

04/02/2004

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

RIGHT NUMBER: 23-47D

NAME AND ADDRESS: STEPHEN J MC GRATH
PO BOX 50731
IDAHO FALLS ID 83405-0731

SOURCE: RAINEY CREEK TRIBUTARY: SOUTH FORK SNAKE RIVER

QUANTITY: 0.320 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 0.90 CFS. COMBINED RIGHT NOS.:
23-00019D, 23-00020B, 23-00047D.

PRIORITY DATE: 05/15/1896

POINT OF DIVERSION:
T01N R44E S8 NESWNW Within BONNEVILLE County
TWO POINTS OF DIVERSION LOCATED IN T1N, R44E, S8, NESWNW.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	0.320 CFS

PLACE OF USE: IRRIGATION Within BONNEVILLE County

T01N R44E S08	SWNW 30.0	T01N R44E S08	SENW 15.0
---------------	-----------	---------------	-----------

45 ACRES TOTAL

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 45.0 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 23-00019D, 23-00020B,
23-00047D, 23-00093B.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 16.5 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON, BY
TRANSFER #4851.

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
SEE TRANSFER #4851.

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINTS OF
DIVERSION DESCRIBED ABOVE: 23-00019D, 23-0020B, 23-00047D,
23-00093B.



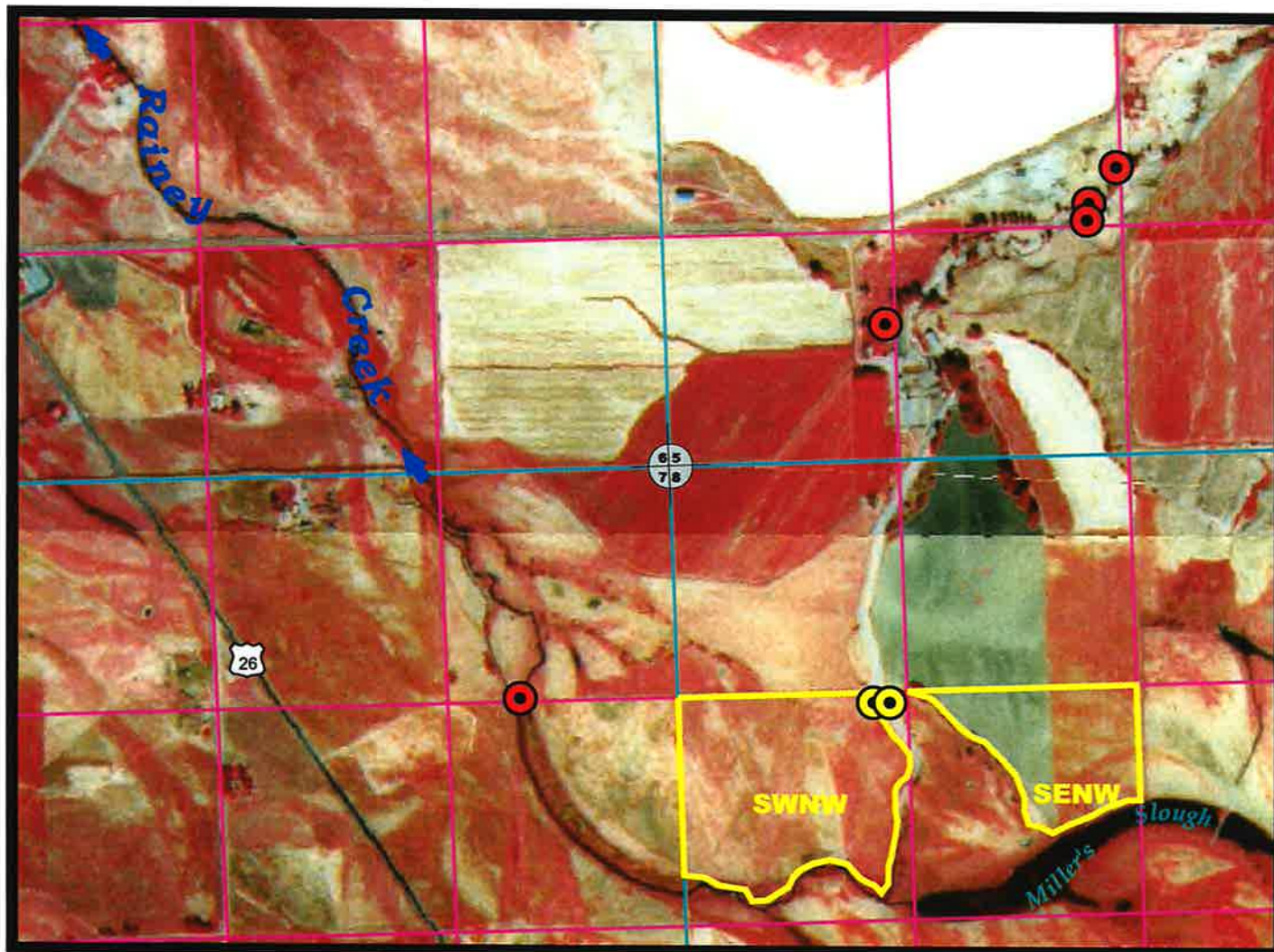
JUL 07 2004

SCANNED

State of Idaho

Department of Water Resources

Eastern Region



400 0 400 800 1200 1600 2000 2400 2800 3200 3600 4000 4400 4800 5200 5600 6000 Feet

Water Right(s):

23-00019D,
23-00020B,
23-00047D,
23-00093B

Place of Use: (parts of)
T1N, R44E Sec. 8
SWNW, SENW

Point(s) of Diversion: T1N, R44E
Sec. 8 NESWNW (2 pts.)



LEGEND

Point of Diversion

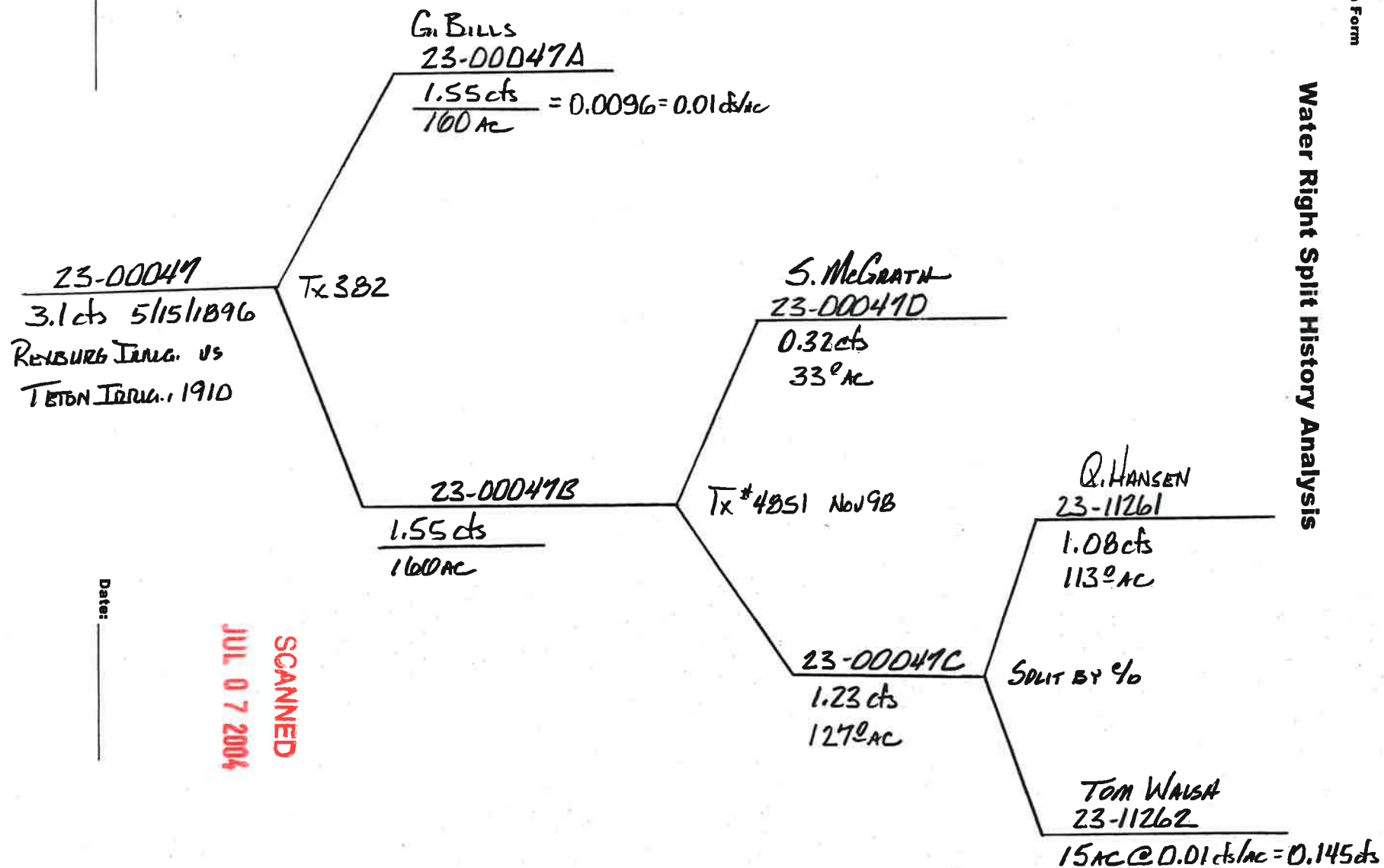
SESE Place of Use

Section

Quarter-Quarter

GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: A. Ruberry
Date: October 2003

Water Right Split History Analysis



SCANNED

JUL 07 2004

Reviewer: _____

Date: _____

Contacts Data Entry Form

Water Right No. 23-47D

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

Current Owner STEPHEN McGRATH

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 ROXBURG FRANK CO. vs TOWN FRANK CO. 1910
AS #142, TO W.A. MEEDS. 1.55" OF RAINY CK. MAY 15, 1896.

SPLIT BY TX #382 INTO PARTS A AND B.

PART A: 1.55 cfs (A SIDE) TO G. BILLS

PART B: 1.55

TX #4851 SPLIT PART B AS C AND D.

PART C 1.23 cfs TO R. MILLON TRUST → TOM WALSH

PART D 0.32 cfs TO S. McGRATH

CLAIMED IN-FULL

THIS
RIGHT

CLAIM AMENDED TO CHANGE SQU TO DORT. STD. SCS-23-00019D

FE INDICATOR: POO/POU, System/Delivery, overlap of Rts.

Reviewer: _____

Date: _____

Priority Date Data Entry Form

Claim Number: _____

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: 5/15/1896 Claimed Basis: DocRecommended Priority Date: 5/15/1896 Recommended Basis: "☐ 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:

Priority matches Doc

Reviewer: _____

Date: _____

Point of Diversion and Source Data Entry Form

Claim Number: _____

Water Right Point of Diversion: T____, R____, Sec.____,____,____,____. County: _____

Source: _____ Tributary: _____

Claimed Point of Diversion: T 1N, R 44E, Sec. 8,____, SW, NW. County: BONN.Source: RAINBOW CREEK Tributary: SNAGS TRWON, SEOK

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
				<u>NBSW NW</u>		
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						

Other rights from this POD? GPS POD - TAG # A009596 ON BACK W. HONORATUS

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

POD NOT DERIVED BY DUCKS. TX #4851 DERIVES POD
AS CLAIMED. CLAIMS TWO POD'S w/ Sec. 8 SWNW. — ? GPS BOTH NO.

Photos in 23-19D file

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
1N	44E	8	SWNW		Bonham		30 ⁰	Trails
			SENW				15 ⁰	
Total Acres							45 ⁰	

Recommended Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
1N	44E	8	SWNW		Bonham		30 ⁰	Trails
			SENW		"		15 ⁰	"
Total Acres							45 ⁰	

Document how the POU was verified:

Claims Roll per Tx 4851. Combination use Limits apply - Multiple
 Trls.

Remarks

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>Spring</i>	<i>4/15</i>	<i>10/15</i>	<i>0.32</i>	<i>5780</i>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Overall Diversion Rate _____

Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
<i>Spring</i>	<i>4/15</i>	<i>10/15</i>	<i>0.32</i>	<i>5780</i>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Overall Diversion Rate _____

Overall Diversion Volume _____

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

*TX 4851 DERIVES BOTH Q AND SQD AS CLAIMED.**SO IS IT*

Reviewer: _____

Date: _____

11/06/2003

**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: 23-47D

STEPHEN J MC GRATH
PO BOX 50731
IDAHO FALLS ID 83405-0731
Telephone Number: (208)524-0731

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

The total combined diversion rate is less than the total of the component water rights resulting in a net loss of decreed water rights.

2. Describe the changes you wish to make in the proposed recommendation:

Increase total combined diversion rate to 1.0 cfs for Right Nos.:

23-00019D; 23-00020B; 23-00047D; and

Increase total combined diversion rate to 2.0 cfs when above rights are used in conjunction with Right No. 23-00093B.

