

IDAHO DEPARTMENT OF WATER RESOURCES RECOMMENDED
WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 22-683B

NAME AND ADDRESS:

RICHARD HOWARD GEBHARD
PO BOX 168
VICTOR ID 83455

SOURCE: Source: Tributary:
POLE CREEK SINKS

QUANTITY: 0.100 CFS ~~0.250 CFS~~

The rights listed below are limited to a total combined diversion rate of 2.00 cfs.
Combined Right Nos.: 22-683A, 22-683B and 22-13915.

The quantity of water under this right for stockwater use shall not exceed 13,000
gallons per day.

~~The quantity of water under this right for stockwater use shall not exceed 13,000
gallons per day.~~

PRIORITY DATE: 10/22/1901

POINT OF DIVERSION:

T03N R45E S26 Lot 4 SWNNWN Within TETON County

PURPOSE AND
PERIOD OF USE:

Purpose of use	Period of use:	Quantity:
IRRIGATION	04/15 10/31	<u>0.100 CFS</u> 0.250 CFS
STOCKWATER	01/01 12/31	0.020 CFS

PLACE OF USE: IRRIGATION within TETON County
T03N R45E S23 SWSW 4.0

STOCKWATER within TETON County
T03N R45E S23 SWSW

4 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 47.8 acres in a
single irrigation season. Combined Right Nos.: 22-683A, 22-683B and 22-13915.

Place of use does not include federal public lands.

~~The place of use lies within Homestead Entry Survey No. 253, Tract B.~~

IDAHO DEPARTMENT OF WATER RESOURCES RECOMMENDED
WATER RIGHTS ACQUIRED UNDER STATE LAW

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

Property is also known as Homestead Entry Survey No. 253 Tracts B.

The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

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:

22-683B
(Irrigation)

R4SE

SCANNED
AUG 03 2007

Legend

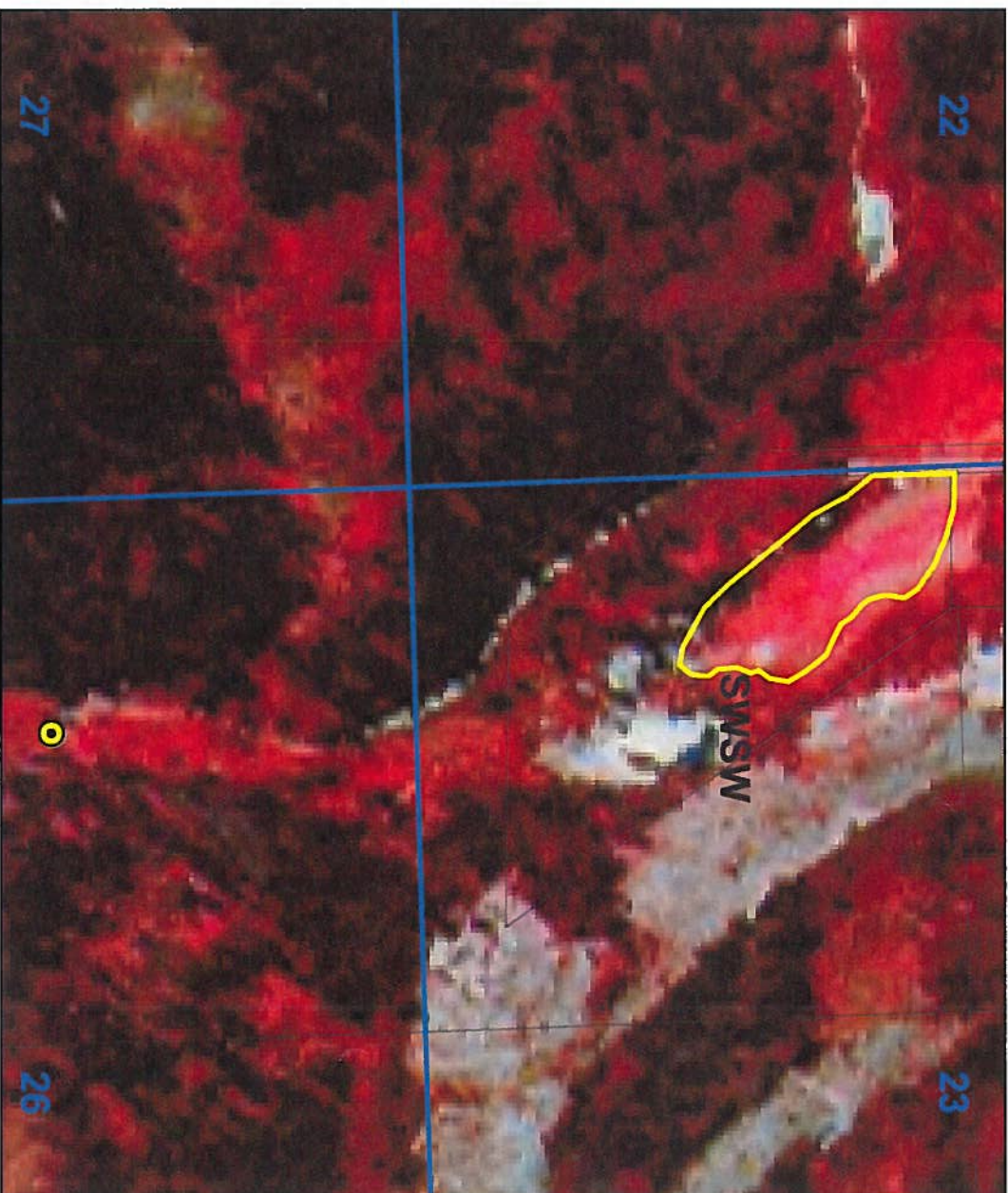
- Point of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters



Teton County
IDWR Basin 22



T03N



0 0.2 0.4 Miles

Prepared by T. Galbraith
On Thursday, July 19, 2007
1987/88 Aerial Photography

02/09/2006

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: 22-683B

RICHARD HOWARD GEBHARD

PO BOX 168

VICTOR ID 83455

Telephone Number: (208)787-2405

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

— None —

2. Describe the changes you wish to make in the proposed recommendation:

— None —

3. Give a brief explanation as to why you disagree with these portions:

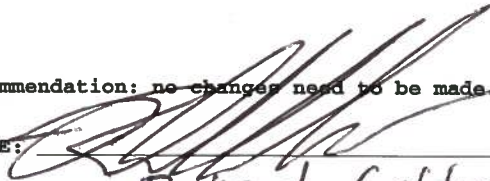
— Don't —

___ I AGREE with this proposed recommendation: no changes need to be made.

DATE:

12-15-06

SIGNATURE:



Please print your name:

Richard Gebhard

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

gc

SCANNED

AUG 03 2007

Dec 06 06 08:23a

Deb Gebhard

949-45 312

p.1

02/09/2006

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: 22-683B

RICHARD HOWARD GEBHARD

PO BOX 168

VICTOR ID 83455

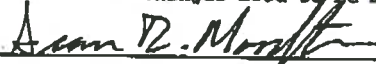
Telephone Number: (208)787-2405

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source): Purpose and Period of Use -- Quantity is insufficient, see attached Adjudication Claim Report 22-683B. Claimant is entitled to .250 CFS for Irrigation.
2. Describe the changes you wish to make in the proposed recommendation: Claimant requests an additional 0.156 CFS in accordance with IDWR / USFS stipulation.
3. Give a brief explanation as to why you disagree with these portions: Insufficient quantity and not representative of historic use.

☐ I AGREE with this proposed recommendation: no changes need to be made.

DATE: 12/11/06

SIGNATURE:



Please print your name: Sean R. Moulton

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

Based on the description of the POU mapped out on attached sheet, it is obvious that Mr. Gebhard owns more of the POU that was decreed than 4 ac. Increasing the quantity to the requested amount.

KM

SCANNED

AUG 03 2007

Received Time-Dec. 11.- 2:16PM

Claim no. 22-6838

Claimant Contact Log

Date Remarks Agent initials

3/3/04 Telephoned claimant - Messg to call back - Needs to provide cc of DEED - WR claim is DISPROPORTIONATE TO AC FROM DEEDS.

3/3/04 Requested cc of Pending Tx from ROGOLMANOR VIA E-MAIL

3/11/04 Spoke to MR. GERNARD (TERR) DISCUSSED THE AVAILABILITY OF THE POLE CANYON WATER TILL JUNE. THEN IT DRIES UP TILL FALL THEN STARTS AGAIN FOR STOCKWATER USE. ADVISED TO HAVE HIS RANCH MANAGER, TRAVIS WIGLTON, MEET W/ ME ON MARCH 17 AT THE PRINCEVEST MEETING @ DRUGS

MEET WITH TRAVIS AT POU. HAVE A POND AND A COUPLE OF NEW HOUSES. HAVE PUT SPRINKLERS UP AROUND HOUSE BUT THREW TREES ARE IRRIGATING NON IRRIGATED GROUND HAVE PUT IN A LARGE RECREATION POND HAVE THE ENTIRE WATER IN POLE CREEK RUNNING INTO POND THEN ITS DIVERTED BACK INTO POLE CREEK AND RUNS DOWN POLE CREEK FOR APPROX 1/4 TO 1/2 MILE. AND SINKS.

