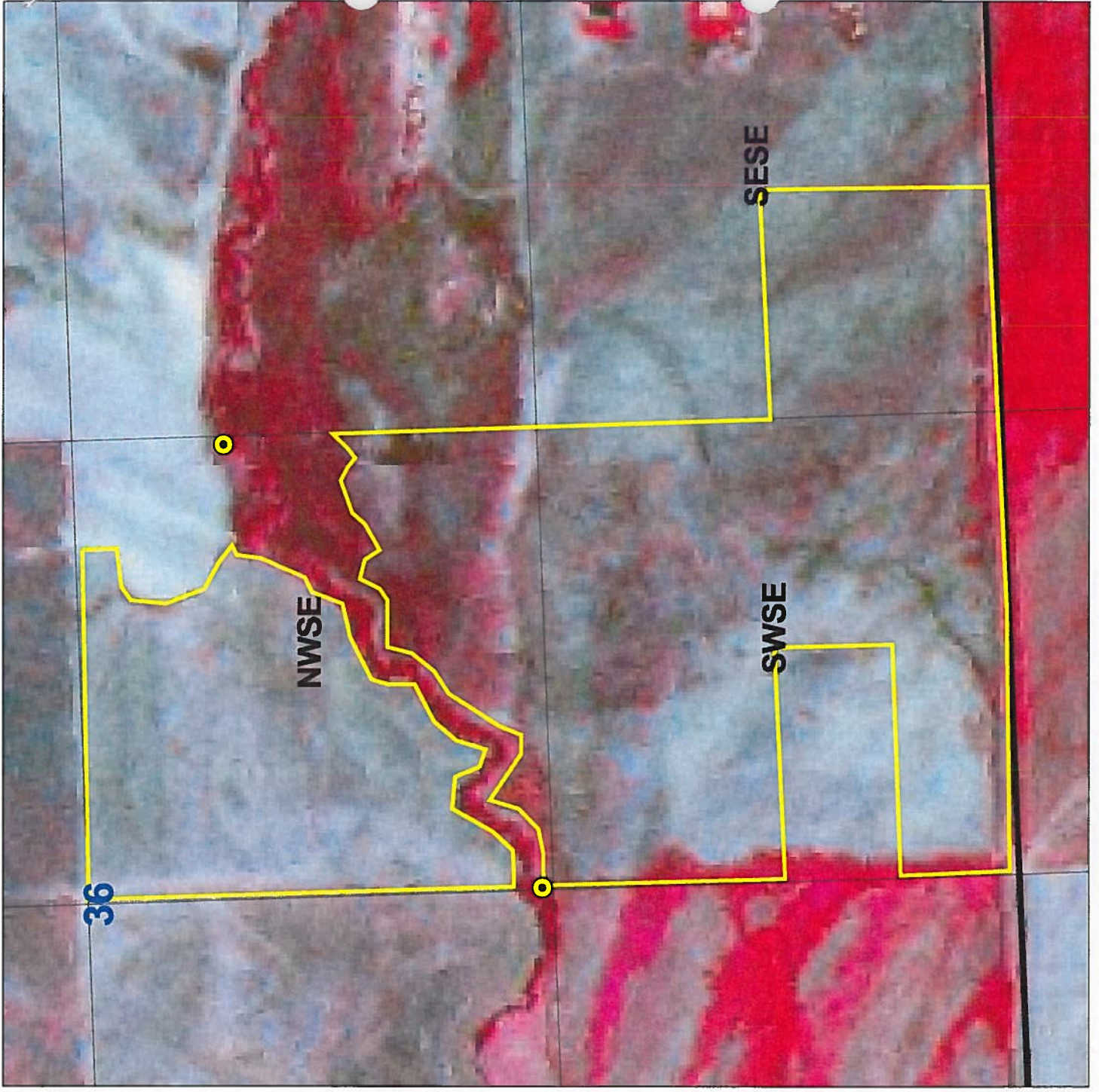


IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

Use of this right is combined with water from Garden Water Irrigation Company.

22-2153A





Idaho Department of Water Resources

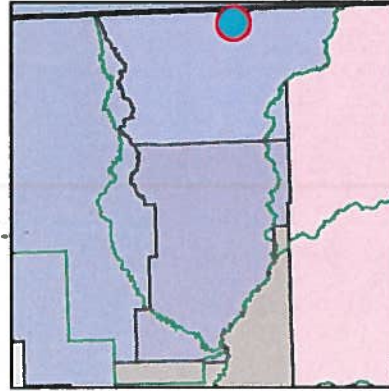
SRBA Recommendation:

22-2153A

(Irrigation)

