

11/06/2006

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

RIGHT NUMBER: 1-35Z
NAME AND ADDRESS: PETER M CANNON
850 E 1500 N
SHELLEY ID 83274

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

QUANTITY: 0.760 CFS

PRIORITY DATE: 06/01/1885

POINT OF DIVERSION:

T02N R37E S12 NWNENW Within BONNEVILLE County

T04N R37E S35 NENE 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	0.760 CFS

PLACE OF USE: IRRIGATION in BINGHAM County

T01N R36E S14	NWSE	6.70	T01N R36E S14 Lot 6 SWSE	12.00
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18.7 ACRES TOTAL

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 Great Western and Porter Canals.

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

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



Idaho Department of Water Resources

SRBA Recommendation:

1-35Z
(Irrigation)

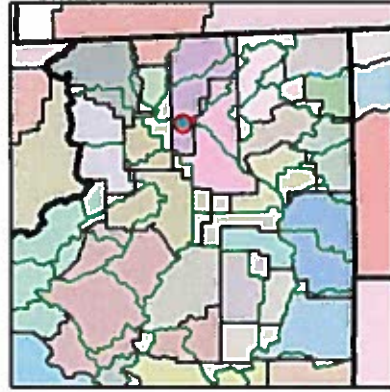
Legend

● Point of Diversion

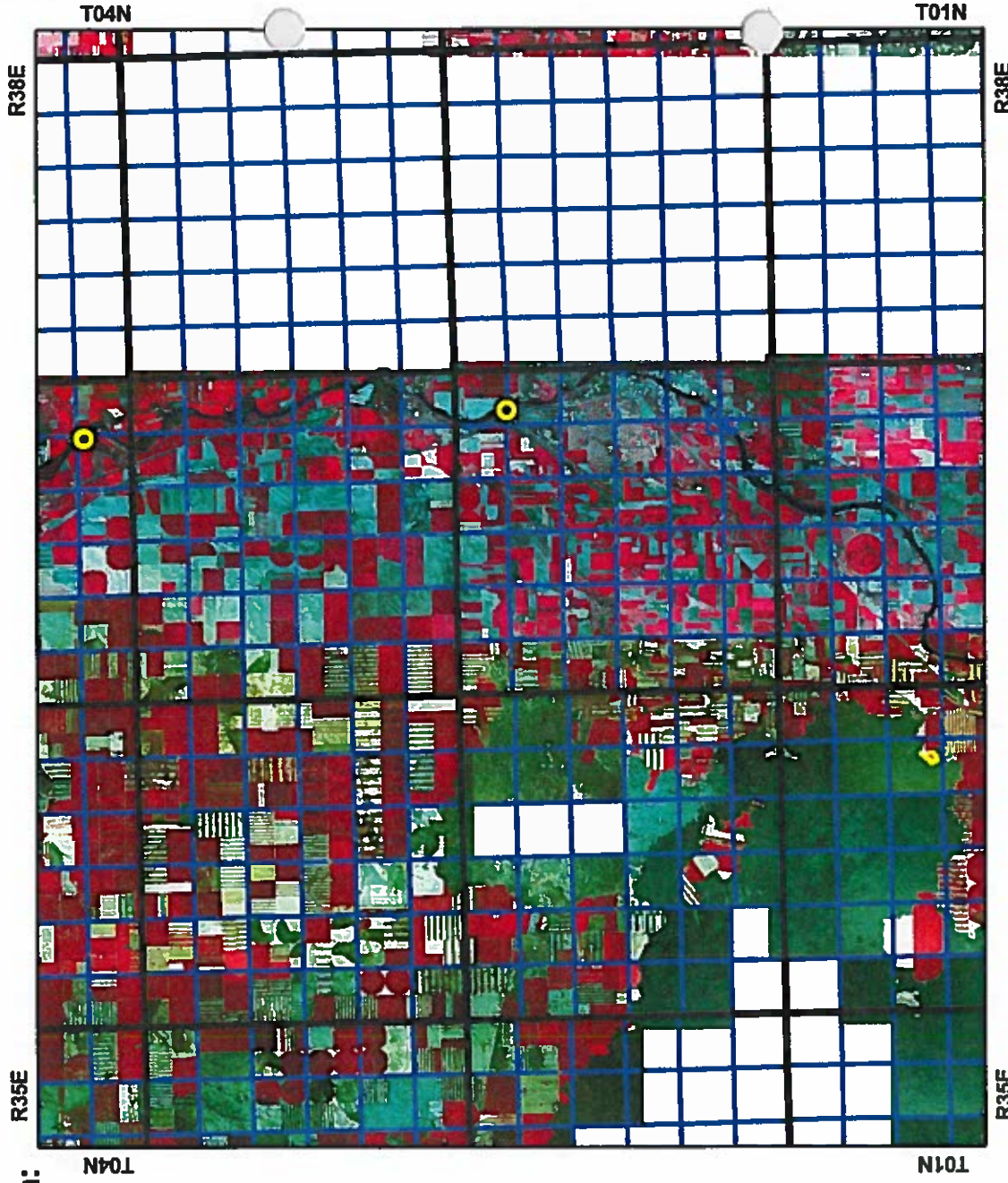
□ Place of Use

□ Townships

□ PLS Sections



Bonneville County
IDWR Basin 1

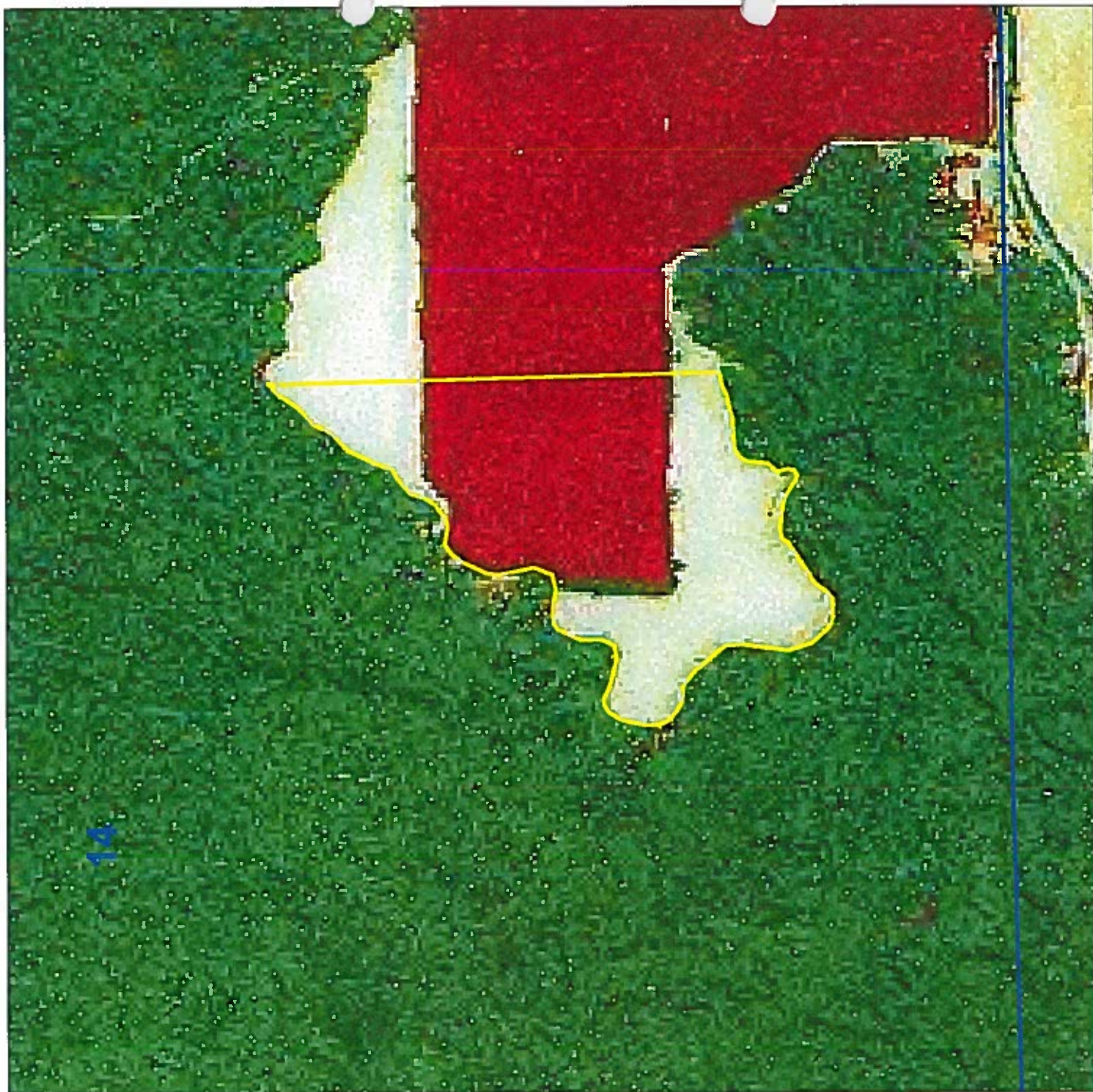


0 7 14 Miles

Prepared by C. Moore
On Monday, November 6, 2006
1987/88 Aerial Photography

Owner: Peter M Cannon

NOTE: Only one owner is listed. There may or may not be more than this in the IDWR database.



