



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

March 17, 2009

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Environment & Natural Resources
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Sean R. Moulton
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Driggs, ID 83342

Lavon G. Grandy
Gary W. Grandy
1076 S. 100 W.
Victor, ID 83455

RE: SRBA Subcase Nos. 22-683A, 22-683B & 22-2279

Dear Parties:

I am enclosing a memorandum prepared by Ernie Carlsen, Water Resource Program Manager at IDWR's Eastern Regional Office. The memorandum explains the rationale for the Amended Director's Reports for the above-referenced subcases that will be filed later this month.

If you should have any questions or comments, please feel free to contact me at 287-4811.

Sincerely,

A handwritten signature in black ink, appearing to read "G. Baxter", is written over a faint, larger signature.

Garrick L. Baxter
Deputy Attorney General, IDWR

Enclosure

cc: Ernie Carlsen (w/out enclosure)

Memorandum

Date: March 10, 2009

To: 22-683A, 22-683B, 22-2279 and 22-13915

From: Ernie Carlsen

RE: Recommendation of 22-13915 on Transfer 3509
Objection resolution for 22-683A, 22-683B and 22-2279

In August 1965, water right 22-683 was adjudicated in the case of Murdock v Eagle ("Murdock Decree") for the diversion of 2.0 cfs from Pole Creek, with a priority of October 22, 1901, to be used for irrigation in H.E.S. 253, Tracts A & B containing 85.4 acres. Attachment 1 is a copy of this decree.

SRBA CLAIMS

In September 1988 Gary Grandy ("Grandy") and Richard Gebhard ("Gebhard") filed SRBA claims dividing the water right 22-683.

Claim 22-683B filed by Gebhard, claims 0.25 cfs diverted from Pole Creek in the SWSENW, S26, T03N, R45E for the irrigation of 16 acres in Tract B with a public land survey ("pls") description of:

T03N, R45E	Section 23	SWSW 16 acres
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Claim 22-683B also included 0.02 cfs for onstream stock water for a total combined diversion rate of 0.27 cfs.

Claim 22-683A filed by Grandy, claims 1.75 cfs diverted from Pole Creek in the SWSENW, S26, T03N, R45E, for the irrigation of 58 acres in Tract A with a pls description of:

T03N, R45E	Section 22	NESW 35 acres
		NWSE 20 acres
		SESE 3 acres

Grandy filed a second SRBA claim no. 22-2279 for water right license 22-2279. The claim shows a priority date of September 9, 1966, and the diversion of 0.52 cfs for Big Spring and Forest Spring tributaries of Little Warm Creek, for the irrigation of 26 acres. Department records reveal the licensing field inspection conducted in June 1972 includes a map, (see Attachment 2), which determined the place of use ("pou") consisted of 17 acres in the west half of H.E.S. 253 Tract A and 9 acres in the east half of H.E.S. 252 with a pls description of:

T03N, R45E	Section 22	NESW 9 acres
		NWSE 17 acres

TRANSFER

In January 1989, Grandy and Gebhard jointly filed an application for transfer no. 3509 to change the nature of use for a portion of decreed right 22-683 and to establish a new point of diversion ("pod") in the NENWSW S26, T03N, R45E. The application was protested by the U.S. Forest Service ("USFS") because the new diversion is on land administered by the USFS. In November 1990, Keith Higginson signed the Final Memorandum Decision and Order ("the Order"), (see Attachment 3), approving Transfer 3509 with explicit restrictions on the use of the new point of diversion. A letter in the Department's record from Grandy and Gebhard requests the withdrawal of the transfer and consequently the water right and adjudication record were not updated to reflect the transfer.

DIRECTOR'S REPORTS

The Director's Reports for the three claims were submitted to the SRBA court as follows:

Water Right	22-683A (Grandy)
Source	Pole Creek tributary to sinks
Quantity	1.08 cfs
Priority Date	10-22-1901
POD	T03N, R45E, S26, Lot 4, (SWNWNW)
Purpose, Period of Use and Quantity	Irrigation, 04-01 to 10-31, 1.08 cfs
POU	T03N, R45E, S22, 46 acres
Conditions	-Right Nos. 22-683A and 22-2279 are limited to the irrigation of a combined total of 62 acres in a single irrigation season. -This right is limited to the irrigation of 46 acres within the place of use described above in a single irrigation season.

Water Right	22-2279 (Grandy)
Source	Big Springs tributary to Pine Creek Forest Spring tributary to Pine Creek
Quantity	0.52 cfs
Priority Date	09-09-1966
POD	T03N, R45E, S22, SENESW T03N, R45E, S22, NENWSE
Purpose, Period of Use and Quantity	Irrigation 06-01 to 10-31 0.52 cfs
POU	T03N, R45E, S22, NESW - 10.9 acres, NWSW - 5.10 acres, NESE - 29.7 acres, NWSE - 15.1 acres, SESE - 1.2 acres, 62 acres total
Conditions	-Right Nos. 22-683A and 22-2279 are limited to the irrigation of a combined total of 62 acres in a single irrigation season. -This right is limited to the irrigation of 26 acres within the place of use described above in a single irrigation season. -Property is also known as Homestead Entry Survey Nos. 252 and 253.

Water Right	22-683B (Gebhard)
Source	Pole Creek tributary to sinks
Quantity	0.25 cfs
Priority Date	10-22-1901
POD	T03N, R45E, S26, Lot 4, (SWNWNW)
Purpose, Period of Use and Quantity	Irrigation, 04-01 to 10-31, 0.25 cfs Stock water, 01-01 to 12-31, 0.02 cfs
POU	T03N, R45E, S23, SWSW, 4 acres Stock water same as irrigation
Conditions	-The quantity of water under this right for stock water use shall not exceed 13,000 gallons per day. -The quantity of water decreed for this water right for stock water use is not a determination of historical beneficial use.

OBJECTIONS

Crystal Springs Land & Cattle Co. Inc. filed an objection to 22-683A and 22-2279. The objection to 22-683A states: the quantity should be 1.75 cfs; the pod should include a diversion in the T03N, R45E, S26, NENWSW; and the pou should be 75.4 acres. The objection to 22-2279 states: the tributary source should be Little Warm Creek; the pod for Big Springs is T03N, R45E, S22, SWNESE; the season of use should be 04-01 to 10-31; the place of use should be 75.4 acres.

