

12/13/2005

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

RIGHT NUMBER: 22-13174
NAME AND ADDRESS: D & A INC
PO BOX 89
ST ANTHONY ID 83445
SOURCE: UNNAMED STREAM TRIBUTARY: HENRYS FORK
QUANTITY: 0.600 CFS
Right Nos. 22-12756 and 22-13174 are limited to a total combined diversion rate of 0.6 cfs.
PRIORITY DATE: 06/08/1908
POINT OF DIVERSION: T07N R40E S11 NWNWSW Within FREMONT County
PURPOSE AND PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.600 CFS

PLACE OF USE: IRRIGATION Within FREMONT County
T07N R40E S10 Lot 6 SESE 30.0

30 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 30 acres in a single irrigation season. Combined Right Nos.: 22-12756 and 22-13174.

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

This right is subject to regulation by the watermaster of Water District No 01.

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

This right is a split from former right 22-2033.

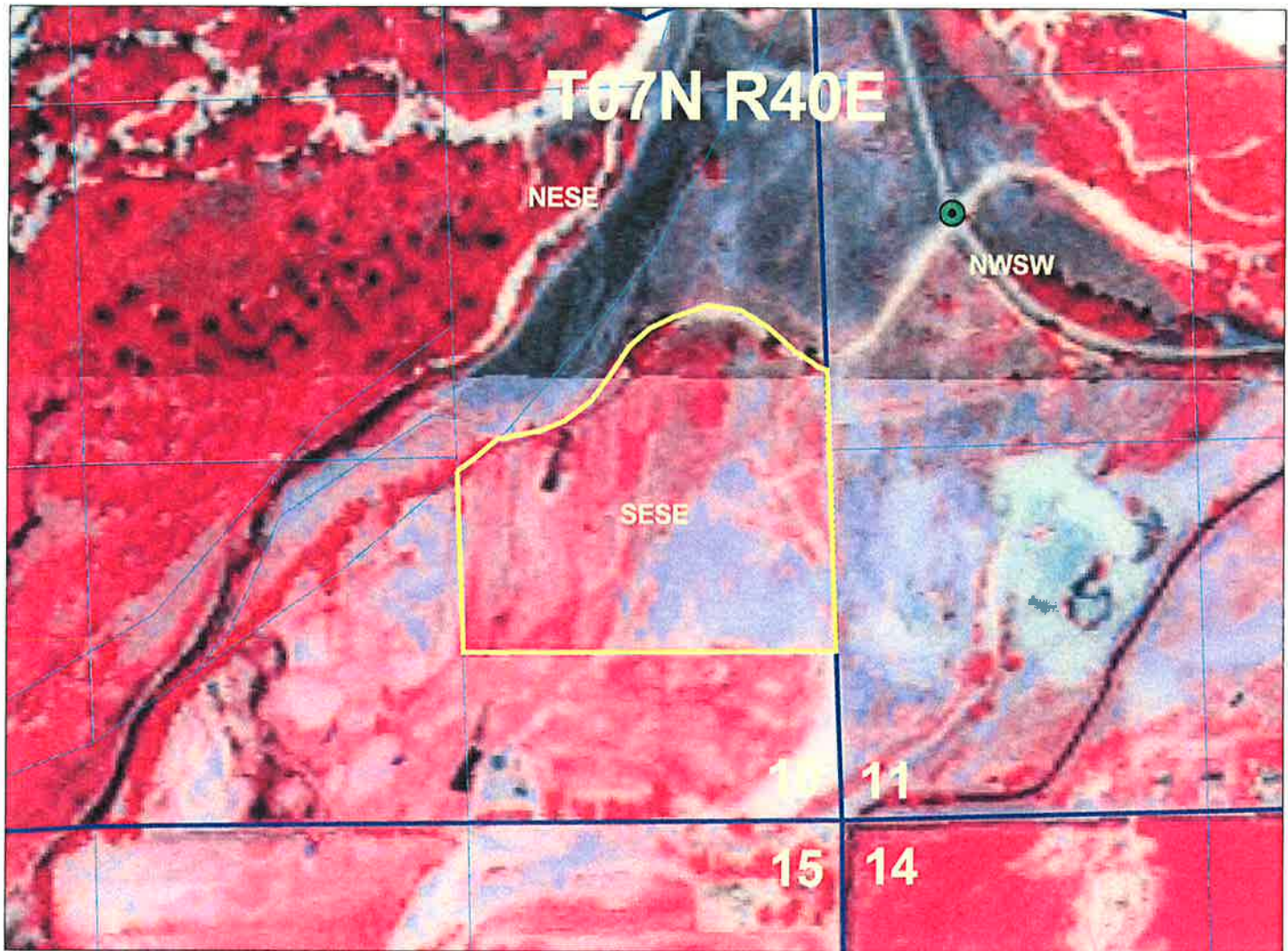
Right Nos. 22-2033A, 22-12629, 22-12756, and 22-13174 are also diverted through point of diversion described above.



