

05/26/2006

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

RIGHT NUMBER: 1-195A

NAME AND ADDRESS: SUNNYDELL IRRIGATION DIST
C/O GARY HILL
9298 S 600 E
REXBURG ID 83440

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 2.175 CFS

PRIORITY DATE: 06/01/1885

POINT OF DIVERSION:

T04N R40E S25 SWSWNW 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	2.175 CFS

PLACE OF USE:

3383.1 ACRES TOTAL

Place of use is within the boundary of Sunnyside Irrigation District pursuant to Section 43-323, Idaho Code.

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 Sunnyside Canal.

This right is a combination of old Right Nos. 1-195F and 1-195H.

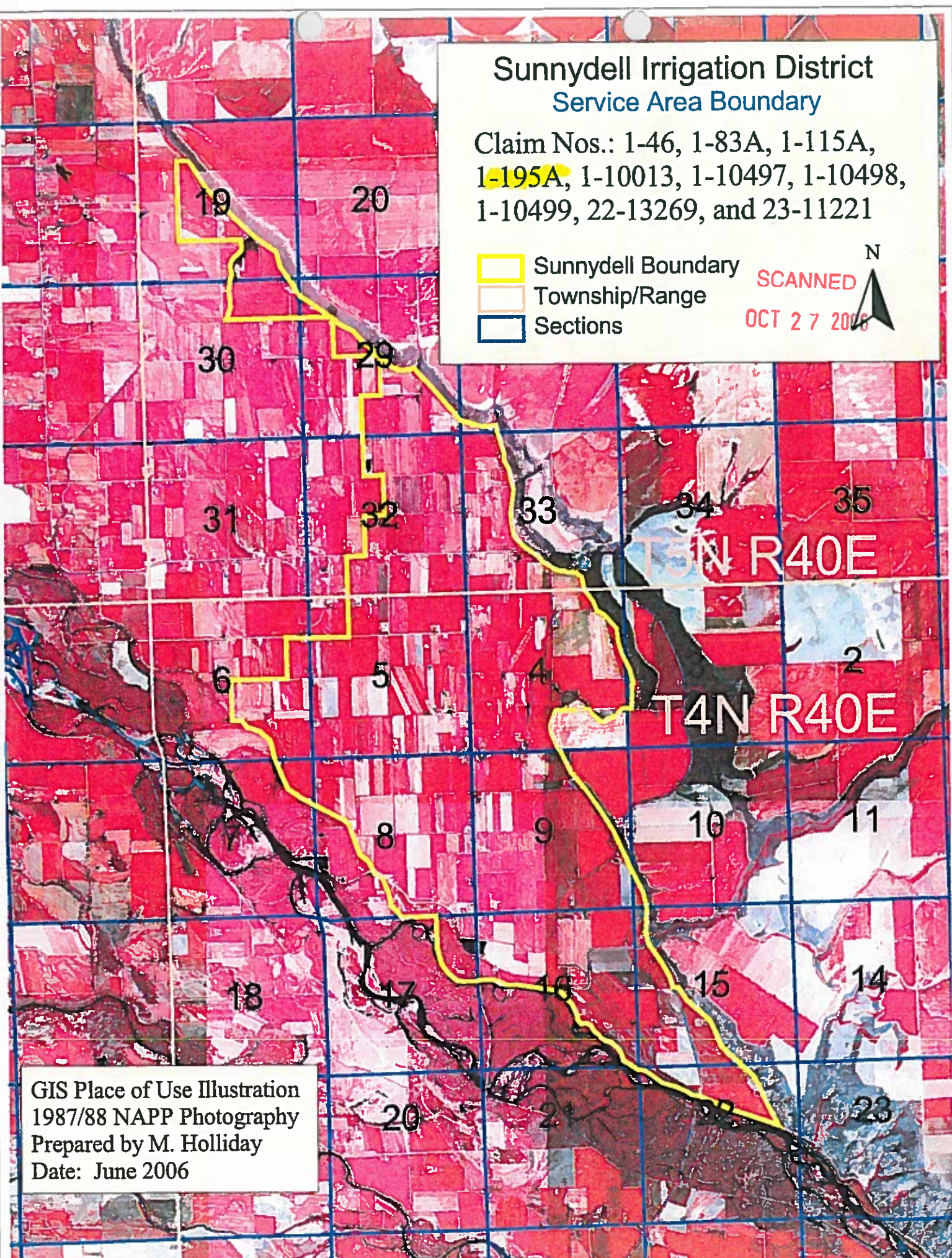
Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

