

03/15/2002

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

RIGHT NUMBER: 29-160A

NAME AND ADDRESS: ELSIE M WILSON
PO BOX 96
LAVA HOT SPRINGS ID 83246

JESSE M WILSON
PO BOX 96
LAVA HOT SPRINGS ID 83246

SOURCE: DEMPSEY CREEK

TRIBUTARY: PORTNEUF RIVER

QUANTITY: 0.35 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	0.350 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 S28	SWNW	12.5	T09S R38E S29	SENE	5.0
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17.5 ACRES TOTAL

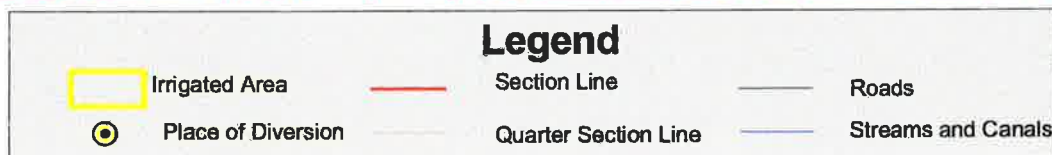
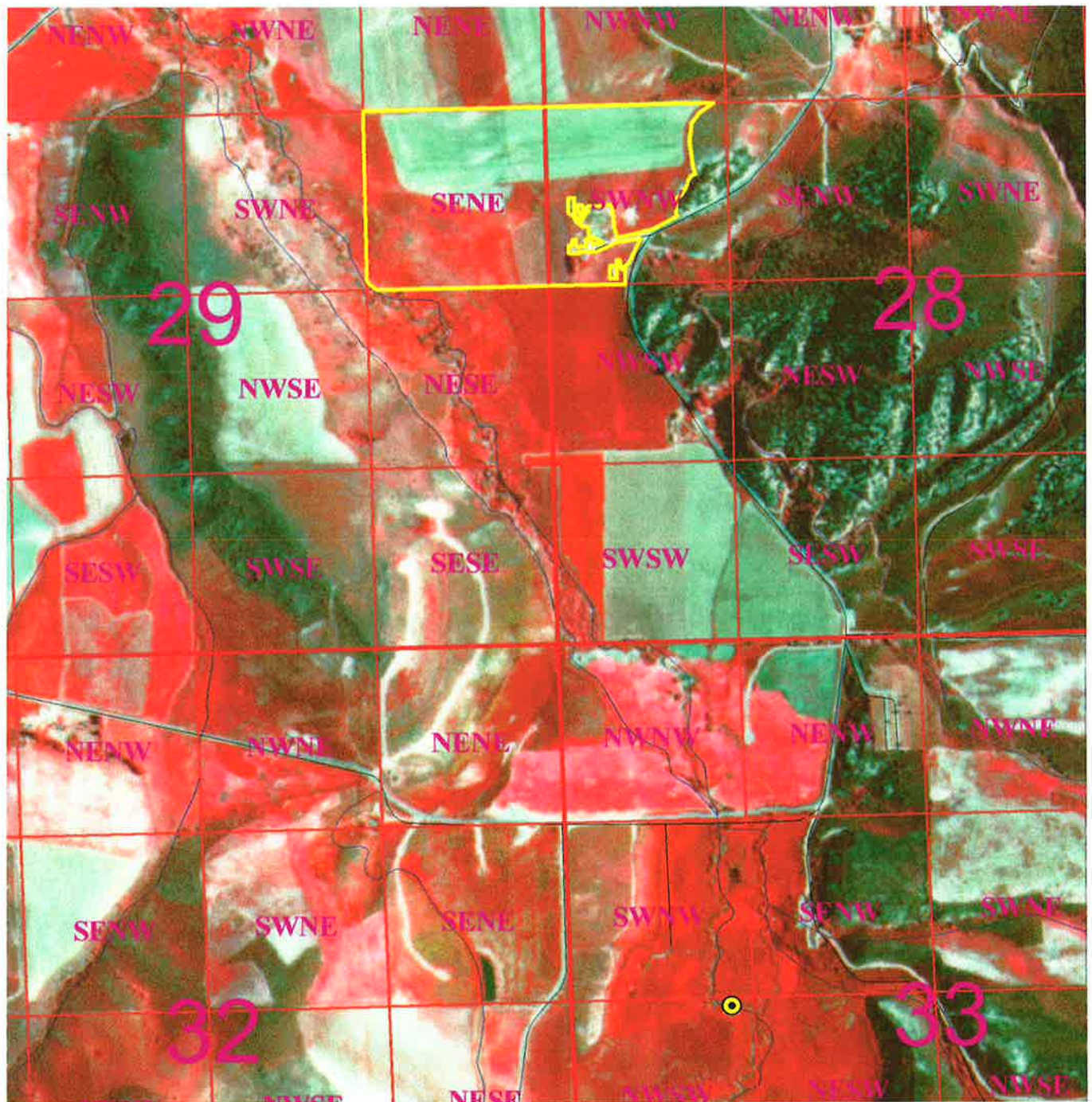
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

