

11/30/2006

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

RIGHT NUMBER: 22-463

NAME AND ADDRESS: DALE R ROBSON
1110 N HWY 32
FELT ID 83424

SOURCE: BULL ELK CREEK

TRIBUTARY: BADGER CREEK

QUANTITY: 3.200 CFS

PRIORITY DATE: 06/01/1901

POINT OF DIVERSION:

T06N R45E S6 SENENE Lot 1 Within TETON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
04/15 10/31

QUANTITY
3.200 CFS

PLACE OF USE: IRRIGATION in TETON County

T07N R45E S31 Lot 4 SWSW	22.00	T07N R45E S31 Lot 5 SESW	20.00
T07N R45E S31 Lot 6 SWSE	8.00		

50 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 89 acres in a single irrigation season. Combined Right Nos.: 22-50, 22-462, 22-463, and 22-667.

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 Ricks Canal.

Source is also known as Little Badger Creek.

12/01/2006

**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: 22-463

DALE R ROBSON

1110 N HWY 32

FELT ID 83424

Telephone Number: (208)456-2861

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: 12/6/06

SIGNATURE: Dale R. Robson

Please print your name: _____

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

KMD
12/17



Idaho Department of Water Resources

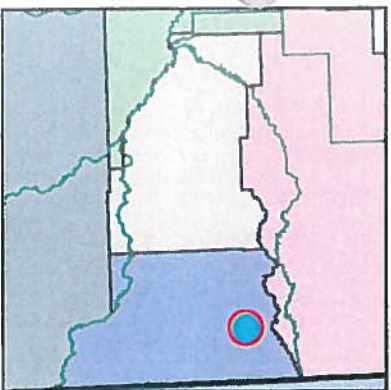
SRBA Recommendation:

22-463

(Irrigation)

Legend

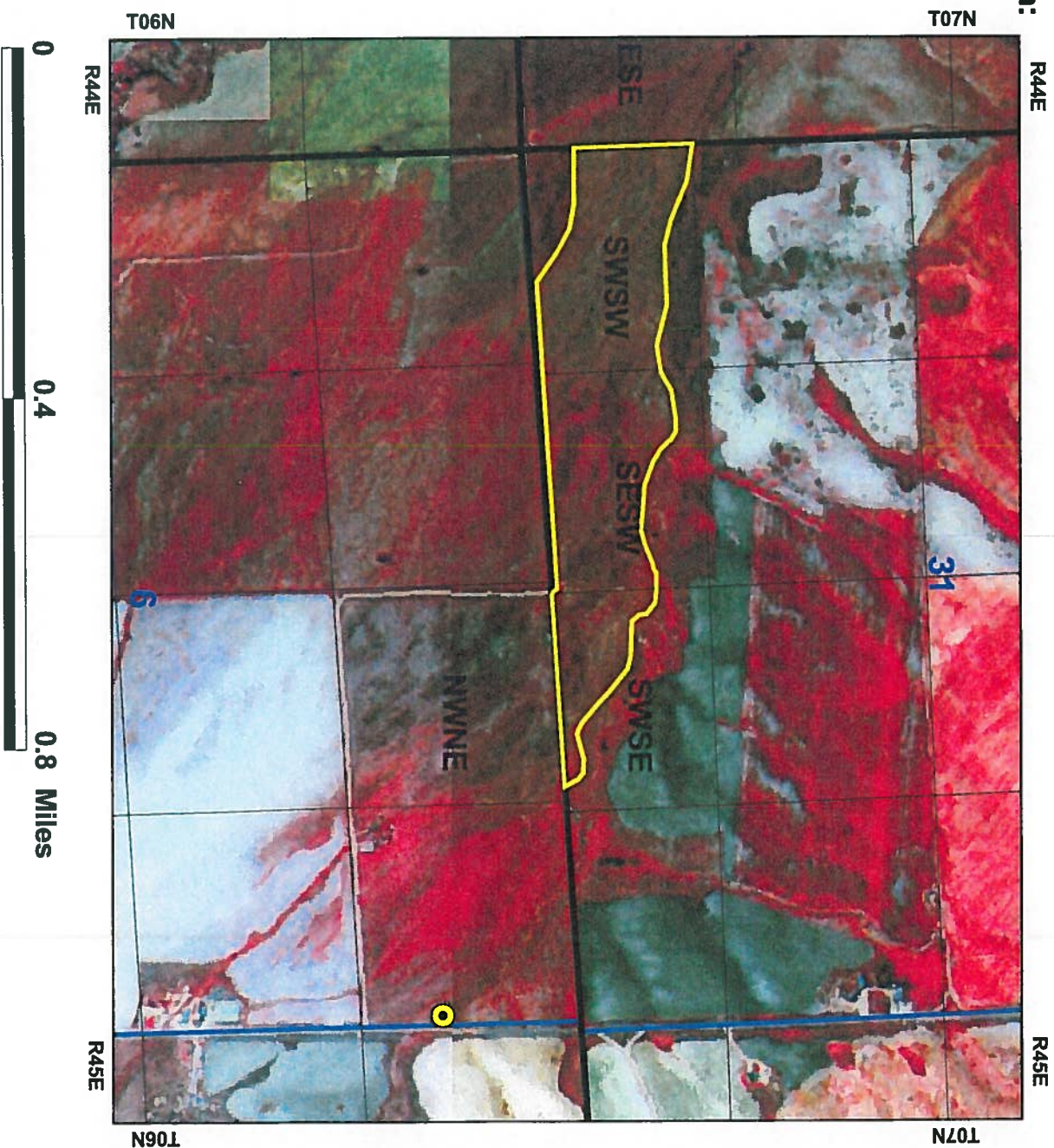
- Point of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters



Teton County
IDWR Basin 22



Prepared by K. Moore
On Thursday, November 30, 2006
1987/88 Aerial Photography



WR 22-462 and 22-463

These two water rights were decreed to W W Priestly in the Rexburg Decree, 22-462 out of Badger Creek and 22-463 out of Little Badger Creek, a.k.a. Bull Elk Creek. The decreed POU is in question. The acreage in 6N 44E Sec 26 and 35 cannot be irrigated

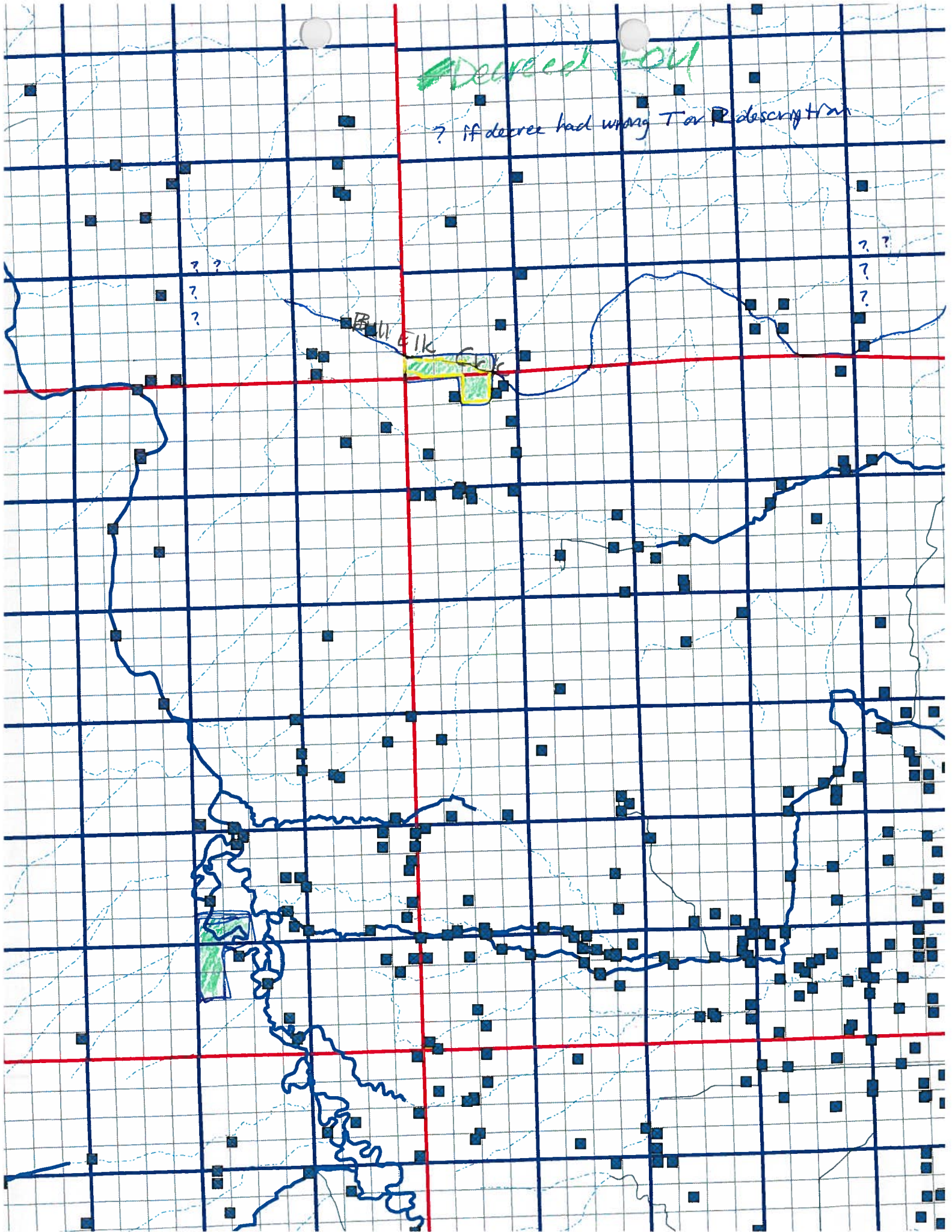
Twp	Rge	Sec	QQ
6N	44E	26	S/2SW
6N	44E	35	W/2NW
6N	45E	6	NWNE
7N	45E	31	S/2SW, SWSE