14

1-35Z



STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Certificate of Water Right
Transferred Water Right No. 663

THIS IS TO CERTIFY THAT GEORGE E. LOVELL AND JOSEPH E. LOVELL, of Ririe, Idaho, are the owners of and using a certain water right, described as being 0.8 cubic foot per second of the waters of Snake River, bearing date of priority of June 1, 1885, said water being decreed to BUTLER ISLAND CANAL COMPANY, by decree of Judge J. M. Stevens, of the District Court of the Sixth Judicial District of the State of Idaho, in and for the County of Fremont, State of Idaho, bearing date of December 16, 1910, in the case of

REXBURG IRRIGATION COMPANY, ET AL,

Plaintiffs,

vs.

TETON IRRIGATION CANAL COMPANY, ET AL,

Defendants,

being appurtenant to the following described lands, to-wit:

Lots 2, 3 & 4, Section 4;
Lot 1, Section 5, excepting a tract of about 1.5 acres;
Township 3 North, Range 40 East, B. M.

That the said decree has been entered in the records of the Department of Reclamation of the State of Idaho in Book 3 of Decrees, at Page 450.

That the said GEORGE E. LOVELL AND JOSEPH E. LOVELL have become the owners of said water right through purchase of Transferred Water Right No. 641, issued by the Commissioner of Reclamation of the State of Idaho, dated November 2, 1942.

That now, upon the application of George E. Lovell and Joseph E. Lovell, of Ririe, Idaho, for a Certificate of Transfer of Water Right, made before the State Reclamation Engineer of the State of Idaho, and the said application having been granted, the right to the use of 0.8 cubic foot per second of the waters of Snake River is hereby abandoned upon the lands above described, and the place of use of 0.76 cubic foot per second of water under such right, and to which the water hereby confirmed shall by this certificate become appurtenant for irrigation and domestic purposes, after a deduction of five (5) per cent, of 0.04 cubic foot per second of said water right has been abandoned to Snake River to compensate other water users for the loss caused by the change in point of diversion, is described as follows, to-wit:

SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 14;
NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 23;
Township 1 North, Range 36 East, B. M.
Bingham County

Said water to be limited at any time to an amount actually needed and beneficially used for such purposes, and shall not exceed the following amount, to-wit:

0.76 cubic foot per second of
the waters of Snake River, with
date of priority of June 1, 1885

That the water right hereby transferred has been conducted to the first above described lands through the Farmers' Friend Ditch, with point of diversion in the Southeast Quarter of Section 36, Township 4 North, Range 40 East, B. M.

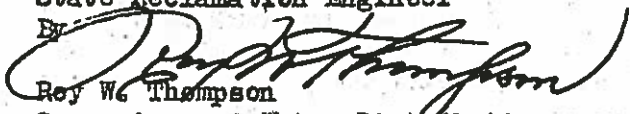
That the water right hereby transferred will hereafter be conducted to the last above described lands through the Great Western Canal, with point of diversion in the Northeast Quarter of Section 35, Township 4 North, Range 37 East, B. M.

That the right to the use of the water aforesaid, hereby confirmed, is restricted to the lands or place of use last above described, as provided by the laws of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand, and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed, this 13th day of April, A. D. 1944.

MARK R. KULP
State Reclamation Engineer

By


Roy W. Thompson

Supervisor of Water Distribution

Claim no. A01-000352

Claimant Contact Log

Date 8-19-04 Remarks Agent initials

Wef

The exam was done on 8-19-2004 with Kris Kelly whose family farms this ground for claimant Peter Cannon.

Water is carried in the New Sweden Irrigation System & diverted at the Great Western headgate. Rediversion is at the SESC Sec 13, T1N R36E.

