

01/28/2004

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

RIGHT NUMBER: 23-11221

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

PRIORITY DATE: 05/01/1884

POINT OF DIVERSION:
T04N R40E S25 SWSWNW Within JEFFERSON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

2.800 CFS

PLACE OF USE:

Large Place of Use

~~3383.1~~ ACRES TOTAL

3417

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. 22-13269 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: BASIS OF CLAIM - Decreed

01/28/2004

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

THE AMOUNT OF WATER DIVERTED UNDER THIS WATER RIGHT MAY NOT EXCEED 2/5 OF THE FLOW (UP TO 140 INCHES) OF ELKHORN SPRING (UNNAMED STREAM) WHEN COMBINED WITH HAWLEY SPRING (UNNAMED STREAM) UNDER 22-13269.

ORIGINAL DECREED SOURCE 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.

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

01/06/2004

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

RIGHT NUMBER: 23-11221

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

PRIORITY DATE: 05/01/1884

POINT OF DIVERSION:

T04N R40E S25 SWSWNW Within JEFFERSON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
04/01 10/31

QUANTITY
2.800 CFS

PLACE OF USE: IRRIGATION Within MADISON County

T04N R40E S03	NWSW	0.4	T04N R40E S04 Lot 1	NENE	8.0
T04N R40E S04 Lot 2	NWNE	39.0	T04N R40E S04	SWNE	39.0
T04N R40E S04	SENE	27.0	T04N R40E S04 Lot 3	NENW	40.0
T04N R40E S04 Lot 4	NWNW	34.0	T04N R40E S04	SWNW	37.0
T04N R40E S04	SENW	38.0	T04N R40E S04	NESW	40.0
T04N R40E S04	NWSW	38.0	T04N R40E S04	SWSW	34.0
T04N R40E S04	SESW	36.0	T04N R40E S04	NESE	31.0
T04N R40E S04	NWSE	25.0	T04N R40E S04	SWSE	6.0
T04N R40E S05 Lot 1	NENE	34.0	T04N R40E S05 Lot 2	NWNE	38.0
T04N R40E S05	SWNE	40.0	T04N R40E S05	SENE	40.0
T04N R40E S05 Lot 3	NENW	30.0	T04N R40E S05	SWNW	39.0
T04N R40E S05	SENW	40.0	T04N R40E S05	NESW	40.0
T04N R40E S05	NWSW	37.0	T04N R40E S05	SWSW	34.0
T04N R40E S05	SESW	37.0	T04N R40E S05	NESE	31.0
T04N R40E S05	NWSE	39.0	T04N R40E S05	SWSE	35.0
T04N R40E S05	SESE	31.0	T04N R40E S06 Lot 1	NENE	0.3
T04N R40E S06	SWNE	0.1	T04N R40E S06	SENE	17.0
T04N R40E S06	NESW	0.2	T04N R40E S06	NESE	38.0
T04N R40E S06	NWSE	38.0	T04N R40E S06	SWSE	6.0
T04N R40E S06	SESE	36.0	T04N R40E S07	NENE	25.0
T04N R40E S08	NENE	39.0	T04N R40E S08	NWNE	39.0
T04N R40E S08	SWNE	40.0	T04N R40E S08	SENE	38.0
T04N R40E S08	NENW	39.0	T04N R40E S08	NWNW	36.0
T04N R40E S08	SWNW	13.0	T04N R40E S08	SENW	0.0
T04N R40E S08	NESW	27.0	T04N R40E S08 Lot 1	SESW	0.1
T04N R40E S08	NESE	39.0	T04N R40E S08	NWSE	41.0
T04N R40E S08	SWSE	28.0	T04N R40E S08	SESE	26.0
T04N R40E S09	NWNE	11.0	T04N R40E S09	SWNE	38.0

01/06/2004

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

T04N R40E S09	SENE	6.1	T04N R40E S09	NENW	34.0
T04N R40E S09	NWNW	34.0	T04N R40E S09	SWNW	37.0
T04N R40E S09	SESW	40.0	T04N R40E S09	NESW	40.0
T04N R40E S09	NWSW	37.0	T04N R40E S09	SWSW	35.0
T04N R40E S09	SESW	38.0	T04N R40E S09	NESE	18.0
T04N R40E S09	NWSE	40.0	T04N R40E S09	SWSE	33.0
T04N R40E S09	SESE	37.0	T04N R40E S10	SWSW	4.9
T04N R40E S15	NWNW	2.3	T04N R40E S15	SWNW	25.0
T04N R40E S15	NESW	12.0	T04N R40E S15	NWSW	36.0
T04N R40E S15	SWSW	24.0	T04N R40E S15	SESW	35.0
T04N R40E S15	SWSE	3.3	T04N R40E S16	NENE	34.0
T04N R40E S16	NWNE	35.0	T04N R40E S16	SWNE	31.0
T04N R40E S16	SENE	39.0	T04N R40E S16	NENW	39.0
T04N R40E S16	NWNW	33.0	T04N R40E S16 Lot 5	SWNW	18.0
T04N R40E S16 Lot 4	SESW	35.0	T04N R40E S16	NESE	40.0
T04N R40E S17	NENE	9.6	T04N R40E S22	NENW	24.0
T04N R40E S22 Lot 4	NWNW	4.0	T05N R40E S19	SWSE	13.0
T05N R40E S19	SESE	16.0	T05N R40E S28	SWSW	1.1
T05N R40E S29	NWNW	6.4	T05N R40E S29	SWNW	0.1
T05N R40E S29	SESW	16.0	T05N R40E S29	NESW	0.2
T05N R40E S29	SESW	19.0	T05N R40E S29	NESE	2.8
T05N R40E S29	NWSE	25.0	T05N R40E S29	SWSE	39.0
T05N R40E S29	SESE	16.0	T05N R40E S30	NENE	35.0
T05N R40E S30	NWNE	28.0	T05N R40E S32	NENE	38.0
T05N R40E S32	NWNE	40.0	T05N R40E S32	SWNE	40.0
T05N R40E S32	SENE	37.0	T05N R40E S32	NENW	11.0
T05N R40E S32	NESW	16.0	T05N R40E S32	SWSW	0.1
T05N R40E S32	SESW	37.0	T05N R40E S32	NESE	37.0
T05N R40E S32	NWSE	38.0	T05N R40E S32	SWSE	37.0
T05N R40E S32	SESE	37.0	T05N R40E S33	NENW	1.0
T05N R40E S33	NWNW	35.0	T05N R40E S33	SWNW	38.0
T05N R40E S33	SESW	7.4	T05N R40E S33	NESW	7.4
T05N R40E S33	NWSW	38.0	T05N R40E S33	SWSW	37.0
T05N R40E S33	SESW	32.0	T05N R40E S33	SWSE	17.0

