

12/13/2006

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

RIGHT NUMBER: 22-12077

NAME AND ADDRESS: BEN KAUFMAN
DBA KAUFMAN BROTHERS JOINT VENTURE
RT 1 BOX 3810
DRIGGS ID 83422

WARREN KAUFMAN
DBA KAUFMAN BROTHERS JOINT VENTURE
RT 1 BOX 3830
DRIGGS ID 83422

SOURCE: BADGER CREEK

TRIBUTARY: TETON RIVER

QUANTITY: 7.040 CFS

PRIORITY DATE: 04/01/1939

POINT OF DIVERSION:

T06N R45E S8 NWNESE 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	7.040 CFS

PLACE OF USE: IRRIGATION in TETON County

T06N R44E S13	SWSE	40.00	T06N R44E S24	NWNE	33.00
T06N R44E S24	SWNE	31.00	T06N R44E S24	SENE	16.00
T06N R44E S24	NENW	40.00			

160 ACRES TOTAL

This right is limited to the irrigation of 140 acres within the place of use described above in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 160 acres in a single irrigation season. Combined Right Nos.:22-464, 22-465, 22-12077.

The rights listed below are limited to the irrigation of a combined total of 514 acres in a single irrigation season. Combined Right Nos.:22-464, 22-465, 22-7140B, 22-7164, 22-12075, 22-12077.

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

This right is a combination of portions of old Right Nos. 22-664, 22-665.

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

Water is delivered through Stewart Ditch.



* * * Memory TX Result Report (Dec. 13. 2006 3:35PM) * * *

1) Idaho Dept. of Water Resources
2)

Date/Time: Dec. 13. 2006 3:30PM

File No. Mode	Destination	Pg(s)	Result	Page Not Sent
0273 Memory TX	93543423	P. 9	OK	

Reason for error

E. 1) Hang up or line fail
E. 3) No answer
E. 5) Exceeded max. E-mail size

E. 2) Busy
E. 4) No facsimile connection

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION
IDAHO FALLS ID
208-525-7161 - PHONE
208-525-7177 - FAX

TRANSMITTAL COVER SHEET

OMNIFAX

TO: Warren FROM: TrentDOCUMENT DESCRIPTION: new Recommendations
for water rightsTOTAL NUMBER OF PAGES (Including this page): 9

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

12-13-06

- 22-664 decreed 120 acres for 6.6 cts
- claimant owns 80 acres of that land.
- 4.4 cts is the portion claimant receives.

- 22-665 decreed 100 acres for 14.4 cts
- claimant owns 60 acres of that land
- 2.64 cts is the portion claimant receives.

TH

be appurtenant to, the following described lands, to-wit:

The East Half (E $\frac{1}{2}$) of Section Thirty-six (36),
all in Township Seven (7) North, Range Forty-four
(44), East of the Boise Meridian,

and to be diverted from said Badger Creek in the Northwest Quarter
(NW $\frac{1}{4}$) of Section 8, Township 6 North, Range 45, E.B.M.

IV

22-0664 IT IS HEREBY ORDERED, ADJUDGED AND DECREED, that the
plaintiffs, P. S. Rammell and Leon Rammell, be awarded and are
entitled to divert and use 6.6 cubic feet of water per second
of time of the waters of Badger Creek with a priority date of
April 1, 1939, in addition to all other decreed and other rights
now owned by said plaintiffs, for domestic purposes and for
irrigation of, and to be appurtenant to, the following des-
cribed lands, to-wit:

The East Half of the Northeast Quarter (E $\frac{1}{2}$ NE $\frac{1}{4}$)
Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$),
all in Section Twenty-four (24), Township Six (6)
North, Range Forty-four (44), East of the Boise
Meridian,

120 acres Total

and to be diverted from said Badger Creek in the Southwest Quarter
(SW $\frac{1}{4}$) of Section 9, Township 6 North, Range 45, E.B.M.

