

05/04/2006

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

RIGHT NUMBER: 22-214

NAME AND ADDRESS: LYNN S KEARSLEY
PO BOX 98
VICTOR ID 83455

SOURCE: LITTLE PINE CREEK

TRIBUTARY: WARM CREEK

QUANTITY: 0.640 CFS

Right Nos. 22-214 and 22-602 are limited to a total combined diversion rate of .64 cfs.

PRIORITY DATE: 06/15/1895

POINT OF DIVERSION:
T03N R45E S8 NESESW Within TETON County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/15 10/15	0.640 CFS
PLACE OF USE:	<u>IRRIGATION Within TETON County</u>		
	T03N R45E S08 NESW 1.20	T03N R45E S08 SESW	31.00
	32.2 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

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



Idaho Department of Water Resources

SRBA Recommendation:

22-214

Legend

Point of Diversion



Place of Use



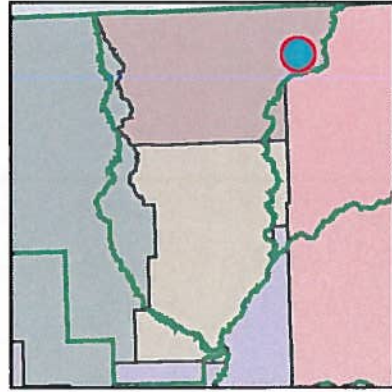
Townships



PLS Sections



Quarter Quarters



Teton County
IDWR Basin 22



R45E

8

SESW

T03N

0 0.1 0.2 Miles

Prepared by T. Galbraith
On Thursday, May 4, 2006
1987/88 Aerial Photography

5-4-06

- I looked on the BLM website and found a Homestead Entry Survey for Charles Q. Costello. 22-214 was decree to C.A. Costello but no description was given.
- There are no competing claims and it is possible this was the 100 acres that was irrigated. I am recommending 22-214 in full to Lynn Kearsley.

TG

- Lynns Summer #13 787-2831

- 5-4-06

- Called Lynn he said East of Deep creek and west of little pine creek is up hill and cannot be irrigated. He said little pine creek and Deep creek are both used to irrigate the full irrigatable acres on the lower 100 of his property. He said the upper 100 is not irrigated.
- Recommending 22-602 and 22-214 to the same land with a COS for 22-214 and a quantity limit between the two not to exceed ~~one~~ one inch per acre.
- TG

~~1-11-11~~ 23-0025

Corbett, V. W. 70 inches. Oct. 24, 1898. Rainey Creek.

~~1-11-11~~ Corbett 11 047

Ditch Company 6,000 inches. May 1, 1889. Snake River. Trans 268-274

~~1-11-11~~ 1 048

Corbett Slough
Ditch Company 6,500 inches. May 1, 1892. Snake River.

~~1-11-11~~ 1 049

Corey, George L.
and Lester S. 300 inches. June 1, 1887. South Fork of Snake
River.

~~1-11-11~~ 22 0213

Costello, C. A. 120 inches. June 15, 1895. Spring Creek.

~~1-11-11~~ 22 0214

Costello, C. A. 40 inches. June 15, 1895. Pine Creek.

~~1-11-11~~ 21 0036

Courtney, James S.
and A. C. 240 inches. June 1, 1896. Targee Creek.

~~1-11-11~~ 22 0215

Coyle, M. H. 60 inches. June 15, 1904. Coyle Spring.

~~1-11-11~~ 21-0149

Coxson, William Oct. 3, 1904. The use of a spring on
the SW $\frac{1}{4}$ of Sec. 14,
T 13, N., R. 43 E.,
for fish culture and for
the irrigation of ten
acres of land.

~~1-11-11~~ 21 0038

Crabg A. P.
(substituted for
W. J. Thorp.) 70 inches. June 1, 1892. Black Spring Creek.

