

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed



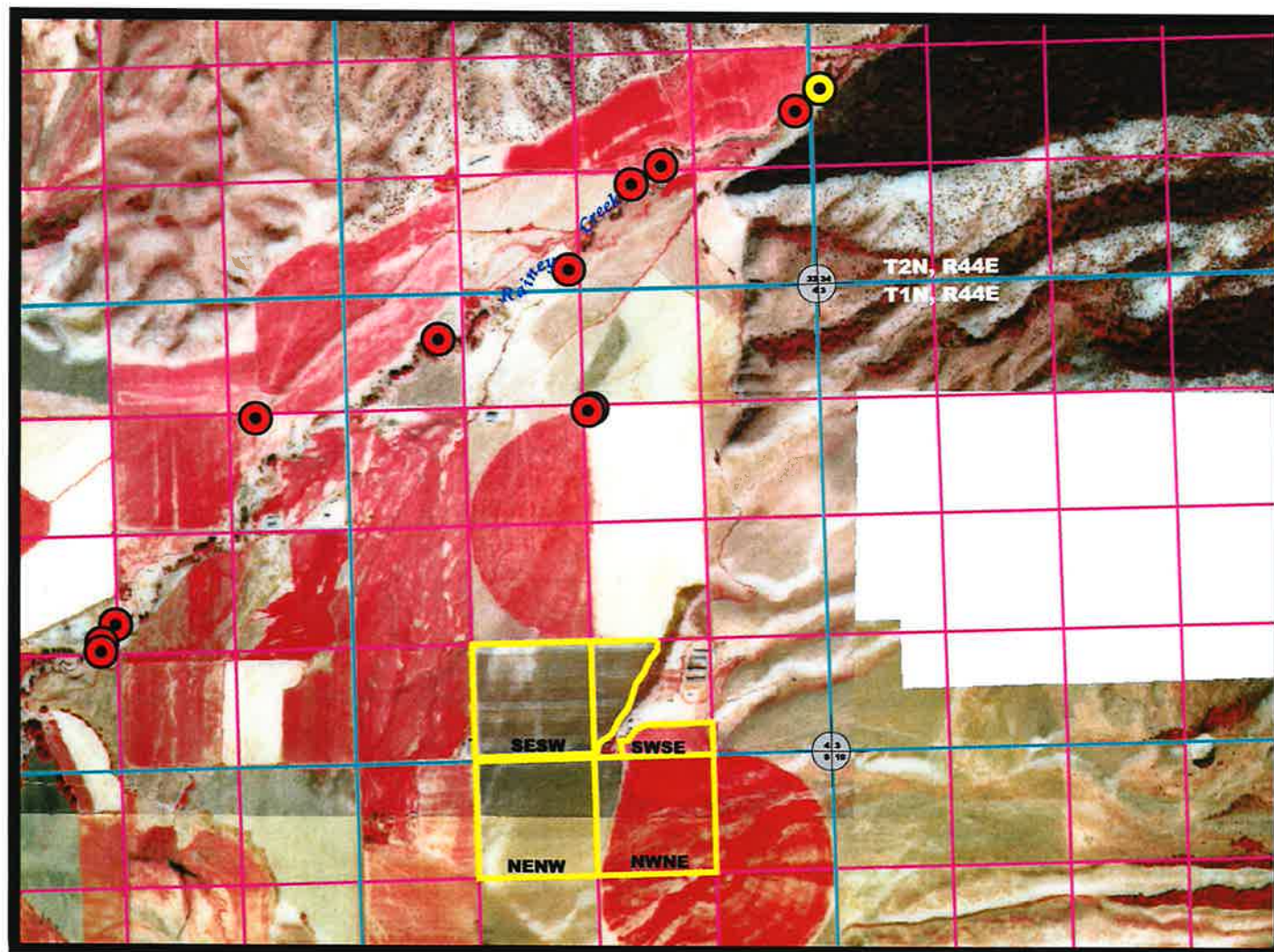
JUL 06 2004

SCANNED

State of Idaho

Department of Water Resources

Eastern Region



Water Right(s):

23-00045,
23-00091

Place of Use: (parts of)

T1N, R44E

Sec. 4 SESW, SWSE,

Sec. 9 NENW, NWNE

Point(s) of Diversion:

T1N, R43E

Sec. 1 NWNWSW



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 2004

750 0 750 1500 2250 3000 3750 4500 5250 6000 6750 7500 8250 9000 9750 10500 11250 Feet

Contacts Data Entry Form

Water Right No. 23-00045

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

Current Owner	IVAN WEEKS					
---------------	------------	--	--	--	--	--

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

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:

DECREED UNDER ROLBURG TRACT VS TETON TRACT, 1910,
AS #76, TO J. MCGIBBON, SEPT. 1, 1889, RAINIER CK. @ 160' MCHUS

Reviewer: _____

Date: _____

SCANNED
JUL 06 2004

Priority Date Data Entry Form

Claim Number: _____

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: 9/01/1889 Claimed Basis: DecreeRecommended Priority Date: 9/1/1889 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:

matchs Decree

Reviewer: _____

Date: _____

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
2N	44E	34		NWNWSW	Bonin	Kramer Ck
						Sun G. Riv. So F.

GPS Coordinates: _____

GPS Coordinates: _____

GPS Coordinates: _____

A horizontal line with 7 vertical tick marks, creating 6 equal intervals. No numbers are written on the line.

GPS Coordinates: _____

GPS Coordinates: _____

GPS Coordinates: _____

GPS Coordinates: _____

Other rights from this POD? _____

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

Transfers Changing POD _____

Reviewer: _____

Date: _____

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:

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
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

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: _____

Log for claim 23-00045

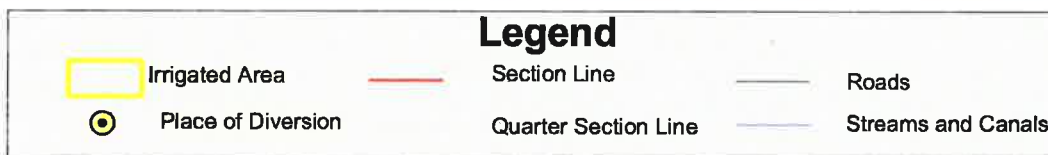
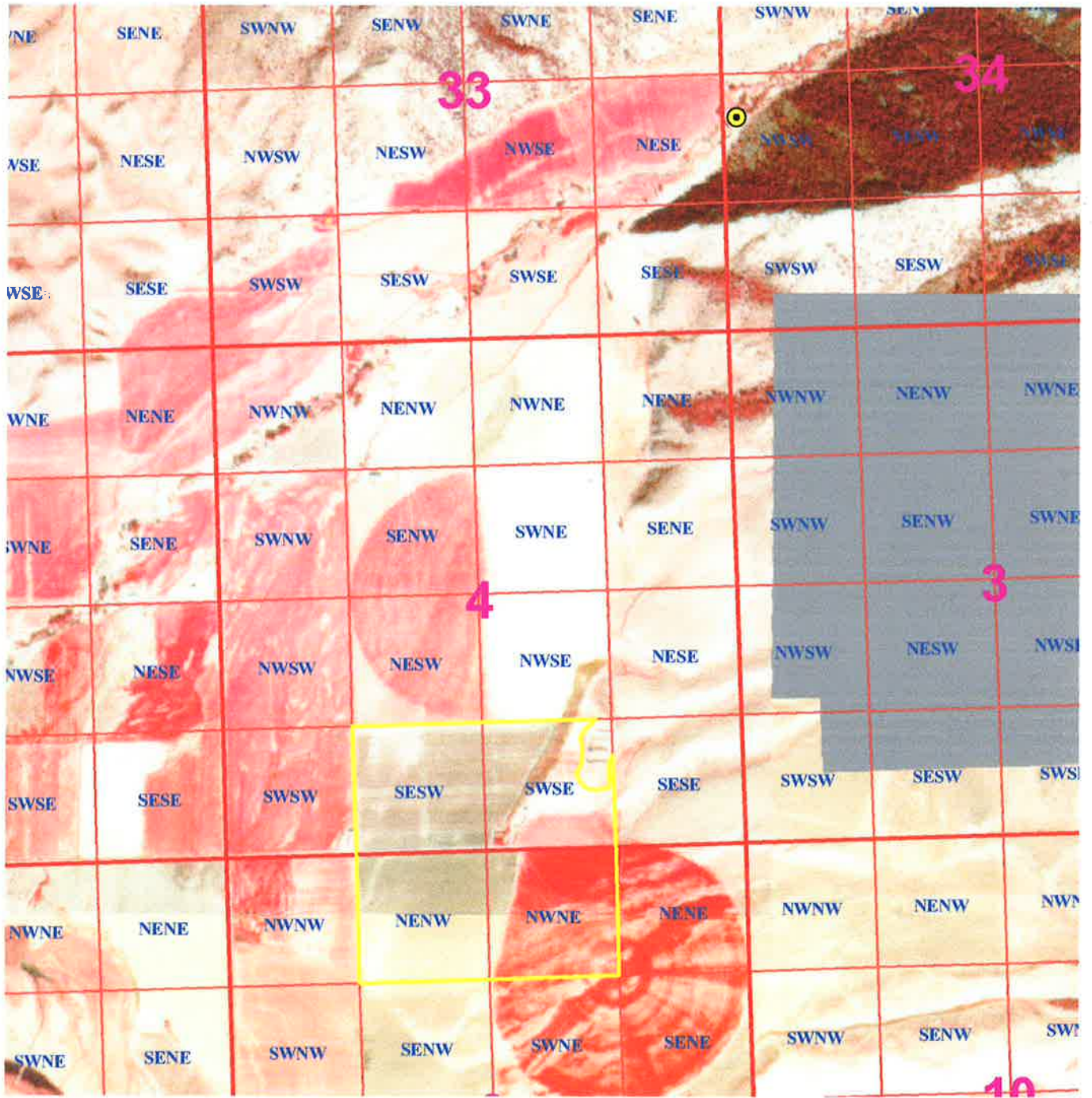
Spatial Dynamics CAT