Department of Water Resources

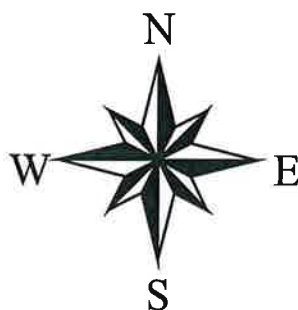
Eastern Region

Claim No.: 22-12756 & 22-13174



0 660 1320 1980 2640 Feet

- Point of Diversion
- Place of Use
- Township/Range
- Sections
- QQ



GIS Place of Use Illustration
1987/88 NAPP Photography
Prepared by: Kristin Moore
Date Prepared: December 2005

09/26/2006

**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: 22-13174

D & A INC

PO BOX 89

ST ANTHONY ID 83445

Telephone Number: (208)624-3181

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:

10/26/06

SIGNATURE:

Royce E Dalley

Please print your name:

Royce E Dalley

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

KWD
10/27

NOTES

11-16-05

Split History

22-2033 { 2033A 0.6 cfs
7.4 ac 30 ac. 16 ac and 0.2 cfs unclaimed, as well as
domestic portion
13174 0.6 cfs
30 ac.

Water Right No(s). A22-13174 + A22-12756

GPS data - see claim A22-2033A

GPS DATA:

Tag # No Tag Location: _____

Diversion Data:

Source: unnamed stream Trib to: Henry's Fork

MOTOR Ditch to flood irrigation

Make: _____ Model: _____ Hp: _____

SN: _____

PUMP

Make: _____ Model: _____ Disch: _____

SN: _____

NOTES:

This same P.O.D. as A22-2033A. Met with Royce
Dalley of D&A Inc. He confirmed P.O.D. shape + P.O.D.
claimant name, address + phone still good. Mr. Dalley's cell
phone is 390-4141.
P.O.D. is culvert under railroad to ditch system.

