

11/04/2005

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

RIGHT NUMBER: 22-12528
NAME AND ADDRESS: VEDA LEAVITT
PO BOX 117
TETON ID 83451

DALLAS D LEAVITT
PO BOX 117
TETON ID 83451

SOURCE: NORTH FORK TETON RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 0.920 CFS

PRIORITY DATE: 12/01/1903

POINT OF DIVERSION:
T07N R40E S36 NENENE Within FREMONT County

PURPOSE AND PERIOD OF USE:	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/01 10/31	0.920 CFS

PLACE OF USE:	<u>IRRIGATION Within FREMONT County</u>			
	T07N R41E S30 Lot 4 SWSW	1.5	T07N R41E S30	SESW 1.1
	T07N R41E S31	NENW 18.0	T07N R41E S31 Lot 1 NWNW	22.0
	T07N R41E S31 Lot 2 SWNW	1.7	T07N R41E S31	SENW 1.9

46.2 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
This claim is based on original decree 22-637.

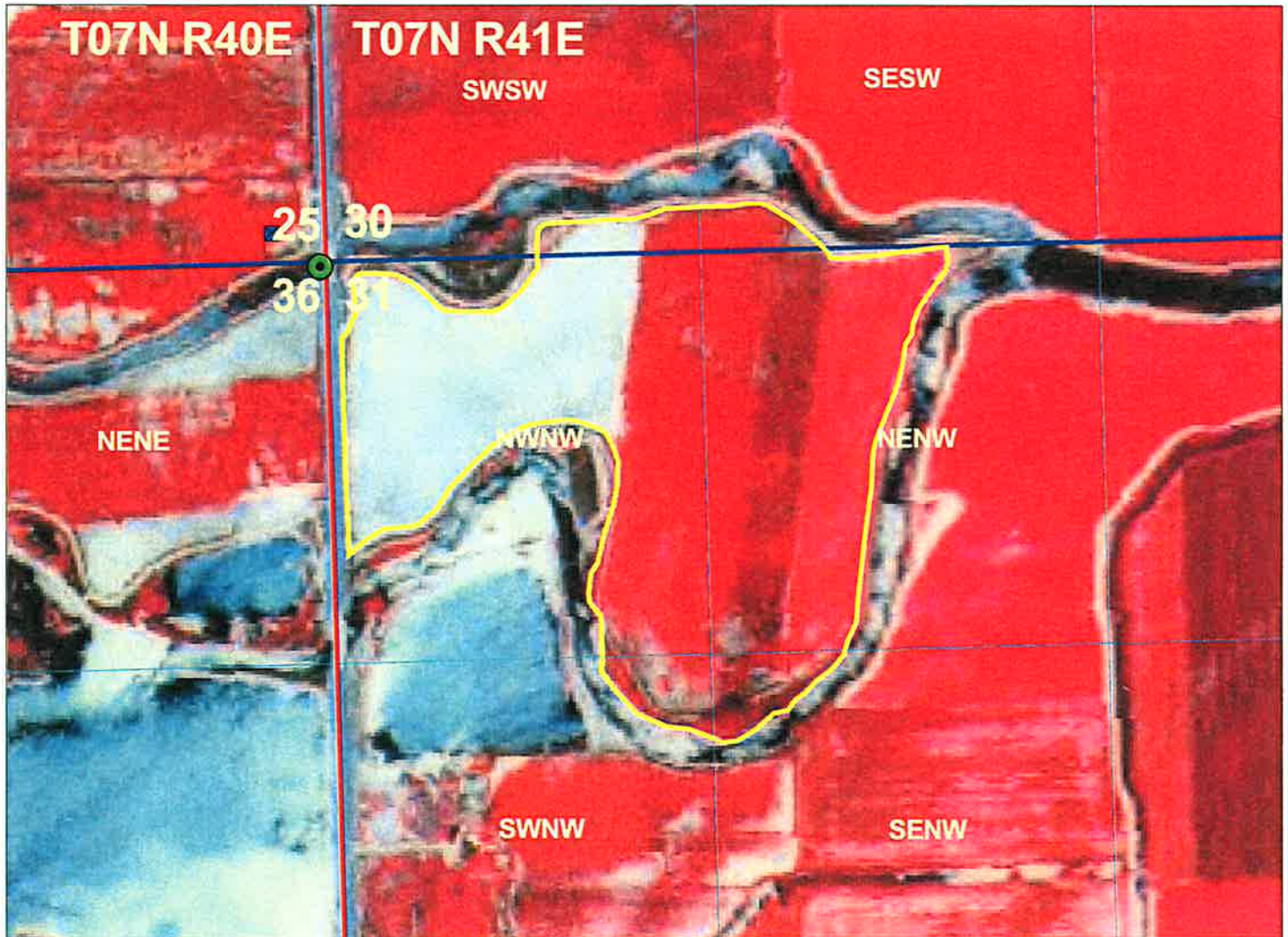
Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Department of Water Resources

