

11/08/2006

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

RIGHT NUMBER: 22-13530

NAME AND ADDRESS: LEIGH CREEK LLC
525 OAK KNOLL AVE
MENLO PARK CA 94025

SOURCE: NORTH LEIGH CREEK

TRIBUTARY: SPRING CREEK

QUANTITY: 0.820 CFS

PRIORITY DATE: 06/20/1897

POINT OF DIVERSION:

T06N R46E S29 NWNE Lot 1 Within TETON County

The point of diversion for this water right is in Wyoming, T45N, R118W Sec. 32 SENW (L2), 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

0.820 CFS

PLACE OF USE:

IRRIGATION in TETON County

T06N R45E S25

NENE

8.00

T06N R45E S25

NWNE

23.00

T06N R45E S25

NENW

9.00

40 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 40 acres in a single irrigation season. Combined Right Nos.: 22-129J, 22-13530, and 22-13555.

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

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.

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 also recorded as Wyoming Certificated Water Right No. _____.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

This right is a split from former right 22-311.

Water is delivered through North Leigh Canal.

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



Idaho Department of Water Resources

SRBA Recommendation:

22-129J

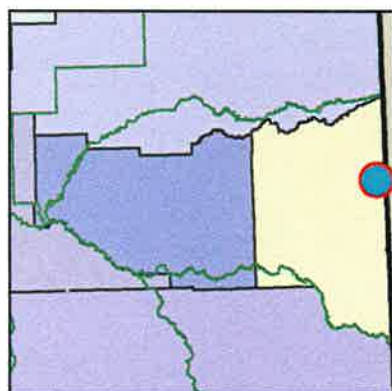
22-13530

22-13555

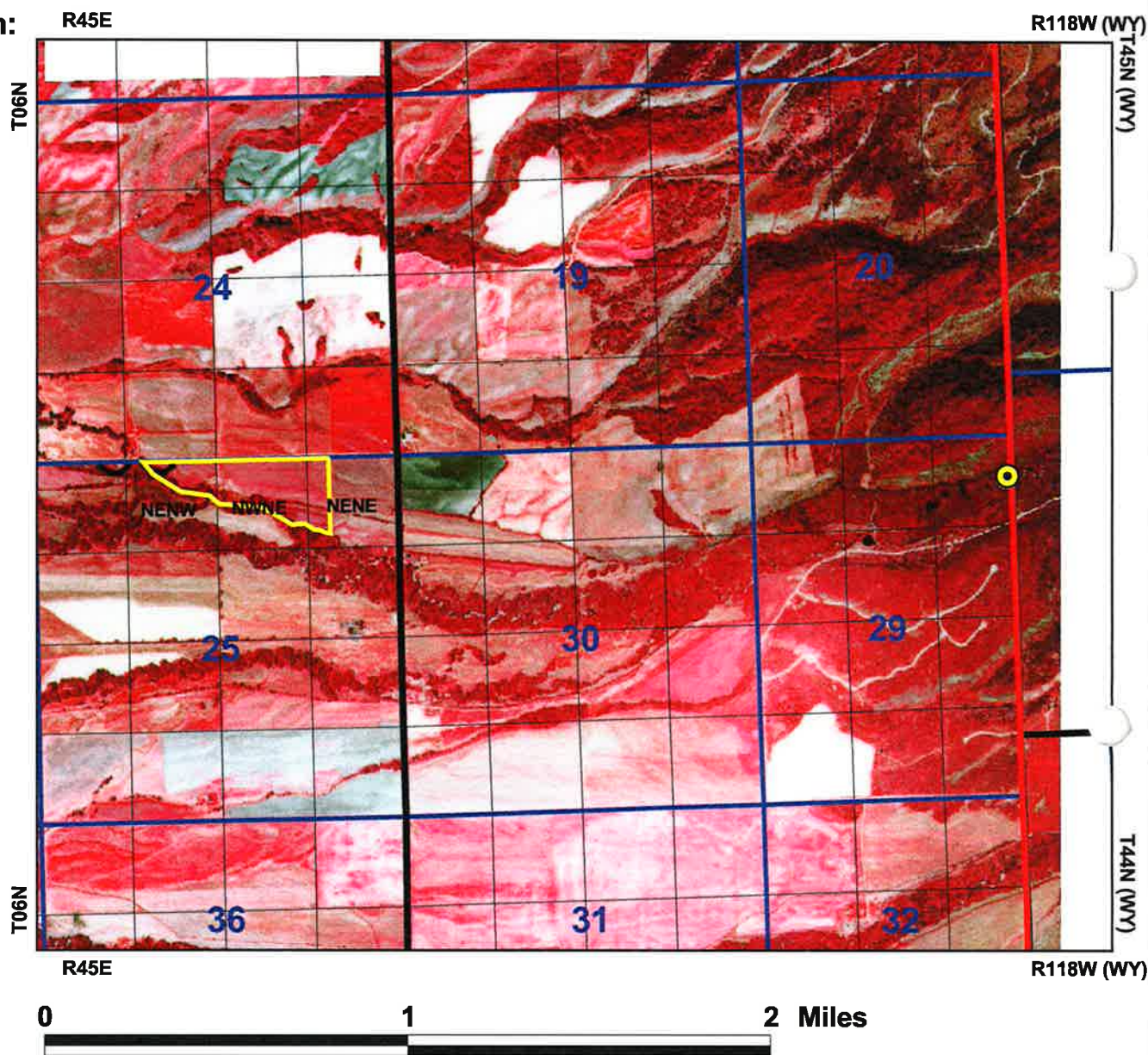
(Irrigation)