Gary W. Grandy filed an objection to 22-2279 stating: the tributary source should be Little Warm Creek; and the season of use should be 04-01 to 10-31.

The USFS filed an objection to both 22-683A and 22-683B. The objection to 22-683A states the pou needs a pls description, there should be a reference to HES 252 and 253 and the claimant is not authorized to occupy and use USFS land. The objection to 22-683B states the recommendation needs to clarify the pou is within HES 253 Tract B and the pou does not include land administered by the USFS.

At the initial hearing the claimants and protestants expressed consensus that the Transfer 3509 is still in effect and should have been considered in the recommendations for 22-683A and 22-683B. Subsequent examination of the department records reveals there is a memorandum in the file acknowledging a letter from the claimants to withdraw the application but proper administrative action was not taken by department to rescind the Order. In approving the changes requested by the Transfer 3509, the Order specifies a number of new water right elements substantially different from those of water right 22-683. Rather than cluttering the recommendations for 22-683A and 22-683B with conditions that identify new water right elements for the new nature of use which alters administration of these two water rights, it was decided a better alternative is to generate a new water right (22-13915) that clearly states the new elements.

22-13915

The Order approving Transfer 3509 changed the nature of use for a portion of decreed right 22-683 and established a new point of diversion (pod) in the NENWSW S26, T03N, R45E. Condition of approval no. 3, states the new point of diversion can be used for diversion of 0.33 cfs for irrigation with a season of use of July 1 to August 31. Findings of Fact no. 9, states the continuous diversion of 0.05 cfs for recreation storage from October 1 through May 1 will result in the total diversion of 18.0 acre-feet ("af") of water. To prevent enlargement of the water right, Findings of Fact no. 11, requires the retirement from irrigation of 6 acres in T03N, R45E, S23, SWSW, which is Tract B of H.E.S. 253. Transfer 3509 lists the resulting pou for irrigation as:

T03N, R45E	Section 22	NESE 38 acres
		NWSE 28 acres
		SESE 3.4 acres
	Section 23	SWSW 6 acres

Total number of acres irrigated = 79.4

Furthermore, to prevent injury to other water rights, conditions of approval nos. 5 and 6 of the Order stipulate the date of priority for both the diversion for irrigation and recreation at the new point of diversion be advanced to November 2, 1989.

Though the Order established several elements of the new water right it did not capture all of them. For instance the Order did not specify the surface area size and volume of the recreation pond. Aerial photos available to the department reveal the pond remained virtually unchanged in size between 1992 and 2006. Creating a shape file that follows the perimeter of the pond on an aerial photo taken in 2004 reveals the pond is 0.76 acres in size. A search for other water rights on the pond identified license 22-

7710. This license indicates the volume of the pond is 1.8 acre feet. Another concern with the Order is the land list provided for the pou. Lacking confirmation of irrigated acres based on an on-site inspection as part of the transfer approval process or documentation on the actual number of irrigated acres from Grandy and Gebhard, the 79.4 acres appears to be based on the 85.4 acres contained in HES 253 tracts A & B as listed in the Murdock Decree minus the 6 acres that must be retired. However, a portion of H.E.S. 253 is located on the mountain side and obviously was not flood irrigated from Pole Creek. Using a 1992 aerial photograph which is the closest year aerial photos are available to when the Order was signed and drawing a shape file around the cultivated fields reveals a total of 47.8 acres being irrigated. The shape file closely resembles the field boundary drawn on the map prepared as part of the licensing exam for 22-7710, (see Attachment 4), though the shape file has 4.8 acres more than licensed by 22-7710. An explanation for this difference is the field boundary drawn on the map for the licensing exam on 22-7710 includes the rows of trees that extend into the cultivated field but apparently did not account for the acres covered by the trees in the licensed pou even though they are irrigated.

Attachment 5 reflects the elements of water right 22-13915, based on the new water right elements in the Order and those identified above along with the combined limit conditions as a result of the overlaps with 22-683A and 22-683B.

22-683A, 22-683B and 22-2279

In approving the requested change in nature of use for a portion of 22-683, the Order, in finds of fact nos. 9, 10 and 11, determined 18 af of water will be diverted to storage for recreation between October 1 and May 1 requiring the applicants to cease irrigating 6 acres in the SWSW Section 23, T03N, R45E. It was never established where the six acres were located, though it is possible Gebhard irrigated more than the four acres identified on the 1992 aerial photo. Presuming Gebhard at one time irrigated a total of 10 acres and subsequently retired 6 from irrigation, then there must also be a commensurate reduction in the diversion rate for irrigation. The quantity of water on Gebhard's claim 22-683B is 0.25 cfs which when applied to 10 acres results in 0.025 cfs/ac or 0.10 cfs for the 4 acres authorized for irrigation. The difference of 0.15 cfs, which went to the 6 acres retired from irrigation, is the quantity converted to recreational storage. Consequently the recommended diversion rate for irrigation on 22-683B should be 0.10 cfs on the 4 acres. Attachment 6 is an updated version of the recommendation for 22-683B incorporating the changes resulting from Transfer 3509, the creation of 22-13915 and resolution of objections by USFS.

To recognize the overlap between 22-13915, 22-2279 and 22-683A a second version of the recommendations for 22-683A and 22-2279 was generated which also addresses the issues raised by objections to the director's reports for 22-683A and 22-2279. Attachment 7 reflects the newer version of 22-683A. The place of use for this newer version is that part of the shape file for 22-13915 which is located in H.E.S. 253 Tract A. The quantity is increased to 1.75 cfs to acknowledge the split agreed to by the claimants. Conditions with combined limits on the rate of diversion and number of irrigated acres were added as a result of the overlap with 22-13915 and 22-2279. Attachment 8 reflects the newer version of 22-2279. The place of use for this version includes the west half of the shape file of 22-683A in H.E.S. 253 Tract A plus 9 acres in H.E.S. 252. A condition with a combined limit on the number of irrigated acres was added to the newer version as a result of the overlap with 22-13915 and 22-683A. The new legal description for one of the points of diversion does not represent a change in the location of the diversion it simply identifies the government lot where the diversion is located.

