

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 22-456
Date Received: 3/21/89
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

PIONEER DITCH COMPANY Phone: (208)458-4081

C/O JAY KLEIN
160 N 2400 E
ST ANTHONY ID USA 83445

2. Date of Priority: 04/01/1898

3. Source: TETON RIVER Trib. to: HENRYS FORK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County
07N	41E	29	SW SW NW	FREMONT

5. Description of diverting works:

DAM AND DIVERSIONARY GATES INTO THE PIONEER DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	18	

7. Total Quantity Appropriated is:
18 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
07N	40E	25	SW	NE		IRRIGATION	41
			SE	NE		IRRIGATION	40
						Section Acres	81
07N	41E	30	SW	NE		IRRIGATION	10
			SE	NE		IRRIGATION	10
			SW	NW		IRRIGATION	40
			SE	NW		IRRIGATION	40
			NE	SW		IRRIGATION	40
			NW	SW		IRRIGATION	40
			SE	SW		IRRIGATION	30
			NW	SE		IRRIGATION	20
					Section Acres	230	
					Total Acres	311	

11. Place of use in counties: FREMONT

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

13. Other Water Rights Used:

14. Remarks:

SINCE THIS IS AN UNINCORPORATED COMPANY, A LIST OF NAMES OF THE OWNERS OF THE LAND AND THE LAND THEY OWN IS ATTACHED. IT IS INCLUDED WITHIN THE BOUNDARIES OF THE FREMONT/MADISON IRRIGATION DIST. 10.56 CFS, PRIORITY DATE, MAY 01, 1883, TETON RIVER (REXBURG DECREE), ON SEPARATE CLAIM

CHANGED ADDRESS PER REQUEST/CV/10/25/00

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: A22-00456
Date Received: 4/05/1989
Receipt No: E006302
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: PIONEER DITCH COMPANY 208-458-4478
Address: C/O ELMER KLEIN
113 E. MAIN STREET P.O. BOX 101
TETON, ID 83451

2. Date of Priority: APR 01, 1898

3. Source: TETON Trib. to: HENRY'S FORK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
07N	41E	29	SW	SW	NW		FREMONT

5. Description of diverting works:
DAM AND DIVERSIONARY GATES INTO THE PIONEER DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	18.000		

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

8. Total consumptive use is 777.5 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
07N	40E	25	SW	NE		IRR	41.0
			SE	NE		IRR	40.0

Section Acres 81.0

A22-00456

Page 1

Date: 04/05/89

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10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07N	41E	30	SW	NE		IRR	10.0
			SE	NE		IRR	10.0
			SW	NW		IRR	40.0
			SE	NW		IRR	40.0
			NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			SE	SW		IRR	30.0
			NW	SE		IRR	20.0
						Section Acres	230.0
						Total Acres	311.0

11. Place of use in counties: FREMONT

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

13. Other Water Rights Used:

REXBURG DECREE (SEPARATE CLAIM) PD. 05-01-1883, TETON RIVER

14. Remarks:

SINCE THIS IS AN UNINCORPORATED COMPANY, A LIST OF NAMES OF THE OWNERS OF THE LAND AND THE LAND THEY OWN IS ATTACHED. IT IS INCLUDED WITHIN THE BOUNDARIES OF THE FREMONT/MADISON IRRIGATION DIST. 10.56 CFS, PRIORITY DATE, MAY 01, 1883, TETON RIVER (REXBURG DECREE), ON SEPARATE CLAIM.

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, ET AL
Decree Defendant

NOV 05 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 Organizations:

I do solemnly swear or affirm that I am _____ of
_____, Title
_____, that I have signed the foregoing
Organization
document in the space below as _____ of
_____, Title
_____ and that the statements contained in the
Organization
foregoing document are true and correct.

