

06/29/2006

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

RIGHT NUMBER: 22-136H

NAME AND ADDRESS: RICHARD LAVERE BEARD
PO BOX 11
TETONIA ID 83452

SOURCE: NORTH LEIGH CREEK TRIBUTARY: SPRING CREEK
Water is delivered from Middle Leigh Creek.

QUANTITY: 0.300 CFS

PRIORITY DATE: 01/22/1916

POINT OF DIVERSION:
T06N R45E S26 NWSWE 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	0.300 CFS

PLACE OF USE: IRRIGATION Within TETON County

T06N R45E S26	SWSW	8.00	T06N R45E S26	SESW	7.00
---------------	------	------	---------------	------	------

15 ACRES TOTAL

15

The rights listed below are limited to the irrigation of a combined total of
acres in a single irrigation season. Combined Right Nos.: 22-136H, 22-480D

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

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

The following rights are also diverted through point of diversion described
above: 22-136H, 22-480D

02/03/2005

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

RIGHT NUMBER: 22-136H

NAME AND ADDRESS: RICHARD LAVERE BEARD
PO BOX 11
TETONIA ID 83452

SOURCE: MIDDLE LEIGH CREEK

TRIBUTARY: SPRING CREEK

QUANTITY: 0.300 CFS

PRIORITY DATE: 01/22/1916

POINT OF DIVERSION:

T06N R45E S26 NWSWSE Within TETON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 10/31

0.300 CFS

PLACE-OF USE: IRRIGATION Within TETON County

T06N R45E S26

SWSW

6.9

T06N R45E S26

SESW

4.1

11 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 22-480D IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 11.0 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.

EXPLANATORY MATERIAL: Decreed

Right includes accomplished change in source pursuant to Section 42-1425,
Idaho Code.

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

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE: 22-136H, 22-480D.

ownership change
with 22-136g
gave too many acres
to 22-136g.

11/21/2006

**NOTICE OF ERROR
REPLY**

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS:

Water right number: 22-136H

RICHARD LAVERE BEARD

PO BOX 11

TETONIA ID 83452

Telephone Number: (208)456-2302

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

X I AGREE with this proposed recommendation: no changes need to be made.

DATE: 12-01-06

SIGNATURE:

Richard LaVerre Beard

Please print your name:

Richard LaVerre Beard

IDWR Regional Office, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402, 2085257161

SCANNED
DEC 12 2006

RECEIVED
DEC 11 2006
IDWR/North



Idaho Department of Water Resources

SRBA Recommendation:

22-136H
(Irrigation)

