

02/03/2005

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

RIGHT NUMBER: 22-299E

NAME AND ADDRESS: HORSESHOE CREEK ASSN INC
PO BOX 546
DRIGGS ID 83422

SOURCE: HORSESHOE CREEK

TRIBUTARY: TETON RIVER

QUANTITY: 1.967 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 2.40 CFS. COMBINED RIGHT NOS.: 22-298E,
22-299E, 22-300D.

THIS RIGHT WHEN COMBINED WITH RIGHT NOS. 22-298E, 22-299E, 22-300D,
SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE.

PRIORITY DATE: 06/01/1888

POINT OF DIVERSION:

T05N R44E S22 NWSWSE Within TETON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	1.967 CFS

PLACE OF USE: IRRIGATION Within TETON County

T05N R44E S22	NESE	39.0	T05N R44E S22	NWSE	22.0
T05N R44E S22	SWSE	22.0	T05N R44E S22	SESE	37.0

120 ACRES TOTAL

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 120.0 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 22-298E, 22-299E, 22-300D.

This right is limited to the irrigation of 98.5 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: Decreed

Right No. 22-298E, 22-299E, 22-300D is also diverted through point of
diversion described above.



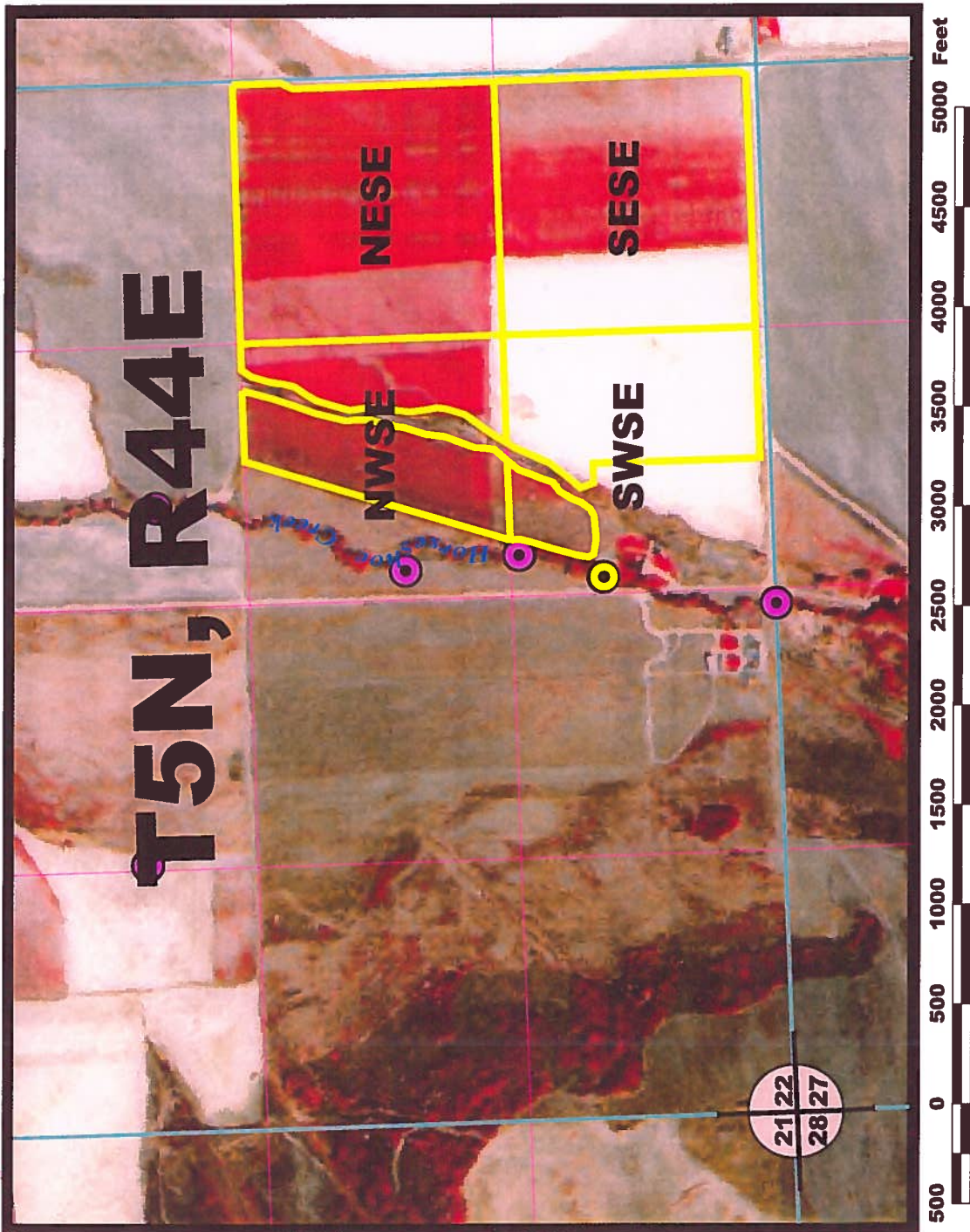
State of Idaho

Department of Water Resources

Eastern Region

SCANNED

MAR 14 2005



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

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

