

09/14/2006

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

RIGHT NUMBER: 1-35AC

NAME AND ADDRESS: BUTLER ISLAND CANAL CO
C/O ANN FERGUSON
15533 E RIRIE HWY
RIRIE ID 83443

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

Water is delivered from the Dry Bed.

QUANTITY: 41.567 CFS

PRIORITY DATE: 06/01/1885

POINT OF DIVERSION:

T04N R40E S35 NENW Within JEFFERSON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	41.567 CFS

PLACE OF USE:

938 ACRES TOTAL

Place of use is within the area served by Butler Island Canal Company.

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:

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 Butler Island Canal.



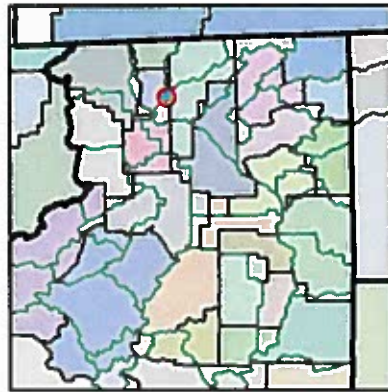
Butler Island Canal Co

SRBA Recommendations: 1-35AC, 1-231, 1-301

Service Area Boundary
GIS Place of Use Illustration

Legend

-  Service Area
-  Townships
-  PLS Sections
-  Quarter Quarters

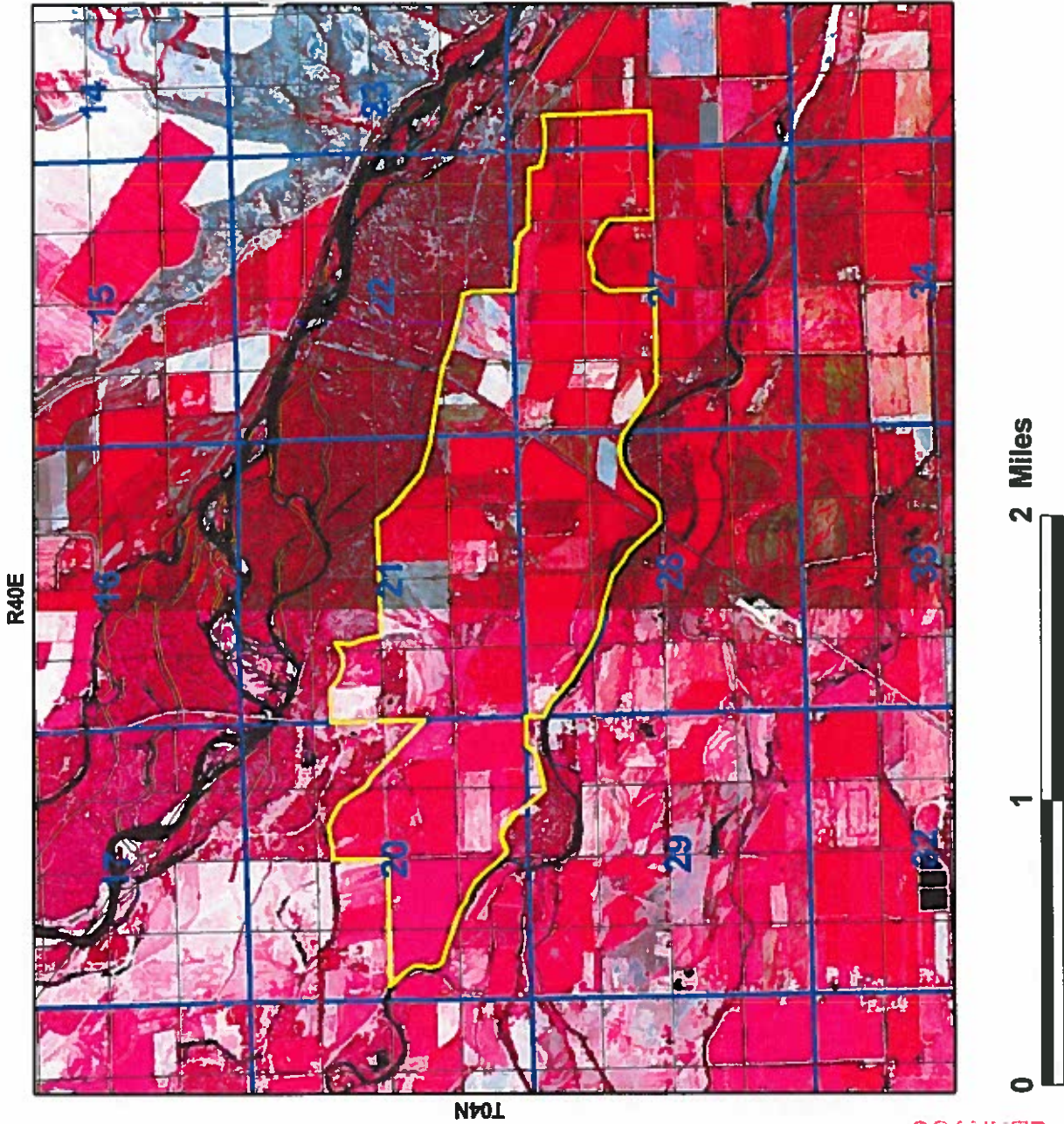


Jefferson, Madison Counties
IDWR Basin 1



APR 19 2007
PROFILED
SCANNED

Prepared by C. Moore
On Monday, November 20, 2006
1987/88 Aerial Photography



SCANNED

AUG 17 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: A01-00035AC
Date Received: 11/07/1988
Receipt No: E003849
Received By: HWS

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: BUTLER ISLAND CANAL CO. 208-538-7707
Address: 4699 E. 250 N.
RIGBY, ID 83442

2. Date of Priority: JUN 01, 1885

3. Source: DRY BED Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	40E	35	NE	NE	NW		JEFFERSON

5. Description of diverting works:
HEAD WORKS TO DITCH AND P.O.U.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	41.570		

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

8. Total consumptive use is 2470.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	40E	20	SW	NE		IRR	20.0
			SE	NE		IRR	1.0
			NE	SW		IRR	36.0

A01-00035AC

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Date: 11/09/88

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10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
04N	40E	20	NW		SW		IRR	15.0
			SE		SW		IRR	6.0
			NE		SE		IRR	21.0
			NW		SE		IRR	36.0
			SW		SE		IRR	28.0
			SE		SE		IRR	38.0
							Section Acres	201.0
		21	SW		NW		IRR	25.0
			NE		SW		IRR	37.0
			NW		SW		IRR	28.0
			SW		SW		IRR	36.0
			SE		SW		IRR	32.0
			NE		SE		IRR	10.0
			NW		SE		IRR	32.0
			SW		SE		IRR	23.0
			SE		SE		IRR	33.0
							Section Acres	256.0
		22	NW		SW		IRR	5.0
			SW		SW		IRR	39.0
			SE		SW		IRR	19.0
