

06/29/2006

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

RIGHT NUMBER: 22-429B

NAME AND ADDRESS: WILLIAM J O BRIEN
937 E 8TH N
REXBURG ID 83440

SOURCE: NORTH LEIGH CREEK TRIBUTARY: SPRING CREEK
Water is delivered from Middle Leigh Creek for the section 27 SWSE diversion.

QUANTITY: 1.760 CFS

PRIORITY DATE: 06/01/1891

POINT OF DIVERSION:
T06N R45E S27 SWNE Within TETON County
T06N R45E S27 SWSE Within TETON County
T06N R46E S30 SWNW Lot 2 Within TETON County
WATER SHALL NOT BE DIVERTED FROM THE SWSE & SWNE, S27, T6N, R45E BEFORE CHANNEL LOSSES ARE DETERMINED BETWEEN THE REFERENCED POINTS OF DIVERSION & THE CENTER CANAL POINT OF DIVERSION LOCATED WITHIN THE SWNW, S30, T6N, R46E. CHANNEL LOSSES SHALL BE REDUCED FROM THE RATE OF FLOW ALLOWED UNDER THIS RT.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	1.760 CFS

PLACE OF USE: IRRIGATION Within TETON County

T06N R45E S27	NESW	19.00	T06N R45E S27	NESE	8.00
T06N R45E S27	NWSE	39.00	T06N R45E S27	SWSE	23.00

89 ACRES TOTAL

89 The rights listed below are limited to the irrigation of a combined total of acres in a single irrigation season. Combined Right Nos.: 22-429B, 22-13367

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 Center Canal for the section 30 diversion



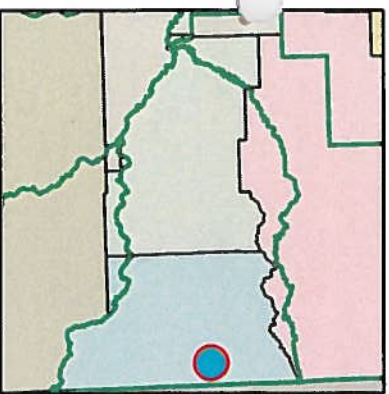
Idaho Department of Water Resources

Adjudication Claim:

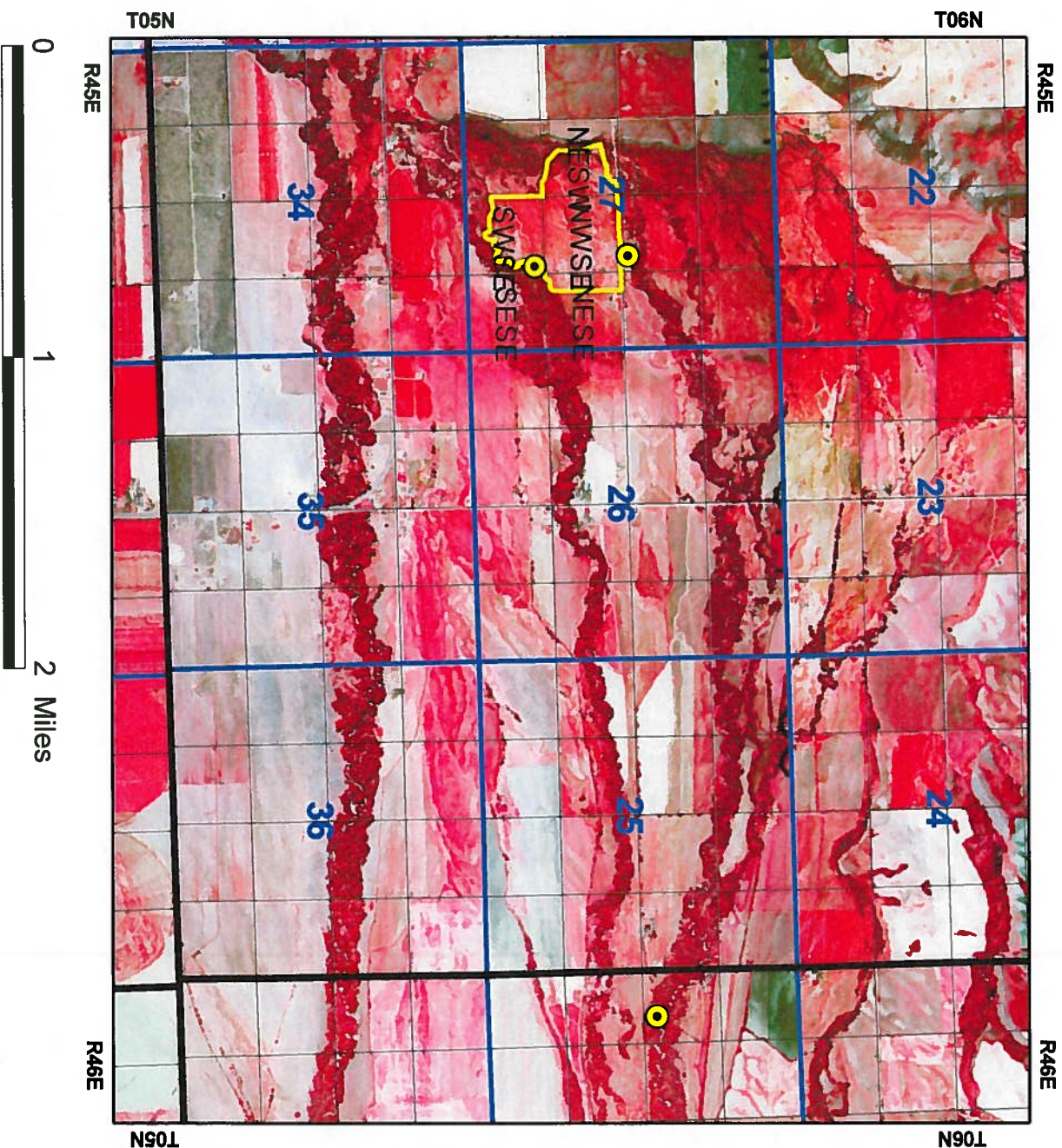
22-429B

Legend

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

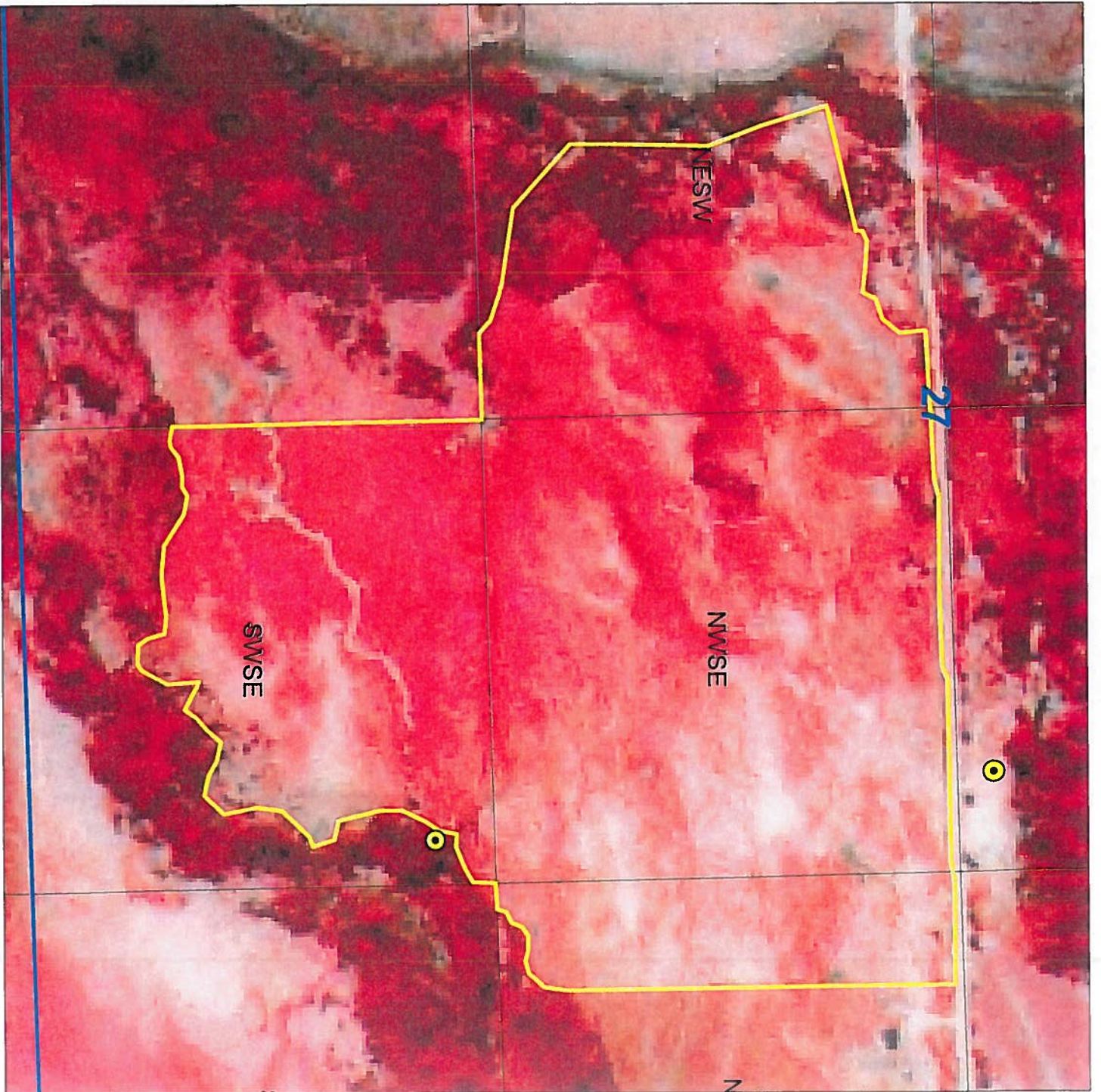


Teton County
IDWR Basin 22



Prepared by D. Carlson
On Thursday, June 29, 2006
1987/88 Aerial Photography

22-429B





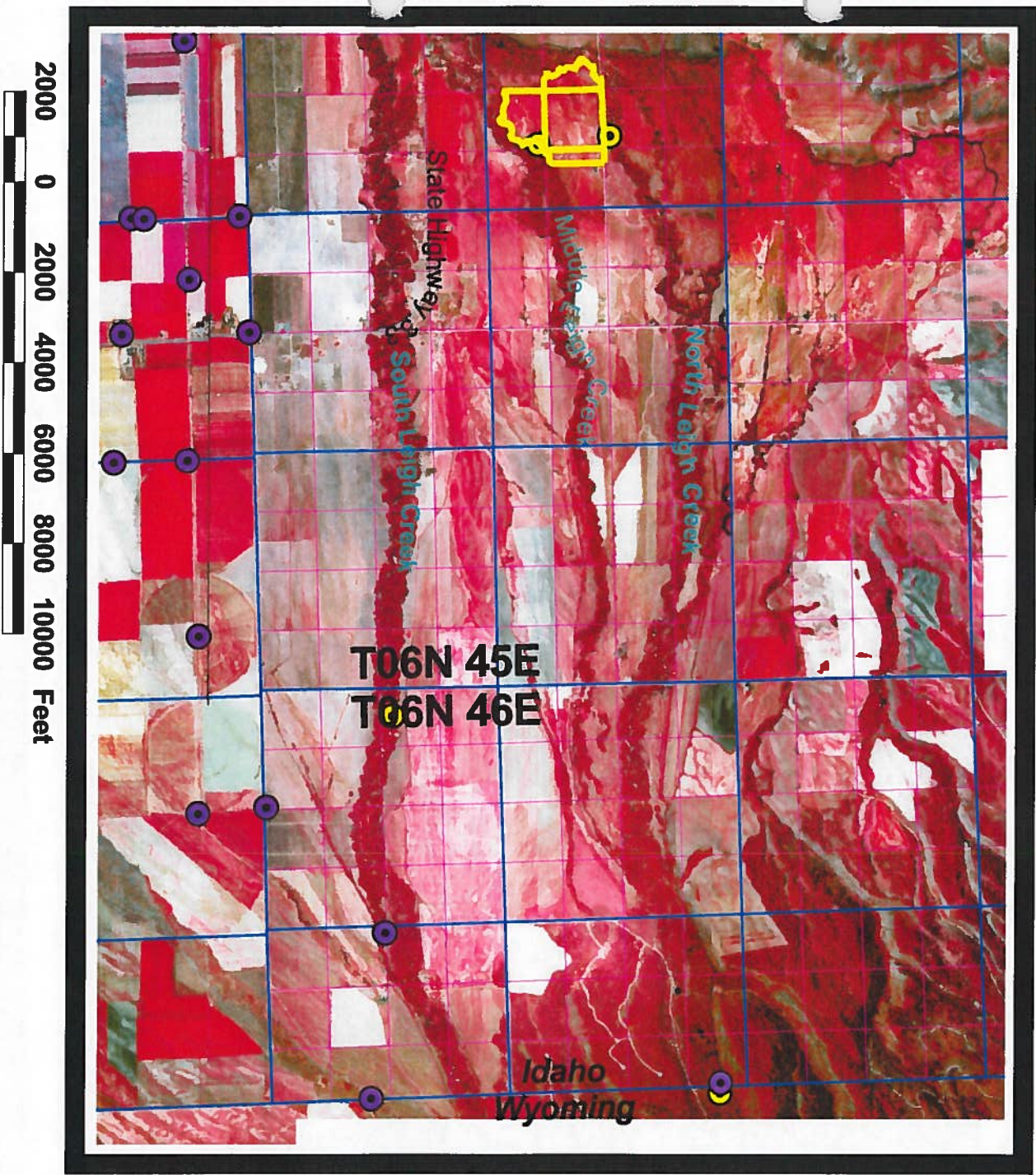
State of Idaho
Department of Water Resources
Eastern Region