V

22-0665 IT IS HEREBY ORDERED, ADJUDGED AND DECREED, that the
plaintiff, P. S. Rammell, be awarded and is entitled to divert
and use 4.4 cubic feet of water per second of time of the waters
of Badger Creek with a priority date of April 1, 1939, in addi-
tion to all other decreed and other rights now owned by said
plaintiff, for domestic purposes and for irrigation of, and

L 228

to be appurtenant to, the following described lands, to-wit:

40 The Southwest Quarter of the Southeast Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section Thirteen (13); the East Half of the West Half of the Northeast Quarter (E $\frac{1}{2}$ W $\frac{1}{2}$ NE $\frac{1}{4}$), the West Half of the Northeast Quarter of the Northwest Quarter (W $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section Twenty-four (24), all in Township Six (6) North, Range Forty-four (44), East of the Boise Meridian,

100 acres Total

and to be diverted from said Badger Creek in the Southwest Quarter (SW $\frac{1}{4}$) of Section 9, Township 6 North, Range 45, E.B.M.

VI

22-0666

IT IS HEREBY ORDERED, ADJUDGED AND DECREED, that the plaintiff, John Reiley, be awarded and is entitled to divert and use 6.0 cubic feet of water per second of time of the waters of Badger Creek with a priority date of April 1, 1939, in addition to all other decreed and other rights now owned by said plaintiff, for domestic purposes and for irrigation of, and to be appurtenant to, the following described lands, to-wit:

The Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$) in Section Two (2); Southwest Quarter of the Southeast Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section Three (3); the Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section Ten (10); the Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section Eleven (11), all in Township Six (6) North, Range Forty-five (45) E.B.M.,

and to be diverted from said Badger Creek in the Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 12, Township 6 North, Range 45, E.B.M.

VII

22-0667

IT IS HEREBY ORDERED, ADJUDGED AND DECREED, that the plaintiff, Horace Robson, be awarded and is entitled to divert and use 2.0 cubic feet of water per second of time of the waters

Contacts Data Entry Form

Claim Number: 2212077

Owner Type	Full Name	Address	City	State	Zip
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Current Owner: Valley Bank Kaufman Bros. 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: _____

10/4/89 C/O TO Kaufman Bros.Discussion of right origin and split history. Questions and problems.

DECREE NATHAN RICKS vs. HENRY EAGLE 2 NOV 1964
DECREE TO 22-664 P.S. RAMMELL & LEON RAMMELL 1 APRIL
1939. FOR 330" (6.6 CFS) Badger Creek + 22-665 TO
P.S. RAMMELL 1 APRIL. 220" (4.4 CFS) Badger Creek.
THIS IS A FLOOD WATER R.

22-664 + 22-665 ARE COMBINED TO MAKE
THIS RIGHT. SEE ATTACHED
OTHER WATER RIGHTS USED.

Remark
P15

FE pod./pou CONVIANCE/SYSTEM

Reviewer: _____ Date: _____

Point of Diversion and Source Data Entry Form

Claim Number: 2212077Water 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
64	45	9		NW SW NW	Teton	Badger Creek	Sinks Teton River
11	11	1		NE NW SW	"	"	"

Recommended Point(s) of Diversion and Source.

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source	Tributary to
					Teton	Badger CK	Teton River

Other rights from this POD? _____

Transfers Pending or approved: _____

Document how the POD and Source were verified:

Claims Source as Badger CK & Springs (to Sinks). Decided AS BADGER CK ONLY - DO NOT RECOMMEND SPRINGS AS SOURCE.

RECOMMEND GPS'd POD's - CLAIMED POD's NOT FOUND.

Reviewer: _____ Date: _____

and to be diverted from said Badger Creek in the Northwest Quarter (NW $\frac{1}{4}$) of Section 8, Township 6 North, Range 45, E.B.M.

IV

22-0664 IT IS HEREBY ORDERED, ADJUDGED AND DECREED, that the plaintiffs, P. S. Rammell and Leon Rammell, be awarded and are entitled to divert and use 6.6 cubic feet of water per second of time of the waters of Badger Creek with a priority date of April 1, 1939, in addition to all other decreed and other rights now owned by said plaintiffs, for domestic purposes and for irrigation of, and to be appurtenant to, the following described lands, to-wit:

The East Half of the Northeast Quarter (E $\frac{1}{2}$ NE $\frac{1}{4}$), Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$), all in Section Twenty-four (24), Township Six (6) North, Range Forty-four (44), East of the Boise Meridian,

and to be diverted from said Badger Creek in the Southwest Quarter (SW $\frac{1}{4}$) of Section 9, Township 6 North, Range 45, E.B.M.

