

12/03/2006

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

RIGHT NUMBER: 22-238A

NAME AND ADDRESS: J ORIN BEARD
744 N 50 W
TETONIA ID 83452

SOURCE: NORTH LEIGH CREEK TRIBUTARY: SPRING CREEK
Point of injection into and point of redirection from Grouse Creek.

QUANTITY: 1.550 CFS

PRIORITY DATE: 06/01/1890

POINT OF DIVERSION:

T06N R45E S23 SENWSE Rediversion Within TETON County

T06N R45E S25 NESENE Within TETON County

T06N R46E S19 SWSESW Injection Within TETON County

T06N R46E S29 NWNE Lot 1 Within TETON County

The point of diversion for this water right is in Wyoming, T45N, R118W, Sec. 32, SENW, lot 2, 6PM

The point of diversion shown above is where the conveyance system enters Idaho.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	1.550 CFS

PLACE OF USE:

IRRIGATION in TETON County

T06N R45E S22	NESE	11.00	T06N R45E S23	NESW	18.00
T06N R45E S23	NWSW	20.00			

49 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 North Leigh Canal or Hubbard Ditch.

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

12/04/2006

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: 22-238A

J ORIN BEARD

744 N 50 W

TETONIA ID 83452

Telephone Number: (208)456-2838

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: 12-13-06

SIGNATURE:

J Orin Beard

Please print your name:

J ORIN BEARD

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

03/21/2005

**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: 22-238A

J ORIN BEARD

744 N 50 W

TETONIA ID 83452

Telephone Number: (208)456-2838

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: 6-16-05

SIGNATURE:

J Orin Beard
J ORIN BEARD

Please print your name:

IDWR Regional Office,

RECEIVED

JUN 24 2005

Department of Water Resources
Eastern Region

SCANNED

JUN 28 2005

PROFILED

KMO
6/27

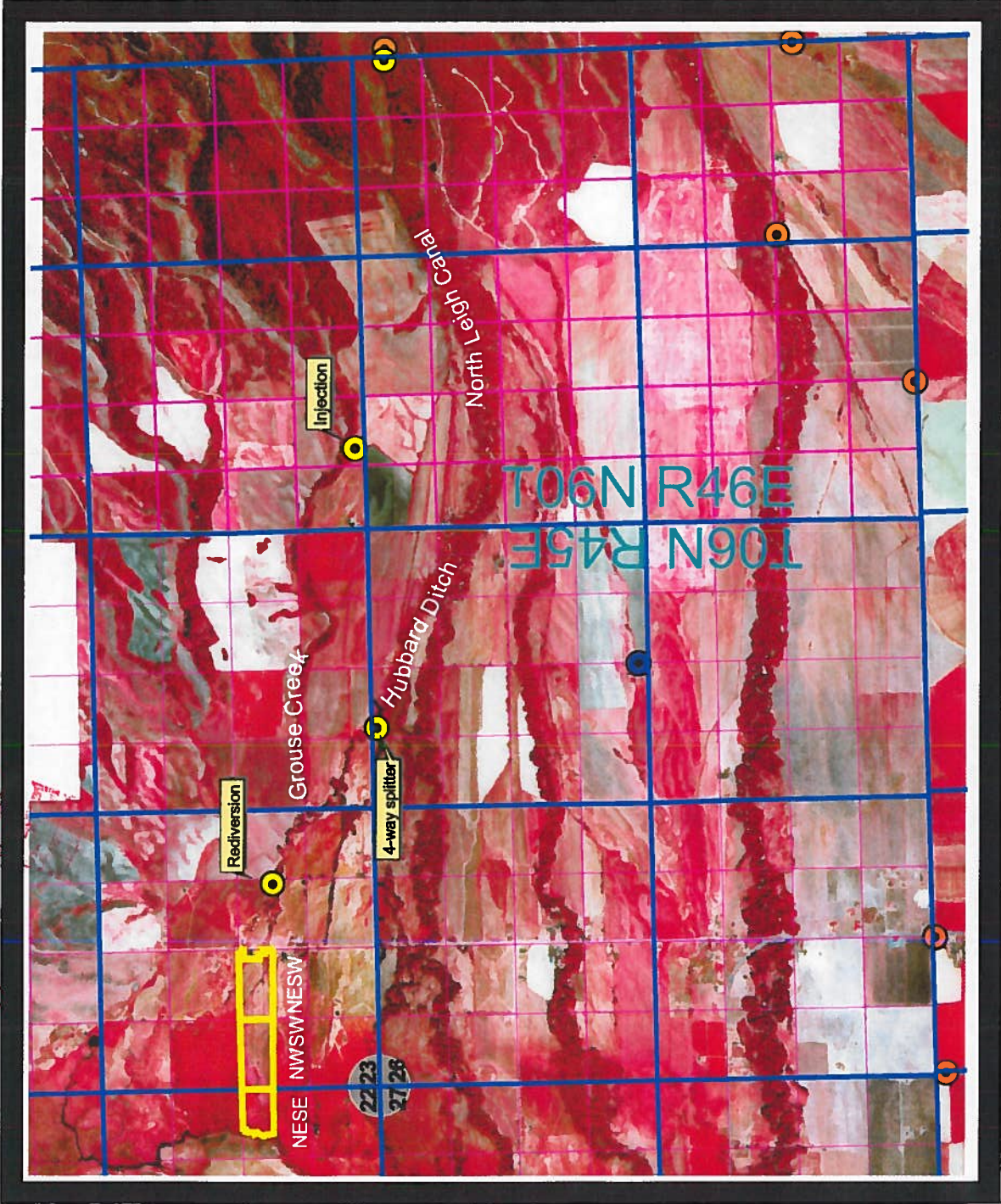


State of Idaho

Department of Water Resources
Eastern Region

PROFIT

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MAY 16 2005



Water Right(s): 22-238A

Point(s) of Diversion:

T06N R45E
Sec 23 SENWSE (R)
Sec 25 NWNENW

T06N R46E
Sec 19 SWSESW (I)
Sec 29 SENWNE

Place of Use: (parts of)

T06N R45E
Sec 22 NESE
Sec 23 NWSW, NESW

Water delivered through Grouse
Creek or Hubbard Ditch.

Legend

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



GIS Place of Use Illustration
1987/1988 NAPP Photography.
Prepared by: N. Treasure
Date: March 2005

2000 0 2000 4000 6000 8000 10000 12000 14000 16000 Feet



Water Right and SRBA Split History Analysis

* Acres verified via GIS. CFS calculated in Recommend to portray conveyance loss.

22-238
06/01/1895
3.10 cfs.
— Acres

22-238 A
* 1.10 cfs
47 Acres
22-238 B
* 1.3 cfs
56 Acres

120
160
2.325
1.16

22 NESE
NWSE
23 - NESW
NWSW

Reviewer: _____
mydoc/fieldexamforms/splithistory

Date: _____

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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
POD ✓	6N	46E	29		SENESE	Teton	No Leigh Crk	Spring Crk NLC
POI ✓	6N	46E	19		SWSESW	"	Grouse Crk	Spring Crk
POR ✓	6N	45E	23		SENWSE	"	Grouse Crk	SP Crk
POD	6N	45E	25		NESENE	"	No Leigh Crk	SP Crk (To Hubbard Ditch)

Other rights from this POD? _____

Transfers Pending or approved: _____

Document how the POD and Source were verified:

WATER FOR THIS RT IS ORIGINALLY DIVERTED FROM NO. LEIGH CREEK THROUGH THE NO. LEIGH CANAL SYSTEM. POD IN WYOMING, SEC. 32 NW T. 45N, R. 11BW; CROSSES IDAHO-WYOMING STATE LINE AT T. 6N, R. 46E, SEC. 29 SENESE. THEN MR. BEARD CAN EITHER DIVERT FROM THE CANAL TO THE WINTER DITCH AND REINJECT INTO GROUSE CREEK AT T. 6N, R. 46E SEC. 19 SWSESW, THEN REDIVERT FROM GROUSE CREEK AT T. 6N, R. 45E, SEC. 23 SENWSE FOR DELIVERY TO POD. OR, HE CAN BRING WATER THROUGH NO. LEIGH CANAL (HUBBARD DITCH) TO A 4-WAY SPLITTER AT T. 6N, R. 45E, SEC. 25 NW/NENW THEN ON TO HIS PROPERTY THROUGH D. THOMAS' PLATS WHICH IS ADJACENT TO THE SOUTH ALSO DIVERTS TO HUBBARD DITCH AT T. 6N, R. 45E SEC. 25 NESENE TO PULL.

