

06/08/2006

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

RIGHT NUMBER:	22-11415		
NAME AND ADDRESS:	ROSS L FOSTER PO BOX 404 DRIGGS ID 83422		
SOURCE:	FOX CREEK	TRIBUTARY: TETON RIVER	
QUANTITY:	1.600 CFS		
PRIORITY DATE:	06/01/1896		
POINT OF DIVERSION:	T04N R46E S30 SENENW 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	1.600 CFS
PLACE OF USE:	<u>IRRIGATION Within TETON County</u>		
	T04N R45E S26	NENW 40.00	T04N R45E S26 NWNW 39.00

79 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.

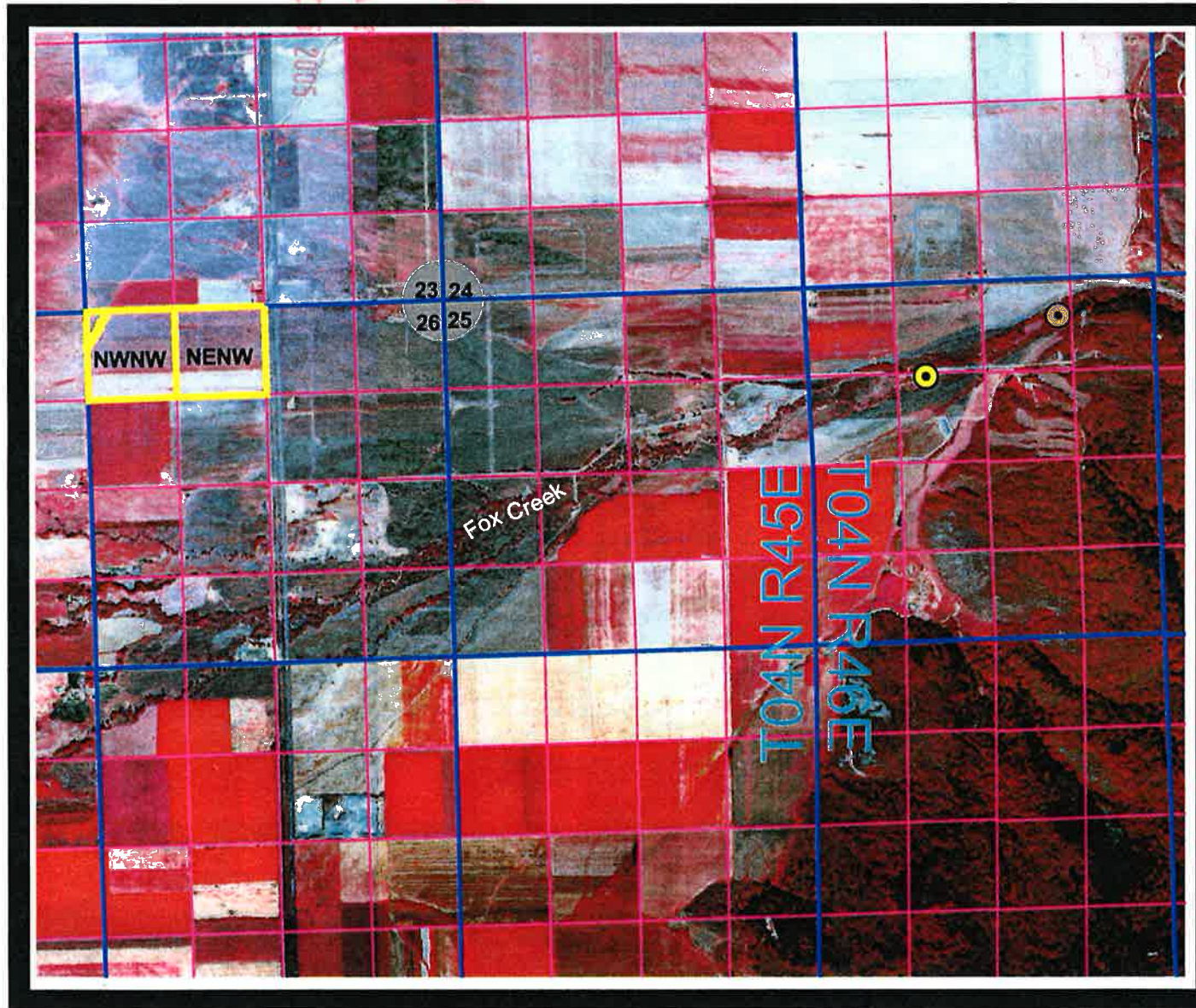
EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed
WATER IS DELIVERED THROUGH FOX CREEK.
This right is a split from former right 22-540.



State of Idaho

Department of Water Resources

Eastern Region



2000 0 2000 4000 6000 8000 10000 12000 Feet

Water Right(s):
22-11415

Point(s) of Diversion:
T04N R46E
Sec 30 SENENW

Place of Use: (parts of)
T04N R45E
Sec 26 NENW, NWNW

Water delivered through
Fox Creek.

Legend



Point of Diversion



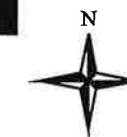
Place of Use



Section



Quarter-Quarter



GIS Place of Use Illustration
1987/1988 NAPP Photography.
Prepared by: N.Treasure
Date: March 2005

TRANS. #2063

#51

538
 Samuel.
 Estate
 by Mary H.
 Arch, Admx., and
 Mary H. Birch

Stewart, Thompson

Stone, Henry J.

Storer, Sarah

Streeper, C. A.

0753 1 177 ✓
 Streeper, Howard

Sugar City
 Townsite
 Company.

0760 1 178 ✓
 Sullivan, Thomas
 F. and Mary A.

0761 1 179 ✓
 Summers, Stephen J.,
 and William and
 Soren Nelson

0762 21 0114 ✓
 Sundberg, Z.

0763 21 0115 ✓
 Sundberg, Z.

0764 1 180 ✓
 Sunny Dell

Irrigation Can.
 Company, The

0765 22 0541 ✓
 Swanner, Samuel

0766 22 0542 ✓
 Swanner, Samuel

0767 21 0116 ✓
 Swanstrom, Albert

0768 23 0050 ✓
 Swan Valley
 Irrigation Com-
 pany, Limited.

Swenson, L. P.

Sylvester, James.

250 inches. June 1, 1884. Teton River.

50 inches. June 1, 1899. Badger Creek.

160 inches. June 1, 1896. Fox Creek.

The Farmers' Friend
Canal Company.The Farmers' Friend
Canal Company.

300 inches. June 2, 1889. South Fork of the
 Trans #523 Snake River.
 Trans #306

(See Hill Ditch Com-
pany and Willard
Ricks.)640 inches. Nov. 25, 1902. North Fork of the
Snake River.670 inches. June 10, 1885. South Fork of the
Snake River.

e 1, 1890. Fall River. #911-933

e 1, 1894. Black Spring Creek.

1,000 inches. June 1, 1889. South Fork of the
Snake River.

40 inches. June 1, 1889. South Leigh Creek.

120 inches. June 1, 1891. South Leigh Creek.

180 inches. Aug. 9, 1902. Sheridan Creek.

1,800 inches. June 1, 1900. Palisade Creek. ✓

Trego Ditch Company

(No right ...)

EXCEPT FROM
 Revuey I delegation
 16-12-1910

PROCESSED
 MAY 05 2005

Staten, John E.

NW $\frac{1}{4}$ of Sec. 17, T. 1 N. R., 44 E. B. M.,
containing 160 acres.

State of Idaho

(See Corbett Slough Ditch Company,"
State of Idaho", 6666 "Idaho Insane Asylum,
State of Idaho.")

Square Top Grove
Canal Company.

Lands of stockholders of said company,
the description of said lands and the
names of said stockholders not being
given in the pleadings of said com-
pany. (Stock of said company owned
by The Lenroot Canal Company.)

Stephens, Amuel R.

S $\frac{1}{2}$ of NW $\frac{1}{4}$ of Sec. 9, S $\frac{1}{2}$ of NE $\frac{1}{4}$ of Sec.
9, NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Sec. 9, and NE $\frac{1}{4}$ of
SW $\frac{1}{4}$ of Sec. 8, and N $\frac{1}{2}$ of SE $\frac{1}{4}$ of Sec.
8 T. 14, N., R., 44 E., B. M., containing
320 acres.

Stephens, A. R.

S $\frac{1}{2}$ of NW $\frac{1}{4}$ of Sec. 9, S $\frac{1}{2}$ of NW $\frac{1}{4}$, and
N $\frac{1}{2}$ of SE $\frac{1}{4}$ of Sec. 8, T. 14 N., R., 44
E., B. M., containing 240 acres.

