

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 22-231
Date Received: 9/29/1988
Receipt No: E002751
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

DRAKE FARMS PARTNERSHIP Phone: (208)354-2501
641 S 450 W
VICTOR ID USA 83455

2. Date of Priority: 06/01/1890

3. Source: PATTERSON CREEK Trib. to: TETON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot			County	Type
04N	44E	36	SW	SE		TETON	
04N	45E	20	NE	NE	NW	TETON	R

5. Description of diverting works:

HEADING FOR PATTERSON CREEK PIPELINE AND PUMP ON TETON RIVER.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A.
IRRIGATION	4/15	10/15	3.2	

7. Total Quantity Appropriated is:
3.2 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
04N	45E	31	SW	NE	IRRIGATION	39
			SE	NE	IRRIGATION	40
					Section Acres	79
04N	45E	32	NW	NW	IRRIGATION	40
			SW	NW	IRRIGATION	40
					Section Acres	80
					Total Acres	159

11. Place of use in counties: TETON

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

13. Other Water Rights Used:

14. Remarks:

THE LAND IN SECTIONS 17 & 20 WAS FIRST IRRIGATED IN 1964.
HOWEVER, THIS CHANGE WAS MADE WITHOUT BENEFIT OF AN APPROVED TRANSFER. I HAVE FILED
AN APPLICATION FOR TRANSFER WITH THE DEPT. OF WATER RESOURCES TO MAKE THIS CHANGE A
MATTER OF RECORD. WATER PUMPED FROM THE TETON RIVER IN SECTION 20 IS MADE AVAILABLE
BY DUMPING PATTERSON CREEK WATER INTO THE RIVER EITHER FROM THE END OF PATTERSON
CREEK PIPELINE OR FROM PATTERSON CREEK WHEN THERE IS HIGH WATER.
DUE TO TRX 3309 LANDS UNDER SECTIONS 17 & 20 WERE DELETED FROM THIS CLAIM.

15. Basis of Claim: Decreed

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: **A22-00231**
Date Received: 9/29/1988
Receipt No: E002751
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED 3/8/94

1. Name: DRAKE FARMS PARTNERSHIP 208-354-2501
Address: 641 S 450 W
VICTOR ID 83455

2. Date of Priority: JUN 1, 1890

3. Source: PATTERSON CREEK Trib. to: TETON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
04N	44E	36		SW	SE		TETON
	45E	20	NE	NE	NW	R	TETON

5. Description of diverting works:
HEADING FOR PATTERSON CREEK PIPELINE AND PUMP ON TETON RIVER.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/15	3.200		

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

8. Total consumptive use is 560.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
04N	45E	17	SW	SW		IRR	38.0
			SE	SW		IRR	39.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
						Section Acres	77.0
		20	NE	NW		IRR	20.0
			NW	NW		IRR	38.0
						Section Acres	58.0
		31	SW	NE		IRR	39.0
			SE	NE		IRR	40.0
						Section Acres	79.0
		32	NW	NW		IRR	40.0
			SW	NW		IRR	40.0
						Section Acres	80.0
						Total Acres	294.0

11. Place of use in counties: TETON

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

13. Other Water Rights Used:
NONE

14. Remarks:

THE LAND IN SECTIONS 17 & 20 WAS FIRST IRRIGATED IN 1964. HOWEVER, THIS CHANGE WAS MADE WITHOUT BENEFIT OF AN APPROVED TRANSFER. I HAVE FILED AN APPLICATION FOR TRANSFER WITH THE DEPT. OF WATER RESOURCES TO MAKE THIS CHANGE A MATTER OF RECORD. WATER PUMPED FROM THE TETON RIVER IN SECTION 20 IS MADE AVAILABLE BY DUMPING PATTERSON CREEK WATER INTO THE RIVER EITHER FROM THE END OF PATTERSON CREEK PIPELINE OR FROM PATTERSON CREEK WHEN THERE IS HIGH WATER.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 12/16/1910