Eastern Region

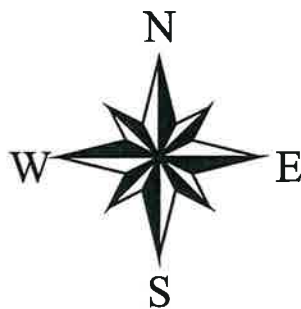


Claim No.: 22-12528



0 660 1320 1980 2640 Feet

- Point of Diversion
- 22-12528
- Recommendation POD
- Township/Range
- Sections
- QQ



GIS Place of Use Illustration
1987/88 NAPP Photography
Prepared by: Kristin Moore
Date Prepared: October 2005

NOTES

10-28-05

22-637 decreed to Mark Clark 80 inches Dec 1, 1903
53 ac. (7N41E S30 8 ac., S31 45 ac.)

22-12528 is the decreed water right 22-637 (no splits)

POU - Adding portion of land irrigated in SWNW and SE1/4W as on accomplished transfer.
Increase of POU was only 3.6 ac. and did not make POU exceed decreed acres.

Q - Because there have been no splits on the original water right, all 80 inches are still
on the original POU. Recommend 1"/ac for 46.2 ac. found irrigated.

Water Right No(s). A22-12528 (A22-637 as per Ruberry Notes)

GPS data 2686493
1413381

GPS File-2212528

GPS DATA:

Tag # 40015969 Location: on power panel support post

Diversion Data:

Source: Teton River Trib to: Snake River

MOTOR

Make: Gould Century Model: _____ Hp: 40
SN: NA

PUMP

Make: Century Model: _____ Disch: _____
SN: NA

NOTES:

This pump is within 15' of pump for A22-00634.
P.O.W map modified by claimant Dallas Leavitt. Address &
phone ok.
System is pump to handlines.

Field Exam Date: 10-26-05 Agent: Steve Jones



A22-12528 (left)

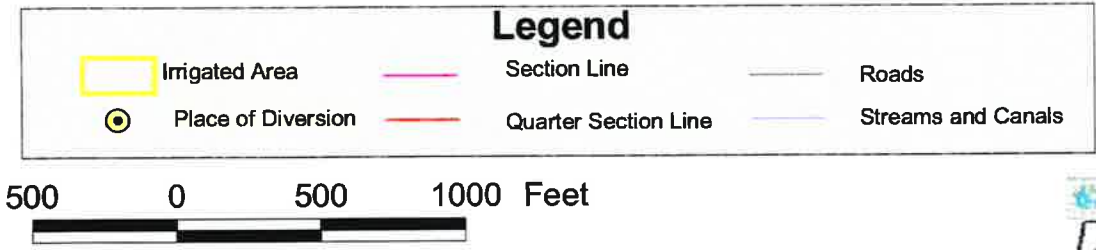
A22-634 (right)

