

06/29/2005

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

RIGHT NUMBER: 22-298F

NAME AND ADDRESS: RICHARD T KNIGHT  
750 W 113 N  
DRIGGS ID 83422

BARBARA A KNIGHT  
750 W 113 N  
DRIGGS ID 83422

SOURCE: HORSESHOE CREEK

TRIBUTARY: TETON RIVER

QUANTITY: 0.016 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL  
COMBINED DIVERSION RATE OF 0.20 CFS. COMBINED RIGHT NOS.: 22-298F,  
22-299F, 22-300E.

PRIORITY DATE: 09/01/1887

POINT OF DIVERSION:

T05N R44E S22 NWSWSE Within TETON County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

4/15 10/15

0.016 CFS

PLACE OF USE: IRRIGATION Within TETON County

T05N R44E S22 SWSE 10.0

10 ACRES TOTAL

This right is limited to the irrigation of 1.0 acre within the place of use  
described above in a single irrigation season.

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE  
IRRIGATION OF A COMBINED TOTAL OF 10.0 ACRES IN A SINGLE  
IRRIGATION SEASON. COMBINED RIGHT NOS.: 22-298F, 22-299F, 22-300E.

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

Right Nos. 22-298F, 22-299F, 22-300E are also diverted through point of  
diversion described above.

SCANNED  
JUN 29 2005

PR

07/11/2005

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: 22-298F

RICHARD T KNIGHT  
750 W 113 N  
DRIGGS ID 83422  
Telephone Number: (208)354-2976

BARBARA A KNIGHT  
750 W 113 N  
DRIGGS ID 83422  
Telephone Number: (208)354-2976

