

03/29/2004

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

RIGHT NUMBER: 23-113A
NAME AND ADDRESS: C GARTH FULLMER
1855 CARMEL DR
IDAHO FALLS ID 83402
SOURCE: BURNS CREEK TRIBUTARY: SOUTH FORK SNAKE RIVER
QUANTITY: 0.550 CFS
PRIORITY DATE: 07/01/1882
POINT OF DIVERSION:
T03N R42E S11 SESENE 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	0.550 CFS

PLACE OF USE: IRRIGATION Within BONNEVILLE County

T03N R42E S11	SESW	7.6	T03N R42E S11	NWSE	4.9
T03N R42E S11	SWSE	13.8			

26.3 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

PROPERTY IS ALSO KNOWN AS HOMESTEAD ENTRY SURVEY NO. HES #557.

THE REMAINDER OF THIS RIGHT WAS FORFEITED FOR NON-USE FROM 1980 TO 1989.

EXPLANATORY MATERIAL: Decreed

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

4/27/04 Addd Federal Pool condition.





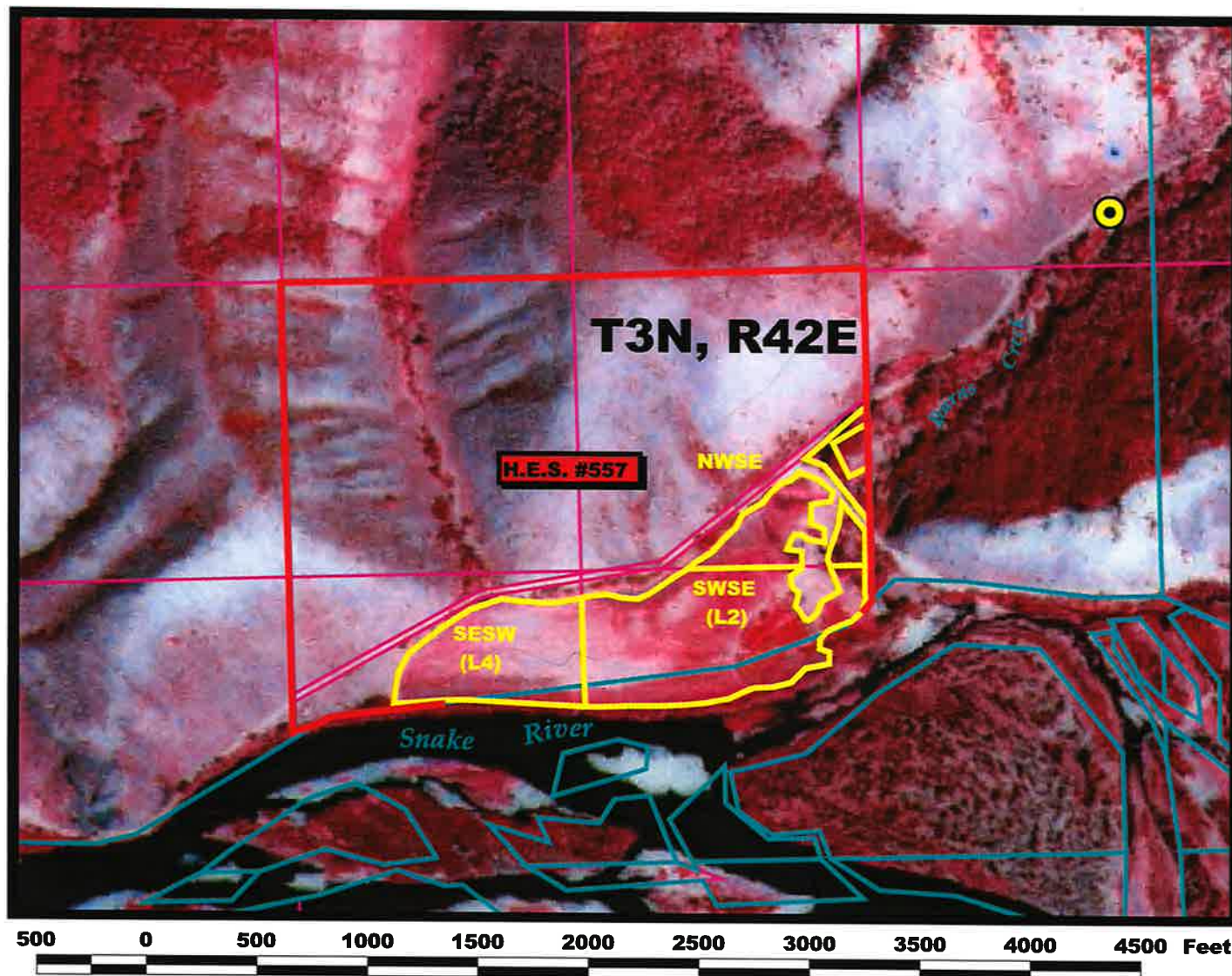
JUL / 3 2004

SCANNED

State of Idaho

Department of Water Resources

Eastern Region



Water Right(s):

23-00113A

Place of Use: (part of)

T3N, R42E Sec. 11

NWSE, SWSE (L2), SESW (L4)

Point(s) of Diversion:

T3N, R42E Sec. 11 SESENE

LEGEND

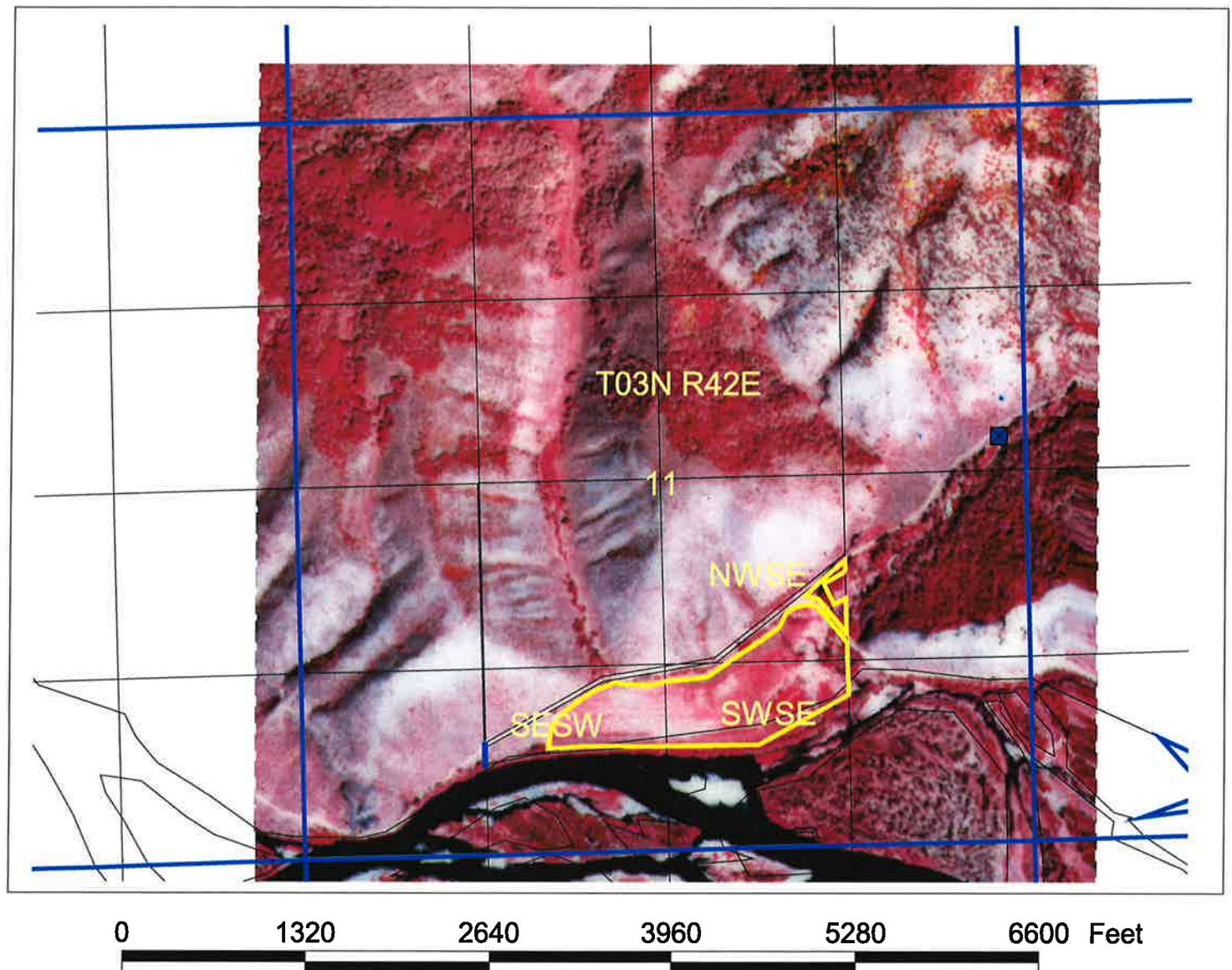
-  Point of Diversion
-  SESE Place of Use
-  Section
-  Quarter-Quarter



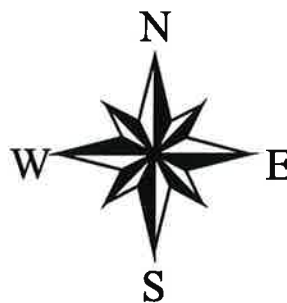
GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: A. Ruberry
Date: March 2004

Department of Water Resources

Claim No.: 23-113A



-  Place of use.shp
-  Point of diversion.shp
-  Township/Range
-  Sections
-  QQ



GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: E. Carlsen
Date: November 2004

Law Offices
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

KENT W. FOSTER
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WILLIAM D. FALER
CHARLES A. HOMER
GARY L. MEIKLE
DONALD L. HARRIS
DALE W. STORER
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ROBERT M. FOLLETT
FREDERICK J. HAHN, III
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SHAN B. PERRY
AMELIA A. SHEETS
DeANNE CASPERSON**
ROBERT L. HARRIS

1000 RIVERWALK DRIVE, SUITE 200
P.O. BOX 50130
IDAHO FALLS, IDAHO 83405

TELEPHONE (208) 523-0620
FACSIMILE (208) 523-9518
E-MAIL KFOSTER@HOLDENLEGAL.COM

Arthur W. Holden
(1877-1967)
Robert B. Holden
(1911-1971)
Terry L. Crapo
(1939-1982)
William S. Holden
(1907-1988)

Of Counsel
Fred J. Hahn

*Also Licensed in Utah and Arizona
**Also Licensed in Missouri & Kansas

November 3, 2004

RECEIVED

NOV 04 2004

Department of Water Resources
Eastern Region

Ernie Carlsen
Idaho Department of Water Resources
900 N. Skyline Dr., Ste. A
Idaho Falls, ID 83402

RE: Garth Fullmer - Water Right No. 23-113A

Dear Mr. Carlsen:

After our conversation in your office, Mr. Garth Fullmer visited with representatives of the agencies involved in the construction of the fish passage structure on Burns Creek at his point of diversion. He was able to secure the enclosed letter from Mr. Michael S. Maffey, on behalf of Idaho Fish and Game.