Signature of Authorized Agent

Title and Organization

Date

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

NOV 05 1992

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 A22-00456Date Received 3/21/89.Receipt Number 8006302

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

MAR 21 1989

Department of Water Resources
Eastern District Office

Please type or print clearly

1. Name of Claimant (s) Pioneer Ditch Company (an unincorporated company-see names and land lists attached) c/o Elmer Klein Phone (208) 458-4478

Mailing Address 113 E. Main Street, POB 101, Teton, Idaho Zip 83451

2. Date of Priority (Only one (1) per claim) April 1, 1898

3. Source of water supply (a) Teton River
which is tributary to (b) North Fork of the Snake River

4. a. Location of existing point of diversion is: Township 7N Range 41E. Section 29,
SW 1/4 of SW 1/4 of NW 1/4, Govt. Lot, B.M., County of Fremont

Additional points of diversion if any: _____

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. Dam and diversionary gates into the Pioneer Ditch

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(acre feet)

For _____ purposes from _____ to _____ amount _____ or _____

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.

Copies: White -State. Yellow-Claimant

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Scale: 2 inches equals 1 mile

Sections 25, Twp. 7N, Rge. 40 E.B.M., and Sec. 30, Twp. 7N., Rge. 41 E.B.M.

SEE ATTACHED MAP

[illegible]

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Last Name Pioneer Ditch Company Ident No.

Copies: White-State, Yellow-Claimant

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

If applicable provide IDWR Water Right Number _____

Court 6th Judicial Dist (now 7th) Case Number _____ Decree Date 12-16-1910

Plaintiff vs Defendant Rexburg Irrigation Company, et al. v. Teton Irrigation Canal Co., et al.

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 2

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

Signature of Claimant (s) _____ Date _____

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am _____ President

Title

of Pioneer Ditch Company _____, that I have signed the foregoing

Organization

document in the space below as _____ President _____ of Pioneer Ditch Company

Title

Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent Elmer Klein

Title and Organization President, Pioneer Ditch Company

Date 1-25-89

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

Subscribed and sworn (or affirmed) before me this 25th day of January 19 89

Notary Public Debra A. Keller

Residing at Rexburg, Idaho

My Commission Expires 11-15-93

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, Ray W. Rigby 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.

