

11/29/2004

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

RIGHT NUMBER: 22-13269
NAME AND ADDRESS: SUNNYDELL IRRIGATION DIST
C/O STANLEY SUTTON SEC
578 E 7000 S
REXBURG ID 83440
SOURCE: UNNAMED STREAM TRIBUTARY: SOUTH FORK SNAKE RIVER
QUANTITY: 2.800 CFS

THE AMOUNT OF WATER DIVERTED UNDER THIS WATER RIGHT MAY NOT EXCEED 2/5 OF THE FLOW (UP TO 140 INCHES) OF HAWLEY SPRING (UNNAMED STREAM) WHEN COMBINED WITH ELKHORN SPRING (UNNAMED STREAM) UNDER 23-11221.

PRIORITY DATE: 05/01/1884
POINT OF DIVERSION:
T04N R40E S23 NESESW Lot 11 Within MADISON County

PURPOSE AND PERIOD OF USE:	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/01 10/31	2.800 CFS

PLACE OF USE: **Large Place of Use**

3383.1 ACRES TOTAL

Place of use is within the boundary of Sunnydell Irrigation District pursuant to Section 43-323, Idaho Code.

The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

USE OF THIS RIGHT WITH RIGHT NO. 23-11221 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 140.0 ACRES WITHIN THE PLACE OF USE SHOWN.

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.

EXPLANATORY MATERIAL: Decreed

11/29/2004

IDAHO DEPARTMENT OF WATER RESOURCES
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THIS WATER RIGHT ORIGINATED AS 22-368. SPLIT DUE TO DIFFERENT
SOURCES IN DIFFERENT BASINS.

ORIGINAL DECREED SOURCE UNDER THIS WATER RIGHT IS KNOWN AS
ELKHORN SPRING.

RIGHT INCLUDES ACCOMPLISHED CHANGE IN SOURCE PURSUANT TO
SECTION 42-1425, IDAHO CODE.

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
PURSUANT TO SECTION 42-1425, IDAHO CODE.



Annndell Irrigation Dist

SRBA Recommendations: 1-46, 1-83A, 1-115A, 1-195A, 1-10013, 1-10497, 1-10498, 1-10499, 22-13269

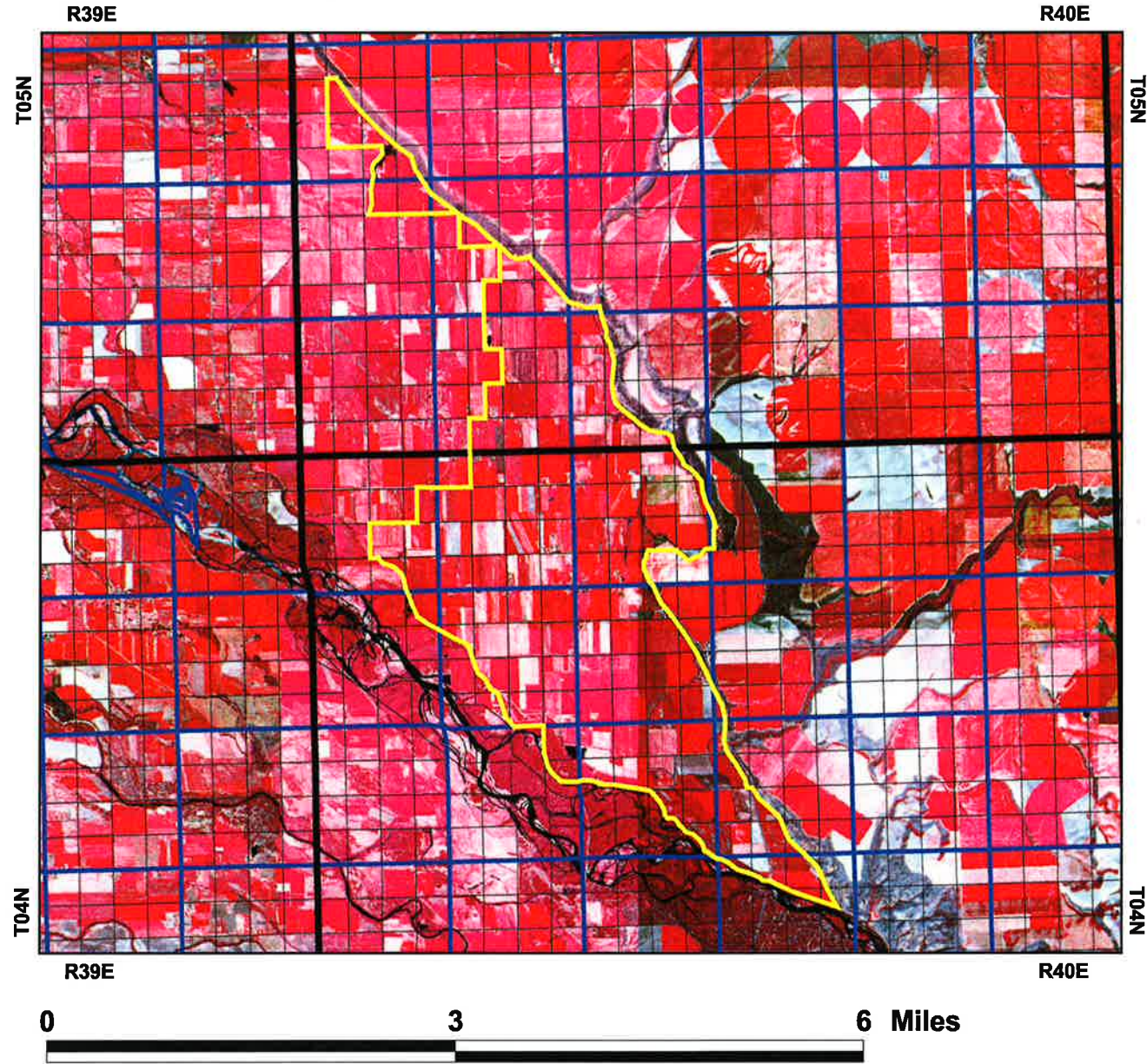
Service Area Boundary
GIS Place of Use Illustration

