

09/01/2006

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

RIGHT NUMBER: 22-11924
NAME AND ADDRESS: WILLIAM B MOULTON
494 N HWY 33
TETONIA ID 83452

CHERYL MOULTON
494 N HWY 33
TETONIA ID 83452

SOURCE: GROUND WATER
QUANTITY: 0.330 CFS
77.000 AFY

TRIBUTARY:

The rights listed below are limited to a total combined diversion rate of 2.80 cfs. Combined Right Nos.: 22-314, 22-13539, 22-2155, 22-11924

The rights listed below are limited to a total combined diversion rate of 1.5 cfs and to a total combined annual diversion volume of 357 AF. Combined Right Nos.: 22-2155, 22-11924

PRIORITY DATE: 04/15/1987

This ~~water~~ right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.

POINT OF DIVERSION:

T05N R45E S2 NESWNW 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	0.330 CFS 77.00 AFY

PLACE OF USE: IRRIGATION Within TETON County

T05N R45E S02 Lot 3 NENW	27.00	T05N R45E S02 Lot 4 NWNW	39.00
T05N R45E S02 SWNW	19.00	T05N R45E S02 SENW	17.00

102 ACRES TOTAL

102

The rights listed below are limited to the irrigation of a combined total of acres in a single irrigation season. Combined Right Nos.: 22-314, 22-13539, 22-2215, 22-11924

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.

This right is based upon an enlargement of Right No. 22-2155 pursuant to Section 42-1426, Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

09/01/2006

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

This right is for an enlargement of 22 acres within the place of use described for this right.

09/01/2006

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: 22-11924

WILLIAM B MOULTON

494 N HWY 33

TETONIA ID 83452

Telephone Number: (208) 456-2689

CHERYL MOULTON

494 N HWY 33

TETONIA ID 83452

Telephone Number: (208) 456-2689

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: 12-06-06

SIGNATURE:

William B. Moulton

Please print your name:

WILLIAM B. MOULTON

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

RECEIVED

DEC 05 2006

Department of Water Resources
Eastern Region

AMJ
12/06



Idaho Department of Water Resources

SRBA Recommendation:

22-2155

22-11924

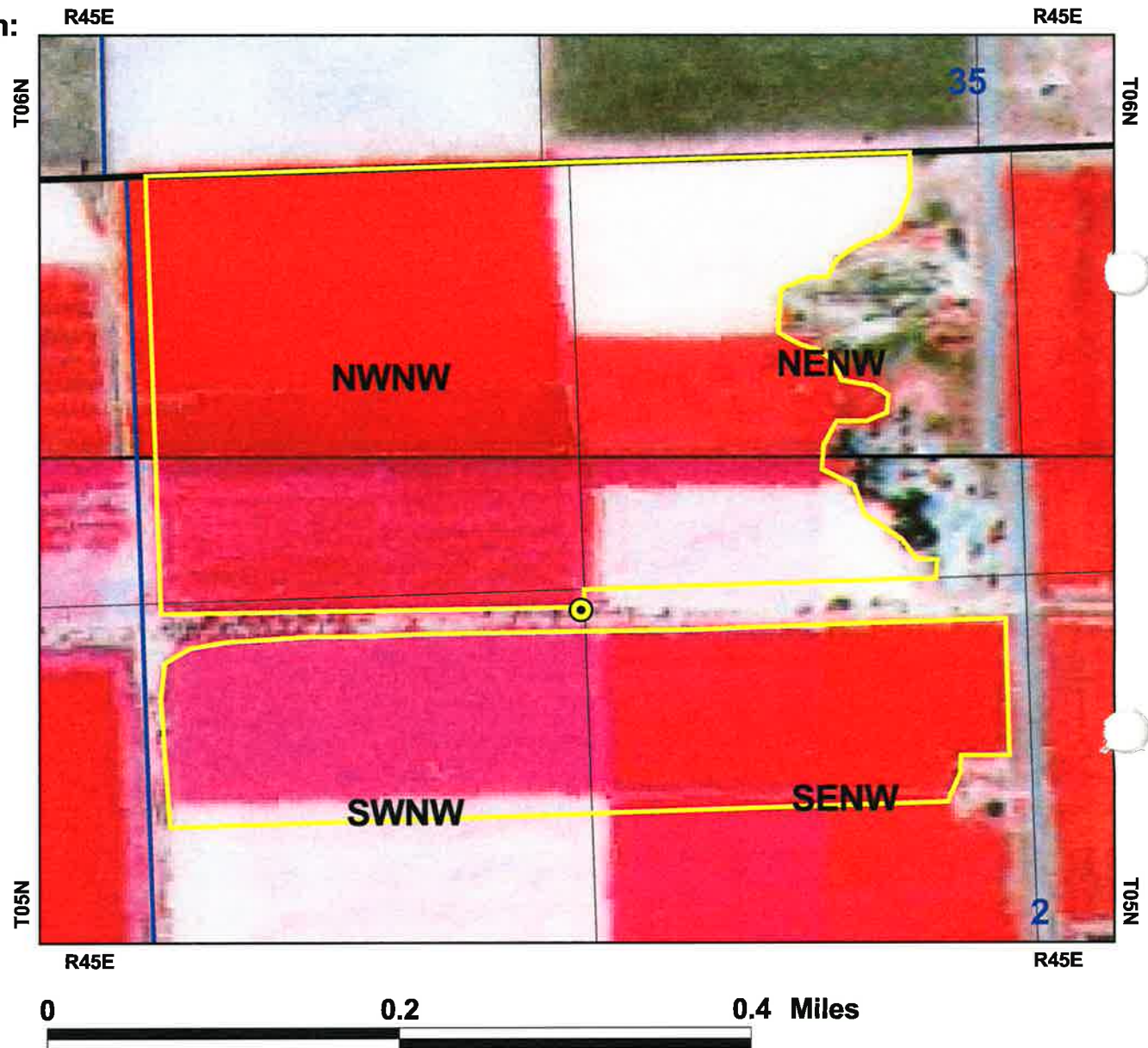
(Irrigation)

Legend

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



Teton County
IDWR Basin 22



Prepared by T. Galbraith
On Thursday, July 6, 2006
1987/88 Aerial Photography

RECEIVED

JUL 12 2001

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

Department of Water Resources
Eastern Region

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Water Right Number(s) A22-11940 pd - fees paid
Adjudication Claim Number(s) 22-314, 22-2155, ~~22-314~~ 22-11924

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

- A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
AND
B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.)
OR
C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.

3. Name and Address of Former Owner/Claimant(s) Vernal + Wilma Loft house

4. New Owner/Claimant(s) William B. Moulton
Cheryl Moulton 494 N Hwy 33 Teton, ID 83452
Name connector (Check one): ☐ AND, ☐ OR, ☐ AND/OR
New Mailing Address _____

City, State and ZIP Code _____

New Telephone Number (208) 456-2689

5. Date you acquired the property May 14, 1999

6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.

Number of acres actually irrigated _____ Number and type of stock _____

Diversion rate in CFS _____ Number of homes _____ Other uses _____
cubic feet per second

If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

7. Signature of New Owner/Claimant(s) Cheryl Moulton Date 7-12-01
W B Moulton Date 7-12-01

8. (Corporations or other organizations must submit a list of directors/officers demonstrating authority to sign form.)
For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your

WARRANTY DEED

MAY 17 1999

TETON CO., ID
CLERK RECORDER

For Value Received

**THE VERNAL F. LOFTHOUSE FAMILY TRUST AGREEMENT DATED AUGUST 26, 1994,
MERRILL S. LOFTHOUSE, TRUSTEE**

he grantor(s), do(es) hereby grant, bargain, sell and convey unto

WILLIAM B. MOULTON AND CHERYL L. MOULTON, HUSBAND AND WIFE

whose current address is

494 N. HWY 33

TETONIA, ID 83452

he grantee(s), the following described premises, in **TETON** County **IDAHO**, to wit:

SEE ATTACHED "EXHIBIT A"

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantor do hereby covenant to and with the said Grantee(s), that (s)he s/are the owner(s) in fee simple of said premises; that they are free from all encumbrances Except: Subject to all existing patent reservations, easements, right of way, protective covenants, zoning ordinances, and applicable building codes, laws and regulations.

and that (s)he will warrant and defend the same from all lawful claims whatsoever.

Dated: May 14, 1999

Merrill S. Lofthouse
**MERRILL S. LOFTHOUSE, TRUSTEE OF THE
VERNAL F. LOFTHOUSE FAMILY TRUST AGREEMENT
DATED AUGUST 26, 1994**

STATE OF **ID**, COUNTY OF Oneida
On this 14th day of **MAY**, 1999
before me, a Notary Public in and for said State, personally
appeared

**MERRILL S. LOFTHOUSE, TRUSTEE OF THE
Trustee of the Vernal F. Lofthouse Family
Trust agreement dated August 26, 1994**

known to me to be the person(s) whose name(s)
subscribed to the within instruments and acknowledged to
me that they executed the same on behalf of said Trust.

Kathy Hubbard
Notary Public
Residing at Ammon, ID
Comm. Expires 5/31/2001
PUBLIC
STATE OF IDAHO

133895

FILED

AT THE REQUEST OF

Bill Moulton
AT 40 MINUTES PAST 11 a M
DATE May 17, 1999
Nolan S. Boyle
CLERK OF RECORD
BY Nora Rigby
DEPUTY

TOWNSHIP 5 NORTH, RANGE 45 EAST, BM TETON COUNTY, IDAHO SECTION 2, LOT 4 (NW¼ NW¼).

TOGETHER WITH ANY AND ALL IMPROVEMENTS THEREON. SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS OF WAY OF RECORD OR ENFORCEABLE IN LAW AND EQUITY.

BEGINNING 2360 FEET NORTH OF THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 24; TOWNSHIP 6 NORTH, RANGE 45 E.B.M., AND RUNNING THENCE NORTH 1600 FEET; THENCE WEST 2640 FEET; THENCE SOUTH 1600 FEET; THENCE EAST 2640 FEET TO THE PLACE OF BEGINNING. TOGETHER WITH ANY AND ALL IMPROVEMENTS THEREON. SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS OF WAY OF RECORD OR ENFORCEABLE IN LAW AND EQUITY.

TOWNSHIP 5 NORTH, RANGE 45 EAST BOISE MERIDIAN, TETON COUNTY, IDAHO. SECTION 2; BEGINNING 693 FEET NORTH OF THE SE CORNER OF THE NW¼, SECTION 2, THENCE NORTH 534 FEET; THENCE WEST 2640 FEET; THENCE SOUTH 534 FEET; THENCE EAST 2640 FEET TO THE POINT OF BEGINNING. TOGETHER WITH ANY AND ALL IMPROVEMENTS THEREON. SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS OF WAY OF RECORD OR ENFORCEABLE IN LAW AND EQUITY.

TOWNSHIP 5 NORTH, RANGE 45 EAST, BM TETON COUNTY, IDAHO SECTION 2, LOT 3 (NE¼NW¼). TOGETHER WITH ANY AND ALL IMPROVEMENTS THEREON. SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS OF WAY OF RECORD OR ENFORCEABLE IN LAW AND EQUITY.

d-II, for
0'31/96

mailed
19-MAR-04

March 19, 2004

**VERNAL F LOFTHOUSE
490 N HWY 33
TETONIA ID 83452**

RE: EVIDENCE OF PRIORITY FOR SRBA WATER RIGHT CLAIM 22-11924

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 APRIL 15, 1978, from a WELL.

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.

Claim no. 2211924

Claimant Contact Log

Date **Remarks** **Agent initials**

19-MARCH 04 mailed Request For Priority EVIDENCE.

Contacts Data Entry Form

Claim Number: 2211924

Owner Type	Full Name	Address	City	State	Zip
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Current Owner: VERNAL. LONT/House Phone No.: 208-456-2668

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. U.Other Water Rights used. 2202155FE pod/pou. conveyance/system

Reviewer: _____ Date: _____

Claim Number: 2211924

Claimed Priority Date: 15 April. 1928 Claimed Basis: B.V.

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

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

Date: _____

Reviewer: _____ Date: _____

Claim Number: 2211924

[illegible]

Total acres 66

[illegible]

Total acres _____

Pending or approved Transfers: _____

Overlapping rights: _____

Document how the POU was verified:

[illegible]

Reviewer: _____ Date: _____

Season of Use and Quantity Data Entry Form

Claim Number: 2211924Water 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
<u>Irrigation</u>	<u>4/15</u>	<u>10/15</u>		

Overall Diversion Rate _____ Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____ Overall Diversion Volume _____

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

IPWR. STD. SDU. 4/15 - 10/31

Reviewer: _____

Date: _____

22-11924



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: A22-11924
Date Received: 9/27/1988
Receipt No: ~~1001446~~ 1001446
Received By: JPW

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: VERNAL F. LOFTHOUSE 208-456-2668
Address: 490 N HIWAY 33
TETONIA, ID 83452
OR
Name: WILMA L. LOFTHOUSE 208-456-2668
Address: 490 N HIWAY 33
TETONIA, ID 83452

A2211924



2. Date of Priority: APR 15, 1978

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
05N	45E	2	NE	NW			TETON

5. Description of diverting works:
WELL AND PUMP TO SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/15	1.500		

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

8. Total consumptive use is 132.0 Acre Feet Per Annum.

9. Non-irrigation uses:

A22-11924

Page 1

Date: 09/27/88

MICROFILMED

NOV 06 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	45E	2	SW	NW		IRR	29.0
			SE	NW		IRR	37.0
						Section Acres	66.0
						Total Acres	66.0

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:
A22-02155

14. Remarks:
THIS RIGHT WHEN COMBINED WITH A22-02155 SHALL NOT EXCEED 1.5
C.F.S. TOTAL DIVERSION RATE. ACREAGE HAS BEEN PREVIOUSLY PAID
FOR WITH RIGHTS IN LEIGH CREEK CANAL CO.

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): Arnold L. Lofthouse Date: Sept 27 1988

Date: _____

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 27 day

of Sept 19 88

[Signature]
Notary Public

Seal

Residing at Idaho Fall

My Commission Expires 9-12-94

