

02/23/2006

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

RIGHT NUMBER: 22-2035

NAME AND ADDRESS: STEVEN L BATES
544 W 225 S
DRIGGS ID 83422

SOURCE: MAHOGANY CREEK

TRIBUTARY: TETON RIVER

QUANTITY: 0.740 CFS *80*

PRIORITY DATE: 07/25/1908

POINT OF DIVERSION:

T04N R44E S14 *80* SWNE Within TETON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
04/15 10/31

QUANTITY
0.740 CFS

PLACE OF USE: IRRIGATION Within TETON County

T04N R44E S12 SWNE 37.00

37 ACRES TOTAL

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

This right is subject to regulation by the watermaster of Water District 01.

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 No. 22-38 is also diverted through point of diversion described above.

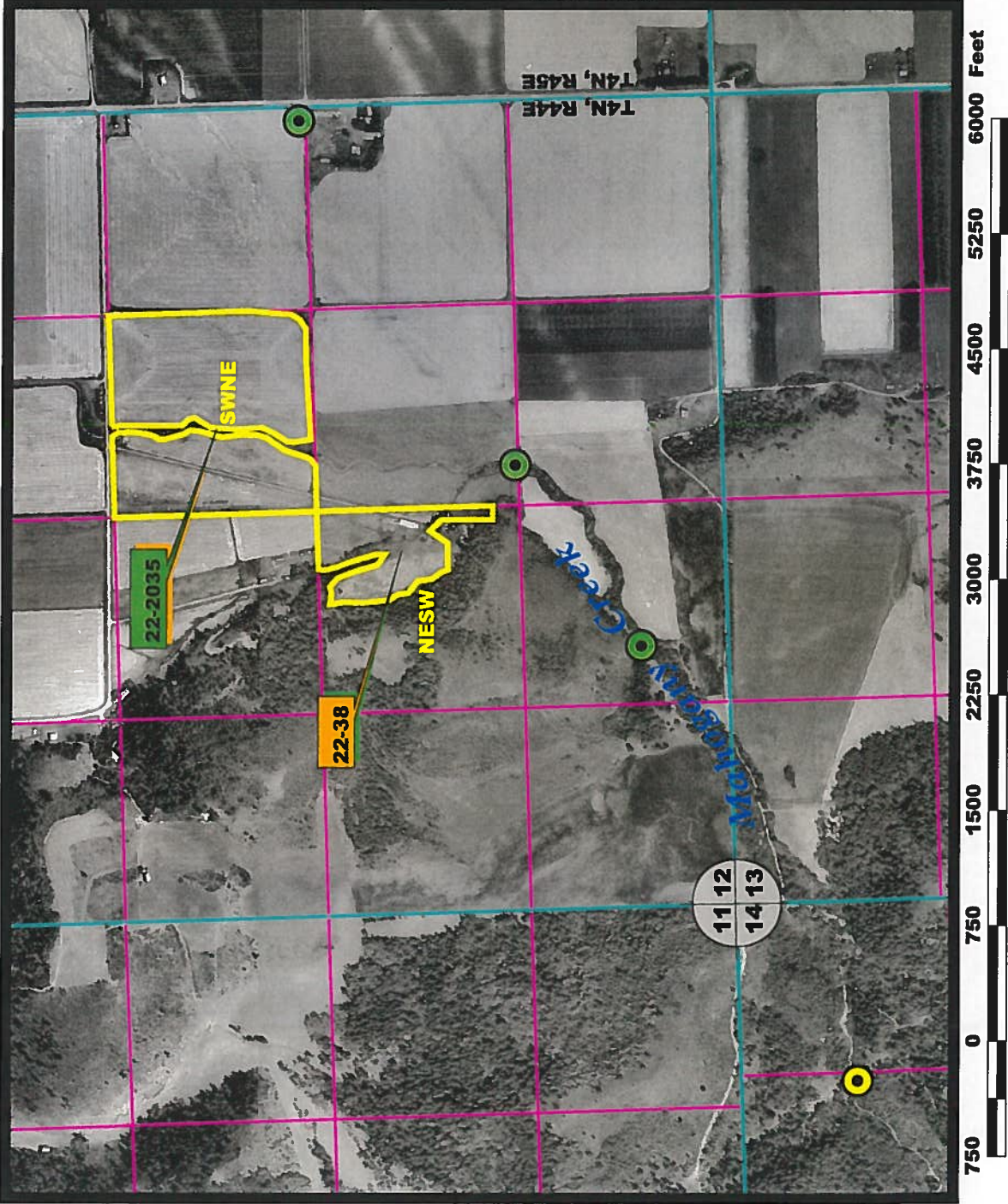
Right includes ~~accomplished~~ change in place of use pursuant to Section 42-1425, Idaho Code.

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



State of Idaho

Department of Water Resources
Eastern Region



Water Right(s):
22-38,
22-2035

Point(s) of Diversion:
T4N, R44E
Sec. 14 SENWNE

Place of Use: (parts of)
T4N, R44E Sec. 12
SWNE (22-2035)
NESW (22-38)

LEGEND

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



GIS Place of Use Illustration
1987/1988 NAIP Photography
Prepared by: A. Ruberry
Date: February 2008

Contacts Data Entry Form

Claim Number: 22-2035

Owner Type	Full Name	Address	City	State	Zip
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Current Owner: STEVEN BATES 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: _____

0.80

70

40

110

2.20

40

Discussion of right origin and split history. Questions and problems.LICENSED AS: 2.2 cfs on 110 AC from MANOGANY CR, July 25, 1908.TWO POD'S @ 1. SWSSE SEC. 12 T4NR44E2. SENE SEC. 12 T4NR44EPOD AS: N2NE SEC. 12 - 70 AC $\Rightarrow$ 110 AC @ 0.02 cfs/ACSWNE SEC. 12 40 ACClaims: 2.2 cfs on 38 AC from MANOGANY CR, July 25, 1908.POB AS NENE SEC. 14 T4NR44EPOB AS SWNE SEC. 12 " "

OVERCLAIMED

C# 3

C# 5

REMAINING POD (N2NE SEC. 12) IS CLAIMED UNDER 22-2036 (Temp)AND 22-2309 BY J.D. BURTON.THERE IS NO KNOWN CLAIM ON THE NENE SEC. 12 PORTION OF 22-2035RECOMMEND: R.D. DELIVERED VIA PIPELINE - NO CONVEY LOSS37 AC X 0.02 = 0.74 cfs on 37 AC22-2035 DELIVERED AT SAME POD.PRIORITY DATE MATCHES

Reviewer: _____ Date: _____

Water Right No(s). A22 02035



WELL DATA:

Tag # A0013804 Location: ON CONCRETE STRUCTURE

Well Data:

MOTOR

Make: GRAVITY FLOW SYSTEM Model: _____ Hp: _____
SN: _____

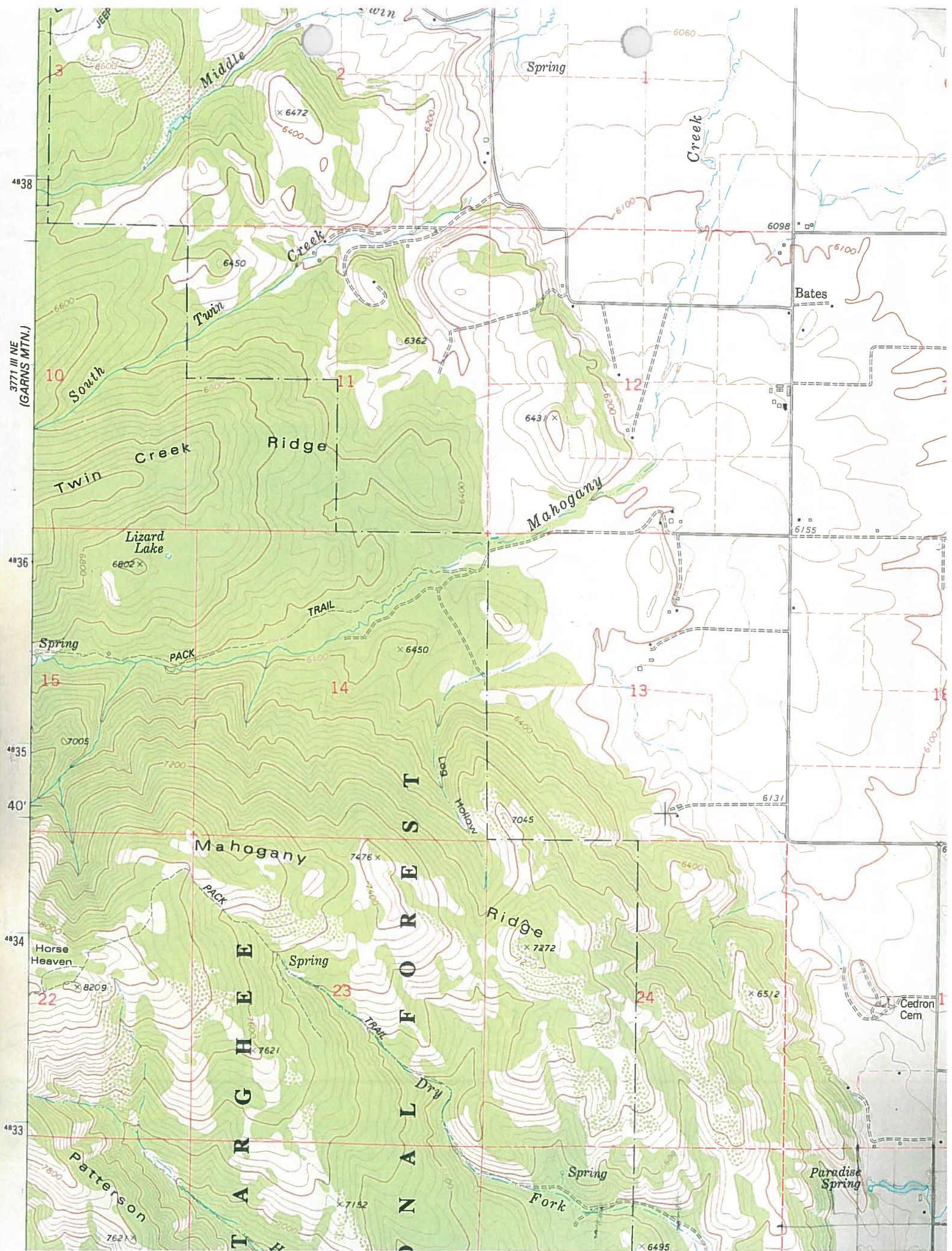
PUMP

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

NOTES:

Information in A2200162B.

Field Exam Date: 11-11-04 Agent: Nick Olson



Freemont, County
2-8 1908, 19.
Mahogany Creek
Irrigation and domestic
Priority July 26, 1908.

STATE OF IDAHO
WATER LICENSE No. 3792

WHEREAS, On the 21st day of June A.D. 1908, EDWARD BLAIS, of Bates, County of Fremont, State of Idaho, duly made application (No. 3791) to me for a permit to use two and four-tenths (2.4) cubic feet per second of the waters of MAHOGANY CREEK, County of Fremont, State of Idaho, for irrigation and domestic purposes, and;

WHEREAS, On the 3rd day of July A.D. 1908 Permit No. 3792 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 3rd day of July A.D. 1909 and for the application to beneficial use of said water on or before the 3rd day of July A.D. 1910, and;

WHEREAS, On the 7th day of August A.D. 1909 EDWARD BLAIS the holder of said permit duly made proof of the completion of adequate works for the diversion of two and four-tenths (2.4) cubic feet per second of said waters, as evidenced by my Certificate No. 3792 dated August 23, 1909 confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use two and four-tenths (2.4) cubic feet per second of said waters, with date of priority of June 21, 1908, and;

WHEREAS, On the 11th day of August A.D. 1910 EDWARD BLAIS the holder of said permit duly made proof of the application to beneficial use of 2.2 cubic feet per second of said waters;

