

01/20/2005

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

RIGHT NUMBER: 22-326D
NAME AND ADDRESS: GARRY L LERWILL
250 N 800 W
TETONIA ID 83452

VERNA J LERWILL
250 N 800 W
TETONIA ID 83452

SOURCE: PACKSADDLE CREEK TRIBUTARY: TETON RIVER
QUANTITY: 0.500 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 2.6 CFS. COMBINED RIGHT NOS.: 22-00325B,
22-00326D, 22-02002A.

PRIORITY DATE: 04/05/1889

POINT OF DIVERSION:

T05N R44E S8 SWNESW Within TETON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 11/01	0.500 CFS

PLACE OF USE: IRRIGATION Within TETON County

T05N R44E S09	NWNW	4.0	T05N R44E S09	SWNW	26.0
T05N R44E S09	NESW	40.0	T05N R44E S09	NWSW	39.0
T05N R44E S09	NWSE	21.0			

130 ACRES TOTAL

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 130.0 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 22-00325B, 22-00326D,
22-02002A.

This right is limited to the irrigation of 25.0 acres within the place of use
described above in a single irrigation season.

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: Decreed

WATER IS DELIVERED THROUGH PACKSADDLE PIPELINE.



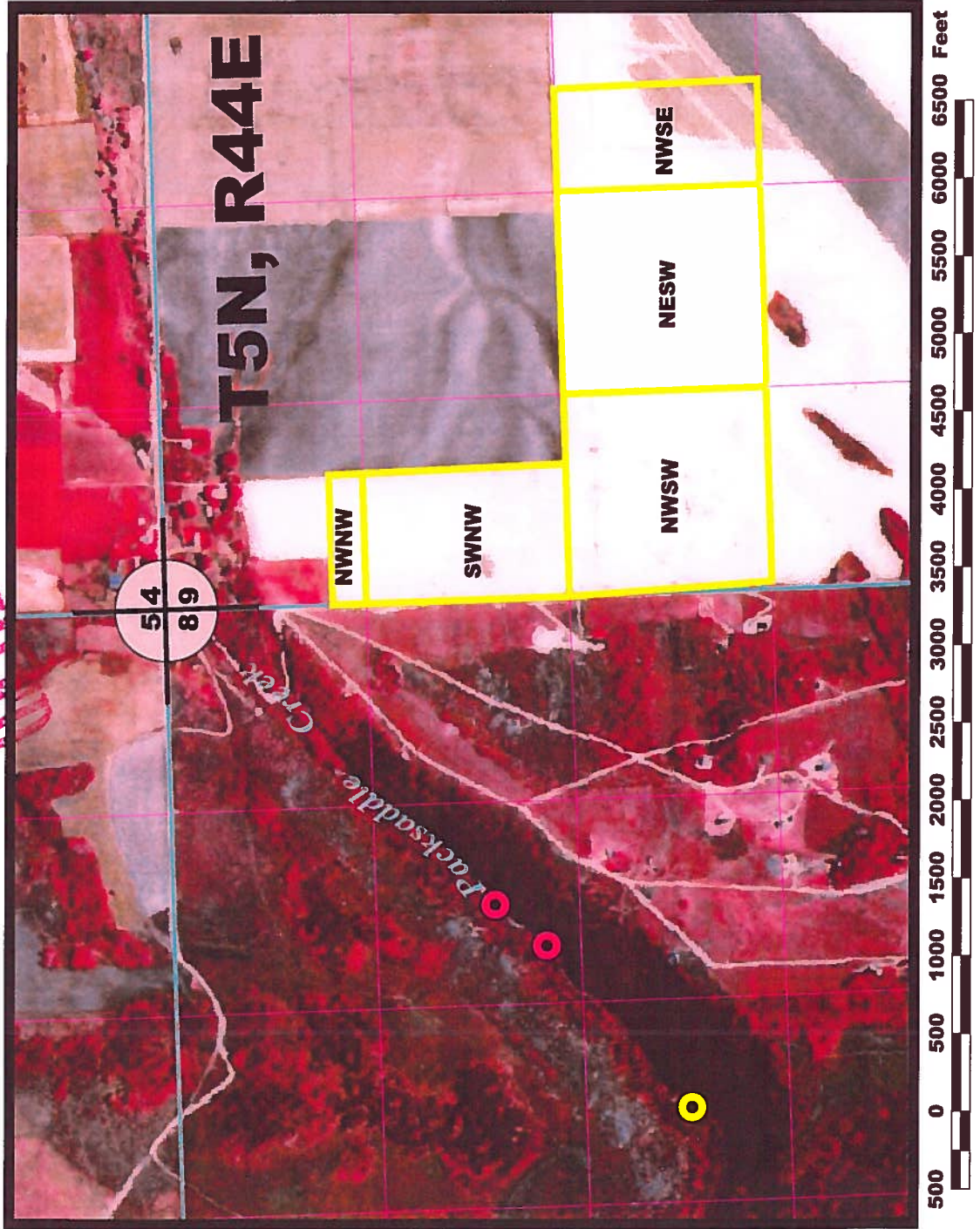
State of Idaho

Department of Water Resources

Eastern Region

UNRECORDED

SCANNED
MAY 19 2005



Water Right(s):
22-02002A,
22-00325B,
22-00326D

Point(s) of Diversion:
T5N, R44E
Sec. 8 SWNESW

Place of Use: (parts of)
T5N, R44E Sec. 9
W2NW, N2SW, NWSE

LEGEND

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

GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: A. Ruberry
Date: January 2005



RECEIVED

JUL 06 2005

01/20/2005

Department of Water Resources
Eastern Region

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: 22-326D

GARRY L LERWILL
250 N 800 W
TETONIA ID 83452
Telephone Number: (208) 456-2579

VERNA J LERWILL
250 N 800 W
TETONIA ID 83452
Telephone Number: (208) 456-2579

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: 6-15-05

SIGNATURE:

Garry Lerwill

Verna Lerwill

Please print your name: GARRY LERWILL

VERNA LERWILL

IDWR Regional Office,

FILED

SCANNED

JUL 08 2005

KMT
7/8

Contacts Data Entry Form

Claim Number: _____

Owner Type	Full Name	Address	City	State	Zip
------------	-----------	---------	------	-------	-----

Current Owner: GARY LERWILL 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: _____

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

325B AND 2002A
 Overlap with right 326D

DECEDED UNDER RISLBURG VS TITON, 1910 AS: #58, TO
 Wm Hill, 280", Packeraddle CK, April 5, 1889.

