

07/31/2006

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

RIGHT NUMBER: 22-249A

NAME AND ADDRESS: ASPEN MEADOWS SUBDIVISION
C/O WILLIAM NESBIT
PO BOX 347
DRIGGS ID 83422

SOURCE: TETON CREEK

TRIBUTARY: TETON RIVER

QUANTITY: 0.900 CFS

PRIORITY DATE: 06/01/1899

POINT OF DIVERSION:

T05N R46E S19 NESESE Within TETON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 10/31

0.900 CFS

PLACE OF USE: IRRIGATION Within TETON County

T05N R45E S25	SENE	9.00	T05N R45E S25	NESE	7.00
T05N R45E S25	NWSE	18.00	T05N R45E S25	SWSE	18.00

52 ACRES TOTAL

This right is limited to the irrigation of 45 acres within the place of use described above 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: BASIS OF CLAIM - Decreed

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

Water is delivered through Price Fairbanks Canal.

07/31/2006

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: 22-249A

ASPEN MEADOWS SUBDIVISION

C/O WILLIAM NESBIT

PO BOX 347

DRIGGS ID 83422

Telephone Number: (208)354-2960

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:

Date should be June 10, 1898

3. Give a brief explanation as to why you disagree with these portions:

See attached -

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

DATE:

11/31/06

SIGNATURE:



Please print your name:

William Nesbit

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

REMOVED 12-11-06.

DECREE INDICATES 1899 PRIORITY DATE.

MR. NESBIT'S ATTACHMENT HIGHLIGHTS THE INCORRECT
WR.

Em

CAJ
12/11

Rights on the Teton River and Tributaries (continued)
Listed in Downstream Order

COPY

	Party or Canal	Date	Decreed Amount in Sec.-ft.	Accumulated Total
	<u>TETON CREEK</u>			
22-0567	Byron Christensen, Willis Moffat, H. Garner, Q. Waddel (L. E. Waddel)	Sept 1, 1891	4.0 ✓	
22-0277	Grand Teton Canal Co	May 1, 1892 ✓	127.2 ✓	
22-0237	Reed Christensen (Geo Eddington) Sec. 29 & 32-5N-46E	June 1, 1893	3.2 ✓	
	Pratt Ward, A. Durtschi, H. Hastings (Pratt Ditch)	Apr. 1, 1894	5.6	
	L. A. Dalley (Wyo Central Canal) Supp.	Apr. 11, 1896	1.34	
	H. C. Beesley est. (A.C. Hansen)	June 1, 1896	1.6	
	R. N. Davison, F. Ward, City of Driggs (D.C. Bruce)	June 10, 1898	3.2	
CLAIM 22-4001	Byron Christenson (P. Fairbanks Canal)	June 10, 1898 ✓	1.5 ✓	
22-0161	M.H. Price, Federal Land Bank (J. W. Price)	June 1, 1899 ✓	1.6	
22-0153	B. J. Curtis (C. Anderson)	June 1, 1899	0.8	
22-0249	D. M. Fairbanks	June 1, 1899 ✓	3.2	
22-0197	Central Teton Canal Co.	Oct. 31, 1903	33.6	
22-2027	Joe Peacock, J. Durtschi (Lic. 3452)(J. M. Davidson)	Feb. 26, 1908	6.88 ✓	
22-0144	Grand Teton Canal	Jan. 22, 1916 ✓	210.0	
22-0090	A. Durtschi, J. J. Durtschi (R. E. Griggs et al)	Jan. 22, 1916	13.3 ✓	
22-0081	F. Weston, L.E. Ellis, Burlington Savings Bank, Prudential Ins., H.H. Culbertson, M.L. Sorenson (L.G. Ellis et al)	Jan. 22, 1916	10.44	
22-0075	Oregon Mortgage Co., L. Beckstead (D. C. Beckstead)	Jan. 22, 1916	2.0 ✓	
22-0626	(Village of Driggs)	Jan. 22, 1916	3.2 ✓	
22-0019	(E. Cordon)	Jan. 22, 1916	9.6 ✓	
22-0020	(E. Cordon)	Jan. 22, 1916	6.4	
22-2153	(Murdock, Ezra, et al)	Feb. 22, 1954	6.4	455.06