Reviewer: _____ Date: _____

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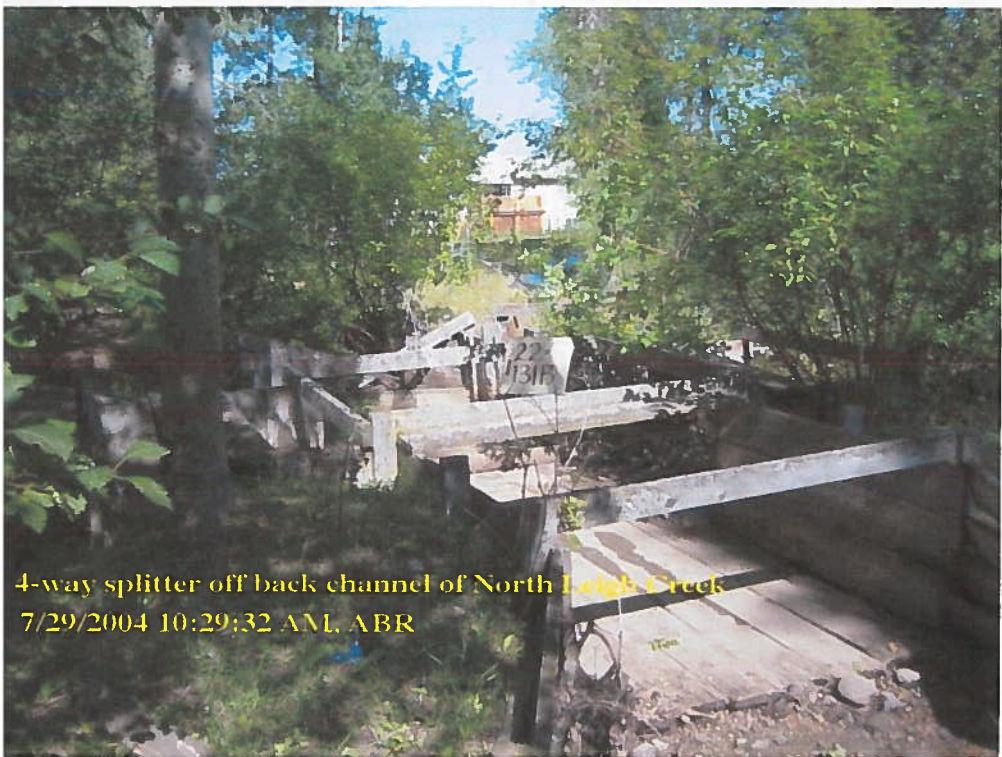
MAY 16 2005



RE-DIVERSION OFF GROSS CK OF
NO. LEIGH CK WATERS. GOES TO DRAIN
BOARD.