SPLIT ON W/R DATA BASE AS:

22-326, 560 cfs, SPLIT TO A & B BY TX #1829

22-326 A, SPLIT TO C & D BY TX #2883

22-326 B, 18 cfs, 52 AC, D. JARDINE

22-326 C, 41 cfs, 205 AC, Wm Hill

22-326 D, 05 cfs, 50 AC, G. LERWILL

560 cfs, 307 AC

SRBA CLAIMS AS:

25 AC w/1

22-326 C, 41 cfs, SPLIT TO E AND F.

22-326 D, 05 cfs, 130 AC, G. LERWILL - SUE TX #70253.

22-326 E, 33 cfs, 272 AC, T. KAY

22-326 F, 18 cfs, 339 AC, D. JARDINE

5.60 cfs

CFS CLAIMED IN-FULL

POLL APPEARS OVERCLAIMED BUT TX'S ALLOW
 AC w/1 LARGER POLL/AC (AS SHOWN)

SCANNED

Reviewer: _____ Date: _____

PROFILED

MAY 19 2005

Priority Date Data Entry Form

Claim Number: _____

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: Apr 5, 1889 Claimed Basis: DECRETRecommended Priority Date: " Recommended Basis: "

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

MATCHES DECRET

Reviewer: _____

PROFILED

SCANNED
Date: _____
MAY 19 2005

Point of Diversion and Source Data Entry Form

Claim Number: _____

Water Right Point(s) of diversion and Source.

Water Right Point of Diversion: T _____, R _____, Sec. _____, _____, _____, _____, County: _____

Source: _____ Tributary to: _____

Water Right Point of Diversion: T _____, R _____, Sec. _____, _____, _____, _____, County: _____

Source: _____ Tributary to: _____

Claimed Point(s) of Diversion and Source.

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source	Tributary to

Recommended Point(s) of Diversion and Source.

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source	Tributary to
SN	44E	8		SWNE SW		Packsaddle Crk	15 Ton River

Other rights from this POD? GPS TAG # A0014211 INTAKE WALL

Transfers Pending or approved: _____

Document how the POD and Source were verified:

POD IS THE INTAKE FOR THE

PACKSADDLE PIPELINE WHICH IS USED BY LERWILL, KAY AND JARDINE.

NO OTHER KNOWN USERS

Rismank

Reviewer: _____ Date: _____

SCANNED

PROFILED

MAY 19 2005

Place Of Use Data Entry Form

Claim Number: _____

Claimed Place Of Use

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

Total acres 130⁰Recommended Place of Use

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

Total acres 130⁰

Pending or approved Transfers: _____

Overlapping rights: _____

Document how the POU was verified:TX # 70253
22-325B, 22-2002A
POU per TX 70253

Reviewer: _____

Date: _____

PROFILED

SCANNED

MAY 19 2005

Season of Use and Quantity Data Entry Form

Claim Number: _____

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
Pring	4/1	11/1	0.5	875

Overall Diversion Rate _____ Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
Pring	4/1	11/1	0.5	875

Overall Diversion Rate _____ Overall Diversion Volume _____

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

RECOMMENDED PER TX #70253

COMBINED USE LIMITS PER TX 70253

LIMITS TO 2.6 CFS AULTS

AC LIMITS 25AC w/ 130 THIRTY.

