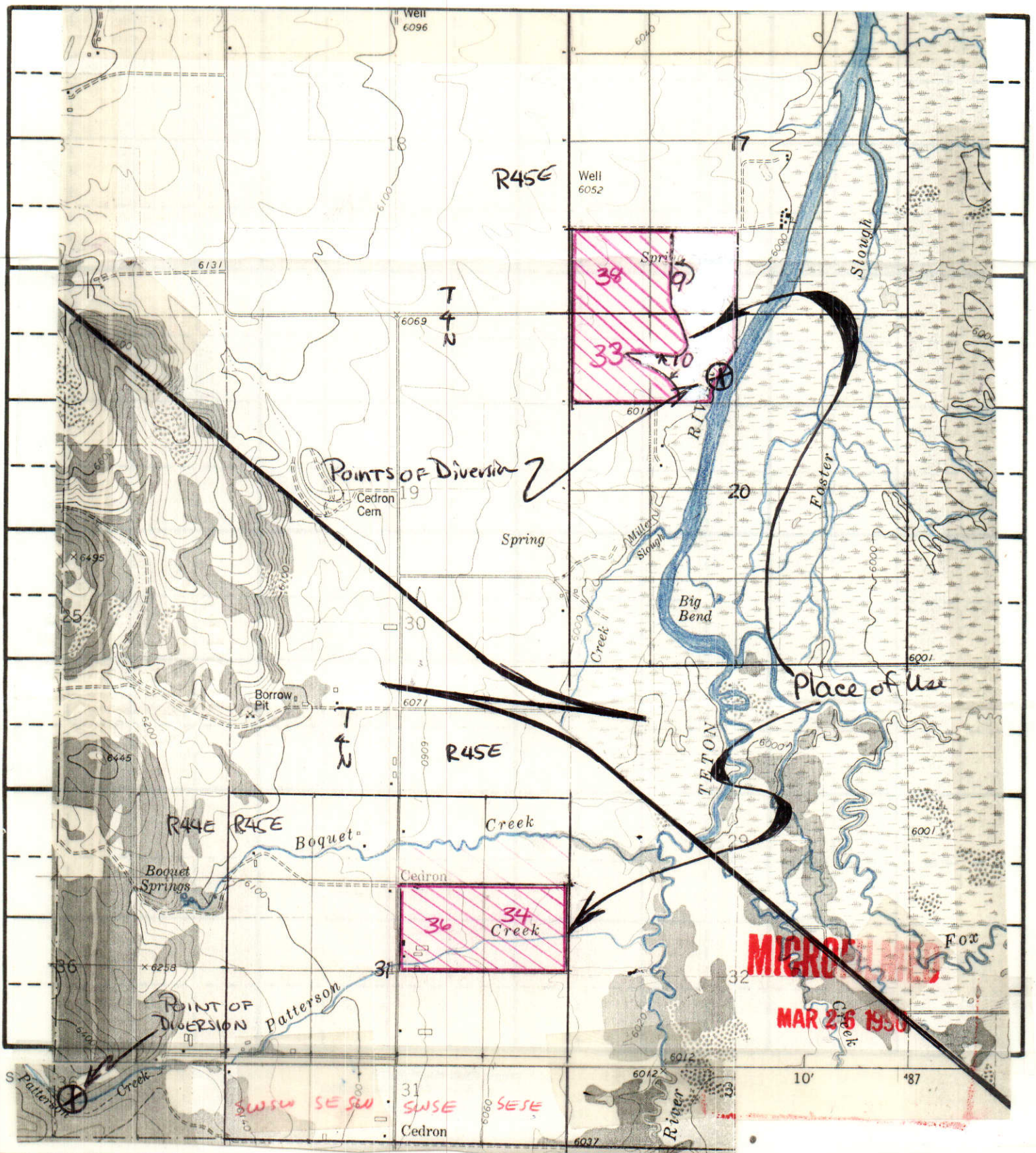


c. Describe the lands place of use to which the right will be transferred:

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	31			36	34													70
		17											38	9					47
		20					10	33											43

Total number of acres to be irrigated 160

- Describe any other water rights used for the same purpose as described above. None
- 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.



AFFIDAVIT OF PUBLICATION

State of Idaho)

) ss

County of Teton)

I, Kristi Atkinson

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 publication of

Change of water

right # 22-0231

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 2 day of April, 1987 and last publication on the 9 day of April, 1987.

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

Kristi Atkinson

Subscribed in my presence and sworn to before me this 10 day of April, 1987.

(SEAL) Notary Public for the state of Idaho, residence and postoffice address, Driggs, Idaho.

[Signature]

My Commission expires

10..... 19.....

RECEIVED

APR 13 1987

Department of Water Resources
Eastern District Office

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

NO. 22-0231

Notice is hereby given that Asa J. or JoAnn P. Drake, Victor, Idaho, have applied to the Department of Water Resources for clarification in the point of Diversion and change in the place of use of water from Patterson Creek tributary to Teton River. The right sought to be changed is evidenced by Decree No. 22-0231 decreed to Richard Drake, in case of Rexburg Irrigation Canal Co., vs Teton Irrigation Canal Co., dated 12/16/1910 in Sixth Judicial District Court, Fremont County, and is recorded as follows:

AMOUNT: 3.2 cfs

PRIORITY: June 1, 1890

POINT OF DIVERSION: Not specified

The water is used to irrigate 160 acres within the S1/2NE1/4, Sec. 31; W1/2NW1/4, Sec. 32, T. 4N, R. 45E, B.M.

TO BE CHANGED AS FOLLOWS

The water will be diverted within the SW1/4SE1/4, Sec. 36, T. 4N, R. 44E (Patterson Creek); NE1/4NW1/4, Sec. 20, T. 4N, R. 45E, B.M. (Teton River), Teton County, for the irrigation of 160 acres within the S1/2NE1/4, Sec. 31, S1/2SW1/4, Sec. 17, N1/2NW1/4, Sec. 20, 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 Ave., Suite 15, Idaho Falls, Idaho 83402 on or before April 20, 1987.

A. Kenneth Dunn
Director

Published in the Teton Valley News on April 2 and 9, 1987.

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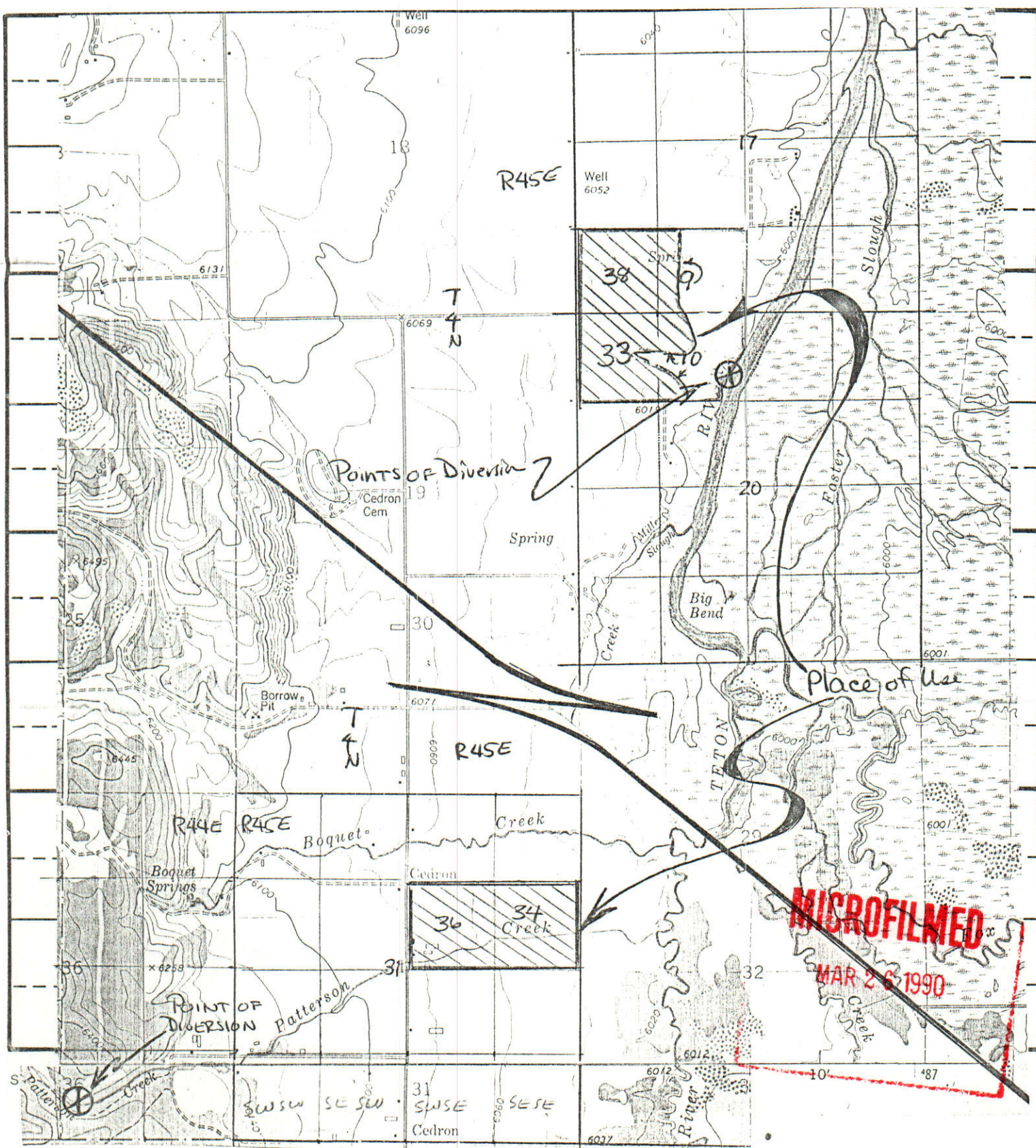
MAR 26 1990

c. Describe the lands 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	31			36	34													70
		17											38	9					47
		20					10	33											43

Total number of acres to be irrigated 160

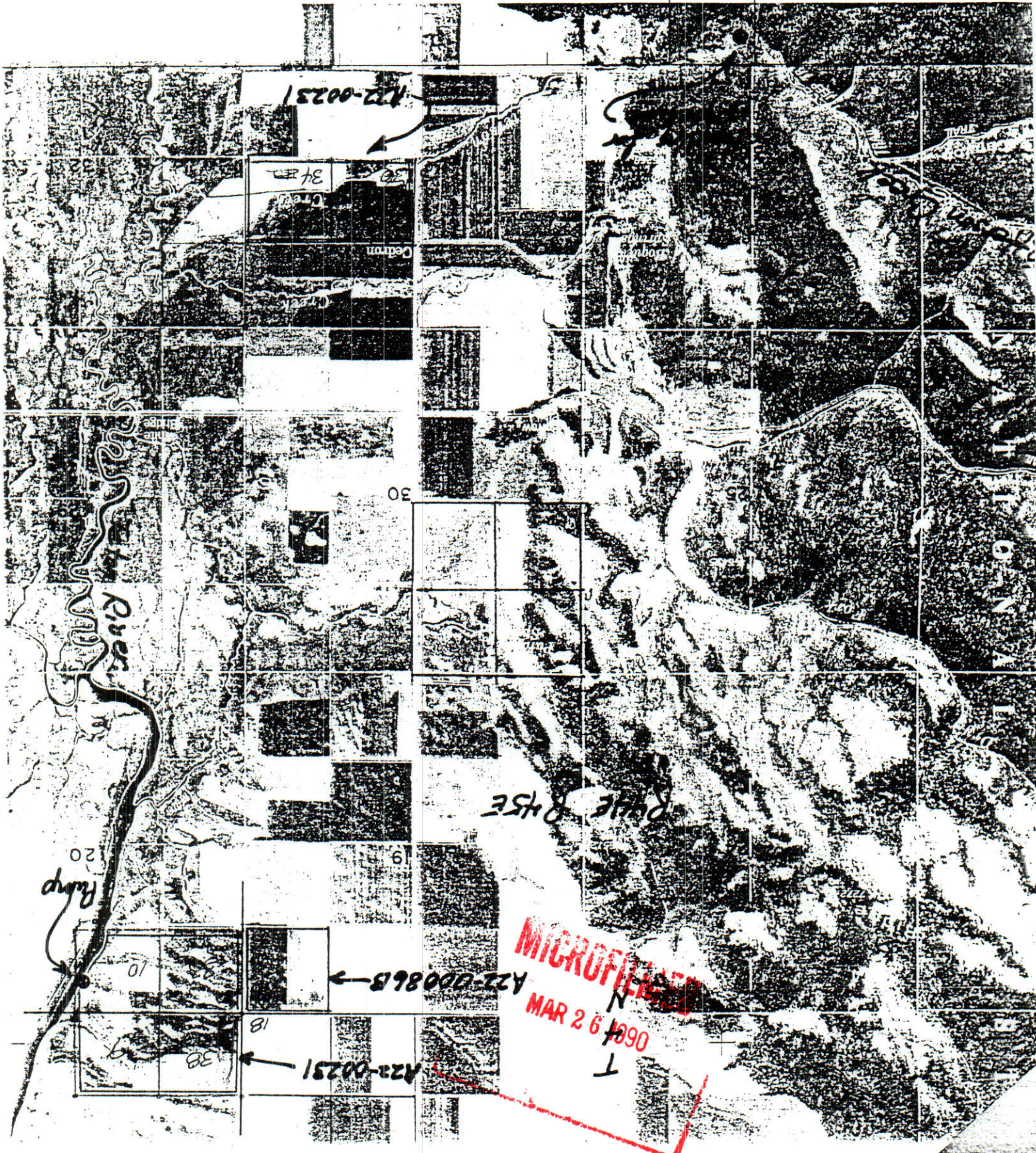
4. Describe any other water rights used for the same purpose as described above. None
5. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



1000 0 1000 2000 3000 4000

SCALE 1:24,000

750 000 FEET



22-0231



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MAR 26 1990

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR	)	ORDER ADOPTING
TRANSFER NO. 3309 OF WATER RIGHT NO.	)	PROPOSED MEMORANDUM
22-0231 IN THE NAME OF ASA J. DRAKE	)	DECISION AND ORDER
JOANN P. DRAKE	)	
_____	)	

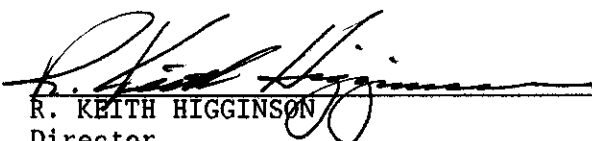
WHEREAS, R. Keith Higginson, Director of the Department of Water Resources having issued and served a copy on the parties on February 6, 1990, a Proposed Memorandum Decision and Order in the above-captioned matter, pursuant to Section 67-5211, Idaho Code; and,

WHEREAS, more than fifteen days have passed since the service of the Proposed Memorandum Decision and Order; and,

WHEREAS, no exception to that Proposed Memorandum Decision and Order has been received;

IT IS, THEREFORE, HEREBY ORDERED that said Proposed Memorandum Decision and Order be adopted and issued as the Final Decision and Order and Application for Transfer No. 3309 is DENIED.

Dated this 13TH day of MARCH, 1990.


R. KEITH HIGGINSON
Director

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Transfer No. 3309
Water Right No. 22-0231

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Denise
APPLICATION FOR TRANSFER OF WATER RIGHT
To Change the Point of Diversion and/or the Place of Use

Name of applicant Asa J. or JoAnn P. Drake Phone 354-2501
Post Office address Rt.#1, Victor, ID 83455

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:
- a. Decree No. 22-0231 Decreed to Richard Drake
in case of Rexburg Irrigation Canal Co vs Teton Irrigation Canal Co.
dated in Dec. 16, 1910 in Sixth Judicial Dist county of Fremont
(Name)
(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 Deeded by Richard Drake to Asa M.B. Drake who deeded it to applicant Asa J. Drake
3. Source of water Patterson Creek tributary to Teton River
4. Date of priority June 1, 1890
5. Water is used for the following purposes:
amount 3.2cfs for Irrigation purposes from NOT to SPECIFIED
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 NOT SPECIFIED 1/4 of Section _____
Township _____ Range _____, B.M., in _____ County
Additional points of diversion, if any _____
8. Lands irrigated or place of use:

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	31			X	X													
		32						X	X										

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Total number of acres to be irrigated 160

9. Describe any other water rights used for the same purpose as described above None
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

✓ 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

- a. Amount of water to be diverted 3.2 c.f.s. &/or _____ acre feet
b. Description of diverting works Lateral ditch on old diversion for portion retained. Pump, motor to mainline with laterals for new land.
c. Describe the reasons for the proposed changes Specify points of diversion and change place of use for better utilization of water.

2. Change in point of diversion

(Patterson Creek)
Point of diversion SW ¼ SE ¼, Section 36 Township 4N
Range 44E, B.M., Teton County
Additional points NE¼NW¼, Sec. 20, T. 4N, R. 45E (Teton River)

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
90 acres of original 160 acres will no longer be irrigated.

Irrigated by subwater rising from the River.

