

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

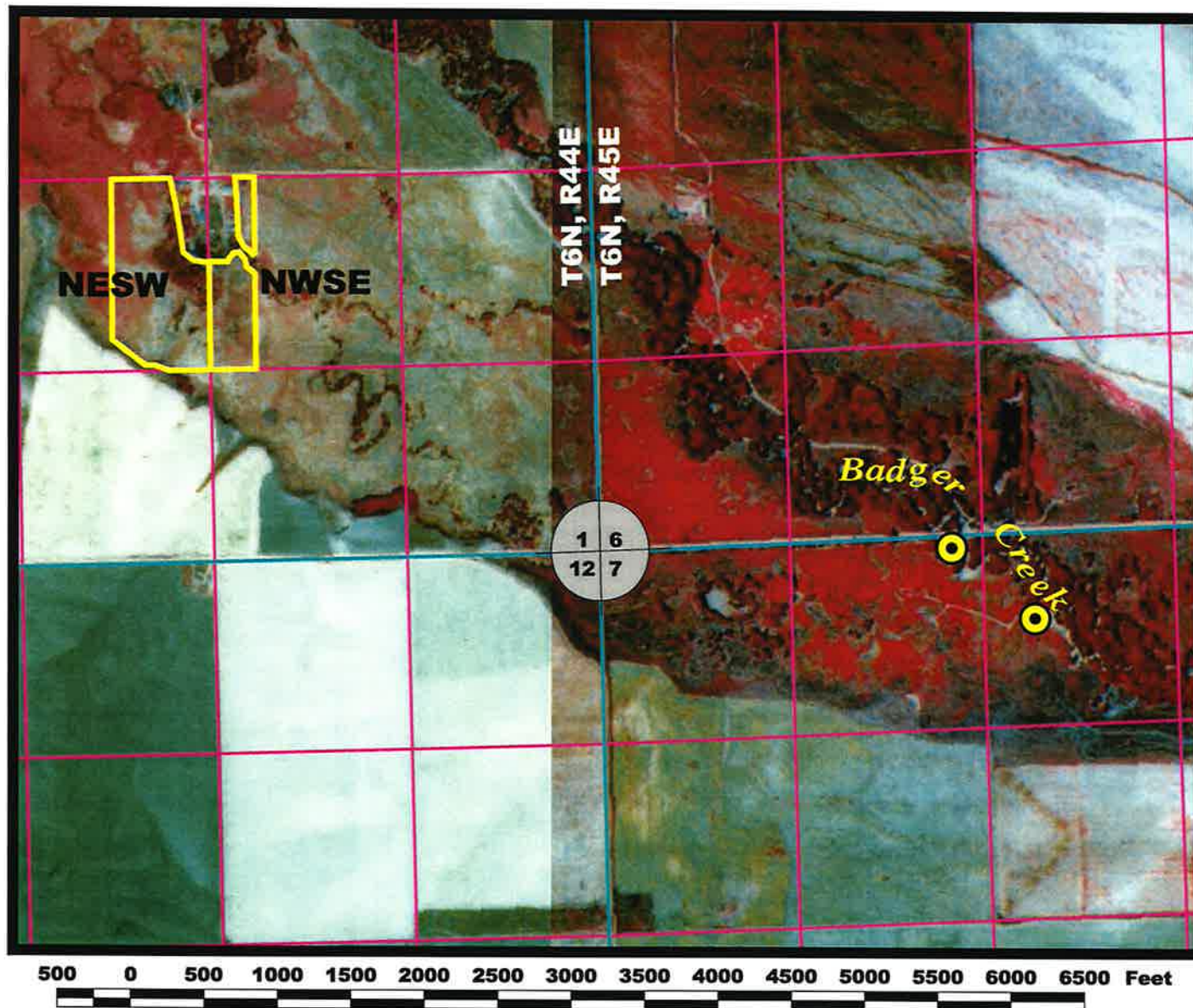
Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.



State of Idaho

Department of Water Resources

Eastern Region



Water Right(s):

22-310E,

22-669C,

22-13291

Point(s) of Diversion:

T6N, R45E Sec. 7

NENENW, NWNWNE

Place of Use: (parts of)

T6N, R44E Sec. 1

NESW, NWSE

Delivery through Ward Ditch.