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: 7-19-05

SIGNATURE: *Richard T Knight*

Please print your name: RICHARD T. KNIGHT

IDWR Regional Office,

SEARCHED

AUG 12 2005

PROFILED

KM5  
7/29

as mail

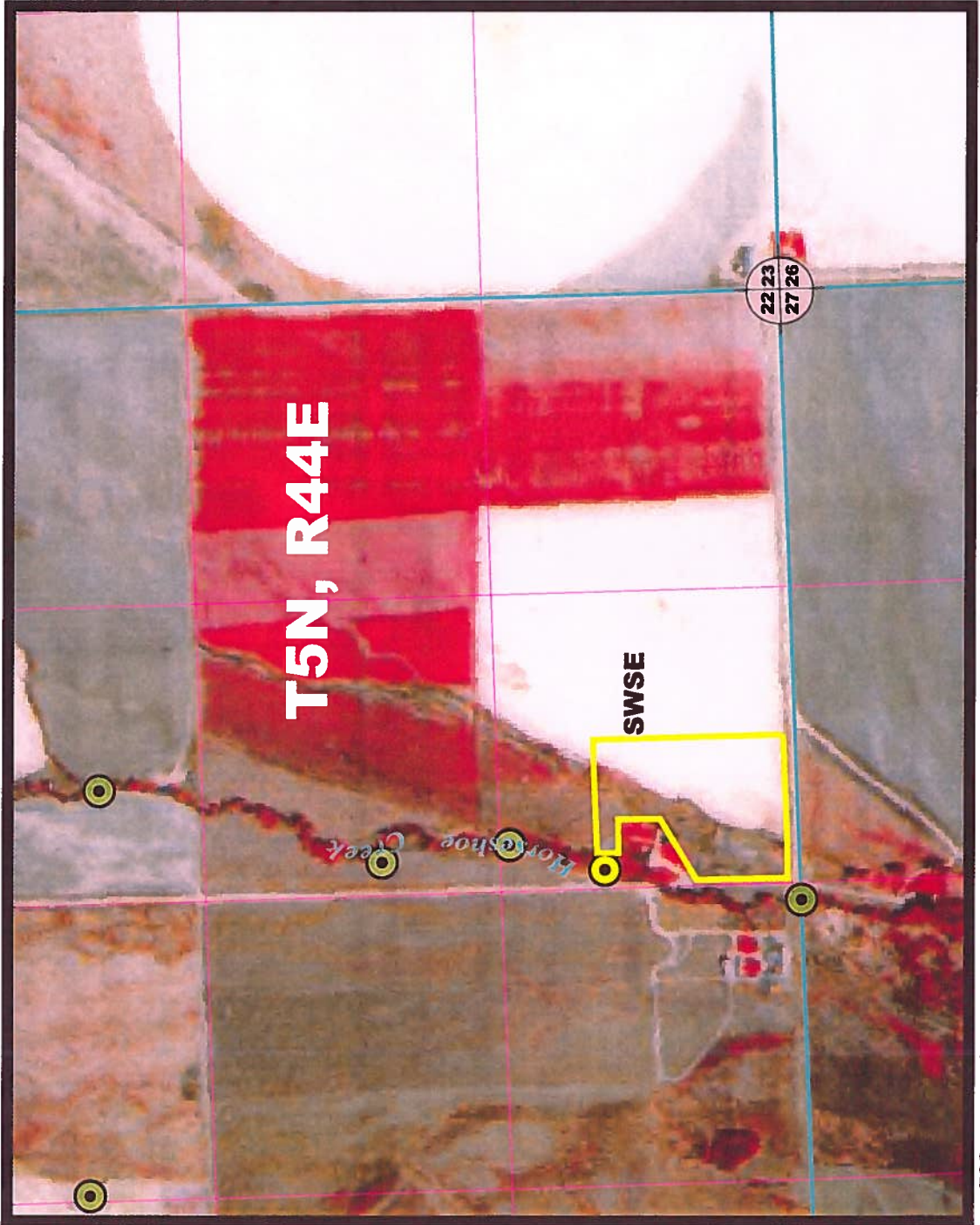


# State of Idaho

## Department of Water Resources

Eastern Region

SCANNED  
JUN 29 2005



**Water Right(s):**  
22-298F,  
22-299F,  
22-300E

**Point(s) of Diversion:**  
T5N, R44E  
Sec. 22 NWSWSE

**Place of Use: (part of)**  
T5N, R44E  
Sec. 22 SWSE

### LEGEND

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



GIS Place of Use Illustration  
1987/1988 NAPP Photography  
Prepared by: A. Ruberry  
Date: June 2005

01/25/2005

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: 22-298F

RICHARD T KNIGHT  
750 W 113 N  
DRIGGS ID 83422  
Telephone Number: (208) 354-2976

BARBARA A KNIGHT  
750 W 113 N  
DRIGGS ID 83422  
Telephone Number: (208) 354-2976

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

~~Disagree~~

2. Describe the changes you wish to make in the proposed recommendation:

*Actual irrigated acres are 10 acres.*

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: 29 June 2005 SIGNATURE: Richard T Knight  
Please print your name: RICHARD T. KNIGHT

IDWR Regional Office,

*Corrected Ac by GPS  $\Rightarrow$  10 ac*

*22-298F - 0.02  
22-299F - 0.20  
22-300E - 0.14  
0.36*

*10Ac*

*Limit Q to 0.20*

*PPU 10ac*

*ASR  
6/29/05*

SCANNED

JUN 29 2005

02/26/2004

IDWR Field Exam Form

## Contacts Data Entry Form

Claim Number: 22-298F

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

Current Owner: R. KNIGHT 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.

DECEDED UNDER ROXBURG vs. TETON, 1910 AS: TO V. HEGSTED,  
30", HORSESHOE CK, SEPT 1 1887.

SUBSEQUENT DECEDES: MADSEN vs. MICKLE (WM) & GILBERT, 17 APRIL 1933.

SPLITS 22-298 INTO A AND B AS:

22-298A, 20", SEPT 1, 1887, N. MADSEN

22-298B, 10", SEPT 1, 1887, L. BUXTON

30" FULLY ACCOUNTED (0.60 cfs)

## SRBA CLAIM SPLITS AS:

\* 22-298A, 10" (0.20 cfs), J. McQUARR

\* 22-298B, 10" (0.20 cfs), ARGYLE ⇒ AP GROUP

22-298C, 8" (0.17 cfs), SPLIT TO E AND F

\* 22-298D, 1" (0.02 cfs), MARY et al ⇒ WATKINMAN

\* 22-298E, 8" (0.17 cfs), HORSESHOE CK ASSN. (0.166)

\* 22-298F, 1" (0.02 cfs), R. KNIGHT (0.016)

\* 8" = 30" 0.61 cfs → 0.602 cfs

ROUNDING ERROR OR 2

OK

SCANNED

Reviewer: \_\_\_\_\_ Date: \_\_\_\_\_

PROFILE

MAR 11 2005

## 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 |
|------|-----|-----|---------|----------------|--------|--------------|--------------|
| 5N4E | 22  |     |         | NWSWB          | TOTON  | HORSESHOE CK | TOTON RIVER  |
|      |     |     |         |                |        |              |              |
|      |     |     |         |                |        |              |              |
|      |     |     |         |                |        |              |              |

Other rights from this POD? \_\_\_\_\_

Transfers Pending or approved: \_\_\_\_\_

Document how the POD and Source were verified:

POD is on Horseshoe Creek. A small 7.5 hp pump is used to divert water into a mainline and sprinklers. There is a concrete check dam with boards that is used to form a pond from which the water is diverted.