Remarks

Reviewer: _____

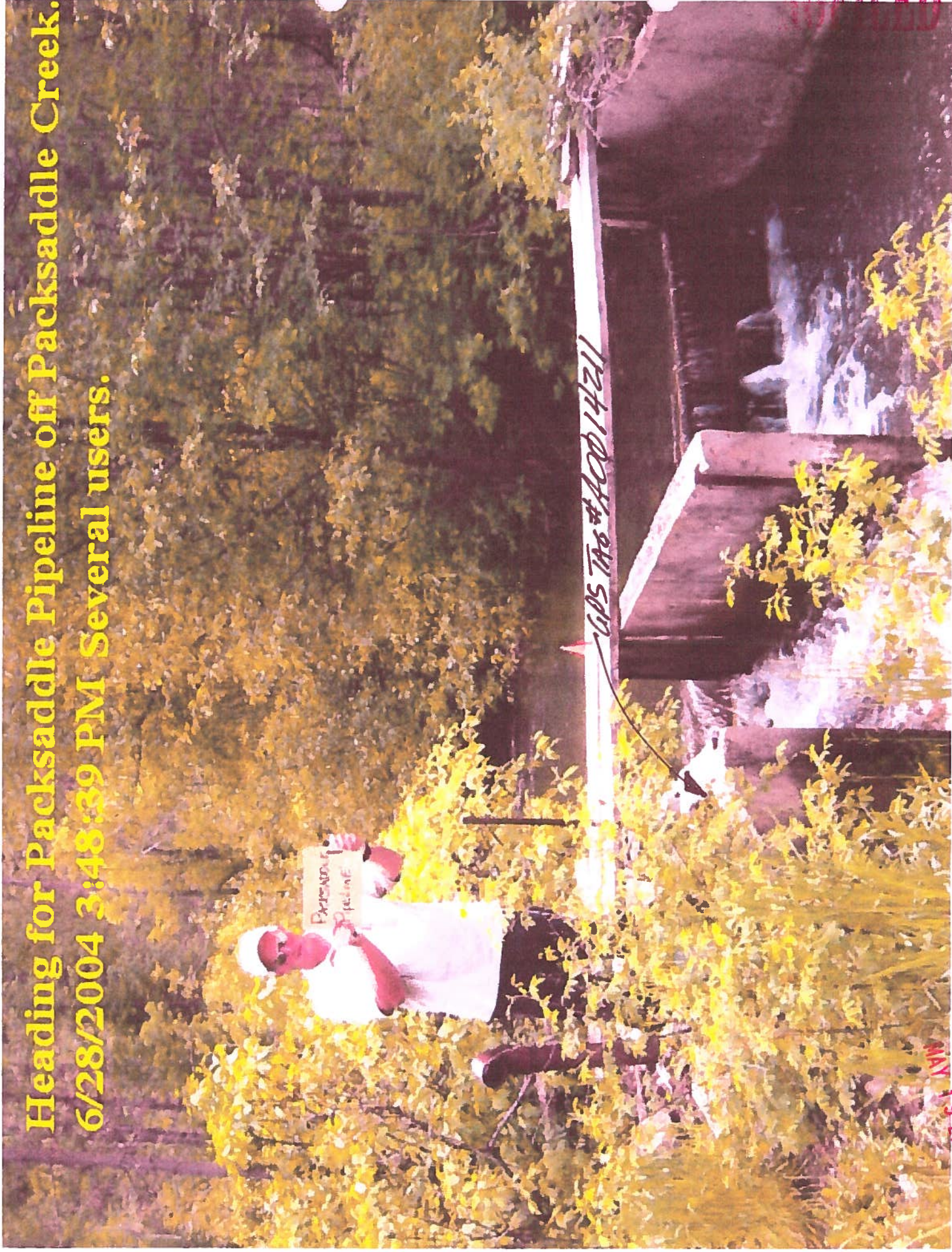
Date: _____

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MAY 19 2005

Heading for Packsaddle Pipeline off Packsaddle Creek.
6/28/2004 3:48:39 PM Several users.



MAY 19 2005

SCANNED

PROVIDED

1	Nave, Martin L.; June 1, 1886; Spring Creek	50
2	Nave, Martin L.; June 1, 1886; Moody Creek	50
3	To be reduced to 25 inches after June 20th of each year	25
4	Nave, Martin L.; June 1, 1886; Teton River	25
5	Breckenridge, David; June 1, 1887; North Leigh Creek; also Swamp Creek for a late right	260
6	Borrowman, John; June 1, 1887; Wood Creek and Springs	60
7	Jeppson, Hans J.; June 1, 1887; Bigler Slough	80
8	Hegsted, Victor; Sept. 1, 1887; Horse Shoe Creek	30
9	Hegsted, Victor; June 1, 1888; Horse Shoe Creek	290
10	North Salem Agricultural & Milling Canal Co.; Teton River	1,325
11	As a high water right until July 1st of each year	160
12	Walters, William; June 1, 1888; Teton River. (Stewart & Walters Ditch.) Joint appropriation with Mons H. Anderson	160
13	Woods, William S.; June 1, 1888; Twin Creeks	160
14	Woodmansee, Charles H.; Mar. 15, 1889; Moody Creek	160
15	To be reduced to 80 inches after June 20th of each year	160
16	Curtis, Owen; Apr. 1, 1889; Trail Creek	160
17	Little, Zina W.; Apr. 1, 1889; South Leigh Creek	120
18	Hill, William; Apr. 5, 1889; Pack Saddle Creek	280
19	Mortensen, Christian; May 1, 1889; Teton River. (Through the Nelson-Jacobs Ditch)	112
20	Bates, Thomas; May 3, 1889; Mahogany Creek	140
21	Beezley, Ebenezer, and J.; June 1, 1889; Fox Creek	80
22	Drake, Fred J.; June 1, 1889; John Creek	150
23	Blanchard, John; June 1, 1889; Warm Creek	40
24	Bowles, H. C.; June 1, 1889; Spring Creek	140
25	Drake, William; June 1, 1889; Mahogany Creek	10
26	Lund, William P.; June 1, 1889; Mahogany Creek	160
27	Hubbard, Frank, and wife; June 1, 1889; North Leigh Creek	150
28	Swanner, Samuel; June 1, 1889; South Leigh Creek	40
29	Walton, D. O.; June 1, 1889; Darby Creek	20
30	Jones, Benjamin; June 1, 1889; Trail Creek	160
31	McPherson, Abner; June 10, 1889; North Leigh Creek	160
32	Farsons, F. W.; June 15, 1889; Trail Creek	95
33	Tonks, George M.; July 5, 1889; Trail Creek	55
34	Tonks, George M.; July 15, 1889; Fox Creek	80
35	Kirsley, Mary E.; Sept. 1, 1889; Warm Creek, Spring Creek and Deep Creek	620
36	Woodmansee-Johnson Ditch; Oct. 1, 1889; Teton River	3,000
37	Rexburg 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	3,000
38	Teton Irrigation & Manufacturing Co.; Oct. 2, 1889; Teton River. (To be diverted at the Bird head-gate near the Teton Mill	500
39	Kirsley, Mary E.; Apr. 1, 1890; Warm Creek; Spring Creek and Deep Creek	80
40	Sinclair, D. R., Adminr. Estate of Fred Sinclair (deceased); April 1, 1890; Trail Creek	115
41	Wolf Ditch Co.; Apr. 1, 1890; Teton River	2,335
42	Robertson, John; Apr. 1, 1890; Trail Creek	87

