

03/22/2004

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

RIGHT NUMBER: 23-99
NAME AND ADDRESS: EVERETT GRIFFEL
PO BOX 27
SWAN VALLEY ID 83449

ANNA R GRIFFEL
PO BOX 27
SWAN VALLEY ID 83449

SOURCE: SOUTH FORK SNAKE RIVER TRIBUTARY: COLUMBIA RIVER
UNNAMED STREAM TRIBUTARY: RAINEY CREEK
RAINEY CREEK TRIBUTARY: SOUTH FORK SNAKE RIVER

QUANTITY: 3.200 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 10.46 CFS. COMBINED RIGHT NOS.: 23-00023, 23-00037, 23-00038A, 23-00099.

PRIORITY DATE: 01/22/1916

POINT OF DIVERSION:

T01N R43E S1 SESWNE Within BONNEVILLE County
T01N R43E S12 NWSWNE Within BONNEVILLE County
T01N R44E S6 NWNESW Within BONNEVILLE County

PURPOSE AND PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	3.200 CFS

PLACE OF USE: IRRIGATION Within BONNEVILLE County

T01N R43E S01 Lot 3 NENW	32.0	T01N R43E S01 Lot 4 NWNW	40.0
T01N R43E S01 SWNW	40.0	T01N R43E S01 SENW	35.0
T01N R43E S01 NESW	40.0	T01N R43E S01 NWSW	40.0
T01N R43E S01 SWSW	30.0	T01N R43E S01 SESW	30.0
T01N R43E S02 Lot 1 NENE	23.0	T01N R43E S02 SWNE	40.0
T01N R43E S02 SENE	40.0	T01N R43E S02 NESE	40.0
T01N R43E S02 NWSE	40.0	T02N R43E S35 SESE	0.6
T02N R43E S36 SWSW	23.0	T02N R43E S36 SESW	15.0

508.6 ACRES TOTAL

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 508.6 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 23-00023, 23-00037, 23-00038A, 23-00099.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 160.0 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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.

03/22/2004

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

EXPLANATORY MATERIAL: Decreed

THE SOUTH FORK SNAKE RIVER DIVERSION SHALL BE REGULATED AS A
RAINEY CREEK DIVERSION UNDER RIGHT NOS. 23-00023, 23-00037,
23-00038A, AND 23-00099, ACCORDING TO PRIORITY DATE.

RIGHT INCLUDES ACCOMPLISHED CHANGE IN SOURCE PURSUANT TO
SECTION 42-1425, IDAHO CODE. ADDS UNNAMED STREAM.

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

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINTS OF
DIVERSION DESCRIBED ABOVE: 23-00023, 23-00037, 23-00038A,
23-00099.

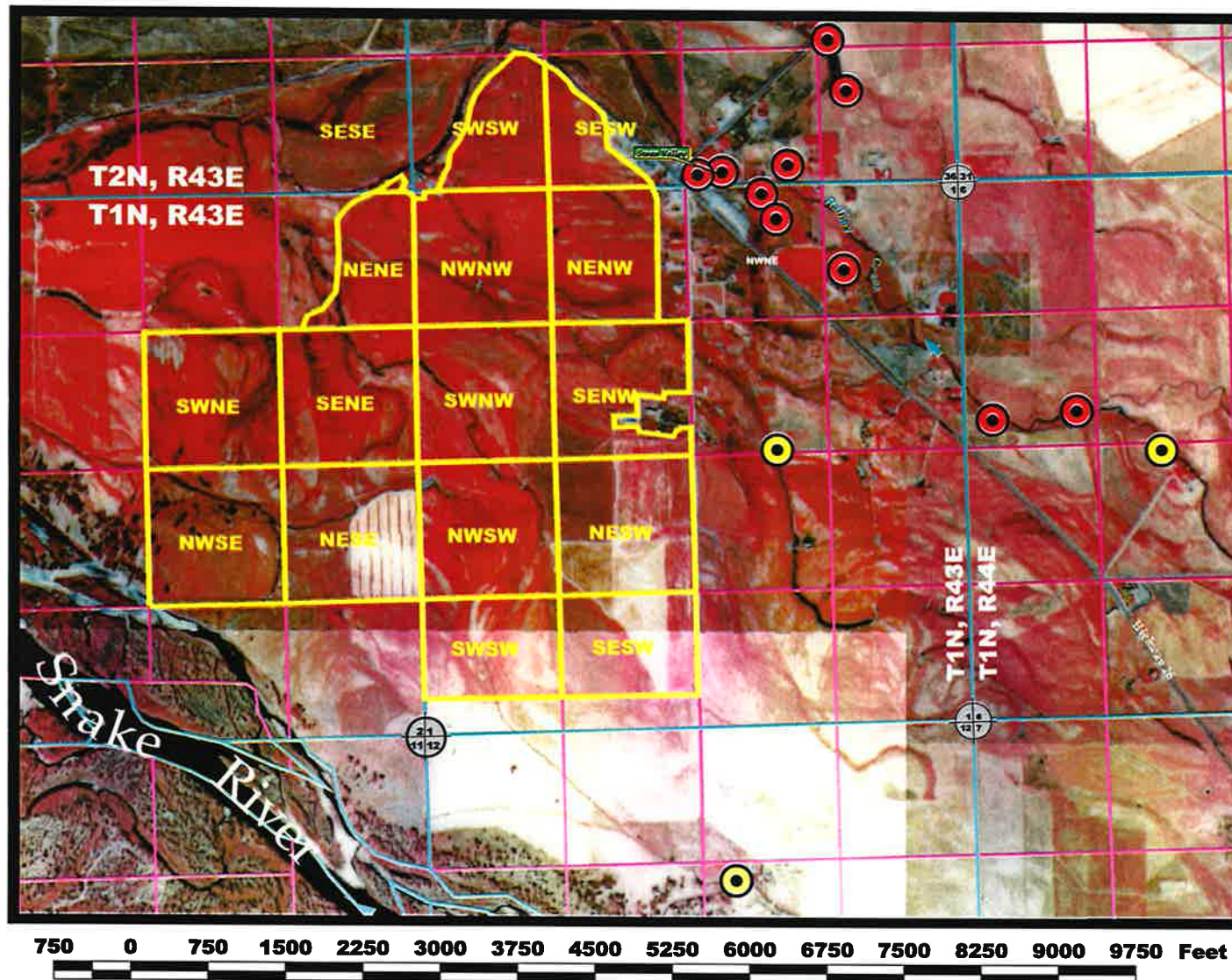


SCANNED
JUL 12 2004

State of Idaho

Department of Water Resources

Eastern Region



Water Right(s):

