

05/05/2006

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

RIGHT NUMBER: 1-254

NAME AND ADDRESS: TEXAS SLOUGH IRRIGATING CANAL CO
1463 S 4000 W
REXBURG ID 83440

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 16.000 CFS

PRIORITY DATE: 01/22/1916

POINT OF DIVERSION:

T04N R40E S6 SWSW Lot 7 Within MADISON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	16.000 CFS

PLACE OF USE:

3149 ACRES TOTAL

Place of use is within the area served by Texas Slough Irrigating 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 Texas Slough Canal.

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



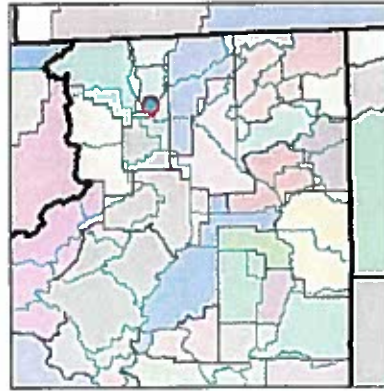
Texas Slough Irrigating Canal Co

SRBA Recommendations: 1-182A, 1-183, 1-184, 1-185, 1-186, 1-187A, 1-188, 1-254, 1-329

Service Area Boundary
GIS Place of Use Illustration

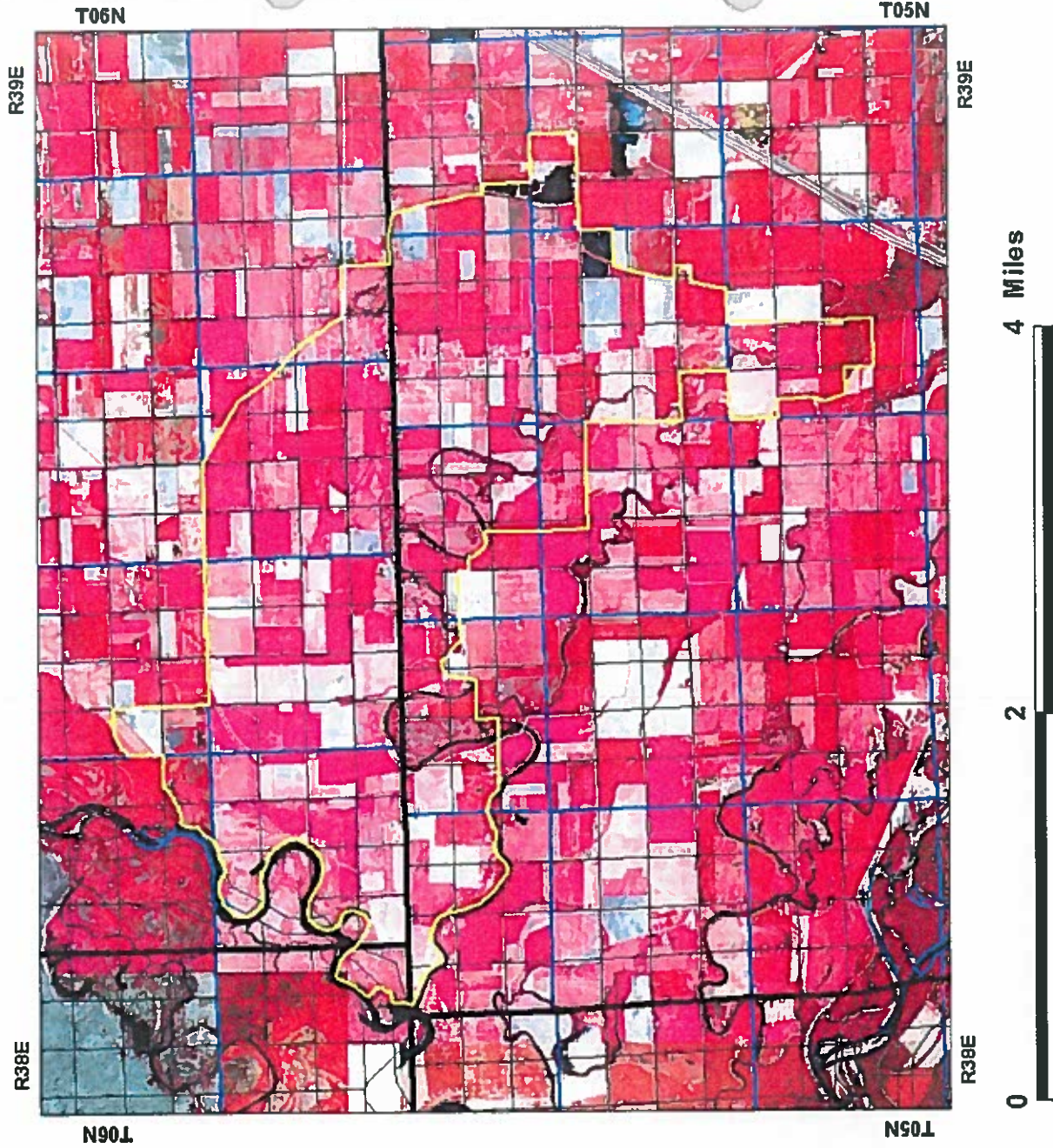
Legend

- Service Area
- Townships
- PLS Sections
- Quarter Quarters



Madison County
IDWR Basin 1

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



11/21/2006

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS:

Water right number: 1-254

TEXAS SLOUGH IRRIGATING CANAL CO
1463 S 4000 W
REXBURG ID 83440
Telephone Number: (208)356-6330

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

☒ I AGREE with this proposed recommendation: no changes need to be made.

DATE: 11-30-06 SIGNATURE: William J. Neff

Please print your name: WILLIAM J NEFF

IDWR Regional Office, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402, 2085257161

KMO
12/04

trial Court of the Sixth Judicial District of the State of Idaho in and for the County of Fremont, in the case entitled Rexburg Irrigation Company, et al. Plaintiffs vs Teton Irrigation Canal Company, et al., Defendants, dated and filed December 16th 1910 and signed by Judge J. M. Stevens, hereinafter