Water Right(s):
22-429B
22-13367

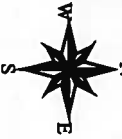
PROFILED

SCANNED
MAY 05 2005



LEGEND

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



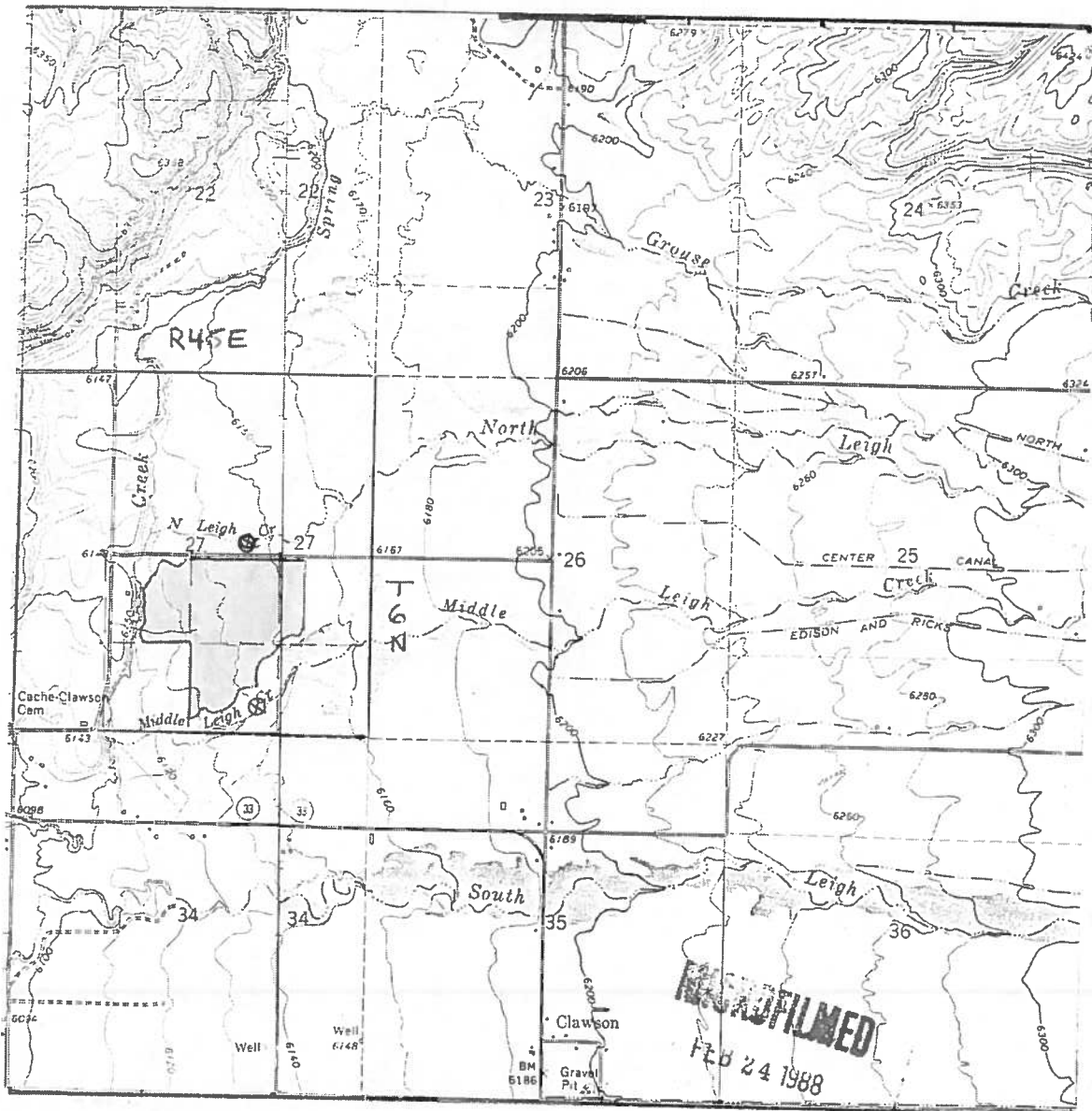
GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: S. Porter
Date: March 2005

c. Describe the land or place of use to which the right will be transferred:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
6N	45E	27									19				8	39	23		89

Total number of acres to be irrigated 89

- Describe any other water rights used for the same purpose as described above. Part of right 22-0132 decreed for 6.4 cfs, January 22, 1916.
- Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



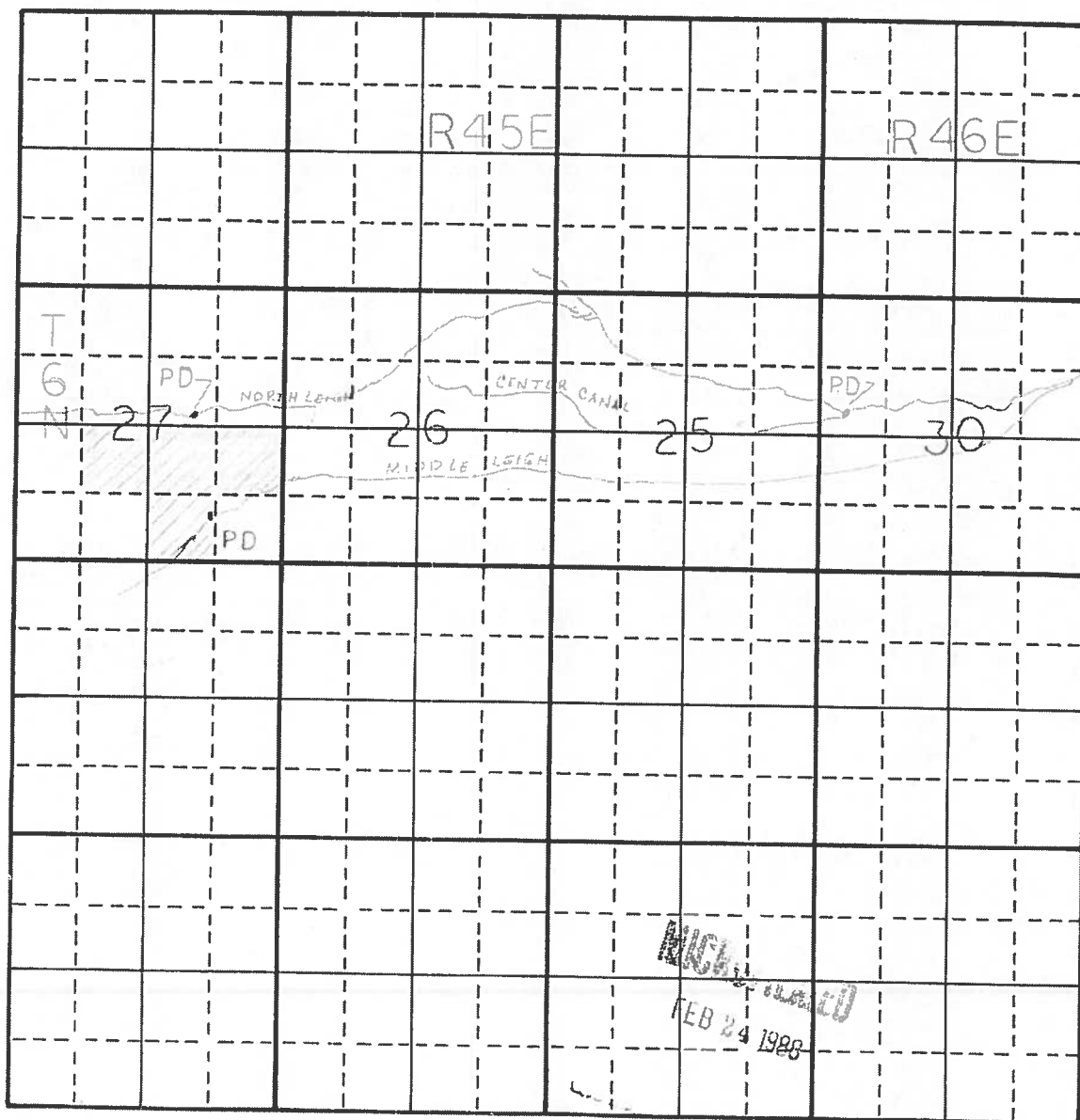
SCALE 2 inches equal 1 mile. Draw plan in ink.

