

07/28/2006

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

RIGHT NUMBER: 22-12757

NAME AND ADDRESS: DON L DURTSCHI
3809 N 39TH ST
BOISE ID 83703

J RAY DURTSCHI
3809 N 39TH ST
BOISE ID 83703

REED R DURTSCHI
3809 N 39TH ST
BOISE ID 83703

SOURCE: TETON CREEK

TRIBUTARY: TETON RIVER

QUANTITY: 2.360 CFS

The quantity of water diverted under this water right shall be from the portion awarded to Wyoming and deducted there from as set forth in Roxana Canal Co. v. Daniels, Equity No. 2447 (D. Wy. Feb. 4, 1941).

PRIORITY DATE: 04/01/1894

POINT OF DIVERSION:

T05N R46E S8 NENWSE Lot 3 Within TETON County

The point of diversion for this water right is in Wyoming, T44N, R118W, Sec. 23 SESW, 6PM.

The point of diversion shown above is where the conveyance system enters Idaho.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	2.360 CFS

PLACE OF USE: IRRIGATION Within TETON County

T05N R46E S08	NESW	23.00	T05N R46E S08	NWSW	23.00
T05N R46E S08	SESW	21.00	T05N R46E S08 Lot 3	NWSE	18.00
T05N R46E S08 Lot 4	SWSE	33.00			

118 ACRES TOTAL

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

07/28/2006

IDAHO DEPARTMENT OF WATER RESOURCES

PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

- This water right is subject to the delivery provisions contained in Roxana Canal Co. v. Daniels, Equity No. 2447 (D. Wy. Feb. 4, 1941) ("Roxana decree"). Nothing in this Partial Decree is intended to relieve or alter the state of Idaho nor the state of Wyoming from their obligations contained in the Roxana decree.

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.

This water right is also recorded as Wyoming Certificated Water Right No.
 .

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

WATER IS DELIVERED THROUGH NORTHSIDE CANAL TO NORTHSIDE PIPELINE.

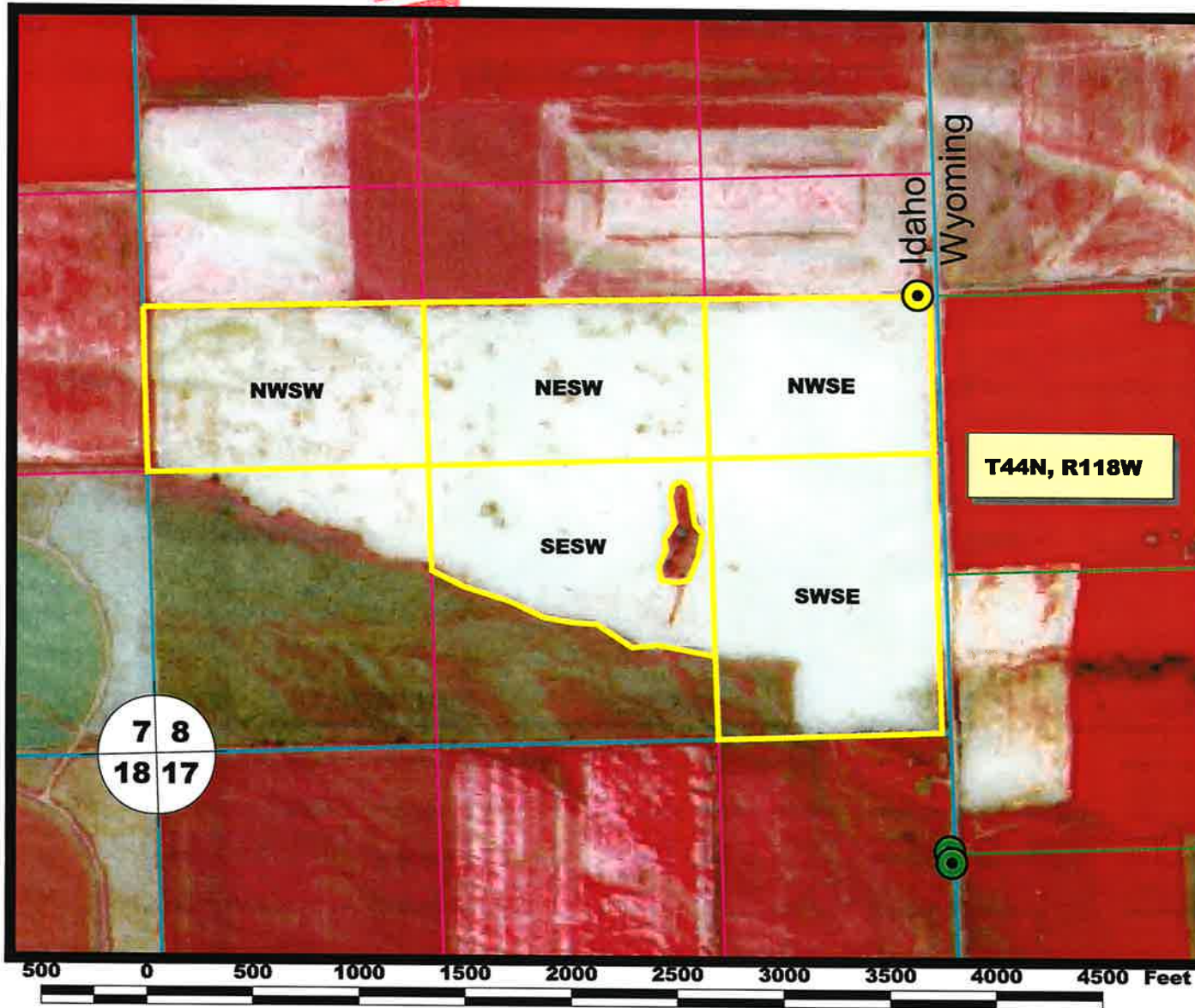


SCANNED
JUL 19 2005

State of Idaho

Department of Water Resources

Eastern Region



Water Right(s):
22-12757

Point(s) of Diversion:
T5N, R46E
Sec. 8 NENWSE (L3)

Place of Use: (parts of)
T5N, R46E Sec. 8
S2N2SW, SESW,
NWSE (L3), SWSE (L4)

Water delivered by Northside
Canal diverted from Teton Creek
in Wyoming.

LEGEND



Point of Diversion

SESE

Place of Use



Section



Quarter-Quarter



GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: A. Ruberry
Date: July 2005



Spot where ~~the~~ North Wyoming
pipeline (diversion from Teton Creek)
crosses into Idaho.

August 2, 2005

ALLEN RUBERRY
SENIOR WATER AGENT
DEPARTMENT OF WATER RESOURCES
900 N. SKYLINE DR., SUITE A,
IDAHO FALLS, ID 83402-1718

RECEIVED

AUG 04 2005

Department of Water Resources
Eastern Region

Re: Right Number: 22-12757, Don, J. Ray, and Reed R. Durtschi, 3809 N. 39th
St. Boise, ID 83703

Dear Mr. Ruberry,

Reed and I appreciated the opportunity of meeting with you on July 13 concerning corrections to The Preliminary Recommendation as to our water right. I have received the corrected Preliminary Recommendation dated 07/13/2005 and note that the changes we requested have been made. Thank you for your assistance.

I note, however, that the following two paragraphs have been added to the original Preliminary Recommendation:

The quantity of water diverted under this water right shall be from the portion awarded to Idaho and deducted there from as set forth in Roxana Canal Co. v. Daniels, Equity No. 2447 (D. Wy. Feb. 4, 1941).

This water right is subject to the delivery provisions contained in Roxana Canal Co. v. Daniels, Equity No. 2447 (D. Wy. Feb. 4, 1941 ("Roxana decree"). Nothing in this Partial Decree is intended to relieve or alter the State of Idaho and the State of Wyoming from their obligations contained in the Roxana decree.

We have no objection to the last paragraph above because it is consistent with the Idaho Decree under which our water right was granted which provides "...that the foregoing adjudication of water be made subject only to the Decrees in . . . a certain action instituted in the United States District Court of Wyoming, entitled "Roxana Canal Company, et al., vs. Charles Daniels, et al.," entered February 4, 1941. . .".

