

05/04/2005

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

RIGHT NUMBER: 22-193B

NAME AND ADDRESS: TERRELL F KAY
890 W 400 N
TETONIA ID 83452

SOURCE: PACKSADDLE CREEK

TRIBUTARY: TETON RIVER

QUANTITY: 1.000 CFS

Use of this right with Right Nos. 22-193B and 22-326E are limited to a total combined diversion rate of 4.98 cfs.

THIS RIGHT WHEN COMBINED WITH RIGHT NOS. 22-193B AND 22-326E SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE.

PRIORITY DATE: 06/01/1895

POINT OF DIVERSION:

T05N R44E S8 SWSENE Within TETON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 10/31

1.000 CFS

PLACE OF USE:

IRRIGATION Within TETON County

T05N R44E S04	NESW	40.0	T05N R44E S04	NWSW	40.0
T05N R44E S04	SWSW	37.0	T05N R44E S04	SESW	36.0
T05N R44E S04	NESE	21.0	T05N R44E S04	NWSE	16.0
T05N R44E S04	SWSE	12.0	T05N R44E S04	SESE	35.0
T05N R44E S05	NESE	12.0			

249 ACRES TOTAL

This right is limited to the irrigation of 50.0 acres within the place of use described above in a single irrigation season.

USE OF THIS RIGHT WITH RIGHT NOS. 22-193B AND 22-326E ARE LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 249 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

WATER IS DELIVERED THROUGH PACKSADDLE PIPELINE.

This right is a split from former right 22-193.

Right nos. 22-193B and 22-326E are also diverted through point of diversion described above.

RECEIVED

JUL 06 2005

05/04/2005

Department of Water Resources
Eastern Region

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: 22-193B

TERRELL F KAY

890 W 400 N

TETONIA ID 83452

Telephone Number: (208)456-2829

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: June 24-2005 SIGNATURE: Terrell F Kay
Please print your name: Terrell F Kay

IDWR Regional Office,

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JUL 08 2005

MT
7/8



State of Idaho

Department of Water Resources
Eastern Region

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MAY 13 2005



Water Right(s):
22-193B
22-326E
22-2100B

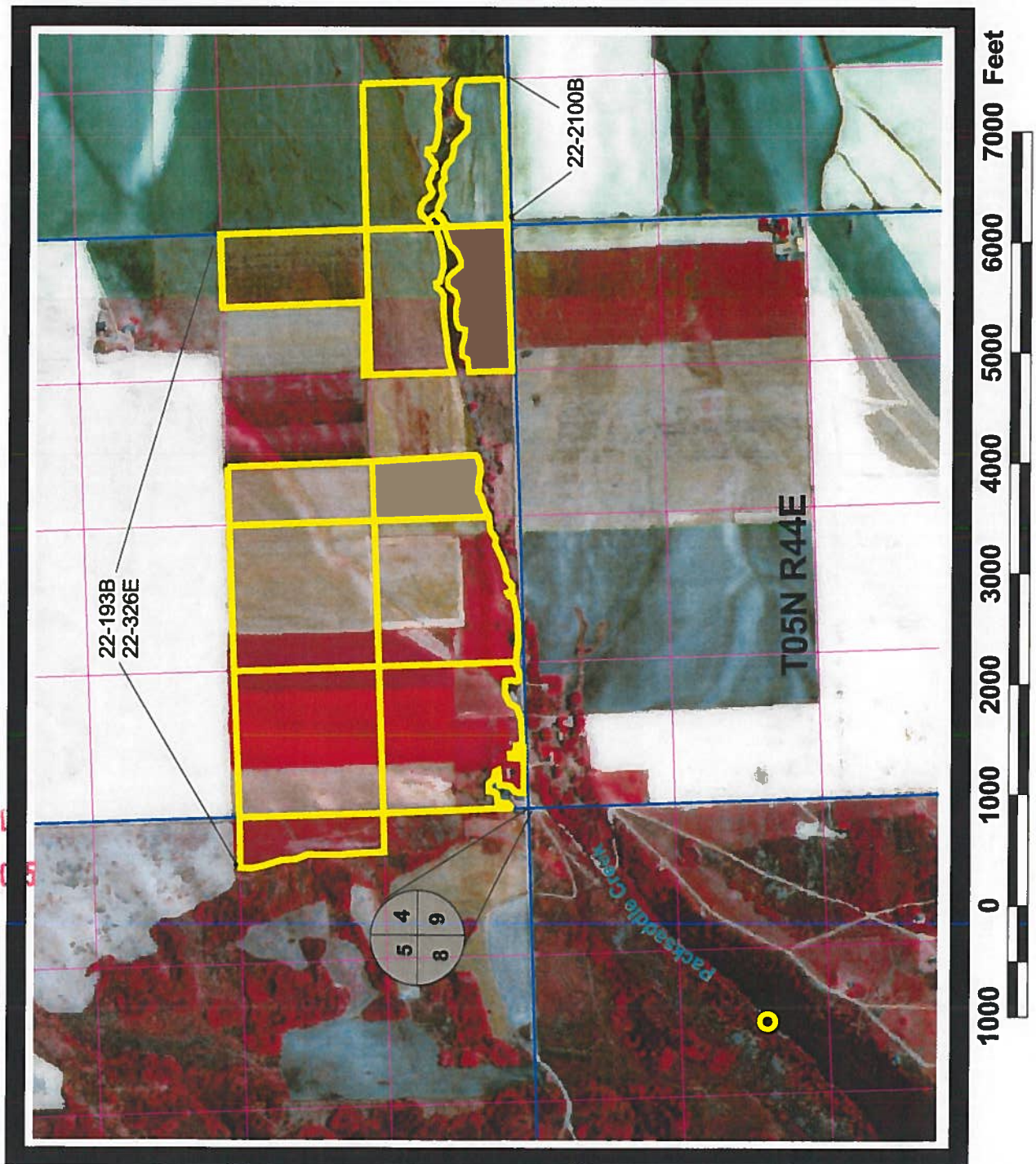
Point(s) of Diversion:
T05N R44E
Sec. 8 SESENE
Sec. 3 SWSWSW

Place of Use (parts of):
T05N R44E
Sec. 4 SW & SE
Sec. 5. NESE

LEGEND

- Point of Diversion
- Place of Use
- Section
- Quarter-Quarter

GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: S. Porter
Date: April 2005



Water Right and SRBA Split History Analysis

22-193

22-193

POD: Packsaddle Creek

POU: unknown

3.2 cfs 160 acres

22-193A

Be Jardin

POD: Packsaddle Creek

POU: TOSN R44E Sec 41 NESE, NWSE, SUSE,

TOSN R44E Sec 9 NENE, NWNE, SWNE

SENE, NENW, SWNW,

SE NW

339 acres 2.2 cfs

22-193B

T. Kay

POD: Packsaddle Creek

POU: TOSN R44E Sec 4

NESW, NWSW, SWSW, SESW

50 acres 1.0 cfs

PROTECTED

MAY 13 2005

Reviewer: _____
mydoc/fieldexamforms/splithistory

Date: _____

Heading for Packsaddle Pipeline off Packsaddle Creek.
6/28/2004 3:48:39 PM Several users.



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Claim No. 22-193B

Document Checklist

- ☒ Copy License/Decree Rexburg V Teton
- ☒ Copy Transfer 1828 Pack Saddle Pipeline
- ☐ Copy Licensing Field Exam
- ☐ Check if Ownership/Address Change is Required
- ☐ Generate, mail and file "Evidence of Priority" letter
- ☒ Generate Arcview Map

111
DALE BAINBRIDGE - Springs up Pack Saddle Cr for Domestic
USE AT PACK SADDLE ESTABL. TAGGED w/ DSD TAG# 60006544.
SPRING OVERFLOW DUMPS INTO PACK SADDLE CR -> TREATMENT
SEE 22-7357, 7358
THIS DATA DOES NOT RELATE TO PACK SADDLE PIPELINE CLAIMS
THIS DATA IS NOTES ONLY

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Claim Number: _____

Owner Type	Full Name	Address	City	State	Zip
------------	-----------	---------	------	-------	-----

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.

