

12/15/2006

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

RIGHT NUMBER: 22-13491

NAME AND ADDRESS: DANA LYNN RICHARDSON
1440 LAIRD AVE
SALT LAKE CITY UT 84105

DAVID MARCOS JOSLYN
1440 LAIRD AVE
SALT LAKE CITY UT 84105

SOURCE: NORTH FORK BADGER CREEK

TRIBUTARY: BADGER CREEK

QUANTITY: 0.060 CFS

PRIORITY DATE: 03/04/1907

POINT OF DIVERSION:

T06N R45E S2 NESESW 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	0.060 CFS

PLACE OF USE: IRRIGATION in TETON County

T06N R45E S02	NESW	0.80	T06N R45E S02	SESW	2.30
---------------	------	------	---------------	------	------

3.1 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 - License

This right is a split from former right 22-2022.



Idaho Department of Water Resources

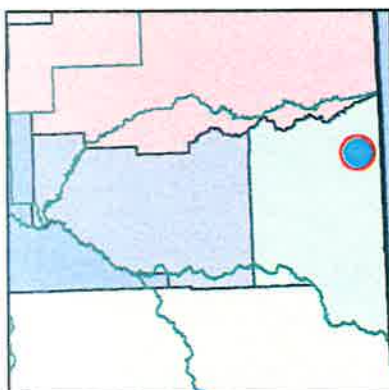
SRBA Recommendation:

22-13491

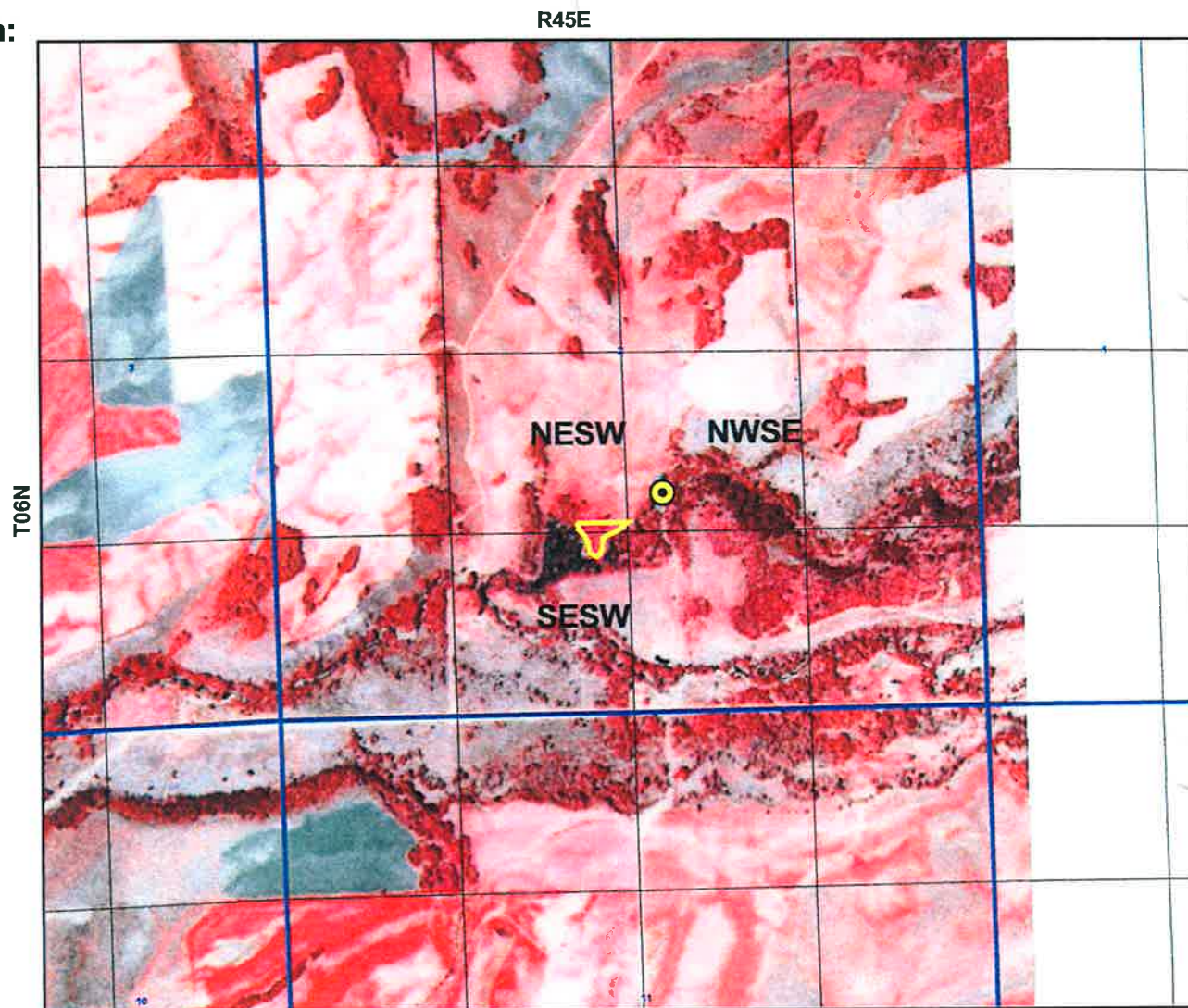
(Irrigation)

Legend

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



Teton County
IDWR Basin 22



0 0.5 1 Miles

Prepared by K. Moore
On Thursday, December 7, 2006
1987/88 Aerial Photography



Idaho Department of Water Resources

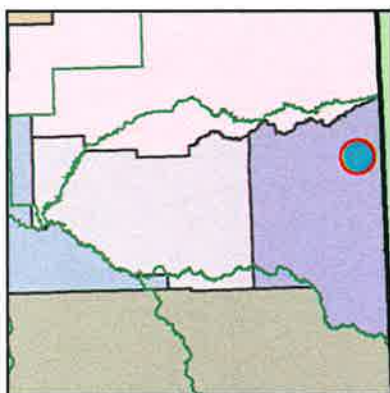
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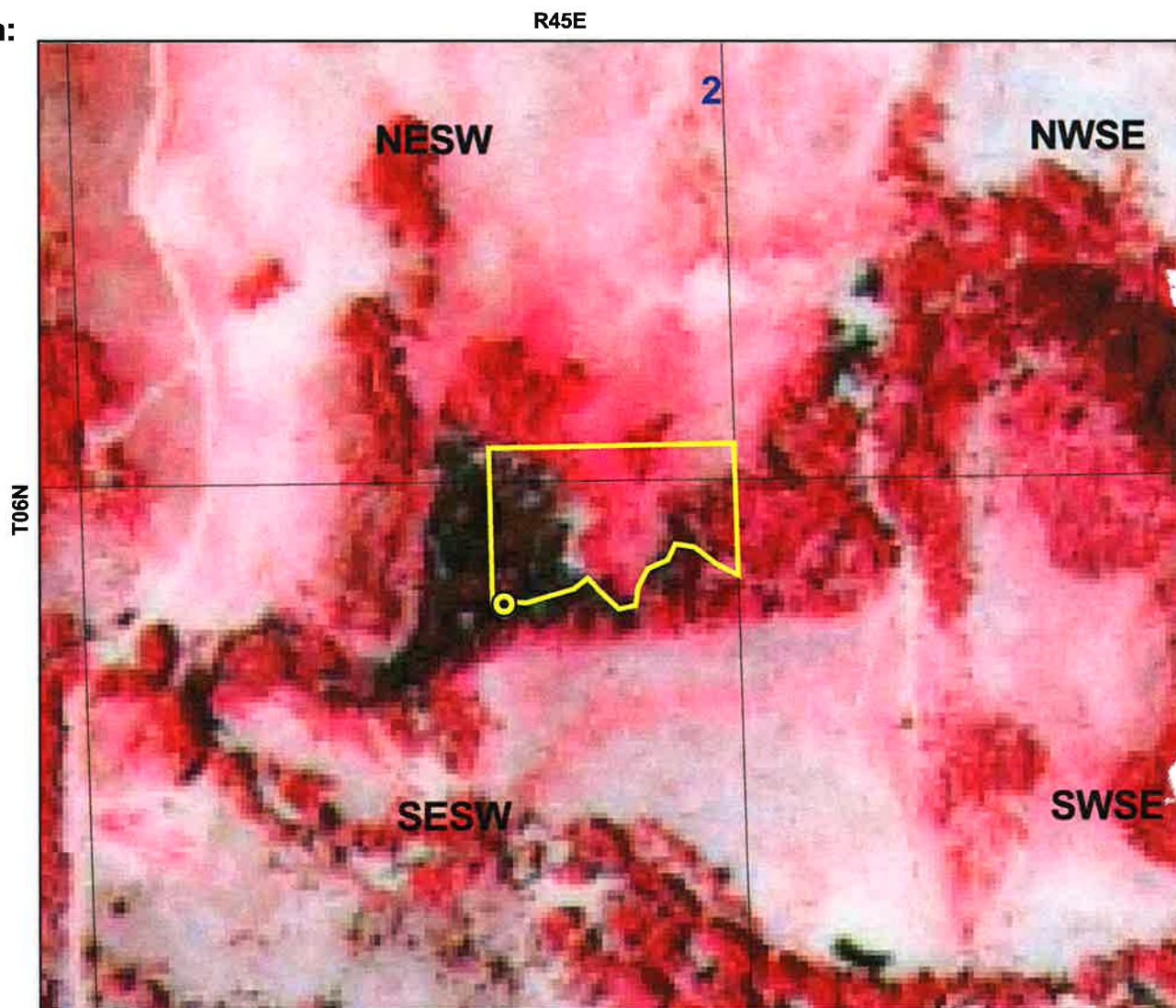
(Irrigation)