82	Rice, Ed.; Apr. 1, 1890; Trail Creek	160
83	Curtis, Nahum; Apr. 1, 1890; Trail Creek	160
84	Blanchard, John; Apr. 1, 1890; Trail Creek	120
85	Eynon, John; Apr. 1, 1890; Trail Creek	80
86	Paul, John; June 1, 1890; Springs on land	15
87	Paul, William H.; June 1, 1890; Little Springs and Deep Creek	60
88	Jenkins, William; June 1, 1890; Fox Creek	80
89	Kimball, R. C., and A. L.; June 1, 1890; Fox Creek	110
90	Lawson, B. G.; June 1, 1890; Spring Creek	240
91	Murphy, G. M.; June 1, 1890; Darby Creek	150
92	Smith, C. M.; Jan. 1, 1890; Darby Creek	160
93	Walton, D. O.; June 1, 1890; Darby Creek	140
94	Shaw, O. W.; June 1, 1890; North Leigh Creek or Spring Creek	135
95	Yearsley, H. C.; June 1, 1890; Spring Creek	240
96	Drake, Richard; June 1, 1890; Patterson Creek	160
97	Chelsey, John P.; June 1, 1890; Paul Spring Creek, Grove Creek, Deep Creek and Little Spring Creek	200
98	Byrne, Michael; June 1, 1890; Fox Creek	85
99	Buxton, Mary A.; June 1, 1890; Sloughs from Twin Creeks	100
100	Beezley, Ebenezer, and J.; June 1, 1890; Fox Creek	80
101	Andrews, L. W.; June 1, 1890; Grove Creek	120
102	Durney, P. S.; June 1, 1900; Trail Creek	15
103	Foote, Arthur L.; June 1, 1890; Mahogany Creek	145
104	Ferguson, John; June 1, 1890; Grove Creek and Willow Spring Creek	100
105	Eames, William; June 1, 1890; Spring Creek	240
106	Edlefson, E. B.; June 1, 1890; Leigh Creek	155
107	Drake, Lavina; June 1, 1890; Boquat Creek and Drake Creek	160
108	Drake, William; July 1, 1890; Mahogany Creek	150
109	Tonks, William H.; July 15, 1890; Trail Creek	135
110	Curtis, Clarissa A.; Sept. 1, 1890; Trail Creek	160
111	Rice, A. L.; Jan. 1, 1891; Patterson Creek	160
112	O'Brien, James A.; June 1, 1891; North Leigh Creek	100
113	Siddoway-Briggs Co.; June 1, 1891; Teton River. (For power purposes)	2,600
114	Sinclair, D. R.; Adminr. Estate of Fred Sinclair (deceased); June 1, 1891; Eynon Ditch	20
115	Smith, Ellington; June 1, 1891; Spring Creek, Darby Creek and Crandall Springs	100
116	Shaw, L. C.; June 1, 1891; Ragder Creek and water from springs on T. A. Phillips' land	200
117	Swanner, Samuel; June 1, 1891; South Leigh Creek	120
118	Hubbard, Susan; June 1, 1891; North Leigh Creek and Middle Leigh Creek	150
119	Harrop, Samuel; June 1, 1891; Leigh Creek	200
120	Hill, Mary Ann; June 1, 1891; Pack Saddle Creek	120
121	Clark & Houghton; June 1, 1891; Teton River	160
122	Dewey, George A.; June 1, 1891; Fox Creek	160
123	Barney, Walter; June 1, 1891; South Leigh Creek	160
124	Bowles, Sarah; June 1, 1891; Spring Creek	100
125	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	640
126	Edlefson, Noah C.; June 1, 1891; Leigh Creek	40
127	Siddoway Irrigation & Manufacturing Co.; July 1, 1891; Teton River	300