LEGEND



Point of Diversion

SESE

Place of Use



Section



Quarter-Quarter



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

Water Right and SRBA Split History Analysis

22-668

22-668
 POD: Badger Creek
 POU: T66N R44E Sec 1 NE+SW
 SWSE, SESE
 Sec 12 NE
 L. Ward 11.0 cfs

22-668A

POD: Badger Creek
 POU: T66N R44E Sec 1 NENE
 M. + L. Kimbrough SE NE
 40 acres 0.80 cfs

22-668B

POD: Badger Creek
 POU: T66N R44E Sec 1 SENE
 M. + L. Kimbrough
 20 acres 0.40 cfs

22-668E

POD: Badger Creek
 POU: T66N R44E Sec 1 SENE
 M. + L. Kimbrough
 3 acres 0.06 cfs

22-668F

POD: Badger Creek
 POU: T66N R44E Sec 1 SENE
 M. + L. Kimbrough
 17 acres 0.34 cfs

22-668C

POD: Badger Creek
 POU: T66N R44E Sec 1 NENE
 T. + D. Wilson
 20 acres 0.40 cfs

22-668D

POD: Badger Creek
 POU: T66N R44E Sec 1 NESW, SE3W
 SWSE
 Sec 12 NE
 J. + M. Bush
 275 acres 7.07 acres

22-13290

POD: Badger Creek
 POU: T66N R44E Sec 1 NESW, SE3W, SWSE
 Sec 12 NE
 J. + M. Bush
 258 acres 6.58 cfs

22-13291

POD: Badger Creek
 POU: T66N R44E Sec 1 NESW
 Shea
 20 acres .51 cfs

unclaimed

3.11 cfs
 245 acres

Date:

Reviewer:

mydoc/fieldexamforms/splithistory

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:

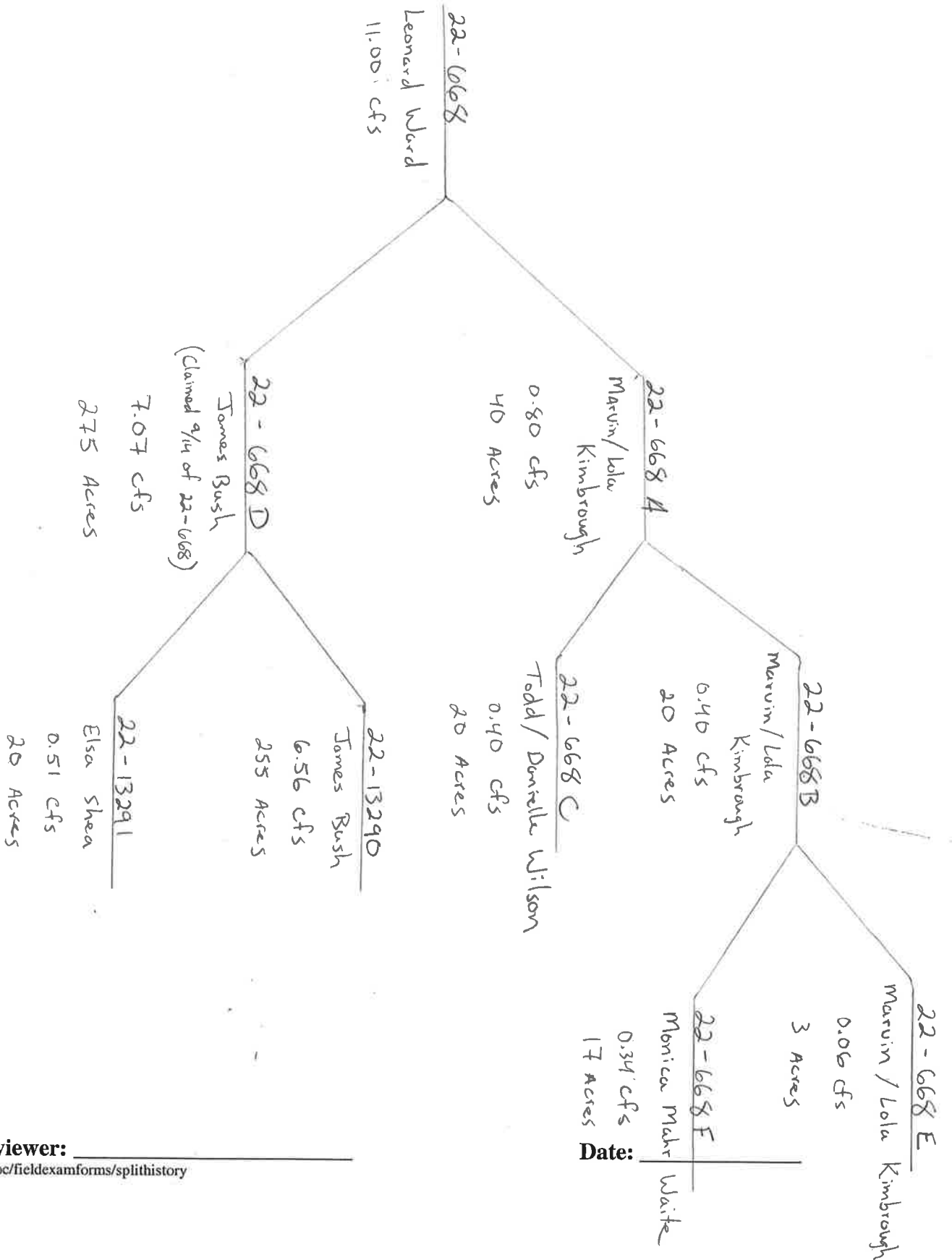
Lot Two (2), Section Six (6), Township Six (6) North, Range Forty-five (45) E.B.M., and the West Half of the Southeast Quarter ($W\frac{1}{2}SE\frac{1}{4}$) of Section Thirty-one (31), Township Seven (7) North, Range Forty-five (45) East of the Boise Meridian,