X

FIND ENLARG. claim 22-11989.

Reviewer: _____ Date: _____

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Claim Number: 22-193B

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: _____ Claimed Basis: _____

Recommended Priority Date: June 1, 1895 Recommended Basis: Derived

Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

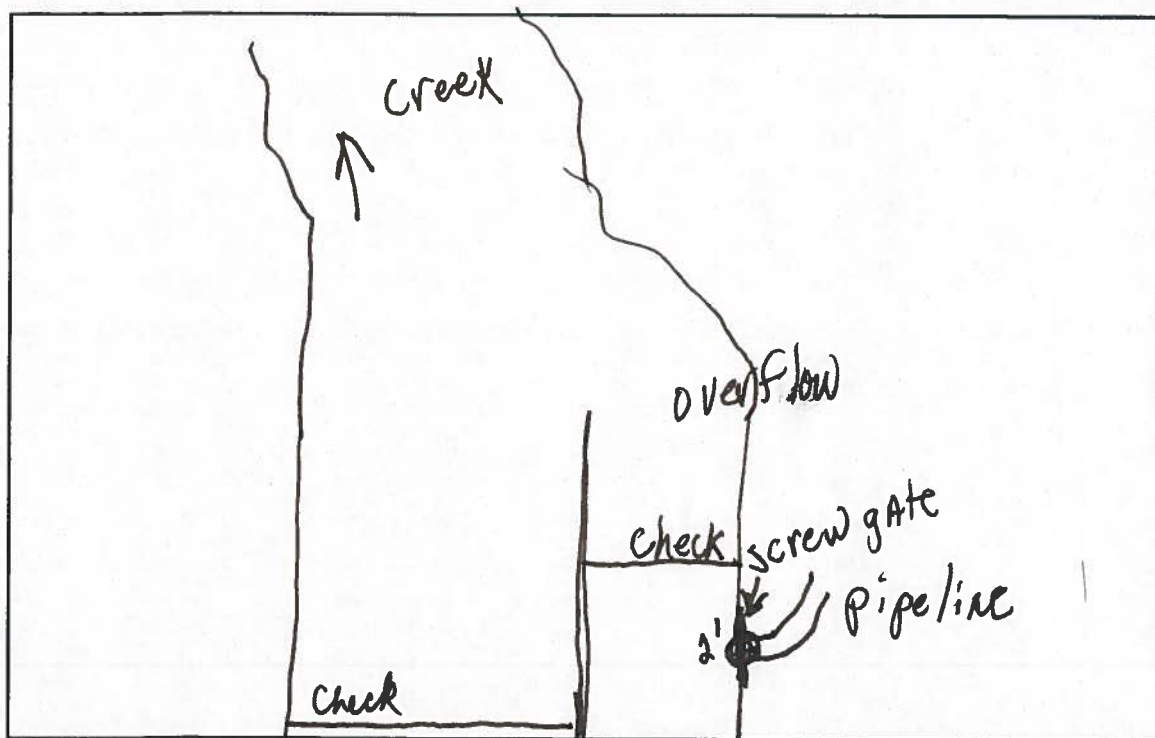
Matches decree

Reviewer: _____

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Date: **SCANNED**
MAY 13 2005

Water Right No(s). _____



GPS DATA:

Tag # ADP14211

Location: Headgate by wheel

Diversion Data:

Source: Pack saddle Creek Trib to: Teton River

MOTOR

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

PUMP

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

NOTES:

Pack saddle pipeline

Field Exam Date: 6/28/04 Agent: DD AR

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Point of Diversion and Source Data Entry Form

Claim Number: 22-193BWater Right Point(s) of diversion and Source.

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

Source: _____ Tributary to: _____

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
5N	44E	8		NESW	Teton	Packsaddle	Teton River

Recommended Point(s) of Diversion and Source.

