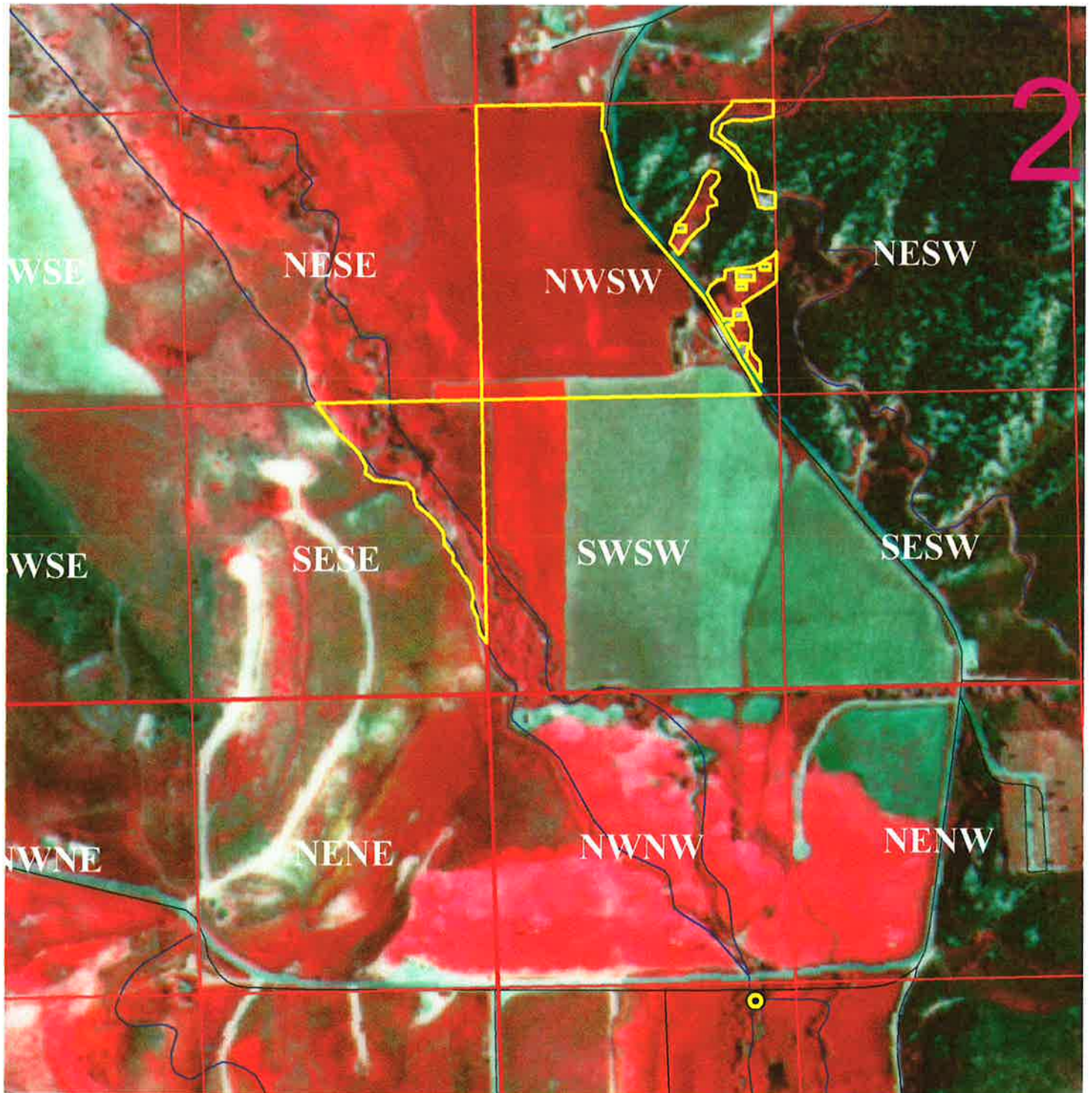


4/2/02
JBL

Water Right Claim Number A29-00158C

09/13/2000

Township , 9S38E