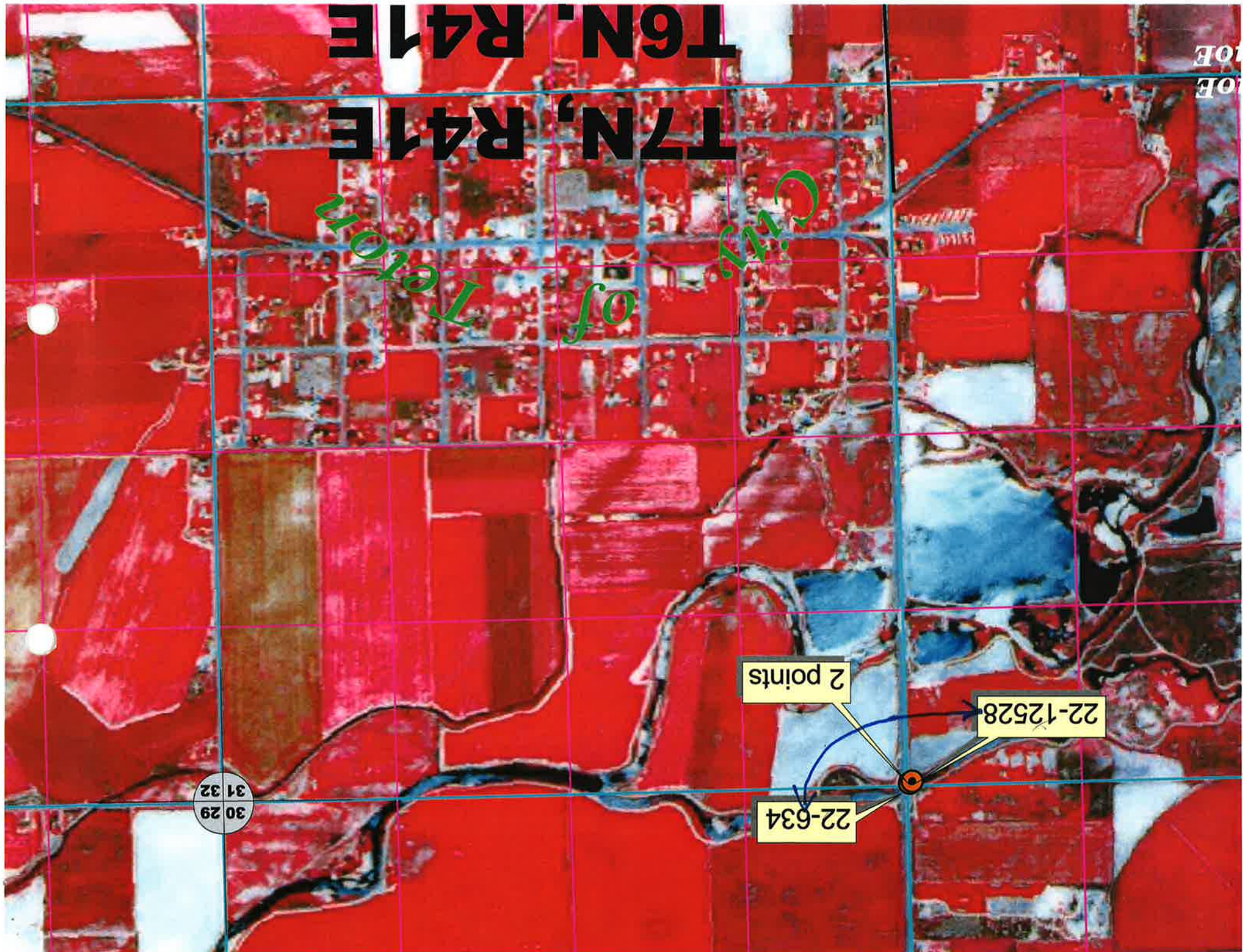


A22-12528 & A22-634; Survey marker
on pump pad



A22-12528 & A22-634 GPS Tag





T6N, R41E
T7N, R41E

Teton, ID

30 29
31 32

2 points

22-634

22-12528

IN THE DISTRICT COURT OF THE NINTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO IN AND FOR THE
COUNTY OF FRIMONT

FLOYD GARDNER, LELAN ANDERSON,
WILLIAM D. HOLLIST, DEAN CRAIN,
YOSHIMISA UGAKI, ALBERT BIRCH,
DAVID LEROY GARDNER, MARK CLARK,
and EVA B. CUTLER,