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.

VIII

22-0668 IT IS HEREBY ORDERED, ADJUDGED AND DECREED, that the plaintiff, Leonard Ward, be awarded and is entitled to divert and use 11.0 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.

Water Right and SRBA Split History Analysis



Reviewer: _____
mydoc/fieldexamforms/splithistory

Date: _____

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
①	N6W	45E	7	NE NE NW	Teton	Budget CK	Teton River

Recommended Point(s) of Diversion and Source.

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source	Tributary to
①	N6W	45E	7	WENENW	Teton	Budget CK	Teton River
②	N6W	45E	7	NW NW NE	"	"	"

Other rights from this POD? _____

Transfers Pending or approved: _____

Document how the POD and Source were verified:

① POD is ward Canal Lower Tag # 40014392

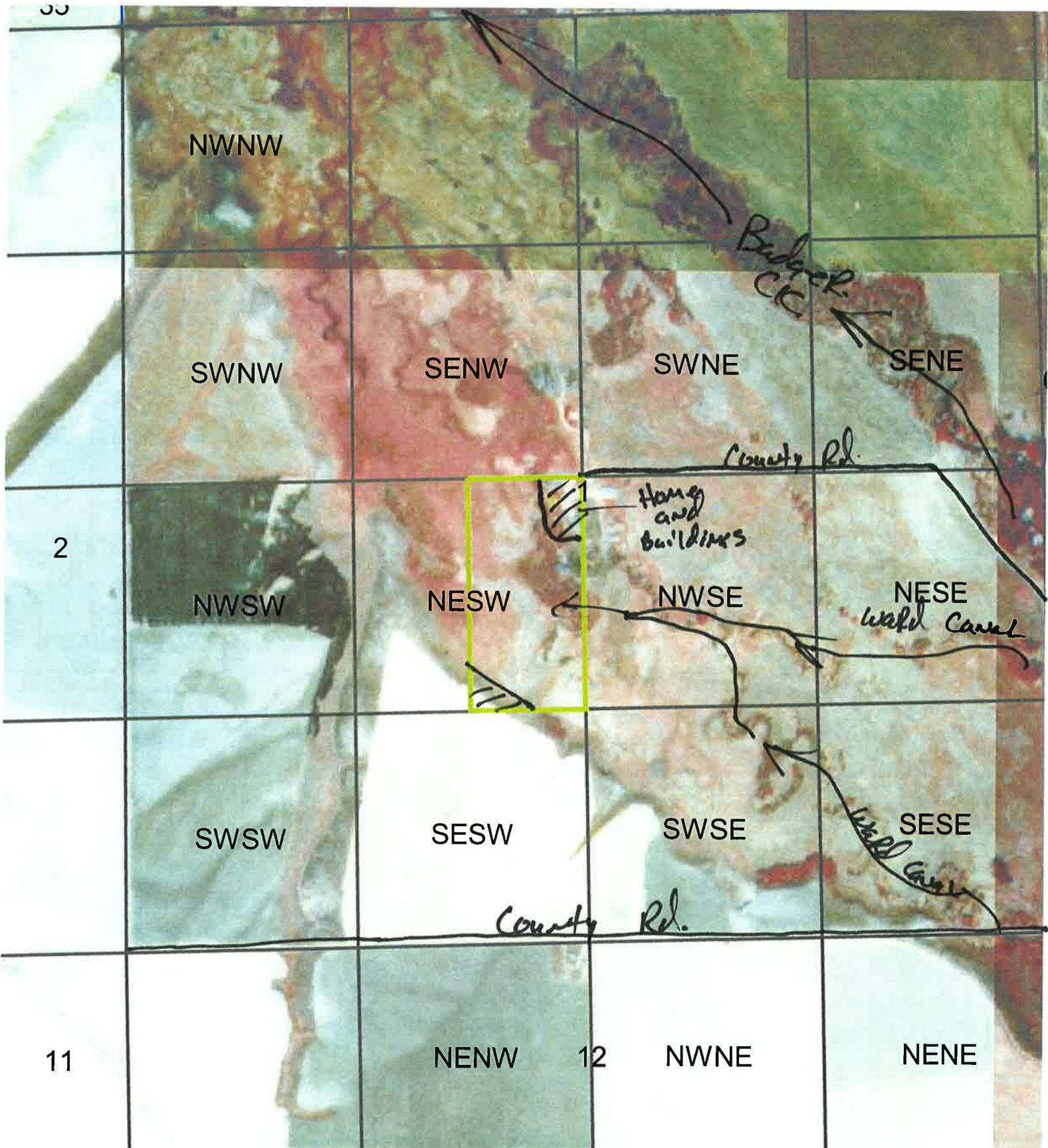
② POD is ward Canal upper Tag # 40014393

There are Two POD For the ward Canal Then Both Come Together Before any Div. off of it.

Reviewer: _____ Date: _____

22-13291

6N 45E



Place Of Use Data Entry Form

Claim Number: _____

Claimed Place Of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
06N	44E	1	NE	SW	Teton		20	Irrigation

Total acres _____

Recommended Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
06N	44E	1	NE	SW	Teton		14	Irrigation

Total acres _____

Pending or approved Transfers: _____

Overlapping rights: _____

Document how the POU was verified:

Claimed POU is 20 Acres, GIS indicates 14.0 Acres