IN THE DISTRICT COURT OF THE TWELFTH JUDICIAL DISTRICT OF IDAHO
for The County of FREMONT

MARVIS J. MURDOCK and
ELLEN MURDOCK, husband and
wife,
PLAINTIFFS
vs.
HENRY EAGLE, WATERMASTER,
District 36, IDAHO

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DEGREE
Department of Water Resources

THIS CAUSE came on regularly to be heard before the Court, sitting without a jury, in Chambers, in the Courthouse at St. Anthony, Fremont County, Idaho, on this 18th day of August, 1965 at the hour of 10:00 o'clock A. M. of said day; Plaintiffs appearing in person and by their attorney, H. S. Forbush; and the defendant appearing not, either in person or by counsel, and it appearing to the Court, from the records and files in this action, that the defendant was regularly served with process, and that a Notice of Pendency of this action, containing such matter as are required by law, having been published in the Fremont County Chronicle News, a weekly newspaper published at St. Anthony, Fremont County, Idaho; and the Teton Valley News, a weekly newspaper published at Driggs, Teton County, Idaho; in accordance with the Order issued out of this Court on the 23rd day of July, 1965, and as required by law, and the time allowed by law for answering or appearing having expired, and the defendant or anyone for or on behalf of said defendant, having failed to appear or answer plaintiffs' complaint on file herein, and the default of said defendant having been duly and regularly entered, and the Court, having heard the evidence introduced by and on behalf of plaintiffs and having duly considered the same, and being fully advised in the premises; and it appearing that each and all of the allegations in plaintiffs' complaint contained are true and correct.

NOW, THEREFORE, in consideration of the premises, and on motion of H. S. Forbush, Attorney for plaintiffs,

IT IS ORDERED, that the default of said defendant be, and it is hereby entered against said defendant; and

22-0683 IT IS ORDERED, ADJUDGED AND DECREED, that the plaintiffs, Marvis J. Murdock and Ellen Murdock, husband and wife, are entitled to, and are hereby awarded 100 miner's inches of the waters of Pole Creek with priority date of October 22nd, 1901; for the irrigation of their real property, described in plaintiffs' complaint, and more particularly described as follows, to-wit:

H.E. Survey No. 253, Comprising Tracts "A" and "B", embracing a portion of Sections

ATTACHMENT /

22 and 23 in Township 3 North of Range 45, E. R.M. Idaho, more particularly bounded and described as follows;

Beginning for the description of Tract "A" at corner No. 1, from which the quarter corner to said Sections 22 and 23 bear south 89° 37 min. east 0.50 of a chain distant thence north 89° 37 min. west 39.63 chains to corner No. 2; thence, South 10.10 chains to corner No. 3; thence south 70 degrees 57 min. east 37.12 chains to corner No. 4; thence South 28° 30 min. east 8.70 chains to corner No. 5; thence North 41 min. east 29.95 chains to corner No. 1, the place of beginning;

Beginning for the description of Tract "B" at corner No. 6; from which corner No. 5 of said Tract "A" bears north 28° 30 min. west 2.10 chains distant; thence, South 28° 30 min. east 5.30 chains to corner No. 7; thence, South 87° 37 min. east 13.64 chains to corner No. 8; thence north 33° 35 min. west 20.10 chains to corner No. 9; thence north 88° 14 min. west 4.25 chains to corner No. 10; thence South 41 min. west 11.63 chains to corner No. 6; the place of beginning; All located in Teton County, State of Idaho;

Containing 85.39 acres, according to the official plat of the survey of the said land, returned to the General Land Office by the Surveyor General; and

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, that the foregoing adjudication of water be made subject only to the decrees, in a certain action in the District Court of the Ninth Judicial District of the State of Idaho, in and for the County of Fremont, entitled "Hexham Irrigation Company, et al., Plaintiffs, vs. Teton Irrigation Canal Company, et al., Defendants," dated and filed December 16th, 1910; in a certain action instituted in the District Court of the Fourth Judicial District of the State of Idaho, in and for the County of Twin Falls, entitled "Twin Falls Canal Company, Plaintiff, vs. Charles N. Foster, et al., Defendants," filed on the 20th day of June, 1913, and the

amended decrees thereto, dated September 12th, 1916, and filed September 21st, 1916, and in a certain action, instituted in the United States District Court of Idaho, Eastern Division, entitled "Woodville Canal Company, a corporation, Plaintiff, vs. Clark and Edwards Canal Company, a corporation, et al., Defendants," dated the 25th day of June, 1929, and

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, That the defendant and all persons claiming by, through or under him, or either or any of his successors in office, and all persons claiming to have acquired any right or interest in or to or upon the said waters, hereinbefore Decreed, by through, or under any person whatsoever, except the Plaintiffs herein, be hereby enjoined and restrained from obstructing, or in any way interfering with the flow of said waters, through the ditches of the Plaintiffs.

Done in Chambers in the Court House at St. Anthony, Fremont County, Idaho, this 18th day of August, 1965.

STATE OF IDAHO

County of _____

I, _____, Clerk of the District Court, do hereby certify that the foregoing is a true and correct copy of the original of the same as the same appears on file and of record in my office as Clerk of the District Court.

Witness my hand and seal of office this _____ day of _____, 1965.

WILLARD C. BURTON

JUDGE OF THE DISTRICT COURT

W. Le Monte Dwyer

IN ON Soil Conservation District Grandy

FARM NO. DATE 8-67
SCALE 8" = 1 MI. ACRES 48.17
PHOTO NO. 69

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R-45E

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BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR	)	
	)	
TRANSFER OF DECREE NO. 22-00683	)	
	)	FINAL MEMORANDUM DECISION
Source: Pole Creek	)	AND ORDER
County: Teton	)	
	)	

Following a hearing of protests against application for transfer of decreed right no. 22-00683, and issuance of a Proposed Decision, Gary W. Grandy and Dick Gebhard (applicants) filed exceptions to the Proposed Decision. The applicants took exception to the Department's failure to address a component of the transfer seeking diversion of 0.05 cfs for a recreational pond. After review of the file, I have determined that the exception is legitimate, and the following Findings of Fact and Conclusions of Law address and authorize the recreational use:

FINDINGS OF FACT

1. On January 5, 1989, Gary Grandy and/or Dick Gebhard applied to the Department of Water Resources for transfer of a point of diversion of a decreed water right numbered 22-00683. The application sought to add a diversion on Pole Creek upstream from the original point of diversion at a legal description listed as the NE1/4NW1/4SW1/4, Section 26, Township 3 North, Range 45 East. This proposed point of diversion is located on ground administered by the United States Forest Service (USFS). The original place of use for this decree would remain unchanged. The application was amended after the conference of September 7,

1989, to specify that only 0.33 cubic feet per second of the 2.0 cfs right would be diverted from the new point of diversion during a period of use from July 1, to August 31 of each year. The description of the water source was also amended to include a spring tributary to Pole Creek. The amendment also proposed diversion of 0.05 cfs from October 1 through May 1 for recreational purposes. The water will be used to maintain levels in a recreational pond.