I also visited with Mr. Fullmer about your email regarding the soils analysis by the Farm Service Agency. Mr. Fullmer spoke with officials at the Farm Service Agency and was advised that that could not be done until next spring.

Please let us know where you think we stand at this point in time so that we can know where to go from here.

Yours very truly,



Kent W. Foster

Enclosure

c: Candice McHugh



IDAHO FISH & GAME

600 South Walnut
P.O. Box 25
Boise, Idaho 83707-0025

Dirk Kempthorne / Governor
Steven M. Huffaker / Director

COPY

Mr. Garth Fullmer
1855 Carmel Dr.
Idaho Falls, ID 83402

November 2, 2004

Re: Burns Cr. Irrigation/Fish Passage Structure

Dear Garth:

The following summarizes my recollection of the design of the referenced project:

I found a hand written memo stating Dennis Hadley – NRCS District Conservationist estimated that the irrigation need for this field was 100 inches of water (2cfs). Fish and Game personnel measured flow at the fish screen and at the top of the field and determined a 36% conveyance loss (6.27cfs at screen and 4.0cfs top of field). I believe my thought at the time was that we needed to divert as fish friendly as we could an amount close to 5 cfs (2cfs at field, 2.5cfs loss, .5cfs loss at fish bypass).

We looked at several options (different sizes) regarding installing a head gate and pipe from point of diversion down to the existing fish screen. We chose to go with an 18" diameter pipeline to be conservative. The larger pipe allows you to get your water with less checking up at the point of diversion. The less you have to check up the water surface the better off the fisheries from a standpoint of not creating vertical barriers for migrating fish. At different times of the year and with the various flow conditions we felt this would be the best design for you and the fish. The ability for you to control flow at the head gate was always anticipated.

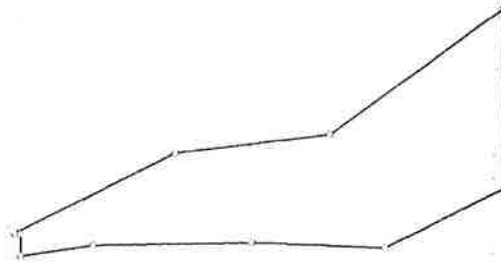
If you need any additional information please call.

Sincerely,

Michael S. Maffey

Michael S. Maffey, P.E.
Engineering Supervisor
Idaho Department of Fish and Game





Title:		Date: 10-28-2004
Scale: 1 inch = 1000 feet	File: fullmer2.des	
Tract 1: 34.386 Acres: 1497833 Sq Feet: Closure = n84.1406w 32.72 Feet: Precision = 1/208: Perimeter = 6818 Feet		
001=/sw,sw,nw,11,3n,42e	007=/s62.2800w 977.46	013=s62.2800w 735.9
002=/n89.3600w 1308.78	008=/n02.0000w 36.96	014=n89.0600w 720.06
003=/s89.3600e 2640	009=n62.2800e 989.34	015=s87.4100w 869.22
004=/s02.0000e 574.2	010=n81.5800e 834.24	016=s80.0000w 401.28
005=/s52.5000w 1189.98	011=n52.5000e 1174.14	017=n02.0000w 120.12
006=/s81.5800w 830.28	012=s02.0000e 973.5	

9-14-51





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View:

46 km E of Idaho Falls, Idaho, United States 07 Sep 2000



1 meter resolution



Map Size:

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Related Links:

[Other Imagery:](#)

[Partners:](#)

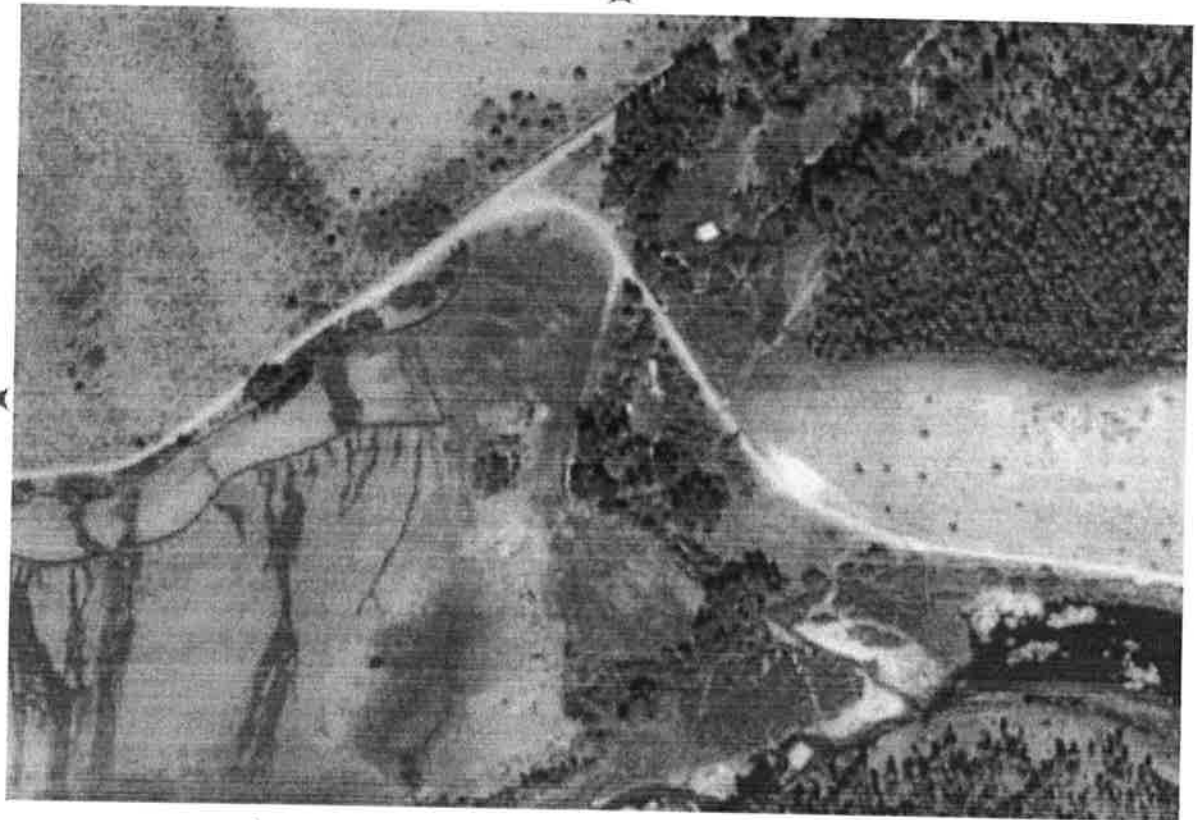


Waterproof Map



House and Home:

Schools, Crime and Demographics for 83401



0 100M

0 100yd

Image courtesy of the U.S. Geological Survey
Source=308102 Center=(-111.4745,43.5995) 13ms Running Time



Contacts Data Entry Form

Water Right No. 23-113A

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

Current Owner ELAINE KULLMOR

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

Current Owner C/o to C. GARTH KULLMOR (3/25/03)

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:

DECEDED RIGHT UNDER RUMSBURG TRAIL CO. VS TETON TRAIL CO.,
1910, AS # 8, TO C. WHEATON, July 1, 1882; Burns Cr.
THIS RIGHT ORIGINATED AS 22-0519. IT WAS THEN
RENUMBERED TO 23-113. TRANSFER #655 SPLITS THE
RIGHT IN HALF AND MOVES 1st Cst TO SNAKE RIVER TO BE
DIVERTED BY SUNNYDOL TRAIL AS RIGHT #01-10031.
THE REMAINING RIGHT, 23-113A, IS UNCHANGED.

FB: 8/12/03, VISITED POD, CONVEYANCE & POLL.

FB INDICATED: POD, POD, CONVEYANCE

Reviewer: _____

Date: _____

SCANNED
JUL 13 2004

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 23-113A

WATER RIGHT NUMBER: 23-113A

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	CHARLES WHEATON
	, ID
Current Owner	ELAINE BUCKLAND FULLMER
	6281 E HEISE RD
	RIRIE, ID 83443
	(208)538-5076
Original Owner	CARL BUCKLAND
	, ID

Priority Date: 07/01/1882

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BURNS CREEK	SOUTH FORK SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01	to 11/01	1.000 CFS	
	<u>Total Diversion:</u>		1.000 CFS	

Location of Point(s) of Diversion

BURNS CREEK	SE1/4SE1/4NE1/4	Sec. 11, Twp 03N, Rge 42E, B.M.
BONNEVILLE County		

Place of Use

IRRIGATION																		
Twp Rge Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals	
03N 42E 11									8.0		1.0	15.0	1.0	8.0	17.0	2.0	52.0	
Total Acres: 52																		

Conditions of Approval:Remarks:

- General P/D BUCKLAND DITCH.
P/D BUCKLAND DITCH.
THIS IS A SPLIT OF RIGHT 22-00579 LESS TRANS. 655 | SOURCE ON U.S.G.S. MAP IS BURNS CANYON.
| THIS RIGHT IS ACTUALLY LOCATED IN BASIN 23.
RENUMBERED FROM 22-00579A

22-6579

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
Certificate of Water Right
Transferred Water Right No. 655

THIS IS TO CERTIFY THAT CARL BUCKLAND, of Shoshone, Idaho, is the owner of and using a certain water right, bearing date of priority of July 1, 1882, for Two (2) cubic feet per second of the waters of Burns Creek, a tributary of Snake River, County of Bonneville, State of Idaho, decreed to CHARLES WILKINSON, by decree of Judge J. M. Stevens, of the District Court of the Sixth Judicial District of the State of Idaho in and for the County of Fremont, bearing date of December 16, 1910, in the case of

WILKINSON IRRIGATION COMPANY,

Plaintiff,

vs.

