

05/04/2005

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

RIGHT NUMBER: 22-326E

NAME AND ADDRESS: TERRELL F KAY
890 W 400 N
TETONIA ID 83452

SOURCE: PACKSADDLE CREEK

TRIBUTARY: TETON RIVER

QUANTITY: 3.300 CFS

THIS RIGHT WHEN COMBINED WITH RIGHT NOS. 22-193B AND 22-326E SHALL
PROVIDE NO MORE THAN .02 CFS PER ACRE.

Use of this right with Right Nos. 22-193B, and 22-326E are limited to a total
combined diversion rate of 4.98 cfs.

PRIORITY DATE: 04/05/1889

POINT OF DIVERSION:

T05N R44E S8 SESENE 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	3.300 CFS

PLACE OF USE: IRRIGATION Within TETON County

T05N R44E S04	NESW	40.0	T05N R44E S04	NWSW	40.0
T05N R44E S04	SWSW	37.0	T05N R44E S04	SESW	36.0
T05N R44E S04	NESE	21.0	T05N R44E S04	NWSE	16.0
T05N R44E S04	SWSE	12.0	T05N R44E S04	SESE	35.0
T05N R44E S05	NESE	12.0			

249 ACRES TOTAL

This right is limited to the irrigation of 165 acres within the place of use
described above in a single irrigation season.

USE OF THIS RIGHT WITH RIGHT NOS. 22-193B AND 22-326E ARE LIMITED
TO THE IRRIGATION OF A COMBINED TOTAL OF 249 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: Decreed

Right nos. 22-193B and 22-326E are also diverted through point of diversion
described above.

This right is a split from former right 22-326.

WATER IS DELIVERED THROUGH PACKSADDLE PIPELINE.

RECEIVED

JUL 06 2005

05/04/2005

NOTICE OF ERROR
REPLY

Department of Water Resources
Eastern Region

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: 22-326E

TERRELL F KAY

890 W 400 N

TETONIA ID 83452

Telephone Number: (208)456-2829

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

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

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

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

DATE: June 24-2005 SIGNATURE: Terrell F Kay
Please print your name: Terrell F KAY