~~1-11-11~~ 21 0037

Crabb, Addie D. 240 inches. June 1, 1895. North Springs, Middle
Springs, Guy Springs,
and East Springs, all
used for fishery, with
R. A. Osborn.

~~1-11-11~~ 1 050

Craig, R. A. 240 inches. June 1, 1887. South Fork of
Snake River.

~~1-11-11~~ 22 0216

Grandall, Ira 100 inches. June 1, 1896. Darby Creek. Trans 635

~~1-11-11~~ 22 0217

Grandall, Ira 20
inches. June 1, 1898. Darby Creek.

~~1-11-11~~ 22 0218

Grandall, H. L. 20 inches. June 1, 1897. Darby Creek.

~~1-11-11~~ 22 0219

Grandall, H. L. 60 inches. June 1, 1898. Darby Creek.

~~1-11-11~~ 22 0220

Grandall, H. L. 80 inches. Waters of Grandall
Springs.

Crawford, J. B. Wat: on Slough
Irrigation Company.

Crawford, J. B. Parsons Ditch Company.

Crouch, William Trego Ditch Company.

Crowley, S. G. Enterprise Canal
Company.

~~1-11-11~~ 21 0039

Curr, Joseph 240 inches. June 10, 1887. Fall River.

~~1-11-11~~ 22 0221

Curtis, Clarissa A. 160 inches. Sept. 1, 1890. Trail Creek.

Montgomery, John	30 acres in NE $\frac{1}{4}$ of Sec. 3, T. 3 S., R. 35 E., B. M.,
Neff, Louis	N $\frac{1}{2}$ of SE $\frac{1}{4}$, and S $\frac{1}{2}$ of NE $\frac{1}{4}$ of Sec. 26, T. 2 S., R. 35 E., B. M., containing 160 acres.
Nielsen, H. B.	S $\frac{1}{2}$ of SW $\frac{1}{4}$ of Sec. 7, N $\frac{1}{2}$ of Sec. 18, N $\frac{1}{2}$ of SW $\frac{1}{4}$ of Sec. 18, SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Sec. 18, T. 2 S. R., 36 E., B. M., and E $\frac{1}{2}$ of Sec. 13, T. 2 S., R. 35 E. B. M., containing 840 acres.
Ragan, J. T.	Part of SW $\frac{1}{4}$ of Sec. 25, T. 2 S., R. 35 E. B., M., containing 90 acres.
Rich, S. J.	W $\frac{1}{2}$ of Sec. 26, T. 2 S., R. 35 E., B. M., containing 320 acres.
Shannon, Robert M.	90 acres in NE $\frac{1}{4}$ of Sec. 2, T. 3 S., R. 35 E. B. M.,
Tanner, M., Jr.	Ten acres in NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Sec. 3 T. 3 S., R. 35 E., B. M.
Southeastern Idaho Fair Assn., The	31.6 acres in Sec. 3, T. 3 S., R. 35 E. B. M.,
Watson, Albert	Five acres in NE $\frac{1}{4}$ of Sec. 3, T. 3 S., R. 35 E. B. M.
Willeford, Samuel	S $\frac{1}{2}$ of NW $\frac{1}{4}$, 20 acres in W part, NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Sec. 1, T. 3 S., R. 35 E., B. M., containing 100 acres.

Corey, George L. and Lester S.	N $\frac{1}{2}$ of NW $\frac{1}{4}$ of Sec. 27, N $\frac{1}{2}$ of NE $\frac{1}{4}$ of Sec. 28, T. 5 N. R., 39 E., B. M., containing 160 acres.
Costello, C. A.	(No description given.)

Allen,

I was able to get some addresses from the assessor's office. Hope these help.

These photos are all for Lynn Kearsley claims # 214, 362B and 602. I intended to hang onto the claims until I had the photos, but I brought the files in last week. I have annotated photos. I am sorry.