NICK 11-11-04 Date

SCANNED

AUG 03 2007

Contacts Data Entry Form

Water Right No. 22-683B

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

Current Owner RICHARD GEBHARD

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

Current Owner _____

Current Owner _____

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:

DESCRIBED UNDER MURDOCK vs EAGLE (WM), 18 Aug 1965. *RIGHT APPARENTLY SPLIT AT SRBA AS:22-683A, 1.75 cfs / 58° AC, G. GRANDY, 0.0302 cfs/AC - OVERCLAIMED22-683B, 0.27 cfs / 16° AC, R. GEBHARD, 0.0156 cfs/AC - UNDERCLAIMEDOVERCLAIMED BY 0.02 cfs, WHICH IS A STOCKWATERPORTION, WHICH WILL BE DISALLOWED. RECOMMEND0.25 cfs.ORIGINAL DECREE ALLOWS 100" OR 2° cfs ON 85³⁹ ACSEVERAL OTHER PRIOR DECREES - SEE MURDOCK vs EAGLE, 1965 IT 5.SEE ATTACHED COPY.Eq: PDD/PEU, Photo/GPS, CONFORMANCE/System

Reviewer: _____

Date: _____

SCANNED
AUG 03 2007

Priority Date Data Entry Form

Claim Number: _____

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: 10/22/1901 Claimed Basis: DIRECTRecommended Priority Date: 10/22/1901 Recommended Basis: DIRECT☐ 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 DISCREP

Reviewer: _____

Date: _____

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AUG 03 2007

Point of Diversion and Source Data Entry Form

Claim Number: _____

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

Source: _____ Tributary: _____

Claimed Point of Diversion: T 3N, R 4SE, Sec. 26, SW, SE, NW, County: TOTONSource: POLE CREEK Tributary: SINKS

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	
						<u>POLE CREEK</u>	<u>TRIB. TO SINKS</u>
GPS Coordinates: _____							
GPS Coordinates: _____							
GPS Coordinates: _____							
GPS Coordinates: _____							
GPS Coordinates: _____							
GPS Coordinates: _____							
GPS Coordinates: _____							

Other rights from this POD? _____

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

POD NOT SPECIFIED BY DECREE.
SOURCE BY USGS IS POLE CANYON. SOURCE BY DECREE
IS POLE CREEK. IDWR WE DATA BASE RECOGNIZES POLE CREEK. OK

Transfers Changing POD _____

Reviewer: _____

Date: _____

SCANNED
AUG 03 2007

Place Of Use Data Entry Form

Claim Number: _____

_____ Use Claimed POU as Recommended POU

Claimed Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
3N	4SE	23	SWSW		TETON		16 ⁰	Range

Total Acres 16⁰

Recommended Place of Use

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

Total Acres _____

Document how the POU was verified:

POU is part of HBS #253 Remark
BY DEEDS POU is defined by METES & BOUNDS as TRACTS "A"
AND "B" OF HBS.

Q: Which is TRACT "A" ~~X~~ Sec. 22 "B" ~~X~~ Sec. 23

Transfers Changing POU _____

Reviewer: _____

Date: _____

SCANNED
AUG 03 2007

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
PRRIG	4/1	10/30	0.25	
Stock	1/1	12/31	0.02	

Overall Diversion Rate 0.27

Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
PRRIG	4/1	10/31	0.25	

Overall Diversion Rate _____

Overall Diversion Volume _____

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

STOCKWATER NOT SO STATED BY DECREE ⇒ DISALLOWED

SOLD CLAIMS TO 10/30 - RECOMMEND 10/31, DEPT STD.

* $Q_{cts} = 0.02342 \text{ cfs/ac} \times 16^{\circ}\text{ac} = 0.375 \text{ cfs}$ - THIS RIGHT IS UNDERCLAIMED.

Reviewer: _____

Date: _____

SCANNED
AUG 03 2007

Claim no. A 2 2 - 6 8 3 - B



pond & pole Creek exiting pond



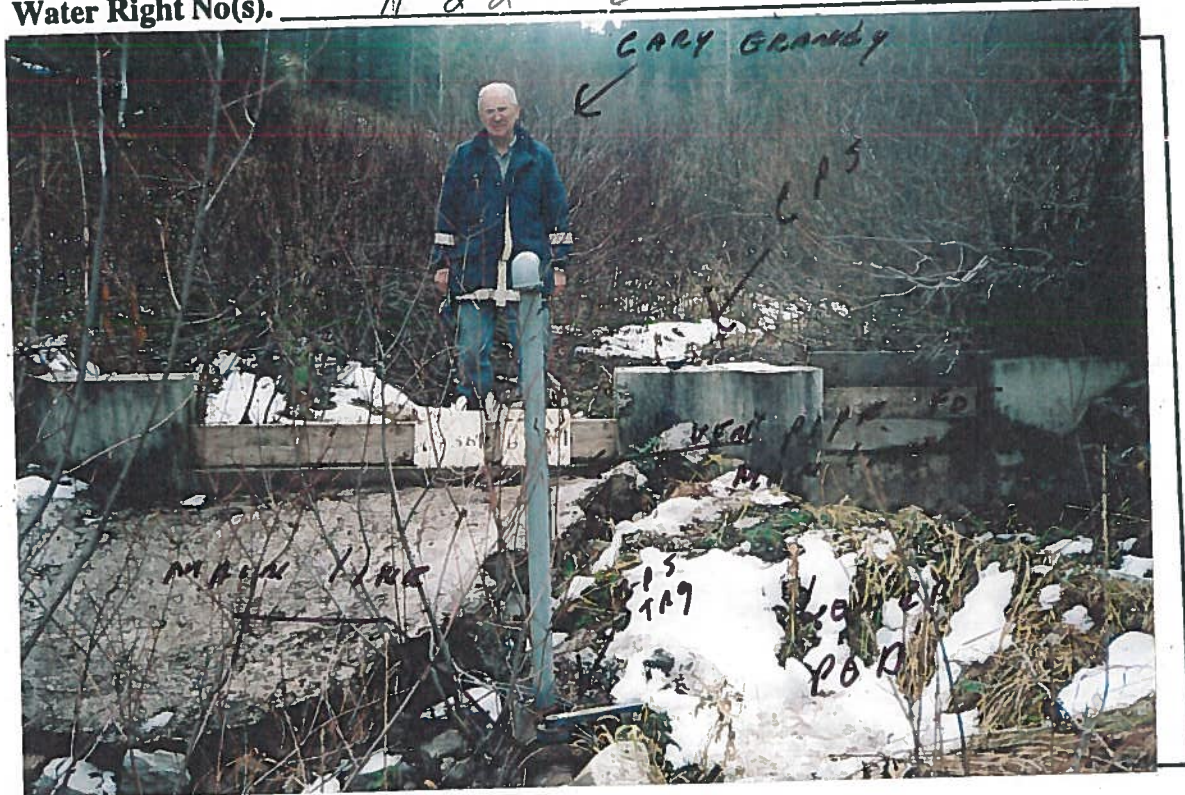
SCANNED
AUG 03 2007



PART OF POND CARY GRANDY + TRAVIS
MOULTON STANDING ON WALK ACROSS
POND

SCANNED
AUG 03 2007

Water Right No(s). A 22 - 683 B



GPS DATA:

Tag # A0000165 Location: ON MAIN LINE OUT OF CREEK

Diversion Data:

Source: POLE CREEK Trib to: SIXTIS

MOTOR

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

PUMP

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

NOTES:

HAS TWO POD GRAVITY FLOW INTO 6'
MAIN LINE. THEY TERR. GAL. UP AROUND THE NEW
HOUSE. HAVE SPRINKLER HEADS. THEY ALSO FILL A POND
THEY HAVE BUILT. WHEN I WAS THERE, ALL OF POLE CREEK
WAS GOING INTO THE POND. THEN DIVERTED BACK INTO POLE CREEK
WHICH RUN DOWN THE CREEK FOR APPROX. 1/4 MILE THEN SIXTIS

Field Exam Date: 11-11-04 Agent: NICK OLSON

SCANNED

AUG 03 2007



SCANNED
AUG 03 2007

Water Right No(s). A 22 - 683 B



GPS DATA:

Tag # A0000165 Location: on main line out of creek

Diversion Data:

Source: pole Creek Trib to: Sinks

MOTOR

Make: gravity flow Model: _____ Hp: _____
SN: _____

PUMP

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

NOTES:

HAS TWO POD gravity flow into 6'
main line. They irrigate up around the new
house. Have sprinkler heads. They also fill a pond
they have built. When I was there, all of pole creek
was going into the pond. Then diverted back into pole creek
which run down the creek for approx. 1/4 mile then sinks
Field Exam Date: 11-11-04 Agent: NICK O'ISON

SCANNED

AUG 03 2007



Claim no. A 2 2 - 6 8 3 - B



pond & pole Creek exiting pond



SCANNED
AUG 03 2007



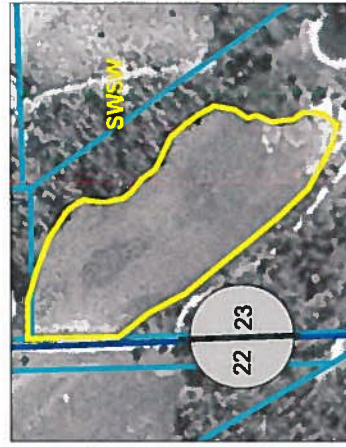
PART OF POND CARY GRANDY + TRAVIS
MOULTON STANDING ON WALK ACROSS
POND



State of Idaho Department of Water Resources Eastern Regeion



Claim No(s):
22-683B



GIS Place of Use Illustration
1992/1994 Photography
Prepared by T. Galbraith
Date: Feb. 2006



0.6 Miles

0.3

0

SCANNED
AUG 8 2007

1 070 000 FEET
(WYO.)

