

05/24/2006

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

RIGHT NUMBER: 1-10013

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

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 0.640 CFS

PRIORITY DATE: 07/01/1882

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	0.640 CFS

PLACE OF USE:

3383.1 ACRES TOTAL

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.

This right is limited to the irrigation of 51.2 acres within the place of use described above in a single irrigation season.

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

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 Sunnydell Canal.

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

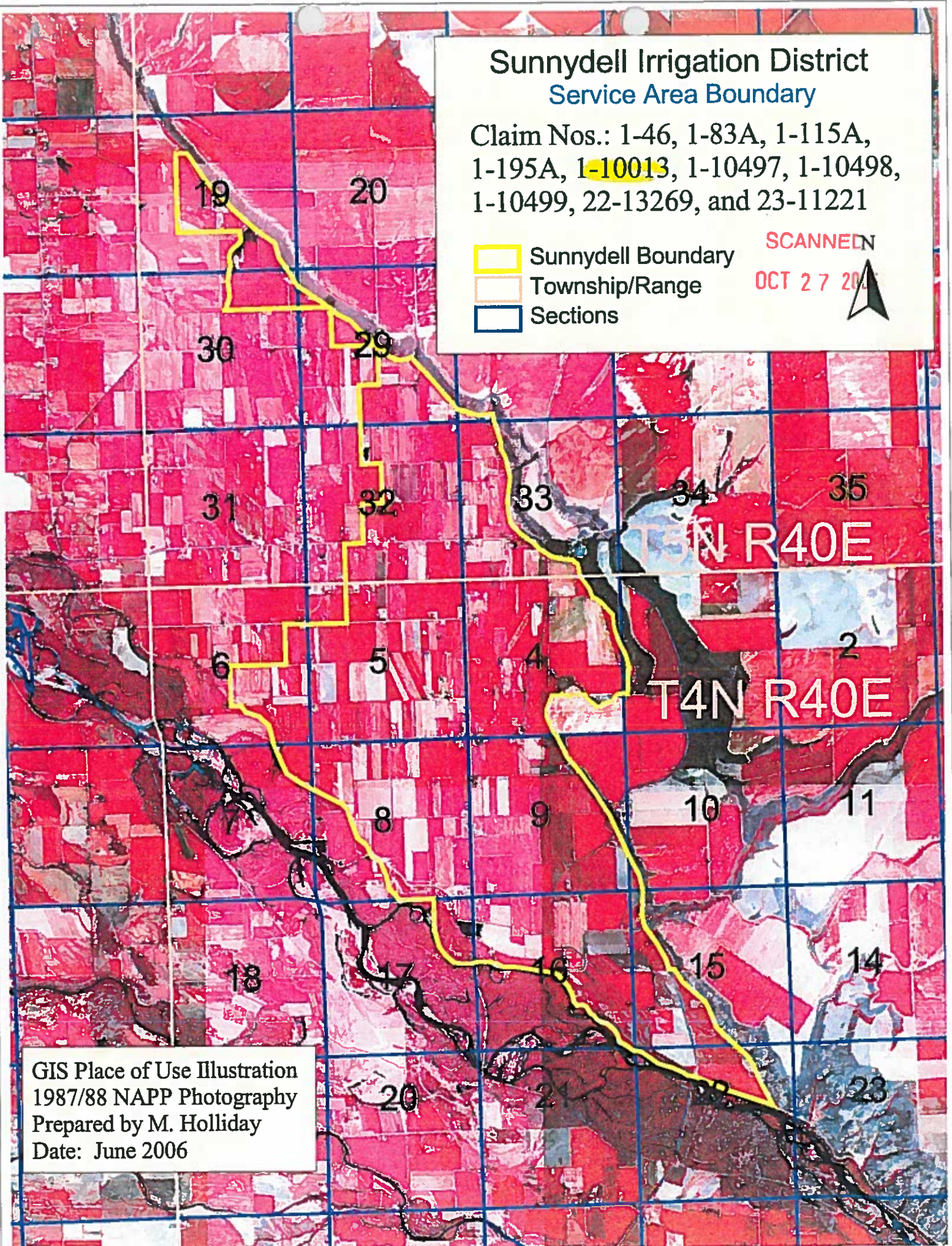
This right is a split from former right 23-113B.

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 2011



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

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.

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, 12B 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. DECREE 01-195H

RECEIVED
APR 18 2002
Department of Water Resources
Eastern Region

DEPARTMENT OF RECLAMATION
Certificate of Water Right
Transferred Water Right No. 655

THIS IS TO CERTIFY THAT CARL BUCKLAND, of Chokecherry, Idaho, is the owner of and using a certain water right, bearing date of priority of July 1, 1882, for Two (2) cubic feet per second of the waters of Burns Creek, a tributary of Snake River, County of Bonneville, State of Idaho, decreed to CHARLES WHEATON, 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 18, 1910, in the case of

REXBURG IRRIGATION COMPANY,

Plaintiff,

VS.

TETON IRRIGATION CANAL COMPANY,

Defendant

being appurtenant to the following described lands, situate, lying and being in Water District No. 36, in the County of Bonneville, State of Idaho, to-wit:

Tax Lots 2, 4, and NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 11,
Township 3 North, Range 42 East, B. M.

located at the mouth of Burns Creek, being H. E. Survey No. 557

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

That said CARL BUCKLAND has become the owner thereof by deed and inheritance, as per abstract of title of water right filed with said application.

That now, upon the application of CARL BUCKLAND, of Chokecherry, 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 One (1) cubic foot per second of the waters of Burns Creek, a tributary 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 made appurtenant, by this Certificate, for the reason that the lands are more productive and a higher duty of water is made possible to the lands lying and being in the County of Madison, and State of Idaho, described as follows, to-wit:

SE $\frac{1}{4}$ SW $\frac{1}{4}$ (less R.R. Right-of-way) and SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 15;
Lot 4 and NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 22;
All in Township 4 North, Range 40 East, B. M.

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:

One (1) cubic foot per second of the waters
of Burns Creek, a tributary of Snake River,
with date of priority of July 1, 1882

That the water right hereby transferred has been conducted to the first above described lands through the Buckland Ditch from Burns Creek, with point of diversion in the Southeast Quarter of Section 11, Township 3 North, Range 42 East, B. M.

That the water right hereby transferred will hereafter be conducted to the last above described lands through the Sunnydell Ditch from Snake River, with point of diversion in the Northwest Quarter of 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 20th day of December, A. D. 1943.

Assigns:

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

JAMES SPOFFORD
State Reclamation Engineer

Roy E. Thompson
Supervisor of Water Distribution

TO HAVE AND TO HOLD, all and singular, the above 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 his hand and seal the day and date first above written.

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

STATE OF IDAHO

County of

I do hereby certify that this day of June in the year 1944, before me, the undersigned Robert White, in and for the said State of Idaho, personally appeared the said party of the first part, whose name is subscribed to the above instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

IN WITNESS WHEREOF, I have hereunto set my hand and seal at Boise, Idaho, this 20th day of December, A. D. 1943.

official seal of
within.

grant, beyond self, convey
and confirm

QUIT CLAIM DEED

THIS INDENTURE made this _____ day of June, 1943, between C. L. Buckland, of Bonneville County, State of Idaho, the party of the first part, and Everett Clay, of Madison County, State of Idaho, party of the second part.

WITNESSETH: That the party of the first part, for and in consideration of the sum of one dollar and other valuable considerations to him in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, does by these presents demise, release, and forever quit claim unto the said party of the second part, and to his heirs and assigns:

50 miners inches of the waters of Burns Creek of July 1, 1882 priority decreed to Charles Wheaton by decree of Dec. 16, 1910, in the case of Rexburg Irrigation Co. vs. Teton Irrigation Canal Co., et al., in the District Court of the Sixth Judicial District of the State of Idaho, in and for the County of Fremont, said water hereafter to be used on S¹/₂SW¹/₄ less R.R. right of way: SW¹/₄SW¹/₄ Sec. 15; Lot 4, NE¹/₄SW¹/₄ Sec. 22; all in T. 4N., R. 40 E.B.H.