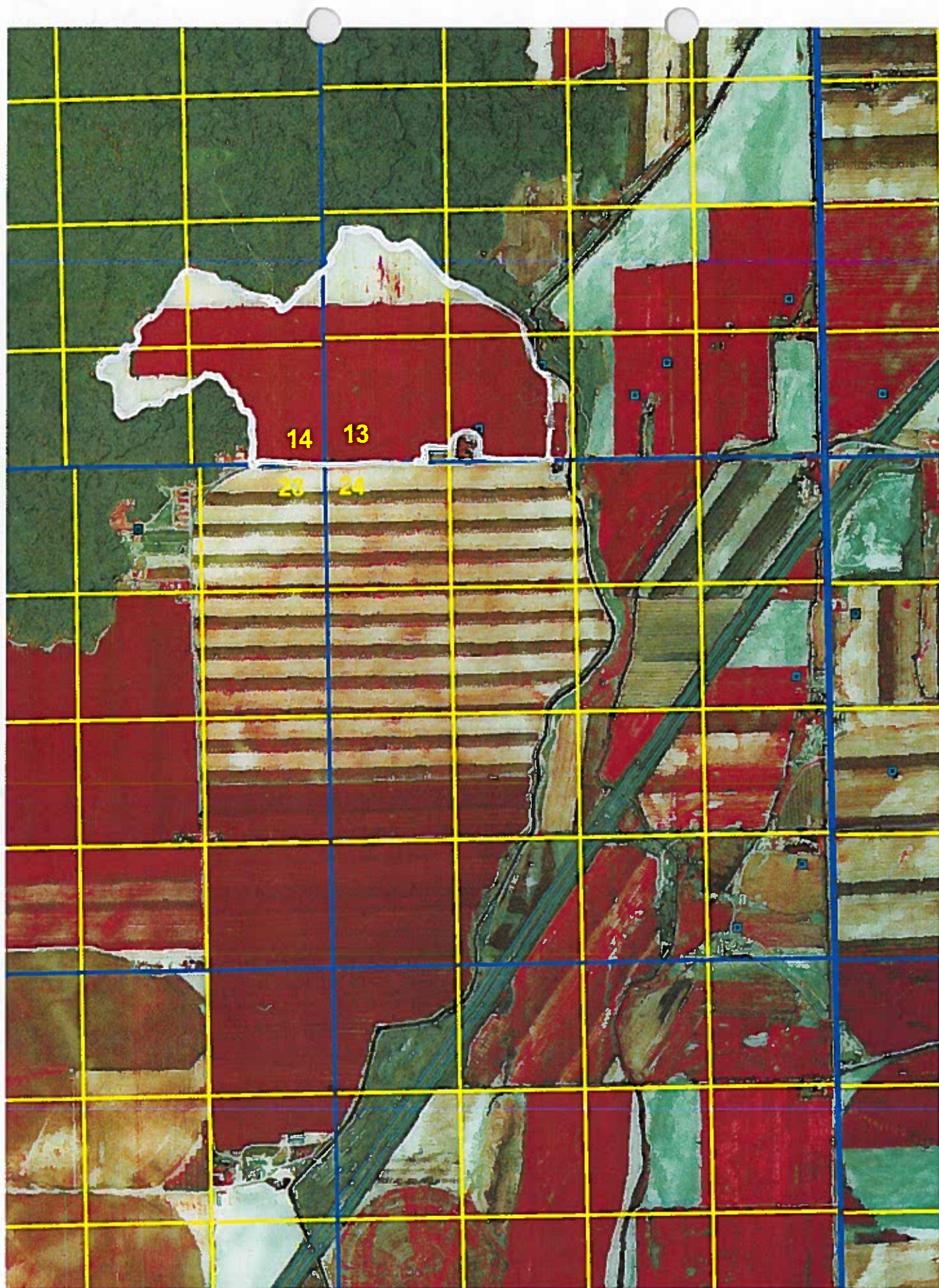
Entire farm is outlined in white on Avc-view map. It appears that New Sweden shares apply to most of the farm and the acreage in the SESC Sec 14 T1N R36E (approx 15 acres) is the place of use for this carried right.

