

08/30/2006

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

RIGHT NUMBER: 22-612C

NAME AND ADDRESS: KANE BRIGHTMAN
528 N HWY 33
TETONIA ID 83452

SOURCE: SOUTH LEIGH CREEK

TRIBUTARY: TETON RIVER

QUANTITY: 0.600 CFS

PRIORITY DATE: 01/22/1916

POINT OF DIVERSION:

T06N R46E S32 NWNWSW Within TETON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
04/15 10/31

QUANTITY
0.600 CFS

PLACE OF USE: IRRIGATION Within TETON County

T06N R45E S35 NWSW 29.00

29 ACRES TOTAL

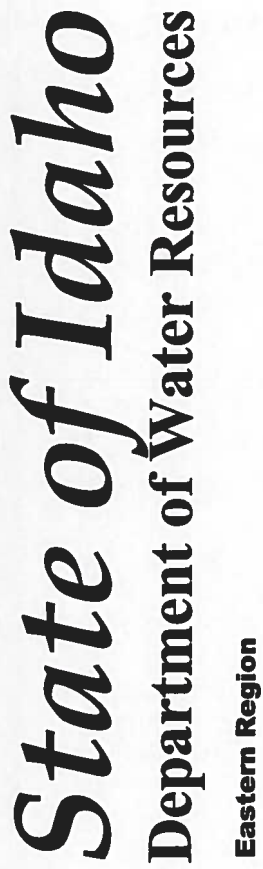
Right Nos. 22-612C and 22-7002B are limited to the irrigation of a combined total of 29.0 acres in a single irrigation season.

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 Desert Ditch.



Water Right(s):
22-612C,
22-7002B

Point(s) of Diversion:
T6N, R45E
Sec. 35 NWSESW (GW)
T6N, R46E
Sec. 32 NWNWSW (SW)

**Place of Use: (parts of)
T6N, R45E
Sec. 35 NWSW**

Surface water delivered through the Desert ditch.