referred to as the Rexburg decree, shall not be changed or disturbed by the decree to be entered herein; and it is not the purpose of this stipulation to agree to any changes in priorities awarded by said Foster and Rexburg decrees, or to waive any benefits or rights vested under said decrees.

B. It is hereby stipulated and agreed that none of the water rights to be decreed in this cause shall be awarded dates of priority earlier than January 22nd, 1916, except as appears in paragraph 3B-3C hereof.

C. Further stipulated and agreed that in the distribution of water under the decree to be entered in this cause of action, the watermaster or other officer to be in charge of such distribution, shall give precedence and consider as prior and superior to the rights to be decreed in this suit, as set forth in paragraph 3A hereof, all rights, both decreed rights adjudicated in said Foster and Rexburg decrees, and license rights having dates of priority earlier than January 22nd, 1916, including the rights for storage in the Jackson Lake Reservoir under fillings made in the State of Wyoming; and the decrees to be entered herein shall so provide.

2

It is further stipulated and agreed that the rights to be decreed in the above entitled cause of action and listed and set out in paragraph 3A hereof, shall be for use only on lands which have been heretofore irrigated from the waters of the Snake River and its tributaries, and shall not be subject to transfer to any lands not heretofore irrigated, and the decree herein shall provide that if the owners, or their successors in interest of any of the rights as listed and set out in paragraph 3A hereof, to be decreed herein shall attempt to transfer the same to lands not heretofore irrigated, such rights shall immediately lapse and become void and of no effect.

