

03/12/2009

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 22-367B

NAME AND ADDRESS: SOUTH LEIGH CREEK LLC
525 OAK KNOLL AVE
MENLO PARK CA 94025

SOURCE: SOUTH LEIGH CREEK TRIBUTARY: TETON RIVER

QUANTITY: 0.750 CFS

PRIORITY DATE: 05/01/1899

POINT OF
DIVERSION:

T06N R45E S36 SENW Within TETON County
T06N R46E S31 SWNW Lot 2 Within TETON County
T06N R46E S32 NWNE Lot 1 Within TETON County
T06N R46E S32 NWNWSW Within TETON County
One point of diversion for this water right is in Wyoming, T44N, R118W, Sec.
6 SENE Lot 2, 6 PM.

The point of diversion described above as T6N R46E S32 NWNE Lot 1 is
where the conveyance system enters Idaho.

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/15 10/31	0.750 CFS
PLACE OF USE:	<u>IRRIGATION in TETON County</u>		
	T06N R45E S35 SWNE 8.40	T06N R45E S35 SENE	25.00
	T06N R45E S35 NESE 27.00	T06N R45E S35 NWSE	18.00

78.4 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of
78.4 acres in a single irrigation season. Combined Right Nos.: 22-366B, 22-367B,
22-611A, 22-13588.

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.

This water right is subject to the delivery provisions contained in Roxana
Canal Co. v. Daniels, Equity No. 2447 (D. Wy. Feb. 4, 1941) ("Roxana
decree"). Nothing in this Partial Decree is intended to relieve or alter the
state of Idaho nor the state of Wyoming from their obligations contained
in the Roxana decree.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Water is delivered through the Kilpack Ditch, Kofoed Ditch, Beard Ditch, and
Desert Ditch.

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

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

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 35976

A. Subcase 22-367B

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: South Leigh Creek, LLC

Address: 525 Oak Knoll Ave.

Menlo Park, CA 94025

Daytime Phone: 650-868-3708

Name & Address of Attorney, if any:

Robert L. Harris

Holden, Kidwell, Hahn & Crapo, PLLC

PO Box 50130, Idaho Falls, ID 83405-0130

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: South Leigh Creek, LLC

Address: 525 Oak Knoll Ave.

Menlo Park, CA 94025

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**
Should be: _____
2. ☐ **Source**
Should be: _____
3. ☐ **Quantity**
Should be: _____
4. ☐ **Priority Date**
Should be: _____
5. ☒ **Points of Diversion**
Should be: An additional point of diversion must be added for the Desert Ditch. The property has historically received water from this ditch and the other points of diversion listed on the water right. The point of diversion for the Desert Ditch is T6N., R46E., Sec. 32, NWNWSW.
6. ☐ **Instream Flow Description**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☒ **Place of Use**
Should be: The Water Right Recommendation only allows irrigation of 27 acres in the NESE, Sec. 35, T6N., R45E. The water right should include the entire 40 acres located within this quarter-quarter section.
10. **I object because:**
 - ☐ This water right should not exist.
 - ☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S): _____

VERIFICATION (Must be Completed)

State of Idaho)
)ss.
County of Bonneville)

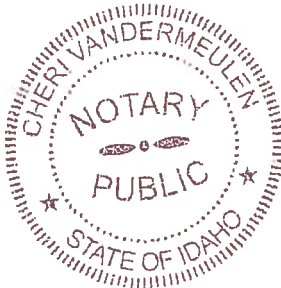
Robert L. Harris, duly sworn, upon oath, deposes and says:

That I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.



Robert L. Harris, Attorney

Subscribed and sworn to before me this 9th day of May, 2007.





Notary Public for Idaho
Residing at: Idaho Falls, ID
My Commission Expires: July 7, 2009

G.

CERTIFICATE OF MAILING

I hereby certify that on this 9th day of May, 2007, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

South Leigh Creek, LLC
525 Oak Knoll Ave.
Menlo Park, CA 94025

3. Copies to:

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environmental and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724



Robert L. Harris, Attorney

G:\WPDATA\RLH\13101-01 Bald Min Dev\Objection, 367B.wpd



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

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 3, 2006

Kent Foster

WILLIAM FOSTER
SOUTH LEIGH CREEK LLC
525 OAK KNOLL LN
MENLO PARK CA 94025

RE: NOTICE(S) OF CHANGE OF WATER RIGHT OWNERSHIP
NOTICE(S) OF CLAIM TO A WATER RIGHT 22-366B, 22-367B,
22-613E

Dear Mr. Foster:

The request for Change of Water Right Ownership concerning the above-referenced Notice(s) of Claim has been processed and the Department's records updated to reflect you as the new claimant.

The enclosed report shows this change along with listing the elements of the water right being claimed. Please review this report and contact this office if there are corrections or questions.

