



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

December 30, 2011

Special Master Brigitte Bilyeu
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

Via E-mail & Regular Mail

RE: Subcase No. 00-92920 ("Rec/Rec")

Dear Special Master Bilyeu:

As requested during the status conference of December 7, 2011, the Department is providing the third list of the rec/rec water rights that require no changes and can move forward to partial decree as recommended in the original Director's Reports. The "No Change" water rights include:

22-454 22-455 22-658 22-7253

I have enclosed copies of the Director's Reports for the first three water rights.

On July 25, 2008, an SF5 was filed for 22-7253. I have attached a copy of that SF5 for the Court's convenience. I believe 22-7253 was held from Special Master's Report & Recommendation because it overlaps subcase nos. 22-163a et al. In the companion list of third round Proposed Change rec/rec rights, proposed Amended Director's Reports for 22-163a et al. are included for the parties' review. Once the parties have indicated their agreement with the proposed ADRs for 22-163 et al., 22-7253 should be ready to proceed per the terms of the July 25, 2008 SF5.

If you should have any questions, or if I can be of further assistance, please do not hesitate to contact me at (208) 287-4810.

Sincerely,

A handwritten signature in black ink that reads "Andrea L. Courtney".

Andrea L. Courtney
Deputy Attorney General, IDWR

Encls.

Cc via email w/o encls:

Jerry Rigby
Kent Fletcher
Craig Hobdey
Harriett Hensley
David Gehlert

Travis T. Thompson
Candice McHugh
David Negri
Randy Budge
Special Master Terry Dolan

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

RIGHT NUMBER: 22-454

NAME AND ADDRESS: PINCOCK BYINGTON DITCH CO
6245 E HWY 33
TETON ID 83451

SOURCE: TETON RIVER

TRIBUTARY: HENRYS FORK

QUANTITY: 14.000 CFS

PRIORITY DATE: 04/01/1898

POINT OF
DIVERSION: T07N R40E S36 NENWNE Within FREMONT County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/01 10/31	14.000 CFS
PLACE OF USE:	<u>IRRIGATION in FREMONT County and MADISON County</u>		
	T07N R40E S34 NENE	39.00	T07N R40E S34 NWNE 38.00
	T07N R40E S34 SWNE	2.50	T07N R40E S34 SENE 7.70
	T07N R40E S35 NENE	33.00	T07N R40E S35 NWNE 31.00
	T07N R40E S35 NENW	28.00	T07N R40E S35 NWNW 39.00
	T07N R40E S35 SWNW	3.70	T07N R40E S36 NWNW 35.00

256.9 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 256.9 acres in a single irrigation season. Combined Right Nos.: 22-454, 22-455, and 22-658.

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

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Water is delivered through Pincock Byington Ditch.

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

RIGHT NUMBER: 22-455

NAME AND ADDRESS: PINCOCK BYINGTON DITCH CO
6245 E HWY 33
TETON ID 83451

SOURCE: TETON RIVER

TRIBUTARY: HENRYS FORK

QUANTITY: 7.120 CFS

PRIORITY DATE: 03/01/1884

POINT OF

DIVERSION: T07N R40E S36 NENWNE Within FREMONT County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/01 10/31	7.120 CFS
PLACE OF USE:	<u>IRRIGATION in FREMONT County and MADISON County</u>		
	T07N R40E S34	NENE 39.00	T07N R40E S34 NWNE 38.00
	T07N R40E S34	SWNE 2.50	T07N R40E S34 SENE 7.70
	T07N R40E S35	NENE 33.00	T07N R40E S35 NWNE 31.00
	T07N R40E S35	NENW 28.00	T07N R40E S35 NWNW 39.00
	T07N R40E S35	SWNW 3.70	T07N R40E S36 NWNW 35.00

256.9 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 256.9 acres in a single irrigation season. Combined Right Nos.: 22-454, 22-455, and 22-658.

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

Water is delivered through Pincock Byington Ditch.

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

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

RIGHT NUMBER: 22-658

NAME AND ADDRESS: PINCOCK BYINGTON DITCH CO
6245 E HWY 33
TETON ID 83451

SOURCE: TETON RIVER

TRIBUTARY: HENRYS FORK

QUANTITY: 18.880 CFS

PRIORITY DATE: 04/01/1939

POINT OF
DIVERSION: T07N R40E S36 NENWNE Within FREMONT County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/01 10/31	18.880 CFS
PLACE OF USE:	<u>IRRIGATION in FREMONT County and MADISON County</u>		
	T07N R40E S34	NENE 39.00	T07N R40E S34 NWNE 38.00
	T07N R40E S34	SWNE 2.50	T07N R40E S34 SENE 7.70
	T07N R40E S35	NENE 33.00	T07N R40E S35 NWNE 31.00
	T07N R40E S35	NENW 28.00	T07N R40E S35 NWNW 39.00
	T07N R40E S35	SWNW 3.70	T07N R40E S36 NWNW 35.00

256.9 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 256.9 acres in a single irrigation season. Combined Right Nos.: 22-454, 22-455, and 22-658.

