

12/08/2006

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

RIGHT NUMBER: 22-4085
NAME AND ADDRESS: SUE ANN WEEKES
87 E 7000 S
REXBURG ID 83440

DARNELL F WEEKES
87 E 7000 S
REXBURG ID 83440

SOURCE: UNNAMED STREAM TRIBUTARY: ELLIOTT CREEK
QUANTITY: 1.900 CFS
The quantity of water under this right for stockwater uses shall not exceed 13,000 gallons per day.
PRIORITY DATE: 12/31/1940
POINT OF DIVERSION:

T04N R45E S16 NESESE 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	1.900 CFS
STOCKWATER	04/01 12/01	0.020 CFS

PLACE OF USE: IRRIGATION in TETON County

T04N R45E S16	NESW	13.00	T04N R45E S16	NWSW	7.50
T04N R45E S16	SWSW	6.50	T04N R45E S16	SESW	14.00
T04N R45E S16	NESE	13.00	T04N R45E S16	NWSE	13.00
T04N R45E S16	SWSE	14.00	T04N R45E S16	SESE	14.00

STOCKWATER same as IRRIGATION

95 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.

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use



Idaho Department of Water Resources

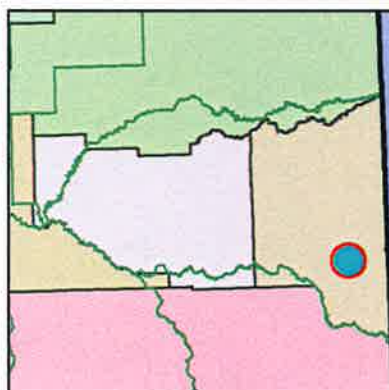
SRBA Recommendation:

22-4085

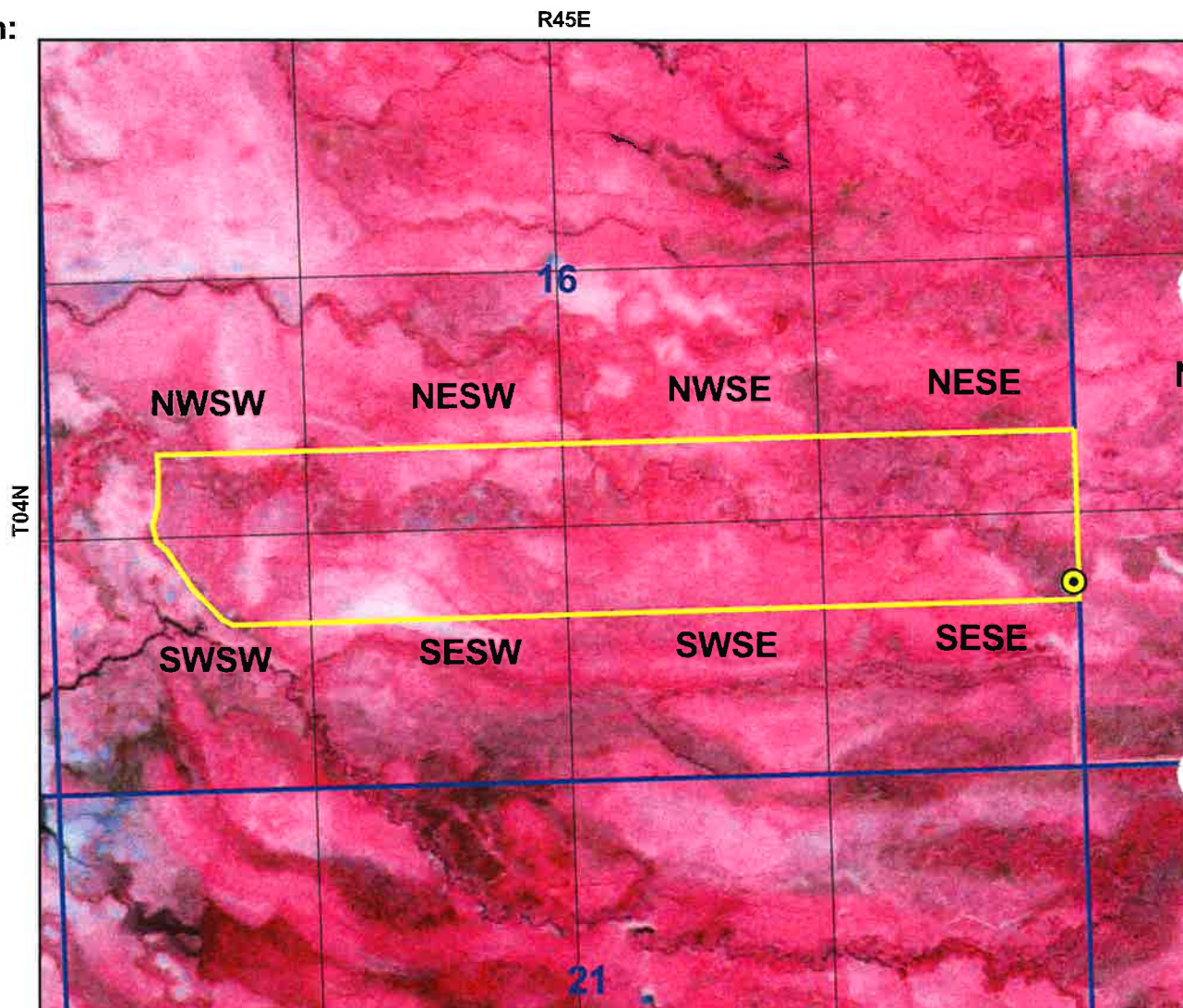
(Irrigation)