Legend

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



Teton County
IDWR Basin 22



0 0.1 0.2 Miles

Prepared by T. Galbraith
On Friday, December 15, 2006
1987/88 Aerial Photography

12/07/2006

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: 22-13491

DANA LYNN RICHARDSON
1440 LAIRD AVE
SALT LAKE CITY UT 84105
Telephone Number: (801)487-1500

DAVID MARCOS JOSLYN
1440 LAIRD AVE
SALT LAKE CITY UT 84105
Telephone Number: (801)487-1500

WE DO NOT AGREE WITH THE PROPOSED RECOMMENDATION

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

WE DISAGREE WITH THE POINT OF DIVERSION AND THE DECREASE IN OUR SHARES OF WATER RIGHTS FROM 12 TO 1.

2. Describe the changes you wish to make in the proposed recommendation:

WE WOULD LIKE TO CHANGE THE STATED POINT OF DIVERSION TO THE POINT WHERE THE WATER IS ACTUALLY BEING DIVERTED AND INCREASE THE QUANTITY TO SUFFICIENTLY IRRIGATE THE PROPERTY

3. Give a brief explanation as to why you disagree with these portions:

APPROX 5.15 ACRES
THE RIGHTS TO DIVERT ONLY ONE ACRE IS NOT SUFFICIENT TO WATER THE ACTUAL ACREAGE THAT IS NOW BEING IRRIGATED AND HAS BEEN IRRIGATED IN THE PAST. THE POINT OF DIVERSION IS

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

DATE: 12/11/06

SIGNATURE:

[Handwritten signatures]

ON OUR PROPERTY AND IN THE PLACE INDICATED ON THE ATTACHED MAPS

Please print your name:

DAVID JOSLYN DANA RICHARDSON

IDWR Regional Office,

Kar
12/14

Galbraith, Trent

From: Dana Richardson [danadesign@xmission.com]
Sent: Wednesday, December 13, 2006 9:18 AM
To: Galbraith, Trent
Cc: dave joslyn
Subject: Dana Richardson and Dave Joslyn water rights

12/12/06

Dear Trent, and the Idaho Dept. of Water Resources,

We would like to explain in more detail the changes we would like to make to your recommendation of changes to our stated water rights on our property in Teton County (Water right number 22-13491).

Along with our signed reply to the changes, we included a photograph of the acreage in question (and an additional photograph is attached to this letter) as it appears in the spring and early summer every year, a wetlands which is habitat to a wide variety of wildlife including nesting Sandhill Cranes, Red Winged Blackbirds, Ducks of many species, Beaver, River Otter, Deer, Moose, an occasional Bear, and many others. We also have frogs and snakes, all of which share the protection of this area, live there and feed on the vegetation which grows as a result of our right by law to irrigate this part of our property. This irrigation results from the diversion dam and irrigation canals, which were built many years ago for the purpose of irrigation, and have been used for this continuously over the course of many decades.

When Mr. Kitchen filed for the water rights in 1907, it must have been a huge undertaking for him to go through the legal proceedings, traveling to Idaho Falls by horseback I suppose, in order to obtain these important rights. It must also have been a huge undertaking to build the earthen dam and excavate the long and deep irrigation canals that allowed him to irrigate the land and grow what he planted. These rights were very important to him, and they are very important to us. Mr. Kitchen grew crops on this land, using this water. We are choosing to grow native plants, and in the near future plan to add additional vegetation through planting and irrigating, with the intent to improve even further the natural habitat of the wildlife which has been using this land far longer than its human inhabitants.

As is evident from both the aerial photograph done in 1987/88 (on which you designated the point of diversion and also the area that you proposed we would be allowed to irrigate), and the current aerial photographs that we included with our objection, this land has been irrigated continuously, the trees, bushes and grasses have water sufficient to be sustained and to grow, due to the water supplied by the diversion dam and irrigation canals. This is continuous use of our water rights.

The rights to this water are ours by law. Mr. Kitchen owned this land and was granted these rights and they are part of this property. This property now belongs to us, and these rights along with it. We have a right to use this water to irrigate our property for what is specifically named in the document from the Idaho Department of Water Resources, in its description of "What is a Water Right" as stated; The constitution and statutes of the State of Idaho protect private property rights, including water rights. A water right is the right to divert the public waters of the state of Idaho and put them to a beneficial use, in accordance with one's priority date. Beneficial uses include such uses as domestic use, irrigation, ...fish and wildlife, among others.

We are both owners and stewards of this land, and our intent is to ensure that it will continue to nourish and be home to the wildlife that inhabit it. For this, we need the rights to irrigate the entire north area of our property, that which is already being irrigated, and not just the one acre specified in the recommendation.

We ask that you change your recommendation to include the rest of the acreage we are currently irrigating, and that has been continuously irrigated, with no interruption. We also ask that you change the place of diversion as stated on the map to the actual places of diversion; the dam and the irrigation canals.

We ask that you change the recommendation now, before it is filed to accurately reflect the rights and

12/12/2006

usage. A revised recommendation could be faxed to Dave's office for us to sign and we can express mail it back to you so that you would receive it before the December 15th filing deadline which you indicated.

Please attach this letter and additional photograph to the documents that we sent yesterday, which you will receive today.

Thank you so much for your attention to and consideration of this matter.

Sincerely, Dana Richardson and David Joslyn

Dave's fax number is : 801-487-0118

Please call us with any questions, or for any additional information.

