

01/19/2006

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

RIGHT NUMBER: 22-13435

NAME AND ADDRESS: Mary Ann D Gomme
686 White Swan Dr
Arnold MD 21012

LCAP

SOURCE: SOUTH LEIGH CREEK

TRIBUTARY: TETON RIVER

QUANTITY: 0.780 CFS

PRIORITY DATE: 06/15/1897

POINT OF DIVERSION:

T06N R45E S33 NESESW Within TETON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 10/31

0.780 CFS

PLACE OF USE: IRRIGATION Within TETON County

T05N R45E S05 SWNW 39.00

39 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.

This right is subject to regulation by the watermaster of Water District 01.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

This right is a split from former right 22-388.

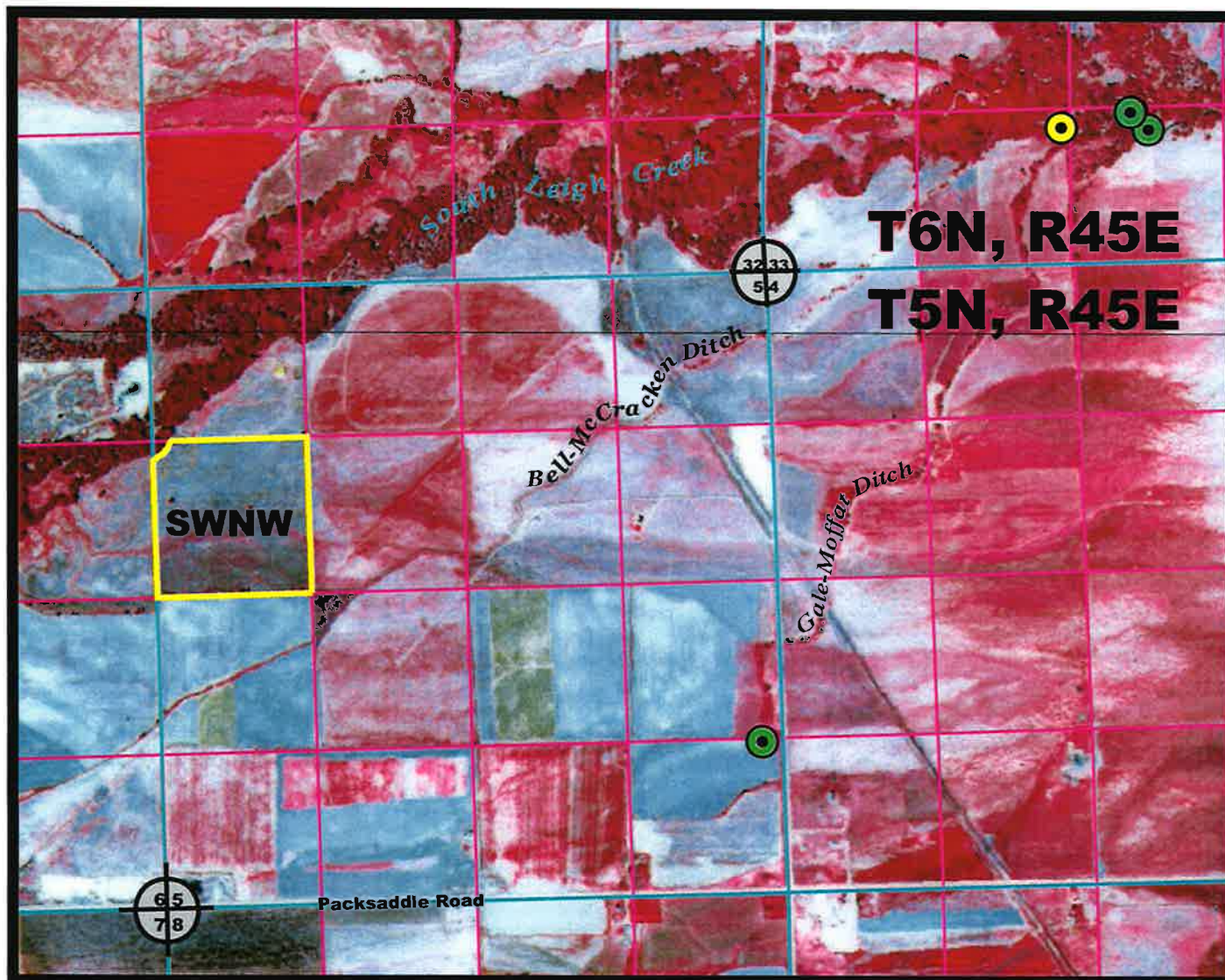
Water is delivered through Bell-McCracken ditch.



