

01/26/2005

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

RIGHT NUMBER: 22-11581 **DISALLOWED**

NAME AND ADDRESS: CITY OF TETONIA
PO BOX 55
TETONIA ID 83452

SOURCE: SPRING TRIBUTARY: SPRING CREEK

QUANTITY: 0.000 CFS

PRIORITY DATE: 06/01/1890

POINT OF DIVERSION:
T06N R45E S33 Within TETON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
MUNICIPAL	01/01 12/31	

PLACE OF USE: MUNICIPAL Within TETON County

T06N R45E S28	NWSW	T06N R45E S28	SWSW
T06N R45E S29	NESE	T06N R45E S29	SESE

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

NO BENEFICIAL USE FOUND: This is included for a claim based on beneficial use that is PROPOSED to be disallowed because beneficial use of water was not confirmed by IDWRs field examination or by other evidence submitted by the claimant.

No beneficial use found.

EXPLANATORY MATERIAL:

RECEIVED

FEB 18 2005

Department of Water Resources
Eastern Region

NOTICE OF ERROR
REPLY

01/26/2005 FEB 15 2005

DEPARTMENT OF
WATER RESOURCES

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: 22-11581

CITY OF TETONIA

PO BOX 55

TETONIA ID 83452

Telephone Number: (208) 456-2249

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: 2-10-2005

SIGNATURE:

Mitchell J Smaellie Clerk

Please print your name:

Mitchell J Smaellie

IDWR Regional Office,

PROFILED

SCANNED

FEB 15 2005

SCANNED

FEB 22 2005

MAILED
19 MARCH 04

March 19, 2004

**CITY OF TETONIA
PO BOX 55
TETONIA ID 83452**

RE: EVIDENCE OF PRIORITY FOR SRBA WATER RIGHT CLAIM 22-11581

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 JUNE 1, 1890, from an UNNAMED 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

Contacts Data Entry Form

Claim Number: 2211581

Owner Type	Full Name	Address	City	State	Zip
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Current Owner: CITY OF TOLONIA Phone No.: 208-456-2894

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.B. H.19 MARCH 04: REQUEST FOR EVIDENCE OF PRIORITY SENT.
26 JAN. 05: NO REPLY -OTHER WATER RIGHT. USED 22-04096, 04099, 00125
11579* DISALLOW - NO BU FOUNDFE pod/pou CONVEYANCE / SYSTEM

Reviewer: _____ Date: _____

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FEB 11 2005

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State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

RECEIVED

MAR 1 - 1990

Department of Water Resources
Eastern District Office

February 22, 1990

Tetonia Water Dept.
P. O. Box 55
Tetonia, ID 83452

Gentlemen:

Our records show you have filed your adjudication claim(s) in the Snake River Basin Adjudication. Our records do not, however, include a clear map of your service area. Would it be possible for us to get a map of your customer service area for your municipal water system, both to supplement the record of your claim(s) and for use as described below?

In our review and investigation phase of the Snake River Basin Adjudication, the map would be helpful for us to have this information in verifying individual claims to water rights for domestic purposes. We will be happy to discuss with you the most convenient way for you to provide this information to us. I can be reached at 327-7931 or you may contact my assistant, Anita Warntjes at 327-7986.

Your assistance in this matter is greatly appreciated.

Sincerely,

DAVID B. SHAW
Adjudication Bureau Chief

DBS:alw

122-0012
6404
64099
11519
11581

SCANNED
FEB 11 2005

PROFILE

MICROFILMED
NOV 06 1992



State of Idaho

DEPARTMENT OF WATER RESOURCES

150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 - (208) 525-7161

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

Date: October 4, 1988

City of Tetonia
P.O. Box 55
Tetonia, ID 83452

RECEIVED

OCT 6 1988

Department of Water Resources
Eastern District Office

RE: Water Right Claim A22-11581 Returned

Dear Sir:

The Idaho Department of Water Resources (IDWR) is returning your Notice of Claim(s) to a Water Right, along with your check #693, because of insufficient information. All items on the claim form must be correctly completed before the IDWR can process the claim.

Please complete the claim form items identified below and return the form(s), along with the appropriate filing fees to the IDWR within 30 days of the date of this letter. Failure to submit the claim and appropriate fees within the 30-day period may result in forfeiture of your water right or an assessment of a late-fee.

