

11/29/2006

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

RIGHT NUMBER: 22-2172B

NAME AND ADDRESS: GARVIN RICKS
530 W 1300 N
FELT ID 83424

LAUREL RICKS
530 W 1300 N
FELT ID 83424

SOURCE: BULL ELK CREEK

TRIBUTARY: BADGER CREEK

QUANTITY: 0.520 CFS

PRIORITY DATE: 07/16/1959

POINT OF DIVERSION:

T07N R44E S36 SESENW Within TETON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 10/31

0.520 CFS

PLACE OF USE: IRRIGATION in TETON County

T07N R44E S36

SWNW

20.00

T07N R44E S36

SENW

6.90

26.9 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 - License

Right includes accomplished change in source pursuant to Section 42-1425, Idaho Code.

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

11/29/2006

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: 22-2172B

GARVIN RICKS
530 W 1300 N
FELT ID 83424
Telephone Number: (208)456-2397

LAUREL RICKS
530 W 1300 N
FELT ID 83424
Telephone Number: (208)456-2397

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

Quantity of water from original decree is 5cfs

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

Attn: Dave Carlson - Make changes, as in our conversation 7 Dec. 2006, in conjunction w/ 22-662B to increase the total cfs to 5cfs. Also included is 22-662A.

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: 8 Dec. 2006 SIGNATURE: *Garvin S. Ricks*
Please print your name: Garvin S. Ricks

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

Water Right and SRBA Split History Analysis

8-2172

* Original Permit and license
Do NOT Address Bull Creek

22-2172
POD Badger Creek / Bull Creek
POU TOWN R44E Sec 36 SUNW
SE NW, NESW, SWSW, SSW
144 acrs
2.88 cfs

22-2172A
POD Badger Creek
POU TOWN R44E Sec 36 NWSW, NESW, SWSW, SSW
236 cfs 101 acrs

22-2172B
POD Badger / Bull Creek
POU TOWN R44E Sec 36 SUNW, SE NW
26.9 acrs
0.52 cfs

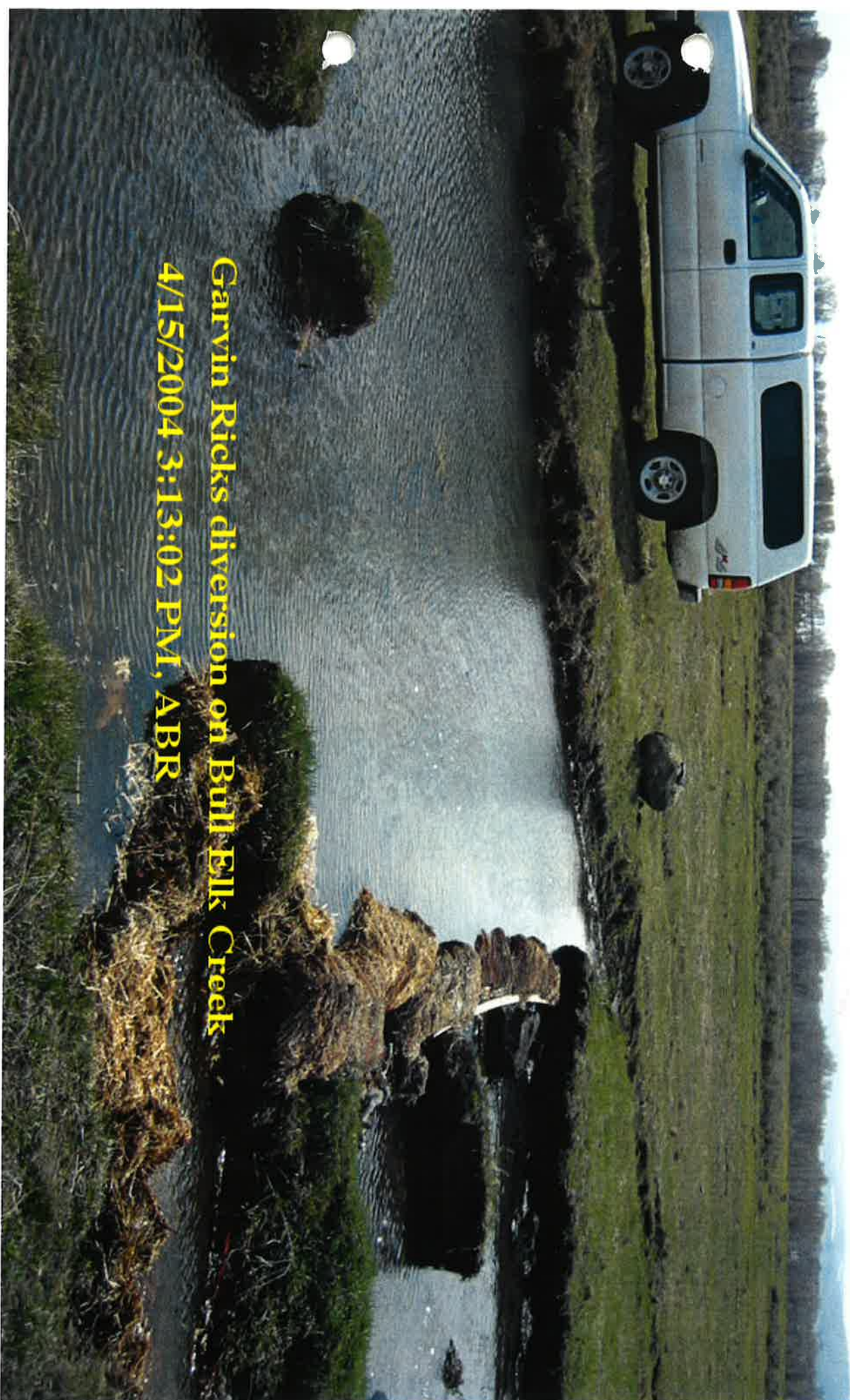
Reviewer: _____
mydoc/fieldexamforms/splithistory

Date: _____

PROFILED

SCANNED

MAY 04 2005



Garvin Ricks diversion on Bull Elk Creek
4/15/2004 3:13:02 PM, ABR

COPIED

SCANNED
MAY 04 2005

Water Right No(s). _____



GPS DATA:

Tag # ADP13823 Location: on Rock

Diversion Data:

Source: Bull Elk Creek Trib to: Badger Creek

MOTOR

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

PUMP

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

NOTES:

Bull Elk Cr runs for a very short time in
spring run-off. This is the last PDD on the creek
before confluence w/ Badger Cr. Flood in Aug.

Field Exam Date: 4/15/04 Agent: APR, CF

PROFILED

SCANNED
MAY 04 2005

Claim Number: _____

Current Owner: Garvin Ricks 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.

[illegible]

S&B Change of Ownership Attached

4/15/04 FG w/ GARVIN Richs & Son-

Reviewer: _____ Date: _____

PROFILE

SCANNED BY

MAY 04 2005

Priority Date Data Entry Form

Claim Number: _____

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: 2/16/1959 Claimed Basis: Lic

Recommended Priority Date: _____ Recommended Basis: _____

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

MATCHES Lic

Reviewer: _____

Date: SCANNED

PROFILE

MAY 04 2005

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:

GPS TAG# A0013823 on Rock

@POD

Reviewer: _____ Date: _____

PROFILED

SCANNED

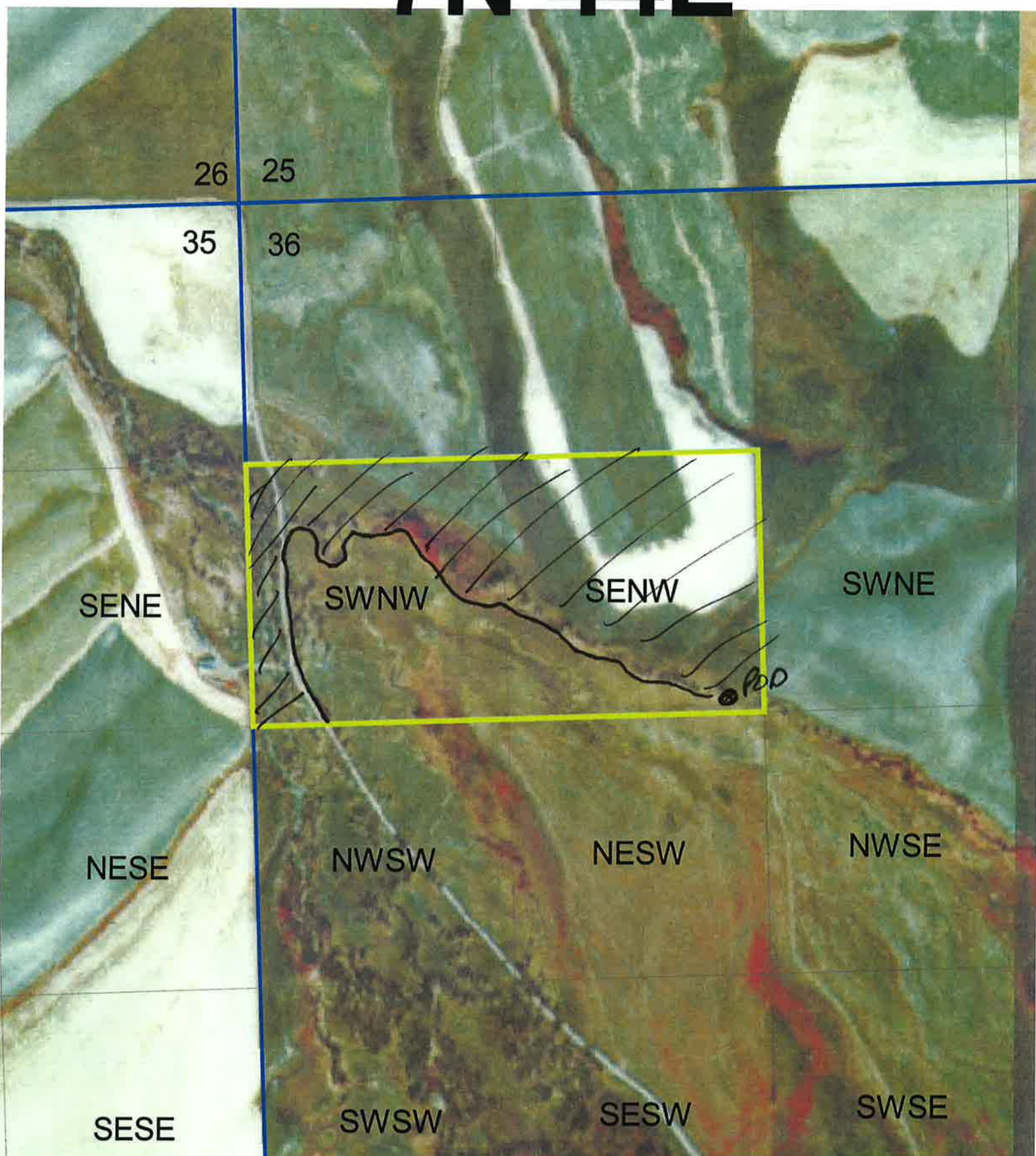
MAY 04 2005

PROFITED

22-2172B

7N 44E

SCANNED
MAY 04 2005





State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

January 13, 1999

GARVIN S & LAUREL A RICKS
530 W 1300 N
FELT ID 83424

why split this way?

RE: CHANGE IN OWNERSHIP FOR A22-00662, A22-02172,
A22-02266, 22-04038, 22-12362

Dear Mr. and Mrs. Ricks:

The request for Change in Ownership for a portion of the above-referenced Notice(s) of Claim has been processed with the new Notice(s) reflecting you as one of the claimants.

Since the Change in Ownership involved just a portion of the Notice(s) of Claim, the right was split as follows:

A22-00662A, 2.36 cfs on 118 acres, Alfred Ricks
A22-00662B, 0.52 cfs on 26 acres, Garvin Ricks

A22-02172A, 2.36 cfs on 118 acres, Alfred Ricks
A22-02172B, 0.52 cfs on 26 acres, Garvin Ricks

A22-02266A, 5.54 cfs on 709 acres, Alfred Ricks
A22-02266B, 3.72 cfs on 476 acres, Garvin Ricks

Enclosed for your records is a typed Notice(s) reflecting your portion of the right. Review the Notice(s) and if you have other corrections or questions, please contact this office.

With regard to 22-04038 and 22-12362, these claims do not appear to be appurtenant to the property conveyed in the warranty deed submitted to our office. If you have an additional warranty deed that conveys this property, please submit it along with another change of ownership form, and our office will process it as soon as possible.

*Review this one
Rt for %
to GARVIN.*

Respectfully submitted,

Jennifer Hoagland

Jennifer Hoagland
Technical Records Specialist

SCANNED
MAY 04 2005

PROFIT

DELOG SUB

11-17-98

STATE OF IDAHO

IDAHO DEPARTMENT OF WATER RESOURCES

RECEIVED

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP NOV 17 1998

Department of Water Resources
Eastern Region

Please print or type. Attach pages with additional information. Instructions are on the back of this page.

Incomplete forms will be returned.

OK SUB 1-7-98

1. Water Right Number(s) 22-12362, -02266, -02238 A+R
 Adjudication Claim Number(s) 22-00662, 22-02172

2. The following REQUIRED information must be submitted with this form.

A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.

AND

B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.)

OR

C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.

3. Name and Address of Former Owner/Claimant(s) Alfred T. Ricks Jr.
136 S. 1st E. Rexburg, ID. 83440

4. New Owner/Claimant(s) Garvin S. or Laurel A. Ricks
 Name connector (Check one): ☐ AND, ☐ OR, ☐ AND/OR
 New Mailing Address 530 W. 1300 N.

City, State and ZIP Code FELT, ID. 83424

New Telephone Number (208) 456-2397

5. Date you acquired the property 11 July 1996

6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.

Number of acres actually irrigated _____ Number and type of stock _____

Diversion rate in CFS _____ Number of homes _____ Other uses _____
cubic feet per second

If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

7. Signature of New Owner/Claimant(s) Garvin S. Ricks Date 17 Nov. 98
 SCANNER
 MAY 04 2005
 PROPI

8. (Corporations or other organizations must submit a list of directors/officers demonstrating authority to sign form.)
 For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

State of Idaho

License and Certificate of Water Right

Water License No. 28031

Amount 2.88 c.f.s.

Water District No.

Priority July 16, 1959.

THIS IS TO CERTIFY that ALFRED T. RICKS, JR.
 of Felt, Idaho, made application for a permit to appropriate the
 public waters of the State of Idaho, dated July 16, 1959; that Permit No. 28031
 was issued under said application; that Certificate of Completion of works, with a carrying capacity of
 2.88 second feet, was issued thereunder on January 18, 1962, showing that said works
 were completed on the 10th day of July, 1961; and that on the 10th
 day of July, 1961, ALFRED T. RICKS, JR.

of Sugar City, State of Idaho, made proof to the satisfaction of the
 State Reclamation Engineer of Idaho, of the right to use the waters of Badger
 Creek, a tributary of Teton River, for the purpose of Irrigation
 under Use Permit No. 28031 of the Department of Reclamation
 and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,
 and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume
 12 of Licenses at page 7242, on the 18 day of January, 1962;
 The right hereby confirmed dates from July 16, 1959;

The Point of Diversion is located
 in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 8, Tp. 6 N, R. 45 E, B. M. Teton County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes
 aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall
 not exceed 2.88 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
7 N	44 E	36	SW $\frac{1}{4}$ NW $\frac{1}{4}$	24	18
			SE $\frac{1}{4}$ NW $\frac{1}{4}$	7	8
			NE $\frac{1}{4}$ SW $\frac{1}{4}$	40	40
			NW $\frac{1}{4}$ SW $\frac{1}{4}$	40	30
			SW $\frac{1}{4}$ SW $\frac{1}{4}$	40	30
			SE $\frac{1}{4}$ SW $\frac{1}{4}$	40	18
Total number of acres to be irrigated: 144					

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place
 of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this

18th day of January, 1962.

/s/ RALPH W. THOMAS
 Deputy State Reclamation Engineer.

(SEAL) A. Ricks

22-2172A

2.36 cfs 118 ac

22-2172

22-2172

2.88 cfs

G. Ricks

22-2172B

0.52 cfs 26 ac

* Split by SRBA

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF ENGINEER

Permit No. 28031

This proof is for Completion of Works & Beneficial Use In Water District No. _____

1. Name of applicant Alfred T. Ricks, Jr., Box 344, Sugar City, Idaho
2. Source of water supply: Badger Creek, tributary Teton River
3. Location of point of diversion: Is in the SE 1/4 NE 1/4 of Section 8
T. 6N R. 45E County of Teton
4. Describe works as they exist, giving dimensions and capacities of same: Concrete Headgate
6' wide, 3' high to open ditch 8' top width, 3' bottom width, 3' deep, water
line 2' deep.
5. Water is used for: irrigation
6. State whether or not water has been turned into works of diversion: yes
7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):
S 1/4 NW 1/4, S 1/4 SW 1/4, Sec. 36, T. 7 N., R. 44 E., B. M.

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach?
- Teton River

Remarks: M. Ricks alongThis PD serves as a community ditch for 3 other water users
that has prior rightsBadger Creek dry at time of examinationThis examination was made on the 11th day of October, 1961

(Signed)

Layne Johnson

Examiner.

28031

RECEIVED

JUL 11 1961

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Department of Reclamation

Permit No. 28031

Proof of Application of Water to Beneficial Use

and Completion of Works

Deposition of Holder

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. Alfred T. Blake, Jr., Salt, Idaho, farmer

Box 344, Sugar City, Idaho

Ques. 2. If acting in behalf of corporation, state its name, principal place of business (if a foreign corporation, give name of postoffice of statutory agent), your position with reference to same, and your authority for representing the same.

Ans. Individual now acting for

Ques. 3. State number and date of permit and date of priority you propose to establish under the permit.

Ans. Permit No. 10th day of July, 1959; July 17, 1959

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. Badger Creek, a tributary of Teton River, 400 feet from the canyon, and is in the SW 1/4 of the NW 1/4 of Section 8, Twp. 6 N., Range 45 E., N. 14 W. in Teton County, Idaho.

Ques. 5. Describe your works of diversion, and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to each place of use. If a well, state depth of well, depth and size of casing and depth to water. If pump is used, state discharge of pump and tell how it was measured or determined. If sprinkler irrigation, give number and size of nozzles and operating pressure.

Ans. Ditch, with headgate 5 feet wide, 40 feet in height approx. 50 feet deep, with an adequate sized ditch some five miles long used by several appropriators, including the applicant at the end of this so-called canal the applicant takes his water into a private ditch.

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have actually been irrigated with said water.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Water is used for irrigation purposes to irrigate following lands 26 acres in SW 1/4 of the NW 1/4 and 7 acres in NW 1/4 of the NW 1/4 all of the NW 1/4 totaling 33 acres

The soil is 1 foot of good soil, sandy loam, then below that is gravel and requires irrigation to raise barley and alfalfa.

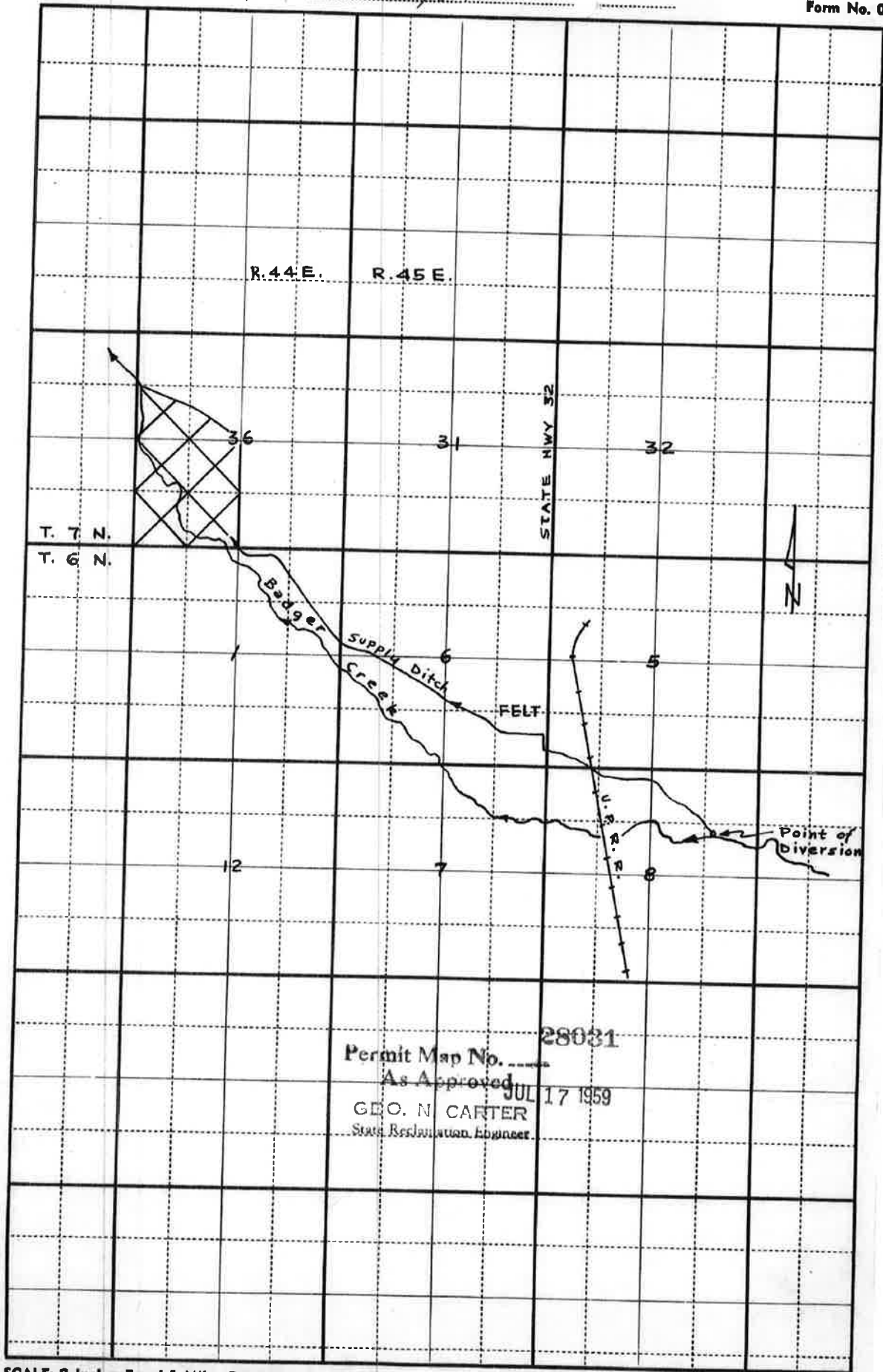
Ques. 6-a If this is a ground water permit, give name and address of person that drilled the well.

Ans. _____

28031

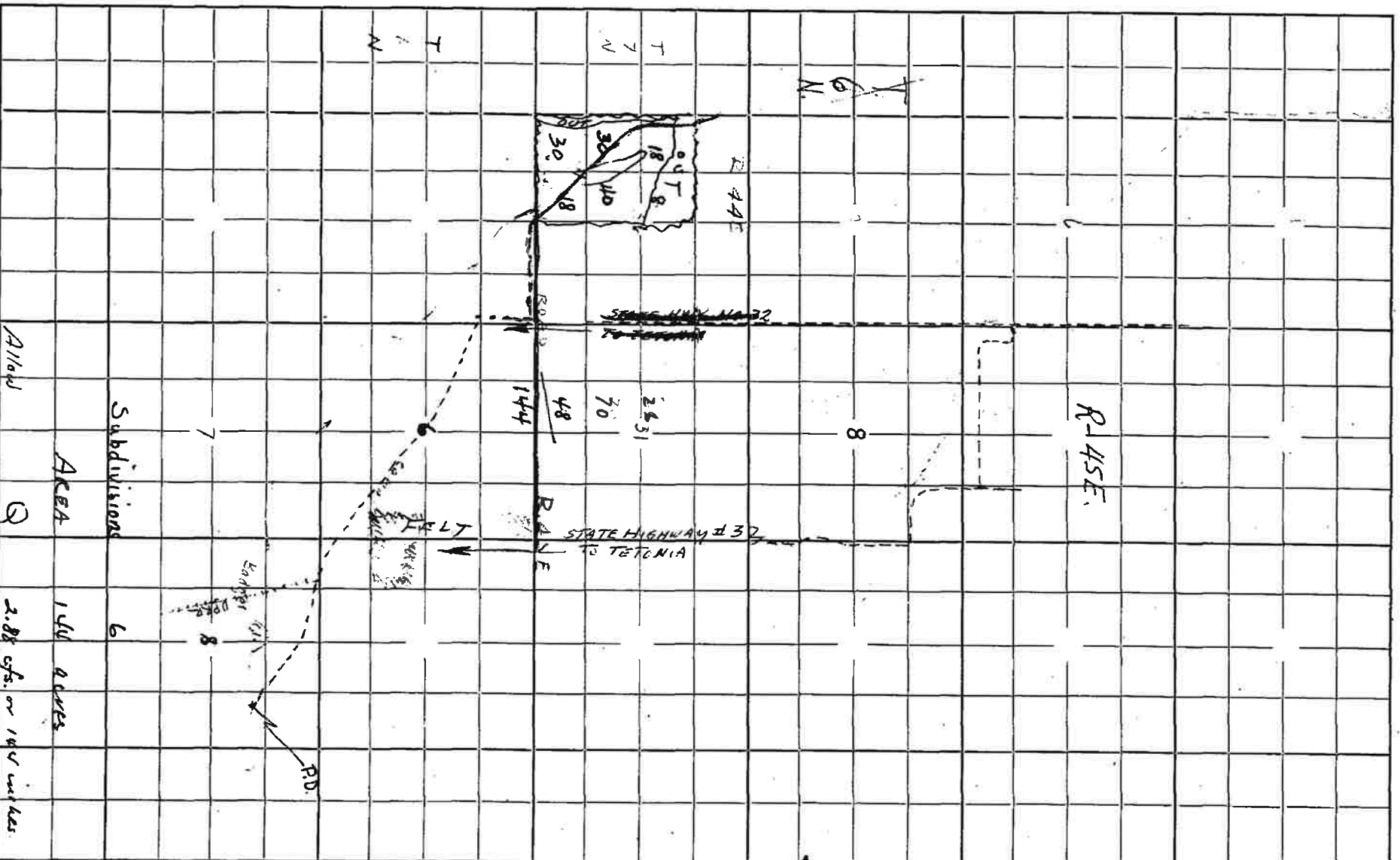
NAME OF APPLICANT Alfred T. Ricks, Jr.

Form No. 0



SCALE: 2 Inches Equal 1 Mile. Draw Plan In Ink.

28031



Scale: 2 inches Equals 1 Mile. Draw Map In Ink.

28031

Application For Permit To Appropriate the Public Waters of the State of Idaho

APPLICATION No. 36009
PERMIT No. 28031
DISTRICT No.

28-2172

1. Name of Applicant: Alfred T. Ricks, Jr.

Postoffice address: Felt

County: Teton

State: Idaho

I. If applicant is a corporation, give:

- (a) Date and place of incorporation:
- (b) Amount of capital stock:
- (c) Amount paid in:
- (d) Names and addresses of directors:

II. The financial resources of the applicant are:

- (a) Cash on hand:
- (b) Treasury stock:

- (c) Bond to be issued:
- (d) Other resources:

2. Quantity of water claimed: 3.8

cubic feet per second.

3. Source of water supply: Badger Creek

which is a tributary of
Teton River
feet distant from the

4. Location of point of diversion:

corner of Section , T. , R. , B.M., and is in the S23NE4
of section 8 , T. 6 N. , R. 15 E. , B. M., County of Teton

5. Water is to be used for Irrigation

6. If for mining, milling, power or manufacturing purposes, give:

(a) Point of use of water: feet distant from corner of Section
T. , R. , B.M., in the of Section of , T. , R. , B.M.

(b) Amount of power generated: H.P., under feet head.

(c) Water is to be returned to at a point feet
distant from the corner of Section , T. , R. , B.M., in the
of Section , T. , R. , B.M.

7. Estimated cost of works: \$ 100.00

8. Kind of works: Ditch

9. Height of dam feet; length of dam at top feet; length of dam at bottom
feet; material used in dam:

10. Size of headgate: Width 5 feet; height 4 1/2 feet.

11. Ditch: Width at bottom 4 fee; width at water line 5 feet; depth of water 2 feet;
dimensions of flume:

Diameter of pipe inches; length of conduit miles.

Average grade per mile approximately 50 feet.

12. The time required for the completion of such work is 5 years.

13. The time required for the complete application of the water to the proposed use is 0 additional years.

14. The land to be irrigated is described in the following tabulation: See remarks.

15. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: None



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: **A22-02172B**
Date Received: 12/20/1988
Receipt No: E005293
Received By: _____

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

1. Name: GARVIN RICKS 208-456-2397
Address: 530 W 1300 N
FELT ID 83424
OR
Name: LAUREL RICKS 208-456-2397
Address: 530 W 1300 N
FELT ID 83424

2. Date of Priority: JUL 16, 1959

3. Source: BADGER CREEK Trib. to: TETON RIVER
BULL ELK CREEK BADGER CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06N	45E	7	NE	NE	NW		TETON
		8	SW	SE	NE		TETON
07N	44E	36	SE	SE	NW		TETON
			SW	NW	SW		TETON
			SW	SE	SW		TETON

5. Description of diverting works:
CEMENT HEADGATE IN CREEK TO DITCHES 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	0.520		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A22-02172B

Page 1

Date: 01/13/99

A2202172B



SCANNED

MAY 04 2005

PROCESSED

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07N	44E	36	SW	NW		IRR	18.0
			SE	NW		IRR	8.0
Section Acres							26.0
Total Acres							26.0

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:
22-00662

14. Remarks:

THIS RECORDS ACTUALL SOURCES/DIVERSION OF WATER FROM BADGER CREEK. WATER FROM BULL ELK CREEK HAS BEEN USED SINCE THIS WAS LICENSED. WAS NOT INCLUDED UNDER LICENSE BY ERROR.

15. Basis of Claim: LICENSE

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: _____

State of Idaho

County of _____

)
) SS.
)

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

of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____