Plaintiff,

-vs-

LYNN CRANDALL, Water Master, Water
District No. 36 of the State of Idaho

Defendant.

JUDGMENT

It is hereby ORDERED, ADJUDGED and DECREED That the plaintiffs, be, and each of them is hereby, awarded priority right to the use of water of the Snake River and its tributary, the Teton River, in amount and as of priority date hereinafter indicated for the purpose of irrigation and for domestic use:

22-0631 FLOYD GARDNER: 160 inches Dec. 1st, 1903.
The NW $\frac{1}{4}$ SW $\frac{1}{4}$ and the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 36, T. 7 N., R. 40 E1M

22-002078 LELAN ANDERSON: 80 inches May 15, 1898
The SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 36, T 7 N., R 40 E1M

22-0632 Gary Bedders 104 inches Dec. 1st, 1903
owns Anderson NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ and of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 36, which is North of Teton River

22-0633 Portion now HWS 150 inches Dec. 1, 1903
corner of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec 36, T 7 N., thence west 60 rods, thence south 53 1/3 rods, thence south 26 2/3 rods, thence east 40 rods, thence north 20 rods, thence east 40 rods, thence north 20 rods, thence west 40 rods, thence north 11 rods, thence west 40 rods, thence north to the point of beginning.
ALSO: The west $\frac{1}{2}$ of the west 10 acres of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 36, T. 7 N., R. 40 E1M
ALSO: The South 57 $\frac{1}{2}$ rods of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 36, T 7 N., R. 40 E1M

22-0634 ALBERT BIRCH: 60 inches Dec. 1st, 1903
All that part of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 36, T. 7 N., R. 40 E1M lying and being south of the Teton River

22-0635 EVA B. CUTLER: 60 inches Dec. 1st, 1903
The SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 36, T 7 N., R. 40 E1M.

22-0636 DAVID LEROY GARDNER: 80 inches Dec. 1st, 1903
The SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 36, T. 7 N., R. 40 E1M

22-0637 Mark CLARK: 80 inches Dec. 1st, 1903
That part of the South $\frac{1}{2}$ of the SW $\frac{1}{4}$ of Sec. 30 and of the East 70 rods of the NW $\frac{1}{4}$ of Sec. 31, T. 7 N., R. 40 E1M which lies between the forks of the Teton River.

22-0638 DEAN CRAIN: 110 inches Dec. 1st, 1903
Beginning at the NW corner of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 36, T., 7 N., R. 40 E1M and running thence North to the North Fork of the Teton

SPECIAL WARRANTY DEED

THIS INDENTURE, made this 1st day of April, 1970, between DALLAS (BUD) LEAVITT & VEDA LEAVITT, his wife, parties of the first part, and GILBERT A. MARCHANT & MARJORIE MARCHANT, his wife, parties of the second part, WITNESSETH:

That the said parties of the first part, for and in consideration of the sum of One Dollar and other valuable consideration ----- DOLLARS, to them in hand paid by the said parties of the second part, the receipt whereof is hereby acknowledged, by these presents do grant, bargain, sell, convey and confirm unto said parties of the second part, and to their heirs and assigns forever: All that certain lot, piece or parcel of land situate, lying and being in Fremont County, State of Idaho, more particularly described as follows:

That part of the NW $\frac{1}{4}$ lying North of the South Fork of the Teton River, in Section 31, and that part of the S $\frac{1}{2}$ SW $\frac{1}{4}$ lying and being South of the North Fork of the Teton River, in Section 30, all in Township 7 North, Range 41 E.B.M., in Fremont County, Idaho, together with all water rights of every kind and nature thereunto belonging or in anywise appertaining.

together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining.