23-00023, 23-00037,
23-00038A, 23-00099

Place of Use: (parts of)

T1N, R43E Sec. 1 W2,
Sec. 2 N2SE, S2NE, NENE
T2N, R43E Sec. 35 SESE,
Sec. 36 S2SW

Point(s) of Diversion:

T1N, R44E Sec. 6 NWNESW
T1N, R43E Sec. 1 SESWNE
Sec. 12 NWSWNE



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: December 2003

Contacts Data Entry Form

Water Right No. 23-00099

Owner Type	Full Name	Address	City	State	Zip	Phone
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Current Owner: EVERETT GRIFFEL (DECEASED)

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 PALISADES IRRIG VS L. CRANDALL, 1951,
AS 160" (3.2 cfs), TO LUTHER SMITH, JANUARY 22, 1916.
ALSO SEE TX #3605, WHICH ADDS POD'S & SNARE RIVER AS
SOURCE IN ADDITION TO RAINEY CK. (FILED IN 23-38A)

* CLAIM SHOULD BE AMENDED TO ADD 14² AC PER TX #3605.
10/8/03 FE - AMENDED AS ABOVE

FE INDICATED: POU, POD, SOURCE(S), System
OVERLAP Rts 23-23, 37, 38A & 99

Reviewer: _____

Date: _____

SCANNED
JUL 12 2004

III.

It is further considered, adjudged and decreed by the Court that the plaintiffs are entitled to a summary decree and adjudication of the waters of Snake River and its tributaries with date of priority of January 22, 1916.

<u>Plaintiffs</u>	<u>Amount of Miners Inches</u>	<u>Amount of Second Feet</u>
The Palisade Irrigation Company	4890	97.8
J. L. Higham	120	2.4
Richard A. Beam	360	7.2
Ivan Weeks	160	3.2
Thomas M. Weeks	200	4.
John B. Miller	240	4.8
Shurtleff Bros.	880	17.6
Elizabeth Beam	150	3.
David H. Peterson and Jess L. Peterson	100	2.00
Henry Goettsche	312	6.24
Weeks Bros.	135	2.7
Luther Smith	160	3.2
M. E. Toliver	800	16.
Harry Bitton	160	3.2
Francis Stoltenberg	210	4.2
Joe Kruse	120	2.4
Henry McCabe	150	3.

IV.

Further ordered, adjudged and decreed that the plaintiffs have the right to divert and use said quantity of water with the said priority date subject, however, to the terms of the said decree of December 16th, 1910, and said decree of June 25th, 1929, for use for irrigation and domestic purposes upon the following described lands, to-wit:

23-0098 It is further Ordered, Adjudged and Decreed that the plaintiff, Weeks, Bros., a partnership, has the right to divert from Lower Rainey Creek and use said quantity of water with the said priority date for irrigating and domestic purposes upon the following described lands, to-wit:

Southeast Quarter (SE $\frac{1}{4}$), Section One (1), Township One (1) North, Range Forty-three (43), East of the Boise Meridian.

23-0099 It is further Ordered, Adjudged and Decreed that the plaintiff, Luther Smith, has the right to divert from Lower Rainey Creek and use said quantity of water with the said priority date for irrigating and domestic purposes upon the following described lands, to-wit:

North Half of the Northwest Quarter (N $\frac{1}{2}$ NW $\frac{1}{4}$), less Tract one (1), Section One (1), Township One (1); Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$), less one (1) acre, Section Thirty-five (35), Township Two (2); South Half of the Southwest Quarter (S $\frac{1}{2}$ SW $\frac{1}{4}$), Section Thirty-six (36), Township Two (2); Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$), South Half of the Northeast Quarter (S $\frac{1}{2}$ NE $\frac{1}{4}$), North Half of the Southeast Quarter (N $\frac{1}{2}$ SE $\frac{1}{4}$), Section Two (2), Township One (1), all North Range Forty-three (43), East of the Boise Meridian.

See Tx
#3606

01-0365/23-0100 It is further Ordered, Adjudged and Decreed that the plaintiff, Harry Bitton, has the right to divert from Snake River and Brandywine Slough and use said quantity of water with the said priority date for irrigating and domestic purposes upon the following described lands, to-wit:

Lots Two (2) and Three (3), the Southeast Quarter of

EXCERPT FROM PALISADES IRRIG. CO.
VS. L. CRANDALL, 1951 (DECREE 23-H)

Priority Date Data Entry Form

Claim Number: _____

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: JANUARY 22, 1916 Claimed Basis: DECREERecommended Priority Date: 1/22/1916 Recommended Basis: DECREE☐ Use Claimed Priority Date and Basis as Recommended Priority Date and Basis

