

12/08/2006

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

RIGHT NUMBER: 22-231
NAME AND ADDRESS: GARL R DRAKE
647 S 450 W
VICTOR ID 83455-5057
ASA J DRAKE
1285 JACKSON DR
AMMON ID 83406

SOURCE: PATTERSON CREEK TRIBUTARY: TETON RIVER
QUANTITY: 3.200 CFS
PRIORITY DATE: 06/01/1890
POINT OF DIVERSION: T04N R44E S36 SWSE Within TETON County
PURPOSE AND PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	4/15 10/15	3.200 CFS
PLACE OF USE:	<u>IRRIGATION in TETON County</u>		
	T04N R45E S31 SWNE 35.00	T04N R45E S31 SENE	40.00
	T04N R45E S32 NWNW 21.00	T04N R45E S32 SWNW	38.00
	134 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



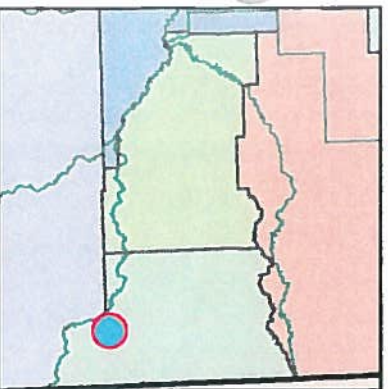
SRBA Recommendation:

22-231

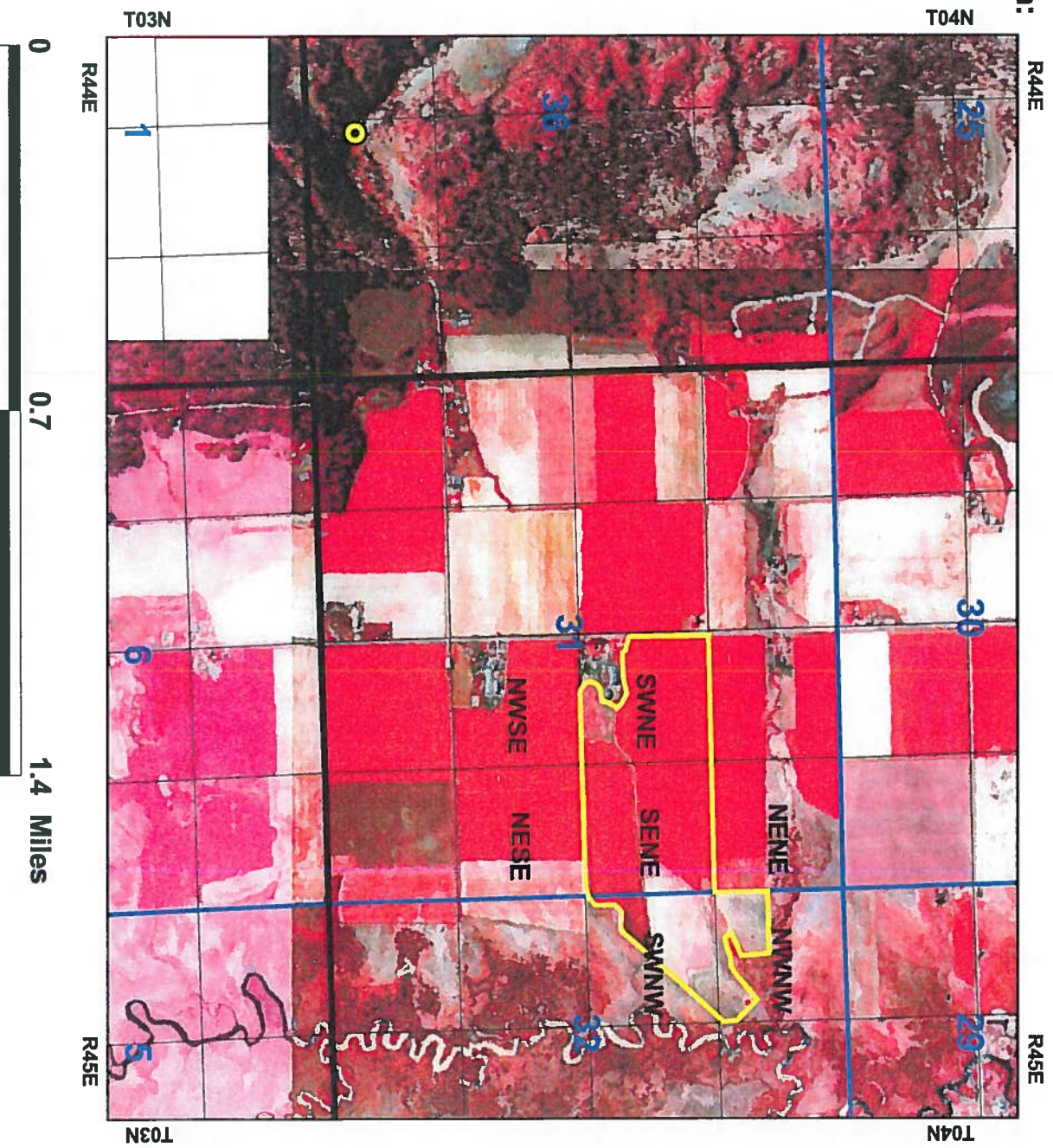
(Irrigation)

Legend

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



Teton County
IDWR Basin 22



Owner: Asa J Drake

NOTE: Only one owner is listed. There may or may not be more than this in the IDWR database.

Prepared by E. Carlsen
On Friday, December 1, 2006
1987/88 Aerial Photography

12/08/2006

**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: 22-231

GARL R DRAKE
647 S 450 W
VICTOR ID 83455-5057
Telephone Number: (208)354-2585

ASA J DRAKE
1285 JACKSON DR
AMMON ID 83406
Telephone Number: (208)522-6640

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: 8 Dec. 2006 SIGNATURE: Garl R Drake
Please print your name: Garl R Drake

IDWR Regional Office, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402, 2085257161



Idaho Department of Water Resources

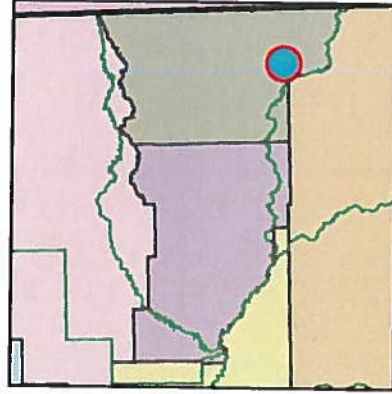
SRBA Recommendation:

22-231

(Irrigation)