This Special Warranty Deed shall be effective only in the event that the parties of the first part herein fail to pay the purchase price and perform the covenants set forth in that certain contract of sale between the parties of the first part and the parties of the second part herein dated the 1st day of April, 1970, and when it is delivered by the escrow holder to the parties of the second part, in which event it will convey to the parties of the second part all the right, title and interest of the parties of the first part in and to the premises above described as of the date of delivery from the escrow holder to the parties of the second part.

TO HAVE AND TO HOLD, all and singular, the said premises, together with the appurtenances and privileges thereunto incident unto the said parties of the second part and to their heirs and assigns forever.

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hands and seals the day and year first above written.

Dallas Dean Leavitt
Veda Leavitt

STATE OF IDAHO)
County of Madison.) ss

On this 1st day of April, 1970, before me, the undersigned, a Notary Public in and for said state, personally appeared DALLAS (BUD) LEAVITT & VEDA LEAVITT, his wife, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me they executed the same.

Shea Fullmer
Notary Public, residing at:
Rexburg, Idaho.

IN THE DISTRICT COURT OF THE NINTH JUDICIAL DISTRICT OF

THE STATE OF IDAHO IN AND FOR THE

COUNTY OF FREMONT

CASE NUMBER 5254
 DISTRICT COURT
 NINTH JUDICIAL DISTRICT
 County of Fremont, State of Idaho
 FILED 6-4-1934
Jack A. Stone
 CLERK
 By _____ DEPUTY CLERK

FLOYD GARDNER, LELAN ANDERSON,
 WILLIAM D. HOLLIST, DEAN CRAIN
 YOSHIHISA UGAKI, ALBERT BIRCH,
 DAVID LEROY GARDNER, MARK CLARK,
 and EVA B. CUTLER,

Plaintiffs,

-vs-

LYNN CRANDALL, Water Master, Water
 District No. 36, of the State of Idaho.

Defendant.

FINDINGS OF FACT, CONCLUSIONS
 OF LAW AND JUDGMENT

This cause came regularly on for hearing before the Court sitting without a jury at the Court Room in the Court House at St. Anthony, Fremont County, Idaho, Willard C. Burton, Attorney at Law, St. Anthony, Idaho, appeared for and on behalf of the plaintiffs and the defendant failed to appear either in person or by counsel, and it appeared that the defendant had been duly and regularly served with process herein, and that his default for failing to appear within the time allowed by law had been duly entered, it was ordered that said default entry be and the same is hereby confirmed.

It further appeared that notice had been given as required by law and by order of this court by publication in a newspaper, and that no one had appeared to enter any objections;

Competent evidence having been given in support of the complaint and it appearing therefrom that the allegations of the complaint are materially correct, and the Court being fully advised in the premises and in the law, makes its findings of fact and conclusions of law and judgment herein as follows, to wit:

I

That the plaintiffs, and each of them, are residents of the County of Fremont, State of Idaho;

II

That since on or about the 1st day of March, 1930, the defendant Lynn Crandall, has been and now is the duly elected, qualified and acting Watermaster of Water District No. 36 of the State of Idaho, which includes

within its boundaries the county of Fremont.

III

That the Teton River is a tributary of the Snake River and flows through the south and east part of Fremont County and flows particularly through section 36, Township 7 North, Range 40 East Boise Meridian; that, in fact, near the boundary between Sections 30 and 31 of Township 7 North, Range 41 East Boise Meridian, and before it enters Section 36 of Township 7 North, Range 40 East Boise Meridian, the said river divides, and one fork thereof, commonly known as the North Fork crosses Section 36 in the north part thereof, and the other fork flows diagonally from the north-central part thereof to the south west corner; that the land described in the complaint on file herein and for which an adjudication of water rights is sought lies along the banks of said Forks of said river; that all said lands are arid in character and require artificial application of water to make them agriculturally productive.

IV

That prior owners of the property, above mentioned, subject of this action, who settled said land in the first instance and appropriated water for the use thereof did so between the years 1895 and 1904, and that by December of 1903, all of said lands had been settled and water appropriated for the use thereof in amounts hereinafter indicated; that the use of said water since appropriation in the first instance, as aforementioned, in the respective amounts hereinafter mentioned has been continuous and for a beneficial purpose and uninterrupted;

V

That rights to the use of the waters of the Snake River and its tributaries were heretofore decreed in this Court in the action entitled Rexburg Irrigation Company, et al., plaintiffs vs. Teton Irrigation Canal Company, et al., defendants, and judgment was made and entered therein under date of December 16th, 1910, and appears of record in Book B of Judgments at page 449, records of Fremont County, Idaho. That H. J. Clark, owner in 1898 of property described as the South West Quarter of the South West Quarter of Section 36, Township 7 North, Range 40 E. B. M. had appropriated water for the use thereof prior to ^{May} ~~May~~ 15 of 1898 and obtained an adjudication in the case above-mentioned of 160 inches of water for property described as the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 36, T. 7 N., R. 40 EBM and SE $\frac{1}{4}$ SW $\frac{1}{4}$ of said section, township and range; that the said H. J. Clark, did not in 1898, nor at any other time

own any interest in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 36, T 7 N., R. 40 EBM so far as can be ascertained from the records, and in so far as the adjudication of water right concerned said property it was of no value, but he had acquired a right in and to the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of said section and had appropriated water there-fore, and the adjudication of water right therefore in an amount of 80 inches should be confirmed and is binding on all parties.

VI

That owners of all other property subject to this action did nothing so far as can be ascertained to obtain record title to water appropriated for the use thereof, but that they had, by December 1, of 1903 appropriated water for the use thereof as hereinafter indicated; that they are entitled to an adjudication of record showing priority as of that date;

CONCLUSIONS OF LAW

From the foregoing findings of fact the Court concludes as a matter of law that Lelan Anderson, as successor in interest of H. J. Clark, in and to all that property described as the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 36, T 7 N., R. 40 EBM is entitled to priority of water right for the use the reof in an amount of 80 inches with priority date of ~~May~~ 15 1898, per decree already entered; that the other plaintiffs are entitled for their respective properties in amounts hereinafter shown to a priority date of December 1, 1903;

JUDGMENT

It is hereby ORDERED, ADJUDGED and DECREED that the plaintiffs be, and each of them is hereby, awarded priority right to the use of water of the Snake River and its tributary the Teton River, in amount and as of priority date hereinafter indicated for the purpose of irrigation and domestic use:

FLOYD GARDNER: 160 inches Dec. 1, 1903
The NW $\frac{1}{4}$ SW $\frac{1}{4}$ and the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 36, T 7 N., R. 40 EBM

LELAN ANDERSON: 80 inches ~~May~~ 15, 1898
The SW $\frac{1}{4}$ SW $\frac{1}{4}$ SEC. 36, T 7 N., R. 40 EBM.

William D. HOLLIST: 10 $\frac{1}{4}$ inches DEC. 1, 1903
That part of the NE $\frac{1}{4}$ NW $\frac{1}{4}$, of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ and of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 36, T 7, N, R 40 EBM, which is north of the Teton River

YOSHIIHISA UGAKI: 150 inches Dec. 1, 1903
Commencing at the NE corner of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec 36, T 7 N., 40 EBM, running thence west 60 rods, thence south 53 $\frac{1}{3}$ rods, thence east 60 rods, thence south 26 $\frac{2}{3}$ rods, thence east 40 rods, thence north 20 rods, thence east 40 rods, thence north 20 rods, thence west 40 rods, thence north 11 rods, thence west 40 rods, thence north to the point of beginning.
ALSO: The west $\frac{1}{2}$ of the west 10 acres of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 36 T 7 N., R 40 EBM
ALSO: The South 57 $\frac{1}{2}$ rods of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec 36, T 7 N., R 40 EBM

ALBERT BIRCH: 60 inches Dec. 1, 1903
All the part of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec 36, T 7 N., R 40 EBM lying
and being south of the Teton River

Eva B. CUTLER: 60 inches Dec 1, 1903
The SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec 36, T 7 N., R 40 EBM

DAVID LEROY GARDNER: 80 inches Dec 1, 1903
The SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec 36, T 7 N., R 40 EBM

MARK CLARK: 80 inches Dec 1, 1903
That part of the south $\frac{1}{2}$ of the SW $\frac{1}{4}$ of Sec 30 and of the east
70 rods of the NW $\frac{1}{4}$ of Sec 31 of T 7 N., R 40 EBM which lies
between the Forks of the Teton River

DEAN CRAIN: 110 inches Dec 1, 1903
Beginning at the NW corner of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec 36, T 7 N., R 40
EBM and running thence North to the North Fork of the Teton River
thence following the south bank of the said Fork of said River
to the west line of the NE $\frac{1}{4}$ of said section, thence south approx-
imately 66 rods to the Garner Ditch, thence westerly along the
Garner Ditch bank approximately 78 rods, thence north to the point
of beginning.

Said adjudication being under authority of and in accord with the
provisions of Sec. 42-1405 Idaho Code.

Done this 6th day of April, 1954.

Henry S. Martin
District Judge

279076

Filed for record at the request of

Willard C. Burton

of _____

at 05 minutes past 3

of P. M. 4

June 1954

Judge 166

✓

Jack A. Stone

Maud Bird

MEMORANDUM

8DEC03

To: The files

From: A. Ruberry

Subject: 22-00634, 22-12528, and 22-00637

Today, Mr. Dallas Leavitt and son were in to inquire into their neighbor's (Mike Birch) suggestion that they come to IDWR and file for a portion of Mr. Birch's water right (22-00634) because Mr. Birch has too much water for his property. Apparently, Mr. Birch did not know Mr. Leavitt had filed a claim in the SRBA. Investigation reveals that Mr. Leavitt filed a claim to a water right in the SRBA under 22-12528. A comparison of water right claims 22-00624 and 22-12528 shows that they both have the same priority date but are for totally different lands. In addition, both have more water right than there are acres to support the quantity, which exceeds §42-202 and §42-220 IC. Suspect more research of the decree is needed here.

Further research of the water right database reveals that the elements of 22-12528 are the same as those of 22-00637 in all respects. The SRBA claim of 22-12528 should be renumbered to 22-00637. The chain of title, as illustrated by ownership of 22-00637 (water right database), was confirmed by Mr. Leavitt's discussion. Apparently, Mr. Birch's father once owned the lands now owned by Mr. Leavitt. Which is where Mr. Birch feels that Leavitt's should have a part of 22-00634, but not the case.

Mr. Leavitt and son were advised that filing for a portion of 22-00634 would gain nothing, that since the priority dates are the same both rights would be cut at the same time and their current claim 22-12528 has more water right quantity than acres anyway. They feel they understand the dilemma and that no part of 22-00634 is appurtenant to their lands.

It was mentioned that 22-12528 would in all likelihood be renumbered to 22-00637 to continue with the original decree number.

MEMORANDUM

8DEC03

To: The files

From: A. Ruberry

Subject: 22-00634, 22-12528, and 22-00637

Today, Mr. Dallas Leavitt and son were in to inquire into their neighbor's (Mike Birch) suggestion that they come to IDWR and file for a portion of Mr. Birch's water right (22-00634) because Mr. Birch has too much water for his property. Apparently, Mr. Birch did not know Mr. Leavitt had filed a claim in the SRBA. Investigation reveals that Mr. Leavitt filed a claim to a water right in the SRBA under 22-12528. A comparison of water right claims 22-00624 and 22-12528 shows that they both have the same priority date but are for totally different lands. In addition, both have more water right than there are acres to support the quantity, which exceeds §42-202 and §42-220 IC. Suspect more research of the decree is needed here.