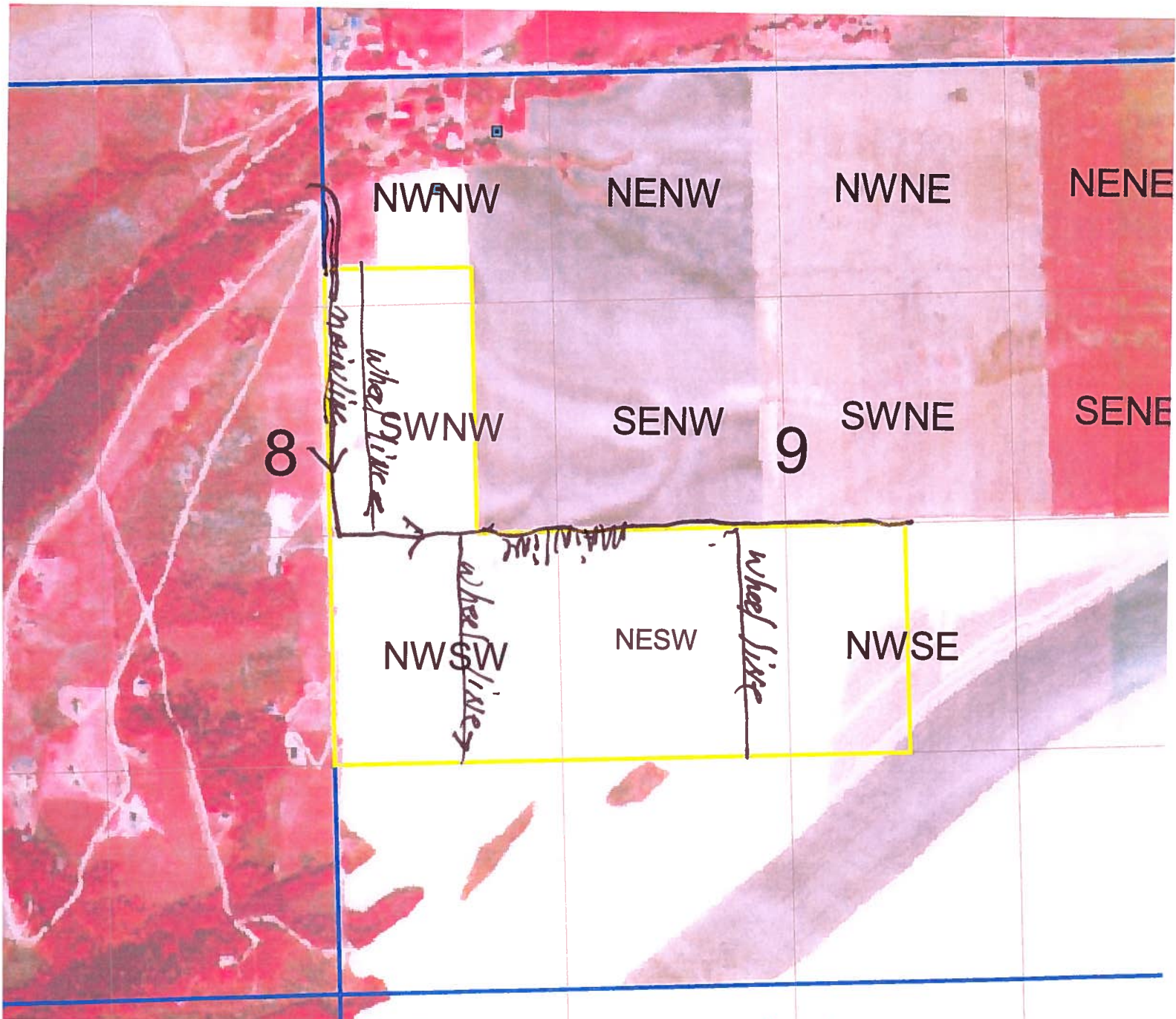
PROFILED

SCANNED
MAY 19 2005

SCANNED

22-326D

6/28/04 DO
AR



FILED

SCANNED
MAY 19 2005

WATER RIGHT NO. 22-326D
As Modified by Transfer No. 70253

In accordance with the approval of Transfer No. 70253, Water Right No. 22-326D is now described as follows.

Right Holder: GARRY L LERWILL And
 Verna J Lerwill
 250 N 800 W
 TETONIA ID 83452

Priority Date: April 05, 1889

Source: PACKSADDLE CREEK

Tributary: TETON RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01 to 11/01		0.50 CFS	87.5 AF
			0.50 CFS	87.5 AF

LOCATION OF POINT(S) OF DIVERSION:

PACKSADDLE CREEK NESW Sec. 8 Twp 05N Rge 44E TETON County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	44E	9					4.0	25.0			40.0	40.0					21.0		130.0
Total Acres:			130																

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 25 acres within the place of use described above in a single irrigation season.
2. Rights 22-325B, 22-326D and 22-2002A when combined shall not exceed a total annual maximum diversion volume of 455 af at the field headgate, and the irrigation of 130 acres.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
4. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 01.
5. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
6. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 28th day of January, 2003


 Chief, Water Allocation Bureau

1 of 8

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Applicant Gary or Verna Lerwill Phone 208 456-2579

Office address 250 N 800 W, Teton Id 83452

PURPOSE OF TRANSFER

- ☐ Change point of diversion
- ☐ Add diversion point(s)
- ☒ Change place of use
- ☐ Change nature of use
- ☐ Change period of use
- ☐ Other

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NOV 07 2002
Department of Water Resources
Eastern Region

Describe the reason for the proposed changes Sold portion of land & retained water right moving water to more productive land will reduce cfs to 0.02 cfs / acre

DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use	
22-325 B	6/1/1891	0.50 cfs	IRRIGATION	4/1	to 11/1
22-326 D	4/5/1889	0.50 cfs	IRRIGATION	4/1	to 11/1
22-2002 A	1/8/1904	1.60 cfs	IRRIGATION	4/1	to 11/1

Total amount of water being transferred 2.60 cubic feet per second and/or acre-feet per annum.

Source of water Packsaddle Creek tributary to Teton River

Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
		NE	SW	8	5N	44E	Teton	

Lands irrigated or place of use:

wp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
N	44E	9						4	25		40	40				21			130

2 of 8

PART 1

Transfer No. 70253

General Information:

Description of diversion system DIVERSION Box Headgate to pipeline

Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?

Yes ☒ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

will be dry farmed.

Remarks:

Rights 22-3258 + 22-3260 limited to 50 acres

Right 22-2002A limited to 125 acres

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

the said application is hereby _____, subject to the following conditions:

Witness my hand this _____ day of _____, 20 _____.

For the Director

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 22-325B

WATER RIGHT NUMBER: 22-325B

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	VERNA LERWILL
	TETONIA, ID 83452
Current Owner	GARRY LERWILL
	891 W 400 N PACKSADDLE RD
	TETONIA, ID 83452
	(208)456-2579

Priority Date: 06/01/1891
Basis: Decreed
Status: Active

<u>Source</u>	<u>Tributary</u>
PACKSADDLE CREEK	TETON RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01	to 11/01	0.500 CFS	
	<u>Total Diversion:</u>		0.500 CFS	

<u>Location of Point(s) of Diversion</u>		
PACKSADDLE CREEK	NE1/4SW1/4	Sec. 8, Twp 05N, Rge 44E, B.M.
TETON County		

Place of Use
IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	44E	9						25.0	25.0			40.0	40.0						130.0

Total Acres: 130

Conditions of Approval:

Remarks:

- General TRANS. 2883. MOVED WATER TO INITIAL 25 ACRES. PIPELINE TAKES ALL RIGHTS USED AND SPREADS THEM OVER THE 130 ACRES IRRIG. TOTALLY.

Comments:

Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 22-2002A

WATER RIGHT NUMBER: 22-2002A

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	GARRY LERWILL 891 W 400 N PACKSADDLE RD TETONIA, ID 83452 (208)456-2579
Current Owner	VERNA LERWILL TETONIA, ID 83452

Priority Date: 01/08/1904
Basis: License
Status: Active

<u>Source</u>	<u>Tributary</u>
PACKSADDLE CREEK	TETON RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 11/01	2.600 CFS	
	<u>Total Diversion:</u>	2.600 CFS	

<u>Location of Point(s) of Diversion</u>		
PACKSADDLE CREEK	NE1/4SW1/4	Sec. 8, Twp 05N, Rge 44E, B.M.
TETON County		

Place of Use
IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	44E	9						25.0	25.0			40.0	40.0						130.0

Total Acres: 130

Conditions of Approval:

Remarks:

- General RIGHTS ARE COMBINED IN PIPELINE AND USED OVER ALL OF APPLICANTS GROUND

Comments:

Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 22-326D

WATER RIGHT NUMBER: 22-326D

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Department of Water Resources
Eastern Region

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	GARRY LERWILL 891 W 400 N PACKSADDLE RD TETONIA, ID 83452 (208)456-2579
Current Owner	VERNA LERWILL 891 W 400 N PACKSADDLE RD TETONIA, ID 83452 (208)456-2579
Original Owner	LERWILLS SQUARE GV RANCH , ZZ

Priority Date: 04/05/1889

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
PACKSADDLE CREEK	TETON RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 11/01	0.500 CFS	
	<u>Total Diversion:</u>	0.500 CFS	

Location of Point(s) of Diversion

PACKSADDLE CREEK	NE1/4SW1/4	Sec. 8, Twp 05N, Rge 44E, B.M.
TETON County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	44E	9						25.0	25.0			40.0	40.0						130.0

Total Acres: 130

Conditions of Approval:

Remarks:

- General TRANS. #2883 P/D PACKSADDLE PIPELINE, SPRINKLER SYSTEM.