out of Badger Creek or Bull Elk Creek. It is located just on the west side of the Teton River about a mile away from the decreed sources and unable to be irrigated by the latter. No one has claimed any other portions of these two water rights. Dale Robson claims the full rights of both. Because there is no evidence that anyone

transferred the water from the two questioned sections to a more realistic POU, recommending the full quantity of water to Robson.

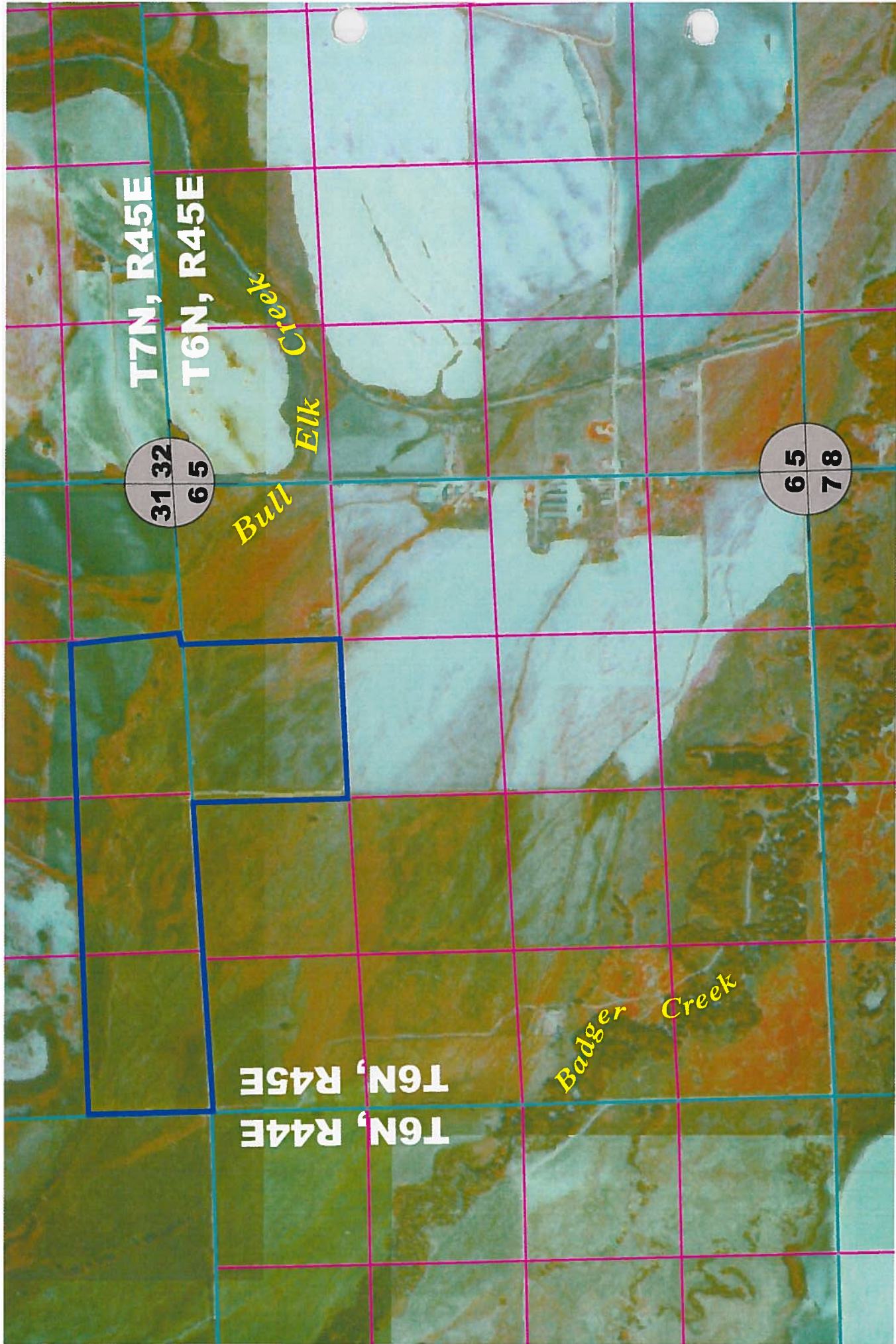
Decreed 10/1

? if decree had wrong T or R description



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 Soule, 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 Rouch, Jacob; June 1, 1899; North Leigh Creek	35
184 Priestly, W. W.; June 1, 1899; Badger Creek	60