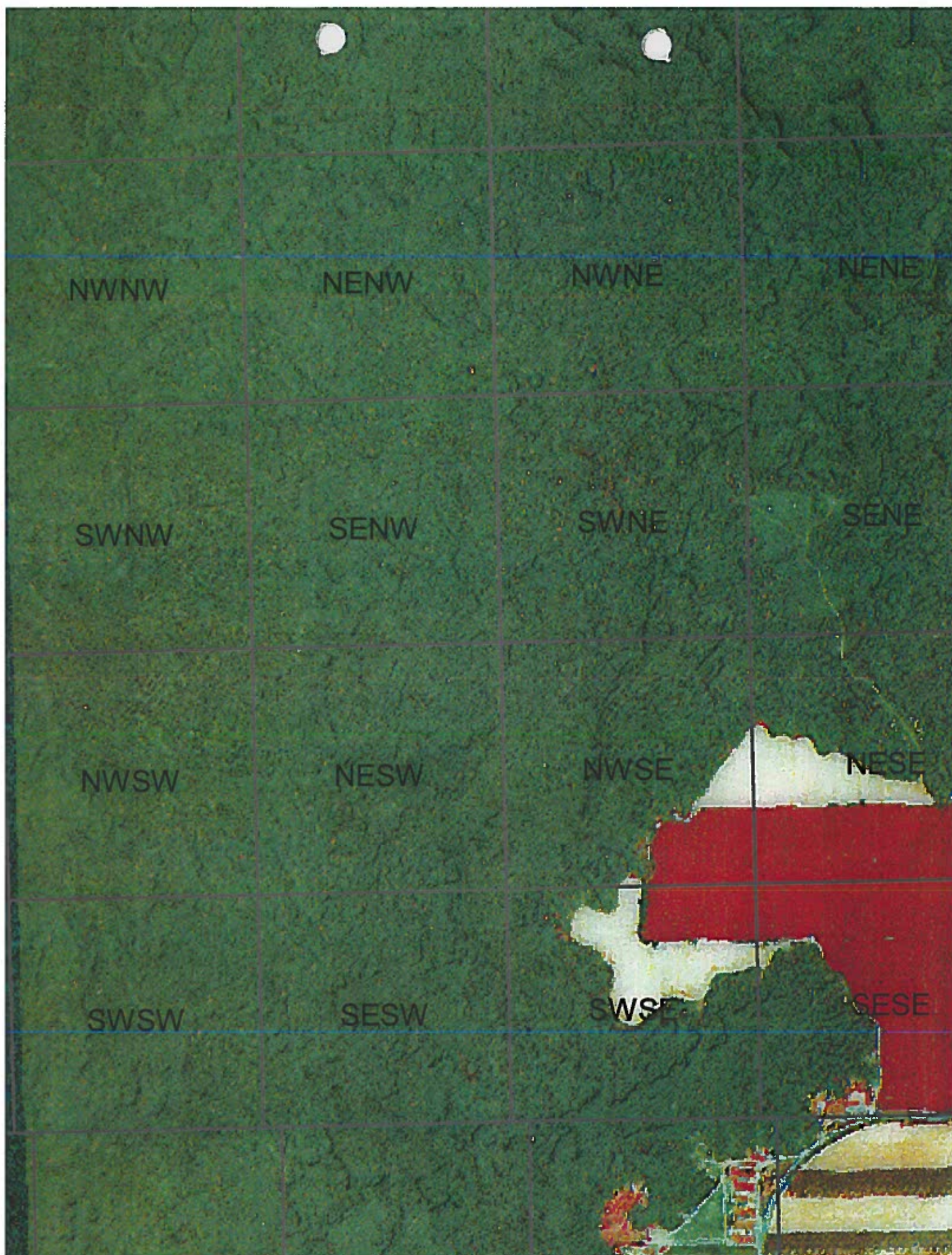
Kris Kelly can be contacted at 208-357-5807 or 313-3044.

Exam done by Harold Jones of Water Rights Contracting Services.

PROFILED
PROFILED

SCANNED
OCT 07 2004





4/11/1989

SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME CANNON **SCANNED** CLAIM INT. NO. A01-000352

DATE RECEIVED 9/8/89 CK # AMOUNT \$

- | | YES | NO | Required Info? |
|--|-------------------|-------------------|----------------|
| 1. Is the name and address complete with zip code? | <u>X</u> | <u> </u> | * |
| 2. Is a priority date entered? | <u>X</u> | <u> </u> | * |
| Is the priority date acceptable in view of mandatory filing dates?
See Adjudication Memos #1 and #4 to determine if a Permit is required. | | | |
| | <u>X</u> | <u> </u> | * |
| 3. (a) Is a source entered? | <u>X</u> | <u> </u> | * |
| (b) Is a tributary to entered? (if required) | <u>X</u> | <u> </u> | |
| 4. Is the legal description of the p.d. sufficient? | <u>X</u> | <u> </u> | * |
| 5. Is there a description of the diverting works? | <u>X</u> | <u> </u> | |
| 6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. | <u>X</u> | <u> </u> | * |
| Is the period of use included? | <u>X</u> | <u> </u> | |
| Is a quantity claimed for each use? | <u>X</u> | <u> </u> | * |
| 7. Is a total quantity claimed entered? | <u>X</u> | <u> </u> | |
| 8. If required is a consumptive use entered? | <u>X</u> | <u> </u> | |
| Is the consumptive use correct? | <u>X</u> | <u> </u> | |
| 9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. | <u>X</u> | <u> </u> | * |
| 10. Is (are) the place(s) of use and purpose(s) indicated? | <u>X</u> | <u> </u> | * |
| 11. Is (are) the county(ies) entered? | <u>X</u> | <u> </u> | |
| 12. Is the ownership of p.u. checked? | <u>X</u> | <u> </u> | |
| 13. Are other water rights listed or "none" indicated? | <u> </u> | <u>X</u> | |
| 14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) | <u>X</u> | <u> </u> | |
| 15. Is the basis of the claim indicated? | <u>X</u> | <u> </u> | |
| 16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) | <u>X</u> | <u> </u> | |
| 17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block. | <u>X</u> | <u> </u> | * |
| 18. Has the claim been signed, sealed, and dated by a notary? | <u>X</u> | <u> </u> | * |
| 19. Was this claim filed on time, or was an extension granted? | <u>X</u> | <u> </u> | * |
| 20. Is the fee enclosed correct? | <u>X</u> | <u> </u> | * |
| 21. If this claim is based on an existing water right, has the identification number been entered? | <u>X</u> | <u> </u> | |
| 22. Should this claim be data entered? | <u>X</u> | <u> </u> | |