Sunnydell Irrigation District Service Area Boundary

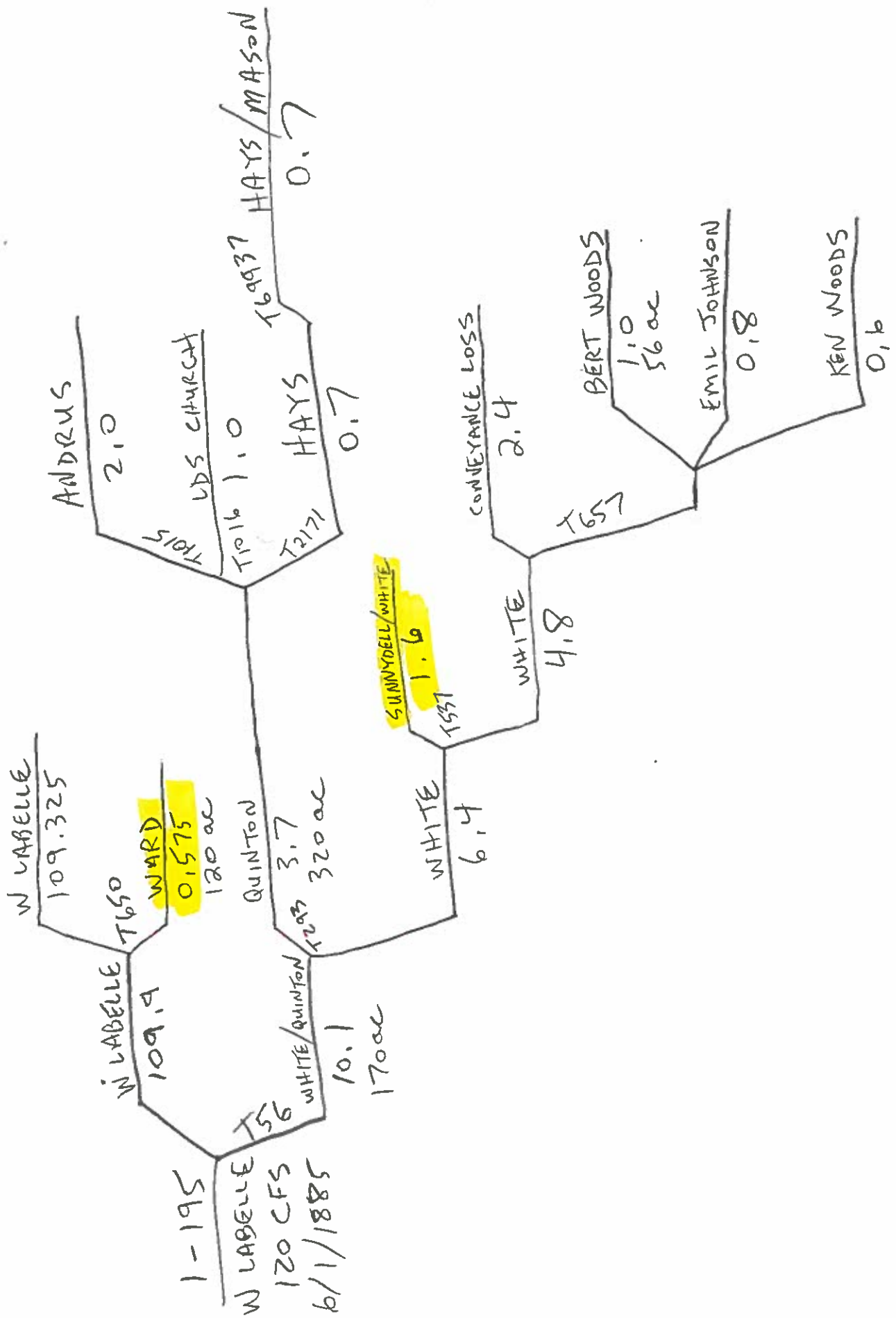
Claim Nos.: 1-46, 1-83A, 1-115A,
1-195A, 1-10013, 1-10497, 1-10498,
1-10499, 22-13269, and 23-11221