IDWR Regional Office,

PROFILED

SCANNED
JUL 08 2005

KMJ
7/8



State of Idaho

Department of Water Resources
Eastern Region



PROVIDED
MAY 19 2005
SCANNED

Water Right(s):
22-193B
22-326E
22-2100B

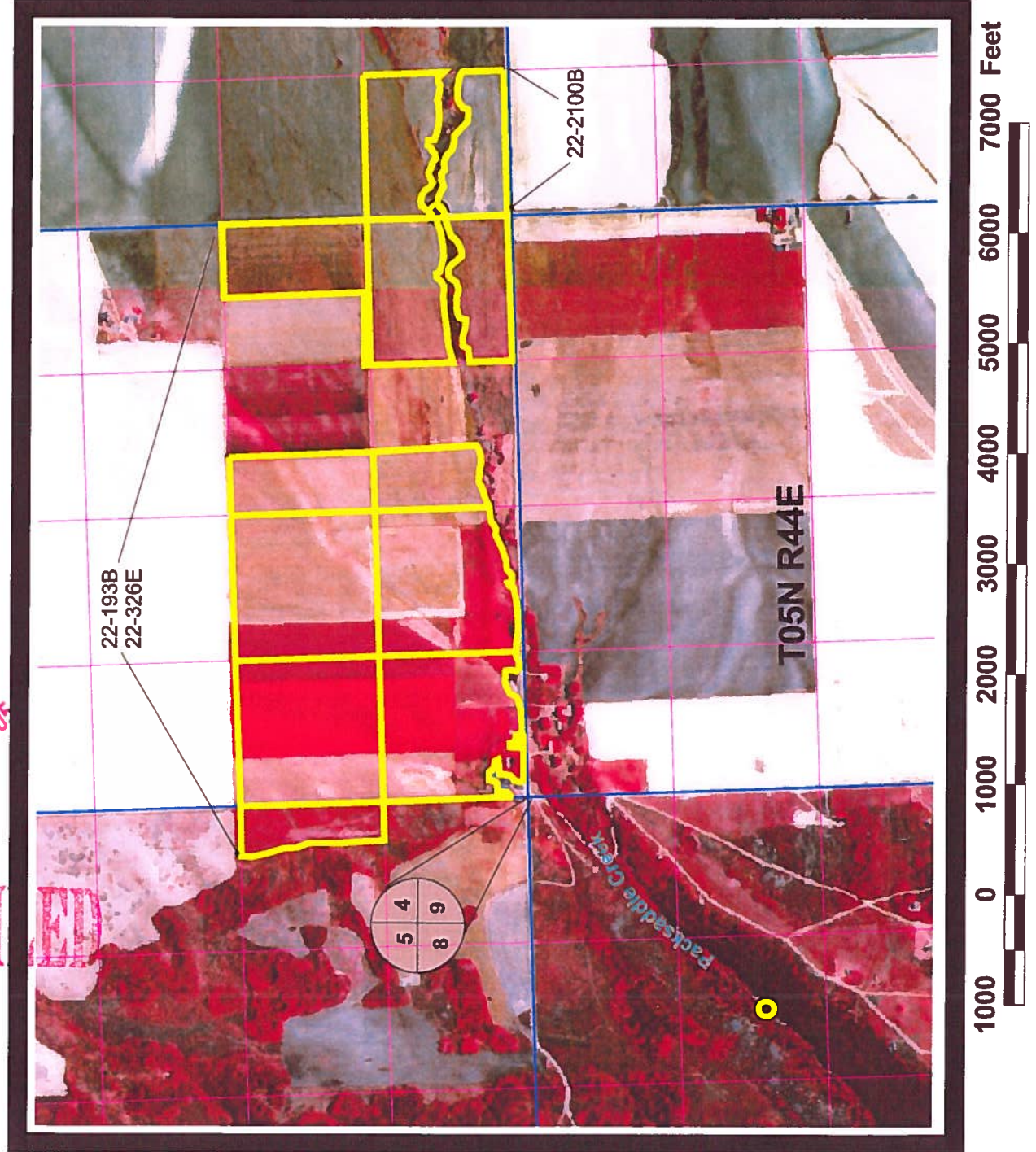
Point(s) of Diversion:
T05N R44E
Sec. 8 SESENE
Sec. 3 SWSWSW

Place of Use (parts of):
T05N R44E
Sec. 4 SW & SE
Sec. 5. NESE

LEGEND

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

GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: S. Porter
Date: April 2005



Priority Date Data Entry Form

Claim Number: 22-326E

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: _____ Claimed Basis: _____

Recommended Priority Date: April 5, 1889 Recommended Basis: Descent

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

Matches decree.

Reviewer: _____

Date: _____

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MAY 19 2005

Point of Diversion and Source Data Entry Form

Claim Number: 22-321 E

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
1	SN	44E	8	NE SW	Teton	Packsaddle	Teton River

Recommended Point(s) of Diversion and Source.

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source	Tributary to
2	OSN	44E	8	SE SE NE	Teton	Packsaddle	Teton River

Other rights from this POD? 20-193B

Transfers Pending or approved: _____

Document how the POD and Source were verified:

2. Packsaddle Pipeline POD

Reviewer: _____ Date: _____

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 MAY 19 2005

Place Of Use Data Entry Form

Claim Number: 22-324E

Claimed Place Of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
SN	44E	4	NE	SW	Teton		40.0	Irrigation
"	"	"	NW	SW	"		40.0	"
"	"	"	SW	SW	"		40.0	"
"	"	"	SE	SW	"		40.0	"
"	"	"	NE	SE	"		20.0	"
"	"	"	NW	SE	"		15.0	"
"	"	"	SW	SE	"		15.0	"

Total acres 230.0

Recommended Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
SN	44E	4	NE	SW	Teton		40.0	Irrigation
"	"	"	NW	SW	"		40.0	"
"	"	"	SW	SW	"		37.0	"
"	"	"	SE	SW	"		36.0	"
"	"	"	NE	SE	"		21.0	"
"	"	"	NW	SE	"		11.0	"
"	"	"	SW	SE	"		12.0	"

Total acres 249

Pending or approved Transfers: _____

Overlapping rights: 22-193B

Document how the POU was verified:

POU WAS ENLARGED IN 1965 WHEN THE PIPELINE OFF RICHARDS CR
 WAS INSTALLED AS GRAVITY FEED.
 CONTAINS W/ 22-193B AS PERMISSIBLE POU.

