

03/17/2003

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

RIGHT NUMBER: 29-13503

NAME AND ADDRESS: REX L BAKER
11716 S DEMPSEY CREEK RD
LAVA HOT SPRINGS ID 83246

PEGGY ANN BAKER
11716 S DEMPSEY CREEK RD
LAVA HOT SPRINGS ID 83246

SOURCE: DEMPSEY CREEK

TRIBUTARY: PORTNEUF RIVER

QUANTITY: 0.260 CFS

PRIORITY DATE: 07/01/1881

POINT OF DIVERSION:

T10S R38E S4 NESWSW Within BANNOCK County Source: DEMPSEY CREEK

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 09/15	0.260 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 NESE 15.0

15 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.



State of Idaho

Department of Water Resources

Eastern Region



Water Right(s):
29-13503

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

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



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 8000 8500 Feet

GIS Place of Use Illustration
1967/1988 NAPP Photography
Prepared by: A. Ruberry
Date: March 2003

03/06/2003

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

RIGHT NUMBER: 29-165

NAME AND ADDRESS: PEGGY ANN BAKER
11716 S DEMPSEY CREEK RD
LAVA HOT SPRINGS ID 83246

REX L BAKER
11716 S DEMPSEY CREEK RD
LAVA HOT SPRINGS ID 83246

SOURCE: DEMPSEY CREEK

TRIBUTARY: PORTNEUF RIVER

QUANTITY: 0.290 CFS

PRIORITY DATE: 07/01/1881

POINT OF DIVERSION:

T10S R38E S4 NWSESW Within BANNOCK County Source: DEMPSEY CREEK

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 09/15

0.290 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.

-0.03 - McCracken
0.26 - Bahr

PLACE OF USE:

IRRIGATION Within BANNOCK County

T09S R38E S32

NESE 16.5

- 1.5 - McCracken

15.0 - Bahr

16.5 ACRES TOTAL

CC 13503 MAILLO
3/17/03

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 SYSTEM.

Split of Right by Sale:

Rex Bahr sold 1 1/2 ac w/ 0.03 cfs

SEE CHAIN OF TITLE

0.290 original - 29-165

-0.030 - McCracken - 29-13502

0.260 - Bahr - 29-13503

Water Right 29-165

1

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided, if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
	29-165	(100% split)			

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) are for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former

Baker to Kinghorn
Kinghorn to Richards
Richards to McCracken

Rex L. Baker
11716 S. Dempsey Cr. Rd
Laurel Hot Springs 'Id 83246
 Name Connector (Check one): ☒ and, ☐ or, ☐ and/or
JOHN McCracken
1534 Beach Rd. #E-10
POCATELLO, ID 83201
(208) 238-5863

29-00165

DOCRUD

I. APPEARS CLAIMED AS DOCRUD EXCEPT:

A. POD - Chains: SEC. 4 SWSW

DOCRUD AS: SEC. 4 SWSW / NO SUCH CP3
SEC. 5 NENE

1.) WITH A DOCRUD SOURCE OF DEMPSEY CR THERE IS NO STREAM CHANNEL W/ SEC. 5 NENE TIOS, 12385. DEMPSEY CR MAIN STEM DOES FLOW THROUGH NE SWSW SEC. 4 HOWEVER.

