

07/07/2005

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

RIGHT NUMBER: 1-10046

NAME AND ADDRESS: WEARYRICK DITCH CO
42 S 700 W
BLACKFOOT ID 83221

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 3.200 CFS

PRIORITY DATE: 03/06/1885

POINT OF DIVERSION:

T02S R35E S32 SESESE Within BINGHAM County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	3.200 CFS

PLACE OF USE:

1106 ACRES TOTAL

Place of use is within the area served by Wearyrick Ditch Company.

This right is limited to the irrigation of 121 acres within the place of use described above in a single irrigation season.

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: Decreed

This right is a split from former right 1-191N.

Water is delivered through Wearyrick Canal.

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

11/15/2005

IDAHO DEPARTMENT OF WATER RESOURCES
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TRIBUTARY: COLUMBIA RIVER

QUANTITY: 3.200 CFS

PRIORITY DATE: 03/06/1885

POINT OF DIVERSION:

T02S R35E S32 SESESE Within BINGHAM County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

3.200 CFS

PLACE OF USE:

1491 ACRES TOTAL

Place of use is within the area served by Wearyrick Ditch Company.

This right is limited to the irrigation of 121 acres within the place of use described above in a single irrigation season.

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.

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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

This right is a split from former right 1-191N.

Water is delivered through Wearyrick Canal.

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

07/14/2005

**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: 1-10046

WEARYRICK DITCH CO
42 S 700 W
BLACKFOOT ID 83221
Telephone Number: (208)684-4747

RECEIVED

AUG 15 2005

Department of Water Resources
Eastern Region

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: AUG 12, 05 SIGNATURE: Alan Stander

Please print your name: ALAN STANDER

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

PROFILED

**SCANNED
AUG 18 2005**

*KW
8/12*

Competing claims for water rights 1-191 & 1-192

Date: 6/30/2005
To: File
From: mholliday
RE: Peoples, Wearyrick, and Watson Claims

Held a meeting today in my office to discuss the recommendations for the canal companies mentioned above. Meeting attendees included Alan Stander representing the Wearyrick, Merlin Morgan and Karl Williams representing the Watson Slough, Steve Murdock and Cliff Merrill representing the Peoples Canal, and Michael Holliday representing IDWR.

We talked briefly about the need for each company to get their map work completed. Then I showed them the spreadsheet I prepared comparing the claims with the water rights database. We also looked at the Water District 1 delivery records for these rights. The 1976 watermaster book has some notation regarding transfers from the Watson to the Peoples and to the Wearyrick, but records regarding these transfers are sketchy. The purpose of the meeting was to acquire additional data that might shed light on these unrecorded transfers and to come to a consensus about how the companies' claims should be recommended.

Merlin Morgan provided minutes from some of the old Watson Slough meetings and copies of a ledger showing stock shares which had been transferred to the Peoples Canal. Contained in the minutes were the names of several individuals who transferred water to the Peoples Canal, and W. W. Parson, who transferred 160 shares to the Wearyrick. The meeting attendees believed that the transfers described in the minutes were the owners of at least some of the unrecorded transfers. After a brief discussion of the evidence presented, all of the meeting attendees agreed that the recommendations should be made consistent with the Water District 1 delivery records.

mwh

#01-0191

RECEIVED

INTER-DEPARTMENT MEMO — 1

FROM Ence

APR 5 1982

DATE April 2, 1982.

Department of Water Resources

TO Roberta L.

SUBJECT Attached is some correspondence I ran across in the records for W.D. #1. From what I have been able to determine the Dept has no record of the transfer of 160 acres ~~from the~~ with a March 6, 1885 priority from the Watson Slough to the Alwaynick River Co. This transfer has been carried on the W.D. records since around 1938. ~~you~~ Would you please see that this info is included in the file for #01-0191 and the transfer appropriately numbered 160 acres

SIGNATURE



BARZILLA W. CLARK, GOVERNOR

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

R. W. FARIS, COMMISSIONER

BOISE

PAUL L. HENRY
DEPUTY COMMISSIONER

March 25, 1938

LYNN CRANDALL
Idaho Falls, Idaho

Dear Mr. Crandall:

I have your letter of March 22, in which you request a copy of an affidavit of change of point of diversion by W. W. PARSONS, changing the point of diversion from the Watson Slough Ditch to the Wearyrick Ditch.

In accordance with this request, I am herewith enclosing a copy of the affidavit of change of point of diversion, a letter from W. A. Beakley, of Blackfoot, Idaho, and a copy of the map accompanying this affidavit.