Claim checked by: DO Date: 9/27/89

Claim must be returned to claimant: (Yes) X (No)

Claimant must be notified of modifications: (Yes) X (No)

Receipt Prepared by: Date:
Claim data entered by: Date: Checked by: Date:
Sent to claimant by: Date:

Comments: PERIOD OF USE EXCEEDS GUIDELINE

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OCT 16 1992



State of Idaho

DEPARTMENT OF WATER RESOURCES

150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 - (208) 525-7161

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

Date: September 12, 1989

Peter M. Cannon
2001 S. Woodruff, Suite 4
Idaho Falls, ID 83404

RE: Water Right Claim Returned

Dear Mr. Cannon:

The Idaho Department of Water Resources (IDWR) is returning your checks #963 (\$140.00), #964 (\$370.00), and Notices of Claim to a Water Right because of insufficient information. All items on the claim form must be correctly completed and fees submitted before the IDWR can process the claim.

Please complete or correct the claim form items identified below and return the form to the IDWR within 30 days of the date of this letter. Failure to submit the required information and filing fees within the 30-day period may result in an assessment of an additional \$50.00 late-fee.

- Item #8: The consumptive use must be entered. The total consumptive use can be calculated by multiplying the total acreage claimed in Item #10 by 2.5 ac-ft/annum/ac.
- Item #16: Your signature must be notarized.
- Overpayment: The filing fee for an irrigation Notice of Claim is \$50.00 plus \$1.00 per acre. The filing fee for your June 1, 1885 water right (40-acres) is \$90.00 instead of the \$140.00 originally submitted.

If you have any questions, please call Tony Olenichak, Water Right Agent, at (208)-525-7161.

Sincerely,

Tony Olenichak
for Ernest Carlsen

Ernest Carlsen
Adjudication Supervisor

Enclosure

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SCANNED

AUG 1 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: A01-00035Z
Date Received: 9/08/1989
Receipt No: E010815
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: PETER M. CANNON 208-357-7991
Address: 850 E. 1500 N.
SHELLEY, ID 83274

2. Date of Priority: JUN 01, 1885

3. Source: SNAKE RIVER Trib. to: COLUMBIA RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
01N	36E	13	NE	SE	SW	R	BINGHAM
04N	37E	35		NE	NE		JEFFERSON

5. Description of diverting works:
GREAT WESTERN CANAL TO TURBINE PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/01	10/30	0.760		

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

8. Total consumptive use is 100.0 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
01N	36E	14	SW	SE		IRR	40.0
Section Acres							40.0

A01-00035Z

Page

1

Date: 10/25/89

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10. Place of Use: Continued

Total Acres 40.0

11. Place of use in counties: BINGHAM

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

13. Other Water Rights Used:
NONE

14. Remarks:
TRANS. 641, 663 AMT: 5% LOSS APPLIED TO 0.8 CFS.

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date:

REXBURG IRRIGATION CO.
Decree Plaintiff

vs

TETON IRRIGATION CANAL CO.
Decree Defendant

NO LATE FEE IF RECEIVED
BY 10/12/89

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 ~~ADD~~ A01-00035 Z
Date Received 9/8/89
Receipt Number E010815