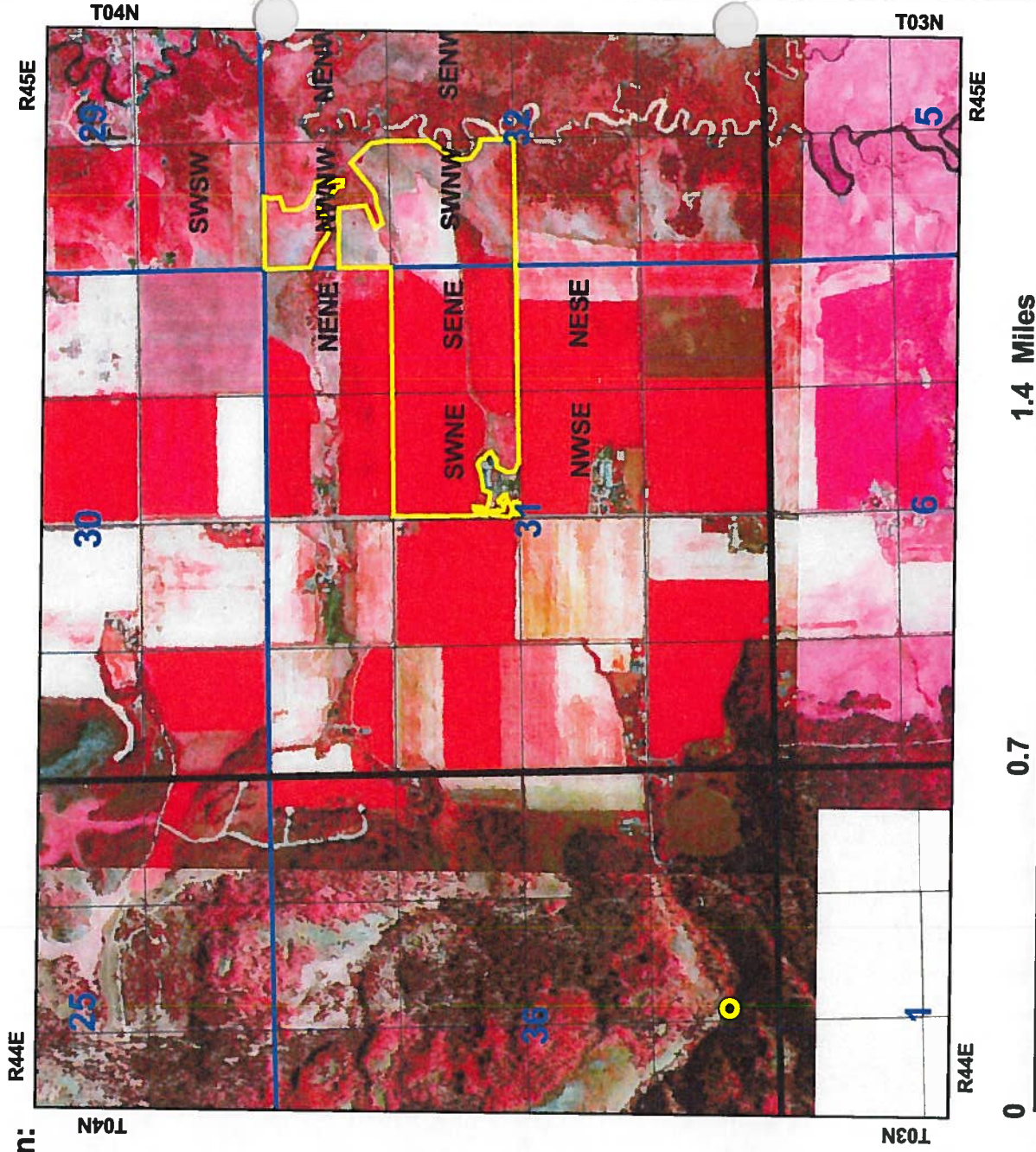
Legend

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

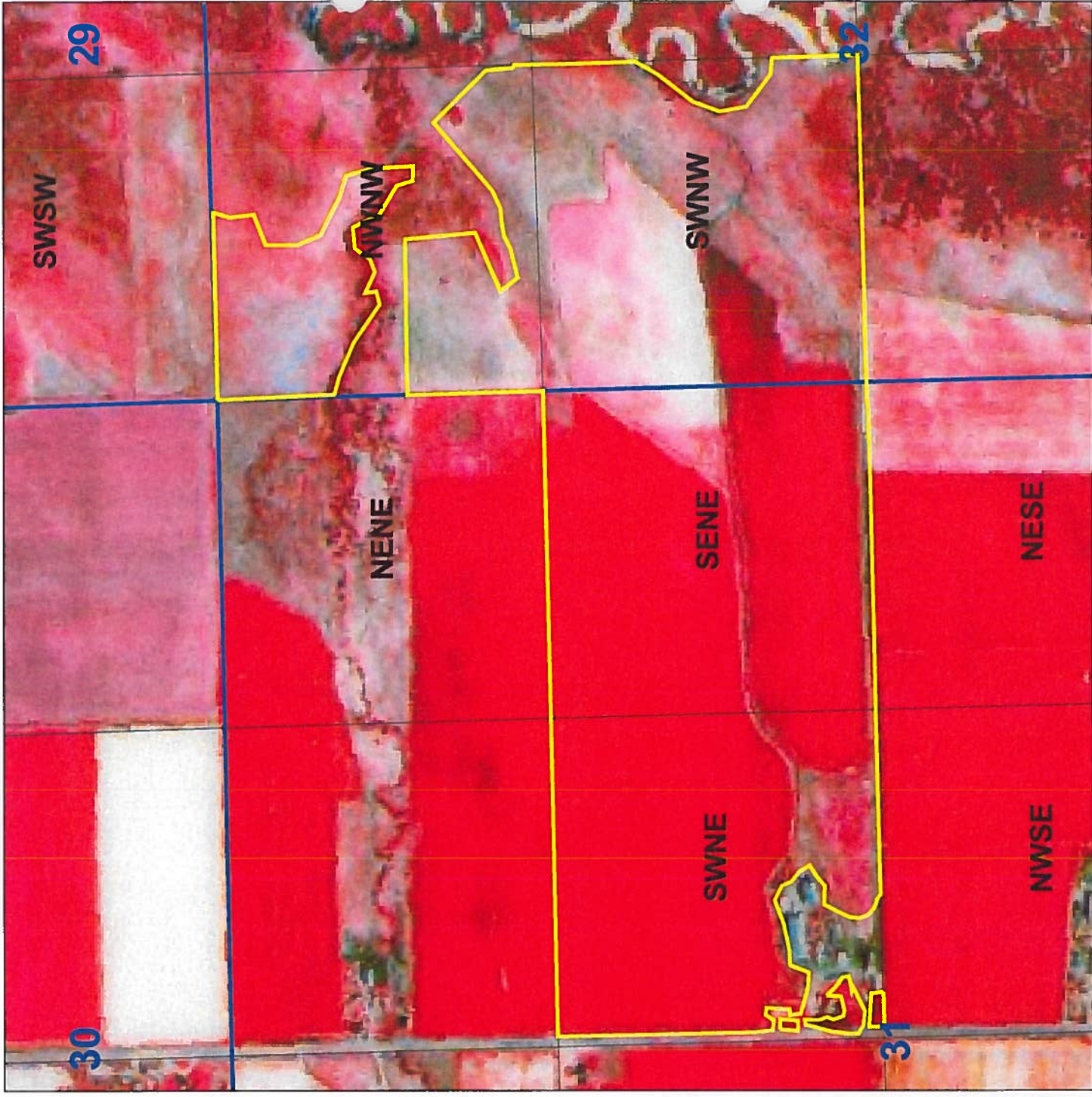


Teton County
IDWR Basin 22

Prepared by T. Galbraith
On Friday, December 8, 2006
1987/88 Aerial Photography



22-231



Property owners of 22-237

DHL Trust

c/o Earl Drake

647 S 450 W

Victor 83455

DBL Trust

c/o Asa Drake

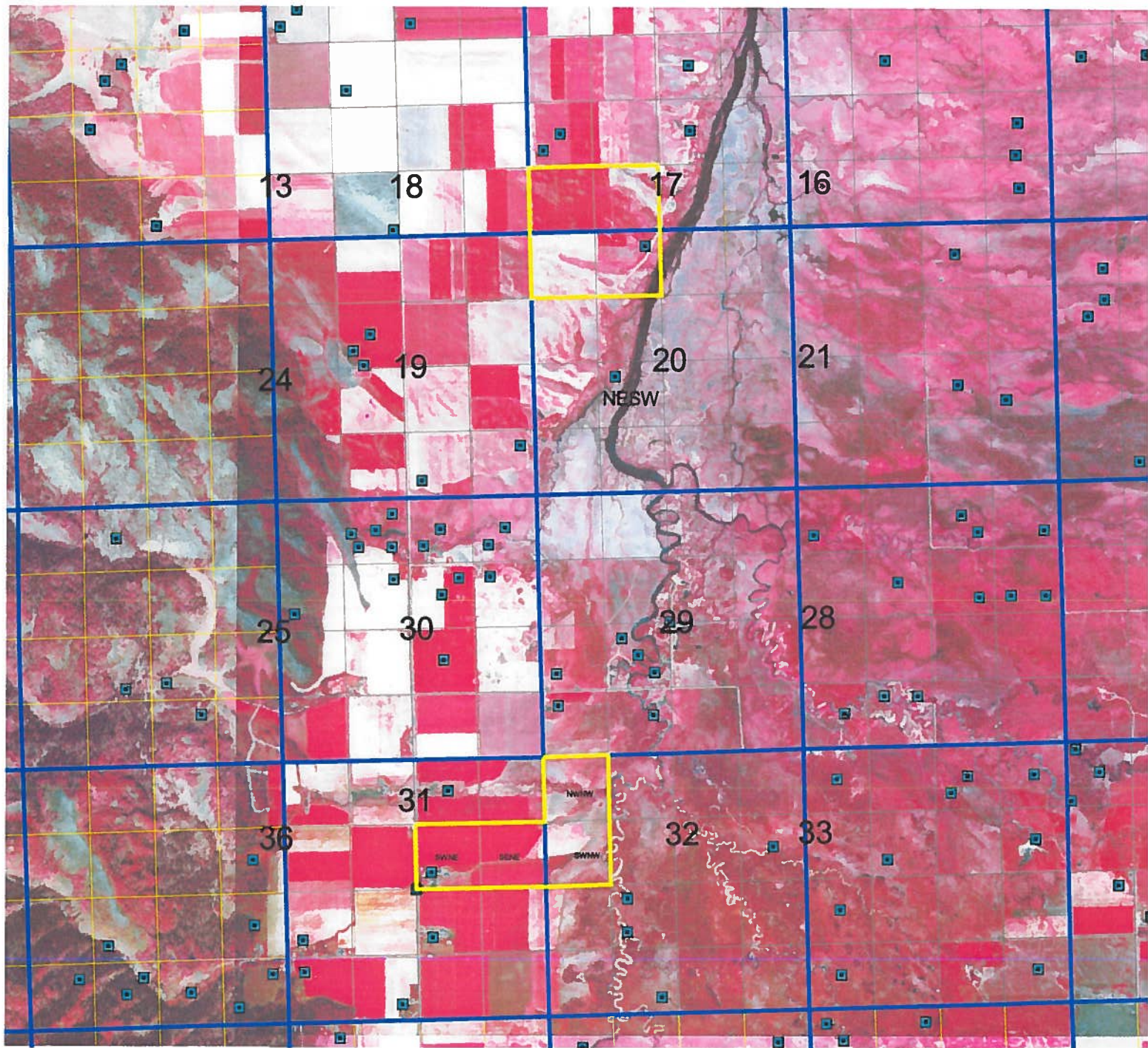
1285 Jackson Dr.

Amman 83406

River	8,000
35 Seymour, E. B.; June 1, 1886; Spring Creek	300
35 Nave, Martin L.; June 1, 1886; Moody Creek	50
To be reduced to 25 inches after June 20th of each year	
35 Nave, Martin L.; June 1, 1886; Teton River	25
42 Breckenridge, David; June 1, 1887; North Leigh Creek; also Swamp Creek for a late right	25
42 Borrowman, John; June 1, 1887; Wood Creek and Springs	260
42 Jeppson, Hans J.; June 1, 1887; Bigler Slough	60
45 Hegsted, Victor; Sept. 1, 1887; Horse Shoe Creek	80
49 Hegsted, Victor; June 1, 1888; Horse Shoe Creek	30
49 North Salem Agricultural & Milling Canal Co.; Teton River	290
As a high water right until July 1st of each year	1,325
48 Walters, William; June 1, 1888; Teton River. (Stewart & Walters Ditch.) Joint appropriation with Mons H. Anderson)	
49 Woods, William S.; June 1, 1888; Twin Creeks	168
56 Woodmansee, Charles H.; Mar. 15, 1889; Moody Creek To be reduced to 80 inches after June 20th of each year	160
57 Curtis, Owen; Apr. 1, 1889; Trail Creek	80
57 Little, Zina W.; Apr. 1, 1889; South Leigh Creek	160
58 Hill, William; Apr. 5, 1889; Pack Saddle Creek	120