-  Sunnydell Boundary
-  Township/Range
-  Sections

SCANNED
OCT 27 2006



GIS Place of Use Illustration
1987/88 NAPP Photography
Prepared by M. Holliday
Date: June 2006



DEPARTMENT OF RECLAMATION

Certificate of Water Right
Transferred Water Right No. 650

THAT the water right hereby transferred has been conducted to the first above described lands through the Snake River, with point of diversion in the SW $\frac{1}{4}$ Section 6, Township 4 North, Range 38 East, B.M.

THIS IS TO CERTIFY THAT ABRAM WARD, of Rigby, Idaho, is the owner of and using a certain water right, bearing date of priority of June 1, 1885, for 0.575 cubic feet per second of the waters of Snake River, County of Jefferson, State of Idaho, decreed to WEST LABELLE IRRIGATING 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, bearing date of December 16, 1910, in the case of

IN WITNESS WHEREOF, REEBURG IRRIGATION COMPANY, by my hand and seal of the Department of Reclamation of the State of Idaho to be affixed, at Pocatello, Idaho, this 29th day Plaintiff. D. 1943.

VS.

JAMES SPOSTON
TETON IRRIGATION CANAL COMPANY, Reclamation Engineer

Defendant

being appurtenant to Lot Six (6) of Section Six (6), Township Four (4) North, Range Thirty-nine (39) East, B. M., situate, lying and being in Jefferson County, Idaho. 36 ac

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 now, upon the application of Abram Ward, of Rigby, 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 0.575 cubic feet per second of the waters of Snake River upon the lands above described is HEREBY ABANDONED; and the lands to be irrigated under such right and to which the water right HEREBY CONFIRMED shall be appurtenant, by this Certificate, for a more efficient use of water on a better quality of land, are described as follows, to-wit:

S $\frac{1}{2}$ SW $\frac{1}{4}$, less R. R. right-of-way;
SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 15;
Lot 4, NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 22;
All in Township 4 North, Range 40 East, B. M.
County of Madison

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:

0.575 cubic feet 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 WHITE DITCH, with point of diversion in the SW₂ Section 5, Township 4 North, Range 39 East, B.M..

THAT the water right hereby transferred will hereafter be conducted to the last above described lands through the Sunnydell Canal, with point of diversion in the NW₂ Section 22, Township 4 North, Range 40 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 seal of the Department of Reclamation of the State of Idaho to be affixed, at Boise, Idaho, this 26th day of May, A. D. 1943.

JAMES SPOFFORD

State Reclamation Engineer

28-3/4 inches of the waters of Snake River of June 2, 1905, priority decreed to West Labelle Irrigating Co. by decree of Dec. 16, 1910, in the case of Harburg Irrigation Co. vs. Paton Irrigation Canal Co. et al., in the District Court of the 6th Judicial District of the State of Idaho in and for the County of Fremont, said water to be used on lot 6 of Section 22, Township 4 North, Range 40 East, B.M. This represents 28-3/4 inches of water whose point of diversion was changed from the West Labelle Canal to the White Ditch on Jan. 25, 1925 at the request of Siebert System, by order of West Labelle Irrig. Co. signed by Wm. Allred, Royal Ellis, Caten W. Pierce, G. L. Boulder and J. L. Yeaman.

Roy W. Thompson

Supervisor of Water Distribution

Together with all and singular the tenements, hereditaments, and appurtenances thereto belonging or in any wise appertaining, and the revisions and revisions, remainder and remainders, rents, issues, and profits thereof.

