

03/29/2002

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

RIGHT NUMBER: 29-13331

NAME AND ADDRESS: BRUCE W ROWSELL
9755 E Merrick Rd
Lava Hot Springs ID 83246

SOURCE: DEMPSEY CREEK

TRIBUTARY: PORTNEUF RIVER

QUANTITY: 0.25 CFS

THE APPROPRIATOR IS ENTITLED TO THE QUANTITY OF WATER DESCRIBED
ABOVE AT THE POINT OF MEASUREMENT IN T10S, R38E, S04, NESWSW.

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	0.250 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	12.7	T09S R38E S32	SWNE	1.5
---------------	------	------	---------------	------	-----

14.17 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 CANAL.
THIS RIGHT IS A SPLIT FROM FORMER RIGHT 29-00185C.

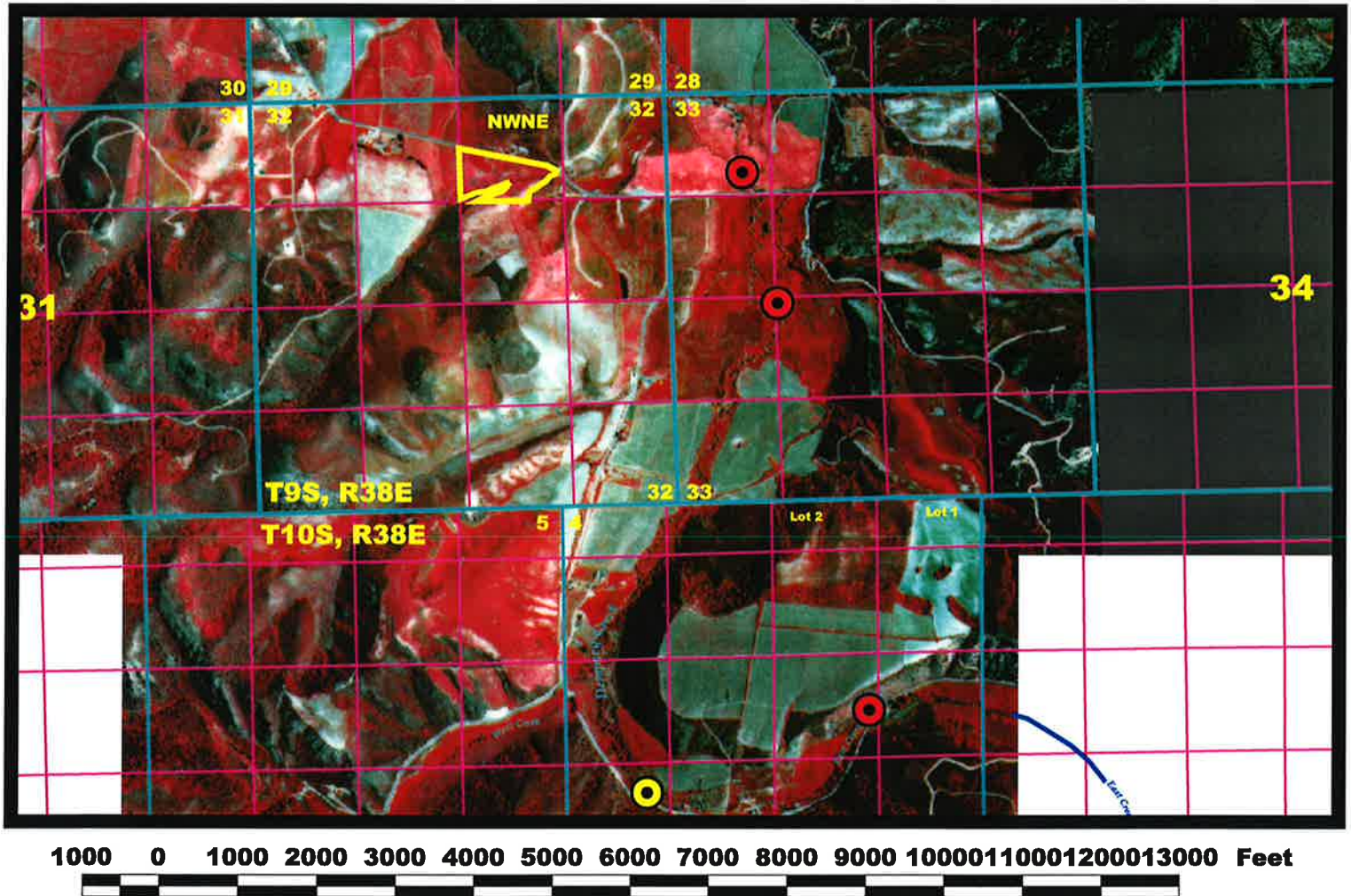


STATE OF IDAHO

Department of Water Resources
Eastern Region



WATER RIGHT(S): 29-13331



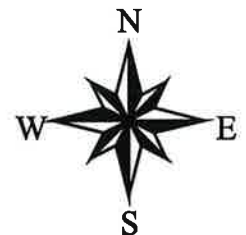
LEGEND

- 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 NENSW

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



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

29-00185C 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 DEMASCOY DITCH. THE ACTUAL POD IS AT T1D3 R3B8 SEC. 4 N3EWSW.