c. Describe the lands and place of use to which the right will be transferred

TWP	RANGE	SEC	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
6N	45E	27									40				30	40	40		150

Total number of acres to be irrigated 150

- Describe any other water rights used for the same purpose as described above.
Part of right 22-0132 decreed for 6.4 cfs January 22, 1916
- Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



SCALE: 2 inches equal 1 mile. Draw plan in ink.

D. REMARKS

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willfull misrepresentations made in this application may result in voiding its approval.

X William J. Brien
(Signature of Applicant)

Subscribed and sworn to before me this 24 day of December, 1985

Dorothy C. Daughen
(Notary Public)

My commission expires 9-20-87

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 22-0429B

and said application is hereby APPROVED, subject to the following limitations and conditions:

- POD
OK
EXP
1. A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works.
 2. Water shall not be diverted from the SW $\frac{1}{4}$ SE $\frac{1}{4}$ & SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 27, Twp 6N, Rge 45E before channel loss is determined between the referenced points of diversion and the center canal point of diversion located within the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 30, Twp 6N, Rge 46E.
 3. Channel losses shall be subtracted from the rate of flow allowed under this right.
 - X. Use of water under this right is subject to control by the watermaster of State Water District No. 01, Snake River.

Witness my hand this 2nd day of February, 1988

A. Glen Saylor
Chief, Operations Bureau

Received by CW EMC Date 12-31-85 FOR DEPARTMENT USE ONLY
Prellm. check by HLJ Date 12-4-85 Protest filed by _____
Received by MD Date 12-17-85 Fee 20
Published in TETON VALLEY NEWS Date 1-3-85 # J5542
Pub. dates Jan 23+31, 1986 Copies of protest forwarded by _____
Watermaster recommendation requested on 1-20-86 Hearing held by _____ Date _____
WD #1 rec'd. 2-04-86 Recommended for approval denial
by RLC JLB

MICROFILMED
FEB 24 1988

RE: TRANSFER APPLICATION 22-0429
TRANSMISSION LOSSES

DATE: 10 NOV., '87

TO: JIM JOHNSON
FROM: E. CARLSEN

- YOUR MEMO OF 9 SEPT., '87 ASKS WHY CHANNEL LOSS SHOULD NOT BE DETERMINED PRIOR TO APPROVAL OF THIS APPLICATION.

THOUGH TRANSMISSION LOSSES WILL OCCUR BETWEEN THE ORIGINAL POINT OF DIVERSION AND THE ADDED POINTS OF DIVERSION, A DETERMINATION OF THIS LOSS PROBABLY IS NOT APPLICABLE.

THE PURPOSE OF THE TRANSFER APPLICATION IS TO ADD TWO ADDITIONAL POINTS OF DIVERSION WHILE RETAINING THE ORIGINAL AS AN ALTERNATE DIVERSION POINT. THE ADDITIONAL POINTS ARE A CONSIDERABLE DISTANCE DOWNSTREAM FROM THE DIVERSION OF RECORD AND THERE IS CHANNEL LOSS IN THE STREAM REACH BETWEEN THESE POINTS. BUT THE WATERMASTER HAS FOR SEVERAL YEARS BEEN DELIVERING THIS RIGHT TO THE DOWNSTREAM DIVERSIONS. HE DELIVERS THE RIGHT TO THESE DIVERSIONS UNTIL IN HIS OPINION THE STREAM IS NO LONGER LIVE AT THAT LOCATION. THE WATER USER THEN HAS THE OPTION OF EITHER DIVERTING HIS RIGHT AT THE ORIGINAL DIVERSION (CENTER CANAL) OR DISCONTINUING IRRIGATION. BECAUSE OF THE EXTREME VARIATIONS IN CHANNEL LOSS WHICH OCCURS FROM YEAR TO YEAR AND EVEN WITHIN THE SAME YEAR THE WATERMASTER MUST MAKE A DECISION BASED ON THE CONDITIONS EXISTING AT THE TIME.

ITS MY OPINION THE QUANTITY OF WATER DESIGNATED FOR THIS RIGHT SHOULD NOT BE REDUCED; SINCE THE APPLICANT IS RETAINING THE CENTER CANAL AS A POINT OF DIVERSION. HE IS ENTITLED TO DIVERT THE ENTIRE RIGHT THROUGH THE CANAL, PROVIDED THERE IS SUFFICIENT WATER.

RECEIVED

FEB 24 1988

Oct. 5, 1987

22-0429 (Field check on transf. applic.)

Affects on other users in Middle Leigh Creek -

Water master Dee O'Brien feels that an 1891 rt. will not interfere with delivery of Middle Leigh rts as most early rts are upstream & there will be sufficient water for these people even though 2 cfs is needed downstream.

There has been some use of this water for approx ten years now as applicant has had trouble with Center Canal delivering N. Leigh Creek water to his place of use. This seems to be a problem with other landowners as canal passes thru their property first.

There are no users below applicant on N. Leigh Creek that will be affected. Most of N. Leigh Creek diverted far upstream for users to the North. Water master wants headgates on diversion points.

