

11/10/2006

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

RIGHT NUMBER: 22-2033A

NAME AND ADDRESS: RAYOLA R BIRCH
395 N 2200 E
ST ANTHONY ID 83445

SOURCE: UNNAMED STREAM

TRIBUTARY: HENRYS FORK

QUANTITY: 0.250 CFS

PRIORITY DATE: 06/08/1908

POINT OF DIVERSION:
T07N R40E S11 NWNWSW Within FREMONT County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/01 10/31	0.250 CFS
PLACE OF USE:	<u>IRRIGATION in FREMONT County</u>		
	T07N R40E S15	NWNE 11.00	T07N R40E S15 Lot 3 NENW 1.40
	12.4 ACRES TOTAL		

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

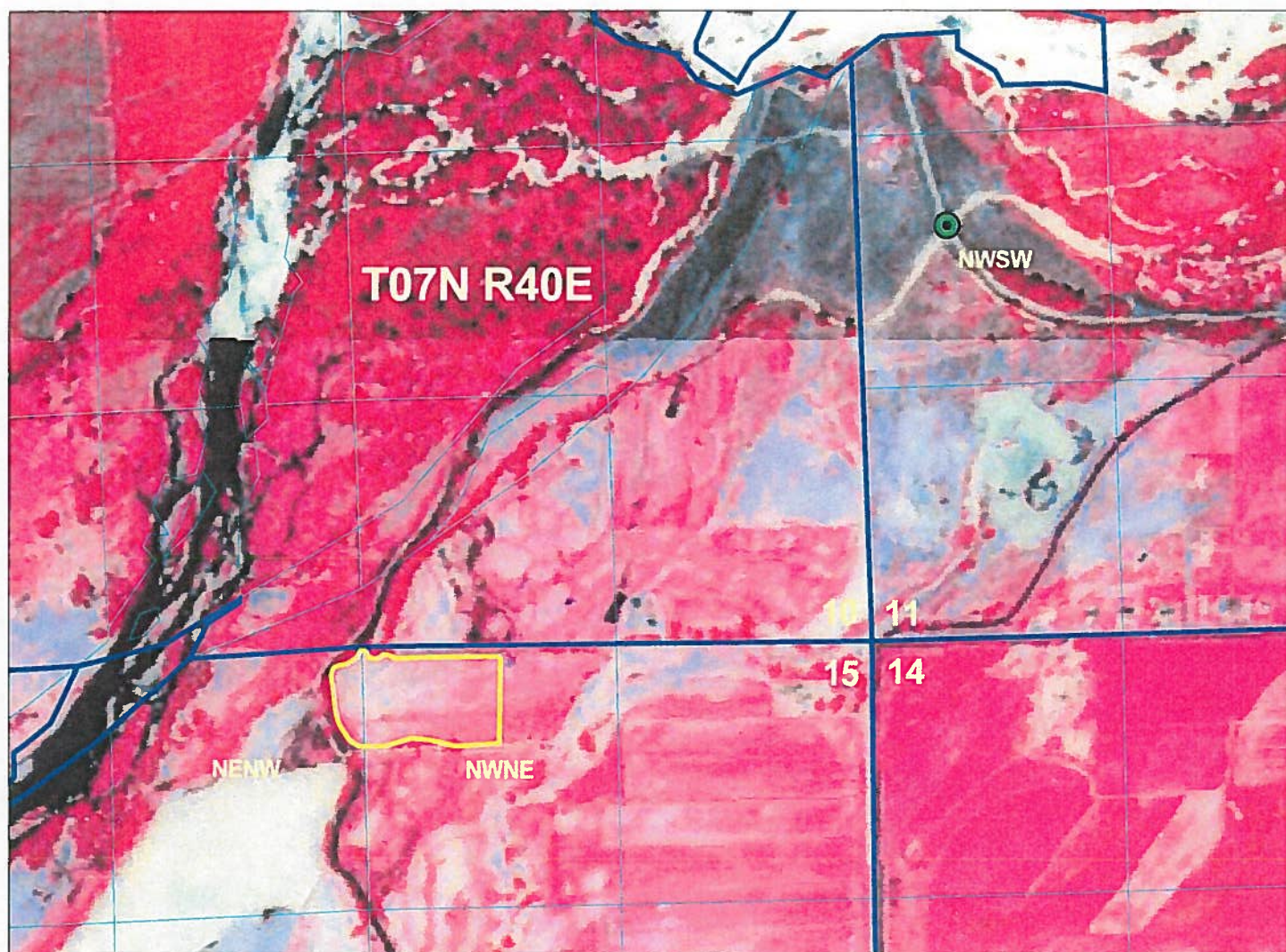
Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Department of Water Resources