Place of Use: (parts of)
T5N, R44E
Sec. 22 SE

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: February 2005

02/26/2004

IDWR Field Exam Form

Contacts Data Entry Form

Claim Number: 22-299K

Owner Type	Full Name	Address	City	State	Zip
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Current Owner: HORSESHOE CR ASSN 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.

DECLARED UNDER R.G. MIEKLE (WM) vs A. GILBERT, 17 APRIL 1933 SPLITS Rts 22-298, 299 & 30

REFERENCE IS MADE TO MADSEN vs MIEKLE.

ORIGINALLY DECLARED UNDER BOLBURG vs TETON, 1919

22-299, 5.80 cts, 6/1/1888, HORSESHOE CR., V. HEGSTED

WR SPLITS: 22-299A, 4.90 cts

22-299B, 1.10 cts

5.80 cts FULLY ACCOUNTED.

SRBA CLAIM SPLITS:

* 22-299A, 2.35 cts, J. MCKALLAR

* 22-299B, 1.10 cts, C. ARGUE → AP Group

22-299C, 2.02 cts, SPLIT TO E AND F (SEE 22-11764)

* 22-299D, 0.24 cts, E. MURRAY → WAITMAN

SPLIT FROM A * 22-299E, 1.97 cts, HORSESHOE CR ASSN INC.

* 22-299F, 0.20 cts, B. KNIGHT

5.86 cts OVER CLAIMED OBVIOUSLY ≈ 3"

2.35
- 1.14
2.21

E-

F- 0.053
.147
.200

SPLITS OBVIOUSLY NOT DONE CORRECTLY -

Reviewer: _____ Date: _____

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MAR 14 2005

DDADU TO
PROCEED

Priority Date Data Entry Form

Claim Number: _____

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: 6/1/1888 Claimed Basis: DISCREP

