

11/15/2005

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

RIGHT NUMBER: 1-10050

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

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 1.590 CFS

PRIORITY DATE: 06/01/1889

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	1.590 CFS

PLACE OF USE:

1491 ACRES TOTAL

This right is limited to the irrigation of 1380 acres within the place of use described above in a single irrigation season.

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

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.

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

This right is old Right No. 1-118AK.

Water is delivered through Wearyrick Canal.

07/08/2005

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

RIGHT NUMBER: 1-10050

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

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 1.590 CFS

PRIORITY DATE: 06/01/1889

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

1.590 CFS

PLACE OF USE:

1106 ACRES TOTAL

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

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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: Decreed

This right is old Right No. 1-118AK.

Water is delivered through Wearyrick Canal.

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: 1-10050

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

11/5
8/16

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

T2S R34E

T3S R34E

36

35

34

33

1

2

3

4

5

10

9

8

WEARYRICK DITCH CO. Service Area Boundary

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

Boundary
Township/Range
Sections
QQ

SCANNED
OCT 9 2006

N

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

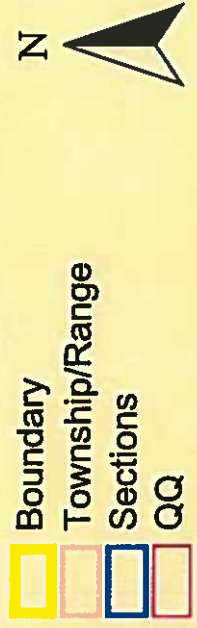
T2S R34E

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



THIS IS TO CERTIFY That John Schofield, M. B. Poole, James Dougan, Martin Bros., Geo. J. Gray, Eli Campbell, O. C. Fisher, Mrs. E. R. Jensen, E. M. Scott, Mary Richardson, Cora Burton, Almeda Dunham and Frank Dodd, of Menan, County of Jefferson, State of Idaho, have rights to the use of the waters of Snake River, for irrigation and domestic purposes, and that said rights have been confirmed by decree of the District Court 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 Canal Company, et al, defendants", J. M. Stevens, District Judge, wherein Thirteen (13) second feet of the waters of Snake River, in Water District No. 36, were decreed to the Long Island Irrigation Company for the irrigation of the following described lands:

SE $\frac{1}{4}$ Sec. 21, Twp. 5 N., R. 38 E., B.M.
 E $\frac{1}{2}$ SE $\frac{1}{4}$ Sec. 34, Twp. 5 N., R. 38 E., B.M.
 SE $\frac{1}{4}$ Sec. 36, Twp. 5 N., R. 37 E., B.M.
 NE $\frac{1}{4}$ Sec. 1, Twp. 4 N., R. 37 E., B.M.
 NW $\frac{1}{4}$ Sec. 27, Twp. 5 N., R. 38 E., B.M.
 W $\frac{1}{2}$ SE $\frac{1}{4}$ Sec. 26, Twp. 5 N., R. 38 E., B.M.
 SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 26, Twp. 5 N., R. 38 E., B.M.
 SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 34, Twp. 5 N., R. 38 E., B.M.
 SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 26, Twp. 5 N., R. 38 E., B.M.
 W $\frac{1}{2}$ SW $\frac{1}{4}$ Sec. 34, Twp. 5 N., R. 38 E., B.M.
 W $\frac{1}{2}$ Lot 1, Block 17, Village of Menan;
 Lot 2, Block 10, Village of Menan;
 Lot 1, Block 14, Village of Menan;

said rights bearing dates of priority in the following amounts, to-wit:

10.018 sec.ft., with priority of June 1, 1887;
 1.282 sec.ft., with priority of June 1, 1888;
 1.7 sec. ft., with priority of June 1, 1889;

THAT said decree has been entered in the records of the Department of Reclamation of the State of Idaho, at Boise, in Book 3 of Decrees, at Page 450:

THAT the applicants above named are the owners of 1547.62 shares of the capital stock of the Long Island Irrigation Company which entitles them to thirteen (13) second feet of water and that, upon the application of the said applicants for a transfer of water right, made before the Commissioner of Reclamation of the State of Idaho, and the said application having been granted to the extent of 93 $\frac{1}{2}$ % of the amount requested to be transferred, the right to the use of thirteen (13) second feet of the waters of Snake River upon the lands above described is hereby abandoned and a description of the lands to be irrigated under such right and to which the water right hereby confirmed shall by this certificate become appurtenant, for irrigation and domestic purposes, is given below, said water to be limited at any given time to an amount actually needed and beneficially used for such purposes and shall not exceed the following amount, to-wit:

1-116 AH 9.36683 sec.ft., with priority of June 1, 1887;
 1-117 AR 1.19867 sec.ft., with priority of June 1, 1888;
 1-118 AK 1.5895 sec.ft., with priority of June 1, 1889;

Total 12.155 sec.ft.

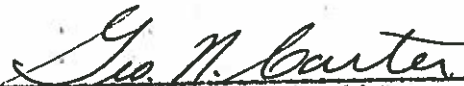
NE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 1; NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 2; SW $\frac{1}{4}$ Sec. 3; NE $\frac{1}{4}$ & SE $\frac{1}{4}$ Sec. 4;
 SE $\frac{1}{4}$ Sec. 5; NE $\frac{1}{4}$ Sec. 8; NW $\frac{1}{4}$ Sec. 9; all in Twp. 3 S., R. 34 E., B.M.

1380 AC

THAT the water to be transferred has heretofore been diverted from Snake River at a point in the ~~NE 1/4~~ Sec. 34, Twp. 5 N., R. 39 E., B.M., and carried through the Long Island Irrigation Company's canal, but will hereafter, by virtue of this certificate be diverted at a point in the ~~SE 1/4~~ Sec. 32, Twp. 2 S., R. 35 E., B.M., and carried through the Wearyrick Ditch Company's canal.

THAT the right to the use of the waters 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.

WITNESS The seal and signature of the Commissioner of Reclamation of Idaho, affixed at Boise, this 15th day of June, 1929.


Commissioner of Reclamation.

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 01-10050

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: 06/01/1889

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	1.59 CFS	
Recharge for Irrigation	04/01	10/31	1.59 CFS	
Total Diversion			1.59 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

- 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.
2. 135

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 old Right No. 1-118AK.

- This right is limited to the irrigation of 1380 acres within the place of use described above in a single irrigation season.
6. K06

- 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.
7. E56

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)

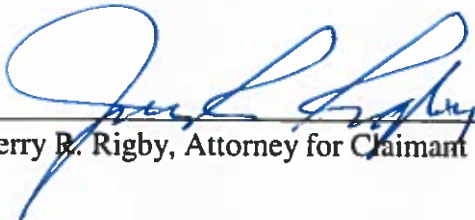
(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not XX wish to receive and pay a small annual fee for monthly copies of the docket sheet.

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 B. Rigby, Attorney for Claimant

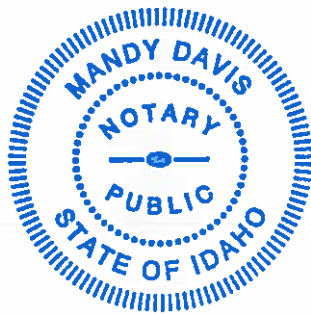
STATE OF IDAHO,)

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.



Mandy Davis

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: A01-10050
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, 1889

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	1.590		

7. Total Quantity Appropriated is:
1.590 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

A01-10050 Page 1 Date: 03/15/89

A0110050



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:

01-00193/10046/10047/10048/10049/00247.

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 IRRIG. CO.

Decree Plaintiff

vs

TETON IRRIG. CANAL CO.

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 President of _____ Title

Wapinitia Ditch Co., that I have signed the foregoing Organization

document in the space below as acting president of Title

Wapinitia 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, Secretary

3-15-89

Wapinitia 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 Idaho Falls, ID

My Commission Expires 14 June 1994