NOW, THEREFORE, by virtue of authority vested in me by the laws of the State of Idaho, I hereby grant and confirm to EDWARD BLAIS of Bates, County of Fremont, State of Idaho, the holder and owner of said Permit No. 3792 a perpetual right, dating from July 26, 1908 to the use of two and four-tenths (2.4) cubic feet per second of the waters of MAHOGANY CREEK, in the County of Fremont and State of Idaho, or so much thereof as may be necessary for the purposes hereinbefore mentioned, to be diverted as follows: #1- in Southwest quarter Southeast quarter (SW4 SE4); #2- in Southwest quarter Northeast quarter (SW4 NE4), Section 12, Township 4 North, Range 44 East B.M., and conducted to and upon about 70 acres in North half of Northeast quarter (NE2 NE4) and 40 acres in Southwest quarter Northeast quarter (SW4 NE4) of Section 12, Township 4 North, Range 44 East B.M., 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, actual or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESSES, by hand and the seal of my office at Boise, Idaho this sixth day of October, A.D. Nineteen hundred and ten.

J. G. Martin
State Engineer

(SIL)

Recorded Oct. 8, 1910.

Report of Engineer

1. State name of applicant and number of permit: Edward J. Lee Permit # 37102
2. State source of water supply: Whiskey Creek
3. Location of point of diversion: SW 1/4 Sec. 12, T. 4 N., R. 1 E., S. 1 E.
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: 3 feet
- (b) Width at water line: 3.5
- (c) Depth of water: 1 foot
- (d) Grade per mile: 1/2 mile
6. State whether or not water has been turned into works of diversion and if so, to what extent: It is apparent that the amount of water used from this permit has been used to beneficial purposes, especially in the form of irrigation.
7. Give exact location of lands to be irrigated. Give exact number of acres under cultivation in each forty acre block: SW 1/4 of Sec. 12, T. 4 N., R. 1 E., S. 1 E. and 20 acres in SW 1/4 of Sec. 12, T. 4 N., R. 1 E., S. 1 E. about 20 acres more has been irrigated and used as a pasture.
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: This is a uniflorous water right.
There is an abundance of water until about
July 1st, each year.

STATE OF IDAHO

Centre of

being first duly sworn, deposes and says that the state-
to the best of his knowledge and belief.

Subscribed and sworn to before me this

My Commission Expires

RECEIVED

1992

History

ENGINEER

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SEC 2 1950
OFFICE OF STATE ENGINEER

