

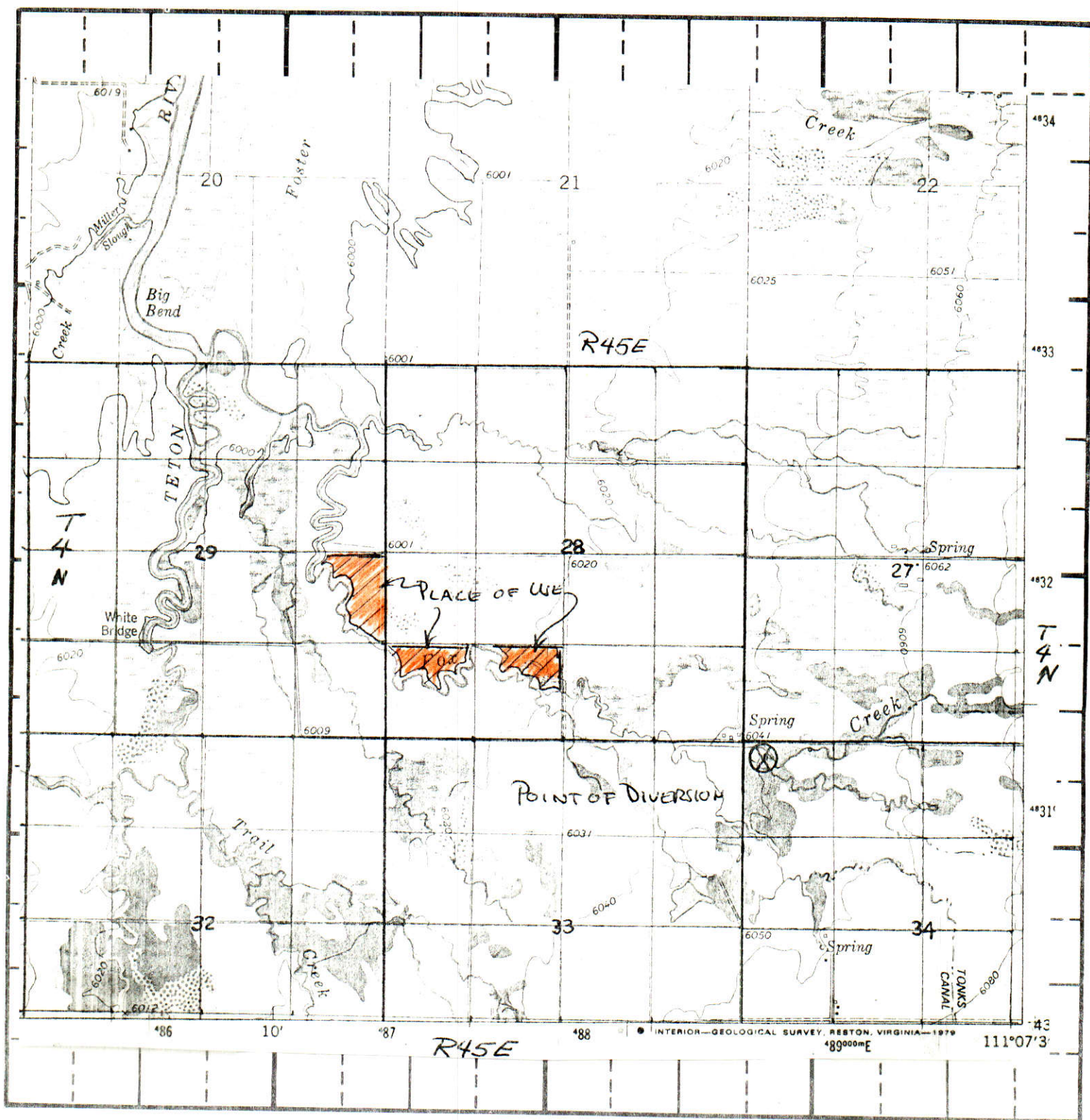
Describe the lands or place of use to which the right will be transferred:

* See Remarks

TWP.	RANGE	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	
4N	45E	29													20				20
		28											14	9					23

Total number of acres to be irrigated 43

- Describe any other water rights used for the same purpose as described above.
- Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