Respectfully yours,

Jennifer Crabtree

Jennifer Crabtree
Technical Records Specialist

Enclosure

PROFILED

SCANNED
JAN 06 2006

OK
JC
1-3-06

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

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

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
22-366 B					
22-367 B					
22-613 E					

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)

LORENZO B. KOFOED &
ARDIS S. KOFOED

4. New Owner/Claimant(s)

SOUTH LEIGH CREEK LLC

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

New Mailing Address

525 OAK KNOLL LANE

City, State and ZIP Code

MENLO PARK, CA 94025

New Telephone Number

(650) 868-3708

5. Date you acquired the property

SEPT. 1, 2004

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JAN 06 2006

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OCT 24 2005

Department of Water Resources
Eastern Region

6. **If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7.** If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7.

Signature of New Owner(s) or Claimant(s) _____
(include title if applicable)

William K. Foster
MANAGING MEMBER
SOUTH LEIGH CREEK LLC

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by _____ Date _____ Fee _____
 Receipted by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

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JAN 06 2006

163207

WARRANTY DEED

RECEIVED

SEP 01 2004

TETON CO., ID
CLERK RECORDER

For Value Received **Lorenzo B. Kofoed and Ardis S. Kofoed, Trustees, or their successors in trust,**
under the **Lorenzo & Ardis Kofoed Living Trust, dated July 29, 2003.**

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

South Leigh Creek, LLC an Idaho limited liability corporation

whose address is: **585 Oak Knoll Lane, Menlo Park, CA 94025**

Hereinafter called the Grantee, the following described premises situated in **Teton** County, Idaho, to-wit:

Township 6 North, Range 45 East, Boise meridian, Teton County, Idaho
Section 35: NE1/4SE1/4; N1/2NW1/4SE1/4; SE1/4NE1/4; E1/2SW1/4NE1/4
LESS AND EXCEPTING THEREFROM the existing State Highway 33 right of way along the
Westerly boundary of the above described property,
ALSO LESS AND EXCEPTING THEREFROM the existing County Road right of way along the
North boundary of the above described property.
ALSO LESS AND EXCEPTING THEREFROM Leigh Creek.

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with its appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: 9/1/2004

Lorenzo & Ardis Kofoed Living Trust

BY: Lorenzo B. Kofoed
Lorenzo B. Kofoed, Trustee

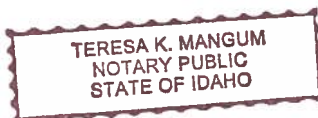
BY: Ardis S. Kofoed
Ardis S. Kofoed, Trustee

STATE OF Idaho
ss.
COUNTY OF TETON

Instrument # **163207**
DRIGGS, TETON, IDAHO
2004-09-01 03:01:52 No. of Pages: 1
Recorded for: FIRST AMERICAN TITLE
NOLAN G. BOYLE Fee: 3.00
Ex-Officio Recorder Deputy JB
Index to: DEED, WARRANTY