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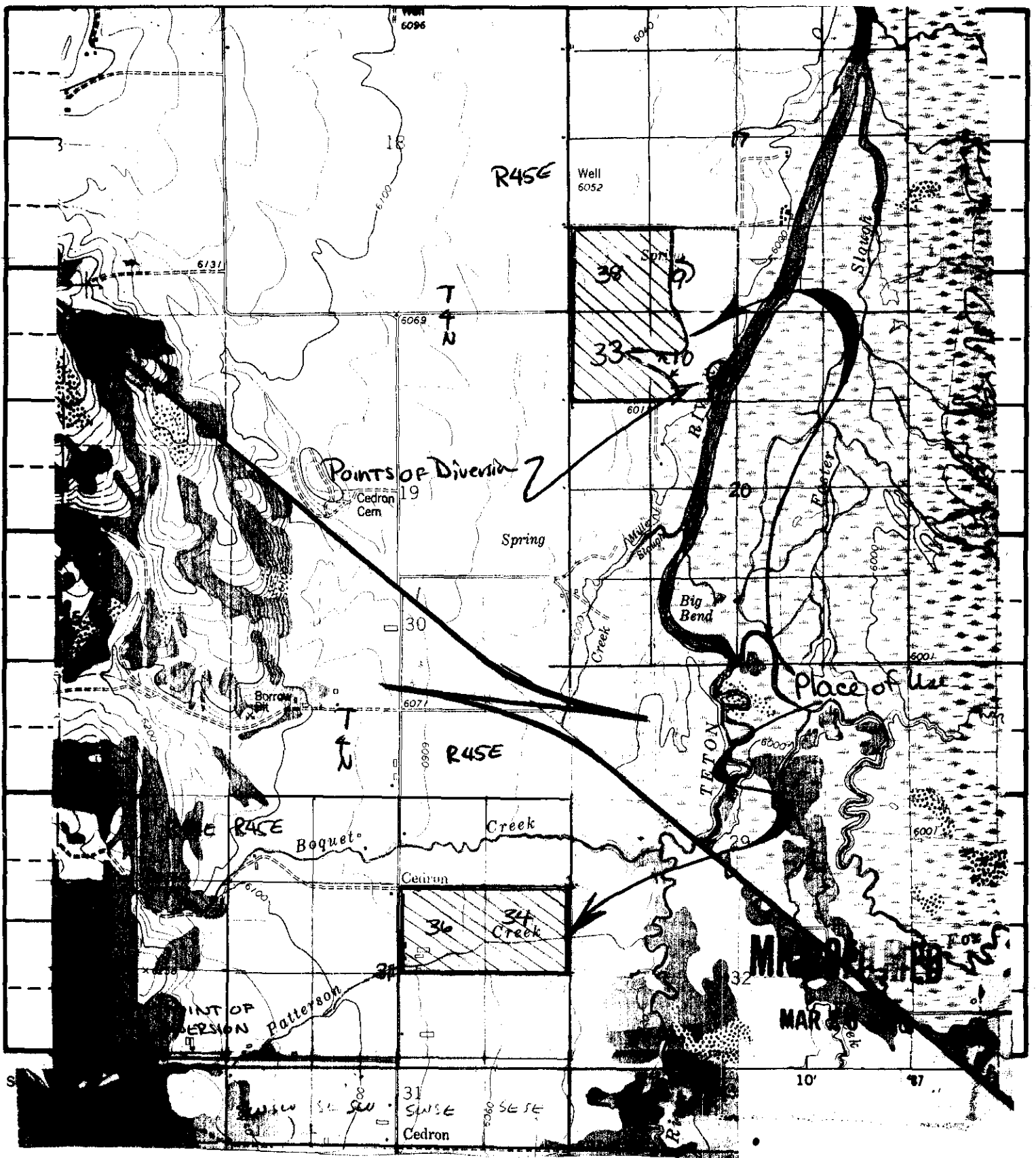
MAR 26 1990

c. Describe the land 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	31			36	34													70
		17											38	9					47
		20					10	33											43

Total number of acres to be irrigated 160

4. Describe any other water rights used for the same purpose as described above. None
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.



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.

Subscribed and sworn to before me this 20th day of MARCH, 19 87

Asa J. Drake
(Signature of Applicant)
Randall D. Carter
(Notary Public)

My commission expires 2/14/89

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 22-0231
and said application is hereby DENIED, subject to the following limitations and conditions:

Witness my hand this 13th day of MARCH, 19 90

R. Keith Higgins
Director

FOR DEPARTMENT USE ONLY

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Received by <u>ESV</u>	Date <u>3/20/87</u>	Protest filed by <u>MAR 26 1990</u>
Prelim. check by <u>Kaw</u>	Fee <u>50⁰⁰</u>	
Receipted by <u>ESV</u>	Date <u>4/1/87</u>	
Published in <u>TETON VALLEY NEWS</u>		Copies of protest forwarded by _____
Pub. dates <u>4-2 & 4-9-1987</u>		Hearing held by _____ Date _____
Watermaster recommendation requested on <u>WD#01</u>		Recommended for approval <u>denial</u>
<u>4-9-87</u> rec'd. <u>4-13-87</u>		by <u>RAC</u>

BEFORE THE DIRECTOR

OF THE

DEPARTMENT OF WATER RESOURCES

IN THE MATTER OF APPLICATION FOR
TRANSFER NO. 3309
OF WATER RIGHT NO. 22-00231

ASA J. DRAKE OR JOANN P. DRAKE,

Applicant.

)
)
)
)
) Source: Patterson Creek
)
)
) County: Teton
)

PROPOSED MEMORANDUM DECISION AND ORDER
DENYING APPLICATION FOR TRANSFER NO. 3309
OF WATER RIGHT NO. 22-00231

Asa J. Drake and JoAnn P. Drake having filed with the Department of Water Resources application for transfer No. 3309 of water right No. 22-00231 to add a point of diversion and change the place of use for a portion of the right, the application having been advertised, and a field inspection having been conducted, the Department finds, concludes, and orders as follows:

FINDINGS OF FACT

The Application

1. On March 20, 1987, Asa J. Drake or JoAnn P. Drake applied to the Department of Water Resources to change the place of use and add a point of diversion to decreed right No. 22-00231. This right was originally decreed to Richard Drake in the case of Rexburg Irrigation Company vs Teton Irrigation Canal Company dated December 16, 1910. The right provided for the diversion of 3.20 cubic feet per second from Patterson Creek tributary to the Teton River with a

FILED
MAR 26 1990

priority of June 1, 1890. The point of diversion was not specified in the decree and though no irrigated acreage was listed, the place of use was identified as the S1/2NE1/4, Section 31, W1/2NW1/4, Section 32, Township 4 North, Range 45 East.

The application for transfer proposes to change the place of use and the method of water delivery for a portion of the right. This change would require water be discharged into the Teton River from Patterson Creek. This commingled water would be rediverted by pump in the SE1/4NE1/4NW1/4, Section 20, Township 4 North, Range 45 East and used to irrigate 47 acres in the S1/2SW1/4, Section 17 and 43 acres in the N1/2NW1/4, Section 20, Township 4 North, Range 45 East. The remainder of the water right would continue to be diverted from Patterson Creek within the SW1/4SE1/4, Section 36, Township 4 North, Range 44 East and used to irrigate 70 acres of the original decreed place of use in the S1/2NE1/4, Section 31, Township 4 North, Range 45 East. Under the proposed change a total of 160 acres would be irrigated.

2. Notice of the application was published in the Teton Valley News on April 2 and 9, 1987. No protests against approval of the application were received by the Department within the time period specified by statute.

3. On October 5, 1987, staff from the Department of Water Resources and a deputy Snake River watermaster conducted an on-site field inspection. Their investigation found that the land being dewatered by the proposed transfer was primarily unirrigated bottom land being utilized as pasture.

4. The USGS topographic map and orthophoto map of the

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MAR 26 1990

decreed place of use shows cultivated land throughout most of the S1/2NE1/4, Section 31, excluding a farmstead and the channel of Patterson Creek. Approximately, twelve (12) acres of cultivated land is also evident in the SW1/4NW1/4, Section 32.

5. Water rights diverted from Patterson Creek and the Teton River are subject to regulation by the watermaster of Snake River Water District 1.

6. Decreed right 22-00231 has the earliest priority (June 1, 1890) of the four Patterson Creek water rights.

7. Water rights from the Teton River and its tributaries with a priority of June 1, 1890 are cut every year. However, the natural flow of Patterson Creek normally continues to decline until it no longer reaches the Teton River. When this occurs, Patterson Creek is regulated as a non-tributary and water is distributed to the water rights on Patterson Creek. Consequently, right 22-00231 continues to be delivered water at times when it would not be delivered on the Teton.

8. All of the water rights on Patterson Creek are currently combined in a pipeline. The ground from which the water is proposed to be transferred is not served by the pipeline.

9. The applicants do not propose to abandon their use of the Patterson Creek pipeline. If the 3.20 cubic feet per second is released past the Patterson Creek pipeline it would normally flow in the channel and would not reach the Teton River.

10. Historically, this right has been used for the irrigation of up to 85 acres of land located within the S1/2NE1/4, Section 31 and W1/2NW1/4, Section 32, all in Township 4 North, Range

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MAR 26 1990

45 East.

11. Idaho Code, Section 42-222, (para. 1)(1988 supp.) states in part. . . the director of the department of water resources shall examine all the evidence and available information and shall approve the change in whole or in part upon the conditions provided no other water rights are injured thereby, the change does not constitute an enlargement in use of the original right and the changes in the local public interest as defined in Section 42-203A, Idaho Code.

CONCLUSIONS OF LAW

1. The applicants, Asa J. Drake and JoAnn P. Drake, are the successors in interest to water right 22-00231 decreed to Richard Drake in the case of Rexburg Irrigation Canal Company vs Teton Irrigation Canal Company, dated December 16, 1910.

2. The approval of the proposed change to irrigate 160 acres would result in an expansion in the use of water under right 22-00231.

3. If the 3.20 cubic feet per second is released past the Patterson Creek pipeline it would constitute a waste of water.

4. The change in point of diversion from Patterson Creek to the Teton River would cause a reduction of water available to fill existing water rights on the Teton River.

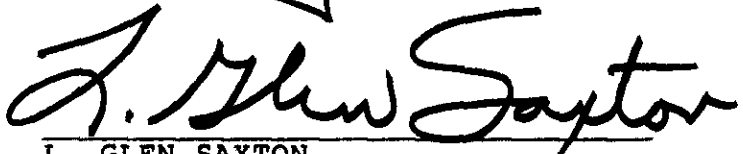
5. The change in point of diversion must be denied. Since the applicants would have no way to irrigate the new lands of the proposed place of use from the Patterson Creek source they would be injured if the place of use change requested were approved.

ORDER

MAR 26 1990

IT, THEREFORE, IS HEREBY ORDERED and application for
transfer No. 3309 of decreed water right No. 22-00231 is DENIED.

Dated this 5th day of February, 1990.


L. GLEN SAXTON,
HEARING OFFICER

CERTIFICATE OF MAILING

I HEREBY CERTIFY THAT on this the 6th day of February,
1990, a true and correct copy of the Order Issuing Proposed
Decision and the Proposed Memorandum Decision and Order were
mailed postage prepaid to:

Asa J. or JoAnn P. Drake
Route 1
Victor, ID 83455


RITA I. FLECK
Secretary/Records Manager

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MAR 26 1990

CERTIFICATE OF MAILING

I HEREBY CERTIFY THAT on this the 22th day of March 1990, a true and correct copy of the ORDER ADOPTING PROPOSED MEMORANDUM DECISION AND ORDER was mailed, postage prepaid to:

Asa J. or JoAnn P. Drake
Route 1
Vistor, ID 83455



RITA I. FLECK
Secretary/Records Manager
Idaho Department of Water Resources

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MAR 26 1990

BEFORE THE DIRECTOR OF THE DEPARTMENT
OF WATER RESOURCES OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR)
TRANSFER NO. 3309 OF WATER RIGHT)
NO. 22-0231 IN THE NAME OF ASA J.)
DRAKE OR JOANN P. DRAKE)

ORDER ISSUING
PROPOSED MEMORANDUM
DECISION

R. Keith Higginson, Director of the Department of Water Resources, having reviewed the attached proposed decision prepared by his appointee, L. Glen Saxton, who conducted the hearing or who has read the record in the this case, hereby approves the same as a proposed decision pursuant to Idaho Code, Sec. 67-5211.

Each party to these proceedings who appeared at the hearing is given the opportunity, pursuant to Idaho Code, Sec. 42-1701A and 67-5211, to file exceptions to the proposed decision and to present briefs and oral arguments. If no timely and proper exceptions are received, an order by the Director will be entered adopting the proposed decision as his final decision.

I.
EXCEPTIONS

A. To be considered by the Director, exceptions must:

1. be received by the Director on or before the 15th day following the day of service of this Order and the proposed decision,

2. specifically identify the portions of the proposed decision to which exceptions are made and specifically state the grounds for those exceptions, and

3. be sent to each of the parties who appeared or their attorneys.

II.
BRIEFS

A. Any briefs in support of exceptions to the proposed decision shall be filed with the Director at the same time that party's exceptions are filed with the Director.

B. All response briefs to the exceptions must be filed with the Director within 15 days after the exceptions were served upon the responding party.

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III.

A. No oral arguments before the Director on the proposed decision will be held unless specifically requested by a party filing exceptions to the proposed decision and unless that request is filed with the Director concurrently with the filing of that party's exception.

B. If oral arguments have been properly requested by a party filing exceptions, any other party, upon reasonable notice to the Director, shall have the right to present oral argument in response to the exceptions filed.

C. Oral arguments before the Director on exceptions to the proposed decision shall be heard at the discretion of the Director, pursuant to Idaho Code, Sec. 42-1701A. If oral arguments are to be heard, the Director will, within a reasonable time, notify each party of the place, date and hour the oral arguments will take place and of the period of time allocated for the arguments of this case. Unless the Director orders otherwise, all oral arguments shall be heard in Boise, Idaho.

IV.

CERTIFICATE OF SERVICE

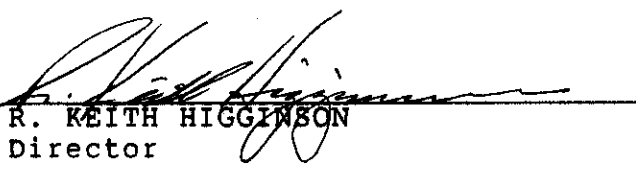
All exceptions, briefs, requests oral arguments and other matters filed with the Director in connection with the proposed decision shall be served on all other parties to these proceedings in accordance with Rule 7.2.

V.

FINAL DECISION

Following the submission of all exceptions, briefs and oral arguments, if they are heard, the Director shall issue a final decision adopting, modifying or rejecting and replacing the proposed decision. Copies of the decision and order shall be served on all parties.

Dated this 6th day of February, 1990.


R. KEITH HIGGINSON
Director

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MAR 26 1990

AFFIDAVIT OF PUBLICATION

State of Idaho)
) ss
County of Teton)

I, Kristi Attkisson
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

Change of water
right # 22-0231

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 2 day of April 1987
and last publication on the 9 day
of April 1987.

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

Kristi Attkisson

Subscribed in my presence and
sworn to before me this 10 day of
April 1987
(SEAL) Notary Public for the state
of Idaho, residence and postoffice
address, Driggs, Idaho.

My Commission expires

11/1 1988

RECEIVED

APR 13 1987

Department of Water Resources
Eastern District Office

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

NO. 22-0231

Notice is hereby given that
Ann J. or JoAnn P. Drake, Victor,
Idaho, have applied to the Depart-
ment of Water Resources for
clarification in the point of Diver-
sion and change in the place of
use of water from Patterson
Creek which is in Teton River.
The right sought to be changed
is evidenced by Change No. 22-
0231 decreed to Richard Drake,
in case of Rexburg Irrigation
Canal Co., vs Teton Irrigation
Canal Co., dated 12/16/1910 in
Sixth Judicial District Court,
Fremont County, and is recorded
as follows:

AMOUNT: 3.2 cfs

Effective June 1, 1990

REMARKS OF CHANGING: Not
approved

The water is used to irrigate
160 acres within the S1/2NE1/4,
Sec. 31; W1/2NW1/4, Sec. 32,
T. 4N, R. 45E, B.M.

TO BE CHANGED AS FOLLOWS

The water will be diverted
within the SW1/4SE1/4, Sec. 38,
T. 4N, R. 44E (Patterson Creek);
NE1/4NW1/4, Sec. 20, T. 4N, R.
45E, B.M. (Teton River), Teton
County, for the irrigation of 160
acres within the S1/2NE1/4, Sec.
31, S1/2SW1/4, Sec. 17,
N1/2NW1/4, Sec. 20, 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 Ave.,
Suite 15, Idaho Falls, Idaho
83402 on or before April 20,
1987.

A. Kenneth Dunn
Director

Published in the Teton Valley
News on April 2 and 9, 1987.

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MAR 26 1990

~~1-0188~~ 23-0027

DeRome, Peter

100 inches. May 23, 1900.

Indian Creek.

~~0188~~
Dewey Canal
Company

1 054

1,860 inches. May 15, 1898.

North Fork of Snake
River.

~~0188~~ 22 0228

Dewey, George A.

160 inches. June 1, 1891.

Fox Creek.

Diamond K Live
Stock Company.

(Decreed to Pine Creek,
Canal Company.)

Dille, A. C.

North Salem Agricul-
tural & Milling Canal
Company. Also, member
Roxana Canal Company.

~~1-0188~~ 1 055

Dilts & LaBelle
Ditch Company

1,400 inches. June 1, 1894.

South Fork of
Snake River.

~~1-0196~~ 23 0028

Dixon, Charles S.

20 inches. July 1, 1899.

Rainey Creek.

~~01-0194~~ 23 0029

Dixon, Charles S.

30 inches. June 1, 1900.

Rainey Creek.

Downs, John

Enterprise Canal
Company.

Downs, Mary

Enterprise Canal
Company.

~~01-0196~~ 22 0229

Drake, Fred J.

150 inches. June 1, 1889.

John Creek.

~~01-0196~~ 22 0230

Drake, Lavina

160 inches. June 1, 1890.

Boquet Creek and
Drake Creek.

~~01-0196~~ 22 0231

Drake, William

160 inches. June 1, 1890.

Patterson Creek.

~~01-0196~~ 22 0232

Drake, William

10 inches. June 1, 1889.

Mahogany Creek.

~~01-0196~~ 22 0233

Drake, William

150 inches. July 1, 1890.

Mahogany Creek.

~~01-0196~~ 21 0041

Drake, W. P.

400 inches. June 1, 1890.

Fall River. (Sold to
J. R. Silkey.)

~~01-0196~~ 35 0005

Driscoll, M. A.

210 inches. June 1, 1895.

McTuckers Springs and
Hull's Slough.

Duncan, Henry

Trego Ditch Company.

~~01-0196~~ 35 0005 15-0213

Dunham, W. W.

250 inches. June 1, 1884.

Spring Creek.

Dunlap, William H.

(See M. R. Perry.)

~~01-0206~~ 22 0234

Durney, P. S.

15 inches. June 1, 1890.

Trail Creek.

~~01-0206~~ 22 0234 22-0679

Durney, P. S.

60 inches. May 15, 1895.

Little Warm Creek.

Dwyer, Mrs M. F.

The Farmers' Friend
Canal Company.

~~01-0206~~ 22 0235

Eames, John S.

25 inches. July 15, 1896.

Teton River.

E.

MICROFILMED

MAR 26 1990

FEB 27 1911
OFFICE OF STATE ENGINEER

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

天長沙縣志卷之六

xburg Irrigation Company, et al.,

PLANTIFFS

DECREE

-v9-

ton Irrigation Canal Company, et al.

DEFENDANTS:

This cause coming on to be heard this ^{11th} day of

10. upon the report of F. J. Cowen, Referee heretofore appointed for the purpose of taking the testimony and making recommendations as to Findings of Fact, Conclusions of Law and Decree, to be entered in, and the said F. J. Cowen, having filed his report of the testimony taken, and his recommendations as to Findings of Fact and Conclusions of Law, which have heretofore been adopted, and the respective plaintiffs and defendants and cross-complainants appearing in by their respective counsel, and the Court being fully informed and advised in the premises, and having ordered that judgment be entered in accordance with the report and recommendations of the said F. J. Cowen, Referee of the law and the Report and Findings of Fact and Conclusions of Law aforesaid.

It is ordered, Adjudged and Decreed, that the several parties plaintiffs and defendants herein named, do have judgment respectively the right to use, for irrigation and other purposes, the following number of inches of water, each fifty inches thereof to be equivalent to or of one cubic foot per second as prescribed by the law.

RECEIVED

MAR 27 1987

Transfer No. 3309Water Right No. 22-0231Department of Water Resources
STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT**To Change the Point of Diversion and/or the Place of Use**Name of applicant Asa J. or JoAnn P. Drake Phone 354-2501Post Office address Rt. #1, Victor, ID 83455**A. DESCRIPTION OF RIGHT AS RECORDED****1. Right evidenced by:**

a. Decree No. 22-0231 Decreed to Richard Drake
 in case of Rexburg Irrigation Canal Co vs Teton Irrigation Canal Co.
 dated in Dec. 16, 1910 in Sixth Judicial Dist county of Fremont
 (Name)
 (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 Deeded by Richard Drake to Asa M.B. Drake who deeded it to applicant Asa J. Drake

3. Source of water Patterson Creek tributary to Teton River4. Date of priority June 1, 1890**5. Water is used for the following purposes:**

amount 3.2cfs for Irrigation purposes from NOT to SPECIFIED
 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 NOT SPECIFIED % of Section _____
 Township _____ Range _____, B.M., in _____ 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	31			X	X													
		32					X	X											

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MAR 26 1990

Total number of acres to be irrigated 1609. Describe any other water rights used for the same purpose as described above None

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 _____ 1/4 _____ 1/4, Section _____ Township _____
Range _____, B.M., _____ County
Additional points _____

3. Place of use:

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	

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 Lateral ditch on old diversion for portion retained. Pump, motor to mainline with laterals for new land.
- c. Describe the reasons for the proposed changes Specify points of diversion and change place of use for better utilization of water.

2. Change in point of diversion

(Patterson Creek)

Point of diversion SW 1/4 SE 1/4, Section 36 Township 4N
Range 44E, B.M., Teton County
Additional points NE 1/4 NW 1/4, Sec. 20, T. 4N, R. 45E (Teton River)

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
90 acres of original 160 acres will no longer be irrigated.

Irrigated by subwater rising from the River.

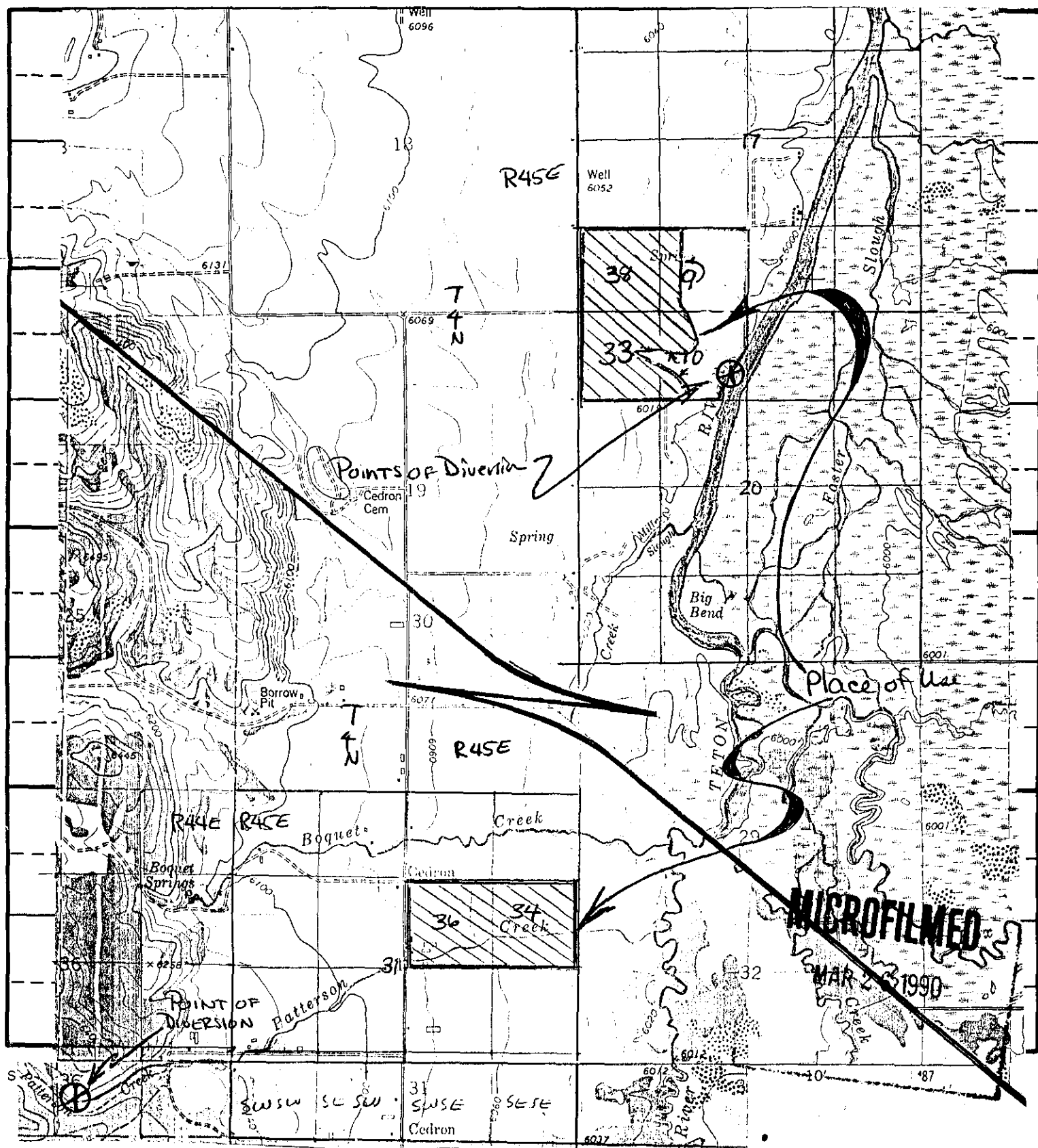
MAR 26 1990

c. Describe the land 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	31			36	34													70
		17											38	9					47
		20					10	33											43

Total number of acres to be irrigated 160

4. Describe any other water rights used for the same purpose as described above. None
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.



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.

Asa J. Drake
(Signature of Applicant)

Subscribed and sworn to before me this 20th day of MARCH, 19 87

Randall P. Carter
(Notary Public)

My commission expires 2/14/89

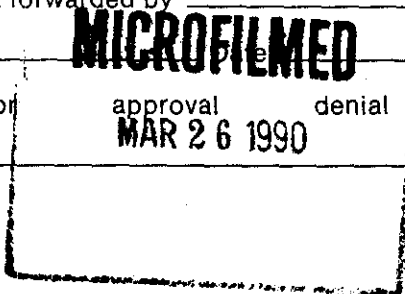
ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

Received by <u>ESV</u>	Date <u>3/20/87</u>	Protest filed by _____
Prelim. check by <u>Kaw</u>	Fee <u>50⁰⁰</u>	_____
Receipted by <u>ESV</u>	Date <u>4/1/87</u>	_____
Published in <u>TETON VALLEY NEWS</u>	Copies of protest forwarded by _____	
Pub. dates <u>4-2 & 4-9-1987</u>	Hearing held by _____	
Watermaster recommendation requested on _____	Recommended for _____	
_____ rec'd. _____	by _____	



March 22, 1990

Asa J. or JoAnn P. Drake
Route 1
Victor, ID 83455

Dear Mr. and Mrs. Drake:

Re: Application for Transfer of Water Right No. 22-0231

Enclosed is a copy of the denied Application for Transfer of Water Right No. 22-0231 along with a copy of the Proposed Memorandum Decision and Order and Order Adopting Proposed Memorandum Decision and Order.

Any person who does not agree with the decision of the department may request a rehearing before the Director within 20 days, or may appeal directly to the district court within 30 days of the date the decision is mailed.

If you have any questions concerning this matter, please feel free to contact this office.

Sincerely,

L. GLEN SAXTON, Chief
Water Allocation Bureau

Enclosures

MICROFILMED

MAR 26 1990

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: A22-00231
Date Received: 9/29/1988
Receipt No: E002751
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DRAKE FARMS PARTNERSHIP 208-354-2501
Address: 641 S. 450 W.
VICTOR, ID 83455

2. Date of Priority: JUN 01, 1890

3. Source: PATTERSON CREEK Trib. to: TETON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	44E	36	SW	SE			TETON
	45E	20	NE	NE	NW	R	TETON

5. Description of diverting works:
HEADING FOR PATTERSON CREEK PIPELINE AND PUMP ON TETON RIVER.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	3.200		

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

8. Total consumptive use is 320.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	45E	17	SW	SW		IRR	38.0
			SW	SW		IRR	9.0
			SE	SW			
						Section Acres	47.0

A22-00231

Page

error
MICROFILMED

Date: 01/19/90

MAR 26 1990

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	45E	20	NE	NW		IRR	10.0
			NW	NW		IRR	33.0
					Section Acres		43.0
		31	SW	NE		IRR	36.0
			SE	NE		IRR	34.0
					Section Acres		70.0
					Total Acres		160.0

11. Place of use in counties: TETON

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

13. Other Water Rights Used:
NONE

14. Remarks:

THE LAND IN SECTIONS 17 & 20 WAS FIRST IRRIGATED IN 1964. HOWEVER, THIS CHANGE WAS MADE WITHOUT BENEFIT OF AN APPROVED TRANSFER. I HAVE FILED AN APPLICATION FOR TRANSFER WITH THE DEPT. OF WATER RESOURCES TO MAKE THIS CHANGE A MATTER OF RECORD. WATER PUMPED FROM THE TETON RIVER IN SECTION 20 IS MADE AVAILABLE BY DUMPING PATTERSON CREEK WATER INTO THE RIVER EITHER FROM THE END OF PATTERSON CREEK PIPELINE OR FROM PATTERSON CREEK WHEN THERE IS HIGH WATER.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 12/16/1910

REXBURG IRR. CO. ET AL
Decree Plaintiff

vs

TETON IRR. CANAL CO.
Decree Defendant

MicroFILMED

MAR 26 1990

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____
My Commission Expires _____

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MAR 26 1990

TO: File T22-0231

FROM: Ernest Carlsen *etc*

RE: Grounds for Denial

DATE: December 18, 1987

I feel there are sufficient grounds to deny this application. It represents an expansion of the water right and the change would be impractical to regulate.

Expansion of the water right will occur because of an increase in the number of acres to be irrigated after the change with a collateral increase in the consumptive use of water. Information provided on the application portrays that 160 acres have historically been irrigated under this right. This figure was probably derived from the decree which lists four 40 acre subdivisions as the place of use. The decree, however, does not specify the number of irrigated acres.

It is obvious from information obtained during a field investigation, and referencing the USGS Topographic Map, that the land historically irrigated was less than 160 acres. Half of the decreed place of use is the W1/2NW1/4, Section 32. This 80 acre tract is utilized as pasture and is the land being dewatered. The USGS Topographic Map shows Boquet Creek flowing through the N1/2 of the NW1/4NW1/4, essentially dividing it in half. With the creek acting as a natural barrier it is highly unlikely that land north of the creek channel was irrigated with water from Patterson Creek. Furthermore, the application states that sub-water will be relied on to provide water for at least a part of the pasture. This is an indication Mr. Drake has previously relied on sub-water to maintain the pasture rather than irrigating it with water from Patterson Creek.

There is also the question of whether or not the change could be regulated by the watermaster. Presently, the entire flow of Patterson Creek is diverted into a gravity flow pipeline approximately 2 miles upstream from the creek's confluence with the Teton River. To deliver Patterson Creek water to the new point of diversion it would either have to bypass the pipeline diversion or be transported in the pipeline. Since the watermaster has no authority to regulate distribution of water carried by the pipeline, expecting him to control water discharged from it into the Teton River is not reasonable and would be impractical. The watermaster could regulate the pipeline diversion allowing a designated amount of water to remain in the creek channel. However, it would sink before reaching the Teton River and consequently could not be delivered to the new point of diversion.

MICROFILMED

MAR 26 1990

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT

AJ0723NP
(OD-26)

Water Right Number - A22-00231 Adj. Flag Translation: Adjudication Temporary Work Area Old (D) Number -
+ - - - - Last Name - - - - + + - - - - First Name - - - - + + - - - - Address - - - - - +

*** C - CURRENT OWNER ***
DRAKE FARMS PARTNERSHIP

1 - 641 S. 450 W.
2 -
3 -

City- VICTOR
Phone - 208-354-2501
State- ID Zip- 83455

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
06/01/1890 15 D - DECEASED
+ - - Source - - - - + + - - Tributary - - - - + TETON RIVER

+ - - - - Point of Diversion - - - - - Stream Index (Blank if no Index Code)

Twn	Rng	Sec	Tract	Lot	Rflg	County
04N	44E	36	SW SE			(81) TETON
04N	45E	20	NE NE NW	R		(81) TETON

+ - - - - Description Period From Water Use Diversion Rate Diversion Volume

01 - IRRIGATION 04/15 10/15 3.200
+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
3.200 3.200 320.0

Twn	Rng	Sec	Tract	Lot	Acres	Place of Use	Description	County
04N	45E	17	SW SW	38.0		01	IRRIGATION	(81) TETON
04N	45E	17	SW SE	9.0		01	IRRIGATION	(81) TETON
04N	45E	20	NE NW	10.0		01	IRRIGATION	(81) TETON
04N	45E	20	NW NW	33.0		01	IRRIGATION	(81) TETON
04N	45E	31	SW NE	36.0		01	IRRIGATION	(81) TETON
04N	45E	31	SE NE	34.0		01	IRRIGATION	(81) TETON

Total Acres: 160.0

+ - - Diversion Means - HEADING FOR PATTERSON CREEK PIPELINE AND PUMP ON TETON RIVER.

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - NONE

+ - - Remarks - - - - -

THE LAND IN SECTIONS 17 & 20 WAS FIRST IRRIGATED IN 1964.
HOWEVER, THIS CHANGE WAS MADE WITHOUT BENEFIT OF AN APPROVED
TRANSFER. I HAVE FILED AN APPLICATION FOR TRANSFER WITH THE

MICROFILMED
MAR 26 1990

Water right number - A22-00231

Adj. flag translation: Adjudication Temporary Work Area

+ - - - - Remarks - - - - - +
DEPT. OF WATER RESOURCES TO MAKE THIS CHANGE A MATTER OF RECORD.
WATER PUMPED FROM THE TETON RIVER IN SECTION 20 IS MADE
AVAILABLE BY DUMPING PATTERSON CREEK WATER INTO THE RIVER EITHER
FROM THE END OF PATTERSON CREEK PIPELINE OR FROM PATTERSON CREEK
WHEN THERE IS HIGH WATER.

+ - - - - Conditions of Approval - - - - - +
No Conditions of Approval found.

+ - - - - Decree Plaintiff - - - + + - - - - Decree Defendant - - - + + - Decree Date - +
REXBURG IRR. CO. ET AL TETON IRR. CANAL CO. 12/16/1910

+ - - Audit Fields - 09/29/88 CARLSEN

+ - - - - Adjudication Rights Dates and Flags Area - - - - - +

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	- Y	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 06/24/1985	Old Judicial District	-
Claim Received Date	- 09/29/1988	Last Amended Date	- 00/00/0000	Temporary Right	- P
Claims Tape Error Flg	-	Receipt Number	- E002751	Water District	- 01
Fee Exempt Flag	-	POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	-		

MAR 26 1990

MICROFILMED

Field Investigation of Transf. applic. #22-0231
Oct. 5, 1987 (earliest rt on creek)

Reliability of Patterson Creek

Watermaster Dee O'Brien says the Creek reaches the Teton River on a normal year but now all the water in Patterson Creek is diverted up high and put in a pipeline. Applicants ground is first served by the pipeline. This summer the 1890 rts (Applicants) were not cut off because releasing the 320 cfs down the creek would have resulted in water sinking before reaching the Teton River.

Historical Use - The main crop ground has been the S $\frac{1}{2}$ of the NE $\frac{1}{4}$ some water going to the W $\frac{1}{2}$ of NW $\frac{1}{4}$ of Sect 32 for use in a Pasture area (See Pix). This Pasture area is designated to be detached from Rte. 22-0231 if the transf. is approved but will continue as part of the water use to Sub water in area.

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MAR 26 1990

Considerations - New ground on transfer will represent a valid agricultural crop use when compared to the water used historically on the W $\frac{1}{2}$ of NW $\frac{1}{4}$ of Sect 32 will probably exceed the afa effectively used each irrigation season on this old place of use.

Page #2

Considerations

The only time less water will probably be used under the terms of the transfer is when 1890 rts. are cut on the Teton. The 1890 rts will continue in the Patterson Creek pipeline for reasons stated earlier.

If approved the water master would need a measuring device requirement imposed on the pump in the Teton River.

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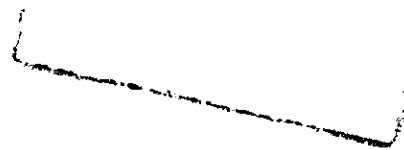
MAR 26 1990

22-0231



REPRODUCED

MAR 26 1990



ACTION REQUIRED

FROM: _____

TO: _____

Need to determine -

- Historical use of water - point of diversion - layout of ditches, number of acres irrigated, extent of beneficial use - type of crops raised.
- How will the Wh. No. 32 be utilized if the transfer is approved? Does it represent a change in how the land was historically operated.
- What control structures would be required for regulation by the watermaster.
- If transfer is approved should the quantity diverted be reduced

Was land north of
Bogart Creek in
Wh. No. 32 irrigated
from Patterson Cr.

ACTION REQUIRED

FROM: _____

TO: _____

- To compensate for transmission loss occurring between the old point of diversion & new diversion on the Teton River.*
- Is the Teton River a more reliable source of water than Patterson Creek?*

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY: KC WILSON

1. Right number 22-0231 Applicant Asa or JoAnn Drake

2. Type of right: ☒ Decree ☐ License ☐ Claim

3. Purpose of transfer: ☐ Change point of diversion ☒ Add diversion point(s) ☒ Change place of use
☐ Other _____

4. Check:

a. ☒ Source ☒ Priority ☒ Amount ☒ Purpose ☒ Period of use

b. ☒ Description of original point of diversion.

c. ☒ Description of original place of use.

PROTEST DRAKE
4-20-1987

5. Amount of land &/or water transferred:

a. ☒ 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).

c. ☐ Check description of point(s) of diversion.

d. ☒ Check description of place of use.

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

f. ☒ Check for correct signature, notarization, and fee.

REQUESTED Tax Notice FROM
MR. Drake on 3-20-87
and again on 3-24-87

g. ☐ Check proof of ownership of right &/or land from which water is transferred. Retrieved 3/25/87

h. ☒ Check for expansion in use of right. Comments Transfer appears to transfer portion of right to
a more reliable source (Teton River)

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

Right number(s) NONE

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

If yes, what district? WDOI

FINAL PROCESSING REVIEW BY: _____

1. Watermaster recommendation requested on 4-9-87 Received on 4-13-87

2. Is transfer published correctly? ☒ Yes ☐ No

3. Protest received? ☐ Yes ☒ No

RECOMMENDED ACTION

1. ☐ Approve

2. ☒ Deny

3. Conditions* _____

4. By RDC Date 4/9/89

RECEIVED
JAN 11 1990

Department of Water Resources

* All uses within Watermaster Districts require special conditions.

Copy to Roberta 3-25-87

INTER-DEPARTMENT MEMO — 1

FROM KEITH C. WILSON

TO FILE 22-0231

SUBJECT TRANSFER

Applicant informed me that he plans to irrigate lands in Sec 17 and 20 only when he is not irrigating S $\frac{1}{2}$ NE $\frac{1}{4}$ Sec 31, T4N, R45E. Also applicant informed me that water from Patterson Creek normally does not reach the Teton River. I informed him that He may be required to discharge water into Teton River in order to divert from Teton River. He also indicated that only about 4 - $\frac{1}{4}$ mile lines w/ Sprinklers was maximum diversion ($4 \times 150 \text{ gpm/line}$) $\approx 1.34 \text{ cfs}$

Keith C. Wilson
SIGNATURE

APPLICATION FOR TRANSFER OF
WATER RIGHT NO. 22-0231

WATER DISTRICT 1

WATERMASTER Ronald D Carlson

DATE: 4/10/87

COMMENTS: I BELIEVE THAT THIS TRANSFER
FROM PATTERSON CREEK TO THE TETON
REPRESENTS BOTH AN ENHANCEMENT &
ENLARGEMENT OF THE RIGHT.

THE TRANSFER FROM PATTERSON TO TETON R.
SHOULD NOT BE APPROVED

 I do endorse approval of this change.

✓ I do not endorse approval of this change.

I recommend the following conditions of approval:

Ronald D Carlson
Watermaster

MICROFILMED

MAR 26 1980

CONSOLIDATED TAX NOTICE AND RECEIPT
TETON COUNTY TAX COLLECTOR
WILLIAM J O'BRIEN
DRIGGS, ID 83422

1986
 REAL PROPERTY
 MARKET VALUE 19,433
 TAX CODE AREA 4-00
 PARCEL NUMBER RP04N45E322400A
 BILL NUMBER 3127
 19,433L

E2NW4, SW4NW4
 SEC 32 T4N R4SE

TAXING DISTRICT

STATE
 COUNTY
 SCHOOL DIST 401
 CEM VICTOR-CED
 LIBRARY

RATE

003194
 003363
 000040
 000134

AMOUNT

62.08 TAX
 65.36 PEN
 78 SUB TOT
 2.60 INT
 TOT

FULL PAYMENT

130.82

AC 120.000 DRAKE, ASA
 RT 1 BOX 612
 VICTOR, ID 83455-9726

DELINQUENT CERT.

PLEASE READ THE BACK OF THIS NOTICE
 THIS RECEIPT IS ISSUED SUBJECT TO CHECK CLEARANCE

TOTAL .006731

130.82

TOT

2ND INSTALLMENT

TAX 65.41
 PEN
 SUB TOT
 INT
 TOT

FOR PROPER CREDIT THIS STUB MUST BE RETURNED WITH YOUR PAYMENT

REAL PROPERTY 1986 RP04N45E322400A
 DRAKE, ASA
 RT 1 BOX 612 3127

FOR PROPER CREDIT THIS STUB MUST BE RETURNED WITH YOUR PAYMENT

REAL PROPERTY 1986 RP04N45E322400A
 DRAKE, ASA
 RT 1 BOX 612 3127

MICROFILMED

MAR 26 1990

SPECIAL CODE	TAX	CODE	AREA	TAX	2ND INSTALLMENT
			65.41		65.41
				PEN	
				SUB TOT	
				INT	
				TOT	

4-00

2nd
 1T

SPECIAL CODE	TAX	CODE	AREA	TAX	TOTAL TAX
			130.82		130.82
				PEN	
				SUB TOT	
				INT	
				TOT	

4-00

FULL
 1T

PERSONAL CHECKS SUBJECT TO BANK CLEARANCE
 MAKE CHECKS PAYABLE TO

TETON COUNTY TAX COLLECTOR
 WILLIAM J O'BRIEN
 BOX 177 DRIGGS, ID 83422
 PHONE: 208-354-2254

PAID

SPECIAL CODE	TAX	CODE	AREA	TAX	1ST INSTALLMENT
			65.41		65.41
				PEN	
				SUB TOT	
				INT	
				TOT	

1st
 1T

DELINQUENT IF NOT PAID ON OR BEFORE

DATE PAID
 PAID BY

JUNE 20, 1987
 CHECK #
 CASH

DELINQUENT IF NOT PAID ON OR BEFORE

DATE PAID
 PAID BY

DECEMBER 20, 1986
 CHECK #668
 CASH G.K.

UA-2B
 8/86

CONSOLIDATED TAX NOTICE AND RECEIPT

1986

TETON COUNTY TAX COLLECTOR
WILLIAM J O'BRIEN

DRIGGS, ID 83422

REAL PROPERTY

MARKET VALUE
10,630
10,630L

TAX CODE AREA
4-00

PARCEL NUMBER
RP04N45E323000A

BILL NUMBER
3128

NW4NW4
SEC 32 TAN R4SE

TAXING DISTRICT

RATE

AMOUNT

RECEIPT

STATE
COUNTY
SCHOOL DIST 401
CEM VICTOR-CED
LIBRARY

•003194
•003363
•000040
•000134

33.96 TAX
35.76 PEN.
•44 SUB TOT.
1.42 INT.
71.58

MICROFILMED

MAR 26 1990

1ST INSTALLMENT
TAX 35.79
PEN.
SUB TOT.
INT.
TOT.

2ND INSTALLMENT
TAX 35.79
PEN.
SUB TOT.
INT.
TOT.

TOTAL

•006731

71.58

PLEASE READ THE BACK OF THIS NOTICE
THIS RECEIPT IS ISSUED SUBJECT TO CHECK CLEARANCE

FOR PROPER CREDIT THIS STUB MUST BE RETURNED WITH YOUR PAYMENT
REAL PROPERTY 1986 RP04N45E323000A
DRAKE, ASA J & GARL
RT 1 BOX 612 3128

FOR PROPER CREDIT THIS STUB MUST BE RETURNED WITH YOUR PAYMENT
REAL PROPERTY 1986 RP04N45E323000A
DRAKE, ASA J & GARL
RT 1 BOX 612 3128

SPECIAL CODE	TAX	CODE	AREA	TAX	2ND INSTALLMENT	
				35.79	35.79	4-00
					PEN.	
					SUB TOT.	
					INT.	
					TOT.	2nd 1T

PERSONAL CHECKS SUBJECT TO BANK CLEARANCE
MAKE CHECKS PAYABLE TO

TETON COUNTY TAX COLLECTOR
WILLIAM J O'BRIEN
BOX 177 DRIGGS, ID 83422
PHONE: 208-354-2254

DELINQUENT IF NOT PAID ON OR BEFORE
DATE PAID
PAID BY
JUNE 20, 1987
CHECK #
CASH

DELINQUENT IF NOT PAID ON OR BEFORE
DATE PAID
PAID BY
DECEMBER 20, 1986
CHECK #
CASH

PAID

SPECIAL CODE	TAX	CODE	AREA	TAX	TOTAL TAX	
				35.79	71.58	4-00
					PEN.	
					SUB TOT.	
					INT.	
					TOT.	FULL 1T
					1ST INSTALLMENT	
				35.79	35.79	4-00
					PEN.	
					SUB TOT.	
					INT.	
					TOT.	1st 1T

CONSOLIDATED TAX NOTICE AND RECEIPT

1986

TETON COUNTY TAX COLLECTOR
WILLIAM J O'BRIEN
DRIGGS, ID 83422

REAL PROPERTY

MARKET VALUE	TAX CODE AREA	PARCEL NUMBER	BILL NUMBER
283,274	4-00	RP04N4SE311200A	3112

41,880L
195,880I S2NE4
45,514P SEC 31 T4N R4SE

59,785HM

223,489*

AC 80.000 DRAKE, ASA J & GARL R
RT 1 BOX 612
VICTOR, ID 83455-9726

DELINQUENT CERT.

PLEASE READ THE BACK OF THIS NOTICE
THIS RECEIPT IS ISSUED SUBJECT TO CHECK CLEARANCE

FOR PROPER CREDIT THIS STUB MUST BE RETURNED WITH YOUR PAYMENT
REAL PROPERTY 1986 RP04N4SE311200A
DRAKE, ASA J & GARL R
RT 1 BOX 612 3112

FOR PROPER CREDIT THIS STUB MUST BE RETURNED WITH YOUR PAYMENT
REAL PROPERTY 1986 RP04N4SE311200A
DRAKE, ASA J & GARL R
RT 1 BOX 612 3112

TAXING DISTRICT	RATE	AMOUNT	RECEIPT
STATE	•003194	713.82	TAX 1,526.92
COUNTY	•003363	751.60	PEN
SCHOOL DIST 401	•000040	8.94	SUB TOT
CEM VICTOR-CED	•000134	29.96	INT
LIBRARY			TOT

WATER DISTRICT

22.60

1ST INSTALLMENT
TAX 763.46

TOTAL .006731 1,526.92

MICROFILMED
MAR 26 1990

SPECIAL CODE	TAX	CODE	AREA	TAX	2ND INSTALLMENT
92	11.30		752.16		763.46

PEN
SUB TOT
INT
TOT

2nd
1T

PERSONAL CHECKS SUBJECT TO BANK CLEARANCE
MAKE CHECKS PAYABLE TO
TETON COUNTY TAX COLLECTOR
WILLIAM J O'BRIEN
BOX 177 DRIGGS, ID 83422
PHONE: 208-354-2254

DELINQUENT IF NOT PAID ON OR BEFORE JUNE 20, 1987
DATE PAID
PAID BY
CHECK #
CASH

SPECIAL CODE	TAX	CODE	AREA	TAX	TOTAL TAX
92	22.60		1,504.32		1,526.92

PEN
SUB TOT
INT
TOT

FULL
1T

1ST INSTALLMENT
TAX 763.46
PEN
SUB TOT
INT
TOT

DELINQUENT IF NOT PAID ON OR BEFORE DECEMBER 20, 1986
DATE PAID
PAID BY
CHECK #
CASH

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

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

MARCH 25, 1987

Teton Valley News
Driggs,
Idaho 83422

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before APRIL 20, 1987.

Yours truly,

Michele Davis
Office Secretary

Encl.

MICROFILMED

MAR 26 1990

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

NO. 22-0231

Notice is hereby given that Asa J. or JoAnn P. Drake, Victor, Idaho, have applied to the Department of Water Resources for clarification in the point of Diversion and change in the place of use of water from Patterson Creek tributary to Teton River. The right sought to be changed is evidenced by Decree No. 22-0231 decreed to Richard Drake, in case of Rexburg Irrigation Canal Co., vs Teton Irrigation Canal Co., dated 12/16/1910 in Sixth Judicial District Court, Fremont County, and is recorded as follows:

AMOUNT: 3.2 cfs PRIORITY: June 1, 1890

POINT OF DIVERSION: NOT SPECIFIED

The water is used to irrigate 160 acres within the S1/2NE1/4, Sec. 31; W1/2NW1/4, Sec. 32, T. 4N, R. 45E, B.M.

TO BE CHANGED AS FOLLOWS

The water will be diverted within the SW1/4SE1/4, Sec. 36, T. 4N, R. 44E (Patterson Creek); NE1/4NW1/4, Sec. 20, T. 4N, R. 45E, B.M. (Teton River), Teton County, for the irrigation of 160 acres within the S1/2NE1/4, Sec. 31, S1/2SW1/4, Sec. 17, N1/2NW1/4, Sec. 20, 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 Ave., Suite 15, Idaho Falls, Idaho 83402 on or before April 20, 1987.

A. Kenneth Dunn

Director

MICROFILMED

MAR 26 1990