

11/08/2006

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

RIGHT NUMBER: 22-13555

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

SOURCE: NORTH LEIGH CREEK

TRIBUTARY: SPRING CREEK

QUANTITY: 0.800 CFS

PRIORITY DATE: 01/20/1908

POINT OF DIVERSION:

T06N R46E S29 NWNE 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

0.800 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 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. _____.

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Water is delivered through North Leigh Canal.

This right is a split from former right 22-2029.

NOTES

11-7-06

Claimant filed POU in wrong section. Should be Sec 25, not 24. Leigh Creek LLC does not own the land in Sec 24. Recommending based on actual ownership rather than claim.

POU is a portion of original decreed land. Split of 22-2029.

$$22-2029 \quad 24 \text{ cfs} / 1388 \text{ ac} = 0.01729 \text{ cfs/ac}$$

$$22-13555 \quad 46 \text{ ac} \cdot 0.01729 = 0.795 \text{ cfs} \approx \underline{\underline{0.8 \text{ cfs}}}$$

Actual Irrigated acres = 40 ac

Wyoming diversion

Combined use with 22-129J and 22-13530. Same POU and source.

North Leigh Creek *
Fremont County *
24 second foot *
Irrigation and domestic *
Priority 1-20-1908 *

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

Water License No. 3454

WHEREAS, On the 20th day of January, A.D. 1908, THE NORTH LEIGH CANAL COMPANY, LIMITED, of Clawson, County of Fremont, State of Idaho, duly made application (No. 4755) to me for a permit to use 24 cubic feet per second of the waters of North Leigh Creek, County of Fremont, State of Idaho, for irrigation and domestic purposes; and

WHEREAS, On the 28th day of February A.D. 1908, Permit No. 3454, 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 28th day of February, A.D. 1909, and for the application to beneficial use of said water on or before the 28th day of February A.D. 1910, and

WHEREAS, On the 25th day of November, A.D. 1908, THE NORTH LEIGH CANAL COMPANY, LIMITED, the holder of said permit duly made proof of the completion of adequate works for the diversion of 24 cubic feet per second of said waters, as evidenced by my Certificate No. 3454, dated March 9, 1910, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 24 cubic feet per second of the waters of North Leigh Creek, with date of priority of January 20, 1908, and

WHEREAS, On the 25th day of November A.D. 1909, THE NORTH LEIGH CANAL COMPANY, LIMITED, the holder of said permit duly made proof of the application to beneficial use of 24 cubic feet per second of said water:

NOW, THEREFORE, By virtue of authority vested in me by the laws of the State of Idaho, I hereby grant and confirm to THE NORTH LEIGH CANAL COMPANY, LIMITED, of Clawson, County of Fremont, State of Idaho, the holder and owner of said Permit No. 3454, a perpetual right, dating from January 20, 1908, to the use of 24 cubic feet per second of the waters of North Leigh 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 the northeast corner of the northeast quarter of Section 29, Township 6 North of Range 46 East of the Boise Meridian, and conducted to and upon the Northwest quarter Section 30, Southwest quarter of southwest quarter of section 19, township 6 North of Range 46 East of the Boise Meridian, North half of Section 25, North half of southeast quarter, north half of southwest quarter; section 25, North half of Section 26, North half of southeast quarter, northeast quarter of southwest quarter section 26; East half of Northeast quarter of Section 27, Southeast quarter of north east quarter Section 22, Southeast quarter of southeast quarter of section 15, southwest quarter of southwest quarter of section 14, West half of section 23, Southwest quarter of northeast quarter, southeast quarter of section 23, south half of Northwest quarter, southwest quarter South half of southeast quarter of section 24, township 6 North, Range 45 East Boise Meridian, for the purpose of irrigation and domestic use, subject, however, to the laws of the State of

POD
NENE S29
6N 46E

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 22-13555
Date Received: 8/3/2006
Receipt No: E032126
Received By: KMJ

**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: 01/20/1908

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	0.8	

7. Total Quantity Appropriated is:
0.8 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
			NE		NW	IRRIGATION	6
						Section Acres	56
						Total Acres	56

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:

15. Basis of Claim: License 22-2029

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 22-
Ident. Number 22-2029A-13555
Date Received _____
Receipt Number E032126

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

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) January 20, 1908

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 .80 cfs or _____

7. Total quantity claimed (a) .80 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

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Department of Water Resources
Eastern Region

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of household 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			6												46

Total number of acres irrigated 46

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 is a claim for the applicant's portion of water right No. 22-2029, which is currently in the name of North Leigh Creek Canal Co. Ltd. Based on the water rights back file, the original place of use was for approximately 1388 acres. Claimant owns 90 acres of property, of which 46 is authorized for irrigation based on the original map submitted for this water right.