State of Idaho

Department of Water Resources

Eastern Region



Water Right(s):
22-13435

Point(s) of Diversion:
T6N, R45E
Sec. 33 NESESW

Place of Use: (part of)
T5N, R45E
Sec. 5 SWNW

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: January 2006

T6N, R45E

T5N, R45E

MD Gomme

M&S Bitner

M&S Bitner

Bell-McCracker

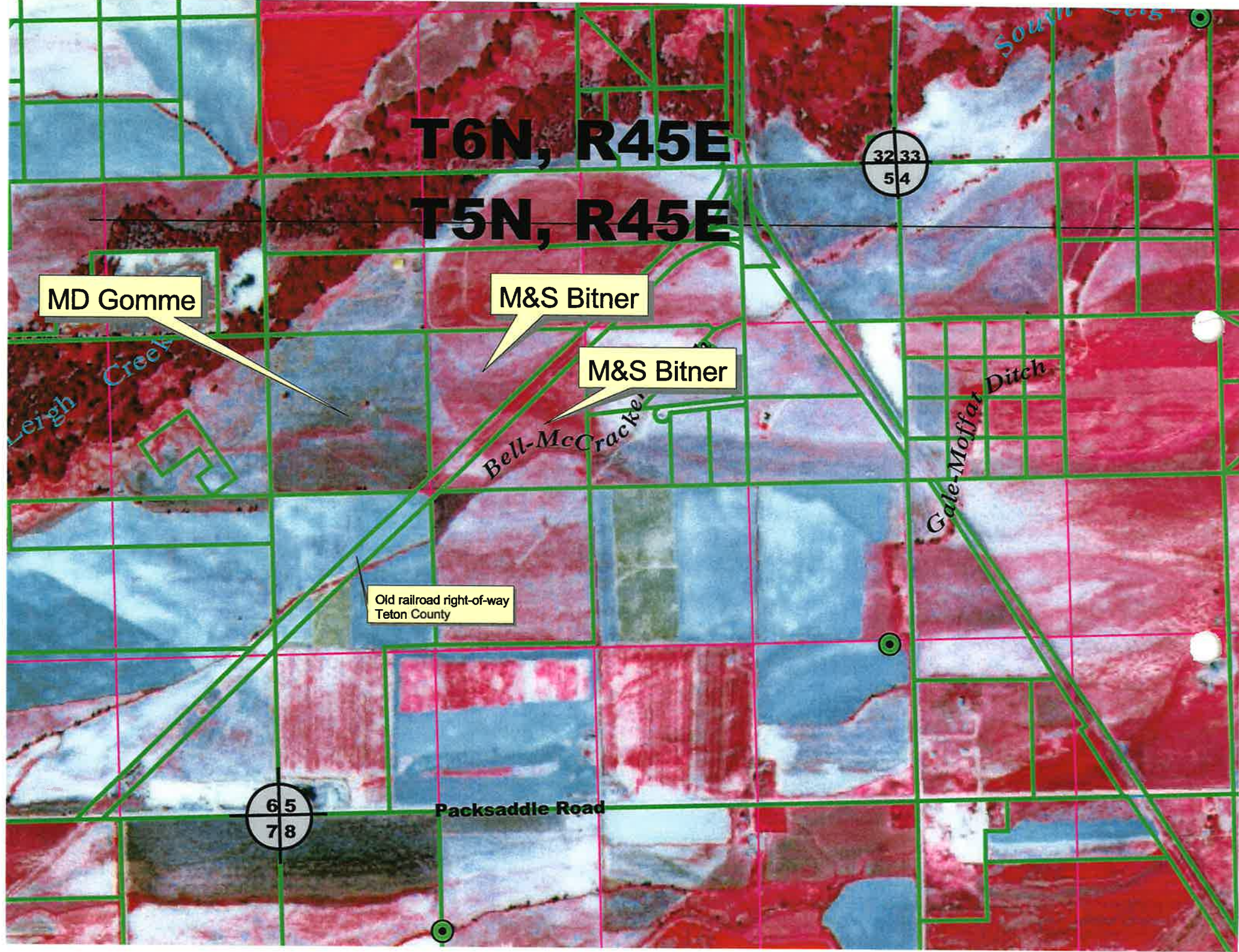
Old railroad right-of-way
Teton County

Gale-Moffat Ditch

Packsaddle Road

32 33
54

65
78



January 9, 2006

Allen B. Ruberry
IDWR
900 N. Skyline Dr. Suite A
Idaho Falls, ID 83402-1718

RECEIVED

JAN 17 2006

Department of Water Resources
Eastern Region

Re: Matthew F. Bitner and Sally B. Bitner
Snake River Basin Adjudication
Ident. # 13435

Mr. Ruberry,

Per our phone conversation on January 9, the water right claim of 13435 was misfiled. We wish to withdraw any implied right, title, or interest in #13435 and issue it under the owner's name as follows:

Mary Ann D. Gomme
686 White Swan Drive
Arnold, MD 21012
(410)757-4494

We appreciate your help in this matter. Please let us know if there is anything we can do further to finalize this claim.

Thank you.

Sincerely,


Matthew F. Bitner


Sally B. Bitner

P.O. Box 238
Tetonia, ID 83452
(208)456-2600

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 22-388

WATER RIGHT NUMBER: 22-388

Owner Type Name and Address
 Current Owner JAMES MC CRACKEN
 , ZZ

Priority Date: 06/15/1897

Basis: Decreed

Status: Active

Source Tributary
