

05/04/2006

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

RIGHT NUMBER: 22-602

NAME AND ADDRESS: LYNN S KEARSLEY
PO BOX 98
VICTOR ID 83455

SOURCE:

TRIBUTARY:

QUANTITY: 0.640 CFS

Right Nos. 22-214 and 22-602 are limited to a total combined diversion rate of .64 cfs.

PRIORITY DATE: 09/01/1889

POINT OF DIVERSION:
T03N R45E S8 SWSESW Within TETON County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/15 10/15	0.640 CFS
PLACE OF USE:	<u>IRRIGATION Within TETON County</u>		
	T03N R45E S08	NESW 1.20	T03N R45E S08 SESW 31.00
	32.2 ACRES TOTAL		

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



Idaho Department of Water Resources

SRBA Recommendation:

22-602

Legend

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



Teton County
IDWR Basin 22



R45E

8

SESW

T03N

0 0.1 0.2 Miles

Prepared by T. Galbraith
On Thursday, May 4, 2006
1987/88 Aerial Photography

S-3-06

- Neither Lynn Kearsley nor Trail Creek Irrigation could provide proof of ownership for 22-602. I am relying on the evidence I have.
- In Tony's 1976 "Blue Book" 22-602 was delivered to Lynn Kearsley in full. Trail Creek was delivered 22-603 both of which were decreed to Mary Kearsley. In talking to Trail Creek Pres. John Winger, he said Mary deeded water over to Trail Creek but did not mention both rights. John also does not have any documentation to back up this transfer.
- I am recommending 22-602 in full to Lynn Kearsley.
- limit to 1" per acre.

JB

#29

1-0420 22-0361 ✓ Kimball, R. C. and A. L.	80 inches.	June 1, 1896.	Fox Creek. (Sold to A. J. Reese)
King, Daniel			
1-0421 22-0362 ✓ Kirsley, Edwin N.	60 inches.	July 15, 1898.	Little Pine Creek. Trion Co.
1-0425 22-0363 ✓ Kirsley, Edwin N.	60 inches.	June 1, 1902.	Sprang Creek. Tr. Co.
1-0425 22-0363 ✓ Kirsley, Mary E.	80 inches.	Sept. 1, 1889.	Warm Creek, Spring Creek, and Deep Creek.
1-0424 22-0603 ✓ Kirsley, Mary E.	80 inches.	Apr. 1, 1890.	Warm Creek, Spring Creek, and Deep Creek.
1-0422 22-0364 ✓ Kirsley, Richard	160 inches.	June 30, 1894.	Trail Creek.
1-0426 22-0364 ✓ Kooch, John W.	120 inches.	June 1, 1902.	Outlet of Henry's Lake.
1-0427 22-0364 ✓ Kooch, Maggie	250 inches.	June 1, 1902.	Outlet of Henry's Lake.
1-0428 21-0143 ✓ Kooch, Maggie	50 inches.	June 1, 1902.	Meadow Creek.
1-0429 22-0365 ✓ Kratzer Elizabeth	80 inches.	June 1, 1886.	Watson Slough. #755-c
1-0430 22-0365 ✓ Kuhz, Samuel, Jr.	280 inches.	July 31, 1903.	Pine Creek (Permit.)
1-0431 22-0368 ✓ Kruger, John D.	140 inches.	May 1, 1884.	Elkhorn Spring, and 2/5th of Hawley Spring, up to 140 inches.
1-0432 22-0368 ✓ Labelle Irrigation Company	2,400 inches.	June 1, 1886.	South Fork of Snake River.
1-0433 22-0368 ✓ Labelle Irrigation Company	4,600 inches.	June 1, 1888.	South Fork of Snake River.
1-0434 22-0366 ✓ Lamoreaux Francis A. and Ann	25 inches.	May 1, 1898.	South Leigh Creek.
1-0435 22-0367 ✓ Lamoreaux Francis A. and Ann	75 inches.	May 1, 1899.	South Leigh Creek.
1-0436 21-0070 ✓ Langley, A. C.	20 inches.	Aug. 1, 1899.	Squirrel Creek.
1-0437 21-0071 ✓ Langley, A. C.	125 inches.	June 24, 1902.	Squirrel Creek.
Larocque, Emory			Parsons Ditch Company.
1-0438 22-0369 ✓ Larsen, A. C.	20 inches.	June 1, 1896.	Darby Creek.
1-0439 22-0370 ✓ Larsen, A. C.	20 inches.	June 1, 1897.	Darby Creek.
1-0440 22-0371 ✓ Larsen, A. C.	40 inches.	June 1, 1898.	Darby Creek.

