

01/10/2003

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

RIGHT NUMBER: 29-168
NAME AND ADDRESS: RONNIE D TILLOTSON
PO BOX 261
LAVA HOT SPRINGS ID 83246

SHERRIL TILLOTSON
PO BOX 261
LAVA HOT SPRINGS ID 83246

SOURCE: EAST CREEK TRIBUTARY: DEMPSEY CREEK
QUANTITY: 0.540 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 2.94 CFS. COMBINED RIGHT NOS.: 29-167, 29-168,
29-178, 29-179, 29-13333, 29-13334.

PRIORITY DATE: 05/01/1882

POINT OF DIVERSION:

T10S R38E S10 NWNWNE Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	4/15 9/15	0.540 CFS

PLACE OF USE:

IRRIGATION Within BANNOCK County

T09S R38E S33	SWSE	23.0	T10S R38E S04 Lot 1 NENE	15.0
T10S R38E S04 Lot 2 NWNE		4.0	T10S R38E S04 SWNE	29.0
T10S R38E S04	SENE	32.0	T10S R38E S04 SWNW	0.9
T10S R38E S04	SENW	18.0	T10S R38E S04 NESW	28.0
T10S R38E S04	NWSW	1.6	T10S R38E S04 SWSW	2.8
T10S R38E S04	SESW	6.9	T10S R38E S04 NESE	2.8
T10S R38E S04	NWSE	20.0		

184 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 27.0 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.

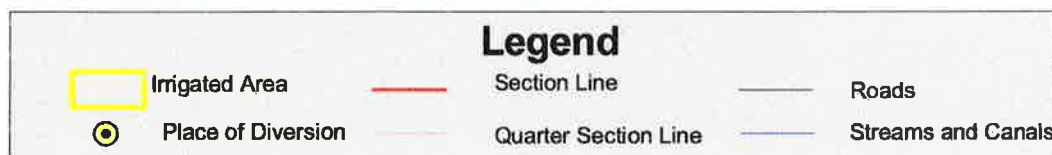
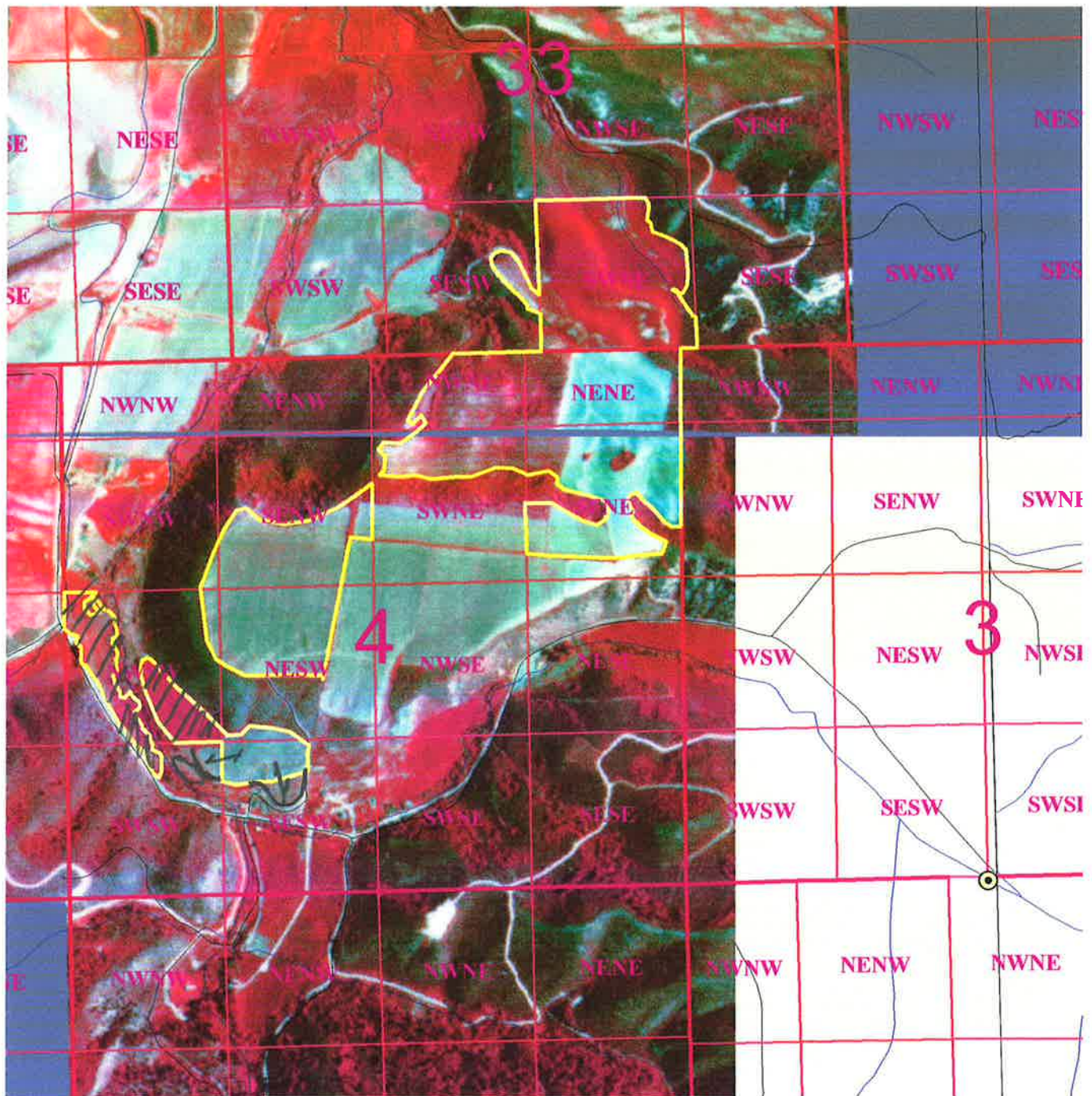
THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE: 29-167, 29-168, 29-178, 29-179, 29-13333,
29-13334.