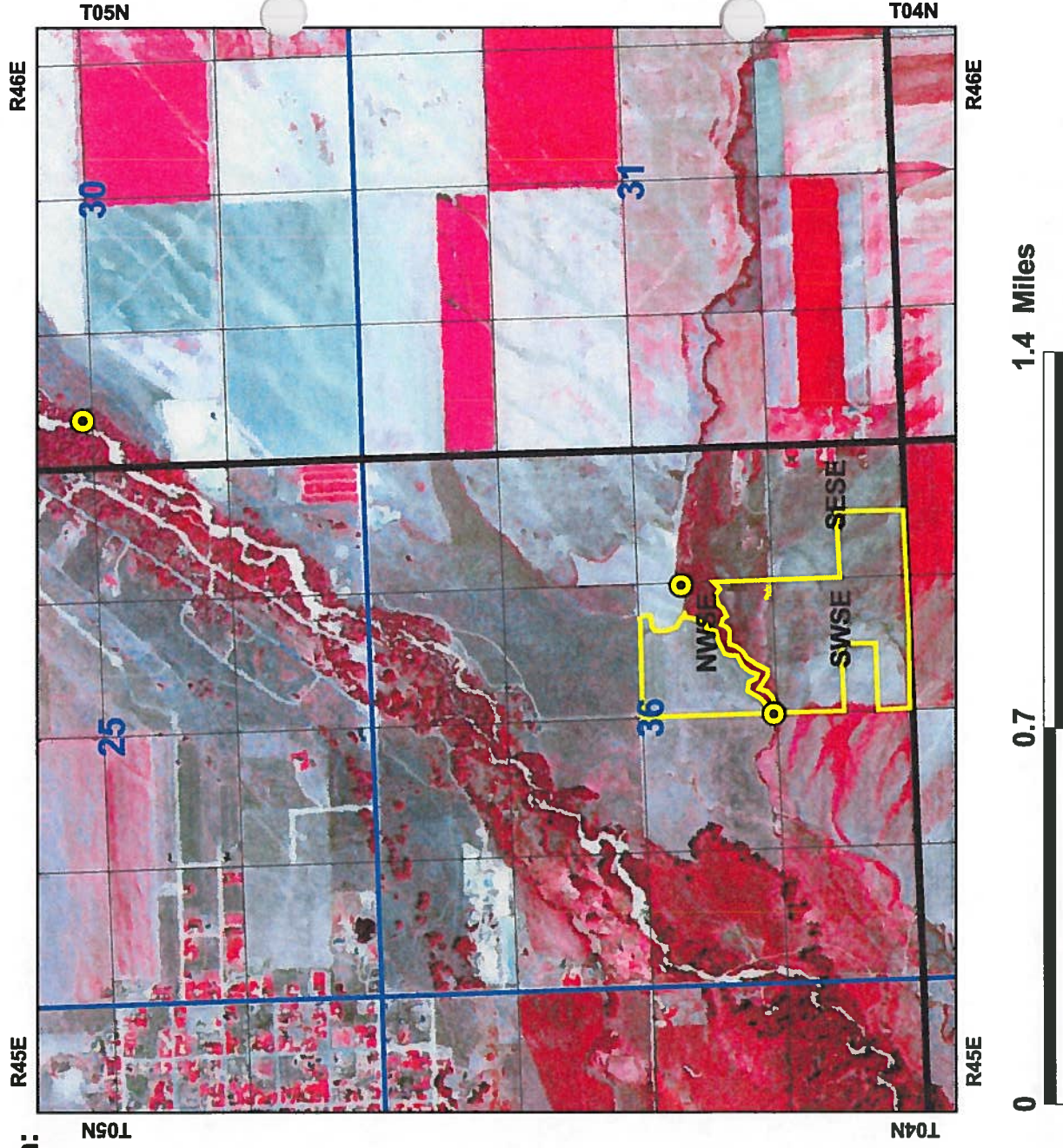
Legend

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



Teton County
IDWR Basin 22

Prepared by T. Galbraith
On Monday, December 11, 2006
1987/88 Aerial Photography



12/07/2006

**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: 22-2153A

PAUL G GILROY

PO BOX 222

WILSON WY 83014

Telephone Number: (307)733-4314

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

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

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

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

DATE:

11 Dec 06

SIGNATURE:

Paul Gilroy

Please print your name:

PAUL GILROY

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



Idaho Department of Water Resources

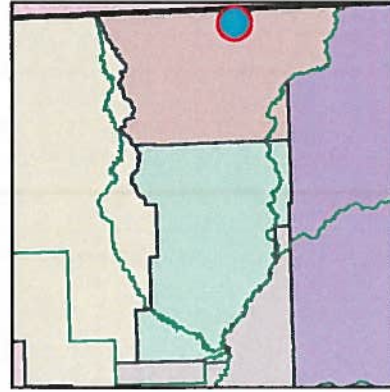
SRBA Recommendation:

22-2153A

(Irrigation)