3383.1 ACRES TOTAL

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

Place of use is within the boundary of Sunnyside 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.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 140.0 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

When Combined w/ 22-13269.

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

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.

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

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 Sunnydell Irrigation District during the season.

The Bybees plan to advise the Sunnydell 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

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

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 22-368

WATER RIGHT NUMBER: 22-368

*RENUMBERED TO 23-11221 ⇒ SEE Remarks*Owner TypeName and Address

Current Owner

JOHN D KRUGER

SEE 22-13269

, ZZ

Priority Date: 05/01/1884

Basis: Decreed

Status: Active

SourceTributaryELKHORN SPRING
HAWLEY SPRINGBeneficial Use

From To

Diversion RateAnnual Volume

IRRIGATION

/ to /

2.800 CFS

Total Diversion:

2.800 CFS

Location of Point(s) of Diversion

ELKHORN SPRING

HAWLEY SPRING

Place of UseIRRIGATION Within MADISON County

T04N R40E S15 SWSW

T04N R40E S15 SESW

T04N R40E S15 SWSE

T04N R40E S22 NENW

Conditions of Approval:Remarks:

1. General AC. IRR. = 150.

Comments:Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 22-368

WATER RIGHT NUMBER: 22-368

Owner Type Name and Address
 Current Owner JOHN D KRUGER

Priority Date: 05/01/1884 , ZZ
 Basis: Decreed
 Status: Active

Source Tributary
 ELKHORN SPRING
 HAWLEY SPRING

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	/ to /	2.800 CFS	
<u>Total Diversion:</u>		2.800 CFS	

Location of Point(s) of Diversion
 ELKHORN SPRING
 HAWLEY SPRING

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	40E	15											X	X			X		
04N	40E	22					X												

Conditions of Approval:Remarks:

1. General AC. IRR. = 150.

Comments:

Rossburg Irrig. Co. vs Teton Irrig. Co., 1910

<u>Basin</u>	<u>Seque</u>	<u>Suffi</u>	<u>Basis</u>	<u>Status</u>	<u>Priority</u>	<u>Date</u>	<u>Rate</u>	<u>Volu</u>	<u>Source</u>	<u>Water Use(s)</u>	<u>Owner(s)</u>	<u>Source Ta</u>	<u>App.ID</u>
1	46		Decreed	Active	4/14/1902		140		SNAKE RIVER	IRRIGATION	SUNNYDELL	IRRIG/	wrAdjudicationClaim
1	83	A	Decreed	Active	1891-06-01		30		SNAKE RIVER	IRRIGATION	SUNNYDELL	IRRIG/	wrAdjudicationClaim
1	94	A	Decreed	Active	1888-06-01		16.4		SNAKE RIVER	IRRIGATION	SUNNYDELL	IRRIG/	wrAdjudicationClaim
1	115	A	Decreed	Active	1886-06-01		0.71		SNAKE RIVER	IRRIGATION	SUNNYDELL	IRRIG/	wrAdjudicationClaim
1	116	B	Decreed	Active	1887-06-01		1.03		SNAKE RIVER	IRRIGATION	SUNNYDELL	IRRIG/	wrAdjudicationClaim
1	121		Decreed	Active	1889-06-01		44		SNAKE RIVER	IRRIGATION	SUNNYDELL	IRRIG/	wrAdjudicationClaim
1	195	A	Decreed	Active	1885-06-01		2.18		SNAKE RIVER	IRRIGATION	SUNNYDELL	IRRIG/	wrAdjudicationClaim
1	4011		Statutory	Tempc	1889-06-01		35		SNAKE RIVER	STOCKWAT	SUNNYDELL	IRRIG/	wrAdjudicationClaim
1	10013		Decreed	Active	1882-07-01		1		SNAKE RIVER	IRRIGATION	SUNNYDELL	IRRIG/	wrAdjudicationClaim
23	11221		Decreed	Active	1884-05-01		2.8		ELKHORN WAF	IRRIGATION	SUNNYDELL	IRRIG/	wrAdjudicationClaim
1	121		Decreed	Active	1889-06-01		24		SNAKE RIVER	IRRIGATION	LYMAN	IRRIGATION	wrWaterRight
1	180		Decreed	Active	1889-06-01		20		SNAKE RIVER	IRRIGATION	SUNNYDELL	IRRIG/	wrWaterRight
1	4011		Statutory	Active	1889-06-01		35		SNAKE RIVER	STOCKWAT	SUNNYDELL	IRRIG/	wrWaterRight

Sunnydell Irrigation Distrist

- Boundary
- Township/Range
- Sections



0 0.5 1 1.5 2 Miles

Prepared by: Ernie Carlsen June 2004

05N40E

04N40E

19

30

29

28

32

33

6

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4

3

7

8

9

10

17

16

15

21

22

T 4N, R 40E

15 14
22 23

Basin 22

State

Basin 25

Basin 27

Elkhorn Sp

River

Sunnydell

Cowgall

Hawley Sp

22 23
27 26

LAW OFFICES

GROVER & ARCHIBALD

CHARTERED

215 FARNSWORTH WAY

P.O. BOX 36

RIGBY, IDAHO 83442-0036

PHONE (208) 745 6653

FAX (208) 745-6655

BLAIR GROVER

R. JAMES ARCHIBALD

May 1, 2002

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

Re: Kyle Bybee

Dear Ron:

As you may recall, Kyle Bybee is the successor in interest to the CB Hawley water right as recorded on page 12 of the Rexburg decree. It provides for a priority of May 1, 1884, with 3/5 of the flow of Elkhorn and Hawley Springs up to 210 inches (4.2 cfs). The other 2/5 was decreed to Kruger which through subsequent transfers now belongs to the Sunnysdell Irrigation District. Mike Quinn, owner of Heise Hot Springs, may claim some of the water, but Kyle understood he had Palisades storage to replace waters used from Elkhorn or Hawley Springs.