PROFILED

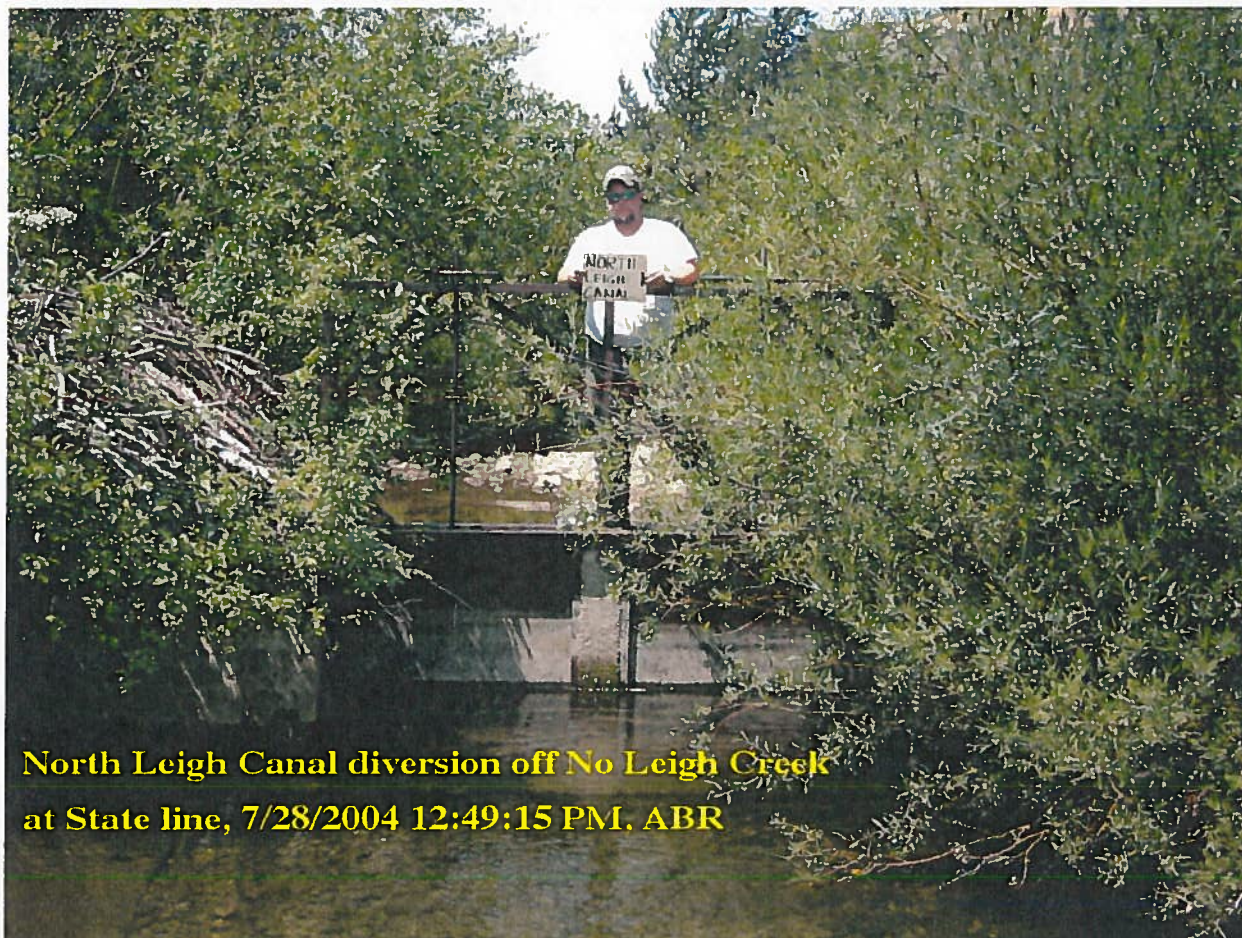
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MAY 16 2005



4-way splitter off back channel of North Lough Creek
7/29/2004 10:29:32 AM, ABR

PROFILED

SCANNED
MAY 16 2005



North Leigh Canal diversion off No Leigh Creek
at State line, 7/28/2004 12:49:15 PM, ABR