after excluding homestead.

Reviewer: _____ Date: _____

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
Irrigation	04/15	10/15	0.51 cfs	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Overall Diversion Rate 0.51 cfs

Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
Irrigation	04/15	10/31	0.30 cfs	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Overall Diversion Rate 0.30 cfs

Overall Diversion Volume _____

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

Claimed acreage is 20 Acres which should allow 0.40 cfs.
 (Claimed 0.51 cfs would be too much)
 GIS indicates 14 Acres which will allow 0.28 cfs, however
 due to some conveyance loss, 0.30 cfs will be allowed.

Reviewer: _____

Date: _____



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

April 23, 2004

WALTER SHEA
ELSA SHEA
LORRAINE E SHEA
PO BOX 393
DRIGGS ID 83422

RE: CHANGE IN OWNERSHIP FOR 22-668D, 22-310E, & 22-669C

Dear Claimants:

The request for Change in Ownership for a portion of the above-referenced Notice(s) of Claim has been processed with the new Notice(s) reflecting you as one of the claimants.

Since the Change in Ownership involved just a portion of the Notice(s) of Claim, the right was split as follows:

22-668D split into:

22-13290: 6.56 cfs, 255 acres, Bush

22-13291: 0.51 cfs, 20 acres, Shea

22-310E and 22-669C were also changed to reflect you as the new owner. Review the Notices and if you have other corrections or questions, please contact this office.