Walt Bybee, father of Kyle, was trying to track down these water rights in the late 1950s. I am enclosing a copy of a letter he reviewed dated July 20, 1959 from Henry Eagle, watermaster, to Kenneth Hacking, secretary of the Sunnysdell Irrigation District, (with a copy to Walt Bybee), which among other things, indicates he had been crediting the Sunnysdell Canal with a continuous flow of 1 cfs from Elkhorn and Hawley Springs and that he would continue to do so. I am not sure what the records show, but the watermaster agreed to that delivery.

The Bybees, the Sunnysdell, and Mike Quinn are discussing what further action they might want to take with regard to the flows from Elkhorn and Hawley Springs. However, pending any decision, this letter is a formal request that Water District No. 1 recognize and allow delivery of the 1 cfs into the Sunnysdell Canal for use by the Bybees as referred and promised in Henry Eagle's letter.

RECEIVED

MAY 07 2002

Department of Water Resources
Eastern Region

Ronald Carlson

May 1, 2002

Page 2

Would you please let me know if Water District No. 1 is willing to do that pending some further action on behalf of the interested parties.

Sincerely,

GROVER & ARCHIBALD

A handwritten signature in black ink, appearing to read "Blair Grover", with a long horizontal flourish extending to the right.

BLAIR GROVER

BG:jn
enclosure
cc:client

COPY

Idaho Falls, Idaho

July 20, 1959

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

Dear Mr. Hacking:

Mr. Walter Rybee 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 Rybee,
Rt. 1, Thornton

Harrigfeld Canal
& Irrigation
Company.

3,000 inches.

Aug. 4, 1900. Fall River.

Harrigfeld Canal
& Irrigation
Company.

4,000 inches.

May 1, 1906. Fall River.

Harris, R. E.

Enterprise Canal Company.

Harrison Canal
& Irrigating
Company

12,000 inches.

July 12, 1890. South Fork of
Snake River.

Harrison Canal
& Irrigating
Company.

8,000 inches.

Jan. 9, 1895. South Fork of
Snake River.

Harrop, Samuel

200 inches.

June 1, 1891. Leigh Creek.

Hart, J. W.

Anderson Canal Company.

Hartvigsen, Mary

Watson Slough
Irrigation Company.

Harwood, Spencer

160 inches.

Feb. 19, 1902. Sheridan Creek and a
small tributary.

Haskins, H. F.

Enterprise Canal
Company.

Hatch, Hyrum

160 inches.

June 1, 1894. Trail Creek.

Hatch, Lemoine

40 inches.

Sept. 1, 1901. Spring Creek.

Hatch, Mary E.

40 inches.

July 15, 1896. Trail Creek.

Hatch, William

Trego Ditch Company.

Hatfield, Frederick B.

160 inches.

June 1, 1890. Snake River. Trans 89-

Hathaway, John

205 inches.

June 10, 1887. Fall River. Trans #123 (P.S.)

Hathaway, William

240 inches.

June 10, 1887. Fall River.

Hawley, C. B.

May 1, 1884. 3/5th of the flow of
Elkhorn and Hawley
Springs, up to 210
inches.

Hawley, E. L.
and Grace

100 inches

Sept. 5th, 1905 Hawley Springs
(Permit)

NOT IN ACCOUNTING
T.O.



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

June 26, 2006

Hon. John Melanson
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

RE Subcase No. 23-11221 (Sunnydell Irrigation District)

Dear Judge Melanson:

The *Order of Partial Decree for Irrigation Delivery Entity Using Digital Boundary Description*, I.C. §§ 42-202B(2), 42-219(2), 52-1411(2)(h) was issued by the SRBA Court on February 4, 2005. IDWR has discovered that the standard form 5 and the partial decree contains a clerical error in the digital boundary

Water right nos 01-46, 01-83A, 01-115A, 01-195A, 01-10013, 01-10497, 1-10498, 01-10499, and 22-13269 are overlapping water rights with water right 23-11221, and will be reported to the SRBA in the Director's Reports for Basin 01 Part 2 and Basin 22, Part 2 respectively. In order for the digital boundary to accurately describe Sunnydell Irrigation District's place of use, all its water rights should have the same digital boundary. A revised digital boundary is included herewith for 23-11221 that reflects the correct place of use for Sunnydell Irrigation District. Also attached for your information is a map depicting the correct place of use.

I have informed Sunnydell Irrigation District of the clerical error. I am also sending them a copy of this correspondence.

If you should have any questions, please feel free to contact me at 287-4810.

Very Truly Yours,

A handwritten signature in cursive script, reading "Candice M. McHugh", is written over a horizontal line.