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

TO HAVE AND TO HOLD, all and singular, the same 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 his hand and seal the day and year first above written.

_____(Seal)

STATE OF IDAHO

County of _____

} ss.

I do hereby Certify: On this _____ day of June in the year 1943, before me, the undersigned Notary Public, in and for the said County and State, personally appeared C. L. Buckland, known to me to be the person whose name is subscribed to the within and foregoing instrument and acknowledged to me that he executed the same.

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

Notary Public

AUG 24 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: A01-10013
Date Received: 8/17/1988
Receipt No: 6001388
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, SEC.
578 E. 7000 S.
REXBURG, ID 83440

A0110013



2. Date of Priority: JUL 01, 1882

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 SUNNYDELL CANAL. CONCRETE DIVERSION STRUCTURE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.000		

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

8. Total consumptive use is 9562.5 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	4	NE	NE	1	IRR	7.0
			NW	NE	2	IRR	39.0

A01-10013

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Date: 08/17/88

MICROFILMED

OCT 20 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	40E	4	SW	NE		IRR	40.0
			SE	NE		IRR	35.0
			NE	NW	3	IRR	39.0
			NW	NW	4	IRR	39.0
			SW	NW		IRR	40.0
			SE	NW		IRR	39.0
			NE	SW		IRR	39.0
			NW	SW		IRR	40.0
			SW	SW		IRR	39.0
			SE	SW		IRR	38.0
						Section Acres	434.0
		5	NE	NE	1	IRR	38.0
			NW	NE	2	IRR	38.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	NW	3	IRR	38.0
			SW	NW		IRR	40.0
			SE	NW		IRR	40.0
			NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	38.0
			SE	SW		IRR	39.0
			NE	SE		IRR	38.0
			NW	SE		IRR	40.0
			SW	SE		IRR	38.0
			SE	SE		IRR	38.0
						Section Acres	585.0
		6	SE	NE		IRR	20.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	10.0
			SE	SE		IRR	40.0
						Section Acres	150.0
		7	NE	NE	1	IRR	35.0
						Section Acres	35.0
		8	NE	NE		IRR	39.0
			NW	NE		IRR	40.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	40E	8	SW	NE		IRR	40.0
			SE	NE		IRR	38.0
			NE	NW		IRR	39.0
			NW	NW		IRR	39.0
			SW	NW		IRR	20.0
			SE	NW		IRR	40.0
			NE	SW		IRR	32.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	32.0
			SE	SE		IRR	37.0
						Section Acres	476.0
		9	NW	NE		IRR	15.0
			SW	NE		IRR	40.0
			SE	NE		IRR	7.0
			NE	NW		IRR	39.0
			NW	NW		IRR	39.0
			SE	NW		IRR	40.0
			NE	SW		IRR	40.0
			NW	SW		IRR	39.0
			SW	SW		IRR	38.0
			SW	SW		IRR	39.0
			SE	SW		IRR	39.0
			NE	SE		IRR	28.0
			NW	SE		IRR	40.0
			SW	SE		IRR	38.0
			SE	SE		IRR	40.0
						Section Acres	521.0
		15	NW	NW		IRR	10.0
			SW	NW		IRR	30.0
			NE	SW		IRR	20.0
			NW	SW		IRR	39.0
			SW	SW		IRR	39.0
			SE	SW		IRR	39.0
			SW	SE		IRR	7.0
						Section Acres	184.0
		16	NE	NE		IRR	40.0
			NW	NE		IRR	38.0
			SW	NE	5	IRR	38.0