TO HAVE AND TO ENJOY, all and singular, the said premises, together with the appurtenances and privileges thereto incident, unto the said party of the second part and to his heirs and assigns forever.

IN WITNESS WHEREOF, the said party of the first part has hereunto set its hand and seal this day and year first above written.

West Labelle Irrigating Company (SEAL)

By (Signed) J. L. Yeaman, President (Seal)
(Signed) John Ellis, Secretary (Seal)

STATE OF IDAHO)
County of Jefferson) ss.

I do hereby Certify: On this 3th day of April in the year 1943, before me, the undersigned Notary Public, in and for the said County and State, personally appeared J. L. Yeaman, President, and John Ellis, Secretary, of the West Labelle Irrigating Company, known to me to be the persons whose names are subscribed to the within and foregoing instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at Rigby, Idaho, the day and year first above written.

(Signed) George W. Larsen

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
Certificate of Water Right
Transferred Right No. 537

THIS IS TO CERTIFY THAT GEORGE M. WHITE is the owner of and using
certain water rights for

1.6 cubic feet with a priority date of June 1, 1885
of the waters of the South Fork of the Snake River, County of Jefferson, State
of Idaho, decreed to The West La Belle Irrigation Company, by the decree of Judge
Jas. M. Stevens, of the 6th Judicial District of the State of Idaho, in and for
the County of Fremont, in the case of

The Rexburg Irrigation Company vs. The Teton Irrigation Canal Co.
said decree bearing date of December 18, 1910 for the purpose of irrigating the
following described lands situate lying and being in Water District No. 36, in
the County of Bonneville, State of Idaho, to wit:

N $\frac{1}{2}$ SE $\frac{1}{4}$ and the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 6, Twp. 4 North, 120 ac
Range 89 East, B. M.

AND THAT 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 WHITE became the owner of said land and said water
rights by the purchase thereof.

THAT, NOW, UPON THE APPLICATION OF GEORGE M. WHITE for a transfer of
1.6 cubic feet per second as of June 1, 1885
of said waters made before the Commissioner of Reclamation of the State of Idaho,
and said Application having been granted, the rights to the use of

1.6 c.f.s. of the waters of the South Fork of Snake River
upon the lands above described is hereby ABANDONED and the lands to be irrigated
under such right and to which the water right hereby confirmed shall become ap-
purtenant by the certificate for irrigation and domestic purposes, is described
as follows:

Lands lying under and irrigated by the Sunnydell
Irrigation Company's Canal.

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

1.6 c.f.s. as of June 1, 1885

THE WATER RIGHT HEREBY Transferred has heretofore been diverted from the said Snake River in the

NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 8, Township 4 North, Range 39 East, Boise-Meridian.

and conducted to the first above described lands through the White Ditch, and will hereafter be diverted from Snake River at a point in the

Section 17, Twp. 4 North, Range 40 E., B. M.

and conducted to the last above described lands through the Sunnyvale Irrigation Company's Ditch.

THAT, IN ADDITION TO THE FOREGOING RIGHT, The last above named lands have appurtenant to them the following water rights:

7,000 inches as of April 14, 1902
1,000 " " " June 1, 1889

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 seal of the Department of Reclamation of the State of Idaho to be hereunto affixed at Boise, Idaho, this 5th day of November, 1934.

R. W. PARIS
Commissioner of Reclamation

By



Mans H. Coffin
Director of Water Resources

QUITCLAIM DEED

THIS INDENTURE, Made this 27th day of May
 in the year of our Lord one thousand nine hundred and sixty-five, between
 W. D. COOK and LULU MAY COOK, his wife,
 of County of Madison,
 State of Idaho, the parties of the first part, and
 SUNNYDELL IRRIGATION DISTRICT, a quasi-municipal corporation,
 of County of Madison,
 State of Idaho, the party of the second part.