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

The remainder of this right was forfeited for non-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

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Water is delivered through Pincock Byington Ditch.

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

RIGHT NUMBER: 22-7253

NAME AND ADDRESS:

CANYON CREEK LATERAL DITCH ASSN
12241 E 3749 N
NEWDALE ID 83436

SOURCE:

Source:

Tributary:

GROUND WATER

QUANTITY:

14.000 CFS

5,109.500 AFY

The rights listed below are limited to a total combined diversion rate of 29.04 cfs. Combined Right Nos.: 22-163A, 22-7253, 22-7276, 22-13738, and 22-13739.

Right Nos. 22-7253 and 22-13738 are limited to a total combined diversion rate of 14 cfs.

~~The rights listed below are limited to a total combined diversion rate of 29.04 cfs and to a total combined annual diversion volume of 10,710 AF. Combined Right Nos.: 22-163A, 22-7253, and 22-7276.~~

PRIORITY DATE: 07/29/1977

POINT OF DIVERSION:

T07N R40E S36 NENESE
Within FREMONT County

T07N R40E S36 NWNWSE Injection
Within FREMONT County

~~T07N R40E S36 NENESE Injection~~
~~Within FREMONT County~~

T07N R42E S30 NESENE Rediversion
Within MADISON County

Water diverted under this right is exchanged by injecting water diverted under this right into Teton River at the point of injection described above, and diverting an equal amount from Teton River at the point of rediversion described above.

~~Water diverted under this right is exchanged by injecting water diverted under this right into Teton Canal at the point of injection described above, and diverting an equal amount from Teton River at the point of rediversion described above.~~

PURPOSE AND
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

IRRIGATION

04/15 10/15

14.000 CFS 5,109.50 AFY

The use of water for irrigation under this right may begin as early as April 1 and may continue to as late as October 31, provided other elements of the right are not exceeded. The use of water before April 15 and after October 15 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.

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

PLACE OF USE: IRRIGATION within FREMONT County

T06N R41E S01 NESE 6.4
T06N R41E S01 NWSE 0.4
T06N R41E S01 SWSE 28.0
T06N R41E S01 SESE 36.0
T06N R41E S12 NENE 40.0
T06N R41E S12 NWNE 40.0
T06N R41E S12 SWNE 40.0
T06N R41E S12 SENE 40.0
T06N R41E S12 NESE 40.0
T06N R41E S12 SESE 40.0
T06N R42E S05 SWNE 39.0
T06N R42E S05 SENE 39.0
T06N R42E S05 Lot 4 NWNW 37.0
T06N R42E S05 SWNW 33.0
T06N R42E S05 SENW 36.0
T06N R42E S05 NESW 36.0
T06N R42E S05 NWSW 39.0
T06N R42E S05 SWSW 40.0
T06N R42E S05 SESW 34.0
T06N R42E S05 NESE 39.0
T06N R42E S05 NWSE 39.0
T06N R42E S05 SWSE 39.0
T06N R42E S05 SESE 39.0
T06N R42E S06 Lot 1 NENE 32.0
T06N R42E S06 Lot 2 NWNE 38.0
T06N R42E S06 SWNE 40.0
T06N R42E S06 SENE 39.0
T06N R42E S06 Lot 3 NENW 39.0
T06N R42E S06 Lot 5 SWNW 29.0
T06N R42E S06 SENW 39.0
T06N R42E S06 NESW 39.0
T06N R42E S06 Lot 6 NWSW 24.0
T06N R42E S06 Lot 7 SWSW 37.0
T06N R42E S06 SESW 37.0
T06N R42E S06 NESE 40.0
T06N R42E S06 NWSE 40.0
T06N R42E S06 SWSE 40.0
T06N R42E S06 SESE 40.0
T06N R42E S07 NENE 39.0
T06N R42E S07 NWNE 40.0
T06N R42E S07 SWNE 40.0
T06N R42E S07 SENE 40.0
T06N R42E S07 NENW 40.0
T06N R42E S07 Lot 1 NWNW 38.0
T06N R42E S07 Lot 2 SWNW 38.0