SWAN VALLEY (U.S. 281 21 MI)

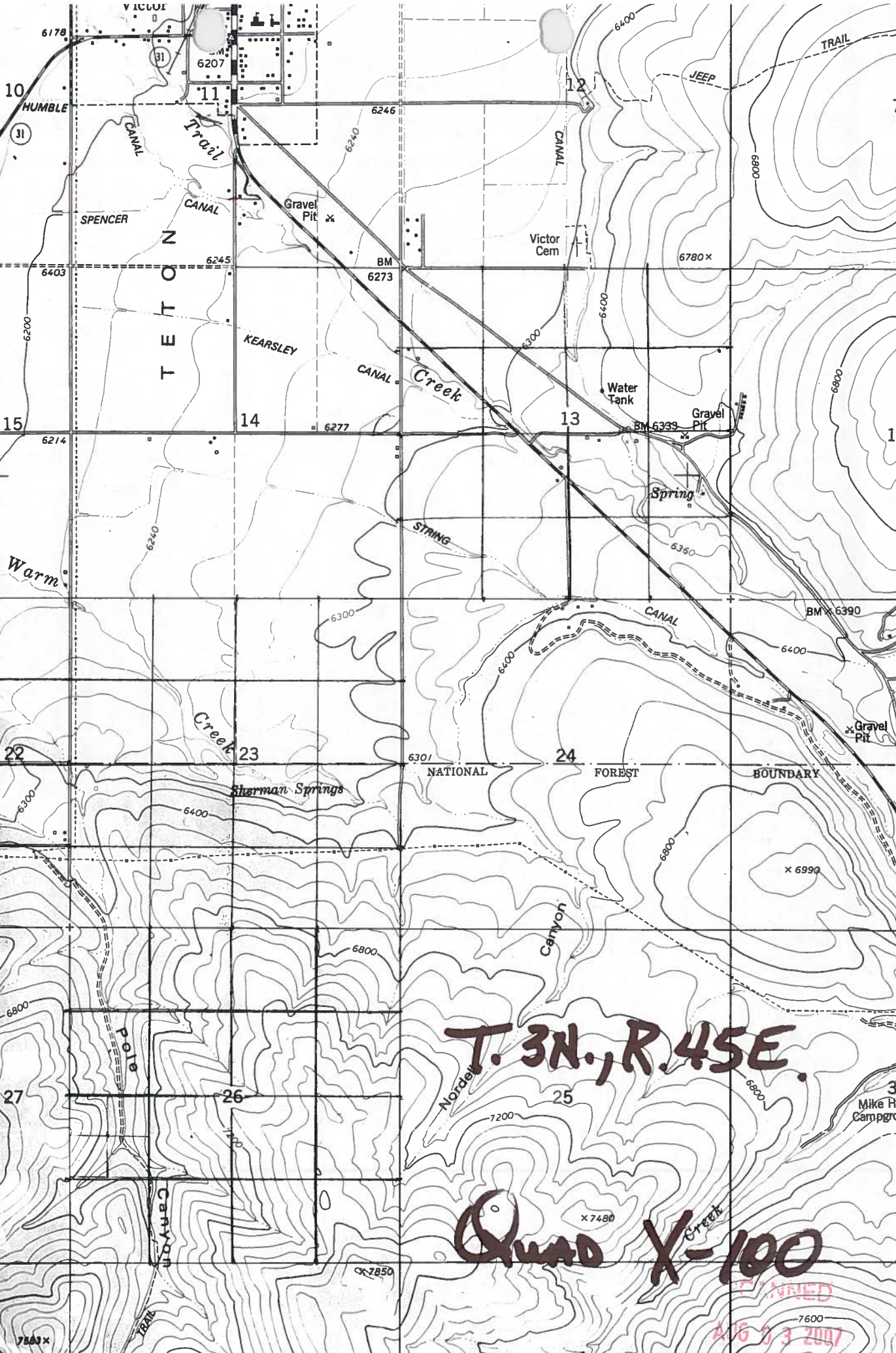
4826

35'

4825

3771 N SW
(FOURTH OF JULY PEAK)

4822



T. 3N., R. 45E.

Quand X-100

RECEIVED
AUG 23 2007

Reserve

N 89° 39' W
79.56

Warm

Ditch

Pole

Ditch

Sec. 23

Sec. 22

H.E.S. 225.6 H.E.S. 386

H.E.S. 253

H.E.S. 252

96.2

Tract A

14.75

23.6

23.05

37.00

5

40

44.91

38.52

3

4

42.64

42.44

42.24

42.04

1

80

40

27.30

22.30

17.30

3

4

41.85

41.60

4

9

2

4.38

4.15

25.0

100.00

20.00

20.97

80.97

20.00

100.00

N 89° 39' W
80.02

N 89° 42' W
80.02

80.02

80.02

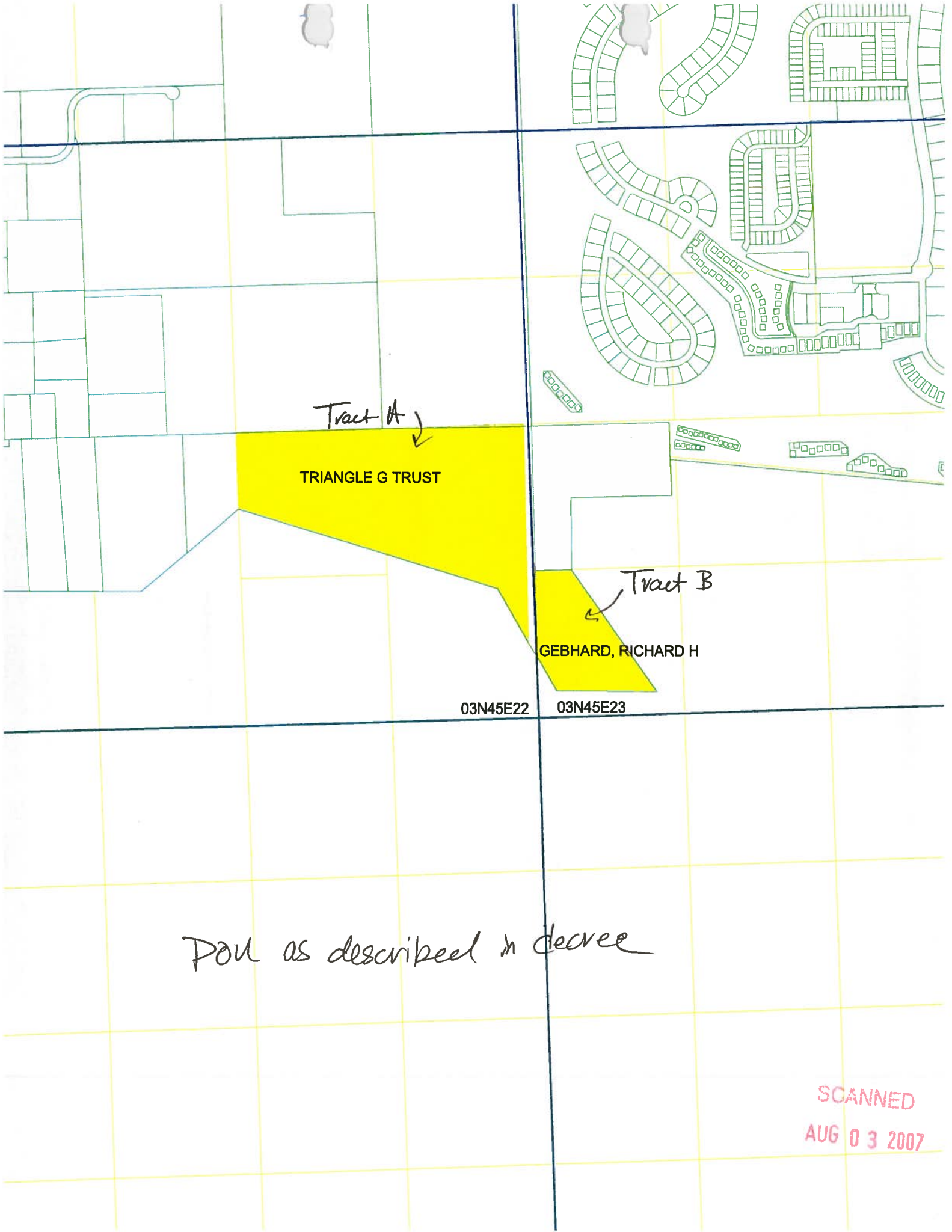
AUG 03 2007

T3N, R45E

Pole Canyon

22 23
27 26

SCANNED
AUG 03 2007



Tract A

TRIANGLE G TRUST

Tract B

GEBHARD, RICHARD H

03N45E22

03N45E23

Don as described in decree

SCANNED
AUG 03 2007

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 3509

Amended **APPLICATION FOR TRANSFER OF WATER RIGHT** Amended
PART 1

Name of applicant Gary W. Grandy or Dick Gebhard Phone (907) 772-4291(daytime)
772-3059

Post Office address P.O. Box 1111, Petersburg, Alaska 99833

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☒ Add diversion point(s) ☐ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes During dry years, the water at our present point of diversion is depleted by July 10th. During normal years, the water at our point of diversion is depleted between August 1st and 15th, which is before the growing season is done. There is always an adequate supply of water at the proposed additional diversion point.