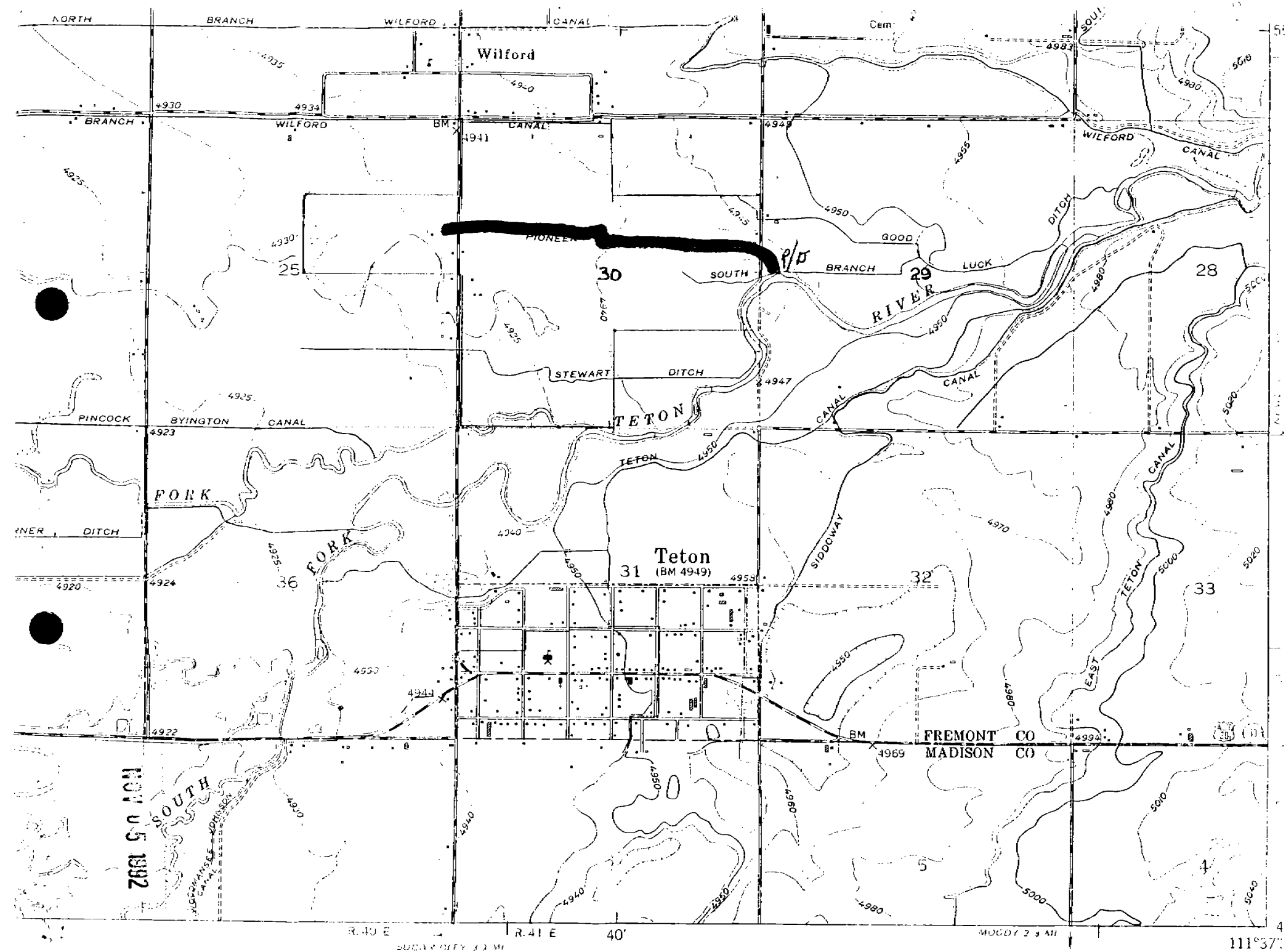
Signature Ray W. Rigby

Address P.O. Box 250, Rexburg, Idaho

Date 1-25-89

Last Name Pioneer Ditch Company Ident. Number _____

Copies White-State, Yellow-Claimant



Attachment to Notice of Claim to a Water Right
Pioneer Ditch Company
January 24, 1989

	<u>Name and Property Description</u>	<u>Acres</u>
1.	~~Allen Tibbitts~~ Jay + Dennis Klein The SE1/4 NE1/4 of Sec. 25, Twp. 7N., Rge. 40 E.B.M.	40
2.	Reed W. Ashcraft The SW1/4 NE1/4 of Sec. 25, Twp. 7N., Rge. 40 E.B.M.	41
3.	Renee A. Birch Lot 3 and the NE1/4 SW1/4 of Sec. 30, Twp. 7N., Rge. 41 E.B.M.	80
4.	Norval W. Birch Lot 4 and the SE1/4SW1/4 North of the River in Sec. 30, Twp., 7N., Rge. 41 E.B.M.	30
5.	Elmer Klein The S. 720 Ft. of the S1/2 NW1/4 of Sec. 30, Twp., 7N., Rge. 41, E.B.M.	44
6.	Larry Kerbs The N1/2 NW1/4 of Sec. 30, Twp. 7N., Rge. 41 E.B.M.	20
7.	Frank Potter The S1/2 NE1/4 and the N. 60 Rods of the SE1/4 of Sec. 30, Twp. 7N., Rge. 41 E.B.M.	20
8.	Jay D. Klein The S1/2 NW1/4 Less the S. 720 Ft. of Sec. 30, Twp. 7N., Rge. 41 E.B.M.	<u>36</u>
	TOTAL	311

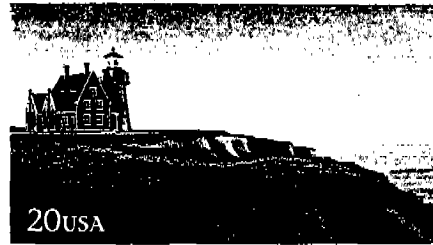
NOV 15 1989

Log for claim 22-00456

Spatial Dynamics LTD

7/26/01

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
07n40e	25	SWNE	41	40	
07n40e	25	SENE	40	37	
07n41e	30	SWNE	10	40	Indiscernible
07n41e	30	SENE	10	37	Indiscernible
07n41e	30	SWNW	40	34	
07n41e	30	SENE	40	39	
07n41e	30	NESW	40	39	
07n41e	30	NWSW	40	36	
07n41e	30	SESW	30	33	
07n41e	30	NWSE	20	39	Indiscernible
Totals:			311	374	



PIONEER DITCH CO
C/O JAY KLEIN
160 N 2400 E
ST ANTHONY ID 83445

© USPS 1997 recycled

OCTOBER 25, 2000

DEAR MR. KLEIN;

WATER RIGHT NUMBERS 22-00456 AND 22-00457 HAVE BEEN
CHANGED TO REFLECT THE ADDRESS ON THE FRONT OF THIS CARD.

