

12/18/2006

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

RIGHT NUMBER: 22-79B
NAME AND ADDRESS: CAROL G HENRIE
PO BOX 136
DRIGGS ID 83422

GARY L HENRIE
PO BOX 136
DRIGGS ID 83422

SOURCE: SPRINGS TRIBUTARY: TETON RIVER
QUANTITY: 0.070 CFS
PRIORITY DATE: 06/01/1902
POINT OF DIVERSION:

T05N R45E S35 SENESW 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	0.070 CFS

PLACE OF USE: IRRIGATION in TETON County
T05N R45E S35 NESW 3.50

3.5 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 40.5 acres in a single irrigation season. Combined Right Nos.: 22-77, 22-79B, and 22-13636.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This right is subject to regulation by the watermaster of Water District 01.

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

Source water is recharged from Teton Creek.

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

Source is also known as Buffalo Flat Springs.

SCANNED

JUN 28 2007

12/13/2006

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

RIGHT NUMBER: 22-79B

NAME AND ADDRESS: CAROL G HENRIE
PO BOX 136
DRIGGS ID 83422

GARY L HENRIE
PO BOX 136
DRIGGS ID 83422

SOURCE: BUFFALO FLAT SPRINGS

TRIBUTARY: TETON RIVER

QUANTITY: 0.070 CFS

PRIORITY DATE: 06/01/1902

POINT OF DIVERSION:

T05N R45E S35 SENESW Within TETON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 10/31

0.070 CFS

PLACE OF USE:

IRRIGATION in TETON County

T05N R45E S35 NESW 3.50

3.5 ACRES TOTAL

Right Nos. 22-79B and 22-13636 are limited to the irrigation of a combined total of 3.5 acres in a single irrigation season.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This right is subject to regulation by the watermaster of Water District 01.

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

Source water is recharged from Teton Creek.

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

SCANNED

JUN 28 2007



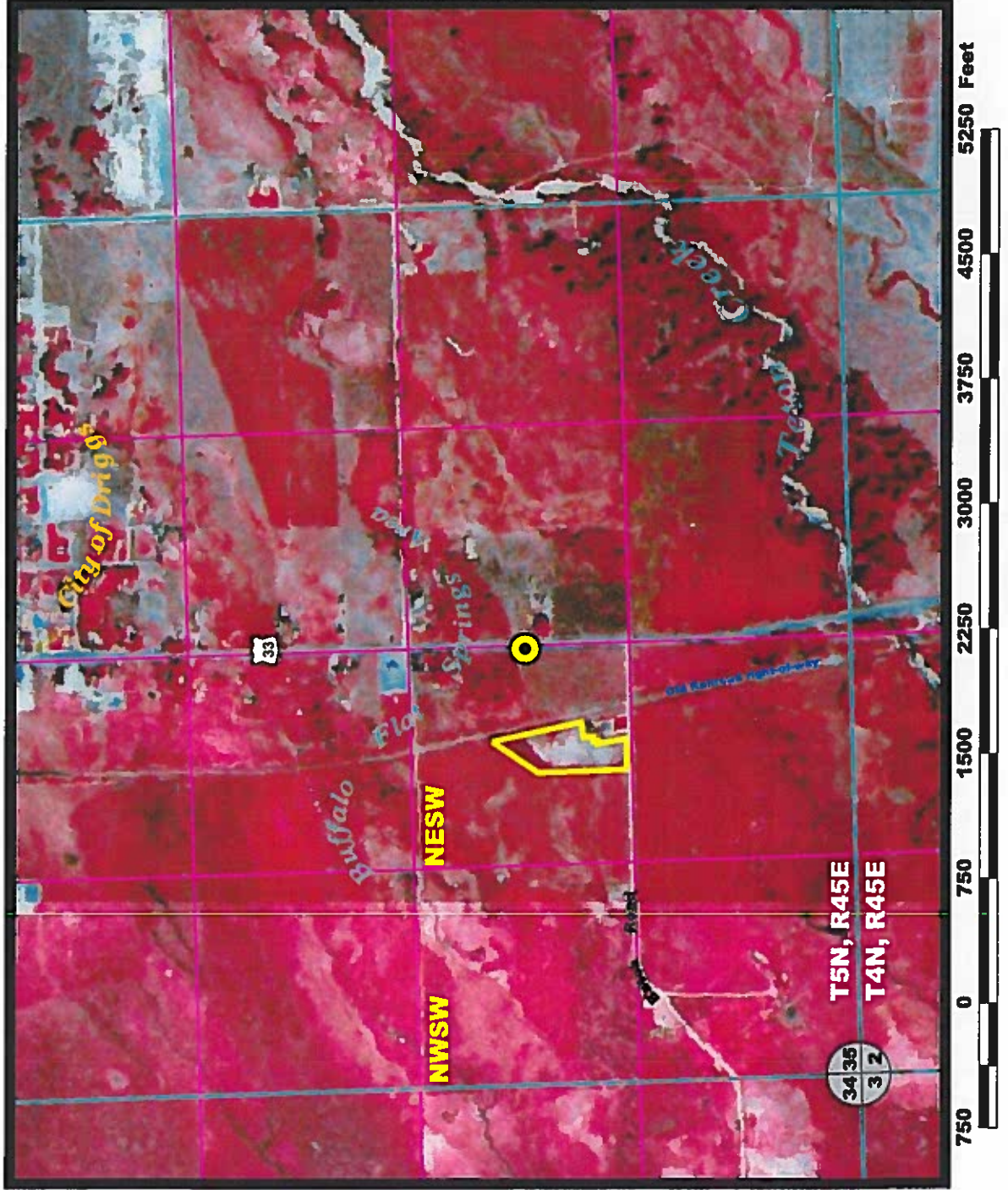
State of Idaho

Department of Water Resources

Eastern Region



Water Right(s): 22-79B



Point(s) of Diversion:
T5N, R45E
Sec. 35 SENESW

Place of Use: (part of)
T5N, R45E
Sec. 35 NESW

LEGEND

- Point of Diversion
- Place of Use
- Section
- Quarter-Quarter

GIS Place of Use Illustration
1987/1988 NAIP Photography
Prepared by: A. Ruberry
Date: February 2006

02/22/2006

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: 22-79B

CAROL G HENRIE
PO BOX 136
DRIGGS ID 83422
Telephone Number: (208) 354-2934

GARY L HENRIE
PO BOX 136
DRIGGS ID 83422
Telephone Number: (208) 354-2934

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: 12/5/2006 SIGNATURE: *Gary L Henrie*
Please print your name: GARY L. HENRIE

IDWR Regional Office,

✓ high water out of Teton Ck. for claimant.
Please call and let him know.

SCANNED

JUN 28 2007

RECEIVED

DEC 05 2006

Department of Water Resources
Eastern Region

*Carol
12/10/06*

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CHANGE IN ADDRESS

This form can be used to notify the Department of a change in
address of the owners of record for the listed water rights.

(Please print or type)

[] Water Right Number(s): 22-11677
22-00077
22-79B

[] Name(s): _____

[] Old Mailing Address: _____
PO Box 179

[] New Mailing Address: _____
PO Box 136

*Done
6/14/04*
[Signature]

Telephone Number: () _____ - _____

[] Signature(s) of Owner(s) *[Signature]*

(Include your title if on behalf of company or organization)

Date: _____

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JUN 28 2007

Water Right and SRBA Split History Analysis

22-79A L. GROVER 0.2 cfs ON 10 AC DISALLOWED - NOT PART OF ORIGINAL DECREED POW.

22-79B G. HENRIE 0.14 cfs ON 7⁰ AC PART OF ORIGINAL DECREED PLACE OF USE
RECOMMEND 0.07 cfs ON 3⁵ AC

22-79C G. NELSON TRUST 0.20 cfs ON 10.1 AC DISALLOWED - NOT PART OF ORIGINAL DECREED POW.

22-79D E. NAEROP 0.10 cfs ON 5 ACRES DISALLOWED - NOT PART OF ORIGINAL DECREED POW.

D. SORENSON
22-00079

1.1 cfs BUFFALO FLATS
JUNE 1, 1902

SEE SORENSON VS
CRANDALL 9/11/1956

SPECIFIES: 1.1 cfs ON
55 AC BY METES &
BOUNDS - SEE MAP

A. CHRISTENSEN
22-79E

0.58 cfs ON 29 AC

22-79G A. CHRISTENSEN

0.12 cfs ON 6 AC.

OWNERSHIP NOT SHOWN - DISALLOWED

% FROM A. CHRISTENSEN

22-79H K. THIBEAULT PART OF ORIGINAL PLACE OF USE
0.46 cfs ON 23 AC

RECOMMEND 0.46 cfs ON 23⁵ AC.

% FROM A. CHRISTENSEN

22-79F K. GROVER

0.52 cfs ON 26⁰ AC

PART OF ORIGINAL DECREED PLACE OF USE

RECOMMEND 0.48 cfs ON 23⁰ AC

OBVIOUSLY OVERCLAIMED

$\sum_{RT} = 1.01 \text{ cfs ON } 50⁵ \text{ AC.}$
0.09 cfs Lost to Roads
Date: _____

Reviewer: _____
mydoc/fieldexamforms/splithistory

SCANNED
JUN 28 2007

Contacts Data Entry Form

Claim Number: 22-79H

Owner Type	Full Name	Address	City	State	Zip
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Current Owner: Gary Henrich Phone No.: _____

Current Owner: _____ Phone No.: _____

Current Owner: _____ Phone No.: _____

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

Representing Attorney: _____ Phone No.: _____

Accompanied By: _____ Phone No.: _____

Relationship to Claimant: _____ Date of Field Exam: _____

Change Address to:
PO Box 136

Discussion of right origin and split history. Questions and problems.

SOURCE DETERMINED AS BUFFALO FLAT SPRINGS - SPRINGS ARE DEPENDENT
UPON FLOWS OF TETON CREEK - WHEN TETON CREEK IS FLOWING STRONGLY
WATER IS DIVERTED AND CONVEYED VIA DITCH TO AND THROUGH BUFFALO
FLAT SPRINGS AREA

Reviewer: _____ Date: _____

SCANNED
JUN 28 2007

Priority Date Data Entry Form

Claim Number: _____

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: JUNE 1, 1902 Claimed Basis: DEGREE

Recommended Priority Date: _____ Recommended Basis: _____

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

MATCHES DEGREE

Reviewer: _____

Date: _____

SCANNED

JUN 28 2007

Water Right No(s).



GPS DATA:

Tag # :

NO TAG

Location:

Diversion Data:

Source: TETON CREEK

Trib to: TETON RIVER

MOTOR

Make:

Model:

Hp

SN:

PUMP

Make:

Model:

Disch:

SN:

NOTES: This is an uncontrolled diversion off Teton Creek. Flow goes on to the 'Y' diversion. Location is T5N, R45E SEC. 25 SESWSE.
There are several users off this system.

Field Exam Date: 7 June 2004

Agent: A. Ruberry

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JUN 28 2007

Water Right No(s).



GPS DATA:

Tag # : AO013608

Location: on gate frame

Diversion Data:

Source: Teton Creek

Trib to: Teton River

MOTOR

Make: Model: Hp: SN:

PUMP

Make: Model: Disch: SN:

NOTES: gated diversion to several users.

Field Exam Date: 06/07/04

Agent: A. Ruberry

SCANNED
JUN 28 2007

Water Right No(s).



GPS DATA:

Tag # : AO013609

Location: on left wing wall

Diversion Data:

Source: Teton Creek

Trib to: Teton River

MOTOR

Make: Model: Hp: SN:

PUMP

Make: Model: Disch: SN:

NOTES: gated diversion to several users.

Field Exam Date: 06/07/04

Agent: A. Ruberry

SCANNED
JUN 28 2007

Decreed place of
use for 22-00079.