SCANNED

MAY 16 2005

PROFILED

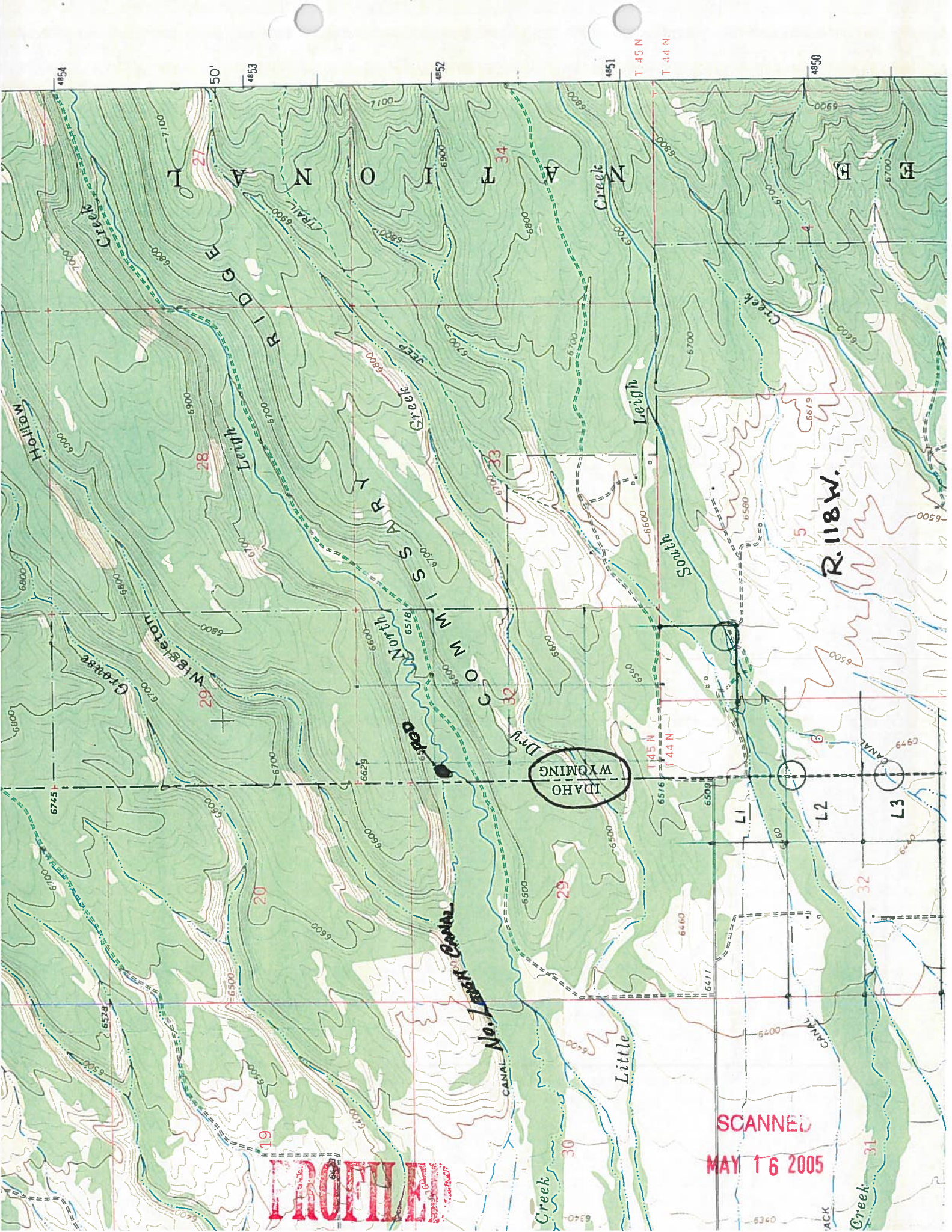


Hubbard Headgate on
North Leigh Creek
Tag is on headgate
wall,

Tag # 40013465

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MAY 16 2005



PROFILES

SCANNED
MAY 16 2005

R. 118W.

IDAHO
WYOMING

CANAL No. 12345678

Little Creek

Leigh Creek

South Creek

Creek

Creek

ACK

T 45 N
T 44 N

4951

4952

4853

4854

50'

