

06/22/2006

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

RIGHT NUMBER: 22-13218

NAME AND ADDRESS: LINDSEY MOSS
80 N 275 E
DRIGGS ID 83422

JAN MOSS
80 N 275 E
DRIGGS ID 83422

SOURCE: TETON CREEK

TRIBUTARY: TETON RIVER

QUANTITY: 0.330 CFS

The quantity of water diverted under this water right shall be from the portion awarded to Wyoming and deducted there from as set forth in Roxana Canal Co. v. Daniels, Equity No. 2447 (D. Wy. Feb. 4, 1941).

PRIORITY DATE: 04/15/1941

POINT OF DIVERSION:

T05N R46E S20 SESWNE Lot 2 Within TETON County

The point of diversion for this water right is in Wyoming, T44N, R118W, Sec. 20 SESESE, 6PM.

The point of diversion shown above is where the conveyance system enters Idaho.

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 10/31

0.330 CFS

PLACE OF USE:

IRRIGATION Within TETON County

T05N R46E S29 Lot 1 NWNE 11.00 T05N R46E S29 NENW 9.00

20 ACRES TOTAL

20

The rights listed below are limited to the irrigation of a combined total of acres in a single irrigation season. Combined Right Nos.: 22-13217, 22-13218

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This water right is also recorded as Wyoming Certificated Water Right No. _____.

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.

This water right is subject to the delivery provisions contained in Roxana Canal Co. v. Daniels, Equity No. 2447 (D. Wy. Feb. 4, 1941) ("Roxana decree"). Nothing in this Partial Decree is intended to relieve or alter the state of Idaho nor the state of Wyoming from their obligations contained in the Roxana decree.



Idaho Department of Water Resources

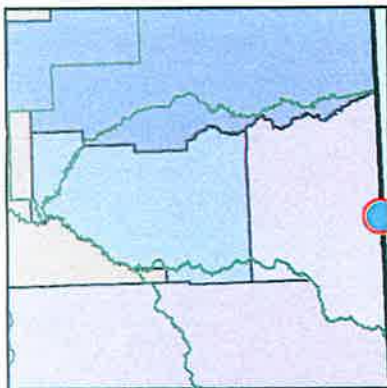
SRBA Recommendation:

22-13218

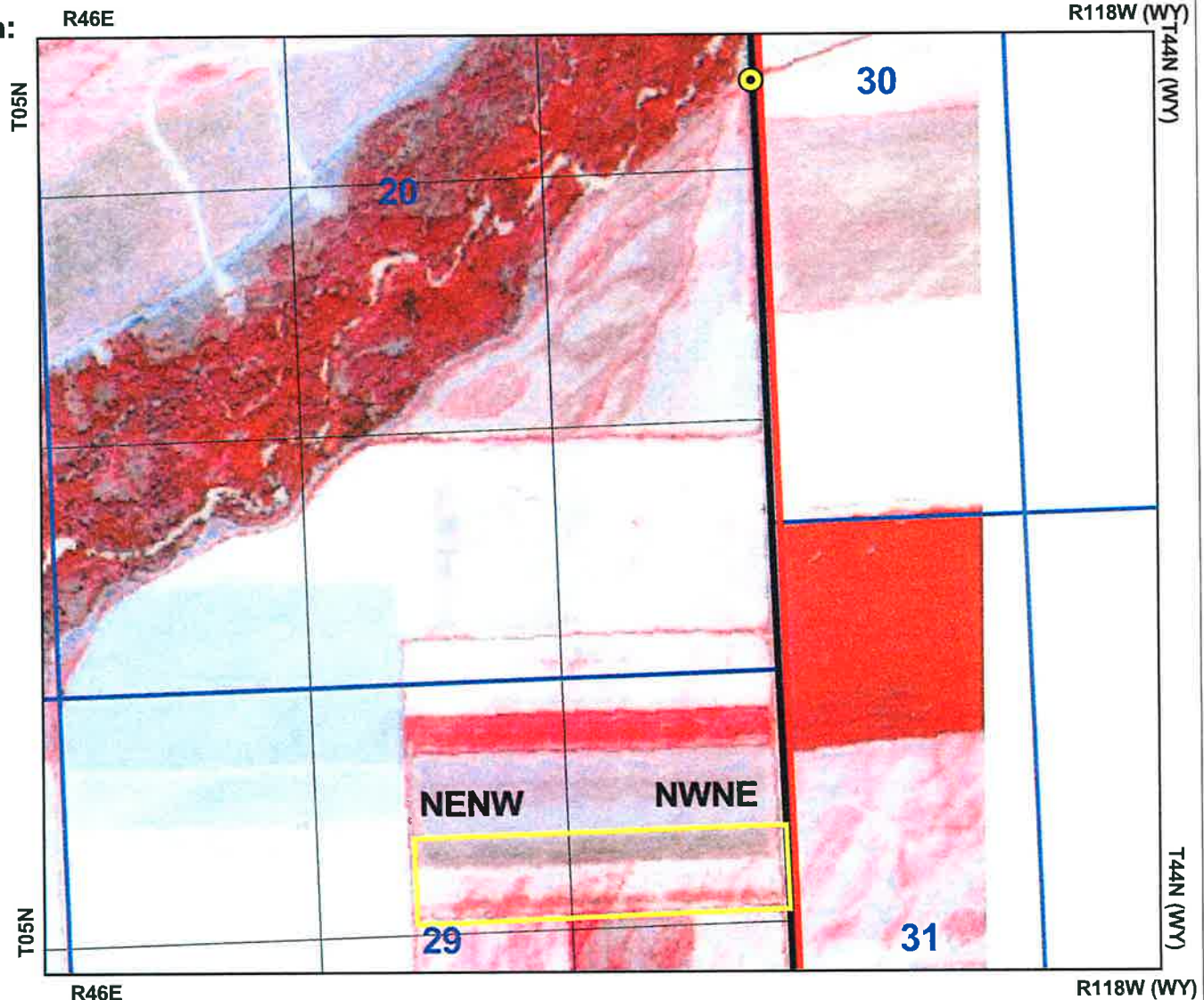
(Irrigation)

Legend

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



Teton County
IDWR Basin 22



0 0.4 0.8 Miles

Prepared by J. Crabtree
On Wednesday, November 22, 2006
1987/88 Aerial Photography

and are the owners of a certain ditch known as the South Side Ditch, by and through which they divert water from Teton Creek for the irrigation of the above described lands, with point of diversion and diversion works located on the south side of Teton Creek in Teton County, Wyoming, in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of section 22 in township 44 north, range 118 west, Sixth Principal Meridian; That plaintiffs, or their predecessors in interest have diverted 13.3 cubic feet per second or 665 miners inches of the waters of Teton Creek through what is known as the South Side Ditch, with with point of diversion and use upon the lands above described; that on or before and ever since the 22d day of January, 1916, have diverted, appropriated and applied to beneficial use in the irrigation of the above described lands during the irrigating season the above quantity or stream flow in addition to any other rights fixed, decreed or granted to the said plaintiffs.

VII.

22-0081

That the plaintiffs, L. G. Ellis, Carol Rogacheveski, H. H. Culbertson, Leland Sorenson and The Prudential Insurance Company of America, a corporation, are the owners of, or have an estate in the following described lands, to-wit:

130.5 acres of land in section 29, township 5 north, range 46 E.B.M. designated on the tax roll of Teton County, Idaho, for 1937 as Tax Nos. 106 and 107, 25.5 acres of land situate in section 29, township 5 north, range 46 E.B.M. designated on the tax roll of Teton County, Idaho, for 1937 as Tax No. 108, 65.4 acres of land in section 29, township 5 north, range 46 E.B.M. designated on the 1937 tax roll of Teton County, Idaho, as Tax No. 109, 65.18 acres of land in section 29, township 5 north, range 46 E.B.M. and designated on the 1937 tax roll of Teton County, Idaho as Tax No. 110, 61.47 acres of land in section 20, township 5 north, range 46 E.B.M. and designated on the