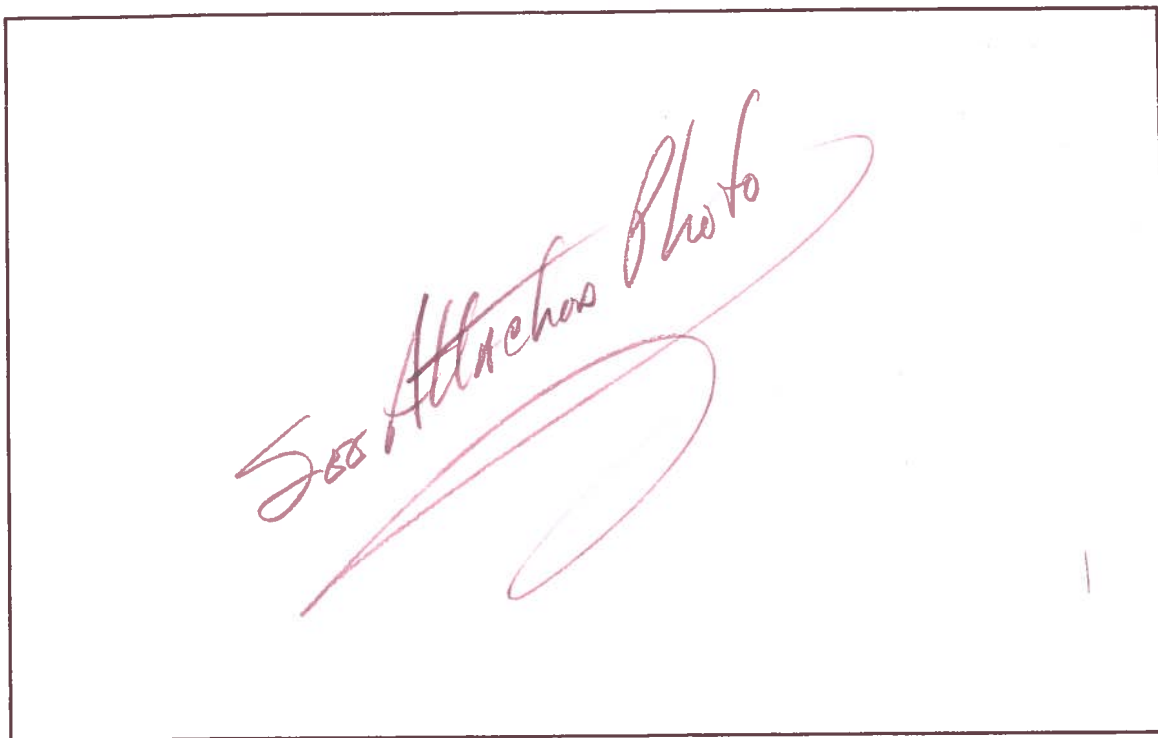
Reviewer: \_\_\_\_\_ Date: \_\_\_\_\_

SCANNED

PROFILES

MAR 11 2005

Water Right No(s). \_\_\_\_\_



**GPS DATA:**

Tag # AD013840 Location: electric panel by pump

**Diversion Data:**

Source: Washoe Creek Trib to: Teton River

**MOTOR**

Make: Century Model: 184TCZ Hp: 7.5  
SN: 25

**PUMP**

Make: Berkley Model: Centrifugal Disch: 4" mainline to  
SN: 6966691 sprinklers

**NOTES:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Field Exam Date: 8/6/04 Agent: DD

PROFILE

SCANNED

MAR 11 2005



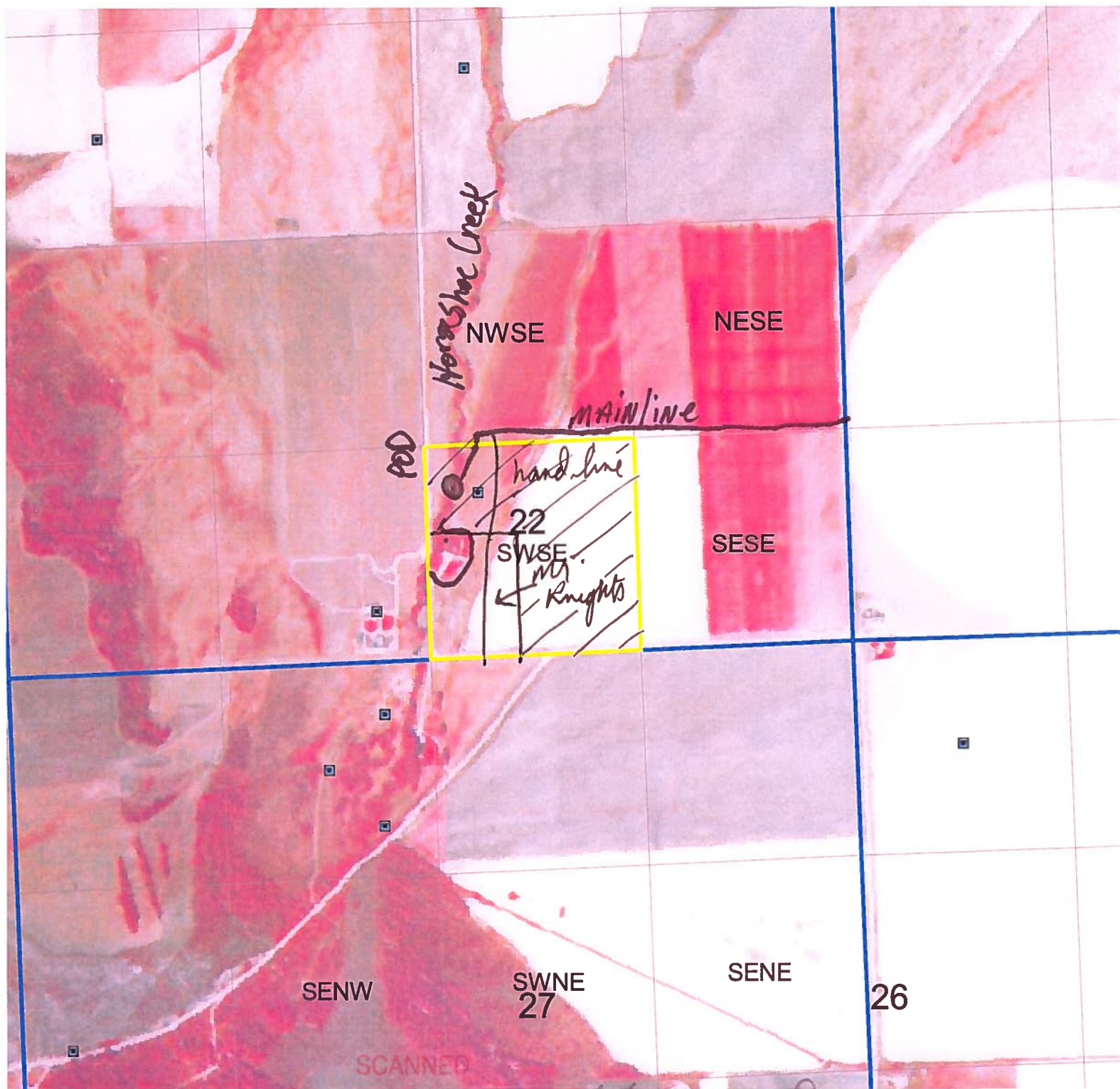
Tom Knight pump on Horseshoe Creek,  
Tag on electric panel.