62 Mortensen, Christian; May 1, 1889; Teton River. (Through the Nelson-Jacobs Ditch)	280
63 Bates, Thomas; May 3, 1889; Mahogany Creek	112
67 Beezley, Ebenezer, and J.; June 1, 1889; Fox Creek	140
67 Drake, Fred J.; June 1, 1889; John Creek	80
67 Blanchard, John; June 1, 1889; Warm Creek	150
67 Bowles, H. C.; June 1, 1889; Spring Creek	40
67 Drake, William; June 1, 1889; Mahogany Creek	140
67 Lund, William P.; June 1, 1889; Mahogany Creek	10
67 Hubbard, Frank, and wife; June 1, 1889; North Leigh Creek	160
67 Swanner, Samuel; June 1, 1889; South Leigh Creek	150
67 Walton, D. O.; June 1, 1889; Darby Creek	40
67 Jones, Benjamin; June 1, 1889; Trail Creek	20
69 McPherson, Abner; June 10, 1889; North Leigh Creek	20
71 Parsons, F. W.; June 15, 1889; Trail Creek	160
74 Tonks, George M.; July 5, 1889; Fox Creek	160
74 Tonks, George M.; July 15, 1889; Trail Creek	95
76 Kirsley, Mary E.; Sept. 1, 1889; Warm Creek, Spring Creek and Deep Creek	55
78 Woodmansee-Johnson Ditch; Oct. 1, 1889; Teton River	80
78 Reburg Milling Co.; Oct. 1, 1889; Teton River. (Woodmansee-Johnson Ditch.) For power purposes only, and subject to rights of users for agricultural purposes of water through same ditch	620
79 Teton Irrigation & Manufacturing Co.; Oct. 2, 1889; Teton River. (To be diverted at the Bird head-gate near the Teton Mill	3,000
82 Kirsley, Mary E.; Apr. 1, 1890; Warm Creek; Spring Creek and Deep Creek	500
82 Sinclair, D. R., Adminr. Estate of Fred Sinclair (deceased); April 1, 1890; Trail Creek	80
82 Wolf Ditch Co.; Apr. 1, 1890; Teton River	115
82 Robertson, A. I.; Apr. 1, 1890; Trail Creek	2,335
	87