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.

FE REQ'D
ALL Pts →

CP5 ALL

SPLIT HISTORY - CLAIMS

29-00185

Pg 1 of 2

3/28/02 AAR

29-00185

0.80 cfs 3/01/1894

DEMPSEY CREEK

POD: SWSW SEC. 4 10/38

POU: NWNE SEC. 32 9/38

(BEST CASE 40 AC - 100 X 40 AC)

$0.80 \div 40 \text{ ac} = 0.02 \text{ cfs/ac}$

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:

$23^{\circ} \text{ AC @ } 0.02 \text{ cfs} = 0.474 \text{ cfs} \Rightarrow 0.47$

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:

$1^{\circ} 35' \text{ AC @ } 0.02 \text{ cfs} = 0.027 \text{ cfs} \Rightarrow 0.03 \text{ cfs}$

F. ROWSELL

A 29-00185C

%

BRUCE ROWSELL

0.138 cfs 3/01/1894

DEMPSEY CREEK

POD: SESW SEC 4 T10S R38E

POU: W²NE (PART) SEC. 32 T9S R38E

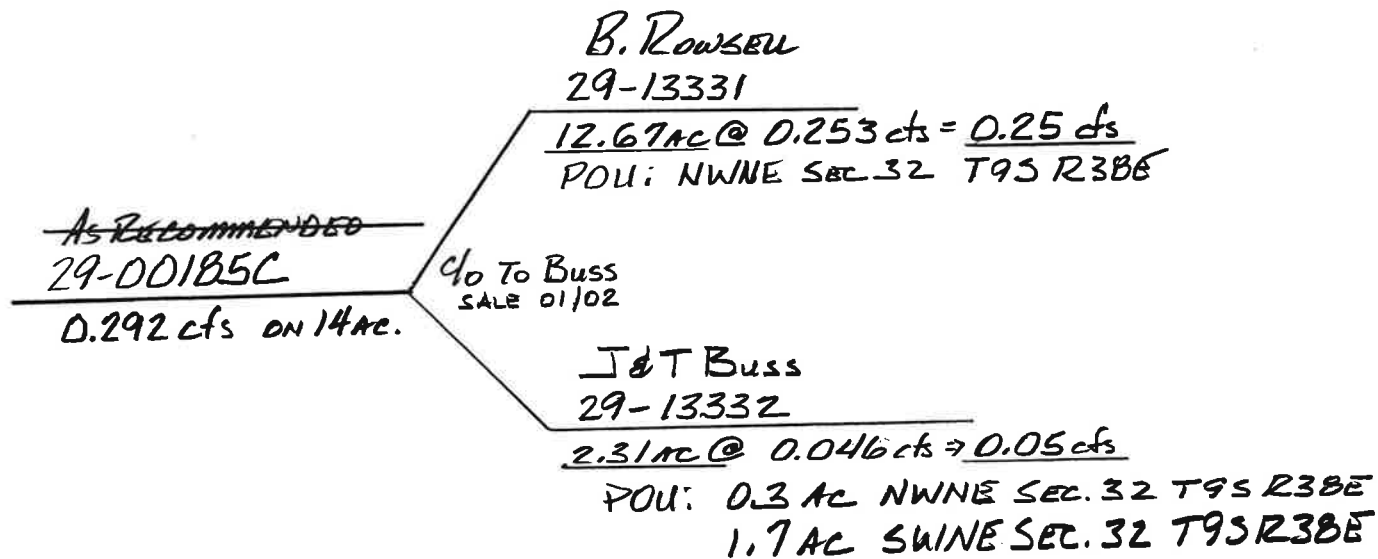
CLAIMS 21° AC.

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.



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 29-13331
Date Received: 3/28/2002
Receipt No:
Received By:

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

1. Name of Claimant(s)

BRUCE W ROWSELL Phone: (480) 671-4675

9755 E Merrick Rd
Lava Hot Springs ID USA 83246

2. Date of Priority: 03/01/1894

3. Source: DEMPSEY CREEK Trib. to: PORTNEUF RIVER

4. Point of Diversion:

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

5. Description of diverting works:

DIVERSION OFF CREEK TO 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	0.253	

7. Total Quantity Appropriated is:
0.253 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	NW NE	IRRIGATION	12.5
Section Acres					12.5

Total Acres 12.5

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:

PAID UNDER RECEIPT NO. E015342.

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 29-00185C.

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 _____