

10/16/2006

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

RIGHT NUMBER: 22-304B

NAME AND ADDRESS: RICHARD L DAVIS FAMILY TRUST
C/O PHYLLIS DAVIS BOND
215 E 3RD S ST
REXBURG ID 83440

SOURCE: SOUTH LEIGH CREEK

TRIBUTARY: TETON RIVER

QUANTITY: 0.040 CFS

The rights listed below are limited to a total combined diversion rate of 0.62 cfs. Combined Right Nos.: 22-303B, 22-304B, 22-366A, 22-367A, 22-386A, 22-612A, 22-613A, and 22-7273.

PRIORITY DATE: 06/01/1898

POINT OF DIVERSION:

T06N R45E S35 SWSNW 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	0.040 CFS

PLACE OF USE: IRRIGATION Within TETON County

T06N R45E S34	SENE	1.00	T06N R45E S34	NESE	1.70
T06N R45E S35	SWNW	6.30	T06N R45E S35	NWSW	9.00

18 ACRES TOTAL

18

The rights listed below are limited to the irrigation of a combined total of acres in a single irrigation season. Combined Right Nos.: 22-303B, 22-304B, 22-366A, 22-367A, 22-386A, 22-612A, 22-613A 22-7273.

Right Nos. 22-303B, 22-304B, and 22-613A are limited to the irrigation of a combined total of 4 acres in a single irrigation season.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Water is delivered through Fullmer 1.

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

06/21/2006

**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: 22-304B

RICHARD L DAVIS FAMILY TRUST
C/O PHYLLIS DAVIS BOND
215 E 3RD S ST
REXBURG ID 83440
Telephone Number: (208)356-3233

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:

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

DATE: 12/4/06 SIGNATURE: Phyllis Davis Bond
Please print your name: Phyllis Davis Bond

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

KMD
12/7



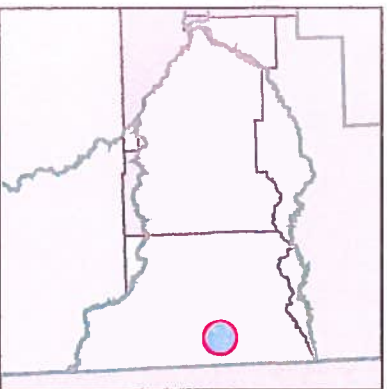
Idaho Department of Water Resources

Adjudication Claims:

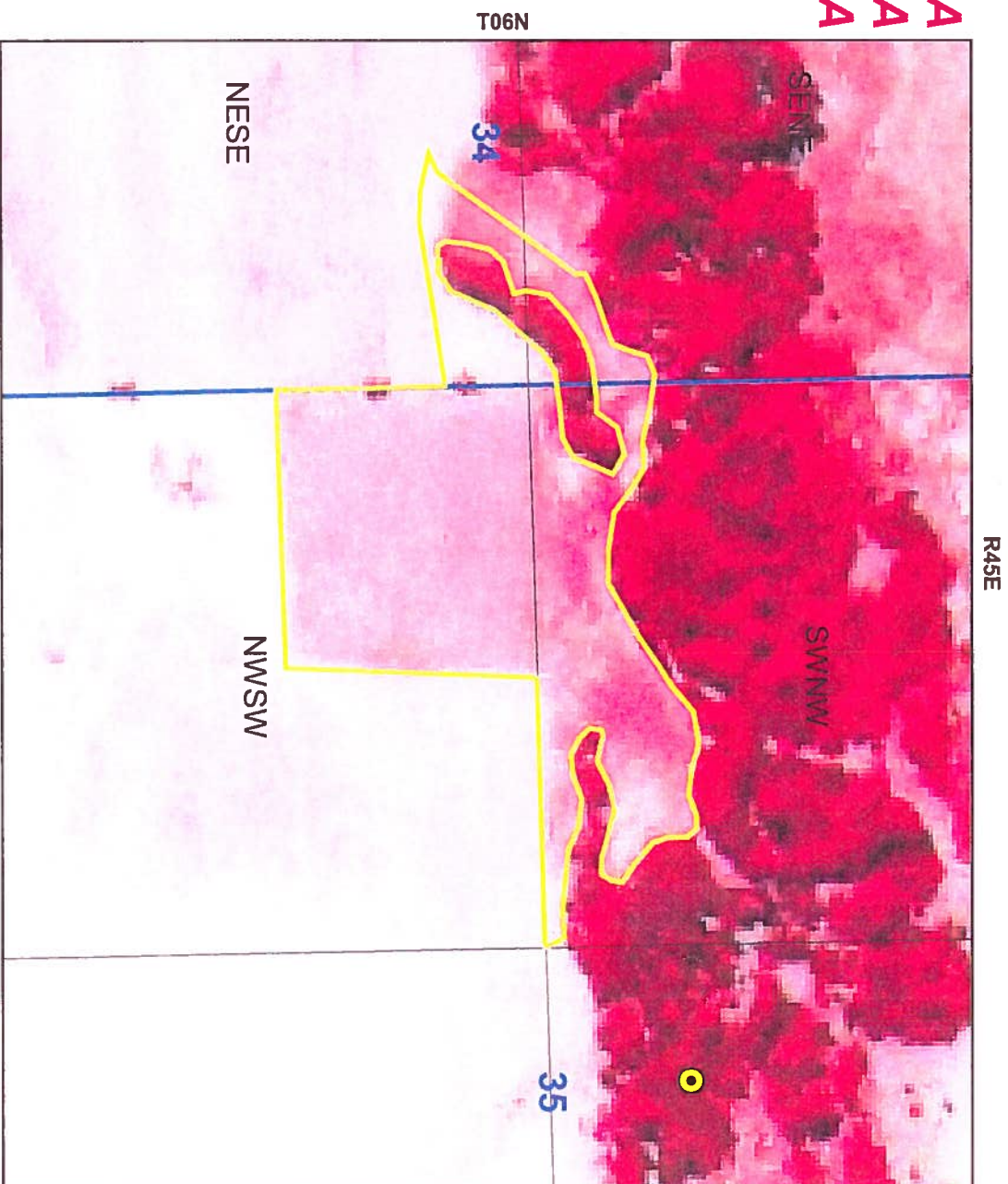
22-303B 22-386A
22-304B 22-612A
22-366A 22-613A
22-367A

