

11/20/2006

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

RIGHT NUMBER: 22-11677

NAME AND ADDRESS: LELAND RAY PETERSON
PO BOX 179
DRIGGS ID 83422

GARY L HENRIE
PO BOX 136
DRIGGS ID 83422

CAROL G HENRIE
PO BOX 136
DRIGGS ID 83422

Disallowed

SOURCE: SPRINGS

TRIBUTARY: TETON RIVER

QUANTITY: 2.000 CFS

PRIORITY DATE: 10/31/1948

POINT OF DIVERSION:

T05N R45E S34 NESE Within TETON County
T05N R45E S35 NWSWSW Within TETON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

4/15 10/15

2.000 CFS

PLACE OF USE: IRRIGATION in TETON County

T05N R45E S34 SWSE 30.00

30 ACRES TOTAL

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

No beneficial use found.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

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.

1. SKYLINE DR.
LLS, IDAHO 83402

ESS SERVICE
REQUESTED

★ ★  TM
U.S. POSTAGE
1791 PB3523907
8972 \$00.630 JAN 05 2007
8453 MAILED FROM ZIP CODE 83402

RECEIVED

JAN 11 2007

Department of Water Resources
Eastern Region

 INSUFFICIENT
ADDRESS

LELAND RAY PETERSON
PO BOX 179
DRIGGS ID 83422

22-11677
DR - disallowed

Sent
1-19-07

22-480C 129H
136G
13290 7029
13413 7349
11526 7373
11529 13590
11530 13540
350

22-621A 78
13372 84
7388 13246
7339 13248
12064 13610
2128 13612
10835 133A
2281 278
12533 7178
12629 7215B
2146 12239
4076 2206
184A 11677
10105 178A
2293 178B
11384 10236
4139 13457
4161 7403

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION
IDAHO FALLS ID 7338
208-525-7161 - PHONE 276A
208-525-7177 - FAX 408B
409B
410B

TRANSMITTAL COVER SHEET

OMNIFAX 641D
10132

FAX: 354-8410

TO: JESSIE FROM: JENNIFER
Teton County Assessor

DOCUMENT DESCRIPTION: REQUEST FOR CURRENT OWNER INFORMATION. I HAVE SENT A SPREADSHEET INDICATING WHO WE HAVE IN OUR RECORDS AND THEIR LEGAL DESCRIPTION OF THEIR PROPERTY. EACH OF THESE LETTERS WAS RETURNED TO SENDER. PLEASE FILL OUT THE

LAST COLUMN WITH THE OWNER AND ADDRESS INFORMATION FOR THE PROPERTY LISTED. I HAVE ATTACHED A MAP FOR EACH PROPERTY WHEN I HAD ONE AVAILABLE.

PLEASE CALL ME WITH ANY QUESTIONS. THANKS SO MUCH FOR YOUR HELP.

TOTAL NUMBER OF PAGES (Including this page): X 13

*
* Billing address: N/A
*
*
*
*
* No of Pages _____ Cost / Page _____ Total Charge N/A
*

11/20/2006

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: 22-11677

LELAND RAY PETERSON
PO BOX 179
DRIGGS ID 83422

GARY L HENRIE
PO BOX 136
DRIGGS ID 83422
Telephone Number: (208)354-2934

CAROL G HENRIE
PO BOX 136
DRIGGS ID 83422
Telephone Number: (208)354-2934

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

Right should be recommended with a 1897 priority date based on the attached document.

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

*should be about 20 acres south of the road.
POB should be NWSW of sec. 85.*

3. Give a brief explanation as to why you disagree with these portions:

See map in file.

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

DATE: 12/5/2006 SIGNATURE: *Gary L Henrie*

Please print your name: GARY L HENRIE

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

RECEIVED

DEC 05 2006

Department of Water Resources
Eastern Region

*Hand
12/16*

February 7, 2006

**GARY HENRIE
PO BOX 136
DRIGGS ID 83422**

**Re: EVIDENCE WATER RIGHT OWNERSHIP, 22-11677
EVIDENCE OF PRIORITY REQUEST, 22-11677**

Dear Mr. Henrie:

The Idaho Department of Water Resources is now reviewing water right claims filed in the Snake River Basin Adjudication (SRBA) in the Teton River drainage of Basin 22. You have filed water right claim 22-11677 which is based a portion of historic water right 22-625 from South Leigh Creek, delivered through the Desert Ditch (canal). Also, you have claimed the portion of the water right is appurtenant to a parcel of land some six miles distant from the decreed point of diversion. I am at a loss to understand how South Leigh Creek waters are delivered to your claimed place of use.