Respectfully submitted,

Jennifer Crabtree
Technical Records Specialist

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

RECEIVED

APR 22 2004

Department of Water Resources
Eastern Region

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided, if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
	22-668D	X			

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts. 0
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) are for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s)

James + Mary Lou Bush

4. New Owner/Claimant(s)

Walter Shea, Elsa Shea, Lorraine E. Shea

Name Connector (Check one): [] and, [] or, [x] and/or

New Mailing Address

P.O. Box 393

City, State and ZIP Code

Driggs, ID 83422

New Telephone Number

(208) 456-2296 cell (208) 313-7434

5. Date you acquired the property

Feb 21, 2003 July 1, 2002

RECEIVED

153201

FEB 21 2003

WARRANTY DEED

TETON CO., ID
CLERK RECORDER

Instrument # 153201

DRIGGS, TETON, IDAHO
2003-02-21 03:04:45 No. of Pages: 1
Recorded for: LORRAINE E SHEA
NOLAN G. BOYLE Fee: \$5.00
Ex-Officio Recorder Deputy
Index to: DEED, WARRANTY

For Value Received Walter Shea and Elsa Shea, husband and wife,

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

Walter Shea and Elsa Shea, husband and wife, and Lorraine E. Shea, a single woman

whose address is: PO Box 393 Driggs Id 83422

Hereinafter called the Grantee, the following described premises situated in Teton County, Idaho, to-wit:

A portion of the S1/2 Section 1, TWP 6N, RNG. 44E, B.M., Teton County, Idaho, being further described as:

Beginning at the C 1/4 corner of said Section 1;

Thence S 89 35'59"E. 330.00 feet to a point;

Thence S 00 08'39"W. 1320.00 feet to a point;

Thence N 89 35'59"W. 990.00 feet to a point;

Thence N 00 08'39"E. 1320.00 feet to a point;

Thence S 89 35'59"E. 660.00 Feet to the point of beginning.

Subject to a County Road and Utility Easement along the Northeastern property line.

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with its appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: February 21, 2003

Walter Shea
Walter SheaElsa Shea
Elsa Shea

STATE OF Idaho

COUNTY OF Teton

On this 21st day of February, 2003, before me a Notary Public, personally appeared Walter Shea and Elsa Shea, known or identified to me (or proved to me on the oath of), to be the person(s) whose name(s) are subscribed to the within instrument, and acknowledged to me that they executed the same.Jerrilee J. Brower
Notary Public of Idaho
Residing at Teton, Idaho
Commission Expires: 2-27-04JERRILEE J. BROWER
NOTARY PUBLIC
STATE OF IDAHO

153201

148997

RECEIVED

QUITCLAIM DEED

JUL 01 2002

TETON CO. ID
CLERK RECORDERFor Value Received **WALTER T. SHEA and ELSA B. SHEA, husband and wife**

do hereby convey, release, remise and forever quit claim unto

WALTER SHEA and ELSA SHEA, husband and wifewhose address is: **67 Bourque Road, Linnfield, MA 01940**

Hereinafter called the Grantee, the following described premises situated in Teton County, Idaho, to-wit:

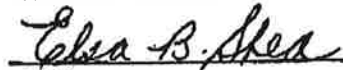
A portion of the S1/2 Section 1, TWP 6N., RNG. 44E., B.M., Teton County, Idaho, being further described as:**Beginning at the C 1/4 corner of said Section 1;****Thence S 89 35'59"E. 330.00 feet to a point;****Thence S 00 08'39"W. 1320.00 feet to a point;****Thence N 89 35'59"W. 990.00 feet to a point;****Thence N 00 08'39"E. 1320.00 feet to a point;****Thence S 89 35'59"E. 660.00 Feet to the point of beginning.****Subject to a County Road and Utility Easement along the Northeastern property line.**

together with their appurtenances.

Dated:



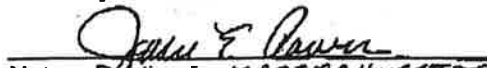
WALTER T. SHEA



ELSA B. SHEA

STATE OF *MASSACHUSETTS*
COUNTY OF *Essex*)ss.

On this day of June, in the year of 2002 before me , personally appeared WALTER T. SHEA and ELSA B. SHEA, known or identified to me (or proved to me on the oath of), to be the person(s) whose name(s) are subscribed to the within instrument, and acknowledged to me that they executed the same.