3

The plaintiff and all defendants who join in this stipulation agree that if this stipulation is signed by the attorneys for the owners of all the ditches and rights listed in this paragraph additional water rights under priority of January 22nd, 1916, may be decreed to the owners of the following ditches in the amount set after the name of each of the following ditches, to-wit: South Fork and main Snake River:

3A J. H. Stone Ditch	40 miner s inches
Butler Island Ditch	500 miner s inches
Parsons Ditch	900 miner s inches
Enterprise Canal Company Ditch	3100 miner s inches
Clark and Edwards Ditch	1500 miner s inches
Woodville Ditch	1900 miner s inches
Dills Ditch	500 miner s inches
Lowder Slough Ditch	1650 miner s inches
North Rigby Ditch	1500 miner s inches
West LaBelle Ditch	1400 1000 miner s inches
Parks and Lewisville Ditch	4200 miner s inches
Progressive Irrigation District Ditch	16000 miner s inches
Kite and Nord Ditch	250 miner s inches
White Ditch	500 miner s inches
Rudy Canal & Irrigation Company Ditch	6000 miner s inches
LaBelle Irrigation Company Ditch	1300 miner s inches
Cheney Ditch	300 miner s inches
Wentworth Ditch	1500 miner s inches

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Farmers Friend Ditch	3000 miner's inches
Burgess Ditch	10000 miner's inches
Snake River Valley Irrigation District Ditch	3100 miner's inches
Reid Canal Ditch	2000 miner's inches
Highy Canal Ditch	4900 miner's inches
Liberty Park Irrigation Company Ditch	800 miner's inches
Texas Slough Irrigation & Canal Company Ditch	800 miner's inches
Wm J Kremer Ditch (Matisen & Craig)	700 miner's inches
H. W. Forbush Ditch (Cheney Ditch)	100 miner's inches
John B Ellis Ditch	100 miner's inches
J. R. Amshberger Ditch	150 miner's inches
People's Canal Company Ditch	10000 miner's inches
Watson Slough Canal	1800 miner's inches
Danskla Ditch Company Ditch	1000 miner's inches
Harrison Canal Company Ditch	4800 miner's inches
New Lavalde Canal Company Ditch	1500 miner's inches
Riverside Canal Company Ditch	1500 miner's inches
New Sweden Irrigation District Ditch	7250 miner's inches
Trego Ditch Company	900 miner's inches

North Fork Tributaries:

Enterprise Irrigation District Ditch	1500 miner's inches
Roxana Canal Company Ditch	1300 miner's inches
Farmers Friend Canal Company Ditch	2350 miner's inches
Consolidated Farmers Canal	8900 miner's inches
Twin Groves Canal and Irrigation Company Ditch	1500 miner's inches

3B. The following license rights may also be decreed as hereinafter listed for the amounts not exceeding the quantities stated after the name of the canal owners with dates of priority as indicated in each respective case, to-wit:

To the North Fork Reservoir Company of the waters of Henry's Lake and its tributaries to the amount of 79350 acre-feet per annum for storage, and of the waters of Dry Creek to the amount of 4000 acre-feet per annum for storage, all to be stored in its reservoir at Henry's Lake, Idaho, with a priority date of May 15th, 1917

William B. Reyburn, 32 second feet, Aug. 27, 1910

William B. Reyburn, 15 second feet Oct. 5, 1912

William Kooch, 60 second feet, Sept. 15, 1913

Fannie B. Preufert, 11 second feet, Sept. 30, 1915

3C. To the defendant and cross complainant Utah Power and Light Company for power purposes as follows:

Under State of Idaho license No 9212, 1000 cubic feet per second, priority date January 16th, 1913

Under State of Idaho license No 11921, 500 cubic feet per second, with priority date November 1st, 1915

Under State of Idaho license No 16005 for 1000 cubic feet per second with priority date March 7th, 1921

Under State of Idaho license No 10,009 700 cubic feet per second with priority date December 20th, 1913

Under State of Idaho license No 445 1500 cubic feet per second - 01-00281
see p. 26

Under State of Idaho license No 11,600, 100 cubic feet per second, priority date September 7th, 1915

Under State of Idaho water permit and the license to be issued thereunder 1500 cubic feet per second, with priority date November 11th, 1921

RECORDED
MAY 13 1996

west Quarter of Section 10, Township 5 North, Range 39 E. B. M., Jefferson County, State of Idaho

