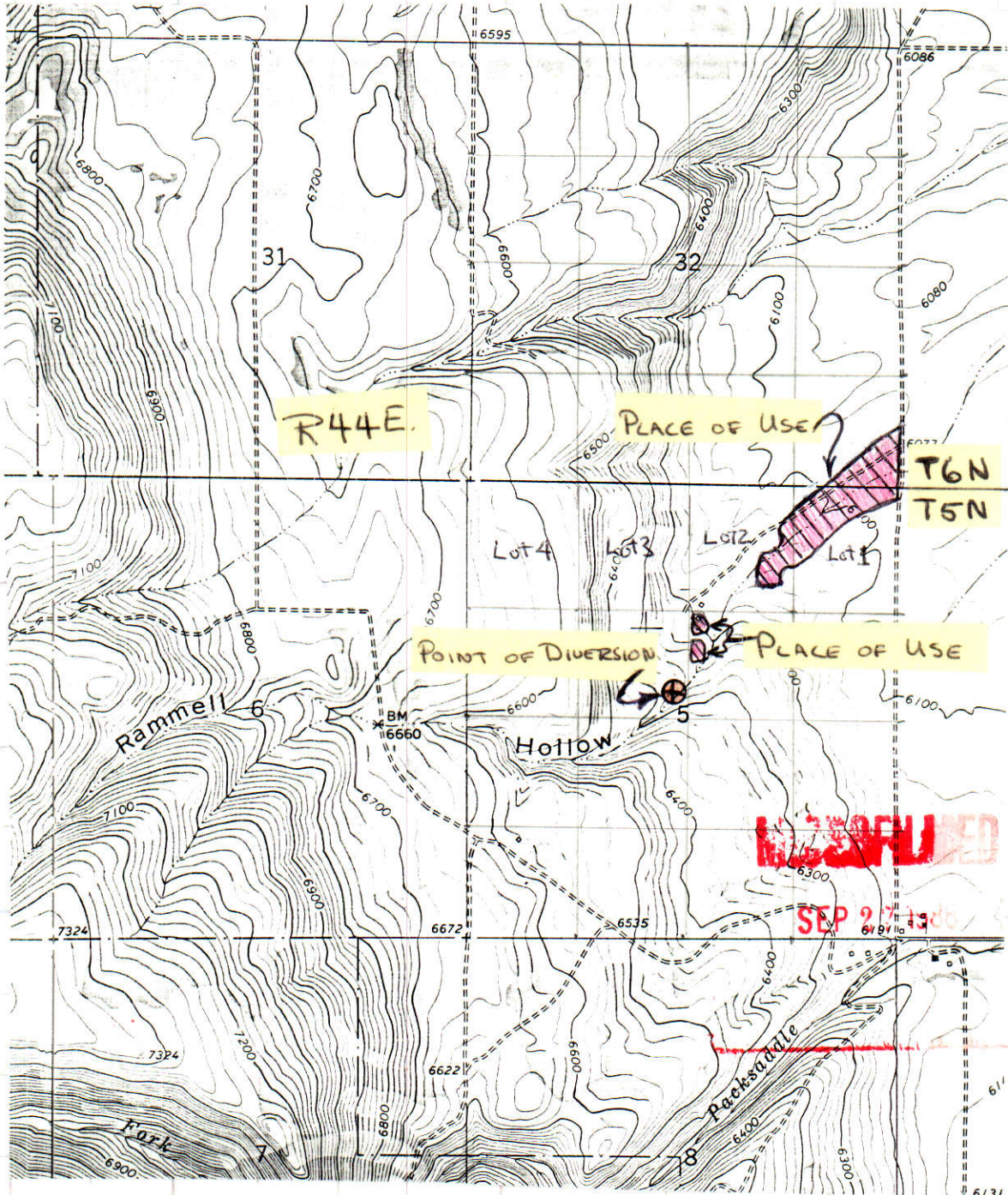


STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

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



State of Idaho)
) ss
 County of Teton)

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 publica-
 tion of

*change of water
 right 22-4039*

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 *21* day of *May* 19*87*
 and last publication on the *28* day
 of *May* 19*87*

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 *1* day of
June 19*87*
 (SEAL) Notary Public for the state
 of Idaho, residence and postoffice
 address, Driggs, Idaho.

Sally A Stewart
 My Commission expires
6-28-1991

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 JUN 3 1987
 Department of Water Resources
 Eastern District Office

**NOTICE OF PROPOSED
 CHANGE OF WATER RIGHT
 No. 22-4039**

Notice is hereby given that
 Leon or Fay T. Rammell, Victor,
 Idaho, have applied to the Depart-
 ment of Water Resources for
 clarification in the point of diver-
 sion and place of use of water
 from Rammell Hollow tributary to
 sinks. The right sought to be
 changed is evidenced by Decree
 No. 22-4039 decreed to Leon or
 Fay T. Rammell in case of Leon
 Rammell vs. Kenneth Dunn, et.
 al., dated 1/02/1986 in Seventh
 Judicial District, Teton County,
 and is recorded as follows:

AMOUNT: 0.52 cfs
 PRIORITY: April 1, 1947
 POINT OF DIVERSION:
 SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 5, T. 5N, R.
 44E, B.M., Teton County.

The water is used for
 domestic purposes and to
 irrigate 26 acres within Lot 1
 NE $\frac{1}{4}$ NE $\frac{1}{4}$, Lot 2 NW $\frac{1}{4}$ NE $\frac{1}{4}$,
 S $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 5, T. 5N, R. 44E;
 S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 32, T. 6N, R. 44E.

TO BE CHANGED AS FOLLOWS:
 The water will be diverted
 within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec.
 5, T. 5N, R. 44E, to be used for
 domestic purposes and irrigation
 of 26 acres within the Lot 1
 NE $\frac{1}{4}$ NE $\frac{1}{4}$, Lot 2 NW $\frac{1}{4}$ NE $\frac{1}{4}$,
 SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 5, T. 5N, R.
 44E, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 32, T. 6N,
 R. 44E, B.M.

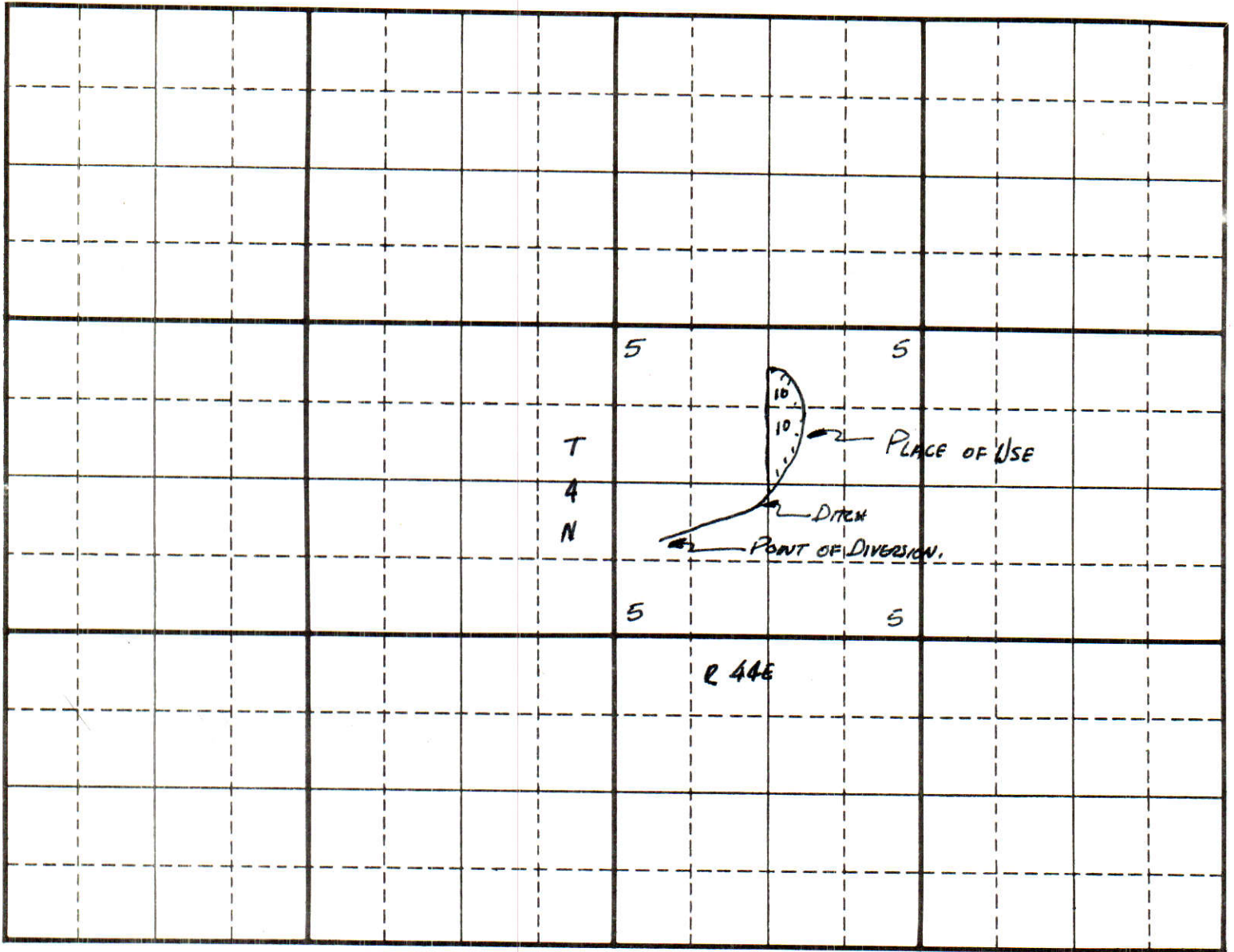
Any protest against approval
 of the above proposed change of
 water right must be filed with the
 Idaho Department of Water
 Resources, 150 Shoup Ave.,
 Suite 15, Idaho Falls, Idaho
 83402 on or before June 8,
 1987.

A. Kenneth Dunn
 Director

Published in the Teton Valley
 News May 21 and 28, 1987.

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(8) Remarks This claim is based on the priority date given in the Rexburg Decree for F. Rudolph (22-0493). Mr. Rudolph built the reservoir in 1900. He established his home approximately two years before this time at the location described in the legal description, although, he did not file on the water at that time.



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Bonneville) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Sworn to before me this 4th day of August, 1980

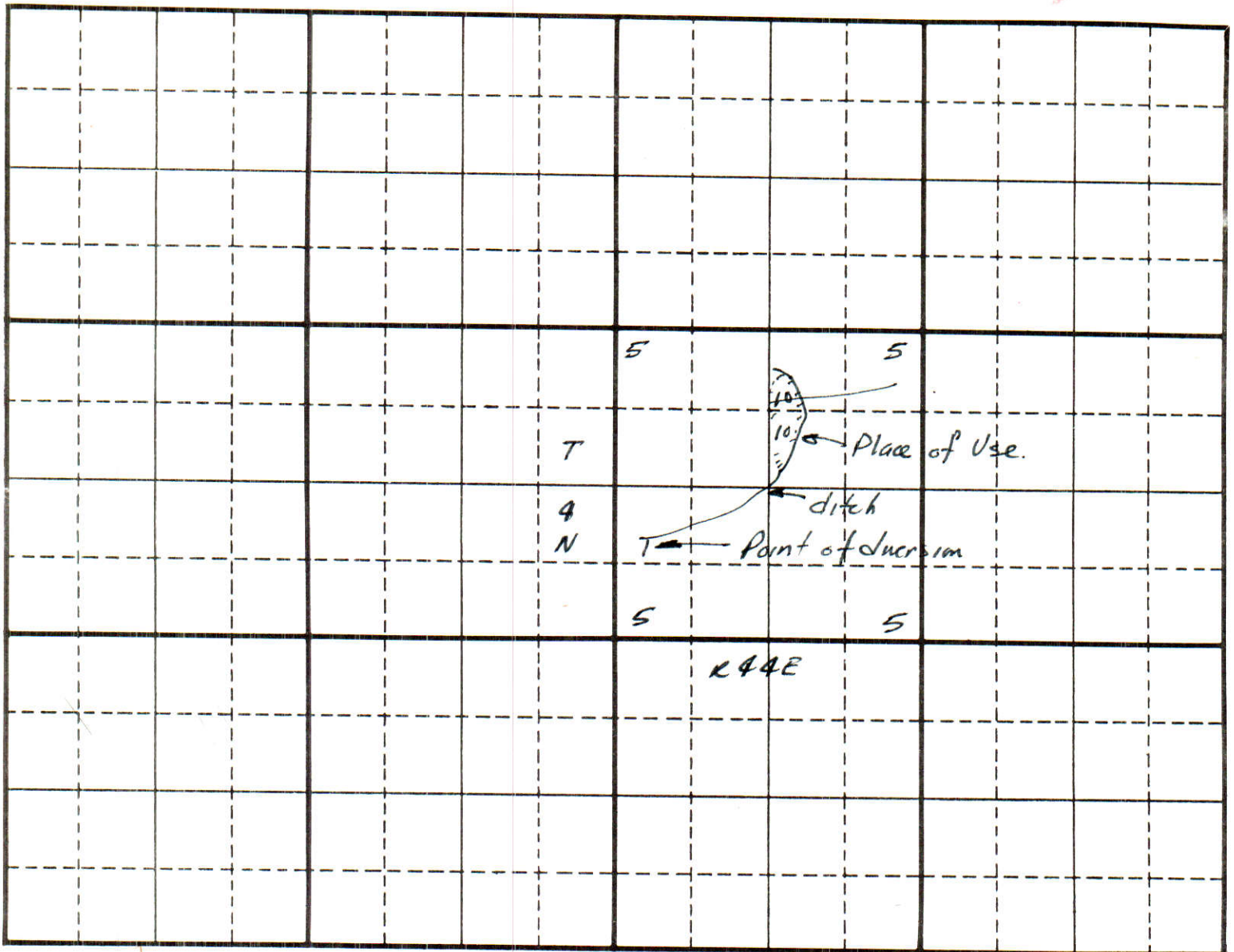
Leon Ramon
(Claimant)
Charles Wray
Notary Public
Residing at Idaho Falls, Idaho

My commission expires 6/15/81

FOR DEPARTMENT USE ONLY

Received by SM Date 8/4/80 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by _____ Date _____ claimant by: _____
\$20.00 fee received by N/A Date _____
Published in Teton Valley News _____
Dates 8/14 & 8/21/80 _____

(8) Remarks _____



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Bonneville) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Leon Rammell
(Claimant)

Sworn to before me this 6 day of June, 1980.