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source	Tributary to
15N	44E	8		SWSE NE	Teton	Packsaddle	Teton River

Other rights from this POD? 22-326E

Transfers Pending or approved: _____

Document how the POD and Source were verified:

Packsaddle Pipeline POD

Reviewer: _____ Date: _____

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Place Of Use Data Entry Form

Claim Number: 22-193B

Claimed Place Of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
SN	4SE	4	NESW		Teton		10.0	Irrigation
"	"	"	NWSW		"		15.0	"
"	"	"	SWSW		"		15.0	"
"	"	"	SESW		"		10.0	"

Total acres 50.0

Recommended Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
SN	4SE	4	NESW		Teton		40	Irrigation
"	"	"	NWSW		"		40.0	" "
"	"	"	SWSW		"		37	" "
"	"	"	SESW		"		36	" "
"	"	"	NESE		"		21	" "
"	"	"	NWSE		"		16	" "
"	"	"	SWSE		"		12	" "
"	"	"	SESE		"			" "

Total acres 249

Pending or approved Transfers: _____

Overlapping rights: _____

Document how the POU was verified:

Cominglos w/ 22-326E AS Penmanville POU.Field exam + GIS.

Reviewer: _____ Date: _____

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Season of Use and Quantity Data Entry Form

Claim Number: 22-193BWater Right Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____

Overall Diversion Volume _____

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
Irrigation	04/15	10/15	1.0	

Overall Diversion Rate 1.0

Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
Irrigation	04/15	10/31	1.0	

Overall Diversion Rate 1.0

Overall Diversion Volume _____

Document how the Period of Use and/or Diversion Rate were verified:Transfer #1828.

Reviewer: _____

Date: SCANNED

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MAY 13 2005

101	Waddell, Mrs. L. E.; Sept. 1, 1891; Teton Creek.....	38
104	Grand Teton Canal Co.; May 1, 1892; Teton Creek. (Diverted in Wyoming)	38
105	Edlefson, Noah C.; June 1, 1892; Leigh Creek.....	38
105	Walton, George; June 1, 1892; Paratise Creek.....	38
105	Gjellrup, Carl; June 1, 1892; Darby Creek.....	38
105	Gilbert, Albert; June 1, 1892; Horse Shoe Creek.....	38
105	Ricks, Josiah; June 1, 1892; North Leigh Creek.....	38
105	Sidway Irrigation & Manufacturing Co.; June 1, 1892; Teton River.....	38
	From July 1st of each year for the balance of the irrigation season	38
105	Todd, John; June 1, 1892; Darby Creek.....	38
105	Todd, Henry M.; June 1, 1892; Darby Creek.....	38
107	Davidson, L. S.; July 26, 1892; Darby Creek.....	38
111	Bettis, Alice, and Joseph; May 1, 1893; Trail Creek.....	38
111	Bigler, Jesse E.; May 1, 1893; Moody Creek.....	38
	To be reduced to 160 inches after June 20th in each year	38
112	Jones, Benjamin; June 1, 1893; Trail Creek.....	38
112	Thomas, Henry E.; June 1, 1893; no stream proved.....	38
112	Wood, Samuel L.; June 1, 1893; Mahogany Creek.....	38
112	Young, Eva H., widow of Eugene H. Young (deceased); June 1, 1893; Warm Creek.....	38
112	Gale, Joseph; June 1, 1893; South Leigh and Swamp Creek.....	38
112	Gordon, S. A.; June 1, 1893; South Leigh Creek.....	38
112	Eddington, George; June 1, 1893; Teton Creek.....	38
116	Stephens, N. H.; May 1, 1894; Trail Creek.....	38
117	Sinclair, D. R.; June 1, 1894; Trail Creek.....	38
117	Sinclair, D. R., Adminr. Estate of Fred Sinclair (deceased); June 1, 1894; Warm Creek.....	38
117	Ricks, Alfred; June 1, 1894; Moody Creek.....	38
	To be reduced to 100 inches after June 20th of each year	38
117	Ricks, John; June 1, 1894; Trail Creek.....	38
117	Ricks, Alfred; June 1, 1894; Teton River.....	38
117	Hatch, Hyrum; June 1, 1894; Trail Creek.....	38
117	Moffat, John P.; June 1, 1894; Swamps.....	38
117	Gale, Joseph; June 1, 1894; South Leigh and Swamp Creek.....	38
117	Christensen, Niels C.; June 1, 1894; Fox Creek.....	38
117	Blattner, Rudolph; June 1, 1894; Darby Creek.....	38
117	Ellis, A. J.; June 1, 1894; Darby Creek.....	38
118	Eynon, L. L.; June 15, 1894; Spring Creek, a tributary of Pine Creek.....	38
119	Kirsley, Richard; June 30, 1894; Trail Creek.....	38
120	Frye, John; July 1, 1894; Trail Creek.....	38
128	Durney, P. S.; May 15, 1895; Little Warm Creek.....	38
129	Adams, E. G.; June 1, 1895; no stream proved.....	38
129	Ashmead, Charles; June 1, 1895; Teton Creek.....	38
129	Bush, Sarah M.; June 1, 1895; Teton Creek.....	38
129	Caldwell, Moroni; June 1, 1895; Pack Saddle Creek.....	38
129	Hermann, C. M.; June 1, 1895; Teton Creek.....	38
129	Moffat, Mary A.; June 1, 1895; Leigh Creek.....	38
129	Moffat, Andrew; June 1, 1895; South Leigh Creek and Swamps.....	38
129	Ingram, Thomas H.; June 1, 1895; Darby Creek.....	38
129	Lauritzen, John; June 1, 1895; Spring Creek.....	38
129	Kimball, Archie R.; June 1, 1895; Trail Creek.....	38