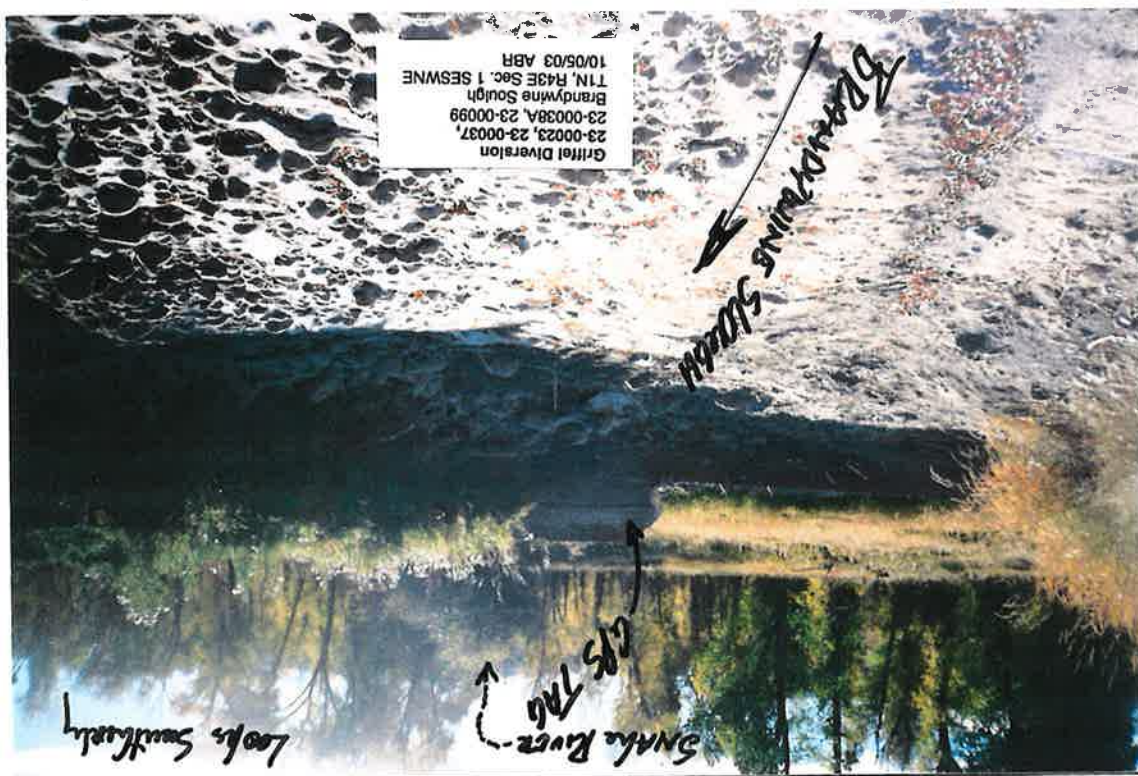
Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

PRIORITY MATCHES DECREE.

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____, 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	#1	Source	TRIBS.
#2	1N	43E	1		SWNE	BONN.		WINNAMED STREAM	RAINEY CK
	GPS Coordinates: _____								
#3			12		SENW	"		SNARKS RIVER	COLUMBIA Rv.
	GPS Coordinates: _____								
#1		44E	6		SENW	"		RAINEY CK	SNARKS Rv.
	GPS Coordinates: _____								
	GPS Coordinates: _____								
	GPS Coordinates: _____								
	GPS Coordinates: _____								
	GPS Coordinates: _____								

Other rights from this POD? GPS POD's: #1. ACP 13602; #2 #3. ACP 13603

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

TX #13605 ADDED/CHANGED POD'S TO THREE AND
ADD SNARKS RIVER AS SOURCE.

COND
C#3

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:

POU SHOULD BE AMENDED TO ADD 14⁰⁰ AC IN SENW SEC. 36 Done
T2N R43E, TO MATCH POU OF TX #3605. 10/8/05

Add Lot# in Sec. 1 & 2

POU OVERLAP Rts 23-23, 37, 38A & 99 w/limits of cfs & Ac.

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
Permit	4/1	11/1	3.2	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Overall Diversion Rate _____ Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
Permit	4/15	10/31	3.2	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Overall Diversion Rate 3.2 Overall Diversion Volume _____

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

DISCREP DOES NOT ADDRESS SOU. DEPT STD FOR AREA
IS 4/15 TO 10/31. TX #3605 RECOGNIZES 4/1 TO 11/1.
RECOMMENDED 4/15 TO 10/31 PER DEPT STD.

Overlap R/s: 23-23, 37, 38A & 99.