FEB 24 1988

Affected on Spring Creek Fishery - Major source of water for Spring Creek is Canal from Badger Creek. Spawning time in late spring & early summer should have see sufficient water flow. Water master says Middle Leigh flows approx 5 cfs in normal year from June to mid July. (over)

watermaster Fed's affect on fishery will not be significant.

At time of inspection (Oct. 5) both creeks were dry

A. W. Jones

FILED
FEB 24 1988

MEMO

To: File

From: Ernest Carlsen *ERC*

RE: application for transfer of right 22-0429

After reviewing this application with Dee O'Brien, hydrologist for W.D. 01 in Teton Valley, the concern over adding a point of diversion on Middle Leigh Creek has been resolved and Mr. O'Brien was generally in favor of granting the transfer.

Mr. O'Brien indicated North Leigh Creek and Middle Leigh Creek were actually regulated as one source for delivery of rights decreed from North Leigh Creek. During spring runoff high water is allowed to remain in the Middle Leigh Creek channel. Once flows begin to subside, all the water from this channel is emptied into North Leigh Creek.

According to Mr. O'Brien, adding the two new points of diversion adjacent to the place of use would benefit the applicant and be advantageous to other right holders particularly when there is sufficient water to satisfy later

MICROFILMED

FEB 24 1988

rights.

When Creek flows start dropping, however, later rights would have to be cut to account for the transmission loss incurred between the Center Canal diversion and the new diversion in SWNE, Sec.27, T. 6N, R. 45E. Delivery of these rights would continue provided right 22-0429 was diverted through the Center Canal. If the applicant demands his right be delivered to the two points in Sec. 27, then his rights should be reduced to compensate for the transmission losses.

Documentation in the file confirms the applicant's ownership of the water right and with no change in the place of use there is no potential for expansion.

With certain conditions being placed on the transfer sufficient safe guards will be in place to recommend approval. Conditions should include watermaster control, locking diversion works and measuring devices, plus a provision that when there is not sufficient flow in the creek to satisfy existing rights, the rate of diversion at the new points of diversion in Sec. 27 should be reduced by an amount equal to transmission losses sustained in creek channel between the heading for the Center Canal downstream to the new points of diversion, as determined by the watermaster.

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MEMO

From: Keith Wilson

To: File 22-0429

Re: Determination of acreage historically irrigated.

November 15, 1985 Mr. O'Brien informed me that the changes made in the irrigation practices occurred in 1982. At the ASCS office in Driggs, Idaho Mr. O'Brien and I used the aerial photo (1978 overflight) and the 1985 verification overflight slide to determine the land irrigated. No increase in irrigated land was noted.

I informed Mr. O'Brien that I would determine the acres irrigated and our office would inform him of the results and any necessary action he would need to take.

After Mr. O'Brien left the ASCS office I determined that only 108 acres have been historically irrigated.

27 acres NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 27, T 6N, R 45E
39 acres NW $\frac{1}{4}$ SE $\frac{1}{4}$
23 acres SW $\frac{1}{4}$ SE $\frac{1}{4}$
19 acres NE $\frac{1}{4}$ SW $\frac{1}{4}$

Acreage determination was made from scaling the acreage off of a 1978 aerial and comparing that with the acreage from the outlined irrigated area made from the 1985 slide.

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FEB 24 1988

B. DESCRIPTION OF PORTION OF RIGHT OWNED BY APPLICANT (If the entire right is owned by the applicant, omit part B).

1. Amount of water: a. 1.76 cubic feet per second
b. _____ &/or _____ acre feet per annum
2. Point of diversion SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 30 Township 6N
Range 46E, B.M., Teton County
Additional points _____
3. Place of use: _____

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
6N	45E	27													X	X	X		

Total number of acres to be irrigated _____

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. General Information

- a. Amount of water to be diverted 1.76 c.f.s. &/or _____ acre feet
- b. Description of diverting works Head works for Center Canal & head gates for ditches in Sec 27 T 6N R 45E
- c. Describe the reasons for the proposed changes There are times when water cannot be delivered to our property through the Center Canal.

2. Change in point of diversion

Point of diversion SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 30 Township 6N
Range 46E, B.M., Teton County
Additional points SW $\frac{1}{4}$ SE $\frac{1}{4}$ (Middle Leigh Creek), SW $\frac{1}{4}$ NE $\frac{1}{4}$ (North Leigh Creek) both in Section 27 T6N R 45E.

3. Change in place of use

- a. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? Yes X No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed change.
- b. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer
No land affected by the change.

MICROFILMED

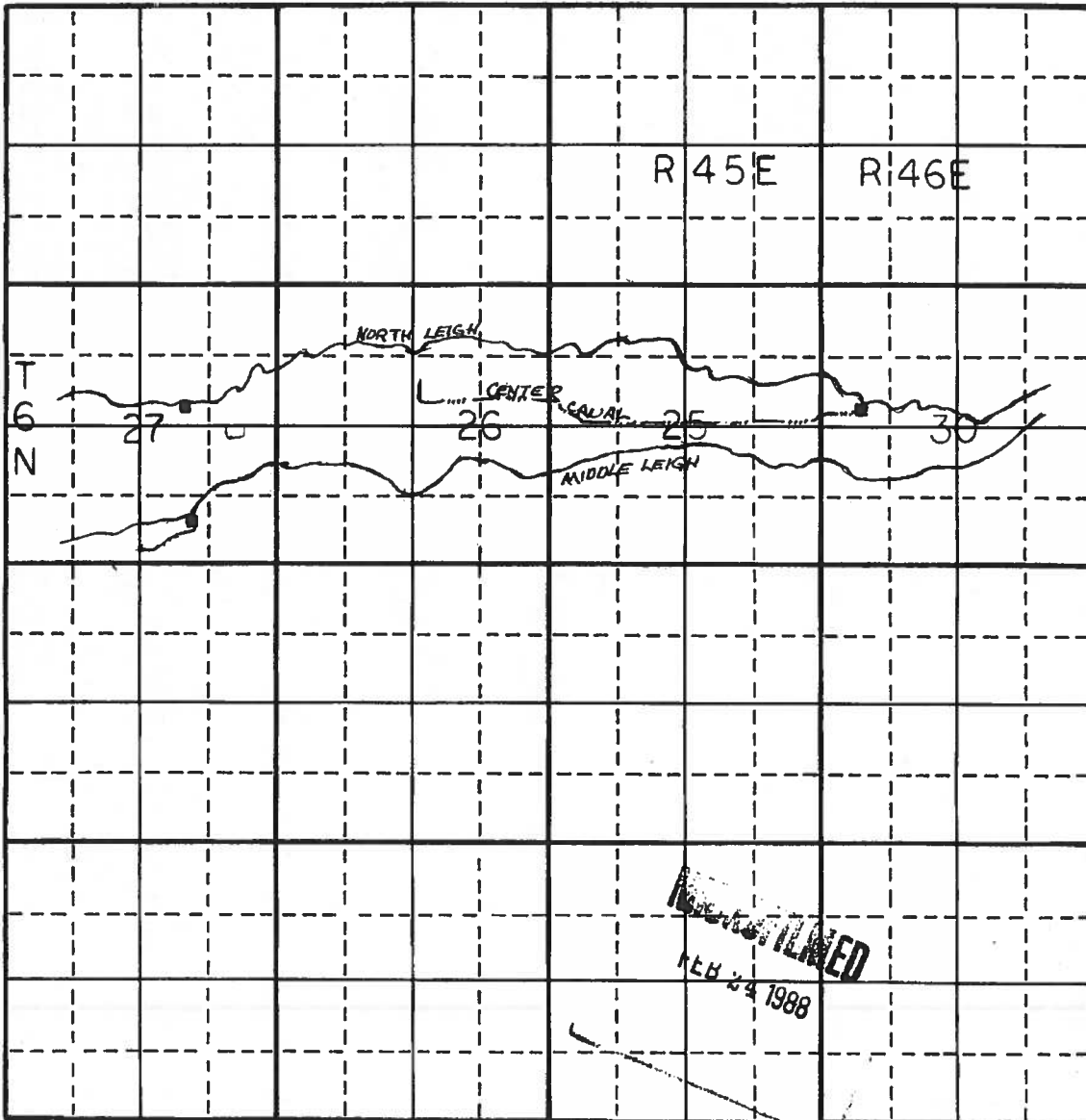
FEB 4 1988

c. Describe the land or place of use to which the right will be transferred.

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
6N	45E	27													27	39	23		89

Total number of acres to be irrigated 89

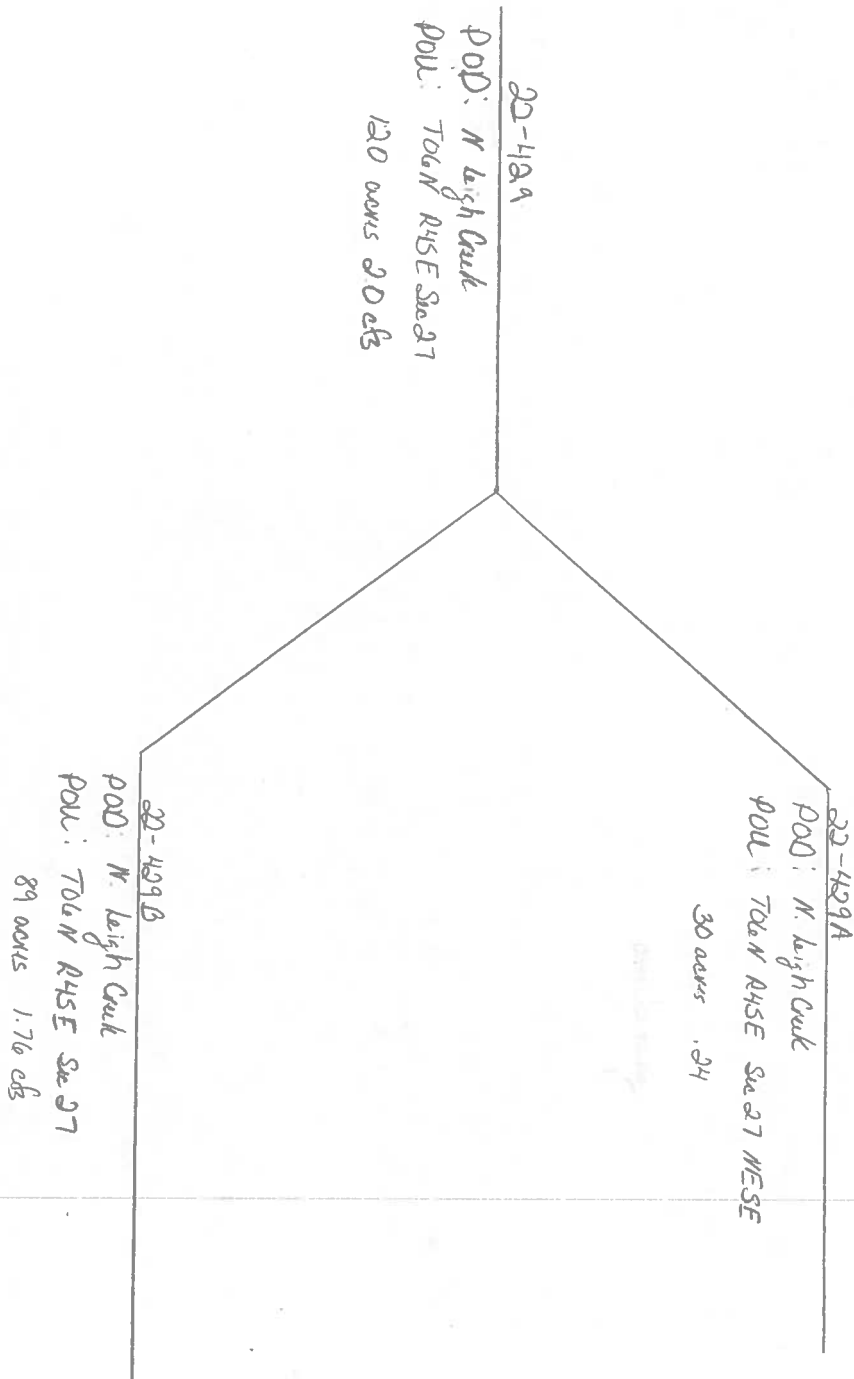
- Describe any other water rights used for the same purpose as described above. Part of right 22-0132 decreed for 6.4 cfs, January 22, 1916.
- Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



SCALE: 2 inches equal 1 mile. Draw plan in ink.

Water Right and SRBA Split History Analysis

22-429



Reviewer: _____
mydoc/fieldexamforms/splithistory

Date: SCANNED

MAY 05 2005

PROFIT

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
①	06N	46E	27		SW NE	Teton	North Seigh	Spring CK.
②	06N	46E	27		SW SE	Teton	"	"
③	06N	46E	29		NE NE NE	Teton	"	"

Recommended Point(s) of Diversion and Source.

	Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source	Tributary to
①	06N	46E	27		SW NE	Teton	North Seigh	Spring CK.
②	06N	46E	27		SW SE	"	"	"
③	06N	46E	29		NE NE NE	"	"	"

Other rights from this POD? _____

Transfers Pending or approved: _____

Document how the POD and Source were verified:

- ① POD out of North Seigh (NO GPS Tag) NO Headgate.
only serves 25429A!
- ② POD out of middle Seigh (NO GPS Tag) NO Headgate.
- ③ POD out of North Seigh Canal GPS Tag # A0014298.