 SOUTH LEIGH CREEK TETON RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	/ to /	3.120 CFS	
	<u>Total Diversion:</u>	3.120 CFS	

$$\frac{3.12}{160 \text{ ac}} = 0.0195 \text{ cfs/ac}$$

Location of Point(s) of Diversion

SOUTH LEIGH CREEK
 TETON County

SW1/4SE1/4

Sec. 33, Twp 06N, Rge 45E, B.M.

Place of UseIRRIGATION Within TETON County

T05N R45E S05	SWNW	T05N R45E S05	SENW
T05N R45E S06	SWNE	T05N R45E S06	SENE

22-13434?

Conditions of Approval:

1. AC. IRR. = 160. P/D BELL-MC CRACKEN CANAL - W.D. 01 RECORDS.

Remarks:Comments:

No SRBA Claims) FOUND

01/09/06

Mrs. Bitnor SAID TO DISMISS THE 1900005 Letter requesting EVIDENCE OF OWNERSHIP. Only ONE OF 22-13434 OR 13435 CAN BE RECOGNIZED IN RELATION to (A portion of) 22-388, NOT BOTH. ADVISED she SEND WARRANTY BOOK AND letter withdrawing 13435. She will DO SO TODAY.

1/19/06

Bitnor's CLAIMS THIS Right FOR MARY ANN GOMME BECAUSE THEY (Bitnor's) HAVE THE PROPERTY. Bitnor's WITHDRAW CLAIM - REQUEST claim to be filed to GOMME FOR ATTACHED letter

19 December 2005

**Matthew F Bitner
PO Box 238
Tetonia ID 83452**

Re: EVIDENCE OF WATER RIGHT OWNERSHIP 22-13434 and 22-13435

Dear Mr. Bitner:

The Idaho Department of Water Resources is now reviewing water right claims filed in the Snake River Basin Adjudication (SRBA) in the Teton River drainage of Basin 22. You have filed on the above referenced water rights with a 06/15/1897 priority date from South Leigh Creek, delivered through the Bell-McCracken Ditch.