Legend

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



Teton County
IDWR Basin 22



0 0.4 0.8 Miles

Prepared by K. Moore
On Friday, December 8, 2006
1987/88 Aerial Photography



Idaho Department of Water Resources

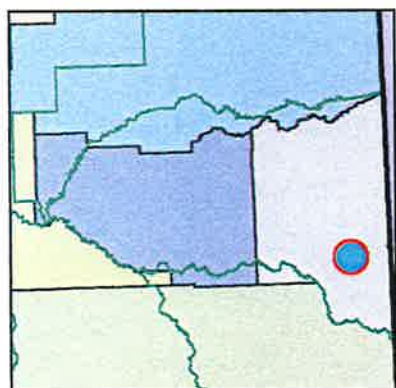
SRBA Recommendation:

22-4085

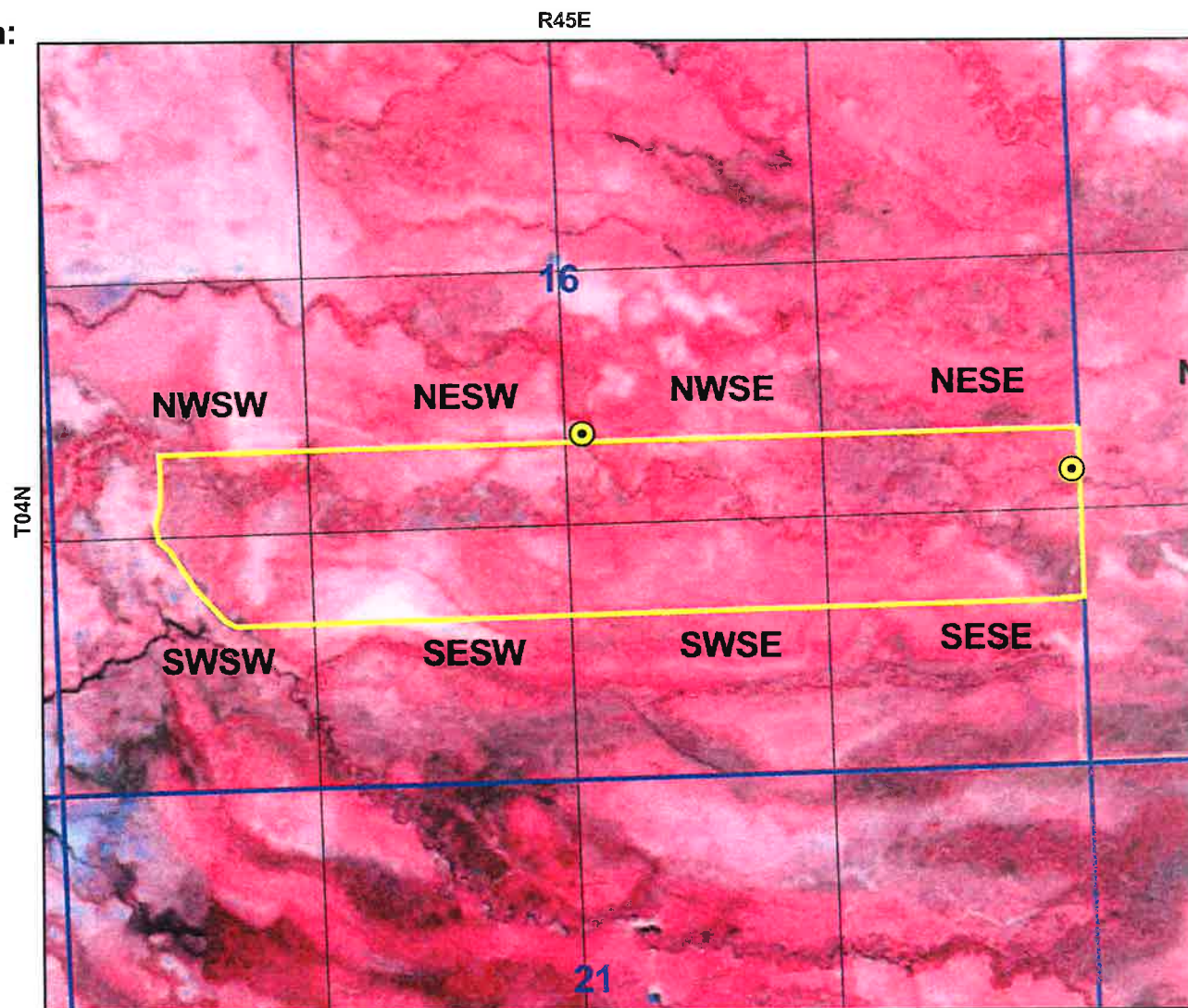
(Irrigation)

Legend

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



Teton County
IDWR Basin 22



0 0.4 0.8 Miles

Prepared by K. Moore
On Tuesday, November 21, 2006
1987/88 Aerial Photography

11/22/2006

**NOTICE OF ERROR
REPLY**

RECEIVED

JAN 04 2007

DEPARTMENT OF
WATER RESOURCES

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: 22-4085

SUE ANN WEEKES
87 E 7000 S
REXBURG ID 83440
Telephone Number: (208)356-6547

DARNELL F WEEKES
87 E 7000 S
REXBURG ID 83440
Telephone Number: (208)356-6547

RECEIVED

JAN 10 2007

Department of Water Resources
Eastern Region

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: 12/10/06

SIGNATURE:

Sue Ann Weekes

Please print your name: Sue Ann Weekes

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

SCANNED

JAN 04 2007

QC 1-10-07

To Whom It May Concern:

From: Mark E. Christensen
6118 N. 25th E.
Idaho Falls, ID 83401

Date: 23 June 2004

22-4084
JUN 28 2004
4N45E
Department of Water Resources
Eastern District Office

As a youth growing up in Teton Valley, my father, Charles Elmer Christensen, told me about land he and his father, Charles Christensen, put under cultivation from its natural state. My father related to me that in 1936 he diverted water from the North and South Forks of Darby Creek to provide water for lands currently owned by my brother Alvie Christensen and me.

My father also related that in 1937 he and his father diverted water from a small creek, known then as Elliot Creek, or its tributaries to provide irrigation water for the adjoining 320 acres of land to the south of the 320 acres I currently own. The purpose of the diversion was to provide irrigation for that land where they were developing hay meadows. The adjoining land described here is currently owned by Gary Hill.

I personally remember going with my father during the winter of 1947-48 to feed beef cows that were being fed hay on the property presently owned by Gary Hill. The hay fed to the cows that winter had been raised on meadows put into cultivation during the latter 1930s which were well established "hay fields" and producing good meadow hay by 1947.