Legend

-  Point of Diversion
-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters

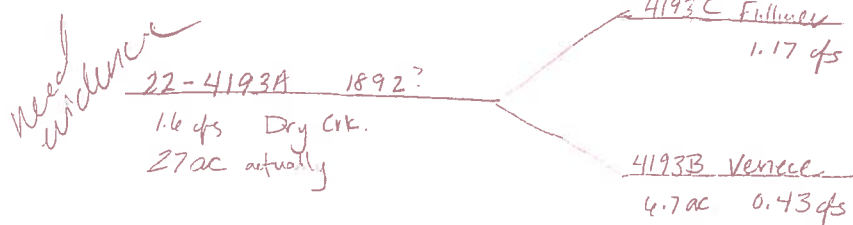
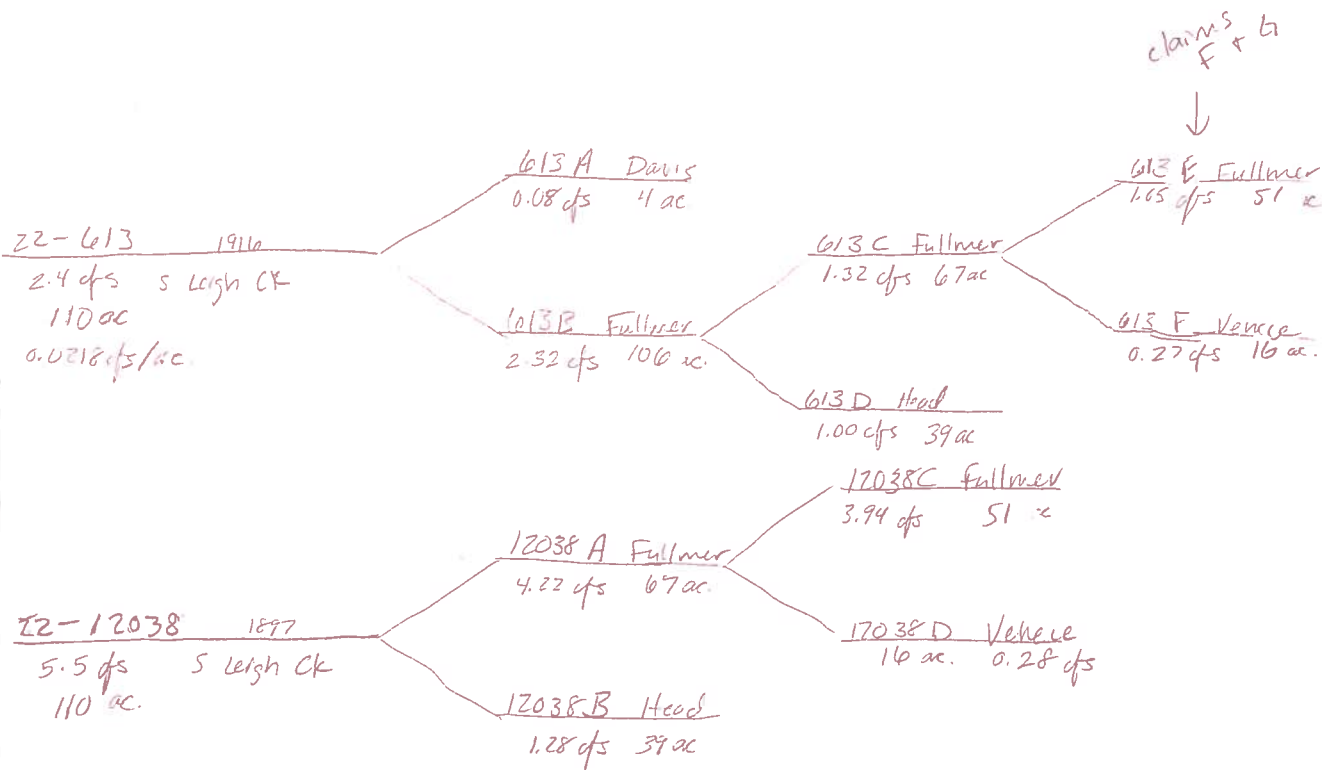
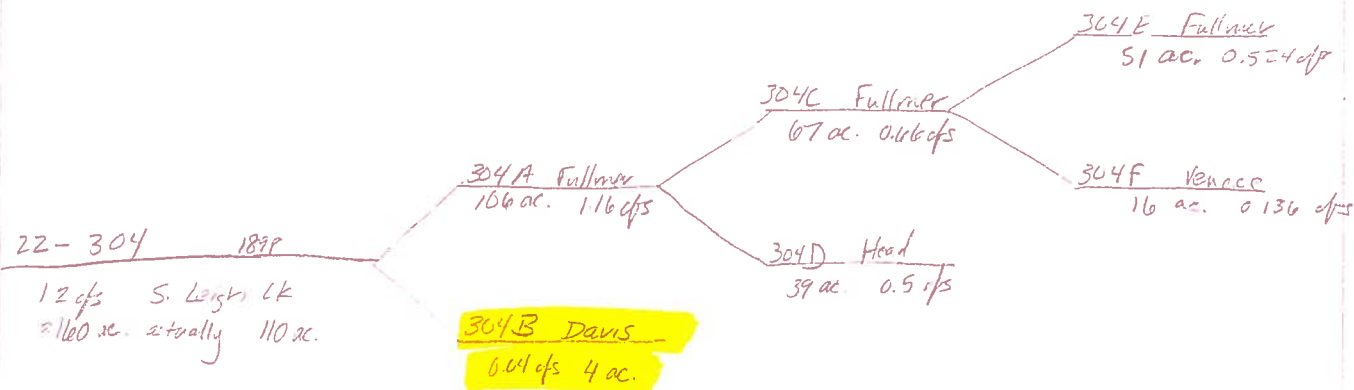
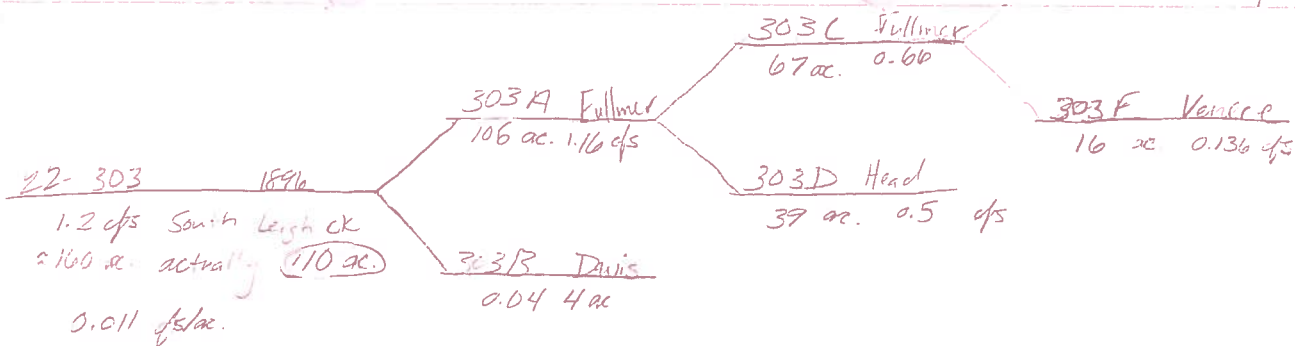


