

06/29/2005

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

RIGHT NUMBER: 22-300E

NAME AND ADDRESS: BARBARA A KNIGHT
750 W 113 N
DRIGGS ID 83422

RICHARD T KNIGHT
750 W 113 N
DRIGGS ID 83422

SOURCE: HORSESHOE CREEK

TRIBUTARY: TETON RIVER

QUANTITY: 0.140 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: 06/01/1900

POINT OF DIVERSION:

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	0.140 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 7.0 acres 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

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: 22-300E

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

RICHARD T 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:

☒ 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,

SCANNED

AUG 12 2005

PROFITED

KMJ
7/29

C. M. H.

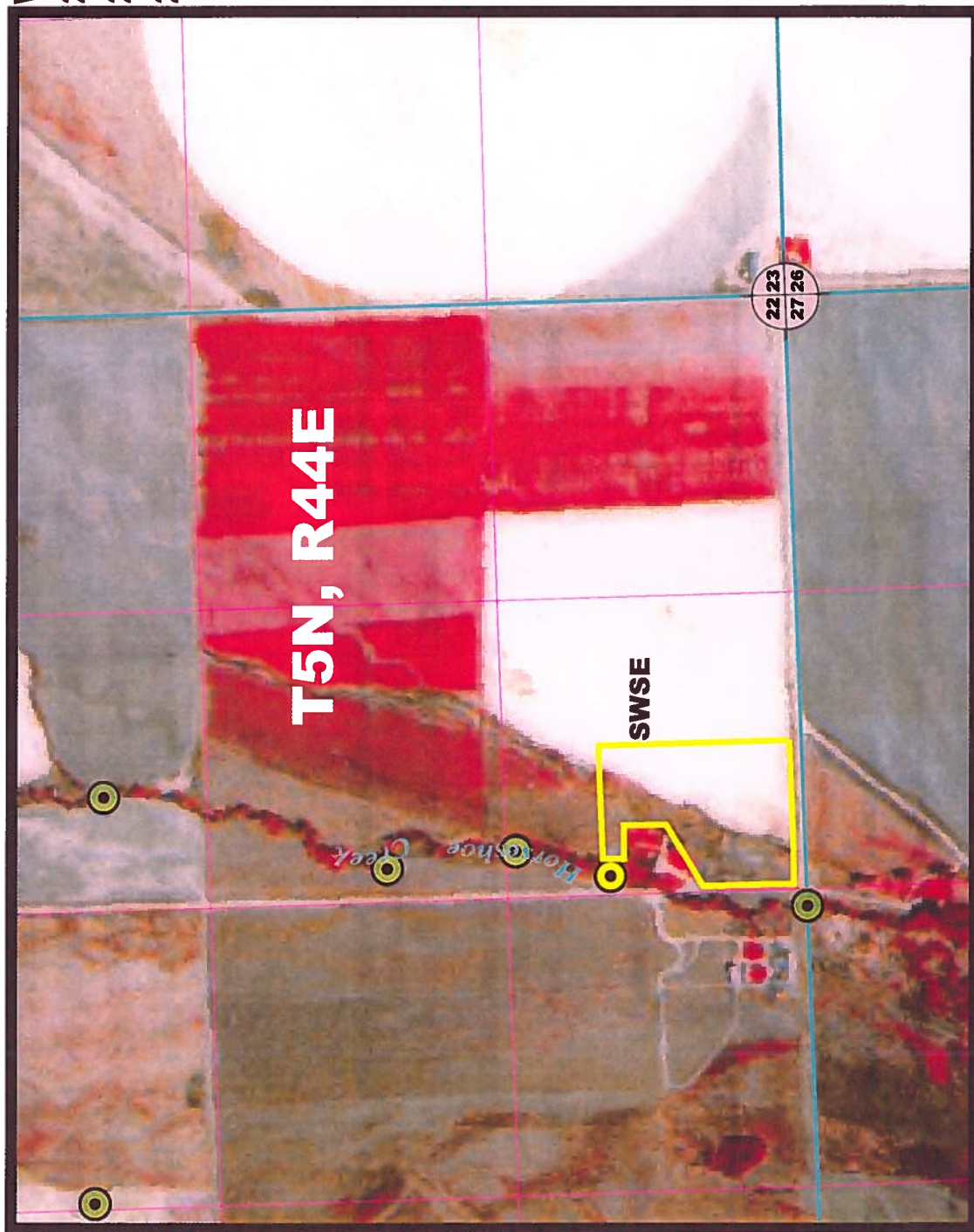


State of Idaho

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: 22-300E

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

RICHARD T 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):

Quantity is incorrect due to split.

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,

*Error of Q per split $\Rightarrow$ correct to 0.136 cfs (As claimed) $\Rightarrow$ 0.14 cfs