82 Rice, Ed.; Apr. 1, 1890; Trail Creek	
82 Curtis, Nahum; Apr. 1, 1890; Trail Creek	
82 Blanchard, John; Apr. 1, 1890; Trail Creek	
82 Eynon, John; Apr. 1, 1890; Trail Creek	
85 Paul, John; June 1, 1890; Springs on land	
85 Paul, William H.; June 1, 1890; Little Springs and Deep Creek	
85 Jenkins, William; June 1, 1890; Fox Creek	
85 Kimball, R. C., and A. L.; June 1, 1890; Fox Creek	
85 Lawson, B. G.; June 1, 1890; Spring Creek	
85 Murphy, G. M.; June 1, 1890; Darby Creek	
85 Smith, C. M.; Jan. 1, 1890; Darby Creek	
85 Walton, D. O.; June 1, 1890; Darby Creek	
85 Shaw, O. W.; June 1, 1890; North Leigh Creek or Spring Creek	
85 Yearsley, H. C.; June 1, 1890; Spring Creek	
85 Drake, Richard; June 1, 1890; Patterson Creek	
85 Chelsey, John P.; June 1, 1890; Paul Spring Creek, Grove Creek, Deep Creek and Little Spring Creek	
85 Byrne, Michael; June 1, 1890; Fox Creek	
85 Buxton, Mary A.; June 1, 1890; Sloughs from Twin Creeks	
85 Beezley, Ebenezer, and J.; June 1, 1890; Fox Creek	
85 Andrews, L. W.; June 1, 1890; Grove Creek	
85 Durney, P. S.; June 1, 1900; Trail Creek	
85 Foote, Arthur L.; June 1, 1890; Mahogany Creek	
85 Ferguson, John; June 1, 1890; Grove Creek and Willow Spring Creek	
85 Eames, William; June 1, 1890; Spring Creek	
85 Edelson, E. B.; June 1, 1890; Leigh Creek	
85 Drake, Lavina; June 1, 1890; Boquet Creek and Drake Creek	
88 Drake, William; July 1, 1890; Mahogany Creek	
90 Tonks, William H.; July 15, 1890; Trail Creek	
92 Curtis, Charissa A.; Sept. 1, 1890; Trail Creek	
96 Rice, A. L.; Jan. 1, 1891; Patterson Creek	
98 O'Brien, James A.; June 1, 1891; North Leigh Creek	
98 Siddoway-Briggs Co.; June 1, 1891; Teton River. (For power purposes)	
98 Sinclair, D. R.; Adminr. Estate of Fred Sinclair (deceased); June 1, 1891; Eynon Ditch	
98 Smith, Ellington; June 1, 1891; Spring Creek, Darby Creek and Crandall Springs	
98 Shaw, L. C.; June 1, 1891; Rakder Creek and water from springs on T. A. Phillips' land	
98 Swanner, Samuel; June 1, 1891; South Leigh Creek	
98 Hubbard, Susan; June 1, 1891; North Leigh Creek and Middle Leigh Creek	
98 Harrop, Samuel; June 1, 1891; Leigh Creek	
98 Hill, Mary Ann; June 1, 1891; Pack Saddle Creek	
98 Clark & Houghton; June 1, 1891; Teton River	
98 Dewey, George A.; June 1, 1891; Fox Creek	
98 Barney, Walter; June 1, 1891; South Leigh Creek	
98 Bowles, Sarah; June 1, 1891; Spring Creek	
98 Blamires, Robert, and C. J. Burton, W. S. Burton and Thomas H. Phillips; June 1, 1891; Badger Creek and springs on land of T. A. Phillips	
98 Edelson, Noah C.; June 1, 1891; Leigh Creek	
100 Siddoway Irrigation & Manufacturing Co.; July 1, 1891; Teton River	

22-231



BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

#330
RECEIVED

MAR 23 1990

Department of Water Resources
Eastern District Office

IN THE MATTER OF APPLICATION FOR)
TRANSFER NO. 3309 OF WATER RIGHT NO.)
22-0231 IN THE NAME OF ASA J. DRAKE)
JOANN P. DRAKE)
_____)

ORDER ADOPTING
PROPOSED MEMORANDUM
DECISION AND ORDER

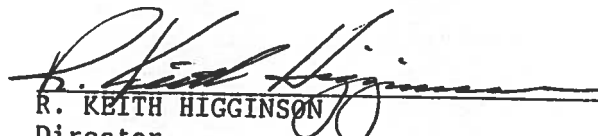
WHEREAS, R. Keith Higginson, Director of the Department of Water Resources having issued and served a copy on the parties on February 6, 1990, a Proposed Memorandum Decision and Order in the above-captioned matter, pursuant to Section 67-5211, Idaho Code; and,

WHEREAS, more than fifteen days have passed since the service of the Proposed Memorandum Decision and Order; and,

WHEREAS, no exception to that Proposed Memorandum Decision and Order has been received;

IT IS, THEREFORE, HEREBY ORDERED that said Proposed Memorandum Decision and Order be adopted and issued as the Final Decision and Order and Application for Transfer No. 3309 is DENIED.

Dated this 13TH day of MARCH, 1990.


R. KEITH HIGGINSON
Director



RONALD CARLSON
WATERMASTER

(208) 525-7172
Fax (208) 525-7177

State of Idaho

Water District 1

900 N. Skyline Dr., Suite A
Idaho Falls, Idaho 83402-1718

August 18, 1997

IDWR DIRECTOR
KARL J. DREHER

COMMITTEE OF NINE

CHAIRMAN
Don Kramer

VICE CHAIRMAN
Dell Raybould

James Siddoway
Teton

Paul Berggren
Blackfoot

Dale Rockwood
Idaho Falls

DeWitt Moss
Jerome

Leonard Beck
Burley

Claude Storer
Idaho Falls

Don Hale
Blackfoot

Asa Drake
c/o Lynn Moses
P.O. Box 426
Driggs, ID 83422

RE: Permit 22-07681

Dear Mr. Drake:

Harold Jones and I telephoned you and Mr. Lynn Moses on August 15, 1997 concerning the irrigation of lands covered by Permit 22-07681 and Adjudication Claim A22-00231. The adjudication claim indicates the lands in Sections 17 & 20 were first irrigated in 1964 from the pump in the Teton River. Permit 22-07681 is for pumping water from a groundwater well, into a pond to the Teton River, where the exchanged water is then rediverted from the river to the irrigated acreage.