Teton County
IDWR Basin 22



Prepared by K. Moore
On Wednesday, June 21, 2006
1987/88 Aerial Photography

325 F Fullmer ✓
51 ac. 0.52 d/s



Claim No. 22-304B

Document Checklist

☒ Copy License/Decree

☐ Copy Transfer

☐ Copy Licensing Field Exam

☐ Check if Ownership/Address Change is Required

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

☒ Generate Arcview Map

Refer to A2200386A

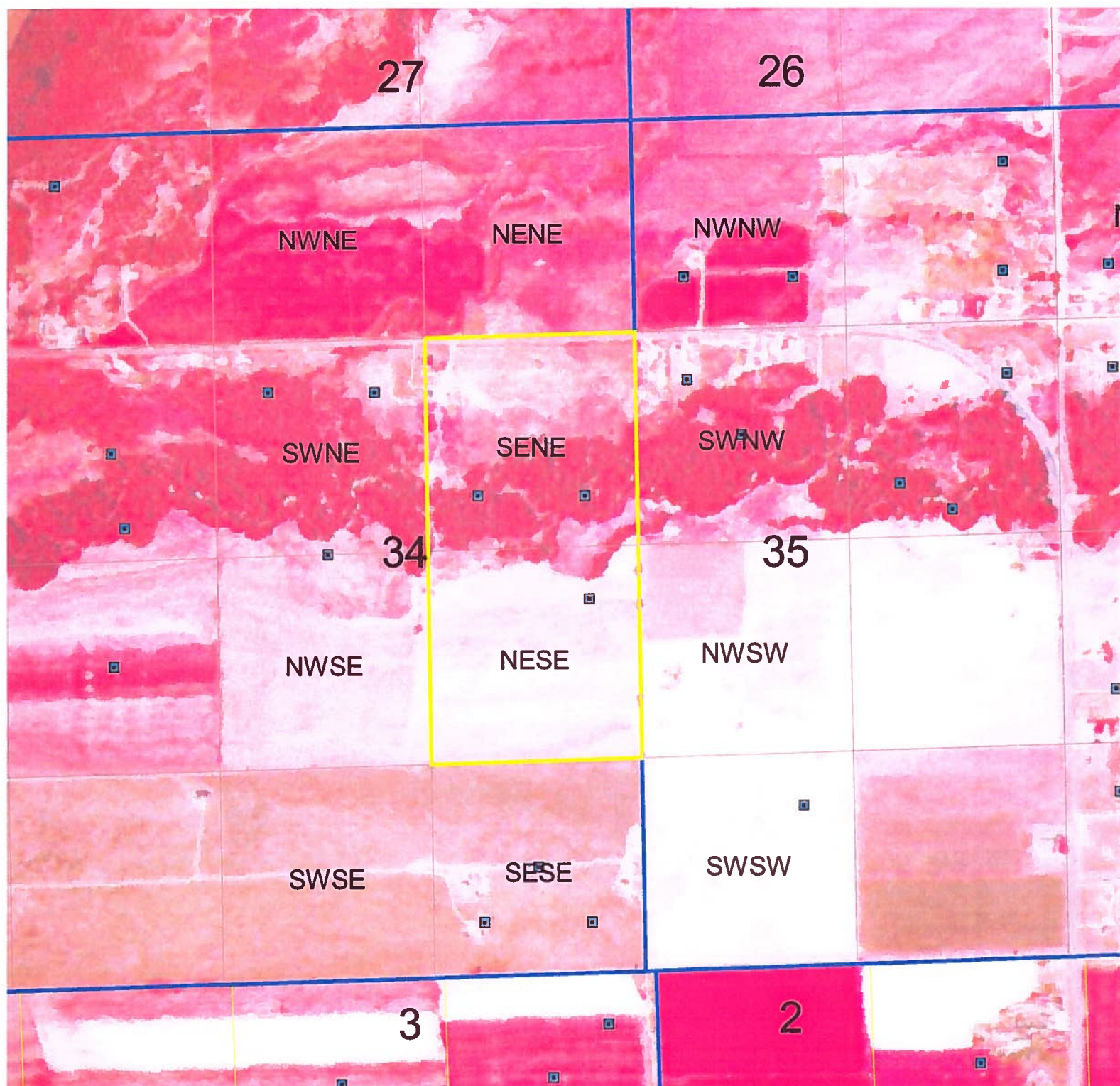
17 Hatch, Mary E.; July 15, 1896; Trail Creek	
18 Cherry, Thomas; July 30, 1896; Trail Creek	
19 Sinclair, Jesse; Aug. 13, 1896; Trail Creek	
20 Lindsay, William; Apr. 1, 1897; South Leigh Creek	
21 Williams, Charles; May 15, 1897; South Leigh Creek	
22 Parker, B. F.; June 1, 1897; Fox Creek	
23 Pendleton, Abraham; June 1, 1897; North Leigh Creek	
24 Penfold, Algeroy; June 1, 1897; Fox Creek	
25 Penfold, Farley; June 1, 1897; Fox Creek	
26 Larsen, A. C.; June 1, 1897; Darby Creek	
27 Thompson & Egbert; June 1, 1897; North Leigh Creek	
28 Smith, D. G. S.; June 1, 1897; South Leigh Creek	
29 W. C.; June 1, 1897; Fox Creek	
30 W. C.; June 1, 1897; Fox Creek	
31 Waterman, L. C.; June 1, 1897; South Leigh Creek	
32 Hopkins, D. H.; June 1, 1897; South Leigh Creek	
33 Wyoming & Darby Bench Canal Co., Ltd.; June 1, 1897; Darby Creek	
34 Zimmerman, Zuel; June 1, 1897; South Leigh Creek	
35 Little, George A.; June 1, 1897; North Leigh Creek	
36 Little, George E.; June 1, 1897; South Leigh Creek	
37 Moffat, Andrew; June 1, 1897; South Leigh Creek and Swamps	
38 Perry, Jeremiah C.; June 1, 1897; North Leigh	
39 Roueche, Jacob; June 1, 1897; North Leigh Creek	
