

12/15/2006

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

RIGHT NUMBER: 22-12546

NAME AND ADDRESS: FRANCIS WILLIAMS
991 HWY 32
FELT ID 83424

SOURCE: BADGER CREEK

TRIBUTARY: TETON RIVER

QUANTITY: 2.500 CFS

PRIORITY DATE: 01/22/1916

POINT OF DIVERSION:

T06N R45E S8 NWSENE 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	2.500 CFS

PLACE OF USE: IRRIGATION in TETON County

T06N R45E S05	SWSW	23.00	T06N R45E S05	SESW	5.50
T06N R45E S08	NENE	7.30	T06N R45E S08	NWNE	40.00
T06N R45E S08	SWNE	4.50	T06N R45E S08	SENE	1.40
T06N R45E S08	NENW	29.00	T06N R45E S08	NWNW	12.00

122.7 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 Ricks Canal.

This right is a combination of old Right Nos. 22-65 and 22-305.



Idaho Department of Water Resources

SRBA Recommendation:

22-12546

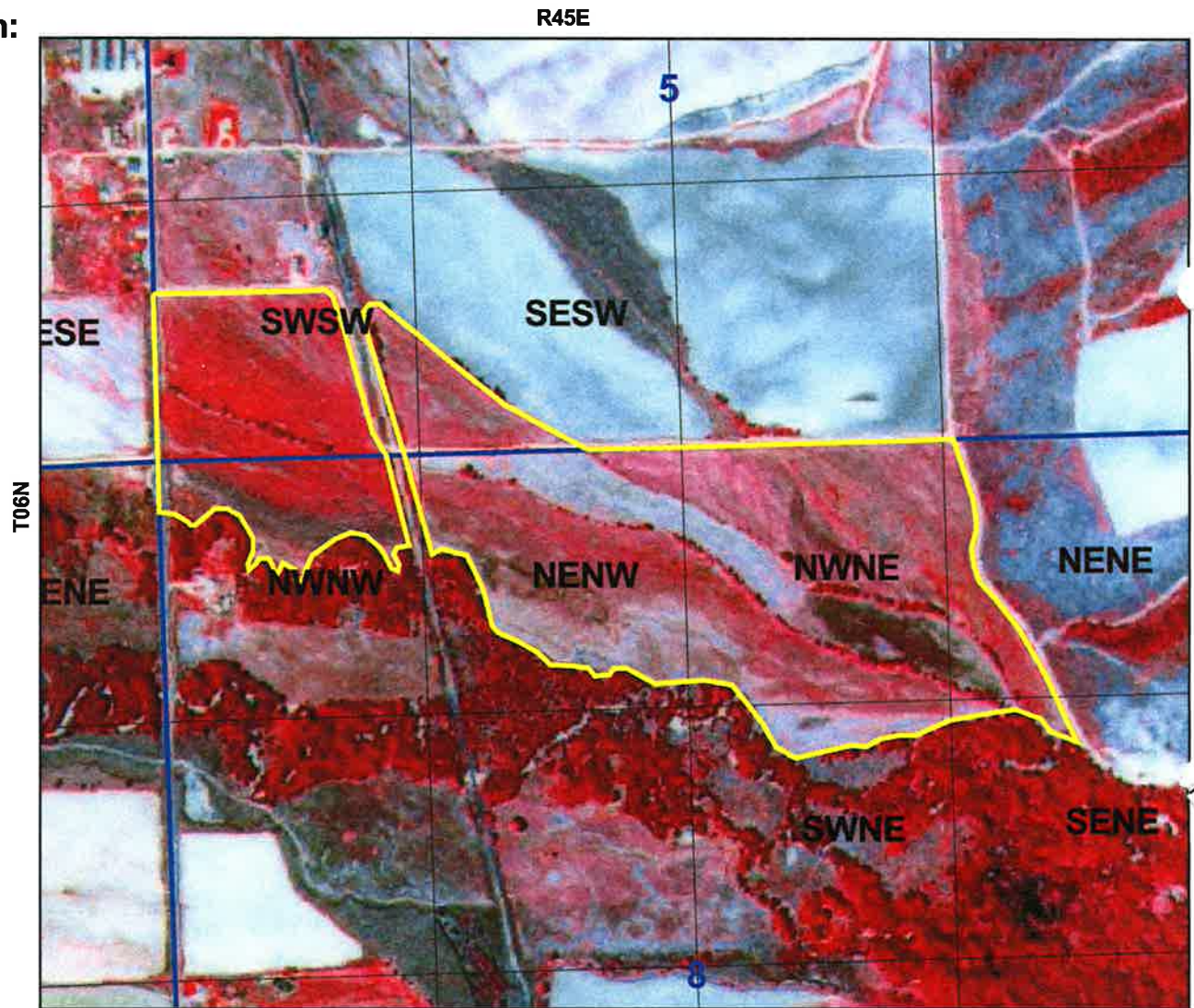
(Irrigation)