TAX - 104

348.05

10.44
CF-S

348. AC

E-Vault

03/08/2005

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: 22-13218
LINDSEY MOSS
80 N 275 E
DRIGGS ID 83422
Telephone Number: (208)354-3955

JAN MOSS
80 N 275 E
DRIGGS ID 83422
Telephone Number: (208)354-3955

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:

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

DATE:

June 28 '05

SIGNATURE:

Jan Moss

Please print your name:

Jan Moss

IDWR Regional Office,

SCANNED

JUL 13 2005

RECEIVED

JUL 12 2005

Department of Water Resource
Eastern Region

PRO

LMJ
7/12

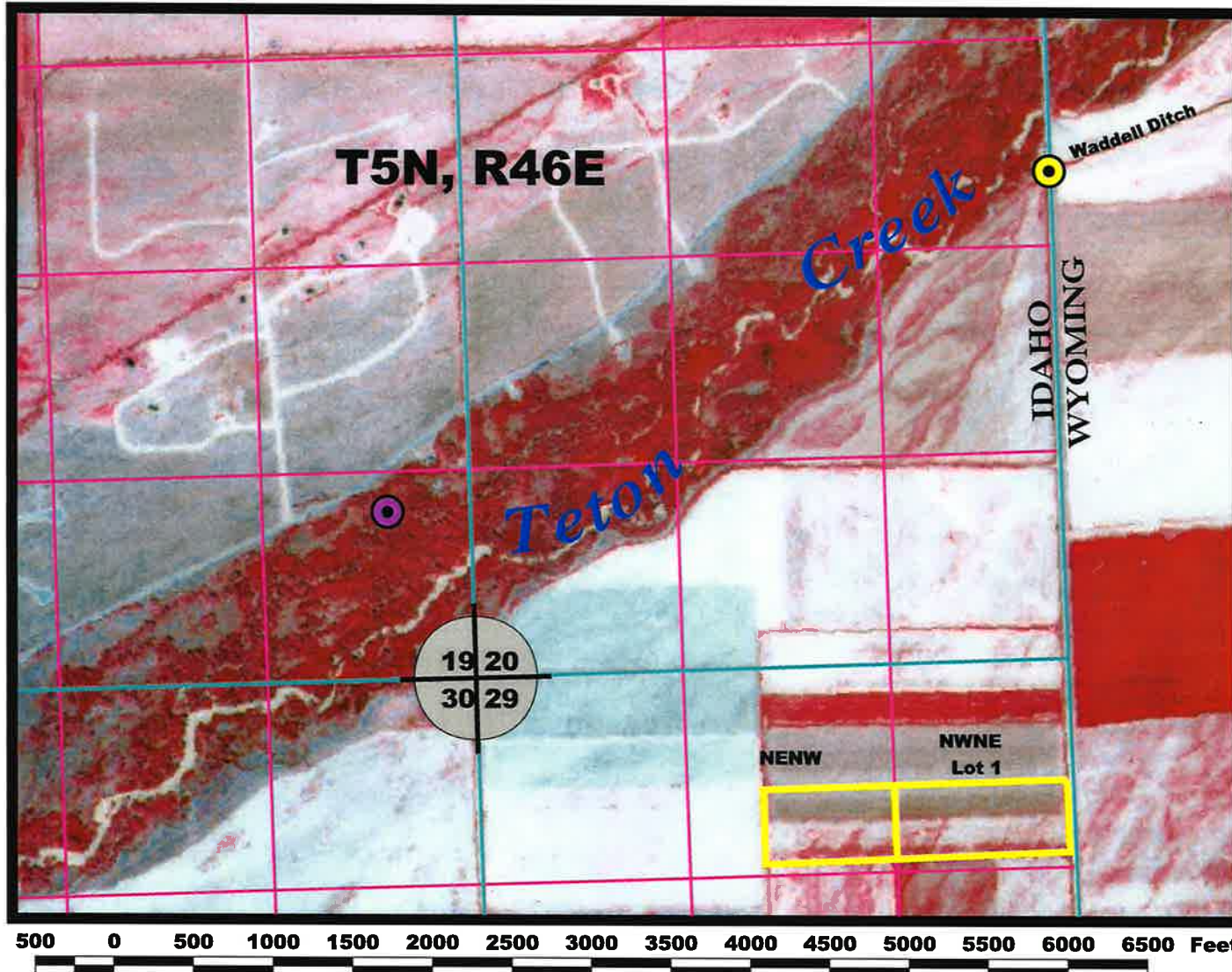


SCANNED
MAY 09 2005

State of Idaho

Department of Water Resources