Kathryn A. Walker
Notary Public
Residing at Idaho Falls

My commission expires 2/15/83

FOR DEPARTMENT USE ONLY

Received by SM Date M Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by _____ Date _____ claimant by: _____
\$20.00 fee received by fw Date 6/6/80 # 14859 _____
Published in Teton Valley News Carl Hoopes CW 7-01-80
Dates 6/19 & 6/26/80

Rammell V. Dunn
Teton County
Case No. 1912

Rammell V. Dunn
Teton County
Case No. 1912

S.1/2 S.E.1/4 SEC.32, T.6N., R.44E., B.M.
AND N.E.1/4 SEC.5, T.5N., R.44E., B.M.
Owned by Plaintiffs Rammell

Origin of Species

S.W. IX 4 Sec. 5, T. 5 N., R. 4 E., B. M.
Owned by Dependable Gas Co. Ranch

Intermittent Stream



CONTOUR INTERVAL 20 FEET
COVERED BY DEPOSIT TO EASY CONTIGUOUS

Page 1 of STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 22 403
3327 22-4039APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

APPROVED

Name of applicant Leon or Fay T. Rammell Phone 787-2242
Post Office address Box 79, Victor, ID 83455

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other
2. Describe the reason for the proposed changes recent survey places historical point of diversion
approximately 270' within the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 5, T. 5N, R. 44E

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

- | 1. Right Number | Priority | Amount
(cfs/ac-ft) | Nature
of Use | Period of Use |
|-----------------|----------------------|-----------------------|-------------------|----------------------------|
| <u>22-4039</u> | <u>April 1, 1947</u> | <u>0.52 cfs</u> | <u>Irrigation</u> | <u>4/1</u> to <u>11/1</u> |
| | | <u>0.02 cfs</u> | <u>Domestic</u> | <u>1/1</u> to <u>12/31</u> |
| | | | | to |
| | | | | to |
2. Total amount of water being transferred 0.52 cubic feet per second and/or acre-feet per annum.
3. Source of water Rammell Hollow tributary to sinks
4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	SE	SE	NW	5	5N	44E	Teton	

5. Lands irrigated or place of use:
- NO CHANGE

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
5N	44E	5	10	6	2														18
6N	44E	32															8		8

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Total acres 26

PART 1

6. General Information:

a. Description of diversion system Headbox with pipeline to sprinkler systemb. 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 changes.c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
None

d. Remarks:

Applicant is filing this transfer to reflect actual historical point of diversion.
Also, since point of diversion along with old ditches is on someone else's land,
applicant wants to protect his right for the water and ditch easements.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCESThis is to certify that I have examined Application for Transfer of Water Rights No. 22-4039And said application is hereby APPROVED, subject to the following limitations and conditions:

1. Approval of this transfer in no way confirms the right claimed. 2. The use of
water under this right is subject to control by the watermaster of State Water
District 01, Snake River.

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Witness my hand this 21st day of September, 19 88J. Glen Saylor
Chief, Operations Bureau

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

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 22-4039 Decreed to Leon or Fay T. Rammell
in case of Leon Rammell vs. Kenneth Dunn et al.
dated 2 January 1986 in Seventh Judicial Dist. county of Teton
- b. License No. issued by the Idaho Department of Water Resources.
- c. Claim No. on file with the Idaho Department of Water Resources.
- d. Transfer No. which produced this right.

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

☐ Tax Notice

☐ Warranty Deed

☒ Other Report in nature of proposed findings of water rights

3. Source of water Rammell Hollow tributary to SINKS

4. Date or priority April 1, 1947

5. Water is used for the following purpose:

amount 0.52 cfs for Irrigation purposes from 4/1 to 11/1
(cfs/ac-ft)
amount 0.02 cfs for Domestic purposes from 1/1 to 12/31
(cfs/ac-ft)
amount for purposes from to
(cfs/ac-ft)

6. Total amount of water under right 0.52 cubic feet per second and/or acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		SW	NE	5	5N	44E	Teton	

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
5N	44E	5	L1 X	L2 X	X	X													
6N	44E	32															X	X	

Total acres 26

9. Describe any other water rights used for the same purpose as described above 22-2011, 22-0493

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
No If yes, describe

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

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

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

2. Point(s) of Diversion:

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

3. Lands irrigated or place of use:

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

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

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

2. Point(s) of Diversion:

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

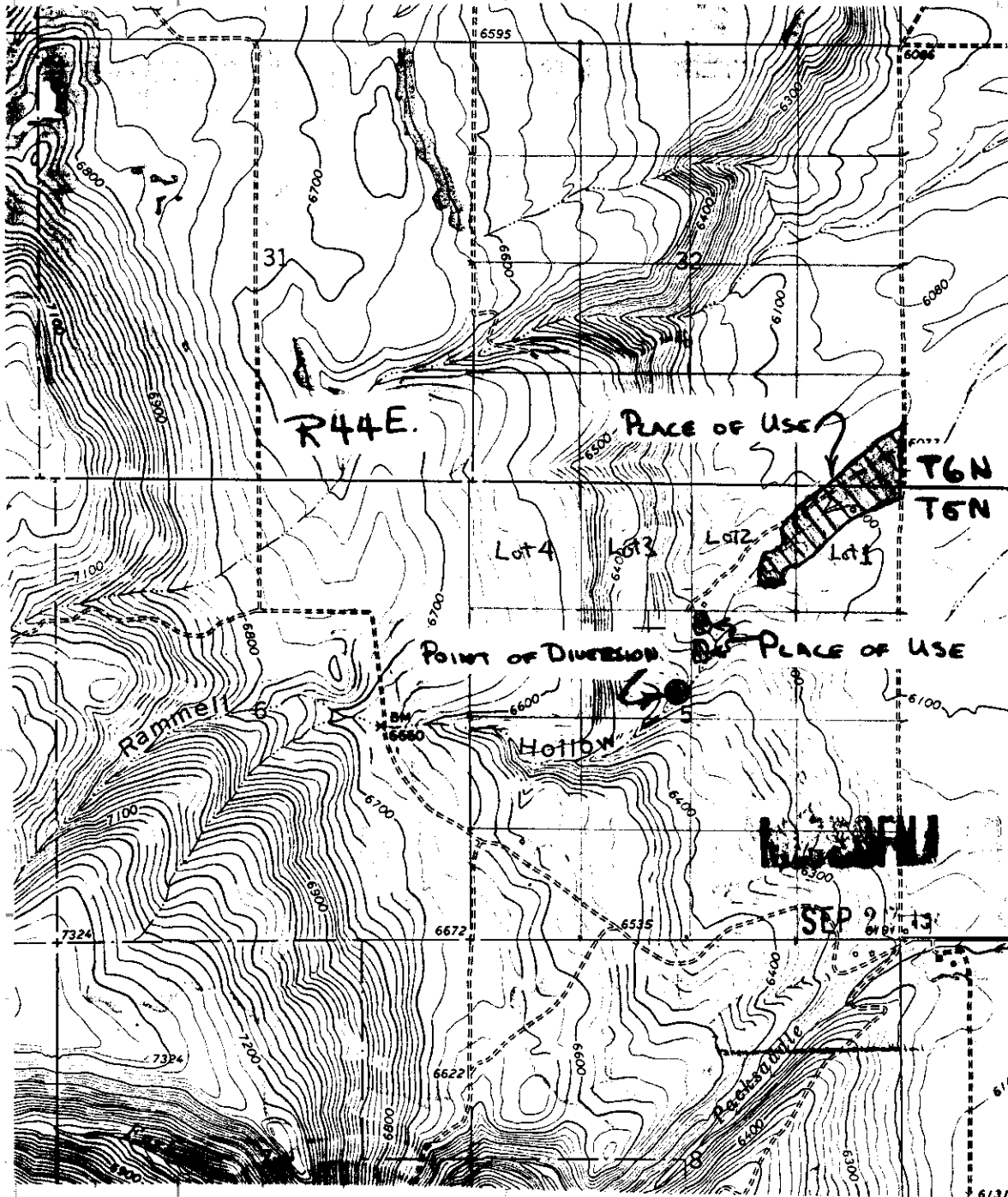
3. Lands irrigated or place of use:

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

Total acres

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

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



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

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

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

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

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

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

Leon Ramnall
(Signature of Applicant)

Subscribed and sworn to before me this 12th day of May, 19 87.

Calvin Wray
(Notary Public)

My commission expires 5/29/1991

Assisted by KCW

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Transfer contains _____ pages and _____ attachments

Received by AW Date 5-12-87 Protest filed by _____

Prelim. check by ES Fee \$50⁰²

Receipted by AW Date 5-12-87 #41189

Published in Sioux Valley News Copies of protest forwarded by _____

Pub. dates 5/21 + 5/28/87 Hearing held by _____ Date _____

Watermaster recommendation requested on 5-27-87 Recommended for ☒ approval ☐ denial

WD #01 rec'd. 6-02-87 by RC Sim

Copy of transfer sent to lien holder _____

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SEP 27 1988

Dale P. Thomson, Esq.
HOOPES, THOMSON & PACKER
Attorneys at Law
Post Office Box 70
130 East Main
Rexburg, Idaho 83440
(208) 356-9000

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JUN 8 1987

Department of Water Resources
Eastern District Office

PROTEST AGAINST APPROVAL OF PROPOSED
CHANGE OF WATER RIGHT
No. 22-4039

COMES NOW, RUELAND LANE WARD and BONNIE WARD, husband and wife; LYNN PACKER THOMSON and MARY LOU THOMSON, husband and wife; and LAVAR M. WITHERS and MARLENE WITHERS, husband and wife, (hereinafter the Objecting Parties) by and through their attorney, Dale P. Thomson, Esq., of the firm Hoopes, Thomson & Packer, and hereby protests the change of water rights requested by Leon or Fay T. Rammell (hereinafter Rammell), Victor, Idaho, wherein they desire to change the point of diversion of certain water rights. The Objecting Parties are the owners of the real estate adjacent to the Rammell property. The newly requested point of diversion is located on the Objecting Parties property. The objection is made for the following reasons:

1. That pursuant to Idaho Code §42-108 and §42-222 Rammell is required to make application for change in point of diversion prior to changing the point of diversion. That during the spring of 1986 Rammell trespassed on to the property owned by the Objecting Parties and with a tractor made a road through the Objecting Parties property knocking down trees and destroying vegetation so as to change their point of diversion. That upon reaching the point where they desired their new diversion they installed a headgate and proceeded to divert water. That they further installed sprinkler pipe underground along the area trespassed all without right, authority or permission from the department of water resources or the Objecting Parties. That Rammell had been advised by the ASCS office to obtain approval prior to their actions and they failed and refused to do so. That by this application they are attempting to right an unauthorized act. A change in point of diversion may not be granted by the department of water resources because pursuant to §42-108 I.C. it states, "... no person shall be authorized to change the ... point of diversion ... unless he has first applied for and received approval of the department of water resources under the provisions of section 42-222, Idaho Code." Therefore, Rammell must first remove the diversion and correct the trespass prior to them making application for a change.

2. That Rammell should not be able to use this form to

PROTEST OF CHANGE IN WATER RIGHTS
2041A

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correct a tort action where they used forceful trespass in an attempt to have legal sanction for the wrong they have committed. Rammells application should be denied by the department until their previous actions are corrected.

3. That the new point of diversion will cause and has already caused substantial damage to the Objecting Parties. That current estimates of the damage caused by Rammells forceful destruction by the unauthorized trespass and by the taking of the new point of diversion is approximately \$20,025 excluding court costs, attorney fees, witness fees and other costs incurred or to be incurred in the trespass and malicious injury action pending by the Objecting Parties against Rammell.

4. That the change in point of diversion will water new lands not already being serviced and constitutes a change in the nature of the use and an enlargement of the use of their rights. That the new point of diversion is further up the stream at a point where no water has been diverted in over 10 years and was formerly abandoned. That the lands where the water is to be irrigated under the new proposal is not developed and is merely grassland and has not been watered by this stream in over the same 10 year period. That at one time the land had some apple trees thereon and most of the trees have since died away.

5. That the department of water resources conducted a survey of the property under the previous litigation wherein Rammell received their decree. That Rammell requested a point of diversion further upstream from what they received. The court denied the upstream point of diversion based upon the department of water resources findings and the circumstances of the case. Rammell did not request another point of diversion and did not appeal that decision. Instead they took what they wanted by force and should not be able to change it now.

6. That the same result, watering of the new area requested, could be accomplished by pumping from the current point of diversion where a small dam has been constructed. The dam is located in approximately the same local by comparison. That this could be accomplished without further injury to the Objecting Parties. That the cost of such an action would not be much different than what Rammell has indicated they paid to build the road, install the headgate and install the sprinkler pipe.

WHEREFORE, Objecting Parties hereby request that the application be denied and that the point of diversion remain at its present location as previously decreed by the court.

Dated this 4TH day of June, 1987.

SEP 27 1988


Dale P. Thomson, Esq.
HOOPES, THOMSON & PACKER

CERTIFICATE OF MAILING

I HEREBY CERTIFY that a true and correct copy of the foregoing was on this date served upon the person named below, at the address set out below his name, by mailing to him a true and correct copy of said document in a properly addressed envelope in the United States mail, postage prepaid.

DATED this 5th day of June, 1987.

Cathy Michaelis
Secretary

Idaho Department of
Water Resources
150 Shoup Avenue
Suite 15
Idaho Falls, Idaho 83402

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JAN 8 1986

Department of Water Resources

22-4039

JIM JONES
Attorney General
State of Idaho
Statehouse, Room 210
Boise, Idaho 83720
Telephone: (208) 334-2400

CLIVE J. STRONG
Deputy Attorney General
Chief, Natural Resources Division

PHILLIP J. RASSIER
KENNETH R. ARMENT
Deputy Attorneys General
Department of Water Resources
450 West State Street
Boise, ID 83720
Telephone: (208) 334-4448

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TETON

LEON RAMMELL and FAY T. RAMMELL,)
husband and wife,)

Plaintiffs,)

vs.)

KENNETH DUNN, Director of the)
Department of Water Resources)
for the State of Idaho,)
RONALD D. CARLSON, Watermaster)
of Water District Number 1 of)
the State of Idaho, Ehco Ranch,)
Inc., an Idaho Corporation,)
all unknown claimants of 3.04)
cfs of the water of an unnamed)
Spring which sinks on land owned)
by the plaintiff and which is)
diverted from said Spring in the)
NW1/4 of the SW1/4 of Section)
5, Township 5 North, Range 44)
E.B.M. County of Teton, State of)
Idaho,)

Defendants.)

Case No. 1912

FINDINGS OF FACT,
CONCLUSIONS OF LAW,
AND SUPPLEMENTAL DECREE

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FINDINGS OF FACT, CONCLUSIONS
OF LAW, AND SUPPLEMENTAL DECREE, Page 1

STATE OF IDAHO

County of Teton

I, the undersigned, do hereby certify that the above and true
and correct copy of the
findings of fact, conclusions of law, and supplemental decree, on file in my office.

Jan. 7 1986

E. Wayne Schuler

County Clerk

Bonnie Reese

Deputy Clerk

Attorney General
State of Idaho
Statehouse, Room 210
Boise, Idaho 83720
Telephone: (208) 334-2400

1 The above-entitled cause was initiated under the provi-
2 sions of Idaho Code § 42-1405 by the filing of a complaint in the
3 above-entitled district court, requesting a supplemental adjudi-
4 cation of the rights of the plaintiffs to divert the waters of
5 the spring system in Rammell Hollow.

6 On July 5, 1983, the court ordered the Department of
7 Water Resources (Department) to make an examination of the water
8 system.

9 On October 3, 1985, the Department filed its Report In
10 The Nature Of Proposed Findings of Water Rights. No objection
11 having been filed to the Department's report in accordance with
12 I.C. § 42-1405(f) and the court having examined and being famil-
13 iar with the documents on file in this matter, and being fully
14 informed, now finds, concludes, adjudges and decrees as follows:

15 FINDINGS OF FACT

16 Based on the Department's Report In The Nature Of
17 Proposed Findings of Water Rights and on the record in this
18 matter, the court finds as follows:

19 Findings of Fact 1-33 in the Report In The Nature Of
20 Proposed Findings Of Water Rights are incorporated herein by
21 reference as if set forth in full. Map I contained in said
22 report is also incorporated herein by reference as if set forth
23 in full.

