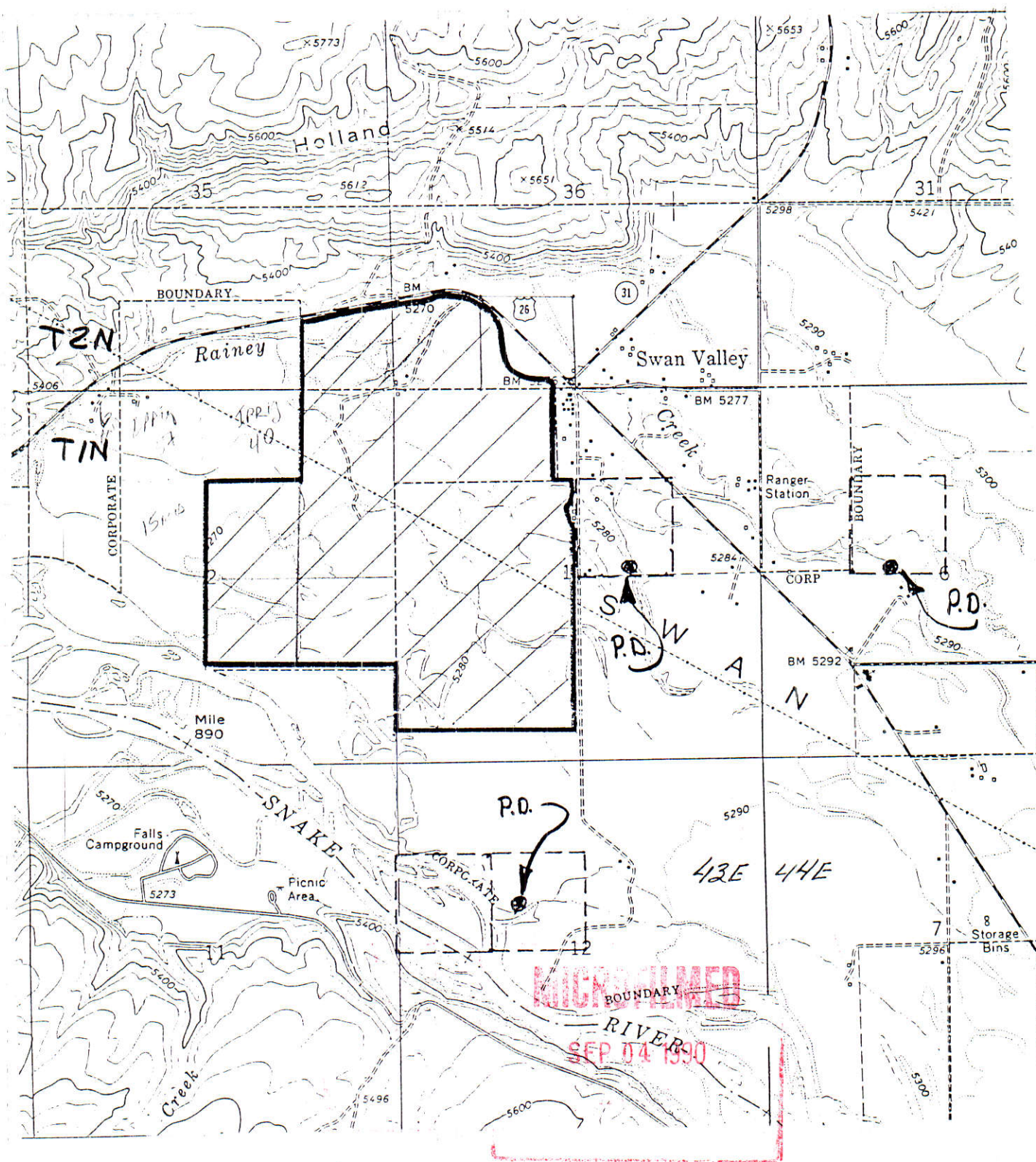


**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3**

- 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.



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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 3605APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

APPROVED

Name of applicant Everett or Anna R. Griffel Phone (208) 483-3755
Post Office address P.O. Box 27 Swan Valley, ID 83449

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 To allow use of several points of diversion to better irrigate this large block of land.

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
TR 438/23-0023	6-01-1897	3.20	Irrigation	4-1 to 11-1
TR 489/23-0038A	6-01-1890	1.06	Irrigation	4-1 to 11-1
23-0099	1-22-1916	3.20	Irrigation	4-1 to 11-1
23-0037	6-01-1889	3.00	Irrigation	4-1 to 11-1

2. Total amount of water being transferred 10.46 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Rainey Creek & Snake River, South tributary to Snake River, South Fork & Snake River Fork
4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	NW	6	1N	44E	Bonneville	
		SE	NW	12	1N	43E		
		SW	NE	1	1N	43E		

5. 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	
1N	43E	1					LT 3	LT 4	38	38	38	38	25	25					270
		2	LT 1		38	38									38	37			189
2N	43F	35																37	37
		36										38	14						38-52

lot descriptions added 5-7-90 L.L.H.

Total acres 534.548

PART 1

6. General Information:

a. Description of diversion system Ditches to flood irrigationb. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? NA Yes _____ 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:

No affect. Thus water has been traditionally used on our ground.

d. Remarks:

Rt. 23-0037 - applicants will get disclaimer from owners of N 1/2 NW 1/4 Sec. 12**ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES**This is to certify that I have examined Application for Transfer of Water Rights No. 23-0023/0037/0038/0099And said application is hereby APPROVED, subject to the following limitations and conditions:See attached sheet for conditions of approval.**MICROFILMED**

SEP 04 1990

Witness my hand this

16th

day of

August19 90J. Shin Saptor

Chief, Water Alloc. 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. _____ Decreed to _____
in case of Rexburg Irrigation vs. Teton Irrigation Canal Co.
dated 12-16-1910 in District Court county of _____
- 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. 438/23-0023 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 _____

3. Source of water Rainey Creek tributary to Snake River, South Fork

4. Date or priority 6-01-1897

5. Water is used for the following purpose:

amount 3.20 cfs for Irrigation purposes from 4-1 to 11-1
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 3.20 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
		NE	SW	6	1N	44E	Bonneville	

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	
1N	43E	1					A												
		2	A																
2N	43E	35																A	
		36									A								

Total acres Not listed

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

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
 _____ 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

MICROFILMED
 SEP 04 1990

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 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of Rexburg Irrigation vs. Teton Irrigation Canal Co.
dated 12-16-1910 in District Court county of _____
- 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. 489/23-0038A 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 _____

3. Source of water Rainey Creek tributary to Snake River, South Fork

4. Date or priority 6-01-1890

5. Water is used for the following purpose:

amount 1.06 cfs for Irrigation purposes from 4-1 to 11-1
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 1.06 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion: Not listed

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	*	SW	NW	8	1N	44E	Bonanza	

8. 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	
1N	43E	1							A	A	A	A	A	A					

Total acres Not listed

9. Describe any other water rights used for the same purpose as described above 23-0037

Transfer 489 split 23-0038 into an A & B portions. The transfer pertains to the B portion of the right. * from the original place of use listed diversion listed in transfer 489. Dmb

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

_____ 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	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. 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	

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	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. 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	

Total acres _____

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. 23-0037 Decreed to Charles Englis
in case of Rexburg Irrigation vs. Teton Irrigation Canal Co.
dated 12-16-1910 in District Court county of _____
- 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 _____

3. Source of water Rainey Creek tributary to Snake River, South Fork

4. Date or priority 6-01-1889

5. Water is used for the following purpose:

amount 3.00 cfs for Irrigation purposes from 4-1 to 11-1
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 3.00 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	NW	8	1N	44E	Bonneville	

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	
1N	43E	1							A	A	A	A	A	A					
		12					A	A											

Total acres _____

9. Describe any other water rights used for the same purpose as described above 23-0038A

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 3.00 cfs for Irrigation purposes from 4-1 to 11-1
 (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
		SW	NW	8	1N	44E	Bonneville	

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	
1N	43E	1							38	38	39	38	25	25					203

Total acres 203**C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)**

1. amount 0.00 cfs for Irrigation purposes from 4-1 to 11-1
 (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
		SW	NW	8	1N	44E	Bonneville	

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	
1N	43E	12					A	A											

Total acres _____

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. 23-0099 Decreed to Luther Smith
in case of Palisade Irrigation Co. vs. Lynn Crandall
dated 1-16-1951 in District Court county of _____
- 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 _____

3. Source of water Rainey Creek tributary to Snake River, South Fork

4. Date or priority 1-22-1916

5. Water is used for the following purpose:

amount 3.20 cfs for Irrigation purposes from 4-1 to 12-31
(cfs/ac-ft) _____
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft) _____
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft) _____

6. Total amount of water under right 3.20 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion: Not listed

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

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	
1N	43E	1					A	A											
		2	A		A	A													
2N	43E	35																A	
		36																	

Total acres NA

9. Describe any other water rights used for the same purpose as described above 23-0023

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

_____ 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

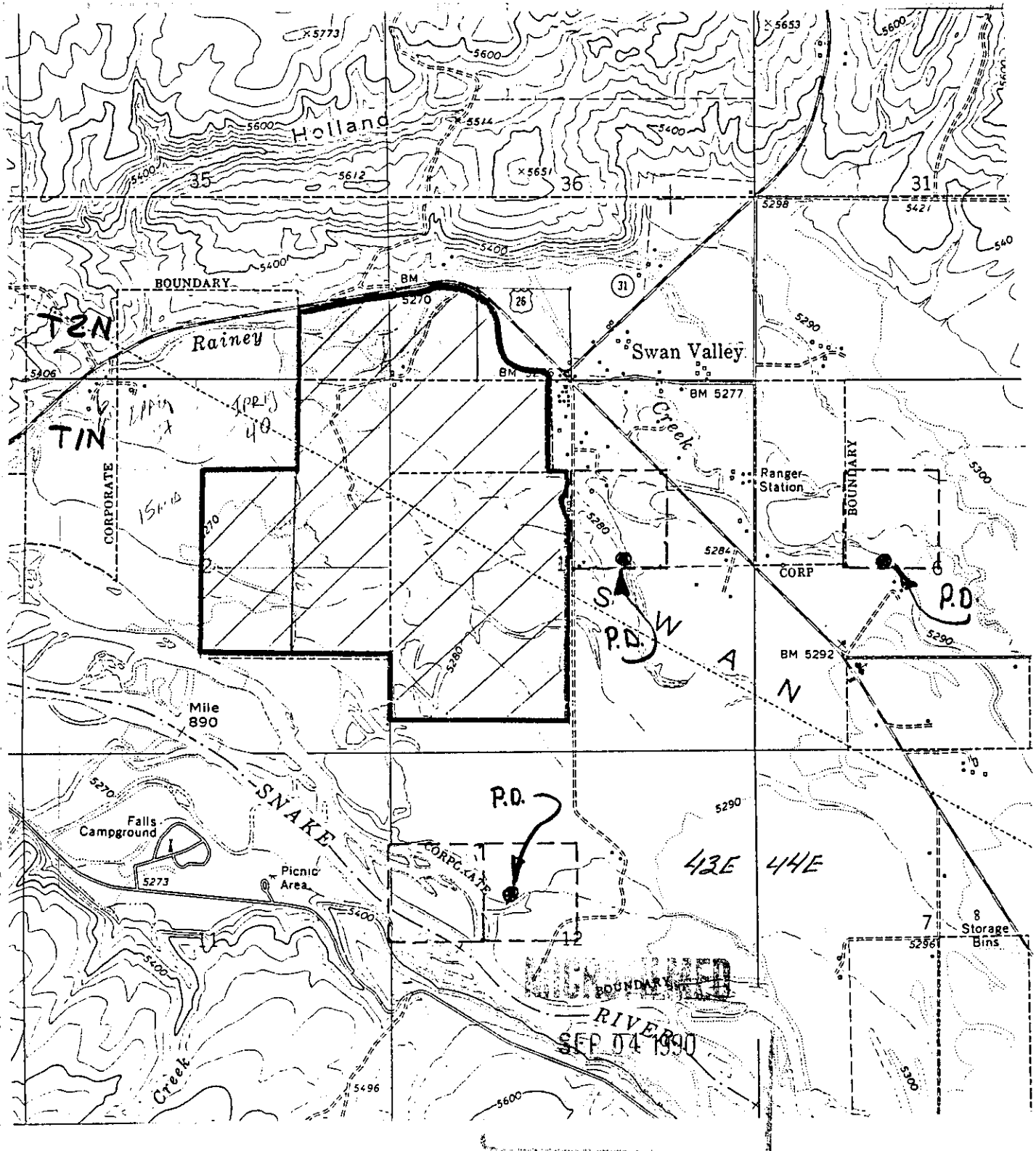
3. Lands irrigated or place of use:

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.



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

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.

Ernest J. Jeffel Anna R. Brifflee
(Signature of Applicant)

Subscribed and sworn to before me this 18th day of July, 1989.

Patricia L. Weeks
(Notary Public)

My commission expires 10-8-94

Assisted by HWT**FOR DEPARTMENT USE ONLY**

Transfer contains _____ pages and _____ attachments

Received by HWT Date 7-21-89 Protest filed by _____Prelim. check by SMS Fee \$50.00Received by HWT Date 7-21-89 # E009556Published in State Wide Copies of protest forwarded by _____Pub. dates 9-21-88-89 NOV 11-16-89 Hearing held by _____ Date _____Watermaster recommendation requested on _____ **MICROFILMED** Recommended for ☒ approval ☐ denial

_____ rec'd. SEP 6 1990 RPL

Copy of transfer sent to lien holder _____

CONDITIONS OF APPROVAL
Transfer of Water Rights Nos. 23-0023/0037/0038/0099

1. Use of water under this license is subject to control by the watermaster of State Water District No. 01, Snake River.
2. Approval of this transfer authorizes a point of diversion from the South Fork Snake River, but the diversion shall be regulated as a Rainey Creek diversion under Right Nos. 23-0023, 23-0037, 23-0038A and 23-0099, according to priority.
3. Only one ditch may serve the place of use at any one time. Measurements and delivery of water to these rights will be made at either the SENW Section 12, T1N R43E (Brandywine ditch), or the Rainey ditch at the SENW Section 1, T1N R43E.
4. Approval of this transfer does not recognize that water diverted under right no. 23-0099 is diverted to lands other than that described as the place of use in the decree of Fallisade Irrigation Co. V. Lynn Crandall.
5. When combined, Right Nos. 23-0023, 23-0037, 23-0038A & 23-0099 shall provide no more than 0.02 cfs per acre nor more than 3.0 afa per acre for the land identified under item B.5.
6. Approval of this transfer in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
7. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
8. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.

RECEIVED
SEP 04 1990

SEP 04 1990

RECEIVED

OCT 29 1982

Department of Water Resources
Eastern District Office

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

5065

The Palisade Irrigation Company,
a corporation, J. L. Higham,
Richard A. Beam, Ivan Weeks,
Thomas M. Weeks, John B. Miller,
M. E. Toliver, Shurtleff Bros.,
a partnership, Elizabeth Beam,
David H. Peterson, Jess L.
Peterson, Henry Goettsche,
Weeks Bros., a partnership,
Luther Smith, Harry Bitton,
Francis Stoltenberg, Henry McCabe
and Joe Kruse,

Plaintiffs,

vs.

Lynn Crandall, Water Master,
Water District No. 36 of the
State of Idaho,

Defendant.

NOV 4 1982
Department of Water Resources
J. A. Stone

FINDINGS OF FACT, CONCLUSIONS
OF LAW AND JUDGMENT

.....

This cause came regularly on for hearing before the Court sitting without a jury at the Court Room of said Court in the Court House at the City of St. Anthony, Fremont County, Idaho, pursuant to notice given and published. The plaintiffs appeared by one of their attorneys, Gilbert C. St. Clair, and the defendant appearing not, and it appearing that the default of the defendant having been heretofore entered herein, it was ordered that said default of the defendant be and is hereby confirmed. And after hearing the evidence offered by the plaintiffs in support of their claim, the Court being fully advised in the premises, makes its findings of fact, conclusions of law and judgment as follows, to-wit:

FINDINGS OF FACT

I.

That the plaintiff, The Palisade Irrigation Company, since the 6th day of September, 1919, has been and now is a corporation organized and existing under the laws of the State of Idaho.

II.

That since on or about the 1st day of March, 1930, the defendant, Lynn Crandall, has been and now is the duly elected, qualified and acting Watermaster of Water District No. 36 of the State of Idaho, which includes within its boundaries the counties of Bonneville and Fremont of said State.

III.

That the waters of the Snake River and its tributaries were heretofore decreed in this Court in the action entitled Rexburg Irrigation Company, et al., plaintiffs, vs. Teton Irrigation Canal Company, et al, defendants, and judgment therein was made and entered

SEP 24 1982

The Document to which this certificate is attached is a full, true and correct copy of the same on file and of record in my office having been filed 10-25-82
10-25-1982
Clerk of the District Court of the Tenth Judicial District in and for Fremont County, Idaho.

under date of December 16th, 1910, and appears of record in Book B. of Judgments at Page 449, records of Fremont County, Idaho. That the plaintiffs were not parties to the said action and did not appear therein.

IV.

That under date of June 25th, 1929, in the District Court of the United States for the District of Idaho, Eastern Division, a decree was entered under title of Woodville Canal Company, a corporation, plaintiff, vs. Clark & Edwards Canal & Irrigation Company, a corporation, et al., defendants, Decree 661, in which the flood or high water rights in the Snake River were adjudicated. That the plaintiffs herein were not parties to the said action and did not appear therein.

V.

That the plaintiff, The Palisade Irrigation Company, was organized for the purpose of acquiring water rights and transporting water for the benefit of its stockholders, and that the lands described in Paragraph IX of the Complaint and hereinafter described, for a long time hitherto and now are irrigated from the canals of the plaintiff corporation, and said lands lie within the boundaries of water District No. 36, and all of said lands are situated within the County of Bonneville, State of Idaho.

VI.

That at the time the said action of Woodville Canal Company, plaintiff, vs. Clark & Edwards Canal & Irrigation Company, et al., defendants, was commenced for adjudication and decreeing the rights and priorities in and to the use of said flood waters of Snake River, in which judgment was entered as heretofore described, the plaintiffs herein and the individual members of The Palisade Irrigation Company, plaintiff, did not understand the purpose of the suit or that it might in any way affect their rights to any of the waters of the Snake River, and these Plaintiffs were not, nor were any of the stockholders of The Palisade Irrigation Company, served with process in said water suit, and had no realization of the importance and necessity of securing an adjudication of the water rights then and there appurtenant to the aforesaid lands and used for beneficial purposes prior to the date of the making and entering of said decree, and no person who used water on any of said lands was made a party to the said action and did not become a party thereto.

VII.

That on or about the 6th day of September, 1919, The Palisade Irrigation Company, a corporation, and the respective land-owners under its canal system appropriated and diverted from Palisade Creek four thousand eight hundred ninety (4,890) miners inches or 97.8 second feet of water, conducted the same through their canal system, and applied the same to beneficial uses for agricultural and domestic purposes on the lands heretofore described, and said waters have been continuously and uninterruptedly used for beneficial purposes during all of the time from said 6th day of September, 1919, until the present time; that individual stockholders of The Palisade Irrigation Company, a corporation, held priorities to the aforesaid water for a long time prior to September 6th, 1919, the date of incorporation, that is to say prior to 1902.

That the **MICROFILMED** plaintiffs have appropriated from Rainey Creek water in miners inches and second feet in the

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amounts set opposite their names, as follows:

J. L. Higham	120	2.4
Richard A. Beam	360	7.2
Ivan Weeks	160	3.2
Thomas M. Weeks	200	4.
John B. Miller	240	4.8
Shurtleff Bros.	880	17.6
Elizabeth Beam	150	3.
David H. Peterson and Jess L. Peterson	100	2.
Henry Goettsche	312	6.24

Weeks Bros., a partnership, has appropriated out of Lower Rainey Creek (below sinks) 135 miner inches, or 2.7 second feet. Luther Smith has appropriated out of Lower Rainey Creek (below sinks) 160 miner inches, or 3.2 second feet.

M. E. Toliver has appropriated out of Pritchard Creek and Garden Creek 800 miner inches, or 16. second feet, in amounts of approximately 350 inches and 450 inches respectively.

The following named plaintiffs have appropriated out of Snake River and Brandywine Slough, in miners inches or second feet in amounts set opposite their names as follows, to-wit:

Harry Bitton	160	3.2
Francis Stoltenberg	210	4.2
Joe Kruse	120	2.4

Henry McCabe has appropriate out of Sqaw (Indian) Creek 150 miners inches, or 3 second feet.

VIII.

That at all times herein mentioned, the aforesaid lands have been and now are dry and arid in character in their natural state, and required, and require, the artificial application of water for the purpose of producing profitable agricultural crops thereon; that all of the Plaintiffs have appropriated flood waters in amounts equal to the amounts in miners inches or second feet as set out hereinbefore, said appropriation taking place in the early spring at a time when the creeks take the run-off from the melting of snow, and that each plaintiff or his or its predecessor in title, has appropriated said flood waters and applied said waters to beneficial uses since the time when their priorities were established, and that they have beneficially used said waters continuously and uninterruptedly from the aforesaid dates until the present time.

IX.

That the said water rights or appropriations have never been denied and have never lapsed for any reason whatsoever, and said rights have never been decreed or adjudicated, and that certain difficulties arise or are likely to arise regarding the distribution to the plaintiff company and its stockholders and the individual plaintiffs of the waters appropriated, diverted and used, and, as a matter of fact, plaintiffs' position in respect to securing an adjudication of their water rights should be corrected and a summary decree secured therefor.

X.

That there are many users of water from the Snake River and its tributaries whose rights are subsequent in time and inferior to the rights of the plaintiffs, and that there are certain other water users from said South Fork of Snake River who assert and claim prior and superior rights to the rights of the plaintiffs; and plaintiffs allege that as to the said 4,890 miners inches or 97.8 second feet of The Palisade Irrigation Company, a corporation, and 3,790 miners inches or 75.4 second feet for the remaining plaintiffs, that all rights and claims of every person or persons whomsoever are subject to and interfere to the respective rights of the plaintiffs as of the date of priority of January 22, 1916.

XI.

Plaintiffs allege that the findings of fact and conclusions of law upon which the decree of June 25, 1929, were made and

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23- 0096 It is further Ordered, Adjudged and Decreed that the plaintiffs, David H. Peterson and Jess L. Peterson, have the right to divert from Upper Rainey Creek and use said quantity of water with the said priority date for irrigating and domestic purposes upon the following described lands, to-wit:

Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$),
Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$),
East Half of the Southeast Quarter (E $\frac{1}{2}$ SE $\frac{1}{4}$), Section
Thirty-three (33), Township Two (2), North, Range
Forty-four (44), East of the Boise Meridian.

23-0097 It is further Ordered, Adjudged and Decreed that the plaintiff, Henry Goettsche, has the right to diver from Upper Rainey Creek and use said quantity of water with the said priority date for irrigating and domestic purposes upon the following described lands, to-wit:

South Half of the North Half (S $\frac{1}{2}$ N $\frac{1}{2}$), North Half of
the Southwest Quarter (N $\frac{1}{2}$ SW $\frac{1}{4}$), Section Five (5),
Township One (1) North, Range Forty-four (44), East
of the Boise Meridian.

23-0098 It is further Ordered, Adjudged and Decreed that the plaintiff, Weeks, Bros., a partnership, has the right to divert from Lower Rainey Creek and use said quantity of water with the said priority date for irrigating and domestic purposes upon the following described lands, to-wit:

Southeast Quarter (SE $\frac{1}{4}$), Section One (1), Township One
(1) North, Range Forty-three (43), East of the Boise
Meridian.

23-0099 It is further Ordered, Adjudged and Decreed that the plaintiff, Luther Smith, has the right to divert from Lower Rainey Creek and use said quantity of water with the said priority date for irrigating and domestic purposes upon the following described lands, to-wit:

North Half of the Northwest Quarter (N $\frac{1}{2}$ NW $\frac{1}{4}$), less Tract
one (1), Section One (1), Township One (1); Southeast
Quarter of the Southeast Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$), less one (1)
acre, Section Thirty-five (35), Township Two (2); South
Half of the Southwest Quarter (S $\frac{1}{2}$ SW $\frac{1}{4}$), Section Thirty-six
(36), Township Two (2); Northeast Quarter of the North-
east Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$), South Half of the Northeast Quarter
(S $\frac{1}{2}$ NE $\frac{1}{4}$), North Half of the Southeast Quarter (N $\frac{1}{2}$ SE $\frac{1}{4}$),
Section Two (2), Township One (1), all North Range Forty-
three (43), East of the Boise Meridian.

01- 0365/23-0100 It is further Ordered, Adjudged and Decreed that the plaintiff, Harry Bitton, has the right to divert from Snake River and Brandywine Slough and use said quantity of water with the said priority date for irrigating and domestic purposes upon the following described lands, to-wit:

Lots Two (2) and Three (3), the Southeast Quarter of
the Northwest Quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$), Northeast Quarter of
the Southwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$), Section Two (2), Town-
ship One (1) North, Range Forty-three (43), East of
the Boise Meridian.

01-0366/23-0101 It is further Ordered, Adjudged and Decreed that the plaintiff, Francis Stoltenberg, has the right to divert from Snake River and Brandywine Slough and use said quantity of water with the said priority date for irrigating and domestic purposes upon the

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3 acres in Northeast corner of Southeast Quarter of Northeast Quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$), Section 20, Township 1 North Range 44, East of the Boise Meridian.

Tract 2, Section 20, Township 1 North, Range 44, East of the Boise Meridian.

Tract 3, Section 20, Township 1 North, Range 44, East of the Boise Meridian.

Northeast Quarter of Northeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$), less 1.03 acres in west side Northeast Quarter of Northeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$), Section 20, Township 1 North, Range 44, East of the Boise Meridian.

1.03 acres on west side Northeast Quarter of Northeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$), Section 20, Township 1 North, Range 44, East of the Boise Meridian.

1 acre in Northwest corner of Northeast Quarter of Northeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$), Section 20, Township 1 North, Range 44, East of the Boise Meridian.

Northeast Quarter of Southeast Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$), Southeast Quarter of Northeast Quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$), Section 21, Township 1 North, Range 44, East of the Boise Meridian.

Southwest Quarter of Northwest Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$), North Half of Southwest Quarter (N $\frac{1}{2}$ SW $\frac{1}{4}$), Section 22, Township 1 North, Range 44, East of the Boise Meridian.

Southwest Quarter of Northeast Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$), Northwest Quarter of Southeast Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$), Section 22, Township 1 North, Range 44, East of the Boise Meridian.

23- 0105

It is further Ordered, Adjudged and Decreed that the plaintiff, M. E. Toliver, has the right to divert from Pritchard Creek and Garden Creek and use said quantity of water with the said priority date for irrigating and domestic purposes upon the following described lands, to-wit:

Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$), Southwest Quarter of the Southeast Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$), Lot Five (5), Section Nineteen (19); Lots Four (4), Five (5) and Six (6), North Half (N $\frac{1}{2}$), East Half of the Southwest Quarter (E $\frac{1}{2}$ SW $\frac{1}{4}$), Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$), Section Thirty (30); Northeast Quarter (NE $\frac{1}{4}$), North Half of the Northwest Quarter (N $\frac{1}{2}$ NW $\frac{1}{4}$), Southeast Quarter of the Northwest Quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$), East Half of the Southeast Quarter (E $\frac{1}{2}$ SE $\frac{1}{4}$), Section Thirty-one (31); South Half of the Northwest Quarter (S $\frac{1}{2}$ NW $\frac{1}{4}$), the Southwest Quarter (SW $\frac{1}{4}$), Section Thirty-two (32), all in Township Two (2) North, Range Forty-three (43), East of the Boise Meridian.

V.

It is further Ordered, Adjudged and Decreed that this summary adjudication of water rights is made under authority and in accordance with the terms of Section 42-1405, Idaho Code, 1949 official edition, and that the plaintiffs pay their own costs incurred herein.

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January 16, 1951.

Lenny S. Martin
District Judge.

DEPARTMENT MEMO

AUGUST 16, 1990

FROM: BRENDA MILLER

TO: FILES 23-0037/0038/0099

SUBJECT: TRANSFER NO. 3605

SEE FILE 23-0023 FOR ALL CORRESPONDENCE REGARDING THE
ABOVE REFERENCED TRANSFER.

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