State of Idaho

Department of Water Resources
Eastern Region

PROFILE

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MAR 11 2015

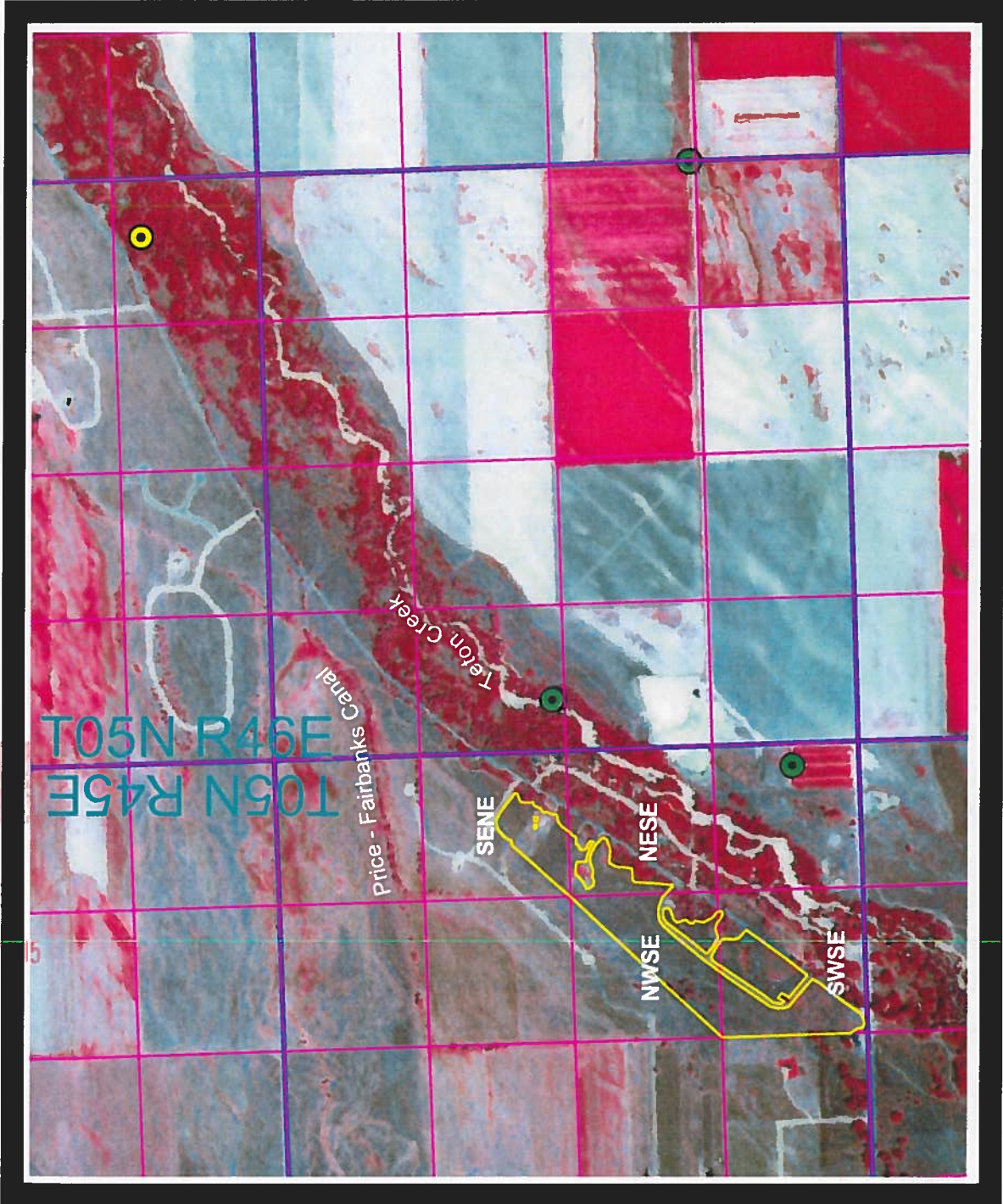


Water Right(s):
22-249A

Point(s) of Diversion:
T05N R46E
Sec 19 NESESE

Place of Use: (parts of)
T05N R45E
Sec 25 SENE NESE
NWSE SWSE

Water is delivered through the Price-Fairbanks Canal.