LEGEND



Point of Diversion



Place of Use



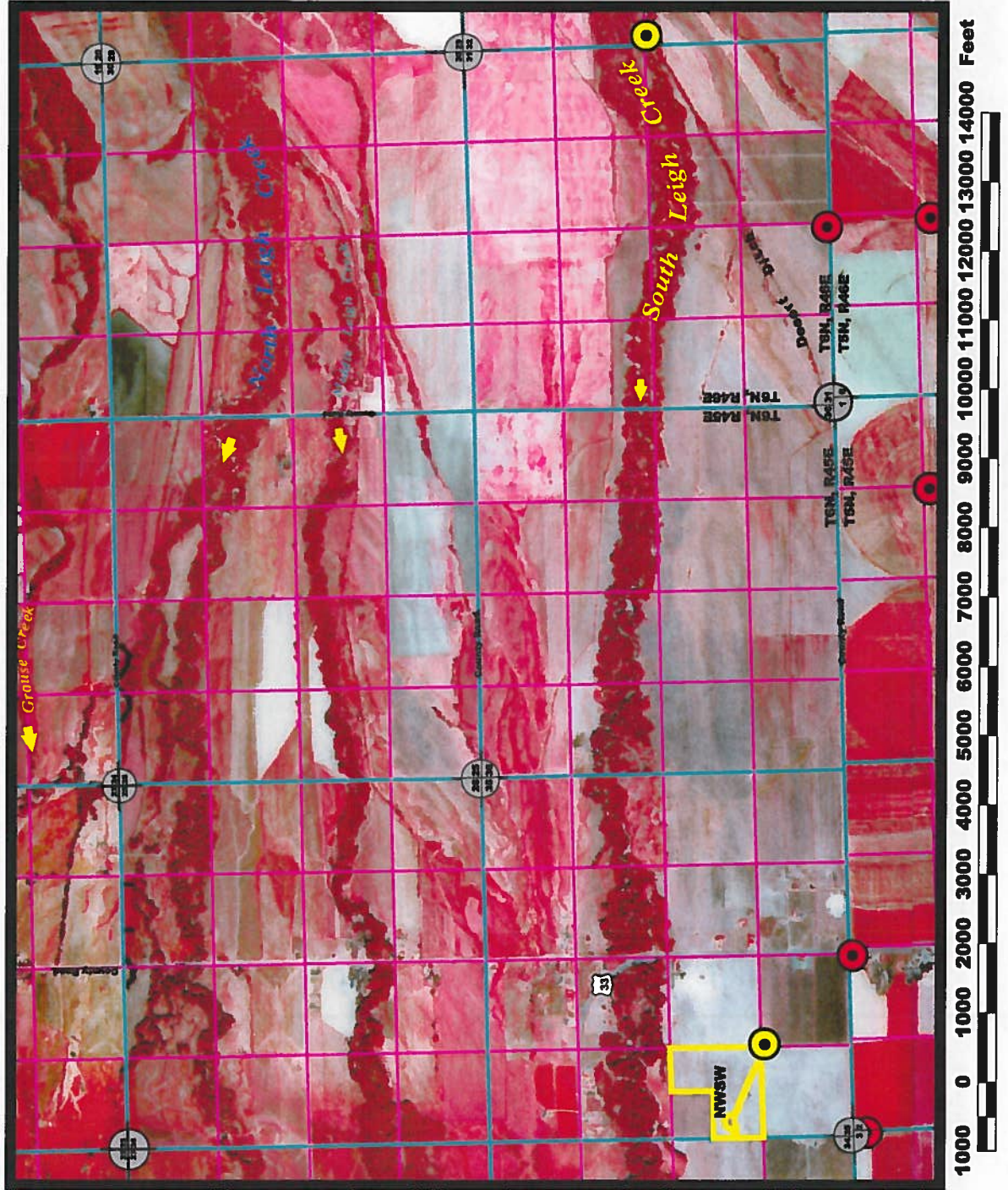
Section



Quarter-Quarter



**GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: A. Ruberry
Date: July 2005**



04/25/2005

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: 22-612C

KANE BRIGHTMAN

528 N HWY 33

TETONIA ID 83452

Telephone Number: (208)456-2505

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

The priority date is wrong.

2. Describe the changes you wish to make in the proposed recommendation:

Change the priority date to 4/01/1889

3. Give a brief explanation as to why you disagree with these portions:

See attached Letter & supporting documents 8 pages

☐ I AGREE with this proposed recommendation: no changes need to be made.

DATE: _____ SIGNATURE: _____

Please print your name: _____

IDWR Regional Office,

RECEIVED

JUN 07 2007

Department of Water Resources
Eastern Region



Point(s) of Diversion:
T6N, R45E
Sec. 35 NWSESW (GW)
T6N, R46E
Sec. 32 NWNWSW (SW)