Field Exam Date: 11-9-2005 Agent: J. L. Jones

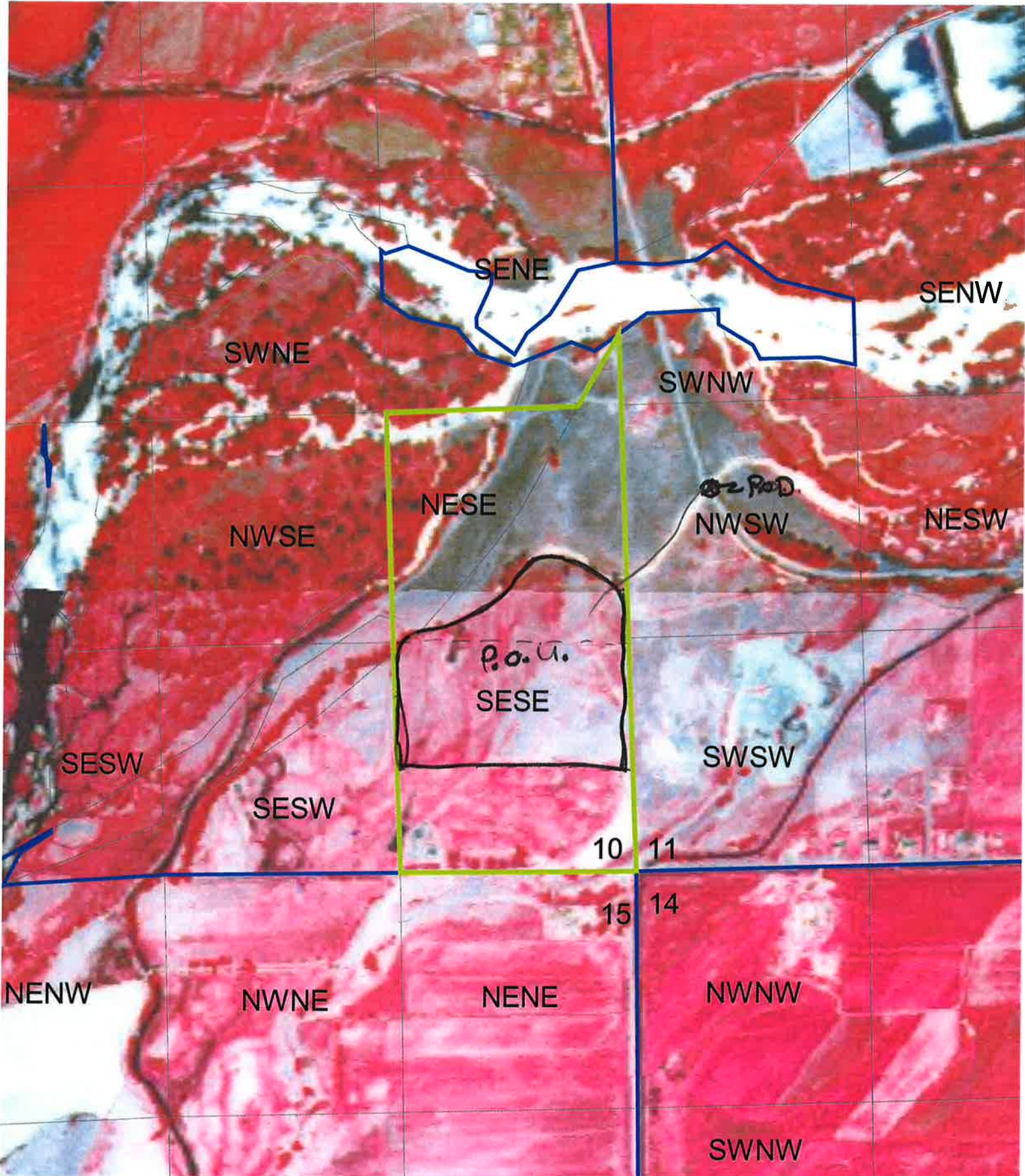


A22-13174, A22-12156, Looking North East

Same P.O.D as For A22-2033 A

22-13174

22-12756





Henrys Fork

City of St. Anthony

State Hwy

2 1
11 12

22-13174

T7N, R40E
T7N, R41E

88

Claim No. 22-3174

Document Checklist

☒ Copy License/Decree

looked up 10/15/1-2033

☐ Copy Transfer

☒ Copy Licensing Field Exam

☐ Check if Ownership/Address Change is Required

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

☒ Generate Arcview Map

P.O.D same as Mr. Birch

P.O.D amended to culvert at RR crossing

DJA INC c/o Royce Dalley

P.O. Box 89

St. Anthony, ID

phone is good

 County of Fremont *
 1.4 second foot *
 Unnamed stream *
 Irrigation and domestic use. *
 Priority of June 8, 1908. *

--- S T A T E _ O F _ I D A H O ---

-Water License No. 3730

WHEREAS, On the 8th day of June, A.D.1908, JOHN R. WINTER, of Rexburg, County of Fremont, State of Idaho, duly made application (No. 5295) to me for a permit to use 4.9 cubic feet per second of the waters of an unnamed stream, County of Fremont, State of Idaho, for irrigation and domestic purposes, and

WHEREAS, On the 13th day of June A.D.1908, Permit No. 3730, was issued to said applicant for the diversion of said water, and providing for the completion of the works of diversion therein described on or before the 13th day of June, A.D.1909, and for the application to beneficial use of said water on or before the 13th day of June, A.D.1910, and

WHEREAS, On the 12th day of June, A.D.1909, JOHN R. WINTER, the holder of said permit duly made proof of the completion of adequate works for the diversion of 4.9 cubic feet per second of said waters, as evidenced by my Certificate No. 3730, dated July 10, 1909, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 4.9 cubic feet per second of the waters of an unnamed stream, with date of priority of June 8, 1908, and

WHEREAS, On the 9th day of August A.D.1909, JOHN R. WINTER, the holder of said permit duly made proof of the application to beneficial use ^{of} 1.4 cubic feet per second of said water:

NOW, THEREFORE, By virtue of authority vested in me by the laws of the State of Idaho, I hereby grant and confirm to JOHN R. WINTER, of Rexburg, County of Fremont, State of Idaho, the holder and owner of said Permit No. 3730, a perpetual right, dating from June 8, 1908, to the use of 1.4 cubic feet per second of the waters of an unnamed stream, in the county of Fremont, and State of Idaho, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be (diverted at a point 944 feet East and 415 feet South of the one-fourth section corner to sections 10 and 11, township 7, north of range 40 east) of the Boise meridian, and conducted to and upon (20 acres in the northwest quarter of section 15, and 40 acres in the southeast quarter of section 10, township 7 north, range 40 east of the Boise meridian, for the purpose of irrigation and domestic use, subject, however, to the laws of the State of Idaho applicable to a license for the use of the waters of the State, and subject, also, to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and the seal of my office at Boise, Idaho, this 13th day of September,
 A.D. Nineteen hundred and nine.

Jas. Stephenson, Jr.
 State Engineer.

(SEAL)

Recorded September 13, 1909

POU
 T7N R40E
 30 ac. NW 1/4 S15
 40 ac. SE 1/4 S10

22-2033

Report of Engineer

1. State name of applicant and number of permit: John R. Winter - Permit 3730
2. State source of water supply: Unnamed stream
3. Location of point of diversion: 944 ft. east & 415 ft. south of 1/4 sec. cor. to
Secs. 10-11, Tp. 7 N., R. 40 E. B.M.
4. State whether or not the works of diversion are fully completed and in accordance with terms of permit: yes

5. Describe works as they exist, giving dimensions of same as follows:

- (a) Width of conduit at bottom: 5 feet
- (b) Width at water line: 6 feet
- (c) Depth of water: 1 foot
- (d) Grade per mile: 3 feet

6. State whether or not water has been turned into works of diversion and if so, to what extent:

Water is now being used to beneficial purposes
through all the ditches

7. Give exact location of lands to be irrigated. Give exact number of acres under cultivation in each

forty acre tract: S 2 of NW 4 and NE 4 of NW 4 and NW 4 of NE 4 Sec.
15 and T 5 and 6 Sec. 10 Tp. 7 N. R. 40 E. B.M.
About 30 acres of grain in NW 4 Sec. 15
and 40 acres hay & grain in S.E. 4 Sec.
10 Tp. 7 N. R. 40 E. B.M.

8. Submit map on enclosed plat, source of supply, point of diversion, route of ditch or ditches and cross hatch lands to be irrigated.

Remarks:

good ditch and plenty of water

RECEIVED

AUG 16 1909

OFFICE OF STATE ENGINEER

J. O. Webster
Water Commissioner
1st Div.

STATE OF IDAHO;

County of _____

ss.