Reviewer: _____

Date: _____

Log for claim 23-00099

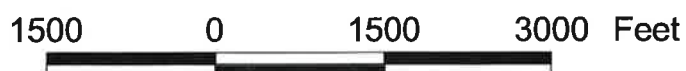
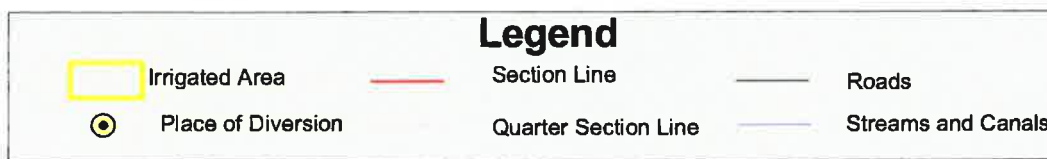
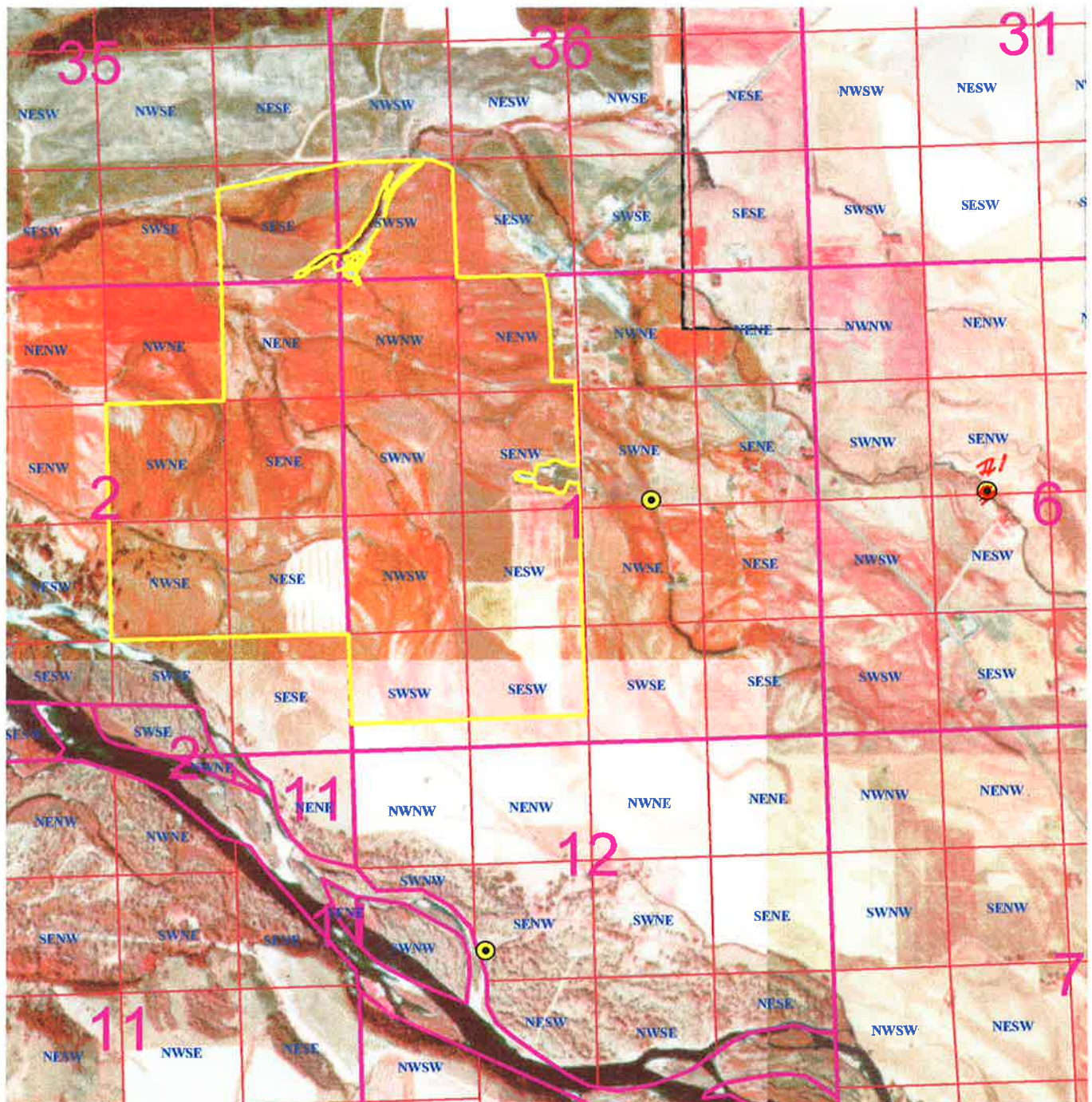
Spatial Dynamics LTD

6/1/01

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
02n43e	35	SESE	37	35	
02n43e	36	SWSW	38	36	
01n43e	1	NENW	30	31	
01n43e	1	NWNW	37	40	
01n43e	1	SWNW	38	41	
01n43e	1	SENW	38	36	
01n43e	1	NESW	39	39	
01n43e	1	NWSW	38	40	
01n43e	1	SWSW	25	31	
01n43e	1	SESW	25	30	
01n43e	2	NENE	38	40	
01n43e	2	SWNE	38	40	
01n43e	2	SENE	38	40	
01n43e	2	NESE	38	40	
01n43e	2	NWSE	37	40	
Totals:			534	559	