Reviewer: _____ Date: _____

SCANNED

MAY 19 2005

PROFILED

Season of Use and Quantity Data Entry Form

Claim Number: 22-326 FWater 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
Irrigation	04/15	10/15	3.3	

Overall Diversion Rate 3.3

Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
Irrigation	04/15	10/31	3.3	

Overall Diversion Rate 3.3

Overall Diversion Volume _____

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

Matched decree.

Reviewer: _____

Date: SCANNED

MAY 19 2005

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1	Nave, Martin L.; June 1, 1886; Spring Creek	50
2	Nave, Martin L.; June 1, 1886; Moody Creek	300
3	To be reduced to 25 inches after June 20th of each year	25
4	Nave, Martin L.; June 1, 1886; Teton River	25
5	Breckenridge, David; June 1, 1887; North Leigh Creek; also Swamp Creek for a late right	260
6	Borrowman, John; June 1, 1887; Wood Creek and Springs	60
7	Jeppson, Hans J.; June 1, 1887; Bigler Slough	80
8	Hegsted, Victor; Sept. 1, 1887; Horse Shoe Creek	30
9	Hegsted, Victor; June 1, 1888; Horse Shoe Creek	290
10	North Salem Agricultural & Milling Canal Co.; Teton River	1,325
11	As a high water right until July 1st of each year	160
12	Walters, William; June 1, 1888; Teton River. (Stewart & Walters Ditch.) Joint appropriation with Mons H. Anderson	168
13	Woods, William S.; June 1, 1888; Twin Creeks	200
14	Woodmansee, Charles H.; Mar. 15, 1889; Moody Creek	80
15	To be reduced to 80 inches after June 20th of each year	160
16	Curtis, Owen; Apr. 1, 1889; Trail Creek	120
17	Littie, Zina W.; Apr. 1, 1889; South Leigh Creek	280
18	Hill, William; Apr. 5, 1889; Pack Saddle Creek	112
19	Mortensen, Christian; May 1, 1889; Teton River. (Through the Nelson-Jacobs Ditch)	140
20	Bates, Thomas; May 3, 1889; Mahogany Creek	80
21	Beezley, Ebenezer, and J.; June 1, 1889; Fox Creek	150
22	Drake, Fred J.; June 1, 1889; John Creek	160
23	Blanchard, John; June 1, 1889; Warm Creek	140
24	Bowles, H. C.; June 1, 1889; Spring Creek	10
25	Drake, William; June 1, 1889; Mahogany Creek	160
26	Lund, William P.; June 1, 1889; Mahogany Creek	150
27	Hubbard, Frank, and wife; June 1, 1889; North Leigh Creek	40
28	Swanner, Samuel; June 1, 1889; South Leigh Creek	20
29	Walton, D. O.; June 1, 1889; Darby Creek	160
30	Jones, Benjamin; June 1, 1889; Trail Creek	160
31	McPherson, Abner; June 10, 1889; North Leigh Creek	95
32	Parsons, F. W.; June 15, 1889; Trail Creek	55
33	Tonks, George M.; July 5, 1889; Trail Creek	80
34	Tonks, George M.; July 15, 1889; Fox Creek	620
35	Kirsley, Mary E.; Sept. 1, 1889; Warm Creek, Spring Creek and Deep Creek	3,000
36	Woodmansee-Johnson Ditch; Oct. 1, 1889; Teton River	500
37	Rexburg Milling Co.; Oct. 1, 1889; Teton River. (Woodmansee-Johnson Ditch.) For power purposes only, and subject to rights of users for agricultural purposes of water through same ditch	80
38	Teton Irrigation & Manufacturing Co.; Oct. 2, 1889; Teton River. (To be diverted at the Bird head-gate near the Teton Mill)	115
39	Kirsley, Mary E.; Apr. 1, 1890; Warm Creek; Spring Creek and Deep Creek	2,335
40	Sinclair, D. R., Adminr. Estate of Fred Sinclair (deceased); April 1, 1890; Trail Creek	87
41	Wolf Ditch Co.; Apr. 1, 1890; Teton River	
42	Robertson, A. L.; Apr. 1, 1890; Trail Creek	