Dana work : 801-581-9900

Dana cell : 801-631-1236

Dave work : 801-487-1500

1:11:02

Dear Trent,

Please look over the information
we are providing and let us know
if you have any questions.
Thank you so much,

Sincerely,


Dana Richardson
801-581-9900 wk
801-583-7093 hm
801-631-1236 cell

Enclosures

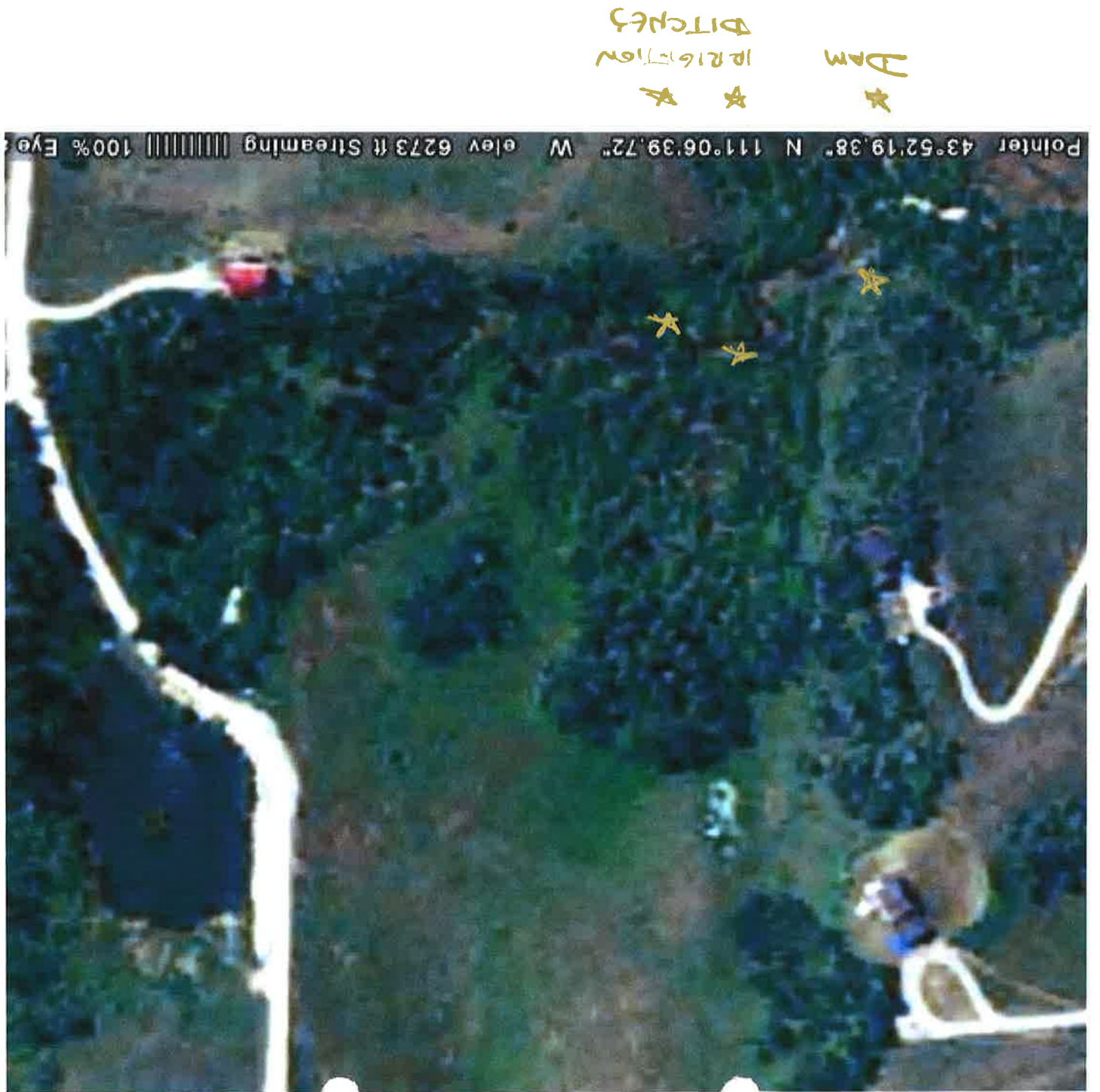
Signed Document

MAP3

WATER RIGHT INFO

ORIGINAL RIGHTS FILM

Job 5/21/2010 RD 302





Pointer 43°52'14.52" N 111°06'40.23" W elev 6277 ft Streaming 100% Eye

JOSEPH RICHARDSON



THIS IS THE RIVER CHANNEL

JOSLYN / RICHARDSON



THE TOTAL ACREAGE IS JUST UNDER
17 ACRES, AND IS OUTLINED ABOVE.
WE ARE ESTIMATING THAT THE NUMBER
OF ACRES WE ARE CURRENTLY IRRIGATING
IS BETWEEN 5.1 AND 5.2 ACRES

JOSEPH/RICHARDSON



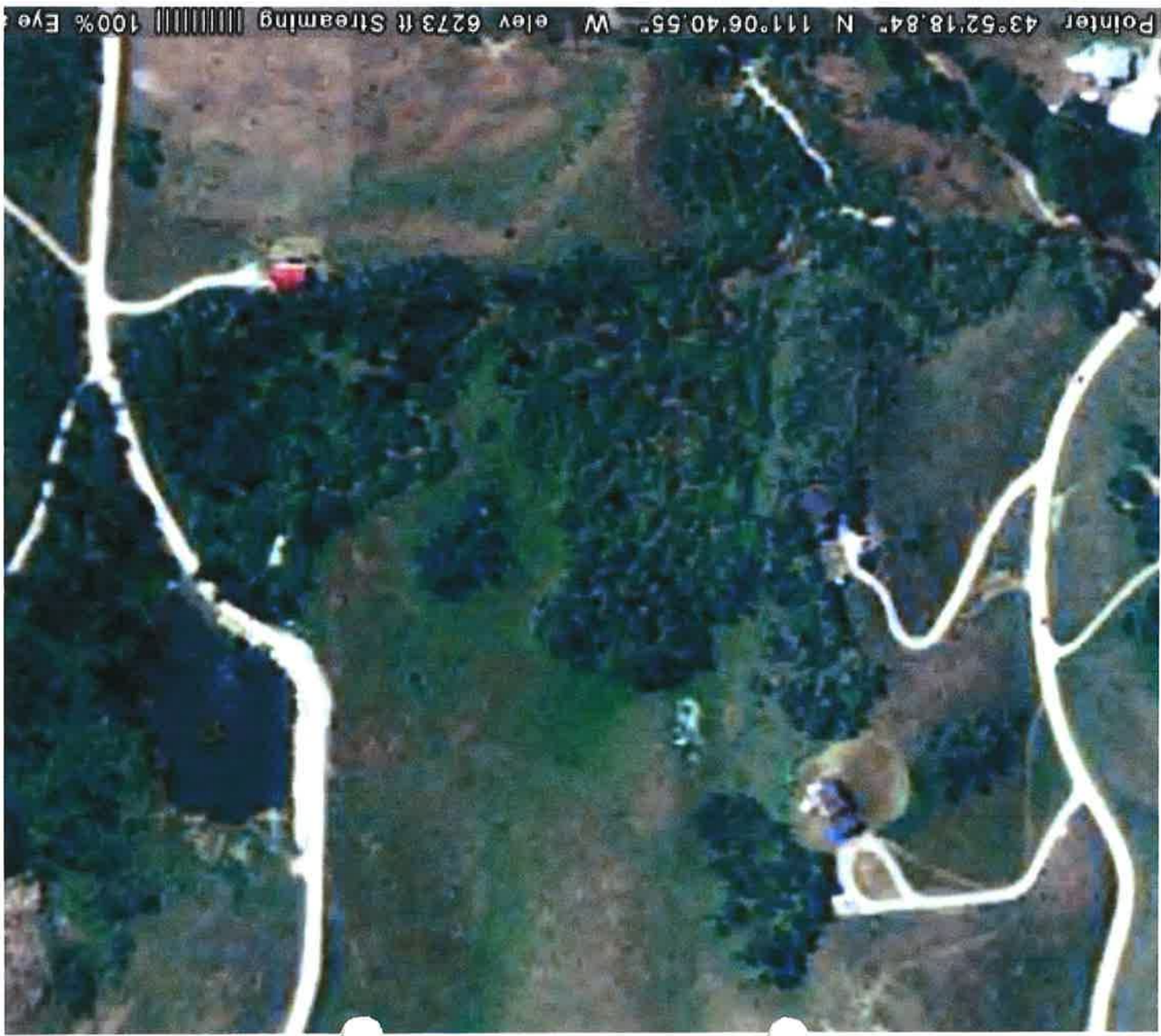
JOSLYN / RICHARDSON



THIS PHOTO SHOWS THAT FLOOD IRRIGATION IS OCCURRING ALL THE WAY TO THE

BACK OF OUR PROPERTY

Joseph / RICHARDSON



Pointer 43°52'18.84" N 111°06'40.55" W elev 6273 ft Streaming 100% Eye



Idaho Department of Water Resources

SRBA Recommendation:

22-13491

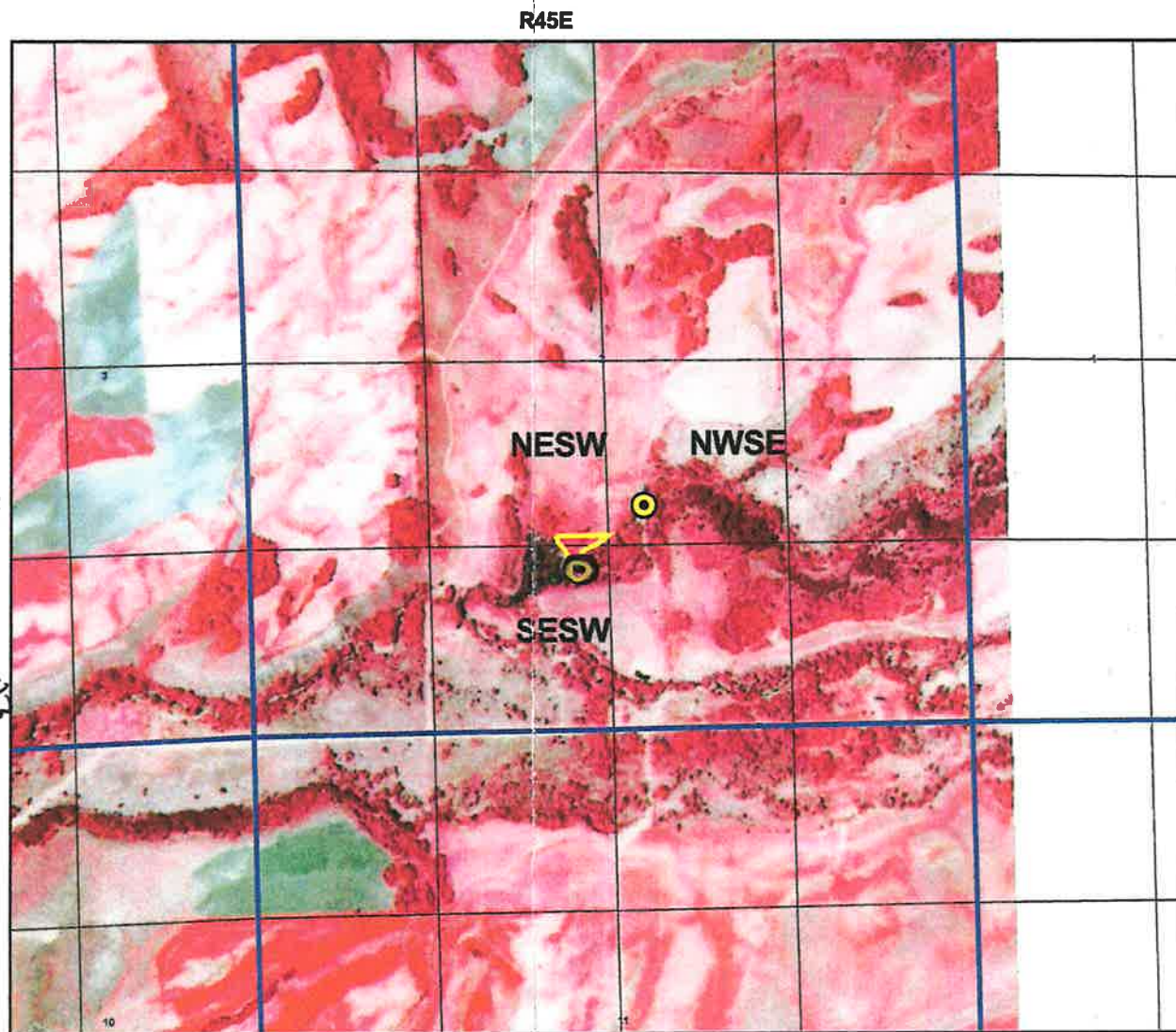
(Irrigation)

Legend

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



Teton County
IDWR Basin 22



0 0.5 1 Miles

Prepared by K. Moore
On Thursday, December 7, 2006
1987/88 Aerial Photography

 County of Fremont *
 North fork of Badger Creek *
 and Big Badger Creek. *
 1/4 sec. ft. *
 Irrigation *
 Priority-3-4-07. *

STATE OF IDAHO.

Water License No. 2640.

WHEREAS, On the 4th day of March, A. D. 1907, CLIFFORD Y. KITCHEN of Badger County of Fremont and State of Idaho, duly made application (No. 2640) to me for a permit to use 3.2 cubic feet per second of the waters of North Fork of Badger Creek & .8 of 1 cubic foot per second of the waters of Big Badger Creek, County of Fremont, State of Idaho, for irrigation and domestic purposes; and

WHEREAS, On the 23rd day of March, A. D. 1907, Permit No. 2640 was issued to said applicant for the diversion of said water, and providing for the completion of the works of diversion therein described on or before the 23rd day of March, A. D. 1909, and for the application to beneficial use of said water on or before the 23rd day of March, A. D. 1911, and,

WHEREAS, On the 8th day of June, A. D. 1908, the holder of said permit duly made proof of the completion of adequate works for the diversion of 4 cubic feet per second of said waters, as evidenced by my Certificate No. 2640, dated July 24, 1908, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 4 cubic feet per second of water, with date of priority of March 4, 1907, and,

WHEREAS, On the 8th day of June, A. D. 1908, proof was duly made of the application to beneficial use of .7 of 1 cubic foot per second of said water;

NOW, THEREFORE, By virtue of the authority vested in me by the laws of the State of Idaho, I hereby grant and confirm to CLIFFORD Y. KITCHEN of Badger, Idaho, the holder and owner of said Permit No. 2640, a perpetual right, dating from March 4, 1907, to the use of .7 of 1 cubic feet per second of the waters of North Fork of Badger Creek & Big Badger Creek, in the County of Fremont and State of Idaho, or so much thereof, as may be necessary for the purposes hereinbelow mentioned, to be diverted at a point in Northeast quarter of Southwest quarter and Southeast quarter of Southeast quarter, Section 2, Township 6 North, Range 45 East of Boise Meridian and conducted to and upon (15 acres in the Northeast quarter of Northwest quarter (NE4 NW4) Section 11; 12 acres in Southeast quarter of Southwest quarter (SE4 SW4) Section 2; 8 acres in Northeast quarter of Southwest quarter Section 2, Township 6 North, Range 45 East of Boise Meridian, for the purpose of irrigation and domestic use, subject, however, to the laws of the State of Idaho applicable to a license for the use of the waters of the State, and subject, also, to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

(SEAL)

Recorded July 24, 1908.

WITNESS, my hand and the seal of my office at Boise, Idaho, this 24th day of July, A. D. Nineteen Hundred and eight.

Jas. Stephenson, Jr.,
 State Engineer

12 2642

No.3655

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

1. Name of applicant - Clifford Y. Kitchen

Postoffice address: P. O. Badger, Idaho.

County

II. The financial resources of the applicant are:

(d) Other resources Applicant has lands under entry which he proposes to irrigate.