USE OF THIS RIGHT IS COMBINED WITH WATER FROM DEMPSEY IRRIGATION CO.

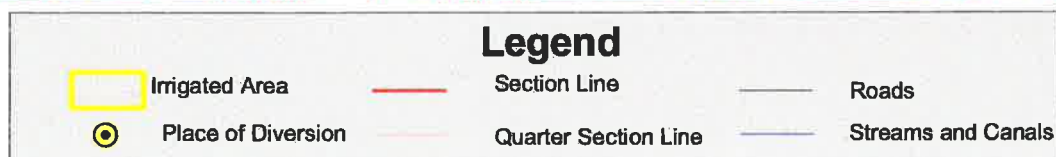
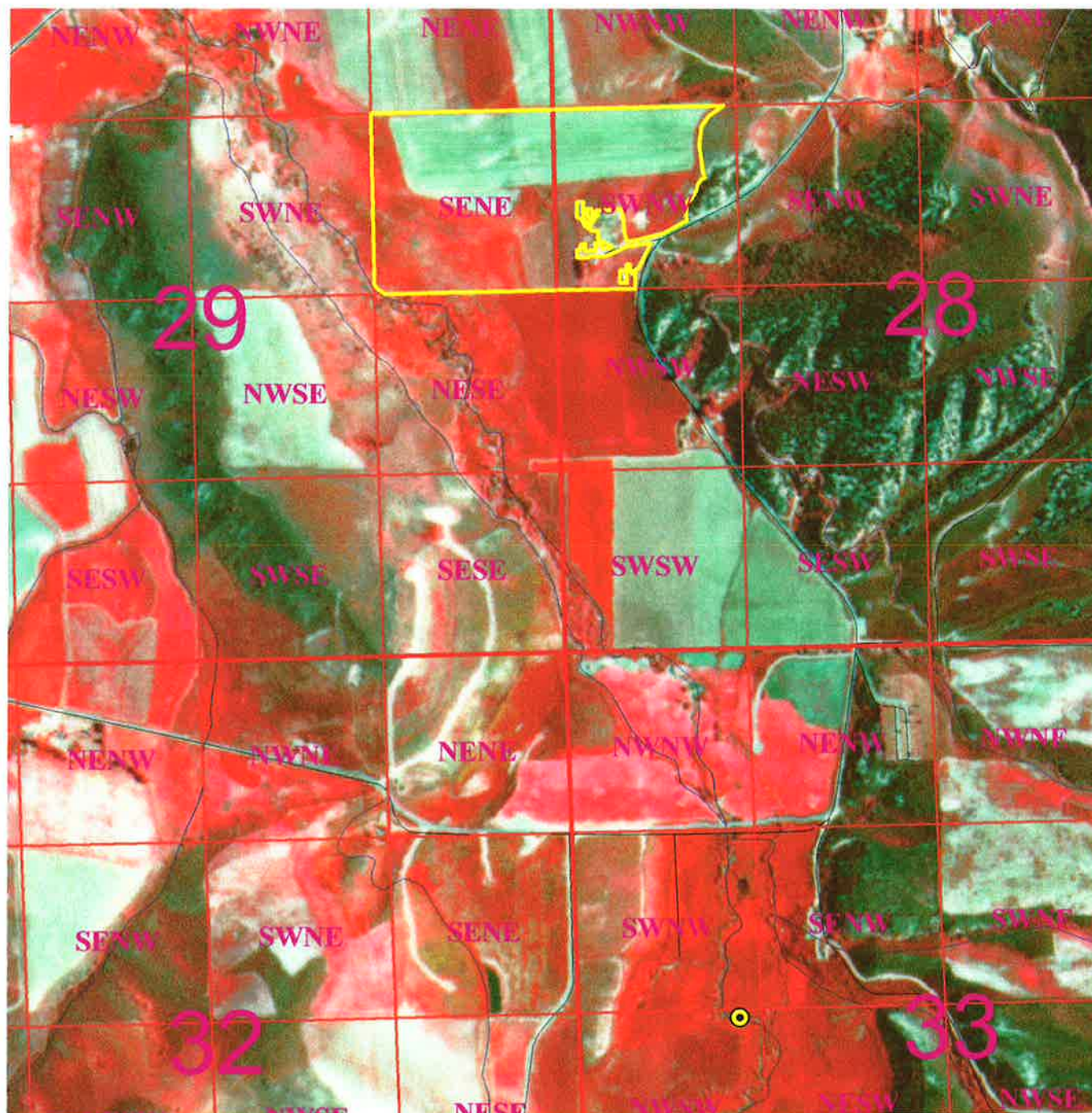
Township , 9S38E



