

05/26/2006

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

RIGHT NUMBER: 1-10498

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

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 16.400 CFS

PRIORITY DATE: 06/01/1888

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	16.400 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.

Place of use is within the boundary of Sunnysdell 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

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

Water is delivered through Sunnysdell Canal.

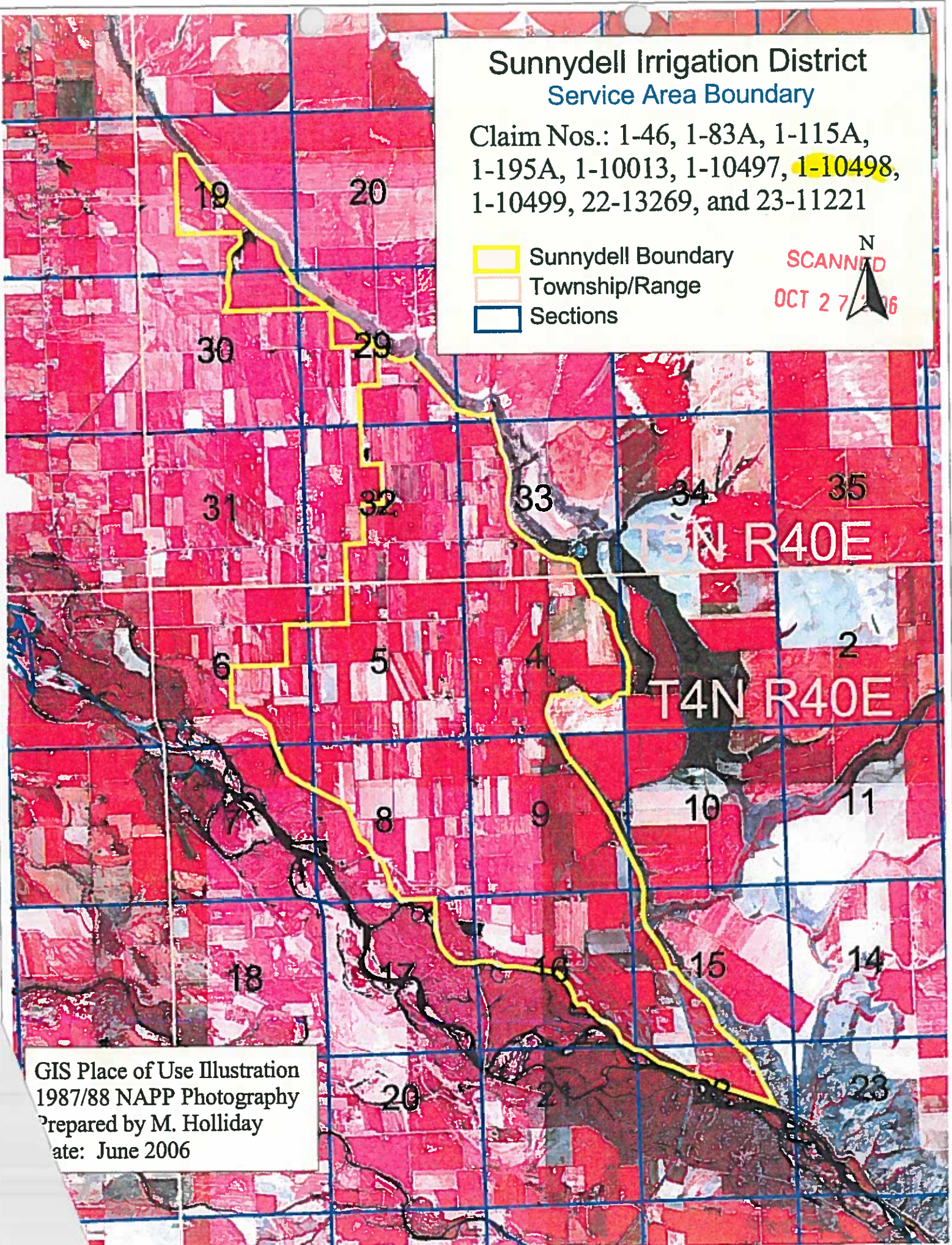
This right is a combination of old Right Nos. 1-94B and 1-286B.

