

01/10/2003

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

RIGHT NUMBER: 29-162
NAME AND ADDRESS: SHERRIL TILLOTSON
PO BOX 261
LAVA HOT SPRINGS ID 83246

RONNIE D TILLOTSON
PO BOX 261
LAVA HOT SPRINGS ID 83246

SOURCE: DEMPSEY CREEK TRIBUTARY: PORTNEUF RIVER

QUANTITY: 0.540 CFS

USE OF THIS RIGHT WITH RIGHT NO. 29-13327 IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 0.54 CFS.

PRIORITY DATE: 08/01/1881

POINT OF DIVERSION:

T10S R38E S4 NESWSW 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	0.540 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 S32	SESE	7.0	T09S R38E S33	SWSW	24.0
T09S R38E S33	SESW	5.1			

36.1 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 36.1 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE 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

01/10/2003

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

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

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

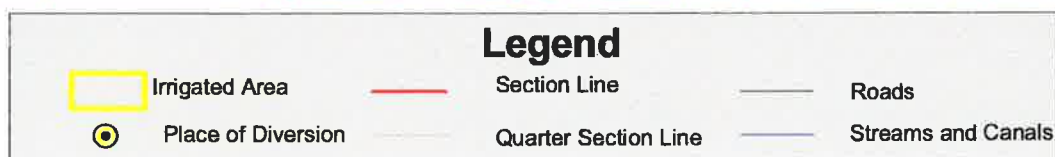
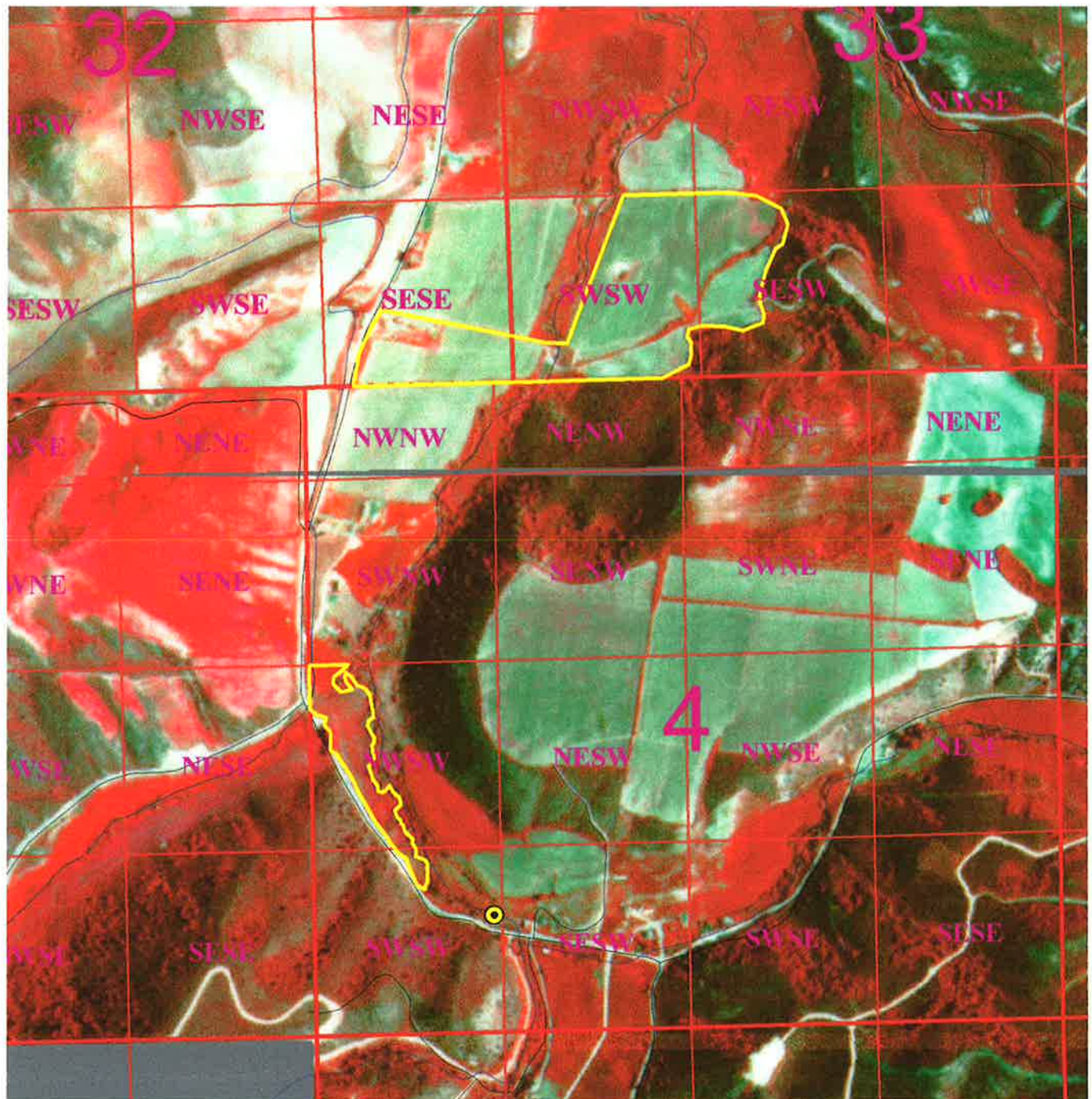
WATER IS DELIVERED THROUGH WEST DEMPSEY DITCH.