WILKINSON IRRIGATION CANAL COMPANY,

Defendant

appurtenant to the following described lands, situate, lying and being in District No. 36, in the County of Bonneville, State of Idaho, to-wit:

Tax Lots 2, 4, and 8A; 36 $\frac{1}{2}$ Section 11,
Township 3 North, Range 42 East, N. M.

located at the mouth of Burns Creek, being H. L. Survey No. 557

That the said decree has been entered in the records of the Department of Reclamation of the State of Idaho, in Volume 3 of decrees, at page 430.

That said CARL BUCKLAND has become the owner thereof by deed and inheritance, as per abstract of title of water right filed with said application.

That now, upon the application of CARL BUCKLAND, of Shoshone, Idaho, for a Certificate of Transfer of Water Right, made before the State Reclamation Engineer of the State of Idaho, and the said application having been granted, the right to the use of One (1) cubic foot per second of the waters of Burns Creek, a tributary of Snake River, upon the lands above described is HEREBY ABANDONED, and the lands to be irrigated under such right, and to which the water right HEREBY CONFIRMED shall be made appurtenant, by this Certificate, for the reason that the lands are more productive and a higher duty of water is made possible to the lands lying and being in the County of Madison, and State of Idaho, described as follows, to-wit:

01-10031

36 $\frac{1}{2}$ Sec. (less R.R. Right-of-way) and 36 $\frac{1}{2}$ Section 15;
Lot 4 and 8A; NW $\frac{1}{4}$ Section 22;
all in Township 4 North, Range 40 East, N. M.

said water to be limited at any time to an amount actually needed and beneficially used for such purposes, and shall not exceed the following amount, to-wit:

One (1) cubic foot per second of the waters of Burns Creek, a tributary of Snake River, with date of priority of July 1, 1882

Burns Cr
2 cfs
7/1/1882

23-00113A
22.4, N25W Sec. 11
T3N, R42E

H.E.S. 557

12 cfs

5 $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 15
24, N25W Sec. 22
T. 4N., R. 40E.

12 cfs Burns Cr
7/1/1882

23-00113A Burns Cr POD
SE4 Sec. 11
T3N, R42E

Sunnydell Ditch
Snake River POD
NW4 Sec. 22 T4N, R40E

01-10031

That the water right hereby transferred has been conducted to the first above described lands through the Buckland Ditch from Burns Creek, with point of diversion in the Southeast Quarter of Section 11, Township 3 North, Range 42 East, S. M.

That the water right hereby transferred will hereafter be conducted to the last above described lands through the Sunnydell Ditch from Snake River, with point of diversion in the Northwest Quarter of Section 22, Township 4 North, Range 40 East, S. M.

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.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the Department of Reclamation of the State of Idaho to be affixed, at Boise, Idaho, this 20th day of December, A. D. 1943.

J. M. LORFORD
State Reclamation Engineer

by

Ray A. Thompson
Supervisor of Water Distribution

Name of Applicant

M. Burkland

SEC.

SEC.
15

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.
22

SEC.

SEC.

SEC.

SEC.

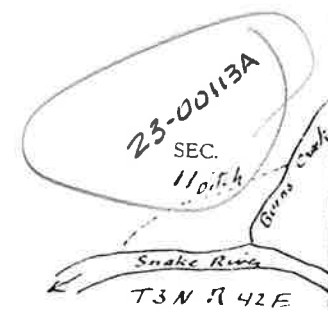
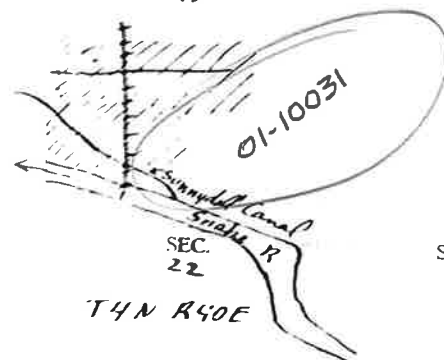
SEC.

SEC.

SEC.

SEC.

SEC.



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

N.09°02'W.

77.58

Sec. 11

T.3N.R42E

Survey

43.07

H. E. S.

557

SURVEY DATED
1/23/70

TRACT-C
2.26 Ac.

S.81°58'W.
12.58

S.52°50'W. 18.03
N.52°50'E. 17.79

N.0°02'W. 0.63

N.0°01'W.

23.19

S.0°02'E. 0.56
N.0°04'W. 2.74

S.62°28'W. 14.81
N.62°28'E. 14.99

N.81°58'E. 12.64

N.89°57'W. 12.64

N.86°30'E. 37.53

79.50

28.27

N.0°01'W. 17.75

N.25°W. 12.74

(LOI)

(8)
12.35

(7)
2.88

10.52
14.18

7.63

3.79

4

3

2

1

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

Priority Date Data Entry Form

Claim Number: _____

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: 7/01/1882 Claimed Basis: DECREEDRecommended Priority Date: 7/01/1882 Recommended Basis: DECREED

____ 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 CLAIMS MATCHES DECREED.Reviewer: ABRDate: 8/12/03

w/ Nick Olson

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 3N, R 42E, Sec. 11, SE, SE, NE. County: BONN.Source: BURNS CK Tributary: SNAKE RIVER

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>3N</u>	<u>42E</u>	<u>11</u>		<u>SESENE</u>	<u>BONN.</u>	<u>BURNS CK</u>
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						

Other rights from this POD?

GPS TAG: TAG# A0012421

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

GPS THIS POD

Nicks 012

0685129

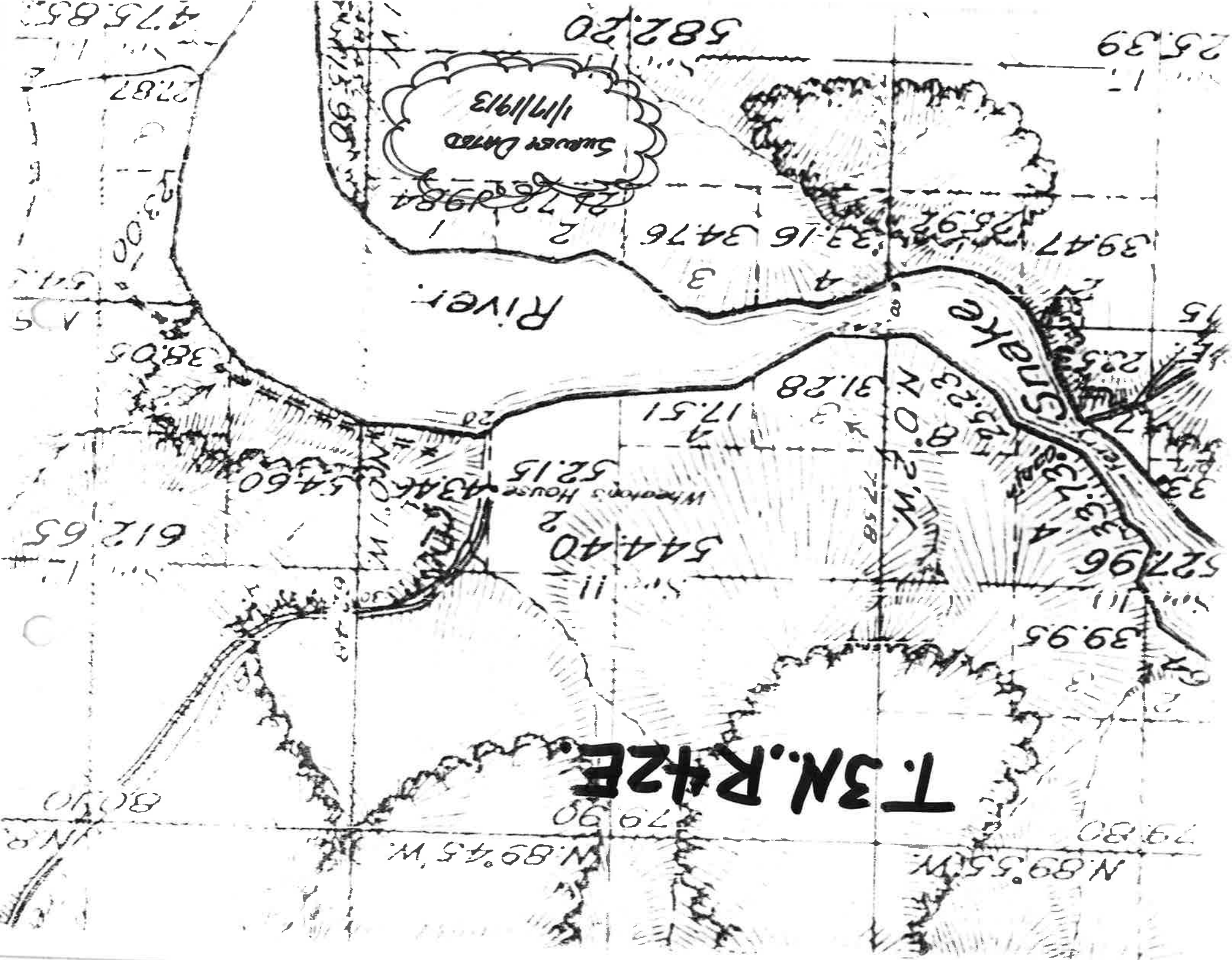
0204043

DIVERSION IS A PART OF IF&G RISH RESEARCH STRUCTURE

Transfers Changing POD _____

Reviewer: _____

Date: _____



Place Of Use Data Entry Form

Claim Number: _____

_____ Use Claimed POU as Recommended POU

Claimed Place of Use

Tw	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total Acres _____

Recommended Place of Use

Tw	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
3N	42E	11	NWSE		Benn			Fring.
			SWSE		"	2		"
			SBSW		"	4		"

Total Acres _____

Document how the POU was verified:

POU ORIGINATED AS H.E.S. #557

Remarks

GIVEN THE DIFFERENCE IN SURVEY DATES - POU IS RECOMMENDED
AS THE 1913 SURVEY SHOWS LOTS/QQ.

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>4/1</i>	<i>11/1</i>	<i>10</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>10/31</i>	<i>10</i>	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Overall Diversion Rate _____

Overall Diversion Volume _____

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

*SOU per Dept Std of 4/15 to 10/31 where it is not addressed
by Ryeburn/Teton (1910) Decree.*

Reviewer: _____

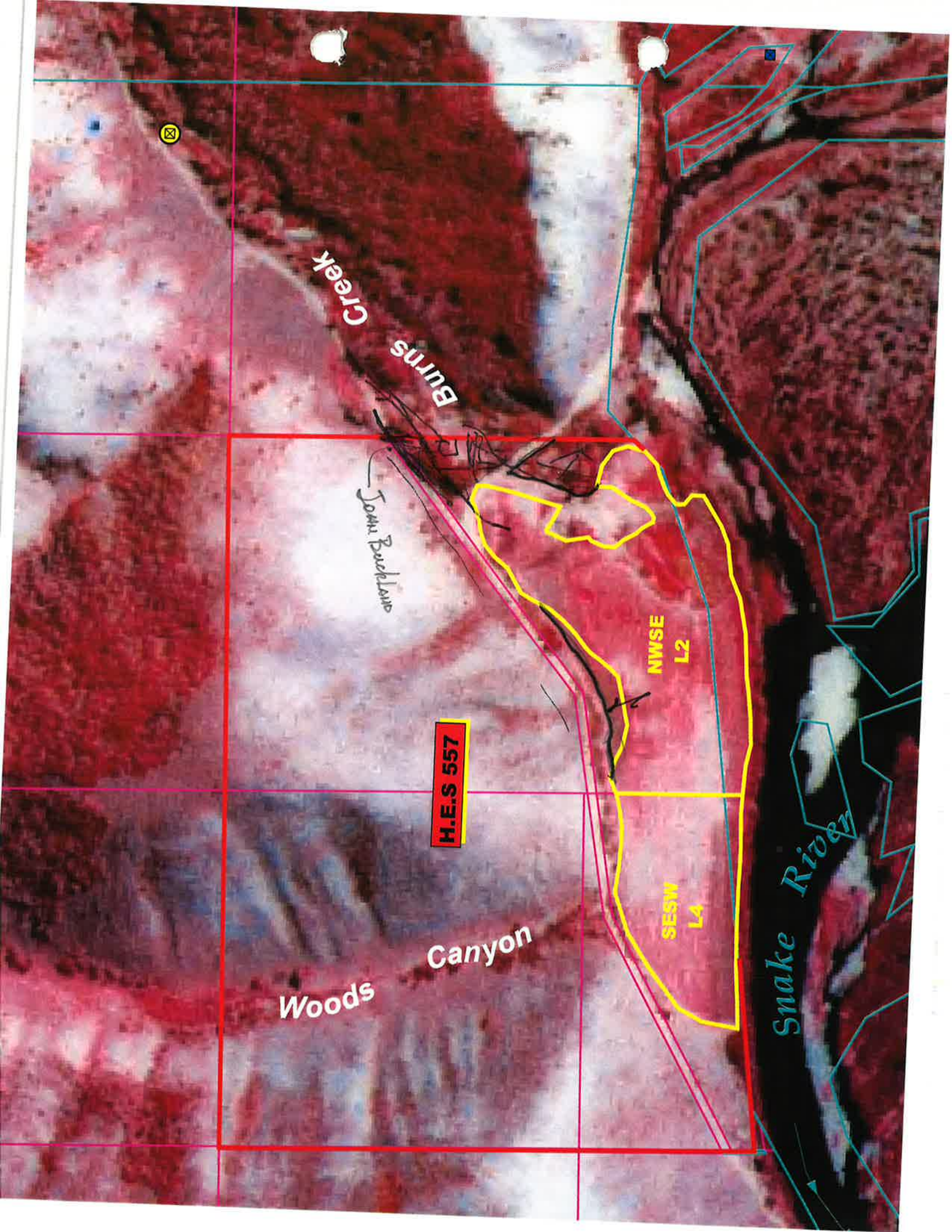
Date: _____

Log for claim 23-00113A

Spatial Dynamics BTD

6/5/01

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
03n42e	11	NESW	8	7.1	qq's do not match GCDB.
03n42e	11	SWSW	1	1	
03n42e	11	SESW	15	11	
03n42e	11	NESE	1	0.6	
03n42e	11	NWSE	8	5.6	SESE qq included.
03n42e	11	SWSE	19	23	
Totals:			52	48.3	



Burns Creek

Joan Buckland

H.E.S 557

NWSE L2

SESW L4

Woods Canyon

Snake River

2 1
11 12

T3N, R42E

23-113A
Burns Ck

Woods Canyon

POU

DITCH

Burns Creek

Lot 1

Lot 2

Lot 4

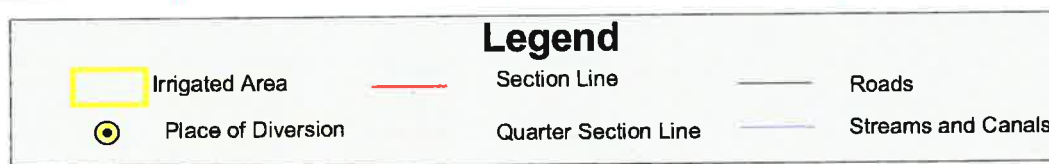
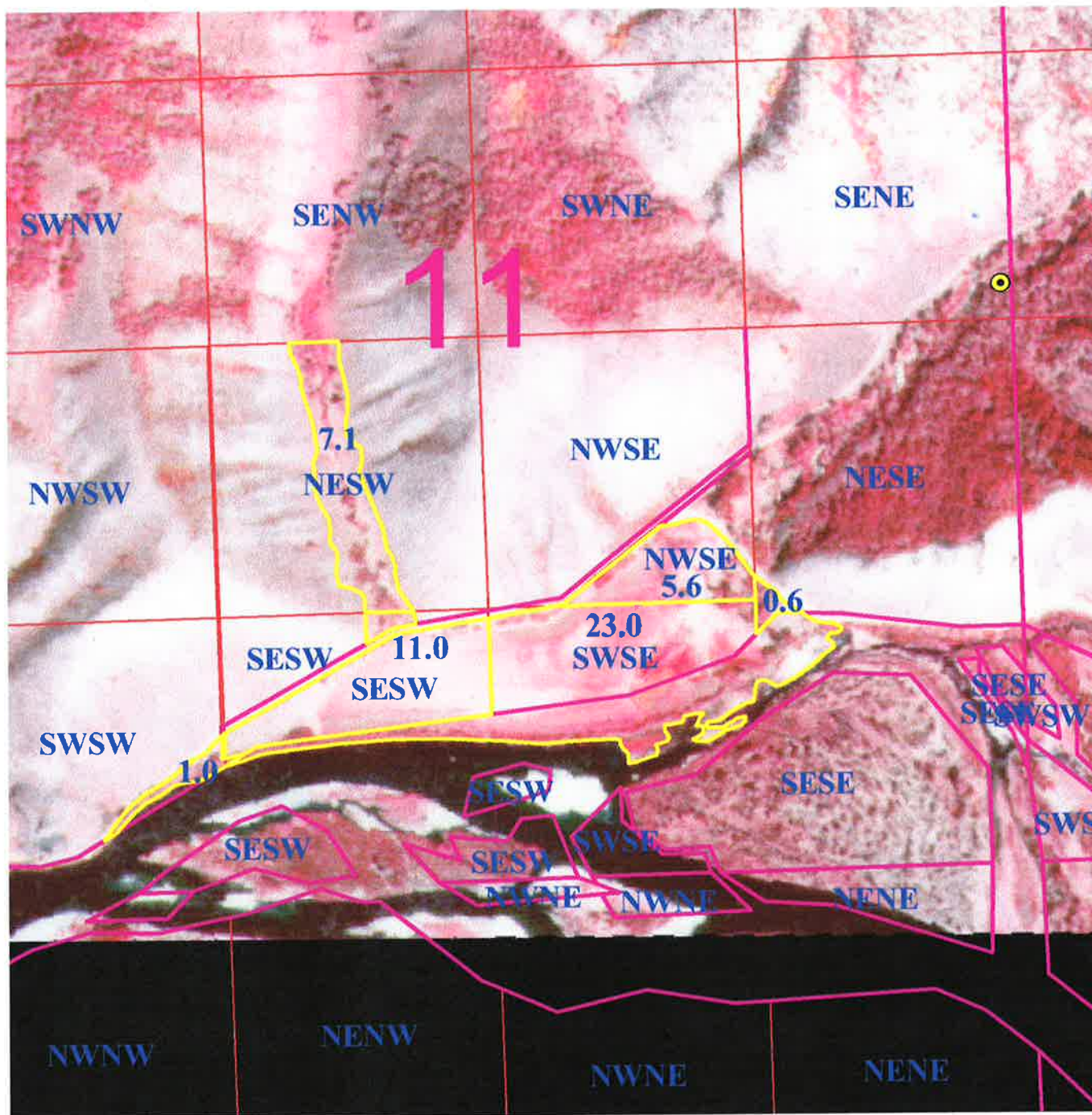
Lot 3

Snake River

8/12/03
MD
MD

Water Right Claim Number 23-00113A
Townships , 5N38E, 3N42E

06/05/2001



SPATIAL
DYNAMICS

10

3 31.28

TR C
2-26

IR B
34.03

852302
D/C

352392
B/C

South Fork Snake River

10 0.60

9. 28. 27

USGS 0 8/28/1371
Wdi Pwr S CI 461
BLM 0
2/16/1970
Wdi Burns Creek
Rec1 Proj

1 54.60

1.03

12.74
4 0.68

5.5.11

73.61

USGS 0 8/28/1971
Wdl Pwr 5 Cl 461

14

OMITTED LANDS

SCALE in Chains

May 3, 2004

Water Resources Board
Idaho Falls, Idaho

RE: Right Number 23-113A
Tributary: South Fork Snake River

*5/04/04 Review documents -
no further action taken*

RECEIVED *asm*

MAY 04 2004

Department of Water Resources
Eastern Region

To Whom It May Concern:

I have received the water adjustment to the previous water designation, on my, Burns Creek Property, from 23.3 acres at 0.500 CFS to 26.3 acres at 0.550 CFS.