Stegens, N. H.

"E $\frac{1}{2}$ of SE $\frac{1}{4}$ of Sec. 13, and NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of
Sec. 24, and 40 acres of unsurveyed
land."

Stewart, Samuel

SE $\frac{1}{4}$ of Sec. 25, T. 7 N., R., 40 E., B. M.
containing 160 acres.

Stewart, Thompson

Lot 4, and S $\frac{1}{2}$ of NW $\frac{1}{4}$ of Sec. 5, and Lot 1 of
Sec. 6, T. 6 N. R., 45 E., B. M.,
containing 160 acres.

Stoddard Brothers,
at partnership
composed of J. M.
and A. Stoddard

SW $\frac{1}{4}$ of Sec. 31, and NW $\frac{1}{4}$ of Sec. 6 T. 1 N.,
R. 38 E., B. M., and T. 1 N. R., 38
E., B. M., containing 100 acres.

Stone, Andrew

Certain park on East side of Warm River,
at SE corner of Reas Park, on Island Park.

Stone, Henry J.

NE $\frac{1}{4}$ of Sec. 26, T. 4 N., R., 45 E., B. M.,
containing 160 acres.

Streepor, Howard

N $\frac{1}{2}$ of NW $\frac{1}{4}$, and W $\frac{1}{2}$ of NE $\frac{1}{4}$ of Sec. 29.

Contacts Data Entry Form

Water Right No. 2211415

Owner Type	Full Name	Address	City	State	Zip	Phone
Current Owner	<u>Ross Foster</u>					
Name connector: and _____, or _____, and/or _____						
Current Owner						
Current Owner						
Representing Attorney:		Phone Number:				
Accompanied By:		Phone Number:				
Relationship to Claimant:						
Date of Field Exam:		Time:				

Directions to Property (if different from above) and/or update owner information:

DACRED Rexburg Irrigation vs Teton Irrigation 16-12-1910 A220540
DACRED To Henry J Stone p.d. 1 June 1896 160" (3.20 cfs)
NW 1/4 SEC. 26. T4N R45E. 160 AC

DACRED Split 40" (.80 cfs) going To This Claim Don't
Know Where Other Went? yet? Remarks in Claim State
This Claim is For 1/2 of DACRED 220540 But it is only For
1/4 ?

FE pod/pou. Conveyance/system

Reviewer: _____

Date: _____

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PROFILE

MAY 05 2005

Priority Date Data Entry Form

Claim Number: 2211 415

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: 1 June. 1896 Claimed Basis: DACREED

Recommended Priority Date: 1 June 1896 Recommended Basis DACREED

_____ Use Claimed Priority Date and Basis as Recommended Priority Date and Basis

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

Matches Dacreed

Reviewer: _____

Date: _____

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Point of Diversion and Source Data Entry Form

Claim Number: 2211415

Water Right Point of Diversion: T____, R____, Sec.____,____,____,____. County:_____

Source:_____ Tributary:_____

Claimed Point of Diversion: T 44, R 46E, Sec. 30, SE, NE, NW. County: TETONSource: Fox Creek Tributary: TETON RIVER.

Recommended Point of Diversion: T____, R____, Sec.____,____,____,____. County:_____

Source:_____ Tributary:_____

☐ Use Claimed POD and Source as Recommended POD and Source

Twp	Rge	Sec	Gov	Lot	QQQ of Q	County	Source
<u>104N</u>	<u>46E</u>	<u>30</u>			<u>SE NE NW</u>	<u>Teton</u>	<u>Fox Creek</u>
GPS Coordinates: _____							

GPS Coordinates: _____							

GPS Coordinates: _____							

GPS Coordinates: _____							

GPS Coordinates: _____							

GPS Coordinates: _____							

Other rights from this POD? GPS Tag

Document how the POD and Source were verified and/or Pump and Motor data:

Transfers Changing POD _____

Reviewer: _____

Date: _____

PROFILE

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Place Of Use Data Entry Form

Claim Number: 22 11415☐ Use Claimed POU as Recommended POU

Claimed Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
4N	4SE	26	NE	NW	Teton		40	Irrigation
"	"	"	NW	NW	"		40	"

Total Acres 80

Recommended Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
04N	4SE	26	NE	NW	Teton		40	Irrigation
04N	4SE	26	NW	NW	Teton		39	"

Total Acres 79

Document how the POU was verified:

POU verified through GIS.