PROJECT

SCANNED  
MAR 11 2005

22-298F

PROFILE



MAR 11 2005

8/6/04

DD

FEBRUARY 1, 1991

RICHARD T KNIGHT  
750 WEST 113 NORTH  
DRIGGS ID 83422

RE: CHANGE IN OWNERSHIP

Dear RICHARD:

Your request for Change in Ownership submitted for your Notices of Claim A22-00299F, A22-00298F, and A22-00300E has been processed and the Notices modified to reflect you as the new owner.

Enclosed are typed Notices with your name shown as the current owner. Review the forms and if there are other corrections or questions, feel free to contact this office.

If there are no questions or corrections, please keep these Notices for your records.

Respectfully submitted,

  
Ernest Carlsen  
Adjudication Supervisor

EC:jt

Enclosure: Printed Notices of Claim

File: P

SCANNED

MAR 11 2005

PROFILED

MICROFILMED  
NOV 04 1992

RECEIVED

NOV 30 1990

Department of Water Resources  
Eastern District Office

CHANGE IN OWNERSHIP

Page 1

This form is solely for purposes of notifying IDWR of a change in ownership of an adjudication claim.

[ ] Water Right Number(s): A22-00300A, A22-00298C, A22-00299C

[ ] Name and Address of Former Claimant(s): R. Dee Ripplinger for Jean H. Ripplinger  
P.O. Box 176  
DRIGGS ID 83422

[✓] New Claimant(s): Richard T. + Barbara A. Knight

[✓] New Mailing Address: 750 W 113 N  
DRIGGS, ID 83422

New Telephone Number: (208) 354-2976

[ ] Does the change in ownership result in a splitting of the water right claimed? X yes no  
If yes, then describe the portion of the water right that is now claimed by the new owner:

A22-00298C for 0.004 cfs on 3.64 AC in the SW 1/4 SE 1/4  
A22-00299C for 0.053 cfs on 3.64 AC in the SW 1/4 SE 1/4  
A22-00300A for 0.036 cfs on 3.64 AC in the SW 1/4 SE 1/4

[✓] Attach proof of ownership  
Describe proof attached: \_\_\_\_\_  
(Proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former claimant.)

[✓] Signature of New Claimant(s): Richard T. Knight

Date: 11-27-90

NOTE: Combine these above amounts with A22-11763,

A22-11764 & A22-11765.

SCANNED

MAR 11 2005

MICROFILMED

NOV 04 1992

PROFILED

WARRANTY DEED

For Value Received R. DEE RIPPLINGER, AND JEAN H. RIPPLINGER, husband and wife

the grantors , do hereby grant, bargain, sell, and convey unto

RICHARD T. KNIGHT & BARBARA A. KNIGHT, husband and wife  
P O Box 486, Driggs, Idaho 83422

the grantees , the following described premises, to-wit:

Beginning at the South 1/4 corner of Section 22, Township 5 North, Range 44, East, Boise, Meridian, Teton County, Idaho, thence East along the South line of the SE1/4 of Section 22, 149.11 feet to a point in the center of the road, the true point of beginning,  
thence North 17 degrees 45' East, 413.76 feet to a point,  
thence North 32 degrees 59' East, 388.84 feet to a point,  
thence South 86 degrees 41' West, 181.82 feet to a point,  
thence North 34 degrees 48' West, 202.76 feet to a point,  
thence North 82 degrees 40' West, 188.79 feet to a point,  
thence South 90 degrees 00' East, 485.06 feet to a point,  
thence South 00 degrees 11' West, 900.31 feet m/1 to the Section Line,  
thence West along the Section line, 335.52 feet m/1 to the P.O.B.  
Together with all oil, mineral, gas, and geothermal rights; also, water rights of one inch per acre from Horseshoe Creek.

Subject to reservations in United States and State Patents: existing and recorded Right-of-ways, Easements, Zoning, Building and Subdivision ordinances; Taxes and Assessments as prorated between the parties hereto.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they the owners in fee simple of said premises; that said premises are free from all incumbrances except as hereinabove set forth and that they will warrant and defend the same from all lawful claims whatsoever.  
Dated:

R. Dee Ripplinger  
R. Dee Ripplinger  
Jean H. Ripplinger  
Jean H. Ripplinger

STATE OF IDAHO, COUNTY OF Teton  
On this 1st day of September, 1988.  
before me, a notary public in and for said State,  
personally appeared

R. Dee Ripplinger  
Jean H. Ripplinger  
known to me to be the persons whoes names  
subscribed to the within instrument, and acknowledged to  
me that they executed the same.  
W. Eugene Puri  
Notary Public  
Residing at Driggs, Idaho  
Comm. Expires 5-19-94

103003  
FILED  
AT THE REQUEST OF  
All West Realty  
AT 15 MINUTES PAST 4 P.M.  
DATE Sept. 1, 1988  
E. Wayne Schiess  
BY Nora Hill

FILED  
INDEXED  
PLATTED

INSTRUMENT No.