- Item #16: The claim must contain a notarized signature of a representative of the City of Tetonia.

If you need any further assistance completing the form, please call the IDWR at (208)-525-7161.

Sincerely,

Tony Olenichak
Water Rights Agent, SR

SCANNED

FEB 11 2005

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NOV 06 1992

Instrument 37128

IN THE DISTRICT COURT OF THE NINTH JUDICIAL DISTRICT OF ID.
IN AND FOR THE COUNTY OF TETON

The Village of Teton, a Municipal corporation,

Plaintiff,

-vs-

Helena Eldredge Todd, formerly H. Eldredge, and
George Todd, her husband; J. W. Eldredge; Teton
County, a political subdivision of Idaho; the
unknown owners and claimants and parties in inter-
est of, in and to:

DECREE

FILED AT 10 MINUTES PAST 1 P.M.
DATE 5/25/42
L. W. Hastings, Clerk of Dist. Court

Lots:	Block:	Lots:	Block:
1 to 19, Incl.	3;	3 to 4, Incl.	23;
1 to 26, Incl.	4;	10 to 18, Incl.	23;
1 to 13, Incl.	5	10 to 11, Incl.	24;
1 to 6, Incl.	10;	17 to 22, Incl.	24;
10 to 23, Incl.	10;	1 to 14, Incl.	25;
5 to 23, Incl.	11;	16	25;
1 to 12, Incl.	12;	1 to 18, Incl.	26;
11 to 12, Incl.	13;	4 to 15, Incl.	30;
14 to 22, Incl.	17;	1 to 6, Incl.	31;
9 to 10, Incl.	18;	13-14-23,	31;
12 to 16, Incl.	18;	1 to 6, Incl.	32;
7 to 15, Incl.	19;	12 to 23, Incl.	32;
17 to 18, Incl.	19;	1 to 3, Incl.	37;
3 to 12, Incl.	20;	1 and 2,	40;

Tetonia Townsite, together with the gravity water system, pipeline, spring and rt-of-way, said spring and a circular tract of land 30 feet in diameter in NE 1/4, Sec. 33, Twp. 6 N., R. 45 E. E. M., and the easement across said Sec. 33- all in Teton County, Idaho,

Defendants.

This cause came on regularly for hearing in open court at Briggs, Idaho, on May 25, 1942, before the Honorable C. J. Baylor, District Judge, of the Ninth Judicial District of Idaho, sitting without a jury, and plaintiff being represented in Court by its counsel of record, S. H. Atchley, of Briggs, Idaho, and the defendants being neither present in court nor represented by counsel, and it appearing that the defendants were served by publication, as ordered by the court, as shown by proof duly filed herein, but that said defendants failed to make answer to plaintiff's complaint, or otherwise appear; that the defendant Teton County, Idaho, was served by making service upon the clerk of the Board of county commissioners, acknowledgement of which is on file herein; that the time allowed by law for the appearance of said defendants has expired and their default has been duly and regularly entered, and the Court having heard the evidence presented on behalf of the plaintiff and having considered the said evidence, and being fully advised in the premises;

Also, it appearing that at the commencement of this action the plaintiff filed for record in the office of the County recorder of Teton County, Idaho, a notice of the pendency of this action, said notice containing the names of the reppeitive parties thereto, the object of the suit, together with a correct description of the properties involved in the suit and hereinafter described;

It furthering appearing that the plaintiff is the owner and legal holder of title to said properties, that the plaintiff has been in the undisturbed, peaceable, notorious, open and exclusive adverse possession of said premises described in the complaint, and hereinafter described, for some time prior to the commencement of this action, claiming to own the same, as against all the world, and particularly as against the defendants herein, and that the plaintiff is entitled to a decree quieting its title as prayed for in its complaint.