Legend

-  Service Area
-  Townships
-  PLS Sections
-  Quarter Quarters



Jefferson, Madison Counties
IDWR Basin 22

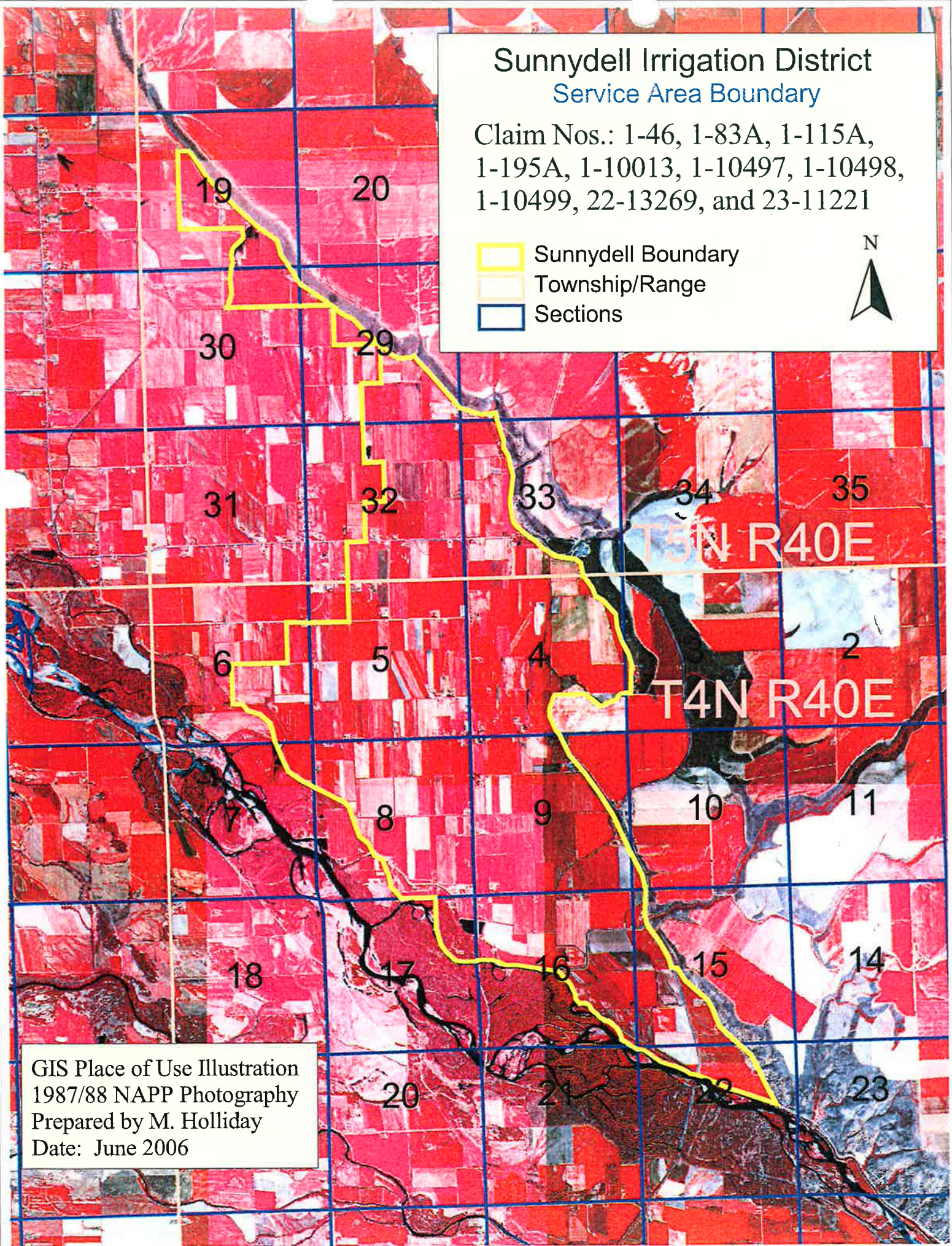


