

03/29/2002

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

RIGHT NUMBER: 29-185B
NAME AND ADDRESS: GERRI WELLARD
PO BOX 698
LAVA HOT SPRINGS ID 83246

DWAINE G WELLARD
AKA DWAINE W WELLARD
PO BOX 698
LAVA HOT SPRINGS ID 83246

SOURCE: DEMPSEY CREEK TRIBUTARY: PORTNEUF RIVER
QUANTITY: 0.03 CFS
PRIORITY DATE: 03/01/1894
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	0.027 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 NWNE 1.4

1.35 ACRES TOTAL

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

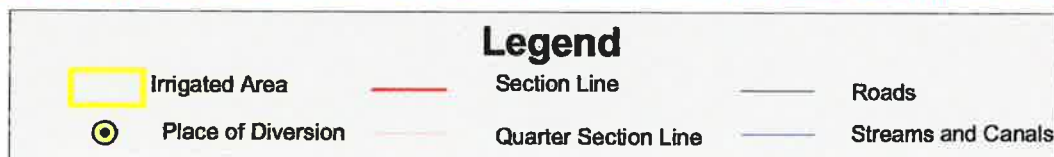
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: Decreed
WATER IS DELIVERED THROUGH WEST DEMPSEY DITCH.

Water Right Claim Number A29-00185B

08/08/2000

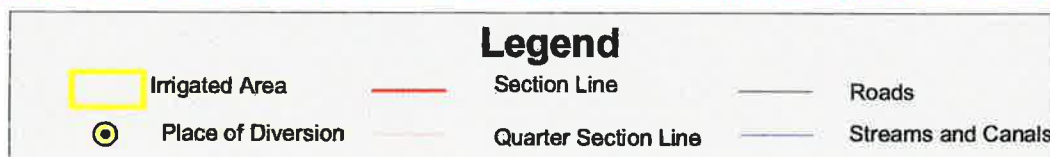
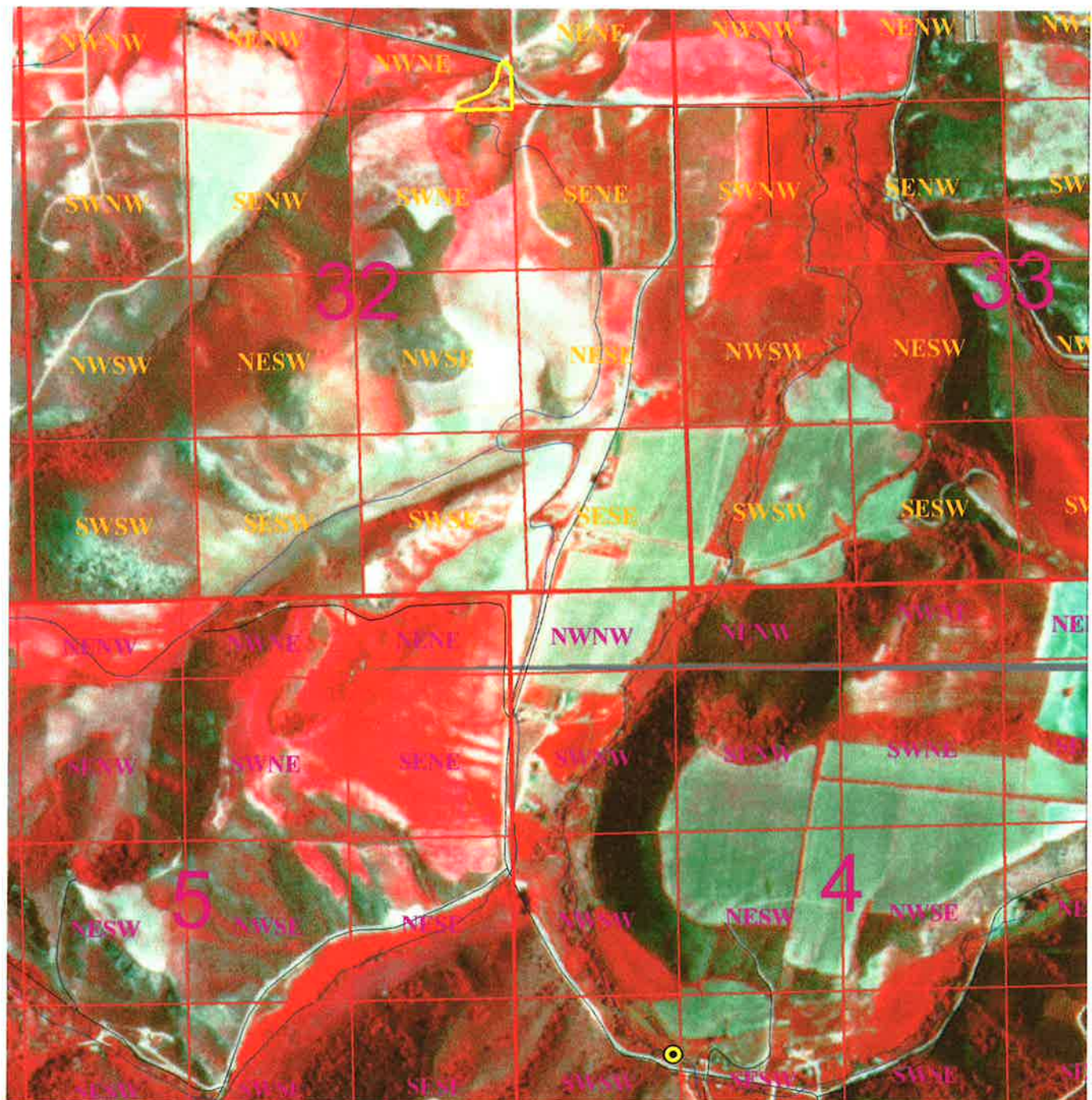
Township , 9S38E