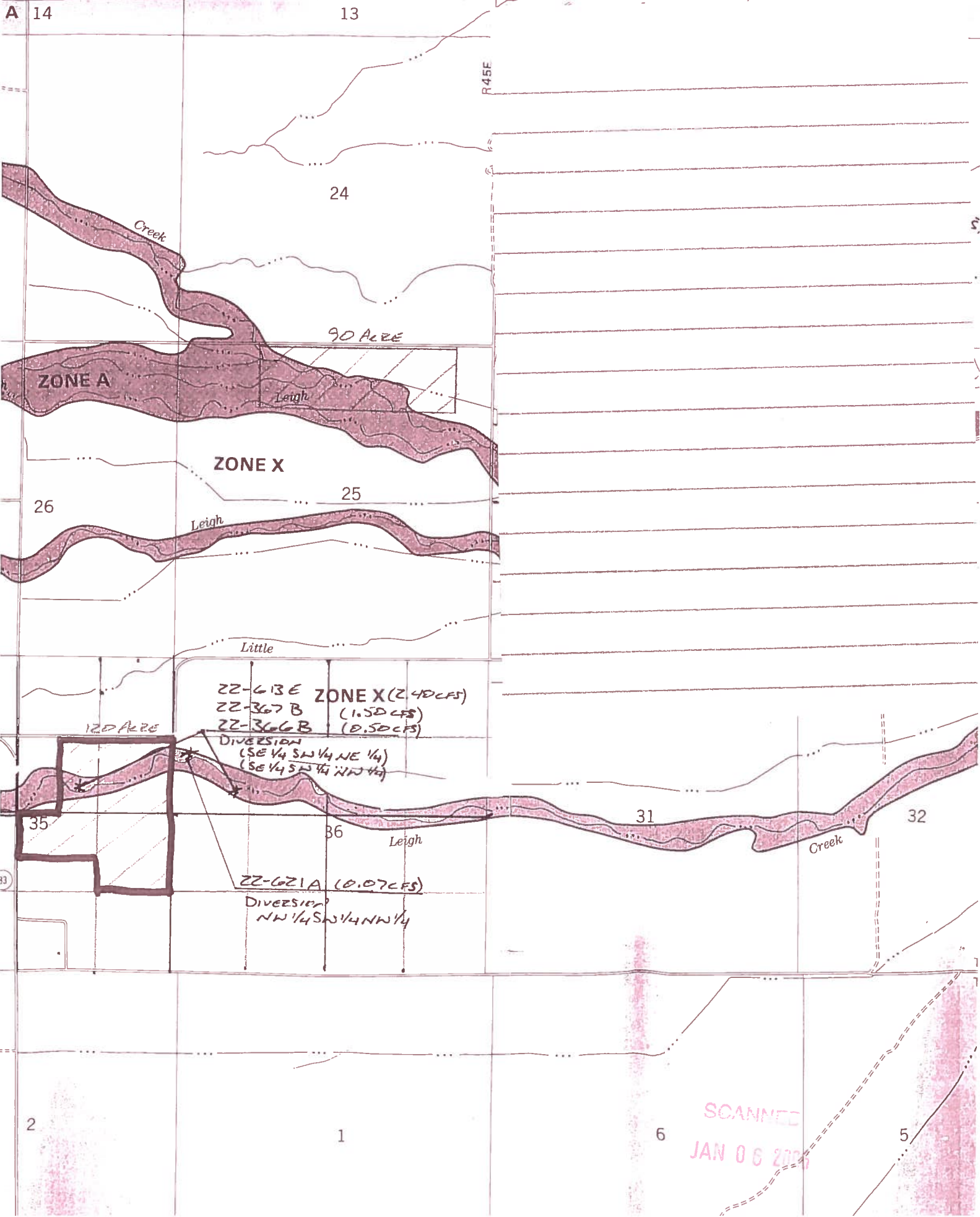
On this 1st day of September, 2004, before me, a Notary Public, personally appeared Lorenzo B. Kofoed and Ardis Kofoed, known or identified to me (or proved to me on the oath of), to be the persons whose names are subscribed to the within instrument as Trustees and acknowledged to me that they executed the same as such Trustees.

Teresa K. Mangum
Notary Public of Idaho
Residing at Driggs
Commission Expires: 07-24-09



163207

SCANNED
JAN 06 2006



May 17, 2005

Idaho Department of Water Resources
900 N. Skyline Dr. Suite A
Idaho Falls, ID 83402

Mr. William Kelly Foster
525 Oaknell Lane
Menlo Park, CA 94025

Re: Wildhorse Inc. Claims 22-13257 & 22-13258 and Foster Personal Claims

Dear Mr. Foster,

As we spoke on the phone May 12, and May 17, I am sending you the amended claims for Wildhorse Inc. I have changed the ownership on the claims to reflect the change in address and the parent water right. Please fill out the change of ownership form as instructed and sign and notarize the amended claims.

Also included are the change of ownership forms for the Kofoed claims and a copy of the claims as we have recorded. Please fill out the forms and send a copy of the deed as instructed.

If you have any further questions about the Wildhorse Inc. or your own claims, please feel free to call me at (208) 525-7161 or e-mail me at sporter@idwr.idaho.gov at your convenience.

