

08/09/2006

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

RIGHT NUMBER: 22-39

NAME AND ADDRESS: JAMES EGBERT
PO BOX 116
DRIGGS ID 83422

SOURCE: MAHOGANY CREEK

TRIBUTARY: TETON RIVER

QUANTITY: 1.500 CFS

PRIORITY DATE: 01/22/1916

POINT OF DIVERSION:
T04N R44E S14 SENWNE Lot 2 Within TETON County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/15 10/31	1.500 CFS
PLACE OF USE:	<u>IRRIGATION Within TETON County</u>		
	T04N R45E S07 Lot 3 NWSW 40.00	T04N R45E S07 Lot 4 SWSW 35.00	
	75 ACRES TOTAL		

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



Idaho Department of Water Resources

SRBA Recommendation:

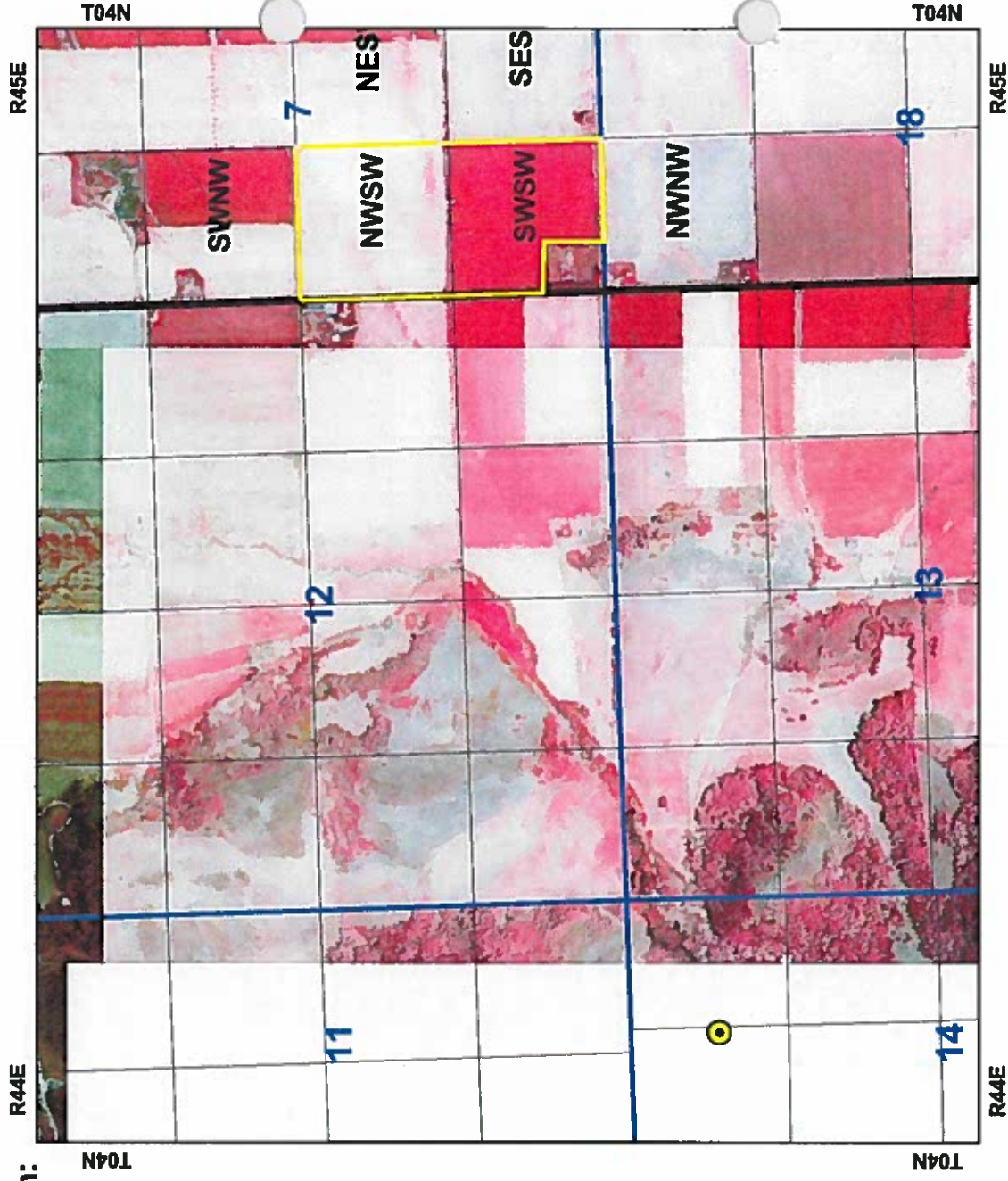
22-39
(Irrigation)

