

11/08/2006

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

RIGHT NUMBER: 22-526B

NAME AND ADDRESS: WILLIAM M WIRTHLIN
402 CANYON OAK WAY
SALT LAKE CITY UT 84103

SOURCE: SOUTH LEIGH CREEK TRIBUTARY: TETON RIVER

QUANTITY: 1.800 CFS

PRIORITY DATE: 06/01/1897

POINT OF DIVERSION:

T06N R45E S33 NWSWSE 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	1.800 CFS

PLACE OF USE: IRRIGATION in TETON County

T06N R45E S32	SWNW	40.00	T06N R45E S32	SESW	7.00
T06N R45E S32	NESW	40.00	T06N R45E S32	NWSW	40.00
T06N R45E S32	SWSW	40.00	T06N R45E S32	SESW	27.00

194 ACRES TOTAL

This right is limited to the irrigation of 120 acres within the place of use described above in a single irrigation season.

194 The rights listed below are limited to the irrigation of a combined total of acres in a single irrigation season. Combined Right Nos.: 22-526B, 22-527B, 22-334A, 22-622

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

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

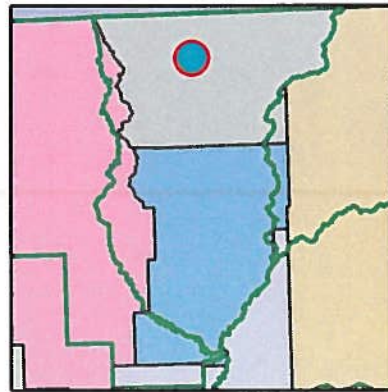


Idaho Department of Water Resources

Adjudication Claim:
22-526B

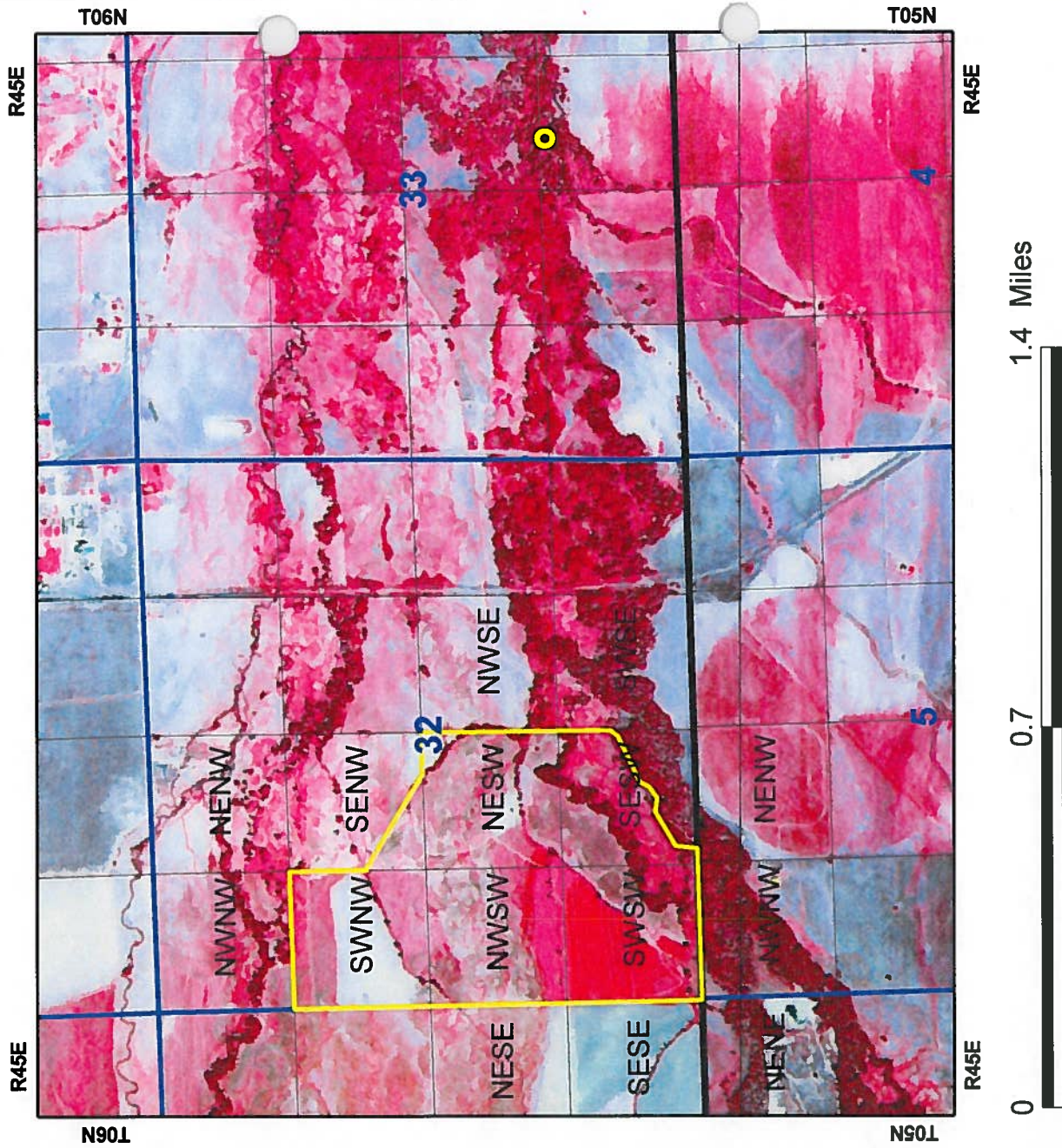
Legend

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

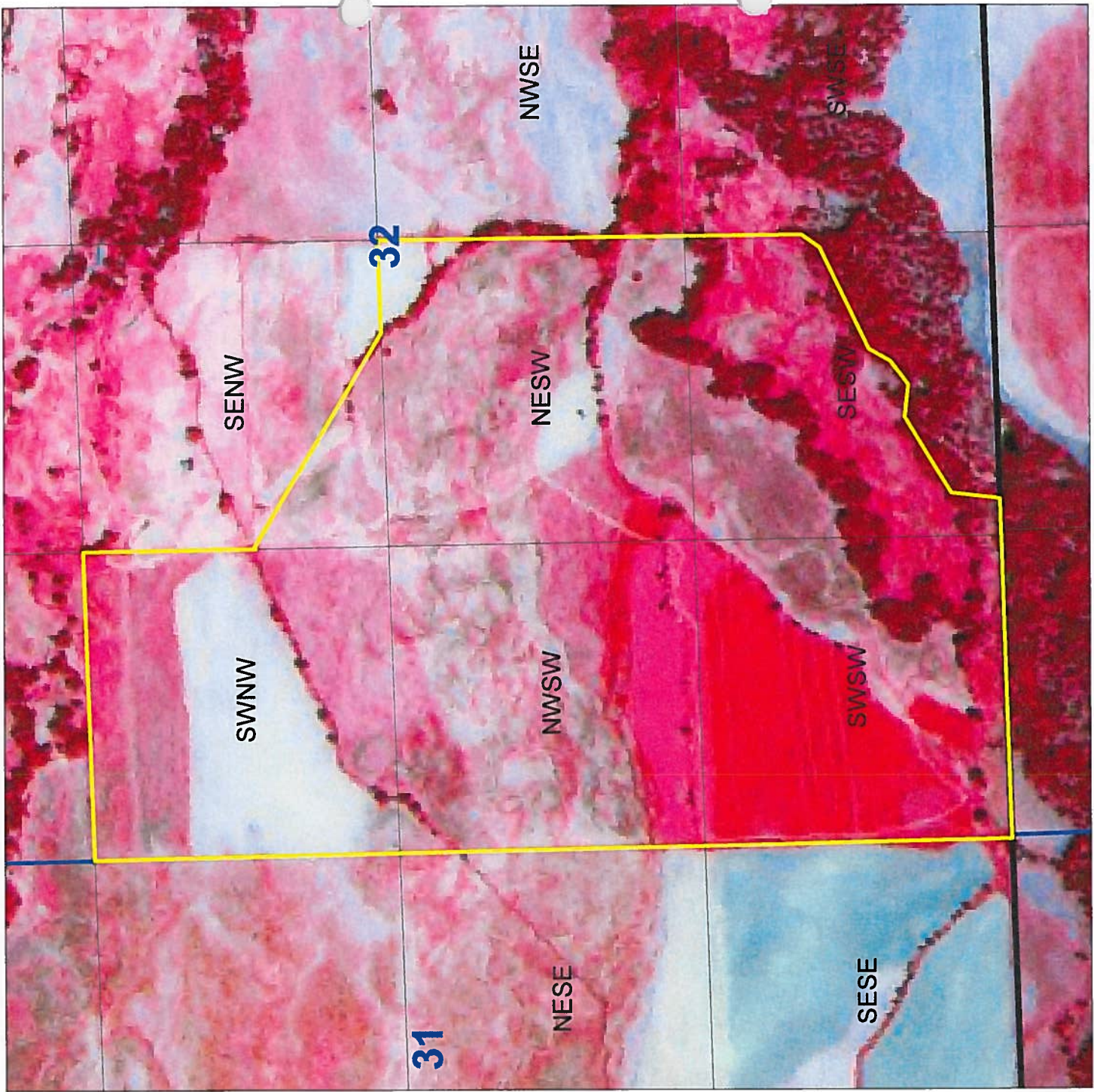


Teton County
IDWR Basin 22

Prepared by D. Carlson
On Wednesday, November 8, 2006
1987/88 Aerial Photography



22-526B



