

11/06/2006

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

RIGHT NUMBER: 1-291

NAME AND ADDRESS: OWNERS MUTUAL IRRIGATION CO
C/O WILLIAM TAYLOR PRES
PO BOX 51780
IDAHO FALLS ID 83405

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 4.560 CFS

PRIORITY DATE: 03/03/1911

POINT OF DIVERSION:
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		4.560 CFS
PLACE OF USE:	<u>IRRIGATION in BONNEVILLE County</u>				
	T03N R37E S11	NENE	2.80	T03N R37E S11	NWNE 40.00
	T03N R37E S11	SWNE	40.00	T03N R37E S11	SENE 10.00
	T03N R37E S11	NENW	0.70	T03N R37E S11	SENW 1.20
	T03N R37E S11	NESW	1.00	T03N R37E S11	NWSE 34.00
	T03N R37E S11	SWSE	0.70	T03N R37E S15	NENE 38.00
	T03N R37E S15	NWNE	38.00	T03N R37E S15	SWNE 40.00
	T03N R37E S15	SENE	38.00	T03N R37E S15	NENW 40.00
	T03N R37E S15	NWNW	37.00	T03N R37E S15	SWNW 39.00
	T03N R37E S15	SENW	40.00	T03N R37E S15	NESW 40.00
	T03N R37E S15	NWSW	39.00	T03N R37E S15	SWSW 38.00
	T03N R37E S15	SESW	40.00	T03N R37E S15	NESE 37.00
	T03N R37E S15	NWSE	40.00	T03N R37E S15	SWSE 40.00
	T03N R37E S15	SESE	39.00		

753.4 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 753.4 acres in a single irrigation season. Combined Right Nos.: 1-1L, 1-47P, 1-290, and 1-291.

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 from Great Western Canal through Kennedy Ditch.

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



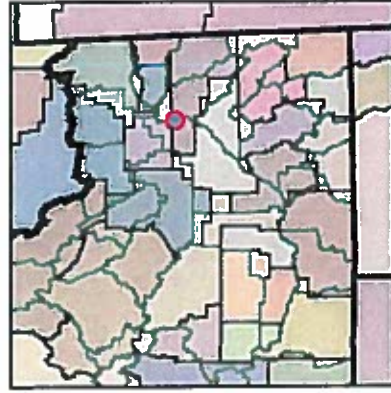
Idaho Department of Water Resources

Right Nos.:

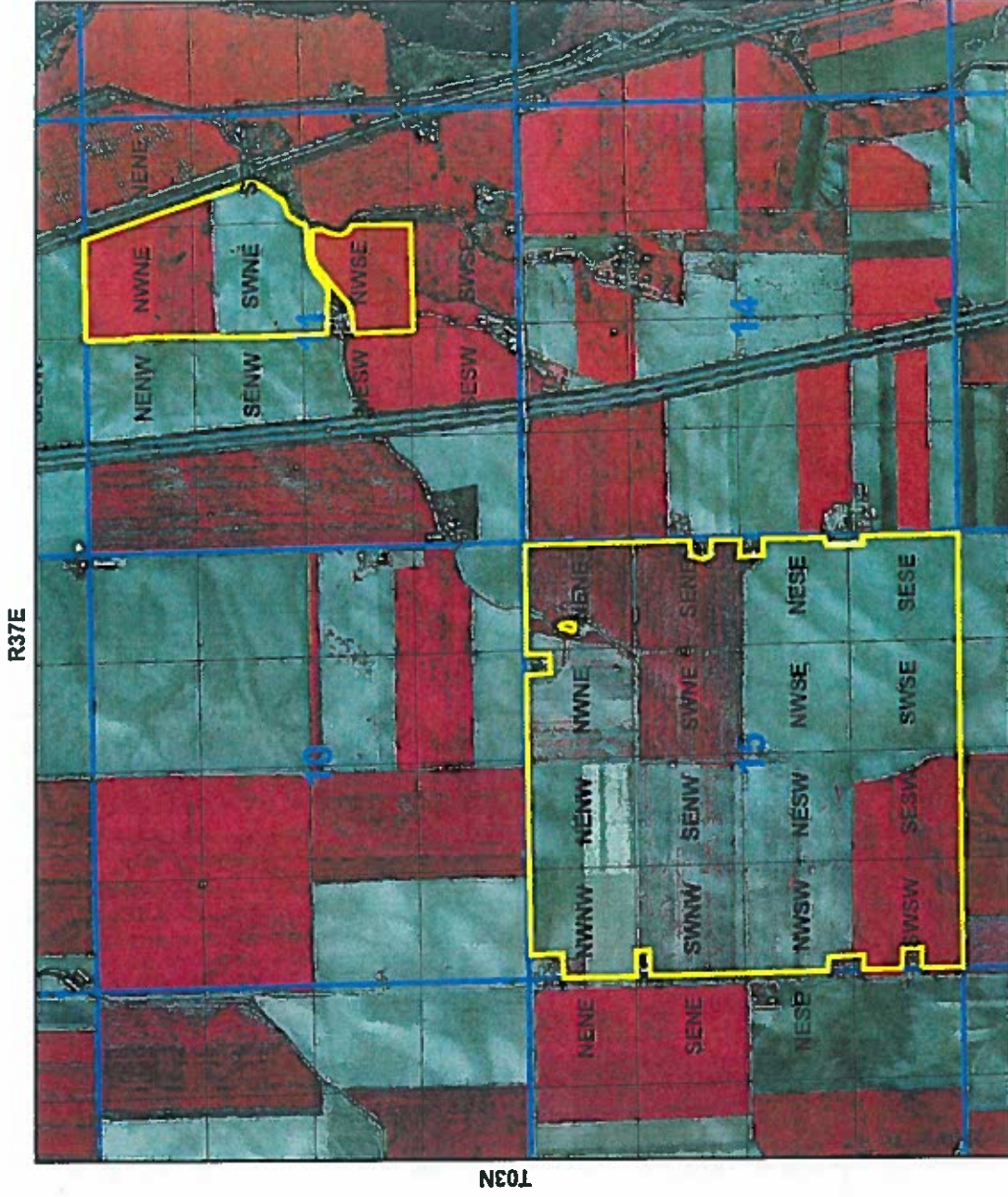
1-1L
1-47P
1-290
1-291

Legend

- Place of Use
- Townships
- PLS Sections
- Quarter Quarters



Bonneville County
IDWR Basin 1



0 0.9 1.8 Miles

Prepared by M. Holliday
 On Monday, November 6, 2006
 1987/88 Aerial Photography

11,0
Signed Copy
DEFENDANT

IN THE DISTRICT COURT OF THE NINTH JUDICIAL DISTRICT OF THE STATE
OF IDAHO, IN AND FOR THE COUNTY OF FREMONT.

BEACRIFICIAL LIFE INSURANCE	)	
COMPANY, a corporation,	)	
	)	
Plaintiff,	)	
-vs-	)	: FINDINGS OF FACT,
	)	CONCLUSIONS OF
IVIN CHANDALL, Watermas-	)	LAW AND JUDGMENT :
ter of District No. 58	)	
of the state of Idaho,	)	
	)	
Defendant.	)	

- - - - -

This cause came on for hearing before the Court, sitting without a jury, at chambers, at Idaho Falls, Bonneville County, State of Idaho, pursuant to notice given and published. The plaintiff appeared by it's attorney, G. A. Johannesen; and it appearing to the Court that summons had been duly served upon the defendant and that notice of the pendency of this action has been given as required by law, and the defendant and any and all other parties who may have an interest in this controversy not having appeared, it has been ordered by the Court that the defaults of the defendant and all interested parties be entered, and the entry of such default is hereby confirmed. After hearing the evidence introduced on behalf of the of the plaintiff, both oral and documentary, the Court being fully advised in the premises, makes it's findings of Fact, Conclusions of Law and Judgment as follows, to-wit:

FINDINGS OF FACT

I

That the plaintiff is a corporation, organized and existing under and by virtue of the laws of the State of Utah; that said corporation has complied with the laws of the State of Idaho relative to foreign corporations, and has for more than ten years

granting to it a summary decree and adjudication of the water rights in the amount and with the dates of priority mentioned in it's Complaint prior and superior to all appropriated and users of water with dates of priority subsequent to the dates indicated, and debarring the defendant and all interested parties from asserting any right, claim or claims to the use of water under the priority dates subsequent to the two specific dates mentioned in plaintiff's Complaint.