Recommended Priority Date: _____ Recommended Basis: _____

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

MATCHES DOZANS

Reviewer: _____

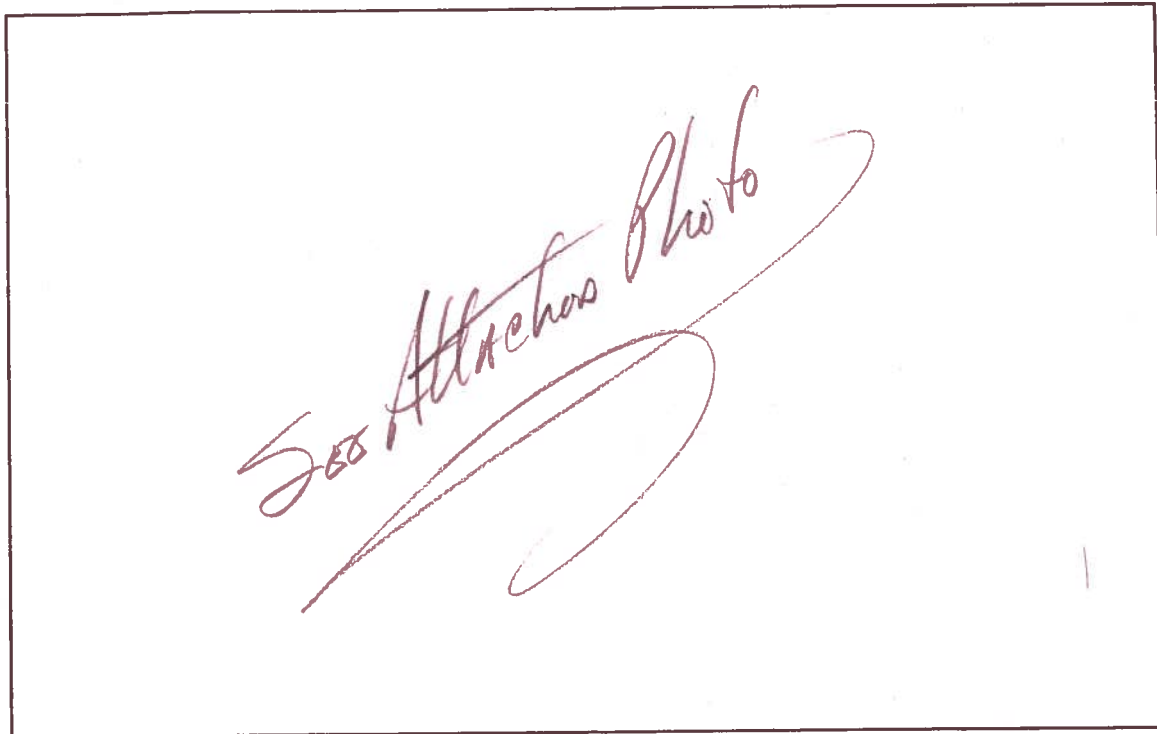
Date: _____

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PROFILING

Water Right No(s). _____



GPS DATA:

Tag # ADP13840 Location: electric panel by pump

Diversion Data:

Source: Wraschae Creek Trib to: Teton River

MOTOR

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

PUMP

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

NOTES:

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

PRO

SCAN 1
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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.

Tw	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source	Tributary to

Recommended Point(s) of Diversion and Source.

Tw	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source	Tributary to
5N	44E	22					

Other rights from this POD? _____

Transfers Pending or approved: _____

Document how the POD and Source were verified:

Same POD as 22-298E (DIFF CANNON)

Reviewer: _____ Date: _____

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PROF

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 120

Pending or approved Transfers: _____

Overlapping rights: _____

Document how the POU was verified:

Continued Grand Ac Limits
Claims 134 ac - Some POU is split off to R. KNIGHT,
500-22-298R.

Reviewer: _____ Date: _____

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PROFIT

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
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Overall Diversion Rate _____

Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
<i>Ennis</i>	<i>4/15</i>	<i>10/31</i>	<i>1.967</i>	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Overall Diversion Rate _____

Overall Diversion Volume _____

Document how the Period of Use and/or Diversion Rate were verified:*Combined Q and Ae Limits**Limit Q to 2.40 cfs**Combined**Ae Limits per 0.02 cfs/ft*