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



Price - Fairbanks Diversion

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PROF

Claim No. 22-249A

Document Checklist

☒ Copy License/Decree

Found in Roxburg VT on

Decree

☐ Copy Transfer

☐ Copy Licensing Field Exam

☐ Check if Ownership/Address Change is Required

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

☒ Generate Arcview Map

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Claim Number: 22-249 A

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: June 01, 1899 Claimed Basis: _____

Recommended Priority Date: June 01 1899 Recommended Basis: _____

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

11

Reviewer: _____

Date: _____

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Water Right No(s). _____

GPS DATA:

Tag # AD013831 Location: Headgate frame

Diversion Data:

Source: Teton Creek Trib to: Teton River

MOTOR

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

PUMP

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

NOTES:

Price - Fairbanks headgate is the PDD
2 screw type gates w/ a check dam on south
side of the creek.

Field Exam Date: 8/14/04 Agent: DO

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Point of Diversion and Source Data Entry Form

Claim Number: 22-249AWater 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
05N	46E	20		NWNESW	Teton	Teton Creek	Teton River

Recommended Point(s) of Diversion and Source.

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source	Tributary to
05N	46E	19		NE SE SE	Teton	Teton Creek	Teton River

Other rights from this POD? Transfers Pending or approved: Document how the POD and Source were verified:8/14/04
DD

Field exam showed that 2 screw type headgates are used to divert water from Teton Creek into the Price-Fairbanks canal. This canal delivers the water to a series of ditches that are used water ground in the sections claimed.

POD is Price-Fairbanks headgate

Reviewer: Date:

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Place Of Use Data Entry Form

Claim Number: _____

Claimed Place Of Use			QQ	Q	County	Lot Num	Acres	Purpose of Use
Twp	Rge	Sec						
05N	45E	25	SW	NE	Teton		1	Irrigation
05N	45E	25	SE	NE	"		9	"
05N	45E	25	NE	SE	"		10	"
05N	45E	25	NW	SE	"		23	"
05N	45E	25	SW	SE	"		9	"

Total acres 52.0

Recommended Place of Use			QQ	Q	County	Lot Num	Acres	Purpose of Use
Twp	Rge	Sec						
05N	45E	25	SE	NE	Teton		9	Irrigation
05N	45E	25	NE	SE	"		10	"
05N	45E	25	NW	SE	"		23	"
05N	45E	25	SW	SE	"		9	"

Total acres 45.6

Pending or approved Transfers: _____

Overlapping rights: _____

Document how the POU was verified:

8/14/04
RD Field exam showed a sub-division on ground claimed as POU, but ditches are still in place to deliver water to ground that is claimed

Claimed POU includes 1.0 Acre on SWNE of section 25.
However GIS does not show this likely to be part of the Right.

Claimed Acreage is 52.0 Acres/1.04 cfs. GIS indicates 45.6 Acres which 0.91 cfs would be allowed. However due to a convergence loss, the claimed 1.04 cfs. will be recommended.

Reviewer: _____ Date: _____

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Season of Use and Quantity Data Entry Form

Claim Number: _____

Water 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	1.04	

Overall Diversion Rate _____

Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
Irrigation	04/15	10/31	1.04	

