

01/16/2003

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

RIGHT NUMBER: 29-11700
NAME AND ADDRESS: FREDEE ADAMS
1705 NORTH HWY 38
BRIGHAM CITY, UT ID 84302

J PHILLIP ADAMS
1705 NORTH HWY 38
BRIGHAM CITY UT 84302

SOURCE: UNNAMED STREAM TRIBUTARY: BIRCH CREEK
QUANTITY: 0.360 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 5.64 CFS. COMBINED RIGHT NOS.: 29-11697,
29-11698, 29-11699, 29-11700.

THIS RIGHT WHEN COMBINED WITH RIGHT NO. 29-11697, 29-11698, 29-11699,
29-11700 SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE.

PRIORITY DATE: 06/10/1904

POINT OF DIVERSION:

T11S R36E S35 SENESW Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.360 CFS

PLACE OF USE: IRRIGATION Within BANNOCK County

T11S R36E S25	NESW	28.0	T11S R36E S25	SWSW	17.0
T11S R36E S25	NESE	40.0	T11S R36E S25	NWSE	37.0
T11S R36E S25	SWSE	9.3	T11S R36E S25	SESE	29.0
T11S R36E S35	NENE	15.0	T11S R36E S35	NWNE	4.0
T11S R36E S35	SWNE	17.0	T11S R36E S35	SENE	9.6
T11S R36E S36	NENE	20.0	T11S R36E S36	NWNE	3.0
T11S R36E S36	SWNE	19.0	T11S R36E S36	NENW	19.0
T11S R36E S36	NWNW	12.0	T11S R36E S36	SENW	3.3

282.2 ACRES TOTAL

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 282.2 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 29-11697, 29-11698,
29-11699, 29-11700.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 18.0 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.

01/16/2003

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

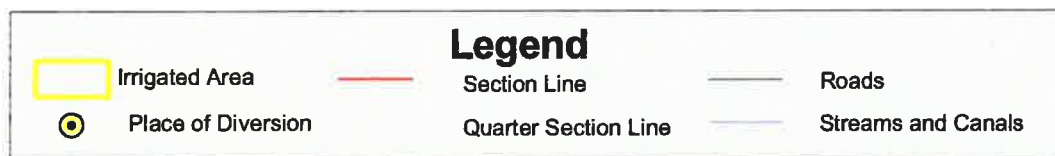
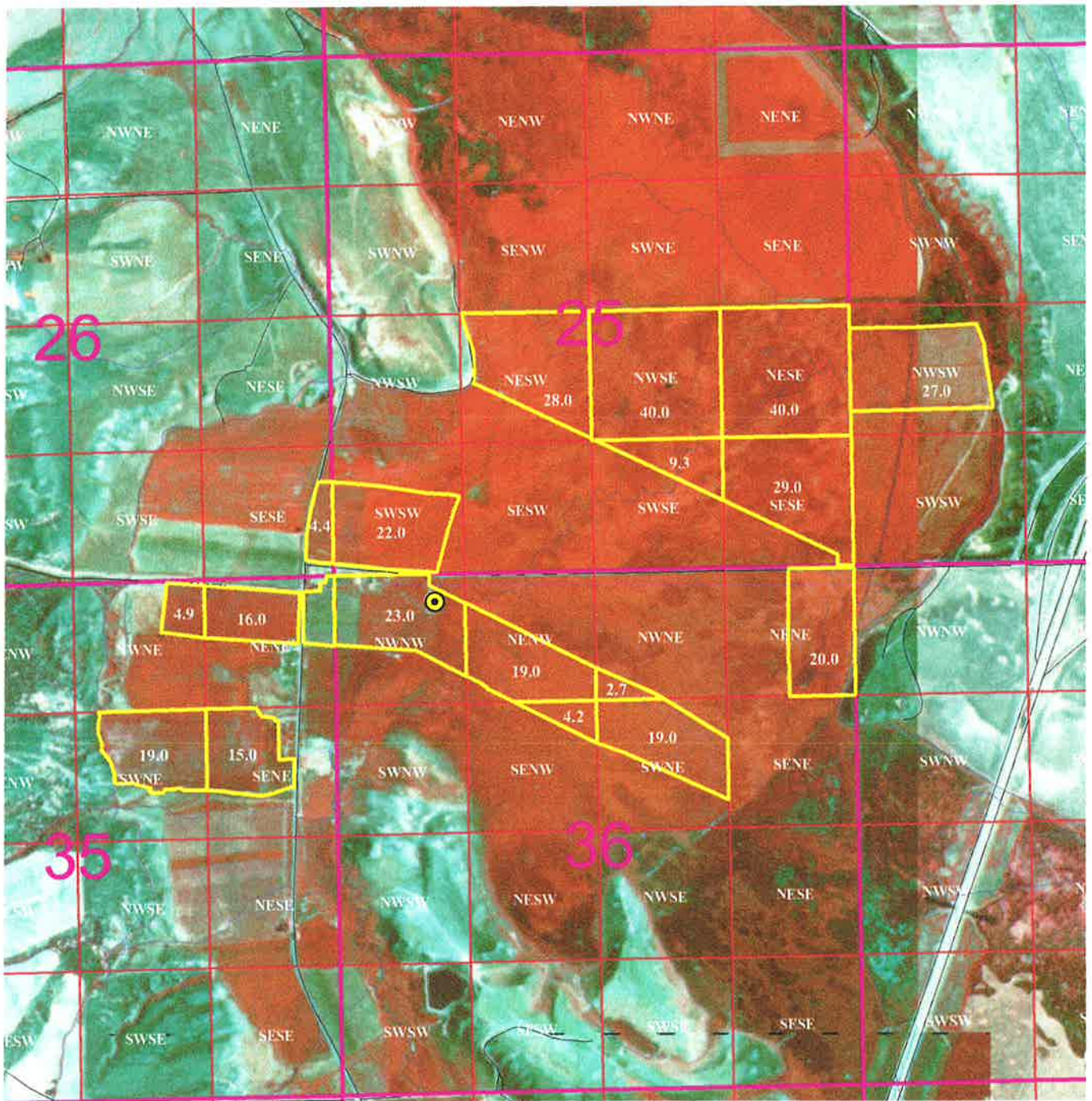
EXPLANATORY MATERIAL: Beneficial Use