Mark E. Christensen

This letter is for the property owned by Charles Elmer Christensen sold to John Elmer Nielson who was my Father-in-law and was then given to my wife Sue Ann Nielson Weekes.

DARWELL F. WEEKES
87 E 7000 S.
REXBURG ID. 83470
208-356-6547

Darrell F. Weekes

February 7, 2006

**DARNELL AND SUE ANN WEEKES
87 E 7000 S
REXBURG ID 83440**

**IMPORTANT
FINAL NOTICE
PLEASE READ**

RE: EVIDENCE OF PRIORITY FOR SRBA WATER RIGHT CLAIM 22-4085

Dear Claimant (s):

The Idaho Department of Water Resources is beginning water rights review in Basin 22, the Teton Valley area. The Notice(s) of Claim identified with the number shown above has been filed in the Snake River Basin Adjudication (SRBA). The Notice of Claim indicates water usage is based on "Beneficial Use". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed, at or on the place of use identified on the Claim. The date the water was first put to beneficial use, known as the priority date, has not been confirmed by License, Decree, or Permit. For this reason, proof must be provided supporting the priority date. **As the claimant, you are responsible for submitting the necessary proof to support the priority date.**

Your claim, as referenced above, claims a Priority Date of December 31, 1940, from UNNAMED STREAM.

It is important that each element of the Notice of Claim be verified. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

For your reference, I have provided a printout of your Notice of Claim and the pamphlet entitled "**Evidence of Priority**". The pamphlet describes the types of evidence which are acceptable and suggests which documents will fulfill this requirement. While I encourage you to read the entire pamphlet, I direct your attention to the two sections entitled "**What Kind of Evidence is Required**" and "**Some Examples of Documents Which May Be Evidence of the Priority Date**". **PLEASE READ THE ENCLOSED PAMPHLET.**

May 12, 2004

DARNELL F OR SUE ANN WEEKS
87 E 7000 S
REXBURG ID 83440

RE: EVIDENCE OF PRIORITY FOR SRBA WATER RIGHT CLAIM 22-4085

Dear Claimant (s):

The Idaho Department of Water Resources is nearing the end of water rights review in Basin 22, the Teton River drainage. The Notice(s) of Claim identified with the number shown above has been filed in the Snake River Basin Adjudication (SRBA). The Notice of Claim indicates water usage is based on "Beneficial Use". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed, at or on the place of use identified on the Claim. The date the water was first put to beneficial use, known as the priority date, has not been confirmed by License, Decree, or Permit. For this reason, proof must be provided supporting the priority date. **As the claimant, you are responsible for submitting the necessary proof to support the priority date.**

Your claim, as referenced above, claims a Priority Date of DEC 31 1940 from UNNAMED STREAM.

It is important that each element of the Notice of Claim be verified. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

For your reference, I have provided a printout of your Notice of Claim and the pamphlet entitled "**Evidence of Priority**". The pamphlet describes the types of evidence which are acceptable and suggests which documents will fulfill this requirement. While I encourage you to read the entire pamphlet, I direct your attention to the two sections entitled "**What Kind of Evidence is Required**" and "**Some Examples of Documents Which May Be Evidence of the Priority Date**". **PLEASE READ THE ENCLOSED PAMPHLET.**

It is our goal to recommend historical water rights within the Snake River Basin as accurately as possible. Field exams to verify other elements of the Notice of Claim have been or soon will be conducted by Department personnel.

.....
The Department will not recommend the Notice of Claim be decreed by the court if evidence of a priority date is not submitted. The Notice of Claim will be disallowed.
.....

Please submit documentation supporting the priority date within 30 days of the date of this letter, referencing all documents with the corresponding claim number. If you have any questions not covered by this letter or the enclosed pamphlet, please feel free to contact this office.