Water Right No(s). _____

GPS DATA:

Tag # A0013851 Location: Black Canal

Diversion Data:

Source: South Leigh Trib to: Teton River

MOTOR

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

PUMP

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

NOTES:

Field Exam Date: _____ Agent: _____

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
06N	45E	32		NW SW	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
06N	45E	33		NW SE	Teton	South Leigh	Teton River

Other rights from this POD? _____

Transfers Pending or approved: _____

Document how the POD and Source were verified:

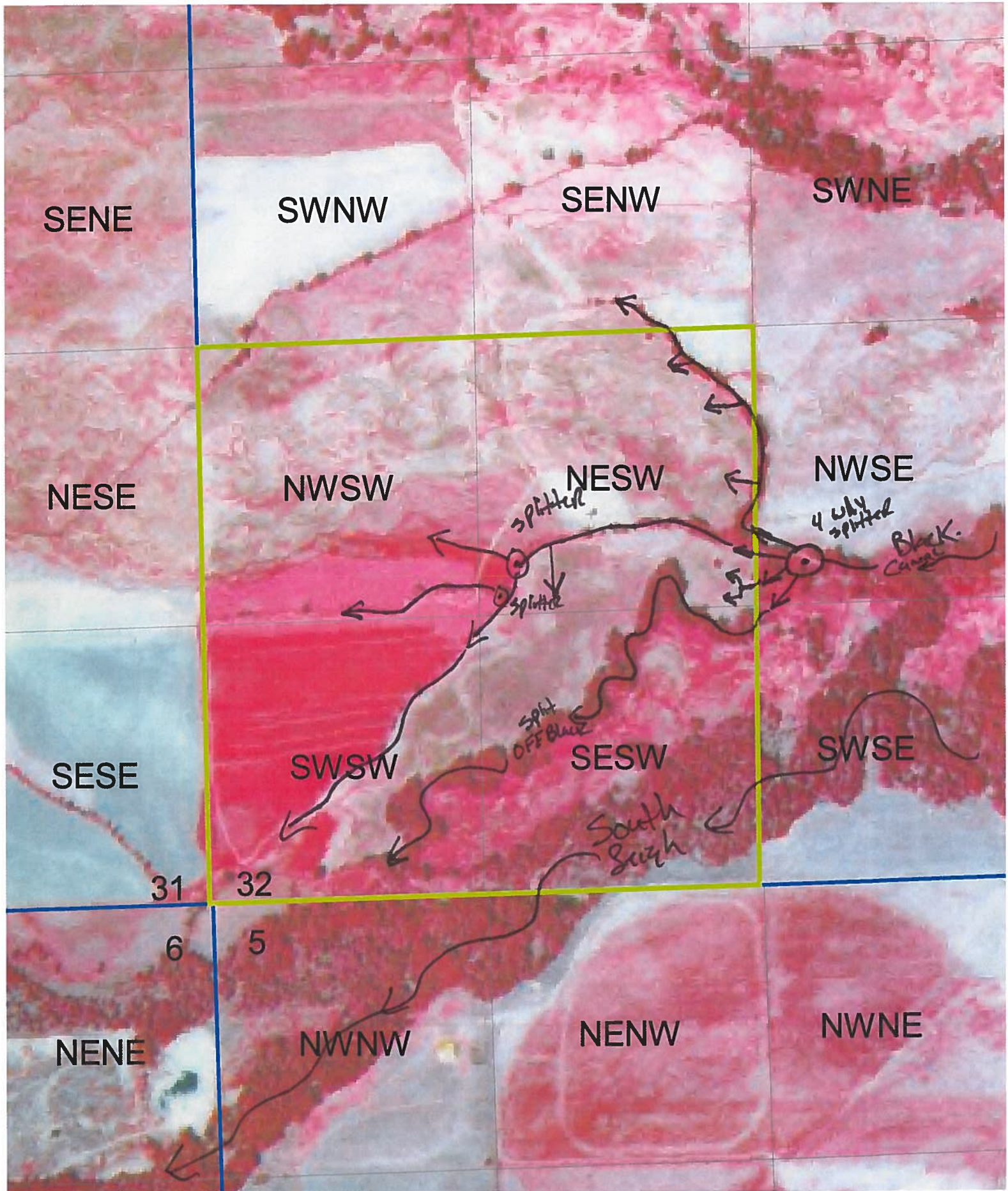
The Recommended POD is the Black Canal
 GPS Tag #A0013851

