

06/14/2005

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 22-4040

NAME AND ADDRESS: BOYD C & JILL J SMITH TRUST
C/O HOLDEN KIDWELL HAHN & CRAPO
PO BOX 50130
IDAHO FALLS ID 83405

SOURCE: LITTLE DRY CREEK TRIBUTARY: SINKS

QUANTITY: 0.010 CFS

The quantity of water under this right shall not exceed 13,000 gallons per day.

PRIORITY DATE: 06/29/1900

POINT OF DIVERSION:

T06N R46E S30 NWSWSW End of Stream Flow Within TETON County

T06N R46E S30 NENESE Begin of Stream Flow Within TETON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.010 CFS

PLACE OF USE: STOCKWATER Within TETON County

T06N R46E S30	NESW	T06N R46E S30	SWSW
T06N R46E S30	SESW	T06N R46E S30	NESE
T06N R46E S30	NWSE		

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The quantity of water decreed for this water right is not a determination of historical beneficial use.

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: Beneficial Use

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: A22-04040
Date Received: 10/9/27/1988
Receipt No: E00 3224
Received By: TO

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: EDMUND S. TWINING, III 208-456-2310
Address: P.O. BOX 101
TETONIA, ID 83452
AND
Name: SUSAN TWINING
Address: P.O. BOX 101
TETONIA, ID 83452

A2204040



2. Date of Priority: JUN 29, 1900
3. Source: LITTLE DRY CREEK Trib. to: TETON RIVER
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06N	46E	29	NW	SW			TETON

5. Description of diverting works:
WEAVER DITCH & LITTLE DRY CREEK.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	09/15	4.000		
STOCKWATER	01/01	12/31	0.010		

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

8. Total consumptive use is 400.0 Acre Feet Per Annum.

9. Non-irrigation uses:
S/200 RANGE.

1 cfs STOCK WATER

A22-04040

Page

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Date: 09/28/88

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10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06N	46E	30	SW	SW		IRR	40.0
			SE	SW		IRR	40.0
			NE	SE		IRR	20.0
			NW	SE		IRR	20.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0
						Section Acres	200.0
						Total Acres	200.0

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:

22-00063, 22-00312, 22-00313

22-0487

22-0489

22-0488

14. Remarks:

SOURCE ALSO KNOWN AS INDIAN CREEK.

15. Basis of Claim: STATUTORY CLAIM

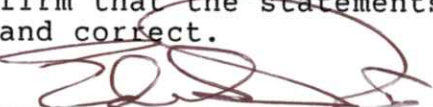
16. Signature(s)

(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: 1

For Individuals:

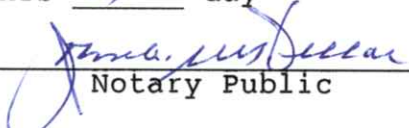
I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s):  Date: 9/27/88

 Date: 9/27/88

State of Idaho)
) SS.
County of Sezon)

Subscribed and sworn (or affirmed) before me this 27 day
of September 19 88


Notary Public

Seal

Residing at Driggs, Idaho

My Commission Expires 1/1/91

Twp 6 N
Rgs 46 E

113	30	20	20
114	40	40	40

Little Bear Creek

Overseer

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OCT 29 1992

E003224

2348 (0)

-1-

EDMUND S. AND SUSAN TWINING III
Teton Ranch

P.O. Box 101

2. N. 1. E. 1. W. 83452

45-2-210

Legal Descriptions

Teton Ranch

Lots 1 and 2, E½NW¼, NE¼ - Section 31
Lots 1, 2 and 3, NW¼ - Section 32
All in Township 6 North, Range 46 East,
Boise Meridian

Welfare Farm

NE¼NE¼ - Section 36
Township 6 North, Range 45 East, B.M.

Stillers Run

Lots 3 and 4; E½SW¼; SE¼
All in Section 30, Twn. 6 North, Rge. 46 E.B.M.

Galloway Hills

SW¼SW¼, S½NW¼SW¼, Sec. 29, Twn. 6 N., Rge 46 E.B.M.

Water Rights Described in Warranty Deeds

Teton Ranch

22-0160/T.2135 - 3.2 cfs - 1891

Source: South Leigh Creek

Amount: 3.2 cfs

Priority Date: 1891

Use: Irrigation

Place of Use: Lots 1 & 2, E½NW¼, NE¼, Section 31

Twn 6 N., Rge 46 EBM

Diversion: See "Diversion" below

Lots 1, 2, 3, & NW¼ Sec 31
of Sec. 32

22-0616/T.2135 - 8.0 cfs - 1916

Source: South Leigh Creek

Amount: 8.0 cfs

Priority Date: 1916

Use: Irrigation

Place of Use: Lots 1 & 2, E½NW¼, NW¼, Section 31

Twn 6 N Rge 46 EBM

Diversion: See "Diversion" below

Lots 1, 2, 3 & NW¼ Sec 31

Diversion: Irrigation Pumps at Ida/Wyo State line

NW¼NE¼, Sec. 32, Twn. 6 N., Rge. 46 EBM

OR

SE¼NE¼, Sec. 6, Twn. 44 N., Rge 118 W6thPM

Kilpack Canal Diversion

SE¼NE¼, Sec. 6, Twn. 44 N, Rge 118W-6PM

Hog Canal Diversion

NW¼NW¼, Sec. 6, Twn. 44 N, Rge 118-6PM

80 acre feet - Fremont-Madison

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Welfare Farm

22-0042 - .8 cfs - So. Leigh - Jan. 22, 1916.

Stillers Run

22-0063 (DECREE)

Source: ~~South~~ Leigh Creek

Amount: 6.4 cfs

Priority Date: January 22, 1916

Use: Irrigation

Place of Use: Sec. 30-6-46EBM

NE%SW% NW%SW%

SW%SW% SE%SW%

NE%SE% NW%SE%

SW%SE% SE%SE%

Diversion: Lot (2), Section 29-6-46 EBM

F. C. Gillette vs Lynn Waddell - December 7, 1938

22-0312 (DECREE)

Source: North Leigh Creek

Amount: 3.0 cfs

Priority Date: June 1, 1897

Use: Irrigation

Place of Use: Sec. 30-6-46 EBM

NE%SW% NW%SW%

SW%SW% SE%SW%

Diversion: SW%NE% - Section 29, Twn. 6 N., Rge 46 EBM

Rexburg Irr. Co. vs Teton Canal Co. - 12/16/1910

22-0313 (DECREE)

Source: North Leigh Creek

Amount: .2 cfs

Priority Date: June 1, 1900

Use: Irrigation

Place of Use: SW% Sec. 30, Twn. 6 N., Rge 46 EBM

Diversion: SW%NE% - Sec. 29, Twn. 6 N., Rge 46 EBM (originally recorded as Rge 45)

Rexburg Irrigation Co. vs Teton Canal Co. - 12/16/1920

22-0487 (DECREE)

Source: North Leigh Creek

Amount: 1.8 cfs

Priority Date: June 1, 1897

Use: Irrigation

Place of Use: SE%, Sec. 30, Twn. 6 N., Rge. 46 EBM

Diversion: SW%NE%, Sec. 29, Twn. 6 N., Rge 46 EBM (originally reported as Rge 45)

Rexburg Irrigation Co. vs Teton Canal Co. 12/10/1910

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22-0488 (DECREE)

Source: North Leigh Creek
Amount: .7 cfs
Priority Date: June 1, 1899
Use: Irrigation
Place of Use: SE $\frac{1}{4}$, Sec. 30, Twn. 6 N., Rge. 46
EBM
Diversion: Hansen Ditch
Rexburg Irrigation Co. vs Teton Canal Co.
12/10/1910

22-0489 (DECREE)

Source: North Leigh Creek
Amount: 3.2 cfs
Priority Date: June 1, 1899
Use: Irrigation
Place of Use: SE $\frac{1}{4}$, Sec. 30, Twn 6 N., Rge 46 EBM
Diversion: Hansen Ditch
Rexburg Irrigation Co. vs Teton Canal Co.
12/10/1910

22-4040 (CLAIM)

Source: Indian Creek
Amount: 4.1 cfs
Priority Date: June 29, 1900
Use: Irrigation 4.0 cfs
Stock Water .1 cfs
Place of Use: S $\frac{1}{2}$, Section 30, Twn 6 N., Rge 46
EBM
Diversion: NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 29, Twn. 6 N., Rge 46
EBM
Published: Teton Valley News
July 31, 1980 & August 1, 1980

22-7258 (PERMIT)

Source: Well
Amount: 6.4 cfs
Date: August 31, 1977
Use: Irrigation and Stock Water
Place of Use: S $\frac{1}{2}$ Section 30, Twn. 6 N., Rge 46
EBM
Diversion: SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 30, Twn. 6 N., Rge. 46
EBM

NOTE: The application was filed on August 31, 1977. The applicant was given five (5) years to prove up on the well (August 31, 1982). On November 1, 1982 the applicant filed a Request for Extension of Time and was given until November 1, 1987 to complete his proof for permit to be issued.

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Galloway Hills

Water right unknown

Domestic Wells

A22-12134 Teton Ranch

Location: SE³²NW³², Sec. 8, Twn. 6 N., Rge 46 EBM
Size: 6"
Depth: Unknown
History: Estimated 50 years *Nov 7, 1928*
Use: Domestic: 2 homes, stock water
600 head of stock

Stillers Run

A22-12135 x(1) Location: NW^{SW}SW^{SW}, Sec. 30, Twn 6 N, Rge 46 EBM
Size: 6"
Depth: Unknown
History: Estimated 50 years *Nov 7, 1928*
Use: Domestic - 1 house, stock water

A22-12136 (2) New South Well
Location: NW^{SW}SW^{SW}, Sec. 30, Twn 6 N, Rge 46 EBM
Size: 6"
Depth: 120 feet
Date Drilled: April 30, 1987
Use: Domestic and Stock Water
600

A22-12137 (3) New North Well
Location: NW^{NW}SW^{SW}, Sec 30, Twn 6 N, Rge 46 EBM
Size: 6"
Depth: 120 feet
Date Drilled: April 30, 1987
Use: Domestic and Stock Water
600

Stock Water

File for stock water on all parcels from South Leigh and Middle Leigh and North Leigh for estimated 600 head of stock.

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AJ0749NP
No. A22-04040

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 06/24/99
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	BOYD C & JILL J SMITH TRUST 3201 ASH ST PALO ALTO CA 943062240 (415) 493-5411	06/29/1900	IRRIGATION STOCKWATER	04-15 09-15 01-01 12-31	4.00 CFS 0.01 CFS	
TOTAL DIVERSION: CONSUMPTIVE USE:					4.00 CFS	400.00 AFA

Water Source: LITTLE DRY CREEK Tributary to: TETON RIVER Stage: STATUTORY CLAIM

Point(s) of Diversion: T06N R46E S29 NWSM TETON County

Place of use Legal Description for: IRRIGATION

	NE	NW	SW	SE	SUM
T R S	: Lt Ac	: Lt Ac	: Lt Ac	: Lt Ac	: Lt Ac
06N 46E 30	:	:	:	:	:
	40	40	20	20	40
	40	40	20	20	40
	40	40	20	20	40
TOTAL ACRES	200.0	200.0	200.0	200.0	200.0

Place of use location for STOCKWATER is the same location as described for: IRRIGATION

POU County: TETON

Non-Irrigation Uses: S/200 RANGE.

Other Rights: 22-00063, 22-00312, 22-00313

Remarks: GEN SOURCE ALSO KNOWN AS INDIAN CREEK.
CHANGED OWNERSHIP PER REQUEST/JH/6-23-99

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: 01 Field Inspection Flag:
Presumption Flag:

24

EDMUND S. & SUSAN TWINING III
TETON RANCH
Teton County, Idaho
September 27, 1988

19

20

29 Wiggletown

6324

NORTH

LEIGH

CANAL

Creek

30

29

Stillers Run Ranch

22-0063 22-0489
22-0312 22-4040 Little
22-0313 22-7258
22-0487
22-0488

Gallo-
Way

IDAHO
WYOMING

T 45 N
T 44 N

32

North

COMMISSA P

South

Welfare
22-0042

Teton Ranch
22-0160T2135
22-0616T2135

KILPACK

CANAL

Creek

31

32

5

6

CANAL

Kiln

8

7

6

5

4

3

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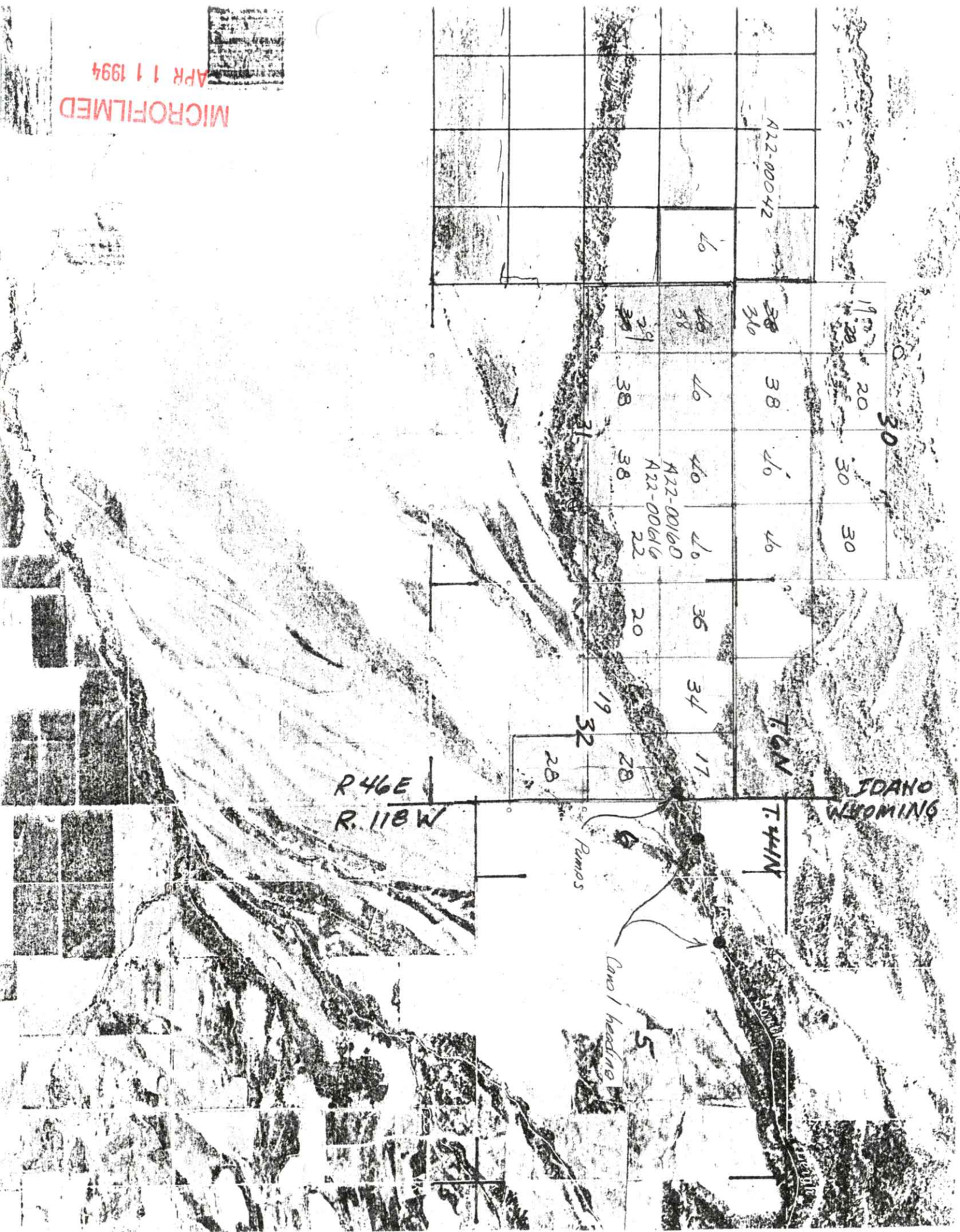
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TWP 6N
R1E 4E

Weaver Ditch
Heading

North Lesh Creek

19	20	30	30
A22-00063	A22-00487C	A22-00488	
36	38	40	40

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