40 Henrie, John; June 1, 1897; North Leigh Creek	
41 Henrie, Joseph O.; June 1, 1897; South Leigh Creek	
42 Hill, Albert; June 1, 1897; Darby Creek	
43 Gale, Joseph; June 1, 1897; South Leigh and Swamps	
44 Cluff, Charles; June 1, 1897; Fox Creek	
45 Davidson, J. H.; June 1, 1897; South Leigh Creek	
46 Crandall, H. L.; June 1, 1897; Darby Creek	
47 Cannon, Harry L.; June 1, 1897; Darby Creek	
48 Bush, Geo. W.; June 1, 1897; Darby Creek	
49 Bowles, William; June 1, 1897; Trail Creek	
50 Rowles, Andrew; June 1, 1897; Trail Creek	
51 Allen, Isaac T.; June 1, 1897; Cherry Creek; all of the water of Cherry Creek Springs	
52 Guyman, Edward; June 10, 1897; South Leigh Creek	
53 Porter, John; June 15, 1897; Trail Creek	
54 Moffat, Mary; June 15, 1897; Leigh Creek	
55 McCracken, John; June 15, 1897; South Leigh Creek	
56 McCracken, James; June 15, 1897; South Leigh Creek	
57 Van Leuven, William; June 15, 1897; South Leigh Creek	
58 Henrie, James D.; June 20, 1897; Leigh Creek	
59 Homer, Willard G.; June 24, 1897; South Leigh Creek	
60 Jones, Joshua; Oct. 28, 1897; Trail Creek	
61 Clark & Houghton; Apr. 1, 1898; Teton River	
62 Good Luck Canal Co.; Apr. 1, 1898; Teton River	
63 Hill Ditch Co.; Apr. 1, 1898; Teton River	
64 Rowe, Reuben H., and Morris McCormick & Rowe Ditch) Teton River. (Trough McCormick	
65 Ricks, Wallace; Apr. 1, 1898; North Leigh Creek	
66 Rexburg Irrigation Co.; Apr. 1, 1898; Teton River	
67 Pioneer Ditch Co.; Apr. 1, 1898; Teton River	
68 Pincock Byington Ditch Co.; Apr. 1, 1898; Teton River	
69 Windmill, Richard, and Richard Withers and Oscar B. Young; Apr. 1, 1898; Teton River. (Eckersell Canal)	

163 Stewart, Samuel (deceased), Estate of, by Mary H. Birch, Adminx., and Mary H. Birch; Apr. 1, 1898; Teton River	6,608
163 Walters, William; Apr. 1, 1898; Teton River. (Stewart & Walters Ditch.) (Joint appropriation with Mons H. Anderson)	500
163 Soddoway Irrigation and Manufacturing Co.; Apr. 1, 1898; Teton River	332
163 Teton Island Canal Co.; Apr. 1, 1898; Teton River	766
163 Bird, Martin L., F. W. Garner and George A. Pincock; Apr. 1, 1898; Pincock-Garner Ditch	7,982
163 Eames, John S.; Apr. 1, 1898; Teton River	800
163 Nelson, David; Apr. 1, 1898; Teton River. (Through Nelson-Jacobs Ditch.)	50
163 Mortensen, Christian; Apr. 1, 1898; Teton River. (Through the Nelson-Jacobs Ditch.)	434
163 Woodmansee-Johnson Ditch; Apr. 1, 1898; Teton River	218
163 City of Rexburg; Apr. 1, 1898; Teton River. (For power and municipal purposes.)	1,380
163 Huskinson, William J.; Apr. 1, 1898; Teton River	1,650
164 Nelson, Fritz E.; Apr. 15, 1898; Spring Creek	50
165 Lamoreaux, Francis A., and Ann.; May 1, 1898; South Leigh Creek	120
166 Hendrickson, Frank; May 1, 1898; Badger Creek	25
167 Clark, H. J.; May 15, 1898; Teton River	160
168 Wait, F. A.; May 25, 1898; Leigh Creek	160
169 Edwards, Andrew; June 1, 1898; Trail Creek	40
169 Edwards, Andrew; June 1, 1898; Trail Creek	40
169 Felt, Clara V.; June 1, 1898; Badger Creek	50
169 Bruce, Daniel C.; June 1, 1898; Teton Creek	160
169 Black, Joseph A.; June 1, 1898; South Leigh Creek	150
169 Allen, Amos; June 1, 1898; Fox Creek	50
169 Cherry, Thomas; June 1, 1898; Trail Creek	80
169 Crandall, H. L.; June 1, 1898; Darby Creek	60
169 Crandall, Ira.; June 1, 1898; Darby Creek	20
169 Davidson, J. H.; June 1, 1898; South Leigh Creek	80
169 Cluff, Charles; June 1, 1898; Fox Creek	150
169 Hamilton, Robert; June 1, 1898; Badger Creek	160
169 Guyman, Edward; June 1, 1898; South Leigh Creek	40
169 Fullmer, H. D.; June 1, 1898; North Leigh Creek	160
169 Fuller, Almond L.; June 1, 1898; North Leigh Creek	120
160 Hendrickson, Alvira E.; June 1, 1898; South Leigh Creek	60
169 Hendrickson, Alfred; June 1, 1898; Badger Creek	40
169 Hearst, H. T.; June 1, 1898; Leigh Creek	40
169 Hanson, Alfred; June 1, 1898; North Leigh Creek	130
169 Poulson, J. C.; June 1, 1898; North Leigh Creek	20
169 Rammell, George; June 1, 1898; Badger Creek	160
169 Merrill, Sam J.; June 1, 1898; Leigh Creek	30
169 Rammell, C. H.; June 1, 1898; Badger Creek	80
169 Little, George E.; June 1, 1898; North Leigh Creek	80
169 Hopkins, Ezekiel; June 1, 1898; North Leigh Creek	130
169 Zimmerman, Zuel; June 1, 1898; South Leigh Creek	60
169 Hopkins, D. H.; June 1, 1898; South Leigh Creek	120
169 Hootzer, John L.; June 1, 1898; Spring Creek	15
169 Homer, Benjamin P.; June 1, 1898; Maogany Creek	160
169 Holden, E. H.; June 1, 1898; Darby Creek	40
169 Hochstrasser, R. H.; June 1, 1898; Spring Creek	50
169 Hochstrasser, N. W.; June 1, 1898; Spring Creek	50