Only one of these water rights was decreed under Rexburg vs Teton, 1910 to the lands you claim and there is no recorded water right transfer filed with the department. **Please provide some evidence that you own the claimed portions of these historic decreed water rights.** Often a deed or property conveyance instrument will discuss water right conveyances with the property transaction. Your response to this request is required by January 9, 2006.

Thank you for your timely attention and consideration in this matter. If you have questions please feel free to contact this office.

Respectfully submitted,

Allen B. Ruberry
Sr. Water Resource Agent
Adjudication Bureau

*ORIGINAL CLAIM ALSO REFERENCES 22-7690 -
22-7690 is NOT AN SRBA claim. Priority
date is 01/08/1991.*

Cc; file
Enclosure: Claim Copy

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 22-13435
Date Received: 9/30/2005
Receipt No: E031294
Received By: RM

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

1. Name of Claimant(s)

MATTHEW F BITNER Phone: (208)456-2600
PO BOX 238
TETONIA ID USA 83452

SALLY B BITNER Phone: (208)456-2600
PO BOX 238
TETONIA ID USA 83452

2. Date of Priority: 06/15/1897

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
06N	45E	33	SW SE	TETON	

5. Description of diverting works:

HEADGATES AT LEIGH CREEK, DITCH ALL THE WAY THROUGH AND PAST PROPERTY

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/15	10/15	0.78	

7. Total Quantity Appropriated is:

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
05N	45E	5	SW	NW	IRRIGATION	40
					Section Acres	40
					Total Acres	40

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:

15. Basis of Claim: Decreed

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 22-13435Date Received 9/30/05Receipt Number E031294 Rm

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Matthew F. and/or Sally B. Bitner Phone (208) 456-2600
Mailing Address P.O. Box 238 Tetonia, ID Zip 83452

2. Date of Priority (Only one (1) per claim) 06/15/1897

3. Source of water supply (a) South Leigh Creek
which is tributary to (b) Teton River

4. a. Location of existing point of diversion is: Township 06 N Range 45 E Section 33,
SW 1/4 of SE 1/4 of - 1/4, Govt. Lot, 45 E B.M., County of Teton

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.

headgates at Leigh Creek, ditch all the way through and
past property

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For irrigation/crop purposes from 4/15 to 10/15 amount .78 or ~~.095 cfs / ac~~

For / purposes from to amount or

For / purposes from to amount or

For / purposes from to amount or

7. Total quantity claimed (a) .78 (cfs) and/or (b) (acre feet)

8. Total consumptive use claimed is 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	
05	45E	5							40										

Total number of acres irrigated 40

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 No X

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 X

14. Remarks:

we wish to lease this land for farming and eventually
buy it. It is adjacent to our property. we own
the 40 acres directly east. If it has no water rights
it is dead land for farming. This irrigation ditch
is its only source. (The lady who owns it lives back
east)

Last Name Bitner Ident No.