Prepared by J. Crabtre
On Wednesday, November 22, 2006
1987/88 Aerial Photography

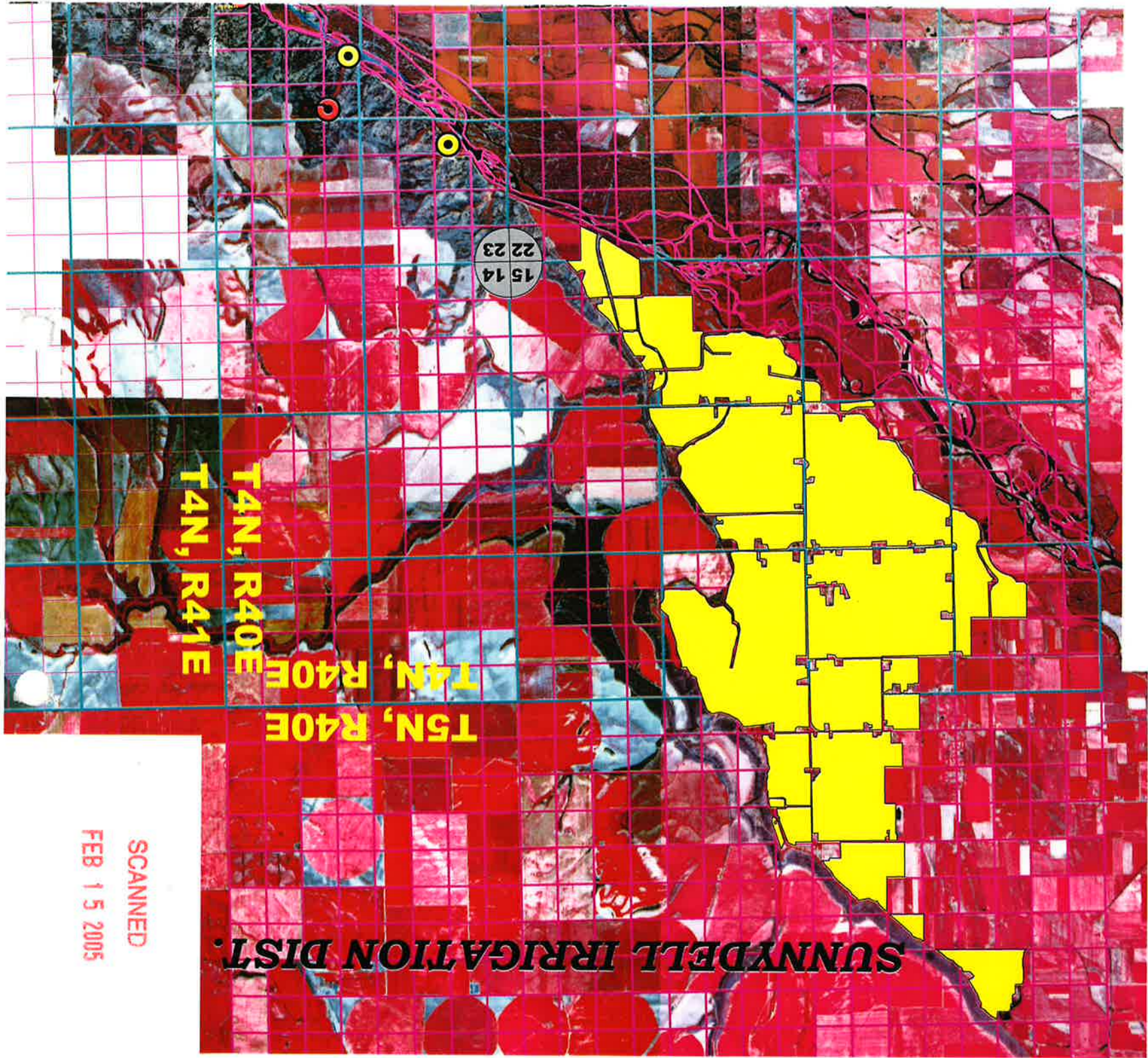
Sunnydell Irrigation District Service Area Boundary

