

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: 3/21/1989
Receipt No: E006302
Received By:

AMENDED

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

1. Name of Claimant(s)

PIONEER DITCH CO 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	Type
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	40
			SE	NE	IRRIGATION	37
Section Acres						77
07N	41E	30	SW	NE	IRRIGATION	39
			SE	NE	IRRIGATION	32
			SW	NW	IRRIGATION	33
			SE	NW	IRRIGATION	38
			NE	SW	IRRIGATION	39
			NW	SW	IRRIGATION	31
			SE	SW	IRRIGATION	33
			NW	SE	IRRIGATION	28
Section Acres						273
Total Acres						350

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/CV10/25/00

Claim amended to correct acreage by adding 39.0 acres.

15. Basis of Claim: Decreed

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 X 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 President of
Title
Pioneer Ditch CO, that I have signed the foregoing
Organization
document in the space below as President of
Title
Pioneer Ditch Co and that the statements contained in the
Organization
foregoing document are true and correct. Jay Klein
Signature of Authorized Agent
President / Pioneer Ditch
Title and Organization
11-2-05
Date

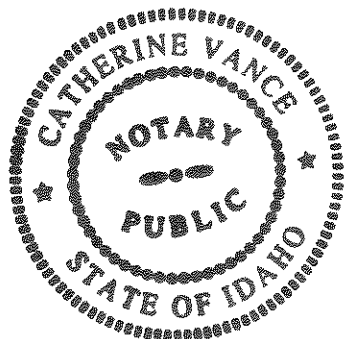
State of Idaho)
County of Madison) SS.

Subscribed and sworn (or affirmed) before me this 2nd
of November 2005 Catherine Vance

Notary Public

Residing at Rexburg

My commission Expires May 14, 2009



24 19
25 30

T7N, R40E
T7N, R41E

Pioneer Ditch Co.