Water Right Claim Number 23-00099
Townships , 2N43E, 1N43E

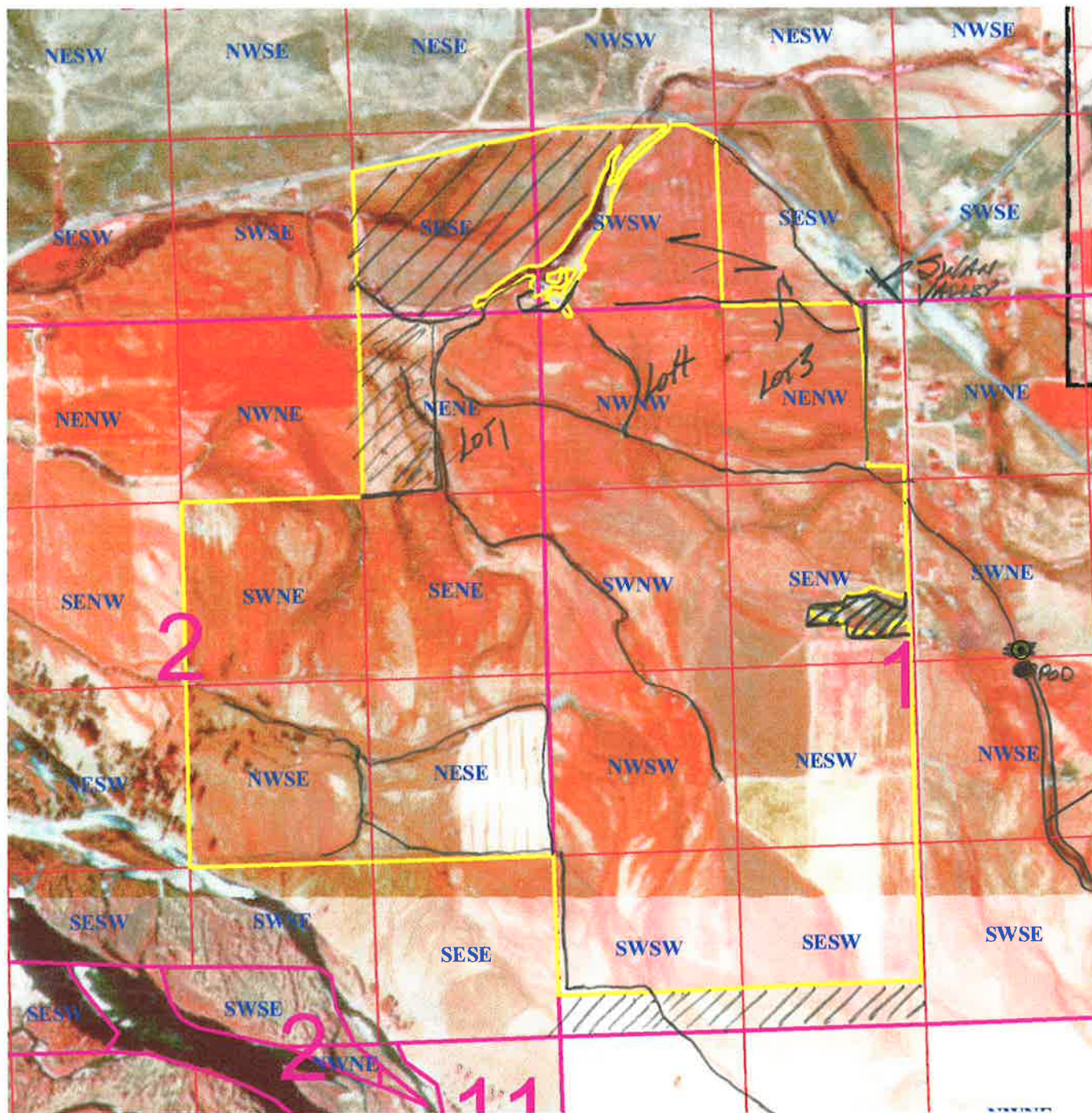
06/01/2001



Water Right Claim Number 23-00099

Townships , 2N43E, 1N43E

06/01/2001



700 0 700 1400 Feet



SPATIAL DYNAMICS

10/8/03

with Anna Gritter

01/06/2004

**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: 23-99

EVERETT GRIFFEL

PO BOX 27

SWAN VALLEY ID 83449

Telephone Number: (208)483-3755

ANNA R GRIFFEL

PO BOX 27

SWAN VALLEY ID 83449

Telephone Number: (208)483-3755

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:

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

DATE: 3-22-2004 SIGNATURE: Anna R. Griffel

Please print your name: ANNA R. GRIFFEL

IDWR Regional Office,

DEPARTMENT MEMO

AUGUST 16, 1990

FROM: BRENDA MILLER

TO: FILES 23-0037/0038/0099

SUBJECT: TRANSFER NO. 3605

SEE FILE 23-0023 FOR ALL CORRESPONDENCE REGARDING THE
ABOVE REFERENCED TRANSFER.

MICROFILMED

SEP 04 1990

August 16, 1990

RE: Transfer of Water Rights Nos. 23-0023/0037/0038/0099

Everett or Anna R. Griffel
P.O. Box 27
Swan Valley, ID 83449

Dear Water Right Holder(s):

Enclosed is a copy of your approved Application for Transfer of the above referenced water rights (Trans. No. 3605). Be sure to note any conditions of approval as listed on the second page.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:blm

Enclosure

RECEIVED

SEP 1 1990

MEMORANDUM

TO: FILE

FROM: TIM LUKE *TJL*

DATE: JUNE 21, 1990

RE: TRANSFER APPLICATION NO. 3605

*CONDITIONS Revised AS per
review & discussion w/ GARY
I reprinted this memo w/ revisions.*

TJL 8-2-90

=====

This memo supplements a previous memo concerning the transfer and conditions of approval. I have used bold print to note additions/revisions to the previous memo. Most of the revisions address prior concerns raised in review of this transfer. Skip Jones has responded to some of our questions and as resolved or clarified certain matters.

This transfer seeks to change the place of use under one decreed right, 23-0037, and change or add points of diversion to this right and three additional decreed rights. The transfer also describes specific number of acres per quarter-quarter section. All four decreed rights divert from Rainey Creek. The Decree containing 23-0099 however lists the source of water for this right as Lower Rainey Creek.

Ownership records and consent of landowner to change place of use from land in Section 12, T1N R43E under right 23-0037, are part of the transfer file and appear in order (we overlooked the fact that lot 1 is the NWNW of sec. 12, and that lot 1. is listed in the tax notice as being owned by Stoltenberg).

This application proposes that one of the additional points of diversion will divert water from the South Fork of the Snake River, thereby resulting in a source change. The Department may allow this added point of diversion on the condition that the diversion is regulated as a Rainey Creek diversion and not a Snake River diversion. For example, any cuts made to Rainey Creek diversions would also be applicable to the Snake River diversion.

Conditions of Approval:

1. <<R04>> Use of water under this license is subject to control by the watermaster of State Water District No. 01, Snake River.
2. Approval of this transfer authorizes a point of diversion from the South Fork Snake River, but the diversion shall be regulated as a Rainey Creek diversion under Right No.s 23-0023, 23-0037, 23-0038A and 23-0099, according to priority.
3. Only one ditch may serve the place of use at any one time.

MICROFILMED

SEP 04 1990

Measurements and delivery of water to these rights will be made at either the SENW Section 12, T1N R43E (Brandywine ditch), or the Rainey ditch at the SENW Section 1, T1N R43E.

4. Approval of this transfer does not recognize that water diverted under right no. 23-0099 is diverted to lands other than that described as the place of use in the decree of Pallisade Irrigation Co. v. Lynn Crandall.

5. When combined, Right No.s 23-0023, 23-0037, 23-0038A & 23-0099 shall provide no more than 0.02 cfs per acre nor more than 3.0 afa per acre for the land identified under item B.5.

6. <<T04>> Approval of this transfer in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.

7. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.

8. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.

To, Tim Luke & Jim Johnson
Re: Transf. Applic #3605

This is to answer the questions you posed for
above Transf. Applic.