Eastern Region



Claim No.: 22-2033A



- Point of Diversion
- 22-2033A
- Township/Range
- Sections
- QQ

GIS Place of Use Illustration
1987/88 NAPP Photography
Prepared by: Kristin Moore
Date Prepared: November 2005



Idaho Department of Water Resources

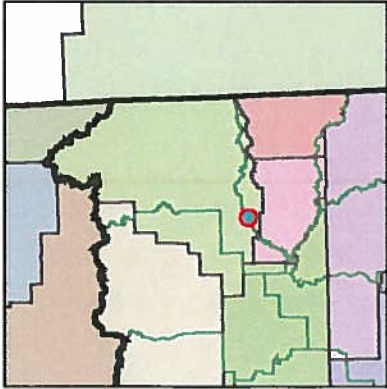
SRBA Recommendation:

22-2033A

(Irrigation)

Legend

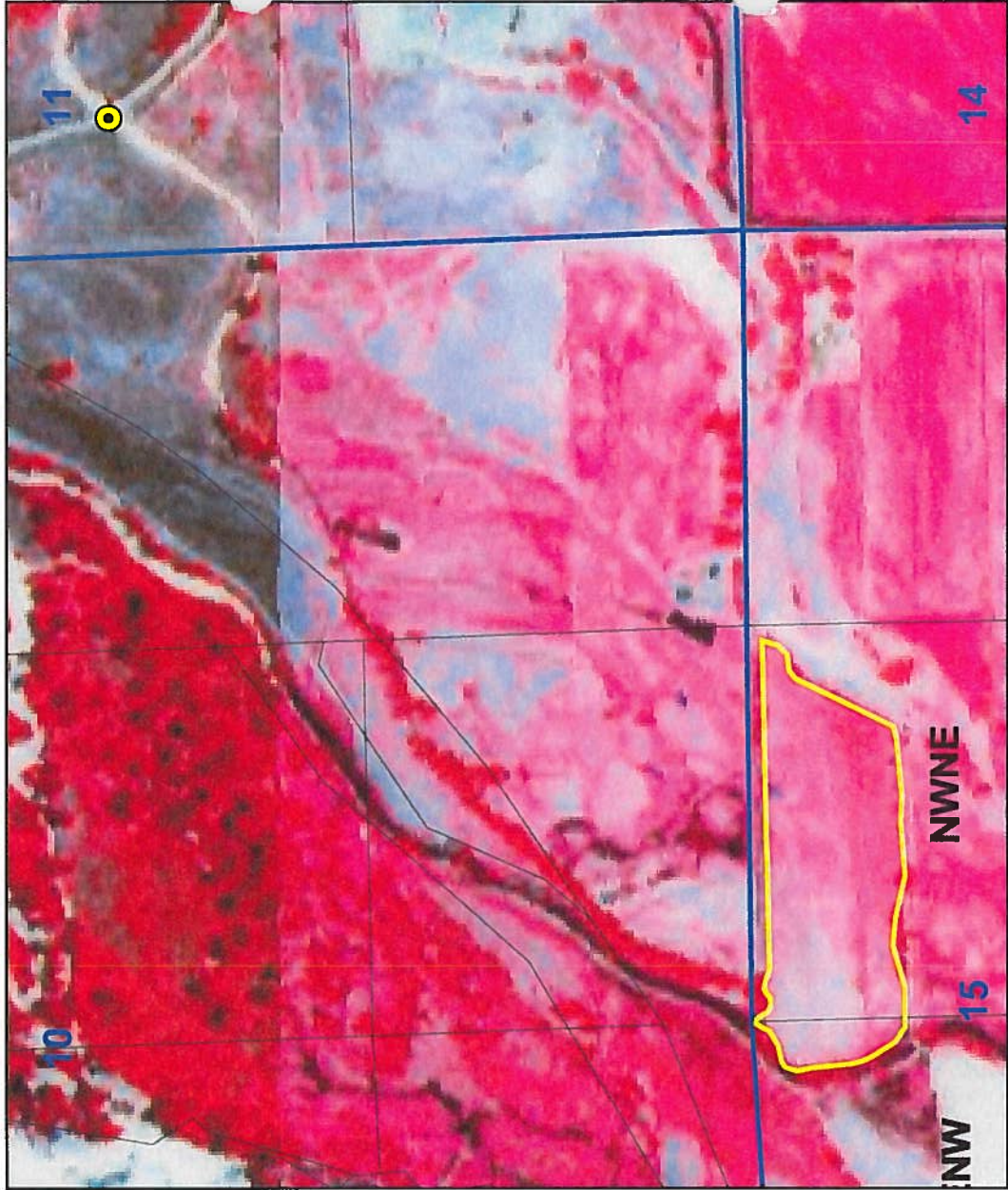
- Point of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters



Fremont County
IDWR Basin 22

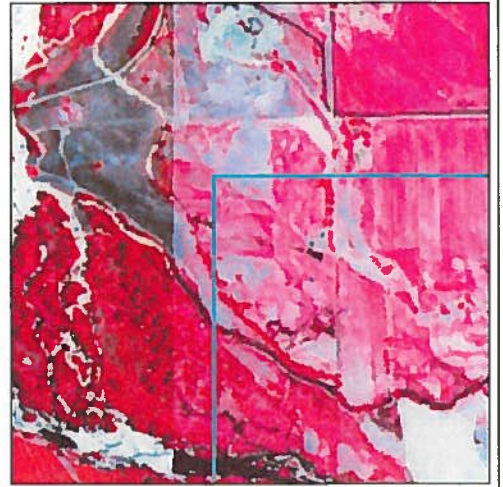
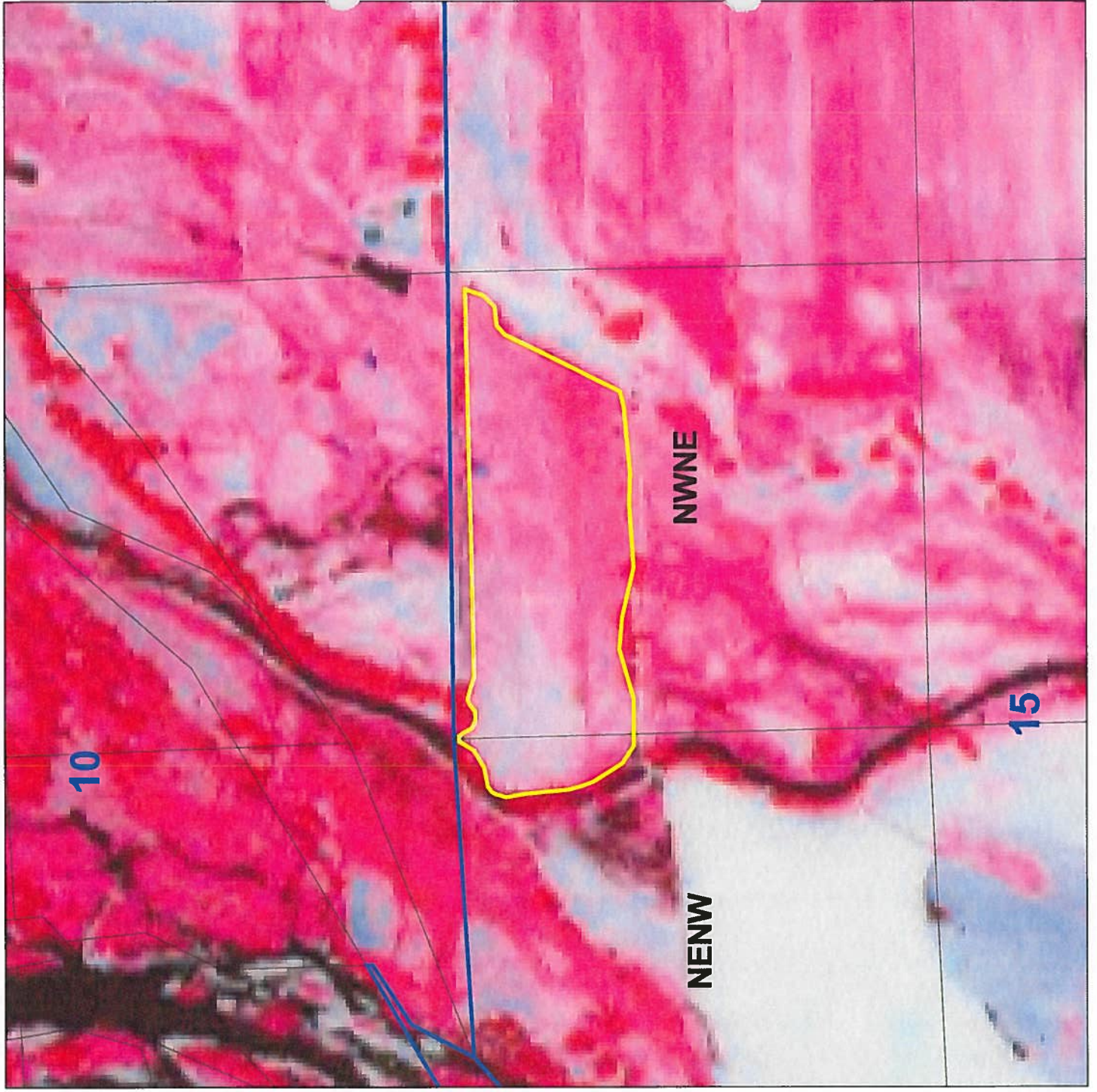
Prepared by T. Galbraith
On Friday, November 10, 2006
1987/88 Aerial Photography