4850

6000

6100

6200

6300

6400

6500

6600

6700

6800

6900

7000

7100

7200

7300

7400

7500

7600

7700

7800

7900

8000

8100

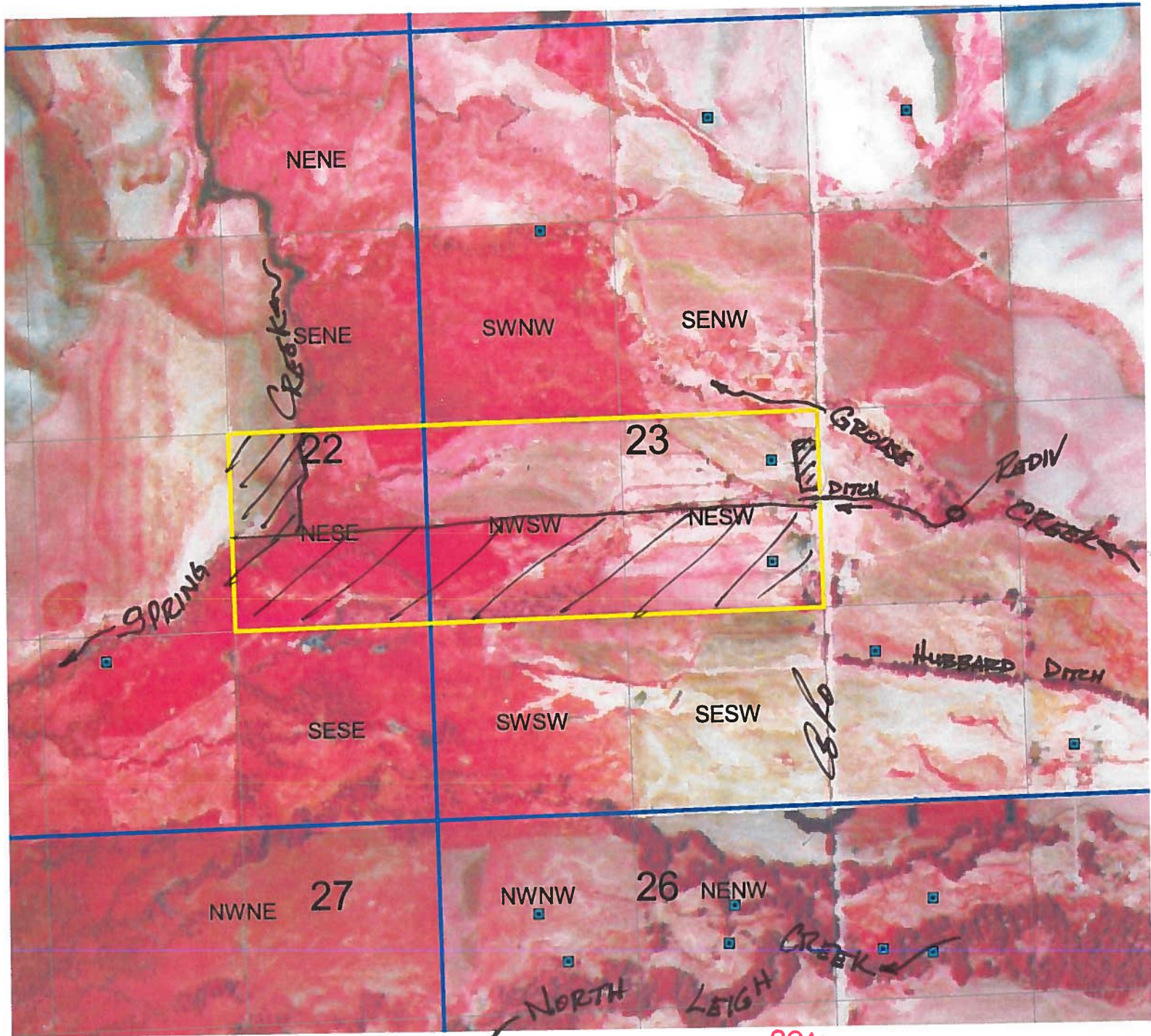
8200

.....	8,000
.....	300
.....	50
.....	25
.....	25
.....	260
.....	60
.....	80
.....	30
.....	290
.....	1,325
.....	160
.....	80
.....	168
.....	160
.....	120
.....	280
.....	112
.....	140
.....	80
.....	150
.....	140
.....	40
.....	140
.....	10
.....	160
.....	150
.....	40
.....	20
.....	20
.....	160
.....	160
.....	95
.....	55
.....	80
.....	620
.....	3,000
.....	500
.....	80
.....	115
.....	2,335
.....	87

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 Lawson, 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 Byrne, 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	160
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	160
98 Bowles, Sarah; June 1, 1891; Spring Creek	100
98 Blanches, 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	640
98 Edlertson, Noah C.; June 1, 1891; Leigh Creek	40
100 Sildoway Irrigation & Manufacturing Co.; July 1, 1891; Teton River	300

