

10/16/2006

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

RIGHT NUMBER: 22-386A

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: 0.180 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: 04/01/1889

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	0.180 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. 22-386A and 22-612A are limited to the irrigation of a combined total of 9 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: 22-386A

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:

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

DATE: 10/4/06

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

Handwritten initials and date:
HMD
12/17



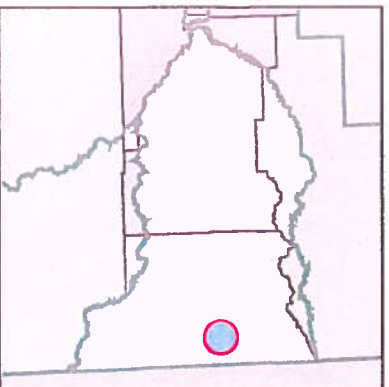
Idaho Department of Water Resources

Adjudication Claims:

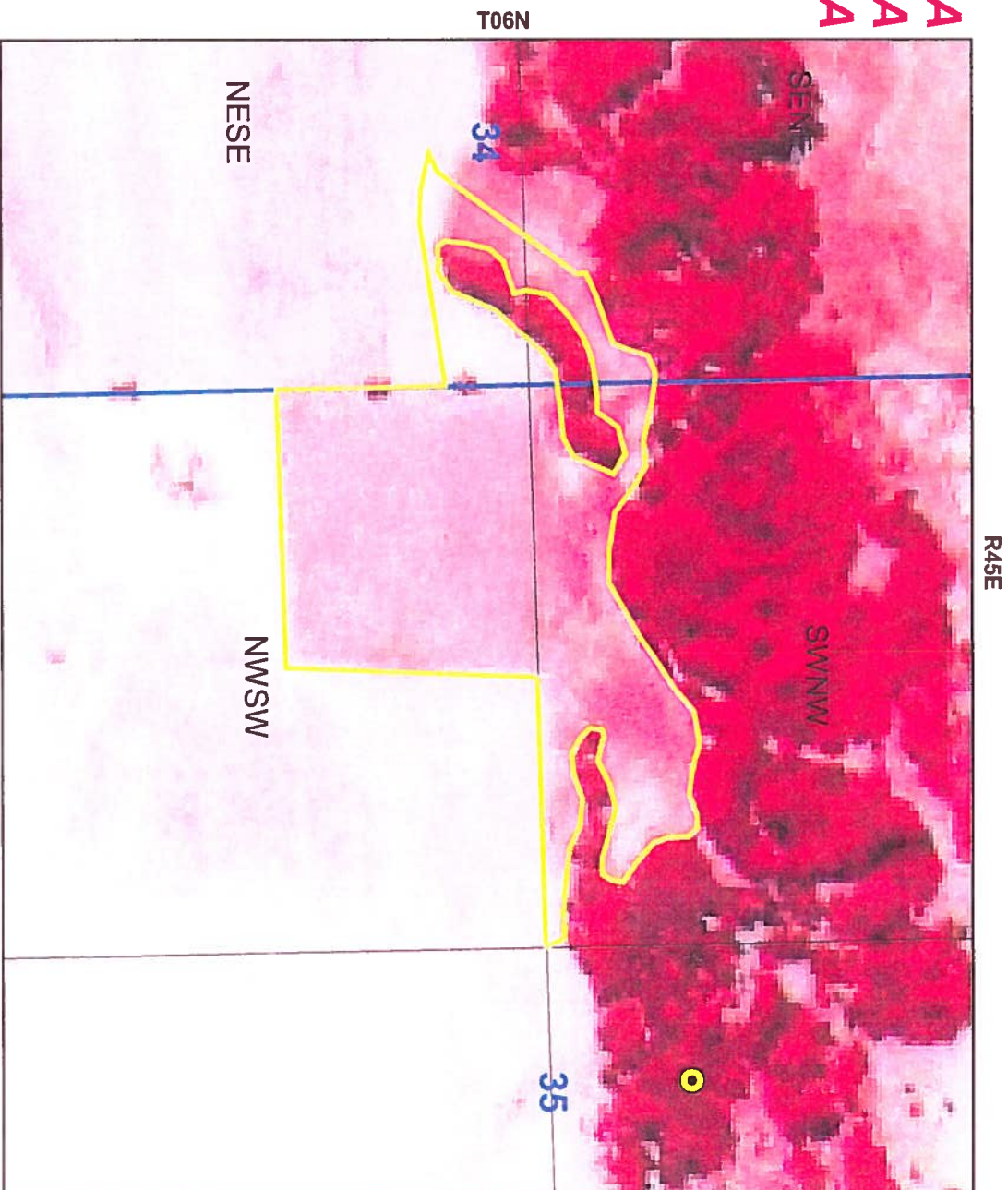
22-303B 22-386A
22-304B 22-612A
22-366A 22-613A
22-367A

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

DD Richard Davis is deceased but
property is in wife's name at
same address:

Phyllis Davis Band

215 E 3rd S

Reynolds, ID 83440

Visited w/ Rick Davis, a son, who
also lives in Reynolds.

Send c/o to new name, but same
family.