Dee D

RECEIVED

JUL 07 2005

Department of Water Resources
Eastern Region

Claim No. 22-211

Document Checklist

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

Contacts Data Entry Form

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.

The source Little Pine Creek Trib To Warm Creek.
 Little Pine Creek splits both branches are tributary
 to Warm Creek. One branch confluent Warm Creek
 SE 1/4 SE 1/4 SEC. 8 T3N R. 45E. The other
 branch is where this claim is. Diverted an
 it confluent. In NE 1/4 NE 1/4 SEC. 8 T3N R. 45E
 They claimed: Pine Creek tributary to Tetou River
 But should be Little Pine Creek tributary to
 Warm Creek.

Reviewer: _____ Date: _____

Priority Date Data Entry Form

Claim Number: _____

Water Right Priority Date: JUNE 15 1895 Water Right Basis: DACREEDClaimed Priority Date: JUNE 15 1895 Claimed Basis: DACREED

Recommended Priority Date: _____ Recommended Basis: _____

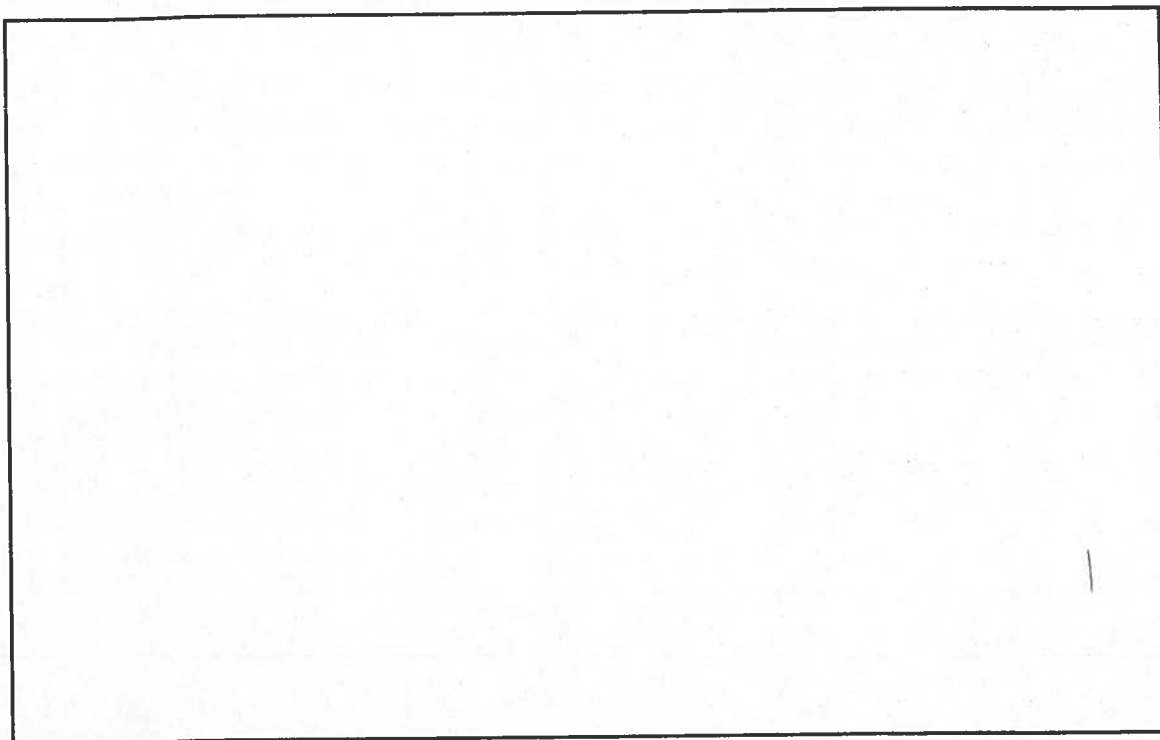
Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

P.D. matches DECREE

Reviewer: _____

Date: _____

Water Right No(s). _____



GPS DATA:

Tag # AOPP 9548 Location: Fence post approx 50 yds from
POD

Diversion Data:

Source: Little Pine CK, Trib to: Warm Creek

MOTOR

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

PUMP

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

NOTES:

The diversion works have been washed out
and the creek is approx 4 ft below the ditch.
A sizable dam would be needed to divert any water.
During high water this diversion might be usable.
Ditches are in place if the water is diverted.