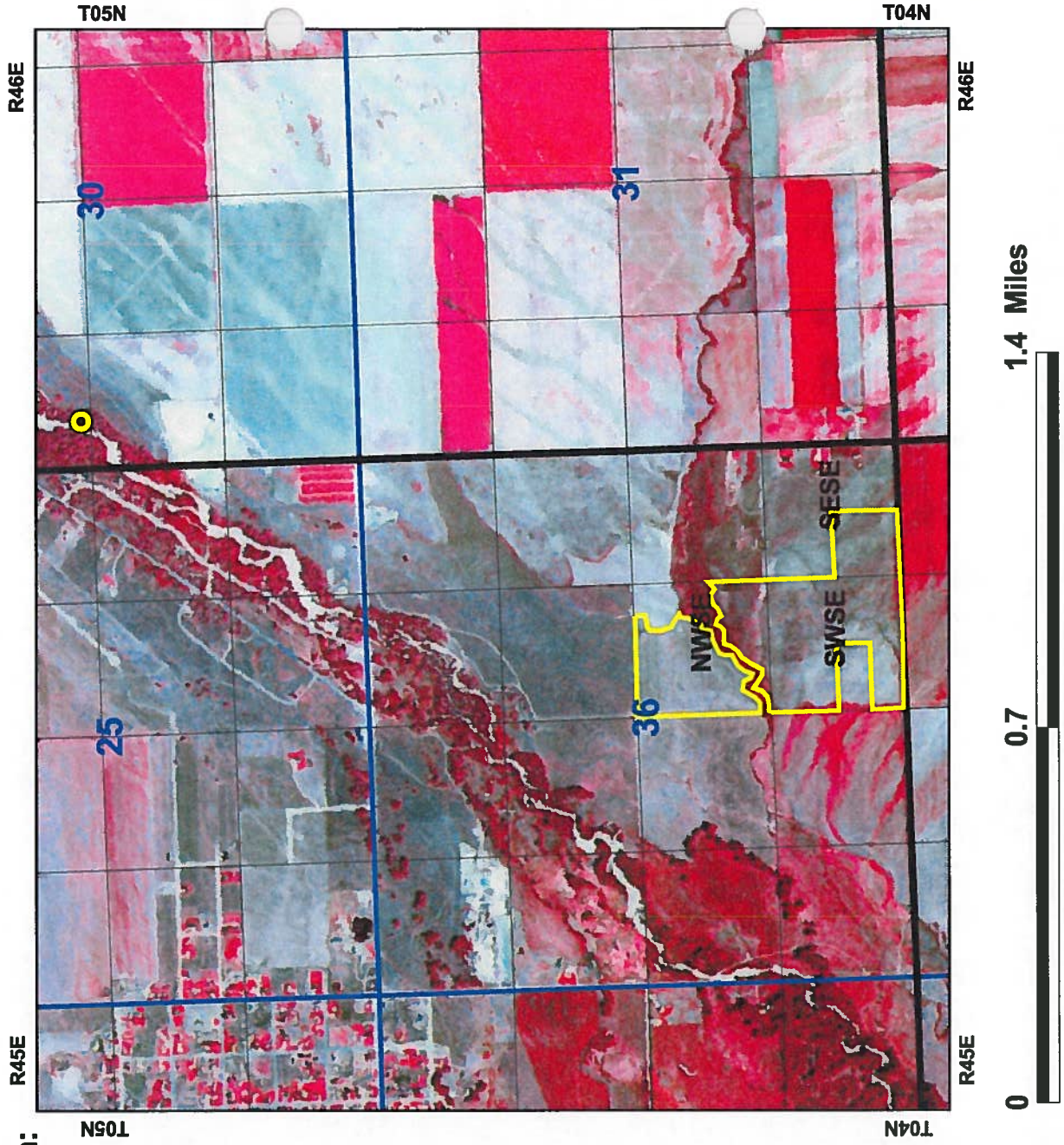
Legend

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

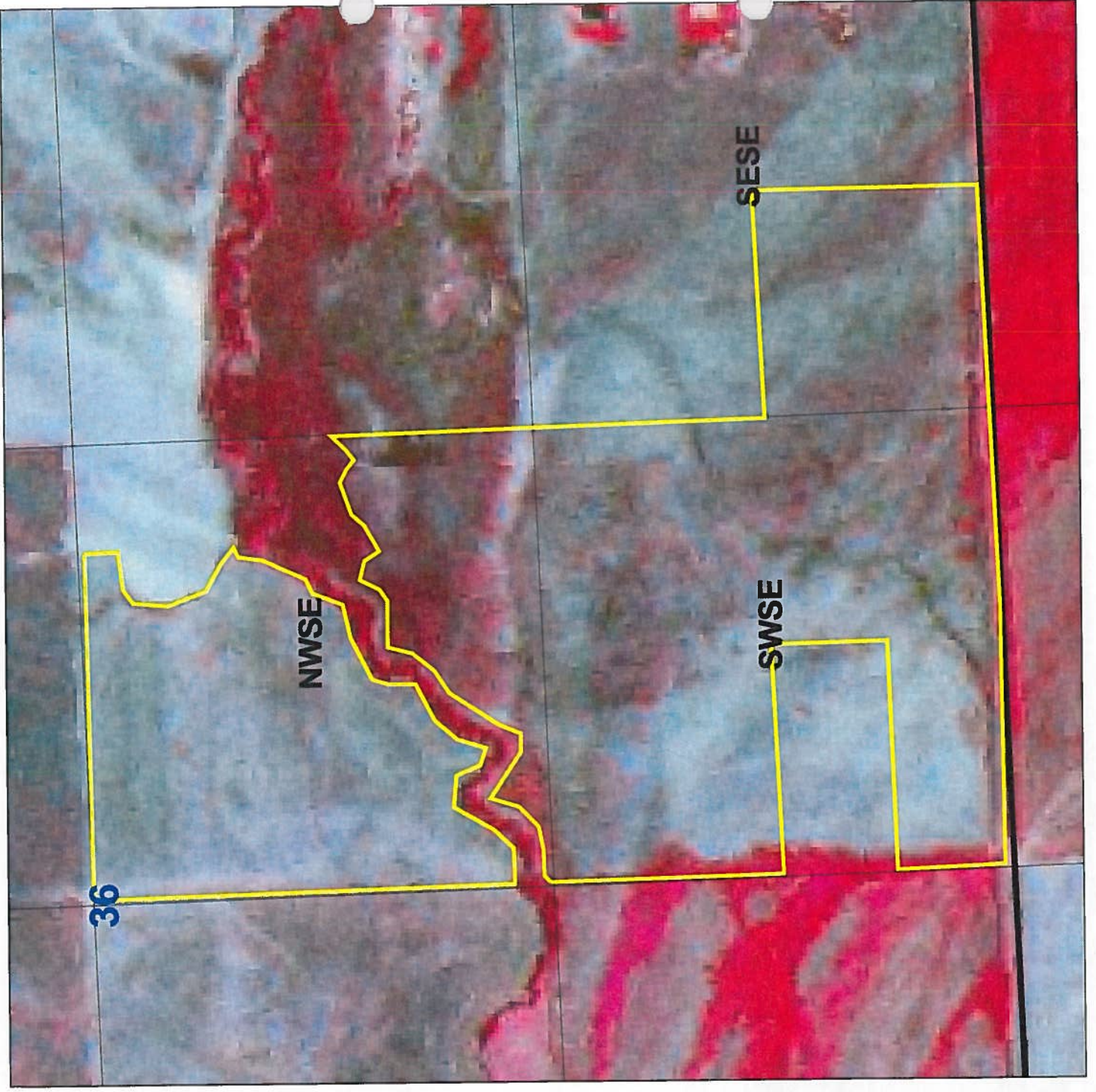


Teton County
IDWR Basin 22

Prepared by C. Bird
On Thursday, December 7, 2006
1987/88 Aerial Photography



22-2153A



Notes

11/27/06 Disallow & this is not used.

He uses waste water from the Darby Creek system from Garden Water Co. He has shares in Garden Water Co.

12/5/04 Skip GPS'd POO'S, Paul can't get Tilton Ck water, he uses Spring Ck.

12/7/06 Recommended claimed Pod, claimant will have to file a transfer for 1991 pump installed.

Same POH as 22235A.



State of Idaho
DEPARTMENT OF WATER RESOURCES

15 W. Center St. Soda Springs, Idaho 83276

Phone: (208) 547-3993 FAX: (208) 547-3939 www.idwr.idaho.gov

JAMES E. RISCH
Governor

KARL J. DREHER
Director

November 18, 2006

PAUL G GILROY
PO BOX 222
WILSON WY USA 83014

REF: Snake River Basin Adjudication (SRBA) claim 22-2153A

Subject: Change in Source and Point of Diversion

RESPONSE DATE: NOVEMBER 30, 2006

Dear Claimant(s):

IDWR's initial investigation of the Notice of Claim listed above indicates that there has been a change in the source and point of diversion as described below:

PREVIOUS SOURCE: TETON CREEK
NEW SOURCE: SPRING CREEK AND DARBY CREEK

PREVIOUS POD: SWNW of Sec 30, T5N R46E
NEW PODS: NESW of Section 36, T5N R45E

A water right owner who has made a change in use of a water right prior to commencement of the SRBA without prior IDWR approval may claim the change in the SRBA. IDWR may recommend a right as changed, however, only if the change meets certain requirements. One of those requirements is that the changes not result in injury to other water rights, or that the change be conditioned to prevent injury to other water rights.

Before IDWR can recommend your claim, you must provide us with evidence to support the date of the change in source and point of diversion. If the change was made before November 19th, 1987, then the date provided must include the month, day and year. If the change was made after November 19, 1987, then a specific date is not necessary, and the evidence need only support that the change occurred sometime after November 19th, 1987.

