

11/13/2006

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

RIGHT NUMBER: 1-10098

NAME AND ADDRESS: PETER M CANNON
850 E 1500 N
SHELLEY ID 83274

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 0.125 CFS

The rights listed below are limited to a total combined diversion rate of 6.40 cfs. Combined Right Nos.: 1-1S, 1-10095, 1-10096, 1-10097, 1-10098, and 1-10510.

PRIORITY DATE: 06/01/1889

POINT OF DIVERSION:

T02N R37e S12 NWNE Within BONNEVILLE County
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	0.125 CFS
PLACE OF USE:	<u>IRRIGATION in BINGHAM County</u>		
	T01N R36E S26 NESE 6.70	T01N R36E S26 SWSE	1.40
	T01N R36E S26 SESE 30.00	T01N R36E S35 NENE	38.00
	T01N R36E S35 NWNE 27.00	T01N R36E S35 SWNE	40.00
	T01N R36E S35 SENE 38.00	T01N R36E S35 NENW	0.20
	T01N R36E S35 SENW 17.00	T01N R36E S35 NESW	39.00
	T01N R36E S35 NWSW 7.90	T01N R36E S35 SWSW	34.00
	T01N R36E S35 SESW 40.00	T01N R36E S35 NESE	20.00
	T01N R36E S35 NWSE 40.00	T01N R36E S35 SWSE	40.00
	T01N R36E S35 SESE 11.00	T01N R36E S36 NWNW	9.80
	T01N R36E S36 SWNW 7.60		

447.6 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 417 acres within the place of use described above in a single irrigation season. Combined Right Nos.: 1-1S, 1-10095, 1-10096, 1-10097, and 1-10098.

The rights listed below are limited to the irrigation of a combined total of 447.6 acres in a single irrigation season. Combined Right Nos.: 1-1S, 1-10095, 1-10096, 1-10097, 1-10098, and 1-10510.

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

Right No. 1-10510 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.

Water is delivered through the Great Western and Porter Canals.

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

This right is a combination of portions of old Right Nos. 1-117R and 1-117T.

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

AUG 27 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: A01-10098
Date Received: 6/29/1989
Receipt No: E009323
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: PETER M. CANNON
Address: 850 E. 1500 N.
SHELLEY, ID 83274
208-357-7991

2. Date of Priority: JUN 01, 1889

3. Source: SNAKE RIVER b. to: COLUMBIA RIVER

4. Point of Diversion:

*Should be 1888
priority date*

Township	Range	Section	of 1/4	Lot	County
01N	36E		SW		BINGHAM
			SE		BINGHAM

5. Description of diversion:
DRAWN FROM A CANAL BY PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/01	11/01	0.125		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
01N	36E	26	SE SE		IRR	19.0
Section Acres						19.0

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
01N	36E	35	NE		NE		IRR	39.0
			NW		NE		IRR	18.0
			SW		NE		IRR	39.0
			SE		NE		IRR	39.0
			SE		NW		IRR	9.0
			NE		SW		IRR	37.0
			NW		SW		IRR	4.0
			SW		SW		IRR	29.0
			SE		SW		IRR	40.0
			NE		SE		IRR	21.0
			NW		SE		IRR	40.0
			SW		SE		IRR	40.0
			SE		SE		IRR	14.0
Section Acres								369.0
		36	NW		NW		IRR	17.0
			SW		NW		IRR	12.0
Section Acres								29.0
Total Acres								417.0

11. Place of use in counties: BINGHAM

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

13. Other Water Rights Used:

DECREED RIGHT T398/010117R, T399/01-0117T WHICH IS .125, 19%

14. Remarks:

A01-10094/10095/10096/10097. THIS CLAIM IS FOR 19% OF DECREED RIGHTS T398/01-0117R, AND T399/01-0117T.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

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 _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

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

A01-10098

Date Received

6-29-89 / 47

Receipt Number

E009323

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) PETER M. CANNON Phone (208) 357-7991Mailing Address 850 E 1500 N Shelley, ID Zip 832742. Date of Priority (Only one (1) per claim) 6/1/18893. Source of water supply (a) SNAKE RIVERwhich is tributary to (b) Columbia River4. a. Location of existing point of diversion is: Township 1N Range 36E Section 35,NE 1/4 of SE 1/4 of 1/4, Govt. Lot, B.M., County of BinghamAdditional points of diversion if any: 1N 36E Sec 25 SW 1/4 SW 1/4

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.