Legend

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



Teton County
IDWR Basin 22



Prepared by K. Moore
On Friday, December 15, 2006
1987/88 Aerial Photography



Idaho Department of Water Resources

SRBA Recommendation:

22-12546

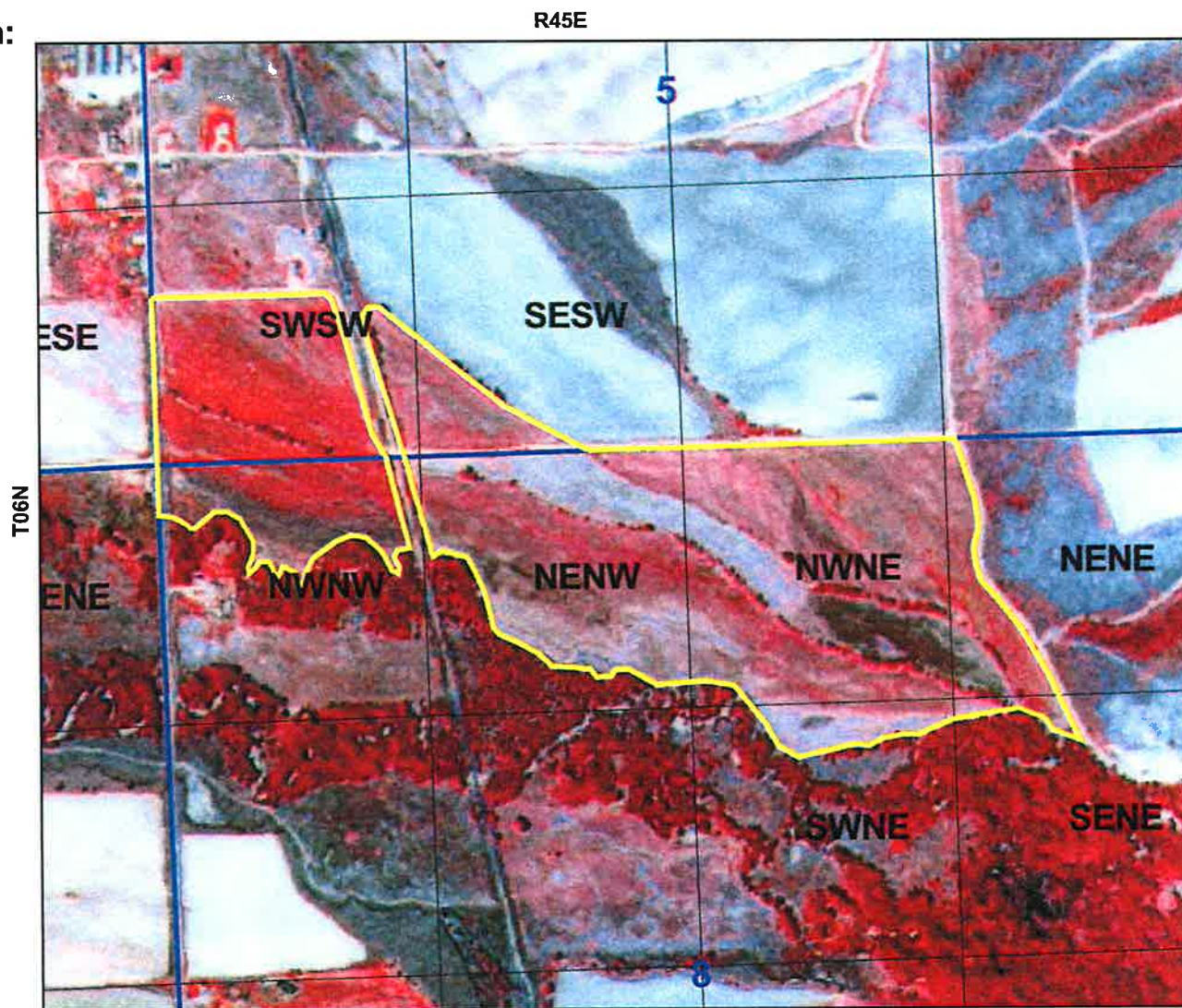
(Irrigation)

