

08/01/2006

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

RIGHT NUMBER: 22-12057

NAME AND ADDRESS: JOHN E MATTHEWS
C/O ROBERT PHILLIPS
PO BOX 1148
HUDSON OH 44236

SOURCE: TETON CREEK

TRIBUTARY: TETON RIVER

QUANTITY: 1.200 CFS

PRIORITY DATE: 10/31/1903

POINT OF DIVERSION:

T05N R46E S20 SENWNE Lot 1 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	1.200 CFS

PLACE OF USE: IRRIGATION Within TETON County

T05N R46E S20	SWNW	28.00	T05N R46E S20	SENW	21.00
T05N R46E S20	NWSW	13.00			

62 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 CENTRAL TETON CANAL.

This right is a split from former right 22-198.



SCANNED
APR 20 2005

PROTECTED

State of Idaho

Department of Water Resources

Eastern Region



Water Right(s):
2212057

Point(s) of Diversion:

T05N R46E
Sec 20 SENWNE

Place of Use: (parts of)

T05N R46E
Sec 20 SWNW, NWSW, SENW

Delivered through Central
Teton Canal.

Legend



Point of Diversion



Place of Use



Section



Quarter-Quarter



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



1000 0 1000 2000 3000 4000 5000 6000 7000 Feet



HEADGATE FOR THE (OLD-NOW DEFUNCT) CENTRAL TETON CANAL.

DIVERTS OFF TETON CREEK - IDAHO SIDE OF STATELINE AT:
TEN R46E SEC. 20 SENW1/4 (LOT 1)

GPS TAG # A0013033

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Photo: 6/19/04 DO

DD
10/6/04 According to claimant's map, land
claimed is in SENW of Section 20.
According to claim it is SE SW of
Section 20 but this land (SE SW)
doesn't belong to claimant

contact address:

John Mathews Trust
c/o Robert D. ^{Hice} Phillips
PO Box 1148
Hudson, OH 44236

10/20/04 I visited county assessors office to verify
DD that Mathews Trust doesn't own
SE SW of Section 20. The trust does own
land in SENW of Section 20.

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APR 20 2005

Contacts Data Entry Form

Claim Number: _____

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

Current Owner: _____ Phone No.: _____

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: _____

*CHANGE ADDRESS*Discussion of right origin and split history. Questions and problems.

*ERROR OF CLAIMED POB IN SE3W - SHOULD BE SE NW
WHICH IS NOW SUBDIVIDED - APPARENTLY SOLD W/O WATER
NO KNOWN C/O FOR WATER SPLIT PARTS*

Reviewer: _____ Date: _____

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APR 20 2005

Point of Diversion and Source Data Entry Form

Claim Number: _____

Water Right Point(s) of diversion and Source.

Water Right Point of Diversion: T _____, R _____, Sec. _____, _____, _____, _____, County: _____

Source: _____ Tributary to: _____

Water Right Point of Diversion: T _____, R _____, Sec. _____, _____, _____, _____, County: _____

Source: _____ Tributary to: _____

Claimed Point(s) of Diversion and Source.

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source	Tributary to

Recommended Point(s) of Diversion and Source.

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source	Tributary to

Other rights from this POD? _____

Transfers Pending or approved: _____

Document how the POD and Source were verified:

80
10/6/04
GPS tag for Central Teton Canal ADD/13833
Field exam shows that this land is irrigated
with ditches that deliver water from Teton Ck.

Reviewer: _____ Date: _____

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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:

10/6/04
SD
Field exam shows that land in Sec 20 - SWNW, SENW, and NWSW is irrigated but the land claimed in SESW can't be irrigated. This (SESW) belongs to another person.

SEE FIELD EXAMINATOR'S NOTES - Yellow Sheet - CLAIM OF SESW APPEARS TO BE AN ERROR ON THE CLAIM -

ACCORDING TO TOWN CO. ASSESSOR OWNERSHIP THOMAS THIS LAND IS SUBDIVIDED - SESW BELONGS TO BOYD BOWLOS AND IS NOT SUBDIVIDED.

SWNW
SENW
NWSW

CO5

Reviewer: _____ Date: _____

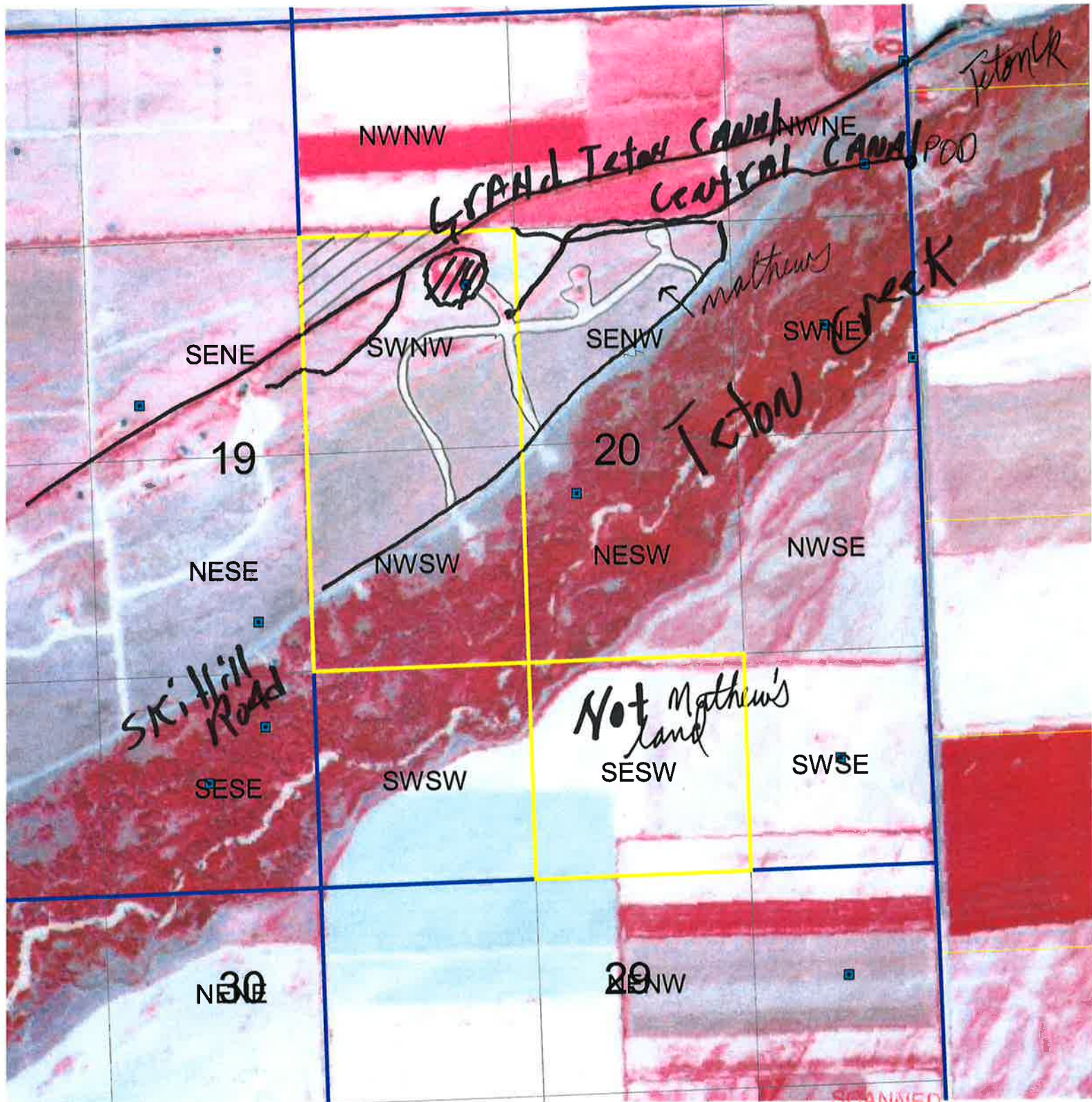
SCANNED

FILED

APR 20 2005

ERROR OR
CLAIMS

22-12057



PROFILE

SCANNED
APR 20 2005

Roy C. Moulton

*Attorney at Law
Courthouse Building*

*P.O. Box 631
Driggs, Idaho 83422*

(208) 354-2977

1 March 1989

MAR 7 1989

**Department of Water Resources
Eastern District Office**

Paul R. Meyer
Water Resources Agent
Department of Water Resources
150 Shoup Avenue, Suite 15
Idaho Falls, Idaho 83402

Re: John E. Matthews
Notice of Claim

Dear Mr. Meyer:

Enclosed is Mr. Matthews' Amended Notice of Claim.

Thank you for your assistance.

Sincerely,

Roy C. Moulton

ROY C. MOULTON

RCM:sn
Enc.

PROFILE

**SCANNED
APR 20 2005**

**MICROFILMED
NOV 06 1992**

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: A22-12057

Date Received: 9/28/1988

Receipt No:

Received By: *[Signature]*

MAR 7 1989

Department of Water Resources
Eastern District Office

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: JOHN E. ~~MATHEWS~~ MATTHEWS
Address: P. O. BOX 477
DRIGGS, ID 83422

208-354-8184

2. Date of Priority: OCT 31, 1903

3. Source: TETON CREEK

Trib. to: TETON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05N	46E	20	SE	NW	NE		TETON

5. Description of diverting works:
HEADGATE WITH DITCHES FOR FLOOD IRRIGATION.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	1.200		

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

8. Total consumptive use is 134.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	46E	20	SW	NW		IRR	27.0
			NW	SW		IRR	17.0
			SE	SW		IRR	23.0
			SE	NW			
					Section Acres		67.0

A22-12057

Page 1

Date: 02/13/89

PROFILED

SCANNED
APR 20 2005

MICROFILMED
NOV 06 1992

A2212057



10. Place of Use: Continued

Total Acres 67.0

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:
BASED ON DECREED WATER RIGHT 22-00198

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 12/16/1910

REXBURG IRRIGATION CO. ET AL.

Decree Plaintiff

vs

TETON IRR. CANAL CO. ET AL.

Decree Defendant

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APR 20 2005

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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): John E. Matthews Date: 2-28-89
_____ Date: _____

State of Idaho)
County of Teton) SS.

Subscribed and sworn (or affirmed) before me this 28th day

of February 19 89

Seal

Susan Lee
Notary Public

Residing at Teton, ID

My Commission Expires 9/30/92

PROFILED

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APR 20 2005

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NOV 06 1994

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 A 22-12057Date Received 9-28-88Receipt Number E002831

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) John E. Matthews Phone (209) 354-8124Mailing Address PO. Box 477 Driggs Zip 834222. Date of Priority (Only one (1) per claim) Oct. 31, 19033. Source of water supply (a) Teton Creek
which is tributary to (b) Teton River4. a. Location of existing point of diversion is: Township T5N Range 46E Section 20,
SE 1/4 of NW 1/4 of NE 1/4, Govt. Lot, 1 B.M., County of Teton

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. _____

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APR 29 2005

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NOV 06 1992

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from April 15 to Oct 15 amount 1.2 cfs or _____
For _____ purposes from _____ to _____ amount _____ or _____
For _____ purposes from _____ to _____ amount _____ or _____
For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 1.2 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 134 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) None

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
5N	46E	20							27			17		23					67

Total number of acres irrigated 67

11. In which county (ies) are lands listed above as place of use located? Teton

12. Do you own the property listed above as place of use? Yes ✓ No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.

or None (+)

14. Remarks:

MICROFILMED

NOV 6 1982

Last Name _____ Ident No. _____

Copies: White -State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____

Decree X

If applicable provide IDWR Water Right Number 22-0198

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant _____

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 do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) John Matthews by Date Sept 28, 92

Ray C. Moulton atty. Date _____

For Organizations: I do solemnly swear or affirm that I am _____

Title

of _____, that I have signed the foregoing

Organization

document in the space below as _____ of _____

Title

Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or Id)
County of Teton) SS.

Subscribed and sworn (or affirmed) before me this 28 day of Sept. 19 92

SEAL

Notary Public John Dale Carlson

Residing at Boise Id

My Commission Expires 4/2/94

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

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SCANNED

APR 20 2005

MICROFILMED

NOV 06 1992

Last Name _____ Ident. Number _____

Copies White-State, Yellow-Claimant

MICROFILMED
NOV 6 6 1996

R45E

House

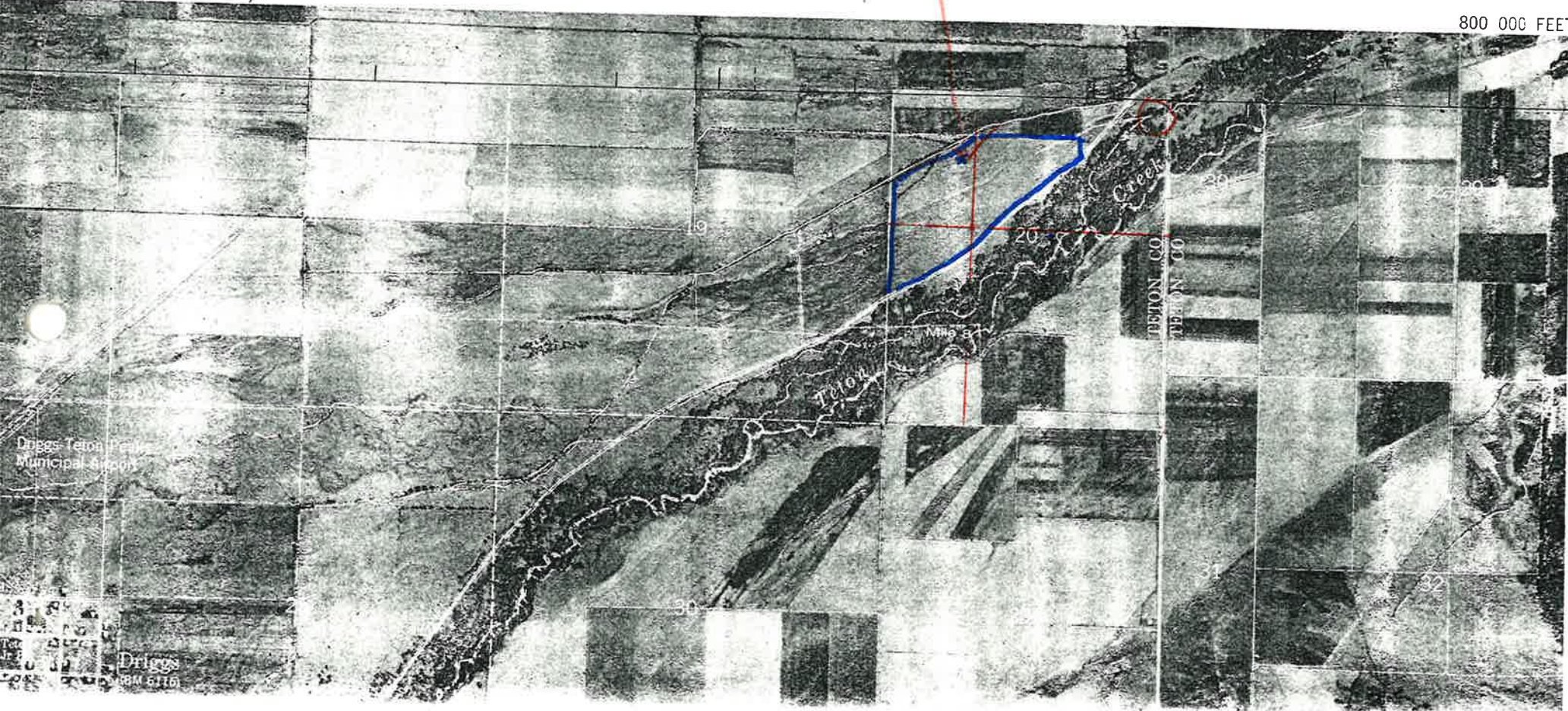
R46E

PROFILED

SCANNED
APR 20 2005

230 000 FEET(WYO. 4 WEST)

800 000 FEET



10/27/1988

SRBA CLAIMS RECEIVING CHECKLIST

CLAIMANT'S NAME MATTHEWS, JOHN F. CLAIM NT. NO. A22-12057

DATE RECEIVED 9-28-88 CK # 2140 AMOUNT \$ 142.00

	YES	NO
1. Is the name and address complete with zip code?	☒	☐
2. Is a priority date entered?	☒	☐
Is the water use exempt from the Permit requirements, or if it is not exempt, has a Permit been approved or a License issued? A Permit is required: (1) for groundwater developed after March 25, 1963 (except single family domestic and stockwater wells using less than 13,000 gpd), or (2) for surface water developed after May 20, 1971 (except for instream stockwater). USE CARE IF CLAIM IS RETURNED. REFER TO ADJUDICATION MEMOS # 1 (ADJ. CLAIMS/APPLICATIONS) AND # 9 (REJECTION OF CLAIMS). EXPLAIN IN COMMENTS.		
3. (a) Is a source entered?	☒	☐
(b) Is a tributary to entered? (if required)	☐	☐
4. Is the legal description of the p.d. sufficient?	☒	☐
5. Is there a description of the diverting works?	☒	☐
6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form.	☒	☐
Is the period of use included?	☒	☐
Is a quantity claimed for each use?	☒	☐
7. Is a total quantity claimed entered?	☒	☐
8. If required is a consumptive use entered?	☐	☐
Is the consumptive use correct?	☐	☐
9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4.	☐	☐
10. Is (are) the place(s) of use entered?	☒	☐
11. Is (are) the county(ies) entered?	☒	☐
12. Is the ownership of p.u. checked?	☒	☐
13. Are other water rights listed or "none" indicated?	☒	☐
14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.)	☒	☐
15. Is the basis of the claim checked?	☒	☐
16. Is the claim signed by the claimant, and is the signature appropriate? (If an individual is the claimant, has that individual signed the claim, or if an organization is the claimant, is the organization signature block complete?)	☒	☐
Has the claim been signed, sealed, and dated by a notary?	☒	☐
Was this claim filed on time, or was an extension granted?	☒	☐
Is the fee enclosed correct?	☐	☐
If this claim is based on an existing water right, has the identification number been entered?	☐	☐
Should this claim be receipted and data entered?	☒	☐

6002831

APR 20 2005

PROFIT

Claim checked by:

MICROFILMED

Comments: KEY RAY C. MOULTON AS ATTORNEY

NOV 6 1992

#5216 - CHANGED BY AMENDED COPY