Land: In Township 5 North of Range 39 E. B. M.:

Entire Sections 1 and 5 lying South of Texas Slough;

In Section 7: NE $\frac{1}{4}$; N $\frac{1}{2}$ SE $\frac{1}{4}$; E $\frac{1}{2}$ NW $\frac{1}{4}$; NW $\frac{1}{4}$ NW $\frac{1}{4}$; NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of NW $\frac{1}{4}$; E $\frac{1}{2}$ of NE $\frac{1}{4}$ of SW $\frac{1}{4}$;

Entire Sections 8, 9 and 16;

Entire Section 17 lying North and East of Bannock Jim Slough;

In Section 15: W $\frac{1}{2}$ of SW $\frac{1}{4}$; SE $\frac{1}{4}$ of SW $\frac{1}{4}$; and portions of the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ and the W $\frac{1}{2}$ of the NW $\frac{1}{4}$ lying West of Texas Slough;

In Section 10: All lying West of Texas Slough;

In Section 20: E $\frac{1}{2}$ of NE $\frac{1}{4}$ of NE $\frac{1}{4}$ East of Bannock Jim Slough;

In Section 21: All thereof lying East and North of Bannock Jim Slough;

In Section 22: NW $\frac{1}{4}$, N $\frac{1}{2}$ of SW $\frac{1}{4}$, W $\frac{1}{2}$ of the Southeast Quarter and part of NW $\frac{1}{4}$ of NE $\frac{1}{4}$ West of Texas Slough; also all of South Half of SW $\frac{1}{4}$ lying North of Bannock Jim Slough;

Containing a total irrigable area of approximately 4000 acres.

The Texas Slough Irrigation Canal Company, a corporation 800"

Headgate is located near the westerly line of the Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 15 Township 5 North, Range 39 East Boise Meridian, in Madison County, State of Idaho

Land: In Township 5 North, Range 39 East Boise Meridian:

In Section 29: S $\frac{1}{2}$ of SW $\frac{1}{4}$; in Section 30: S $\frac{1}{2}$ of SE $\frac{1}{4}$; entire Section 31 East of the North Fork of Snake River; Entire Sections 32 and 33;

In Section 31: SW $\frac{1}{4}$ and S $\frac{1}{2}$ of NW $\frac{1}{4}$

In Township 5 North, Range 39 East Boise Meridian:

In Section 2: NW $\frac{1}{4}$; N $\frac{1}{2}$ of SW $\frac{1}{4}$; S $\frac{1}{2}$ of NE $\frac{1}{4}$; NW $\frac{1}{4}$ of NE $\frac{1}{4}$; NW $\frac{1}{4}$ of SE $\frac{1}{4}$; entire section 3

In Section 4: All of East Half lying North and East of Texas Slough; NW $\frac{1}{4}$ of NW $\frac{1}{4}$

In Section 5: N $\frac{1}{2}$ of NE $\frac{1}{4}$ North of Texas Slough

In Section 6: NE $\frac{1}{4}$ and N $\frac{1}{2}$ of NW $\frac{1}{4}$; entire Section 10;

In Section 15: E 60 R of SE $\frac{1}{4}$ of NW $\frac{1}{4}$; W $\frac{1}{2}$ of W $\frac{1}{2}$ of NE $\frac{1}{4}$;

In Township 5 North, Range 38 E. B. M.:

In Section 1: The NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$

In Township 5 North, Range 38 E. B. M.:

In Section 36: Portion of the S $\frac{1}{2}$ of the SE $\frac{1}{4}$ lying South of the North Fork of Snake River

Containing a total irrigable area of approximately 1340 acres

Wm. J. Kremer, (Mattson & Craig Ditch) 700"

Land: Lot one Section 25; West forty-six and one-half rods of lot one; lot two; East Half of lot one; Southeast Quarter of the Southwest Quarter; North Half of the Southwest Quarter; Southwest Quarter of the Southeast Quarter of Section 26; North Half of the Northeast Quarter of Section 25; Northwest Quarter of the Northwest Quarter of Section 26 all in Township Four (4) North, Range forty E. B. M.