RIGHT NO. 29-13327 IS AN ENLARGEMENT OF THIS RIGHT PURSUANT TO
SECTION 42-1426, IDAHO CODE.

Water Right Claim Number A29-00162

08/07/2000

Townships , 9S38E, 10S38E

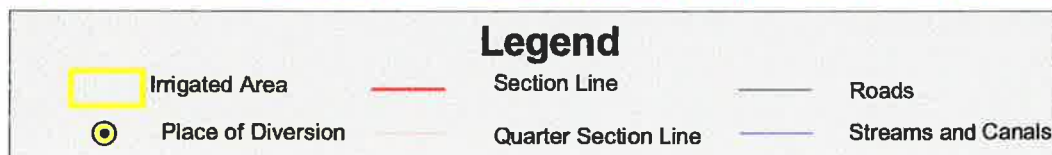
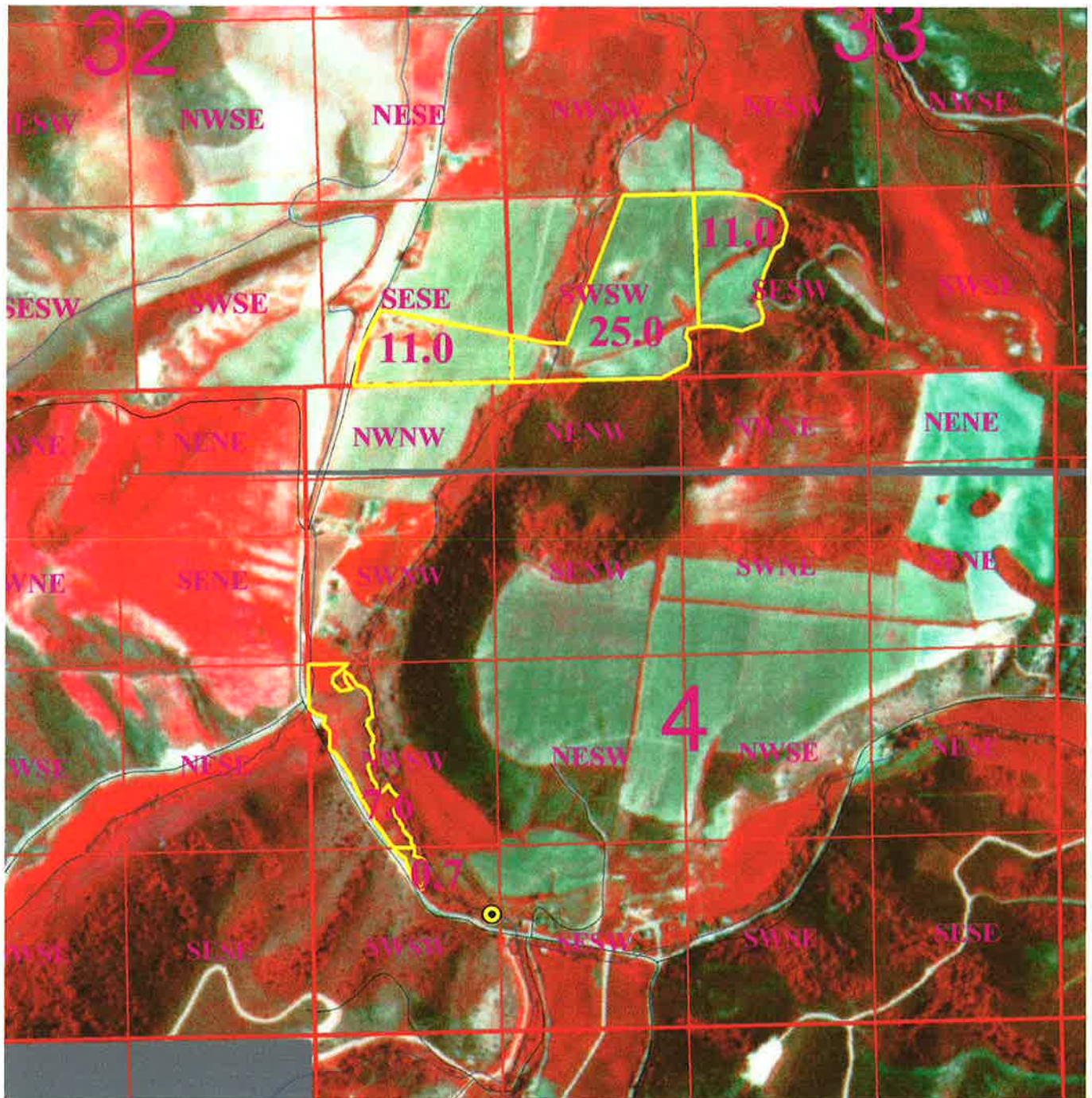


700 0 700 1400 Feet

Water Right Claim Number A29-00162

08/07/2000

Townships , 9S38E, 10S38E



02/18/2003

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: April 21, 2003

Water right number: 29-162

SHERRIL TILLOTSON
PO BOX 261
LAVA HOT SPRINGS ID 83246
Telephone Number: (208)776-5267

RONNIE D TILLOTSON
PO BOX 261
LAVA HOT SPRINGS ID 83246
Telephone Number: (208)776-5267

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: 3-15-03 SIGNATURE: Ronnie D Tillotson
Please print your name: Ronnie D. Tillotson