Copies: White -State, Yellow-Claimant

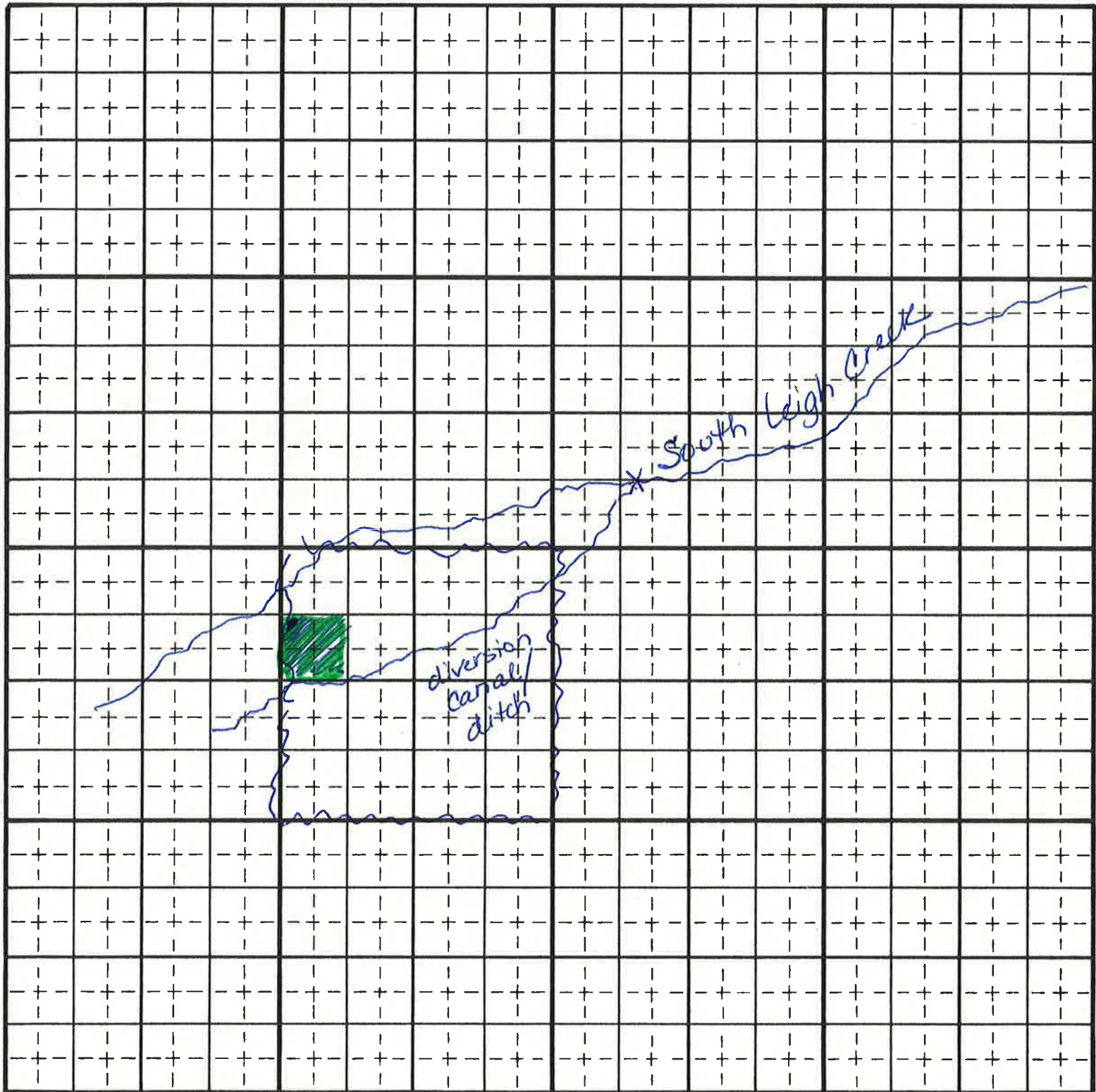
Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile

X



05 , 05N, 45 E.



Point of usage -

Last Name

Bitner

Ident No.

Copies: White-State, Yellow-Claimant

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

Decree ☒

If applicable provide IDWR Water Right Number 22-388

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant _____

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

Signature of Claimant (s) [Signature]

Date 29 Sept 05

Sandy B Bitner

Date Sept. 29, 2005

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.

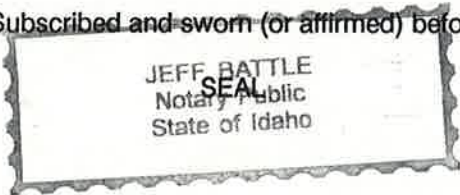
Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or _____

County of TETON) SS.

Subscribed and sworn (or affirmed) before me this 29th day of SEPTEMBER 19 _____



Notary Public [Signature]

Residing at Driggs, Idaho

My Commission Expires 15 NOVEMBER 2007

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 _____

Last Name Bitner Ident. Number _____