

12/07/2006

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

RIGHT NUMBER: 22-12575
NAME AND ADDRESS: PAUL G GILROY
PO BOX 222
WILSON WY 83014

SOURCE: SPRING CREEK TRIBUTARY: TETON RIVER
QUANTITY: 1.600 CFS
PRIORITY DATE: 06/01/1886

POINT OF DIVERSION:

T05N R45E S36 SWNESW Within TETON County
T05N R45E S36 SWNESW 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	1.600 CFS

PLACE OF USE:

IRRIGATION in TETON County

T05N R45E S36	SWSW	31.00	T05N R45E S36	SESW	40.00
---------------	------	-------	---------------	------	-------

71 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 ORIGINAL ADJUDICATION CLAIM SIGNED BY THE CLAIMANT IN THE MOBILE OFFICE ON 9/27/88 WAS A22-00500B. THIS NUMBER HAD ALREADY BEEN ASSIGNED AND RECEIPTED TO ANOTHER CLAIMANT. A NEW NUMBER WAS ASSIGNED TO THIS CLAIM TO AVOID DUPLICATION.

This right is a split from 22-500.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

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

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

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: 22-12575

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

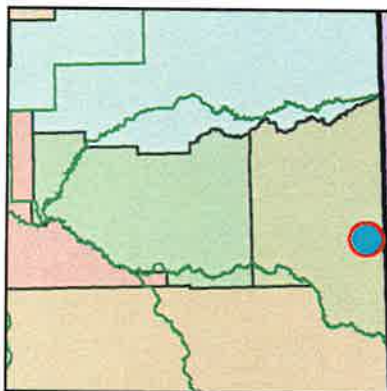
SRBA Recommendation:

22-12575

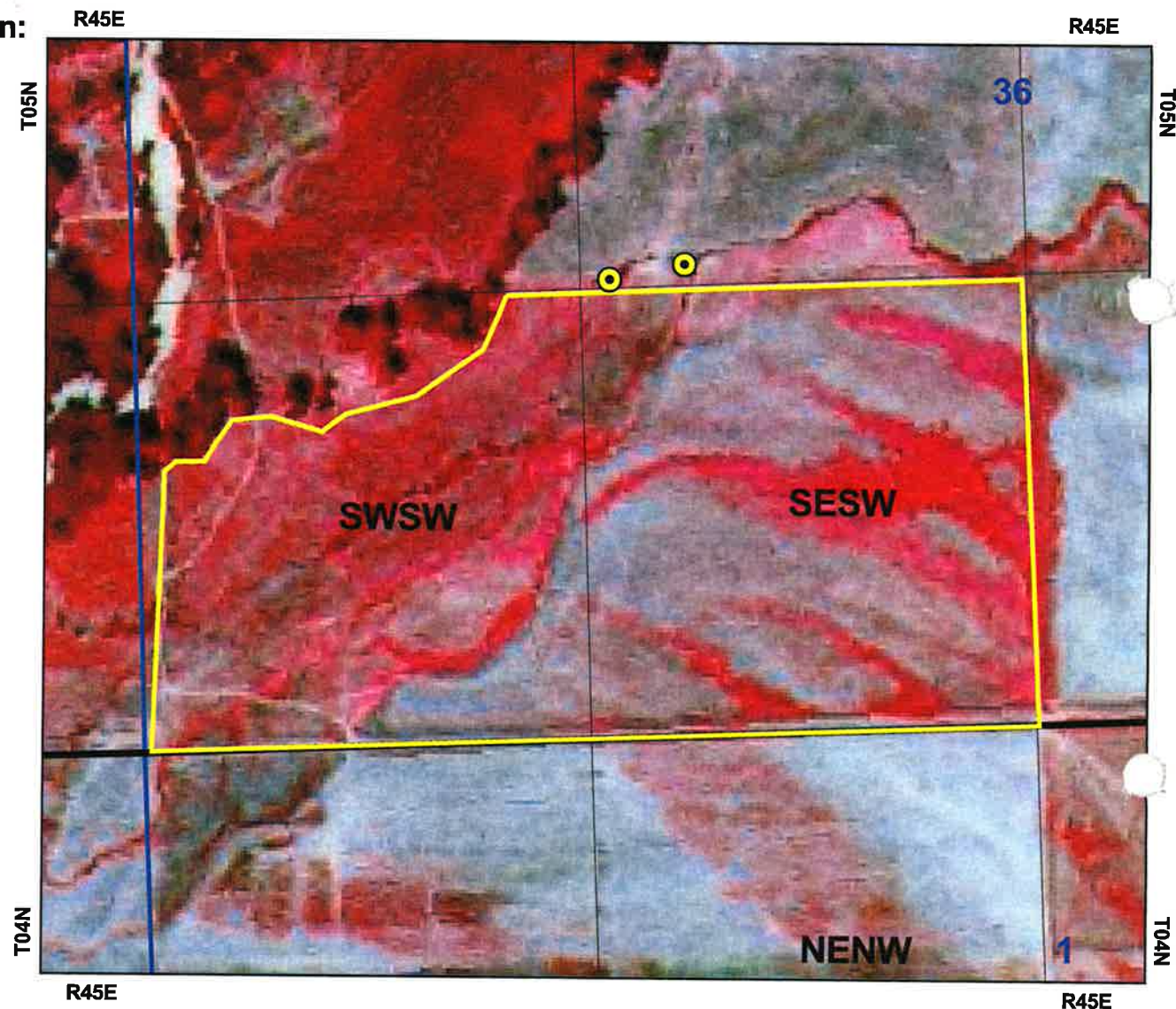
(Irrigation)

Legend

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



Teton County
IDWR Basin 22



0 0.2 0.4 Miles

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

This Indenture, made the 25 day of October in the year of our Lord one thousand nine hundred and five between Edward B. Seymour and Elizabeth B. Seymour, husband and wife of the County of Fremont State of Idaho the part of the first part, and Ernest J. Taylor

of the County of Fremont and State of Idaho the part of the second part.

WITNESSETH: That the said part of the first part, for and in consideration of the sum of Five Thousand six hundred and fifty (\$5650.00) DOLLARS, lawful money of the United States of America, to them in hand paid by the said part of the second part, the receipt whereof is hereby acknowledged, do by these presents GRANT, BARGAIN, SELL and CONVEY and CONFIRM unto the said part of the second part, and to his heirs and assigns forever, all that certain lot, piece or parcel of land situate, lying and being in the County of Fremont, and State of Idaho, and bounded and described as follows, to-wit:

South half of the Northeast quarter and the North half of the Southeast quarter of Section two in Township four North, of Range forty five East of the Boise Meridian containing one hundred and fifty acres.

Also South half of Southeast quarter of Section thirty-five in Township five North, and lots numbered one and two of Section two township four North of Range forty five East of Boise Meridian containing one hundred and sixty acres and forty nine hundredths of an acre.

Together with all and every the ditch and water rights belonging thereto, including four hundred and twenty minus inches, under a four inch pressure of the flow of the waters of Seymour or Spring Creek, in said County and State, as the same was decreed to said Edward B. Seymour by the District Court of the 5th, Row 6, Judicial District of Idaho, of date December 6, 1901

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging, or in anywise appertaining, and the rents, issues and profits thereto:

TO HAVE AND TO HOLD, all and singular, the said premises, together with the appurtenances and privileges thereunto incident, unto the said part of the second part, and to his heirs and assigns forever. And the said part of the first part, and their heirs, the said premises in the quiet and peaceable possession of the said part of the second part, their heirs and assigns, against the said part of the first part and their heirs, and against all and every person or persons whomsoever, lawfully claiming or to claim the same, shall and will warrant any, and by these presents forever defend.

IN WITNESS WHEREOF, the said part of the first part have hereunto set their hands and seals the day and year first above written.

Signed, sealed and delivered in the presence of Don C. Driggs George S. Young

Edward B. Seymour (SEAL) Elizabeth B. Seymour (SEAL)

STATE OF IDAHO, ss. County of Fremont I do hereby certify that on this 30 day of October in the year 1905 before me Don C. Driggs Notary Public in and for said county and state, personally appeared Edward B. Seymour

known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same; and I do hereby certify that: on this day of in the year 1 before me personally appeared

Elizabeth B. Seymour wife of the above named Edward B. Seymour known to me to be the person whose name is subscribed to the within instrument, described as a married woman; and upon an examination without the hearing of her husband, I made her acquainted with the contents of the instrument, and thereupon she acknowledged to me that she executed the same and that she does not wish to retract such execution.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at the day and year in this certificate first above written.



Don C. Driggs Notary Public

My commission expires Address

Filed for record at the request of John T. C. Weyer at 50 minutes past 11 o'clock A.M. this 2 day of November A.D. 1905 Victor Reigsted County Recorder.

By Deputy

NOTICE OF WATER RIGHT.

STATE OF IDAHO, }
County of Fremont } ss.

TO ALL CONCERNED, NOTICE IS HEREBY GIVEN:

1st. That Edward B. Seymour of Driggs, Idaho hereby claim the use of the waters of Teton Creek, said Creek being in Teton Basin to the extent of 75 cubic feet per second.

2d. It is intended to divert said water at or near the point where a copy of this notice is posted, and more definitely described as follows: at a point about 80 Rods North of the Northeast cor. of Section 36, Township 5 North Range 45 E. B. M. on the South bank of said Teton Creek

(In above description give legal subdivision of land or describe the place with reference to some prominent landmark.)

3d. The purpose for which said water is intended to be used is Irrigation

The place of intended use is on 160 Acres of Desert Land in Sec 2, T. 4 N. R. 45 E. B. M. and on my Homestead adjoining the same.

4th. It is intended to divert said water by means of Canal

The general course of the proposed canal is Southwesterly
The length of the proposed canal is Three Miles

It is intended to use said water for irrigating the following described land: 1/2 N. 6 1/4 and 7 1/2 of the S. E. 1/4 Sec 2 T. 4 N. R. 45 E. B. M. containing 160 acres and on Homestead Entry adjoining same, of 160 acres.

5th. It is intended to have the works for diversion and use of said water as aforesaid completed within the Canal for the carrying this water was completed in the year of 1898
WITNESS my hand at Driggs Idaho,
this 16th day of August 1899

Edward B. Seymour

Claimants.

STATE OF IDAHO, }
County of Fremont } ss.

E. B. Seymour

being first duly sworn, depose and say that he is of lawful age and a claimant of the Water Right mentioned in the foregoing notice and whose name is subscribed thereto. That the statements in said notice are true, and that the original notice, of which the foregoing is a true copy, was posted in a conspicuous place at or near the place of intended diversion (as provided by law) on the 16 day of Aug 1899, at 70 minutes past 10 o'clock P. M.

E. B. Seymour

Subscribed and sworn to before me this 21 day of Aug 1899



A. M. Carter Clerk of the District Court
By D. C. Driggs Deputy

NOTE.—The above Certificate may, where there are several claimants, be made and sworn to by one of them.

Filed for record this 26 day of August 1899 at 11³⁰ o'clock A. M.
By A. M. Carter

TECH. CO. INC.
Clerk of Court

WARRANTY DEED

THIS INDENTURE, made this 10th day of October
between GLEN TAYLOR and ISABEL G. TAYLOR, husband and wife, 1970.

of _____, County of Teton, State of Idaho
the parties of the first part and EUGENE TOONE and JULITH P. TOONE, husband
and wife _____

County of Pima, State of Arizona, of Tucson, the parties of the second part,
Fifty-One Thousand, Four Hundred and Seventeen and No/100-----
lawful money of the United States of America. Dollars

lawful money of the United States of America.... Dollars
to them in hand paid by the part 1/3 of the second part, the receipt whereof is hereby acknowledged,
he has granted, bargained, sold, and by these presents, do grant, bargain, sell and convey and confirm unto
the said part 1/3 of the second part, and to their heirs and assigns, forever, all the following described
real estate, situated in _____, County of _____
State of _____, to-wit:

SE $\frac{1}{4}$ of Sec. 1, and SW $\frac{1}{4}$ of Sec. 2, all in Twp. 4 N., Rge 48 E.B.M.; less the O.S.L. Railroad right of way; less the State of Idaho Highway right of way; and less the following: Commencing at a point 540 feet West of the NE corner of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Sec. 2, Twp. 4 N. Rge. aforesaid, and running thence South 300 feet, thence West 290 feet, thence North 310 feet and thence East 290 feet to the point of beginning; but including 80 shares of the capital stock of The Middle Darby Sprinkler Irrigation Corporation; also including approximately 5/3 of a mile of buried mainline elbows and outlets for an irrigation system in an "as is" condition; and also including all water rights of whatever kind and nature.

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, and rents, issues and profits thereof; and all estate, right, title and interest in and to the said property, as well in law as in equity of the said parties of the first part.

TO HAVE AND TO HOLD, all and singular the above mentioned and described premises together with the appurtenances unto the part 105 of the second part, and to their heirs and assigns forever. And I said part 105 of the first part, and their heirs, the said premises in the quiet and peaceable possession of the said part 105, of the second part, their heirs and assigns, against the said part 105 of the first part, and their heirs, and against all and every person and persons whomsoever, lawfully claiming to claim the same shall and will warrant and by these presents forever defend.

IN WITNESS WHEREOF, the said parties... of the first part have hereunto set their hands and seals this day and year first above written.

Executed and Delivered in the Presence of

[SEAL]

[SEAL]

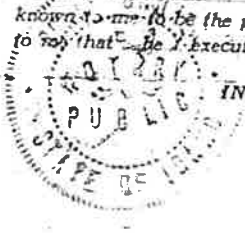
[Seal]

1991

STATE OF IDAHO,
County of Teton } ss.

On this 10th day of October in the year 1970, before me

the undersigned, a Notary Public in and for said State, personally appeared
CLAY TAYLOR and ISABEL G. TAYLOR, husband and wife
known to me to be the person whose names are subscribed to the within instrument, and acknowledged
to me that he executed the same.



IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal
the day and year in this certificate first above written.