2. A protest against approval of the application for transfer was received from J.S. Tixier, Regional Forester for the USFS.

The protestant raised objections to the addition of a point of diversion by alleging that:

a. The new point of diversion would be a mile inside the boundary of the Targhee National Forest.

b. The new diversion would injure riparian habitat that the Forest Service is responsible to protect under the Multiple-Use Sustained-Yield Act.

3. A conference was held September 7, 1989, in Driggs, Idaho. Both parties agreed to review an amended form of the application for transfer. Both applicant and protestant signed a stipulation for entry of proposed decision without a hearing. The amended application was reviewed by USFS personnel and the protest was left in place.

MEMORANDUM DECISION AND ORDER

4. The stream ceases to flow at the present point of diversion beginning in the latter part of July or early August, and remains dry for the remainder of the irrigation season. The applicant submitted information showing that the stream did not dry up in 1930.

5. The stream at the proposed new point of diversion has been measured in August by USFS personnel to still have a flow of approximately 0.33 cubic feet per second.

6. The applicant does not intend to divert a total of more than the original 2.00 cubic feet per second. The applicant will limit diversion from the upper point of diversion to 0.33 cubic feet per second from July 1 to August 31 of each season.

7. The USFS has not recorded water rights for use in the area of the application but protests on the basis of its management responsibility under the National Environmental Policy Act (NEPA). In addition, the applicants lack an approved Special Use Permit from the Forest Service.

8. Forest Service personnel have not assessed the flow requirements or flows available to maintain riparian vegetation.

9. The applicants must reduce the number of acres irrigated under this right to compensate for an out of season diversion of 0.05 cfs to the recreational pond. A continuous diversion of 0.05 cfs over the period from October 1 through May 1 will result in total storage diversion of 18.0 acre-feet of water.

10. In the Teton Basin, the duty of water is approximately 3.0 acre-feet per acre of irrigated land.

MEMORANDUM DECISION AND ORDER

11. The applicants must reduce their irrigated acreage by 6 acres. The applicants have identified the SW1/4SW1/4 of Section 23, T3N, R45E, B.M. as the place of use which should be reduced.

12. The priority of the recreational use must be advanced to the date the application for transfer was filed.

CONCLUSIONS OF LAW

1. Section 42-222 of the Idaho Code (1989 Supp.) provides that ". . . the director of the department of water resources shall examine all the evidence and available information and shall approve the change in whole or in part, or upon conditions (emphasis added), provided water rights are not injured thereby, the change does not constitute an enlargement in use of the original right and the change is in the local public interest as defined in Section 42-203A, Idaho Code."

2. The change in point of diversion seeks to add a second point to divert a specific amount of water which in conjunction with the original point of diversion will not exceed a diversion rate of 2.00 cubic feet per second.

3. Diversion from the proposed upper point of diversion will result in use of water for an additional one to two months beyond the period when water has traditionally been available. The extension of water availability is an enlargement of use unless the transfer is specifically conditioned to prevent enlargement.

4. The total volume of water diverted must be limited to the volume traditionally diverted from the old point of

MEMORANDUM DECISION AND ORDER

diversion.

5. The date of priority for the new point of diversion and the 0.33 cfs diverted from it must be changed to November 2, 1989, the date the amended transfer was filed, to avoid possible injury to other water rights.

6. The right changed by this transfer must be subject to any recorded, reserved or beneficial use rights with earlier dates of priority.

7. To prevent an enlargement of use, the acreage irrigated must be reduced by 6 acres, and the recreation use priority advanced to November 2, 1989, the date the amended transfer was filed.

ORDER

IT IS, THEREFORE, HEREBY ORDERED that Application for Transfer of Decree 22-00683 is APPROVED subject to the following conditions:

1. A special use permit must be obtained from the U.S. Forest Service prior to construction of the new point of diversion.

2. The combined rate of diversion from the old and new points of diversion shall not exceed 2.0 cfs.

3. No more than 0.33 cubic feet per second can be diverted from the new point of diversion between July 1 and August 31 of each year.

MEMORANDUM DECISION AND ORDER

4. The total volume of water diverted from the two points of diversion approved by this transfer shall be limited to the volume traditionally diverted from the old point of diversion.

5. The priority date for that portion of the right diverted from the new point of diversion is November 2, 1989.

6. The priority date for the wintertime recreational use is November 2, 1989.

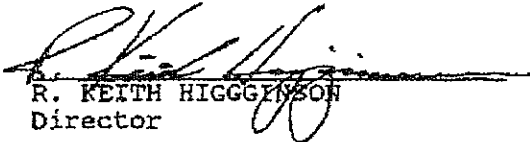
7. The right changed by this transfer shall be subject to any established water rights with earlier dates of priority.