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

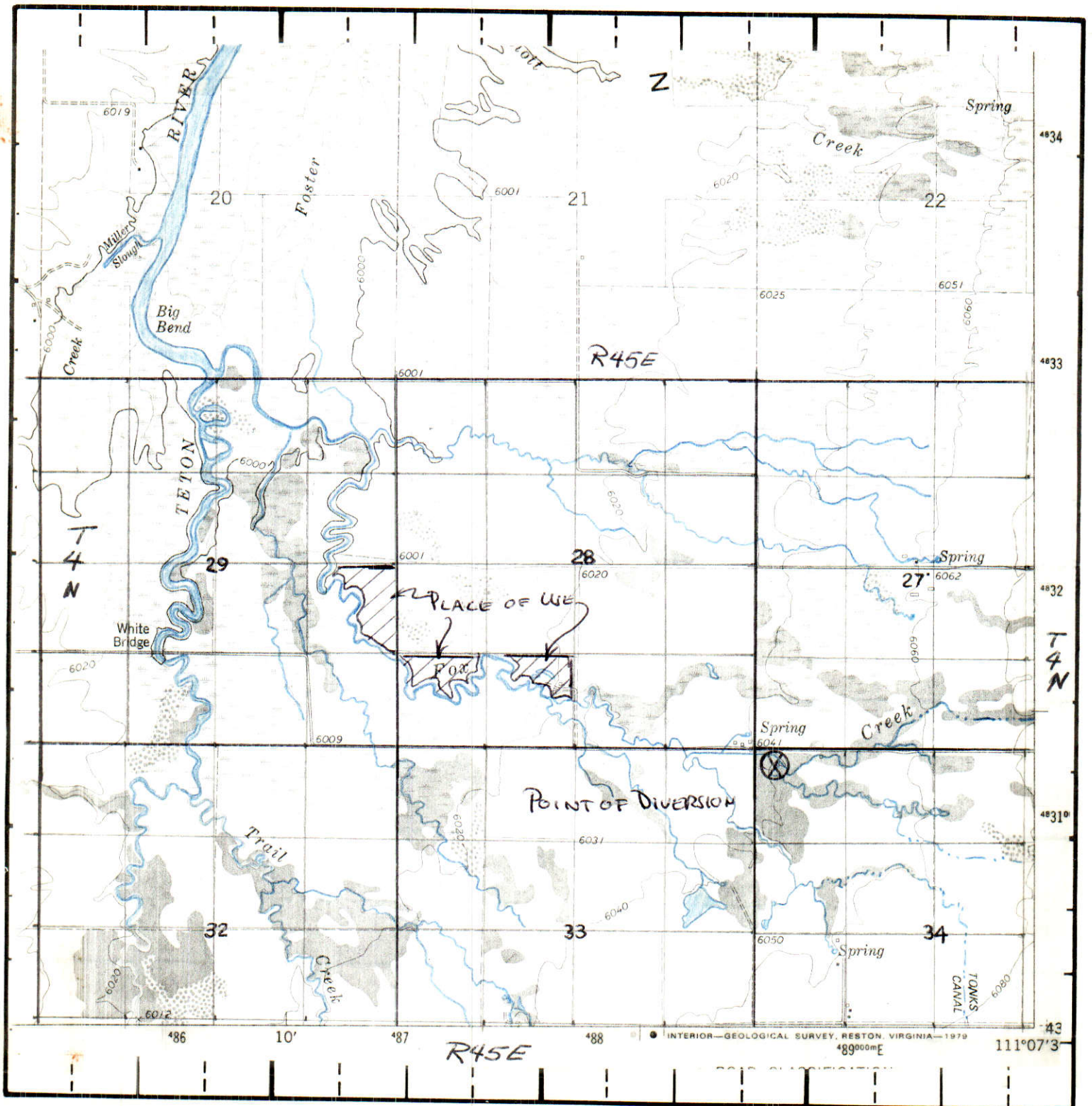
MICROFILMED

c. Describe the land or place of use to which the right will be transferred:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
4N	45E	29													20				20
		28										14	9						23

Total number of acres to be irrigated 43

4. Describe any other water rights used for the same purpose as described above. _____
5. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



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

MICROFILMED

AFFIDAVIT OF PUBLICATION

State of Idaho)
) ss
County of Teton)

I, Anne Hatch
being first duly sworn depose and
say that I am the secretary
of the Teton Valley News, a
newspaper as defined by Idaho
Codes Annotated, Section 58-106,
as amended, and that said
newspaper is a weekly newspaper
printed and published at Driggs, in
Teton County, Idaho, having a
general circulation in said county,
and that said newspaper has been
printed in said county for more
that 78 consecutive weeks prior to
the first publication of the attached
notice, advertisement or publica-
tion of

Notice of proposed
change of water right

And affiant further says that said
attached notice, advertisement or
publication, as per clipping
attached, was published in said
newspaper, in the regular and
entire issue thereof, and not in any
supplement issue thereof, for 2
consecutive issues thereof; first
publication having been made on
the 24 day of Jan, 1985
and last publication on the 31 day
of Jan, 1985

And affiant further says that at
the times herein mentioned said
newspaper was made up of at least
eight pages of at least five columns
each, printed from type matter, of
at least sixteen inches deep.

Anne Hatch

Subscribed in my presence and
sworn to before me this 28th day of
Jan, 1985
(SEAL) Notary Public for the state
of Idaho, residence and postoffice
address, Driggs, Idaho.

My Commission expires

9/29, 1986

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

No. 22-0093

Notice is hereby given that
Charles E. or Margaret H. Crary,
Tucson, AZ, have applied to the
Department of Water Resources
for a change in the place of use
of the waters of Fox Creek
tributary to Teton River. The right
sought to be changed is eviden-
ced by decree to Byrne
Woolstenhulme in case of Robert
E. Griggs vs. Lynn Crandall,
dated Jan. 24, 1938 in Ninth
Judicial District Court, Fremont
County and is recorded as
follows:

Amount: 3.2 cfs

Priority: January 22, 1916

Decreed point of diversion:
NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 34, T. 4N, R.
45E, B.M., Teton County;

The water is used to irrigate 80
acres within the S $\frac{1}{2}$ SW $\frac{1}{4}$, Sec.
28, T. 4N, R. 45E, B.M.

TO BE CHANGED AS FOLLOWS

The water will be used to
irrigate 43 acres within the
NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 29, S $\frac{1}{2}$ SW $\frac{1}{4}$,
Sec. 28, T. 4N, R. 45E, B.M.

Any protest against approval
of the above proposed change of
water right must be filed with the
Idaho Department of Water
Resources, 150 Shoup, Suite 15,
Idaho Falls, ID 83402, on or
before February 11, 1985.

A. Kenneth Dunn
Director

Published in the Teton Valley
News, January 24 and 31, 1985.

RECEIVED

FEB 4 1985

Department of Water Resources
Eastern District Office

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Transfer No. 3099Water Right No. 22-0093

AMENDED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AMENDED

APPLICATION FOR TRANSFER OF WATER RIGHT

To Change the Point of Diversion and/or the Place of Use

APPROVED

Name of applicant CHARLES E. or MARGARET H. CRARY Phone 602-749-1466Post Office address 8401 E. Woodland Road, Tuscon, AZ 85749

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

a. Decree No. 22-0093 Decreed to Byrne Woolstenhulme

(Name)

in case of Robert E. Griggs vs Lynn Crandalldated in Jan. 24, 1938 in Ninth Jud. Dist. county of Fremont

(Name of court)

b. License No. _____ issued by the Idaho Department of Water Resources

c. Claim No. _____ on file with the Idaho Department of Water Resources

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant. If the applicant is not the original holder of the water right, explain how it was acquired _____

3. Source of water Fox Creek tributary to Teton River4. Date of priority January 22, 1916

5. Water is used for the following purposes:

amount 3.2 cfs for Irrigation purposes from Not specified in decree to _____

amount _____ for _____ purposes from _____ to _____

amount _____ for _____ purposes from _____ to _____
(month/day — both dates inclusive)6. Total amount of water under right: a. 3.2 cubic feet per second

&/or

b. _____ acre feet per annum

7. Location of original point of diversion is NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 34Township 4N Range 45E, B.M., in Teton County

Additional points of diversion, if any _____

8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			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 $\frac{1}{4}$	
4N	45E	28											40	40					80

Total number of acres to be irrigated 80

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

22-4182 & 22-4183

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10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of nonuse? No If yes, describe in item D, REMARKS.

B. DESCRIPTION OF PORTION OF RIGHT OWNED BY APPLICANT (If the entire right is owned by the applicant, omit part B).

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1. Amount of water: a. _____ cubic feet per second
&/or
b. _____ acre feet per annum
2. Point of diversion _____ ¼ _____ ¼, Section _____ Township _____
Range _____, B.M., _____ County
Additional points _____

3. Place of use:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

Total number of acres to be irrigated _____

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. General Information *See Remarks

- a. Amount of water to be diverted 1.72* c.f.s. &/or _____ acre feet
- b. Description of diverting works Headgate to ditches for flood irrigation
- c. Describe the reasons for the proposed changes Reflect place of use under current irrigation practices.

2. Change in point of diversion No Change

Point of diversion NW ¼ NW ¼, Section 34 Township 4N
Range 45E, B.M., Teton County
Additional points _____

3. Change in place of use

- a. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes X No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed change.
- b. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer
None. The original place has been irrigated from unnamed streams as evidenced by claims.

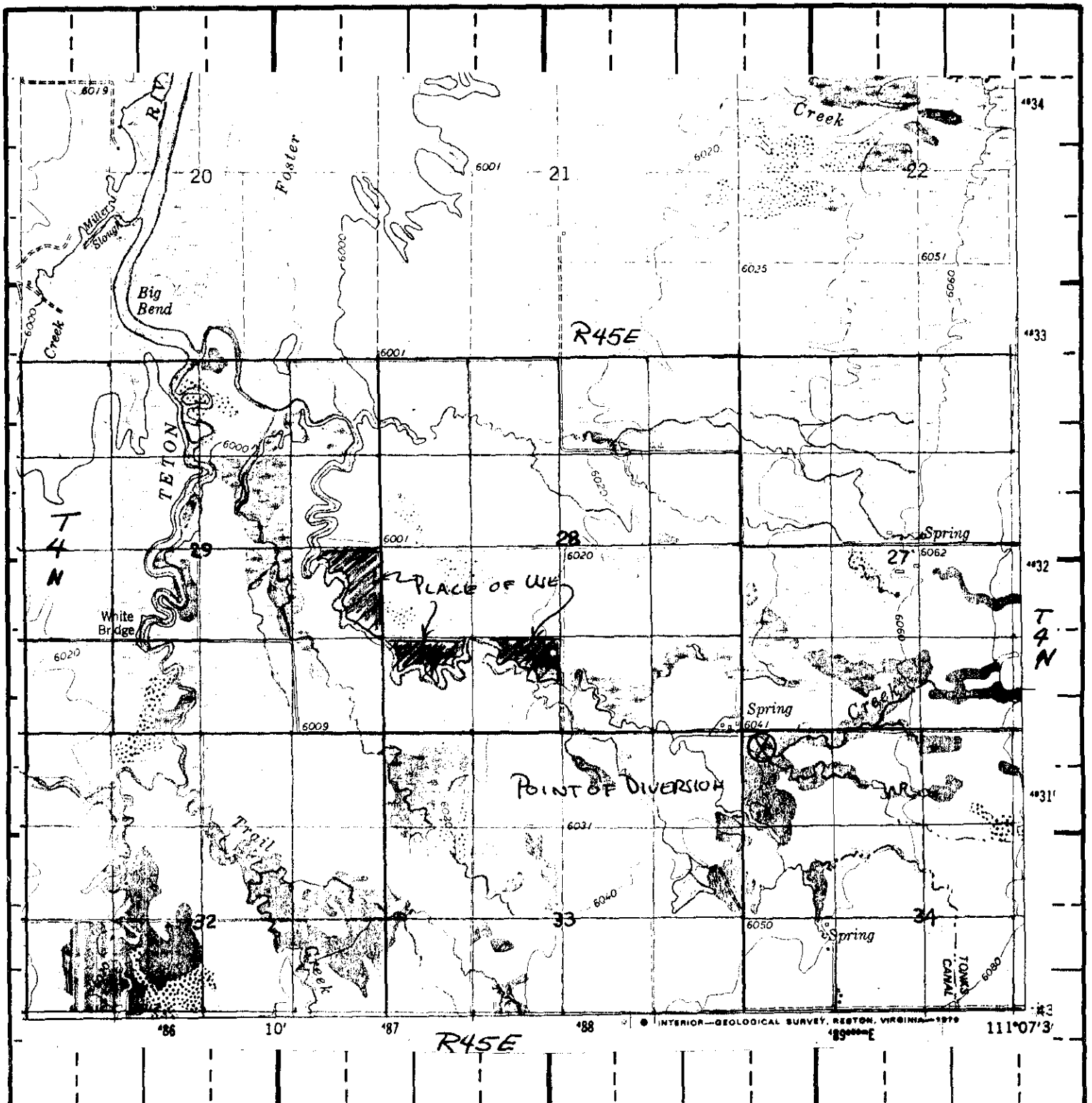
3. Describe the lands or place of use to which the right will be transferred:

* See Remarks

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
4N	45E	29													20				20
		28											14	9					23

Total number of acres to be irrigated 43

4. Describe any other water rights used for the same purpose as described above. _____
5. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



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

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D. REMARKS

This transfer represents a reduction in the total water right from 3.2 cfs for 80 acres to 1.72 cfs for 43 acres to reflect current irrigation practices.

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 willfull misrepresentations made in this application may result in voiding its approval.

Charles E. Gray
(Signature of Applicant)

Subscribed and sworn to before me this 12 day of March, 19 85

Kristine L. Hart
(Notary Public)

My commission expires 9-4-88

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 22-0093 and said application is hereby APPROVED, subject to the following limitations and conditions:

1. A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works.
2. Use of water under this right is subject to control by the watermaster of State Water District No. 01, Snake River.

Witness my hand this 13th day of August, 19 85

J. Glen Saxton
Chief, Operations Bureau

FOR DEPARTMENT USE ONLY

Received by <u>AW</u>	Date <u>3-18-85</u>	Protest filed by _____
Prelim. check by _____	Fee <u>U.A.</u>	_____
Receipted by _____	Date _____	_____
Published in _____	Copies of protest forwarded by _____	
Pub. dates _____	Hearing held by _____	Date _____
Watermaster recommendation requested on _____	Recommended for <u>approval</u>	denial
_____ rec'd.	by <u>RDC Jim</u>	

TETON COUNTY TAX COLLECTOR 1984
 WILLIAM J O'BRIEN
 BRIGGS, ID 83422 REAL PROPERTY

FT. VALUE	TAX CODE AREA	PARCEL NUMBER	BILL NUMBER
56,797	4-008P04N45E282400A	2193	
29,351L			
27,446L	E2NW4, SW4NW4, S2SW4		
	SEC 28 T4N R45E		

POWER, O A
 % CRARY, CHARLES E
 8401 E WOODLAND RD
 TUCSON, AZ 85749

STATE	.000005	.28	TAX
COUNTY	.002530	143.70	PEN
SCHOOL DIST 401	.003418	194.14	SUB
CEM VICTOR-CEC	.000052	2.96	INT
LIBRARY	.000136	7.72	TOT
			TAX
			PEN
			SUB
			INT
			TOT
WATER DISTRICT		13.42	TAX
			PEN
			SUB
			INT
			TOT
TOTAL	.006141	367.22	

#2896
 12/17/84
 F.C.

PLEASE READ THE BACK OF THIS NOTICE

CONSOLIDATED TAX NOTICE AND RECEIPT
 TETON COUNTY TAX COLLECTOR 1984
 WILLIAM J O'BRIEN
 BRIGGS, ID 83422 REAL PROPERTY

FT. VALUE	TAX CODE AREA	PARCEL NUMBER	BILL NUMBER
20,062	4-008P04N45E291800A	2198	
20,062L			
	SE4NE4, E4SE4		
	SEC 29 T4N R45E		

POWER, O A
 % CRARY, CHARLES E
 8401 E WOODLAND RD
 TUCSON AZ 85749

TAXING DISTRICT	RATE	AMOUNT	
STATE	.000005	.10	TAX
COUNTY	.002530	50.76	PEN
SCHOOL DIST 401	.003418	68.58	SUB
CEM VICTOR-CEC	.000052	1.04	INT
LIBRARY	.000136	2.74	TOT
			TAX
			PEN
			SUB
			INT
			TOT
			TAX
			PEN
			SUB
			INT
			TOT
TOTAL	.006141	123.22	

#2895
 12/17/84
 F.C.

PLEASE READ THE BACK OF THIS NOTICE

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VOID

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

VOID

APPLICATION FOR TRANSFER OF WATER RIGHT
To Change the Point of Diversion and/or the Place of Use

Name of applicant CHARLES E. or MARGARET H. CRARY Phone 602-749-1466
Post Office address 8401 E. Woodland Rd., Tuscon, AZ 85749

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

a. Decree No. 22-0093 Decreed to Byrne Woolstenhulme
(Name)
in case of Robert E. Griggs vs Lynn Crandall
dated in Jan. 24, 1938 in Ninth Judicial Dist. county of Fremont
(Name of court)
b. License No. _____ issued by the Idaho Department of Water Resources
c. Claim No. _____ on file with the Idaho Department of Water Resources
2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant _____

3. Source of water Fox Creek tributary to Teton River
4. Date of priority January 22, 1916
5. Water is used for the following purposes: Not specified in decree.
amount 3.2 cfs for Irrigation purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(month/day — both dates inclusive)
6. Total amount of water under right: a. 3.2 cubic feet per second
&/or
b. _____ acre feet per annum
7. Location of original point of diversion is NW ¼ of NW ¼ of Section 34
Township 4N Range 45E, B.M., in Teton County
Additional points of diversion, if any _____

8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
4N	45E	28											40	40					80

Total number of acres to be irrigated 80

9. Describe any other water rights used for the same purpose as described above MICROFILMED
22-4182 & 22-4183

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of nonuse? No If yes, describe in item D, REMARKS.

B. DESCRIPTION OF PORTION OF RIGHT OWNED BY APPLICANT (If the entire right is owned by the applicant, omit part B).

1. Amount of water: a. _____ cubic feet per second
&/or
b. _____ acre feet per annum
2. Point of diversion _____ ¼ _____ ¼, Section _____ Township _____
Range _____, B.M., _____ County
Additional points _____
3. Place of use:

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TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

Total number of acres to be irrigated _____

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

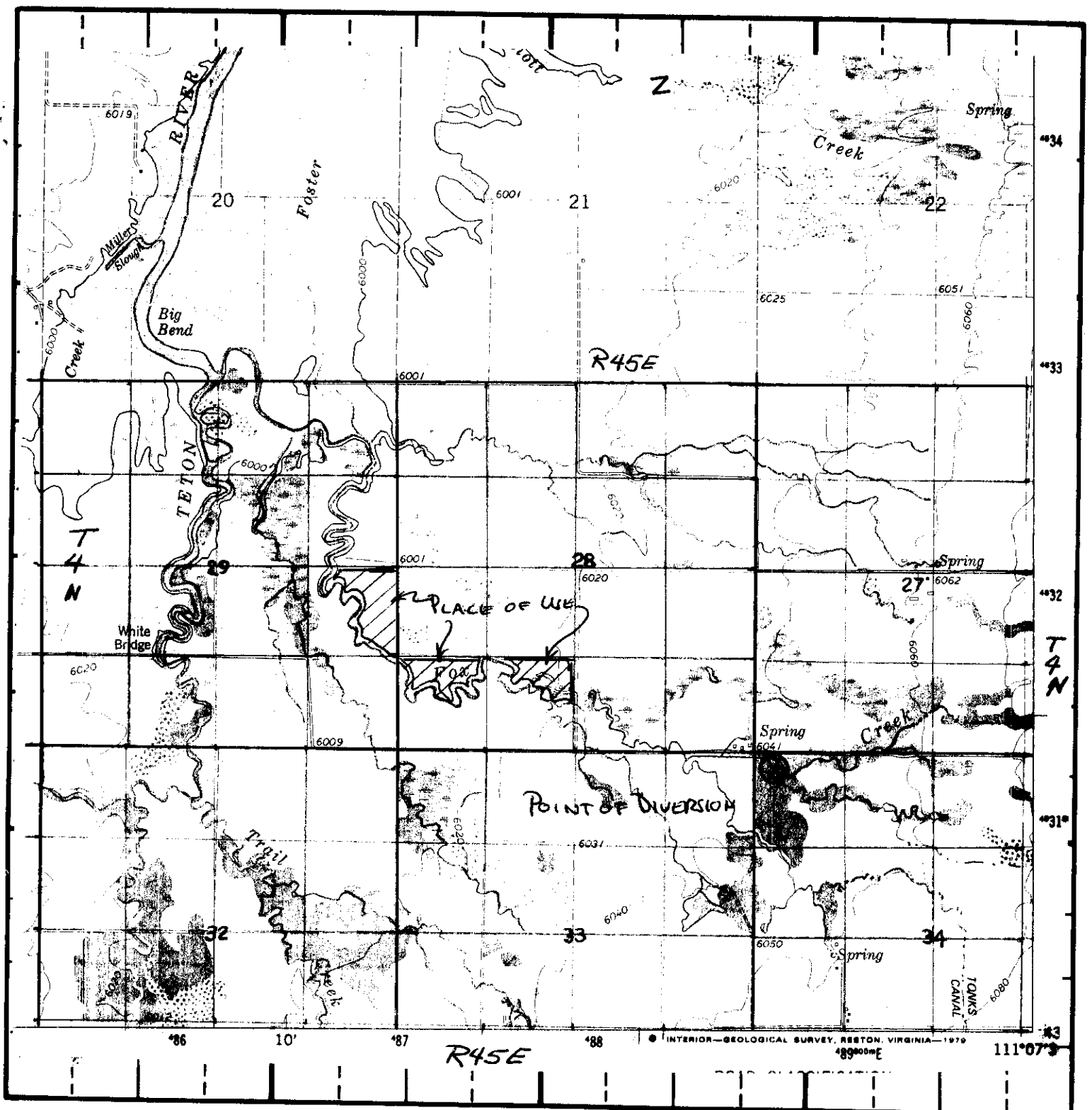
1. General Information
- a. Amount of water to be diverted 3.2 c.f.s. &/or _____ acre feet
- b. Description of diverting works HEADGATE TO DITCHES FOR FLOOD IRRIGATION
- c. Describe the reasons for the proposed changes Reflect place of use under current irrigation practices.
2. Change in point of diversion NO CHANGE
- Point of diversion NW ¼ NW ¼, Section 34 Township 4N
Range 45 E, B.M., TETON County
Additional points _____
3. Change in place of use
- a. Are there liens, mortgages, or contracts on the lands from which you propose to transfer the water right which limit your authority to make the proposed change? Yes _____ No X. If yes, provide a statement agreeing to the proposed change from the holder of the lien, mortgage or contract.
- b. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer
None. The original place has been irrigated from unnamed streams as evidenced by claims

c. Describe the land or place of use to which the right will be transferred:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
4N	45E	29													20				20
		28											14	9					23

Total number of acres to be irrigated 43

4. Describe any other water rights used for the same purpose as described above. _____
5. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



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

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D. REMARKS

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 willfull misrepresentations made in this application may result in voiding its approval.

Charles E. Cary
(Signature of Applicant)

Subscribed and sworn to before me this 19 day of December, 19 84

Kristine L. Hart
(Notary Public)

My commission expires 9-4-88

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____
and said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19____.

FOR DEPARTMENT USE ONLY

Assisted by _____	Date <u>26 NOV 84</u>	Protest filed by _____
Received by <u>KCCW</u>	Fee <u>\$50.00 #34283</u>	
Prelim. check by _____	Date <u>1-16-85</u>	
Receipted by <u>cy</u>		
Published in <u>Idaho Valley News</u>	Copies of protest forwarded by _____	
Pub. dates <u>1-24 & 31-85</u>	Hearing held by _____ Date _____	
Watermaster recommendation requested on <u>1-29-85</u>	Recommended for _____ approval _____ denial _____	
<u>WD #01</u> rec'd. <u>2-04-85</u>	by _____	

AFFIDAVIT OF PUBLICATION

State of Idaho)
) ss
County of Teton)

I, Anne Hatch.....
being first duly sworn depose and
say that I am the secretary
of the Teton Valley News, a
newspaper as defined by Idaho
Codes Annotated, Section 58-106,
as amended, and that said
newspaper is a weekly newspaper
printed and published at Driggs, in
Teton County, Idaho, having a
general circulation in said county,
and that said newspaper has been
printed in said county for more
than 78 consecutive weeks prior to
the first publication of the attached
notice, advertisement or publica-
tion of

Notice of proposed
change of water right

And affiant further says that said
attached notice, advertisement or
publication, as per clipping
attached, was published in said
newspaper, in the regular and
entire issue thereof, and not in any
supplement issue thereof, for 2
consecutive issues thereof; first
publication having been made on
the 24 day of Jan, 1985
and last publication on the 31 day
of Jan, 1985

And affiant further says that at
the times herein mentioned said
newspaper was made up of at least
eight pages of at least five columns
each, printed from type matter, of
at least sixteen inches deep.

Anne Hatch

Subscribed in my presence and
sworn to before me this 28 day of
Jan, 1985
(SEAL) Notary Public for the state
of Idaho, residence and postoffice
address, Driggs, Idaho.

Ronda Hammer
My Commission expires

9/29, 1986

RECEIVED

FEB 4 1985

Department of Water Resources
Eastern District Office

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

No. 22-0093

Notice is hereby given that
Charles E. or Margaret H. Crary,
Tucson, AZ, have applied to the
Department of Water Resources
for a change in the place of use
of the waters of Fox Creek
tributary to Teton River. The right
sought to be changed is eviden-
ced by decree to Byrne
Woolstenhulme in case of Robert
E. Griggs vs. Lynn Crandall,
dated Jan. 24, 1938 in Ninth
Judicial District Court, Fremont
County and is recorded as
follows:

Amount: 3.2 cfs

Priority: January 22, 1916

Decreed point of diversion:
NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 34, T. 4N, R.
45E, B.M., Teton County;

The water is used to irrigate 80
acres within the S $\frac{1}{2}$ SW $\frac{1}{4}$, Sec.
28, T. 4N, R. 45E, B.M.

TO BE CHANGED AS FOLLOWS

The water will be used to
irrigate 43 acres within the
NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 29, S $\frac{1}{2}$ SW $\frac{1}{4}$,
Sec. 28, T. 4N, R. 45E, B.M.

Any protest against approval
of the above proposed change of
water right must be filed with the
Idaho Department of Water
Resources, 150 Shoup, Suite 15,
Idaho Falls, ID 83402, on or
before February 11, 1985.

A. Kenneth Dunn
Director

Published in the Teton Valley
News, January 24 and 31, 1985.

RECORDED

IN THE DISTRICT COURT OF THE NINTH JUDICIAL DISTRICT OF IDAHO,
IN AND FOR THE COUNTY OF PREMONT.

o o o o o o o o o o o o o o o
Robert E. Griggs, Alfred Durtschi, John
Durtschi, Elizabeth Durtschi, Miller &
Viele, a corporation, L. G. Ellis, Carrol
Rogacheveski, The Prudential Insurance
Company of America, a corporation, H. H.
Culbertson, Leland Sorenson, Russell Murdock,
Lorin Murdock, V. A. Price, D. C. Beckstead,
Fred Dirksen, G. P. Bagley, B. F. Blodgett,
Mary Lulu Kearsley, E. N. Kearsley, Mrs.
Albert Murdock, Elmer Christensen, Byrne
Woolstonhulme and First Security Bank of
Utah, a corporation,

Plaintiffs,

-vs-

Lynn Crandall, Watermaster,
District 36, Idaho,

Defendant

J U D G M E N T

o o o o o o o o o o o o o o o
This cause coming on to be heard and tried by the Court
this 24th day of January, 1938, F. A. Miller of St. Anthony, Idaho
appearing as counsel for the plaintiff, and it appearing to the
satisfaction of the Court that the defendant was served with a
copy of the Summons and a copy of the Complaint in this action,
and that he failed to appear and plead to said Complaint, and that
the default of the said defendant has been entered, and, -

It further appearing that an order was made on the 23rd day
of November, 1937, directing the publication of a Notice, once a
week for not less than three weeks consecutively, in the Teton
Valley News, a weekly newspaper published at Driggs, Teton County
Idaho, containing the title of the Court and Cause, the name of

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the plaintiff, or his predecessor in interest has diverted .8 cubic foot per second or 40 miners inches of the waters of Larby Creek, with point of diversion and use upon the lands above described; that on or about and ever since the 22d day of January, 1916, has diverted appropriated and applied to beneficial use in the irrigation of the above described lands during the irrigating season the above quantity or stream flow in addition to any other rights, fixed, decreed or granted to the said plaintiff.

XIX.

That the plaintiff, Byrne Woolstenhulme, is the owner of, or has an estate in the following described lands, to-wit:

S. SW $\frac{1}{4}$ of section 28 in township 4 north, range 45 E.B.M. containing 80 acres more or less,

and is the owner of a certain ditch by and through which he diverts water from Fox Creek for the irrigation of the above described lands, with point of diversion and diversion works located in the NW $\frac{1}{4}$ -NW $\frac{1}{4}$ of section 34 in township 4 north, range 45 E.B.M.; that the plaintiff, or his predecessor in interest, has diverted 3.2 cubic feet per second or 160 miners inches of the waters of Fox Creek, with point of diversion and use upon the lands above described; that on or before, and ever since the 22d day of January, 1916, has diverted, appropriated and applied to beneficial use in the irrigation of the above described lands during the irrigating season the above quantity or stream flow in addition to any other rights, fixed, decreed or granted to the said plaintiff.

XX.

That the plaintiff, First Security Bank of Utah, a corporation, is the owner of, or has an estate in, the following des-

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22 0090 11. That the plaintiff, E. N. Kearsley, be awarded the use of 1.6 cubic feet per second or 80 miners inches of the waters of Warm Creek, with a priority date of January 22, 1916, with point of diversion and for the irrigation of the lands described in paragraph XVI of the Findings of Fact.

22 0091 12. That the plaintiff, Mrs. Albert Hardock, be awarded the use of 3.2 cubic feet per second or 160 miners inches of the waters of Darby Creek, with a priority date of January 22, 1916, with point of diversion and for the irrigation of the lands described in paragraph XVII of the Findings of Fact.

22 0092 13. That the plaintiff, Elmer Christensen, be awarded the use of .8 cubic feet or 40 miners inches of the waters of Darby Creek with a priority date of January 22, 1916, with point of diversion and for the irrigation of the lands described in paragraph XVIII of the Findings of Fact.

22 0093 14. That the plaintiff, Byrne Woolstenhulme, be awarded 3.2 cubic feet per second or 160 miners inches of the waters of Fox Creek with a priority date of January 22, 1916, with point of diversion and for the irrigation of the lands described in paragraph XIX of the Findings of Fact.

22 0094 15. That the plaintiff, First Security Bank of Utah, a corporation, be awarded the use of 2.4 cubic feet per second or 120 miners inches of the waters of Tonks Springs with a priority date of January 22, 1916, with point of diversion and for the irrigation of the lands described in paragraph XX of the Findings of Fact.

IT IS FURTHER ORDERED, That the rights awarded and decreed in that certain decree commonly known as the "Rexburg or Snake River Decree" made and entered in this Court December 16, 1910, both as to dates of priority and the amounts of the rights awarded,

MICROFILMED

John A. Miller, Alfred Lundquist, John
Lundquist, John A. Lundquist, John A.
Viele, a corporation, J. S. Ellis, Carroll
Kogachewski, The Commercial Insurance
Company of America, a corporation, J. T.
O. Peterson, John A. Peterson, Russell Peterson,
Lorne Lundbeck, W. H. Price, J. L. Peterson,
Fred Peterson, W. H. Kelley, W. H. Kelley,
Mary Lulu Kearsley, W. H. Kearsley, Mrs.
Albert Lundbeck, Anna Christensen, Myrne
Woolstenhulme and First Security Bank of
Utah, a corporation,