3. Give a brief explanation as to why you disagree with these portions:

Our water rights are decreed rights by previous Idaho court decrees. The proposed conditions result in a taking without compensation by the State of Idaho, which is prohibited by both the United States Constitution and the Constitution of the State of Idaho.

 I AGREE with this proposed recommendation: no changes need to be made.

DATE: 03/24/04

SIGNATURE: 

Please print your name: Stephen J. McGrath

IDWR Regional Office,

*4/10/04 Note to Commission use Limits of Q w/ 23-00093B
Removal.*

RECEIVED

APR 01 2004

Department of Water Resources
Eastern Region

11/06/2003

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

RIGHT NUMBER: 23-47D

NAME AND ADDRESS: STEPHEN J MC GRATH
PO BOX 50731
IDAHO FALLS ID 83405-0731

SOURCE: RAINEY CREEK

TRIBUTARY: SOUTH FORK SNAKE RIVER

QUANTITY: 0.320 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 0.90 CFS. COMBINED RIGHT NOS.:
23-00019D, 23-00020B, 23-00047D, 23-00093B.

PRIORITY DATE: 05/15/1896

POINT OF DIVERSION:

T01N R44E S8 NESWNW Within BONNEVILLE County

TWO POINTS OF DIVERSION LOCATED IN T1N, R44E, S8, NESWNW.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	0.320 CFS

PLACE OF USE:

IRRIGATION Within BONNEVILLE County

T01N R44E S08	SWNW	30.0	T01N R44E S08	SENW	15.0
---------------	------	------	---------------	------	------

45 ACRES TOTAL

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 45.0 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 23-00019D, 23-00020B,
23-00047D, 23-00093B.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 16.5 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON, BY
TRANSFER #4851.

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

SEE TRANSFER #4851.

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINTS OF
DIVERSION DESCRIBED ABOVE: 23-00019D, 23-0020B, 23-00047D,
23-00093B.

Log for claim 23-00047D

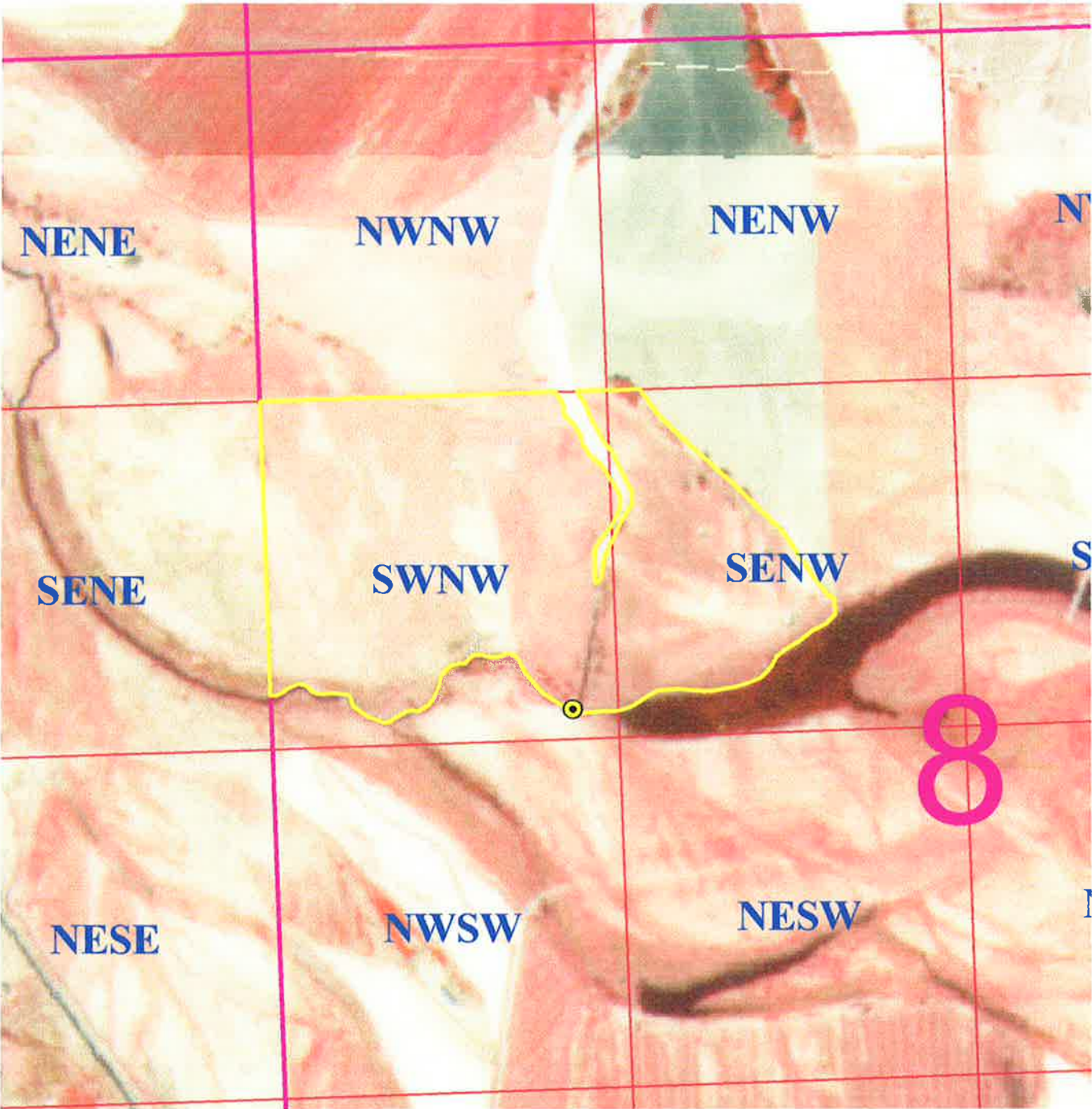
Spatial Dynamics LTD

5/30/01

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
01n44e	8	SWNW	30	33	
01n44e	8	SEW	15	14	
Totals:			45	47	

Water Right Claim Number 23-00047D
Township , 1N44E

05/30/2001



 Irrigated Area

 Place of Diversion

Legend

 Section Line

 Quarter Section Line

 Roads

 Streams and Canals



MEMORANDUM

TO: FILES 23-00019A/00020/00047B/00093

FROM: PAM SKAGGS^{CS}/STATE OFFICE

SUBJECT: TRANSFER 4851

DATE: March 17, 1998

Transfer 4851 changes the point of diversion under a portion of Rights 23-00019A (C & D), 23-00020 (A & B), 23-00047B (C & D), and 23-00093 (A & B), splitting each right.