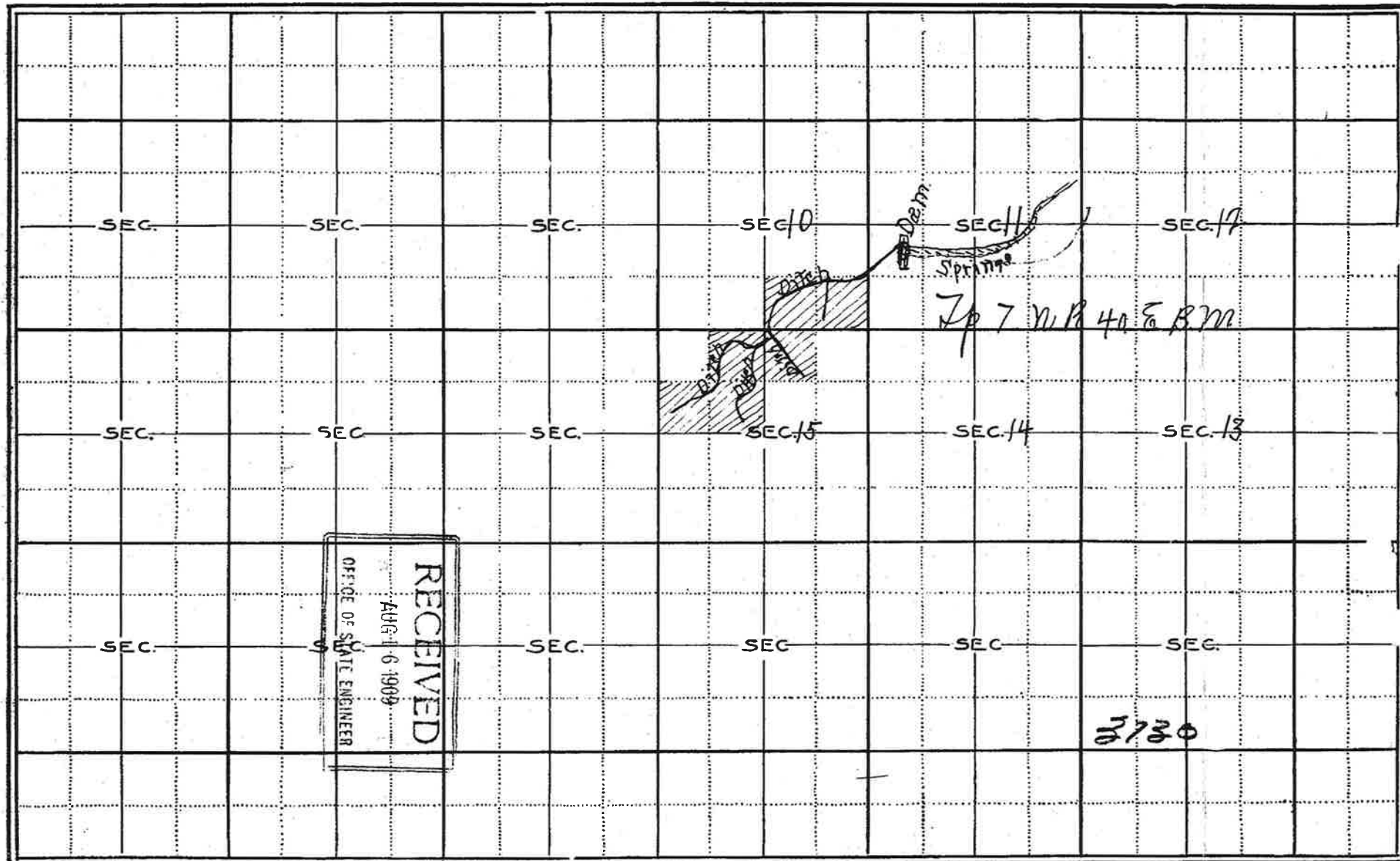
_____, being first duly sworn, deposes and says that the statements contained in the within report are correct to the best of his knowledge and belief.

Subscribed and sworn to before me this _____ day of _____ 190_____

My Commission Expires _____

Notary Public.

3730



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 22-13174
Date Received: 5/21/01
Receipt No: EO 26733
Received By: JC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

D & A INC Phone: (208) 624-3181

PO BOX 89
ST ANTHONY ID 83445

2. Date of Priority: 06/08/1908

3. Source: UNNAMED STREAM Trib. to: HENRYS FORK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
07N	40E	10	SE NE SE	FREMONT	

5. Description of diverting works:

HEADGATE TO FLOOD IRRIGATION.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.
IRRIGATION	04/01	10/31	0.6	

7. Total Quantity Appropriated is:
0.6 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
07N	40E	10	NE	SE	IRRIGATION	10
			SE	SE	IRRIGATION	20
					Section Acres	30
					Total Acres	30

11. Place of use in counties: FREMONT

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

13. Other Water Rights Used:

14. Remarks:

RIGHT CLAIMED AS A PORTION OF 22-02033. OTHER WATER RIGHTS USED, 22-12756 (CSAXTON 2/21/01).

15. Basis of Claim: License

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 Organizations:

I do solemnly swear or affirm that I am Sec. _____ of _____

DFA Inc _____, that I have signed the foregoing
Organization

document in the space below as Sec. _____ of _____
Title

DFA Inc _____ and that the statements contained in the
Organization
foregoing document are true and correct.

Signature of Authorized Agent [Signature]

Sec DFA Inc
Title and Organization

5/21/01
Date

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 21st

of 21st May 2001
8

Jennifer Crabtree

Notary Public

Residing at Idaho Falls, Idaho

My commission Expires 9/23/01