Water is drawn from a carrying
canal by pump, pressurized and then delivered

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For irrigation purposes from 3/1 to 11/1 amount .073 or _____

For irrigation purposes from 3/1 to 11/1 amount .052 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .125 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) NONE

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
<u>1N</u>	<u>36E</u>	<u>26</u>																<u>19</u>	<u>19</u>
		<u>36</u>					<u>17</u>	<u>12</u>											<u>29</u>
		<u>35</u>	<u>39</u>	<u>18</u>	<u>39</u>	<u>39</u>				<u>9</u>	<u>37</u>	<u>4</u>	<u>29</u>	<u>40</u>	<u>21</u>	<u>40</u>	<u>40</u>	<u>14</u>	<u>369</u>

Total number of acres irrigated _____

11. In which county (ies) are lands listed above as place of use located? Bingham

12. Do you own the property listed above as place of use? Yes ✓ No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
See below or None ()

14. Remarks: This comes from decreed right T398/01-0119 R,
T399/01-0119 T
Rights applicable is 19% which is .125

Last Name Cannon Ident No. _____

Copies: White -State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____

Decree X

If applicable provide IDWR Water Right Number T398/01-0119R, T399/01-0119T

Court _____ Case Number _____ Decree Date _____

Plaintiff vs 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 Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) *[Signature]* Date 6/28/89

Date _____

For Organizations: I do solemnly swear or affirm that I am _____

Title

of _____, that I have signed the foregoing

Organization

document in the space below as _____ of _____

Title

Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or _____)

County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 28 day of June 19 89

SEAL

Notary Public *[Signature]*

Residing at Idaho Falls, ID

My Commission Expires 4-19-94

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

Last Name Cannon Ident. Number _____

Copies White-State, Yellow-Claimant



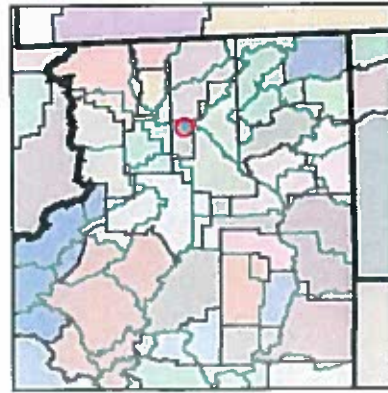
Idaho Department of Water Resources

SRBA Recommendation:

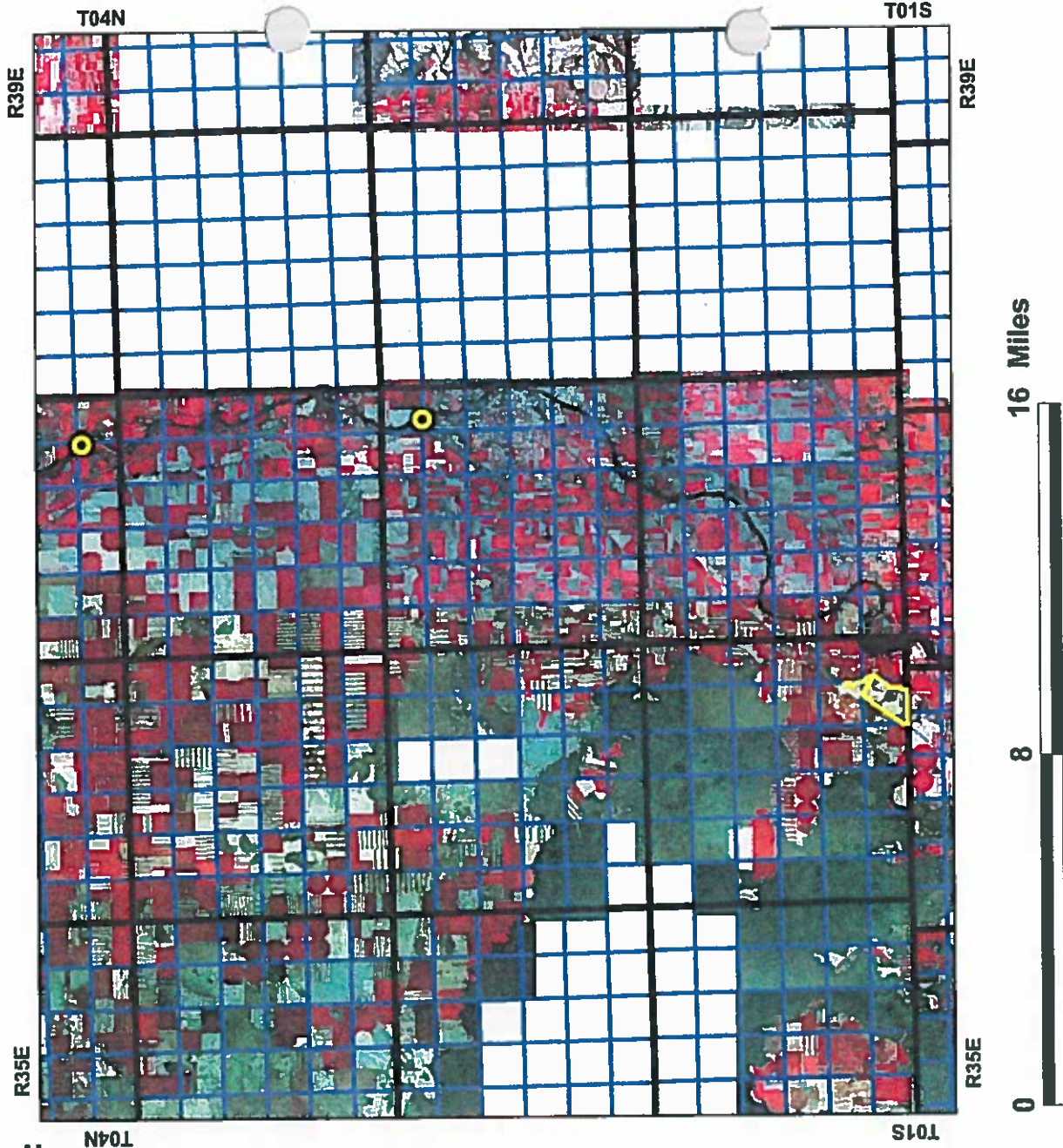
1-1S
1-10095
1-10096
1-10097
1-10098
1-10510
 (Irrigation)