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

PROPOSED

SCANNED
JUL 01 2005



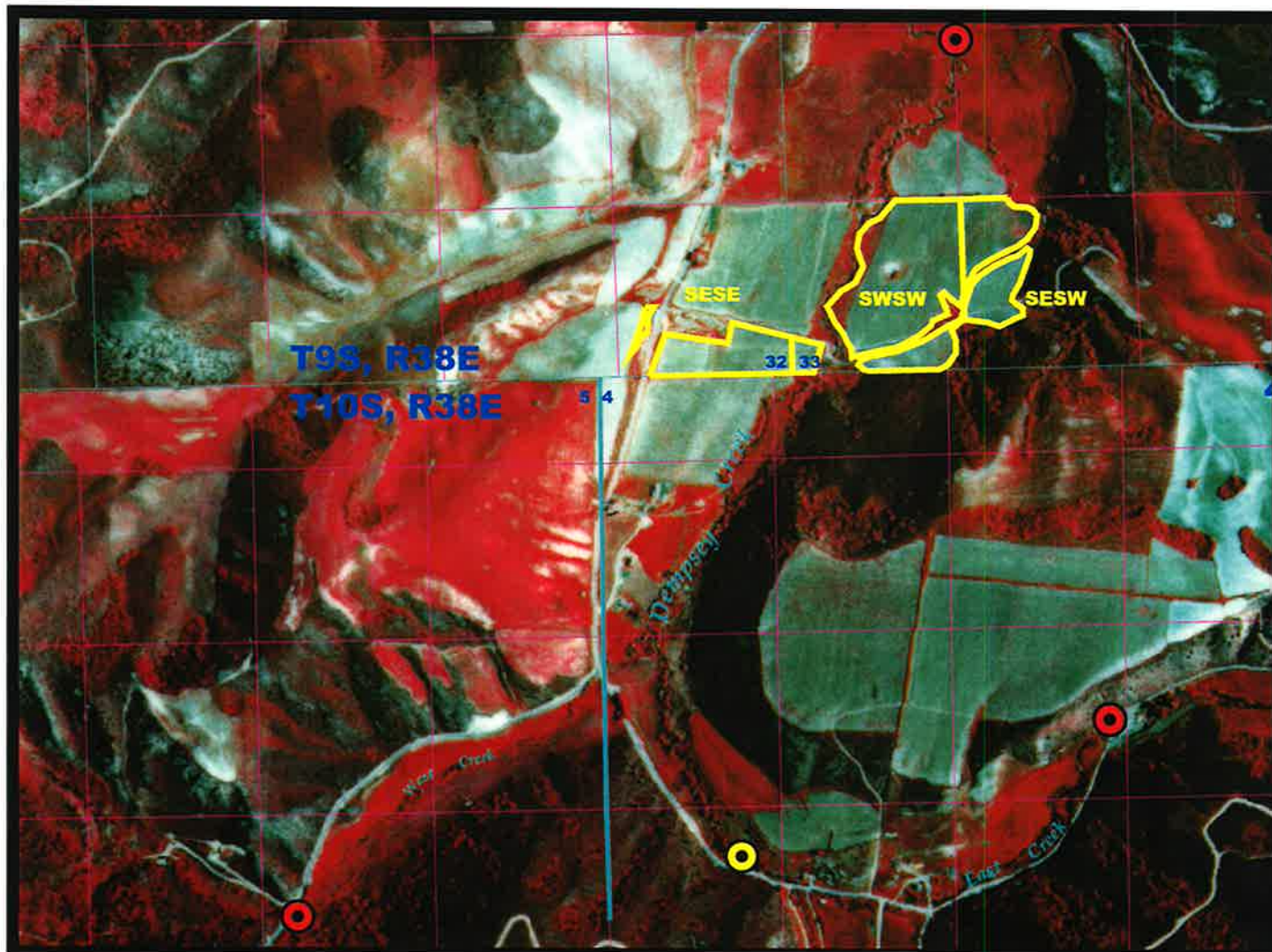
JUL 01 2005

SCANNED

State of Idaho

Department of Water Resources

Eastern Region



Water Right(s):
29-00162, 29-13327

Place of Use: (parts of): T9S, R38E
Sec. 32 SESE, Sec. 33 S2SW

Point(s) of Diversion:
T10S, R38E Sec. 4 NESWSW

Note: Delivery through West
Dempsey Ditch



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 7000 7500 Feet

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

29-00162 DECROB

I. Original DECROB SPECIFICALLY STATES 36¹⁰ ACROSS $\frac{1}{2}$, BY MOTES AND BOUNDS.

Q: $\Rightarrow$ A. This CLAIMS 50⁰ AC $\Rightarrow$ ENLARG... NEEDED 29-13327 Rejected

Q: $\Rightarrow$ 1. ENLARG... CLAIM APPEARS APPROPRIATE —

HOWEVER, IS CLAIM USED WITH 29-00167 & 168? No!