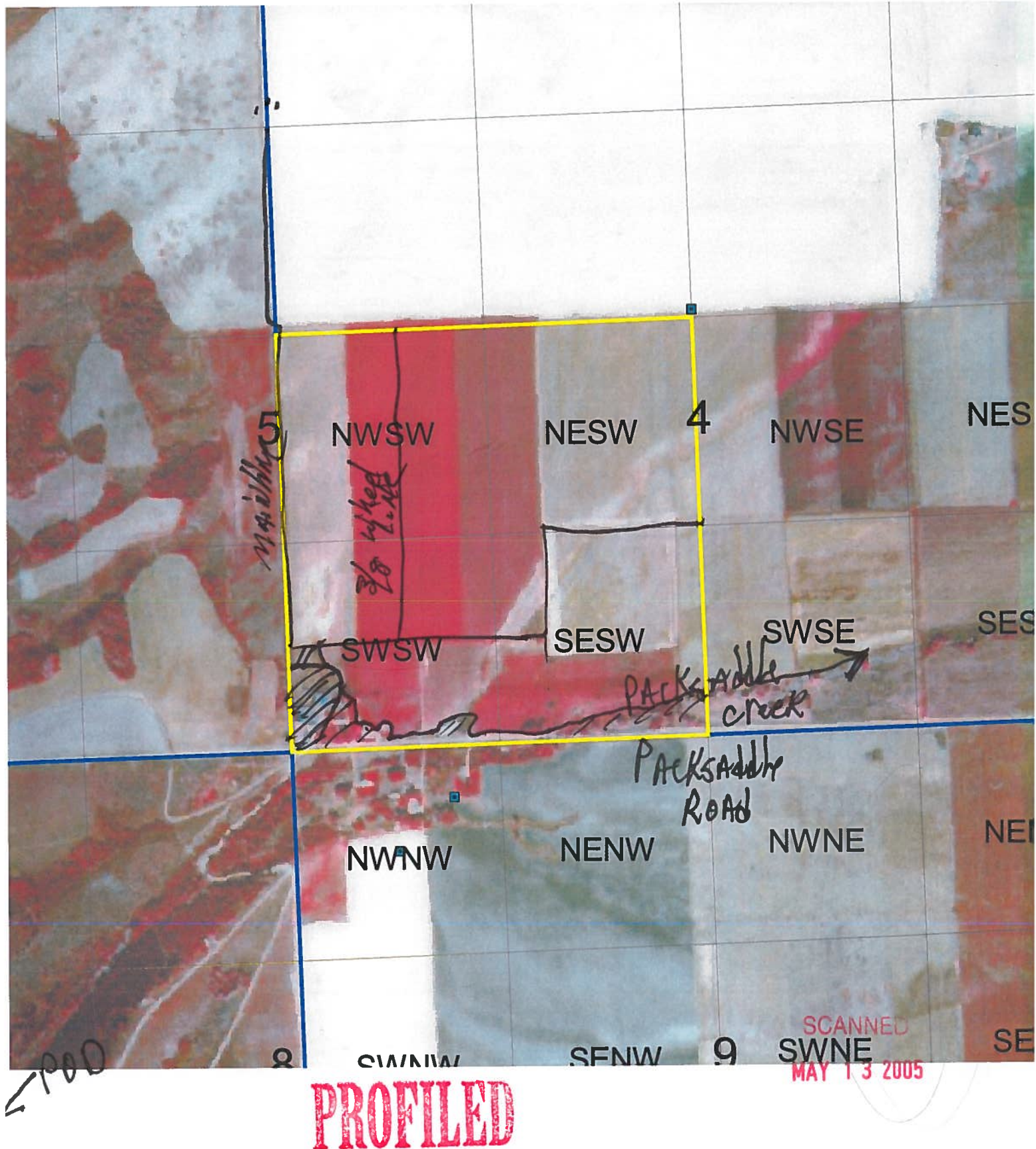
129	Kay, James; June 1, 1895; Trail Creek.....	39
129	Parker, B. F.; June 1, 1895; Fox Creek.....	39
129	Nordval, C.; June 1, 1895; Darby Creek.....	39
131	Spencer, Charles; June 15, 1895; Trail Creek.....	39
131	Costello, C. A.; June 15, 1895; Pine Creek.....	39
131	Costello, C. A.; June 15, 1895; Spring Creek.....	39
132	Tonks, George M.; July 15, 1895; Trail Creek.....	39
138	Beard, James T.; Apr. 1, 1896; Teton River.....	39
138	Huskinson, William J.; Apr. 1, 1896; Teton River.....	39
138	Smith, Albert; Apr. 1, 1896; Trail Creek.....	39
138	Smith, Albert; Apr. 1, 1896; Little Warm Creek.....	39
140	Blair, J. J.; May 1, 1896; Spring Creek.....	39
142	Stahn, Emil A.; May 15, 1896; Spring Creek.....	39
142	Moulton, Charles; May 15, 1896; Fox Creek.....	39
142	Moulton, George F.; May 15, 1896; Fox Creek.....	39
143	Edwards, Andrew; June 1, 1896; Trail Creek.....	39
143	Blair, Ed. F.; June 1, 1896; Trail Creek.....	39
143	Avery, Talitha C.; June 1, 1896; Trail Creek.....	39
143	Allen, Charles A.; June 1, 1896; Trail Creek.....	39
143	Barnes, Charles W.; June 1, 1896; Trail Creek.....	39
143	Bush, George W.; June 1, 1896; Fox Creek.....	39
143	Bush, George W.; June 1, 1896; Fox Creek.....	39
143	Buxton, John; June 1, 1896; Mahogany Creek.....	39
143	Buxton, Lucy, Adminr. Estate of Joseph Buxton (deceased); June 1, 1896; Spring Creek.....	39
143	Crandall, Ira; June 1, 1896; Darby Creek.....	39
143	Hamblin, Kate; June 1, 1896; Trail Creek.....	39
143	Hamblin, Joseph R.; June 1, 1896; Trail Creek.....	39
143	Griggith, Henry; June 1, 1896; Trail Creek.....	39
143	Hendrickson, Alvira E.; June 1, 1896; South Leigh Creek.....	39