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

- | 1. Right Number | Priority | Amount
(cfs/ac-ft) | Nature
of Use | Period of Use |
|---|------------------------------------|-----------------------|------------------|----------------------|
| 22-0683 | 10-22-1901 WHD 10-28-89 | 0.33 | Irrigation | 7-1 to 8-31 (NEW PD) |
| | WHD 10-28-89 | 2.00 | " " | 4-1 to 11-1 (OLD PD) |
| | WHD 10-28-89 | 0.05 | Recreation Pond | 10-1 to 5-1 (New PD) |
| | | | | to |
| 2. Total amount of water being transferred <u>2.0</u> cubic feet per second and/or _____ acre-feet per annum. | | | | |
| 3. Source of water <u>Pole Creek</u> tributary to <u>sinks</u> | | | | |
| 4. Point(s) of Diversion: <u>Spring</u> trib. to <u>Pole Creek</u> | | | | |

[illegible]

5. Lands irrigated or place of use:

[illegible]

Total acres 85.4

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 22-0683 Decreed to Marvis & Ellen Murdock
 in case of Murdock vs. Henry Eagle
 dated Aug. 18, 1965 in 12th Dist. Court county of Fremont
- b. License No. issued by the Idaho Department of Water Resources.
- c. Claim No. on file with the Idaho Department of Water Resources.
- d. Transfer No. which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☒ Tax Notice ☐ Warranty Deed ☐ Other

3. Source of water Pole Creek tributary to Sinks

4. Date or priority Oct. 22, 1901

5. Water is used for the following purpose:

amount 2.00 cfs. for Irrig. purposes from Not Listed to
 (cfs/ac-ft)
 amount for purposes from to
 (cfs/ac-ft)
 amount for purposes from to
 (cfs/ac-ft)

6. Total amount of water under right 2.00 cubic feet per second and/or acre-feet per annum.

7. Point(s) of Diversion:

Not Listed

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
3N	45E	22													38	28		3.4	69.4
		23											16						16

Total acres 85.4

9. Describe any other water rights used for the same purpose as described above 22-2279

10. To your knowledge, has any portion of _____'s water right undergone a period of five or more consecutive years of non-use?
NO If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	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	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	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	

Total acres _____

PART 1**6. General Information:**

- a. Description of diversion system New PD - a screened pickup pipe and buried line designed to carry no more than 150 gpm. Old PD - ditch to sprinkler & flood irrigation.
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes X _____ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.
- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
Pastures and farm ground and crops thereon will no longer be dry during at least half of the growing season. Crop production will be increased substantially. The elimination of dry grass and brush, which is a fire hazard, will occur.
- d. Remarks:
The amount of water loss in the 2800 feet of rocky stream bed between our present point of diversion and the proposed alternate point of diversion is astounding and a total waste of a very precious natural resource - water. This loss of water will be reduced by this change.

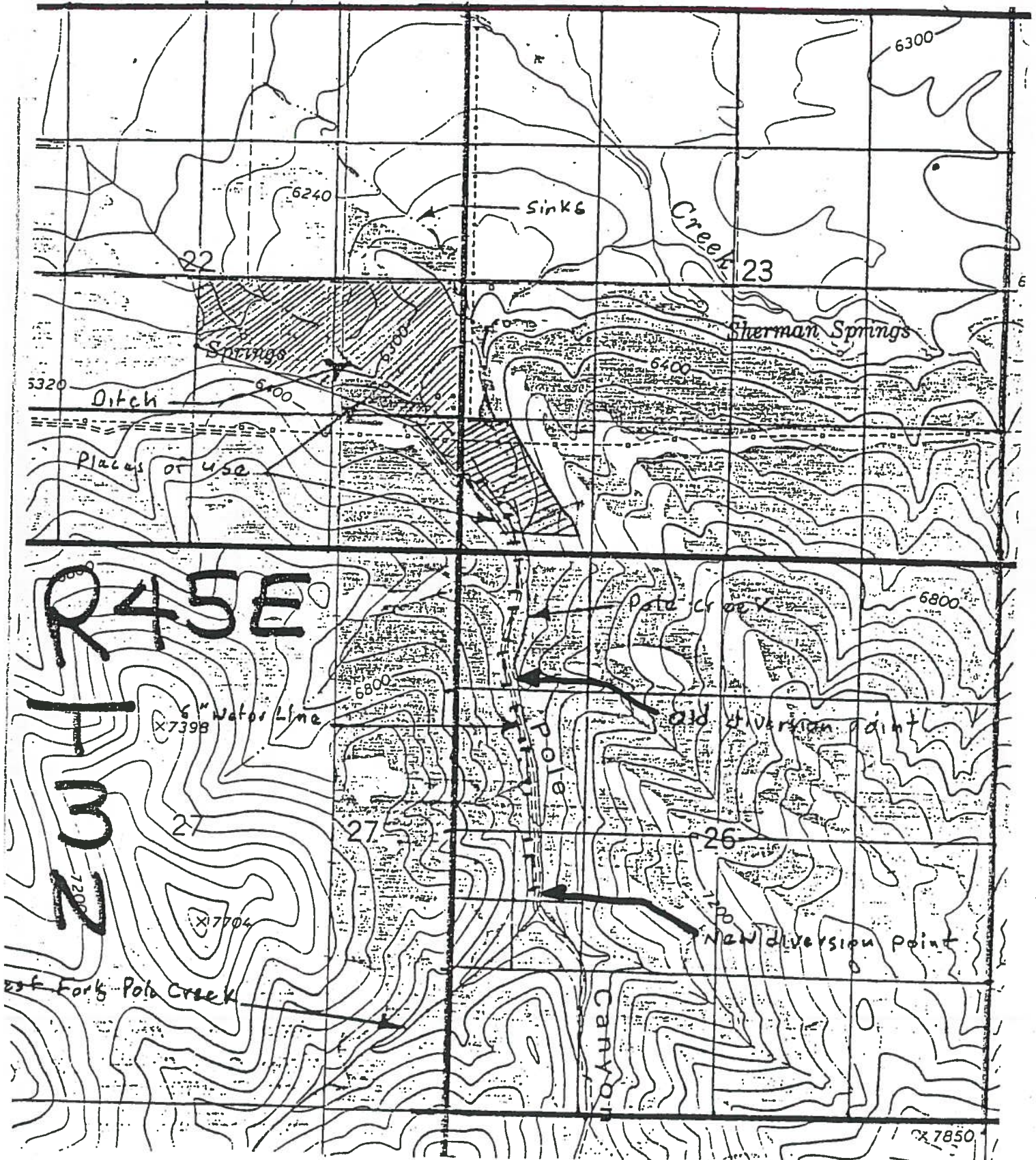
ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

Witness my hand this _____ day of _____, 19 _____.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3



22-00683

PART 3**B. CHANGES IN NATURE OF USE**

1	<u>New Nature of Use</u>	<u>Amount</u> <u>(cfs/ac-ft)</u>	<u>Hours/days/year</u>	<u>Period of Use</u>
				to
				to

2. Quantity and quality of return flows and location of discharge:

3. 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.

Subscribed and sworn to before me this nd day of October, 19 89.

(Signature of Applicant)

(Notary Public)

My commission expires 9-5-91

FOR DEPARTMENT USE ONLY

Transfer contains pages and attachments

Received by AW Date 11-02-89 Protest filed by

Prelim. check by Fee 7.20 - E611098

Receipted by Date

Published in Teton Valley News Copies of protest forwarded by

Pub. dates 11-16-89 Hearing held by Date

Watermaster recommendation requested on Recommended for ☐ approval ☐ denial

 rec'd. by

Copy of transfer sent to lien holder

ADDENDUM TO APPLICATION FOR TRANSFER ON 22-0683

THE APPLICANT AGREES TO PROVIDE THE USFS WITH ENGINEERING SPECIFICATIONS WHICH DEMONSTRATE THAT THE CARRYING PIPELINE FROM THE NEW POINT OF DIVERSION (NENWSW SECT. 26 T 3N R 45E) WILL BE ABLE TO CARRY NO MORE THAN 150 GPM.