Claim Nos.: 1-46, 1-83A, 1-115A,
1-195A, 1-10013, 1-10497, 1-10498,
1-10499, 22-13269, and 23-11221

-  Sunnydell Boundary
-  Township/Range
-  Sections



GIS Place of Use Illustration
1987/88 NAPP Photography
Prepared by M. Holliday
Date: June 2006



SUNNYDELL IRRIGATION DIST.

T5N, R40E

T4N, R40E

T4N, R40E

T4N, R41E

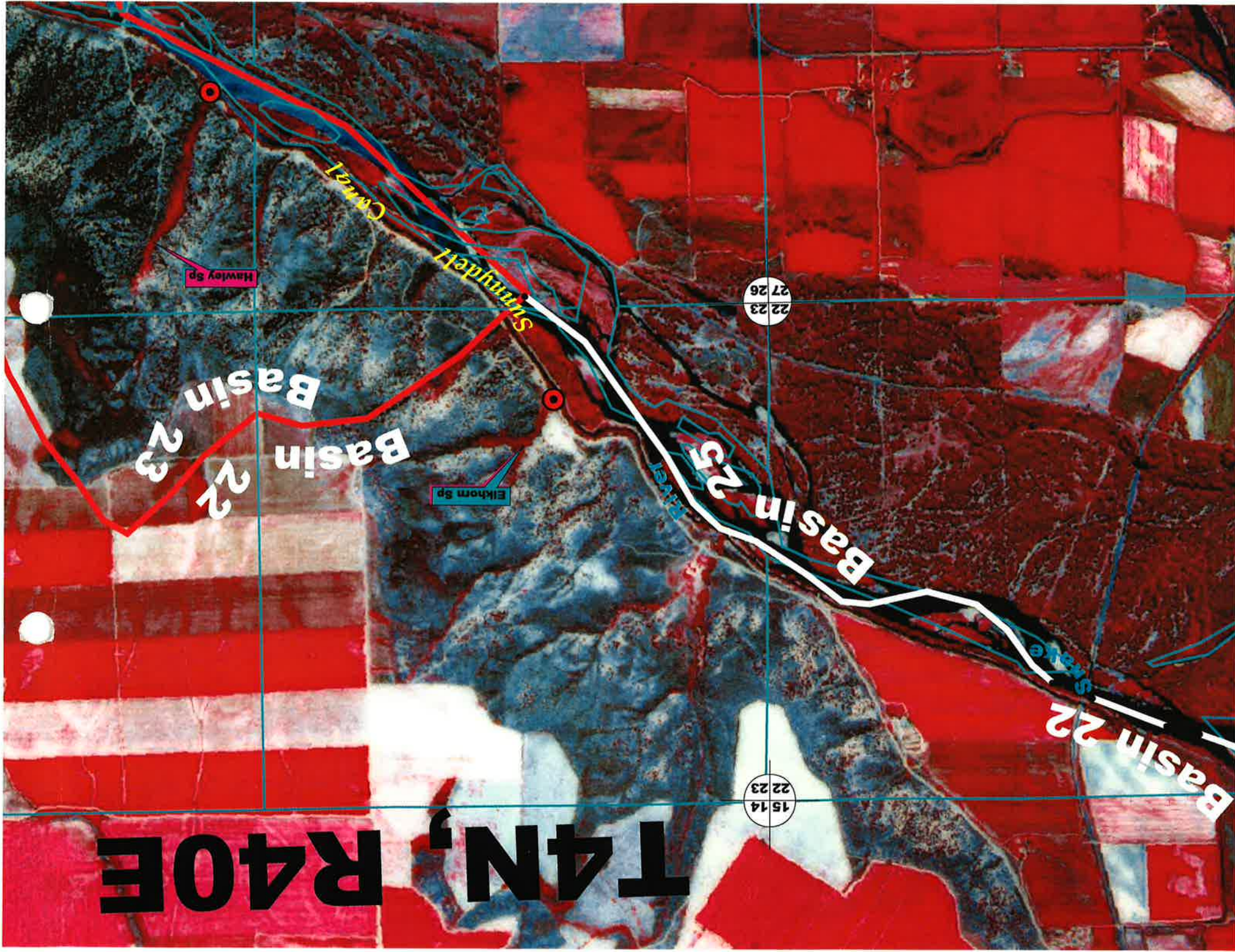
15 14
22 23

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FEB 15 2005

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FEB 15 2005

T4N, R40E



Sunnydell Canal

23-11221 **

23-11221

Unnamed stream (Hawley Spring)

Water right origin is from Rexburg Irr. Vs Teton Irr., 12/16/1910.

