

09/06/2006

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

RIGHT NUMBER: 22-440

NAME AND ADDRESS: TIBBITTS PRODUCE CO
ERROL TIBBITTS PRES
4190 E 500 N
RIGBY ID 83442

SOURCE: SOUTH LEIGH CREEK TRIBUTARY: TETON RIVER

QUANTITY: 0.600 CFS

PRIORITY DATE: 06/01/1899

POINT OF DIVERSION:

T06N R45E S33 NWSWE 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	0.600 CFS

PLACE OF USE: IRRIGATION Within TETON County

T05N R45E S06 Lot 3 NENW	18.00	T06N R45E S31	SESW	32.00
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50 ACRES TOTAL

50 The rights listed below are limited to the irrigation of a combined total of
acres in a single irrigation season. Combined Right Nos.: 22-440, 22-441A

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 Black Ditch

09/07/2006

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: 22-440

TIBBITTS PRODUCE CO

ERROL TIBBITTS PRES

4190 E 500 N

RIGBY ID 83442

Telephone Number: (208)745-8410

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: 12-1-06

SIGNATURE:

TIBBITTS PRODUCE CO. INC.

Please print your name:

By Errol Tibbitts, President
ERROL W. TIBBITTS

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

KMD
12/17



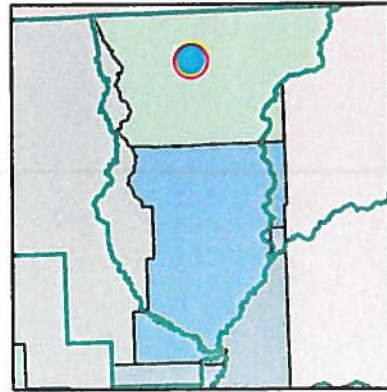
Idaho Department of Water Resources

Adjudication Claim:

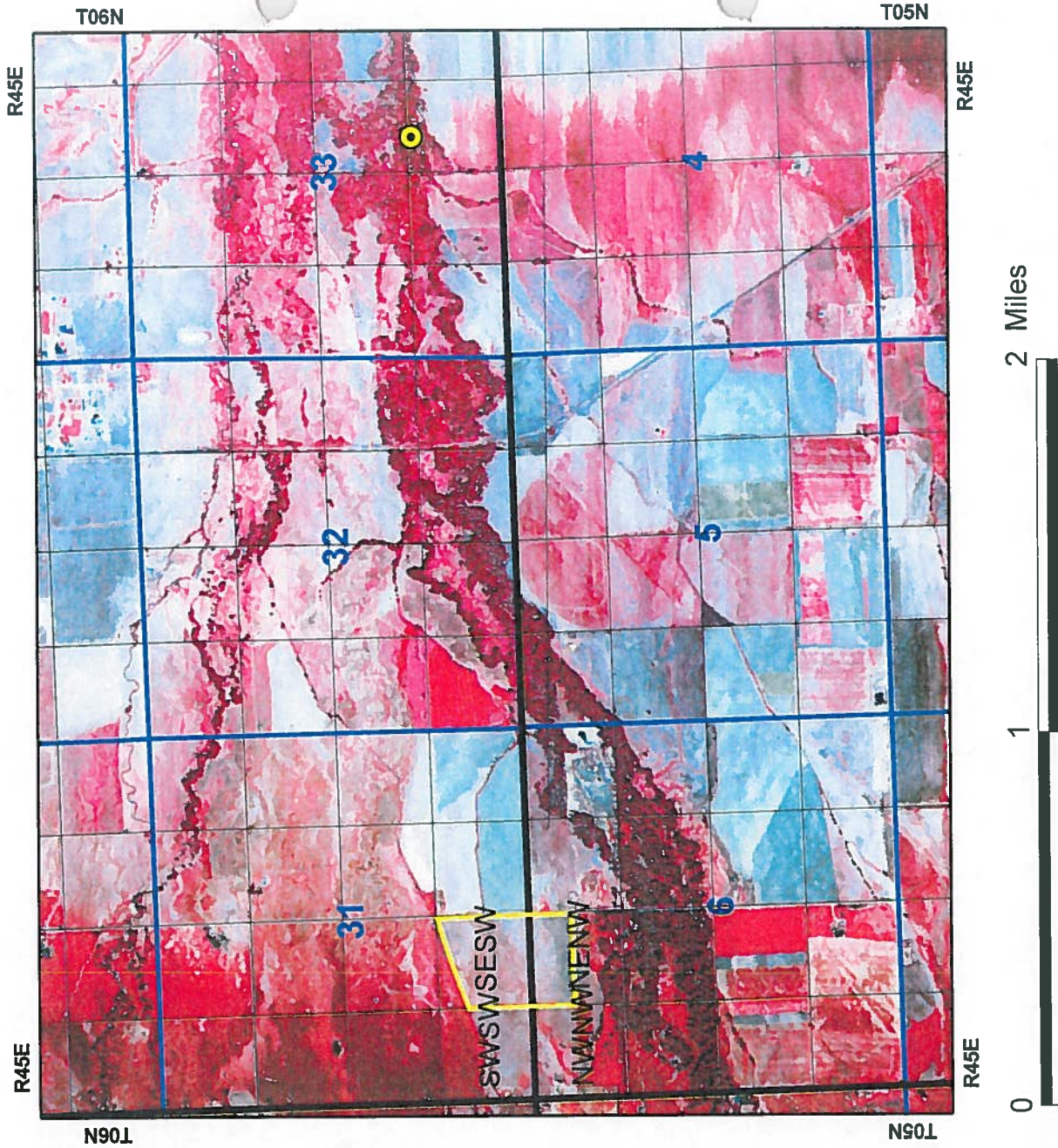
22-440

Legend

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

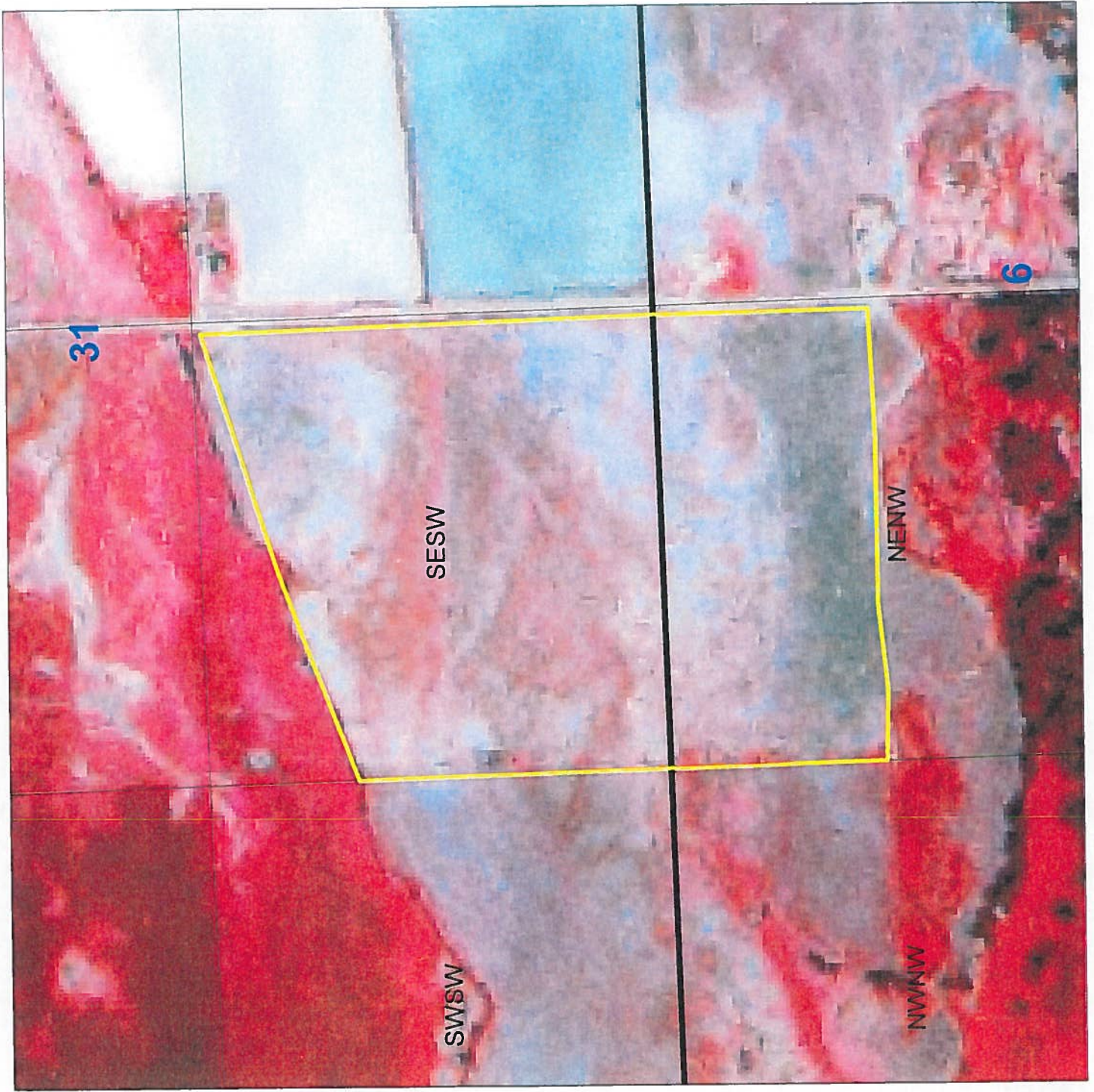


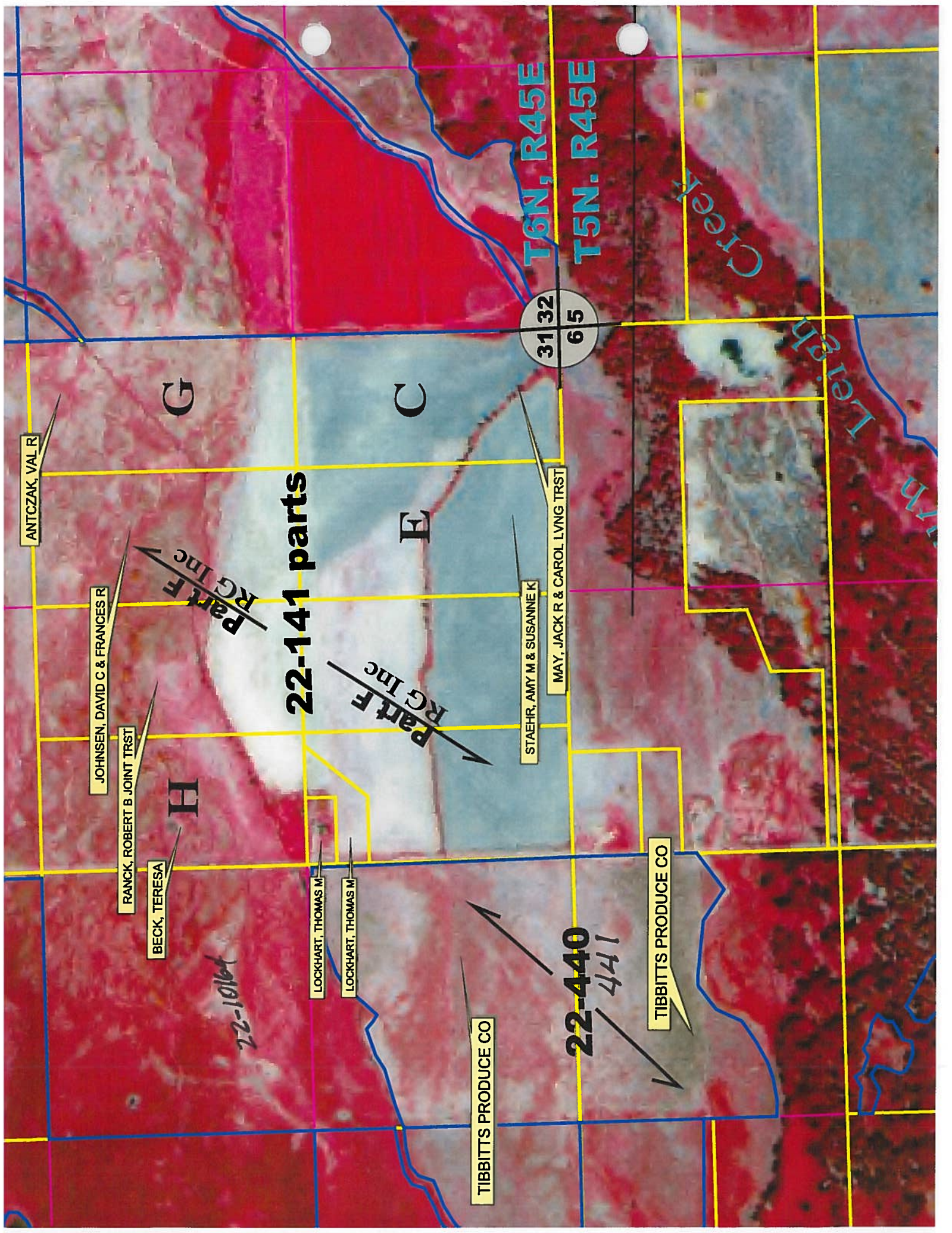
Teton County
IDWR Basin 22



Prepared by D. Carlson
On Wednesday, September 6, 2006
1987/88 Aerial Photography

22-440





ANTCZAK, VAL R

JOHNSEN, DAVID C & FRANCES R

RANCK, ROBERT B JOINT TRST

BECK, TERESA

LOCKHART, THOMAS M

LOCKHART, THOMAS M

TIBBITTS PRODUCE CO

STAEHR, AMY M & SUSANNE K

MAY, JACK R & CAROL LVNG TRST

TIBBITTS PRODUCE CO

22-141 parts

22-440
441

T6N, R45E

T5N, R45E

31 32
65

G

C

E

H

Creek

Leph

h

Contacts Data Entry Form

Claim Number: 22-440

Owner Type	Full Name	Address	City	State	Zip