Keeler, D. F.

N $\frac{1}{2}$ of SE $\frac{1}{4}$ of Sec. 2 T., 3 S., R. 34 E.

B. M., containing 80 acres.

Kelley, George

60 acres from East side of NW $\frac{1}{4}$ of SE $\frac{1}{4}$

Sec. 2 T. 2 N. R., 38 E., B. M.

Kelley, J. E.

NE $\frac{1}{4}$ of Sec. 27, T. 1 N. R., 37 E., B.

M., containing 160 acres.

Kimball, A. L.

SE $\frac{1}{4}$ of Sec. 28, and E $\frac{1}{2}$ of NE $\frac{1}{4}$ of Sec. 2

T. 4 N. R., 45 E., B. M., containing

240 acres.

Kimball, Archie R.

E $\frac{1}{2}$ of NW $\frac{1}{4}$, and SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Sec. 12, T.

3 N., R. 45 E., B. M., containing

120 acres., and SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Sec.

1, T. 3 N. R., 45 E., B. M.

King, Daniel

S $\frac{1}{2}$ of SE $\frac{1}{4}$, and SE $\frac{1}{4}$ of SW $\frac{1}{4}$, and Lot 7 of

Sec. 16, T. 3, S., R., 35 E. B. M.

containing 160 acres.

Kirsley, Edwin N.

NW $\frac{1}{4}$ of NE $\frac{1}{4}$. N $\frac{1}{2}$ of NW $\frac{1}{4}$, of Sec. 17, and

NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Sec. 18, T. 3 N. R.,

45 E. B. M.

Kirsley, Mary E.

(No description given.)

Kirsley, Richard

NE $\frac{1}{4}$ of Sec. 15, T. 3 N., R., 45 E. B. M.,

containing 160 acres.

Knowles, Henry S.

SW $\frac{1}{4}$ and Lots 4 and 5 of Sec. 25, SE $\frac{1}{4}$ of

SE $\frac{1}{4}$ of Sec. 26, N $\frac{1}{2}$ of NE $\frac{1}{4}$ of Sec. 35

W $\frac{1}{2}$ of NW $\frac{1}{4}$ of Sec. 36, and Lot 5 of Sec.

36, T. 3 N. R., 37 E., B. M., contain

465 acres.

Kooch, John W.

Lot 12 of Sec. 18, and Lots 5, 6 and 11 of

Sec. 19, T. 14 N., R., 44 E. B. M.

Kooch, Maggie

Lots 13, 14, and 16 of Sec. 18, Lots

3, 4, 7 and 10, SE $\frac{1}{4}$ of NW $\frac{1}{4}$, and NE $\frac{1}{4}$

Of SW $\frac{1}{4}$ of Sec. 19, T. 14, N. R.,

44, E. B. M.,

containing 305.10 acres.

Little Pine
Creek



DD Claim A2200214 - Lynn Kearsley

There is no headgate or diversion works at this POD. Creek has eroded streambed until ditch is approx. 3' above stream. There is a ditch system in place to irrigate the claim if the water can be diverted.



Claim A2200362B - POD for Lynn Kearsley.
at this POD, Ms Kearsley uses a portable
pump and a small ford tractor attached
to a hand line,

Little Pine Creek



2nd photo of Claim A2200362B for
Lynn Kearsley.

Kearsley
Ditch



Deep Creek

Photos for Claim A2200602 for Lynn Kearsley
out of Deep Creek.

When the creek is dammed-off by closing
the 2 culvert, the water is diverted into
Kearsley's ditch

Contacts Data Entry Form

Claim Number: _____

Owner Type	Full Name	Address	City	State	Zip
------------	-----------	---------	------	-------	-----

Current Owner: _____ 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.