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 CAN BE DELIVERED THROUGH BIRCH CREEK CANAL (DITCH).

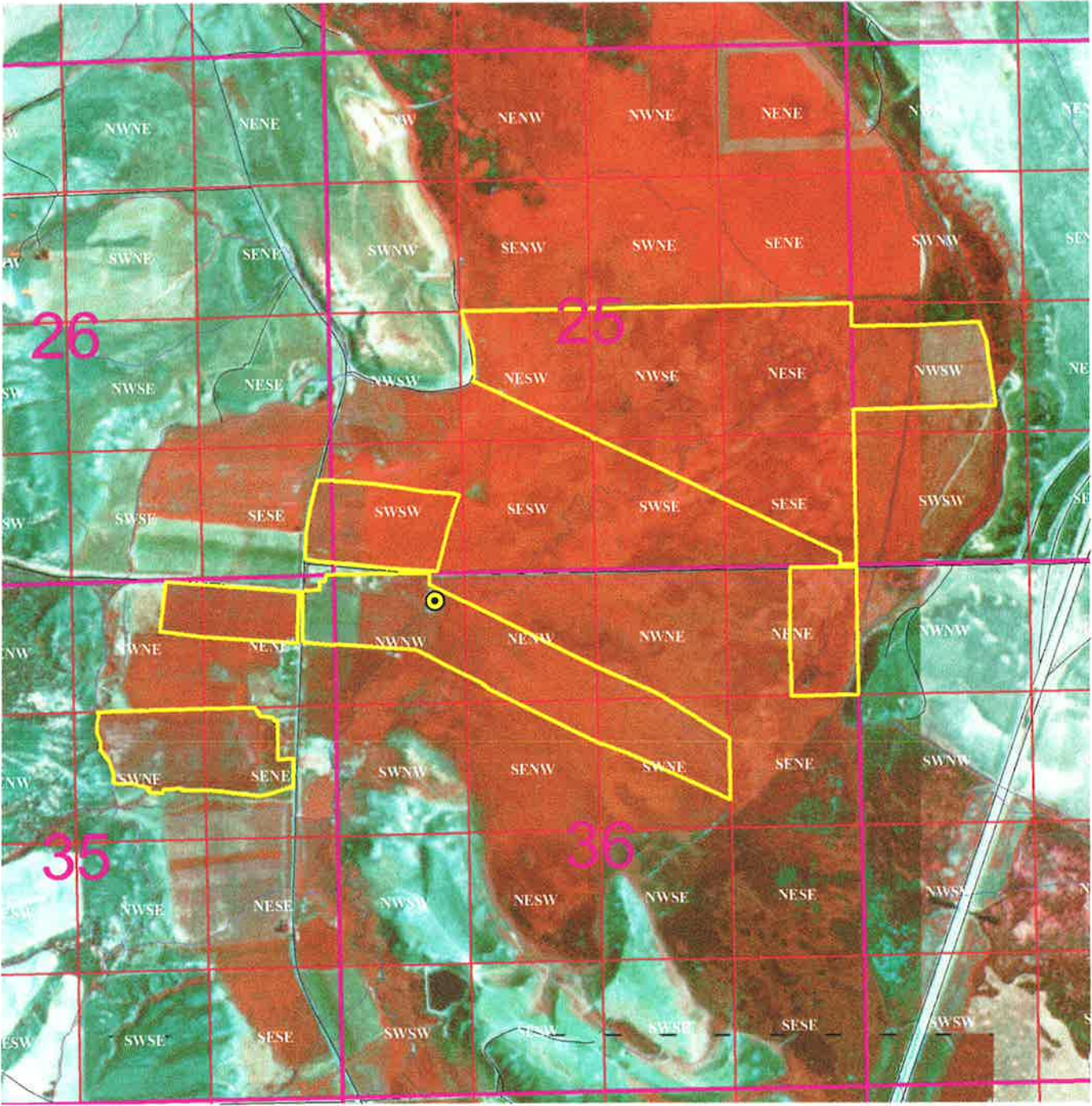
Townships , 11S37E, 11S36E



1000 0 1000 2000 Feet



Townships , 11S37E, 11S36E



 Irrigated Area

 Place of Diversion

Legend

 Section Line

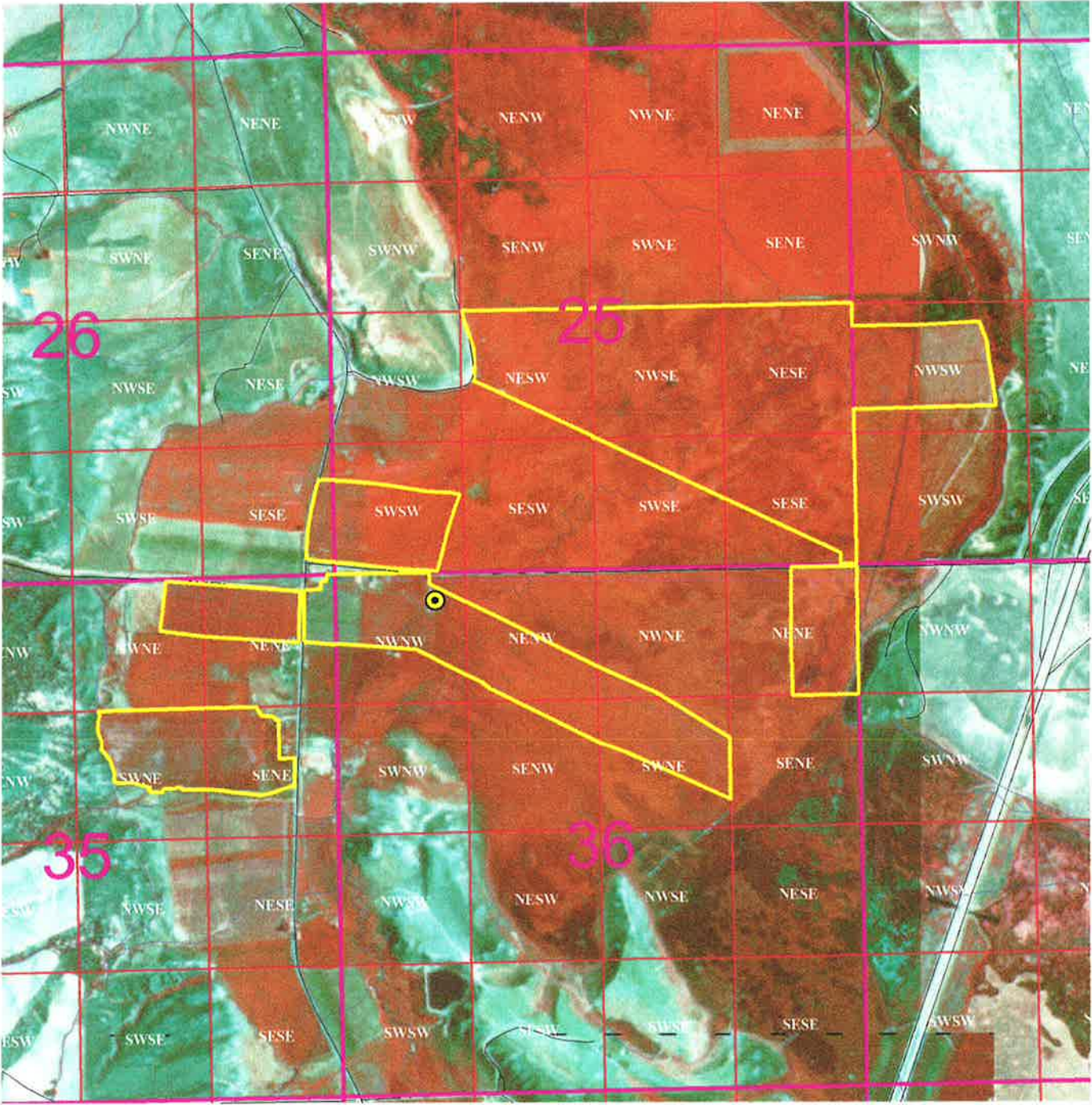
 Quarter Section Line

 Roads

 Streams and Canals



Townships , 11S37E, 11S36E



 Irrigated Area

 Place of Diversion

 Section Line

 Quarter Section Line

 Roads

 Streams and Canals

Legend





State of Idaho

Department of Water Resources

Eastern Region



Water Right(s):
29-11697, 29-11698,
29-11699, 29-11700

Place of Use: (parts of): T11S, R36E
Sec. 25 S2, Sec. 35 NE, Sec. 36 N2

Point(s) of Diversion: T11S, R36E
Sec. 35 NWNWNE (Maple Ck)
SENESE (Unnamed Stream)
Sec. 36 NENWNW (Birch Ck)
T12S, R36E
Sec. 2 SWNENW (Big Ck)
Sec. 3 SESESE (Station Ck)
Birch Creek (not shown);
Sec. 23 SWSWNE (Rediv)
Sec. 27 SENWSW (2 PODs/POIs)



LEGEND

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

Contacts Data Entry Form

Owner Type	Full Name	Address	City	State	Zip	Phone
Current Owner	Wm WARD					
Name connector: and _____, or _____, and/or _____ ✓						
Current Owner	DIXIE WARD					
Current Owner						

Representing Attorney: _____ Phone Number: _____

Accompanied By: _____ Phone Number: _____

Relationship to Claimant: _____

Date of Field Exam: _____ Time: _____

Directions to Property (if different from above) and/or update owner information:

C/o 1/7/03 to Phil Borne
See 29-11697 for Docs

Reviewer: _____

Date: _____

Priority Date Data Entry Form

Claim Number: 29-11700

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: 6/9/1904 Claimed Basis: BURecommended Priority Date: 6/10/1904 Recommended Basis: BU