Notary Public for the State of Idaho,
Residing at Driggs, Idaho.
My Commission Expires: 2-22-74

No. 110178

WARRANTY DEED

E. Helen Taylor

et ux

to

Eugene Duane

et ux

Dated May 27, 1992

STATE OF IDAHO,

County of Teton

I hereby certify that this instrument
was filed for record at request of
Virginia Price
at 3:35 minutes past
o'clock P.M., this 27th day of
May, 1992, in my
office, and duly entered in Book
of Microfilm
at page.

By Alan J. Drake
Notary Public
Fees, \$
Mail to

RECEIVED

MAY 27 1992

TETON COUNTY, IDAHO

WARRANTY DEED

THIS INDENTURE, made this 10th day of October, 1970, Between E. GLEN TAYLOR and ISABEL G. TAYLOR, his wife, of the County of Teton, State of Idaho the part 1st of the first part and EUGENE TOONE and JUDITH F. TOONE, his wife, of the County of Pima, State of Arizona, the part 1st of the second part,

WITNESSETH, that the said part 1st of the first part, for and in consideration of the sum of Ten and No/100 Dollars lawful money of the United States of America and other valuable consideration to them in hand paid by the part 1st of the second part, the receipt whereof is hereby acknowledged, have granted, bargained, sold, and by these presents, do grant, bargain, sell and convey and confirm unto the said part 1st of the second part, and to their heirs and assigns, forever, all the following described real estate, situated in the State of Idaho, to-wit: ---Tract 2

S4NW4 of Sec. 1, and S4NW4 of Sec. 2, all in Twp. 4 N., Rge. 45 E.B.M.; less the O.S.L. Railroad right of way; less the State of Idaho Highway right of way; and less the following:
(1) Commencing at a point 540 feet West of the NE corner of the SW4NE4 of Sec. 2, Twp. and Rge. aforesaid, and running thence South 300 feet, thence West 290 feet, thence North 300 feet, thence East 290 feet to the point of beginning; and all water rights;
(2) Commencing at the point where the East Right-of-way line of the existing State Highway No. 33 crosses the South line of the SW4NE4 of Sec. 2, Twp. 4 N., Rge. 45 E.B.M., Teton County, Idaho, which point is approximately 176.5 feet East of the SW corner of the Northeast Quarter of said Section 2, and running thence East along the water section line, 1320.0 feet; thence North 660.0 feet; thence West, parallel to the quarter section line, 1320.0 feet, more or less, to the East Right-of-way line of said highway No. 33; thence 50.07' W., along the east Right-of-way line a distance of 660.0 feet to the point of beginning; and all water rights. Contains 20 acres.

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders and rents, issues and profits thereof; and all estate, right, title and interest in and to the said property, as well to law as in equity of the said part 1st of the first part.

TO HAVE AND TO HOLD, all and singular the above mentioned and described premises together with the appurtenances unto the part 1st of the second part, and to their heirs and assigns forever. And the said part 1st of the first part, and their heirs, the said premises in the quiet and peaceable possession of the said part 1st of the second part, their heirs and assigns, against the said part 1st of the first part, and their heirs, and against all and every person and persons whomsoever, lawfully claiming or to claim the same shall and will warrant and by these presents forever defend

IN WITNESS WHEREOF, the said part 1st of the first part have hereunto set their hands and seal this day and year first above written.

Executed and Delivered in the Presence of

E. Glen Taylor [SEAL]
Isabel G. Taylor [SEAL]
[SEAL]
[SEAL]

No. 110179

WARRANTY DEED

E. Glen Taylor
& Isabel S. Taylor

TO

Eugene Leone and
Judith Leone

Dated Oct. 10, 1970

STATE OF IDAHO,

County of Teton } ss.

I hereby certify that this instrument
was filed for record at request of

Virginia Price

at 35 minutes past

o'clock p. M., this 27th day of

May, 1972, in my

office, and duly entered in Book

of microfilm

at page

Asa J. Drake

By Nora Rigby

Deputy.

Fees, \$

Mail to

Art Feltz Printing - Boise



IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal

the day and year in this certificate first above written.

Notary Public for the State of Idaho,
Residing at 1477 N. 1st St., Idaho,
My Commission Expires: 1-27-74

STATE OF IDAHO,

County of Teton

ss.

On this 10th

day of October

in the year 19 70, before me

the undersigned

a Notary Public in and for said State, personally appeared

E. GLEN TAYLOR and ISABEL G. TAYLOR, his wife,

known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

AFFIDAVIT TO CORRECT WATER RIGHT TRANSFER

The undersigned certifies that he/she is the Grantor or Grantee in that certain document between EUGENE TOONE & JUDITH F. TOONE, grantor and ALVIE C. CHRISTENSEN, Grantee and which was recorded on Nov. 27, 1974 as Instrument no. 127271 in the records of Teton, ID.

WHEREAS, the legal description contained in said document contained a typographical error, which is the subject of this Affidavit to reform and correct;

NOW THEREFORE, on the aforementioned instrument, the legal description is corrected to read as follows:

The purpose of this affidavit is to correct a water right discrepancy. The two points of diversion were in section 36 and not section 35. SEE ATTACHED SECTION MAP.

Date: 12 - 4 - 06

Alvie C. Christensen
Alvie Christensen

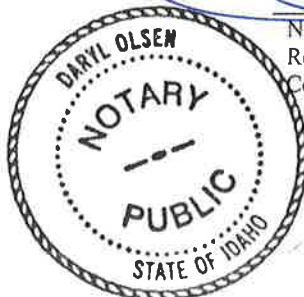
State of Idaho

}
} ss.

County of

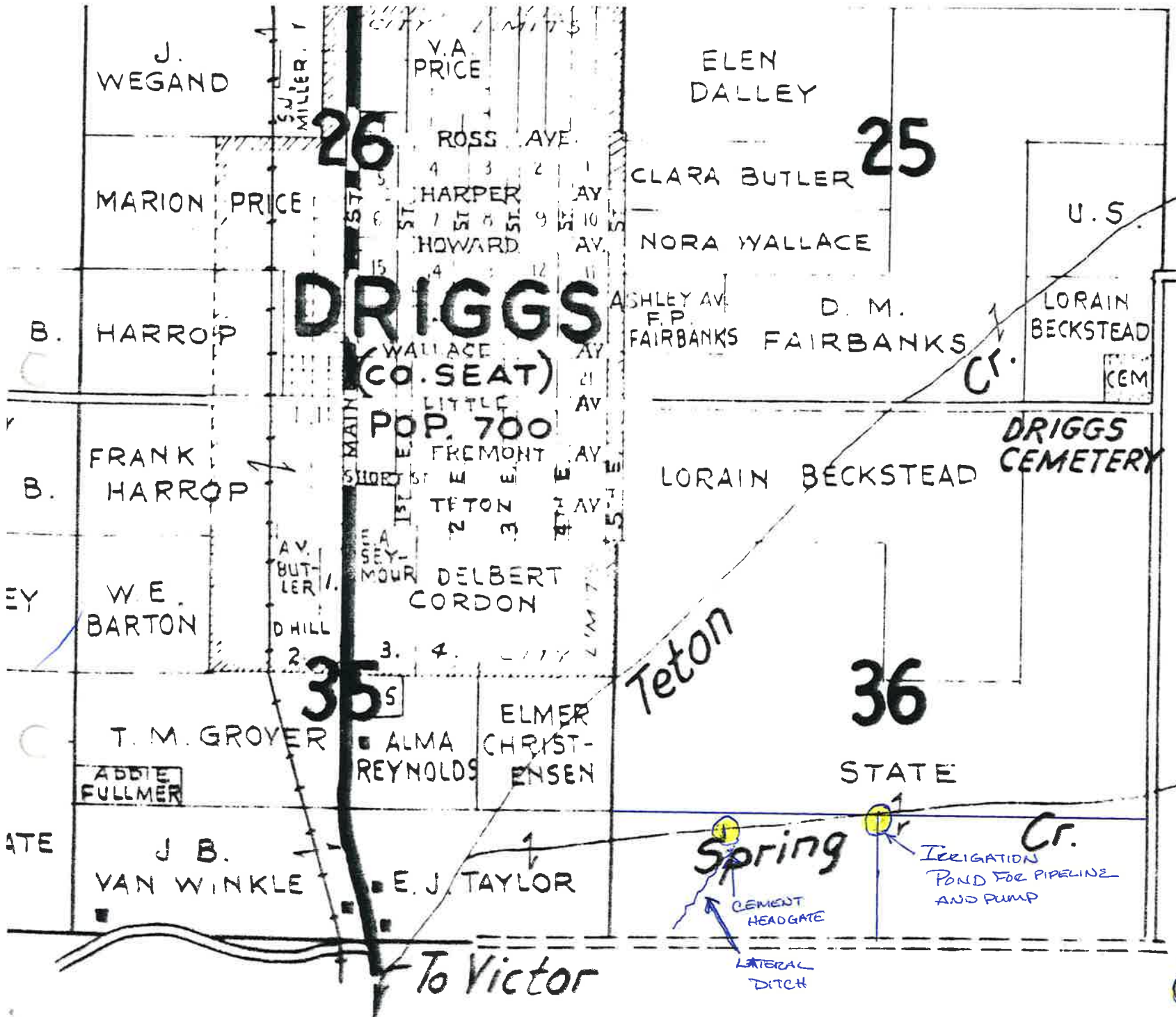
On this 4th day of December, in the year 2006 before me, a Notary Public in and for said state, personally appeared ALVIE C. CHRISTENSEN known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal the day and year first above written.



[Signature]
Notary Public for the State of Idaho

Residing at: Kenburn
Commission Expires: 1/18/07



12:13pm 11-20-06. 22-500B. (22-12575).
E.B. Seymour. Paul Gilroy.

phone conversation with CB.

12/16/1910.

Ernest Taylor - purchased section 36.

E.B. Seymour.

Ernest Taylor.

E. Glen Taylor.

Eugene Toone. - Darby Water system 1978

Alvie Christensen 1974

Paul Gilroy. - 1991.

22-500B.

22-12575.

Warranty deed 1974.

Eugene Toone to Christensen. 22-500B

1.6 cts. Spring etc.

11-21-06. Received fax again of \$683 doc. 127271.
and warranty deeds.

— Documents received by Paul Gilroy.

Warranty deed from G. Elmer Christensen to
Alvie Christensen conveyed well, pump and
mainline & motor. Oct 15, 1971.

When did Eugene Toone get 1.6 cts from Sps. cont to

STATE OF IDAHO,
County of Teton,

On the 26th day of March,

in the year 1964, before me,

J. S. Foreman

a notary public in and for said County and State,

personally appeared

E. Glenn Taylor and Rachel E. Taylor, his wife,

known to me to be the persons whose name is subscribed to the within instrument,

and acknowledged to me that they executed the same

IN WITNESS WHEREOF, I hereunto set my hand and affixed my official seal the day and year

in the certificate here above written.

(Seal)

E. S. Foreman
Notary Public, residing at Driggs, Idaho

My Comm. Exp. Expires Dec. 31, 1965.

FILED
INDEXED
PLATED

WARRANTY DEED

E. Glenn Taylor

et ux

To

A. Elmer Christensen

et ux

Dated March 26, 1964.

Filed for Record at the request of
Elmer Christensen

at 10 minutes past 3

o'clock P. M., this 22nd

day of April, 1969

and Received in Book of Deeds,

Page Records of Teton County,

State of Idaho.

Wright & Sons

By *Paul M. Taylor* in order
Deputy

Fee \$ 2.00

14

IDAHO VALLEY RECYCLED PAPER

MINUTEMAN SYSTEMS

WE

RECEIVED

112072

E-26E-75

JAN 29 1993

WARRANTY DEEDTETON Co. Id.
Clerk

FOR VALUE RECEIVED Alvie C. Christensen and Gloria Christensen, husband and wife, of Rexburg, Idaho, hereinafter called "Grantors" do hereby grant, bargain, sell and convey unto Paul Gilroy, a single man, of Wilson, Wyoming, hereinafter called Grantee, the following described real property in Teton County, Idaho, to wit:

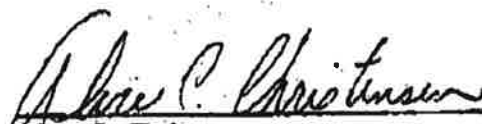
Commencing at a point 122 rods West of the NE corner of the South $\frac{1}{2}$ Southwest $\frac{1}{4}$ of Section 36, township 5 North, Range 45 East Boise Meridian, and running thence West 38 rods; thence South 80 rods; thence East 38 rods; thence North 80 rods to the point of beginning.

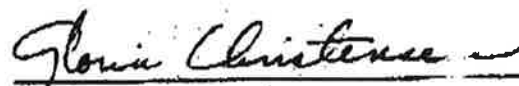
Together with appurtenant water rights, all and singular the tenements, hereditament and appurtenances thereunto belonging or in any wise appertaining and reversions and remainders.

Subject to easements or restrictive covenants, if any, of record.

Grantor warrants to the Grantee, and his successors in title, that fee simple title to the property is conveyed to Grantee by this deed, free from all encumbrances except those existing easements of record.

DATED this 2nd day of October September, 1992.


Alvie C. Christensen


Gloria Christensen

WARRANTY DEED

1

WARRANTY DEED

THIS INDENTURE, made this 27th day of November, 1901, between EUGENE TOONE and JUDITH F. TOONE, husband and wife, of 5708 East Burns, Tucson, Arizona, County of Pima, State of Arizona, the part 128 of the first part and ALVIE C. CHRISTENSEN, of the part 129 of the first part, and the part 129 of the second part, State of Idaho, the part 129 of the second part, do hereby certify, that the said part 128 of the first part, for and in consideration of the sum of Ten and No/100 Dollars, and other valuable consideration, to them in hand paid by the part 129 of the second part, the receipt whereof is hereby acknowledged, have granted, bargained, sold, and by these presents, do grant, bargain, sell and convey and confirm unto the said part 129 of the second part, and to his heirs and assigns, forever, all the right, title and interest in and to the following described land, to-wit: 1.6 c.f.s. of the waters of Spring Creek, a tributary of the Teton River, which is a tributary of the Snake River, which was originally decreed to E.B. Seymour, with a priority date of June 1, 1886.