SOURCE UNKNOWN CREEK TRIP TO DRAKE CREEK
THEN DRAKE CREEK RUNS INTO WARM CREEK THEN
TO TETON RIVER

Reviewer: _____ Date: _____

Priority Date Data Entry Form

Claim Number: _____

Water Right Priority Date: SEPT 1 1889 Water Right Basis: DACREEDClaimed Priority Date: SEPT 1 1889 Claimed Basis: DACREED

Recommended Priority Date: _____ Recommended Basis: _____

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

P. D. matches DACREED

Reviewer: _____

Date: _____

Water Right No(s). _____

Tag# A009548 on fence post near POD

GPS DATA:

Tag # A0014249 Location: corner fence post by POD

Diversion Data:

Source: Deep Creek Trib to: Snake Creek

MOTOR

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

PUMP

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

NOTES:

POD on Deep Creek consists of 2 concrete pipe headgates that can be regulated. These are both on the creek channel. There are metal gates to regulate structure.
For POD on Little Pine Creek please refer to Claim A2200214

Field Exam Date: 6/28/05 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:

POD RECD WARM CREEK, DRAKE CREEK, SPRING CREEK,
 But HAVE CLAIMED SOURCE UNNAMED STREAM TRIP WARM
 CREEK, DRAKE CREEK. WHY?

6/25/05
DD

check. pod or source have problem here!
 Found POD's on Little Pine Creek and Deep Creek. Did not
 find POD on Spring Creek or ditch running into
 Little Pine Creek
 Please refer to POD notes for claim A 1200214.

Reviewer: _____ Date: _____

Place Of Use Data Entry Form

Claim Number: _____

Claimed Place Of Use

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

Total acres _____

Recommended Place of Use

Twp	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:

6/28/05
DD
Field exam showed:
Ditches are used to irrigate most of this
claim. There is a hill on the south end and
creeks on the east & west that do restrict
the irrigating somewhat.

Reviewer: _____ Date: _____

Season of Use and Quantity Data Entry Form

Claim Number: _____

Water Right Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____

Overall Diversion Volume _____

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
Irrigation	4/15	10/15	1.6 CFS	

Overall Diversion Rate 1.6 CFS

Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____

Overall Diversion Volume _____

Document how the Period of Use and/or Diversion Rate were verified:

IOWR Std. S.O.U. 4/15 - 10/31

Reviewer: _____

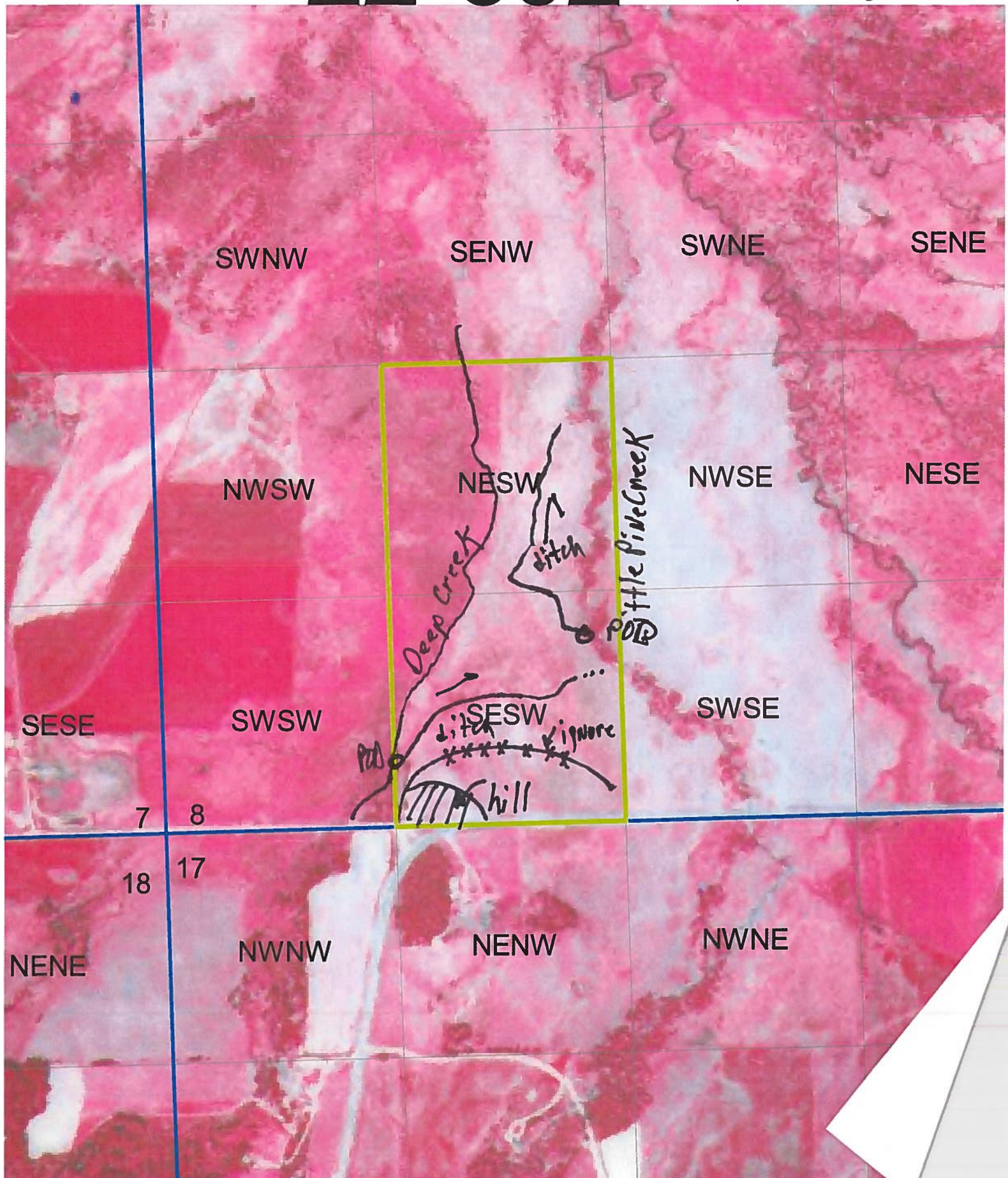
Date: _____

1	Nave, Martin L.; June 1, 1886; Teton River	8,000
2	Breckenridge, David; June 1, 1887; North Leigh Creek	300
2	also Swamp Creek for a late right	50
2	Borrowman, John; June 1, 1887; Wood Creek and Springs	25
2	Jeppson, Hans J.; June 1, 1887; Bigler Slough	25
5	Hegsted, Victor; Sept. 1, 1887; Horse Shoe Creek	260
9	Hegsted, Victor; June 1, 1888; Horse Shoe Creek	60
9	North Salem Agricultural & Milling Canal Co.; Teton River	80
18	Walters, William; June 1, 1888; Teton River. (Steward & Walters Ditch.) Joint appropriation with Mons H. Anderson	30
49	Woods, William S.; June 1, 1888; Twin Creeks	200
56	Woodmansee, Charles H.; Mar. 15, 1889; Moody Creek To be reduced to 80 inches after June 20th of each year	1,325
57	Curtis, Owen; Apr. 1, 1889; Trail Creek	160
57	Little, Zina W.; Apr. 1, 1889; South Leigh Creek	
58	Hill, William; Apr. 5, 1889; Pack Saddle Creek	
62	Mortensen, Christian; May 1, 1889; Teton River. (Through the Nelson-Jacobs Ditch)	
63	Bates, Thomas; May 3, 1889; Mahogany Creek	
67	Beezley, Ebenezer, and J.; June 1, 1889; Fox Creek	
67	Drake, Fred J.; June 1, 1889; John Creek	
67	Blanchard, John; June 1, 1889; Warm Creek	
67	Bowles, H. C.; June 1, 1889; Spring Creek	
67	Drake, William; June 1, 1889; Mahogany Creek	
67	Lund, William P.; June 1, 1889; Mahogany Creek	
67	Hubbard, Frank, and wife; June 1, 1889; North Leigh Creek	
67	Swanner, Samuel; June 1, 1889; South Leigh Creek	
67	Walton, D. O.; June 1, 1889; Darby Creek	
69	Jones, Benjamin; June 1, 1889; Trail Creek	
69	McPherson, Abner; June 10, 1889; North Leigh Creek	
71	Parsons, F. W.; June 15, 1889; Trail Creek	
74	Tonks, George M.; July 5, 1889; Trail Creek	
74	Tonks, George M.; July 15, 1889; Fox Creek	
76	Kirsley, Mary E.; Sept. 1, 1889; Warm Creek, Spring Creek and Deep Creek	
78	Woodmansee-Johnson Ditch; Oct. 1, 1889; Teton River	
78	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	
79	Teton Irrigation & Manufacturing Co.; Oct. 2, 1889; Teton River. (To be diverted at the Bird headgate near the Teton Mill)	
82	Kirsley, Mary E.; Apr. 1, 1890; Warm Creek; Spring Creek and Deep Creek	
82	Sinclair, D. R., Adminr. Estate of Fred Sinclair (ceased); April 1, 1890; Trail Creek	
82	Wolf Ditch Co.; Apr. 1, 1890; Teton River	
82	Robertson, A. L.; Apr. 1, 1890; Trail Creek	