Although, your consideration is appreciated, I have trouble understanding your restricting water decree to the field of 26.3 acres (per your calculations). The 1882 Abstract states the water decree for the 160 acres of land is 100 inches. Although 50 inches of this water was sold, there should still be 50 inches for this land.

Another question, I cannot find on record where 10 inches of water was transferred to Therold Buckland or Jon Buckland. In talking to Jon Buckland, he is of the impression that he has 1 inch of water, not 10 inches. I assume he figures that much water came with his land, when his father Therold Buckland received 1/2 acre from Carl Buckland.

Another question I have, is where you received your information that the water was not used from 1980 through 1989. This is of course an error. During that time there were different renters on that land. See accompanying letters from Max Fullmer, 1979-1981 and Valerie Fullmer, 1985-1995. The remainder of these years Bryan Fullmer and I operated the place and used the water.

I hope this information helps to set the record straight.

We will look forward to your response on the above questions and a reconsideration of the decree water rights inches.

Very truly yours,

C. Garth Fullmer
C. Garth Fullmer

CC: Bryan Fullmer

Valerie Fullmer

*P.S. If you wish we would
appreciate an appointment.
CJF*

APRIL 21, 2004

IDAHO DEPARTMENT OF WATER RESOURCES
IN REGARDS TO YOUR PRELIMINARY RECOMMENDATION OF WATER RIGHTS:
RIGHT # 23-113A
SOURCE: BURNS CREEK
DIVERSION POINT: T03N R42E S11 SESENE WITHIN BONNEVILLE COUNTY

TO WHOM IT MAY CONCERN:

YOU TOLD MY FATHER, GARTH FULLMER, THAT YOU ARE TAKING AWAY PART OF HIS DEEDED WATER BECAUSE IT WAS **FORFEITED FOR NON-USE FROM 1980 TO 1989**. I KNOW FOR A FACT THAT YOUR INFORMATION IS INCORRECT.

IN THE EARLY 1980'S, I WAS SPENDING MY SUMMERS AT BURNS CREEK WITH MY MOTHER. I BELIEVE IT WAS 1982, WHEN MY UNCLE, MAX FULLMER, RENTED THE PROPERTY FROM MY MOTHER, ELAINE FULLMER. HE PLANTED BEER BARLEY. I WORKED FOR HIM THAT SUMMER, MOVING SPRINKLER PIPE, SO I KNOW THE WATER WAS USED THAT YEAR.

IN 1985, IRA (SONNY) SPAULDING AND MARK GROVER RENTED THE PROPERTY FROM MY MOTHER AND PLANTED PEAS, OATS, AND ALFALFA. I WORKED FOR THEM ALSO, AND I ALSO MOVED PIPE THEN. AFTER MR. GROVER, AND MR. SPAULDING WERE THROUGH WITH THE PROPERTY, MY MOTHER, MYSELF, AND MR. GROVER'S SON, DEMAR GROVER, CONTINUED TO RAISE ALFALFA UNTIL THE TIME OF MY MOTHER'S DEATH IN 1995. BY EITHER SPRINKLE-IRRIGATION, OR FLOOD IRRIGATION, THE WATER WAS USED EVERY YEAR FROM 1985-1995.

SINCE MY MOTHER'S DEATH, MY FATHER, GARTH FULLMER, AND MY BROTHER, BRYAN FULLMER HAVE PLANTED AND IRRIGATED GRAIN.

ANY YEARS THAT WE DIDN'T HAVE A CROP, WE ALWAYS HAD PASTURE THAT WAS FLOOD IRRIGATED. THE ONLY TIMES THE WATER WASN'T USED WERE WHEN WE DIDN'T HAVE ACCESS TO IT DUE TO THE FISH AND GAME PUTTING A PADDLE WHEEL IN OUR DITCH, AND LATER WHEN THE DITCH WASHED OUT BECAUSE OF IT.

IF NEED BE, I CAN AND WILL ACQUIRE WRITTEN STATEMENTS FROM INDIVIDUALS WHO WERE WITNESS TO THE FACT THAT THE WATER WAS USED DURING THE PERIOD OF TIME IN QUESTION.

SINCERELY,



VALERIE A. FULLMER
9625 S. SNAKERIVER ROAD
REXBURG, IDAHO 83440

April 19, 2004

To whom this may concern

My name is Max L. Fullmer. My home address is 5200 Midway road #617, Caldwell, Idaho 83707.

I operated the Burns Creek Ranch, which belongs to my brother Garth Fullmer, during 1979, 1980, and 1981. Barley was grown and a few cattle units were pastured there.

A handwritten signature in blue ink that reads "Max L. Fullmer". The signature is written in a cursive style with a horizontal line underneath the name.



Steven M Spencer

04/27/2004 09:39
AM

To: dshaff@idwr.state.id.us
cc: aruberry@idwr.state.id.us, ecarlsen@idwr.state.id.us
Subject: Basin 23 Preliminary

Don, we have discussed previously the FS desire to offer corrections to probable FS objections to water rights during the preliminary reporting period BEFORE the report goes to the court. That way I can work with the various agents to resolve FS issues outside of the court. And we can for go the legal procedures of objecting, hashing it out, doing SF5's, correcting the water right description, getting signatures and all the related time in the legal arena. It will save time for the department, the FS, the court, and the claimants.

This worked very well for us in Basin 29. I worked with Ernie on a dozen or more in the preliminary. Ernie took the comments I offered during the preliminary phase and we resolved FS issues so that the water rights were recommended in such a manner that the FS did not have to object. Instead of 10 or 15 objections, we only had 3 (which I may have missed during the review of the preliminary).

With that in mind, we reviewed the Basin 23 preliminary recommendations and have some suggestions that would clarify 8 water right recommendations so that the FS would not have to protest them. I would like to work with you and Allen to accomplish this, as well as continue it into the future. I've discussed these with you and will send copies of the two Master Title Plat (MTP) maps from the BLM master land records to Allen so that he has the same information I relayed to you on problems with "LOTS". The other concerns are with quarter-quarters where there is federal and private land and NO lots distinguishing land ownership. We have used a clause in the past to make it clear that the POU's or sometimes the entire water right are NOT ON FEDERAL LAND. That way we have the surety that there should not be a misunderstanding in the future if there is or is not use on the federal land.

I am still determining how to deal with a handful of cases where there is apparent irrigation of small pieces of NFS land fenced in with private land. If there is something that I can get started to resolve these matters I will get back with you and Allen. Thank you for your cooperation on these topics.



Preliminary Recommendations.d

Steve Spencer
Boise Adjudication Team
161 E. Mallard, Suite A
Boise, ID 83706

(208) 331-5944
(208) 387-0842 FAX
e-mail: sspencer@fs.fed.us

RECEIVED

APR 29 2004

Department of Water Resources
Eastern Region

Basin 23 Preliminary Recommendations
Forest Service Suggestions to avert Objections

I. MIXED OWNERSHIP – PRIVATE LAND LANGUAGE

There are 5 water right recommendations that involve quarter-quarters with mixed federal and private land ownership. Often times the mixed ownership questions can be clarified using government survey 'Lot' information to distinguish federal and non-federal ownership. In these 5 situations government 'Lots' are not available. The federal vs. private question could be resolved by adding a remark such as:

The points of diversion and places of use for this water right do not include any federal land.

The Forest Service is faced with this situation on water right numbers:

23-07087

23-10258

23-11210 (in addition, it appears that the SESE Sec 11 is 'LOT 5')

23-11212 (adaptation for instream flow stockwater needs to also reference beginning and ending point of the instream flow)

23-11228

If a clause clarifying the ownership of the land for these water rights could be added to the water right descriptions that are recommended to the SRBA Court, the Forest Service would not object to these water rights – the settlement of which would be to add this language to the water right description. This would save the Department, the Court, the private party and the United States time.

II. ANOTHER 'LOT' PROBLEM

23-02018 MTP shows NWNE Sec 7 as LOT 20, not LOT 9 (this is NFS land), and SENW of Sec 7 is not LOT 11, but simply part of HES 256. There are .9 acres of irrigation on NFS land at this time. I'll see what I can do to work it out with the claimant to get that .9 acres off NFS land. Then a clause pertaining to POU's not on federal land would be appropriate. The POD is on NFS land. MTP map provided.

III. OTHER OBSERVATIONS

23-00113A and 23-11247 For a more precise legal description, the private property (location of POUs) is HES 557 Tract B. The POD is on NFS land. Clause that the POU's do not include any federal land would be appropriate because they are all on HES 557 Tract B. MTP map provided.

Thank you. That is all for now.

12/05/2001

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: 23-113A

C GARTH FULLMER
1855 CARMEL DR
IDAHO FALLS ID 83402

1. Describe the portion of the proposed recommendation with which you disagree (e.g., priority date, period of use, source): We disagree with your stated acres and your taking half of our 1882 DECREEED WATER RIGHT.
2. Describe the changes you wish to make in the proposed recommendation:
We wish to change the irrigated acreage to Thirty-five (35), and list the correct amount of CFS for Fifty (50) inches of water.
3. Give a brief explanation as to why you disagree with these portions: Our records have always shown that we irrigate 35 acres. We plan to pump water from the Ditch into Woods Canyon for additional acreage. I know from experience that this water right has been used for over fifty years. We have let the system use it between irrigations as a neighborly thing to do. I see no reason
I AGREE with this proposed recommendation: no changes need to be made.

DATE: 3-16-04

SIGNATURE:

C Garth Fullmer

Please print your name:

C Garth Fullmer

IDWR Regional Office,

3/29/04 ① Acreage expanded (10000) from Beyond ASCS
Photo labboo in Roo, Other elements Adjusted
Accordingly. Addoo Q for convey Loss
② Corrected Forfeiture Remark from
To 1989 (1998 % Fund).
③ Also See 23-11247.

to give up any of this DECREEED WATER RIGHT.

SAME

BURNS CREEK RANCH:

\$350,000.00

H.E. Survey No. 557, comprising Tracts "A" and "B" embracing a portion of Section 11, in Township 3 North, Range 42 East of the Boise Meridian, Idaho, more particularly bounded and described as follows:

Beginning for the description of Tract "A" at corner No. 1, from which the quarter corner between Sections 10 and 11 in Township 3 North of Range 42 East of the Boise Meridian bears North 89° 36' West 19.83 chains distant; thence South 89° 36' East 40 chains to Corner No. 2; thence South 02° East 8.70 chains to Corner No. 3, thence South 52° 50' West 18.03 chains to Corner No. 4; thence South 81° 58' West 12.58 chains to corner No. 5; thence South 62° 28' West 14.81 chains to corner No. 6; thence North 02° West 28.46 chains to corner No. 1, the place of beginning.

Beginning for the description of Tract "B" at corner No. 7, from which Corner No. 6 of said Tract "A" bears North 02° West 56 links distant; thence North 62° 28' East 14.99 chains to corner No. 8; thence North 81° 58' East 12.64 chains to corner No. 9; thence North 52° 50' East 17.79 chains to Corner No. 10; thence South 02° East 14.75 chains to Corner No. 11; thence meandering the right bank of Snake River South 62° 28' West 11.15 chains, North 89° 06' West 10.91 chains, South 87° 41' West 13.17 chains, South 80° West 6.08 chains to Corner No. 12; thence North 02° West 1.82 chains to corner No. 7, the place of beginning.

EXCEPTING THEREFROM the following described tract, to-wit:

Beginning at corner No. 10 of H.E.S. No. 557, State of Idaho; thence South 0° 02' East 105.25 feet to Corner No. 1, point of beginning; thence South 63° West 194.46 feet to corner No. 2; thence South 27° East 166 feet to Corner No. 3, thence North 63° East 110 feet to Corner No. 4; thence North 0° 02' West 186.25 feet to Corner No. 1, point of beginning. All of which is located in Bonneville County, Idaho. Including the following described water right:

50 inches of water from the waters of the Snake River and its tributaries, specifically, Burns Creek, situated in the County of Bonneville, State of Idaho, dating from July 1, 1882, as established by decree dated December, 1910.

*This water has been used
every year. I don't know
when you think it has not!*

IDAHO TITLE & TRUST COMPANY

we, at the same time, at his request, and in his presence, and the presence of each other, hereunto subscribed our names as witnesses this 31st day of March, 1951.

Filed July 22, 1953.

COPY

Edna Adams,
Residing at Idaho Falls, Idaho.
E. A. Owens,
Residing at Idaho Falls, Idaho.

)
) PETITION FOR PROBATE OF WILL

TO THE HONORABLE IRA COWEY, JUDGE OF THE PROBATE COURT OF THE COUNTY OF BONNEVILLE, STATE OF IDAHO:

The petition of Therold Buckland and Harley A. House, respectfully shows:

That Carl L. Buckland died on or about the 14th day of June, 1953, at Idaho Falls, Idaho.

That said deceased, at the time of his death, was a resident of the County of Bonneville, State of Idaho, and left estate therein consisting of both real and personal property.

That the character and probable value of the said property are as follows, to-wit:

160 acre farm (35 acres cultivated land and remainder pasture), together with ~~10~~ inches of water appurtenant thereto.

(and personal property)

That the estate and effects, for or in respect of which the probate of the will hereinafter mentioned is hereinafter applied for, does not exceed the sum of \$10,000.00.

That said deceased left a will, bearing date the 31st, day of March, 1951, which your petitioners believe, and therefore allege to be the last will and testament of said deceased, and which is herewith presented to said Probate Court.

That Therold Buckland and Harley H. House, petitioners herein, were named in said will as executors thereof, and the following persons were named therein as devisees and legatees, to-wit:

NAME	AGE	RELATIONSHIP	RESIDENCE
Mary Jane Buckland	41 yrs	wife	Box 9, Blackfoot, Idaho
Iris Buckland Larsen	43 yrs	daughter	Route # 2, Rigby, Idaho
Francis L. Buckland	41 yrs	son	Rigby, Idaho
Vernal Buckland	33 yrs	son	Rigby, Idaho
Therold S. Buckland	35 yrs	son	Blackfoot, Idaho
Keith Buckland	30 yrs	son	Star Route, Ririe, Ida.
Carl LaVerne Buckland	25 yrs	son	1021 Blaine Avenue Idaho Falls, Idaho

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.

RECEIVED

MAR 25 2003

Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided, if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
	23-113A				

The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) are for ten or more acres of irrigation, you must submit a **USDA Farm Service Agency AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) Elaine Buckland Fuller (deceased)
4. New Owner/Claimant(s) C. Garth Fullmer
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address _____
- City, State and ZIP Code 1855 Carmel Dr, Idaho Falls ID
- New Telephone Number (208) 529-0080 CELL 390-5076 83402
5. Date you acquired the property _____

Water Right and/or Adjudication Claim Number _____

Water Right and/or Adjudication Claim Number _____

Signature of New Owner(s) or Claimant(s)
(include title if applicable)

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

Received by _____ Date _____ Fee _____
 Receipted by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

Application For Transfer of Water Right

STATE OF IDAHO

County of Jefferson

ss.

Carl Buckland, being first duly sworn, deposes and says:
That his name is Carl Buckland; that he is of lawful age, a citizen
of the United States and of the State of Idaho, and that his postoffice address is Chochecherry, Idaho

That he is the owner and using a certain water right, bearing date of priority of July 1, 1882
for 2.0 cubic feet per second of the waters of Burns Creek a tributary of Snake River
County of Bonneville, State of Idaho, decreed to Charles Wheaton
by decree of Judge, Stevens of the 6th Judicial District of the State of
Idaho, in and for the County of Fremont, in the case of Rexburg Irrig. Co.
vs. Teta Irrig. Canal Co., said decree bearing date of Dec 16, 1910
(or obtained by virtue of License No. _____, issued by the State Engineer of the State of Idaho,
dated _____, 19____, bearing date 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: tax Lots 2, 3, and
NE 1/4 SW 1/4 Sec 11, T 3 N. R 42 E. B.M. located at the
mouth of Burns Creek, Being H.E. Survey # 557

_____ and is the person (or representative of
the corporation) to whom such right so issued, or has become the owner thereof in the following man-
ner, i. e. by deed and inheritance
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 SE 1/4 of
Section 11, Township 3 N, Range 42 E, B. M., and con-
ducted to the above described lands through Buckland Ditch
as per map herewith and of this affidavit made a part;

That affiant and petitioner desires to abandon the use of 1.0 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 Madison and State of Idaho, to-wit:
5 1/2 SW 1/4, less R.R. right of way; SW 1/4 SE 1/4 Sec 15; Lot 4, NE 1/4 NW 1/4
Sec. 22; all in T. 4 N, R 40 E. B.M.

That his reasons for desiring to make such transfer are as follows:
Land is more productive and a higher duty of water is possible.

FILED

That he intends to divert and convey said 1.0 second feet of water to the tract of land last above described in the following manner, to-wit:

Water will flow from Burns Creek into Snake River, thence down Snake River to head of Sunnydell Canal, thence to land.

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

WHEREFORE, 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.

X Carl Buckland Applicant.

Subscribed and sworn to before me this 1st day of July

A. D. 19 43

My Commission exp. Nov. 9th, 1946

Bash R. Bennett Notary Public, Rigby, Idaho.

APPLICANT WILL ANSWER THE FOLLOWING QUESTIONS:

From what stream is the water diverted? Burns Burns Creek

Where is the diversion point located? SE 1/4 Sec 11, T3 N R42 E

Through what ditch is it now conducted? Buckland Ditch

How much land is now irrigated by the water sought to be transferred? about 25 acres

Give the description: Located within Lats 2 & NE 1/4 SW 1/4 Sec 11, T3 N, R42 E, B.M., being H.E.S. #557

What is the total amount of water in inches, or second feet, dedicated to said land? 100 inches

What kind of crops are being raised? hay, grain, pasture

How much water per acre is now required to irrigate said land? about 2"

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

Used for pasture, and some water retained for best portion of land.

Give location of new point of diversion, if change is to be made NW 1/4 Sec 22, T4 N, R40 E.

Through what ditch will it be conducted after transfer? Sunnydell

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

1" per 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. 50" July 1, 1882

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. 0.575 sec ft June 1, 1885 Transfer No. 650

X Signed Carl Buckland Applicant.

STATE OF IDAHO,

County of..... } ss.

..... and
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.....
that he is user of water from....., in Water District No.....
County of, State of Idaho; that he has read or heard read the foregoing affidavit and petition of..... 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..... day of.....
A. D. 19.....