IF YOU HAVE ANY QUESTIONS FEEL FREE TO CONTACT THIS OFFICE.

RESPECTFULLY,

Cheri Vandermeulen
CHERI VANDERMEULEN
RECORDS CLERK

CHANGE IN ADDRESS

This form is solely for purposes of notifying IDWR of a change in address of an adjudication claim.

[] Water Right Number(s): 22-456
88-457

[] Old Mailing Address: Pioneer Ditch Co
c/o Jay Klein P.O. Box 27
Teton ID 83451

☒ New Mailing Address: Pioneer Ditch Co
c/o Jay Klein
160N 2400E St. Anthony, ID 83445

☒ Telephone Number: (208) 458-4081

☒ Signature of Claimant: Jay Klein

☒ Date: 10-24-00

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: _____ By: _____

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: _____ By: _____

CHANGE IN ADDRESS OF NOTICE OF CLAIM

[] Water Right Number (s): 22-00456
22-00457

[] Old Mailing Address: Pioneer Ditch Co.
C/O ^{EZMER} ~~JAY~~ KLEIN
PO BOX 101 (113 E MAIN ST.)

[] New Mailing Address: TETON ID 83451
PIONEER DITCH CO
C/O JAY KLEIN PO BOX 27 TETON ID
83451

New Telephone Number: () SAME

[] Signature of Claimant: Jay Klein
Date: 3-29-93

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: By:

Further Action Needed:

Further Action Taken

Date: By:

Final Review and Data-Entry

Date: By:

SEND TO YOUR NEAREST
REGION OFFICE:

Western Region Office
2735 Airport Way
Boise, ID 83705
(208) 334-2190

Southern Region Office
222 Shoshone St. East
Twin Falls ID 83301
(208) 734-3578

State Office
1301 N. Orchard St.
Boise, ID 83720
(208) 327-7900

Eastern Region Office
150 Shoup Ave. #15
Idaho Falls ID 83402
(208) 525-7161

Northern Region Office
1910 Northwest Blvd. #210
Coeur d'Alene ID 83814
(208) 756-4639

MICROFILMED

APR 08 1994

1/30/1989

SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME

Pioneer Drilling Co.

CLAIM IDENT. NO.

A22-00456

DATE RECEIVED

3/21/89

CK #

AMOUNT \$

- | | YES | NO | Required Info? |
|--|-------------------------------------|-------------------------------------|----------------|
| 1. Is the name and address complete with zip code? | ☒ | ☐ | * |
| 2. Is a priority date entered?
Is the priority date acceptable in view of mandatory filing dates?
See Adjudication Memos #1 and #4 to determine if a Permit is required. | ☒ | ☐ | * |
| 3. (a) Is a source entered? | ☒ | ☐ | * |
| (b) Is a tributary to entered? (if required) N/A | ☒ | ☐ | |
| 4. Is the legal description of the p.d. sufficient? | ☒ | ☐ | * |
| 5. Is there a description of the diverting works? | ☒ | ☐ | |
| 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. | ☒ | ☐ | * |
| Is the period of use included? | ☒ | ☐ | |
| Is a quantity claimed for each use? | ☒ | ☐ | * |
| 7. Is a total quantity claimed entered? | ☒ | ☐ | |
| 8. If required is a consumptive use entered? N/A | ☒ | ☐ | |
| Is the consumptive use correct? N/A | ☒ | ☐ | |
| 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 | ☒ | ☐ | * |
| 10. Is (are) the place(s) of use and purpose(s) indicated? | ☒ | ☐ | * |
| 11. Is (are) the county(ies) entered? | ☒ | ☐ | |
| 12. Is the ownership of p.u. checked? | ☒ | ☐ | |
| 13. Are other water rights listed or "none" indicated? | ☒ | ☐ | |
| 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 | ☒ | ☐ | |
| 15. Is the basis of the claim indicated? | ☒ | ☐ | |
| 16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) N/A | ☒ | ☒ | |
| 17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block. | ☒ | ☐ | * |
| 18. Has the claim been signed, sealed, and dated by a notary? | ☒ | ☐ | * |
| 19. Was this claim filed on time, or was an extension granted? | ☒ | ☐ | * |
| 20. Is the fee enclosed correct? Exempt | ☒ | ☐ | * |
| 21. If this claim is based on an existing water right, has the identification number been entered? N/A | ☒ | ☐ | |
| 22. Should this claim be receipted and data entered? | ☒ | ☐ | |