I trust that this information is that which you requested.

Yours very truly,

Paul H. Berg
Paul H. Berg
Deputy Commissioner

PHE/oi
Encs. 3

RECEIVED
MARCH 26 1938

SCANNED

OCT 20 2006

W. A. BEAKLEY
Lawyer
Blackfoot, Idaho.

C
O
P
Y

April 29, 1915.

C
O
P
Y

State Engineer

Boise, Idaho

Dear Sir,-

Enclosed you should find application for change point of diversion of water. I state in this application that I am sending you permission of the ditch companies interested, but it occurred to me that you might not care anything about these papers, so am not enclosing them. I have drawn the diagrams as represented to me, and your approval is desired in order that the transfer may be made.

If there is no objections on your part to this transfer, please so indicate to me in a letter and I will present it to the ditch companies and the change will be made.

Trusting that I may hear from you soon, I remain,

Very truly yours,

/s./ W. A. BEAKLEY

Received
Office of State Engineer
May 1, 1915

COPY

COPY

SCANNED
OCT 20 2006

MICROFILMED

STATE OF IDAHO)
 : ss.
County of Bingham)

W. W. PARSONS, being first duly sworn, upon his oath deposes and says:

That he is the owner of a decreed water right appurtenant to the following described land, to-wit:

Southeast Quarter of Section 5, Township 3 South,
Range 34 East, B. M.,

as evidenced by the decree dated sixteenth day of December, 1910, in the cause entitled Rexburg Irrigation Company, et al, plaintiff, vs. Teton Irrigation Canal Company, et al, Defendant, brought in the District Court of the Sixth Judicial District of the State of Idaho;

That he intends to change the point of diversion, as described in said decree to the following described point:

About 1/2 mile south of the Railroad bridge across Snake River on the Salmon River Branch of the O. S. L. Ry., said point starts in Section 32, Township 2 South, Range 35 East, B. M. At the present time the point of diversion is about a mile further down the river.

That such change will be made for the following reasons, to-wit: My land lies north of the Wearyrick Canal, and at present I have to flume under this canal; if this change is made, I will not have to flume or cyphon under any canal, and my lateral will be about two miles shorter to maintain from the main ditch, and I have the consent, as will be seen by the papers filed herewith, of all parties interested in the change, both of the ditch from which I change and of the ditch to which the change is to be made.

That no one will be injured by such change and the deponent will make such change at his own risk.

And further deponent saith not.

/s/ W. W. PARSONS

Subscribed and sworn to before me this 24th day of April, 1915.