We have, however, serious objections to the first paragraph quoted above and respectfully request that it be deleted for the following reasons:

1. It is inconsistent with the following express terms of the Roxana Decree governing the apportionment of the waters of Teton Creek:

"It being understood and agreed 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. . .".(underlining added).

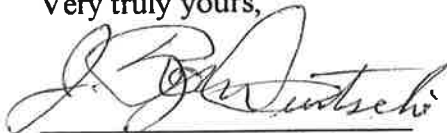
26011

The Idaho Court which rendered the Decree on which our claimed water right is based determined that our predecessors in interest had applied water from Teton Creek through the Pratt Ditch to a beneficial use and thereby **legally appropriated** that water on April 1, 1894.

2. It is inconsistent with existing determinations and rulings of Wyoming water officials. Page 11 of the October 1999 Official Tabulation of Wyoming adjudicated water rights listing the "Pratt Ditch (as changed to North Side Canal and Pipe Line) under "Permit No. 9-17-1948," contains this comment: "Although the actual priority date of this Idaho right is identified was (sic) 04-01-1894, it was not recognized to have become part of Wyoming's apportionment until 02-04-1941. . .".(underlining added, copy attached).

3. On September 19, 2002, Jade Henderson, Wyoming Water Superintendent, sent an e-mail to Jim Wilson, Wyoming Water Commissioner in which he analyzed the ditches and pipelines which needed control devices to divide Idaho and Wyoming apportionments. He made the following comment as to North Side Pipeline which serves our farm: "North Side Pipe Line (the only other lateral of North Side Canal that serves lands in both states) carries exclusively Wyoming apportionment under the interstate Decree, even though the various water rights and the lands irrigated thereunder are not all Wyoming's. (Most of this pipeline's Idaho land is under the 309.5 acre Idaho water right transferred from Pratt Ditch.) The latter reference is to the Idaho Decree under which we claim our April 1, 1894 priority right.(underlining added, copy attached).

Very truly yours,

A handwritten signature in cursive script, appearing to read "J. Ray Durtschi", written in dark ink.

J. Ray Durtschi

Tabulation of Adjudicated Water Rights of the State of Wyoming - Water Division Number 4 , Surface Water

PERMIT NO. DITCH

Page 11 October 4

APPROPRIATOR		PRIORITY	USE	C.F.S.	ACRES	HG LOC.	No
15014	Side Canal.) Christensen (as changed to North... Side Canal)	Charles Christensen					
18275	(Point of diversion and means of conveyance changed from Mill Creek to North Side Canal.)	03-12-1918	I	1.07	75.50	22-44-118	
18837	Walker Pipeline..... Charles Christensen.....	William Walker..... Charles Christensen.....					
5093E	(Point of diversion and means of conveyance changed to the North Side Canal (23-44-118), water is conveyed through the Central Canal Company Pipe Line (21-44-118),	06-23-1933	Power	18.00		19-44-117	
18968	a lateral of North Side Canal.) Enl. South Side Canal..... Waddell.....	09-06-1935 Charles Christensen..... Douglas P. Sorensen.....	D.I D.I	0.07 0.57	5.00	23-44-118	
9-17-1948	(Point of diversion and means of conveyance changed from 20-44-188 to the South Side Canal under Permit Nos. 7420, 5093 Enl., and 6712 Enl., May 15, 1996. Voluntary	08-05-1938 Pratt Ward, A. Durtshci..... H. Hastings.....	D.I D.I	1.64	40.00	22-44-118	
Idaho	abandonment of 4.81 acres (0.07 c.f.s.) from 119.89 acres (1.71 c.f.s.), February 19, 1997.) North Side Canal and Pipe Line) AUTHORIZED to convey such waters as may be available to them from said Teton Creek through the Pratt Ditch under the laws of the State of Idaho, through the North Side Canal in Wyoming; PROVIDED, that such diversion shall be administered by the Wyoming Water Officials under the terms of the "Roxanna" Decree of the United States District Court, District of Wyoming in Equity No. 2447, Second Stipulation and Decree, February 4, 1941, and the Memorandum thereto filed February 4, 1941. (Order Record No. 17, page 542.) Although the actual priority date of this Idaho right is identified as 04-01-1894, it was not recognized to have become part of Wyoming's apportionment until 02-04-1941, thereby reserving a potential Wyoming priority of that date. This right has not been fully determined as to what portion is legally verifiable under Idaho's Snake River Basin Adjudication.	02-04-1941	I	5.60	309.50	23-44-118	
*6311E	Enl. Brown-Clement (as changed to... North Side Canal and Pipe Line)	George C. Hatch, et al.....			44.00	23-44-118	
6338E	(This appropriation for irrigation of 44.0 acres in Idaho is for 0.63 c.f.s. but is valid only if it is charged against that part of the flow of Teton Creek allocated to Idaho by the stipulation which is a part of the so called "Roxanna Decree" of the United States District Court, entered February 4, 1941.)	01-19-1961	I				
6338E	Enl. North Side Canal.....	North Side Canal Co.....					
8402R	Enl. North Side Canal.....	John Mark Wilson.....					
6712E	Targhee Village No. 5 Res..... (This reservoir is for miscellaneous purposes for a golf course water hazard and fire protection. It is supplied by the Targhee Enl. South Side Canal, Permit No. 6712 Enl., diverting from Teton Creek.)	Targhee Village, Inc.....		0.24	16.90	23-44-118	
7183E	Targhee Enl. South Side Canal..... (Supply ditch for the Targhee Village No. 5 Reservoir, Permit No. 8402 Res. This appropriation is limited to the amount beneficially used to supply the reservoir, not to exceed 0.71 a.f., and at a rate not to exceed 27.3 c.f.s.)	Targhee Village, Inc..... Alfred E. Baldwin.....	Misc Res. Supply	0.57 0.71 a.f.	40.00	23-44-118	
10498R	Enl. North Side Canal..... (This appropriation is limited to the amount of water beneficially used to supply the Baldwin Reservoir, Permit No. 10498 Res., not to exceed 30.18 acre feet from all sources for any one year and at a rate not to exceed 26.00 c.f.s. This appropriation is also limited to the amount of water beneficially used for non-consumptive flow through for fish propagation at a rate not to exceed 0.18 c.f.s.)	06-20-1980 Alfred E. Baldwin.....	Res. Supply			22-44-118	
7193E	Enl. North Side Canal..... (This reservoir receives water from the Enl. North Side Canal, Permit No. 7183 Enl. 10.603 acre feet for fish propagation; 19.577 acre feet for stock use.)	Leonard Lewis.....	S. Fish	30.18 a.f.		21-44-118	
10542R	Altamont Pond..... (This appropriation is limited to the amount of water beneficially used to supply the Altamont Pond Reservoir, Permit No. 10542 Res., not to exceed 4.98 acre feet from all sources in any one year and at a rate not to exceed 0.221 c.f.s. This appropriation is also for fish propagation for non-consumptive use flow through water in Altamont Pond Reservoir, Permit No. 10543 Res., at a rate not to exceed 0.08 c.f.s.) (This appropriation is off channel via the Enl. North Side Canal, Permit No. 7193E.)	Leonard Lewis.....	Res Supply, Flow through Fish Prop, Supply Ditch Fire	0.08		23-44-118	
Terr.	Hulett..... (Amended certificate issued to successor of S. S. Hulett, original appropriator. Waddell Ditch, 33-44-118, Permit No. 18643.)	John J. Durtshci, et al..... D. L. Waddell.....					
18643	(Original supply for 40 acres is from Teton Creek through the South Side Canal, Permit No. 7420.)	09-00-1890	D.I, S	1.57	110.00	33-44-118	
		12-09-1931	I	1.60	112.00	33-44-118	
			S.S.	40.00			

Jeff Hastings

From: jwilson@mycommunity.com
Sent: Thursday, September 19, 2002 9:11 AM
To: jeffh@frrec.com
Subject: regulating Idaho's Roxanna water

Jeff,

This is the e-mail I got a couple of weeks ago that I said I would get to you. It talks about needing a flow meter and a valve at the state line for the Grand Teton Pipeline. Give me a call if you have questions or want to talk about it.