143	Hansen, Andrew C.; June 1, 1896; Teton Creek.....	39
143	Hanks, Harriet A.; June 1, 1896; North Leigh Creek.....	39
143	Robertson, A. I.; June 1, 1896; Springs on place.....	39
143	Moffat, John P.; June 1, 1896; Swamps.....	39
143	Lauritzen, John; June 1, 1896; Pine Creek.....	39
143	Ricks, Effie E.; June 1, 1896; Trail Creek.....	39
143	Rice, A. L.; June 1, 1896; Patterson Creek.....	39
143	Rice, A. L.; June 1, 1896; Patterson Creek.....	39
143	Peterson, A. L.; June 1, 1896; Darby Creek.....	39
143	Peterson, Chris; June 1, 1896; Trail Creek.....	39
143	Humbull, Olive A.; June 1, 1896; Trail Creek.....	39
143	Stone, Henry J.; June 1, 1896; Fox Creek.....	39
143	Sherman, William D.; June 1, 1896; Trail Creek.....	39
143	Walton, Dana; June 1, 1896; Darby Creek.....	39
143	Victor Town Site; June 1, 1896; Trail Creek.....	39
143	Vail, J. R.; June 1, 1896; Fox Creek.....	39
143	Taylor, Jackson C.; June 1, 1896; South Leigh Creek.....	39
143	Letham, John; June 1, 1896; North Leigh Creek.....	39
143	Murphy, Thomas E.; June 1, 1896; Darby Creek.....	39
143	Larson, Peter; June 1, 1896; Darby Creek.....	39
143	Larsen, K. M.; June 1, 1896; Darby Creek.....	39
143	Larsen, A. C.; June 1, 1896; Darby Creek.....	39
143	Kimball, R. C., and A. L.; June 1, 1896; Fox Creek.....	39
143	Johnson, W. R.; June 1, 1896; Trail Creek.....	39
143	Penfold, Farley; June 1, 1896; Fox Creek.....	39
143	Paseor, F.; June 1, 1896; Darby Creek.....	39
144	Paseor, W. R.; June 15, 1896; Darby Creek.....	39
145	Larson, Andrew; July 1, 1896; Lauritzen Spring.....	39
145	Frye, John; July 1, 1896; Trail Creek.....	39
147	Eames, John S.; July 15, 1896; Teton River.....	39