H. W. Forbush, (Cheney Ditch) 100"

Headgate located in center of Section 30, Township 4 North Range 40 E. B. M.

Land: Southwest Quarter of Section 29, Township 4 North, Range 40 E. B. M.

John E. Ellis, 100"

Headgate on Dry Bed

Land: Lot 3, Southwest Quarter of the Northwest Quarter, Northeast

APPROVED
MAY 13 1996

SCANNED

AUG 22 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: A01-00254
Date Received: 9/01/1988
Receipt No: E001687
Received By: KCW

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: TEXAS SLOUGH IRRIGATING CANAL CO. 208-356-5312
Address: 1128 SOUTH 5000 WEST
REXBURG, ID 83440

2. Date of Priority: JAN 22, 1916

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
04N	40E	6	NE	SW	SW	7	MADISON

5. Description of diverting works:
HEADGATE TO BANNOCK FEEDER TO TEXAS SLOUGH TO TEXAS SLOUGH CANALS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	16.000		

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

8. Total consumptive use is 10082.5 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
05N	39E	2	NW	NW	4	IRR	20.0
			SW	NW		IRR	30.0
			SW	SW		IRR	40.0

Section Acres 90.0

A01-00254

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Date: 09/01/88

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10. Place of Use: Continued

Total Acres 90.0

11. Place of use in counties: MADISON

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

13. Other Water Rights Used:

01-0182A/0183/0184/0185/0186/0187A/0188/0254/0329

14. Remarks:

P/U SAME AS A01-00182A

P/U SAME AS 01-00183/0184/0185/0186/0187A/0188/0329

SEE ATTACHED LAND LIST

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

WOODVILLE CANAL

Decree Plaintiff

vs

CLARK AND EDWARDS CANAL ET. AL

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 Organizations:

I do solemnly swear or affirm that I am Secretary of
Title
Texas Slough Irr. Canal Co., that I have signed the foregoing
Organization
document in the space below as Secretary of
Title
Texas Slough Irr. Canal Co. and that the statements contained in the
Organization
foregoing document are true and correct.

Ralph W. Kunk
Signature of Authorized Agent
Sec Texas Slough Irr. Canal Co.
Title and Organization
9-1-88
Date

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 1st day
of September 19 88

Betty J. Thompson
Notary Public

Seal



Residing at Idaho Falls
My Commission Expires 6-94

SEC #2 ENTERED INTO
DATABASE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	39E	2	NW	NW	4	IRR	20.0
			SW	NW		IRR	30.0
			SW	SW		IRR	40.0
						Section Acres	90.0

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Date: 09/01/88

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10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
05N	39E	3	SW		NE	2	IRR	40.0
			SE		NE	1	IRR	40.0
			SW		NW	4	IRR	40.0
			SE		NW	3	IRR	38.0
			NE		SW		IRR	38.0
			NW		SW		IRR	40.0
			SW		SW		IRR	39.0
			SE		SW		IRR	38.0
			NE		SE		IRR	40.0
			NW		SE		IRR	40.0
			SW		SE		IRR	40.0
			SE		SE		IRR	40.0
Section Acres								473.0
		4	SW		NE	2	IRR	39.0
			SE		NE	1	IRR	39.0
			SW		NW	4	IRR	38.0
			SE		NW	3	IRR	34.0
			NE		SW		IRR	18.0
			NE		SE		IRR	38.0
			NW		SE		IRR	39.0
			SW		SE		IRR	39.0
			SE		SE		IRR	38.0
Section Acres								322.0
		5	SW		NE	2	IRR	36.0
			SE		NE	1	IRR	37.0
			SW		NW	4	IRR	35.0
			SE		NW	3	IRR	34.0
			NE		SW		IRR	30.0
			NW		SW		IRR	38.0
			NE		SE		IRR	8.0
			NW		SE		IRR	20.0
Section Acres								238.0
		6	SW		NE	2	IRR	40.0
			SE		NE	1	IRR	40.0
			SW		NW	4	IRR	15.0
			SE		NW	3	IRR	21.0
			NE		SE		IRR	32.0
			NW		SE		IRR	30.0
Section Acres								178.0