# WARRANTY DEED

For Value Received R. DEE RIPPLINGER AND JEAN H. RIPPLINGER, husband and wife

the grantor s , do hereby grant, bargain, sell, and convey unto

RICHARD T. KNIGHT AND BARBARA A. KNIGHT, husband and wife  
P.O. Box 486, Driggs, Idaho 83422

the grantee s , the following described premises, to-wit:

From the South 1/4 corner of Section 22, Township 5 North, Range 44 East, Boise Meridian, Teton County, Idaho, East along the section line 484.63 feet more or less to a 1/2" iron pin in the county roadway, the point of beginning; Thence East on the section line 175.37 feet to a point; Thence North 900.42 feet to a point; Thence South 89 degrees 57'48" West, 174.94 feet to a point; Thence South 900.31 feet more or less to the point of beginning.

TOGETHER WITH all Oil, Mineral, Gas & Geotheraml rights; also water rights of 1 inch per acre from Horseshoe Creek.

Subject to reservations in United States and State Patents; existing and recorded Right-of-ways, Easements, Zoning, Building and Subdivision ordinances; Taxes and Assessments as prorated between the parties hereto.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees , their heirs and assigns forever. And the said Grantor s do hereby covenant to and with the said Grantees , that they the owners in fee simple of said premises; that said premises are free from all incumbrances except as hereinabove set forth and that they will warrant and defend the same from all lawful claims whatsoever.  
Dated: July 1, 1989

R. Dee Ripplinger  
R. Dee Ripplinger

Jean H. Ripplinger  
Jean H. Ripplinger

STATE OF IDAHO, COUNTY OF Teton  
On this 30th day of June, 1989,  
before me, a notary public in and for said State,  
personally appeared

R. Dee Ripplinger and Jean H. Ripplinger, husband and wife  
known to me to be the persons whose names  
subscribed to the within instrument, and acknowledged to  
me that they executed the same.

Wayne W. Purce  
Notary Public

Residing at Driggs, Idaho  
Comm. Expires 5-14-94

104445

FILED

AT THE REQUEST OF

First American

AT 45 MINUTES PAST 4 P M

DATE June 30, 1989

C. Wayne Schiers

CLERK OF RECORDER

BY Nora Hill

DEPUTY



INSTRUMENT NO.

60



THIS INDENTURE, made this First day of April, 1978,  
 between Marc H. Perl and Donetta M. Perl and Donetta M. Moser and Donetta  
M. della Penta  
 of Jackson Hole, County of Teton, State of Wyoming,  
 the party of the first part and Richard T. Knight and Barbara A. Knight, husband and wife  
294 Princeton Drive  
 of Costa Mesa, County of Orange, State of California 92626,  
 the party of the second part,

WITNESSETH, that the said party of the first part, for and in consideration of the sum of Ten  
 Dollars and other valuable consideration ----- Dollars  
 lawful money of the United States of America

to party of the first part in hand paid by the party of the second part, the receipt whereof is hereby acknowledged,  
 has granted, bargained, sold, and by these presents, does grant, bargain, sell and convey and confirm unto the said  
 party of the second part, and to party of the second part's heirs and assigns, forever, all the following described real  
 estate situated in -----, County of Teton,

State of Idaho, to-wit: A Parcel of land situated in the Southwest Quarter of the Southeast Quarter  
 of Section 22, T 5 N, R 44, EBM, described as follows:

Beginning at the South quarter corner of Sec. 22; thence East along the South line of the SE  $\frac{1}{4}$  of  
 Sec. 22, 149.11 feet to a point in the center of the road; thence North 17° 45' East, 413.76 feet to  
 a point; thence North 32° 59' East, 388.84 feet to a point; thence South 86° 41' West, 181.82 feet  
 to a point; thence North 34° 48' West, 202.76 feet to a point; thence North 82° 40' West, 188.79 feet  
 to a point; thence South 0° 11' West, 901.07 feet more or less to the point of beginning, a 5/8" steel  
 pin locating the S  $\frac{1}{4}$  of Sec. 22., containing 5.65 acres more or less.

Including all oil, mineral, gas, and geothermal rights; also, water rights of one inch per acre  
 from Horseshoe Creek.

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging or  
 in anywise appertaining, and the reversion and reversions, remainder and remainders, and rents, issues and profits  
 thereof; and all estate, right, title and interest in and to the said property, as well in law as in equity, of the said  
 party of the first part,

TO HAVE AND TO HOLD, all and singular the above mentioned and described premises together with the  
 appurtenances unto the party of the second part, and to party of the second part's heirs and assigns forever. And the  
 said party of the first part, and said party of the first part's heirs shall and will warrant and by these presents for-  
 ever defend the said premises in the quiet and peaceable possession of the said party of the second part, and party  
 of the second part's heirs and assigns, against the said party of the first part, and party of the first part's heirs, and  
 against all and every person and persons whomsoever, lawfully claiming or to claim the same.

In construing this deed and where the context so requires, the singular includes the plural.

IN WITNESS WHEREOF, the said party of the first part hereunto has set his hand,

AKA  
 AKA

Donetta M. Perl  
Donetta M. Moser  
Donetta M. della Penta

STATE OF Wyoming  
IDAHO,

ss.