15. Basis of Claim (Check one) Beneficial Use ☐ Posted Notice ☐ Permit ☐ Decree ☐ License ☒
If applicable provide IDWR Water Right Number 22-2029
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) _____ Date _____

_____ Date _____

Last Name _____, Leigh Creek, LLC Ident. Number 22-2029A

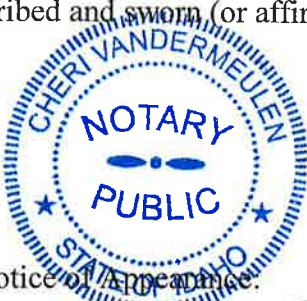
For Organizations: I do solemnly swear or affirm that I am MANAGING MEMBER of LEIGH CREEK LLC, that I have signed the foregoing document in the space below as MANAGING MEMBER of LEIGH CREEK LLC and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent Wm. Kelly Foster

Title and Organization MANAGING MEMBER Date JULY 25, 2006
LEIGH CREEK LLC

State of Idaho)
) SS.
County of Bonneville)

Subscribed and sworn (or affirmed) before me this 25th day of July, 2006.



Cheri Vandermeulen
Notary Public Idaho
Residing at Idaho Falls
My Commission Expires July 2, 2009

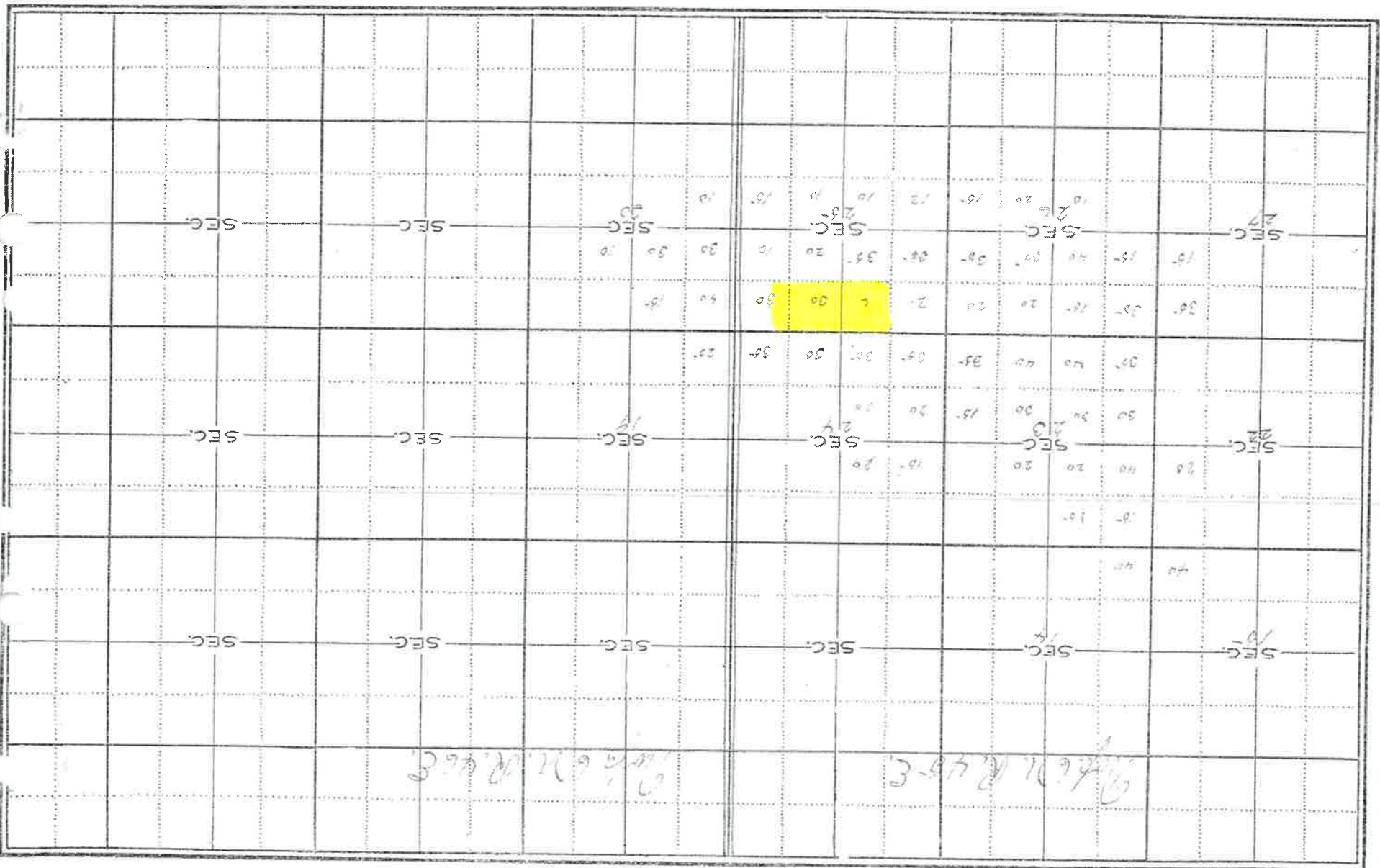
17. Notice of Appearance:

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, Idaho Falls, ID 83405
Date JULY 26, 2006

SCALE: 2 INCHES = 1 MILE. DRAW PLAN IN INK.

Printed and for sale by the State Land Office, Jackson, Idaho.



Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

07/27/2006

WATER RIGHT NO. 22-2029

Owner Type	Name and Address
Current Owner	NORTH LEIGH CANAL CO LTD CLAWSON, ID

Priority Date: 01/20/1908

Basis: License

Status: Active

<u>Source</u> NORTH LEIGH CREEK	<u>Tributary</u> SPRING CREEK
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Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	/	/	24 CFS	
DOMESTIC	1/01	12/31		
Total Diversion			24 CFS	

Location of Point(s) of Diversion:

NORTH LEIGH CREEK	NENE	Sec. 29	Township 06N	Range 46E	TETON County
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Place(s) of use:

Place of Use Legal Description: IRRIGATION TETON County

[illegible]

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	A
06N	45E	14		SWSW										
		15		SESE										
		22		SENE										
		23		SWNE										
				NENW			NWNW			SWNW			SENE	
				NESW			NWSW			SWSW			SESE	
				NESE			NWSE			SWSE			SESE	
		24		SWNW			SENE							
				NESW			NWSW			SWSW			SESE	
				SWSE			SESE							
		25		NENE			NWNE			SWNE			SENE	
				NENW			NWNW			SWNW			SENE	
				NESW			NWSW							
				NESE			NWSE							
		26		NENE			NWNE			SWNE			SENE	
				NENW			NWNW			SWNW			SENE	
		27		NENE			SENE							
	46E	19		SWSW										
		30		NENW			NWNW			SWNW			SENE	

Place of Use Legal Description: DOMESTIC same as IRRIGATION

Conditions of Approval:

1. LIC. INDICATES P/D IN FREMONT CO. P/U INCOMPLETE. SEE FILE.

Microsoft OLE DB Provider for SQL Server error '80040e14'

Ambiguous column name 'RightID'.

/apps/ExtSearch/RightReportAJ.asp, line 1507

Law Offices
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Arthur W. Holden
(1877-1967)
Robert B. Holden
(1911-1971)
Terry L. Crapo
(1939-1982)
William S. Holden
(1907-1988)

Of Counsel
Fred J. Hahn

**Also Licensed in Missouri & Kansas

July 28, 2006

Idaho Department of Water Resources
900 N. Skyline Dr., Ste A
Idaho Falls, ID 83402

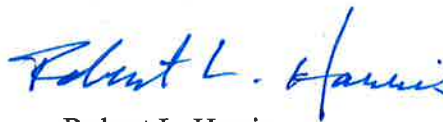
Re: Notice of Claim to a Water Right No. 22-2092A

Dear Ladies & Gentlemen:

Enclosed for filing a Notice of Claim to a Water Right for Water Right No. 22-2092A, along with a map of the property, a Water Right Report and our check in the amount of \$192.00 for the filing fee.

If you have any questions regarding this matter, please feel free to contact me at your earliest convenience.

Sincerely,



Robert L. Harris
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

Enclosures

G:\WPDATA\RLH\South Leigh Creek, LLC\MDWR ltr 072806.wpd:cdv

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Eastern Region