REXBURG IRR. CO. ET AL
Decree Plaintiff

TETON IRR. CANAL CO.
vs Decree Defendant

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: A22-00231
Date Received: 9/29/1988
Receipt No: 200775
Received By: EMC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

Name: DRAKE FARMS PARTNERSHIP
Address: 641 S. 450 W.
VICTOR, ID

208-354-2501

83455

1. Date of Priority: JUN 01, 1890

2. Source: PATTERSON CREEK

Trib. to: TETON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
04N	44E	36	SW	SE			TETON
	45E	20	NE	NE	NW	R	TET

5. Description of diversion works:

FEEDING FOR PATTERSON CREEK PIPELINE AND PUMP ON TETON RIVER

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	3.200		

7. Total land appropriated is:

S. (and/or)

A.F.A.

8. Consumptive use is

~~320.0~~ Acre Feet Per Annum.

560

9. Irrigation uses:

10. Place of Use:

Twp	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
	45E	17	SW	SW		IRR	38.0
			SW	SE		IRR	4.0 39.0
			E	SW			
Section Acres							42.0 77

Date: 09/29/88

POOR ORIGINAL

MICROFILMED

APR 08 1994

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/	Use	Acres	
04N	45E	20	NE	IRR	40.0 20	
			NW	IRR	38.0 38	
			Section Acres		43.0 58	
			31	SW	NE	IRR
			SE	NE	IRR	34.0 40
		Section Acres			70.0 79	

32 SW NW IRR 40
 NW NW IRR 40
 Section Acres 80

Total Acres

~~100.0~~ 294

11. Place of use in counties: TETON

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

\$ 134⁰⁰13. Other Water Rights Used:
NONE

14. Remarks:

THE LAND IN SECTIONS 17 & 20 WAS FIRST IRRIGATED IN 1964.
 HOWEVER, THIS CHANGE WAS MADE WITHOUT BENEFIT OF AN APPROVED *Written*
 TRANSFER. I HAVE FILED AN APPLICATION FOR TRANSFER WITH THE
 DEPT. OF WATER RESOURCES TO MAKE THIS CHANGE A MATTER OF RECORD.
 WATER PUMPED FROM THE TETON RIVER IN SECTION 20 IS MADE
 AVAILABLE BY DUMPING PATTERSON CREEK WATER INTO THE RIVER EITHER
 FROM THE END OF PATTERSON CREEK PIPELINE OR FROM PATTERSON CREEK
 WHEN THERE IS HIGH WATER.

15. Basis of Claim: DECREED

Case Number:

Court:

Decree date: 12/16/1910

REXBURG IRR. CO. ET AL
 Decree Plaintiff

vs

TETON IRR. CANAL CO.
 Decree Defendant

POOR ORIGINAL

A22-00231

Date: 09/29/88

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APR 08 1994

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

RECEIVED
MAR 8 1994

Department of Water Resources
Eastern District Office
39576

CIVIL CASE NUMBER:

Ident. Number

A22-00231

Date Received

9-29-88 (ORIGINAL)

Receipt Number

E002751

also rec. # E019554/90

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

AMENDED

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

RECEIVED
MAR 3 1994

Department of Water Resources
Eastern District Office

Please type or print clearly

1. Name of Claimant (s) Drake Farms Partnership Phone (208) 354-2501
Mailing Address 641 S. 450 W., Victor, ID Zip 83455

2. Date of Priority (Only one (1) per claim) Jun 01, 1890

3. Source of water supply (a) Patterson Creek
which is tributary to (b) Teton River

4. a. Location of existing point of diversion is: Township 04N Range 44E Section 36,
SW 1/4 of SE 1/4 of 1/4, Govt. Lot, E. B.M., County of Teton

Additional points of diversion if any: T. 04N, R. 45E., Sec. 20, NE NE NW

b. If instream flow, beginning point of claimed instream flow is:

Township Range Section , 1/4 of 1/4 of 1/4,

Govt. Lot B.M., County of

ending point is: Township Range Section , 1/4 of 1/4 of

 1/4, Govt. Lot B.M., County of

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. Heading for Patterson Creek Pipeline
and Pump on Teton River.

