

12/21/2004

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

RIGHT NUMBER: 22-10164

NAME AND ADDRESS: TIBBITTS PRODUCE CO
C/O WAYNE E OR ERROL TIBBITTS
RT 3 BOX 212
RIGBY ID 83442

SOURCE: WASTE WATER

TRIBUTARY: TETON RIVER

QUANTITY: 0.100 CFS

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

PRIORITY DATE: 05/01/1963

POINT OF DIVERSION:

T06N R45E S31 SENESW 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	0.100 CFS
STOCKWATER	04/15 10/31	0.030 CFS

PLACE OF USE: IRRIGATION Within TETON County

T06N R45E S31 NESW 5.0

STOCKWATER Within TETON County

T06N R45E S31 NESW

5 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.

The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: Beneficial Use

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: 22-10164

TIBBITTS PRODUCE CO
ERROL TIBBITTS PRES
4190 E 500 N
RIGBY ID 83442
Telephone Number: (208)745-8410

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:

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

DATE: 12-7-06 SIGNATURE: TIBBITTS PRODUCE CO. INC.
Please print your name: By Errol Tibbitts, President
ERROL W. TIBBITTS

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

KMD
12/7



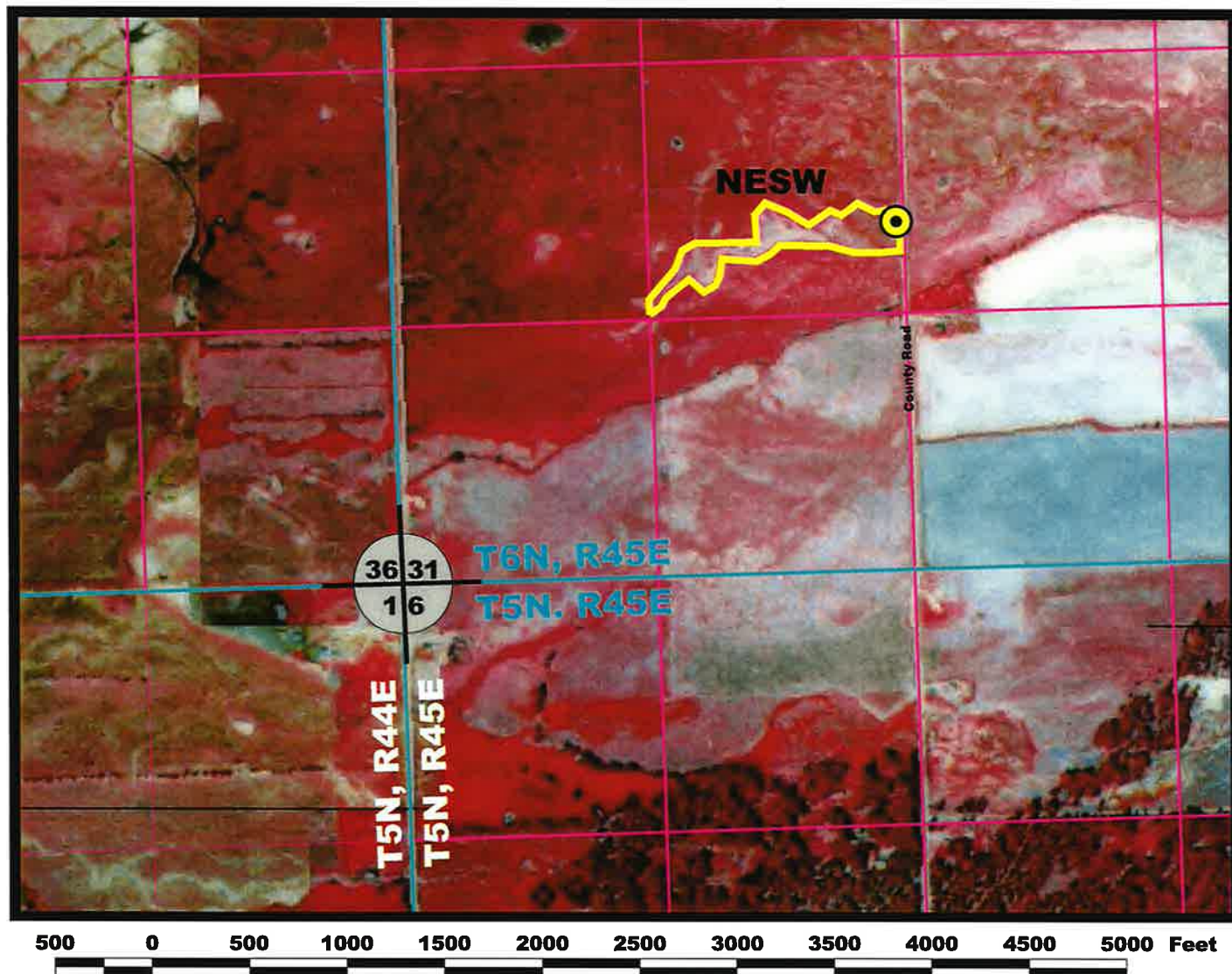
FEB 11 2005

SCANNED

State of Idaho

Department of Water Resources

Eastern Region



Water Right(s):
22-10164

Point(s) of Diversion:

T6N, R45E

Sec. 31 SENESW

Place of Use: (part of)

T6N, R45E

Sec. 31 NESW

LEGEND



Point of Diversion

SESE

Place of Use



Section



Quarter-Quarter



GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: A. Ruberry
Date: December 2004

22 10164

6N456
RE # 10164

RECEIVED

SEP 16 2004

August 11, 1988

Department of Water Resources
Eastern Region

To Idaho Department of Water Resource

Gentlemen:

errol

This document will certify and attest that the undersigned, Errol W. Tibbitts, did assist Wayne E. Tibbitts, (President of Tibbitts Produce Co.) in placing a flume across the Breckenridge ditch which was flowing through the then Luella Pehrson property to enable Mr. Wayne E. Tibbitts to capture spring water and direct its flow to Tibbitts Produce Co.'s pasture land. I can also attest that this practice has been followed every year since 1965. This certification pertains to your civil case #39576, with identification #A22-10164 which was received by your agency on 7-11-88 and receipted by you as #E000680.

Errol W. Tibbitts

State of Idaho
County of Jefferson

This 11th day of August, 1988, Errol W. Tibbitts did personally appear before me

Don L. Hammer
a Notary Public, and sign this instrument.

Don L. Hammer
Notary Public

9-11-04

I, Dale FBreckenridge attest to the above statement and know of the flume over the Breckenridge Ditch.

Dale FBreckenridge

I Ray G. Smith did witness the above signature Ray H. Smith 9/11/04

PROFILED
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SEP 17 2004

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CHANGE IN ADDRESS

This form can be used to notify the Department of a change in
address of the owners of record for the listed water rights.
(Please print or type)

RECEIVED

FEB 10 2005

Department of Water Resources
Eastern Region

[] Water Right Number(s): A 22-10164

[] Name(s): _____

[] Old Mailing Address: _____

[] New Mailing Address: TIRBITTS PRODUCE CO.
ERROL TIRBITTS, PRESIDENT
4190 E. 500 N.
RIGBY, IDAHO 83442

Telephone Number: (208) 245-8410

[] Signature(s) of Owner(s) Errol Tibbitts, Pres

SCANNED

(Include your title if on behalf of company or organization)

FEB 15 2005 Date: 2-10-05

FILED

February 7, 2005

TIBBITTS PRODUCE CO
C/O ERROL TIBBITTS
4190 E 500 N
RIGBY ID 83442

RE: CHANGE OF ADDRESS FOR A22-10164

Dear Mr. Errol Tibbits,

It has come to our attention that your address may have recently changed. The address currently recorded on the above referenced water right(s) is as follows:

Tibbitts Produce Co
C/O Wayne E or Errol Tibbitts
RT 3 Box 212
Rigby ID 83442

We recommend if, in fact, the address in question has been changed, you file a "Change in Address" with this department in order that we may send all further correspondence to the appropriate address.

Enclosed is a Change in Address form. Please fill out the form completely, sign and date it and return it to my attention.

If you have any questions regarding this matter, please call 525-7161.

Respectfully submitted,

Katy Jackson
Office Specialist 1

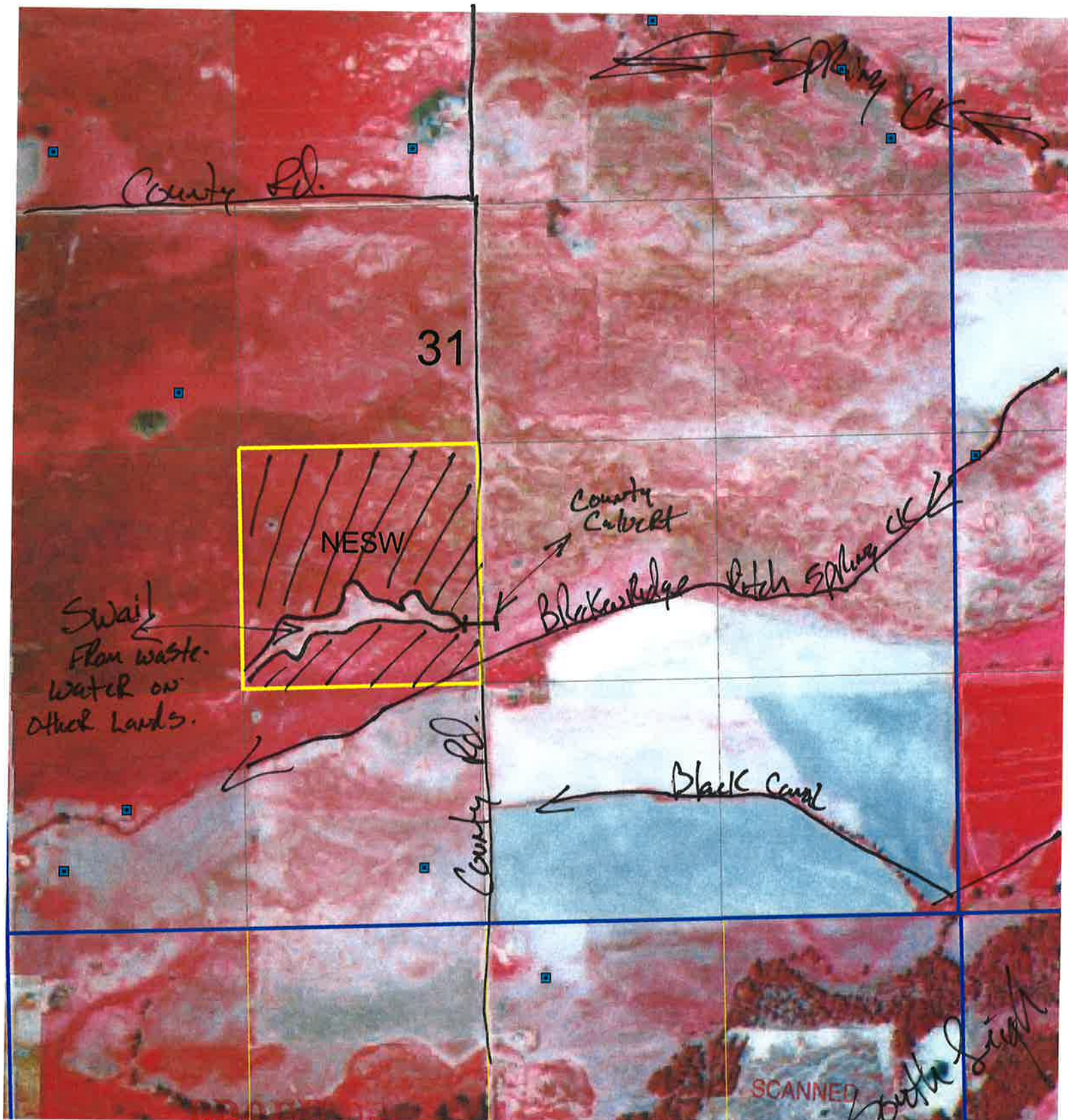
Enclosure(s)

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FEB 15 2005

22-10164

10-18-04



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FEB 11 2005

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.

Post → This land has NO Ditches!
only one Culvert crossing County Road and
Dumping into a Swail on property.
Water cannot be Flood, irrigated over this ground
TO many Swails, Hills, mounds of DIRT.

NO CONVIENCE on this ground.

The point of Div. Legal. They would have TO
Fly over a lot of 'Black Ditches & Blackwidge
Ditch

RECOMMENDATION: SINCE THERE IS NO CONVIENCE SYSTEM FOR
FIELD EXAM BY CLAY EMMER, IDWR CONTRACTOR, AND THAT NO
SPRINGS WERE LOCATED AS SOURCE THIS CLAIM WILL BE
RECOMMENDED AS WASTEWATER ON 50 AC BY GIS FROM FIELD
EXAM. NO OVERLAP OR OTHER RIGHTS

Reviewer: _____ Date: _____

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FEB 11 2005

Priority Date Data Entry Form

Claim Number: _____

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: 5/01/1963 Claimed Basis: BURecommended Priority Date: 5/01/1965 Recommended Basis: BU

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

Claims 1963 - His Affidavit Discusses "... EVERY YEAR
SINCE 1965"

Reviewer: _____

Date: _____

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FEB 11 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
66N	45E	32		SW NE SW	Teton	SPRINGS	Teton River

Recommended Point(s) of Diversion and Source.

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source	Tributary to
66N	45E	31		SE NE SW	Teton	Washo Water	Teton River

Other rights from this POD? _____

Transfers Pending or approved: _____

Document how the POD and Source were verified:

There are NO SPRINGS in this Area that Flow.
 and there are several Black Canal Ditches that
 would have to be Flamed Across. Not Just Blecken Ridge
 Spring CK. Ditch
 The ground HAS NO Ditches or any other Conduits
 There is only ONE County Culvert that crosses.
 The Road it Dumps into The Barrow Pit. See Map.

Recommend Source as Washo Water. POD @ East Property
 Boundary where Water Flows from Alluvial on to this
 property.

Reviewer: _____ Date: _____

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Place Of Use Data Entry Form

Claim Number: _____

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

Total acres _____

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

Total acres _____

Pending or approved Transfers: _____

Overlapping rights: _____

Document how the POU was verified: *FIELD EXAM BY CLAY FULLMER STATUS*
'NO DITCHES IN DUMPING INTO A SWAMP ON PROPERTY -
BT GIS FIELD EXAM POU IS 5.0 AC - SO RECOMMENDED

Reviewer: _____ Date: _____

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SEARCHED
FEB 11 2005

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
IRRIG	4/15	10/15	0.80	_____
Stock	4/15	10/15	0.03	_____
_____	_____	_____	_____	_____

Overall Diversion Rate 0.80

Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
IRRIG	4/15	10/31	0.10	_____
Stock	4/15	10/31	0.03	_____
_____	_____	_____	_____	_____

Overall Diversion Rate 0.10

Overall Diversion Volume _____

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

5th ac POU x .02 = 0.10 cfs - Stock allowed as
 NON-ADDITIVE INCIDENTAL USE.
 Dept. SOL for AREA is 4/15 TO 10/31 - So Recommended -

Reviewer: _____

Date: _____

SCANNED

FEB 11 2005

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MAILED
4/2/04

4/2/04 TELSON w/ ERROL - WAYNE
IS DECEASED. A SISTER WANTS TO
BE PUT ON THE OWNERSHIP - ADVISED
THAT WOULD A CO w/ DEATH CERT. -

April 2, 2004

ERROL TIBBITTS
4190 E 500 N
RIGBY ID 83443

RE: EVIDENCE OF PRIORITY FOR SRBA WATER RIGHT CLAIM 22-10164

Dear Claimant (s):

The Idaho Department of Water Resources is beginning water rights review in Basin 22, the Teton River drainage. The Notice(s) of Claim identified with the number shown above has been filed in the Snake River Basin Adjudication (SRBA). The Notice of Claim indicates water usage is based on "Beneficial Use". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed, at or on the place of use identified on the Claim. The date the water was first put to beneficial use, known as the priority date, has not been confirmed by License, Decree, or Permit. For this reason, proof must be provided supporting the priority date. As the claimant, you are responsible for submitting the necessary proof to support the priority date.

Your claim, as referenced above, claims a Priority Date of MAY 1, 1963, from a SPRING.

It is important that each element of the Notice of Claim be verified. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

For your reference, I have provided a printout of your Notice of Claim and the pamphlet entitled "Evidence of Priority". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. While I encourage you to read the entire pamphlet, I direct your attention to the two sections entitled "What Kind of Evidence is Required" and "Some Examples of Documents Which May Be Evidence of the Priority Date".

It is our goal to recommend historical water rights within the Snake River Basin as accurately as possible. Field exams to verify other elements of the Notice of Claim have been or soon will be conducted by Department personnel.

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FEB 11 2005

[Signature]

August 11, 1988

To Idaho Department of Water Resource

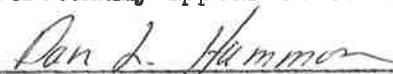
Gentlemen:

This document will certify and attest that the undersigned, Errol W. Tibbitts, did assist Wayne E. Tibbitts, (President of Tibbitts Produce Co.) in placing a flume across the Breckenridge ditch which was flowing through the then Luella Pehrson property to enable Mr. Wayne E. Tibbitts to capture spring water and direct its flow to Tibbitts Produce Co.'s pasture land. I can also attest that this practice has been followed every year since 1965. This certification pertains to your civil case #39576, with identification #A22-10164 which was received by your agency on 7-11-88 and receipted by you as #E000680.



State of Idaho
County of Jefferson

This 11th day of August, 1988, Errol W. Tibbitts did personally appear before me


a Notary Public, and sign this instrument.


Notary Public

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FEB 11 2005

PROFILED

MICROFILMED

NOV 05 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: A22-10164
Date Received: 7/11/1988
Receipt No: E000680
Received By: SEP

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: TIBBITTS PRODUCE CO. 208-745-8181
Address: C/O WAYNE E. OR ERROL TIBBITTS
RT 3 BOX 212
RIGBY, ID 83432

2. Date of Priority: MAY 01, 1963

3. Source: SPRINGS Trib. to: TETON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06N	45E	32	SW	NE	SW		TETON

5. Description of diverting works:
SPRING FLOW COLLECTED INTO DITCH 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	0.800		
STOCKWATER	04/15	10/15	0.030		

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

8. Total consumptive use is 80.0 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER FOR 70 HEAD OF RANGE CATTLE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06N	45E	31	NE	SW		IRR	40.0

A22-10164

Page 1

Date: 07/11/88

SCANNED

FEB 11 2005

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MICROFILMED

NOV 05 1992



10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06N	45E	31	NE	SW		STOCK	
Section Acres							40.0
Total Acres							40.0

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:
NONE

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

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: 12

For Organizations:

I do solemnly swear or affirm that I am President of _____

Title

Spkitts Produce Inc., that I have signed the foregoing

Organization

document in the space below as President of _____

Title

Spkitts Produce Inc. and that the statements contained in the

Organization

foregoing document are true and correct.

James E. Spkitts
Signature of Authorized Agent

President Spkitts Produce Inc.
Title and Organization

July 11/1988
Date

State of Idaho

County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 11th day

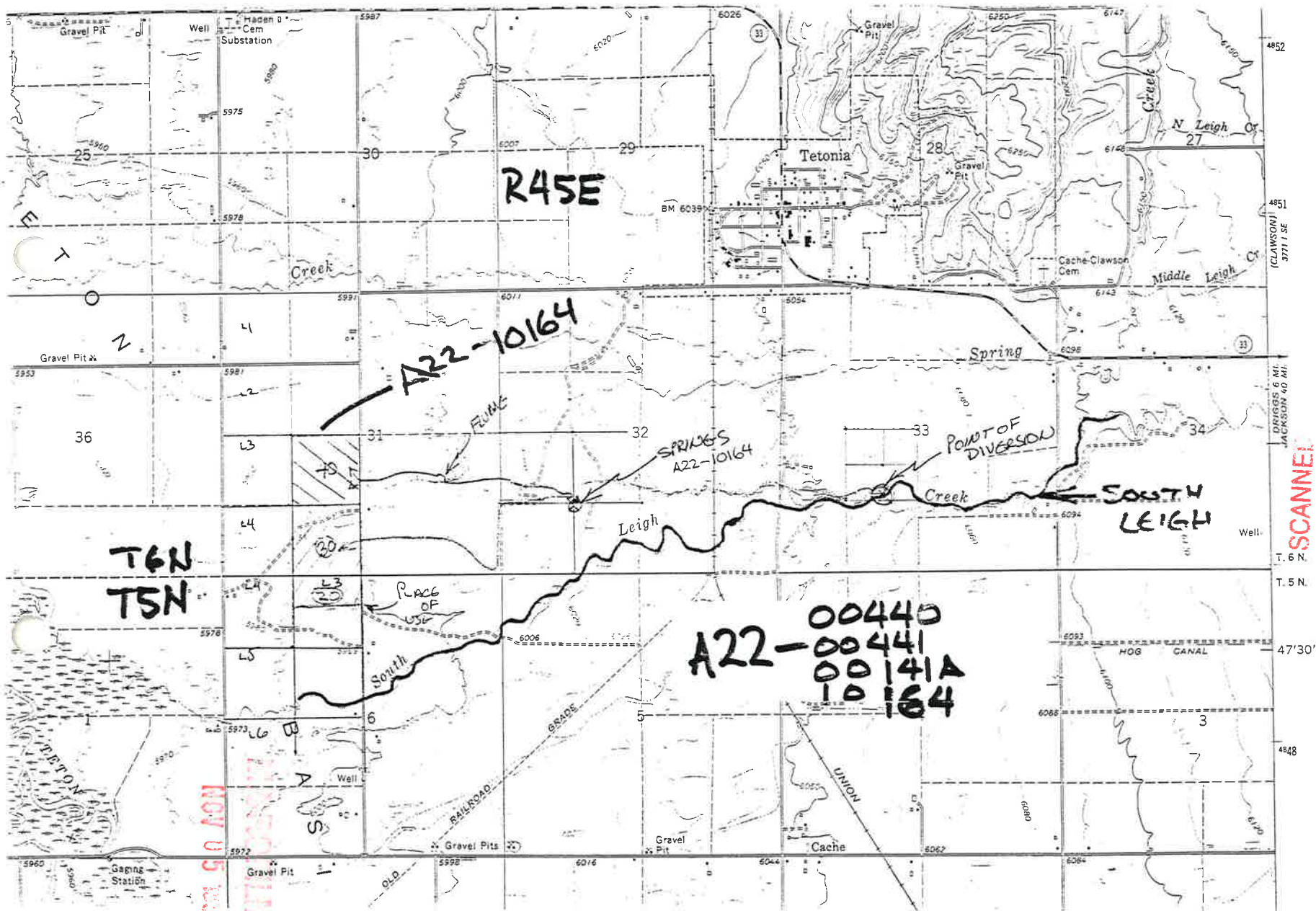
of July 19 88

Deena Green
Notary Public

Seal

Residing at Rigby

My Commission Expires 4-22-1994



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FEB 11 2005

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