Water Right Claim Number A29-00185B

08/08/2000

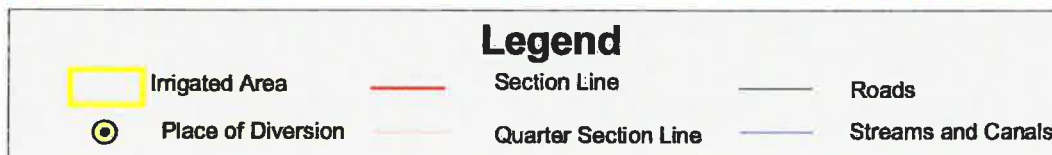
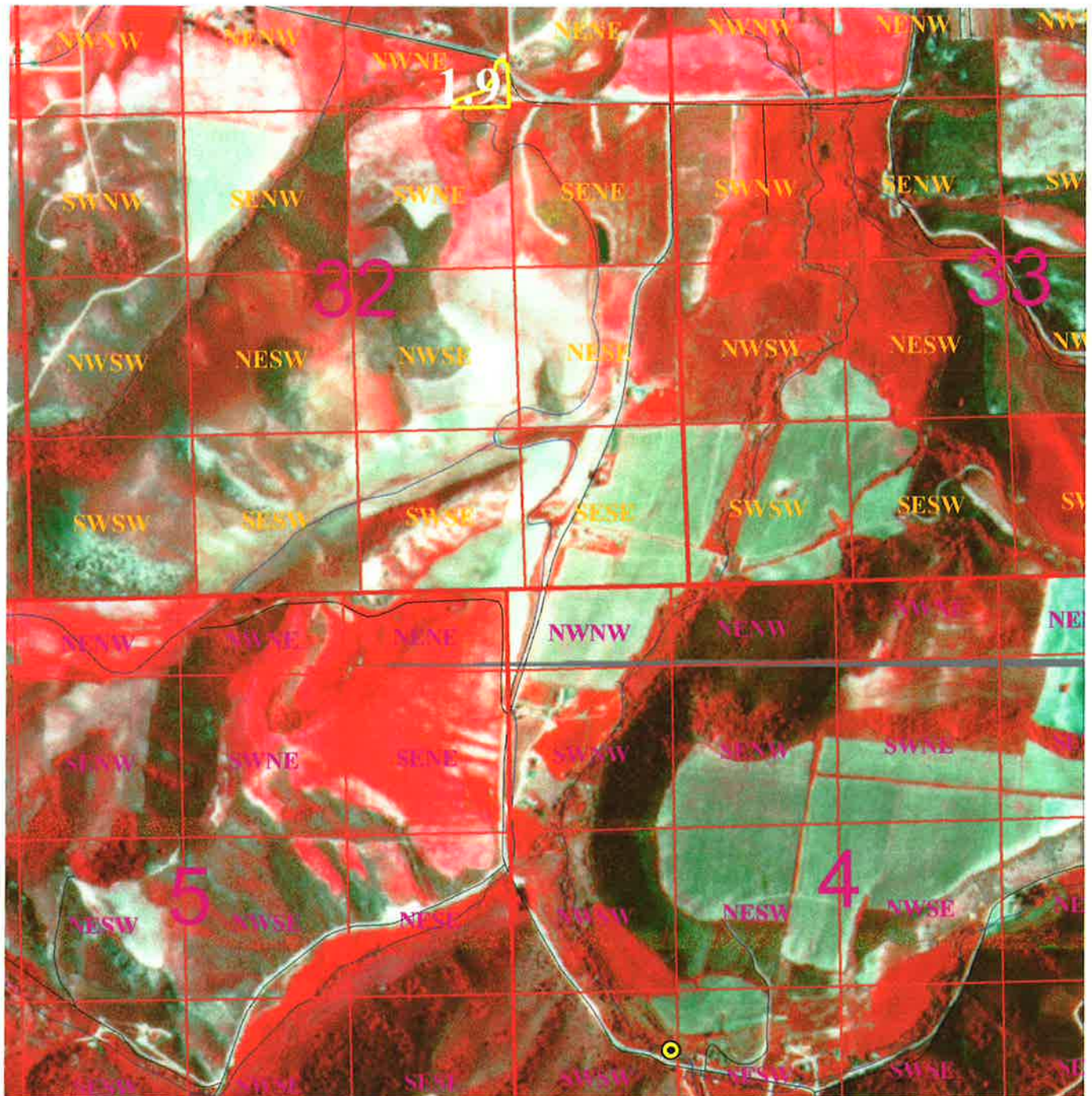
Township , 9S38E