2. The quantity of water claimed is 4 cubic feet per second.

3. Source of water supply North Fork of Badger Creek, 160 inches and Big Badger 40 inches.
County of Fremont.

4. Location of point of diversion NE4 SW4 and SE4 SE4 Section 2, Twp. 6 N. R.45 E.

5. To be used for:

I. Irrigation and domestic use:

(a) Number of acres to be irrigated 200 acres.

(b) In the following legal subdivisions NE4 NW4 - 11- S2 SE4, E2 SW4, NW4 SE4,
NW4 SW4, SW4 NE4, SE4 NW4, Section 2, Twp. 6 N. R. 45 E.

6. Estimated cost of works: 400.00

7. Description of works for diversion:

I. Kinds of works ..

II. Dimensions of works:

(a) Height of dam 4 feet, length of dam at top 6 feet, length of dam at bottom
3 feet, material used in construction

(c) Size of headgate, width 2½ feet, height 2½ feet.

(d) Ditch (flume or pipe) width at bottom 2 feet, width at water line 2 feet,
depth of water 1½ feet. Average grade per mile is 10 feet. Length of ditch
is 1½ miles, and it crosses the following quarter sections - SW¼ - NE4 and
NW4 Section 11, to lands hereinbefore described which is the point of intended
use.

8. Time required for the completion of the construction of such work is 2 years.

9. Time required for the complete application of the water to the proposed use is 2 additional
years.

JONES SUBSRA LEAF 247 FEB 7, 1924

POLLEN 207 4 PTE 20, TACOMA 1914

APPROVAL OF STATE ENGINEER.

The number of this permit is 2640

Date of first receipt of application 9:00 a.m. March 4, 1907.

Returned to applicant for correction March 5, 1907.

Corrected application received March 21, 1907.

Recorded in Book 8. Page 2640. Approved March 23, 1907.

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho and hereby grant the same, subject to the following limitations and conditions:

Work to begin on or before May 22, 1907, and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before March 23, 1908.

The whole of said work to be completed on or before March 23, 1909.

The time for the proof of beneficial use of water appropriated in accordance herewith, to extend to March 23, 1911.

Witness my hand this 23 day of March, 1907.

Jas. Stephenson, Jr.

State Engineer.

Blank Notice of proof of completion and beneficial use mailed applicant April 3, 1908.

Notice received April 13, 1908, fixing June 8, 1908 as date and Haden, Idaho as place of proof.

Notice for publication mailed Teton-Peak Chronicle April 14, 1908.

Deposition blanks mailed applicant, April 14, 1908.

David Breckenridge authorized April 24, 1908 to make examination

His report received May 25, 1908.

Depositions, affidavit of publication and fees received June 13, 1908.

Certificate and license issued July 24, 1908.

Permit No. 2640.

Certificate of Completion of Works.

To All Whom it May Concern:

This is to certify that CLIFFORD Y. KITCHEN of Badger, County of Fremont, and State of Idaho, the holder of Permit No. 2640, issued upon Application No. 3655 bearing date of priority of March 4, 1907, authorizing the diversion of 3.2 second feet of the waters of North Fork of Badger Creek and .8 of one second foot of the waters of Big Badger Creek, County of Fremont, State of Idaho, for irrigation and domestic purposes; has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 4 second feet of the waters of North Fork Badger creek and Big Badger Creek that the point of Diversion of said waters - the north-east quarter of the southwest quarter (NE4 SW4) and the southeast quarter of the southeast quarter (NE4 SE4) of Section 2, Township 6 North of Range forty-five (45) East of Boise Meridian and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: the northeast quarter of the northwest quarter (SE4 NW4) Section 11, south one-half of the southeast quarter (S2 SE4), the east one-half of the southwest quarter (E2 SW4), the northwest quarter of the southeast quarter (NW4 SE4) the northwest quarter of the southwest quarter (NW4 SW4), the southwest quarter of the north east quarter (SW4 NE4), the southeast quarter of the northwest quarter (SE4 NW4) of Section Two (2) Township six (6) North of Range forty-five (45) East of Boise Meridian.

Witness my hand this twenty-fourth day of July, A. D. 1908.

Jas. Stephenson, Jr.,

State Engineer of the State of Idaho.

License issued for 7/10 second feet
P. 325

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To ask a general question or request information about water rights, [email us](#).

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How do I get a water right?

The right to divert the public waters of the state of Idaho and put them to a beneficial use, in accordance with one's priority date.

You May Already Have One!

If you are currently diverting the public waters of the state and putting the water to beneficial use, then you may already have a valid water right established either by the statutory method or by beneficial use.

If water was used on your property before you acquired it, and the person you acquired the property from did not "reserve" the water right in the deed conveying the property to you, and you continued the use of water, you may have acquired a valid water right along with your land. Also, some water rights (including both water rights established by the statutory method and water rights established by beneficial use) have been confirmed by a decree of a state or federal court.

IDWR keeps records of water right decrees and licenses, and these records are available for public inspection.

Instances When You May Need a New Water Right

You may need a new water right for an existing use of water if a water right was not properly established for the existing use. (For example, if a use of surface water was initiated after 1971 without applying to IDWR for a permit.) A new water right is also needed for a new use of water. If you wish to establish a new water right, then there are certain procedures you will need to follow.

Application Process

First, an application for a permit must be filed with IDWR. Application forms are available from IDWR. The information that must be included in the application is described by statute and in rules and regulations of IDWR.

IDWR is required to publish notice of the application, and other persons may file protests to the application with IDWR. If protests are filed, then IDWR must hold a hearing.

IDWR must then review the application (including any hearing record), and if the application meets the requirements of the statute and the rules and regulations, a permit is issued. The permit describes the appropriation to be made and the deadline within which the appropriation must be completed.

Prior to the end of the period in which the appropriation must be completed, IDWR sends the permit holder a notice that the deadline is approaching and that the permit holder must submit proof of beneficial use. "Proof of beneficial use" is a form sent to the permit holder by IDWR, that the permit holder fills out and returns to IDWR. In the proof form, the permit holder states that she has completed her appropriation.

After filing the proof form, a field examination must be made. The permit holder may request that the field examination be made by IDWR, in which case an examination fee is required to be paid to IDWR. The permit holder may instead have the field examination completed by a certified field examiner not associated with IDWR, in which case the field examiner submits a report to IDWR after the examination is completed. The purpose of the field examination is to ensure that water is in fact being used as described in the permit. If so, then IDWR issues a license that describes the appropriation that has been completed.

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What is a Water Right?

Public Waters

The constitution and statutes of the State of Idaho declare all the waters of the state, when flowing in their natural channels, including the waters of all natural springs and lakes within the boundaries of the state, and ground waters of the state, to be public waters.

The constitution and statutes of the State of Idaho guarantee the right to appropriate the public waters of the State of Idaho. When a private right to the use of public waters is established by appropriation, a water right is established that is a real property right much like property rights in land. The constitution and statutes of the state of Idaho protect private property rights, including water rights.

A water right is the right to divert the public waters of the state of Idaho and put them to a beneficial use, in accordance with one's priority date.

Priority Date

A priority date is the date the water right was established. How this date is determined is described in the section below. The priority date is important because the priority date determines who gets water when there is a shortage. If there is not enough water available to satisfy all of the water rights, then the persons with the oldest (or senior) water rights get their water rights satisfied first and so on in order until there is no water left. It is the persons with the new (or junior) water rights who do not get water when there is not enough to satisfy all the water rights.

Beneficial Use

Beneficial uses include such uses as domestic use, irrigation, stock-watering, manufacturing, mining, hydropower, municipal use, aquaculture, recreation, fish and wildlife, among others. The amount of the water right is the amount of water put to beneficial use. Due to the beneficial use requirement, a water right (or a portion of a water right) may be lost if it is not used for a continuous five-year period.