Reviewer: _____ Date: _____

PROFILED

SCANNED
MAY 05 2005

Claim No. 22-409B

Document Checklist

☒ Copy License/Decree

Hexburg V Teton

☐ Copy Transfer

☐ Copy Licensing Field Exam

☒ Check if Ownership/Address Change is Required

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

☒ Generate Arcview Map

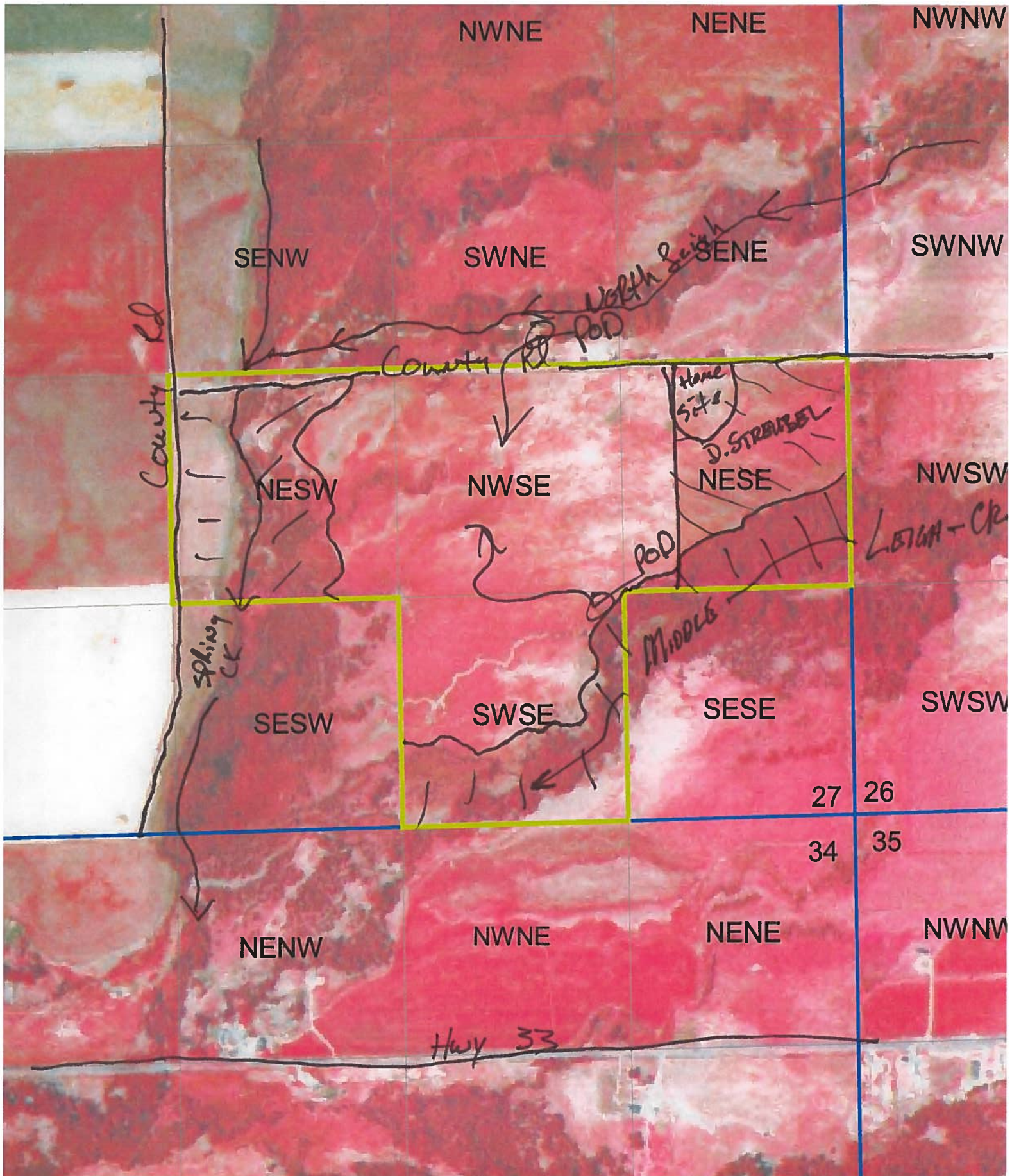
PROFILED

SCANNED
MAY 05 2005

PROJ

22-429B

SCANNED
MAY 05 2005



PROFIL

B.; June 1, 1886; Spring Creek	8,000
n L.; June 1, 1886; Moody Creek	300
duced to 25 inches after June 20th of each	
n L.; June 1, 1886; Teton River	25
le David; June 1, 1887; North Leigh Creek;	25
camp Creek for a late right	260
John; June 1, 1887; Wood Creek and	60
uns J.; June 1, 1887; Bigler Slough	80
ctor; Sept. 1, 1887; Horse Shoe Creek	30
ctor; June 1, 1888; Horse Shoe Creek	290
n Agricultural & Milling Canal Co.; Teton	
igh water right until July 1st of each year	1,325
William; June 1, 1888; Teton River. (Stew-	
Walters Ditch.) Joint appropriation with	
I. Anderson)	168
h.; June 1, 1888; Twin Creeks	200
Charles H.; Mar. 15, 1889; Moody Creek	
duced to 80 inches after June 20th of each	160
an; Apr. 1, 1889; Trail Creek	80
W.; Apr. 1, 1889; South Leigh Creek	160
m; Apr. 5, 1889; Pack Saddle Creek	120
Christian; May 1, 1889; Teton River.	280
th the Nelson-Jacobs Ditch)	112
nas; May 3, 1889; Mahogany Creek	140
enezer, and J.; June 1, 1889; Fox Creek	80
J. I.; June 1, 1889; John Creek	150
John; June 1, 1889; Warm Creek	40
C.; June 1, 1889; Spring Creek	140
ham; June 1, 1889; Mahogany Creek	10
am P.; June 1, 1889; Mahogany Creek	160
Frank, and wife; June 1, 1889; North Leigh	
annuel; June 1, 1889; South Leigh Creek ..	150
O.; June 1, 1889; Darby Creek	40
amin; June 1, 1889; Trail Creek	20
Abner; June 10, 1889; North Leigh Creek ..	160
W.; June 15, 1889; Trail Creek	160
rt.; July 5, 1889; Trail Creek	95
rt.; July 15, 1889; Fox Creek	55
ary E.; Sept. 1, 1889; Warm Creek, Spring	
and Deep Creek	80
ee-Johnson Ditch; Oct. 1, 1889; Teton River	
illing Co.; Oct. 1, 1889; Teton River. (Wood-	
-Johnson Ditch.) For power purposes only,	
bject to rights of users for agricultural pur-	
of water through same ditch	3,000
gation & Manufacturing Co.; Oct. 2, 1889;	
River. (To be diverted at the Bird head-	
ar the Teton Mill	500
ary E.; Apr. 1, 1890; Warm Creek; Spring	
and Deep Creek	80
l. R., Adminr. Estate of Fred Sinclair (de-	
); April 1, 1890; Trail Creek	115
Co.; Apr. 1, 1890; Teton River	2,335
A. I.; Apr. 1, 1890; Trail Creek	87