Water Right Claim Number A29-00185B

08/08/2000

Township , 9S38E





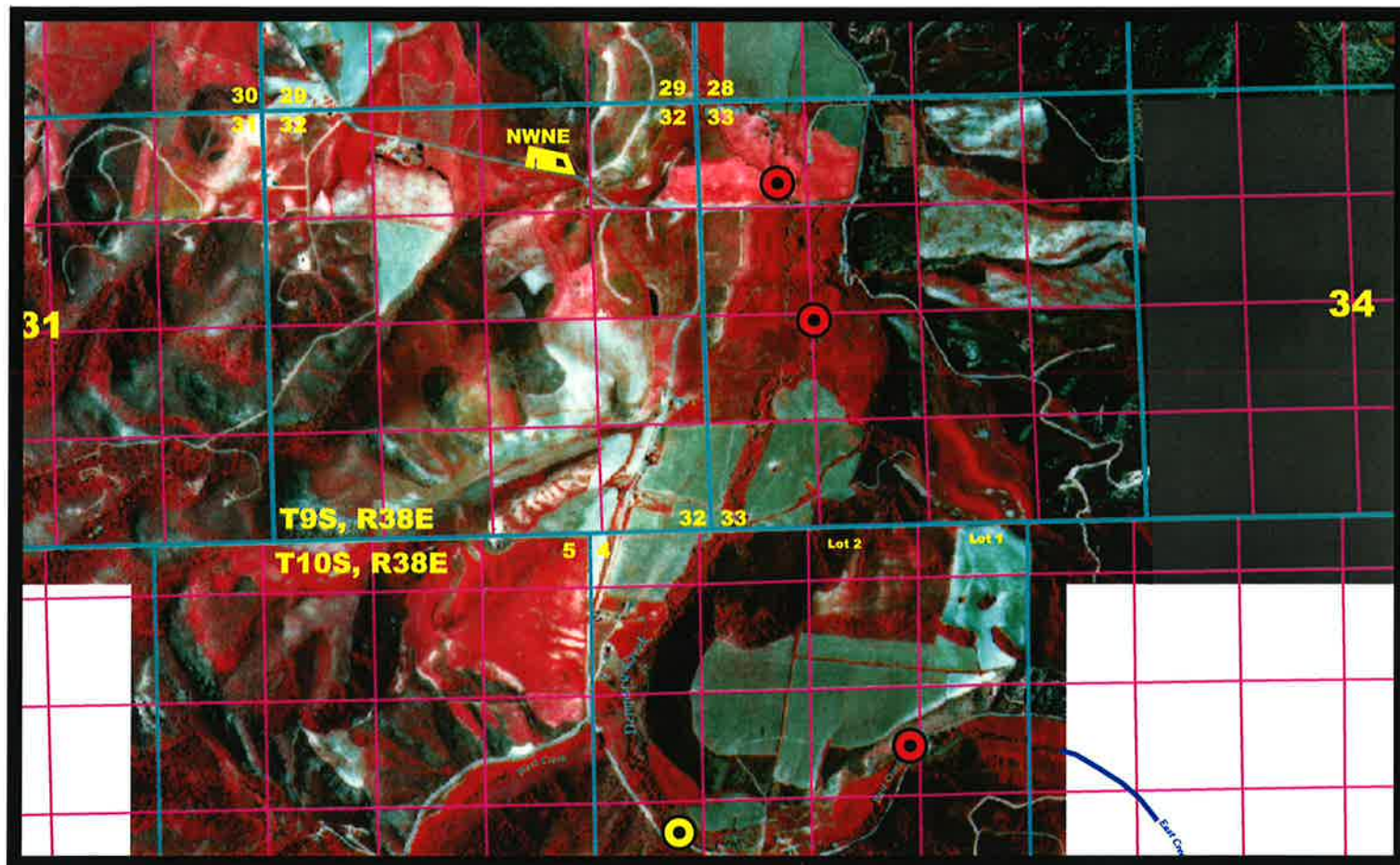
STATE OF IDAHO

Department of Water Resources

Eastern Region



WATER RIGHT(S): 29-00185B



1000 0 1000 2000 3000 4000 5000 6000 7000 8000 9000 10000 11000 12000 13000 Feet

LEGEND

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

Place of Use: (parts of)
T9S, R38E Sec. 32 NWNE

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

**NOTE; Delivery through
West Dempsey Ditch.**

PROFILED



SCANNED

JUL 08 2005

GIS Place of Use Illustration
1987/1988 NAPP photography
Prepared by: A. Ruberry
Date: March 2002

29-00185B DESCRIBED

THE SPLIT OF 29-00185 A/B/C IS A MASS. GPS MAP ILLUSTRATES SAME. CLAIMED PARCELS OVERLAP, THE RIGHT IS OVERCLAIMED BOTH IN CFS AND ACRES, AND OWNERSHIP IS A QUESTION. ALL CLAIM DIFF. POD's.

Q: ⇒

I. Part B CLAIMED AS 0.05 cfs on 2.3 ac ⇒ 0.0217 cfs/ac

OVERCLAIMED BY $\approx 0.002 \Rightarrow 0.046$ cfs

ORIGINAL RIGHT IS AT 0.02 cfs/ac (BEST CASE BY DESCRIPT.)

a. NEED CC OR DOWNS - OK

b. Ownership - stays same

II. APPEARS TO CLAIM W. DEMPSEY CANAL HEADINGS -

ALTHOUGH DESCRIBES SPECIFICALLY CAMPBELL - FAGNANT LATERAL

PLOT OF DESCRIBES CALL POINTS TO W. DEMPSEY CANAL HEADINGS AS

POD - DELIVERY BY W. DEMPSEY DITCH -

III. RECOMMEND 1.35 ac @ 0.02 cfs = 0.027 cfs ⇒ 0.03 cfs

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JUL 08 2005

29-00185^b

DECREED

I. THE SPLITTING OF 29-00185 AS A/B/C IS PROBLEMATIC.

GPS MAPPING ILLUSTRATES OVERLAPS OF POD OF THE SEVERAL PARTS. AS CLAIMED, IN ITS SEVERAL PARTS, THE 29-00185 IS OVERCLAIMED BOTH IN CTS AND ACRES. ALSO, OWNERSHIP IS QUESTIONABLE: APPARENTLY SOME SALES SINCE FILING.