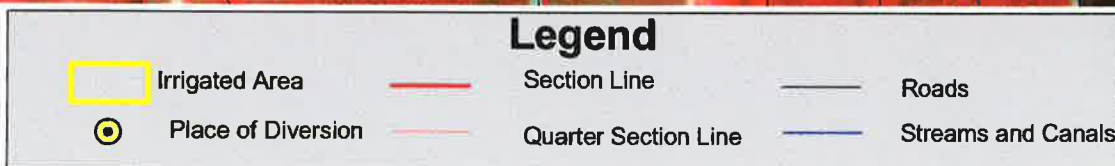
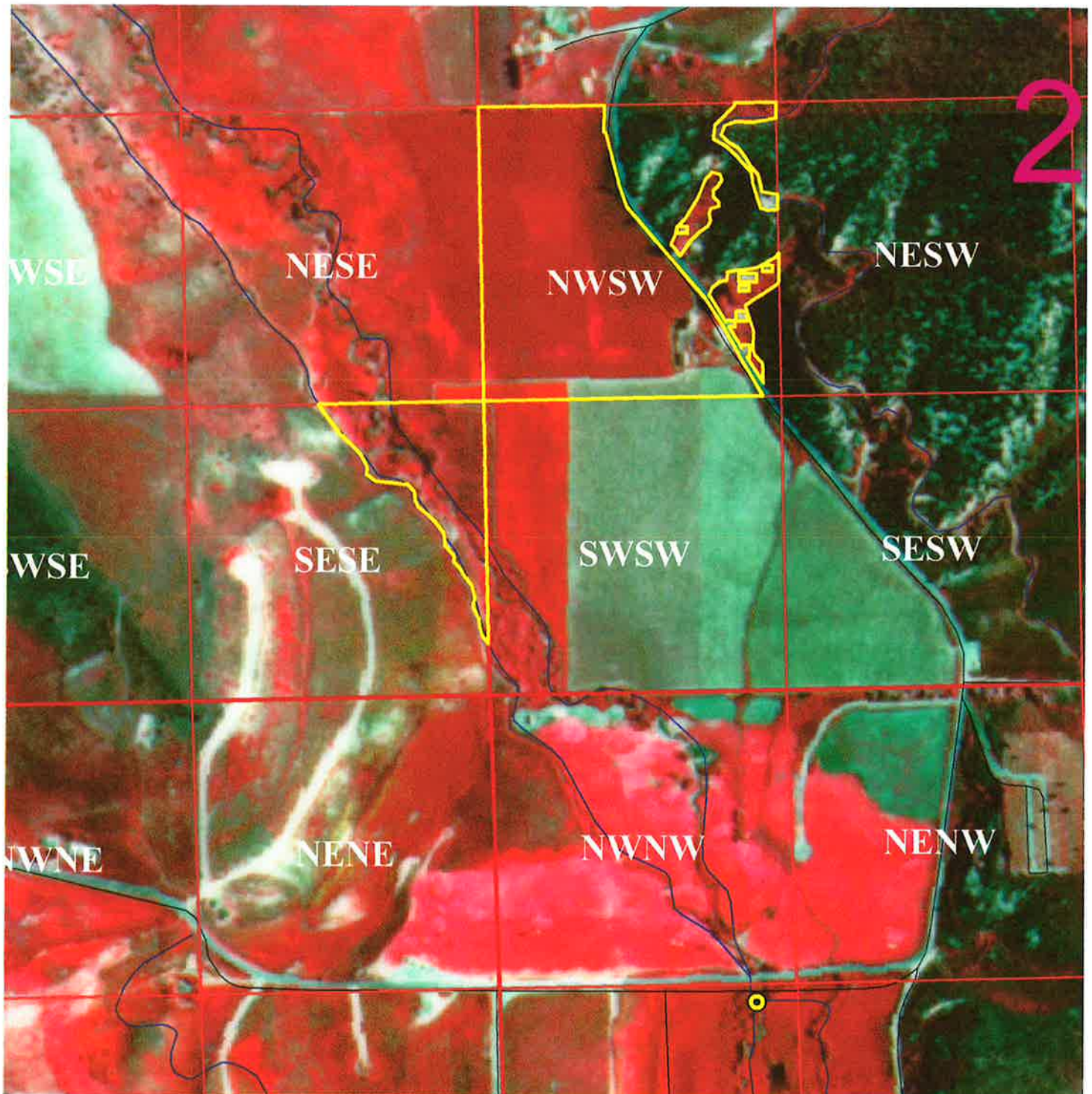
1000 0 1000 2000 Feet