MEMORANDUM

TO: File No. 22-0683
FROM: Gary Spackman *Gary*
DATE: March 6, 1992

RE: Transfer by Gary Grandy and Dick Gebhard

Permit to appropriate water no. 22-7710 was approved for the purpose of resolving a conflict between Grandy and Gebhard and the Forest Service. The proposal approved by transfer no. 3509 was voluntarily withdrawn by the water right holders.

This memo serves as notice that transfer no. 3509 filed by Grandy and Gebhard has been withdrawn. The water right reverts back to its original definition.

SCANNED
AUG 03 2007



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

February 5, 1991

RECEIVED

CECIL D. ANDRUS

GOVERNOR

KEITH HIGGINSON

DIRECTOR

FEB 8 1991

Richard H. Gebhard
P.O. Box 5022-254 Suite #105
El Toro, CA 92630

Department of Water Resources
Eastern District Office

RE: Water Right No. 22-0683 and Agreement with Forest Service to
Divert Water During the Non-irrigation Season

I have reviewed the application for amendment form which you prepared with the concurrence of the Forest Service.

Your proposal to divert water for storage in a larger reservoir during the non-irrigation season is not a use identified under your existing water right. Furthermore, a transfer would not be appropriate, since storage of water outside the irrigation season is an enlargement of use. I recognize that what I have said may seem trivial to you, but the transfer statute specifically prohibits an enlargement of use of the water right.

The method for you to establish your storage right is to file a new application to appropriate water. I have enclosed two copies of the application for permit, and instructions for its completion. I have also partially completed one of the applications. You should complete the application, and have it typed and returned to this office with the appropriate filing fee. Please remember to enclose a map which will reasonably locate the storage pond, and the point of diversion you wish to divert the water from.

If I can help you further, please call. I realize this process may seem like more red tape. The proposal you are presenting to the Department, however, varies substantially from the original proposal for transfer, which was approved.

Respectfully,

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

Enclosures

cc: Eastern Region

MUST submit USFS Permit AND
ENGINEERING DATA FOR APPROVAL.

RECEIVED

BEFORE THE DIRECTOR OF THE DEPARTMENT
OF WATER RESOURCES OF THE
STATE OF IDAHO

MAY 23 1990

Department of Water Resources
Eastern District Office

IN THE MATTER OF APPLICATION FOR TRANSFER
OF DECREE NO. 22-00683

ORDER ISSUING
PROPOSED MEMORANDUM
DECISION

#3509

R. Keith Higginson, Director of the Department of Water Resources, having reviewed the attached proposed decision prepared by his appointee, Gary Spackman, who conducted the hearing or who has read the record in the this case, hereby approves the same as a proposed decision pursuant to Idaho Code, Sec. 67-5211.

Each party to these proceedings who appeared at the hearing is given the opportunity, pursuant to Idaho Code, Sec. 42-1701A and 67-5211, to file exceptions to the proposed decision and to present briefs and oral arguments. If no timely and proper exceptions are received, an order by the Director will be entered adopting the proposed decision as his final decision.

I.
EXCEPTIONS

A. To be considered by the Director, exceptions must:

1. be received by the Director on or before the 15th day following the day of service of this Order and the proposed decision,

2. specifically identify the portions of the proposed decision to which exceptions are made and specifically state the grounds for those exceptions, and

3. be sent to each of the parties who appeared or their attorneys.

II.
BRIEFS

A. Any briefs in support of exceptions to the proposed decision shall be filed with the Director at the same time that party's exceptions are filed with the Director.

B. All response briefs to the exceptions must be filed with the Director within 15 days after the exceptions were served upon the responding party.

III.

A. No oral arguments before the Director on the proposed decision will be held unless specifically requested by a party filing exceptions to the proposed decision and unless that request is filed with the Director concurrently with the filing of that party's exception.

B. If oral arguments have been properly requested by a party filing exceptions, any other party, upon reasonable notice to the Director, shall have the right to present oral argument in response to the exceptions filed.

C. Oral arguments before the Director on exceptions to the proposed decision shall be heard at the discretion of the Director, pursuant to Idaho Code, Sec. 42-1701A. If oral arguments are to be heard, the Director will, within a reasonable time, notify each party of the place, date and hour the oral arguments will take place and of the period of time allocated for the arguments of this case. Unless the Director orders otherwise, all oral arguments shall be heard in Boise, Idaho.

IV.

CERTIFICATE OF SERVICE

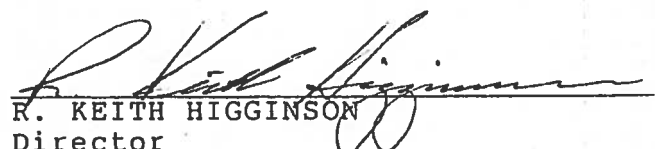
All exceptions, briefs, requests oral arguments and other matters filed with the Director in connection with the proposed decision shall be served on all other parties to these proceedings in accordance with Rule 7.2.

V.

FINAL DECISION

Following the submission of all exceptions, briefs and oral arguments, if they are heard, the Director shall issue a final decision adopting, modifying or rejecting and replacing the proposed decision. Copies of the decision and order shall be served on all parties.

Dated this 11th day of May, 1990.


R. KEITH HIGGINSON
Director

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR)
TRANSFER OF DECREE NO. 22-00683)
Source: Pole Creek)
County: Teton)

PROPOSED MEMORANDUM
DECISION AND ORDER

APPROVING APPLICATION FOR TRANSFER OF DECREE 22-00683

Gary W. Grandy or Dick Gebhard (applicants) having filed with the Department of Water Resources an application for transfer of Decree 22-00683; a protest having been received; and a conference having been held, the Department Finds, Concludes, and Orders as follows:

FINDINGS OF FACT

1. On January 5, 1989, Gary Grandy and/or Dick Gebhard applied to the Department of Water Resources for an application for transfer of a point of diversion of a decreed water right numbered 22-00683. The application sought to add a diversion on Pole Creek upstream from the original point of diversion at a legal description listed as the NE1/4NW1/4SW1/4, Section 26, Township 3 North, Range 45 East. This proposed point of diversion is located on ground administered by the United States Forest Service (USFS). The original place of use for this decree would remain unchanged. The application was amended after the conference of September 7, 1989, to specify that only 0.33 cubic feet per second would be diverted from the new point of diversion

during a period of use from July 1 to August 31 of each year. The source was also amended to include a spring tributary to Pole Creek.

Protests

A protest against approval of the application for transfer was received from J.S. Tixier, Regional Forester for the USFS.

The protestant raised objections to the addition of a point of diversion by alleging that:

- a. The new point of diversion would be a mile inside the boundary of the Targhee National Forest.
- b. The new diversion would injure riparian habitat that the Forest Service is responsible to protect under the Multiple-Use Sustained-Yield Act.

A conference was held September 7, 1989, in Driggs. Both parties agreed to review an amended form of the application for transfer. Both applicant and protestant signed a stipulation for entry of proposed decision without a hearing. The amended application was reviewed by USFS personnel and the protest was left in place.

Record

a. The stream ceases to flow at the present point of diversion beginning in the latter part of July or early August, and remains dry for the remainder of the irrigation season. The applicant submitted information showing that the stream did not dry up in 1930.

b. The stream at the proposed new point of diversion has been measured in August by USFS personnel to still have

approximately 0.33 cubic feet per second in the stream.

c. The applicant does not intend to divert more than the original 2.00 cubic feet per second. The applicant will limit diversion from the upper point of diversion to 0.33 cubic feet per second from July 1 to August 31 of each season.

d. The USFS has no recorded water rights for use in the area of the application but protests on the basis of implied management responsibility under the National Environmental Policy Act (NEPA). In addition, the applicants lack an approved Special Use Permit from the Forest Service.

e. Forest Service personnel have not assessed the flow requirements or flows available to maintain riparian vegetation.

Legal Principles

Section 42-222 of the Idaho Code (1989 supp.) provides that ". . . the director of the department of water resources shall examine all the evidence and available information and shall approve the change in whole or in part, or upon conditions (emphasis added), provided water rights are not injured thereby, the change does not constitute an enlargement in use of the original right and the change is in the local public interest as defined in Section 42-203A, Idaho Code."

Application of Legal Principles

a. The change in point of diversion seeks to add a second point to divert a specific amount of water which in conjunction with the original point of diversion will not exceed a diversion rate of 2.00 cubic feet per second.

b. Diversion from the proposed upper point of diversion will result in use of water for an additional one to two months beyond the period when water has traditionally been available. The extension of water availability is an enlargement of use unless the transfer is specifically conditioned to prevent enlargement.

c. The total volume of water diverted must be limited to the volume traditionally diverted from the old point of diversion.

d. The date of priority for the new point of diversion and the 0.33 cfs diverted must be changed to November 2, 1989, the date the transfer was filed, to avoid possible injury to other water rights.

e. The right changed by this transfer must be subject to any recorded, reserved or beneficial use rights with earlier dates of priority.

ORDER

IT IS, THEREFORE, HEREBY ORDERED that Application for Transfer of Decree 22-00683 is APPROVED subject to the following conditions:

1. A special use permit must be obtained from the U.S. Forest Service prior to construction of the new point of diversion.