Water Right Claim Number A29-00160A

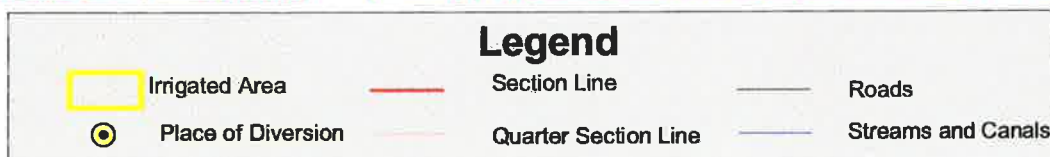
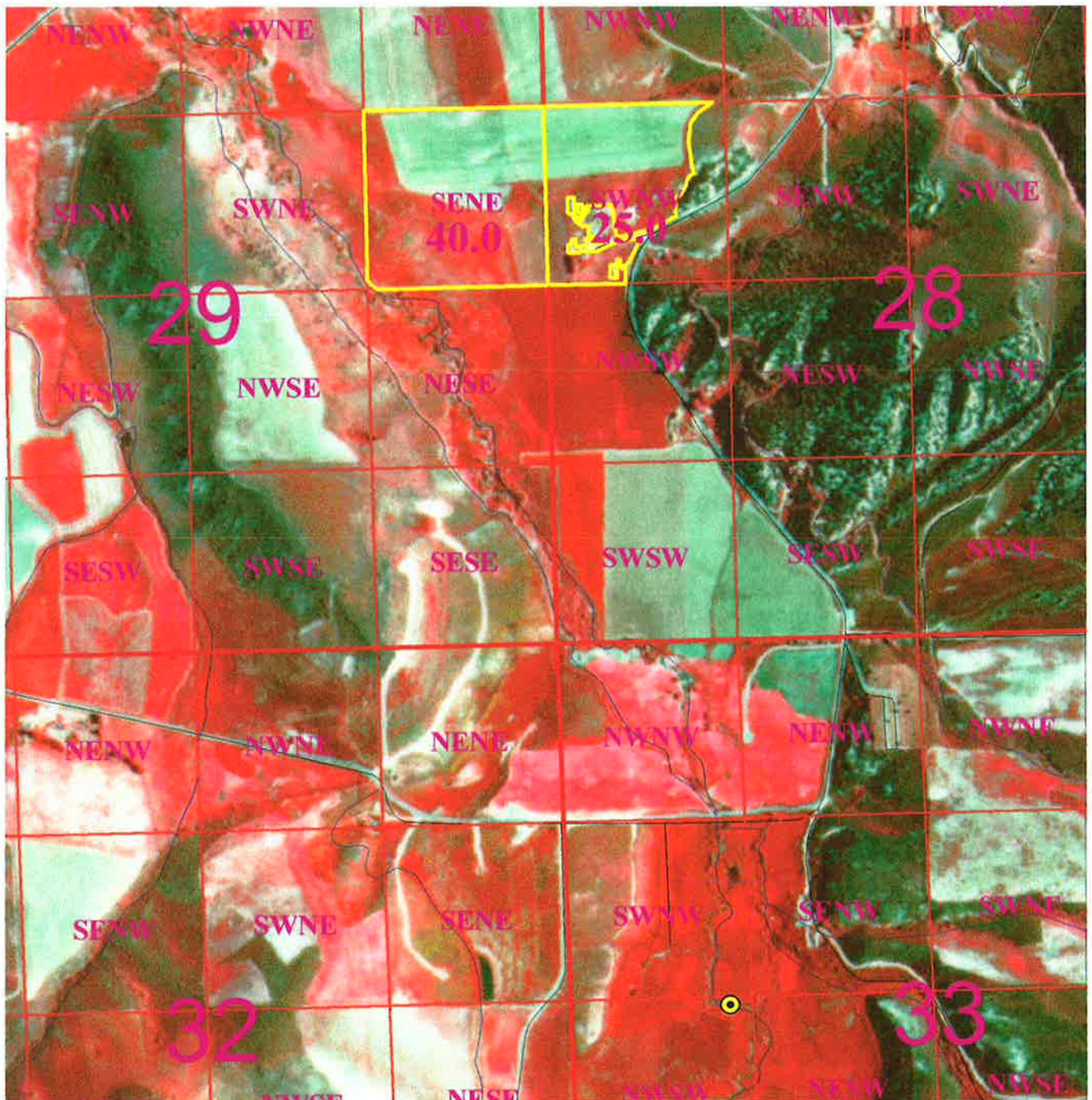
08/07/2000

Township , 9S38E



700 0 700 1400 Feet

Township , 9S38E



02/18/2003

Allen

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: April 21, 2003

Water right number: 29-160A

ELSIE M WILSON
PO BOX 96
LAVA HOT SPRINGS ID 83246
Telephone Number: (208)776-5306

JESSE M WILSON
PO BOX 96
LAVA HOT SPRINGS ID 83246
Telephone Number: (208)776-5306

RECEIVED
APR 07 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):

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: 1 APR 2003

SIGNATURE:

Jesse M Wilson
JESSE M. WILSON

Please print your name:

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

PROFILED

SCANNED
JUN 29 2005

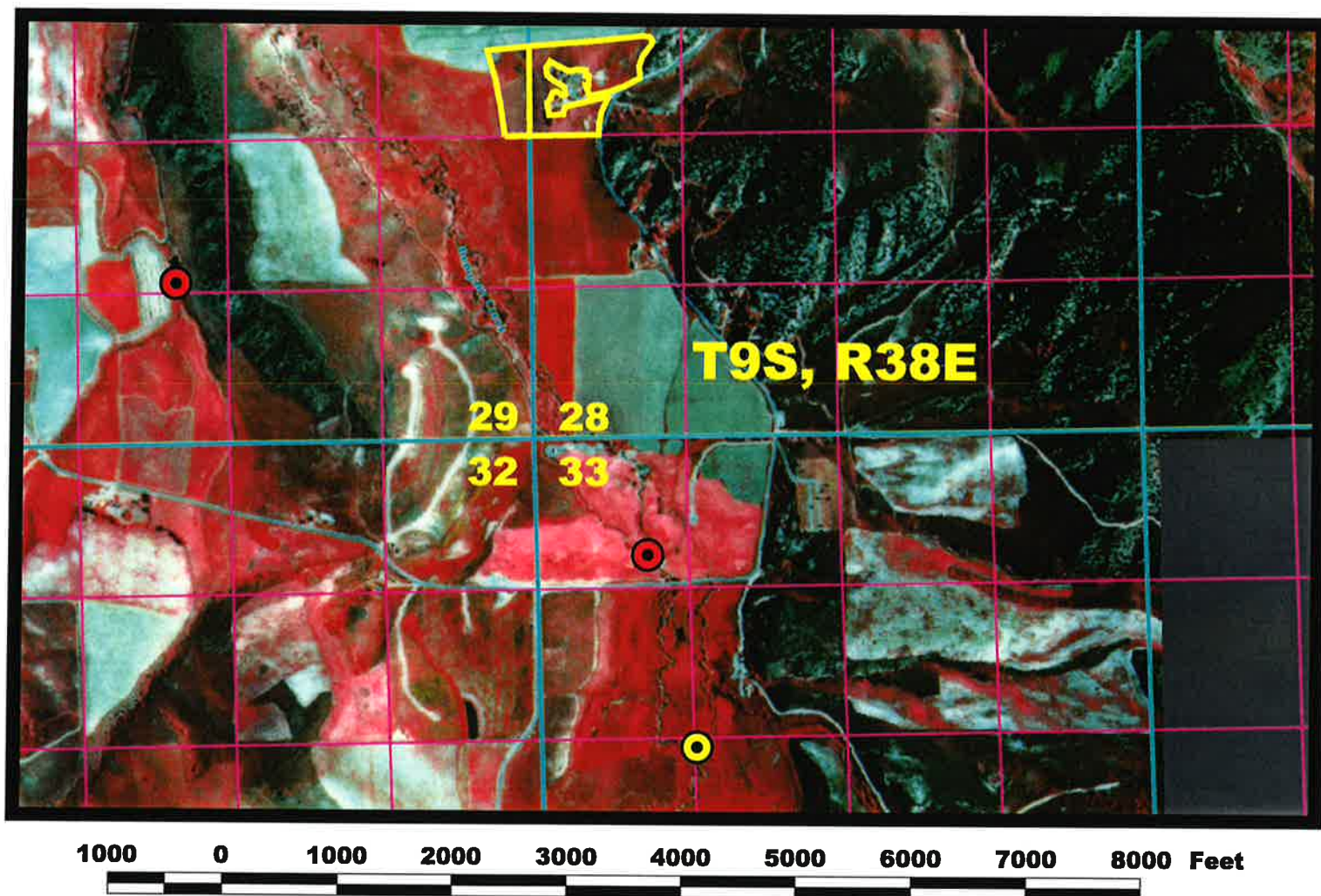


STATE OF IDAHO

Department of Water Resources

Eastern Region

Water Right(s): 29-160A



LEGEND

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

Place of Use: T9S, R38E
(parts of) Sec. 28 SWNW,
Sec. 29 SENE

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

PROFILED

JUN 29 2005



GIS Place of Use Illustration
1987/1988 NAPP photography
Prepared by: A. Ruberry
Date: December 2001

29-00160A DISCLOSED

I. CLAIMED AS PART A, THERE IS NO PART B CLAIMED.

DISCLOSED AS: 0.80 cts (BEST CASE AC) 120 AC

00160A : 0.38 cts ON 19 AC

UNCLAIMED: 0.42 cts ? $\Rightarrow$ @ 0.02 cts = MAX 40 AC
UNCLAIMED - 21 AC
CLAIMED 19 AC

II. NO CHANGES TO SOURCES. POD WAS MOVED DOWNSTREAM IN 1990 TO PRESENT LOCATION AND FITTED W/ A PIPELINE TO MR. WILSON'S POD. NOW POD APPEARS TO BE W/ SAME Q/Q; NO TX ROAD.