SPLIT
Remark →

A. BEST CASE AC @ 0.02/AC = 0.80 cts ÷ 0.02 = 40 AC

II. ALL PORTIONS CLAIM DIFFERENT PODS. HOWEVER, ALL PARTS ARE DELIVERED THROUGH THE WEST DEMARSEY DITCH. THE ACTUAL POD IS AT T1D3 R3B6 SEC. 4 N6S1W.

DELIVERY
Remark →

CP3

III. NEED CC OF ALL DEEDS W/ SURVEY PLATS

A. NEED C/O IN SOME CASES. ICS A AND C

IV. SEE SPLIT HISTORY- ATTACHED. 29-00185 IS OVERCLAIMED IN BOTH CTS (0.03 cts) AND ACRES (38.3 AC). TO DATE, NO OTHER RIGHTS CLAIMED.

A. APPEARS PART A NEEDS C/O TO CORRECT OWNER AND IS WAY OVERCLAIMED ON ACRES - SOME CLAIMED ON STEEP SIDE HILL ABOVE OLD DITCH.

B. PART B SEEMS OK BUT PROPERTY BOUNDARY IS UNCLEAR - REQUESTED CC DEED W/ SURVEY.

C. PART C CLAIMS 0.38 cts ON 21 AC ⇒ 0.0181 cts/AC
CONSIDER ORIGINAL @ 0.02 cts/AC - PART C APPEARS UNDERCLAIMED BY 0.002 cts/AC - HOWEVER, FIELD EXAM IS REQ'D. (FOR ALL PODS).

1. DON'T THINK THERE IS 21⁰ ACRES HERE.

NEW C/O J&TBuss →

A. NEW C/O FOR A PORTION OF LANDS UNDER THIS CLAIM. 2.0 AC SHOWN AT HOMESTEAD ⇒ 0.040 cts.

1.) SEE SPLIT HISTORY.

SCANNED

JUL 08 2005

PROFILED

FE REQ'D
ALL Pts →

CP5 ALL

SPLIT HISTORY - CLAIMS

29-00185

Pg 1 of 2

3/28/02 ABR

JUL 08 2005

SCANNED

PROTECTED

29-00185

0.80 cfs 3/01/1894

DEMPSEY CREEK

POD: SWSW SEC. 4 10/38

POU: NWNE SEC. 32 9/38

(BEST CASE 40ac - 100x40ac)

$0.80 \div 40ac = 0.02cfs/ac$

SPLIT BY ADJUDICATION

GLENDALE... PET TRUST

A 29-00185A

%

REED WHITE

0.40 cfs 3/01/1894

DEMPSEY CR

POD: SESW SEC 4 T10S R38E

POU: SWSE SEC 9 T9S R38E

CLAIMS 55° AC

RECOMMENDED AS:

23° AC @ 0.02 cfs = 0.474 cfs $\Rightarrow$ 0.47

D. & G. WELLARD

A 29-00185B

0.05 cfs 3/01/1894

DEMPSEY CREEK

POD: NESW SEC. 4 T10S R38E

POU: NWNE SEC. 32 T9S R38E

CLAIMS 2.3 AC.

RECOMMENDED AS:

1° 35' AC @ 0.02 cfs = 0.027 cfs $\Rightarrow$ 0.03 cfs

F. ROWSELL

A 29-00185C

%

BRUCE ROWSELL

0.38 cfs 3/01/1894

DEMPSEY CREEK

POD: SESW SEC. 4 T10S R38E

POU: W²NE (PART) SEC. 32 T9S R38E

CLAIMS 21° AC.

29-13331

SEE Pg 2 of 2

29-13332

NOTE: THIS RIGHT IS OVER-CLAIMED BY BOTH CFS (0.03) AND ACRES (38.3). NO OTHER RIGHTS CLAIMED.

SPLIT HISTORY OF 29-00185

Pg. 2 of 2

PROFILED

SCANNED
JUL 08 2005

B. ROWSEN

29-13331

12.67 AC @ 0.253 cfs = 0.25 cfs

POU: NWN Sec. 32 T9S R3BE

~~AS RECOMMENDED~~

29-00185C

0.292 cfs on 14 ac.