Comments:

4.305

25.582

39.963

39.961

21.020

T70253

page 6 of 8

30ac

SWNW

9

40ac

NWSW

40ac

NESW

20ac

NESW

16

T70253

page 7 of 8

NOV 07 2002

Department of Water Resources
Eastern Region
Hours/days/year

Period of Use

CHANGES IN NATURE OF USE

New Nature of Use

Amount(cfs/af-ft)

to

to

Quantity and quality of return flows and location of discharge:

Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

Larry L. Hennell
(Signature of Applicant)

Subscribed and sworn to before me this 5th day of November, 20 02.

Jerrilee J. Brower
(Notary Public)

My commission expires 2.27.04

JERRILEE J. BROWER
NOTARY PUBLIC
STATE OF IDAHO

FOR DEPARTMENT USE ONLY

Transfer contains 8 pages and 5 attachments

Received by KCW Date 11-1-2002 Protest filed by _____

Prelim. Check by _____ Fee \$370 EG28217

Receipted by KCW Date 10-4-2002

Published in Teton Valley News Copies of protest forwarded by _____

Pub. Dates Nov 21 & 28 2002 Hearing held by _____ Date _____

Watermaster recommendations requested on _____ Recommended for ☐ approval ☐ denial

_____ received _____ by _____

Copy of transfer sent to lien holder _____

Transfer No. 2883Water Right No. 22-0326 A,
22-0325

NOV 3 1993

Department of Water Resources
Eastern District OfficeSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCESAPPLICATION FOR TRANSFER OF WATER RIGHT **APPROVED**

To Change the Point of Diversion and/or the Place of Use

Name of applicant Lerwill's Square G.V. Ranch or Garry Lerwill Phone 456-2579
or Verna Lerwill
Post Office address Star Route, Teton, ID 83452

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 22-0326A Decreed to William Hill (Name)
in case of Rexburg Irrigation Co. et al vs Teton Irrigation Canal Co. et al
dated in 12/16-1910 in 6th District Court county of Fremont
(Name of court)
- b. License No. _____ issued by the Idaho Department of Water Resources
- c. Claim No. _____ on file with the Idaho Department of Water Resources

2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant _____
Water right was obtained through purchase of property

3. Source of water Packsaddle Creek tributary to Teton River

4. Date of priority 4-05-1889

5. Water is used for the following purposes:

amount 4.60 cfs for irrigation purposes from 4/1 to 11/1
amount _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(month/day — both dates inclusive)

6. Total amount of water under right: a. 4.60 cubic feet per second
&/or
b. _____ acre feet per annum

7. Location of original point of diversion is * 1/4 of _____ 1/4 of Section _____
Township _____ Range _____, B.M., in _____ County
Additional points of diversion, if any *Not specified in decree

8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE%				NW%				SW%				SE%				TOTALS
			NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	
5N	44E	9						40											40
		4		40							30	25	25	30			40		190

Total number of acres to be irrigated 230

9. Describe any other water rights used for the same purpose as described above _____
None

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of nonuse? No If yes, describe in item D, REMARKS.

omit part B).

1. Amount of water: a. 1.50 cubic feet per second
&/or
b. _____ acre feet per annum
2. Point of diversion * $\frac{1}{4}$ _____ $\frac{1}{4}$, Section _____ Township _____
Range _____, B.M., _____ County
Additional points *Not specified in decree
3. Place of use:

TWP.	RANGE	SEC.	NE%				NW%				SW%				SE%				TOTALS
			NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	
5N	44E	9						25											25

Total number of acres to be irrigated 25

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. General Information

- a. Amount of water to be diverted 1.00 c.f.s. &/or _____ acre feet
- b. Description of diverting works concrete collection box and pipeline
- c. Describe the reasons for the proposed changes Point of diversion is being changed to the headworks for Packsaddle Pipeline Co. sprinkler sysem

2. Change in point of diversion

Point of diversion NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 8 Township 5N
Range 44E, B.M., Teton County
Additional points _____

3. Change in place of use

- a. Are there liens, mortgages, or contracts on the lands from which you propose to transfer the water right which limit your authority to make the proposed change? Yes _____ No X. If yes, provide a statement agreeing to the proposed change from the holder of the lien, mortgage or contract.
- b. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer No change in the place of use

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 22-0325 Decreed to Mary Ann Hill
in case of Rexburg Irrigation Co. et al vs Teton Irrigation Canal Co. et al
dated in 12-16-1910 in 6th District Court county of Fremont
(Name of court)
- b. License No. _____ issued by the Idaho Department of Water Resources
- c. Claim No. _____ on file with the Idaho Department of Water Resources

2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant _____
Water right obtained through purchase of property

3. Source of water Packsaddle Creek tributary to Teton River

4. Date of priority 6-01-1891

5. Water is used for the following purposes:
amount 2.40 for irrigation purposes from Apr. 1 to Nov. 1
amount _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(month/day — both dates inclusive)

6. Total amount of water under right: a. 2.40 cubic feet per second
&/or
b. _____ acre feet per annum

7. Location of original point of diversion is * % of _____ % of Section _____
Township _____ Range _____, B.M., in _____ County
Additional points of diversion, if any *Not specified in decree

8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
5N	44E	9					40		40	40									120

Total number of acres to be irrigated 120

9. Describe any other water rights used for the same purpose as described above None

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of nonuse? No If yes, describe in item D. REMARKS.