2/20/01

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
01n44e	4	SESW	40	40	
01n44e	4	SWSE	28	36	Indiscernible
01n44e	9	NWNE	40	40	
01n44e	9	NENW	40	40	
Totals:			148	156	

Water Right Claim Number 23-00045
Township , 1N44E

02/20/2001



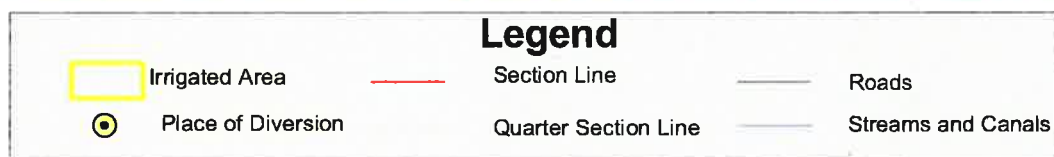
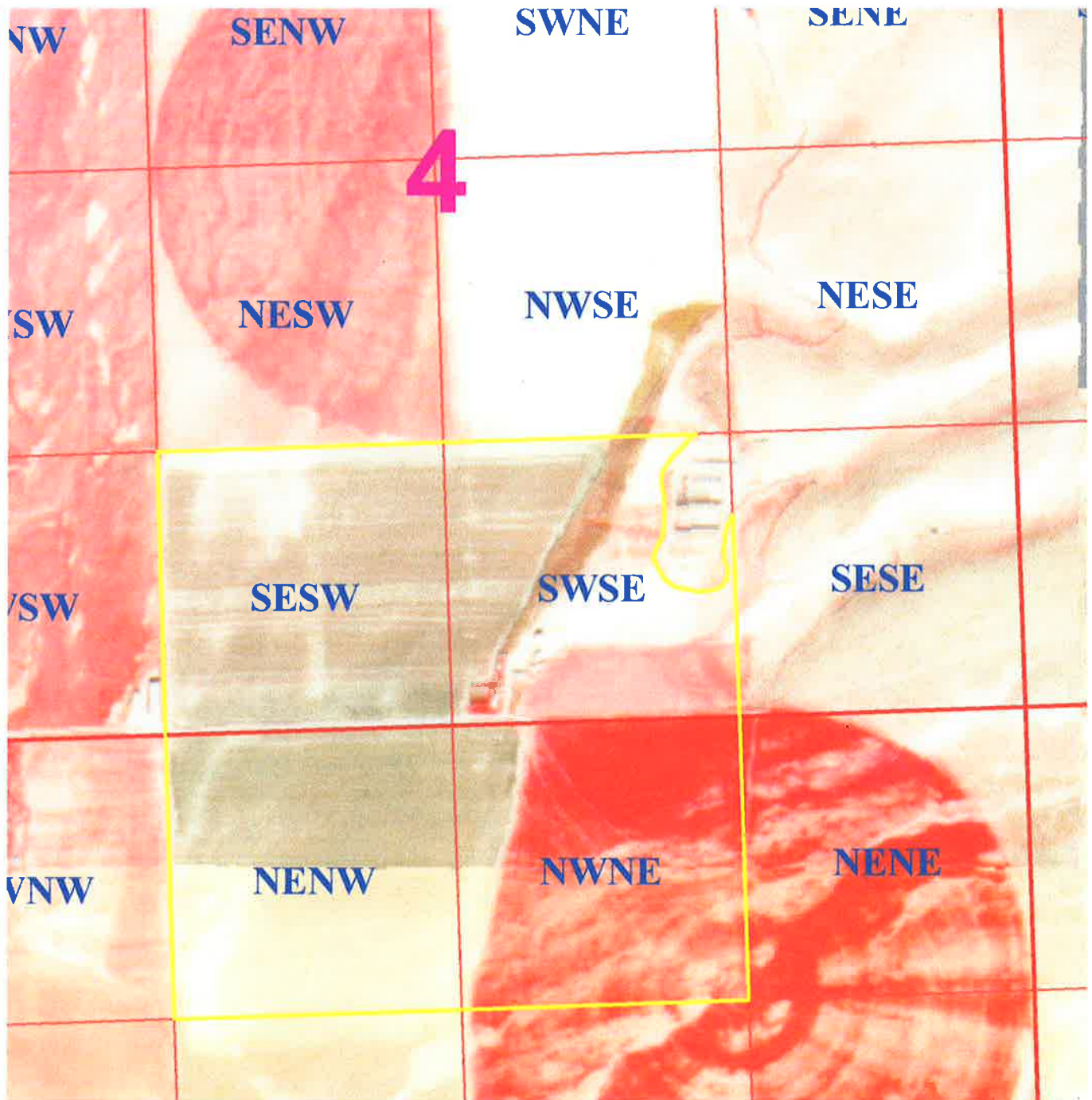
2000 0 2000 4000 Feet