Overall Diversion Rate _____

Overall Diversion Volume _____

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

Reviewer: _____

Date: _____

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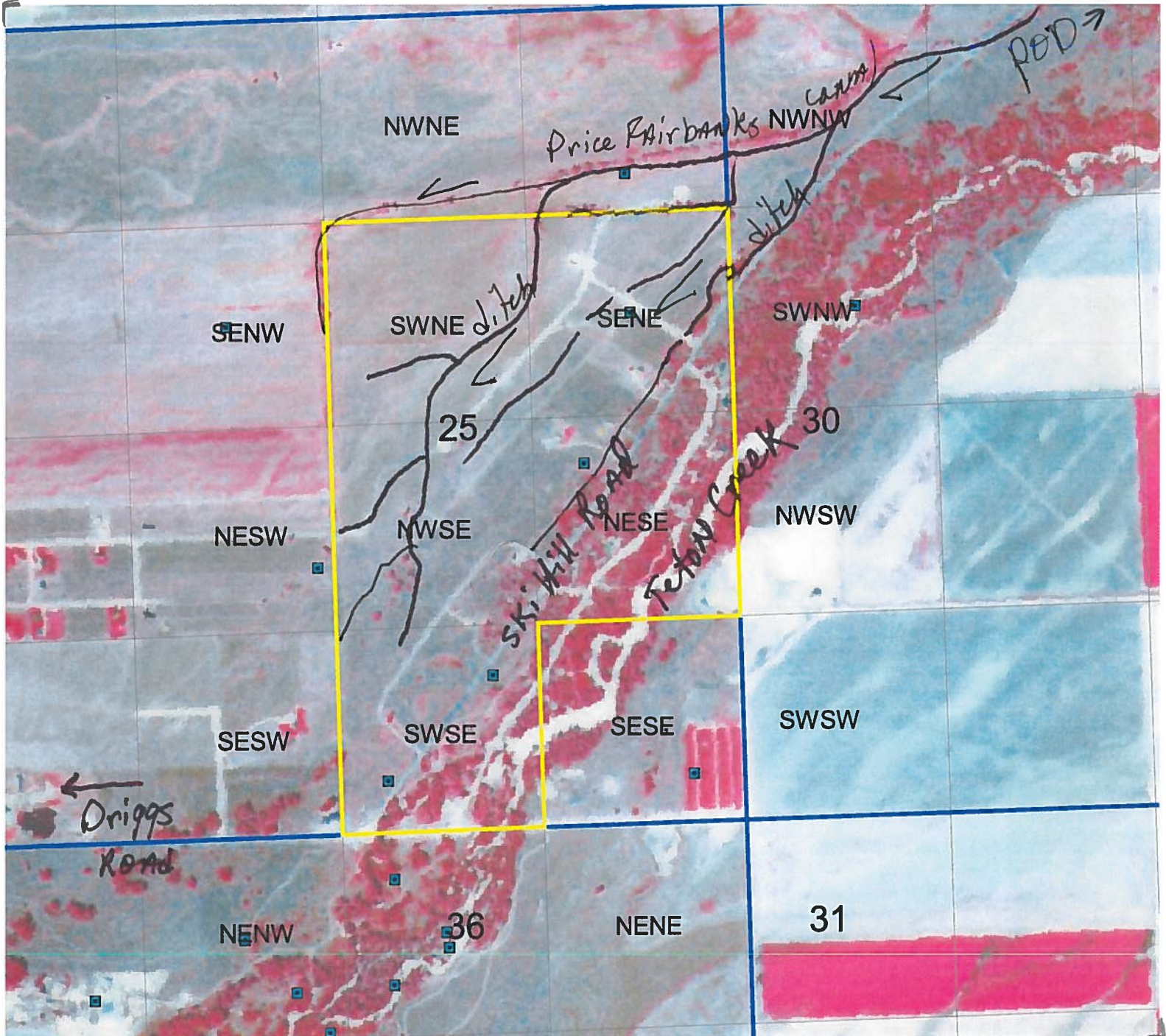
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MAR 11 2005