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereto in anywise appertaining, and the reversion and reversions, remainder and remainders and rents, issues and profits thereof, and all estate, right, title and interest in and to the said property, as well in law as in equity of the said part 128 of the first part.

TO HAVE AND TO HOLD, all and singular the above mentioned and described premises, together with the appurtenances unto the part 129 of the second part, and to his heirs and assigns forever. And the said part 128 of the first part, and their heirs, the said premises in the quiet and peaceable possession of the said part 129 of the second part, his heirs and assigns, against the said part 128 of the first part, and their heirs, and against all and every person and persons whomsoever, lawfully claiming or to claim the same shall and will warrant and by these presents forever defend.

IN WITNESS WHEREOF, the said part 128 of the first part has hereunto set their hand and seal the day and year first above written.

Executed and Delivered in the Presence of

Eugene Toone (Said)
Judith F. Toone (Said)

STATE OF IDAHO)
) ss.
 County of Madison)

On this 2nd day October 1992, before me, the undersigned, a Notary Public in and for said State, personally appeared Alvie C. Christensen and and Gloria Christensen, husband and wife, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year in this certificate first above written.



Kathy L. Lundy
 Notary Public for Idaho
 Residing at: Rexburg, Idaho
 My commission expires: 5-6-96

112072

FILED

AT THE REQUEST OF

American Land

AT 45 MINUTES PAST 12 P. M.

DATE January 29, 1993

Wanda J. Lundy
 CLERK OF THE COUNTY

BY _____
 DEPUTY

FILED
 INDEXED
 PLAT

WARRANTY DEED

2

FORM No. 511-WARRANTY DEED-10-1-73

THIS INDENTURE, made this 15th day of October, 1971, between C. ELMER CHRISTENSEN and MARGUERITE CHRISTENSEN, his wife, of Driggs, County of Teton, State of Idaho, the party of the first part and ALVIE C. CHRISTENSEN and GLORIA L. CHRISTENSEN, his wife, of Driggs, County of Teton, State of Idaho, the party of the second part, WITNESSETH, that the said party of the first part, for and in consideration of the sum of Ten Dollars and other consideration lawful money of the United States of America to party of the first part in hand paid by the party of the second part, the receipt whereof is hereby acknowledged, has granted, bargained, sold, and by these presents, does grant, bargain, sell and convey and confirm unto the said party of the second part, and to party of the second part's heirs and assigns, forever, all the following described real estate situated in County of Teton, State of Idaho, to-wit:

South half of the Southwest Quarter of Section 36, Township 5 North, Range 45, E. B. M.
Together with well, pump and mainline pipe and motor;

TOGETHER with all and singular the tenements, hereditaments and appurtenances therunto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, and rents, issues and profits thereof; and all estate, right, title and interest in and to the said property, as well in law as in equity, of the said party of the first part.

TO HAVE AND TO HOLD, all and singular the above mentioned and described premises together with the appurtenances unto the party of the second part, and to party of the second part's heirs and assigns forever. And the said party of the first part, and said party of the first part's heirs shall and will warrant and by these presents forever defend the said premises in the quiet and peaceable possession of the said party of the second part, and party of the second part's heirs and assigns, against the said party of the first part, and party of the first part's heirs, and against all and every person and persons whomsoever, lawfully claiming or to claim the same.

In construing this deed and where the context so requires, the singular includes the plural.
IN WITNESS WHEREOF, the said party of the first part hereunto has set his hand.

Alvie C. Christensen
Gloria L. Christensen

Elmer Christensen
Marguerite Christensen

STATE OF IDAHO.

County of Teton
On this 15th day of October, 1971, C. Elmer Christensen and Marguerite Christensen, his wife,

Cochran in the year 1971, before me, a Notary Public in and for said State, personally appeared C. Elmer Christensen and Marguerite Christensen, his wife;

known to me to be the persons whose name is subscribed to the within instrument, and acknowledged to me that they executed the same.
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Notary Public for the State of Idaho
Residing at Rexburg, Idaho
My Commission Expires Dec. 21, 1973

WARRANTY DEED

C. Elmer Christensen

Alvie C. Christensen

Dated October 15, 1971

STATE OF IDAHO.

County of Teton
I hereby certify that this instrument was filed for record at request of Alvie Christensen at 20 minutes past 5 o'clock P. M. this 15th day of October, 1971, in my office, and duly entered in Book of Teton.

By Notary Public
Notary Public for the State of Idaho
Residing at Rexburg, Idaho
My Commission Expires Dec. 21, 1973

Alvie Christensen
Rt 1 Box 3005
Driggs, Idaho 83422

WARRANTY DEED

THIS INSTRUMENT, Made the 26th day of March, in the year of Our Lord One Thousand Nine Hundred and Sixty-Six, between E. Glenn Taylor and Isabel Taylor, his wife, of the County of Teton, and State of Idaho, the part 1st of the first part, and J. Elmer Christensen and Thorarotta Christensen, his wife, of the County of Teton, and State of Idaho, the parties of the second part.

WITNESSETH, That the said part 1st of the first part, for and in consideration of the sum of Ten and no/100 DOLLARS lawful money of the United States of America to them in hand paid by the said part 1st of the second part, the receipt whereof is hereby acknowledged, do hereby these presents, Grant, Bargain, Sell and Convey and Confirm unto the said part 1st of the second part and to their heirs and assigns forever all that certain lot, piece or parcel of land situate, lying and being in the County of Teton, and the State of Idaho, and bounded and described as follows, to-wit:

Southwest Quarter of Section Thirty-six (36), Township Five North, Range Forty-Five,
S.B.M.

together with all and singular the tenements, hereditaments and appurtenances thereto belonging, or in any wise appertaining, and the rents, issues and profits thereof.

TO HAVE AND TO HOLD, All and singular the said premises together with all appurtenances and privileges hereunto incident, unto the said part 1st of the second part, to their heirs and assigns forever. And the said part 1st of the first part and their heirs, the said premises in the quiet and peaceful possession of the said part 1st of the second part, their heirs and assigns, against the said part 1st of the first part, and their heirs, and against all and every person or persons whatsoever, lawfully claiming or to claim the same, shall and will warrant any, or by those presents forever defend.

IN WITNESS WHEREOF, The said part 1st of the first part have hereunto set their hands and seal on the day and year first above written.

Signed, sealed and delivered in the presence of

(SEAL)

(SEAL)

(SEAL)

Transfer No:

To Change the Point of Diversion and/or the Place of Use

8. Lands presently irrigated or place of use:

[illegible]

Total number of acres presently irrigated 80

127271

RECEIVED

MAY 27 1997

127271

WARRANTY DEED

TETON CO., ID
CLERK RECORDER

THIS INDENTURE, made this 27th day of November, 1974,
between EUGENE TOONE and JUDITH F. TOONE, husband and wife,
of 5708 East Burns, Tucson
X28 the part ies of the first part and ALVIE C. CHRISTENSEN,
County of Pima, State of Arizona

County of Teton, State of Idaho, of Route #1, Driggs,
the part Y of the second part,
WITNESSETH, that the said part ies of the first part, for and in consideration of the sum of
-----Ten and No/100----- Dollars

lawful money of the United States of America and other valuable consideration
to them in hand paid by the part Y of the second part, the receipt whereof is hereby acknowledged,
ha ve granted, bargained, sold, and by these presents, do grant, bargain, sell and convey and confirm unto
the said part Y of the second part, and to his heirs and assigns, forever, all the following described
real estate, situated in the County of Teton

State of Idaho, to-wit:--1.6 c.f.s. of the waters of Spring Creek, a
tributary of the Teton River, which is a tributary of
the Snake River, which was originally decreed to
E.B. Seymour, with a priority date of June 1, 1886.---

Being re-recorded to include attachments of Application for
Transfer of water rights that has been approved by the
Department of Reclamation Id.No. 22 0500 B
Recorded in Deed Book Sec.36 NW4SW4 Twp.5 Rng.45

ACC

127271

FILED

AT THE REQUEST OF

Alvie Christensen

AT 43 MINUTES PAST 11 a.m.

DATE May 27, 1997

By [Signature] CLERK OF RECORD

BY [Signature] DEPUTY

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belong-
ing or in anywise appertaining, and the reversion and reversions, remainder and remainders, and rents, issues
and profits thereof; and all estate, right, title and interest in and to the said property, as well in law as in equity
of the said part ies of the first part.

TO HAVE AND TO HOLD, all and singular the above mentioned and described premises together
with the appurtenances unto the part Y of the second part, and to his heirs and assigns forever.
And the said part ies of the first part, and their heirs, the said premises in the quiet and peaceable
possession of the said part Y of the second part, his heirs and assigns, against the said part ies
of the first part, and their heirs, and against all and every person and persons whomsoever, lawfully
claiming or to claim the same shall and will warrant and by these presents forever defend.

IN WITNESS WHEREOF, the said part ies of the first part ha ve hereunto set their hand s
and seal s. the day and year first above written.

Executed and Delivered in the Presence of

[Signature] [SEAL]
[Signature] [SEAL]
[Signature] [SEAL]
[Signature] [SEAL]

STATE OF IDAHO,
County of Madison }

On 27th day of November in the year 1974, before me
the undersigned EUGENE TOONE and JUDITH F. TOONE, a Notary Public in and for said State, personally appeared
known to me to be the person^s whose name^s are subscribed to the within instrument, and acknowledged
to me that he executed the same.



IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal
the day and year in this certificate first above written.

Eugene W. Toone
Notary Public for the State of Idaho,
Residing at Boise, Idaho.
My Commission Expires: 1-26-75

75063

No. _____
WARRANTY DEED

Eugene Toone
et al
TO
Alvin C. Christensen

Dated 11-27, 1974

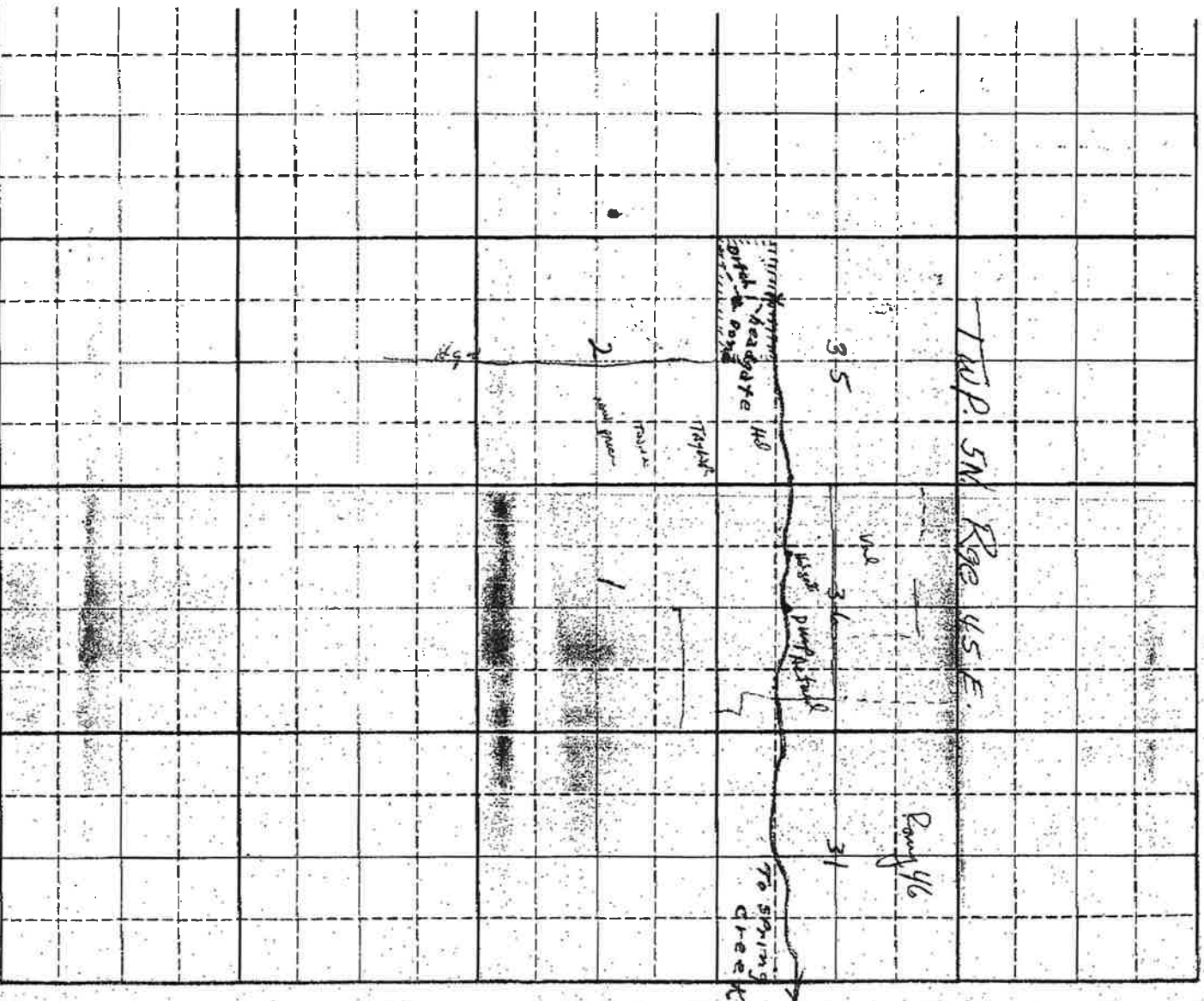
STATE OF IDAHO,

County of Idaho
I hereby certify that this instrument
was not recorded or requested
at Boise minutes past
of 11 M., this 17 day of
office, November, 1974, in my
of Boise
at Boise

Eugene W. Toone
Notary Public
Boise, Idaho
Deputy

Fees, \$ _____
Mail Alvin Christensen
Boise Idaho

SCALE: 2 inches Equal 1 Mile. Draw Plan in Ink.