Legend

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



Teton County
IDWR Basin 22



0 0.4 0.8 Miles

Prepared by K. Moore
On Friday, December 15, 2006
1987/88 Aerial Photography



HEADING FOR BADGER CR CANAL
T6N R45E SEC. 3 NESENE
GPS TAG # A0013824

8/10/04
ASR



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. SKYLINE DR., SUITE A, IDAHO FALLS, ID 83402-1718

PHONE: (208) 525-7161 FAX: (208) 525-7177 WEB SITE: www.idwr.state.id.us

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 9, 2005

FRANCIS WILLIAMS
991 HWY 32
FELT ID 83424

FINAL NOTICE
PLEASE READ

RE: EVIDENCE OF PRIORITY FOR SRBA WATER RIGHT CLAIM 22-12546

Dear Claimant (s):

The Idaho Department of Water Resources is beginning water rights review in Basin 22, the Teton Valley area. 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 JANUARY 22, 1916, from BADGER CREEK.

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 which are acceptable 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**". **PLEASE READ THE ENCLOSED PAMPHLET.**

12/15/05 NO RESPONSE → Disallow
No BU found

July 23, 2004

**FRANCIS WILLIAMS
991 HWY 32
FELT, ID 83424**

RE: EVIDENCE OF PRIORITY FOR SRBA WATER RIGHT CLAIM 22-12546

Dear Claimant (s):

The Idaho Department of Water Resources is nearing the beginning of 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 JAN 22, 1916, from BADGER CREEK.

THIS MAY BE A DECREE

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.

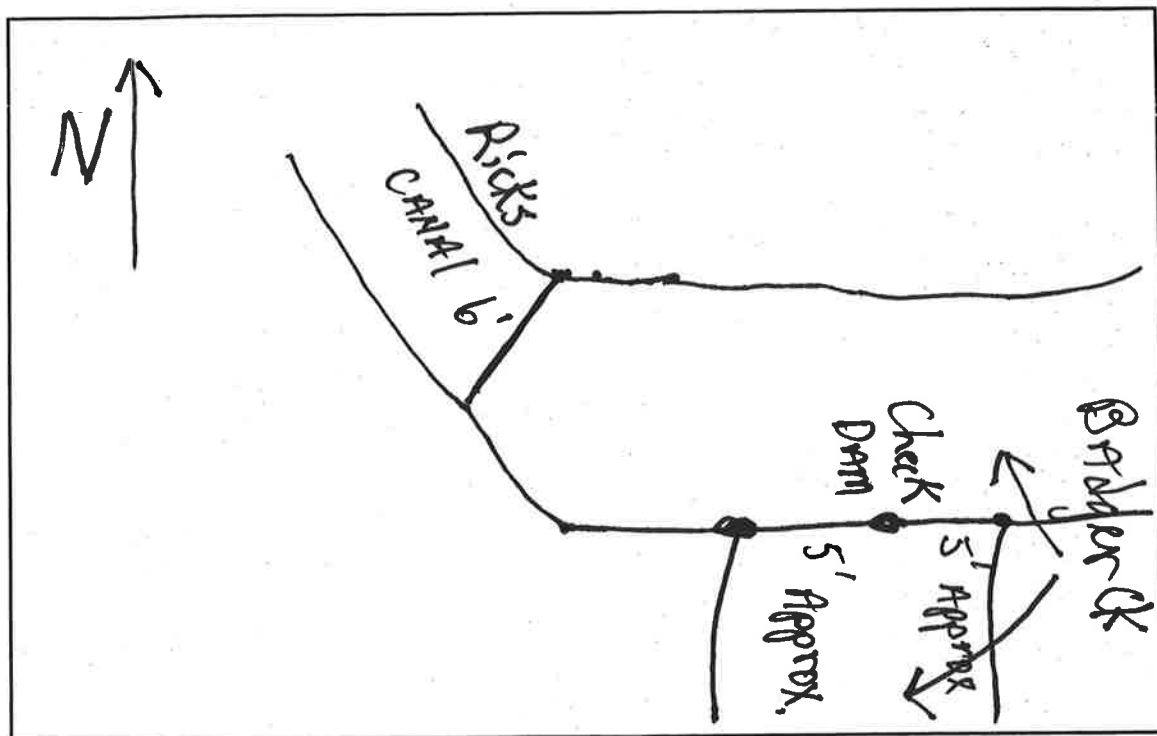
For your reference, I have provided a printout of your Notice of Claim and the pamphlet entitled "**Evidence of Priority**". The pamphlet describes the types of evidence which are acceptable and suggests which documents will fulfill this requirement. While I encourage you to read the entire pamphlet, 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**". **PLEASE READ THE ENCLOSED PAMPHLET.**

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.