Field Exam Date: 6/28/05 Agent: DD

Point of Diversion and Source Data Entry Form

Claim Number: _____

Water 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
_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____

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: _____

Document how the POD and Source were verified:

6/28/05
 DO Field exam showed source is Little Pine Creek.
 There is no headgate or dam to divert the water
 and the diversion ditch is well above the creek.
 (See notes on previous page)

Reviewer: _____ Date: _____

Place Of Use Data Entry Form

Claim Number: _____

Claimed Place Of Use

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

Total acres _____

Recommended Place of Use

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

Total acres _____

Pending or approved Transfers: _____

Overlapping rights: _____

Document how the POU was verified:7/25/05
DO

Field exam shows ditches are in place to
irrigate the center 20-25 acres. See map.

Reviewer: _____ Date: _____

Claim Number: _____

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____ Overall Diversion Volume _____

Water Use	Start	End	Rate	Volume
Irrigation	4/15	10/15	0.8 cfs	

Overall Diversion Rate 0.8 CFS. Overall Diversion Volume _____

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____ Overall Diversion Volume _____

Document how the Period of Use and/or Diversion Rate were verified:

Document how the Period of Use and/or Diversion Rate were verified:

F.N.W.R. S.T.L. S.O.U. 4/15 10/31

Reviewer: _____

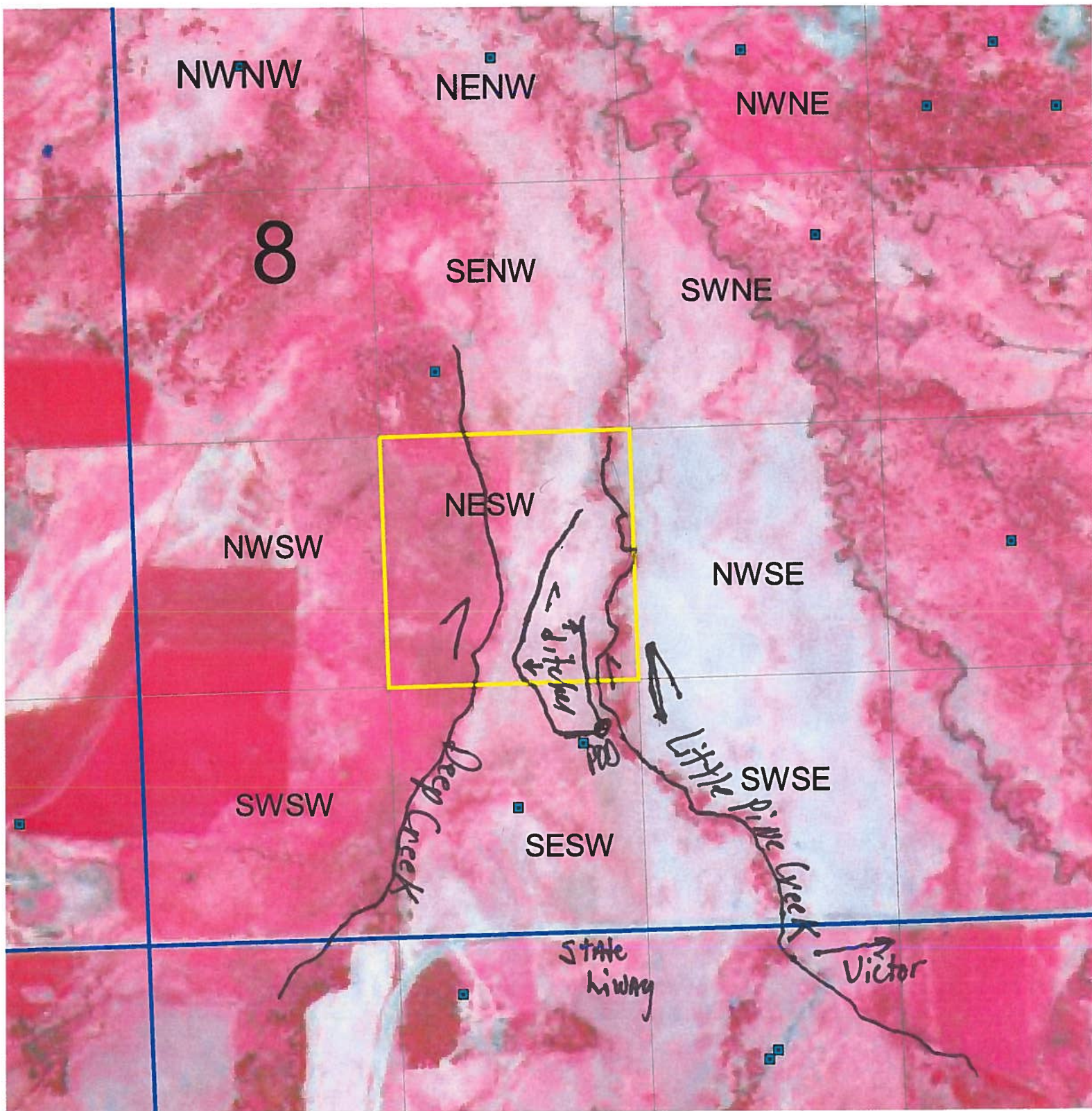
Date: _____

Mrs. L. E.; Sept. 1, 1891; Teton Creek.....	200
Teton Canal Co.; May 1, 1892; Teton Creek (Dl- ed in Wyoming).....	6,360
Noah C.; June 1, 1892; Leigh Creek.....	120
George; June 1, 1892; Paradise Creek.....	100
Carl; June 1, 1892; Darby Creek.....	160
Albert; June 1, 1892; Horse Shoe Creek.....	120
Osiab; June 1, 1892; North Leigh Creek.....	160
Ly Irrigation & Manufacturing Co.; June 1, 1892; in River.....	364
