

02/17/2005

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

RIGHT NUMBER: 22-2003
NAME AND ADDRESS: ALAN FREEZE
54 N 1ST E
PO BOX 285
DRIGGS ID 83422

SOURCE: BADGER CREEK TRIBUTARY: TETON RIVER

QUANTITY: 0.480 CFS

PRIORITY DATE: 08/01/1904

POINT OF DIVERSION:
T06N R45E S10 NWNW Within TETON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/15	0.480 CFS

PLACE OF USE: IRRIGATION Within TETON County

T06N R45E S09	SWNE	16.0	T06N R45E S09	SENE	5.0
---------------	------	------	---------------	------	-----

21 ACRES TOTAL

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

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: License



State of Idaho

Department of Water Resources
Eastern Region



Water Right(s):
22-2003

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Point(s) of Diversion:
T06N R45E
Sec 10 NWNW

Place of Use: (parts of)
T06N R45E
Sec 9 SWNE, SENE

Legend



Point of Diversion



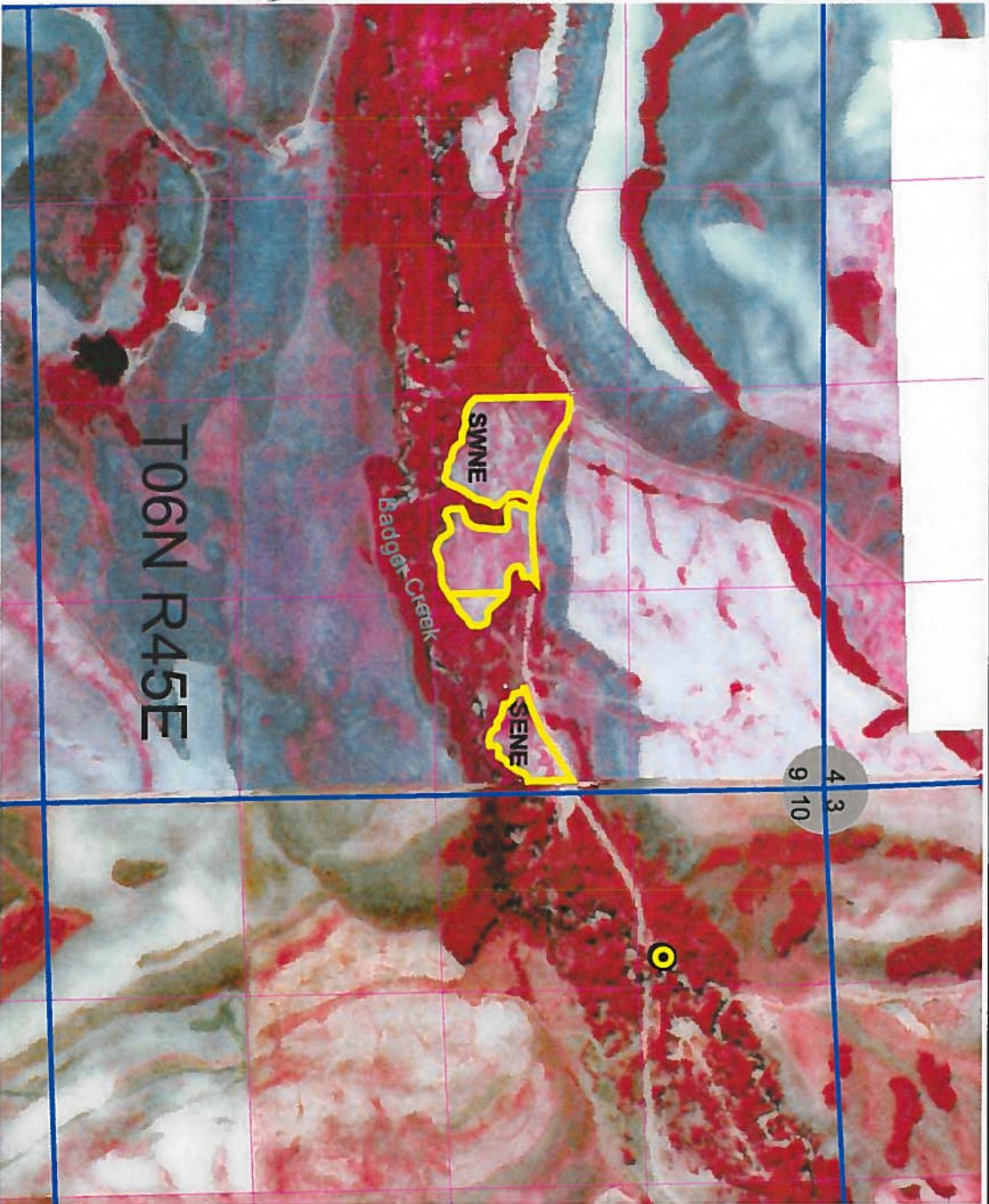
Place of Use



Section



Quarter-Quarter



500 0 500 1000 1500 2000 2500 3000 3500 4000 4500 5000 5500 6000 6500 Feet



GIS Place of Use Illustration
1987/1988 NAPP Photography.
Prepared by: N. Treasure
Date: February 2005

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GPS Tag on Rock
A0014391



10-25-04
CF

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Claim No. 22-2003

Document Checklist

☒ Copy License/Decree

☐ Copy Transfer

☒ Copy Licensing Field Exam

☒ Check if Ownership/Address Change is Required

☐ Generate, mail and file "Evidence of Priority" letter |

☒ Generate Arcview Map

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Water Right No(s). _____

GPS DATA:

Tag # A0014391 Location: _____

Diversion Data:

Source: _____ Trib to: _____

MOTOR

Make: _____ Model: _____ Hp: _____

SN: _____

PUMP