STATE OF IDAHO,

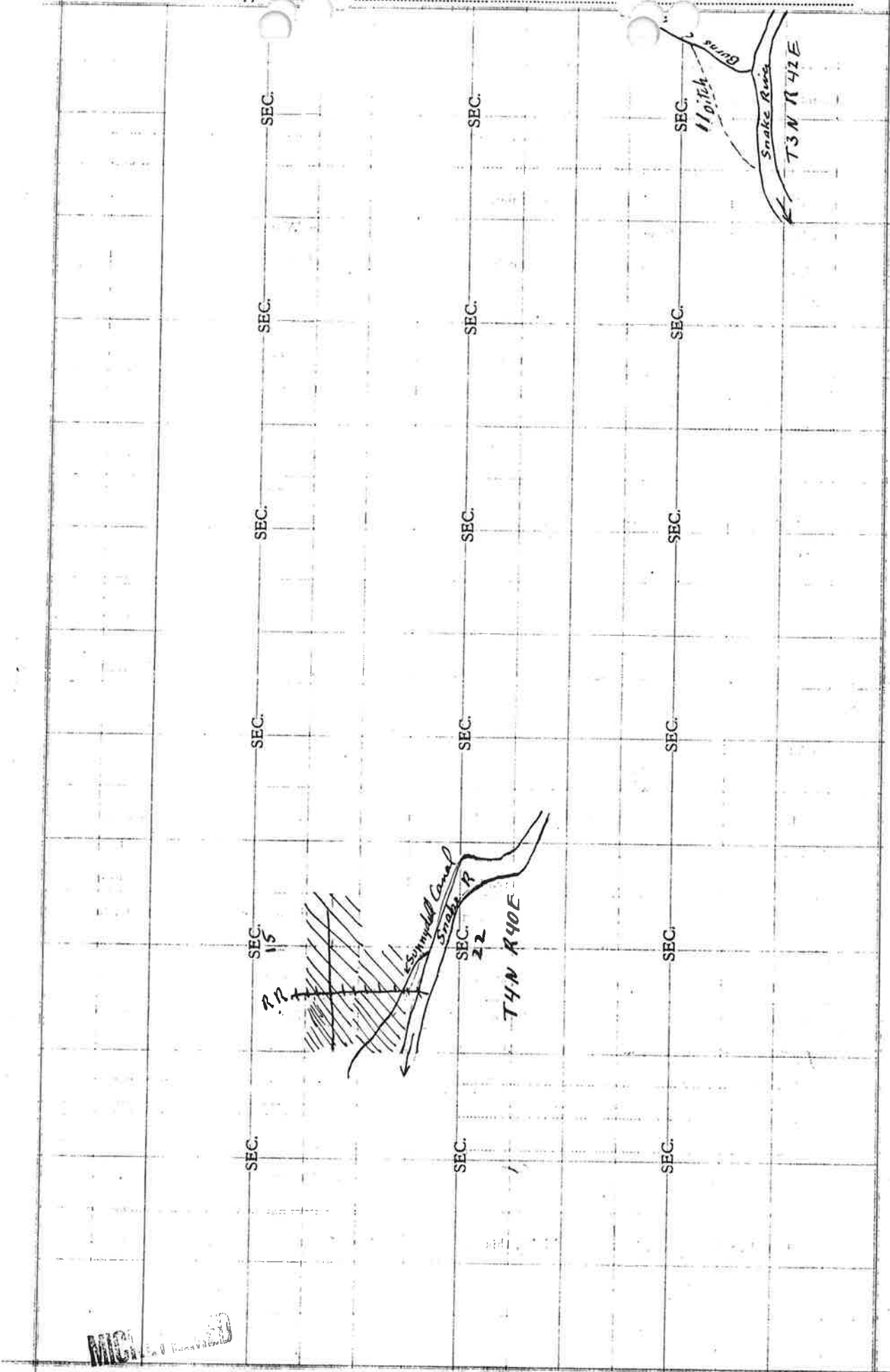
County of Bonneville } ss.

I, Lynn Randall, Watermaster of.....
Water District No. 36, County of Bonneville et al., State of Idaho, whose postoffice address is Idaho Falls, have read or heard read the foregoing affidavit and petition of Carl Buckland, 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: A higher duty of water will result

Watermaster Dist. No. 36
Lynn Randall
Dated at Idaho Falls, Idaho, this 22 day of Nov, 19 43

Name of Applicant.

Chas. Buchanan



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

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF JEFFERSON
MAGISTRATE DIVISION

Township 4 North, Range 40, East of the Boise Meridian, Jefferson County, Idaho. Section 35: Beginning at the Northwest Corner of the Northeast Quarter of the Northeast Quarter of said Section 35; thence running East 200 feet; thence South 122 feet; thence West 200 feet; thence North 122 feet to the point of beginning. EXCEPTING THEREFROM: any highway or county road right of ways. SUBJECT TO the 1986 and subsequent years general taxes and assessments all existing patent reservations, easements, right of ways; protective and restrictive covenants, zoning ordinances and applicable building codes, laws and regulations. All of which is located in Jefferson County.

SAME

BURNS CREEK RANCH:

\$350,000.00

H.E. Survey No. 557, comprising Tracts "A" and "B" embracing a portion of Section 11, in Township 3 North, Range 42 East of the Boise Meridian, Idaho, more particularly bounded and described as follows:

Beginning for the description of Tract "A" at corner No. 1, from which the quarter corner between Sections 10 and 11 in Township 3 North of Range 42 East of the Boise Meridian bears North 89° 36' West 19.83 chains distant; thence South 89° 36' East 40 chains to Corner No. 2; thence South 02' East 8.70 chains to Corner No. 3, thence South 52° 50' West 18.03 chains to Corner No. 4; thence South 81° 58' West 12.58 chains to corner No. 5; thence South 62° 28' West 14.81 chains to corner No. 6; thence North 02' West 28.46 chains to corner No. 1, the place of beginning.

Beginning for the description of Tract "B" at corner No. 7, from which Corner No. 6 of said Tract "A" bears North 02' West 56 links distant; thence North 62° 28' East 14.99 chains to corner No. 8; thence North 81° 58' East 12.64 chains to corner No. 9; thence North 52° 50' East 17.79 chains to Corner No. 10; thence South 02' East 14.75 chains to Corner No. 11; thence meandering the right bank of Snake River South 62° 28' West 11.15 chains, North 89° 06' West 10.91 chains, South 87° 41' West 13.17 chains, South 80° West 6.08 chains to Corner No. 12; thence North 02' West 1.82 chains to corner No. 7, the place of beginning.

EXCEPTING THEREFROM the following described tract, to-wit:

Beginning at corner No. 10 of H.E.S. No. 557, State of Idaho; thence South 0° 02' East 105.25 feet to Corner No. 1, point of beginning; thence South 63° West 194.46 feet to corner No. 2; thence South 27° East 166 feet to Corner No. 3, thence North 63° East 110 feet to Corner No. 4; thence North 0° 02' West 186.25 feet to Corner No. 1, point of beginning. All of which is located in Bonneville County, Idaho. Including the following described water right: 50 inches of water from the waters of the Snake River and its tributaries, specifically, Burns Creek, situated in the County of Bonneville, State of Idaho, dating from July 1, 1882, as established by decree dated December, 1910.

22-0579
23-0113

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
Certificate of Water Right
Transferred Water Right No. 653

THIS IS TO CERTIFY THAT CARL BUCKLAND, of Chokecherry, Idaho, is the owner of and using a certain water right, bearing date of priority of July 1, 1882, for Two (2) cubic feet per second of the waters of Burns Creek, a tributary of Snake River, County of Bonneville, State of Idaho, decreed to CHARLES WHEATON, by decree of Judge J. M. Stevens, of the District Court of the Sixth Judicial District of the State of Idaho in and for the County of Fremont, bearing date of December 16, 1910, in the case of

REXBURG IRRIGATION COMPANY,

Plaintiff,

VS.

TETON IRRIGATION CANAL COMPANY,

Defendant

being appurtenant to the following described lands, situate, lying and being in Water District No. 36, in the County of Bonneville, State of Idaho, to-wit:

Tax Lots 2, 4, and NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 11,
Township 3 North, Range 42 East, B. M.

located at the mouth of Burns Creek, being H. E. Survey No. 557

That the said decree has been entered in the records of the Department of Reclamation of the State of Idaho, in Volume 3 of Decrees, at Page 450.

That said CARL BUCKLAND has become the owner thereof by deed and inheritance, as per abstract of title of water right filed with said application.

That now, upon the application of CARL BUCKLAND, of Chokecherry, Idaho, for a Certificate of Transfer of Water Right, made before the State Reclamation Engineer of the State of Idaho, and the said application having been granted, the right to the use of One (1) cubic foot per second of the waters of Burns Creek, a tributary of Snake River, upon the lands above described is HEREBY ABANDONED, and the lands to be irrigated under such right, and to which the water right HEREBY CONFIRMED shall be made appurtenant, by this Certificate, for the reason that the lands are more productive and a higher duty of water is made possible to the lands lying and being in the County of Madison, and State of Idaho, described as follows, to-wit:

SW $\frac{1}{4}$ (less R.R. Right-of-way) and SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 13;
Lot 4 and NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 22;
All in Township 4 North, Range 40 East, B. M.

Said water to be limited at any time to an amount actually needed and beneficially used for such purposes, and shall not exceed the following amount, to-wit:

One (1) cubic foot per second of the waters of Burns Creek, a tributary of Snake River, with date of priority of July 1, 1882

That the water right hereby transferred has been conducted to the first above described lands through the Buckland Ditch from Burns Creek, with point of diversion in the Southeast Quarter of Section 11, Township 3 North, Range 42 East, B. M.

That the water right hereby transferred will hereafter be conducted to the last above described lands through the Sunnydell Ditch from Snake River, with point of diversion in the Northwest Quarter of Section 22, Township 4 North, Range 40 East, B. M.