Review of the recorded rights show that the transfer also represents a change in place of use to the historically irrigated land. The place of use has been modified over the years through unrecorded transfer to include the 45 acres under the proposed place of use. No physical change occurs.

The applicant is the new owner of this portion of the ranch and wants to add two separate points of diversion; a diversion ditch to serve the west side of the property and a pump to serve the east side of the property. The creek bisects the property in a north south direction.

Recommended conditions include watermaster control, measuring devices and lockable controlling works, irrigation overlap, multiple points of diversion, combined right conditions, and standard transfer conditions.

**S
E
L**

Water
Right No.

Name
Last, First

CFS

23-00047	SPLIT INTO 23-0047A & 23-0047B BY TRANS. 382.	1.550
23-00047A	MEEDS, W. A.	
23-00047B	RIGHT SPLIT INTO PARTS C & D THRU APPROVED TRANSFER 4851.	1.230
23-00047C	MILLER, ROBERT E	0.320
23-00047D	MCGRATH, STEPHEN J	

(Enter=Continue) (GOLD 6=Produce Report) (GOLD 7=This Query) (Menu _____)

TRANSFER NO. 4851
WATER RIGHT NO(S). 23-00019D/23-00020B/23-00047D/23-00093B

CONDITIONS OF APPROVAL AND REMARKS

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 01.
2. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
3. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
4. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
5. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
6. A lockable controlling works of a type approved by this Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
7. The total instantaneous diversion of water from all points of diversion under Transfer No. 4851 shall not exceed 2.00 cfs, nor total combined annual volume of 157.5 af.
8. Right 23-00019D is limited to the irrigation of 33.6 acres in the place of use described above in a single irrigation season.
9. Right 23-00047D is limited to the irrigation of 16.5 acres in the place of use described above in a single irrigation season.
10. Rights 23-00019D and 23-00047D when combined shall not exceed a total annual diversion volume of 117.6 af and the irrigation of 33.6 acres.
11. Rights 23-00019D, 23-00020B, 23-00047D and 23-00093B when combined shall not exceed a total diversion rate of 2.00 cfs, a total annual diversion volume of 157.5, and the irrigation of 45.0 acres.
12. Two points of diversion are located within the SWNW, S08, T01N, R44E.

Dated this 16th day of November, 1998.

J. Blund-Sayton
Chief, Water Allocation Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

AMENDED

AMENDED

TRANSFER NO. 4851
WATER RIGHT NO(S). 23-00019D/23-00020B/23-00047D/23-00093B

This is to certify that: STEPHEN J MCGRATH
PO BOX 50731
IDAHO FALLS ID 83405

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 23-00019D : IRRIGATION Priority: 04/15/1889	04/15 to 10/15	0.34 CFS	117.6 AF
Right No. 23-00020B : IRRIGATION Priority: 06/20/1889	04/15 to 10/15	0.34 CFS	123.4 AF
Right No. 23-00047D : IRRIGATION Priority: 05/15/1896	04/15 to 10/15	0.32 CFS	57.8 AF
Right No. 23-00093B : IRRIGATION Priority: 01/22/1916	04/15 to 10/15	1.00 CFS	157.5 AF
TOTAL:		* 2.00 CFS	* 157.5 AF

SOURCE

RAINEY CREEK

TRIBUTARY OF

SNAKE RIVER, SOUTH FORK

LOCATION OF POINT(S) OF DIVERSION:

SWNW , Sec. 8, Township 01N, Range 44E
BONNEVILLE County

PLACE OF USE: IRRIGATION

TWN RGE SEC
01N 44E 8

ACRES
SWNW 30

<u>ACRES</u>	<u>ACRFS</u>	<u>TOTAL</u>
SENW 15		45
Total number of acres irrigated:		** 45

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
CERTIFICATE OF WATER RIGHT
TRANSFERRED RIGHT NO. 331-1

This is to certify that Annie C. Shurtleff, 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 and for the County of Bonneville, in the case of Leeton Irrigation Company et al, Plaintiffs, vs. Leeton Irrigation Canal Company, et al, defendants, J. Stevens, District Judge, wherein S.4 Second feet of the waters of Rainey Creek in water District #38, were decreed to Charles J. Shurtleff for irrigation of the Northwest quarter (NW 1/4) of Section 8, Township 1 North, Range 44, East of 3rd Meridian, said right bearing date of priority of June 18, 1890; 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 Annie C. Shurtleff 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 S.4 Second feet of the waters of Rainey Creek is hereby abandoned upon the lands above described and the lands so irrigated under said right and to which the water right hereby confirmed by this certificate become up attachment, for irrigation and domestic purposes, are shown in the following table, 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:

S.4 Sec. 8, dated June 18, 1890									
Twp. 1 N. 44 E. 5									
Total.									
1	1	1	1	1	1	1	1	1	1
40	40	40	40	40	40	40	40	40	40

That said waters are now diverted on the south bank of Rainey Creek at near the southwest corner of the NW 1/4 of Section 8, Twp. 1 North, Range 44 E., S. 4. but will here after be diverted through a private ditch lying on the north bank of said Rainey Creek at or about the center of the NW 1/4 of Section 8, Township 1 North, Range 44 E., S. 4.

That the right to the use of the water of Rainey Creek, as a water right, is hereby confirmed to the said Annie C. Shurtleff, and the same is hereby transferred to the said Annie C. Shurtleff.

Witness my hand and seal of the Department of Reclamation of the State of Idaho, at Boise, Idaho, this 1st day of July, 1900.

By _____
Commissioner of Reclamation

(111)

By Geo. E. Carter
Assistant

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
COMMISSIONER OF THE BUREAU
Transferred Right No. 200.

This is to certify that Robert A. Miller, of Camanche, 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 Bonneville, in the case of Kentang Irrigation Company, et al, plaintiffs, vs. Peton Irrigation Canal Company, et al, defendants, J. M. Stevens, District Judge, wherein said second feet of the waters of Rainey Creek, in water district No. 20, were decreed to M. A. Moods for the irrigation of the Southeast quarter (SE $\frac{1}{4}$), of Section 8, Township 1 North, Range 44 East of Boise Meridian, said SE $\frac{1}{4}$ bearing date of priority of May 18, 1896; 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 Robert A. Miller 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 77.5 inches of the waters of Rainey Creek is hereby abandoned upon the lands above described and 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, are shown in the following table, 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:

77.5 inches, dated May 18, 1896				
Twp.	Range	Sec.	Acres	Total
1 N.	44 E.	5		
		6	40 40	40
		7	40	40
		8	40 40	40
				120

That said waters are now diverted in the NW $\frac{1}{4}$ of NW $\frac{1}{4}$, Section 1, Township 1 North, Range 44 East of Boise Meridian, but will hereafter be diverted through a private ditch heading at a point on line, about 1/2 mile south and 1/2 mile west of the Northwest corner of the Southeast quarter of the Southwest quarter of Section 8, Township 1 North, Range 44 East of Boise, Meridian.