Legend

- Point of Diversion
- Place of Use
- Townships
- PLS Sections

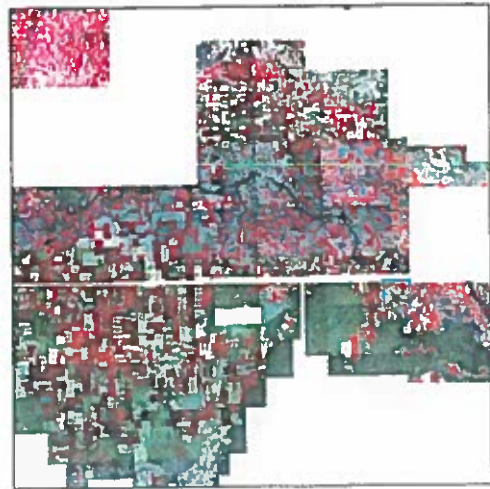
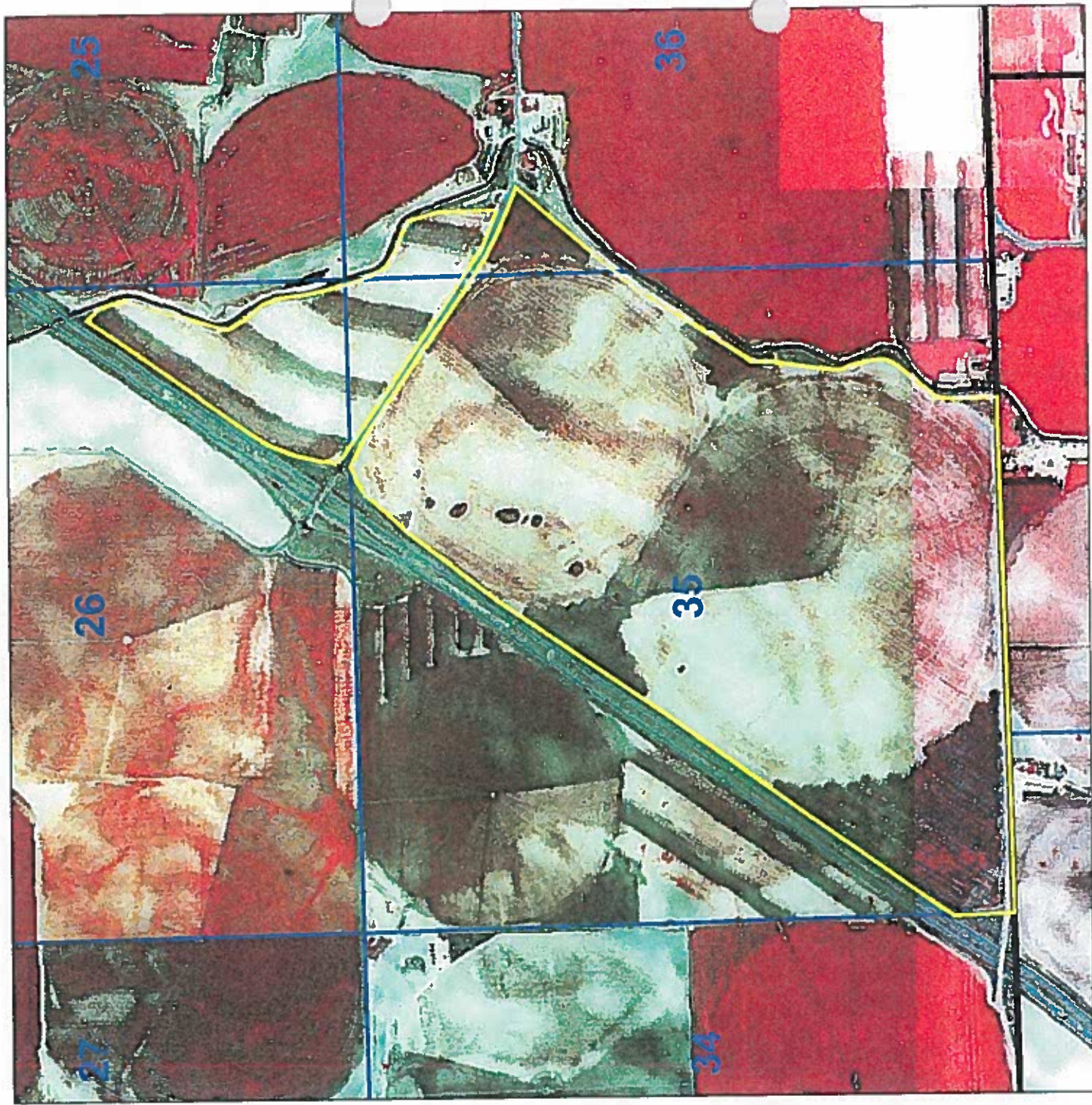