III. POD IS THAT OR SMALL PASTURE AROUND HIS HOME-STEAD, THE PAVILLION AREA, AND SON'S HOME. SOME ADJUSTMENT WILL BE REQUIRED TO REFIT AC. ALSO, ABOUT 1 AC WAS SOLD ORC W/O WR'S.

IV. THERE IS ALSO SOME OVERLAP W/ DUMPSBY ^{TOPAZ} ~~TOPONCH~~ CANAL WATER. (COND. MODIFY)

V. 17.6 AC @ .02 $\Rightarrow$ 0.35 cts

VI. Driveway through Kit TIMOTSON'S PIPELINE (INSTALLED 1990)
POD MOVED $\approx$ 100' DOWN CR (SAME Q/Q - NO TX ROAD) HOWEVER,
Actual (ORIGINAL) POD IS IN NEVILSON SEC. 33.

PROFILED

SCANNED
JUN 29 2005

FIELD EXAM
06/26/01 MBR

SCANNED
JUN 29 2005

PROTECTED

Sitewalk POD over Dumpster Creek. Gated Division goes
into A-PIPELINE which flows North to see Chambers.
Kit Lilliston, Danna Frazzson, Jessie Wilson, & Shelly Rousell.



29-158
A, B, C, D, E, F
29-159 as per
A, B, C, D.

WR5808NP
(00-26)

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROOF READING REPORT

05/22/01 14:13:29

Page 1

Water Right Number - 29-00160A

Prefix Translation: WATER RIGHT

Old (D) Number -

+ - - - - Last Name - - - +

+ - First Name - - +

+ - - - - Address - - - - - +

*** C - CURRENT OWNER ***

POTTER

JOHN

1 -

2 -

3 -

City-

Phone -

State-

Zip-

+ - - Priority Date - - +

04/01/1880 *OK*

+ - - Region - - - +

15 EASTERN

+ - - Stage - - - +

D - DECREE

+ - - Status - - - - +

+ - - Source - - - +

DEMPSEY CREEK *OK*

+ - - Tributary - - - - +

PORTNEUF RIVER

+ - - Point of Diversion - - - - +

Twn

Rng

Sec

Tract

Lot

RFlg

County

Diversion Name

Diversion Rate

Diversion No.

+ - - Code Description

Period From Period To

Diversion Rate

Diversion Volume

01 - IRRIGATION *OK*

04/15 *OK* 09/15

0.800

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

0.800

0.0

+ - - Place of Use - - - - +

Twn

Rng

Sec

Tract

Lot

Acres

Code

Description

County

09S

38E

28

SW NW

CLAIMS 11.5

01

IRRIGATION

5

BANNOCK

09S

38E

29

SW NE

01

IRRIGATION

5

BANNOCK

09S

38E

29

SE NE

7.5

01

IRRIGATION

5

BANNOCK

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - Remarks - - - - - +

GEN P/D & P/U INCOMPLETE.

+ - - Old Water Right Numbers - - - - - +

No Old Water Right Numbers found.

+ - - Conditions of Approval - - - - - +

No Conditions of Approval found.

+ - - Decree Plaintiff - - - +

+ - - Decree Defendant - - - +

+ - Decree Date - +

UNION GRAIN & ELEVATOR CO.

MCCAMMON DITCH CO. ET. AL.

08/06/1932

*DECREE CALL IS
FROM AN OLD DITCH
NOW A PIPELINE*

POD IS ACTUALLY ON DEMPSEY CR

POD DEFINED BY DECREE IS A DITCH

DECREE DEFINES SURVEY CALL TO POD NOT DEMPSEY CR -> WHAT!

CLAIMS 0.38

** 0.42 cfs UNCLAIMED*

DECREE DOES NOT SPECIFY A PDU/AC.