Original water right no. Was 22-00368. Then Claimed in the SRBA as 23-11221.

** sources separated for convenience of adjudication recommendations.

22-13269

Unnamed stream (Elkhorn spring)

**

23-11221 looks to be split. However, the split only separates the sources. Hawley Spring is physically located in Basin 23 and Elkhorn Spring is in Basin 22. Thus, the separation (split). SRBA Recommendation language ties the two water right numbers together in quantity of cfs and acreage of Place of Use

PROFILE

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To: Candice McHugh

From: ABR

Subject: Sunnydell Case

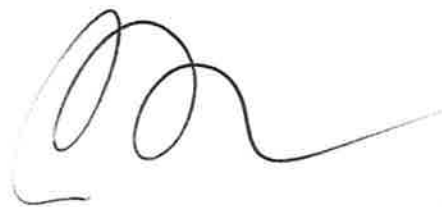
23-11221 - Hansen Spg.

22-13269 - Eckhorn Spg.

Take a road on the text (as arrowed).

It makes a significant difference which
way this goes

Call me



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PROFILE

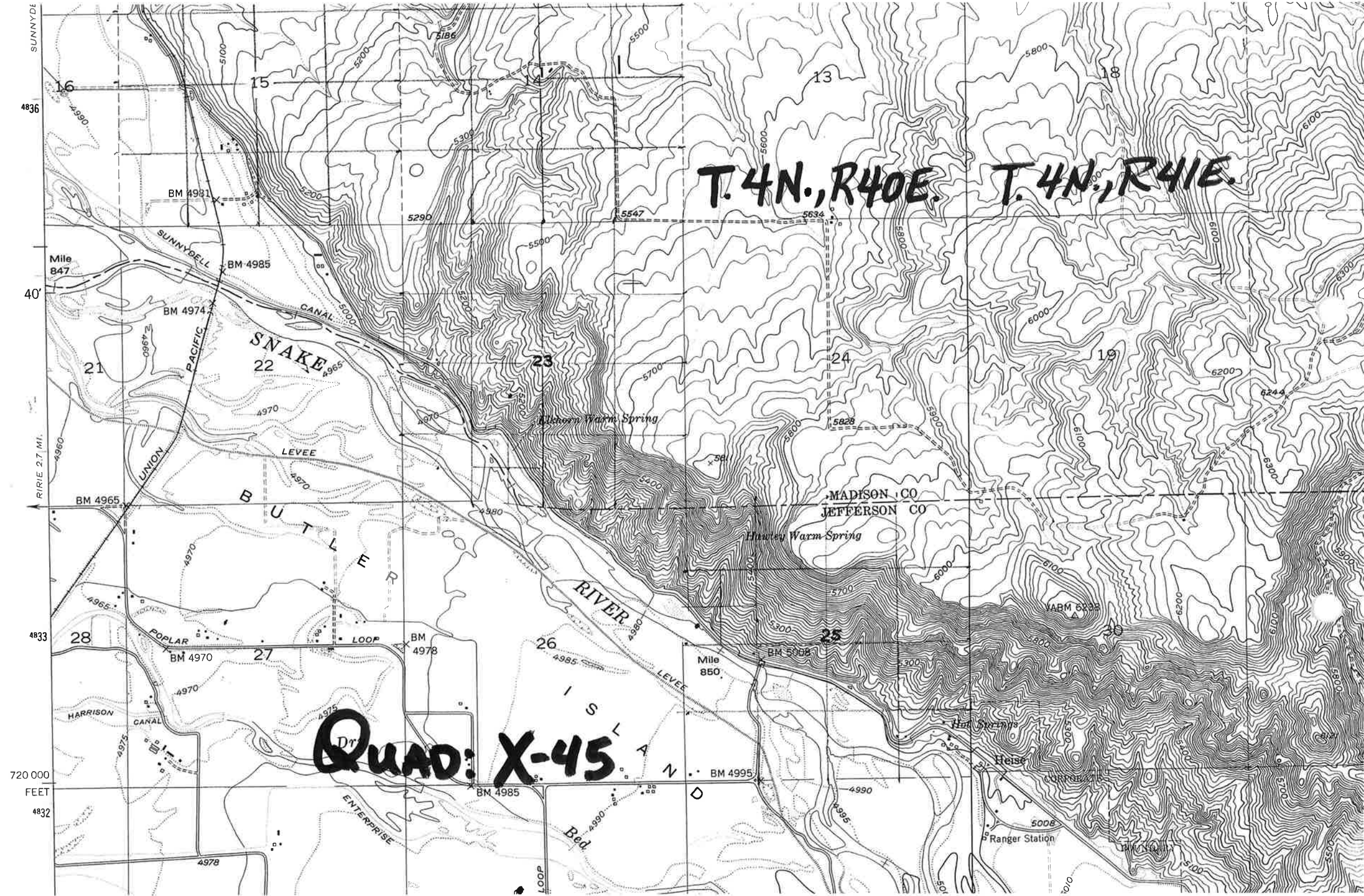
DECREE OF THE SOUTH FORK OF SNAKE RIVER AND ITS TRIBU- TARIES.