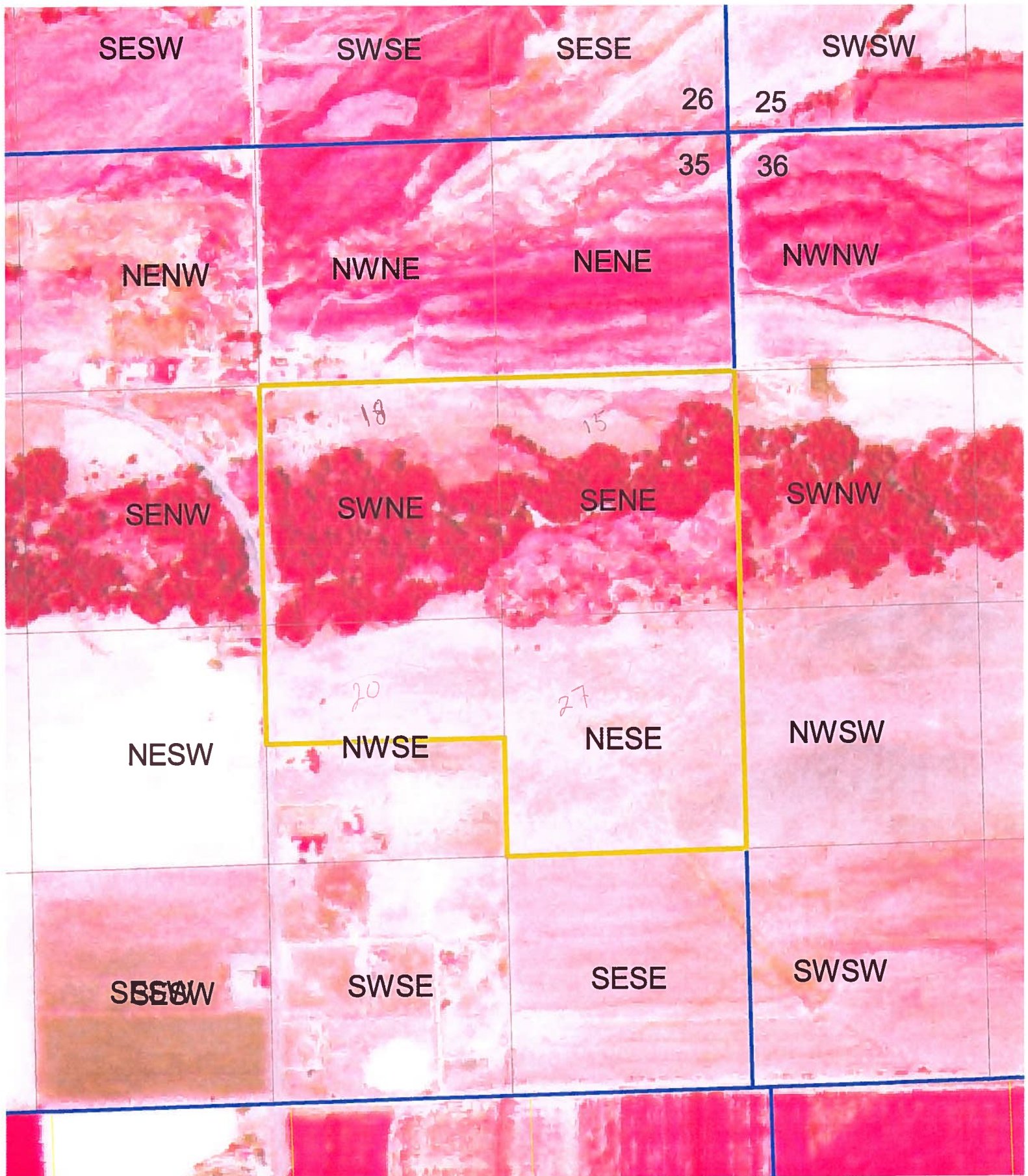
Respectfully,

Sarah Porter
Water Right Agent
Idaho Dept. of Water Resources

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SCANNED
JAN 06 2006

22-367B





THE STATE OF WYOMING

DAVE FREUDENTHAL
GOVERNOR

PATRICK T. TYRRELL
STATE ENGINEER

HARRY C. LABONDE, JR.
DEPUTY STATE ENGINEER

Board of Control

4E, HERSCHLER BUILDING
CHEYENNE, WYOMING 82002

TELEPHONE NO. (307) 777-6178
FAX NO. (307) 777-5451

February 13, 2004

ALLAN CUNNINGHAM
ADJUDICATION OFFICER

RANDY TULLIS, SUPERINTENDENT
WATER DIVISION NO. 1
MICHAEL WHITAKER, SUPERINTENDENT
WATER DIVISION NO. 2
LOREN SMITH, SUPERINTENDENT
WATER DIVISION NO. 3
JADE HENDERSON, SUPERINTENDENT
WATER DIVISION NO. 4

Mr. Arnold W. Woolstenhulme, P.E. and L.S.
AW Engineering
P.O. Box 139
Victor, Idaho 83455

RE: Docket Nos. IV-2002-4-1
and IV-2003-3-2 through
IV-2003-3-6

Dear Mr. Woolstenhulme,

This letter is in regard to the Eoyd Charles and Jill Johnson Smith Trust, the William E. Hansen, the Pax L. Hansen, the Margaret Hansen, the Lorenzo and Ardis Koford, and the James and Leona Leard Trust petitions for affirmation of point of diversion and means of conveyance in the matter of certain rights to the use of waters of South Leigh Creek for which the point of diversion, and a portion of the means of conveyance of the Kilpack Ditch, which are pending before the State Board of Control.

The State Board of Control discussed these petitions at its February meeting, and voted to grant these petitions. Orders confirming the Board's action will be issued in the near future.

If we can be of any further assistance, please let us know.

Yours truly,

AC

ALLAN CUNNINGHAM
Adjudication Officer

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SEP 23 2004

SCANNED Department of Water Resources
Eastern Region

JAN 06 2006

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/adc

Claim No. 22-36713

Document Checklist

☒ Copy License/Decree

Hexburg U Teton, There was
a map 1, 1898, but no 1899?