Go To Buss
SALE 01/02

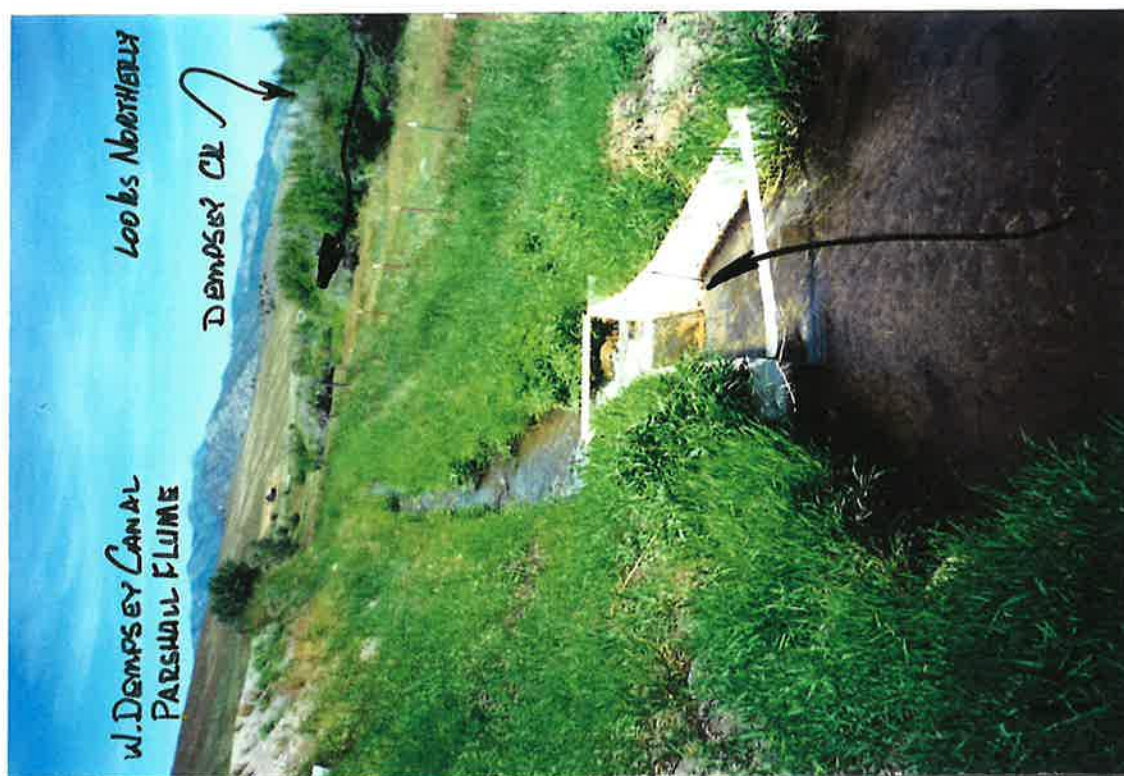
J & T Buss

29-13332

2.31 ac @ 0.046 cfs = 0.05 cfs

POU: 0.3 AC NWN Sec. 32 T9S R3BE

1.7 AC SWNE Sec. 32 T9S R3BE



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JUL 08 2005

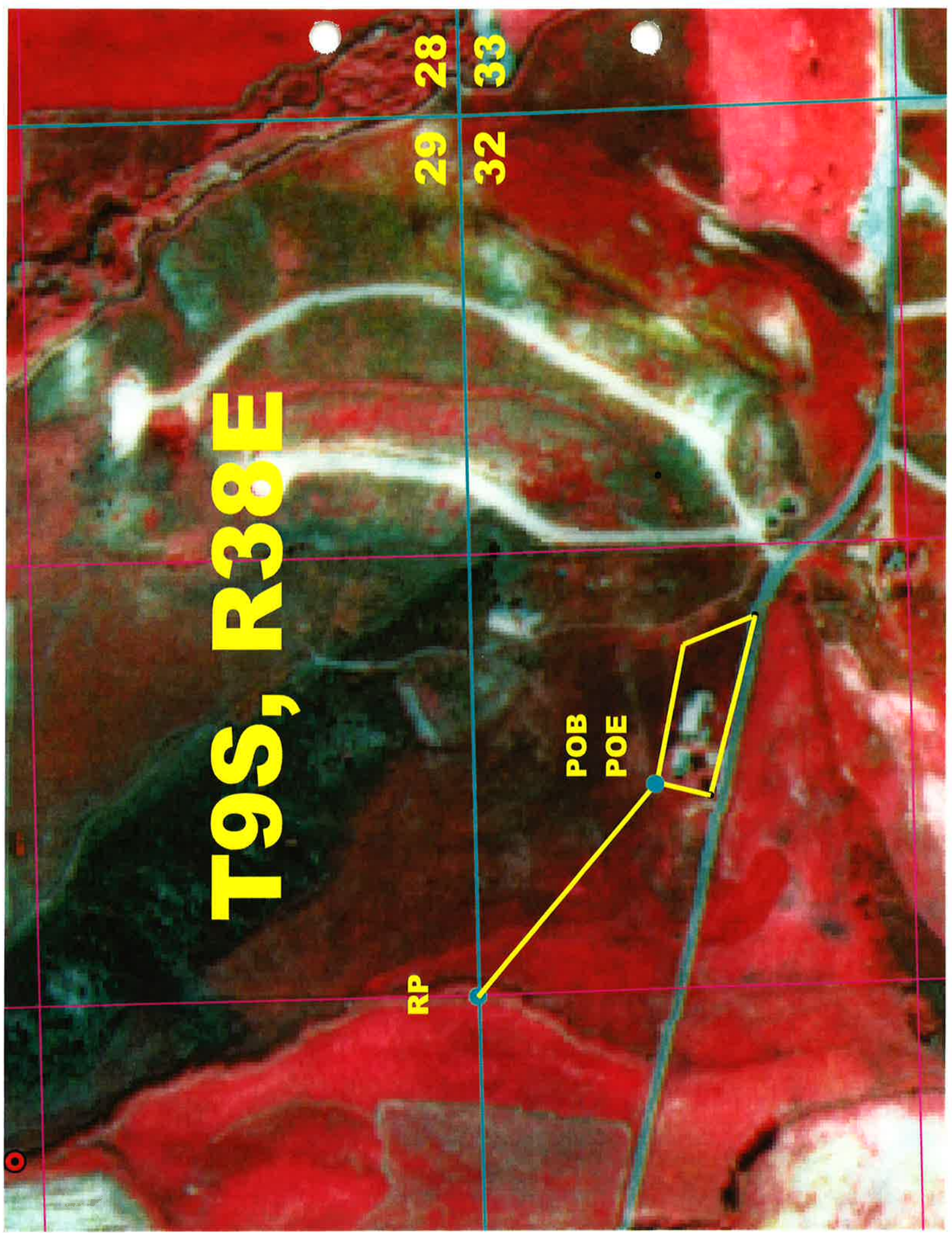
T9S, R38E

RP

POB
POE

29 28

32 33



Commencing at a point that is South 50 degrees 17' East of, and 835.80 feet from the North $\frac{1}{2}$ corner of Section 32, T. 9 S., R. 38 E., B. M., said point being the Northwest corner of the parcel and the TRUE POINT OF BEGINNING:

THENCE South 79 degrees 09' East, 422.60 feet;

THENCE South 22 degrees 20' East, 231.10 feet;

THENCE North 76 degrees 12' West, 558.30 feet;

THENCE North 13 degrees 48' East, 165.15 feet to the TRUE POINT OF BEGINNING.

The above parcel of land contains 2.00 acres.

Look for Mrs. Williams

Received EDWR

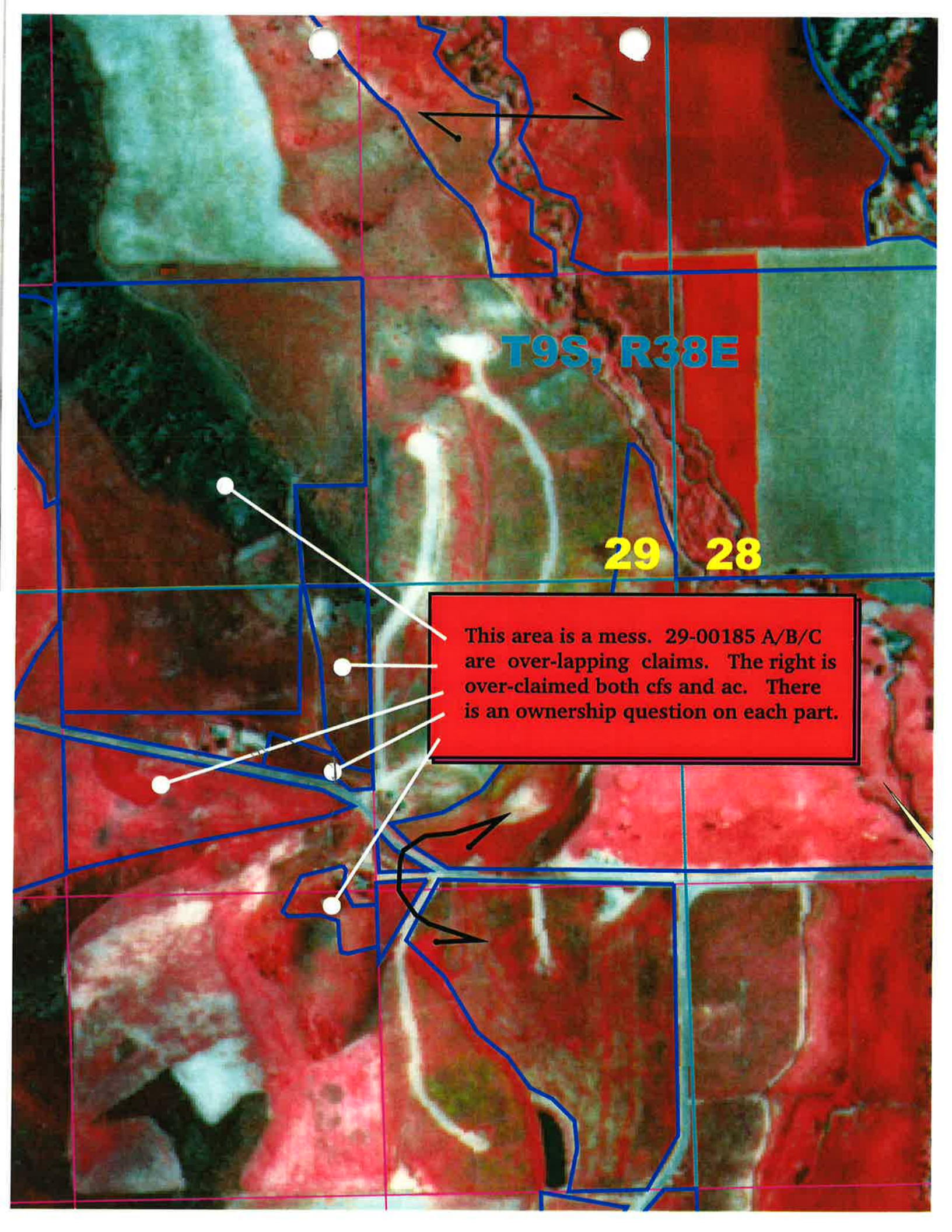
8/28/01

ABR

R. A29-00185 B

PROFILED

SCANNED
JUL 08 2005



T9S, R38E

29 28

This area is a mess. 29-00185 A/B/C are over-lapping claims. The right is over-claimed both cfs and ac. There is an ownership question on each part.