----- Forwarded by Jim T Wilson/mycom on 09/19/02 08:23 AM -----

Lowry"

"Jade
Henderson"
<jhende@allwe
st.net>
09/06/02
07:45 PM
Please
respond to
"Jade
Henderson"

To: <jwilson@mycommunity.com>
cc: "Loren Smith" <smitty4@trib.com>, "Sue
<slowry@state.wy.us>
Subject: regulating Idaho's Roxanna water

Jim Wilson, WY Water Commissioner

Dear Jim: It continues to be necessary that we protect Wyoming water rights, while assuring delivery to downstream Idaho their share of these 2 interstate streams under the "Roxanna" Decree. At each point where Wyoming and Idaho apportionments would be divided, there needs to be ability for state control & measurement. I appreciate your accurate understanding of these points, and will restate them here for future reference.

1. Leigh Creek (Hog) Canal has wheel-type headgates that are adjustable, & lockable, and an open channel where flow can be measured to receive exclusively Idaho apportionment under the interstate Decree.

2. Kilpack Ditch (also from South Leigh Creek), as a condition of Wyoming recognition of their Point of Diversion, must provide a similar wheel-type headgate at the head of its channel to also receive exclusively Idaho apportionment.

3. North Alta Irr Co Ditch (also from South Leigh Creek) receives exclusively Wyoming apportionment, but must petition for change in Point of Diversion and Means of Conveyance to Price Pump, and may also need to provide a valve control and/or a meter in their pipeline.

4. Grand Teton Canal from Teton Creek has a controllable headgate to its channel where it receives exclusively Idaho apportionment.

5. Grand Teton Pipe Line (lateral of North Side Canal, from Teton Creek) carries both Wyoming and Idaho apportionments under the interstate Decree. (The Idaho apportionment is a 1288-acre portion of 22-00277, transferred from Grand Teton Canal.) Under this particular pipeline, the different

water rights designated to each respective side of the stat line receive water from each respective state's apportionment. Therefore, this shared pipeline needs at the state line a controllable valve and a meter, so that in times of regulation the flow being taken across the state line to deliver its share of the Idaho apportionment will not draw from Wyoming's apportionment up-slope in that same pipeline. Alternatively, the pipeline could be capped at the state line and their Idaho apportionment changed to the Grand Teton Canal where both their Idaho water right and the Roxanna Decree designate it.

6. Obviously, North Side Canal from Teton Creek carries both Wyoming and Idaho apportionments, and provides an adequate headgate to its channel. North Side Pipe Line (the only other lateral of North Side Canal that serves lands in both states) carries exclusively Wyoming apportionment under the interstate Decree, even though the various water rights and the lands irrigated thereunder are not all Wyoming's. (Most of this pipeline's Idaho land is under the 309.5-acre Idaho water right transferred from Pratt Ditch.) Having no Idaho apportionment, this pipeline needs no State-controlled valve or meter to divide out another state's water.

7. South Side Canal (also from Teton Creek) carries exclusively Wyoming apportionment under the interstate Decree to lands in both states, and provides an adequate headgate to its channel.

If you need my assistance in requiring installation or repair of controls or measuring devices, please let me know.

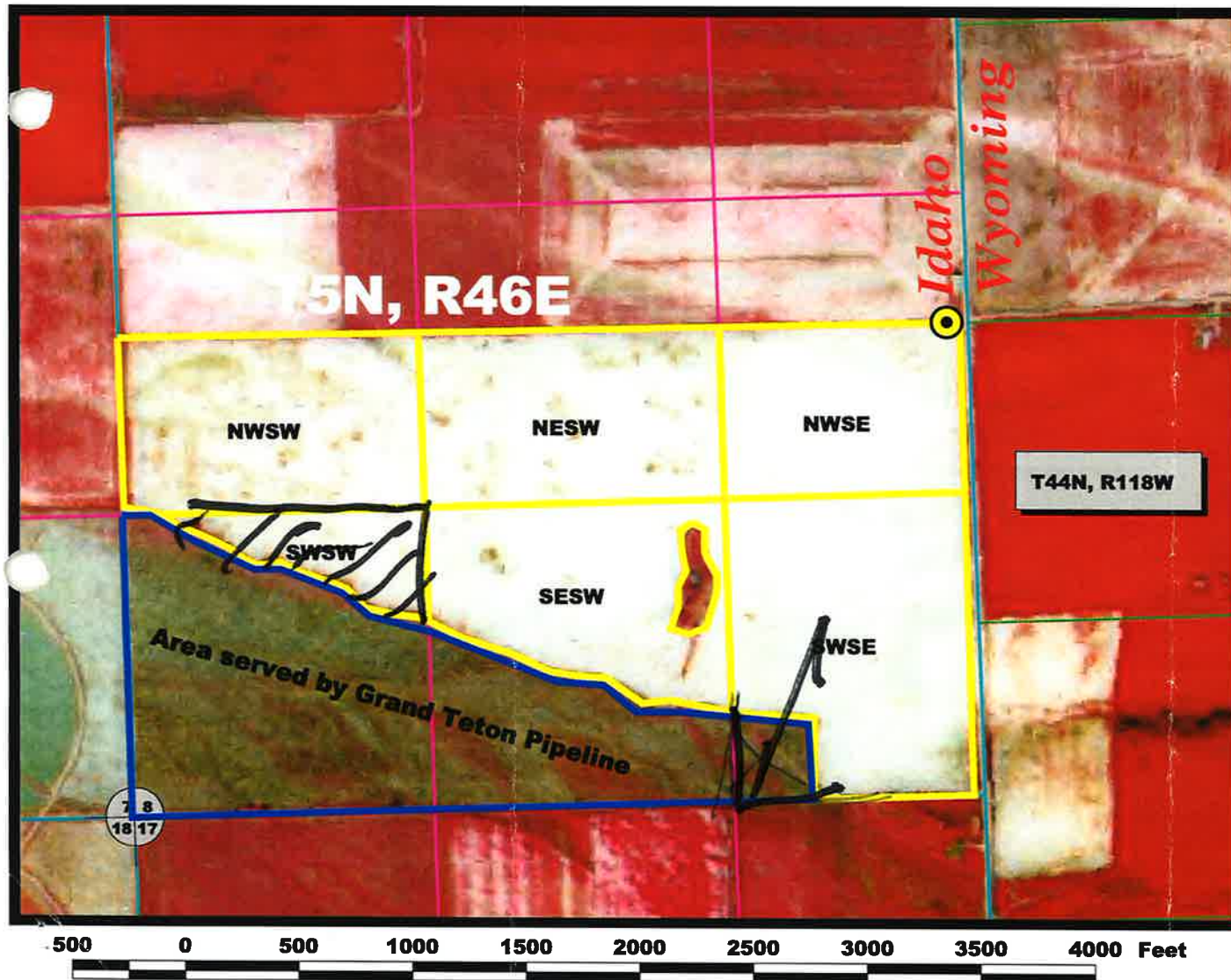
JADE HENDERSON
WY Water Supt



State of Idaho

Department of Water Resources

Eastern Region



Water Right(s):
22-12757

Department of Water Resources
Eastern Region

JUN 24 2005

RECEIVED

5002 8 2 NUT

Point(s) of Diversion:
T5N, R46E
Sec. 8 NENWSE (L3)

Place of Use: (parts of)
T5N, R46E Sec. 6
SW, NWSE (L3, SWSE (L4))

Delivery by Northside Pipeline.
Wyoming Diversion:
T44N, R118W, Sec. 23 SESW, 6PM

LEGEND



Point of Diversion

SESE

Place of Use



Section



Quarter-Quarter



GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: A. Ruberry
Date: February 2005

NOTICE OF ERROR REPLY

1. Name and Address: Since filing our amended claim we have formed a Partnership which now has title to the property involved.

NAME AND ADDRESS: OK RANCH L.L.P.
c/o J. RAY DURTSCHI
3809 N. 39TH ST.
BOISE ID 83703-4515

GENERAL PARTNERS:

DON L. DURTSCHI
J. RAY DURTSCHI
REED R. DURTSCHI

2. QUANTITY: Should be 2.360 CFS (see explanation below)

3. PURPOSE AND PERIOD OF USE--QUANTITY 2.360 CFS (see explanation below)

4. PLACE OF USE: TO5N R46E S08 NESW 23.0
TO5N R46E S08 SWSW 7.0 (DELETE-see explanation below)
TO5N R46E S08 LOT 3 (NWSE) 18.3
TO5N R46E S08 NWSW 23.0
TO5N R46E S08 SESW 21.0
TO5N R46E S08 LOT 4 (SWSE) 33.0 (see explanation below)
118 ACRES TOTAL

The acreage in the SWSW of S08 should be deleted. Since filing our claim we have discovered that the March 27, 1942 IDAHO DECREE with a priority of April 1, 1894, under which we claim, does not cover the SWSW of S08, TO5N, R46E. Our water right for that land is under the Grand Teton Pipeline Association which has a 17.23 c.f.s. share of the Grand Teton Canal Decree with a priority of May 1, 1892 (Right Number 22-13327), which covers the entire SWSW of TO5N R46E S08.

The acreage shown for LOT 4 (SWSE) of S08 as **29.0** and the MAP depiction of LOT 4 which cuts off a corner of the LOT are not correct. The acreage should be 33.0 acres. The entire acreage in LOT 4 (SWSE) is covered by the IDAHO DECREE and is and always has been served by the Northside Pipeline. No part of LOT 4 (SWSE) is served by the Grand Teton Pipeline, as depicted on the MAP, or included in the Grand Teton Canal Decree (refer to Right Number 22-13327). The Grand Teton Pipeline does not and is not positioned to serve any of LOT 4 (SWSE). We own the entire LOT 4 (SWSE) and the entire lot is under cultivation. According to a survey of our farm, the dimensions of Lot 4 are 1320' x 1089.87'. According to our calculations that equals 33+ acres. With the foregoing changes, the total "Place of Use" acreage is 118. At 0.02 c.f.s. per acre the water-right quantity is 2.36 c.f.s..

5. MAP. The Map, in addition to the erroneous depiction of LOT 4, incorrectly shows the "Place of Use" as being in "T5N, R46E Sec. 6." All of the lands are in Section 8.

SCANNEL

JUN 28 2005

PROFILE

03/03/2005

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: 22-12757

DON L DURTSCHI
3809 N 39TH ST
BOISE ID 83703
Telephone Number: (208)342-3772

J RAY DURTSCHI
3809 N 39TH ST
BOISE ID 83703
Telephone Number: (208)342-3772

REED R DURTSCHI
3809 N 39TH ST
BOISE ID 83703
Telephone Number: (208)342-3772

*change in ownership -
See attached sheet*

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

*Place of use and acreage - See attached sheet
Quantity - See attached sheet
Map - erroneously shows place of use as Section "6" - Should be Sec. 8*

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

See attached sheet

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

See attached sheet

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

DATE: 06-17-05

SIGNATURE: J. Ray Durtachi for OK Ranch LLP

Please print your name: J. Ray Durtachi

IDWR Regional Office,

RECEIVED

JUN 24 2005

Department of Water Resources
Eastern Region

SCANNED

JUL 19 2005

SCANNED

JUN 28 2005

PROFILE

*7/13/05
FIXED Prop. Q &
AND Remarks Accordingly*

*10/5
127*

Contacts Data Entry Form

Claim Number: _____

Owner Type	Full Name	Address	City	State	Zip
------------	-----------	---------	------	-------	-----

Current Owner: Don Durtzsch et al Phone No.: _____

Current Owner: _____ Phone No.: _____

Current Owner: _____ Phone No.: _____

Name connector: and _____, or _____, and/or _____.

Representing Attorney: _____ Phone No.: _____

Accompanied By: _____ Phone No.: _____

Relationship to Claimant: _____ Date of Field Exam: _____

Discussion of right origin and split history. Questions and problems.

80
7/21/04 This decree was issued by a Judge Taylor
in a 1942 court case.
An 1894 decree was granted.

FEDERAL FARM MORTGAGE CO. vs L. CRANDALL, 3/1942
DECREE AS S.G.C.S. OF TETON CREEK (THROUGH PRATT DITCH (CANAL))

This claim is based on a 1942 PRIVATE DECREE (cc attached)
BUT THERE IS NO KNOWN REFERENCE TO AN IDAHO
WATER RIGHT - PROBABLY BECAUSE THE DCD IS FROM TETON
CREEK IN WYOMING - AT THE TIME NOT NEARING AN IDAHO
WR.

Reviewer: _____ Date: _____

PROFILE

SCANNED
APR 20 2005

Claim No. 2212757

Document Checklist

☐ Copy License/Decree

Can't find Decree looked
everywhere

☐ Copy Transfer

☐ Copy Licensing Field Exam

☐ Check if Ownership/Address Change is Required

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

☒ Generate Arcview Map

Wyoming Northside Canal Diversion #
Instrument 36492

Decree Teton City
Judgment Book 59, p. 366

Judge Taylor 1942 - Court case in Fremont City
File # 4588

Federal ~~Bureau~~ Montpelier Corp vs Lynn Randall

PROFILED

SCANNED

APR 20 2005

Water Right No(s). _____

GPS DATA:

Tag # A0013692 Location: Headgate frame

Diversion Data:

Source: Teton Creek Trib to: Teton River

MOTOR

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

PUMP

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

NOTES:

This is the Wyoming Northside Canal
where the Northside pipeline crosses the
state line is identified with a GPS
reading "NWYOPI" for North Wyoming Pipeline

Field Exam Date: 7/19/04 Agent: DD

SCANNED

APR 20 2005

PROF

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:

Field exam - Allen Ruberry and Clayton Fullmer
GPS tag

This diversion is located in Wyoming - the Wyoming Northside Canal.

The water is delivered through a canal, then a pipeline, and finally a sprinkler system in Idaho.

RECOMMENDED POD IS CROSSING OF IDAHO/WYOMING STATELINE - IDAHO Side

Reviewer: _____ Date: _____

SCANNED

APR 20 2005

Place Of Use Data Entry Form

Claim Number: _____

Claimed Place Of Use

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

Total acres _____

Recommended Place of Use

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

Total acres _____

Pending or approved Transfers: _____

Overlapping rights: _____

Document how the POU was verified:

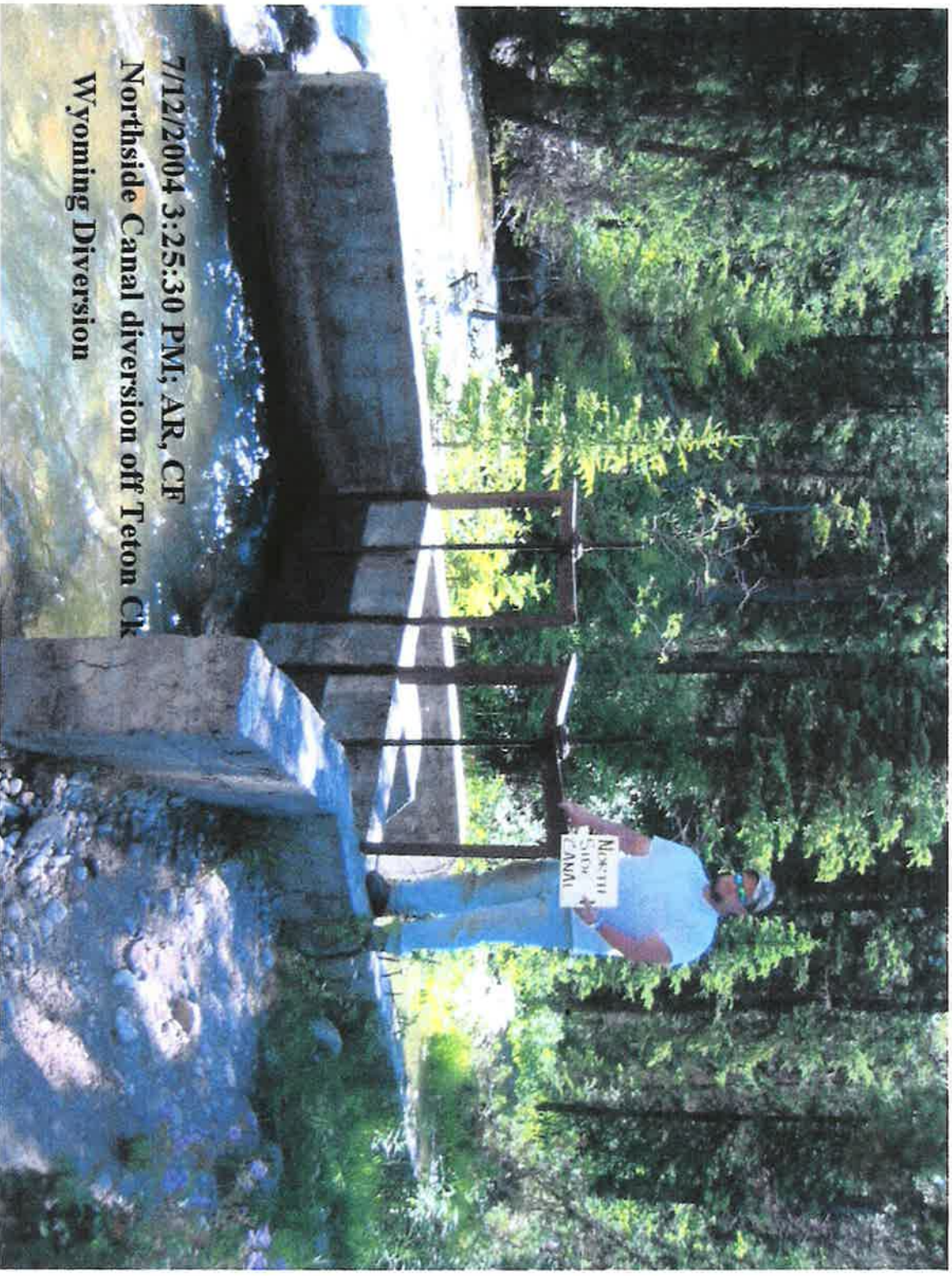
DD
 7/21/04
 The SWSW 40 acres of sec 8 are actually irrigated with 45 shares out of the Grand Teton Canal.
 The rest of the claimed land is irrigated with water out of Wyoming Northside Canal and pipeline.

Reviewer: _____ Date: _____

PROFILE

SCANNED

APR 20 2005



7/12/2004 3:25:30 PM; AR, CF
Northside Canal diversion off Teton Cr
Wyoming Diversion

SCANNED

APR 20 2005

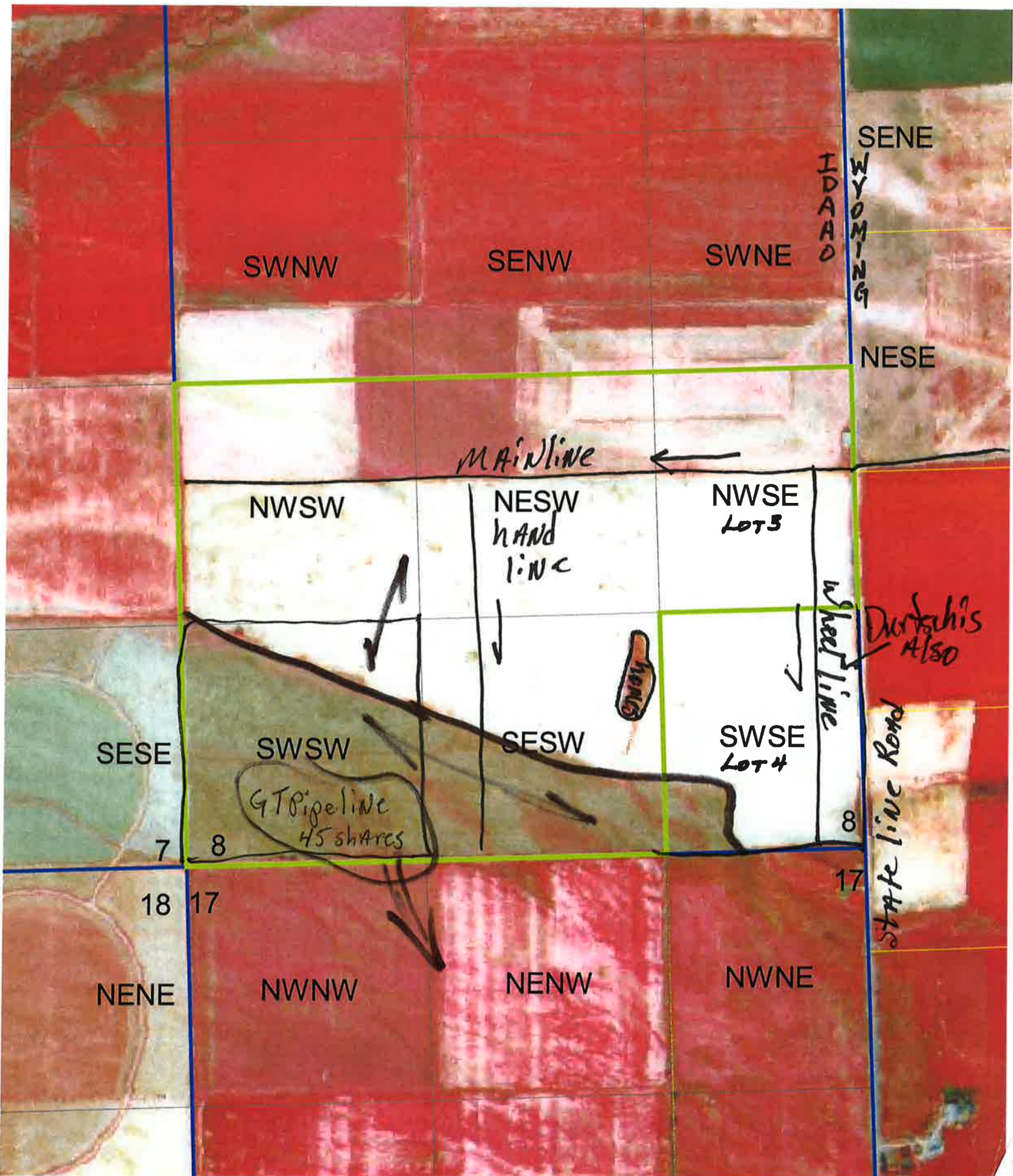
PROFILED

PROFILED

22-12757

SCANNED
7/21/04
APR 20 2005

80



T5N, R46E

Idaho
Wyoming

NWSW

NESW

NWSE

SWSW

SESW

SWSE

Area served by Grand Teton Pipeline

T44N, R118W

7 8
18 17

Wyoming

Idaho

T44N, R118W

T5N, R46E

NWSE

SWSE

NESW

SESW

NWSW

SWSW

Area served by Grand Teton Pipeline

7 8
18 17

IN THE DISTRICT COURT OF THE NINTH JUDICIAL DISTRICT OF THE STATE
OF IDAHO, IN AND FOR THE COUNTY OF FREMONT.

FEDERAL FARM MORTGAGE CORPORATION, a corporation,

Plaintiff,

-vs-

LYNN CRANDALL, as Watermaster of Water District #36
of the state of Idaho; and E. V. BERT, as Commissioner
of Reclamation of the state of Idaho,

Defendants.