Diversion

A diversion is a structure used to divert the water from its natural source. Typical diversion structures include pumps, headgates, ditches, pipelines, and dams, or some combination. A diversion is generally required to establish a water right. The Idaho Water Resource Board is authorized to acquire water rights without diversions. These water rights are called “instream flow” water rights, and are typically authorized for purposes of protecting some public interest in a natural stream or lake, such as recreation, wildlife, or natural beauty. A water right may also be acquired to water livestock directly from the stream, which is called an “instream livestock” water rights.

Water law in Idaho is based on the appropriation doctrine, because water rights in Idaho are based upon diversion and beneficial use of water. The appropriation doctrine has also been called “first in time is first in right”, because the priority date determines who gets water when there is not enough to go around. The water right is said to have “appropriated” water.

Riparian Rights Not Recognized in Idaho

You may also have heard of something called “riparian rights”. In some states, an owner of land has the right to make a “reasonable use” of ground water underneath her land, or water naturally flowing on, through, or along the borders of her land. A riparian right to make use of the water is not limited by priority date and it cannot be lost by non-use. Idaho law does not recognize a “riparian right” to divert and use water.

A water right under the law of the state of Idaho can be established only by appropriation, and once established, it can be lost if it is not used.

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"The Shoshone Falls on the Snake River" by Thomas Moran (1900) used courtesy of th
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~~12~~
12-5-06

- I call Dana Richardson Back.
 - She said water overflows from pond goes under road via a culvert hits an earthen dam and backs up flooding out via 2 irrigation ditches on North fork of badger.
 - Ditches run North toward aspen grove.
 - She said water irrigates low lying area before the hill starts.
 - She said it is passive diversion.
- * I talked to Dana again, she says the large pond on East side of Road is the Source & the Tree across on N. edge of her property is the Rake.

→ HWJ 12-5-06

Recommend

Water Right No(s). A22-13491

I spoke with one claimant. Her name printed wrong on claim.
Name should be David Marcus Joslyn, not David Marcos!
Second claimant, Dana Richardson, called & wants a call
back. Work phone 801-581-9900, cell - 801-631-1236 &
Home - 801-583-7039.

I found no ditch or headgate on P.O.U. & most of
ground is up-slope from the N. Fork of Badger Creek.

GPS point is where I took the Panoramic photos

GPS DATA:

Tag # _____ Location: _____

Diversion Data:

Source: _____ Trib to: _____

MOTOR

Make: _____ Model: _____ Hp: _____

SN: _____

PUMP

Make: _____ Model: _____ Disch: _____

SN: _____

NOTES:

There was a possibility of an old ditch line, now filled with brush & tree
growth just north of the cabin & running parallel to the creek.
However the creek is below grade of P.O.U.

Field Exam Date: 12-4-2005 Agent: Bluford

17491-1342 Looking S.W.





#2 A22-13491, Pangram photo of claims ↓ P.O.U. - most ground is uphill - Looking NE. #4



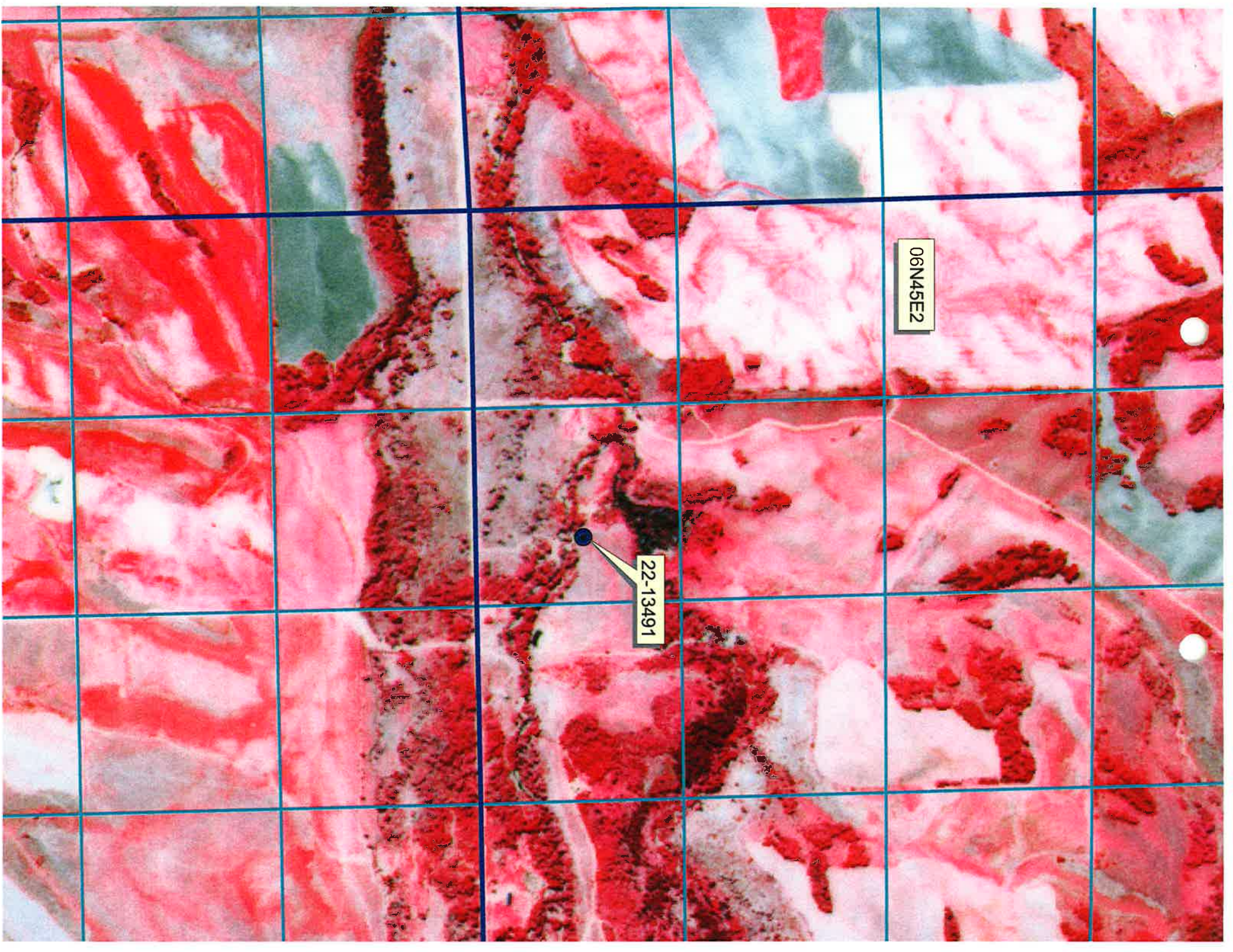
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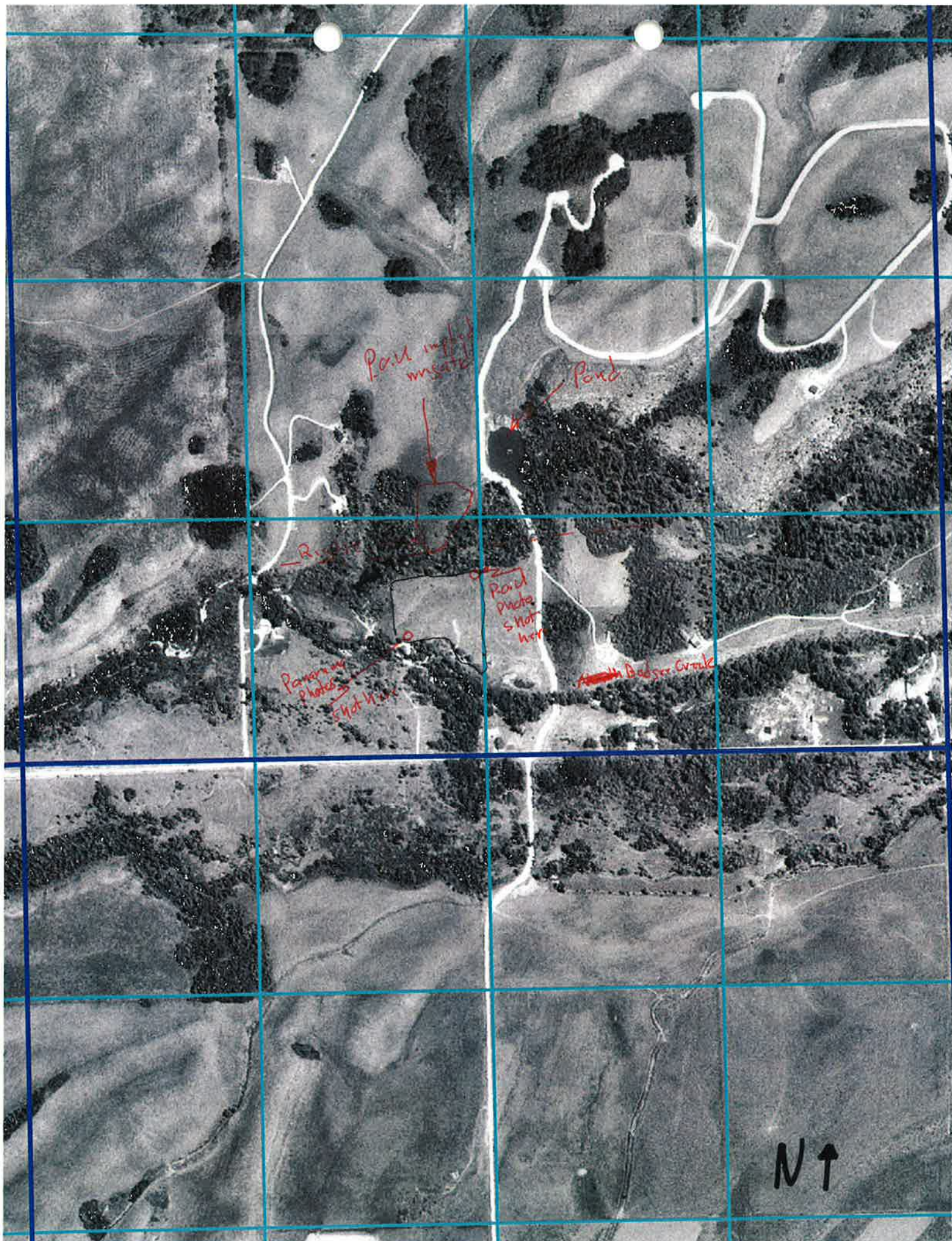