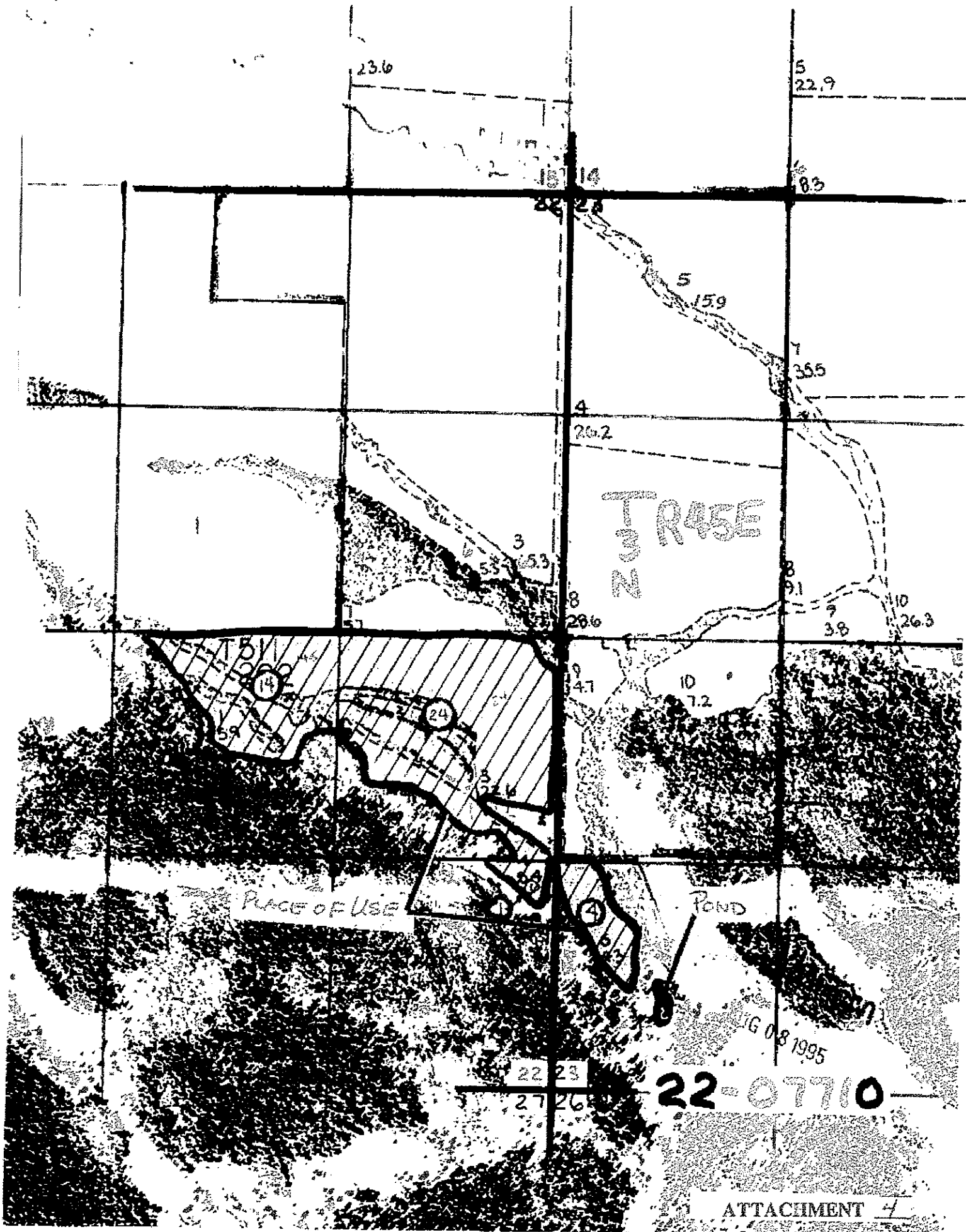
8. Use of water under this permit is subject to control by the watermaster of Water District 01, Snake River.

9. The place of use pursuant to this application for transfer is as follows:

T3N, R45E	Section 22	NE1/4SE1/4	38	acres
		NW1/4SE1/4	28	acres
		SE1/4SE1/2	3.4	acres
T3N, R45E	Section 23	SW1/4SW1/4	6	acres
	Total Number of acres irrigated			- 79.4

Dated this 6th day of NOVEMBER, 1990.


R. KEITH HIGGINSON
Director





Idaho Department of Water Resources

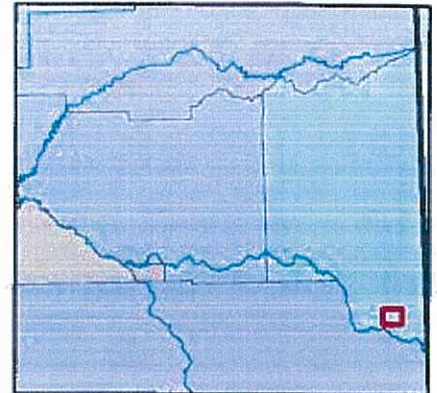
Adjudication Recommendation

22-13915

(IRRIGATION)

Legend

-  Point of Diversion
-  Place of Use
-  State Outline
-  Townships
-  PLS Sections
-  Quarter Quarters



Teton County
IDWR Basin 22



Prepared by Ernie Carlsen
On March 10, 2009
1992 Aerial Photography

0 0.3 0.6 1.2 Miles

IDAHO DEPARTMENT OF WATER RESOURCES RECOMMENDED
WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 22-683B

NAME AND ADDRESS:

RICHARD HOWARD GEBHARD
PO BOX 168
VICTOR ID 83455

SOURCE:

Source:
POLE CREEK

Tributary:

SINKS

QUANTITY:

0.100 CFS

~~0.250 CFS~~

The rights listed below are limited to a total combined diversion rate of 2.00 cfs.
Combined Right Nos.: 22-683A, 22-683B and 22-13915.

The quantity of water under this right for stockwater use shall not exceed 13,000
gallons per day.

~~The quantity of water under this right for stockwater use shall not exceed 13,000
gallons per day.~~

PRIORITY DATE: 10/22/1901

POINT OF DIVERSION:

T03N R45E S26 Lot 4 SNNWNW

Within TETON County

PURPOSE AND
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

IRRIGATION

04/15 10/31

0.100 CFS

~~0.250 CFS~~

STOCKWATER

01/01 12/31

0.020 CFS

PLACE OF USE:

IRRIGATION within TETON County
T03N R45E S23 SWSW 4.0

STOCKWATER within TETON County
T03N R45E S23 SWSW

4 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 47.8 acres in a
single irrigation season. Combined Right Nos.: 22-683A, 22-683B and 22-13915.

Place of use does not include federal public lands.

~~The place of use lies within Homestead Entry Survey No. 253, Tract B.~~

IDAHO DEPARTMENT OF WATER RESOURCES RECOMMENDED
WATER RIGHTS ACQUIRED UNDER STATE LAW

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

Property is also known as Homestead Entry Survey No. 253 Tracts B.

