

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

RIGHT NUMBER: 23-38A

NAME AND ADDRESS: ANNA R GRIFFEL
PO BOX 27
SWAN VALLEY ID 83449

EVERETT GRIFFEL
PO BOX 27
SWAN VALLEY ID 83449

SOURCE: SOUTH FORK SNAKE RIVER
UNNAMED STREAM
RAINEY CREEK

TRIBUTARY: COLUMBIA RIVER
TRIBUTARY: RAINEY CREEK
TRIBUTARY: SOUTH FORK SNAKE RIVER

QUANTITY: 1.060 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 10.46 CFS. COMBINED RIGHT NOS.:
23-00023, 23-00037, 23-00038A, 23-00099.

PRIORITY DATE: 06/01/1890

POINT OF DIVERSION:

T01N R43E S1 SESWNE Within BONNEVILLE County
T01N R43E S12 NWSWNE Within BONNEVILLE County
T01N R44E S6 NWNESW Within BONNEVILLE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	1.060 CFS

PLACE OF USE: IRRIGATION Within BONNEVILLE County

T01N R43E S01 Lot 3 NENW	32.0	T01N R43E S01 Lot 4 NWNW	40.0
T01N R43E S01 SWNW	40.0	T01N R43E S01 SENW	35.0
T01N R43E S01 NESW	40.0	T01N R43E S01 NWSW	40.0
T01N R43E S01 SWSW	30.0	T01N R43E S01 SESW	30.0
T01N R43E S02 Lot 1 NENE	23.0	T01N R43E S02 SWNE	40.0
T01N R43E S02 SENE	40.0	T01N R43E S02 NESE	40.0
T01N R43E S02 NWSE	40.0	T02N R43E S35 SESE	0.6
T02N R43E S36 SWSW	23.0	T02N R43E S36 SESW	15.0

508.6 ACRES TOTAL

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 508.6 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 23-00023, 23-00037,
23-00038A, 23-00099.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 53.0 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.

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

EXPLANATORY MATERIAL: Decreed

THE SOUTH FORK SNAKE RIVER DIVERSION SHALL BE REGULATED AS A
RAINEY CREEK DIVERSION UNDER RIGHT NOS. 23-00023, 23-00037,
23-00038A, 23-00099, ACCORDING TO PRIORITY DATE.

RIGHT INCLUDES ACCOMPLISHED CHANGE IN SOURCE PURSUANT TO
SECTION 42-1425, IDAHO CODE. ADDS UNNAMED STREAM.

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
PURSUANT TO SECTION 42-1425, IDAHO CODE.

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINTS OF
DIVERSION DESCRIBED ABOVE: 23-00023, 23-00037, 23-00038A,
23-00099.

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

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UNNAMED STREAM
RAINEY CREEK

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TRIBUTARY: RAINEY CREEK
TRIBUTARY: SOUTH FORK SNAKE RIVER

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23-00023, 23-00037, 23-00038A, 23-00099.

PRIORITY DATE: 06/01/1890

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T01N R43E S1 SESWNE Within BONNEVILLE County
T01N R43E S12 NWSWNE Within BONNEVILLE County
T01N R44E S6 NWNESW Within BONNEVILLE County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/01 10/31	1.060 CFS

PLACE OF USE: IRRIGATION Within BONNEVILLE County

T01N R43E S01 Lot 3 NENW	32.0	T01N R43E S01 Lot 4 NWNW	40.0
T01N R43E S01 SWNW	40.0	T01N R43E S01 SENW	35.0
T01N R43E S01 NESW	40.0	T01N R43E S01 NWSW	40.0
T01N R43E S01 SWSW	30.0	T01N R43E S01 SESW	30.0
T01N R43E S02 Lot 1 NENE	23.0	T01N R43E S02 SWNE	40.0
T01N R43E S02 SENE	40.0	T01N R43E S02 NESE	40.0
T01N R43E S02 NWSE	40.0	T02N R43E S35 SESE	0.6
T02N R43E S36 SWSW	23.0	T02N R43E S36 SESW	15.0

508.6 ACRES TOTAL

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 508.6 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 23-00023, 23-00037,
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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.

01/06/2004

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THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINTS OF
DIVERSION DESCRIBED ABOVE: 23-00023, 23-00037, 23-00038A,
23-00099.

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: A23-00038A
Date Received: 6/26/1989
Receipt No: E009561
Received By: _____

RECEIVED
JUL 1 1989

Department of Water Resources
Eastern District Office

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: EVERETT GRIFFEL 208-483-3755
Address: P.O. BOX 27
SWAN VALLEY, ID 83449
OR
Name: ANNA GRIFFEL 208-483-3755
Address: P.O. BOX 27
SWAN VALLEY, ID 83449

2. Date of Priority: JUN 01, 1890

3. Source: RAINEY CREEK Trib. to: SNAKE RIVER, SOUTH
SNAKE RIVER, SOUTH FORK SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
01N	43E	1	SW		NE		BONNEVILLE
		12	SE		NW		BONNEVILLE
	44E	6	SE		NW		BONNEVILLE

5. Description of diverting works:
THREE DITCHES TO FLOOD IRRIG.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.060		

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

8. Total consumptive use is 1335.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A23-00038A

Page 1

Date: 06/26/89

MICROFILMED
NOV 07 1992



10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres		
01N	43E	1	NE		NW		IRR	30.0		
			NW		NW		IRR	37.0		
			SW		NW		IRR	38.0		
			SE		NW		IRR	38.0		
			NE		SW		IRR	39.0		
			NW		SW		IRR	38.0		
			SW		SW		IRR	25.0		
			SE		SW		IRR	25.0		
Section Acres								270.0		
		2	NE		NE		IRR	38.0		
			SW		NE		IRR	38.0		
			SE		NE		IRR	38.0		
			NE		SE		IRR	38.0		
			NW		SE		IRR	37.0		
			Section Acres							
02N	43E	35	SE		SE		IRR	37.0		
			Section Acres							
		36	SW		SW		IRR	38.0		
			Section Acres							
Total Acres								534.0		

11. Place of use in counties: BONNEVILLE

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
A23-00023 , A23-00037, A23-00099

14. Remarks:

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date:

<u>REXBURG IRRIGATION CO. ET AL</u>		<u>TETON IRR. CANAL CO. ET AL.</u>
Decree Plaintiff	vs	Decree Defendant

MICROFILMED
NOV 07 1992

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): *Ernest Huff* Date: 7/15/89
Anna R. Grippel Date: 7/18/89

State of Idaho)
County of Bonneville) SS.

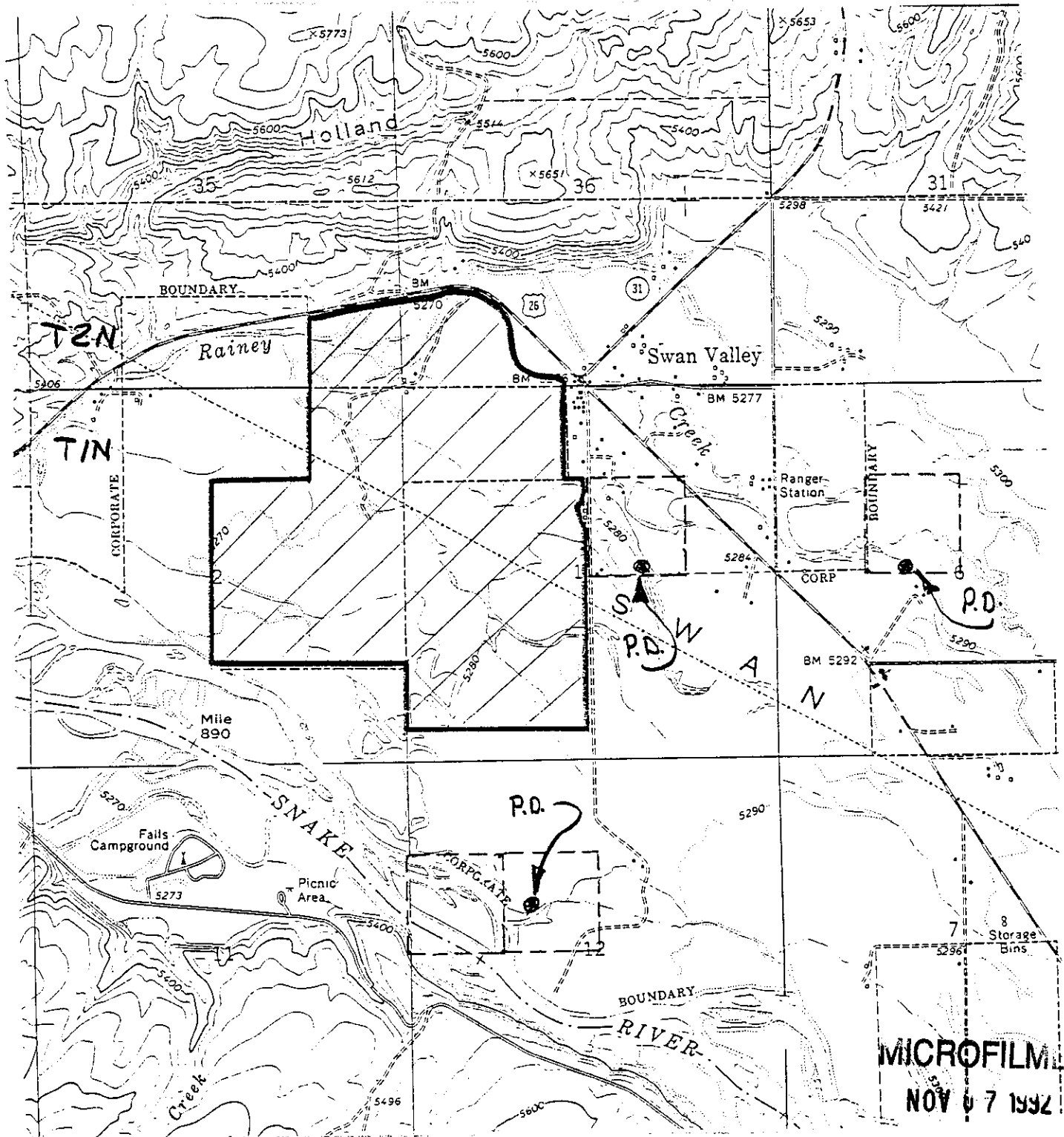
Subscribed and sworn (or affirmed) before me this 18th day
of July 19 89 *Patricia L. Weeks*
Notary Public

Seal

Residing at Idaho, I D.
My Commission Expires 10-8-94

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3**

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.**



SCALE: 2 inches equal 1 mile. Draw plan in ink.

01/06/2004

**NOTICE OF ERROR
REPLY**

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS:

Water right number: 23-38A

ANNA R GRIFFEL
PO BOX 27
SWAN VALLEY ID 83449
Telephone Number: (208)483-3755

EVERETT GRIFFEL
PO BOX 27
SWAN VALLEY ID 83449
Telephone Number: (208)483-3755

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

X I AGREE with this proposed recommendation: no changes need to be made.

DATE: 3-22-2004 SIGNATURE: Anna R. Griffel
Please print your name: ANNA R. GRIFFEL

IDWR Regional Office,

Contacts Data Entry Form

Water Right No. 23-38A

Owner Type	Full Name	Address	City	State	Zip	Phone
Current Owner	EVERETT GRIFFEL (DECEASED)					
Name connector: and _____, or _____, and/or _____						
Current Owner	_____					
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:

DECREED UNDER RULBURG PRIG VS TOTOH PRIG, 1910.
AS #85, TO CHAS. ENNIS, JUNE 1, 1890, RAINY CR @ 150"
23-38 IS SPLIT BY TRANSFER #489, APPROVED 1930.
TO PARTS A & B. ALSO SEE TX #3605 WHICH ALLOWS
3 POD'S AND ADDS SOURCE OF SNAKE RIVER.

* CLAIM SHOULD BE AMENDED TO ADD 14⁰ AC PER TX #3605.

