

RIGHT NUMBER: 22-13283

NAME AND ADDRESS: ROBERT G KIRK
PO BOX 4779
JACKSON WY 83001

SOURCE: DICK CREEK

QUANTITY: 0.450 CFS
46.000 AFY

TRIBUTARY: TETON RIVER

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.

POINT OF DIVERSION:

T04N R45E S9 SWNWNE Within TETON County

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>		<u>QUANTITY</u>
DIVERSION TO STORAGE	04/15	10/31	0.450 CFS
WILDLIFE STORAGE	01/01	12/31	26.10 AFY
WILDLIFE	04/15	10/31	0.450 CFS
			46.00 AFY

WILDLIFE STORAGE in TETON County
T04N R45E S09 NWNW
WILDLIFE same as WILDLIFE STORAGE

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



Dick
Creek

Robert Kirk diversion on Dick Creek
for claim A2213283.

NOTICE OF ERROR
REPLY

11/29/2006

DEC 29 2006

DEPARTMENT OF
WATER RESOURCES

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: 22-13283

ROBERT G KIRK

PO BOX 4779

JACKSON WY 83001

Telephone Number: 307-733-8282

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: 12/23/2006 SIGNATURE: Robert Kirk
Please print your name: Robert Kirk

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

Received Time Dec. 29. 10:40AM

NOTICE OF ERROR
REPLY

RECEIVED
11/29/2006
DEC 29 2006
DEPARTMENT OF
WATER RESOURCES

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Water right number: 22-13283

ROBERT G KIRK
PO BOX 4779
JACKSON WY 83001
Telephone Number: 307-733-8282

RECEIVED
JAN 10 2007

Department of Water Resources
Eastern Region

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: 12/23/2006 SIGNATURE: Robert Kirk
Please print your name: Robert Kirls

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

8C 1-10-07

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:

8/15/05 Field exam shows 2 new concrete headgates - each with an opening approx 24" wide. Each one can be regulated with boards. The source is Duck Creek.

Reviewer: _____ Date: _____

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:8/15/05
80

Field exam shows diversion ditch is used to subsidegate meadow and meadow grass and to create a pond and marsh.

Reviewer: _____ Date: _____

Season of Use and Quantity Data Entry Form

Claim Number: _____

Water Right Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____

Overall Diversion Volume _____

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____

Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____

Overall Diversion Volume _____

Document how the Period of Use and/or Diversion Rate were verified:

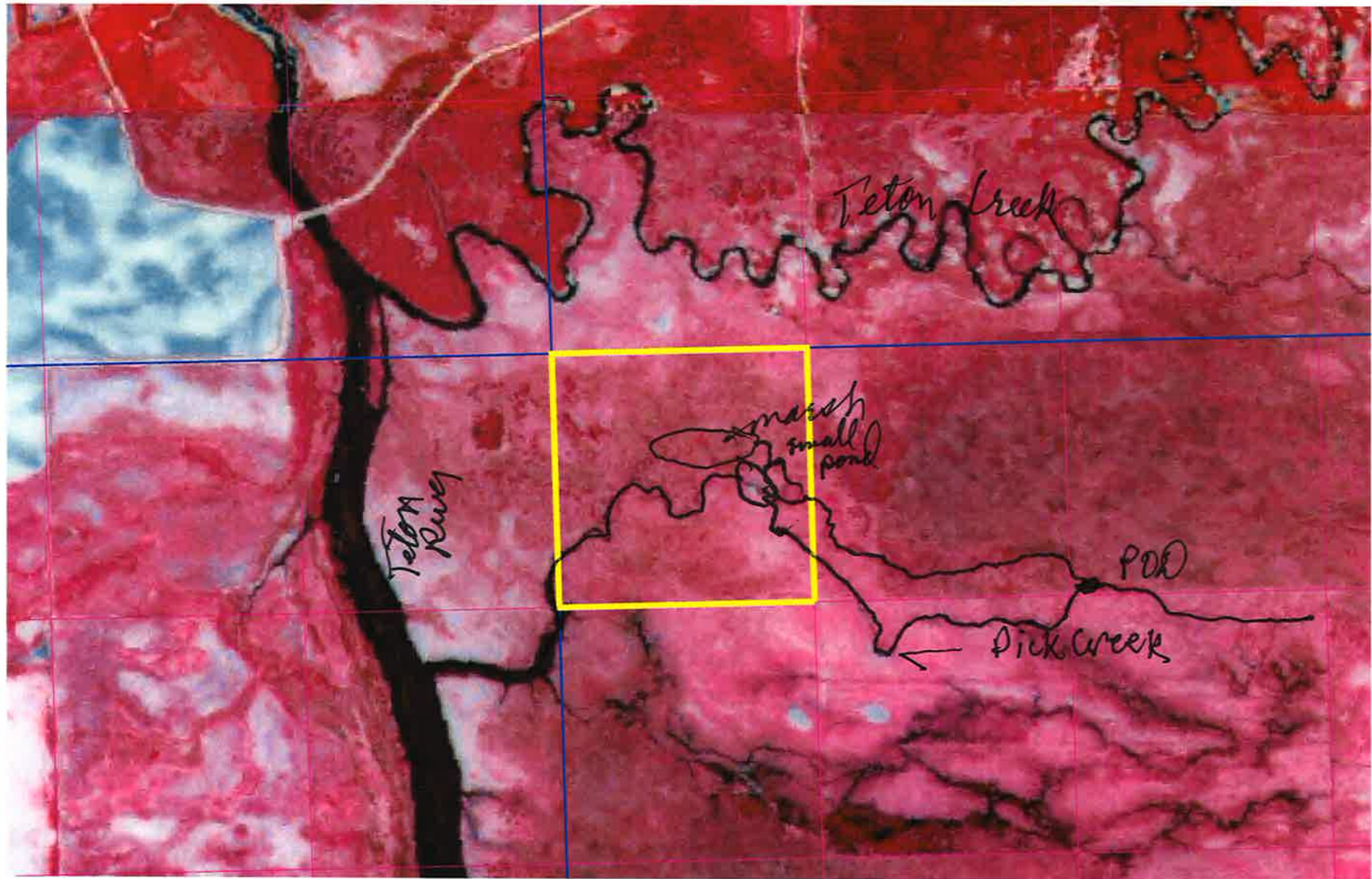
Reviewer: _____

Date: _____

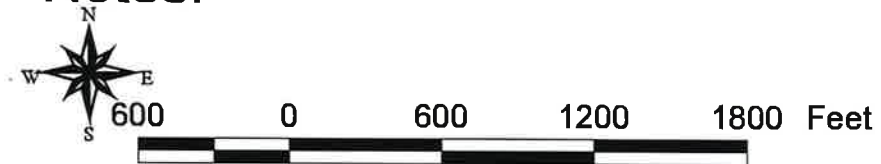
Township
04N

Range
45E

Section
9



Notes:



Water Right #: 22-13283

Examiner: DO

Date: 8/15/05

45

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

Ray Spaulman
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				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
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

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 22-13283

WATER RIGHT NUMBER: 22-13283

SPLIT FROM FORMER RIGHT 22-49

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	LEWIS M MITHUN PO BOX 765 TETON VILLAGE, WY 83025 (307)733-7457
Original Owner	ALBERT MURDOCK DRIGGS, ID 83422
Current Owner	ROBERT G KIRK PO BOX 4779 JACKSON, WY 83001 307-733-8282

Priority Date: 01/22/1916

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
DICK CREEK	TETON RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DIVERSION TO STORAGE	04/15 to 10/31	0.450 CFS	
WILDLIFE STORAGE	01/01 to 12/31		26.10 AF
WILDLIFE	04/15 to 10/31	0.450 CFS	46.00 AF
	<u>Total Diversion:</u>	0.450 CFS	46.00 AF

Location of Point(s) of Diversion

DICK CREEK	SW1/4NW1/4NE1/4	Sec. 9,	Twp 04N,	Rge 45E, B.M.
TETON County				

Place of Use

WILDLIFE STORAGE Within TETON County

T04N R45E S09 NWNW

WILDLIFE same as WILDLIFE STORAGE

Conditions of Approval:

1. R05 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.
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. 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.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 22-13283

4. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
6. 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.
7. 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.
8. R43 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.

Remarks:

Comments:

1. pskaggs 11/3/2004 8:12:15 AM Transferred Right

Comment: This is now an approved transfer, transfer number = 71085

Water Supply Bank: