

01/25/2005

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

RIGHT NUMBER: 22-300B
NAME AND ADDRESS: JOHN WAITHMAN
PO BOX 1104
DRIGGS ID 83422

PATRICIA WAITHMAN
PO BOX 1104
DRIGGS ID 83422

SOURCE: HORSESHOE CREEK TRIBUTARY: TETON RIVER
QUANTITY: 0.110 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 0.22 CFS. COMBINED RIGHT NOS.: 22-298D,
22-299D, 22-300B.

PRIORITY DATE: 06/01/1900

POINT OF DIVERSION:

T05N R44E S22 SWNWSE Within TETON County
T05N R44E S22 NWSWE 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	0.110 CFS

PLACE OF USE: IRRIGATION Within TETON County

T05N R44E S22	NWSE	10.0	T05N R44E S22	SWSE	1.0
---------------	------	------	---------------	------	-----

11 ACRES TOTAL

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 11.0 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 22-298D, 22-299D, 22-300B.

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

Right Nos. 22-298D, 22-299D, 22-300B are also diverted through points of
diversion described above.

12/06/2006

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: 22-300B

TREETOPS INVESTMENT LLC

C/O JASON SHIEBLER

PO BOX 645

DRIGGS ID 83422

Telephone Number: (208)201-3633

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:

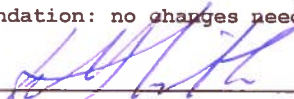
3. Give a brief explanation as to why you disagree with these portions:

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

DATE:

12/13/06

SIGNATURE:



Please print your name:

William W. Shiebler

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

01/25/2005

RECEIVED

JUN 20 2005

Department of Water Resources

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: 22-300B

JOHN WAITHMAN
PO BOX 1104
DRIGGS ID 83422

PATRICIA WAITHMAN
PO BOX 1104
DRIGGS ID 83422

RECEIVED

JUN 23 2005

Department of Water Resources
Eastern Region

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:

*Received up
Signature*

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

DATE: _____ SIGNATURE: _____

Please print your name: _____

IDWR Regional Office,

PROFILE

SCANNED

JUN 29 2005

SCANNED

JUN 20 2005

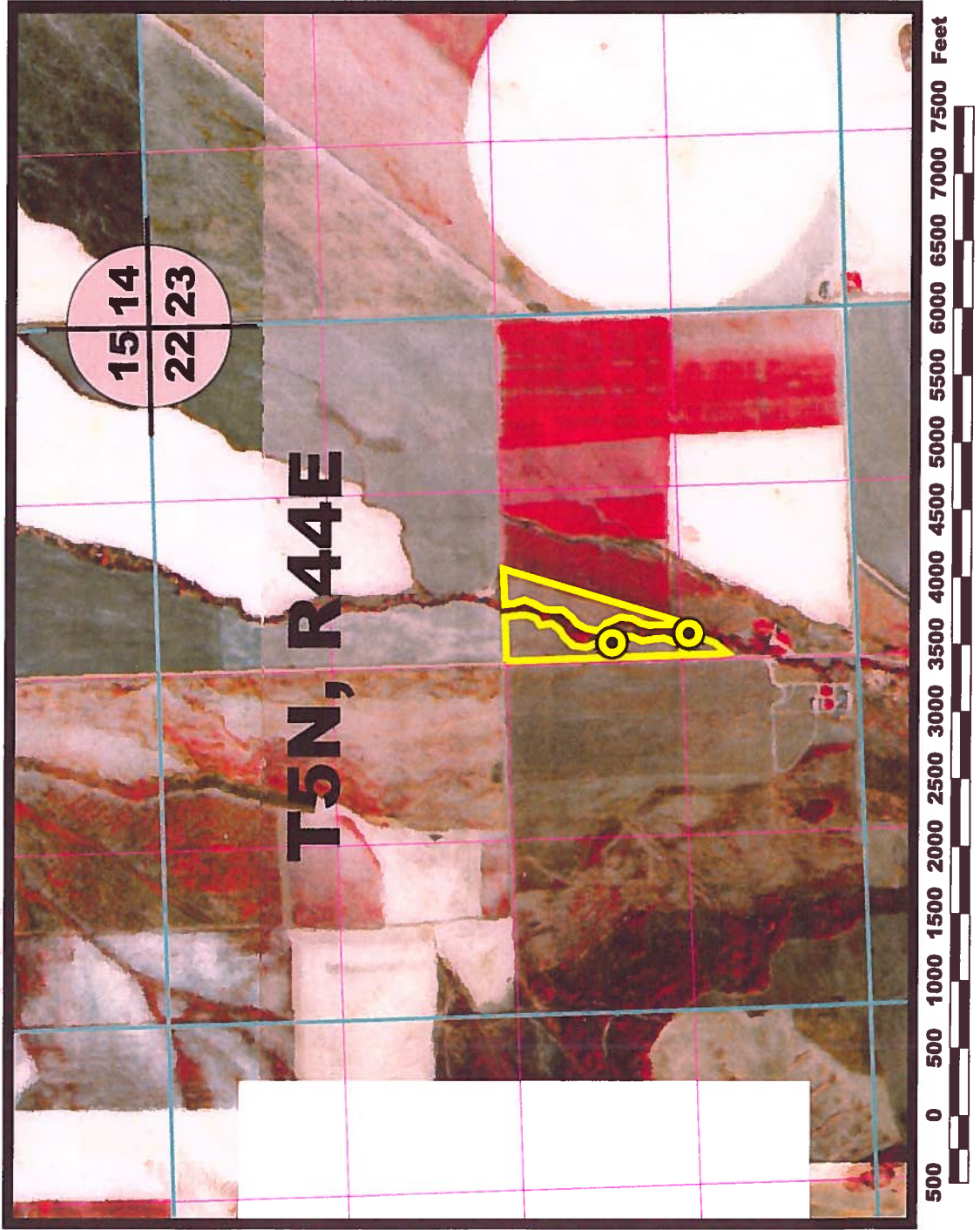


State of Idaho

Department of Water Resources

Eastern Region

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MAR 14 2005



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

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

Place of Use: (parts of)
T5N, R46E Sec. 29 W2SE

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: January 2005



22-298D
22-299D
22-300B

RECEIVED
JUN 10 2005

ADDRESS SERVICE
REQUESTED

POSTAL DISTRICT OFFICE
JOHN S. VALENTI, JR.
1750 FLANDRO DR.
POCATELLO, IDAHO 83202

First Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

U.S. POSTAL SERVICE
PS FORM 3547

RETURN TO SENDER

fee due 70¢

This information provided by
COMPUTERIZED FORWARDING
1750 FLANDRO DR
POCATELLO ID 83202-1970

WAIT104 834222003 1C04 07 06/07/05
FORM 3547
WAITMAN
5682 N BLANTON DR
PRESCOTT VALLEY AZ 86314-3804

PATRICIA WAITMAN
JOHN WAITMAN
PO BOX 1104
DRIGGS ID 83422

First Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

U.S. POSTAL SERVICE
PS FORM 3547

RETURN TO SENDER

fee due 70¢

This information provided by
COMPUTERIZED FORWARDING
1750 FLANDRO DR
POCATELLO ID 83202-1970

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JUN 15 2005

Contacts Data Entry Form

Claim Number: _____

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

Current Owner: E. Murry 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.

C/O TO J. WATHMAN

PO Box 1104

Driggs ID 83422

RECD
2004

C/O's FROM: MW WILSON TO E. MURRY, et al 1996

MURRY et al to J. WATHMAN, 2004

ORIGINAL DECISION BY REXBURG VS TOWN, 1910, AS: # 200 TO
V. HOGSTEN, 1600", HONESTHOR CR, 6/1/1900 -R. G. MICKLE WM VS A. GILBERT 04/17/1933 - REDEFINES THIS
RIGHT w/ SPLITS OF 22-299 AND 22-29B.

W/C DATA BASE:

22-300, 3.20 cts, 6/01/1900, HONESTHOR CR

SRBA CLAIMS/SPLITS:

22-300 A, SPLIT TO E AND F (THERE IS NO F IN SRBA DATA BASE)

22-300 B, 0.160 cts, MURRY, et al → WATHMAN

22-300 C, 1.600 cts, J. McKellar

1.244

22-300 D, 1.344 cts, HONESTHOR CR AGN

22-300 E, 0.136 cts, R. KNIGHT (part of A and 11765)

3.24 cts - OVER SPLIT BY 0.04 cts

THIS ABOVE SPLITS WERE (ARE) DONE INCORRECTLY. THERE IS NO
PART 'F'. EQ IS > THAN THE DECIDED Q OF 3.20 cts BY 0.04 cts (2")
WHERE DID IT GO? RECOMMENDATIONS OF THE SPLIT PORTIONS WILL
HAPPILY CORRECT THE ERROR.

Reviewer: _____ Date: _____

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PROFILE

MAR 14 2005

Priority Date Data Entry Form

Claim Number: _____

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: 6/1/1900 Claimed Basis: DECREE

Recommended Priority Date: _____ Recommended Basis: _____

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

MATCHES DECREE

Reviewer: _____

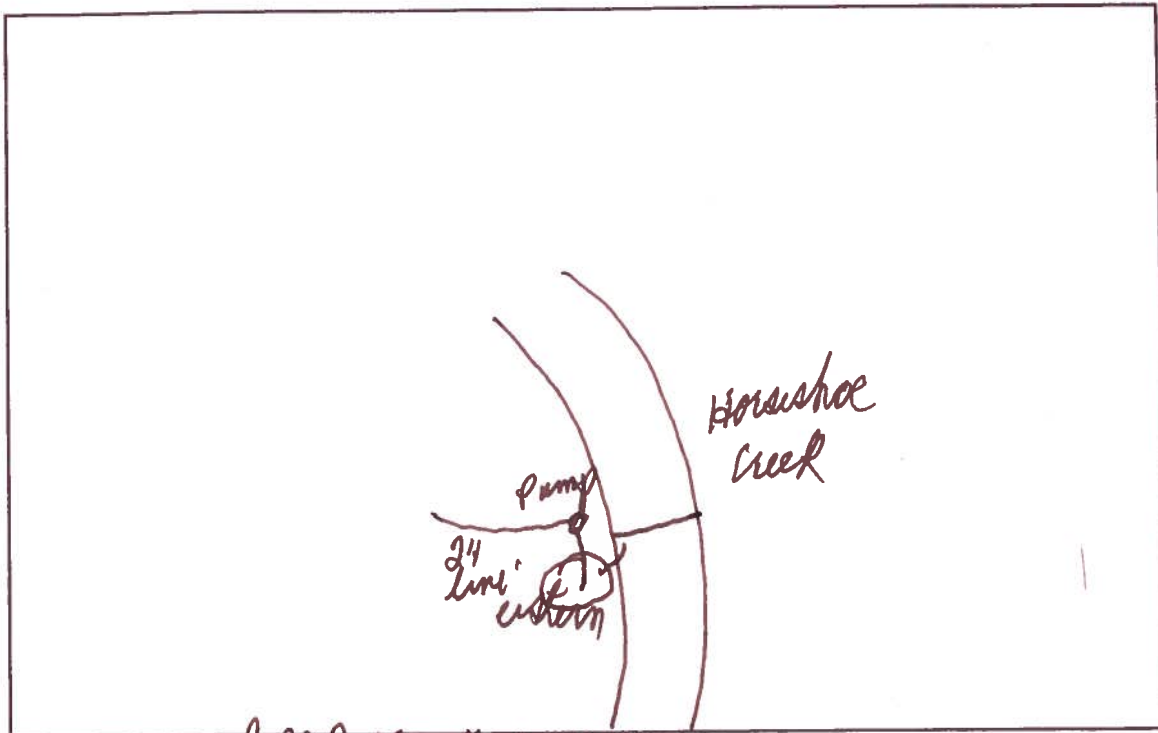
SCANNED

Date: _____

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MAR 14 2005

Water Right No(s). _____



GPS DATA: 2nd POD Tag # A0013879

Pump Tag # A0013881 Location: Lid of cistern

Diversion Data:

Source: Horseshoe Creek Trib to: Teton River

MOTOR Gasoline engine
Make: Guzzot Stratton Model: 80232 Hp: 3
SN: 90041003

PUMP
Make: Paces Model: illegible Disch: 2" plastic pipe
SN: _____

NOTES:
1. Check dam across creek fills up a settling
cistern from which water is pumped.
2nd POD - ditch off Horseshoe Creek branch - no
headgate or regulating device. This POD is approx.
150 - 200 yds upstream on east side of creek.

Field Exam Date: 8/17/04 Agent: DD

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MAR 14 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
5N	44E	22		NWSWSE	TETON	HORSESHOE CK	TETON RIVER
_____	_____	_____	_____	SWNWSE	_____	"	_____
_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____

Other rights from this POD? _____ Added POD

Transfers Pending or approved: _____

Document how the POD and Source were verified:

8/17/04
LD

There are 2 POD's for this claim. There is a small 3 hp gasoline engine that pumps water out of settling cistern that fills with water diverted from Horseshoe Creek into small plastic 1 1/2" x 2" tubing that runs to three lines of trees that stretch the length of this claim on west side of creek. On east side of creek, a ditch runs out of diversion that has no means of regulation. This ditch is used to irrigate this portion of claim.

Reviewer: _____ Date: _____

PROFILE

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MAR 14 2005

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
5N	44E	22	NWSE		Teton		10	Irrig
			SWSE				1	

Total acres 11⁰

Pending or approved Transfers: _____

Overlapping rights: _____

Document how the POU was verified:

8/17/04
 Field exam shows that approx 16 acres
 is claimed and can be watered from
 plastic pipe and ditch.

GPS shows 10⁰ ac $\Rightarrow$ 11⁰ ac So Recommended.

Reviewer: _____ Date: _____

SCANNED

MAR 14 2005

PROFILED

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
_____	4/15	10/15	0.16	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Overall Diversion Rate _____ Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
Tring	4/15	10/31	0.11	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Overall Diversion Rate _____ Overall Diversion Volume _____

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

SOU to DOPR STD - Q AT 1/2" / AC (AS SPLIT BY ENEC)

Reviewer: _____

Date: _____

PROFILE

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MAR 14 2005



Waithman claim on Horseshoe Creek -
no headgate on this diversion.

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MAR 14 2005



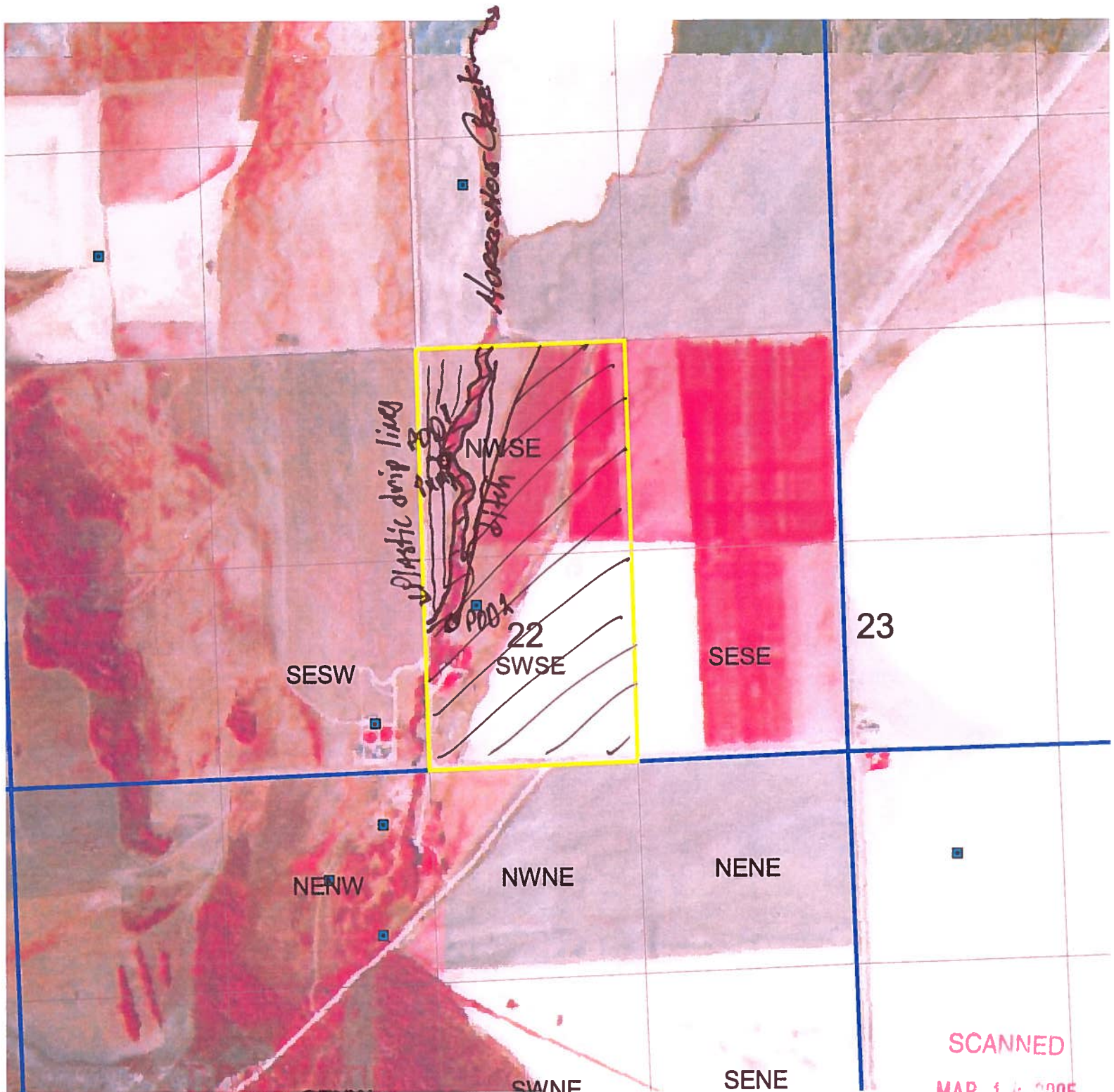
Waithman check dam on Horseshoe Creek.
Pump is used to divert to plastic pipe.

PROFILED

SCANNED

MAR 14 2005

22-300D ^{EB}



PROFILED

SCANNED
MAR 14 2005

DECOG TR
12-6-04

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP**

**RECEIVED
DEC 06 2004**

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.

Department of Water Resources
Eastern Region

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
22-2980	(SUB DOCS)				
22-2990					
22-3000					

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts. ☒
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former
Owner/Claimant(s)

ELWIN & BARBARA MURRAY
SAMUEL CLAUDE, SR & MURRAY

4. New Owner/Claimant(s)

SUE CLAUDE

Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

JOHN WATTHAM AND PATRICIA WATTHAM
PO BOX 1104

City, State and ZIP Code

DRIBBS ID 83422

New Telephone Number

(208) 354 0040

5. Date you acquired the property

7/27/00

PROFILE

SCANNED

MAR 14 2005



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. SKYLINE DR., SUITE A, IDAHO FALLS, ID 83402-1718

PHONE: (208) 525-7161 FAX: (208) 525-7177 WEB SITE: www.idwr.state.id.us

November 18, 2004

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

JOHN WAITHMAN
PO BOX 1104
DRIGGS ID 83422

RE: CHANGE IN WATER RIGHT OWNERSHIP FOR 22-298D,
22-299D, 22-300B

Dear Mr. Waithman:

It has come to our attention that you may have recently purchased a tract of land in Teton County. The property to which I am referring was most recently owned by the Murray's and the Claude's. The legal description is as follows:

T05N, R44E, S22, W1/2 SE1/4

This property was filed on in the Snake River Basin Adjudication (SRBA), and we recommend that if, in fact, you now own the property in question, you file a "Change in Ownership" with this department in order that we may send all further correspondence to the appropriate owner(s).

Enclosed is a Change in Ownership form. Please fill out the form completely, sign and date it and return it to my attention along with a "copy" of your Warranty Deed and legal description of the property you have purchased.

If you have questions regarding this matter, please call 525-7161.

Respectfully submitted,

Jennifer Crabtree

Technical Records Specialist

Enclosure(s)

SCANNED

MAR 14 2005

PROB

22-298D

20-299D

22-300B

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Eastern District Office
900 N. Skyline Dr., Suite A
Idaho Falls, ID 83402-1718

RETURN SERVICE REQUESTED

KURT MURRAY

ELWIN MURRAY

BRAD MURRAY

BARBARA MURRAY

PO BOX 612

DRIGGS ID 83422

- ☒ Not Delivered
☐ Unable to Forward
☐ Insufficient Address
☐ Moved Left No Address
☐ Unclaimed
☐ Refused
☐ Attention - Not Known
☐ No Such Street
☐ Vacant
☐ No Mail Facility
☐ Return to Office
☐ Returned for Better Address
☐ Postage Due



U.S. POSTAGE

1690

8956\$00.370 MAR 02 2004
0721 MAILED FROM ZIP CODE 83402

SCANNED

MAR 14 2005

PROVILE

22-298D
22-299D
22-300B

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Eastern District Office
900 N. Skyline Dr., Suite A
Idaho Falls, ID-83402-1718

RETURN SERVICE REQUESTED

 ☒ Not Delivered - As Addressed
☐ Unable to Find Address
☐ Insufficient Address
☐ Moved Left
☐ Unclaimed
☐ Attempted -
☐ No Such Street
☐ Vacant
☐ No Mail Return
☐ Box Closed No Order
☐ Returned From Better Address
☐ Postage Due

Address: SAMUEL O CLAUDE
PO BOX 612
DRIGGS ID 83422

City: _____
State: _____
Zip: _____

Carrier: _____
Date: _____

0

PROFILE

SCANNED
MAR 14 2005

★ ★ ★
★ ★ ★
1020
8926\$00:370 MAR 02 2004
0720 MAILED FROM ZIP CODE 83402

U.S. POSTAGE
PB3523907
PITNEY BOWES
TM



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

MARCH 11, 1996

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

KURT MURRAY ET AL
PO BOX 612
DRIGGS ID 83422

RE: CHANGE IN OWNERSHIP FOR A22-00298D, -00299D,
& -00300B

Dear Mr. Murray:

The request for Change in Ownership concerning the Notice(s) of Claim in the above reference has been processed and the Notice(s) modified to reflect you as the new owner.

Enclosed are copies of the Notice(s) of Claim, 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,

Jo Thompson
Adjudication Secretary

Enclosure: Notices of Claim

FILED

SCANNED

MAR 14 1996

MICROFILMED

NOV 06 1996



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type

(see instructions on back of page)

MAR 08 1996

DATE OF CLOSING: Sept. 15, 1995Department of Water Resources
Eastern District OfficeLEGAL DESCRIPTION OF PROPERTY: Township 5 NORTH Range 44 EAST
Section 22, ~~XXX~~ 1/4 of 1/4 of 1/4 of 1/4 Govt. Lot , BM.Lot , Block , Subdivision/Townsite

If you have additional legal descriptions, please attach separate sheet

See attached sheets
warranty + quitclaim deed

[] Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

[] Water Right Number(s)
Assigned by IDWR:A22-00298D, A22-00299D, A22-00300B[] Name and Address of Former
Owner/Claimant(s)(Seller):MARVIN W WILSON736 GRANTDOUGLAS WY 82633[] New Owner/Claimant
(Purchaser):ALL
NAMESELWIN MURRAY, BARBARA MURRAY, KURT MURRAY

[] New Mailing Address:

and BRAD MURRAYP.O. BOX 612DRIGGS, IDAHO, 83422

[] New Telephone Number:

(208) 354 - 8445[] Does the change in ownership result in a splitting of the water right owned/claimed? yes ☒ no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:ALL water rights, are transferred to new owners3-11-96 per telephone, add Sam + Sue Claude (Brad Murray's request). Do NOT add: Delia (no longer a wife)[] Attach proof of
ownership, describe
proof attached:WARRANTY DEED and QUITCLAIM DEED

(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 owner/claimant.)

[] Signature of New
Owner/Claimant(s)Brad MurrayDate 4/5/96

Date

[] Signature of Former
Owner/Claimant(s):

Date

Date

(Signature of former claimant(s) is not required if proof of ownership is attached.)

See attached warranty
deed and Quitclaim deed

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:

PROFILED

SCANNED

MAR 14 2000

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

10/4/1988

SRBA CLAIMS RECEIVING CHECKLIST

CLAIMANT'S NAME Wilson CLAIM NO. A22-00300B

DATE RECEIVED 10-6-88 CK # 872 AMOUNT \$ 166 - 3 claims

1. Is the name and address complete with zip code? YES ☒ NO ☐
2. Is a priority date entered? ☒

Is the water use exempt from the Permit requirements, or if it is not exempt, has a Permit been approved or a License issued?

A Permit is required: (1) for groundwater developed after March 25, 1963 (except single family domestic and stockwater wells using less than 13,000 gpd), or (2) for surface water developed after May 20, 1971 (except for instream stockwater). USE CARE IF CLAIM IS RETURNED. REFER TO ADJUDICATION MEMOS # 1 (ADJ. CLAIMS/APPLICATIONS) AND # 9 (REJECTION OF CLAIMS). EXPLAIN IN COMMENTS.

3. (a) Is a source entered? ☒ (b) Is a tributary to entered? (if required) N/A ☒
4. Is the legal description of the p.d. sufficient? ☒
5. Is there a description of the diverting works? ☒
6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. ☒
- Is the period of use included? ☒
- Is a quantity claimed for each use? ☒
7. Is a total quantity claimed entered? ☒
8. If required is a consumptive use entered? N/A ☒
- Is the consumptive use correct? N/A ☒
9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, each household must file a separate claim. See Adjudication Memo # 4. ☒
10. Is (are) the place(s) of use entered? ☒
11. Is (are) the county(ies) entered? ☒
12. Is the ownership of p.u. checked? ☒
13. Are other water rights listed or "none" checked? ☒
14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) N/A ☒
15. Is the basis of the claim checked? ☒
16. Is the claim signed by the claimant, and is the signature appropriate? (If an individual is the claimant, has that individual signed the claim, or if an organization is the claimant, is the organization signature block complete?) ☒
- Has the claim been signed, sealed, and dated by a notary? ☒
- Was this claim filed on time, or was an extension granted? ☒
- Is the fee enclosed correct? ☒
- If this claim is based on an existing water right, has the identification number been entered? N/A ☒
- Should this claim be receipted and data entered? ☒

SCANNED

MAR 14 2005

PROF

Claim checked by: CA

Comments: On Host Master 10-20-88 CA

MICROFILMED

NOV 04 1992

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

NEWEL MADSEN,)
Plaintiff,)
vs.) AT TIMES AST M.
R. G. NIELSEN, as Water Master of)
Water District No. 360 of the) DATE 4/10/1933
State of Idaho; and LOUIE BUXTON,)
Defendants,)
and)
ALBERT GILBERT,)
Intervenor.)

DECEMBER 1933

Earl Flood
CLERK OF DIST. COURT

RECEIVED
JUL 10 1934
CLERK OF DIST. COURT

This cause came regularly on for trial on the 10th day of April, 1933, before the Honorable Jay L. Downart, Presiding District Judge, sitting without a jury, at Blaine, Blaine County, Idaho. Merrill E. Merrill, Attorneys at Law, and Newel Madsen, Attorney at Law, appeared for and on behalf of the plaintiff; George L. Edmington, 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. W. 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. Nickelson, 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. Jaines, Lewel Jaines, J. C. Thomsen, Charles J. Martin, and C. G. Keller, as defendants, and that thereafter the said Anton O. Nickelson 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. Nickelson; and that thereafter the said E. B. Edlefsen 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. Edlefsen; and it further appeared that thereafter the said original defendants, John R. Clausen, John B. C. Kruger, Sallie C. Jaines, Lewel Jaines, 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 supplemental 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 thereto. Said decree was afterwards affirmed, amended and submitted to the Court for decision. The Court, having therefore made and entered its findings of fact and conclusions of law, and entered this its decree, to wit: That it is ordered, that the plaintiff, to wit:

1. That the plaintiff, said petitioner, 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 abandoned 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 Horseshoe 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, 1898, and one hundred sixty (60) miners inches with a priority of June 1, 1899. Said waters are to be diverted from said Horseshoe Creek at a point near the South line of the Northeast quarter of the Northwest quarter (1416) 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 (1417) and the East half of the Southeast quarter (1418), of Section Twenty-two (22); the Northwest quarter of the Northeast quarter (1419), the Northeast quarter of the Northwest quarter (1420), and the East half of the Northeast quarter (1421), of Section Twenty-seven (27), Township Five (5), North Range Forty-four (44), East of the Boise Meridian, in Teton County, Idaho.