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

WITNESSE, The Seal and signature of the Commissioner of Reclamation of the State of Idaho, affixed at Boise, Idaho this 7th day of July, 1926.

W. A. CHANDLER
Commissioner of Reclamation

(SEAL)

By Geo. H. Carter
Assistant

SD-0613-2 Source System: WR Prefix: Basin: 23
 S Starting Water Right: 00047 Ending Water Right: 00047
 E Water Name
 L Right No. Last, First CFS

23-00047

SPLIT INTO 23-0047A & 23-0047B BY TRANS. 382.

23-00047A MEEDS, W. A. 1.550

23-00047B

RIGHT SPLIT INTO PARTS C & D THRU APPROVED TRANSFER 4851.

23-00047C MILLER, ROBERT E 1.230

23-00047D MCGRATH, STEPHEN J 0.320

(Enter=Continue) (GOLD 6=Produce Report) (GOLD 7=This Query) (Menu _____)

MICROFILMED

NOV 24 1998

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

AMENDED

AMENDED

TRANSFER NO. 4851

WATER RIGHT NO(S). 23-00019D/23-00020B/23-00047D/23-00093B

This is to certify that: STEPHEN J MCGRATH
PO BOX 50731
IDAHO FALLS ID 83405

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 23-00019D :			
IRRIGATION	04/15 to 10/15	0.34 CFS	117.6 AF
Priority: 04/15/1889			
Right No. 23-00020B :			
IRRIGATION	04/15 to 10/15	0.34 CFS	123.4 AF
Priority: 06/20/1889			
Right No. 23-00047D :			
IRRIGATION	04/15 to 10/15	0.32 CFS	57.8 AF
Priority: 05/15/1896			
Right No. 23-00093B :			
IRRIGATION	04/15 to 10/15	1.00 CFS	157.5 AF
Priority: 01/22/1916			
TOTAL:		* 2.00 CFS	* 157.5 AF

SOURCE

RAINEY CREEK

TRIBUTARY OF

SNAKE RIVER, SOUTH FORK

LOCATION OF POINT(S) OF DIVERSION:

SWNW , Sec. 8, Township 01N, Range 44E
BONNEVILLE County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
01N	44E	8	SWNW	30	SENW	15
Total number of acres irrigated:						** 45

MICROFILMED
NOV 24 1998

TRANSFER NO. 4851
WATER RIGHT NO(S). 23-00019D/23-00020B/23-00047D/23-00093B

CONDITIONS OF APPROVAL AND REMARKS

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 01.
2. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
3. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
4. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
5. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
6. A lockable controlling works of a type approved by this Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
- * 7. The total instantaneous diversion of water from all points of diversion under Transfer No. 4851 shall not exceed 2.00 cfs, nor total combined annual volume of 157.5 af.
- ** 8. Right 23-00019D is limited to the irrigation of 33.6 acres in the place of use described above in a single irrigation season.
- ** 9. Right 23-00047D is limited to the irrigation of 16.5 acres in the place of use described above in a single irrigation season.
- ** 10. Rights 23-00019D and 23-00047D when combined shall not exceed a total annual diversion volume of 117.6 af and the irrigation of 33.6 acres.
11. Rights 23-00019D, 23-00020B, 23-00047D and 23-00093B when combined shall not exceed a total diversion rate of 2.00 cfs, a total annual diversion volume of 157.5, and the irrigation of 45.0 acres.
12. Two points of diversion are located within the SWNW, S08, T01N, R44E.

Dated this 16th day of

November, 1998.


Chief, Water Allocation Bureau

MICROFILMED

NOV 24 1998

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
CERTIFICATE OF WATER RIGHT
TRANSFERRED RIGHT NO. 381-A

This is to certify that Annie C. Shurtleff, 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 and for the County of Bonneville, in the case of Rexburg Irrigation Company et al, plaintiffs, vs. Teton Irrigation Canal Company, et al, defendants, J. Stevens, District Judge, wherein 2.4 second feet of the waters of Rainey Creek in Water District #36, were decreed to Charles Caldwell for irrigation of the Northwest quarter (NW $\frac{1}{4}$) of Section 8, Township 1 North, Range 44, East of Boi Meridian, said right bearing date of priority of June 15, 1898; 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 Annie C. Shurtleff 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 2.4 second feet of the waters of Rainey Creek is hereby abandoned upon the lands above described and the lands be irrigated under such right and to which the water right hereby confirmed is by this certificate become appurtenant, for irrigation and domestic purposes, are shown in the following table, 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:

2.4 sec. ft., dated June 15, 1898										
		NE$\frac{1}{4}$		NW$\frac{1}{4}$		SW$\frac{1}{4}$		SE$\frac{1}{4}$		
Twp.	Rge.	Sec.	NE$\frac{1}{4}$	NW$\frac{1}{4}$	SW$\frac{1}{4}$	SE$\frac{1}{4}$	NE$\frac{1}{4}$	NW$\frac{1}{4}$	SW$\frac{1}{4}$	Total.
1 N.	44 E.	5			40					40
		6	40	40	40	40	40	40	40	320

That said waters are now diverted on the south bank of Rainey Creek at or near the Southwest corner of the NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 4, Township 1 North, Range 44 E., B. M. but will hereafter be diverted through a private ditch heading on the north bank of said Rainey creek at or about the center of the SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 5, Township 1 North, Range 44 E., B. M.

That the right to the use of the water aforesaid, hereby confirmed, is restricted to the lands or place of use herein 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, Idaho, this 7th day of July, 1926.

W. G. SWENDSEN
Commissioner of Reclamation

(SEAL)

By Geo. N. Carter
Assistant

RECORDED

S T A T E O F I D A H O
DEPARTMENT OF RECLAMATION
CERTIFICATE OF WATER RIGHT
Transferred Right No. 382.

