

03/18/2002

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

RIGHT NUMBER: 29-182B

NAME AND ADDRESS: AFTON T ROBERTS
PO BOX 355
LAVA HOT SPRINGS ID 83246

SOURCE: DEMPSEY CREEK

TRIBUTARY: PORTNEUF RIVER

QUANTITY: 0.04 CFS

PRIORITY DATE: 08/01/1881

POINT OF DIVERSION:

T09S R38E S29 NWNE 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	0.040 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 S29 NWNE 2.0

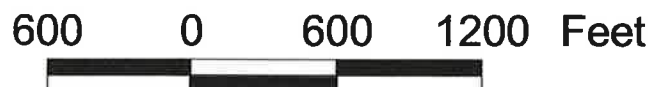
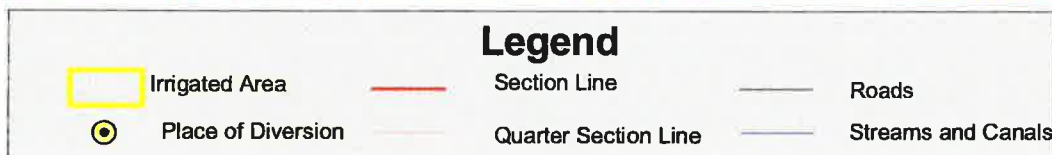
2 ACRES TOTAL

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

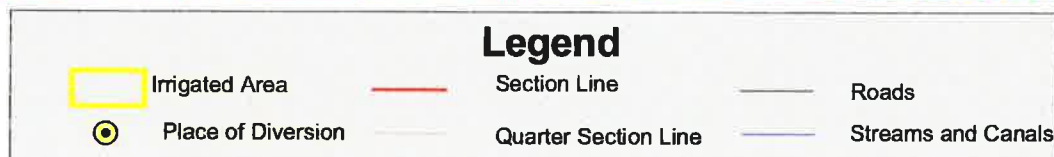
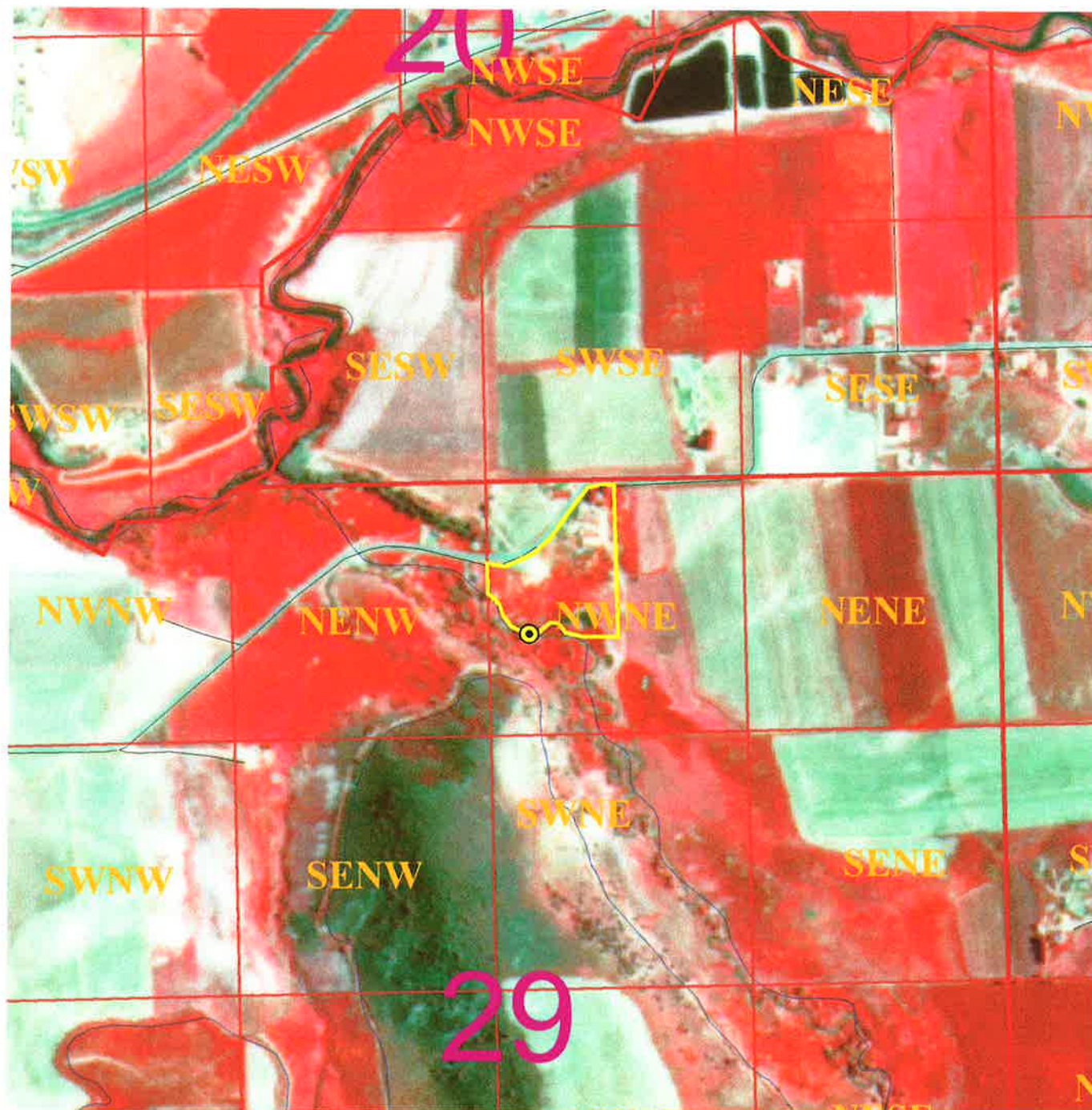
Township , 9S38E