B. DESCRIPTION OF PORTION OF RIGHT OWNED BY APPLICANT (If the entire right is owned by the applicant, omit part B).

1. Amount of water: a. 0.50 cubic feet per second
&/or
b. acre feet per annum
2. Point of diversion * 1/4, Section Township
Range B.M., County
Additional points *Not specified in decree

3. Place of use:

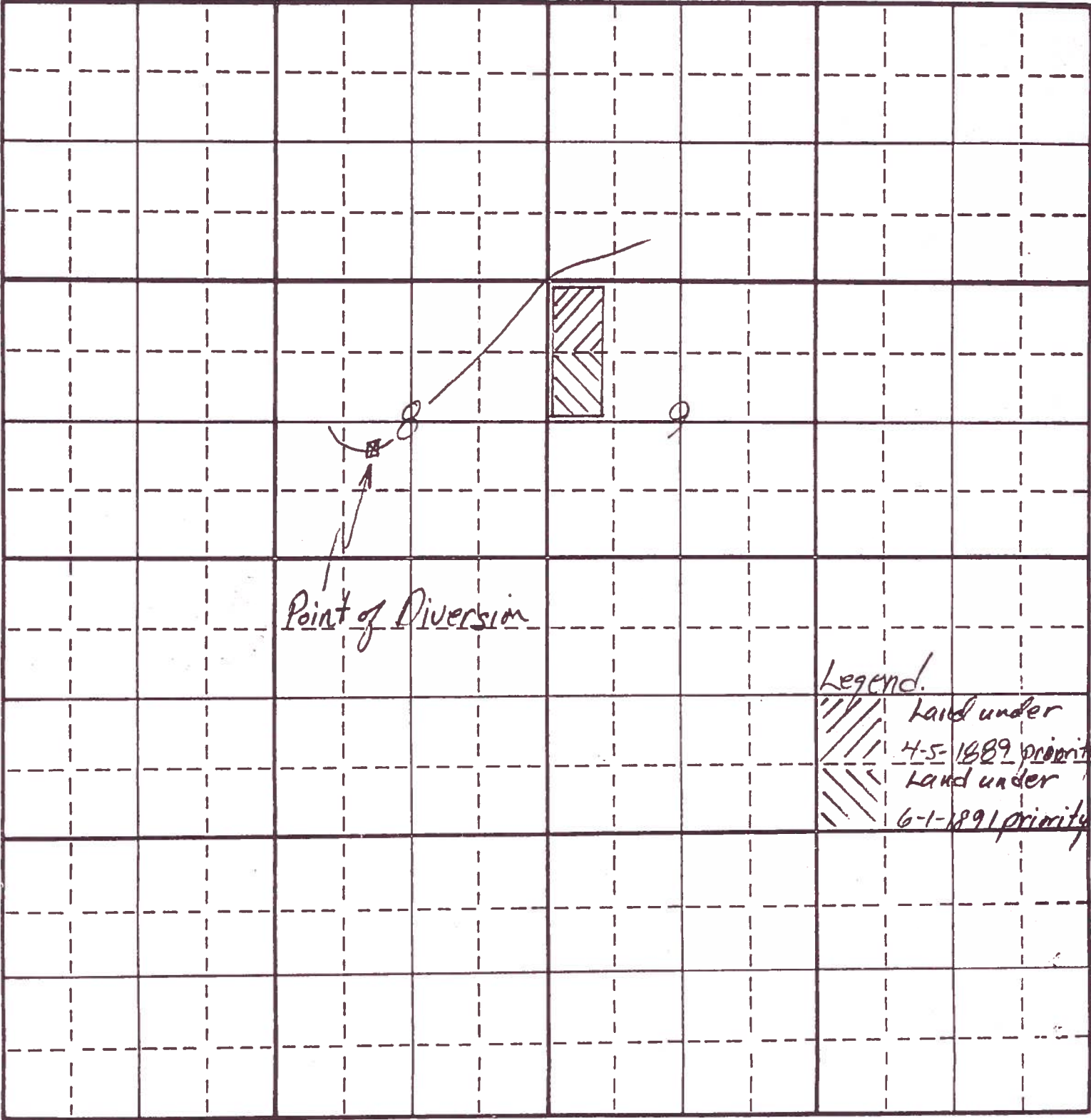
TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
5N	44E	9						25											25

Total number of acres to be irrigated 25

TWP.	RANGE	SEC.	NE%				NW%				SW%				SE%				TOTALS
			NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	
5N	44E	9						25	25										50

Total number of acres to be irrigated 50

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.



D. REMARKS

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willfull misrepresentations made in this application may result in voiding its approval.

Subscribed and sworn to before me this 6th day of July, 19 82
Harry Lemwill
(Signature of Applicant)
Robert A. Beel
(Notary Public)

My commission expires 1-25-85

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 22-0325B & 22-0326D and said application is hereby APPROVED, subject to the following limitations and conditions:

1. A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works.
2. Use of water under this transfer is subject to control by the watermaster of State Water District No. 01, Snake River.

Witness my hand this 1st day of November, 19 83

J. Glen Saxton
Chief, Operations Bureau

FOR DEPARTMENT USE ONLY

Received by <u>SM</u>	Date <u>6/15/83</u>	Protest filed by _____
Prelim. check by <u>HGJ</u>	Fee <u>50⁰⁰</u>	_____
Receipted by <u>BP</u>	Date <u>6/15/83</u> # <u>30876</u>	_____
Published in <u>Teton Valley News</u>	Copies of protest forwarded by _____	
Pub. dates <u>7/28 ; 8/4/83</u>	Hearing held by _____ Date _____	
Watermaster recommendation requested on <u>7-22-83</u>	Recommended for <u>approval</u> denial _____	
<u>WD#1</u> rec'd. <u>7-26-83</u>	by <u>Jim DET</u>	

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: A22-00326D
Date Received: 9/21/1988
Receipt No: EGG2593
Received By: HWT