Plaintiffs,

-vs-

Lynn Randall, Statemaster,
District 36, Idaho,

Defendant

o o o o o o o o o o

This cause coming on to be heard and held by the Court
this 24th day of January, 1938, F. A. Miller of St. Anthony, Idaho
appearing as counsel for the plaintiff, and it appearing to the
satisfaction of the Court that the defendant was served with a
copy of the Summons and a copy of the complaint in this action,
and that he failed to appear and plead to said complaint, and that
the default of the said defendant has been entered, and, -

It further appearing that an order was made on the third day
of November, 1937, directing the publication of a Notice, once a
week for not less than three weeks consecutively, in the Teton
Valley News, a weekly newspaper published at Brice, Teton County,
Idaho, containing the title of the Court and Cause, the name of
the streams in the waters of which the plaintiff's claim an interest,
the date of priority claimed by them, as is required, and the date
and short title of the decree of this court heretofore entered, fir-
ing the permanent rights in and to the waters of Snake River and
its tributaries: that the said notice was published in accordance
with said order and the proof of publication has been filed in this

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22 0090 10. That the plaintiff, Mary Lulu Kearsley, be awarded the use of 1.6 cubic feet per second or 80 miners inches of the waters of Pine Creek, with a priority date of January 22, 1916, with point of diversion and for the irrigation of the lands described in paragraph XV of the Findings of Fact.

22 0091 11. That the plaintiff, E. H. Kearsley, be awarded the use of 1.6 cubic feet per second or 80 miners inches of the waters of Warm Creek, with a priority date of January 22, 1916, with point of diversion and for the irrigation of the lands described in paragraph XVI of the Findings of Fact.

22 0092 12. That the plaintiff, Mrs. Albert Lardock, be awarded the use of 3.2 cubic feet per second or 160 miners inches of the waters of Larby Creek, with a priority date of January 22, 1916, with point of diversion and for the irrigation of the lands described in paragraph XVII of the Findings of Fact.

22 0093 13. That the plaintiff, Elmer Christensen, be awarded the use of .8 cubic feet or 40 miners inches of the waters of Larby Creek with a priority date of January 22, 1916, with point of diversion and for the irrigation of the lands described in paragraph XVIII of the Findings of Fact.

22 0094 14. That the plaintiff, Byrne Woolstenhulme, be awarded 3.2 cubic feet per second or 160 miners inches of the waters of Fox Creek with a priority date of January 22, 1916, with point of diversion and for the irrigation of the lands described in paragraph XIX of the Findings of Fact.

22 0095 15. That the plaintiff, First Security Bank of Utah, a corporation, be awarded the use of 2.4 cubic feet per second or 120 miners inches of the waters of Tonks Springs with a priority date of January 22, 1916, with point of diversion and for the irrigation of the lands described in paragraph XX of the Findings of Fact.

IT IS FURTHER ORDERED, That the rights awarded and decreed in that certain decree commonly known as the "Humboldt or Snake River Decree" made and entered in this Court December 16, 1910, both as to dates of priority and the amounts of the rights awarded,

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August 15, 1985

RE: Transfer of Water Right No. 22-0093

Charles or Margaret Crary
8401 E. Woodland Rd.
Tucson, AZ 85749

Dear Mr. and Mrs. Crary:

Enclosed is a copy of your approved Application for Transfer of the above referenced water right (Transfer No. 3099). Be sure to note the conditions of approval as listed on the final page.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

MICROFILMED

Charles E. Crary
8401 E. Woodland Rd., Tucson, Arizona 85749

Mar. 13, 1985

RECEIVED
MAR 18 1985

Department of Water Resources
Eastern District Office

Dear Keith -

Thank you! I have enclosed the
amended Application and a copy of
my tax bills.

Idaho Title & Trust (Betty Mc Ardle)
handles the Mortgage escrow (#99067).
L & C Investments of Salt Lake City are the
lien holders, but I don't know if they have
title or whether O.A. Power still has title (if
L & C. has not yet paid Power off).

Please let me know what else, if
anything, you need.

Sincerely,
Bud Crary

MICROFILMED

March 5, 1985

Charles E. Crary
2401 E. Woodland Road
Tucson, AZ. 85749

Dear Mr. Crary:

Enclosed is a retyped Application for Transfer and a copy of Mr. Carlsen's letter of Jan. 10, 1985. The retyped transfer application with remarks will comply with the request by Mr. Carlsen to reduce the right to 1.72 cfs. This reduction in no way affects the 0.04 cfs/ac decreed ($43 \text{ ac} \times 0.04 \text{ cfs/ac} = 1.72 \text{ cfs}$).

Please review this Application for Transfer, sign in front of a notary and return the application, along with proof of ownership of the land, to this office as soon as possible. The land is the S1/2 SW1/4, Sec. 28, T. 4N, R. 42E.

Feel free to contact this office for any additional assistance that you may need.

Sincerely,

KEITH C. WILSON
Senior Resource Agent

KCW/cz

Enclosures

RECEIVED

APPLICATION FOR TRANSFER OF

WATER RIGHT NO. 22-0093

WATER DISTRICT 1

WATERMASTER Ronald D Carlson

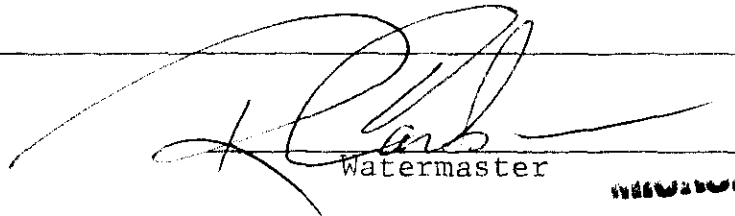
DATE: 2/1/85

COMMENTS: Claims 22-4181 & 22-4182 are for
different land than 22-0093. Because of the
excessive Q for the 43 acres I suspect
that forfeiture or abandonment of
a portion of the original 320/5

☒ I do endorse approval of this change.

☐ I do not endorse approval of this change.

I recommend the following conditions of approval:


Watermaster

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET
G. F. RAMSEY

INITIAL REVIEW BY: JAN 7 1985

1. Right number 22-0093 Applicant CHARLES E. CARY
2. Type of right: ☒ Decree ☐ License ☐ Claim
3. Purpose of transfer: ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use

4. Check: ☐ Other This transfer contracts 32 cfs to 43 acres

- a. ☒ Source ☒ Priority ☒ Amount ☒ Purpose ☒ Period of use
- b. ☒ Description of original point of diversion.
- c. ☒ Description of original place of use.

5. Amount of land &/or water transferred:

☒ All of right.

b. ☐ Part of right (NOTE! Part B should be filled in only if part of the right is owned by the applicant).

☒ Check description of point(s) of diversion.

☒ Check description of place of use.

☒ Check map (shows p.d. and p.u. after transfer).

☒ Check for correct signature, notarization, and fee.

☒ Check proof of ownership of right &/or land from which water is transferred. see file

☒ Check for expansion in use of right. Comments Contraction to about 4" to the acre - application changed

i. ☒ Check for existing water rights from same source, on land water is being transferred to.

Right number(s) NO

j. ☐ Is use within a Watermaster District? ☒ Yes ☐ No

If yes, what district? 01

FINAL PROCESSING REVIEW BY: _____

1. Watermaster recommendation requested on 1-29-85 Received on 2-04-85
2. Is transfer published correctly? ☒ Yes ☐ No
3. Protest received? ☐ Yes ☒ No

RECOMMENDED ACTION

1. ☒ Approve

2. ☐ Deny

3. Conditions* 01E, 05(01, Snake River)

4. By RDC Date 5/1/85

Jim 8-8-85 use above CONDITIONS

* All uses within Watermaster Districts require special conditions.

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RECEIVED
MAY 07 1985

Department of Water Resources

January 10, 1985

RE: Transfer of Water Right No. 22-0093

Mr. Charles E. Crary
8401 E. Woodland Road
Tucson, AZ 85749

Dear Mr. Crary:

Prior to the approval of the application for transfer of the above captioned water right, two items require your attention.

First, you must provide the Department with proof of ownership of the land from which the water is being taken or provide a disclaimer from the party who owns this land indicating they do not object your transferrino the water to other property. Proof of ownership can be satisfied by sending a copy of the most recent tax notice for the property or by sending a copy of the deed to the land. The land in question is the S1/2SW1/4 of Sec, 28, T. 4N, R. 45E, lying south of Fox Creek.

The other item needing your consideration concerns justifying the increased amount of water per irrigated acre proposed by this application. The right was decreed at a rate of 0.04 cfs per acre for 80 acres. Reducing the acreage to 43, without a proportionate reduction in the amount of water, will increase the rate per acre to 0.074 cfs per acre: practically doubling the decreed rate. The Department is prevented from granting this type of increase unless the applicant can justify it by demonstrating why that much water is required for satisfactory irrigation of the land. The enclosed soil analysis form can be used to provide information supporting the increase. I suggest you seek the services of a local resident in getting the information compiled.

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Mr. Charles E. Crary
January 10, 1985
Page 2

If it is not your intent to increase the rate per acre under the decreed right, we can reduce the right down to 1.72 cfs with a written directive from you. This would remove the need for submitting the justification discussed above.

When initial processing of your application is completed we will continue to hold it in this office pending receipt of the requested information. We would appreciate being advised when the information will be provided if it should be later than March 1, 1985.

If you wish to discuss the information requested above or have questions concerning other water rights, feel free to contact this office.

Respectfully submitted,

ERNEST CARLSEN
Assistant Regional Supervisor

EC:cw-
37
Enclosure

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CONVERSATION MEMORANDUM

January 8, 1985

FROM: Ernest Carlsen *EMC*

TO: File for Application for Transfer 22-0093

RE: Proof of Ownership

As part of the staffing procedure for the above-captioned application, I contacted the Teton County Assessor to determine the ownership of the S1/2SW1/4, Sec. 28, T. 4N, R. 45E. The assessor informed me the records indicate that land is being purchased by Mr. Crary, the applicant. Because we do not know the terms of the sale, I felt it was necessary to request that he provide documentation in the form of either a disclaimer or a warranty deed for demonstrating proof of possessory interest.

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

150 Shoup — Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

November 28, 1984

RECEIVED

DEC 24 1984

Department of Water Resources
Eastern District Office

Charles E. Crary
8401 Woodland Rd.
Tuscon, AZ 85749

RE: Application for Transfer 22-0093

Dear Mr. Crary,

Enclosed is a typed application for transfer, assorted copies of maps of the area and a copy of the application with sections that need additional information marked in red. Complete the typed copy of the transfer application in black ink, sign in front of a notary, and return to this office with the \$50.00 filing fee.

Upon receipt of the transfer processing will begin.

Sincerely,

KEITH C. WILSON
Senior Resource Agent

KCW/cz

Enclosures

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November 28, 1984

Charles E. Crary
8401 Woodland Rd.
Tucson, AZ 85749

RE: Application for Transfer 22-0093

Dear Mr. Crary,

Enclosed is a typed application for transfer, assorted copies of maps of the area and a copy of the application with sections that need additional information marked in red. Complete the typed copy of the transfer application in black ink, sign in front of a notary, and return to this office with the \$50.00 filing fee.

Upon receipt of the transfer processing will begin.

Sincerely,

KEITH C. WILSON
Senior Resource Agent

KCW/cz

Enclosures

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NOTICE OF PROPOSED CHANGE OF WATER RIGHT

No. 22-0093

Notice is hereby given that Charles E. or Margaret H. Cravy, Tuscon, AZ have applied to the Department of Water Resources for a change in the place of use of the waters of Fox Creek tributary to Teton River. The right sought to be changed is evidenced by decree to Byrne Woolstenhulme in case of Robert E. Griggs vs. Lynn Crandall, dated Jan. 24, 1938 in Ninth Judicial District Court, Fremont County and is recorded as follows:

AMOUNT: 3.2 cfs

PRIORITY: January 22, 1916

DECREEED POINT OF DIVERSION: NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 34, T. 4N, R. 45E,
B.M., Teton County;

The water is used to irrigate 80 acres within the S $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 28, T. 4N, R. 45E, B.M.

TO BE CHANGED AS FOLLOWS

The water will be used to irrigate 43 acres within the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 29, S $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 28, T. 4N, R. 45E, B.M.

Any protest against approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 150 Shoup, Suite 15, Idaho Falls, ID, 83402, on or before February 11, 1985.

A. KENNETH DUNN

Director

Published in the Teton Valley News, Driggs, ID on 1/24 & 1/31/85.

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