State of Idaho
Department of Water Resources
REQUEST FOR EXTENSION OF TIME
TO FILE ADJUDICATION CLAIM(S)

The Idaho Department of Water Resources will consider this form as a request by the claimant for an additional period of time in which to file claim(s) beyond the 90 days allowed by Section 42-1409(10), Idaho Code.

Dwaine G. Wellard (AKA Dwaine W. Wellard) and/or (208) 776-5847 (home)
Name of Claimant Gerri Wellard Phone Number 776-5247 (work) Gerri
P. O. Box 498, Lava Hot Springs, ID 83246
Mailing Address City State Zip

Bannock 4-30-90
County(s) where place of use is located Date claim originally due

West Dempsey Canal - 2.5"; .05 cf
Identify water right(s) for which extension is requested

State why an extension of time is requested explaining how a diligent effort has been made to meet the deadline:

We filed a claim on our domestic well. We were under the impression
that the canal companies did the filing on the canals. We learned
that theycanal company was not incorporated and had not filed for us.
We are requesting an extension so that we can correct our error and
file on the water allocated to our acreage.

Claimant requests an extension to June 30, 19 90

Gerri Wellard May 31, 19 90
Signature Date of request

Title _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

The above request for extension of time is hereby [☒ granted] [☐ denied] for the following reasons:

and if granted the filing deadline is extended to July 31, 19 90

Signed this 30 day of June, 19 90

David B. Shaw
Director or his designated agent

MICROFILMED

Mail to: Idaho Department of Water Resources
1301 N. Orchard St.
Boise, ID 83706

DAVID B. SHAW

NOV 13 1992

WR5808NP
(OD-26)

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROOF READING REPORT

05/24/01 12:21:20
Page 1

Water Right Number - 29-00185

Prefix Translation: WATER RIGHT

Old (D) Number -

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

*** C - CURRENT OWNER ***
CAMPBELL

ADAM

1 -
2 -
3 -
City-
Phone -

State- Zip-

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
03/01/1894 *ok* 15 EASTERN *D - DECREED*

+ - - - - Source - - - - + + - - - - - Tributary - - - - - +
DEMPSEY CREEK *ok* 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 *A-CLAIMS SE SW SEC. 4*

+ - - - - *B-CLAIMS NW SW SW - OK* *C-CLAIMS SE SW SW SEC. 4* *cp3*

Code Description Period From Period To Diversion Rate Diversion Volume

01 - IRRIGATION *ok* 04/15 *ok* 09/15 0.800 *A - 0.40*

+ - 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 32 NW NE 01 IRRIGATION (5) BANNOCK

+ - - Diversion Means - *BEST CASE 40 AC A - 55⁰*

+ - - Non-Irrigation Use - *B - 2³*

+ - - Other Rights for Same Use - *NONE* *C - 21⁰* *78³ AC OVERCLAIMED BY 38³ AC*

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

GEN P/U INCOMPLETE.

SUB SPLIT HISTORY

+ - - - - 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

PROFILED

JUL 08 2005
SCANNED

29-0184 1894 Mar. 1. 1.2 c.f.s. Said water to be diverted through a ditch having intake 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 Southwest quarter and the South half of the Northwest quarter, Section 29; the East half of the Northwest quarter, and the Northwest quarter of the Northwest quarter, Section 32, Township 9 South, Range 38 E.B.M.

29-0185
137. CAMPBELL, ADAM
1894 March 1. .8 c.f.s.

S&S SPLIT History

A, B & C

Said water to be diverted at a point North 53 degrees East, 1550 feet from the Southwest corner of Section 4, Township 10 South, Range 38 East. The lateral from which said point divides in the Campbell-Fagnant lateral into Campbell lateral in the Northwest quarter of the Northeast quarter, Section 32, Township 9 South, Range 38 E.B.M., for the irrigation of the Northwest quarter of the Northeast quarter, Section 32, Township 9 South, Range 38 E.B.M.

EAST BOB SMITH CREEK, TRIBUTARY TO THE PORTNEUF RIVER.

29-0186
138. HARPER, TOM
1902. Nov. 1 .24 c.f.s.

Said water to be diverted through a ditch having its intake East, 700 feet from the West quarter corner of Section 13, Township 9 South, Range 37 East, B.M. for the irrigation of land in Lots 3 and 4 and the South half of the Northwest quarter, Section 24, Township 9 South, Range 37 E.B.M.

29-0187
139. KOFOED, A.A.
1904. July 2. .70 c.f.s.

Said water to be diverted through a ditch having its intake 700 feet from the West quarter corner of Section 13, Township 9 South, Range 37 E.B.M., for the irrigation of the following described lands; That portion of the North half of the Southwest quarter Section 13, Township 9 South, Range 37 E.B.M., described as follows: Beginning at the South 1/16 Section corner on the meridional center line of said Section 13 Township 9 South, Range 37 E.B.M., then West along said South 1/16 Section line, 1450 feet to a point 130 feet west of the West 1/16 Section corner on the South 1/16 section line, thence North 700 feet, thence East 1450 feet more or less to a point on the meridional center line of said Section 13, 700 feet North of the South 1/16 Section corner on said Section 13.