Ac correction per GRS to 10 ac*

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JUN 29 2005

*APR
6/29/05*

*PPH 10AC 4/7
Ambrose 1150 cfs 0.20 cfs
Q to 0.14*

Contacts Data Entry Form

Claim Number: 300B

Owner Type	Full Name	Address	City	State	Zip
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Current Owner: _____ 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's FROM: MW Wilson to E. Murray, et al 1996
Murray et al to J. Waithman, 2004

ORIGINAL DECISION BY RUXBURG vs TOWN, 1910, AS: #200 TO
V. HEGSTON, 160", HONESTY CR, 6/1/1900 -
R.G. MIEKLE WM vs A. GILBERT, 04/17/1933 - REDEFINES THIS
RIGHT w/ SPLITS OF 22-299 AND 22-298.

WIC DATA BASE:

22-300, 320 cfs, 6/01/1900, HONESTY CR

SRBA CLAIMS/SPLITS:

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

22-300 B, 0.16 cfs, Murray, et al → WAITHMAN

22-300 C, 1.60 cfs, J. McKellar

22-300 D, 1.34 cfs, HONESTY CR AGEN

0.14 ← 22-300 E, 0.136 cfs, R. KNIGHT (part of A and 11765)
3.24 cfs - OVER SPLIT BY 0.04 cfs

THIS ABOVE SPLITS WERE (ARE) DONE INCORRECTLY. THERE IS NO
PART 'F'. SR IS 7. THAN THE DECISION OF 3.20 cfs BY 0.04 cfs (2")
WHERE DID IT GO? RECOMMENDATIONS OF THE SPLIT PORTIONS WILL
HOPEFULLY CORRECT THE ERROR.

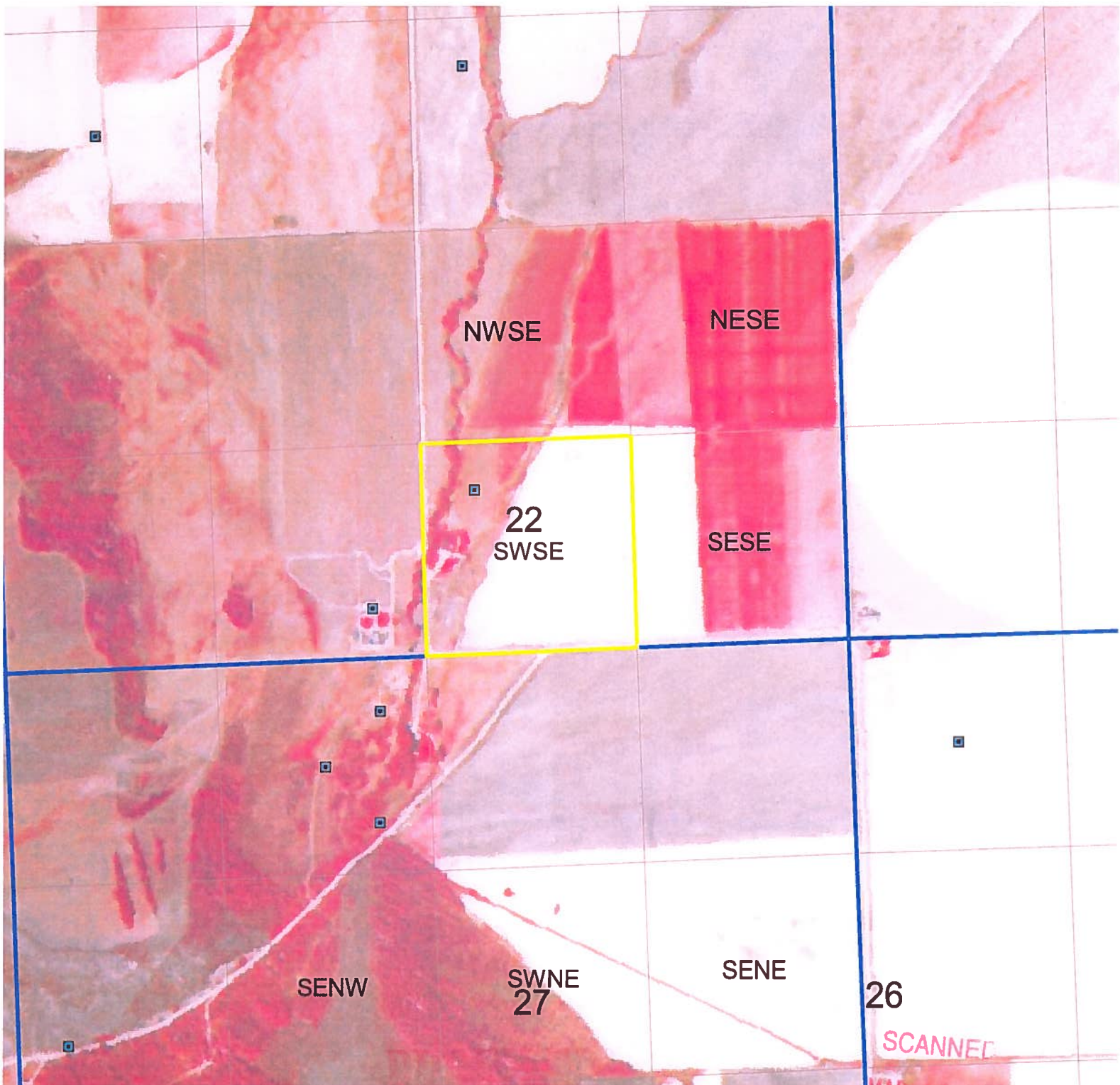
SUB 22-298F FOR FIELD EXAM NOTES

Reviewer: _____ Date: _____

SCANNED

MAR 14 2005

22-300E



26

SCANNED

MAR 14 2005

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

PROXIL

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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 &/or Jean H. Ripplinger
P.O. Box 176

DRIGGS ID 83422

[✓] New Claimant(s): Richard T. & Barbara A. Kuyler

[✓] 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. Kuyler

Date: 11-27-90

NOTE: Combine these above amounts with A22-11763,⁻²⁹⁰
A22-11764²⁹⁹ & A22-11765⁻³⁰⁰.

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MAR 14 2005

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NOV 04 1992

IN THE DISTRICT COURT OF THE NINTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, DEPARTMENT ONE, COUNTY OF BLAINE

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 BLAINE, IDAHO.
DATE 4/13/1933
Earl Floyd
CLERK OF DIST. COURT
BY
DEORAH