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 2006



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

S T A T E O F I D A H O
DEPARTMENT OF RECLAMATION
CERTIFICATE OF WATER RIGHT
Transferred Right No. 502

1-94B

THIS IS TO CERTIFY That J. S. Harrop, Chris Larson, Mark S. Beck, Robert Eddie, Louisa M. Romrell, D. H. Rands, Martha Hutchens, J. F. Lowder, E. R. Anglesey and Walter J. Anglesey, of Rigby, County of Jefferson, and 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 14 second feet of the waters of Snake River, in Water District No. 36, bearing date of priority of June 1, 1888, were decreed to the Labelle Irrigating company for the irrigation of the following described lands:

West 60 rods of SE $\frac{1}{4}$, Lots 1, 2, 3 and 4, and SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 2;
Lots 1 and 2, W $\frac{1}{2}$ Lot 3, Lot 4, and S $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$,
Sec. 3; Twp. 4 N., R. 39 E., B.M.
South 10 acres of SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 3; W $\frac{1}{2}$ W $\frac{1}{2}$ E $\frac{1}{2}$ E $\frac{1}{2}$, Sec. 10,
Twp. 4 N., R. 39 E., B.M.
W $\frac{1}{2}$ E $\frac{1}{2}$ E $\frac{1}{2}$ E $\frac{1}{2}$, Sec. 10; E $\frac{1}{2}$ W $\frac{1}{2}$ E $\frac{1}{2}$ E $\frac{1}{2}$, Sec. 10; NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 1,
and South 15 acres of SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 10; Twp. 4 N., R. 39 E., B.M.
100 acres in W $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 10, Twp. 4 N., R. 39 E., B.M.
SW $\frac{1}{4}$ SW $\frac{1}{4}$ and W $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 2, Twp. 4 N., R. 39 E., B.M.
East 100 acres of SE $\frac{1}{4}$, Sec. 2, Twp. 4 N., R. 39 E., B.M.
S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 11, Twp. 4 N., R. 39 E., B.M.
44 acres in SW corner of NW $\frac{1}{4}$, Sec. 12, Twp. 4 N., R. 39 E., B.M.

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

THAT the above named applicants hold certificates of stock for 700 inches, or 14 second feet, of water in the Labelle Irrigating Company, as evidenced by a certificate signed by the secretary of said company and filed with the application for transfer in the Department of Reclamation:

THAT, Upon the application of the said J. S. Harrop, Chris Larson, Mark S. Beck, Robert Eddie, Louisa M. Romrell, D. H. Rands, Martha Hutchens, J. F. Lowder, E. R. Anglesey and Walter J. Anglesey for a transfer of water right, made before the Commissioner of Reclamation of Idaho, and the said application having been granted, the right to the use of 14 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:

14 sec. ft., dated June 1, 1888;

DI-0097

The lands irrigated from and appurtenant to the canal system owned and operated by the Sunnydell Irrigation District.

THAT the water to be transferred has heretofore been diverted at a point in the SE $\frac{1}{4}$ of Section 13, Twp. 4 N., R. 39 E., B.M., and conducted through the East Labelle Canal, but will hereafter, by virtue of this certificate, be diverted at a point in the NE $\frac{1}{4}$ of Section 26, Twp. 4 N., R. 40 E., B.M., and conducted through the canal of the Sunnydell Irrigation District.

THAT the right to the use of the waters aforesaid, hereby confirmed, is restricted to the lands last above described, as provided by the laws of Idaho.

WITNESS the seal and signature of the Commissioner of Reclamation of the State of Idaho, affixed at Boise, this 26th day of August, 1931.

(SEAL)

R. W. FARIS

Commissioner of Reclamation.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
CERTIFICATE OF WATER RIGHT
Transferred Right No. 503

1-286B

THIS IS TO CERTIFY That the North American Mortgage Company has a right to the use of the waters of Snake River, for irrigation and domestic purposes, and that said right has been confirmed by decree of the District Court of the Ninth Judicial District of the State of Idaho, in and for the County of Fremont, in the case of "North American Mortgage Company, plaintiff, vs. G. Clyde Baldwin, Watermaster, et al, defendants", George W. Edgington, District Judge, wherein 2.4 second feet of the waters of Snake River, in Water District No. 36, bearing date of priority of June 1, 1888, were dedicated to Lot 2 and SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 2, Twp. 4 N., R. 38 E., B.M., and that said decree has been entered in the records of the Department of Reclamation of the State of Idaho in Book 5 of Decrees, at page 68:

THAT, upon the application of John P. Fabrick, of Great Falls, State of Montana, attorney in fact for the American Mortgage Company, for a transfer of water right, made before the Commissioner of Reclamation of Idaho, and the said application having been granted, the right to the use of 2.4 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:

2.4 sec.ft., dated June 1, 1888;

Lands irrigated from and appurtenant to canal system owned and operated by Sunnyside Irrigation District.