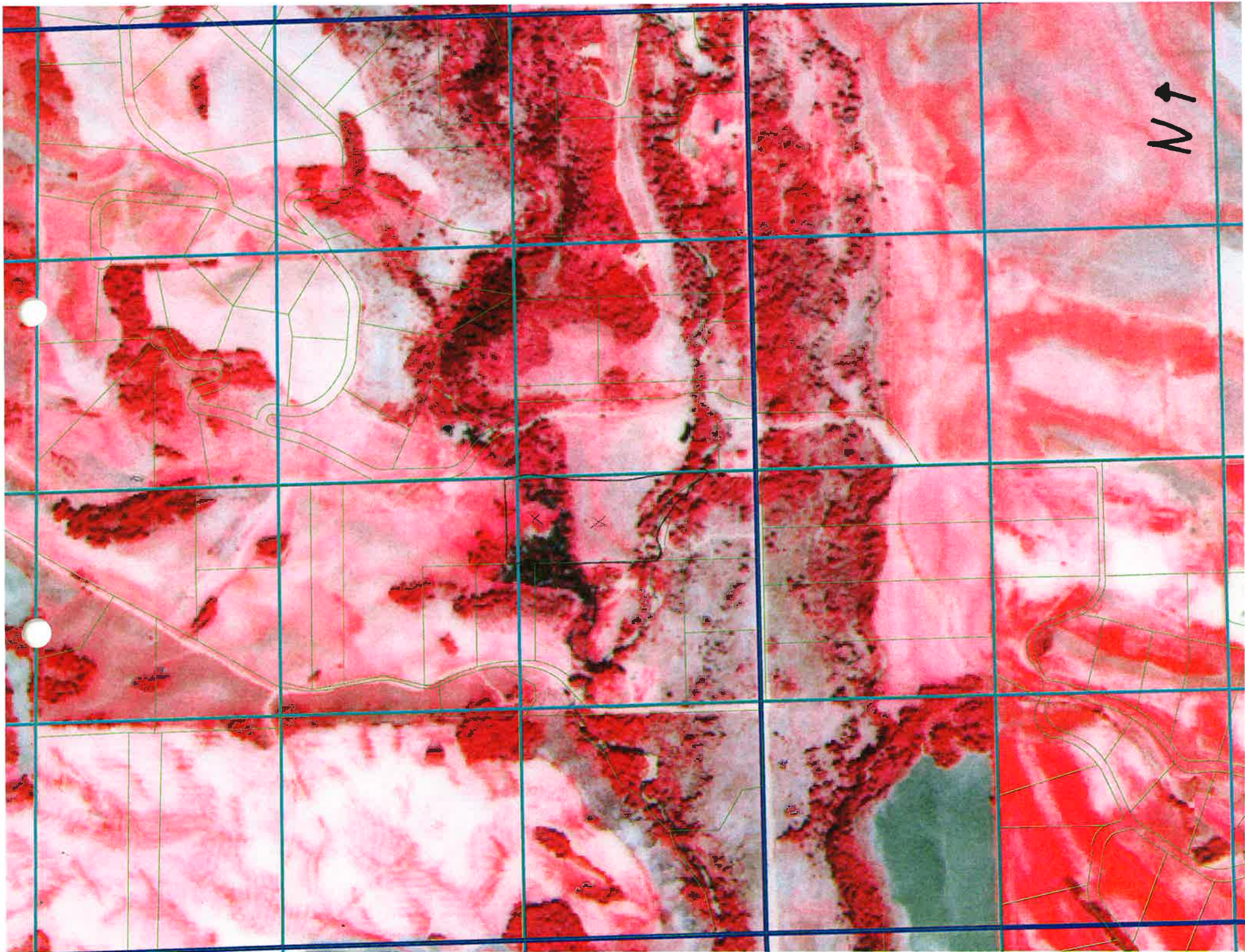
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06N45E2

22-13491







325
V

County of Fremont *
North fork of Badger Creek *
and Big Badger Creek. *
4 sec. ft. *
Irrigation *
Priority-3-4-07. *

S T A T E O F I D A H O .

Water License No. 2640.

WHEREAS, On the 4th day of March, A. D. 1907, CLIFFORD Y. KITCHEN of Badger County of Fremont and State of Idaho, duly made application (No. 2640) to me for a permit to use 3.2 cubic feet per second of the waters of North Fork of Badger Creek & .8 of 1 cubic foot per second of the waters of Big Badger Creek, County of Fremont, State of Idaho, for irrigation and domestic purposes; and

WHEREAS, On the 23rd day of March, A. D. 1907, Permit No. 2640 was issued to said applicant for the diversion of said water, and providing for the completion of the works of diversion therein described on or before the 23rd day of March, A. D. 1909, and for the application to beneficial use of said water on or before the 23rd day of March, A. D. 1911, and,

WHEREAS, On the 8th day of June, A. D. 1908, the holder of said permit duly made proof of the completion of adequate works for the diversion of 4 cubic feet per second of said waters, as evidenced by my Certificate No. 2640, dated July 24, 1908, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 4 cubic feet per second of water, with date of priority of March 4, 1907, and,

WHEREAS, On the 8th day of June, A. D. 1908, proof was duly made of the application to beneficial use of .7 of 1 cubic foot per second of said water;

NOW, THEREFORE, By virtue of the authority vested in me by the laws of the State of Idaho, I hereby grant and confirm to CLIFFORD Y. KITCHEN of Badger, Idaho, the holder and owner of said Permit No. 2640, a perpetual right, dating from March 4, 1907, to the use of .7 of 1 cubic feet per second of the waters of North Fork of Badger Creek & Big Badger Creek, in the County of Fremont and State of Idaho, or so much thereof, as may be necessary for the purposes hereinbelow mentioned, to be diverted at a point in Northeast quarter of Southwest quarter and Southeast quarter of Southeast quarter, Section 2, Township 6 North, Range 45 East of Boise Meridian and conducted to and upon 15 acres in the Northeast quarter of Northwest quarter (NE4 NW4) Section 11; 12 acres in Southeast quarter of Southwest quarter (SE4 SW4) Section 2; 8 acres in Northeast quarter of Southwest quarter Section 2, Township 6 North, Range 45 East of Boise Meridian, for the purpose of irrigation and domestic use, subject, however, to the laws of the State of Idaho applicable to a license for the use of the waters of the State, and subject, also, to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

(SEAL)

Recorded July 24, 1908.