R40E



T07N

22-2033A





State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. SKYLINE DR., SUITE A, IDAHO FALLS, ID 83402-1718

PHONE: (208) 525-7161 FAX: (208) 525-7177 WEB SITE: www.idwr.state.id.us

EASTERN REGION

JAMES E. RISCH
Governor

KARL J. DREHER
Director

November 10, 2006

Rayola R Birch
395 N 2200 E
St Anthony ID 83445

RE: Change to Preliminary Director's Report **22-2033A**

Dear **Mrs. Birch**:

The purpose of this letter is to notify you the Preliminary Director's Report you previously received for the above referenced claim has been changed. A printout of the new Preliminary Director's Report is included for your records.

The notices of error and new claims received subsequent to the mailing of the Preliminary Director's Report caused us to re-examine the recommendations involving water right **22-2033A**. The recommendation has been changed to more accurately reflect the place of use and amount of water for this claim.

If you have questions or wish to schedule an appointment please call me at the above number.

Respectfully,

Trent Galbraith
Water Agent
Adjudication Bureau

Enclosure

Amended Preliminary Directors Report

**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: 22-2033A

RAYOLA R BIRCH
395 N 2200 E
ST ANTHONY ID 83445

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

We fill that the 0.170 cfs is not a fair split of water right 22-2033A.

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

We feel that we are entitled to up to 1/2 of the old water right.

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

1/2 Of the field was not entered into the calculation. 8.6 acres were used where closer to 15 acres were available.

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

DATE: 10-27-06 SIGNATURE: Rayola Birch
Please print your name: Rayola Birch

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

At the meeting in St. Anthony October 11, 2006 the information was given to the representative we meet with.

✓

NOTES

11-9-05

22-2033 - cannot find another split. This claim is only for a small portion of license for irrigation. Domestic isn't even claimed. There is a claim report for 22-2033, but I could find no file anywhere. Assuming Part A is the only portion of 22-2033 that exists. Owners say they can't irrigate anymore land because of system. I believe they have the whole right, but can't use it, so they only claimed part of it.

Licensed for $1\frac{1}{2}$ ac for 70 ac. Recommending POU drawn by claimant's son Dennis in field exam w/ $1\frac{1}{2}$ ac of water. POU is not entirely original POU. Accomplished transfer at some point (CPS)

11-16-05

Found split as claimed

22-2033
70 ac.
1.4 cfs

2033A 0.6 cfs
30 ac.