Question #

1/ This transf. does not intend to expand the place of use
of any of the rts. including 23-00099. It seeks only
to unify the rts as to the singular points of delivery
they show and list the combined areas they serve. If you
perce the rts together I think you will find they cover
the stated land list on line 5 of Part 1. If you
took a different tack & keyed on the phrase
"lands not heretofore irrigated" you would then
have to consider that all the adjacent grounds listed are
implied to have been irrigated as reflected by previous
decree (Kearney vs Totten Irrig.). Any movement of
23-00099 would be onto previously irrigated grounds.
I think the first scenario is the one I advocate
since we have been addressing multiple rts on adj. grounds
this way as does the adj. claims process.
The condition you state is not contrary to the intent
of the transf.

CONDITIONS OF APPROVAL
Transfer of Water Rights Nos. 23-0023/0037/0038/0099

1. Use of water under this license is subject to control by the watermaster of State Water District No. 01, Snake River.
2. Approval of this transfer authorizes a point of diversion from the South Fork Snake River, but the diversion shall be regulated as a Rainey Creek diversion under Right Nos. 23-0023, 23-0037, 23-0038A and 23-0099, according to priority.
3. Only one ditch may serve the place of use at any one time. Measurements and delivery of water to these rights will be made at either the SENW Section 12, T1N R43E (Brandywine ditch), or the Rainey ditch at the SENW Section 1, T1N R43E.
4. Approval of this transfer does not recognize that water diverted under right no. 23-0099 is diverted to lands other than that described as the place of use in the decree of Pallisade Irrigation Co. V. Lynn Crandall.
5. When combined, Right Nos. 23-0023, 23-0037, 23-0038A & 23-0099 shall provide no more than 0.02 cfs per acre nor more than 3.0 afa per acre for the land identified under item B.5.
6. Approval of this transfer in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
7. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
8. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.

RECEIVED

SEP 04 1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 3605APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

APPROVED

Name of applicant Everett or Anna R. Griffel Phone (208) 483-3755
Post Office address P.O. Box 27 Swan Valley, ID 83449

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☒ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes To allow use of several points of diversion to better irrigate this large block of land.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use	
TR 438/23-0023	6-01-1897	3.20	Irrigation	4-1	to 11-1
TR 489/23-0038A	6-01-1890	1.06	Irrigation	4-1	to 11-1
23-0099	1-22-1916	3.20	Irrigation	4-1	to 11-1
23-0037	6-01-1889	3.00	Irrigation	4-1	to 11-1

2. Total amount of water being transferred 10.46 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Rainey Creek & Snake River, South tributary to Snake River, South Fork & Snake River
Fork
4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	NW	6	1N	44E	Bonneville	
		SE	NW	12	1N	43E		
		SW	NE	1	1N	43E		

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
1N	43E	1					LT 3 30	LT 4 37	38	38	30	38	25	25					270
		2	LT 1 38		38	38									38	37			189
2N	43E	35																37	37
		36										38	14						38 52

Lot Descriptions Added 5-7-90, 1.60

Total acres 534.548

PART 1**6. General Information:**

- a. Description of diversion system Ditches to flood irrigation
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? NA Yes _____ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.
- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
No affect. Thus water has been traditionally used on our ground.
- d. Remarks:
Rt. 23-0037 - applicants will get disclaimer from owners of N 1/2 NW 1/4 Sec. 12

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 23-0023/0037/0038/0099

And said application is hereby APPROVED, subject to the following limitations and conditions:

See attached sheet for conditions of approval.

MICROFILMED

SEP 04 1990

Witness my hand this 16th day of August, 19 90

J. Shin Saylor
Chief, Water Alloc. Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of Rexburg Irrigation vs. Teton Irrigation Canal Co.
dated 12-16-1910 in District Court county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. 438/23-0023 which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☒ Tax Notice

☐ Warranty Deed

☐ Other _____

3. Source of water Rainey Creek tributary to Snake River, South Fork

4. Date or priority 6-01-1897

5. Water is used for the following purpose:

amount 3.20 cfs for Irrigation purposes from 4-1 to 11-1
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 3.20 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	SW	6	1N	44E	Bonneville	

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
1N	43E	1					A												
		2	A																
2N	43E	35																A	
		36										A							

Total acres Not listed

9. Describe any other water rights used for the same purpose as described above _____

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

_____ If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of Rexburg Irrigation vs. Teton Irrigation Canal Co.
dated 12-16-1910 in District Court county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. 489/23-0038A which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☒ Tax Notice

☐ Warranty Deed

☐ Other _____

3. Source of water Rainey Creek tributary to Snake River, South Fork

4. Date or priority 6-01-1890

5. Water is used for the following purpose:

amount 1.06 cfs for Irrigation purposes from 4-1 to 11-1
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 1.06 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion: Not listed

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	*	SW	NW	8	1N	4E	Bonville	

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
1N	43E	1							A	A	A	A	A						

Total acres Not listed

9. Describe any other water rights used for the same purpose as described above 23-0037

*Transfer 489 split 23-0038 into an A & B portions. The transfer pertains to the B portion of the right. * from the original place of use listed division listed in transfer 489. Dmb*

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

_____ If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

FILED
SEP 14 1990

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 23-0037 Decreed to Charles Englis
in case of Rexburg Irrigation vs. Teton Irrigation Canal Co.
dated 12-16-1910 in District Court county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☒ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of water Rainey Creek tributary to Snake River, South Fork

4. Date or priority 6-01-1889

5. Water is used for the following purpose:

amount 3.00 cfs for Irrigation purposes from 4-1 to 11-1
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 3.00 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		SW	NW	8	1N	44E	Bonneville	

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
1N	43E	1							A	A	A	A	A	A					
		12					A	A											

Total acres _____

9. Describe any other water rights used for the same purpose as described above 23-0038A

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

NO If yes, describe _____**B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED**

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount 3.00 cfs for Irrigation purposes from 4-1 to 11-1
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		SW	NW	8	1N	44E	Bonneville	

