

08/30/2006

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

RIGHT NUMBER: 22-141F
NAME AND ADDRESS: R G INC
PO BOX 54
WILSON WY 83014

SOURCE: SOUTH LEIGH CREEK TRIBUTARY: TETON RIVER

QUANTITY: 1.600 CFS

PRIORITY DATE: 06/01/1898

POINT OF DIVERSION:
T06N R45E S33 NWSWSE 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	1.600 CFS
PLACE OF USE:	<u>IRRIGATION Within TETON County</u>		
	T06N R45E S31 NESE 20.00	T06N R45E S31 NWSE 20.00	
	T06N R45E S31 SWSE 40.00		
	80 ACRES TOTAL		

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
Water is delivered through Black Ditch.



Idaho Department of Water Resources

Adjudication Claim:

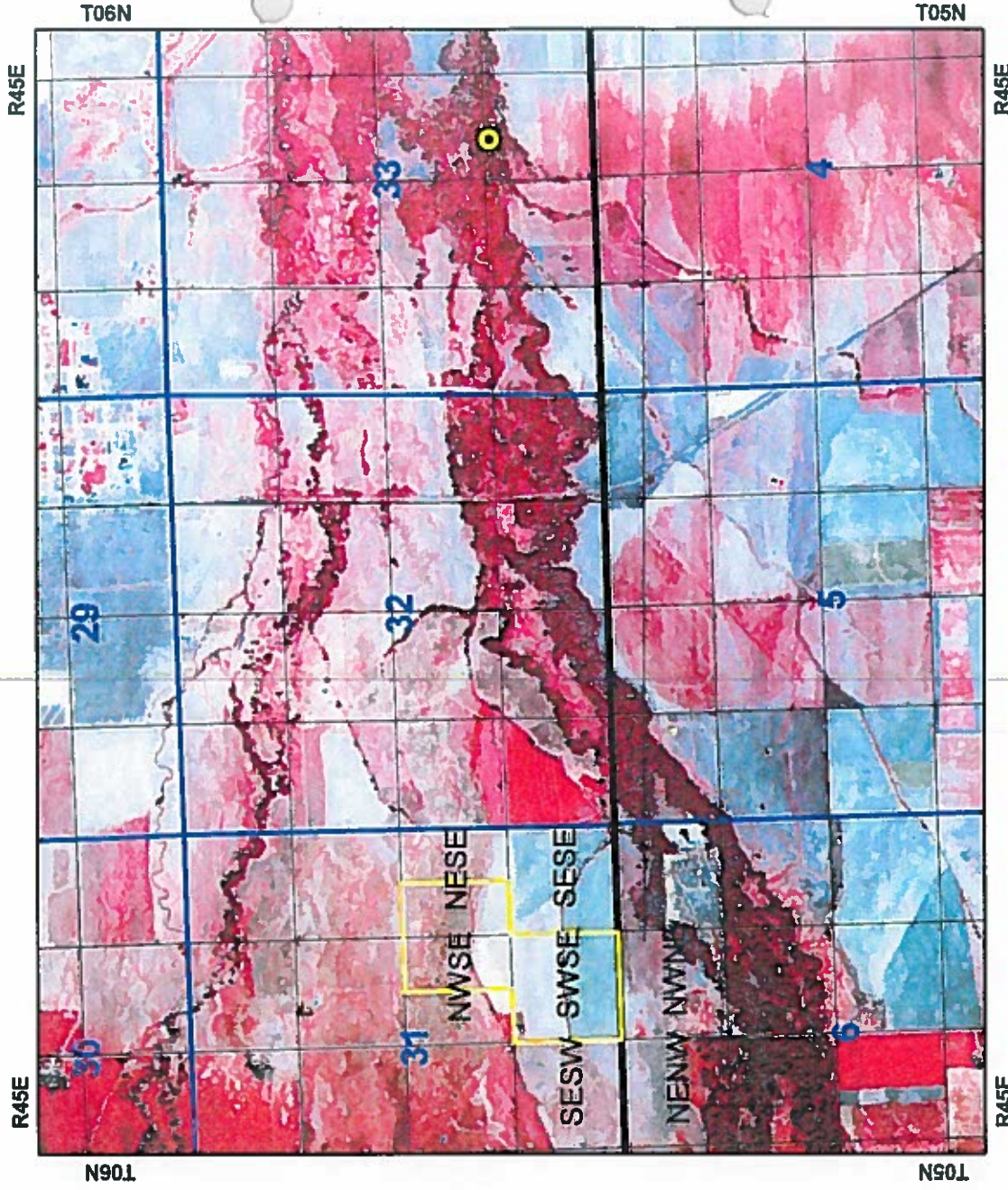
22-141F

Legend

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



Teton County
IDWR Basin 22



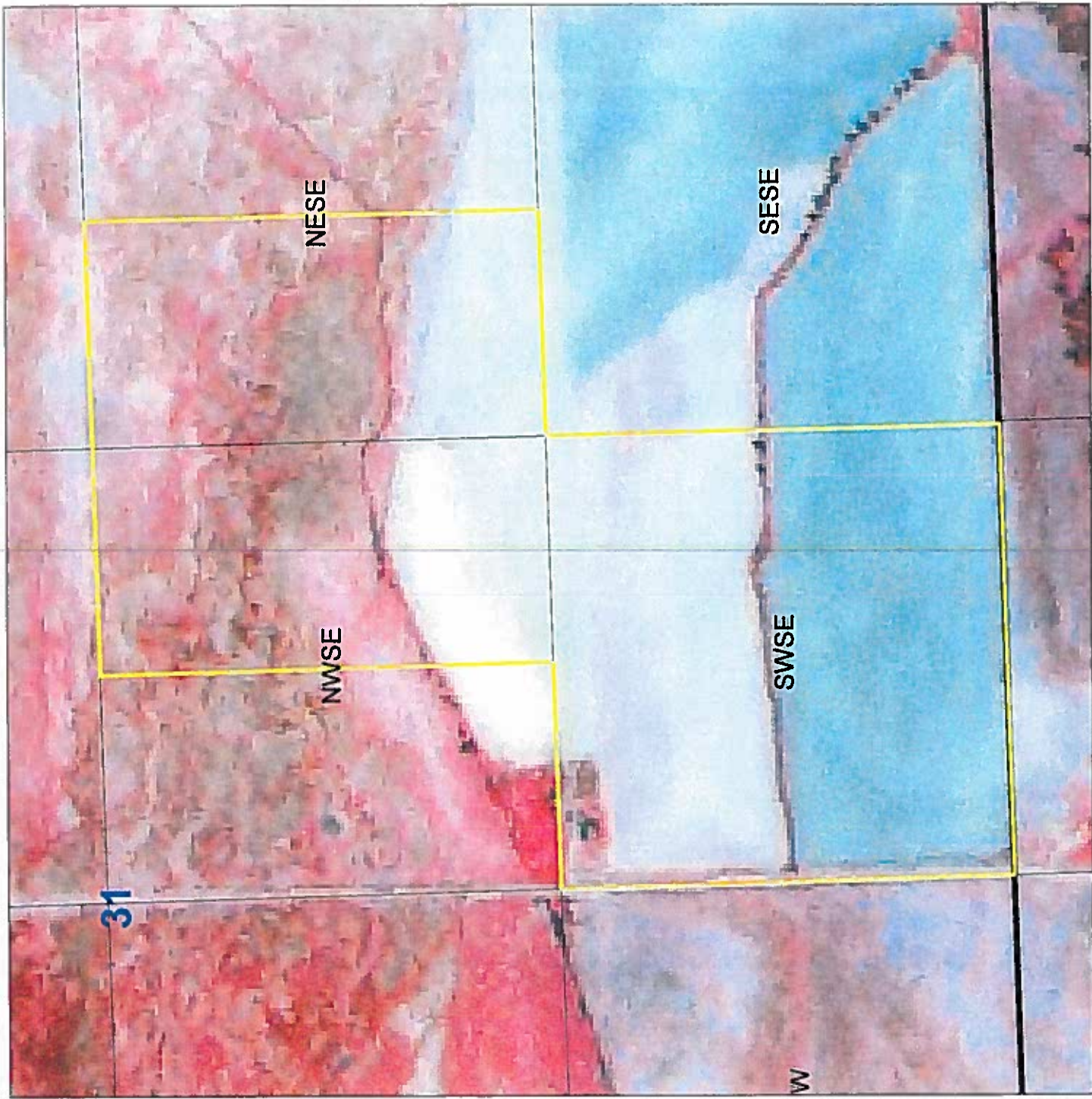
0 0.9 1.8 Miles

Prepared by D. Carlson
On Wednesday, August 30, 2006
1987/88 Aerial Photography

22-141F



31





Agent initials



Contacts Data Entry Form

Claim Number: _____

Owner Type	Full Name	Address	City	State	Zip
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Current Owner: _____ Phone No.: _____

Current Owner: _____ Phone No.: _____

Current Owner: _____ Phone No.: _____

Name connector: and _____, or _____, and/or _____.

Representing Attorney: _____ Phone No.: _____

Accompanied By: _____ Phone No.: _____

Relationship to Claimant: _____ Date of Field Exam: _____

Discussion of right origin and split history. Questions and problems.

6/12/04
20

The map for claims A 220014/C, E, F, G and H are in this file. I have referred to this file in all of the other files in this group.

I am not sure of the owners of particular split parcels where 20 acres are claimed out of a 40 acre 1/4 section.

Reviewer: _____ Date: _____

Water Right No(s). A2200141R

GPS DATA:

Tag # A0813851 Location: headgate wall

Diversion Data:

Source: South Leigh Creek Trib to: Teton River

MOTOR

Make: _____ Model: _____ Hp: _____
SN: _____

PUMP

Make: _____ Model: _____ Disch: _____
SN: _____

NOTES:

Place of use is several miles from POD.

Field Exam Date: _____ Agent: _____

Place Of Use Data Entry Form

Claim Number: _____

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

Total acres _____

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

Total acres _____

Pending or approved Transfers: _____

Overlapping rights: _____

Document how the POU was verified: _____

6/12/04 Not certain which parts of 20 acres parcels in Sec 31 belong to claimant

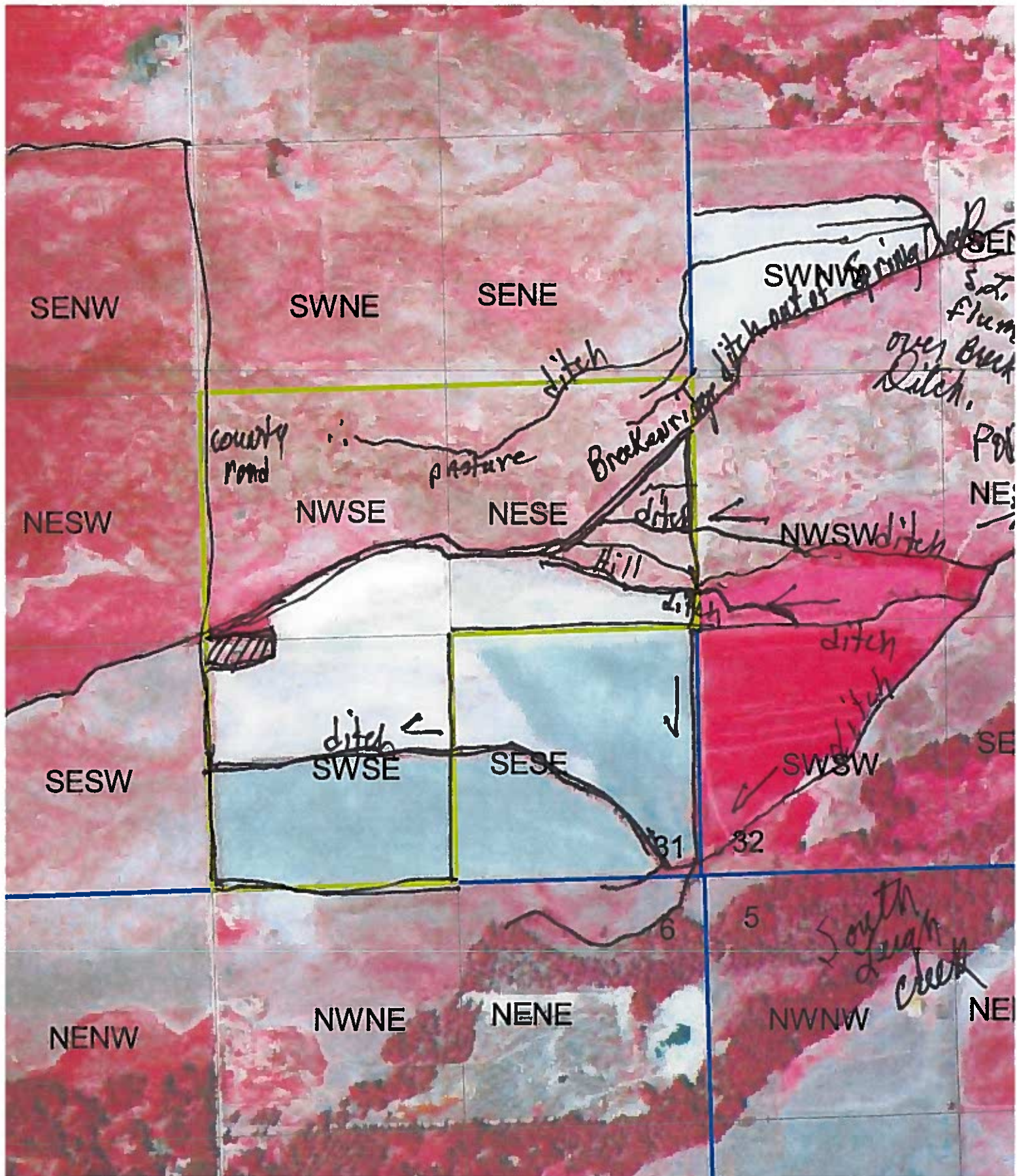
The water for this diversion and claim comes out of South Fork Creek. To cover the northern parts of this decree the water is flumed across a ditch (Breckenridge Ditch) that comes out of Spring Creek.

Irrigation is done by means of dams and a series of ditches

Reviewer: _____ Date: _____

22-141F

7/12/04 DO



22-T
numbered ✓

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

GEORGE H. PEARSON & LUELLA D.
PEARSON, husband and wife,

plaintiffs

vs.

HENRY EAGLE, WATERMASTER
District, 36, Idaho

defendants

D E C R E E

WHEREAS, this cause came on to be heard at Driggs, Teton County, Idaho on the 12th day of October, 1961, in open Court, and pursuant to a special letter notice given to the named defendant herein; and all other persons interested, and pursuant to a Notice of Pendency of this action, containing such matter as is required by law, having been published in the Fremont/^{County} Chronicle News, a weekly newspaper published at St. Anthony, Fremont County, Idaho; and the Teton Valley News, a weekly newspaper published at Driggs, Teton County, Idaho; in accordance with the Order issued out of this Court; and

WHEREAS, the named defendant, Henry Eagle, Watermaster of District 36 of the State of Idaho not appearing in person nor through counsel, though notice as aforesaid having been given to him, but other persons interested did appear in open Court, and were represented by counsel, Ray W. Rigby, of Rexburg, Idaho, and did offer oral testimony and submit evidence in support of their objections to the granting of the prayer of the Plaintiffs; and

WHEREAS, after having fully examined all of the evidence in the cause as presented by the Plaintiffs, represented by Attorney H. S. Forbush of Driggs, Idaho, and the testimony and evidence submitted by the objectors, represented by Ray W. Rigby, Attorney at Law, the Court made findings of fact, and therefrom conclusions of law, as follows:

(1) That prior owners of the property described as the Southeast quarter of Section 31, township 6 North, Range 45 East, Boise Meridian, did appropriate from the waters of South Leigh Creek 160 inches thereof for the

irrigation of said property prior to June 1, 1898.

(2) That the use of said amount of water ~~was necessary for the beneficial~~
use of the property described:

(3) That the use of such water for such purpose has been continuous since said date:

(4) That the right of plaintiff to have his appropriation declared as a matter of law was not debarred by the decree entered in the Rexburg Irrigation Co. case, supra;

(5) That plaintiff by reason of the appropriation made by his predecessors in interest has a right to the use of 160 inches of water from South Leigh Creek for the lands described as the southeast quarter of section 31, township 6 north, range 45 east, Boise Meridian, with a priority date of June 1, 1898.

22 1171
(20-0141) NOW THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED, that the plaintiffs George H. Pehrson and Luella D. Pehrson, husband and wife, are entitled to, and are hereby awarded 160 inches of water from South Leigh Creek, with a priority date of June 1, 1898 for the irrigation of their real property, described as follows, to-wit:

Southeast Quarter of Section 31, Township 6 North, Range 45 E.B. M., and

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, that the foregoing adjudication of water be made subject only to the Decree, in a certain action in the District Court of the Ninth Judicial District of the State of Idaho, in and for the County of Fremont, entitled "Rexburg Irrigation Company, et al, Plaintiffs, vs. Teton Irrigation Canal Company, et al, Defendants, "dated and filed December 16th, 1910; in a certain action instituted in the District Court of the Fourth Judicial District of the State of Idaho, in and for the County of Twin Falls, entitled "Twin Falls Canal Company, Plaintiff, vs. Charles N. Foster, et al, Defendants, "filed on the 20th day of June, 1913, and the amended decree thereto, dated September 12th, 1916, and filed September 21st, 1916, and in a certain action, instituted in the United States ^{District} Court of Idaho, Eastern Division entitled "Woodville Canal Company", a corporation, Plaintiffs vs. Clark and

Edwards Canal Company, a corporation, et al, defendants," "Dated the 25th day of June, 1929, and

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, That the defendant and all persons claiming by, through or under him, or either or any of his successors in office, and all persons claiming to have acquired any right or interest in or to or upon the said waters, hereinbefore decreed, by through, or under any person whatsoever, except the Plaintiffs herein, be hereby enjoined and restrained from obstructing, or in any way interfering with the flow of said waters, through the ditches of the Plaintiffs.

Done in Chambers, in the Courthouse at Rexburg, Madison County, Idaho, this 16th day of November, 1961.

s/ WILLARD C. BURTON

Judge of the District Court

STATE OF IDAHO

County of Fremont,

I, La Monte Bauer, Clerk of the District Court, and Ex-Officio Auditor and Recorder, do hereby certify the above and foregoing

to be a true and correct copy of that certain decree as the same appears on file and of record in my office as Instrument No. . . . , in Case 5665

WITNESS my hand and seal of said office this 20 day of February, 1962.

s/ LaMonte Bauer, Clerk

By: Maud Bird, Deputy



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

AUGUST 1, 1995

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

R-G INC
PO BOX 54
WILSON WY 83014

RE: CHANGE IN OWNERSHIP FOR A22-00141

Dear Sirs:

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

Since the Change in Ownership involved just a portion of the Notice(s) of Claim, the right was split as follows:

A22-00141F, R-G Inc, 1.60 cfs; 80 acres
A22-00141G, Antczack/Polich, 0.40 cfs; 20 acres
A22-00141H, Beck, 0.40 cfs; 20 acres

Enclosed for your records is a typed Notice(s) reflecting your portion of the right. Review the Notice(s) and if there are other corrections or questions, feel free to contact this office.

Respectfully submitted,

Jo Thompson
Adjudications Secretary

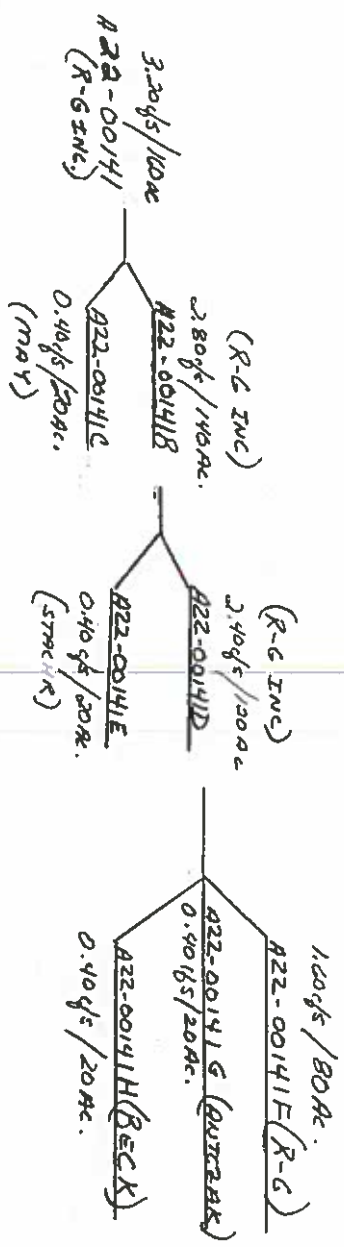
Enclosure:

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NOV 06 1995

U.K. 22-00141 → 3.20gs/100 AKS → 17 ...

A22-00141A → B/u Cumm for 1.0gs in Sec. 6



VALID RIGHTS APPEAR TO BE A22-00141C .40

- 00141 E .40
- 00141 F 1.60
- 00141 G .40
- 00141 H .40
- 3.20gs/100 AK.

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NOV 06 1996

TOTAL ACREAGE FOR COMBINED RIGHTS

WATER RIGHT NUMBERS A22-00141

	TWN	RNG	SEC	NE			NW			SW			SE			TOTAL
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
R-6 INC. A22-00141 (split into 8 1/2)	6N	4SE	31									40	40	40	40	160 / 3.20
R-6 INC. A22-00141B (split into 6 1/2)			31									40	40	40	20	140 / 2.80
R-6 A22-00141C			31												20	20 / 0.40
R-6 A22-00141D (split into 6 1/2)			31									40	40	40	20	120 / 2.40
STACHER A22-00141E			31												20	20 / 0.40
																140 / 2.80
A22-00141F			31									20	20	40		80 / 1.60
A22-00141G			31									20				20 / .40
A22-00141H			31										20			20 / .40
																120 / 2.40
A22-00141I	75N	4SE	06					20							30	50 / 1.00

NOV 06 1996
MICROFILMED

Please print or type
(see instructions on back of page)

LEGAL DESCRIPTION OF PROPERTY: Township 6N Range 45E
Section 31, 1/4 of 1/4 of 1/4, Govt. Lot , BM.
Lot , Block , Subdivision/Townsite .

SEE LEGAL DESCRIPTION ATTACHED AT EXHIBIT A.

- ~~Date~~
Date

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

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



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

DATE OF CLOSING: 1/5/95

LEGAL DESCRIPTION OF PROPERTY: Township 6N Range 45E
Section 31, 1/4 of 1/4 of 1/4, Govt. Lot , BM.

Lot , Block , Subdivision/Townsite .

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

SEE LEGAL DESCRIPTION ATTACHED AS EXHIBIT A.

☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

☐ Water Right Number(s)

Assigned by IDWR: A22-00141 D

☐ Name and Address of Former Owner/Claimant(s)(Seller):

JANICE L. GIBBONS, c/o P.O. BOX 3890,

20 EAST SIMPSON AVENUE

JACKSON HOLE, WYOMING 83001

☐ New Owner/Claimant (Purchaser):

TERESA BECK

☐ New Mailing Address:

1681 MOHAWK WAY

SALT LAKE CITY, UTAH 84108

☐ New Telephone Number:

(801) 539 - 4431

☐ Does the change in ownership result in a splitting of the water right owned/claimed? ☒ yes ☐ no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

.4 cfs OF FLOW TO IRRIGATE THE PROPERTY (20 ACRES), THAT BEING

A PORTION OF WATER RIGHT NUMBER A22-00141

☐ Attach proof of ownership, describe proof attached:

SEE DEEDS ATTACHED AT EXHIBIT B.

(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.)

☐ Signature of New Owner/Claimant(s)

Teresa Beck Date 1/17/95

Date

☐ Signature of Former Owner/Claimant(s):

Date

Date

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

NOV 06 1995

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: By:

Further Action Needed:

Further Action Taken

Date: By:

Final Review and Data-Entry

Date: By:

Claim Numbers of Split, if any:

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

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: A22-00141F
Date Received: 10/ 7/1988
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: R-G INC
Address: PO BOX 54
WILSON WY 83014
307-733-5770

2. Date of Priority: JUN 1, 1898

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
06N	45E	33	SW	NE	SW		TETON

5. Description of diverting works:
HEADGATE IN STREAM TO DITCHES FOR FLOOD/SPRINKLER IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/15	1.600		

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

8. Total consumptive use is 160.0 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	31	NE	SE		IRR	20.0
			NW	SE		IRR	20.0
			SW	SE		IRR	40.0

Section Acres 80.0

A2200141F



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NOV 06 1990

10. Place of Use: Continued

Total Acres 80.0

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:
 22-07008

14. Remarks:
 THIS RIGHT PAID FOR UNDER RECEIPT #E002994.
 CHANGE IN OWNERSHIP 8-5-94 GJT
 CHANGE IN OWNERSHIP 10-12-94 GJT
 CHANGES IN OWNERSHIP 7-31-95 GJT

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

GEORGE H. PEHRSON
Decree Plaintiff

HENRY EAGLE, W.M.
vs Decree Defendant

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NOV 6 0 1995