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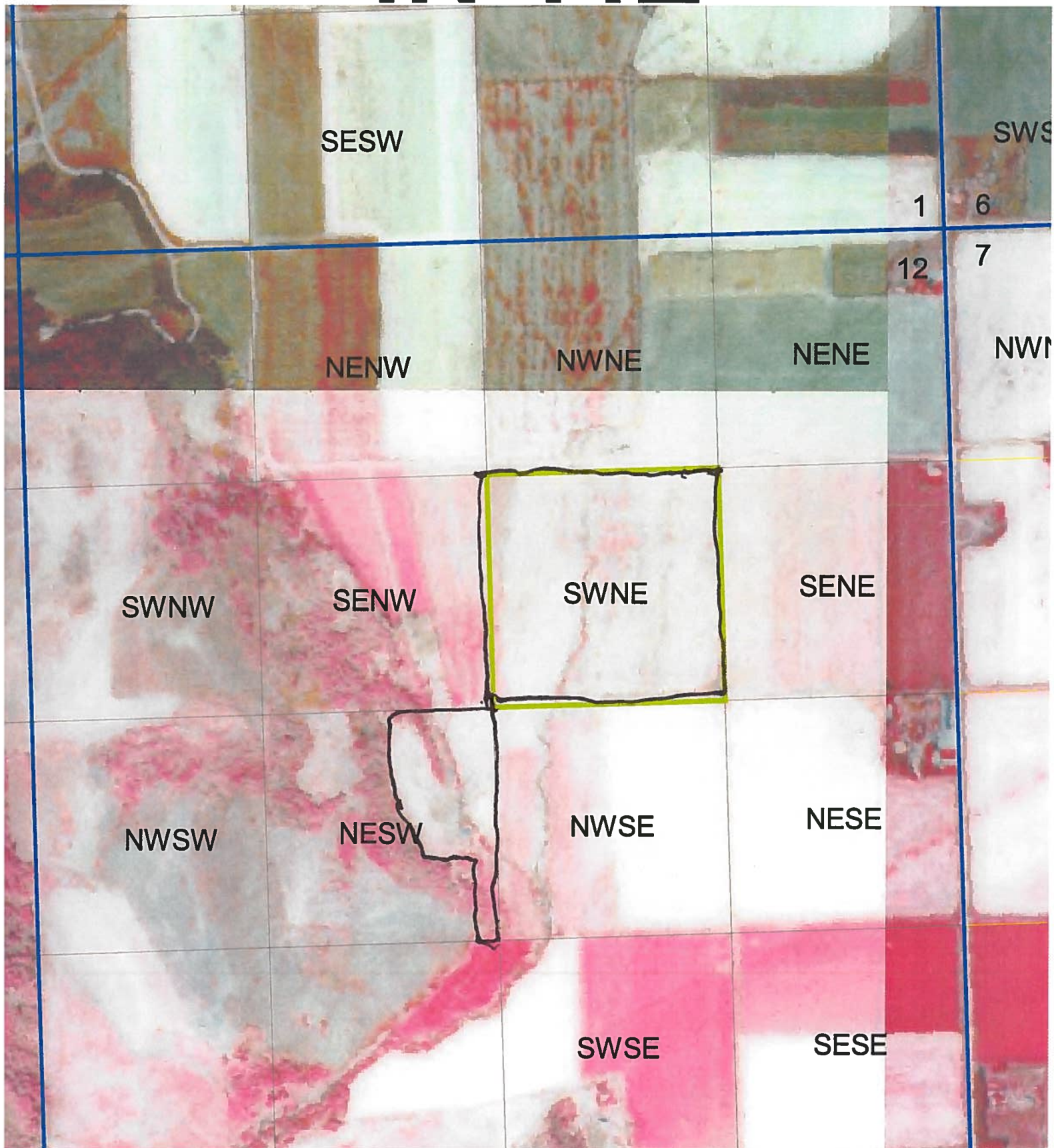
100% COTTON

John A. B. & B. M.

3/22

22-2035

4N 44E



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: A22-02035
Date Received: 10/ 3/1988
Receipt No: E002820
Received By: _____

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

1. Name: STEVEN L BATES 208-354-8258
Address: 544 W 225 S
DRIGGS ID 83422

2. Date of Priority: JUL 25, 1908

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	44E	14	NE	NE	NE		TETON

5. Description of diverting works:
CONCRETE DIVERSION WORKS PIPED TO PLACE OF WORKS

6. Water is used for the following purposes.

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/15	2.200		

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

8. Total consumptive use is 76.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	44E	12	SW	NE		IRR	38.0

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NOV 06 1990

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	38.0
					Total Acres	38.0

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:
A22-04113

14. Remarks:
APPLICANT OWNS ALL OF WATER RIGHT ABOVE

15. Basis of Claim: LICENSE

Water Right Number: 222035

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: _____

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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

the number A22-02035

Ident. Number: A22-12054

Date Received: 9/28/1988

Receipt No: E002820

Received By: *Dr* 2-3-89

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: STEVEN L BATES 208-354-8258
Address: 544 W 225 S
DRIGGS, ID 83422

2. Date of Priority: JUL 25, 1908

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	44E	14	NE	NE	NE		TETON

5. Description of diverting works:
CONCRETE DIVERSION WORKS PIPED TO PLACE OF WORKS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/15	2.200		