Water District #1 is projecting 1964 water-right priorities to be cut later this week. If you plan to continue irrigating Sections 17 & 20, you have the option of using your exchange well as described in Permit 22-07681 or you must rent storage water from Fremont-Madison Irrigation District or the Water District #1 rental pool.

If you decide to use your exchange well, you must satisfy the Conditions of Approval for Permit 22-07681 which include installation of measuring devices at the groundwater well, the outlet of the pond, and the irrigation pump on the Teton River. Additionally, you must also submit daily flow and volume records to the watermaster of Water District #1. You indicated there are flowmeters on both the well and river pump that may or may not be in proper working condition. A measuring device still needs to be installed at the outlet of the pond to record the amount of water discharging into the Teton River.

I've discussed the irrigation system with Ronald Carlson, Watermaster, and he agreed with me that both the well and pump volumes can be monitored by using the electric power meter if each diversion has its own dedicated meter. A weir must be installed at the outlet below the pond to insure that the proper amount of water is being discharged into the Teton River. Daily reporting of weir readings, along with flow rates from both the well and river pump, would be sufficient for water delivery at the present time. However, you must petition the Department of Water Resources to remove, from the conditions of approval, the requirement for a continuously accruing volume measuring device at the outlet of the pond. Otherwise, you'll also be required to install a continuous stage-recorder and stilling well alongside the weir.

If you have any questions concerning the measuring devices, permit conditions, storage-water rental, or daily reporting requirements, please contact me or Harold Jones.

Sincerely,

Tony Olenichak
Deputy Watermaster

MARCH 4, 1994

ASA J DRAKE
641 S 450 W
VICTOR ID 83455

RE: NOTICE OF CLAIM A22-00231

Dear Mr. Drake:

Enclosed is the Notice of Claim you submitted and your check (#168 in the amount of \$134.00). The Claim needs to be signed in the "organizational" section. When this has been done, please return the claim and check back to this office to my attention for processing.

If you have any questions, please feel free to call 525-7161.

Respectfully submitted,

Ernest Carlsen
Adjudication Supervisor

EC:jt

Enclosure

FILE:

MICROFILMED
APR 08 1994

4/5/1989

SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME ORRICK FARM IS PARTNERSHIP CL I IDENT. NO. A22-00231

DATE RECEIVED March 3, 1994 CK # 168 AMOUNT \$ 134⁰⁰

- | | YES | NO | Require Info |
|--|-----------|-----------|--------------|
| 1. Is the name and address complete with zip code? | <u>X</u> | <u> </u> | * |
| 2. Is a priority date entered? | <u>X</u> | <u> </u> | * |
| Is the priority date acceptable in view of mandatory filing dates? | <u>X</u> | <u> </u> | * |
| See Adjudication Memos #1 and #4 to determine if a Permit is required. | <u>X</u> | <u> </u> | * |
| 3. (a) Is a source entered? | <u>X</u> | <u> </u> | * |
| (b) Is a tributary to entered? (if required) | <u>X</u> | <u> </u> | |
| 4. Is the legal description of the p.d. sufficient? | <u>X</u> | <u> </u> | * |
| 5. Is there a description of the diverting works? | <u>X</u> | <u> </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> | <u> </u> | * |
| Is the period of use included? | <u>X</u> | <u> </u> | |
| Is a quantity claimed for each use? | <u>X</u> | <u> </u> | * |
| 7. Is a total quantity claimed entered? | <u>X</u> | <u> </u> | |
| 8. If required is a consumptive use entered? | <u>X</u> | <u> </u> | |
| Is the consumptive use correct? | <u> </u> | <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. | <u>X</u> | <u> </u> | * |
| 10. Is (are) the place(s) of use and purpose(s) indicated? | <u>X</u> | <u> </u> | * |
| 11. Is (are) the county(ies) entered? | <u>X</u> | <u> </u> | |
| 12. Is the ownership of p.u. checked? | <u>X</u> | <u> </u> | |
| 13. Are other water rights listed or "none" indicated? | <u>X</u> | <u> </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.) | <u>X</u> | <u> </u> | |
| 15. Is the basis of the claim indicated? | <u>X</u> | <u> </u> | |
| 16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) | <u>X</u> | <u> </u> | |
| 17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block. | <u> </u> | <u>X</u> | * |
| 18. Has the claim been signed, sealed, and dated by a notary? | <u>X</u> | <u> </u> | * |
| 19. Was this claim filed on time, or was an extension granted? | <u>X</u> | <u> </u> | * |
| 20. Is the fee enclosed correct? | <u>X</u> | <u> </u> | * |
| 21. If this claim is based on an existing water right, has the identification number been entered? | <u>X</u> | <u> </u> | |
| 22. Should this claim be data entered? | <u> </u> | <u>X</u> | |

Claim checked by: _____ Date: _____

Claim must be returned to claimant: (Yes) (No)

Claimant must be notified of modifications: (Yes) (No)

Receipt Prepared by: _____ Date: _____
Claim data entered by: _____ Date: _____
Sent to claimant by: _____ Date: _____

Checked by: _____ Date: _____

Comments: Return for completion of "FOR ORGANIZATION" signature block. **MICROFILM** **APR 08 1994**

NOTE: NOTICE is actually amendment to A22-00231 - increasing P.O.U. by 134⁰⁰ acres.

FARM ACCOUNT
ASA J. OR JOANN P. DRAKE
GERTRUDE R., GARL R. OR JILL J. DRAKE
 641 SOUTH 450 WEST 354-2501
 VICTOR, ID 83455

March 2 1974 92-185/124

PAY TO THE ORDER OF Albin Dept. of Water Resources \$ 134⁰⁰ DOLLARS

Che. Numbered thirty-four 31 00/100

Valley Bank
 P.O. Box 746 - Driggs, ID 83422-0746

MEMO *Dep. with sample*

Carol Buckle

MICROFILMED

APR 23 1974

POOR ORIGINAL



State of Idaho
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - FAX: (208) 525-7177

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

07-Dec-1993

C LYNN MOSES
CONTINENTAL REAL ESTATE CO
INVESTMENTS AND EXCHANGES
130 N MAIN
DRIGGS ID 83422

RE: Notice of Claim A22-00231

Dear Mr. Moses:

Prior to the Drakes amending Notice of Claim A22-00231, I think it is important that you are aware of the Idaho Department of Water Resources' (IDWR) ruling concerning the use of decreed right 22-00231.

In March 1987, Asa Drake filed an application to transfer a portion of decree 22-00231 from the W1/2NW1/4 Section 22 to the S1/2SW1/4 Section 17 and N1/2NW1/4 Section 20. In February 1990, IDWR issued a Proposed Memorandum Decision and Order denying the proposed change. The following month the Proposed Memorandum Decision and Order was adopted as the Final Order. A copy of IDWR's Order is enclosed for your convenience.