Eastern Region



Water Right(s):
22-13217,
22-13218

Point(s) of Diversion:
T5N, R46E
Sec. 20 SESWNE (L3)

Place of Use: (parts of)
T5N, R46E
Sec. 29 NENW, NWNE (L1)

Delivery through Waddell Ditch.

LEGEND



Point of Diversion



Place of Use



Section



Quarter-Quarter



GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: A. Ruberry
Date: January 2005



T.5N, R.46E.
SECTION 20
SESWNE (L1)

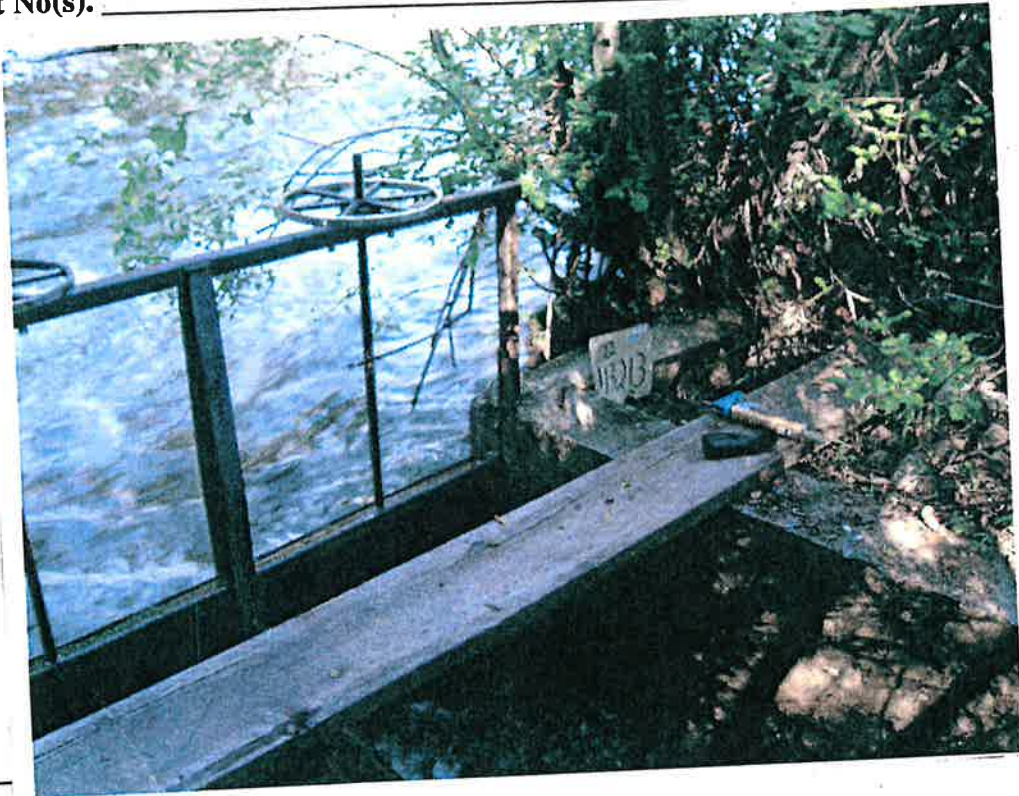
Spot where Waddell Canal (diverts
out of Teton Creek) crosses into Idaho

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MAY 09 2005

7/15/04

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Water Right No(s).



GPS DATA:

Tag # HO 13854 Location: ON HEAD GATE Wall

Diversion Data:

Source: TETON CREEK Trib to: TETON RIVER

MOTOR

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

PUMP

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

NOTES:

Wyoming legal. P.O.D. TN 44N Range 118W.
SEC. 20 SE SE SE. 6. P. 17.

Field Exam Date: 7-15-04 Agent: D. O.

SCANNEL

MAY 09 2005

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T44N, R118W

Waddell Ditch

Idaho side POD
Recommended

T5N, R46E

IDAHO

WYOMING

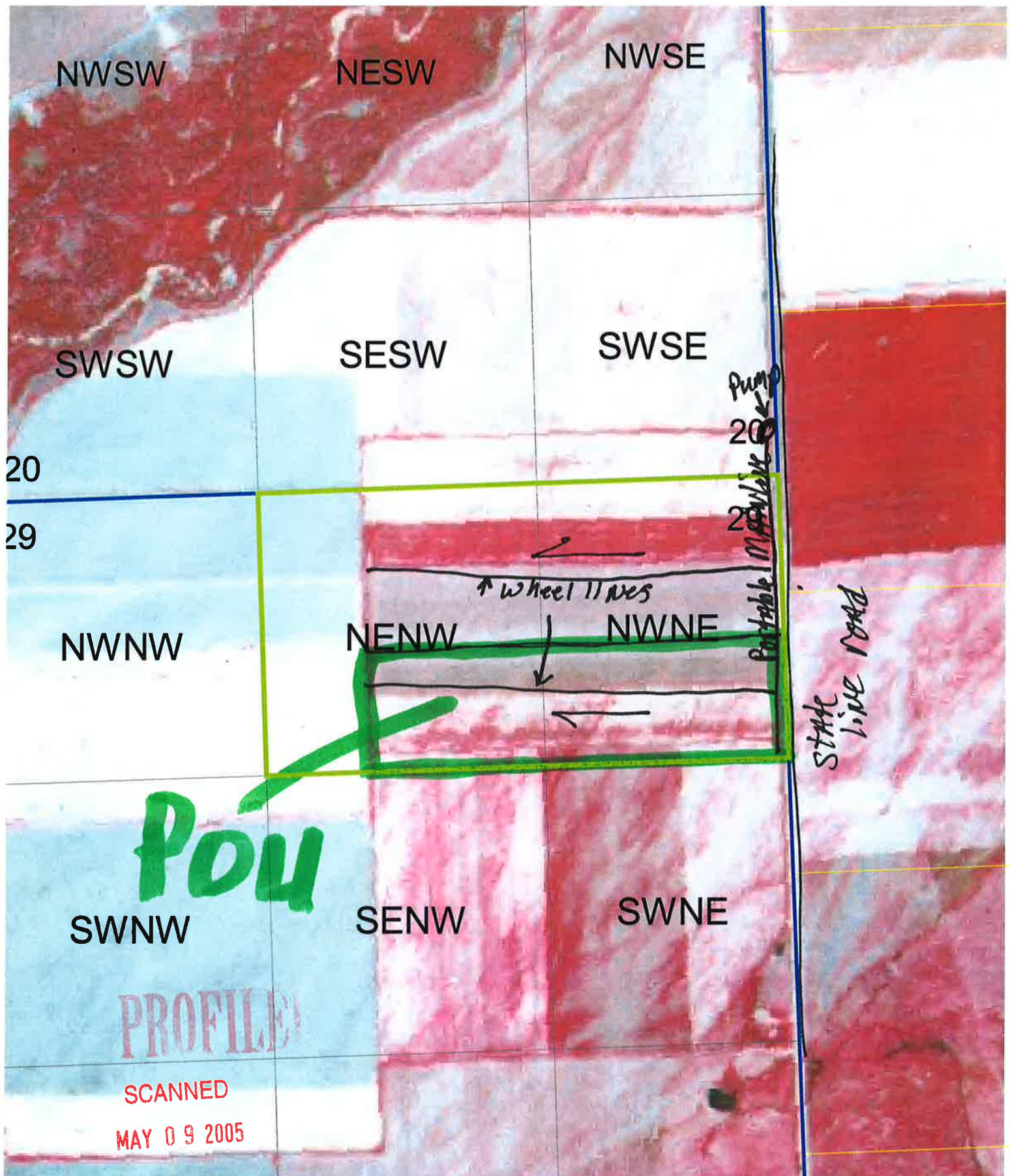
Teton

19 20
30 29

18 17
19 20

19 20
30 29

22-13218



Contacts Data Entry Form

Claim Number: _____

Owner Type	Full Name	Address	City	State	Zip
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Current Owner: L. Moss 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: _____

Discussion of right origin and split history. Questions and problems.

BENEFICIAL USE CLAIM W/ 22-13217 (WHICH IS A SPLIT OF
22-567).

Reviewer: _____ Date: **SCANNED****MAY 09 2005****PROFILE**

Priority Date Data Entry Form

Claim Number: _____

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: 4/15/1941 Claimed Basis: BU

Recommended Priority Date: _____ Recommended Basis: _____

Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

EVIDENCE Attached => OK, SORT OF

Reviewer: _____

SCANNED

MAY 09 2005

Date: _____

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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
5N	46E	20	2	SESWNE	TOTON	TOTON CR	TOTON Rn.

Other rights from this POD? _____

Transfers Pending or approved: _____

Document how the POD and Source were verified:

WYOMING POD: T44N, R118W, Sec. 20 SESESE, 6 PM