Reviewer: _____ Date: _____

147	Hatch, Mary E.; July 15, 1896; Trail Creek	40
148	Cherry, Thomas; July 30, 1896; Trail Creek	80
149	Sinclair, Jesse; Aug. 13, 1896; Trail Creek	160
151	Lindsay, William; Apr. 1, 1897; South Leigh Creek	160
153	Williams, Charles; May 15, 1897; South Leigh Creek	60
154	Parker, B. F.; June 1, 1897; Fox Creek	120
154	Pendleton, Abraham; June 1, 1897; North Leigh Creek	80
154	Penfold, Algeroy; June 1, 1897; Fox Creek	100
154	Penfold, Farley; June 1, 1897; Fox Creek	100
154	Larsen, A. C.; June 1, 1897; Darby Creek	20
154	Thompson & Egbert; June 1, 1897; North Leigh Creek	70
154	Smith, D. G. S.; June 1, 1897; South Leigh Creek	120
154	Vail, W. C.; June 1, 1897; Fox Creek	120
154	Vail, W. C.; June 1, 1897; Fox Creek	100
154	Waterman, L. C.; June 1, 1897; South Leigh Creek	120
154	Hopkins, D. H.; June 1, 1897; South Leigh Creek	60
154	Wyoming & Darby Bench Canal Co., Ltd.; June 1, 1897; Darby Creek	1,380
154	Zimmerman, Zuel; June 1, 1897; South Leigh Creek	30
154	Little, George A.; June 1, 1897; North Leigh Creek	120
154	Little, George E.; June 1, 1897; South Leigh Creek	80
154	Moffat, Andrew; June 1, 1897; South Leigh Creek and Swamps	140
154	Perry, Jeremiah C.; June 1, 1897; North Leigh	80
154	Rouche, Jacob; June 1, 1897; North Leigh Creek	90
154	Henrie, John; June 1, 1897; North Leigh Creek	150
154	Henrie, Joseph O.; June 1, 1897; South Leigh Creek	120
154	Hill, Albert; June 1, 1897; Darby Creek	75
154	Gale, Joseph; June 1, 1897; South Leigh and Swamps	40
154	Cluff, Charles; June 1, 1897; Fox Creek	10
154	Davidson, J. H.; June 1, 1897; South Leigh Creek	80
154	Crandall, H. L.; June 1, 1897; Darby Creek	20
154	Cannon, Harry L.; June 1, 1897; Darby Creek	20
154	Bush, Geo. W.; June 1, 1897; Darby Creek	160
154	Bowles, William; June 1, 1897; Trail Creek	50
154	Edwards, Andrew; June 1, 1897; Trail Creek	50
154	Allen, Isaac T.; June 1, 1897; Cherry Creek; all of the water of Cherry Creek Springs	120
155	Guyman, Edward; June 10, 1897; South Leigh Creek	75
156	Porter, John; June 15, 1897; Trail Creek	80
156	Moffat, Mary; June 15, 1897; Leigh Creek	160
156	McCracken, John; June 15, 1897; South Leigh Creek	156
156	McCracken, James; June 15, 1897; South Leigh Creek	160
156	Van Leuven, William; June 15, 1897; South Leigh Creek	130
157	Henrie, James D.; June 20, 1897; Leigh Creek	160
159	Homer, Willard G.; June 24, 1897; South Leigh Creek	100
162	Jones, Joshua; Oct. 28, 1897; Trail Creek	200
163	Clark & Houghton; Apr. 1, 1898; Teton River	1,300
163	Good Luck Canal Co.; Apr. 1, 1898; Teton River	600
163	Hill Ditch Co.; Apr. 1, 1898; Teton River	430
163	Rowe, Reuben H., and Morris McCormick; Apr. 1, 1898; Teton River. (Trough McCormick & Rowe Ditch)	40
163	Ricks, Wallace; Apr. 1, 1898; North Leigh Creek	8,500
163	Rexburg Irrigation Co.; Apr. 1, 1898; Teton River	900
163	Pioneer Ditch Co.; Apr. 1, 1898; Teton River	700
163	Pincock Byington Ditch Co.; Apr. 1, 1898; Teton River	
163	Windmill, Richard, and Richard Withers and Oscar B. Young; Apr. 1, 1898; Teton River. (Eckersell Canal)	434