43	Rice, Ed.; Apr. 1, 1890; Trail Creek	160
44	Curtis, Nahum; Apr. 1, 1890; Trail Creek	160
45	Blanchard, John; Apr. 1, 1890; Trail Creek	120
46	Eynon, John; Apr. 1, 1890; Trail Creek	80
47	Paul, John; June 1, 1890; Springs on land	15
48	Paul, William H.; June 1, 1890; Little Springs and Deep Creek	60
49	Jenkins, William; June 1, 1890; Fox Creek	80
50	Kimball, R. C., and A. L.; June 1, 1890; Fox Creek	110
51	Lawson, B. G.; June 1, 1890; Spring Creek	240
52	Murphy, G. M.; June 1, 1890; Darby Creek	150
53	Smith, C. M.; Jan. 1, 1890; Darby Creek	160
54	Walton, D. O.; June 1, 1890; Darby Creek	140
55	Shaw, O. W.; June 1, 1890; North Leigh Creek or Spring Creek	135
56	Yearsley, H. C.; June 1, 1890; Spring Creek	240
57	Drake, Richard; June 1, 1890; Patterson Creek	160
58	Chelsey, John P.; June 1, 1890; Paul Spring Creek, Grove Creek, Deep Creek and Little Spring Creek	200
59	Byrne, Michael; June 1, 1890; Fox Creek	85
60	Buxton, Mary A.; June 1, 1890; Sloughs from Twin Creeks	30
61	Beezley, Ebenezer, and J.; June 1, 1890; Fox Creek	80
62	Andrews, L. W.; June 1, 1890; Grove Creek	120
63	Durney, P. S.; June 1, 1900; Trail Creek	15
64	Foot, Arthur L.; June 1, 1890; Mahogany Creek	145
65	Ferguson, John; June 1, 1890; Grove Creek and Willow Spring Creek	100
66	Eames, William; June 1, 1890; Spring Creek	240
67	Edlefson, E. B.; June 1, 1890; Leigh Creek	155
68	Drake, Lavina; June 1, 1890; Boquat Creek and Drake Creek	160
69	Drake, William; July 1, 1890; Mahogany Creek	150
70	Tonks, William H.; July 15, 1890; Trail Creek	135
71	Curtis, Clarissa A.; Sept. 1, 1890; Trail Creek	160
72	Rice, A. L.; Jan. 1, 1891; Patterson Creek	100
73	O'Brien, James A.; June 1, 1891; North Leigh Creek	2,600
74	Siddoway-Briggs Co.; June 1, 1891; Teton River. (For power purposes)	20
75	Sinclair, D. R.; Adminr. Estate of Fred Sinclair (deceased); June 1, 1891; Eynon Ditch	100
76	Smith, Ellington; June 1, 1891; Spring Creek, Darby Creek and Crandall Springs	200
77	Shaw, L. C.; June 1, 1891; Ragder Creek and water from springs on T. A. Phillips' land	120
78	Swanner, Samuel; June 1, 1891; South Leigh Creek	150
79	Hubbard, Susan; June 1, 1891; North Leigh Creek and Middle Leigh Creek	200
80	Harrop, Samuel; June 1, 1891; Leigh Creek	120
81	Hill, Mary Ann; June 1, 1891; Pack Saddle Creek	160
82	Clark & Houghton; June 1, 1891; Teton River	160
83	Dewey, George A.; June 1, 1891; Fox Creek	160
84	Barney, Walter; June 1, 1891; South Leigh Creek	100
85	Bowles, Sarah; June 1, 1891; Spring Creek	
86	Blamires, Robert, and C. J. Burton, W. S. Burton and Thomas H. Phillips; June 1, 1891; Badger Creek and springs on land of T. A. Phillips	640
87	Edlefson, Noah C.; June 1, 1891; Leigh Creek	40
88	Siddoway Irrigation & Manufacturing Co.; July 1, 1891; Teton River	300

