

06/16/2005

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

RIGHT NUMBER: 22-13016

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

SOURCE: MIDDLE LEIGH CREEK

TRIBUTARY: SPRING CREEK

QUANTITY: 1.480 CFS

Right Nos. 22-312, 22-487C, and 22-13016 are limited to a total combined diversion rate of 5.2 cfs.

Rights 22-312, 22-487C, and 22-13016 when combined shall not exceed a total annual maximum diversion volume of 885.5 af at the field headgate, and the irrigation of 253 acres.

This right when combined with 22-312, 22-487C and 22-13016 shall provide no more than 0.02 cfs per acre.

PRIORITY DATE: 06/01/1899

POINT OF DIVERSION:

T06N R46E S30 NENWSE Within TETON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	1.480 CFS

PLACE OF USE: IRRIGATION Within TETON County

T06N R46E S30	NESW	22.0	T06N R46E S30 Lot 3 NWSW	24.0	
T06N R46E S30 Lot 4	SWSW	32.0	T06N R46E S30	SESW	37.0
T06N R46E S30	NESE	34.0	T06N R46E S30	NWSE	26.0
T06N R46E S30	SWSE	39.0	T06N R46E S30	SESE	39.0

253 ACRES TOTAL

This right is limited to the irrigation of 160 acres within the place of use described above in a single irrigation season.

Right Nos. 22-312, 22-487C, and 22-13016 are limited to the irrigation of a combined total of 253 acres in a single irrigation season.

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

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.

The portion of Right 22-13016 in excess of Transfer No. 66898 shall be considered abandoned.

EXPLANATORY MATERIAL: Decreed

Right Nos. 22-312, 22-487C, and 22-13016 are also diverted through points of diversion described above.

This right combines portions of old Right Nos. 22-488 and 22-489.

DATE: 06/24/99
PAGE: 1

DIVERSION VOLUME

2.13 CFS

2.13 CFS

Stage: DECREED

TEYTON County

ME

TOTAL ACRES

Other Rights: 22-00487, 22-00489, 22-00063, $\Rightarrow$ 2551X 66270

THIS CLAIM IS BASED ON A COMBINATION OF RIGHTS 22-00488 FOR 0.38 CFS AND 22-00489 FOR 1.75 CFS.

THIS RIGHT WAS ORIGINALLY NUMBERED A22-00488. RENUMBERED 1-10-97.
CHANGED ADDRESS PER REQUEST/JH/6-24-99

Objection Filed Date:

Field Inspection Flag:
Presumption Flag:

Field Inspection Flag:
Presumption Flag:

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: **A22-13016**
Date Received: 10/17/1988
Receipt No: E003224
Received By: _____

**COPY FOR
YOUR FILES**

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

**COPY FOR
YOUR FILES**

1. Name: EDMUND S TWINING III 208-456-2310
Address: PO BOX 101
TETONIA ID 83452
AND
Name: SUSAN TWINING 208-456-2310
Address: PO BOX 101
TETONIA ID 83452
2. Date of Priority: JUN 1, 1899
3. Source: NORTH LEIGH 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 | SE | NW | | TETON |
5. Description of diverting works:
WEAVER DITCH - CONCRETE HEADING WITH FLASH BOARDS.
6. Water is used for the following purposes:
- | Purpose | From | To | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| IRRIGATION | 04/15 | 10/15 | 3.900 | | |
7. Total Quantity Appropriated is:
3.900 C.F.S. (and/or) A.F.A.
8. Total consumptive use is 280.0 Acre Feet Per Annum.
9. Non-irrigation uses:
10. Place of Use:
- | Township | Range | Section | 1/4 of | 1/4 | Lot | Use | Acres |
|----------|-------|---------|--------|-----|-----|-----|-------|
| 06N | 46E | 30 | NE | SE | | IRR | 30.0 |

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06N	46E	30	NW	SE		IRR	30.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0
						Section Acres	140.0
						Total Acres	140.0

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:
22-00487, 22-00489, 22-00063, 22-04040.

14. Remarks:
THIS CLAIM IS BASED ON A COMBINATION OF RIGHTS 22-00488 FOR
0.70 CFS AND 22-00489 FOR 3.20 CFS.
THIS RIGHT WAS ORIGINALLY NUMBERED A22-00488. RENUMBERED 1-10-97.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 12/16/1910

REXBURG IRRIGATION CO. ET AL TETON IRR. CANAL CO. ET AL
Decree Plaintiff vs Decree Defendant

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 A22-13016
Ident. Number: A22-00488
Date Received: 10/29/1988
Receipt No: E003224
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 208-456-2310
Address: P.O. BOX 101
TETONIA, ID 83452

A2213016



2. Date of Priority: JUN 01, 1899

3. Source: NORTH LEIGH 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	SE	NW		TETON

5. Description of diverting works:
WEAVER DITCH - CONCRETE HEADING WITH FLASH BOARDS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	3.900		

7. Total Quantity Appropriated is:
(.7 cfs) 3.900 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 280.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06N	46E	30	NE	SE		IRR	30.0
			NW	SE		IRR	30.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0
						Section Acres	140.0
						Total Acres	140.0

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:
22-00487, 22-00489, 22-00063, 22-04040.

14. Remarks:
THIS CLAIM IS BASED ON A COMBINATION OF RIGHTS 22-00488 FOR
0.70 CFS AND 22-00489 FOR 3.20 CFS.

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date: 12/16/1910

REXBURG IRRIGATION CO. ET AL
Decree Plaintiff

vs

TETON IRR. CANAL CO. ET AL
Decree Defendant

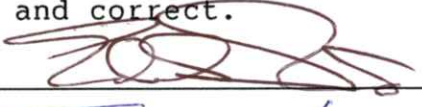
16. Signature(s)

(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: 1

For Individuals:

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

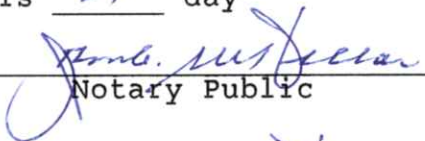
Signature of Claimant(s):  Date: 9/27/88

 Date: 9/27/88

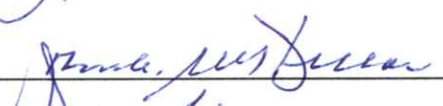
State of Idaho)
) SS.
County of Idaho)

Subscribed and sworn (or affirmed) before me this 27 day

of September 19 88


Notary Public

Seal

Residing at 
My Commission Expires 

Tr 6 N
Rte 46E

Weaver Ditch
Heading

North Leth Creek

19	20	30	39
A22-00063		A22-00487C	
		A22-00488	
36	38	40	40

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OCT 28 1992

E003224

234 (C)

-1-

EDMUND S. AND SUSAN TWINING III
Teton Ranch

P.O. Box 101

T. 6 N., R. 46 E.

45.22310

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
of Sec. 31

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 1, 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
NW 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) N-177

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.

FOR ORIGINAL

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Galloway Hills

Water right unknown

Domestic Wells

A22-12134 Teton Ranch

Location: SE³²NW³², Sec. 32, 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 water

A22-12135 Stillers Run
x(1) Location: NW^{SW}SW^{SW}, Sec. 30, Twn 6 N, Rge 46 EBM
Size: 6"
Depth: Unknown
History: Estimated 50 years *Nov 12, 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^{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

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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24

"19

20

29 Wiggleton

6423

6324

NORTH

LEIGH

CANAL

Creek

30

29

Stillers Run Ranch

22-0063

22-0489

22-0312

22-4040 *Little*

22-0313

22-7258

22-0313
22-0487

22-1250

22-0487
22-0488

Gallo-
Way

WYOMING

T 45 N
=====

North

32

South

Welfare
22-0042

Teton Ranch
22-0160T2135
22-0616T2135

KILPACK

CANAL

Creek.

-31-

32

Lt 2
NE 26215

6

5

Kiln

8

7

1

POOR ORIGINAL

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40

19-20

30

W
G

30

30

07

46



60

W
Co

1

A22-00165
A22-00616
22

22

20

61.

32

20

28

R 46E

R. 118W

JDANO
WEDMING

76

T. 441N

Pumps

Can / heading

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TWP 6 N
R3E 46E

Weaver Ditch
Heading

North Welsh Creek

Lt 3	19	20	30	30
A22-00063	A22-00487C	A22-00488		
Lt 4	36	38	40	40

POOR ORIGINAL

REPROFILMED
APR 08 1994