____ Use Claimed Priority Date and Basis as Recommended Priority Date and Basis

Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

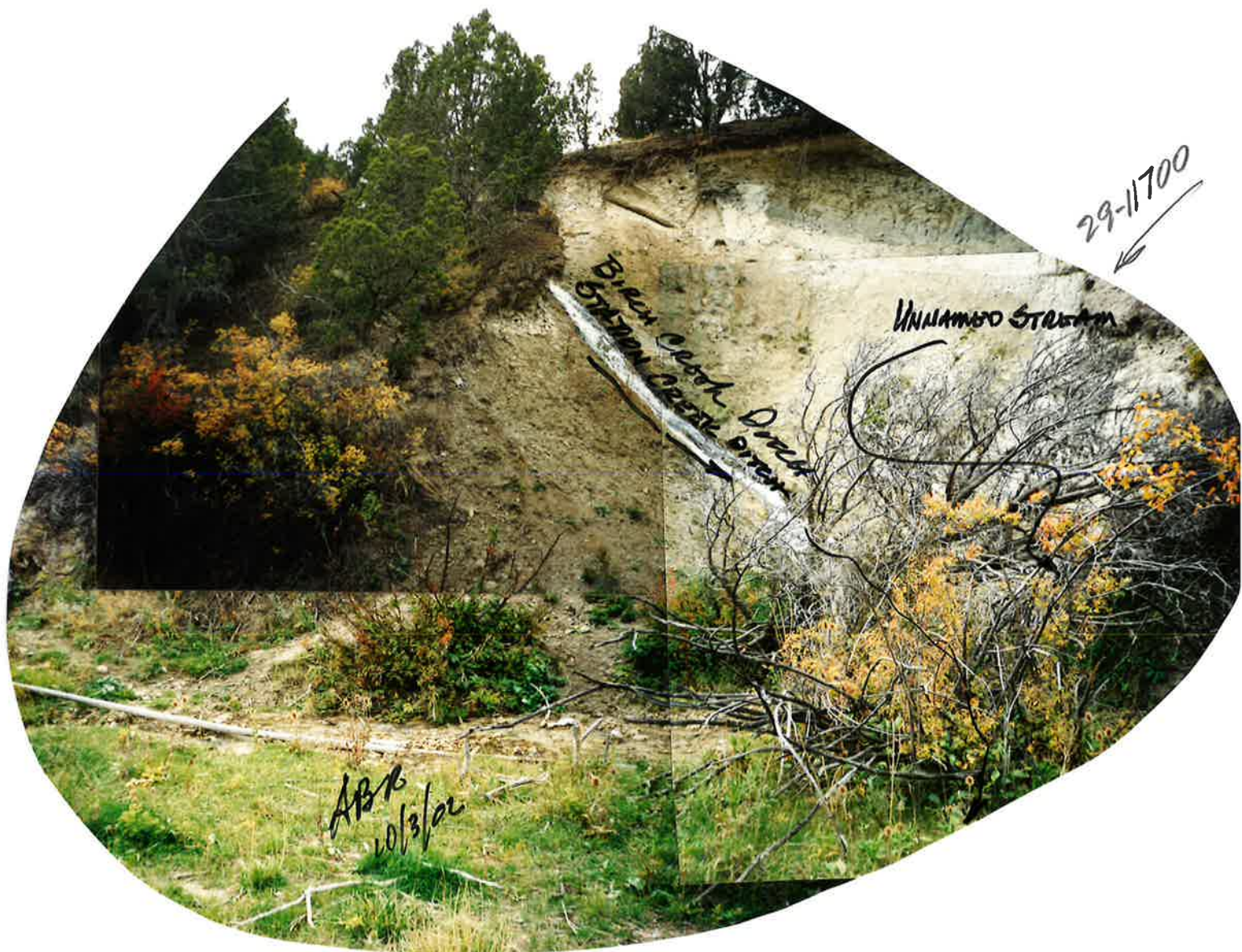
No evidence of Priority in FLS - Request
mailed 6/28/02. No response - But date - 1 (one)
day after Decree Date
* New owner = Phil Adams

* Transtin Eng. measures attached. Does not confirm
claimed flow of 6.84 cfs
Other Rts overlap 29-11697, 11698, 11699
FE indicated: POD/Sources, POW, SOI, Overlap

1/7/03 Received % = 308-29-11697

Reviewer: _____

Date: _____



29-11700
↙

UNNAMED STREAM

B. L. C. C. C. D. D. D.
B. L. C. C. C. D. D. D.

ABK
10/3/02

Point of Diversion and Source Data Entry Form

Claim Number: _____

Water Right Point of Diversion: T____, R____, Sec. _____, _____, _____, _____ County: _____

Source: _____ Tributary: _____

Claimed Point of Diversion: T____, R____, Sec. _____, _____, _____, _____ County: _____

Source: _____ Tributary: _____

Recommended Point of Diversion: T____, R____, Sec. _____, _____, _____, _____ County: _____

Source: _____ Tributary: _____

____ Use Claimed POD and Source as Recommended POD and Source

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source
11S	36E	35		NWSE	Sand	HANAMOO CK
GPS Coordinates: _____						
		36		NNNW	"	"
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						

Other rights from this POD? _____

Document how the POD and Source were verified and/or Pump and Motor data:

29-11697, 11698, 11699 AND 11700 ALL CLAIM 6.84 cfs
 ON SAME 342° AC ⇒ Resources 1165/19 and AC limits

RE RECD on Bcl claim

Transfers Changing POD _____

Reviewer: _____

Date: _____

Place Of Use Data Entry Form

Claim Number: _____

_____ Use Claimed POU as Recommended POU

Claimed Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
11S	36E	25			Barren		166	
		26					50	
		35					580	
		36					870	
	37E	30					290	

Total Acres 3420

Recommended Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total Acres _____

Document how the POU was verified:

RE-INDICATED

Transfers Changing POU _____

Reviewer: _____

Date: _____



IDAHO DEPARTMENT OF WATER RESOURCES

SNAKE RIVER BASIN ADJUDICATION - BASIN 29



RIGHT ID
POD ID
Quad
Claim Type
Easting
Northing
GPSID

Diversion Description

HEADGATE TO DITCH TO PLACES OF USE FOR IRRIGATION. Dam is silted in; no indication of headgate or temporary diversion structure. There is a small 3" pipe that no longer appears to be used diverting water directly from the canyon. There is also a large ditch and stream carrying water from a diversion on an upstream ditch (broad crested wier 4' wide x 1" deep) high water mark @ 8" deep) at 646571 E 148150 N across the canyon. Could not contact claimant. If diversion is small pipe, diversion no longer functions. Small concrete headgate with flow. High water mark

Assumptions

3" pipe is diversion. Assume pipe is placed so that it will hold water with 2.5 feet of head at intake.

Invoice #

Phase-0 (No Attention)
Phase-I (Ready to Go to Field)
Phase-II (Site Visit - Data Missin
Phase-III (Complete w/issues)
Phase-IV (Total Complete)

Linked
Photos

EPE (ft)

Date (M/D/Y)

Time

Flow Rate (CFS)

Open Channel Flow

☒ Complete one box from both Area and Calculation sections

Cross Sectional Area

☒ Circular Channel

- ☐ Less than half full
☐ Half full
☐ More than half full
☒ Full

Diameter

Depth

☐ Rectangular Channel

Width

Depth

Flow Calculation

☐ Continuity

Velocity

☒ Orifice

(Use only for head over a pipe flowing full with free discharge)

Depth of Water above orifice centerline

☐ Weir

(Use only for water flowing freely over weir)

Height of water above nappe

Width of weir

☐ Manning (If used, include photo of representative channel section)

Channel Slope

Channel Description	
Concrete lined	.016
Smooth earth	.025
Earth	.033
Rough bed, weeds on sides	.04
Smooth natural stream	.033
Rough natural stream	.1

Pumped System

HP

Pressure Head (psi)

Elevation Head (ft)

Motor Mfg

Motor Serial #

Pump Type

Pump Mfg

Pump Serial#

New Contact Information

New Contact Comments

$0.36 / 102 = 18ac$

42-202 IC
42-220

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Period of Use and Quantity Data Entry Form

Claim Number: _____

☐ Use Claimed Period of Use and Quantity as Recommended Period of Use and Quantity

Water Right Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Overall Diversion Rate _____

Overall Diversion Volume _____

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
<i>Permit</i>	<i>01/01</i>	<i>12/31</i>	<i>6.87</i>	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Overall Diversion Rate _____

Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
<i>Permit</i>	<i>4/1</i>	<i>10/31</i>	_____	_____
_____	<i>D&PT</i>	<i>STD.</i>	_____	_____
_____	_____	_____	_____	_____

Overall Diversion Rate _____

Overall Diversion Volume _____

Document how the Period of Use and/or Diversion Rate were verified:

Reviewer: _____

Date: _____

Ruberry, Allen

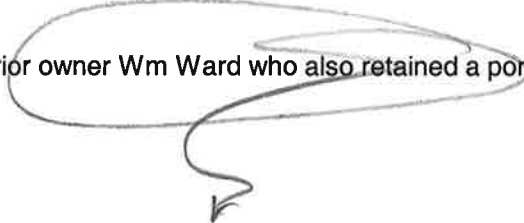
To: McHugh, Candice
Cc: Music, Vicky
Subject: AG Letter

Please send one of your letters to;
Phillip Adams
1705 N HWY 38
Brigham City UT 84302

This will be for claims 29-11700(BU), 11699(DEC), 11698(DEC), 11697(DEC).

We sent a letter October 4, 02, requesting a change of ownership. Evidence of Priority letter sent to previous owner, Wm Ward, June 28, 02.

To date no response from anyone... nor can I seem to find prior owner Wm Ward who also retained a portion of the ground under these claims.



Apparently not per Tolson
1/10/03 w/ Mr. Ward (from
his resid. in Arizona). He
Dn get Notice But kept
no water... OK!



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

October 4, 2002

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

PHILLIP ADAMS
1705 N HWY 38
BRIGHAM CITY UT 84302

RE: CHANGE IN OWNERSHIP FOR 29-11697, 29-11698, 29-11699, 29-11700

Dear Mr. Adams:

It has come to our attention that you may have recently purchased a tract of land in Bannock County. The property to which I am referring was most recently owned by William and Dixie Ward.