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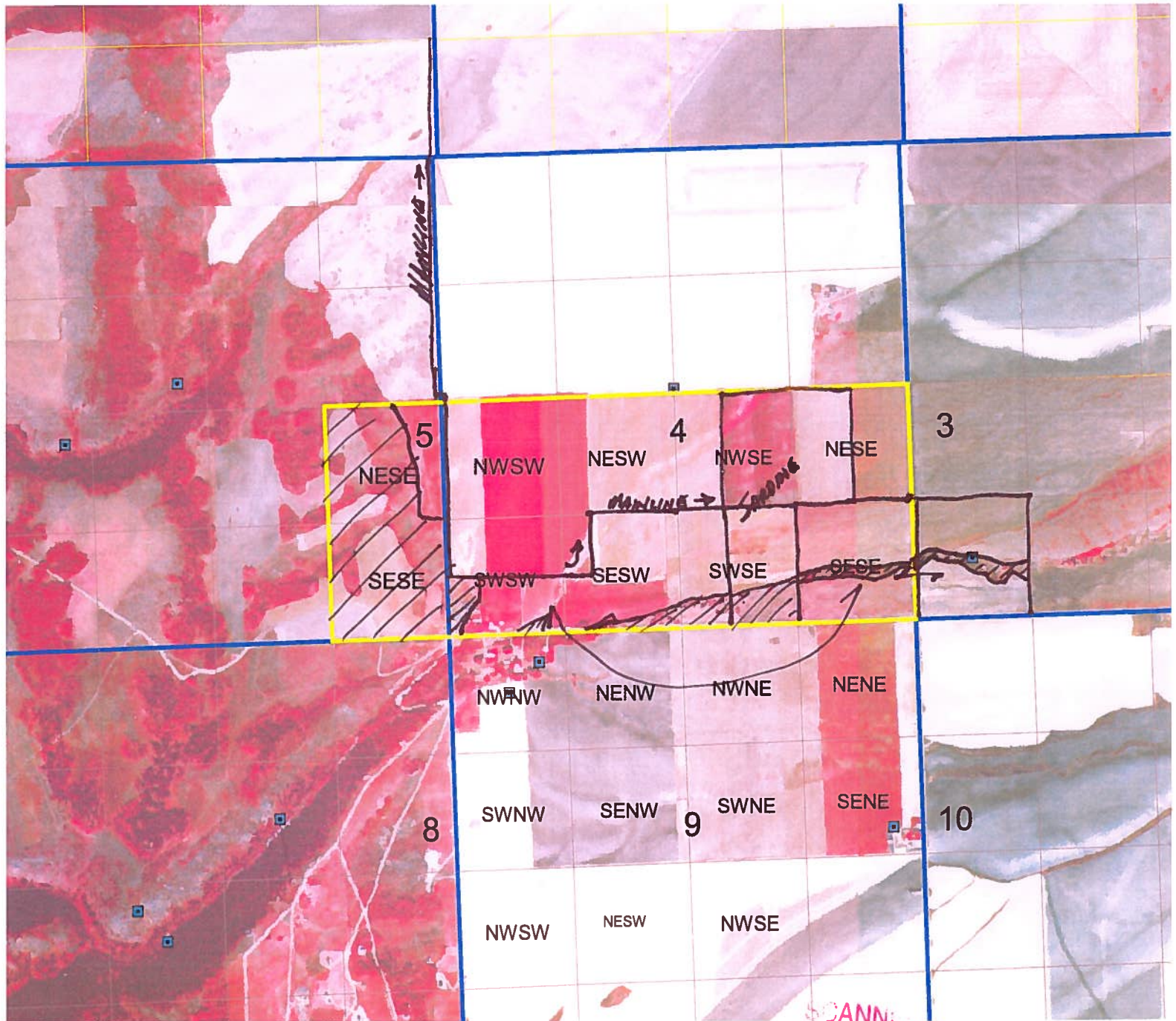
GPS TAG # A0014211
PNTAKO FOR PACHSAUDIO PIPELINE.