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APR 08 1994

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 4/15 to 10/15 amount 3.2 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 3.2 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 560 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
4N	45E	17											38	39					77
		20					20	38											58
		31			39	40													79
		32					40	40											80

Total number of acres irrigated 294

11. In which county (ies) are lands listed above as place of use located? Teton

12. Do you own the property listed above as place of use? Yes X No X

If your answer is No, describe in Remarks below the authority you have to claim this water right.
3 small parcels have been sold with water to irrigate.

13. Describe any other water rights used at the same place and for the same purposes as described above.

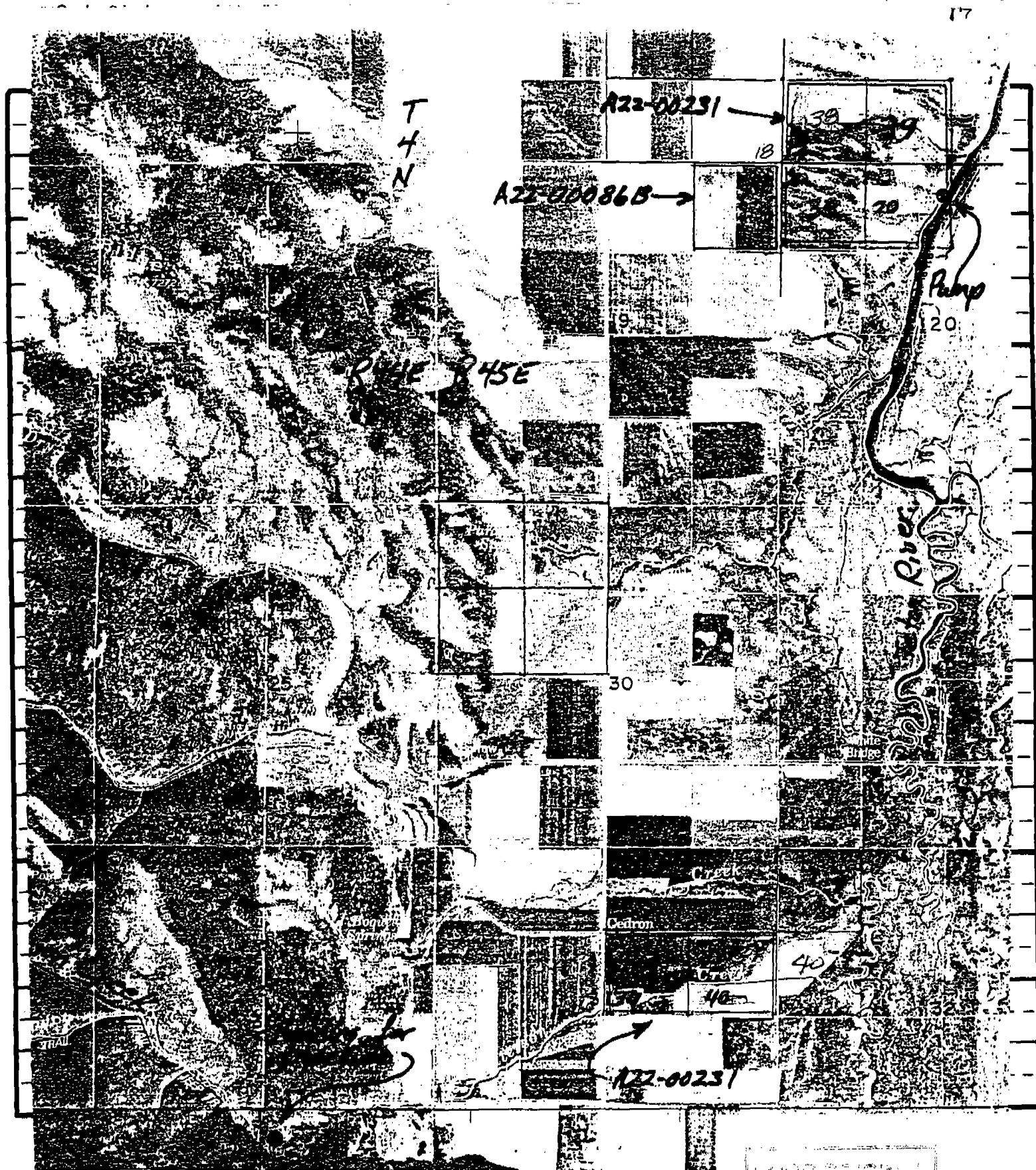
or None (X)

14. Remarks: The land in Sections 17 & 20 was first irrigated in 1964. This transfer was not approved in writing. I have filed an application for Transfer with the Dept. of Water Resources to make this change a matter of record. Water pumped from the Teton River in Sec. 20 is made available by dumping Patterson Creek water into the Teton River either from the end of the Patterson Creek Pipeline or from Patterson Creek when there is high water.

Last Name Drake Ident No. A22-00231

Copies: White -State, Yellow-Claimant

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.



Last Name Drake

Ident No. A22-00231

Copies: White-State, Yellow-Claimant
APR 08 1994

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____

Decree X

If applicable provide IDWR Water Right Number _____

Court _____ Case Number _____ Decree Date 12/16/1910

Plaintiff vs Defendant Rexburg Irr. Co. ET AL vs Teton Irr. Canal Co.

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 do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) Asa J. Drake Date 3/2/94

Date _____

For Organizations: I do solemnly swear or affirm that I am Senior Partner Title

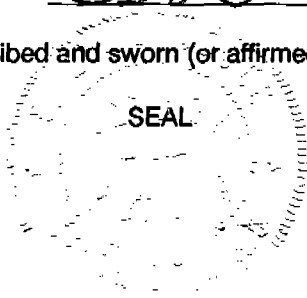
of Drake Brothers Partnership Organization, that I have signed the foregoing document in the space below as Senior Partner Title of Drake Brothers Partnership Organization and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent Asa J. Drake

Title and Organization Drake Brothers Partnership Date 3/2/94

State of Idaho/or _____)
County of Teton) SS.

Subscribed and sworn (or affirmed) before me this 2nd day of March 19 94



Notary Public [Signature]

Residing at Driggs

My Commission Expires 8-9-96

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature Asa J. Drake att

Address _____

Date _____

Last Name Drake Ident. Number A22-00231

MICROFILMED

APR 08 1994
Copies White-State, Yellow-Claimant

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: A22-00231

Date Received: 9/29/1988

Receipt No: 2002751

Received By: EMC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DRAKE FARMS PARTNERSHIP 208-354-2501
Address: 641 S. 450 W.
VICTOR, ID 83455

2. Date of Priority: JUN 01, 1890

3. Source: PATTERSON CREEK Trib. to: TETON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
04N	44E	36		SW	SE		TETON
	45E	20	NE	NE	NW	R	TETON

5. Description of diverting works:
HEADING FOR PATTERSON CREEK PIPELINE AND PUMP ON TETON RIVER.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	3.200		

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

8. Total consumptive use is 320.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
04N	45E	17	SW	SW		IRR	38.0
			SW	SE		IRR	9.0
Section Acres							47.0

A22-00231

Page 1

Date: 09/29/88

MICROFILMED

NOV 04 1992

A2200231

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	45E	20	NE	NW		IRR	10.0
			NW	NW		IRR	33.0
						Section Acres	43.0
		31	SW	NE		IRR	36.0
			SE	NE		IRR	34.0
						Section Acres	70.0
						Total Acres	160.0