The Drakes can amend their Notice of Claim. However, in light of the Order denying their transfer application, it is questionable whether or not even the original Notice can be recommended to the court as filed. Should the Drakes decide to amend Notice A22-00231, I have sent them the information you provided concerning the amended place of use and a blank Notice of Claim form. There will be a filing fee of \$1.00 per acre for each acre added to the place of use.

Naturally, feel free to contact me should there be questions concerning the above information.

Respectfully submitted,

Ernest Carlsen
Ernest Carlsen

EC/rb
enclosure

cc: Drake Farms Partnership
Water District 01
Dee Obrian

MICROFILMED
APR 08 1994

Continental Real Estate Co.
Investments and Exchanges

130 NORTH MAIN DRIGGS, IDAHO 83422
Telephone: (208) 354-8111

POOR ORIGINAL

FAX TRANSMITTAL

To: Joe
For Greg Taylor
FAX: 525-7177

Date: Dec. 3, 1993
Subject: Amendment for Claim
A22-0231

Message:

Please send an amended claim with the changes that
are noted on the claim sent herewith to the Drakes.

If there are any questions, please call me @ 354-8111.

Thanks,



C. Lynn Moses
FAX # 354-8113

3 Pages sent including this page.

Sent by: CLM

Time: 3:25 PM

POOR ORIGINAL



Highest Quality Professional Service

MICROFILMED

APR 08 1994

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 22-231
Date Received: 9/29/1988
Receipt No: E002751
Received By:

Amended
NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

GARL R DRAKE Phone: (208)354-2585

647 S 450 W
VICTOR ID USA 83455-5057

ASA J DRAKE Phone: (208)522-6640

1285 JACKSON DR
AMMON ID USA 83406

2. Date of Priority: 06/01/1890

3. Source: PATTERSON CREEK , PATTERSON CREEK Trib. to: TETON RIVER , TETON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot			County	Type
04N	44E	36	SW	SE		TETON	
04N	45E	20	NE	NE	NW	TETON R	

5. Description of diverting works:

HEADING FOR PATTERSON CREEK PIPELINE AND PUMP ON TETON RIVER.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/15	10/15	3.2	

7. Total Quantity Appropriated is:
3.2 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
04N	45E	31	SW	NE	IRRIGATION	39
			SE	NE	IRRIGATION	40
					Section Acres	79
04N	45E	32	NW	NW	IRRIGATION	40
			SW	NW	IRRIGATION	40
					Section Acres	80
					Total Acres	159

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:

14. Remarks:

THE LAND IN SECTIONS 17 & 20 WAS FIRST IRRIGATED IN 1964.
HOWEVER, THIS CHANGE WAS MADE WITHOUT BENEFIT OF AN APPROVED TRANSFER. I HAVE FILED AN APPLICATION FOR TRANSFER WITH THE DEPT. OF WATER RESOURCES TO MAKE THIS CHANGE A MATTER OF RECORD. WATER PUMPED FROM THE TETON RIVER IN SECTION 20 IS MADE AVAILABLE BY DUMPING PATTERSON CREEK WATER INTO THE RIVER EITHER FROM THE END OF PATTERSON CREEK PIPELINE OR FROM PATTERSON CREEK WHEN THERE IS HIGH WATER.
DUE TO TRX 3309 LANDS UNDER SECTIONS 17 & 20 WERE DELETED FROM THIS CLAIM.

15. Basis of Claim: Decreed

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: _____

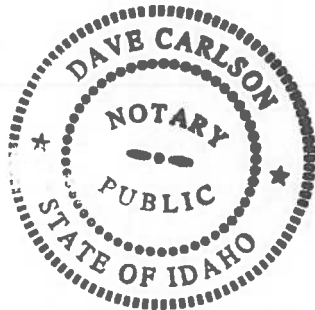
For Individuals:

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

Signature of Claimant(s): X Asa J. Drake Date: 11 April 2006
_____ Date: _____

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 11
of April 2006 Dave Carlson



Notary Public
Residing at Rigby Id
My commission Expires 2/26/2008

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: A22-00231
Date Received: 9/29/1988
Receipt No: E002751
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED 3/8/94

1. Name: DRAKE FARMS PARTNERSHIP 208-354-2501
Address: 641 S 450 W
VICTOR ID 83455

2. Date of Priority: JUN 1, 1890

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	44E	36		SW	SE		TETON
	45E	20	NE	NE	NW	R	TETON

5. Description of diverting works:
HEADING FOR PATTERSON CREEK PIPELINE AND PUMP ON TETON RIVER.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/15	3.200		

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

8. Total consumptive use is 560.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	45E	17	SW	SW		IRR	38.0
			SE	SW		IRR	39.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	77.0
		20	NE	NW	IRR	20.0
			NW	NW	IRR	38.0
					Section Acres	58.0
		31	SW	NE	IRR	39.0
			SE	NE	IRR	40.0
					Section Acres	79.0
		32	NW	NW	IRR	40.0
			SW	NW	IRR	40.0
					Section Acres	80.0
					Total Acres	294.0

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:

THE LAND IN SECTIONS 17 & 20 WAS FIRST IRRIGATED IN 1964. HOWEVER, THIS CHANGE WAS MADE WITHOUT BENEFIT OF AN APPROVED TRANSFER. I HAVE FILED AN APPLICATION FOR TRANSFER WITH THE DEPT. OF WATER RESOURCES TO MAKE THIS CHANGE A MATTER OF RECORD. WATER PUMPED FROM THE TETON RIVER IN SECTION 20 IS MADE AVAILABLE BY DUMPING PATTERSON CREEK WATER INTO THE RIVER EITHER FROM THE END OF PATTERSON CREEK PIPELINE OR FROM PATTERSON CREEK WHEN THERE IS HIGH WATER.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 12/16/1910

REXBURG IRR. CO. ET AL
Decree Plaintiff

TETON IRR. CANAL CO.
vs Decree Defendant

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: A22-00231
Date Received: 9/29/1988
Receipt No: 2002751
Received By: EMC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DRAKE FARMS PARTNERSHIP 208-354-2501
Address: 641 S. 450 W.
VICTOR, ID 83455

2. Date of Priority: JUN 01, 1890

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	44E	36		SW	SE		TETON
	45E	20	NE	NE	NW	R	TETON

5. Description of diverting works:
HEADING FOR PATTERSON CREEK PIPELINE AND PUMP ON TETON RIVER.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	3.200		

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

8. Total consumptive use is ~~320.0~~ Acre Feet Per Annum.
560

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	45E	17	SW	SW		IRR	38.0
			SE	SE		IRR	9.0 39.0
			SE	SW			
Section Acres							47.0 77

A22-00231

Page

1

Date: 09/29/88

POOR ORIGINAL

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10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
34N	45E	20	NE	NW		IRR	10.0 20
			NW	NW		IRR	33.0 38
			Section Acres		43.0 58		
		31	SW	NE		IRR	36.0 39
			SE	NE		IRR	34.0 40
			Section Acres		70.0 79		