This property was filed on in the Snake River Basin Adjudication (SRBA), and we recommend that if, in fact, you now own the property in question, you file a "Change in Ownership" with this department in order that we may send all further correspondence to the appropriate owner(s).

Enclosed is a Change in Ownership form. Please fill out the form completely, sign and date it and return it to my attention along with a "copy" of your Warranty Deed and legal description of the property you have purchased.

If you questions regarding this matter, please call 525-7161.

Respectfully submitted,

Jennifer Crabtree
Technical Records Specialist

Enclosure(s)

June 28, 2002

WILLIAM WARD
23010 S MARSH CREEK RD
DOWNEY ID 83234

RE: EVIDENCE OF PRIORITY FOR 29-11700

Dear Claimant (s):

The Idaho Department of Water Resources is nearing the end of water rights review in Basin 29. The Notice(s) of Claim identified with the number shown above has been filed in the Snake River Basin Adjudication (SRBA). The Notice of Claim indicates water usage is based on "Beneficial Use". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed, at or on the place of use identified on the Claim. The date the water was first put to beneficial use, known as the priority date, has not been confirmed by License, Decree, or Permit. For this reason, proof must be provided supporting the priority date. **As the claimant, you are responsible for submitting the necessary proof to support the priority date.**

The above referenced Beneficial Use claim shows a Priority Date of 6/9/190, from an unnamed stream. This claim is apparently different than the other claims filed for decreed rights from named streams, ie; Station Creek, Birch Creek, and Maple Creek. Please provide supporting documentation supporting the 1904 Priority Date claimed.

It is important that each element of the Notice of Claim be verified. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

For your reference, I have provided a printout of your Notice of Claim and the pamphlet entitled "**Evidence of Priority**". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. While I encourage you to read the entire pamphlet, I direct your attention to the two sections entitled "**What Kind**

of Evidence is Required” and “Some Examples of Documents Which May Be Evidence of the Priority Date”.

It is our goal to recommend historical water rights within the Snake River Basin as accurately as possible. Field exams to verify other elements of the Notice of Claim have been or soon will be conducted by Department personnel.

.....
The Department will not recommend the Notice of Claim be decreed by the court if evidence of a priority date is not submitted. The Notice of Claim will be disallowed.
.....

Please submit the documentation supporting the priority date within 30 days of the date of this letter, referencing all documents with the corresponding Claim number. If you have any questions not covered by this letter or the enclosed pamphlet, please feel free to contact this office.

Respectfully submitted,

Allen B. Ruberry
Sr. Water Resource Agent
Adjudication Bureau

cc: File

Enclosure: Brochure on “Evidence of Priority”
Notice of Claim 29-11700 (copy)

SCANNED

MAY 31 2001

Log for claim A29-11700

Spatial Dynamics TWB

6/5/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
11s36e	25	NESW	32	28	
11s36e	25	SWSW	21	22	
11s36e	25	NESE	39	40	
11s36e	25	NWSE	39	40	
11s36e	25	SWSE	8	9.3	
11s36e	25	SESE	27	29	
11s36e	26	SESE	5	4.4	
11s36e	35	NENE	15	16	
11s36e	35	NWNE	7	4.9	
11s36e	35	SWNE	18	19	
11s36e	35	SENE	15	15	
11s36e	36	NENE	19	20	
11s36e	36	NWNE	3	2.7	
11s36e	36	SWNE	18	19	
11s36e	36	NENW	18	19	
11s36e	36	NWNW	24	23	
11s36e	36	SENW	5	4.2	
11s37e	30	NWSW	29	27	
Totals:			342	342.5	

AJ5809NP
No. A29-11700

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 04/24/00
PAGE: 188

Point(s) of Diversion: T11S R36E S36 NWNW

BANNOCK County

Place of use Legal Description for: IRRIGATION

			NE				NW				SW				SE														
T	R	S	NENE		NWNE		SWNE		SENE		NENW		NWNW		SWNW		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	Lt	Ac	Lt	Ac			
11S	36E	25															32				21				39	39	08	27	166.0
11S	36E	26																									05	5.0	
11S	36E	35			15		07		18		15																	55.0	
11S	36E	36			19		03		18				18		24													87.0	
11S	37E	30															29											29.0	
																									TOTAL ACRES	342.0			