13174 0.6 cfs
30 ac.

10 ac. and 0.2 cfs unclaimed still, as well as the domestic portion of right

Water Right No(s). A 22-2033A

GPS Data - 2683282 1418770	GPS File 222033
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GPS DATA:

Tag # None Location: _____

Diversion Data:

Source: unnamed stream Trib to: Henry's Fork

MOTOR

Make: NA Model: _____ Hp: _____
SN: _____

PUMP

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

NOTES:

Dennis Birch, son of applicant, modified P.O.U. map. He farms
P.O.U. for his mother. Ryola is sole owner as Lowell
passed away in Sept. 2004. Her new address is 395 N. 2200 E.
St. Anthony, ID 83445. Dennis' phone is 356-4988.
Cell phone - 390-4754.

Field Exam Date: 10-18-2005 Agent: D. Wyman

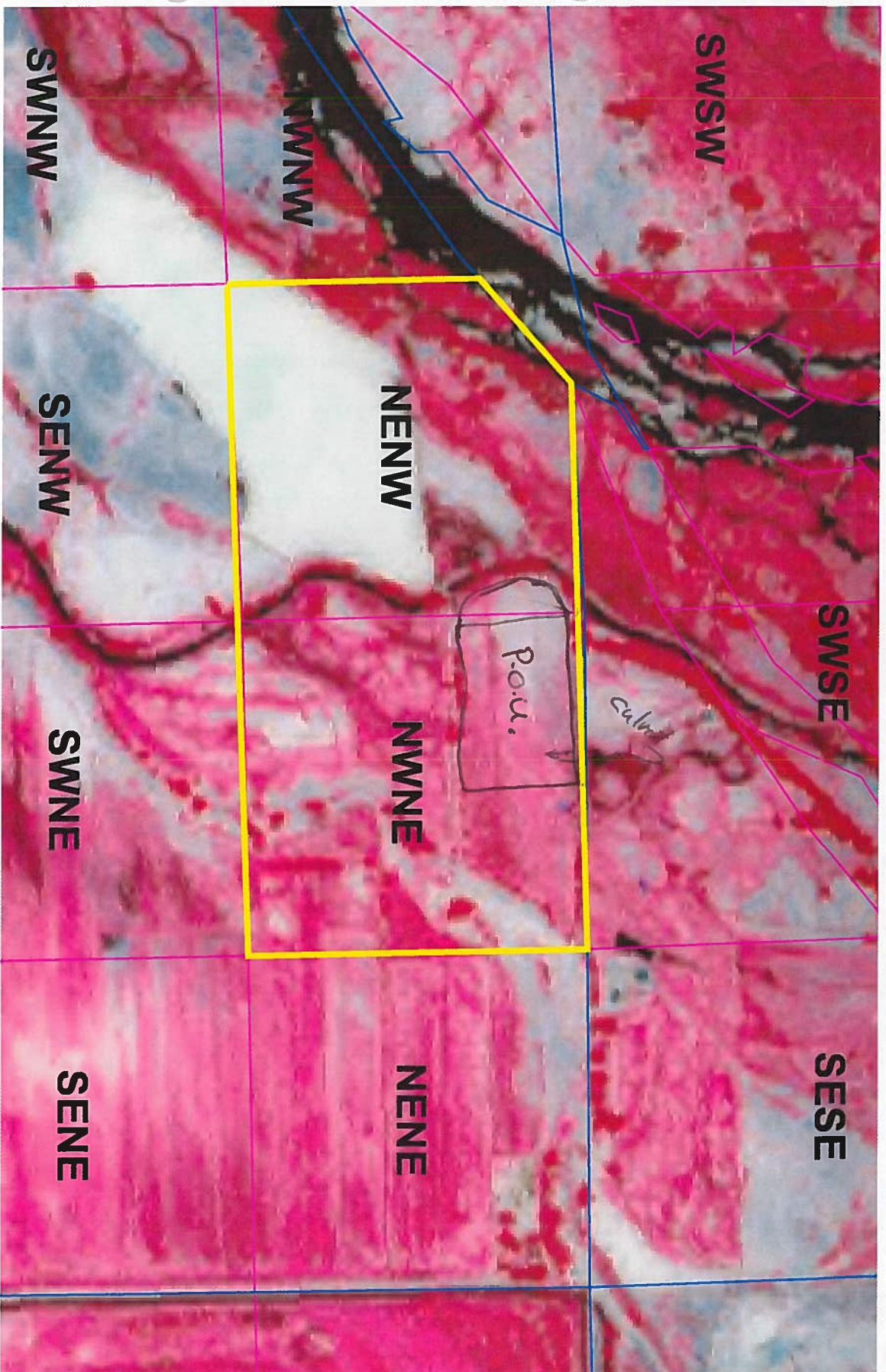
2 1
11 12

22-2033A

T7N, R40E



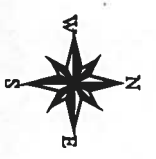
Township 07N Range 40E Section 15



Notes:

Water Right #: 2202033A

Examiner





A22-2033A, P.O.D with culvert under Railroad tracks

Dennis Birch in photo



Culvert
under
road

A22-2033A, P.O.U. Looking S.W.

County of Fremont *
1.4 second feet *
Unnamed stream *
Irrigation and domestic use. *
Priority of June 8,1908. *

-- S T A T E _ O F _ I D A H O --

--Water License No. 3730

WHEREAS, On the 8th day of June, A.D.1908, JOHN R. WINTER of Rexburg, County of Fremont, State of Idaho, duly made application (No. 5295) to me for a permit to use 4.9 cubic feet per second of the waters of an unnamed stream , County of Fremont, State of Idaho, for irrigation and domestic purposes, and

WHEREAS, On the 13th day of June A.D.1908, Permit No. 3730, 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 13th day of June, A.D.1909, and for the application to beneficial use of said water on or before the 13th day of June,A.D.1910, and

WHEREAS, On the 12th day of June,A.D.1909, JOHN R. WINTER, the holder of said permit duly made proof of the completion of adequate works for the diversion of 4.9 cubic feet per second of said waters, as evidenced by my Certificate No. 3730, dated July 10,1909,confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 4.9 cubic feet per second of the waters of an unnamed stream, with date of priority of June 8,1908, and

WHEREAS, On the 9th day of August A.D.1909, JOHN R. WINTER, the holder of said permit duly made proof of the application to beneficial use^{of} 1.4 cubic feet per second of said water:

NOW, THEREFORE, By virtue of authority vested in me by the laws of the State of Idaho, I hereby grant and confirm to JOHN R. WINTER, of Rexburg, County of Fremont, State of Idaho, the holder and owner of said Permit No. 3730, a perpetual right, dating from June 8,1908, to the use of 1.4 cubic feet per second of the waters of an unnamed stream,in the county of Fremont, and State of Idaho, or so much thereof as may be necessary for the purposes herein- below mentioned, to be (diverte at a point 944 feet East and 415 feet South of the one-fourth section corner to sections 10 and 11, township 7, north of range 40 east) of the Boise meridian, and conducted to and upon (30 acres in the northwest quarter of section 15, and 40 acres in the southeast quarter of section 10, township 7 north, range 40 east of the 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 13th day of September, A.D. Nineteen hundred and nine.

JOHN WINTER MAY MAY FEB 7, 1908

ALL THIS COMING 97661

POD
TIN 4108 S11
msw

TOU 70 M
See Report of
Engineer

Report of Engineer

1. State name of applicant and number of permit: John R. Winter - Permit 3730
2. State source of water supply: Unnamed stream
3. Location of point of diversion: 944 ft. east & 415 ft. south of 1/4 sec. cor. to
Secs. 10-11, Tp. 7 N., R. 40 E., B. 11.
4. State whether or not the works of diversion are fully completed and in accordance with terms of permit: Yes.
5. Describe works as they exist, giving dimensions of same as follows:
 - (a) Width of conduit at bottom: 5 feet
 - (b) Width at water line: 6 feet
 - (c) Depth of water: 1 foot
 - (d) Grade per mile: 3 feet
6. State whether or not water has been turned into works of diversion and if so, to what extent:
Water is now being used to beneficial purpose
through all the ditches
7. Give exact location of lands to be irrigated. Give exact number of acres under cultivation in each forty acre tract: S 2 of NW 4 and NE 4 of NW 4 and NW 4 of NE 4 Sec.
15 and T 5 and 6 Sec. 10 Tp. 7 N. R. 40 E. B. 11.
About 30 acres of grain in NW 4 Sec. 15
and 40 acres hay & grain in SE 4 Sec.
10 Tp. 7 N. R. 40 E. B. 11.
8. Submit map on enclosed plat, source of supply, point of diversion, route of ditch or ditches and cross hatch lands to be irrigated.