/s/ WILLIAM A. BEAKLEY
Notary Public

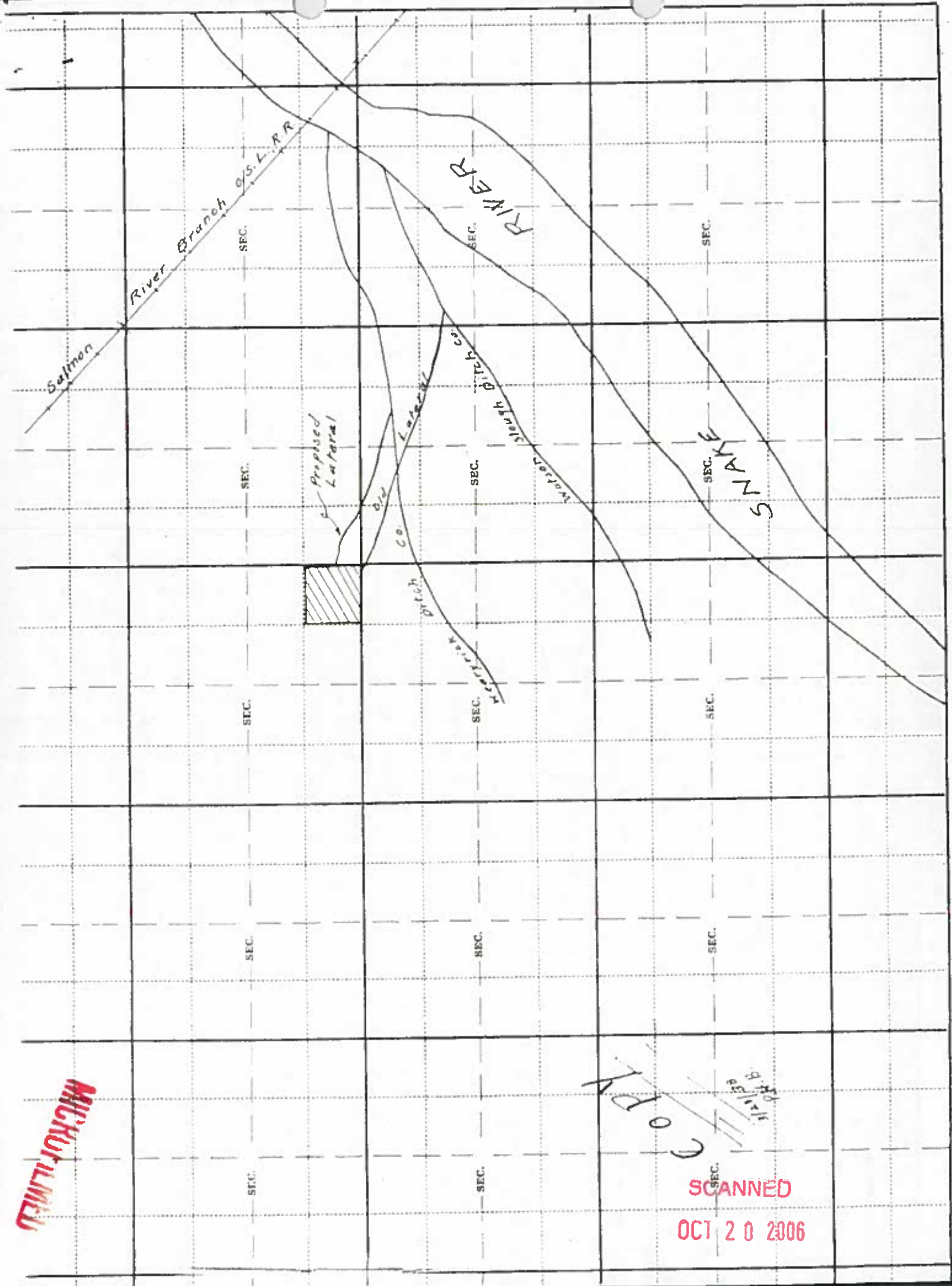
(SEAL)

My commission expires February 11, 1917.

RECORDED

SCANNED
OCT 20 2006

McKINLEY



SCANNED
OCT 20 2006

Blackfoot Idaho
Route #2 March 24, 1938
Mr Lynn Crandall
Watermaster Dist #36
Idaho Falls Idaho

Dear Sir
I have yours of March 22 and will
say I have never seen a certificate
of Transfer of the 160 inches of Water
that was transferred from the
Watson Slough Ditch Co. to the
Wearyick Ditch Co. early in the
Season of 1915. but have seen
copies of Quit Claim Deeds from
the Board of Directors of the
Watson Slough Ditch Co with the
Record Date of March 6, 1885, the
Reason Mr Wm W. or sometimes known
as W. W. Parsons transferred his water
from the Watson Slough Ditch Co.
was because he was using a
Lateral of and with his neighbors
from the Wearyick Ditch Co and
was causing disputes and was
just a change in point of diversion over

SCANNED

OCT 20 2006

from the River into to the
Wearyick Ditch Co; which is
about 1/2 mile North of the point
of diversion from the River
of Watson Slough. This 160 inches
is not in the Corporation of the
Wearyick Ditch Co as at present
has only an Easement or rightway
in the Wearyick Ditch Co and
as President I am trying to get
this Record corrected. and will
call at your office sometime
during the season, and thank
you for your interest in looking
up and writing Boise for copy
of the Transfer,

Yours Truly —
John Murphy
R 7 10 #2

President
Wearyick Ditch Co,

Blackfoot
Idaho

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SCANNED

OCT 20 2006

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 01-10046

Date Received:
Receipt Nos:
Received By:

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

Name of Claimant WEARYRICK DITCH CO
42 S 700 W
BLACKFOOT, ID 83221
(208)684-4747

Priority Date: 03/06/1885
Basis: Decreed
Status: Active

<u>Source</u>	<u>Tributary</u>
SNAKE RIVER	COLUMBIA RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	3.2 CFS	
Recharge for Irrigation	04/01	10/31	3.2 CFS	
Total Diversion			3.2 CFS	

Location of Point(s) of Diversion:

SNAKE RIVER SESESE Sec. 32 Township 02S Range 35E BINGHAM County

All Qualified Wells of the stockholders/electors as described in Remarks below.