Candice M. McHugh
Deputy Attorney General

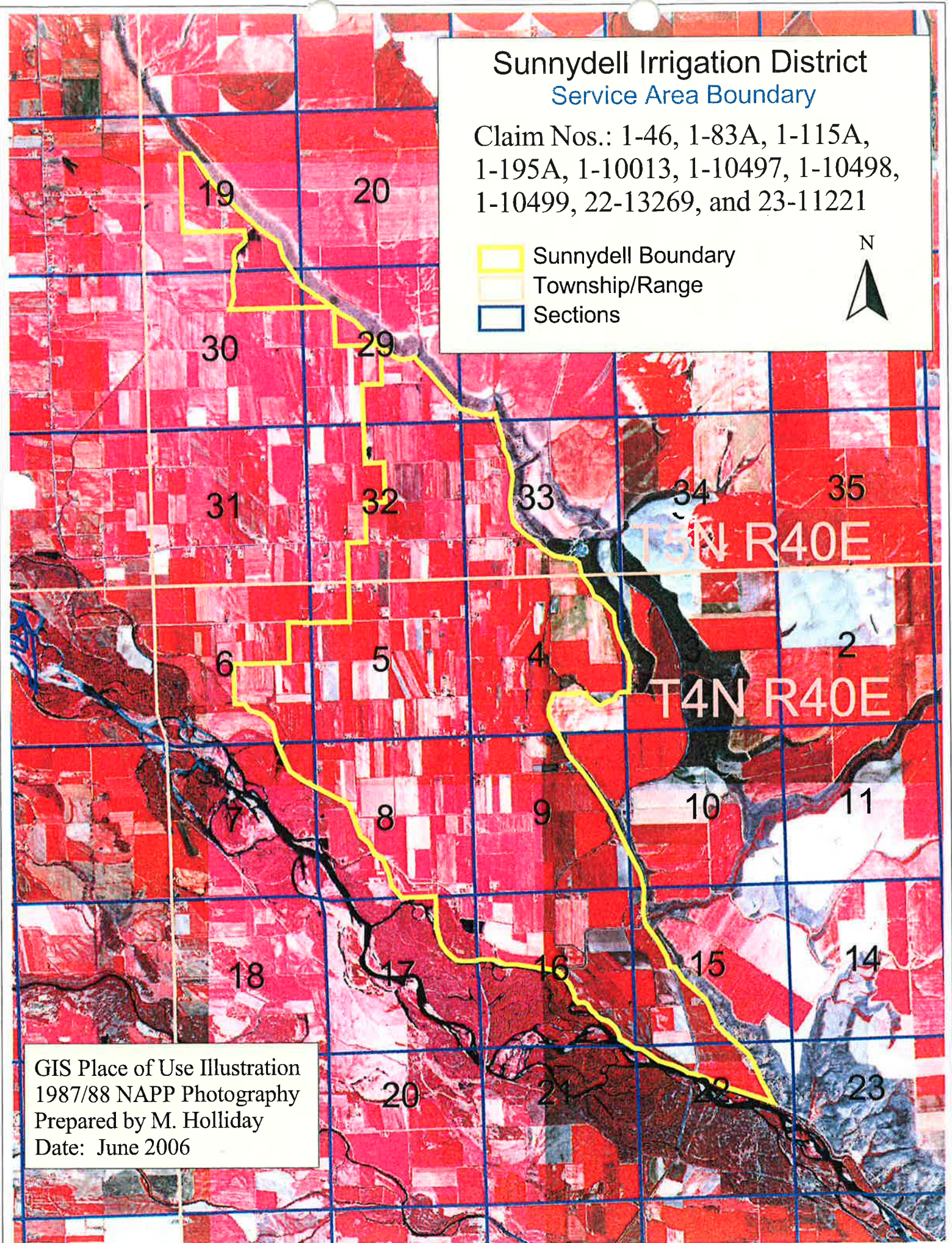
Enclosures

cc: Sunnydell Irrigation District
Michael Holliday

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



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

June 16, 2006

Gary R. Hill, President
Sunnydell Irrigation District
9298 S 600 E
Rexburg, ID 83440

RE: Subcase No 23-11221

Dear Mr. Hill:

As you are aware, the *Order of Partial Decree for Irrigation Delivery Entity Using Digital Boundary Description, I.C. §§ 42-202B(2), 42-219(2), 42-1411(2)(h)* was issued by the SRBA Court on February 4, 2005. This partial decree was based on the revised recommendation contained in the Standard Form 5 that the parties entered into and which was filed with the SRBA Court on November 5, 2004.

Water right no. 22-13269 is an overlapping water right with water right 23-11221, and will be reported to the SRBA in the Director's Report for Basin 22, Part 2. In order for the digital boundary to be accurate and reflect the elements of water right no. 22-12369, I am intending to notify the SRBA that a clerical error occurred in 23-11221, so that an accurate digital boundary, including water right 22-13269, can be filed for the Sunnydell Irrigation District's water rights.

If you should have any questions, please feel free to contact me at 287-4810.

Very Truly Yours,

A handwritten signature in black ink, reading "Candice M. McHugh", is positioned above the typed name.

Candice M. McHugh
Deputy Attorney General, IDWR

cc: Michael Holliday

Contacts Data Entry Form

Water Right No. 23-11221

Owner Type	Full Name	Address	City	State	Zip	Phone
Current Owner	SUNNYDEN IRRIG DIST.					
Name connector: and _____, or _____, and/or _____	% Stan Sutton, Sec'y (President)					
Current Owner						
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 PRRIG Co. VS TUSTON PRRIG 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 RES'D

Reviewer: _____

Date: _____

SCANNED

JUL 22 2004

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

Priority Date Data Entry Form

Claim Number: _____

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: 5/01/1884 Claimed Basis: DECREERecommended Priority Date: 5/01/1884 Recommended Basis: DECREE☐ Use Claimed Priority Date and Basis as Recommended Priority Date and Basis