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	Kimball, 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 Creep and Little Spring Creek	200
85	Byrne, Michael; June 1, 1890; Fox Creek	85
85	Buxton, Mary A.; June 1, 1890; Sloughs from Twin Creeks	100
85	Beezley, Ebenezer, and J.; June 1, 1890; Fox Creek	80
85	Andrews, L. W.; June 1, 1890; Grove Creek	120
85	Durney, P. S.; June 1, 1900; Trail Creek	11
85	Footo, Arthur L.; June 1, 1890; Mahogany Creek	14
85	Ferguson, John; June 1, 1890; Grove Creek and Willow Spring Creek	100
85	Eames, William; June 1, 1890; Spring Creek	24
85	Edlefson, E. B.; June 1, 1890; Leigh Creek	15
85	Drake, Lavina; June 1, 1890; Boquat Creek and Drake Creek	16
88	Drake, William; July 1, 1890; Mahogany Creek	15
90	Tonks, William H.; July 15, 1890; Trail Creek	13
92	Curtis, Clarissa A.; Sept. 1, 1890; Trail Creek	16
96	Rice, A. L.; Jan. 1, 1891; Patterson Creek	10
98	O'Brien, James A.; June 1, 1891; North Leigh Creek	2,60
98	Siddoway-Briggs Co.; June 1, 1891; Teton River. (For power purposes)	2
98	Sinclair, D. R.; Adminr. Estate of Fred Sinclair (ceased); June 1, 1891; Eynon Ditch	10
98	Smith, Ellington; June 1, 1891; Spring Creek, Darby Creek and Crandall Springs	20
98	Shaw, L. C.; June 1, 1891; Ragder Creek and water from springs on T. A. Phillips' land	12
98	Swanner, Samuel; June 1, 1891; South Leigh Creek	15
98	Hubbard, Susan; June 1, 1891; North Leigh Creek and Middle Leigh Creek	24
98	Harrop, Samuel; June 1, 1891; Leigh Creek	11
98	Hill, Mary Ann; June 1, 1891; Pack Saddle Creek	11
98	Clark & Houghton; June 1, 1891; Teton River	10
98	Dewey, George A.; June 1, 1891; Fox Creek	10
98	Barney, Walter; June 1, 1891; South Leigh Creek	10
98	Bowles, Sarah; June 1, 1891; Spring Creek	6
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	3
98	Edlefson, Noah C.; June 1, 1891; Leigh Creek	
100	Siddoway Irrigation & Manufacturing Co.; July 1, 1891; Teton River	

22-602

6/28/05 DO





State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

Mailing Address:
150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

TO: File A22-00602 and A22-00214

FROM: Tony Olenichak, IDWR Eastern Regional Office

SUBJECT: Withdrawal of claim

DATE: September 7, 1988

Lynn S. Kearsley decided not to file claim A22-11498, which covered the same p/u as A22-00214 and a portion of A22-00602, because the water right was from the same source as A22-00602 with a later priority.

MICROFILMED
OCT 28 1988

all of Mary E. Kearsley
#130

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: A22-00602
Date Received: 9/07/1988
Receipt No: 5002119
Received By: TO

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: LYNN S. KEARSLEY
Address: P.O. BOX 98
VICTOR, ID

208-787-2935

83455

2. Date of Priority: SEP 01, 1889

3. Source: UNNAMED STREAM
UNNAMED STREAM

Trib. to: DRAKE CREEK
WARM CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
03N	45E	8		SE	SW		TETON
				SE	SW	R	TETON
				NE	SE		TETON

/7

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	1.600		

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

A.F.A.

8. Total consumptive use is 160.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A2200602



10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	45E	8	NE	SW		IRR	40.0
			SE	SW		IRR	40.0
Section Acres							80.0
Total Acres							80.0

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:

~~A22-11498~~, A22-00214.

14. Remarks:

SOURCES ALSO KNOWN AS SPRING CREEK AND DEEP CREEK.
WATER IS DIVERTED FROM SPRING CREEK TO PINE CREEK AND
RE-DIVERTED TO P/U.