Bonneville, Bingham Counties
IDWR Basin 1



Prepared by K. Moore
 On Thursday, November 9, 2006
 1987/88 Aerial Photography

1-1S
1-10095
1-10096
1-10097
1-10098
1-10510



Notes

A01-10095 thru A01-10098

1/ A place of use verification exam was done on 1-16-2004 with Neil Kelly who farms this property for Peter Cannon, M.D. Mr. Kelly is the former owner of this property (see transfer #3150).

2/ An outline Aerial Map of the P.O.U. is attached as is 3 pages from Transfer 3150.

3/ This exam was done by Harold Jones of Water Rights Contracting Services

4/ See map in file A01-10098

SCANNED
NOV 08 2004

PROFILED



From Tr. 3150

RIGHT #	AMT. (cfs)	Kelly Bros. 19% cfs	Remainder cfs	Merwyn Searle 34% cfs	Karl Searle 37% cfs	Earl Searle 29% cfs
T264/01-0001B	8.67	1.65	7.02	2.39	2.60	2.03
T247/01-0068 01-0136B	10.00 5.00	1.90 0.95	8.10 4.05	2.75 1.38	3.00 1.50	2.35 1.17
T398/01-0116M 01-0117R 01-0118K	1.16	0.22	0.94	0.32	0.35	0.27
T399/01-0116P 01-0117T 01-0118M	0.835	0.159	0.676	0.23	0.25	0.196
T492/01-0116AR	8.00	1.52	6.48	2.20	2.40	1.88
TOTALS	33.665	6.399	27.266	9.27	10.10	7.896

SCANNED
NOV 08 2004

PROFILED

SCANNED
NOV 08 2024

PROFILED

22 26
27 26

23 24
26 25

PS6

PS5

F35

PS4

PS2

Great Western Canal

Interstate 15

County Grade

27 26

34 35

24 25

35 36

Shelley 2 1/2 mi

Hays Project is located
N with exception of
34 which belongs to Scott Bros

Lateral

Buried PVC
walk
SPS3

SFS

24 35

Lot 3

Loc 2

Lot 1

SFS 1

Part Main

Buried PVC

Well
ISPS
2

OUT

Canal

35 36 Township 1N
Township 1S

TP 1N RGE 36
Bingham CO
Idaho ST
SCALE 1" = 1/4

PLATTED BY VERIFIED
TITLE REPORT DESCR
VERIFIED BY

c. Describe the lands or place of use to which the right will be transferred:

TWP.	RANGE	SEC.	NE%				NW%				SW%				SE%				TOTALS
			NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	
1N	36E	26																19	19
		36						17	12										29
		35	39	18	39	39				9	37	4	29	40	21	40	40	14	369

Total number of acres to be irrigated 417

4. Describe any other water rights used for the same purpose as described above. None
5. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.