(Arranged According to Priority of Rights.)

3	Long Island Irrigation Co.; June 11, 1880; South Fork of Snake River	2,000	33	Jones, Jo
5	Long Island Irrigation Co.; June 1, 1881; South Fork of Snake River	3,000	33	Morgan, River
7	Long Island Irrigation Co.; June 1, 1882; South Fork of Snake River	3,000	35	Rostan, C
7	Higham, Charles R.; June 1, 1882; Garden Creek	25	35	Reid Car
8	Wheaton, Charles; July 1, 1882; Burns Creek	100	35	River
13	Long Island Irrigation Co.; June 1, 1883; South Fork of Snake River	3,000	35	Liberty I
13	Parks & Lewisville Canal Co.; June 1, 1883; South Fork of Snake River	1,000	35	Slou
14	North Rigby Irrigation Co.; June 10, 1883; South Fork of Snake River	2,500	35	Texas Sl
17	Hawley, C. B.; May 1, 1884; 3-5 of the flow of Elkhorn and Hawley Springs up to 210 inches	210	35	Slou
17	Kruger, John D.; May 1, 1884; Elkhorn Springs and 2-5 of Hawley Springs up to 140 inches	140	35	Matson, .
20	Long Island Irrigation Co.; June 1, 1884; South Fork of Snake River	3,000	35	Martin, C
20	Lenroot Canal Co.; June 1, 1884; South Fork of Snake River	450	35	Long Isl
20	Luxton, William; June 1, 1884; Spring Creek, near Menan	400	35	Snak
20	Ballantyne, Z.; June 1, 1884; Spring Creek, near Menan	160	35	Island Ir
20	Dunham, W. W.; June 1, 1884; Spring Creek, near Menan	250	35	River
20	Parks & Lewisville Canal Co.; June 1, 1884; South Fork of Snake River	1,000	36	Burgess
21	Independent Irrigation Co., Ltd.; June 4, 1884; South Fork of Snake River	1,700	37	Rigby Car
22	Clark & Edwards Irrigation Co., Ltd.; Feb. 27, 1885; South Fork of Snake River	3,500	38	of S
28	Butler Island Canal Co.; June 1, 1885; South Fork of Snake River	3,500	38	Wakema
28	Reid Canal Co.; June 1, 1885; South Fork of Snake River	1,500	40	Taylor, J
28	Long Island Irrigation Co.; June 1, 1885; South Fork of Snake River	3,000	42	Island Ir
28	West Labelle Irrigating Co.; June 1, 1885; South Fork of Snake River	6,000	42	River
28	Lenroot Canal Co.; June 1, 1885; South Fork of Snake River	450	42	Long Isl
28	Labelle Irrigation Co.; June 1, 1885; South Fork of Snake River	2,400	42	Snak
28	Parks & Lewisville Canal Co.; June 1, 1885; South Fork of Snake River	5,000	42	Craig, R.
28	Texas Slough Irrigating Canal Co.; June 1, 1885; Texas Slough and Bannock Jim Slough	2,000	42	Nelson, J
28	Liberty Park Irrigation Co.; June 1, 1885; Bannock Jim Slough	400	42	Liberty I
29	Summers, Stephen J., and William and Sorren Nelson; June 10, 1885; South Fork of Snake River	670	42	Slou
29	Nelson, Soren, and Stephen J., and William Summers; June 10, 1885; dry bed channel of South Fork of Snake River	670	42	Corey, C
30	Rigby Canal & Irrigating Co.; June 15, 1885; South Fork of Snake River	670	44	Rigby Ca
			43	of S
			43	Burgess
			46	Farmers
			47	tion
			47	Jones, Jo
			47	Morgan, Rive
			49	Higham,
			49	Rostan, C
			49	Matson, .
			49	Long Isl
			49	Snak
			49	Parks &
			49	of S
			49	Liberty I
			49	Slou
			49	Labelle
			50	Snak
			50	Burgess
			51	Forl
			51	Rigby C
			54	Forl
			54	Idaho C
			54	Rive
			54	Ruddy