SPATIAL
DYNAMICS

Water Right Claim Number 23-00045
Township, 1N44E

02/20/2001



RECEIVED

APR 29 2004

01/13/2004

NOTICE OF ERROR
REPLY

Department of Water Resources
Eastern Region

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: 23-45

IVAN WEEKS

SWAN VALLEY ID 83449

Telephone Number: (208) 483-3361

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: 4-1-2004

SIGNATURE: Ivan R. Weeks by Renell Weeks POA

Please print your name: Ivan R. Weeks Renell Weeks

IDWR Regional Office,

TRANSFER NO.	NAME	AMOUNT C.F.S.	BALANCE C.F.S.	RIGHT NO.
	McGibbon, John	3.2		23-0045
439	Hopkins, C.G.	3.2		23-0045

T
 R
 A
 N
 S
 F
 E
 R

STATE OF IDAHO,

County of Bonneville } ss.

C. B. Van Horn and H. J. Beaman

being first duly sworn, each for himself, and not one for the other, deposes and says: That he is a citizen of the United States and of the State of Idaho, residing at Shwan Valley, that he is a user of water from Rainey Creek, in Water District No. 36, County of Bonneville, State of Idaho; that he has read or heard read the foregoing affidavit and petition of C. B. Hopkins and is familiar with its allegations and with the water right and lands therein mentioned and described and is not in any way interested in either, nor in any way related to said petitioner; that the statements and allegations therein made are true of his own knowledge; and that no one will be injured by the granting of the certificate authorizing the transfer therein petitioned.

C. B. Van Horn
H. J. Beaman

Subscribed and sworn to before me this 24 day of the May

A. D. 1927

Wm. C. Lathrop
Notary Public

STATE OF IDAHO,

County of Bonneville } ss.

I, Wm. Burton, Watermaster of Rainey Creek, Water District No. 36, County of Bonneville, State of Idaho, whose postoffice address is Shwan Valley, have read or heard read the foregoing affidavit and petition of C. B. Hopkins, and, of my own knowledge, believe the same to be true as to all matters therein alleged, and that no one will be injured by the transfer prayed to be authorized; and I hereby endorse my approval of said petition, and request that the Commissioner of Reclamation issue the certificate of transfer as petitioned; ~~or (do not approve of the issuance of the certificate of transfer prayed for) for the following reasons:~~

William Burton

Watermaster Dist. No. _____

Dated at Idaho Falls, Idaho, this 24 day of the May, 1927

35 N. R. 43 E B.M. 36

33 34
Tp 2 N. Range 44 E. B. M.