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres		
04N	40E	16	SE		NE	4	IRR	39.0		
			NE		NW		IRR	39.0		
			NW		NW		IRR	39.0		
			SW		NW		IRR	20.0		
			SE		NW		IRR	40.0		
			NE		SW	3	IRR	9.0		
			NE		SE		IRR	39.0		
			NW		SE	2	IRR	38.0		
			SE		SE		IRR	18.0		
		Section Acres							397.0	
		17	NE		NE		IRR	11.0		
			Section Acres							11.0
			22	NE		NE		IRR	2.0	
		NW			NE		IRR	35.0		
		SW			NE	2	IRR	12.0		
		SE			NE	1	IRR	10.0		
		NE			NW	4	IRR	35.0		
		NW			NW		IRR	10.0		
		Section Acres							104.0	
		05N	40E	19	NE		SW		IRR	10.0
					NW		SE		IRR	12.0
					SW		SE		IRR	30.0
					SE		SE		IRR	18.0
Section Acres							70.0			
29	NW				NW		IRR	9.0		
	SE				NW		IRR	20.0		
	NE				SW		IRR	5.0		
	SE				SW		IRR	20.0		
	NE				SE		IRR	9.0		
	NW				SE		IRR	30.0		
	SW				SE		IRR	40.0		
	SE				SE		IRR	33.0		
Section Acres							166.0			
30	NE				NE		IRR	37.0		
	NW				NE		IRR	32.0		
Section Acres							69.0			

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres		
05N	40E	32	NE	NE		IRR	39.0		
			NW	NE		IRR	40.0		
			SW	NE		IRR	40.0		
			SE	NE		IRR	39.0		
			NE	NW		IRR	20.0		
			SE	NW		IRR	20.0		
			NE	SW		IRR	20.0		
			SE	SW		IRR	40.0		
			NE	SE		IRR	40.0		
			NW	SE		IRR	39.0		
			SW	SE		IRR	39.0		
			SE	SE		IRR	39.0		
			Section Acres						415.0
			33	NW	NW		IRR	36.0	
SW	NW			IRR	39.0				
SE	NW			IRR	2.0				
NE	SW			IRR	10.0				
NW	SW			IRR	39.0				
SW	SW			IRR	39.0				
SE	SW			IRR	38.0				
SW	SE			IRR	20.0				
Section Acres						223.0			
55N	40E	29	SW	NW		IRR	20.0		
Section Acres						20.0			
Total Acres						3860.0			

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:

01-0195,0115,0116,0094,0286,0083,0046,0180,0121

14. Remarks:

ORIGINALLY NUMBERED 22-0579B. RENUMBER TO BASIN 01 PER CLAIM.
FROM TRANSFER 655. POU AS CURRENTLY DELIVERED. DISTRICT BILLS
3900 ACRES PER SEASON.

15. Basis of Claim: DECREED

A01-10013

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Date: 08/17/88

MICROFILMED
OCT 20 1992

Case Number:
Court :
Decree date: 12/16/1910

REXBURG IRR. CANAL CO.
Decree Plaintiff

vs

TETON IRRIGATION CANAL CO. ET.
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 x 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 Bonner) SS.