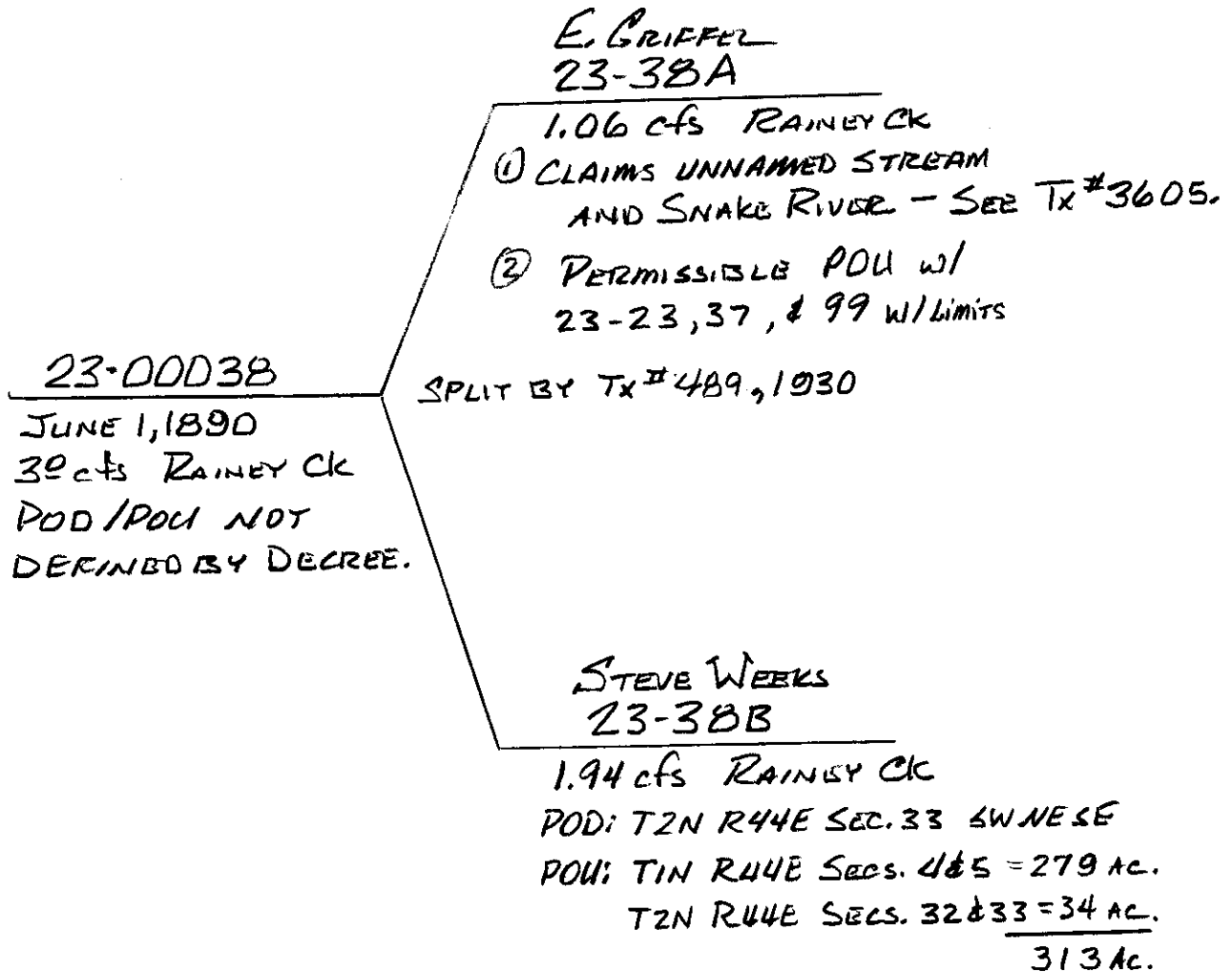
10/8/03 FB - SEE 23-00023 FOR NOTES. AMENDMENT TO ADD
14⁰ AC -

FB INDICATED: POD, POD, SOURCE(S), SYSTEM
OVERLAP RTS 23-23, 37, 38A, 99

Reviewer: _____

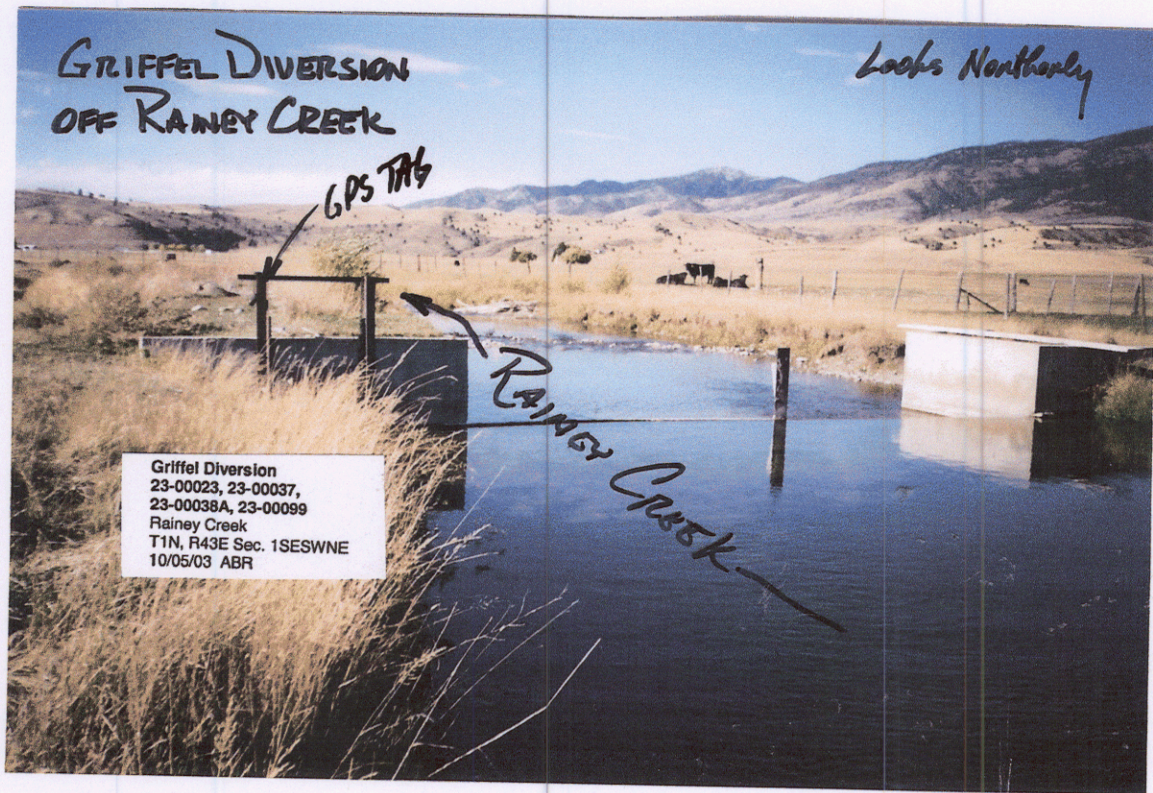
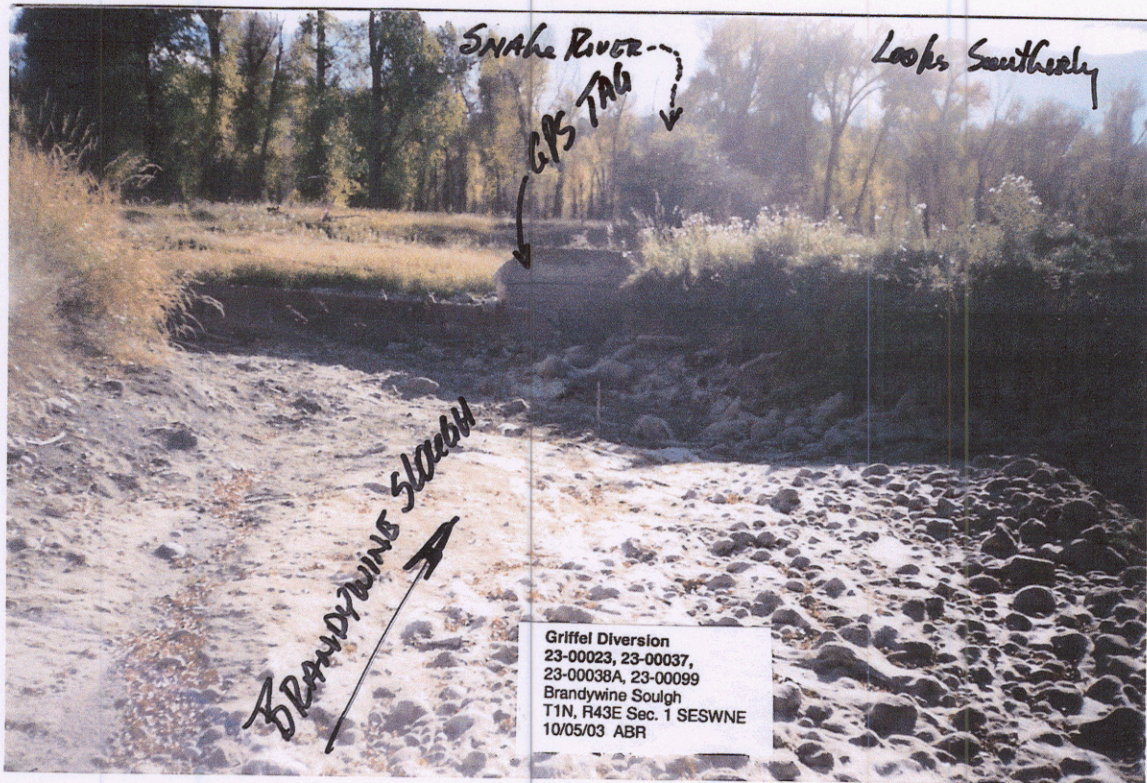
Date: _____