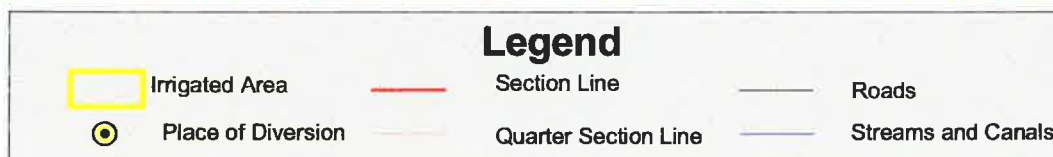
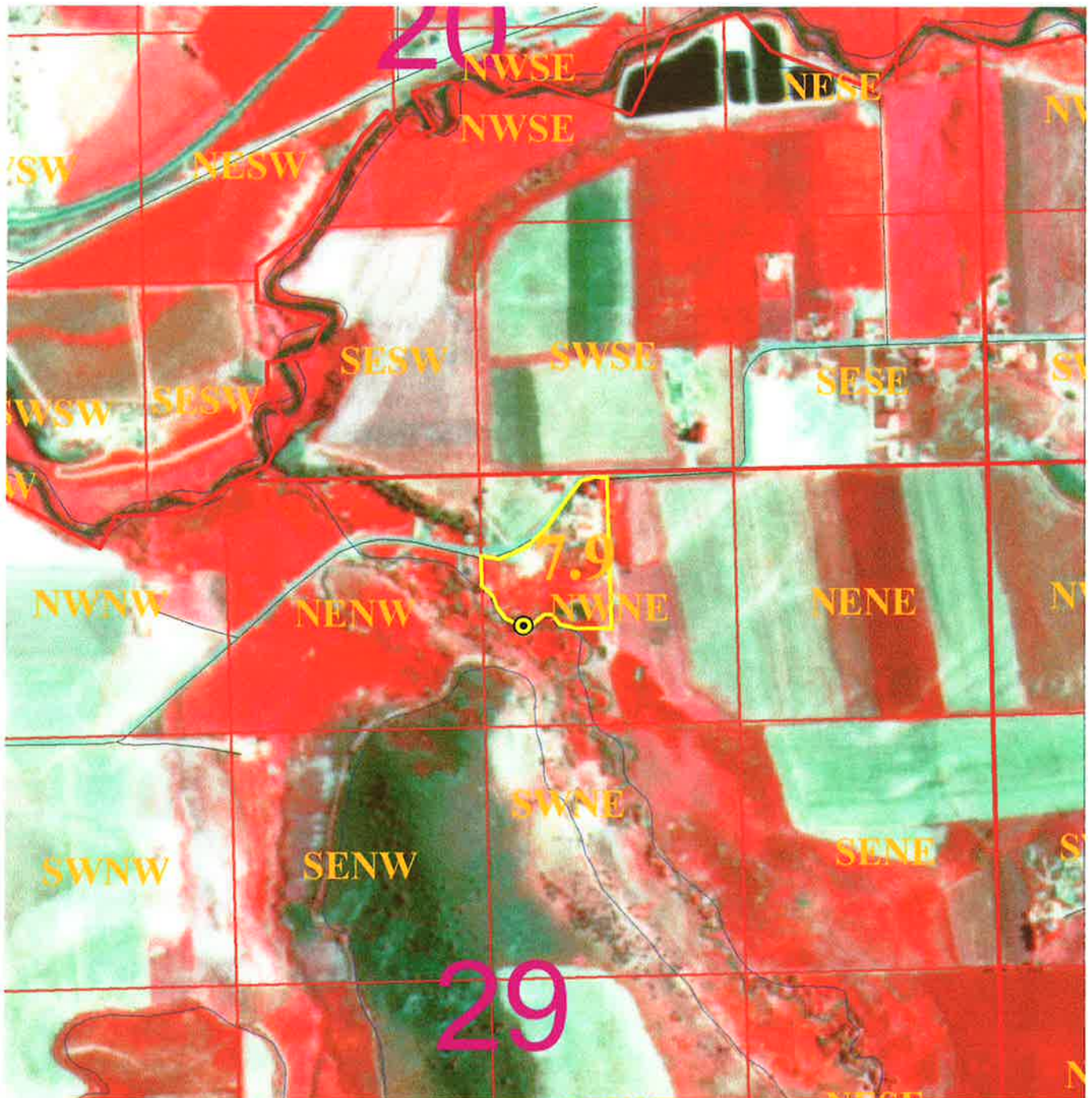
Water Right Claim Number A29-00182B