32 SW NW IRR 40
 NW NW IRR 40
 Section Acres 80

Total Acres ~~100.0~~ 294

11. Place of use in counties: TETON

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

\$ 134⁰⁰

13. Other Water Rights Used:
 NCNE

14. Remarks:

THE LAND IN SECTIONS 17 & 20 WAS FIRST IRRIGATED IN 1964. HOWEVER, THIS CHANGE WAS MADE WITHOUT BENEFIT OF AN APPROVED TRANSFER. I HAVE FILED AN APPLICATION FOR TRANSFER WITH THE DEPT. OF WATER RESOURCES TO MAKE THIS CHANGE A MATTER OF RECORD. WATER PUMPED FROM THE TETON RIVER IN SECTION 20 IS MADE AVAILABLE BY DUMPING PATTERSON CREEK WATER INTO THE RIVER EITHER FROM THE END OF PATTERSON CREEK PIPELINE OR FROM PATTERSON CREEK WHEN THERE IS HIGH WATER. *Written*

15. Basis of Claim: DECREE

Case Number:

Court:

Decree date: 12/16/1910

REXBURG IRR. CO. ET AL
 Decree Plaintiff

vs

TETON IRR. CANAL CO.
 Decree Defendant

POOR ORIGINAL

RECEIVED

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

Department of Water Resources
Eastern District OfficeIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER:

Ident. Number

A22-00231

Date Received

Receipt Number

9-29-88 (ORIGINAL)

E002751

also rec. # E019554/90

AMENDED

NOTICE OF CLAIM

TO A

WATER RIGHT

ACQUIRED UNDER STATE LAW

AMENDED

RECEIVED

MAR 3 1994

Department of Water Resources
Eastern District Office

Please type or print clearly

1. Name of Claimant (s) Drake Farms Partnership Phone (208) 354-2501Mailing Address 641 S. 450 W., Victor, ID Zip 834552. Date of Priority (Only one (1) per claim) Jun 01, 18903. Source of water supply (a) Patterson Creek
which is tributary to (b) Teton River4. a. Location of existing point of diversion is: Township 04N Range 44E Section 36,
SW 1/4 of SE 1/4 of 1/4, Govt. Lot, E. B.M., County of TetonAdditional points of diversion if any: T. 04N, R. 45E., Sec. 20, NE NE NW

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. Heading for Patterson Creek Pipeline
and Pump on Teton River.

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6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 4/15 to 10/15 amount 3.2 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 3.2 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 560 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

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	
4N	45E	17											38	39					77
		20					20	38											58
		31			39	40													79
		32						40	40										80

Total number of acres irrigated 294

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

12. Do you own the property listed above as place of use? Yes X No X

If your answer is No, describe in Remarks below the authority you have to claim this water right.
3 small parcels have been sold with water to irrigate.

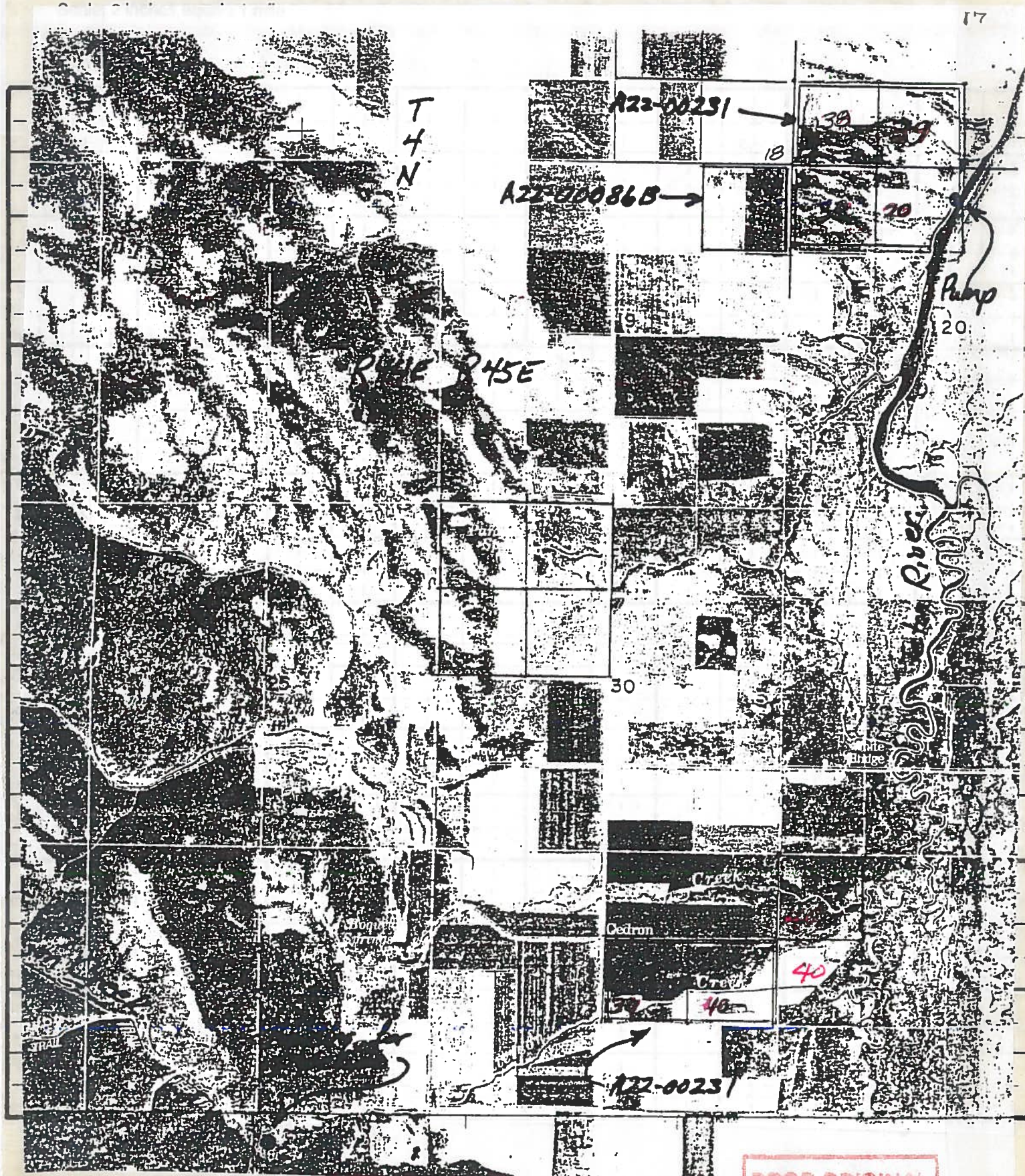
13. Describe any other water rights used at the same place and for the same purposes as described above. _____ or None (X)

14. Remarks: The land in Sections 17 & 20 was first irrigated in 1964. This transfer was not approved in writing. I have filed an application for Transfer with the Dept. of Water Resources to make this change a matter of record. Water pumped from the Teton River in Sec. 20 is made available by dumping Patterson Creek water into the Teton River either from the end of the Patterson Creek Pipeline or from Patterson Creek when there is high water.

Last Name Drake Ident No. A22-00231

Copies: White -State, Yellow-Claimant

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.