							Section Acres	63.0
		26	NW		NW		IRR	15.0
			SE		NW		IRR	19.0
							Section Acres	34.0
		27	NE		NE		IRR	25.0
			NW		NE		IRR	39.0
			SE		NE		IRR	32.0
			NE		NW		IRR	40.0
			NW		NW		IRR	37.0
			SW		NW		IRR	33.0
			SE		NW		IRR	35.0
							Section Acres	241.0
		28	NE		NE		IRR	36.0
			NW		NE		IRR	35.0
			SW		NE		IRR	31.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	40E	28	SE	NE		IRR	24.0
			NE	NW		IRR	39.0
			NW	NW		IRR	18.0
			Section Acres				183.0
		29	NE	NE		IRR	10.0
			Section Acres				10.0
			Total Acres				988.0

11. Place of use in counties: JEFFERSON

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

13. Other Water Rights Used:
A01-00231, A01-00301

14. Remarks:
RIGHT 01- 0035V LESS TRANS. 714.
P/D BUTLER ISLAND CANAL.

15. Basis of Claim: DECREED
Water Right Number: 010035
Case Number:
Court :
Decree date: 12/16/1910

REXBURG IRRIGATION CO.
Decree Plaintiff

vs

TETON IRRIGATION CANAL CO.
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 Individuals:

I/We 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 _____ 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 _____

A01-00035AC

Page

My Commission Expires
4

Date: 11/09/88

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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: 39356
Ident. Number A35- A01-00035AC
Date Received 11-7-88
Receipt Number E003849

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

A0100035AC



Please type or print clearly

1. Name of Claimant (s) BUTLER Island Canal Phone (208) 538-1101
Mailing Address 4699 E. 250 N, Rigby, Id. Zip 83442
2. Date of Priority (Only one (1) per claim) 6-1-1885
3. Source of water supply (a) Dry bed
which is tributary to (b) Snake River
4. a. Location of existing point of diversion is: Township 4 N Range 40 E Section 35,
NE 1/4 of N.W. 1/4 of 1/4, Govt. Lot, B.M., County of Jefferson
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. Headgate to ditch + P.O.U.

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6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For irrigation purposes from April to Oct. amount 41.57 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 41.57 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 2470 acre feet per annum.

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	

Total number of acres irrigated _____

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

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.