Place of Use: (parts of)
T6N, R45E
Sec. 35 NWSW

**Surface water delivered through
the Desert ditch.**

LEGEND



Point of Diversion



Place of Use



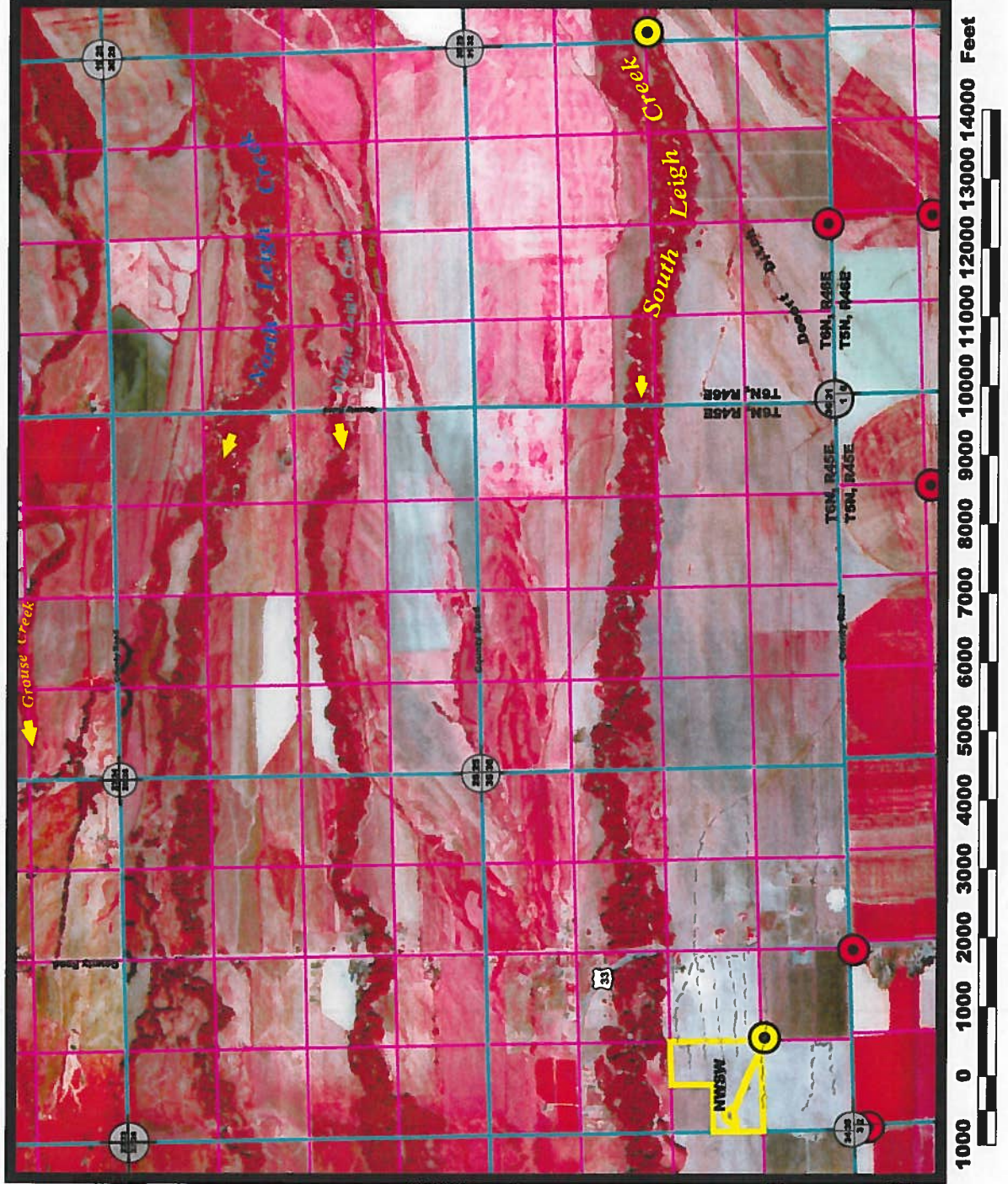
Section



Quarter-Quarter



**GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: A. Ruberry
Date: July 2005**



May 30, 2007

Kane Brightman
528 N. Hwy 33
Tetonia, ID 83452

Ph. 208-456-2505

Idaho Department of Water Resources
Suite A
900 N. Skyline Dr.

Dear Sirs,

I wish to correct my Water Right priority Date of 1/22/1916. The correct date is 4/01/1889. The Original Owner was not Willian Brown ET AL as stated on Water Right NO. 22-612C. The Original Owner was Eugene Gillette, Jr. as you may note on a copy of the Warranty Deed I enclosed. The owner before Gillette was Kenneth and Martha Bradley and it is on this Deed that the priority date of 1889 is stated. Please note that when Bradley sold my 30 acres to Gillette it was part of the 37 acres to the east and 40 acres to the south. The 77 acres in tern was sold to the Winters by Gillette and passed on to the surviving family members listed as Original Owner on Water Right NO. 22-13366, please note the Priority Date of 4/1/1889.

John Letham of 228 N. Hwy 33 Driggs, ID has been haying my ground and the fields east and south of me for years before I bought in 1980. He has always maintained that these three fields had the oldest water right on the ditch. If you would call John Letham, 354-2477 or cell 351-1945 he would support these facts. If you have any questions or need farther documentation please call me at 456-2505 or cell 307-690-1595.

Sincerely , Kane Brightman



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JUN 07 2007

Department of Water Resources
Eastern Region

THIS INDENTURE, Made this 14th day of June
 in the year of our Lord one thousand nine hundred and Seventy-One, between
 KENNETH BRADLEY and MARTHA F. BRADLEY, his wife,
 of _____, County of Teton, State of Idaho
 the part ies of the first part, and
 EUGENE E. GILLETTE, JR. and MARILYNN W. GILLETTE, his wife,
 of Pocatello, County of Bannock, State of Idaho,
 the part ies of the second part.

WITNESSETH, That the said part ies of the first part, for and in consideration of the sum of
 Ten Dollars and other valuable consideration --- DOLLARS,
 lawful money of the United States of America,

to them in hand paid by the said
 part ies of the second part, the receipt whereof is hereby acknowledged, have granted, bargained
 and sold, and by these presents do grant, bargain, sell, convey and confirm unto the said part ies
 of the second part, and to their heirs and assigns forever, all of the following described real estate,
 situated in _____, County of Teton, State of Idaho, to-wit:

The South half of the South half; and
 The Northeast Quarter of the Southeast Quarter; in Section 36, Town-
 ship 6 North, Range 45, E. B. M.;
 The West Half of the Southwest Quarter; and the Southeast Quarter
 of the Southeast Quarter; and
 Beginning at the Southeast corner of the Northeast Quarter of the
 Southwest Quarter; and running thence North 69.5 rods; thence
 thence West 15.5 rods; thence North 10.5 rods; thence West 64.5 rods;
 thence South 80 rods; thence East 80 rods; to the point of beginning,
 all in Section 35, Township 6 North, Range 45, E. B. M.
 Containing 359 acres more or less.