Make: _____ Model: _____ Disch: _____

SN: _____

NOTES:

Field Exam Date: _____ Agent: _____

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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	
①	16N	45E	10		NW NW	Teton	Budger CK	Teton River

Recommended Point(s) of Diversion and Source.

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source	Tributary to	
①	16N	45E	10		NW NW	Teton	Budger CK	Teton River

Other rights from this POD? _____

Transfers Pending or approved: _____

Document how the POD and Source were verified:

① POD is FREEZE DIV TAG # A001439/ DIV.
 DIV. west on north side of Road Then
 crosses Road and IRR. on South side of
 Road.

Reviewer: _____ Date: _____

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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 _____

Recommended Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
06N	45E	9	SW	NE	Teton	16	16	Irrigation
06N	45E	9	SE	NE	Teton	5	5	Irrigation

Total acres 21

Pending or approved Transfers: _____

Overlapping rights: _____

Document how the POU was verified:

Claim indicates 24.0 Acres. GIS indicates 21.0 Acres

Reviewer: _____ Date: _____

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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
Irrigation	4/15	10/15	.48	

Overall Diversion Rate .48

Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
Irrigation	4/15	10/15	.48	

Overall Diversion Rate _____

Overall Diversion Volume _____

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

Claim was for .48 cfs. GIS found 21 acres. 21 acres x .02 = .42 cfs
 .06 allowed for conveyance loss.

Reviewer: _____

Date: _____

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Fremont County **
Badger Creek *
2.2 sec.ft. *
Irrigation *
Priority-8-1-04. *

SCA
MAR 17 2005

S T A T E O F I D A H O
Water License No. 761.