The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

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



Idaho Department of Water Resources

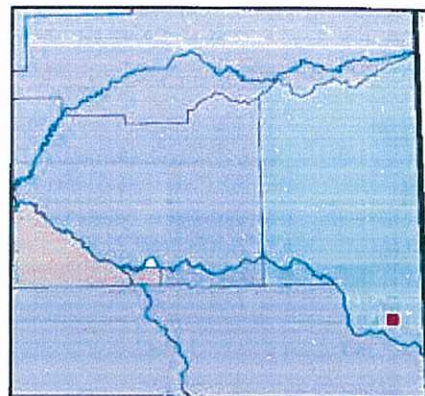
Adjudication Recommendation

22-683B

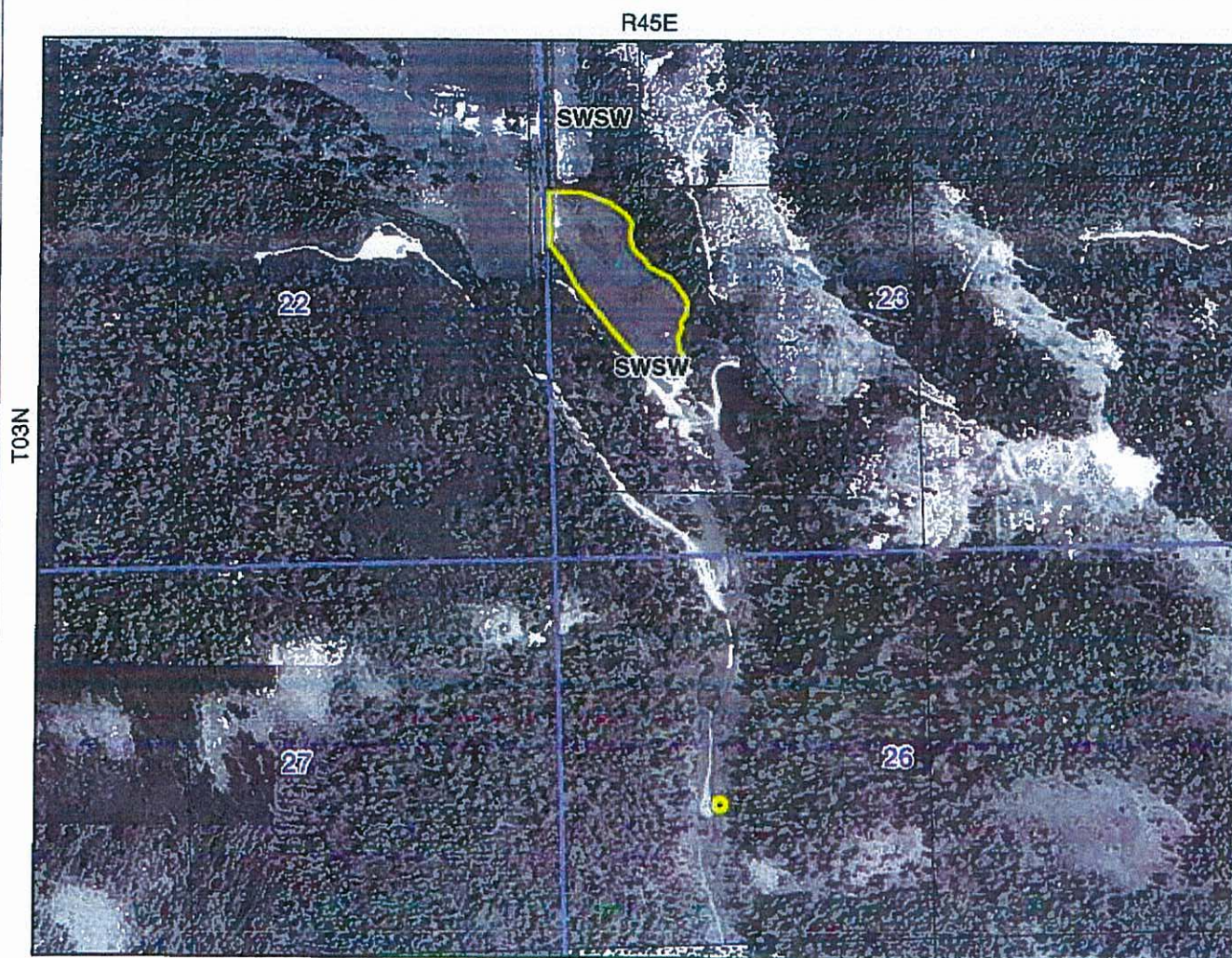
(IRRIGATION)

Legend

-  Point of Diversion
-  Place of Use
-  State Outline
-  Townships
-  PLS Sections
-  Quarter Quarters



Teton County
IDWR Basin 22



Prepared by Ernie Carlsen
On March 10, 2009
1992 Aerial Photography

0 0.125 0.25 0.5 Miles

IDAHO DEPARTMENT OF WATER RESOURCES RECOMMENDED
WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 22-683A

NAME AND ADDRESS:

GARY W GRANDY
1076 S 100 W
VICTOR ID 83455

LA VON G GRANDY
1076 S 100 W
VICTOR ID 83455-5446

SOURCE:

Source:
POLE CREEK

Tributary:
SINKS

QUANTITY:

1.750 CFS

~~1.080 CFS~~

The rights listed below are limited to a total combined diversion rate of 2.00 cfs.
Combined Right Nos.: 22-683A, 22-683B and 22-13915.

PRIORITY DATE: 10/22/1901

POINT OF DIVERSION:

T03N R45E S26 Lot 4 SWNNW

Within TETON County

PURPOSE AND
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

IRRIGATION

04/15 10/31

1.750 CFS

~~04/01 10/31~~

~~1.080 CFS~~

PLACE OF USE:

IRRIGATION

within TETON County

~~T03N R45E S22 46.0~~

~~T03N R45E S22 16.0~~

T03N R45E S22 NESE 29.0

T03N R45E S22 NWSE 13.0

T03N R45E S22 SESE 1.8

43.8 ACRES TOTAL

~~62 ACRES TOTAL~~

The rights listed below are limited to the irrigation of a combined total of 47.8 acres in a
single irrigation season. Combined Right Nos.: 22-683A, 22-683B and 22-13915.

The rights listed below are limited to the irrigation of a combined total of 52.8 acres in a
single irrigation season. Combined Right Nos.: 22-683A, 22-2279 and 22-13915.