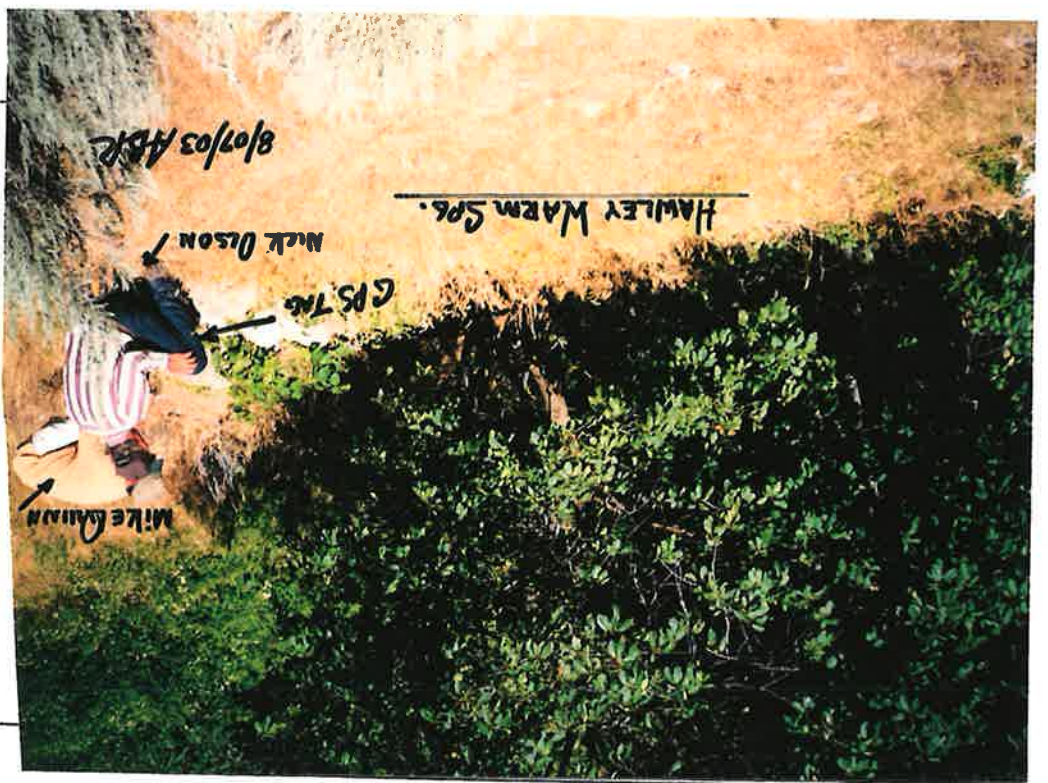
Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

MATCHES DECREE

Reviewer: _____

Date: _____

Hawley Warm Sp. Does NOT Directly to
 Sumpston Canal. Rather the effluent of the
 stream is TUB. to Sunk. River and is then
 taken into Sumpston system. POB where
 the stream intersects w/ River.





22-13269, 23-11221 SUNNYDEIL IRRIG DIST.



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

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source
4N	40E	23	11	NESES	JEFFERSON	UNNAMBO STREAM (ELKHORN SPR)
GPS Coordinates:						AOQ12410 8/07/03
GPS Coordinates:						

GPS Coordinates: _____

| 4N | 40E | 25 | 2 | SWSWNN | JEFFERSON UNNAMED STREAM
(HAWLEY Spg.)

GPS Coordinates: _____

| | | | | | GPS* A001240B

GPS Coordinates: _____

GPS Coordinates: _____

GPS Coordinates: _____

Other rights from this POD? GPS TAG # A0012409 @ REGULATOR DIVERSION ON RIVON

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

CLAIMS P003 / SOURCES AS: HAWLEY SPG. AND ECKHORN SPG,
BOTH IN THIS CLAIM. ECKHORN SPG IS IN B22; RENUMBERED
TO A B22th (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
AND AC.

Transfers Changing POD _____

Reviewer: _____

Date: _____

THIS TO:
Snake River

Snake River

CØ2
CØ3

Place Of Use Data Entry Form

Claim Number: _____

_____ Use Claimed POU as Recommended POU

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 _____

Document how the POU was verified:

POU NOT SHOWN ON CLAIM - SEE ATTACHED Quit Claim Deed
TO SUNNYDELL FOR (IRRIG) POU.

LARGE POU CANON CO. = G.T.S. SHOWS 3383' ACROSS

POU IS W/I MADISON COUNTY

Transfers Changing POU _____

Reviewer: _____

Date: _____

Period of Use and Quantity Data Entry Form

Claim Number: _____

☐ Use Claimed Period of Use and Quantity as Recommended Period of Use and Quantity**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
<i>Perreg</i>	<i>4/1</i>	<i>10/31</i>	<i>2.8</i>	

Overall Diversion Rate _____

Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
<i>Perreg</i>	<i>4/1</i>	<i>10/31</i>	<i>2.8</i>	

Overall Diversion Rate _____

Overall Diversion Volume _____

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

Reviewer: _____

Date: _____

5/03/04

To: Candice

From: ABIR

STIPULATION: 8095.

5/5/04 Candice and I are to leave
it!
About this - This won't get



FIN 11 23 - 1/22/1

LAW OFFICES

GROVER & BUTIKOFER, P.A.

BLAIR GROVER

215 FARNSWORTH WAY
P.O. BOX 36
RIGBY, IDAHO 83442-0036

PAUL BUTIKOFER

PHONE (208) 745 6653
FAX (208) 745-6655

April 30, 2004

Allen Ruberry
Idaho Department of Water Resources
900 N Skyline Dr., Suite A
Idaho Falls, ID 83402

Re: Water Rights of Hawley Springs and Elk Horn Springs

Dear Allen:

Enclosed is the corrected Stipulation for Resolution among the Claimants of the rights to Elk Horn Springs and Hawley Springs. There are duplicates for filing for each Claimant. It represents a final draft of copies left earlier this week with Ernie Carlson. Those copies can be discarded.

If there are questions, please call.

Sincerely,

GROVER & BUTIKOFER, P.A.



BLAIR GROVER

BG:jn
enclosures

Three

STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

STIPULATION FOR RESOLUTION OF CLAIMS

* Version 1
022

Page 1

1. The claims and water rights subject to this agreement are Elk Horn Springs and Hawley Springs. Watercress grows in the creek flowing from Elk Horn Springs and it later became popularly known as Cress Creek, but Elk Horn Springs and Cress Creek are one and the same. Said spring and creek flow into the Sunnydell Canal approximately one (1) mile below the Heise Bridge in Jefferson County, Idaho. Hawley Springs flows into the Snake River just above the Sunnydell diversion.