V

22-0665 IT IS HEREBY ORDERED, ADJUDGED AND DECREED, that the plaintiff, P. S. Rammell, be awarded and is entitled to divert and use 4.4 cubic feet of water per second of time of the waters of Badger Creek with a priority date of April 1, 1939, in addition to all other decreed and other rights now owned by said plaintiff, for domestic purposes and for irrigation of, and

EXCERPT FROM

NATHAN RICKS

V.S.

HENRY EAGLE

2 NOV 1964

to be appurtenant to, the following described lands, to-wit:

The Southwest Quarter of the Southeast Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section Thirteen (13); the East Half of the West Half of the Northeast Quarter (E $\frac{1}{2}$ W $\frac{1}{2}$ NE $\frac{1}{4}$), the West Half of the Northeast Quarter of the Northwest Quarter (W $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section Twenty-four (24), all in Township Six (6) North, Range Forty-four (44), East of the Boise Meridian,

and to be diverted from said Badger Creek in the Southwest Quarter (SW $\frac{1}{4}$) of Section 9, Township 6 North, Range 45, E.B.M.

VI

22-0666

IT IS HEREBY ORDERED, ADJUDGED AND DECREED, that the plaintiff, John Reiley, be awarded and is entitled to divert and use 6.0 cubic feet of water per second of time of the waters of Badger Creek with a priority date of April 1, 1939, in addition to all other decreed and other rights now owned by said plaintiff, for domestic purposes and for irrigation of, and to be appurtenant to, the following described lands, to-wit:

The Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$) in Section Two (2); Southwest Quarter of the Southeast Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section Three (3); the Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section Ten (10); the Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section Eleven (11), all in Township Six (6) North, Range Forty-five (45) E.B.M.,

and to be diverted from said Badger Creek in the Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 12, Township 6 North, Range 45, E.B.M.

EXCERPT FROM
NATHAN KICKS

VII

V5 2 NOV 1964
HENRY EAGLE

IT IS HEREBY ORDERED. ADJUDGED AND DECREED. that the

Season of Use and Quantity Data Entry Form

Claim Number: 2212077Water 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>Pring.</u>	<u>4/15</u>	<u>10/15</u>	<u>11⁰</u>	

Overall Diversion Rate _____ Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
<u>Pring.</u>	<u>4/15</u>	<u>10/31</u>	<u>11⁰</u>	