127271

c. Are you completely abandoning the lands previously irrigated by this right? If not, explain your plans:

yes

d. Describe any other water rights that you claim for the new ground upon which you wish to transfer this right: None

e. Indicate on the above plat the new land to be irrigated and the point of diversion.

I hereby assert that no one will be injured by such transfer and that the change will be made at my own risk. The information contained in this application is true to the best of my knowledge.

Oliver C. Christensen
(signature of applicant)

Subscribed and sworn to before me this 27th day of November, 1974

Loy W. Hagley
(notary public)

My commission expires 1-26-75

Lepury, Idaho

**ACTION OF Director, Department of Water Resources
AND CERTIFICATE OF TRANSFER**

This is to certify that I have examined Application for Transfer of Water Rights No. 22-0500B
and said application is hereby APPROVED

1. Approval of said application is subject to the following limitations and conditions:

A measuring device of a type approved by this Department shall be
permanently installed and maintained as part of the diverting works.

2. Denial of said application is for the following reasons:

Witness my hand this 9 day of January, 1975

L. K. Hagg
State Reclamation Engineer
DIRECTOR

FOR DEPARTMENT USE ONLY

Received by MB Date 11-27-74

Protest filed by: _____ Date _____

Prelim. check by WR Date 11-27-74

Fee received by MB Date 11/27/74 Fee \$ 30.00

Approved for publication by 12-16-74 - Rd # 13171

Published in Star Valley Times Dates Dec 5-12, 1974

Hearing held _____

Watermaster Recommendation sent W.D. #01 Pat Larson

11-29-74

MB

127271

15 West Center Street
Soda Springs, Idaho 83276
(208) 547-3993
(208) 547-3939 fax

Idaho Department of
Water Resources

Fax

To: Kathy Jackson From: Cindy Bird
Fax: _____ Pages: 19
Phone: _____ Date: 11-21-06
Re: _____ CC: _____

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

● Comments:

22-500C

22-500B

22-12575

What's going on with 22-500?

FAXED
10:07 AM
11-21-06

*Priority
before 1987*

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Statehouse
Boise, Idaho 83720
(208) 384-2215

January 10, 1975

Re: Transfer No. 22-0500B

Mr. Alvie C. Christensen
Route 1
Driggs, Idaho 83422

Dear Mr. Christensen:

Enclosed is a copy of your approved Application for Transfer No. 22-0500B. We direct your attention to the conditions of approval as listed on the fourth page.

Be sure to note that a special condition requiring you to install and maintain a measuring device at your point of diversion has been placed upon your transfer. We are enclosing a letter describing different types of measuring devices accepted by this office.

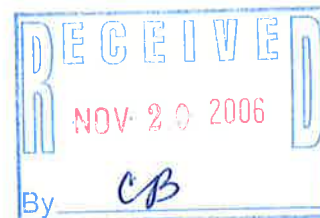
Sincerely,

Bobby D. Fleenor
BOBBY D. FLEENOR
Chief, Water Rights

EDF:jfr

Enclosures

cc: Art Larsen, Watermaster
Box 1099
Idaho Falls, ID 83402



*Received for from
Paul Gilroy*
CB

WATER RESOURCE BOARD:

John F. Streiff
Chairman

George L. Yost
Vice-Chairman

Donald R. Kramer
Secretary

Edwin C. Schlender
Member



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 334-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

January 3, 1989

Mr. Alvie C. Christensen
517 Linden
Rexburg, ID 83340

RE: Snake River Basin Adjudication

Dear Mr. Christensen:

In processing your claim, it was necessary to assign another number to your water right claim. That number is in the upper right-hand corner of the enclosed claim copy.

You do not have to return the claim or acknowledge this change. This notice is for your information only.

Yours Truly,

A handwritten signature in dark ink, appearing to read 'Donald V. Shaff', written over a horizontal line.

Donald V. Shaff
Adjudication Section Supervisor

DVS:db
Enclosure
A22-00500C

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: A22-00500C

— Date Received: 9/27/1988 —

Receipt No: M001454

Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ALVIE C. CHRISTENSEN
Address: 517 LINDEN
REXBURG, ID

208-356-9386

83440

2. Date of Priority: JUN 01, 1886

3. Source: SPRING CREEK

Trib. to: TETON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
05N	45E	36	SW	NE	SW		TETON
			NW	SE	SW		TETON

5. Description of diverting works:
CEMENT HDGATE DITCHES TO POU.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/14	10/15	1.600		

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

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

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

Section Acres 80.0

A22-00500C

Page

1

Date: 12/07/88

10. Place of Use: Continued

Total Acres 80.0

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:
TRANS. 1708.
P/D, 2 POINTS.
TRANSFER 22-0500B APPROVAL DATE 01/09/1975, DID NOT
REFLECT THE ACTUAL P.D. AND POU AS BEING IN SEC. 36 WHERE IT
HAS BEEN BUT PUT IT IN SEC. 35 INCORRECTLY.

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

REXBURG IRR. CO. ET AL
Decree Plaintiff

vs

TETON IRR. CANAL CO. ET AL.
Decree Defendant



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 16, 2006

Paul Gilroy
Box 222
Wilson, Wy 83014

REF: Snake River Basin Adjudication (SRBA) claim 22-12575

Subject: Change in Place of use

RESPONSE DATE: NOVEMBER 24, 2006

Dear Gilroy,

IDWR's initial investigation of the Notice of Claim listed above indicated that there has been a change in place of use of the water right, to the new place of use for the purpose of use listed below. The place of use listed below was not the decreed place of use.

Purpose of Use: Irrigation

New place of use: south one-half of the southwest 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 obtaining IDWR's 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 right users.

Before IDWR may recommend your claim, you must provide us with the date the change was made and submit some evidence tending to support that date. If the change was made before November 19, 1987, then the date provided must include the month, day and year of the change. 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 19, 1987.

How did water right 22-500 get moved onto your property in the S1/2SE of section 36? This water was decreed to S1/2SE of section 35, T5N R45E not section 36. The water under this right has been fully claimed in the S1/2SE of section 35 under another claimant.

This office must receive your response by the response date shown above. If no response is received, then your claim to water for the new place of use will not be recommended to be decreed to the SRBA court.

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): Copy of Notice of Claim 22-12575 and a copy of water right proof report for 22-500A

Seyfert, John T.

SE $\frac{1}{4}$ of Sec. 6, T. 1 N. R., 38 E., B. M.,
containing 160 acres.

Seymour, E. B.

S $\frac{1}{2}$ of NE $\frac{1}{4}$, and N $\frac{1}{2}$ of SE $\frac{1}{4}$ of Sec. 2, T.
4 N. R., 45 E., B. M., S $\frac{1}{2}$ of SE $\frac{1}{4}$ of
Sec. 35, T., 5 N. R., 45 E., B. M.,
and Lots 1 and 2 of Sec. 2, T. 4 N.,
R. 45 E., B. M., containing 320 acres.

Shaw, L.C.

N $\frac{1}{2}$ of Sec. 20, and S $\frac{1}{2}$ of Sec. 17, T. 6
N. R., 45 E., B. M., containing
640 acres.

Shaw, O. W.

NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Sec. 34, and N $\frac{1}{2}$ of NE $\frac{1}{4}$
and NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Sec. 33, T. 6,
N. R., 45 E., B. M., containing 160
acres.

Sherman, Abel, F.

SW $\frac{1}{4}$ of NE $\frac{1}{4}$, NW $\frac{1}{4}$ of SE $\frac{1}{4}$, SE $\frac{1}{4}$ of NW $\frac{1}{4}$,
and NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Sec. 29, T. 4 N. R.,
45 E., B. M., containing 160 acres.

Sherman, E. H.

Lot 1, and NE $\frac{1}{2}$ of NE $\frac{1}{4}$ of Sec. 18, NE $\frac{1}{4}$
of NE $\frac{1}{4}$ of Sec. 19, S $\frac{1}{2}$ of SE $\frac{1}{4}$, and
SW $\frac{1}{4}$ of Sec. 20, SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Sec.
21, and Lots 2, 3 and 4, and NE $\frac{1}{4}$ of
SW $\frac{1}{4}$ of Sec. 19, T. 15, N. R., 43
E. B. M., Also, N $\frac{1}{2}$ of SE $\frac{1}{4}$, and SE $\frac{1}{4}$
of SE $\frac{1}{4}$ of Sec. 24, and NE $\frac{1}{4}$ of NE $\frac{1}{4}$
of Sec. 25, T. 15, N., R. 42 E. B.,
M., Also, Lot 4, Sec. T. 14
N., R., 43 E., B. M., NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of
Sec. 2, and SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Sec. 7, T
14, N., R., 44 E., B. M., containing
340 acres.

Sherman, Sarah E.

E $\frac{1}{2}$ of SE $\frac{1}{4}$ of Sec. 23, and N $\frac{1}{2}$ of NW $\frac{1}{4}$ of
Sec. 24, T. 15, N., R., 42 E., B. M.,
containing 160 acres.

Sherman, William D.

NW $\frac{1}{4}$ of Sec. 10, T. 3N., R. 45 E., B. M.,
containing 160 acres.

Sec. 01-0168 LAND LIST

#46

243

~~0668~~ Salem Union
Cereal Company,
Limited, The
1 167 T. 2316

12,000 inches. Apr; 28, 1892. North Fork of the
Snake River, as a
right from July
1st of each year for
the balance of the
irrigating season.

Sanders, David A.

Wolf Ditch Company.

Sandstrom, Carl E.

(Decreed to City of
Idaho Falls.)

~~0682~~ 22 0496 ✓ Sautter, John G. 50 inches. June 1, 1900. North Leigh Creek.
~~0681~~ 22 0497 ✓ Sautter, John G. 110 inches. June 1, 1904. North Leigh Creek.
~~0681~~ 22 0498 23-0077 ✓ Schneebly, 120 inches. June 1, 1889. Rainey Creek.
Julius A.
~~0681~~ 22 0499 23-0078 ✓ Schneebly, 50 inches. May 1, 1895. Rainey Creek.
Julius A.

Schwendiman,
MagdalenaPioneer Ditch Com-
pany

Lower Canal Compa.

Scotts, Hyrum

21 0093 ✓ Seely Brothers,
a partnership,
composed of O. T.,
A. H. and George
Seely.

180 inches. June 1, 1891. Fall River.

Sermon, Robert

The Farmers' Frie
Cereal Company.

~~0688~~ 22 0500 ✓ Seymour, E. B. 300 inches. June 1, 1886. Spring Creek.
~~0689~~ 22 0501 ✓ Shaw, L. C. 200 inches. June 1, 1891. Badger Creek, and
water from springs
T. A. Phillips' land

22 0502 ✓

135 inches. June 1, 1890. North Leigh Creek &
Spring Creek.~~0690~~ Shaw, C. W.

22 0503 ✓

70 inches. Oct., 15, 1894. Spring Creek, a tri
tary of Trail Creek~~0691~~ Sherman, Abel F.

~~0692~~ 21 0094 ✓ Sherman, E. H. 100 inches. June 1, 1886. Duck Creek.
and Sarah E.

~~0693~~ 21 0095 ✓ Sherman, E. H. 160 inches. June 1, 1889. Duck Creek.
and Sarah E.

~~0694~~ 21 0096 ✓ Sherman, E. H. 200 inches. June 8, 1893. Duck Creek.
and Sarah E.

~~0695~~ 21 0097 ✓ Sherman, E. H. 500 inches. June 1, 1895. Duck Creek. Rock Cr
and Hopo Creek.

Paul Gilroy's diversion
on Spring Creek.
Commingle with water
from Darby Creek.





2nd picture of Gilroy's headgate on
Teton Creek - tag is on headgate wall,



Paul Gilroy's Diversion on Teton Creek - Channel work has left the headgate well above the creek.

Claim No. 22-10575

Document Checklist

☒ Copy License/Decree

Verburg UTRon

☐ Copy Transfer

☐ Copy Licensing Field Exam

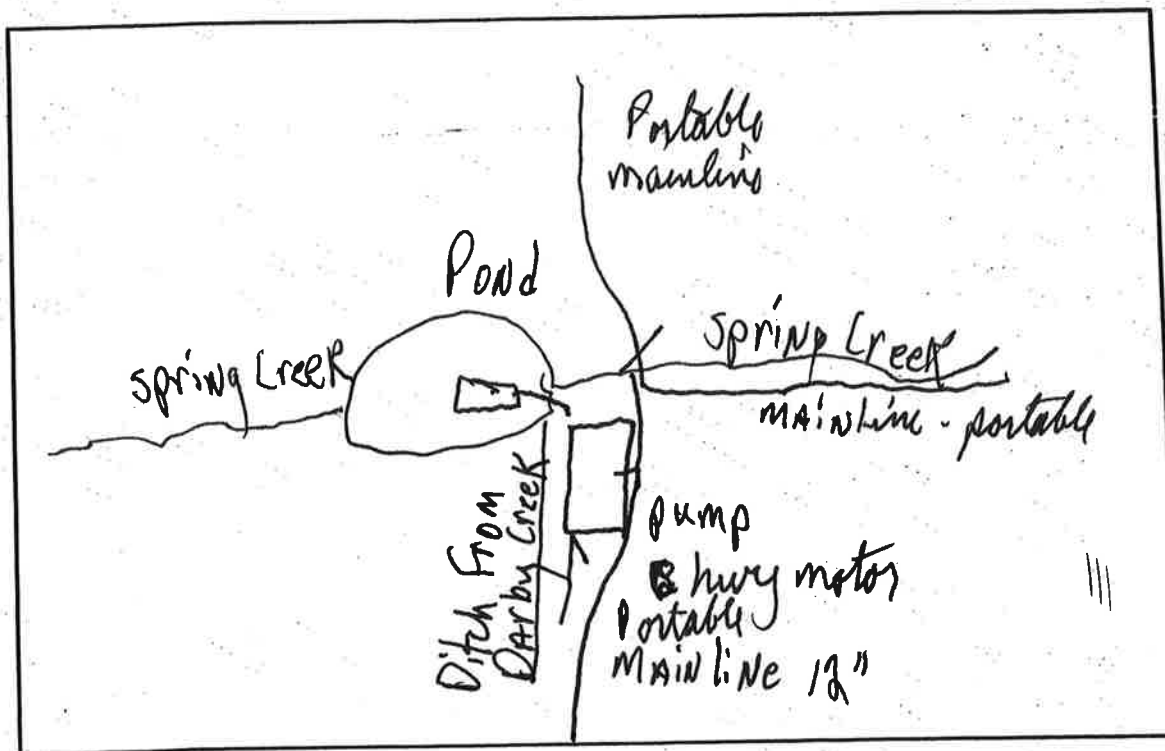
☐ Check if Ownership/Address Change is Required

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

☒ Generate Arcview Map

Refer to claims A2202135A &
A2202153A

Water Right No(s). _____



GPS DATA:

7/23/04 Tag # ADP13861 Location: on propane tank next to pump

Diversion Data: Spring Creek

Source: Darby Creek overflow Trib to: Teton River

MOTOR

Make: Chevrolet Model: 454 Chevy Hp: _____
SN: 004468 p-19-NW2

PUMP

Make: Berkley Model: B4JDAH Disch: _____
SN: G180294

NOTES:

Field Exam Date: _____ Agent: _____

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

Recommended Point(s) of Diversion and Source.