This is to certify that Robert E. Miller, of Swan Valley, 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 Bonneville, in the case of Rexburg Irrigation Company, et al, plaintiffs, vs. Teton Irrigation Canal Company, et al, defendants, J. M. Stevens, District Judge, wherein 3.1 second feet of the waters of Rainey Creek, in Water District No. 36, were decreed to W. A. Meeds for the irrigation of the Southeast quarter (SE $\frac{1}{4}$), of Section 5, Township 1 North, Range 44 East of Boise Meridian, said right bearing date of priority of May 15, 1896; 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 Robert E. Miller 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 77.5 inches of the waters of Rainey Creek is hereby abandoned upon the lands above described and 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, are shown in the following table, 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:

77.5 inches, dated May 15, 1896;

Twp.	Rge.	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Total
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
1	N.	44	E.	5									40	40					80
				6												40			40
				7	40														40
				8			40	40											80

That said waters are now diverted in the NW $\frac{1}{4}$ of NW $\frac{1}{4}$, Section 4, Township 1 North, Range 44 East of Boise Meridian, but will hereafter be diverted through a private ditch heading at a point on Rainey Creek about 40 rods south and 40 rods west of the northeast corner of the southeast quarter of the southwest quarter of Section 5, Township 1 North, Range 44 East of Boise, Meridian.

That the right to the use of the water aforesaid, hereby confirmed, is restricted to the lands or place of use herein 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, Idaho this 7th day of July, 1926.

W. G. SWENDSEN
Commissioner of Reclamation

(SEAL)

23-0047

By Geo. N. Carter
Assistant

MICROFILMED

* 1000 # 20

Application For Transfer of Water Right

STATE OF IDAHO,

County of Bonneville } ss.Robert E. Miller, being first duly sworn, deposes and says:

That his name is Robert E. Miller; 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 5-15~~th~~ 1896 for 3.1 cubic feet per second of the waters of Rainey Creek County of Bonneville, State of Idaho, decreed to W. A. Meeds by decree of Judge, J. M. Stevens 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. vs. Teton Irrigation Canal Co., et al. said decree bearing date of December 16, 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 Bonneville and State of Idaho, to-wit:

Southeast Quarter of Section 5, Township 1 North, Range 44 East 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 of the land and water right in question 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~~ NW~~1~~ of Section 4, Township 1 North, Range 44 E., B. M., and conducted to the above described lands through private ditch as per map herewith and of this affidavit made a part;

That affiant and petitioner desires to abandon the use of 77.5 inches ~~of said water~~ 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 Bonneville and State of Idaho, to-wit:

South half of the Southwest Quarter, Section 5, Southeast Quarter of the Southeast Quarter of Section 6, Northeast Quarter of the Northeast Quarter of Section 7, and North half of the Northwest Quarter of Section 8, Township 1 North, Range 44 East B.M.

That his reasons for desiring to make such transfer are as follows: He has sold the Southeast Quarter of Section 5 together with 120 inches of old decreed rights in Rainey Creek to Samuel J. Weeks, and agreed to sell one-half of the 155 inch Meeds decree to Weeks, the land which Weeks is buying being the land formerly owned by Meeds. The Bernard decrees were made to the land last hereinbefore described and Weeks is making application for the transfer of 120 inches of the Bernard decrees. Affiant therefore desires to transfer to the Bernard land so called the 77 $\frac{1}{2}$ inches Meeds right which he served when the above mentioned sale was made to Weeks.

That he intends to divert and convey said 77 1/2 inches second feet of water to the tract of land last above described in the following manner, to-wit: by private ditch heading on Rainey Creek at or near point designated A on the map, situated about 40 rods south and 40 rods west of the northeast corner of the Southeast Quarter of the Southwest Quarter of Section 5, Township 1 North, Range 44 East E.M.

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.

Robert E. Miller

Applicant.

Subscribed and sworn to before me this 17th day of June
A. D. 1926.

Edo E. Luthman
Notary Public.

APPLICANT WILL ANSWER THE FOLLOWING QUESTIONS:

From what stream is the water diverted? Rainey Creek

Where is the diversion point located? Present NW 1/4 NW 1/4 Sec. 4 Tp. 1 N. R. 44 E.B.M.

Through what ditch is it now conducted? Caldwell-Shurtleff ditch

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

Give the description: Part of SE 1/4 Section 5, Tp. 1 N. R. 44 East E.B.M. formerly owned by W. A. Meeds, now sold to Samuel J. Weeks.

What is the total amount of water in inches, or second feet, dedicated to said land? 155 inches

What kind of crops are being raised? Hay, grain

How much water per acre is now required to irrigate said land? 155/160

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

None as old rights have been purchased and will be transferred.

Give location of new point of diversion, if change is to be made. In SE 1/4 SW 1/4 Sec. 5 Tp. 1 N. R. 44 E.B.M.

Through what ditch will it be conducted after transfer? Bernard-Miller ditch

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

120 inches of the old Bernard right and the 77 1/2 inch part of Meeds right the subject of this application, the latter being high water right.

Do you claim any other water right for the land from which you seek to abandon the use of this water? Yes.
1/2 of two decrees made to Alfred Joseph Bernard priority date 4-9-1889 and 4-15-1889, total 240 inches, amount reserved 120 inches. Rainey Creek.
If so, give amount, date and source.

Yes
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. One half of the two Bernard decrees mentioned above and 80 inches decreed to Bernard under date of June 20, 1889.

Signed

Robert E. Miller

Applicant.

NOT RECORDED

STATE OF IDAHO,

County of Bonneville } ss.

Samuel J. Weeks and Annie C. Shurtliff
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 Swan Valley Idaho
that he is a user of water from Rainy 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 R. E. Miller 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.

