

09/28/2006

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

RIGHT NUMBER: 22-11993

NAME AND ADDRESS: ELLA K BEARD
PO BOX 122
TETONIA ID 83452

RICHARD S BEARD
PO BOX 122
TETONIA ID 83452

SOURCE: SPRING CREEK

TRIBUTARY: TETON RIVER

QUANTITY: 0.170 CFS

PRIORITY DATE: 01/22/1916

POINT OF DIVERSION:

T06N R45E S33 NWSWNE Within TETON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
04/15 10/31

QUANTITY
0.170 CFS

PLACE OF USE: IRRIGATION Within TETON County

T06N R45E S28 SESW 8.50

8.5 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 Tetonia Canal.

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

This right is a split from former right 22-134.

Right includes accomplished change in source pursuant to Section 42-1425, Idaho Code.

11/22/2006

**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: 22-11993

ELLA K BEARD
PO BOX 122
TETONIA ID 83452
Telephone Number: (208)456-2885

RICHARD S BEARD
PO BOX 122
TETONIA ID 83452
Telephone Number: (208)456-2885

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:

12-6-06

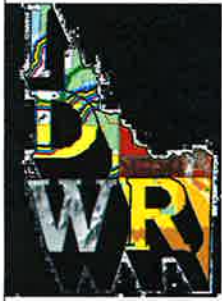
SIGNATURE:

Richard S. Beard

Please print your name:

RICHARD S. (SAM) BEARD

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



Idaho Department of Water Resources

Adjudication Claim:

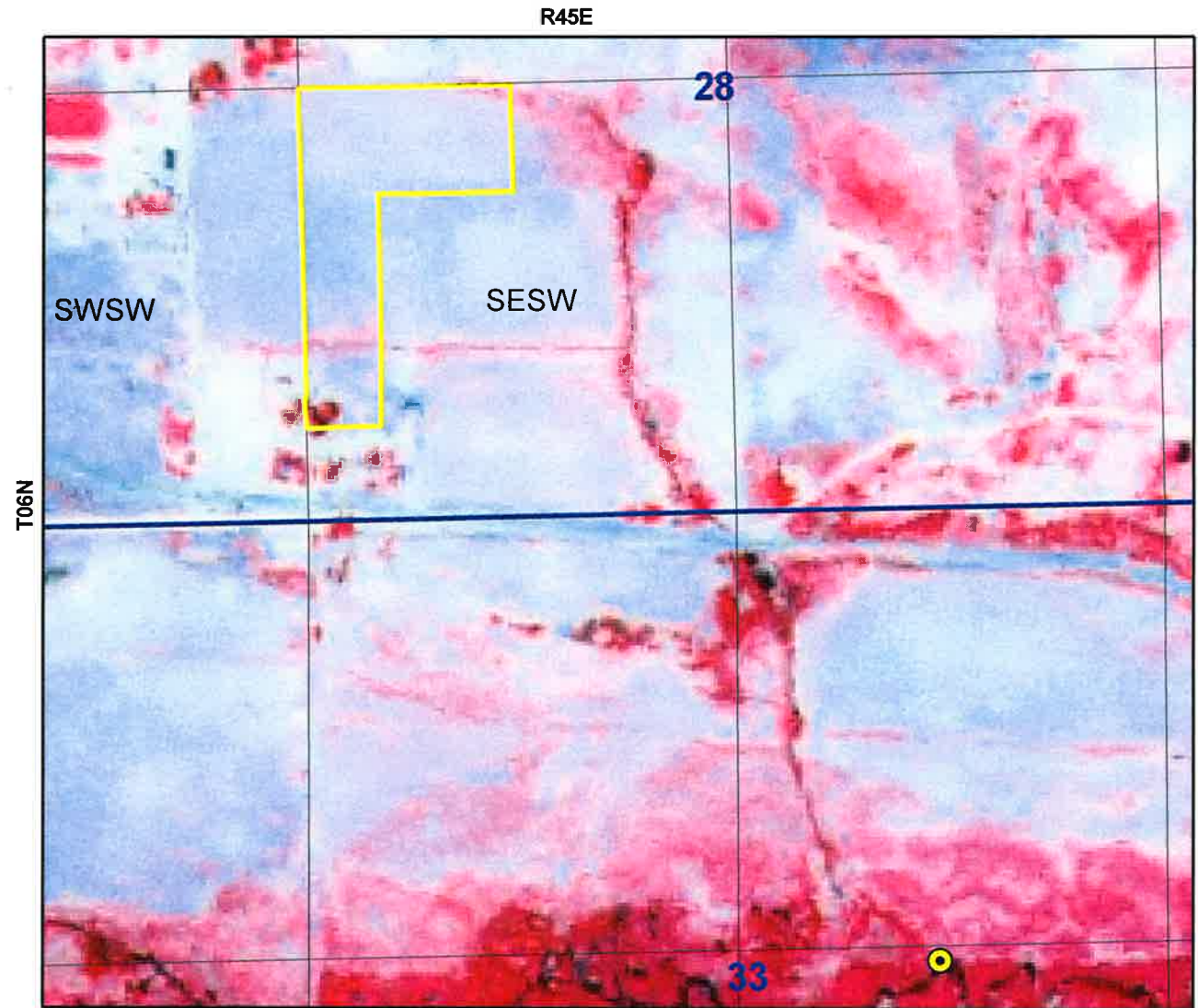
22-11993

Legend

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



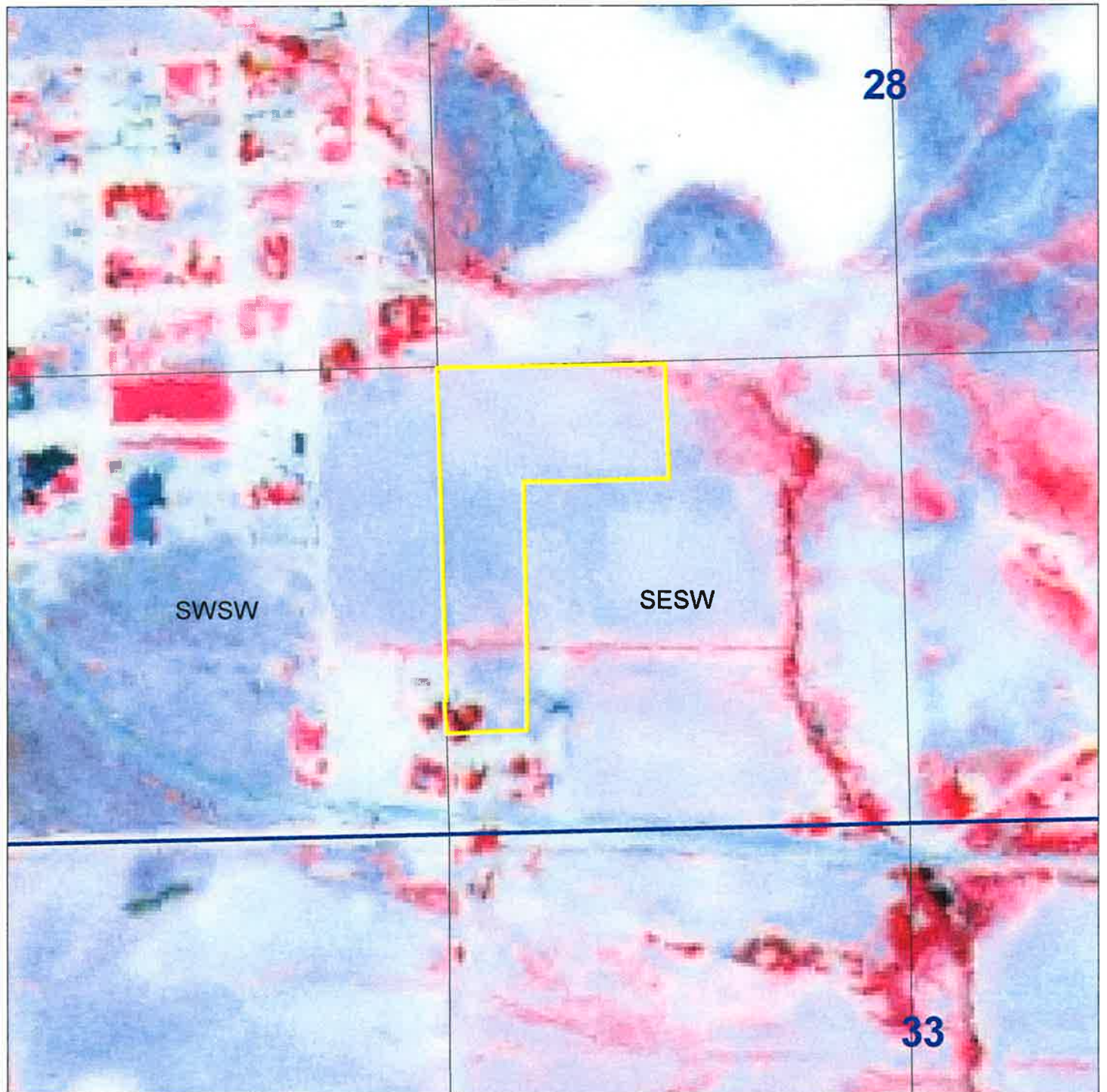
Teton County
IDWR Basin 22



0 0.2 0.4 Miles

Prepared by D. Carlson
On Thursday, September 28, 2006
1987/88 Aerial Photography

22-11993



02/11/2005

NOTICE OF ERROR
REPLY

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

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

DATE: 6-25-05 SIGNATURE: Richard S. Beard

Please print your name: _____

IDWR Regional Office,

Review this May 25, 1998 Rt for Seth Hanson

6/29/05 DATA BASE SEARCH OF WATER RIGHT SIDE YARDS AND SUGAR
WATER RIGHT WITH REPRESENTED PRIORITY DATE.

NO FURTHER ACTION TAKEN

REFERENCED RIGHT TO SETH HANSON (E.A. WAT.)
IS 22-568. SEE ATTACHED WR RIGHTS w/ COMMENTS

Kelly
6/23

RECEIVED

JUN 23 2005

Department of Water Resources
Eastern Region

JUN 29 2005

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 22-568

WATER RIGHT NUMBER: 22-568

<u>Owner Type</u>	<u>Name and Address</u>
Individual	John Doe, 123 Main St, Anytown, USA
Corporate	ABC Corporation, 456 Market St, Suite 100, Anytown, USA
Government	City of Anytown, 789 Government St, Anytown, USA
Non-Profit	XYZ Foundation, 101 Charity Lane, Anytown, USA

Current Owner F A WAIT

, ID

Priority Date: 05/25/1898

Basis: Decreed

Status: Active

Source

Tributary

LEIGH CREEK

TETON RIVER

SOUTH LEIGH CREEK

TETON RIVER

Beneficial Use

<u>From</u>	<u>To</u>
-------------	-----------

Diversion Rate

Annual Volume

IRRIGATION

/ to /

3.200 CFS

Total Diversion:

3.200 CFS

Location of Point(s) of Diversion

LEIGH CREEK

SW1/4SE1/4

Sec. 33, Twp 06N, Rge 45E, B.M.

TETON County

SOUTH LEIGH CREEK

SW1/4SE1/4

Sec. 33, Twp 06N, Rge 45E, B.M.

TETON County

Either Gale-Moffat diversion or the Bell-McCracken diversion.

Place of Use

IRRIGATION

[illegible]

Conditions of Approval:

1. P/D WD01 RECORDS. AC. IRR. = 160.

Remarks:

Comments:

POU shown is served by the Bell-McCracken Ditch or Gale-Moffat Ditch both of which are delivered from the South side of South Leigh Creek. There is NO physical way this right can be delivered to claimed lands in T6N, R45E, Sec. 28 SESW. The right would have to be diverted from the north side of South Leigh Creek and cross Spring Creek or be injected into Spring Creek and be rediverted through the Tetonia Canal. **It don't happen.**

SCANNED

JUN 29 2005

NORTH LEIGH CREEK - cont.

DATE	OWNER (ORIG. OWNER)	CANAL	AMOUNT (Sec.-ft.)	
June 1, 1896	? (Harriet A. Hanks)	Preston		June
		Fulmer Div.	1.6	June
June 1, 1896	Teton Valley Land Co. Tr. #226 (J. Letham)	Tetonia	213.1	June
June 1, 1896	Prud. Ins. Co., State of Idaho (Lucy Buxton)	-	2.0	June
June 1, 1897	J. O. Christensen, Emma Hanks (A. Pendleton)	Egbert or Hanks	1.6	June
June 1, 1897	Union Central Life Ins. Co., R. A. Egbert (Thompson & Egbert)	Tetonia or Egbert	1.4	Sept.
June 1, 1897	L. Ricks (G. A. Little)	-	2.4	June
June 1, 1897	Union Central Life Ins. Co. (J. C. Perry)	-	1.6	June
June 1, 1897	New International Mtg. Co., J.O.Christensen (Jacob Roueche)	Wm. Hansen or Christensen	1.8	June
June 1, 1897	J. O. Christensen (J. Henrie)	Christensen	3.0	Jan.
June 15, 1897	? (Mary Moffat)	-	1.6	June
June 20, 1897	G.E.Peterson, G.F.Knight, R.S. Jackson (J.D.Henrie)	No. Leigh	2.6	June
Apr. 1, 1898	Union Cent. Life Ins. Co. (Wallace Ricks)	-	0.8	Jan.
May 25, 1898	Seth Hansen (E. A. Wait)	Tetonia	3.2	Jan.
June 1, 1898	Dave Hansen (H. D. Fullmer)	Dave Hansen	3.2	Jan.
June 1, 1898	H. Van Kleeck (A. L. Fullmer)	Alma Rammell	2.4	Jan.
June 1, 1898	Union Central Life Ins. Co. (A. Hanson)	No. Leigh	0.8	
June 1, 1898	Miller & Viele (J. C. Polson)	No. Leigh	2.6	
✓ June 1, 1898	R. W. Little (S. J. Merrill)	-	3.2	Jan.
June 1, 1898	Geo. A. Little, Plymouth Guar. Sav. Bank (G.E. Little)	-	1.6	Jan.
June 1, 1898	G. F. Lothouse, Elmer Little (E. Hopkins)	No. Leigh	1.6	Jan.
June 1, 1898	Elmer Rammell, E. A. Seymour, State of Idaho (R.H.Hochstrasser)	Tetonia	0.8	Jan.
June 1, 1898	J.W.Lowe et al (see Badger Cr. listing) (N. W. Hochstrasser)	Tetonia	1.0	
June 2, 1898	State of Idaho (H. S. Hill)	G. Pehrson	2.0	
June 2, 1898	G.L.Wade, Fed. Land Bank. H.J. Hansen (J. Y. Hill)	Wade div.	3.2	Jan.
Sept. 1, 1898	Union Central Life Ins. Co. (A. Hanson)	No. Leigh	2.4	
June 1, 1899	J. O. Christensen, Emma Hanks (A. Pendleton)	Egbert or Hanks	1.6	Jan.
June 1, 1899	L. M. Hansen - Flannigan (J. Simmons)		1.2	Jan.
June 1, 1899	New International Mtg. Co., J.O. Wm. Hansen or Christensen (Jacob Roueche)	Christensen	3.9	Jan.
June 1, 1899	J. H. Bahr Jr. (B. Fullmer)	Blair	1.5	Jan.

SCANNED

JUN 29 2005

March 9, 2004

Richard Beard
Box 122
Tetonia ID 83452

Re: Evidence of claim 22-11993

Dear Claimant:

The above referenced claim has been filed in the on-going Snake River Basin Adjudication. The Idaho Department of Water Resource is now beginning the review of claims filed in the Victor/Driggs area.

Your claim appears to be a portion of a decreed water right from the Rexburg Irrigation vs Teton Irrigation decree, 1910. However, I find no reference to the claimed priority date May 25, 1898 from Spring Creek in that decree. Please provide some type of documentation supporting the validity of the portion of the water right claimed. Often times a deed or contract of sale will discuss water rights. In the absence of that reference your title company may have documentation of the rights origin from the original homestead documents. **As the claimant, you are responsible for submitting the necessary proof to support the claimed water right.**

The Department will not recommend the Notice of Claim be decreed by the court if adequate evidence supporting this water right claim is not submitted. The Notice of Claim will be disallowed.

Please provide the requested documentation supporting the claim **within 30 days of the date of this letter.** I look forward to your timely response.

Respectfully submitted,

Allen B. Ruberry
Sr. Water Resource Agent
Adjudication Bureau

Cc: file
Enclosure: claim copy

2/11/05 APR
No Reply
Claim Disallowed

SCANNED
APR 19 2005

PROFILE



Tetonia Canal POD off Spring Creek
GPS TAG # A0013691
7/13/2004 9:46:32 AM; ABR

PROF

SCANNED
APR 19 2005

Place Of Use Data Entry Form

Claim Number: _____

Claimed Place Of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total acres _____

Recommended Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total acres _____

Pending or approved Transfers: _____

Overlapping rights: _____

Document how the POU was verified:

8/21/04
DO
Field exam showed that POU is irrigated by means of ditches and drains by water from Teton Canal out of Spring Creek.

POD For this Claim is The Teton Canal out of Spring Creek

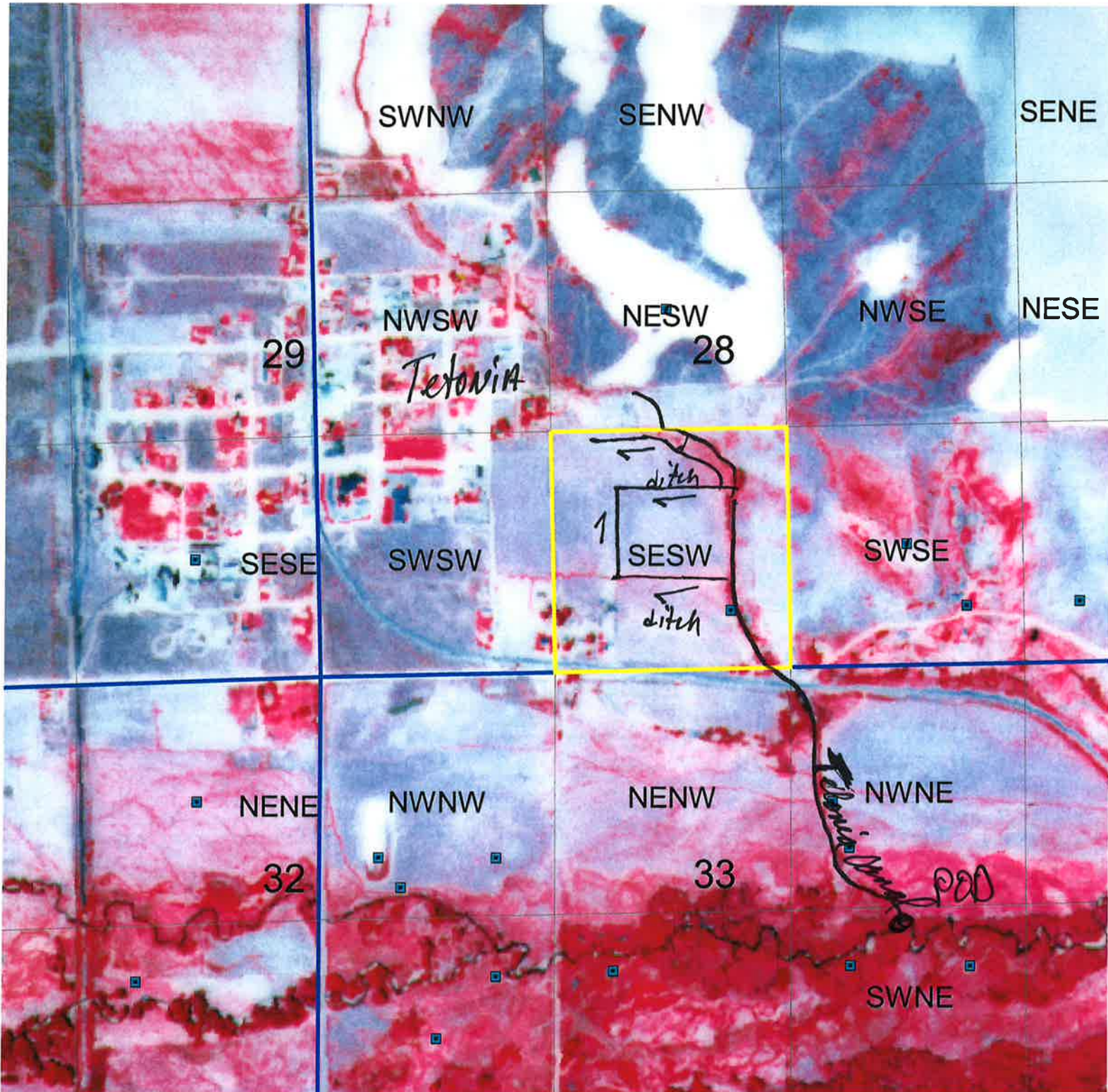
Reviewer: _____ Date: _____

PROFILED

SCANNED
APR 19 2005

22-11993

8/21/04



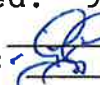
SCANNED
APR 19 2005

PROFILED

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: A22-11993
Date Received: 9/28/1988
Receipt No: M001461
Received By: 

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: RICHARD S. BEARD 208-456-2885
Address: BOX 122
TETONIA, ID 83452
OR
Name: ELLA K. BEARD 208-456-2885
Address: BOX 122
TETONIA, ID 83452

A2211993



2. Date of Priority: MAY 25, 1898

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

4. Point of Diversion:

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

5. Description of diverting works:
HEADGATE AND DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	0.200		

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

A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A22-11993

Page 1

Date: 09/28/88

PROFILED

SCANNED
APR 19 2005

MICROFILMED
NOV 06 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06N	45E	28	SE	SW		IRR	10.0
Section Acres							10.0
Total Acres							10.0

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:

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

REXBURG IRR. CANAL CO. ET AL
Decree Plaintiff

vs

TETON IRR. CANAL CO. ET AL
Decree Defendant

PROFILED

SCANNED
APR 19 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 A 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): X. Sam Leard Date: 8-28-88

Date: _____

State of Idaho)
County of Teton) SS.

Subscribed and sworn (or affirmed) before me this 28th day
of Sept 19 88

William Gene Gibson
Notary Public

Seal

Residing at Boise, Id
My Commission Expires 9-2-1994

PROFIT

SCANNED
APR 19 2005

MICROFILMED
NOV 06 1992

2001 9 0 10 11



W
BEARD
T6N
R45E

POB NESWNE
SECTION 33

POB SESW
SECTION 28

T6

T5

PROFIT

SCANNER

APR 19 2005