Notary Public of *MASSACHUSETTS*
Residing at: *SALIM, MA*

First American Title Company

148996

RECEIVED

WARRANTY DEED

JUL 01 2002

TETON CO., ID
CLERK RECORDER

For Value Received Patrick J. Dane and Marina J. Dane, husband and wife

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

Walter T. Shea and Elsa B. Shea, husband and wife

whose address is:

Hereinafter called the Grantee, the following described premises situated in Teton County, Idaho, to-wit:

A portion of the S1/2 Section 1, TWP 6N., RNG. 44E., B.M., Teton County, Idaho, being further described as:

Beginning at the C 1/4 corner of said Section 1;

Thence S 89°35'59"E. 330.00 feet to a point;

Thence S 00°08'39"W. 1320.00 feet to a point;

Thence N 89°35'59"W. 990.00 feet to a point;

Thence N 00°08'39"E. 1320.00 feet to a point;

Thence S 89°35'59"E. 660.00 Feet to the point of beginning.

Subject to a County Road and Utility Easement along the Northeastern property line.

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated:

Patrick J. Dane

Marina J. Dane

STATE OF NC

ss.

COUNTY OF New Hanover

On this 21 day of May, 2002, before me a Notary Public, personally appeared Patrick J. Dane and Marina J. Dane, known or identified to me (or proved to me on the oath of), to be the person(s) whose name(s) are subscribed to the within instrument, and acknowledged to me that they executed the same.

Margaret B. Dunlap
Notary Public of New Hanover County
Residing at: Bayview NC



137125
WARRANTY DEED

RECEIVED

MAR 23 2000

TETON CO., ID
CLERK RECORDER

For Value Received RANDAL D. HILL and DIANA M. HILL, husband and wife

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

PATRICK J. DANE and MARINA J. DANE, husband and wife
whose address is: 350 WHITEBRIDGE RD., HAMPSTEAD, NC, 28443

Hereinafter called the Grantee, the following described premises situated in Teton County, Idaho, to-wit:

A portion of the S1/2 Section 1, TWP 6N., RNG. 44E., S.M., Teton County, Idaho, being further described as:
Beginning at the C 1/4 corner of said Section 1;
Thence S 89°35'59"E. 330.00 feet to a point;
Thence S 00°08'39"W. 1320.00 feet to a point;
Thence N 89°35'59"W. 990.00 feet to a point;
Thence N 00°08'39"E. 1320.00 feet to a point;
Thence S 89°35'59"E. 660.00 Feet to the point of beginning.
Subject to a County Road and Utility Easement along the Northeastern property line.

Subject to reservations in United States and State Patents; existing and recorded Right-of-ways, Easements, Zoning, Building and Subdivision ordinances; Taxes and Assessments as prorated between the parties hereto.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: 3-23-2000

Randal D. Hill
RANDAL D. HILL

Diana M. Hill
DIANA M. HILL

STATE OF IDAHO)
COUNTY OF TETON)

On this 23rd day of March, in the year 2000, before me, a Notary Public in and for said State, personally appeared RANDAL D. HILL and DIANA M. HILL, known or identified to me to be the person(s) whose name(s) are subscribed to the within Instrument, and acknowledged to me that they executed the same.

137125

FILED

AT THE REQUEST OF

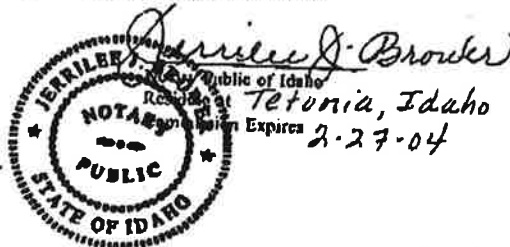
First American

AT 45 MINUTES PAST 2 P.M.