WHEREAS, On the 1st day of August, A.D.1904, OLIVER D. FREEZE, of Leigh, County of Fremont and State of Idaho, duly made application (No. 1070) to me for a permit to use 3.2 cubic feet per second of the waters of Badger Creek, County of Fremont, State of Idaho, for irrigation and domestic purposes; and,

WHEREAS, On the 6th day of August, A.D.1904, Permit No. 761 was issued to said applicant for the diversion of said water, and providing for the completion of the works of diversion therein described on or before the 6th day of August, A.D.1907, and for the application to beneficial use of said water on or before the 6th day of August, A.D.1909, and,

WHEREAS, On the 6th day of August, A.D.1907, the holder of said permit duly made proof of the completion of adequate works for the diversion of 3.2 cubic feet per second of said waters, as evidenced by my Certificate No. 761, dated August 22, 1907, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 3.2 cubic feet per second of water, with date of priority of August 1, 1904, and,

WHEREAS, On the 6th day of August, A.D.1907, proof was duly made of the application to beneficial use of 2.2 cubic feet per second of said water;

NOW, THEREFORE, By virtue of the authority vested in me by the laws of the State of Idaho, I hereby grant and confirm to OLIVER D. FREEZE, of Leigh, Idaho, the holder and owner of said Permit No. 761, a perpetual right, dating from August 1, 1904, to the use of 2.2 cubic feet per second of the waters of Badger Creek, in the County of Fremont and State of Idaho, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at a point near the southwest corner Section 1 and the Northwest quarter of Northwest quarter Section 10, Township 6 North, Range 45 East of Boise Meridian, and conducted to and upon 15 acres in the Southeast quarter of Northwest quarter Section 10; 35 acres in Southwest quarter of Northwest quarter Section 10; 30 acres in Southeast quarter of Northeast quarter Section 9; 30 acres in Southwest quarter of Northeast quarter Section 9; All in Township 6 North, Range 45 East of Boise Meridian, for the purpose of irrigation and domestic use, subject, however, to the laws of the State of Idaho applicable to a license for the use of the waters of the State and subject, also, to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and the seal of my office at Boise,
Idaho, this 22nd day of August, A.D. Nineteen hundred and
seven.

(SEAL)

Recorded August 22, 1907.

Jas. Stephenson, Jr.
State Engineer.

the Public Waters of the

APPROVAL OF STATE ENGINEER.

The number of this permit is 761
Date of first receipt of application 8 a.m. Aug. 1, 1904
Returned to applicant for correction. 190
Corrected application received. 190
Recorded in Book 3 Page 761
Approved August 6, 1904

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho and hereby grant the same, subject to the following limitations and conditions:

One-fifth of the work above specified to be completed on or before February 6, 1906

The whole of said work to be completed on or before August 6, 1907

The time for the proof of beneficial use of water appropriated in accordance herewith, to extend to August 6, 1909

Witness my hand this sixth day of August 1904

Wayne Darlington
State Engineer.

State of Idaho
County of Fremont

Oliver D. Frege being first duly sworn deposes and says, that he is the identical person who made application for water permit No. 1070, to be allowed to divert the water of Badger Creek in Fremont County, Idaho upon the S2 N. 4. 4 = 10 = S2 N. 6. 4 Section 9, T4. 6 N. R. 43 E. B. 7N.

That the same was granted by State Engineer on the 6th day of August 1905, taking number 761.

Affiant now deposes that an error was made in his name at time of application and that the permit issued in the name of Oliver D. Frege, and should have been as stated Frege. Applicant prays that the records may be so corrected or amended by this affidavit as will show that Oliver D. Frege and Oliver D. Frege are one and the same person and that the waters so appropriated be patented at time of final proof.

Oliver D. Frege.

Subscribed to and sworn before me at St. Anthony, Idaho on this the 19, April, 1905.

Thomas Elliott

Seal.

Notary Public.

State of Idaho - Office of State Engineer.

The above instrument was received in my office on April 21, 1905, at 8:00 a.m., and duly recorded same day in Book of Permits No. 3, at page 761.

Jas. Stephenson, Jr.
State Engineer
Per A.B.

Notice of Proof of Completion mailed applicant - May 1, 1907

Notice of Beneficial use mailed applicant - May 7, 1907

Notices received May 27, 1907, fixing August 6, 1907, as the date and Haden, Idaho, as the place of Proof.