Twp	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
7/23/04
POD is a dam and pond, with a pump, mainline and sprinkler lines.

There appears to be 2 separate sources; one is Spring Creek and one is an overflow from Garden Irrigation Company (Darby Creek)

Reviewer: _____ Date: _____

Place Of Use Data Entry Form

Claim Number: _____

Claimed Place Of Use			QQ	Q	County	Lot Num	Acres	Purpose of Use
Twp	Rge	Sec						

Total acres _____

Recommended Place of Use			QQ	Q	County	Lot Num	Acres	Purpose of Use
Twp	Rge	Sec						

Total acres _____

Pending or approved Transfers: _____

Overlapping rights: _____

Document how the POU was verified: _____

DD
7/23/04
Field exam shows most of ground is irrigated by wheel lines.

The western part 10-15 acres northwest of Spring Creek is irrigated with hand lines or water diverted by dams out of Spring Creek.

The northwest corner contains buildings and trees.

Reviewer: _____ Date: _____

50	8,000
50	300
50	25
50	25
2	260
2	60
2	80
2	30
5	290
19	1,325
18	168
19	200
56	160
57	80
57	160
58	120
62	280
63	112
67	140
67	80
67	150
67	40
67	140
67	10
67	160
67	150
67	40
67	20
67	20
69	160
71	160
74	95
74	55
76	80
78	620
78	3,000
79	500
82	80
82	115
82	2,335
82	87

82	160
82	160
82	120
82	80
85	15
85	60
85	80
85	110
85	240
85	150
85	160
85	140
85	135
85	240
85	160
85	200
85	85
85	200
85	80
85	120
85	15
85	145
85	100
85	240
85	155
85	160
88	150
90	135
92	160
96	160
98	100
98	2,600
98	20
98	100
98	200
98	120
98	150
98	200
98	120
98	160
98	160
98	100
98	640
98	40
100	300



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

22-21354

21534

12575

March 4, 2004

Representative Eulalie Teichert Langford
Idaho State House of Representatives
Capitol Building
PO Box 83720
Boise, ID 83720

**THIS CORRESPONDENCE IS A LEGAL GUIDELINE OF THE
ATTORNEY GENERAL SUBMITTED FOR YOUR GUIDANCE**

Dear Representative Langford:

This letter is in response to your request of February 25, 2004, asking the Office of Attorney General to review a Federal court decree from the State of Wyoming in the case of *Roxana Canal Co. v. Daniels*, Equity No. 2447 (D. Wy. 1940) ("*Roxana Decree*"). In particular, you request that this Office review the provisions of the *Roxana Decree* and other related documents to address the concerns of Mr. Paul Gilroy of Wilson, Wyoming, who irrigates land in Idaho and alleges that his Idaho water rights are being injured due to diversions of water in Wyoming.

CONCLUSION

The State of Idaho and its agency the Idaho Department of Water Resources do not have jurisdiction to address Mr. Gilroy's complaint regarding alleged injury to his water rights due to diversions in the State of Wyoming. The water rights that are allegedly drying up Mr. Gilroy's source, Spring Creek, are diverted in Wyoming and thus, only the Wyoming State Engineer's Office has authority to curtail them.

ANALYSIS

Mr. Gilroy has contacted you regarding his concern that "[t]he development of a golf course and fire ponds in a new subdivision in Wyoming have dried up Spring Creek before it reaches Idaho." See Gilroy letter dated February 23, 2004. Mr. Gilroy has Spring Creek water rights that pre-date the Wyoming uses. Mr. Gilroy has claims in the Snake River Basin

Adjudication to four water rights: two licensed rights, 22-2135A with a priority date of November 15, 1950 and 22-2153A with a priority date of February 22, 1954; a decreed water right 22-12575 with a priority date of June 1, 1886; and a beneficial use water right 22-13018 with a claimed priority date of June 1, 1886. Water right no. 22-2153A has a source of Teton Creek and the other three water rights have as their source, Spring Creek, tributary to Teton Creek.

Attached hereto is Figure 1 that shows the location of Mr. Gilroy's diversions in Idaho as well as the creeks in question. As depicted on Figure 1, Spring Creek becomes tributary to Teton Creek in Idaho. The creek Mr. Gilroy refers to as Spring Creek in Idaho is known as Rapid Creek in the State of Wyoming. There is a Spring Creek in Wyoming but as demonstrated on Figure 1, that creek sinks just over the Idaho/Wyoming border. Mr. Gilroy's diversions off of Spring Creek in Idaho are approximately 2 miles from the point where Spring Creek crosses into the State of Idaho.

A decree was issued following a stipulation between the parties in the case, *Roxana Canal Co. v. Daniels*, by the United States District Court for the District of Wyoming sometime in 1940.¹ This decree is referred to as the "Roxana Decree." The plaintiffs in the action were individuals or corporations residing in the State of Idaho. The defendants were residents of the State of Wyoming. The Roxana Decree determined the water rights of the named parties. The effect of the Roxana Decree in Wyoming seems to be limited to the use of water from Teton Creek and its tributaries in the State of Wyoming.² The named parties and their successors in interest are the only persons bound by the decree.

The water rights, located in the state of Wyoming, which Mr. Gilroy alleges dry up Spring Creek were not decreed in the Roxana Decree. Nor has it been shown that the predecessors in interest to the present owners of the lands being irrigated in Wyoming were parties to the Roxana Decree. Thus, the Roxana Decree does not bind the water users in Wyoming who are allegedly drying up Spring Creek before it reaches the state of Idaho. Nor does the decree state that its provisions are intended to apply to the waters of Spring Creek which becomes tributary to Teton Creek in Idaho. The Roxana Decree does apply, however, to the

¹ *Roxana Canal Co. v. Daniels*, Equity No. 2447 (D. Wyo. 1940). The Idaho Department of Water Resources' (IDWR) files containing the Roxana Decree do not contain a specific date when the decree was entered. However, there is an untitled document with the heading "Plaintiff or Idaho Users" that summarizes the water rights for each plaintiff that was filed February 4, 1941. There is also an untitled document in IDWR's Roxana Decree file that appears to be an order that was signed by the Honorable Blake Kennedy on February 6, 1941, that incorporates, almost verbatim the stipulation language that is in IDWR's file as well as the stipulation attached to Mr. Gilroy's letter.

² As the Roxana Decree notes, the plaintiffs' water rights were previously decreed in *Rexburg Irrigation Co. v. Teton Irrigation Canal Co.*, Decree, (Fremont County, Dec. 16, 1910).

direction and supervision of the Commissioner of Reclamation of Idaho, or other proper Idaho officer.

Furthermore, the untitled document, which appears to be an order signed by the Honorable Blake Kennedy on February 6, 1941, uses the stipulation language verbatim. This document is attached hereto as part of Exhibit A.⁴ Hence it appears that the parties to the case concurred that Wyoming had authority to regulate those diversions that occur in the state of Wyoming and that Idaho had authority to regulate those diversion that occur in the state of Idaho.

In an effort to assist Mr. Gilroy with his concerns, Tim Luke, IDWR's Manager of Water Distribution, contacted Jade Henderson, Wyoming Water Superintendent with the Wyoming State Engineer's office. Mr. Henderson confirmed that the Wyoming diversions are being made pursuant to legal water rights and that about 1.5 cfs of water was crossing the state line into Idaho during July 2003.

The State of Idaho does not have jurisdiction to force Wyoming water rights usage to be limited to the amounts stated in the stipulation referred to by Mr. Gilroy. The most viable option available to Mr. Gilroy is to seek relief in Federal District Court in Wyoming, which issued the Roxana Decree.

As far as Mr. Gilroy's specific water rights are concerned, he has three water rights 22-2135A, 22-2153A and 22-12575 that he can use to make calls on junior Idaho water rights through the watermaster for Basin 22. However, he cannot make a delivery call with water right 22-13108 until it is decreed in the SRBA. Idaho Code § 42-607. The Idaho Department of Water Resources is currently investigating water rights in Basin 22 and projects a preliminary recommendation on those water rights sometime in late 2004 or the beginning of 2005.

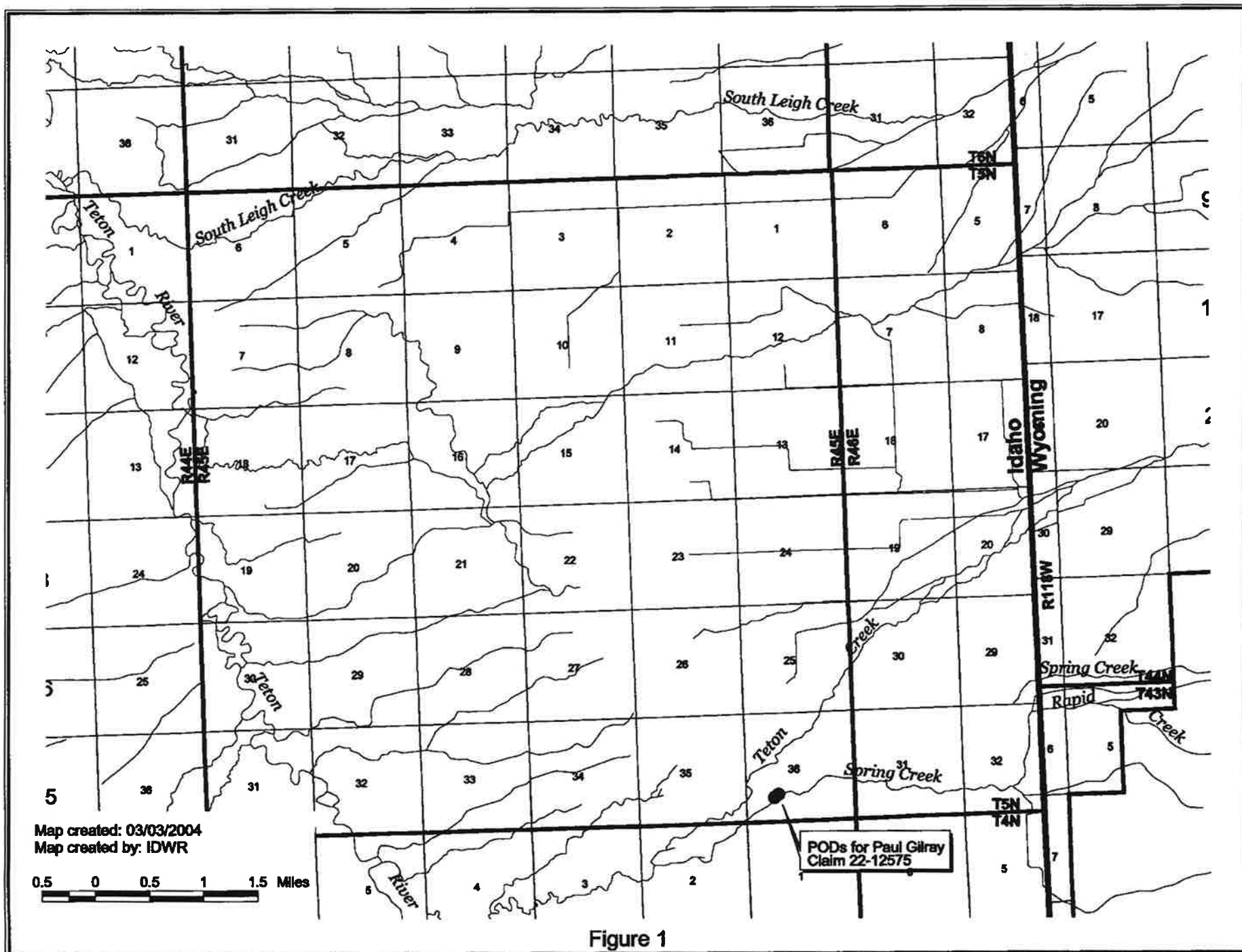
Very Truly Yours,



Candice M. McHugh
Deputy Attorney General, IDWR

cc: Glen Saxton, IDWR
Tim Luke, IDWR

⁴ This document seems to be a continuation of the Stipulation since the page numbers follow and paragraphs are shared between the two documents.



STIPUL N

IT IS HEREBY STIPULATED and agreed by and between the above named plaintiffs and defendants in the above entitled suit that the following shall be the basis of a decree to be entered in the above entitled cause, and the Court is hereby authorized to enter a decree fixing the rights of the several parties, plaintiff and defendant, in accordance with the terms of this stipulation.