Together with 360 inches of decreed water from South Leigh Creek;
 (120 inches priority of 1889; and 240 inches priority of 1905.)

Also a well with electric pump and appurtenant fixtures, including
 1/4 mile main pipe and 1/2 mile of sprinkler lateral.

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JUN 07 2007

Department of Water Resources
 Eastern Region

TOGETHER, With all and singular the tenements, hereditaments and appurtenances thereunto
 belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents,
 issues and profits thereof; and all estate, right, title and interest in and to the said property, as well
 in law as in equity, of the said part ies of the first part.

TO HAVE AND TO HOLD, All and singular the above mentioned and described premises together with
 the appurtenances unto the part ies of the second part, and to their heirs and assigns forever.

And the part ies of the first part, and their heirs, shall and will warrant and by these presents
 forever defend the premises in the quiet and peaceable possession of the part ies of the second part,
 heirs and assigns, against the part ies of the first part, and their heirs, and against all and every
 person and person whomsoever, lawfully claiming the same shall and will WARRANT and by these presents
 forever DEFEND

FILED

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hands and seals the day and year first above written.

SIGNED, SEALED AND DELIVERED IN THE PRESENCE OF

Kenneth Bradley [Seal]
Martha F. Bradley [Seal]
[Seal]
[Seal]

STATE OF IDAHO

County of Teton

ss.

On this 22nd day of June in the year 19 71, before me
the undersigned, a Notary Public

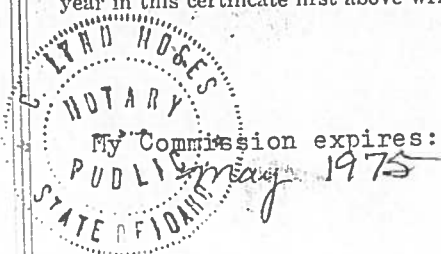
in and for said State, personally appeared

Kenneth Bradley and Martha F. Bradley, his wife,

known to me to be the person^s whose name^s are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

C. Lynn Moses
Notary Public for the State of Idaho,
Residing at *Driggs*, Idaho



No. 72539

WARRANTY DEED

Kenneth Bradley
and

Martha F. Bradley
and

Dated 6-14, 1971

STATE OF IDAHO
County of Teton ss.

I hereby certify that this instrument was filed

for record at request of
Harren Oakley
at 05⁵⁹ minutes past
o'clock M., this 13th day
of December, A. D. 19 73

in my office, and duly recorded in Book
of *Driggs* at page

By *Bruce Hulet* Ex-Officio Recorder.
Fees, \$ *2.00* Deputy.
Mail to *Ken Jolley*

AT THE YOUR COMPANY, BCL

WARRANTY DEED

For Value Received

EUGENE E. GILLETTE, JR., a married man, as his sole and separate property,

the grantor , do es hereby grant, bargain, sell and convey unto

KANE A. BRIGHTMAN, a single man,

the grantee , the following described premises, to-wit:

The Northwest Quarter of the Southwest Quarter in Section 35, Township 6 North, Range 45 East, Boise Meridian, Teton County, Idaho. LESS: Beginning at the Northwest Corner of the Southwest Quarter of Section 35, Township 6 North, Range 45 East, Boise Meridian, Teton County, Idaho, and running thence East 41.12 rods; thence South 36.58 rods; thence Southwesterly 39.6 rods; more or less; thence Northwesterly 37.38 rods, more or less to the point of beginning.

TOGETHER with a 60 foot Easement along the South boundary of the Northeast Quarter of the Southwest Quarter and SUBJECT TO a 60 foot Corner Easement in the Southeast Corner of the Northwest Quarter of the Southwest Quarter.

Subject to exceptions and reservations contained in State Deed, recorded April 12, 1960 in Book 77 at Page 583, reserving right-of-way for ditches and reserving to the State all mineral rights, records of Teton County, Idaho.