Remarks: Good ditch and plenty of water

RECEIVED

AUG 16 1909

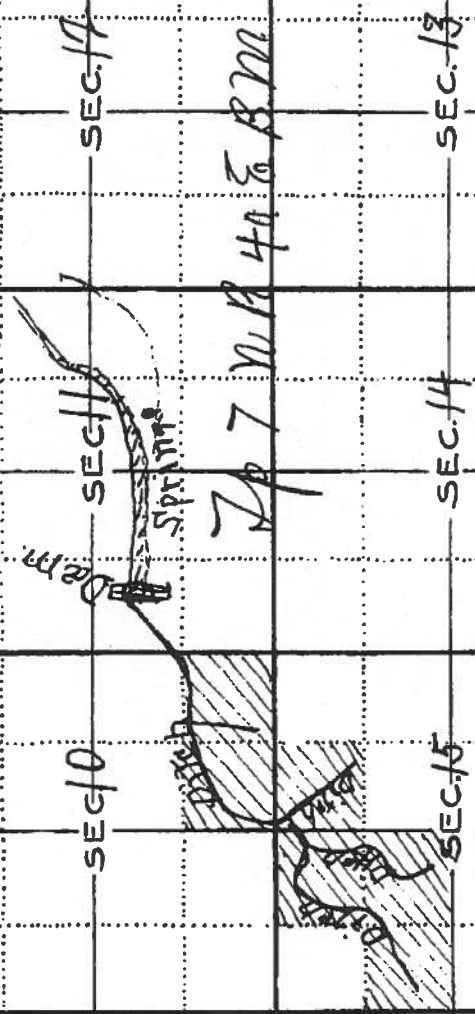
OFFICE OF STATE ENGINEER

J. O. Webster
Water Commissioner
1st Div.

STATE OF IDAHO,

County of.....

ss.



3730

RECEIVED
AUG 16 1909
OFFICE OF STATE ENGINEER

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

RECEIVED
MAR 9 1989

Ident. Number: A22-02033A
Date Received: 3-9-89
Receipt No: 1002957
Received By: AB

Department of Water Resources

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: LOWELL E. BIRCH 208-624-3051
Address: RT. 1, BOX 8
ST. ANTHONY, ID 83445
AND/OR
Name: RAYOLA R. BIRCH 208-624-3051
Address: RT. 1, BOX 8
ST. ANTHONY, ID 83445

A2202033A

2. Date of Priority: JUN 08, 1908

3. Source: UNNAMED STREAM Trib. to: HENRY'S FORK SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
07N	40E	11	NW	NW	SW		FREMONT
		15	NE	NW	NE		FREMONT

5. Description of diverting works:
WOODEN HEADGATE (SEC. 11), DITCHES, SPRINKLERS, FLOOD, SUB.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.600		

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

8. Total consumptive use is 75.0 Acre Feet Per Annum.

9. Non-irrigation uses:

A22-02033A

Page 1

Date: 03/09/89

MICROFILMED
OCT 29 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07N	40E	15	NW	NE		IRR	12.0
			NE	NW		IRR	18.0
					Section Acres		30.0
					Total Acres		30.0

11. Place of use in counties: FREMONT

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

13. Other Water Rights Used:
A2204148

14. Remarks:
SPLIT RIGHT FROM 22-02033

15. Basis of Claim: LICENSE
Water Right Number: 3730

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: 1

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): Lowell E. Smith Date: 3/9/89

Date: _____

State of Idaho)
County of Fremont) SS.

Subscribed and sworn (or affirmed) before me this 9th day
of March 19 89

Anna Baumbach
Notary Public

Seal

Residing at Boise Idaho
My Commission Expires 12-7 1994