Place(s) of use: Within the area served by this irrigation entity

Remarks: Diversion of this right for the purpose of recharge for irrigation is authorized for a maximum acreage equivalent to the authorized place of use for this right. This right includes an accomplished change in place of use pursuant to Section 42-1425, Idaho Code. § I.C. 42-1425 and/or I.C. 42-228. This right includes an accomplished change in point of diversion pursuant to Sections 42-1425 and/or 42-228, Idaho Code.

Qualified Wells are those owned by stockholders/electors within the authorized place of use and which are recovering ground water resulting from recharge for irrigation and/or water resulting from irrigation under this entity's irrigation works for use on lands within this irrigation entity's authorized place of use.

- 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.
1. C18
 2. 135 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.
 3. C03 Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.
 4. 129 Place of use is within the area served by Wearyrick Ditch Company.
 5. K06 This right is limited to the irrigation of 121 acres within the place of use described above in a single irrigation season.
 6. F01 Water is delivered through Wearyrick Canal.
 7. P21 This right is a split from former right 1-191N.

Describe any other water rights used at the same place and for the same purposes as describe above: Those water rights recommended as of the date of this amended claim.

Basis of Claim: Decreed

Signature(s)

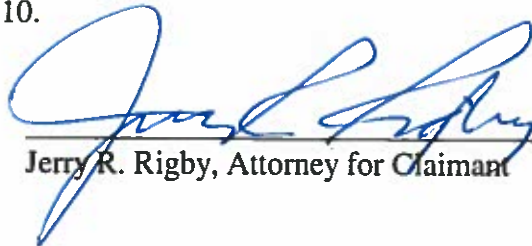
(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not XX wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: Previously submitted and on file with IDWR

For Individuals/Organizations:

I do solemnly swear or affirm under penalty of perjury that I am the attorney for the above individual or organization, that I have signed the foregoing document in the space below as attorney for the individual or organization and that the statements contained in the forgoing document are true and correct.

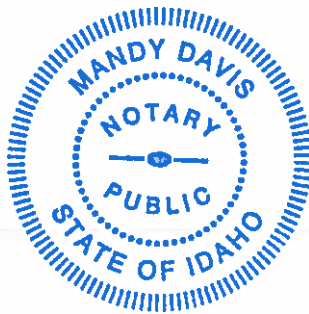
DATED this 17th day of August, 2010.


Jerry R. Rigby, Attorney for Claimant

STATE OF IDAHO,)
 ss.
County of Madison.)

On this 17th day of August, 2010, before me, the undersigned, a Notary Public in and for said State, personally appeared Jerry R. Rigby, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

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




Notary Public for Idaho
Residing at: St. Anthony
My Commission Expires: 6/24/2011

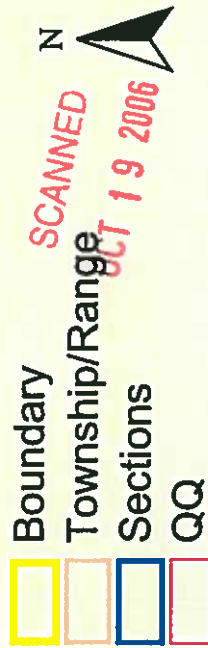
GIS Place of Use Illustration
1987/88 NAPP Photography
Prepared by: M. Holliday
Date: December 2005

T2S R34E

T3S R34E

WEARYRICK DITCH CO. Service Area Boundary

Claim Nos.: 1-52B, 1-193A, 1-247,
1-10046, 1-10048, 1-10049, and 1-10050



GIS Place of Use Illustration
1987/88 NAPP Photography
Prepared by M. Holliday
Date: July 2005

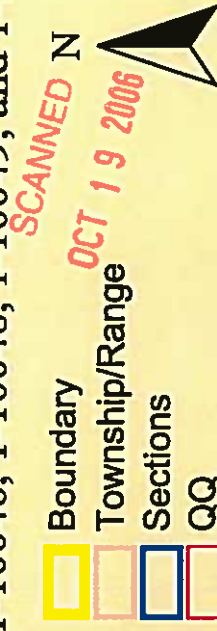
T2S R34E

T3S R34E

Wearyrick Ditch Co.