Water Right Claim Number A29-00158C

09/13/2000

Township , 9S38E





JUL 06 2005

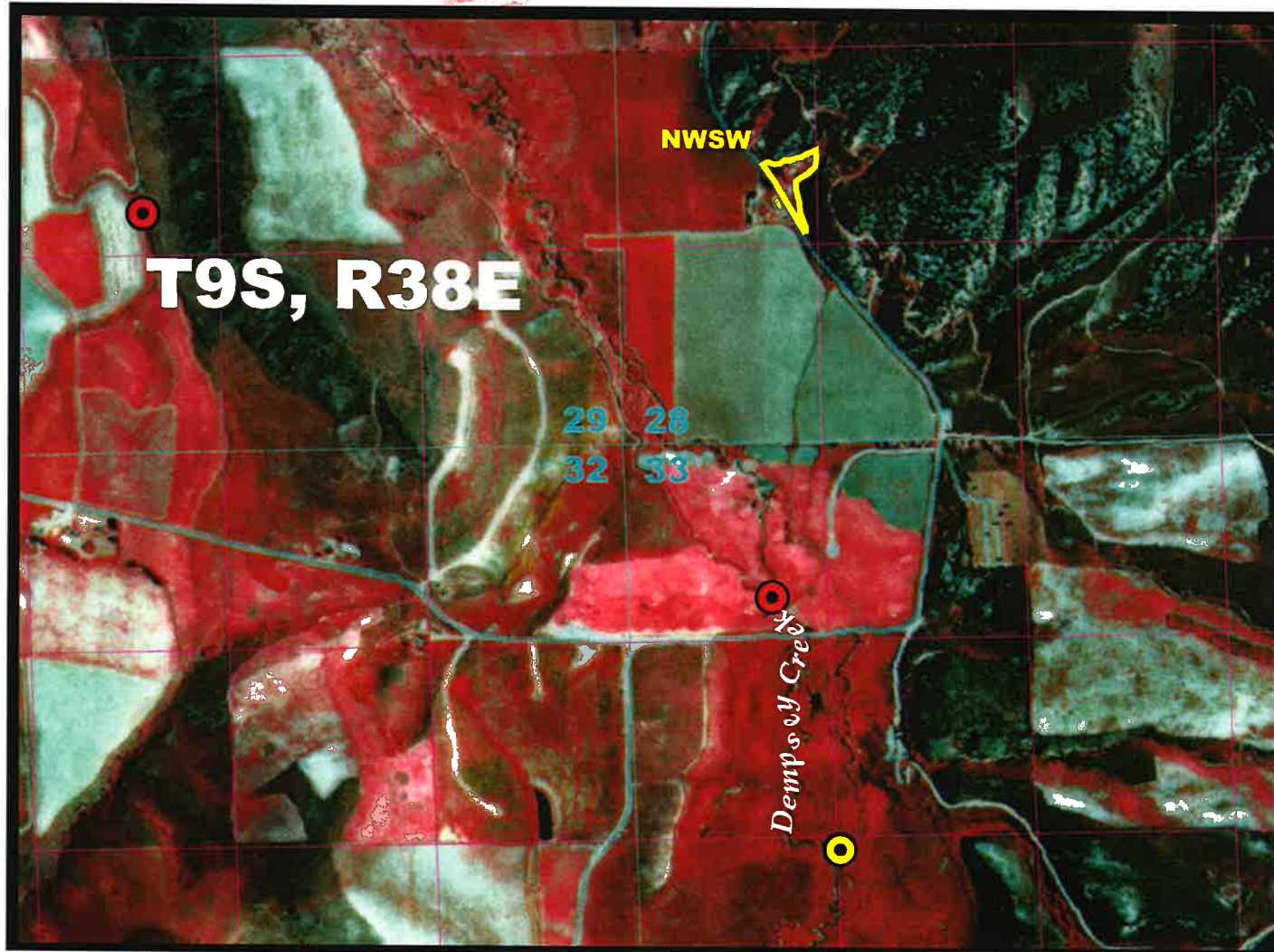
SCANNED

PROTECTED

State of Idaho

Department of Water Resources

Eastern Region



Water Right(s):
29-00158C

Place of Use: T9S, R38E
(part of) Sec. 28 NWSW

Point(s) of Diversion: T9S, R38E
Sec. 33 NWNESE



LEGEND

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

500 0 500 1000 1500 2000 2500 3000 3500 4000 4500 5000 5500 6000 6500 Feet

C. ROWSELL TO K. TILLOTSON
29-00158A

04/01/1980 DEMPSY CK 1.0 cfs
P.O.D.: SWNW SEC. 33 95 38E
P.O.U.: SEC. 28 & 29 95 38E
(57 AC)