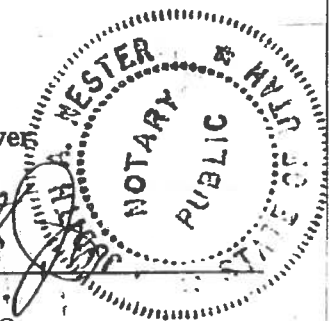
Subject to existing Easements for roads, highways, ditches, canals, laterals, power and transmission lines, also zoning, building ordinances and subdivision ordinances of Teton County, Idaho.

Together with 28% interest in an existing irrigation pump and well on adjacent property.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee , his heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee , that he is the owner in fee simple of said premises; that said premises are free from all incumbrances

and that he will warrant and defend the same from all lawful claims whatsoever
Dated: This 7th day of October, 1980.

Eugene E. Gillette Jr.
aka Eugene E. Gillette



Water Right and SRBA Split History Analysis

22-612

22-612

William Brown
 POD: S. Leigh Creek
 POW: TOSN R4SE Sec 2 NW
 TOSN R4SE Sec 4 NENE MWNE
 TOSN R4SE Sec 33 SWNE, SE NE
 NESE, SWSE, SESE
 TOSN R4SE Sec 35 NESW, NWSW,
 SWSW
 11.2 cfs 200 acrs

22-612A *

Richard Davis
 POD: S. Leigh Creek
 POW: TOSN R4SE Sec 35 NWSW
 90 acrs 0.18 cfs

22-612B *

Larry + Kay Fullmer
 POD: S. Leigh Creek
 POW: TOSN R4SE Sec 33 SWNE, SE NE
 40 acrs 0.80 cfs

22-612C *

Kane Brightman
 POD: S. Leigh
 POW: TOSN R4SE Sec 35 NWSW
 30.0 acrs 0.60 cfs

unclaimed

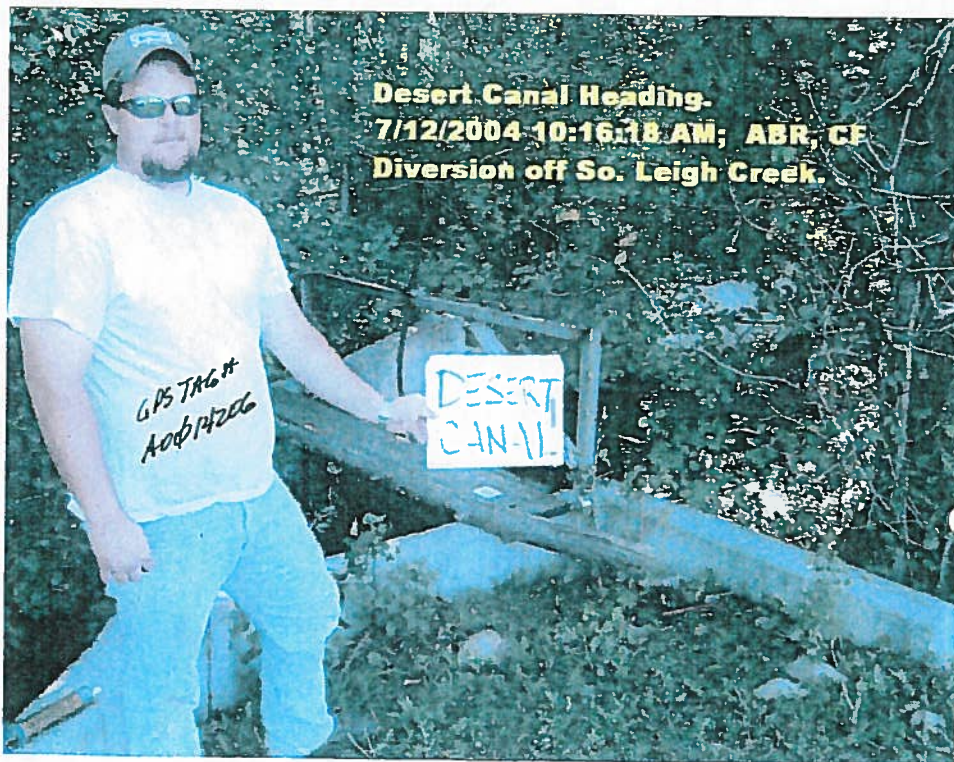
9.62 cfs
 121 acrs

11.2
 400
 1
 14
 40
 560 ac

* unclaimed: original amount was 0.056 cfs per acre.