Water Right Split History Analysis



Reviewer: _____

Date: _____





Priority Date Data Entry Form

Claim Number: _____

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: JUNE 01, 1890 Claimed Basis: DECREE

Recommended Priority Date: 6/01/1890 Recommended Basis: DEC

☐ 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:

PRIORITY MATCHES DECREE

Reviewer: _____

Date: _____

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
1N	43	1		SWNE	BONN	UNNAMED STREAM

GPS Coordinates: _____

		12		SENW	"	SNAKE RIVER
--	--	----	--	------	---	-------------

GPS Coordinates: _____

	44E	6		SENW	"	RAINOVCK
--	-----	---	--	------	---	----------

GPS Coordinates: _____

GPS Coordinates: _____

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:

POD'S AND SOURCES ADDRESSED BY TX #3605.

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

Total Acres _____

Recommended Place of Use

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

Total Acres _____

Document how the POU was verified:

Amend
POU

TX #3605 FORMALLY ADDRESSES 534[±] AC AS POU W/ 23-00023.37,
38A, 99. HOWEVER, THERE IS AN ADDITION OF 14[±] AC IN S&SW
SEC. 36, T2N, R43E, INCREASING TOTAL AC TO 548[±]. THESE
CLAIMS: 23-23.37, 38A AND 99 SHOULD BE AMENDED TO ADD
THIS 14[±] AC.

Transfers Changing POU _____

Reviewer: _____

Date: _____

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
PRR16	4/1	11/1	1.06	

Overall Diversion Rate _____

Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
PRR16	4/1	11/1	1.06	

Overall Diversion Rate _____

Overall Diversion Volume _____

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

SQU ADDRESSED AS 4/1 TO 11/1 BY TX #3605.Q ADDRESSED BY TX #489, AS 1.06 cfs FOR PART A, 1.94 cfs FOR PART B.

Reviewer: _____

Date: _____

23-0038

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
CERTIFICATE OF WATER RIGHT
Transferred Right No. 489

THIS IS TO CERTIFY That Therese Gottsche, of Swan Valley, County of Bonnaville, State of Idaho, has a right to the use of the waters of Rainey Creek, for irrigation and domestic purposes, and that said right has been confirmed by decree of the District Court of the Sixth Judicial District of the State of Idaho, in and for the County of Fremont, in the case of Rexburg Irrigation Company, et al, plaintiffs, vs. Teton Irrigation Canal Company, et al, defendants, J. M. Stevens, District Judge, wherein 1.94 second feet of the waters of Rainey Creek, in Water District No. 36, were dedicated to the NW $\frac{1}{4}$ of Sec. 12, and south 20 acres of the SW $\frac{1}{4}$ of Sec. 1, Twp. 1 N., R. 43 E., B.M., said right bearing date of priority of June 1, 1890; and that said decree has been entered in the records of the Department of Reclamation of the State of Idaho, at Boise, in Book 3 of Decrees, at page 450:

THAT, upon the application of Therese Gottsche for a transfer of water right, made before the Commissioner of Reclamation of the State of Idaho, and the said application having been granted, the right to the use of 1.94 second feet of the waters of Rainey Creek upon the lands above described is hereby abandoned and a description of the lands to be irrigated under such right and to which the water right hereby confirmed shall by this certificate become appurtenant, for irrigation and domestic purposes, is given below, said water to be limited at any given time to an amount actually needed and beneficially used for such purposes and shall not exceed the following amount, to-wit:

1.94 sec. ft., dated June 1, 1890

S $\frac{1}{2}$ of N $\frac{1}{2}$ and N $\frac{1}{2}$ of SW $\frac{1}{4}$ of Sec. 8, Twp. 1 N., R. 44 E., B.M.

THAT the water to be transferred has heretofore been diverted at a point in the SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Sec. 8, Twp. 1 N., R. 44 E., B.M., but will hereafter, by virtue of this certificate, be diverted at a point in the SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Sec. 34, Twp. 2 N., R. 44 E., B.M.

THAT the right to the use of the water aforesaid, hereby confirmed, is restricted to the lands or place of use last above described, as provided by the laws of the State of Idaho.

WITNES, The seal and signature of the Commissioner of Reclamation of the State of Idaho, affixed at Boise, this 10th day of June, 1970.