Q: $\Rightarrow$ 2. If so, ACROSS CAN ALL BE COVERED BY

Small Res. IN Sec. 4 $\rightarrow$ 162, 167 & 168. $\Rightarrow$ 196¹⁰ AC, CLAIMS TOTAL AC = 194³. No!

B. 29-00162 ADDRESSES POLL IN SEC. 33. AND SEC.

* NOT USED THIS WAY $\rightarrow$ 32. 29-00167 AND 168 DO NOT $\Rightarrow$ PPU WOULD ALLOW.

II. SOURCES DURING AS DUMPSON CR (VIA 3 NARROW DITCHES)

Q: $\Rightarrow$ A. IS A PART OF 167 & 168 DIVERTED w/ THIS CLAIM AS PPU? NO!

B. CLAIMS ONLY A POD IN SEC. 4 (DUMPSON CR). THIS CLAIM AND 167/168 CAN BE DIVERTED FROM DUMPSON CR FOR COMBINED USE (IN-PART). BUT ARE NOT!

PROBLEM IS: HAS 29-00162 BEEN TAKEN FROM EAST CR? No!

C. DIVERTED THROUGH W. DUMPSON ^{DITCH} ~~CR~~ ONLY, 1 ^{DITCH} ~~CR~~ POD

III POLL of this R₁ DOES NOT INCLUDE SMALL FIELDS CLAIMED IN SEC. 4 105/385.

Q: $\Rightarrow$ A. This R₁ IS ONLY GOOD FOR 36¹⁰ AC BY DECROB - i. ENLARG... CLAIM IS NEEDED