Reviewer: _____
 mydoc/fieldexamforms/splithistory

Date: _____



**Desert Canal Heading.
7/12/2004 10:16:18 AM; ABR, CF
Diversion off So. Leigh Creek.**

Water Right No(s). _____

GPS DATA:

Tag # A00 14206 Location: DeSole Ditch

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
①	106N	46E	32	1 NW 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
①	106N	46E	32	1 NW NW SW	Teton	South Leigh	Teton River

Other rights from this POD? _____

Transfers Pending or approved: _____

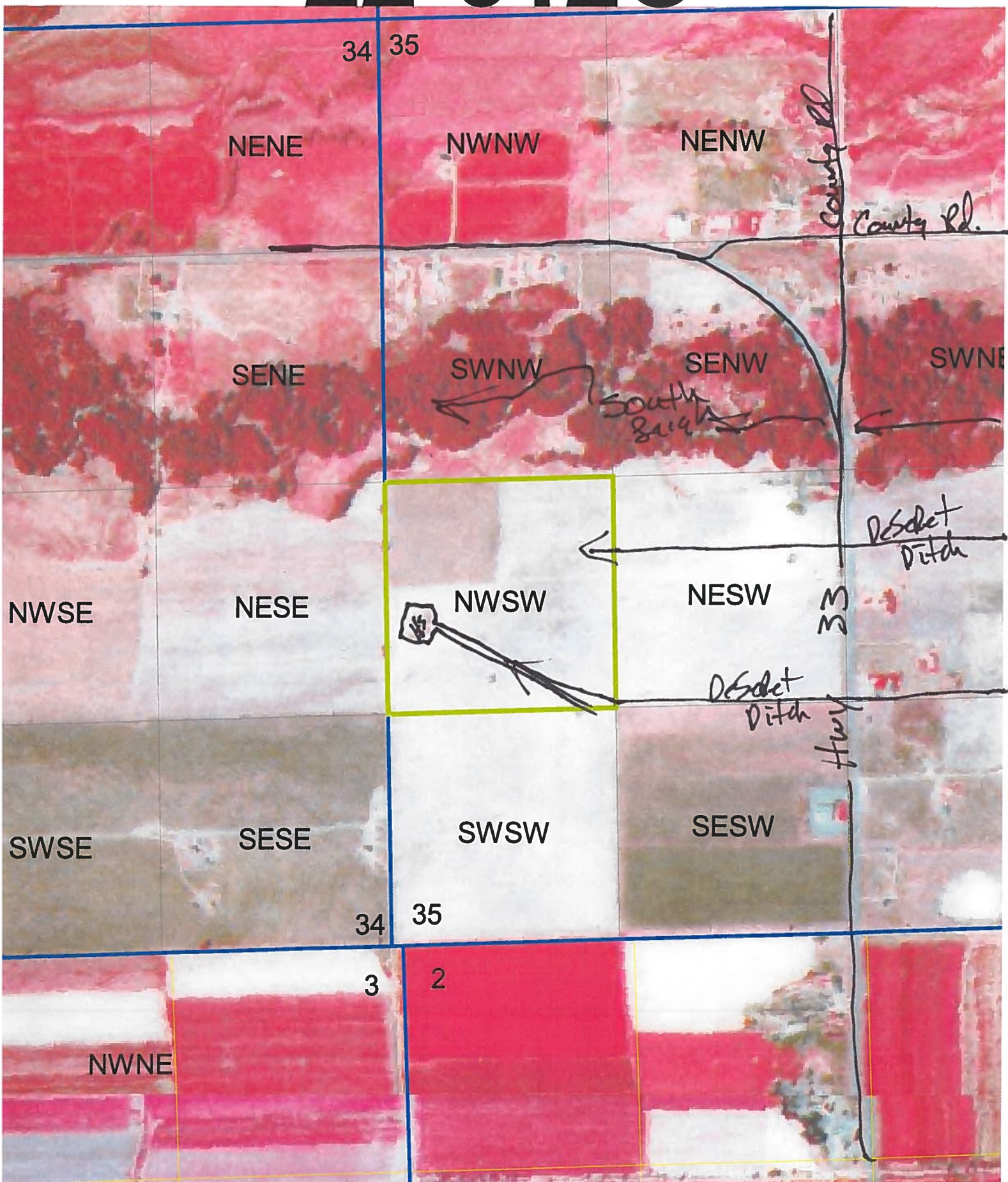
Document how the POD and Source were verified:

① POD is The Desert Ditch on The South Side of South Leigh.