It is ordered, adjudged and decreed, that the plaintiff was, at the commencement of this action, and now is, seized in fee of the real estate situate in Teton county, Idaho, and described:

Lots 1 to 19, Incl., Block 3; Lots 1 to 26, Incl., Block 4; Lots: 1 to 13, Incl., Block 5; 1 to 6, Incl., Block 10; 10 to 23, Incl., Block 10; 5 to 23, Incl., Block 11; 1 to 12, Incl., Block 12; 11 and 12, Block 13; 14 to 22, Incl., Block 17; 9 and 10, and 12 to 16, Incl., in Block 18; 7 to 15, Incl., and 17 and 18, Block 19; 3 to 12, Incl., Block 20; 3 and 4, and 10 to 18, Incl., Block 23; 10 and 11, and 17 to 22, Incl., Block 24; 1 to 14, Incl., and 16, Block 25; 1 to 16, Incl., Block 26; 4 to 15, Incl., Block 30; 1 to 6, Incl., and 13-14-23, Block 31; 1 to 6, Incl., and 12 to 23, Incl., Block 32; 1 to 3, Incl., Block 37; 1 and 2, Block 40,- all in Tetonia Townsite, together with the gravity water system, pipeline, spring and rt-of-way to said spring and a circular tract of land 30 feet in diameter in Northeast Quarter, Sec. 33, Township Six North, Range 45 E. E. M., and the easement across said Section 33;

That the defendants, nor any of them, have no estate, right, title or claim or interest in and to said property or any part thereof; that the title of plaintiff thereto be, and the same is hereby, quieted as against the defendants, and each of them, and any person or persons claiming under them, and they are hereby enjoined and forbidden to claim any right, title, interest or estate in or to said premises, hostile to the possession and title of the plaintiff corporation.

Done in open court this 25th day of May, 1942.

C. J. Taylor
District Judge

Filed for Record at the Request of L. W. Hastings, Clerk at 30 Minutes past 2 O'clock P. M. this 25th day of May, 1942.

L. W. Hastings, Recorder
By Afton E. Deuel, Deputy

SCANNED

FEB 11 2005

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NOV 06 1992

2-1965

Printed by FIRST AMERICAN TITLE COMPANY
FARMINGTON, IDAHO

WARRANTY DEED

For Value Received MARTIN HILL aka MARTIN VERN HILL and VIVIAN M. HILL, husband and wife

The grantors do hereby grant, bargain, sell, and convey unto

EARL M. HAMBLIN and JOAN HAMBLIN, husband and wife
Tetonia, Idaho

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

Beginning at the Northeast Corner of Section 33, Township 6 North, Range 45 East, Boise Meridian, and running thence West 80 Rods; South 7 Rods; more or less to the right-of-way line of State Highway 33; thence in a southeasterly direction along said right-of-way line to the East line of said Section 33; thence North along said Section line 72 Rods; more or less to the point of beginning.

LESS a circular tract of land 30 feet in diameter situated in the Northeast Quarter of the Northeast Quarter of Section 33, Township 6 North, Range 45 East, Boise Meridian, the center of said spring being South 55°49' West 257 feet distant from the Northeast Corner of said Section 33; and being approximately North 41°, West 840 feet more or less, distant from the dwelling.

TOGETHER with a right-of-way for a pipe line described as: Beginning in the center of said spring; thence South 9°28' West 359 feet more or less to a junction with the pipe line leading from reservoir on Spring Creek to Tetonia Townsite; thence North 89°22' West for a distance of 3592.7 feet to a point which is 1337.6 feet East of the Northwest Corner of Section 33, Township 6 North, Range 45 East, Boise Meridian.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises; that said premises are free from all incumbrances except as hereinabove set forth and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: January 4, 1983

Martin Hill Vivian Hill

STATE OF IDAHO, COUNTY OF TETON
On this 7 day of FEB. 1983
before me, a notary public in and for said State, personally
appeared MARTIN HILL
VIVIAN HILL

known to me to be the persons who's names I
subscribed to the within instrument, and acknowledged to
me that they executed the same.

Stan W. Danner
Notary Public
Idaho

Residing at Driggs
Comm. Expires 5-2-84

STATE OF IDAHO
COUNTY OF TETON
Filed for Record at the Request of
Earl M. Hamblin
at 4:05 PM on 2/13/83
by Pauline
and Pauline
Sole
County
Recorded
2/13/83
61213

INSTRUMENT NO.