RIGHT NO. 29-13333 IS AN ENLARGEMENT OF THIS RIGHT PURSUANT TO
SECTION 42-1426, IDAHO CODE.

Water Right Claim Number A29-00168

08/07/2000

Townships , 9S38E, 10S38E



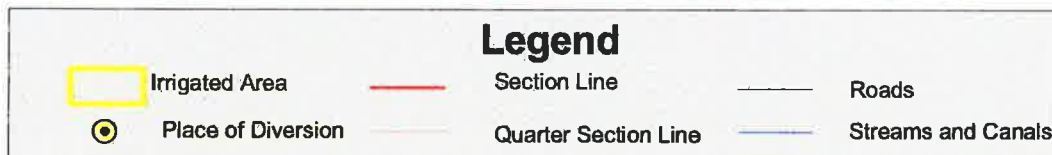
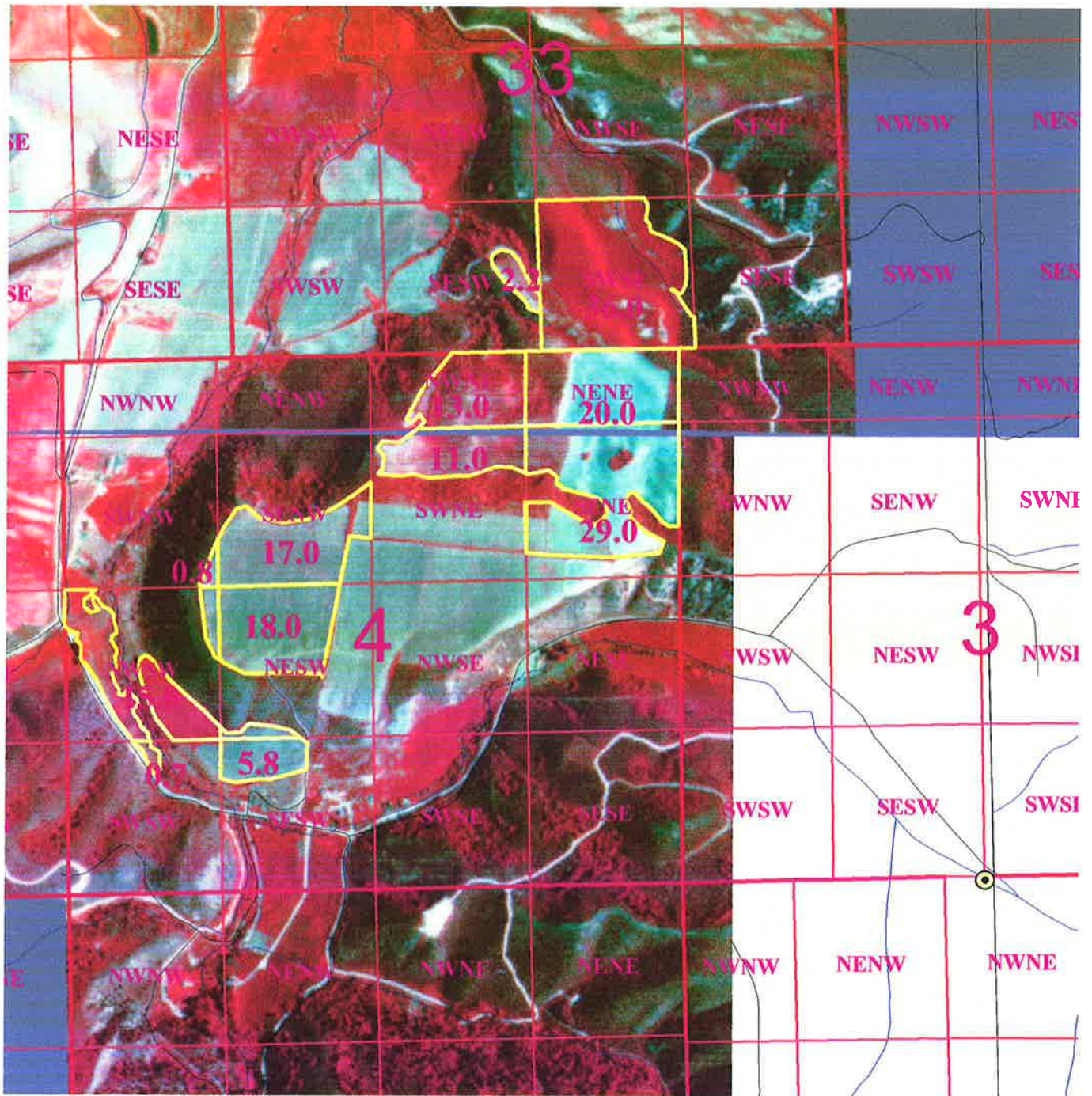
700 0 700 1400 Feet