That for the purpose of effecting a compromise and agreement, and to terminate the pending litigation, and to definitely establish the rights of the parties litigant, it is hereby agreed that the appropriators and water users in the State of Wyoming, who divert and use the waters of Teton Creek shall be permitted to use as much water from said stream as they can apply to a beneficial use until the total stream flow of the said Teton Creek and its tributaries in the State of Wyoming shall recede to one hundred seventy (170) cubic feet per second of time; that in the determination of said stream flow all diversions in Wyoming, including the Grand Teton Canal, shall be and constitute a part of the said stream flow in determining the total of the said stream flow; that when the said stream flow of the said Teton Creek, and its tributaries in Wyoming; shall recede to said one hundred seventy (170) cubic feet per second of time, the Wyoming users, who divert water above the diversion of the Grand Teton Canal, shall thereafter be limited and permitted to divert one cubic foot per second of time for each fifty (50) acres of land (being one miner's inch per acre) for Wyoming lands of the said users in the State of Wyoming, and to continue to be so regulated until the flow of the said Teton Creek and its tributaries in Wyoming, including all the Wyoming diversions to ninety (90) cubic feet per second of time, after which time the stream flow of the said Teton Creek, and its tributaries, is to be divided between the Wyoming and Idaho areas for the benefit of their appropriators, on a fifty-fifty basis, that is, - that Wyoming shall be entitled to divert one-half of said stream flow and one-half of said stream flow shall be permitted to flow down said stream for Idaho. It being understood and agreed that ditches diverting in Wyoming and having legal appropriations of water in Wyoming and/or Idaho, to be supplied from the one-half of said stream flow awarded to Wyoming, excepting therefrom the Grand Teton Canal which, for the sake of this agreement, although having its diversion works in the State of Wyoming, is to be considered as an Idaho appropriation and if entitled under the laws of the State of Idaho to any of the stream flow of Teton Creek, shall be supplied from any portion or percentage herein agreed as to the portion or percentage to which Idaho shall be entitled for the benefit of its appropriators.

MAY 15 1996

It is agreed by the Wyoming users that what is known as the Southside Canal which canal supplies water to both states, Wyoming and Idaho, appropriators along

EXHIBIT A

the boundary line of the states, and which has been granted Wyoming permit No. 20 for the diversion of water from Teton Creek, in Wyoming, is to be considered as a Wyoming diversion and the users in both Wyoming and Idaho supplied with water from it are to be furnished and supplied from the part or portion of the stream flow of said Teton Creek awarded Wyoming.

It is agreed that the waters of South Leigh Creek shall be distributed as follows:- the Wyoming appropriators may divert as much of the stream flow of South Leigh Creek as they can apply to beneficial use upon their lands until the natural flow of said stream, at the Idaho-Wyoming boundary line including all diversions from said stream above said boundary line, diminishes to a total of sixteen (16) cubic feet per second of time, at which time the Wyoming users shall be permitted and may divert one-half of the stream flow of said South Leigh Creek, the balance to flow down said stream for Idaho users,

The determination of the amount of the stream flow of the said streams, and the diversion of waters thereof, as between the states, as herein agreed, shall be under the supervision and direction of the Commissioner of Reclamation of the State of Idaho, and the State Engineer of the State of Wyoming.

The distribution of water among the users of Wyoming of the part or portion of the waters of said streams which they shall be entitled to shall be under the direction and supervision of the State Engineer of Wyoming, or other proper Wyoming officer; the distribution among and to Idaho users of the part or portion herein to which they may be entitled of said stream flow shall be under the direction and supervision of the Commissioner of Reclamation of Idaho, or other proper Idaho officer.

It is hereby agreed that all diversions within the State of Wyoming shall install diversion works and measuring devices, approved by the State Engineer of Wyoming, on all ditches and canals to make possible accurate measurements and proper administration and distribution of the waters of said creeks,

Dated this _____ day of _____, 1940.

PLAINTIFFS IN EQUITY NO. 2447

ROXANA CANAL COMPANY
By O. E. Peterson, Pres.

SALM IRRIGATING CANAL CO., LTD.
By Joseph Bohi, Pres.

ISLAND WARD CANAL COMPANY, LTD.
By J. F. Sellers, Pres.

TETON ISLAND CANAL COMPANY
By Ephraim Ricks, Pres.

SIDDOWAY IRRIGATING & MANUFACTURING COMPANY
By S. H. Welch, Pres.

TETON IRRIGATING & MANUFACTURING COMPANY
By I. C. Siddoway, Pres.

WILFBERD IRRIGATION & MANUFACTURING COMPANY
By C. C. Bauer, Pres.

WOODMANSEE JOHNSON REXBURG MILL DITCH
By Martin L. Nave, Pres.

MAY 15 1996

**NORTH SALM AGRICULTURAL & MILLING
CANAL COMPANY**

By Milon Luke
Leroy Saurey,
CHARLES SAUEY Trustee
Katherine Baker No signature
FRANK GARNER Lyman Garner
FERN PINCOCK Fern Pincock
LaGRANDE SMITH LeGrande Smith

CANYON CREEK IRRIGATION DISTRICT

By Lee Martineau, Pres.
Nicholas Sommers Nick Sommer
WHITNEY PINCOCK Whitney Pincock
A. N. MURDOCK No signature
FRED PINCOCK Fred Pincock
LEANORE ROW No signature

DEFENDANTS IN EQUITY NO. 2447

CHARLES DANIELS No signature
D. L. WADDELL D. L. Waddell
E. E. RIGBY E. E. Rigby
WILLARD MORGAN No signature
MILTON DALLEY No signature
MILTON SHEETS No signature
KENT SHIPP No signature
RUSSELL CHRISTENSEN No signature
TED BROWN No signature
CHARLES WADDELL No signature
FREDERICK DEURTOCH Frederick Deurtch
JOSEPH PEAcock Jr. No signature
Milton L. Sheets
W. E. RIGBY Purchaser
ELEANORA WADDELL No signature

LeLAND SORENSSEN Leland Sorensen
CHARLES CHRISTENSEN Charles Christensen
T. ROSS WILSON T. Ross Wilson
CARL CARLSON Carl A. Carlson
Irvin Christensen
FRED MORGAN PURCHASER
RUDOLPH KAUFMAN Rudolph Kaufman
ELMER CHRISTENSEN No signature
WILLARD BROWN No signature
JOSIAH BROWN NO Signature
MALCOLM WADDELL No signature
L. Y. MATTHEWS L.Y. Matthews
Sidney E. Mulcock
J. E. RIGBY OWNER
LAVINIA CORN No signature
J. L. TENNANT No signature

Approved as to form:

Attorneys for Plaintiffs:

O. E. McCUTCHEON, IDAHO FALLS, IDAHO

F. A. MILLER, ST. ANTHONY, IDAHO

Attorney for Defendants:

JAMES A. GREENWOOD, CHEYENNE, WYOMING.

RECORDED

MAY 15 1996

it being represented and made to appear to the Court that the following named plaintiffs, to-wit:

Katherine Baker, A. N. Murdock, and Leanora Row; are now deceased and no one has been authorized to represent them and that the defendant, Josiah Brown, had disposed of his land and water right to Willis Brown; that Fred Morgan, one of the defendants, has disposed of all of his interests to one Irvin Christensen, who has signed the last mentioned stipulation as the purchaser of the rights of the said Fred Morgan; that W.E. Rigby and J.E. Rigby, who were named as defendants, but not served, have disposed of all of their interests to Milton L. Sheets and Sidney E. Mulcock, respectively, who have signed the last stipulation as the purchasers and owners of the rights of the said W. E. Rigby and J. E. Rigby.

Now, therefore, the said first stipulation filed _____ IS HEREBY ADOPTED AS PROOF OF THE RIGHTS of said parties plaintiff and defendant, and the second stipulation filed July ____, 1940, is approved, confirmed and adopted as a part of this decree; and the Court being fully informed and advised in the premises:-

It is ordered, adjudged, and decreed, that:-

The waters of Teton Creek, a tributary of Teton River, Idaho, an interstate stream, shall be distributed to the appropriators and water users in the State of Wyoming and they shall be permitted to use all the waters from said Teton Creek as they can apply to beneficial use, until the total stream flow of said Teton Creek and its tributaries in the State of Wyoming shall recede to one hundred seventy (170) cubic feet per second of time; that in the determination of said stream flow all diversions, in Wyoming, including the Grand Teton Canal, shall be and constitute a part of the said stream flow in determining the total of the said flow; that when the said stream flow of the said Teton Creek, and its tributaries in Wyoming shall recede to one hundred seventy (170) cubic feet per second of time, the Wyoming users, who divert water above the diversion of the Grand Teton Canal, shall therefore be limited and permitted to divert one cubic foot per second of time for each fifty (50) acres of land (being one miner's inch per acre) for Wyoming lands of the users in the State of Wyoming, and to continue to be so regulated until the flow of the said Teton Creek, and its tributaries in Wyoming, including all the Wyoming diversions, diminishes to ninety (90) cubic feet per second of time, at which time the stream flow of said Teton Creek, and its tributaries, is to be diverted between the Wyoming and

1936

Idaho areas for the benefit of their appropriators, on a fifty-fifty basis, that is,- that Wyoming shall be entitled to divert one-half of said stream flow and one-half of said stream flow shall be permitted to flow down said stream for Idaho. It being understood and agreed that all ditches diverting in Wyoming and now legal appropriations of water in Wyoming and/or Idaho, to be supplied from the one-half of said stream flow awarded to Wyoming, excepting therefrom the Grand Teton Canal, which for the sake of this decree, although having its diversion works in the State of Wyoming, is to be considered as an Idaho appropriation, and if entitled under the laws of the State of Idaho to any of the stream flow of Teton Creek, shall be supplied from any portion or percentage herein agreed as the portion or percentage to which Idaho shall be entitled for the benefit of its appropriators.

It is further decreed that what is known as the Southside Canal, which canal supplies water to both Wyoming and Idaho appropriators along the boundary line of the States, and which has been granted Wyoming permit No.7420 for the diversion of water from Teton Creek, in Wyoming, is to be considered as a Wyoming diversion and the users in both Wyoming and Idaho supplied with water from it are to be furnished and supplied from the part or portion of the stream flow of said Teton Creek awarded Wyoming.

It is ordered, adjudged, and decreed that the waters of South Leigh Creek shall be distributed as follows;- the Wyoming appropriators may divert as much of the stream flow of South Leigh Creek as they can apply to a beneficial use upon their lands until the natural flow of said stream, at the Idaho-Wyoming boundary line, including all diversions from said stream above said boundary line, diminishes to a total of sixteen (16) cubic feet per second of time, at which time the Wyoming users shall be permitted and may divert one-half of the stream flow of said South Leigh Creek, the balance of flow down said stream for Idaho users.

The determination of the amount of the stream flow of said streams, and the diversion of the waters thereof, as between the states, as herein decreed, shall be under the supervision and direction of the Commissioner of Reclamation of the State of Idaho, and the State Engineer of the State of Wyoming,

The distribution of water among the users of Wyoming of the part or portion of the waters of said streams which they shall be entitled to shall be under the direction and supervision of the State Engineer of Wyoming, or other proper Wyoming officer; the distribution among and to Idaho users of the part or portion herein to which they may be entitled of said stream flow shall be under the direction and

RECORDED
MAY 15 1996

supervision of the Commissioner of Reclamation of Idaho, or other proper Idaho officer.

It is decreed that all diversions within the State of Wyoming shall install diversion works and measuring devices, approved by the State Engineer of Wyoming, on all ditches and canals to make possible accurate measurements and proper administration and distribution of the waters of said creeks.

That in carrying out this decree and the distribution of the waters of said streams, the part or portion of said stream flow to which the water users and appropriators in the State of Wyoming shall be distributed in accordance with the rights of priority, as fixed and determined by the Board of Control, or Court of the State of Wyoming.

That the distribution of the water of said creeks to which the appropriators and water users of the State of Idaho shall be entitled under this decree shall be distributed to the Idaho users by the proper officer of the State of Idaho according to the rights and priorities as fixed by the Court of the State of Idaho.

That the rights fixed and decreed to the parties who have joined in the foregoing stipulations, or their predecessors in interests, either by the Board of Control of the State of Wyoming or the Court of Wyoming, and by the Courts of the State of Idaho are hereby recognized and decreed as binding upon all of the parties who have signed the foregoing stipulation as the same effects the quantity of stream flow and dates of priorities of said creeks as awarded to the Wyoming appropriators and users and the Idaho appropriators and users.

The Court retains jurisdiction of this cause for a period of one year for the purpose of making any correction to the decree or the determining of the rights of any parties who may have an interest in the waters of said streams who are not now parties to this action and desire to become parties hereto.

Each party shall pay his own costs.

Done in open court this 6 day of Feb. 1941.

(Signed) Blake Kennedy
Judge

THE FOLLOWING MEMORANDUM IS TO CLARIFY CERTAIN POINTS IN THE AGREEMENT
BETWEEN THE IDAHO AND WYOMING APPROPRIATORS DEVERTING WATER FROM TETON CREEK
AND TRIBUTARIES.

1. That at all times when the flow of water in Teton Creek in Wyoming exceeds 90 cubic feet per second of time and is less than 170 cubic feet per second of time, the parties to this settlement who divert water in Wyoming, whether such diversion is for Wyoming or Idaho users, are to be limited to the diversion of not more than 1 cubic foot of water per second of time for each 50 acres of land (1 inch per acre as expressed by some); and at all times when the stream flow of said Creek in Wyoming is less than 90 cubic feet per second of time, the available supply is to be diverted equally between the two States; it being understood that all ditches diverting in Wyoming, from Teton Creek, and now having legal appropriations of water in Wyoming and/or Idaho, to be supplied from the one-half of said stream flow awarded to Wyoming, excepting therefrom the Grand Teton Canal, which, for the sake of this agreement, is to be considered as an Idaho appropriation and receive any water to which it may be entitled, under the laws of State of Idaho, from the Idaho portion of said stream flow; the administration of said rights shall be by each state, in accordance with their existing laws.