Commissioner of Reclamation.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

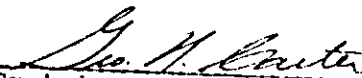
In the Matter of the Application
of Therese Gottsche for a Transfer } SS:
of Water Right: Water Dist. #36 }

WHEREAS, On the 5th day of June, 1930, at the Department of Reclamation of the State of Idaho, at Boise, the matter of the application of Therese Gottsche for a transfer of water right came regularly on for hearing, pursuant to the published notice; and,

WHILEAS, No one appeared at the hearing, either in person or by affidavit, to protest the said application, and the evidence filed with the said application shows that a greater duty of water would result by reason of the transfer and that no one would be injured thereby;

IT IS, THEREFORE, Hereby ordered that the said application for transfer be, and the same is, hereby granted and that the certificate of transfer be issued the applicant herein.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of my office, at Boise, this 20th day of June, 1930.


Commissioner of Reclamation.

TRANSFER NO.	NAME	AMOUNT C.F.S.	BALANCE C.F.S.	RIGHT NO.
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489

Englis, Charles T. Mr. 1.00

23-0038

Gottsche, Therese 1.94

23-0038B

Englis, Charles T. Mr. 1.06

23-0038A

TRANSFER

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 3605

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

APPROVED

Name of applicant Everett or Anna R. Griffel Phone (208) 483-3755
Post Office address P.O. Box 27 Swan Valley, ID 83449

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☒ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes To allow use of several points of diversion to better irrigate this large block of land.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
TR 438/23-0023	6-01-1897	3.20	Irrigation	4-1 to 11-1
TR 489 <u>[REDACTED]</u>	6-01-1890	1.06	Irrigation	4-1 to 11-1
<u>23-0099</u>	1-22-1916	3.20	Irrigation	4-1 to 11-1
<u>23-0037</u>	6-01-1889	3.00	Irrigation	4-1 to 11-1

2. Total amount of water being transferred 10.46 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Rainey Creek & Snake River, South Fork tributary to Snake River, South Fork & Snake River Fork
4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	NW	6	1N	44E	Bonneville	
		SE	NW	12	1N	43E		
		SW	NE	1	1N	43E		

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
1N	43E	1					LT 3 30	LT 4 37	38	38	30	38	25	25					270
		2	LT 1 38		38	38									38	37			189
2N	43E	35																37	37
		36										38	14						38-52

lot descriptions added 5-7-90 L.L.H.

Total acres 534.548

PART 1

6. General Information:

- a. Description of diversion system Ditches to flood irrigation
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? NA Yes _____ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.
- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
No affect. Thus water has been traditionally used on our ground.
- d. Remarks:
Rt. 23-0037 - applicants will get disclaimer from owners of N 1/2 NW 1/4 Sec. 12

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 23-0023/0037/0038/0099
And said application is hereby APPROVED, subject to the following limitations and conditions:
See attached sheet for conditions of approval.

MICROFILMED

SEP 04 1990

Witness my hand this 16th day of August, 19 90
J. Glen Saylor
Chief, Water Alloc. Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2
(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:
- a. Decree No. _____ Decreed to _____
in case of Rexburg Irrigation vs. Teton Irrigation Canal Co.
dated 12-16-1910 in District Court county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. 438/23-0023 which produced this right.
2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:
- ☒ Tax Notice ☐ Warranty Deed ☐ Other _____
3. Source of water Rainey Creek tributary to Snake River, South Fork
4. Date or priority 6-01-1897
5. Water is used for the following purpose:
- amount 3.20 cfs for Irrigation purposes from 4-1 to 11-1
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
6. Total amount of water under right 3.20 cubic feet per second and/or _____ acre-feet per annum.
7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	SW	6	1N	44E	Bonneville	

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
1N	43E	1						A											
		2	A																
2N	43E	35																A	
		36											A						

Total acres Not listed

9. Describe any other water rights used for the same purpose as described above _____
- _____

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
_____ If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED
(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of Rexburg Irrigation vs. Teton Irrigation Canal Co.
dated 12-16-1910 in District Court county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. 489/23-0038A which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☒ Tax Notice☐ Warranty Deed☐ Other _____

3. Source of water Rainey Creek tributary to Snake River, South Fork
4. Date or priority 6-01-1890

5. Water is used for the following purpose:

amount 1.06 cfs for Irrigation purposes from 4-1 to 11-1
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 1.06 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion: Not listed

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	*	SW	NW	8	1N	44E	Bonanza	

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
1N	43E	1							A	A	A	A	A	A					

Total acres Not listed9. Describe any other water rights used for the same purpose as described above 23-0037

Transfer 489 split 23-00038 into an A & B portions. The transfer pertains to the B portion of the right. * from the original place of use listed diversion listed in transfer 489. Dms

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
_____ If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED
(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2
(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:
- a. Decree No. 23-0037 Decreed to Charles Englis
in case of Rexburg Irrigation vs. Teton Irrigation Canal Co.
dated 12-16-1910 in District Court county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.
2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:
☒ Tax Notice ☐ Warranty Deed ☐ Other _____
3. Source of water Rainey Creek tributary to Snake River, South Fork
4. Date or priority 6-01-1889
5. Water is used for the following purpose:
amount 3.00 cfs for Irrigation purposes from 4-1 to 11-1
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
6. Total amount of water under right 3.00 cubic feet per second and/or _____ acre-feet per annum.
7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		SW	NW	8	1N	44E	Bonneville	

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
1N	43E	1							A	A	A	A	A	A					
		12					A	A											

- Total acres _____
9. Describe any other water rights used for the same purpose as described above 23-0038A

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
NO If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED
(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount 3.00 cfs for Irrigation purposes from 4-1 to 11-1
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		SW	NW	8	1N	44E	Bonneville	

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
1N	43E	1							38	38	39	38	25	25					203

Total acres 203

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount 0.00 cfs for Irrigation purposes from 4-1 to 11-1
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		SW	NW	8	1N	44E	Bonneville	RECEIVED SEP 04 1990

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
1N	43E	12					A	A											

Total acres _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2
(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 23-0099 Decreed to Luther Smith
in case of Palisade Irrigation Co. vs. Lynn Crandall
dated 1-16-1951 in District Court county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☒ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of water Rainey Creek tributary to Snake River, South Fork

4. Date or priority 1-22-1916

5. Water is used for the following purpose:

amount 3.20 cfs for Irrigation purposes from 4-1 to 12-31
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 3.20 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion: Not listed

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
1N	43E	1					A	A											
		2	A		A	A													
2N	43E	35																A	
		36											A	A					

