

10/03/2005

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

RIGHT NUMBER: 21-77B
NAME AND ADDRESS: JAMES T COLE
3949 BLUEBIRD LN
ISLAND PARK ID 83429-5113

SUSAN B COLE
3949 BLUEBIRD LN
ISLAND PARK ID 83429-5113

SOURCE: TARGHEE CREEK TRIBUTARY: HENRYS LAKE

QUANTITY: 1.510 CFS

PRIORITY DATE: 06/01/1900

POINT OF DIVERSION:
T15N R43E S11 NENENW Within FREMONT County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.020 CFS
IRRIGATION	05/01 10/31	1.510 CFS

PLACE OF USE: IRRIGATION Within FREMONT County

T15N R43E S11	NENE	0.4	T15N R43E S11	NWNE	0.4
T15N R43E S11	SWNE	40.0	T15N R43E S11	SENE	36.0
T15N R43E S11	NENW	0.2	T15N R43E S11	SENW	40.0
T15N R43E S11	NESW	40.0	T15N R43E S11	SESW	34.0
T15N R43E S11	NESE	40.0	T15N R43E S11	NWSE	40.0
T15N R43E S11	SWSE	34.0	T15N R43E S11	SESE	33.0
T15N R43E S14	NENE	29.0	T15N R43E S14	NWNE	29.0

STOCKWATER Within FREMONT County

T15N R43E S11	SWNE	T15N R43E S11	SENE
T15N R43E S11	SENW	T15N R43E S11	NESW
T15N R43E S11	SESW	T15N R43E S11	NESE
T15N R43E S11	NWSE	T15N R43E S11	SWSE
T15N R43E S11	SESE		

396 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 396 acres in a single irrigation season. Combined Right Nos.: 21-76B, 21-77B, 21-2011

This right is limited to the irrigation of 121 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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

SCANNED

ALSO 2001

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: A21-00077B
Date Received: 4/19/1989
Receipt No: E006928
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: JAMES T COLE 208-558-9062
Address: HC 66 BOX 186A
ISLAND PARK ID 83429
AND/OR
Name: SUSAN B COLE 208-558-9062
Address: HC 66 BOX 186A
ISLAND PARK ID 83429

2. Date of Priority: JUN 1, 1900

3. Source: TARGEE CREEK Trib. to: HENRYS LAKE

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
15N	43E	11	SE	NE	NW		FREMONT

5. Description of diverting works:
DIVERSION DAM TO DITCHES FOR FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/15	3.070		
STOCKWATER	01/01	12/31	0.230		

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

8. Total consumptive use is 540.0 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER 950 RANGE CATTLE

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NOV 05 1996

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
15N	43E	11	SW		NE		IRR	40.0
			SW		NE		STOCK	
			SE		NE		IRR	40.0
			SE		NE		STOCK	
			SE		NW		IRR	40.0
			SE		NW		STOCK	
			NE		SW		IRR	40.0
			NE		SW		STOCK	
			SE		SW		STOCK	
			SE		SW		IRR	40.0
			NE		SE		STOCK	
			NE		SE		IRR	40.0
			NW		SE		IRR	40.0
			NW		SE		STOCK	
			SW		SE		IRR	40.0
			SW		SE		STOCK	
			SE		SE		IRR	40.0
			SE		SE		STOCK	
							Section Acres	360.0
							Total Acres	360.0

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:
A21-00076B

14. Remarks:
THIS RIGHT REPRESENTS A PORTION OF 21-0077 OWNED BY CLAIMANT THE SALISBURY CORP. HAS FILED FOR ALL OF THIS RIGHT UNDER A21-00077 EVEN THOUGH PART OF THIS RIGHT IS APPURTENANT TO CLAIMANTS LAND. CLAIMANT CONTESTS THEIR FILING ON THIS RIGHT. CHANGED OWNERSHIP 10/7/94/JT/GT

15. Basis of Claim: DECREED

Water Right Number: 210077

Case Number:

Court :