Reviewer: _____ Date: _____

22-612C

10-18-04 *CA*



INTER-DEPARTMENT MEMO — 1

FROM Jean

DATE 1/6/89

TO Dave Shaw

SUBJECT Request for additional time to file claim.

This morning I received a call from Kane Brightman in New York. He indicated he would not be able to keep his appt, in Idaho Falls on the 16th of Jan. and asked for an additional extension of time until the 31st. of Jan. when he will be in the area on vacation. If this is acceptable with you, I will call him back to let him know. Thank you.

OK DBS


SIGNATURE

NOV 17 1992
X
UNRECORDED

NOV 16 1989
UNRECORDED

Date Received 11/14/88

State of Idaho
Department of Water Resources

REQUEST FOR EXTENSION OF TIME
TO FILE ADJUDICATION CLAIM(S)

The Idaho Department of Water Resources will consider this form as a request that the claimant be granted an additional period of time in which to file claim(s) beyond the 90 days allowed by Section 42-1409(10), Idaho Code.

Kane A. Brightman
Name of Claimant

RD 1 Box 1495
Post Office Address

Tetonia, Id. 83452
City, State, Zip Code

Department of Water Resources

Teton
County(s) where Place of Use is located

Date Claim Originally Due

Flood irrigation of 30 acres, 12 inch ^(28% + 4) irrigation well, house hold well
Identify water right(s) for which extension is requested

State reason(s) why an extension of time is requested:

I have been away from Dec. 87 to Nov. 88 and have had mutipul
changes of address in Orgen, Washington and Alaska. The rancher who leases
my 30 acres picked up the "Notice of Claim to a Water Right" form and
has been holding it untill I returned. I did not plan on being gone as long
claimant requests an extension to January, 1989. as I was.

Kane A. Brightman
Signature

owner
Title

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

NOV 06 1988

The above request for extension of time is hereby

X granted denied
and the filing deadline extended to 1/16, 1989.

Signed this 25 day of November, 1988.

Director or his designated agent

DAVID B. SHAW

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NOV 21 1988

MICROFILMED

MICROFILMED

NOV 07 1992

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: A22-00612C
Date Received: 1/31/1989
Receipt No: E005650
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: KANE BRIGHTMAN 208-456-2505
Address: RD. 1, BOX 1495
TETONIA ID 83452

2. Date of Priority: JAN 22, 1916

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	46E	32	NW	NW	SW		TETON

5. Description of diverting works:
HEADGATE IN STREAM TO DESERT DITCH. 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		

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

8. Total consumptive use is 60.0 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	35	NW	SW		IRR	30.0

MICROFILMED
NOV 06 1990

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	30.0
					Total Acres	30.0

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:
22-07002B, GROUNDWATER SOURCE

14. Remarks:
THIS RIGHT IS PORTION OF 22-00612 OWNED BY CLAIMANT.

15. Basis of Claim: DECREED

Water Right Number: 220612

Case Number:

Court :

Decree date: 1/24/1938

LEIGH CREEK CANAL CO.
Decree Plaintiff

LYNN CRANDALL, W.M.
vs 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): _____ Date: _____
_____ Date: _____

MICROFILMED
NOV 06 1994

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: ~~A22-12522~~
Date Received: 1/31/1989
Receipt No: E005650
Received By: ES

A22-00612C

8/12/94
DC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: KANE BRIGHTMAN 208-456-2505
Address: RD. 1, BOX 1495
TETONIA, ID 83452

2. Date of Priority: JAN 22, 1916

3. Source: SOUTH LEIGH CREEK Trib. to: TETON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
06N	46E	32	NW	NW	SW		TETON

5. Description of diverting works:
HEADGATE IN STREAM TO DESERT DITCH. 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		

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

8. Total consumptive use is 60.0 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
06N	45E	35	NW	SW		IRR	30.0
Section Acres							30.0

MICROFILMED

NOV 06 1996

MICROFILMED
NOV 07 1982

10. Place of Use: Continued

Total Acres 30.0

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:
22-07002B, GROUNDWATER SOURCE

14. Remarks:
THIS RIGHT IS PORTION OF 22-00612 OWNED BY CLAIMANT.

15. Basis of Claim: DECREED
Water Right Number: 220612
Case Number:
Court :
Decree date: 1/24/1938

LEIGH CREEK CANAL CO.
Decree Plaintiff

vs

LYNN CRANDALL, W.M.
Decree Defendant

MICROFILMED
NOV 06 1992

MICROFILMED
NOV 07 1992

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 Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Ran Bightra Date: Jan 31, 89
Date: _____