NWSW

NESW

58 rods

72 rods

22 rods

60 rods

80 rods

121 rods

K. Grover

K. Thibeault

G. Henrie

34 35

3 2

T5N, R45E

T4N, R45E

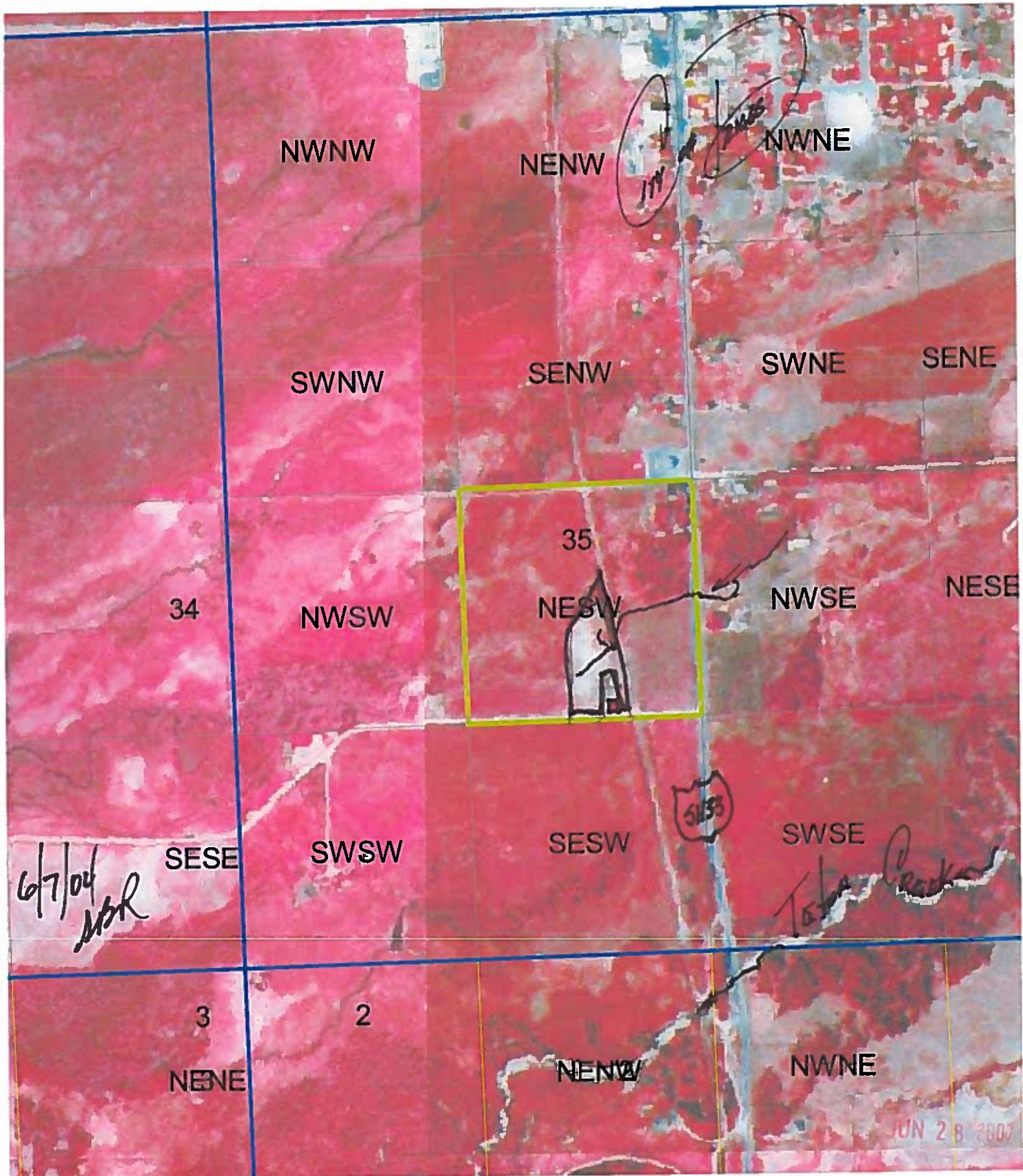
state highway 33

Old Railroad right-of-way

Buffalo
Flat
Springs

22-79B

T5N R45E



3

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

DANIEL S. SORENSON and
MAY SORENSON, husband and
wife,

Plaintiffs

VS.

LYNN CRANDALL, WATERMASTER
District 36 Idaho

DECREE

This cause came on regularly to be heard before the Court, sitting without a jury, in Chambers in the courthouse at Driggs, Teton County, State of Idaho, on this 11th day of September, 1956; Plaintiffs appearing in person and by their attorney, H. S. Ferbush; and the defendant appearing not, either in person or by counsel, and it appearing to the Court, from the records and files in this action, that the defendant was regularly served with process, and that a Notice of Pendency of this action, containing such matter as are required by law, having been published in the Fremont County Chronicle News, a weekly newspaper published at St. Anthony, Fremont County, Idaho; and the Teton Valley News, a weekly newspaper published at Driggs, Teton County, Idaho; in accordance with the Order issued out of this Court on the 17th day of August, 1956, and as required by law, and the time allowed by law for answering or appearing having expired, and the defendant or anyone for or on behalf of said defendant, having failed to appear or answer plaintiffs' complaint on file herein, and the default of said defendant having been duly and regularly entered, and the Court, having heard the evidence introduced by and on behalf of plaintiffs, and having duly considered the same, and being fully advised in the premises; and it appearing that each and all of the allegations in plaintiffs' complaint contained are true and correct.