Township Line

H H
H H

SEC.

SEC.

SEC.

SEC.

Tp. 1 N. Range 44 E. B. M.

SEC.

Tp. 1 N R 43 E B.M.

H. Hopkins Land

W. Weeks Land

1. Hopkins new headgate

2. Hopkins old headgate from which the water described in this application is now diverted in from Rainey Creek.

3. Point of diversion of Weeks water which is proposed to transfer to Hopkins changing point of diversion to SEC gate No. 1 as appears by the Samuel J. Weeks

application filed herewith and to be considered with this application.

Point #2 is the existing point of diversion for the Hopkins right described in this application which 7 it is proposed to transfer to Weeks, changing the point of diversion to point No. 3.

Note: The Hopkins right is older in priority date than the Weeks right, and is available for use through longer periods during the irrigation seasons; but the Hopkins land is so situated that the Weeks late right will do him as much good as his own earlier right; on the other hand the Weeks land needs the earlier priority to be farmed successfully.

R. 43 E
R 44 E

Township and Range Line

6
Hopkins Ditch
Rainey Creek

5

SEC.

Rainey Creek

4

Weeks Ditch

W W
W SEC W

SEC.

9

Application For Transfer of Water Right

STATE OF IDAHO,

County of Bonner

} ss.

C. S. Hopkins

, being first duly sworn, deposes and says:

That his name is C. S. Hopkins; that he is of lawful age, a citizen of the United States and of the State of Idaho, and that his postoffice address is Swan Valley, Idaho

That he is the owner and using a certain water right, bearing date of priority of Sept 1st 1889 for 3 1/2 cubic feet per second of the waters of Raring Creek County of Bonner, State of Idaho, decreed to John M. Bibbon by decree of Judge, J. M. Stephens of the First Judicial District of the State of Idaho, in and for the County of Fremont, in the case of Rising In Co. et al vs. Teton L. Canal Co. et al, said decree bearing date of Dec. 16th 1910 (or obtained by virtue of License No. _____, issued by the State Engineer of the State of Idaho, dated _____, 19____, bearing date of priority of _____, 19____)

for the purpose of irrigating the following described lands situate, lying and being in Water District No. 36 in the County of Bonner and State of Idaho, to-wit:

SE 1/4 Sec. 35, SW 1/4 Sec. 36, Tp. 2N. R. 43 E. B. M.; NW 1/4 Sec. 1, NE 1/4 Sec. 2 Tp. 1 N. R. 43 E. B. M.

_____ and is the person (or representative of the corporation) to whom such right so issued, or has become the owner thereof in the following manner, i. e. by purchase from M. Bibbon

as per abstract of title of said water right hereto attached and made a part of this statement:

That said waters are now diverted from said stream in the NW 1/4 of SW 1/4 (near NE corner) of Section 8, Township 1 N, Range 44; B. M., and conducted to the above described lands through canal

as per map herewith and of this affidavit made a part;

That affiant and petitioner desires to abandon the use of 3 1/2 cubic feet per second of said water upon the above described land, and to convey and use same upon the following tract,

situate, lying and being in the County of Bonner and State of Idaho, to-wit:

SE 1/4 SW 1/4, SW 1/4 SE 1/4, Sec. 4, NE 1/4 NW 1/4, NW 1/4 NE 1/4 Sec. 9
Tp. 1 N. R. 44 B. M. owned by Samuel J. Weeks

That his reasons for desiring to make such transfer are as follows:

Applicant's land now subirrigates lots in the above
and the only right of weeks which applicant proposes
to take in exchange will be sufficient

C. S. Hopkins - G.T. 439

That he intends to divert and convey said 3 1/2 second feet of water to the tract of land last above described in the following manner, to-wit: into the Weeks ditch in a ditch on the east bank of Rainey Creek with point of diversion near the SE corner of the SW 1/4 of the NW 1/4 Sec. 34 Tp. 2 N. R. 44 E. 3 Bm.

as set forth upon the map herewith; and that no one will be injured by such transfer.