Water Right Claim Number A29-00168

08/07/2000

Townships , 9S38E, 10S38E



Done

RIGHT NO. 29-13333 IS AN ENLARGEMENT OF THIS RIGHT PURSUANT TO SECTION 42-1426, IDAHO CODE.

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: 29-168

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

SHERRIL 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: 2-15-03 SIGNATURE: Ronnie D Tillotson
Please print your name: Ronnie D. Tillotson

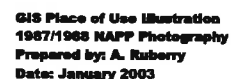
IDWR Regional Office, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402, 2085257161

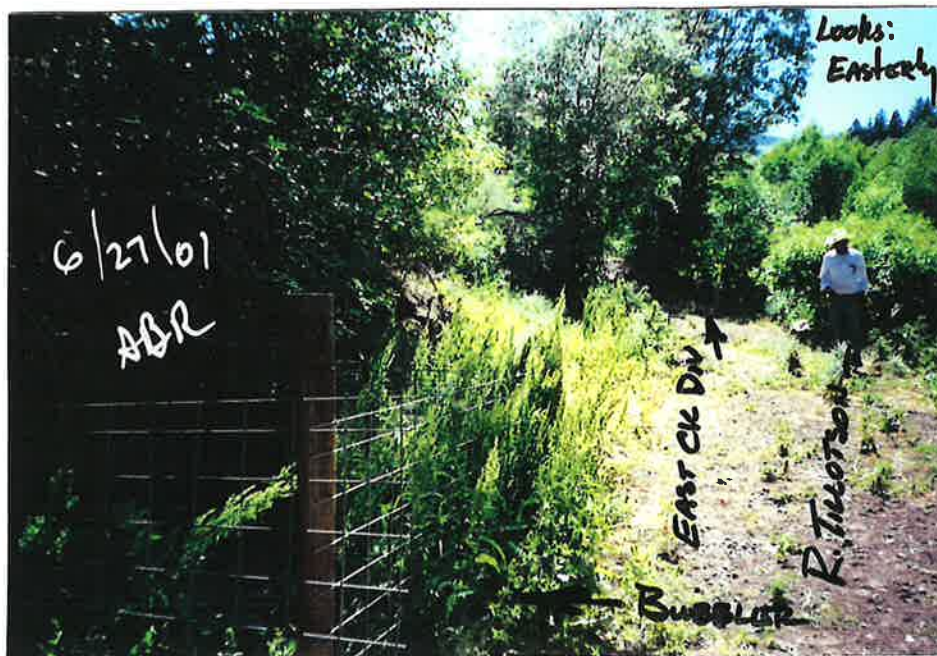
PROFILED

SCANNED
JUL 06 2005



Eastern Region

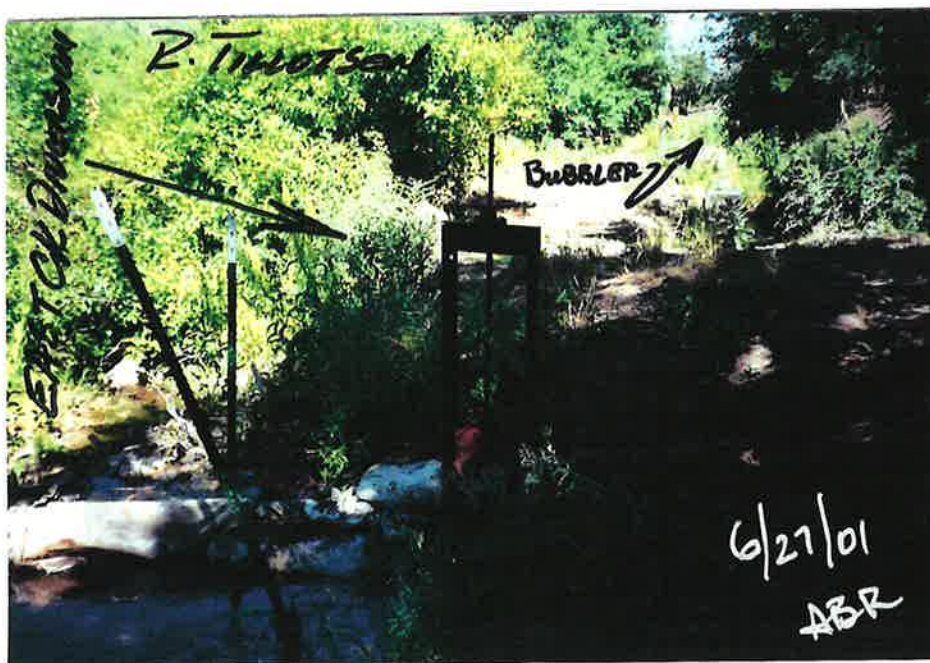




29-167
29-168
29-178
29-179

SHOWS BUBBLER
FROM CROOK DIV.
TO PIPELINE

ALSO SEEN IS THE
CHAMMIE RONNIE
TIMOTSON.



SHOWS HEADGATE
OFF EAST CROOK

PROFILED

SCANNED
JUL 06 2005

MAY 15 1973

COPY

508798

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, That TOM M. EVANS,
a single man at all times since acquiring title by Quitclaim
Deed from the United States of America, dated May 13, 1971,
of the County of Bannock, State of Idaho, the Grantor, for
and in consideration of the sum of THIRTY-THREE THOUSAND AND
NO/100 DOLLARS (\$33,000.00) in lawful money of the United
States of America, and other valuable consideration, to him
in hand paid by RONNIE D. TILLOTSON and SHERRIL L. TILLOTSON,
Box 261, Lava Hot Springs, Idaho, 83246, the Grantees, does
hereby grant, bargain, sell and convey unto the Grantees,
as a community property estate, and to the heirs and assigns
of the Grantees, all of the following described property
situate, lying and being in the County of Bannock, State of
Idaho, to-wit:

That portion of the following described property
lying Northeast of the existing County Road running
thru Section 4, Township 10 South, Range 38 E.B.M.,
Bannock County, Idaho, known as Dempsey Creek Road.