FOR ADDITIONAL AC. $(41)^3 - 36^{10} = 5^2$ AC ⁵⁸⁸ 29-13327

SCANNED

JUL 01 2005

T9S, R38E

T10S, R38E

5 4



Dempsey Creek

West Creek

East Creek

6/27/01
AAR

POU BY
DRETT

DIFFERENT
RIGHT

ADD

32

33

29-00162
R. Tillotson

T9S R38E

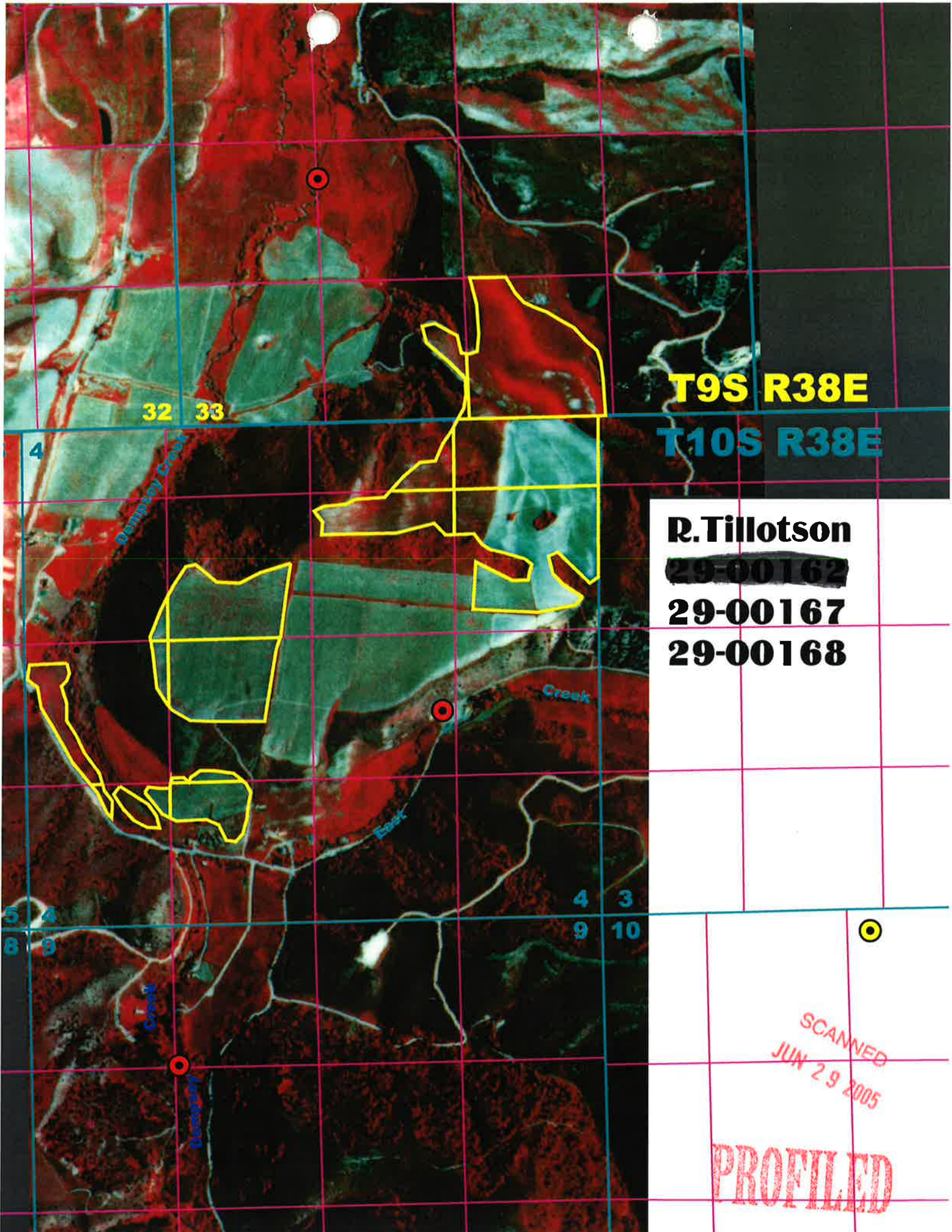
T10S R38E

5

4

S34dW, 640'

Dempsey Creek



T9S R38E

T10S R38E

R. Tillotson

29-00162

29-00167

29-00168

SCANNED
JUN 29 2005

PROFILED

Water Right Number - 29-00162

Prefix Translation: WATER RIGHT

Old (D) Number -

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

*** C - CURRENT OWNER ***

BYINGTON

M. LUCINDA

1 -
2 -
3 -
City-
Phone -

State- Zip-

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
08/01/1881 *on* 15 EASTERN *D - DECREED*+ - - - - Source - - - - + + - - - - - Tributary - - - - - +
DEMPSEY CREEK *on* PORTNEUF RIVER+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County Diversion Name Diversion Rate Diversion No.10S 38E 4 SW SW (5) BANNOCK
5 NE NE (5) BANNOCK*3 DITCHES (POD's) DELETED BY DECREE*+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume01 - IRRIGATION *on* 04/15 *on* 09/15 0.540 *on*+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
0.540 0.0+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County09S 38E 32 SE SE 01 IRRIGATION (5) BANNOCK
09S 38E 33 SW SW 01 IRRIGATION (5) BANNOCK

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

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

GEN P/U INCOMPLETE - ACRES IRR. 36.10. *SPECIFIED BY DECREE*
P/D LISTED AS BYINGTON - MERRICK DITCH.+ - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers found.+ - - - - Conditions of Approval - - - - - +
No Conditions of Approval found.** ALSO, SEE 29-00167
29-00168*

JUN 29 2005

SCANNED

PROTECTED

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-Godfrey 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 minutes West 1477 feet; thence South 13 degrees 36 minutes West 594 feet to the intersection with the South boundary of Section 32, Township 9 South, Range 38 E.B.M., thence Easterly along South boundary of Section 32 and Section 33, 2506 feet to point of beginning, being a portion of the Southwest quarter of the Southwest quarter Section 33, Township 9 South, Range 38 E.B.M. and the Southeast quarter of the Southeast quarter Section 32, Township 9 South, Range 38 E.B.M. containing 36.10 acres, more or less.