D E C R E E

STATE OF IDAHO

County of Teton

I HEREBY CERTIFY that the above and foregoing is a full, true and correct copy of the original thereof, on file in my office

Dated July 31, 1942

Nolan G. Boyle
Ex-Officio Auditor & Recorder
Clerk of the District Court

By Rachel E. Boyd
Deputy Clerk

This cause came on regularly to be heard before the Court in Chambers, at Idaho Falls, Bonneville County, state of Idaho, sitting without a jury, this 27th day of March, A. D., 1942, in accordance with the Stipulation of the respective parties hereto, plaintiff appearing by its attorneys, Ralph L. Albaugh, John L. Bloem, and Albert Olson, and the defendants appearing by their attorneys, Bert H. Miller, Attorney General and Leo Bresnahan, Assistant Attorney General, and it appearing to the Court that the plaintiff has caused a Notice of the Pendency of this Action to be published in the Teton Valley News, in the manner and form, and for the time required by law and heretofore ordered by this Court, and the matter having been presented to the Court, and the Court having seen and heard the evidence offered by the plaintiff in support of the allegations in its complaint, and the Court being fully advised in the premises, and it appearing to the Court that each and all of the allegations in plaintiff's complaint contained are true and correct,

It is ORDERED, ADJUDGED AND DECREED that the plaintiff is entitled to, and is hereby awarded 5.6 cubic feet per second (or 280 miners inches) of the flow of that certain stream known as Teton Creek, through what is known as the Pratt Ditch, with priority dating of April 1, 1894, for the irrigation of its real property, situated in Teton County, Idaho, described in plaintiff's complaint, and more particularly described as follows, to-wit:

West Half of the Northwest Quarter, Northwest Quarter of the Southwest Quarter, East Half of the Southwest Quarter; and Lots 3 and 4, Section 8, Township 5 North, Range 46, East of the Boise Meridian;

W² NW, NWSW, E³ SW, L³, L⁴
All Sec. 8 SN 46E

Also, that certain tract described as follows: Beginning at the Southeast corner of Lot 2, of Section 8, Township 5 North, Range 46, East of the Boise Meridian, running thence North 21 rods, thence West 146 rods, thence South 21 rods, thence East 146 rods to the place of beginning; and;

Pr. Lot 2

It is further ORDERED, ADJUDGED and DECREED, that the foregoing adjudication of water be made subject only to the Decrees in a certain action in the District Court of the Sixth Judicial District of the State of Idaho, in and for the county of Fremont, entitled "Rexburg Irrigation Company, et al., vs. Teton Irrigation Canal Company, et al., defendants", dated and filed December 16, 1910; in a certain action instituted in the District Court of the Forth Judicial District of the state of Idaho, in and for the county of Twin Falls, entitled "Twin Falls Canal Company, plaintiff, vs. Charles W. Foster, et al., defendants", filed on the 20th day of June, 1913, and the amended decree thereto, dated September 12, 1916 and filed September 21, 1916; in a certain action instituted in the United States District Court of Idaho, Eastern Division, entitled "Woodville Canal Company, a corporation, plaintiff, vs. Clark and Edwards Canal Company, a corporation, et al., defendants", dated June 25, 1929; and in a certain action instituted in the United States District Court of Wyoming, entitled "Roxana Canal Company, et al., vs. Charles Daniels, et al.," entered February 4, 1941; and

It is further ORDERED, ADJUDGED and DECREED, that the defendants, and each and both of them, all persons claiming by, through or under them, or either or any of them, and all persons claiming to have acquired any right or interest in or to or upon the said waters hereinbefore Decreed by, through or under any person whatsoever, except the plaintiff herein, be enjoined and restrained from obstructing, or in any way interfering with the flow of said waters, through the ditches of the plaintiff.

DONE IN CHAMBERS at Idaho Falls, Idaho, this 27th day of March, A. D., 1942.

C J TAYLOR
JUDGE OF SAID DISTRICT COURT.

STATE OF IDAHO)
County of Fremont) ss.

I DO HEREBY CERTIFY that the above and foregoing is a full, true and correct copy of the original Decree, on file in my office in the above entitled cause.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said Court, this 28th day of March A. D., 1942.

(Auditor & Recorder Seal)

E. J. Rumsey
CLERK OF THE DISTRICT COURT OF THE NINTH
JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF FREMONT.

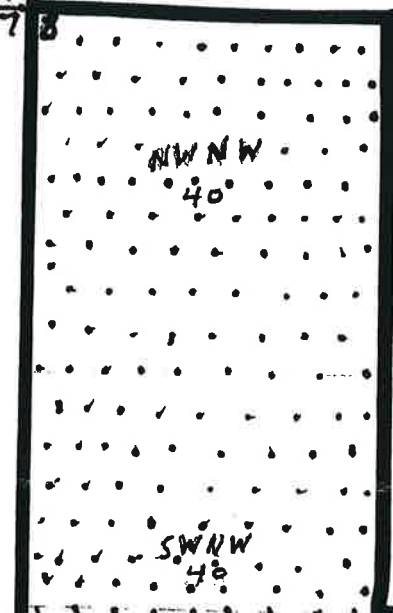
Filed for Record at the Request of Albert Olson at 30 minutes past 11 O'clock A.M. this 18th day of April, 1942.

L. W. Hastings, Recorder
By Afton E. Deuel, Deputy

Wyoming
Idaho
Boundary



615
78

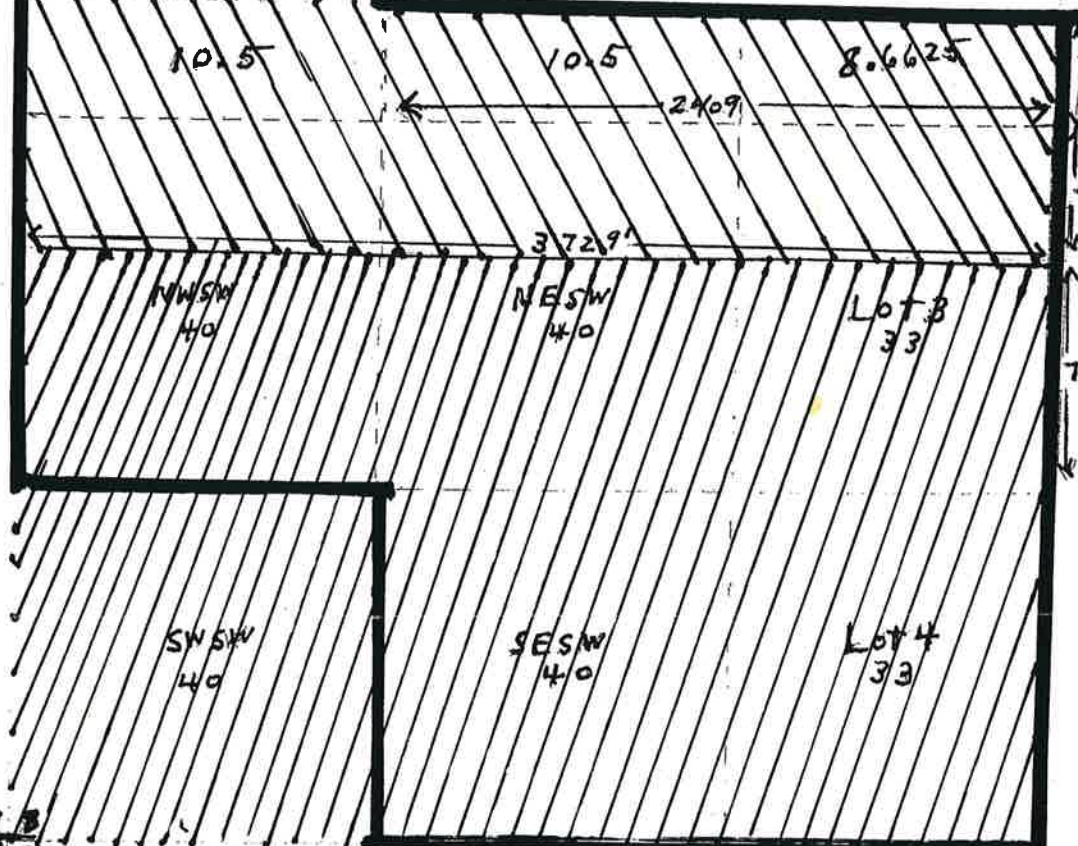


Lawrence R Redd
←
Kimberly Ann
Cubbedge
NENW

Lot 1

Joseph William
Peacock
←
SEW

Lot 2



18
18

Legend

Redd & Cubbedge
Joseph Peacock
Church Farm

Durtschi Farm

Land under 4/18/42
decree with 4/1/1894
Priority

Sec. 8, T.5N, R.46EBM

PROTECTED

LOTS = 1089' wide
SCA 8.3 Acres
APR 20 2000

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 22-12757
Date Received: 9-17-01
Receipt No: C056247
Received By: CF