163	Stewart, Samuel (deceased), Estate of, by Mary H. Birch, Adminx., and Mary H. Birch; Apr. 1, 1898; Teton River	6,608
163	Walters, William; Apr. 1, 1898; Teton River. (Stewart & Walters Ditch.) (Joint appropriation with Mons H. Anderson)	500
163	Siddoway Irrigation and Manufacturing Co.; Apr. 1, 1898; Teton River	332
163	Teton Island Canal Co.; Apr. 1, 1898; Teton River	765
163	Bird, Martin L., F. W. Garner and George A. Pincock; Apr. 1, 1898; Pincock-Garner Ditch	7,982
163	Eames, John S.; Apr. 1, 1898; Teton River	800
163	Nelson, David; Apr. 1, 1898; Teton River. (Through Nelson-Jacobs Ditch.)	50
163	Mortensen, Christian; Apr. 1, 1898; Teton River. (Through the Nelson-Jacobs Ditch.)	434
163	Woodmansee-Johnson Ditch; Apr. 1, 1898; Teton River	21
163	City of Rexburg; Apr. 1, 1898; Teton River. (For power and municipal purposes.)	1,380
163	Huskinson, William J.; Apr. 1, 1898; Teton River	1,650
164	Nelson, Fritz E.; Apr. 15, 1898; Spring Creek	50
165	Lamoreaux, Francis A., and Ann.; May 1, 1898; South Leigh Creek	120
166	Hendrickson, Frank; May 1, 1898; Badger Creek	25
167	Clark, H. J.; May 15, 1898; Teton River	160
168	Wait, F. A.; May 25, 1898; Leigh Creek	160
169	Edwards, Andrew; June 1, 1898; Trail Creek	40
169	Edwards, Andrew; June 1, 1898; Trail Creek	40
169	Felt, Clara V.; June 1, 1898; Badger Creek	50
169	Bruce, Daniel C.; June 1, 1898; Teton Creek	160
169	Black, Joseph A.; June 1, 1898; South Leigh Creek	150
169	Allen, Amos; June 1, 1898; Fox Creek	50
169	Cherry, Thomas; June 1, 1898; Trail Creek	80
169	Crandall, H. L.; June 1, 1898; Darby Creek	60
169	Crandall, Ira; June 1, 1898; Darby Creek	20
169	Davidson, J. H.; June 1, 1898; South Leigh Creek	80
169	Cluff, Charles; June 1, 1898; Fox Creek	150
169	Hamilton, Robert; June 1, 1898; Badger Creek	160
169	Guyman, Edward; June 1, 1898; South Leigh Creek	5
169	Fullmer, H. D.; June 1, 1898; North Leigh Creek	1
169	Fullmer, Almond L.; June 1, 1898; North Leigh Creek	120
169	Hendrickson, Alvira E.; June 1, 1898; South Leigh Creek	60
169	Hendrickson, Alfred; June 1, 1898; Badger Creek	40
169	Hearst, H. T.; June 1, 1898; Leigh Creek	160
169	Hanson, Alfred; June 1, 1898; North Leigh Creek	40
169	Poulson, J. C.; June 1, 1898; North Leigh Creek	130
169	Rammell, George; June 1, 1898; Badger Creek	20
169	Merrill, Sam J.; June 1, 1898; Leigh Creek	160
169	Ramell, C. H.; June 1, 1898; Badger Creek	30
169	Little, George E.; June 1, 1898; North Leigh Creek	80
169	Hopkins, Ezekiel; June 1, 1898; South Leigh Creek	80
169	Zimmerman, Zuel; June 1, 1898; South Leigh Creek	130
169	Hopkins, D. H.; June 1, 1898; South Leigh Creek	60
169	Hoozier, John L.; June 1, 1898; Spring Creek	120
169	Homer, Benjamin P.; June 1, 1898; Mahogany Creek	15
169	Holden, E. H.; June 1, 1898; Darby Creek	160
169	Hochstrasser, R. H.; June 1, 1898; Spring Creek	40
169	Hochstrasser, N. W.; June 1, 1898; Spring Creek	50