RECEIVED
JUL 10 AM
CLERK OF DIST. COURT

This cause came regularly on for trial on the 10th day of April, 1933, before the Honorable Jay D. Downing, Presiding District Judge, sitting without a jury, at Blaine, Blaine County, Idaho. Merrill B. 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. 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. Mickelson, as plaintiff, against E. B. Adelfsen, as Water Master of Water District No. 360 of the State of Idaho, John R. Clausen, John E. C. Kruger, Sallie F. Haines, Level Madsen, J. L. 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. Adelfsen 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. Adelfsen; and it further appeared that thereafter the said original defendants, John R. Clausen, John E. C. Kruger, Sallie F. Haines, Level Madsen, J. L. 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 original 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's motion. Said motion was presented, argued, read and submitted to the Court for decision. The Court, having therefore made and entered its findings of fact and conclusions of law, likes and enters this its decree, wherein it is decreed, that on the merits, it is so ordered, so adj. so lit:

1. That the plaintiff, well advised, takes nothing by reason of his complaint, save and except the right to the use of all waters decreed to the lands owned by him, that certain places called Decatur 28, 1910, and also that portion of the waters decreed to the lands now owned by Louis Hunter, and which waters have been decreed by the said Court, and Hunter and her predecessors-in-interest, that is to say: that the plaintiff is entitled to divert from the main channel of Grosbeak 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 (160) miners inches with a priority of June 1, 1900. Said waters are to be diverted from said Grosbeak Creek at a point near the South line of the Northeast quarter of the Northwest quarter (1111) 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 (SE 1/4) and the East half of the Southeast quarter (E 1/2), of Section Twenty-two (22); the Northwest quarter of the Northeast quarter (NW 1/4), the Northeast quarter of the Northwest quarter (NE 1/4), and the East half of the Northeast quarter (E 1/2), of Section Twenty-seven (27), Township 15, North, Range Forty-four (44), East of the Boise Meridian, in Peter County, Idaho.

2. That the defendant, Louis Luxton, is entitled to divert from the main channel of Horsefoot Creek from the natural flow of water of ten (10) miners inches with a priority of September 1, 1917, and 35 miners inches with a priority of June 1, 1928. Said water is to be diverted at a point near the south line of the Northeast quarter of the Northwest quarter (Section Twenty-seven (27), Township 5, North Range 44, East of the Boise meridian, in Blaine County, Idaho, and to be carried in the ditch constructed for such purpose for irrigation, domestic, culinary and other beneficial uses for the:

Southwest quarter (16) of Section Twenty-six
(26), Township Five (5), North Range North-Four
(14), East of the Boise Meridian, in Teton County,
Idaho.

3. That the balance of the right decreed to the lands now owned by Bonnie Barton by that decree of December 18, 1910, to wit: All but sixty-five (65) miners' shares, 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 18, 1914, 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 the roof, one hundred and twenty (120) miners inches of water with a priority of June 1, 1902, and forty (40) miners inches of water with a priority of June 1, 1902. 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.

Ray 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 R. C. Fickle and Albert, 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 Bartholomew D. Westrich
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: A22-00300E
Date Received: 9/20/1988
Receipt No: X777777
Received By: _____

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

A2200300E



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 of	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	0.136		

7. Total Quantity Appropriated is:
0.136 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 of	Lot	Use	Acres
05N	44E	22	SW	SE		IRR	13.6

A22-00300E

Page 1

Date: 01/31/91

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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:

A22-00298F & A22-00299F

14. Remarks:

NOTICE IS THE RESULT OF CHANGE IN OWNERSHIP FOR 0.036 CFS ON
3.64 AC OF A22-00300A, PAID UNDER M001430, AND COMBINING THIS
PORTION WITH A22-11765, PAID UNDER M001366. EMC 1-31-91
SEE A22-00298F FOR CHANGE IS OWNERSHIP FORM AND WARRANTY DEED.

