

07/08/2005

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

RIGHT NUMBER: 1-10049

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

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 3.199 CFS

PRIORITY DATE: 06/01/1888

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	3.199 CFS

PLACE OF USE:

1106 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.

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

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 combination of old Right Nos. 1-117AR and 1-53B.

Water is delivered through Wearyrick Canal.

11/15/2005

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

RIGHT NUMBER: 1-10049

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

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 3.199 CFS

PRIORITY DATE: 06/01/1888

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

3.199 CFS

PLACE OF USE:

1491 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.

The rights listed below are limited to the irrigation of a combined total of 1491 acres in a single irrigation season. Combined Right Nos.: 1-52B, 1-193A, 1-247, 1-10046, 1-10048, 1-10049, and 1-10050.

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

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

This right is a combination of old Right Nos. 1-117AR and 1-53B.

Water is delivered through Wearyrick Canal.

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

36

35

34

33

32

T2S R34E

T3S R34E

1

2

3

4

5

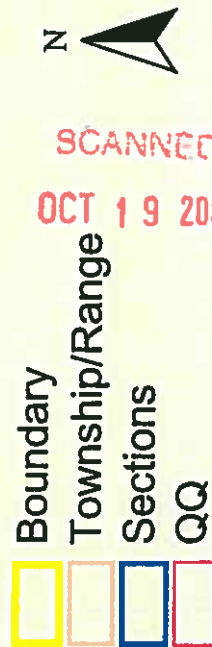
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WEARYRICK DITCH CO. Service Area Boundary

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



SCANNED
OCT 19 2006

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: 1-10049

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

SCANNED

AUG 18 2005

PROFILED

all
8/16

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
OCT 3 2006

Boundary

Township/Range

Sections

QQ



36

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CERTIFICATE FOR CHANGE OF POINT OF DIVERSION
OF DECREED WATER RIGHT NO. 273

THIS IS TO CERTIFY, That Norman Peterson, Charles H. Moses and Vear Ellis, of Route 2, Blackfoot, Idaho, are the owners of and using a certain water right of 4.5 cubic feet per second of the waters of Snake River, with priority as follows: July 23, 1886, for 2.5 cubic feet per second; June 1, 1888, for 2.0 cubic feet per second, said water being decreed to Danskin Ditch Company by decree of Judge J.M. Stevens of the Sixth Judicial District of the State of Idaho, in and for the County of Fremont, in the case of

REXBURG IRRIGATION COMPANY, et al

Plaintiffs

vs.

TETON IRRIGATION COMPANY, et al

Defendants

said decree bearing date of December 16, 1910, and being appurtenant to the following described lands, to-wit:

S $\frac{1}{2}$ SE $\frac{1}{4}$; SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 36
Township 2 South, Range 34
E. B. M.,

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

And that now, upon the application of Norman Peterson, Charles H. Moses and Vear Ellis, made before the State Reclamation Engineer of the State of Idaho, for a Certificate of Change of Point of Diversion, and the said application having been granted, the right to change the point of diversion of 4.5 cubic feet per second of the waters of Snake River is HEREBY GRANTED;

That said change of point of diversion shall not modify in effect said decreed water right or place of use;

Said water is to be limited at any given time to an amount actually needed and beneficially used, and shall not exceed the following amount, to-wit:

2.5 cubic feet per second of the
waters of Snake River with priority
of July 23, 1886;

2.0 cubic feet per second of the
waters of Snake River with priority
of June 1, 1888;

That the water right hereby transferred has heretofore been conducted from Snake River through the Danskin Ditch, with point of diversion in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 27, Township 2 South, Range 35 E.B.M.,

That the water right hereby transferred will hereafter be conducted to said lands through the Wearyrick Ditch, with point of diversion in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 32, Township 2 South, Range 35 E.B.M.,

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed at Boise, Idaho, this 4th day of May, 1964.

Carl E. Tappan

CARL E. TAPPAN
State Reclamation Engineer

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 01-10049

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: 06/01/1888
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	3.199 CFS	
Recharge for Irrigation	04/01	10/31	3.199 CFS	
Total Diversion			3.199 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
1. C18 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.

- 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
2. 135 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. 129 Place of use is within the area served by Wearyrick Ditch Company.

4. F01 Water is delivered through Wearyrick Canal.

5. P29 This right is a combination of old Right Nos. 1-117AR and 1-53B.

6. E56 The rights listed below are limited to the irrigation of a combined total of 1491 acres in a single irrigation season. Combined Right Nos.: 1-52B, 1-193A, 1-247, 1-10046, 1-10048, 1-10049, and 1-10050.

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)

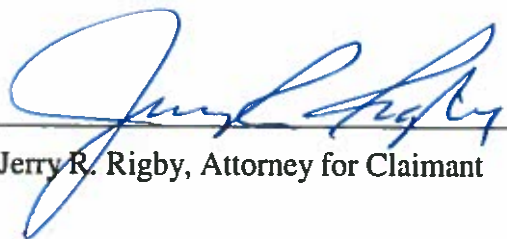
(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not XX wish to receive and pay a small annual fee for monthly copies of the docket sheet.

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 foregoing document are true and correct.

DATED this 17th day of August, 2010.

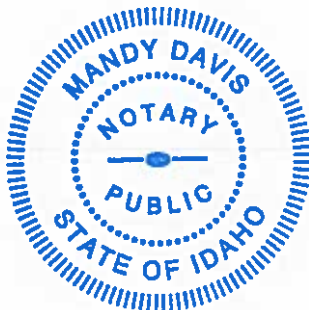


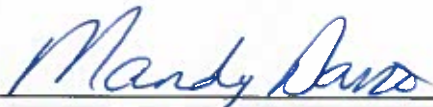
Jerry R. Rigby, Attorney for Claimant

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

AUG 24 1989

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: A01-10049
Date Received: 3/15/1989
Receipt No: E006375
Received By: ENC.

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: JUN 01, 1888

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

A01-10049

Page 1

Date: 03/15/89

A0110049



MICROFILMED

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:

01-00193/10046/10047/10048/10050/00247.

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

<u>REXBURG IRRIG. CO.</u>		<u>TETON IRRIG. CANAL CO.</u>
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 acting Pres 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

acting Pres 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