WHEREFOR, Affiant and Petitioner prays that the Commissioner of Reclamation of the State of Idaho issue to him the proper certificate authorizing such transfer, in accordance with the provisions of Section 5582 of the Idaho Compiled Statutes.

C. G. Hopkins

Applicant

Subscribed and sworn to before me this 14 day of December, 1924

A. D. 1924

APPLICANT WILL ANSWER THE FOLLOWING QUESTIONS:

From what stream is the water diverted? Rainey Creek

Where is the diversion point located? SW 1/4 Cor. of NW 1/4 of NW 1/4 Sec 34 - 7 N. 44 E.

Through what ditch is it now conducted? Hopkins ditch with pt. of diversion near NE Cor. of NW 1/4 of NW 1/4 Sec. 8 Tp. 1 N. R. 44 E. Bm. 160

How much land is now irrigated by the water sought to be transferred? 160

Give the description: SW 1/4, NW 1/4, SE 1/4, SW 1/4 Sec 8 Tp. 1 N. R. 44 E. NW 1/4, SE 1/4, SW 1/4, NE 1/4 Sec 35, NW 1/4, SE 1/4, SW 1/4 Sec 36 Tp. 2 N. R. 43; NW 1/4, NE 1/4 Sec 1, NE 1/4, SE 1/4 Sec 2 Tp. 1 N. R. 43 E. Bm.

What is the total amount of water in inches, or second feet, dedicated to said land? 160

What kind of crops are being raised? Apples principally

How much water per acre is now required to irrigate said land? 160 "

What will be the effect on the land now irrigated, if the use of water on it is discontinued?

As not prepare to discontinue will give up the earlier priority & take a lot more for same -

Give location of new point of diversion, if change is to be made. Same place - see above 1/4 of page

Through what ditch will it be conducted after transfer? Weeks ditch above -

How much water will be required per acre to irrigate the land to which this water is transferred?

near the 1 inch to acre -

Do you claim any other water right for the land from which you seek to abandon the use of this water?

If so, give amount, date and source no but weeks will transfer to me

Is there now any other water right for the land to which you seek to make this transfer? If so, give amount, date and source yes 160 " date 1897 - Rainey Creek -

Signed

C. G. Hopkins

Applicant

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
CERTIFICATE OF WATER RIGHT
Transferred Right No. 440

THIS is to certify that James D. Little, of Howe, County of Butte, State of Idaho, has rights to the use of the waters of Little Lost River and Sawmill Creek, for irrigation and domestic purposes, and that said rights have been confirmed by decree of the District Court of the Sixth Judicial District of the State of Idaho, in and for the County of Butte, in the case of Blaine County Investment Company, plaintiff, vs. Robert G. Mays, et al, defendants, Ralph W. Adair, District Judge, wherein water rights were awarded as follows:

From Little Lost River, 0.08 second feet,
priority, April 1, 1889;
From Little Lost River, 0.34 second feet,
priority, June 1, 1891;
From Sawmill Creek, 0.18 second feet,
priority, May 25, 1891;

That the waters above described were decreed to the following described lands, to-wit:

Lot 1, Section 5, Township 5 North, Range 29 East, Boise Meridian;

That said decree has been entered in the records of the Department of Reclamation of the State of Idaho at Boise, in Book 5 of Decrees, pages 86 to 102.

That, upon the application of James D. Little for a transfer of water right, made before the Commissioner of Reclamation of Idaho, and the said application having been granted, the right to the use of 0.6 second feet of the waters of Little Lost River and Sawmill Creek upon the land above described is hereby abandoned and the lands to be irrigated under such rights and to which the water rights hereby confirmed shall by this certificate become appurtenant, for irrigation and domestic purposes, are described as follows, said water being limited at any given time to an amount actually needed and beneficially used for such purposes and shall not exceed the following amounts with the following dates of priority, to-wit:

0.08	second feet,	dated	April 1, 1889;
0.34	"	"	" June 1, 1891;
0.18	"	"	" May 25, 1891;

Southeast quarter (SE $\frac{1}{4}$) Section 10, and Southwest quarter (SW $\frac{1}{4}$)
Section 11, Township 5 North, Range 29 East, Boise Meridian.