DD in red evidence of priority.
2/21/04

Claims 125 inches for 105 acres.
field exam shows close to 105 acres
used,

Water Right No(s). 422/2546



GPS DATA:

Tag # A06/3824 Location: Headgate

Diversion Data:

Source: Badger Creek Trib to: Teton River

MOTOR

Make: _____ Model: _____ Hp: _____
SN: _____

PUMP

Make: _____ Model: _____ Disch: _____
SN: _____

NOTES: Headgate was GPS tagged by Allen and Clayton

Field Exam Date: 7/21/04 Agent: DD

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:

Field exam showed that Allen and Clayton had already tagged the diversion,
 This diversion, Ricks Canal, is ~~also~~ used by a number of farmers.

Reviewer: _____ Date: _____

Place Of Use Data Entry Form

Claim Number: _____

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

Total acres _____

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

Total acres _____

Pending or approved Transfers: _____

Overlapping rights: _____

Document how the POU was verified:

100
1/21/04

The acreage claimed appears to be about right,
The acreage is a little less than the
water claimed however,

Reviewer: _____ Date: _____

April 2, 2004

**Francis Williams
991 HWY 32
Felt ID 83424**

MAILED
4/2/04

RE: EVIDENCE OF PRIORITY FOR SRBA WATER RIGHT CLAIM 23-12546

Dear Claimant (s):

The Idaho Department of Water Resources is nearing the end of water rights review in Basin 23, the Swan Valley area. 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 January 22, 1916, from BADGER CREEK.

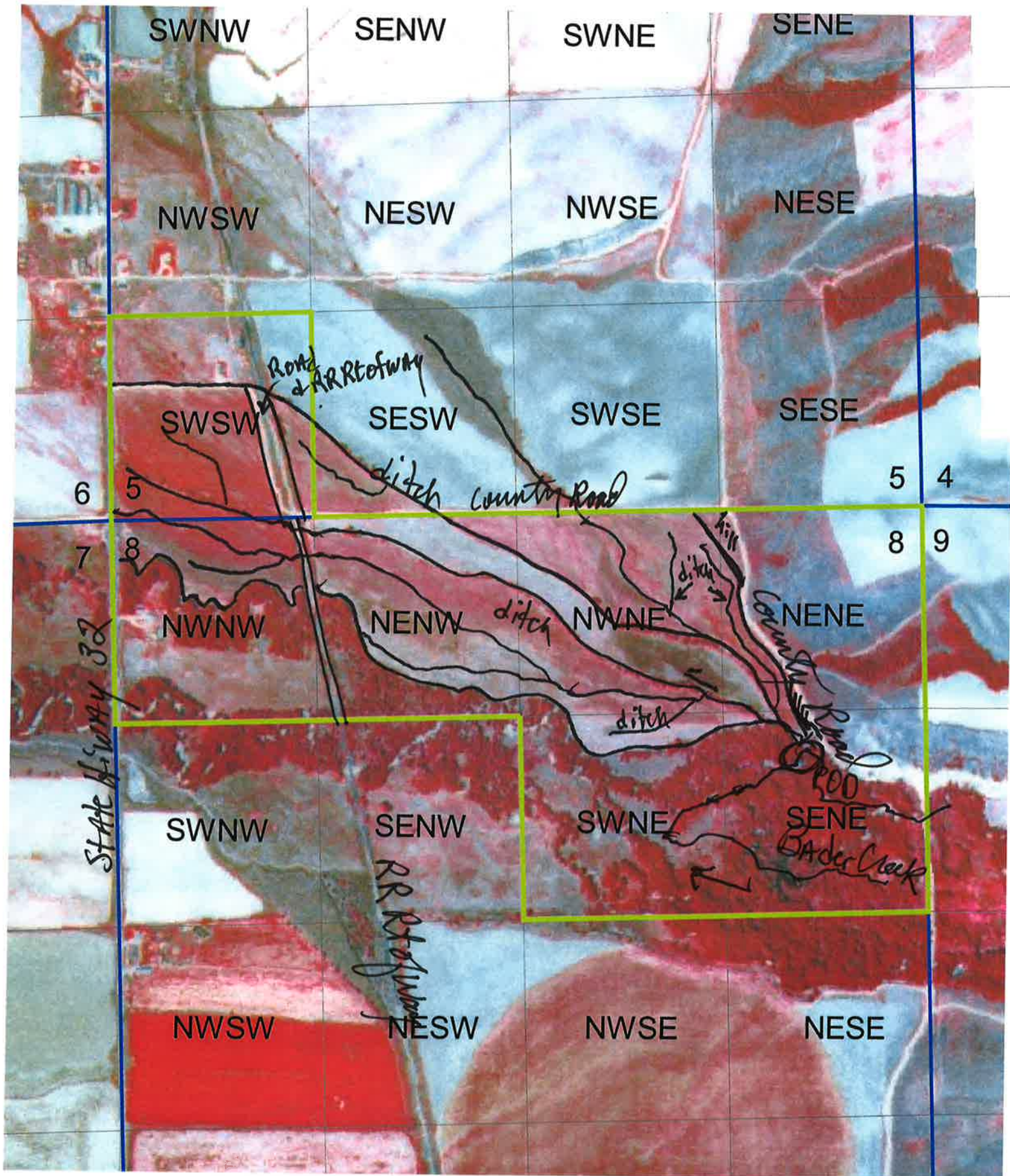
It is important that each element of the Notice of Claim be verified. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on 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.

APM

22-12546





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

A22-12546

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

February 17, 1989

Francis Williams
991 Hwy 32
Felt, ID 83424

RE: Returned Water Right Claim

Dear Mr. Williams:

The Idaho Department of Water Resources is returning your check #220 (\$175.00) and Notice of Claim to a Water Right because of insufficient information. The number of irrigated acres your are claiming in each 1/4 of 1/4 Section (40-acre tract) must be listed in Item #10.

I have prepared a claim from the information previously submitted. I estimated the acreages in each 1/4 of 1/4 Section from the outlined area on the aerial photograph. Please check the acreages and locations for correctness. Make any necessary changes on the form to reflect the acreages you own and irrigate.

Please sign the amended form (signature must be notarized) and return it along with the appropriate filing fee within 30 days of the date of this letter. Failure to return the corrected claim within this 30-day period may result in an assessment of an additional late-fee.

If you have any questions, please call the IDWR at 1-525-7161.

Sincerely,

Tony Olenichak
Water Right Agent, SR

Enclosure

MICROFILMED

NOV 07 1992



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

December 29, 1988

Francis Williams
991 Hwy 32
Felt, ID 83424

RE: Returned Water Right Claims

Dear Mr. Williams:

The Idaho Department of Water Resources is again returning your check #183 and Notice of Claims to Water Rights. The irrigation claim can not be processed until the irrigated acres in each 1/4 of 1/4 Section (40-acre tract) are separated from the total irrigated acres claimed in Item #10.

It appears from the outlined area on the attached aerial photo that you also wish to claim irrigation in the SW 1/4 of SW 1/4 of Section 5, however you do not indicate any irrigation in Section 5 on Item #10 of the claim form. Please indicate how many irrigated acres you are claiming in each 1/4 of 1/4 Section in Item #10 and/or on the attached aerial photo.

There are also discrepancies on two of the domestic/stock claims. You claimed in Items #5 and #10 on one of the forms that three wells are located in Section 5, however the attached aerial photo shows the three wells in Section 8. On another form, you claim a stock well in the NE 1/4 of NW 1/4 Section 8, however the attached aerial photo indicates the well is in the NW 1/4 of NW 1/4 Section 8.

To avoid paying late-fees, you must return the corrected claims within 45 days of the date of this letter. The District Court is currently considering a stipulation to drop the requirement for filing claims for small domestic and stock uses. The decision is expected in late-January. You may wish to wait until then to find out if you will be required to return the domestic/stock forms.

If you need assistance to correctly complete the irrigation claim (or domestic/stock claims) please call for an appointment in Idaho Falls. The telephone number is 1-525-7161.