in July 1st of each year for the balance of the ration season.....	160
John; June 1, 1892; Darby Creek.....	200
Henry M.; June 1, 1892; Darby Creek.....	200
W. L. S.; July 26, 1892; Darby Creek.....	155
lice, and Joseph; May 1, 1893; Trail Creek....	80
less; F.; May 1, 1893; Moody Creek.....	320
be used to 160 inches after June 20th in b.....	160
Engmin; June 1, 1893; Trail Creek.....	140
Henry E.; June 1, 1893; no stream proved...	60
Samuel L.; June 1, 1893; Mahogany Creek.....	160
Eva H., widow of Eugene H. Young (deceased); e 1, 1893; Warm Creek.....	100
Joseph; June 1, 1893; South Leigh and Swamp ek.....	40
S. A.; June 1, 1893; South Leigh Creek.....	160
on, George; June 1, 1893; Teton Creek.....	160
S. N. H.; May 1, 1894; Trail Creek.....	130
D. R.; June 1, 1894; Trail Creek.....	160
D. R., Adminr. Estate of Fred Sinclair (de- red); June 1, 1894; Warm Creek.....	15
Ired; June 1, 1894; Moody Creek.....	200
be reduced to 100 inches after June 20th of 1 year.....	100
ohn; June 1, 1894; Trail Creek.....	51
Ired; June 1, 1894; Teton River.....	10
Hyrum; June 1, 1894; Trail Creek.....	160
John P.; June 1, 1894; Swamps.....	40
Joseph; June 1, 1894; South Leigh and Swamp	80
Niels C.; June 1, 1894; Fox Creek.....	160
Rudolph; June 1, 1894; Darby Creek.....	160
J.; June 1, 1894; Darby Creek.....	160
L. L.; June 15, 1894; Spring Creek, a tributary hine Creek.....	40
Richard; June 30, 1894; Trail Creek.....	160
John; July 1, 1894; Trail Creek.....	20
P. S.; May 15, 1895; Little Warm Creek.....	60
E. G.; June 1, 1895; no stream proved.....	150
d. Charles; June 1, 1895; Teton Creek.....	100
arah M.; June 1, 1895; Teton Creek.....	150
il, Moroni; June 1, 1895; Pack Saddle Creek....	160
R. C. M.; June 1, 1895; Teton Creek.....	80
Mary A.; June 1, 1895; Leigh Creek.....	80
Andrew; June 1, 1895; South Leigh Creek and amps.....	20
Thomas H.; June 1, 1895; Darby Creek.....	160
John; June 1, 1895; Spring Creek.....	80
Archie R.; June 1, 1895; Trail Creek.....	100