Last Name Drake

Ident No. A22-00231

POOR ORIGINAL
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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 _____

Court _____ Case Number _____ Decree Date 12/16/1910

Plaintiff vs Defendant Rexburg Irr. Co. ET AL vs Teton Irr. Canal Co.

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) Asa J. Drake Date 3/2/94

Date _____

For Organizations: I do solemnly swear or affirm that I am Senior Partner

Title

of Drake Brothers Partnership, that I have signed the foregoing

Organization

document in the space below as Senior Partner of Drake Brothers Partnership

Title

Organization

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

Signature of Authorized Agent Asa J. Drake

Title and Organization Drake Brothers Partnership Date 3/2/94

State of Idaho/or _____)
County of Teton) SS.

Subscribed and sworn (or affirmed) before me this 2nd day of March 19 94

SEAL

Notary Public [Signature]

Residing at Driggs

My Commission Expires 8-9-96

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 Asa J. Drake att

Address _____

Date _____

Last Name Drake Ident. Number A22-00231

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APR 08 1994
Copies White-State, Yellow-Claimant

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
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THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

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VICTOR, ID 83455

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3.200 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 320.0 Acre Feet Per Annum.

9. Non-irrigation uses:

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Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	45E	17	SW	SW		IRR	38.0
			SW	SE		IRR	9.0
Section Acres							47.0

A22-00231

Page 1

Date: 09/29/88

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10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	45E	20	NE	NW		IRR	10.0
			NW	NW		IRR	33.0
			Section Acres				43.0
		31	SW	NE		IRR	36.0
			SE	NE		IRR	34.0
			Section Acres				70.0
			Total Acres				160.0

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:

THE LAND IN SECTIONS 17 & 20 WAS FIRST IRRIGATED IN 1964. HOWEVER, THIS CHANGE WAS MADE WITHOUT BENEFIT OF AN APPROVED TRANSFER. I HAVE FILED AN APPLICATION FOR TRANSFER WITH THE DEPT. OF WATER RESOURCES TO MAKE THIS CHANGE A MATTER OF RECORD. WATER PUMPED FROM THE TETON RIVER IN SECTION 20 IS MADE AVAILABLE BY DUMPING PATTERSON CREEK WATER INTO THE RIVER EITHER FROM THE END OF PATTERSON CREEK PIPELINE OR FROM PATTERSON CREEK WHEN THERE IS HIGH WATER.

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Decree Plaintiff

vs

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

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am Sr. Partner of

Drake Farms Partnership, that I have signed the foregoing
Organization

document in the space below as Sr. Partner of

Drake Farms Partnership and that the statements contained in the
Organization

foregoing document are true and correct.

Asa J. Drake
Signature of Authorized Agent

Sr. Partner Drake Farms Partnership
Title and Organization

29 September 1988
Date

State of Idaho)
County of Bonneville.) SS.

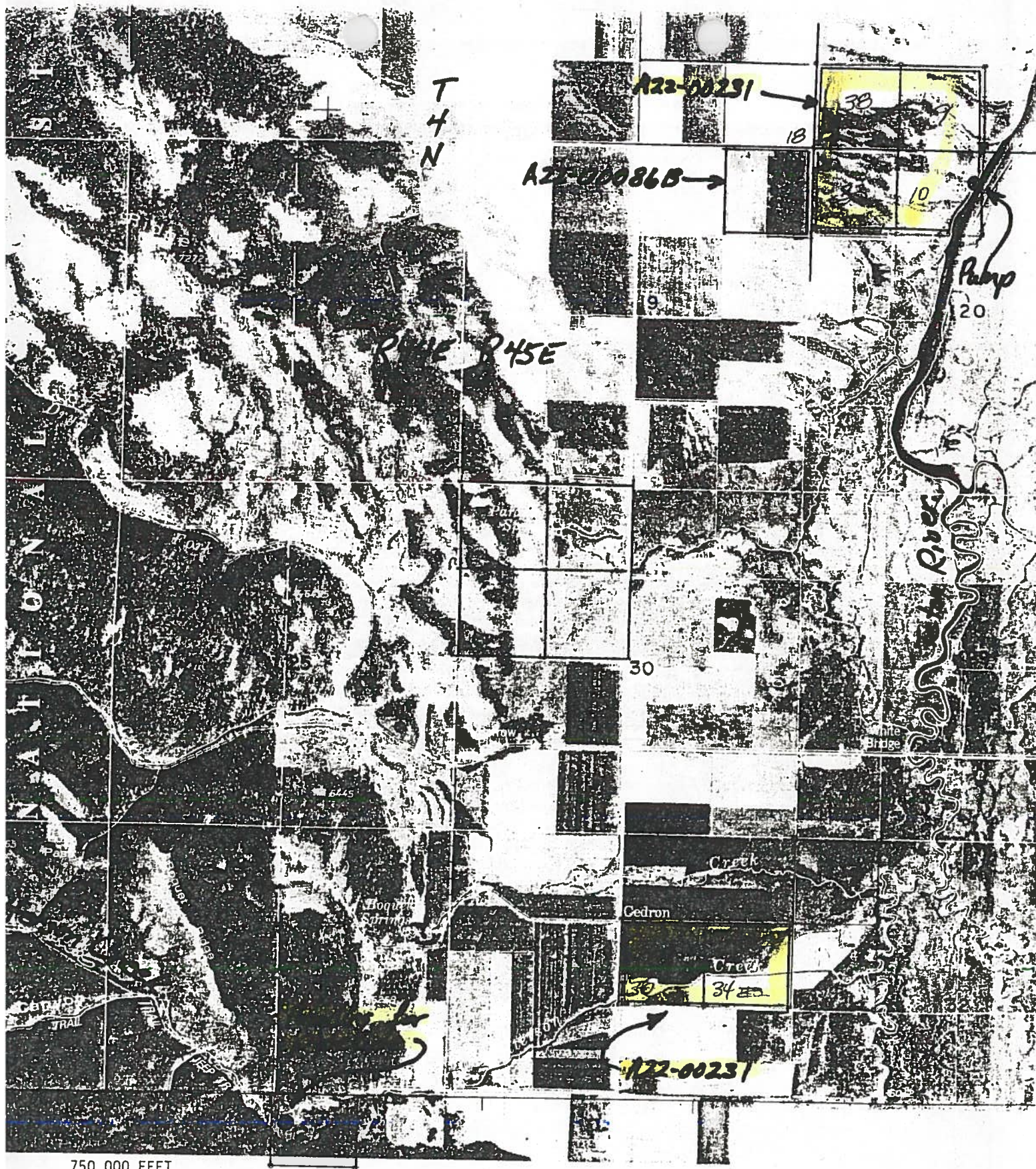
Subscribed and sworn (or affirmed) before me this 29 day
of Sept. 19 88.

Ernest Carlson.
Notary Public

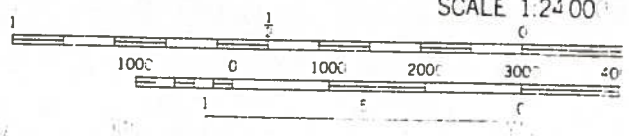
Seal

Residing at Idaho Falls ID.

My Commission Expires 14 June 1994



750 000 FEET



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