

12/01/2006

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

RIGHT NUMBER: 22-13282

NAME AND ADDRESS: LEWIS M MITHUN
PO BOX 765
TETON VILLAGE WY 83025

SOURCE: DICK CREEK

TRIBUTARY: TETON RIVER

QUANTITY: 0.830 CFS

PRIORITY DATE: 01/22/1916

POINT OF DIVERSION:

T04N R45E S10 SENWSE Within TETON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 10/31

0.830 CFS

PLACE OF USE:

IRRIGATION in TETON County

T04N R45E S10

NESW

33.00

T04N R45E S10

NWSE

8.50

41.5 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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

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



Idaho Department of Water Resources

SRBA Recommendation:

22-13282

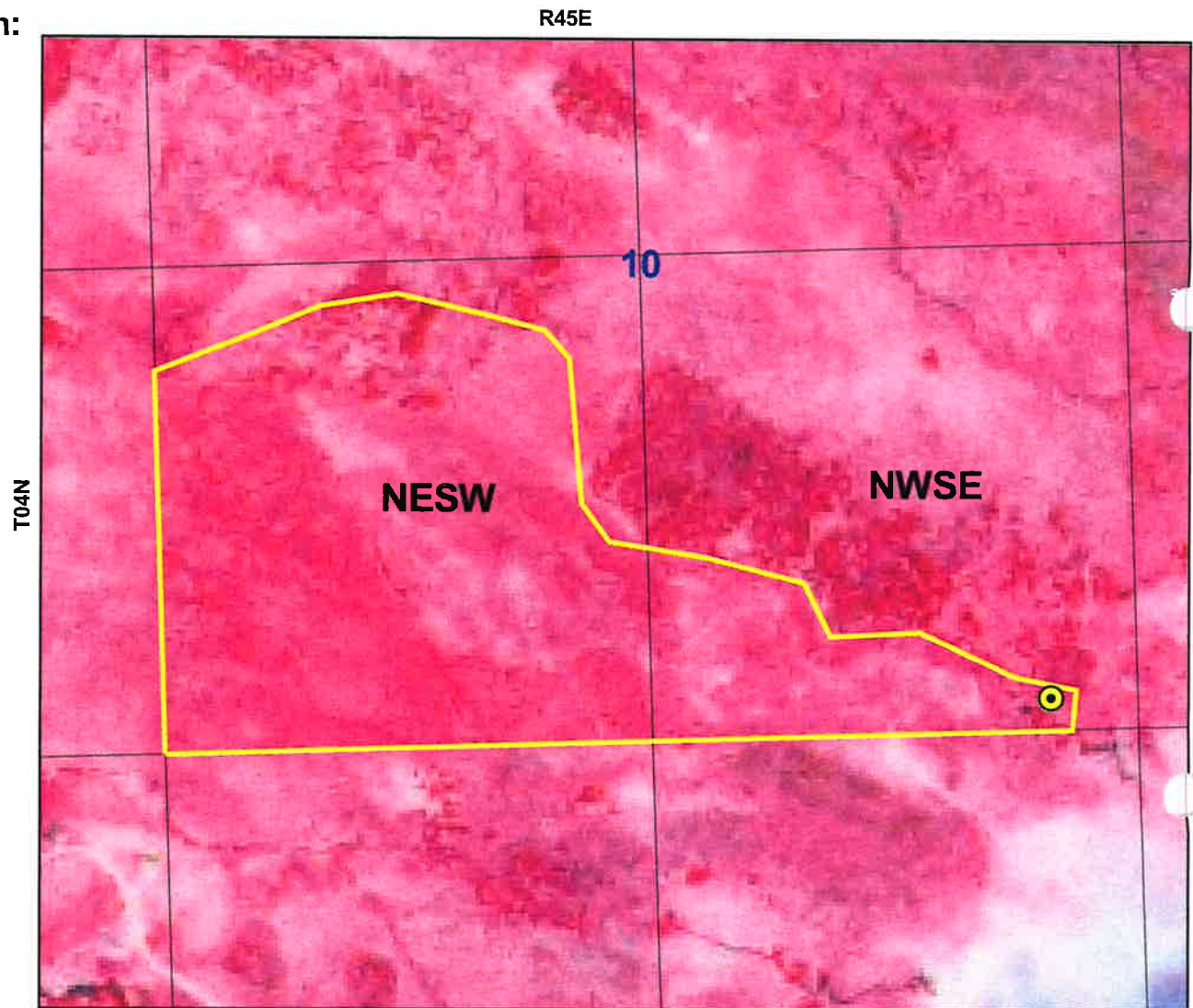
(Irrigation)

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 A. Golart
On Wednesday, November 29, 2006
1987/88 Aerial Photography

Contacts Data Entry Form

11/6/04
Spatial
info. Teton Co.
Claim Number: _____

Owner Type	Full Name	Address	City	State	Zip
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Current Owner: Lewis M. Mithun Trust. 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.20
8/12/05
Please refer to file for claim A2204153 for map
and notes.also refer to Claim A2200049 for transfer
information.

Reviewer: _____ Date: _____

Priority Date Data Entry Form

Claim Number: 22-49 (13282)Water Right Priority Date: 12-19-16 Water Right Basis: _____

Claimed Priority Date: _____ Claimed Basis: _____

Recommended Priority Date: _____ Recommended Basis: _____

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

22-C decree

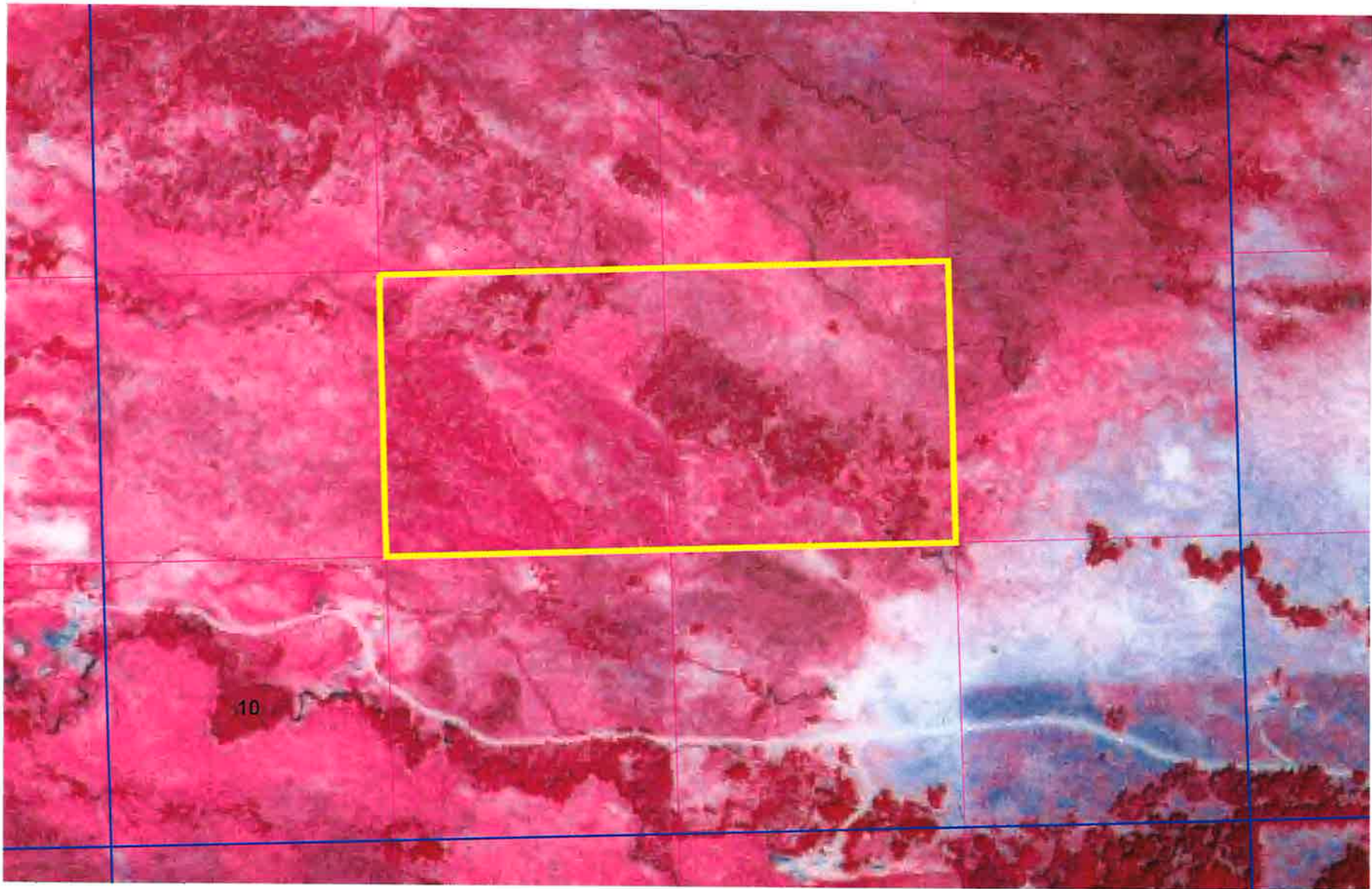
Reviewer: _____

Date: _____

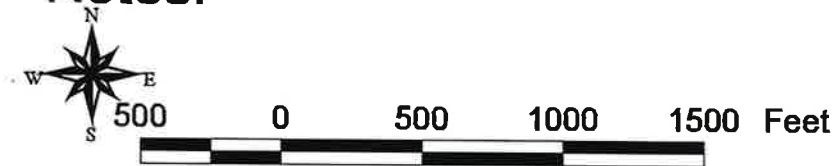
Township
04N

Range
45E

Section
10



Notes:



Water Right #: 22-13282

Examiner:

Date:

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 71085

This is to certify that: LEWIS M MITHUN
PO BOX 765
TETON VILLAGE WY 83025
(307)733-7457

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
22-49	AJC/Decreed	01/22/1916	1.28 cfs	N/A	N/A	64.0	DICK CREEK, UNNAMED STREAM

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
22-49	YES	YES	YES	NO	NO	YES

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
22-49	22-13283	0.45 cfs	46.0 af	N/A	N/A	22-13282	0.83 cfs	N/A	N/A	41.5
COMBINED										
TOTALS		0.45 cfs	46.0 af	N/A	N/A		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 2nd day of November, 2004



Chief, Water Allocation Bureau

SUPPORT DATA
IN FILE # 22-49

WATER RIGHT NO. 22-13282
As Modified by Transfer No. 71085

In accordance with the approval of Transfer No. 71085, Water Right No. 22-13282 is now described as follows.

Right Holder: LEWIS M MITHUN
PO BOX 765
TETON VILLAGE WY 83025

Priority Date: January 22, 1916

Source: DICK CREEK
UNNAMED STREAM

Tributary: TETON RIVER
DARBY CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	to 10/31	0.83 CFS	
			0.83 CFS	

LOCATION OF POINT(S) OF DIVERSION:

UNNAMED STREAM SESW Sec. 10 Twp 04N Rge 45E TETON County

DICK CREEK NWSE Sec. 10 Twp 04N Rge 45E TETON County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N 45E 10									9.5							32.0	41.5

Total Acres: 41.5

CONDITIONS OF APPROVAL

1. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 2nd day of November, 2004


Chief, Water Allocation Bureau

WATER RIGHT NO. 22-13283
As Modified by Transfer No. 71085

In accordance with the approval of Transfer No. 71085, Water Right No. 22-13283 is now described as follows.

Right Holder: ROBERT G KIRK
 PO BOX 4779
 JACKSON WY 83001

Priority Date: January 22, 1916

Source: DICK CREEK

Tributary: TETON RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
DIVERSION TO STORAGE	04/15	to 10/31	0.45 CFS	
WILDLIFE STORAGE	01/01	to 12/31		26.1 AF
WILDLIFE	04/15	to 10/31	0.45 CFS	46.0 AF
			0.45 CFS	46.0 AF

LOCATION OF POINT(S) OF DIVERSION:

DICK CREEK SWNWNE Sec. 9 Twp 04N Rge 45E TETON County

PLACE OF USE: WILDLIFE STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
04N 45E 9	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
						X											

CONDITIONS OF APPROVAL

1. The reservoir established by the storage of water under this right shall not exceed a total capacity of 12 acre feet or a total surface area of 8 acres.
2. This right authorizes the diversion of an annual total of 46.0 af to be used for the initial filling of the reservoir, for the replacement of losses caused by seepage and evaporation from the reservoir.
3. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 01.
4. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
5. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer

WATER RIGHT NO. 22-13283
As Modified by Transfer No. 71085

CONDITIONS OF APPROVAL

7. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.
8. The approval of this transfer redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right. Irrigation is not an authorized use of water under this right.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 2nd day of November, 2004


Chief, Water Allocation Bureau

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: A22-04153
Date Received: 9/21/1988
Receipt No: 11001378
Received By: EMC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: SILVON MURDOCK
Address: P.O. BOX 361
DRIGGS, ID

83422

OR

Name: FAY W. MURDOCK
Address: P.O. BOX 361
DRIGGS, ID

83422

COPY

A2204153



2. Date of Priority: NOV 27, 1917

3. Source: DARBY CREEK, NORTH FORK
DICK CREEK
UNNAMED STREAM

Trib. to: TETON RIVER
TETON RIVER
TETON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
04N	46E	10	SW	SW	NE		TETON
			NE	SE	NE		TETON
			NE	NE	NW		TETON
			SE	NW	SE		TETON

5. Description of diverting works:
HEADGATES, PLASTIC MOVEABLE DAMS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	4.000		

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

A.F.A.

8. Total consumptive use is 400.0 Acre Feet Per Annum.

9. Non-irrigation uses:

A22-04153

Page 1

Date: 09/21/88

OCT 29 1988

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	46E	10	SW	NE		IRR	40.0 —
			NE	NW		IRR	40.0 —
			SE	NW		IRR	40.0 —
			NE	SW		IRR	40.0 —
			NW	SE		IRR	40.0 —
						Section Acres	200.0
						Total Acres	200.0

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:

15. Basis of Claim: STATUTORY CLAIM

COPY

OCT 29 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): Julius M. Murdoch Date: Sept 21-1988

Date: _____

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 21st day
of September 19 88

Anthony S. Benichol
Notary Public

Residing at Idaho Falls

My Commission Expires 9/12/1994



COPY

T. 4 N
R
42
M.

A22-04153

Headings.

Pump

A22-04123

Spring

Spring

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

11/04/2006

WATER RIGHT NO. 22-4153

Owner Type	Name and Address
Current Owner	SILVON L MURDOCK PO BOX 361 DRIGGS, ID 83422 (208)354-2563

COPY

Priority Date: 11/27/1917

Basis: Statutory Claim

Status: Active

Source	Tributary
DARBY CREEK	TETON RIVER

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	4/01	11/01	3.2 CFS	
Total Diversion			3.2 CFS	

Location of Point(s) of Diversion:

DARBY CREEK	NENW	Sec. 10	Township 04N	Range 46E	TETON County
DARBY CREEK	SENW	Sec. 10	Township 04N	Range 46E	TETON County
DARBY CREEK	NWSE	Sec. 10	Township 04N	Range 46E	TETON County

Place(s) of use:

Place of Use Legal Description: IRRIGATION TETON County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
04N	46E	10		SWNE	40									
				SENE	40									
				NESW	40									
				NWSE	40									

Total Acres: 160

Dates:

Licensed Date:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal:

Owner Name Connector:

Water District Number: 01

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Close

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 22-13282

WATER RIGHT NUMBER: 22-13282

SPLIT FROM FORMER RIGHT 22-49

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	ALBERT MURDOCK
Current Owner	DRIGGS, ID 83422 LEWIS M MITHUN PO BOX 765 TETON VILLAGE, WY 83025 (307)733-7457

Priority Date: 01/22/1916

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
DICK CREEK	TETON RIVER
UNNAMED STREAM	DARBY CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/15 to 10/31	0.830 CFS	
	<u>Total Diversion:</u>	0.830 CFS	

Location of Point(s) of Diversion

UNNAMED STREAM	SE1/4SW1/4	Sec. 10, Twp 04N, Rge 45E, B.M.
TETON County		
DICK CREEK	NW1/4SE1/4	Sec. 10, Twp 04N, Rge 45E, B.M.
TETON County		

Place of Use

IRRIGATION Within TETON County

T04N R45E S10	NESW	9.5	T04N R45E S10	NWSE	32.0
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Total Acres: 41.5

Conditions of Approval:

1. T09 Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

Remarks:

Comments:

1. pskaggs 11/3/2004 8:12:15 AM Transferred Right
Comment: This is now an approved transfer, transfer number = 71085