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SCANNED

JUL 08 2005

SCANNED

MAY 18 2001

Log for claim A29-00185B

Spatial Dynamics AMH

8/8/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
09s38e	32	NWNE	2	1.9	
Totals:			2	1.9	

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: A29-00185B

Date Received: 7/27/1990

Receipt No: E015049

Received By: EMC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DWAIN G. WELLARD 208-776-5847
Address: P.O. BOX 698
LAVA HOT SPRINGS, ID 83246

AND/OR

Name: GERRI WELLARD 208-776-5847
Address: P.O. BOX 698
LAVA HOT SPRINGS, ID 83246

2. Date of Priority: MAR 01, 1894

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:
HEADGATE AND OPEN DITCH.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	09/15	0.050		

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

8. Total consumptive use is 5.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A2900185B



10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
09S	38E	32	NW NE		IRR	2.3

Section Acres 2.3

Total Acres 2.3

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:
NONE

14. Remarks:

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

UNION GRAIN & ELEVATOR CO.
Decree Plaintiff

MC CAMMON DITCH CO. 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: 0

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): Dwaine S. Weiland Date: 7-27-90
Date:

NOV 13 1992

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 27 day

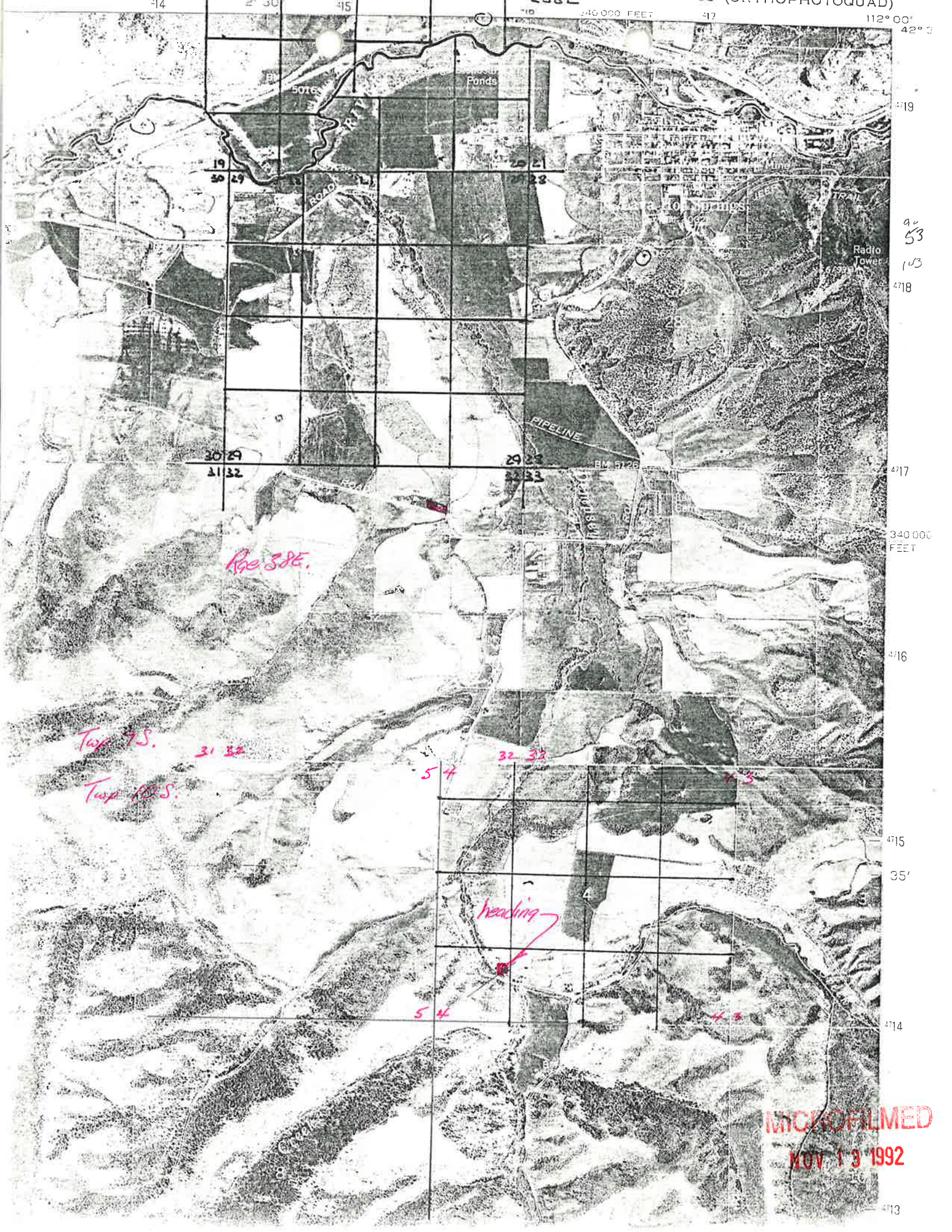
of July 19 90.



Ernest Carlson
Notary Public

Residing at Alto Falls, ID

My Commission Expires 6-14-1994



(ORTHOPHOTOQUAD)

112° 00' 42" W

340 000 FEET

Fonds

5016

ROAD

40 000 FEET

Radio Tower

PIPELINE

EL. 5123

Rce 38E.

Twp 7S.

Twp 10S.

heading

MICROFILMED

NOV 13 1992