2. The combined rate of diversion from the old and new points of diversion shall not exceed 2.0 cfs.

3. No more than 0.33 cubic feet per second can be diverted from the new point of diversion between July 1 and August 31 of each year.

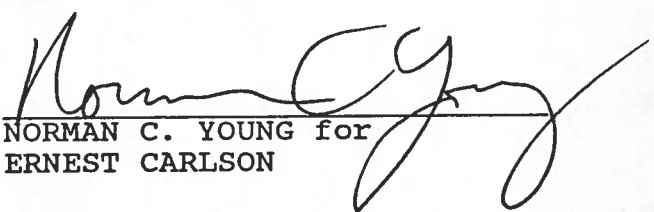
4. The total volume of water diverted from the two points of diversion approved by this transfer shall be limited to the volume traditionally diverted from the old point of diversion.

5. The priority date for that portion of the right diverted from the new point of diversion is November 2, 1989.

6. The right changed by this transfer shall be subject to any established water rights with earlier dates of priority.

7. Use of water under this permit is subject to control by the watermaster of Water District 01, Snake River.

Dated this 11TH day of MAY, 1990.


NORMAN C. YOUNG for
ERNEST CARLSON

CERTIFICATE OF MAILING

I hereby certify that on the 22nd day of May, 1990, I mailed a true and correct copy of this Proposed Memorandum Decision and Order, and Order Issuing Proposed Memorandum Decision, postage prepaid, to the following individuals:

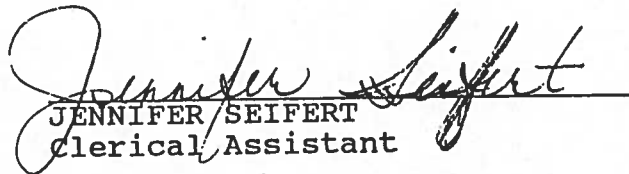
Gary W. Grandy
Box 1111
Petersburg, Alaska 99833

J.S. Tixier, Regional Forester
324 25th Street
Ogden, UT 84401

Clarence M. Murdock
Forest Service
P.O. Box 777
Driggs, ID 83422

Dick Gebhard
25721 Taladro Circle
Unit #B
Mission Viejo, CA 92691

IDWR - Eastern Region


JENNIFER SEIFERT
Clerical Assistant



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 327-7900

January 4, 1991

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

JAN 10 1991

Department of Water Resources
Eastern District Office

Randall R. Hall
US Forest Service
324 25th St.
Ogden, UT 84401

RE: Application for Transfer of Water Right No. 22-00683 in the
Name of Gary W. Grandy or Dick Gebhard

Dear Mr. Hall:

This letter is a response to your inquiry dated November 27,
1990.

I have reviewed the Final Memorandum Decision and Order, and
conclude that the spring which was listed as an additional source
on the application for transfer is upstream from the old point of
diversion, and the water diverted therefrom probably was
tributary to Pole Creek before the applicants diverted Pole Creek
water. I believe the transfer approves diversion of water from
the spring.

You also question whether Gebhard and Grandy are authorized
to divert water after August 31 for domestic purposes. As I read
the decision, it is silent regarding this particular issue. The
transfer was approved, however, with limitations set forth in the
Final Memorandum Decision and Order. Any information recorded on
the application for transfer which was not specifically limited
is approved by the Final Memorandum Decision and Order. I
interpret the order to grant the authority to Grandy and Gebhard
to divert 0.05 cfs from the upper point of diversion to their
aesthetic pond year-round.

The Department approvals are, of course, at least implicitly
conditional upon the applicants being able to obtain a special
use permit from the Forest Service. If the Forest Service
chooses not to grant the special use permit, the water users will
not be able to install the system that is authorized.

Respectfully,

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

cc: Eastern Region
Dick Gebhard

IN THE DISTRICT COURT OF THE TWELFTH JUDICIAL DISTRICT OF IDAHO

for The County of FREMONT

MARVIS J. MURDOCK and
ELLEN MURDOCK, husband and
wife,

PLAINTIFFS

vs.

HENRY EAGLE, WATERMASTER,
District 36, IDAHO

RECEIVED
SEP 09 1988

DECREE

Department of Water Resources

THIS CAUSE came on regularly to be heard before the Court, sitting without a jury, in Chambers, in the Courthouse at St. Anthony, Fremont County, Idaho, on this 18th day of August, 1965 at the hour of 10:00 o'clock A. M. of said day; Plaintiffs appearing in person and by their attorney, H. S. Forbush; 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 23rd day of July, 1965, 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 plaintiff 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. Forbush, Attorney for plaintiffs,

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

22-0683 IT IS ORDERED, ADJUDGED AND DECREED, that the plaintiffs, Marvis J. Murdock and Ellen Murdock, husband and wife, are entitled to, and are hereby awarded 100 miner's inches of the waters of Pole Creek with priority date of October 22nd, 1901; for the irrigation of their real property, described in plaintiffs' complaint, and more particularly described as follows, to-wit:

H.E. Survey No. 253, Comprising Tracts "A" and "B", embracing a portion of Sections

22 and 23 in Township 3 North of Range 45, E. B.M. Idaho, more particularly bounded and described as follows:

Beginning for the description of Tract "A" at corner No. 1, from which the quarter corner to said Sections 22 and 23 bear south 89° 37 min, east 0.50 of a chain distant thence north 89° 37 Min. west 39.63 chains to corner No. 2; thence, South 10.40 chains to corner No. 3; thence south 70 degrees 57 min. east 37.12 chains to corner No. 4; thence South 28° 30 min. east 8.70 chains to corner No. 5; thence North 41 min. east 29.95 chains to corner No. 1, the place of beginning;

Beginning for the description of Tract "B" at corner No. 6; from which corner No. 5 of said Tract "A" bears north 28° 30 min. west 2.10 chains distant; thence, South 28° 30 min. east 5.30 chains to corner No. 7; thence, South 87° 37 min. east 13.64 chains to corner No. 8; thence north 33° 35 Min. west 20.10 chains to corner No. 9; thence north 88° 14 min. west 4.95 chains to corner No. 10; thence South 41 min. west 11.63 chains to corner No. 6; the place of beginning; All located in Teton County, State of Idaho;

Containing 85.39 acres, according to the official plat of the survey of the said land, returned to the General Land Office by the Surveyor General; 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 Fremont, entitled "Hexburg Irrigation Company, et. al., Plaintiffs, vs. Teton Irrigation Canal Company, 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 N. Foster, et. al., Defendants," filed on the 20th day of June, 1913, and the

amended decrees thereto, dated September 12th, 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 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, hereinbefore 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 St. Anthony, Fremont County, Idaho, this 18th day of August, 1965.

STATE OF IDAHO

County of Fremont

I, Willard C. Burton, Clerk of the District Court, and La Monte Bauer, Deputy Clerk, do hereby certify that the above and foregoing decrees and orders of that court were read and approved by the court on the 18th day of August, 1965, and the same appear on file and are a part of the court's records.

Witness my hand and seal of said office this 18th day of August, 1965.

WILLARD C. BURTON

JUDGE OF THE DISTRICT COURT

La Monte Bauer

*Sau envelope for P. M.*IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number

22-683B

Date Received

10-13-1988

Receipt Number

E003115NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

OCT 7 1988

Department of Water Resources
Eastern District Office

Please type or print clearly

1. Name of Claimant (s) Richard Howard Gedhar Phone (208) 787-2405Mailing Address Pole Canyon P.O. Box 168 Victor Zip 834552. Date of Priority (Only one (1) per claim) OCTOBER 22, 19013. Source of water supply (a) POLE CREEKwhich is tributary to (b) sinksa. Location of existing point of diversion is: Township 3 N Range 45 E Section 26,SW 1/4 of SE 1/4 of NW 1/4, Govt. Lot, B.M., County of TETONAdditional points of diversion if any: A FORK OF POLE CANYON

b. If instream flow, beginning point of claimed instream flow is:

Township 3N Range 45 E Section 35, Strike from claim SW 1/4 of SW 1/4 of SW 1/4,Govt. Lot B.M., County of TETONending point is: Township 3 N Range 45 E Section 22, NE 1/4 of NE 1/4 ofSE 1/4, Govt. Lot B.M., County of TETONDescription 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. 8' EARTH DAM and ditch

SCANNED

AUG 03 2007

4-2000

Water is claimed for the following purposes:

(both dates are inclusive) (cfs) (acre feet)

For IRRIGATION purposes from APRIL 1 to OCTOBER 30 amount .25 or _____

For STOCKWATER purposes from 01-01 to 12-31 amount .02 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .25 + .02 = .27 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is .25 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) 15 HORSES

10. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- 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	
3N	45E	23										16	16		16	16			16
3N	45E	23										S							

Total number of acres irrigated 16

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 _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
Forest Service Permit from Spring for DOMESTIC AND STOCKWATER USES or None ()