23-0045

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
CERTIFICATE OF WATER RIGHT
Transferred Right No. 439

OK

THIS is to certify that C. G. Hopkins, of Irwin, County of Bonneville, State of Idaho, has a right to the use of the waters of Rainey Creek, for irrigation and domestic purposes, and that said right has been confirmed by decree of the District Court of the Sixth Judicial District of the State of Idaho, in and for the County of Fremont, in the case of Rexburg Irrigation Co., et al., plaintiffs, vs. Teton Irrigation Canal Co., et al., defendants, J. M. Stevens, District Judge, wherein 3.2 second feet of the waters of Rainey Creek, in Water District No. 36, were dedicated to Lot 4 (NW $\frac{1}{4}$ NW $\frac{1}{4}$) Sec. 1; Lot 1 (NE $\frac{1}{4}$ NE $\frac{1}{4}$) Sec. 2, Twp. 1 N., R. 43 E., B. M.; SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 36 and SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 35, Twp. 2 N., R. 43 E., B. M., said right bearing date of priority of September 1, 1889; that said decree has been entered in the records of the Department of Reclamation of the State of Idaho, at Boise, in Book 3 of Decrees, at page 450;

That, upon the application of C. G. Hopkins for a transfer of water right, made before the Commissioner of Reclamation of the State of Idaho, and the said application having been granted, the right to the use of 3.2 second feet of the waters of Rainey Creek upon the lands above described is hereby abandoned and a description of the lands to be irrigated under such right and to which the water right hereby confirmed shall by this certificate become appurtenant, for irrigation and domestic purposes, is given below, said water to be limited at any given time to an amount actually needed and beneficially used for such purposes and shall not exceed the following amount, to-wit:

3.2 second feet, dated September 1, 1889

SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 4; NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 9, Twp. 1 N., R. 44 E., B. M.

That the water right to be transferred has heretofore been diverted at a point in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 8, Twp. 1 N., R. 44 E., B. M., and carried through the Hopkins ditch, but will hereafter, by virtue of this certificate, be diverted at a point in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 34, Twp. 2 N., R. 44 E., B. M., and carried through the Weeks ditch.

That the right to the use of the water aforesaid, hereby confirmed, is restricted to the lands or place of use last above described, as provided by the laws of the State of Idaho.

WITNESS, The seal and signature of the Commissioner of Reclamation of the State of Idaho, affixed at Boise, this 5th day of March, 1929.

(SEAL)

GEO. N. CARTER
Commissioner of Reclamation

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: A23-00045
Date Received: 8/16/1989
Receipt No: 6009979
Received By: ESL

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: IVAN WEEKS 208-483-3361
Address: SWAN VALLEY, ID 83449
OR
Name: WEEKS BROTHERS 208-483-3361
Address: C/O STEVE WEEKS
P.O. BOX 96
SWAN VALLEY, ID 83449



2. Date of Priority: SEP 01, 1889

3. Source: RAINEY CREEK, UPPER Trib. to: SNAKE RIVER, SOUTH

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
02N	44E	34	NW	NW	SW		BONNEVILLE

5. Description of diverting works:

HEADGATE IN STREAM TO DITCH. REDIVERSTION INTO PIPELINE, SPRINKLER

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	3.200		

7. Total Quantity Appropriated is:

3.200 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 370.0 Acre Feet Per Annum.

9. Non-irrigation uses:

NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01N	44E	4	SE	SW		IRR	40.0
			SW	SE		IRR	28.0
Section Acres							68.0
		9	NW	NE		IRR	40.0
			NE	NW		IRR	40.0
Section Acres							80.0
Total Acres							148.0

11. Place of use in counties: BONNEVILLE

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

13. Other Water Rights Used:
23-00091, 07000

14. Remarks:
AS PER TRANSFER 439
WEEKS BROTHERS ARE FARMING THIS LAND UNDER LEASE AGREEMENT WITH
IVAN WEEKS, PROPERTY OWNER.