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

RECEIVED

SEP 17 2001

Department of Water Resources

1. Name of Claimant(s)

DON L DURTSCHI Phone: (208)342-3772

3809 N 39TH
BOISE ID USA 83703

J RAY DURTSCHI Phone: (208)342-3772

3809 NORTH 39TH ST
BOISE ID USA 83703

REED R DURTSCHI Phone: (208)342-3772

3809 NORTH 39TH ST
BOISE ID USA 83703

2. Date of Priority: 04/01/1894

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
05N	46E	8	NE NW SE 3	TETON	

5. Description of diverting works:

ALL DIVERSION LOCATED IN WYOMING, SEE REMARKS

PROFILE

SCANNED
APR 20 2005

6. Water is used for the following purposes:

Purpose
IRRIGATION

From To C.F.S.
04/01 10/15 3.51

(or) A.F.A

7. Total Quantity Appropriated is:
3.51 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres	
05N	46E	8	✓NE	SW	IRRIGATION	22.2	
			✓NW	SW	IRRIGATION	22.2	
			✓SW	SW	IRRIGATION	40	
			✓SE	SW	IRRIGATION	40	
			✓NW	SE	3	IRRIGATION	18.3
			✓SW	SE	4	IRRIGATION	33
Section Acres						175.7	
Total Acres						175.7	

11. Place of use in counties: TETON

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

13. Other Water Rights Used:

14. Remarks:

POINT OF DIVERSION IS T44N, R118W, S23, SESW, TETON COUNTY, WY. CURRENT NAME IS THE NORTH SIDE CANAL, ORIGINALLY THE PRATT DITCH.

POINT OF DIVERSION SHOWN ON THE CLAIM IS WHERE THE CANAL ENTERS IDAHO.

5. DESCRIPTION OF DIVERSION WORKS:

DIVERSION FROM TETON CREEK IS BY MEANS OF A DIVERSION DAM OR HEADGATE WHICH DIVERTS WATER INTO THE NORTH SIDE CANAL IN TETON COUNTY, WYOMING. WATER IS CARRIED IN THE NORTH SIDE CANAL TO A NORTH SIDE PIPE LINE COMPANY PIPELINE. WATER IS THEN CARRIED BY A NORTH SIDE PIPE LINE COMPANY PIPELINE TO CLAIMANTS LAND FOR IRRIGATION BY A SPRINKLER IRRIGATION SYSTEM. (SEE ATTACHED MAP PREPARED BY WYOMING STATE ENGINEER AS PART OF A PETITION TO THE WYOMING STATE BOARD OF CONTROL FOR CHANGE IN POINTS OF DIVERSION AND MEANS OF CONVEYANCE OF APPROPRIATIONS AT THE TIME OF CONSTRUCTION OF THE NORTH SIDE CANAL COMPANY SPRINKLER IRRIGATION SYSTEM).

THE NORTH SIDE CANAL WAS FORMERLY KNOWN AS THE PRATT DITCH OR PRATT CANAL. THE CANAL VARIES IN WIDTH FROM APPROXIMATELY 10 FEET TO 6 FEET AND DEPTH FROM TWO FEET TO 5 FEET DEPENDING UPON THE TERRAIN.

15. Basis of Claim: Decreed

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): J. J. Fritschle Date: 9-17-01

Date:

State of Idaho)
County of Ada) SS.

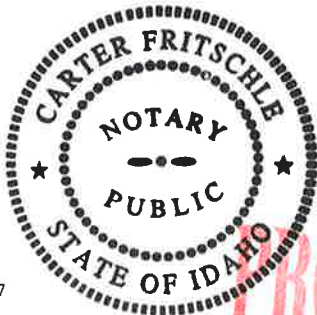
Subscribed and sworn (or affirmed) before me this 17th day
of September 2001

Carter Fritschle

Notary Public

Residing at Kuna ID

My commission Expires 3-21-2006



SCANNED

APR 20 2005

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: A22-12757
Date Received: 4/10/1989
Receipt No: C005977
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name:	J. RAY DURTSCHI	208-342-3772
Address:	3809 NORTH 39TH ST. BOISE, ID	83703
AND/OR		
Name:	REED R. DURTSCHI	208-342-3772
Address:	3809 NORTH 39TH ST. BOISE, ID	83703
AND/OR		
Name:	DON L. DURTSCHI	208-342-3772
Address:	3809 N. 39TH BOISE, ID	83703

A2212757



2. Date of Priority: APR 01, 1894

3. Source: TETON CREEK (WYOMING) Trib. to: TETON RIVER (IDAHO)

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05N	46E	8	NE	NW	SE		TETON

5. Description of diverting works:
ALL DIVERSION LOCATED IN WYOMING, SEE REMARKS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	10/15	2.600		

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

8. Total consumptive use is 260.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A22-12757

Page 1

Date: 04/10/89

PROFIT

SCANNED
APR 20 2005

MICROFILMED
NOV 07 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	46E	8	NE	SW		IRR	22.0
			NW	SW		IRR	22.0
			SW	SW		IRR	8.0
			SE	SW		IRR	27.0
			NW	SE	3	IRR	18.0
			NW	SE	4	IRR	33.0

Section Acres 130.0

Total Acres 130.0

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:

ALL DIVERSION WORKS ARE LOCATED IN WYOMING ALTHOUGH THEY WEE DESCRIBED IN POD IN IDAHO. THE DIVERSION FROM TETON CREEK IS BY MEANS OF A HEADGATE. DIVERSION IS INTO A COMMUNITY DITCH WHICH SERVES A NUMBER OF WYOMING USERS AS WELL AS CLAIMANTS. THE ORIGINAL DITCH WAS KNOWN AS THE PRATT DITCH, PARTS OF WHICH WERE LATER RELOCATED TO AVOID DIFFICULT DIKING REQ.S. THE RELOCATED DITCH IS KNOWN AS THE BROWN-CLEMENTS DITCH. THE DITCH VARIES IN WIDTH FROM APPROXIMATELY 12' TO 6' AND DEPTH FROM 2' TO 5' DEPENDING ON TERRAINE. WATER WAS ORIG. CARRIED FROM THE PRATT/BROWN CLEMENTS DITCH TO CLAIMANTS LAND WHERE IT ABUTS THE IDAHO/WYOMING BOUNDARY LINE BY A FEEDER DITCH WHICH WAS APROXIMATELY 4' WIDE AND 3' DEEP. IN 1960, THE U.S. SOIL CONSERVATION SERVICE DESIGNED A GRAVITY SPRINKLER IRR. SYSTEM FOR THE WYOMING/IDAHO USERS FROM THE PRATT/CLEMENTS DITCH. THE NORTHSIDE SPRINKLER CO., A WYOMING CORP., WAS ORGANIZED TO CONSTRUCT APIPELINE DELIVERY SYSTEM. WATER IS NOW CARRIED THROUGH APIPELINE FROM THE DITCH TO THE CLAIMANTS LAND.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 3/27/1942

Decree Plaintiff

vs

Decree Defendant

A22-12757

Page

2

Date: 04/10/89

PROPRIETARY

SCANNED
APR 20 2005

MICROFILMED
NOV 07 1992

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____
My Commission Expires _____

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39356

Ident. Number A22-12757

Date Received _____

Receipt Number 0005977

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

REC-11
OCT 05 1988

Department of Water Resources

Please type or print clearly

1. Name of Claimant (s) J. Ray Durtschi, and/or;
Reed R. Durtschi, and/or;
Don L. Durtschi Phone (208) 342-3772

Mailing Address 3809 North 39th, Boise, Idaho Zip 83703

2. Date of Priority (Only one (1) per claim) April 1, 1894

3. Source of water supply (a) Teton Creek in the state of Wyoming
which is tributary to (b) Teton River in the state of Idaho

4. a. Location of existing point of diversion is: In the state of Wyoming, approximately 5 miles
Township _____ Range _____ Section _____,
East of the Idaho/ Wyoming boundary line.
_____ 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot, _____ B.M., County of Teton County, Wyoming

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. See attached sheet.