County of Teton

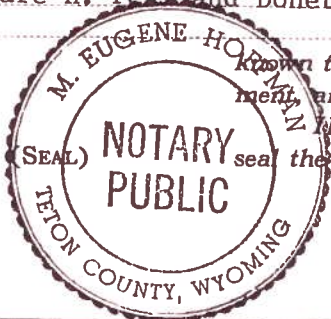
On this Fourth day of April

in the year 1978, before me

M. Eugene Hoffman

, a Notary Public in and for said State, personally appeared

Marc H. Perl and Donetta M. Perl AKA Donetta M. Moser and AKA Donetta M. della Penta



Known to me to be the person s whose name ----- subscribed to the within instru-  
 ment, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official  
 seal the day and year in this certificate first above written.

M. Eugene Hoffman  
 Notary Public for the State of Idaho Wyoming  
 Residing at Jackson, Idaho

FILED  
 INDEXED  
 PLATED

80846

WARRANTY DEED

(FORM No. 321)

Marc H. Perl  
et al  
Richard T. Knight  
Barbara A. Knight

Dated April 1, 1978

STATE OF Idaho,

County of Teton

I hereby certify that this instrument

was filed for record at request of

Donetta M. Perl

at 45 minutes past

2 o'clock P. M., this 10 day of

April, 1978, in my

office, and duly entered in Book

of Macropul

at page 923

By Donetta M. Perl Ex-Officio Recorder.

Deputy.

Fees, \$ 10.00

Mail to -----

AFTER RECORDING RETURN TO -----

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF

NEWEL MADSEN,

Plaintiff,

vs.

R. G. NIELLE, as Water Master of  
Water District No. 360 of the  
State of Idaho; and LOUIE BUXTON,

Defendants,

and

ALBERT GILBERT,

Intervenor.

AT LEMING, IDAHO.

DATE 4/13/1933

Earl Flood  
CLERK OF DIST. COURT

BY

DECEASED

DECEASED

This cause came regularly on for trial on the 10th day of April, 1932, before the Honorable Jay L. Downing, Presiding District Judge, sitting without a jury, at Laramie, Teton County, Idaho. Merrill S. Merrill, Attorneys at Law, and Newel Madsen, Attorney at Law, appeared for and on behalf of the plaintiff; George L. Edgington, Attorney at Law, appeared for and on behalf of the defendant, Louie Buxton. The defendant, R. G. Nielle as Water Master of Water District No. 360 did not appear in person or by attorney. S. M. Atchler, Attorney at Law, appeared for and on behalf of the Intervenor, Albert Gilbert. It appeared to the Court that this action was originally instituted by Anton O. Mickelson, as plaintiff, against E. B. Edlefsen, as Water Master of Water District No. 360 of the State of Idaho, John R. Clausen, John B. C. Kruger, Sallie C. Haines, Lewel Haines, J. C. Thomsen, Charles J. Martin, and C. G. Keller, as defendants, and that thereafter the said Anton O. Mickelson sold, transferred and conveyed his rights described in his original complaint to Newel Madsen and by proper order of this Court the said Newel Madsen was substituted as plaintiff for and in the stead of Anton O. Mickelson; and that thereafter the said E. B. Edlefsen ceased to act as Water Master of District No. 360, as aforesaid, and that R. G. Nielle was duly appointed Water Master of Water District No. 360 of the State of Idaho, and as such was by proper Order of this Court substituted in said action as defendant for and in the place of E. B. Edlefsen; and it further appeared that thereafter the said original defendants, John R. Clausen, John B. C. Kruger, Sallie C. Haines, Lewel Haines, J. C. Thomsen, Charles J. Martin and C. G. Keller, duly and regularly quit claimed and transferred their various interests possessed by them at the time of the institution of this suit to the predecessor-in-interest of Louie Buxton, and that the said Louie Buxton became the owner of the lands and water rights herein after described and previously owned or claimed by said defendants, and that proper substitution of said parties defendant was by order of this Court duly made. It further appeared upon order duly made and entered that said cause was ordered to proceed in the name of the real parties in interest, to wit: Newel Madsen as plaintiff and R. G. Nielle as Water Master of Water District No. 360 of the State of Idaho, and Louie Buxton as defendants, and Albert Gilbert as Intervenor, who had been permitted and allowed to intervene in said cause. Evidence was thereupon introduced by and on behalf of the respective parties in support of the issues framed by the amended Complaint and Counterclaim, Complaint of the plaintiff, the Answer of the defendant, Louie Buxton thereto, the complaint of the Intervenor, Albert Gilbert, and the Answer

of the plaintiff therein. Said decree was thereafter printed, signed and submitted to the Court for decision. The Court, having therefore made and entered its findings of fact and conclusions of law, signed and entered this its decree, to wit: That it is ordered, that the plaintiff, 18 OCT 04, 1911:

12-0298A  
22-0299A  
22-0300  
1. That the plaintiff, said Edger, take nothing by reason of his complaint, save and except the right to the use of all waters decreed to the lands owned by him by that certain decree dated December 16, 1910, and also that portion of the waters decreed to the lands now owned by Louis Burton, and which waters have been decreed by the said Burton and her predecessors-in-interest, that is to say: that the plaintiff is entitled to divert from the main channel of Horsehoe Creek, the natural flow of the water thereof, twenty (20) miners inches of water with a priority of September 1, 1897, and two hundred thirty-five (35) miners inches with a priority of June 1, 1899, and one hundred sixty (60) miners inches with a priority of June 1, 1900. Said waters are to be diverted from said Horsehoe Creek at a point near the South line of the Northeast quarter of the Northwest quarter (E1/4) of Section Twenty-seven (27), in Township Five (5), North Range Forty-four (44), East of the Boise Meridian, in Teton County, Idaho, and to be carried in the ditch constructed for such purpose for irrigation, domestic, culinary and other beneficial uses upon the

West half of the Southeast quarter (E1/2) and the East half of the Southeast quarter (E1/2), of Section Twenty-two (22); the Northwest quarter of the Northeast quarter (NE1/4), the Northeast quarter of the Northwest quarter (NE1/4), and the East half of the Northeast quarter (E1/2), of Section Twenty-seven (27), Township Five (5), North Range Forty-four (44), East of the Boise Meridian, in Teton County, Idaho.

22-0298B  
22-0299B  
2. That the defendant, Louis Burton, is entitled to divert from the main channel of Horsehoe Creek from the natural flow of water ten (10) miners inches with a priority of September 1, 1897, and 35 miners inches with a priority of June 1, 1899. Said water is to be diverted at a point near the South line of the Northeast quarter of the Northwest quarter (E1/4) of Section Twenty-seven (27), Township 5, North Range 44, East of the Boise Meridian, in Teton County, Idaho, and to be carried in the ditch constructed for such purpose for irrigation, domestic, culinary and other beneficial uses upon the:

Southwest quarter (SW1/4) of Section Twenty-six (26), Township Five (5), North Range Forty-four (44), East of the Boise Meridian, in Teton County, Idaho.

3. That the balance of the right decreed to the lands now owned by Louis Burton by that decree of December 16, 1910, to wit: All but sixty-five (65) miners inches, has been abandoned and that said abandoned right has been appropriated by the said plaintiff herein and is contained within the decreed right of the said plaintiff, hereinbefore specifically set forth.

decreed by court decree  
20267  
20268  
4. That the Intervenor, Albert Gilbert, take nothing by reason of his Complaint in Intervention, save and except the right to the use of all waters decreed to the lands owned by him by that certain decree dated December 16, 1910, that is to say: that the Intervenor is entitled to divert from the main channel of Horsehoe Creek, from the natural flow of the water thereof, one hundred and twenty (120) miners inches of water with a priority of June 1, 1892, and forty (40) miners inches of water with a priority of June 1, 1893. Said waters

are to be diverted from said Horsehoe Creek at a point four hundred feet North of the North line of the Northeast quarter (NE $\frac{1}{4}$ ) of Section Twenty-two (22), in Township Five (5), North Range Forty-four (44), East of the Boise Meridian, in Teton County, Idaho, and to be carried in the ditch constructed for such purpose for irrigation, domestic, culinary and other beneficial uses upon the

The Northeast quarter of the Northeast quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$ ) of Section Eleven (11), and the North half of the Northwest quarter (NW $\frac{1}{2}$ ), and the Northeast quarter of the Northwest quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$ ) of Section Twelve (12) in Township Five (5), North Range Forty-four (44), East of the Boise Meridian, in Teton County, Idaho.

5. That in all respects, save and except as in this decree modified, explained or changed, the rights of the respective parties, by virtue of that certain decree affecting said waters and lands herein described, entered December 16, 1910, are hereby ratified and confirmed.

6. IT IS FURTHER ORDERED, ADJUDGED AND DECREED that said parties and their successors-in-interest are each enjoined and restrained from interfering with or molesting the rights of the respective parties to the use of the waters aforesaid.

7. That each party shall bear and defray his or her own costs.

DATED, this 17th day of April, 1933.

Jay L Downing  
Presiding District Judge.

STATE OF IDAHO )  
 ) ss.  
COUNTY OF TETON )

Filed for Record at the Request of Clerk at 2 O'clock P. M. this 19 day of April 1933 and Recorded in Book 59 of Judgments page 75 Records of Teton, County, State of Idaho.

Earl Floyd  
Recorder.

Instrument 25116

Inst. No. 25116

### CERTIFICATE OF TRUE COPY

I, Earl Floyd, Auditor and Recorder, in and for Teton County, State of Idaho, do hereby certify that the attached is a full, true and correct copy of that certain Decree from Howel Madsen to B. C. Pickle and Albert Gilbert and recorded in Book 59 of Judgments, at Page 75 of Teton County, filed for record April 19, A. D. 1933, at 2:00 o'clock P. M., and now on file in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 18th day of July, A. D. 1933.

Earl Floyd  
Auditor and Recorder.  
By Bert L. Madsen  
Deputy.