11. Place of use in counties: TETON

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

13. Other Water Rights Used:
NONE

14. Remarks:

THE LAND IN SECTIONS 17 & 20 WAS FIRST IRRIGATED IN 1964.
HOWEVER, THIS CHANGE WAS MADE WITHOUT BENEFIT OF AN APPROVED
TRANSFER. I HAVE FILED AN APPLICATION FOR TRANSFER WITH THE
DEPT. OF WATER RESOURCES TO MAKE THIS CHANGE A MATTER OF RECORD.
WATER PUMPED FROM THE TETON RIVER IN SECTION 20 IS MADE
AVAILABLE BY DUMPING PATTERSON CREEK WATER INTO THE RIVER EITHER
FROM THE END OF PATTERSON CREEK PIPELINE OR FROM PATTERSON CREEK
WHEN THERE IS HIGH WATER.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 12/16/1910

REXBURG IRR. CO. ET AL

Decree Plaintiff

vs

TETON IRR. CANAL CO.

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: _____

For Organizations:

I do solemnly swear or affirm that I am Sr. Partner of _____
Title

Drake Farms Partnership, that I have signed the foregoing
Organization

document in the space below as Sr. Partner of _____
Title

Drake Farms Partnership and that the statements contained in the
Organization
foregoing document are true and correct.

Asa J. Drake
Signature of Authorized Agent

Sr. Partner Drake Farms Partnership
Title and Organization

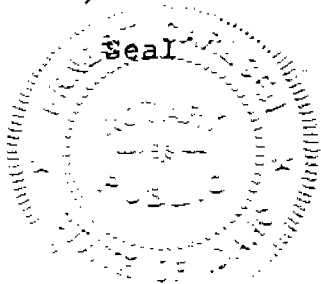
29 September 1988
Date

State of Idaho)
County of Bonneville.) SS.

Subscribed and sworn (or affirmed) before me this 29 day

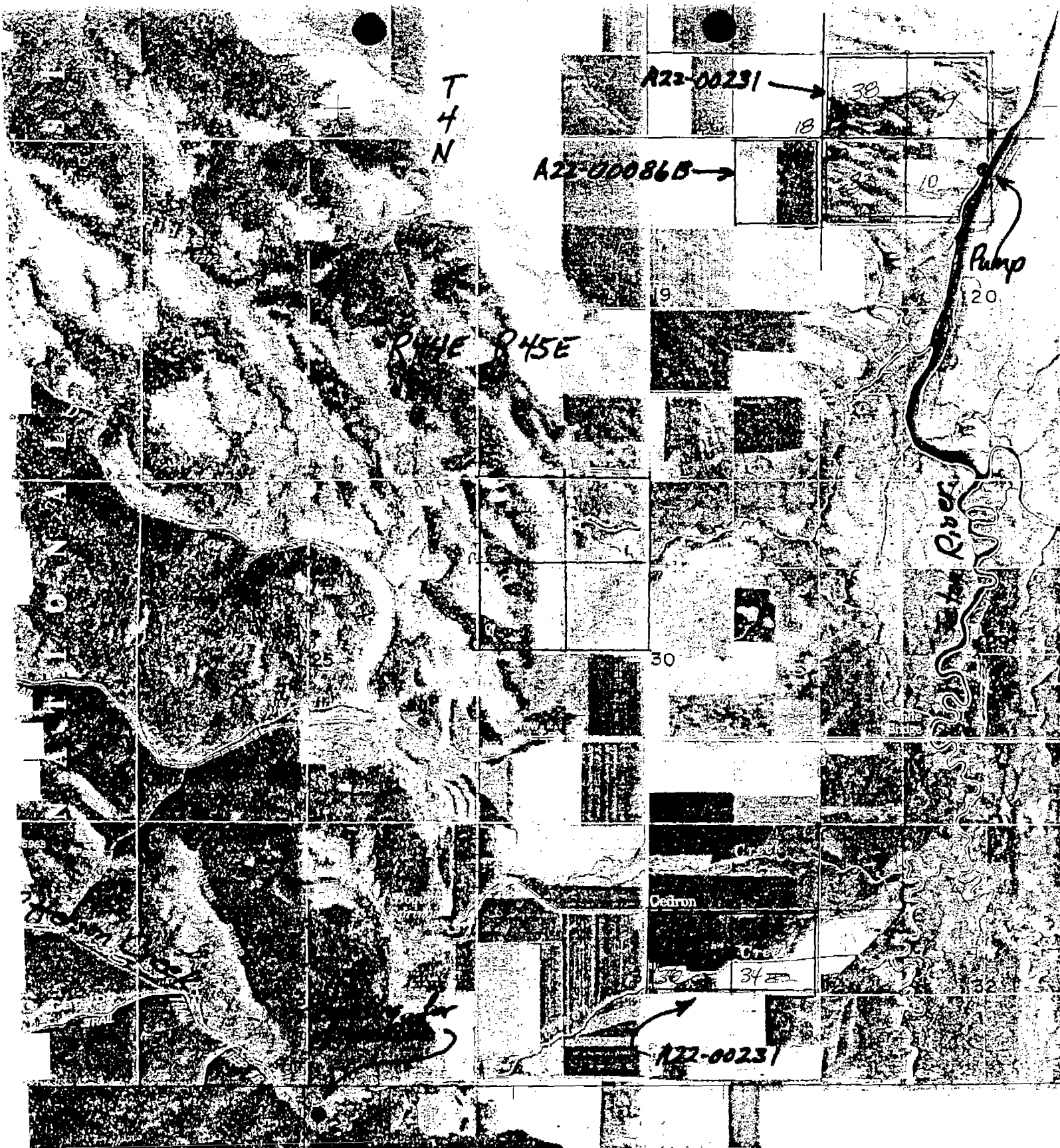
of Sept. 19 88.