2. That the defendant, Louis Burton, is entitled to divert from the main channel of Horseshoe 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, 1898. Said water is to be diverted at a point near the South line of the Northeast quarter of the Northwest quarter (1416) 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 (14) 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.

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 Horseshoe Creek, from the natural flow of the water thereof, one hundred and twenty (120) miners inches of water with a priority of June 1, 1898, and forty (40) miners inches of water with a priority of June 1, 1899. 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, ordinary 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 North-east 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 Jadsen to H. 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 18th 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: **A22-00300B**
Date Received: 10/18/1988
Receipt No: E003277
Received By: _____

**COPY FOR
YOUR FILES**

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

**COPY FOR
YOUR FILES**

1. Name:	ELWIN MURRAY	208-354-8445
Address:	PO BOX 612	
	DRIGGS ID	83422
OR		
Name:	BARBARA MURRAY	208-354-8445
Address:	PO BOX 612	
	DRIGGS ID	83422
OR		
Name:	KURT MURRAY	208-354-8445
Address:	PO BOX 612	
	DRIGGS ID	83422
OR		
Name:	BRAD MURRAY	208-354-8445
Address:	PO BOX 612	
	DRIGGS ID	83422
OR		
Name:	SAMUEL O CLAUDE	208-354-8445
Address:	PO BOX 612	
	DRIGGS ID	83422
OR		
Name:	SUE CLAUDE	208-354-8445
Address:	PO BOX 612	
	DRIGGS ID	83422

2. Date of Priority: JUN 1, 1900

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, HANDLINE SPRINKLER SYSTEM.

MICROFILMED

NOV 06 1996

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/15	0.160		

7. Total Quantity Appropriated is:

0.160 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 32.0 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	NW	SE	IRR	14.0
			SW	SE	IRR	2.0
Section Acres						16.0
Total Acres						16.0

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:

A2200298D, A2200299D

14. Remarks:

MODIFIED "HORSE SHOE" 2/6/96/JT

CHANGED OWNERSHIP 3/11/96/JT

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 4/17/1933

NEWELL MADESEN

Decree Plaintiff

R. C. MIEKLE

vs

Decree Defendant

MICROFILMED
NOV 06 1996

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: A22-00300B
Date Received: 9/29/1988
Receipt No: E003277
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MARVIN W. WILSON 208-358-4384
Address: 736 GRANT
DOUGLAS, WY 82633

2. Date of Priority: JUN 01, 1900

3. Source: HORSE SHOE 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, HANDLINE SPRINKLER SYSTEM.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	0.160		

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

8. Total consumptive use is 32.0 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	NW	SE		IRR	14.0
			SW	SE		IRR	2.0

Section Acres 16.0

A22-00300B

Page 1

Date: 09/29/88

SCANNED

MAR 14 2005

MICROFILMED

NOV 04 1992

OCT 6 1988

Department of Water Resources
Eastern District Office

A2200300B



10. Place of Use: Continued

Total Acres 16.0

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:
A2200298D, A2200299D

14. Remarks:

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date: 4/17/1933

NEWELL MADESEN
Decree Plaintiff

vs

R. C. MIEKLE
Decree Defendant

SCANNED

MAR 14 2005

PROFILED

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: _____

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): Marvin W. Wilcox Date: 10-4-88

Date: _____

State of Wyoming)
~~Idaho~~) SS.
County of CONVERSE)

Subscribed and sworn (or affirmed) before me this 4th day
of October 19 88 Shelia M. Allegood
Notary Public

Seal

Residing at Douglas, WY
My Commission Expires 8-19-89

PROFILED

SCANNED
MAR 14 2005

MICROFILMED
NOV 04 1992



State of Idaho
DEPARTMENT OF WATER RESOURCES

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

X-49

T5N

PROF

R44E

SCANNED

MAR 14 2005

111°15'

481000m.E.

43°45'

P.O.U.

PD

48
43000m.N.

NW 50 SE

488-00300B

NOV 04 1992

MICROFILMED