DEFINES, IN-PART, SEC 32
SESE AND THAT PART
OF SWSW SEC. 33. PLUS,
REFERENCE TO SESE
SEC. 32 TOTAL AC 36 $\frac{10}{100}$

123. Harrison, GEORGE
-0163 1880 April 1 .8 c.f.s.

Said water to be diverted by means of a ditch having intake North 53 degrees East 1550 feet from Southwest corner of Section 4, Township 10 South, Range 38 E.B.M. (Avery-Godfrey Ditch) and also by means of a ditch having intake near where Dempsey Creek crosses the Township line between Townships 9 and 10, South, Range 38 E.B.M. (Byington-Merrick Ditch), for the irrigation of the North half of the Northwest quarter, Section 33, Township 9 South, Range 38 E.B.M., excepting a tract of land used as a cemetery.

124. AVERY, KOHN N.
-0164 1881 April 1 .29 c.f.s.

Said water to be diverted by means of a 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); and also by means of a 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-Godfrey Ditch); and also by means of a ditch having intake near where Dempsey Creek crosses the

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SCANNED
JUN 29 2005

SCANNED
SCANNED
MAY 18 2001
MAY 16 2001

Log for claim A29-00162

Spatial Dynamics AMH

8/7/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
09s38e	32	SESE	8	11	
09s38e	33	SWSW	24	25	
09s38e	33	SESW	13	11	
10s38e	4	NWSW	4	7.6	
10s38e	4	SWSW	0.5	0.7	
Totals:			49.5	55.3	

SCANNED

MAY 18 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: A29-00162

Date Received: 3-29-90

Receipt No: 1000427

Received By: AB

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: RONNIE D. TILLOTSON
Address: P.O. BOX 261
LAVA HOT SPRINGS, ID 83246
AND/OR
Name: SHERRIL TILLOTSON
Address: P.O. BOX 261
LAVA HOT SPRINGS, ID 83246

Cell 251-1240

208-776-5267

208-776-5267

A2900162



2. Date of Priority: AUG 01, 1881

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
10S	38E	4	NE	SW	SW		BANNOCK

5. Description of diverting works:
CARRIED IN WEST-DEMPSEY CANAL, HEADGATE, PIPELINE, SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	09/15	0.540		

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

8. Total consumptive use is 125.0 Acre Feet Per Annum.

9. Non-irrigation uses:

A29-00162

413

36'

52 AC.

Page

1

Date: 03/29/90

MICROFILMED

NOV 13 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09S	38E	32	SE	SE		IRR	8.0
						Section Acres	8.0
		33	SW	SW		IRR	24.0
			SE	SW		IRR	13.0
						Section Acres	37.0
10S	38E	4	NW	SW		IRR	4.5
			SW	SW		IRR	0.5
						Section Acres	5.0
						Total Acres	50.0

No! part of 156
45 10²

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:
 29-00167, 29-00168

14. Remarks:
 THE FIVE ACRES LISTED IN ITEM #10 IN SECT. 4, ARE ALSO IRRIGATED
 BY 29-00167 & 29-00168.

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: _____

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): Ronnie D. Tillotson Date: 3-29-90