Total acres NA

9. Describe any other water rights used for the same purpose as described above 23-0023

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
_____ If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED
(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

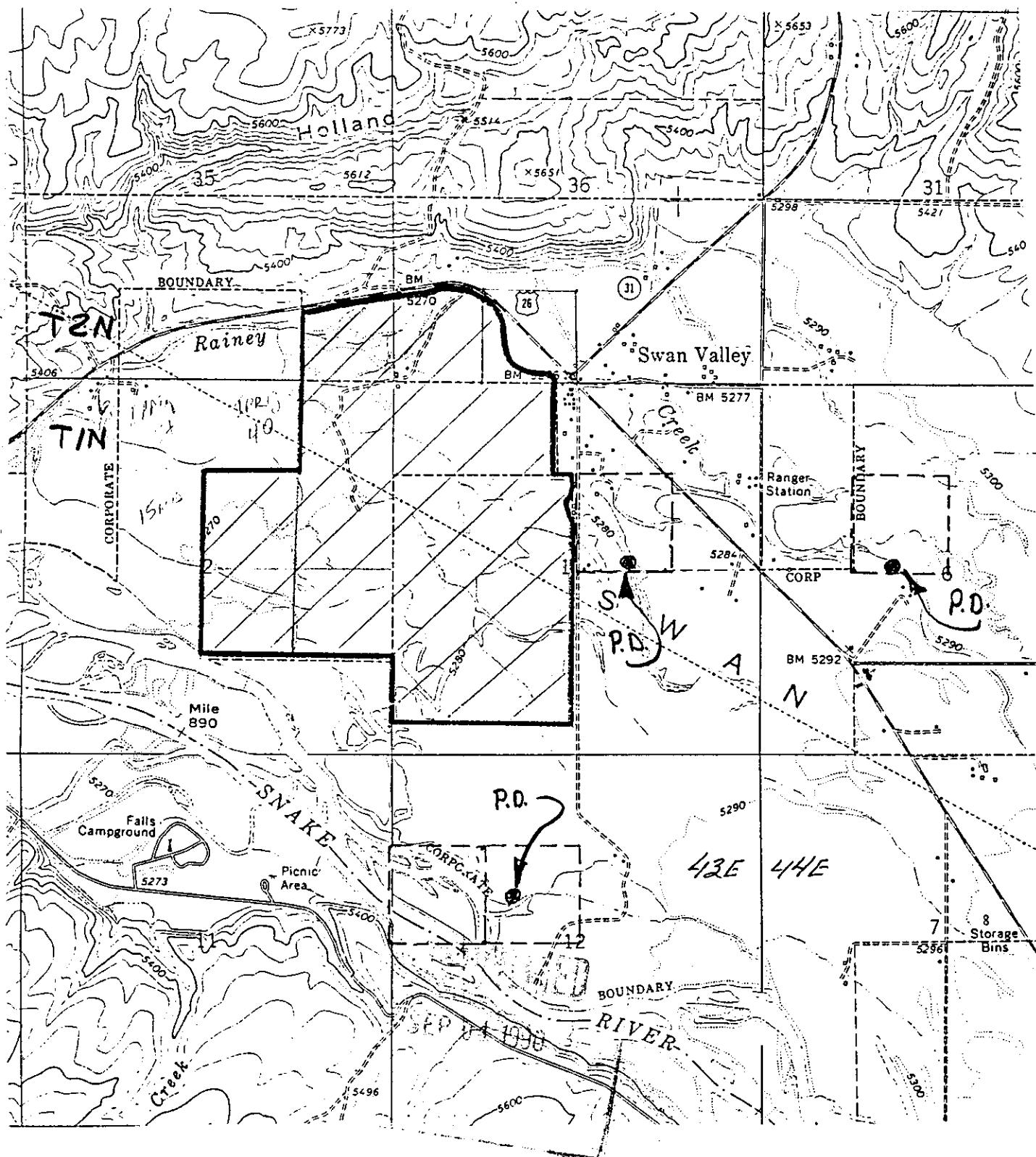
3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.**



SCALE: 2 inches equal 1 mile. Draw plan in ink.

PART 3

B. CHANGES IN NATURE OF USE

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
				to
				to

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

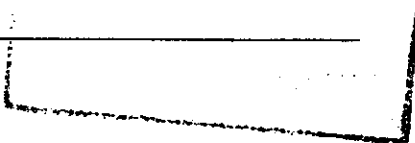
Ernest J. Gaffel Anna R. Bruffel
(Signature of Applicant)

Subscribed and sworn to before me this 18th day of July, 1989.

Patricia E. Weeks
(Notary Public)

My commission expires 10-8-94

Assisted by <u>HWT</u>		FOR DEPARTMENT USE ONLY	
Transfer contains _____ pages and _____ attachments			
Received by <u>HWT</u>	Date <u>7-21-89</u>	Protest filed by _____	
Prelim. check by <u>SMD</u>	Fee <u>\$50.00</u>	_____	
Receipted by <u>HWT</u>	Date <u>7-21-89</u>	<u>*E009556</u>	
Published in <u>State Wide</u>		Copies of protest forwarded by _____	
Pub. dates <u>9-21-88-89 NOC 11-18-89</u>		Hearing held by _____ Date _____	
Watermaster recommendation requested on _____		Recommended for ☒ approval ☐ denial	
_____ rec'd.		SEP 04 1990 by <u>ZDC</u>	
Copy of transfer sent to lien holder _____			



CONDITIONS OF APPROVAL
Transfer of Water Rights Nos. 23-0023/0037/0038/0099

1. Use of water under this license is subject to control by the watermaster of State Water District No. 01, Snake River.
2. Approval of this transfer authorizes a point of diversion from the South Fork Snake River, but the diversion shall be regulated as a Rainey Creek diversion under Right Nos. 23-0023, 23-0037, 23-0038A and 23-0099, according to priority.
3. Only one ditch may serve the place of use at any one time. Measurements and delivery of water to these rights will be made at either the SENW Section 12, T1N R43E (Brandywine ditch), or the Rainey ditch at the SENW Section 1, T1N R43E.
4. Approval of this transfer does not recognize that water diverted under right no. 23-0099 is diverted to lands other than that described as the place of use in the decree of Pallisade Irrigation Co. V. Lynn Crandall.
5. When combined, Right Nos. 23-0023, 23-0037, 23-0038A & 23-0099 shall provide no more than 0.02 cfs per acre nor more than 3.0 afa per acre for the land identified under item B.5.
6. Approval of this transfer in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
7. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
8. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.