Place of use does not include federal public lands.

~~Right Nos. 22-683A and 22-2279 are limited to the irrigation of a combined total of 62
acres in a single irrigation season.~~

~~This right is limited to the irrigation of 46 acres within the place of use described above in
a single irrigation season.~~

IDAHO DEPARTMENT OF WATER RESOURCES RECOMMENDED
WATER RIGHTS ACQUIRED UNDER STATE LAW

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

Property is also known as Homestead Entry Survey No. 253 Tracts A.

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



Idaho Department of Water Resources

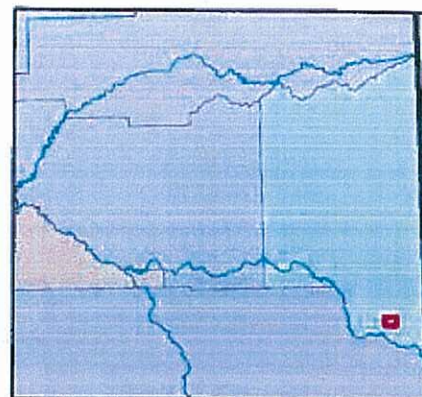
Adjudication Recommendation

22-683A

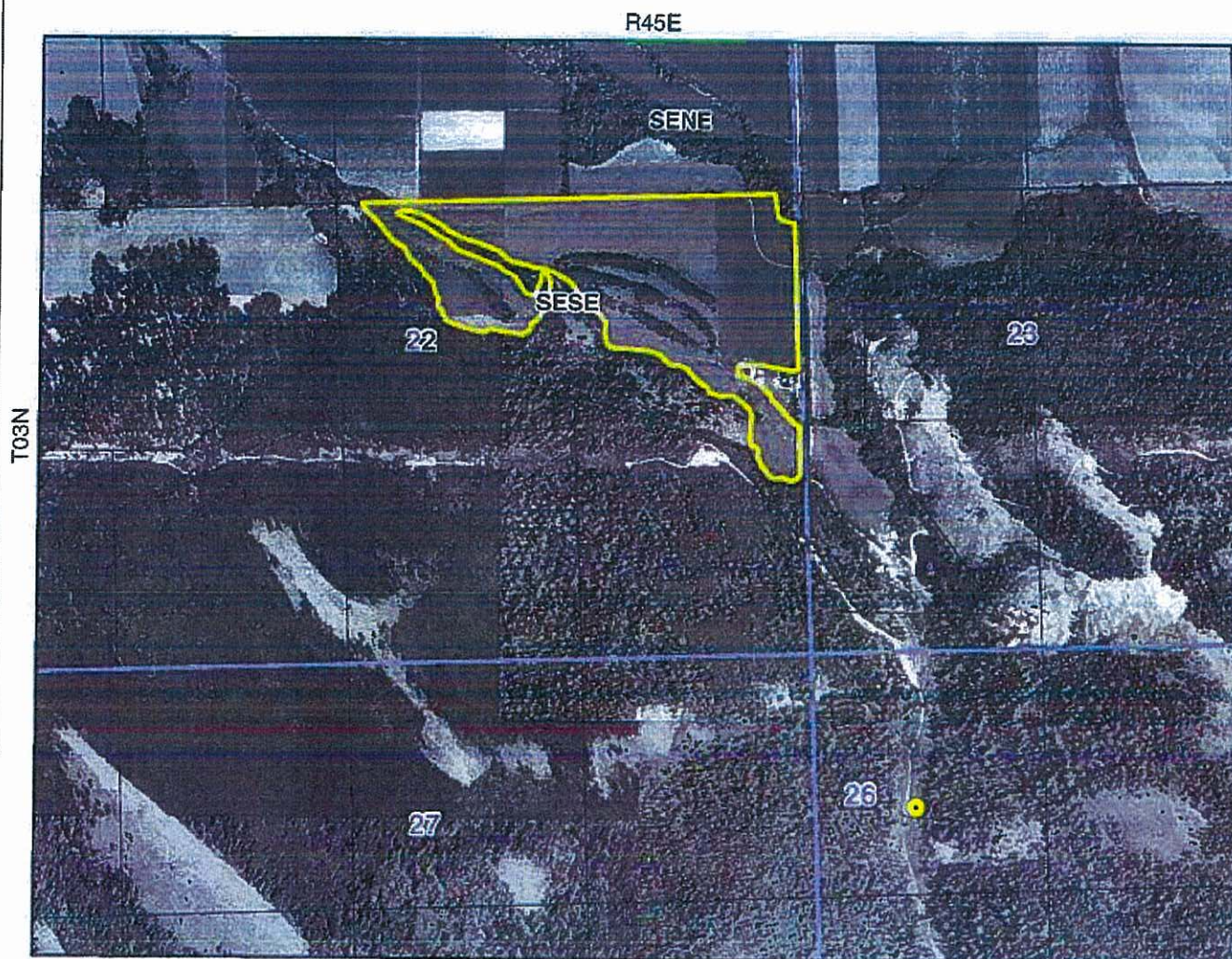
(IRRIGATION)

Legend

-  Point of Diversion
-  Place of Use
-  State Outline
-  Townships
-  PLS Sections
-  Quarter Quarters



Teton County
IDWR Basin 22



Prepared by Ernie Carlsen
On March 10, 2009
1992 Aerial Photography

0 0.2 0.4 0.8 Miles

IDAHO DEPARTMENT OF WATER RESOURCES RECOMMENDED
WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 22-2279

NAME AND ADDRESS:

GARY W GRANDY
1076 S 100 W
VICTOR ID 83455

LA VON G GRANDY
1076 S 100 W
VICTOR ID 83455-5446

SOURCE:

Source:
BIG SPRINGS

Tributary:

LITTLE WARM CREEK ~~PINE CREEK~~

Source:
FOREST SPRING

Tributary:

LITTLE WARM CREEK ~~PINE CREEK~~

QUANTITY: 0.520 CFS

PRIORITY DATE: 09/09/1966

POINT OF DIVERSION:

~~T03N R45E S22 SESESW~~
~~Within TETON County~~

T03N R45E S22 Lot 4 NESESW Within TETON County

T03N R45E S22 NENWSE Within TETON County

PURPOSE AND
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

IRRIGATION 06/01 10/31 0.520 CFS

The use of water for irrigation under this right may begin as early as April 15, provided other elements of the right are not exceeded. The use of water before June 1 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE:

IRRIGATION within TETON County

~~T03N R45E S22 NESW 10.9~~
~~T03N R45E S22 NWSW 5.1~~

T03N R45E S22 SESW 9.0

~~T03N R45E S22 NSESE 29.7~~
~~T03N R45E S22 NWSSE 15.1~~
~~T03N R45E S22 SESESE 1.2~~

T03N R45E S22 SESE 13.0

22 ACRES TOTAL

~~62 ACRES TOTAL~~

Place of use does not include federal public lands.