WARRANTY DEED

THIS INDENTURE, made and entered into this 9th day of January, 1942, by and between GEORGE W. CASSITY and BERTRUDE M. CASSITY, his wife, both of Salt Lake County, State of Utah, Grantors, and THE BOARD OF TRUSTEES OF THE VILLAGE OF TETONIA, State of Idaho, Grantee, WITNESSETH:

That Grantors, for and in consideration of TEN DOLLARS (\$10.00) and other good and valuable consideration paid by Grantee, have and by these presents do convey and warrant unto Grantee, its successors and assigns forever, all that certain property situate in Teton County, State of Idaho, particularly described as follows:

The gravity water supply system supplying the town of Teton, including main pipe line and distributing system, spring, right-of-way and all appurtenances thereunto belonging.

Together with right of way of pipe line and spring described as follows:

All right, title, and interest in and to all the waters of a certain spring, together with a circular tract of land 30 feet in diameter, situated in the northeast quarter of the northeast quarter of Section Thirty-three (33) Township Six (6) North, Range Forty-five (45) East of the Boise Meridian, in Teton County, Idaho, the center of said spring being south fifty-five (55) degrees and forty-nine (49) minutes West 257 feet distant from the northeast corner of said Section 33 and being approximately North 41 degrees West 840 feet more or less distant from the dwelling of Osmond W. Shaw.

Together with a right of way for a pipe line across a part of said North half of the Northeast Quarter of the Northeast Quarter of the Northwest Quarter of said Section 33, * * * * *

IN WITNESS WHEREOF, Grantors have hereunto affixed their hand and seal the day and year first hereinabove written.

George W. Cassity

Gertrude M. Cassity.

STATE OF IDAHO) ss
County of Teton)

On this 14th day of January, 1942, before me, personally appeared GEORGE W. CASSITY to me known to be one of the persons described in and who executed the foregoing instrument, and he duly acknowledged to me that he executed the same.

S. M. Meikle
NOTARY PUBLIC, residing at Driggs,
Idaho

(SEAL)

My commission expires: 8-28-43

STATE OF UTAH)
County of Salt Lake) ss

On this 9th day of January, 1942, before me personally appeared GERTRUDE M. CASSITY, to me known to be one of the persons described in and who executed the foregoing instrument, and she duly acknowledged to me that she executed the same.

G. T. Teasdale
NOTARY PUBLIC, residing at Salt Lake
City, Utah

(SEAL)

My commission expires: July 22, 1944

Filed for record at the request of M. R. Miner at 35 minutes past 11 o'clock A.M. this 15th day of January, 1942, in Book 73 Page 243.

By L. W. Hastings, Recorder
Afton E. Deuel, Deputy

#66 X
RETURN BY NOV. 3, 1988
D.O.

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: A22-11581
Date Received: 9/15/1988
Receipt No: E002950
Received By: TO

RECEIVED

OCT 3 1988

Department of Water Resources
Eastern District Office

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CITY OF TETONIA
Address: P.O. BOX 55
TETONIA, ID

208-456-2294

83452

2. Date of Priority: ~~JAN 01, 1910~~ June 1, 1890 (Shaw)

3. Source: UNNAMED SPRING

Trib. to: SPRING CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
06N	45E	33	NE	NE	NE		TETON

5. Description of diverting works:
COLLECTION BOX/PIPELINE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
MUNICIPAL	01/01	12/31	0.160		

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

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:
M/CITY OF TETONIA

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
06N	45E	28	NW	SW		MUNI	
			SW	SW		MUNI	
		29	NE	SE		MUNI	

A22-11581

Page

1

Date: 09/15/88

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OCT 6 1988

Department of Water Resources
Eastern District Office

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A221581



10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
06N	45E	29	SE SE		MUNI	

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:

A22-04098, A22-04099, A22-00135, A22-11579.

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: 4

For Organizations:

I do solemnly swear or affirm that I am Mayer of
City of Teton Title
City of Teton Organization, that I have signed the foregoing
document in the space below as Mayer of
City of Teton Title
City of Teton Organization and that the statements contained in the
foregoing document are true and correct.

Kendall Smith
Signature of Authorized Agent

City of Teton
Title and Organization

4 October 1988
Date

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FEB 11 2005

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State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 6th day
of October 19 88

Anthony S. Olenchak
Notary Public

Seal

Residing at Idaho Falls

My Commission Expires 9/12/1994

2728