THAT the water to be transferred has heretofore been diverted at a point in the SE $\frac{1}{4}$ of Section 1, Twp. 4 N., R. 38 E., B.M., and conducted through a private ditch, but will hereafter, by virtue of this certificate, be diverted at a point in the NE $\frac{1}{4}$ of Section 26, Twp. 4 N., R. 40 E., B.M., and conducted through the canal of the Sunnyside Irrigation District.

THAT, the right to the use of the waters aforesaid, hereby confirmed, is restricted to the lands last above described, as provided by the laws of Idaho.

WITNESS, the seal and signature of the Commissioner of Reclamation of the State of Idaho, affixed at Boise, this 26th day of August, 1931.

(SEAL)

R. W. FARIS
Commissioner of Reclamation.

Transferred to Sunnyside

01-K

IN THE DISTRICT COURT OF THE NINTH JUDICIAL DISTRICT OF THE STATE OF
IDAHO, IN AND FOR FREMONT COUNTY.

North American Mortgage Company, a
corporation,
Plaintiff,

vs.

G. Clyde Baldwin, Watermaster, Water
District No. 36 of the State of Idaho,
and W. C. Swendsen, Commissioner of
Reclamation of the State of Idaho,
Defendants.

DECREET:

This cause came on for trial before the court sitting without a jury on this 19th day of April, 1926, Otto E. McCutcheon appearing as attorney for the plaintiff and neither of the defendants or any interested party appearing in person or by counsel, the court proceeded to hear the evidence submitted by the plaintiff in support of its cause of action set forth in its complaint herein, and the evidence being closed the court renders judgment in favor of the plaintiff and against the defendants and interested parties who have failed to appear, and the court hereby determines the rights of the plaintiff in accordance with the proof submitted, but subject to the original decree in the said Snake River Water suit so called, to wit, said case of Rexburg Irrigation Company, et al., plaintiffs, vs. Teton Irrigation Canal Company, et al., defendants, and it is therefore hereby ordered, adjudged and decreed that the said plaintiff, the North American Mortgage Company, a corporation, do have judgment for the right to use for irrigation and domestic purposes four and four tenths cubic feet of the waters of the South Fork of Snake River and its tributaries, each cubic foot thereof being equivalent to fifty inches of the flow of said stream to be diverted from the dry bed, so called, at or near the land hereinafter described. That the land to which the said water is hereby decreed is described as follows, to wit:

Lot 2 and the Southwest Quarter of the Northeast Quarter of Section 2, Township 4 North, Range 38 East of the Boise Meridian in Jefferson County, State of Idaho, and the said right to the use of

80 ac

01-0172
1 286

said water is hereby fixed as of June first of the year 1880, which is the priority dating hereby decreed by the court to the plaintiff in said cause.

Further ordered that plaintiff pay all costs herein incurred.

Dated April 19th, 1926.

S. W. Edgington
District Judge.

State of Idaho,)

County of Fremont,)

ss.

I, the undersigned, Clerk of the District Court, of the County of Fremont, State of Idaho, do hereby certify that the foregoing instrument is a full, true and correct copy of the original Decree on file and of record in my office in the case of North America Mortgage Company, a corporation, vs. G. Clyde Baldwin, Watermaster, Water District No. 36 of the State of Idaho, et. al.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal this 21st day of April, 1926.

S. B. Farnsworth
Clerk of the District Court of
Fremont County, Idaho.

SCANNED

AUG 1 2 11

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

RENUMBERED TO: 1-10498
Ident. Number: ~~A01-00094A~~
Date Received: 8/17/1988
Receipt No: ECO 1368
Received By: Soi

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: SUNNYDELL IRRIGATION DISTRICT 208-356-3562
Address: C/O STANLEY SUTTON
578 E. 7000 S.
REXBURG, ID 83440

2. Date of Priority: JUN 01, 1888

3. Source: SNAKE RIVER Trib. to: COLUMBIA

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 STRUCTURE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	16.400		

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

8. Total consumptive use is 9650.0 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	7	NE	NE	1	IRR	7.0
Section Acres							7.0

A01-00094A

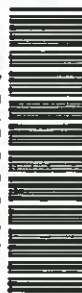
Page 1

Date: 08/17/88

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10. Place of Use: Continued

Total Acres 7.0

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:
SEE A01-10013

14. Remarks:
SEE A01-10013 FOR COMPLETE LAND LIST ***** THIS CLAIM COMBINES
RIGHTS 01-0094B (T502) & 01-0286B (T503).
01-0064B 14.0 CFS/01-0286B 2.4 CFS OF 06/01/1888 WATER.
POU - SHAREHOLDERS OF SUNNYDELL CANAL.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 12/16/1910

REXBURG IRR. CANAL

Decree Plaintiff

vs

TETON IRR. CANAL

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:

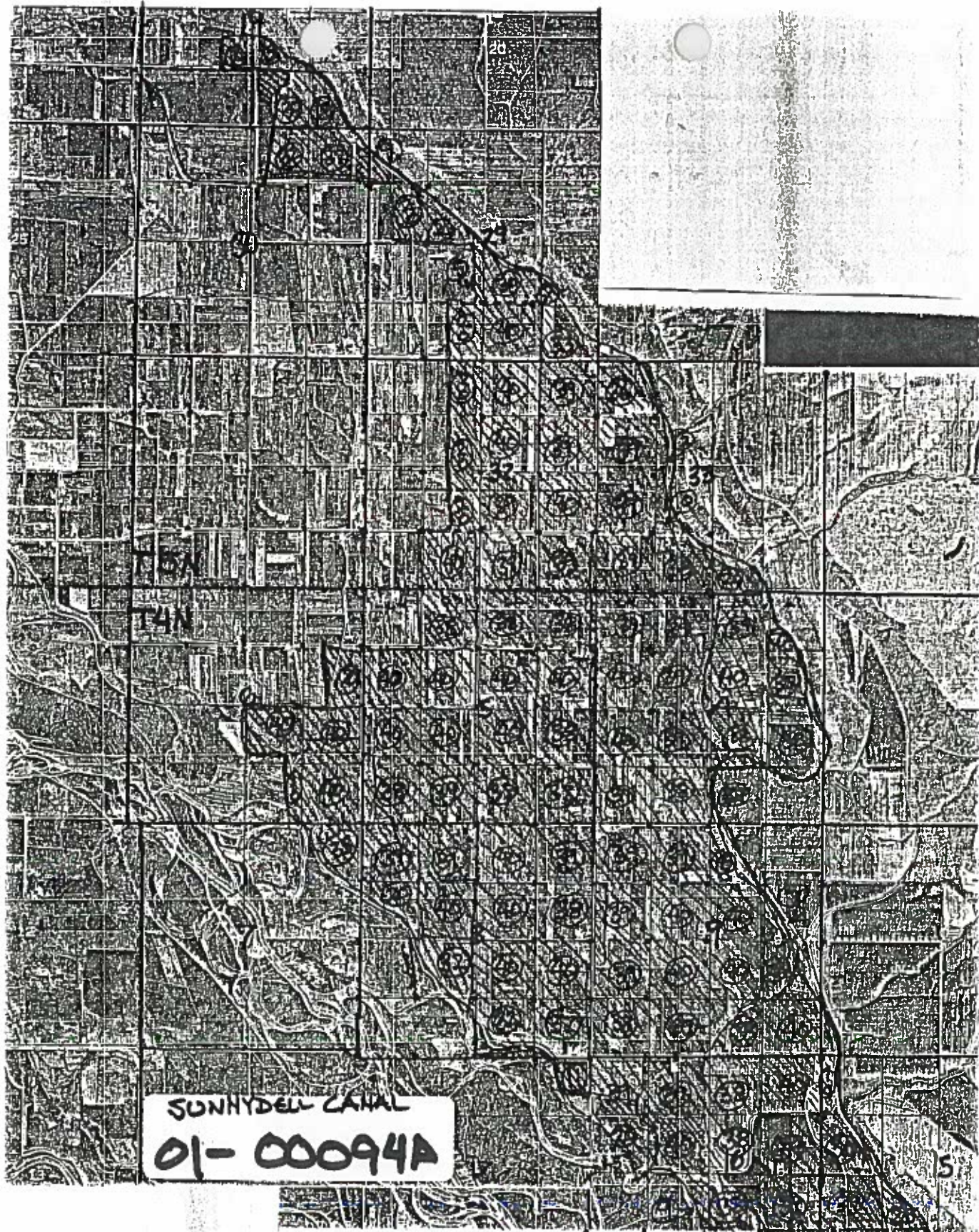
I do solemnly swear or affirm that I am See of
Sunnyside Irr. Dist. Title
Organization, that I have signed the foregoing
document in the space below as See of
Sunnyside Irr. Dist. Title
Organization, and that the statements contained in the
foregoing document are true and correct.
Stanley Sutton Signature of Authorized Agent
See Sunnyside Irr. Dist. Title and Organization
8-17-88 Date

State of Idaho)
County of Bannock) SS.

Subscribed and sworn (or affirmed) before me this 17th day
of Aug 19 88 Colleen Wray
Notary Public

Seal

Residing at Idaho Falls
My Commission Expires 5/29/1991



SUNHYDELL CANAL
01-00094A

MICROFILMED

OCT 19 1992