Subscribed and sworn (or affirmed) before me this 17th day

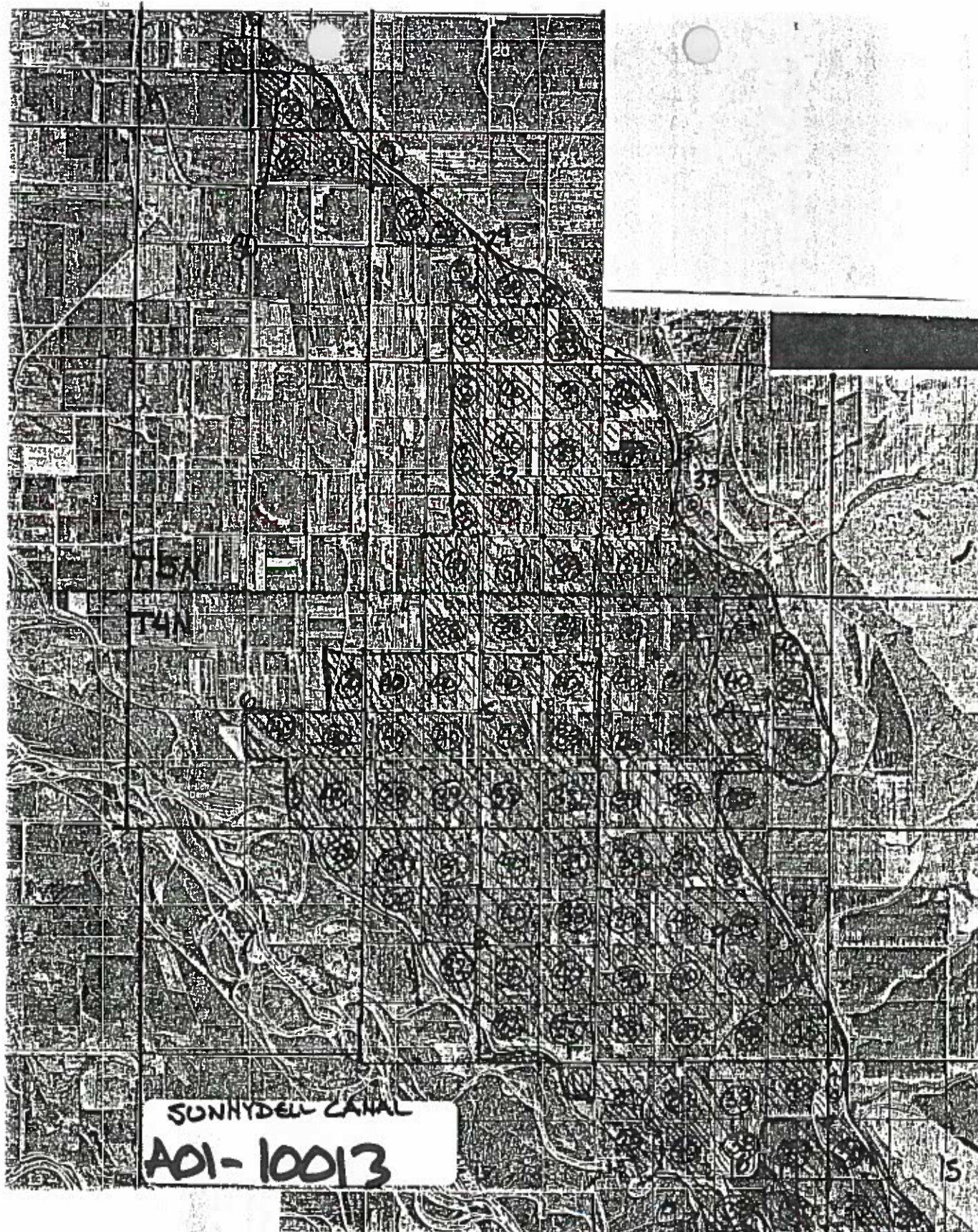
of Aug 19 88

Colleen Gray
Notary Public

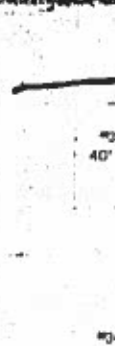
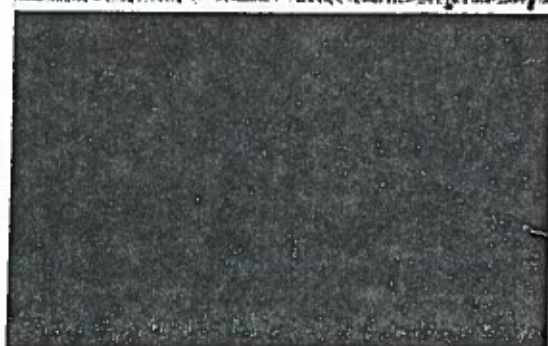
Seal