2. The parties recently had the flow of Elk Horn Springs (Cress Creek) and Hawley Springs measured by the Idaho Department of Water Resources (IDWR). The measurements showed a flow in Hawley Springs of 1.49 cfs and Elk Horn Springs (Cress Creek) of .262 cfs for a total flow of 2.11 cfs.¹ The flows could be affected by the existing drought and it is possible when the drought ends, there may be some increase in the flows. In any case, the claims of the parties as set forth herein, are substantially in excess of the current flow and in excess of any reasonably anticipated increase in the flows. Since at least 1959, Quinn has been diverting approximately .5 cfs for domestic water uses at the Heise Hot Springs Resort including domestic supply for seven (7) residents and/or commercial establishments; Bybee has been diverting approximately 1 cfs into the Sunnydell Canal as confirmed by Henry Eagle, watermaster; and, the Sunnydell is diverting the remainder of the flows. The parties acknowledge that actual pattern of use.

3. All of the parties recognize they could pursue their individual claims and recognize that among other things, the following issues exist:

- A. Showing appropriate chain of title transfers from the Rexburg decree through various Transferees to the Claimants Bybee and Sunnydell.
- ? B. Claims of adverse possession and/or adverse use by Quinn.
- yes C. Claims of total and/or partial forfeiture by one or more parties.
- D. Priority of domestic use over irrigation uses and issues valuing a water right or portion thereof.

¹The measurement was below the Quinn diversion, but at the time of the measurement (off season) Quinn was diverting .14 cfs or less. The calculations herein add .14 cfs to the measurement of 2.11 (totaling 2.25) to account for the Quinn use at the time of the measurement.

The parties also recognize and acknowledge the uncertainty and expense of contested hearings and/or litigation in the Snake River Basin Adjudication (SRBA). That becomes more significant where the water rights at issue are relatively small as reflected herein. In addition, the parties are friends and neighbors and would prefer to avoid the conflict and ill-will that often arises in litigation. Therefore, to avoid the uncertainty, expense and delay of litigating the various claims and issues identified herein, and perhaps others, the parties hereto agree to resolve their disputed claims to Elk Horn Springs (Cress Creek) and Hawley Springs as set forth hereafter.

I

DIVISION OF FLOW AT 2.25 CFS

The parties agree that when the flows are 2.25 cfs, as measured by the IDWR on or about the 1st day of April, 2004 (with the Quinn .14 added), said flow shall be divided:

- OK
- A. .81 cfs to Bybee.
 - B. .90 cfs to Sunnydell.
 - C. .54 cfs to Quinn.

That division reflects 36% of the combined flows to Bybee, 40% to Sunnydell and 24% to Quinn.

II

DIVISION WHEN FLOWS EXCEED 2.25 CFS

When the drought ends, if the combined flows exceed 2.25 cfs, the parties agree to divide the excess flow as follows:

- OK
- A. 36% to Bybee.
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 - C. 24% to Quinn.

Priority Issue

Provided, however, if one of the parties is unable to make an immediate beneficial use of the increase flow, said party agrees the other parties may temporarily use the increase in the flow until such time as said party is able to make a beneficial use. Said temporary use shall be without cost to said parties and shall not result in any permanent right. It is a permissive use as reflected and set forth herein.

III

DIVISION WHEN FLOWS ARE LESS THAN 2.25 CFS

In the event the flows of Elk Horn Springs (Cress Creek) and Hawley Springs are less than 2.25 cfs, the parties will share the combined flows as follows:

- A. 36% to Bybee.
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Provided, however, the parties may make temporary arrangements among themselves, for consideration agreed upon, to make a different temporary division of the flows.

IV

EQUAL PRIORITY

NO! The parties agree that the division of flows as set forth herein shall have an equal priority of May 1, 1884 as set forth in the Rexburg decree. Quinn is entitled to that priority because Sunnydell and Bybee are in effect relinquishing a portion of their claimed rights arising under the Rexburg decree to Quinn. *NO WAY CAN'T DO THIS*

V

MODIFICATION OF SRBA CLAIMS

NO! The parties hereto agree the SRBA claims filed by the respective parties to the waters of Hawley Springs and Elk Horn Springs (Cress Creek) should be amended and modified to reflect the terms of this agreement, and the SRBA should follow this agreement in recommending the decree from Elk Horn Springs (Cress Creek) and Hawley Springs..

VI

TRANSFER OF PALISADES WATER SHARES

whatever they want to do As and for additional consideration for execution of this agreement, Quinn agrees to transfer 33 shares of the stock he owns in Palisades Water Users, Inc., to the Sunnydell, and 33 shares to Bybee. *NOT SRBA Issues*

STIPULATION FOR RESOLUTION OF CLAIMS

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STIPULATION FOR RESOLUTION OF CLAIMS

VII

CONVEYANCE OF BYBEE WATER BY SUNNYDELL

OK
The Sunnydell agrees to continue to convey Bybee's share of water herein through its canal to his pump as it has in the past under agreeable terms and conditions.

VIII

SRBA FILING

The parties understand and agree that this document shall be filed with the SRBA. If it is necessary for certain terms or language to be modified and/or amended so that it can be more effectively and/or efficiently handled in the SRBA, the parties agree to such amendment or change provided the division of the cfs and/or the percentages reflected herein are not changed.

IX

INDEPENDENT EVALUATION

The parties agree they have made their own independent evaluation and determination of the merits of entering into this agreement and of the respective rights and claims they have. None are relying on promises, representations or inducements made by the other. In fact, all and/or their representatives, live near the springs and are now familiar with and have been familiar with the same for more than 50 years and are familiar with the actual diversion and uses for that same period of time.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals the day and year in the acknowledgments hereinafter set forth.