Ernest Carlson.
Notary Public



Residing at Idaho Falls ID.

My Commission Expires 14 June 1994



BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

330
RECEIVED

MAR 20 1990

Department of Water Resources
Eastern District Office

IN THE MATTER OF APPLICATION FOR	)	ORDER ADOPTING
TRANSFER NO. 3309 OF WATER RIGHT NO.	)	PROPOSED MEMORANDUM
22-0231 IN THE NAME OF ASA J. DRAKE	)	DECISION AND ORDER
JOANN P. DRAKE	)	

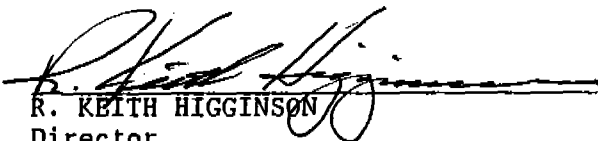
WHEREAS, R. Keith Higginson, Director of the Department of Water Resources having issued and served a copy on the parties on February 6, 1990, a Proposed Memorandum Decision and Order in the above-captioned matter, pursuant to Section 67-5211, Idaho Code; and,

WHEREAS, more than fifteen days have passed since the service of the Proposed Memorandum Decision and Order; and,

WHEREAS, no exception to that Proposed Memorandum Decision and Order has been received;

IT IS, THEREFORE, HEREBY ORDERED that said Proposed Memorandum Decision and Order be adopted and issued as the Final Decision and Order and Application for Transfer No. 3309 is DENIED.

Dated this 13TH day of MARCH, 1990.