2. That the water supply of the town of Driggs, Idaho, now diverted and conveyed to said town from a diversion in the State of Wyoming shall be taken from the portion of the water allotted to Idaho to the extent of the right of said town, but shall be limited to such right as now established by permit or decree by the Board of Control or other proper department of the State of Wyoming and such right not to be recognized in an amount in excess of said permit or decree or in excess of the amount heretofore diverted by said town, through any diversion made from Teton Creek or tributaries in the State of Wyoming.

The undersigned agrees to the foregoing interpretation of the portion of the agreement referred to.

James A. Greenwood, Attorney for the
Wyoming appropriators, Signed _____

L.C. Bishop, Interstate Streams Commissioner
for Wyoming. Signed _____

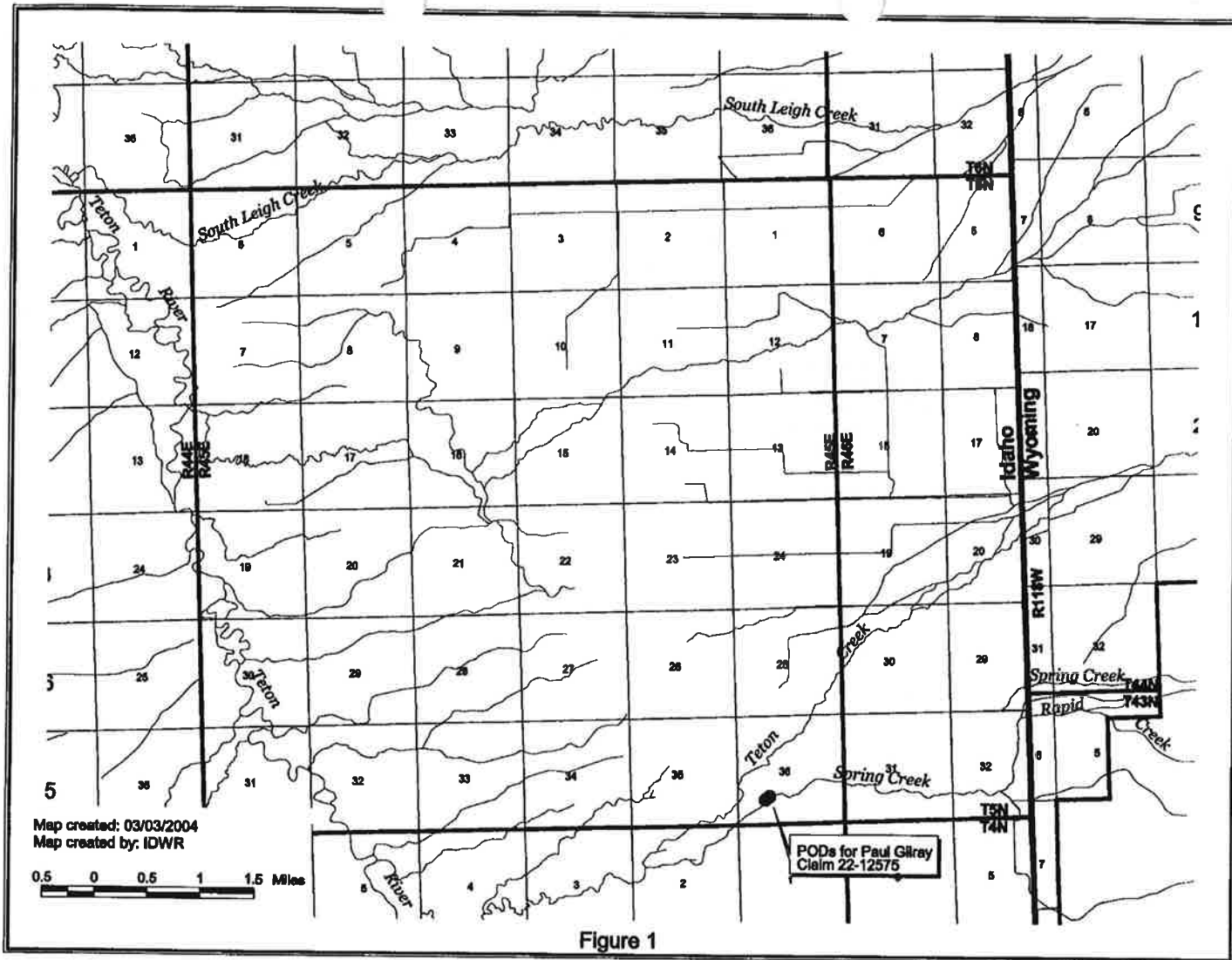
F. A. MILLER, Attorney for the Idaho
appropriators, Signed Dec. 19, 1940

James Spofford, Commissioner of Reclamation
for Idaho. Signed Dec. 19, 1940

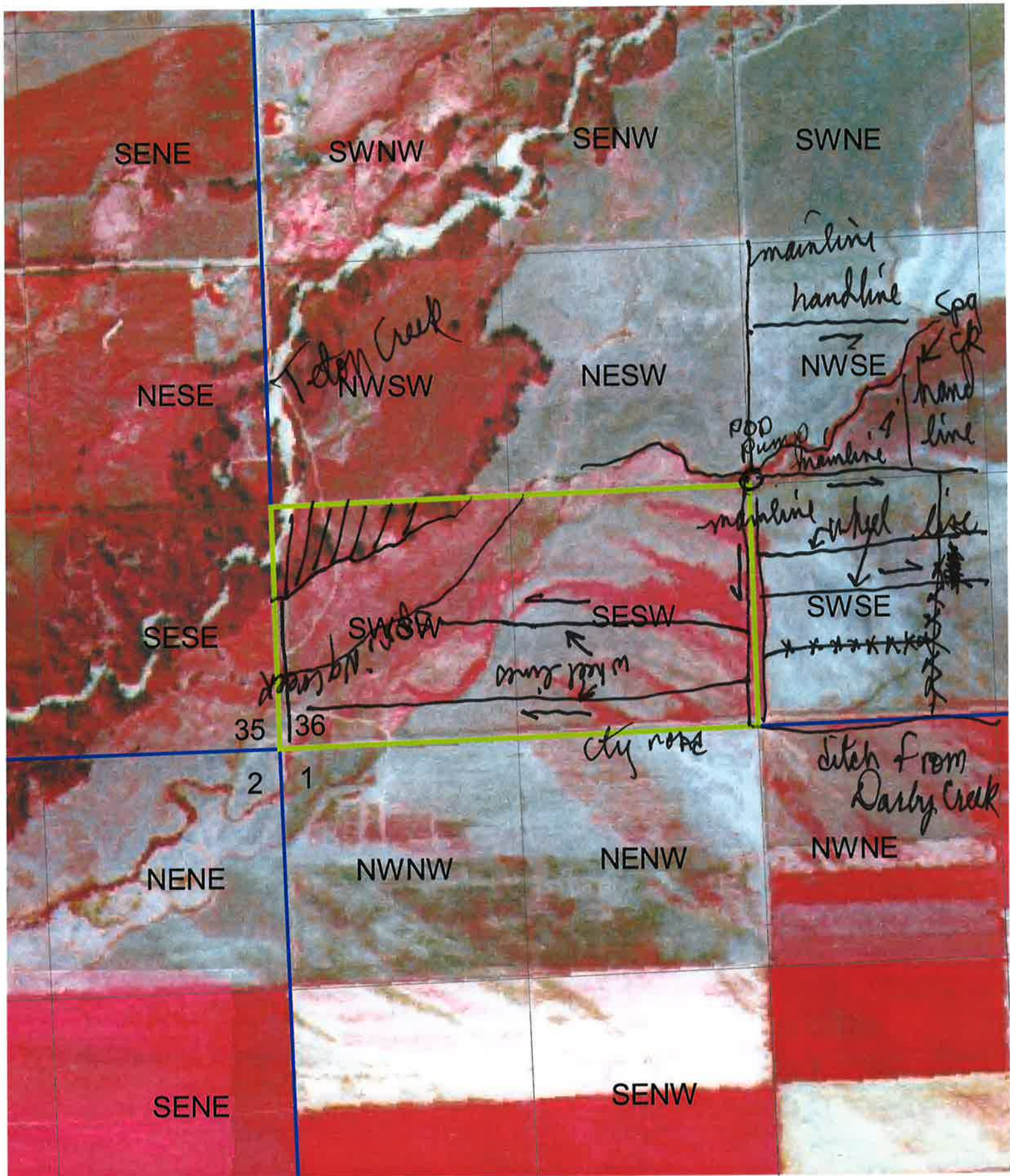
WAP-1111

MAY 15 1946

EXHIBIT B



22-12575



NOVEMBER 9, 1993

PAUL GILROY
BOX 222
WILSON WY 83014

RE: CHANGE IN OWNERSHIP FOR A22-12575

Dear Mr. Gilroy:

The request for Change in Ownership concerning your Notice(s) of Claim in the above reference has been processed and the Notice(s) modified to reflect you as the new owner.

Enclosed is a typed Notice with your name shown as the current owner. Review the forms and if there are other corrections or questions, feel free to contact this office.

If there are no questions or corrections, please keep this Notice for your records.

Respectfully submitted,

Jo Thompson
Secretary, Adjudications

Enclosure: Notice(s) of Claim

MICROFILMED

APR 11 1994



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

NOV 08 1993

Department of Water Resources
Eastern District Office

DATE OF CLOSING: 29 Jan 1993

LEGAL DESCRIPTION OF PROPERTY: Township 5 N Range 45 E
Section 36, 1/4 of 1/4 of 1/4, Govt. Lot _____, BM.

Lot _____, Block _____, Subdivision/Townsite _____

If you have additional legal descriptions, please attach separate sheet. see Attached Warranty Deed.

☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

☐ Water Right Number(s)
Assigned by IDWR: A22-12575 OK HJ

☐ Name and Address of Former Owner/Claimant(s)(Seller): Alvie Christensen

☐ New Owner/Claimant (Purchaser): Rexburg Fda 83440
PAUL Gilroy

☐ New Mailing Address: Bx 222
WILSON WYO 83014

☐ New Telephone Number: (307) 733-4314

☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes X no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

☐ Attach proof of ownership, describe proof attached: Copy Warranty Deed

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

☐ Signature of New Owner/Claimant(s): Paul Gilroy Date 3 Aug 93

☐ Signature of Former Owner/Claimant(s): Alvie C. Christensen Date 3 Aug 93

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: _____ By: _____

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: _____ By: _____

Claim Numbers of Split, if any:

MICROFILMED

APR 11 1994

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

RECEIVED

MAY 27 1997

127271

WARRANTY DEED

TETON CO., ID
CLERK RECORDER

THIS INDENTURE, made this 27th day of November, 1974,
 between EUGENE TOONE and JUDITH F. TOONE, husband and wife,
 of 5708 East Burns, Tucson
 of the part of the first part and ALVIE C. CHRISTENSEN,
 of Route #1, Driggs,
 County of Teton, State of Idaho, the part of the second part,
 WITNESSETH, that the said parties of the first part, for and in consideration of the sum of
 -----Ten and No/100----- Dollars
 lawful money of the United States of America and other valuable consideration
 to them in hand paid by the part of the second part, the receipt whereof is hereby acknowledged,
 have granted, bargained, sold, and by these presents, do grant, bargain, sell and convey and confirm unto
 the said part of the second part, and to his heirs and assigns, forever, all the following described
 real estate, situated in the County of Teton,
 State of Idaho, to-wit:---1.6 c.f.s. of the waters of Spring Creek, a
 tributary of the Teton River, which is a tributary of
 the Snake River, which was originally decreed to
 E.B. Seymour, with a priority date of June 1, 1886.---

Being re-recorded to include attachments of Application for
 Transfer of water rights that has been approved by the
 Department of Reclamation Id.No. 22 0500 B

Recorded in Deed Book Sec.36 NW4SW4 Twp.5 Rng.45

ACCL

127271

FILED

AT THE REQUEST OF

Alvie Christensen

AT 43 MINUTES PAST 11 a.m.

DATE May 27, 1997

By Ida D. Drake

CLERK OF RECORD
BY Nora Rigby DEPUTY

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belong-
 ing or in anywise appertaining, and the reversion and reversions, remainder and remainders, and rents, issues
 and profits thereof: and all estate, right, title and interest in and to the said property, as well in law as in equity
 of the said part of the first part.

TO HAVE AND TO HOLD, all and singular the above mentioned and described premises together
 with the appurtenances unto the part of the second part, and to his heirs and assigns forever.
 And the said part of the first part, and their heirs, the said premises in the quiet and peaceable
 possession of the said part of the second part, his heirs and assigns, against the said part of
 the first part, and their heirs, and against all and every person and persons whomsoever, lawfully
 claiming or to claim the same shall and will warrant and by these presents forever defend.

IN WITNESS WHEREOF, the said part of the first part have hereunto set their hands
 and seals the day and year first above written.

Executed and Delivered in the Presence of

_____ [SEAL]
 _____ [SEAL]
 _____ [SEAL]
 _____ [SEAL]

STATE OF IDAHO,

County of Madison

ss.

On this 27th day of November in the year 1974, before me the undersigned EUGENE TOONE and JUDITH F. TOONE, a Notary Public in and for said State, personally appeared

known to me to be the person^s whose name^s are subscribed to the within instrument, and acknowledged to me that he & executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Lay W. Lay
Notary Public for the State of Idaho,
Residing at Rushburg, Idaho.
My Commission Expires: 1-26-75

No. _____

WARRANTY DEED

Eugene Toone
et al

to Alvin C. Christensen

Dated 11.30, 1974

STATE OF IDAHO,

County of Latah

I hereby certify that this instrument

was filed for record of request of

at 10 minutes past

o'clock P. M., this 18 day of

Nov, 1974, in my

office, and duly entered in book

of 100

at page 100

Alvin C. Christensen

By Alvin C. Christensen

Deputy.