82 Rice, Ed.; Apr. 1, 1890; Trail Creek	160
82 Curtis, Nahum; Apr. 1, 1890; Trail Creek	160
82 Blanchard, John; Apr. 1, 1890; Trail Creek	120
82 Eynon, John; Apr. 1, 1890; Trail Creek	80
85 Paul, John; June 1, 1890; Springs on land	15
85 Paul, William H.; June 1, 1890; Little Springs and Deep	
Creek	60
85 Jenkins, William; June 1, 1890; Fox Creek	80
85 Kimbail, R. C., and A. L.; June 1, 1890; Fox Creek	110
85 Lawson, B. G.; June 1, 1890; Spring Creek	240
85 Murphy, G. M.; June 1, 1890; Darby Creek	150
85 Smith, C. M.; Jan. 1, 1890; Darby Creek	160
85 Walton, D. O.; June 1, 1890; Darby Creek	140
85 Shaw, O. W.; June 1, 1890; North Leigh Creek or Spring	
Creek	135
85 Yearsley, H. C.; June 1, 1890; Spring Creek	240
85 Drake, Richard; June 1, 1890; Patterson Creek	160
85 Chelsey, John P.; June 1, 1890; Paul Spring Creek,	
Grove Creek, Deep Creek and Little Spring Creek	
85 Byrne, Michael; June 1, 1890; Fox Creek	200
85 Buxton, Mary A.; June 1, 1890; Sloughs from Twin	
Creeks	85
85 Beezley, Ebenezer, and J.; June 1, 1890; Fox Creek ..	100
85 Andrews, L. W.; June 1, 1890; Grove Creek	80
85 Durney, P. S.; June 1, 1900; Trail Creek	120
85 Foose, Arthur L.; June 1, 1890; Mahogany Creek	15
85 Ferguson, John; June 1, 1890; Grove Creek and Willow	
Spring Creek	145
85 Eames, William; June 1, 1890; Spring Creek	100
85 Edlefson, E. B.; June 1, 1890; Leigh Creek	240
85 Drake, Lavina; June 1, 1890; Boquat Creek and Drake	
Creek	155
88 Drake, William; July 1, 1890; Mahogany Creek	160
90 Tonks, William H.; July 15, 1890; Trail Creek	150
92 Curtis, Clarissa A.; Sept. 1, 1890; Trail Creek	135
96 Rice, A. L.; Jan. 1, 1891; Patterson Creek	160
98 O'Brien, James A.; June 1, 1891; North Leigh Creek ..	
98 Siddoway-Briggs Co.; June 1, 1891; Teton River. (For	
power purposes)	100
98 Sinclair, D. R.; Adminr. Estate of Fred Sinclair (de-	
ceased); June 1, 1891; Eynon Ditch	2,600
98 Smith, Ellington; June 1, 1891; Spring Creek, Darby	
Creek and Crandall Springs	20
98 Shaw, L. C.; June 1, 1891; Rader Creek and water	
from springs on T. A. Phillips' land	100
98 Swanner, Samuel; June 1, 1891; South Leigh Creek ..	
98 Hubbard, Susan; June 1, 1891; North Leigh Creek and	
Middle Leigh Creek	200
98 Harrop, Samuel; June 1, 1891; Leigh Creek	150
98 Hill, Mary Ann; June 1, 1891; Pack Saddle Creek	200
98 Clark & Houghton; June 1, 1891; Teton River	120
98 Dewey, George A.; June 1, 1891; Fox Creek	160
98 Barney, Walter; June 1, 1891; South Leigh Creek	160
98 Bowles, Sarah; June 1, 1891; Spring Creek	160
98 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
98 Edlefson, Noah C.; June 1, 1891; Leigh Creek	40
100 Siddoway Irrigation & Manufacturing Co.; July 1, 1891;	
Teton River	300

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Eastern District Office
900 N. Skyline Dr., Suite A
Idaho Falls, ID 83402-1718

RETURN SERVICE REQUESTED

22-11757

22-132

22-40918

WILLIAM O BRIEN
1072 E 1122 N
REXBURG ID 83440

081072 834402007 1204 04 03/06/04
RETURN TO SENDER
O'BRIEN
937 E 8TH N
REXBURG ID 83440-5120
RETURN TO SENDER

8344033519-40918/1770

Postnet barcode

SCANNED
MAY 05 2005

PROFIT

1330 U.S. POSTAGE PB3523907
8936\$00.370 MAR 05 2004
1797 MAILED FROM ZIP CODE 83402



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: A22-00429B
Date Received: 9/20/1988
Receipt No: M001363
Received By: T.O

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: WILLIAM J. O'BRIEN
Address: 235 W. 600 N.
TETONIA, ID

208-456-2666

83452

2. Date of Priority: JUN 01, 1891

3. Source: NORTH LEIGH CREEK
MIDDLE LEIGH CREEK

Trib. to: TETON RIVER
TETON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
06N	46E	27		SW	NE		TETON
		29	NE	SW	SE		TETON
				NE	NE		TETON

5. Description of diverting works:
HEAD WORKS FOR NORTH LEIGH CANAL AND PUMPS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.760		

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

8. Total consumptive use is 178.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
06N	45E	27	NE	SW		IRR	19.0

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10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06N	45E	27	NE	SE		IRR	8.0
			NW	SE		IRR	39.0
			SW	SE		IRR	23.0
Section Acres							89.0
Total Acres							89.0

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:
22-00132

14. Remarks:

WATER SHALL NOT BE DIVERTED FROM THE SWSE & SWNE, S27, T6N, R45E BEFORE CHANNEL LOSSES ARE DETERMINED BETWEEN THE REFERENCED POINTS OF DIVERSION & THE CENTER CANAL POINT OF DIVERSION LOCATED WITHIN THE SWNW, S30, T6N, R46E. CHANNEL LOSSES SHALL BE REDUCED FROM THE RATE OF FLOW ALLOWED UNDER THIS RT.

THE POINT OF DIVERSION LISTED AS BEING IN SEC 29 TWP 06N RGE 46E IS WHERE NORTH LEIGH CREEK CANAL ENTERS IDAHO. THE HEADING FOR THIS CANAL IS IN WYOMING.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

REXBURG IRRIGATION CO. ET AL
Decree Plaintiff

vs

TETON IRRIGATION CANAL CO. ET
Decree Defendant

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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): William J. O'Brien Date: 9-19-88

Date: _____

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 20th day

of September 19 88

Anthony S. Olanchuk
Notary Public

Seal

Residing at Idaho Falls

My Commission Expires 9/12/1994

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