NOW, THEREFORE, in consideration of the premises, and on motion of H. S. Ferbush, attorney for plaintiffs,

IT IS ORDERED, that the default of said defendant be, and it is hereby entered against said defendant; and

22 (4) IT IS ORDERED, ADJUDGED AND DECREED, that the plaintiffs, Daniel S. Sorenson and May Sorenson, his wife, are entitled to, and are hereby awarded 36 miner's inches of the waters of Buffalo Flat Springs, which is a tributary of Teton River; with priority date of June 1st, 1908; for the irrigation of their real property, described in plaintiffs' complaint; and more particularly described as follows,

RECORDED
MAY 15 1996

to-wit;

Beginning at the Northwest Corner of the Southwest Quarter of
Section 38, Township Five North, Range forty-five, E. B. M.
running thence East 121 rods to Union Pacific Railroad right of way ^{1996 5'}
thence 80 rods running in Southeasterly direction; thence West 60 ^{1320'}, ^{990'}
rods, thence North 22 rods; thence West 72 rods, thence North 88 rods ^{363'}, ^{1188'}, ^{924'} (957')
to place of beginning; containing 55 acres more or less; and

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, that the foregoing adjudication of
water be made subject only to the Decrees, in a certain action in the District
Court of the Ninth Judicial District of the State of Idaho, in and for the County of
of Fremont, entitled "Roxburg Irrigation Company, et. al., ^{vs. Teton Canal Co. et al.} defendants," dated
and filed December 16th, 1910; in a certain action instituted in the District
Court of the Fourth Judicial District of the State of Idaho, in and for the
county of Twin Falls, entitled "Twin Falls Canal Company, Plaintiff, vs. Charles
E. Foster, et. al., Defendants," filed on the 20th day of June, 1913, and the
amended decree thereto, dated September 18th, 1916, and filed September 21st, 1916,
and in a certain action, instituted in the United States District Court of Idaho,
Eastern Division, entitled "Woodville Canal Company, a corporation, Plaintiff,
vs. Clark and Edwards Canal Company, a corporation, et. al., defendants," dated
the 25th day of June, 1929, and

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, That the defendant and
and all persons claiming by, through or under him, or either or any of his
successors in office, and all persons claiming to have acquired any right or
interest in or to or upon the said waters, heretofore Decreed, by through, or
under any person whatsoever, except the Plaintiffs herein, be hereby enjoined
and restrained from obstructing, or in any way interfering with the flow of said
waters, through the ditches of the plaintiffs.

Done in Chambers, in the Court House at Briggs, Teton County, Idaho,
this 11th day of September, 1956

Henry S. Martin
District Judge

(SEAL)
STATE OF IDAHO)
County of Fremont)

I, JACK A STONE, Clerk of the District Court and ex-officio Auditor
and Recorder, do hereby certify the above and foregoing to be a true and correct
copy of that certain DECREE as the same appears on file and of record in my office
as Instrument No. 284555, in Case 5382

Witness my hand and seal of said office this 12 day of September, 1956

By JACK A STONE
By Maud Birdt
deputy

MAY 15 1996

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: A22-00079B
Date Received: 9/19/1988
Receipt No: 11001345
Received By: gpc

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: GARY L. HENRIE 208-354-2934
Address: P.O. BOX 179
DRIGGS, ID 83422

OR

Name: CAROL G. HENRIE 208-354-2934
Address: P.O. BOX 179
DRIGGS, ID 83422

2. Date of Priority: JUN 01, 1902

3. Source: BUFFALO FLAT SPRINGS Trib. to: TETON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
05N	45E	35	SE	SW	NW		TETON
			NW	NW	SE		TETON

5. Description of diverting works:
SPRING FLOW DIVERTED INTO DITCHES FOR FLOOD IRR.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	0.140		

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

8. Total consumptive use is 14.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A22-00079B

Page 1

Date: 09/19/88

SCANNED

JUN 28 2007

MICROFILMED

NOV 04 1992



10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
05N	45E	35	NE SW		IRR	7.0
Section Acres						7.0
Total Acres						7.0

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:
DOMESTIC WELLS.