BYBEE:


**KYLE BYBEE, individually and for and in
behalf of WALTER L. BYBEE and
ZELLA S. BYBEE**

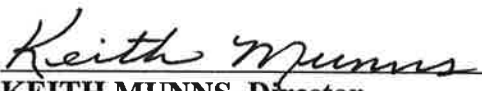
QUINN:


**MICHAEL QUINN, President
HEISE HOT SPRINGS, INC.**

SUNNYDELL:

SUNNYDELL IRRIGATION DISTRICT

By: 
GARY HILL, President/Director

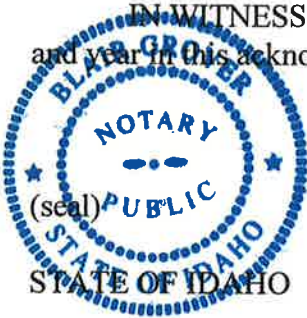

KEITH MUNNS, Director


LEON MORTENSON, Director

STATE OF IDAHO)
)ss
County of Jefferson)

On this 27th day of April, 2004, before me, the undersigned, a Notary Public in and for said state, personally appeared **KYLE BYBEE, individually and for and in behalf of WALTER L. BYBEE and ZELLA S. BYBEE**, whose name(s) is (are) subscribed to the foregoing, and acknowledged to me that he (she) (they) executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this acknowledgment first above written.



Blair Grover
Notary Public for Idaho
Residing at: Rigby, Idaho
Commission Expires: 10/24/2009

STATE OF IDAHO)
)ss
County of Jefferson)

On this 28th day of April, 2004, before me, the undersigned, a Notary Public in and for said state, personally appeared **GARY HILL, as President/Director, KEITH MUNNS, and LEON MORTENSON as Directors of the SUNNYDELL IRRIGATION DISTRICT**, known to me to be the person(s) whose name(s) is (are) subscribed to the foregoing, and acknowledged to me that he (she) (they) executed the same on behalf of **SUNNYDELL IRRIGATION DISTRICT**.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this acknowledgment first above written.



Blair Grover
Notary Public for Idaho
Residing at: Rigby, Idaho
Commission Expires: 10/24/2009

STATE OF IDAHO)
)ss
County of Jefferson)

On this 27th day of April, 2004, before me, the undersigned, a Notary Public in and for said state, personally appeared **MICHAEL QUINN, as President of HEISE HOT SPRINGS, INC.**, whose name(s) is (are) subscribed to the foregoing, and acknowledged to me that he (she) (they) executed the same as **President of HEISE HOT SPRINGS, INC.**

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this acknowledgment first above written.



Blair Grover
Notary Public for Idaho
Residing at: Rigby, Idaho
Commission Expires: 10/24/2009

BLAIR GROVER, ESQ.
GROVER & BUTIKOFER, P.A.
215 Farnsworth Way
P.O. Box 36
Rigby, Idaho 83442-0036
Telephone: (208) 745-6653
Telefax: (208) 745-6655
ISB #1494

*This Don't work
File in
23-11221*

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)	Civil Case No.: 39576
OF RIGHTS TO THE USE OF WATER)	
FROM THE SNAKE RIVER BASIN)	Subcase Nos. _____
WATER SYSTEM,)	
)	STIPULATION FOR RESOLUTION
)	OF CLAIMS
)	

WITNESSETH:

This agreement is made and entered into this 28th day of April, 2004 by and between **KYLE BYBEE (BYBEE)**, individually and for and in behalf of **WALTER L. BYBEE and ZELLA S. BYBEE**, with reference to Claim Nos. 23-11230 and 22-13266, and the **SUNNYDELL IRRIGATION DISTRICT (SUNNYDELL)** by and through its authorized representatives with reference to Claim No. 22-13269, and **HEISE HOT SPRINGS, INC., through MICHAEL QUINN, president, (QUINN)** with reference to the following claims:

Claim No. 23-2084B	
Claim No. 23-10015V1	Claim No. 23-10015V2
Claim No. 23-10016V2	Claim No. 23-10016V1
Claim No. 23-10017V2	Claim No. 23-10017V1
Claim No. 23-10018V2	Claim No. 23-10018V1
Claim No. 23-10019V2	Claim No. 23-10019V1
Claim No. 23-10021	Claim No. 23-10023
Claim No. 23-10024	Claim No. 23-10025
Claim No. 23.10026	Claim No. 23-10027

STIPULATION FOR RESOLUTION OF CLAIMS

1. The claims and water rights subject to this agreement are Elk Horn Springs and Hawley Springs. Watercress grows in the creek flowing from Elk Horn Springs and it later became popularly known as Cress Creek, but Elk Horn Springs and Cress Creek are one and the same. Said spring and creek flow into the Sunnydell Canal approximately one (1) mile below the Heise Bridge in Jefferson County, Idaho. Hawley Springs flows into the Snake River just above the Sunnydell diversion.

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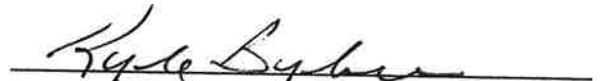
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IN WITNESS WHEREOF, the parties hereto have set their hands and seals the day and year in the acknowledgments hereinafter set forth.

BYBEE:


KYLE BYBEE, individually and for and in
behalf of **WALTER L. BYBEE** and
ZELLA S. BYBEE

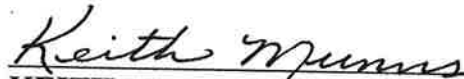
QUINN:


MICHAEL QUINN, President
HEISE HOT SPRINGS, INC.

SUNNYDELL:

SUNNYDELL IRRIGATION DISTRICT

By: 
GARY HILL, President/Director

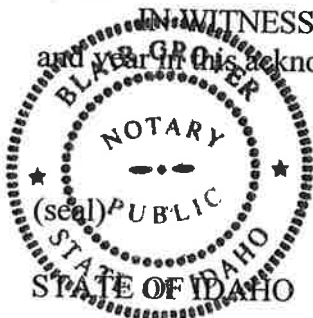

KEITH MUNNS, Director


LEON MORTENSON, Director

STATE OF IDAHO)
)ss
County of Jefferson)

On this 27th day of April, 2004, before me, the undersigned, a Notary Public in and for said state, personally appeared **KYLE BYBEE, individually and for and in behalf of WALTER L. BYBEE and ZELLA S. BYBEE**, whose name(s) is (are) subscribed to the foregoing, and acknowledged to me that he (she) (they) executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this acknowledgment first above written.