Fees, \$ _____

Mail _____

Alvin C. Christensen

Alvin C. Christensen

Alvin C. Christensen

Alvin C. Christensen

RECEIVED

112072

E-268-TS

JAN 29 1993

WARRANTY DEED

FOR VALUE RECEIVED Alvie C. Christensen and Gloria Christensen, husband and wife, of Rexburg, Idaho, hereinafter called "Grantors" do hereby grant, bargain, sell and convey unto Paul Gilroy, a single man, of Wilson, Wyoming, hereinafter called Grantee, the following described real property in Teton County, Idaho, to wit:

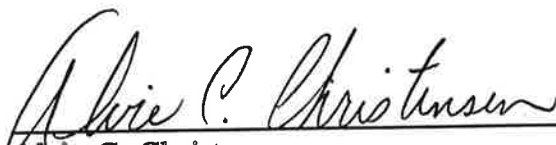
Commencing at a point 122 rods West of the NE corner of the South $\frac{1}{2}$ Southwest $\frac{1}{4}$ of Section 36, township 5 North, Range 45 East Boise Meridian, and running thence West 38 rods; thence South 80 rods; thence East 38 rods; thence North 80 rods to the point of beginning.

Together with appurtenant water rights, all and singular the tenements hereditament and appurtenances thereunto belonging or in any wise appertaining and reversions and remainders.

Subject to easements or restrictive covenants, if any, of record.

Grantor warrants to the Grantee, and his successors in title, that fee simple title to the property is conveyed to Grantee by this deed, free from all encumbrances except those existing easements of record.

DATED this 2nd day of ^{October}~~September~~, 1992.


Alvie C. Christensen


Gloria Christensen

WARRANTY DEED

1

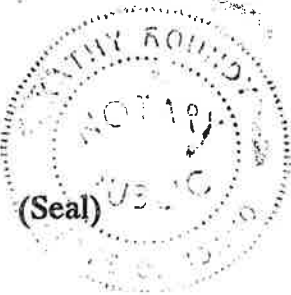
MICROFILMED

APR 11 1994

STATE OF IDAHO)
)
) ss.
County of Madison)

On this 2nd day October ~~September~~, 1992, before me, the undersigned, a Notary Public in and for said State, personally appeared Alvie C. Christensen and and Gloria Christensen, husband and wife, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year in this certificate first above written.



Kathy Roudy
Notary Public for Idaho
Residing at: Rexburg, Idaho
My commission expires: 3-6-96

112072

FILED

AT THE REQUEST OF

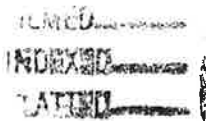
American Land

45 MINUTES 12 P M

DATE January 29, 1993

Asa J. Drake
CLERK OF RECORD

BY _____
DEPUTY



30.5

SW 1/4 5.36 T5N R45E



MICROFILMED

APR 11 1994

To Ernie
 Date 11/19 Time 9:35 ☒ AM ☐ PM
WHILE YOU WERE OUT
 M Paul Hilroy
 of _____
 Phone () 307-733-4314
 Area Code Number Extension

TELEPHONED	☒	PLEASE CALL	☒
CALLED TO SEE YOU	☐	WILL CALL AGAIN	☐
WANTS TO SEE YOU	☐	URGENT	☐

RETURNED YOUR CALL ☐

Message _____
A22-12575 was original
deed to Glen Taylor
Section
35 Transferred from Taylor
to Eugene Toone

 Operator

*Do NOT
 MICROFILM.*

To Ernie
 Date 11/25 Time 1:20 ☐ AM ☐ PM
WHILE YOU WERE OUT
 M Paul Hilroy
 of _____
 Phone () 307-733-4314
 Area Code Number Extension

TELEPHONED	☒	PLEASE CALL	☒
CALLED TO SEE YOU	☐	WILL CALL AGAIN	☐
WANTS TO SEE YOU	☐	URGENT	☐

RETURNED YOUR CALL ☐

Message _____
-Glen Taylor (Sec 2)
sold to Toone. Toone
Bill of Sale from Toone to Aloie
Christensen for water right.
A22-12575

 Operator

From: DWR70::OLENICHAK 27-FEB-1989 12:03
To: DWR03::SHAFF, OLENI AK
Subj:

SUBJECT: Notice of claim number A22-00500B must be changed on
Receipt M001454.

PROBLEM: Alvie C. Christensen's claim A22-00500B will not update to
the Master Host because the claim number A22-00500B was previously
assigned to another claimant and updated to the Master Host.

EXPLANATION: On September 15, 1988, Bernice Hathaway-Powell claimed
the entire right 22-00500B as recorded (Receipt E002344). On
September 27, 1988, several claims were completed for Alvie Christensen,
including A22-00500B (which does not reflect the recorded information
for 22-00500B). All claims on his Receipt E002344 were updated to the
Master Host except for A22-00500B because it already existed in the
Master Host.

SOLUTION: A new claim number, A22-12575, has been assigned to
Alvie Christensen's claim, formerly A22-00500B. Claim number A22-00500B
on Receipt M001454 must also be changed to A22-12575.

FOLLOWUP: Send copy of corrected Receipt M001454 to Alvie Christensen,
517 Linden, Rexburg, ID 83440.

*7-28-89
Return to me when
Receipt M001454 has been
properly changed + I will
do followups.
JD*

MICROFILMED

NOV 6 7 1992

From: DWR70::OLENICHAK 27-FEB-1989 12:00
To: DWR03::SHAFF, OLEHAK
Subj:

SUBJECT: Notice of claim number A22-00500B must be changed on Receipt M001454.

PROBLEM: Alvie C. Christensen's claim A22-00500B will not update to the Master Host because the claim number A22-00500B was previously assigned to another claimant and updated to the Master Host.

EXPLANATION: On September 15, 1988, Bernice Hathaway-Powell claimed the entire right 22-00500B as recorded (Receipt E002344). On September 27, 1988, several claims were completed for Alvie Christensen, including A22-00500B (which does not reflect the recorded information for 22-00500B). All claims on his Receipt E002344 were updated to the Master Host except for A22-00500B because it already existed in the Master Host.

SOLUTION: A new claim number, A22-12575, has been assigned to Alvie Christensen's claim, formerly A22-00500B. Claim number A22-00500B on Receipt M001454 must also be changed to A22-12575.

FOLLOWUP: Send copy of corrected Receipt M001454 to Alvie Christensen, 517 Linden, Rexburg, ID 83440.

*corrected & sent
6-27-89 RAK*

File

MICROFILMED

NOV 07 1988



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 334-7900

A22-00500C
~~Permanent file~~

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

January 3, 1989

Mr. Alvie C. Christensen
517 Linden
Rexburg, ID 83340

T&N

RE: Snake River Basin Adjudication — A22-12575

Dear Mr. Christensen:

In processing your claim, it was necessary to assign another number to your water right claim. That number is in the upper right-hand corner of the enclosed claim copy.

You do not have to return the claim or acknowledge this change. This notice is for your information only.

Yours Truly,

Donald V. Shaff
Adjudication Section Supervisor

DVS:db
Enclosure
A22-00500C

MICROFILMED
DEC 09 1992

Transfer No.

APPROVED

APPLICATION FOR TRANSFER OF WATER RIGHT

To Change the Point of Diversion and/or the Place of Use

1. Name of Right Holder Alvie C. Christensen
Post office address Route 1, Driggs, Idaho 83422
2. Right obtained by:
a. Decree to E.B. Seymour in Case of Rexburg Irrigation Co. et al.
(Name) (Name)
vs. Teton Irrigation Canal, Dated 12-16-10 in Sixth Judicial District
(Name of Court)
Court. County of Fremont
- b. License No. _____ issued by the State of Idaho, Department of Reclamation.
3. Source of water Spring Creek tributary to Teton River a tributary
(Name of stream or source) of Snake River.
4. Date of Priority June 1, 1886
5. Amount of water a. 1.6 c.f.s. and/or
b. A.C. acre feet/annum
6. Water is used for Irrigation & Stock from January 1 to December 31
(Month, Day) (Month, Day)
7. Original location of point of diversion is NW 1/4 SW 1/4 of Section 36
Township 5 N. Range 45 E. B.M. in Teton County;
- Additional points of diversion, if any None
8. Lands presently irrigated or place of use:

[illegible]

Total number of acres presently irrigated

127271

127271

c. Are you completely abandoning the land previously irrigated by this right? If not, explain your plans:

yes

d. Describe any other water rights that you claim for the new ground upon which you wish to transfer this right:

None

e. Indicate on the above plat the new land to be irrigated and the point of diversion.

I hereby assert that no one will be injured by such transfer and that the change will be made at my own risk. The information contained in this application is true to the best of my knowledge.

Oliver C. Christensen
(signature of applicant)

Subscribed and sworn to before me this 27th day of November, 1974

Lay W. Hugly
(notary public)

My commission expires 1-26-75

Lepurg, Idaho

**ACTION OF Director, Department of Water Resources
AND CERTIFICATE OF TRANSFER**

This is to certify that I have examined Application for Transfer of Water Rights No. 22-0500B

and said application is hereby APPROVED

1. Approval of said application is subject to the following limitations and conditions:

A measuring device of a type approved by this Department shall be
permanently installed and maintained as part of the diverting works.

2. Denial of said application is for the following reasons:

Witness my hand this 9 day of January, 1975

L. K. Hill

State Reclamation Engineer
DIRECTOR

FOR DEPARTMENT USE ONLY

Received by MB Date 11-27-74

Protest filed by: _____ Date _____

Prelim. check by WRC Date 11-27-74

Fee received by MB Date 11-27-74 Fee \$38.00

Approved for publication by 12-16-74 - Cal # 15171

Published in Star Valley News Date Dec. 5-12, 1974

Hearing held _____

Watermaster Recommendation sent W.D. #01 Pat Loren 11-24-74

127271

22-500 Spring Creek

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: A22-12575
Date Received: 9/27/1988
Receipt No: M001454
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: PAUL GILROY
Address: BOX 222
WILSON WY

307-733-4314

83014

2. Date of Priority: JUN 1, 1886

3. Source: SPRING CREEK

Trib. to: TETON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
05N	45E	36	SW	NE	SW		TETON
			NW	SE	SW		TETON

5. Description of diverting works:
CEMENT HEADGATE DITCHES TO POU.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/14	10/15	1.600		

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

A.F.A.

8. Total consumptive use is 160.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

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

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APR 11 1994

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	80.0
					Total Acres	80.0

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:

THE ORIGINAL ADJUDICATION CLAIM SIGNED BY THE CLAIMANT IN THE MOBILE OFFICE ON 9/27/88 WAS A22-00500B. THIS NUMBER HAD ALREADY BEEN ASSIGNED AND RECEIPTED TO ANOTHER CLAIMANT. A NEW NUMBER WAS ASSIGNED TO THIS CLAIM TO AVOID DUPLICATION.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

REXBURG IRR. CO. ET AL
Decree Plaintiff

TETON IRR. CANAL CO. ET AL
vs Decree Defendant

original claim no. A22-0050013
(see remarks)
and MAIL MESSAGE

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: A22-12575
Date Received: 9/27/1988
Receipt No: M001454
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ALVIE C. CHRISTENSEN 208-356-9386
Address: 517 LINDEN
REXBURG, ID 83440

2. Date of Priority: JUN 01, 1886

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05N	45E	36	SW	NE	SW		TETON
			NW	SE	SW		TETON

5. Description of diverting works:
CEMENT HEADGATE DITCHES TO POU.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/14	10/15	1.600		

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

8. Total consumptive use is 160.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

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

Section Acres 80.0

A22-12575

Page 1

Date: 02/27/89

A2212575



MICROFILMED

NOV 07 1992

10. Place of Use: Continued

Total Acres 80.0

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:

THE ORIGINAL ADJUDICATION CLAIM SIGNED BY THE CLAIMANT IN THE
MOBILE OFFICE ON 9/27/88 WAS A22-00500B. THIS NUMBER HAD
ALREADY BEEN ASSIGNED AND RECEIPTED TO ANOTHER CLAIMANT. A
NEW NUMBER WAS ASSIGNED TO THIS CLAIM TO AVOID DUPLICATION.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

REXBURG IRR. CO. ET AL
Decree Plaintiff

vs

TETON IRR. CANAL CO. ET AL
Decree Defendant

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: ~~A22-00500B~~ A22-12575
Date Received: 9/27/1988
Receipt No: MOO 1454
Received By: gpc

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ALVIE C. CHRISTENSEN 208-356-9386
Address: 517 LINDEN
REXBURG, ID 83440

2. Date of Priority: JUN 01, 1886

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
05N	45E	36	SW	NE	SW		TETON
			NW	SE	SW		TETON

5. Description of diverting works:
CEMENT HDGATE DITCHES TO POU.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/14	10/15	1.600		

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

8. Total consumptive use is 160.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

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

Section Acres 80.0

A22-00500B

Page 1

Date: 09/27/88

MICROFILMED

NOV 07 1992

10. Place of Use: Continued

Total Acres 80.0

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:

 TRANS. 1708.

 P/D, 2 POINTS.

 TRANSFER 22-0500B APPROVAL DATE 01/09/1975, DID NOT
 REFLECT THE ACTUAL P.D. AND POU. AS BEING IN SEC. 36 WHERE IT
 HAS BEEN BUT PUT IT IN SEC. 35 INCORRECTLY.

15. Basis of Claim: DECREED

 Case Number:

 Court :

 Decree date:

REXBURG IRR. CO. ET AL
 Decree Plaintiff

vs

TETON IRR. CANAL CO. ET AL.
 Decree 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/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Alvin P. Christensen Date: 9-27-88

Date: _____

State of Idaho)
County of Teton) SS.

Subscribed and sworn (or affirmed) before me this 27 day

of Sept. 19 88

John Dale Carlson
Notary Public

Seal

Residing at Boise Id

My Commission Expires 4/2/94

NOV 07 1954

MICROFILMED

A22-00500A.

T 5N R 45E
Sec 35