08/08/2000

Township , 9S38E



Township , 9S38E



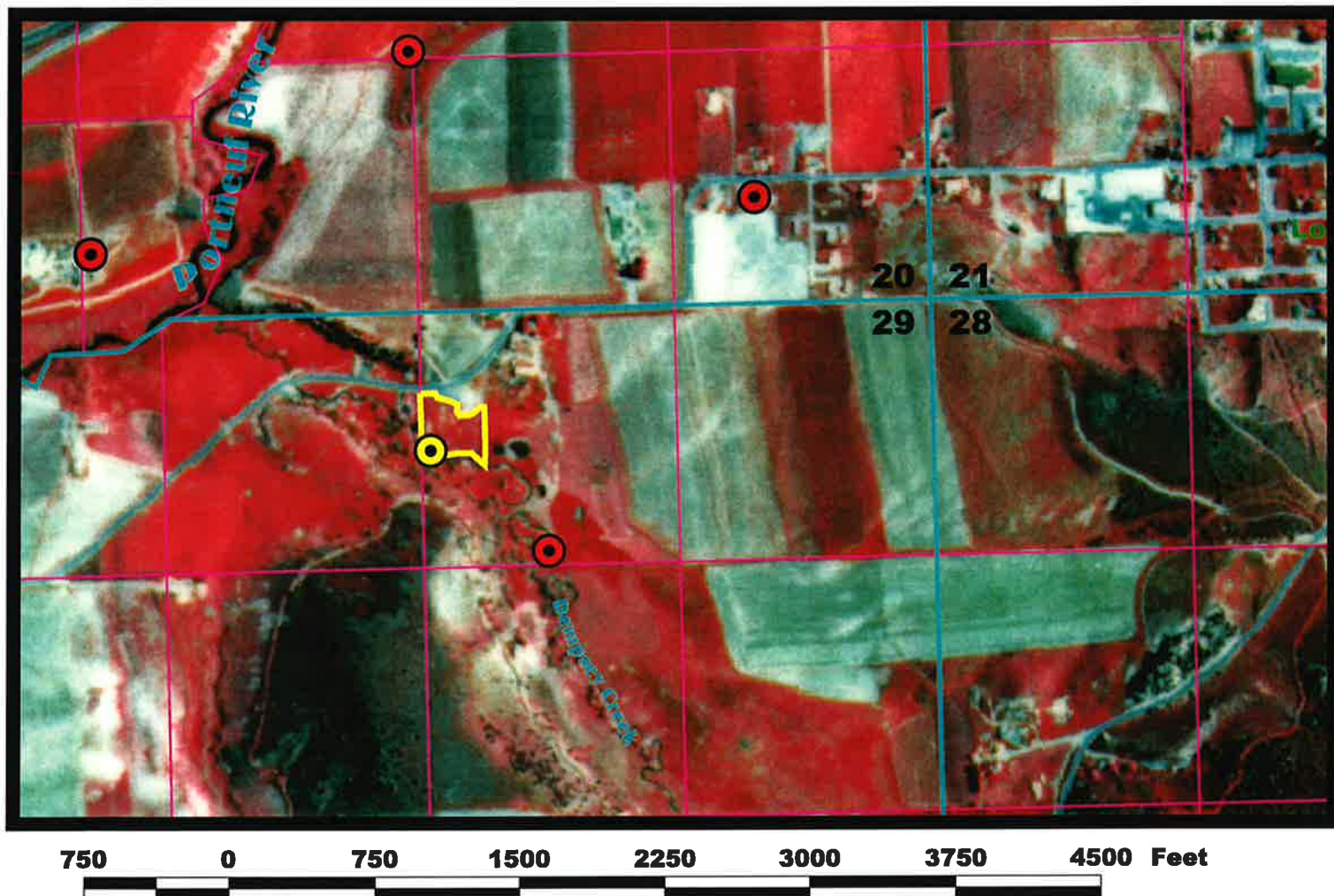


STATE OF IDAHO

Department of Water Resources

Eastern Region

Water Right(s): 29-182B



LEGEND

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

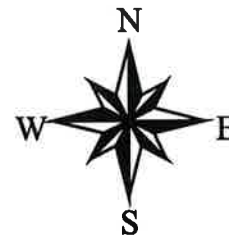
Place of Use: T9S, R38E
(part of) Sec. 29 NWNE

Point(s) of Diversion: T9S, R38E
Sec. 29 SWNWNE

SCANNED

JUL 07 2005

PROFILED



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

29-00182B

DISCLOSED

SEE SPLIT HISTORY

Apparently SPLIT BY ADJUDICATION CLAIMS.
NO RECORDED SPLITS.

I. CLAIMS AS DISCLOSED, EXCEPT AS:

a. DIVERSION RATE (BY DISCLOSED R.T.)

1. $\frac{0.58 \text{ cfs}}{42^{\circ} \text{ AC}} = 0.0138 \text{ cfs/AC}$

2. $0.0138 \times 5^{\circ} \text{ AC (CLAIMED)} = 0.0690 \Rightarrow 0.07 \text{ cfs}$

b. CLAIMS 0.10 cfs - OVERCLAIMED BY 0.03 cfs

1. DOES DSD SPECIFY SPLIT PORTION? No

Q: $\Rightarrow$
ISSUE $\Rightarrow$

$\rightarrow$

II. VERIFY POD LEGAL
CPS

III. CLAIMS RIGHTS FROM FISH CREEK BRIDGE.

a. How many SHARES? 3

1. ACRAGE OVERLAP? Yes

2. How is IT DELIVERED - System/DITCH PIPELINE?

2/24/01 Met w/ Mr Roberts to measure about above C.P.s. Owns
25 AC Review Road, Watered by pump from DEMPSON CK, I
HAVE REQUESTED CC of DSD or ECHOE DCS. TO DURING WR
RETAINED BY SALE.

FISHER EXAM shows 2nd AC - CONCENTRATE WATER ON AC. $\Rightarrow$ 0.04 cfs
2 AC

SCANNED

JUL 07 2005

PROFILED

PROFILE

SCANNED
JUL 07 2005

EARL H. SMITH
A29-00182A

0.48 cfs 8/01/1881 DEMPSEY CK
P.O.D: SEC. 29 SWNE
P.O.U: SEC. 29 NENE 12.0
NWNE 30.0

~~42.0 AC~~ ? AC Overclaimed?
34.7 AC

APPARENTLY
SPLIT BY ADJ.

29-00182
0.58 cfs 8/01/1881
DEMPSEY CK
POU: SEC. 29 NENE 12.0
NWNE 30.0

$\frac{.58}{42} = 0.0133 \Rightarrow 0.014 \text{ cfs/ac}$ 42.0 AC

TX #984 ADDS PDD IN
SEC. 29 NWNE ALONG
W/ SEC. 33 NESW

ARON ROBERTS
A29-00182B

0.10 cfs 8/01/1881 DEMPSEY CK
POD: SEC. 29 NWNE
POU: SEC. 29 NWNE 5°

CONCENTRATES @
ON 5 AC @ 0.02 cfs/ac

FOR 5° AC THIS PORTION
IS OVERCLAIMED - SEE
NOTES I.2.2.

NOTE: ① THIS RIGHT IS OVERCLAIMED
BY 5° AC.

② PROBLEMS w/ cfs DISTRIBUTION.

⇒ OK per IDWR
STON < 5° AC

5/30/01
LBR

WR5808NP
(OD-26)

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROOF READING REPORT

05/24/01 12:20:34
Page 1

Water Right Number - 29-00182 *B*

Prefix Translation: WATER RIGHT

Old (D) Number -

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

*** C - CURRENT OWNER ***
ROBERTS

JOHN F.

1 -
2 -
3 -
City-
Phone -

State- Zip-

*** O - ORIGINAL OWNER ***
WARNER

MRS. FRANK

1 -
2 -
3 -
City-
Phone -

State- Zip-

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
08/01/1881 *ca* 15 EASTERN *D - DECREE*

+ - - - - Source - - - - + + - - - - - Tributary - - - - - +
DEMPSEY CREEK *ca* PORTNEUF RIVER

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

09S 38E 29 NW NE *OK* (5) BANNOCK
33 NE SW (5) BANNOCK *UNCLAIMED*

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

01 - IRRIGATION *ca* 04/15 *ca* 09/15 0.580 *A = 0.48*

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
0.580 *B = 0.10 OVER CLAIMED BY 0.03cfs* *FOR 5th AC*
See Notes: I.2.2.

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

09S 38E 29 NE NE *12.0* 01 IRRIGATION (5) BANNOCK
09S 38E 29 NW NE *30.0* 01 IRRIGATION (5) BANNOCK

Total Acres: *42.0*
50

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

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

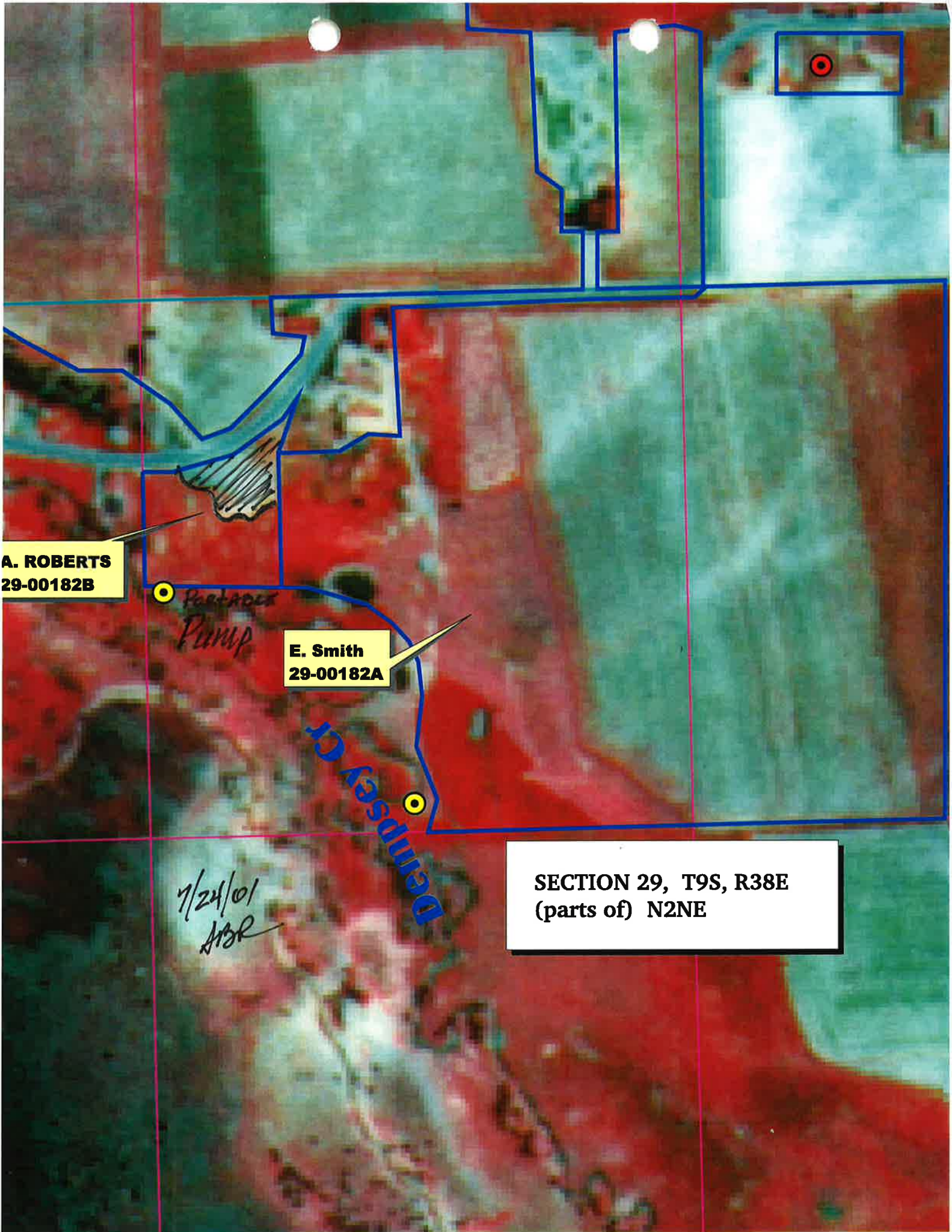
GEN AS PER TRANS. #984. *→ ADDS POD IN NW NE SEC. 29*

SEE SPLIT HISTORY

PROFILED

JUL 07 2005

SCANNED



A. ROBERTS
29-00182B

Portage
Pump

E. Smith
29-00182A

Dempsey Cr

7/24/01
ABR

SECTION 29, T9S, R38E
(parts of) N2NE

quarter of Section 3, Township 10 South,
Range 38 E.B. M.

133. TOPAZ IRRIGATION CO.
9-0180 1883 April 1 13.44 c.f.s.

Said water to be diverted at a point South 44
degrees East 1390 feet from the Northwest
corner of the Northwest quarter, Section 33,
Township 9 South, Range 38 E.B.M., for the
irrigation of the following described land;

Township 9 South, Range 38 E.B.M.
Section 29--Lots 1 and 2, the South half of
the Northwest quarter, and the North half of
the Southwest quarter, Section 30-- The Nor
east quarter, the Northwest quarter, the No
half of the Southeast quarter,
Section 19-- The following lots: 1, 2, 3, a
4.

Township 9 South, Range 37 E.B.M.

Section 24--Lots 5, 6, and 7, the South hal
of the Southwest quarter.

Section 25-- The North half of the Northeast
quarter, the North half of the Northwest
quarter.

Section 23--Lots 5, 6, 7 and 8, the South h
of the Southeast quarter, the South half of
the Southwest quarter.