Reviewer: _____

Date: _____

PROFILE

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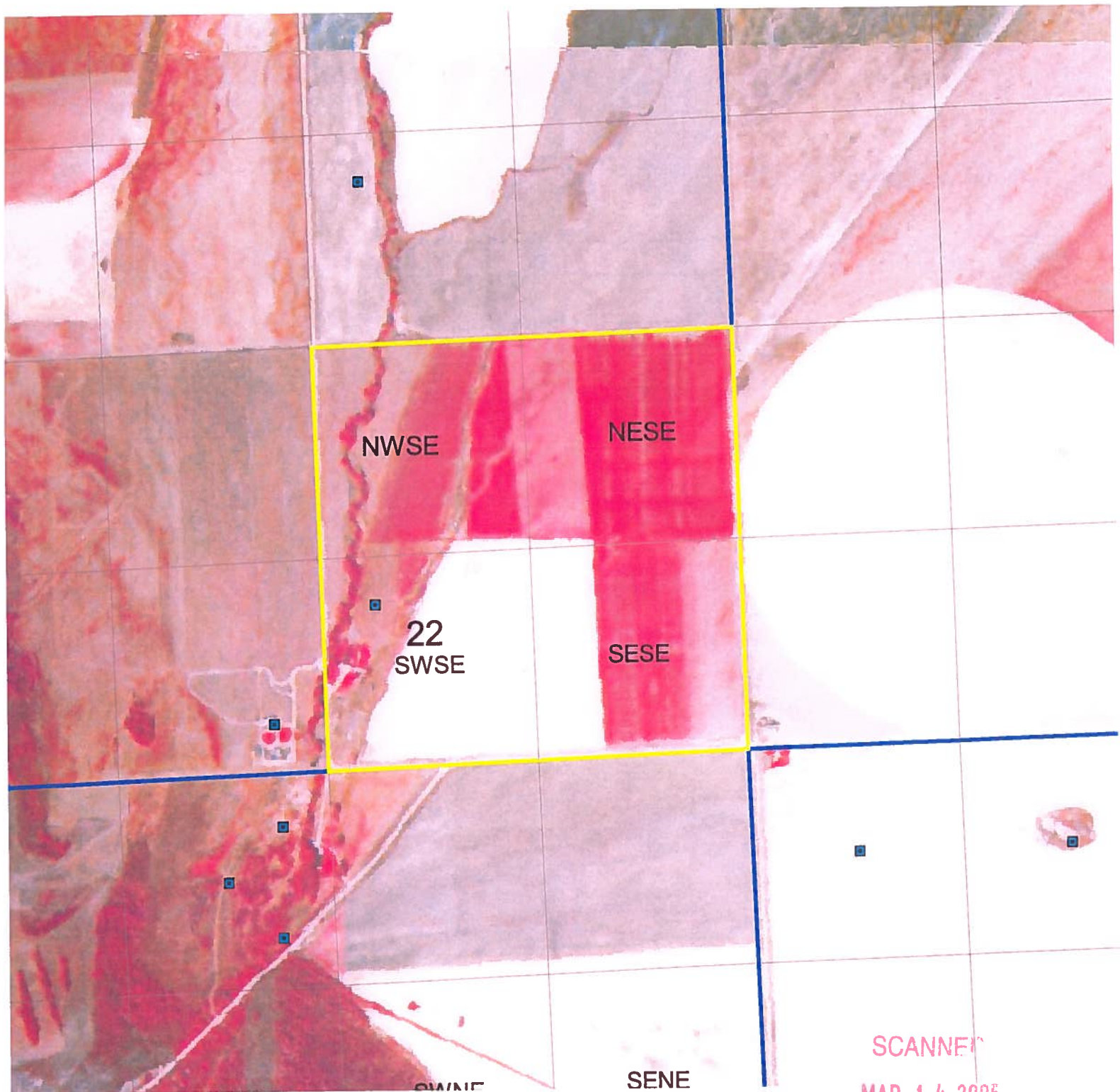


Tom Knight pump on Horseshoe Creek.
Tag on electric panel.

PROJECT

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MAR 14 2005

22-299E



FEBRUARY 1, 1991

W GILBERT CLARK
C/O NEIL JOHNSON
PO BOX 546
DRIGGS ID 83422

RE: CHANGE IN OWNERSHIP

Dear Mr. Clark:

Your request for Change in Ownership submitted for your Notices of Claim A22-00299E, A22-00298E, and A22-00300D 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

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MAR 14 2005

PROFILED

MICROFILMED
NOV 04 1992

RECEIVED

MAY - 2 1990

CHANGE IN OWNERSHIP OF NOTICE OF CLAIM

Department of Water Resources
Eastern District Office

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

[] Name and Address of
Former Claimant: R. Dee Ripplinger and Jean H. Ripplinger

[] New Claimant(s): Horseshoe Creek Association, Incorporated

[] New Mailing Address: P.O. Box 546
Driggs, Idaho 83422

New Telephone Number: (208) 354 - 8421 (Neil Johnson)

[] Does the change in ownership result in a splitting of the
water right claimed? yes X no*

If yes, then describe the portion of the water right that is
now claimed by the new owner:

*None, except for the share of water rights apportioned to 3.64 acres

which former claimant sold to Richard T. Knight from the SW 1/4, SE 1/4.