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

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

22-304B



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: A22-00304B
Date Received: 7/29/1988
Receipt No: E000976
Received By: T.O

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: RICHARD L. DAVIS 208-356-3233
Address: 215 E. 3RD S. ST.
REXBURG, ID 83440

2. Date of Priority: JUN 01, 1898

3. Source: SOUTH LEIGH CREEK Trib. to: TETON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06N	45E	35	SE	NE	NW		TETON

5. Description of diverting works:
HEADGATE/DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	0.080		

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

8. Total consumptive use is 8.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06N	45E	34	SE	NE		IRR	2.0
			NE	SE		IRR	2.0
Section Acres							4.0

A22-00304B

Page

1

Date: 07/29/88

MICROFILMED

NOV 04 1992

A2200304B



10. Place of Use: Continued

Total Acres 4.0

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:
A22-00303B, A22-00613A, A22-07273.

14. Remarks:
THIS CLAIM IS FOR A PORTION OF DECREED RIGHT 22-0304. CLAIMED
FLOW RATE IS BASED ON 0.02 CFS/ACRE.

15. Basis of Claim: DECREED
Water Right Number: 0304
Case Number:
Court :
Decree date: 12/16/1910

REXBURG IRR. CO. ET. AL.
Decree Plaintiff

vs

TETON IRR. CANAL CO.
Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1

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): Richard L. Davis Date: 8-1-88

Date: _____

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 1st day
of August 19 88

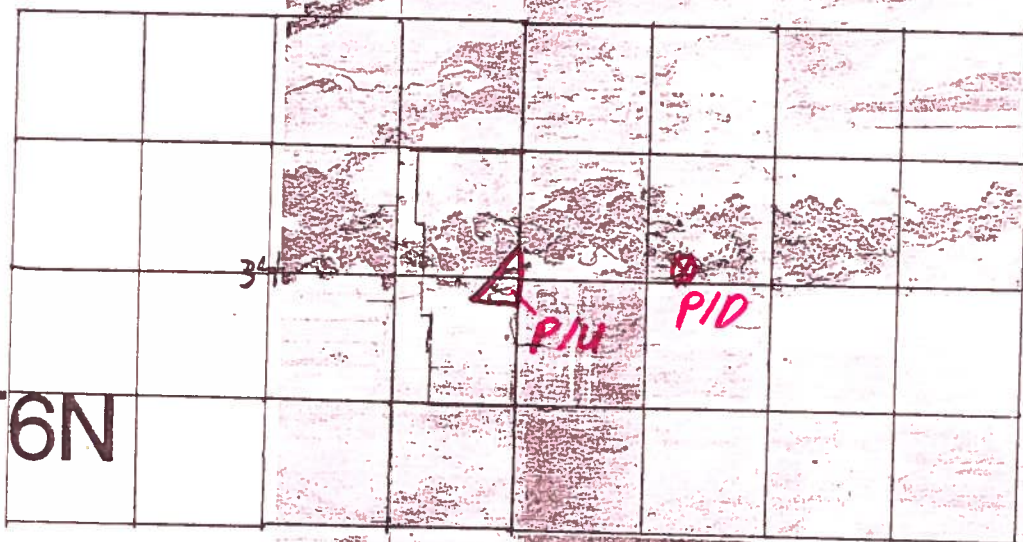
Betty J. Thompson
Notary Public

Seal

Residing at Idaho Falls

My Commission Expires 6-94

A22-00304B



T6N

T5N

MICROFILMED
NOV 04 1992