Legend

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



Teton County
IDWR Basin 22



0 0.6 1.2 Miles

Prepared by T. Galbraith
On Wednesday, August 9, 2006
1987/88 Aerial Photography

22-39



12

7

NESW

SESW

NWSW

SWSW



Contacts Data Entry Form

Owner Type _____ Full Name _____ Address _____ City _____ State _____ Zip _____ Phone _____

Current Owner _____

Name connector: and _____, or _____, and/or _____

Current Owner _____

Current Owner JAMES EGBERT

Representing Attorney: _____ Phone Number: _____

Accompanied By: _____ Phone Number: _____

Relationship to Claimant: _____

Date of Field Exam: _____ Time: _____

Directions to Property (if different from above) and/or update owner information:

DECREED. GILLETTE VS CRANDALL 7 DEC 1939

DECREED A2200039 TO HENRY. T BATES

1.6 CFS. 80" PRIORITY DATE JAN 22-1916

TO VARIETAL LOTS 3 & 4 SEC. 7. T4N R45

DIVERSION SEC 12 T4N. SW 1/4 SW 1/4

(NOT THE SAME AS CLAIM?) THE POD
WAS MOVED TO ACCOMMODATE THE GRAVITY
FLOW PIPE LINE, & SPRINKLING SYSTEM

YARD & SHEEP PASTURE IS IRRIGATED OUT OF
PIPE LINE ALSO HOUSE & BARN AND 2 SMALL BUILDINGS

FLD. POD/POU CONVEYANCE/SYSTEM

Reviewer: _____

Date: _____

0033 30. That the plaintiff, Henry T. Bates, is awarded the right to the use of 1.6 cubic feet per second or 80 miners inches of the waters of Mahogany Creek, with priority date of January 22nd, 1916, and with point of diversion and for the irrigation of the lands described in Paragraph XXXIII of the Findings of Fact.

0040

31. That the plaintiff is the owner of or has an interest in the following described lands, to-wit:

Lots 3 & 4 of section 7 in township 4 north, range 45 E.B.M.,

and is the owner of a ditch through which he conveys water from Mahogany Creek, with the point of diversion located in the SW 1/4 of section 12 in township 4 north, range 44 E.B.M., and the plaintiff, or his predecessor in interest, on or before and ever since the 22nd day of January, 1916, has so diverted 1.6 cubic feet or 80 miners inches of the waters of said creek, and has applied the same to beneficial use in the irrigation of the above described lands during each irrigating season, which has been in addition to any other rights fixed, decreed, or granted to the said plaintiff or his predecessors in interest.

XXXIV.

That the plaintiff, Eph Josephson, is the owner of or has an

EXCERPT FROM
GILLETTE vs. CANNDAU

EXCERPT FROM GILLETTE vs L. CANNDAU, 1938

Priority Date Data Entry Form

Claim Number: 22 000 39

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: JAN 22 1916 Claimed Basis: DACREEDRecommended Priority Date: JAN 22 1916 Recommended Basis: DACREED☐ Use Claimed Priority Date and Basis as Recommended Priority Date and Basis

Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

MATCHES DACREED -

Reviewer: _____

Date: _____

Water Right No(s).



GPS DATA:

Tag # A0013804 Location: on Concrete Structure

Well Data:

MOTOR

Make: _____ Model: _____ Hp: _____
SN: _____

PUMP

Make: _____ Model: _____ Disch: _____
SN: _____

NOTES:

WATER IS DIVERTED OUT OF MINOGANY CREEK
IN TO DITCH TO GRAVITY FLOW PIPE LINE TO
FIELD. THEN IRRIGATES WITH SOME HAND LINES
AND WHEEL LINES