The rights listed below are limited to the irrigation of a combined total of 52.8 acres in a single irrigation season. Combined Right Nos.: 22-683A, 22-2279 and 22-13915.

~~This right is limited to the irrigation of 26 acres within the place of use described above in a single irrigation season.~~

IDAHO DEPARTMENT OF WATER RESOURCES RECOMMENDED
WATER RIGHTS ACQUIRED UNDER STATE LAW

~~Right Nos. 22-683A and 22-2279 are limited to the irrigation of a combined total of 62 acres in a single irrigation season.~~

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

Property is also known as Homestead Entry Survey Nos. 252 and 253
Tract A.

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.

~~Property is also known as Homestead Entry Survey Nos. 252 and 253.~~

EXPLANATORY MATERIAL: BASIS OF CLAIM - License



Idaho Department of Water Resources

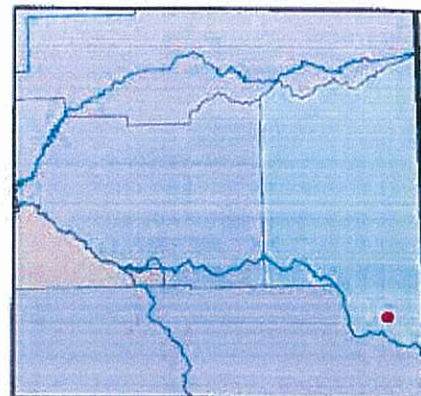
Adjudication Recommendation

22-2279

(IRRIGATION)

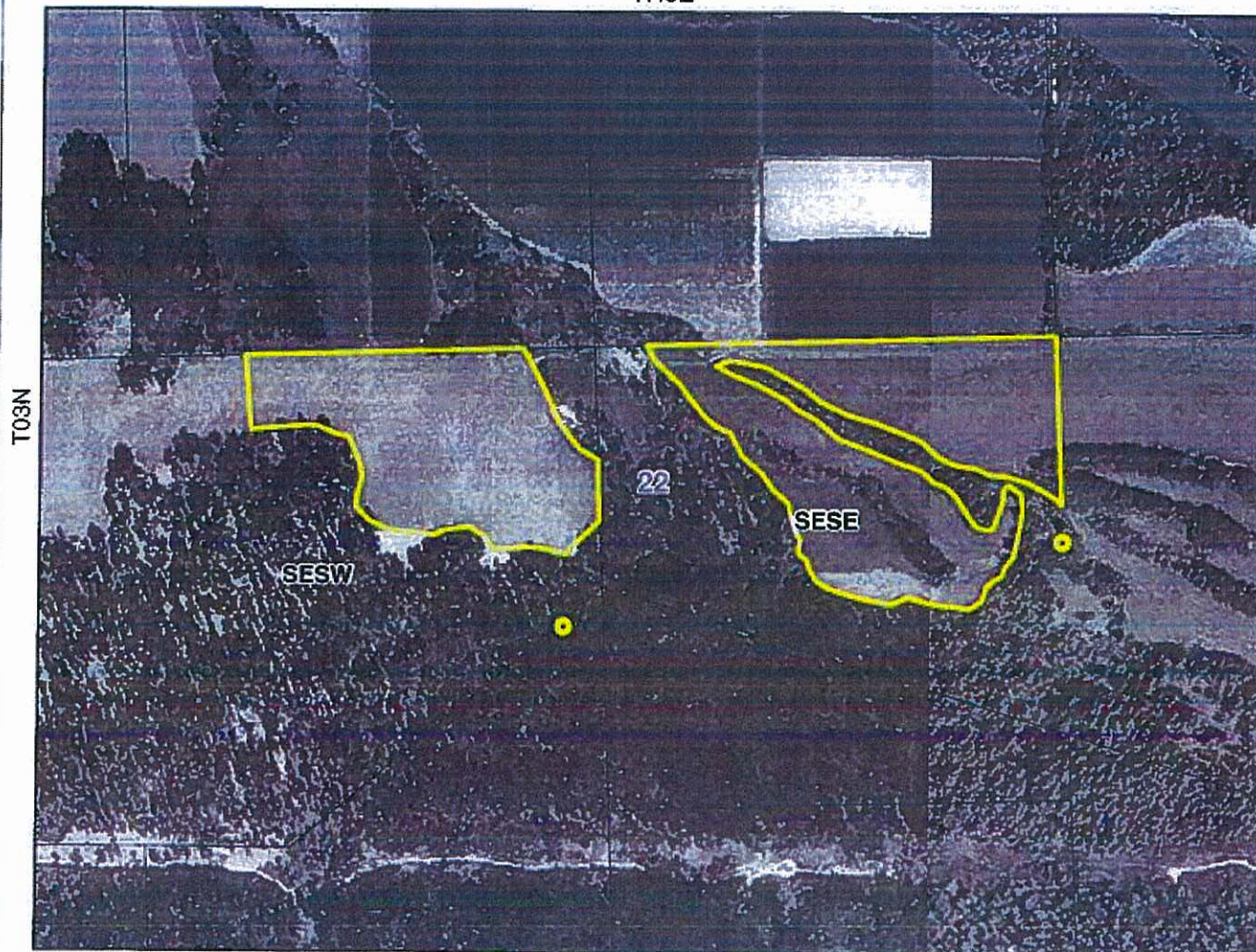
Legend

-  Point of Diversion
-  Place of Use
-  State Outline
-  Townships
-  PLS Sections
-  Quarter Quarters



Teton County
IDWR Basin 22

R45E



Prepared by Ernie Carlsen
On March 10, 2009
1992 Aerial Photography

0 0.1 0.2 0.4 Miles