SW 1/4
40

SENE
37

SW 1/4
33

SE 1/4
38

SW 1/4
39

SE 1/4
32

NWSW
31

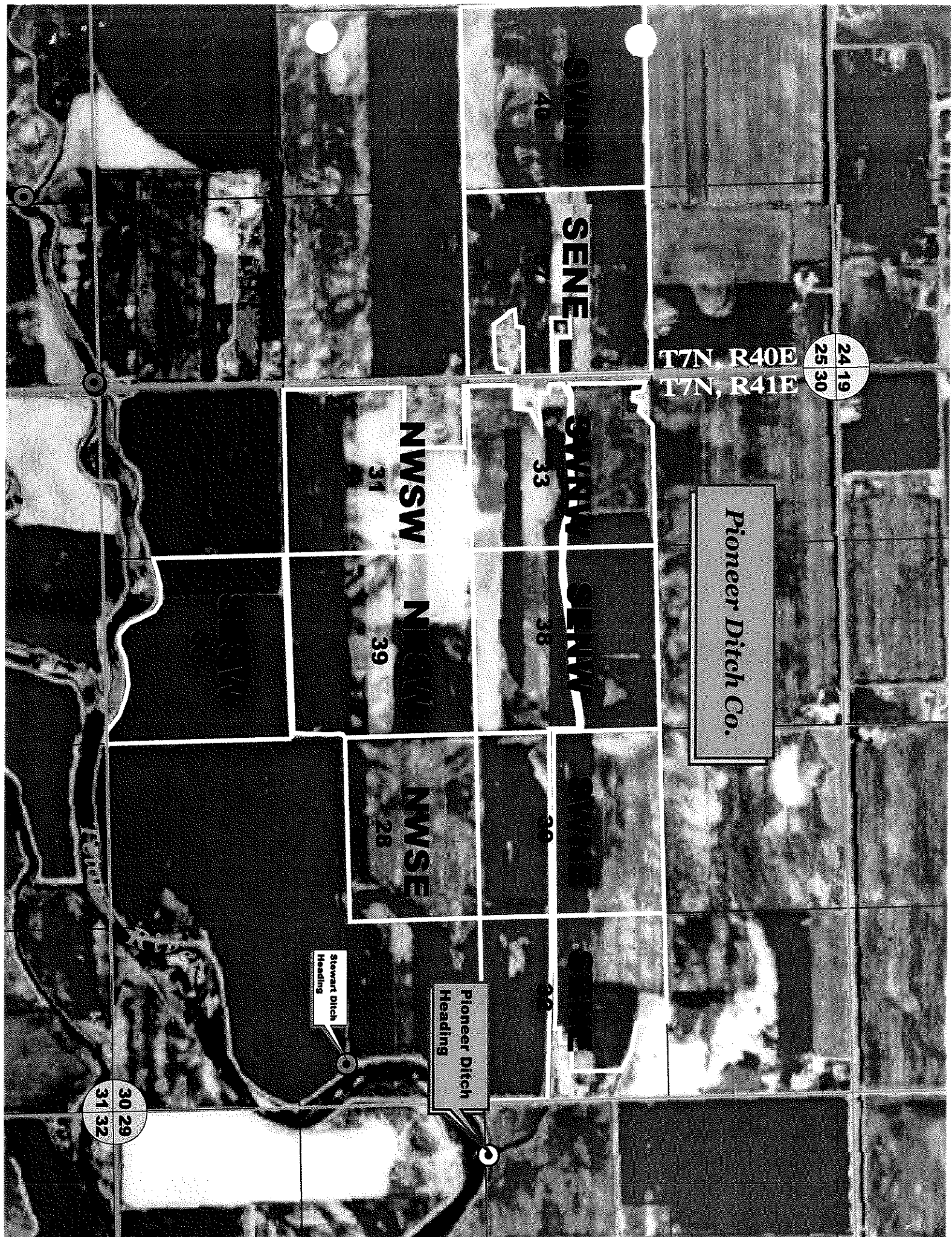
NWSE
39

NWSE
28

Pioneer Ditch
Heading

Stewart Ditch
Heading

30 29
31 32



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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NOV 05 1992

A2200456

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

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 5 1992

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 4-1 to 11-1 amount 18 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 18 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 777.5 acre feet per annum, but includes same acreage as second claim of Claimant, with a different priority date.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) None

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	
7N	40E	25			41	40													81
7N	41E	30			10	10			40	40	40	40		30		20			230

Total number of acres irrigated 311

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

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

If your answer is No, describe in Remarks below the authority you have to claim this water right.
*Since this is an unincorporated company, a list of names of the owners of the land and the land they own is attached)

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

It is included within the boundaries of the Fremont/Madison Irrigation Dist. or None ()

10.56 c.f.s., priority date May 1, 1883, Teton River (Rexburg Decree), on separate claim.

14. Remarks:

Last Name Pioneer Ditch Company Ident No. _____

Copies: White -State, Yellow-Claimant

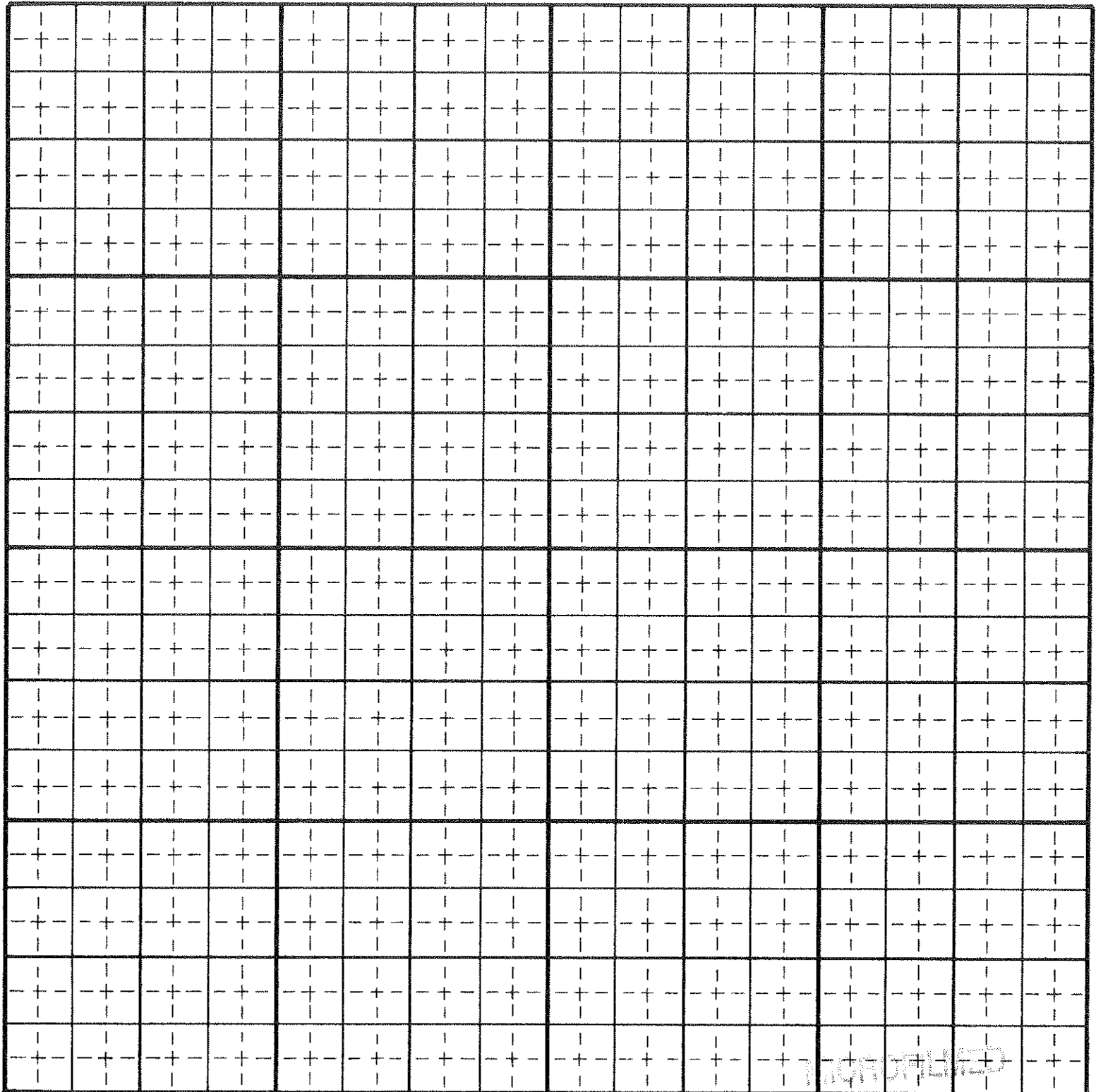
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NOV 05 1992