29-00158E K. TILLOTSON - WITHDRAWN
04/01/1980 DEMPSY CK 10.74 cfs*

WITHDRAWN FOR CLARITY OF FINAL RIGHT
ELEMENTS TO BE ADDED TO AMENDED

RIGHT A29-00158A AS SHOWN.

*NOTING cfs ERROR (0.02) W/ D. FRANDSON'S PART F

29-00158C SHIRLEY ROWSELL

ORIGINAL CLAIM: 04/01/1980 DEMPSY CK 0.06 cfs

P.O.U.: 12.5 AC IN SEC. 28 AND 29.

OWNERSHIP NOT SHOWN FOR > 1.5 AC

i. RECOMMEND @ 1.5 AC W/ 0.03 cfs*

RESULT: 0.03 cfs (1 1/2") ARE ASSIGNED
TO KIT H. TILLOTSON AUG 1, 2002

* DELIVERY THROUGH K. TILLOTSON PIPELINE

KIT H. TILLOTSON
29-00158A AS AMENDED

ORIGINAL CLAIM: 57 AC, 1.00 cfs

WITHDRAWN PART E: 38.5 AC, 0.74 cfs

S. ROWSELL ASSMNT: 1.5 AC, 0.03 cfs

TOTAL AS AMENDED: 97² AC, 1.77 cfs

SRBA RECOMMENDATION: 88² AC, 1.77 cfs

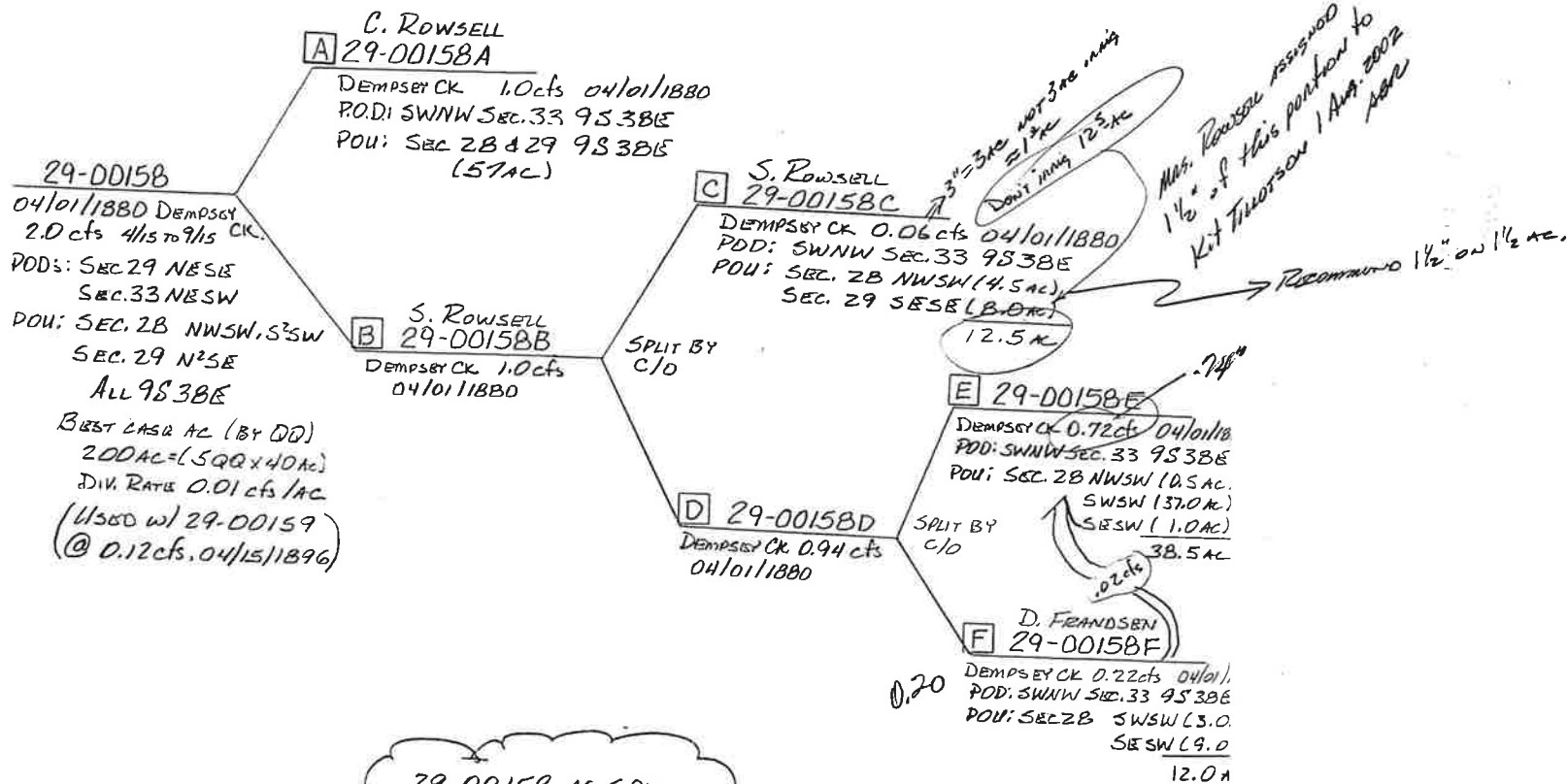
— FINAL RECOMMENDATION —

<u>WR #</u>	<u>cfs</u>
A29-00158A -	1.77 cfs
A29-00158C -	0.03 cfs
A29-00158F -	0.20 cfs
	<u>2.00 cfs</u>
	(AS DECREED)

<u>WR #</u>	<u>ACRES</u>
A29-00158A	88 ² AC
A29-00158C	1 ² AC
A29-00158F	12 ² AC
	<u>102² AC</u>

9/13/2002

ADR



29-00158 AS SPLIT
IS CLAIMED IN-ENIL.
2.0 cfs on 120 AC.

ERROR ON
158C AC's.

5/11/01



29-158

A, B, C, D, E, F.

29-159 AS parts

A, B, C, D.

Shows POD over Dempsey Creek. Gato DIVERSION GOES INTO A PIPELINE WHICH FLOW Northerly TO SEB CHAMANTS KIT TILLOTSON, DEANNA FRANDSON, JESSIE WILSON & SHARON ROWSELL.

PROFILE

SCANNED
JUL 06 2005

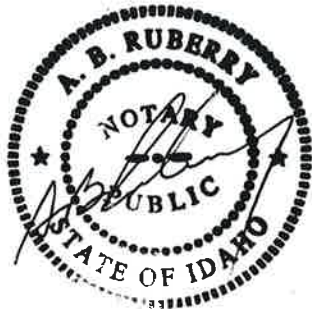
I, Shirley Rowse, do convey 1 1/2"
of water back to Kit Tillotson —