Legend

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



Teton County
IDWR Basin 22



Prepared by K. Moore
On Tuesday, November 7, 2006
1987/88 Aerial Photography

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 22-311

WATER RIGHT NUMBER: 22-311

Owner Type Name and Address
 Current Owner JAMES D HENRIE

, ZZ

Priority Date: 06/20/1897

Basis: Decreed

Status: Active

Source Tributary
 NORTH LEIGH CREEK SPRING CREEK

Beneficial Use From To Diversion Rate Annual Volume
 IRRIGATION / to / 2.600 CFS

Total Diversion: 2.600 CFSLocation of Point(s) of Diversion

NORTH LEIGH CREEK NE1/4NE1/4 Sec. 29, Twp 06N, Rge 46E, B.M.
 TETON County

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	45E	24															X	X	
06N	45E	25	X	X															

Conditions of Approval:

1. P/D NORTH LEIGH CK. CANAL, WD01 RECORDS. AC. IRR. = 160.

Remarks:Comments:Dates and Other Information:

$$\frac{50AC}{160} \times 2.60 = 0.82CFS$$

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 22-13530
Date Received: 5/10/2006
Receipt No:
Received By:

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

1. Name of Claimant(s)

LEIGH CREEK LLC Phone: (650)868-3708
525 OAK KNOLL AVE
MENLO PARK CA USA 94025

2. Date of Priority: 06/20/1897

3. Source: NORTH LEIGH CREEK Trib. to: TETON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
06N	46E	29	NE NE	TETON	

5. Description of diverting works:

NORTH LEIGH CREEK CANAL

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/15	10/15	1	

7. Total Quantity Appropriated is:
1 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	45E	24	NE	NE	IRRIGATION	10
			NW	NE	IRRIGATION	40
					Section Acres	50
					Total Acres	50

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 DECREE 22-311

15. Basis of Claim: Decreed

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 22-311 22-13530

Date Received 5-9-06

Receipt Number E031883

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

MAY 09 2006

Department of Water Resources
Eastern Region

1. Name of Claimant(s) Leigh Creek, LLC Phone (650) 868-3708

Mailing Address 525 Oak Knoll Ave., Menlo Park, CA Zip 94025

2. Date of Priority (Only (1) per claim) June 20, 1897

3. Source of water supply (a) North Leigh Creek

which is tributary to (b) Teton River

4.a. Location of existing point of diversion is:

Township 6N, Range 46E, Section 29, 1/4 of NE 1/4 of NE 1/4, Govt. Lot _____,
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. North Leigh Creek Canal

6. Water is claimed for the following purposes: _____ (Both dates are inclusive) (cfs) (acre feet)

For Irrigation purposes from 04/15 to 10/15 amount 1.0 cfs or _____

7. Total quantity claimed (a) 1.0 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ 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:
- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
 - If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instruction for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TLS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
6N	45E	24	10	40															50

Total number of acres irrigated 50

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 ☒ 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:

This claim is for a portion of water right No. 22-311, which is currently in the name of James D. Henrie. This right had a place of use of 130 acres, of which 50 is owned by claimant.

15. Basis of Claim (Check one) Beneficial Use ☐ Posted Notice ☐ Permit ☐ Decree ☐ License ☒
If applicable provide IDWR Water Right Number 22-311
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

16. Signature(s)

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

Signature of Claimant(s) William K. Foster Date 5-4-06

For Organizations: I do solemnly swear or affirm that I am _____ Date _____
_____ of _____
(Title)
~~LEIGH CREEK LLC~~ LEIGH CREEK LLC, that I have signed the foregoing document in the space below as
(Organization)
MANAGING MEMBER of LEIGH CREEK LLC and that the statements contained in the
(Title) (Organization)
foregoing document are true and correct.

Last Name Leigh Creek, LLC Ident. Number 22-311

Signature of Authorized Agent William K. Foster

Title and Organization MANAGING MEMBER Date 5-4-06

State of ~~Idaho~~ California

County of San Mateo SS.

Subscribed and sworn (or affirmed) before me this 4th day of May, 2006.



Notary Public Suzanne Nguyen
Residing at Mentor Park CA
My Commission Expires January 25, 2007

17. Notice of Appearance:

Notice is hereby given that I, Robert L. Harris 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 Robert L. Harris
Address 1000 RIVERWALK DR. SUITE 200 P.O. Box 50130 DAVIS FALLS, ID 83405
Date May 8, 2006