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 31 day

of January 19 89

[Signature]
Notary Public

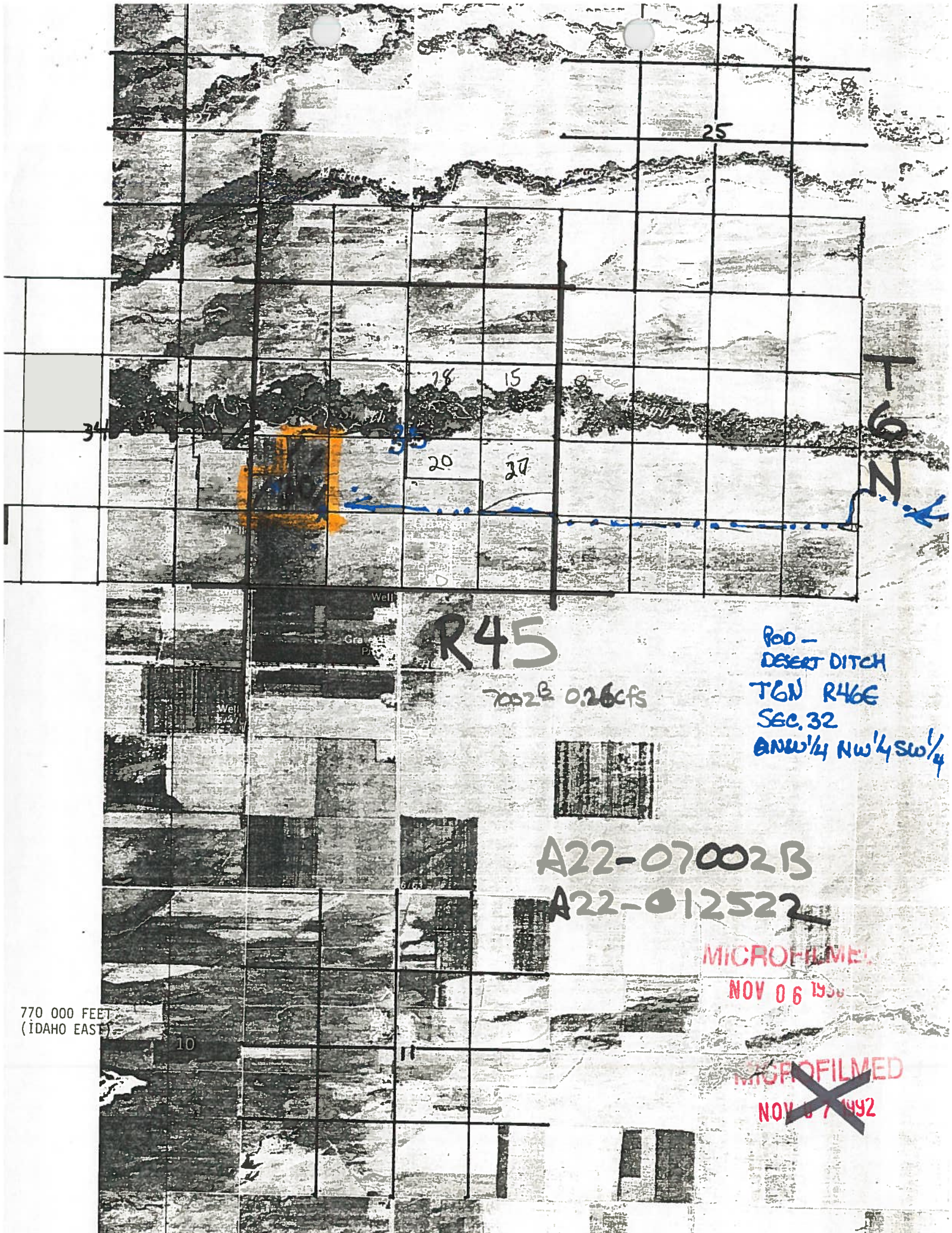
Seal

Residing at Idaho Falls, ID

My Commission Expires 22 Aug 1994

MICROFILMED
NOV 06 1996

MICROFILMED
NOV 06 1996



25

18

15

20

27

R45

7002B 0.26cfs

POD -
DESERT DITCH
T6N R46E
SEC. 32
ANW 1/4 NW 1/4 SW 1/4

A22-07002B

A22-012522

MICROFILMED

NOV 06 1950

MICROFILMED

NOV 07 1992

770 000 FEET
(IDAHO EAST)