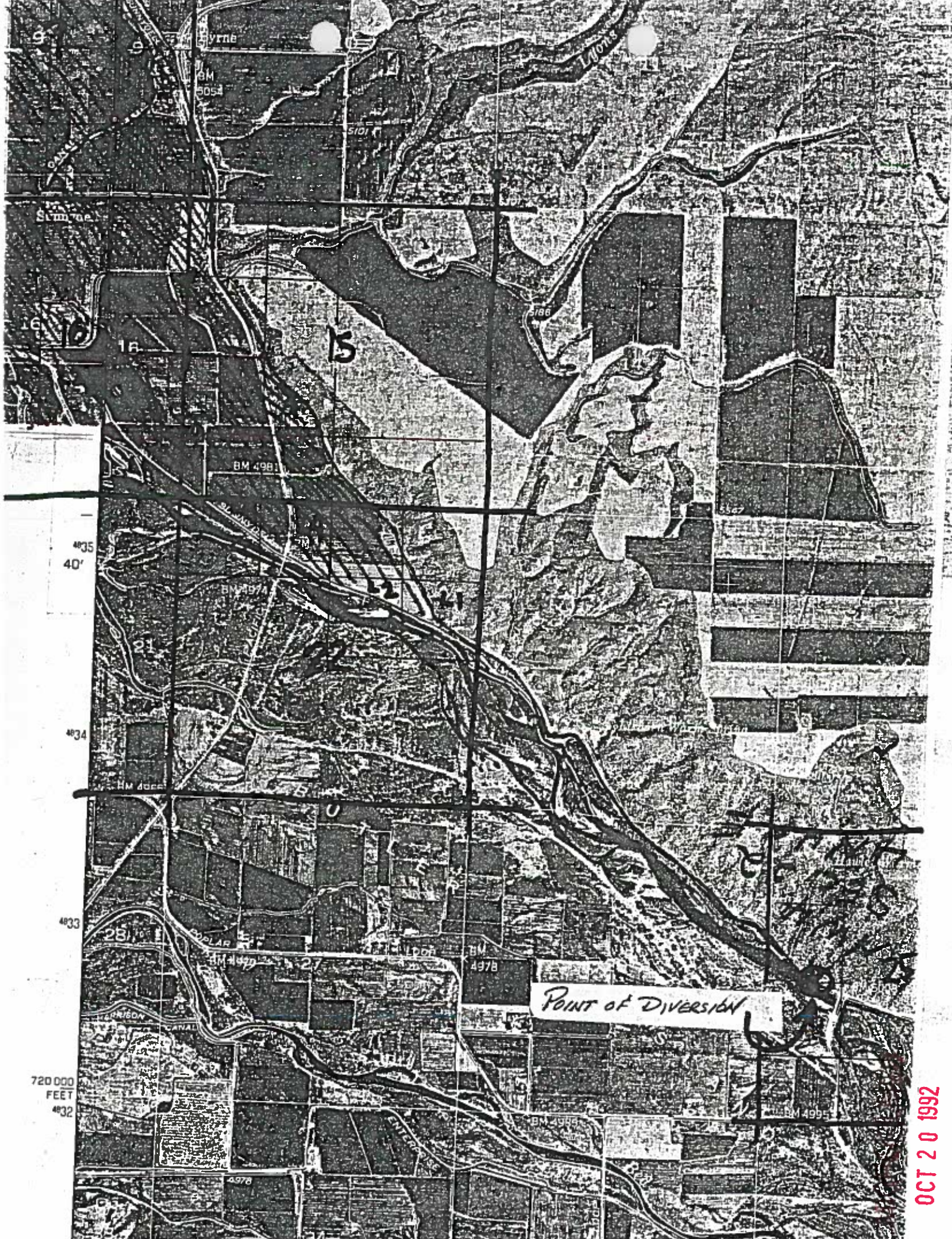
Residing at Idaho Falls

My Commission Expires 5/29/1991



MICROFILMED
OCT 20 1992





POINT OF DIVERSION

OCT 20 1992