24 CONCLUSIONS OF LAW

25 Based on the Findings of Fact, the court concludes as
26

27 SEP 27 1988

1 follows:

2 Conclusions of Law 1-18 in the Report In The Nature Of
3 Proposed Findings of Water Rights are incorporated herein by
4 reference as if set forth in full.

5 By reason of the facts found by the court, and the
6 conclusions of law based upon said facts, IT IS HEREBY ORDERED
7 ADJUDGED AND DECREED as follows:

8 1. The plaintiffs' right to the use of the waters of the
9 spring system in Rammell Hollow is described as follows:

10 a. source of water supply: spring system in Rammell
11 Hollow, originating in the N1/2SW1/4, Sec. 5, T5N,
12 R44E, B.M., which forms an intermittent stream
flowing northwest towards the Teton River, but
sinking before reaching the Teton River.

13 b. date of priority: April 1, 1947

14 c. nature of use: irrigation
domestic

15 d. rate of diversion: irrigation: 0.52 cfs
16 domestic: 0.02 cfs
Total: 0.52 cfs

17 (Right is supplemental to any prior rights to Pack
18 Saddle Creek or Pack Saddle Lake water for use on
19 the same land, including such rights under the
20 Rexburg Decree, or under license No. 22-2011. The
combined rate of diversion from the Rammell Hollow
Spring System, Pack Saddle Creek and Pack Saddle
Lake shall not exceed 0.02 cfs per acre.)

21 e. point of diversion: SW1/4NE1/4, Sec. 5, T5N, R44E,
22 B.M.

23 f. place of use: 26 acres in the NE1/4, Sec. 5, T5N,
24 R44E, B.M., and the S1/2SE1/4, Sec. 32, T6N, R44E,
B.M.

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1 g. period of use:

2 Irrigation: April 1 through November 1
3 of each year

4 Domestic: January 1 through December 31
5 of each year

6 h. maximum annual volume of consumptive use:
7 78.0 acre feet per annum

8 i. basis of right: beneficial use

9 2. This decree is supplemental to and subject to the terms
10 of all prior applicable decrees and the findings of fact and
11 conclusions of law upon which they are based.

12 3. The plaintiffs shall have the right to the use of the
13 waters of the spring system in Rammell Hollow herein stated only
14 in the amount that can be beneficially used and only in an amount
15 not to exceed a maximum rate of 0.02 cfs per acre when combined
16 with water diverted from any other source. Whenever the benefi-
17 cial use by plaintiffs has ceased, the plaintiffs shall cease to
18 divert and have no right to divert the said waters.

19 4. Each and every one of the parties hereto, their ser-
20 vants, attorneys, employees, privies and successors in interest
21 are hereby enjoined and restrained from any and all interference
22 with or diversion or use of the waters of the spring system in
23 Rammell Hollow herein decreed, except as may be provided in said
24 prior applicable decrees, whenever such interference, diversion or
25 use would in any manner interfere with the quantity of water
26 awarded by this decree to the plaintiffs.

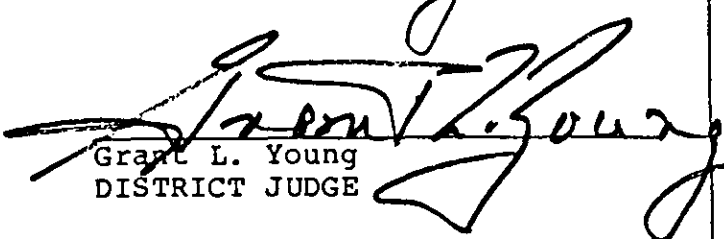
27 5. The description of the place of use, points of diversion

1 and nature of use of the rights decreed are subject to the
2 authority of the Idaho Department of Water Resources to authorize
3 a change of place of use, point of diversion and nature of use as
4 provided in Title 42, Idaho Code.

5 6. The plaintiffs shall install and maintain an adequate
6 headgate and measuring or other control device at their points of
7 diversion.

8 7. That a certified copy of this decree be recorded in the
9 records of Teton County, Idaho, and that a certified copy of this
10 decree be provided to the Idaho Department of Water Resources for
11 filing with its official records.

12 DATED this 2nd day of January, 1986.

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15 
16 Grant L. Young
17 DISTRICT JUDGE
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RECORDED

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COPY SHOWING
OWNERSHIP

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TETON

LEON RAMMELL and FAY T.
RAMMELL, husband and wife,

Plaintiffs,

vs.

KENNETH DUNN, Director of the
Department of Water Resources
for the State of Idaho,
RONALD D. CARLSON, Watermaster
of Water District Number 1 of
the State of Idaho, Ehco Ranch,
Inc., an Idaho Corporation,
all unknown claimants of 3.04
cfs of the water of an unnamed
Spring which sinks on land
owned by the plaintiff and
which is diverted from said
Spring in the NW 1/4 of the
SW 1/4 of Section 5, Township
5 North, Range 44 E.B.M.
County of Teton, State of
Idaho,

Defendants.

Case No. 1912

REPORT IN THE NATURE
OF PROPOSED FINDINGS
OF WATER RIGHTS

MAILED

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The above-entitled cause was initiated by plaintiffs Leon Rammell and Fay T. Rammell filing a complaint, subsequently twice amended, for the adjudication of plaintiffs' rights in the waters of an unnamed spring in Teton County. While not

NE 1/4, Sec.27, T6N, R44E, B.M, coming within 0.5 miles of, but not reaching, the Teton River. Water flowing from Rammell Hollow reaches the Teton River during periods of high water flow in the spring of the year.

15. Plaintiffs are the owners of property located in Teton County described as follows:

The NE1/4 of Sec.5, T5N, R44E, B.M., Teton County, Idaho. ALSO: The S1/2 of the SE1/4 of Sec.32, T6N, R44E, B.M., Teton County, Idaho.

16. The period of use when water is beneficially used for irrigation is when the chance of a 28 degree frost or lower is 50 percent or less. The period of use for irrigation in the area encompassing plaintiffs' property is from April 1st of each year through November 1st of each year for a total of 214 days.

17. A maximum rate of flow of 0.02 cfs per acre of irrigated land at the point of diversion is reasonably required for the flood irrigation of land in the area encompassing plaintiffs' property. The consumptive use for irrigation purposes in the area encompassing plaintiffs' property is 3.0 acre feet per acre per annum.

Description of Points of Diversion and Places of Use

18. Water from the springs flows down Rammell Hollow to a small earthen dam, no longer used for storage, in the SW1/4NE1/4, Sec.5, T5N, R44E, B.M. The water flows from a breach in the bottom of the dam down the intermittent stream

RECORDED

17. Plaintiffs' right to the use of the spring system in Rammell Hollow as described above encompasses any and all rights represented by claim No. 22-4039 on file with the Department.

18. Matter herein expressed as a conclusion of law which is later deemed to be a finding of fact is hereby made as a finding of fact.

RECOMMENDATIONS TO THE COURT

Based on the foregoing findings of fact and conclusion of law the Department makes the following recommendations to the District Court:

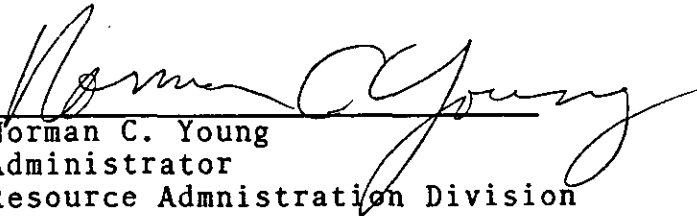
The District Court should enter a decree adjudicating the plaintiffs' rights to the use of the waters of the spring system consistent with the proposed findings of fact and conclusions of law set forth in this Report in the Nature of Proposed Findings of Water Rights.

DATED this 30th day of September, 1985.

RESPECTFULLY SUBMITTED,

A. KENNETH DUNN
DIRECTOR, IDAHO DEPARTMENT OF
WATER RESOURCES

By:


Norman C. Young
Administrator
Resource Administration Division

SEP 27 1988

CERTIFICATE OF MAILING

I HEREBY CERTIFY that I am a duly licensed attorney in the State of Idaho, employed by the Attorney General of the State of Idaho and residing in Boise, Idaho; and that I served a true and correct copy of the following-described report on the attorneys listed below by mailing in the United States mail, first class, with the correct postage affixed thereto on this 1st day of October, 1985.

DOCUMENT SERVED: REPORT IN THE NATURE OF PROPOSED FINDINGS OF WATER RIGHTS

ATTORNEY SERVED: J. D. Hancock
SMITH, HANCOCK & DALLING
30 South 2nd West
Rexburg, ID 83440

R. J. Hoopes
HOOPES AND SMITH
P.O. Box 70
Rexburg, ID 83440


PHILLIP J. RASSIER
Deputy Attorney General
Department of Water Resources

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**BOYD L. CARDON
REGISTERED LAND SURVEYOR**

Rt 4 Box 64
REXBURG, IDAHO 83440
Phone 208-356-9682

STATEMENT

DATE	Oct. 1. 1984
NUMBER	

Ray Rigby
25 N. 2nd E
Rexburg, Id. 83440

TERMS:

\$680.00

PLEASE DETACH AND RETURN WITH YOUR REMITTANCE

**BOYD L. CARDON
REGISTERED LAND SURVEYOR**

DATE	CHARGES AND CREDITS	BALANCE
	BALANCE FORWARD ►	
	Survey of common line between Leon Rammel and Hoopes family (Withers, Thomson, Ward) ½ of total \$1360.....	\$680 00
	Thank You BOYD L. CARDON, RLS Rt. 4 Box 64 REXBURG, IDAHO 83440 Phone 208-356-9682	

▲
PAY LAST AMOUNT
IN THIS COLUMN

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SEP 27 1988

State of Idaho)
) ss
 County of Teton)

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 publica-
 tion of

*Change of water
 right 22-4039*

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 *21* day of *May*, 1987
 and last publication on the *28* day
 of *May*, 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 *1* day of
June, 1987
 (SEAL) Notary Public for the state
 of Idaho, residence and postoffice
 address, Driggs, Idaho.

Sally A Stewart
 My Commission expires

6-28-1991

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JUN 3 1987

Department of Water Resources
 Eastern District Office

CHANGE OF WATER RIGHT
 No. 22-4039

Notice is hereby given that
 Leon or Fay T. Rammell, Victor,
 who, have applied to the Depart-
 ment of Water Resources for
 modification in the point of diver-
 sion and place of use of water
 right Rammell Hollow tributary to
 Snake River. The right sought to be
 changed is evidenced by Decree
 No. 22-4039 decreed to Leon
 T. Rammell in case of Leon
 Rammell vs. Kenneth Dunn, et
 al, dated 1/02/1986 in Seventh
 Judicial District, Teton County,
 Idaho is recorded as follows:

AMOUNT: 0.52 cfs
 PRIORITY: April 1, 1947
 POINT OF DIVERSION:
 NE 1/4, Sec. 5, T. 5N, R.
 44E, B.M., Teton County.

The water is used for
 domestic purposes and to
 irrigate 26 acres within the
 NE 1/4, Lot 2 NW 1/4, Sec.
 5, T. 5N, R. 44E,
 SE 1/4, Sec. 32, T. 6N, R. 44E.
 TO BE CHANGED AS FOLLOWS:

The water will be diverted
 within the SE 1/4 SE 1/4 NW 1/4, Sec.
 5, T. 5N, R. 44E, to be used for
 domestic purposes and irrigation
 of 26 acres within the Lot 1
 NE 1/4, Lot 2 NW 1/4, Sec.
 5, T. 5N, R.
 44E, SE 1/4, Sec. 32, T. 6N,
 R. 44E, B.M.

Any protest against approval
 of the above proposed change of
 water right must be filed with
 the Department of Water
 Resources, 150 Shoup
 Suite 15, Idaho Falls,
 Idaho 83402 on or before June 3,
 1987.

A. Kenneth
 Director

Published in the Teton Valley

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1/2 KN Lynne
Don

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JAN 8 1986

Department of Water Resources

JIM JONES
Attorney General
State of Idaho
Statehouse, Room 210
Boise, Idaho 83720
Telephone: (208) 334-2400

CLIVE J. STRONG
Deputy Attorney General
Chief, Natural Resources Division

PHILLIP J. RASSIER
KENNETH R. ARMENT
Deputy Attorneys General
Department of Water Resources
450 West State Street
Boise, ID 83720
Telephone: (208) 334-4448

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TETON

LEON RAMMELL and FAY T. RAMMELL,)
husband and wife,)

Plaintiffs,)

vs.)

KENNETH DUNN, Director of the)
Department of Water Resources)
for the State of Idaho,)
RONALD D. CARLSON, Watermaster)
of Water District Number 1 of)
the State of Idaho, Ehco Ranch,)
Inc., an Idaho Corporation,)
all unknown claimants of 3.04)
cfs of the water of an unnamed)
Spring which sinks on land owned)
by the plaintiff and which is)
diverted from said Spring in the)
NW1/4 of the SW1/4 of Section)
5, Township 5 North, Range 44)
E.B.M. County of Teton, State of)
Idaho,)

Defendants.)

Case No. 1912

FINDINGS OF FACT,
CONCLUSIONS OF LAW,
AND SUPPLEMENTAL DECREE

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STATE OF IDAHO

FINDINGS OF FACT, CONCLUSIONS
OF LAW, AND SUPPLEMENTAL DECREE, Page 1

22 4039

I, the undersigned, do hereby certify that the above and foregoing are true and correct copy of the original on file in my office.

Jan 7 1986

E. Wayne Schuler
Deputy Clerk

The above-entitled cause was initiated under the provisions of Idaho Code § 42-1405 by the filing of a complaint in the above-entitled district court, requesting a supplemental adjudication of the rights of the plaintiffs to divert the waters of the spring system in Rammell Hollow.

On July 5, 1983, the court ordered the Department of Water Resources (Department) to make an examination of the water system.

On October 3, 1985, the Department filed its Report In The Nature Of Proposed Findings of Water Rights. No objection having been filed to the Department's report in accordance with I.C. § 42-1405(f) and the court having examined and being familiar with the documents on file in this matter, and being fully informed, now finds, concludes, adjudges and decrees as follows:

FINDINGS OF FACT

Based on the Department's Report In The Nature Of Proposed Findings of Water Rights and on the record in this matter, the court finds as follows:

1. The Findings of Fact 1-33 in the Report In The Nature Of Proposed Findings of Water Rights are incorporated herein by reference as if set forth in full. Map I contained in said report is also incorporated herein by reference as if set forth in full.

CONCLUSIONS OF LAW

Based on the Findings of Fact, the court concludes as follows:

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND SUPPLEMENTAL DECREE, Page 2

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Attorney General
State of Idaho
Statehouse, Room 210
Boise, Idaho 83720
Telephone: (208) 334-2400

1 follows:

2 Conclusions of Law 1-18 in the Report In The Nature Of
3 Proposed Findings of Water Rights are incorporated herein by
4 reference as if set forth in full.

5 By reason of the facts found by the court, and the
6 conclusions of law based upon said facts, IT IS HEREBY ORDERED
7 ADJUDGED AND DECREED as follows:

8 1. The plaintiffs' right to the use of the waters of the
9 spring system in Rammell Hollow is described as follows:

10 a. source of water supply: spring system in Rammell
11 Hollow, originating in the N1/2SW1/4, Sec. 5, T5N,
12 R44E, B.M., which forms an intermittent stream
flowing northwest towards the Teton River, but
sinking before reaching the Teton River.

13 b. date of priority: April 1, 1947

14 c. nature of use: irrigation
domestic

15 d. rate of diversion: irrigation: 0.52 cfs
16 domestic: 0.02 cfs
17 Total: 0.52 cfs

18 (Right is supplemental to any prior rights to Pack
Saddle Creek or Pack Saddle Lake water for use on
the same land, including such rights under the
19 Rexburg Decree, or under license No. 22-2011. The
combined rate of diversion from the Rammell Hollow
20 Spring System, Pack Saddle Creek and Pack Saddle
Lake shall not exceed 0.02 cfs per acre.)

21 e. point of diversion: SW1/4NE1/4, Sec. 5, T5N, R44E,
22 B.M.

23 f. place of use: 26 acres in the NE1/4, Sec. 5, T5N,
24 R44E, B.M., and the S1/2SE1/4, Sec. 32, T6N, R44E,
B.M.

25 Based on the findings of fact

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27 FINDINGS OF FACT, CONCLUSIONS
OF LAW, AND SUPPLEMENTAL DECREE, Page 3

Attorney General
State of Idaho
Statehouse, Room 210
Boise, Idaho 83720
Telephone: (208) 334-2400

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g. period of use:

Irrigation: April 1 through November 1
of each year

Domestic: January 1 through December 31
of each year

h. maximum annual volume of consumptive use:
78.0 acre feet per annum

i. basis of right: beneficial use

2. This decree is supplemental to and subject to the terms
of all prior applicable decrees and the findings of fact and
conclusions of law upon which they are based.

3. The plaintiffs shall have the right to the use of the
waters of the spring system in Rammell Hollow herein stated only
in the amount that can be beneficially used and only in an amount
not to exceed a maximum rate of 0.02 cfs per acre when combined
with water diverted from any other source. Whenever the benefi-
cial use by plaintiffs has ceased, the plaintiffs shall cease to
divert and have no right to divert the said waters.

4. Each and every one of the parties hereto, their ser-
vants, attorneys, employees, privies and successors in interest
are hereby enjoined and restrained from any and all interference
with or diversion or use of the waters of the spring system in
Rammell Hollow herein decreed, except as may be provided in said
prior applicable decrees, whenever such interference, diversion or
use would in any manner interfere with the quantity of water
awarded by this decree to the plaintiffs.

5. The description of the place of use of waters of diversion

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1 and nature of use of the rights decreed are subject to the
2 authority of the Idaho Department of Water Resources to authorize
3 a change of place of use, point of diversion and nature of use as
4 provided in Title 42, Idaho Code.

5 6. The plaintiffs shall install and maintain an adequate
6 headgate and measuring or other control device at their points of
7 diversion.

8 7. That a certified copy of this decree be recorded in the
9 records of Teton County, Idaho, and that a certified copy of this
10 decree be provided to the Idaho Department of Water Resources for
11 filing with its official records.

12 DATED this 2nd day of January, 1986.

13 Not to exceed a maximum rate of 0.00

14 with water diverted from any other

15 special use by plaintiffs and shall be Grant L. Young

16 DISTRICT JUDGE

17 divert and have no right to divert in

18 such and every one of the

19 cases, attorneys, employees, privies and

20 are hereby enjoined and restrained from

21 with or diversion or use of the water

22 which follow herein stated, except

23 prior applicable decree, whenever

24 use would in any manner interfere

25 awarded by this decree to the plaintiffs

26 5. The description of the place

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES



CLAIM TO A WATER RIGHT

AMMENDED

AMMENDED

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Leon Rammell (Name of Claimant)

Box 79, Victor, ID 83455 (Mailing Address) Telephone No. 787-2242 (Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use) April 1, 1898

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water) unnamed spring tributary to sinks

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

(cfs, gpd, AFA)		(Domestic, Irrigation, Stock, Etc.)		(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
Quantity	3.00 cfs	Use	irrigation	Period of Use From	April 1 To Nov. 1
Quantity	0.04 cfs	Use	domestic	Period of Use From	Jan. 1 To Dec. 31
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To

(4) 3.04 cfs TOTAL QUANTITY USED. (cfs, gpd, AFA)

(5) A) Point of diversion: (Location of point where water is diverted from its source) NW ¼ SW ¼, Sec. 5 Twp. 4N Rge. 44E B.M., County of Teton
Additional points of diversion:

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Ditch to houses and irrigation.

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
4N	44E	5		10	10														20

No. of acres 20

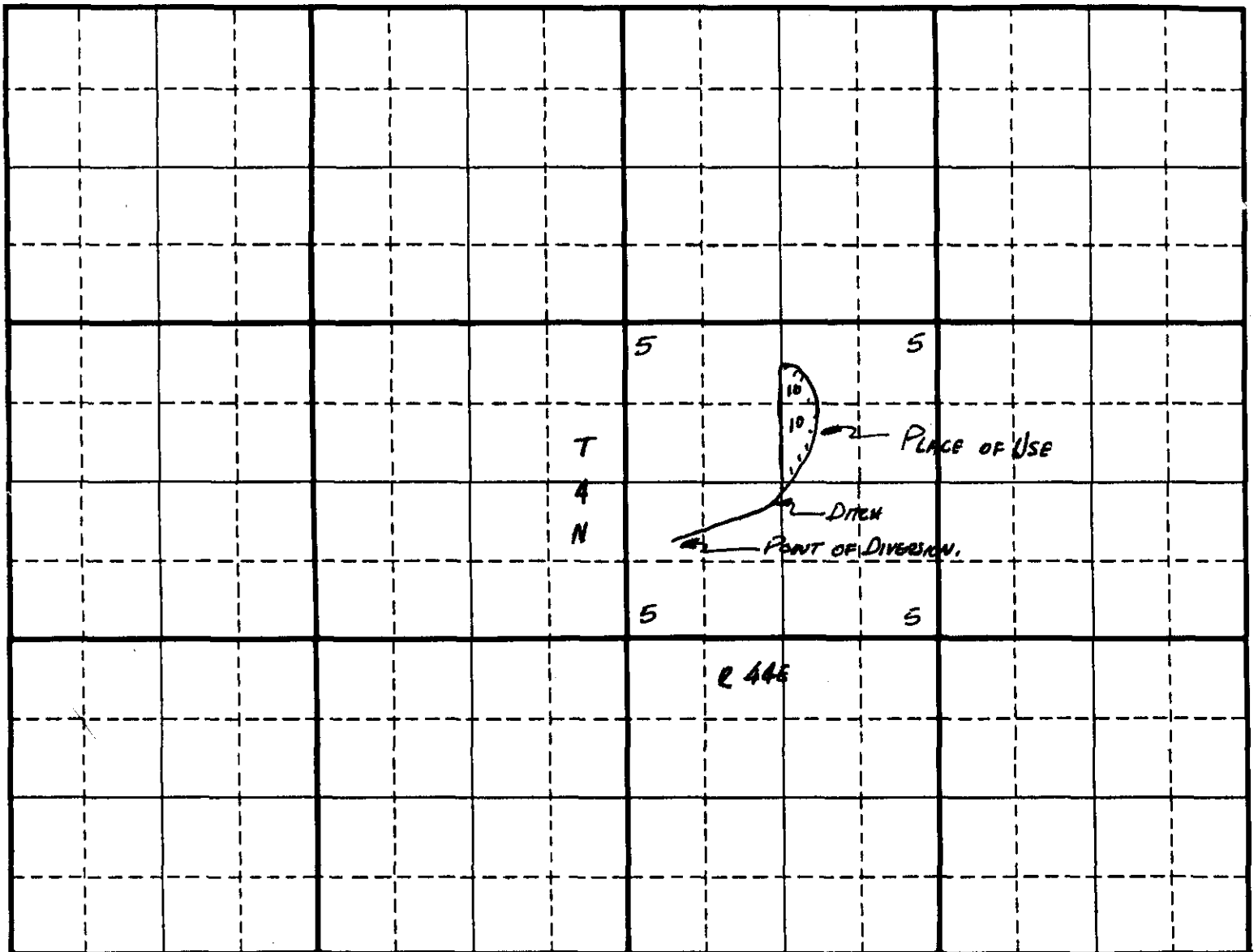
B) If water is used for other than irrigation, fully describe that use, being as specific as possible: Water is used at a house for domestic use and to irrigate an orchard. In years of high water, it is used for irrigated farm land.

This right was formerly used by Frantz Rudolf on his original homestead and by his predecessors in interest.

(7) If you are claiming water as a member of an organization, list name of organization:

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(8) Remarks This claim is based on the priority date given in the Rexburg Decree for F. Rudolph (22-0493). Mr. Rudolph built the reservoir in 1900. He established his home approximately two years before this time at the location described in the legal description, although, he did not file on the water at that time.



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Bonneville) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Sworn to before me this 4th day of August, 1980.

Leon K. K. K.
(Claimant)

William W. W.
Notary Public
Residing at Idaho Falls, Idaho

My commission expires 6/15/81

FOR DEPARTMENT USE ONLY

Received by SM Date 8/4/80 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by _____ Date _____
\$20.00 fee received by N/A Date _____
Published in Teton Valley News _____
Dates 8/14 & 8/21/80 _____

AFFIDAVIT OF PUBLICATION

State of Idaho)
) ss
County of Teton)

Sharon Hastings
being first duly sworn deposes 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

22-4039 Leon Rammell

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 *4* day of *Aug*, 19*80* and last publication on the *21* day of *Aug*, 19*80*

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.

Sharon Hastings

Subscribed in my presence and sworn to before me this *22nd* day of *Aug*, 19*80*
(SEAL) Notary Public for the state of Idaho, residence and postoffice address, Driggs, Idaho.

Michael C. Nelson
My Commission expires

July 7, 19*82*

**NOTICE OF AMENDED
CLAIM TO A WATER RIGHT
NO. 22-4039**

Notice is hereby given that Claim to a Water Right No. 22-4039 in the name of Leon Rammell, Victor, Idaho, was filed with a priority date of April 1, 1898 for the diversion and application to beneficial use of 0.54 cfs of water from an unnamed spring tributary to sinks with the point of diversion within the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 5, T. 4N, R. 44E, B.M., Teton County; the water is claimed to be used from April 1 to November 1 for the irrigation of 20 acres within the W $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 5, T. 4N, R. 44E and from January 1 to December 31 for domestic purposes.

The claimant now proposes to amend Claim No. 22-4039 amending the amount of water to 3.04 cfs.

Any exception to any claim of water right may be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401.

C. STEPHEN ALLRED
Director

Published in the Teton Valley News August 14 and 21, 1980

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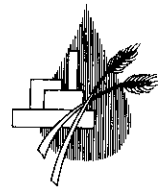
AUG 25 1980

Department of Water Resources
Eastern District Office

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT



Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Leon Rammell (Name of Claimant)
Victor, Idaho Box 79 (Mailing Address) 83455 (Zip Code) Telephone No. 787-2242

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use) April 1, 1898

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)
unnamed spring tributary to sinks

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

(cfs, gpd, AFA)		(Domestic, Irrigation, Stock, Etc.)		(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
Quantity	<u>.5 cfs</u>	Use	<u>Irrigation</u>	Period of Use From	<u>Apr. 1</u> To <u>Nov 1</u>
Quantity	<u>.04 cfs</u>	Use	<u>Domestic</u>	Period of Use From	<u>Jan. 1</u> To <u>Dec. 31</u>
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To

(4) .54 cfs (cfs, gpd, AFA) TOTAL QUANTITY USED.

(5) A) Point of diversion: (Location of point where water is diverted from its source)
NW ¼ SW ¼, Sec. 5 Twp. 4N Rge. 44E B.M., County of Teton
Additional points of diversion:

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Ditch to houses and irrigation

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
4N	44E	5		10	10														20

No. of acres 20

B) If water is used for other than irrigation, fully describe that use, being as specific as possible: Water is used at a house for domestic use and to irrigate an orchard. In years of high water, it is used for irrigated farm land.

This right was formerly used by Frantz Rudolf on the original homestead and by
NOTE: Include here the type and number of stock watered: his predecessors in interest

(7) If you are claiming water as a member of an organization, list name of organization:

(8) Remarks _____

A hand-drawn map on a grid. The map is centered on a grid intersection. A vertical line runs through the center, and a horizontal line runs through the center. A curved line, labeled "ditch", starts from the bottom left and curves upwards and to the right. A point on this curve is labeled "Point of Decision". To the right of the ditch, there is a small, irregular shape labeled "Place of Use". The letters "T", "4", and "N" are written vertically on the left side of the map. The letters "S" and "S" are written on the top and bottom horizontal lines. The letters "K44E" are written in the bottom right corner.

Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Bonneville) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

x Leon Rammell
(Claimant)

Sworn to before me this 6 day of June, 1980.

Kathryn A. Walker
Notary Public
Residing at Idaho Falls

My commission expires 2/15/83

FOR DEPARTMENT USE ONLY

Received by SM Date M Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by _____ Date _____ claimant by: _____
\$20.00 fee received by cu Date 6/10/80 # 14859
Published in Teton Valley News Carl Hoopes cu 7-01-80
Dates 6/19 & 6/26/80

TO: DEPARTMENT OF WATER RESOURCES

Notice is hereby given that the undersigned is opposed to the granting ^{of} ~~to~~ the claim to water rights made by Leon Rammell cited as Claim #22-4039.

^{exception}
Said ~~protest~~ is made for the following reasons:

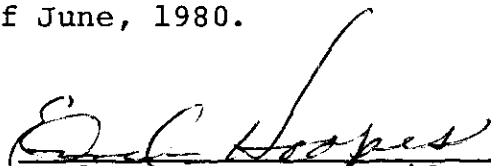
1. Since the undersigned purchased the property upon which the spring is located in 1968 he has continually and exclusively used all the water from the spring;

2. The water from the spring has been the sole source of water for one of the undersigned's pastures;

3. The undersigned has watered as many as 500 head of cattle from said spring in one year; and

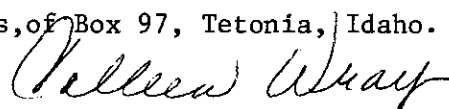
4. Any water right which may have existed prior to the time that the undersigned purchased the property in 1968 has been abandoned because of lack of use.

Dated this 24th day of June, 1980.


Earl N. Hoopes, President
EHCO Ranch, Inc.

Dated this 24th day of June, 1980.

Appeared before me. Earl N. Hoopes, of Box 97, Tetonia, Idaho.


Residing at: IDAHO FALLS, ID

My commission expires: 6/15/81

RECEIVED
JUN 24 1980
Department of Water Resources
Eastern District Office

AFFIDAVIT OF PUBLICATION

State of Idaho)
) ss
County of Teton)

I, Garyn Hastings,
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

Leo Rammell
32-4039

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 3
consecutive issues thereof; first
publication having been made on
the 19 day of June, 1980
and last publication on the 26 day
of June, 1980.

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.

Garyn Hastings

Subscribed in my presence and
sworn to before me this 20th day of
June, 1980

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

Mitchell C. Wilbur
My Commission expires

July 7, 1982

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JUL 1 1980

Department of Water Resources
Eastern District Office

NOT RECORDED

**NOTICE OF CLAIMS
TO WATER RIGHTS**

Notice is hereby given that the following claim(s) to water right(s) have been established by diversion and application to beneficial use:

22-4039

RAMMELL, LEON
BOX 79, VICTOR, ID 83455
Source: SPRING tributary to
SINKS
Priority Date: 04/01/1898
Amount: 0.54 CFS
Diversion Point: NWSW Sec 05 T
04N R 44E, TETON Co.
Use: IRRIGATION (0.05 CFS)
from 04/01 to 11/01, DOMESTIC
(0.04 CFS) from 01/01 to 12/31
Place of Use: NWNE SWNE Sec
05 T 04N R 44E FOR 20 ACRES
Diversion Means: DITCH.

Any exception to any claim of water right may be filed with the Director of the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho 83401.

C. STEPHEN ALLRED

Director

Published in the Teton Valley
News June 19 and 26, 1998.

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JUL 1

Department of Water Resources
Eastern District Office

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State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 334-7900

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

September 22, 1988

RE: Transfer of Water Right No. 22-4039

Leon or Fay T. Rammell
Box 79
Victor, ID 83455

Dear Mr. and Mrs. Rammell:

Enclosed is a copy of your approved Application for Transfer of the above referenced water right (Transfer No. 3327). Be sure to note any conditions of approval as listed on the second page.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

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SEP 27 1988

MEMORANDUM

TO: EASTERN

FROM: JIM JOHNSON

RE: PROTEST FILED BY DALE THOMSON

DATE: 6-24-88

I am returning this transfer application to you for follow-up in reference to the protest filed by Dale Thompson.

The protest was received after the Transfer Application had been forwarded to Boise. Since the file contains a history of protest against the approval of this Transfer it appeared to me that it would be better to let you folks who are more acquainted with the details to follow-up rather than us.

*6 July 1988 - Jim the protest was withdrawn.
See letter from Dale Thomson dated 12 Feb 1988.*

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JUL 30 1988

Department of Water Resources
Eastern District Office

March 2, 1988

RE: Application for Transfer No. 22-4039

Leon or Faye I. Rammell
Box 79
Victor, ID 83445

Dear Mr. & Mrs. Rammell:

This letter is to advise you that Dale P. Thomson, in behalf of Rueland and Bonnie Ward, Lynn and Mary Lou Thomson, and Lavar and Marlene Withers, has withdrawn their protest against the above referenced application. The Department has now resumed processing of your application.

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

Very truly yours,

ERNEST CARLSEN
Water Right Supervisor

EC: CW

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SEP 27 1988

December 28, 1987

RE: Application for Transfer No. 22-4039 RAMMELL

Mr. Dale P. Thomson
Attorney at Law
P.O. Box 70
Rexburg, ID 84440

Dear Mr. Thomson:

This letter is to acknowledge receipt of your withdrawal of protest, in behalf of Rueland and Bonnie Ward, Lynn and Mary Lou Thomson, and Lavar and Marlene Withers, against the above referenced application. The Department has now resumed processing of this application.

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

Very truly yours,

ERNEST CARLSEN
Water Rights Supervisor

EC:CW

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SEP 27 1988

Hoopes & Thomson, Chartered

PROFESSIONAL LEGAL CORPORATION

ATTORNEYS AT LAW

130 EAST MAIN

P.O. BOX 70

REXBURG, IDAHO 83440

R. J. HOOPES
DALE P. THOMSON
MICHAEL LARSEN

RECEIVED
FEB 12 1988
Department of Water Resources
Eastern District Office
(208) 356-9000

February 12, 1988

Idaho Department of Water Resources
150 Shoup Avenue
Suite 15
Idaho Falls, ID 83402

Re: Proposed Change of Water Right No. 22-4039

To Whom it May Concern:

On the 29th day of October, 1987, at 9:00 a.m. there was a hearing set on the above referenced water application. The hearing was to protest the approval of the proposed change of water right.

Subsequent to the hearing an agreement was reached between the parties resolving the differences. Consequently, the objecting parties did not appear at that hearing. The attorney for the Rammells advised the hearing officer that we withdrew our objection subject to the Rammells completing the terms of the agreement.

This letter is merely a confirmation on the part of the objecting parties that the objection was withdrawn.

If you should have any questions regarding this matter, please feel free to contact my office.

Yours very truly,



Dale P. Thomson, Esq.

DPT/cb
0687z

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SEP 27 1988

T 22-4039 - RAMMELL

Second Floor Conference Room, State Office Building
150 Shoup, Idaho Falls, Idaho
Thursday, October 29, 1987 - 9:30 a.m.

ROSTER OF ATTENDANCE

Hearing Officer: _____

<u>Name</u>	<u>Representing</u>	<u>Address</u>
-------------	---------------------	----------------

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SEP 27 1988

Ted V. Wood
ST. CLAIR, HILLER, WOOD
& ST. CLAIR
P. O. Box 29
Idaho Falls, Idaho 83405-0029
Telephone: 208 522-2350
Attorneys for
Leon and Fay T. Rammell

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR)
TRANSFER NO. 22-4039 IN THE NAME) HEARING MEMORANDUM
OF LEON OR FAY T. RAMMELL)
_____)

The following memorandum is submitted in support of the application of Leon and Fay T. Rammell to change the point of diversion of water right 22-4039 to reflect the actual historical point of diversion.

FACTUAL BACKGROUND

In the late 1940's Leon and Fay Rammell (hereafter referred to as "Rammell") purchased certain property located generally west of Tetonia, Idaho in the NE $\frac{1}{4}$ of Section 5, T5N, R44E, B.M., Teton County, Idaho. The property consists of an old homestead with a garden plot and an apple orchard, as well as cultivated farm ground. A spring water system which originates in Fairy Canyon (also known as "Rammell Hollow") historically provided domestic water to the homestead and irrigation water to the garden plot, apple orchard and cultivated farm ground. The water that was utilized for domestic use and irrigation of the garden

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plot and apple orchard was diverted at an elevation above the homestead site at a point now known to be located within the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 5 and the water used to irrigate the cultivated farm ground was diverted further downstream.

On June 6, 1980 Rammell filed with the Department of Water Resources (hereafter referred to as "Department") a claim to a water right on the spring water system which originates in Rammell Hollow and which had been historically used for domestic and irrigation purposes on Rammell's property. On March 26, 1982 Rammell filed a civil action in the District Court of the Seventh Judicial District of the State of Idaho in and for the County of Teton for the adjudication of Rammell's right to the water which originates in Rammell Hollow. During the pendency of that action, and at Rammell's request, the Department conducted a field examination on June 7, 1987 and issued a report in the nature of proposed findings of water rights on September 30, 1985, a copy of which is attached hereto as Exhibit A. The Department's report and proposed findings were subsequently adopted and incorporated by the district court in its final decree dated January 2, 1986.

The report prepared by the Department and adopted by the district court describes the nature and location of the spring water system in Rammell Hollow and its historical use for domestic and irrigation purposes. With respect to the points of diversion of such water, the report states on page 5, paragraph 18 as follows:

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Water from the springs flows down Rammell Hollow to a small earthen dam, no longer used for storage, in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 5, T5N, R 44 E, B.M., Sec. 5. The water flows from a breach in the bottom of the dam down the intermittent stream where it is diverted and allowed to flood a small area on each side of the intermittent stream. . . . The area irrigated in this manner by the spring water is 24 acres. In addition, some water has also been diverted upstream from the dam where it has been used to irrigate a small garden and orchard comprising of approximately 2 acres and for occasional domestic use. The diversions contain no headgates or measuring devices. (Underlining added).

The report concluded that Rammell initiated a right to the use of the waters of the spring system in Rammell Hollow, originating in the N $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 5, T5N, R. 44 E.B.M, with a priority of April 1, 1947. See Exhibit A, page 13, paragraph 9. As to the points of diversion, the report concludes as follows:

The waters of the spring system in Rammell Hollow are diverted in the Southwest Quarter Northeast Quarter, Section 5, Township 5 North, Range 44 E., BM. See Exhibit A, page 13, paragraph 10.

Although the report properly concluded that Rammell is entitled to the water of the spring system in Rammell Hollow, it erroneously placed all points of diversion in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 5. While it is true that the lower point of diversion where the water is diverted from the stream bed to the cultivated farm ground is located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 5, the upstream point of diversion where the water is diverted for domestic use and irrigation of the garden plot and orchard is actually located within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 5, which is not owned by Rammell.

At the time that the Department performed its field examination and prepared the aforesaid report, there were ~~no fences or~~

markers to define the boundary between the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 5 and the SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 5. Therefore, neither Rammell nor the personnel from the Department knew or reasonably could have known that the aforesaid upstream point of diversion was actually located outside the boundary of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 5. However, at a later date a survey was performed and it was then definitely determined that the upstream point of diversion was not located on Rammell's property. This discovery was not made until well after the time allowed by law to file a motion to alter or amend the district court's adjudication of Rammell's water right or to appeal the ruling. Therefore, in order to correct the error contained in the Department's report and the district court's decree as to the location of the upstream point of diversion, Rammell filed an application before the Department under I.C. § 42-222 to change the location of the upstream point of diversion to reflect its actual historical location.

ISSUES TO BE RESOLVED AT HEARING

The owners of the property on which the aforesaid upstream point of diversion is located have filed an objection to Rammell's application. In their written objection they claim, among other things, that in the spring of 1986 Rammell trespassed upon and damaged their property in order to construct a headgate at the upstream point of diversion and to install sprinkler pipe across about 270 feet of their property. They further contend that since Rammell had not received prior authorization from the

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Department to change his point of diversion, Rammell acted contrary to law and should now be ordered to remove the diversion and correct the trespass before applying for a change in the point of diversion.

While it is true that Rammell did build a headgate at the location of the upstream point of diversion and layed sprinkler pipe underground from the headgate across approximately 270 feet of the objecting parties' property, it is not true that Rammell was actually changing the point of diversion. As stated in the Department's report referred to above, one of the points of diversion had, since at least 1947, always been in exactly the same place where Rammell installed the headgate. And while Rammell concedes that the objecting parties have a right to allege a claim for trespass and damages in a civil action before a court of competent jurisdiction, Rammell contends that any and all issues related to the alleged trespass and damages are irrelevant and immaterial to Rammell's application relative to the location of the upstream point of diversion. Rather, and as stated in I.C. § 42-222, the only issues which are relevant to this proceeding are as follows:

1. Are other rights injured by the transfer?
2. Does the change constitute an enlargement in use of the original right?
3. Is the change in the local public interest?

Therefore, any evidence which is unrelated to these three issues should be excluded.

DISCUSSION

1. Are other rights injured by the transfer? As stated above, Rammell's application, although technically designated as a request for a change in point of diversion, is, in substance and fact, merely an application to correct the error contained in the Department's report of September 30, 1985 and to reflect and confirm the actual historical point of diversion. Since the application does not involve an actual change of an existing point of diversion to a new and different point of diversion, it logically follows that if Rammell's application is granted, it would be impossible that any other water rights would be injured by granting the application.

But even if it could be argued that Rammell is, in fact, requesting an actual change in a point of diversion, it is still clear that no other water rights would be injured. The only holder of a water right from the spring water system in Rammell Hollow is Rammell. No one else has any right to any of the water from Rammell Hollow. Since Rammell has the only existing water right to these waters, it is beyond dispute that no other water rights would be injured if Rammell's application is approved.

2. Does the change constitute an enlargement in the use of the original right? In the case of Beecher v. Cassia Creek Irrigation Co., 66 Idaho 1 (1944), the Idaho Supreme Court addressed the issue of whether a change in the point of diversion would

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constitute an enlargement in the use of the water right. In doing so, it stated as follows:

The rule would seem to be established that a change in point of use will not be permitted without limitation if the enlarged use in time or amount increases the burden on the stream, or decreases the volume of water in the stream to the injury of appropriators on the stream. 66 Idaho at 8.

Thus, in determining whether Rammell's application to confirm the historical point of diversion would constitute an enlargement in the use of his original right depends on whether the granting of the request would result in (1) an enlarged use of the water in time, (2) an enlargement in the use of the water in amount or (3) a decrease in the volume of water in the stream to the injury of downstream users.

In the present case it is clear that Rammell's request to reconfirm the historical point of diversion would not constitute an enlargement of his original right. The use of the headgate where Rammell's water is currently diverted does not, in any way, enlarge the period of time that Rammell uses the water; nor does it enlarge the amount of water that Rammell uses. Furthermore, since no one else has a right to any of the water from Rammell Hollow, Rammell's requested diversion point could not even conceivably decrease the volume of water to the injury of other appropriators on the stream. Accordingly, there can be no dispute that the Department's confirmation and approval of Rammell's historical and current point of diversion would, in any way, result in an enlargement in the use of the original right.

3. Is the change in the local public interest? I.C. § 42-203A(5)(e) defines "local public interest" as "the affairs of the people in the area directly affected by the proposed use." In the case of Schokal v. Dunn, 109 Idaho 330 (1985) the Idaho Supreme Court added further definition to the phrase "local public interest" by referring to I.C. § 42-1501 which declares that it is:

"in the public interest" that "the streams of this state and their environments be protected against loss of water supply to preserve the minimum stream flows required for protection of fish and wildlife habitat, aquatic life, recreation, aesthetic beauty, transportation and navigation values, and water quality." 109 Idaho at 337-338.

In the same case the Supreme Court identifies other public interest elements, including (1) assuring minimum stream flows, (2) discouraging waste, and (3) encouraging conservation. 109 Idaho at 338. In the present case it is clear that the approval of Rammell's request on the point of diversion would not adversely impact the local public interest and, in fact, would actually promote the local public interest. Rammell's continued use of the historic and current point of diversion will not, in any way, reduce the water supply flowing from Rammell Hollow. In fact, if anything it would increase the total flow because the transporting of water through the underground irrigation pipe reduces evaporation. Furthermore, the diversion of the water at the present location and transporting it through the underground

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pipe has the effect of maximizing the utilization and conservation of the water by making more water available for actual irrigation purposes. Finally, by using the existing point of diversion in transporting the water through the underground pipe, the annual problem of erosion of the stream bed and banks downstream from the point of diversion is substantially reduced. Therefore, if anything, the objecting parties' interest is actually promoted by allowing Rammell to continue to utilize the historical point of diversion on their property.

CONCLUSION

Based upon the foregoing it is clear that if the Department grants Rammell's application to confirm and authorize the historical point of diversion of the waters flowing in Rammell Hollow, no other water rights will be injured, no enlargement of the use of the original right will occur, and the local public interest will be promoted. Accordingly, it is respectfully submitted that Rammell's application should be approved without condition or qualification.

Respectfully submitted this 28th day of October.

ST. CLAIR, HILLER, WOOD
& ST. CLAIR


TED V. WOOD

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CERTIFICATE OF SERVICE

I hereby certify that on the 29th day of October, 1987 a true and correct copy of the foregoing Hearing Memorandum was hand delivered to Dale P. Thompson at the offices of Hoopes and Thompson, 130 East Main, Rexburg, Idaho.


TED V. WOOD

INDEXED

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IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TETON

LEON RAMMELL and FAY T.
RAMMELL, husband and wife,

Plaintiffs,

vs.

KENNETH DUNN, Director of the
Department of Water Resources
for the State of Idaho,
RONALD D. CARLSON, Watermaster
of Water District Number 1 of
the State of Idaho, Ehco Ranch,
Inc., an Idaho Corporation,
all unknown claimants of 3.04
cfs of the water of an unnamed
Spring which sinks on land owned
by the plaintiff and which is
diverted from said Spring in the
NW 1/4 of the SW 1/4 of Section
5, Township 5 North, Range 44
E.B.M. County of Teton, State of
Idaho,

Defendants.

Case No. 1912

REPORT IN THE NATURE
OF PROPOSED FINDINGS
OF WATER RIGHTS

POOR QUALITY

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EXHIBIT "A"

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TETON

LEON RAMMELL and FAY T.
RAMMELL, husband and wife,

Plaintiffs,

vs.

KENNETH DUNN, Director of the
Department of Water Resources
for the State of Idaho,
RONALD D. CARLSON, Watermaster
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the State of Idaho, Ehco Ranch,
Inc., an Idaho Corporation,
all unknown claimants of 3.04
cfs of the water of an unnamed
Spring which sinks on land
owned by the plaintiff and
which is diverted from said
Spring in the NW 1/4 of the
SW 1/4 of Section 5, Township
5 North, Range 44 E.B.M.
County of Teton, State of
Idaho,

Defendants.

Case No. 1912

REPORT IN THE NATURE
OF PROPOSED FINDINGS
OF WATER RIGHTS

The above-entitled cause was initiated by plaintiffs Leon Rammell and Fay T. Rammell filing a complaint, subsequently twice amended, for the adjudication of plaintiffs' rights in the waters of an unnamed spring in Teton County. While not

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denominated by plaintiffs as such, the cause is in the nature of a supplemental adjudication of water rights under the provisions of Idaho Code § 42-1405.

Based upon the answer of the defendants, A. Kenneth Dunn, Director of the Idaho Department of Water Resources, and Ronald D. Carlson, Watermaster of Water District No. 1, and based upon plaintiffs' Motion for Examination of Water System, the District Court for Teton County entered an Order that the Department of Water Resources make an examination of the water system and prepare a report in the nature of proposed findings of water rights.

Based on the files and records of the Department and of the above-entitled court, and on the field examination of the Department of plaintiffs' ditches, diversions, lands irrigated and other uses of water by plaintiffs from the unnamed spring water system, the Department recommends the following findings of fact, conclusions of law, and decree of water rights.

FINDINGS OF FACT

Definitions

1. The term "Department" refers to the Idaho Department of Water Resources.

2. The phrase "one cubic-foot per second" or the acronym "cfs" refers to a unit of measure of the rate of flow of water, and is equivalent to fifty miner's inches in Idaho, or to 448.83 gallons per minute.

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3. The term "watermaster" refers to a person elected by water rights holders within a water district, charged with distribution of water pursuant to Title 42, Chapter 6, Idaho Code.

4. The phrase "domestic use" means water used for household use or livestock and water used for all other purposes including irrigation of up to one-half (1/2) acre of land in connection with said household where total use is not in excess of 13,000 gallons per day.

5. The phrase "irrigation use" means water use limited to surface application of water for the purpose of meeting moisture requirements of growing crops.

Initiation of the Action

6. Plaintiffs initiated this action by filing the complaint in the District Court of the Seventh Judicial District of the State of Idaho in and for the County of Teton on March 26, 1982. An amended complaint was filed on January 13, 1983 and a second amended complaint was filed on April 19, 1984.

7. Plaintiffs caused to be published in the Teton Valley News, a weekly newspaper published in Teton County, State of Idaho, a notice of the pendency and purpose of said action. The notice was published in said newspaper once a week for four consecutive weeks on April 15, 22, 29, and May 6, 1982.

8. Said notice contained the information required by Idaho Code § 42-1405(1)(c) except the post office address of the

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plaintiffs, the date of priority of the water right claimed, and the general nature of the use.

9. No objections were filed pursuant to Idaho Code § 42-1405(1)(d) to the water right claimed by the plaintiffs.

10. Defendant Ehco Ranch was named in the complaint in this action and filed an Answer on July 13, 1982.

Field Examination

11. Based upon the answer of the defendants, A. Kenneth Dunn, Director of the Idaho Department of Water Resources, and Ronald D. Carlson, Watermaster of Water District No. 1, and based upon plaintiffs' Motion for Examination of Water System, the District Court for Teton County entered an Order dated July 5, 1983 that the Department make an examination of the water system.

12. The Department conducted a field examination on June 7, 1984.

General Description of Water System and Plaintiffs' Property

13. The water system consists of several unnamed springs located in the N1/2SW1/4, Sec.5, T5N, R44E, B.M. The springs are located at the bottom of Rammell Hollow, a deep, heavily brushed canyon.

14. The water from the springs flows down Rammell Hollow forming an intermittent stream which flows northeasterly towards the Teton River which is approximately 3.5 miles from the springs. The intermittent stream bed terminates in the

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NE 1/4, Sec.27, T6N, R44E, B.M, coming within 0.5 miles of, but not reaching, the Teton River. Water flowing from Rammell Hollow reaches the Teton River during periods of high water flow in the spring of the year.

15. Plaintiffs are the owners of property located in Teton County described as follows:

The NE1/4 of Sec.5, T5N, R44E, B.M., Teton County, Idaho. ALSO: The S1/2 of the SE1/4 of Sec.32, T6N, R44E, B.M., Teton County, Idaho.

16. The period of use when water is beneficially used for irrigation is when the chance of a 28 degree frost or lower is 50 percent or less. The period of use for irrigation in the area encompassing plaintiffs' property is from April 1st of each year through November 1st of each year for a total of 214 days.

17. A maximum rate of flow of 0.02 cfs per acre of irrigated land at the point of diversion is reasonably required for the flood irrigation of land in the area encompassing plaintiffs' property. The consumptive use for irrigation purposes in the area encompassing plaintiffs' property is 3.0 acre feet per acre per annum.

Description of Points of Diversion and Places of Use

18. Water from the springs flows down Rammell Hollow to a small earthen dam, no longer used for storage, in the SW1/4NE1/4, Sec.5, T5N, R44E, B.M. The water flows from a breach in the bottom of the dam down the intermittent stream

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where it is diverted and allowed to flood a small area on each side of the intermittent stream as indicated on Map I, attached hereto and incorporated herein by this reference. The area irrigated in this manner by the spring water is 24 acres. In addition, some water has also been diverted upstream from the dam where it has been used to irrigate a small garden and orchard comprising approximately two acres and for occasional domestic use. The diversions contain no headgates or measuring devices.

19. Plaintiffs have irrigated a total of 26 acres in the NE1/4, Sec.5, T5N, R44E, B.M., and the S1/2SE1/4, Sec.32, T6N, R44E, B.M., with water from the springs in Rammell Hollow since April 1, 1947.

20. Water rights to the waters of the springs in Rammell Hollow and the intermittent stream flowing from Rammell Hollow are subject to regulation by the Watermaster of Water District No. 1.

Other Water Rights in the Springs or Appurtenant to Plaintiffs' Property

21. The District Court for the Sixth Judicial District of the State of Idaho, now the Seventh Judicial District of the State of Idaho, in and for the County of Fremont, entered its Final Decree on December 16, 1910 in the case entitled Rexburg Irrigation Company, et al. v. Teton Irrigation Canal Company, et al., hereinafter referred to as the Rexburg Decree.

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22. The rights to the use of water were determined in said decree for the following portions of the Snake River Stream system:

Rexburg Decree:

from the waters of the Snake River and its tributaries, situated in the counties of Fremont and Bingham, State of Idaho. . . . "[Jefferson county (act of Feb. 18, 1913, S.L. 1913, ch. 25, p. 94), Madison county (act of Feb. 18, 1913, S.L. 1913, ch. 26, p. 107) and Clark county (act of Feb. 1, 1919, S.L. 1919 ch. 3, p. 4) were subsequently created from Fremont county. Teton county (act of Jan. 26, 1915, S. L. 1915, ch. 8, p. 29) was subsequently created from Madison county. Bonneville county (act of Feb. 7, 1911, S.L. 1911, ch. 5, p. 8), Power county (act of Jan. 30, 1913, S.L. 1913, ch. 6, p. 30) and Butte county (act of Feb. 6, 1917, S.L. 1917, ch. 98, p. 344) were subsequently created from Bingham county.]

23. The priority date for the water right claimed by the plaintiffs in this action is subsequent in time to the entry of the Rexburg Decree.

24. Frantz Rudolph (spelled "Rudolf" in plaintiffs' complaint) was decreed 3.2 cfs of water from Pack Saddle Creek in the Rexburg Decree with a priority of March 15, 1900, for use on the N1/2NE1/4, Sec.5, T5N, R44E, B.M., and the S1/2SE1/4, Sec.32, T6N, R44E, B.M., containing 160 acres. This land is now owned by plaintiffs who are successors in interest to the Rudolph water right decreed in the Rexburg Decree.

25. The Department issued Frantz Rudolph water license No. 22-2011 with a priority of August 31, 1905 for 1.2 cfs from Pack Saddle Lake via Pack Saddle Creek diverted at NE1/4NE1/4,

INDEXED

Sec.8, T5N, R44E, B.M., for irrigation and domestic use on 40 acres in SE1/4NE1/4, Sec.5, T5N, R44E, B.M. and 20 acres in SW1/4NE1/4, Sec.5, T5N, R44E, B.M. Plaintiffs are now the owners of the land on which this water is used and are successors in interest to license No. 22-2011 acquired by Rudolph. No findings of fact or conclusions of law are made as to the validity of this license.

26. The spring water system is a different water system than Pack Saddle Creek and Pack Saddle Lake.

27. Plaintiffs' land irrigated by the spring system is also included among the lands which may be irrigated with water from Pack Saddle Creek and Pack Saddle Lake. The spring system water is necessary in addition to the Pack Saddle Creek and Pack Saddle Lake water because the Pack Saddle Creek and Pack Saddle Lake water is often unavailable due to appropriation by senior water right holders.

28. Plaintiff Leon Rammell filed claim No. 22-4039 with the Department on June 6, 1980. This claim was amended to include an additional quantity of water on August 4, 1980. This claim as amended is described as follows:

- (a) source of water supply: unnamed spring
- (b) date of priority: April 1, 1898
- (c) nature of use: irrigation domestic
- (d) rate of diversion:
 - irrigation 3.00 cfs
 - domestic 0.04 cfs

- (e) point of diversion: NW1/4SW1/4, Sec.5,
T4N, R44E, B.M.

(f) place of use: domestic--not specified

irrigation--10 acres in the
NW1/4NE1/4, Sec.5, T4N,
R44E, B.M. and 10 acres in
the SW1/4NE1/4, Sec.5,
T4N, R44E, B.M.

(g) period of use: domestic--January 1
through December 31
of each year

irrigation--April 1
through November 1
of each year

(h) maximum annual consumptive use: not
specified

29. No irrigation occurs in the NW1/4NE1/4 and the
SW1/4NE1/4, Sec.5, T4N, R44E, B.M. Plaintiff Leon Rammell's
designation of the point of diversion and place of use in claim
No. 22-4039 are erroneous and should read:

point of diversion: NW1/4SW1/4, Sec.5, T5N,
R44E, B.M.

place of use: 10 acres in the NW1/4NE1/4,
Sec.5, T5N, R44E, B.M. and 10 acres in the
SW1/4NE1/4, Sec.5, T5N, R44E, B.M.

As corrected, claim No. 22-4039 is encompassed by the right
claimed by plaintiffs in this action and said claim is governed
by the description of plaintiffs' right in these findings of
fact and conclusions of law.

30. Defendant Ehco Ranch filed claim No. 22-4041 with the
Department on August 8, 1980. The claim is described as
follows:

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- (a) source of water supply:
unnamed spring and stream in
Rammell Hollow
- (b) date of priority: July 7, 1969
- (c) nature of use: stock watering
- (d) rate of diversion: 0.04 cfs
- (e) point of diversion: NW1/4SW1/4, Sec.5,
T5N, R44E, B.M.
- (f) place of use: NW1/4SW1/4, Sec.5,
T5N, R44E, B.M., stock watering
directly from stream
- (g) period of use: May 1 through
December 15 of each year
- (h) maximum annual consumptive use:
not specified

No findings of fact or conclusions of law are made as to the validity of this claim.

31. Defendant Ehco Ranch filed an application for permit No. 22-7332 with the Department on July 25, 1980. Said permit as approved by the Department is described as follows:

- (a) source of water supply: unnamed
stream from spring which flows
into Rammell Hollow
- (b) date of priority: July 25, 1980
- (c) nature of use: domestic
irrigation
- (d) rate of diversion: domestic 0.80 cfs
irrigation 1.20 cfs
- (e) point of diversion: NW1/4SW1/4, Sec.5,
T5N, R44E, B.M.
- (f) place of use: domestic NWSW1/4,
SWSW1/4 of Sec.5, T5N, R44E, B.M.

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irrigation: 15 acres in each of the NE1/4, NW1/4, SW1/4 and SE1/4 of SW1/4, Sec.5, T5N, R44E, B.M. for a total of 60 acres.

- (g) period of use: domestic January 1 through December 31 of each year

irrigation: April 1 through November 1 of each year

- (h) maximum annual consumptive use: not specified

- (i) proof of beneficial use due: September 1, 1985.

Proof of beneficial use for permit No. 22-7332 has not been filed with the Department. No extension of time has been requested. No findings of fact or conclusions of law are made as to the validity of any water right represented by this permit.

32. The proper regulation of the diversion and use of water from the spring system by a watermaster or his deputy requires each right holder to install and maintain an adequate headgate and measuring device or other control device at the point of diversion.

33. Matter herein expressed as a finding of fact which is later deemed to be a conclusion of law is hereby made as a conclusion of law.

CONCLUSION OF LAW

Based upon the findings of fact in this matter, the following conclusions of law are made:

Applicable Legal Principles

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1. "[A]ll actions to adjudicate water rights and obtain a decree as to water sources, quantity, point of diversion, place of use, nature of use, period of use, and priority as against other water users shall be brought under the provisions of chapter 14, title 42, Idaho Code." Idaho Code § 6-401 (1981). An action to quiet title is not a means to adjudicate water rights. Id.

2. In an action for the supplemental adjudication of water rights notice of the action must be published once a week for three consecutive weeks pursuant to Idaho Code § 42-1405(1)(c).

3. In a supplemental adjudication of water rights under Idaho Code § 42-1405 the plaintiff "shall. . .set forth his acceptance as binding on him of all prior applicable decrees and the findings of fact and conclusions of law upon which they are based." Idaho Code § 42-1405(1)(b).

4. Prior to May 19, 1971 a water right could be obtained by diverting unappropriated water and applying it to a beneficial use. For rights acquired on or after May 19, 1971, the application, permit, and license procedure of Title 42, Idaho Code must be followed. 1971 Idaho Session Laws, Chapter 177, § 1, p. 843 (approved March 24, 1971, effective May 19, 1971).

5. Beneficial use is the measure and the limit of an appropriative water right. Idaho Code § 42-104.

6. An appropriative water right is defined by determination of the following:

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- (a) source of water supply
- (b) date of priority
- (c) nature of use
- (d) rate of diversion
- (e) point of diversion
- (f) place of use
- (g) period of use
- (h) maximum annual volume of consumptive use

7. Idaho Code §42-701 requires a water user to install and maintain lockable headgates and measuring devices of a type acceptable to the Department of Water Resources, at the point where the water is diverted, for the use of the watermaster in the delivery of the water right.

Application of Legal Principles

8. Plaintiff substantially complied with the provisions of Idaho Code § 42-1405(1)(c), concerning publication of notice of the pendency and purpose of the present action.

9. It is concluded that the plaintiff initiated a right to the use of the waters of the spring system in Rammell Hollow, originating in the N1/2SW1/4, Sec.5, T5N, R44E, B.M., with a priority of April 1, 1947.

10. The waters of the spring system in Rammell Hollow are diverted in the SW1/4NE1/4, Sec. 5, T5N, R44E, B.M.

11. The place of use of the plaintiffs' right to the use of the spring system in Rammell Hollow is 26 acres of land

within the NE1/4, Sec.5, T5N, R44E, B.M., and the S1/2SE1/4, Sec.32, T6N, R44E, B.M.

12. The measure of plaintiffs' right to the use of the waters of the spring system in Rammell Hollow is determined by the maximum amount of beneficial use. A flow of 0.52 cfs from the spring system provides sufficient water for the irrigation of 26 acres of land. The maximum annual consumptive use of the spring system waters to satisfy plaintiffs' right for irrigation is 78.0 acre feet per annum. A flow of 0.02 cfs from the spring system provides sufficient water for plaintiffs' domestic uses.

13. Plaintiffs' right to the use of the waters of the spring system in Rammell Hollow is supplemental to any prior rights plaintiffs may have to use Pack Saddle Creek or Pack Saddle Lake water on the NE1/4, Sec. 5, T5N, R44E, B.M., and the S1/2SE1/4, Sec. 32, T6N, R44E, B.M., including any such rights under the Rexburg Decree, or under license No. 22-2011. The combined rate of diversion from the Rammell Hollow Spring System, Pack Saddle Creek and Pack Saddle Lake shall not exceed 0.02 cfs per acre.

14. The nature of use is irrigation and domestic.

15. The period of use for irrigation is from April 1st of each year to November 1st of each year. The period of use for domestic purposes is from January 1st to December 31st of each year.

16. The plaintiffs' right to the use of the waters of the spring system in Rammell Hollow is described as follows:

- (a) source of water supply: spring system in Rammell Hollow, originating in the N1/2SW1/4, Sec.5, T5N, R44E, B.M., which forms an intermittent stream flowing northwest towards the Teton River, but sinking before reaching the Teton River.
- (b) date of priority: April 1, 1947
- (c) nature of use: irrigation
domestic
- (d) rate of diversion: irrigation: 0.52 cfs
domestic: 0.02 cfs
Total: 0.52 cfs

(Right is supplemental to any prior rights to Pack Saddle Creek or Pack Saddle Lake water for use on the same land, including such rights under the Rexburg Decree, or under license No. 22-2011. The combined rate of diversion from the Rammell Hollow Spring System, Pack Saddle Creek and Pack Saddle Lake shall not exceed 0.02 cfs per acre.)

- (e) point of diversion: SW1/4NE1/4, Sec.5, T5N, R44E, B.M.
- (f) place of use: 26 acres in the NE1/4, Sec.5, T5N, R44E, B.M., and the S1/2SE1/4, Sec.32, T6N, R44E, B.M.
- (g) period of use:
 - Irrigation: April 1 through November 1st of each year
 - Domestic: January 1st through December 31st of each year
- (h) maximum annual volume of consumptive use: 78.0 acre feet per annum
- (i) basis of right: beneficial use

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17. Plaintiffs' right to the use of the spring system in Rammell Hollow as described above encompasses any and all rights represented by claim No. 22-4039 on file with the Department.

18. Matter herein expressed as a conclusion of law which is later deemed to be a finding of fact is hereby made as a finding of fact.

RECOMMENDATIONS TO THE COURT

Based on the foregoing findings of fact and conclusion of law the Department makes the following recommendations to the District Court:

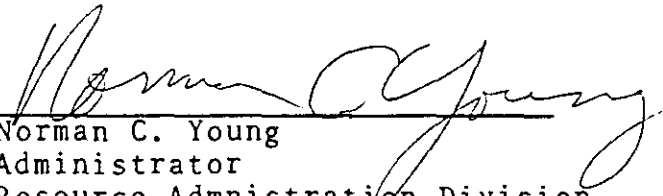
The District Court should enter a decree adjudicating the plaintiffs' rights to the use of the waters of the spring system consistent with the proposed findings of fact and conclusions of law set forth in this Report in the Nature of Proposed Findings of Water Rights.

DATED this 30TH day of September, 1985.

RESPECTFULLY SUBMITTED,

A. KENNETH DUNN
DIRECTOR, IDAHO DEPARTMENT OF
WATER RESOURCES

By:


Norman C. Young
Administrator
Resource Administration Division

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CERTIFICATE OF MAILING

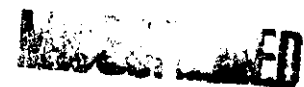
I HEREBY CERTIFY that I am a duly licensed attorney in the State of Idaho, employed by the Attorney General of the State of Idaho and residing in Boise, Idaho; and that I served a true and correct copy of the following-described report on the attorneys listed below by mailing in the United States mail, first class, with the correct postage affixed thereto on this 1st day of October, 1985.

DOCUMENT SERVED: REPORT IN THE NATURE OF PROPOSED FINDINGS OF WATER RIGHTS

ATTORNEY SERVED: J. D. Hancock
SMITH, HANCOCK & DALLING
30 South 2nd West
Rexburg, ID 83440

R. J. Hoopes
HOOPES AND SMITH
P.O. Box 70
Rexburg, ID 83440


PHILLIP J. DRASSIER
Deputy Attorney General
Department of Water Resources



SEP 27 1988

Rammell Hollow Spring System Supplemental Adjudication

Rammell v. Dunn
Teton County
Case No. 1912

Shaded Area -
Lands Irrigated
by Spring System

House, Barn, Orchard
and Garden Location

Point of Diversion

S. 1/2 S.E. 1/4 SEC. 32, T. 6N., R. 44E., B.M.
AND N.E. 1/4 SEC. 5, T. 5N., R. 44E., B.M.
Owned by Plaintiffs Rammell

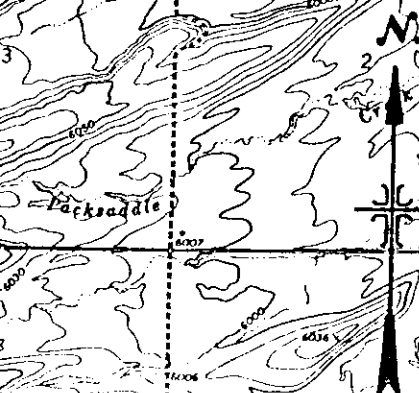
Intermittent Stream

S.W. 1/4 Sec. 5, T. 5N., R. 44E., B.M.
Owned by Defendant, Ecco Ranch

Tetonia 2.4 Miles

Spring

Gravel Pit



SCALE 1:24000

CONTOUR INTERVAL 20 FEET
DOTTED LINES REPRESENT 10 FOOT CONTOURS



QUADRANGLE LOCATION

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR)
TRANSFER NO. 22-4039 IN THE NAME OF)
LEON OR FAY T. RAMMELL)
_____)

NOTICE OF HEARING
&/OR CONFERENCE

On May 12, 1987, Leon or Fay T. Rammell filed with the Department of Water Resources an application to transfer the public waters of the State of Idaho. On June 8, 1987, a protest was received by the Department from Dale P. Thomson, Attorney at Law, in behalf of Rueland Lane and Bonnie Ward, Lynn Packer and Mary Lou Thomson, and Lavar M. Withers and Marlene Withers.

The Department has set the matter of protests for hearing for 9:30 a.m., Thursday, October 29, 1987, in the Second Floor Conference Room, State Office Building, 150 Shoup, Idaho Falls, Idaho. The hearing will be held in accordance with provisions of Chapter 2, Title 42, of the Idaho Code and adopted Rules of Practice and Procedure of the Department of Water Resources. Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved.

Dated this 5th day of October, 1987.


RONALD D. CARLSON
Eastern Regional Manager

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PS Form 3811, July 1983 447-845

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Put your address in the "RETURN TO" space on the
back side. Failure to do this will prevent this card from
being returned to you. The return receipt fee will provide
you the name of the person delivered to and the date of
delivery. For additional fees the following services are
available. Consult postmaster for fees and check box(es)
for service(s) requested.

- ☐ Show to whom, date and address of delivery.
☐ Restricted Delivery.

Article Addressed to:

Person Jay Rammell
Box 79
Victor, Id. 83455

1. Type of Service:

- ☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail

Article Number

0111

Always obtain signature of addressee or agent and
DATE DELIVERED.

2. Signature - Addressee

X Leon Rammell

3. Signature - Agent

X

4. Date of Delivery

10/7/87

5. Addressee's Address (ONLY if requested and fee paid)

DOMESTIC RETURN RECEIPT

RECEIVED
SEP 27 1987

T 22-4039

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address, and ZIP Code in the space below.

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.



SEP 2 1980



PENALTY FOR PRIVATE
FIRST CLASS \$300

DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE

150 SHROUP AVE.

IDAHO FALLS, IDAHO 83401
(Name of Sender)

**RETURN
TO**



(No. and Street, Apt., Suite, P.O. Box or R.D. No.)

(City, State, and ZIP Code)

PS Form 3811, July 1983 447-845

DOMESTIC RETURN RECEIPT

1 SENDER: Complete items 1, 2, 3 and 4. Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for service(s) requested.	
1 ☐ Show to whom, date and address of delivery. 2 ☐ Restricted Delivery.	
3. Article Addressed to: <i>Dale P. Thomson</i> <i>Atty at Law</i> <i>P.O. Box 70</i> <i>Rehoboth, Id. 83440</i>	
4. Type of Service: ☐ Registered ☐ Insured ☒ Certified ☐ COD ☐ Express Mail	Article Number <i>0113</i>
Always obtain signature of addressee or agent and DATE DELIVERED.	
5. Signature - Addressee <i>X</i>	
6. Signature - Agent <i>X</i> <i>Michaelis</i>	
7. Date of Delivery	
8. Addressee's Address (ONLY if requested and fee paid)	

T 22-4239

**UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS**

MAILED

SEP 27 1988



PENALTY FOR PRIVATE
USE \$300

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Print your name, address, and ZIP Code in the space below.

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

DEPARTMENT OF WATER RESOURCES

EASTERN DISTRICT OFFICE

150 GROUP AVE. #15

12400 15th St. N.W. #151

(Name of Sender)

RETURN

RECEIVED

(No. and Street, Apt., Suite, P.O. Box or R.D. No.)

(City, State, and ZIP Code)

Department of Water Resources
Eastern District Office

SENDER: Complete items 1, 2, 3 and 4.

your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for service(s) requested.

1. ☐ Show to whom, date and address of delivery.
2. ☐ Restricted Delivery.

3. Article Addressed to:

*Ed Wood
Getty at Law
P.O. Box 29
Idaho Falls ID 83403*

4. Type of Service:

- ☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail

Article Number

0112

Always obtain signature of addressee or agent and
DATE DELIVERED.

5. Signature - Addressee

X

6. Signature - Agent

X

Ernest Beck

7. Date of Delivery

OCT 8 1987

8. Addressee's Address (ONLY if requested and fee paid)

DOMESTIC RETURN RECEIPT

+ 524239

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address, and ZIP Code in the space below.

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

SEP 27 1988

PENALTY FOR PRIVATE
USE, \$300

DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE
150 SHOUR AVE.

IDAHO FALLS, IDAHO 83401
(Name of Sender)

RETURN
RECEIVED

OCT 9 1987

(No. and Street, Apt., Suite, P.O. Box or R.D. No.)

(City, State, and ZIP Code)

Department of Water Resources
Eastern District Office

NAME AND ADDRESS OF SENDER

DEPARTMENT OF WATER RESOURCES

EASTERN DISTRICT OFFICE

150 SNOW AVE.

IDAHO FALLS, IDAHO 83401

Indicate type of mail

☐ Registered☐ Insured☐ COD☒ Certified☐ Express Mail

Check appropriate block for Registered Mail:

☐ With Postal Insurance☐ Without Postal Insurance

Affix stamp here if issued as certificate of mailing or for additional copies of this bill.

POSTMARK AND DATE OF RECEIPT

Line	Number of Article	Name of Addressee, Street, and Post-Office Address	Postage	Fee	Handling Charge	Act. Value (If Regis.)	Insured Value	Due Sender If C.O.D.	R. R. Fee	S. D. Fee	S. H. Fee	Rest. Del. Fee	Remarks
1	0100	Openhagen Blvd 244. 200 N. Idaho Falls	22	75					70				11-7367
2	0101	Cheryl Nelson, P.O. Box 799 Soda											"
3	0102	Edward & Linda Shepherd, P.O. Box 1160											11-7367
4	0103	City of Pocatello 801 N. Main Pocatello											22-7259
5	0104	Phyllis Peterson, P.O. Box 501 ID.											"
6	0105	James Betty Urban Rt 1 Box 3325 Pocatello											"
7	0106	Ed Kaplan Rt 1 Box 3300 Pocatello											"
8	0107	Mr. Red Plummer 22610 Hwy 100 Pocatello											"
9	0108	Jon R. Linn, 111 E. 1st St. Pocatello											"
10	109	Robert & Betty Brinkman, Rt 1 Box 3303											"
11	0110	Richard Hoam, Rt 1 Box 3303											22-7259
12	0111	Ron & Jay Hammett Box 79 Victor											T22-4039
13	0112	Ed Wood P.O. Box 29 ID.											"
14	0113	Mark Thomson P.O. Box 70 Pocatello											T22-4039
15	0114	Marvin Caddard, 111 E. 1st St. Pocatello											T34-0812 etc
Total Number of Pieces Listed by Sender		Total Number of Pieces Received at Post Office	POSTMASTER, PER (Name of receiving employee)		The full declaration of value is required on all domestic and international registered mail. The maximum indemnity payable for nonnegotiable documents under Express Mail document reconstruction insurance is \$50,000 per piece subject to a limit of \$500,000 per occurrence. The maximum indemnity payable on Express Mail merchandise insurance is \$500. The maximum indemnity payable is \$25,000 for Registered Mail, \$400 for COD and \$400 for Insured Mail. Special handling charges apply only to Third- and Fourth-Class parcels. Special delivery service also includes special handling service.								
15		fifteen	Jones										

FORM MUST BE COMPLETED BY TYPEWRITER, INK OR BALL POINT PEN

U.S. G.P.O. 1985-478-804

Dale Thomson - not available
on 28th

Ted Wood.

P.O. Box 29

I F, ID. 83402

*Leon Rammell -
retained Ted Wood-
do. To*

*Defer administrative
action until harvest
is over.*

July 13, 1987

RE: Application for Transfer No. 22-4039 RAMMELL

Mr. Dale P. Thomson, Esq.
HOOPES, THOMSON & PACKER
Attorneys at Law
P.O. Box 70
Rexburg, ID 83440

Dear Mr. Thomson:

This is to acknowledge receipt of the protest filed against the above referenced application for transfer. The following are the principle items we can consider at a conference and/or hearing in either approving or denying an application for transfer:

1. Are other water rights injured by the transfer?
2. Does the change constitute an enlargement in the use of the original right?
3. Will the proposed use under this transfer conflict with the local public interest?

You will be notified at a later date as to the time and place set for conference and/or hearing.

If we may be of further assistance, please contact us.

Very truly yours,

RONALD D. CARLSON
Eastern Regional Supervisor

RDC:cw

cc: IDWR - State Office

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY: ES

1. Right number 22-4039 Applicant Leon or Fay Rammell
2. Type of right: ☒ Decree ☐ License ☐ Claim
3. Purpose of transfer: ☒ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use
☒ Other To reflect correct legal description of well location. See attached plate.
4. Check:
 - 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:
 - 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.
 - g. ☒ Check proof of ownership of right &/or land from which water is transferred.
 - h. ☒ Check for expansion in use of right. Comments No change in P.O.U.
 - i. ☒ Check for existing water rights from same source, on land water is being transferred to.
Right number(s) 22-2011/0493
 - j. ☐ Is use within a Watermaster District? ☒ Yes ☐ No
If yes, what district? 01

FINAL PROCESSING REVIEW BY: _____

1. Watermaster recommendation requested on 5-27-87 Received on 6-02-87
2. Is transfer published correctly? ☒ Yes ☐ No
3. Protest received? ☐ Yes ☒ No

RECOMMENDED ACTION

1. ☒ Approve
2. ☐ Deny
3. Conditions* Diversion under the control of the watermaster of said water District #1
4. By RD Clark Date April 4, 1988

RECEIVED
JUL 11 1988

RECEIVED
APR 11 1988

* All uses within Watermaster Districts require special conditions.

Department of Water Resources

copy for file

July 13, 1987

RE: Application for Transfer 22-4039

Leon or Fay T. Rammell
Box 79
Bitter, ID 83455

Dear Mr. & Mrs. Rammell:

Enclosed please find a copy of the protest filed against the above referenced application. You should be aware that the following are the items we can consider at a conference and/or hearing in either approving or denying an application for transfer:

1. Are other water rights injured by the transfer?
2. Does the change constitute an enlargement in the use of the original right?
3. Will the proposed use under this transfer conflict with the local public interest?

You will be notified at a later date as to the time and place set for conference and/or hearing. Legal counsel is not mandatory at an proceeding before the Department, although you may desire to employ an attorney in your behalf.

If we may be of further assistance, please contact us.

Very truly yours,

RONALD D. CARLSON
Eastern Regional Supervisor

RDC:cw

Enclosure

cc: IDWR - State Office

SEP 27 1988

APPLICATION FOR TRANSFER OF
WATER RIGHT NO. T 22-4039

WATER DISTRICT 1

WATERMASTER Ronald D Carlson

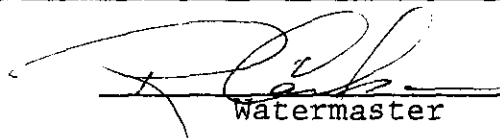
DATE: June 2, 1987

COMMENTS: _____

☒ I do endorse approval of this change.

☐ I do not endorse approval of this change.

I recommend the following conditions of approval:


Watermaster

MICROFILMED

SEP 27 1988

May 27, 1987

Leon or Fay T. Rammell
Box 79
Victor, Idaho 83455

RE: Application for Transfer No. 22-4039

Dear Water Right Applicant:

The Department of Water Resources acknowledges receipt of your water right application for transfer. The application has been assigned identification No. 22-4039. Please refer to this number in all further correspondence.

This office is currently in the process of advertising the application in the Teton Valley News. The advertisement will be published for two weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing in the matter.

If the application is not protested, it will be forwarded to our state office in about five weeks. State office personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review. When a transfer is issued, you will be sent a copy. A typical processing time for an unprotested application is about eight weeks.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,

Ernest Carlsen
Assistant Regional Manager

EC/cw

UNRECORDED

SEP 27 1988

May 21, 1987

Lynn Thomson
361 Yale Ave.
Rexburg, ID 83440

Dear Mr. Thomson:

Pursuant to our conversation, please find enclosed a copy of transfer application #22-4039 and a copy of claims #22-4039.

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

Respectfully submitted,

ERNEST CARLSEN
Water Rights Supervisor

EC:jk

Enc

RECEIVED

SEP 27 1988

DATE: May 20, 1987

TO: file

FROM: Ernie *EMC.*

RE: application for transfer 20-4039

Mr. & Mrs. Lynn Thomson were in the office this afternoon to discuss changes proposed by Mr. Rammell under the above captioned application. After reviewing the application and department records concerning the recent adjudication of this right, there are some interesting items which may have a bearing on the department's decision.

First, Mr. Rammell indicates the reason for the proposed change is that a recent survey places the historical point of diversion approximately 270 feet within the SW1/4NW1/4, Sec 5, T 5N, R 44E. Mr. Thomson provided a copy of the billing from the surveyor, Boyd L. Cardon, dated 10/1/84. The adjudication wasn't completed until 1986. Obviously, Mr. Rammell knew a couple of years in advance that the point of diversion he is seeking under this application was located on the Thomson property.

In the Report in the Nature of Use of Proposed Finding of Water Rights for case #1912 concerning this matter, there is a finding that a diversion located on the Thompson property was used at one time to irrigate the orchard & yard around the Rudolph homestead. However, Mr. Rammell indicated that he ceased using this diversion several years ago when his wife became ill. Based on his testimony, the court did not recognize it as a diversion under this water right, nor did they recognize the irrigation of land around the Rudolph homestead as being a part of the water right. Consequently, it's my interpretation that the application actually represents both the addition of a point of diversion & a change in the point of diversion.✓

The place of use was decreed as being 26 acres within the NE1/4, Sec 5, T 5N, R 44E & the S1/2SE1/4, Sec 32, T 6N, R 44E. Included in the departments records is a map indicating the location of this 26 acres. In the Report in the Nature of the Proposed Findings of Water Right case #1912 there is a finding that 2 acres had historical been irrigated around the Rudolph homestead, and that 24 additional acres had been irrigated lower down in the Rammell hollow drainage. The court did not recognize the irrigation of 2 acres around the Rudolph homestead as part of this right, although they did give Mr. Rammell a total of 26 acres.

RECEIVED

SEP 27 1988

Consequently, it is my opinion that the transfer also seeks to change the place of use for this water right, since Mr. Rammell now wants to irrigate the 2 acres around the Rudolph homestead. A question that arises regarding this change is if he adds the 2 acres around the Rudolph homestead, which 2 acres is he going to dewater of the original 26 that were adjudicated by the court? ✓

Although the question of right away & easement is not one the department can remedy, it's obvious from talking with Mr. & Mrs. Thomson that Mr. Rammell failed to secure a right away for installation of the pipeline. They have asked that Mr. Rammell remove the headgate which he installed on their property and return the water to it's natural channel so that it can flow down to the point of diversion, which is located on his property.

In addition to damages they feel were caused by Mr. Rammell as part of the installation of the pipeline and the headgate, the Thomsons are also concerned about the adverse effects that have occurred to the aesthetic appeal of their property, since much of the stream that once flowed thru their property is now diverted thru a pipe.

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SEP 27 1988

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

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

MAY 13, 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 JUNE 8, 1987.

Yours truly,

Michele Davis
Office Secretary

Encl.

RECEIVED
SEP 27 1988

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

NO. 22-4039

Notice is hereby given that Leon or Fay T. Rammell, Victor, Idaho, have applied to the Department of Water Resources for clarification in the point of diversion and place of use of water from Rammell Hollow tributary to sinks. The right sought to be changed is evidenced by Decree No. 22-4039 decreed to Leon or Fay T. Rammell in case of Leon Rammell vs Kenneth Dunn, et. al., dated 1/02/1986 in Seventh Judicial District, Teton County, and is recorded as follows:

AMOUNT: 0.52 cfs PRIORITY: April 1, 1947

POINT OF DIVERSION: SW1/4NE1/4, Sec. 5, T. 5N, R. 44E,
B.M., Teton County.

The water is used for domestic purposes and to irrigate 26 acres within Lot 1 NE1/4NE1/4, Lot 2 NW1/4NE1/4, ~~S1/2NE1/4~~, Sec. 5, T. 5N, R. 44E; S1/2SE1/4, Sec. 32, T. 6N, R. 44E.

TO BE CHANGED AS FOLLOWS

The water will be diverted within the SE1/4SE1/4NW1/4, Sec. 5, T. 5N, R. 44E, to be used for domestic purposes and irrigation of 26 acres within the Lot 1 NE1/4NE1/4, Lot 2 NW1/4NE1/4, SW1/4NE1/4, Sec. 5, T. 5N, R. 44E, SE1/4SE1/4, Sec. 32, T. 6N, R. 44E, 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 June 8, 1987.

A. Kenneth Dunn
Director

Published May 21 & 28, 1987

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SEP 27 1988

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: Desiring Name

Right Number 22-4039 Amended Applicant Leaw Rammell

NOTE: IF ANY OF THE ITEMS BELOW ARE MISSING, THE CLAIM IS INCOMPLETE AND MUST BE RETURNED IMMEDIATELY TO THE CLAIMANT ALONG WITH THE APPROPRIATE COVER LETTER.

CHECK:

- ☒ Name and address.
- ☒ Date of priority. (Check for a date past the mandatory filing dates.) (One date only.)
- ☒ Source.
- ☒ Quantity, use, period.
- ☒ Point(s) of diversion.
- ☒ Location of use.
- ☒ Signature/notarization/fee.

*amending
amount for
irrig. 9/1*

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received.
- ☒ Claim published correctly.
- ☐ Exceptions processed.

By Ernest Carlson Date 9-02-1980

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By Maurice Date 9/4/80

MICROFILMED

September 2, 1980

RE: Amended Claim No. 22-4039

Leon Rammell
Box 70
Victor, Idaho 83455

Dear Mr. Rammell:

The Department of Water Resources has completed the processing of your amended claim to a water right and no further action is authorized under Sections 42-225a and 42-225b, Idaho Code. Your claim will be retained in our files and will be available at any time for use by you or the court.

As you are aware, the filing of your amended claim does not, in itself, guarantee you a water right; it only records and preserves the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included in your amended claim file, you may have that information or evidence added at any time. Please refer to your claim number when corresponding with this office.

We are enclosing, for your records, a copy of your amended claim. If you have any questions or if we can be of further assistance, please feel free to call upon us.

Very truly yours,

RONALD D. CARLSON
Eastern Regional Supervisor

RDC:cw:kw

Enclosure

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

AUGUST 8, 1980

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 SEPTEMBER 1, 1980.

Yours truly,

RONALD D. CARLSON
Supervisor
Eastern Region

Encl.

MICROFILMED

NOTICE OF AMENDED CLAIM TO A WATER RIGHT

NO. 22-4039

Notice is hereby given that Claim to a Water Right No. 22-4039 in the name of Leon Rammell, Victor, Idaho, was filed with a priority date of April 1, 1898 for the diversion and application to beneficial use of 0.54 cfs of water from an unnamed spring tributary to sinks with the point of diversion within the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 5, T. 4N, R. 44E, B.M., Teton County; the water is claimed to be used from April 1 to November 1 for the irrigation of 20 acres within the W $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 5, T. 4N, R. 44E and from January 1 to December 31 for domestic purposes.

The claimant now proposes to amend Claim No. 22-4039 amending the amount of water to 3.04 cfs.

Any exception to any claim of water right may be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401.

C. STEPHEN ALLRED

Director

Published in the Teton Valley News 8/14 & 8/21/1980.

RECEIVED
AUG 22 1980
IDAHO DEPT. OF WATER RESOURCES

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: Ernst

Right Number 22 4039 Applicant Rammell

NOTE: 22-4039 IF ANY OF THE ITEMS BELOW ARE MISSING, THE CLAIM IS INCOMPLETE AND MUST BE RETURNED IMMEDIATELY TO THE CLAIMANT ALONG WITH THE APPROPRIATE COVER LETTER.

CHECK:

- ☒ Name and address.
- ☒ Date of priority. (Check for a date past the mandatory filing dates.) (One date only.)
- ☒ Source.
- ☒ Quantity, use, period.
- ☒ Point(s) of diversion. 7/1
- ☒ Location of use.
- ☒ Signature/notarization/fee.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received.
- ☒ Claim published correctly.
- ☒ Exceptions processed.

By aw Date 7-01-80

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By Hansen Date 7/17/80

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

JULY 7, 1980

LEON RAMMELL
BOX 79
VICTOR

ID 83455

RE: Claim No. 22-4039

Dear Claimant:

The Department of Water Resources has completed the advertising of your claim to a water right, and no further action is authorized under Section 42-243 and 42-244, IDAHO CODE. Your claim will be retained in our files and will be available at any time for use by you or the court.

The filing and advertising of the claim does not confirm the water right claimed, but will serve to record and preserve the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included with the claim, you may have that information or evidence added at any time. Please refer to the claim identification number when corresponding with this office.

We are enclosing a copy of your claim for your records. If you have questions, or if this office may be of further assistance, please feel free to contact us.

Yours truly,

RONALD D. CARLSON
Eastern Region Supervisor

Enclosure

WICKS FILMED

July 1, 1980

Leon Rammall
Victor,
Idaho 83455

Dear Mr. Rammall:

RE: Claim to a Water Right No. 22-4039

Enclosed please find a copy of the exception filed in connection with the above referenced claim. The following is a quote from the provisions of the Idaho Code under which this claim has been filed:

42-225b. Recording of claims by department-----Corrections.-----

.....
At any time after filing a claim under the provisions of this section, any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form, accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim in the Department of Water Administration (renamed Department of Water Resources July 1, 1974) and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the Department of Water Resources. Such claims may be corrected by the claimant only by filing of an amended claim in the same form as the original which shall be recorded and numbered by the department the same as the original and for which no additional filing fee shall be required.

Only the above action has been contemplated by the Idaho Legislature and we are not authorized to hold hearings or evaluate for conformation or final censorship of the described rights.

If you have any questions regarding this matter, please contact us.

Very truly yours,

RONALD D. CARLSON
Eastern Region Supervisor

EDC:ev

Enclosure

MICROFILMED

July 1, 1980

Mr. Earl W. Hoopes
Box 97
Tetonla, Idaho 83452

Dear Mr. Hoopes:

RE: Claim to a Water Right No. 22-4039

We have received the exception dated June 24, 1980, filed against the above referenced claim to a water right. The following is a quote from the provisions of the Idaho Code under which this claim has been filed:

42-225b. Recording of claims by department-----Corrections.-----

.....
At any time after filing a claim under the provisions of this section, any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form, accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim in the Department of Water Administration (renamed Department of Water Resources, July 1, 1974) and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the Department of Water Resources. Such claims may be corrected by the claimant only by filing of an amended claim in the same form as the original which shall be recorded and numbered by the department the same as the original and for which no additional filing fee shall be required.

Only the above action has been contemplated by the Idaho Legislature and we are not authorized to hold hearings or evaluate for conformation or final censorship of the described rights.

If you have any questions regarding this matter, please contact us.

Very truly yours,

RONALD D. CARLSON
Eastern Region Supervisor

RDC:cw

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

JUNE 13, 1980

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 JULY 7, 1980.

Yours truly,

RONALD D. CARLSON
Supervisor
Eastern Region

Encl.

MICROFILMED

NOTICE OF CLAIMS TO WATER RIGHTS

Notice is hereby given that the following claim(s) to water right(s) have been established by diversion and application to beneficial use:

Any exception to any claim of water right may be filed with the Director of the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho 83401 .

C. STEPHEN ALLRED
Director

Published 6/19 & 6/26/80.

RECEIVED
JUN 26 1980

22-4039-

RAMMELL, LEON

BOX 79, VICTOR, ID 83455

Source: SPRING tributary to SINKS

Priority Date: 04/01/1898

Amount: 0.54 CFS

Diversion Point: NWSW Sec 05 T 04N R 44E, TETON Co.

Use: IRRIGATION	(0.50 CFS)	from 04/01 to 11/01
DOMESTIC	(0.04 CFS)	from 01/01 to 12/31

Place of Use: NWNE SWNE Sec 05 T 04N R 44E FOR 20 ACRES

Diversion Means: DITCH.

MICROFILMED