184 Rouch, 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 Basley, 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 Letnam, 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, Enoch; 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 Herendeen, 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 Hites, Wallace; June 1, 1900; North Leigh Creek	110
200 Hammel, 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 Letnam, P. D.; July 15, 1900; Swamp	120
206 Bagslaw, 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 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	40
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	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	80
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	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	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	



Water Right(s): _____

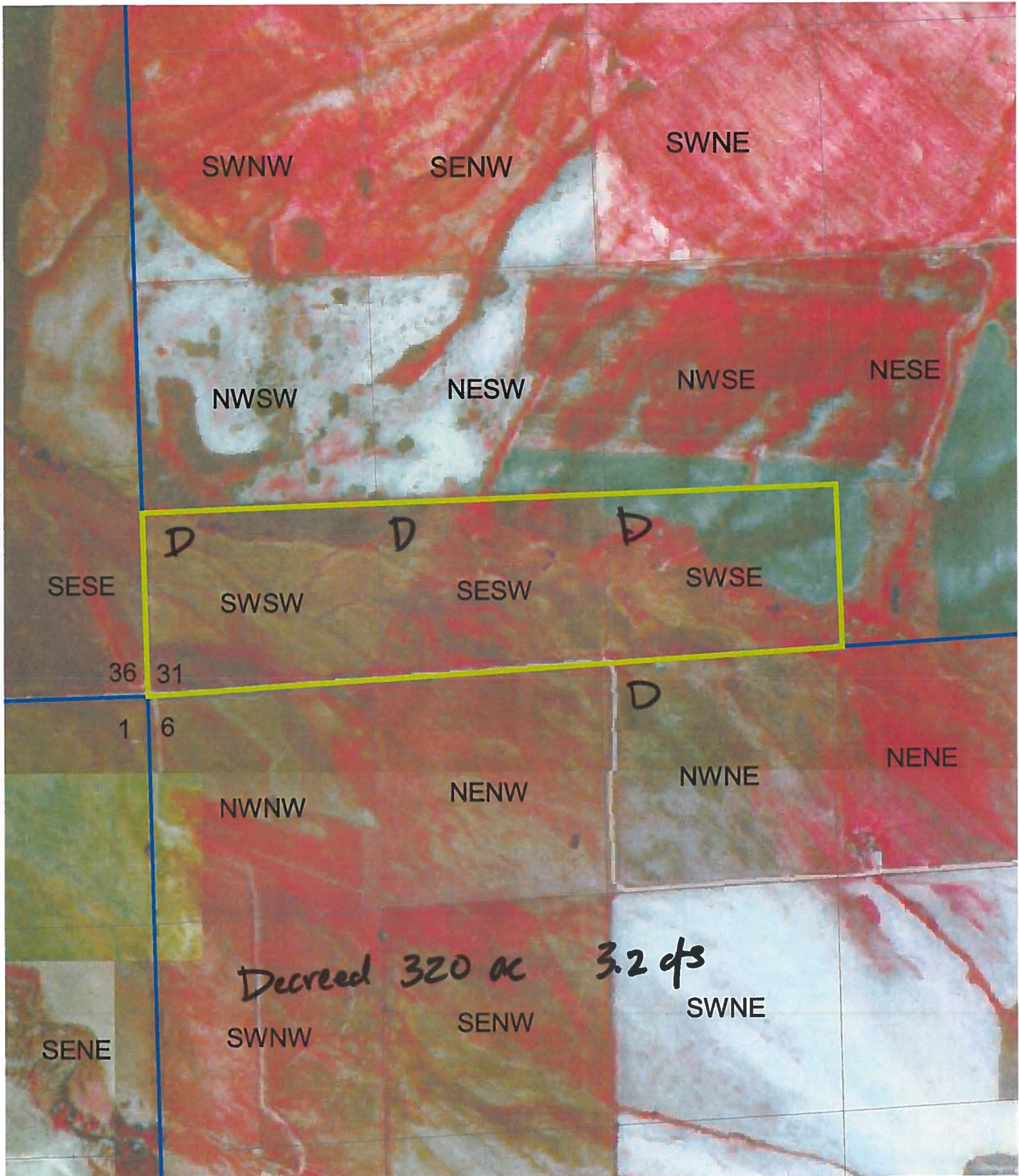
NOTES:

EXAM MAP
Basin 22 Project

Examiner: _____

Date: _____

22-463



Contacts Data Entry Form

Claim Number: 22-463

Owner Type	Full Name	Address	City	State	Zip
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Current Owner: DALE ROBSON 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.

APPEARS THIS WATER RIGHT WAS DERIVED UNDER ROXBURG JUNG vs TETON
TRIALS, 1910, AS #215, TO W.W. PRIESTLEY, JUNE 1, 1901, LITTLE RANGER
CREEK, 1160'. THIS CLAIM SHOWS SOURCE AS BULL BLK CREEK -
NO SUCH ENTRY EXISTS IN THE DEEDS - USGS QUAD W-49 SHOWS
BULL BLK CREEK RUNNING THROUGH NEING SOC. 6 (POD CLAIMED).

EG: POD/POD, System/Conveyances, Photos/GPS
Overlap w/

Reviewer: _____ Date: _____

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
6N	45E	6	1	NENE		BULL ELK CR	BADGER CR

Recommended Point(s) of Diversion and Source.

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source	Tributary to
						BULL ELK CR	BADGER CR

Other rights from this POD? _____

Transfers Pending or approved: _____

Document how the POD and Source were verified:

Apparently Source is also known as Little Badger Cr (As Directed)
USGS (W-49) Quad recognizes Bull Elk Creek.

Remarks

CP3
BFI

Reviewer: _____ Date: _____

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: A22-00463
Date Received: 10/05/1988
Receipt No: E00294
Received By: SM

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DALE R. ROBSON
Address: 1111 NORTH HWY 32
FELT, ID

208-456-2861

83424

2. Date of Priority: JUN 01, 1901

3. Source: BULL ELK CREEK

Trib. to: BADGER CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
06N	45E	6	NE	NE	NE	1	TETON

5. Description of diverting works:
HEADGATE TO DITCH TO 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	3.200		

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

A.F.A.

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

9. Non-irrigation uses:
NONE.

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
07N	45E	31	SW	SW	4	IRR	25.0
			SE	SW	5	IRR	20.0
			SW	SE	6	IRR	5.0

Section Acres 50.0

A22-00463

Page

1

Date: 10/05/88

MICROFILMED
NOV 05 1992

A2200463



10. Place of Use: Continued

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:
A22-00462/00050/00667.

14. Remarks:
THE SOURCE IS ALSO KNOWN AS LITTLE BADGER CREEK. THIS NAME WAS
USED IN THE ORIGINAL DECREE TO W.W. PRIESTLY.