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

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



NOV 05 1992

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
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

SEAL

Notary Public

Delva 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

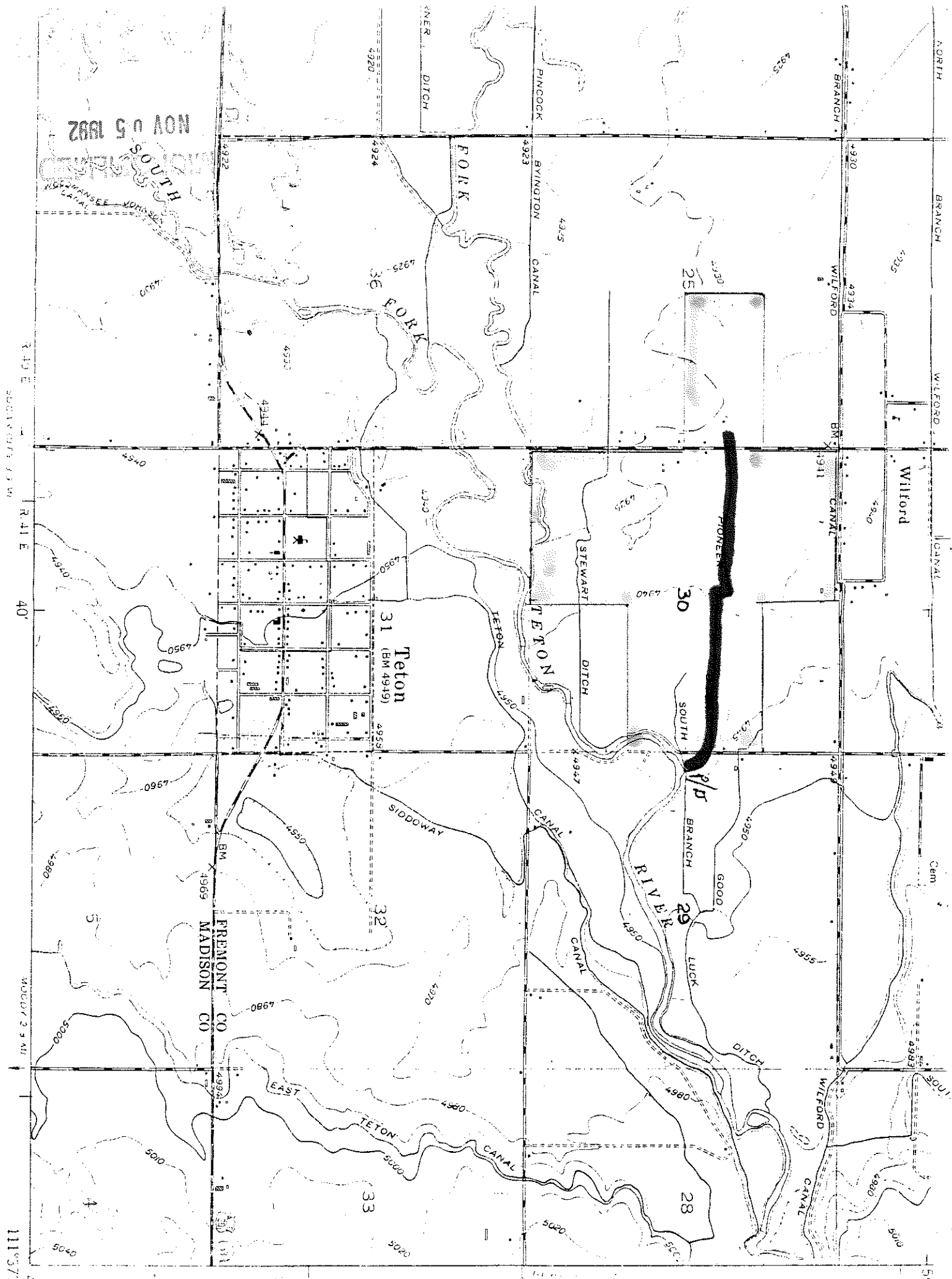
Date

1-25-89

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NOV 05 1992

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

NOT RECORDED
NOV 5 1982