169 Wilson, William; June 1, 1898; Trail Creek	160
169 Larsen, A. C.; June 1, 1898; Darby Creek	40
169 Leigh Creek Canal Co.; June 1, 1898; South Leigh Creek	400
169 Jones, Edward L.; June 1, 1898; Canyon Creek	140
169 Johnson, Joseph A.; June 1, 1898; Trail Creek	135
170 Hill, Hyrum S.; June 2, 1898; North Leigh Creek	100
170 Hill, D. B.; June 2, 1898; Wyoming & Darby Bench Canal Co.	160
170 Hill, Joseph Y.; June 2, 1898; North Leigh Creek	160
171 Dakin, G. A.; June 15, 1898; Badger Creek	150
172 Hendrickson, Cornelius; June 30, 1898; Badger Creek	130
173 Tarbet, Albert; July 7, 1898; Darby Creek	160
173 Tarbet, Willard; July 7, 1898; Darby Creek	160
174 Kirsley, Edwin N.; July 15, 1898; Pine Creek	60
175 Hanson, Alfred; Sept. 1, 1898; North Leigh Creek	120
180 Lamoreaux, Francis A., and Ann; May 1, 1898; South Leigh Creek	75
182 Hendrickson, G. W.; May 15, 1899; South Leigh Creek	100
183 Nordval, C.; May 26, 1899; Darby Creek	110
184 Pherson, Neils; June 1, 1899; South Leigh Creek	30
184 Borrowman, John; June 1, 1899; Wood Creek and Springs	80
184 Parker, B. F.; June 1, 1899; Fox Creek	75
184 Pendleton, Abraham; June 1, 1899; North Leigh Creek	80
184 Simmons, John; June 1, 1899; North Leigh Creek	60
184 Souleay, C. V.; June 1, 1899; Darby Creek	80
184 Smith, Ellington; June 1, 1899; Spring Creek, Darby Creek and Crandall Springs	80
184 Sheser, William; June 1, 1899; Badger Creek	10
184 Stewart, Thompson; June 1, 1899; Badger Creek	50
184 Williams, Charles; June 1, 1899; South Leigh Creek	100
184 Hochstrasser, N. W.; June 1, 1899; Badger Creek	110
184 Price, J. W.; June 1, 1899; Teton Creek	80
184 Rouché, Jacob; June 1, 1899; North Leigh Creek	35
184 Priestly, W. W.; June 1, 1899; Badger Creek	60
184 Rouché, Jacob; June 1, 1899; North Leigh Creek	160
184 Hendrickson, Milton; June 1, 1899; Badger Creek	100
184 Fullmer, Buckley; June 1, 1899; North Leigh or Spring Creek	75
184 Beasley, Joseph; June 1, 1899; Teton River; also Springs on Ranch	70
184 Bernston, Richard; June 1, 1899; Badger Creek	160
184 Anderson, Charles; June 1, 1899; Teton Creek	40
184 Rainbark, D. W.; June 1, 1899; Teton Creek	160
185 Hendrickson, William; June 15, 1899; Badger Creek	120
187 Letham, P. D.; July 15, 1899; Swamp	140
191 Randolph, Frantz; Mar. 15, 1900; Pack Saddle Creek; also a sufficient amount of the high water of said creek to fill reservoir	160
192 Eynon, Rufus; Apr. 1, 1900; Trail Creek	80
195 Barrett, Nathan A.; May 11, 1900; Driggs Springs and water from swamps	160
199 Allen, George W.; May 26, 1900; Mahogany Creek	220
199 Carrington, Enoch; May 26, 1900; Mahogany Creek	160
200 Bush, George W.; June 1, 1900; Fox Creek	120
200 Hegsted, Victor; June 1, 1900; Horse Shoe Creek	160
200 Canyon Creek Canal & Irrigation Co.; June 1, 1900; Canyon Creek	800