Notice for publication mailed to Fremont County Clerk, St. Anthony, June 6th 1907

Deposition blanks mailed applicant - June 6, 1907.

James Breckinridge notified to make examination of works, July 24, 1907

Affidavit published - August 3, 1907

Affidavit of publication, depositions of holder and witnesses and fees received August 14, 1907.

All papers being in and satisfactory Certificate and License were duly issued August 22nd, 1907.

the Public Waters of the

APPROVAL OF STATE ENGINEER.

The number of this permit is 760

Date of first receipt of application 11 a.m. June 7, 1904

Returned to applicant for correction June 7, 1904

Corrected application received August 1, 1904

Recorded in Book 3, Page 760

Approved August 6, 1904

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho and hereby grant the same, subject to the following limitations and conditions:

One-fifth of the work above specified to be completed on or before February 6, 1906

The whole of said work to be completed on or before August 6, 1907

The time for the proof of beneficial use of water appropriated in accordance herewith, to extend to

August 6, 1911

Witness my hand this sixth day of August, 1904

Wayne Darlington
State Engineer.

22-2003

10-25-04

PROFILE

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MAR 17 2005

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SESW

SWSE

SESE

4

3

9

10

NENW

NWNE

NENE

NWNW

06N

45E

SENW

SWNE

SENE

SWNW

NESW

NWSE

NESE

NWSW

SWSW



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: A22-02003

Date Received: 10/06/1988

Receipt No: 5602945

Received By: [Signature]

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ALAN FREEZE
Address: P. O. BOX 284
54 NORTH 1ST EAST
DRIGGS, ID

208-354-2956

83422

2. Date of Priority: AUG 01, 1904

3. Source: BADGER CREEK

Trib. to: TETON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
06N	45E	10	NW NW		TETON

5. Description of diverting works:
HEADGATES W/DITCH FOR FLOOD IRRIGATION.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	0.480		

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

A.F.A.

8. Total consumptive use is 48.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
06N	45E	9	SW NE		IRR	15.0
			SE NE		IRR	9.0
Section Acres						24.0

A22-02003

Page

1

Date: 10/06/88



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OCT 29 1992

10. Place of Use: Continued

Total Acres 24.0

11. Place of use in counties: TETON

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

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: LICENSE
Water Right Number: 761

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): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

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 A22-02003Date Received 10-6-88Receipt Number E002945

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) ALAN FREEZE Phone (208) 354-2956
Mailing Address P.O. Box 284 54 N 1st E Zip 83422

2. Date of Priority (Only one (1) per claim) 1904 - Aug 1st

3. Source of water supply (a) Badger Creek
which is tributary to (b) TETON RIVER

4. a. Location of existing point of diversion is: Township 6N Range 4SE Section 10,
_____ 1/4 of NW 1/4 of NW 1/4, Govt. Lot, _____ B.M., County of TETON

Additional points of diversion if any: _____

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

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

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

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.

HEADGATES w/ DITCH FOR FLOOD IRRIGATION

MAR 17 2005

CO. NN
FILED

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OCT 29 1992

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from April 15 - to Oct 15 amount 50.48 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.48 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 48.0 acre feet per annum.

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

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
<u>6</u>	<u>45</u>	<u>9</u>			<u>15</u>	<u>9</u>													<u>24</u>

Total number of acres irrigated 24

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. _____ or None (X)

14. Remarks:

Existing License 22-02003 -

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Last Name _____ Ident No. _____

Copies: White State, Yellow-Canadian

OCT 29 1992

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License ☒ Permit _____
Decree _____
If applicable provide IDWR Water Right Number 22-02003
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not ☒ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments _____

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

Signature of Claimant (s) ☒ [Signature] Date ☒ 9/30/1988

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 _____ of _____
Title 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 Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 30 day of Sept 19 88

Notary Public [Signature]

Residing at Idaho Falls

My Commission Expires 9-12-94

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 _____

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Last Name _____ Ident. Number _____

Copies White-State, Yellow-Claimant