STATE OF IDAHO)
)ss
County of Jefferson)

Blair Grover
Notary Public for Idaho
Residing at: Rigby, Idaho
Commission Expires: 10/24/2009

On this 28th day of April, 2004, before me, the undersigned, a Notary Public in and for said state, personally appeared **GARY HILL, as President/Director, KEITH MUNNS, and LEON MORTENSON as Directors of the SUNNYDELL IRRIGATION DISTRICT**, known to me to be the person(s) whose name(s) is (are) subscribed to the foregoing, and acknowledged to me that he (she) (they) executed the same on behalf of **SUNNYDELL IRRIGATION DISTRICT**.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this acknowledgment first above written.



STATE OF IDAHO)
)ss
County of Jefferson)

Blair Grover
Notary Public for Idaho
Residing at: Rigby, Idaho
Commission Expires: 10/24/2009

On this 22nd day of April, 2004, before me, the undersigned, a Notary Public in and for said state, personally appeared **MICHAEL QUINN, as President of HEISE HOT SPRINGS, INC.**, whose name(s) is (are) subscribed to the foregoing, and acknowledged to me that he (she) (they) executed the same as **President of HEISE HOT SPRINGS, INC.**

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this acknowledgment first above written.



Page 6
STIPULATION FOR RESOLUTION OF CLAIMS

Blair Grover
Notary Public for Idaho
Residing at: Rigby, Idaho
Commission Expires: 10/24/2009

01/28/2004

**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: 23-11221
SUNNYDELL IRRIGATION DIST
C/O STANLEY SUTTON SEC
578 E 7000 S
REXBURG ID 83440
Telephone Number: (208)356-3562

RECEIVED

MAR 12 2004

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:

3-3-04

SIGNATURE:

Stanley Sutton (pms)

Please print your name:

Stanley Sutton

IDWR Regional Office,

ORIGINAL CLAIM
SENT TO COURT

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 23-11221
Date Received: 4/16/2002
Receipt No: 6027658
Received By: 4-19-02 \$100⁰⁰

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

SUNNYDELL IRRIGATION DISTRICT Phone: (208) 356-3562

C/O STANLEY SUTTON SEC *Pass.*
578 E 7000 S
REXBURG ID 83440

2. Date of Priority: 05/01/1884

3. Source: HAWLEY WARM SPRING , ELKHORN WARM SPRING Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
04N	40E	25	SW SW NW Lot 2	JEFFERSON	
04N	40E	25	SW SW NW	JEFFERSON	I
04N	40E	25	SW SW NW	JEFFERSON	R
04N	40E	23	NE SE SW Lot 11	JEFFERSON	

5. Description of diverting works:

Heading for 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:

A2311221



9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
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CANAL: Lango Pelt

11. Place of use in counties:

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

13. Other Water Rights Used:

14. Remarks:

This right was decreed in the Rexburg Decree to John D Kruger from Elkhorn Spring and 2/5 of Hawley Spring up to 140 inches. The right was previously numbered 22-368.

Place of use is the service area for the Sunnydell Canal.

*SRBA
Laim.*

15. Basis of Claim:

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 President of

Sunnyvale Inn Dist. Title
Organization, that I have signed the foregoing

document in the space below as pres. of

Sunnyvale Inn Dist. Title
Organization and that the statements contained in the
foregoing document are true and correct.

Stanley Sutton
Signature of Authorized Agent

pres - Sunnyvale Inn Dist.
Title and Organization

4-16-02
Date

State of Idaho)
County of Bonneville) SS.

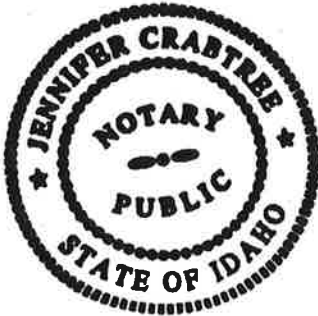
Subscribed and sworn (or affirmed) before me this 16th
of April 2002

Jennifer Crabtree

Notary Public

Residing at Idaho Falls, ID

My commission Expires 9/23/03



QUITCLAIM DEED

THIS INDENTURE, Made this 27th day of May
in the year of our Lord one thousand nine hundred and sixty-five, between

W. D. COOK and LULU MAY COOK, his wife,
of County of Madison,
State of Idaho, the parties of the first part, and

SUNNYDELL IRRIGATION DISTRICT, a quasi-municipal corporation,
of County of Madison,
State of Idaho, the party of the second part.

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of One Dollar and Other Valuable Consideration-----DOLLARS, lawful money of the United States of America, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, do by these presents remise, release and forever QUITCLAIM, unto the said party of the second part, and to its heirs and assigns, all that certain lot, piece or parcel of land, situate, lying and being in County of Madison, State of Idaho, bounded and particularly described as follows, to-wit:

Two and eight-tenths (2.8) cubic feet per second
of water with priority filed as of May 1, 1884, on
Hawley and Elk Horn springs. 23-11221

Thirty-two (32) inches of the waters from Burns
Creek with the priority date of July 1, 1882, which
was filed on by Charles Wheaton. 01-10013

Twenty-eight and three-fourths (28-3/4) miners 0.575
inches of the waters of Snake River of June 1, 1885,
priority decreed to West Labelle Irrigating Co. by
decree of December 16, 1910, in the case of Rexburg
Irrigation Co. vs. Teton Irrigation Canal Co. et al, DECADE 128
in the District Court of the 6th Judicial District
of the State of Idaho in and for the County of
Fremont. This represents twenty-eight and three-
fourths (28-3/4) miners inches of water whose point
of diversion was changed from West Labelle Canal
to White Ditch on January 25, 1925, by order of
the West Labelle Irrigating Co., and which was
conveyed by said Company to Abram Ward by Quitclaim
Deed dated April 8, 1943. 01-195H

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APR 18 2002
Department of Water Resources
Eastern Region