RECORDED

SEP 04 1990

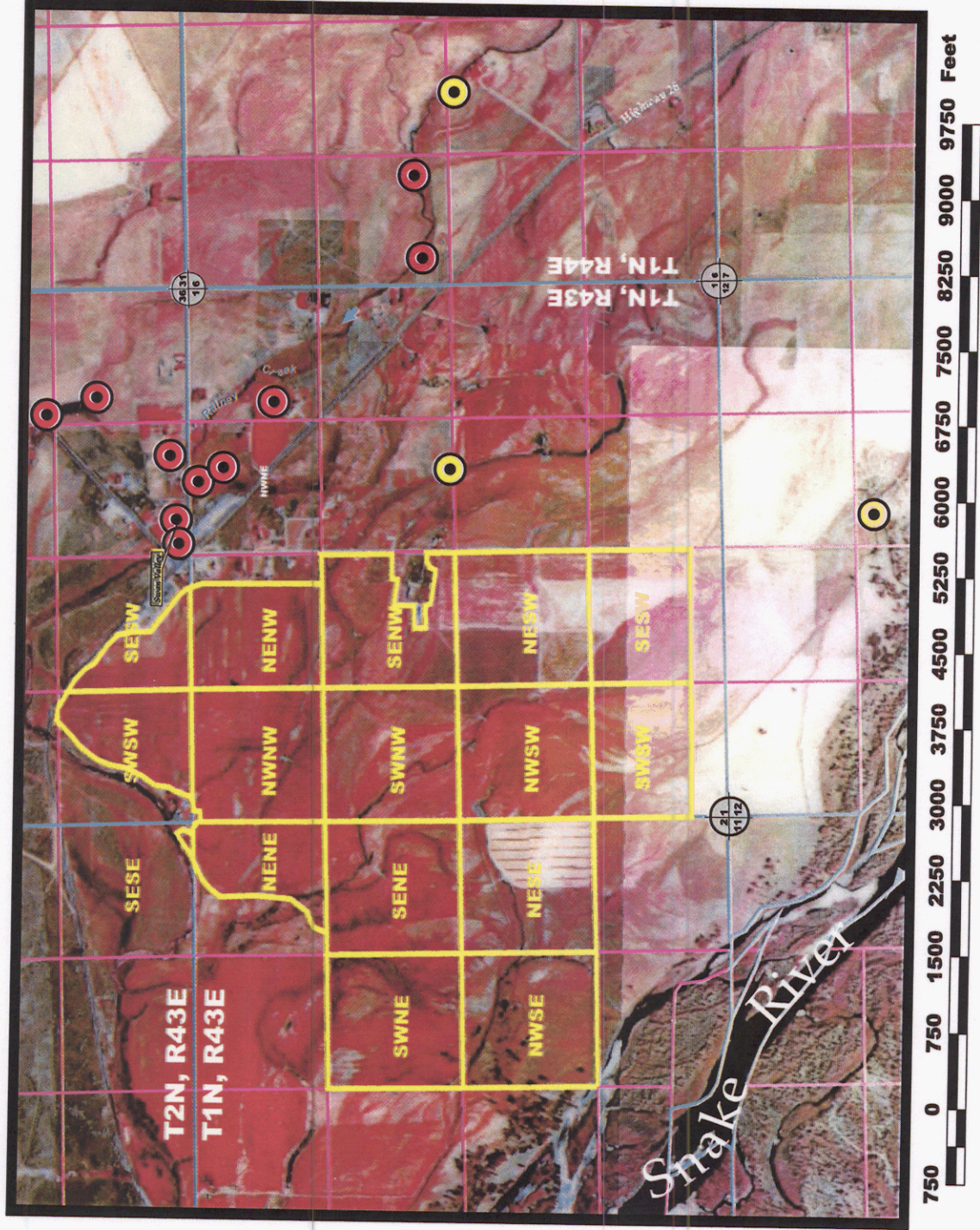
TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
02n43e	35	SESE	37	35	
02n43e	36	SWSW	38	36	
01n43e	1	NENW	30	31	
01n43e	1	NWNW	37	40	
01n43e	1	SWNW	38	41	
01n43e	1	SENW	38	36	
01n43e	1	NESW	39	39	
01n43e	1	NWSW	38	40	
01n43e	1	SWSW	25	31	
01n43e	1	SESW	25	30	
01n43e	2	NENE	38	40	
01n43e	2	SWNE	38	40	
01n43e	2	SENE	38	40	
01n43e	2	NESE	38	40	
01n43e	2	NWSE	37	40	
Totals:			534	559	



State of Idaho

Department of Water Resources

Eastern Region



Water Right(s):
23-00023, 23-00037,
23-00038A, 23-00099

Place of Use: (parts of)
T1N, R43E Sec. 1 W2,
Sec. 2 N2SE, S2NE, NENE
T2N, R43E Sec. 35 SESE,
Sec. 36 S2SW

Point(s) of Diversion:
T1N, R44E Sec. 6 NWNESW
T1N, R43E Sec. 1 SESWNE
Sec. 12 NWSWNE