Township 10 South, Range 38 East, Boise Meridian,
Bannock County, Idaho,

Section 4: A tract in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, more particularly
described as follows: Commencing at a point 120
feet South of the East Quarter Corner of Section 5;
thence East 508 feet to the center of the stream
of Dempsey Creek; thence South 10' West 500 feet;
thence South 17' 57" East along the center of said
stream 862 feet, more or less, to the South
boundary line of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 4; thence
West along said South boundary line 785 feet to
the Southwest corner of the NW $\frac{1}{4}$ SW $\frac{1}{4}$; thence North
along the West side of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ 1200 feet to the
point of beginning. Also the SW $\frac{1}{4}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ and
SE $\frac{1}{4}$ NW $\frac{1}{4}$ EXCEPTING the following two tracts:

Tract 1: Beginning at the South Quarter Corner
of Section 4; thence West 268.7 feet; thence North
5'45" East 428 feet; thence North 69'45" West 418.3

LAW OFFICES
JOHN B. KUBLER
1156 E. DENTER
P.O. BOX 1892
DAYTON, IDAHO 83201
TEL. 226-5224
216 IDAHO STREET
AMERICAN FALLS, IDAHO
83211
TEL. 226-5241

527°57'E
2787.9'

132

Copy

2-2

508798

feet; thence North 9' East 2873 feet; thence North 62'30" East 191½ feet; thence South 3497 feet to the place of beginning. This excepted portion is located in the E½SW¼ and the SE¼NW¼;

Tract 2: Beginning at a point 3497 feet North of the Southeast corner of the SW¼ of Section 4; thence South 62½' West 922 feet to a point; thence Northwesterly to a point on the West line of the SE¼NW¼ of Section 4, 726 feet South of the Northwest corner of the SE¼NW¼; thence North 726 feet to the Northwest corner of the SE¼NW¼; thence East along the North line of the SE¼NW¼ to the Northeast corner; thence South along the East line of the SE¼NW¼ 463 feet, more or less, to the place of beginning. Which excepted portion is located in the SE¼NW¼.

Together with all water rights, decreed, or otherwise, appertaining thereto and all ditch rights used thereon or appurtenant thereto.

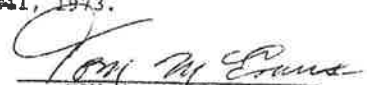
Subject to exceptions and reservations contained in patents from the United States.

Subject to existing easements for roads, highways, ditches, canals, laterals and power and transmission lines.

Subject to the easement in favor of Utah Power and Light Company, recorded May 19, 1954, in Book 118, No. 511, Records of Bannock County, Idaho.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises; that they are free from all encumbrances, and that they will warrant and defend the same from all lawful claims whatsoever.

DATED This 11th day of ^{May}~~April~~, 1973.


TOM M. EVANS

STATE OF IDAHO)
County of Bannock) ss.

On this 11th day of ^{May}~~April~~, 1973, before me, a Notary Public in and for said State, personally appeared TOM M. EVANS, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

NOTARY SEAL


Notary Public for Idaho
Residing at: Pocatello, Idaho

508798

RECORDED AT REQUEST
Am. Land Title Co.
MAY 22 2 38 PM '73
259

Water Right Number - 29-00168

Prefix Translation: WATER RIGHT

Old (D) Number -

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

*** C - CURRENT OWNER ***

AVERY

J. A.

1 -
2 -
3 -
City-
Phone -

State- Zip-

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
05/01/1882 15 EASTERN D - DECREED

+ - - - - Source - - - - + + - - - - - Tributary - - - - - +
DEMPSEY CREEK PORTNEUF RIVER
EAST CREEK DEMPSEY CREEK

Point of Diversion						Diversion Name	Diversion Rate	Diversion No.
Twn	Rng	Sec	Tract	Lot	RFlg	County		
10S	38E	4	SE SW		(5)	BANNOCK		
			NW SE		(5)	BANNOCK		
		9	NE NW		(5)	BANNOCK		
			SE NW		(5)	BANNOCK		
		10	NW NE		(5)	BANNOCK		

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
01 - IRRIGATION		04/15	09/15	0.540	

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
0.540 0.0

Twn	Rng	Sec	Tract	Lot	Acres	Place of Use Code	Description	County
10S	38E	4	SE NW			01	IRRIGATION	(5) BANNOCK
10S	38E	4	NE SW			01	IRRIGATION	(5) BANNOCK
10S	38E	4	SW SW			01	IRRIGATION	(5) BANNOCK
10S	38E	4	SE SW			01	IRRIGATION	(5) BANNOCK

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

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

GEN P/U INCOMPLETE.