NOT DATA ENTERED

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10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	39E	9	NE	NE		IRR	39.0
			NW	NE		IRR	40.0
			Section Acres				79.0
		10	NE	NE		IRR	40.0
	NW		NE		IRR	40.0	
	SW		NE		IRR	40.0	
	SE		NE		IRR	5.0	
	NE		NW		IRR	38.0	
	NW		NW		IRR	39.0	
	SW		NW		IRR	39.0	
	SE		NW		IRR	38.0	
	NE		SW		IRR	38.0	
	NW		SW		IRR	38.0	
	SE		SW		IRR	38.0	
	NE		SE		IRR	1.0	
	NW		SE		IRR	39.0	
	SW		SE		IRR	35.0	
	SE		SE		IRR	4.0	
			Section Acres				472.0
		11	NE	NW		IRR	35.0
			NW	NW		IRR	40.0
			Section Acres				75.0
		15	NE	NW		IRR	39.0
			NW	NW		IRR	38.0
			SW	NW		IRR	20.0
			SE	NW		IRR	39.0
			NE	SW		IRR	35.0
			NW	SW		IRR	12.0
			Section Acres				183.0
06N	38E	36	SE	SE		IRR	28.0
			Section Acres				28.0
	39E	29	NW	SW		IRR	37.0
			SW	SW		IRR	37.0
			Section Acres				74.0

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10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06N	39E	30	SW	SE	12	IRR	14.0
			SE	SE		IRR	38.0
			Section Acres				52.0
		31	NE	NE		IRR	40.0
			NW	NE	7	IRR	38.0
			SW	NE		IRR	30.0
			SE	NE		IRR	36.0
			NE	NW	6	IRR	25.0
			NW	NW	9	IRR	5.0
			NE	SW		IRR	35.0
			NW	SW	3	IRR	18.0
			SW	SW	4	IRR	33.0
			SE	SW		IRR	38.0
			NE	SE		IRR	37.0
			NW	SE		IRR	38.0
			SW	SE		IRR	35.0
			SE	SE		IRR	34.0
			Section Acres				442.0
		32	NE	NE		IRR	40.0
			NW	NE		IRR	40.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	NW		IRR	38.0
			NW	NW		IRR	38.0
			SW	NW		IRR	40.0
			SE	NW		IRR	40.0
			NE	SW		IRR	38.0
			NW	SW		IRR	40.0
			SW	SW		IRR	23.0
			SE	SW		IRR	38.0
			NE	SE		IRR	38.0
			NW	SE		IRR	38.0
			SW	SE		IRR	38.0
			SE	SE		IRR	36.0
			Section Acres				605.0
		33	NE	NE		IRR	40.0
			NW	NE		IRR	40.0
			SW	NE		IRR	38.0