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22-13269, 23-11221 SUNNYDELL IRRIG DIST.



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PRO-1

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LAW OFFICES

GROVER & ARCHIBALD

CHARTERED

215 FARNSWORTH WAY

P.O. BOX 36

RIGBY, IDAHO 83442-0036

PHONE (208) 745 6653

FAX (208) 745-6655

R. JAMES ARCHIBALD

BLAIR GROVER

June 3, 2002

COPY

Ronald Carlson
Idaho Department of Water Resources
900 N. Skyline, Suite A
Idaho Falls, ID 83401

Re: Kyle Bybee

Dear Ron:

This letter is to confirm our discussion of May 30, 2002, with regard to the Kyle Bybee claim of 3/5 of the flow of Elkhorn and Hawley Springs (Bybees are successors in interest to C.W. Hawley who received 3/5 of those flows up to 210 inches in the Rexburg decree). Based on that and the Henry Eagle letter to Walt Bybee dated July 29, 1959, you have indicated you would deliver 1 cfs of Hawley Springs Water to the Sunnysdell Irrigation District during the season.

The Bybees plan to advise the Sunnysdell so both parties will be relying on that 1 cfs.

If there is any misunderstanding, please let me know. Thanks.

Sincerely,

GROVER & ARCHIBALD

BLAIR GROVER

BG:jn
cc:client

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FEB 15 2005

Idaho Falls, Idaho

July 20, 1959

Mr. Kenneth Hacking, Secretary
Sunnydell Irrigation District
Route 1
Thornton, Idaho

Dear Mr. Hacking:

Mr. Walter Bybee was in the office today to discuss his water right in Elkhorn and Hawley springs. Both he and Mr. Clay have decreed rights in these springs but have been drawing their water thru the Sunnydell Canal.

For the past few years we have credited the Sunnydell Canal with a continuous flow of 1.0 second-feet from the above springs. We are doing the same this year.

It is reported that developments at the Heise resort may result in a decreased inflow from Elkhorn and Hawley springs. We will obtain measurements in the near future but in any case, will continue to credit the Sunnydell with the full 1.0 second-feet. If there is a reduction in the spring inflow it will be charged against those obtaining the water.

Very truly yours,

H. C. Eagle
Watermaster

cc: Walter Bybee,
Rt. 1, Thornton

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FEB 15 2005

Contacts Data Entry Form

22-13269
Water Right No. ~~23~~ 11221

Owner Type _____ Full Name _____ Address _____ City _____ State _____ Zip _____ Phone _____

Current Owner SUNNYDELL IRRIG DIST.

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

Current Owner % STAN SUTTON, Sec'y (PRESIDENT)

Current Owner _____

Representing Attorney: _____ Phone Number: _____

Accompanied By: _____ Phone Number: _____

Relationship to Claimant: _____

Date of Field Exam: _____ Time: _____

Directions to Property (if different from above) and/or update owner information:

DESCRIBED UNDER ROXBURG IRRIG CO. VS TUSTON IRRIG. CO.
1910, AS #17, TO J.D. KRUGER, MAY 1, 1884 FROM
ELKHORN SPG AND 2/5 OF HAWLEY SPGS UP TO 140 INCHES.

← REMARK
(UP TO 140")
2/5 OF FLOW...

THIS CLAIM WAS ORIGINALLY NUMBERED 22-368.

(*) PROBLEM: DESCRIBED WITH TWO SOURCES DISCUSSED ABOVE.
ONE SOURCE (ELKHORN SP) IS IN B22; THE OTHER (HAWLEY SP)
IS IN B23. ⇒ SPLIT TO B22 AND B23 - BOTH
CAN HAVE THE SAME POLL BUT DIFFERENT NUMBERS.

5/1/03 TELECON W/ STAN SUTTON; EXPLAINED THE NEED FOR POLL
MAPS AND NEED TO SPLIT THIS CLAIM DUE TO SOURCE/BASIN
PROBS. HE'S OK WITH IT. HE WILL BRING IN A POLL MAP.