SEE 29-00167 for
NOTES/Questions

126. AVERY, J. A.
 (-0166) 1881 May 1 1 miner's inch ing intake in the East half of the Northwest
 (-0167) 1881 July 1 26 miner's inches quarter, Section 9, Township 10 South, Range
 (-0168) 1883 May 1 27 miner's inches 38 E.B.M.; also by means of 3 ditches having
 intakes in East Creek, a tributary of Dempsey
 Creek, as follows: (a) In Northwest quarter
 Northeast quarter Section 10; (b) In Northwest
 quarter Southeast quarter Section 4; (c) Nor
 25 degrees, West 700 feet from Southeast cor
 ner of the Southwest quarter, Section 4, Tow
 ship 10 South, Range 38 E.B.M., for the irri
 gation of lands lying within the Southeast
 quarter of the Northwest quarter, the East
 half of the Southwest quarter; the Southwest
 quarter of the Southwest quarter, Section 4,
 Township 10 South, Range 38 E.B.M.

PROFILED

SCANNED

JUL 06 2005

SCANNED

MAY 18 2001

Log for claim A29-00168

Spatial Dynamics AMH

8/7/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
09s38e	33	SESW	3	2.2	
09s38e	33	SWSE	33	36	
10s38e	4	NENE	20	20	
10s38e	4	NWNE	7	13	
10s38e	4	SWNE	8	11	
10s38e	4	SENE	22	29	
10s38e	4	SWNW	1	0.8	
10s38e	4	SENW	15	17	
10s38e	4	NESW	17	18	
10s38e	4	NWSW	6	15	
10s38e	4	SWSW	2	0.7	
10s38e	4	SESW	7	5.8	
Totals:			141	168.5	

AJ5809NP
No. A29-00168

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/22/00
PAGE: 60

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	RONNIE D TILLOTSON	05/01/1882	IRRIGATION	04-15 09-15	0.540 CFS	
C	SHERRIL TILLOTSON					
	PO BOX 261					
	LAVA HOT SPRINGS ID 83246			TOTAL DIVERSION:	0.540 CFS	
	(208) 776-5267			CONSUMPTIVE USE:		360.50 AFA

Water Source: EAST CREEK

Tributary to: DEMPSEY CREEK

Stage: DECREED

Point(s) of Diversion:

T10S R38E S10

NWNWNE

BANNOCK County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE									
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM	
---	---	---	---	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	---
09S	38E	33	:					:					:					:						:	36.7
10S	38E	4	:	20		07		08		22			:					:						:	107.8
																							TOTAL ACRES		144.5

POU County: BANNOCK

Other Rights: 29-00167, 29-00178, 29-00179, 29-00162

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
A29-00167 A29-00178 A29-00179

Other Water Rights Listing Overlapping Place(s) of Use:

A29-00156 A29-00156A A29-00157 A29-00162 A29-00167 A29-00178 A29-00178B A29-00179 A29-10291 A29-12021

Remarks: GEN ALL WATER IS DIVERTED FROM EAST CREEK, FROM ONE POD THEREFORE
THE SOURCE IS CLAIMED AS EAST CREEK. A PIPELINE CARRIES WATER
ACROSS DEMPSEY CREEK TO THE FIVE ACRES ON THE WEST SIDE OF SAID
CREEK. THESE SAME ACRES ARE ALSO IRRIGATED BY 29-00162.
THE TOTAL NUMBER OF ACRES INCLUDES 95.1 ACRES WHICH ARE IRRIGATED
ONLY WHEN WATER IS NOT NEEDED ON THE OTHER ACRES LISTED IN ITEM
#10.

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: 29 Field Inspection Flag:
Presumption Flag: D

Audit: 03/29/90 BAUMHOFF 04/04/94 THOMPSON 03/29/95 POST-STD

Water Right Number - 29-00168

Adj. Flag Translation: Standard Water Right Number

Old (D) Number -

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

*** C - CURRENT OWNER ***

AVERY

J. A.

1 -

2 -

3 -

City-

State-

Zip-

Phone -

+ - - Priority Date - - +
05/01/1882+ - - - Region - - - +
15+ - - - Stage - - - +
D - DECREED

+ - - - Status - - - - +

+ - - - - Source - - - - - +
DEMPSEY CREEK
EAST CREEK+ - - - - - Tributary - - - - - +
PORTNEUF RIVER
DEMPSEY CREEK