POU County: BANNOCK

Non-Irrigation Uses: N/A

Other Rights: A29-11697,11698,11699,11700

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
29-04166 A29-00322 A29-04166 A29-10463 A29-11650 A29-11697 A29-11698 A29-11699

Other Water Rights Listing Overlapping Place(s) of Use:
A29-00317 A29-00317A A29-00318 A29-00320 A29-00321 A29-00322 A29-00330C A29-00331 A29-04206 A29-10407
A29-10461 A29-10462 A29-10465 A29-11650 A29-11697 A29-11698 A29-11699

Remarks: GEN THIS NOTICE OF CLAIM IS BASED ON BENEFICIAL USE FOR IRRIGATION
FROM AN UNNAMED CREEK TRIBUTARY TO BIRCH CREEK.

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

Misc: Water District Number: Field Inspection Flag:
Presumption Flag: C

Audit: 04/24/90 MEYER 09/09/94 JTHOMPSO 03/29/95 POST-STD

AJ5809NP
No. A29-11700

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 04/24/00
PAGE: 186

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	WILLIAM D WARD	06/09/1904	IRRIGATION	01-01 12-31	6.840 CFS	
C	DIXIE J WARD					
	23010 S MARSH CREEK RD					
	DOWNEY ID 83234					
	(208) 897-5140					
				TOTAL DIVERSION:	6.840 CFS	
				CONSUMPTIVE USE:		855.00 AFA
	Water Source: UNNAMED CREEK		Tributary to: BIRCH CREEK		Stage: BENEFICIAL USE	

AJ5809NP
No. A29-11700

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 04/24/00
PAGE: 187

Point(s) of Diversion:

T11S R36E S35

NWSE

BANNOCK County

MAY 31 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: A29-11700

Date Received: 4/24/1990

Receipt No: SP13622

Received By: DPV

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: WILLIAM D. WARD
Address: 23010 S. MARSH CREEK RD.
DOWNEY, ID 83234

~~208-897-5140~~

AND/OR

Name: DIXIE J. WARD
Address: 23010 S. MARSH CREEK RD.
DOWNEY, ID 83234

~~208-897-5140~~

2. Date of Priority: JUN 09, 1904

3. Source: UNNAMED CREEK

Trib. to: BIRCH CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
11S	36E	35	NW	SE			BANNOCK
		36					BANNOCK
			NW	NW			BANNOCK

5. Description of diverting works:

HEADGATE TO DITCH TO PLACES OF USE FOR IRRIGATION.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S. (or)	A.F.A.
IRRIGATION	01/01	12/31	<u>6.840</u>	

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

A.F.A.

8. Total consumptive use is 855.0 Acre Feet Per Annum.

9. Non-irrigation uses:
N/A

A29-11700

Page 1

Date: 04/24/90

MICROFILMED

NOV 16 1992

A2911700



10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
11S	36E	25	NE		SW		IRR	32.0
			SW		SW		IRR	21.0
			NE		SE		IRR	39.0
			NW		SE		IRR	39.0
			SW		SE		IRR	8.0
			SE		SE		IRR	27.0
Section Acres								166.0
		26	SE		SE		IRR	5.0
Section Acres								5.0
		35	NE		NE		IRR	15.0
			NW		NE		IRR	7.0
			SW		NE		IRR	18.0
			SE		NE		IRR	15.0
Section Acres								55.0
		36	NE		NE		IRR	19.0
			NW		NE		IRR	3.0
			SW		NE		IRR	18.0
			NE		NW		IRR	18.0
			NW		NW		IRR	24.0
			SE		NW		IRR	5.0
Section Acres								87.0
37E		30	NW		SW		IRR	29.0
Section Acres								29.0
Total Acres								342.0

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:
A29-11697,11698,11699,11700

14. Remarks:
THIS NOTICE OF CLAIM IS BASED ON BENEFICIAL USE FOR IRRIGATION
FROM AN UNNAMED CREEK TRIBUTARY TO BIRCH CREEK.

15. Basis of Claim: BENEFICIAL USE

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): *William P. Ford* Date: 4-24-90
Clifford J. Ford Date: 4-24-90

State of Idaho)
County of BONNEVILLE) SS.

Subscribed and sworn (or affirmed) before me this 24 day
of April 19 90

[Signature]
Notary Public

Seal

Residing at IDAHO FALLS

My Commission Expires 9-12-94

MICROFILMED
NOV 18 1992