Decree date: 12/16/1910

MICROFILMED
NOV 05 1990

REXBURG IRRIGATION CO.
Decree Plaintiff

TETON IRRIGATION CANAL CO. ET
vs Decree Defendant

MICROFILMED
NOV 05 1996

410 x

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: A21-00077B
Date Received: 4/18/1989
Receipt No: E006928
Received By: KCW

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MARYELLEN HITTSON 208-726-5009
Address: P.O. BOX 1715
SUN VALLEY, ID 83353

2. Date of Priority: JUN 01, 1900

3. Source: TARGEE CREEK Trib. to: HENRYS LAKE

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
15N	43E	11	SE	NE	NW		FREMONT

5. Description of diverting works:
DIVERSION DAM TO DITCHES FOR FLOOD IRRIGATION

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8. Total consumptive use is 540.0 Acre Feet Per Annum.

9. Non-irrigation uses:
S/950 RANGE CATTLE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
15N	43E	11	SW	NE		IRR	40.0
			SW	NE		STOCK	

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Date: 04/19/89



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OCT 20 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
15N	43E	11	SE	NE		IRR	40.0
			SE	NE		STOCK	
			SE	NW		IRR	40.0
			SE	NW		STOCK	
			NE	SW		IRR	40.0
			NE	SW		STOCK	
			SE	SW		IRR	40.0
			SE	SW		STOCK	
			NE	SE		IRR	40.0
			NE	SE		STOCK	
			NW	SE		IRR	40.0
			NW	SE		STOCK	
			SW	SE		IRR	40.0
			SW	SE		STOCK	
			SE	SE		IRR	40.0
			SE	SE		STOCK	

Section Acres 360.0

Total Acres 360.0

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:
A21-00076B

14. Remarks:

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15. Basis of Claim: DECREED

Water Right Number: 210077

Case Number:

Court :

Decree date: 12/16/1910

REXBURG IRRIGATION CO.

Decree Plaintiff

vs

TETON IRRIGATION CANAL CO. ET.

Decree Defendant

A21-00077B

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Date: 04/19/89

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OCT 20 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): Willis B. Benjamin Date: 4/19/89

Date: _____

State of Idaho)
County of Bonneville) SS.

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

of April 19 89

Betty J. Thompson
Notary Public

Seal

Residing at BETTY J. THOMPSON, 1111 1/2 N. 10TH AVE

My Commission Expires RESIDING AT 1111 1/2 N. 10TH AVE, IDAHO
MY COMMISSION EXPIRES: 6-30-94

17. Notice of Appearance:

Notice is hereby given that I, Willis B. Benjamin will be
Print Name

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 Willis B. Benjamin

Address P.O. Box 50050 Idaho Falls, ID 83405

Date 4/19/89

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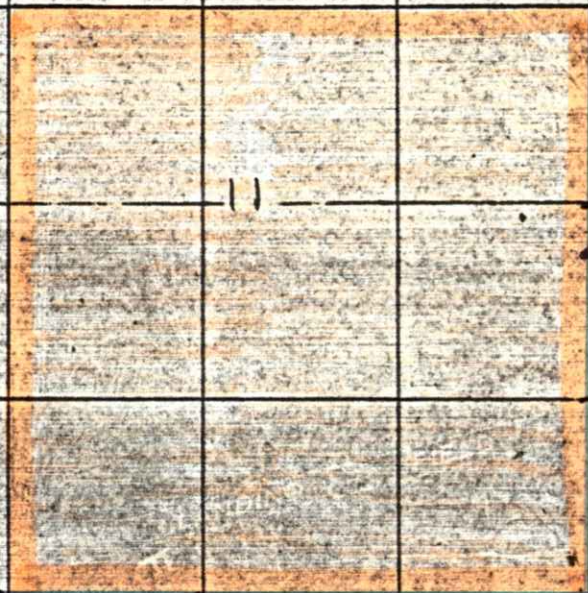
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POINT OF DIVERSION



PLACE OF USE

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Service

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A21-00077B

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OCT 20 1992