Twn	Rng	Sec	Tract	Lot	RFlg	Point of Diversion	County	Stream Index (Blank if no Index Code)
10S	38E	4	SE SW		(5)	BANNOCK		
10S	38E	4	NW SE		(5)	BANNOCK		
10S	38E	9	NE NW		(5)	BANNOCK		
10S	38E	9	SE NW		(5)	BANNOCK		
10S	38E	10	NW NE		(5)	BANNOCK		

Code	Description	Period From	Period To	Water Use	Diversion Rate	Diversion Volume
01 - IRRIGATION		04/15	09/15		0.540	

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
0.540

Twn	Rng	Sec	Tract	Lot	Acres	Place of Use	Code	Description	County
10S	38E	4	SE NW			01	IRRIGATION		(5) BANNOCK
10S	38E	4	NE SW			01	IRRIGATION		(5) BANNOCK
10S	38E	4	SW SW			01	IRRIGATION		(5) BANNOCK
10S	38E	4	SE SW			01	IRRIGATION		(5) BANNOCK

Total Acres:

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - 29-0166, & 0167.

+ - - - - - Remarks - - - - - +
P/U INCOMPLETE.

DO NOT FILM

Water right number - 29-00168

Adj. flag translation: Standard Water Right Number

+ - - - - Conditions of Approval - - - - - +
No Conditions of Approval found.

+ - - - Decree Plaintiff - - - +
UNION GRAIN & ELEVATOR CO.

+ - - - Decree Defendant - - - +
MCCAMMON DITCH CO. ET. AL.

+ - Decree Date - +
08/06/1932

+ - - Audit Fields - 07/15/85

05/22/88 CONVERT

+ - - - - Water Rights Dates and Flags Area - - - - - +

Proof Due Date - 00/00/0000	Field Exam Made - 00/00/0000	Field Exam Fee -
Approved/Denied - 00/00/0000	Protested Date - 00/00/0000	Swan Falls -
Proof Made Date - 00/00/0000	Hearing Date - 00/00/0000	Temporary Right - P
Start Work Date - 00/00/0000	Verified Date - 07/15/1985	DLE/Carey Act -
Order Show Cause - 00/00/0000	Receipt Number -	Water District - 29
Licensed Date - 00/00/0000	Appl Received - 00/00/0000	Transfer/Amended -
Decree Date - 08/06/1932		

DO NOT FILM

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: A29-00168
Date Received: 3-29-96
Receipt No: 1006427
Received By: B

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: RONNIE D. TILLOTSON 208-776-5267
Address: P.O. BOX 261
LAVA HOT SPRINGS, ID 83246

AND/OR

Name: SHERRIL TILLOTSON 208-776-5267
Address: P.O. BOX 261
LAVA HOT SPRINGS, ID 83246

2. Date of Priority: MAY 01, 1882

3. Source: EAST CREEK Trib. to: DEMPSEY CREEK

4. Point of Diversion:

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

5. Description of diverting works:
HEADGATE, DITCHES, PIPELINE AND 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 360.5 Acre Feet Per Annum.

9. Non-irrigation uses:

A2900168



10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
09S	38E	33	SE		SW		IRR	3.0
			SW		SE		IRR	33.7
Section Acres								36.7
10S	38E	4	NE		NE		IRR	20.0
			NW		NE		IRR	7.5
			SW		NE		IRR	8.8
			SE		NE		IRR	22.4
			SW		NW		IRR	1.0
			SE		NW		IRR	15.6
			NE		SW		IRR	17.5
			NW		SW		IRR	6.0
			SW		SW		IRR	2.0
			SE		SW		IRR	7.0
Section Acres								107.8
Total Acres								144.5

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:

29-00167, 29-00178, 29-00179, 29-00162

14. Remarks:

ALL WATER IS DIVERTED FROM EAST CREEK, FROM ONE POD THEREFORE THE SOURCE IS CLAIMED AS EAST CREEK. A PIPELINE CARRIES WATER ACROSS DEMPSEY CREEK TO THE FIVE ACRES ON THE WEST SIDE OF SAID CREEK. THESE SAME ACRES ARE ALSO IRRIGATED BY 29-00162. THE TOTAL NUMBER OF ACRES INCLUDES 95.1 ACRES WHICH ARE IRRIGATED ONLY WHEN WATER IS NOT NEEDED ON THE OTHER ACRES LISTED IN ITEM #10.