15. Basis of Claim: DECREED

Water Right Number: 0602

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: 2

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): Lynne S. Kearsley Date: 9/7/88
_____ Date: _____

State of Idaho)
County of Bonneville) SS.

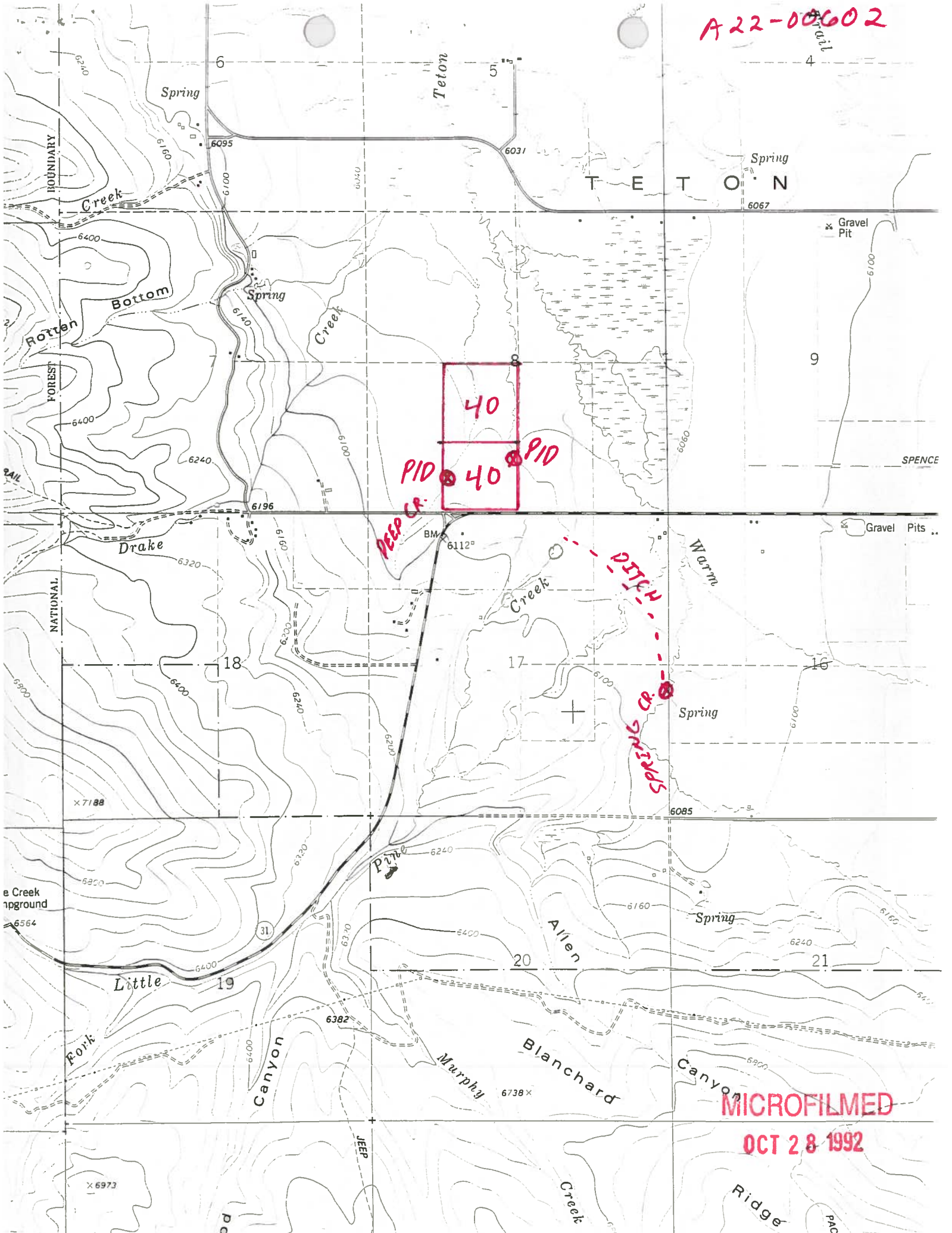
Subscribed and sworn (or affirmed) before me this 7th day
of September 19 88

Betty J. Thompson
Notary Public

Seal

Residing at Idaho Falls
My Commission Expires 6-94

A 22-00602



MICROFILMED
OCT 28 1992