Exhaustive research of all known 1916 decrees does not reveal a water right that meets the criteria of your claim. Please provide some evidence that you own the claimed portion of historic water right 22-625, what lands it came from, how the conveyance system from South Leigh Creek works, and delivery history. **Your response to this request is required by February 21, 2006.**

Thank you for your timely attention and consideration in this important matter. If you have questions please feel free to contact this office.

Respectfully submitted,

Allen B. Ruberry
Sr. Water Resource Agent
Adjudication Bureau

Cc; file
Enclosure: Claim Copy

Contacts Data Entry Form

Water Right No. 22-0625

Owner Type	Full Name	Address	City	State	Zip	Phone
------------	-----------	---------	------	-------	-----	-------

Current Owner _____

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: _____

A ADDRESS TO:
P.O. Box 136

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

CLAIMED AS A PART OF 22-625 - HOWEVER 22-625 IS A SOUTH LUTISH CR
RT SO THIS CLAIM CANNOT BE ANY PART OF IT.

Q: C/O or C/A TO GARY HONRIG TRUST? Re so, NOOD
TRUST DOCS. - It's OR like it is per Gary.

* 2/07/06 AN EXHAUSTIVE SEARCH OF SOURCES, Priority date AND
POU FIND NO REFERENCE TO A WATER RIGHT WITH
RELATED ELEMENTS OF THIS CLAIM -
THIS CLAIM IS DISALLOWED

Reviewer: _____

Date: _____

Priority Date Data Entry Form

Claim Number: _____

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: 1/16/1916 Claimed Basis: DECR000

Recommended Priority Date: _____ Recommended Basis: _____

☐ 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:

Split of 22-625 - NOT A SPLIT OF 625 -SDB DISCUSSION ON FRONT PAGE.

Reviewer: _____

Date: _____

Point of Diversion and Source Data Entry Form

Claim Number: _____

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

Source: _____ Tributary: _____

Claimed Point of Diversion: T____, R____, Sec. _____, _____, _____, _____. County: _____

Source: _____ Tributary: _____

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	OOQ of QQ of Q	County	Source
_____	_____	_____	_____	_____	_____	_____
GPS Coordinates: _____						
_____	_____	_____	_____	_____	_____	_____
GPS Coordinates: _____						
_____	_____	_____	_____	_____	_____	_____
GPS Coordinates: _____						
_____	_____	_____	_____	_____	_____	_____
GPS Coordinates: _____						
_____	_____	_____	_____	_____	_____	_____
GPS Coordinates: _____						
_____	_____	_____	_____	_____	_____	_____
GPS Coordinates: _____						

Other rights from this POD? _____

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

Source/POD claimed (T6N R46E Sec. 32 NWSW) is DESERT DITCH
 OFF SOUTH LUTAH CREEK. POD claimed is T5N R45E
 SEC. 34 SWSW. THERE IS NO WAY SOUTH LUTAH CR WATER
 IS DELIVERED OVER SIX MILES FROM SOURCE - OBVIOUS ERROR
 OF CLAIM

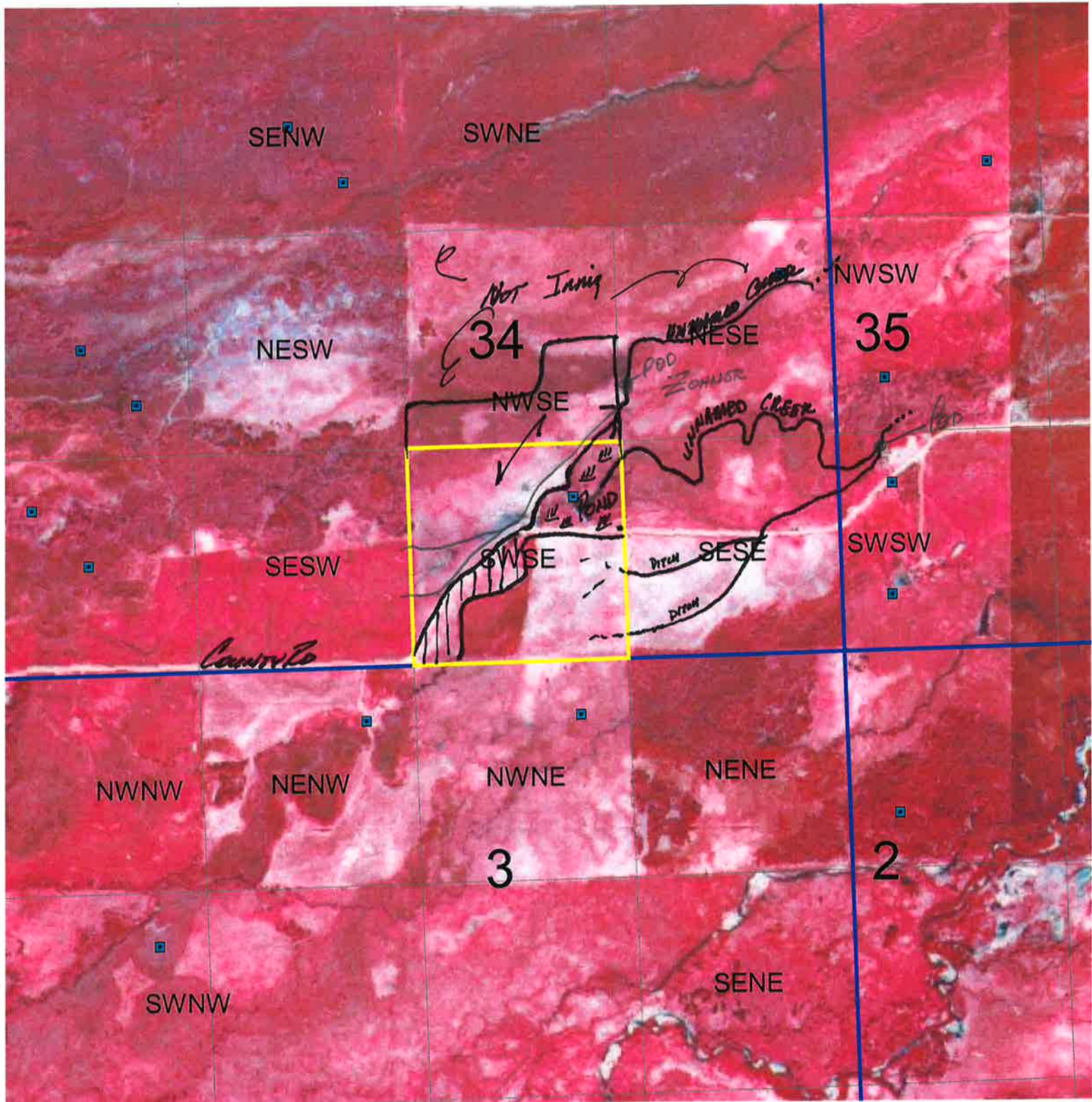
Transfers Changing POD _____

Reviewer: _____

Date: _____

22-11677

6/22/04 SBR



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: A22-11677

Date Received: 9/19/1988

Receipt No: MC01345

Received By: JAC

OCT 06 1988

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

Department of Water Resources

1. Name: GARY LESLIE HENRIE 208-354-2934
Address: P.O. BOX 179
DRIGGS, ID 83422
OR
Name: CAROL HENRIE 208-354-2934
Address: P.O. BOX 179
DRIGGS, ID 83422
OR
Name: LELAND RAY PETERSON
Address: P.O. BOX 179
DRIGGS, ID 83422



2. Date of Priority: APR 03, 1897

3. Source: BUFFALO FLAT SPRINGS Trib. to: TETON RIVER
TETON CREEK TETON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
05N	45E	25	SW	SW	SE		TETON
		34	NE	NE	SE		TETON
		35	NW	SW	SW		TETON
		36	SE	NW	NW		TETON

5. Description of diverting works:
OPEN DITCHES WITH PORTABLE DAMS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	2.000		

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

A.F.A.

A22-11677

Page 1

Date: 09/19/88

MICROFILMED

NOV 06 1988

8. Total consumptive use is 78.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	45E	34	SW	SE		IRR	39.0
Section Acres							39.0
Total Acres							39.0

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:
A22-00077

14. Remarks:

TO MY KNOWLEDGE THERE HAS ALWAYS BEEN HIGH WATER USED IN
CONJUNCTION WITH RIGHT A22-00077.
DIVERSION IS SECTION 25 AND 36 TAKE WATER FROM TETON CREEK AND
EMPTY INTO BUFFALO FLAT SPRINGS.

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 X 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): Gary L. Hemmick Date: 9/19/1988

Date: _____

State of Idaho)
County of Teton) SS.

Subscribed and sworn (or affirmed) before me this 19 day

of Sept. 19 88

John Paul Carls
Notary Public

Seal

Residing at Boise

My Commission Expires 4/2/90