JUDGMENT AND DECREE

WHEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED as follows, to-wit:

I

That the plaintiff is entitled to a summary decree and adjudication of the waters of Snake River and it's tributaries with dates of priority indicated and in amounts as follows, to-wit:

<u>Date of Priority</u>	<u>Amount</u>
September 24, 1906	1 290 0.8 second feet
March 3, 1911	1 291 4.58 second feet

II

That the plaintiff has the right to divert and use said quantities of water with the said priority dates, subject, however to the terms of the said decree of December 16, 1910 and the said decree of June 25, 1929, for use for irrigation and domestic purposes upon the following described lands in Bonneville County, State of Idaho, to-wit:

All of Section Fifteen, the West Half of the Northwest Quarter and the Northeast Quarter of the Northwest Quarter of Section Fourteen, the West Half of the Northeast Quarter and the Northwest Quarter of the Southeast Quarter of Section Eleven, in Township Three North, Range Thirty-seven, E. B. M.

III

That the said waters are to be diverted from Snake River:

into the headgate of what is generally known as the Great Western Canal, being the main canal of the New Sweden Irrigation District, at a point on the west bank of said River in the Northeast Quarter of the Northeast Quarter of Section 35, Township 4 North, Range 37, E. B. P., and again diverted from the said named canal into a canal owned by the plaintiff and used in connection with irrigation of it's lands hereinbefore described.

IV

That this Decree and Judgment is a summary adjudication of water rights made pursuant to the statutes and laws of the State of Idaho; that the plaintiff pay it's own costs incurred herein.

Dated this 16th day of March, 1934.


DISTRICT JUDGE.

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: A01-00291
Date Received: 9/14/1989
Receipt No: E010408
Received By: E024019 *4/2/98*

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: OWNERS MUTUAL IRRIGATION CO 208-522-7770
Address: C/O WILLIAM TAYLOR PRES
PO BOX 51780
IDAHO FALLS ID 83405

2. Date of Priority: MAR 3, 1911

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	37E	35	NE	NE	NE	1	JEFFERSON

5. Description of diverting works:
HEAD WORKS OF GREAT WESTERN CANAL INTO OWNERS MUTUAL DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	4.560		

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

8. Total consumptive use is 2395.0 Acre Feet Per Annum.

9. Non-irrigation uses:
INCIDENTAL STOCKWATERING

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
03N	37E	11	NE	NE		IRR	6.0
			NW	NE		IRR	39.0
			SW	NE		IRR	40.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	37E	11	SE	NE		IRR	12.0
			NE	NW		IRR	37.0
			NW	NW		IRR	36.0
			SW	NW		IRR	38.0
			SE	NW		IRR	35.0
			NE	SW		IRR	15.0
			NW	SW		IRR	37.0
			SW	SW		IRR	9.5
			NE	SE		IRR	2.0
			NW	SE		IRR	36.0
						Section Acres	342.5
		15	NE	NE		IRR	38.0
			NW	NE		IRR	39.0
			SW	NE		IRR	40.0
			SE	NE		IRR	38.0
			NE	NW		IRR	39.0
			NW	NW		IRR	36.0
			SW	NW		IRR	38.0
			SE	NW		IRR	40.0
			NE	SW		IRR	40.0
			NW	SW		IRR	38.0
			SW	SW		IRR	38.0
			SE	SW		IRR	40.0
			NE	SE		IRR	38.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	39.0
						Section Acres	621.0
						Total Acres	963.5

11. Place of use in counties: BONNEVILLE

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

13. Other Water Rights Used:

01-00001L, 00047G, 00290, 00143, 00142, 00144, 00145,35-0055

14. Remarks:

FLows CARRIED BY GREAT WESTERN CANAL.

SEE DECREE FOR TERMS.

RIGHTS 01-00142 - 00145 ARE FROM PARKS & LEWISVILLE CANAL.

OWNERS MUTUAL PAYS YEARLY SHAREHOLDS FEES FOR THESE RIGHTS.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

BENEFICIAL LIFE

Decree Plaintiff

CRANDALL.

vs

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

Owner's Mutual Irr. Co., that I have signed the foregoing
Organization

document in the space below as SECRETARY of _____
Title

Owner's Mutual Irr. Co. and that the statements contained in the
Organization

foregoing document are true and correct.

William H. Dwyer
Signature of Authorized Agent

Sec. / Owner's Mutual Irr. Co.
Title and Organization

4/2/98
Date

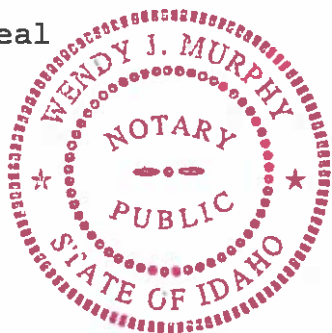
State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 2nd day

of April 19 98

Wendy J. Murphy
Notary Public

Seal



Residing at Idaho Falls

My Commission Expires 6/23/00

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
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7. Total Quantity Appropriated is:
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8. Total consumptive use is 2395.0 Acre Feet Per Annum.