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

T06N R42E S07 SENW 40.0
T06N R42E S07 NESW 40.0
T06N R42E S07 Lot 3 NWSW 38.0
T06N R42E S07 Lot 4 SWSW 38.0
T06N R42E S07 SESW 40.0
T06N R42E S07 NESE 40.0
T06N R42E S07 NWSE 40.0
T06N R42E S07 SWSE 40.0
T06N R42E S07 SESE 39.0
T06N R42E S08 NWNE 40.0
T06N R42E S08 SWNE 14.0
T06N R42E S08 NENW 40.0
T06N R42E S08 NWNW 40.0
T06N R42E S08 SWNW 40.0
T06N R42E S08 SENW 40.0
T06N R42E S08 NESW 40.0
T06N R42E S08 NWSW 40.0
T06N R42E S08 SWSW 40.0
T06N R42E S08 SESW 40.0
T06N R42E S08 NWSE 14.0
T06N R42E S08 SWSE 13.0
T07N R41E S26 NESW 39.0
T07N R41E S26 NWSW 13.0
T07N R41E S26 SWSW 35.0
T07N R41E S26 SESW 39.0
T07N R41E S27 SESE 5.0
T07N R41E S35 NENE 39.0
T07N R41E S35 NWNE 39.0
T07N R41E S35 SWNE 40.0
T07N R41E S35 SENE 40.0
T07N R41E S35 NENW 39.0
T07N R41E S35 NWNW 39.0
T07N R41E S35 SWNW 40.0
T07N R41E S35 SENW 40.0
T07N R41E S35 NESE 40.0
T07N R41E S35 NWSE 40.0
T07N R41E S35 SWSE 33.0
T07N R41E S35 SESE 37.0
T07N R42E S30 SESW 40.0
T07N R42E S30 NESE 9.1
T07N R42E S30 SWSE 40.0
T07N R42E S30 SESE 40.0
T07N R42E S31 SWNE 40.0
T07N R42E S31 SENE 38.0
T07N R42E S31 Lot 2 SWNW 39.0
T07N R42E S31 SENW 40.0

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

T07N R42E S31 NESW 40.0
T07N R42E S31 SESW 38.0
T07N R42E S31 NESE 37.0
T07N R42E S31 NWSE 40.0
T07N R42E S31 SWSE 39.0
T07N R42E S31 SESE 38.0
T07N R42E S32 NESW 40.0
T07N R42E S32 NWSW 39.0
T07N R42E S32 SWSW 37.0
T07N R42E S32 NWSE 36.0

3650.9 ACRES TOTAL

~~3060 ACRES TOTAL~~

This right is limited to the irrigation of 1720 acres within the place of use described above in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 3650.9 acres in a single irrigation season. Combined Right Nos.: 22-163A, 22-7253, 22-7276, 22-13738, and 22-13739.

Place of use does not include federal public lands.

~~The rights listed below are limited to the irrigation of a combined total of 3060 acres in a single irrigation season. Combined Right Nos.: 22-163A, 22-7253, and 22-7276.~~

~~The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.~~

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

~~No demand on upstream prior rights or existing prior exchanges can be made and no interference with prior rights located between the redirection pump and the exchange well will be allowed even if the exchange well is pumping water into the Teton Canal.~~

No demand on upstream prior rights or existing prior exchanges can be made and no interference with prior rights located between the redirection pumps and the point of injection will be allowed even if the exchange well is pumping water into the Teton Irrigation Canal.

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.

The exchange well must inject water into the Teton Irrigation Canal under this right, and the injection must continue after the diversion from the Teton River ceases until the water not diverted reaches the point of injection.

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

~~The exchange well must inject water into the Teton Canal whenever water is being diverted from the river under this license, and the injection must continue after the diversion from the Teton River ceases until the water not diverted reaches the point of injection.~~

~~Totalizing measuring devices shall be maintained at the exchange well and redirection pumps from the Teton River.~~

~~The rate of diversion from the Teton River shall not exceed the rate of injection into the Teton Canal from the exchange well.~~

~~This right is subject to regulation by the watermaster of Water District No. 01.~~

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

The following rights are diverted through point of redirection described above: 22-163A, 22-7253, 22-7276, 22-13738, and 22-13739.

~~Right No. 22-163A, 22-7253, and 22-7276 are also diverted through point of redirection described above.~~

Use of water under this water right will be regulated by the watermaster of State Water District No. 1.

Right No. 22-13738 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.

Unperforated well casing shall be retained above the first confining layer to prevent interference with shallow wells and recharge to the river.

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Place of use is overlapped by non-SRBA water permits 22-7490 and 22-7508.

Totalizing measuring devices shall be maintained at the exchange well and redirection pumps from the Teton River.

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

Right No. 22-13738 is also diverted through point of diversion described above.