☐ Copy Transfer

☐ Copy Licensing Field Exam

☐ Check if Ownership/Address Change is Required

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

☒ Generate Arcview Map

8/10/04 Please refer to claim A 02003668 for
20 DOD/POU map and info

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JAN 06 2006

169 Wilson, 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
174 Kirsley, Edwin N.; July 15, 1898; Pine Creek	60
175 Hanson, Alfred; Sept. 1, 1898; North Leigh Creek	120
180 Lamoreaux, 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 Soulecy, 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 Rouché, Jacob; June 1, 1899; North Leigh Creek	35
184 Priestly, W. J.; June 1, 1899; Badger Creek	60
184 Rouché, Jacob; June 1, 1899; North Leigh Creek	160
184 Hendrickson, Milton; June 1, 1899; Badger Creek	100
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 Letham, 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 Elenden, 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 Ricks, Wallace; June 1, 1900; North Leigh Creek	110
200 Rannell, George; June 1, 1900; Badger Creek	40
200 Hubbard, Susan; June 1, 1900; North Leigh Creek and Middle Leigh Creek	60
200 Honer, Benjamin F.; 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 Letham, 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 Devan, 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 Johnson, James W.; June 1, 1901; Moody Creek	40
To be reduced to 20 inches after June 20th of each year	
215 Jarman, Arthur; June 1, 1901; South Leigh Creek	20
215 Hill Joseph S.; June 1, 1901; Pack Saddle Creek	160
218 Hatch, Lamaine; Sept. 1, 1901; Spring Creek	40
218 Phillips, L. A.; Sept. 1, 1901; Spring Creek	20
228 Shirts, Wallace; May 15, 1902; Trail Creek	40
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 Wood, Frank; June 1, 1902; Badger Creek	120
229 Hubbard, Susan; June 1, 1902; North Leigh Creek and Middle Leigh Creek	60
229 Morris, Samuel; June 1, 1902; Trail Creek	30
229 Larsen, A. C.; June 1, 1902; Darby Creek	80
229 Kirsley, Edwin N.; June 1, 1902; Spring Creek	60
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	

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 22-367B

Date Received 2/25/2009

Receipt Number _____

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

1. Name of Claimant(s) South Leigh Creek, LLC Phone (208) 868-3708

Mailing Address 525 Oak Knoll Ave., Menlo Park, CA Zip 94025

2. Date of Priority (Only (1) per claim) May 1, 1899

3. Source of water supply (a) South Leigh Creek

which is tributary to (b) Teton River

4.a. Location of existing point of diversion is:
Township 6N Range 46E Section 32, 1/4 of NW 1/4 of NE 1/4, Govt. Lot 1,
County of Teton - Killpack Ditch

Additional points of diversion if any: T6N, R45E., SEC. 36, SENW - Kofoed Ditch
T6N., R46E., SEC. 31, SWNW, Govt. Lot 2 - Beard Ditch
T6N., R46E., SEC. 32, NWNWSW - Desert Ditch

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, 1/4 of _____ 1/4 of _____ 1/4 Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well. Headgates & ditches.

6. Water is claimed for the following purposes: _____ (Both dates are inclusive) (cfs) (acre feet)

For Irrigation purposes from 04/15 to 10/31 amount 0.75 cfs or _____

7. Total quantity claimed (a) 0.75 (cfs) and/or (b) _____ (acre feet)

8. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) None

9. Description of place of use:
- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
 - If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instruction for standard symbols.

COMBINED PLACE OF USE FOR: 22-366B, 22-367B, 22-611A & 22-13588.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TLS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
6N	45E	35			8.4	25									40	18			91.4

Total number of acres irrigated 91.4

10. In which county(ies) are lands listed above as place of use located? Teton
11. Do you own the property listed above as place of use? Yes ☒ No ☐
If your answer is No, describe in Remarks below the authority you have to claim this water right.
12. Describe any other water rights used at the same place and for the same purposes as described above.
22-366B, 22-611A & 22-13588 or None ()
13. Remarks:
Depending upon water availability, water is diverted through one of four ditches to the place of use described above.
14. Basis of Claim (Check one) Beneficial Use ☐ Posted Notice ☐ Permit ☐ Decree ☒ License ☐
If applicable provide IDWR Water Right Number 22-367B
Court Case Number Decree Date 12/16/1910
Plaintiff vs Defendant Rexburg Irrigation Co., et al. v. Teton Irr. Canal Co.