This water right is a portion of
29-00158 Dempsey Creek Apr, 1880

Shirley Rowse

Aug. 1, 2002

SUBSCRIBED AND SWORN TO BEFORE ME
THIS FIRST DAY OF AUGUST 2002.



ALLEN B. RUBERRY
NOTARY PUBLIC

RESIDING AT IDAHO FALLS ID
MY COMMISSION EXPIRES 9/23/03

ORIGINALS w/ C/O
Also in File 29-158A.

SCANNED
JUL 06 2005
PROFILED

28, the Southeast quarter of the Southeast quarter, and the Northeast quarter of the Southeast quarter, Section 22, Township 9 South, Range 38 E.B.M.

DEMPSEY CREEK, TRIBUTARY TO THE PORTNEUF RIVER

119. GODFREY, WILLIAM R.
-0156 1881 May 1 .78 c.f.s.
-0157 1882 May 1 .70 c.f.s.

Said water to be diverted through a ditch having intake in the East half of the Northwest quarter, Section 9, Township 10 South, Range 38, E.B.M.; also through another ditch having intake in the Northwest quarter of the Southeast quarter of Section 4, Township 10 South, Range 38 E.B.M.; also through another ditch having intake North 53 degrees East 1550 feet from the Southwest corner of section 4; also through two ditches in West Creek (tributary of Dempsey Creek) in the Northeast quarter of the Southeast quarter, Section 5, Township 10 South, Range 38 E.B.M. for the irrigation of the Northeast quarter of the Northwest quarter, Section 9, Lots 3 and 4 and the Southwest quarter of the Northwest quarter, and the Northwest quarter of the Southwest quarter of Section 4, and the Northeast quarter of the Southeast quarter, Section 5, Township 10 South, Range 38 E.B.M.