22-238A

9/13/04 JAL



SCANNED

MAY 16 2005

PRO

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 22-238A
DATE RECEIVED: 9/28/1988
RECEIPT NO: E002720
RECEIVED BY:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. NAME OF CLAIMANT(S)

J ORIN BEARD PHONE: (208)456-2838

744 N 50 W
TETONIA ID USA 83452

2. DATE OF PRIORITY: 06/01/1890

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	TYPE
06N	46E	29	SE NW	NE	1	TETON

5. DESCRIPTION OF DIVERTING WORKS:

NORTH LEIGH CANAL - CONCRETE HEADING WITH SCREW GATES.

6. WATER IS USED FOR THE FOLLOWING PURPOSES:

PURPOSE	FROM	TO	C.F.S.	(OR) A.F.A
IRRIGATION		04/15	10/15 1.55	

7. TOTAL QUANTITY APPROPRIATED IS:
1.55 C.F.S.

8. TOTAL CONSUMPTIVE USE:

9. NON-IRRIGATION USES:

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DEC 01 2006
Department of Water Resources
Eastern Region

10. PLACE OF USE:

TOWNSHIP	RANGE	SECTION	1/4 OF 1/4	LOT	USE	ACRES
06N	45E	22	NE	SE	IRRIGATION	14
					SECTION ACRES	14
06N	45E	23	NE	SW	IRRIGATION	15
			NW	SW	IRRIGATION	20
					SECTION ACRES	35
					TOTAL ACRES	49

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:

HEADING FOR NORTH LEIGH CANAL IS ACTUALLY LOCATED IN SW1/4NE1/4, SEC. 32, TWN 45N, RGE. 118W, 6TH PM, TETON COUNTY WYOMING.

15. BASIS OF CLAIM: DECREED

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):

J Orin Beard

DATE: 11-29-06

DATE: _____

STATE OF IDAHO)

) SS.

COUNTY OF

Leton

SUBSCRIBED AND SWORN (OR AFFIRMED) BEFORE ME THIS

OF 11-29 2006

Jan Beard

NOTARY PUBLIC

RESIDING AT

Leton, ID

MY COMMISSION EXPIRES

MY COMMISSION EXPIRES
October 8, 2009

BONDED THRU NOTARY PUBLIC UNDERWRITERS

JAN BEARD
Notary Public
State of Idaho

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: A22-00238A
Date Received: 9/28/1988
Receipt No: E002720
Received By: EMC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: J. ORIN BEARD
Address: 744 N. 50 W.
TETONIA, ID

208-456-2838

83452

2. Date of Priority: JUN 01, 1890

3. Source: NORTH 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	46E	29	SE	NW	NE	1	TETON

5. Description of diverting works:
NORTH LEIGH CANAL - CONCRETE HEADING WITH SCREW GATES.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	1.200		

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

8. Total consumptive use is 98.0 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	22	NE	SE		IRR	14.0
						Section Acres	14.0
		23	NE	SW		IRR	15.0

A22-00238A

Page 1

Date: 09/28/88

PROFILED

SCANNED

MAY 16 2005 MICROFILMED

NOV 04 1992

A2200238A



10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06N	45E	23	NW	SW		IRR	20.0
Section Acres							35.0
Total Acres							49.0

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:
NONE

14. Remarks:
HEADING FOR NORTH LEIGH CANAL IS ACTUALLY LOCATED IN SW1/4NE1/4,
SEC. 32, TWN 45N, RGE. 118W, 6TH PM, TETON COUNTY WYOMING.

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

REXBURG IRR. CO. ET AL
Decree Plaintiff

vs

TETON IRR. CANAL CO. ET AL
Decree Defendant

PROFILE

SCANNED

MAY 16 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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1

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): J. Orrin Beard Date: 9-28-1988

Date: _____

State of Idaho)
County of Bonneville) ss.

Subscribed and sworn (or affirmed) before me this 28 day
of Sept. 19 88

Ernest Carlsen
Notary Public



Residing at Alto Falls, ID

My Commission Expires 14 June 1994

SCANNED

MAY 16 2005

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MICROFILMED
NOV 04 1992