Q: ⇒

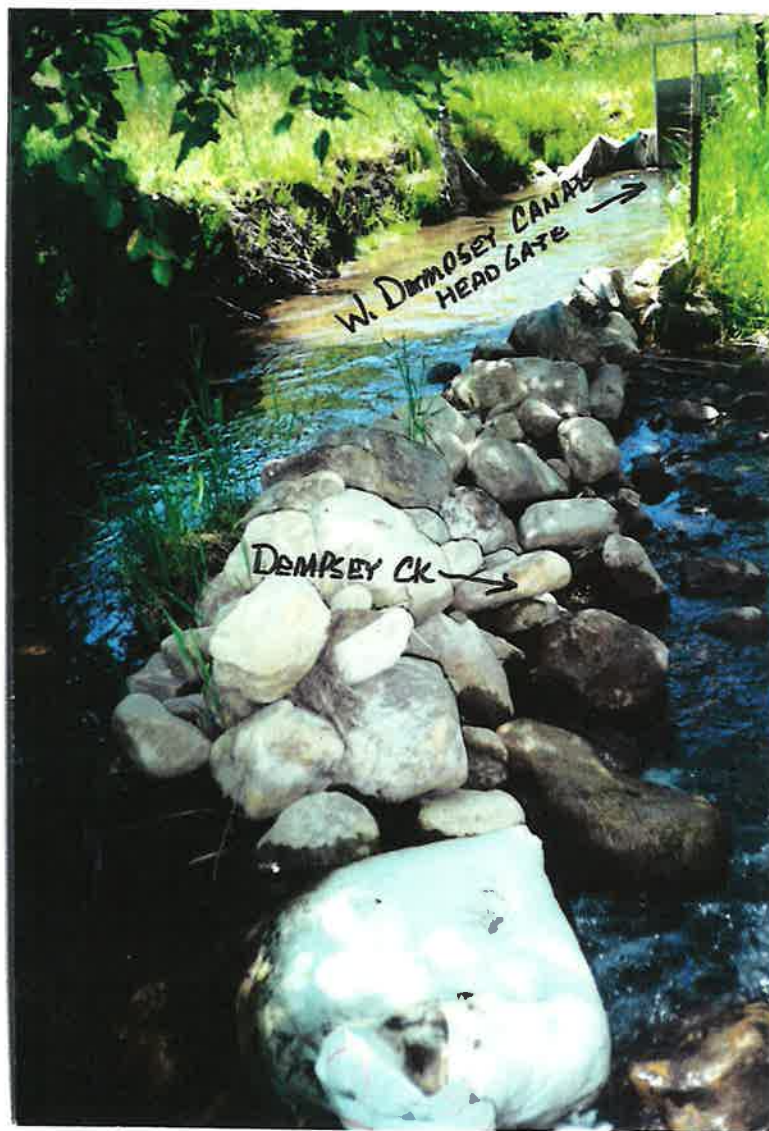
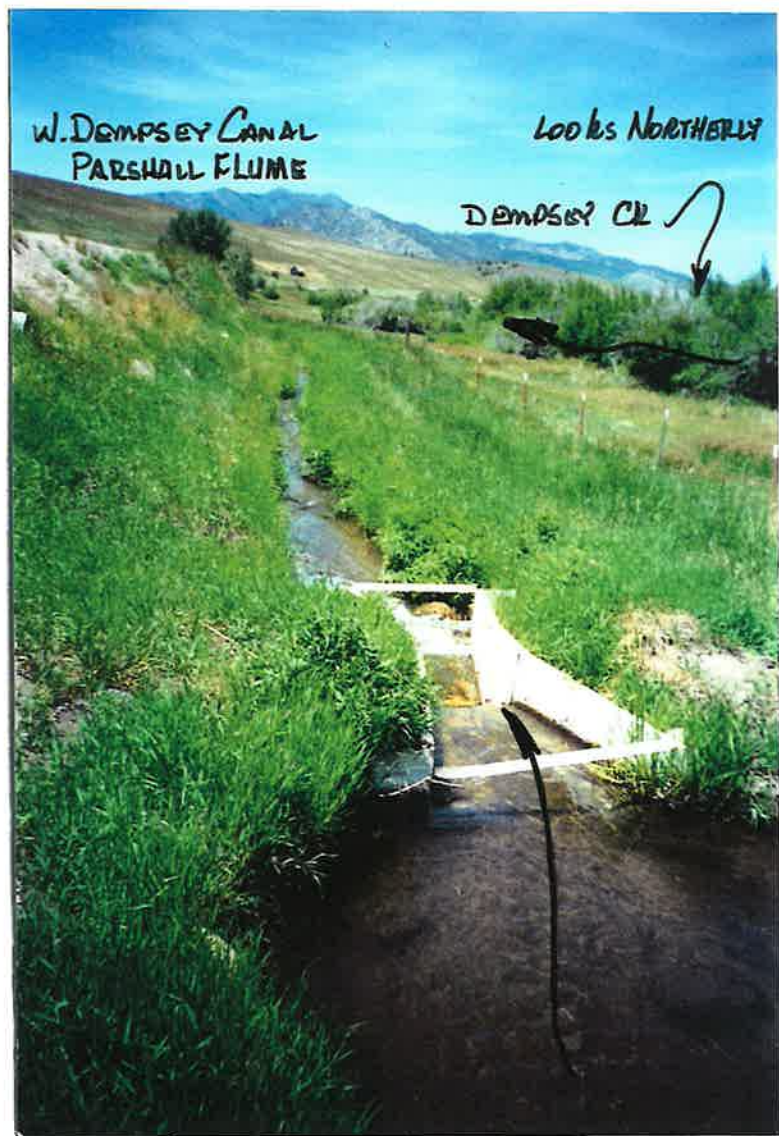
a. IS THERE A CHANGE TO POD IN SEC 4 AS CLAIMED? WHEN? DATA ENTRY CP3