Last Name South Leigh Creek Ident. Number 22-367B

15. 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 Organizations: I do solemnly swear or affirm under penalty of perjury that I am attorney of South Leigh Creek, LLC, that I have signed the foregoing document in the space below as attorney of South Leigh Creek, LLC and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent Robert L. Harris

Title and Organization Attorney, South Leigh Creek, LLC Date February 24, 2009

17. Notice of Appearance:

Notice is hereby given that I, Robert L. Harris, will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature Robert L. Harris
Address PO Box 50130, Idaho Falls, ID 83405-0130
Date Feb. 24, 2009



Idaho Department of Water Resources

Adjudication Claim:

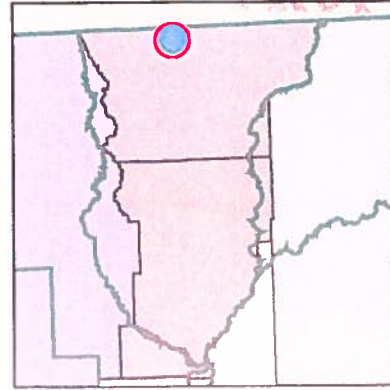
22-366B

22-367B

22-611A

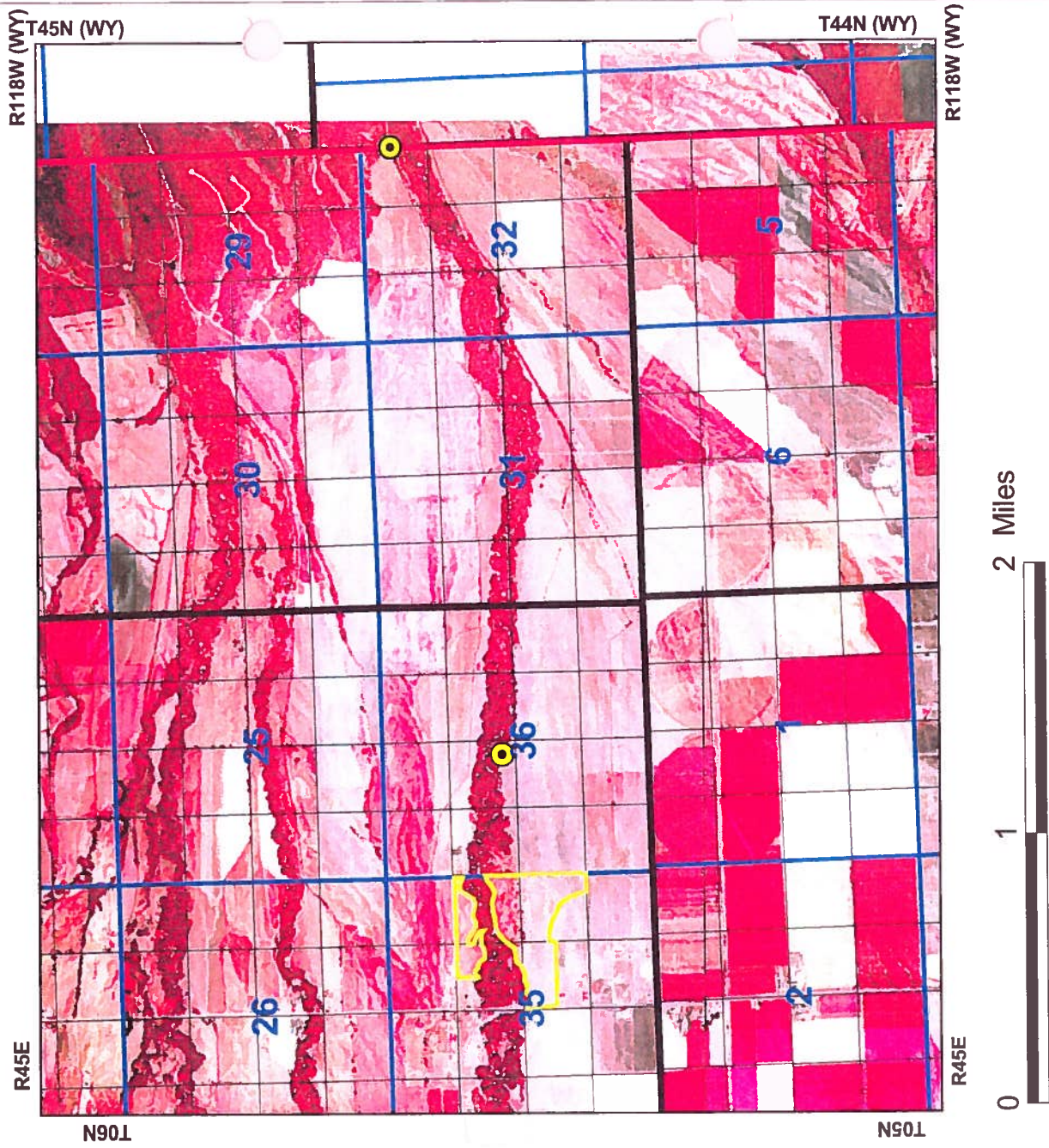
Legend

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



Teton County
IDWR Basin 22

Prepared by K. Moore
On Thursday, June 22, 2006
1987/88 Aerial Photography



SCANNED

JUN 22 2007

PROFILED

11/15/2006

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

RIGHT NUMBER: 22-367B

NAME AND ADDRESS: SOUTH LEIGH CREEK LLC
525 OAK KNOLL AVE
MENLO PARK CA 94025

SOURCE: SOUTH LEIGH CREEK TRIBUTARY: TETON RIVER

QUANTITY: 0.750 CFS

PRIORITY DATE: 05/01/1899

POINT OF DIVERSION:

T06N R45E S36 SESENW Within TETON County

T06N R46E S32 NENWNE Lot 1 Within TETON County

The point of diversion for this water right is in Wyoming, T44N, R118W, Sec. 6 NESENE, 6PM.