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. Tidewater Date: 3-29-90

Date: _____

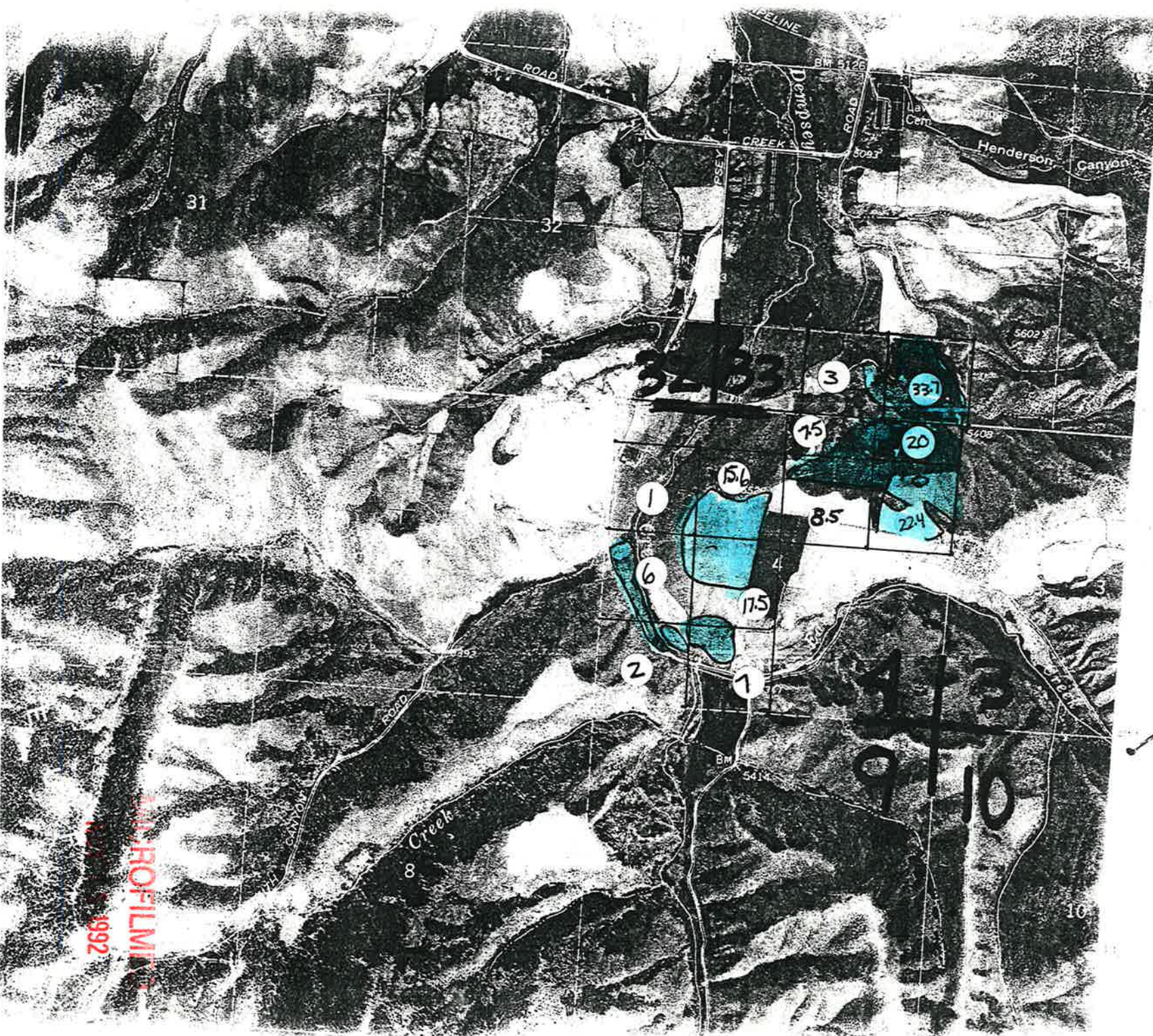
State of Idaho)
County of Bannock) SS.

Subscribed and sworn (or affirmed) before me this 29th day
of March 19 90

Anna Baumhoff
Notary Public

Seal

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



R38E

T9S

T10S

POD

100% AERIAL PHOTOGRAPHY
1992