This office must receive your response by the date shown above. If no response is received, then your claim to water from Teton Creek will not be recommended to the SRBA court to be decreed.

If you have any questions please don't hesitate to give me a call at 547-3993.

Respectfully,

Cindy E. Bird
Adjudication Bureau

Enclosure(s): Field exam map.

DD
7/23/04 Lists Teton Creek as a source,
but the water currently being used
is coming from Spring Creek and
overflow water from Darby Creek
(Garden Irrigation Co.)

I don't see any water coming from
Teton Creek. There is a high water
ditch out of Teton Creek that has not
been used for many years.

11/16/06. Changed POD + source? When.

Claim No. 22-2153A

Document Checklist

☒ ~~Copy License/Decree~~

☐ Copy Transfer

☒ Copy Licensing Field Exam

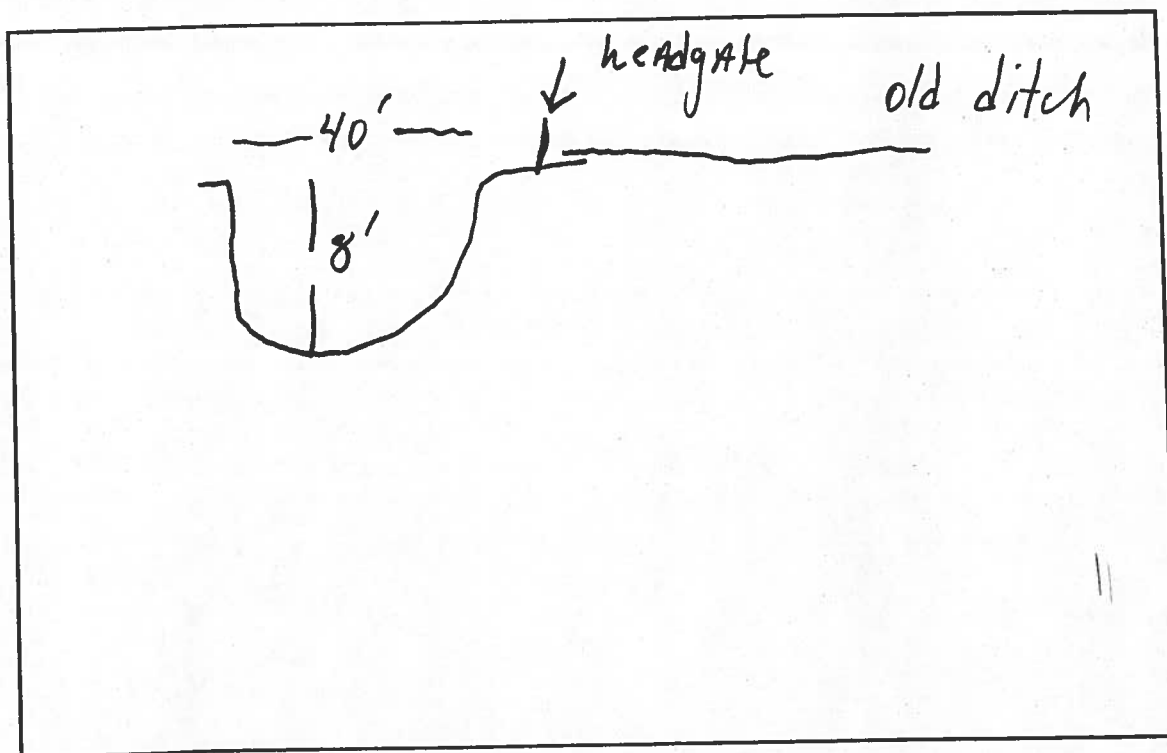
☐ Check if Ownership/Address Change is Required

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

☒ Generate Arcview Map

Refer to A 22 12573 & A 22 02135A

Water Right No(s). _____



GPS DATA:

Tag # A0013888 Location: old headgate

Diversion Data:

Source: Teton Creek Trib to: Teton River

MOTOR

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

PUMP

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

NOTES:

Field Exam Date: 9/20/04 Agent: DO

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.

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

Recommended Point(s) of Diversion and Source.

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

Other rights from this POD? _____

Transfers Pending or approved: _____

Document how the POD and Source were verified:

DD

There is an old ditch out of Titon Creek that has not been used for many years.

The diversion works would have to be redone.

Channel work in Titon Creek has rendered the old headgate useless as it is. Some work would have to be done to use this diversion. The headgate is approx. 6' above the level of the creek even at high water.

Reviewer: _____ Date: _____

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

Total acres _____

Pending or approved Transfers: _____

Overlapping rights: _____

Document how the POU was verified:

20
1/23/04 The POU is currently irrigated with a pump and pipeline.
The water is coming from Spring Creek and Larby Creek.
The old ditch for this claim has not been used for at least 20 years.