Field Exam Date: 11-21-05 Agent: Nick Olson

Point of Diversion and Source Data Entry Form

Claim Number: 2200039

Water Right Point of Diversion: T____, R____, Sec.____, _____. County: _____

Source: _____ Tributary: _____

Claimed Point of Diversion: T 4N, R 44E, Sec. 14, _____. NE, NE. County: TETONSource: Mahogany Creek Tributary: TETON RIVER

Recommended Point of Diversion: T____, R____, Sec.____, _____. County: _____

Source: _____ Tributary: _____

____ Use Claimed POD and Source as Recommended POD and Source

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____

GPS Coordinates: _____

GPS Coordinates: _____

GPS Coordinates: _____

GPS Coordinates: _____

GPS Coordinates: _____

GPS Coordinates: _____

GPS Coordinates: _____

Other rights from this POD? C.P.S. Tag # A0013804 Headgate on Mahogany Cree

Document how the POD and Source were verified and/or Pump and Motor data:

DECRHS DOWNS POD AS SWSW SEC. 12 T4N, R44E. ⇒ C#3?WHAT IS THE CONVEYANCE SYSTEM?

10/15/04 Field exam shows headgate diverting water into ditch that carries water to a head box and into a pipeline that is gravity flow. POD is in Sec 14 as claimed now.

Transfers Changing POD _____

Reviewer: NICKDate: 11-21-05

2 127.8

3 73.0

1193
T1336

1200
T1341

1201
T1342

NHEL

NHEL

10/21/04
DD

1 35.1

1 18.9

1 18.8

10 95.8

6

NHEL

23 33.1

HEL

HEL

HEL

583
T274

NHEL

NHEL

NHEL

24 40.0

25 40.8

26 37.3

14 20.4

1 54.1

2 27.6

19 39.8

27 40.4

28 41.0

29 38.9

969
T227

NHEL

NHEL

HEL

NHEL

NHEL

21 35.2

22 39.2

40.4

3 54.8

26.8

4 7

18

Farm Road

Place Of Use Data Entry Form

Claim Number: 22 000 39 Use Claimed POU as Recommended POU

Claimed Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
4N	45E	7	NNSW		Teton	3	40	Irrigation
			SW SW		"	4	40	"

Total Acres 80

Recommended Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total Acres

Document how the POU was verified:

10/21/04
 Field exam shows POU is approx 76 acres.
 There is a 4-acre part of SW SW of Sec 7 that
 contains out buildings and a house. The
 ground around buildings is watered & used
 as pasture for horses & sheep.
 Ground is irrigated with gravity flow
 sprinkler system.
 Pasture is irrigated w/ hand lines. Tree
 row with wheel lines.

Transfers Changing POU Reviewer: Date:

Period of Use and Quantity Data Entry Form

Claim Number: _____

☐ Use Claimed Period of Use and Quantity as Recommended Period of Use and Quantity

Water Right Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____

Overall Diversion Volume _____

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
Irrigation	4/15	10/15	1.6 CFS	

Overall Diversion Rate _____

Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
Fence	4/15	10/31	1.60	

Overall Diversion Rate 1.60

Overall Diversion Volume _____

Document how the Period of Use and/or Diversion Rate were verified:

IDWR std. 4/15 To 10/31

Reviewer: _____

Date: _____

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: A22-00039
Date Received: 9/21/1988
Receipt No: M001373
Received By: T.O.

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JAMES EGBERT
Address: BOX 116
DRIGGS, ID 83422 208-354-8272

2. Date of Priority: JAN 22, 1916

3. Source: MAHOGANY CREEK Trib. to: TETON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
04N	44E	14	NE NE		TETON

5. Description of diverting works:
HEADGATE/DITCH TO PIPELINE TO SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/15	1.600		

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

8. Total consumptive use is 160.0 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	45E	7	NW SW	3	IRR	40.0
			SW SW	4	IRR	40.0
Section Acres						80.0

A22-00039

Page 1

Date: 09/21/88

MICROFILMED

NOV 04 1992

A2200039



10. Place of Use: Continued

Total Acres 80.0

11. Place of use in counties: TETON

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

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: DECREED
Water Right Number: 0039
Case Number:
Court :
Decree date:

F. C. GILLETTE

Decree Plaintiff

vs

LYNN CRANDALL, W. M.