14. Remarks:

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 9/11/1956

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: _____

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): *Larry L. Hume* Date: 9/19/1988

Date: _____

State of Idaho)
County of Teton) SS.

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

of Sept. 19 88

John Dal Porto
Notary Public

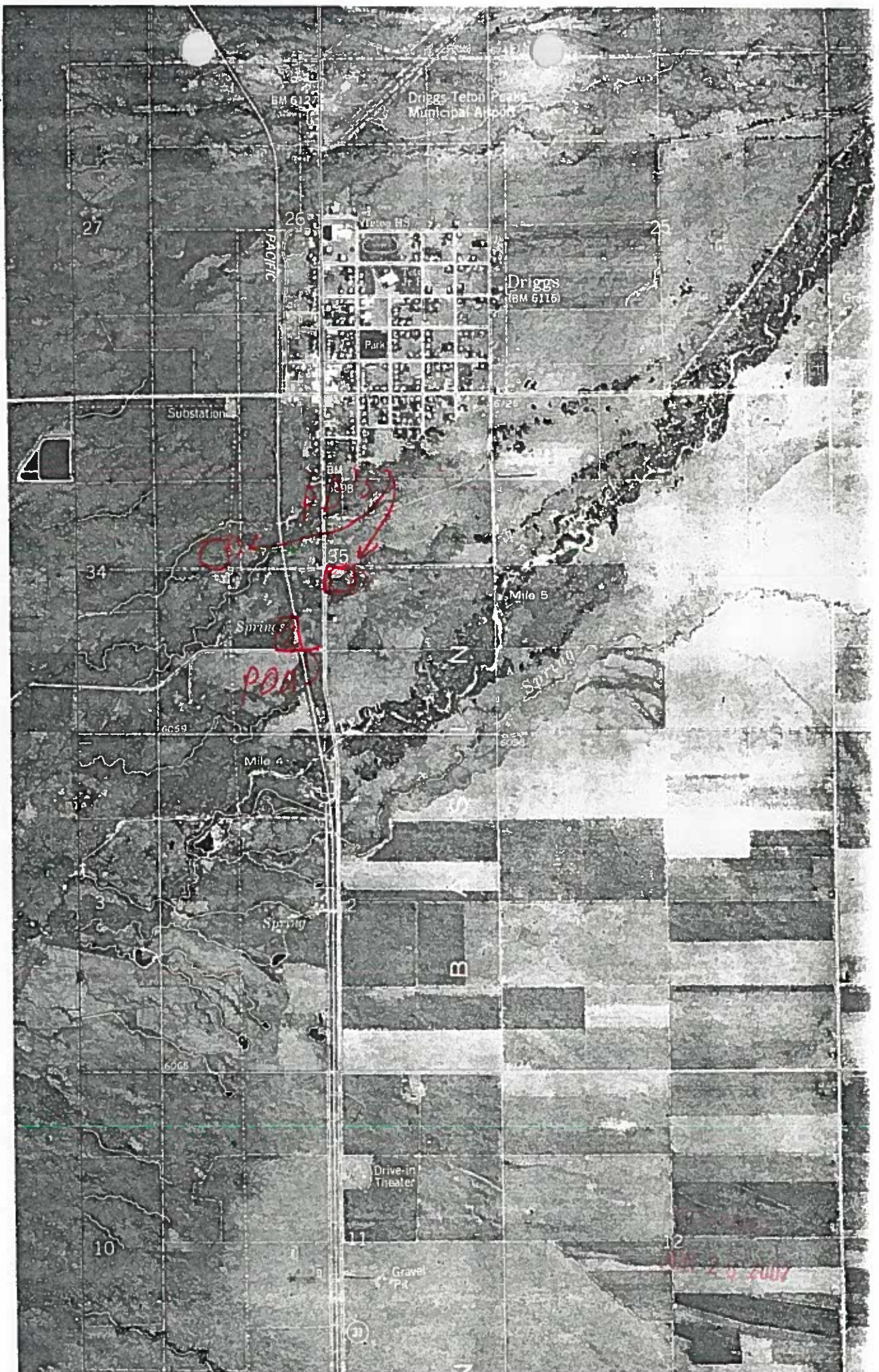
Seal

Residing at Bon ID

My Commission Expires 5/2/94

1 120 000 FEET
(WYO. 4 WEST)

X50



MICROFILMED

NOV 04 1992