Water Right No(s). _____

GPS DATA:

Tag # A0013870 Location: On culvert

Diversion Data:

Source: South Leigh Creek Trib to: Teton River

MOTOR

Make: _____ Model: _____ Hp: _____
SN: _____

PUMP

Make: _____ Model: _____ Disch: _____
SN: _____

NOTES:

This diversion is known as Fullmer #1. Diversion works consist of 2 culverts. There is no regulating device in place. However, when the creek drops, the flow goes as well unless a check dam is placed in the creek.

Field Exam Date: 8/19/04 Agent: DD

Point of Diversion and Source Data Entry Form

Claim Number: _____

Water Right Point(s) of diversion and Source.

Water Right Point of Diversion: T _____, R _____, Sec. _____, _____, _____, _____, County: _____

Source: _____ Tributary to: _____

Water Right Point of Diversion: T _____, R _____, Sec. _____, _____, _____, _____, County: _____

Source: _____ Tributary to: _____

Claimed Point(s) of Diversion and Source.

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source	Tributary to

Recommended Point(s) of Diversion and Source.

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source	Tributary to

Other rights from this POD? _____

Transfers Pending or approved: _____

Document how the POD and Source were verified:

8/19/04
DO

Field exam showed 2 culverts placed in creek that divert water into Fullmer #1 diversion.
Source is South Leigh Creek.
Ditch carries water to POD.

Reviewer: _____ Date: _____

Place Of Use Data Entry Form

Claim Number: _____

Claimed Place Of Use

Tw	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total acres _____

Recommended Place of Use

Tw	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total acres _____

Pending or approved Transfers: _____

Overlapping rights: _____

Document how the POU was verified:

DD
8/19/04

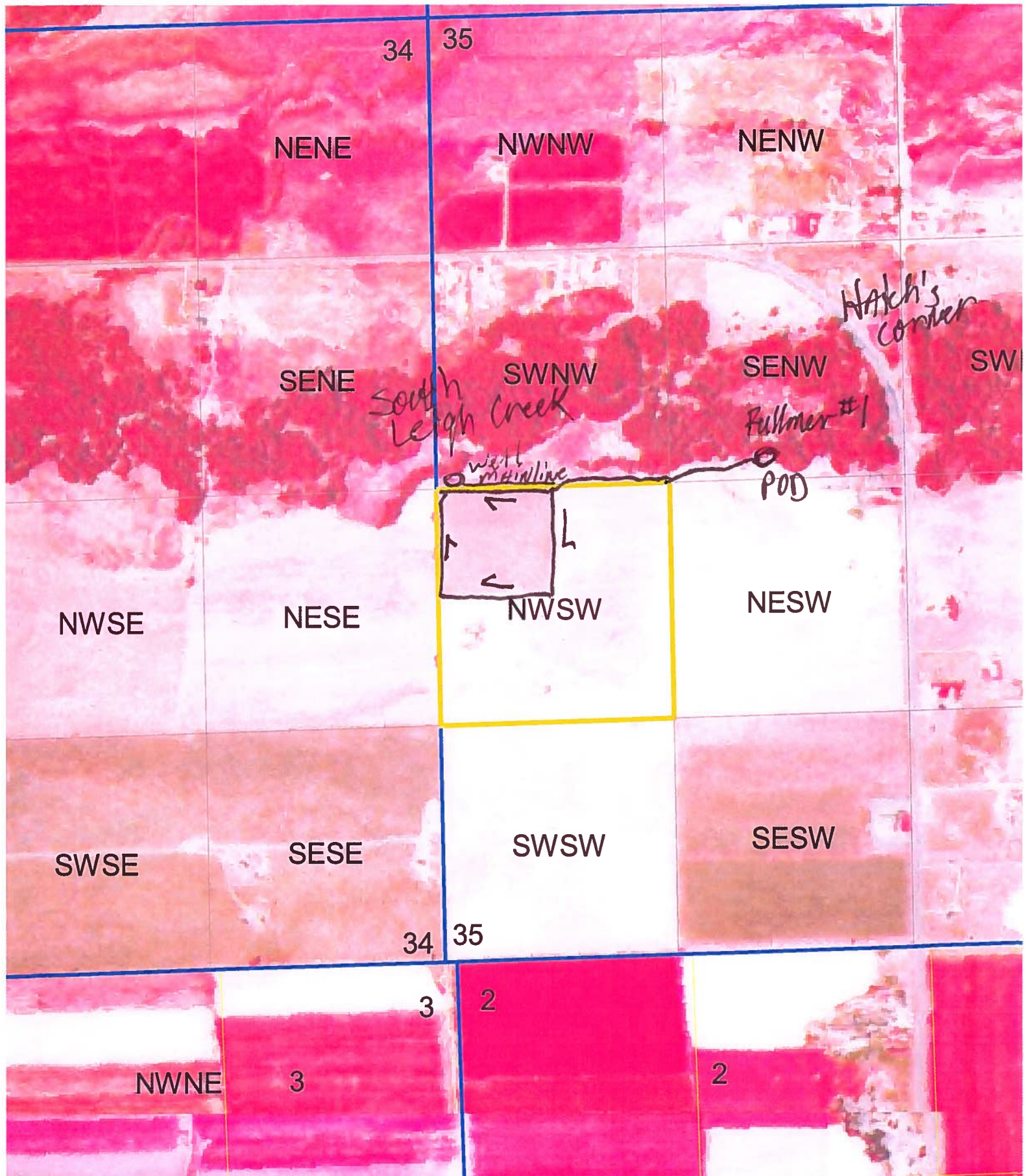
POU was verified by field exam
Claim can be watered by water from south
Leigh through ditches or by a well.

Reviewer: _____ Date: _____

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

82	Rice, Ed.; Apr. 1, 1890; Trail Creek	160
83	Curtis, Nahum; Apr. 1, 1890; Trail Creek	160
84	Blanchard, John; Apr. 1, 1890; Trail Creek	120
85	Eynon, John; Apr. 1, 1890; Trail Creek	80
86	Paul, John; June 1, 1890; Springs on land	15
87	Paul, William H.; June 1, 1890; Little Springs and Deep Creek	60
88	Jenkins, William; June 1, 1890; Fox Creek	80
89	Kimball, R. C., and A. L.; June 1, 1890; Fox Creek	110
90	Lawson, B. G.; June 1, 1890; Spring Creek	240
91	Murphy, G. M.; June 1, 1890; Darby Creek	150
92	Smith, C. M.; Jan. 1, 1890; Darby Creek	160
93	Walton, D. O.; June 1, 1890; Darby Creek	140
94	Shaw, O. W.; June 1, 1890; North Leigh Creek or Spring Creek	135
95	Yearsley, H. C.; June 1, 1890; Spring Creek	240
96	Drake, Richard; June 1, 1890; Patterson Creek	160
97	Chelsey, John P.; June 1, 1890; Paul Spring Creek, Grove Creek, Deep Creek and Little Spring Creek	200
98	Byrne, Michael; June 1, 1890; Fox Creek	85
99	Buxton, Mary A.; June 1, 1890; Sloughs from Twin Creeks	
100	Beezley, Ebenezer, and J.; June 1, 1890; Fox Creek	80
101	Andrews, L. W.; June 1, 1890; Grove Creek	120
102	Durney, P. S.; June 1, 1900; Trail Creek	15
103	Foot, Arthur L.; June 1, 1890; Mahogany Creek	145
104	Ferguson, John; June 1, 1890; Grove Creek and Willow Spring Creek	100
105	Eames, William; June 1, 1890; Spring Creek	240
106	Edlefson, E. B.; June 1, 1890; Leigh Creek	155
107	Drake, Leavina; June 1, 1890; Boquat Creek and Drake Creek	160
108	Drake, William; July 1, 1890; Mahogany Creek	150
109	Tonks, William H.; July 15, 1890; Trail Creek	135
110	Curtis, Clarissa A.; Sept. 1, 1890; Trail Creek	160
111	Rice, A. L.; Jan. 1, 1891; Patterson Creek	160
112	O'Brien, James A.; June 1, 1891; North Leigh Creek	100
113	Siddoway-Briggs Co.; June 1, 1891; Teton River. (For power purposes)	2,600
114	Sinclair, D. R.; Adminr. Estate of Fred Sinclair (deceased); June 1, 1891; Eynon Ditch	20
115	Smith, Ellington; June 1, 1891; Spring Creek, Darby Creek and Crandall Springs	100
116	Shaw, L. C.; June 1, 1891; Ragder Creek and water from springs on T. A. Phillips' land	0
117	Swanner, Samuel; June 1, 1891; South Leigh Creek	120
118	Hubbard, Susan; June 1, 1891; North Leigh Creek and Middle Leigh Creek	150
119	Harrop, Samuel; June 1, 1891; Leigh Creek	200
120	Hill, Mary Ann; June 1, 1891; Pack Saddle Creek	120
121	Clark & Houghton; June 1, 1891; Teton River	160
122	Dewey, George A.; June 1, 1891; Fox Creek	160
123	Barney, Walter; June 1, 1891; South Leigh Creek	160
124	Bowles, Sarah; June 1, 1891; Spring Creek	100
125	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
126	Edlefson, Noah C.; June 1, 1891; Leigh Creek	40
127	Siddoway Irrigation & Manufacturing Co.; July 1, 1891; Teton River	300

22-386A



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: A22-00386A
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: APR 01, 1889

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		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	0.180		

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

8. Total consumptive use is 18.0 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	35	NW	SW		IRR	9.0
Section Acres							9.0

A2200386A



MICROFILMED

NOV 04 1992

10. Place of Use: Continued

Total Acres 9.0

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:
A22-00612A, A22-07273.

14. Remarks:

THIS CLAIM IS FOR A PORTION OF DECREED RIGHT 22-00386. CLAIMED
FLOW RATE IS BASED ON 0.02 CFS/ACRE.

15. Basis of Claim: DECREED
Water Right Number: 0386
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

A22-00386 A

T6N

T5N

MICROFILMED

NOV 04 1992

770 000 FEET
(IDAHO EAST)