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
1N	43E	1							38	38	39	38	25	25					203

Total acres 203**C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)**

1. amount 0.00 cfs for Irrigation purposes from 4-1 to 11-1
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		SW	NW	8	1N	44E	Bonneville	

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
1N	43E	12					A	A											

Total acres _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 23-0099 Decreed to Luther Smith
in case of Palisade Irrigation Co. vs. Lynn Crandall
dated 1-16-1951 in District Court county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☒ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of water Rainey Creek tributary to Snake River, South Fork

4. Date or priority 1-22-1916

5. Water is used for the following purpose:

amount 3.20 cfs for Irrigation purposes from 4-1 to 12-31
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 3.20 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion: Not listed

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
1N	43E	1					A	A											
		2	A		A	A													
2N	43E	35																A	
		36																	

Total acres NA

9. Describe any other water rights used for the same purpose as described above 23-0023

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

_____ If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

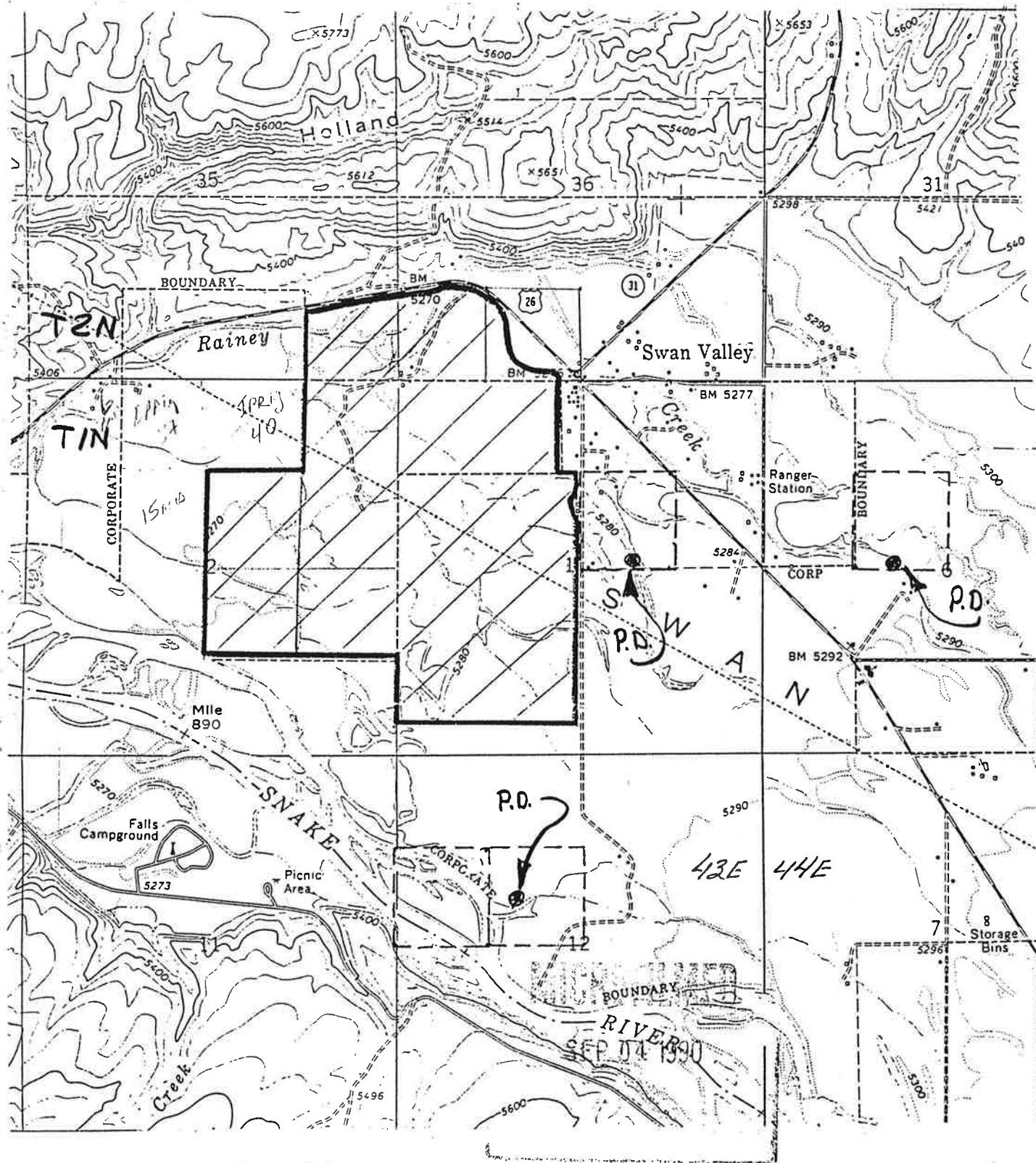
3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



SCALE: 2 inches equal 1 mile. Draw plan in ink.

PART 3**B. CHANGES IN NATURE OF USE**

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
				to _____
				to _____

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

Ernest J. Giffel Anna R. Giffel
(Signature of Applicant)

Subscribed and sworn to before me this 18th day of July, 1989.