RECEIVED

SEP 26 1989

Department of Water Resources
Eastern District Office

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

RECEIVED

SEP - 8 1981

Department of Water Res
Eastern District Office

A0100035Z

Please type or print clearly

1. Name of Claimant (s) PETER M. CANNON Phone (308) 357-7991

Mailing Address 850 E. 1500 N. Shelley, ID Zip 83274

2. Date of Priority (Only one (1) per claim) June 1, 1885

3. Source of water supply (a) Snake River
which is tributary to (b) Columbia

4. a. Location of existing point of diversion is: Township 1 N Range 36EBM Section 13,
N E 1/4 of S E 1/4 of S N 1/4, Govt. Lot, _____ B.M., County of Bingham

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. Turbine pump, pulled out of canal

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OCT 16 1992

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For irrigation purposes from March 1 to Oct 30 amount .76 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .76 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 100 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

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	
1 N	36 E	14															40		40

Total number of acres irrigated 40

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

12. Do you own the property listed above as place of use? Yes xx 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. _____ or None ()

14. Remarks:

Last Name Cannon Ident No. _____

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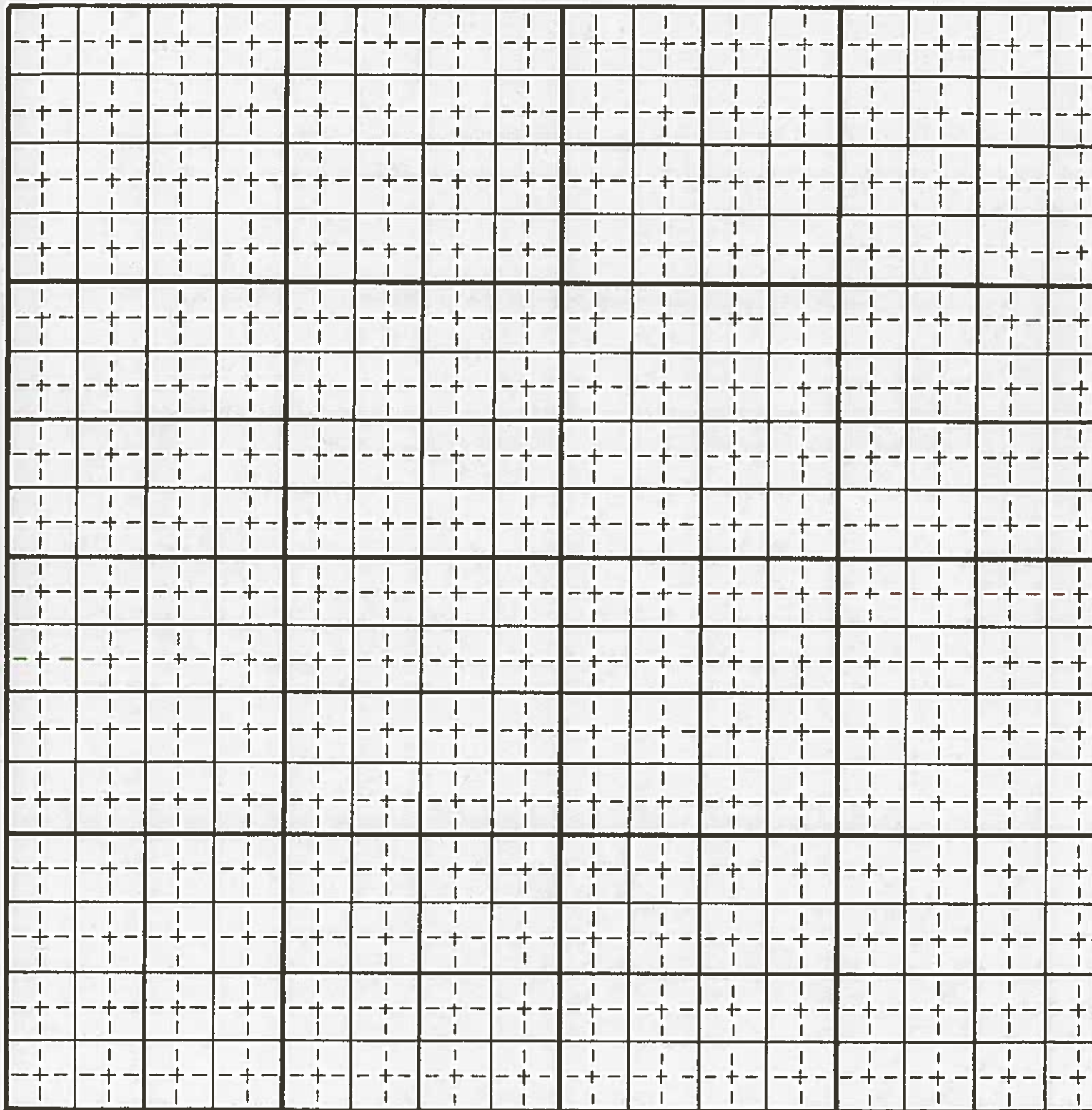
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Copies: White - State, Yellow - Claimant