[] Attach proof of ownership
Describe proof attached: Copy of Warranty Deed

[] Signature of New Claimant(s): W. Gilbert Clark
Horseshoe Creek Association, Incorporated
by W. Gilbert Clark, President

Date: 4/30/90

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: By:

Further Action Needed:

Further Action Taken

Date: By:

Final Review and Data-Entry

Date: By:

Claim Numbers of Split, if any:

SCANNED

MICROFILMED

MAR 14 2005

NOV 04 1992

PROFITED

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

NEWEL MADSEN,

Plaintiff,

vs.

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

Defendants,

and

ALBERT GILBERT,

Intervenor.

AT LINDSEY EAST ID.

DATE 4/10/1933

Earl Floyd
CLERK OF DIST. COURT

BY

DECREE

DECE

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 Griggs, Teton County, Idaho. Merrill C. Merrill, Attorneys at Law, and Newel Madsen, Attorney at Law, appeared for and on behalf of the plaintiff; George L. Harrington, Attorney at Law, appeared for and on behalf of the defendant, Louie Buxton. The defendant, R. G. Nielsen as Water Master of Water District No. 360 did not appear in person or by attorney. S. B. Atchley, 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. Nielsen, as Water Master of Water District No. 360 of the State of Idaho, John R. Clausen, John D. 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. Nielsen ceased to act as Water Master of District No. 360, as aforesaid, and that R. G. Nielsen 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. Nielsen; and it further appeared that thereafter the said original defendants, John R. Clausen, John D. 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. Nielsen 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's decree. Said decree was afterwards printed, signed and submitted to the Court for decision. The Court, having thereupon made and entered its findings of fact and conclusions of law, signed and entered this its decree, wherein it is decreed, that the plaintiff, in and to wit:

22-0298A
22-0299A
22-0300
1. That the plaintiff, Louie Burton, 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 Louie Burton, and which waters have been abandoned by the said plaintiff, 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, 1887, and two hundred thirty-five (35) miners inches with a priority of June 1, 1889, and one hundred sixty (60) miners inches with a priority of June 1, 1890. 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 (11 1/4) of Section Twenty-seven (27), 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 (11 1/4) and the East half of the Southeast quarter (11 1/4), of Section Twenty-two (22); the Northwest quarter of the Northeast quarter (11 1/4), the Northeast quarter of the Northwest quarter (11 1/4), and the East half of the Northeast quarter (11 1/4), 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, Louie Burton, is entitled to divert from the main channel of Horsehoe Creek from the natural flow of water of ten (10) miners inches with a priority of September 1, 1887, and 35 miners inches with a priority of June 1, 1889. Said water is to be diverted at a point near the South line of the Northeast quarter of the Northwest quarter (11 1/4) of Section Twenty-seven (27), Township Five (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 (11 1/4) 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 Louie 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.

decree 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 Horseshoe 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 19th 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 Jadsen to R. C. Finkle 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 19th day of July, A. D. 1933.

Earl Floyd
Auditor and Recorder.

By Bertie D. Smith
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: A22-00299E
Date Received: 9/26/1988
Receipt No: X777777
Received By: EMC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: HORSESHOE CREEK ASSN INC 208-354-8421
Address: PO BOX 546
DRIGGS, ID 83422

2. Date of Priority: JUN 1, 1888

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:
PUMPED FROM CREEK SPRINKLER IRR.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	1.967		

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

8. Total consumptive use is 268.7 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	22	NE	SE		IRR	40.0
			NW	SE		IRR	30.0
			SW	SE		IRR	24.4
			SE	SE		IRR	40.0

A22-00299E

Page 1

Date: 01/31/91

SCANNED

MAR 14 2005

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NOV 04 1992

A2200299E



10. Place of Use: Continued

Section Acres 134.4

Total Acres 134.4

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:

A22-00298E & A22-00300D

14. Remarks:

THIS RIGHT PART OF A22-00299A

NOTICE IS A RESULT OF CHANGE IN OWNERSHIP FOR A PORTION OF
A22-00299E, PAID FOR UNDER M001430. EMC 1-31-91

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 4/17/1933

MEWELL 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 _____

of Idaho
RTMENT OF WATER RESOURCES

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

R44E

111°15'

481000m.E.

43°45'

4843000m.N.