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.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the Department of Reclamation of the State of Idaho to be affixed, at Boise, Idaho, this 20th day of December, A. D. 1943.

JAMES SPOTTORD
State Reclamation Engineer

By

Roy W. Thompson
Supervisor of Water Distribution

RECORDED

- 3 0 P Y -

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

In the Matter of the Application of

CARL BUCKLAND
Chokecherry, Idaho

For a Transfer of Water Right, in
Water District # 36, County of
Bonneville.

ORDER GRANTING TRANSFER

No. 655

WHEREAS, On the 18th day of December, 1943, at the Department of Reclamation of the State of Idaho, at Boise, Idaho, this matter of an application of CARL BUCKLAND, of Chokecherry, Idaho, for a Transfer of Water Right, came on regularly for hearing, pursuant to the published notice, in due and statutory form; and,

WHEREAS, No protest has been filed against the application, and the evidence filed by the applicant, with the application, shows that the water will be put to a more efficient use, and that no one will be injured thereby;

NOW, THEREFORE, IT IS HEREBY ORDERED That the said application be and the same is HEREBY GRANTED, and that a Certificate of Transfer be issued the applicant herein, as provided by the laws of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed, at Boise, Idaho, this 20th day of December, A. D. 1943.

JAMES SPOFFORD

State Reclamation Engineer

By

Roy W. Thompson

Supervisor of Water Distribution

MAILED

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT
OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF FREMONT

Rexburg Irrigation Company, et al,

P L A I N T I F F,

-VS-

Teton Irrigation Canal Company, et al,

D E F E N D A N T.

D E C R E E

MICROFILMED

~~23-0057~~ Weeks, Samuel Jr.,	160 inches.	June 1, 1898.	Palisade Creek.
~~1 191~~ Weir, Thomas	175 inches.	June 1, 1896.	Snake River. (Appropriated by means of a water-wheel.)
Weitfle, Charles			The Farmer's Friend Canal Company and Enterprise Canal Company.
West Branch Canal Company (of Blackfoot Irrigation Company.)			Part of System of the Blackfoot Irrigation Company.
West Branch Canal Company (of Snake River Valley Canal Company.)			Part of System of the Snake River Valley Canal Company.
~~21 0130~~ West, Curtis B.	30 inches.	June 1, 1903.	Fall River.
~~1 195~~ West LaBelle Irrigating Company	6,000 inches.	June 1, 1885.	South Fork of the Snake River. ^{Trans 293-4531-650-657}
~~23 0358~~ Wheat, W. E.	150 inches.	June 1, 1896.	Little Sheep Creek and Big Elk Creek.
~~22 0579~~ Wheaton, Charles	100 inches.	July 1, 1882.	Burns Creek. ⁶⁵⁵
Wheeler, Levi			Enterprise Canal Company.
Wheeler, O.			(See J. H. Riley.)
~~21 0131~~ White, Henry T.	120 inches.	June 1, 1888.	Fall River.
~~21 0132~~ White, Henry T.	120 inches.	June 1, 1890.	Fall River.
~~35 0033~~ White, I. H.	100 inches.	May 1, 1903.	Hull's Slough--Boone Creek.
~~35 0034~~ White, T. R. <i>White, Henry T.</i>	40 inches.	May 1, 1903.	McTucker Springs.
~~24 0100~~ Whitman, Jay	40 inches.	Feb. 9, 1903.	Willow Creek.
~~21 0131~~ Whitman, Jay	40 inches.	Feb. 9, 1903.	Wolf Ditch Company.
~~22 0380~~ Wilford Irrigation & Manufacturing Company.	6,608 inches.	Apr. 1, 1898.	Teton River.

From: DWR70::CARLSEN
To: DWR02::CURTIS
CC: CARLSEN
Subj: RENUMBERING

19-DEC-1991 15:31:14.95

RENUMBER MEMO

DATE: 19 DEC 1991
TO: SHARLA CURTIS
FROM: ERNIE

RE: 22-00579

This morning Tony Olenichak brought me Notice of Claim A22-00579A and indicated it was assigned the wrong basin number. A quick check on a map proved him correct. The source of water and point of diversion are in basin 23. So just renumber decreed right 22-00579A with a basin 23 number, right? Not quite. Transfer 655 split right 22-00579 into A and B. The B portion was moved into the Sunnydell Canal which diverts water from the Snake River, South Fork, which is basin 01. Before the three Notices of Claim can be correctly renumbered, new numbers for the two portions of the water right will have to be assigned.

I am sending you this memo in the hopes that your the person who is responsible for renumbering decrees. If your not I apologize and ask that you forward this memo to the appropriate person.

Thanks
Ernie

MICROFILMED
OCT 28 1992

TRANSFER NO.	NAME	AMOUNT C.F.S.	BALANCE C.F.S.	RIGHT NO.
--------------	------	------------------	-------------------	--------------

	Wheaton, Charles	2.0		22-0579
655	Buckland, Carl	1.0	1.0	22-0579A

23-0113

T
R
A
N
S
F
E

IDAHO DEPARTMENT OF WATER RESOURCES RECOMMENDED
WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 23-113A

NAME AND ADDRESS:

COLLINS GARTH FULLMER
1855 CARMEL DR
IDAHO FALLS ID 83402

SOURCE:

Source:

BURNS CREEK

Tributary:

SOUTH FORK SNAKE RIVER

QUANTITY:

1.000 CFS

~~0.550 CFS~~

PRIORITY DATE:

07/01/1882

POINT OF DIVERSION:

T03N R42E S11 SESENE

Within BONNEVILLE County

PURPOSE AND
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

IRRIGATION

04/01 10/31

1.000 CFS

~~0.550 CFS~~

PLACE OF USE:

IRRIGATION

within BONNEVILLE County

T03N R42E S11 SESW 7.5

~~T03N R42E S11 SESW 7.6~~

T03N R42E S11 NWSE 5.8

~~T03N R42E S11 NWSE 4.9~~

T03N R42E S11 SWSE 14.8

~~T03N R42E S11 SWSE 13.8~~

28.1 ACRES TOTAL

~~26.3 ACRES TOTAL~~

PROPERTY IS ALSO KNOWN AS HOMESTEAD ENTRY SURVEY NO. HES #557
TRACT B.

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.

~~THE REMAINDER OF THIS RIGHT WAS FORFEITED FOR
NON USE FROM 1980 TO 1989.~~

EXPLANATORY MATERIAL:

BASIS OF CLAIM - Decreed

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

None of the place of use in this water right includes federal public land.

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: **A23-00113A**
Date Received: 7/21/1998
Receipt No: M004075
Received By: _____

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

Garth Fullmer

1. Name: ELAINE BUCKLAND FULLMER *Deceased* 208-538-5076
Address: 6281 EAST HEISE RD
RIRIE ID 83443

2. Date of Priority: JUL 1, 1882

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
03N	42E	11	SE	SE	NE		BONNEVILLE

5. Description of diverting works:
ROCK DAM- OPEN DITCH FLOOD IRR, PUMP PIPES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.000		

7. Total Quantity Appropriated is:
1.000 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 of	Lot	Use	Acres
03N	42E	11	NE	SW		IRR	8.0
			SW	SW		IRR	1.0
			SE	SW		IRR	15.0
			NE	SE		IRR	1.0
			NW	SE		IRR	8.0

A2300113A



10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	42E	11	SW	SE		IRR	17.0
			SE	SE		IRR	2.0
Section Acres							52.0
Total Acres							52.0

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:

P/D BUCKLAND DITCH.

P/D BUCKLAND DITCH.

THIS IS A SPLIT OF RIGHT 22-00579 LESS TRANS. 655

|
SOURCE ON U.S.G.S. MAP IS BURNS CANYON.

|
THIS RIGHT IS ACTUALLY LOCATED IN BASIN 23.
RENUMBERED FROM 22-00579A

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

REXBURG IRR. CO. ET AL
Decree Plaintiff

TETON IRR. CANAL CO. ET AL.
vs 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: _____

ORIGINAL CLAIM
SENT TO COURT

THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

RE THE GENERAL ADJUDICATION
RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Renumbered A23-00113A

Ident. Number: A22-00579A

Date Received: 8/31/1989

Receipt No: M00 4075

Received By: ~~_____~~

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

Name: ELAINE BUCKLAND FULLMER
Address: 6281 EAST HEISE RD.
RIRIE, ID 83443 208-538-5076

Date of Priority: JUL 01, 1882

Source: BURNS CREEK Trib. to: SNAKE RIVER, SOUTH

Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03N	42E	11	SE	SE	NE		BONNEVILLE

Description of diverting works:
ROCK DAM-OPEN DITCH FLOOD IRR., PUMP & PIPES.

Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.000		

Total Quantity Appropriated is:
1.000 C.F.S. (and/or) A.F.A.

Total consumptive use is 130.0 Acre Feet Per Annum.

Non-irrigation uses:

Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	42E	11	NE	SW		IRR	8.0
			SW	SW		IRR	1.0
			SE	SW		IRR	15.0
			NE	SE		IRR	1.0

A22-00579A

Page 1

Date: 08/31/89

MICROFILMED

OCT 28 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	42E	11	NW	SE		IRR	8.0
			SW	SE		IRR	17.0
			SE	SE		IRR	2.0
Section Acres							52.0
Total Acres							52.0

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:
NONE

14. Remarks:

P/D BUCKLAND DITCH.

THIS IS A SPLIT OF RIGHT 22-00579 LESS TRANS. 655

SOURCE ON U.S.G.S. MAP IS BURNS CANYON.

THIS RIGHT IS ACTUALLY LOCATED IN BASIN 23.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

REXBURG IRR. CO. ET AL
Decree Plaintiff

vs

TETON IRR. 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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1

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): Elaine Buckland Fuller Date: Aug 31, 89

Date: _____

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 31st day
of August 19 89

Anna Baurneff
Notary Public

Seal

Residing at Anna Baurneff, Notary Public
Residing at Boise, Idaho
My Commission Expires December 7, 1994