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Current Owner: TIBBITS PRODUCE Phone No.: _____

Current Owner: _____ Phone No.: _____

Current Owner: _____ Phone No.: _____

Name connector: and _____, or _____, and/or _____.

Representing Attorney: _____ Phone No.: _____

Accompanied By: _____ Phone No.: _____

Relationship to Claimant: _____ Date of Field Exam: _____

Discussion of right origin and split history. Questions and problems.

DEEDS UNDER ROXBURG, WISCONSIN, 1910 AS: #184, TO NEILS
PHILSON, JUNE 1, 1899, 30", SO. LEIGH CK,

CLAIMS 50[±] AC (DEEDS IMPLIES 1" AC) - PERMISSIBLE POI w/
22-441

ALSO CLAIMS PART 'A' OF 22-141 - OWNERSHIP NOT SHOWN -

Reviewer: _____ Date: _____

Priority Date Data Entry Form

Claim Number: _____

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: 6/01/1889 Claimed Basis: DecreeRecommended Priority Date: 6/01/1889 Recommended Basis: "

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

MATCHES DECREE

Reviewer: _____

Date: _____



Black Ditch out of South Leigh Ck
GPS TAG # A0013851 ON HMOGATE

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	106N	45E	33		SW NESW	Teton	South Leigh	Teton River

Recommended Point(s) of Diversion and Source.

	Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source	Tributary to
①	106N	45E	33		SW NESW	Teton	South Leigh	Teton River

Other rights from this POD? _____

Transfers Pending or approved: _____

Document how the POD and Source were verified:

GPS Tag # A0013851

① POD is Black Canal off of South Leigh GPS Tag # A0013851

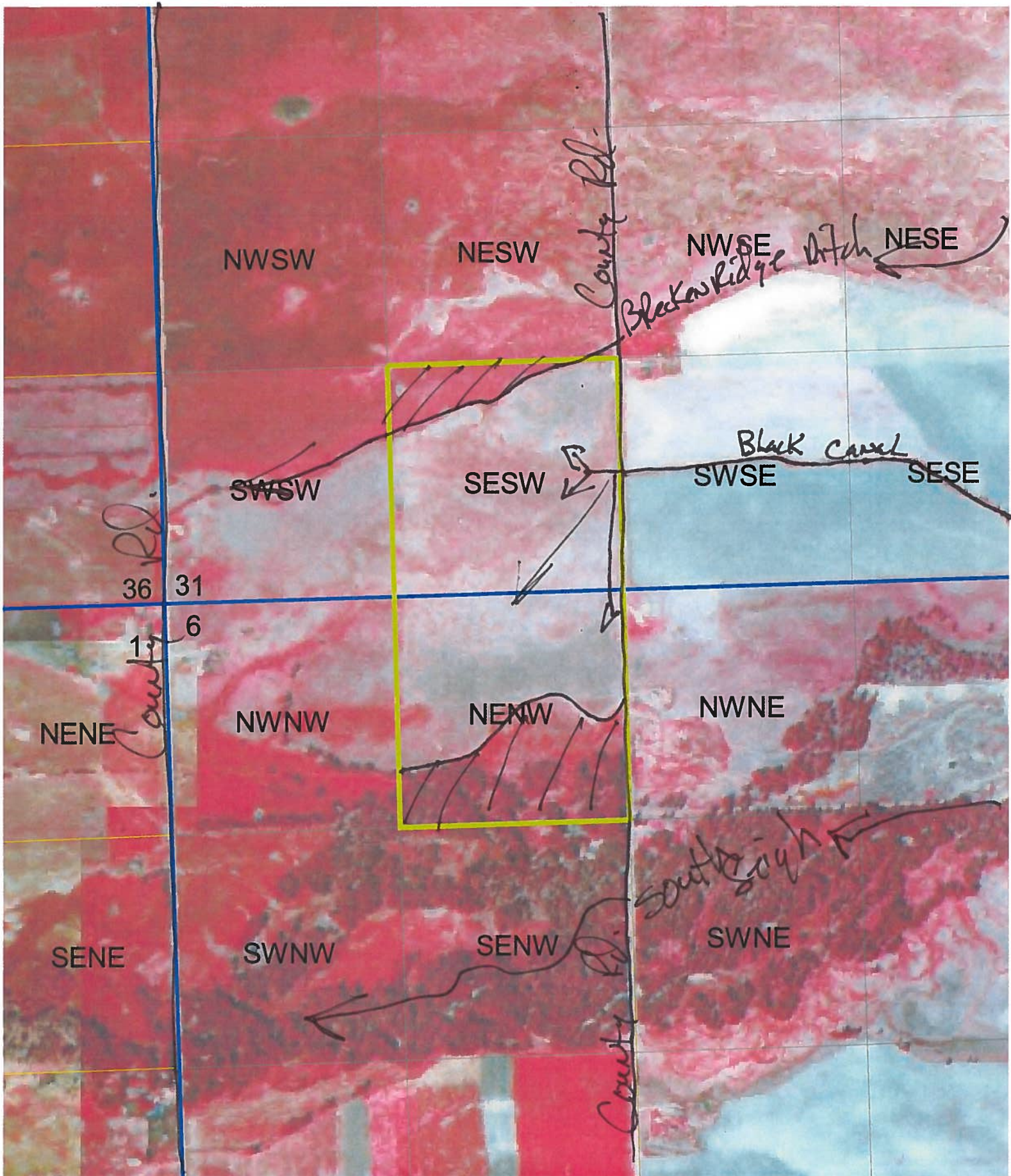
Reviewer: _____ Date: _____

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 Simmonds, John; June 1, 1899; North Leigh Creek	60
184 Soulecy, C. V.; June 1, 1899; Darby Creek	80
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. W.; 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 Herendecn, 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 Ramnall, George; June 1, 1900; Badger Creek	40
200 Hubbard, Susan; June 1, 1900; North Leigh Creek and Middle Leigh Creek	60
200 Homer, Benjamin P.; June 1, 1900; Mahogany Creek	200
200 Hochstrasser, R. H.; June 1, 1900; Badger Creek	20
200 Sautter, John G.; June 1, 1900; North Leigh Creek	50
200 Simmons, John; June 1, 1900; North Leigh Creek	40
200 Morris, William L.; June 1, 1900; Garner Creek and Trail Creek	110
201 Leighs Creek Canal Co.; June 16, 1900; South Leigh Creek	2,900
203 Hendrickson, Adolphus; July 5, 1900; Badger Creek	100
204 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 Bevan, Maria; Apr. 6, 1901; Swamp Creek	80
215 Hendrickson, G. W.; June 1, 1901; North Leigh Creek	60
215 Priestly, W. W.; June 1, 1901; Little Badger Creek	160
215 Mickelson, Peter; June 1, 1901; South Leigh Creek	140
215 Smith, D. G. S.; June 1, 1901; Spring	20
215 Waterman, L. C.; June 1, 1901; Little Dry Creek	40
215 Simmonds, 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	20
218 Hatch, Lamorne; Sept. 1, 1901; Spring Creek	160
218 Phillips, L. A.; Sept. 1, 1901; Spring Creek	40
228 Shirts, Wallace; May 15, 1902; Trail Creek	20
229 Canyon Creek Canal & Irrigation Co.; June 1, 1902; Canyon Creek	40
229 Haden Canal Co.; June 1, 1902; Badger Creek	2,700
229 Rammell, George; June 1, 1902; Badger Creek	930
229 Rammell, C. H.; June 1, 1902; Badger Creek	40
229 Phillips, Thomas A.; June 1, 1902; Badger Creek	30
229 Wood, Frank; June 1, 1902; Badger Creek	160
229 Hubbard, Susan; June 1, 1902; North Leigh Creek and Middle Leigh Creek	120
229 Morris, Samuel; June 1, 1902; Trail Creek	60
229 Larsen, A. C.; June 1, 1902; Darby Creek	30
229 Kirsley, Edwin N.; June 1, 1902; Spring Creek	80
229 Jarman, Arthur; June 1, 1902; South Leigh Creek	60
229 Sheser, William; June 1, 1902; seepage water in springs on place	60
229 Gilbert, Albert; June 1, 1902; Horse Shoe Creek	150