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

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 ☒ 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): *Jack R. Brown* Date: Oct 5 88

Date: _____

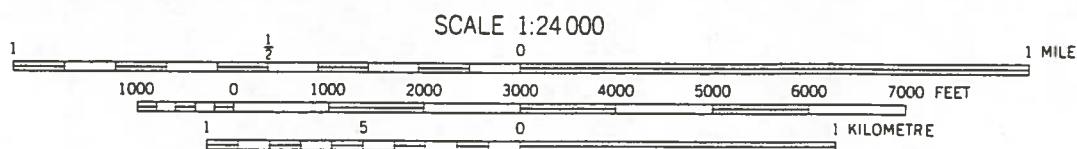
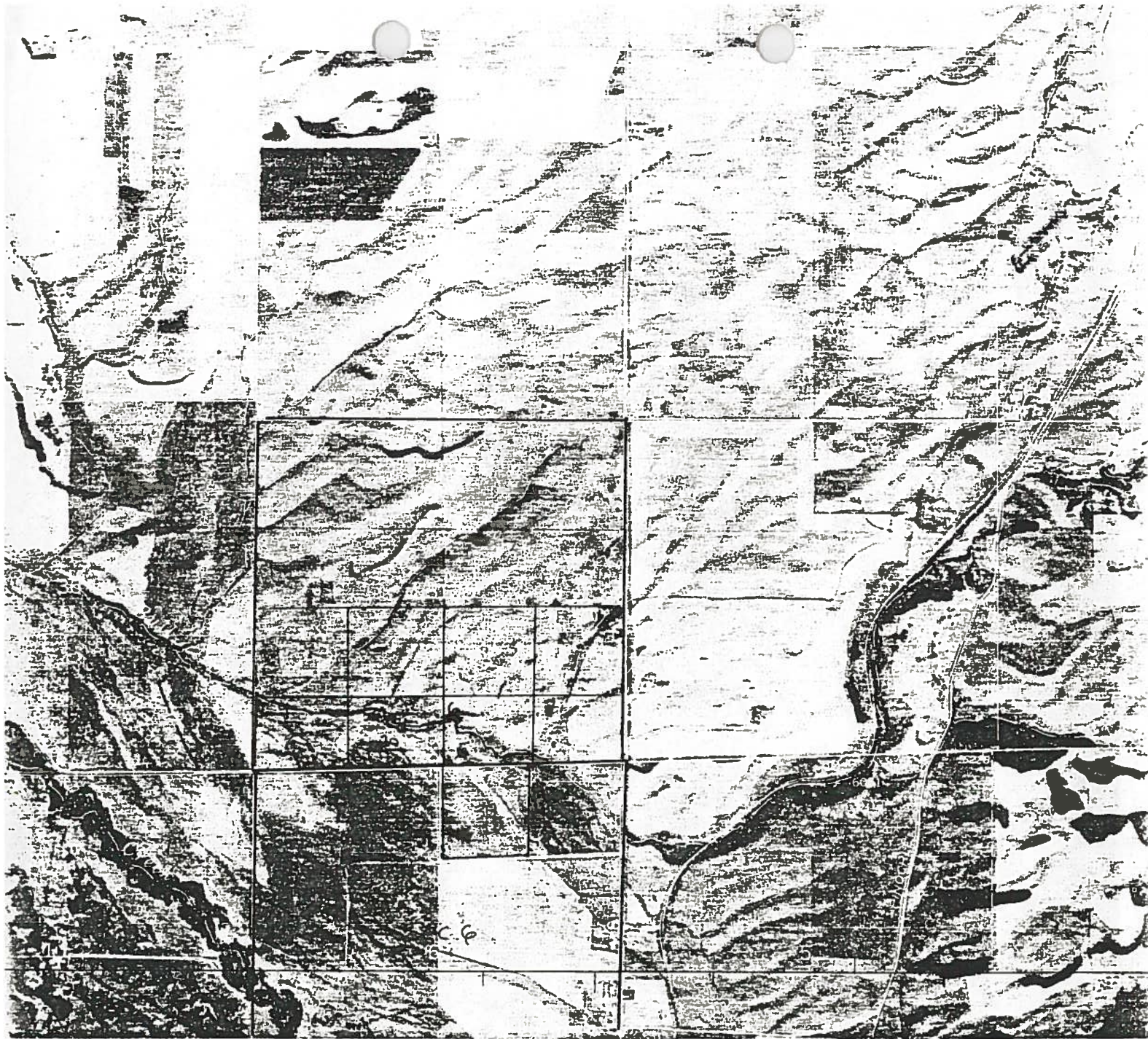
State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 5 day
of Oct 19 88

Betty Johnson
Notary Public

Seal

Residing at Idaho Falls
My Commission Expires 6/94



A 22-00 462
A 22-00463
A 22-00050
A 22-00667

(A 22-00282 HAYDEN CANAL)

MICROFILMED
NOV 05 1992

Copies Of These Maps Can Be Obtained
At Bonneville Blue Print, Boise Idaho