R. KEITH HIGGINSON
Director



State of Idaho

Water District 1

RONALD CARLSON
WATERMASTER

(208) 525-7172
Fax (208) 525-7177

900 N. Skyline Dr., Suite A
Idaho Falls, Idaho 83402-1718

August 18, 1997

IDWR DIRECTOR
KARL J. DREHER

COMMITTEE OF NINE

CHAIRMAN
Don Kramer

VICE CHAIRMAN
Dell Raybould

James Siddoway
Teton

Paul Berggren
Blackfoot

Dale Rockwood
Idaho Falls

DeWitt Moss
Jerome

Leonard Beck
Burley

Claude Storer
Idaho Falls

Don Hale
Blackfoot

Asa Drake
c/o Lynn Moses
P.O. Box 426
Driggs, ID 83422

RE: Permit 22-07681

Dear Mr. Drake:

Harold Jones and I telephoned you and Mr. Lynn Moses on August 15, 1997 concerning the irrigation of lands covered by Permit 22-07681 and Adjudication Claim A22-00231. The adjudication claim indicates the lands in Sections 17 & 20 were first irrigated in 1964 from the pump in the Teton River. Permit 22-07681 is for pumping water from a groundwater well, into a pond to the Teton River, where the exchanged water is then rediverted from the river to the irrigated acreage.

Water District #1 is projecting 1964 water-right priorities to be cut later this week. If you plan to continue irrigating Sections 17 & 20, you have the option of using your exchange well as described in Permit 22-07681 or you must rent storage water from Fremont-Madison Irrigation District or the Water District #1 rental pool.

If you decide to use your exchange well, you must satisfy the Conditions of Approval for Permit 22-07681 which include installation of measuring devices at the groundwater well, the outlet of the pond, and the irrigation pump on the Teton River. Additionally, you must also submit daily flow and volume records to the watermaster of Water District #1. You indicated there are flowmeters on both the well and river pump that may or may not be in proper working condition. A measuring device still needs to be installed at the outlet of the pond to record the amount of water discharging into the Teton River.

I've discussed the irrigation system with Ronald Carlson, Watermaster, and he agreed with me that both the well and pump volumes can be monitored by using the electric power meter if each diversion has its own dedicated meter. A weir must be installed at the outlet below the pond to insure that the proper amount of water is being discharged into the Teton River. Daily reporting of weir readings, along with flow rates from both the well and river pump, would be sufficient for water delivery at the present time. However, you must petition the Department of Water Resources to remove, from the conditions of approval, the requirement for a continuously accruing volume measuring device at the outlet of the pond. Otherwise, you'll also be required to install a continuous stage-recorder and stilling well alongside the weir.

If you have any questions concerning the measuring devices, permit conditions, storage-water rental, or daily reporting requirements, please contact me or Harold Jones.

Sincerely,

Tony Olenichak
Deputy Watermaster

MARCH 4, 1994

ASA J DRAKE
641 S 450 W
VICTOR ID 83455

RE: NOTICE OF CLAIM A22-00231

Dear Mr. Drake:

Enclosed is the Notice of Claim you submitted and your check (#168 in the amount of \$134.00). The Claim needs to be signed in the "organizational" section. When this has been done, please return the claim and check back to this office to my attention for processing.

If you have any questions, please feel free to call 525-7161.

Respectfully submitted,

Ernest Carlsen
Adjudication Supervisor

EC:jt

Enclosure

FILE:

MICROFILMED
APR 08 1994

4/5/1989

SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME ORRICK FARM PARTNERSHIPCL. IDENT. NO. A22-00231DATE RECEIVED March 3, 1994CK # 108AMOUNT \$ 134⁰⁰

YES

NO

Required Info?

1. Is the name and address complete with zip code? X *
2. Is a priority date entered? X *
- Is the priority date acceptable in view of mandatory filing dates? X *
- See Adjudication Memos #1 and #4 to determine if a Permit is required. X *
3. (a) Is a source entered? X *
- (b) Is a tributary to entered? (if required) N/A X *
4. Is the legal description of the p.d. sufficient? X *
5. Is there a description of the diverting works? X *
6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. X *
- Is the period of use included? X *
- Is a quantity claimed for each use? X *
7. Is a total quantity claimed entered? X *
8. If required is a consumptive use entered? N/A X *
- Is the consumptive use correct? N/A X *
9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. N/A X *
10. Is (are) the place(s) of use and purpose(s) indicated? X *
11. Is (are) the county(ies) entered? X *
12. Is the ownership of p.u. checked? X *
13. Are other water rights listed or "none" indicated? X *
14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) N/A X *
15. Is the basis of the claim indicated? X *
16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) N/A X *
17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block. X *
18. Has the claim been signed, sealed, and dated by a notary? X *
19. Was this claim filed on time, or was an extension granted? X *
20. Is the fee enclosed correct? Exempt X *
21. If this claim is based on an existing water right, has the identification number been entered? N/A X *
22. Should this claim be data entered? X *