19.0 => 0.02 cfs/AC

SCANNED
JUN 29 2005

City of Lava Hot Springs

Lot 1, Lot 2, Lot 3

29-00160A
J.M. Wilson

S88 deg E, 1430'

T9S, R38E

T9S R38E

32 33

5 4

20

2

29

28

29-00160A

J.M. Wilson

S88 deg E, 1430'

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

Said water to be diverted through a ditch taken out at a 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.

118. FRANK WARNER, FRANCIS
 DEWEY WARNER, FLORENCE
 GRACE POTTER, KATHERINE
 THERESA WARNER, the
 heirs of CORA WARNER,
 deceased.
 -0154 1889 June 1 .8 c.f.s.
 -0155 1893 Mar. 1 .8 c.f.s.

Said water to be diverted through a ditch taken out at a point which bears South 66 degrees 30 minutes East 2070 feet from the Northwest corner of Section 26, Township 9 South, Range 38 E.B.M., for the irrigation of the Northeast quarter of the Northeast quarter of the Northwest quarter, Section 27, the Northwest quarter of the Northwest quarter, Section 26, 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. 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.

PROFILED

SCANNED

JUN 29 2005

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

29781

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 corner 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.

7-0166

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.

-0161 1919 May 1 .5 c.f.s.

Said water to be diverted in the Northeast quarter of the Southeast quarter, Section 28, Township 9 South, Range 38 E.B.M., for the irrigation of the Southwest quarter of the Northwest quarter, Section 28, and the South half of the Northeast quarter, Section 29, Township 9 South, Range 38, E.B.M.

122. BYINGTON, M. LUCINDA
-0162 1881 Aug. 1 .54 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, Range 38 E.B.M. (Byington Merrick Ditch); also through another ditch having intake North 53 degrees East 1550 feet from the Southwest corner of Section 4, Township 10 South, Range 38 E.B.M. (Avery-Codfrey Ditch) also through another ditch having intake South 34 degrees West 640 feet from the Southwest corner of Section 33, Township 9 South, Range 38 E.B.M. (Avery-Hemenway Ditch), for irrigation of the following described lands: Beginning at West 1-16 corner of South boundary of Section 33, Township 9 South, Range 38 E.B.M.; thence North along the 1-16 Section line 1029 feet, thence North 75 degrees 51 minutes West 734 feet, thence South 12 degrees 59 minutes West 1007.7 feet, along bed of Dempsey Creek; thence North 75 degrees 51

PROFILE

SCANNED

JUN 29 2005

MAY 16 2001

Log for claim A29-00160A

Spatial Dynamics AMH

8/7/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
09s38e	28	SWNW	11	25	Indiscernible
09s38e	29	SENE	7	40	Indiscernible
Totals:			18	65	

SCANNED
MAY 16 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: A29-00160A
Date Received: 4/26/1990
Receipt No: E013690
Received By: RAF

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JESSE M. WILSON 208-776-5306
Address: P.O. BOX 96
LAVA HOT SPRINGS, ID 83246

OR

Name: ELSIE M. WILSON 208-776-5306
Address: P.O. BOX 96
LAVA HOT SPRINGS, ID 83246

2. Date of Priority: APR 01, 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	NW	SW			BANNOCK

5. Description of diverting works:
DITCH, FLOOD; PUMP, SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	09/15	0.380		

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

8. Total consumptive use is 47.5 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	SW	NW		IRR	11.5

A29-00160A

Page 1

Date: 04/26/90

MICROFILMED
NOV 13 1992



10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	11.5
		29	SE	NE	IRR	7.5
					Section Acres	7.5
					Total Acres	19.0

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:
SHARES IN DEMPSEY IRRIGATION COMPANY

14. Remarks:

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

UNION GRAIN & ELEVATOR CO.
Decree Plaintiff

vs

MCCAMMON DITCH CO. ET. AL.
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: 1

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): *James M. Wilson* Date: 4-26-90

Date: _____

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 26th day

of April 19 90

Helen Harrington
Notary Public

Seal

Residing at Helen Harrington, Notary Public
Residing at Boise, Idaho

My Commission ~~Expires~~ Expires December 1, 1994