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

Scale: 2 inches equals 1 mile

SEE ATTACHED PLAT



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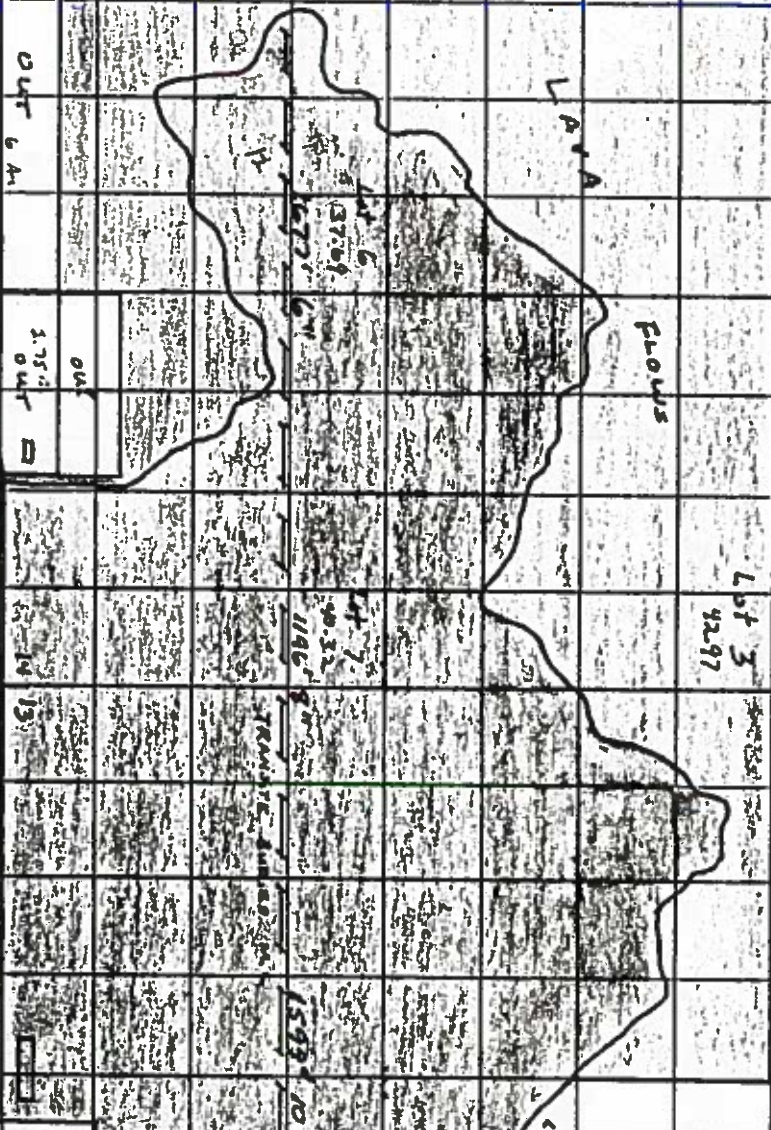
OCT 16 1992

Last Name Cannon Ident No. _____

Copies: White-State, Yellow-Claimant

-R 665 The CES decreed water with irrigation right in New Mexico
June 1, 1985

(14)



OUT 6.41

OUT 5.75
OUT 0.41

23 24

Woodville Res
12

TP 14 RGE 34 E 84

Big Horn County

State STATE

SCALE: 1" = 660' 0.14

PLATTED BY VERIFIED BY

TITLE REPORT DESCRIPTION

VERIFIED BY

NK

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____
Decree X 0100352 Transfer number 663, 1944

If applicable provide IDWR Water Right Number _____
Court _____ Case Number _____ Decree Date _____
Plaintiff vs 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 do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) _____

Date 17 August 1989

Date 25 Sept 89

For Organizations: I do solemnly swear or affirm that I am _____ Title _____

of _____ Organization _____, that I have signed the foregoing

document in the space below as _____ Title _____ of _____ Organization _____

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

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or ID)
County of Bingham) SS.

Subscribed and sworn (or affirmed) before me this 25th day of Sept 19 89

SEAL

Notary Public Shirley Wetherbee

Residing at Fruit ID

My Commission Expires 4-28-92

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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OCT 16 1992

Last Name CANNON Ident. Number _____

Copies White-State, Yellow-Claimant