

11/03/2003

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

RIGHT NUMBER: 25-2072

NAME AND ADDRESS: O W RANCHES INC
C/O KENNETH F O BRIEN
364 JUDD LN
COALVILLE UT 84017

SOURCE: UNNAMED STREAM TRIBUTARY: GRAYS LAKE

QUANTITY: 0.240 CFS

PRIORITY DATE: 09/07/1916

POINT OF DIVERSION:
T04S R43E S36 SWNE Within BONNEVILLE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	05/01 10/31	0.240 CFS

PLACE OF USE: IRRIGATION Within BONNEVILLE County

T04S R43E S36	SWNE	12.0
---------------	------	------

12 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.

EXPLANATORY MATERIAL: License

SOURCE IS ALSO KNOWN AS FULTON CREEK.

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

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

SCANNED

JUN 29 2004

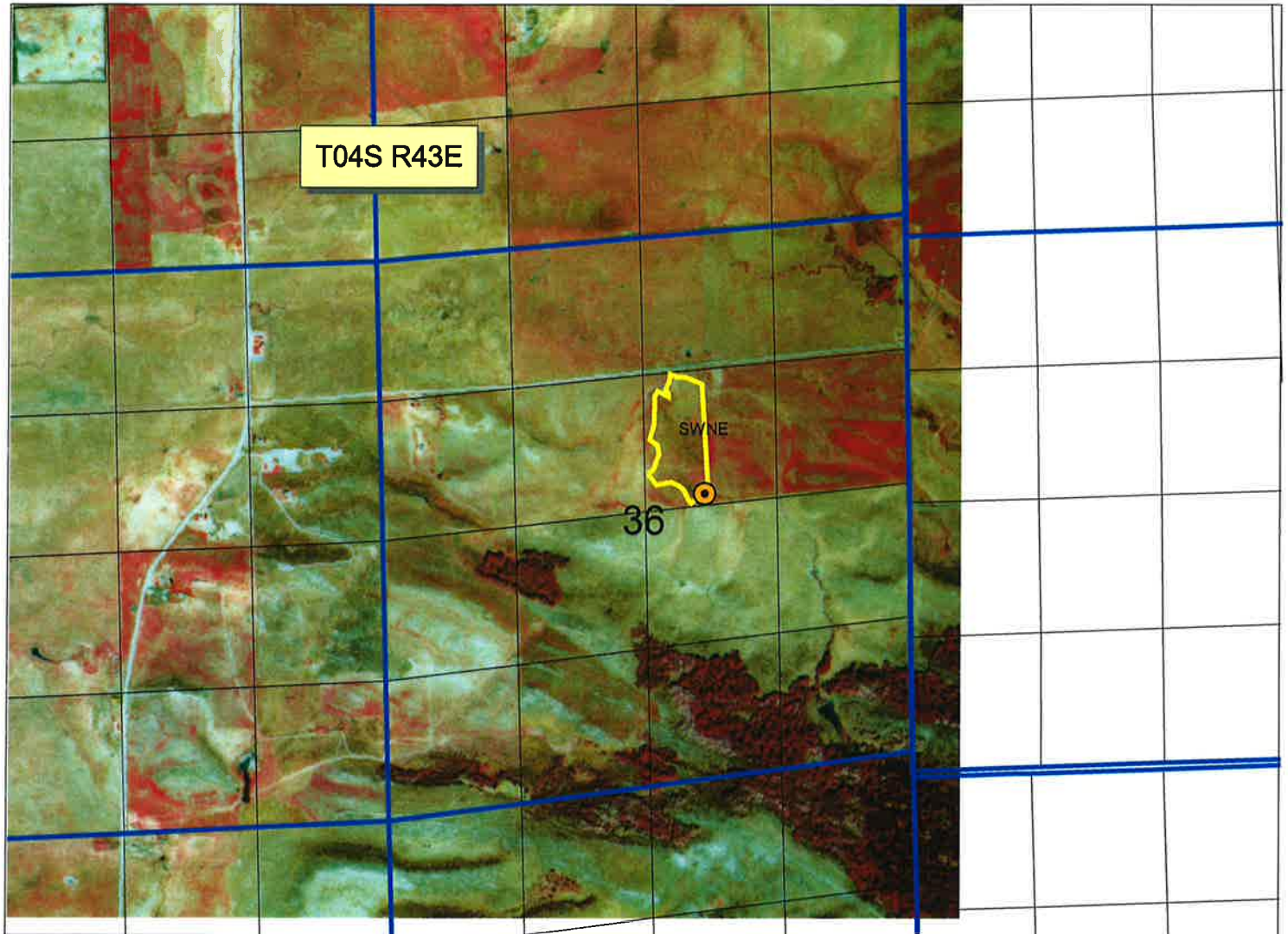
PROFILED



State of Idaho

Department of Water Resources

Claim No.: 25-02072



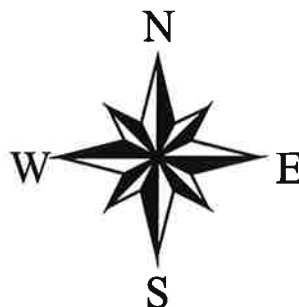
0 700 1400 2100 2800 Feet

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JUN 29 2004

PROFILED

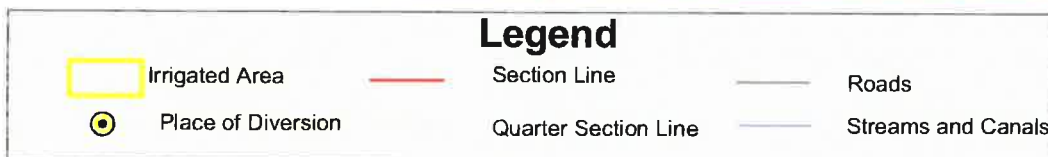
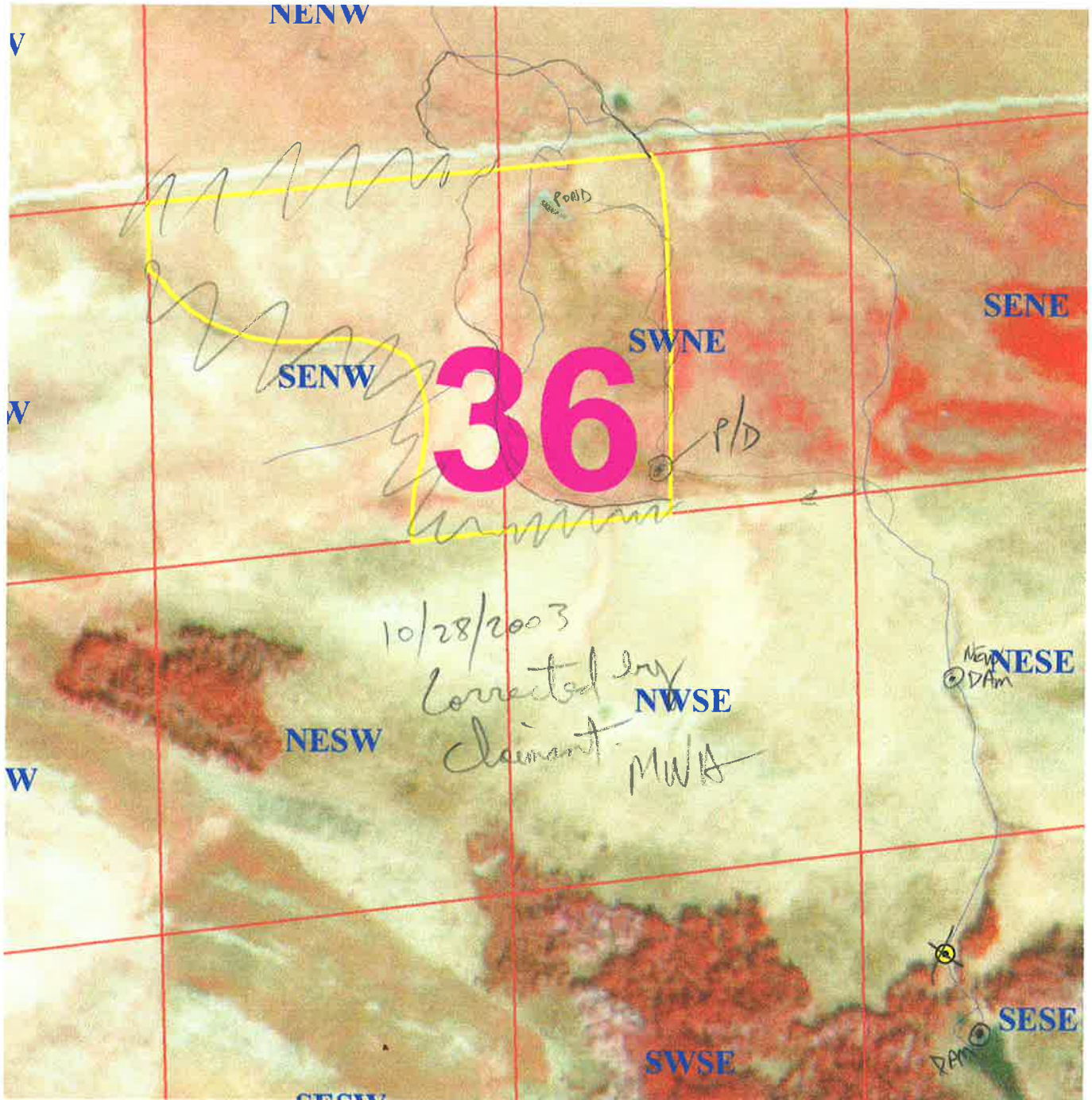
-  Point of diversion.shp
-  Place of use.shp
-  Sections
-  QQ



GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: E. Carlsen
Date: November 2003

Water Right Claim Number 25-02072
Township , 4S43E

11/15/2000



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JUN 29 2004



PROFILED

AJ5809NP
No. A25-02072

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 10/18/00
PAGE: 28

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	O W RANCHES INC 10095 SOUTH 1000 WEST SOUTH JORDAN UT 84065 (801) 336-2282	09/07/1916	IRRIGATION STOCKWATER	04-01 11-01 04-01 12-01	1.000 CFS 0.070 CFS	
TOTAL DIVERSION: CONSUMPTIVE USE:					1.000 CFS	100.00 AFA

Water Source: UNNAMED STREAM

Tributary to: GRAYS LAKE

Stage: LICENSE

Point(s) of Diversion:

T04S R43E S36

SESE

BONNEVILLE County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE								
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM
				Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		
04S	43E	36	:			20		:			20		:					:						40.0
TOTAL ACRES																							40.0	

Place of use Legal Description for: STOCKWATER

				NE				NW				SW				SE								
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	
				Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		
04S	43E	36	:					:					:					:					S	

POU County: BONNEVILLE

Non-Irrigation Uses: S/300 RANGE CATTLE

Other Rights: NONE

Remarks: GEN SOURCE MAY ALSO BE KNOWN AS FULTON CREEK
P/D STOCKWATER SESE SEC 36, T4S, R43E.

Dates: Exam Made Date: Verified Date: 04/08/1985 Objection Filed Date:

Misc: Water District Number: 01 Field Inspection Flag: Y
Presumption Flag:

Audit: 09/12/89 WILSON 03/29/95 POST-STD

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JUN 29 2004

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MUR RD
KENNY O'BRIEN
574-2745

TAYLOR HATE
SLOUTS
BRIAN MUR

10/28/2003

25-2072

Met with Romney
364 Judd Ln
O'Brien. New address is:

CORVILLE, UT 84017
(435) 336-2282

(change of area code)

Source should be changed from unnamed
stream to "Fulton Cr. for Romney. (removed on USGS)
INCL REM "KNOWN LOCALLY AS FULTON CR"

Observed 2 dams on the stream, Romney said
upper dam has been there for many years,
since before he owned the place. O'Brien
has owned place for 23 years. Lower
dam was built in 2003.

Upper dam N 216958, E 715439

Lower dam N 217222, E 715452

P/D from creek using camera dam. N 217628
E 715100

Water available in spring only.

PROFILED
SCANNED

JUN 29 2004



10/28/2003

NW
↑

Newly constructed lower dam on
Mutton Creek.

SCANNED

JUN 29 2004
PROFILED



10/28/2003

S
↑

Point where Fulton Cr is diverted
onto POU using canvas dam.

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PROFILED



10/28/2003 Mutton Cr P/D + Pou

N
↑

SCANNED
JUN 29 2004

PROFILED

State of Idaho
License and Certificate of Water Right

Water License No. 12509
Water District No. 16

Amount 1,000 ft.
Priority Sept. 7, 1916

THIS IS TO CERTIFY that P. G. TINGEY,
of Gray, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated September 7, 1916; that Permit No. 12509
was issued under said application; that Certificate of Completion of works, with a carrying capacity of 1
second feet, was issued thereunder on December 10, 1917, showing that said works
were completed on the 23rd day of October, 1917; and that on the 12th
day of October, 1918,

PERRY G. TINGEY,

of Gray, State of Idaho, made proof to the satisfaction of the
State Engineer of Idaho, of a right to the use of the waters of Fulton Creek,
a tributary of Gray Lake, for the purpose of irrigation use,
under Use Permit No. 12509 of the State Engineer, and that said right to the use of said
waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State
Commissioner of Reclamation of Idaho and entered of record in Volume 5 of Licenses, at page 2664, on the 16th
day of September, 1920;

The right hereby confirmed dates from September 7, 1916;

The Point of Diversion is located
in the NE 1/4 SE 1/4, Sec. 36, Tp. 4 S., R. 43 E., B. M.
County of Bonneville.

That the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not
exceed 1 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
<u>4 S.</u>	<u>43 E.</u>	<u>36</u>	<u>NE 1/4</u>	<u>40</u>	<u>30</u>
			<u>SE 1/4</u>	<u>40</u>	<u>30</u>

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

WITNESS the seal and signature of the Commissioner of Reclamation
State Engineer, affixed at Boise, Idaho, this 16th
day of September, 1920.

W. G. SWENDSEN
Commissioner of Reclamation State Engineer

By S. T. BAER,

Deputy.

25 2072

Application No. 17993.
Permit No. 12589

APPLICATION FOR PERMIT

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO

District No. 16.

1. Name of applicant: P.G. Tingey,

Postoffice address: Gray

County Bonneville

State: Idaho.

I. If applicant is a corporation, give

- (a) Date and place of incorporation:
- (b) The amount of capital stock:
- (c) The amount paid in:
- (d) Names and addresses of directors:

II. The financial resources of the applicant are: (a) Cash on hand:
(b) Treasury stock: (c) Bonds to be issued:
(d) Other resources:

2. The quantity of water claimed is one cubic feet per second.

3. Source of water supply: Fulton Creek, which is a tributary of Grays Lake.

4. Location of point of diversion: In the NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 36, T. 4 S., R. 43 E.B.M.

County of Bonneville.

5. To be used for: Irrigation.

I. Irrigation and domestic use: (a) Amount of land to be irrigated: 80 acres.
(b) In the following legal subdivisions:

II. Mining, milling, power, manufacturing, transportation or other purposes:

(a) At what point:

(b) Amount of power to be generated: H. P. under ft. head
(c) Is water to be returned to any stream? (d) If so, name stream and locate point of return:

6. Estimated cost of works: \$25.00

7. Description of works for diversion:

I. Kind of works: Dam and ditch

II. Dimensions of works:

(a) Height of dam 4 feet, length of dam at top 15 feet,
length of dam at bottom 10 feet. Material used in construction: wood, earth
and stone
(b) Capacity of reservoir acres feet. (c) Size of headgate, width feet,
Height feet. (d) ~~Canal~~ Ditch: width at bottom 2 feet,
width at water line 3 feet, depth of water 2 feet; diameter of pipe
inches; average grade per mile is four feet. Length of conduit is 1/4 miles,
and it crosses the following quarter sections:

8. The time required for the completion of the construction of such work is one years.

9. Time required for the complete application of the water to the proposed use is one additional years.

BE IT KNOWN That the undersigned hereby makes application for a permit to appropriate the public waters of the State of Idaho as herein set forth.

P.G. Tingey

Applicant.

By

Agent.

Date of first receipt at office of State Engineer 9:00 A.M. September 7, 1916.

Returned to applicant for correction September 12, 1916.

Corrected application received October 13, 1916.

APPROVAL OF STATE ENGINEER

The number of this permit is 12589

Recorded in Book 43 Page 12589 Approved October 28, 1916.

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of _____ to be filed on or before _____

Work to begin on or before December 27, 1916. and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before April 28, 1917

The whole of said work to be completed on or before October 28, 1917

Beneficial use of water appropriated in accordance herewith, to be made on or before October 28, 1918

Witness my hand this 28th day of October, 1916. J. H. Smith.

State Engineer.

Remarks:

14. The land to be irrigated is described in the following tabulation:

	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
Twp. Range Sec.	NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	Totals.

4 S. 43 E. 36	-40-	-40-	80
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Total Number of acres to be irrigated - - - 80

15(a) Is reservoir to be used? No.

The land to be irrigated under this application is private land, the same being purchased from the State on August 12, 1916, at a sale held in Idaho Falls, Bonneville County, Idaho. The land described above is all irrigable land, but the water in Fulton Creek will at no time furnish water to irrigate, to exceed 50 acres. The proposed ditch will carry all the water from the creek unless an extraordinary flow occurs. The source of Fulton Creek is in the hills directly south-east of the land described above.

APPLICATION FOR AMENDMENT

TO PERMIT TO APPROPRIATE THE PUBLIC WATERS

OF THE STATE OF IDAHO, NO. 12589.

Comes now P. G. Tingey, and represents to the State Engineer of the State of Idaho,

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho, No. 12589, and requests that the list of lands to be irrigated, as described in said permit, be changed to read as follows: SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 36, T. 4 S. R. 43 E. B. M., making a total of Eighty acres.

That an additional amount of water is not asked for, and that the rights of others will not be adversely affected by such change.

Signed at Gray, Idaho, this 15 day of November, 1917.

P. G. Tingey.

Date of receipt at Office of State Engineer Nov. 20, 1917.

APPROVAL OF STATE ENGINEER

I, J. H. Smith, State Engineer of the State of Idaho, hereby approve the above and foregoing application for amendment to Permit to appropriate the Public Waters of the State of Idaho, No. 12589. This approval constitutes a new permit and is issued as an amendment to the original permit, to which it refers and of which it becomes a part, and said application is approved only insofar as the rights of others will not be adversely affected thereby.

Witness my hand this 20th day of November 1917.

J. H. Smith,
State Engineer.

Proof of completion of works made October 23rd, 1917.
Certificate of Completion of works issued December 10th, 1917.

Permit No. 12589.

CERTIFICATE OF COMPLETION OF WORKS.

To All Whom It May Concern:

This is to certify that P.G. Tingey, of Gray, County of Bonneville, and State of Idaho, the holder of Permit No. 12589, issued upon Application No. 17993, bearing date of priority of September 7, 1916, authorizing the diversion of one (1) second foot of the waters of Fulton Creek, which is a tributary of Grays Lake, County of Bonneville, State of Idaho, for irrigation and domestic purposes has fully complied with the provisions of the laws of the State of Idaho, relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use One (1) second foot of the waters of Fulton Creek; that the point of diversion of said waters is in NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 36, T. 4 S., R. 43 E.B.M. and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: SW $\frac{1}{4}$ NE $\frac{1}{4}$ and SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 36, T. 4 S., R. 43 E.B.M.

Witness my hand this 10th day of December, A.D. 1917.

J.H. SMITH,

State Engineer of the State of Idaho.

License issued for 1 second feet
Page 2664

REPORT OF ENGINEER

This proof is for Beneficial Use-----In Water District No. 16589-----

1. State name of applicant and number of permit: P. G. Tingey- Permit 12589-----
2. State source of water supply: Fulton Creek-----
3. Location of point of diversion: NB₁SE₁-Sec.36, T. 4 S., R. 43 E., B.M.-----

4. Describe works as they exist, giving dimensions and capacities of same:-----
E. and R. dam, 4'H 18' L. No, H.G.
Ditch, 2' B. 1'D. Cap. 3 S.F. Present flow, 1 S.F.-----

5. State whether or not water has been turned into works of diversion: Yes.-----

6. Give exact location of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if for other than irrigation):

SE₁SW₁ & SW₁NE₁, Sec.36, T. 4 S., R. 43 E.
30 A. in each 40 in cult.

7. Submit map on enclosed plat, showing location and details of above description.

8. How many parties conduct water in this system? one.-----

9. Give names and amount of each right:-----

10. What large stream would the water here appropriated finally reach? Snake River.-----

11. Describe the various tributaries en route, from point of diversion to the principal drainage stream:
From land to Fulton Creek, to Grays Outlet, to Willow Creek, to Snake River.-----

Remarks:-----

This examination was made on the 10th day of July 19 20.

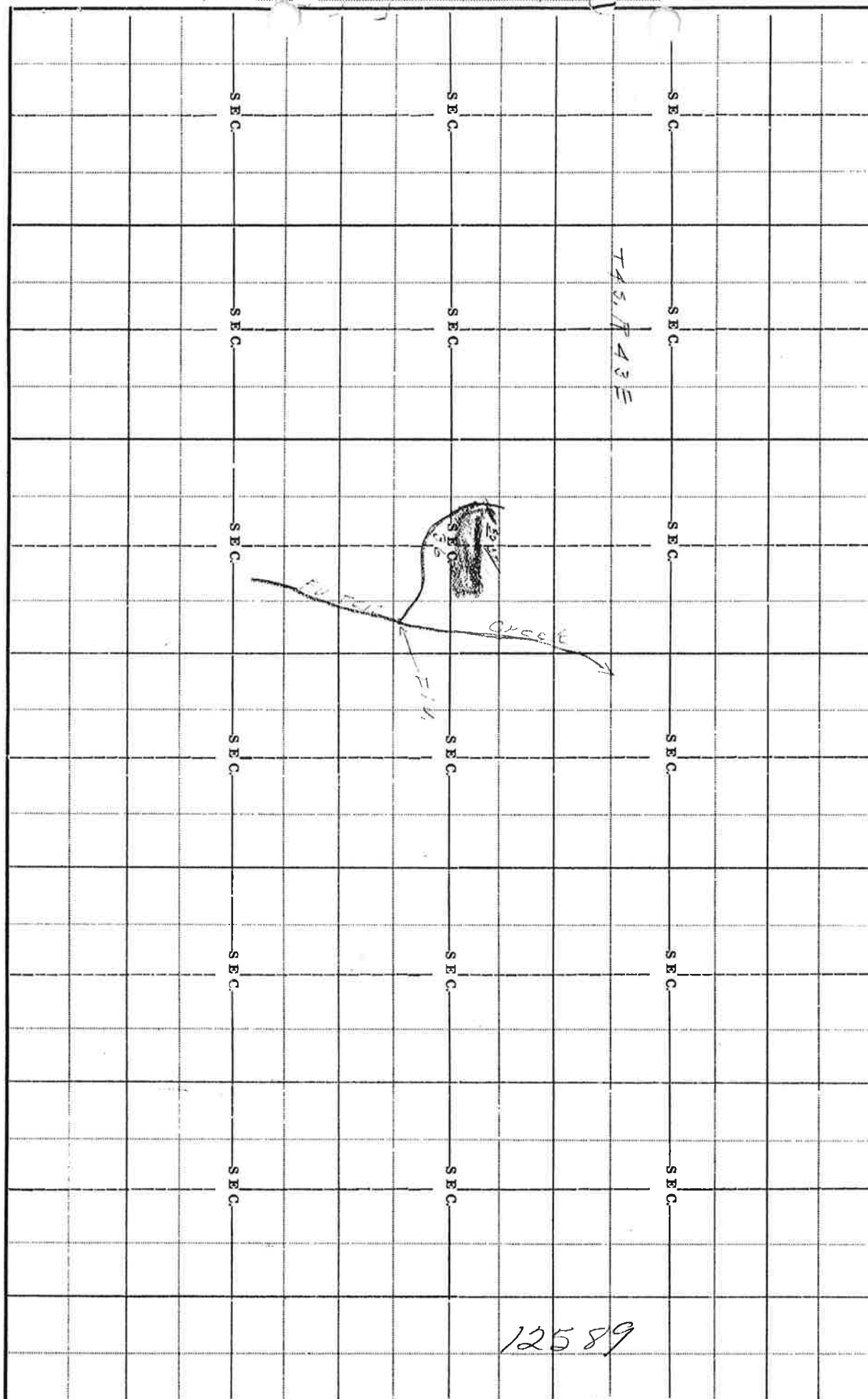
(Signed)

