

RECEIVED
MAY 19 1991

Department of Water Resources
Eastern District Office

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A22-12982
Date Received: 6/26/1991
Receipt No: E016265
Received By:

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: IVO LUCCHITTA 602-774-0136
Address: 1111 NAVAJO DRIVE
FLAGSTAFF AZ 86001
OR
Name: BAERBEL K. LUCCHITTA 602-774-0136
Address: 1111 NAVAJO DRIVE
FLAGSTAFF AZ 86001

2. Date of Priority: MAY 15, 1896

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
04N	46E	30	NW	NE			TETON
			SE	NW			TETON

5. Description of diverting works:
HEADGATE AND DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.400		

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

8. Total consumptive use is 40.0 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER FOR 4 HORSES

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	45E	25	NE	SW		IRR	10.0
			NW	SE		IRR	10.0
Section Acres							20.0
Total Acres							20.0

11. Place of use in counties: TETON

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

13. Other Water Rights Used:
A22-00418A

14. Remarks:

15. Basis of Claim: DECREED

Case Number: 47010

Court : NINTH

Decree date: 9/21/1949

W.C. WANLESS

Decree Plaintiff

LYNN CRANDALL

vs Decree Defendant

11/28/94
NOT 8/1/94

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Renumbered: A22-12982

Ident. Number: ~~A22-12871~~

Date Received: 6/26/1991

Receipt No: ED/6265

Received By: DMD

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: IVO LUCCHITTA 602-774-0136
Address: 1111 NAVAJO DRIVE
FLAGSTAFF, AZ 86001
OR
Name: BAERBEL K. LUCCHITTA 602-774-0136
Address: 1111 NAVAJO DRIVE
FLAGSTAFF, AZ 86001

2. Date of Priority: MAY 15, 1896

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	46E	30	NW	NE			TETON
			SE	NW			TETON

5. Description of diverting works:
HEADGATE AND DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.400		

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

A.F.A.

8. Total consumptive use is 40.0 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER FOR 4 HORSES

MICROFILMED
NOV 07 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	45E	25	NE	SW		IRR	10.0
			NW	SE		IRR	10.0
Section Acres							20.0
Total Acres							20.0

11. Place of use in counties: TETON

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

13. Other Water Rights Used:
A22-00418A

14. Remarks:

15. Basis of Claim: DECREED

Case Number: 47010

Court : NINTH

Decree date: 9/21/1949

W.C. WANLESS

Decree Plaintiff

LYNN CRANDALL

vs

Decree Defendant

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): Bernard K. Gault Date: 6/26/91

Date: _____

MICROFILM
NOV 07 1992

State of Idaho

County of Bonneville)
) SS.

Subscribed and sworn (or affirmed) before me this 26 day

of June 19 91

Dave Carlz
Notary Public

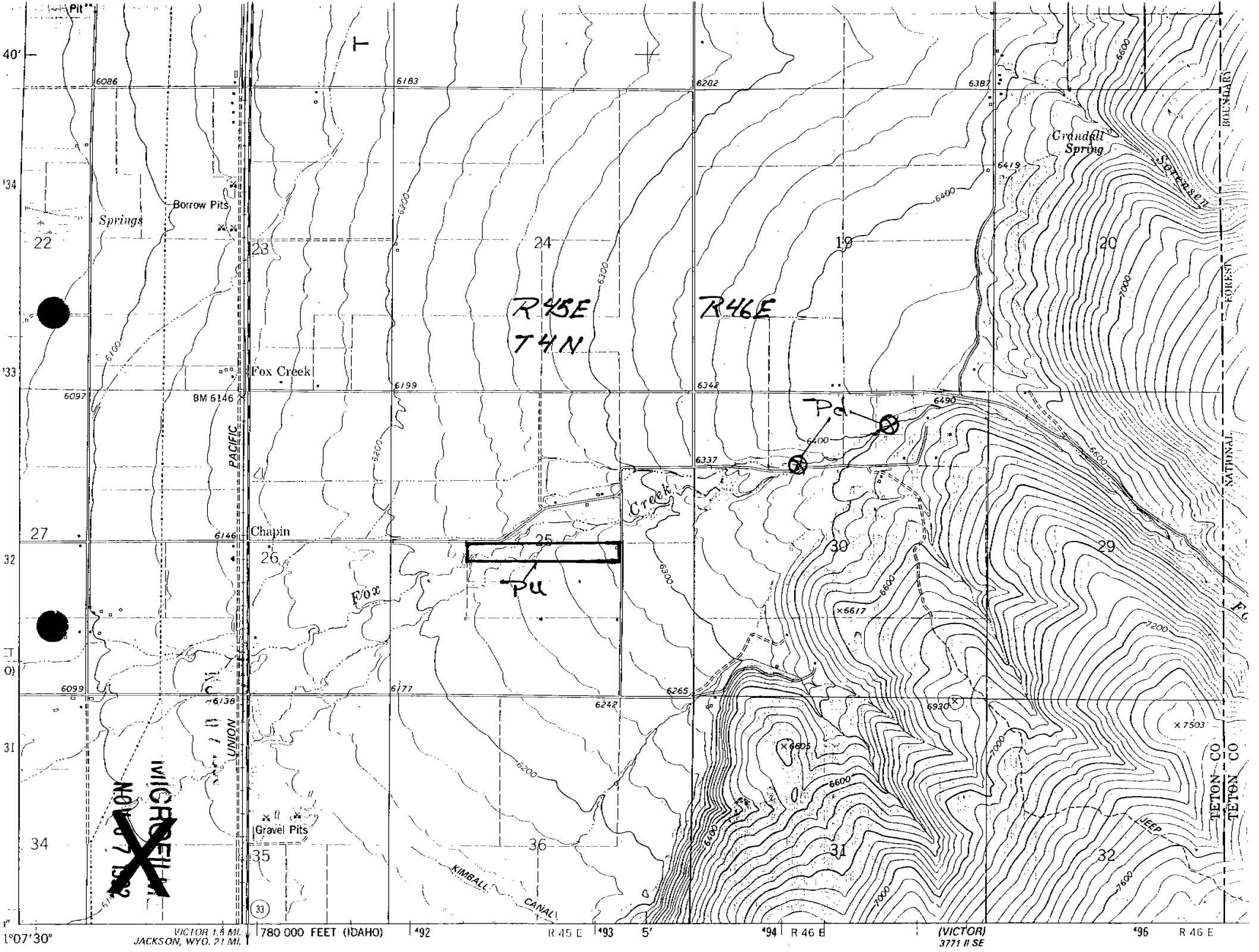
Seal

Residing at Heise, Id

My Commission Expires 2/26/92

NOTARY PUBLIC
NOV 07 1992

~~MICROFILM~~
NOV 07 1992





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

April 27, 1994

IVO OR BAERBEL K LUCCHITTA
1111 NAVAJO DR
FLAGSTAFF AZ 86001

Re: Snake River Basin Adjudication (SRBA)
Teton County - #A22-12982
Identification Number Change

Dear Claimants:

The Identification Number to your Water Right has been changed from #A22-12871 to #A22-12982. This change does not affect your claim in any other way. A copy is enclosed for your records. Please use the new number in future inquiries or correspondence you may have with our Department.

Do not hesitate to contact this office if you have any questions or concerns.

Sincerely,

Donald V. Shaff
Manager, Adjudication Section

DVS:sf:region

Enclosure:

Copy of Notice of Claim A22-12982

RECEIVED
APR 29 1994

IVO LUCCHITTA

1111 NAVAJO DRIVE

FLAGSTAFF, ARIZONA 86001

Mr. Dennis Dunn
Idaho Dept. of Water Resources
Idaho Falls, ID

August 19, 1991

Dear Dennis:

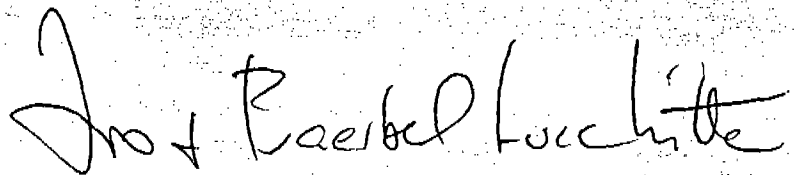
On June 26 we stopoped by your office and filed an amendment to our Water Claim A 22-00418 A and filed another claim A 22-12871. Additional documentation was required for both claims, and is here enclosed.

Claim A 22-00418 A concerns water rights originally decreed to George F. Moulton. The original decree listed the section as 29, which was a mistake. The section should have been 25. You requested that we furnish documentation that George F. Moulton acquired property in Sec. 25 but not in Sec. 29. The enclosed records are the earliest real estate transactions recorded in Teton County, and show that G.F. Moulton indeed acquired the property in Sec. 25 from the U.S. Government in 1902, whereas nobody acquired equivalent property in Sec. 29.

Claim A 22-12871 concerns a decree issuing from a plaint by Wanless against Lynn Crandall. A copy of this decree is enclosed, as per your request.

We enjoyed talking with you in your office. Perhaps you may recall that we are the geologists with property on Fox Creek, near Victor. Please say hello to Sandra for us. We are enclosing a few items that she might find useful in her teaching. They are all aimed at the general public rather than the specialist. We will be at our Idaho property for the next two weeks, excepting an as-yet not determined interval of about five days when we will be hiking in the Wind River Mtns. Should you be in the area, please give us a call and stop by. The number, (208) 787-2898, is that of the lady who lives downstairs from us. She can call us or relay the message.

We hope you are having an excellent summer. Best regards,



Ivo and Baerbel Lucchitta

NOV 01 1991

MICROFILM
NOV 07 1992

TITLE
OF
CASE

WATER DIST.

COUNTY

JUDICIAL DIST.

JUDGE

DATE OF DECREE

RECORDED

IN BOOK NO. AT PAGE NO. F1

RN.	DN.	DECEED OWNER	NAME	PRESENT OWNER	AMT. INCHES SEC. FT.	PRIORITY	DIVERSION				REMARKS, LAND TO BE IRRIGATED, ETC.
							SUBDIV.	SEC.	TWP.	RGE.	
22-2112		Blanchard, John J.		Trail Creek	1.6	6-26-1924	NESW	19	3N	46E	S1/2SW1/4, Sec. 16; Twp. 3N, Rge. 45E.B.M.
22-2114		Tonks, E. W.		" "	1.3	10-20-1924	SENEW	13	3N	45E	N1/2NW1/4, Sec. 34; Twp. 4N, Rge. 45E.B.M.
22-0165		Beezley, Ebenezer & J.		Fox Creek	1.6	6-1-1889					NE1/4, Sec. 23; Twp. 4N, Rge. 45E.B.M.
22-0558		Trans. No. 351 Tonks, George M.		" "	0 (1.1)	7-15-1889					E1/2NW1/4, NE1/4SW1/4, NW1/4SE1/4, S1/2SE1/4, SE1/4SW1/4, Sec. 34; SW1/4SW1/4, Sec. 35; Twp. 4N, Rge. 45E.B.M.
22-0166		Beezley, Ebenezer & J.		" "	1.6	6-1-1890					NE1/4, Sec. 23; Twp. 4N, Rge. 45E.B.M.
22-0192		Byrne, Michael		" "	2.4	"					SW1/4, Sec. 27; S1/2SW1/4, Sec. 26; Twp. 4N, Rge. 45E.B.M.
22-0350		Jenkins, William		" "	1.6	"					E1/2SE1/4, Sec. 23; Twp. 4N, Rge. 45E.B.M.
22-0360		Kimball, P. C. & A. L.		" "	2.2	"					SE1/4, Sec. 28; E1/2NE1/4, Sec. 24; Twp. 4N, Rge. 45E.B.M.
22-0228		Dewey, George A.		" "	3.2	6-1-1891					S1/2NE1/4, S1/2NW1/4, Sec. 27; Twp. 5N, Rge. 45E.B.M.
22-0202		Christensen, Nels C.		" "	"	6-1-1894					Lot 1, Sec. 30; SE1/4NW1/4, Lot 4, Sec. 19; NE1/4NW1/4, Sec. 30; Twp. 4N, Rge. 46E.B.M.
22-0432		Parker, B. F.		" "	0.3	6-1-1895					SE1/4NW1/4, Lot 1, Sec. 19; SE1/4SW1/4, Lot 4, Sec. 18; Twp. 4N, Rge. 46E.B.M. SE1/4, Sec. 27; Twp. 4N, Rge. 45E.B.M.
22-0417		Moulton, Charles		" "	2.0	5-15-1896					SE1/4NW1/4, Lots 2 & 3, Sec. 30; Twp. 4N, Rge. 46E.B.M.
22-0418		Moulton, George F.		" "	"	"					SE1/4NE1/4, Sec. 25; Twp. 4N, Rge. 45E.B.M.
22-0108		Rasmussen, Hal & Leisle		" "	1.6	"					E1/2SW1/4, W1/2SE1/4, Sec. 25; Twp. 4N, Rge. 45E.B.M.
22-0185		Bush, George W.		" "	2.0	6-1-1896					SE1/4SW1/4, SW1/4SE1/4, Sec. 25; Twp. 4N, Rge. 45E.B.M.
22-0187		" "		" "	0.8	"					SE1/4, Sec. 19; NE1/4SW1/4, NW1/4SE1/4, Lot 3, Sec. 18; Twp. 4N, Rge. 46E.B.M.
22-0361		Kimball, R. C. & A. L.		" "	1.6	"					Same as above
22-0445		Penfold, Farley		" "	0.4	"					SE1/4, Sec. 28; E1/2NE1/4, Sec. 24; Twp. 4N, Rge. 45E.B.M.
22-0540		Stone, Henry J.		" "	3.2	"					N1/2NE1/4, SW1/4NE1/4, Sec. 25; Twp. 4N, Rge. 45E.B.M.
											NW1/4, Sec. 26; Twp. 4N, Rge. 45E.B.M.

L E G E N D

P.N. = PRIORITY NUMBER

D.N. = DECREE NUMBER

C.T. = CUMULATIVE TOTAL

Lucchitta

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

W.C. Wanlass, and L. F. Wanlass,
both single,

Plaintiffs

vs.

Defendant.

DECREE

County of Teton

I HEREBY CERTIFY that the above and foregoing is a full, true and correct copy of the original thereof, on file in my office.

Dated June 28, 1949

Asa J. Drake
Ex-Officio Auditor & Recorder
Clerk of the District Court

Bonnie Reese
County Clerk

on regularly to be heard in open Court at Driggs, Idaho, before the Honorable Henry S. Atchley, Judge of the Ninth Judicial District of Idaho, in and for the county of Fremont, S. H. Atchley appearing as counsel for the plaintiffs, and it appearing to the satisfaction of the court as served with a copy of the summons and a copy of the complaint in this action, and after and plead to said complaint, and that the default of said defendant was duly entered on September 21, 1949; and,

finding that an order was made on the 4th day of August, 1949, directing the publication of notice for not less than 3 weeks successively, in the Teton Valley News, a newspaper published at Teton, Idaho, and in the Teton Peak Chronicle, a newspaper published weekly at Teton, Idaho, containing the title of the Court and cause, the name of the stream or

plaintiffs claim an interest, the date of priority claimed by them, as is required, and the date and short title of the decree of this Court heretofore entered, fixing the permanent rights in and to the waters of Snake River and its tributaries; that the said notice was published in accordance with said order and the proof of publication has been filed herein; that no person or persons have appeared to defend against said action;

The plaintiffs introduced documentary and oral proof in support of their said complaint and the Court, after hearing the evidence and examining the proofs adduced, finds as follows:

That the plaintiffs are residents of Teton county, Idaho, and are entitled to the quantity of water diverted by them; that the plaintiffs are the owners of, and the land irrigated by them is situate in Teton county, Idaho, and is described:

Northwest Quarter of Southeast Quarter and Northeast Quarter of Southwest Quarter, section 25 Twp. 4 N. Range 45 E.B.M.

That said land is arid in character and requires artificial application of water by irrigation to produce agricultural crops; that the plaintiffs and their predecessors-in-interest, ever since the 15th day of May, 1896, have diverted 80 miner's inches of the waters of Fox Creek, through the Wanlass Canal; that the diversion works of plaintiffs are located approximately one mile west of the Idaho-Wyoming State Line north-east of Victor, Teton county, Idaho; that ever since said May 15, 1896, the plaintiffs and their predecessors in interest have applied said quantity of water, during the irrigation seasons, to beneficial use in the irrigation of crops grown upon the aforementioned lands; that said water right was not adjudicated in that certain decree known as the "Rexburg or Snake River Decree."

From the findings above the Court concludes that the plaintiffs are entitled to, and,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED, That the plaintiffs for the irrigation of the hereinbefore described land, are awarded the use of 80 miner's inches of water, with a priority date of May 15, 1896, of the waters of Fox Creek, hereinbefore described.

It is further ordered, adjudged and decreed, that the rights awarded and decreed in that certain decree commonly known as the "Rexburg or Snake River Decree," made and entered in this Court December 16, 1910, both as to dates of priority and the amounts of the rights awarded, are binding upon the plaintiffs in this action.

Done in open Court at Driggs, Idaho, September 21, 1949.

Henry S. Martin
District Judge

STATE OF IDAHO,)

COUNTY OF FREMONT)

I, T. H. Foley, Clerk of the District Court, and Ex-Officio Auditor and Recorder, in and for the County of Fremont, State of Idaho, do hereby certify that the attached is a full, true, and correct copy of a certain Decree, W. C. Wanlass and L. F. Wanlass both single VS Lynn Crandall, Watermaster, District 36 Idaho as the same now appears of record on file in my office, as instrument No. 267259 IN WITNESS WHEREOF, I have hereunto set my hand and the seal of my office this 22 day of September A. D., 1949

T. H. Foley

Clerk of District Court, and Ex-Officio
Auditor and Recorder.

STATE OF IDAHO)

COUNTY OF TETON)

Filed for Record at the Request of S. H. Atchley at 45 Minutes past 11 O'clock am, this 22 day of September 1949. Dwight C. Stone Recorder
1.50

Instrument # 47010

Filed 11-10-49

J.C. Packrell, Judge

IN THE PROBATE COURT OF TETON COUNTY, IDAHO

In the Matter of the Estate of,

DECREE