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

8. Total consumptive use is 76.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	44E	12	SW	NE		IRR	38.0

Section Acres 38.0

A22-12054

Page 1

Date: 02/03/89

A2202035



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10. Place of Use: Continued

Total Acres 38.0

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:
A22-04113

14. Remarks:
APPLICANT OWNS ALL OF WATER RIGHT ABOVE

15. Basis of Claim: DECREED
Water Right Number: 222035
Case Number:
Court :
Decree date:

Decree Plaintiff

vs

Decree Defendant

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NOV 06 1996

A22-12054

Page 2

Date: 02/03/89

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~~NOV 06 1996~~

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 _____

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~~NOV 06 1990~~

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

A 22-12054

Date Received

9-28-88

Receipt Number

E002820

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Steven L. Bates Phone (208) 354-8258Mailing Address 544 W. 225 S. DRIGGS ID Zip 834222. Date of Priority (Only one (1) per claim) July 25, 19083. Source of water supply (a) mahogany Creekwhich is tributary to (b) Teton River4. a. Location of existing point of diversion is: Township 4N Range 44E Section 14,NE 1/4 of NE 1/4 of NE 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, 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. Concrete diversion works

piped to place of works

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6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from Apr. 15 to Oct 15 amount 2.2 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 2.2 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 74 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) None

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>4N</u>	<u>44E</u>	<u>12</u>			<u>38</u>														<u>38</u>

Total number of acres irrigated 38

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.
A22-04113 or None ()

14. Remarks: Applicants owns all of water right above

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Last Name _____ 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 22-2035
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 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) Steven P. Bates

Date 28 Sept. 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 Id)
County of Teton) SS.

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

SEAL

Notary Public John Dal Carra

Residing at Boise Id

My Commission Expires 6/2/94

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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NOV 06 1992

Last Name _____ Ident. Number _____

Copies White-State, Yellow-Claimant

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NOV 26 1992

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NOV 26 1992



CLAIMANT'S NAME BATES, STEVEN L. CLAIM ID. NO. A22-12054

DATE RECEIVED 9-28-88 CK # 873 AMOUNT \$ 152

- YES NO
1. Is the name and address complete with zip code? ☒ ☐
2. Is a priority date entered? ☒ ☐
- Is the water use exempt from the Permit requirements, or if it is not exempt, has a Permit been approved or a License issued?
A Permit is required: (1) for groundwater developed after March 25, 1963 (except single family domestic and stockwater wells using less than 13,000 gpd), or (2) for surface water developed after May 20, 1971 (except for instream stockwater). USE CARE IF CLAIM IS RETURNED. REFER TO ADJUDICATION MEMOS # 1 (ADJ. CLAIMS/APPLICATIONS) AND # 9 (REJECTION OF CLAIMS). EXPLAIN IN COMMENTS.
3. (a) Is a source entered? ☒ ☐
- (b) Is a tributary to entered? (if required) ☐ N/A ☐
4. Is the legal description of the p.d. sufficient? ☒ ☐
5. Is there a description of the diverting works? ☒ ☐
6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form.
Is the period of use included? ☒ ☐
- Is a quantity claimed for each use? ☒ ☐
7. Is a total quantity claimed entered? ☒ ☐
8. If required is a consumptive use entered? ☐ N/A ☐
- Is the consumptive use correct? ☐ N/A ☐
9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. ☐ N/A ☐
10. Is (are) the place(s) of use entered? ☒ ☐
11. Is (are) the county(ies) entered? ☒ ☐
12. Is the ownership of p.u. checked? ☒ ☐
13. Are other water rights listed or "none" indicated? ☒ ☐
14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) ☐ N/A ☐
15. Is the basis of the claim checked? ☒ ☐
16. Is the claim signed by the claimant, and is the signature appropriate? (If an individual is the claimant, has that individual signed the claim, or if an organization is the claimant, is the organization signature block complete?) ☒ ☐
17. Has the claim been signed, sealed, and dated by a notary? ☒ ☐
18. Was this claim filed on time, or was an extension granted? ☒ ☐
19. Is the fee enclosed correct? ☐ Exempt ☐
20. If this claim is based on an existing water right, has the identification number been entered? ☐ N/A ☐
21. Should this claim be receipted and data entered? ☒ ☐

2820

Claim checked by: [Signature] **MICROFILMED**
NOV 06 1992

Comments: REJECTION OF WR 22-02035