P. R. Annetto.

Examiner.

12589

NAME OF APPLICANT



SCALE: 2 INCHES=1 MILE. DRAW PLAN IN INK.

SCANNED

JUL 27 2000

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: A25-02072
Date Received: 9/12/1989
Receipt No: E010307
Received By: KCW

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: O. W. RANCHES, INC. 801-336-2282
Address: 10095 SOUTH 1000 WEST
SOUTH JORDAN, UT 84065

2. Date of Priority: SEP 07, 1916

3. Source: UNNAMED STREAM Trib. to: GRAYS LAKE

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04S	43E	36	SE	SE			BONNEVILLE

5. Description of diverting works:
DIVERSION DAM TO DITCHES FOR FLOOD IRRIGATION & STOCKWATER

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		
STOCKWATER	04/01	12/01	0.070		

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

8. Total consumptive use is 100.0 Acre Feet Per Annum.

9. Non-irrigation uses:
S/300 RANGE CATTLE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04S	43E	36	SW	NE		IRR	20.0
			SE	NW		IRR	20.0

A25-02072

Page 1

Date: 09/12/89

MICROFILMED
NOV 10 1992

A2502072



10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
04S	43E	36	SE	SE	STOCK	

Section Acres 40.0

Total Acres 40.0

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:

SOURCE MAY ALSO BE KNOWN AS FULTON CREEK
P/D STOCKWATER SESE SEC 36, T4S, R43E.

15. Basis of Claim: LICENSE
Water Right Number: 12589

16. Signature(s)

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

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am Mgr. of OW Rancher Inc, that I have signed the foregoing document in the space below as Mgr. of OW Rancher Inc and that the statements contained in the foregoing document are true and correct.

[Signature]
Signature of Authorized Agent
Mgr.
Title and Organization
Sept 12 89
Date

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 12th day of Sept 19 89
Betty J. Thompson
Notary Public



BETTY J. THOMPSON, NOTARY PUBLIC
Residing at RESIDING AT IDAHO FALLS, IDAHO
My Commission Expires MY COMMISSION EXPIRES: 6-30-94

MICROFILMED
NOV 10 1992

4766

2' 30"

4765

R43E R44E

T
4
N

PLACE OF USE

20

20

36

4764

POINT OF DIVERSION

BONNEVILLE CO
CARIBOU CO

4763

MICROFILMED
NOV 1 U 1992

A25-02072