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Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	37E	11	NE	NE		IRR	6.0
			NW	NE		IRR	39.0

A01-00291

Page 1

Date: 09/14/89



MICROFILMED
OCT 19 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
03N	37E	11	SW NE		IRR	40.0
			SE NE		IRR	12.0
			NE NW		IRR	37.0
			NW NW		IRR	36.0
			SW NW		IRR	38.0
			SE NW		IRR	35.0
			NE SW		IRR	15.0
			NW SW		IRR	37.0
			SW SW		IRR	4.0
			NE SE		IRR	2.0
			NW SE		IRR	36.0

Section Acres 337.0

15	NE NE	IRR	38.0
	NW NE	IRR	39.0
	SW NE	IRR	40.0
	SE NE	IRR	38.0
	NE NW	IRR	39.0
	NW NW	IRR	36.0
	SW NW	IRR	38.0
	SE NW	IRR	40.0
	NE SW	IRR	40.0
	NW SW	IRR	38.0
	SW SW	IRR	38.0
	SE SW	IRR	40.0
	NE SE	IRR	38.0
	NW SE	IRR	40.0
	SW SE	IRR	40.0
	SE SE	IRR	39.0

Section Acres 621.0

Total Acres 958.0

11. Place of use in counties: BONNEVILLE

12. Do you own the property listed above as place of use? ~~YES~~ No *WHT*

13. Other Water Rights Used:

01-00001L, 00047G, 00290, 00143, 00142, 00144, 00145, 35-0055

14. Remarks:

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Case Number:

Court :

Decree date:

BENEFICIAL LIFE

Decree Plaintiff

CRANDALL.

vs

Decree Defendant

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Number of attachments: 1

For Organizations:

I do solemnly swear or affirm that I am Sec. of

Title

Owners Mutual Ins. Co.
Organization

document in the space below as Sec. of

Title

Owners Mutual Ins. Co.
Organization

foregoing document are true and correct. William H. Taylor
Signature of Authorized Agent

Sec. Owners Mutual Ins. Co.
Title and Organization

Sept 14, 1989
Date

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 14 day
of Sept 19 89

E. J. [Signature]
Notary Public

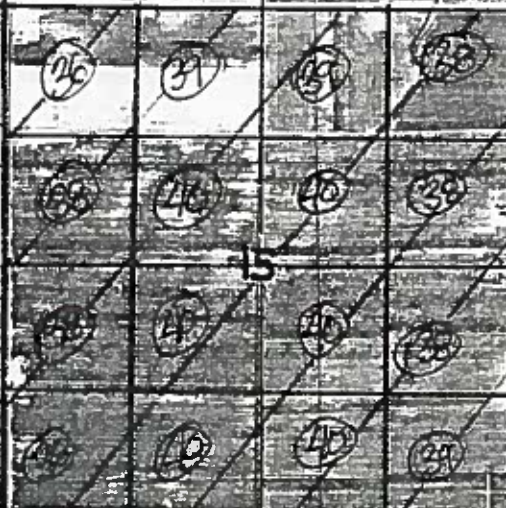
Seal

Residing at _____

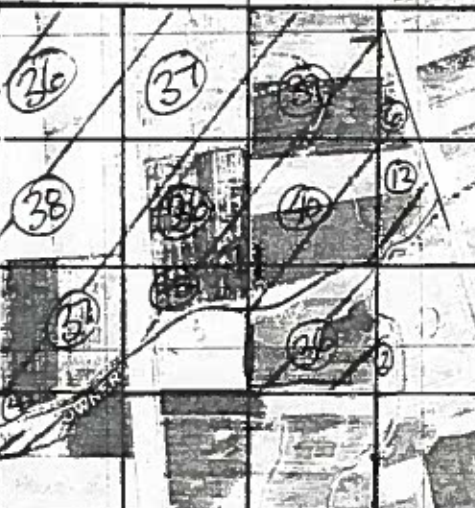
My Commission Expires _____

RESIDING AT ID'HO FALL, ID
MY COMMISSION EXPIRES 8-21-1994

AGI-00291



R37E



T 3 N

MICROFILMED
OCT 19 1992