Date: _____

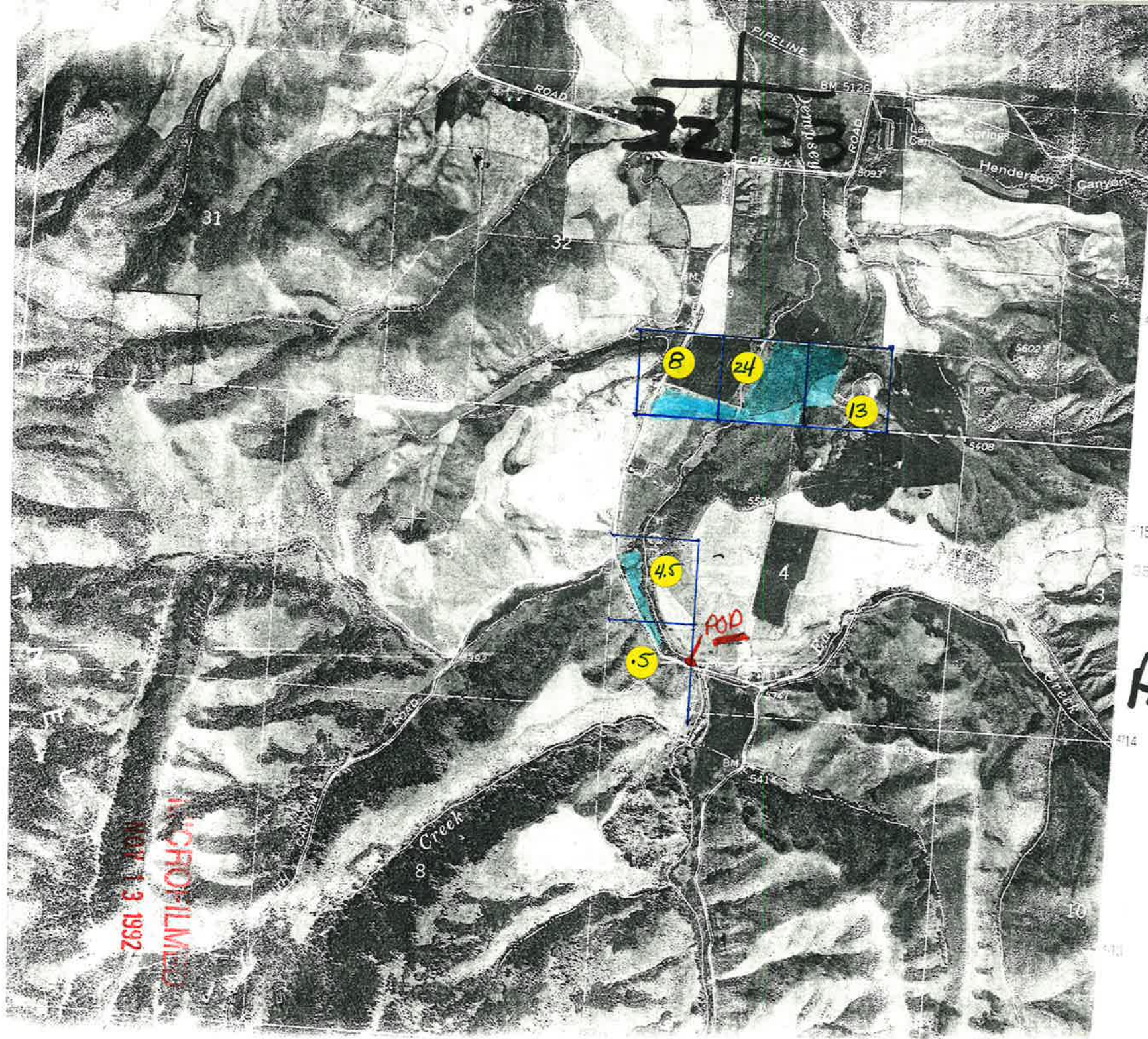
State of Idaho)
County of Bennett) SS.

Subscribed and sworn (or affirmed) before me this 29th day
of March 1990

Anna Baumhoff
Notary Public

Seal

Residing at Anna Baumhoff, Notary Public
Residing at Boise, Idaho
My Commission Expires December 7, 1994



R38E

T9S
T10S

A29-00162

NOT FOR SALE
NOV 13 1992