The point of diversion shown above is where the conveyance system enters Idaho.

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/15 10/31	0.750 CFS
PLACE OF USE:	<u>IRRIGATION in TETON County</u>		
	T06N R45E S35 SWNE 8.40	T06N R45E S35 SENE	25.00
	T06N R45E S35 NESE 27.00	T06N R45E S35 NWSE	18.00
	78.4 ACRES TOTAL		

78.4

The rights listed below are limited to the irrigation of a combined total of acres in a single irrigation season. Combined Right Nos.: 22-366B, 22-367B, 22-611A, 22-13588.

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.

This water right is also recorded as Wyoming Certificated Water Right No. _____.

This water right is subject to the delivery provisions contained in Roxana Canal Co. v. Daniels, Equity No. 2447 (D. Wy. Feb. 4, 1941) ("Roxana decree"). Nothing in this Partial Decree is intended to relieve or alter the state of Idaho nor the state of Wyoming from their obligations contained in the Roxana decree.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

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

Water is delivered through the Kilpack and Kofoed Ditch..

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

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 22-367B
Date Received: 9/2/1988
Receipt No: E002037
Received By:

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

1. Name of Claimant(s)

LORENZO B KOFOED Phone: (208)745-7560

3854 E MENAN-LORENZO HWY
RIGBY ID USA 83442

ARDIS S KOFOED Phone: (208)745-7560

3854 E MENAN-LORENZO HWY
RIGBY ID USA 83442

2. Date of Priority: 05/01/1899

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	Type
06N	45E	36	SE SW NW	TETON	
06N	45E	35	SE SW NE	TETON	

5. Description of diverting works:

Water is also diverted through the Kilpack Ditch. The heading for this ditch in on the North bank of South Leigh Creek within lot 2, Section 6, T. 44N., R. 118W., 6th P.M., Teton County, Wyoming.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/15	10/15	1.5	

7. Total Quantity Appropriated is:
1.5 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
06N	45E	35	SE	NE		IRRIGATION	15
			NW	SE		IRRIGATION	20
			NE	SE		IRRIGATION	27
			SW	NE		IRRIGATION	18
						Section Acres	80
						Total Acres	80

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:

14. Remarks:

THIS RIGHT ORIGINALLY CLAIMED AS A22-11477. RENUMBERED 5-7-96 GT.

15. Basis of Claim: Decreed

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): L. B. Koford Date: 2-3-03
Anders A. Koford Date: 02-03-03

State of Idaho)
County of Bonneville) SS.

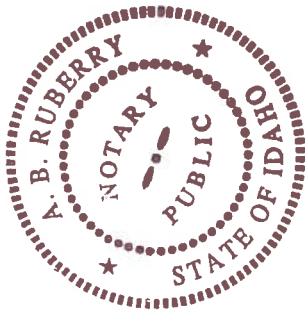
Subscribed and sworn (or affirmed) before me this 3rd
of February 2003

Arthur B. Ruberry

Notary Public

Residing at Boano Faus Boano

My commission Expires 9/23/03



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: **A22-00367B**

Date Received: 9/ 2/1988

Receipt No: E002037

Received By: _____

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name: LORENZO B KOFOED 208-745-7560
Address: 3854 E MENAN-LORENZO HWY
RIGBY ID 83442

AND/OR

Name: ARDIS S KOFOED 208-745-7560
Address: 3854 E MENAN-LORENZO HWY
RIGBY ID 83442

2. Date of Priority: MAY 1, 1899

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
06N	45E	35	SE	SW	NE		TETON
		36	SE	SW	NW		TETON
	46E	31	NE	NW	SE		TETON

5. Description of diverting works:
HEADGATES/DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/15	1.500		

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

A.F.A. **MICROFILMED**

8. Total consumptive use is 160.0 Acre Feet Per Annum **NOV 06 1990**

9. Non-irrigation uses:
NONE

PROFILED

JAN 06 2006

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06N	45E	35	SW	NE		IRR	18.0
			SE	NE		IRR	15.0
			NE	SE		IRR	27.0
			NW	SE		IRR	20.0

Section Acres 80.0

Total Acres 80.0

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:
A22-11476, A22-11482

14. Remarks:
THIS RIGHT ORIGINALLY CLAIMED AS A22-11477. RENUMBERED 5-7-96 GT.

15. Basis of Claim: DECREED

Water Right Number: 0367

Case Number:

Court :

Decree date: 12/16/1910

REXBURG IRR. CO. ET AL
Decree Plaintiff

TETON IRR. CANAL CO.
vs Decree Defendant

MICROFILMED
NOV 06 2006

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: ~~A22-11477~~ ^{A22-00367B} Renumbered
Date Received: 9/02/1988
Receipt No: E002037
Received By: T.O.