6/28/04 ABR

6/28/04 DC **PROFILED**

SCANNED
MAY 19 2005

22-326E



PROFILE

MAY 19 2005

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: **A22-00326E**
Date Received: 9/28/1988
Receipt No: E002711
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: TERRELL F KAY 208-456-2829
Address: 890 W 400 N
TETONIA ID 83452

2. Date of Priority: APR 5, 1889

3. Source: PACKSADDLE 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	8	NE	NE	SW		TETON

5. Description of diverting works:
PIPELINE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	3.300		

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

8. Total consumptive use is 544.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
05N	44E	4	NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0
			SE	SW		IRR	40.0

A22-00326E

SCANNED
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MAY 19 2005

Date: 05/07/96

MICROFILMED
NOV 06 1999

PROFILED

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
05N	44E	4	NE		SE		IRR	20.0
			NW		SE		IRR	15.0
			SW		SE		IRR	15.0
			SE		SE		IRR	40.0
							Section Acres	250.0
		5	NE		SE		IRR	12.0
			SE		SE		IRR	10.0
							Section Acres	22.0
							Total Acres	272.0

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:
A22-00193B

14. Remarks:
THIS CLAIM IS BASED ON A PORTION OF DECREED RIGHT 22-0326C.
THE ORIGINAL RIGHT WAS EXPANDED BY USE OF SPRINKLER SYSTEM
APPROXIMATELY 1965.

15. Basis of Claim: DECREED

Water Right Number: 0326C

Case Number:

Court :

Decree date: 12/16/1910

REXBURG IRR. CO. ET AL
Decree Plaintiff

TETON CANAL CO.
vs Decree Defendant

A22-00326E

SCANNED
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MAY 19 2005

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MICROFILMED
NOV 06 1990
PROFILED
Date: 05/07/96

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

Renumbered A22-00326E

Ident. Number: A22-11989

Date Received: 9/28/1988

Receipt No: ~~1002708E~~ 002711

Received By: Jo

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: TERRELL F. KAY 208-456-2829
Address: 890 W. 400 N.
TETONIA, ID 83452

2. Date of Priority: APR 05, 1889

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05N	44E	8	NE	SW			TETON

5. Description of diverting works:
PIPELINE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	3.300		

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

8. Total consumptive use is 544.0 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	4	NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0

A22-11989

Page

1

Date: 09/28/88

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MAY 19 2005

MICROFILMED

NOV 06 1990

MICROFILMED

NOV 08 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	44E	4	SE	SW		IRR	40.0
			NE	SE		IRR	20.0
			NW	SE		IRR	15.0
			SW	SE		IRR	15.0
			SE	SE		IRR	40.0
						Section Acres	250.0
		5	NE	SE		IRR	12.0
			SE	SE		IRR	10.0
						Section Acres	22.0
						Total Acres	272.0

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:
A22-00193B

14. Remarks:

THIS CLAIM IS BASED ON A PORTION OF DECREED RIGHT 22-0326C.
THE ORIGINAL RIGHT WAS EXPANDED BY USE OF SPRINKLER SYSTEM
APPROXIMATELY 1965.

15. Basis of Claim: DECREED
Water Right Number: 0326C
Case Number:
Court :
Decree date: 12/16/1910

REXBURG IRR. CO. ET AL
Decree Plaintiff

vs

TETON CANAL CO.
Decree Defendant

MICROFILMED
NOV 06 1990

A22-11989

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Date: 09/28/88

PROFILED

SCANNED
MAY 19 2005

MICROFILMED
NOV 06 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 _____ 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 Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 28th day
of September 19 88

Betty J. Thompson
Notary Public

Seal

Residing at Idaho Falls
My Commission Expires 6-94

MICROFILMED
NOV 06 1990

FILED

SCANNED
MAY 19 2005

MICROFILMED
NOV 08 1992