See attached map

SCANNED

NOV 08 2004

PROFILE

Claims 01-000015, 01-10096, 01-10097, 01-10098
are for rights involved in Transfer 3150.

Allocations in Boise needs to data enter transfer
so the claim numbers can be cross referenced
to water right numbers.

- The quantities claimed are slightly less than
the actual transferred amounts due to rounding
error.

THE FOLLOWING DECREED WATER RIGHTS:

① Evidence of the following decrees:

PRIORITY	RIGHT #	AMT. (cfs)	Kelly Bros. 19% cfs	Remainder cfs	Mervyn Searle 37% cfs	Karl Searle 37% cfs	Earl Searle 29% cfs
7-10-1889	T264/01-0001B	8.67	1.65	7.02	2.39	2.60	2.03
6-1-1883	T247/01-0006 01-0136B	12.00 5.00	1.90 0.95	8.10 4.05	2.75 1.38	3.00 1.50	2.35 1.17
6-1-1887 6-1-1888 6-1-1889	T398/01-0116M 01-0117R 01-0118K	0.387 0.387 0.386	0.0735 0.0735 0.0735	0.94	0.32	0.35	0.27
↑	T399/01-0116P 01-0117T 01-0118M	0.278 0.278 0.279	0.0528 0.0528 0.0528	0.676	0.23	0.25	0.196
6-1-1887	T492/01-0116AR	8.00	1.52	6.48	2.20	2.40	1.88
	TOTALS	33.65	6.399	27.26	9.27	10.10	7.896

cant is

A01-10097
 6-1-1887.

T398/01-00116? 0.0735
 T399/01-00116? 0.0528
 T492/01-00116? 1.52
1.6463 cfs.

A01-10096
 6-1-1888

T398/01-00117? 0.0735
 T399/01-00117? 0.0528
0.1363 cfs.

A01-10098
 6-1-1889

T398/01-00118? 0.0735
 T399/01-00118? 0.0528
0.1363 cfs.

4/11/1989

SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME	<u>CANNON</u>	CLAIM #	ENT. NO.	<u>A01-10098</u>
DATE RECEIVED	<u>6/29/89</u>	CK #	AMOUNT \$	
			YES	NO
1. Is the name and address complete with zip code?			<u>X</u>	
2. Is a priority date entered?			<u>X</u>	
Is the priority date acceptable in view of mandatory filing dates?			<u>X</u>	
See Adjudication Memos #1 and #4 to determine if a Permit is required.			<u>X</u>	
3. (a) Is a source entered?			<u>X</u>	
(b) Is a tributary to entered? (if required)		N/A	<u>X</u>	
4. Is the legal description of the p.d. sufficient?			<u>X</u>	
5. Is there a description of the diverting works?			<u>X</u>	
6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form.			<u>X</u>	
Is the period of use included?			<u>X</u>	
Is a quantity claimed for each use?			<u>X</u>	
7. Is a total quantity claimed entered?			<u>X</u>	
8. If required is a consumptive use entered?		N/A	<u>X</u>	
Is the consumptive use correct?		N/A	<u>X</u>	
9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4.		N/A	<u>X</u>	
10. Is (are) the place(s) of use and purpose(s) indicated?			<u>X</u>	
11. Is (are) the county(ies) entered?			<u>X</u>	
12. Is the ownership of p.u. checked?			<u>X</u>	
13. Are other water rights listed or "none" indicated?				<u>X</u>
14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.)		N/A	<u>X</u>	
15. Is the basis of the claim indicated?			<u>X</u>	
16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.)		N/A	<u>X</u>	
17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block.			<u>X</u>	
18. Has the claim been signed, sealed, and dated by a notary?			<u>X</u>	
19. Was this claim filed on time, or was an extension granted?			<u>X</u>	<u>X</u>
20. Is the fee enclosed correct?		Exempt	<u>X</u>	
21. If this claim is based on an existing water right, has the identification number been entered?		N/A	<u>X</u>	
22. Should this claim be data entered?			<u>X</u>	

LATE FEE OR
EXTENSION NEEDED

Claim checked by: FO Date: 8/16/89
 Claim must be returned to claimant: X (Yes) X (No)
 Claimant must be notified of modifications: (Yes) A (No)

Receipt Prepared by: _____ Date: _____
 Claim data entered by: SS-8-17-89 Date: _____
 Sent to claimant by: _____ Date: _____

Comments: (C) CODE 0.125 CFS FOR IRRIGATION. (B) CODE "A01-10094/10095/10096/10097."

(14) CODE "THIS CLAIM IS FOR 19% OF DECREED RIGHTS T398/01-0117R AND T399/01-0117T."

EC009323