Section 26--The North half of the Northeast
quarter, the Northwest quarter of the North
west quarter.

Section 27--The Northeast quarter of the
Northeast quarter.

Section 22--The Southeast quarter of the
Southeast quarter, Lots 5, 6, 7 and 8.

134. McGWINN, C. J.
7-0181 1896 April 15 .8 c.f.s.

Said water to be diverted at a point South
35 degrees 40 minutes West 1044 feet from t
East quarter corner of Section 29, Township
9 South, Range 38 E.B.M., for the irrigation
of Lot 3 of Section 20; Lots 1 and 2 of Sec
tion 29, Township 9 South, Range 38 E.B.M.

135. WARNER, MRS. FRANK
7-0182 1881 August 1 .58 c.f.s.
Tw 984

Said water to be diverted at a point South
88 degrees East 1430 feet from the West qua
ter corner of Section 33, Township 9 South
Range 38 E.B.M.; for the irrigation of the
Northwest quarter of the Northwest quarter,
Section 28, Township 9 South, Range 38 E.B.M.

136. FAGNANT, F. D.
9-0183 1881 August 1 .2 c.f.s.

Said water to be diverted at a point North 53
degrees East 1550 feet from the Southwest co
ner, Section 4, Township 10 South, Range 38
E. B. M., the lateral from which said point
divides into the Campbell-Fagnant Lateral
into Campbell lateral in the Northwest quar
22757

PROFILED

SCANNED

JUL 07 2005

MAY 18 2001

Log for claim A29-00182B

Spatial Dynamics AMH

8/8/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
09s38e	29	NWNE	5	7.9	
Totals:			5	7.9	

AJ5809NP
No. A29-00182B

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/22/00
PAGE: 70

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	AFTON T ROBERTS PO BOX 355 LAVA HOT SPRINGS ID 83246 (208) 776-5548	08/01/1881	IRRIGATION	04-15 09-15	0.100 CFS	
TOTAL DIVERSION: CONSUMPTIVE USE:					0.100 CFS	7.50 AFA

Water Source: DEMPSEY CREEK

Tributary to: PORTNEUF RIVER

Stage: DECREED

Point(s) of Diversion:

T09S R38E S29

NWNE

BANNOCK County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
09S	38E	29	:			05														:	5.0
TOTAL ACRES																				5.0	

POU County: BANNOCK

Other Rights: RIGHTS FROM FISH CREEK IRRIGATION.

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
29-11058 29-11059 A29-11058 A29-11059

Other Water Rights Listing Overlapping Place(s) of Use:
A29-00036 A29-00037 A29-00147 A29-00180 A29-00182 A29-00182A A29-11773 A29-11774

Remarks: GEN AS PER TRANS. #984.

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number: 29

Field Inspection Flag:
Presumption Flag:

Audit: 03/06/90 CARLSEN 04/04/94 THOMPSON 03/29/95 POST-STD

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: A29-00182B
Date Received: 3/06/1990
Receipt No: 6012798
Received By: EV

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: AFTON T. ROBERTS 208-776-5548
Address: P.O. BOX 355
LAVA HOT SPRINGS, ID 83246

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	Lot	County
09S	38E	29	NW	NE			BANNOCK

5. Description of diverting works:
HEADGATE AND PIPELINE FOR SPRINKLER IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	09/15	0.100		

7. Total Quantity Appropriated is:
0.100 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	29	NW	NE		IRR	5.0

Section Acres 5.0

Total Acres 5.0

A29-00182B

Page 1

Date: 03/06/90

A2900182B



MICROFILMED

NOV 13 1992

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:
RIGHTS FROM FISH CREEK IRRIGATION.