DATE Mar. 23, 2000

Nora Highley

CLERK OF RECORD

BY *Nora Highley*

137125

First American Title Company

MAR 27 1996

First American Title Company

123367

T-3387

QUITCLAIM DEED

For Value Received: RANDAL D. HILL, a married man dealing with his sole and separate property

do hereby convey, release, remise and forever quit claim unto

RANDAL D. HILL and DIANA M. HILL, husband and wife,
whose address is: 549 WEST 1050 NORTH, TETONIA, ID, 83452

the following described premises situated in Teton County, Idaho, to-wit:

A portion of the South Half, Section 1, Township 6 North, Range 44 East, Boise Meridian, Teton County, Idaho, being described as: Beginning at the C 1/4 corner of said Section 1 and running S 89 degrees 35'59" E, 330.00 feet to a point; thence S 00 degrees 08'39" W, 330 feet to a point; thence N 89 degrees 35'59" W, 660 feet to a point; thence N 00 degrees 08'39" E, 330 feet to a point; thence S 89 degrees 35'59" E, 330 feet to the point beginning.

together with their appurtenances.

Dated:

Randal D. Hill
RANDAL D. HILL

STATE OF IDAHO)
COUNTY OF TETON)

On this 25th day of March, in the year 1996, before me, a Notary Public in and for said State, personally appeared RANDAL D. HILL, known or identified to me to be the person(s) whose name(s) is subscribed to the within instrument, and acknowledged to me that he executed the same.

Jerilee J. Brower
Notary Public of Idaho
Residing at Teton, Idaho
Commission Expires 2-27-98



123367

FILED

AT THE REQUEST OF

First American

20 MINUTES PAST

DATE

March 27, 1996Theresa J. Drake

CLERK OF RECORDS

Theresa J. Drake

NOTARY

Filed _____
Indexed _____
Plotted _____

123367

123680

Alliance Title & Escrow Corp.
P.O. Box 504
Druid, ID 83422

QUITCLAIM DEED

APR 25 1996

For Value Received

A. VERN WOOLSTENHULME and BONNIE WOOLSTENHULME, N&W

TETON Co. ID

do hereby convey, release, remise and forever quit claim unto

KANDAL D. HILL and DIANA M. HILL, N&W

whose current address is
349 W 1030 N
TETONIA, ID 83452

the following described premises, to-wit:

RECEIVED
A PORTION OF THE S 1/2 SECTION 1, TWP. 6N., RMC. 44E., S.M., TETON
COUNTY, IDAHO, BEING FURTHER DESCRIBED AS:
BEGINNING AT THE C 1/4 CORNER OF THE SAID SECTION 1:
THENCE S 89°35'59"E. 330.00 FEET TO A POINT;
THENCE S 00°08'39"W. 1320.00 FEET TO A POINT;
THENCE N 89°35'59"W. 990.00 FEET TO A POINT;
THENCE N 00°08'39"E. 1320.00 FEET TO A POINT;
THENCE S 89°35'59"E. 660.00 FEET TO THE POINT OF BEGINNING.
SUBJECT TO A COUNTY ROAD AND UTILITY EASEMENT ALONG THE NORTHEASTERN
PROPERTY LINE.

together with their appurtenances.

Dated: MARCH 28, 1996

A. Vern Woolstenhulme
A. VERN WOOLSTENHULME

Bonnie Woolstenhulme
BONNIE WOOLSTENHULME

STATE OF IDAHO, COUNTY OF TETON
On this 25th day of April, 1996,
before me, a Notary Public in and for said State, personally
appeared

A. Vern Woolstenhulme +
Bonnie Woolstenhulme

known to me to be the persons who by name I have
subscribed to the within instrument, and acknowledged to
me that they executed the same.

[Signature]
Notary Public
Idaho

My Comm. Expires 6-28-97

123680

ALLIANCE TITLE AND ESCROW

FILED

AT 52 ANDREWS PARK 12 p.m.

DATE April 25, 1996[Signature]

CLERK OF DIST. COURT

BY [Signature]