120. ROWSELL, A. A.
ROWSELL, WALTER
ROWSELL, S. A.
ROWSELL, J. A.
-0158 1880 April 1 2 c.f.s.
-0159 1896 April, 15 .12 c.f.s.

Said water to be diverted through a ditch having intake near where Dempsey Creek crosses the line between townships 9 and 10 South (Byington-Merrick Ditch).

Said water to be diverted through a ditch having intake South 88 degrees East, 1430 feet from the Northwest corner of the Southwest quarter, Section 33, Township 9 South, Range 38 E.B.M.; and also through a ditch having intake which bears South 35 degrees 40 minutes West, 1044 feet from the East quarter corner section 29, Township 9 South, Range 38 E.B.M., for the irrigation of the South half of the Southwest quarter, Section 28, Township 9 South, Range 38 E.; also beginning at the Sutheast coner of the Northwest quarter of the Southwest quarter of said Section 28, and running thence West 240 rods; thence North 13.3 rods; thence East 240 rods; thence South 13.3 rods to place of beginning. Also beginning at the Northeast corner of the Northwest quarter of the Southwest quarter of Section 28, and running thence South 66.7 rods; thence West 240 rods; thence North 66.7 rods; thence East 240 rods to place of beginning.

1-0160
121. POTTER, JOHN
1880 April 1 .8 c.f.s.

Said water to be diverted through a ditch having intake South 88 degrees East 1430 feet from the Northwest quarter of the Southwest quarter, Section 33, Township 9 South, Range 38 E.B.M.

PROFIT

JUL 06 2005

NWSW
1.5 AC

T9S, R38E

29 28
32 33

Dempsey Creek

JUN 08 2001

Log for claim A29-00158C

Spatial Dynamics PJM

9/13/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
09s38e	28	NWSW	4.5	36	Indiscernible
09s38e	29	SESE	8	7.5	
Totals:			12.5	43.5	

Only irrig of this claim is for LAWN 15 Ac? w/o taking out blocks.

DOES NOT IRRIGATE 12⁵ AC

4/2/02 1000am Met w/ Shirley Rowson and Kit Trolson to discuss this claim. The concerns:

- ① Claims 12.5 ac w/ 0.06 cfs.
- ② Actual irrig by GPS is 1.5 ac
- ③ Original DUELOS was 0.02 cfs/ac
 $\therefore 0.02 \text{ cfs/ac} \times 1.5 \text{ ac} = 0.03 \text{ cfs}$
- ④ Recommend 1.5 ac irrig @ 0.02 cfs/ac
 means 0.03 cfs is not to be recommended.
- ⑤ Suggesting Mrs. Rowson sign over 0.03 cfs to
 Done 8/1/02 Kit or someone to keep from losing it.
 SHE AGREES BUT WANTS AREA CALCS DONE FIRST.
 (GOOD IDEA) SEE ABOVE AND GPS MAP.

~~Recommend~~ Delivery to Pcell is by small pump or hoses w/ Kit's system is on (taken from Kit's pipeline, same PDD).

JANUARY 24, 1994

KIT H TILLOTSON
PO BOX 701
LAVA HOT SPRINGS ID 83246

RE: CHANGE IN OWNERSHIP FOR A29-00158B AND A29-00159B

Dear Mr. Tillotson:

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:

A29-00158C, Shirley Rowsell, 0.06 cfs, 12.5 acres
A29-00158D, Kit Tillotson, 0.94 cfs, 50.5 acres

All of water right A29-00159B was changed to your name.

Enclosed for your records are typed Notices reflecting your portion of the right (A29-00158D), along with a copy of A29-00159B. Review the 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: Notice(s) of Claim

cc: Shirley Rowsell/copy of her claim

MICROFILMED

APR 12 1994

MICROFILMED

APR 12 1994

Form 42-1409(7)



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

JAN 10 1994

Department of Water Resources
Eastern District Office

DATE OF CLOSING: Jan 10, 1994

LEGAL DESCRIPTION OF PROPERTY: Township 9 South Range 38 E.B.M.
Section 28, SE 1/4 of SW 1/4 of 1/4, Govt. Lot , BM.
Lot , Block , Subdivision/Townsite .
If you have additional legal descriptions, please attach separate sheet.