Legend

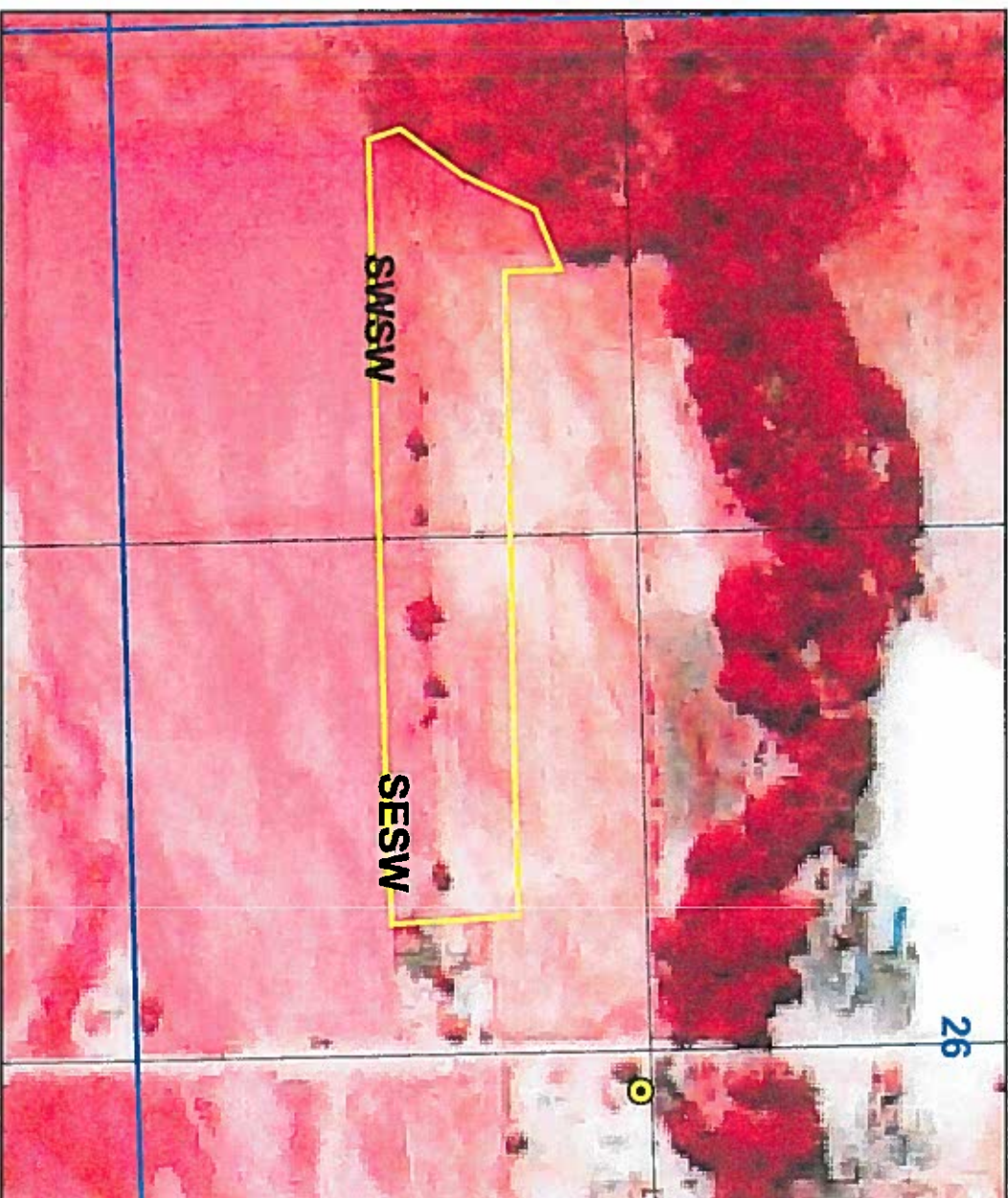
- Point of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters



Teton County
IDWR Basin 22



T06N



Prepared by J. Crabtree
On Tuesday, November 21, 2006
1987/88 Aerial Photography

02/03/2005

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS:

Water right number: 22-136H

RICHARD LAVERE BEARD

PO BOX 11

TETONIA ID 83452

Telephone Number: (208)456-2302

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. ~~Describe the changes you wish to make in the proposed recommendation:~~

3. Give a brief explanation as to why you disagree with these portions:

X I AGREE with this proposed recommendation: no changes need to be made.

DATE: 06-13-05 SIGNATURE: Richard LaVere Beard

Please print your name: Richard LaVere Beard

IDWR Regional Office,

Paul G. G. G.

SCANNED

JUN 28 2005

PROFILED

RECEIVED

JUN 23 2005

Department of Water Resource:
Eastern Region

KMT
6/23
1916



State of Idaho

Department of Water Resources

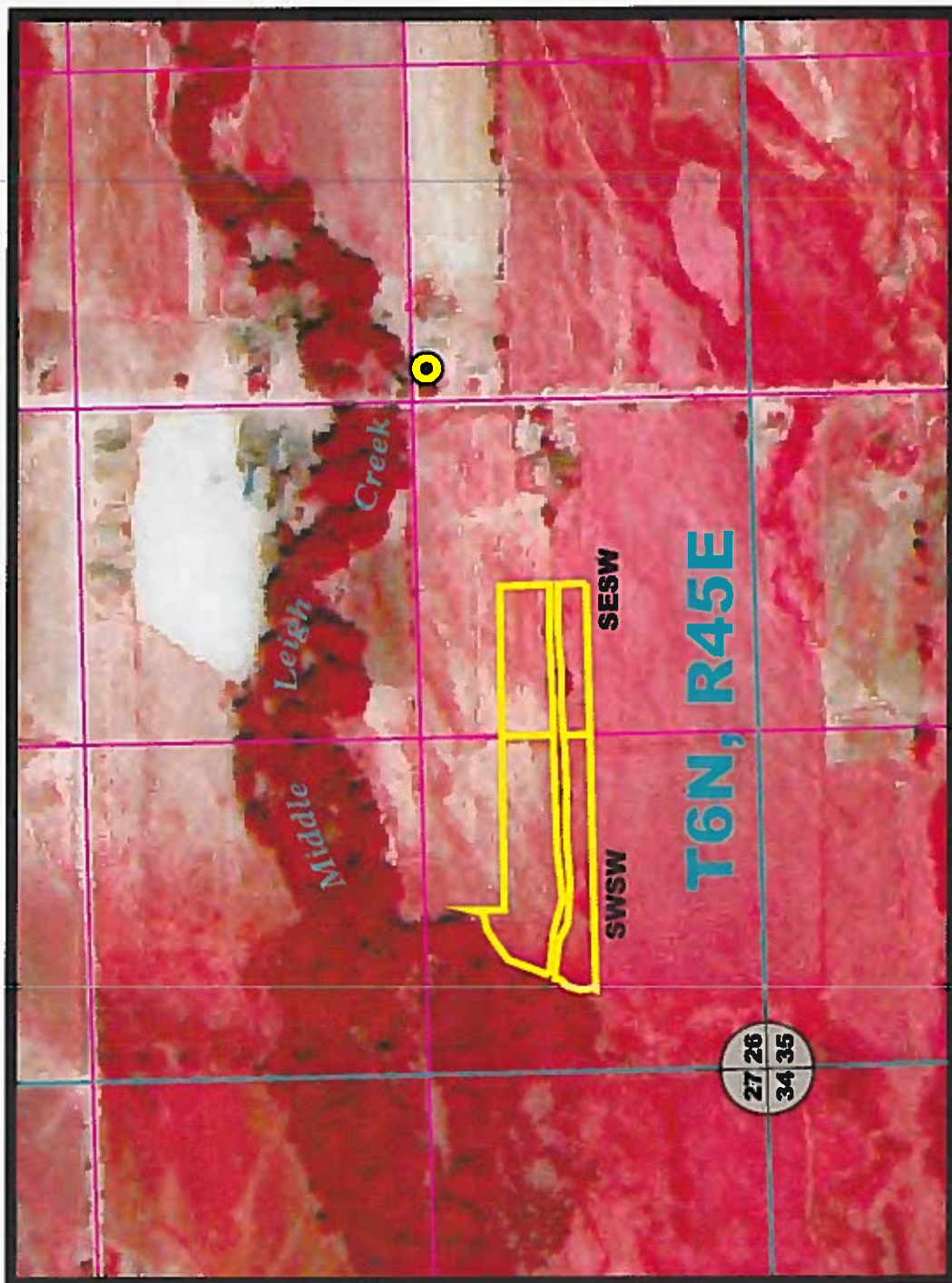
Eastern Region

SCANNED

MAY 13 2005



Water Right(s):
22-136H,
22-480D



Point(s) of Diversion:

T6N, R45E

Sec. 26 NWSWSE

Place of Use: (parts of)

T6N, R45E

Sec. 26 N2S2SW

LEGEND



Point of Diversion



SESE
Place of Use



Section



Quarter-Quarter

GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: A. Ruberry
Date: February 2005



250 0 250 500 750 1000 1250 1500 1750 2000 2250 2500 2750 3000 3250 3500 3750 4000 4250 Feet

1/26/05

This shape overlaps w/ claim 22-480 D

this claim indicates that 22-12174 is a "other water
Right used", however claim 22-12174^A_B is inactive.

↳ 22-480D

PROFILED

SCANNED
MAY 13 2005

Water Right Split History Analysis

DECREED UNDER:
HANSEN, et al vs L. CRANDALL
1938. PP XIV.

22-136B D. ROTH
0.80 cfs on 40° AC.

22-136A

22-136C B. SMITH
1.60 cfs on 80° AC

22-136D J. BUSH
0.80 cfs on 40° AC.

22-136

10⁴ cfs on 520° AC
22 JANUARY 1916
NORTH LEIGH CREEK

22-136E G. HANSEN

1.60 cfs on 80° AC
MIDDLE LEIGH CREEK - ? CFS?

$\frac{10^4 \text{ cfs}}{520^\circ \text{ AC}} = 0.02 \text{ cfs/AC}$

22-136F A. HANSEN

2.32 cfs on 116° AC

22-136G M. HANSEN

0.50 cfs on 18° AC. Q OVERCLAIMED / AC UNDERCLAIMED?

22-136H R. BEARD

0.30 cfs on 11° AC. Q OVERCLAIMED / AC UNDERCLAIMED?

Reviewer: _____

Date: _____

UNCLAIMED

± 2.48 cfs AND 135° AC

PROFILED

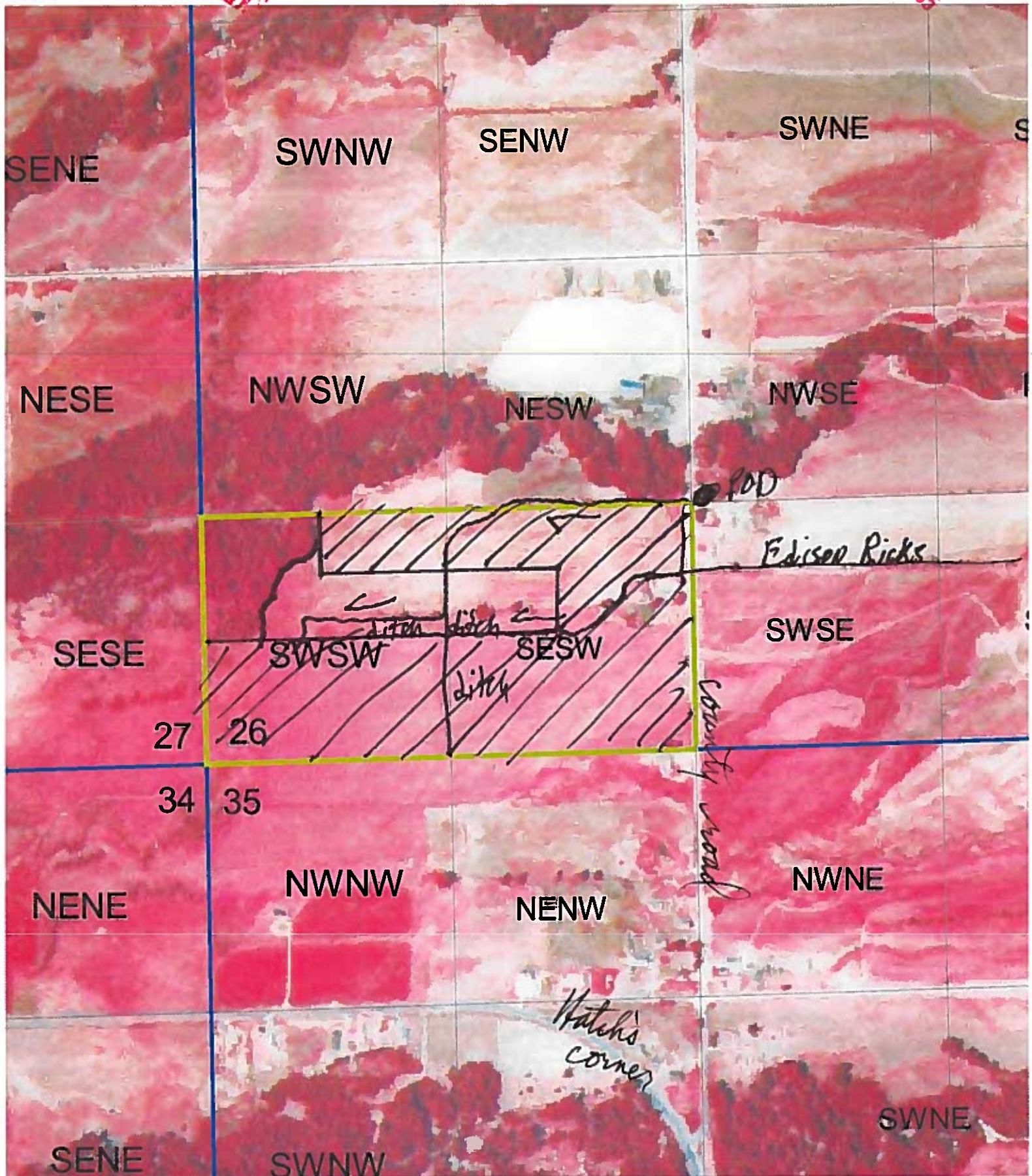
SCANNED

MAY 13 2005

PROFILED

22-136H

SCANNED
MAY 13 2005



Water Right No(s). _____

GPS DATA: Edison - Ricks Diversion #0812279

Tag # #0812249 Location: Metal post near diversion

Diversion Data:

Source: Middle Lough Creek Trib to: Teton River

MOTOR

Make: _____ Model: _____ Hp: _____

SN: _____

PUMP

Make: _____ Model: _____ Disch: _____

SN: _____

NOTES:

No headgate or device to regulate diversion.
A second POD is the Edison - Ricks Canal that is
used to water the upper portion,

Field Exam Date: 8/21/04 Agent: DO

SCANNED

MAY 13 2005

PROFILED

Point of Diversion and Source Data Entry Form

Claim Number: _____

Water Right Point(s) of diversion and Source.Water Right Point of Diversion: T 6N, R 46E, Sec. 30, S15, NE, County: TetonSource: NoLoan Ck Tributary to: Teton River

Water Right Point of Diversion: T _____, R _____, Sec. _____, _____, _____, County: _____

Source: _____ Tributary to: _____

Claimed Point(s) of Diversion and Source.

Twp	Rge	Sec	Gov	Lot	QQQ of	QQ of Q	County	Source	Tributary to
<u>6N</u>	<u>45E</u>	<u>26</u>			<u>SE</u>	<u>NE</u>	<u>Teton</u>	<u>NoLoan Ck</u>	<u>SPRING Ck</u>

Recommended Point(s) of Diversion and Source.

Twp	Rge	Sec	Gov	Lot	QQQ of	QQ of Q	County	Source	Tributary to

Other rights from this POD? _____

Transfers Pending or approved: NONE KNOWNDocument how the POD and Source were verified:

8/21/04 Claimed POD is DIFFERENT THAN DIVERSED - why? when? c#3

There are 2 POD's for this claim even though only 1 is claimed. The upper part is actually watered by water out of Edison-Ricks Canal that does divert in T6N R46E Sec. 30, GPS tag # AOP 12279

The bottom or west part of this claim is watered from the Hansen diversion out of T6N R45E Sec 26, GPS tag # AOP 12249.

Reviewer: _____ Date: _____

PROFILED

SCANNED

MAY 13 2005

Place Of Use Data Entry Form

Claim Number: _____

Claimed Place Of Use				County	Lot Num	Acres	Purpose of Use
Twp	Rge	Sec	QQ Q				
6N	45E	26	S2SW	Teton	11		Pring.

Total acres _____

Recommended Place of Use				County	Lot Num	Acres	Purpose of Use
Twp	Rge	Sec	QQ Q				

Total acres _____

Pending or approved Transfers: UNKNOWN

Overlapping rights: _____

Document how the POU was verified:

3/21/04
 Field exam showed that acreage claimed is irrigated by water out of Middle Leigh Creek.

Reviewer: _____ Date: _____

PROFILED

SCANNED
 MAY 13 2005



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - FAX: (208) 525-7177

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

DECEMBER 1, 1994

RICHARD LAVERE BEARD
PO BOX 11
TETONIA ID 83452

RE: CHANGE IN OWNERSHIP FOR A22-12172 AND A22-12174

Dear Mr. Beard:

The request for Change in Ownership for a portion of the above referenced Notices of Claim has been processed with new Notices being generated to reflect you as one of the claimants.

Since the Change in Ownership involved just a portion of the Notices of Claim, the rights were split as follows:

A22-12172A, Hansen, 0.50 cfs; 18 acres
A22-12172B, Beard, 0.30 cfs; 11 acres

A22-12174A, Hansen, 0.50 cfs; 18 acres
A22-12174B, Beard, 0.30 cfs; 11 acres

Enclosed for your records are typed Notices reflecting your portion of the right. Review the Notices and if there are other corrections or questions, feel free to contact this office.

Respectfully submitted,

Jo Thompson
Adjudications Secretary

Enclosure:

cc: Paul and Marlene Hansen/copy letter w/copy claims

File: P

PROFILE

SCANNED
MAY 13 2005

MICROFILMED
NOV 06 1996

(see instructions on back of page)

RECEIVED

NOV 25 1994

Section 26, 1/4 of 1/4 of 1/4, Govt. Lot Department of Water Resources

If you have additional legal descriptions, please attach separate sheet. See attached sheet.

Assigned by IDWR:

~~A22-12172~~

$$\hookrightarrow A \cap R = B = 136H$$

480D Wa. Resources
Eastern District Office

Marlene Hansen Revocable Trust

618 N 50 W

Tetonia, ID 83452

Richard LaVere Beard

PO Box 11

Tetonia, ID 83452

[] New Telephone Number: (208) 456 - 2302

I have purchased 20 acres of a 40-acre parcel, so I

presume that entitles me to 50 percent of the water right.

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

Richard LaVere Beard

Date 11-21-94

Date _____

Marlene Hansen

Date 11-21-94

Date _____

(Signature of former claimant(s) is not required if proof of ownership is attached.)

Date: _____ By: _____

Date _____ By: _____

Date: _____ By: _____

Claim Numbers of Split, if any:

SCANNED

NOV 06 1950

PROFILED

MAY 13 2005

**Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner**

RECEIVED

NOV 25 1934

Department of Water Resources

The land referred to is situated in the State of Idaho and is described as follows: County of Teton

A portion of Tract III, as described by deed at Reception No. 114866 in the office of the Teton County Clerk and Recorder, lying entirely within the N1/2S1/2SW1/4, Section 26, Township 6 North, Range 45 East of the Boise Meridian, Teton County, Idaho, and being more particularly described as follows:

Commencing at the Southwest Corner of said Section 26, being a steel pin with aluminum cap bearing the PLS No. 854; thence along the West line of Section 26, North 00 degrees 09'12" East, a distance of 659.75 feet to the Southwest Corner of said N1/2S1/2SW1/4, Section 26, being the point of beginning; thence continuing along said west line of Section 26, North 00 degrees 09'12" East, a distance of 659.78 feet to the Northwest Corner of said N1/2S1/2SW1/4 of Section 26; thence along the North Line of said N1/2S1/2SW1/4 of Section 26, South 89 degrees 59'05" East a distance of 660.00 feet; thence South 00 degrees 09'12" West, a distance of 330.02 feet; thence South 89 degrees 58'27" East, a distance of 1320.00 feet; thence South 00 degrees 09'12" West, a distance of 330.28 feet to a point on the South line of said N1/2S1/2SW1/4 of Section 26; thence along said South line north 89 degrees 57'45" West, a distance of 1980.00 feet to the point of beginning.

TOGETHER WITH AND SUBJECT TO a 60 foot easement for a road right-of-way being 30 feet on each side of the following centerline: Beginning at the NE Corner of the SE1/4SW1/4 of Section 26, Township 6 North, Range 45 East, Boise Meridian, Teton County, Idaho and running thence South 330 feet to the true point of beginning; running thence West 1320 feet.

PROFILED

SCANNED

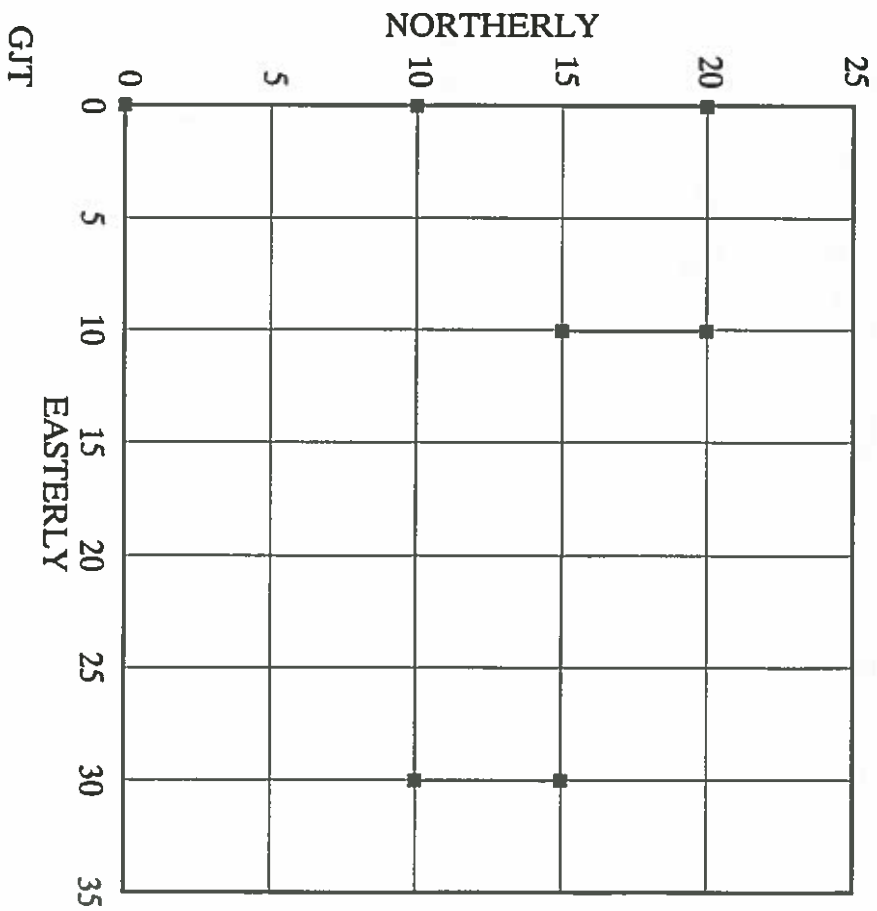
MAY 13 2005

MICROFILMED

NOV 06 1990

CHANGE IN OWNERSHIP

DISTANCES ARE IN CHAINS



PROFILED

SCANNED
MAY 13 2005

MICROFILMED
NOV 06 1990

POLAR COORDINATE X-COR Y-COR (CHAINS)		ANGLE			BEARING ANGLE DIRECTION	DIST (FT)	CUMULATIVE ACRES
		DEGREES	MINUTES	SECONDS			
0.00	0.00						
0.03	10.00	0.00	9.00	12.00	NE	659.75	0.01
0.05	19.99	0.00	9.00	12.00	NE	659.78	0.05
10.05	19.99	89.00	59.00	5.00	SE	660.00	0.05
10.04	14.99	0.00	9.00	12.00	SW	330.02	4.97
30.04	14.98	89.00	58.00	27.00	SE	1320.00	4.99
30.03	9.98	0.00	9.00	12.00	SW	330.28	20.02
0.03	10.00	89.00	57.00	45.00	NW	1980.00	19.99

SCANNED
MAY 13 2005

PROFILE

MICROFILMED
NOV 06 1990

A-53

A-21

A-61

A-48

A-57

A-13

R45E

1-6-N

LD FOR
LOWER
PROPERTY

POINT OF DIVERSION

12-1-1
6-5-1

PLACE OF USE

MICROFILMED

PROFILED

A22-12172

SCANNED

MAY 13 2005

NOV 1990

use of said vill and the inhabitants thereof, and has continually used said quantity of water during each irrigating season since said date.

XIV.

22-0136
That the plaintiffs, Miles Hastings, David Hansen, William Hansen, Alfred Hansen, Glenn Peterson and Lillie M. Hansen, are the owners of, or have an estate in, the following described lands, to-wit:

-6-

SE, S ² SW	Sec. 26	SE $\frac{1}{4}$; S $\frac{1}{2}$ SW $\frac{1}{4}$ of section 26 in township 6 north, range 45 E.B.M.; S $\frac{1}{2}$ S $\frac{1}{2}$ of section 25; N $\frac{1}{2}$ NE $\frac{1}{4}$ of section 34; NW $\frac{1}{4}$ NW $\frac{1}{4}$ of section 35, all in township 6 north, range 45 E.B.M., containing 520 acres of land more or less,
S ² SE,	Sec. 25	
N ² NE	Sec. 34	
NWNW	Sec. 35	

and are the owners of a common ditch by and through which they divert water from North Leigh Creek for the irrigation of the above described lands, with point of diversion and diversion works located on the south side of North Leigh Creek in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of section 30 in township 6 north, range 46 E.B.M.; that the plaintiffs, or their predecessors in interest, have diverted 10.4 cubic feet or 520 miners inches of the waters of North Leigh Creek, through their common ditch, with point of diversion and use upon the lands above described; that on or before and ever since the 22d day of January, 1916, have diverted, appropriated and applied to beneficial use in the irrigation of the above described lands during the irrigating season the above stated quantity or stream flow in addition to any other rights fixed, decreed or granted to the said plaintiffs.

$$\frac{10.4 \text{ cfs}}{520 \text{ ac}} = 0.02 \text{ cfs/ac}$$

XV.

That the plaintiff, David Hansen, is the owner of, or has an estate in, the following described lands, to-wit:

SW $\frac{1}{4}$ NE $\frac{1}{4}$ of section 27 in township 6 north, range 45 E.B.M., containing 40 acres, more or less,

SCANNED

MAY 13 2005

ditch by and through which he diverts water

EXCERPT FROM:
Hansen, et al vs L. Candau
1938

22-0137
PROFILED

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: A22-00136H
Date Received: 10/ 5/1988
Receipt No: X777777
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: RICHARD LAVERE BEARD
Address: PO BOX 11
TETONIA ID

208-456-2302

83452

2. Date of Priority: JAN 22, 1916

3. Source: NORTH LEIGH CREEK Trib. to: SPRING CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
06N	45E	26	SE	NE	SW		TETON

5. Description of diverting works:
HEADGATE TO DITCHES FOR FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/15	0.300		

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

8. Total consumptive use is 22.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
06N	45E	26	SW	SW		IRR	6.0
			SE	SW		IRR	5.0

Section Acres 11.0

10. Place of Use: Continued

Total Acres 11.0

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:

A22-12174

14. Remarks:

THIS RIGHT REPRESENTS A PORTION OF 22-00136

*THIS RIGHT PAID FOR UNDER RECEIPT #E002926

*THIS RIGHT ORIGINALLY CLAIMED AS A22-12172B. RENUMBERED 5-10-96
GJT

15. Basis of Claim: DECREED

Water Right Number: 220136

Case Number:

Court :

Decree date: 1/ 3/1938

MARTELL HANSEN

Decree Plaintiff

LYNN CRANDALL

vs Decree Defendant

MICROFILMED
NOV 06 1990

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 A22-00136H

Ident. Number: A22-12172B *GT*

Date Received: 10/ 5/1988 *5/10/96*

Receipt No: X777777

Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: RICHARD LAVERE BEARD
Address: PO BOX 11
TETONIA ID

208-456-2302

83452

2. Date of Priority: JAN 22, 1916

3. Source: NORTH LEIGH CREEK

Trib. to: SPRING CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06N	45E	26	SE	NE	SW		TETON

5. Description of diverting works:
HEADGATE TO DITCHES FOR FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	0.300		

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

8. Total consumptive use is 22.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06N	45E	26	SW	SW		IRR	6.0
			SE	SW		IRR	5.0

SCANNED Section Acres 11.0

MAY 13 2005

MICROFILMED

A22-12172B

Page 1

Date: 12/01/94
NOV 06 1996

A2200136H

10. Place of Use: Continued

Total Acres 11.0

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:
A22-12174

14. Remarks:
THIS RIGHT REPRESENTS A PORTION OF 22-00136
*THIS RIGHT PAID FOR UNDER RECEIPT #E002926

15. Basis of Claim: DECREED

Water Right Number: 220136

Case Number:

Court :

Decree date: 1/ 3/1938

MARTELL HANSEN

Decree Plaintiff

LYNN CRANDALL

vs

Decree Defendant

MICROFILMED

Nov 06 2000

SCANNED

MAY 23 2005