22-526





State of Idaho
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - FAX: (208) 525-7177

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

MARCH 15, 1995

TETON PROPERTIES LLC
6301 HAGGERTY RD
BELLEVILLE MI 48111

RE: CHANGE IN OWNERSHIP FOR A22-00334A, -00442A, -00443A,
-00526, -00527, AND -11995

Dear Sirs:

The request for Change in Ownership concerning the Notice(s) of Claim in the above reference has been processed and the Notice(s) modified to reflect you as the new owner.

Enclosed are typed Notices with your name shown as the current owner. Review the forms and if there are other corrections or questions, feel free to contact this office.

If there are no questions or corrections, please keep these Notices for your records.

Respectfully submitted,

Jo Thompson
Adjudication Secretary

Enclosure: Notice of Claim

MICROFILMED

NOV 06 1995

INTER-DEPARTMENT MEMO — 1

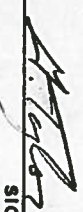
FROM G. TAYLOR

DATE 3-21-95

TO FILES 122-003344, 004424, 004434, 00526, 00527, 11995

SUBJECT Change of Ownership for the above rights was processed based on letter and warranty deed received 3/16/95

Are any of these rights from Fox Ck to be changed? 360 + 361? NO!
GO AHEAD AND
DO 11995!


SIGNATURE

MICROFILMED
NOV 06 1995

HOPKINS, RODEN, CROCKETT, HANSEN & HOOPES
LAWYERS

SALISBURY BUILDING - 428 PARK AVENUE
P.O. BOX 51219
IDAHO FALLS, IDAHO 83405-1219
TELEPHONE (208) 523-4445
FAX (208) 523-4474

C. TIMOTHY HOPKINS
WILLIAM C. RODEN
GREGORY L. CROCKETT
JOHN D. HANSEN
D. FREDRICK HOOPES
C. TOM ARKOOSH
LARY S. LARSON
PAUL B. RIPPEL
TERESA L. STURM
STEVEN K. BROWN
DAVID H. SHIPMAN
KATHERINE STEELE MORIARTY
LANE R. SIMMONS
REED E. ANDRUS

SEWARD H. FRENCH (1941-1984)
TED C. SPRINGER (1943-1984)

ROBERT A. deGROOT
REGISTERED PATENT AGENT

March 15, 1995

BOISE OFFICE
802 WEST BANNOCK - SUITE 900
P.O. BOX 2110
BOISE, IDAHO 83701-2110
TELEPHONE (208) 336-7930
FAX (208) 336-9154

RECEIVED

MAR 16 1995

Idaho Department of Water Resources
900 North Skyline
Idaho Falls, ID 83402

Department of Water Resources
Eastern District Office

Re: Teton Properties, L.L.C.--Acquisition of
Real Property in Teton County, Idaho

Gentlemen:

We represent Teton County Properties, L.L.C., a Michigan limited liability company authorized to do business in the State of Idaho which recently acquired fee simple title to the real property located in Teton County, Idaho for which you will see I have enclosed a copy of the deed which has been recorded in the name of our client conveying all of the right, title and interest in the subject property together with appurtenant water and water rights, ditch and ditch rights.