DEWORMY THRU WADDELL DITCH
Same POD AS 22-13217 (13215 AND 13216)

Reviewer: _____ Date: _____

SCANNED
MAY 09 2005

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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 20[±]

Pending or approved Transfers: _____

BY GPS

Overlapping rights: _____

Document how the POU was verified:

I am not certain what portion of ground belongs to claimant.

COMBINED USE - ACRES AS POU

Limited to 11.5 AC w/ POU OF 20[±]

Remain

Reviewer: _____

Date: _____

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MAY 09 2005

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Season of Use and Quantity Data Entry Form

Claim Number: _____

Water 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
_____	_____	_____	0.33	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Overall Diversion Rate _____

Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
irrig	4/15	10/31	0.23	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Overall Diversion Rate 0.23

Overall Diversion Volume _____

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

This Rt when combined w/ 22-13217 is limited to 20 ACRES, 0.40 cfs

This Rt is limited to irrig. of 115 AC
 22-13217 - 85 AC
 20 AC

Reviewer: _____

Date: _____

SCANNED

MAY 09 2005

PROFILED

22-1321

13218

Driggs, Idaho
June 3, 2004

Water Resource Board
Idaho Falls, Idaho

RECEIVED

JUN 04 2004

Department of Water Resources
Eastern Region

Dear Mr. Carlson;

Hopefully we have completed all the steps for water adjudication of the Doris K. Moss Family Trust on Sections 20 on Stateline Road 65 acres Teton County Idaho - 20 acres of the 65 now belong to Son, Lindsey K. Moss and wife. Jan.