129 Kay, James; June 1, 1895; Trail Creek.....	140
129 Parker, B. F.; June 1, 1895; Fox Creek.....	15
129 Nordval, C.; June 1, 1895; Darby Creek.....	50
131 Spencer, Charles; June 15, 1895; Trail Creek.....	160
131 Costello, C. A.; June 15, 1895; Pine Creek.....	40
131 Costello, C. A.; June 15, 1895; Spring Creek.....	120
132 Tonks, George M.; July 15, 1895; Trail Creek.....	160
138 Beard, James T.; Apr. 1, 1896; Teton River.....	200
138 Hustinson, William J.; Apr. 1, 1896; Teton River.....	20
138 Smith, Albert; Apr. 1, 1896; Trail Creek.....	120
138 Smith, Albert; Apr. 1, 1896; Little Warm Creek.....	40
140 Blair, J. J.; May 1, 1896; Spring Creek.....	120
142 Stahn, Emil A.; May 15, 1896; Spring Creek.....	130
142 Moulton, Charles; May 15, 1896; Fox Creek.....	100
142 Moulton, George F.; May 15, 1896; Fox Creek.....	100
143 Edwards, Andrew; June 1, 1896; Trail Creek.....	40
143 Blair, Ed. F.; June 1, 1896; Trail Creek.....	160
143 Avery, Talitha C.; June 1, 1896; Trail Creek.....	180
143 Allen, Charles A.; June 1, 1896; Trail Creek.....	160
143 Barnes, Charles W.; June 1, 1896; Trail Creek.....	160
143 Bush, George W.; June 1, 1896; Fox Creek.....	100
143 Bush, George W.; June 1, 1896; Fox Creek.....	40
143 Buxton, John; June 1, 1896; Mahogany Creek.....	160
143 Buxton, Lucy, Adminr. Estate of Joseph Buxton (de- ceased); June 1, 1896; Spring Creek.....	100
143 Crandall, Ira; June 1, 1896; Darby Creek.....	100
143 Hamblin, Kate; June 1, 1896; Trail Creek.....	115
143 Hamblin, Joseph R.; June 1, 1896; Trail Creek.....	80
143 Grigfith, Henry; June 1, 1896; Trail Creek.....	160
143 Hendrickson, Alvira E.; June 1, 1896; South Leigh Creek.....	80
143 Hansen, Andrew C.; June 1, 1896; Teton Creek.....	80
143 Hanks, Harriet A.; June 1, 1896; North Leigh Creek.....	10
143 Robertson, A. I.; June 1, 1896; Springs on place.....	50
143 Moffat, John P.; June 1, 1896; Swamps.....	80
143 Lauritzen, John; June 1, 1896; Pine Creek.....	160
143 Ricks, Effie E.; June 1, 1896; Trail Creek.....	160
143 Rice, A. L.; June 1, 1896; Patterson Creek.....	160
143 Rice, A. L.; June 1, 1896; Patterson Creek.....	160
143 Peterson, A. L.; June 1, 1896; Darby Creek.....	160
143 Peterson, Chris; June 1, 1896; Trail Creek.....	150
143 Humbull, Olive A.; June 1, 1896; Trail Creek.....	160
143 Stone, Henry J.; June 1, 1896; Fox Creek.....	160
143 Sherman, William D.; June 1, 1896; Trail Creek.....	120
143 Walton, Dania; June 1, 1896; Darby Creek.....	320
143 Victor Town Site; June 1, 1896; Trail Creek.....	160
143 Van, J. R.; June 1, 1896; Fox Creek.....	90
143 Taylor, Jackson C.; June 1, 1896; South Leigh Creek.....	155
143 Lehman, John; June 1, 1896; North Leigh Creek.....	160
143 Murphy, Thomas E.; June 1, 1896; Darby Creek.....	160
143 Larson, Peter; June 1, 1896; Darby Creek.....	40
143 Larsen, K. M.; June 1, 1896; Darby Creek.....	20
143 Larsen, A. C.; June 1, 1896; Darby Creek.....	80
143 Kimball, R. C. and A. L.; June 1, 1896; Fox Creek.....	96
143 Johnson, W. R.; June 1, 1896; Trail Creek.....	20
143 Penfold, Farley; June 1, 1896; Fox Creek.....	160
143 Pascoe, F.; June 1, 1896; Darby Creek.....	160
144 Pascoe, W. R.; June 15, 1896; Darby Creek.....	40
145 Larson, Andrew; July 1, 1896; Lauritzen Spring.....	140
145 Frye, John; July 1, 1896; Trail Creek.....	140
147 Eames, John S.; July 15, 1896; Teton River.....	35

