

09/01/2006

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

RIGHT NUMBER: 22-13539

NAME AND ADDRESS: WILLIAM B MOULTON
494 N HWY 33
TETONIA ID 83452

CHERYL MOULTON
494 N HWY 33
TETONIA ID 83452

SOURCE: SOUTH LEIGH CREEK

TRIBUTARY: TETON RIVER

QUANTITY: 1.560 CFS

The rights listed below are limited to a total combined diversion rate of 2.80 cfs. Combined Right Nos.: 22-314, 22-13539, 22-2155, 22-11924

PRIORITY DATE: 06/01/1897

POINT OF DIVERSION:

T06N R46E S32 NWNWSW Within TETON County

T06N R46E S32 NENWSE Lot 3 Within TETON County

One of the points of diversion for this water right is in Wyoming, 44N 118W Sec 5 NWNW Lot 4 6PM. The point of diversion shown above is where the conveyance system enters Idaho for the Hog Canal.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	1.560 CFS

PLACE OF USE: IRRIGATION Within TETON County

T05N R45E S02 Lot 3 NENW	27.00	T05N R45E S02 Lot 4 NWNW	39.00
T05N R45E S02 SWNW	19.00	T05N R45E S02 SENW	17.00

102 ACRES TOTAL

102

The rights listed below are limited to the irrigation of a combined total of acres in a single irrigation season. Combined Right Nos.: 22-314, 22-13539, 22-2215, 22-11924

Right Nos. 22-314 and 22-13539 are limited to the irrigation of a combined total of 80 acres in a single irrigation season.

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

09/01/2006

IDAHO DEPARTMENT OF WATER RESOURCES
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Water is delivered through Desert Ditch and or Hog Canal.

This right is a split from former right 22-315.

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

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

09/01/2006

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: 22-13539

WILLIAM B MOULTON

494 N HWY 33

TETONIA ID 83452

Telephone Number: (208)456-2689

CHERYL MOULTON

494 N HWY 33

TETONIA ID 83452

Telephone Number: (208)456-2689

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: 12-06-06

SIGNATURE:

William B. Moulton

Please print your name:

WILLIAM B. MOULTON

IDWR Regional Office, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402, 2085257161

RECEIVED

DEC 05 2006

Department of Water Resources
Eastern Region

KMT
12/06



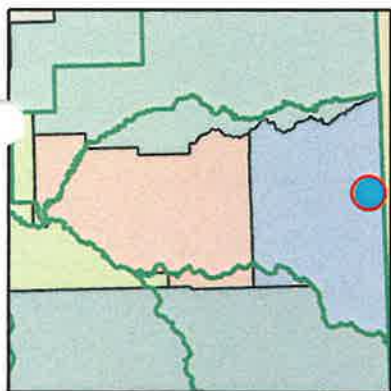
Idaho Department of Water Resources

Adjudication Claim:

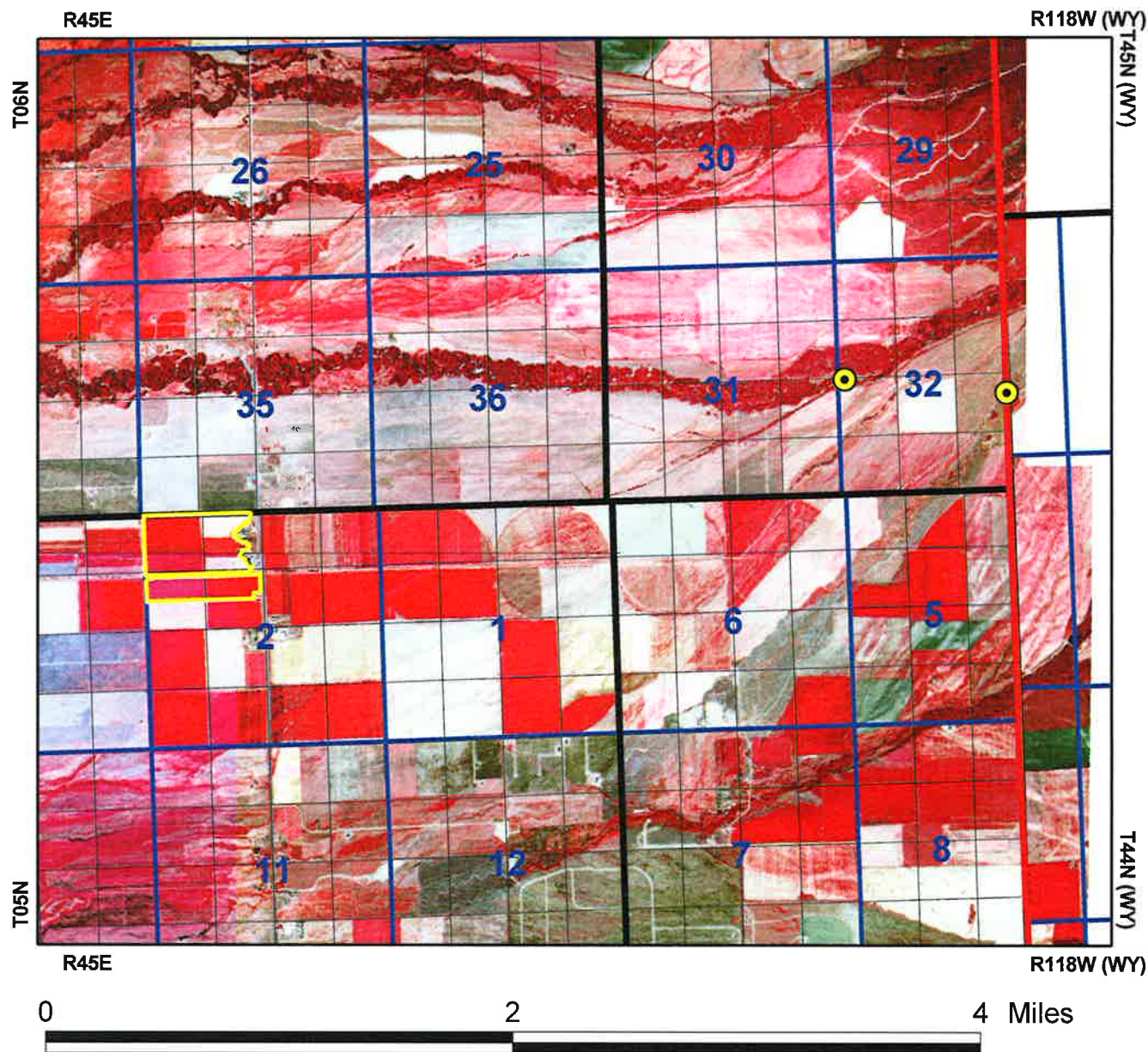
22-13539

Legend

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



Teton County
IDWR Basin 22



Prepared by D. Carlson
On Friday, September 1, 2006
1987/88 Aerial Photography

22-13539



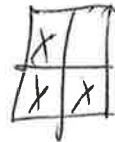


**Hog Canal at state line - Idaho side.
7/12/2004 10:55:54 AM; ABR, CF**

WYOMING DIVERSION
LEIGH CROSS CANAL (AKA HOGG CANAL)
GPS TAG # A0013700
IDAHO/WYOMING STATELINE: T6N, R46E, SEC. 32 NE1/4 (L3)

~~1 0321~~ 22 0297✓	May, J. D.			Anderson Canal Company.
~~1 0322~~ 22 0298✓	Hearst, H. T.	160 inches.	June 1, 1898.	Leigh Creek.
	Heath, James H.			The Farmers' Friend Canal Company.
	Heath, William A.			The Farmers' Friend Canal Company.
~~1 0321~~ 22 0298✓	Hegsted, Victor	30 inches.	Sept. 1, 1887.	Horse Shoe Creek.
~~1 0322~~ 22 0299✓	Hegsted, Victor	290 inches.	June 1, 1888.	Horse Shoe Creek.
~~1 0323~~ 22 0300✓	Hegsted, Victor	160 inches.	June 1, 1900.	Horse Shoe Creek.
	Hegsted, Victor C.			North Salem Agricultural & Milling Canal Company.
~~1 0324~~ 1 072✓	Heise Canal:			
	Bertha Heise Gavin,			
	Blanche Heise, and			
	R. C. Heise.	280 inches.	May 1, 1902.	South Fork of Snake River.
~~1 0325~~ 22 0301✓	Hendrickson,			
	Adolphus	100 inches.	July 5, 1900.	Badger Creek.
~~1 0326~~ 22 0302✓	Hendrickson,			
	Alfred	40 inches.	June 1, 1898.	Badger Creek.
~~1 0327~~ 22 0303✓	Hendrickson,			
	Alvira E.	60 inches.	June 1, 1896.	South Fork Leigh Creek.
~~1 0328~~ 22 0304✓	Hendrickson,			
	Alvira E.	60 inches.	June 1, 1898.	South Leigh Creek.
~~1 0329~~ 22 0305✓	Hendrickson,			
	Cornelius	130 inches.	June 30, 1898.	Badger Creek.
~~1 0330~~ 22 0306✓	Hendrickson,			
	Frank	160 inches.	May 1, 1898.	Badger Creek.
~~1 0331~~ 22 0307✓	Hendrickson,			
	G. W.	100 inches.	May 15, 1899.	South Leigh Creek.
~~1 0332~~ 22 0308✓	Hendrickson,			
	G. W.	60 inches.	June 1, 1901.	North Leigh Creek.
~~1 0333~~ 22 0309✓	Hendrickson,			
	Milton	100 inches.	June 1, 1899.	Badger Creek.
~~1 0334~~ 22 0310✓	Hendrickson,			
	William	120 inches.	June 15, 1899.	Badger Creek.
~~1 0335~~ 22 0311✓	Henrie,			
	James D.	130 inches.	June 20, 1897.	Leigh Creek.
~~1 0336~~ 22 0312✓	Henrie, John	150 inches.	June 1, 1897.	North Leigh Creek.
~~1 0337~~ 22 0313✓	Henrie, John	10 inches.	June 1, 1900.	North Leigh Creek.
~~1 0338~~ 22 0314✓	Henrie, Joseph O.	40 inches.	June 1, 1900.	North Leigh Creek.
~~1 0339~~ 22 0315✓	Henrie, Joseph O.	120 inches.	June 1, 1897.	South Leigh Creek.

