

11/15/2006

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

RIGHT NUMBER: 22-13588

NAME AND ADDRESS: SOUTH LEIGH CREEK LLC  
525 OAK KNOLL AVE  
MENLO PARK CA 94025

SOURCE: SOUTH LEIGH CREEK

TRIBUTARY: TETON RIVER

QUANTITY: 0.400 CFS

PRIORITY DATE: 01/22/1916

POINT OF DIVERSION:

T06N R45E S36 SESENW Within TETON County

T06N R46E S32 NENWNE Lot 1 Within TETON County

The point of diversion for this water right is in Wyoming, T44N, R118W, Sec. 6 NESENE, 6PM.

The point of diversion shown above is where the conveyance system enters Idaho.

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| IRRIGATION            | 04/15 10/31          | 0.400 CFS       |

PLACE OF USE: IRRIGATION in TETON County

|               |      |       |               |      |       |
|---------------|------|-------|---------------|------|-------|
| T06N R45E S35 | SWNE | 8.40  | T06N R45E S35 | SENE | 25.00 |
| T06N R45E S35 | NESE | 27.00 | T06N R45E S35 | NWSE | 18.00 |

78.4 ACRES TOTAL

This right is limited to the irrigation of 20 acres within the place of use described above in a single irrigation season.

78.4

The rights listed below are limited to the irrigation of a combined total of acres in a single irrigation season. Combined Right Nos.: 22-366B, 22-367B, 22-611A, 22-13588.

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.

This water right is subject to the delivery provisions contained in Roxana Canal Co. v. Daniels, Equity No. 2447 (D. Wy. Feb. 4, 1941) ("Roxana decree"). Nothing in this Partial Decree is intended to relieve or alter the state of Idaho nor the state of Wyoming from their obligations contained in the Roxana decree.

This water right is also recorded as Wyoming Certificated Water Right No. \_\_\_\_\_.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Water is delivered through the Kilpack and Kofoed Ditch.

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

This right is a split from former right 22-621.

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 22-13588  
Date Received: 9/25/2006  
Receipt No: E032260  
Received By:

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

SOUTH LEIGH CREEK LLC Phone: (650)868-3708  
525 OAK KNOLL AVE  
MENLO PARK CA USA 94025

2. Date of Priority: 01/22/1916

3. Source: SOUTH LEIGH CREEK Trib. to: TETON RIVER

4. Point of Diversion:

| Township | Range | Section | 1/4 of 1/4 of 1/4 Lot | County | Type |
|----------|-------|---------|-----------------------|--------|------|
| 06N      | 45E   | 36      | SE SW NW              | TETON  |      |

5. Description of diverting works:

DITCH AND HEADGATE

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) A.F.A |
|------------|-------|-------|--------|------------|
| IRRIGATION | 04/01 | 10/31 | 0.4    |            |

7. Total Quantity Appropriated is:  
0.4 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

| Township | Range | Section | 1/4 of 1/4 | Lot | Use           | Acres |
|----------|-------|---------|------------|-----|---------------|-------|
| 06N      | 45E   | 35      | SW         | NE  | IRRIGATION    | 8.4   |
|          |       |         | SE         | NE  | IRRIGATION    | 25    |
|          |       |         | NE         | SE  | IRRIGATION    | 27    |
|          |       |         | NW         | SE  | IRRIGATION    | 18    |
|          |       |         |            |     | Section Acres | 78.4  |
|          |       |         |            |     | Total Acres   | 78.4  |

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:

14. Remarks:

15. Basis of Claim: License

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 22-13588

Date Received 9-25-06

Receipt Number 5032260

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

1. Name of Claimant(s) South Leigh Creek, LLC Phone (650) 868-3708

Mailing Address 525 Oak Knoll Ave., Menlo Park, CA Zip 94025

2. Date of Priority (Only (1) per claim) January 22, 1916

3. Source of water supply (a) South Leigh Creek

which is tributary to (b) Teton River

4.a. Location of existing point of diversion is:  
Township 6N. Range 45E. Section 36, SE 1/4 of SW 1/4 of NW 1/4, Govt. Lot \_\_\_\_\_,  
County of Teton

Additional points of diversion if any: SWNW, Sec. 35, T. 06N, 45E

b. If instream flow, beginning point of claimed instream flow is:

Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_, \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4, Govt. Lot \_\_\_\_\_ B.M., County of \_\_\_\_\_

ending point is: Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_, \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4 Govt. Lot \_\_\_\_\_ B.M., County of \_\_\_\_\_

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),  
including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged  
and the depth of each well. Ditch and headgate.

6. Water is claimed for the following purposes: \_\_\_\_\_ (Both dates are inclusive) (cfs) (acre feet)

For Irrigation purposes from 04/01 to 10/31 amount .40 cfs or \_\_\_\_\_

7. Total quantity claimed (a) .40 (cfs) and/or (b) \_\_\_\_\_ (acre feet)

8. Total consumptive use claimed is \_\_\_\_\_ acre feet per annum.

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Department of Water Resources  
Eastern Region

9. Non-irrigation uses; describe full (eg. Domestic: Give number of household served; Stockwater: Type and number of livestock Etc.) \_\_\_\_\_
10. Description of place of use:
- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
  - If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instruction for standard symbols.

**Claimant claims the ability to irrigate 20 acres within the following permissible place of use.**

| TWP | RNG | SEC | NE 1/4 |    |     |    | NW 1/4 |    |    |    | SW 1/4 |    |    |    | SE 1/4 |    |    |    | TLS  |
|-----|-----|-----|--------|----|-----|----|--------|----|----|----|--------|----|----|----|--------|----|----|----|------|
|     |     |     | NE     | NW | SW  | SE | NE     | NW | SW | SE | NE     | NW | SW | SE | NE     | NW | SW | SE |      |
| 6N  | 45E | 35  |        |    | 8.4 | 25 |        |    |    |    |        |    |    |    | 27     | 18 |    |    | 78.4 |
|     |     |     |        |    |     |    |        |    |    |    |        |    |    |    |        |    |    |    |      |
|     |     |     |        |    |     |    |        |    |    |    |        |    |    |    |        |    |    |    |      |
|     |     |     |        |    |     |    |        |    |    |    |        |    |    |    |        |    |    |    |      |

Total number of acres irrigated 78.4

11. In which county(ies) are lands listed above as place of use located? Teton
12. Do you own the property listed above as place of use? Yes ☒ No ☐  
If your answer is No, describe in Remarks below the authority you have to claim this water right.
13. Describe any other water rights used at the same place and for the same purposes as described above.  
\_\_\_\_\_ or None ( )

14. Remarks:

This is a claim for the applicant's portion of water right No. 22-621, which is currently in the name of RE Thomas. Based on the water rights back file, the original place of use was for approximately 40 acres in the NWSE of 6N, 45E, Sec. 35. Claimant owns the N1/2 of this quarter-quarter section (20 acres).

15. Basis of Claim (Check one) Beneficial Use ☐ Posted Notice ☐ Permit ☐ Decree ☐ License ☒  
If applicable provide IDWR Water Right Number 22-621A  
Court \_\_\_\_\_ Case Number \_\_\_\_\_ Decree Date 01/23/1938  
Plaintiff vs Defendant Leigh Creek Canal Co. V. Lynn Crandall, W.M.

16. Signature(s)

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s) \_\_\_\_\_ Date \_\_\_\_\_

\_\_\_\_\_ Date \_\_\_\_\_

Last Name South Leigh Creek, LLC Ident. Number \_\_\_\_\_

For Organizations: I do solemnly swear or affirm that I am MANAGING MEMBER of  
(Title)  
SOUTH LEIGH CREEK LLC, that I have signed the foregoing document in the space below as  
(Organization)  
MANAGING MEMBER of SOUTH LEIGH CREEK LLC and that the statements contained in the  
(Title) (Organization)  
foregoing document are true and correct.

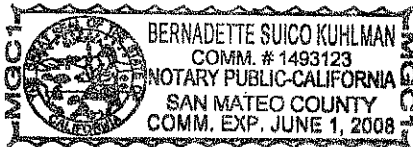
Signature of Authorized Agent William K. Foster  
MANAGING MEMBER

Title and Organization SOUTH LEIGH CREEK LLC Date 8/30/06

State of ~~Idaho~~ <sup>BER</sup> CALIFORNIA

County of SAN MATEO ) SS.

Subscribed and sworn (or affirmed) before me this 30 day of August, 2006.



Notary Public [Signature]  
Residing at MONRO PARK, CA  
My Commission Expires 6/1/08

17. Notice of Appearance:

Notice is hereby given that I, Robert L. Harris, will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature Robert L. Harris  
Address PO Box 50130 Idaho Falls, ID 83405  
Date Sept. 14, 2006