Patricia L. Weeks
(Notary Public)

My commission expires 10-8-94

FOR DEPARTMENT USE ONLYAssisted by HWT

Transfer contains _____ pages and _____ attachments

Received by HWT Date 7-21-89 Protest filed by _____Prelim. check by SM Fee \$50.00Receipted by HWT Date 7-21-89 *E009556Published in State Wide Copies of protest forwarded by _____Pub. dates 9-21 & 28-89 NDC 11-16 & 23-89 Hearing held by _____ Date _____Watermaster recommendation requested on _____ Recommended for ☒ approval ☐ denial_____ rec'd. SEP 04 1990 RDC

Copy of transfer sent to lien holder _____

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: A23-00099
Date Received: 6/26/1989
Receipt No: E009561
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: EVERETT GRIFFEL 208-483-3755
Address: P.O. BOX 27
SWAN VALLEY, ID 83449
OR
Name: ANNA GRIFFEL 208-483-3755
Address: P.O. BOX 27
SWAN VALLEY, ID 83449



2. Date of Priority: JAN 22, 1916

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
01N	43E	1	SW	NE			BONNEVILLE
		12	SE	NW			BONNEVILLE
	44E	6	SE	NW			BONNEVILLE

5. Description of diverting works:
THREE DITCHES TO FLOOD IRRIG.

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 1335.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A23-00099

Page 1

Date: 06/26/89

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10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
01N	43E	1	NE		NW		IRR	30.0
			NW		NW		IRR	37.0
			SW		NW		IRR	38.0
			SE		NW		IRR	38.0
			NE		SW		IRR	39.0
			NW		SW		IRR	38.0
			SW		SW		IRR	25.0
			SE		SW		IRR	25.0
			Section Acres 270.0					
	43E	2	NE		NE		IRR	38.0
			SW		NE		IRR	38.0
			SE		NE		IRR	38.0
			NE		SE		IRR	38.0
			NW		SE		IRR	37.0
			Section Acres 189.0					
02N	43E	35	SE		SE		IRR	37.0
			Section Acres 37.0					
		36	SW		SW		IRR	38.0
Section Acres 38.0								
Total Acres 534.0								

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:
A23-00038A, A23-00037, A23-00023

14. Remarks:

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date:

REXBURG IRRIGATION CO. ET AL
Decree Plaintiff

vs

TETON IRR. CANAL CO. ET AL.
Decree Defendant

A23-00099

Page

2

Date: 06/26/89

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NOV 6 7 1992

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): Ernest J. Joffel Date: 7/18/89
Anna R. Bruffel Date: 7/18/89

State of Idaho)
County of Bonneville) SS.

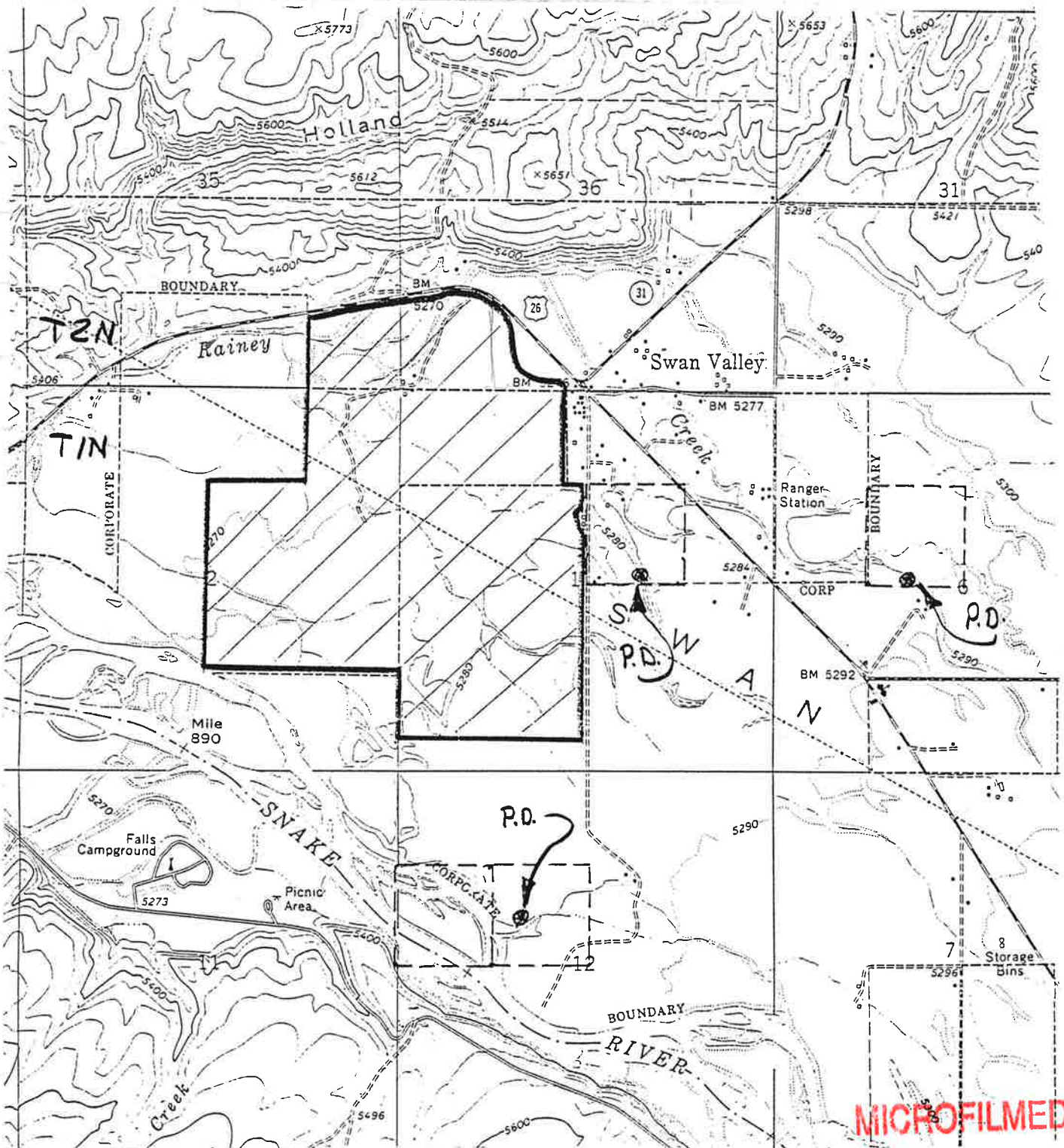
Subscribed and sworn (or affirmed) before me this 18th day
of July 19 89 Patricia L. Weeks
Notary Public

Seal

Residing at Idaho, I.D.
My Commission Expires 10-8-94

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



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NOV 6 7 1992