Subscribed and sworn to before me this 16th day of June
A. D. 1926

Samuel J. Weeks
Annie C. Shurtliff
Hugh C. Martin
Justice of Peace

STATE OF IDAHO,

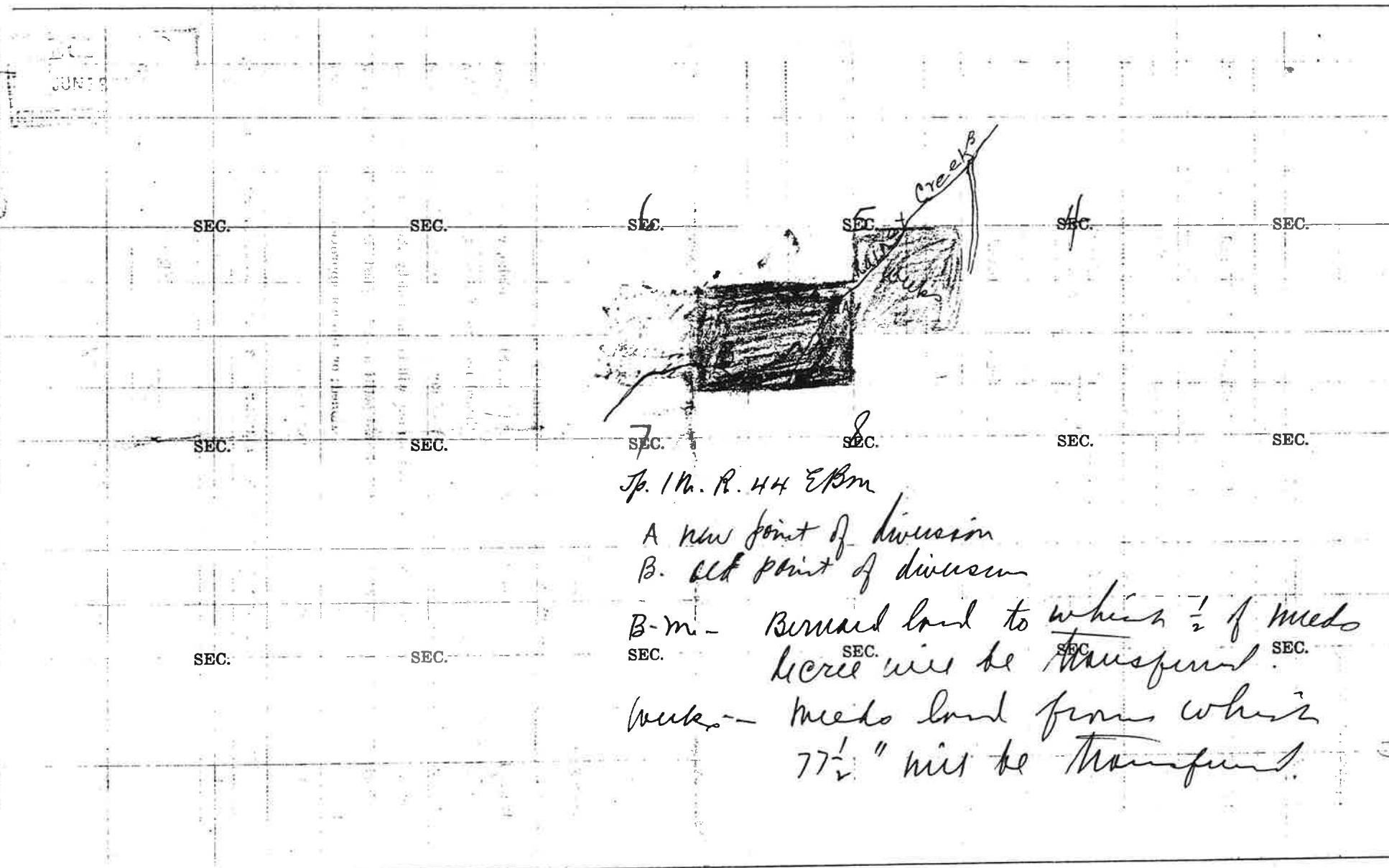
County of Bonneville } ss.

I, William Burton, Watermaster of Larley Creek
Water District No. 36, County of Bonneville, State of Idaho, whose postoffice address is Irwin
of Robert E. Miller, have read or heard read the foregoing affidavit and petition
of Robert E. Miller, 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:

Watermaster Dist. No. 36
William Burton
Dated at Swan Valley, Idaho, this 16 day of June, 1926

RECORDED

Scale: 2 Inches—1 Mile. Draw Map in Ink.



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

AMENDED

AMENDED

TRANSFER NO. 4851

WATER RIGHT NO(S). 23-00019D/23-00020B/23-00047D/23-00093B

This is to certify that: STEPHEN J MCGRATH
PO BOX 50731
IDAHO FALLS ID 83405

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>	
Right No. 23-00019D :				
IRRIGATION	04/15 to 10/15	0.34 CFS	117.6 AF	C 1.26 CFS
Priority: 04/15/1889				
Right No. 23-00020B :				
IRRIGATION	04/15 to 10/15	0.34 CFS	123.4 AF	A 1.26 CFS
Priority: 06/20/1889				
Right No. 23-00047D :				
IRRIGATION	04/15 to 10/15	0.32 CFS	57.8 AF	C 1.23
Priority: 05/15/1896				
Right No. 23-00093B :				
IRRIGATION	04/15 to 10/15	1.00 CFS	157.5 AF	A 3.80
Priority: 01/22/1916				
TOTAL:		* 2.00 CFS	* 157.5 AF	

SOURCE

TRIBUTARY OF

RAINEY CREEK

SNAKE RIVER, SOUTH FORK

LOCATION OF POINT(S) OF DIVERSION:

SWNW , Sec. 8, Township 01N, Range 44E
BONNEVILLE County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
01N	44E	8	SWNW	30	SENW	15
Total number of acres irrigated:						** 45

TRANSFER NO. 4851
WATER RIGHT NO(S). 23-00019D/23-00020B/23-00047D/23-00093B

CONDITIONS OF APPROVAL AND REMARKS

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 01.
2. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
3. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
4. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
5. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
6. A lockable controlling works of a type approved by this Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
- * 7. The total instantaneous diversion of water from all points of diversion under Transfer No. 4851 shall not exceed 2.00 cfs, nor total combined annual volume of 157.5 af.
- ** 8. Right 23-00019D is limited to the irrigation of 33.6 acres in the place of use described above in a single irrigation season.
- ** 9. Right 23-00047D is limited to the irrigation of 16.5 acres in the place of use described above in a single irrigation season.
- ** 10. Rights 23-00019D and 23-00047D when combined shall not exceed a total annual diversion volume of 117.6 af and the irrigation of 33.6 acres.
11. Rights 23-00019D, 23-00020B, 23-00047D and 23-00093B when combined shall not exceed a total diversion rate of 2.00 cfs, a total annual diversion volume of 157.5, and the irrigation of 45.0 acres.
12. Two points of diversion are located within the SWNW, S08, T01N, R44E.

Dated this 16th day of November, 1998.


Chief, Water Allocation Bureau

MEMORANDUM

TO: FILES 23-00019A/00020/00047B/00093

FROM: PAM SKAGGS²⁸/STATE OFFICE

SUBJECT: TRANSFER 4851

DATE: March 17, 1998

=====

Transfer 4851 changes the point of diversion under a portion of Rights 23-00019A (C & D), 23-00020 (A & B), 23-00047B (C & D), and 23-00093 (A & B), splitting each right.

Review of the recorded rights show that the transfer also represents a change in place of use to the historically irrigated land. The place of use has been modified over the years through unrecorded transfer to include the 45 acres under the proposed place of use. No physical change occurs.