Claim checked by: _____ Date: _____

Claim must be returned to claimant: (Yes) (No)Claimant must be notified of modifications: (Yes) (No)

Receipt Prepared by: _____

Claim data entered by: _____

Sent to claimant by: _____

Date: _____

Date: _____

Date: _____

Checked by: _____

Date: _____

Comments: Return for completion of "FOR ORGANIZATION" signature block. APR 08 1994NOTE: NOTICE is actually amendment to A22-00231 - increasing P.O.U. by 134⁰⁰ acres.

FARM ACCOUNT
ASA J. OR JOANN P. DRAKE
GERTRUDE R., GARL R. OR JILL J. DRAKE
641 SOUTH 450 WEST 354-2501
VICTOR, ID 83455

168

March 2 1974 92-185/1241

PAY TO THE ORDER OF Idaho Dept. of Water Resources \$ 134⁰⁰

One hundred thirty-four and 00/100 DOLLARS



Valley Bank

P.O. Box 746 - Driggs, ID 83422-0746

MEMO

Pay with right

Asa J. Drake

⑆124101856⑆ 070735142⑆ 0168

POOR ORIGINAL



State of Idaho
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - FAX: (208) 525-7177

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

07-Dec-1993

C LYNN MOSES
CONTINENTAL REAL ESTATE CO
INVESTMENTS AND EXCHANGES
130 N MAIN
DRIGGS ID 83422

RE: Notice of Claim A22-00231

Dear Mr. Moses:

Prior to the Drakes amending Notice of Claim A22-00231, I think it is important that you are aware of the Idaho Department of Water Resources' (IDWR) ruling concerning the use of decreed right 22-00231.

In March 1987, Asa Drake filed an application to transfer a portion of decree 22-00231 from the W1/2NW1/4 Section 22 to the S1/2SW1/4 Section 17 and N1/2NW1/4 Section 20. In February 1990, IDWR issued a Proposed Memorandum Decision and Order denying the proposed change. The following month the Proposed Memorandum Decision and Order was adopted as the Final Order. A copy of IDWR's Order is enclosed for your convenience.

The Drakes can amend their Notice of Claim. However, in light of the Order denying their transfer application, it is questionable whether or not even the original Notice can be recommended to the court as filed. Should the Drakes decide to amend Notice A22-00231, I have sent them the information you provided concerning the amended place of use and a blank Notice of Claim form. There will be a filing fee of \$1.00 per acre for each acre added to the place of use.

Naturally, feel free to contact me should there be questions concerning the above information.

Respectfully submitted,

Ernest Carlsen
Ernest Carlsen

EC/rb
enclosure

cc: Drake Farms Partnership
Water District 01
Dee Obrian

MICROFILMED
APR 08 1994

POOR ORIGINAL

Continental Real Estate Co.
Investments and Exchanges

130 NORTH MAIN DRIGGS, IDAHO 83422
Telephone: (208) 354-8111

FAX TRANSMITTAL

Joe
For Greg Taylor
525-7177

Date: Dec. 3, 1993

Subject: Amendment for Claim
A22-0231

WJ

Please send an amended claim with the changes that
are noted on the claim sent herewith to the Drakes.

If there are any questions, please call me @ 354-8111

Thanks,



C. Lynn Moses
FAX # 354-8113

ent including this page.

ent by: Chm

RE: 3125 P

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APR 08 1994