Because it is my presumption that claims to water rights are filed by the previous owner in the Snake River Basin Adjudication I hereby request that those claims henceforth be treated as claims made by the new owner Teton Properties, L.L.C. and that all further communications with respect to the SRBA be directed to Teton Properties, L.L.C. at its Michigan address which is 6301 Haggerty Road, Belleville, Michigan 48111.

Should you have any questions in this matter please let me hear from you.

Very truly yours,



C. Timothy Hopkins

CTH/lc
Encl.

MICROFILMED
NOV 06 1990

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 22-526B
Date Received: 10/4/1988
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

TETON PROPERTIES LLC Phone:

6301 HAGGERTY RD
BELLEVILLE MI USA 48111

2. Date of Priority: 06/01/1897

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	32	NW SW 33	TETON	

5. Description of diverting works:

DITCH TO FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/01	12/31	2.4	

7. Total Quantity Appropriated is:
2.4 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	32	NE	SW	IRRIGATION	39
			SW	SW	IRRIGATION	39
			SE	SW	IRRIGATION	39
			NW	SW	IRRIGATION	39
					Section Acres	156
					Total Acres	156

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 was renumbered to right 22-526B.

This right is renumbered from former right 22-526 .

AC. IRR. = 156.

CHANGED OWNERSHIP 3/21/95/JT/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 Organizations:

I do solemnly swear or affirm that I am _____ of
Title
_____, that I have signed the foregoing
Organization
document in the space below as _____ of
Title
_____ and that the statements contained in the

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: **A22-00526**
Date Received: 10/ 4/1988
Receipt No: E002890
Received By: _____

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name: TETON PROPERTIES LLC
Address: 6301 HAGGERTY RD
BELLEVILLE MI

48111

2. Date of Priority: JUN 1, 1897

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	32	NW	SW		33	TETON

5. Description of diverting works:
DITCH TO FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/01	12/31	2.400		

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

A.F.A.

8. Total consumptive use is 312.0 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	32	NE	SW		IRR	39.0
			NW	SW		IRR	39.0
			SW	SW		IRR	39.0
			SE	SW		IRR	39.0

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NOV 06 1990

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	156.0
					Total Acres	156.0

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:
22-0527.

14. Remarks:
AC. IRR. = 156.
CHANGED OWNERSHIP 3/21/95/JT/GT

15. Basis of Claim: DECREED

Water Right Number: 220526

Case Number:

Court :

Decree date: 12/16/1910

REXBURG IRRIGATION CO. ET AL
Decree Plaintiff

TETON IRR. CANAL CO. ET AL
vs Decree Defendant

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NOV 06 1995

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: A22-00526
Date Received: 7/26/1988
Receipt No: B002890
Received By: Hw J

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ROBERT BEAN 208-354-2369
Address: 339 HARPER AVE
DRIGGS, ID 83442

2. Date of Priority: JUN 01, 1897

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	32	NW	SW		33	TETON

5. Description of diverting works:
DITCH TO FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/01	12/31	2.400		

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

8. Total consumptive use is 312.0 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	32	NE	SW		IRR	39.0
			NW	SW		IRR	39.0
			SW	SW		IRR	39.0

A22-00526

Page 1

Date: 07/26/88

MICROFILMED
OCT 28 1992

RECEIVED

AUG 29 1988

Department of Water Resources
Eastern District Office

A2200526



10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06N	45E	32	SE	SW		IRR	39.0
Section Acres							156.0
Total Acres							156.0

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:
22-0527.