RECEIVED
 APR 18 2002
 Department of Water Resources
 Eastern Region

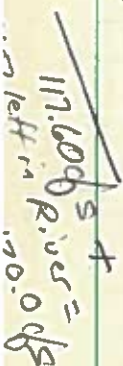
WITNESSETH, That the said parties of the first part, for and in consideration of the sum of One Dollar and Other Valuable Consideration-----DOLLARS, lawful money of the United States of America, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, do by these presents remise, release and forever QUITCLAIM, unto the said party of the second part, and to its heirs and assigns, all that certain lot, piece or parcel of land, situate, lying and being in County of Madison, State of Idaho, bounded and particularly described as follows, to-wit:

Two and eight-tenths (2.8) cubic feet per second of water with priority filed as of May 1, 1884, on Hawley and Elk Horn springs. 23-11221

Thirty-two (32) inches of the waters from Burns Creek with the priority date of July 1, 1882, which was filed on by Charles Wheaton. 01-10013

Twenty-eight and three-fourths (28-3/4) miners 0.575 inches of the waters of Snake River of June 1, 1885, priority decreed to West Labelle Irrigating Co. by decree of December 16, 1910 in the case of Rexburg Irrigation Co. vs. Teton Irrigation Canal Co. et al, 128 in the District Court of the 6th Judicial District of the State of Idaho in and for the County of Fremont. This represents twenty-eight and three-fourths (28-3/4) miners inches of water whose point of diversion was changed from West Labelle Canal to White Ditch on January 25, 1925, by order of the West Labelle Irrigating Co., and which was conveyed by said Company to Abram Ward by Quitclaim Deed dated April 8, 1943. 01-195H

NOV 10 2004



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: A01-00195A
Date Received: 8/17/1988
Receipt No: 6001368
Received By: EA

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: SUNNYDELL IRRIGATION DISTRICT 208-356-3562
Address: C/O STANLEY SUTTON
578 E. 7000 S.
REXBURG, ID 83440
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 |
|----------|-------|---------|--------|--------|-----|-----|-----------|
| 04N | 40E | 25 | NW | NW | SW | | JEFFERSON |
5. Description of diverting works:
HEADWORKS OF SUNNEYDELL IRRIGATION CANAL. CONCRETE DIVERSION
6. Water is used for the following purposes:
- | Purpose | From | To | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| IRRIGATION | 04/01 | 11/01 | 2.175 | | |
7. Total Quantity Appropriated is:
2.175 C.F.S. (and/or) A.F.A.
8. Total consumptive use is 9650.0 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	7	NE	NE	1	IRR	7.0
Section Acres							7.0

A01-00195A

Page 1

Date: 08/17/88

MICROFILMED
OCT 19 1992

A0100195A



10. Place of Use: Continued

Total Acres 7.0

11. Place of use in counties: MADISON

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:

22-0579B(A01-10013)01-0115,0116.0094,0286,0083,0046,0180

14. Remarks:

THIS CLAIM COMBINES RIGHTS 01-0195H & 01-0195F FROM TRANS.
650 & 537. POU SHARHOLDERS IN SUNNEYDELL CANAL

**** SEE A01-10013 FOR COMPLETE LAND LIST ****

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 12/16/1910

REXBURG IRR. CO.

Decree Plaintiff

vs

TETON IRR. 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: 2

For Organizations:

I do solemnly swear or affirm that I am Sec of
Title
Sunnyside Irr. Dist., that I have signed the foregoing
Organization
document in the space below as Sec of
Title
Sunnyside Irr. Dist. and that the statements contained in the
Organization
foregoing document are true and correct.

Stanley Sutton
Signature of Authorized Agent
Sec. Sunnyside Irr. Dist.
Title and Organization
8-17-88
Date

State of Idaho)
County of Sanneville) SS.

Subscribed and sworn (or affirmed) before me this 17th day
of Aug 19 88
Valerie Wray
Notary Public

Seal

Residing at Idaho Falls
My Commission Expires 5/29/1991



SUNHYDELL CANAL

A01-00195A

MICROFILMED

OCT 19 1992