Service Area Boundary

Claim Nos.: 1-52B, 1-193A, 1-247,
1-10046, 1-10048, 1-10049, and 1-10050



SCANNED

AUG 24 2 31

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: A01-10046
Date Received: 3/15/1989
Receipt No: E006375
Received By: EMC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: WEARYRICK DITCH CO. 208-684-4747
Address: 42 S. 700 W.
BLACKFOOT, ID 83221

2. Date of Priority: MAR 06, 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
02S	35E	32	SE	SE	SE		BINGHAM

5. Description of diverting works:
CEMENT HEADING WITH TWO GATES 6' LONG AND 2.5' HIGH.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	3.200		

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

8. Total consumptive use is 3855.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02S	34E	35	SE	SE		IRR	10.0
						Section Acres	10.0
		36	SW	SW		IRR	2.0

A01-10046 Page 1 Date: 03/15/89

A0110046



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OCT 20 1992

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
02S	34E	36	SE		SW		IRR	40.0
			SW		SE		IRR	40.0
			SE		SE		IRR	40.0
							Section Acres	122.0
03S	34E	1	NE		NE		IRR	40.0
			NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			NE		NW		IRR	2.0
			NW		NW		IRR	32.0
			SW		NW		IRR	40.0
			SE		NW		IRR	40.0
			NE		SW		IRR	40.0
			NW		SW		IRR	8.0
							Section Acres	322.0
		2	NW		NE		IRR	20.0
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			NE		NW		IRR	20.0
			SE		NW		IRR	40.0
			NE		SE		IRR	40.0
							Section Acres	200.0
		3	NE		SW		IRR	18.0
			NW		SW		IRR	40.0
			SW		SW		IRR	29.0
			SE		SW		IRR	11.0
							Section Acres	98.0
		4	SW		NE		IRR	20.0
			SE		NE		IRR	20.0
			NE		SW		IRR	40.0
			NW		SW		IRR	40.0
			SW		SW		IRR	40.0
			SE		SW		IRR	40.0
			NE		SE		IRR	40.0
			NW		SE		IRR	40.0
			SW		SE		IRR	40.0
			SE		SE		IRR	40.0
							Section Acres	360.0

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
03S	34E	5	NE		SE		IRR	40.0
			SW		SE		IRR	35.0
			SE		SE		IRR	40.0
Section Acres								115.0
		8	NE		NE		IRR	40.0
			NW		NE		IRR	35.0
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0
Section Acres								155.0
		9	NE		NW		IRR	40.0
			NW		NW		IRR	40.0
			SW		NW		IRR	40.0
			SE		NW		IRR	40.0
Section Acres								160.0
Total Acres								1542.0

11. Place of use in counties: BINGHAM

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

13. Other Water Rights Used:
01-00193/10047/10048/10049/10050/00247.

14. Remarks:
WEARYRICK DITCH CO. HOLDS THE WATER RIGHT. THE COMPANY HAS ISSUED SHARES TO THE INDIVIDUALS OWNING THE LAND LISTED AS THE PLACE OF USE.
BELOW IS A LISTING OF WATER RIGHTS THAT ARE BEING FILED ON BY THIS CO. BECAUSE MOST OF THESE RIGHTS WERE ACQUIRED THROUGH TRANSFERS FROM OTHER CANALS NEW RIGHT NUMBERS HAVE BEEN ASSIGNED.

NEW NUMBER	OLD NUMBER	PRIORITY	AMOUNT (CFS)
A01-10046	01-00191?	03/06/1885	3.2
A01-00193	01-00193	05/03/1886	38.0
A01-10047	01-00052B (T273)	07/23/1886	2.5
A01-10048	01-00116AH (T459)	06/01/1887	9.37
A01-10049	01-00117AR (T459)	06/01/1888	1.20
	01-00053B (T273)	06/01/1888	2.0

14. Remarks: Continued

A01-10050 01-00118AK (T459) 06/01/1889 1.59
A01-00247 01-00247 01/22/1916 30.0
FOR MAP OF SERVICE AREA SEE NOTICE OF CLAIM NO. A01-00193.

15. Basis of Claim: DECREED

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

REXBURG IRRI. CO. TETON IRRI. CANAL CO.
Decree Plaintiff 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 x wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 0.

For Organizations:

I do solemnly swear or affirm that I am ~~Secretary~~ Acting President of _____
Title

Wearvick Ditch Co. _____, that I have signed the foregoing
Organization

document in the space below as acting President of _____
Title

Wearvick Ditch Co. _____ and that the statements contained in the
Organization
foregoing document are true and correct.

Charles H. Moses
Signature of Authorized Agent

Witnessed by:

Willard L. Adams, Secy

3-23-89

Wearvick Ditch Co.
Title and Organization

Mar 23 1989
Date

State of Idaho)
County of Bonneville.) SS.

Subscribed and sworn (or affirmed) before me this 23 day

of March 19 89

Ernest Carlson.

Notary Public

Seal

Residing at

Blake Falls, ID

My Commission Expires 14 June 1994.