14. Remarks:

SCANNED

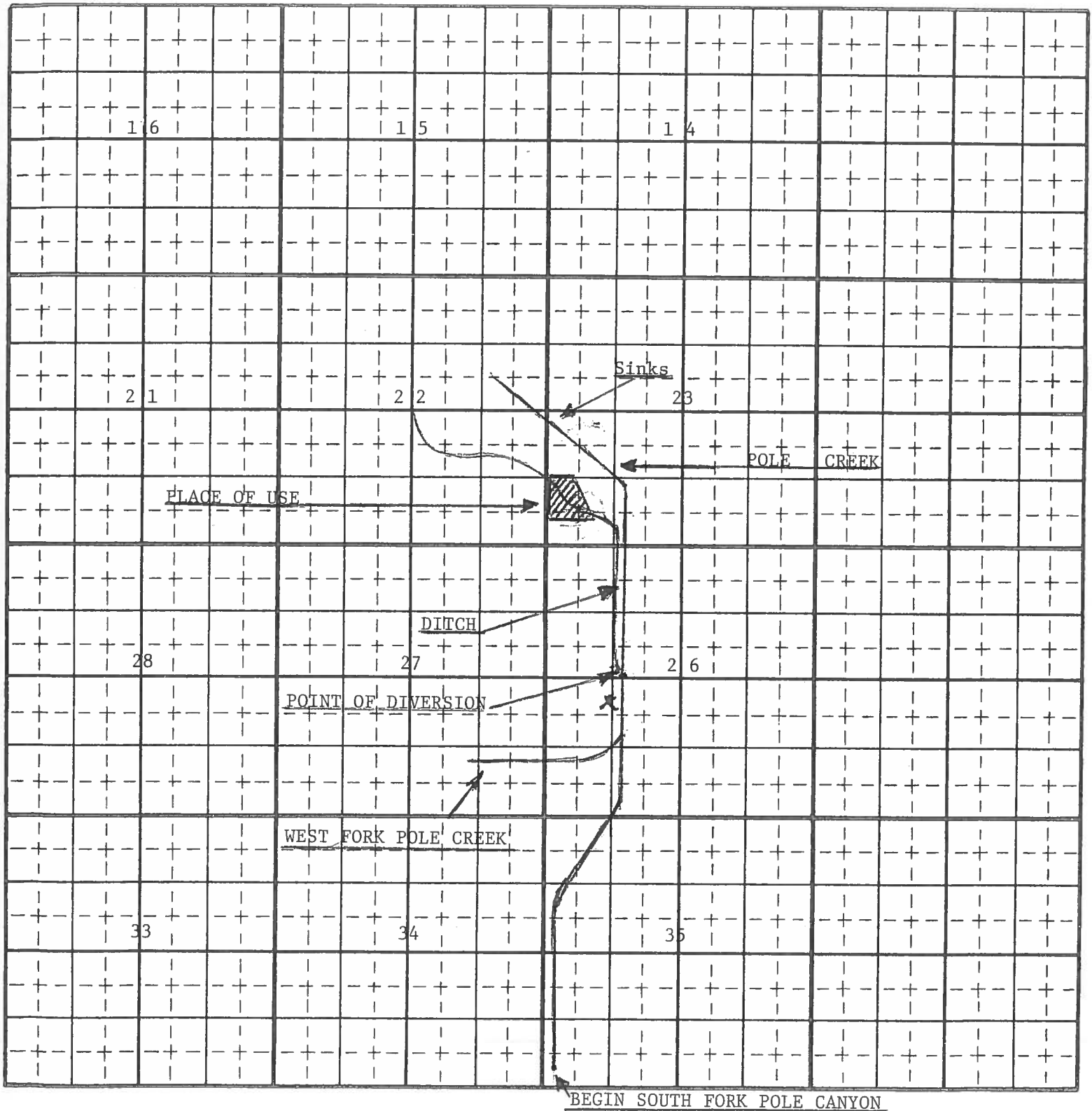
AUG 03 2007

Last Name GEBHARD Ident No. _____

Copies: White -State, Yellow-Claimant

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

Scale: 2 inches equals 1 mile



SCANNED

Last Name GEBHARD

Ident No. _____

AUG 03 2007
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 12 District Case Number _____ Decree Date August 18, 1965

Plaintiff vs Defendant Marvis J. Murdock & Ellen Murdock vs Henry Eagle, District JL

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

Signature of Claimant (s) [Signature] Date X Sept. 28, 1988

Date _____

For Organizations: I do solemnly swear or affirm that I am _____ Title _____

of _____ Organization _____, that I have signed the foregoing

document in the space below as _____ Title _____ of _____ Organization _____

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

Signature of Authorized Agent _____

Title and Organization _____ Date _____

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

Subscribed and sworn (or affirmed) before me this 28th day of Sept 19 88

SEAL

X Notary Public [Signature]

^ Residing at Boise, Id

^ My Commission Expires 9-2-1994

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 _____

Address _____

Date _____

SCANNED

AUG 03 2007

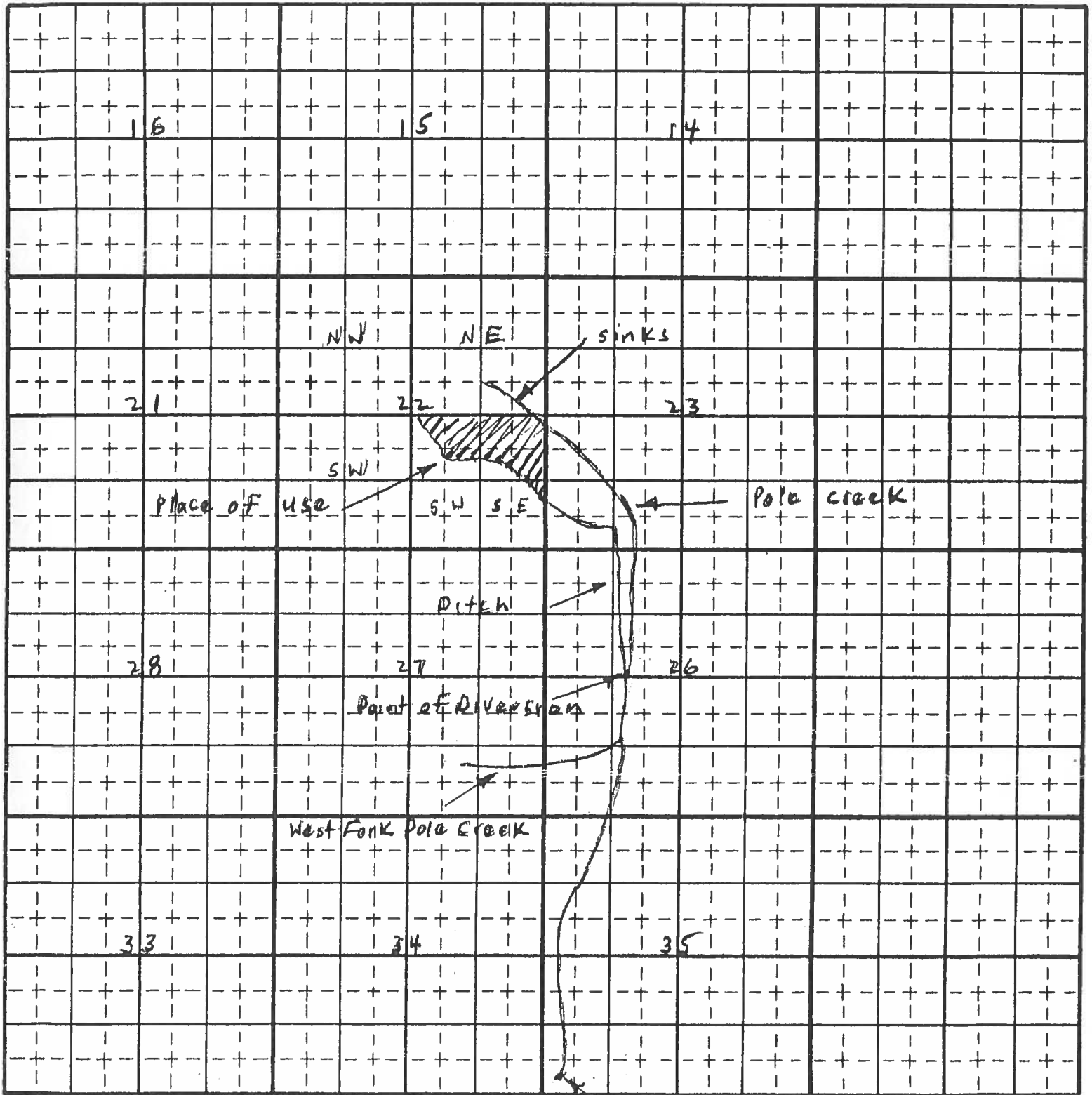
Last Name GEBHARD Ident. Number _____

Copies White-State, Yellow-Claimant

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

Scale: 2 inches equals 1 mile

ND



Begin South Fork Pole Creek

SCANNED

AUG 03 2007

Last Name Grandy

Ident No. _____

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
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 22-683B
Date Received: 10/13/1988
Receipt No: E003115
Received By:

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

1. Name of Claimant(s)

RICHARD HOWARD GEBHARD Phone: (208)787-2405
PO BOX 168
VICTOR ID USA 83455

2. Date of Priority: 10/22/1901

3. Source: POLE CREEK Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
03N	45E	26	SW SE NW	TETON	

5. Description of diverting works:

8' EARTHEN DAM AND DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	10/30	0.25	
STOCKWATER	1/01	12/31	0.02	

7. Total Quantity Appropriated is:
0.27 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
03N	45E	23	SW SW SW SW	IRRIGATION STOCKWATER	16

Section Acres 16
Total Acres 16

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:

THIS RIGHT IS CLAIMED AS A PORTION OF WR#22-00683. A TRANSFER OF THIS WATER
RIGHT IS PENDING.