⇒ FB INDICATED: POLL (NOT SHOWN ON CLAIM); SYSTEM
CLAIMANT CONTACT REQUIRED

Reviewer: _____

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FEB 15 2005

PROFILE

Date: _____

Point of Diversion and Source Data Entry Form

Claim Number: _____

Water Right Point of Diversion: T____, R____, Sec.____,____,____,____. County: _____

Source: _____ Tributary: _____

Claimed Point of Diversion: T____, R____, Sec.____,____,____,____. County: _____

Source: _____ Tributary: _____

Recommended Point of Diversion: T____, R____, Sec.____,____,____,____. County: _____

Source: _____ Tributary: _____

____ Use Claimed POD and Source as Recommended POD and Source

BASIN 22
2-13269

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source
4N	40E	23	11	NESESW	~~JEFFERSON~~ MADISON	UNNAMED STREAM (ELKHORN SPG)

GPS Coordinates: _____

GPS Coordinates: _____

GPS Coordinates: _____

BASIN 23
23-11221

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source
4N	40E	25	2	SWSWNW	~~JEFFERSON~~ MADISON	UNNAMED STREAM (HAWLEY SPG)

GPS Coordinates: _____

GPS Coordinates: _____

GPS Coordinates: _____

GPS Coordinates: _____

Other rights from this POD? GPS TAG # A0012410 8/07/03

Document how the POD and Source were verified and/or Pump and Motor data:

CLAIMS PODS/SOURCES AS: HAWLEY SPG. AND ELKHORN SPG.
 BOTH IN THIS CLAIM. ELKHORN SPG IS IN B22; RENUMBERED
 TO A B22# (22-13269). HAWLEY SPG IS IN B23 AND SO
 NUMBERED AS 23-11221. LANGUAGE OF BOTH
 CLAIMS WILL TIE THEM TOGETHER FOR COMBINED USE OF Q
 AND AC. MADISON CO. NORTH OF SNAKE RIVER
 JEFFERSON CO. SOUTH OF " " "

Transfers Changing POD

Reviewer: _____

Date: _____

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Remark
BPI

* THE UNNAMED STREAM FROM ELKHORN SPRING IS LOCALLY KNOWN
 AS 'CROSS CROOK'. THE BLM HAS WASTED A LOT OF MONEY HERE
 PUTTING IN A NATURAL TRAIL.

TRIB TO:
Snake River

Snake River

BB
SS
Snakes

Priority Date Data Entry Form

Claim Number: _____

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: 5/01/1884 Claimed Basis: DECREED

Recommended Priority Date: 5/01/1884 Recommended Basis: DECREED

☐ Use Claimed Priority Date and Basis as Recommended Priority Date and Basis

Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

MATCHES DECREE

Reviewer: _____

Date: _____

PROFIL

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FEB 15 2005



T4N, R40E



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 22-13269
Date Received: 5/8/2003
Receipt No:
Received By: *EQ 2765B*
4/19/02

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

SUNNYDELL IRRIGATION DIST Phone: (208)356-3562
C/O STAN SUTTON SEC
578 E 7000 S
REXBURG ID USA 83440

2. Date of Priority: 05/01/1884

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
04N	40E	23	NE SE NE 11	JEFFERSON	

5. Description of diverting works:

Source is Elkhorn Spring. Unnamed stream flows toward Snake River where it is intercepted by the Sunnydell Canal.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	10/31	2.8	

7. Total Quantity Appropriated is:

2.8 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
04N	40E	15	SW NW	IRRIGATION	20
				Section Acres	20
				Total Acres	20

CANAL: LARGE PLACE OF USE

11. Place of use in counties: JEFFERSON

12. Do you own the property listed above as place of use? No

13. Other Water Rights Used:

14. Remarks:

THIS WATER RIGHT IS A SPLIT OFF PORTION OF 23-11221 TO REPRESENT THE ELKHORN SPRING PORTION (BASIN 22) OF THE ORIGINAL DECREED RIGHT.

PAID UNDER RECEIPT NO. E027658 FOR 23-11221.

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: _____

For Organizations:

I do solemnly swear or affirm that I am _____ of
Title
_____, that I have signed the foregoing
Organization
document in the space below as _____ of
Title
_____ and that the statements contained in the
Organization
foregoing document are true and correct. _____
Signature of Authorized Agent

Title and Organization

Date

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this
of _____ 20__

Notary Public

Residing at _____

My commission Expires _____