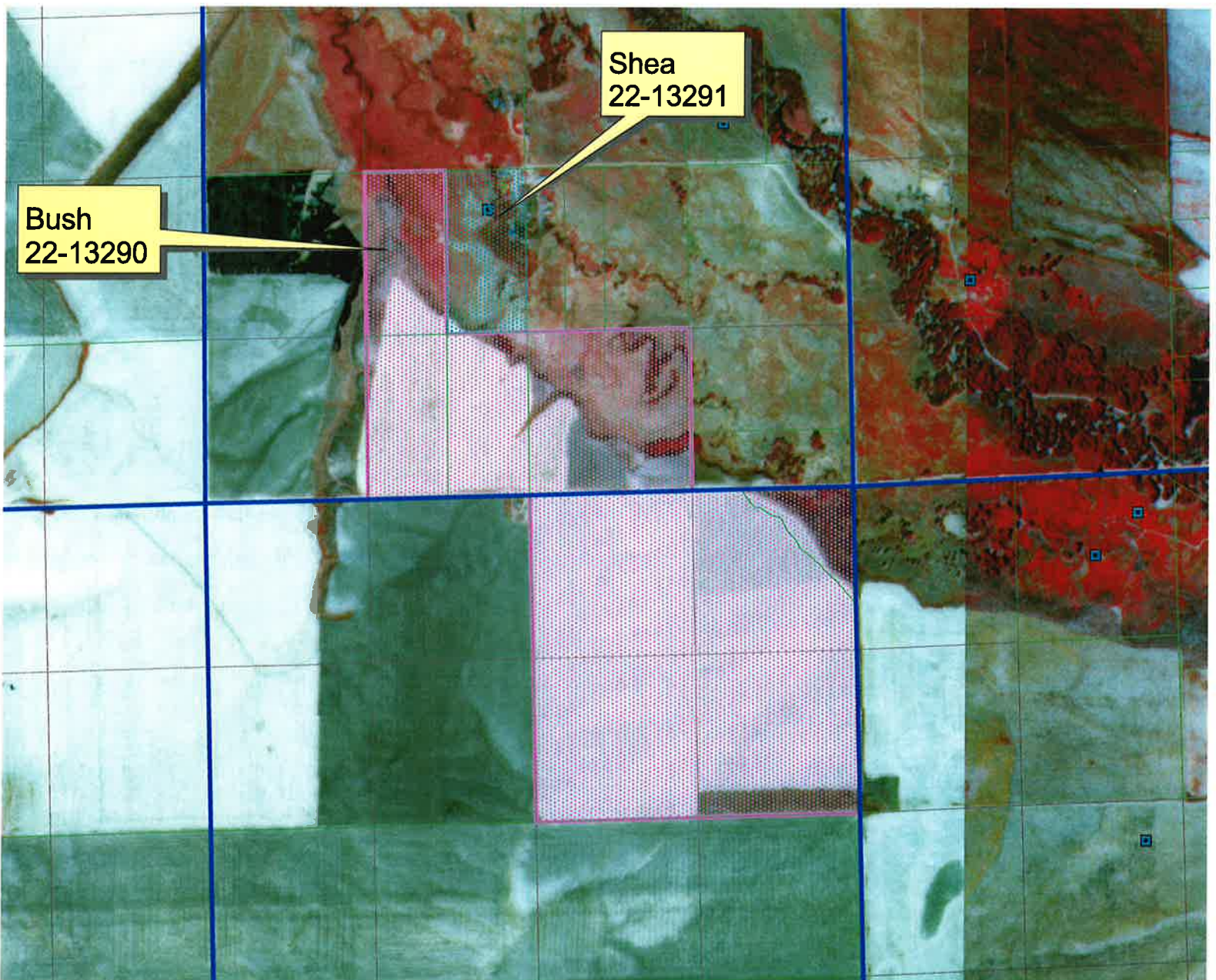
Filed ✓
Indexed ✓
Placed ✓

Furnished by the

ALLIANCE

123680

Split of 22-668D



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 22-13291
Date Received: 4/23/2004
Receipt No:
Received By:

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

1. Name of Claimant(s)

ELSA SHEA Phone: (208)456-2296
PO BOX 393
DRIGGS ID USA 83422

WALTER SHEA Phone: (208)456-2296
PO BOX 393
DRIGGS ID USA 83422

LORRAINE E SHEA Phone: (208)456-2296
PO BOX 393
DRIGGS ID USA 83422

2. Date of Priority: 04/01/1939

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	Type
06N	45E	7	NE NE NW	TETON	

5. Description of diverting works:

HEADGATE/DITCH FOR FLOOD AND SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/15	10/15	0.51	

7. Total Quantity Appropriated is:
0.51 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	Acres
06N	44E	1	NE	SW	IRRIGATION	20
Section Acres						20
Total Acres						20

11. Place of use in counties: TETON

14.0

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

13. Other Water Rights Used:

14. Remarks:

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 22-668D

15. Basis of Claim: Decreed