14. Remarks:
AS PER TRANS. #984.

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date: 7/01/1921

UNION GRAIN & ELEVATOR CO.
Decree Plaintiff

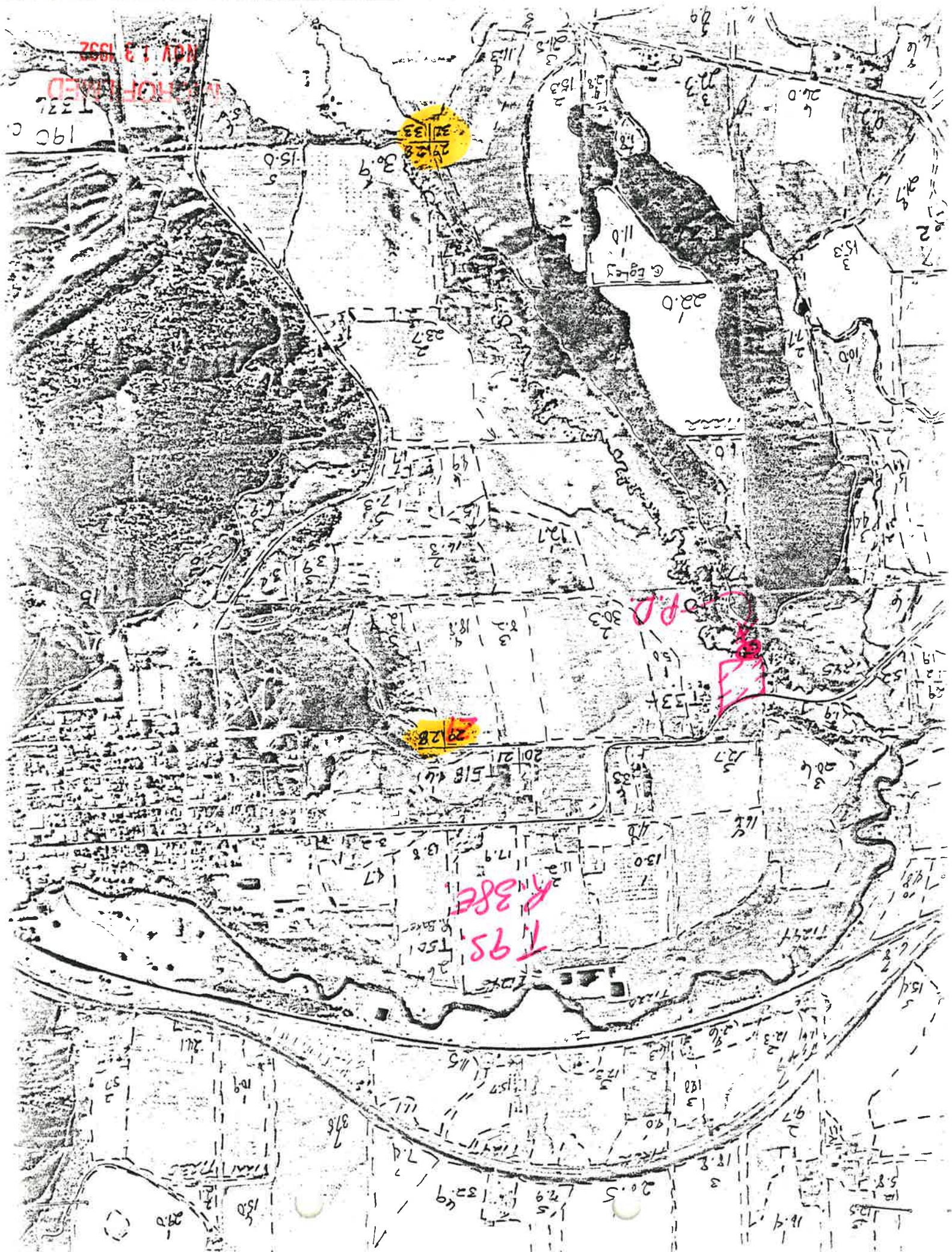
vs

MCCAMMON DITCH CO. ET. AL.
Decree Defendant

NOV 13 1992

UNCLASSIFIED

190 C



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): x *Ayton Robert* Date: 4/3/90

Date: _____

State of Idaho)
County of BANNOCK) SS.

Subscribed and sworn (or affirmed) before me this 3rd day
of April 19 90
Robert Bergendorf
Notary Public

Seal

Residing at LAUA HOT SPRINGS, ID 83246
My Commission Expires LIFETIME.