Also: SW $\frac{1}{4}$ SW $\frac{1}{4}$
NW $\frac{1}{4}$ SW $\frac{1}{4}$

- ☐ 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: A29-00158B 10187
- ☐ Name and Address of Former Owner/Claimant(s)(Seller): Shirley Rowsell
P.O. Box 254
Lava Hot Springs, Idaho 83246
- ☐ New Owner/Claimant (Purchaser): Kit H. Tillotson and Connie M. Tillotson
- ☐ New Mailing Address: P.O. Box 701
Lava Hot Springs, Idaho 83246
- ☐ New Telephone Number: () -
- ☐ 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:
current owner/claimant hereby retains 3" of water on the
above referenced water right number.
- ☐ 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) Kit H. Tillotson Date 1-10-94
Connie M. Tillotson Date 1-10-94
- ☐ Signature of Former Owner/Claimant(s): Shirley B. Rowsell Date 1-10-94
 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:

MICROFILMED

APR 12 1994

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

FA 17655

WARRANTY DEED

For Value Received **SHIRLEY B. ROWSELL, AN UNMARRIED PERSON**

94000511

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

JAN 18 1994

KIT H. TILLOTSON and CONNIE M. TILLOTSON, husband and wife

Department of Water
Eastern District

whose address is: P.O. Box 701 Lava Hot Springs, Idaho 83246

Hereinafter called the Grantee, the following described premises situated in BANNOCK County, Idaho, to-wit:

Township 9 South, Range 38 East, Boise Meridian, BANNOCK COUNTY, IDAHO;
Section 28: Those portions of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$ lying West of Dempsey
Creek Road, as the same now exists ...

Also: A parcel of land located the SW $\frac{1}{4}$ of Section 28, Township 9 South,
Range 38 East, Boise Meridian, BANNOCK COUNTY, IDAHO, and further described
as follows:

Beginning at the SE Corner of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of said Section 28:
Thence N89°48'44" W 122.76 feet more or less, along South line of said NW $\frac{1}{4}$
to a point on the Westerly right of way line of Dempsey Creek Road, the
TRUE POINT OF BEGINNING, thence N 89°48'44" W 200 feet along the South line
of said NW $\frac{1}{4}$ to a 5/8" rebar with cap labelled Hudson PLS 4735; thence
N00°00'54" W 208.84 feet. to a 5/8" rebar with cap; thence S 89°51'55" E
30.00 ft; thence N 58°07'40" E 30.00 feet more or less, to a point on the
Westerly right of way line of Dempsey Creek Road; thence Southeasterly
along said West right of way line 273.42 feet more or less, to the TRUE
POINT OF BEGINNING.

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use
regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs
and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee
simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and
except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will
warrant and defend the same from all claims whatsoever.

Dated: January 10, 1994

Shirley B. Rowsell
SHIRLEY B. ROWSELL

MICROFILMED

APR 12 1994

STATE OF IDAHO)

COUNTY OF BANNOCK

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: A29-00158C
Date Received: 3/20/1990
Receipt No: X777777
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: SHIRLEY ROWSELL 208-776-5280
Address: BOX 254
LAVA HOT SPRINGS ID 83246

2. Date of Priority: APR 1, 1880

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
09S	38E	33	SW	NW			BANNOCK

5. Description of diverting works:
DITCH FROM CREEK TO RELIFT PUMP TO SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.060		

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

8. Total consumptive use is 7.5 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09S	38E	28	NW	SW		IRR	4.5

Section Acres 4.5

29	SE	SE	IRR	8.0
----	----	----	-----	-----

MICROFILMED

APR 12 1994

A2900158C

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	8.0
					Total Acres	12.5

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:

RIGHT SPLIT BECAUSE OF CHANGE IN OWNERSHIP.
RIGHT PAID FOR UNDER RECEIPT #E012451.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

UNION GRAIN AND ELEVATOR COMP
Decree Plaintiff

MCCAMMON DITCH COMP, 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: _____

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: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____