Claim checked by: EmmetDate: 4/5/89

Claim must be returned to claimant:

(Yes) ☒ (No)

Claimant must be notified of modifications:

(Yes) ☒ (No)Receipt Prepared by: EmmetClaim data entered by: EmmetSent to claimant by: EmmetDate: 3/21/89Date: 3/21/89Checked by: EmmetDate: 3/21/89Comments:

NOV 05 1992

Dec 22-0456

STATE OF IDAHO,

County of Fremont

} ss.

Conrad A. Bauer

being first duly sworn, upon his

oath deposes and says:

That he is the owner of a decreed water right appurtenant to the following described land to-wit:

SW 1/4 of Sec. 25, T. 7 N. R. 40 E. B. M., containing 160 acresas evidenced by the decree dated 16th day of December 1910in the cause entitled Rexburg Irrigation Company et al, Plaintiffsvs. Leton Irrigation Canal Company et al Defendants broughtin the District Court of the Sixth Judicial District of the State of Idaho; or,

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho

No. _____

That he intends to change the point of diversion, as described in said decree or permit, to the following described point:

He desires to change point of diversion from Pioneer Ditch to the Stewart Ditch

That such change will be made for the following reasons, to-wit:

Unable to irrigate from the Pioneer; land too high

That no one will be injured by such change and that deponent will make such change at his own risk.

And further deponent saith not.

Conrad A. BauerSubscribed and sworn to before me this 21st day of Jan - 1924[Signature]

Notary Public.

My commission expires 4-1-1927

(Over)

MICROFILMED

EFFECTIVE APRIL 10, 1911

STATE ENGINEER'S OFFICE

Regulations as to Change of Point of Diversion.

Section 3247 of the Revised Codes provides that a person entitled to the use of water, may change the place of diversion if others are not injured by such change. The Board of Irrigation has adopted the following regulations as to procedure under said section:

The person desiring to change point of diversion must file with the State Engineer an affidavit describing his water right, setting forth his intent to change point of diversion and the reasons for such change, together with an averment that no one will be injured thereby and that deponent will make such change at his own risk.

The point to which it is desired to change the place of diversion must be described as follows:

When the amount claimed does not exceed 25 cubic feet per second and point of diversion will be on surveyed land, locate same by giving the legal description of the 40 acre tract in which it will be situated. If upon unsurveyed land, give approximate distance to mouth of stream from which water is claimed or to the mouth of some creek flowing into said stream. Where there is more than one point of diversion, describe each separately and specify the amount claimed from each.

Where the water claimed exceeds 25 cubic feet per second, locate the point to which it is desired to change the place of diversion as follows:

If upon or near surveyed land, tie point of diversion by course and distance to section or quarter section corner. If said point will be more than two miles from the corner of a public survey, the tie may be made to the mouth of the stream from which the water is claimed or to the mouth of some creek flowing into said stream.

The affidavit must be accompanied by maps in duplicate, showing the following details:

1. If for irrigation and domestic use:
 - (a) Name of applicant.
 - (b) Section, town and range numbers, where public survey has been made.
 - (c) Source or sources of supply.
 - (d) Point or points of diversion.
 - (e) Route of ditch or ditches, including laterals delivering water within one mile of each 160 acre tract of the land to be irrigated.
 - (f) Lands to be irrigated to be shown by cross-hatching, outlining, or coloring.
2. If for other than irrigation and domestic purposes:
 - (a) Name of applicant.
 - (b) Section, town and range numbers, where public survey has been made.
 - (c) Source or sources of supply.
 - (d) Point or points of diversion.
 - (e) Route of ditch or ditches.
 - (f) Point or points of use.
 - (g) Point or points of return to stream after use.

If application is for more than 25 cubic feet per second, the maps must be prepared from actual survey and must be certified to by the engineer in charge of survey, in the following form:

I hereby certify that this map was prepared from an actual survey made by me 191....., and correctly shows position of points indicated thereon.