200 Herendeen, W. K.; June 1, 1900; Darby Creek	80
200 Henrie, Joseph O.; June 1, 1900; North Leigh Creek	40
200 Henrie, John; June 1, 1900; North Leigh Creek	10
200 Hicks, Wallace; June 1, 1900; North Leigh Creek	110
200 Hammel, George; June 1, 1900; Badger Creek	40
200 Hubbard, Susan; June 1, 1900; North Leigh Creek and Middle Leigh Creek	60
200 Homer, Benjamin P.; June 1, 1900; Mahogany Creek	200
200 Hochstrasser, R. H.; June 1, 1900; Badger Creek	20
200 Sautter, John G.; June 1, 1900; North Leigh Creek	50
200 Simmons, John; June 1, 1900; North Leigh Creek	40
200 Morris, William L.; June 1, 1900; Garner Creek and Trail Creek	100
201 Leighs Creek Canal Co.; June 16, 1900; South Leigh Creek	2,900
203 Hendrickson, Adolphus; July 5, 1900; Badger Creek	100
204 Letham, P. D.; July 15, 1900; Swamp	100
206 Bagshaw, Ellen; Aug. 15, 1900; Pine Creek	160
208 Hill, John W.; Oct. 1, 1900; Pack Saddle Creek	5,000
211 Island Ward Canal Co., Ltd.; Jan. 23, 1901; North Fork of Teton River	100
212 Hague, William A.; Mar. 25, 1901; Teton River	80
213 Bevan, Maria; Apr. 6, 1901; Swamp Creek	60
215 Hendrickson, G. W.; June 1, 1901; North Leigh Creek	160
215 Priestly, W. W.; June 1, 1901; Little Badger Creek	140
215 Mickelson, Peter; June 1, 1901; South Leigh Creek	20
215 Smith, D. G. S.; June 1, 1901; Spring	40
215 Waterman, L. C.; June 1, 1901; Little Dry Creek	60
215 Simmons, John; June 1, 1901; North Leigh Creek	40
215 Johnson, James W.; June 1, 1901; Moody Creek	40
To be reduced to 20 inches after June 20th of each year	
215 Jarman, Arthur; June 1, 1901; South Leigh Creek	20
215 Hill Joseph S.; June 1, 1901; Pack Saddle Creek	20
218 Hatch, Lamoine; Sept. 1, 1901; Spring Creek	160
218 Phillips, L. A.; Sept. 1, 1901; Spring Creek	40
228 Shirts, Wallace; May 15, 1902; Trail Creek	2,700
229 Canyon Creek Canal & Irrigation Co.; June 1, 1902; Canyon Creek	930
229 Haden Canal Co.; June 1, 1902; Badger Creek	160
229 Rammell, George; June 1, 1902; Badger Creek	120
229 Rammell, C. H.; June 1, 1902; Badger Creek	60
229 Phillips, Thomas A.; June 1, 1902; Badger Creek	60
229 Wood, Frank; June 1, 1902; Badger Creek	150
229 Hubbard, Susan; June 1, 1902; North Leigh Creek and Middle Leigh Creek	40
229 Morris, Samuel; June 1, 1902; Trail Creek	30
229 Larsen, A. C.; June 1, 1902; Darby Creek	80
229 Kirsley, Edwin N.; June 1, 1902; Spring Creek	60
229 Jarman, Arthur; June 1, 1902; South Leigh Creek	60
229 Sheser, William; June 1, 1902; seepage water in springs on place	150
229 Gilbert, Albert; June 1, 1902; Horse Shoe Creek	40
231 Eynon, L. L.; June 15, 1902; Spring Creek, a tributary of Pine Creek	120
241 McNally, Gilbert; May 1, 1903; Trail Creek	40
242 Webster, James W., and Charles H. Woodmansee; May 23, 1903; Moody Creek	2,000
For reservoir purposes between the 15th day of March until the 15th day of June of each year	

22-249A

DO
8/14/04



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MAR 11 2005

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: A22-00249A
Date Received: 9/21/1988
Receipt No: M001372
Received By: Joe

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ASPEN MEADOWS SUBDIVISION
Address: BOX 91
DRIGGS, ID 83422

208-354-2541



2. Date of Priority: JUN 01, 1899

3. Source: TETON CREEK

Trib. to: TETON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
05N	46E	20	NW	NE	SW		TETON

5. Description of diverting works:

2 6' WOODEN HDGATES WITH DIV. DAM FOR PRICE DITCH.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	1.040		

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

A.F.A.

8. Total consumptive use is

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
05N	45E	25	SW	NE		IRR	1.0
			SE	NE		IRR	9.0
			NE	SE		IRR	10.0

A22-00249A

Page 1

Date: 09/21/88

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MICROFILMED
NOV 04 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	45E	25	NW	SE		IRR	23.0
			SW	SE		IRR	9.0
Section Acres							52.0
Total Acres							52.0

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:
LAND IS OWNED BY INDIVIDUALS WITHIN THE SUBDIVISION. WATER IS
USED FOR IRRIGATION ONLY.

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

Decree Plaintiff

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

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am Secretary of _____ Title

Aspen Meadows Homeowners Assoc. that I have signed the foregoing Organization document in the space below as Secretary of Title

Aspen Meadows Homeowners Assoc. and that the statements contained in the Organization foregoing document are true and correct.

Kenneth O. Nielsen
Signature of Authorized Agent

Sec. Aspen Meadows Homeowners Assoc.
Title and Organization

Sept 21, 1988
Date

State of Idaho)
County of Teton) SS.

Subscribed and sworn (or affirmed) before me this 21 day

of Sept 19 88

John Dale Carlson
Notary Public

Seal

Residing at Boise Id

My Commission Expires 6/2/94

NOV 04 1992

5N
4E
5000

0 FEET
WEST)

100m. N.



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MAR 11 2005

PROVIDE