22-214

DD 6/28/05





State of Idaho
DEPARTMENT OF WATER RESOURCES
Eastern Region

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

Mailing Address:
150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

TO: File A22-00602 and A22-00214
FROM: Tony Olenichak, IDWR Eastern Regional Office
SUBJECT: Withdrawal of claim
DATE: September 7, 1988

Lynn S. Kearsley decided not to file claim A22-11498, which covered the same p/u as A22-00214 and a portion of A22-00602, because the water right was from the same source as A22-00602 with a later priority.

MICROFILMED
NOV 04 1992

all? C.A. Costello
22-0214
#50

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: A22-00214

Date Received: 9/07/1988

Receipt No: E002115 *at*

Received By: E002119

TO

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: LYNN S. KEARSLEY
Address: P.O. BOX 98
VICTOR, ID

208-787-2935

83455

2. Date of Priority: JUN 15, 1895

3. Source: ^{LITTLE} PINE CREEK *ok by*

Trib. to: ^{Warm Creek ok} ~~TETON~~ RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
03N	45E	8	NE	SE	SW		TETON

5. Description of diverting works:
PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	0.800		

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

A.F.A.

8. Total consumptive use is 80.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
03N	45E	8	NE	SW		IRR	40.0
Section Acres							40.0

A22-00214

Page 1

Date: 09/07/88



MICROFILMED
NOV 14 1992

10. Place of Use: Continued

Total Acres 40.0

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:
A22-00602, ~~A22-11498.~~

L.R.

14. Remarks:

15. Basis of Claim: DECREED
Water Right Number: 0214
Case Number:
Court :
Decree date: 12/16/1910

REXBURG IRR. CO. ET AL
Decree Plaintiff

vs

TETON IRR. CANAL CO.
Decree Defendant

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: 2

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): Lynn S. Kearney Date: 9/7/88

Date: _____

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 7th day
of September 19 88

Betty J. Thompson
Notary Public

Seal

Residing at Idaho Falls
My Commission Expires 6-94