WITNESS, My hand and the seal of my office at Boise, Idaho,
this 24th day of July, A. D. Nineteen Hundred and eight.

Jas. Stephenson, Jr.,
State Engineer

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 22-13491
Date Received: 4/6/2006
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

DANA LYNN RICHARDSON Phone: (801)487-1500
1440 LAIRD AVE
SALT LAKE CITY UT USA 84105

DAVID MARCOS Phone: (801)487-1500
1440 LAIRD AVE
SALT LAKE CITY UT USA 84105

2. Date of Priority: 03/04/1907

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
06N	45E	2	NE SW	TETON	

5. Description of diverting works:

THE DIVERSION IS A CONSTRUCTED DITCH WHICH DIVERTS WATER FROM THE MAIN STREAM
OF THE NORTH FORK OF BADGER CREEK.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/15	10/01	0.24	

7. Total Quantity Appropriated is:
0.24 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
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06N	45E	2	SE	SW	IRRIGATION	12
					Section Acres	12
					Total Acres	12

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:

BASED ON LICENSE 22-2022

15. Basis of Claim: License

ORIGINAL

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 22-13491Date Received 4-6-06Receipt Number E031757NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

APR 06 2006

Department of Water Resources
Eastern Region

Please type or print clearly

1. Name of Claimant (s) DANA LYNN RICHARDSON & DAVID MARCOS ^{JOSLYN} Phone (801) 487-1500
Mailing Address 1440 LAIRD AVENUE, SLC, UTAH Zip 841052. Date of Priority (Only one (1) per claim) MARCH 4, 19073. Source of water supply (a) NORTH FORK OF BADGER CREEK
which is tributary to (b) TETON RIVER4. a. Location of existing point of diversion is: Township 6N Range 45E Section 2,
1/4 of NE 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. THE DIVERSION IS A CONSTRUCTED DITCH WHICH
DIVERTS WATER FROM THE MAIN STREAM OF THE NORTH FORK OF BADGER CREEK.

6. Water is claimed for the following purposes:

(both dates are inclusive) (cfs) (acre feet)

For IRRIGATION purposes from APR 15 to OCT 1 amount 0.24 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.24 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 30 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	
6N	45E	2												12.0					12.0

Total number of acres irrigated 12.0

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.

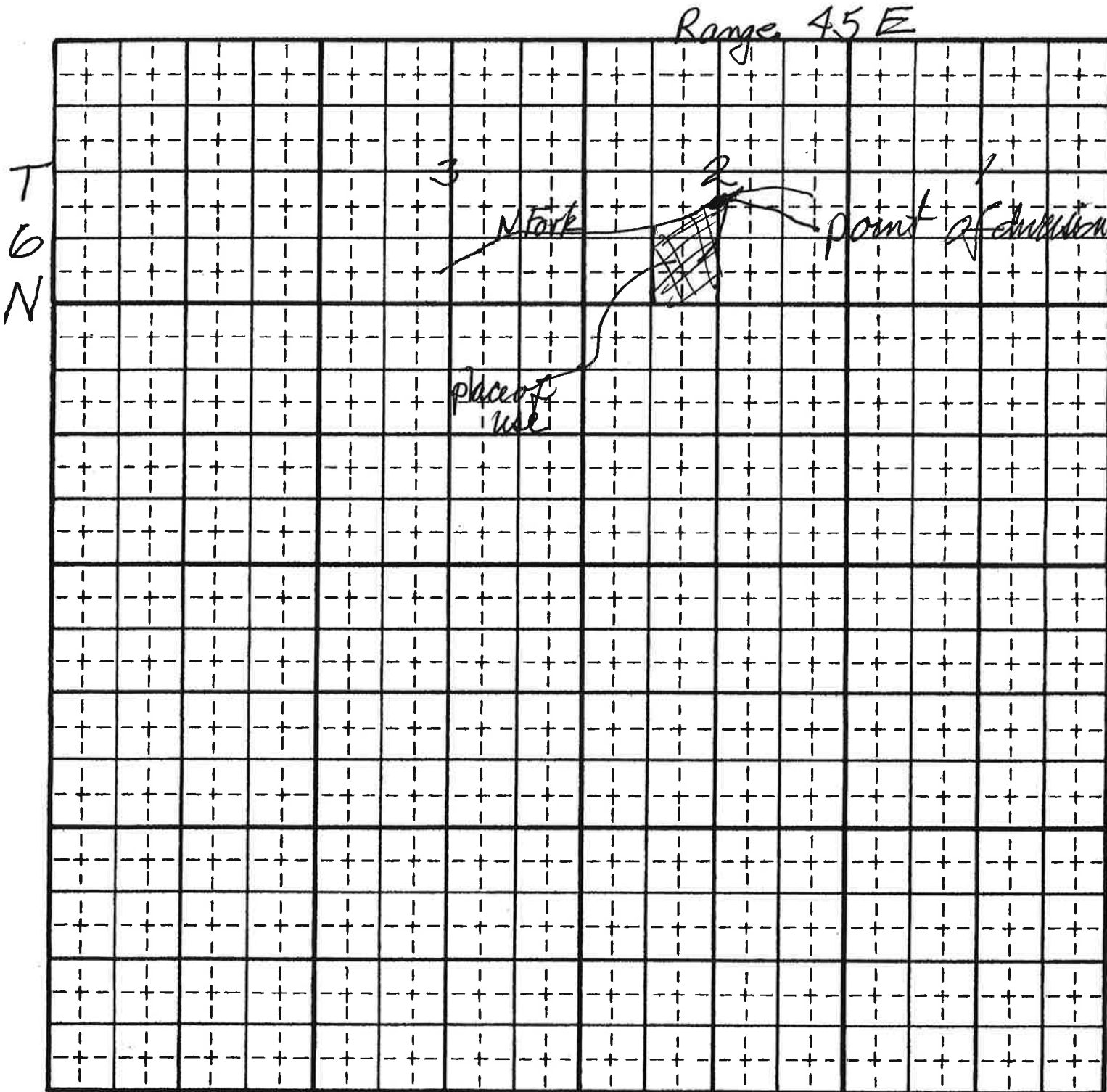
13. Describe any other water rights used at the same place and for the same purposes as described above. _____ or None (X)

14. Remarks:

Last Name RICHARDSON/JOSLYN Ident No. _____

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile



Last Name RICHARDSON/JOSLYN Ident No. _____

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

Decree _____

If applicable provide IDWR Water Right Number 22-2022

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 X

wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments NONE

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) _____

Date 4-5-06

Date 4-5-06

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 UTAH)

County of SALT LAKE)

SS.

Subscribed and sworn (or affirmed) before me this 5th day of APRIL ~~19~~ 2006



Notary Public _____

Residing at _____

My Commission Expires _____

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 _____

Last Name RICHARDSON/JOSLYN Ident. Number _____