The applicant is the new owner of this portion of the ranch and wants to add two separate points of diversion; a diversion ditch to serve the west side of the property and a pump to serve the east side of the property. The creek bisects the property in a north south direction.

Recommended conditions include watermaster control, measuring devices and lockable controlling works, irrigation overlap, multiple points of diversion, combined right conditions, and standard transfer conditions.



State of Idaho
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

NOVEMBER 22, 1996

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

STEPHEN J MC GRATH
PO BOX 50731
IDAHO FALLS ID 83405

RE: CHANGE IN OWNERSHIP FOR A23-00019A, -00020,
-00093, AND 00047B

Dear Mr. Mc Grath:

The request for Change in Ownership for a portion of the above referenced Notice(s) of Claim has been processed with new Notice(s) being generated to reflect you as one of the claimants.

Since the Change in Ownership involved just a portion of the Notice(s) of Claim, the rights were split as follows:

A23-00019C, HANSEN, 170 ACRES, 1.27 CFS
A23-00019D, MC GRATH, 45 ACRES, .33 CFS

A23-00020A, HANSEN, 170 ACRES, 1.27 CFS
A23-00020B, MC GRATH, 45 ACRES, .33 CFS

A23-00093A, HANSEN, 170 ACRES, 3.80 CFS
A23-00093B, MC GRATH, 45 ACRES, 1.00 CFS

A23-00047C, HANSEN, 170 ACRES, 1.23 CFS
A23-00047D, MC GRATH, 45 ACRES, .32 CFS

Enclosed for your records is a typed Notice(s) reflecting your portion of the right. Review the Notice(s) and if there are other corrections or questions, feel free to contact this office.

Respectfully submitted,

Jo Thompson
Adjudications Secretary

Enclosure:

cc: QUE HANSEN/copy letter/copy claim



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

DC
11-22-96

DATE OF CLOSING: _____

LEGAL DESCRIPTION OF PROPERTY: Township _____ Range _____
Section _____, 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____, BM.
Lot _____, Block _____, Subdivision/Townsite _____.
If you have additional legal descriptions, please attach separate sheet.

☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

☐ Water Right Number(s)
Assigned by IDWR: A23-000194, A23-00020, A23-00093, A23-000478

☐ Name and Address of Former
Owner/Claimant(s)(Seller): Qu S Hansen
28720 Roadside Dr. #399
Agoura Hills, CA

☐ New Owner/Claimant
(Purchaser): Stephen J. McGrath

☐ New Mailing Address: P.O. Box 50731
ID Falls, ID 83405

☐ New Telephone Number: (208) 524-0731

☐ Does the change in ownership result in a splitting of the water right owned/claimed? ☒ yes ☐ no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

TIN RIVER, S 1/2 NW 1/4 Sect 8 For 45 irms acres + prorated share of
each claim in cfs.

☐ Attach proof of
ownership, describe
proof attached: _____

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

☐ Signature of New
Owner/Claimant(s) [Signature] Date 6/3/96

☐ Signature of Former
Owner/Claimant(s): _____ Date _____

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: _____ By: _____

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: _____ By: _____

Claim Numbers of Split, if any:

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

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: **A23-00047D**
Date Received: 11/21/1996
Receipt No: X777777
Received By: _____

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

1. Name: STEPHEN J MCGRATH 208-524-0731
Address: PO BOX 50731
IDAHO FALLS ID 83405-0731
2. Date of Priority: MAY 15, 1896
3. Source: RAINEY CREEK Trib. to: SNAKE RIVER, SOUTH FORK
4. Point of Diversion:
- | | | | | | | | |
|----------|-------|---------|--------|--------|-----|-----|------------|
| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
| 01N | 44E | 8 | SW | NW | | | BONNEVILLE |
5. Description of diverting works:
HEADGATE/DITCHES
6. Water is used for the following purposes:
- | | | | | | |
|------------|-------|-------|-------|------|--------|
| Purpose | From | To | C.F.S | (or) | A.F.A. |
| IRRIGATION | 04/15 | 10/15 | 0.320 | | 57.80 |
7. Total Quantity Appropriated is:
0.320 C.F.S. (and/or) 57.80 A.F.A.
8. Total consumptive use is Acre Feet Per Annum.
9. Non-irrigation uses:
10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01N	44E	8	SW	NW		IRR	30.0
			SE	NW		IRR	15.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	45.0
					Total Acres	45.0

11. Place of use in counties: BONNEVILLE

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

13. Other Water Rights Used:
23-00019D, 20B, 93B

14. Remarks:

TRANS. 382.

PAID ON RECEIPT E010798

ADDED ZIP; GAVE LETTER TO WENDY RE RAINEY CREEK RANCHES; JT

A lockable controlling works of a type approved by this Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

The total instantaneous diversion of water from all points of diversion under Transfer No. 4851 shall not exceed 2.00 cfs, nor total combined annual volume of 157.5 af.

Right 23-00047D is limited to the irrigation of 16.5 acres in the place of use described above in a single irrigation season.

Rights 23-00019D and 23-00047D when combined shall not exceed a total annual diversion volume of 117.6 af and the irrigation of 33.6 acres.

Rights 23-00019D, 23-00020B, 23-00047D and 23-00093B when combined shall not exceed a total diversion rate of 2.00 cfs, a total annual diversion volume of 157.5, and the irrigation of 45.0 acres.

Two points of diversion are located within the SWNW, S08, T01N, R44E.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

REXBURG IRRIGATION CO. ET AL
Decree Plaintiff

TETON IRR. CANAL CO. ET AL.
vs Decree Defendant

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: **A23-00047D**
Date Received: 11/21/1996
Receipt No: X777777
Received By: _____

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name: STEPHEN J MCGRATH
Address: PO BOX 50731
IDAHO FALLS ID 83405
208-524-0731
2. Date of Priority: MAY 15, 1896
3. Source: RAINEY CREEK Trib. to: SNAKE RIVER, SOUTH FORK
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
01N	44E	8	SW	NW			BONNEVILLE

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	10/31	0.320		

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

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01N	44E	8	SW	NW		IRR	30.0
			SE	NW		IRR	15.0



10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	45.0
					Total Acres	45.0

11. Place of use in counties: BONNEVILLE

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

13. Other Water Rights Used:

14. Remarks:

TRANS. 382.

SPLIT BY T4851

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

REXBURG IRRIGATION CO. ET AL
Decree Plaintiff

TETON IRR. CANAL CO. ET AL.
vs Decree Defendant