13. Describe any other water rights used at the same place and for the same purposes as described above.
01-0231, 01-0301 or None ()

14. Remarks: This rt. is a part of the original decreed to cfs
under 01-0035

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Last Name _____ 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 01-0035

Court _____ Case Number _____ Decree Date 12-16-1910

Plaintiff vs Defendant Rexburg Irrig. vs Teton Canal

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

Signature of Claimant (s) Betty Chase Date 11-8-88

Date _____

For Organizations: I do solemnly swear or affirm that I am Secretary

Title

of Butler Island Canal Co that I have signed the foregoing

Organization

document in the space below as Secretary of Butler Island Canal

Title

Organization

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

Signature of Authorized Agent Betty Chase

Title and Organization Sec. Butler Island Can. Date 11-8-88

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

Subscribed and sworn (or affirmed) before me this 7th day of Nov 19 88

SEAL

Notary Public Betty J Thompson

Residing at Idaho Falls

My Commission Expires 6-94

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ 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 _____

Address _____

Date _____

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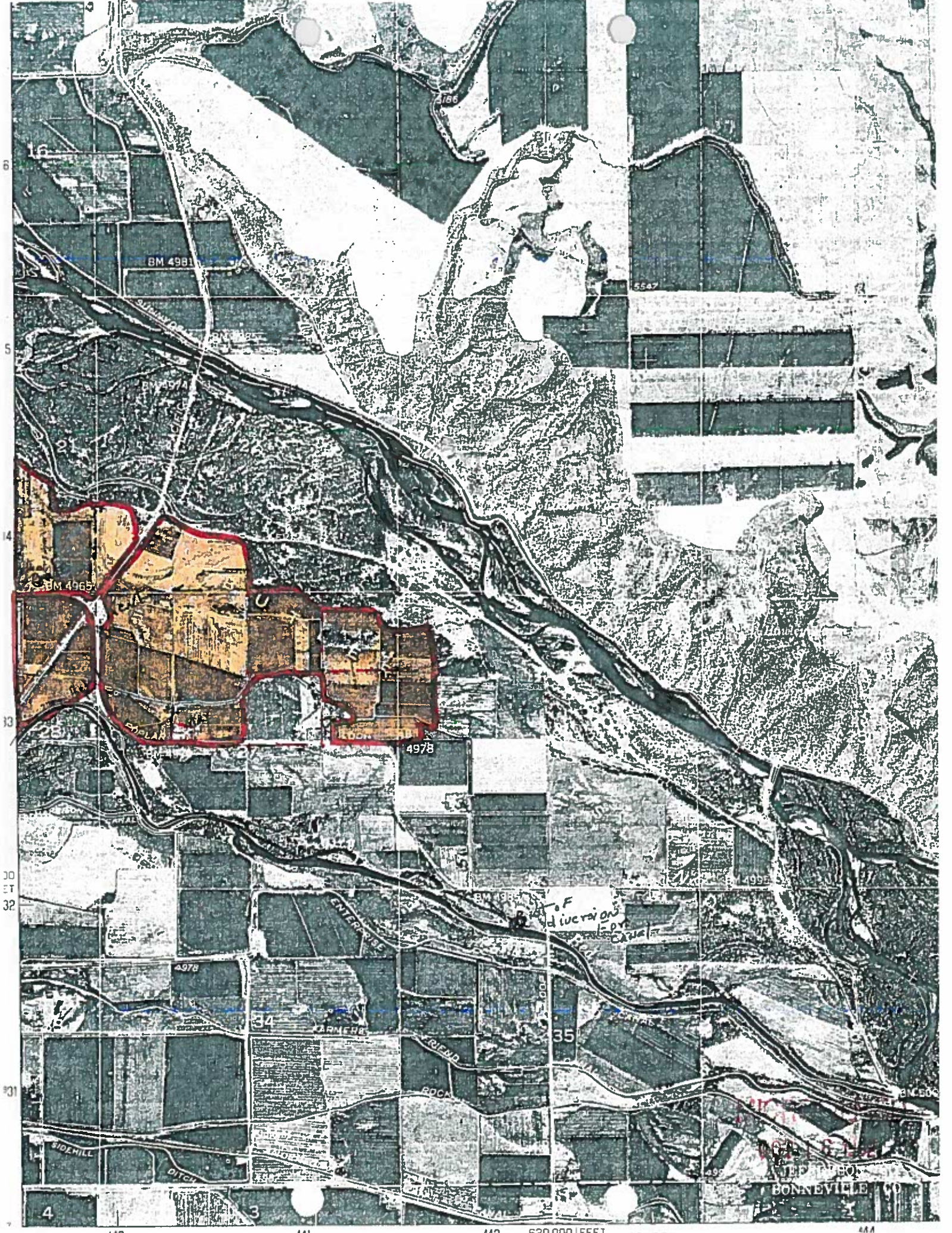
Copies White-State, Yellow-Claimant

Last Name _____ Ident. Number _____

LAND LIST ATTACHMENT

Description and location of place of use: *Butler Island Canal Co.*

[illegible]



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ET
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BM 4981

BM 4965

4978

4978

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ENTERPRISE

FARMER

FRIEND

ROCK

SIDEHILL

DITCH

BONNEVILLE CO

F
divisions