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): James E. Egbert Date: 9-21-88

Date: _____

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 21st day
of September 19 88

Anthony S. Okrichak
Notary Public

Seal

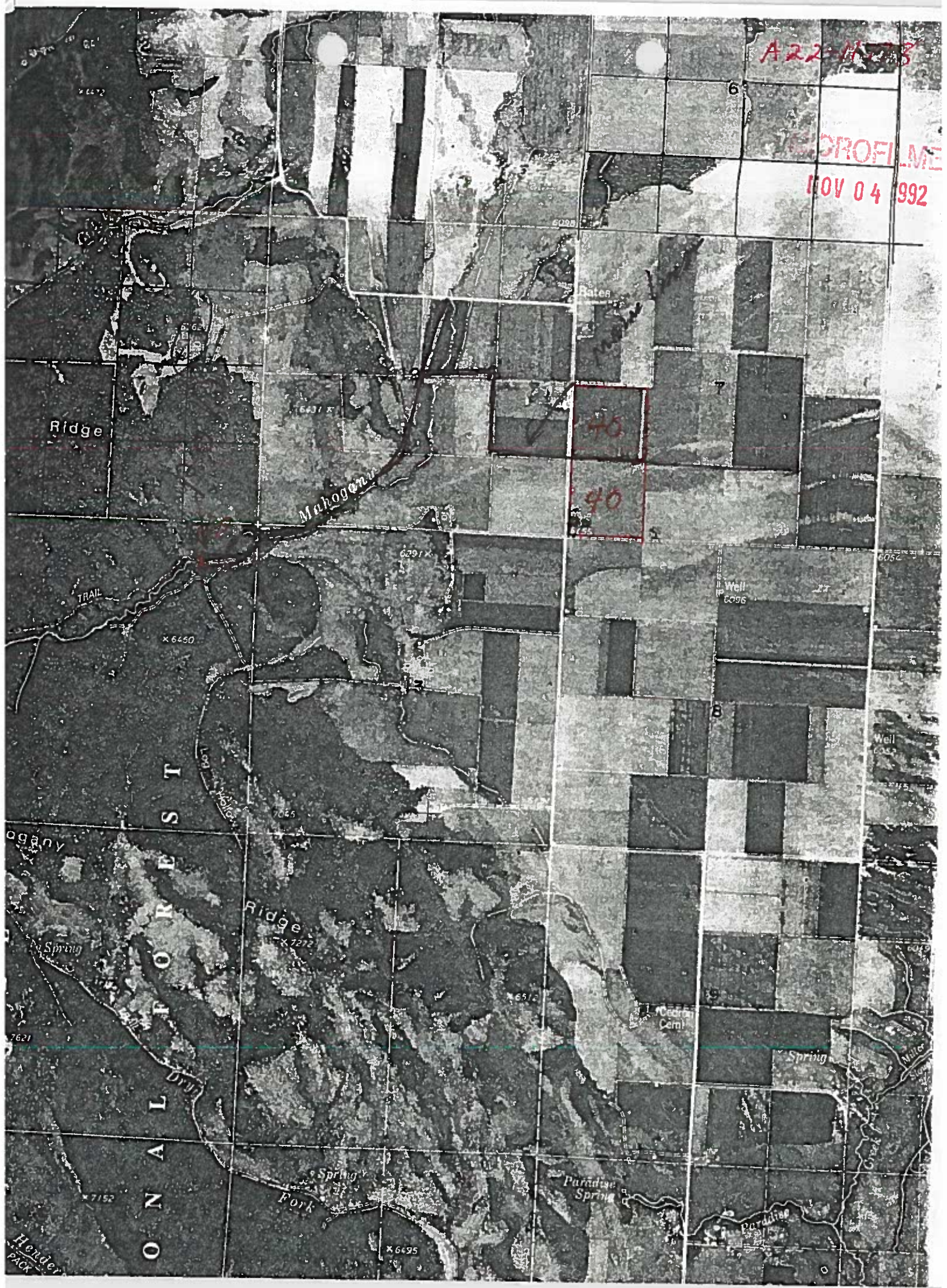
Residing at Shosh Falls

My Commission Expires 9/22/1994

A22-M-73

PROFILME

NOV 04 1992



Ridge

Mahogany

TRAIL

X 6450

Well
6096

ONAL FOREST

Ridge

X 7272

Cem

Spring

Paradise Spring

Spring
Fork

X 6495

Hender
PACK