Transfers Changing POU _____

Reviewer: _____

Date: _____

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MAY 05 2005

Period of Use and Quantity Data Entry Form

Claim Number: 2211415☐ Use Claimed Period of Use and Quantity as Recommended Period of Use and Quantity

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	1.80 cfs	

Overall Diversion Rate 1.80 cfs

Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
Irrigation	4/15	10/31	1.60 cfs	

Overall Diversion Rate 1.60 cfs

Overall Diversion Volume _____

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

IOWR STD. SOU. 4/15 - 10/31
Recommend 1/2 cfs @ 1.60 cfs for (see decreed
right 27-540 which states for 1/2 cfs of decreed)
CFS indicates 79.0 Acres, however 1.60 cfs will be used
for conveyance loss.

Reviewer: _____

Date: _____

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22 00 540 Henry J. Stone
160" (3.20 CFS) P.D. 1 June
1896 Fox Creek, Teton River

22 11 415 Ross L Foster
40" (.80 CFS) P.D. 1 June 1896
Fox Creek, Teton River. NE NW 40 AC
NW NW 40 AC. SEC 26 T4N R 45E

NOTES:

1. CLAIM REMARKS #14 STATES "... FOR HALF OF
DECREASED RIGHT 22-0540.
- a. .80 cfs is NOT HALF; CLAIMS 80⁰⁰ AC.
- b. Recommend 1/2 cfs @ 1.60 cfs

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MAY 05 2005

DRAFT

Articles of Organization Tyler Ditch Water Users Association

CHARTER

Be it known to all that on this date, _____ 2002, the parishioners of the Tyler Ditch, a lateral ditch, serviced from the Harrison Canal (South Branch), hereby unite and form a water users association pursuant to §42-1301 IC. The governing entity of such lateral shall be known as "Tyler Ditch Water Users Association"; a not for profit organization dedicated to the fair and equitable distribution of the waters allocated to the Tyler Ditch lateral water users. Ratified by the general membership of two-thirds majority.

ARTICLE 1 ORGANIZATION

1. Organization of Tyler Ditch Water Users Association shall comply and be directed by provisions of Title 42, Chapters 9 and 13 Idaho Code, (and others as applicable).
2. Tyler Ditch Water Users Association shall hereinafter be referred to as Association.
3. The Association shall hold an annual meeting on the first Saturday of March of each and every year at 7:00 pm at a predesignated place.
4. The Association shall organize by the election of officers to post positions as Chairman, Vice-chairman, and Secretary-Treasure. Such elected officers shall also constitute the Board of Directors. Herein referred to as Directors. Term of service to such offices shall be (1) year, without term limits, as elected by a majority vote of the members attending annual meetings.
5. Each property represented by attendance at annual meetings shall be recognized entitlement to one (1) vote per share or portion thereof, in person, for appurtenant lands represented by ownership. Joint ownership, such as; man and wife, or partnerships of whatever kind, shall represent a vote on the share basis.
6. The elected Chairman may also act as the Lateral Manager, when approved by membership majority vote, whose primary duty is to cause equitable distribution of the waters of the Tyler Ditch according to ownership shares, pro rated to time.

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7. Association membership shall address compensation of officers and lateral managers at annual meetings.

ARTICLE II LATERAL MANAGER

1. Pursuant to §42-1302 IC, a Lateral Manager may be appointed by the Directors of the Association provided an election of said Lateral Manager did not occur at the annual meeting.
2. Compensation of said Lateral Manager shall be set by vote of attending membership at annual meetings. Failing to set compensation of a lateral manager during annual meetings, the Directors may affix any such compensation.
3. The Lateral Manager shall be solely responsible to the Association membership for the fair and equitable distribution of waters during any irrigation season. And, shall resolve with finality any disputes over water use between membership in accordance with appropriate state laws.
4. The Lateral Manager shall be responsible to make certain that the proper quantity of water is made available for distribution to Association members.
5. Pursuant to §42-910, the Lateral Manager shall have such powers granted to same by §42-907, [in text] ...“shall have power to require of each user of such lateral such user’s proportion of the amount of labor, material or money reasonably necessary for the proper repair and maintenance of such lateral, and to require [measuring weirs], headgates, and checks to be installed for distributing the water among the users, and each user shall furnish a proportional share of such labor, material, or money upon three days notice” of designated work day(s).
6. The Lateral Manger shall cause the distribution of said waters of the Association to be distributed based on a two (2) week period of time rotation pro rated by the number of shares and/or portions thereof.

ARTICLE III LATERAL DITCH

1. Pursuant to §42-1303 IC, this article shall address any repairs, improvements, maintenance and assessments to membership.
2. Immediately preceding annual meetings the Directors and the Lateral Manager shall inspect the lateral for the purpose of assessing areas needing repairs and/or

PROPOSED
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improvements prior to the irrigation season. And, shall set a date for the membership at-large to facilitate such maintenance, repairs, or improvements. Any findings shall be addressed to the general attending membership.

3. The lateral ditch shall at all times be kept in suitable repair and free of debris. Ditch banks shall be kept burned or sprayed so as to discourage rodent populations from inhabitation. This shall be an action of the membership at-large during any designated work day(s) as set by the Directors during the annual maintenance inspection or as otherwise directed

ARTICLE IV ASSESSMENTS and COSTS

1. The membership shall at each annual meeting assess, to each water user, a base annual assessment based on total shares or portions thereof owned. These fees are to be collected and deposited into an interest bearing Association bank account by the Secretary-Treasurer for the purpose of payment for maintenance, repairs, improvements, business costs and any compensation to officers or Lateral Manager.
2. The improvement, repair, maintenance and business costs of such lateral ditch shall be under the direction of the Directors of the Association.

ARTICLE V ASSESSMENTS-NOTICE-PENALTIES for DELIQUENCY

1. Pursuant to §42-1304 IC, [in text] “ On or before the fifteenth day of April in each year the secretary of the association shall notify each water user of the amount assessed against [them] for that year as herein authorized, and the same shall be due and payable on the first day of May of each year and if not paid on or before the fifteenth day of June of such year, a penalty of ten per cent (10%) shall be added thereto, and the total amount due shall then draw interest at the rate of ten per cent (10%) per annum from the said fifteenth day of June of such year until paid”. (ref.[end text])
2. Pursuant to §42-1305 IC, [in text] “ No water user shall be entitled to demand or receive water from said lateral whenever any such assessment is due and unpaid, and the Lateral Manager shall not distribute any water to such water user while delinquent in such payment except upon order of the board of directors of the association who shall have authority to cause such water to be delivered: provided, the water user shall give such security for the payment of such assessment against [them] as shall be required by the board of directors”. (ref.[end text])

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SCANNED

MAY 05 2005

3. §42-1309 IC, provides for the collection of past due assessments through suit to collect same.

ARTICLE VI AMENDMENTS

1. The provisions of the articles herein provided may be considered for amended by action of the general attending membership of annual meetings. Any such amendments shall be taken under consideration of the Directors who shall make a final decision.
2. Other guidelines to the articles herein provided may be considered before the general membership attending annual meetings.

ARTICLE VII ADOPTION OF POLICY

1. Adoption of the foregoing articles requires a two-thirds majority ratification of the general membership of shareholders of the Tyler Ditch Water Users Association. Acknowledgement by dated signature of shareholders.

a. <u>Shareholders</u>	<u>Signature</u>	<u>Date</u>
1.	_____	_____
2.	_____	_____
3.	_____	_____
4.	_____	_____
5.	_____	_____
6.	_____	_____
7.	_____	_____
8.	_____	_____
9.	_____	_____
10.	_____	_____

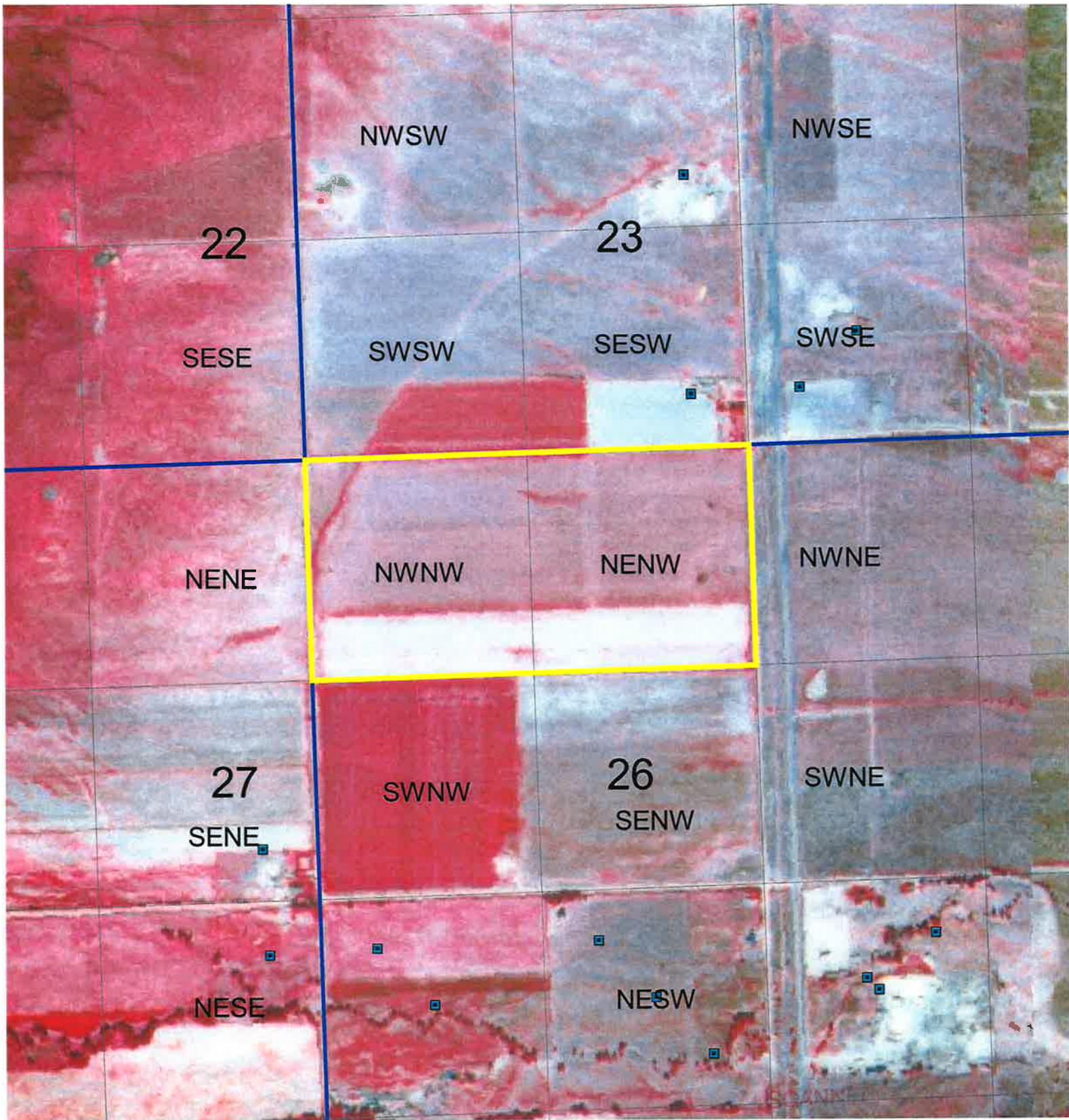
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MAY 05 2005

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22-11415

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MAY 05 2005



MAY 05 2005

T4N, R45E

22 23
27 26

MAILED 2005

\$130

X
✓

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: A22-11415
Date Received: 8/29/1988
Receipt No: E002479
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ROSS L. FOSTER
Address: P.O. BOX 404
DRIGGS, ID 83422
208-354-2592

2. Date of Priority: JUN 01, 1896

3. Source: FOX CREEK
Trib. to: TETON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
04N	46E	30	SE	NE	NW		TETON

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	0.800		

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

8. Total consumptive use is 160.0 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
04N	45E	26	NE	NW		IRR	40.0
			NW	NW		IRR	40.0
			SW				
			SE				
					Section Acres		80.0

A22-11415

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PROFILED

SCANNED Date: 08/30/88

MAY 05 2005

MICROFILMED

NOV 06 1992

A221415



10. Place of Use: Continued

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:
NONE

14. Remarks:
THIS CLAIM IS FOR HALF OF DECREED RIGHT 22-0540.

15. Basis of Claim: DECREED
Water Right Number: 0540
Case Number:
Court :
Decree date: 12/16/1910

REXBURG IRR. CO. ET AL
Decree Plaintiff

vs

TETON IRR. CANAL CO.
Decree Defendant

PROFILED SCANNED
MAY 05 2005

MICROFILMED
NOV 06 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 _____ 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): Don J. Zito Date: 9-19-88

Date: _____

State of Idaho)
County of Latah) SS.

Subscribed and sworn (or affirmed) before me this 19th day
of September 19 88
Nelda A. Rich
Notary Public

Seal

Residing at Driggs, Idaho
My Commission Expires 12-2-91

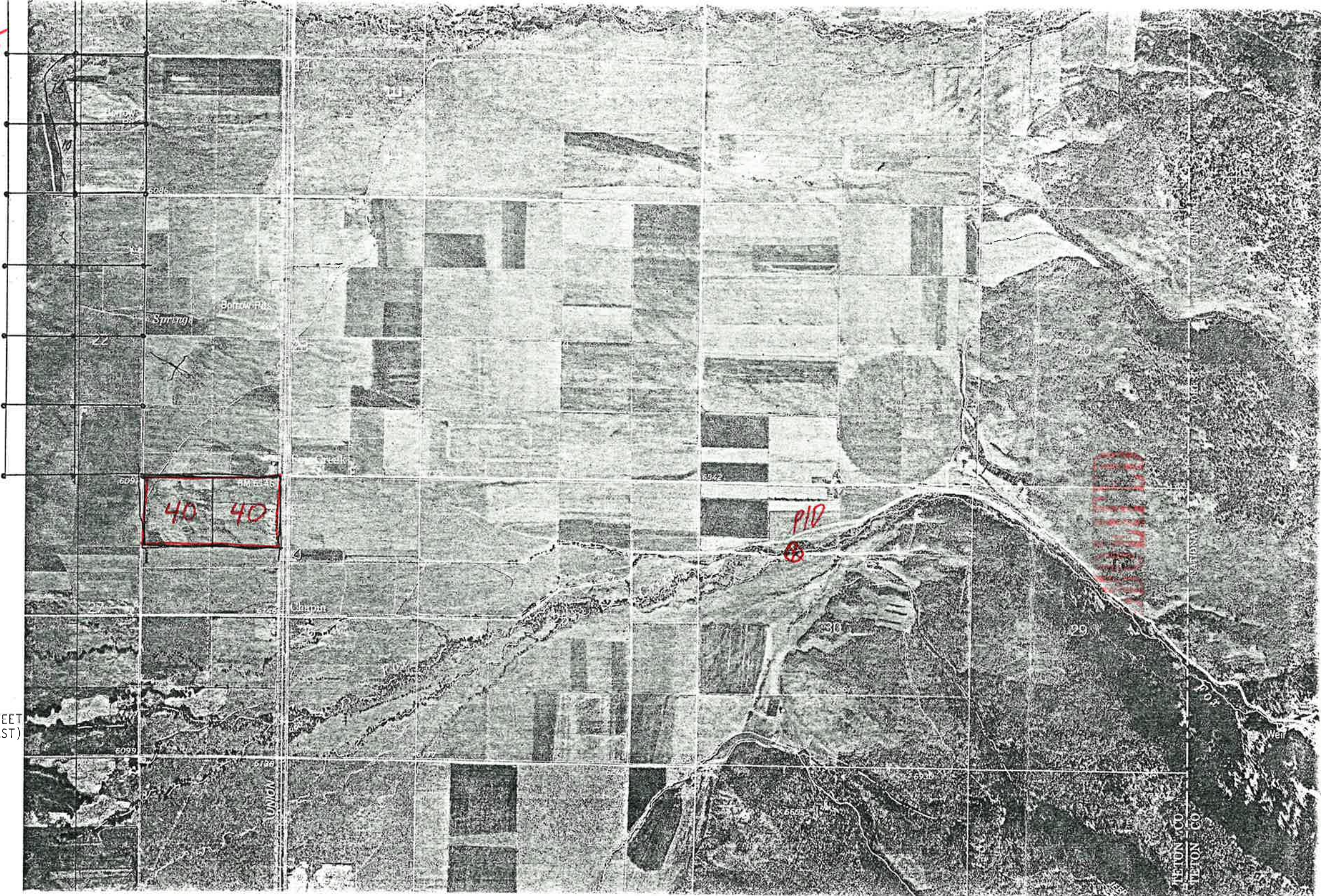
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SCANNED

MAY 05 2005

MICROFILMED
NOV 06 1992

A22-11415



720 000 FEET
(IDAHO EAST)