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It was mentioned that 22-12528 would in all likelihood be renumbered to 22-00637 to continue with the original decree number.

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: A22-12528
Date Received: 2/07/1989
Receipt No: E005702
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DALLAS D. LEAVITT 208-458-4125
Address: BOX 117
TETON CITY, ID 83451
OR
Name: VEDA LEAVITT 208-458-4125
Address: BOX 117
TETON CITY, ID 83451

2. Date of Priority: DEC 01, 1903

3. Source: NORTH FORK TETON RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07N	41E	30	SW	SW	SW		FREMONT

5. Description of diverting works:
40 HP PUMP DIRECTLY FROM RIVER

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.600		

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

8. Total consumptive use is 130.0 Acre Feet Per Annum.

9. Non-irrigation uses:

A22-12528

Page 1

Date: 02/09/89

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NOV 07 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07N	41E	30	SW	SW		IRR	3.0
			SE	SW		IRR	3.0
			Section Acres				6.0
		31	NE	NW		IRR	16.0
			NW	NW		IRR	30.0
			Section Acres				46.0
			Total Acres				52.0

11. Place of use in counties: FREMONT

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
NONE

14. Remarks:
THIS CLAIM IS BASED ON DECREED RIGHT 22-⁶³⁷~~00634~~.

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date:

Decree Plaintiff

vs

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 _____ 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): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____
My Commission Expires _____

MICROFILMED
NOV 6 7 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: 39356

Ident. Number A22-12528

Date Received 2/7/89

Receipt Number E005702

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Dallas D. Leavitt or Veda Leavitt Phone (208) 458-4125

Mailing Address Box 117 Teton City, Ida Zip 83451

2. Date of Priority (Only one (1) per claim) Dec 1 1903

3. Source of water supply (a) North Fork Teton River
which is tributary to (b) Snake River

4. a. Location of existing point of diversion is: Township 7 Range 41 Section 30,
SW 1/4 of SW 1/4 of SW 1/4, Govt. Lot, _____ B.M., County of _____

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.

40 Horse Power pump. Pumping directly out
of river.

MICROFILMED

NOV 6 7 1992

(acre feet)

For _____ purposes from _____ to _____ amount _____ or _____

8. Total consumptive use claimed is 130 acre feet per annum.

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.

Total number of acres irrigated 52

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.

14. Remarks:

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NOV 6 7 1992

Last Name _____ Ident No. _____

Copies: White -State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use ☒ Decree ☒ Posted Notice ☐ License ☐ Permit ☐
If applicable provide IDWR Water Right Number 22-00634
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) Dallas Dean Leavitt Date _____
_____ 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 _____)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 7th day of February 19 89

SEAL

Notary Public Anthony S. Alenichuk

Residing at Idaho Falls

My Commission Expires 9/12/1994

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 _____

MICROFILMED
NOV 07 1992

Last Name _____ Ident. Number _____

Copies White-State, Yellow-Claimant



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NOV 07 1992

NOT TO SCALE

10/27/1988

SRBA CLAIMS RECEIVING CHECKLIST

CLAIMANT'S NAME LEAVITT CLAIM ANT. NO. A22-12528

DATE RECEIVED 2/7/89 CK # _____ AMOUNT \$ _____

	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)	N/A ☒	☐
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?	N/A ☒	☒
Is the consumptive use correct?	N/A ☒	☒
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.	N/A ☒	☒
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.)	N/A ☒	☐
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?	Exempt ☒	☐
If this claim is based on an existing water right, has the identification number been entered?	N/A ☒	☐
Should this claim be receipted and data entered?	☒	☐

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Claim checked by: NTC 7 1992

Comments: (13) NONE

E005-702