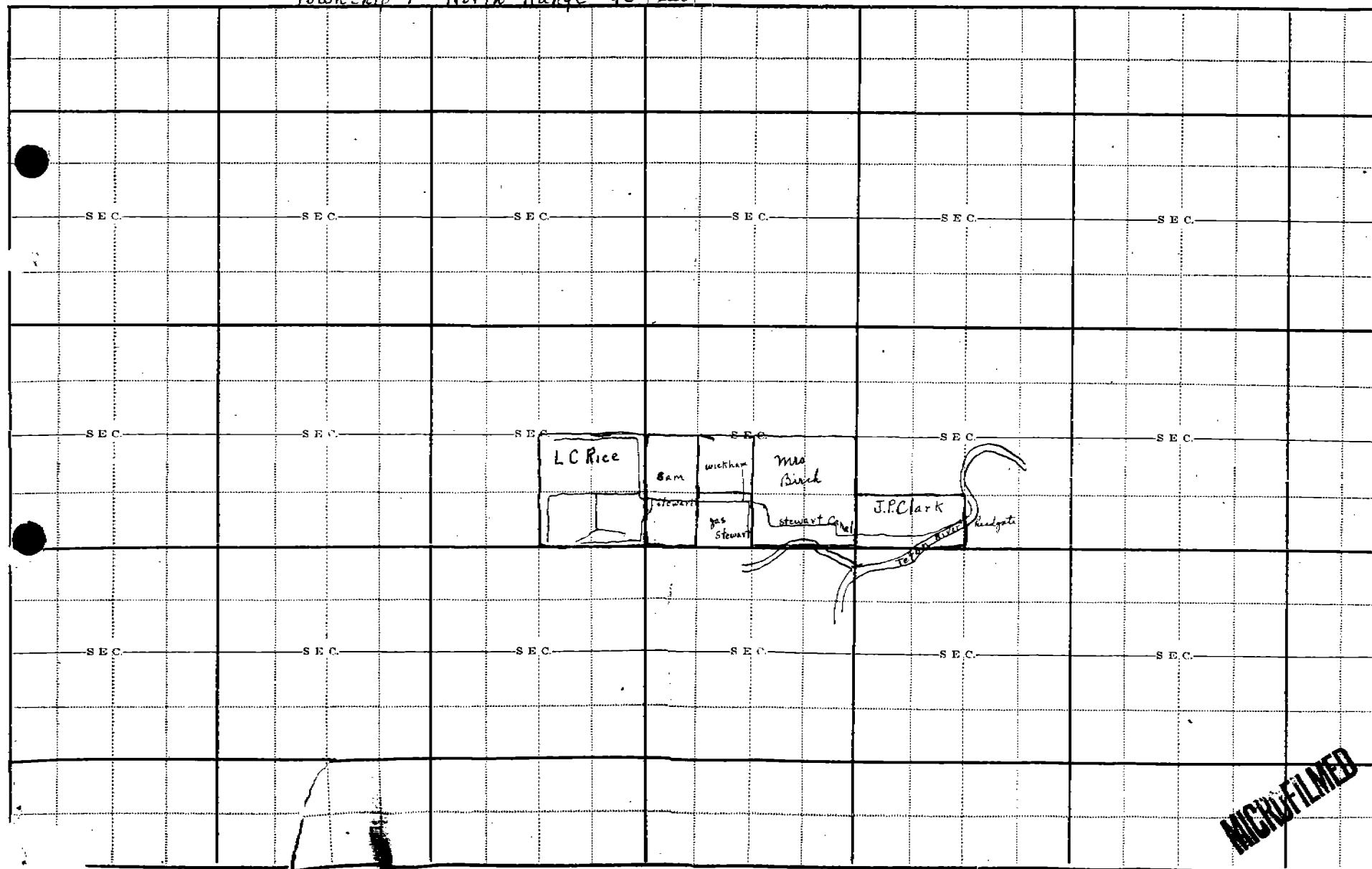
Engineer.

P. O.....

Date.....191.....

(Over)

Township 7 North Range 40 East



MICROFILMED

SCALE: 1/2 INCHES EQUALS 1 MILE. DRAW PLAN IN INK.