14. Remarks:
AC. IRR. = 156.

15. Basis of Claim: DECREED
Water Right Number: 220526
Case Number:
Court :
Decree date: 12/16/1910

REXBURG IRRIGATION CO. ET AL
Decree Plaintiff

vs

TETON IRR. CANAL CO. ET AL
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: _____

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): *Paul R. Lee* Date: 25 Aug '88

_____ Date: _____

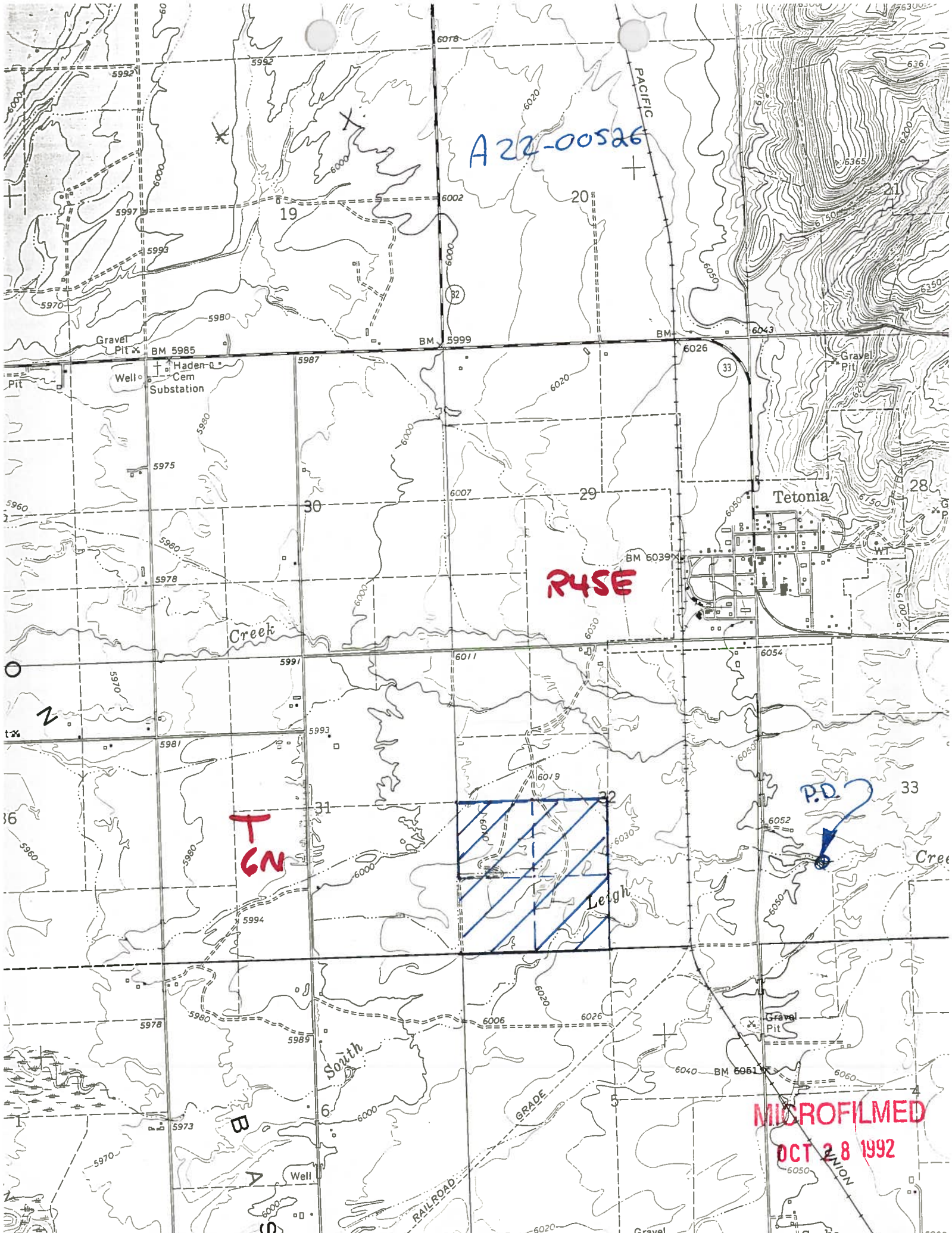
State of Oregon)
Idaho)
County of Multnomah) SS.

Subscribed and sworn (or affirmed) before me this 25 day
of Aug. 19 88

[Signature]
Notary Public

Seal

Residing at PHD OR
My Commission Expires 12-16-88



A22-00526

R4SE

T
CN

P.D.

MICROFILMED
OCT 28 1992
UNION