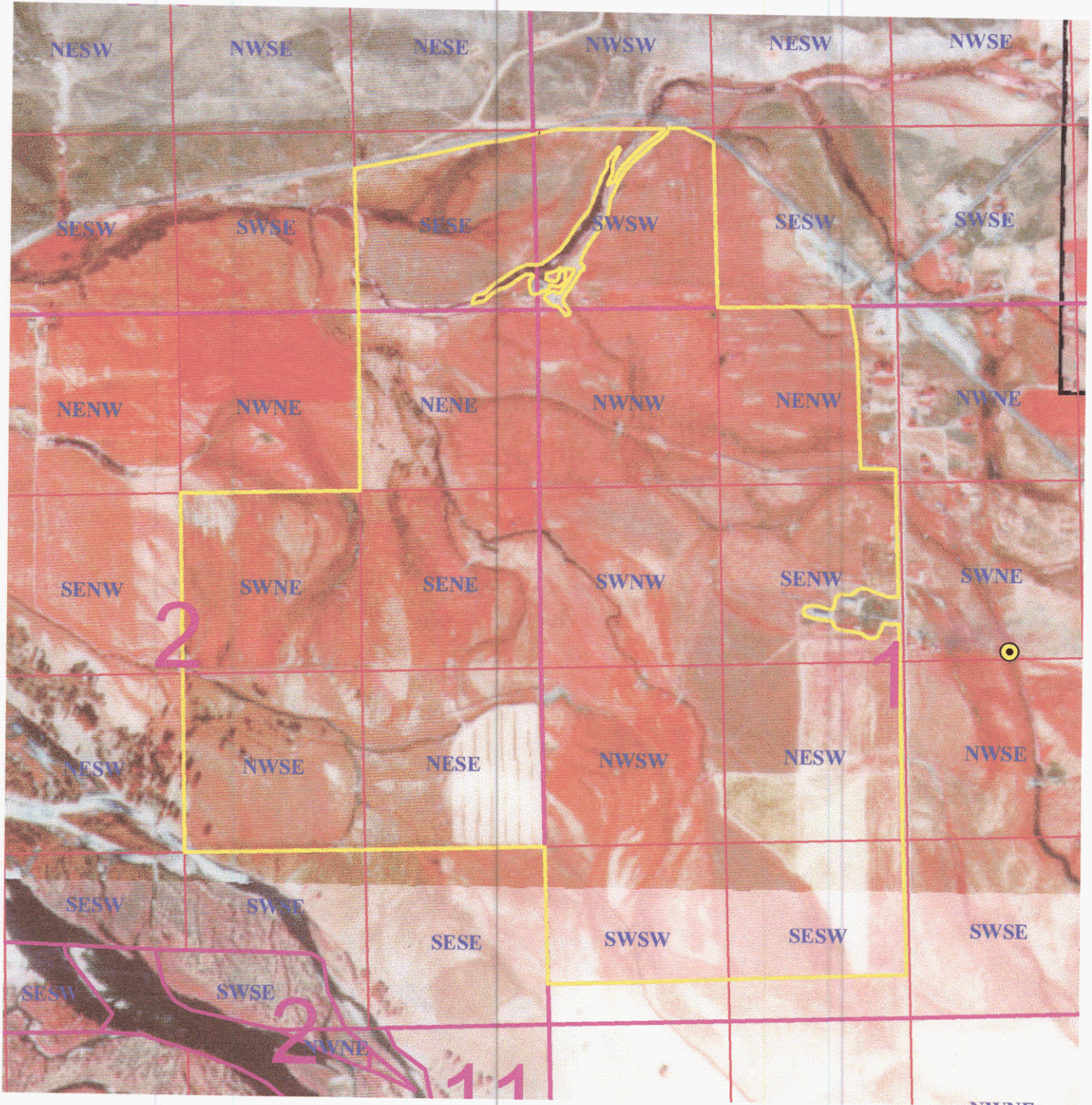


LEGEND

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

Water Right Claim Number 23-00038A
Townships , 2N43E, 1N43E

06/01/2001
See 23-00023



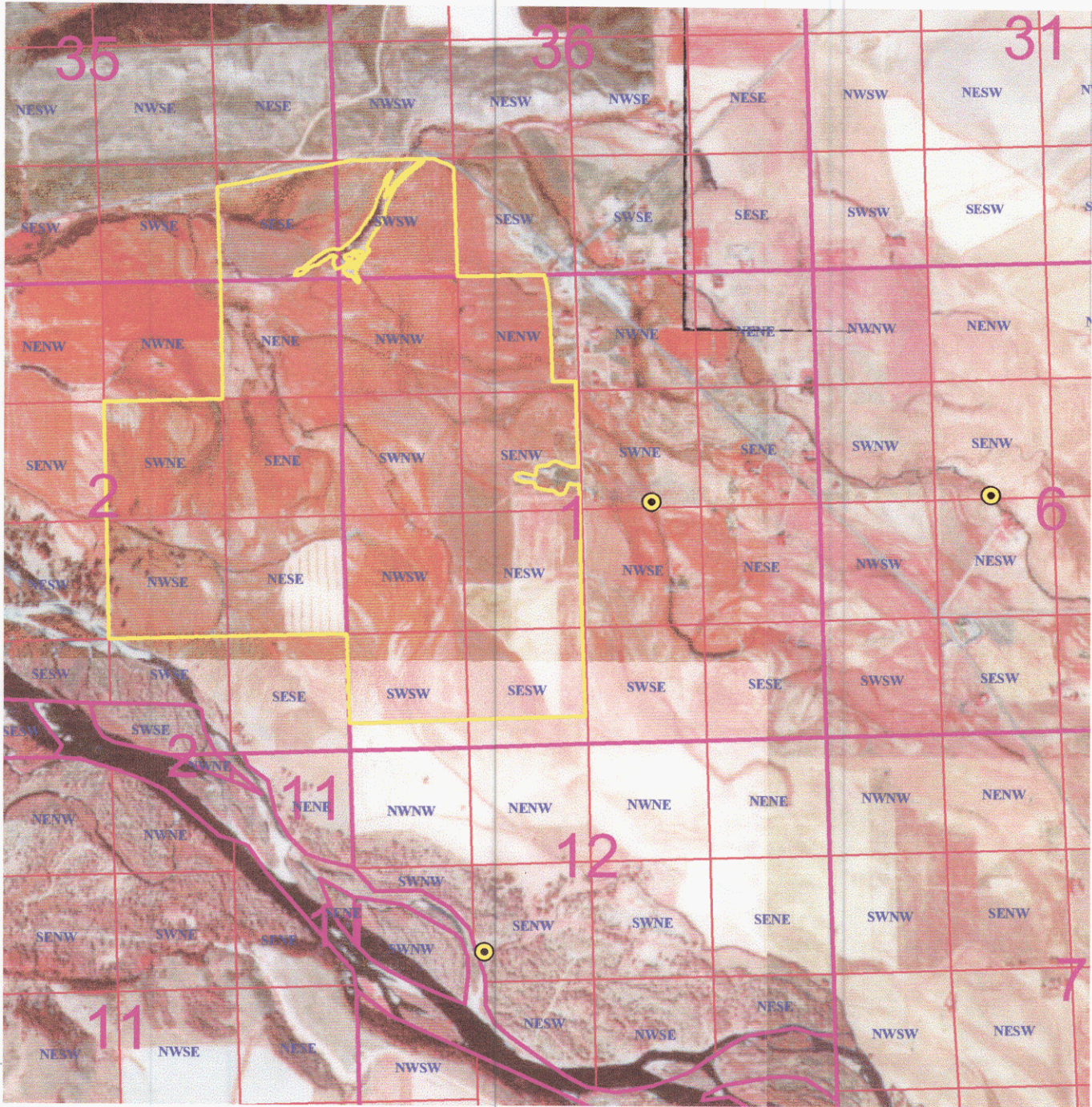
Legend

Irrigated Area	Section Line	Roads
Place of Diversion	Quarter Section Line	Streams and Canals



Water Right Claim Number 23-00038A
Townships , 2N43E, 1N43E

06/01/2001
See 23-00023



 Irrigated Area

 Section Line

 Roads

 Place of Diversion

 Quarter Section Line

 Streams and Canals