Reviewer: _____ Date: _____

State of Idaho
License and Certificate of Water Right

Water License No. 24725

Amount 6.4 c.f.s.

Water District No. _____

Priority Feb. 22, 1954

THIS IS TO CERTIFY that ALFRED DURTSCHI, M. LELAND SORENSEN & EZRA A. MURDOCK of Driggs, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated February 22, 1954, 19 ; that Permit No. 24725 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 6.4 second feet, was issued thereunder on November 7, 19 61, showing that said works were completed on the 23rd day of February, 19 59 ; and that on the 23rd day of February, 19 59 ,

ALFRED DURTSCHI, M. LELAND SORENSEN & EZRA A. MURDOCK of Driggs, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of Teton Creek, a tributary of Teton River, for the purpose of irrigation, under Use Permit No. 24725 of the Department of Reclamation and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume 12 of Licenses at page 7203, on the 7th day of November, 19 61 ; The right hereby confirmed dates from February 22, 19 54 ;

The Point of Diversion is located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 30, Tp. 5 N, R. 46 E, B. M. Teton County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 6.4 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
5 N	45 E	36	NE $\frac{1}{4}$ NE $\frac{1}{4}$	40	38
			NW $\frac{1}{4}$ NE $\frac{1}{4}$	40	20
			SW $\frac{1}{4}$ NE $\frac{1}{4}$	40	22
			SE $\frac{1}{4}$ NE $\frac{1}{4}$	40	40
			NE $\frac{1}{4}$ SE $\frac{1}{4}$	40	40
			NW $\frac{1}{4}$ SE $\frac{1}{4}$	40	40
			SW $\frac{1}{4}$ SE $\frac{1}{4}$	40	40
			SE $\frac{1}{4}$ SE $\frac{1}{4}$	40	40
5 N.	46 E	31	NW $\frac{1}{4}$ SW $\frac{1}{4}$	40	40
					10
Total number of acres to be irrigated:					320

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this

1st day of November, 19 61.

s/ RALPH W. THOMAS
Deputy State Reclamation Engineer.

(SEAL)

22 2153

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF ENGINEER

Permit No. 24725This proof is for Completion of Works & Beneficial Use In Water District No. _____1. Name of applicant Ezra A. Murdock, Alfred Durtschi, M. Leland Sorensen2. Source of water supply: Teton Creek - tributary of Teton River

3. Location of point of diversion: Is in the #1 - NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 25
5 North 45 E.B.M. #2 - SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 30
 T. 5 North R. 46 E.B.M. County of Teton

4. Describe works as they exist, giving dimensions and capacities of same: Concrete head-gate 5' wide, 4' high to a pen ditch 3' bottom, 10' top width, 2 1/2' deep water line 2' deep.

5. Water is used for: Irrigation6. State whether or not water has been turned into works of diversion: y. es.

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 31, Twp. 5 North, Rge. 46 E.B.M.

NE $\frac{1}{4}$, SE $\frac{1}{4}$ Section 30, Township 5 North, Range 45 E.B.M.

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach? Teton RiverRemarks: Mrs. Murdock alongThis examination was made on the 12th day of October, 1961.(Signed) Larry Johnson Examiner.

24725

Date Received 8 NOV 96

State of Idaho
Department of Water Resources
REQUEST FOR EXTENSION OF TIME
TO FILE ADJUDICATION CLAIM(S)

RECEIVED

JAN 13 1997

The Idaho Department of Water Resources will consider this form as a request by the claimant for an additional period of time in which to file claim(s) beyond the 90 days allowed by Section 42-1409(10), Idaho Code.

Name of Claimant PAUL GILROY 307 733-4314
Phone Number
Mailing Address Bx 222 WILSON WY 83014
City State Zip
County(s) where place of use is located Teton Co. IDAHO 1991 ?
Date claim originally due
Identify water right(s) for which extension is requested A 22-02153 A / A 22-02135 A

State why an extension of time is requested explaining how a diligent effort has been made to meet the deadline.

Property was subdivided and I start purchasing
these small Tracts in 1992. IT has Taken until now 1996,
to purchase all these small Tracts and complete the
process of putting this Sub division back into Agriculture.