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: GARRY LERWILL 208-456-2579
Address: 891 W. 400 N. PACKSADDLE RD.
TETONIA, ID 83452
OR
Name: Verna Lerwill 208-456-2579
Address: 891 W. 400 N. PACKSADDLE RD.
TETONIA, ID 83452

2. Date of Priority: APR 05, 1889

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
05N	44E	8	NE	SW			TETON

5. Description of diverting works:
CONCRETE COLLECTION BOX TO PIPELINE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.500		

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

8. Total consumptive use is 260.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A22-00326D

Page 1

Date: 09/26/88

SCANNED
MAY 19 2005

PROFILED

MICROFILMED
NOV 04 1992

A2200326D



10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
05N	44E	9	NW		NW		IRR	25.0
			SW		NW		IRR	25.0
			NE		SW		IRR	40.0
			NW		SW		IRR	40.0
							Section Acres	130.0
							Total Acres	130.0

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:
22-0325B AND A22-02002A

14. Remarks:
TRANS. #2883
P/D PACKSADDLE PIPELINE, SPRINKLER SYSTEM.

15. Basis of Claim: DECREED
Water Right Number: 220326
Case Number:
Court :
Decree date: 12/16/1910

REXBURG IRR. CO., ET AL
Decree Plaintiff

vs

TETON IRR. CANAL., ET AL
Decree Defendant

SCANNED
MAY 19 2005

PROFILED

MICROFILMED
NOV 04 1992

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): *Gary L. Jewell* Date: *9/26/88*
_____ Date: _____

State of Idaho)
County of *Bonneville*) SS.

Subscribed and sworn (or affirmed) before me this *26*th day
of *September* 19 *88*

Betty J. Thompson
Notary Public

Seal

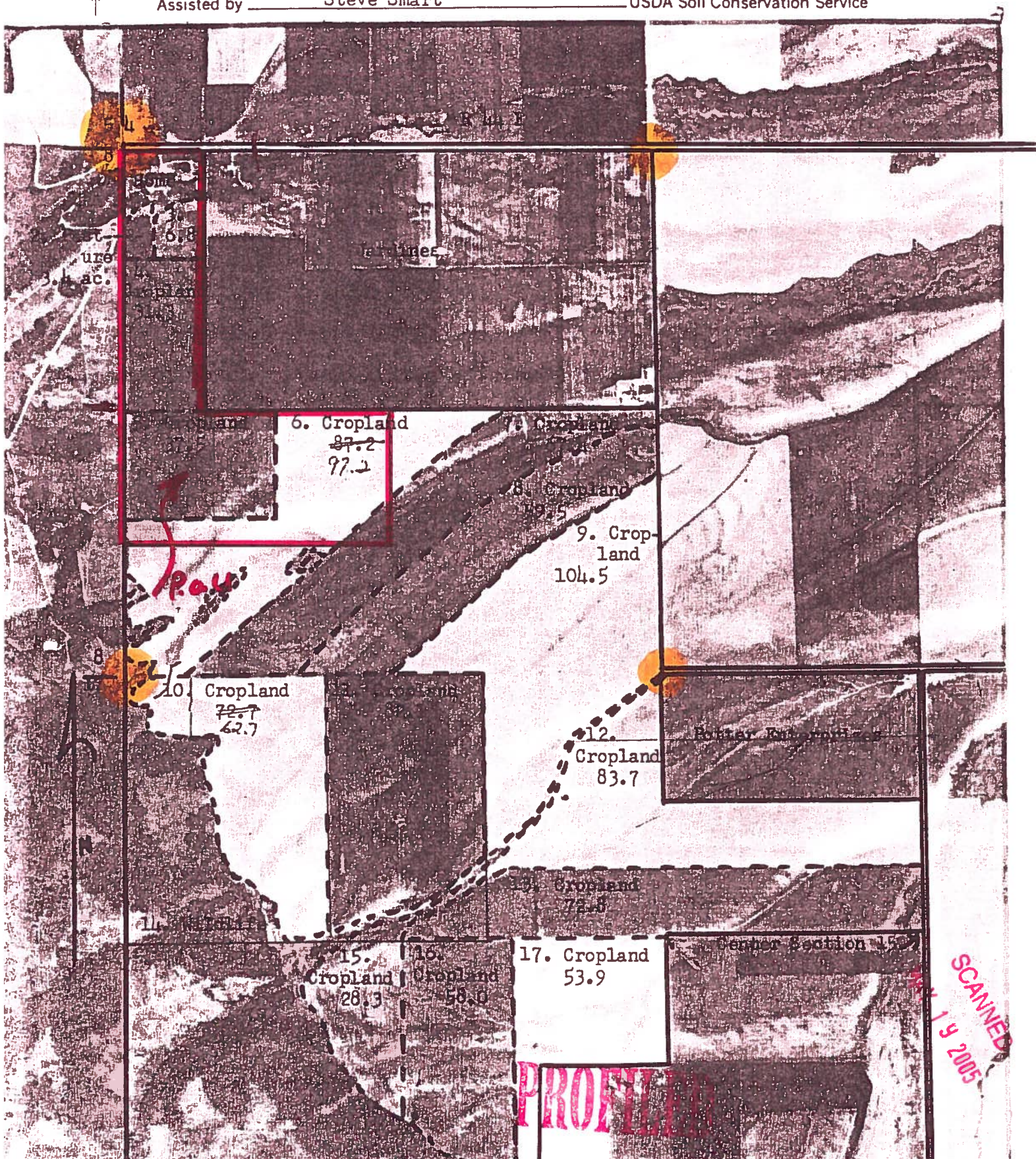
Residing at *Idaho Falls*
My Commission Expires *6-94*

CONSERVATION SERVICE
A22-003260

Owner Garry Lerwill Operator same A22-8
County Teton State Idaho Date 8-81
Approximate acres 1045 Approximate scale 4" = 1 mile
Cooperating with Teton Soil Conservation District
Plan identification _____ Photo number _____
Assisted by Steve Smart USDA Soil Conservation Service

MICROFILMED

NOV 04 1992



SCANNED
by 2005