Respectfully submitted,

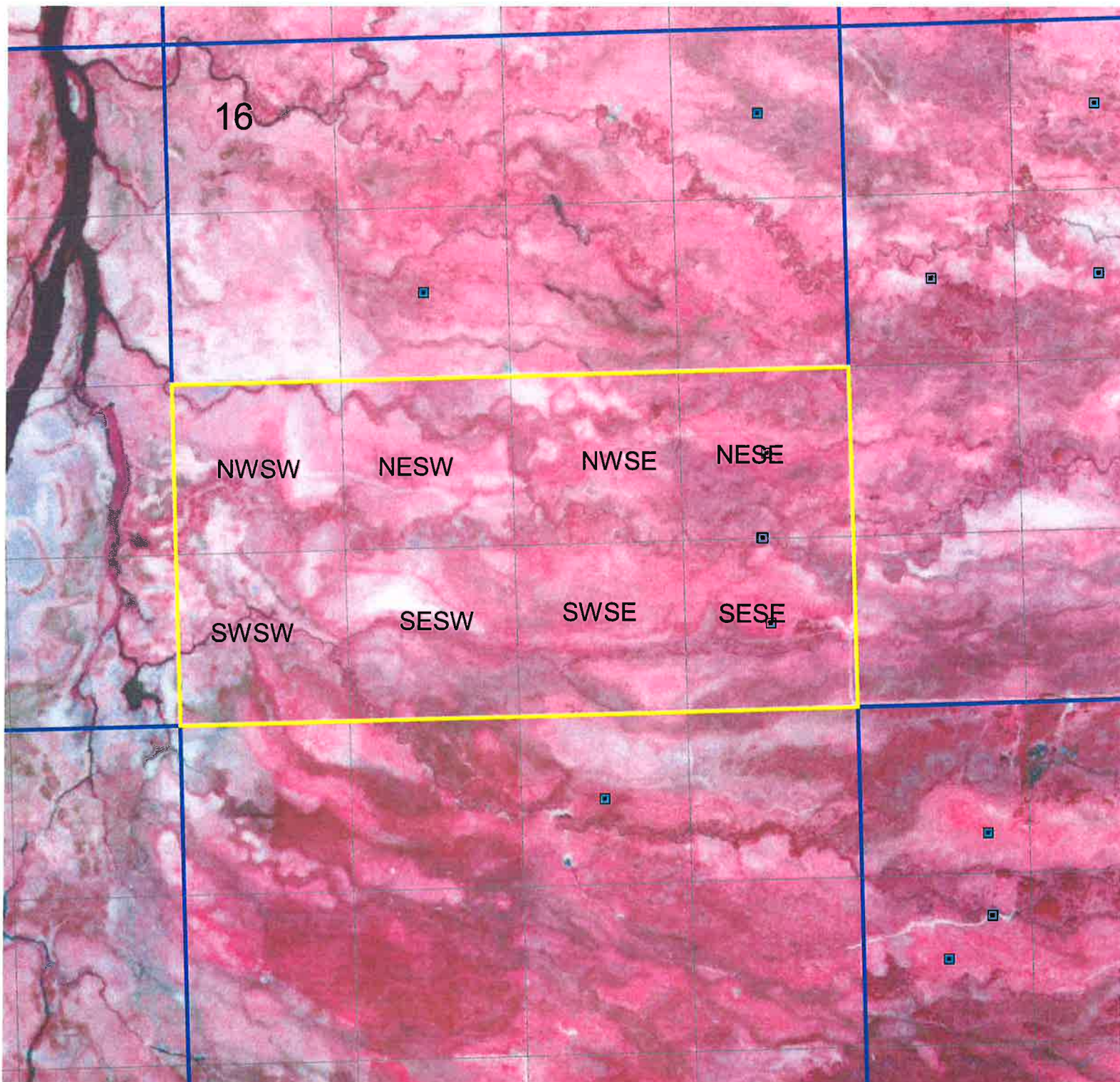


Allen B. Ruberry
Sr. Water Resource Agent
Adjudication Bureau

cc: File

Enclosure: Brochure on "Evidence of Priority"

22-4085



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: **A22-04085**
Date Received: 8/23/1988
Receipt No: E001571
Received By: _____

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

1. Name: DARNELL F WEEKES 208-356-6547
Address: 87 E 7000S
REXBURG ID 83440
OR
Name: SUE ANN WEEKES 208-356-6547
Address: 87 E 7000S
REXBURG ID 83440

2. Date of Priority: DEC 31, 1940

3. Source: UNNAMED STREAM Trib. to: TETON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	45E	16	SE	NW			TETON

5. Description of diverting works:
INSTREAM STOCK AND HEAD GATES AND DITCHES FOR IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.900		
STOCKWATER	04/01	12/01	0.030		

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

8. Total consumptive use is 190.0 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER, 100 CATTLE

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NOV 06 1996

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
04N	45E	16	NE		SW		IRR	13.5
			NW		SW		IRR	7.0
			SW		SW		IRR	7.0
			SE		SW		IRR	13.5
			NE		SE		IRR	13.5
			NW		SE		IRR	13.5
			SW		SE		IRR	13.5
			SE		SE		IRR	13.5

Section Acres 95.0

Total Acres 95.0

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: BENEFICIAL USE

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

Renumbered A22-04085

Ident. Number: A22-11686

Date Received: 9/22/1988

Receipt No: E001571

Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DARNELL F WEEKES 208-356-6547
Address: 87E 7000S
REXBURG, ID 83440

OR

Name: SUE ANN WEEKES 208-356-6547
Address: 87E 7000S
REXBURG, ID 83440

2. Date of Priority: DEC 31, 1940

3. Source: UNNAMED STREAM Trib. to: TETON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	45E	16	SE	NW			TETON

5. Description of diverting works:

INSTREAM STOCK AND HEAD GATES AND DITCHES FOR IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.900		
STOCKWATER	04/01	12/01	0.030		

7. Total Quantity Appropriated is:

1.900 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 190.0 Acre Feet Per Annum.

9. Non-irrigation uses:

LIVESTOCK, 100 HEAD

A22-11686

Page

1

Date: 09/22/88

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NOV 06 1988

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NOV 06 1992

A2204085



10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	45E	16	NE	SW		IRR	13.5
			SE	SW		IRR	13.5
Section Acres							27.0
Total Acres							27.0

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:
22-4085

14. Remarks:
INADVERTENTLY ISSUED NEW WTR.RT.#. OLD WATER RIGHT NUMBER IS
22-4085

15. Basis of Claim: BENEFICIAL USE

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NOV 06 1996

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~~NOV 06 1992~~

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 A22-11684Date Received 8/23/88Receipt Number E001571

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) DARRELL F. or Sue Ann Weekes Phone (208) 356-6547Mailing Address 87 East 7000 South Zip 834402. Date of Priority (Only one (1) per claim) Dec 31 1940 (gt)3. Source of water supply (a) unnamed stream
which is tributary to (b) Teton River4. a. Location of existing point of diversion is: Township 4N Range 45E Section 16,
1/4 of SE 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 4N Range 45E Section 16, SE 1/4 of SE 1/4 of NW 1/4,Govt. Lot _____ B.M., County of Tetonending point is: Township 4N Range 45E Section 17, NE 1/4 of NE 1/4 ofNE 1/4, Govt. Lot _____ B.M., County of Teton5. 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. In stream stock andHead Gates + Ditches for IrrigationMICROFILMED
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NOV 06 1992

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For irrigation purposes from 4-1 to 11-1 amount 1.90 or _____

For stock water purposes from 4-1 to 12-1 amount 1.03 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 1.9 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 190 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Livestock - 100 Head.

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>45E</u>	<u>16</u>									<u>13.5</u>			<u>13.5</u>	<u>13.5</u>		<u>13.5</u>		
												<u>7</u>	<u>7</u>			<u>13.5</u>		<u>13.5</u>	<u>9.5</u>

Total number of acres irrigated 95

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 Yes 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 ()

14. Remarks: 100 head range cattle

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NOV 16 1996

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Copies: ~~Wille State of Montana~~

Last Name _____ Ident No. _____

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice _____ License _____ Permit _____

Decree _____

If applicable provide IDWR Water Right Number 22 - 40 85

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 Aug 23 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 23rd day of August 19 88

SEAL

Notary Public Betty J. Thompson

Residing at Idaho Falls

My Commission Expires 6-94

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 1996

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Copies While State of Idaho Claimant

Last Name _____ Ident. Number _____