Enclosed is a statement and signature of David Wayne Green, Alta Resident stating our water use over the years. He lives across the line in Wyo. and his phone is 208-353-2566 if you should need to call.

Thank you.

Sincerely

Doris K. Moss

P.S. - This land lies one mile South on Stateline road and is separate from my 5 acre home place for which I requested a stock water permit last week.

SCANNED

MAY 09 2005

PROFILED

25 May 2004

Signature of David Wayne Green alta Ph. 208-353-2566

Having been a resident of Alta all my life I know that water has regularly been used for irrigating lawn, garden + pasture area by the Doris Moss Family - Formerly the land was owned by Milo H + Iris Dalley - Prior ^{to that} owners were Robert and Luella Hulet Dalley - Livestock, pasture garden + lawn ~~also~~ ^{RECEIVED} uses of the water.

JUN 14 2004

Birthdate March 12, 1919 x *D. Wayne Green* Department of Water Resources
Eastern Region

May 26, 2004

Signature and birthdate of David Wayne Green

Having been a resident of Alta all my life I know that crops of hay, grain and potatoes have been grown + irrigated on the Doris Moss land yearly.

Birthdate: March 12, 1919 *D. Wayne Green*

x

RECEIVED

JUN 04 2004

Department of Water Resources
Eastern Region

PROFILED

SCANNED

MAY 09 2005

May 10, 2004

LINDSEY MOSS

80 N 275 E

DRIGGS ID 83422

RE: EVIDENCE OF PRIORITY FOR SRBA WATER RIGHT CLAIM 22-13218

Dear Claimant (s):

The Idaho Department of Water Resources is nearing the end 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 APRIL 15 1941 from TETON 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.**

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.

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MAY 09 2005

06/22/2006

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

Water is delivered through Waddell Ditch.

This right is a split from former right 22-81.

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 22-13218
Date Received: 3/11/2002
Receipt No: E027517
Received By: EMC

A2213218



**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

LINDSEY MOSS Phone: (208) 354-3955

80 N 275 E
DRIGGS ID USA 83422

JAN MOSS Phone: (208) 354-3955

80 N 275 E
DRIGGS ID USA 83422

2. Date of Priority: 04/15/1941

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	Type
05N	46E	20	SW SE 2	TETON	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/15	10/31	0.33	

7. Total Quantity Appropriated is:
0.33 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use
----------	-------	---------	----------------	-----

SCANNED

MAY 09 2005
Acres

PROFILED

05N	46E	29	NW	NE	1	IRRIGATION	11.6
			NE	NW		IRRIGATION	8.4
						Section Acres	20
						Total Acres	20

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:

14. Remarks:

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.

WATER IS DELIVERED THROUGH WADELL DITCH.

POINT OF DIVERSION IS LOCATED IN WYOMING AT T44N, R118W, S20, SESE.

RIGHT NO. 22-13217 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.

15. Basis of Claim: Beneficial Use

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.

PROFILE

SCANNED
MAY 09 2005

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): Rudney Mars Date: 3-11-02

_____ Date:

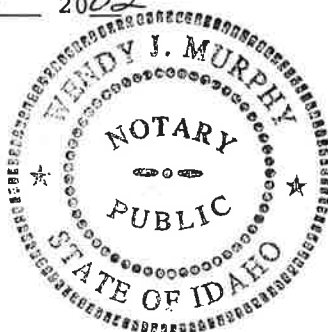
State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 11th day
of March 2002 Wendy J. Murphy

Notary Public

Residing at Idaho Falls

My commission Expires 6/23/06



PROF

SCANNED
MAY 09 2005

22-13217
22-13218

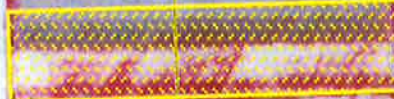
T05N R46E

19 20
30 29

NENW

NWNE

Lot 1



PROTECTED

SCANNED
MAY 09 2005