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Date: 09/01/88

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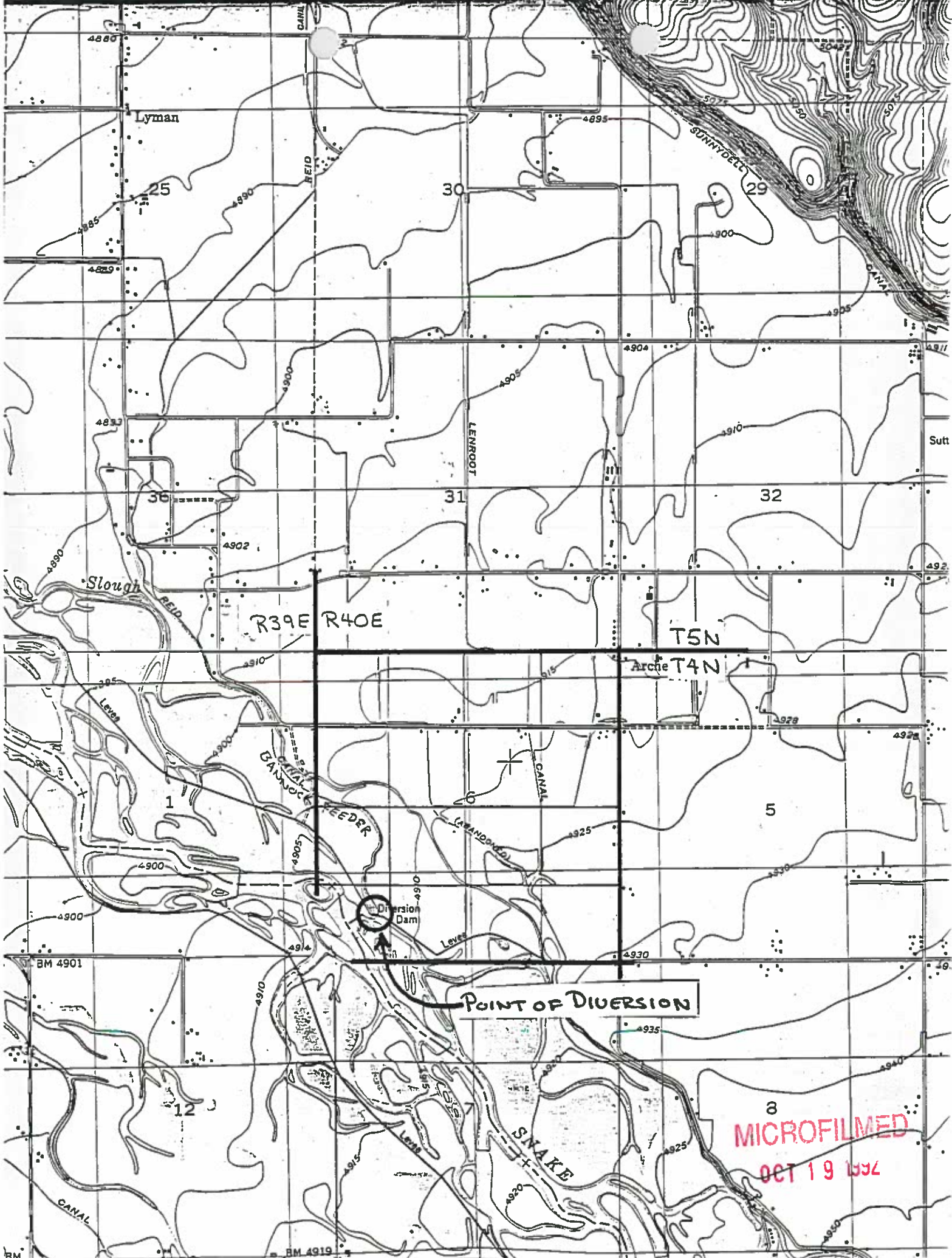
OCT 19 1992

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
06N	39E	33	SE		NE		IRR	39.0
			NE		NW		IRR	40.0
			NW		NW		IRR	40.0
			SW		NW		IRR	39.0
			SE		NW		IRR	40.0
			NE		SW		IRR	40.0
			NW		SW		IRR	40.0
			SW		SW		IRR	39.0
			SE		SW		IRR	40.0
			NE		SE		IRR	40.0
			NW		SE		IRR	40.0
			SW		SE		IRR	39.0
			SE		SE		IRR	36.0
							Section Acres	630.0
		34	NW		SW		IRR	19.0
			SW		SW		IRR	35.0
			SE		SW		IRR	38.0
							Section Acres	92.0
							Total Acres	4033.0

NOT DATA ENTERED

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Lyman

25

30

29

36

31

32

Slough

R39E R40E

T5N

Arche T4N

BANNOCK FEEDER

CANAL

(ABANDONED)

Diversion Dam

POINT OF DIVERSION

5

12

8

MICROFILMED
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SNAKE

BM

BM 4919

BM 4901

Sutt