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: _____

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MAR 14 2005

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NOV 04 1992

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

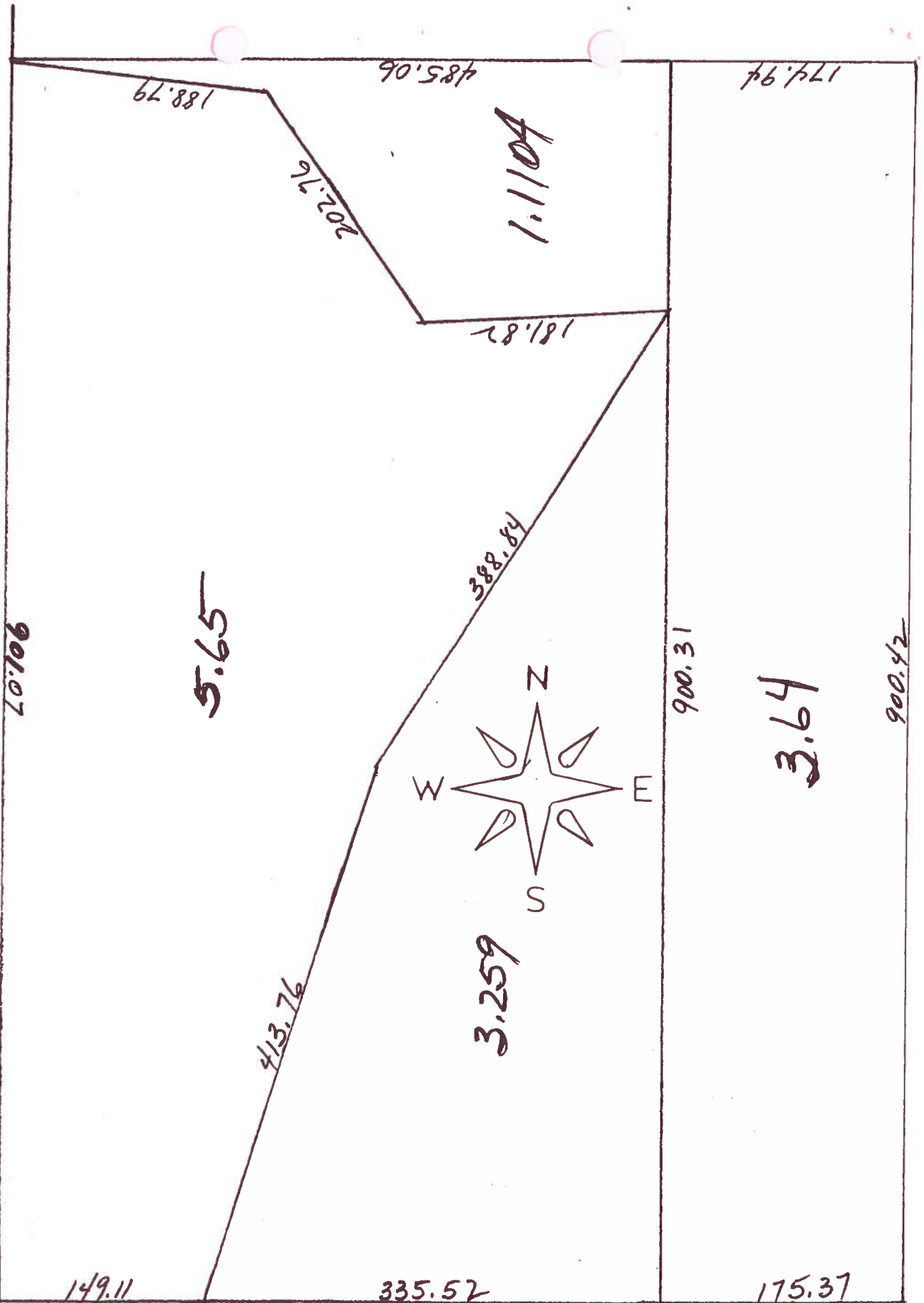
Residing at _____

My Commission Expires _____

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MAR 14 2005

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MICROFILMED
NOV 04 1992



DEPARTMENT OF WATER RESOURCES

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

F

111°15'

481000m. E.

43°45'

4843000m. N.

Pod



SCANNED

T5N

MAR 4 2005

PROF

T4N

MICROFILMED

NOV 04 1992