Overall Diversion Rate 11⁰ Overall Diversion Volume _____

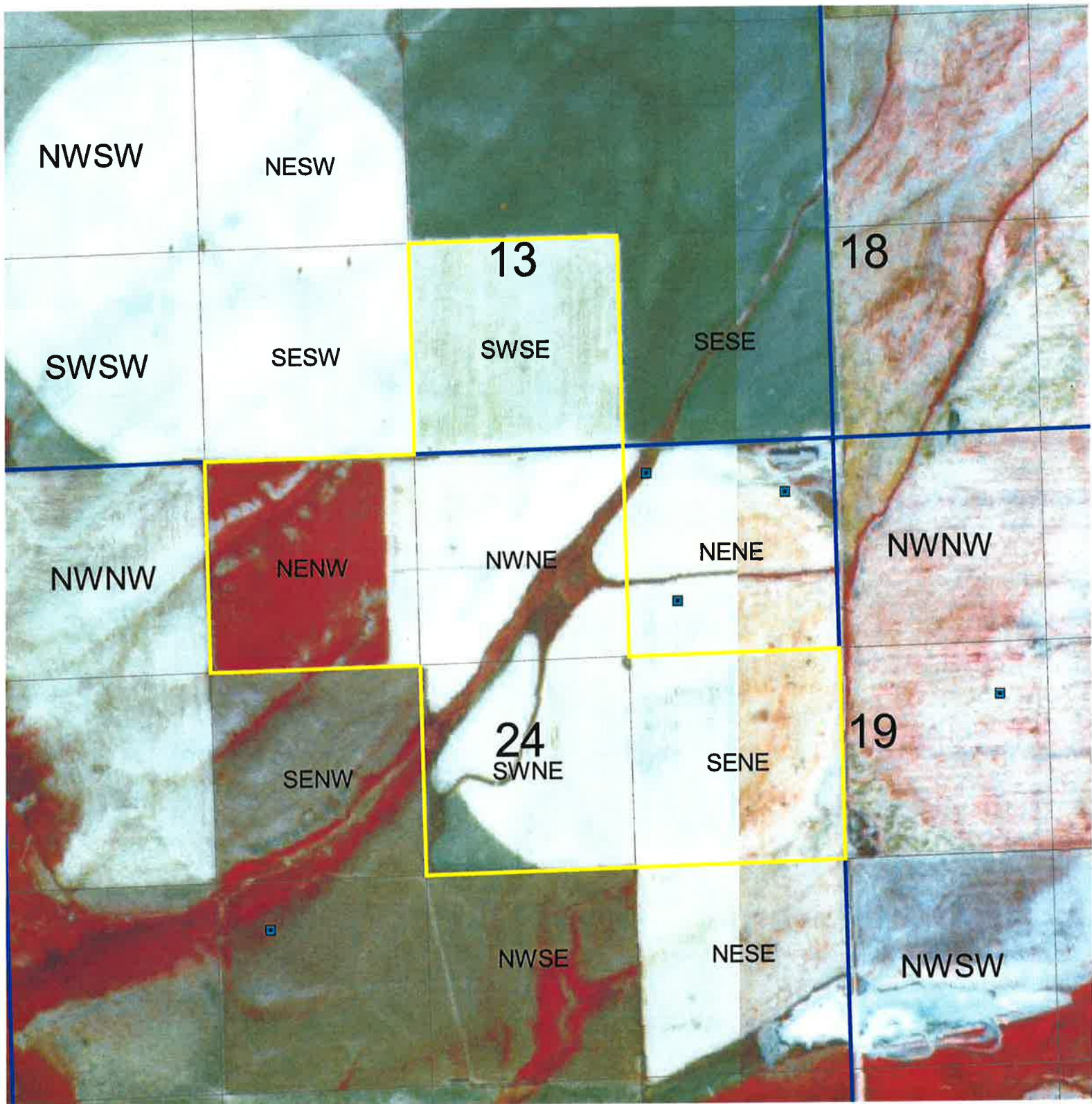
Document how the Period of Use and/or Diversion Rate were verified:

IDWR STD. 80a. 4/1 - 10/3122-664 DECREE AS 6.6 cfs April 1, 193922-665 " " 4.4 " " "11.0 cfs Combined Q. P15THESE ARE BOTH FLOOD WATER RIGHTS - NO COMBINED USE LIMITATIONS FOR Q.

Reviewer: _____

Date: _____

22-12077





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

October 11, 1989

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

Ben and Warren Kaufman, dba
Rt. #1, Box 3830
Driggs, ID 83422

RE: A22-07140B, A22-07164, A22-12075, A22-12079,
A22-00464, A22-12077, A22-00465.

Dear Claimants:

Notice of the change in ownership of the above-referenced water rights has been received. The Claims to Water Rights records of the Department have been changed to reflect such notice.

Claims prepared from the Department's computer are enclosed for your review and records. If you find the address is incorrect, please contact us. Our staff is willing to discuss any other questions you may have regarding these Notices.

Sincerely,

Ernest Carlsen,
Water Rights Supervisor, Adjudication Bureau

EC:jt

Enclosure

MICROFILMED
NOV 06 1992

RECEIVED
OCT 05 1989

Department of Water Resources
Each District Office
CHANGE IN OWNERSHIP OF NOTICE OF CLAIM

[XX] Water Right Number(s): A22-12077

[XX] Name and Address of Former Claimant: Valley Bank

P.O. Box 51270

Idaho Falls, Idaho 83405-1270

[XX] New Claimant(s): Ben Kaufman and Warren Kaufman dba

Kaufman Brothers Joint Venture

[XX] New Mailing Address: Rt. #1, Box 3830

Driggs, Idaho 83422

New Telephone Number: (208) 354 - 2262

[XX] Does the change in ownership result in a splitting of the water right claimed? yes XX no

If yes, then describe the portion of the water right that is now claimed by the new owner:

[NA] Attach proof of ownership
Describe proof attached:

[X] Signature of ^{Original} ~~New~~ Claimant(s): Valley Bank

by: Richard C. Swager, Jr.
Richard C. Swager, Jr., Collection Officer

Date: October 4, 1989

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: 10-5-89 By: Ed

Further Action Needed: none

Further Action Taken

Date: By:

Final Review and Data-Entry

Date: 10/10/89 By: Ed

Claim Numbers of Split, if any:

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: A22-12077
Date Received: 10/03/1988
Receipt No: 6002903
Received By: SPV

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: VALLEY BANK 208-525-6200
Address: P.O. BOX 51270
C/O BANK 2
IDAHO FALLS, ID 83405-1270

2. Date of Priority: APR 01, 1939

3. Source: BADGER CREEK SPRINGS Trib. to: TETON RIVER SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06N	45E	9	NW	SW	NW		TETON
			NE	NW	SW		TETON

5. Description of diverting works:
HEADGATE IN BADGER CREEK TO 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	11.000		

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

8. Total consumptive use is 462.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A2212077



10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06N	44E	13	SW	SE		IRR	39.0
Section Acres							39.0
		24	NW	NE		IRR	40.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	NW		IRR	40.0
Section Acres							160.0
Total Acres							199.0

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:
22-0464,0465. GROUNDWATER RIGHTS.

14. Remarks:
CURRENT USE OF WATER AS CAN BE USED. IS USED SUPPLEMENTAL
TO GROUNDWATER RIGHTS 22-07164,-7140B AND EXPANDED USE UNDER
A22-12075.
**** THIS CLAIM COMBINES RIGHTS 22-0664 & 0665 *****

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date: 11/02/1964

NATHAN RICKS
Decree Plaintiff

vs

HENRY EAGLE, W.M.
Decree 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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am Senior Vice President of
_____ Title
Valley Bank, that I have signed the foregoing
Organization
document in the space below as Senior Vice President of
_____ Title

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

Thomas B. Minow

Signature of Authorized Agent

Senior Vice President - Valley Bank
Title and Organization

October 4, 1988

Date

State of Idaho)
County of Bonneville.) SS.

Subscribed and sworn (or affirmed) before me this 4th day
of October 19 88.

Julie A. George
Notary Public

Seal

Residing at Idaho Falls, Idaho

My Commission Expires 3/1/91

AJ0749NP
No. A22-12077

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 11/01/99
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	BEN KAUFMAN	04/01/1939	IRRIGATION	04-15 10-15	11.000 CFS	
C	WARREN KAUFMAN					
	DBA KAUFMAN BROTHERS JNT VENT					
	RT 1 BOX 3830					
	DRIGGS ID 83422					
	(208) 354-2262					
				TOTAL DIVERSION:	11.000 CFS	
				CONSUMPTIVE USE:		462.00 AFA

Water Source: BADGER CREEK
SPRINGS

Tributary to: TETON RIVER
SINKS

Stage: DECREED

Point(s) of Diversion: T06N R45E S09 NWSWN NENWSW TETON County

Place of use Legal Description for: IRRIGATION

		NE				NW				SW				SE				
T	R S	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM
06N	44E 13	:																39.0
06N	44E 24	:		40	40	40	:	40										160.0
TOTAL ACRES																	199.0	

POU County: TETON

Non-Irrigation Uses: NONE

Other Rights: 22-0464,0465. GROUNDWATER RIGHTS.

Remarks: GEN CURRENT USE OF WATER AS CAN BE USED. IS USED SUPPLEMENTAL
TO GROUNDWATER RIGHTS 22-07164,-7140B AND EXPANDED USE UNDER
A22-12075.

**** THIS CLAIM COMBINES RIGHTS 22-0664 & 0665 *****

CHANGE IN OWNERSHIP FILED WITH DEPARTMENT 10/5/89. ESV 10/10/89

Dates: Exam Made Date: Verified Date: 06/24/1985 Objection Filed Date:

Misc: Water District Number: 01 Field Inspection Flag:
Presumption Flag: D

43° 52' 30"

111°07'30"

43° 52' 30"