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SCANNED

MAY 13 2005

22-193B



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: A22-00193B
Date Received: 9/28/1988
Receipt No: E002708
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: TERRELL KAY
Address: 890 W. 400 N.
TETONIA, ID 83452 208-456-2829

2. Date of Priority: JUN 01, 1895

3. Source: PACKSADDLE CREEK Trib. to: TETON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05N	44E	8	NE	SW			TETON

5. Description of diverting works:
PIPELINE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	1.000		

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

8. Total consumptive use is 100.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	44E	4	NE	SW		IRR	10.0
			NW	SW		IRR	15.0
			SW	SW		IRR	15.0

A22-00193B

Page 1

Date: 09/28/88

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MICROFILMED
NOV 04 1992

A2200193B



10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
05N	44E	4	SE SW		IRR	10.0
Section Acres						50.0
Total Acres						50.0

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:
A22-11989.

14. Remarks:
TRANS. #1828. P/D PACKSADDLE PIPELINE.

15. Basis of Claim: DECREED
Water Right Number: 0193B
Case Number:
Court :
Decree date: 12/16/1910

REXBURG IRRIGATION CO. ET AL
Decree Plaintiff

vs

TETON IRR. CANAL CO. ET AL
Decree Defendant

PROFILE

SCANNED
MAY 13 2005

MICROFILMED
NOV 04 1992

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): Terrell F Kay Date: 9-28-88
_____ Date: _____

State of Idaho)
County of Bonnieville) SS.

Subscribed and sworn (or affirmed) before me this 28th day
of September 19 88

Betty J Thompson
Notary Public

Seal

Residing at Idaho Falls
My Commission Expires 6-94

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SCANNED
MAY 13 2005

MICROFILMED
NOV 04 1992

P E S T

NOV 04 1992

6539

Packsaddle

Hollow

Creek

6660



75
R4
N

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SCANNED
MAY 13 2005

A22-0019.3f