

11/22/2006

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

RIGHT NUMBER: 22-10405

NAME AND ADDRESS: JOHN GRIFFITH
4617 E 185 N
RIGBY ID 83442

CHARLENE GRIFFITH
4617 E 185 N
RIGBY ID 83442

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.090 CFS
5.900 AFY

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

PRIORITY DATE: 04/01/1979

POINT OF DIVERSION:

T06N R39E S34 NWNWSW Within MADISON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	01/01 12/31	0.040 CFS
IRRIGATION	04/01 11/01	0.050 CFS 5.90 AFY

PLACE OF USE: IRRIGATION in MADISON County

T06N R39E S34 NWSW 1.70

DOMESTIC same as IRRIGATION

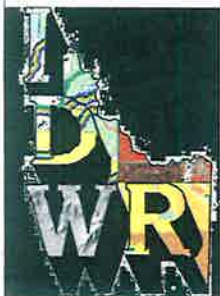
1.7 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

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 - Beneficial Use



Idaho Department of Water Resources

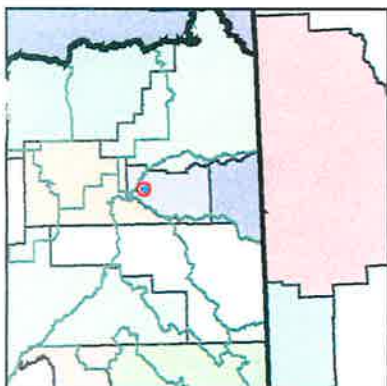
SRBA Recommendation:

22-10405

(Irrigation)

Legend

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



Madison County
IDWR Basin 22



0 0.1 0.2 Miles

Prepared by E. Carlsen
On Wednesday, November 22, 2006
2004 Aerial Photography

November 28, 2005

RECEIVED

DEC 08 2005

Department of Water Resources
Eastern Region

To Whom it may Concern:

I am writing concerning the Griffith property located at the following address:

1542 South 4000 West
Rexburg Idaho 83440

Cliff #
#22-10/05

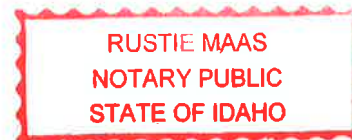
I currently live 2 houses from the Griffith home. I have lived here for 34 years. My father, Frank Theone Beattie, bought the land the Griffith home resides on in the late 60's or early 70's. He sold the property in 1978 to Clair and Donna Bailey.

In 1979 a home was built on the property by the Bailey family. My brother, Morgan Beattie, was the builder for their home. A well was put in at the time the home was built in 1979. If you have any further questions, I can be reached at 208-356-7051.

Sincerely,

Pat Baldwin

Pat Baldwin



7-26-2011
Rustie Maas



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. SKYLINE DR., SUITE A, IDAHO FALLS, ID 83402-1718

PHONE: (208) 525-7161 FAX: (208) 525-7177 WEB SITE: www.idwr.state.id.us

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

July 13, 2005

JOHN & CHARLENE GRIFFITH
4617 E 185 N
RIGBY ID 83442

RE: NOTICE(S) OF CHANGE OF WATER RIGHT OWNERSHIP
NOTICE(S) OF CLAIM TO A WATER RIGHT 22-10405

Dear Mr. & Mrs. Griffith:

The request for Change of Water Right Ownership concerning the above-referenced Notice(s) of Claim has been processed and the Department's records updated to reflect you as the new claimant.

The enclosed report shows this change along with listing the elements of the water right being claimed. Please review this report and contact this office if there are corrections or questions.

Respectfully yours,

Jennifer Crabtree
Technical Records Specialist

Enclosure

SCANNED

JUL 14 2005

PROFILE

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

RECEIVED**JUL 08 2005**Department of Water Resources
Eastern Region

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (adjudication claim number if there is no corresponding water right record or space provided (under the "split" heading), if the change in ownership is division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No.
	22-10405		

*Do %
 Change of Title is
 OK*

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

A. The appropriate **FILING FEE**. See instructions for fee amounts.

B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.

C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s)

*Dann & Betty Jo Barnes
 253 W 4 North Rigby ID*

4. New Owner/Claimant(s)

John and Charlene Griffith

Name Connector (Check one): [] and, [] or, [] and/or

New Mailing Address

4617 E 185 N

City, State and ZIP Code

Rigby ID 83442

New Telephone Number

208 538-7135

5. Date you acquired the property

Nov 1995

PROFILED

SCANNED

JUL 14 2005

State of Idaho } SS 258805
County of Madison }

I hereby certify that the within instrument was
filed NOV. 30 1995

19 1659 M. and 258805
recorded on Film

H22162-1

First American Title Company

by DETH B. REESE, Recorder
At the request of First American Title Company

WARRANTY DEED

For Value Received **DANN T. BARNES and BETTY JO BARNES, husband and wife**

Hereinafter called the Grantor, hereby grants, bargains, sells & conveys to

JOHN S. GRIFFITH and CHARLENE R. GRIFFITH, husband and wife

whose address is: **1542 SOUTH 4000 WEST, REXBURG, ID 83440**

Hereinafter called the Grantee, the following described premises situated in **MADISON County, Idaho**, to-wit:

TRACT 1:

Beginning at the Southwest corner of Section 34, Township 6 North, Range 39 East, Boise Meridian, Madison County, Idaho, thence North for a distance of 2305.50 feet to the TRUE POINT OF BEGINNING; thence East 260.86 feet; thence North 140.0 feet; thence West 260.86 feet; thence South 140.0 feet to the true point of beginning.

TRACT 2:

Beginning at the Southwest corner of Section 34, Township 6 North, Range 39 East, Boise Meridian, Madison County, Idaho, thence North for a distance of 2305.50 feet; thence East for a distance of 260.86 feet to the TRUE POINT OF BEGINNING; thence East for a distance of 315.14 feet; thence North 37°46'51" West for a distance of 177.13 feet; thence West for a distance of 206.62 feet; thence South for a distance of 140.00 feet to the true point of beginning.

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: November 29, 1995

Dann T. Barnes
DANN T. BARNES

Betty Jo Barnes
BETTY JO BARNES

STATE OF IDAHO)
COUNTY OF MADISON)

On This 29th day of November, in the year 1995, before me, a Notary Public in and for said State, personally appeared DANN T. BARNES and BETTY JO BARNES, known or identified 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.

Linda L. Nicholls
Notary Public of Idaho
Residing at Idaho Falls, Idaho
Commission Expires 08/07/01

SCANNED

JUL 14 2005

LINDA L. NICHOLLS
STATE OF IDAHO
NOTARY—PUBLIC

PROFIT

237956 50004

AMERICAN LAND TITLE CO.
P.O. BOX 732
REXBURG, IDAHO 83440

WARRANTY DEED

For Value Received

Chester J. McDermott and Diane L. McDermott, HUSBAND AND WIFE,
the grantors, do hereby grant, bargain, sell and convey unto

Dore T. Barnes and Betty Jo Barnes, HUSBAND AND WIFE,

whose current address is

1542 South 4000 West, Rexburg, Id 83440

the grantee s, the following described premises, in Madison County Idaho, to wit:

Tract 1: Beginning at the Southwest corner of Section 34, Township 6 North, Range 39 East, Boise Meridian, Madison County, Idaho, thence North for a distance of 2305.50 feet to the true point of beginning; thence East 260.86 feet; thence North 140.0 feet; thence West 260.86 feet; thence South 140.00 feet to the true point of beginning.

Tract 2: Beginning at the Southwest corner of Section 34, Township 6 North, Range 39 East, Boise Meridian, Madison County, Idaho, thence North for a distance of 2305.50 feet; thence East for a distance of 260.86 feet to the true point of beginning; thence East for a distance of 315.16 feet; thence North 37°46'51" West for a distance of 177.13 feet; thence West for a distance of 206.62 feet; thence South for a distance of 140.00 feet to the true point of beginning.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee s, their heirs and assigns forever. And the said Grantee s do hereby covenant to and with the said Grantee s, that they are the owners in fee simple of said premises; that they are free from all incumbrances except: Subject to all existing patent reservations, easements, rights of way, protective easements, zoning ordinances, and applicable building codes, laws and regulations.

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: May 31, 1991

Chester J. McDermott
Chester J. McDermott

Diane L. McDermott
Diane L. McDermott

STATE OF Texas COUNTY OF Smith
On this 31st day of May, 1991,
before me, a Notary Public in and for said State, personally
appeared
Chester J. McDermott
Diane L. McDermott
HUSBAND AND WIFE.

known to me to be the persons whose names are subscribed to the within
and that they acknowledged the same.

Fanchon Williams
Notary Public
Notary Public
Residing at
Cotton, England

MICROFILMED
State of Idaho
County of Madison
I hereby certify that the within instrument was
filed for record in the
County of Madison, State of Idaho, on this
day of May, 1991.
At the request of AMERICAN LAND TITLE CO., INC.

PROFILED

SCANNED
JUL 14 2005

Form No. 1056-4
All Policy Forms

No. F-22162-1
J - 371885

SCHEDULE C

The land referred to in this policy is situated in the State of Idaho, County of **Madison** and is described as follows:

TRACT 1:

Beginning at the Southwest corner of Section 34, Township 6 North, Range 39 East, Boise Meridian, Madison County, Idaho, thence North for a distance of 2305.50 feet to the TRUE POINT OF BEGINNING; thence East 260.86 feet; thence North 140.0 feet; thence West 260.86 feet; thence South 140.0 feet to the true point of beginning.

TRACT 2:

Beginning at the Southwest corner of Section 34, Township 6 North, Range 39 East, Boise Meridian, Madison County, Idaho, thence North for a distance of 2305.50 feet; thence East for a distance of 260.86 feet to the TRUE POINT OF BEGINNING; thence East for a distance of 315.14 feet; thence North $37^{\circ}46'51''$ West for a distance of 177.13 feet; thence West for a distance of 206.62 feet; thence South for a distance of 140.00 feet to the true point of beginning.

PROFILE

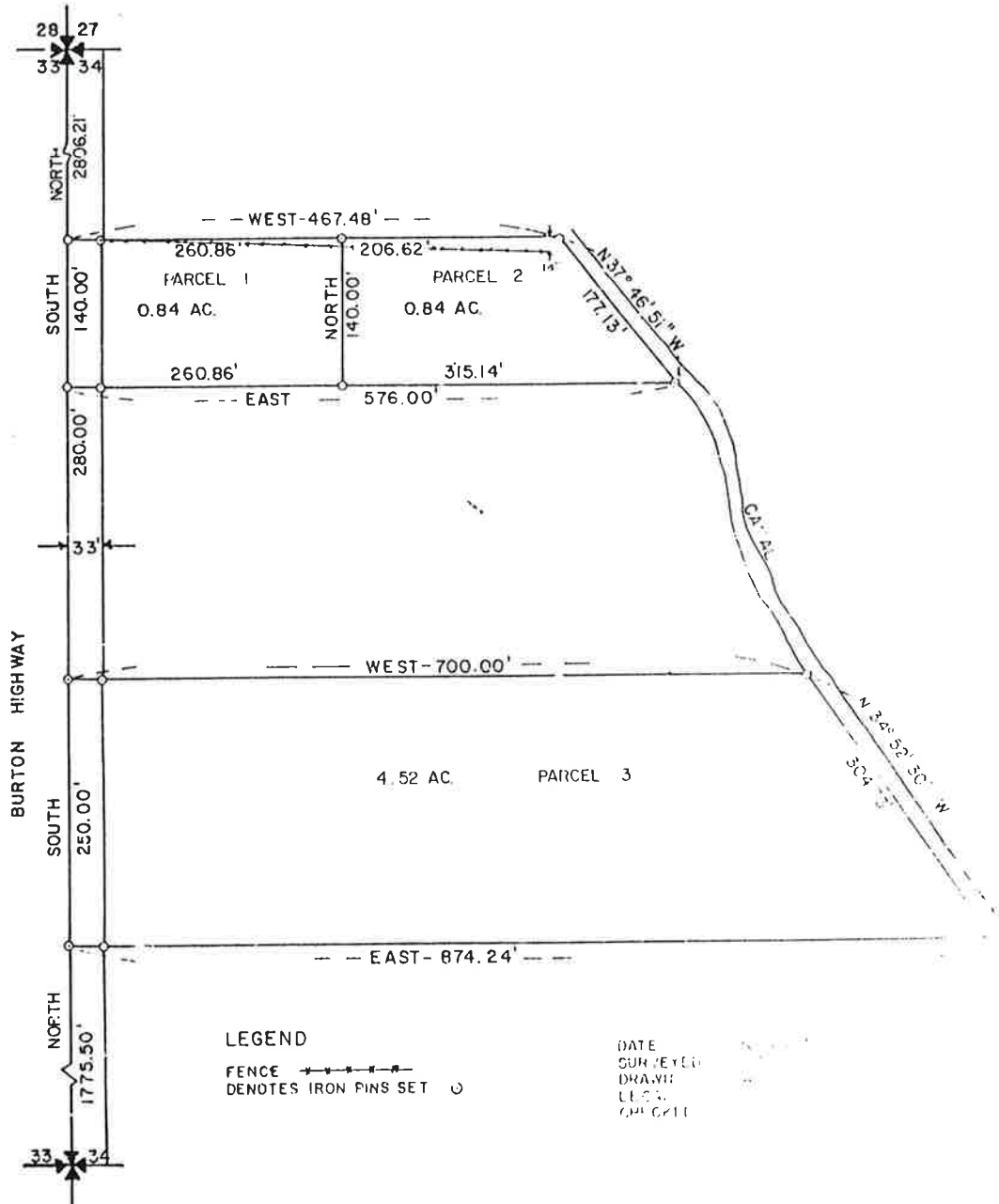
SCANNED

JUL 14 2005



MADISON COUNTY
T6N, R39E, B.M. 31
BRYCE BAILEY & MORGAN BROS.
SCALE 1"=100'

#183029



PROFILED

SCANNED
JUL 14 2005

June 8, 2005

**JOHN S GRIFFITH
1542 S 4000 W
REXBURG ID 83440**

FINAL NOTICE

PLEASE READ

RE: EVIDENCE OF PRIORITY FOR SRBA WATER RIGHT CLAIM 22-10405

Dear Claimant (s):

The Idaho Department of Water Resources is beginning water rights review in Basin 22, the Teton Valley area. 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 MARCH 01, 1978, from GROUNDWATER.

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 which are acceptable 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**". **PLEASE READ THE ENCLOSED PAMPHLET.**

10/5/05 NO Response to Request → Dismissed

NO Bill found

[Signature]

Claim No. 22-10405

Document Checklist

☐ Copy License/Decree

☐ Copy Transfer

☐ Copy Licensing Field Exam

☒ Check if Ownership/Address Change is Required

☐ Generate, mail and file "Evidence of Priority" letter

could not send C/O

☒ Generate Arcview Map

*7/13/04 Courthouse Glen 39c 34 5419 } (check addresses)
one of these → 5519
5558*

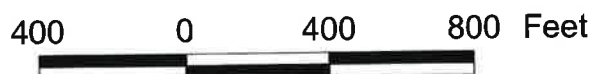
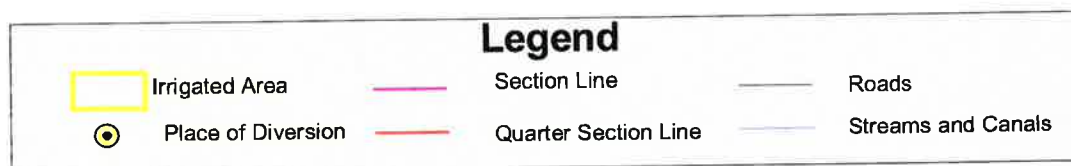
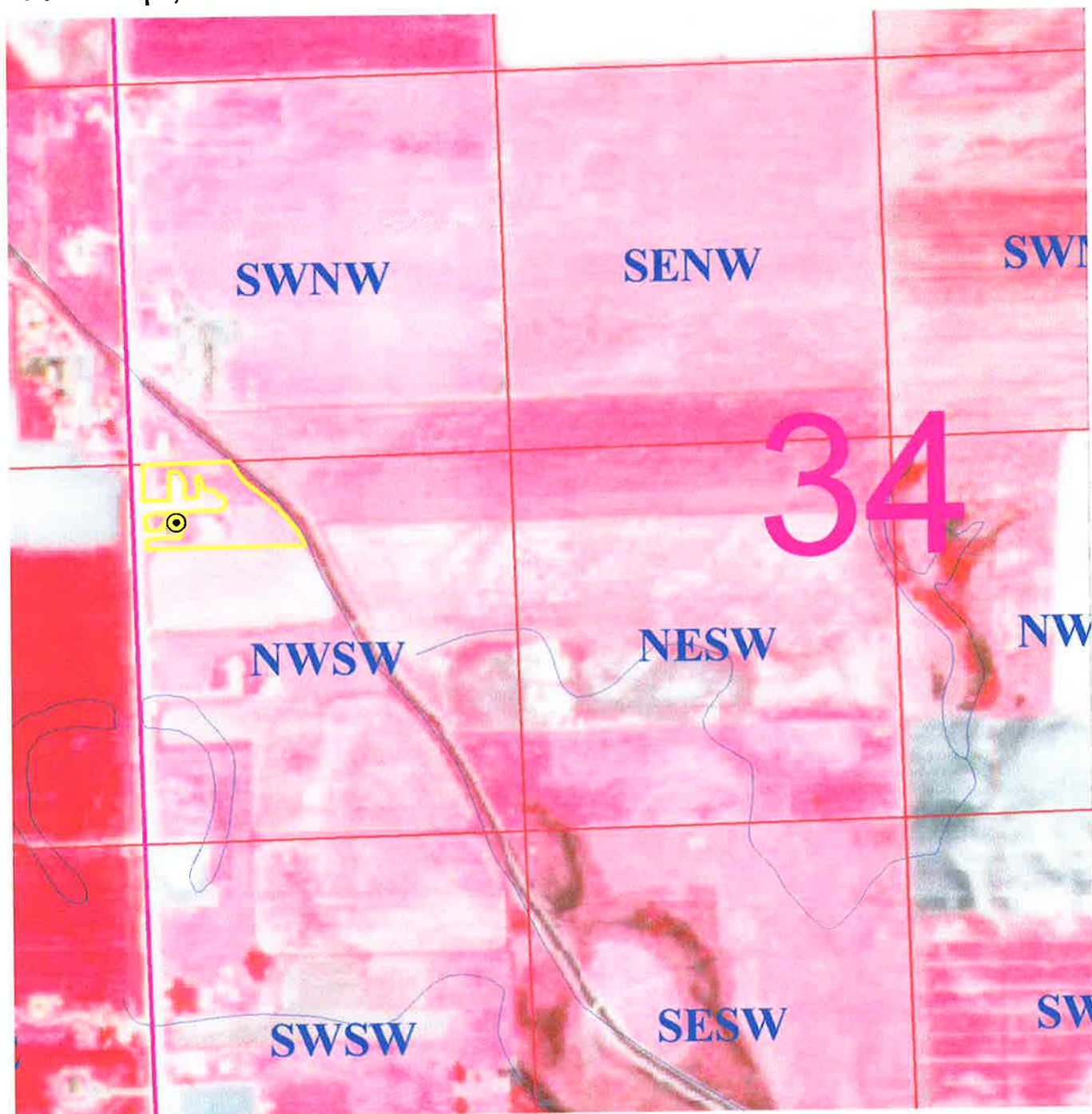
*John S. Griffith
1542 S 4000 W
Rexburg 83440*

Bac

*161615 Change of ownership mailed with Final
Notice. EOP KMO*

Water Right Claim Number 22-10405
Township , 6N39E

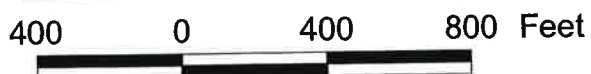
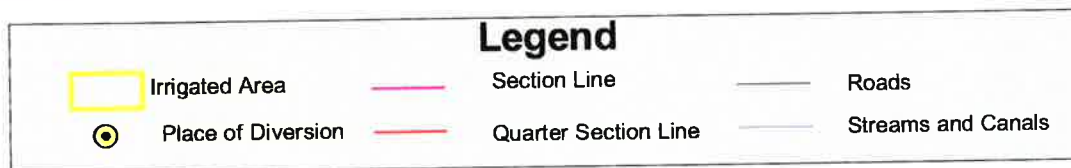
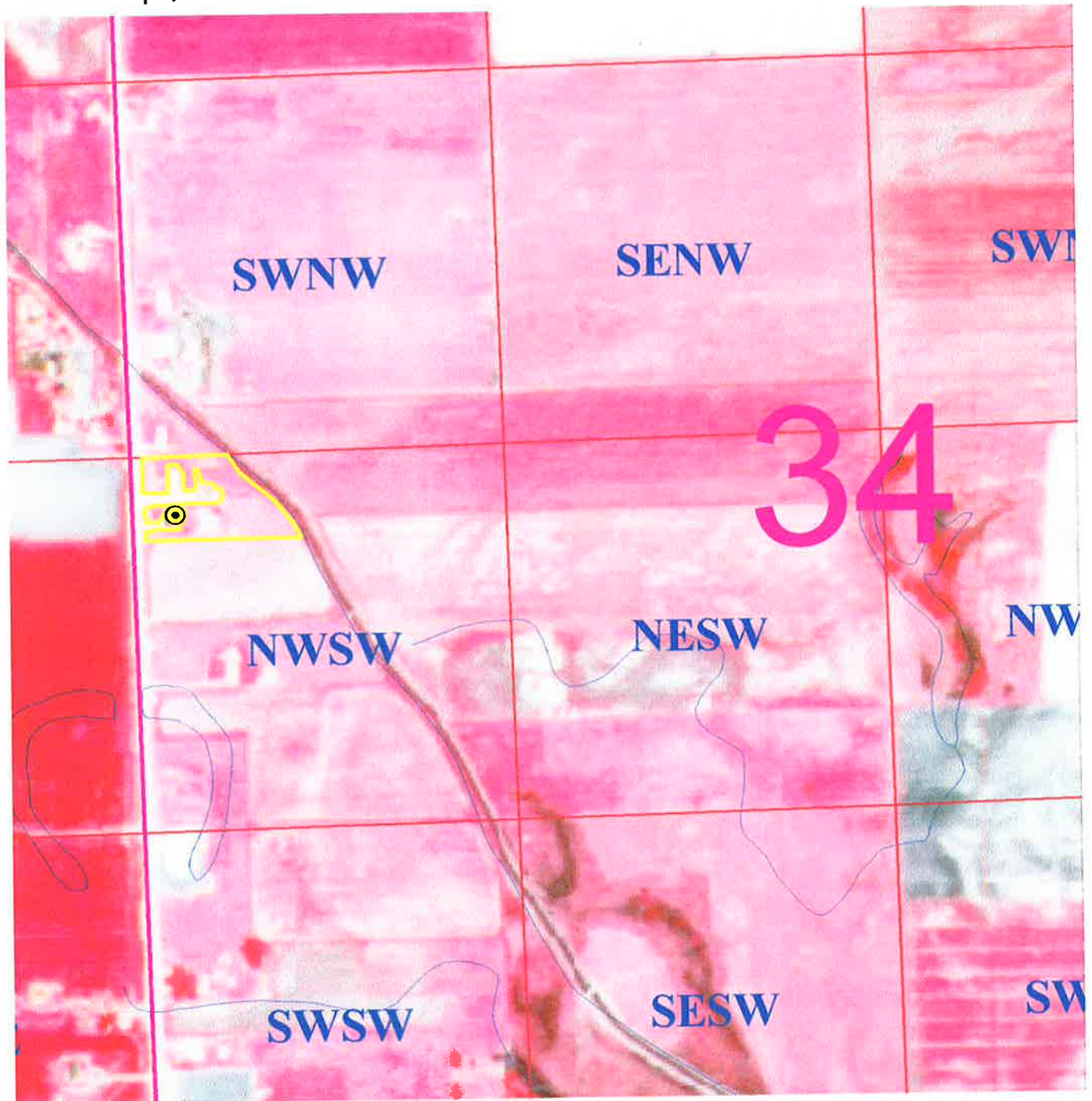
07/12/2001



SPATIAL
DYNAMICS

Water Right Claim Number 22-10405
Township , 6N39E

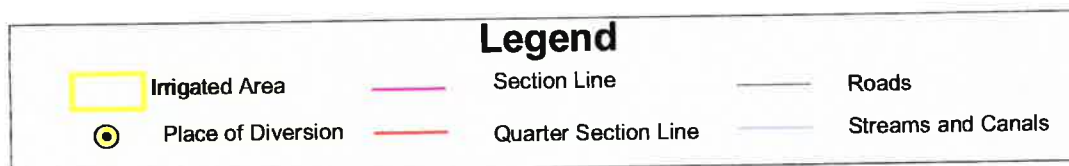
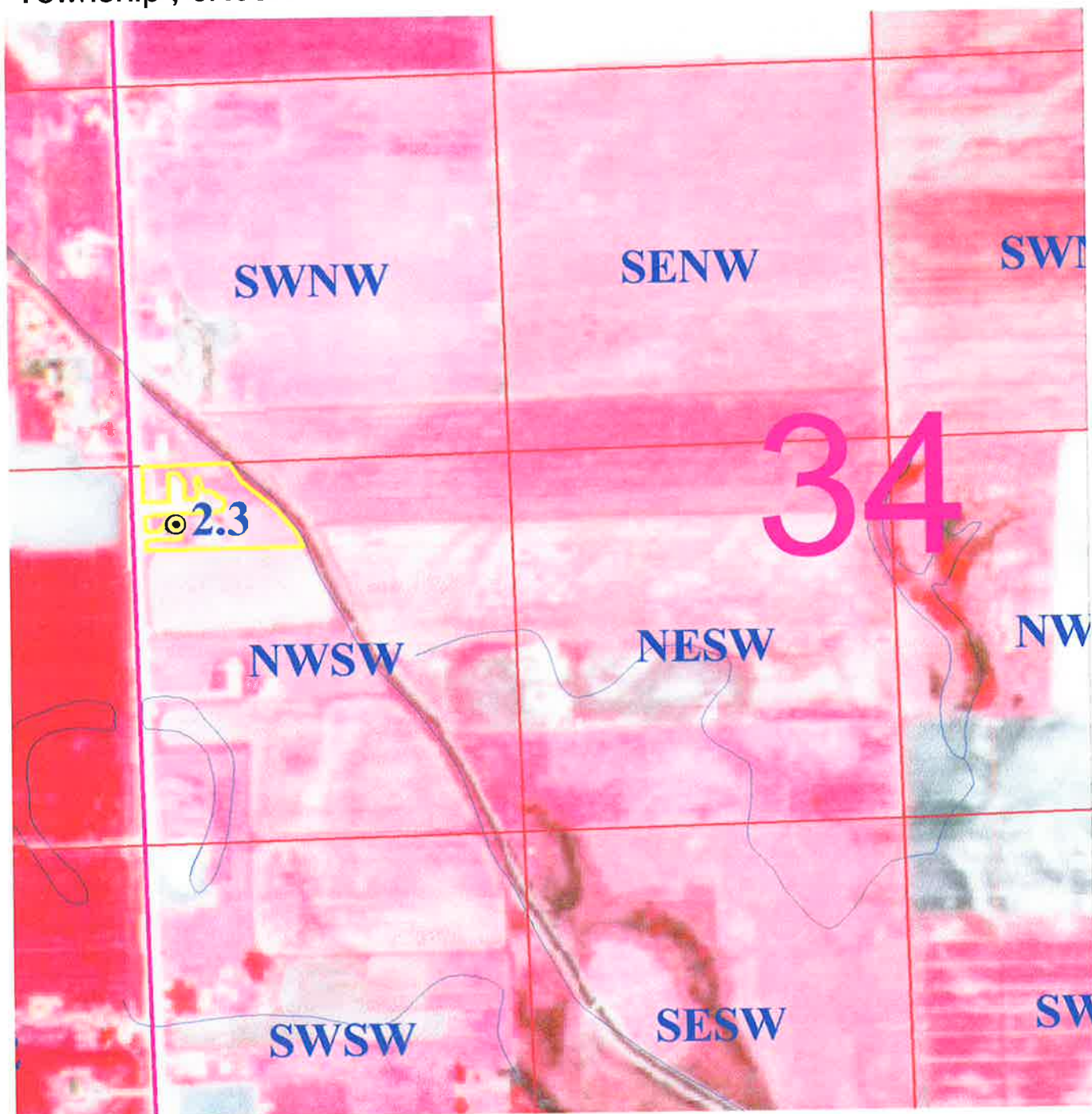
07/12/2001



SPATIAL
DYNAMICS

Water Right Claim Number 22-10405
Township , 6N39E

07/12/2001



SPATIAL
DYNAMICS

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: A22-10405
Date Received: 8/01/1988
Receipt No: M000647
Received By: *JS*

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CHESTER J. MCDERMOTT 208-356-5357
Address: 1542 SOUTH 4000 WEST
REXBURG, ID 83440
AND/OR
Name: DIANA L. MCDERMOTT 208-356-5357
Address: 1542 SOUTH 4000 WEST
REXBURG, ID 83440

A2210405



2. Date of Priority: MAR 01, 1978

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06N	39E	34	NW	SW			MADISON

5. Description of diverting works:
2 WELLS & PUMPS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.040		
IRRIGATION	04/01	11/01	0.050		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC - 1 HOME.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06N	39E	34	NW	SW		IRR	2.0
			NW	SW		DOMEST	
						Section Acres	2.0
						Total Acres	2.0

11. Place of use in counties: MADISON

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: _____

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): Chester M. Demmitt Date: Aug 2, 1988

Date: _____

State of Idaho)
County of Madison) SS.

Subscribed and sworn (or affirmed) before me this 2 day

of Aug 19 88

John Dale Corbin
Notary Public

Seal

Residing at Pain ID

My Commission Expires 6/2/99

4853

4852

4851

4850

4849

4848

4847



NOV 05 1992

50401-22A