Claimant requests an extension to 1 Jan, 19 97
Signature Paul Gilroy 8 NOV, 19 96
Date of request
Title owner

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

The above request for extension of time is hereby [☒ granted] [☐ denied] for the following reasons:

and if granted the filing deadline is extended to Jan 31, 19 97
Signed this 6th day of December, 19 96

David R. Talbot
Director or his designated agent

RECEIVED

JAN 13 1997

Department of Water Resources

Eastern District Office

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: A22-02153A

Date Received: 11/ 8/1996

Receipt No: E022879

Received By: ENC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: PAUL G GILROY 307-733-4314
Address: PO BOX 222
WILSON WY 83014

2. Date of Priority: FEB 22, 1954

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
05N	46E	30		SW	NW		TETON

5. Description of diverting works:
OPEN DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	1.800		

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

8. Total consumptive use is 225.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
05N	45E	36	NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	10.0



10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	90.0
					Total Acres	90.0

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:

14. Remarks:

15. Basis of Claim: LICENSE

Water Right Number: 24725

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: 3

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): Paul Shroy Date: 8 NOV 96

Date: _____

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 8 day

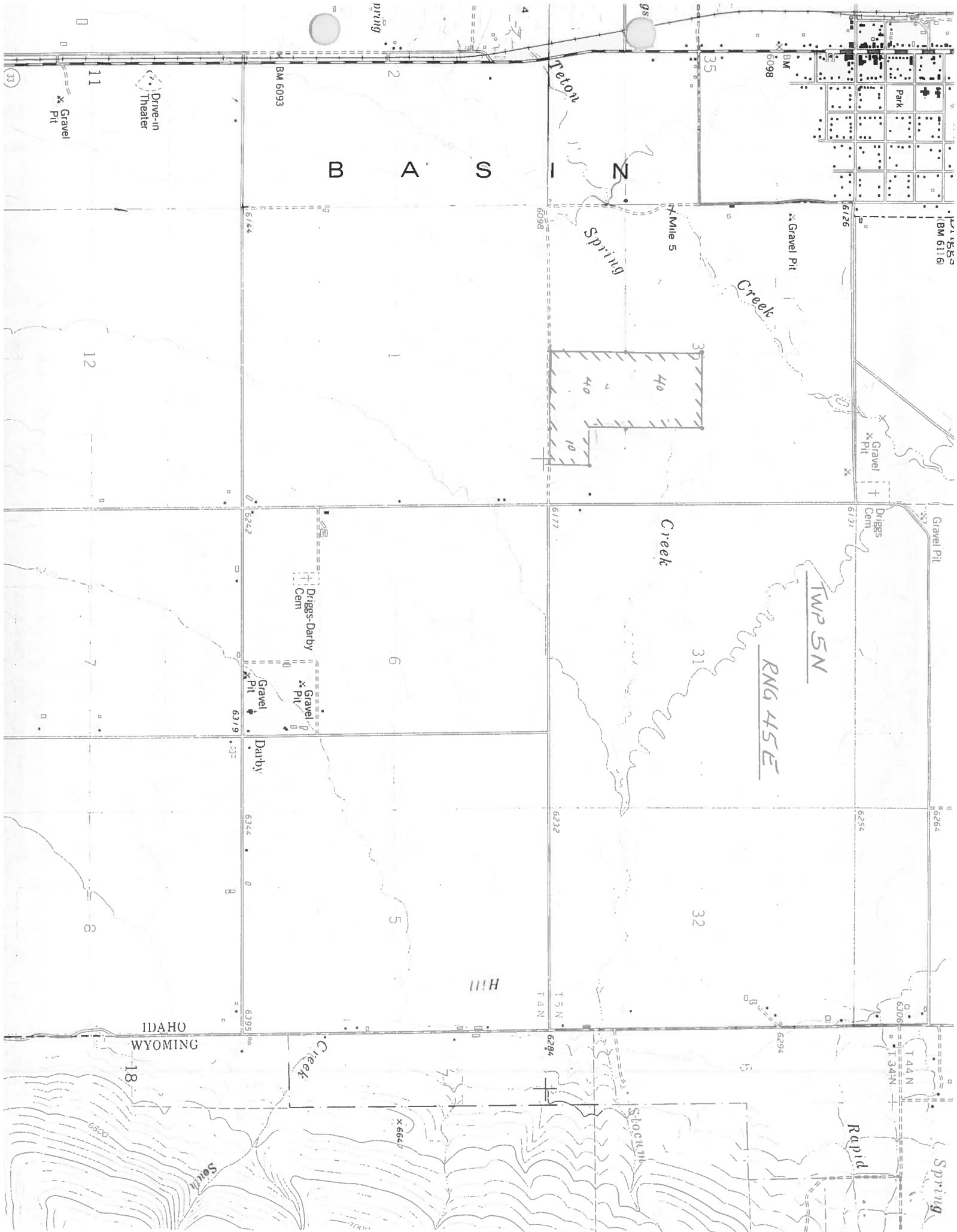
of Nov 19 96

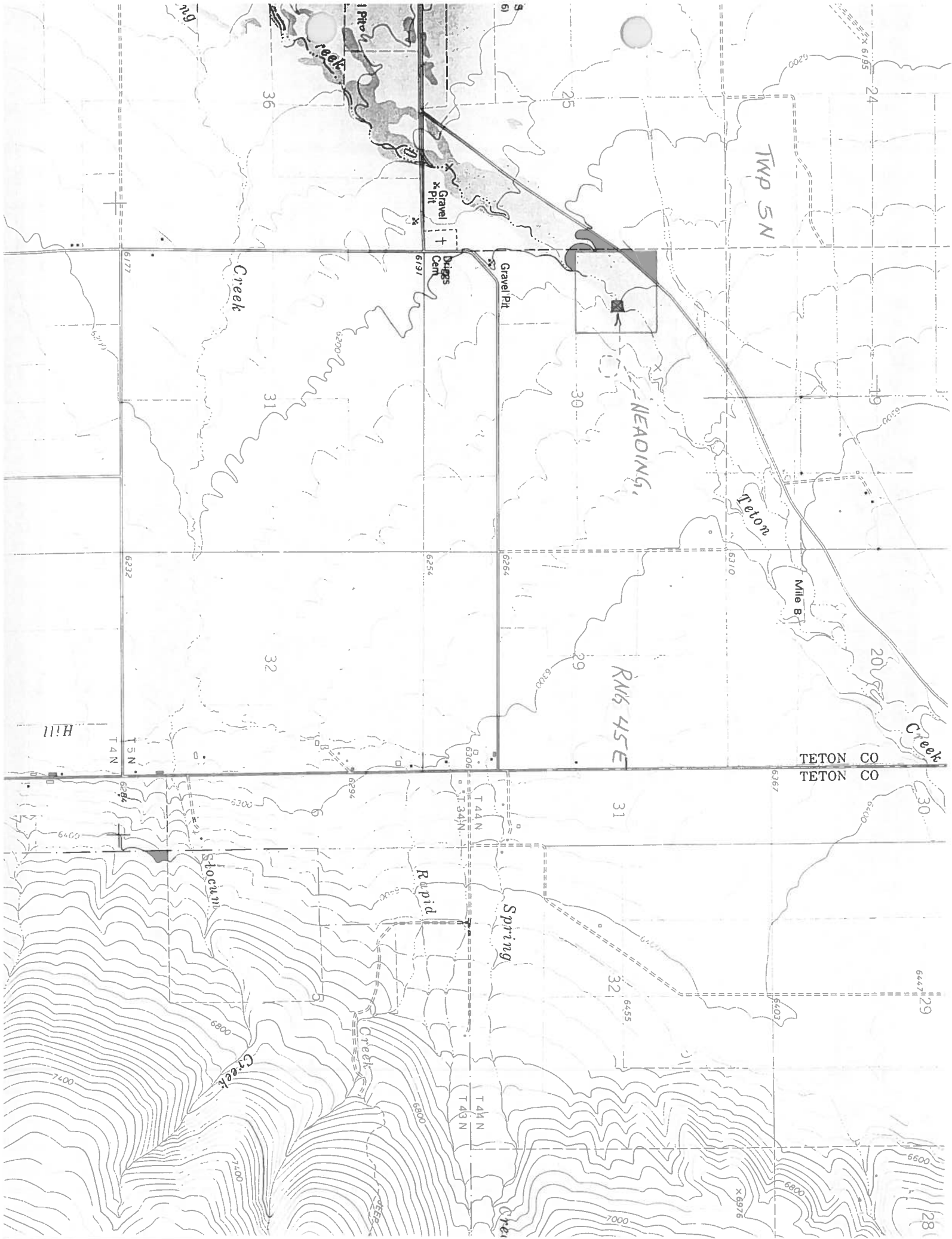
Ernest Carlson
Notary Public



Residing at Idaho Falls

My Commission Expires 6-14-2000





WR5809NP
No. 22-02153

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 11/08/96
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	EZRA A. MURDOCK DRIGGS ID 83422	02/22/1954	IRRIGATION	00/00 00/00	~~6.400~~ CFS	1.80 CFS.
TOTAL DIVERSION:					6.400 CFS	
C	ALFRED DURTSCHI					
C	M. LELAND SORENSEN					

Water Source: TETON CREEK

Tributary to: TETON RIVER

Stage: LICENSE

Point(s) of Diversion: T05N R46E S30 SWNW TETON County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE						
NENE NWNE SWNE SENE				NENW NWNW SWNW SENW				NESW NWSW SWSW SESW				NESE NWSE SWSE SESE						
T	R	S		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM
05N	45E	36	:	38	20	22	40	:						40	40	40	280.0	90
05N	46E	31	:					:		40					10		40.0	
TOTAL ACRES																	320.0	

Pou County: TETON

Other Water Rights Listing Overlapping Place(s) of use:

22-00085 22-00500B 22-02135 22-02141

Dates:	App. Received:	Priority Date:	02/22/1954
	Proof Due Date:	Proof Made Date:	
	Exam Made Date:	Exam Sent to S.O.:	
	Licensed Date:		

Misc: Water District Number: Field Exam Fee: