

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 22-165 V1

WATER RIGHT NUMBER: 22-165 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MELVIN O STONE 3761 E 200 N RIGBY, ID 83442 (208)745-0815
Current Owner	SAMUEL D STONE 3761 E 200 N RIGBY, ID 83442 (208)745-0815

Priority Date: 06/01/1889

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
FOX CREEK	TETON RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/15 to 10/31	1.600 CFS	
	<u>Total Diversion:</u>	1.600 CFS	

Location of Point(s) of Diversion

FOX CREEK	L4 (SW1/4SW1/4NE1/4)	Sec. 29, Twp 04N, Rge 46E, B.M.
TETON County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
04N	45E	23			32.0	39.0													71.0

Total Acres: 71

Conditions of Approval:

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

SOURCE: FOX CREEK TRIBUTARY: TETON RIVER

QUANTITY: 1.600 CFS

PRIORITY DATE: 06/01/1889

POINT OF DIVERSION:
T04N R46E S29 SWSWNE Lot 4 Within TETON County

PURPOSE AND
PERIOD OF USE:

71 ACRES TOTAL

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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s)	Adjudication Claim No(s)	Split	Water Right No(s)	Adjudication Claim No(s)	Split
<u>22-165</u>					

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s)

ZELDA R. STONE

494 S. 50 W. Victor

4. New Owner/Claimant(s)

MELVIN O. STONE SAMUEL A. STONE

Name Connector (Check one): ☐ and, ☐ or, ☒ and/or

New Mailing Address

3761 E. 200 N.

City, State and ZIP Code

RIGBY ID 83442

New Telephone Number

(208) 745 0815

5. Date you acquired the property

April 9, 2004

RECEIVED

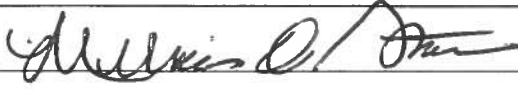
DEC 06 2006

Department of Water Resources
 Eastern Region

6. **If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7.** If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) 
(include title if applicable) _____

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by _____	Date _____	Fee _____
Received by _____	Date _____	Receipt No. _____
Processed by _____ AJ	Date _____	WR _____ Date _____

RECEIVED

160645

APR 09 2004

TETON CO., ID
CLERK RECORDER

Deed of Distribution by Successor Trustee

THIS DEED, made by Samuel D. Stone, as Successor Trustee of the Zelda R. Stone Revocable Trust, Grantor, to Melvin Oral Stone, Grantee, whose address is 3761 East 200 North, Rigby, ID 83442 and Samuel D. Stone, Grantee, whose address is 1664 West 800 South, Lehi, UT 84043;

WHEREAS, Grantor is the qualified Successor Trustee of said trust; and

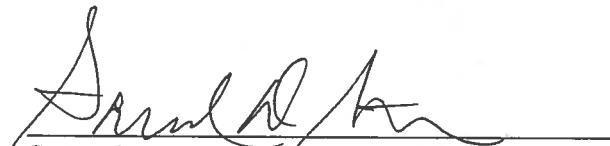
WHEREAS, Grantees are entitled to distribution to the hereinafter described real property as prescribed by said trust;

THEREFORE, for valuable consideration received, Grantor conveys and releases to Grantees, as tenants in common, reserving to each a 50% ownership interest, the following described real property in Teton County, Idaho:

The S1/2NE1/4 of Section 23, Twp. 4 N., Rge. 45 E.B.M.

with all appurtenances.

EXECUTED this 9th day of April, 2004.


Samuel D. Stone, Successor Trustee

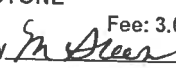
STATE OF IDAHO)
)
County of Teton) ss

On April 9, 2004, before me, a Notary Public, personally appeared Samuel D. Stone, known to me to be the person whose name is subscribed to the within instrument, as Successor Trustee of the Zelda R. Stone Revocable Trust.

MAUREEN GREEN
Notary Public
State of Idaho


Notary Public 08/05/04

Instrument # 160645

DRIGGS, TETON, IDAHO
2004-04-09 10:21:35 No. of Pages: 1
Recorded for : SAMUEL D STONE
NOLAN G. BOYLE Fee: 3.00
Ex-Officio Recorder Deputy 
Index to: DEED OF DISTRIBUTION

160645

06/21/2006

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: 22-165

~~SELBA R STONE~~
~~494 S 50 W~~
~~VICTOR ID 83455~~

Telephone Number: (208)787-2759

MELVIN O. STONE / SAMUEL D. STONE

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:

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

DATE:

12/6/06

SIGNATURE:

Melvin O. Stone

Please print your name: _____

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

RECEIVED
DEC 06 2006
Department of Water Resources
Eastern Region

Ownership change to Ten 12/7 Km²



Idaho Department of Water Resources

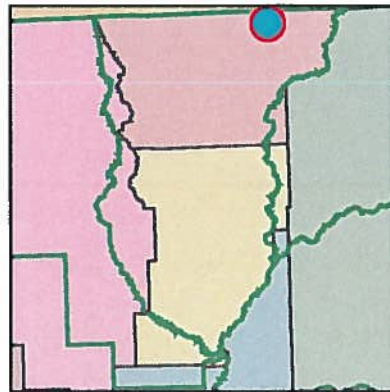
SRBA Recommendation:

22-165

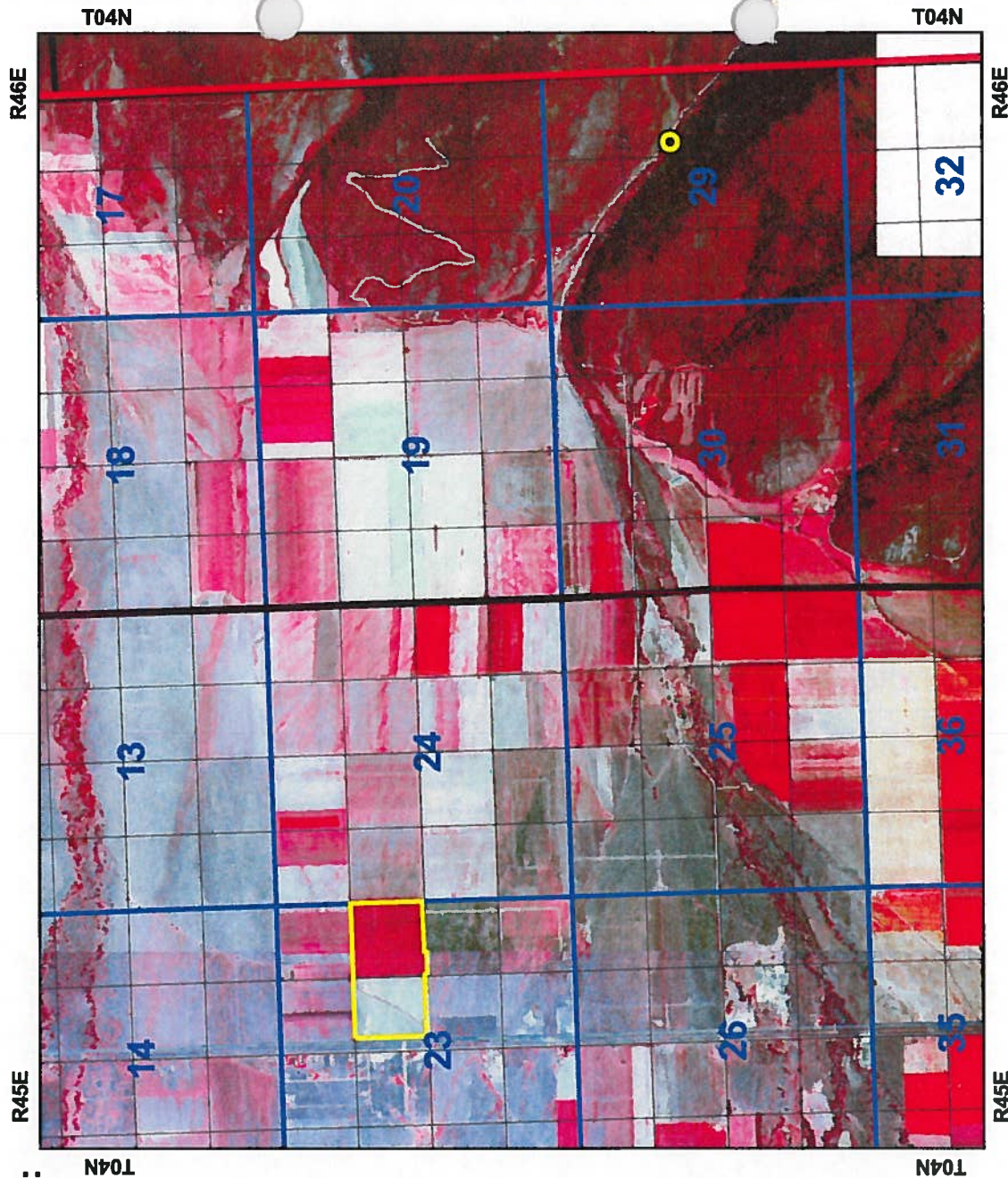
(Irrigation)

Legend

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



Teton County
IDWR Basin 22



Prepared by T. Galbraith
On Wednesday, June 21, 2006
1987/88 Aerial Photography

22-165



01-0041 00216 ✓ 22-0647	Barret, Nathan A.	160 inches.	May 11, 1900.	Driggs Springs, and water from syamp.
01-0042 23-0012 ✓	Barrus, John N.	160 inches.	May 20, 1889	Palisade Creek.
01-0043 23-0013 ✓	Barrus, John N.	140 inches.	June 30, 1890.	Palisade Creek
	Barrus, R. H.			Watson Plough Irrigation Company.
01-0044 22 0162 ✓ 22970	Dates, Thomas	140 inches	May 3, 1889.	Mahogany Creek.
01-0045 23 0014 ✓	Dean, Charles	120 inches.	June 1, 1895.	Rainey Creek.
01-0046 23 0015 ✓	Dean, Frank	40 inches	June 1, 1898.	Rainey Creek.
01-0047 23 0016 ✓	Dean, Herbert L.	150 inches.	June 1, 1891.	Rainey Creek.
01-0048 23 0017 ✓	Dean, Matilda E.	80 inches.	Sept. 19, 1897.	Rainey Creek.
01-0049 23 0018 ✓	Dean, Nellie A. <i>Trans.</i>	80 inches.	June 1, 1893.	Rainey Creek.
01-0050 22 0163 ✓ 22089	Beard, James T.	200 inches.	Apr. 1, 1896.	Teton <i>River</i> Creek .
01-0051 22 0164 ✓	Beasley, Joseph	70 inches.	June 1, 1899.	Teton River. Also, springs on ranch.
	Beckstrand, Charley			Enterprise Canal Company. ✓
	Bockstrom, Niels.			The Sunny Dell Irrigation Company.
01-0052 22 0165 ✓	Beezley, Ebenezer and J.	80 inches.	June 1, 1889.	Fox Creek.
01-0053 22 0166 ✓	Beezley, Ebenezer and J.	80 inches.	June 1, 1890.	Fox Creek.
01-0054 21 0022 ✓	Bell, Joseph <i>Transfer</i>	260 inches.	Sept. 26, 1889.	Fall River.
	Belnap, A. W.			North Salem Agricultural & Milling Canal Company.
01-0055 23 0019 ✓	Bernard, Alfred Joseph	160 inches.	Apr. 15, 1889.	Rainey Creek.
01-0056 23 0020 ✓	Bernard, Alfred Joseph	80 inches.	June 20, 1889.	Rainey Creek.
01-0057 23 0021 ✓	Bernard, Alfred Joseph	80 inches.	April 9, 1889.	Rainey Creek. <i>478A-488-463</i>
01-0058 22 0167 ✓	Bernston, Richard	160 inches.	June 1, 1899.	Badger Creek.
	Bess, O. C.			The Farmers' Friend Canal Company. ✓
01-0059 22 0168 ✓	Bettis, Alice and Joseph	80 inches.	May 1, 1893.	Trail Creek.
01-0060 22 0169 ✓	Bevan Maria	80 inches.	Apr. 6, 1901.	Swamp Creek.

Beckstead, W. W.

Beginning 50 rods S of NE corner of NE $\frac{1}{4}$ of Sec. 15, T 6 N., R. 40 E., B. M., thence S 50 rods, thence W 160 rods, thence N 50 rods, thence E 160 rods, to beginning, containing 50 acres.

Beasley,

Ebenezer and J.

NE $\frac{1}{4}$ of Sec. 23, T 4 N., R 45 E., B. M. containing 160 acres.

Beguin, J. W.

E $\frac{1}{2}$ of NW $\frac{1}{4}$ of Sec. 25, T 1 N., R. 37 E., B. M., containing 80 acres.

Bell, Joseph

E $\frac{1}{2}$ of NW $\frac{1}{4}$, SW $\frac{1}{4}$ of NW $\frac{1}{4}$, NE $\frac{1}{4}$ of NW $\frac{1}{4}$, Sec. 20, T. 8 N., R 42 E., B. M., containing 160 acres.

Belnap, A. W.

E $\frac{1}{2}$ of W $\frac{1}{2}$ of Sec. 32, T 7 N., R. 40 E., B. M. containing 160 acres.

Benton, C. E.

SW $\frac{1}{4}$ of Sec. 27, T. 1 N., R 37 E., B. M., containing 160 acres.

Bernard,
Alfred Joseph

NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Sec. 7 NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Sec. 8 SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Sec. 5, T. 1 N., R 44 E., B. M., E $\frac{1}{2}$ of SW $\frac{1}{4}$ of Sec. 36, T 2 N., R. 44 E., B. M., SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 6, SW $\frac{1}{4}$ of Sec. 5 T 1 N., R 44 E., B. M. containing in all 320 acres.

Berneton,
Richard,

E $\frac{1}{2}$ of SW $\frac{1}{4}$ and SE $\frac{1}{4}$ of NW $\frac{1}{4}$ and Lot 3, Sec. 6, T. 6 N., R. 45 E., B. M.

Bettis, Alice
and Joseph

W $\frac{1}{2}$ of NE $\frac{1}{4}$ of Sec. 14, T N., R. 45 E., B M., containing 80 acres.

Bevan, Maria

N $\frac{1}{2}$ of NE $\frac{1}{4}$ of Sec. 17, T. 5 N., R 45 E., B. M. containing 80 acres.

Big Bend Canal
Company

Lands of stockholders, the description of said lands and the names of said stock holders not being given in the pleadings of said company.

Claim No. 22-165

Document Checklist

☒ Copy License/Decree

Rexburg-Teton

☐ Copy Transfer

N/A

☐ Copy Licensing Field Exam

N/A

☐ Check if Ownership/Address Change is Required

N/A

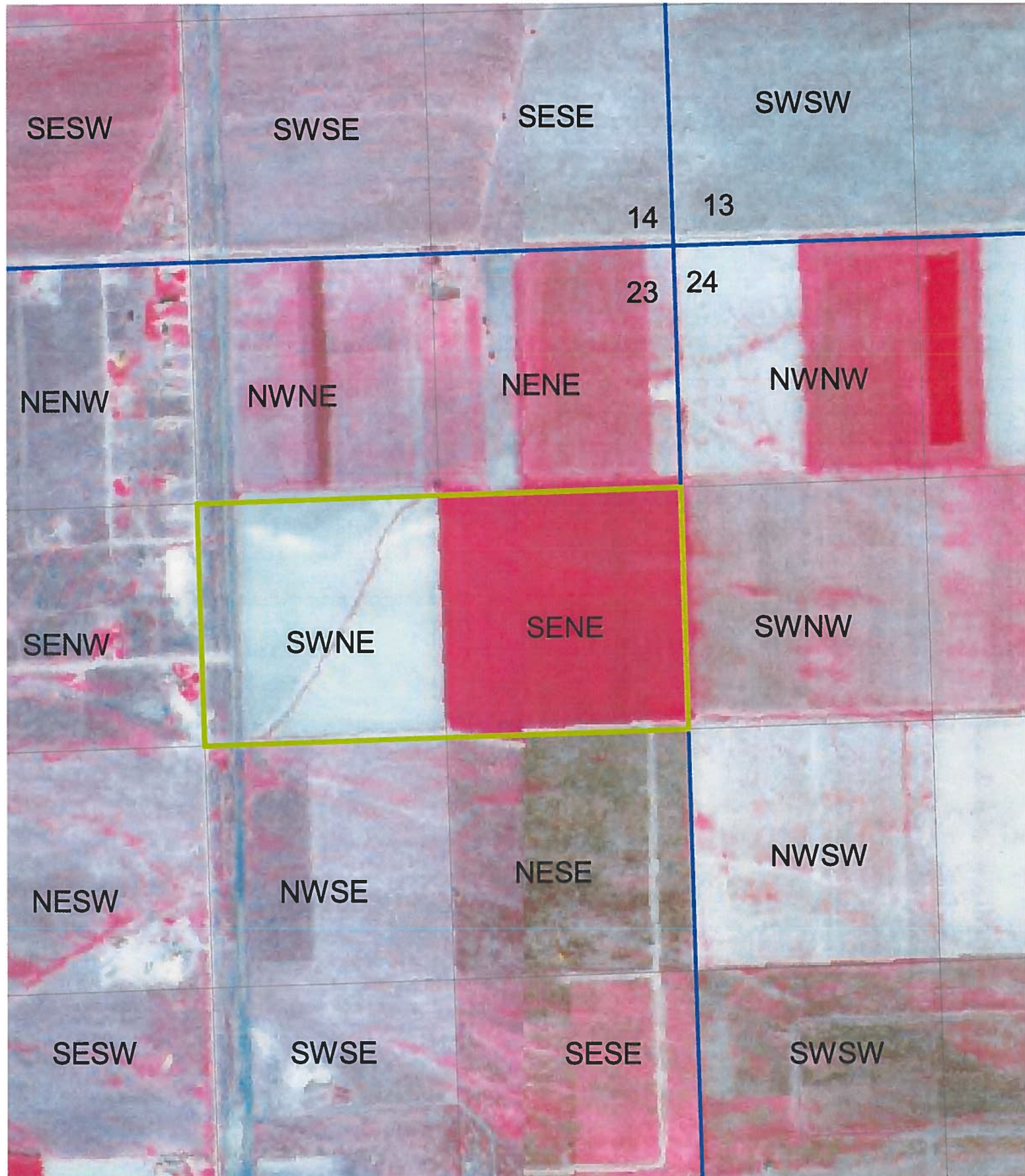
☐ Generate, mail and file "Evidence of Priority" letter

N/A

☒ Generate Arcview Map

82 Rice, Ed.; Apr. 1, 1890; Trail Creek	160	82 Curtis, Nahum; Apr. 1, 1890; Trail Creek	160
82 Blanchard, John; Apr. 1, 1890; Trail Creek	120	82 Eynon, John; Apr. 1, 1890; Trail Creek	80
85 Paul, John; June 1, 1890; Springs on land	15	85 Paul, William H.; June 1, 1890; Little Springs and Deep Creek	60
85 Jenkins, William; June 1, 1890; Fox Creek	80	85 Kimball, R. C., and A. L.; June 1, 1890; Fox Creek	110
85 Lawrence, B. G.; June 1, 1890; Spring Creek	240	85 Murphy, G. M.; June 1, 1890; Darby Creek	150
85 Smith, C. M.; Jan. 1, 1890; Darby Creek	160	85 Walton, D. O.; June 1, 1890; Darby Creek	140
85 Shaw, O. W.; June 1, 1890; North Leigh Creek or Spring Creek	135	85 Yearsley, H. C.; June 1, 1890; Spring Creek	240
85 Drake, Richard; June 1, 1890; Patterson Creek	160	85 Chelsey, John P.; June 1, 1890; Paul Spring Creek, Grove Creek, Deep Creek and Little Spring Creek	200
85 Byrnes, Michael; June 1, 1890; Fox Creek	85	85 Buxton, Mary A.; June 1, 1890; Sloughs from Twin Creeks	100
85 Beezley, Ebenezer, and J.; June 1, 1890; Fox Creek	80	85 Andrews, L. W.; June 1, 1890; Grove Creek	120
85 Durney, P. S.; June 1, 1900; Trail Creek	15	85 Foote, Arthur L.; June 1, 1890; Mahogany Creek	145
85 Ferguson, John; June 1, 1890; Grove Creek and Willow Spring Creek	100	85 Eames, William; June 1, 1890; Spring Creek	240
85 Edlefson, E. B.; June 1, 1890; Leigh Creek	155	85 Drake, Lavina; June 1, 1890; Boquat Creek and Drake Creek	160
88 Drake, William; July 1, 1890; Mahogany Creek	150	90 Tonks, William H.; July 15, 1890; Trail Creek	135
92 Curtis, Clarissa A.; Sept. 1, 1890; Trail Creek	160	96 Rice, A. L.; Jan. 1, 1891; Patterson Creek	100
98 O'Brien, James A.; June 1, 1891; North Leigh Creek	100	98 Siddoway-Briggs Co.; June 1, 1891; Teton River. (For power purposes)	2,600
98 Sinclair, D. R.; Adminr. Estate of Fred Sinclair (deceased); June 1, 1891; Eynon Ditch	20	98 Smith, Ellington; June 1, 1891; Spring Creek, Darby Creek and Crandall Springs	100
98 Shaw, L. C.; June 1, 1891; Ragder Creek and water from springs on T. A. Phillips' land	200	98 Swanner, Samuel; June 1, 1891; South Leigh Creek	120
98 Hubbard, Susan; June 1, 1891; North Leigh Creek and Middle Leigh Creek	150	98 Harrop, Samuel; June 1, 1891; Leigh Creek	200
98 Hill, Mary Ann; June 1, 1891; Pack Saddle Creek	120	98 Clark & Houghton; June 1, 1891; Teton River	160
98 Dewey, George A.; June 1, 1891; Fox Creek	160	98 Barney, Walter; June 1, 1891; South Leigh Creek	100
98 Bowles, Sarah; June 1, 1891; Spring Creek	640	98 Blamires, Robert, and C. J. Burton, W. S. Burton and Thomas H. Phillips; June 1, 1891; Badger Creek and springs on land of T. A. Phillips	40
98 Edlefson, Noah C.; June 1, 1891; Leigh Creek	300	100 Siddoway Irrigation & Manufacturing Co.; July 1, 1891; Teton River	

22-165



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: A22-00165

Date Received: 4/17/1991

Receipt No: E015974

Received By: CLJ

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ZELDA STONE
Address: 494 SOUTH 50 WEST
VICTOR, ID

208-787-2759

83455

2. Date of Priority: JUN 1, 1889

3. Source: FOX CREEK

Trib. to: TETON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
04N	46E	29	SW	NW	NW		TETON

5. Description of diverting works:
NW FOX CREEK PIPELINE

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 280.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
04N	45E	23	SW	NE		IRR	40.0
			SE	NE		IRR	40.0

MICROFILMED

NOV 04 1992

A2200165

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	80.0
					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:

14. Remarks:

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

REXBURG IRR. CO. ET AL.

Decree Plaintiff

TETON IRR. CANAL CO.

vs 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: _____

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): *John Stone* Date: 4/17/91

Date: _____

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NOV 04 1992

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 17 day
of April 19 91

Seal

[Signature]
Notary Public

Residing at Salt Lake, UT

My Commission Expires 22 Aug 1994

R45E

1-4 N

MICROFILMED
NOV 04 1992

720 000 FEET
(IDAHO EAST)