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: LORENZO B. KOFOED 208-745-7560
Address: 3854 E. MENAN-LORENZO HWY
RIGBY, ID 83442

AND/OR

Name: ARDIS S. KOFOED 208-745-7560
Address: 3854 E. MENAN-LORENZO HWY
RIGBY, ID 83442

2. Date of Priority: MAY 01, 1899

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
06N	45E	35	SE	SW	NE		TETON
		36	SE	SW	NW		TETON
	46E	31	NE	NW	SE		TETON

5. Description of diverting works:
HEADGATES/DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	1.500		

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

8. Total consumptive use is 160.0 Acre Feet Per Annum

9. Non-irrigation uses:
NONE

A22-11477

Page 1

Date: 09/02/88

A2200367B



PROFILED

SCANNED

JAN 06 2008

MICROFILMED

NOV 06 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06N	45E	35	SW	NE		IRR	18.0
			SE	NE		IRR	15.0
			NE	SE		IRR	27.0
			NW	SE		IRR	20.0
						Section Acres	80.0
						Total Acres	80.0

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:
A22-11476, A22-11482

14. Remarks:

15. Basis of Claim: DECREED
Water Right Number: 0367
Case Number:
Court :
Decree date: 12/16/1910

REXBURG IRR. CO. ET AL
Decree Plaintiff

vs

TETON IRR. CANAL CO.
Decree Defendant

MICROFILMED
NOV 06 1988

~~MICROFILMED~~
~~NOV 06 1988~~

SUB
JAN 19 1989

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: 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): Ardis K. Ford Date: 2 Sept '88

Date: _____

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 2nd day
of Sept 19 88
Diana Moon
Notary Public

Seal

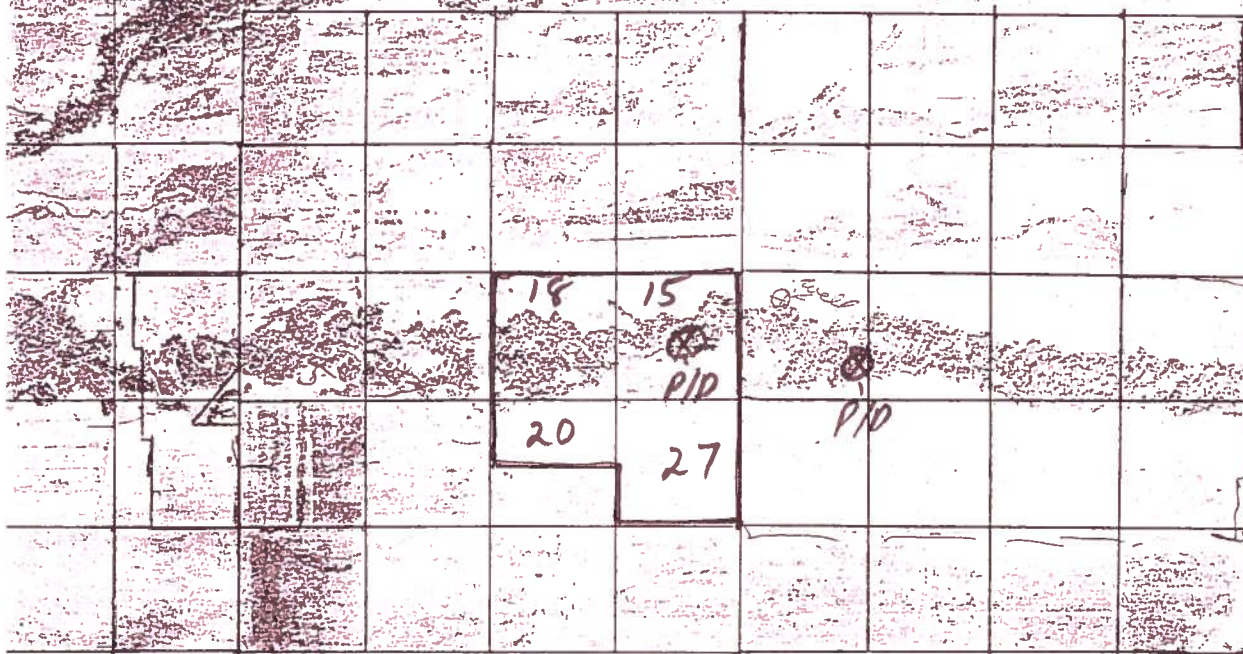
Residing at Rigby
My Commission Expires 4-22-1994

MICROFILMED

NOV 06 1988

~~A22-0367~~

A22-11477



MICROFILME

NOV 06 1992

NOV 06 1992