231 Eynon, L. L.; June 15, 1902; Spring Creek, a tributary of Pine Creek	40
241 McNally, Gilbert; May 1, 1903; Trail Creek	120
242 Webster, James W. and Charles H. Woodmansee; May 23, 1903; Moody Creek	40
For reservoir purposes between the 15th day of March until the 15th day of June of each year	

22-440

10-18-04 *cl*



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: A22-00440
Date Received: 7/11/1988
Receipt No: E000680
Received By: EB

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: TIBBITTS PRODUCE CO. 208-745-8181
Address: C/O WAYNE E. OR ERROL TIBBITTS
TR. 3 BOX 212
RIGBY, ID 83432

2. Date of Priority: JUN 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
06N	45E	33	SW	NE	SW		TETON

5. Description of diverting works:
HEADGATE INTO DITCH FOR FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	0.600		
STOCKWATER	04/15	10/15	0.030		

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

8. Total consumptive use is 100.0 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER FOR 70 HEAD OF RANGE CATTLE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	45E	6	NE	NW	3	IRR	20.0

A22-00440

Page 1

Date: 07/11/88

MICROFILMED
NOV 05 1992

A2200440



10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	45E	6	NE	NW	3	STOCK	
						Section Acres	20.0
06N	45E	31	SE	SW		IRR	30.0
			SE	SW		STOCK	
						Section Acres	30.0
						Total Acres	50.0

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:
22-0441. 22-00141A

14. Remarks:

THIS CLAIM REFLECTS CURRENT USE OF WATER UNDER THIS RIGHT

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

REXBURG IRRIGATION CO. ET AL
Decree Plaintiff

vs

TETON IRR. CANAL CO. ET A
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 Organizations:

I do solemnly swear or affirm that I am President of _____ Title

Idaho Produce Inc, that I have signed the foregoing Organization

document in the space below as President of _____ Title

Idaho Produce Inc and that the statements contained in the Organization foregoing document are true and correct.

Wayne E. Loblitz
Signature of Authorized Agent
President Idaho Produce Inc
Title and Organization
July 11 - 1988
Date

State of Idaho)
County of Bonnerville) SS.

Subscribed and sworn (or affirmed) before me this 11th day
of July 19 88
Deena Green
Notary Public

Seal

Residing at Rigby
My Commission Expires 4-22-1994