Sincerely,

Tony Olenichak
Tony Olenichak
Water Right Agent, SR

RECEIVED

FEB 14 1989
MICROFILMED

NOV 6 1992
Department of Water Resources
Eastern District Office

LATE FEE IF RECEIVED
BY 3/17/89

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: A22-12546
Date Received: 10/06/1988
Receipt No: E006284
Received By: _____

RECEIVED

MAR 10 1989

Department of Water Resources
Eastern District Office

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: FRANCIS WILLIAMS 208-456-2828
Address: 991 HWY 32

~~FIFTH~~, ID 83424
Relt,

2. Date of Priority: JAN 22, 1916

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06N	45E	8	NW	SW			TETON

5. Description of diverting works:
HEADGATE/DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	2.500		

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

8. Total consumptive use is 312.5 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06N	45E	5	SW	SW		IRR	20.0

Section Acres 20.0

8	NE	NE	IRR	8.0
---	----	----	-----	-----

A22-12546 Page 1 Date: 02/17/89

A2212546



MICROFILMED

NOV 07 1992

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
06N	45E	8	NW		NE		IRR	40.0
			SW		NE		IRR	9.0
			SE		NE		IRR	2.0
			NE		NW		IRR	34.0
			NW		NW		IRR	12.0
						Section Acres		105.0
						Total Acres		125.0

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: BENEFICIAL USE

MICROFILMED
NOV 07 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): Francis Williams Date: 3-17-89
Sharon Williams Date: 3-17-89

State of Idaho)
County of Teton) SS.

Subscribed and sworn (or affirmed) before me this 17th day
of March 19 89

Wendi R. Moser
Notary Public

Seal

Residing at Tetonia
My Commission Expires 5/18/93

NO LATE FEE IF RECEIVED

RECEIVED BY DEC 21 1988
NOV 20 1988
T.O.

3/17/89
T.O.

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 A22-12546
Date Received 10/6/88 T.O.
Receipt Number

RECEIVED

NOTICE OF CLAIM

TO A

WATER RIGHT

ACQUIRED UNDER STATE LAW

DEC 23 1988

Department of Water Resources
Eastern District Office

FEB 14 1989

Department of Water Resources
Eastern District Office

MAR 20 1989

Department of Water Resources
Eastern District Office

NOV 18 1988

Department of Water Resources
Eastern District Office

Please type or print clearly

1. Name of Claimant (s) Williams, Francis Phone (208) 456-2828
Mailing Address 991 HWY 32 Zip 83424

2. Date of Priority (Only one (1) per claim) 1-22-1916

3. Source of water supply (a) Badger Creek
which is tributary to (b) TETON & SNAKE RIVER

4. a. Location of existing point of diversion is: Township 6N Range 45E Section 8,
NE 1/4 of NW 1/4 of SW 1/4, Govt. Lot, _____ 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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NOV 07 1992

Scale: 2 inches equals 1 mile

A hand-drawn map on graph paper. A horizontal line represents a creek, labeled "Badger Creek" in blue ink. A vertical line intersects this horizontal line. To the right of the intersection, the horizontal line is labeled "POINT OF DIVERSION" in blue ink. To the left of the intersection, the vertical line is labeled "PLACE OF USE" in blue ink. The intersection point is marked with a small square and labeled "R45E" in blue ink. The label "R45E" is also written vertically along the vertical line. The label "POINT OF DIVERSION" is written vertically along the horizontal line. The label "PLACE OF USE" is written vertically along the vertical line. The label "Badger Creek" is written horizontally along the horizontal line. The label "R45E" is written horizontally along the vertical line. The label "POINT OF DIVERSION" is written horizontally along the horizontal line. The label "PLACE OF USE" is written horizontally along the vertical line. The label "Badger Creek" is written vertically along the horizontal line. The label "R45E" is written vertically along the vertical line. The label "POINT OF DIVERSION" is written vertically along the horizontal line. The label "PLACE OF USE" is written vertically along the vertical line.

NOV 07 1992

Williams

Ident No.

Copies: White-State, Yellow-Claimant

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 4-1 to 11-1 amount 2.50 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 2.50 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 312.5 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

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	
<u>6N</u>	<u>45E</u>	<u>8</u>										~~X~~							<u>105</u>
<u>6N</u>	<u>45E</u>	<u>5</u>			X				X										<u>20</u>

Total number of acres irrigated 125

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 X 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 07 1992

Last Name Williams Ident No. _____

Copies: White -State, Yellow-Claimant

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

Decree _____

If applicable provide IDWR Water Right Number _____

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) Francis Williams Date 10-6-88

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 Idaho)

County of Teton)

SS.

Subscribed and sworn (or affirmed) before me this 6th day of Oct. 19 88

SEAL

Notary Public Wendi R. Moser

Residing at Tetonia

My Commission Expires 5-18-93

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 Williams Ident. Number _____

Copies White-State, Yellow-Claimant

R44E

R45E

T-9Z

SCALE 1:24000