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NOV 07 1992

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APR 20 2005

PRO-11

5. Description of existing diversion works.

All diversion works are located in the State of Wyoming. Diversion from Teton Creek is by means of a headgate. Diversion is into a community ditch which serves a number of Wyoming users as well as claimants. The original ditch was known as the Pratt ditch, parts of which were later relocated to avoid difficult diking requirements. The relocated ditch is known as the Brown-Clements ditch. The ditch varies in width from approximately 12 feet to 6 feet and depth from two feet to 5 feet depending upon the terrain. Water was originally carried from the Pratt/Brown-Clements ditch to claimant's land where it abuts the Idaho/Wyoming boundary line by a feeder ditch which was approximately 4 feet wide and 3 feet deep. In 1960 the U.S. Soil Conservation Service designed a gravity sprinkler irrigation system for the Wyoming and Idaho users from the Pratt/Brown-Clements ditch. The Northside Sprinkler Company, a Wyoming Corporation, was organized to construct a pipeline delivery system. Water is now carried from the Pratt/Brown-Clements ditch to claimant's land where it abuts the Idaho/Wyoming boundary by a pipeline which is part of the Northside Sprinkler Company delivery system.

Last Name--Durtschi, Ident No. _____

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APR 20 2005

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NOV 07 1992

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from April 1 to Oct. 15 amount 2.60 or _____
For _____ purposes from _____ to _____ amount _____ or _____
For _____ purposes from _____ to _____ amount _____ or _____
For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 2.60 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 260 acre feet per annum.

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

10. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
5N	46E	8									22	22	8	27		Lot 3 18	Lot 4 33		130

Total number of acres irrigated 130

11. In which county (ies) are lands listed above as place of use located? Teton

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above. _____ or None (XX)

14. Remarks: Item 5. Description of Diversion Works is included as an attachment on a separate sheet.

Last Name Durtschi

Ident No. _____

SCANNED

APR 20 2005

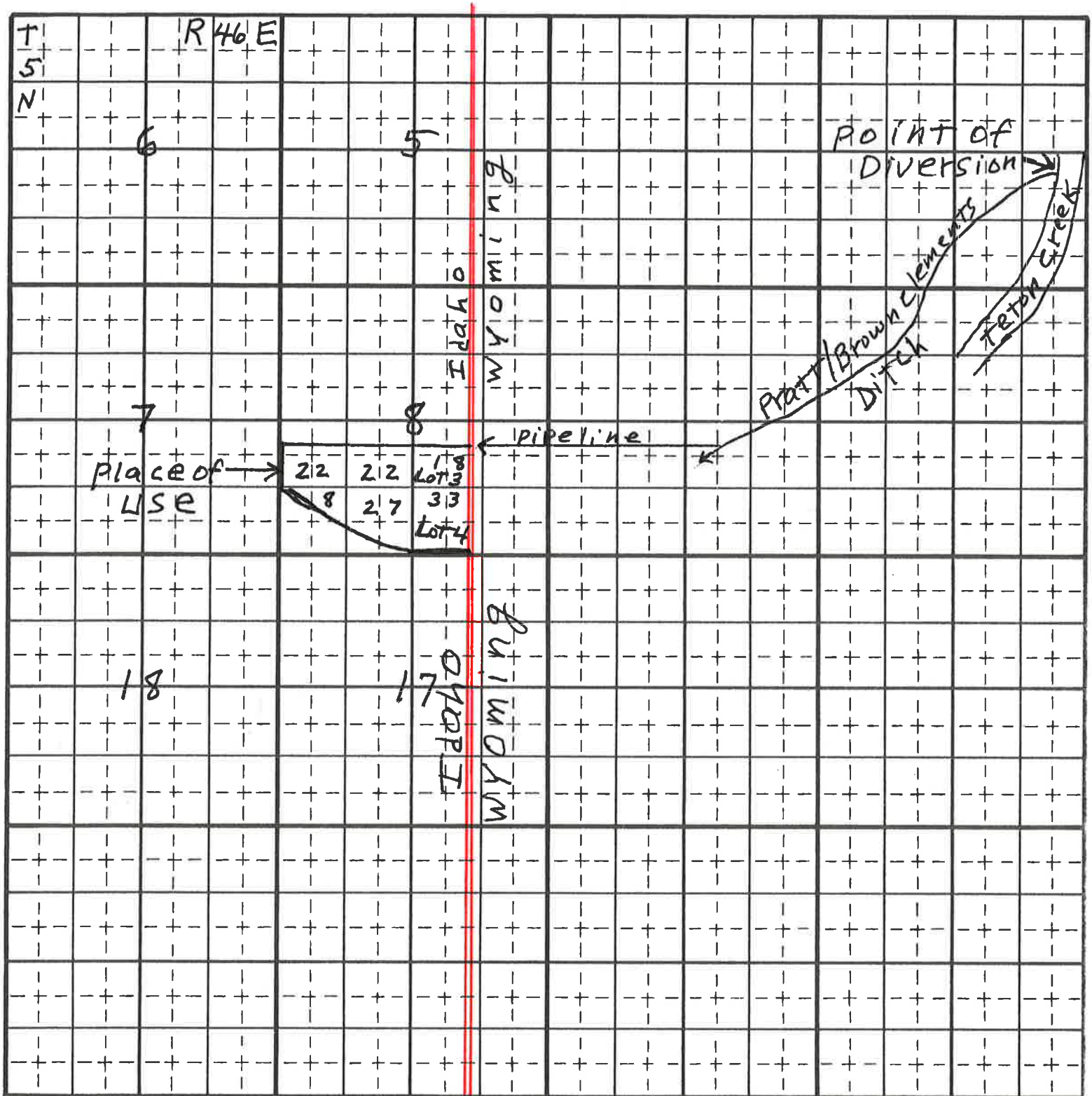
MICROFILM

NOV 07 1992

Copies: White -State, Yellow-Claimant

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile



SCANNED

APR 20 2005

PROVIDE

MICROFILMED

NOV 07 1992

Last Name Durtschi

Ident No. _____

Copies: White-State, Yellow-Claimant

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

If applicable provide IDWR Water Right Number _____

Court District Court, 9th J.D. Case Number None Decree Date March 27, 1942

Plaintiff vs Defendant Federal Farm Mortgage Corporation v. Lynn Crandall, Watermaster of Water Dist. #36 et.al. -- Decree filed in Book 59 of Judgments, Page 366 ,

16. Signature(s) Teton County Recorder.

(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled

"How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments 1

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) J. Durtschi

Date Oct. 5, 1988

Date _____

For Organizations: I do solemnly swear or affirm that I am _____

Title

of _____, that I have signed the foregoing

Organization

document in the space below as _____ of _____

Title

Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____

Date _____

State of Idaho/or _____)

) SS.

County of Ada)

Subscribed and sworn (or affirmed) before me this 25th day of October 19 88

SEAL

Notary Public John H Read

Residing at Boise, Idaho

My Commission Expires 9-29-91

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

SCANNED

APR 20 2005

PROFILE

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NOV 07 1992

Last Name Durtschi Ident. Number _____

Copies White-State, Yellow-Claimant