B. BEST CASE ACROS IS $(100 \times 40ac) 40ac$. HOWEVER, SINCE IT WAS DOCRUD AS $0.25 cfs @ 0.02 cfs/ac = 18ac$. BUT, GPS MAPPING SHOWS $16^{62} ac$

Q: ⇒

Q: ⇒

C. DELIVERY THROUGH W. DEMPSEY CANAL? YES



R. Baker
29-00165

T9S R38E

T10S R38E

32 33

5 4

Dempsey Creek

Creek

East

5 4
8 9

4 3
9 10

Creek

Water Right Number - 29-00165

Prefix Translation: WATER RIGHT

Old (D) Number -

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

*** C - CURRENT OWNER ***
AVERY

CLARENCE

1 -
2 -
3 -
City-
Phone -

State- Zip-

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - - +
07/01/1881 *au* 15 EASTERN D - DECREED

+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
DEMPSEY CREEK *au* 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 *⇒ Claims SE SW*
5 NE NE (5) BANNOCK *UNCLAIMED*

cp 3

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

01 - IRRIGATION *au* 04/15 *au* 09/15 0.290 *au*

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
0.290 0.0

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

09S 38E 32 NE SE *CLAMS 18e* 01 IRRIGATION (5) BANNOCK

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

@ 0.02 cfs/ac ⇒ 14.5 ac
18 ac / 0.29 = 0.0161 cfs/ac *OK*

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

GEN P/U INCOMPLETE. *⇒ GPS shows 16⁶² AC.*

+ - - - - 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

ship 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.
9-0164 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 line between Townships 9 and 10 South Range 38 E.B.M. (Byington-Merrick Ditch), for the irrigation of the Southeast quarter of the Southeast quarter of Section 32, and the Southwest quarter of the Southwest quarter of Section 33, Township 9 South, Range 38 E.B.M. except the tract of land hereinbefore described belonging to M. Lucinda Byington.

125. AVERY, CLARENCE
1-0165 1881 July 1 .29 c.f.s.

Said water to be diverted 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 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 the irrigation of the Northeast quarter of the Southeast quarter of Section 32, Township 9 South, Range 38 E.B.M.

126. AVERY, J. A.
7-0166 1881 May 1 1 miner's inch
7-0167 1881 July 1 26 miner's inches
7-0168 1883 May 1 27 miner's inches

Said water to be diverted through a ditch having intake in the East half of the Northwest quarter, Section 9, Township 10 South, Range 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) North 25 degrees, West 700 feet from Southeast corner of the Southwest quarter, Section 4, Township 10 South, Range 38 E.B.M., for the irrigation 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.

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 29-13503
Date Received: 3/17/2003
Receipt No:
Received By: *EO/3438*

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

REX L BAKER Phone: (208)776-5684
11716 S DEMPSEY CREEK RD
LAVA HOT SPRINGS ID USA 83246

PEGGY ANN BAKER Phone: (208)776-5684
11716 S DEMPSEY CREEK RD
LAVA HOT SPRINGS ID USA 83246

2. Date of Priority: 07/01/1881

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	Type
10S	38E	4	NW SE SW	BANNOCK	

5. Description of diverting works:

DIVERSION OFF DEMPSEY CREEK. DELIVERY THROUGH WEST DEMPSEY DITCH.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/15	09/15	0.26	

7. Total Quantity Appropriated is:
0.26 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
09S	38E	32	NE SE	IRRIGATION	16.5
Section Acres					16.5

Total Acres 16.5

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:

14. Remarks:

THIS RIGHT IS A SPLIT PORTION OF 29-165.

15. Basis of Claim:

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): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this
of _____ 20__

Notary Public

Residing at _____

My commission Expires _____