15. Basis of Claim: Decreed

See envelope for P. m

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 22-683B
Date Received 10-13-1988
Receipt Number E003115

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

OCT 7 1988

Department of Water Resources
Eastern District Office

Please type or print clearly

1. Name of Claimant (s) Richard Howard Gedman Phone (208) 787-2405

Mailing Address Pole Canyon P.O. Box 168 Victor Zip 83455

2. Date of Priority (Only one (1) per claim) OCTOBER 22, 1901

3. Source of water supply (a) POLE CREEK
which is tributary to (b) sinks

4. a. Location of existing point of diversion is: Township 3 N Range 45 E Section 26,
SW 1/4 of SE 1/4 of NW 1/4, Govt. Lot, _____ B.M., County of TETON

Additional points of diversion if any: A FORK OF POLE CANYON

b. If instream flow, beginning point of claimed instream flow is: Strike from claim
Township 3N Range 45 E Section 35, SW 1/4 of SW 1/4 of SW 1/4,

Govt. Lot _____ B.M., County of TETON

Ending point is: Township 3 N Range 45 E Section 22, NE 1/4 of NE 1/4 of
SE 1/4, Govt. Lot _____ B.M., County of TETON

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. 8' EARTH DAM And ditch

Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For IRRIGATION purposes from APRIL 1 to OCTOBER 30 amount .25 or _____

For STOCKWATER purposes from 01-01 to 12-31 amount .02 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .25 + .02 = .27 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 25 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) 15 HORSES

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	
3N	45E	23										16	16		16	16			16
3N	45E	23											S						

Total number of acres irrigated 16

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 _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
Forest Service Permit from Spring for DOMESTIC AND STOCKWATER USES or None ()

14. Remarks:

Last Name GEBHARD Ident No. _____

Copies: White -State, Yellow-Claimant

Scale: 2 inches equals 1 mile



Ident No.

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 12 District

Case Number _____

Decree Date August 18, 1965

Plaintiff vs Defendant Marvis J. Murdock & Ellen Murdock vs Henry Eagle, District JL

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

Signature of Claimant (s) [Signature]

Date X Sept. 28, 1988

Date _____

For Organizations: I do solemnly swear or affirm that I am _____

Title _____

of _____, that I have signed the foregoing

Organization

document in the space below as _____

Title

of _____

Organization

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

Signature of Authorized Agent _____

Title and Organization _____

Date _____

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

Subscribed and sworn (or affirmed) before me this 28th day of Sept 19 88

SEAL

X Notary Public [Signature]

^ Residing at Boise, Id

^ My Commission Expires 9-2-1994

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 _____

Address _____

Date _____

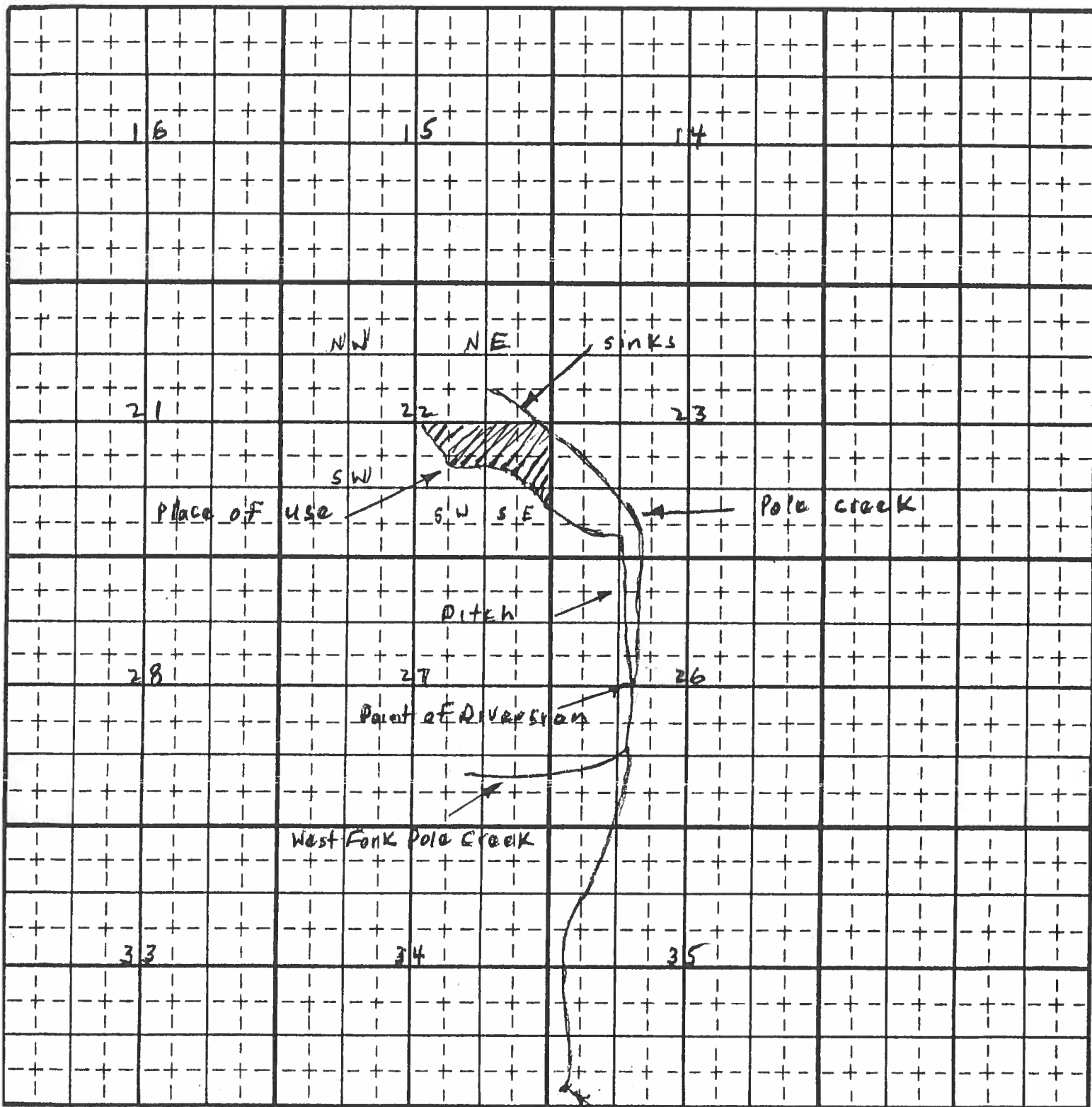
Last Name GEBHARD Ident. Number _____

Copies White-State, Yellow-Claimant

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

Scale: 2 inches equals 1 mile

ND



Last Name Grandy

Ident No. _____

Copies: White-State, Yellow-Claimant

Sick,

1909

August 26, 1938

I tried to draw your page for filing.
It should be correct. The Forest Service,
Jack Haddock, said he would try to have
the engineers from St. Anthony come up next
Wednesday or Thursday and look at the
situation with me before I have to leave.

Best regards,

Dary

12/15/2006

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

RIGHT NUMBER: 22-683B

NAME AND ADDRESS: RICHARD HOWARD GEBHARD
PO BOX 168
VICTOR ID 83455

SOURCE: POLE CREEK

TRIBUTARY: SINKS

QUANTITY: 0.250 CFS

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

PRIORITY DATE: 10/22/1901

POINT OF DIVERSION:

T03N R45E S26 SWNNW Lot 4 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	0.250 CFS
STOCKWATER	01/01 12/31	0.020 CFS

PLACE OF USE: IRRIGATION in TETON County

T03N R45E S23 SWSW 4.00

STOCKWATER in TETON County

T03N R45E S23 SWSW

4 ACRES TOTAL

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

The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

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

02/09/2006

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

RIGHT NUMBER: 22-683B

NAME AND ADDRESS: RICHARD HOWARD GEBHARD
PO BOX 168
VICTOR ID 83455

SOURCE: POLE CREEK

TRIBUTARY: SINKS

QUANTITY: 0.094 CFS

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

PRIORITY DATE: 10/22/1901

POINT OF DIVERSION:

T03N R45E S26 SWNNW Lot 4 Within TETON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY 0.25

IRRIGATION

04/01 10/30

~~0.094 CFS~~

STOCKWATER

01/01 12/31

0.020 CFS

PLACE OF USE: IRRIGATION Within TETON County

T03N R45E S23 SWSW 4.00

STOCKWATER Within TETON County

T03N R45E S23 SWSW

4 ACRES TOTAL

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

The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

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

Sich,

August 26, 1988

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