See File
22K
Horse Shoe Creek
Mie



two rights
limited to
120 acres

(Moulton
get 80 acres
limit)

Hendrickson, Alfred	SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Sec. 7, T. 6 N. R., 45 E., B. M., containing 40 acres.
Hendrickson, Alvira E.	S $\frac{1}{2}$ of NE $\frac{1}{4}$ of Sec. 34, T. 6 N., R. 45 E. B. M., containing 160 acres.
Hendrickson, Cornelius	N $\frac{1}{2}$ of NE $\frac{1}{4}$, and NW $\frac{1}{4}$ of Sec. 8, T. 6 N., R. 45 E., B. M.,
Hendrickson, Frank	N $\frac{1}{2}$ of NE $\frac{1}{4}$, SW $\frac{1}{4}$ of NE $\frac{1}{4}$, and NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Sec. 7, T. 6 N. R., 45 E., B. M., containing 160 acres.
Hendrickson, G. W.	NW $\frac{1}{4}$ of Sec. 6, T. 5 N. R., 45 E., B. M., containing 160 acres.
Hendrickson, Milton	SE $\frac{1}{4}$ of NW $\frac{1}{4}$ and Lots 1 and 2 of Sec. 7, T. 6 N., R., 45 E. B. M.,
Hendrickson, William	SE $\frac{1}{4}$ of Sec. 1, T. 6 N., R., 44 E. B. W., containing 160 acres.
Henrie, J. A.	Beginning at SE corner of NE $\frac{1}{4}$ of Sec. 36, T. 6 N., R., 45 E., B. M., thence East $\frac{1}{4}$ mile, thence North $\frac{1}{2}$ mile, thence West $\frac{1}{4}$ mile, thence South $\frac{1}{4}$ mile, to beginning, containing 160 acres.
Henrie, James D.	N $\frac{1}{2}$ of NE $\frac{1}{4}$ of Sec. 25, and S $\frac{1}{2}$ of SE $\frac{1}{4}$ of Sec. 24, T. 6 N., R. 45 E. B. M., containing 160 acres.
Henrie, John	SW $\frac{1}{4}$ of Sec. 30, T. 6 N., R. 46 E., B. M., containing 160 acres.
Henrie, Joseph O.	S $\frac{1}{2}$ of NW $\frac{1}{4}$, and NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Sec. 2, T. 5 N., R. 45 E., B. M., containing 120 acres.
Henry, John	SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Sec. 20, NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 19, and W $\frac{1}{2}$ of SW $\frac{1}{4}$ of Sec. 20, and NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Sec. 29, T. 2 S., R. 46 E. B. M., containing 200 acres.

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 22-13539
Date Received: 9/27/1988
Receipt No: E032036
Received By: TG

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

1. Name of Claimant(s)

WILLIAM B MOULTON Phone: (208)456-2689
494 N HWY 33
TETONIA ID USA 83452

CHERYL MOULTON Phone: (208)456-2689
494 N HWY 33
TETONIA ID USA 83452

2. Date of Priority: 06/01/1897

3. Source: SOUTH 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	32	NE NW SE 3	TETON	

5. Description of diverting works:

Water Delivered thought Leigh Creek (Hog) Canal.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/15	10/15	1.56	

7. Total Quantity Appropriated is:
1.56 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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05N	45E	2	NW	NW	4	IRRIGATION	38
			SW	NW		IRRIGATION	17
			SE	NW		IRRIGATION	15
						Section Acres	70
						Total Acres	70

11. Place of use in counties: TETON

12. Do you own the property listed above as place of use? No

13. Other Water Rights Used:

14. Remarks:

This right is portion of decreed right number 22-315.

15. Basis of Claim: Decreed

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): William B. Moulton Date: 6-29-06
Cheryl Moulton Date: 6-29-06

State of Idaho)
County of Teton) SS.

Subscribed and sworn (or affirmed) before me this 29th of June 2006



Pauline Bagley

Notary Public

Residing at Victor

My commission Expires 8/2011