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date: 12/16/1910

REXBURG IRRIG. CO. ET AL
Decree Plaintiff

vs

TETON IRRIG. CANAL CO. ET AL
Decree 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: 2

For Organizations:

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

Steve Weeks
Signature of Authorized Agent

President Weeks Brothers
Title and Organization

8-25-89
Date

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 25 day
of August 19 89

[Signature]
Notary Public

Seal

Residing at _____
My Commission Expires _____

RESIDING AT IDAHO FALLS, IDAHO
MY COMMISSION EXPIRES 8-22-1994

A3S-00045

T2N

T1N

R44E

54

6

5

DITCH

INFERS
GRAVITY
PIPE

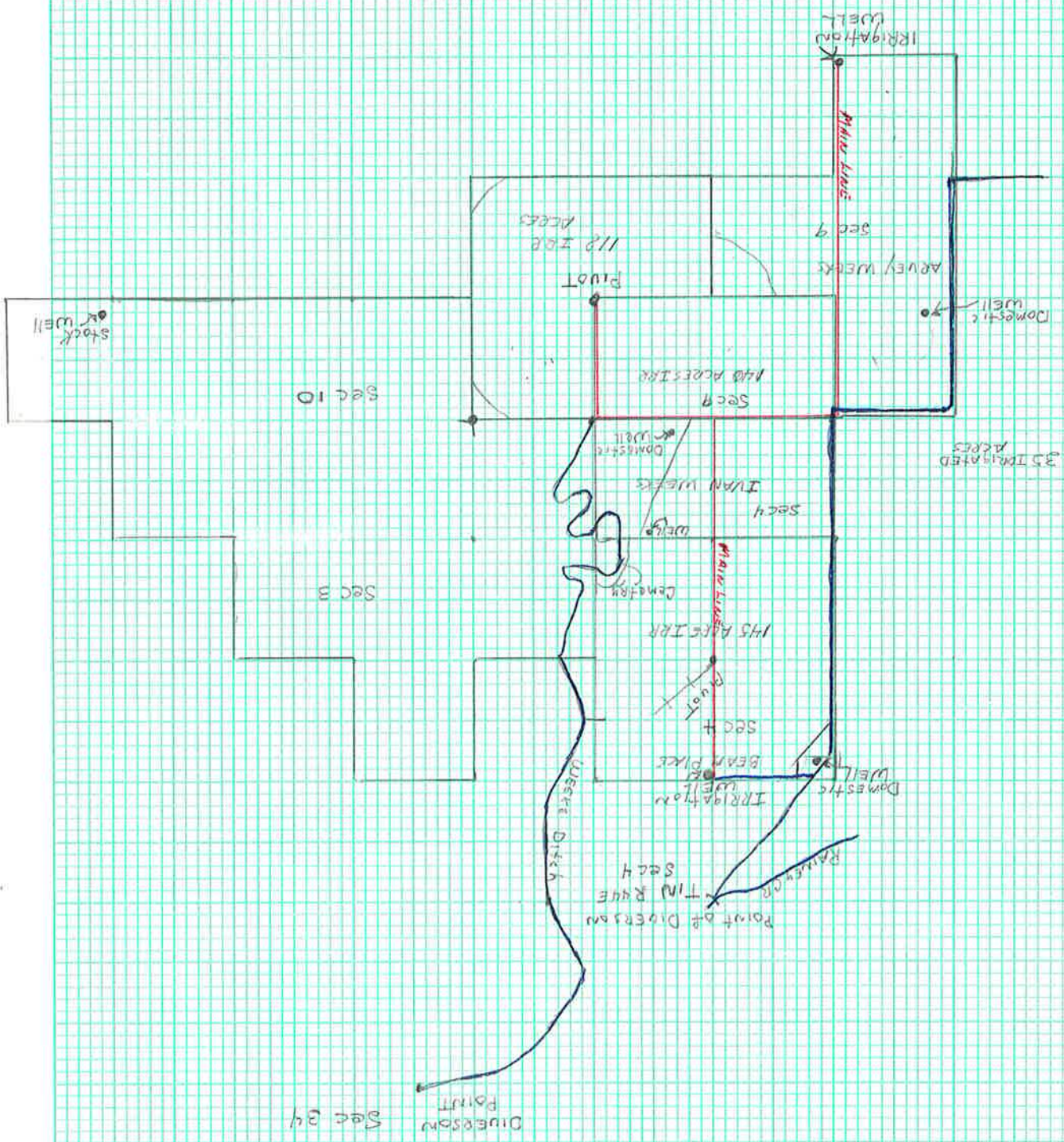
MICROFILM
DIV 0 7 1997

R
4

R
4

Sec 14
NOV 27 1992
Stockwell
MICROFILMED

563 total acres



R 44E N