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: A22-00298F  
Date Received: 9/20/1988  
Receipt No: X777777  
Received By: EMC

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: RICHARD T. KNIGHT 208-354-2976  
Address: 750 W 113 N  
DRIGGS, ID 83422

OR  
Name: BARBARA A. KNIGHT 208-354-2976  
Address: 750 W 113 N  
DRIGGS, ID 83422

2. Date of Priority: SEP 1, 1887

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

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 05N      | 44E   | 22      | NW     | SW     | SE  |     | TETON  |

5. Description of diverting works:  
PUMP, HANDLINES, SPRINKLERS

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 04/15 | 10/15 | 0.016  |      |        |

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

8. Total consumptive use is 27.2 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use | Acres |
|----------|-------|---------|--------|-----|-----|-----|-------|
| 05N      | 44E   | 22      | SW     | SE  |     | IRR | 13.6  |

A2200298F



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NOV 04 1992

10. Place of Use: Continued

Section Acres      13.6

Total Acres      13.6

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:

A22-00299F & A22-00300E

14. Remarks:

NOTICE IS RESULT IN CHANGE OF OWNERSHIP FOR 0.004 CFS OF  
A22-00298C, PAID FOR UNDER M001430, AND COMBINING THIS PORTION  
WITH A22-11763, PAID FOR UNDER M001366. EMC 1-31-91

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 4/17/1933

NEWELL MADSEN

Decree Plaintiff

vs

R.G. MIEKLE

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): \_\_\_\_\_ Date: \_\_\_\_\_

\_\_\_\_\_ Date: \_\_\_\_\_

State of Idaho )  
County of \_\_\_\_\_ ) SS.

Subscribed and sworn (or affirmed) before me this \_\_\_\_\_ day

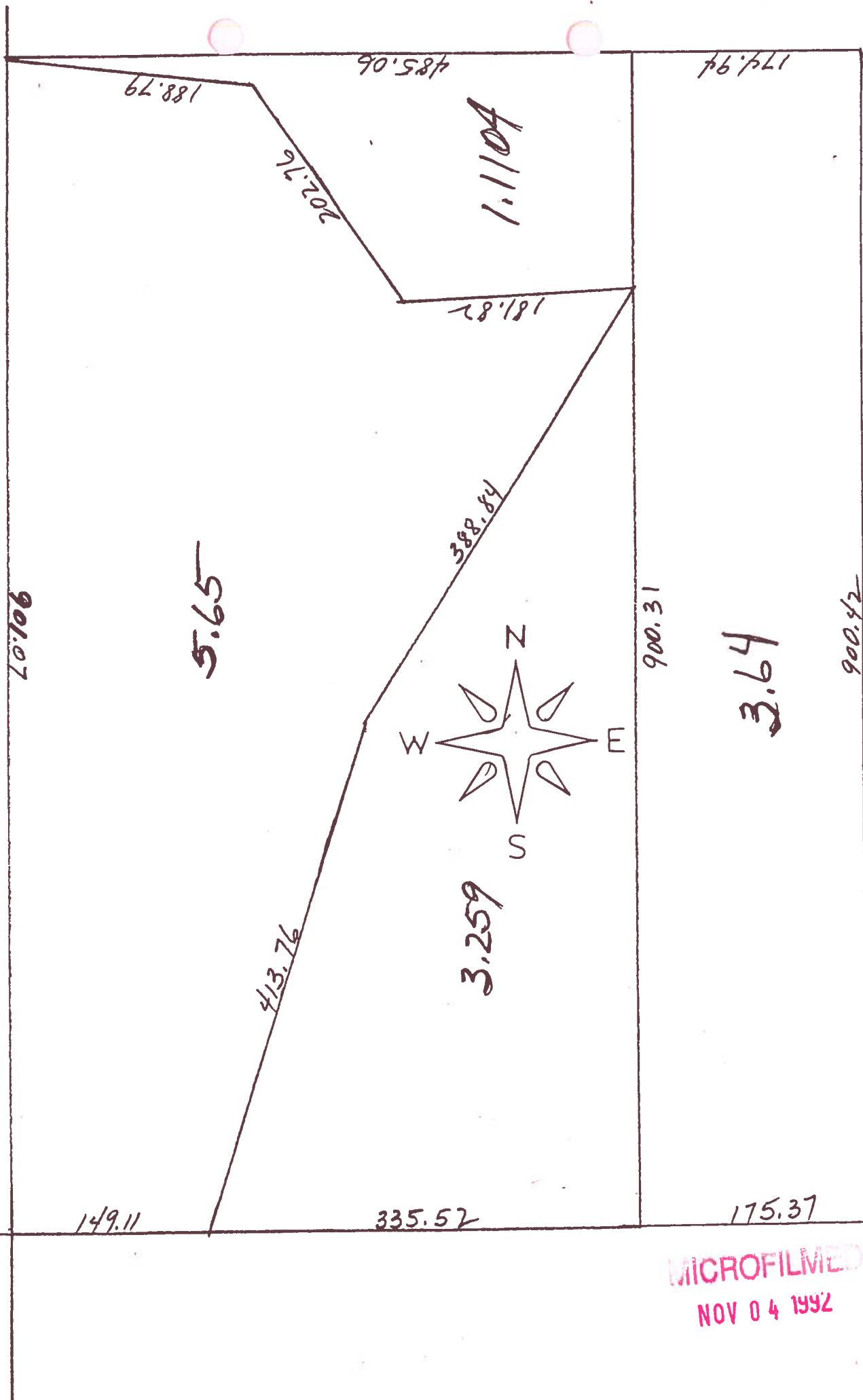
of \_\_\_\_\_ 19 \_\_\_\_\_

\_\_\_\_\_  
Notary Public

Seal

Residing at \_\_\_\_\_

My Commission Expires \_\_\_\_\_



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NOV 04 1992

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
GEOLOGICAL SURVEY

111°15'

4 81 000 m. E.

43°45'

48 43000m. N.

POD

Richard Knight

TSN R44E

## SECTION 22

NW SW SE

# T5N

# T4N

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